

In respect of making dynamic rebuilding/reconstruction of old and dilapidated buildings with arising cess on Mumbai city island

**Government of Maharashtra**

**Housing Department**

**Government Resolution No. Court Case 2015/C.R. 176/Repair & Reconstruction**

Mantralaya, Mumbai-400 032,

Date : 02 March 2017

**Read** :- Housing Department, Government Resolution No. MRB 20002/C.R. 525/ Repair & Reconstruction dated 1 June 2005

**Preface :-**

The condition “After rebuilding/Reconstruction of buildings with arising cess tenants/occupants are rehabilitated there. Since redeveloped flats are given on ownership basis, beneficiary tenants cannot sell them up to 10 years” has been incorporated in Govt. Resolution No. M.R.B. 2002/C.R. 525/ Repair & Reconstruction-1 dated 1 June 2005, which is issued in respect of making dynamic program of rebuilding/reconstruction of old and dilapidated buildings with arising cess on Mumbai city island. In view of said condition, the condition “After granting No Objection Certificate sell/transfer of original right of rent cannot be accomplished under any circumstances during the period until allotment of flat to original residents in reconstructed building. Moreover said flat cannot be transferred for the period of 10 years from date of taking possession of reconstructed flat” has been incorporated in the No Objection Certificate granted by Mumbai Repair & Reconstruction Board to the developer.

According to order passed by Hon. High Court on 07.07.2015 on Writ Petition No. 1482/2015 filed by Atul H. Doshi against Mumbai Building Repair & Reconstruction Board, the condition “After granting No Objection Certificate sell/transfer of original right of rent cannot be accomplished under any circumstances during the period until allotment of flat to original residents in reconstructed building, moreover said flat cannot be transferred for the period of 10 years from date of taking possession of reconstructed flat” has been cancelled. Apart from this, since provision at Sr. No. 11 in Govt. Resolution dated 01.06.2015 of Housing Department was inconsistent with provision in Clause 188 of Annexure III in the context of 33(7) of

Development Control Regulations, the matter of transfer of reconstructed flats under 33 (7) of Development Control Regulations will not be conducted as per Sr. No. 11 in Govt. Resolution dated 01.06.2005 of Housing Department, but instead of that it will be conducted as per Clause 18 in Annexure III in the context of Regulation 33(7) of Development Control Regulations . This was the order issued by Hon. High Court. Taking into consideration order of Hon. High Court and interests of tenants/occupants, the matter of removal of condition in Govt. Resolution dated 01.06.2005 was under consideration at Govt. level.

**Government Resolution:-**

In view of order passed by Hon. High Court on 07.07.2015 on Writ Petition No. 1482/2015, the condition “After rebuilding/Reconstruction of buildings with arising cess tenants/occupants are rehabilitated there. Since redeveloped flats are given on ownership basis, beneficiary tenants cannot sell them up to 10 years” at Sr. No. 11 in Govt. Resolution of Housing Department No. MRB 20002/C.R. 525/ Repair & Reconstruction dated 1 June 2005 has been cancelled.

Said Govt. Resolution is made available on website of Govt. of Maharashtra [www.intranet.maharashtra.gov.in](http://www.intranet.maharashtra.gov.in) and its Code No. is 201703031716263009. This order is being issued after attestation by digital signature.

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

Meenal Dilip Pednekar

Digitally signed by Meenal Dilip Pednekar

DN:c=IN, o=Government Of Maharashtra,

Ou=Under Secretary, postal code=400032

st= Maharashtra,

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(Meenal Pednekar)

Under Secretary, Housing Department

Copy to

- 1) Secretary of Hon. Governor,
- 2) Principal Secretary of Hon. Chief Minister,
- 3) Private Secretary of Hon. Minister (Housing),
- 4) Private secretary of Hon. Minister of State (Housing),
- 5) Chief Secretary, Urban Development Department, Mantralaya, Mumbai-32.
- 6) Principal Secretary, Urban Development Department, Mantralaya, Mumbai-32
- 7) Commissioner, Greater Mumbai Municipal Corporation, Mhapalika Marg, Fort, Mumbai-1
- 8) Vice-president and Chief Executive Officer, Maharashtra, Gruhnirman Bhavan, Bandra (East) Mumbai-400051.
- 9) Chief Officer, Mumbai Repair & Reconstruction Board, Gruhnirman Bhavan, Bandra (East) Mumbai-400051.
- 10) Selection File (Repair & Reconstruction-1)
- 11) Collector, Mumbai City, Mumbai-01
- 12) Joint Secretaries/Deputy Secretaries/Under Secretaries in Housing Department.
- 13) Additional Collector (Encroachment/Eviction), Mumbai City, Mumbai City, Mumbai-01.
- 14) Deputy Collector (Encroachment/Eviction), Kulaba Division, Mumbai City, Mumbai-01.
- 15) Deputy Collector (Encroachment/Eviction) Dharavi Division, Mumbai City, Mumbai-01.
- 16) Selection File – GRUNIP.