



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग एक—कोकण विभागीय पुरवणी

वर्ष ९, अंक ७२]

सोमवार, नोव्हेंबर १३, २०२३/कार्तिक २२, शके १९४५

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असाधारण क्रमांक १०५

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०२१, दिनांक ३ नोव्हेंबर, २०२३.

सूचना

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६.

- उक्त अधिनियमाचे कलम ३७(१कक) खालील सूचनेसह कलम १५४(१) खालील निदेश.
- बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली, २०३४ मधील विनियम ३३(२४) मधील प्रस्तावित फेरबदलाबाबत.

क्र. टिपीबी-४३२१/५४३/प्र.क्र.१८६/२०२१/नवि-११.—ज्याअर्थी, महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख “उक्त अधिनियम” असा करणेत आलेला आहे.) च्या तरतुदीनुसार बृहन्मुंबई महानगरपालिका त्यांचे अधिकार क्षेत्राकरिता (यापुढे ज्याचा उल्लेख “उक्त महानगरपालिका” असा करणेत आलेला आहे.) नियोजन प्राधिकरण आहे;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ३१, पोट-कलम (१) अन्वये प्राप्त अधिकारांचा वापर करून राज्य शासनाने अधिसूचना क्र. टिपीबी-४३१७/६२९/प्र.क्र.११८/२०१७/वि.यो./नवि-११, दिनांक ८ मे २०१८ (यापुढे ज्याचा उल्लेख “उक्त अधिसूचना” असा करणेत आलेला आहे) द्वारे बृहन्मुंबई प्रारूप विकास योजना, २०३४ सह विकास नियंत्रण व प्रोत्साहन नियमावली, २०३४ (यापुढे याचा उल्लेख “उक्त नियमावली” असा करणेत आलेला आहे) ला उक्त अधिसूचनेसोबतचे परिशिष्ट-ब मध्ये दर्शविलेले सारभूत स्वरूपाचे फेरबदल (ई.पी.) वगळून उक्त अधिसूचनेसोबतचे परिशिष्ट-अ मध्ये दर्शविलेल्या सुधारणेसह मंजुरी दिली आहे. आणि ज्याअर्थी शासनाने उक्त अधिसूचनेस सम क्रमांकाचे शुध्दीपत्रक दिनांक २२ जून २०१८ रोजी निर्गमित केले आहे; आणि ज्याअर्थी, त्यानंतर उक्त अधिसूचनेस शासनाने समक्रमांकाचे शुध्दीपत्रक व पुरकपत्र दिनांक २९ जून, २०१८ रोजी पारित केले असून सदर शुध्दीपत्रक व पुरकपत्र महाराष्ट्र शासनाच्या राजपत्रात दिनांक ३० जून, २०१८ रोजी प्रसिध्द करण्यात आले आहे; आणि ज्याअर्थी, उक्त नियमावली दिनांक १ सप्टेंबर २०१८ पासून अंमलात आली आहे;

आणि ज्याअर्थी, शासनाने दिनांक २१ सप्टेंबर २०१८ रोजीच्या अधिसूचनेद्वारे उक्त नियमावलीमधील सारभूत स्वरूपाचे बदल ईपी-१ ते ईपी-१६८ ला (ठराविक ईपी व निर्णयार्थ प्रलंबित ठेवलेल्या ठराविक तरतुदी वगळून) मंजुरी प्रदान केली आहे;

(१)

आणि ज्याअर्थी, उक्त मंजुरीच्या अधिसूचनेत आणि मंजूर तरतुदीमध्ये टंकलेखनाच्या त्रुटी व चुका तसेच उक्त नियमावलीमधील काही तरतुदींच्या अर्थबोधाची स्पष्टता करून सुसंगती आणणे या करीता शासनाने दिनांक १२ नोव्हेंबर २०१८ रोजी शुध्दीपत्रक निर्गमित केले आहे;

आणि ज्याअर्थी, शासन नगरविकास विभागाकडील सम क्रमांकाचे दिनांक १९ डिसेंबर २०२२ रोजीचे अधिसूचनेनुसार उक्त नियमावलीचे विनियम ३३ मध्ये खंड २४ अन्वये नवीन तरतूद समाविष्ट करण्यासंबंधीचे फेरबदलास उक्त अधिनियमाचे कलम ३७(१कक)(ग) अन्वये मंजुरी देण्यात आली असून त्यानुसार विनियम ३३(२४) मध्ये म्हाडाचे भाडेकरू इमारती, झोपडपट्टी निर्मूलन योजनेतर्गत म्हाडातर्फे बांधण्यात आलेली इमारत व मुंबई शहरातील बृहन्मुंबई महानगरपालिकेच्या मालकीच्या इमारती इत्यादी इमारतींचा पुनर्विकास करण्यासंबंधी (यापुढे याचा उल्लेख “उक्त इमारती ” असा करणेत आलेला आहे) तरतूद करण्यात आली आहे;

आणि ज्याअर्थी, उक्त नियमावलीचे विनियम ३३(७) मध्ये मुंबई शहरातील उपकर प्राप्त इमारती व महापालिकेच्या मालकीच्या जुन्या इमारतींचे पुनर्विकासासंबंधी तरतुदी दिल्या आहेत;

आणि ज्याअर्थी, महाराष्ट्र विधीमंडळाचे पावसाळी अधिवेशन, २०२३ मध्ये उक्त इमारतींचे पुनर्विकासासंबंधी झालेल्या चर्चेत मा. मुख्यमंत्री महोदय यांनी उक्त इमारतींचे पुनर्विकासासाठी विनियम ३३(७) मधील काही तरतुदींचे धर्तीवर तरतुदी करण्यात येतील असे आश्वासन दिले आहे. आणि ज्याअर्थी, त्याअनुषंगाने उक्त नियमावलीचे विनियम ३३(२४) मध्ये सुधारणा करणेबाबत अनेक निवेदने प्राप्त झाली आहेत;

आणि ज्याअर्थी, उक्त वस्तुस्थिती विचारात घेता, उक्त नियमावलीचे विनियम ३३(२४) मध्ये सोबत जोडलेल्या परिशिष्टामध्ये दर्शविल्यानुसार फेरबदल करणे सार्वजनिक हिताचे दृष्टीने आवश्यक आहे, अशी शासन नगरविकास विभागाची खात्री झाली आहे. (यापुढे याचा उल्लेख “प्रस्तावित फेरबदल” असा करणेत आलेला आहे);

आणि त्याअर्थी, उपरोक्त परिस्थिती आणि वस्तुस्थिती विचारात घेता आणि उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये प्राप्त अधिकार आणि त्या संदर्भातील सर्व शक्तींचा वापर करून, शासन याद्वारे प्रस्तावित फेरबदलाविषयी उक्त अधिनियमाच्या कलम ३७, पोट-कलम (१कक) चे खंड(क) नुसार कोणत्याही व्यक्तीकडून हरकती / सूचना मागविण्यासाठी तसेच संभाव्य बाधित होणाऱ्या व्यक्तींच्या माहितीसाठी सदर सूचना प्रसिध्द करित आहे. शासनाकडून असेही कळविणेत येत आहे की, खालील परिशिष्टात नमूद प्रस्तावित फेरबदलाविषयी कोणत्याही हरकती/ सूचना **महाराष्ट्र शासन राजपत्रात** सदर सूचना प्रसिध्द झाल्याच्या दिनांकापासून एक महिन्याच्या आत उप संचालक, नगर रचना, बृहन्मुंबई यांचेकडे इन्सा हटमेंटस, ई-ब्लॉक, आज्ञाद मैदान, महापालिका मार्ग, मुंबई ४०० ००१ या कार्यालयाचे पत्त्यावर पाठविण्यात याव्यात. सदर प्राप्त हरकती / सूचनांवर सुनावणी देऊन तसेच लागू असेल त्याप्रमाणे उक्त महानगरपालिकेचे म्हणणे घेऊन त्यावरील अहवाल शासनास सादर करण्यासाठी उक्त अधिनियमाच्या कलम १६२(१) अन्वये उप संचालक, नगर रचना, बृहन्मुंबई यांना शासनाचे वतीने “अधिकारी” म्हणून प्राधिकृत करण्यात येत असून त्यांच्याकडे सदरच्या कालावधीत प्राप्त होणाऱ्या हरकती/सूचना यावर उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये कार्यवाही करण्यात येईल.

शासन याद्वारे उक्त अधिनियमाचे कलम १५४(१) अन्वये निर्देश देत आहे की, उक्त अधिनियमाचे कलम ३७(१कक) चे उप-कलम (ग) अन्वये प्रस्तावित फेरबदलास शासन मान्यता प्रलंबित असेपर्यंत प्रस्तावित फेरबदल लगोलग अंमलात येईल.

उक्त अधिनियमाचे कलम ३७(१कक) अन्वये सदर फेरबदलाची सूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in (कायदा /नियम) या वेबसाईटवरदेखील प्रसिध्द करण्यात यावी.

परिशिष्ट

(शासन नगरविकास विभागाकडील सूचना क्र. टिपीबी ४३२१/ ५४३/ प्र.क्र.१८६/२०२१/ नवि-११,
दिनांक ३ नोव्हेंबर, २०२३ सोबतचे परिशिष्ट)

The entire Regulation 33(24) of DCPR, 2034 is hereby deleted and replaced by the new provisions as given below:—

33(24) Reconstruction or redevelopment of tenanted buildings belonging to MHADA, building constructed under slum clearance scheme by MHADA and tenanted buildings belonging to the Municipal Corporation of Greater Mumbai in the Island City:

1. Following shall be the Eligibility criteria for redevelopment / reconstruction of buildings under this regulation

- a. Buildings owned and constructed by MHADA or MCGM, and
- b. Tenanted on rental basis to occupiers by the respective authority of MHADA/MCGM, and
- c. Having minimum 30 years of age or declared dangerous by the concerned authority, OR
- d. Buildings constructed by MHADA under slum clearance scheme and already demolished due to declared dilapidated.

Explanation.—Age of a building shall be as on the 1st of January of the year in which a complete redevelopment proposal is submitted to the Commissioner and shall be calculated from the date of Occupation Certificate or alternately, from the first date of assessment as per the property tax record in respect of such building or building on which balance/admissible FSI has been consumed by way of vertical extension as per then prevailing Regulation, available with the MCGM.

2. The redevelopment of these building may be taken by:

- a. Private developer having minimum 51% irrevocable consents of the occupants/ tenants of each building in case the building is conveyed to Society of occupants by respective authority as per clause 7(A) of this regulation
- b. By appointing Private developer by authority with triparty agreement between developer, MHADA/MCGM authority and occupants association as per 7(B) of this regulation
- c. MHADA / MCGM themselves by appointing developer through competitive bidding as per clause 7(C) of this regulation.

3. All the eligible occupants in building/structures shall be certified by respective authorities of MHADA / MCGM.

4. Each occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 sq. m. (300 sq.ft.) and/or maximum carpet area upto 120 sq.m. (1292 sq.ft.) In case of non-residential occupier, the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. Provided further that each eligible residential cum commercial occupant shall be entitled to a tenement of minimum carpet area of 27.88 sq.m. (300 sq. ft.).

Provided further that the rehabilitation area of any occupant of a commercial establishment, who is allowed by the respective authority MHADA/MCGM to be rehabilitated in a residential tenement in lieu of his commercial establishment, shall also be governed by the aforesaid provisions applicable to the residential occupants in these Regulations.

5. The list of eligible occupants and area occupied by each of them shall be certified by the respective authority *i.e.* MHADA or MCGM.

6. Fungible Compensatory Area as applicable on the area to be handed over to MHADA/MCGM shall not be allowed to be utilized on sale component. No premium shall be charged on the fungible compensatory area in respect of area to be handed over to MHADA/MCGM and shall be exclusive of the Fungible compensatory BUA if availed.

Provided that at the option of the Owner/Developer, the area equivalent to the market value (as per ASR of that year) of area admissible as per the prescribed percentage of BUA to MHADA/MCGM can be made available within the same or adjoining municipal ward of MCGM.

7. FSI Permissible

A. For redevelopment undertaken by Private developers as per clause 2(a) above:

FSI required for rehabilitation of existing occupants plus incentive thereon as mentioned below, subject to minimum 3 FSI

Basic Ratio LR/RC	Incentive (as % of Admissible Rehab area)		
	For Single Plot	For Composite redevelopment of	
		Two to Five Plots	Six or More Plots
Above 6	75	85	90
Above 4 and upto 6	78	88	95
Upto 4	80	90	100

Explanation.—RC is rate of construction in respect of RCC Construction and Land Rate (LR) is the rate of Open Land for FSI 1. Provided further that in case there is more than one land rate applicable to different parts of the plot under the CDS, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio. Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in which the proposal is approved by the Authority and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

B. For redevelopment with tripartite agreement as per 2(b) above:

When there is no developer coming forward for redevelopment of the building as per above regulation 7(A) and at least 51% of the occupants of at least 5 building adjacent at one location requested MHADA/MCGM to undertake redevelopment by appointing private developer, then in such case MHADA/MCGM may undertake the redevelopment of cluster of all such buildings belongings to the authority alongwith other buildings belonging to Government/Semi Government agencies and cess buildings by calling expression of interest from developers by publishing notice as per the following criteria:

(a) FSI permissible shall be FSI required for rehabilitation of existing occupants plus incentive thereon as mentioned below, subject to minimum 4 FSI

Basic Ratio LR/RC	Incentive (as % of Admissible Rehab area)		
	For Single Plot	For Composite redevelopment of	
		Two to Five Plots	Six or More Plots
Above 6	75	85	90
Above 4 and upto 6	78	88	95
Upto 4	80	90	100

(b) The open competitive bid shall be called by the authority by earmarking redevelopment area which includes all buildings at the location owned by MHADA/MCGM,

Government or other Government / Semi Government authorities. Cess buildings and non cess buildings can also be included in the project, if at least 51% of the occupants in the building are agreed to participate the redevelopment project.

(c) The bidder shall quote the carpet area to be surrendered in the redeveloped building in the project to the respective authority MCGM/MHADA. The successful bidder offering maximum carpet area to be surrendered to the authority shall be awarded the project.

(d) The all other requirement for bidder and bid criteria shall be decided by the authority.

(e) For inclusion of buildings belongings to Government or Government agencies, prior NOC from the concern authority shall be obtained.

C. For redevelopment of buildings which does not fulfill the requirements under A and B above and if such buildings are declared dangerous by the authorities, then the redevelopment of such buildings may be taken by the respective authorities as per the following:

(a) Building shall be vacated as the building is declared dangerous.

(b) the FSI permissible shall be as per regulation 7(A) above.

(c) The unconsumed FSI may be allowed in the form of construction TDR as permissible under regulation 32.

(d) The redevelopment of the building can be undertaken by the association of occupants by appointing developer or alternatively the occupants shall submit their request for redevelopment of their building by MHADA/MCGM. To undertake redevelopment of building by MHADA/MCGM, at least 75% occupants shall agree for the same.

(e) MHADA/MCGM shall call the bids from private developers for redevelopment of the building.

(f) Bidder shall quote the premium to be paid per sq. m. of carpet area for rehabilitation of the existing occupants.

(g) The lowest bidder shall be awarded the redevelopment work who quote the minimum premium amount.

(h) The premium amount quoted shall be paid by the occupants in full as per the schedule decided.

(i) Tri party agreement shall be executed between Developer, Authority and occupants for agreeing to redevelopment and payment of premium by the occupants to developer through MHADA/MCGM.

(j) The all other requirement for bidder and bid criteria shall be decided by the authority.

8. In case of redevelopment proposal under 7(A) and 7(B), the policy regarding sharing of area and/or the premium against unearned income to be paid to the authority for the ownership shall be decided by the respective authority.

9. For redevelopment of buildings eligible under this regulation:

(a) The proposal can be processed in any of the provision mentioned under clause 7 above at the option of occupants as per the requirements mentioned in respective regulation.

(b) There is no restriction on conversion of proposal from one option to another at later stage after commencement of proposal in any of the provision in clause 7 subject to fulfillment of the requirements of respective provision.

(c) Any ongoing proposal for redevelopment of building can be allowed to be converted as per the provision of this regulation, subject to fulfillment of requirement of the regulation in which the proposal is to be converted.

(d) The proposal needs to be processed either of the provision as mentioned in clause 7(A), (B) or (C). However, the combination of the options is not permitted in any case.

(e) The permissible FSI mentioned in clause 7 shall be on gross plot area.

(f) Requirement of consents mentioned in clause 2 above is not required, if the redevelopment is undertaken by MHADA/MCGM themselves.

(g) Development permission shall be granted only after submitting agreement to lease of the plot to society.

10. The planning authority shall be MCGM. For redevelopment of MHADA buildings, the proposal shall be submitted by Developer/Architect on completion of all procedure by MHADA regarding certification of occupants list, their areas, selection of developer, etc. to MCGM for approval of plans.

11. Since the permissible FSI in clause 7 above is dependent upon the number of occupiers and the actual area occupied by them, no new tenancy created after 13.6.1996 shall be considered. Further unauthorized constructions made in the buildings shall not be considered while computation of existing FSI.

12. Additional development cess equivalent to 100% of Development charges on BUA (excluding the fungible compensatory area/ BUA), or Rs. 5,000 per sq. m. whichever is more for BUA over and above the BUA required for rehabilitation of existing occupants shall be paid by the owner/ developer/society. This amount shall be paid to the Corporation in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM provided the payment of installments shall not go beyond the completion of construction. This amount shall be used for Scheme to be prepared for the improvement of off-site infrastructure in the area around the development. Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

13. Regarding transfer of tenements shall be governed by policy decided by the land owning authority and subject to terms and conditions and on payment of premium/transfer fees etc.

14. The entire FSI available under clause 7 shall be allowed to be utilised on plot/plots under redevelopment scheme. However, if the owner/ society so desire, they can avail the incentive FSI on the same plot or can avail the benefit of TDRs to be used in in accordance with the Regulations No. 32.

15. The fungible compensatory area admissible on rehab component shall be granted without charging premium and such fungible compensatory area for rehabilitation component shall not be used for free sale component and shall be used to give additional area over and above eligible area to the existing tenants.

16. For smooth implementation of the redevelopment scheme undertaken by landlord/s or Co-operative Housing Societies of existing tenants, temporary transit camps may be permitted on the same land or land situated elsewhere belonging to the same landlord/s with the concessions permissible under SRS project under Regulations 33(10) of these Regulations. Such transit camps should be demolished within one month from the date of occupation certificate granted by the Corporation for the reconstructed buildings.

17. Buildings falling under reservation/ zones contemplated in the DP shall be permitted as specified in Regulation No.17(3)(B).

Contravening structures in TP Scheme and structures on the road shall also be included in the redevelopment scheme. FSI for the same will be as under DCR 33(12) or as provided in these Regulations whichever is more.

18. Relaxation in building and other requirements for rehabilitation: Notwithstanding anything contained in these Regulations, the relaxations incorporated in sub Regulation No. 6 of Regulation No. 33 (10) of these Regulations except clause 6.11, 6.16 & 6.18 shall apply.

The payment of premium at the rate of 10% of normal premium or at the rate of 2.5% of the land rates as per ASR (for FSI 1), whichever is more shall apply. As regards requirement of fire protection under regulation 47, the provision of regulation 47(1)(A) shall be applicable for the proposals under this regulation.

19. On completion of the building and obtaining Occupation Certificate, the land shall be leased to Society on the terms and conditions as decided by the authority.

20. Notwithstanding anything contained in Regulation No.31(1), areas of common passages not exceeding 2.00 m. in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and MHADA / MCGM component shall not be counted towards FSI.

21. Front and marginal open spaces, for a building having height up to 32.0 m. in the rehabilitation component or a composite building, shall be 3.0 and 4.5 m. respectively. Provided that for a building having height more than 32.0 m. and up to 70 m. open space of the width of 6 m. at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the manoeuvrability of a fire engine, unless the building abuts two roads of 6 m. or more on two sides, or another access of 6 m. to the building is available, apart from the road abutting the building.

22. A composite building shall have at least 50 percent of BUA as rehabilitation component.

23. If any relaxation in open spaces except front open space in sale component is granted by Municipal Commissioner, then the same shall be subject to compliance of CFO requirement and recovery of premium at the rate 2.5% of ASR.

24. The buildings which are declared dangerous by the respective authorities but unable to process the proposal of redevelopment under any of the options available under clause 7(A), 7(B) or 7(C) above, then such buildings shall be vacated and get demolished by the respective authority. The occupants in such existing buildings may be rehabilitated in other buildings by the respective authorities as per the availability and waiting list pending. The respective authority may formulate the policy in this respect if required.

The land so available after demolition of the building shall be used for the development of any other public purpose as per the requirement and decision of the authority.

25. Clubbing of the schemes:

The entire rehabilitation component and sale component amongst two or more schemes of redevelopment under this regulation can be permitted to be interchanged. The application shall be submitted jointly by the developers who are willing to join for clubbing. However, while sanctioning scheme for clubbing, minimum 3 FSI shall be required to be constructed on any of the single plot involved under clubbing. Provided further that the developer shall have to pay premium as an unearned income equal to 10% of difference of sale value of BUA to be transferred as per ASR.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

अमर पाटील,
शासनाचे अवर सचिव.

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 3rd November, 2023.

NOTICE

MAHARASHTRA REGIONAL & TOWN PLANNING ACT, 1966.

- Notice under section 37 (1AA) read with directions u/s 154 of the said Act.
- Proposed modification to Regulation 33(24) of Development Control and Promotion Regulations -2034 for Greater Mumbai.

No.TPB-4321/543/CR-186/2021/UD-11.—Whereas, the Municipal Corporation of Greater Mumbai is the Planning Authority for the area within its jurisdiction (hereinafter referred to as “the said Corporation”) as per the provision of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”).

Whereas, in exercise of the powers conferred by sub-section (1) of Section 31 of the said Act, the State Government *vide* Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, Dt. 08/05/2018 (hereinafter referred to as “the said Notification”) has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai along with the Development Control and Promotion Regulations -2034 for Greater Mumbai (hereinafter referred to as “the said Regulations”) with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dt. 22nd June, 2018; And whereas, thereafter Government has issued a Corrigendum and Addendum of even number dt. 29th June, 2018 to the said Notification, which is published in *Government Gazette* dt. 30th June, 2018; And whereas, the said Regulations have come into force from 1/09/2018;

And whereas, the Government of Maharashtra *vide* Notification dt. 21/09/2018 has sanctioned EP-1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) in the said Regulation;

And whereas, the Government of Maharashtra *vide* Notification dt. 12/11/2018 has issued corrigendum in respect of some typographical errors and mistakes and also to clarify and co-relate certain provisions of said Regulations for its proper interpretation;

And whereas, Government in Urban Development Department *vide* Notification of even number dated 19th December, 2022 has sanctioned modification to insert new clause 24 in Regulation 33 of the said Regulations under section 37(1AA)(C) of the said Act thereby making provisions under Regulation 33(24) regarding reconstruction and redevelopment of tenanted buildings belonging to MHADA, building constructed under slum clearance scheme by MHADA and tenanted buildings belonging to the Municipal Corporation of Greater Mumbai in the Island City (hereinafter referred to as “the said buildings”);

And whereas, Regulation 33(7) of the said Regulations provides for reconstruction or redevelopment of cessed building in the Island City by co-oprative housing society or of old buildings belonging to the corporation;

And whereas, in the monsoon session-2023 of the Maharashtra legislature, as per discussion held therein regarding redevelopment of the said buildings, the Hon'ble Chief Minister of Maharashtra State has assured that, the provisions will be made for the reconstruction and redevelopment of the said buildings on the lines of some of the provisions of Regulation 33(7) of the said Regulations; And whereas, accordingly various representations have been received regarding amendment in the Regulation 33(24) of the said Regulations;

And whereas, considering the above facts, the Government in Urban Development Department is of the opinion that in the public interest, it is expedient to modify the Regulation 33(24) of the said Regulations, as specifically described in the Schedule attached herewith (hereinafter referred to as “the Proposed Modification”).

Now, therefore, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (1AA) of section 37 of the said Act; and of all other powers enabling it in this behalf, Government hereby publishes a Notice for inviting objections/ suggestions from any persons with respect to the Proposed Modification, as required by clause (a) of sub-section (1AA) of Section 37 of the said Act, for information of all persons likely to be affected thereby. The Government is further pleased to inform that any objections/ suggestions in respect of the Proposed Modification mentioned in the Schedule attached herewith may be forwarded, before the expiry of one month from the date of publication of this Notice in the *Maharashtra Government Gazette*, (hereinafter referred to as “the said period”) to the Deputy Director of Town Planning., Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001. Any objections / suggestions, which may be received within the said period will be dealt with in accordance with the provisions of sub-section (1AA) of Section 37 of the said Act by the Deputy Director of Town Planning, Greater Mumbai, who is hereby authorised under section 162(1) of the said Act as an “officer” on the behalf of Government to hear objections / suggestions which are received and say of the said Corporation, as the case may be and submit his report to the Government;

Further, the Government hereby issues directives under section 154(1) of the said Act that, pending sanction to the Proposed Modification under clause (C) of section 37(1AA) of the said Act by the Government, the Proposed Modification shall come into force forthwith.

This Notice under sub-section (1AA) of Section 37 of the said Act shall also be available on the Govt. of Maharashtra website : www.maharashtra.gov.in (Acts/Rules)

SCHEDULE

(Accompaniment to the Government in Urban Development Department's Notice No.TPB-4321/543/C.R.186/2021/UD-11, dated – 3rd November, 2023.)

The entire Regulation 33(24) of DCPR-2034 is hereby deleted and replaced by the new provisions as given below:—

33(24) Reconstruction or redevelopment of tenanted buildings belonging to MHADA, building constructed under slum clearance scheme by MHADA and tenanted buildings belonging to the Municipal Corporation of Greater Mumbai in the Island City:

1. Following shall be the Eligibility criteria for redevelopment / reconstruction of buildings under this regulation :

- a. Buildings owned and constructed by MHADA or MCGM, and
- b. Tenanted on rental basis to occupiers by the respective authority of MHADA/MCGM, and
- c. Having minimum 30 years of age or declared dangerous by the concerned authority, OR
- d. Buildings constructed by MHADA under slum clearance scheme and already demolished due to declared dilapidated

*Explanation:—*Age of a building shall be as on the 1st of January of the year in which a complete redevelopment proposal is submitted to the Commissioner and shall be calculated from the date of Occupation Certificate or alternately, from the first date of assessment as per the property tax record in respect of such building or building on which balance/admissible FSI has been consumed by way of vertical extension as per then prevailing Regulation, available with the MCGM.

2. The redevelopment of these building may be taken by:

- a. Private developer having minimum 51% irrevocable consents of the occupants/tenants of each building in case the building is conveyed to Society of occupants by respective authority as per clause 7(A) of this regulation,
- b. By appointing Private developer by authority with triparty agreement between developer, MHADA/MCGM authority and occupants association as per 7(B) of this regulation,
- c. MHADA / MCGM themselves by appointing developer through competitive bidding as per clause 7(C) of this regulation

3. All the eligible occupants in building/structures shall be certified by respective authorities of MHADA / MCGM.

4. Each occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 sq. m. (300 sq.ft.) and/or maximum carpet area upto 120 sq.m. (1292 sq.ft.) In case of non-residential occupier, the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. Provided further that each eligible residential cum commercial occupant shall be entitled to a tenement of minimum carpet area of 27.88 sq.m. (300 sq. ft.).

Provided further that the rehabilitation area of any occupant of a commercial establishment, who is allowed by the respective authority MHADA/MCGM to be rehabilitated in a residential tenement in lieu of his commercial establishment, shall also be governed by the aforesaid provisions applicable to the residential occupants in these Regulations.

5. The list of eligible occupants and area occupied by each of them shall be certified by the respective authority i.e. MHADA or MCGM.

6. Fungible Compensatory Area as applicable on the area to be handed over to MHADA/

MCGM shall not be allowed to be utilized on sale component. No premium shall be charged on the fungible compensatory area in respect of area to be handed over to MHADA/MCGM and shall be exclusive of the Fungible compensatory BUA if availed.

Provided that at the option of the Owner/Developer, the area equivalent to the market value (as per ASR of that year) of area admissible as per the prescribed percentage of BUA to MHADA/MCGM can be made available within the same or adjoining municipal ward of MCGM.

7. FSI Permissible

A. For redevelopment undertaken by Private developers as per clause 2(a) above:

FSI required for rehabilitation of existing occupants plus incentive thereon as mentioned below, subject to minimum 3 FSI.

Basic Ratio LR/RC	Incentive (as % of Admissible Rehab area)		
	For Single Plot	For Composite redevelopment of	
		Two to Five Plots	Six or More Plots
Above 6	75	85	90
Above 4 and upto 6	78	88	95
Upto 4	80	90	100

*Explanation:—*RC is rate of construction in respect of RCC Construction and Land Rate (LR) is the rate of Open Land for FSI 1. Provided further that in case there is more than one land rate applicable to different parts of the plot under the CDS, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio. Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in which the proposal is approved by the Authority and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

B. For redevelopment with triparty agreement as per 2(b) above:

When there is no developer coming forward for redevelopment of the building as per above regulation 7(A) and at least 51% of the occupants of at least 5 building adjacent at one location requested MHADA/MCGM to undertake redevelopment by appointing private developer, then in such case MHADA/MCGM may undertake the redevelopment of cluster of all such buildings belongings to the authority along with other buildings belonging to Government / Semi Government agencies and cess buildings by calling expression of interest from developers by publishing notice as per the following criteria :—

(a) FSI permissible shall be FSI required for rehabilitation of existing occupants plus incentive thereon as mentioned below, subject to minimum 4 FSI

Basic Ratio LR/RC	Incentive (as % of Admissible Rehab area)		
	For Single Plot	For Composite redevelopment of	
		Two to Five Plots	Six or More Plots
Above 6	75	85	90
Above 4 and upto 6	78	88	95
Upto 4	80	90	100

(b) The open competitive bid shall be called by the authority by earmarking redevelopment area which includes all buildings at the location owned by MHADA/MCGM, Government or other Government / Semi Government authorities. Cess buildings and non

cess buildings can also be included in the project, if at least 51% of the occupants in the building are agreed to participate the redevelopment project.

(c) The bidder shall quote the carpet area to be surrendered in the redeveloped building in the project to the respective authority MCGM/MHADA. The successful bidder offering maximum carpet area to be surrendered to the authority shall be awarded the project.

(d) The all other requirement for bidder and bid criteria shall be decided by the authority.

(e) For inclusion of buildings belongings to Government or Government agencies, prior NOC from the concern authority shall be obtained.

C. For redevelopment of buildings which does not fulfil the requirements under A and B above and if such buildings are declared dangerous by the authorities, then the redevelopment of such buildings may be taken by the respective authorities as per the following :—

(a) Building shall be vacated as the building is declared dangerous.

(b) the FSI permissible shall be as per regulation 7(A) above.

(c) The unconsumed FSI may be allowed in the form of construction TDR as permissible under regulation 32.

(d) The redevelopment of the building can be undertaken by the association of occupants by appointing developer or alternatively the occupants shall submit their request for redevelopment of their building by MHADA/MCGM. To undertake redevelopment of building by MHADA/MCGM, at least 75% occupants shall agree for the same.

(e) MHADA/MCGM shall call the bids from private developers for redevelopment of the building.

(f) Bidder shall quote the premium to be paid per sqm of carpet area for rehabilitation of the existing occupants.

(g) The lowest bidder shall be awarded the redevelopment work who quote the minimum premium amount.

(h) The premium amount quoted shall be paid by the occupants in full as per the schedule decided.

(i) Tri party agreement shall be executed between Developer, Authority and occupants for agreeing to redevelopment and payment of premium by the occupants to developer through MHADA/MCGM.

(j) The all other requirement for bidder and bid criteria shall be decided by the authority.

8. In case of redevelopment proposal under 7(A) and 7(B), the policy regarding sharing of area and/or the premium against unearned income to be paid to the authority for the ownership shall be decided by the respective authority.

9. For redevelopment of buildings eligible under this regulation :—

(a) The proposal can be processed in any of the provision mentioned under clause 7 above at the option of occupants as per the requirements mentioned in respective regulation.

(b) There is no restriction on conversion of proposal from one option to another at later stage after commencement of proposal in any of the provision in clause 7 subject to fulfillment of the requirements of respective provision.

(c) Any ongoing proposal for redevelopment of building can be allowed to be converted as per the provision of this regulation, subject to fulfillment of requirement of the regulation in which the proposal is to be converted.

(d) The proposal needs to be processed either of the provision as mentioned in clause 7(A), (B) or (C). However, the combination of the options is not permitted in any case.

(e) The permissible FSI mentioned in clause 7 shall be on gross plot area.

(f) Requirement of consents mentioned in clause 2 above is not required, if the redevelopment is undertaken by MHADA/MCGM themselves.

(g) Development permission shall be granted only after submitting agreement to lease of the plot to society.

10. The planning authority shall be MCGM. For redevelopment of MHADA buildings, the proposal shall be submitted by Developer/ Architect on completion of all procedure by MHADA regarding certification of occupants list, their areas, selection of developer, etc. to MCGM for approval of plans.

11. Since the permissible FSI in clause 7 above is dependent upon the number of occupiers and the actual area occupied by them, no new tenancy created after 13th June 1996 shall be considered. Further unauthorized constructions made in the buildings shall not be considered while computation of existing FSI.

12. Additional development cess equivalent to 100% of Development charges on BUA (excluding the fungible compensatory area/ BUA), or Rs. 5,000 per sq. m whichever is more for BUA over and above the BUA required for rehabilitation of existing occupants shall be paid by the owner/ developer/society. This amount shall be paid to the Corporation in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM provided the payment of installments shall not go beyond the completion of construction. This amount shall be used for Scheme to be prepared for the improvement of off-site infrastructure in the area around the development. Development cess shall be in addition to development charges levied as per section 124 of MR & TP Act 1966.

13. Regarding transfer of tenements shall be governed by policy decided by the land owning authority and subject to terms and conditions and on payment of premium/transfer fees etc.

14. The entire FSI available under clause 7 shall be allowed to be utilised on plot/plots under redevelopment scheme. However, if the owner/ society so desire, they can avail the incentive FSI on the same plot or can avail the benefit of TDRs to be used in accordance with the Regulations No. 32.

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16. For smooth implementation of the redevelopment scheme undertaken by landlord/s or Co-operative Housing Societies of existing tenants, temporary transit camps may be permitted on the same land or land situated elsewhere belonging to the same landlord/s with the concessions permissible under SRS project under Regulations 33(10) of these Regulations. Such transit camps should be demolished within one month from the date of occupation certificate granted by the Corporation for the reconstructed buildings.

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Contravening structures in TP Scheme and structures on the road shall also be included in the redevelopment scheme. FSI for the same will be as under DCR 33(12) or as provided in these Regulations whichever is more.

18. Relaxation in building and other requirements for rehabilitation: Notwithstanding anything contained in these Regulations, the relaxations incorporated in sub Regulation No. 6 of Regulation No. 33 (10) of these Regulations except clause 6.11, 6.16 & 6.18 shall apply.

The payment of premium at the rate of 10% of normal premium or at the rate of 2.5% of the land rates as per ASR (for FSI 1), whichever is more shall apply. As regards requirement of fire protection under regulation 47, the provision of regulation 47(1)(A) shall be applicable for the proposals under this regulation.

19. On completion of the building and obtaining Occupation Certificate, the land shall be leased to Society on the terms and conditions as decided by the authority.

20. Notwithstanding anything contained in Regulation No.31(1), areas of common passages not exceeding 2.00 m in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and MHADA / MCGM component shall not be counted towards FSI.

21. Front and marginal open spaces, for a building having height up to 32.0 m. in the rehabilitation component or a composite building, shall be 3.0 and 4.5 m respectively. Provided that for a building having height more than 32.0 m and up to 70 m, open space of the width of 6 m at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the manoeuvrability of a fire engine, unless the building abuts two roads of 6 m or more on two sides, or another access of 6 m to the building is available, apart from the road abutting the building.

22. A composite building shall have at least 50 percent of BUA as rehabilitation component.

23. If any relaxation in open spaces except front open space in sale component is granted by Municipal Commissioner, then the same shall be subject to compliance of CFO requirement and recovery of premium at the rate 2.5% of ASR.

24. The buildings which are declared dangerous by the respective authorities but unable to process the proposal of redevelopment under any of the options available under clause 7(A), 7(B) or 7(C) above, then such buildings shall be vacated and get demolished by the respective authority. The occupants in such existing buildings may be rehabilitated in other buildings by the respective authorities as per the availability and waiting list pending. The respective authority may formulate the policy in this respect if required.

The land so available after demolition of the building shall be used for the development of any other public purpose as per the requirement and decision of the authority.

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The entire rehabilitation component and sale component amongst two or more schemes of redevelopment under this regulation can be permitted to be interchanged. The application shall be submitted jointly by the developers who are willing to join for clubbing. However, while sanctioning scheme for clubbing, minimum 3 FSI shall be required to be constructed on any of the single plot involved under clubbing. Provided further that the developer shall have to pay premium as an unearned income equal to 10% of difference of sale value of BUA to be transferred as per ASR.

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

AMAR PATIL
Under Secretary to Government.