

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(७) आणि ३३(९) मधील मंजूर फेरबदलाबाबत.

**महाराष्ट्र शासन
नगर विकास विभाग**

क्रमांक :- टिपीबी-४३२०/१०७/प्र.क्र.७२/२०२०(भाग-१)/नवि-११
मंत्रालय, मुंबई : ४०० ०३२,
दिनांक :- ८ जुलै, २०२१.

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

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.


(निर्मलकुमार पं. चौधरी)
शासनाचे अवर सचिव.

प्रत :-

- (१) मा. मुख्यमंत्री यांचे प्रधान सचिव.
- (२) मा. मंत्री (नगर विकास) यांचे स्वीय सहाय्यक.

प्रति,

- (१) आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
- (२) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- (३) उपसंचालक, नगर रचना, बृहन्मुंबई, इन्साइटमेट, 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 २५ 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.
- Sanctioned modification to Regulation 33(7) and 33(9) of Development Control and Promotion Regulations -2034 for Greater Mumbai.

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated :- 8th July, 2021.

NOTIFICATION

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 1/09/2018. 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 21/09/2018 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 12/11/2018 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, Chief Executive Officer, Maharashtra Housing and Area Development Authority (MHADA) vide his letters dated 2/06/2020 and dated 2/07/2020 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 17/07/2020 and dated 21/07/2020 has submitted his report



on proposal of MHADA. And whereas, the Municipal Corporation of Greater Mumbai (MCGM) vide letters dated 13/08/2020 submitted its reports on the proposal of MHADA;

And whereas, after considering the above stated letters 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;

And whereas, 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 all other powers enabling in that behalf, Government of Maharashtra has published a Notice of even number dated 18th November, 2020 (hereinafter referred to as "the said Notice") for inviting objections/ suggestions from the general public with regard to the modification in Regulation 33(7) and Regulation 33(9) of the said Regulations as proposed in the schedule in the said Notice (hereinafter referred to as "the proposed modification") and appointed the Deputy Director of Town Planning, Greater Mumbai as the officer (hereinafter referred to as "the said Officer") to submit a report on the objections/ suggestions received in respect of the proposed modification to the Govt. after giving hearing to the concerned persons and the said Authority.

And whereas, the said Notice dated 18th November, 2020 was published in the Maharashtra Government Gazette (Extra ordinary Gazette- Kokan Division supplement) (hereinafter referred to as "the Official Gazette") dated 19th November, 2020 and the said Officer has submitted his Report vide letter dt. 26/02/2021 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 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.
- C) Directs the Municipal Corporation of Greater Mumbai 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 under sub-section (1AA)(c) of Section 37 of the said Act shall also be available on the Govt. 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 Notification
No. TPB-4320/107/CR-72/2020(Part-I)/UD-11, dated :-8th July, 2021.

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

Regulation No.	Existing provision	Sanctioned provision
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 constructed by MHADA under PMGP and have completed 30 years of age or declared unsafe by 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 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 occupiers in transit camps or cessed buildings which cannot be reconstructed, on payment of an amount as may be prescribed under MHAD Act, 1976.	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 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 occupiers in transit camps or cessed buildings which cannot be reconstructed, free of cost.
33(7) (5)(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 above 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

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

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 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.

Provided further that in respect of proposals sanctioned under Regulation 33(7) prior to coming into force of this modified Regulation, wherein IOD is already issued, then in such cases, while converting as per this modified Regulation, then the Land Rate (LR) and the Rate of Construction (RC) shall be taken as per the ASR rates applicable on the date of conversion.

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%

(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



	<p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
33(7) (6)	<p>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.</p>	<p>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 the extent of builtup area to be used in accordance with the Regulation no. 32.</p>
33(7) (7)	<p>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).</p> <p>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.</p>	<p>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).</p> <p>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.</p> <p>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.</p>
33(7) (8)	<p>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.</p> <p>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.</p>	<p>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.</p> <p>The clause No.6.15 incorporated in sub Regulation No.6 of Regulation No.33 (10) shall apply.</p> <p>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.</p>
33(7) (13)	<p>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.</p>	<p>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.</p>



		except non-fallying 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. In cases were proposals are converted in accordance with this modified regulation, on the buildings constructed /being constructed above plinth, considering hardship the municipal commissioner by special permission may relax norms of stair case width, open spaces considering the various factors such as width and No. of abutting roads , available open space etc. as per regulation 6(b). 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.



<p>Insert new sub clause-22 in 33(7)</p>		<p>Clubbing of scheme :- <i>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.</i> <i>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.</i></p> <p>1. Premium <i>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.</i> <i>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</i></p> <p>2. Conditions <i>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.</i> <i>b. Such clubbing can be allowed for the schemes falling within the distance of 10 km.</i></p>
<p>33(9) (1.1)</p>	<p>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.</p>	<p>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.</p>
<p>33(9) (1.2) (ii)</p>	<p>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.</p>	<p>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.</p>



		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)	3. Land pooling for the CDS: The Promoter of CDS shall try to pool lands belonging to various categories of land holders including Public lands by obtaining their consent for including their lands in the proposed CDS, by resorting to any of the following methods of land pooling:	3. Land pooling for the CDS: The Promoter of CDS shall try to pool lands belonging to various categories of land holders including Public lands by obtaining their consent for including their lands in the proposed CDS and if such user public Authority gives consent /permission, in terms of compensation in any form, then decision on such proposals be taken by the Municipal Commissioner and such proposals need not be referred to the empower Committee. Otherwise any of the following method of land pulling may be resorted:
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)	<p>(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</p> <p style="text-align: center;">Table-A</p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Area of the Cluster</th> <th>Additional Area (over & above basic area)</th> </tr> </thead> <tbody> <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> </tbody> </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%	<p>(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</p> <p style="text-align: center;">Table-A</p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Area of the Cluster Development</th> <th>Additional Area (over & above basic area)</th> </tr> </thead> <tbody> <tr> <td>Above 4000 Sq.mtr and up to 5000 Sq.mtr</td> <td>10%</td> </tr> <tr> <td>Above 5000 Sq.mtr and up to 1 ha.</td> <td>15%</td> </tr> <tr> <td>Above 1 ha and up to 2 ha</td> <td>20%</td> </tr> <tr> <td>Above 2 ha and up to 5 ha.</td> <td>25%</td> </tr> <tr> <td>Above 5 ha and up to 10 ha.</td> <td>30%</td> </tr> <tr> <td>Above 10 ha.</td> <td>35%</td> </tr> </tbody> </table>	Area of the Cluster Development	Additional Area (over & above basic area)	Above 4000 Sq.mtr and up to 5000 Sq.mtr	10%	Above 5000 Sq.mtr and up to 1 ha.	15%	Above 1 ha and up to 2 ha	20%	Above 2 ha and up to 5 ha.	25%	Above 5 ha and up to 10 ha.	30%	Above 10 ha.	35%																																		
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%																																																											
Area of the Cluster Development	Additional Area (over & above basic area)																																																											
Above 4000 Sq.mtr and up to 5000 Sq.mtr	10%																																																											
Above 5000 Sq.mtr and up to 1 ha.	15%																																																											
Above 1 ha and up to 2 ha	20%																																																											
Above 2 ha and up to 5 ha.	25%																																																											
Above 5 ha and up to 10 ha.	30%																																																											
Above 10 ha.	35%																																																											
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)	<p>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:</p> <p style="text-align: center;">Table-B</p> <table border="1" style="width: 100%;"> <thead> <tr> <th rowspan="2">Basic Ratio (LR/RC)</th> <th colspan="4">Incentive (As % of Admissible Rehabilitation Area)</th> </tr> <tr> <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> </thead> <tbody> <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</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> </tbody> </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	65%	70%	75%	80%	Above 2.00 and upto 4.00	75%	80%	85%	90%	Upto 2.00	85%	90%	95%	100%	<p>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:</p> <p style="text-align: center;">Table-B</p> <table border="1" style="width: 100%;"> <thead> <tr> <th rowspan="2">Basic Ratio (LR/RC)</th> <th colspan="4">Incentive (As % of Admissible Rehabilitation Area)</th> </tr> <tr> <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> </thead> <tbody> <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</td> <td>95%</td> <td>100%</td> <td>105%</td> <td>110%</td> </tr> <tr> <td>Above 2.00 and upto</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> </tbody> </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	95%	100%	105%	110%	Above 2.00 and upto	105%	110%	115%	120%	Upto 2.00	115%	120%	125%	130%
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	65%	70%	75%	80%																																																								
Above 2.00 and upto 4.00	75%	80%	85%	90%																																																								
Upto 2.00	85%	90%	95%	100%																																																								
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	95%	100%	105%	110%																																																								
Above 2.00 and upto	105%	110%	115%	120%																																																								
Upto 2.00	115%	120%	125%	130%																																																								
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)	<p>13. Relaxation in Building and other requirements:</p> <p>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</p>	<p>13. Relaxation in Building and other requirements:</p> <p>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</p>																																																										



	Authority/Appropriate Authority, the following shall be applicable.	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 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. However, with the condition that for the CDS fronting 12.00 mtr wide road, the Front Open Space (FOS) will be 4.50 mtr in City and Suburbs.
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. In cases where proposals are converted in accordance with this modified regulation, considering hardship on the buildings constructed / being constructed above plinth, the municipal commissioner by special permission may relax norms of stair case width, open spaces considering the various factors such as width and No. of abutting roads, available open space etc. as per Regulation 6(b).
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 (I), whichever is More 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, PAP/R&R, etc. additional Area required by the Land owning Authority 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 including partly completed schemes 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.
-----------------------------------	----	---



NK

(Nirmalkumar P. Chaudhari)
Under Secretary to Government.