


महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
दहा लाखांपेक्षा जास्त लोकवस्ती असलेल्या महानगरपालिका
क्षेत्राच्या विकास नियंत्रण नियमावलीमधील "परवडणारी घरे"
बाबतच्या विद्यमान तरतुदीमध्ये फेरबदलाबाबत कलम ३७
(१अेअे) (सी) खालील अधिसूचना.

महाराष्ट्र शासन
नगर विकास विभाग

क्रमांक :- टिपीबी ४३१२ / प्र.क्र.४५/२०१२(१६)/(I) /नवि-११
मंत्रालय, मुंबई : ४०० ०२१,
दिनांक - २७ फेब्रुवारी, २०१८.

शासन निर्णय : सोबतची अधिसूचना शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.
महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.


(प्रदीप गोहिल)
अवर सचिव, महाराष्ट्र शासन

प्रत,

मा. मुख्यमंत्री महोदयांचे प्रधान सचिव.
मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव.

प्रति,

- १) प्रधान सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई.
- २) सर्व महापालिका आयुक्त, नवी मुंबई / ठाणे/ कल्याण-डोंबिवली/ वसई-विरार/ पुणे/ पिंपरी-चिंचवड/ नाशिक/ औरंगाबाद/ नागपूर महानगरपालिका.
- ३) उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी, म्हाडा.
- ४) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- ५) सह सचिव, तथा संचालक, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
- ६) सह संचालक, नगर रचना, कोकण विभाग/ पुणे विभाग/ नाशिक विभाग/ औरंगाबाद विभाग/ नागपूर विभाग.
- ७) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.
/- त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात प्रसिध्द करून त्याच्या ५० प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई ४०० ०३२ व संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे व सह संचालक, नगर रचना, कोकण विभाग/ पुणे विभाग/ नाशिक विभाग/ औरंगाबाद विभाग/ नागपूर विभाग यांना पाठविण्यात याव्यात.
- ८) अवर सचिव, नवि-१३, नवि-३०, कक्ष अधिकारी, नवि-९, नवि-१२
- ९) कक्ष अधिकारी, कार्यासन नवि-२९.

/- त्यांना विनंती करण्यात येते की, सोबतची सूचना विभागाच्या वेबसाईटवर प्रसिध्द करण्याबाबत आवश्यक ती कार्यवाही करावी.

(१२) निवड नस्ती (नवि-११)

**The Maharashtra Regional & Town
Planning Act, 1966.**

- **Notification under Section 37(1AA) (c) of the said Act.**
- **Modification to the Regulation for Inclusive Housing in the Development Control Regulations of the Municipal Corporations having population of a Million or above (Excluding Greater Mumbai)**

**Government of Maharashtra,
Urban Development Department,
Mantralaya, Mumbai-400 032.
Dated : 27th February, 2018.**

NOTIFICATION

No. TPB 4312/CR-45 /2012(16) / (I)/UD-11

Whereas, the State Government has sanctioned the Development Plans (hereinafter referred to as 'the said Development Plans') and the Development Control Regulations (hereinafter referred to as 'the said Regulations') for the Municipal Corporations in Maharashtra State under the provisions of the Maharashtra Regional & Town Planning Act, 1966 (Maharashtra Act No. XXXVII of 1966) (hereinafter referred to as 'the said Act') which are in force in the limits of the respective Municipal Corporations.

And whereas, in furtherance of the Housing Policy of the State which provides for inclusive housing for the Low Income Group (LIG) in private layouts, the Govt. in Urban Development Department, in exercise of the powers conferred under sub-section (1AA) (c) of section 37 of the said Act, has sanctioned and incorporated a Regulation regarding Inclusive Housing in the Development Control Regulations of the Municipal Corporations having population of one million or more as per the latest Census (excluding the Municipal Corporation of Greater Mumbai) vide Notification of even No. dated 8th November 2013;

And whereas, Government in Urban Development Department vide Notification of even number dated 3rd September, 2015 has sanctioned modification to Regulation for Inclusive Housing in the Development Control Regulations of the Municipal Corporations having population of a Million or above (Excluding the Municipal Corporation of Greater Mumbai);

And whereas, various organizations and individuals have represented and requested to amend certain provisions of the Regulation for Inclusive Housing so as to make its implementation smoother and more effective;



And whereas, after considering representations of various organizations and individuals Government in exercise of powers conferred under sub Section (1AA) of Section 37 of the said Act, has issued Notice of even number dated 8th February, 2016 for inviting suggestions / objections from the general public with regard to modification in respect of Regulation for Inclusive Housing (hereinafter referred to as “the proposed modifications”) proposed in the schedule appended to the said Notice and appointed the Joint Director of Town Planning, of the concerned Division, wherein the Municipal Corporations are located, (hereinafter referred to as “the said Officer”) to submit a report on the suggestions / objections received in respect of the proposed modification to the Government after giving hearing to concerned persons and the concerned Municipal Corporation;

And whereas, the said Notice dated 8th February, 2016 was published in Maharashtra Government Gazette (Extra-Ordinary Gazette) dated 9th February, 2016 (hereinafter referred to as “the Official Gazette”) and the said Officers of the of concerned Division have submitted their reports through Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under Section 37(1AA) of the said Act.


And whereas, after considering the Reports of the said Officers of the concerned Divisions, suggestions / objections received from the general public and the say of the said Corporations 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 for the Municipal Corporations having population of a Million or above (Excluding Municipal Corporation of Greater Mumbai);

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 modifications, 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 sanctioned modification.
- C) Directs the Municipal Corporation having population of one million or above as per the latest Census (Excluding the Municipal Corporation of Greater Mumbai) that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule referred to at (A) above shall be added.

This Notification shall also be available on the Govt. of Maharashtra website : www.maharashtra.gov.in (कायदे व नियम)

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



(Pradeep Gohil)

Under Secretary to Government.



SCHEDULE

(Accompaniment to Government in Urban Development Departments Notification No. TPB 4312/CR-45 /2012(16) /(I)/UD-11, Dated 27th February, 2018.)

Sanctioned Modification to the Regulation for Inclusive Housing in the Development Control Regulations of the Municipal Corporations having population of a Million or above (Excluding Municipal Corporation of Greater Mumbai)

Regulation No.	Existing Provision	Sanctioned Modification
2(a)	-----	<p>1) <i>The following proviso is added in Clause 2(a) :-</i></p> <p style="text-align: center;"><i>“ and such builtup area of EWS/LIG tenements (20%) shall be over and above the permissible FSI /TDR as per prevailing DCR.</i></p>
2(e)	-----	<p>2) <i>The following two provisos are added in Clause 2 (e) :-</i></p> <p style="text-align: center;"><i>“Provided further that if company / factory establishment proposes to construct staff quarters for their staff on their own land and such construction which are meant to be used only for staff quarters and not for sale of tenements / flats then these provisions shall not be applicable subject to condition that 20% of the built up area of staff quarters shall be of size between 30 to 50 sq. mtr. Further, no additional / incentive FSI shall be allowed towards construction of staff quarters.”</i></p> <p style="text-align: center;"><i>“Provided further that lands reserved in Development Plan which are being developed under accommodation reservation policy wherein certain percentage of builtup area as per provisions of DC Regulations is required to be constructed by land owner / developer and same is required to be handed over to corporation free of cost, in such proposals after handing over the requisite builtup area to the planning authority/ Appropriate Authority, these provisions shall not be applicable for balance residential development. ”</i></p>
2(f)	-----	<p>3) <i>The following provisos is added as new Clause 2(f) :-</i></p> <p style="text-align: center;"><i>“Affordable Housing tenements to be constructed to the extent of 20 % of basic zonal</i></p>



		<i>FSI only and shall not be required on additional FSI /TDR wherever permissible as per DCR”</i>
2(c)	<i>The completion of the Affordable Housing tenements under the said Scheme, along with necessary particulars, including a copy of the Occupation Certificate granted by the Planning authority in respect thereof, shall be immediately intimated by the Landowners/ Developer to MHADA. Upon such intimation, MHADA, within a period of six months from the date of receipt of such intimation, shall either purchase such affordable housing tenements or allot such tenements to the allottees selected by MHADA through a system of lottery, drawn after such Affordable Housing tenements have been granted Occupation Certificate and thereafter, the Landowner/ Developer shall dispose of such tenements to MHADA or such allottees, as the case may be, at rates equal to 125% of the construction rates in the ASR applicable to the land under the Scheme, on the date of grant of Occupation Certificate to such Affordable Housing tenements.</i>	<i>The Project Proponent/s, after getting the Commencement Certificate for the scheme, shall immediately intimate to MHADA regarding the numbers of affordable housing tenements to be disposed by them to the allottee. Upon such intimation, MHADA within a period of six months from the date of receipt of such intimation, shall duly after following procedure of lottery system prepare the list of the allottee and forward it to the Project Proponent/s. The project proponent shall dispose of such EWS housing tenements to the allottees at the construction cost in ASR applicable to land under the Scheme plus 20% additional cost. Out of this 20% additional cost, 10% shall be paid to MHADA towards their administration charges.</i>
2(e) (Last Para)	<i>Provided that in case of development of reservation for Public Housing, Housing the Dishoused, Public Housing / High Density Housing and the EWS/LIG tenements constructed under the provisions of any other Act, these provisions shall not be applicable.</i>	<i>Provided that in case of development of reservation for Public Housing, Housing the Dishoused, Public Housing / High Density Housing and the EWS/LIG tenements constructed under the provisions of any other Act, land exempted and developed for weaker section Housing Scheme under Section 20 of ULC Act, these provisions shall not be applicable.</i>
Add new clause (iii) in Regulation 1(a)	----	<i>1(a)(iii) Land owner /Developer can exercise an option to construct EWS/LIG tenements on the said 20% net plot area as per specification of MHADA, at the rates as specified by MHADA.</i>



Pradeep Gohil

(Pradeep Gohil)

Under Secretary to Government.