

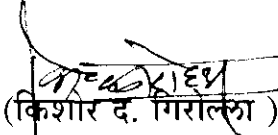
महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६
चे कलम ३७ (१ क क)(ग) अन्वये अधिसूचना प्रसिद्ध करण्याबाबत...
राज्यातील नगरपालिका/ नगरपंचायतींच्या प्रचलित विकास नियंत्रण
आणि प्रोत्साहन नियमावलीतील विनियम २४.७ मध्ये माहिती
तंत्रज्ञान धोरण २०१५ च्या अनुषंगाने मंजूर फेरबदल

महाराष्ट्र शासन
नगर विकास विभाग,
मंत्रालय, मुंबई-३२
दिनांक : १५ जुलै २०१६

शासन निर्णय क्र.टिपीबी ४३१६/प्र.क्र.१६७/२०१६/(१)/नवि-११

शासन निर्णय :- सोबतची अधिसूचना महाराष्ट्र शासनाच्या साधारण राजपत्रामध्ये राज्यस्तरावर प्रसिद्ध
करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नांवाने,


(किशोर द. गिरालाल)

अवर सचिव, महाराष्ट्र शासन.

प्रत,

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

प्रति,

- १) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- २) संचालक, नगर रचना तथा सह सचिव, नगर विकास विभाग, मंत्रालय, मुंबई.
- 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) अवर सचिव, नवि-१३/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 प्रसिद्ध करून त्याच्या प्रत्येकी ५० प्रती नगर विकास विभागास तसेच ५००
प्रती संचालक, नगर रचना, महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे, यांना पाठवाव्यात.
- ८) मुख्याधिकारी, नगरपरिषद / नगर पंचायती (सर्व)(मार्फत सहायक संचालक, नगर रचना / नगर
रचनाकार)
- ९) कक्ष अधिकारी (नवि-२९) नगर विकास विभाग, मंत्रालय, मुंबई.
त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना या विभागाच्या संकेतस्थळावर प्रसिद्ध
करावी.
- ११) निवड नस्ती (कार्यासन-११).

Maharashtra Regional & Town Planning Act, 1966.

Sanctioned Modification to Regulation 24.7 of Standardized Development Control and Promotion Regulations for Municipal Councils and Nagar Panchayats in Maharashtra in respect of IT/ITES Policy-2015.

**GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.**

Dated : 15th July 2016.

NOTIFICATION

No. TPB 4316 /CR-167/2016/(1)/UD-11:

Whereas the Standardized Development Control and Promotion Regulations for Municipal Councils and Nagar Panchayats in Maharashtra (hereinafter referred to as "the said Regulations") have been sanctioned by the Government in the Urban Development Department, under section 37(1AA)(c) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide Notification No. TPS-1812/157/CR-71/12/Reconstruction No.34/12/DP/UD-13 dated 21st November 2013. which also came into force from the 21st November 2013:

And whereas, Regulation 24.7 of the said Regulations deals with Information Technology Establishments in respect of additional F.S.I. for Information Technology /Information Technology Enabled Service units (hereinafter referred to as "IT/ITES"), permissible uses in IT/ITES units and payment of premium for additional F.S.I.;

And whereas, the State Govt. in the Industry, Energy and Labour Department, vide Notification of ITP-2013/(CR-265)/Ind-2 Dated 25th August 2015, has declared new Maharashtra's IT/ITES Policy-2015;

And whereas, after considering the above facts, in the public interest it was necessary to urgently carry out suitable modification to the said Regulations, the State Government, in exercise of the powers conferred under sub-Section (1AA) of Section 37 of the said Act, had issued Notice No. TPB 4315 /CR-146/2015/(1)/UD-11, dated 10th December 2015 (hereinafter referred to as "the said Notice") for inviting suggestions/objections from the general public with regard to the modification to the said Regulations appended to the said Notice as Schedule-A (hereinafter referred to as "the proposed modification") and appointed the Joint Director of Town Planning of concerned Divisions as the Officers(hereinafter referred to as "the said Officers").



wherein the Municipal Councils and Nagar Panchayats are located, 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 concerned Planning authorities;

And whereas, the said Notice dated 10th December 2015 was published in the Maharashtra Government Gazette dated 7-13th January 2016 (hereinafter referred to as "the Official Gazette") and the said Officers has 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. In case of the Municipal Councils in Amravati Division, it is found that the legal procedure is yet to be completed;

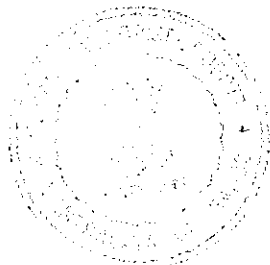
And whereas, after considering the Reports of the said Officers and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned with some changes in the said Regulations excepting in case of the Municipal Councils in Amravati Division. In case of Municipal Councils in Amravati Division, sanction to the proposed modification for the said Regulations is kept in abeyance.

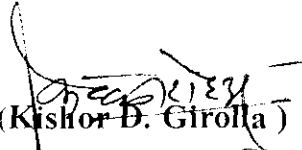
Now, therefore, in exercise of the powers conferred upon it under Section 37(1AA)(c) of the said Act, the Government hereby:-

- A) Sanctions the proposed modification 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 Planning Authorities that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule appended hereunder shall be added.

This Notification shall also be available on the Govt. of Maharashtra website : www.maharashtra.gov.in

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




(Kishor D. Girolla)

Under Secretary to Government.

SCHEDULE

**(Accompaniment to Notification No. No. TPB 4316 /CR-167/2016/(1)/UD-11,
Dated 15th July 2016)**

The Regulation 24.7 is replaced as follows:-

- 1) The Chief Officer may permit additional FSI upto 200% over and above the basic permissible F.S.I., to all registered Public and Private IT/ITES Parks/AVGC Parks / IT SEZs or IT Parks in SEZs / Stand-alone IT/ITES units in public IT Park (including IT/ITES units located in Residential/Industrial/No Development/Green/Agriculture Zone or any other land use zone in which such users are permissible), which have been approved by the Directorate of Industries, proposed to be set up or already set up under present /previous IT/ITES policies. (hereinafter referred to as the " said unit ") with or without charging premium as follows :-

Sr.No.	Location of the said unit in the State	Rate of Premium to be charged for permitting additional F.S.I. over and above the basic permissible F.S.I.
1)	No-industry Districts and Naxalism affected areas of the State as defined in the "Package Scheme of Incentives 2013 " of the Industries, Energy & Labour Department of the State.	NIL
2)	In area of Ambernath and Kulgaon-Badlapur Municipal Council.	30 % of the land rate for the said land as prescribed in Annual Statement of Rates for the relevant year of granting such additional F.S.I.
3)	Other areas of the State excepting mentioned in (i) & (ii) above.	10 % of the land rate for the said land as prescribed in Annual Statement of Rates for the relevant year of granting such additional F.S.I.



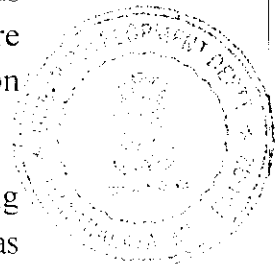
Provided that additional FSI above 100% and upto 200% shall be permissible only on plots having an access road of minimum 18 meters width.

Provided further that, the premium so collected shall be shared between the Planning Authority and the Government in the proportion of 75:25. The share of the Government shall be paid to the concerned Branch office of the Town Planning Department.

(Explanation :- Premium charges shall be calculated on the value of lands under such zones, determined by considering the land rates of the said land as prescribed in Annual Statement of Rates (ASR). These charges shall be paid at the time of permitting additional F.S.I. by considering the ASR for the relevant year without applying the guidelines)

- 2) The maximum total permissible F.S.I. shall not exceed limit of 3.00.
- 3) Maximum 40% of total proposed Built-up area (excluding parking area) by inclusive of such additional F.S.I. may be permitted for support services as defined in IT/ITES Policy 2015. in IT Parks in Municipal council & Nagar Panchayat area excluding area in Ambernath, Kulgaon-Badlapur Municipal Council and remaining built-up area shall be utilized for IT/ITES.
- 4) In case of area in Ambernath and Kulgaon-Badlapuar Municipal Council, maximum 20% of total proposed Built-up area (excluding parking area) by inclusive of such additional F.S.I. may be permitted for support services as defined in IT/ITES Policy- 2015 and remaining built-up area shall be utilized for IT/ITES
- 5) New said unit shall allocate at least 2% of the total proposed built-up area. for providing incubation facilities for new units. This area would be treated as a part of the Park to be used for IT activities and eligible for additional FSI benefits accordingly.
- 6) Premium to be received by the Planning Authority as per provisions in this regulation shall be deposited in a separate fund viz. "Critical Infrastructure Fund for IT/ITES Industries" and this fund shall be utilized only for creation of Critical Infrastructure for IT/ITES Industries;

Provided that in the event, the developer come forward for providing such off site infrastructure at his own cost, instead of paying premium as prescribed above, then the Planning Authority may determine the estimated



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cost of the work by using rates prescribed in District Schedule of Rates (DSR) of the relevant year. In which order for commencement of such work is issued. The Planning Authority shall also prescribe the standards for the work. After completion of the works, the Planning Authority shall verify and satisfy itself that the same is developed as per prescribed standards and thereafter, by deducting the cost of works, the balance amount of premium shall be recovered from such developer before issuing Occupancy Certificate.

Provided that, in case the cost of work is more than the premium to be recovered, such additional cost to be borne by such developer.

- 7) While developing site for IT/ITES with additional FSI, support services as defined in the IT Policy 2015, shall be allowed.
- 8) Permission for erecting towers and antenna upto height permitted by the Civil Aviation Department shall be granted by the Chief Officer as per the procedure followed for development permission or otherwise as may be decided by the Government .
- 9) Notwithstanding anything contained in the Development Control Regulations, no amenity space is required to be left for development of plot/land upto 2.00 Hect. for IT/ITES.
- 10) The Directorate of industries will develop a web portal on which the developer of every IT park will be bound to provide / update detailed information about names of the units in the park, utilization of built-up area and activities being carried out, manpower employed in the It Park for IT/ITES and support services on yearly basis.

If a private IT park has availed additional FSI as per the provisions of IT/ITES policy and subsequently it is found that the built-up space in the park is being used for non IT/ITES / commercial activities / any other activity not permitted as per the IT/ITES policy under which the said park was approved, a penal action as below will be taken, the payment shall be shared between the concerned Planning Authority and the Government in the ratio of 3:1.

- a) The misuse shall be ascertained by physical site verification of the said private IT park by a team of officers from the Directorate of industries and the Planning Authority which has approved the building plans of the said private IT park.



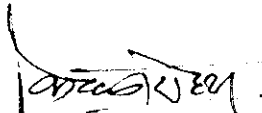
b)) A per day penalty equal to 0.3% of the prevailing ready reckoner value of the built-up area that has been found to be used for non- IT/ITES activities.

c) The penalty will be recovered from the date of commencement of unauthorized use till the day non IT use continues.

After payment of the penalty to the concerned Planning Authority which has sanctioned the building plans of the concerned private IT park, the said private IT Park will restore the use of premises to the original purpose for which LOI/ Registration was granted. If the private IT Park fails to pay penalty and / or restore the use to its original intended use, the concerned Planning Authority will take suitable action under the Maharashtra Regional and Town Planning Act 1966, against the erring private IT Park under intimation to the Directorate of Industries. This provision will also be applicable to existing IT Parks.

These provisions will be over and above the penal provisions of the MRTTP Act,1966 .




(Kishor D. Girolla)

Under Secretary to Government