



महाराष्ट्र शासन राजपत्र

असाधारण भाग एक—कोकण विभागीय पुरवणी

वर्ष ६, अंक ४१]

गुरुवार, नोव्हेंबर १९, २०२०/कार्तिक २८, शके १९४२

[पृष्ठ २६, किंमत : रुपये ११.००

असाधारण क्रमांक ६८

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक १८ नोव्हेंबर २०२०

सूचना

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६.

क्रमांक टिपीबी.४३२०/१०७/प्र.क्र.७२/२०२०(भाग-१)/नवि-११.—ज्याअर्थी, महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख “उक्त अधिनियम” असा करणेत आलेला आहे.) च्या तरतुदीनुसार बृहन्मुंबई महानगरपालिका त्यांचे अधिकार क्षेत्राकरीता (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 ज्याचा उल्लेख “उक्त नियमावली २०३४” असा करणेत आलेला आहे) ला उक्त अधिसूचनेसोबतचे परिशिष्ट-ब मध्ये दर्शविलेले सारभूत स्वरूपाचे फेरबदल (ई.पी.) वगळून उक्त अधिसूचनेसोबतचे परिशिष्ट-अ मध्ये दर्शविलेल्या सुधारणेसह मंजूरी दिली आहे. आणि ज्याअर्थी, शासनाने उक्त अधिसूचनेस समक्रमांकाचे शुद्धीपत्रक दिनांक २२ जून, २०१८ रोजी निर्गमित केले असून त्यानुसार उक्त नियमावली -२०३४, दिनांक १ सप्टेंबर २०१८ पासून अंमलात आली आहे. आणि ज्याअर्थी, त्यानंतर उक्त अधिसूचनेस शासनाने समक्रमांकाचे शुद्धीपत्रक व पुरकपत्र दिनांक २९ जून, २०१८ रोजी पारित केले असून सदर शुद्धीपत्रक व पुरकपत्र महाराष्ट्र शासनाच्या राजपत्रात दिनांक ३० जून, २०१८ रोजी प्रसिद्ध करण्यात आले आहे ;

आणि ज्याअर्थी, शासनाने दिनांक २१ सप्टेंबर २०१८ रोजीच्या अधिसूचनेद्वारे उक्त नियमावली-२०३४ मधील सारभूत स्वरूपाचे बदल ईपी-१ ते ईपी-१६८ ला (ठराविक ईपी व निर्णयार्थ प्रलंबित ठेवलेल्या ठराविक तरतुदी वगळून) मंजूरी प्रदान केली आहे ;

आणि ज्याअर्थी, उक्त मंजूरीच्या अधिसूचनेत आणि मंजूर तरतुदीमध्ये टंकलेखनाच्या त्रुटी व चुका तसेच उक्त नियमावली-२०३४ मधील काही तरतुदीच्या अर्थबोधाची स्पष्टता करून सुसंगती आणणे याकरिता शासनाने दिनांक १२ नोव्हेंबर २०१८ रोजी शुद्धीपत्रक निर्गमित केले आहे ;

आणि ज्याअर्थी, साऊथ मुंबई रिडेव्हलपर्स असोसिएशन (SOMURA) यांचेकडून प्राप्त विविध पत्रांचे अनुषंगाने मुख्य कार्यकारी अधिकारी, महाराष्ट्र गृहनिर्माण व क्षेत्र विकास प्राधिकरण (म्हाडा) यांनी दिनांक २ जून २०२० आणि दिनांक २ जुलै २०२० रोजीचे पत्राद्वारे उक्त नियमावली २०३४ चे विनियम ३३(७) आणि ३३(९) मध्ये सुधारणा करण्याबाबत शासनास विनंती केली आहे. आणि ज्याअर्थी, उप संचालक, नगररचना, बृहन्मुंबई यांनी त्यांचेकडील दिनांक १७ जुलै २०२० आणि दिनांक २१ जुलै २०२० रोजीचे पत्राद्वारे म्हाडाचे प्रस्तावावर अहवाल सादर केला आहे. आणि ज्याअर्थी, बृहन्मुंबई महानगरपालिकेने त्यांचेकडील पत्र क्र. ३३७५ व ३३७५, दिनांक १३ ऑगस्ट २०२० रोजीचे पत्राद्वारे म्हाडाचे प्रस्तावावर अहवाल सादर केले आहेत ;

(१)

आणि ज्याअर्थी, म्हाडाचे तसेच उप संचालक, नगररचना, बृहन्मुंबई आणि बृहन्मुंबई महानगरपालिकेची वर नमूद पत्रे विचारात घेता खालील परिशिष्टामध्ये विशेष करून नमूद केल्याप्रमाणे उक्त नियमावलीच्या विनियम ३३(७), विनियम ३३(९) मध्ये सत्वर सुधारणा करणे सार्वजनिक हितास्तव आवश्यक असल्याची शासन नगरविकास विभागाची खात्री झाली आहे. (यापुढे ज्याचा 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 सदरची सूचना शासन राजपत्रामध्ये प्रसिद्ध झालेल्या दिनांकापासून एक महिन्याचे मुदतीमध्ये हरकती / सूचना मागविण्यासाठी तसेच संभाव्य बाधित होणा-या व्यक्तींच्या माहितीसाठी सदर सूचना प्रसिद्ध करीत आहे ;

शासनाकडून असेही कळविणेत येत आहे की, सोबतचे परिशिष्टात नमूद प्रस्तावित फेरबदलाविषयी कोणत्याही हरकती/सूचना शासन राजपत्रात सदर सूचना प्रसिद्ध झाल्याच्या दिनांकापासून एक महिन्याच्या आत उप संचालक, नगररचना, बृहन्मुंबई यांचेकडे इन्सा हटमेंटस, ई-ब्लॉक, आझाद मैदान, महापालिका मार्ग, मुंबई ४०० ००१ या कार्यालयाचे पत्त्यावर पाठविण्यात याव्यात. उप संचालक, नगररचना, बृहन्मुंबई यांच्याकडे सदरच्या कालावधीत प्राप्त होणा-या हरकती/सूचना यावर उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये कार्यवाही करण्यात येईल ;

उक्त अधिनियमाचे कलम ३७(१कक) अन्वये सदर फेरबदलाची सूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in (कायदे /नियम) या वेबसाईटवर देखील उपलब्ध करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

निर्मलकुमार पं. चौधरी,

शासनाचे अवर सचिव.

परिशिष्ट

शासन नगर विकास विभागाकडील सूचना क्र. टिपीबी ४३२० /१०७/ प्र.क्र.७२/२०२०(भाग-१/ नवि-११, दिनांक- १८ नोव्हेंबर, २०२० सोबतचे परिशिष्ट.

(बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली -२०३४ मधील विनियम ३३(७) आणि ३३(९) मध्ये प्रस्तावित फेरबदल.)

विकास नियंत्रण व प्रोत्साहन नियमावलीमधील विनियम क्र.	विद्यमान तरतुद	प्रस्तावित तरतुद
33(7)	33(7) Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation:	33(7) Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation or buildings which were earlier cessed and after acquisition reconstructed by MHADA which have completed 30 years of age or declared unsafe by the Competent Authority.
33(7)(1)	(1) For reconstruction/redevelopment to be undertaken by same or different landlords or Co-operative societies of landlords and Cooperative Housing Societies (existing or proposed) of existing tenants or by Co-op. Housing Societies of landlords and/or occupiers of a cessed building existing prior to 30/9/1969 in Island City, which attracts the provisions of MHAD Act, 1976 and for reconstruction/redevelopment of the buildings of Corporation existing prior to 30.09.1969, FSI shall be 3.00 on the gross plot area or FSI required for rehabilitation of existing tenants plus incentive FSI as specified in sr. no 5(a) below whichever is more.	(1) For reconstruction/redevelopment to be undertaken by same or different landlords or Co-operative societies of landlords and Cooperative Housing Societies (existing or proposed) of existing tenants or by Co-op. Housing Societies of landlords and/or occupiers of a cessed building existing prior to 30/9/1969 in Island City, which attracts the provisions of MHAD Act, 1976 and for reconstruction/redevelopment of the buildings of Corporation existing prior to 30.09.1969, or buildings which were earlier cess and after acquisition reconstructed by MHADA (Such reconstructed buildings stand transferred / conveyanced to Housing Societies within six months from the date of completion) or buildings which were earlier constructed by MHADA under PMGP and completed 30 years of age or declared unsafe by the Competent Authority, FSI shall be 3.00 on the gross plot area or FSI required for rehabilitation of existing tenants plus incentive FSI as specified in sr. no 5(a) below whichever is more.
33(7)(4)	4. Tenements in the reconstructed building shall be allotted by the landlord/occupants' <u>co-operative</u>	4. Tenements in the reconstructed building shall be allotted by the landlord/occupants' <u>co-operative</u>

	housing society to the occupiers as per the list certified by the Mumbai Repairs and Reconstruction Board. The prescribed percentage of the surplus BUA as provided in the Table in the Third Schedule of the MHAD Act, 1976, shall be made available to the Mumbai Repairs and Reconstruction Board for accommodating the occupants in transit camps or cessed buildings which cannot be reconstructed, on payment of an amount as may be prescribed under MHAD Act, 1976.	housing society to the occupiers as per the list certified by the Mumbai Repairs and Reconstruction Board. The prescribed percentage of the surplus BUA as provided in the Table in the Third Schedule of the MHAD Act, 1976, shall be made available to the Mumbai Repairs and Reconstruction Board for accommodating the occupants in transit camps or cessed buildings which cannot be reconstructed, free of cost.																									
33(7)(5)(a)	(a) In the case of redevelopment of cessed building existing prior to 30/9/1969 undertaken by landlord or Co-operative societies of landlord and Co-operative Housing Societies of landlord/occupiers, the total FSI shall be 3.00 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI whichever is more and the occupier shall be eligible for 5% additional rehab Carpet Area as per serial no 2 subject to maximum limit.	(a) In the case of redevelopment of cessed building existing prior to 30/9/1969 undertaken by landlord or Co-operative societies of landlord and Co-operative Housing Societies of landlord/occupiers, the total FSI shall be 3.00 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus incentive FSI whichever is more and the occupier shall be eligible for 5% additional rehab Carpet Area as per serial no 2 subject to maximum limit. The incentive FSI admissible against the FSI required for rehabilitation shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/sq. m., of the lands as per the ASR and Rate of Construction (RC)* in Rs/sq. m, applicable to the area as per the ASR and shall be given as per the Table below: <table><caption>Table</caption><tr><th rowspan="3">Basic Ratio (LR/RC)</th><th colspan="3">Incentive (as % of Admissible Rehab area)</th></tr><tr><th rowspan="2">For single plot</th><th colspan="2">For composite redevelopment of</th></tr><tr><th>Two to Five plots</th><th>Six or more plots</th></tr><tr><td>1</td><td>2</td><td>3</td><td>4</td></tr><tr><td>above 6</td><td>75</td><td>85</td><td>90</td></tr><tr><td>above 4 & upto 6</td><td>78</td><td>88</td><td>95</td></tr><tr><td>upto 4</td><td>80</td><td>90</td><td>100</td></tr></table> Explanation: - (i) *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	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	1	2	3	4	above 6	75	85	90	above 4 & upto 6	78	88	95	upto 4	80	90	100
Basic Ratio (LR/RC)	Incentive (as % of Admissible Rehab area)																										
	For single plot	For composite redevelopment of																									
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1	2	3	4																								
above 6	75	85	90																								
above 4 & upto 6	78	88	95																								
upto 4	80	90	100																								

33(7)(5)(b)	(b) In case of composite redevelopment undertaken by landlord or Co-operative societies of landlords and Co-operative Housing Societies of landlord/occupiers jointly of 2 or more plots but not more than 5 plots with cessed buildings existing prior to 30/9/1969, the FSI permissible will be 3.00 or FSI required for rehabilitation to exiting occupiers plus 60% incentive FSI, whichever is more and the occupier shall be eligible for 8% additional rehab Carpet Area as per serial no 2 above subject to maximum limit. Provided further, that if the number of plots jointly undertaken for redevelopment of six or more with cessed buildings existing prior to 30/9/1969 or in case of redevelopment of municipal properties under this regulation having eligible tenements density more than 650/ ha, FSI available will be 3.00 or FSI required of rehabilitation for occupiers plus 70% incentive FSI whichever is more and the occupier shall be eligible for 15% additional rehab Carpet Area as per serial no 2 above subject to maximum limit. Provided further that, the above provision 5(b) shall also be applicable to municipal plots under redevelopment under this Regulation having different residential societies on different plots. Note- Notwithstanding anything contained in this regulation, in case of redevelopment scheme where permissible FSI is 3.0, then the permissible FSI shall be allowed to be exceeded by BUA required for 5%, 8%, 15% additional rehab carpet area provided as per clause a) & b) above,	different parts of the plot under the scheme, 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 IOD is issued and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion. (b) In case of composite redevelopment undertaken by landlord or Co-operative societies of landlords and Co-operative Housing Societies of landlord/occupiers jointly of 2 or more plots but not more than 5 plots with cessed buildings existing prior to 30/9/1969, the FSI permissible will be 3.00 or FSI required for rehabilitation to exiting occupiers plus incentive FSI as admissible as per column 3 of above table whichever is more and the occupier shall be eligible for 8% additional rehab Carpet Area as per serial no 2 above subject to maximum limit. Provided further, that if the number of plots jointly undertaken for redevelopment of six or more with cessed buildings existing prior to 30/9/1969 or in case of redevelopment of municipal properties under this regulation having eligible tenements density more than 650/ ha, FSI available will be 3.00 or FSI required of rehabilitation for occupiers plus incentive FSI as admissible as per column 4 of above table whichever is more and the occupier shall be eligible for 15% additional rehab Carpet Area as per serial no 2 above subject to maximum limit. Provided further that, the above provision 5(a) and 5(b) shall also be applicable to municipal plots under redevelopment under this Regulation having different residential societies on different plots. Provided in case of plots with FSI 3.00 scheme and incentive scheme are amalgamated for better planning FSI permissible shall be applicable on individual plots as per 5(a) & 5(b) above.
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	as the case may be.	Note- Notwithstanding anything contained in this regulation, in case of redevelopment scheme where permissible FSI is 3.0, then the permissible FSI shall be allowed to be exceeded by BUA required for 5%, 8%, 15% additional rehab carpet area provided as per clause a) & b) above, as the case may be.
33(7)(6)	The entire FSI available under clause 5 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.	The entire FSI available under clause 5 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 Regulation no. 32.
33(7)(7)	Construction or reconstruction of old cessed building 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.	Construction or reconstruction of old cessed building 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. The land under, composite redevelopment with permissible FSI as per 5(a) and 5(b) above, irrespective of the tenure of the plots comprised therein, shall be treated as one plot.
33(7)(8)	8. 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. Even if the amenity open space (LOS) is reduced to make the project viable a minimum of at least 10% of open space shall be maintained.	8. 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. The clause No.6.15 incorporated in sub Regulation No.6 of Regulation No.33 (10) shall apply. Even if the amenity open space (LOS) is reduced to make the project viable a minimum of at least 10% of open space shall be maintained.

33(7)(13)	13. Since the permissible FSI in clause 5 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 cessed buildings shall not be considered while computation of existing FSI.	13. Since the permissible FSI in clause 5 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 cessed buildings shall not be considered while computation of existing FSI. except non-tallying area (excluding unauthorized construction) certified by MBRRB (MHADA) as per Govt. U.D. Deptt, directives of 2002.
33(7)(15)	15. Additional development cess equivalent to 100% of Development charges on BUA (excluding the fungible compensatory area/BUA), or Rs5,000 per sq. m whichever is more for BUA over and above the existing BUA shall be paid by the owner/developer/society, for the rehabilitation and free sale components. 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 instalments 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.	15. Additional development cess equivalent to 100% of Development charges on BUA (excluding the fungible compensatory area/BUA), or Rs5,000 per sq. m whichever is more for BUA over and above rehab BUA shall be paid by the owner/developer/society, for free sale components. 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 instalments 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.
33(7)(19)	19. Non-Deduction of non-cessed Structure area in the scheme of 33(7) for FSI purpose: In case of mix of the structure i.e. cessed & non cessed structure and if the area of non cessed structure existing prior to 30/9/69, area of land component under non-cessed structure works out up to a limit of 25% of plot area, then FSI shall be considered on total plot area. If this area exceeds 25% of the total area, then area above 25% shall be deducted from plot area. FSI for deducted area shall be as per Regulation No 30 and the FSI for the remaining plot area shall be as per 33(7). Provision of clause no 2 above shall be made applicable to non-cessed occupier. Provided that the 25% land component	19. Non-Deduction of non-cessed Structure area in the scheme of 33(7) for FSI purpose: In case of mix of the structure i.e. cessed & non cessed structure and if the area of non cessed structure existing prior to 30/9/69, area of land component under non-cessed structure works out up to a limit of 45% of plot area, then FSI shall be considered on total plot area. If this area exceeds 45% of the total area, then area above 45% shall be deducted from plot area. FSI for deducted area shall be as per Regulation No 30 and the FSI for the remaining plot area shall be as per 33(7). Provision of clause no 2 above shall be made applicable to non-cessed occupier. Provided that the 45% land component

	of non-cessed structures will be eligible for FSI as per Regulation 33(7) only.	of non-cessed structures will be eligible for FSI as per Regulation 33(7) only.
Insert new sub clause- 10 in 33(7)	----	10. In case of redevelopment scheme in progress and such schemes where LOI has been issued, the Owner/ Developer/Co-op. Housing Society with the prior approval of Vice president and Chief Executive Officer, Maharashtra Housing and Area Development Authority, may convert the proposal in accordance with modified regulations. However, such conversion is optional and shall not be binding. Provided that in case of building of Corporation, the conversion is permissible with the approval of Municipal Commissioner subject to ascertaining and due verification of redevelopment scheme.
Insert new sub clause- 22 in 33(7)	---	<u>Clubbing of scheme :-</u> At the option of the owner / developer two or more schemes under this regulation can be permitted to be integrated. A developer / developers making an application under this regulation may club more than one plot belonging to single or multiple owners. Rehab as well as sale component BUA of the plot shall be allowed to be clubbed with other plots provided all right holders of these plots agree and make a joint application. 1. Premium The developer shall have to pay a premium equal to 30% of difference as per ASR of the plots where such clubbing have been permitted . The premium shall be paid to the Planning Authority in two stages 50% at the time of further C.C. above plinth and 50% at the time of issuing full C.C. Out of the total premium amount collected under this Regulation shall be shared in 1/3 proportion by Government, MCGM & MHADA shall be kept in the separate account to be utilized for infrastructure improvement 2. Conditions a. The clubbing of scheme will be allowed after the due approval of the Commissioner and he is satisfied with hardship as per the provision of the DCPR. b. Such clubbing can be allowed for the schemes falling within the distance of 10 km.

33(9)(1.1)	1.1 Cluster Development Scheme(CDS)means any scheme for redevelopment of a cluster of buildings and structures over a minimum area of 4000 sq. m in the Island City of Mumbai and 6000 sq. m in the Mumbai Suburbs &Extended Suburbs, bounded by existing distinguishing physical boundaries such as roads, nallas and railway lines etc. and accessible by an existing or proposed D.P. road which is at least 18m wide whether existing or proposed in the D.P. or URP or a road for which Sanctioned Regular line of street has been prescribed by the MCGM under MMC Act, 1888. Such cluster of buildings (hereinafter referred to as "Cluster Development (CD)") shall be a cluster or a group of clusters identified for urban renewal: Provided further that HPC may consider after verifying traffic simulation study to allow CDS on a plot having access from existing minimum 12m. wide dead end road originating from 18 m. wide public road.	1.1 Cluster Development Scheme(CDS)means any scheme for redevelopment of a cluster of buildings and structures over a minimum area of 4000 sq. m in the Island City of Mumbai and 6000 sq. m in the Mumbai Suburbs &Extended Suburbs, bounded by existing distinguishing physical boundaries such as roads, nallas and railway lines etc. and accessible by an existing or proposed D.P. road which is at least 18m wide whether existing or proposed in the D.P. or URP or a road for which Sanctioned Regular line of street has been prescribed by the MCGM under MMC Act, 1888. Such cluster of buildings (hereinafter referred to as "Cluster Development (CD)") shall be a cluster or a group of clusters identified for urban renewal: Provided further that HPC may consider after verifying traffic simulation study to allow CDS on a plot having access from existing minimum 12m. wide dead end road originating from 18 m. wide public road. Provided further that the Commissioner may consider to allow CDS on a plot having access from existing 12.0 mt. road, depending on availability of 18.30 m. arterial road within the vicinity of 500m. from the Scheme.
33(9)(1.2)(ii)	1.2 The CD may consist of a mix of structures of different characteristics such as (ii) (a) Buildings at least 30 years of age and acquired by MHADA under MHAD Act, 1976.	1.2 The CD may consist of a mix of structures of different characteristics such as (ii) (a) Buildings at least 30 years of age and acquired / reconstructed by MHADA under MHAD Act, 1976. Provided further that HPC / Municipal Commissioner may consider buildings reconstructed by MHADA having age less than 30 years on specific recommendation by MHADA.
33(9)(2)(A)(iii)	Notwithstanding anything contained in these regulations, mezzanine floors having clear height of 1.8 m. and above constructed prior to 13/06/1996 and regularized subsequently shall be eligible for rehabilitation and incentive FSI	Notwithstanding anything contained in these regulations, mezzanine floors having clear height of 1.8 m. and above constructed prior to 13/06/1996 and regularized subsequently OR assessed by MCGM and reflected in Inspection Extract year 1995-1996 shall be eligible for

		rehabilitation and incentive FSI. Provided that necessary charges for regularisation of mezzanine floor shall be recovered and necessary condition to that effect shall be incorporated in IOD.
Insert new proviso in 33(9)(3)(1)	1) Purchase of lands, including buildings, if any, standing thereupon, Provided that if the Promoter wishes to include any building or land belonging to the State Govt. or MCGM or MHADA or any Agency under the control of State Govt. (hereinafter collectively referred as "Public Authority"), then he shall make a written request in this regard through the Municipal Commissioner to an Empowered Committee (EC) headed by the Chief Secretary. This EC shall be as formulated by GoM.	1) Purchase of lands, including buildings, if any, standing thereupon, Provided that if the Promoter wishes to include any building or land belonging to the State Govt. or MCGM or MHADA or any Agency under the control of State Govt. (hereinafter collectively referred as "Public Authority"), then he shall make a written request in this regard through the Municipal Commissioner to an Empowered Committee (EC) headed by the Chief Secretary. This EC shall be as formulated by GoM. Provided that if project proponent/ Developer submits consent/ Permission from user Public Authority for inclusion of their land / building in the scheme, then decision on such proposals be taken by HPC and such proposals need not be referred to the empower committee.
33(9)(4)(a)	4. a) Redevelopment or Reconstruction under CDS may be permitted in pursuance of an irrevocable registered written consent by eligible tenants/ occupiers of all authorized buildings not less than 51percent of each building or 60percent overall of the scheme involved in the CDS. Consent as aforesaid of tenants/occupiers for reconstruction or redevelopment shall not be required, if MHADA/MCGM undertakes redevelopment, on its own land, directly without any developer.	4. a) Redevelopment or Reconstruction under CDS may be permitted in pursuance of an irrevocable notarized written consent by eligible tenants/ occupiers of all authorized buildings not less than 51 percent of each buildings or-60 percent overall of the scheme involved in the CDS. Consent as aforesaid of tenants/occupiers for reconstruction or redevelopment shall not be required, if MHADA/MCGM undertakes redevelopment, on its own land, directly without any developer.
33(9)(5)(i)	5. Conditions of Rehabilitation: (i) Each occupant/tenant shall be rehabilitated and given on ownership basis, carpet area equivalent to the area occupied by such occupant/tenant in the old building. However, in case of residential/residential cum commercial occupants, such carpet area shall not be less than	5. Conditions of Rehabilitation: (i) Each occupant/tenant shall be rehabilitated and given on ownership basis, carpet area equivalent to the area occupied by such occupant/tenant in the old building. However, in case of residential/residential cum commercial occupants, such carpet area shall not be less than 35.00

	27.88 sq. m. This shall be the "basic area".	sq.m. This shall be the "basic area". In case of non -residential occupier, the carpet area to be given in the reconstructed building will be equivalent to the carpet area occupied in the old building.																																																												
33(9)(5)(ii)	(ii) In addition to (i) above, there shall be "additional area" for the rehabilitation of residential/residential cum commercial Occupants governed by the size of the CD in accordance with the Table-A below Table-A <table><tr><th>Area of the Cluster</th><th>Additional Area (over & above basic area)</th></tr><tr><td>Above 1 ha up to 2 ha</td><td>15%</td></tr><tr><td>Above 2 ha up to 5 ha</td><td>20%</td></tr><tr><td>Above 5 ha up to 10 ha</td><td>25%</td></tr><tr><td>Above 10 ha</td><td>30%</td></tr></table>	Area of the Cluster	Additional Area (over & above basic area)	Above 1 ha up to 2 ha	15%	Above 2 ha up to 5 ha	20%	Above 5 ha up to 10 ha	25%	Above 10 ha	30%	(ii) In addition to (i) above, there shall be "additional area" for the rehabilitation of residential/residential cum commercial Occupants governed by the size of the CD in accordance with the Table-A below Table-A <table><tr><th>Area of the Cluster Development</th><th>Additional Area (over & above basic area)</th></tr><tr><td>Above 5000 S.M. and up to 1 ha</td><td>15%</td></tr><tr><td>Above 1 ha up to 2 ha</td><td>20%</td></tr><tr><td>Above 2 ha up to 5 h</td><td>25%</td></tr><tr><td>Above 5 ha up to 10 ha</td><td>30%</td></tr><tr><td>Above 10 ha</td><td>35%</td></tr></table>	Area of the Cluster Development	Additional Area (over & above basic area)	Above 5000 S.M. and up to 1 ha	15%	Above 1 ha up to 2 ha	20%	Above 2 ha up to 5 h	25%	Above 5 ha up to 10 ha	30%	Above 10 ha	35%																																						
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33(9)(5)(b)	(b) Existing or max 20.90 sq.m whichever is less in case of non-residential.	(b) Existing or 20.90 sq.m whichever is more in case of non-residential.																																																												
33(9)(6)(b)	b) The incentive FSI admissible against the FSI required for rehabilitation shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/sq. m., of the lands included in the URC; as per the ASR and Rate of Construction (RC)* in Rs/sq. m, applicable to the area as per the ASR and shall be given as per the Table-B below: Table-B <table><tr><th>Basic Ratio (LR/RC)</th><th colspan="4">Incentive (As % of Admissible Rehabilitation Area)</th></tr><tr><th></th><th>For 0.4ha up to 1 ha</th><th>More than 1 ha upto 5ha</th><th>More than 5 ha up to 10 ha.</th><th>For more than 10 ha</th></tr><tr><td>Above 6.00</td><td>55%</td><td>60%</td><td>65%</td><td>70%</td></tr><tr><td>Above 4.00 and upto 6.00</td><td>65%</td><td>70%</td><td>75%</td><td>80%</td></tr><tr><td>Above 2.00 and upto 4.00</td><td>75%</td><td>80%</td><td>85%</td><td>90%</td></tr><tr><td>Upto 2.00</td><td>85%</td><td>90%</td><td>95%</td><td>100%</td></tr></table>	Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)					For 0.4ha up to 1 ha	More than 1 ha upto 5ha	More than 5 ha up to 10 ha.	For more than 10 ha	Above 6.00	55%	60%	65%	70%	Above 4.00 and upto 6.00	65%	70%	75%	80%	Above 2.00 and upto 4.00	75%	80%	85%	90%	Upto 2.00	85%	90%	95%	100%	b) The incentive FSI admissible against the FSI required for rehabilitation shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/sq. m., of the lands included in the URC; as per the ASR and Rate of Construction (RC)* in Rs/sq. m, applicable to the area as per the ASR and shall be given as per the Table-B below: Table-B <table><tr><th>Basic Ratio (LR/RC)</th><th colspan="4">Incentive (As % of Admissible Rehabilitation Area)</th></tr><tr><th></th><th>For 0.4ha up to 1 ha</th><th>More than 1 ha upto 5ha</th><th>More than 5 ha up to 10 ha.</th><th>For more than 10ha.</th></tr><tr><td>Above 6.00</td><td>85%</td><td>90%</td><td>95%</td><td>100%</td></tr><tr><td>Above 4.00 and upto 6.00</td><td>95%</td><td>100%</td><td>105%</td><td>110%</td></tr><tr><td>Above 2.00 and upto 4.00</td><td>105%</td><td>110%</td><td>115%</td><td>120%</td></tr><tr><td>Upto 2.00</td><td>115%</td><td>120%</td><td>125%</td><td>130%</td></tr></table>	Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)					For 0.4ha up to 1 ha	More than 1 ha upto 5ha	More than 5 ha up to 10 ha.	For more than 10ha.	Above 6.00	85%	90%	95%	100%	Above 4.00 and upto 6.00	95%	100%	105%	110%	Above 2.00 and upto 4.00	105%	110%	115%	120%	Upto 2.00	115%	120%	125%	130%
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33(9)(9)	9. 30% of the incentive FSI can be used for non-residential purposes as otherwise permissible under the	9. 30% of the incentive FSI can be used for non-residential purposes as otherwise permissible under the																																																												

	DCR.	DCPR. or 50% with the approval of Municipal Commissioner
33(9)(13)	13. Relaxation in Building and other requirements: In case of tenements of 27.88 sq. m Carpet area for rehabilitation or tenements to be given to MHADA, towards its share and the BUA to be handed over to the Planning Authority/Appropriate Authority, the following shall be applicable.	13. Relaxation in Building and other requirements: In case of tenements of 35.00sq.mt Carpet area for rehabilitation or tenements to be given to MHADA, towards its share and the BUA to be handed over to the Planning Authority/Appropriate Authority, the following shall be applicable.
33(9)(13.4)	13.4 Notwithstanding the provisions in Regulation No 41 (Table No. 18) where the location of the CD plot abuts a DP Road having width of 18.3 m and above. The front marginal open space shall not be insisted upon beyond 3.0 m provided such road is not an Express Highway or a road wider than 52 m.	13.4 Notwithstanding the provisions in Regulation No 41 (Table No. 18) where the location of the CD plot abuts a DP Road having width of 12.00 m and above. The front marginal open space shall not be insisted upon beyond 3.0 m provided such road is not an Express Highway or a road wider than 52 m.
33(9)(13.8)	13.8 A composite building under CDS shall have at least 50 percent of BUA as rehabilitation component.	13.8 A composite building (comprising all wings) under CDS shall have at least 50 percent of BUA as rehabilitation component.
33(9)(13.11)	13.11 Even if the LOS is reduced to make the project CDS viable, at least 10 percent of CD plot area shall be provided as LOS. In addition, 10 percent of CD plot area shall be earmarked for LOS which can be adjusted against the DP reservation/land component of built up amenity, to be handed over to MCGM, if any, existing on such plot.	13.11 Even if the LOS is reduced to make the project CDS viable, at least 10 percent of CD plot area shall be provided as LOS. In addition, 10 percent of CD plot area shall be earmarked for LOS which can be adjusted against the DP reservation/land component of built up amenity, to be handed over to MCGM, if any, existing on such plot. Provided further that in case of proposal of conversion of old scheme sanctioned under Regulation 33(7), 33(9) to modified provision of DCPR 33(9), wherein work of more than 50% area of plinth is completed on site, then such cases for conversion, Commissioner, MCGM shall have the power to relax 10% additional LOS area in such cases only.
Insert new sub clause- 13.15 in 33(9)(13)	---	13.15 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 less shall apply.
33(9)(20)	20. If HPC approves areas for amenities such as Fire Stations/Hospitals/Police Stations/Schools, etc. other than reservations/designations under the DP, such amenities shall be handed over to the concerned Authority free of cost. The BUA of such amenity shall be considered towards rehabilitation FSI, and incentive FSI as admissible under this Regulation shall be permissible.	20. If MC/MCGM approves areas for amenities such as Fire Stations/Hospitals/Police Stations/Schools, Additional Area required by the Land owning Authority etc. other than reservations/designations under the DP, such amenities shall be handed over to the concerned Authority free of cost. The BUA of such amenity shall be considered towards rehabilitation FSI, and incentive FSI as admissible under this Regulation shall be permissible.
Insert new sub clause- 23 in 33(9)	--	23. Any ongoing Cluster Development Scheme (CDS) sanctioned under Regulation 33(9) of DCR 1991 or DCPR-2034 prior to the date of coming into force of this Regulation can be allowed to be converted as per this modified Regulation at the request of the Promoter/Developer, with the prior approval of the High Power Committee, subject to compliance of provisions of this modified regulation including rehab area as per this modified regulation. However, such conversion is optional and shall not be binding.

निर्मलकुमार पं. चौधरी

शासनाचे अवर सचिव.

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 18th November 2020.

Notice

MAHARASHTRA REGIONAL & TOWN PLANNING ACT, 1966.

No. TPB.4320/107/CR-72/2020(Part-I)/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”) ;

And 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, dated 08/05/2018 (hereinafter referred to as “the said Notification”) has accorded sanction to the Draft Development Plan-2034 alongwith 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 a corrigendum of even number dated 22nd June, 2018 as per which the said Regulations have come into force from 1st September 2018. And whereas, thereafter Government has issued a Corrigendum and Addendum of even number dated. 29th June, 2018 to the said Notification, which is published in *Government Gazette*, dated 30th June, 2018 ;

And whereas, the Government of Maharashtra *vide* Notification dated 21st September 2018 has sanctioned EP-1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) of the said Regulations ;

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

And whereas, considering various letters received from The South Mumbai Redeveloper Association (SOMURA), the Chief Executive Officer, Maharashtra Housing and Area Development Authority (MHADA) *vide* his letter dated 2nd June 2020 and dated 2nd July 2020 has requested the Government to modify certain provisions of Regulation 33(7) and Regulation 33(9) of the said Regulations. And whereas, the Deputy Director of Town Planning *vide* his letters dated 17th July 2020 and dated 21st July 2020 has submitted his report on proposal of MHADA. And whereas, the Municipal Corporation of Greater Mumbai (MCGM) *vide* letter Nos. 3375 and 3376, dated 13th August 2020 submitted its reports on the proposal of MHADA ;

And whereas, after considering the above stated reports of MHADA, Deputy Director of Town Planning, Gr. Mumbai. and letters of MCGM, the Government in Urban Development Department is of the opinion that in the public interest it is expedient to modify certain provisions of Regulation 33(7) and Regulation 33(9) 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 given below may be forwarded, before the expiry of one month from the date of publication of this Notice in the *Maharashtra Government Gazette*, 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 or suggestions, which may be received by the Deputy Director of Town Planning, Greater Mumbai within the said period will be dealt with in accordance with the provisions of sub-section (1AA) of Section 37 of the said Act.

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

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

NIRMALKUMAR P. CHAUDHARI,

Under Secretary to Government.

SCHEDULE

Accompaniment to the Government in Urban Development Department Notice No. TPB-4320/107/CR-72/2020(Part-I)/UD-11, dated :- 18th November, 2020.

Proposed modification to Regulation 33(7) and Regulation 33(9) of the Development Control and Promotion Regulations-2034.:-

Regulation No.	Existing Provision	Proposed Provision
33(7)	33(7) Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation:	33(7) Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation or buildings which were earlier cessed and after acquisition reconstructed by MHADA which have completed 30 years of age or declared unsafe by the Competent Authority.
33(7)(1)	(1) For reconstruction/redevelopment to be undertaken by same or different landlords or Co-operative societies of landlords and Cooperative Housing Societies (existing or proposed) of existing tenants or by Co-op. Housing Societies of landlords and/or occupiers of a cessed building existing prior to 30/9/1969 in Island City, which attracts the provisions of MHAD Act, 1976 and for reconstruction/redevelopment of the buildings of Corporation existing prior to 30.09.1969, FSI shall be 3.00 on the gross plot area or FSI required for rehabilitation of existing tenants plus incentive FSI as specified in sr. no 5(a) below whichever is more.	(1) For reconstruction/redevelopment to be undertaken by same or different landlords or Co-operative societies of landlords and Cooperative Housing Societies (existing or proposed) of existing tenants or by Co-op. Housing Societies of landlords and/or occupiers of a cessed building existing prior to 30/9/1969 in Island City, which attracts the provisions of MHAD Act, 1976 and for reconstruction/redevelopment of the buildings of Corporation existing prior to 30.09.1969, or buildings which were earlier cess and after acquisition reconstructed by MHADA (Such reconstructed buildings stand transferred / conveyanced to Housing Societies within six months from the date of completion) or buildings which were earlier constructed by MHADA under PMGP and completed 30 years of age or declared unsafe by the Competent Authority, FSI shall be 3.00 on the gross plot area or FSI required for rehabilitation of existing tenants plus incentive FSI as specified in sr. no 5(a) below whichever is more.
33(7)(4)	4. Tenements in the reconstructed building shall be allotted by the landlord/occupants' co-operative housing society to the occupiers as per the list certified by the Mumbai	4. Tenements in the reconstructed building shall be allotted by the landlord/occupants' co-operative housing society to the occupiers as per the list certified by the Mumbai Repairs

	Repairs and Reconstruction Board. The prescribed percentage of the surplus BUA as provided in the Table in the Third Schedule of the MHAD Act, 1976, shall be made available to the Mumbai Repairs and Reconstruction Board for accommodating the occupants in transit camps or cessed buildings which cannot be reconstructed, on payment of an amount as may be prescribed under MHAD Act, 1976.	and Reconstruction Board. The prescribed percentage of the surplus BUA as provided in the Table in the Third Schedule of the MHAD Act, 1976, shall be made available to the Mumbai Repairs and Reconstruction Board for accommodating the occupants in transit camps or cessed buildings which cannot be reconstructed, free of cost.																															
33(7)(5)(a)	(a) In the case of redevelopment of cessed building existing prior to 30/9/1969 undertaken by landlord or Co-operative societies of landlord and Co-operative Housing Societies of landlord/occupiers, the total FSI shall be 3.00 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI whichever is more and the occupier shall be eligible for 5% additional rehab Carpet Area as per serial no 2 subject to maximum limit.	(a) In the case of redevelopment of cessed building existing prior to 30/9/1969 undertaken by landlord or Co-operative societies of landlord and Co-operative Housing Societies of landlord/occupiers, the total FSI shall be 3.00 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus incentive FSI whichever is more and the occupier shall be eligible for 5% additional rehab Carpet Area as per serial no 2 subject to maximum limit. The incentive FSI admissible against the FSI required for rehabilitation shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/sq. m., of the lands as per the ASR and Rate of Construction (RC)* in Rs/sq. m, applicable to the area as per the ASR and shall be given as per the Table below: <table><tr><th colspan="4">Table</th></tr><tr><th rowspan="2">Basic Ratio (LR/RC)</th><th colspan="3">Incentive (as % of Admissible Rehab area)</th></tr><tr><th>For single plot</th><th colspan="2">For composite redevelopment of</th></tr><tr><td></td><td></td><th>Two to Five plots</th><th>Six or more plots</th></tr><tr><td>1</td><td>2</td><td>3</td><td>4</td></tr><tr><td>above 6</td><td>75</td><td>85</td><td>90</td></tr><tr><td>above 4 & upto 6</td><td>78</td><td>88</td><td>95</td></tr><tr><td>upto 4</td><td>80</td><td>90</td><td>100</td></tr></table> Explanation: - (i) *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 scheme, a weighted average of all the	Table				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	1	2	3	4	above 6	75	85	90	above 4 & upto 6	78	88	95	upto 4	80	90	100
Table																																	
Basic Ratio (LR/RC)	Incentive (as % of Admissible Rehab area)																																
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33(7)(5)(b)	(b) In case of composite redevelopment undertaken by landlord or Co-operative societies of landlords and Co-operative Housing Societies of landlord/occupiers jointly of 2 or more plots but not more than 5 plots with cessed buildings existing prior to 30/9/1969, the FSI permissible will be 3.00 or FSI required for rehabilitation to exiting occupiers plus 60% incentive FSI, whichever is more and the occupier shall be eligible for 8% additional rehab Carpet Area as per serial no 2 above subject to maximum limit. Provided further, that if the number of plots jointly undertaken for redevelopment of six or more with cessed buildings existing prior to 30/9/1969 or in case of redevelopment of municipal properties under this regulation having eligible tenements density more than 650/ ha, FSI available will be 3.00 or FSI required of rehabilitation for occupiers plus 70% incentive FSI whichever is more and the occupier shall be eligible for 15% additional rehab Carpet Area as per serial no 2 above subject to maximum limit. Provided further that, the above provision 5(b) shall also be applicable to municipal plots under redevelopment under this Regulation having different residential societies on different plots. Note- Notwithstanding anything contained in this regulation, in case of redevelopment scheme where permissible FSI is 3.0, then the permissible FSI shall be allowed to be exceeded by BUA required for 5%, 8%, 15% additional rehab carpet area provided as per clause a) & b) above, as the case may be.	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 IOD is issued and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion. (b) In case of composite redevelopment undertaken by landlord or Co-operative societies of landlords and Co-operative Housing Societies of landlord/occupiers jointly of 2 or more plots but not more than 5 plots with cessed buildings existing prior to 30/9/1969, the FSI permissible will be 3.00 or FSI required for rehabilitation to exiting occupiers plus incentive FSI as admissible as per column 3 of above table whichever is more and the occupier shall be eligible for 8% additional rehab Carpet Area as per serial no 2 above subject to maximum limit. Provided further, that if the number of plots jointly undertaken for redevelopment of six or more with cessed buildings existing prior to 30/9/1969 or in case of redevelopment of municipal properties under this regulation having eligible tenements density more than 650/ ha, FSI available will be 3.00 or FSI required of rehabilitation for occupiers plus incentive FSI as admissible as per column 4 of above table whichever is more and the occupier shall be eligible for 15% additional rehab Carpet Area as per serial no 2 above subject to maximum limit. Provided further that, the above provision 5(a) and 5(b) shall also be applicable to municipal plots under redevelopment under this Regulation having different residential societies on different plots. Provided in case of plots with FSI 3.00 scheme and incentive scheme are amalgamated for better planning FSI permissible shall be applicable on individual plots as per 5(a) & 5(b) above. Note- Notwithstanding anything contained in this regulation, in case of
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		redevelopment scheme where permissible FSI is 3.0, then the permissible FSI shall be allowed to be exceeded by BUA required for 5%, 8%, 15% additional rehab carpet area provided as per clause a) & b) above, as the case may be.
33(7)(6)	The entire FSI available under clause 5 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.	The entire FSI available under clause 5 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 Regulation no. 32.
33(7)(7)	Construction or reconstruction of old cessed building 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.	Construction or reconstruction of old cessed building 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. The land under, composite redevelopment with permissible FSI as per 5(a) and 5(b) above, irrespective of the tenure of the plots comprised therein, shall be treated as one plot.
33(7)(8)	8. 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. Even if the amenity open space (LOS) is reduced to make the project viable a minimum of at least 10% of open space shall be maintained.	8. 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. The clause No.6.15 incorporated in sub Regulation No.6 of Regulation No.33 (10) shall apply. Even if the amenity open space (LOS) is reduced to make the project viable a minimum of at least 10% of open space shall be maintained.
33(7)(13)	13. Since the permissible FSI in clause 5 above is dependent upon the number of occupiers and the actual area	13. Since the permissible FSI in clause 5 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 cessed buildings shall not be considered while computation of existing FSI.	occupied by them, no new tenancy created after 13.6.1996 shall be considered. Further unauthorized constructions made in the cessed buildings shall not be considered while computation of existing FSI. except non-tallying area (excluding unauthorized construction) certified by MBRRB (MHADA) as per Govt. U.D. Deptt, directives of 2002.
33(7)(15)	15. Additional development cess equivalent to 100% of Development charges on BUA (excluding the fungible compensatory area/BUA), or Rs5,000 per sq. m whichever is more for BUA over and above the existing BUA shall be paid by the owner/developer/society, for the rehabilitation and free sale components. 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 instalments 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.	15. Additional development cess equivalent to 100% of Development charges on BUA (excluding the fungible compensatory area/BUA), or Rs5,000 per sq. m whichever is more for BUA over and above rehab BUA shall be paid by the owner/developer/society, for free sale components. 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 instalments 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.
33(7)(19)	19. Non-Deduction of non-cessed Structure area in the scheme of 33(7) for FSI purpose: In case of mix of the structure i.e. cessed & non cessed structure and if the area of non cessed structure existing prior to 30/9/69, area of land component under non-cessed structure works out up to a limit of 25% of plot area, then FSI shall be considered on total plot area. If this area exceeds 25% of the total area, then area above 25% shall be deducted from plot area. FSI for deducted area shall be as per Regulation No 30 and the FSI for the remaining plot area shall be as per 33(7). Provision of clause no 2 above shall be made applicable to non-cessed occupier. Provided that the 25% land component of non-cessed structures will be eligible for FSI as per Regulation 33(7) only.	19. Non-Deduction of non-cessed Structure area in the scheme of 33(7) for FSI purpose: In case of mix of the structure i.e. cessed & non cessed structure and if the area of non cessed structure existing prior to 30/9/69, area of land component under non-cessed structure works out up to a limit of 45% of plot area, then FSI shall be considered on total plot area. If this area exceeds 45% of the total area, then area above 45% shall be deducted from plot area. FSI for deducted area shall be as per Regulation No 30 and the FSI for the remaining plot area shall be as per 33(7). Provision of clause no 2 above shall be made applicable to non-cessed occupier. Provided that the 45% land component of non-cessed structures will be eligible for FSI as per Regulation 33(7) only.

Insert new sub clause- 10 in 33(7)	----	10. In case of redevelopment scheme in progress and such schemes where LOI has been issued, the Owner/ Developer/Co-op. Housing Society with the prior approval of Vice president and Chief Executive Officer, Maharashtra Housing and Area Development Authority, may convert the proposal in accordance with modified regulations. However, such conversion is optional and shall not be binding. Provided that in case of building of Corporation, the conversion is permissible with the approval of Municipal Commissioner subject to ascertaining and due verification of redevelopment scheme.
Insert new sub clause- 22 in 33(7)	---	<u>Clubbing of scheme :-</u> At the option of the owner / developer two or more schemes under this regulation can be permitted to be integrated. A developer / developers making an application under this regulation may club more than one plot belonging to single or multiple owners. Rehab as well as sale component BUA of the plot shall be allowed to be clubbed with other plots provided all right holders of these plots agree and make a joint application. 1. Premium The developer shall have to pay a premium equal to 30% of difference as per ASR of the plots where such clubbing have been permitted . The premium shall be paid to the Planning Authority in two stages 50% at the time of further C.C. above plinth and 50% at the time of issuing full C.C. Out of the total premium amount collected under this Regulation shall be shared in 1/3 proportion by Government, MCGM & MHADA shall be kept in the separate account to be utilized for infrastructure improvement 2. Conditions a. The clubbing of scheme will be allowed after the due approval of the Commissioner and he is satisfied with hardship as per the provision of the DCPR. b. Such clubbing can be allowed for the schemes falling within the distance of 10 km.
33(9)(1.1)	1.1 Cluster Development Scheme(CDS)means any scheme for redevelopment of a cluster of buildings and structures over a minimum area of 4000 sq. m in the Island City of	1.1 Cluster Development Scheme(CDS)means any scheme for redevelopment of a cluster of buildings and structures over a minimum area of 4000 sq. m in the Island City of

	Mumbai and 6000 sq. m in the Mumbai Suburbs & Extended Suburbs, bounded by existing distinguishing physical boundaries such as roads, nallas and railway lines etc. and accessible by an existing or proposed D.P. road which is at least 18m wide whether existing or proposed in the D.P. or URP or a road for which Sanctioned Regular line of street has been prescribed by the MCGM under MMC Act, 1888. Such cluster of buildings (hereinafter referred to as "Cluster Development (CD)") shall be a cluster or a group of clusters identified for urban renewal: Provided further that HPC may consider after verifying traffic simulation study to allow CDS on a plot having access from existing minimum 12m. wide dead end road originating from 18 m. wide public road.	Mumbai and 6000 sq. m in the Mumbai Suburbs & Extended Suburbs, bounded by existing distinguishing physical boundaries such as roads, nallas and railway lines etc. and accessible by an existing or proposed D.P. road which is at least 18m wide whether existing or proposed in the D.P. or URP or a road for which Sanctioned Regular line of street has been prescribed by the MCGM under MMC Act, 1888. Such cluster of buildings (hereinafter referred to as "Cluster Development (CD)") shall be a cluster or a group of clusters identified for urban renewal: Provided further that HPC may consider after verifying traffic simulation study to allow CDS on a plot having access from existing minimum 12m. wide dead end road originating from 18 m. wide public road. Provided further that the Commissioner may consider to allow CDS on a plot having access from existing 12.0 mt. road, depending on availability of 18.30 m. arterial road within the vicinity of 500m. from the Scheme.
33(9)(1.2)(ii)	1.2 The CD may consist of a mix of structures of different characteristics such as (ii) (a) Buildings at least 30 years of age and acquired by MHADA under MHAD Act, 1976.	1.2 The CD may consist of a mix of structures of different characteristics such as (ii) (a) Buildings at least 30 years of age and acquired / reconstructed by MHADA under MHAD Act, 1976. Provided further that HPC / Municipal Commissioner may consider buildings reconstructed by MHADA having age less than 30 years on specific recommendation by MHADA.
33(9)(2)(A)(iii)	Notwithstanding anything contained in these regulations, mezzanine floors having clear height of 1.8 m. and above constructed prior to 13/06/1996 and regularized subsequently shall be eligible for rehabilitation and incentive FSI	Notwithstanding anything contained in these regulations, mezzanine floors having clear height of 1.8 m. and above constructed prior to 13/06/1996 and regularized subsequently OR assessed by MCGM and reflected in Inspection Extract year 1995-1996 shall be eligible for rehabilitation and incentive FSI. Provided that necessary charges for regularisation of mezzanine floor shall be recovered and necessary condition to that effect shall be incorporated in IOD.

Insert new proviso in 33(9)(3)(1)	1) Purchase of lands, including buildings, if any, standing thereupon, Provided that if the Promoter wishes to include any building or land belonging to the State Govt. or MCGM or MHADA or any Agency under the control of State Govt. (hereinafter collectively referred as "Public Authority"), then he shall make a written request in this regard through the Municipal Commissioner to an Empowered Committee (EC) headed by the Chief Secretary. This EC shall be as formulated by GoM.	1) Purchase of lands, including buildings, if any, standing thereupon, Provided that if the Promoter wishes to include any building or land belonging to the State Govt. or MCGM or MHADA or any Agency under the control of State Govt. (hereinafter collectively referred as "Public Authority"), then he shall make a written request in this regard through the Municipal Commissioner to an Empowered Committee (EC) headed by the Chief Secretary. This EC shall be as formulated by GoM. Provided that if project proponent/ Developer submits consent/ Permission from user Public Authority for inclusion of their land / building in the scheme, then decision on such proposals be taken by HPC and such proposals need not be referred to the empower committee.
33(9)(4)(a)	4. a) Redevelopment or Reconstruction under CDS may be permitted in pursuance of an irrevocable registered written consent by eligible tenants/ occupiers of all authorized buildings not less than 51percent of each building or 60percent overall of the scheme involved in the CDS. Consent as aforesaid of tenants/occupiers for reconstruction or redevelopment shall not be required, if MHADA/MCGM undertakes redevelopment, on its own land, directly without any developer.	4. a) Redevelopment or Reconstruction under CDS may be permitted in pursuance of an irrevocable notarized written consent by eligible tenants/ occupiers of all authorized buildings not less than 51 percent of each buildings or-60 percent overall of the scheme involved in the CDS. Consent as aforesaid of tenants/occupiers for reconstruction or redevelopment shall not be required, if MHADA/MCGM undertakes redevelopment, on its own land, directly without any developer.
33(9)(5)(i)	5. Conditions of Rehabilitation: (i) Each occupant/tenant shall be rehabilitated and given on ownership basis, carpet area equivalent to the area occupied by such occupant/tenant in the old building. However, in case of residential/residential cum commercial occupants, such carpet area shall not be less than 27.88 sq. m. This shall be the "basic area".	5. Conditions of Rehabilitation: (i) Each occupant/tenant shall be rehabilitated and given on ownership basis, carpet area equivalent to the area occupied by such occupant/tenant in the old building. However, in case of residential/residential cum commercial occupants, such carpet area shall not be less than 35.00 sq.m. This shall be the "basic area". In case of non -residential occupier, the carpet area to be given in the reconstructed building will be equivalent to the carpet area occupied in the old building.

33(9)(5)(ii)	(ii) In addition to (i) above, there shall be "additional area" for the rehabilitation of residential/residential cum commercial Occupants governed by the size of the CD in accordance with the Table-A below Table-A <table><tr><th>Area of the Cluster</th><th>Additional Area (over & above basic area)</th></tr><tr><td>Above 1 ha up to 2 ha</td><td>15%</td></tr><tr><td>Above 2 ha up to 5 ha</td><td>20%</td></tr><tr><td>Above 5 ha up to 10 ha</td><td>25%</td></tr><tr><td>Above 10 ha</td><td>30%</td></tr></table>	Area of the Cluster	Additional Area (over & above basic area)	Above 1 ha up to 2 ha	15%	Above 2 ha up to 5 ha	20%	Above 5 ha up to 10 ha	25%	Above 10 ha	30%	(ii) In addition to (i) above, there shall be "additional area" for the rehabilitation of residential/residential cum commercial Occupants governed by the size of the CD in accordance with the Table-A below Table-A <table><tr><th>Area of the Cluster Development</th><th>Additional Area (over & above basic area)</th></tr><tr><td>Above 5000 S.M. and up to 1 ha</td><td>15%</td></tr><tr><td>Above 1 ha up to 2 ha</td><td>20%</td></tr><tr><td>Above 2 ha up to 5 h</td><td>25%</td></tr><tr><td>Above 5 ha up to 10 ha</td><td>30%</td></tr><tr><td>Above 10 ha</td><td>35%</td></tr></table>	Area of the Cluster Development	Additional Area (over & above basic area)	Above 5000 S.M. and up to 1 ha	15%	Above 1 ha up to 2 ha	20%	Above 2 ha up to 5 h	25%	Above 5 ha up to 10 ha	30%	Above 10 ha	35%																																						
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33(9)(6)(b)	b) The incentive FSI admissible against the FSI required for rehabilitation shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/sq. m., of the lands included in the URC; as per the ASR and Rate of Construction (RC)* in Rs/sq. m, applicable to the area as per the ASR and shall be given as per the Table-B below: Table-B <table><tr><th>Basic Ratio (LR/RC)</th><th colspan="4">Incentive (As % of Admissible Rehabilitation Area)</th></tr><tr><th></th><th>For 0.4ha up to 1 ha</th><th>More than 1 ha upto 5ha</th><th>More than 5 ha up to 10 ha.</th><th>For more than 10 ha</th></tr><tr><td>Above 6.00</td><td>55%</td><td>60%</td><td>65%</td><td>70%</td></tr><tr><td>Above 4.00 and upto 6.00</td><td>65%</td><td>70%</td><td>75%</td><td>80%</td></tr><tr><td>Above 2.00 and upto 4.00</td><td>75%</td><td>80%</td><td>85%</td><td>90%</td></tr><tr><td>Upto 2.00</td><td>85%</td><td>90%</td><td>95%</td><td>100%</td></tr></table>	Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)					For 0.4ha up to 1 ha	More than 1 ha upto 5ha	More than 5 ha up to 10 ha.	For more than 10 ha	Above 6.00	55%	60%	65%	70%	Above 4.00 and upto 6.00	65%	70%	75%	80%	Above 2.00 and upto 4.00	75%	80%	85%	90%	Upto 2.00	85%	90%	95%	100%	b) The incentive FSI admissible against the FSI required for rehabilitation shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/sq. m., of the lands included in the URC; as per the ASR and Rate of Construction (RC)* in Rs/sq. m, applicable to the area as per the ASR and shall be given as per the Table-B below: Table-B <table><tr><th>Basic Ratio (LR/RC)</th><th colspan="4">Incentive (As % of Admissible Rehabilitation Area)</th></tr><tr><th></th><th>For 0.4ha up to 1 ha</th><th>More than 1 ha upto 5ha</th><th>More than 5 ha up to 10 ha.</th><th>For more than 10ha.</th></tr><tr><td>Above 6.00</td><td>85%</td><td>90%</td><td>95%</td><td>100%</td></tr><tr><td>Above 4.00 and upto 6.00</td><td>95%</td><td>100%</td><td>105%</td><td>110%</td></tr><tr><td>Above 2.00 and upto 4.00</td><td>105%</td><td>110%</td><td>115%</td><td>120%</td></tr><tr><td>Upto 2.00</td><td>115%</td><td>120%</td><td>125%</td><td>130%</td></tr></table>	Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)					For 0.4ha up to 1 ha	More than 1 ha upto 5ha	More than 5 ha up to 10 ha.	For more than 10ha.	Above 6.00	85%	90%	95%	100%	Above 4.00 and upto 6.00	95%	100%	105%	110%	Above 2.00 and upto 4.00	105%	110%	115%	120%	Upto 2.00	115%	120%	125%	130%
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33(9)(9)	9. 30% of the incentive FSI can be used for non-residential purposes as otherwise permissible under the DCR.	9. 30% of the incentive FSI can be used for non-residential purposes as otherwise permissible under the DCPR. or 50% with the approval of Municipal Commissioner																																																												
33(9)(13)	13. Relaxation in Building and other requirements: In case of tenements of 27.88 sq, m Carpet area for rehabilitation or tenements to be	13. Relaxation in Building and other requirements: In case of tenements of 35.00sq.mt Carpet area for rehabilitation or tenements to be																																																												

	given to MHADA, towards its share and the BUA to be handed over to the Planning Authority/Appropriate Authority, the following shall be applicable.	given to MHADA, towards its share and the BUA to be handed over to the Planning Authority/Appropriate Authority, the following shall be applicable.
33(9)(13.4)	13.4 Notwithstanding the provisions in Regulation No 41 (Table No. 18) where the location of the CD plot abuts a DP Road having width of 18.3 m and above. The front marginal open space shall not be insisted upon beyond 3.0 m provided such road is not an Express Highway or a road wider than 52 m.	13.4 Notwithstanding the provisions in Regulation No 41 (Table No. 18) where the location of the CD plot abuts a DP Road having width of 12.00 m and above. The front marginal open space shall not be insisted upon beyond 3.0 m provided such road is not an Express Highway or a road wider than 52 m.
33(9)(13.8)	13.8 A composite building under CDS shall have at least 50 percent of BUA as rehabilitation component.	13.8 A composite building (comprising all wings) under CDS shall have at least 50 percent of BUA as rehabilitation component.
33(9)(13.11)	13.11 Even if the LOS is reduced to make the project CDS viable, at least 10 percent of CD plot area shall be provided as LOS. In addition, 10 percent of CD plot area shall be earmarked for LOS which can be adjusted against the DP reservation/land component of built up amenity, to be handed over to MCGM, if any, existing on such plot.	13.11 Even if the LOS is reduced to make the project CDS viable, at least 10 percent of CD plot area shall be provided as LOS. In addition, 10 percent of CD plot area shall be earmarked for LOS which can be adjusted against the DP reservation/land component of built up amenity, to be handed over to MCGM, if any, existing on such plot. Provided further that in case of proposal of conversion of old scheme sanctioned under Regulation 33(7), 33(9) to modified provision of DCPR 33(9), wherein work of more than 50% area of plinth is completed on site, then such cases for conversion, Commissioner, MCGM shall have the power to relax 10% additional LOS area in such cases only.
Insert new sub clause- 13.15 in 33(9)(13)	---	13.15 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 less shall apply.

33(9)(20)	20. If HPC approves areas for amenities such as Fire Stations/Hospitals/Police Stations/Schools, etc. other than reservations/designations under the DP, such amenities shall be handed over to the concerned Authority free of cost. The BUA of such amenity shall be considered towards rehabilitation FSI, and incentive FSI as admissible under this Regulation shall be permissible.	20. If MC/MCGM approves areas for amenities such as Fire Stations/Hospitals/Police Stations/Schools, Additional Area required by the Land owning Authority etc. other than reservations/designations under the DP, such amenities shall be handed over to the concerned Authority free of cost. The BUA of such amenity shall be considered towards rehabilitation FSI, and incentive FSI as admissible under this Regulation shall be permissible.
Insert new sub clause- 23 in 33(9)	--	23. Any ongoing Cluster Development Scheme (CDS) sanctioned under Regulation 33(9) of DCR 1991 or DCPR-2034 prior to the date of coming into force of this Regulation can be allowed to be converted as per this modified Regulation at the request of the Promoter/Developer, with the prior approval of the High Power Committee, subject to compliance of provisions of this modified regulation including rehab area as per this modified regulation. However, such conversion is optional and shall not be binding.

NIRMALKUMAR P. CHAUDHARI,

Under Secretary to Government.