

महाराष्ट्र प्रादेशिक व नगर रचना
अधिनियम, १९६६

विकास शाल्क वसूल करण्याबाबत
नियमावली.

महाराष्ट्र शासन
नगर विकास विभाग
शासन निर्णय क्रमांक : टिपीएस् १२९३/२७१/प्र. क्र. ११०/९३/नवि-१२.
मंत्रालय, मुंबई - ४०००३२.
दिनांक २३ नोव्हेंबर १९९५.

शासन निर्णय :- सोबत जोडलेली नियमावली महाराष्ट्र शासनाच्या
असाधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सही/-

[गो. श्री. पंतबाळकुंद्री.]

महाराष्ट्र शासनाचे, उप सचिव.

Urban Development Department,
Mantralaya, Bombay-400 032.

Dated : 23rd November, 1995.

Maharashtra Regional & Town Planning Act, 1966 :

No.TPS-1293/271/CR 110/93/UD-12.

In exercise of powers conferred by sub-section (1) of Section 153, sub-section (1) of Section 124 (E), Section 124 (G) & sub-section (1) of Section 124 (H) of Maharashtra Regional & Town Planning Act (Amendment), 1992 (Mah.XVI of 1992) (An Act further to amend the Maharashtra Regional & Town Planning Act, 1966) and all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section 1 of the said Section 158 of the Maharashtra Regional & Town Planning Act, 1966 (Mah.XXXVII of 1966) namely.

RULES

1. Short Title - These rules may be called the Mah. Levy, Assessment & Recovery of Development Charge Rules, 1994.
2. Definitions - (1) In these Rules, unless the context otherwise required -
 - a) " Act " means the Maharashtra Regional and Town Planning Act, 1966 (Mah.XXXVII of 1966) ;
 - b) " Authority " means the authority mentioned under Section 124 A of the Act,
 - c) " Commencement date " means the date of commencement of the Maharashtra Regional and Town Planning (Amendment) Act, 1992 (Mah.XVI of 1992) i.e. the 10th August 1992 ;
 - d) " Commercial ^{user} " means, the user of land and buildings for the activities related to commerce such as business shops etc. and includes user relating to transactions of business, offices, banks professional establishments and also includes stores, markets and wholesale and retail sale of goods ;

- e) " Development " includes the institution of use ~~or~~ or change of use of any land or building, for which development charge is leviable under Section 124-A of the Act ;
- f) " Form " means a Form appended to these rules ;
- g) " Industrial user " means the user of the building or part thereof wherein products or material are fabricated, assembled or processed such as assembly plants, laboratories, power plants, refineries, gas plants, mills, dairies, factories and warehousing ;
- h) " Institutional user " means the user of the building or medical or other treatment, a hostel for working women, an auditorium or complex for cultural and allied activities care of orphans, abandoned women, children and infants, destitutes aged persons, for penal or correctional detention with restricted liberty or the inmates ordinarily providing sleeping accommodation and includes dharmashalas, the institutions registered under the Bombay Public Trust Act, 1950, and the educational institutions as defined in the Maharashtra Educational Institutions (Prohibition of Capitation Fee), Act, 1988.

(2) Words and expressions used herein but not defined shall have respectively the same meanings assigned to them under the Act.

3. Application for assessment of development charge -

- (1) Any person who has, after the commencement date, commenced carrying out any development or has after the commencement date, carried out such development for which permission is required under the Act, shall within period of ninety days, from the date of publication of these rules in the official Gazette, make an application to the Authority for the assessment of development charge payable in respect thereof. The

application shall be made in the form prescribed " FORM-A " appended to these rules. However in cases wherein development permission have already been granted in accordance with amended provisions of Maharashtra Regional & Town Planning (Amendment) Act, no such development charge shall be leviable.

(2) Any person who intends to carry out any development after the publication of these rules in the Official Gazette, shall make an application for assessment of development charge thereof in FORM-A as mentioned in sub-rule (1), above along with an application for permission to carry out such development. The application shall be made within ninety days from the date of application for development permission under Section 44 of the Act.

(3) The application shall be accompanied by a plan giving details of boundaries of the plot or land Plot Numbers, Survey Numbers, CTS Nos. Name of village, details of development scheme and buildings plans of the construction with area of each floor in cases where construction is proposed to be made.

(4) Before assessing the development charge, the applicant shall be given opportunity to represent himself and after considering the representation, the development charge shall be assessed and communicated to the applicant, as early as possible.

4. Appeal against order of Authority -

1) Every appeal under Section 124-G of the Act shall be made to the State Government or such officer appointed by the State Government under that section within the period specified under clause (a) of Section 124-H of the Act, and shall state clearly the grounds of appeal.

2) The appeal shall bear such fee as is applicable under the Bombay Court Fees Act, 1959, to a memorandum of appeal submitted to the State Government.

3) Every appeal shall be accompanied by duplicate copies of

- i) application made to the Authority ;
- ii) copies of all relevant plans, documents and particulars such as ownership, authorised measurement plan etc. submitted with the application ;
- iii) true copy of the order of the Authority ;
- iv) all other relevant correspondence with the Authority ;
- v) any other supporting documents.

FORM 'A'

(See rule 3 (3))

Form of application for assessment and recovery of development charge under Section 124-E (1) of the Maharashtra Regional and Town Planning (Amendment) Act, 1992.

To,

Sir,

I intend to carry out / have undertaken / have carried out the development of land and / or building in accordance with Section of I am prepared to pay the Development Charge as may be intimated to me, for development of land and / or building having following details and address :-

1. Name and Address of the owner of land (in Block letter)
2. Name and address of the applicant.
3. Capacity in which the applicant has applied.
4. Name and address of the Licensed Surveyor / Architect.
5. Details of land -
 - a) C.S.No./ CTS No./S.No./ F.P.No.:-
 - b) Division / Village / Town Planning Scheme.
 - c) Area in sq.mts.
 - d) Location (name of road, nearest land mark).
 - e) Ward
 - f) Zone and prescription of Development Plan.
 - g) Ownership documents and authenticated measurement plan of the land.
 - h) Authority letter / Power of Attorney by the owner.
6. Nature of Development of land :- and / or building :-
 - a) Residential
 - b) Commercial
 - c) Industrial
 - d) Mixed user (Proportionate floor area to be indicated)
 - e) Institution of user / change of user.

- f) Repairs involving change of Material.
 - g) Additions and / or alternations
7. Total area for which development charge is to be levied :-
- a. Development of land sq.mt.
 - b. Building construction sq.mt.
- (The area shall be in accordance with respective nature of development as described in item (6)).
8. Details of development charge paid earlier as prescribed in MR & TP Amendment) Act, 1992.

Yours faithfully,

(Signature & name of the Appli-
-cant)

(Signature of the Architect)

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

G. S. Pantbalekundri.
Deputy Secretary to Government.