

The Maharashtra Regional and Town Planning Act, 1966.

Directives under Section 154 regarding levy and sharing of premium amount between Government and respective Authorities while granting Additional FSI to Nationalised Bank buildings

**Government of Maharashtra
Urban Development Department,
Mantralay, Mumbai 400032.
Dated: 02/08/2017.**

Government Directives

**The Maharashtra Regional and Town Planning Act, 1966
TPB-4317/462/CR-102/2017/UD-11**

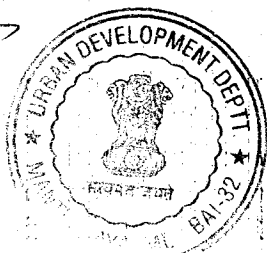
Additional FSI for Educational, Medical Institutions, Institutional Buildings and Starred Category Hotels (hereinafter referred to as the said *Uses*) subject to payment of *premium* is permissible as per the provisions in the Development Control Regulations or Development Control and Promotion Regulations (hereinafter referred to as *the said provision of the said Regulations*) of the respective Planning Authorities, local Authorities, Special Planning Authorities, Area Development Authorities (hereinafter referred to as *the said Authority*) and in the areas of Regional Plans;

And whereas, the Government in the Urban Development Department, vide directives No. TPS-1815/2647/CR-13/15/UD-13 dated 14.3.2016, under Section 154 of the Act, has given Directives under Section 154 regarding levy and sharing of premium amount between Government and respective said Authorities while granting Additional FSI to Educational, Medical Institutions, Institutional Buildings and Starred Category Hotels and has delegated the powers exercisable by the Government in respect of grant of additional F.S.I. to Educational, Medical Institutions, Institutional Buildings and Star Category Hotels to the Municipal Commissioner of concerned Municipal Corporations;

Whereas, the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations of Greater Mumbai") have been sanctioned by the Government in the Urban Development Department, under Section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide Notification No. DCR 1090/RDP/UD-11, dated the 20th February, 1991 so as to come into force with effect from the 25th March, 1991;

And whereas, there is provision in the said Regulations of Greater Mumbai for granting additional FSI under Regulation 33(3) in respect of buildings of Government and Semi-Government offices and Public Sector undertakings ;

And whereas, Government in Urban Development vide order No. TPB-432002/1000/CR-104/2002/UD-11, dt. 14th June, 2002 has issued clarification under Regulation 62(3) of the said Regulations of Greater Mumbai, thereby clarified "Public



Sector Undertaking includes all Nationalised Banks which are owned by Government of India and Under control of R.B.I." i.e. Reserve Bank of India ;

And whereas, Municipal Corporation of Greater Mumbai (hereinafter referred to as "the said Corporation ") vide its letter dated 2/06/2017 has requested Government to issue necessary clarification / directives regarding Levy and sharing of premium amount for granting of additional 50% FSI under Regulation 33(3) of the said Regulations of Greater Mumbai to Bank of India;

And whereas, the Government has examined the request of the said Corporation and felt it necessary to issue directives regarding Levy and sharing of premium amount for granting of additional FSI in respect of such Bank buildings for which additional FSI is permissible as per *the said provision of the said Regulation* of respective Authorities;

In view of the facts and circumstances referred to above and in the exercise of powers conferred under Section 154 of the said Act and notwithstanding anything contained in the said Regulations of the said Authorities, the Government of Maharashtra is pleased to issue following directives to the said authorities;

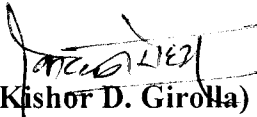
DIRECTIVES -

All the said Authorities are hereby directed under section 154 of the said Act to adopt the procedure and rates of premium given in the Schedule-A attached herewith for levy and sharing of premium amount for grant of additional FSI between Government and the respective Authority. The rate of premium and other conditions as mentioned in the Schedule-A shall also be applicable to sanctioned DCPR of Regional Plans and Municipal Councils / Nagar Panchayat Areas, Special Planning Authorities, Area Development Authorities

Government further directs that the procedure and the rates given in the Schedule-A attached herewith shall have immediate effect from the date of these directives.

These directives shall also be published on the Government website www.maharashtra.gov.in (कायदे / नियम).

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


(Kishor D. Giroha)

Under Secretary to Government

Copy for information and necessary action to:-

- 1) Metropolitan Commissioner MMRDA.
- 2) Managing Director CIDCO/MSRDC.
- 3) Chairman NIT Nagpur.
- 4) The Commissioner, Municipal Corporation of Gr. Mumbai.
- 5) Commissioner Municipal Corporation (All)
- 6) The Director of Town Planning, Maharashtra State, Pune.
- 7) Chief Executive Officer MIDC/PCNDTA/PMRDA
- 8) Divisional Joint Director of Town Planning, Pune/ Konkan/ Amravati/ Nagpur/ Aurangabad / Nashik.
- 9) Deputy Director of Town Planning, Urban Reserch Cell Pune
- 10) Assistant Director of Town Planning of concerned district.



Schedule-A

(Accompaniment to Government Directives No. TPB-4317/462/CR-102/2017/UD-11,
Dated- 02 /08/2017)

Rates of Premium for allowing additional FSI to Bank Buildings subject to conditions:-

a) Grant Of Additional FSI And Rate Of Premium to be Levied :-

Rates of Premium to be levied for allowing additional FSI to **Bank Buildings which are entitled for Grant of Additional FSI** as per the Development Control Regulations of respective Planning Authorities/ Special Planning Authorities/Area Development Authorities / New Town Development Authorities and for Regional Plan areas shall be as mentioned in the following table.

Rate of Premium

Type of user/ building	Premium shall be worked out at the percentage (%) given below considering the rate of said land given in the Annual Statement of Rates published by the Registration Department for that year.
Bank Buildings which are entitled for Grant of Additional FSI. (Office building)	30%

b) Conditions for Premium:-

- i) Premium shall be charged as above for the Additional FSI granted as on the date of issue of letter of intent asking the owners to pay requisite amount of premium.
- ii) Out of the total premium, 50% amount is to be paid to the Government and balance 50% shall be paid to the respective Authorities. Premium payable to the Government shall be deposited in the concerned account of Major Head of Urban Development Department at Government Treasury by the Planning Authority.
Major Head - 0217- URBAN DEVELOPMENT
Scheme Name- 800- other receipt amount (01) Town and Regional Planning Receipt amount
Detail Head - (01) (07) other Items
Scheme Code – 021701610100
- iii) Share of Government & said Authority shall be paid within 3 months from the date of letter of intent issued by the respective Authority.
- iv) In case the owner/ Institution fails to pay the premium amount within the time limit prescribed above at (iii), Respective said Authority shall work out the revised amount of premium at the time of issue of new letter of intent.
- iv) If the additional FSI is not utilised by the owner / Institution within 4 years from letter of intent, on the request of owner within such period, the amount of premium so deposited for such additional FSI shall be refunded by deducting 10% amount. After 4 years no refund of amount is permissible. However with the prior approval of Government this condition can be relaxed in deserving cases on merits.

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c) Other general conditions: -

- i) The additional built up area over and above the permissible FSI shall be utilised for respective bonafide purposes only.
- ii) If the owner / Institution desires to avail such additional FSI in future for new buildings , then while seeking building permission at first instance, the building plan shall be submitted considering the marginal distances as required for the height of buildings for such additional FSI. No condonation in the required open spaces, parking and other requirements shall be allowed.
However in case of existing buildings while availing such additional FSI , such condonation may be considered on merits by the Authority only if it is satisfied that there is other specific constraint leading to hardship provided it strictly conforms to structural and fire safety norms.
- iii) Existing Provision of Development Control Regulations of the said Authority with regard to allowing certain percentage of mix uses, allowing additional FSI by way of TDR shall prevail.
- iv) Other provisions of Development Control Regulations of the said Authority which are not covered above shall prevail.
- v) The Authority shall send annually the list of all cases to Government and Director Town Planning M.S. Pune for which the additional FSI is granted as per these directives. The Director of Town Planning or the Officer nominated by him shall inspect 10% cases randomly from such list and send report to Government.

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




(Kishor D. Girolla)

Under Secretary to Government