



महाराष्ट्र शासन

नगर विकास विभाग

४ था मजला, मुख्य इमारत, मंत्रालय,
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई - ४०० ०३२

आदेश

क्र.टिपीएस-१८१८/प्र.क्र.२३६/१८(भाग-१)/नवि-१३

दि.०१/०३/२०२१

विषय : मंजूर एकत्रिकृत विकास नियंत्रण व प्रोत्साहन नियमावली
विनियम क्र.१.५ मधील (a) ते (h) या मुद्यांच्या अनुषंगाने मार्गदर्शक सूचना देणेबाबत...

ज्याअर्थी, शासनाने अधिसूचना क्र. टिपीएस १८१८/प्र.क्र.३३६/१८/कलम ३७(१कक)(ग) व कलम २०(४)/ नवि-१३, दि.०२/१२/२०२० अन्वये राज्यातील सर्व नियोजन प्राधिकरणे (काही अपवाद वगळता) आणि प्रादेशिक योजना क्षेत्राकरिता एकत्रिकृत विकास नियंत्रण व प्रोत्साहन नियमावली मंजूर केली असून ती दि.०३/१२/२०२० पासून अंमलात आली आहे;

आणि ज्याअर्थी, उक्त नियमावलीतील विनियम क्र.१.५ मध्ये यातील अ.क्र. (a) ते (h) या मुद्यांच्या अनुषंगाने शासनातर्फे स्वतंत्रपणे मार्गदर्शक सूचना देणेबाबत नमूद करण्यात आले आहे;

आणि ज्याअर्थी, या अनुषंगाने शासनाने दि.०१/०२/२०२१ रोजीच्या आदेशान्वये उक्त विनियम क्र.१.५ मधील (a) ते (h) मधील प्रकल्पांकरिता मार्गदर्शक सूचना निर्गमित करण्यासाठी, संचालक, नगर रचना महाराष्ट्र राज्य, पुणे यांच्या अध्यक्षतेखाली एक समिती गठीत करण्यात आली होती आणि सदर समितीने आपला अहवाल दि.१२/०२/२०२१ रोजीच्या पत्रान्वये सादर केला आहे;

आता त्याअर्थी, उक्त समितीने सादर केलेला अहवाल विचारात घेऊन उक्त नियमावलीतील विनियम क्र.१.५ मध्ये नमूद केल्यानुसार यातील (a) ते (h) संदर्भात सोबतच्या प्रपत्रामध्ये नमूद केल्यानुसार सविस्तर मार्गदर्शक सूचना पुढील कार्यवाहीसाठी निर्गमित करण्यात येत आहेत.



B. Khale
(किशोर गोखले)

अवर सचिव, महाराष्ट्र शासन

प्रत :-

१. मा.मुख्यमंत्री महोदय यांचे प्रधान सचिव, मंत्रालय, मुंबई.
२. मा.उप मुख्यमंत्री महोदय यांचे सचिव, मंत्रालय, मुंबई.
३. मा.मंत्री, नगर विकास यांचे खाजगी सचिव, मंत्रालय, मुंबई.
४. मा.राज्यमंत्री, नगर विकास यांचे खाजगी सचिव, मंत्रालय, मुंबई.
५. मा.विरोधी पक्षनेता, विधानपरिषद / विधानसभा, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.

६. मा.उपसभापती, महाराष्ट्र विधानपरिषद, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
७. मा.उपाध्यक्ष, महाराष्ट्र विधानसभा, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
८. प्रधान सचिव (नवि-१), नगर विकास विभाग, मंत्रालय, मुंबई.
९. सह सचिव तथा संचालक (नगर रचना), नगर विकास विभाग, मंत्रालय, मुंबई.
१०. सह सचिव तथा सहसंचालक (नगर रचना), नगर विकास विभाग, मंत्रालय, मुंबई.

प्रति :-

- १) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
/- सदरच्या **मार्गदर्शक सूचना** नगर रचना संचालनालयाच्या संकेतस्थळावर प्रसिध्द कराव्यात.
- २) सर्व विभागीय सहसंचालक, नगर रचना.
- ३) सर्व विभागीय आयुक्त.
- ४) सर्व जिल्हाधिकारी.
- ५) आयुक्त, सर्व संबंधित महानगरपालिका.(बृहन्मुंबई महानगरपालिका वगळता)
- ६) महानगर आयुक्त, सर्व महानगर प्रदेश विकास प्राधिकरणे.
- ७) सर्व विशेष नियोजन प्राधिकरणे.
- ८) मुख्य कार्यकारी अधिकारी, कोल्हापूर नागरी क्षेत्र विकास प्राधिकरण, कोल्हापूर.
- ९) सर्व नवनगर विकास प्राधिकरणे.
- १०) सहायक संचालक, नगर रचना / नगर रचनाकार, नगर रचना व मूल्यनिर्धारण विभाग, सर्व शाखा कार्यालये.
- ११) मुख्य कार्यकारी अधिकारी, सर्व जिल्हापरिषद.
- १२) अवर सचिव, नवि-११/नवि-३०, कक्ष अधिकारी, नवि-९/नवि-१२, नगर विकास विभाग, मंत्रालय, मुंबई.
- १३) मुख्याधिकारी (सर्व नगरपरिषदा / नगरपंचायती)
- १४) कक्ष अधिकारी (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई.
/- सोबतच्या **मार्गदर्शक सूचना** या विभागाच्या संकेतस्थळावर प्रसिध्द कराव्यात.
- १५) कक्ष अधिकारी, माहिती व तंत्रज्ञान विभाग, मंत्रालय, मुंबई.
/- सदरच्या **मार्गदर्शक सूचना** शासनाच्या संकेतस्थळावर प्रसिध्द कराव्यात.
- १६) निवडनस्ती, कार्यासन (नवि-१३).



शासन नगर विकास विभागाकडील आदेश क्र.टिपीएस-१८१८/प्र.क्र.२३६/१८(भाग-१)/नवि-१३, दि.०१/०३/२०२१ सोबतचे प्रपत्र

विनियम क्र. १.५ Saving मधील a ते h या मुद्यांबाबत मार्गदर्शक सूचना.		
Reg. No.	Regulation	Guidelines (मार्गदर्शक सूचना)
1.5	<p>Notwithstanding anything contained in these regulations, any development permission granted or any development proposal for which any action is taken under the erstwhile regulations shall be valid and continue to be so valid, unless otherwise specified in these regulations.</p> <p>Provided that, the words 'action taken' in this regulation shall also include the issuance of letter for payment of Development and other Charges issued after approval of the proposal in principle.</p> <p>Provided further that if any development permission has been issued before the date of coming into force of these regulations and if work is not commenced within validity period and such permission is not renewed, then the said development permission shall be deemed to have been lapsed.</p> <p>Provided further that, it shall be permissible for the owner to -</p>	<p>Notwithstanding anything contained in these regulations, any development permission granted or any development proposal for which any action is taken under the erstwhile regulations shall be valid and continue to be so valid, unless otherwise specified in these regulations.</p> <p>Provided that, the words 'action taken' in this regulation shall also include the issuance of letter for payment of Development and other Charges issued after approval of the proposal in principle.</p> <p>Provided further that if any development permission has been issued before the date of coming into force of these regulations and if work is not commenced within validity period and such permission is not renewed <i>in time i.e. before expiry of validity period of one year</i>, then the said development permission shall be deemed to have been lapsed. <i>However, there is no bar to further renew the valid permission from year to year; but such extended period shall in no case exceed three years.</i></p> <p>Provided further that, it shall be permissible for the owner to -</p>
	<p>a) Either continue to develop the project as approved under the erstwhile regulations in toto; and for that limited purpose erstwhile regulation shall remain in force, or</p>	<p>a) Either continue to develop the project as approved under the erstwhile regulations in toto; and for that limited purpose erstwhile regulation shall remain in force.</p> <p><i>In case the commencement certificate is issued and the construction is in progress / part occupancy issued, and if plans for additional built up area are submitted to the Authority before coming into force of these regulations by consuming / utilising FSI / TDR as per the erstwhile regulations; but could not be sanctioned due to the pandemic situation arisen out of COVID-19, the same may be allowed to be permitted as per the erstwhile regulations in toto including the payment of premium / charges, if the applicant so desires. However, such cases shall be disposed by the authority before 31st July, 2021; else such applicants will have to submit the fresh proposal as per these regulations.</i></p> <p>Provided further that, if any development proposal submitted before the date of coming into force of these regulations for which any action is not taken under the erstwhile regulations, due to the pandemic situation arisen out of COVID-19, it shall be permissible for the owner to continue the project as per the</p>



		erstwhile regulations in toto and for that limited purpose the erstwhile regulations shall remain in force. However, such cases shall be disposed by the authority before 31 st July, 2021, else such applicants will have to submit the fresh proposal as per these regulations, or
	b) Apply for grant of revised permission under the new regulations, if the project is on-going and the occupation certificate has not been granted fully. In such cases, charges/ premium etc. paid earlier shall be adjusted against the revised charges/ premium under these regulations.	b) Apply for grant of revised permission under the new regulations, if the project is on-going and the occupation certificate has not been granted fully. In such cases, charges / premium etc. paid earlier against the FSI sanctioned, exemptions granted in side margins, allowing Residential/ Commercial use on the Industrial Zone as per erstwhile regulations shall be deemed to have been paid against such earlier sanctioned FSI / exemptions / allowance of use. No adjustment shall be considered for such charges/ premium already paid in any case. The charges / premium under these regulations shall be leviable only against the FSI proposed over and above that sanctioned as per the erstwhile regulations.
	c) In case the development is started with due permission before these regulations have come into force, and if the owner/developer, at his option, thereafter seeks further development of plot/layout/buildings as per these regulations, then the provision of these regulations shall apply to the balance development. The development potential of such entire plot shall be computed as per these regulations from which the sanctioned FSI of buildings/part of buildings which are proposed to be retained as per approved plan shall be deducted to arrive at the balance development potential of such plot.	c) In case the development is started with due permission before these regulations have come into force, and if the owner/developer, at his option, thereafter seeks further development of plot/layout/buildings as per these regulations, then the provision of these regulations shall apply to the balance development. The development potential of such entire plot shall be computed as per these regulations from which the sanctioned FSI of buildings/part of buildings which are proposed to be retained as per approved plan shall be deducted to arrive at the balance development potential of such plot and ancillary FSI shall be permissible only on such balance potential. Such balance potential can be distributed on one or more existing, earlier / newly proposed building/s in a group housing scheme. In case of approved layouts in group housing scheme with buildings having height between 15 m. to 24 m., and complying with provisions mentioned in regulation no. 1.3(93) (xiv), NOC from Chief Fire Officer shall not be necessary, if the applicant is applying for revised permission under these regulations.
	d) The existing marginal distances including front margin may be allowed for higher floor / floors subject to step margin as per these regulations.	d) The existing marginal distances including front margin may be allowed for higher floor / floors subject to step margin as per these regulations. In case of a building sanctioned under the erstwhile regulations as non-special one with a height of 16 m with 3 m. setbacks and the construction work is in progress, then while revising the plan under these regulations, for height up to 16 m, the setbacks as per the erstwhile regulations shall be allowed to be continued and for the height above 16m (instead of 15 m), setback as per H/5 requirement shall be insisted in the form of step- margin.
	e) For the on-going buildings for which passages, stairs, lifts, lift rooms etc. are allowed as free of FSI by charging	e) Existing provision is sufficient.



	premium, in such cases these free of FSI items are allowed to that extent only and for the remaining balance potential, provisions for free of FSI items of these regulations shall be applicable.	
	f) For the on-going buildings for which balconies are allowed to be enclosed as free of FSI by charging premium, these free of FSI items are allowed to that extent only and for the remaining balance potential balcony shall only be allowed as mentioned in these regulations.	f) Existing provision is sufficient.
	g) For the cases where occupation certificate is fully granted, revised permission as per these regulations, may be granted subject to provisions of Real Estate (Regulations and Development) Act, 2016, as may be applicable.	g) For the cases where occupation certificate is fully granted, revised permission as per these regulations, may be granted subject to provisions of Real Estate (Regulations and Development) Act, 2016, as may be applicable. <i>Provisions mentioned in (b) to (f) shall be applicable mutatis-mutandis to the proposals to be sanctioned under this provision.</i>
	h) If the project proponent applies for occupation with minor amendment in plans approved prior to this UDCPR, then amendment to the extent of 5% built-up area / dimensions per floor within the permissible FSI as per then regulations may be considered.	h) If the project proponent applies for occupation with minor amendments in plans approved prior to this UDCPR, then amendment <i>permitted as per the erstwhile regulations in terms of internal/ locational changes</i> , amendment to the extent of 5% in the built-up area / dimensions per floor within the permissible FSI as per then regulations may be considered.
Note :- The State Government may issue guidelines from time to time, if necessary, for smooth implementation and removal of difficulties in transitional proposals.		



Kishor Gokhale
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