

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६

- उक्त अधिनियमाचे कलम ३७(१कक)(ग) अन्वये अधिसूचना.
- बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली - २०३४
- मधील विनियम ३३ (२४) मधील फेरबदलास मंजूरीबाबतची अधिसूचना.

महाराष्ट्र शासन

नगर विकास विभाग

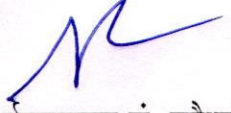
मंत्रालय, मुंबई : ४०० ०३२,

क्रमांक :- टिपीबी-४३२१/५४३/प्र.क्र.१८६/२०२१/नवि-११

दिनांक :- ०८ ऑक्टोबर, २०२४

शासन निर्णय : सोबतची अधिसूचना महाराष्ट्र शासनाच्या असाधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.


(निर्मलकुमार पं. चौधरी)
उप सचिव महाराष्ट्र शासन

प्रत :-

१. मा. राज्यपाल यांचे प्रधान सचिव, राजभवन, मुंबई.
२. मा. मुख्यमंत्री महोदय यांचे अपर मुख्य सचिव, मंत्रालय, मुंबई.
३. मा. उप मुख्यमंत्री तथा गृह मंत्री महोदय यांचे सचिव, मंत्रालय, मुंबई.
४. मा. उप मुख्यमंत्री तथा वित्त व नियोजन मंत्री महोदय यांचे सचिव, मंत्रालय, मुंबई
५. मा. विरोधी पक्षनेता, विधानपरिषद / विधानसभा, महाराष्ट्र विधानमंडळ सचिवालय.
६. मा. उपसभापती, महाराष्ट्र विधानपरिषद, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
७. मा. उपाध्यक्ष, महाराष्ट्र विधानसभा, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
८. मा. प्रधान सचिव (नवि-१), नगर विकास विभाग, मंत्रालय, मुंबई.

प्रति,

- (१) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
- (२) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- (३) उपसंचालक, नगर रचना, बृहन्मुंबई, इन्साइटमेंट, महापालिका मार्ग, मुंबई- ४००००१.
- (४) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करून त्याच्या प्रत्येकी १० प्रती १) नगर विकास विभाग नवि-११), मंत्रालय, मुंबई २) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई ३) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे व ४) उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)

- (५) कक्ष अधिकारी, कार्यासन नवि-२९, यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रसिध्द करावी.
- (६) निवड नस्ती (नवि-११).

Maharashtra Regional & Town Planning Act, 1966.

- Notification under section 37 (1AA)(c) of the said Act.
- Sanction to modification in Regulation 33(24) of Development Control and Promotion Regulations -2034 for Greater Mumbai.

GOVERNMENT OF MAHARASHTRA

Urban Development Department,

Mantralaya, Mumbai 400 032.

Dated :- 08 October, 2024.

NOTIFICATION

No. TPB- 4321/543/C.R.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")

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, Dt. 08/05/2018 (hereinafter referred to as "the said Notification") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai 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 corrigendum of even number dt. 22nd June, 2018 as per which the said Regulations have come into force from 1/09/2018. 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 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 Regulations; 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(IAA)(C) of the said Act thereby making provision 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; And whereas, in exercise of the powers conferred under Sub-Section (1AA) of Section 37 of the said Act, Government had issued Notice of even no. dated 3/11/2023 for inviting suggestions/objections from the general public with regard to the proposed modification (hereinafter referred to as "the proposed modification") as mentioned in the Schedule appended to the said Notice and appointed the Deputy Director of Town Planning, Greater Mumbai as the Officer (hereinafter referred to as "the said Officer") to complete the procedure as stipulated under Section 37(1AA) of the said Act and to submit a Report on the objections / suggestions received in respect of the proposed modification to the Government after giving hearing to the concerned persons;

And whereas, the said Notice dated 3/11/2023 was published in the Maharashtra Government Gazette (Extra ordinarily Part-I, Kokan Division supplement) (hereinafter referred to as "the Official Gazette") dated 13th November, 2023 and the said Officer has submitted his Report vide his letter dt.13/02/2024 and dt.12/03/2024 through the Director of Town Planning, Maharashtra State, after completing the legal procedure as stipulated under Section 37(1AA) of the said Act.;

And whereas, after considering the Report of the said Officer and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned with certain changes;

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

- A) Sanctions the proposed modification with changes as described more specifically in the Schedule attached herewith.
- B) Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this modification.



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- C) Directs the said Corporation that in the Schedule of Modifications sanctioning the said DCPR-2034, after the last entry, the Schedule referred to at (A) above shall be added.

This Notification shall also be made available on the Govt. of Maharashtra website: www.maharashtra.gov.in (Acts& Ruls)

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



Amar Patil
(Amar Patil)

Under Secretary to Government.

SCHEDULE

(Accompaniment to the Government in Urban Development Department Notification No. TPB- 4321/543/C.R.186/2021/UD-11, dated :- 08 October, 2024.)

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 and / or dilapidated 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.

Note: The proposal for redevelopment of any Municipal Building shall be submitted by developer appointed / consented by BMC / MHADA.

The redevelopment of existing Municipal commercial / industrial tenanted properties shall be permitted to the extent of existing / authorized / protected BUA as per regulation 30(C) of these regulations. If the redevelopment of existing municipal commercial / industrial tenanted properties is proposed beyond existing / authorized / protected BUA then it shall be permissible subject to satisfying other requirements of these regulations.

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.



Note: In case of dilapidated buildings there would not be any necessity to get proposal for redevelopment with 51% consents for redevelopment. MHADA / BMC may invite the bids as per their policy and appoint the Architect and developer (Contractor) for the same and inform the tenants and / or occupiers after obtaining competent approval.

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.) as provided in the MHADA Act, 1976. 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 that if carpet area for residential purpose exceeds 120 sq. m (1292sq. ft.) the cost of construction for the area over and above 120sq. m shall be paid by tenant /occupant to the developer. The cost of construction shall be as per ASR of that year. However, the carpet area exceeding 120sq. m (1292sq. ft.) shall be considered for rehab FSI but shall not be considered for incentive FSI. 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.). For purpose of rehabilitation existing "Carpet area"/rehabilitation "carpet area" means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then prevailing Regulation but including the areas of balcony if allowed free of FSI as per then Regulation.

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.

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.



The balance FSI after accommodating rehab + incentive FSI will be shared between BMC & Society of occupant/ developer in ratio 1 (BMC) : 0.5 Society of occupant/ developer.

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:

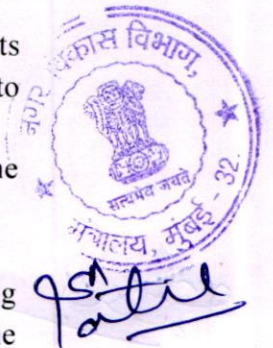
When there is no developer coming forward for redevelopment of the building as per above regulation 7(A) and at least 51% of the occupants of at least 5 building adjacent at one location requested MHADA/MCGM to undertake redevelopment by appointing private developer, then in such case MHADA/MCGM may undertake the redevelopment of cluster of all such buildings belongings to the authority 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:

- 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 form of tenements over and above the minimum carpet area as decided by respective authority 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 and/or dilapidated.
 - 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 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 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 maneuverability 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.
- 26) A Corpus fund as decided by respective authority shall be deposited to respective authority.



Amar Patil

(Amar Patil)

Under Secretary to Government

2003

2003

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६

- उक्त अधिनियमाचे कलम ३७(१कक)(ग) अन्वये अधिसूचना.
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महाराष्ट्र शासन

नगर विकास विभाग

मंत्रालय, मुंबई : ४०० ०३२,

दिनांक :- ०८ ऑक्टोबर, २०२४

अधिसूचना

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 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. ११-नवि/यो.वि/२०१७/११८.क्र.प्र/६२९/४३१७-टिपीबी. २०१८/०५/८.दि(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 शुध्दीपत्रक दि.२२ जून २०१८ रोजी निर्गमित केले असून त्यानुसार उक्त नियमावली -२०३४, दि.१/०९/२०१८ पासून अंमलात आली आहे. आणि ज्याअर्थी, त्यानंतर उक्त अधिसूचनेस शासनाने समक्रमांकाचे शुध्दीपत्रक व पुरकपत्र दि.२९ जून, २०१८ रोजी पारित केले असून सदर शुध्दीपत्रक व पुरकपत्र महाराष्ट्र शासनाच्या राजपत्रात दि.३० जून, २०१८ रोजी प्रसिध्द करण्यात आले आहे; आणि ज्याअर्थी, शासनाने दि. २१/०९/२०१८ 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 दि. १२/११/२०१८ रोजी शुध्दीपत्रक निर्गमित केले आहे;

आणि ज्याअर्थी, शासन नगर विकास विभागाकडील सम क्रमांकाचे दि. १९/१२/२०२२ रोजीचे अधिसूचनेनुसार उक्त नियमावलीचे विनियम ३३ मध्ये खंड २४ अन्वये नविन तरतुद समाविष्ट करण्यासंबंधीचे फेरबदलास उक्त अधिनियमाचे कलम ३७(१कक) (ग) अन्वये मंजूरी देण्यात आली असून त्यानुसार विनियम ३३(२४) मध्ये म्हाडाचे भाडेकरु इमारती, झोपडपट्टी निर्मूलन योजनेतर्गत म्हाडातफे



बांधण्यात आलेली इमारत व मुंबई शहरातील बृहन्मुंबई महानगरपालिकेच्या मालकीच्या इमारती इत्यादी इमारतींचा पुनर्विकास करण्यासंबंधी (यापुढे याचा उल्लेख “उक्त इमारती” असा करणेत आलेला आहे) तरतुद करण्यात आली आहे;

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

आणि ज्याअर्थी, महाराष्ट्र विधीमंडळाचे पावसाळी अधिवेशन २०२३ मध्ये उक्त इमारतीचे पुनर्विकासासंबंधी झालेल्या चर्चेत मा. मुख्यमंत्री महोदय यांनी उक्त इमारतीचे 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 फेरबदल करणे सार्वजनिक हिताचे दृष्टीने आवश्यक आहे, अशी शासन नगर विकास विभागाची खात्री झाली आहे; आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ३७ च्या पोट कलम (१कक) अन्वये प्राप्त अधिकाराचा वापर करून शासनाने दि. ३ नोव्हेंबर, २०२३ रोजीची सूचना त्यासोबतचे परिशिष्टामध्ये नमूद प्रस्तावित फेरबदलावर (यापुढे ज्यांचा उल्लेख “प्रस्तावित फेरबदल” असा करण्यात आला आहे.) जनतेकडून हरकती / सूचना मागविण्यासाठी प्रसिध्द करण्यात आली होती आणि ज्याद्वारे प्रस्तावित फेरबदलाबाबत प्राप्त होणाऱ्या हरकती / सूचनांवर संबंधितांना सुनावणी देण्याकरीता तसेच उक्त अधिनियमाच्या कलम ३७(१कक) अन्वये विहित केलेली कार्यवाही पूर्ण करून प्रस्ताव शासनास सादर करणेसाठी उपसंचालक, नगर रचना, बृहन्मुंबई यांची अधिकारी (यापुढे ज्यांचा उल्लेख “उक्त अधिकारी” असा करण्यात आला आहे.) म्हणून नियुक्ती करण्यात आली आहे;

आणि ज्याअर्थी सदर दि. ३ नोव्हेंबर, २०२३ रोजीची सूचना शासन राजपत्रामध्ये (असाधारण भाग-१, कोकण विभाग पुरवणी) (यापुढे याचा उल्लेख “शासकीय राजपत्र” असा केलेला आहे) दिनांक १३ नोव्हेंबर, २०२३ रोजी प्रसिध्द झालेली आहे आणि उक्त अधिकारी यांनी त्यांचेकडील दि. १३/०२/२०२४ आणि १२/०३/२०२४ रोजीचे पत्रांद्वारे सदर फेरबदल प्रस्तावाबाबतचा अहवाल संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे यांचेमार्फत कलम ३७(१कक) खालील वैधानिक कार्यवाही पूर्ण करून शासनास सादर केलेला आहे;

आणि ज्याअर्थी उक्त अधिकारी यांचा अहवाल विचारात घेता व संचालक, नगर रचना यांचेशी सल्लामसलत केल्यानंतर प्रस्तावित फेरबदलास काही बदलांसह मंजूरी देणे आवश्यक असल्याचे शासनाचे मत झालेले आहे;

आता त्याअर्थी, उक्त अधिनियमाच्या कलम ३७(१कक)(ग) अन्वये प्राप्त अधिकारात आणि त्या संदर्भातील सर्व शक्तींचा वापर करून शासन याद्वारे :

अ) उक्त फेरबदलाचे प्रस्तावास सुधारणांसह सोबतचे परिशिष्टामध्ये नमूद केलेप्रमाणे मंजूरी देत आहे.

ब) सदरची अधिसूचना शासकीय राजपत्रामध्ये प्रसिध्द झालेला दिनांक हा उक्त फेरबदल अंमलात आलेला दिनांक असेल.



क) उक्त महानगरपालिकेस डिसीपीआर-२०३४ च्या मंजूरी सोबतच्या फेरबदलाचे परिशिष्टामध्ये शेवटच्या नोंदीनंतर खालील परिशिष्ट समाविष्ट करणेचे निर्देश देत आहे.

सदर अधिसूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर सुध्दा उपलब्ध करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.



Amr Patil

(अमर पाटील)
शासनाचे अवर सचिव.

परिशिष्ट

(शासन नगर विकास विभागाकडील सूचना क्र. टिपीबी ४३२१/ ५४३/ प्र.क्र. १८६/ २०२१/
नवि-११, दिनांक - ०८ ऑक्टोबर, २०२४ 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 and / or dilapidated 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.

Note: The proposal for redevelopment of any Municipal Building shall be submitted by developer appointed / consented by BMC / MHADA.

The redevelopment of existing Municipal commercial / industrial tenanted properties shall be permitted to the extent of existing / authorized / protected BUA as per regulation 30(C) of these regulations. If the redevelopment of existing municipal commercial / industrial tenanted properties is proposed beyond existing / authorized / protected BUA then it shall be permissible subject to satisfying other requirements of these regulations.

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.



Note: In case of dilapidated buildings there would not be any necessity to get proposal for redevelopment with 51% consents for redevelopment. MHADA / BMC may invite the bids as per their policy and appoint the Architect and developer (Contractor) for the same and inform the tenants and / or occupiers after obtaining competent approval.

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.) as provided in the MHADA Act, 1976. 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 that if carpet area for residential purpose exceeds 120 sq. m (1292sq. ft.) the cost of construction for the area over and above 120sq. m shall be paid by tenant /occupant to the developer. The cost of construction shall be as per ASR of that year. However, the carpet area exceeding 120sq. m (1292sq. ft.) shall be considered for rehab FSI but shall not be considered for incentive FSI. 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.). For purpose of rehabilitation existing "Carpet area"/rehabilitation "carpet area" means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then prevailing Regulation but including the areas of balcony if allowed free of FSI as per then Regulation.

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.

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.



The balance FSI after accommodating rehab + incentive FSI will be shared between BMC & Society of occupant/ developer in ratio 1 (BMC) : 0.5 Society of occupant/ developer.

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 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:

- 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 form of tenements over and above the minimum carpet area as decided by respective authority 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 and/or dilapidated.
 - 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 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 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 maneuverability 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.
- 26) A Corpus fund as decided by respective authority shall be deposited to respective authority.



(Signature)

(अमर पाटील)

अवर सचिव, महाराष्ट्र शासन