

Maharashtra Regional & Town Planning Act,
1966.

Proposed Modification to Regulation 33(7) &
33(3)(A) of DCR for Gr. Mumbai, 1991 under
section 37(1AA)

GOVERNMENT OF MAHARASHTRA

Urban Development Department,
Mantralaya, Mumbai 400 032.

Dated : 3rd January 2015.

NOTICE

No. TPB 4313/145 /CR-119/2013/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(3)(A) of the said Regulations deals with the additional F.S.I. for buildings of the Government and the Corporation being used as staff quarters and Regulation 33(7) of the said Regulations deals with the reconstruction or redevelopment of cessed buildings in the Island City and old buildings of the Corporation or old buildings belonging to the Police Department;

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 the Municipal Corporation of Greater Mumbai and accordingly, it is necessary to urgently carry out suitable modification to the existing Regulations 33(3)(A) and

33(7), as specifically described in the Annexure appended hereto (hereinafter referred to as "the proposed modification");

Now, therefore, the proposed modification, as mentioned in the Annexure appended hereto, which the State Government proposes to make, 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, is hereby published as required by clause (a) of sub-Section (1AA) of Section 37, for information of all persons likely to be affected thereby; and notice is hereby given that the said proposed modification shall be taken into consideration by the Government of Maharashtra after the expiry 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 objections or suggestions, 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;

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,



(Sanjay Banait)
Under Secretary to Government.

Annexure

(Accompaniment to Notice No. No. TPB 4313/145 /CR-119/2013/UD-11,
dated 3rd January 2015.)

Regulation No.	Existing Regulation	Proposed Regulation
33(7)	<p>33(7) Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation or of old buildings belonging to the Police Department.</p> <p>For reconstruction/ redevelopment to be undertaken by Cooperative Housing Societies of existing tenants or by Co-op. Housing Societies of landlords and/or occupiers of cessed buildings existing prior to 30/9/1969 in Island City which attract the provisions of MHADA Act, 1976 and for reconstruction/ redevelopment of the buildings of Corporation, the Floor Space Index shall be 3.00 on the gross plot area or the FSI required for rehabilitation of existing tenants plus incentive FSI as specified in Appendix-III whichever is more.</p> <p>For reconstruction / redevelopment of buildings belonging to Police Department, Police Housing Corporation, Jail</p>	<p>The following words in the title, are proposed to be deleted.</p> <p>“-----or of old buildings belonging to the Police Department”</p> <p>----- Same as sanctioned -----</p>

	<p>and Home Guard of Government of Maharashtra, constructed prior to 1940, the Floor Space Index shall be 2.5 on the gross plot area or the FSI required for rehabilitation of existing tenants plus incentive FSI as specified in Appendix-III whichever is more.</p> <p>Note:- The development of land for Department of Police, Police Housing Corporation, Jail and Home Guard of Government of Maharashtra shall be permitted by the Commissioner after due approval of the committee mentioned in Note-3 below regulation 33(3)(A).</p>	<p>----- To be deleted-----</p> <p>----- To be deleted-----</p>
33(3)(A)	<p>33(3)(A) Buildings of Government and the Corporation being used for staff quarters:</p> <p>The Commissioner may permit the Floor Space Indices specified in Table 14 above to be exceeded by 50 per cent in case of buildings of Government and Municipal Corporation of Greater Mumbai for use as their staff quarters in the suburbs and extended suburbs only.</p> <p>However in cases of buildings of Department of Police, Police Housing Corporation, Jail and Home Guard of</p>	<p>The existing Regulation No. 33(3) A is proposed to be replaced as follows :-</p> <p>“33(3)(A)- Development /Redevelopment for construction of staff quarters of the State Govt. or its statutory bodies or Municipal Corporation of Greater Mumbai, on lands belonging to such Public Authorities.</p> <p>(1) The Commissioner may permit the Floor Space Indices specified in Table 14 above to be exceeded upto 3.00 FSI on the gross plot area in the Island City, the Suburbs and the Extended suburbs, 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 Corporation of Greater Mumbai (hereinafter collectively referred to as “ User Authority”), on land belonging to such User Authority, by the Public Works Department</p>

Government of Maharashtra for use as their Staff Quarters in the Island City, Suburbs and extended Suburbs, the Commissioner may permit the Floor Space indices specified in Table No. 14 above to be exceeded upto 2.5 FSI.

Notes:-

1) It shall be permissible to submit a composite scheme for the development or redevelopment of land of Department of Police, Police Housing Corporation, Jail and Home Guard for the utilisation of permissible commercial user under D.C. Regulation; so that commercial potential of one plot can be shifted to other plot, provided the aggregate FSI on any plot shall not exceed 2.5.

2) The above FSI for any composite scheme, may be used by the Department of Police, Police Housing Corporation, Jail and Home Guard of Government of Maharashtra for its own purpose and also for free sale component for cross subsidising the development of Staff Quarters. However, the ratio between the two components shall be such that the FSI for departmental use shall be minimum 50% of the total permissible FSI for the aforesaid project, provided the FSI of individual plot shall not exceed the limit of 2.5.

3) The above development

of the Govt. of Maharashtra or MHADA or Maharashtra Police Housing Corporation or Municipal Corporation of Greater Mumbai 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").

Provided that the Floor Space Indices specified in Table 14 above may be permitted to be exceeded up to 4.00 FSI on the gross plot area in case of plots of such User Authority, having area of 4000 sq.mtr. or above, which front on roads having width of 18.00m or more.

(2) For the purpose of calculating 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.

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.

(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

shall be permitted by the Commissioner only after the due approval of the following committee: -

- i) Chief Secretary Chairman.
- ii) Additional Chief Secretary (Home) ... Member.
- iii) Principal Secretary (UD) ... Member.
- iv) Director General of Police ... Member.
- v) Police Commissioner ... Member.
- vi) Secretary (PWD) (Works) ... Member.
- vii) Managing Director ... Member Secretary.
(Police Housing Corporation)]
(22)

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.

(b) If the User Authority requires construction of staff quarters to the extent of full permissible FSI of 3.0, then the User Authority shall pay full cost of construction to the Implementing Public Authority, in lieu of the free sale component.

(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) For providing the requisite off-site infrastructure for the increased population, an infrastructure charge at the rate of 7% of the Land Rate as per the Annual Statement of Rates (ASR) of the year of approval of the staff quarters project shall be chargeable for the extra FSI (excluding the fungible FSI) granted to such project, over and above the basic zonal permissible FSI, by the Municipal Corporation of Greater Mumbai for developing necessary off site infrastructure.

(5) (i) No premium shall be charged for the fungible FSI admissible as per Regulation 35(4) for the construction of staff quarters.

(ii) No premium shall be payable for

		<p>staircase and lift lobby.</p> <p>(iii) Open space deficiency shall be charged at the rate of 2.5 of the ASR.</p> <p>(iv) The provisions of Inclusive Housing shall not applicable for development under this Regulation.</p> <p>(6) 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.</p> <p>(7) The Regulation 33(3)(A) shall also be applicable to the projects of construction of staff quarters for the personnel of the Central India Security Force (CIFS)."</p>
		<p>New Regulation 33(3)(B) shall be added after Regulation 33(3) (A) :-</p> <p>33(3)B-- Development /Redevelopment for construction of staff quarters of the State Govt. or its statutory bodies or Municipal Corporation of Greater Mumbai on private lands.</p> <p>(1) The Commissioner may permit construction of staff quarters for the employees of the Government or its statutory bodies or the Municipal Corporation of Greater Mumbai (hereinafter referred to as "User Authority") on private plots of lands, having minimum area of 2000n sq.mtr. and abutting a road having minimum width of 12 mt. and grant incentive FSI, as provided herein below, in lieu of the built-up area of staff quarters created and handed over free-of-cost to the User Authority, subject to the following provisions.</p> <p>(i) The area of staff quarters for various categories of employees shall be as per the</p>

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) Incentive FSI shall be admissible against the FSI required for construction of Staff Quarters as per the following table :-

Table A

Location of Project	Incentive (As % of required t. u. area of Staff Quarters)
Island City	40%
Suburbs & Extended Suburbs	80%

(iii) The incentive FSI given on this account shall be over and above the FSI permissible on such plot under any other provision of the DCR, depending on the type of development envisaged on such plot. This incentive FSI shall be allowed to be used on the same plot in accordance with the provisions of DCR/DP, within the overall limit of maximum permissible FSI, as given in the Table below:-

Plot Area	Minimum Road Width	Maximum Permissible F.S.I.
2000 sq.mtr. or more but less than 4000 sq.mtr.	12.00 mtr.	3.00
4000 sq.mtr. or more	18.00 mtr.	4.00

(iv) It shall be permissible to use the FSI admissible under Table 14 of Regulation 32(hereinafter referred to as Basic F.S.I.) for the proposals in consonance with DCR/DP.

(v) For the purpose of calculating the FSI under this Regulation, 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 equitable distribution of FSI, for construction of free sale component, by utilizing the basic zonal permissible F.S.I. and the Incentive F.S.I. as provided herein.

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.

(vi) (a) No premium shall be charged for the fungible FSI admissible as per Regulation 35(4) for the construction of staff quarters.

(b) No premium shall be payable for stair case and lift lobby.

(c) Open space deficiency shall be charged at the rate of 2.5 of the ASR.

(d) The provisions of Inclusive Housing shall not applicable for development under this Regulation.

(vii) For providing the requisite off site

		<p>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 development project shall be chargeable for the extra FSI (excluding the fungible FSI) granted for such project, over and above the basic zonal permissible FSI by the Municipal Corporation of Greater Mumbai for developing necessary off-site infrastructure.</p> <p>(viii) No development / redevelopment of any vacant plot belonging to a private landholder for constructing staff quarters for a user Authority shall be permitted by the Municipal Commissioner without prior approval of the location and requirement of such Staff Quarters by the Committee mentioned below :-</p> <table border="0"> <tr> <td>i) Municipal Commissioner (MCGM)</td> <td>Chairman</td> </tr> <tr> <td>ii) Police Commissioner, Mumbai.....</td> <td>Member</td> </tr> <tr> <td>iii) Chief Executive Officer (MHADA).....</td> <td>Member</td> </tr> <tr> <td>iv) Chief Engineer, PWD, Mumbai Circle</td> <td>Member</td> </tr> <tr> <td>v) Representative of the concerned User Authority not below the rank of Regional Head of Dept.</td> <td>Member</td> </tr> </table> <p>(2) The Regulation 33(3)(B) shall also be applicable to the projects of construction of staff quarters for the personnel of the Central India Security Force (CIFS).</p>	i) Municipal Commissioner (MCGM)	Chairman	ii) Police Commissioner, Mumbai.....	Member	iii) Chief Executive Officer (MHADA).....	Member	iv) Chief Engineer, PWD, Mumbai Circle	Member	v) Representative of the concerned User Authority not below the rank of Regional Head of Dept.	Member
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Under Secretary to Government.