

राज्यातील अ / ब / क नगरपालिकांसाठी मंजूर केलेले विकास हक्क हस्तांतरण (TDR) नियमावली संदर्भात महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ चे कलम-१५४ अन्वये निर्गमित केलेले पुरक पत्र. (Addendum)

महाराष्ट्र शासन
पुरक पत्र
नगर विकास विभाग,
मंत्रालय, मुंबई-३२
दिनांक : ०७/०५/२०१६

क्र.टिपीएस-१८१३/३०६७/प्र.क्र.१२२/१२/नपा/नवि-१३

सोबतचे पुरक पत्र महाराष्ट्र शासनाच्या साधारण राजपत्रामध्ये राज्यस्तरावर प्रसिध्द करण्यात यावे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नांवाने,

(संजय सावजी)
अवर सचिव, महाराष्ट्र शासन

प्रत,

- १) मा.मुख्यमंत्री यांचे सचिव, मंत्रालय, मुंबई.
- २) मा.राज्यमंत्री, (नगर विकास) यांचे खाजगी सचिव, मंत्रालय, मुंबई.
- ३) प्रधान सचिव (नवि-१), नगर विकास विभाग, मंत्रालय, मुंबई.

प्रति,

- १) संचालक, नगर रचना तथा सह सचिव, नगर विकास विभाग, मंत्रालय, मुंबई.
- २) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- ३) सह संचालक, नगर रचना तथा सह सचिव, नगर विकास विभाग, मंत्रालय, मुंबई.
- ४) सह संचालक, नगर रचना, अंमलबजावणी कक्ष / मुल्यांकन / पुणे / कोकण / नाशिक / नागपूर / औरंगाबाद / अमरावती विभाग.
- ५) सहायक संचालक, नगर रचना / नगर रचनाकार, सर्व शाखा कार्यालये, नगर रचना विभाग.
- ६) मुख्याधिकारी, नगर परिषद (सर्व)
- ६) अवर सचिव, नवि-११/नवि-३० / कक्ष अधिकारी, नवि-९/नवि-१२, नगर विकास विभाग, मंत्रालय, मुंबई.
- ७) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नी रोड, मुंबई.- त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाच्या, साधारण राजपत्रामध्ये राज्यस्तरावर प्रसिध्द करून त्याच्या प्रत्येकी ५० प्रती नगर विकास विभागास पाठवाव्यात.
- ८) कक्ष अधिकारी (नवि-२९) नगर विकास विभाग, मंत्रालय, मुंबई - त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना या विभागाच्या संकेतस्थळावर प्रसिध्द करावी.
- ९) निवड नस्ती (कार्यासन-१३).

NOTIFICATION

(ADDENDUM)

Government of Maharashtra
Urban Development Department
Mantralaya, Mumbai-32
Date: 07/05/2016

Maharashtra Regional And Town Planning Act, 1966

No. TPS -1813/3067/CR-122/MCOUNCILS/12/UD-13: Whereas, in exercise of the powers conferred by Clause (c) of sub-Section (1AA) of Section 37 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the "said Act") and all other powers enabling in that behalf, the Government of Maharashtra finally sanctioned the "**Transferable Development Rights**" regulations as mentioned in **Annexure-A** (hereinafter referred to as 'the said final TDR regulations) in respect of **All A,B,C class Municipal Councils in State vide** notification No. **TPS -1813/3067/CR-122/MCOUNCIL/12/UD-13** Dt.06/02/2016 which is published in Maharashtra Government Gazette ,Part I (Central) on page no 10 to 16 dt.18th to 24th Feb 2016 (hereinafter referred to as ' **the said notification**);

And whereas, various representations from Stake holders, Architect, Developers, Organizations etc are received on the said final TDR regulations requesting to review some of the provisions like utilisation of earlier generated TDR, utilisation of TDR on road width and plot sizes ,TDR allowed to be utilised on road width less than 9.00 mt. etc.;

And whereas after considering the various representations and in larger public interest, the Government of Maharashtra is of the opinion that some of these provisions from the said final TDR regulations shall be clarified or amended for smooth implementation of the said regulations and the Government found it expedient in the public interest to take recourse of the Section 154 of the said Act, to issue **addendum** to the said Notification;

Now therefore, **in exercise of the powers conferred by Section 154(1) of the Maharashtra Regional and Town Planning Act, 1966** (Mah. XXXVII of 1966) and all other powers enabling in that behalf, the Govt. of Maharashtra hereby accordingly amend the said notification **TPS -1813/3067/CR-122/ MCOUNCIL/12/UD-13 Dt.06/02/2016** by issuing **Addendum** to the said notification as mentioned in **Annexure-A** attached here with;

02. The provisions of this Addendum along with provisions of the earlier "said notification" shall have effect from the date of publication of earlier "**said notification**" in the Maharashtra Government Gazette **i.e. from Dt.18/02/2016.**

03. This addendum shall be kept open for inspection to the general public in the following offices for the above period on all working days.

- (i) Office of the Director of Town Planning, M. S. Central Building, Pune;
- (ii) Office of the Joint Director of Town Planning, Pune, Nashik, Nagpur, Aurangabad, Amravati Division;
- (iii) Chief Officer Municipal Council

This notice shall also be made available on the Government website www.maharashtra.gov.in (कायदे / नियम).

By order and in the name of Governor of Maharashtra,

(Sanjay Saoji)
Under Secretary to Government

Annexure-A

Accompaniment to the Government in Urban Development Department Notification bearing No. **TPS -1813/3067/CR-122/MCOUNCIL/12/UD-13, Dated 07/ 05/2016**

Regulation No	Addendum issued under Section 154 of the M.R. And T. P. Act 1966 to the TDR Regulation (Annexure-A) sanctioned vide Government Notification No. TPS -1813/3067/CR-122/MCOUNCIL/12/UD-13 Dt.06/02/2016																					
3.0 (iv)	<p>The following sentence is added before sub regulation (iv) of Regulation no.3.</p> <p>3.0 (iv) - In cases where layout is submitted along with proposed Development Plan Road, in such cases TDR shall not be permissible for the width of road that would be necessary according to the length as per Development Control Regulations;</p>																					
4.1.2	<p>In the Regulation no 4.1.2, following proviso is added-</p> <p>Provided further that such construction/erection of compound wall/fencing shall not be necessary for area under Development Plan roads. In such cases TDR equivalent to entitlement as mentioned in regulation no 4.1.1 shall be granted without any reduction.</p>																					
5.4.1	<p>Column no 3 and 4 of the Table in the Regulation no 5.4.1 is deleted. Column no 5 is renumber as column no.3. With this amendment the Table in the Regulation no 5.4.1 is amended as shown below.</p> <table border="1" style="margin-left: auto; margin-right: auto;"><thead><tr><th style="text-align: center;">Sr. No</th><th style="text-align: center;">Plots Fronting on Road width</th><th style="text-align: center;">Maximum permissible TDR Loading</th></tr></thead><tbody><tr><td style="text-align: center;">1</td><td style="text-align: center;">2</td><td style="text-align: center;">3</td></tr><tr><td style="text-align: center;">1</td><td style="text-align: center;">9mt and above but less than 12</td><td style="text-align: center;">0.40</td></tr><tr><td style="text-align: center;">2</td><td style="text-align: center;">12mt and above but less than 18</td><td style="text-align: center;">0.65</td></tr><tr><td style="text-align: center;">3</td><td style="text-align: center;">18mt and above but less than 24</td><td style="text-align: center;">0.90</td></tr><tr><td style="text-align: center;">4</td><td style="text-align: center;">24mt and above but less than 30</td><td style="text-align: center;">1.15</td></tr><tr><td style="text-align: center;">5</td><td style="text-align: center;">30 mt. and Above</td><td style="text-align: center;">1.40</td></tr></tbody></table>	Sr. No	Plots Fronting on Road width	Maximum permissible TDR Loading	1	2	3	1	9mt and above but less than 12	0.40	2	12mt and above but less than 18	0.65	3	18mt and above but less than 24	0.90	4	24mt and above but less than 30	1.15	5	30 mt. and Above	1.40
Sr. No	Plots Fronting on Road width	Maximum permissible TDR Loading																				
1	2	3																				
1	9mt and above but less than 12	0.40																				
2	12mt and above but less than 18	0.65																				
3	18mt and above but less than 24	0.90																				
4	24mt and above but less than 30	1.15																				
5	30 mt. and Above	1.40																				
5.4.1 Note (i)	<p>The note (i) of Regulation no 5.4.1 is amended as follow.</p> <p style="text-align: center;">Column No.3 shows the maximum permissible TDR that can be utilised on any plot. Provided that specific area based restriction where TDR utilisation is not permissible by earlier Regulations shall remain in force except for Gaothan/Congested areas.</p> <p>Provided also that the above utilisation of TDR would be available to an existing road width of 9 mt and above so marked under the relevant Maharashtra Municipal Councils, Nagar Panchayat and Industrial Town ships Act 1965.</p>																					

<p>5.4.1 Note (ii)</p>	<p>In the note (ii) of regulation no 5.4.1, the following word is added at the end of note after the word "if any" FSI loading limit on such plot (Maximum Building potential) shall be the basic FSI + TDR + Additional FSI on payment of premium if any + Road widening FSI of the very said plot if any.</p> <p>However the Municipal Chief Officer shall not grant any relaxation due to such allowable loading potential unless he himself satisfied that there is constraint on development.</p>
<p>5.4.2</p>	<p>In the Regulation no 5.4.2 after the word "Metro Influence Zone" the word BRTs, TODs is added.</p> <p>Provided that, the restrictions of total maximum permissible built up area in terms of FSI with respect to road width mentioned above shall not be applicable in cases where, the permissible FSI is more than the basic FSI in various schemes, like Slum Rehabilitation Scheme, Redevelopment of cess buildings, redevelopment of dangerous buildings, Urban Renewal Scheme, Redevelopment of MHADA buildings/Colonies, Metro Influence Zone, BRTs, TODs etc. where specific provisions which are sanctioned by the Government shall apply</p>
<p>8 (a)</p>	<p>In the Regulation no 8(a), the sentence "However Utilization of such TDR shall be allowed as per these regulations only " is replaced with -</p> <p>"However DRCs issued under the old Regulations shall be allowed to be utilised as per TDR zones of old Regulations without indexation but subject to all other conditions of these Regulations. Such utilisation shall be allowed for one year only.</p> <p>Provided also that old TDR purchased for utilisation on a specific plot with registered documents of sale and/or specific proposal for utilisation of such TDR pending in the ULBs prior to these regulations shall be allowed completely as per the old regulations".</p>

By order and in the name of Governor of Maharashtra,

(Sanjay Saoji)
Under Secretary to Government