

The Maharashtra Regional & Town
Planning Act, 1966

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

Government of Maharashtra,
Urban Development Department,
Mantralaya, Mumbai-400 032.
Dated : 8th November, 2013.

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 exercise of the powers conferred under sub-section (1AA) of section 37, had issued a Notice bearing 'No. TPB/4307/CR-337 /2007 /UD-11 dated 18th January, 2012 for inviting suggestions/objections from the general public with regard to the modification proposed in the Schedule-A appended to the said Notice (hereinafter referred to as "the proposed modification"), for the Municipal Corporations mentioned in the Schedule-B, appended thereto and appointed the Deputy Director of Town Planning of the concerned Divisions 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 Govt. after giving hearing to the concerned persons and the concerned Corporations.

And whereas, the said Notice was published in the Maharashtra Government Gazette (Extra-Ordinary Gazette) (hereinafter referred to as "the Official Gazette") dt. 24th January 2012 and the said Officers 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 Reports of the said Officers, 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 for the Municipal Corporations having population of one million or above as per the latest Census (excluding the Municipal Corporation of Greater Mumbai for which separate Notification is to be issued).

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 so as to incorporate the Regulation for Inclusive Housing in the Development Control Regulations of the Municipal Corporations having population of one million or above as per the latest census (excluding the Municipal Corporation of Greater Mumbai), 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 Corporations 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.
- D) Declares that in case of Municipal Corporations having population below one million, final decision in respect of the proposed modification shall be kept in abeyance till further order.

By order and in the name of Governor of Maharashtra,


(Sanjay Banait)

Under Secretary to Government.

SCHEDULE

(Accompaniment to Notification No. TPB 4312/CR-45 /2012/(I) /UD-11
Dated 8th November, 2013.)

The following provisions regarding Inclusive Housing are incorporated in the Development Control Regulations of Municipal Corporations having population of one million or more as per the latest Census(excluding Municipal Corporation of Greater Mumbai):-

Regulation for Inclusive Housing

1) (a) For the sub-division or layout of the land admeasuring 4000 sq.mt. or more for residential purpose, minimum 20% of the net plot area shall have to be provided ----

i) either in the form of developed plots of 30 to 50 sq.mt. size for Economically Weaker Sections / Low Income Groups (EWS/LIG), (hereinafter referred to as "affordable plots") in which plots of 30 sq.mtr. size shall be kept for EWS.

Or

ii) in the form of equivalent 20% net plot area for constructing EWS/LIG tenements, which area shall be handed over to MHADA at the land rate prescribed in the Annual Statement of Rates prepared by the Inspector General of Registration, Maharashtra State, Pune (hereinafter referred to as ASR) of the year in which final approval is accorded to such sub-division or layout.

(b) The Landowner/ Developer shall sell the affordable plots to MHADA at one place in lieu of equivalent FSI to be utilized in the remaining plots. If MHADA declines to purchase the same within a reasonable time of six months, he can sell the affordable plots in the open market, in such case additional FSI of affordable plots shall not be admissible.

2) For a plot of land, admeasuring 4000 sq.mt. or more to be developed for a Housing Scheme consisting of one, or more buildings (hereinafter referred to as 'the said Scheme'), EWS/LIG Housing in the form of tenements of size ranging between 30 to 50 Sq.mt, (hereinafter referred to as 'affordable housing tenements') shall be constructed at least to the extent of 20% of the basic zonal F.S.I., subject to the following conditions:--

a) The built up area of the EWS/LIG tenements constructed under the Scheme shall not be counted towards F.S.I.

b) The Landowner / Developer shall construct the stock of the affordable housing tenements in the same plot and the Planning Authority shall ensure that the Occupation Certificate for the rest of the development under the said Scheme is not issued till the Occupation Certificate is issued for the Affordable Housing tenements under the said Scheme.

c) The completion of the Affordable Housing tenements under the said Scheme, along with necessary particulars, including a copy of the Occupation Certificate granted by the Planning Authority in respect thereof, shall be immediately intimated by the Landowner/ Developer to MHADA. Upon such intimation, MHADA, within a period of six months from the date of receipt of such intimation, shall either purchase such affordable housing tenements or allot such tenements to the allottees selected by MHADA through a system of lottery, drawn after such Affordable Housing tenements have been granted Occupation Certificate and thereafter, the Land Owner/ Developer shall dispose of such tenements to MHADA or such allottees, as the case may be, at the construction rates in the ASR-applicable to the land under the Scheme, on the date of grant of Occupation Certificate to such Affordable Housing tenements.

d) The Landowner/ Developer may also be permitted to utilize 1/4th of the total 20% F.S.I. earmarked for Affordable Housing towards construction of Affordable Housing Tenements in the form of service quarters on the same plot but in a separate block which shall have to be sold as service quarters only to the purchasers of free sale flats under the said Scheme.

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, more than 20% of the basic zonal FSI is required to be utilized towards construction of residential tenements for EWS, LIG or MIG.

3) Amalgamation of affordable plots / affordable tenements shall not be allowed.

4) These provisions shall be applicable prospectively and shall not be applicable to any Housing Scheme or residential development project wherein Commencement Certificate had been issued prior to the date of coming into force of these provisions and was valid on such date.

By order and in the name of Governor of Maharashtra,



(Sanjay Banait)

Under Secretary to Government.