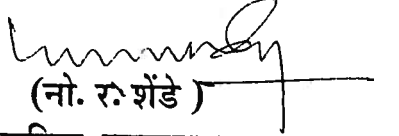


महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
कलम ३७ (१अे) अन्वये राज्यातील महानगरपालिकांच्या
विकास नियंत्रण नियमावलीत आर्थिक दृष्ट्या दुर्बल व
अल्प उत्पन्न गटाच्या गृहबांधणीसाठी करावयाच्या तरतुदी
बाबत...

महाराष्ट्र शासन
नगर विकास विभाग,

शासन क्रमांक : टिपीबी -४३०७ /२२२८/प्र.क्र.३३४/२००७/नवि-११,
मंत्रालय, मुंबई : ४०० ०३२,
दिनांक : १८ जानेवारी, २०१२.

शासन निर्णय :-सोबतची सूचना शासन असाधारण राजपत्रात प्रसिध्द करण्यात यावी.
महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने.


(नो. र. शेंडे)

सह सचिव, महाराष्ट्र शासन,
नगर विकास विभाग.

प्रति,

महानगपालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
महानगर आयुक्त, मुंबई महानगर व प्रदेश विकास प्राधिकरण, मुंबई.
प्रधान सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई.
मुख्य कार्यकारी अधिकारी, म्हाडा, गृह निर्माण भवन, वांद्रे (पूर्व), मुंबई : ४०० ०५१.
महापालिका आयुक्त, सर्व महानगरपालिका.
संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई/ कोकण पुणे/ नाशिक/ औरंगाबाद/ नागपूर/
अमरावती विभाग.
सह सचिव, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई.
व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.
(त्यांना विनंती करण्यांत येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे असाधारण राजपत्रात भाग-१
मध्ये प्रसिध्द करण्यात येऊन त्याच्या प्रत्येकी ३५ प्रती नगर विकास विभाग, (नवि-११), मंत्रालय,
मुंबई : ४०० ०३२ व उप संचालक, नगर रचना, बृहन्मुंबई, मुंबई यांना पाठविण्यात याव्यात.)
कक्ष अधिकारी (संगणक कक्ष)(नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई : ४०० ०३२,
(त्यांना विनंती करण्यांत येते की, सोबतची सूचना विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत
आवश्यक ती कार्यवाही करावी.)
कार्यासन अधिकारी, नवि-९/नवि-१२/नवि-१३/नवि-३०, नगर विकास विभाग, मंत्रालय, मुंबई-३२.
निवडनस्ती (नवि-११).

Planning Act, 1966

- Notice under section 37(1AA) of the said Act.
- Proposed modification to Development Control Rules for Municipal Corporations.

**Government of Maharashtra,
Urban Development Department,
Mantralaya, Mumbai-400 032.**

Dated : 18 January, 2012

No.TPB/4307/CR-334/2007/UD-11

Whereas, the State Government has sanctioned various Development Plans (hereinafter referred to as 'the said Development Plans') and Development Control rules for **Municipal Corporations** given in **Schedule-B** appended hereto, in Maharashtra State under the provisions of the Maharashtra Regional & Town Planning Act, 1966 (Maharashtra Act No. XXXVII of 1966) (hereinafter referred to as 'the said Act') and have come in to force;

And Whereas, The Housing Policy of the Maharashtra State was declared on the 23/7/2007. The main objective of the Housing Policy is to facilitate affordable housing in urban and rural areas, create adequate housing stock for Lower Income Group (LIG), Economically Weaker Section (EWS) and Shelters for the poorest of the poor on ownership or rental basis.

And whereas, as per the provisions of sanctioned Development Control Regulations, the Municipal Corporations (hereinafter referred to as "the said Corporations) grant development permission for layout of land and for land sub-division.

And whereas, the Housing Policy provides for inclusionary zoning provisions for Low Income Group (LIG) housing in private layouts.

And whereas, the Govt. felt if necessary to provide certain percentage of tenements/plots for Economically Weaker Section (EWS) and Lower Income Group (LIG) in the layout/sub-division of private land.

And whereas, Govt. in Urban Development Department vide Order of even No. dated the 17/7/2008 has directed all the Municipal Corporations to modify their sanctioned Development Control Regulations to include new regulations as specified in the order dt. the 17/7/2008, under section 37(1) of the said Act..

And whereas, considering the views of Housing Department, Govt in Urban Development vide revised order of even number dated the 15/09/2010, has directed all the Municipal Corporations to initiate modification to their sanctioned Development Control Regulations to include new regulation as specified in the order at the 15/9/2010 under section 37(1) of the said Act. and the same are brought into effect forthwith under section 154 of the said Act.

And whereas, in Writ Petition No. 2287/2010, (Original side), the Hon'ble High Court Mumbai on 14/03/2011 passed an order to prohibit the effect of Govt. order dated 15/09/2010, while pending sanction to proposed modifications by Govt. under section 37(2) of the said Act.

And whereas Inclusive Housing was an optional reform under the Reform Agenda of Jawaharlal Nehru National Urban Renewal Mission (JNNURM). It is a mandatory condition under the Rajiv Awas Yojana, the purpose of such a condition is to make available affordable housing stock for EWS/LIG in large numbers in the State and to ensure that such affordable housing coexists with housing for high end customers.

And whereas, Government find it is necessary to cancel all previous directions in this regard and to insert new regulations as specified in **Schedule-A**, in Development Control Rules of Municipal Corporations appended hereto in **Schedule-B** (hereinafter referred to as "the said proposed modification")

And whereas, the State Government is satisfied that in the public interest it is necessary to carry out urgently a modification to Development Controls Rules of Municipal Corporations appended hereto in **Schedule-B**.

Now therefore, a draft of modification, which the State Government proposes to make in exercise of the powers conferred by sub-section (1AA) of section 37 of the said Act; and of all other power enabling it in this behalf, is hereby published as required by clause(a) of sub-section (1AA) of section 37, for information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra after the expiry of one month from the date of publication of this notice in the Maharashtra Government Gazette;

The Government is pleased to inform that any objections / suggestions upon the said proposed modification be forwarded before the expiry of one month from the date of publication of this notice in the Maharashtra Government Gazette to the concern Deputy Director of Town Planning given in **Schedule-B**. Any objection or suggestion, which may be received by the concerned Deputy Director of Town Planning, given in **Schedule-B**, within the said period will be dealt with in accordance with the provision of the said sub-section (1AA);

The new regulations which are proposed to be inserted in the Development Control Rules of Municipal Corporations appended hereto in **Schedule-B**, on the date of issue of this notice are specified in the Schedule-A of this notice are as below:-

SCHEDULE- A

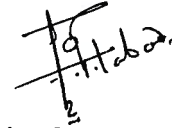
The provisions of inclusive housing proposed to be incorporated in the Development Control Regulations of Municipal Corporations at appropriate place are as follows :

- 1) For the sub-division of the land admeasuring 2000 sq. mt. and more, minimum 20% area shall be provided in the form of 30 to 50 sq. mt. developed plots for EWS/LIG (affordable plots).
- 2) For the layout of the land, admeasuring 2000 sq. mt. and more, minimum 20% of the built-up area shall be provided for EWS/LIG housing (27.88 to 45 sq. mt.) (affordable tenements).

3) The following Conditions shall be applicable.

- (i) The developer shall sell the affordable tenements to MHADA on priority in lieu of the cost of construction of such tenements. The FSI of such affordable tenements may be allowed to be utilized in the same layout over and above the maximum permissible FSI limits including TDR loading. If MHADA declines to purchase the affordable tenements within a reasonable time of three months, he can sell the affordable tenements in the open market, in such case additional FSI of affordable tenements shall not be eligible.
 - (ii) The developer shall sell the affordable plots to MHADA in lieu of equivalent FSI to be utilized in the remaining plots. If MHADA declines to purchase the same within a reasonable time of three months, he can sell the affordable plots in the open market, in such case additional FSI of affordable plots shall not be eligible.
 - (iii) MHADA may designate any other public authority for the purpose of procuring the affordable tenements/affordable plots as mentioned in 3(i) & 3(ii) above .
 - (iv) Amalgamation of affordable plots/affordable tenements shall not be allowed.
- 4) The existing provisions in Development Control Rules, if any, in respect of development of reservations for EWS/LIG Housing, as per concept of accommodation of reservation policy are proposed to be deleted accordingly.
 - 5) The directives given by the State Govt. vide order of even number dated the 17/07/2008 and 15/09/2010 are hereby cancelled and modified provisions, if any, sanctioned under 37(2) of the said Act., in respect of these directives in Development Control Rules are also proposed to be deleted accordingly.

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



(Rajendra Habde)
Under Secretary to Government.

| Div. | District | Name Of Municipal Corporation | Municipal Corporations Name & Address of The Officer appointed |
|------------|--------------------------------|---|---|
| Mumbai | Mumbai City & Mumabi suburban. | Greater Mumbai Municipal Corporation | Deputy Director of Town Planning, Greater Mumbai, ENSA Hutment, E-Bloc, Azad Maidan, Mahapalika Marg, Mumbnai-400 001. Deputy Director of Town Planning Kokan Division Kokan Bhavan, 3 rd floor, CBD, Belapur, Navi Mumbai-400 614. |
| Konkan | Thane | Navi Mumbai Municipal Corporation. | |
| | | Thane Municipal Corporation | |
| | | Kalyan Dombivali Municipal Corporation | |
| | | Bhivandi Nizampur Municipal Corporation | |
| | | Mira Bhainder Municipal Corporation | |
| | | Ulhasnagar Municipal Corporation. | |
| | | Vasai-Virar Municipal Corporation | |
| Pune | Pune | Pune Municipal Corporation | Deputy Director, of Town Planning, Pune Division, S.No.74/2, Sahakar Nagar, Above Bank of Maharashtra, Pune-411009. |
| | | Pimpri Chinchvad Mpl. Corporation | |
| | Sangli | Sangli-Miraj-Kupvad Municipal Corporation | |
| | Kolhapur | Kolhapur Municipal Corporation | |
| | Solapur | Solapur Municipal Corporation | |
| Nashik | Nashik | Nashik Municipal Corporation | Deputy Director of Town Planning Nashik Division, Griha Nirman Bhavan, 1 st floor, R.G.Gadkar Chowk, Old Mumbai-Agra Road, Nashik-422 022. |
| | | Malegaon Municipal corporation | |
| | Jalgaon | Jalgaon Municipal Corporation | |
| | Ahmadnagar | Ahmadnagar Municipal Corporation | |
| | Dhule | Dhule Municipal Corporation | |
| Aurangabad | Aurangabad | Aurangabad Municipal Corporation | Deputy Director of Town Planning Aurangabad Division, Griha Nirman Building 2 nd floor, Near Prin Travel Hotel, Station Road, Aurangabad-431001. |
| | Nanded | Nanded Waghala Municipal Corporation | |
| | Parbhani | Parbhani Municipal Corporation | |
| | Latur | Latur Municipal Corporation | |
| Amaravati | Amaravati | Amaravati Municipal Corporation | Deputy Director of Town Planning Amaravati Division, Nitin Niwas, 2 nd floor, Vijay Conony, Rukmini Nagar, Amaravati-444 606. |
| | Akola | Akola Municipal Corporation | |
| Nagpur | Nagpur | Nagpur Municipal Corporation | Deputy Director, of Town Planning, Nagpur Division, Old Sachivalaya Building, R.No.108/109, 1 st floor, Civil Lines, Nagpur-440 001. |
| | Chandrapur | Chandrapur Municipal Corporation | |

(Rajendra Habde)
Under Secretary to Government.