

1. GOVT. OF Maharashtra, Housing & Spl. Assistance Deptt., Mantralaya, Mumbai's Resolution No.CSC-ULC-1091/5(3977)/D-III dt.15.1.1992.
2. Application of Shri Manoj Vasant Rao Golawar, R/o Plot No.10, Bajaj Nagar, Nagpur's dt.6/9/2005.
3. Proceedings of Meeting held on dt.9/9/2005.



No.ATP/ULC/ID(571)/Wanadongri/2005/1307
O/o the Addl. Collector and Competent
Authority, Urban Land Ceiling, Nagpur.
Dt. 9/2005. 7/10/05.

:- PROVISIONAL ORDER :-

WHEREAS, the Landowner Shri Manoj Vasant Rao Golawar, R/o Nagpur had filed a return u/s 6(2) of the Urban Land (Ceiling & Regulation) Act, 1976 for the land Survey No.100 of Village-Wanadongri, Tah.Hingna, Distt. Nagpur, total area admeasuring 29000 sq.mt. on dt.22.6.2005. The returns filed by the landowner was registered as ULC Case No.174/05. After scrutiny of the returns filed by the landowners, the Competent Authority vide its order u/s 8(4) dt.5/9/2005 have allowed 1500 sq.mt. retainable land i.e. 1 retainable share (Namely- 1. Shri Manoj Vasant Rao Golawar) and area admeasuring 27500 sq.mt. was declared as surplus vacant land and directed landowner/s to file a scheme on the surplus vacant land u/s 20(1)(a) of the Act, 1976 on the Pattern of Talegaon-Dabhade Scheme within a period of 60 days from the date of passing the order u/s 8(4). Accordingly, the landowners have submitted a scheme u/s 20(1)(a) of the Act, 1976 on the surplus vacant land on dt.6.9.2005.

AND WHEREAS, Shri Manoj Vasant Rao Golawar & others, R/o Nagpur holds vacant land in excess of ceiling limit in the Nagpur Urban Agglomeration, the details of which are given in Annexure-I & II hereto appended.

AND WHEREAS, above person/his power of attorney holder has applied for exemption under section 20 of the Urban Land (Ceiling & Regulation) Act, 1976 (33 of 1976) in respect of the said excess land for providing plots and/or construction of tenements in accordance with the special dispensation issued by the Govt. Resolution, Housing and Special Assistance Department No. CSC/ULC/1091/5(3977)/D-III dt.15.1.1992.

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AND WHEREAS, the said person/his/her power of attorney holder has mentioned in his/her application that his/her scheme of providing plots/and/construction of tenements will be governed by the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (Act XIV of 1963) or by the Maharashtra State Co-operative Societies Act, 1960 (Act XXIV of 1960) as may be applicable.

AND WHEREAS, the Government of Maharashtra is satisfied that having regard to the location of the land, the purpose for which the land is being of or is proposed to be used and other relevant factors, it is necessary in the public interest so to do.

NOW THEREFORE, in exercise of the powers conferred upon it by sub-section (1)(a) of section 20 of the said Act and after having recorded in writing the reasons for making this order, the Government of Maharashtra i.e. Additional Collector, Nagpur President of Committee hereby exempts the said vacant land from the provisions of Chapter-III of the said Act, subject to the following conditions, namely :-

1. The land exempted under the exemption order shall be used for the purpose of providing plots and/or constructions of tenements in accordance with the terms and conditions of this exemption order. Any change made in the use of the land shall amount to breach of these conditions.
2. The said person shall make full utilization of the land so exempted, for the aforesaid purpose, by providing plots on the said land in the following manner.

ACTUAL PLOT AREA

- i. 33.34 %
- ii. 33.33 %
- iii. 33.33 %

PLOTS AREA (Sq.mt.)

- Upto 100 sq.mt.
Upto 250 sq.mt.
Upto 500 sq.mt.

2.(a) In case plots are amalgamated for construction of flats 1/3rd of the net buildable surplus area under plots should be use for construction of plinth area not exceeding 100 sq.mt.

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3. The said persons shall first hand over 15% / 30% / 25% / 50 % of land after excluding first 4000 sq.mt. i.e. 5275.00 sq.mt. free of cost and free from all encumbrances to the Govt. before providing plots and/or commencing construction of tenements on the exempted land. The said area of the land to be surrendered shall be comparable to the remaining land permitted to be retained by the said in all respect such as access, frontage by the etc. in the event of any dispute, Government's decision in this respect shall be binding on the said person.

4. The said person shall get the layout/building plans approved from the concerned planning authority prior to the commencement of the construction work. The actual construction shall be subject to the building regulation of the concerned planning authority and subject to such other conditions as may be imposed by the concerned planning authorities/Town Planning Authorities and other statutory bodies. Approved copy of layout plan/building plan shall be submitted to this office.

5. All the land (whether vacant or non-vacant) from the total holdings of the said person falling under development plan, reservations, DP roads or the reservations prescribed by the planning authority in a layout for various public amenities as well as the internal roads (whatever these are to be transferred by local authorities rules) shall be transferred by the said persons to the State Govt. concerned Planning Authority after being duly developed as per the Rules of the concerned Planning Authority without changing any consideration, either before the work actually commences or at a latter date as may be obtained by the said person only after land under reservation etc. if any is actually handed over to Govt./Planning Authority if so prescribed by the concerned Planning Authority. Internal roads shall be brought upto the standard laid down by the concerned Planning Authority before they are transferred.

6. The said person shall sell the plots to the intending purchasers within a period to two years from the date of exemption order. The said person/purchaser shall commence and complete the construction within a period of 5 years from the date of exemption order.

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7. The quality of construction in case of construction of tenements shall be subject to the building regulation of the local authorities and subject to such other condition, as may be imposed by the Municipal Corporation/Nagpur Improvement Trust/Town Planning Authority and other statutory bodies. The layout of the land to be used for construction of tenements shall be in accordance with the statutory provisions applicable in this regard. The commercial shopping area shall be restricted to the minimum prescribed under the D.C. Rules in residential area.

8. The plots/tenements sold or otherwise transfer shall not be permitted to be resold or otherwise transferred for a period of 5 years from the date of completion of the construction of the dwelling units on the plots occupation of the tenements.

9. The landholder shall not sell or otherwise transfer the plots tenements to a person if he/she or any member of his/her family also owns a plot or tenement in the Nagpur Urban Agglomeration and he/she shall obtain from the intending purchaser an affidavit to this effect.

10. The said person/purchaser of the plots shall not transfer the plot (with or without building thereon) or any part thereof to any other person, except for the purpose of mortgage in favour of any financial institution specific in sub-section (1) of the section 19 of the Act, for raising finance for the purpose of construction of tenements/dwelling units. Breach of this condition shall mean that exemption granted under this order stands withdrawn, for such defaulting person/purchaser of plot. HOWEVER, this restriction shall cease to apply once the vacant land has been built upon in accordance with the terms and conditions of this exemption order. It shall then be lawful the built up properties constructed on the exempted land. The landholder may please then transfer the non-vacant land alongwith the building to the purchasers without having to obtain the State Govt. permission.

11. The area required to be kept open according to the DC Rules, building regulations of Planning Authority. Town Planning rules and other statutory regulations shall always be kept open. This part of the land shall not be used for any construction whatsoever, even if there is a change in FSI in future, permitting additional constructions.

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12. The said person shall submit from time to time necessary "Returns" prescribed by the State Govt. in order to indicate the progress of the work done by him/her.

13. If any time, the State Govt. is satisfied that there is a breach of any of the conditions mentioned in this order it shall be competent for the State Government to withdraw by an order, the exemption from the date specified in the said order.

Provided that, before making any such order, the State Govt. shall give reasonable opportunity to the person whose lands are exempted for making representation against the proposal withdrawal.

14. When any such exemption is withdrawn or demanded to be withdrawn under these conditions the provisions of the Chapter-III of the said Act apply to the land as if they had not been exempted under order.

15. The said person shall advertise the entire scheme within one year from the date of this exemption/sanction order of the State Government in atleast two local newspapers giving full details of the scheme including area and final selling price for plot/tenements (Plinth and Carpet area) specifications, locations, terms and conditions of allotment of plots/tenements.

16. The said person will be permitted after obtaining prior permission of this office to transfer the total/part area under scheme submitted on surplus land by him/her to any group of purchasers intending to propose a Co-operative Housing Society (under Co-operative Society's Act, 1960), and or any developer promoter, builder.

17. Prior to such transfer, the land holder shall first hand-over the land to State Govt. 15%/30%/25/50% as mentioned in condition No.3 above.

All above conditions shall be binding on the transferee i.e. Proposed / Regd. Co-operative Housing Society and its members and the Promoter/Builder and his purchasers.

18. The transferee Housing Society shall submit a list of subsequent members of society/purchasers of plots to this office within two years and Promoter/Builder Agency shall submit a list of subsequent purchasers of tenements to this office within 5 years from the date of this order along-with relevant documents (i.e. Affidavit etc.).

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19. Government expects that the concept of low rise, low cost construction technology without sacrificing the standard and specifications be adopted to maximum possible extent, less reliance should be placed on use of cement and steel by having load bearing walls made of bricks of good quality and strength by using low cost building technology.

20. The Government reserves the right to alter any of the conditions prescribed herein.

21. The Government also reserves the rights to revoke the exemption granted for the entire land or part thereof, if the land is required for public purpose.

22. The scheme was sanctioned by committee subject to the condition that approach road will have to be made available by the landowner themselves.

23. The scheme order issued by this office is a provisional order. The schemeholder should submit the layout plan for its sanction to the concerned planning authority and after demarcation by TILR or City Survey Office & after final sanction to the layout plan by the planning authority the schemeholder should submit the demarcated final layout plan to this office for final sanction within two months.

ANNEXURE-I

Details regarding applicant and the vacant land possessed by Shri Manoj Vasant Rao Golawar & others, R/o Nagpur.

1.	Name of the landowners & address	:	Shri Manoj Vasant Rao Golawar & Others, R/o Wanadongri, Tah.Hingna, Distt. Nagpur.
2.	Date of returns u/s 6(2) submitted.	:-	22/6/2005.
3.	Details of land	:-	a) Mouza- Wanadongri, Tah.Hingna, b) District- Nagpur. c) Survey No. - 100 d) Total land - 29000.00 sq.mt.
4.	Date of order u/s 8(4)	:-	5/9/2005.
5.	Retainable & surplus area as per statement u/s 9	:-a)	Retainable land - 1500 sq.mt. (in Survey No. 100 of Wanadongri) b) Retainable shares allowed - 1 share. (Names:- 1- Manoj Vasant Rao Golawar) c) Surplus land - 27500.00 sq.mt.

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ANNEXURE-II

(Appended to the Order No.ATP/ULC/TD(571)/2005/1307 dt. 7/6/05
7/6/2005)
Details regarding applicant and the vacant land possessed by
Shri Manoj Vasantao Golawar & others, R/o Nagpur for which
exemption is sought and hereby granted under section 20(1)(a) of the Urban
Land (Ceiling & Regulation) Act, 1976.

1. Name of the person/persons Holding the land :- Shri Manoj Vasantao Golawar,
R/o Plot No.10, Bajaj Nagar,
Nagpur.
2. Name of Power of Attorney Holder and address. :- NIL
3. Status of the person/persons. :- Family
4. No. and date of application. :- dt.6/9/2005
5. Name of Urban Agglomeration In which land for which exemption is situated. :- Nagpur.
6. Description of property for which exemption is sought.
 - i. District :- Nagpur
 - Taluka :- Hingna
 - Village/Mouza :- Wanadongri
 - Survey No. :- 100
 - ii. Total surplus land Holding. :- 27500.00 sq.mt.
 - iii. Area under the scheme :- 27500.00 sq.mt.
 - iv. Land to be used for providing Plots/
Constructing tenements :- 10966.365 sq.mt.
 - v. Land to be handed over Free of cost to Govt. :- 5275.00 sq.mt.
 - vi. Area under open space & P.U. :- 4445.00 sq.mt.
 - vii. Internal roads :- 6813.635 sq.mt.
 - viii. Area exempted under this order. :- 27500.00 sq.mt.

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7. Total number of plots to be provided :-

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|------|--|------------------------------|
| i. | Total No.of Plots/Area upto 100 sq.mt. | :- 59 Nos. (5675.875 sq.mt.) |
| ii. | Total No.of Plots/Area upto 250 sq.mt. | :- 20 Nos.(3346.99 sq.mt.) |
| iii. | Total No.of Plots/Area upto 500 sq.mt. | :- 07 Nos.(1943.50 sq.mt.) |

(Anandrao Bharkade)

Additional Collector and

Competent Authority, ULC

Nagpur.

To,

Shri Manoj Vasanttrao Golawar & others,
R/o Plot No.10,
Bajar Nagar, Nagpur.

Copy submitted for information to :-

The Secretary, Urban Development Department, (ULC) Mantralaya, Mumbai-32.

Copy forwarded with compliments to :-

1. The Asstt. Director of Town Planning, Br. Office, Nagpur.
2. The Superintendent Engineer, N.I.T. Nagpur.
3. The Asstt. Director (Town Planning), N.M.C. Nagpur.
4. The Registrar of Stamps, Collectorate, Nagpur.
5. ULC Case No.174/2005.

Additional Collector and
Competent Authority, ULC
Nagpur.