

GOVERNMENT OF MAHARASHTRA

URBAN DEVELOPMENT DEPARTMENT

4th Floor, Main Building , Mantralaya, Mumbai-400032.

Dated :- 28th August, 2015

NOTIFICATION

No. TPS-1214/540/CR-88/14/UD-12,

**Maharashtra
Regional and
Town
planning
Act, 1966**

Whereas, the Development Control Regulations for Thane City Municipal Corporation (hereinafter referred to as "the said Regulations") have been sanctioned 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/1294/1259/CR-222/94/UD-12, dated the 28th April, 1995 (hereinafter referred to as " the said Notification ") and have come into force with effect from 1st June 1995;

And whereas, the OPEN SPACES AREA AND HEIGHT LIMITATIONS are regulated as per the APPENDIX-N under Regulation 75 & 79 of the said Regulations;

And whereas, the Clause N.1.5 in the Appendix-N of the said Regulations provides for the Additional Floor Space Index which may be allowed in certain categories;

And whereas, the Thane Municipal Corporation (hereinafter referred to as " the said Corporation"), after following the legal procedure under sub-section 1 of section 37 of the said Act, has submitted a proposal vide letter dated 1st March, 2014 to incorporate a new serial no. f) after serial no.e) in the Clause N.1.5 regarding the Additional FSI in Residential and Commercial Zone (excluding development in congested area) by charging premium, as given below (hereinafter referred to as "the proposed Modification"):-

Proposed Modification to Appendix-N

N 1.5 Additional Floor Space Index which may be allowed in certain categories:-

f) Additional FSI in Residential and Commercial Zone (excluding development in congested area) by charging premium:

The premium to be charge while sanctioning 0.33 Additional FSI in Thane Municipal Corporation area/limit shall be as mentioned below subject to the conditions below:-

- 1) 25% of the land rates of Ready Reckoner of the prevailing (concerned) year for sector 1, 2, 3.
- 2) 50% of the land rates of Ready Reckoner of the prevailing (concerned) year for sector 4 to 6 and 8 to 11.

Terms and Conditions

| Provision | FSI |
|--|------|
| The residential and Commercial Zone excluding congested area | 1.00 |

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, Reservation FSI and TDR shall be restricted to 1.40 in sector 1, 2, 3 and 1.8 in sector 4 to 6, 8 to 11.
3. As per concept of TDR additional FSI shall be permissible on the receiving plot.
4. Additional FSI available as per Regulation 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 above.
6. TMC shall utilise the premium through Account for implementation of Development plan.
7. In Sector No. 1,2,3 construction upto 0.4 additional FSI is permissible and in sector 4 to 6,8 to 11 construction upto 0.8 additional FSI is permissible through use of TDR/DR. 0.33 FSI being optional and part of overall ceiling of use of 0.4 and 0.8 respectively for sector mentioned above. Any disclosure made for use of TDR/FSI, while making agreements with purchasers under Maharashtra Ownership Flat Act 1963 shall be hold valid for use of 0.33 FSI.
8. No Vertical extension of existing building by utilised 0.33 FSI shall be permitted with erection of columns in the required marginal open space.
9. Tenement density shall be relatively increased in FSI above 1.00.

10. 0.33 additional FSI shall be not be permitted in SRD Schemes under Appendix S.
11. Additional 0.33 FSI shall be not be applicable for industrial user.

And whereas, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune, the Government is of the opinion that, it is necessary to sanction the proposed Modification 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 sanctions the proposed Modification with some changes, as described below:-

" In the Schedule of modifications appended with the said Notification, dated 28th April 1995, after the last entry, the following new entry shall be inserted viz. :-

ENTRY

Sanctioned Modification to APPENDIX-N (Regulation 75 & 79)

OPEN SPACES AREA AND HEIGHT LIMITATIONS
Following new Regulation Serial No. f) is added after Sr. No. e)
at Clause N.1.5

f) Provisions for Additional FSI in Residential , Commercial and Industrial Zone –

The Commissioner may permit additional FSI over and above the Base FSI subject to the following conditions :

- 1) Additional FSI is optional and non-transferable. It is to be granted on application and to be used on the same plot.
- 2) i) Additional FSI shall be permissible as shown in Table below, over & above permissible base FSI as per this regulation :

| Sector | Width of access Road of the Plot | Permissible Base FSI | Additional FSI | |
|----------------------|----------------------------------|----------------------|----------------|-----------------------|
| | | | By Way of TDR | On Payment of Premium |
| 1,2,3 | 9 mt and more | 1.00 | 0.2 | 0.2 |
| 4,5,6, 8,9,10 and 11 | 9 mt and more | 1.00 | 0.5 | 0.3 |

- ii) Provided further that no such additional FSI on payment of premium as mentioned above shall be permissible under these Regulation on any plot fronting on a Road having width less than 9 mt.
- iii) Access road of 9.00 mt width shall also include, an existing road in respect of which widening up to 9 mt. has been notified under the provisions of regular line of street stipulated in The Maharashtra Municipal Corporation Act, 1949
- iv) No condonation in the required open space, parking and other requirements as in these regulations shall be allowed in the case of grant of such additional FSI.
- v) Additional FSI shall not be permissible in sector 7.
- vi) Additional FSI Permissible under this Regulation shall be on gross plot area, after deducting, D.P. reservation, if any.
- vii) Additional FSI under this regulation shall be permissible for residential user, commercial user, non-polluting industrial user and public/ semi-public user.

Explanation: The Maximum permissible FSI on a plot for the purposes of this Regulation shall mean the sum total of Base FSI (i.e. Zonal Permissible FSI under the provisions of Appendix-N of these Regulations) + Total TDR/DR admissible under this Regulations + Additional FSI on payment of premium and such maximum permissible FSI shall not be more than 1.40 for Sector 1,2, &3 and 1.80 for sector No.4,5,6,8,9,10 & 11.

3) Premium for such additional FSI under this Regulation shall be charged as per the rates prescribed in the Table herein below :-

| *Rate to be charged as % of ASR Land Rates | | |
|--|--------------------|--------------------|
| For Residential and Public/Semi-Public Use | For Commercial Use | For Industrial Use |
| 60% | 80% | 60% |

***Explanation:-** ASR Land Rates are land rates for the "Receiving plot", as mentioned in the Annual Statement of Rates, prepared by the Inspector General of Registration & Controller of Stamps, Maharashtra State for the year of utilization of additional FSI.

4) The Commissioner shall deposit the 50% of the amount collected through the aforesaid premium, in the "Development fund" set up under Section 124J of the Maharashtra Regional and Town Planning Act, 1966 and shall utilise the same for implementation of Development plan proposals on priority as well as creation of civic amenities and remaining 50% of the amount of the premium collected shall be deposited with the State Government, simultaneously.

5) Additional FSI may be permissible subject to, any disclosure made for use of TDR / FSI, while making agreements with purchasers under Maharashtra Ownership Flat Act.

6) No vertical extension of any existing building by utilising additional FSI shall be permitted with erection of columns in the required marginal open space.

7) Additional FSI shall be applicable for users which are permissible in Residential, Commercial and Industrial Zones.

8) Tenement density shall be proportionately increased as per the increase in FSI above 1.00.

9) Additional FSI shall not be permissible under following circumstances-

i) Slum Rehabilitation Schemes undertaken as per Appendix-S.

ii) Buildings in gaothan / congested areas.

iii) Educational/ medical/ institutional buildings, starred category hotels, buildings of IT establishments etc. for which additional floor index is permissible under Regulation no.N.1.5.

iv) Areas falling in CRZ Area

v) Areas where base FSI is less than 1.00

vi) Areas where construction/ Development is not otherwise permissible as per present DCR.

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 , Thane Municipal Corporation, Thane.
 - 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