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IMM. PAST PRESIDENT

Domnic Romell

PRESIDENT-ELECT

Bandish Ajmera

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Parag Shah

Ajay Ashar

Jayesh Shah

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Shalish Sanghvi

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Priya Gurnani

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Ramkrishna Raheja

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Ajay Nahar

Jayvardhan Goenka

Sahil Parikh

Gaurav Thakker

Abhishek Sharma

Harsh Mehta

Rushi Ajmera

Anif Gani Daralya

Srirang Athalye

Cyrus Mody

Arif Fazlani

Chintan Sheth

Karan Sehgal

Punit Gosrani

Vicky Oswal

Aditya Shah

Aditya Mirchandani

Arshad Balwa

YOUTHWING CONVENOR

Samyag Shah

PROCUREMENT CONVENOR

Nimish Ajmera

WOMENS WING CHAIRPERSON

Alka Doshi

Ref. No. MCHI/PRES/26-27/035

Date: 17/07/2026

To,

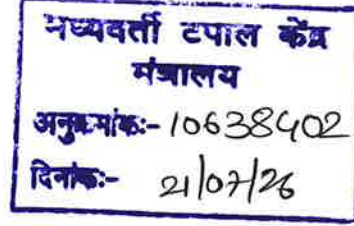
Shri Aseem Kumar Gupta (I.A.S.)

Additional Chief Secretary

Urban Development Department (I)

Government of Maharashtra

Mantralaya, Mumbai - 400 032



Sub.- Clarification regarding reckoning of the period under clause 20(viii)(a) of Regulation 17(1) of DCPR 2034 in respect of plots developed under Option (C) of Regulation 34(3.5)(ix) – rehabilitation of Adivasis / eligible families residing in Sanjay Gandhi National Park.

Ref.- Our letter No. MCHI/PRES/26-27/024 dated 18/05/2026 seeking extension of the applicability of clause 20(viii)(a) of Reg. 17(1).

Respected Sir,

DP 2034 and DCPR 2034 for Greater Mumbai have been sanctioned by the Government in UD Department and are in force since 01/05/2018 and 01/09/2018 respectively. Regulation 17 of DCPR 2034 consists of provisions for development of reservations under the Accommodation Reservation principle, whereunder the owner develops the designated amenity and hands over the same to BMC free of cost while developing the balance potential of the plot – securing constructed public amenities for the city at no financial burden to the Corporation. To motivate plot owners and developers to hand over the built reservation amenities to BMC at the earliest, the regulation provides certain incentives.

As per clause 20(viii) of Regulation 17(1), it was provided that if the developed reservation is transferred in the name of MCGM within 5 years or such extended period as may be specified by Government, the following shall apply:

"(a) In case of reservation area less than or equal to 5 Ha, additional BUA equal to area of the plot so transferred to MCGM/Appropriate Authority, free of cost and free of encumbrances, shall be permissible over and above the permissible FSI as per regulation 30(A), except in respect of proposals under Regulation No. 33(5), 33(7), 33(7)(A), 33(8), 33(9), 33(9)(A), 33(9)(B), 33(10), 33(10)(A), 33(20)(A), 33(21)."

After the lapse of 5 years from 01/09/2018, the Government in 2023 extended the said period for another 3 years, with the additional BUA revised to 90% of the area of the plot so transferred. The permissibility of the additional FSI after transfer of developed reservation to BMC is accordingly valid up to 31/08/2026. By our letter under reference, we have separately requested extension of this benefit for a further period. The present letter, however, seeks something distinct and narrower - not an extension of the period, but a clarification as to the date from which the existing period is to be reckoned in one specific class of cases created by the Government itself in December 2025, as set out below.

MAHARASHTRA CHAMBER OF HOUSING INDUSTRY

Maker Bhavan-II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020, Maharashtra, India.

Tel: +91 22-42121421

Email: secretariat@mchi.net

Website: www.mchi.net

CREDAI-MCHI CHAPTERS

THANE | KALYAN-DOMBIVLI | MIRA BHAYANDAR | RAIGAD | NAVI MUMBAI | BHIWANDI | PALGHAR BOISAR | SHAHAPUR-MURBAD | URAN-DRONAGIRI | VASAI VIRAR | ALIBAG | KARJAT-KHALAPUR-KHOPOLI | YOUTH NMR

The SGNP rehabilitation scheme and the deemed reservation under Option (C)

Sanjay Gandhi National Park, the green lungs of Mumbai and Thane, is home to approximately 2,000 Adivasi families residing in 43 Adivasi padas, while parts of the Park stand encroached upon by approximately 25,000 eligible encroacher families. The removal of encroachment from the Park is the subject of proceedings before the Hon'ble High Court. Pursuant to the meeting held under the Chairmanship of the Hon'ble Chief Minister on 25/02/2025 and the report of the committee constituted thereunder, and after following the procedure under Section 37(1AA) of the MR&TP Act, 1966, the Government has sanctioned, vide Notification No. TPB-4325/413/CR-51/2025/UD-11 dated 12/12/2025, the insertion of Regulation 34(3.5)(ix) in DCPR 2034, providing for the rehabilitation of approximately 27,000 families in aggregate on NDZ lands situated within 5 km of the boundary of the Park.

The said Regulation offers three options to private owners of such NDZ lands. Option (C) permits the owner/developer to develop the plot under the Accommodation Reservation provisions of Regulation 17(1), *by considering the plot as deemed reserved* for "Affordable Housing" / "Rehabilitation & Resettlement" in the 'R' Zone of DP 2034, subject to a minimum plot area of 2 Ha and the General Conditions prescribed therein, including a minimum 9 m access road and the scheme validity of one year from final sanction under General Condition (5), extendable by the Government. It is pertinent that proposals under Regulation 34(3.5)(ix) do not figure in the list of excepted proposals in clause 20(viii)(a) reproduced above; the incentive therefore squarely applies to such plots.

The clarification sought

A question of interpretation has arisen amongst our members as to the reckoning of the 5-year period under clause 20(viii)(a) in respect of plots taken up under Option (C). The deemed reservation on such NDZ lands came into existence only on 12/12/2025, being the date of coming into force of the said Notification as fixed by clause (B) of its operative portion. Prior to that date, no reservation subsisted on such lands, and no owner could possibly have developed and transferred to MCGM a reservation which did not exist. To reckon the period for such plots from 01/09/2018 would mean that the incentive stood exhausted in respect of these reservations before the reservations themselves were born — an outcome which, it is respectfully submitted, could never have been the intention of the Government, and which is contrary to the settled principle that the law does not compel the performance of that which is impossible (*lex non cogit ad impossibilia*).

It is significant that clause 20(viii) itself contemplates transfer "within 5 years or such extended period as may be specified by Government." The clarification sought is therefore wholly within the scheme of the clause: in respect of reservations deemed to exist for the first time on 12/12/2025, the only sensible and harmonious reading is that the 5-year period runs from the date the deemed reservation came into being. This is purely a matter of construction of the existing provisions — it involves no new concession, no financial burden on the exchequer, and no fresh modification under Section 37 of the said Act - and it arises on the existing text irrespective of the outcome of our request for extension under our letter referred above.

The purposive case points the same way. The incentive under clause 20(viii)(a) and the scheme under Regulation 34(3.5)(ix) are animated by the same object: the expeditious handing over of land and built amenities for public purposes at no cost to the public exchequer. Here, that object is the time-bound rehabilitation of approximately 27,000 families under a scheme which is itself valid for one year from final sanction, in a matter receiving the personal attention of the Hon'ble Chief Minister and pending before the Hon'ble High Court. The availability of the early-transfer incentive, reckoned from the date of the deemed reservation, will materially encourage owners to opt for Option (C) and to develop and



surrender the rehabilitation amenity at the earliest. Conversely, if the incentive is understood to have lapsed for these plots, or to lapse on 31/08/2026 irrespective of the date on which the deemed reservation arose, the very owners whose participation the Government seeks would stand deprived of a benefit extended to every other reservation, solely on account of the recency of the Government's own notification — a differentiation without any rational basis, which will discourage participation in the scheme within its limited validity.

We therefore request you to kindly clarify that:

- (a) in respect of plots taken up for development under Option (C) of Regulation 34(3.5)(ix), the period of 5 years under clause 20(viii) of Regulation 17(1) shall be reckoned from 12/12/2025, being the date on which the deemed Accommodation Reservation came into force, and the additional BUA under clause 20(viii)(a), as revised by the 2023 Notification, shall accordingly be admissible upon transfer of the developed reservation to MCGM within the said period so reckoned, or such extended period as may be specified by Government; and
- (b) in the alternative, and without prejudice to the above, that owners of plots under Option (C) who develop and transfer the deemed-reserved amenity to MCGM within the scheme validity period under General Condition (5) of Regulation 34(3.5)(ix), including any extension thereof granted by the Government, shall be entitled to the benefit of clause 20(viii)(a) as in force from time to time.

A timely clarification will enable our members to formulate and submit proposals within the one-year scheme window, and will directly advance the rehabilitation of 27,000 families and the restoration of the National Park — objects to which the industry stands fully committed alongside the Government. We shall be grateful for the opportunity of a personal hearing in this regard, and shall be pleased to furnish any further information or material that may be required.

Yours sincerely,

For CREDAI-MCHI

Sukhraj Nahar

Sukhraj Nahar
President

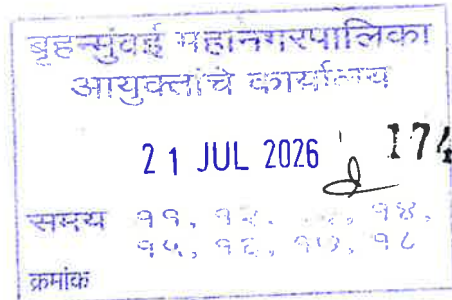
Rushi Mehta

Rushi Mehta
Hon. Secretary

Encl.: Copy of the 2023 Notification/Circular; copy of the Notification dated 12/12/2025.

CC:

1. **Smt. Ashwini Bhide [I.A.S.]**,
Municipal Commissioner,
Municipal Corporation of Greater Mumbai.
2nd Floor, MCGM Head Office, Main Bldg.,
Opp. CST Station, Mumbai-400 001.
2. **The Deputy Director (Town Planning)**,
ENSA Hutments, E-Block,
Azad Maidan,
Mahapalika Marg,
Mumbai - 400 001.

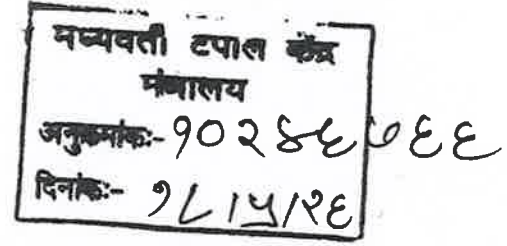


उपसंचालक, नगर रचना, बृहन्मुंबई
इन्सा हटमेंट, "ई" ब्लॉक, आझाद मैदान
ग्रहापालिका मार्ग, मुंबई-४०० ००१.

PRESIDENT
Sukhranj NaharIMM. PAST PRESIDENT
Domnic RomellPRESIDENT-ELECT
Bandish AjmeraMENTORS
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Harsh Mehta
Rushi Ajmera
Asif Gani Deraliya
Srirang Attaiye
Cyrus Mody
Arif Fazlani
Chintan Sheth
Karan Sehgal
Punit Goswami
Vicky Oswal
Aditya Shah
Aditya Mirchandani
Arshad BalwaYOUTHWING CONVENOR
Samyag ShahPROCUREMENT CONVENOR
Nimish AjmeraWOMENS WING CHAIRPERSON
Alka Doshi

Ref.: MCHI/PRES/26-27/024

Date: 18/05/2026

To,
Shri. Aseem Gupta (IAS)
Additional Chief Secretary,
Urban Development Department,
Govt. Of Maharashtra,
Mantralaya, Mumbai-400032

Sub.- Extension of granting over and above FSI under AR policy as per Reg. 17(1) of DCPR 2034 after transfer of developed reservation to BMC.

Respected Sir,

DP 2034 & DCPR 2034 for Greater Mumbai has been sanctioned by the Government in UD department and is in force since 01/05/2018 & 01/09/2018 respectively.

Regulation 17 of DCPR 2034 consists of provisions of development of reservation under Accommodation reservation principle. To motivate plot owners/developers to hand over the built reservation amenities to BMC at earliest, the regulation provides certain incentives.

As per clause 20 (viii) of regulation 17(1) it was provided that "If developed reservation is transferred in the name of MCGM within 5 years or such extended period as may be specified by Government, following shall apply.

(a) "In case of reservation area less than or equal to 5 Ha, additional BUA equal to area of the plot so transferred to MCGM/Appropriate Authority, free of cost and free of encumbrances, shall be permissible over and above the permissible FSI as per regulation 30(A), except in respect of proposals under Regulation No. 33(5), 33(7), 33(7)(A), 33(8), 33(9), 33(9)(A), 33(9)(B), 33(10), 33(10)(A), 33(20) (A), 33(21)."

After lapse of 5 years from 01/09/2018, Government in 2023 has extended the period for another 3 years with some modifications as below.

"In case of reservation area additional BUA equal to 90% of the area of plot so transferred to MCGM/Appropriate Authority, free of cost and free of encumbrances, shall be permissible over and above the permissible FSI as per regulation 30(A), except in respect of proposals under Regulation No. 33(5), 33(7), 33(7)(A), 33(8), 33(9), 33(9)(A), 33(9)(B), 33(10), 33(10)(A), 33(20) (A), 33(21)."

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CREDAI-MCHI CHAPTERS

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MURBAD | URAN-DRONAGIRI | VASAI VIRAR | ALIBAG | KARJAT-KHALAPUR-KHOPOLI | YOUTH NMR

As such, the permissibility of additional FSI over above the permissible FSI as per Reg. 30(A) after transfer of developed reservation to BMC is valid up to 31-08-2026.

Respected Sir, there are many reservations in Mumbai, which are yet to be handed over to BMC free of cost. It is to also mention here that as per the AR policy under Reg. 17(1), BMC get constructed amenity free of cost which will save huge financial burden to BMC. Hence, in the interest of availability of the constructed amenity, this additional FSI benefit as per clause no. 20 (viii) (a) of Reg. 17(1) needs to be extended for further 3 years.

We therefore request you to kindly extend the applicability of clause no. 20(viii)(a) of Reg. 17(1) for further 3 years.

Yours Sincerely,
For CREDAI-MCHI



Sukhraj Nahar
President



Rushi Mehta
Hon. Secretary

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६

- उक्त अधिनियमाचे कलम ३७(१कक) (ग) अन्वये अधिसूचना.
- बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ मधील विनियम ३४ मध्ये नविन तरतूद समाविष्ट करणेबाबतचे फेरबदलास मंजूरीबाबत.

महाराष्ट्र शासन
नगर विकास विभाग
शिबिर कार्यालय, नागपूर- ४४०४००१,
क्रमांक :- टिपीबी-४३२५/४१३/प्र.क्र.५१/२०२५/नवि-११
दिनांक :- १२/१२/२०२५

शासन निर्णय : सोबतची ~~अधिसूचना~~ महाराष्ट्र शासनाच्या असाधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.


(निर्मलकुमार पं. चौधरी)
उप सचिव महाराष्ट्र शासन

प्रत :-

१. मा. राज्यपाल यांचे प्रधान सचिव, राजभवन, मुंबई.
२. मा. मुख्यमंत्री महोदय यांचे अप्पर मुख्य सचिव, मंत्रालय, मुंबई.
३. मा.उप मुख्यमंत्री तथा गृह मंत्री महोदय यांचे सचिव, मंत्रालय, मुंबई.
४. मा.उप मुख्यमंत्री तथा वित्त व नियोजन मंत्री महोदय यांचे सचिव, मंत्रालय, मुंबई
५. मा. विरोधी पक्षनेता, विधानपरिषद / विधानसभा, महाराष्ट्र विधानमंडळ सचिवालय.
६. मा. उपसभापती, महाराष्ट्र विधानपरिषद, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
७. मा. उपाध्यक्ष, महाराष्ट्र विधानसभा, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
८. मा.प्रधान सचिव (नवि-१), नगर विकास विभाग, मंत्रालय, मुंबई.

प्रति,

- (१) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
- (२) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- (३) उपसंचालक, नगर रचना, बृहन्मुंबई, इन्साइटमेंट, महापालिका मार्ग, मुंबई- ४००००१.
- (४) व्यवस्थापक, शासकीय मुद्रणालय, नागपूर.

(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे असाधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करून त्याच्या प्रत्येकी १० प्रती १)नगर विकास विभाग नवि-११), मंत्रालय, मुंबई २) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई ३) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे व ४) उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)

- (५) कक्ष अधिकारी, कार्यासन नवि-२९, यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रसिध्द करावी.
- (६) निवड नस्ती (नवि-११).

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

- Notification under section 37 (1AA)(c) of the said Act.
- Sanctioned modification to add new provision in Regulation 34 of Development Control and Promotion Regulations -2034 for Greater Mumbai.

GOVERNMENT OF MAHARASHTRA

**Urban Development Department,
Camp office, Nagpur- 440001.**

Dated :- 12 /12 /2025

NOTIFICATION

No. TPB-4325 /413/CR- 51/2025/UD-11

Whereas, the Municipal Corporation of Greater Mumbai is the Planning Authority for the area within its jurisdiction (hereinafter referred to as "the said Corporation") as per the provision of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act").

Whereas, in exercise of the powers conferred by sub Section (1) of Section 31 of the said Act, the State Government vide Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, Dt. 08/05/2018 (hereinafter referred to as "the said Notification") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai along with the Development Control and Promotion Regulations -2034 for Greater Mumbai (hereinafter referred to as "the said Regulations") with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dt. 22nd June, 2018; And whereas, thereafter Government has issued a Corrigendum and Addendum of even number dt. 29th June, 2018 to the said Notification, which is published in Government Gazette dt. 30th June, 2018; And whereas, the said Regulations have come into force from 1/09/2018; And whereas, the Government of Maharashtra vide Notification dt. 21/09/2018 has sanctioned EP-1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) in the said Regulation; And whereas, the Government of Maharashtra vide Notification dt. 12/11/2018 has issued corrigendum in respect of some typographical errors and mistakes and also to clarify and co-relate certain provisions of said Regulations for its proper interpretation;

And whereas, Sanjay Gandhi National Park (SGNP) is considered as the green lungs of Mumbai and Thane cities. This National Park provides a wide range of ecosystem services that are vital for the well-being of surrounding urban areas. Sanjay Gandhi National Park which is home for approx 2000 Adivasi families in 43 Adivasi Padas that are scattered mainly along the edge of the park. Also some parts of the Sanjay Gandhi National Park are encroached by slums (around. 24,951 eligible encroachers). The issue of removal of encroachment in SGNP is taken up in the Hon'ble High Court and various orders are also passed by Hon'ble Court;



And whereas, in view of the above it is necessary to look for alternate option of land wherein rehabilitation of eligible families residing in Sanjay Gandhi National Park can be made possible. And whereas, there is large scarcity of land in Mumbai and vacant bulk lands are not available, option of vacant No Development Zone (NDZ) lands available in Greater Mumbai having restrictions on development can be considered;

And whereas, earlier, considering need of the city, Government has allowed Development of IT /ITES Uses on NDZ lands with overall restrictions. Regulation 34 of the said Regulations stipulate Land use zoning and uses permitted; Sub Regulation 3.8 of the Regulation 34 stipulate about 'uses permissible in Green Zone (GZ)' wherein Rehabilitation & Resettlement of original inhabitants of forest (adivasi, tribals of Sanjay Gandhi National Park) as per the provision of Regulation 30 with zonal (basic) FSI is allowed. However, Green Zone area around Sanjay Gandhi National Park is mostly affected by 'Eco Sensitive Zone'. Therefore, there are limitations for use of Green Zone land even for rehabilitation of eligible original inhabitants (Adivasi, Tribals etc.) residing in Sanjay Gandhi National Park; Due to these facts other option to use NDZ land to certain extent for rehabilitation is a viable option;

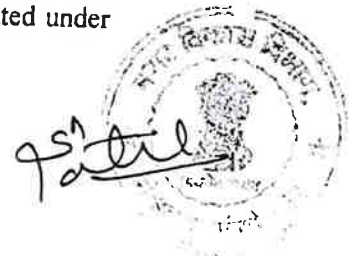
And whereas, a meeting was held under the Chairmanship of Hon'ble Chief Minister of Maharashtra on 25/02/2025 to discuss issues related to rehabilitation of Adivasi / Non-Adivasi encroachers in Sanjay Gandhi National Park. In the said meeting it was decided to appoint committee to suggest modification in existing policy of NDZ so as to make available option to rehab encroachers on NDZ land;

And whereas, said Committee has submitted report to Government, the said committee has suggested to add new provisions to allow rehabilitation of encroachers of Sanjay Gandhi National Park on NDZ land in Mumbai;

And whereas, considering the report of the said committee, the Government in Urban Development Department is of the opinion that in the public interest, it is expedient to modify the said Regulations by adding new Clause under Regulation 34 of the said Regulations;

And whereas, in exercise of the powers conferred under Sub-Section (1AA) of Section 37 of the said Act, Government had issued Notice of even no. dated 30/06/2025 for inviting suggestions/objections from the general public with regard to "the proposed modification" (hereinafter referred to as "the proposed modification") as mentioned in the Schedule appended to the said Notice and appointed the Deputy Director of Town Planning, Gr. Mumbai as the Officer (hereinafter referred to as "the said Officer") to complete the procedure as stipulated under Section 37(1AA) of the said Act and to submit a Report on the objections / suggestions received in respect of the proposed modification to the Government after giving hearing to the concerned persons;

And whereas, the said Notice dated 30/06/2025 was published in the Maharashtra Government Gazette (Extraordinary Part-I, Kokan Division Supplement) dated 2nd July, 2025 and the said Officer has submitted his report vide letter dated 01/10/2025 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 Report of the said Officer and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned as proposed;

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 as described more specifically in the Schedule appended herewith.
- 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 said Corporation 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 is also available on the Government website- www.maharashtra.gov.in (Acts/ Rules).

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



(Amar Patil)

Under Secretary to Government.

SCHEDULE

Accompaniment to the Government in Urban Development Department's
Notification No.TPB-4325 /413/CR- 51/2025/UD-11, dated – 12/12/2025.

New provision is added in Regulation 34 of DCPR 2034 as follows:-

Regulation 34(3.5)(ix) :-

Rehabilitation of Adivasis/ eligible families (encroachers) residing in Sanjay Gandhi National Park (SGNP):

Provision for rehabilitation of Adivasi families (approximately 2000 families) and eligible encroachers (approximately 25000 families), total 27000 numbers situated in the Sanjay Gandhi National Park (SGNP) areas on lands within the vicinity of 5Km from boundary of Sanjay Gandhi National Park (SGNP) in No Development Zone (NDZ) area.

1) Following 3 options are available to the private land owners :

A) Surrendering the land to BMC in lieu of TDR compensation:

The land owner may surrender the land to BMC for development of the land for rehabilitation purpose by BMC with following provisions:

- a) Land owner shall be entitled for compensation in lieu of TDR as per the regulation 32 considering the land in Residential (R) Zone.
- b) BMC shall develop the land for construction of rehabilitation tenements on 50% land and balance 50% land shall be kept open for ROS.
- c) The FSI potential shall be allowed as per Regulation 30 for "R" Zone on whole plot area.
- d) BMC shall develop 50% plot for rehabilitation purpose by themselves or through private agency by paying compensation in the form of money or amenity TDR permissible as per the relevant provisions of these regulations.
- e) Balance 50% land shall be developed by BMC for ROS
- f) Minimum area of plot shall be 1 Ha.

B) Development of plot on sharing basis:

The owner / Developer may develop the plot by sharing the lands in 3 parts as per the following:

- a) Owner shall hand over the 1/3rd land to BMC free of cost for development of ROS.



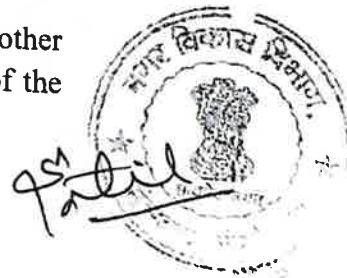
- b) 1/3rd land shall be handed over to BMC by developing of rehabilitation tenements by the Owner / Developer in lieu of amenity TDR permissible as per these regulations.
- c) Remaining 1/3rd land shall be developed by the Owner / Developer as sale component.
- d) The FSI beyond zonal FSI potential of 0.2 permissible upto the total FSI potential permissible shall be as per Regulation 30 for 'R' Zone on payment of premium or by utilizing construction TDR generated against construction of rehab component.
- e) Out of total permissible FSI on entire plot as per Regulation 30, 50% shall be used for constructing rehabilitation tenements and 50% for sale component on 1/3rd share of lands respectively.
- f) Minimum area of plot shall be 2 Ha.

C) Development of plot under Accommodation Reservation Policy:

- a) Owner / Developer may develop the plot under accommodation Reservation provisions as per Regulation 17(1) by considering the plot as deemed reserved for the purpose of "Affordable Housing" / "Rehabilitation & Resettlement" in 'R' Zone in DP 2034
- b) Minimum area of plot shall be 2 Ha.

General Condition :-

- 1) The Owner / Developer may choose any of the above options, however no combination of options shall be allowed.
- 2) Minimum width of existing access road of 9m shall be available upto the site.
- 3) The FSI beyond zonal FSI potential of 0.2 permissible upto the FSI potential allowed in this regulation shall be allowed by payment of premium at the rate as mentioned in Regulation 30.
- 4) Proposals received shall be scrutinised and decided in order of receipt of the same and the scheme shall declare closed on completion of 27000 tenements as required. In case of the last proposal prior to completion of 27000 tenements, the excess tenements beyond 27000 may be allowed maximum to the extent of 10% additional tenements. The excess tenements shall be handed over to BMC, which shall be utilized / allotted as decided by BMC as per the policy with approval of Government.
- 5) This scheme is valid for the period of one year from the date of the final sanction of the Notification. However, if the sufficient number of proposals are not received within the period of one year, then Government may extend the said time for further period.
- 6) Identification, certification, consent verification, etc. of the Adivasi and other tenements is the responsibility of the Forest department. On completion of the



scheme rehabilitation of the occupants and clearance of the vacant forest land shall be ensured by forest department.

- 7) The size of tenements required to be constructed for rehabilitation shall be decided by the Forest department and Housing department.
- 8) Provisions of AOS as per regulation 14A, IH as per Regulation 15 shall not be applicable for proposals.
- 9) BMC shall formulate appropriate guidelines for expeditions and timely completion of rehabilitation buildings and clearance of encroachments /adivasi tenements in SGNP.
- 10) 10% of the built up area in rehabilitation component shall be constructed preferably on ground floor as convenient shopping and shall be handed over to BMC who shall dispose of the same by transparent bidding process.
- 11) Notwithstanding anything contained in these regulation, the relaxations incorporated in clause 8 of Regulation 33(7) of these regulations as amended from time to time shall apply to rehabilitation buildings.
- 12) Parking spaces requirement for rehabilitation building shall be as per parking spaces requirement under Regulation 33(5), 33(7) stipulated in Regulation 44, Table No. 21.
- 13) FSI being used on these lands shall be subject to total 1 Global FSI allowed over whole of NDZ including FSI being used under different schemes like IT or Slum development schemes in NDZ. Corporation shall keep records of schemes being sanctioned over NDZ under various provisions to ensure that overall construction over whole of NDZ does not cross 1 FSI.



(Amar Patil)

Under Secretary to Government

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६

- उक्त अधिनियमाचे कलम ३७(१कक) (ग) अन्वये अधिसूचना,
- बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४ मधील विनियम ३४ मध्ये नविन तरतूद समाविष्ट करणेबाबतचे फेरबदलास मंजूरीबाबत.

महाराष्ट्र शासन
नगर विकास विभाग
शिबिर कार्यालय, नागपूर: ४४०००१,
दिनांक :- १२/१२/२०२५

अधिसूचना

क्र. टिपीबी-४३२५/४१३/प्र.क्र.५१/२०२५/नवि-११

ज्याअर्थी, महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख "उक्त अधिनियम" असा करणेत आलेला आहे.) च्या तरतुदीनुसार बृहन्मुंबई महानगरपालिका त्यांचे अधिकार क्षेत्राकरीता (यापुढे ज्याचा उल्लेख "उक्त महानगरपालिका" असा करणेत आलेला आहे.) नियोजन प्राधिकरण आहे;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ३१, पोट-कलम (१) अन्वये प्राप्त अधिकारांचा वापर करून राज्य शासनाने अधिसूचना क्र.टिपीबी-४३१७/६२९/प्र.क्र.११८/२०१७/वि.यो./नवि-११, दि.८/०५/२०१८ (यापुढे ज्याचा उल्लेख "उक्त अधिसूचना" असा करणेत आलेला आहे) द्वारे बृहन्मुंबई प्रारूप विकास योजना-२०३४ सह विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ (यापुढे याचा उल्लेख "उक्त नियमावली" असा करणेत आलेला आहे) ला उक्त अधिसूचनेसोबतचे परिशिष्ट-ब मध्ये दर्शविलेले सारभूत स्वरूपाचे फेरबदल (ई.पी.) वगळून उक्त अधिसूचनेसोबतचे परिशिष्ट-अ मध्ये दर्शविलेल्या सुधारणेसह मंजूरी दिली आहे. आणि ज्याअर्थी शासनाने उक्त अधिसूचनेस सम क्रमांकाचे शुध्दीपत्रक दि.२२ जून २०१८ रोजी निर्गमित केले आहे; आणि ज्याअर्थी, त्यानंतर उक्त अधिसूचनेस शासनाने समक्रमांकाचे शुध्दीपत्रक व पुरकपत्र दि. २९ जून, २०१८ रोजी पारित केले असून सदर शुध्दीपत्रक व पुरकपत्र महाराष्ट्र शासनाच्या राजपत्रात दि. ३० जून, २०१८ रोजी प्रसिध्द करण्यात आले आहे; आणि ज्याअर्थी, उक्त नियमावली दि.१/०९/२०१८ पासून अंमलात आली आहे; आणि ज्याअर्थी, शासनाने दि. २१/०९/२०१८ रोजीच्या अधिसूचनेद्वारे उक्त नियमावलीमधील सारभूत स्वरूपाचे बदल ईपी-१ ते ईपी-१६८ ला (ठराविक ईपी व निर्णयार्थ प्रलंबित ठेवलेल्या ठराविक तरतुदी वगळून) मंजूरी प्रदान केली आहे; आणि ज्याअर्थी, उक्त मंजूरीच्या अधिसूचनेत आणि मंजूर तरतुदीमध्ये टंकलेखनाच्या त्रुटी व चुका तसेच उक्त नियमावलीमधील काही तरतुदींच्या अर्थबोधाची स्पष्टता करून सुसंगती आणणे या करिता शासनाने दि.१२/११/२०१८ रोजी शुध्दीपत्रक निर्गमित केले आहे;

आणि ज्याअर्थी, संजय गांधी राष्ट्रीय उद्यान (SGNP) हे मुंबई आणि ठाणे शहरांचे हिरवे फुफ्फुस मानले जाते. सदर राष्ट्रीय उद्यान आसपासच्या शहरी भागांचे हितासाठी आवश्यक असलेल्या विविध प्रकारच्या परिसंस्थेच्या सेवा (Ecosystem services) प्रदान करते. संजय गांधी राष्ट्रीय उद्यान हे त्यातील ४३ आदिवासी पाड्यांमधील सुमारे २००० आदिवासी कुटुंबांकरीता घर असून सदर आदिवासी पाडे मुख्यतः सदर उद्यानाचे हद्दीवर विखुरलेले आहेत;



आणि ज्याअर्थी, उपरोक्त विचारात घेता, संजय गांधी राष्ट्रीय उद्यानात राहणाऱ्या पात्र कुटुंबांचे पुनर्वसन शक्य होईल अशी पर्यायी जागा शोधणे आवश्यक आहे; आणि ज्याअर्थी मुंबईत मोठ्या प्रमाणात जमिनीची कमतरता आहे आणि मोकळ्या जमिनी उपलब्ध नाहीत. त्यामुळे, बृहन्मुंबई क्षेत्रामध्ये विकासावर निर्बंध असलेल्या ना-विकास विभागातील मोकळ्या जमिनीचा पर्याय विचारात घेता येईल;

आणि ज्याअर्थी, शहराची गरज विचारात घेऊन, शासनाने सर्वसाधारण निर्बंधांसह ना-विकास विभागातील जमिनीवर आयटी/आयटीईस वापराचा विकास अनुज्ञेय केला आहे. उक्त नियमावलीच्या विनियम ३४ “वापर विभाग व त्यातील अनुज्ञेय वापर” या संदर्भात आहे व विनियम ३४ चे उपखंड ३.८ मध्ये “हरित विभागातील (Green Zone) अनुज्ञेय वापर” याबाबत तरतुद असून सदर तरतुदीनुसार वनातील मूळ रहिवाशांचे (संजय गांधी राष्ट्रीय उद्यानातील आदिवासी, आदिवासी) पुनर्वसन आणि पुनर्स्थापन उक्त नियमावलीच्या विनियम ३० च्या तरतुदीनुसार बेसिक एफएसआयसह अनुज्ञेय आहे. तथापि, संजय गांधी राष्ट्रीय उद्यानाभोवतीचे ग्रीन झोन क्षेत्र मुख्यतः ‘इको सेन्सिटिव्ह झोन’ने बाधित आहे. त्यामुळे, संजय गांधी राष्ट्रीय उद्यानात राहणाऱ्या पात्र मूळ रहिवाशांच्या (आदिवासी, आदिवासी इत्यादी) पुनर्वसनासाठी देखील ग्रीन झोन जमिनीच्या वापरावर मर्यादा आहेत; सदर वस्तुस्थिती पाहता पुनर्वसनासाठी ना-विकास वापर विभागातील जमिनीचा काही प्रमाणात वापर करण्याचा पर्याय हा एक व्यवहार्य पर्याय आहे;

आणि ज्याअर्थी, संजय गांधी राष्ट्रीय उद्यानातील आदिवासी/बिगर-आदिवासी अतिक्रमणकर्त्यांच्या पुनर्वसनाशी संबंधित मुद्यांवर चर्चा करण्यासाठी दि.२५/०२/२०२५ रोजी माननीय मुख्यमंत्री महोदय यांचे अध्यक्षतेखाली बैठक पार पडली. सदर बैठकीत ना-विकास विभागातील जमिनीवर अतिक्रमणकर्त्यांचे पुनर्वसन करण्याचा पर्याय उपलब्ध करून देण्यासाठी ना-विकास विभागाचे विद्यमान धोरणात बदल सुचवण्यासाठी समिती नियुक्त करण्याचा निर्णय घेण्यात आला;

आणि ज्याअर्थी, सदर समितीने शासनास अहवाल सादर केला असून सदर समितीने मुंबईतील ना-विकास विभागातील जमिनीवर संजय गांधी राष्ट्रीय उद्यानातील अतिक्रमणकर्त्यांचे पुनर्वसन अनुज्ञेय करण्याकरीता नवीन तरतुदी समाविष्ट करण्याचे सुचविले आहे;

आणि ज्याअर्थी, सदर समितीच्या अहवाल विचारात घेता, उक्त नियमावलीचे विनियम ३४ मध्ये नवीन खंड समाविष्ट करणेबाबत उक्त नियमावलीमध्ये फेरबदल करणे सार्वजनिक हिताचे दृष्टीने आवश्यक आहे, असे शासन नगर विकास विभागाचे मत झाले आहे;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ३७ च्या पोट कलम (१कक) अन्वये प्राप्त अधिकाराचा वापर करून शासनाने समक्रमांकाची दि.३०/०६/२०२५ रोजीची सूचना त्यासोबतचे परिशिष्टामध्ये नमूद प्रस्तावित फेरबदलावर (यापुढे ज्याचा उल्लेख “प्रस्तावित फेरबदल” असा करण्यात आलेला आहे) जनतेकडून हरकती / सूचना मागविण्यासाठी प्रसिध्द केली आहे आणि ज्याद्वारे प्रस्तावित फेरबदलाबाबत प्राप्त होणाऱ्या हरकती / सूचनांवर संबंधितांना सुनावणी देण्याकरीता तसेच उक्त अधिनियमाच्या कलम ३७(१कक) अन्वये विहित केलेली कार्यवाही पूर्ण करून प्रस्ताव शासनास सादर करणेसाठी उपसंचालक, नगर रचना, बृहन्मुंबई यांची अधिकारी (यापुढे ज्याचा उल्लेख “उक्त अधिकारी” असा करण्यात आला आहे.) म्हणून नियुक्ती करण्यात आली आहे;



आणि ज्याअर्थी, प्रस्तावित फेरबदलाची सदर शासन सूचना दि.३०/०६/२०२५ ही महाराष्ट्र शासन राजपत्र (असाधारण भाग-१ कोकण विभागीय पुरवणी) मध्ये दि.०२/०७/२०२५ रोजी प्रसिध्द करण्यात आली होती आणि उक्त अधिकारी यांनी अधिनियमाचे कलम ३७(१कक) अन्वये वैधानिक कार्यवाही पूर्ण करुन दि.०१/१०/२०२५ रोजीच्या पत्रान्वये त्यांचा अहवाल नगर रचना संचालनालयामार्फत शासनाचे अंतिम मंजूरीसाठी सादर केला आहे;

आणि ज्याअर्थी, उक्त अधिकारी यांनी सादर केलेला अहवाल विचारात घेता व संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे यांचेशी सल्लामसलत केल्यानंतर सदर प्रस्तावित फेरबदल प्रसिध्द केल्याप्रमाणे मंजूर करणे आवश्यक आहे, असे शासनाचे मत झाले आहे;

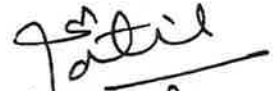
आता त्याअर्थी, उक्त अधिनियमाच्या कलम ३७(१कक)(ग) अन्वये प्राप्त अधिकारात आणि त्या संदर्भातील सर्व शक्तींचा वापर करुन शासन याद्वारे :

- अ) उक्त प्रस्तावित फेरबदलास सोबतचे परिशिष्टामध्ये नमूद केलेप्रमाणे मंजूरी देत आहे.
- ब) सदरची अधिसूचना शासकीय राजपत्रामध्ये प्रसिध्द झालेचा दिनांक हा उक्त फेरबदल अंमलात आलेचा दिनांक असेल.
- क) उक्त महानगरपालिकेस उक्त नियमावलीच्या मंजूरी सोबतच्या फेरबदलाचे परिशिष्टामध्ये शेवटच्या नोंदीनंतर वर (अ) मध्ये नमूद परिशिष्ट समाविष्ट करणेचे निर्देश देत आहे.

सदर अधिसूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in (कायदा / नियम) या वेबसाइटवर देखील प्रसिद्ध करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,




(अमर पाटील)

अवर सचिव, महाराष्ट्र शासन

परिशिष्ट

(शासन नगर विकास विभाग अधिसूचना क्र. टिपीबी ४३२५/४१३/प्र.क्र. ५१/२०२५/नवि-११, दिनांक - १२/१२/२०२५ सोबतचे परिशिष्ट)

New provision is added in Regulation 34 of DCPR 2034 as follows:-

Regulation 34(3.5)(ix) :-

Rehabilitation of Adivasis/ eligible families (encroachers) residing in Sanjay Gandhi National Park (SGNP):

Provision for rehabilitation of Adivasi families (approximately 2000 families) and eligible encroachers (approximately 25000 families), total 27000 numbers situated in the Sanjay Gandhi National Park (SGNP) areas on lands within the vicinity of 5Km from boundary of Sanjay Gandhi National Park (SGNP) in No Development Zone (NDZ) area.

1) Following 3 options are available to the private land owners :

A) Surrendering the land to BMC in lieu of TDR compensation:

The land owner may surrender the land to BMC for development of the land for rehabilitation purpose by BMC with following provisions:

- a) Land owner shall be entitled for compensation in lieu of TDR as per the regulation 32 considering the land in Residential (R) Zone.
- b) BMC shall develop the land for construction of rehabilitation tenements on 50% land and balance 50% land shall be kept open for ROS.
- c) The FSI potential shall be allowed as per Regulation 30 for "R" Zone on whole plot area.
- d) BMC shall develop 50% plot for rehabilitation purpose by themselves or through private agency by paying compensation in the form of money or amenity TDR permissible as per the relevant provisions of these regulations.
- e) Balance 50% land shall be developed by BMC for ROS
- f) Minimum area of plot shall be 1 Ha.

B) Development of plot on sharing basis:

The owner / Developer may develop the plot by sharing the lands in 3 parts as per the following:

- a) Owner shall hand over the 1/3rd land to BMC free of cost for development of ROS.



- b) 1/3rd land shall be handed over to BMC by developing of rehabilitation tenements by the Owner / Developer in lieu of amenity TDR permissible as per these regulations.
- c) Remaining 1/3rd land shall be developed by the Owner / Developer as sale component.
- d) The FSI beyond zonal FSI potential of 0.2 permissible upto the total FSI potential permissible shall be as per Regulation 30 for 'R' Zone on payment of premium or by utilizing construction TDR generated against construction of rehab component.
- e) Out of total permissible FSI on entire plot as per Regulation 30, 50% shall be used for constructing rehabilitation tenements and 50% for sale component on 1/3rd share of lands respectively.
- f) Minimum area of plot shall be 2 Ha.

C) Development of plot under Accommodation Reservation Policy:

- a) Owner / Developer may develop the plot under accommodation Reservation provisions as per Regulation 17(1) by considering the plot as deemed reserved for the purpose of "Affordable Housing" / "Rehabilitation & Resettlement" in 'R' Zone in DP 2034
- b) Minimum area of plot shall be 2 Ha.

General Condition :-

- 1) The Owner / Developer may choose any of the above options, however no combination of options shall be allowed.
- 2) Minimum width of existing access road of 9m shall be available upto the site.
- 3) The FSI beyond zonal FSI potential of 0.2 permissible upto the FSI potential allowed in this regulation shall be allowed by payment of premium at the rate as mentioned in Regulation 30.
- 4) Proposals received shall be scrutinised and decided in order of receipt of the same and the scheme shall declare closed on completion of 27000 tenements as required. In case of the last proposal prior to completion of 27000 tenements, the excess tenements beyond 27000 may be allowed maximum to the extent of 10% additional tenements. The excess tenements shall be handed over to BMC, which shall be utilized / allotted as decided by BMC as per the policy with approval of Government.
- 5) This scheme is valid for the period of one year from the date of the final sanction of the Notification. However, if the sufficient number of proposals are not received within the period of one year, then Government may extend the said time for further period.
- 6) Identification, certification, consent verification, etc. of the Adivasi and other tenements is the responsibility of the Forest department. On completion of the



scheme rehabilitation of the occupants and clearance of the vacant forest land shall be ensured by forest department.

- 7) The size of tenements required to be constructed for rehabilitation shall be decided by the Forest department and Housing department.
- 8) Provisions of AOS as per regulation 14A, IH as per Regulation 15 shall not be applicable for proposals.
- 9) BMC shall formulate appropriate guidelines for expeditions and timely completion of rehabilitation buildings and clearance of encroachments /adivasi tenements in SGNP.
- 10) 10% of the built up area in rehabilitation component shall be constructed preferably on ground floor as convenient shopping and shall be handed over to BMC who shall dispose of the same by transparent bidding process.
- 11) Notwithstanding anything contained in these regulation, the relaxations incorporated in clause 8 of Regulation 33(7) of these regulations as amended from time to time shall apply to rehabilitation buildings.
- 12) Parking spaces requirement for rehabilitation building shall be as per parking spaces requirement under Regulation 33(5), 33(7) stipulated in Regulation 44, Table No. 21.
- 13) FSI being used on these lands shall be subject to total 1 Global FSI allowed over whole of NDZ including FSI being used under different schemes like IT or Slum development schemes in NDZ. Corporation shall keep records of schemes being sanctioned over NDZ under various provisions to ensure that overall construction over whole of NDZ does not cross 1 FSI.



Patil
(अमर पाटील)
अवर सचिव, महाराष्ट्र शासन