



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

भाग एक-कोकण विभागीय पुरवणी

वर्ष ५, अंक ३८]

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प्राधिकृत प्रकाशन

शासकीय अधिसूचना, नेमणुका इत्यादी

अधिसूचना

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 8th October 2013.

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPB. 4313/123/CR-47/2013/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 20th February 1991 so as to come into force with effect from the 25th March 1991 ;

And Whereas, Regulation 33(5) of the said Regulations deals with Low Cost Housing Schemes of the Maharashtra Housing and Area Development Authority (MHADA) for the Economically Weaker Sections (EWS) and Low Income Group (LIG) ;

And Whereas, the Government in the Housing Department has declared the “ Housing Policy ” for the State (hereinafter referred to as “ the said policy ”) ;

And Whereas, the said Policy proposes to allow redevelopment of MHADA colonies by providing higher FSI and to revise the size of old tenements so as to enable the present occupants to have better accommodation as well as to create additional housing stock ;

And Whereas, the Government in the Urban Development Department, *vide* Notification No. TPB-4308/74/CR-11/2008/UD-11, dated 6th December 2008 has modified the said Regulations 33(5) for enhancing the FSI alongwith other stipulations ;

(१)

And Whereas, the Government in the Urban Development Department, *vide* Government Resolution No. TPB-4312/CR-35/2012/UD-11, dated 10th September 2012 has constituted a Study Group (hereinafter referred to as "the said Study Group") to study all the Sub-Regulations under Regulation 33 of the DCR, 1991 with a view to making suitable recommendations for its more effective implementation ;

And Whereas, the said Study Group after deliberations submitted its report on Regulation 33(5) of the DCR, 1991 as Part-1 of the said Study Report alongwith the draft of modified Sub-Regulations 33(5) ;

And Whereas, the Government after duly considering the Report of the said Study Group, was satisfied that in the public interest, it was necessary to carry out urgently a modification to incorporate new Regulation 33(5) in the said Regulations by replacing the existing Regulation 33(5) ;

And Whereas, the Government in exercise of the powers conferred under sub-section (1AA) of section 37, had issued the Notice of even No. dated 4th May 2013 for inviting suggestions/objections from the general public with regard to the modification proposed in the Schedule appended to the said Notice (hereinafter referred to as "the proposed modification") and appointed Deputy Director of Town Planning, Brihanmumbai as the Officer (hereinafter referred to as "the said Officer") to submit a report on the suggestions/objections received in respect of the proposed modification to the Government after giving hearing to the concerned persons and the said Corporation ;

And Whereas, the said notice was published in the *Maharashtra Government Gazette* (Konkan Division Supplementary) (hereinafter referred to as "the *Official Gazette*") dated 23rd-29th August 2013 and the said officer has submitted his report after completing legal procedure through the Director of Town Planning, Maharashtra State *vide* letter No. 1092, dated 7th August 2013 ;

And Whereas, after considering the report of the said Officer, the suggestions/objections received from the general public and the say of the said Corporation 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, 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 to Regulation 33(5) of the said Regulations with certain changes as described more specifically in the Schedule appended thereto.

(b) Fixes the date of Publication of this Notification in the *Official Gazette* as the date of coming into force of this modifications.

(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 :—

Schedule

(Accompaniment to Notification No. TPB 4313/123/CR-47/2013/UD-1, Dated 8th October 2013.)

The existing Regulation 33(5) of the said Regulation is substituted by the following new Regulation :—

33(5) Development/Redevelopment of Housing Schemes of Maharashtra Housing and Area Development Authority (MHADA) :—

(1) The FSI for a new scheme of Low Cost Housing, implemented by MHADA departmentally on vacant lands for Economically Weaker Sections (EWS), Low Income Group (LIG) and Middle Income Group (MIG) categories shall be 3.0 on the gross plot area (exclusive of the Fungible FSI) and at least 60% built-up area in such scheme shall be in the form of tenements under the EWS, LIG and MIG categories, as defined by the Government in Housing Department from time to time.

(2) For redevelopment of existing housing schemes of MHADA, containing (i) EWS/LIG and/or (ii) MIG and/or (iii) HIG houses with carpet area less than the maximum carpet area prescribed for MIG, the total permissible FSI shall be 3.0 on the gross plot area (exclusive of the Fungible FSI),

2.1. Where redevelopment of buildings in existing housing schemes of MHADA is undertaken by the housing Co-operative Societies or the Occupiers of such buildings or by the lessees of MHADA, the Rehabilitation Area Entitlement, Incentive FSI and sharing of balance FSI shall be as follows :—

(A) *Rehabilitation Area Entitlement.*—

(i) Under redevelopment of buildings in existing Housing Schemes of MHADA, the entitlement of rehabilitation area for an existing residential tenement shall be equal to sum total of—

(a) a basic entitlement equivalent to the carpet area of the existing tenement plus 35% thereof, subject to a minimum carpet area of 300 sq.ft., and

(b) an additional entitlement, governed by the size of the plot under redevelopment, in accordance with the Table-A below :—

Table—A

Area of the Plot under Redevelopment	Additional Entitlement (As % of the Carpet Area of the Existing Tenement)
(1)	(2)
Upto 4000 Sq.m.	Nil
Above 4000 Sq.m. to 2 hect	15%
Above 2 hect to 5 hect	25%
Above 5 hect to 10 hect	35%
Above 10 hect.	45%

Explanation.—The plot under redevelopment, means the land demarcated by MHADA for redevelopment :

Provided that the maximum entitlement of rehabilitation area shall in no case exceed the maximum limit of carpet area prescribed for MIG Category by the Government as applicable on the date of approval of the redevelopment project :

Provided further that the entitlement of rehabilitation area as admissible under this regulation shall be exclusive of the area of balcony.

(ii) Under redevelopment of buildings in existing Housing Schemes of MHADA, the entitlement of rehabilitation area of any existing commercial/amenity unit in the Residential Housing Scheme shall be equal to the carpet area of the existing unit plus 20% thereof.

(B) *Incentive FSI.*—Incentive FSI admissible against the FSI required for rehabilitation, as calculated in (a) above, shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR) in Rs/Sqm. of the plot under redevelopment as per the Annual Schedule of Rates (ASR) and Rate of Construction (RC)* in Rs/Sqm. applicable to the area as per the ASR and shall be as given in the Table B below :—

Table—B

Basic Ratio (LR/RC) (1)	Incentive (As % of Admissible Rehabilitation Area) (2)
Above 6.00	40%
Above 4.00 and upto 6.00	50%
Above 2.00 and upto 4.00	60%
Upto 2.00	70%

Explanation.—* RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority and Inspector General of Registration, Maharashtra State in the Annual Schedule of Rates.

Provided that the above incentive will be subject to the availability of the FSI on the Plot under redevelopment and its distribution by MHADA.

Provided further that in case there are more than one land rate applicable to different parts of the plot under redevelopment, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that the Land Rate (LR) and the Rate of Construction (RC) for calculation of the Basic Ratio shall be taken for the year in which the redevelopment project is approved by the authority competent to approve it.

(C) *Sharing of the Balance FSI.*—The FSI remaining in balance after providing for the rehabilitation and the incentive components, calculated as per (A) and (B) above respectively, shall be shared between the Co-operative Housing Society and MHADA in the form of built-up area, as given in Table C below and the share of MHADA shall be handed over to MHAD free of cost.

Table—C

Basic Ratio (LR/RC) (1)	Sharing of Balance FSI	
	Co-operative Society Share (2)	MHADA Share
Above 6.00	30%	70%
Above 4.00 and upto 6.00	35%	65%
Above 2.00 and upto 4.00	40%	60%
Upto 2.00	45%	55%

2.2 Where redevelopment of buildings in the existing Housing Schemes of MHADA is undertaken by MHADA or jointly by MHADA alongwith the housing societies or the occupiers of such building or by the lessees of MHADA, the Rehabilitation Area Entitlement, incentive FSI and sharing of balance FSI shall be as follows :—

(A) *Rehabilitation Area Entitlement.*—The Rehabilitation Area Entitlement shall be increased by 15% of the existing carpet area, over and above the Rehabilitation Area Entitlement calculated in (A) of 2.1 above, subject to the maximum of the size of MIG prescribed by the Government in the Housing Department.

(B) *Incentive FSI.*— Incentive FSI shall be the Same as in (B) of 2.1.

(C) *Sharing of the balance FSI.*— Sharing of the balance FSI shall be the same as in (C) of 2.1.

(3) For the purpose of calculation the FSI, the entire area of the layout including Development Plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered. Sub-division of plots shall be permissible on the basis of the compulsory open spaces as in these Regulations. For low cost housing schemes of MHADA for EWS/LIG categories, the Regulations in Appendix-I [excluding 1(b)] shall apply.

Provided that there shall be no restriction on the utilization of the FSI permissible under this Regulation except for the restrictions under any law, rule or regulation.

(4) For the purpose of this Regulation, the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.

(5) (a) For providing the requisite infrastructure for the increased population, an infrastructure charge at the rate of 7% of the land Rate as per the ASR of the year of approval of the redevelopment project shall be chargeable for the extra FSI (excluding the fungible FSI) granted over and above the normal FSI for the redevelopment schemes. 5/7th part of the Infrastructure Charge levied and collected by MHADA shall be transferred to the Municipal Corporation of Greater Mumbai for developing necessary off site infrastructure.

(b) No premium shall be charged for the fungible FSI admissible as per DCR 35(4) for,—

(i) Construction of EWS/LIG and MIG tenements by HMADA on a vacant plot or

(ii) in a redevelopment project for the construction of EWS/LIG and MIG tenements towards the share of MHADA, or

(iii) for rehabilitation component of a redevelopment project.

(6) Notwithstanding anything contained in these Regulations, the relaxation incorporated in Regulation No. 33(10) of these Regulations shall apply to the Housing Schemes under this Regulation for construction of tenements under EWS/LIG and MIG categories, However, the front open space shall not be less than 3.6. mt.

(7) (a) In any Redevelopment Scheme where the Co-operative Housing Society/Developer appointed by the Co-operative Housing Society has obtained No Objection Certificate from the MHADA/ Mumbai Board, thereby sanctioning additional balance FSI with the consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation), then it shall be obligatory for all the occupiers/members to participate in the Redevelopment Scheme and vacate the existing tenements for the purpose of redevelopment. In case of failure to vacate the existing tenements, the provisions of section 95 A of the MHADA Act. *mutatis mutandis* shall apply for the purpose of getting the tenements vacated from the non Co-operative members.

(b) For redevelopment of buildings in any existing Housing Scheme of MHADA under clause 2.2 hereinabove, by MHADA, the consent of the Co-operative Housing Society in the form of a valid Resolution as per the Co-operative Housing Society Act, 1960 will be sufficient. In respect of members not Co-operating as per approval of the redevelopment project, action under section 95 (A) of the Maharashtra Housing and Area Development Act, 1967 may be taken by MHADA.

(8) A corpus fund, as may be decided by MHADA, shall be created by the Developer which shall remain with the Co-operative Housing Societies for the maintenance of the new buildings under the Rehabilitation Component.

(9) The Redevelopment proposals where NOC has been issued by Mumbai Board or Offer Letter has already been issued prior to the date of coming into force of this modification (hereinafter referred to as "the appointed date") and which is valid as on the appointed date, shall continue to be Governed by the Regulation applicable prior to this modification.

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

SANJAY BANAIT,

Under Secretary to Government.