

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६

बृहन्मुंबई विकास नियंत्रण नियमावली-२०३४ मधील विनियम ३३(२०)(B) मधील प्रस्तावित फेरबदलास उक्त अधिनियमाचे कलम ३७(२) अन्वये मंजूरीबाबत.

महाराष्ट्र शासन

नगर विकास विभाग

क्रमांक :- टिपीबी-४३२३/२८७/प्र.क्र.३५/२०२४/नवि-११

मंत्रालय, मुंबई : ४०० ०३२,

दिनांक :- १५ ऑक्टोबर, २०२४.

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

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.



(निर्मलकुमार चौधरी)

उपसचिव, महाराष्ट्र शासन

प्रत :-

१. मा. राज्यपाल यांचे प्रधान सचिव, राजभवन, मुंबई.
२. मा. मुख्यमंत्री महोदय यांचे अपर 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 मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(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 and Town Planning Act, 1966
Sanction to modification in Regulation 33(20)(B) of
Development Control and Promotion Regulations -
2034 of Greater Mumbai under section 37(2) of the
said Act.

GOVERNMENT OF MAHARASHTRA
Urban Development department,
Mantralaya, Mumbai 400032.
Date: 15th October, 2024.

NOTIFICATION

No.TPB-4323/287/C.R.35/2024/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, Regulation 33(20)(B) of the said Regulations stipulate about 'Development of Affordable Housing (AH)/ Rehabilitation and Resettlement (R&R) on private plot or plot of Authority other than Government / MCGM/ Appropriate Authority';

And whereas, Government in Urban Development Department has received a Modification Proposal vide letter dated 19/06/2023 from the said Corporation, wherein it is stated that, "*BMC is in dire need of substantial number of Project Affected Persons (PAP) tenements for various infrastructure projects taken up in hand in Mumbai. It is observed that, since coming in to effect of DCPR-2034 on 1st September 2018, very few proposals are received under the provision of Reg. 33 (20)(B) of DCPR 2034. To generate more such PAP tenements in those wards where infrastructure projects are taken up in hand and to avoid general public's tendency to refuse resettlement in location away from present accommodation, it is felt necessary to encourage developers/owners to generate PAP tenements on their plots so that the same will be available to rehabilitate PAPs in the same ward or adjoining ward*";



And whereas, considering the above facts, the said Corporation in exercise of the powers conferred under sub-section (1) of Section 37 of the said Act, has initiated a modification proposal to modify Regulation 33(20)(B) of the said Regulations (hereinafter referred to as 'the proposed modification'); And whereas accordingly, the said Corporation had issued Notice for inviting suggestions/objections from the general public with regard to the proposed modification which is published in Maharashtra Government Gazette on 23rd March, 2023; And whereas, the said Corporation after completing all the legal procedure regarding the proposed modification as stipulated under Section 37(1) of the said Act, has submitted the modification proposal vide letter dated 19/06/2023 to the Government for sanction;

And whereas, Director of Town Planning, Maharashtra State, Pune vide his letter dated 06/02/2024 has submitted his report to the Government on the proposed modification;

And whereas, after considering the request 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 certain changes;


Now, therefore, in exercise of the powers conferred upon it under Section 37(2) of the said Act, the Government hereby:-

- A) Sanctions the proposed modification with certain 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 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 shall also be published on the Maharashtra Government website- www.maharashtra.gov.in (Acts/ Rules).

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




(Nirmalkumar P. Chaudhari)
Deputy Secretary to Government

SCHEDULE

Accompaniment to the Government in Urban Development Notification No. TPB-4323/287/C.R.35/2024/UD-11, Dated :-15 / 10/2024

Reg. 33(20) (B)		Existing Provision					Sanctioned Provision																																																																														
		<p>(B) Development of AH/R&R on private plot or plot of authority other than Govt./MCGM/Appropriate Authority. The permissible FSI may be allowed to be exceeded up to 4.0 when the private owner other authority proposes to develop non-reserved/non-designated private land for AH/R&R tenements and hand over the area of AH/R&R tenements free of cost to MCGM.</p> <p>(a) The FSI & distribution of additional FSI for the construction AH/R&R shall be as shown below:</p>					<p>(B) Development of AH/R&R on private plot or plot of authority other than Govt./MCGM/Appropriate Authority. The permissible FSI may be allowed to be exceeded up to 4.0 when the private owner other authority proposes to develop non-reserved/non-designated private land for AH/R&R tenements and hand over the area of AH/R&R tenements free of cost to MCGM.</p> <p>MCGM shall be the Planning Authority for this Regulation. (a) The FSI & distribution of additional FSI for the construction AH/R&R shall be as shown below:</p>																																																																														
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On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.

(b) Such Scheme shall not be permissible in SDZ/GZ.

(c) The carpet areas for AH/R&R tenements to be constructed shall be as required for EWS, LIG and MIG as decided by Govt. from time to time subject to a minimum 25 sq. m

(d) The ratio of BUA to carpet area shall be 1.2, including all the amenities & facilities. The area of features permissible free of FSI as per Regulation No 31 shall not be considered for the calculation of carpet areas.

(e) The owner shall have to declare the intension for developing the plot for AH/R&R initially. The AH/R&R shall be marked on the plan clearly with note, "to be handed over to MCGM".

(f) The additional FSI over & above Zonal (basic) FSI may be released in correlation as per BUA of tenements that are required to be handed over free of cost to MCGM, in proportion 0.50 sale: 1 AH/R&R area and 100% sale area can be released only after handing over of entire AH/R&R tenements. Alternatively, TDR in lieu of unconsumed sale component of additional FSI, as per provision of this Regulation in proportion as stated above can be released. However, 20 % of such admissible TDR shall be released only after handing over the entire area of AH to MCGM.

(g) After AH/R&R tenements are handed over free of cost to MCGM, Occupation Certificate for sale portion shall be given.

(h) No premium shall be charged for fungible compensatory area and features permitted free of FSI as per Regulation No 31 for the development for AH/R&R tenements. However, payments of the premium shall be applicable on the owners share wherever required.

(i) The offsite infrastructure charges at the rate of 7% of land rate as per ASR for FSI 1.0 for BUA beyond Zonal (basic) FSI shall be payable.

Note:-

- i) On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP / **except** proposed, **sanctioned** DP roads/prescribed RL under MMC Act.
- ii) **This provision shall not apply to the plots wherein zonal FSI is less than 1.00**
- iii) **This provision shall also apply to the plots which are already developed.**
- iv) **Proposal under this regulation may be allowed to combine with any of the proposal under Reg.30(A), Reg. 33 (6), Reg. 33(7), Reg. 33(7)(A) and Reg.33(7)(B) but the maximum permissible FSI on plot shall not exceed the permissible FSI prescribed in respective Regulation under combination.**

(b) Such Scheme shall not be permissible in SDZ/GZ.

(c) The carpet areas for AH/R&R tenements to be constructed shall be **minimum 27.88 sq.mt. or as decided by Government from time to time. However, Municipal Commissioner with special permission may allow tenements of more carpet area within limit of maximum area permitted as per Housing Department G.R. for EWS/ LIG as required for EWS, LIG and MIG as decided by Govt. from time to time subject to a minimum 25 sq. m.**

(d) The ratio of BUA to carpet area shall be 1.2, including all the amenities & facilities. The area of features permissible free of FSI as per Regulation No 31 shall not be considered for the calculation of carpet areas. **Provided, however that the area of common passage leading up to 2m to AH/ R&R tenement and not permitted free of FSI shall be considered for the calculation of BUA.**

(e) The owner shall have to declare the intension for developing the plot for AH/R&R ~~initially~~. The AH/R&R shall be marked on the plan clearly with note, "to be handed over to ~~MCGM~~ BMC".

(f) The additional FSI over & above Zonal (basic) FSI may be released in correlation as per BUA of tenements that are required to be handed over free of cost to MCGM, in proportion ~~0.50~~ 1 sale: 1 AH/R&R area and 100% sale area can be released only after handing over of entire AH/R&R tenements. Alternatively, TDR in lieu of unconsumed sale component of additional FSI,



(j) The owner shall be allowed to utilize the Zonal (basic) FSI and BUA as per column no (7) of above table for the uses permissible in the zone.

k) In case of layout, 25% of Zonal (basic) FSI shall be exclusively used for the purpose of convenience shopping along layout road.

l) Clubbing :

This provision shall not apply to the plots wherein permissible Zonal F.S.I. is less than 1.00.

The entire AH/ R&R components including Base FSI may be categorized as AH/ R&R component as applicable and the corresponding sale components from the additional FSI amongst two or more schemes under this regulation can be permitted to be interchanged. A developer / developer making an application under this regulation may club more than one plot belonging to single or multiple owners and offer AH/ R&R component on a single plot while shifting sale component as well as base FSI of the plot to other plots provided all right holders of these plots agree and make a joint application. However, clubbing shall be allowed only if it leads to an independent plot / building / wing as the case may be with AH/ R&R component being handed over to Planning Authority.

The developer shall have to pay as an unearned income equal to 40% of difference of sale value of shifted built up area of AH/ R&R component as per ASR.

Such clubbing can be allowed for the schemes falling in same ward or adjoining ward or within the distance of 5 km.

The premium shall be paid to the Planning Authority in two stages 50% at the time IOA and 50% at the time of issuing C.C. for the incentive FSI. or the developer has to surrender equivalent sale FSI in form of constructed BUA to the extent of premium in the scheme to be valued at ASR rate of sale in the year of such surrender of built up area.

Note: Out of the total premium amount collected under this Regulation, 2/3 shall be kept in a separate account to be utilized for infrastructure development by MCGM and 1/3 shall be deposited at the Office of the Deputy Director of Town Planning, Greater Mumbai.

as per provision of this Regulation in proportion as stated above can be released. However, 20 % of such admissible TDR shall be released only after handing over the entire area of AH to MCGM.

(g) After AH/R&R tenements are handed over free of cost to MCGM, Occupation Certificate for sale portion shall be given.

(h) No premium shall be charged for fungible compensatory area and features permitted free of FSI as per Regulation No 31 for the development for AH/R&R tenements. ~~However, payments of the premium shall be applicable on the owners share wherever required.~~

Further, payment of premium at the rate 2.5% of ASR or 10% of normal premium whichever is more shall be recovered for staircase and lift- well etc. as covered under the provisions of DCPR 31(1) and for any relaxation in open spaces is granted, for corresponding additional sale to FSI availed in lieu of AH/R&R & also to basic zonal FSI proportionate additional to FSI availed in lieu of AH/R&R only. The amount of premium shall be computed as per the ASR rate prevailing at the time of issue of IOD.

~~(i) The offsite infrastructure charges at the rate of 7% of land rate as per ASR for FSI 1.0 for BUA beyond Zonal (basic) FSI shall be payable.~~

(j) The owner shall be allowed to utilize the Zonal (basic) FSI and BUA as per column no (7) of above table for the uses permissible in the zone.

~~(k) In case of layout, 25% of Zonal (basic) FSI shall be exclusively used for the purpose of convenience shopping along layout road.~~ **In case of layout having area 4000 sq.mt. and more, 25% of prorata zonal (basic) FSI corresponding to FSI as mentioned in column no. 6 of above Table availed under regulation 33(20) (B) shall be exclusively used for the purpose of shopping/convenience shopping. Convenience shopping may be allowed even along layout road. There shall be no obligation to construct shopping /convenience shopping to the entire extent for in those cases where on account of other provisions of DCPR, certain % zonal (Basic) FSI is required to be mandatorily provided as shopping. In such cases, only the balance area to the extent 25% of prorata zonal (Basic) FSI will be provided.**

l) Clubbing :

This provision shall not apply to the plots wherein permissible Zonal F.S.I. is less than 1.00.



The entire AH/ R&R components including Base FSI may be categorized as AH/ R&R component as applicable and the corresponding sale components from the additional FSI amongst two or more schemes under this regulation can be permitted to be interchanged. A developer / developer making an application under this regulation may club more than one plot belonging to single or multiple owners and offer AH/ R&R component on a single plot while shifting sale component as well as base FSI of the plot to other plots provided all right holders of these plots agree and make a joint application. However, clubbing shall be allowed only if it leads to an independent plot / building / wing as the case may be with AH/ R&R component being handed over to Planning Authority.

The developer shall have to pay as an unearned income equal to 40% of difference of sale value of shifted built up area of AH/ R&R component as per ASR.

Such clubbing can be allowed for the schemes falling in same ward or adjoining ward or within the distance of 5 km.

The premium shall be paid to the Planning Authority in two stages 50% at the time IOA and 50% at the time of issuing C.C. for the incentive FSI. or the developer has to surrender equivalent sale FSI in form of constructed BUA to the extent of premium in the scheme to be valued at ASR rate of sale in the year of such surrender of built up area.

Note: Out of the total premium amount collected under this Regulation, 2/3 shall be kept in a separate account to be utilized for infrastructure development by MCGM and 1/3 shall be deposited at the Office of the Deputy Director of Town Planning, Greater Mumbai.

m) Provided that the BUA of AH/ R&R component under this regulation can also be provided at any of the location within the same municipal ward or adjoining municipal administrative ward of BMC or within the distance of 5km. Municipal Commissioner in his discretion can permit such shifting of tenements either by i) Wherein the developer shall have to pay as an unearned income equal to 40% of difference of sale value of shifted built up area of PAP tenement as per ASR.

or

ii) by handing over built up area to BMC which shall be equivalent value as per ASR of the year of surrender of the tenements. This will be worked out in the following manner.


Built up area B = Built up area A x (RR A/RR B)

where,



		<p>Built up Area A = BUA of AH/R&R component proposed to be shifted from plot A</p> <p>Built up Area B = BUA of AH/R&R component to be handed over to BMC at plot B in lieu of BUA of plot A</p> <p>RR A= Ready Reckoner Rate for BUA at plot A</p> <p>RR B-Ready Reckoner Rate for BUA at plot B</p> <p>Provided that, in such cases minimum 10 Nos. of AH/ R&R tenements to be provided in one building.</p> <p>Note: In case of constructed & completed tenements to be handed over to BMC, the age of the tenements at the time of handing over these tenements shall not be more than seven years calculated from the date of C.C. to the said tenements.</p> <p>n) Parking requirement as per provision of Table 21 of Reg. 44 as applicable may be relaxed as per Regulation 33(11).</p> <p>o) Provisions of Reg. 41(5) of DCPR 2034 will be applicable for development under Reg. 33(20)(B).</p> <p>p) Provisions of Reg. 43 of DCPR 2034 shall not be applicable for development under Reg. 33(20)(B).</p> <p>q) In case of combination scheme, LOS requirement may be relaxed to the extent of 10% of prorata plot area under 33(20)(B) and as per Regulation 27(1)(a) for balance plot area.</p>
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(Nirmalkumar P. Chaudhari)
Deputy Secretary to Government

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -
२०३४ मधील विनियम ३३(२०)(ब) अंतर्गत प्रस्तावित
फेरबदलास उक्त अधिनियमाचे कलम ३७(२) अन्वये
मंजूरीबाबत.

महाराष्ट्र शासन
नगर विकास विभाग
मंत्रालय, मुंबई : ४०० ०३२.
दिनांक :- १५ ऑक्टोबर, २०२४

अधिसूचना

क्र. टिपीबी-४३२३/२८७/प्र.क्र.३५/२०२४/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, उक्त नियमावलीतील विनियम ३३(२०)(B) हा 'परवडणाऱ्या घरांचे (AH)/पुनर्वसन (R&R) खाजगी भूखंडावर किंवा शासकीय/ बृहन्मुंबई /समुचीत प्राधिकरणाव्यतिरिक्त अन्य प्राधिकरणाच्या भूखंडावरील विकासासंबंधी आहे;

आणि ज्याअर्थी, उक्त महानगरपालिकेकडील दि. १९/०६/२०२३ रोजीचे पत्रान्वये फेरबदल प्रस्ताव शासन नगर विकास विभागास प्राप्त झाला असून सदर पत्रात असे नमूद आहे कि, "BMC ला मोठ्या संख्येने प्रकल्पग्रस्त व्यक्ती (PAP) सदनाकांची नितांत गरज आहे. आणि ज्याअर्थी, उक्त नियमावली दि.१/०९/२०१८ पासून अंमलात आली असून उक्त नियमावलीतील विनियम ३३(२०)(B) च्या तरतुदीनुसार अत्यंत कमी प्रस्ताव प्राप्त झाले आहेत. आणि ज्याअर्थी जेथे पायाभूत सुविधांचे प्रकल्प हाती



घेतले आहेत अशा विभागांमध्ये आणखी प्रकल्प बाधितांसाठी सदनिका निर्माण होण्यासाठी आणि सध्याच्या निवासस्थानापासून दूर असलेल्या ठिकाणी पुनर्वसन नाकारण्याची सामान्य नागरीकांची प्रवृत्ती लक्षात घेता, विकासक/मालकांना त्यांच्या भूखंडांवर प्रकल्प बाधितांसाठी सदनिका तयार करण्यास प्रोत्साहित करणे आवश्यक आहे, जेणेकरून प्रकल्प बाधितांचे पुनर्वसन त्याच विभागात किंवा लगतच्या विभागात करण्यासाठी सदनिका उपलब्ध असतील;

आणि ज्याअर्थी, वरील वस्तुस्थिती विचारात घेऊन उक्त महानगरपालिकेने उक्त अधिनियमाचे कलम ३७ चे पोट कलम (१) नुसार प्राप्त अधिकारांतर्गत उक्त नियमावली मधील विनिमय ३३(२०)(B) मध्ये फेरबदल कार्यान्वित केला आहे(यापुढे याचा उल्लेख “प्रस्तावित फेरबदल” असा करणेत आलेला आहे.); आणि ज्याअर्थी, उक्त महानगरपालिकेने सदर प्रस्तावित फेरबदलाची सूचना सामान्य जनतेच्या सूचना/हरकतीकरिता महाराष्ट्र शासन राजपत्रात २३ मार्च २०२३ रोजी प्रसिध्द केली आहे; आणि ज्याअर्थी, उक्त महानगरपालिकेने उक्त अधिनियमाचे कलम ३७(१) अन्वये प्रस्तावित फेरबदलाची वैधानिक कार्यवाही पूर्ण करून दि. १९/०६/२०२३ रोजीच्या पत्रान्वये फेरबदल प्रस्ताव शासनाचे मान्यतेसाठी सादर केला आहे;

आणि ज्याअर्थी संचालक, नगर रचना, महाराष्ट्र राज्य, पूणे यांनी त्यांचेकडील दि. ०६/०२/२०२४ रोजीचे पत्राद्वारे सदर प्रस्तावित फेरबदलावर अहवाल सादर केला आहे;

आणि ज्याअर्थी उक्त महानगरपालिकेची विनंती विचारात घेऊन व संचालक, नगर रचना, महाराष्ट्र राज्य, पूणे यांचेशी सल्लामसलत केल्यानंतर प्रस्तावित फेरबदल काही सुधारणांसह मंजूर करणे आवश्यक असल्याचे शासनाचे मत झालेले आहे;


आता त्याअर्थी, उक्त अधिनियमाच्या कलम ३७(२) अन्वये प्राप्त अधिकारात आणि त्या संदर्भातील सर्व शक्तींचा वापर करून शासन याद्वारे:-

- अ) उक्त प्रस्तावित फेरबदलाचे प्रस्तावास काही सुधारणांसह सोबतचे परिशिष्टामध्ये नमूद केलेप्रमाणे मंजूरी देत आहे.
- ब) सदरची अधिसूचना शासकीय राजपत्रामध्ये प्रसिध्द झालेचा दिनांक हा उक्त फेरबदल अंमलात आलेचा दिनांक असेल.
- क) उक्त महानगरपालिकेच्या विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ च्या मंजूरी सोबतच्या फेरबदलाचे परिशिष्टामध्ये शेवटच्या नोंदीनंतर खालील परिशिष्ट समाविष्ट करणेचे निर्देश देत आहे.

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

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,




(निर्मलकुमार पं. चौधरी)
उपसचिव, महाराष्ट्र शासन

परिशिष्ट

(शासन नगर विकास विभागाकडील अधिसूचना क्र. टिपीबी ४३२३/ २८७/प्र.क्र.३५/२०२४/ नवि-११,
दिनांक -१५ ऑक्टोबर, २०२४ सोबतचे परिशिष्ट)

Reg. 33(20) (B)	Existing Provision	Sanctioned Provision																																																																								
	<p>(B) Development of AH/R&R on private plot or plot of authority other than Govt./MCGM/Appropriate Authority. The permissible FSI may be allowed to be exceeded up to 4.0 when the private owner other authority proposes to develop non-reserved/non-designated private land for AH/R&R tenements and hand over the area of AH/R&R tenements free of cost to MCGM.</p> <p>(a) The FSI & distribution of additional FSI for the construction AH/R&R shall be as shown below:</p> <table><tr><th>Location</th><th>Minimum road width</th><th>Total permissible FSI</th><th>Zonal FSI</th><th>Additional FSI</th><th>% FSI for Transit Tenements for SRA/ of total Additional FSI</th><th>% FSI for sale component of total additional FSI</th></tr><tr><th>1</th><th>2</th><th>3</th><th>4</th><th>5</th><th>6</th><th>7</th></tr><tr><td rowspan="2">Island City</td><td>12m</td><td>up to 3.0</td><td>1.33</td><td>up to 1.67</td><td rowspan="2">63%</td><td rowspan="2">37%</td></tr><tr><td>18m</td><td>up to 4.0</td><td>1.33</td><td>up to 2.67</td></tr><tr><td rowspan="2">Suburbs & Extended Suburbs</td><td>12m</td><td>up to 3.0</td><td>1.00</td><td>up to 2.00</td><td rowspan="2">50%</td><td rowspan="2">50%</td></tr><tr><td>18m</td><td>up to 4.0</td><td>1.00</td><td>up to 3.00</td></tr></table>	Location	Minimum road width	Total permissible FSI	Zonal FSI	Additional FSI	% FSI for Transit Tenements for SRA/ of total Additional FSI	% FSI for sale component of total additional FSI	1	2	3	4	5	6	7	Island City	12m	up to 3.0	1.33	up to 1.67	63%	37%	18m	up to 4.0	1.33	up to 2.67	Suburbs & Extended Suburbs	12m	up to 3.0	1.00	up to 2.00	50%	50%	18m	up to 4.0	1.00	up to 3.00	<p>(B) Development of AH/R&R on private plot or plot of authority other than Govt./MCGM/Appropriate Authority. The permissible FSI may be allowed to be exceeded up to 4.0 when the private owner other authority proposes to develop non-reserved/non-designated private land for AH/R&R tenements and hand over the area of AH/R&R tenements free of cost to MCGM.</p> <p>MCGM shall be the Planning Authority for this Regulation. (a) The FSI & distribution of additional FSI for the construction AH/R&R shall be as shown below:</p> <table><tr><th>Location</th><th>Minimum road width</th><th>Total permissible FSI</th><th>Zonal FSI</th><th>Additional FSI</th><th>% of FSI for PAP Transit Tenements for SRA/ of total Additional FSI for MCGM</th><th>% FSI for sale component of total additional FSI</th></tr><tr><th>1</th><th>2</th><th>3</th><th>4</th><th>5</th><th>6</th><th>7</th></tr><tr><td rowspan="2">Island City</td><td>12m</td><td>up to 3.0</td><td>1.33</td><td>up to 1.67</td><td rowspan="2">63%</td><td rowspan="2">37%</td></tr><tr><td>18m</td><td>up to 4.0</td><td>1.33</td><td>up to 2.67</td></tr><tr><td rowspan="2">Suburbs & Extended Suburbs</td><td>12m</td><td>up to 3.0</td><td>1.00</td><td>up to 2.00</td><td rowspan="2">50%</td><td rowspan="2">50%</td></tr><tr><td>18m</td><td>up to 4.0</td><td>1.00</td><td>up to 3.00</td></tr></table>	Location	Minimum road width	Total permissible FSI	Zonal FSI	Additional FSI	% of FSI for PAP Transit Tenements for SRA/ of total Additional FSI for MCGM	% FSI for sale component of total additional FSI	1	2	3	4	5	6	7	Island City	12m	up to 3.0	1.33	up to 1.67	63%	37%	18m	up to 4.0	1.33	up to 2.67	Suburbs & Extended Suburbs	12m	up to 3.0	1.00	up to 2.00	50%	50%	18m	up to 4.0	1.00	up to 3.00
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On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.

(b) Such Scheme shall not be permissible in SDZ/GZ.

(c) The carpet areas for AH/R&R tenements to be constructed shall be as required for EWS, LIG and MIG as decided by Govt. from time to time subject to a minimum 25 sq. m

(d) The ratio of BUA to carpet area shall be 1.2, including all the amenities & facilities. The area of features permissible free of FSI as per Regulation No 31 shall not be considered for the calculation of carpet areas.

(e) The owner shall have to declare the intension for developing the plot for AH/R&R initially. The AH/R&R shall be marked on the plan clearly with note, "to be handed over to MCGM".

(f) The additional FSI over & above Zonal (basic) FSI may be released in correlation as per BUA of tenements that are required to be handed over free of cost to MCGM, in proportion 0.50 sale: 1 AH/R&R area and 100% sale area can be released only after handing over of entire AH/R&R tenements. Alternatively, TDR in lieu of unconsumed sale component of additional FSI, as per provision of this Regulation in proportion as stated above can be released. However, 20 % of such admissible TDR shall be released only after handing over the entire area of AH to MCGM.

(g) After AH/R&R tenements are handed over free of cost to MCGM, Occupation Certificate for sale portion shall be given.

(h) No premium shall be charged for fungible compensatory area and features permitted free of FSI as per Regulation No 31 for the development for AH/R&R tenements. However, payments of the premium shall be applicable on the owners share wherever required.

(i) The offsite infrastructure charges at the rate of 7% of land rate as per ASR for FSI 1.0 for BUA beyond Zonal (basic) FSI shall be payable.

Note:-

- i) On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP / **except** proposed, **sanctioned** DP roads/prescribed RL under MMC Act.
- ii) **This provision shall not apply to the plots wherein zonal FSI is less than 1.00**
- iii) **This provision shall also apply to the plots which are already developed.**
- iv) **Proposal under this regulation may be allowed to combine with any of the proposal under Reg.30(A), Reg. 33 (6), Reg. 33(7), Reg. 33(7)(A) and Reg.33(7)(B) but the maximum permissible FSI on plot shall not exceed the permissible FSI prescribed in respective Regulation under combination.**

(b) Such Scheme shall not be permissible in SDZ/GZ.

(c) The carpet areas for AH/R&R tenements to be constructed shall be **minimum 27.88 sq.mt. or as decided by Government from time to time. However, Municipal Commissioner with special permission may allow tenements of more carpet area within limit of maximum area permitted as per Housing Department G.R. for EWS/ LIG as required for EWS, LIG and MIG as decided by Govt. from time to time subject to a minimum 25 sq. m.**

(d) The ratio of BUA to carpet area shall be 1.2, including all the amenities & facilities. The area of features permissible free of FSI as per Regulation No 31 shall not be considered for the calculation of carpet areas. **Provided, however that the area of common passage leading up to 2m to AH/ R&R tenement and not permitted free of FSI shall be considered for the calculation of BUA.**

(e) The owner shall have to declare the intension for developing the plot for AH/R&R ~~initially~~. The AH/R&R shall be marked on the plan clearly with note, "to be handed over to ~~MCGM~~ BMC".

(f) The additional FSI over & above Zonal (basic) FSI may be released in correlation as per BUA of tenements that are required to be handed over free of cost to MCGM, in proportion ~~0.50~~ 1 sale: 1 AH/R&R area and 100% sale area can be released only after handing over of entire AH/R&R tenements. Alternatively, TDR in lieu of unconsumed sale component of additional FSI,



(j) The owner shall be allowed to utilize the Zonal (basic) FSI and BUA as per column no (7) of above table for the uses permissible in the zone.

k) In case of layout, 25% of Zonal (basic) FSI shall be exclusively used for the purpose of convenience shopping along layout road.

l) Clubbing :

This provision shall not apply to the plots wherein permissible Zonal F.S.I. is less than 1.00.

The entire AH/ R&R components including Base FSI may be categorized as AH/ R&R component as applicable and the corresponding sale components from the additional FSI amongst two or more schemes under this regulation can be permitted to be interchanged. A developer / developer making an application under this regulation may club more than one plot belonging to single or multiple owners and offer AH/ R&R component on a single plot while shifting sale component as well as base FSI of the plot to other plots provided all right holders of these plots agree and make a joint application. However, clubbing shall be allowed only if it leads to an independent plot / building / wing as the case may be with AH/ R&R component being handed over to Planning Authority.

The developer shall have to pay as an unearned income equal to 40% of difference of sale value of shifted built up area of AH/ R&R component as per ASR.

Such clubbing can be allowed for the schemes falling in same ward or adjoining ward or within the distance of 5 km.

The premium shall be paid to the Planning Authority in two stages 50% at the time IOA and 50% at the time of issuing C.C. for the incentive FSI. or the developer has to surrender equivalent sale FSI in form of constructed BUA to the extent of premium in the scheme to be valued at ASR rate of sale in the year of such surrender of built up area.

Note: Out of the total premium amount collected under this Regulation, 2/3 shall be kept in a separate account to be utilized for infrastructure development by MCGM and 1/3 shall be deposited at the Office of the Deputy Director of Town Planning, Greater Mumbai.

as per provision of this Regulation in proportion as stated above can be released. However, 20 % of such admissible TDR shall be released only after handing over the entire area of AH to MCGM.

(g) After AH/R&R tenements are handed over free of cost to MCGM, Occupation Certificate for sale portion shall be given.

(h) No premium shall be charged for fungible compensatory area and features permitted free of FSI as per Regulation No 31 for the development for AH/R&R tenements. ~~However, payments of the premium shall be applicable on the owners share wherever required.~~

Further, payment of premium at the rate 2.5% of ASR or 10% of normal premium whichever is more shall be recovered for staircase and lift- well etc. as covered under the provisions of DCPR 31(1) and for any relaxation in open spaces is granted, for corresponding additional sale to FSI availed in lieu of AH/R&R & also to basic zonal FSI proportionate additional to FSI availed in lieu of AH/R&R only. The amount of premium shall be computed as per the ASR rate prevailing at the time of issue of IOD.

~~(i) The offsite infrastructure charges at the rate of 7% of land rate as per ASR for FSI 1.0 for BUA beyond Zonal (basic) FSI shall be payable.~~

(j) The owner shall be allowed to utilize the Zonal (basic) FSI and BUA as per column no (7) of above table for the uses permissible in the zone.

~~(k) In case of layout, 25% of Zonal (basic) FSI shall be exclusively used for the purpose of convenience shopping along layout road.~~ **In case of layout having area 4000 sq.mt. and more, 25% of prorata zonal (basic) FSI corresponding to FSI as mentioned in column no. 6 of above Table availed under regulation 33(20) (B) shall be exclusively used for the purpose of shopping/convenience shopping. Convenience shopping may be allowed even along layout road. There shall be no obligation to construct shopping /convenience shopping to the entire extent for in those cases where on account of other provisions of DCPR, certain % zonal (Basic) FSI is required to be mandatorily provided as shopping. In such cases, only the balance area to the extent 25% of prorata zonal (Basic) FSI will be provided.**

l) Clubbing :

This provision shall not apply to the plots wherein permissible Zonal F.S.I. is less than 1.00.



The entire AH/ R&R components including Base FSI may be categorized as AH/ R&R component as applicable and the corresponding sale components from the additional FSI amongst two or more schemes under this regulation can be permitted to be interchanged. A developer / developer making an application under this regulation may club more than one plot belonging to single or multiple owners and offer AH/ R&R component on a single plot while shifting sale component as well as base FSI of the plot to other plots provided all right holders of these plots agree and make a joint application. However, clubbing shall be allowed only if it leads to an independent plot / building / wing as the case may be with AH/ R&R component being handed over to Planning Authority.

The developer shall have to pay as an unearned income equal to 40% of difference of sale value of shifted built up area of AH/ R&R component as per ASR.

Such clubbing can be allowed for the schemes falling in same ward or adjoining ward or within the distance of 5 km.

The premium shall be paid to the Planning Authority in two stages 50% at the time IOA and 50% at the time of issuing C.C. for the incentive FSI. or the developer has to surrender equivalent sale FSI in form of constructed BUA to the extent of premium in the scheme to be valued at ASR rate of sale in the year of such surrender of built up area.

Note: Out of the total premium amount collected under this Regulation, 2/3 shall be kept in a separate account to be utilized for infrastructure development by MCGM and 1/3 shall be deposited at the Office of the Deputy Director of Town Planning, Greater Mumbai.

m) Provided that the BUA of AH/ R&R component under this regulation can also be provided at any of the location within the same municipal ward or adjoining municipal administrative ward of BMC or within the distance of 5km. Municipal Commissioner in his discretion can permit such shifting of tenements either by i) Wherein the developer shall have to pay as an unearned income equal to 40% of difference of sale value of shifted built up area of PAP tenement as per ASR.

or


ii) by handing over built up area to BMC which shall be equivalent value as per ASR of the year of surrender of the tenements. This will be worked out in the following manner.

**Built up area B = Built up area A x (RR A/RR B)
where,**



		<p>Built up Area A = BUA of AH/R&R component proposed to be shifted from plot A</p> <p>Built up Area B = BUA of AH/R&R component to be handed over to BMC at plot B in lieu of BUA of plot A</p> <p>RR A= Ready Reckoner Rate for BUA at plot A</p> <p>RR B-Ready Reckoner Rate for BUA at plot B</p> <p>Provided that, in such cases minimum 10 Nos. of AH/ R&R tenements to be provided in one building.</p> <p>Note: In case of constructed & completed tenements to be handed over to BMC, the age of the tenements at the time of handing over these tenements shall not be more than seven years calculated from the date of C.C. to the said tenements.</p> <p>n) Parking requirement as per provision of Table 21 of Reg. 44 as applicable may be relaxed as per Regulation 33(11).</p> <p>o) Provisions of Reg. 41(5) of DCPR 2034 will be applicable for development under Reg. 33(20)(B).</p> <p>p) Provisions of Reg. 43 of DCPR 2034 shall not be applicable for development under Reg. 33(20)(B).</p> <p>q) In case of combination scheme, LOS requirement may be relaxed to the extent of 10% of prorata plot area under 33(20)(B) and as per Regulation 27(1)(a) for balance plot area.</p>
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 (निर्मलकुमार पं. चौधरी)
 उपसचिव, महाराष्ट्र शासन