The Maharashtra Regional & Town Planning Act, 1966

- Notification under Section 37(1AA) (c) of the said Act.
- Modification to the Regulation for Inclusive Housing in the Development Control Regulations of the Municipal Corporations having population of a Million or above (Excluding Greater Mumbai)

Government of Maharashtra,
Urban Development Department,
Mantralaya, Mumbai-400 032.
Dated : 3rd September, 2015

NOTIFICATION

No. TPB 4312/CR-45 /2012 /(I)/UD-11

Whereas, the State Government has sanctioned the Development Plans (hereinafter referred to as 'the said Development Plans') and the Development Control Regulations (hereinafter referred to as 'the said Regulations') for the Municipal Corporations in Maharashtra State under the provisions of the Maharashtra Regional & Town Planning Act, 1966 (Maharashtra Act No. XXXVII of 1966) (hereinafter referred to as 'the said Act') which are in force in the limits of the respective Municipal Corporations ;

And whereas, in furtherance of the Housing Policy of the State which provides for inclusive housing for the Low Income Group (LIG) in private layouts, the Govt. in Urban Development Department, in exercise of the powers conferred under sub-section (1AA) (c) of section 37 of the said Act, has sanctioned and incorporated a Regulation regarding Inclusive Housing in the Development Control Regulations of the Municipal Corporations having population of one million or more as per the latest Census (excluding the Municipal Corporation of Greater Mumbai) vide Notification of even No. dated 8th November 2013;

And whereas, various organizations and individuals have represented and requested the Government, to amend certain provisions of the Regulation for Inclusive Housing so as to make its implementation smoother and more effective;

And whereas, after considering the representations of the various organizations and the views of the Housing Department of the Govt. of Maharashtra and after taking into account the views expressed by the Govt. in Urban Development Department in W.P. No. 366/2014 before the Hon'ble High Court, Mumbai, the Government, in exercise of the powers conferred under sub-Section (1AA) of Section 37 of the said Act, had issued Notice of even no. dated 11th Sept, 2014 for inviting suggestions/objections from the general public with regard to the modification in respect of Regulation for

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Inclusive Housing (hereinafter referred to as "the proposed modification") proposed in the Schedule appended to the said Notice and appointed the Joint Director of Town Planning, of the concerned Divisions as the Officer wherein the Municipal Corporations are located, (hereinafter referred to as "the said Officer") to submit a Report on the suggestions/objections received in respect of the proposed modification to the Govt. after giving hearing to the concerned persons and the concerned Municipal Corporation;

And whereas, the said Notice dated 11th Sept, 2014 was published in the Maharashtra Government Gazette (Extra-Ordinary Gazette) dated 11th Sept, 2014 (hereinafter referred to as "the Official Gazette ")and the said Officers of concerned Division have submitted their Reports 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 above stated Reports of the said Officers of concerned Divisions, the suggestions / Objections received from the general public and the say of said Corporations 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 for Municipal Corporations having populations one million or above as per the latest Census (Excluding the Municipal Corporation of Greater Mumbai) ;

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 with some 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 Municipal Corporation having population of one million or above as per the latest Census (Excluding the Municipal Corporation of Greater Mumbai) 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 available on the Govt. of Maharashtra website : www.maharashtra.gov.in

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

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9/12/2014

(Kishor D. Giroha)
Under Secretary to Government.

SCHEDULE

(Accompaniment to Notification No. TPB 4312/CR-45 /2012/(I) /UD-11
Dated 3rd September, 2015.)

Sanctioned Modification to Regulation for Inclusive Housing

1) The following proviso is added in Clause (1)(a) :-

"Provided that the equivalent affordable Housing Plots or 20% plot area can also be provided at some other location (s) within the same Administrative Ward of the Municipal Corporation."

2) The following proviso is added in Clause (1) (b) :-

"Provided that in case the Landowner / Developer desires not to utilize such additional FSI in the same land, fully or partly, then he shall be awarded TDR in lieu of such unutilized additional FSI. The utilization of this TDR shall be subject to the prevailing provisions of DCR and as per the following formula."

Formula : $X = \left[\frac{Rg}{Rr} \right] \times Y$

Where, X = Utilisation of Development Right (DR) on the receiving plot.

Rg = Land Rate in Rs. Per Sq. m. as per the Annual Schedule of Rates (hereinafter referred to as 'ASR') of generating plot in the year when project is sanctioned.

Rr = Land Rate in Rs. per Sqm. as per ASR of the receiving plot of the same year of generating plot.

Y = Unutilized additional FSI."

3) The Following proviso is added in Clause (2) (b) :-

"Provided further that the equivalent Affordable Housing tenements can also be provided at some other location (s) within the same Administrative Ward of the Municipal Corporation and such construction shall be free of FSI upto the limit of 50% of the admissible FSI of such alternative plot."

4) In Clause 2(c) :-
"Instead of words "at the construction rates in the ASR applicable", the words "at rates equal to 125% of the construction rates in the ASR applicable" are inserted."

5) The following two provisos are added in Clause (2) (c) :-
"Provided that there shall be no obligation to construct affordable Housing tenements in the redevelopment project of any Co-operative Housing Society in which the carpet area of all existing individual residential tenements does not exceed 80 Sq.mtr.

Provided further that in case of individual bungalow Housing Scheme, these provisions shall not apply in case of redevelopment of individual bungalow. However,

If redevelopment for total plot under layout is proposed, these provisions shall be applicable."

6) Clause (2) (e) is modified as follows :-

"e) There shall be no obligation to construct affordable housing tenements in accordance with these provisions in any Housing Scheme or residential development project wherein, owing to the relevant provisions of the Development Control Regulations, 20% or more of the basic zonal FSI is required to be utilized towards construction of residential tenements for the EWS/ LIG and also for the development / redevelopment of any land owned by the Government, or any Semi- Government Organization. Provided such development / redevelopment is undertaken by the Government or such Semi- Government Organization by itself or through any other agency under BOT or PPP model."

Provided that in case of development of reservation for Public Housing, Housing the Dishoused, Public Housing / High Density Housing and the EWS/LIG tenements constructed under the provisions of any other Act, these provisions shall not be applicable.

By order and in the name of Governor of Maharashtra,

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(Kishor D. Girolla)
Under Secretary to Government.