

Proposed modification to Regulation
5(4)(ii) of DCR, 1991 for Gr. Mumbai
under Section 37(1AA) and directives
under Section 154 of the Act.

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated :- 8th March, 2017.

NOTICE

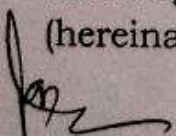
No. TPB 4317/123 /CR-32/2017/UD-11 :-

Whereas, the Development Control Regulations for Greater Mumbai, 1991 (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. DCR 1090/RDP/UD-11, dated the 20th February, 1991 so as to come into force with effect from the 25th March, 1991;

And whereas, Regulation 5(4) of the said Regulations deals with qualification and duties to be performed by licensed technical personnel, which are specifically mentioned in the Appendix XII under the Regulation 5(4);

And whereas, considering observations of World Bank in Doing Business, 2017 Report, in respect of the criteria for ranking of the construction permits, the World Bank marked high importance to the provision of latent defect liability period in quality control index and in the said Regulations, there is no provision regarding it.

And whereas, the Government in the Urban Development Department is of opinion that the responsibility should be fixed on licensed technical personnel in respect of structural flaws or defects in the buildings. The Government also felt in the public interest that it is necessary to urgently carry out suitable modification to Appendix XII of Regulation 5(4) (ii) of the said Regulation as specifically described in the Schedule appended hereto (hereinafter referred to as "the proposed modification");



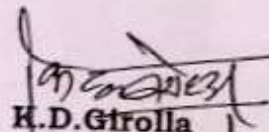
Now therefore, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (1AA) of Section 37 of the said Act, and all other powers enabling it in this behalf, the Government hereby publishes a Notice for inviting suggestions and objections from any person with respect to proposed modification, as required by clause (a) of sub-section (1AA) of the Section 37 of the said Act, within a period of one month from the date of publication of this Notice in the Maharashtra Government Gazette.

Any objections/ suggestions in respect of the proposed modification may be forwarded before the expiry of one month from the date of publication of this Notice in the Maharashtra Government Gazette, to the Deputy Director of Town Planning, Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001. Any objection or suggestion, which may be received by the Deputy Director of Town Planning, Greater Mumbai within the said period shall be dealt with in accordance with the provisions of the said sub-section (1AA) of Section 37 of the said Act.

The Government also issues directives under Section 154(1) of the said Act that, pending sanction to the proposed modifications under clause (c) of Section 37(1AA) of the said Act by the Government, the proposed modification shall come into force forthwith.

This Notice shall also be available on the Govt. of Maharashtra website : www.maharashtra.gov.in

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


(H.D. Gtrolla)

Under Secretary to Government.

SCHEDULE

(Accompaniment to Notice No. No. TPB 4317/123 /CR-32/2017/UD-11 dated 8th March 2017.)

The following new provision is ^{to} be inserted as clause C-6.4 in Appendix XII of Regulation 5(4)(ii) [^]

C-6.4 Latent Defect Liability :-

- a) Any or all of the following shall be held liable for any structural flaws or defects in the building with BUA 20,000.00 sq.mt. and above for period of Ten (10) years after the date of grant of occupation cum building completion certificate, except in case of natural calamities, damages, due to war, riots.
- i. Architect/License Surveyor
 - ii. Structural Engineer
 - iii. Site Supervision/Site Engineer
 - iv. Construction Company including contractor, sub-contractor
 - v. Consultants appointed for various activities involved in the construction work.
- b) The above mentioned professional and the Construction Company including contractor and sub-contractor may take decennial professional liability insurance to cover such liability.


(H.D. Girolla)

Under Secretary to Government