

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
राज्यातील महानगरपालिकांच्या (बृहन्मुंबई महानगरपालिका
वगळून) विकास नियंत्रण नियमावलीमध्ये शासन व
शासनाची प्राधिकरणे, महानगरपालिका यांच्या कर्मचारी
निवासस्थानांबाबत विनियम अंतर्भूत करणेबाबत कलम ३७
(१अेअे) (सी) खालील अधिसूचना...

**महाराष्ट्र शासन
नगर विकास विभाग**

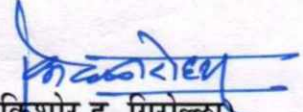
क्रमांक :- टिपीबी ४३१३/१४५/प्र.क्र. ११९/२०१३/नवि-११

मंत्रालय, मुंबई : ४०० ०३२.

दिनांक : १९ नोव्हेंबर, २०१५.

शासन निर्णय :- सोबतची अधिसूचना शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने.


(किशोर द. गिरोल्ला)

अवर सचिव, महाराष्ट्र शासन.

प्रत,

मा. मुख्यमंत्री महोदयांचे प्रधान सचिव.

मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव.

प्रति,

- (१) अपर मुख्य सचिव, गृह विभाग, मंत्रालय, मुंबई : ४०० ०३२.
- (२) आयुक्त, सर्व महानगरपालिका (बृहन्मुंबई महानगरपालिका वगळून)
- (३) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- (४) सह सचिव, तथा संचालक, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
- (५) सर्व विभागीय सह संचालक, नगर रचना.
- (६) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई
- (७) (त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करून त्याच्या ५० प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई : ४०० ०३२ व संचालक, नगर रचना, पुणे यांना पाठविण्यात याव्यात.)
- (८) कक्ष अधिकारी, कार्यासन नवि-२९
- (९) कक्ष अधिकारी, माहिती व तंत्रज्ञान विभाग (त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रसिध्द करण्याबाबत आवश्यक ती कार्यवाही करावी.
- (१०) निवड नस्ती (नवि-११)

**The Maharashtra Regional & Town
Planning Act, 1966**

- Notification under Section 37(1AA) (c) of the said Act.
- Modification to the Development Control Regulations for Municipal Corporations (Excluding Greater Mumbai)

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated : 19 November, 2015.

NOTIFICATION

No. TPB 4313/145 /CR-119/2013/UD-11:

Whereas, the State Government has sanctioned the Development Plans (hereinafter referred to as "the said Development Plan ") and the Development Control Regulations (hereinafter referred to as "the said Regulations") for the Municipal Corporations in the state of Maharashtra under the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as "the said Act") which are in force in the limits of the respective Municipal Corporations;

And whereas, the Govt. in Home Department vide G.R. No. RSA-609/CR-432/ Pol-7/ dated 17th November, 2009 has framed policy for creating staff quarters for Police personnel including Police Officers, with additional F.S.I.;

And whereas, the Govt. in the Urban Development Department, in view of the above policy, is of the opinion that in the public interest, it is desirable to grant additional F.S.I. for creating staff quarters for not only Police personnel but also other employees of the Govt. and its statutory bodies ;

And whereas, the Govt. in the Urban Development Department has taken a decision to incorporate new Regulation in respect of staff quarters for employees of the Govt. and its statutory bodies in the Development Control Regulation of Greater Mumbai, 1991 and whereas after completing formalities as per provisions of the said Act, Govt. in Urban Development Department vide Notification dt. 02/09/2015 issued under Section 37(1AA) (c) of the said Act, has incorporated necessary provisions to that effect in the Development Control Regulation for Greater Mumbai.

And whereas, the Govt. in the Urban Development Department has also taken a decision to incorporate new Regulation in respect of staff quarters for employees of the Govt. and its statutory bodies in the Development Control Regulations of the other Municipal Corporations in the State and it is necessary to urgently carry out suitable modification to the existing Development Control Regulations of Municipal Corporations and therefore, in exercise of the powers conferred by sub-section (1AA) of Section 37 of the said Act; and of all other powers enabling it in this behalf, Govt. had issued Notice of even number dated 01/04/2015 (hereinafter referred to as " the said Notice")for inviting suggestions/objections from the general public with regard to the proposed modification



proposed in the Schedule appended to the said Notice and appointed the Joint Director of Town Planning, of the concerned Divisions as the Officer wherein the Municipal Corporations are located, (hereinafter referred to as "the said Officer") to submit a Report on the suggestions/objections received in respect of the proposed modification to the Govt. after giving hearing to the concerned persons and the concerned Municipal Corporation;

And whereas, the said Notice dated 1st April, 2015 was published in the Maharashtra Government Gazette (Extra-Ordinary Gazette) dated 6th April, 2015 (hereinafter referred to as "the Official Gazette") and the said Officers of concerned Division have submitted their Reports through the Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under Section 37(1AA) of the said Act;

And whereas, after considering the Reports of the said Officers of concerned Divisions, the suggestions / Objections received from the general public and the say of said Corporations and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification in respect of construction of staff quarters on private Land is to be kept in abeyance and decision for the same will be taken at later stage. Whereas, Government is of the opinion that, Regulation for Staff Quarters of the State Govt. or it's statutory bodies or Municipal Corporations on lands belonging to such public Authorities is required to be sanctioned with some changes;

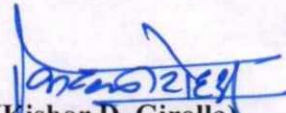
Now, therefore, in exercise of the powers conferred upon it under Section 37(1AA)(c) of the said Act, the Government hereby:-

- (A) Sanctions the proposed modification with some changes as described more specifically in the Schedule appended hereto.
- (B) Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this modification.
- (C) Directs the Municipal Corporation (Excluding the Municipal Corporation of Greater Mumbai) that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule referred to at (A) above shall be added.

This Notification 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,




(Kishor D. Girolla)
Under Secretary to Government.

SCHEDULE

(Accompaniment to Notification No. TPB 4315/145/CR-119 /2013 /UD-11

Dated 19 November, 2015.)

The following provisions regarding Development/Redevelopment for construction of staff quarters of the State Govt. or its statutory bodies or Municipal Corporations in the State are incorporated in the Development Control Regulations of Municipal Corporations (excluding Municipal Corporation of Greater Mumbai):-

Regulation for staff quarters of the State Govt. or its statutory bodies or Municipal Corporations on lands belonging to such Public Authorities situated in developable zones such as Residential/Public-Semi Public/Commercial Zone etc. except restricted zone such as Green Belt, Agricultural Zone, No Development Zone, CRZ etc.

- (1) The basic Floor Space Indices specified in sanctioned DCR, may be allowed to be exceeded as per following table on the gross plot area solely for the project of construction of staff quarters (hereinafter referred to as "staff quarters project") for the employees of the Government, or its statutory bodies or the Municipal Corporations (hereinafter collectively referred to as "User Authority"), on land belonging to such User Authority, by the Public Works Department of the Govt. of Maharashtra or MHADA or Maharashtra Police Housing Corporation or Municipal Corporations or any other Public Agency nominated by the Govt. for this purpose, which would also include any Special Purpose Vehicle, wherein the Govt. or a fully owned Company of the Govt. holds at least 51% equity share (hereinafter collectively referred to as "Implementing Public Authority").

Class of Municipal Corporation	Road Width & Plot area	Maximum permissible F.S.I. (Including basic F.S.I.)
"A" Class Municipal Corporations	1) 18.00 mt. or above Minimum Plot area 4000 sq.mtr. or above	4.00
	2) 12.00mt. or above but below 18.00mt.	3.00
"B" & "C" Class Municipal Corporations	1) 15.00 mt. or above Minimum Plot area 4000 sq.mtr. or above	3.00
	2) 12.00mt. or above but below 15.00mt.	2.50
"D" Class Municipal Corporations	12.00mt. or above	2.50



- (2) For the purpose of calculating the FSI, the entire area of the plot excluding area under Development Plan roads and Development Plan reservations, if any, shall be considered.

Provided that, the Development Plan reservations like Government Staff Quarters, Police Staff Quarters, Police Housing, Municipal Housing, Municipal Staff Quarters etc. on lands belonging to the Government / Public Authorities / Local Authorities, shall not be excluded.

Provided further that, amalgamation of such Development Plan reservation/s with adjoining lands for the execution of project under this regulation, shall be permissible.

- (3) The total permissible FSI under this Regulation shall be utilized for construction of staff quarters for the User Authority, subject to the following :-
- (i) The area of staff quarters for various categories of employees shall be as per the norms prescribed by the concerned User Authority and in no case shall the area of Staff Quarters exceed the maximum limit of carpet area as prescribed therein.
- (ii) (a) Commissioner may also permit upto 1/3rd of the total permissible FSI under this Regulation for construction of free sale area (hereinafter referred to as "free sale component") to be disposed of by the Implementing Public Authority as provided herein.

The free sale component shall preferably be constructed in a separate block. Sub-division of plots shall be permissible on the basis of equitable distribution of FSI, in case construction of free sale component is permitted by the Commissioner.

The free sale component may be utilized for commercial use as per potential of plot as decided by following Committee:-

- 1) Municipal Commissioner ---Chairman
- 2) Police Commissioner --- Member
- 3) Collector of Concerned District ---Member
- 4) Superintendent Engineer (PWD)---Member.

The extent of commercial use, if required shall be decided by the said Committee strictly within the limits as specified in the sanctioned prevailing Development Control Regulations.

(b) If the User Authority requires construction of staff quarters to the extent of full permissible FSI, then the User Authority shall pay full cost of construction + 5% of construction cost as establishment charges to the Implementing Public Authority.

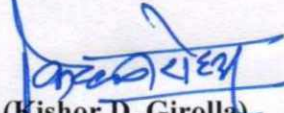
(c) The flats constructed under the free sale component shall be first offered to the Central Govt., its statutory bodies, Central / State PSUs for purchase as staff quarters and if the Central Govt. or its statutory Bodies or Central / State PSUs



do not indicate willingness to purchase the same within the prescribed time limit, such flats shall be sold in open market.

- (4) (i) Notwithstanding anything contained in any regulation under sanctioned DCR of Municipal Corporations, no amount shall be charged towards Premium, Scrutiny Fee etc., for the projects proposed under this regulation.
- (ii) The provisions of Inclusive Housing, which is applicable for Municipal Corporations, shall not be applicable for development under this Regulation.
- (5) For any staff quarters project under this Regulation, a Development Agreement shall be executed between the User Authority and the Implementing Public Authority, which, inter alia, shall authorize the Implementing Authority to dispose of the flats constructed under the free sale component of the project, wherever applicable. Such development agreement shall contain the details regarding the modalities and conditions of transferring such quarters (whether free of cost or on payment / receipt of certain amount by the user authority) to the user authority and also conditions modalities of disposing of the flats under the free sale components by the implementing public authority.




(Kishor D. Girolla)
Under Secretary to Government.

