



Special Planning Authority, NAINA, CIDCO

NAINA TOWN PLANNING SCHEME No. 4

(At Part of Villages Adai, Akurli, Nevali, Shilottar Raichur and Pali Devad)

Tehsil – Panvel, District – Raigad

FINAL SCHEME

Under Maharashtra Regional and Town Planning Act, 1966

REPORT

S. D. Landge

Arbitrator

Drawn up under section 72(7) on 12th September 2024

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1. Preamble

The Government of Maharashtra, in exercise of powers conferred under clause (b) of sub-section (1) of Section 40 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”), declared City and Industrial Development Corporation of Maharashtra Limited (being a company owned and controlled by the Government of Maharashtra) (hereinafter referred to as “CIDCO”) as Special Planning Authority (hereinafter referred to as “the SPA”) vide its Notification, No. TPS -1712/475/CR-98/12/UD-12, dated 10/01/2013 for an area containing 270 villages from District Raigad which is notified as Navi Mumbai Airport Influence Notified Area (hereinafter referred to as “NAINA”). The Sub-section (2) of Section 21 of the said Act makes it obligatory on the part of any Planning Authority to prepare and publish a Development Plan for the entire area under its jurisdiction and to submit it to the State Government for sanction within a period of three years from its constitution.

Accordingly, in pursuance of the powers conferred by Sub-Section (1) of Section 23 of the said Act, the Special Planning Authority for NAINA published notice in the Maharashtra Government Gazette, Part-II, dated 15/05/2014 declaring its intention to prepare a Development Plan for the said notified area, and invited suggestions and objections from the public within a period of sixty days from the publication of the notice. Later, the Government of Maharashtra, vide notifications dated 22/09/2015 and 18/03/2016 declared Maharashtra Industrial Development Corporation Limited, (MIDC) and Maharashtra State Road Development Corporation Limited, (MSRDC) as new Special Planning Authorities within the NAINA. Subsequently, the Government of Maharashtra, vide notification dated 18/09/2019 excluded 14 villages of Thane Tehsil of Thane District and 35 Villages from Khalapur Tehsil of Raigad District and vide notification dated 04th March 2024 excluded 3 villages of Uran Tahsil and 77 Villages of Pen Tahsil of Raigad District from NAINA, resulting thereby to remain CIDCO as Special Planning Authority now for remaining 94 villages from Raigad district.

The SPA (CIDCO), while preparing a Development Plan for the area under its revised jurisdiction, decided to prepare an Interim Development Plan under Section 32 of the said Act for the 23 villages from Panvel Tehsil of Raigad District that were under immediate pressure of development. This was done pending preparation of the Development Plan for the entire jurisdiction. A notice to this effect was published in the Maharashtra Government Gazette on 15/05/2014. Following the prescribed procedure, the Interim Development Plan was submitted to the State Government for sanction. The Government of Maharashtra, vide Notification No. TPS-1215/245/CR-332/2015/SM/UD-12, dated 27/04/2017, sanctioned the Interim Development Plan (hereinafter referred to as ‘IDP’) along with Development Control and Promotion Regulations (hereinafter referred to as DCPR of NAINA) for the 23 villages of NAINA under Section 31(1) of the said Act. This IDP came into force on 04/05/2017.

In the sanctioned DCPR of NAINA, a new concept of voluntary and participatory land pooling and development by the land-owners termed as NAINA Scheme has been approved under Regulations No. 12.6 and 13. These special regulations for the NAINA scheme deal with voluntary land pooling and development of areas from IDP lying within residential zones, within and outside 200 m from the village gaothans.

Urban Development Department (UDD) directed CIDCO to undertake Town Planning Schemes for the implementation of the IDP as provided under Chapter V of the said Act. Further, the Government of Maharashtra, in exercise of the powers conferred by sub-section (1) of section 151 of the said Act, vide Notification No TPS-1817/973/CR-103/17/UD-13 dated 13/09/2017 has delegated the powers exercisable by it under section 68(2) of the said Act to the Managing Director, CIDCO for sanctioning the draft Town Planning Schemes at SPA’s level.

The SPA, NAINA has accordingly decided to undertake a series of town planning schemes under the said Act covering as far as possible the entire IDP area leaving the densely developed areas and village gaothans for the effective implementation of the sanctioned interim Development Plan of NAINA.

2. Draft Town Planning Scheme No. 4

As Navi Mumbai has high pressure of development, the SPA, CIDCO has now identified the closest area of village Adai, Akurli, Nevali, Shilottar Raichur and Pali devad near Panvel node. Therefore, the boundary for TPS-4 is identified in the proximity of already published boundary of Town Planning Scheme no.1 and 2, and is having access by existing Panvel-Matheran Road. Village Adai has access via a fly over above Mumbai-Pune expressway connecting the New Panvel node. With this

background, CIDCO has prepared TPS-04 for the purpose of implementing the proposals in the sanctioned IDP/DP of NAINA and to introduce proper road network with social as well as service infrastructure.

The SPA, NAINA has decided to reconstitute the lands lying into suitable Final Plots to the extent to 40 % of their original holdings for the allotment to all the land-owners within the scheme area from the said five villages. Remaining 60% of the land is proposed to be utilized for IDP roads and IDP reservations, including growth centers. This land will also be used for scheme roads and social infrastructure, as well as EWS and LIG housing, including housing for families displaced by the project's implementation.

The total area of TP scheme No. 4 is 350.36 Ha. Within the scheme about 6.5 Ha of lands are non-developable such as pond, nala, expressway. The existing Panvel-Matheran Road, classified as a State Highway, is insufficient for the current and projected traffic volume. This narrow road needs immediate widening to accommodate the growing traffic demands. The approved Interim Development Plan (IDP) proposes widening the road to 27 meters up to its junction with the 27-meter IDP road in Akurli village. Beyond this point, further widening to 45 meters is envisioned.

The areas flanking the state highway exhibit moderate development, primarily focused on residential purposes. Commercial activities are limited to ground-floor spaces along the road frontage. The recent surge in residential development on both sides of the highway necessitates immediate action. Therefore, the implementation of the IDP proposals is now a top priority for the Special Planning Authority (SPA), NAINA.

The quality of existing social infrastructure and existing village roads is very poor. The most of the land-owners reside in their village gaothans for generations and their lands outside are being cultivated mainly for vegetables and paddy crop. These lands are under tremendous pressure of development being in the proximity of Navi Mumbai and Panvel city, these farm lands lack in proper accesses and hence remained undeveloped. In view of this, the SPA, NAINA (CIDCO) has rightly decided to develop the area of IDP by undertaking series of Town Planning Schemes as provided under chapter V of the Maharashtra Regional and Town Planning Act, 1966. After the implementation of all such town planning schemes, the area under IDP will get turned into a well laid and well planned urban unit like a new town with proper infrastructure and efficient road network.

TP scheme no.4 undertaken by the SPA, NAINA is situated in the said five villages. The scheme is located in the North bank of river Kalundre and Panvel Matheran

Highway passes through it. The scheme area is predominantly included in Residential Zone as per the provisions of sanctioned IDP/DP. The area fronting the 60 m wide north-south arterial road is included in mixed land use zone. Very small part fronting on East-West 45 m road is also included in mixed land use zone. The basic FSI prescribed for lands situated beyond 200 m from village gaothans is only 0.20 even though these lands are in the development zones as said above. In addition, the developer can utilize premium FSI of 0.30 as per DCPR of NAINA. However, the lands within 200 m from village gaothans are eligible for FSI of 1.00. The sanctioned IDP also includes arterial roads and various other reservations designated to public purposes including the growth centres.

The villages Akurli, Shilottar Raichur and Pali devad have direct access from Panvel Matheran State Highway. The villages of Adai and Nevali have convenient access to the New Panvel node via dedicated flyover and underpass respectively, bypassing the Mumbai-Pune Expressway. This scheme area lacks the necessary service infrastructure, including accessible roads, street lighting, storm-water drains of the right size, underground drainage systems, and water pipe lines. Hence, will have to be provided now by the SPA, NAINA (CIDCO).

The TP scheme no. 4 contains the sanctioned IDP/DP reservations. These reservations include IDP/DP roads, Schools, School Playgrounds, Parks, College, Primary health center, Community Center, Daily Bazars, Police Station, Sewage Treatment Plant, Electric Sub Station and Growth Centre. These reservations will serve the town planning scheme. The inclusion of parks, playgrounds, and other social infrastructure will create a vibrant and livable space for the scheme area's residents. The facility of underground sewerage system to every final plot will have to be provided in due course of time, which will finally be connected to the said STP, when constructed. While preparing this scheme, some changes in the IDP roads and reservations have been carried out by the SPA, NAINA wherever necessary for better planning of the area.

The SPA, NAINA had declared its intention to prepare this scheme under section 60(1) of the Maharashtra Regional and Town Planning Act, 1966 by passing CIDCO's Board Resolution no. 12189 dated 07/06/2019, the notice of which has been published in the M.G.G. dated 21/06/2019. Then the SPA, NAINA had followed the entire procedure laid down in the said Act and in the Maharashtra Town Planning Schemes Rules, 1974 and prepared the draft Scheme after consulting with the Director of Town Planning, Maharashtra State, Pune. As the powers of sanctioning the draft scheme has been now delegated to the Vice Chairman and the Managing Director, CIDCO, this draft

scheme was then submitted by the SPA, NAINA to him within the prescribed time limit. Accordingly, the Vice Chairman and the Managing Director, CIDCO has sanctioned the draft NAINA town planning scheme, no. 4 under his notification CIDCO/NAINA/TPS-4/Draft Scheme/2022/563 dated 21st October 2022 as provided under section 68(2) of the said Act.

3. Arbitration Proceedings

3.1 Appointment of Arbitrator by the Govt.

The State Government has then appointed Shri Shrirang D. Landge, Director of Town Planning, retired from the Town Planning and Valuation Department of the Maharashtra Government as Arbitrator under sub-section (1) of Section 72 of the Maharashtra Regional and Town Planning Act, 1966 for this sanctioned draft scheme vide Urban Development Department notification no. TPS/1222/2152/C.R.148/22/UD-12; dated 2nd December 2022.

3.2 Arbitration Proceedings

The Arbitrator has then entered upon the duties w.e.f. 05th April 2023 by publishing a notice in the Maharashtra Government Gazette, Extraordinary, Part II, No. ARB/TPS-4/GEN/2023/07 dated 25th April 2023. The same notice in English has been published in daily Newspapers, the Newsband dated 13th April 2023 and in Marathi newspaper Ramprahar dated 13th April 2023 for information of the land owners and public.

The Arbitrator has observed that the scheme layout has not been demarcated on ground and the final plots have not been measured by the Special Planning Authority i.e. NAINA, CIDCO. The demarcation and measurement work might not have been carried out due to non-cooperation from the land owners. The Arbitrator has requested the SPA, NAINA to demarcate the scheme and accordingly to measure the FPs on ground for confirmation of their areas.

However, the Arbitrator has started the arbitration proceedings as provided in the Act and the Rules. Special notices in the prescribed Form No. 4 under Rule No. 13 (3) of the Maharashtra Town Planning Schemes Rules, 1974 have been served on each and every owner of the original plots included in this scheme from all the five villages during 20th April 2023 to 9th June 2023 and on 8th August 2023. This special notice in form no. 4 is for communicating all the land owners regarding the details such as ownerships, tenure, areas of their original plots and the similar details of allotted final plots in lieu of their original plots. Further, this special notice is also for informing them regarding the valuation of their original plots, semi-final and final valuation of their

allotted final plots and the compensation, contribution and the net demand from them as estimated by the SPA, NAINA in the sanctioned draft scheme. The land owners have been asked to appear before the Arbitrator on the specified dates and time to submit their say on the proposals of the sanctioned draft scheme and to record minutes of the same. The hearing process was carried out during 2nd May 2023 to 4th July 2023 and for persons mentioned in other rights is carried on 23rd August 2023 and 24th August 2023.

It was found that some of the owners did not appear to give hearing for the reasons not known and some were said to have not received these special notices for want of proper addresses/phone numbers etc. Hence, the public notice was published in the local newspapers on 28th April 2023 in 'Ram Prahar' & 'Danik Sagar', 13th May 2023 in 'Ram Prahar' & 'Krushival' and on 31st May 2023 in 'Newsband' and 'Dainik Kille Raigad' as well as it was published in the respective Gram Panchayat Offices on 15th May 2023 and 7th June 2023 and newspaper publication for hearing of persons mentioned in other rights is published in 'Dainik Kille Raigad' on 9th August 2023.

Government officials such as Collector, dist. Raigad for government lands in TPS, Executive Engineer, Irrigation Dept. for high flood lines, Power Grid Corporation of India Limited for power cable trench, Hindustan Petroleum Corporation Limited and Reliance Industrial Infrastructure Limited for gas pipelines passing through the TPS and Mumbai Urja Marg Limited for proposed high tension lines of 400kv and 220 KV were heard on 4th July 2023.

The Special Planning Authority, NAINA (CIDCO) was heard on 4th July 2023 and 7th November 2023. The points raised by the Arbitrator vide his letter no. ARB/TPS-4/GEN/2023/820, dated 8th November 2023 were replied by the Special Planning Authority under its letter bearing no. CIDCO/NAINA/PLNG/DP/TPS-4/E-254668/2023/933 dated 10th November 2023.

4. Preliminary Scheme

The Arbitrator has then subdivided the sanctioned draft scheme into two parts as i) the Preliminary Scheme and ii) the Final Scheme as provided under sub-section (3) of Section 72 of the said Act vide his order bearing no. ARB/TPS-4/GEN/2023/815 dated 20th October 2023. The layout of Preliminary NAINA Town Planning Scheme No. 4 has been finalized by the Arbitrator in light of the requests and points/issues raised by the land owners during the hearings and also by the Special Planning Authority (NAINA).

While finalizing the layout of the scheme and the proposals therein, the Arbitrator made many observations in the sanctioned draft scheme while preparing the Preliminary Scheme. Further, during the hearing of the land owners, some have requested to amalgamate their final plots being held in the same ownership or held in the family or held in a single partnership firm or company. Some have asked for subdivisions of their plots either family ownership-wise or individual ownership-wise. Some of the ownerships of original plots have been found transferred after the draft scheme by executing subsequent transactions.

During the hearing process, the land owners from all five villages mainly objected to the scheme because even though they had been told by the SPA, NAINA that this is a participatory scheme, they were not taken into confidence while preparing the draft scheme before its publication under section 61 of the Act. They were also not told about the contribution required to be paid by them even after surrendering 60% lands to SPA, NAINA.

The draft scheme has been formulated by the SPA on 40/60 format and the Arbitrator has to draw the Preliminary Scheme in accordance with the draft scheme as provided under section 72 (7) of the said Act.

After considering all these points/observations and after hearing the land owners who appeared before the Arbitrator and also hearing the SPA, the layout of the draft scheme has been modified wherever necessary by the Arbitrator and after these modifications are carried out, the Preliminary scheme has been drawn up by him. The decisions of the Arbitrator in respect of every reconstitution of original plot into final plot as carried out in the award have been recorded in Table A of the Preliminary Scheme. The allotment of the Final Plots and their respective ownerships, areas and tenures are as recorded in Table B accompanied to the said Preliminary Scheme.

The Preliminary Town Planning Scheme covered mainly the physical planning part. The Original plots (OPs) are the original holdings of the land-owners whose lands are included in the scheme existing on the date of declaration of the intention to make a scheme under section 60(1) of the said Act. These Original Plots have been shown in green colour on the scheme plans. The Final Plots (FPs) are the reconstituted plots allotted in lieu of these original plots to the land owners and allotted for various public purposes to the SPA while drawing of the preliminary scheme. They have been shown in red colour on scheme plans.

Further, some villagers demanded compensation at two and half times the market value in line with the provisions of the LARR Act, 2013. However, they have

been told that this provision is not there in the MR & TP Act, 1966. The villagers from these villages have also demanded that the land owners included in the scheme would be treated as project-affected persons by the CIDCO and they would be given all the benefits available in this respect. They have been told that this issue is not in the purview of the Arbitrator.

The Preliminary scheme has been drawn up under sub-section (7) of Section 72 of the said Act on 30th November 2023 within the prescribed time limit of nine months extended by further 3 months from the date of appointment of the Arbitrator. The Preliminary NAINA Town Planning Scheme No. 4 was then submitted to the Government under section 72(5) of the Maharashtra Regional and Town Planning Act, 1966 on 13th December 2023 for sanction.

The State Government has accordingly sanctioned this Preliminary NAINA Town Planning Scheme No. 4 vide Urban Development Department Notification no. TPS-1224/03/CR-20/24/UD-12 dated 28th February 2024. This notification has appeared in MGG, Part 1, Konkan Division Supplement, dated September 26 – October 02, 2024 on pages 8-51. The Preliminary Scheme will come into force w.e.f. one month from the date of publication in Maharashtra Government Gazette.

5. Final Scheme

The Final Scheme mainly deals with the financial matters involved which have been listed under section 72 (6) of the Maharashtra Regional and Town Planning Act, 1966. The sections 97 to 100 of the said Act state the cost of the scheme, the compensation to be paid, the calculation of increments in respect of each and every reconstituted plot, the contribution to be levied and the net demand from the stake holder or amount due from them. The cost of the scheme mainly takes into consideration the cost of works contemplated in the scheme and the cost of making such scheme right from its declaration of intention upto its sanction by the Government. The receipts mainly include contribution levied on the stake holders.

During the hearing of the land owners under rule no.13 (4) of the Maharashtra Town Planning Schemes Rules, 1974, the say of the owners of the original plots regarding the valuation of their original Plots, Semi-Final and Final Values estimated for their allotted Final Plots, Contribution levied in the draft scheme have been heard and recorded. The submissions made by them during their hearings are considered wherever possible and complied within the scope of the legal provisions and more or less, to the satisfaction of the land owners.

The major objections and the requests made by the land owners in respect of the valuation and contribution worked out in the draft Scheme by the SPA, NAINA are summarized below.

- i) The rate of land values of the original plots has been considered very much on lower side as compared to the actual rates appearing in the market.
- ii) While estimating the value of the original plots, existing trees, dug-wells, bore-wells and compound walls/fencing have been neglected and hence not valued.
- iii) Existing structures constructed with due permission of the respective Gram Panchayats are authorized, still not valued.
- iv) The final values of the final plots are estimated at very high rates than the actual market rates.
- v) The contribution levied to the final plots is exorbitant.
- vi) The land owners were never told by the SPA, NAINA that the contribution is required to be paid by them even when they are surrendering 60 % of their lands to the scheme.
- vii) The SPA, NAINA never made clear that the FSI of 2.5 is permissible in lieu of monetary compensation. The stake-holders were under presumption that this FSI is in addition to cash compensation for the lands surrendered.
- viii) The contribution should be waived considering that they have parted with their 60 % lands to the scheme; which is highest in the state.
- ix) The one-time compensation is being paid which is very much on lower side as compared to that available under LARR Act, 2013.
- x) The land owners should be paid monetary compensation for 60 % of lands surrendered by them and at the same time they should be permitted to consume FSI of 2.5 in the final plots allotted to them as promised by the SPA, NAINA.

As said earlier, the Final Town Planning Scheme mainly deals with the financial matters as have been listed in the sub-section (6) of Section 72 of the Maharashtra Regional and Town Planning Act, 1966. The major components of the final scheme have been detailed as below:

1. Original Plot Value
2. Semi-Final Plot Value
3. Final Plot Value
4. Compensation
5. Incremental Value of FPs
6. Contribution
7. Finance of the Scheme

5.1 Original Plot Value

The Original Plot Value is the value of an original plot included in a scheme prevailing to the date of declaration of intention under section 60 (1) of the Act to prepare a scheme in its original state without reference to such a scheme. The Form no. 1 accompanied to the sanctioned draft scheme is scrutinized by the Arbitrator in light of the provisions made under section 72 (6) of the Act. It is found that the rates of land values of the original plots included in the scheme are adopted from the Annual Statement of Rates (ASR) published by the Inspector General of Registration and Controller of Stamps, Maharashtra State. These rates relevant to the date of declaration of the intention to prepare this Town Planning Scheme and applicable to the villages of Adai, Akurli, Nevali, Shilottar Raichur and Pali Devad from Panvel Tehsil of the Raigad District have been considered.

The date of declaration of intention under Section 60 (1) of this scheme is 07/06/2019. These rates adopted are the rates given in the said Annual Statement of Rates 2019-2020 for the lands from these five villages which are having NA potentiality. These lands are in Residential Zone as per the sanctioned IDP. These rates prevailing to 2019 are commonly known as Ready Reckoner Rates-2019 and considered as indicators of fair amount of rates for assessing the land values pertaining to the year 2019. In estimating the land values relevant to June 2019 of all the lands included in the draft scheme from these five villages, the SPA, NAINA has considered that these lands are in the course of development for non-agricultural activities, being in the vicinity of New Panvel node of Navi Mumbai which is already developed as new town, both sides of Panvel-Matheran State Highway and about 2.5 km to 3.0 km away from it.

The lands which are situated beyond the periphery of 200 m from the respective village gaothans are permissible for FSI of 0.20 only as per the sanctioned IDP and now in force. Whereas the lands which are situated within the periphery of 200 m from the respective village gaothans are permissible for FSI of 1.00 as per this sanctioned IDP. The said ready reckoner-2019 gives only a single rate for NA land throughout these villages irrespective of locations or situation of the lands in the villages.

The SPA, NAINA has adopted the rates of the land values for the original plots included in the scheme pertaining to ASR of June 2019 in these villages. They are as given below. In the draft scheme, the rates adopted by the SPA, NAINA in villages Adai, Akurli, Shilottar Raichur and Pali Devad are as Rs. 4420/- and in village Nevali is as Rs. 4100/- per sq. m. Whereas the lands fronting on the Panvel-Matheran State Highway

within the scheme, the SPA adopted rate as Rs. 5060/- for village Akurli, Shilottar Raichur and Pali Devad.

I have come to conclusion that the land values estimated by the SPA, NAINA for the original plots included in this scheme from these five villages based on the ASR rates of 2019 are too low. The locations or accesses, present FSI structure are not considered while estimating the land values of original plots included in the scheme. The land values have to be estimated categorizing the lands fronting on State Highway, on pacca village roads, on kachha village roads, those falling within the blue flood line where development is restricted, the plots affected by the gas pipe lines or high tension electricity lines and the lands situated within the 200 m from the gaothans (urban village areas) where FSI of 1.00 is permissible and for rest of the lands where FSI of only 0.20 is permissible. The plots which are already developed will have to be valued for their NA values.

I have considered all the advantages and the disadvantages attached to the OPs under valuation and their rates of land values pertaining to June 2019 in these five villages of the scheme. They have been decided as given below.

The OP rates of lands have been arrived at using the ASR values for these villages for NA lands in the year 2019-20 and applying belting method for valuation. Weighted averages have been worked out considering the shapes of survey numbers and also various restrictions imposed by flood lines/Utility lines and advantage of urban village limits.

In the villages of Pali Devad and Shilottar Raichur, land fronting the Panvel Matheran Road holds the highest value, ranging from ₹8000 to ₹9,800 per square meter. Land located outside designated urban village zones and lacking direct road access has a significantly lower valuation, ranging from ₹4,420 to ₹8,000 per square meter. In the village of Akurli, land situated in urban village zones and having road access holds the highest value, ranging from ₹8000 to ₹8840 per square meters. The lands fronting the Panvel Matheran road are having values ranging from ₹8100 to ₹9350 per square meters. In the Akurli village, the lands without having access are valued from ₹4420 to ₹8100 per square meters.

Lands in Adai village with existing road access and designated as part of the urban zone hold valuations ranging from ₹5,800 to ₹9,000 per square meter. Landlocked plots within Adai village have a lower valuation, ranging from ₹4,420 to ₹5,800 per square meter. Lands in Nevali village have access from two existing roads, the values of land fronting these road range from Rs.5700 to 8000. The land locked

lands in Nevali village have values ranging from Rs. 4100 to 5700. Whereas those OPs that have already been developed and possess NA permission are valued at the rate of Rs. 12000/- per sq. m., which is its semi-final value. These original plot values are marked on the Plan No. A appended to this report.

The land owners, during their hearing, they have raised the issue that the SPA, NAINA has not valued their trees existing in their lands giving income, wells providing water for growing mainly the vegetables and of the compound walls/fencing they have constructed. These are the facilities required to carry out the agricultural activities and these amenities are generally valued while estimating the valuation considering that the plots only have agricultural value. The rate of agricultural lands from these five villages is too low as compared to the rates of land values in respect of lands having non-agricultural potentiality. Hence, such features are not valued.

It is observed that not a single structure constructed with due permission of the competent authority is affected during the reconstitution and hence, valuation in this respect is not necessary.

5.2 Semi-Final Value

Semi-final value is the value of a Final Plot prevailing to the date of declaration of intention under section 60 (1) of the Act to prepare a scheme without reference to any improvements contemplated in the scheme, other than the improvements due to alterations of its boundaries. This is the value of a final plot only as a result of improvements in its shape or location due to the reconstitution. The Form no. 1 accompanied to the sanctioned draft scheme is scrutinized by the Arbitrator in light of the provisions made under section 72 (6) of the Act. It is found that the rates of Semi-Final values of all the final plots reconstituted in the scheme estimated in the sanctioned draft scheme are at 1.5 times the respective original plot values.

The base FSI permissible for their original plots situated in these five villages is 0.20 + Premium FSI of 0.30 as prescribed under DCPR of NAINA of the IDP. The SPA, NAINA has proposed FSI of 1.00 to all these original plots after land pooling or aggregation to form a single unit of planning. This FSI of 1.00 has been approved by the State Government while approving the special DCPR of the Preliminary NAINA Town Planning Scheme No. 4. This will be reflected in deciding the Semi-Final Value of the reconstituted final plots. Secondly, each and every plot has been reconstituted with good shape suitable for any building activity, with assurance of proper access. Hence, all these factors are considered in estimating the Semi-Final values of all the final plots, but without considering any other improvements such as provisions of well-

constructed vehicular roads, provision of social infrastructure, utilities like water supply, street lighting, drainage facilities etc. as contemplated in the scheme.

Considering all these factors and points, I have decided Semi-Final Value of all the final plots included in this scheme prevailing to June 2019 i.e. on the date of declaration of intention of this scheme as Rs. 12000/- per sq. m which is proper and appropriate.

5.3 Final Value

Final value is the value of a Final Plot prevailing to the date of declaration of intention under section 60 (1) of the Act to prepare a scheme with reference to the improvements contemplated in the scheme on the assumption that the scheme has been completed.

The works contemplated in the scheme are road network which consume total area of 83.55 Ha.

Table 1 Area under Road and its width (TPS 4)

Sr. No.	Road Length	Area (in Ha)
1	6m	0.39
2	9m	0.98
3	10m	0.83
4	12m	3.64
5	15m	8.30
6	18m	0.38
7	20m	21.09
8	27m	10.97
9	30m	13.33
10	45m	23.65
	Total	83.55

There are various infrastructural sites being provided in the scheme as IDP proposals or the scheme proposals. These are as follows -

Table 2 TPS 4 Reservations and their Areas

Sr. No.	Amenity Name	Number of Sites	Area (in Ha)
1	Park	4	0.69
2	Open Spaces	76	14.72
3	Playground	9	13.98
4	City Park	1	3.09
5	School	5	2.37
6	College	1	1.40

Sr. No.	Amenity Name	Number of Sites	Area (in Ha)
7	Primary Health Centre	4	0.71
8	Daily Bazar	4	0.43
9	Police Station	1	1.00
10	Community Centre	1	0.30
11	Public Utility	1	0.42
12	Amenity Space	54	13.34
13	Electric Sub-Station	3	0.72
14	Elevated Service Reservoir/Ground Service Reservoir	1	0.34
15	Sewage Treatment Plant	2	5.82
16	Buffer Space	13	11.98
17	EWS	35	18.47
18	Sale Plot	52	5.09
19	Growth Center	1	19.17

All these sites and roads are being implemented in the scheme as the scheme works except the development of Growth Centers and the EWS/LIG plots. These sites can be seen from the plan no. 4 accompanied to the Preliminary Scheme already sanctioned by the Government.

In addition to this, provision of street lighting, underground drainage facilities, water lines and electricity supply lines along the roads will have to be provided as scheme work. Hence, the Value of the Final Plots will be decided considering that all such amenities and services are made available to these final plots on the date of declaration of intention under section 60(1) of the said Act by the SPA, NAINA.

The Arbitrator has accordingly decided the rates of land values of each and every FP included in the scheme as marked on the Plan No. C accompanied to the final scheme. These final values are decided considering the following indicators.

- The FSI permissible in all the Final Plots is equal to the quotient of the OP Area divided by the FP Area. As most of the final plots allotted are of reduced areas to the extent of 40 % of the OP areas, the FSI works out to 2.5 as maximum.
- The Amenity Plots and other developable reserved Plots will have FSI of 2.5
- Growth Centre Plots will have FSI of 2.5 and can be increased up to 4.00 on the payment of premium.
- Overall rate of final value of FPs fronting the scheme roads will be Rs.24000/- per sq. m.

- e) The rates of final value of FPs fronting the roads having width more than 27m and situated at corner of roads will be Rs. 25000/- per sq. m.
- f) The final values of FPs situated at Corner of the roads and having double frontage of road with width more than 27m have been valued at Rs.26000/- per sq. m.
- g) Corner plots with a frontage exceeding 30m on both roads are valued at Rs. 27,000 per sq. m.
- h) The plots designated to open users like Gardens, Play Grounds or Parks have been valued at 40 % their normal values of prevailing final plot rates since they are unbuildable plots.
- i) The FPs affected now by the Gas Line or HT Line have been valued at the same normal rates on the assumption that the SPA will shift these lines to make these plots fully buildable.
- j) The final plots falling within the Blue Flood Line have been valued for their normal values.

All these rates of Original Plot Values, Semi-Final Values and Final Plot Values are marked on the Plans No. A, B and C respectively accompanied to this Final Scheme and are considered as proper and appropriate.

5.4 Compensation

5.4.1. Compensation to the Land Owners

Compensation payable under Town Planning Scheme is worked out as per section 100 of the MR & TP Act, 1966. Hence, compensation is the value of the OP less the semi-final value of the FP allotted in lieu such OP. The land owner gets monetary compensation under a TP Scheme equal to OP value minus the Semi-Final Value.

In certain cases, compensation is occasionally required to be paid for injurious affection as provided under section 102 of the Act. In the present scheme, none of the owners have claimed compensation under this section 102 in response to serving of the notice in Form 4 in this respect under Rule no. 13 (3) of the Maharashtra Town Planning Schemes Rules, 1974 as nobody's land is injuriously affected by making of this scheme. Further, Compensation is not payable under a Town Planning Scheme for the items covered under section 103 of the Act.

As said earlier, section 100 of the Act provides for calculating the compensation under a town planning scheme and it is an amount arrived at after deducting the semi-final value of allotted final plot in lieu of such original plot from the value of original plot in lieu of such original plot. Here, it is required to be noted that only the value of the acquired portion from the OP is not payable as compensation as is generally done

under the LARR Act, 2013 but is got reduced by the semi-final value of the allotted final plot. This compensation includes value of structures or anything married with original plots. The values involved here are prevailing to the date of declaration of intention under section 60 (1) of the Act to prepare a town planning scheme.

However, the land owners have an option provided under the proviso to section 100 of the Act to opt for FSI / TDR in lieu of such monetary compensation which is equivalent to reduction in the areas of their original plots resulting from reconstitution. During the hearing of the land owners, all these land owners who have opted for FSI/TDR available as per this proviso are not eligible to get monetary compensation. All those land owners who will opt similarly for the additional FSI/TDR will not be eligible for monetary compensation.

5.4.2. FSI/TDR in lieu of Monetary Compensation

Section 100 of the Act provides for FSI/TDR to the land owners included in the scheme equivalent to the reduction in area of their original plots resulting from reconstitution in lieu of the amount that qualifies for deduction from the contribution levied from those land owners who will request in this respect. The land owners will either receive a monetary compensation or the equivalent FSI/TDR. Some of the land owners from the five villages included in this scheme have opted for such FSI/TDR in lieu of monetary compensation for which they are eligible under this section 100 of the Act. In the draft sanctioned scheme compensation towards loss of area has been indicated zero presuming that all the land owners will opt for FSI compensation. Since nobody has objected to this FSI compensation in lieu of cash the same has been adopted in final scheme as well by the Arbitrator.

List of Survey Numbers included in the Urban Village Boundary of Adai, Akurli, Palidevad, Shilottar Raichur, Nevali have been Annexed to this report as Annexure 1.

5.4.3. Compensation by SPA, NAINA

Clause (ix) of Section 72 (6) of the Act provides for the compensation payable by special planning authority for each plot allotted for public purpose or purpose of planning authority. The Arbitrator is required to calculate the proportion of compensation payable by the Planning Authority for each FP allotted or reserved for public purpose or for the use of Planning Authority which is partially beneficial to the residents of the scheme and partially to the general public. Section 97 of the Act mentions the items considered towards the cost of the Scheme and as per clause (c), cent percent compensation is payable by the Planning Authority to the cost of the Scheme calculated in respect of the FPs provided for public purpose or for the use of

Planning Authority which are solely beneficial to the owners of the final plots or to the residents of the scheme. Whereas, only that portion of compensation calculated for the FPs provided for public purposes or for Planning Authority which are partially beneficial to the land owners or residents of the scheme and partially beneficial to the general public is payable in proportion to the percentage of such benefits attributable to the residents of the scheme by the Planning Authority to the cost of the Scheme.

However, the final plots allotted to the Planning Authority for public purposes which are solely beneficial to the general public and not beneficial to the scheme residents are also liable for compensation as the Planning Authority cannot acquire any land without paying the compensation. This amount of compensation or its share of compensation for final plots which are solely or partially beneficial to the general public in proportion of such benefits shall not be added to the cost of the scheme but will appear to the receipt side of the Form no. 2 prescribed under rule no. 6 (vii) of the Maharashtra Town Planning Schemes Rules, 1974. The Compensation payable by the SPA, NAINA for the plots allotted to it will generally be equal to the semi-final values of such plots in case, they are solely beneficial to the general public or its share in the proportion of such benefits in case of partially beneficial to the general public.

5.5 Incremental Value of Final Plots

Increment in the value of a final plot is defined in section 98 and it is deemed to be the amount by which the market value of such final plot estimated with reference to all the improvements contemplated in the scheme have been completed would exceed over the value of the same final plot estimated without reference to such improvements, both the values are prevailing to the date of declaration of intention to make a scheme under section 60 (1) of the Act. In other words, increment in the value of a final plot is equal to the difference of its final value and the semi-final value prevailing to the date of declaration of intention to prepare a scheme. Such incremental values have been worked out in respect of all the reconstituted final plots including the plots designated to public purposes and allotted to the Planning Authority.

5.6 Contribution

5.6.1. Contribution by the Land Owners

Contribution is levied to the owner of each and every final plot included in the scheme to meet the cost of the scheme wholly or in part as provided under section 99 (1) of the Act. However, the Arbitrator may grant exemption from the payment of such contribution as per the clause (xi) of section 72 (6) to be levied on the final plots which are exclusively used or occupied for religious or any charitable purpose on the date of drawing the scheme under section 72 (7) of the Act. In the present scheme, none of

religious or charitable activities have claimed such exemption. The owners of all the final plots are therefore required to pay such contribution as they are primarily liable for the payment of such contribution as provided under section 99 (2).

Contribution to be levied under section 99 is in proportion to the increment which is estimated to accrue as per section 98 of the Act in respect of a final plot as decided by the Arbitrator. Such contribution can be levied maximum up to 50 % of the increment calculated as per section 98.

During the hearing of the land owners, they all have strongly demanded to waive the levy of such contribution. They have brought to the notice of the Arbitrator that the Pune Metropolitan Region Development Authority (PMRDA) has resolved to waive such contribution in respect of its Mahalunge-Man Town Planning Scheme. The waiving of recovery of the contribution is not in the purview of the Arbitrator. However, if the amount receivable in the Scheme exceeds too much over the cost of the scheme, then the Arbitrator can lower down the amount of contribution to be levied by lowering down its percentage with the increment. The request of the owners to exempt them from charging of the contribution is not possible as they are primarily liable to pay it as provided under section 99(2) of the Act. The compensation payable by the SPA, NAINA in respect of plots which are not beneficial to the residents of the Scheme will have to be worked out and this aspect will have to be considered if sufficient funds are made available from SPA, NAINA in this respect.

This matter has been discussed with the Principal Secretary to Government, Urban Development Department (UD-1), Mantralay, Mumbai during the meeting held on 15th July 2021 with him. During the deliberations, observation has been made that there is significant opposition and resistance to Town Planning Schemes in NAINA among the land owners. The prime cause is cash contribution (over and above land contribution) into the scheme. The consensus was the SPA, CIDCO need to objectively analyse its infrastructure cost; otherwise these agitations may lead to failure of TP Schemes in NAINA.

In the circumstances, the Arbitrator has come to conclusion that the percentage of contribution to be charged to the land owners will have to be reconsidered and will have to be lowered down to a nominal amount if the receipt side is sufficiently on higher side to meet the cost of the scheme. This is in view of considering that the land owners have surrendered their 60 % of lands and cooperated with the SPA, NAINA in making the participatory Town Planning Scheme. By this, the land-owners, i. e. the stake-holders will also receive a message that their major request/demand is honored.

5.6.2. Contribution by the SPA, NAINA

Clause (x) of Section 72 (6) of the Act provides for this. The Arbitrator is required to calculate the proportion of contribution payable by the Planning Authority for every FP allotted or reserved for public purposes or for the use of Planning Authority which is solely or partially beneficial to the residents of the scheme. In respect of contribution payable by the Planning Authority, Section 99 is very clear and as per clause (ii), no such contribution is payable by the Planning Authority in respect of plots provided for public purposes which are solely beneficial to the owners of the final plots or residents of the scheme. However, in respect of those plots which are partially beneficial to the owners of the final plots or residents of the scheme and partially to general public, such contribution in proportion to the benefits estimated for the general public is payable by the Planning Authority as provided under clause (iii) of section 99. This also construes that in respect of such plots provided for Planning Authority and wholly beneficial to the general public, the full contribution is payable by the Planning Authority to the scheme finance.

In view of this, the SPA, NAINA is liable to pay the requisite amount of contribution to the scheme in respect of final plots allotted to it for the public purpose which are fully or partially beneficial to the general public.

5.7 Components of Finance of the Scheme

5.7.1. Cost Side of the Scheme

The items which are considered under cost of a scheme have been covered under section 97 (1) of the Act. The following items give cost of the scheme.

- i) All sums payable by Planning Authority under the Town Planning Scheme.
- ii) All sums expected to be spent on the implementation of sanctioned Preliminary Scheme.
- iii) All sums payable as compensation for final plots provided for public purposes or for the Planning Authority which are solely beneficial to the residents of the scheme
- iv) Such portion of sums payable as compensation for final plots provided for public purposes or for the Planning Authority which are partially beneficial to the residents of the scheme calculated in proportion to their benefits
- v) All legal expenses incurred by Planning Authority during making and execution of the scheme
- vi) The amount from total value of original plots included in the scheme payable to the land owners which exceeds the total semi-final value of all the final plots.

- vii) 20 % of the amount of the cost of the infrastructure provided in the area adjacent to the scheme area as is necessary for the purpose of and incidental to the scheme.

The sub-section (2) of this section 97 directs that if the sum of the total value without reference to improvements of all the final plots included in the scheme exceeds the total value of the original plots in the scheme, then such amount in excess shall be deducted from the cost of the scheme.

Form no. 2 prescribed under Rule no. 6 (vii) of the Maharashtra Town Planning Schemes Rules, 1974 is provided for presenting Finance of the scheme. The cost of the scheme is also part of this form and will accordingly be reflected in it. Following are the major components of the cost of the scheme.

5.7.2. Costs incurred on Making of the Scheme

The costs incurred on

- i) Making of the draft scheme since its declaration of intention under section 60 (1) till its sanction under section 68 (2),
- ii) Preparation of the base map of the scheme area by carrying out ownership-wise physical survey and getting it vetted from the Lands Record Department,
- iii) Legal charges paid during the making the draft scheme, Preliminary Scheme and the Final Scheme
- iv) Cost of publication of notices etc. in the gazette and in the newspapers,
- v) Demarcation and measurement of the scheme on site by fixing boundary marks etc.
- vi) Cost incurred on arbitration proceedings of preliminary scheme and of the final scheme,
- vii) Remuneration of the Arbitrator till the sanctioning of the final scheme,
- viii) Cost incurred on the Tribunal of Appeals,
- ix) Any other miscellaneous cost, if any, incurred by the Planning Authority till the sanction of the scheme; are considered as the cost of preparation of the scheme.

5.7.3. Cost of providing Infrastructure

i) Construction of Roads

In sanctioned Preliminary Scheme, road network consumes total area of 83.55 Ha. The roads being constructed in the scheme including the IDP roads which provide proper circulation network to the scheme area development are as below.

In The road network consumes total area of 83.55 Ha in the TPS 4. The roads being constructed in the scheme including the IDP roads which provide proper circulation network to the scheme area development are as per table given below.

Sr. No.	Road Width	Area (in Ha)
1	6m	0.39
2	9m	0.98
3	10m	0.83
4	12m	3.64
5	15m	8.30
6	18m	0.38
7	20m	21.09
8	27m	10.97
9	30m	13.33
10	45m	23.65

The plan no. D accompanied to the Final Scheme gives the details of roads. The cost of construction of all these roads is estimated to Rs. 331.75 Cr. plus Rs. 61.47 Cr. for bridges and channel over them wherever required. The cost of arboriculture and street furniture along all the above roads having width from 15 m and above is estimated to Rs. 44.37 Cr.

ii) Cost of Fencing the Public Sites

There are various infrastructural sites being provided in the scheme as IDP proposals or the scheme proposals. These are

- 76 sites for Open Spaces having total area of 14.72 Ha,
- 4 sites for Park having total area of 0.69 Ha,
- 13 sites for Buffer Space having total area of 13.19 Ha,
- 9 sites for Play Grounds having total area of 13.98 Ha,
- 5 sites for Schools having total area of 2.37 Ha, 1 site for College having total area of 1.40 Ha
- 4 site for Primary Health Centre having an area of 0.71 Ha,
- 4 site for Daily Bazar having an area of 0.43 Ha,
- 3 site for Electricity Sub-Station having an area of 0.72Ha,
- 1 site for ESR/GSR having an area of 0.34 Ha,

j) 1 site of Community center having area of 0.30 Ha

k) 2 site of Sewage Treatment Plan and

l) 54 Amenity Sites for various public purposes having total area of 13.34 Ha.

All these plots under various reservations mentioned above can be seen from the plan of Preliminary Scheme already sanctioned by the Government.

Engineering Department has communicated Rs. 0.44 Cr. towards cost of fencing. Sites designated to Open Spaces, Gardens, Play Grounds and for Parks will have to be developed by the SPA, NAINA in the scheme. The site provided for electricity sub-station will have to be developed with the help of MSEDCL to make available the electric supply immediately to the scheme area. The SPA, NAINA will have to develop the sites of Daily Bazar, ESR/GSR, STP and of the Primary Health Centre simultaneously to provide services to the residents at right time.

The SPA, NAINA may schedule the development of 54 amenity sites and of 6 Educational sites (5 IDP School and 1 IDP College reservation) and of 9 Play Ground site in the scheme as per the requirement of the area. These sites are therefore immediately required to be fenced so as to avoid probable encroachments over them.

Similarly, there are 35 Sites for EWS/LIG Housing having total area of 18.46 Ha. Growth Centres at 2 locations having an area of 19.17 Ha are also proposed in the scheme. All these sites will have to be developed by the SPA, NAINA as per its priorities, not loading their development costs to the scheme. However, these plots are immediately required to be fenced so as to avoid probable encroachments over them. 52 plots are reserved as Sale Plots admeasuring to 5.09 Ha and they are required to be sold in the open market for maximum possible price considering their higher FSI of 2.5 to raise funds for the scheme, but, at a later stage, when scheme area is fully developed with road network. In the meanwhile, these sale plots are also immediately required to be fenced so as to avoid probable encroachments over them.

iii) Cost of Development of Gardens, Play Grounds, Open Spaces and Parks

As said earlier, it is decided that the 76 sites of Open Spaces, 4 sites of Parks, 9 sites of Play Grounds and 1 site of City Park will have to be developed by the SPA, NAINA in the scheme. The cost of development of Garden and Parks is estimated to Rs. 5.33 Cr. which includes development and construction of compound walls with gates, lighting etc. The cost of development of Play Grounds in 9 sites is 4.00 Cr. The estimated cost of development of Open space is Rs. 4 Cr. These sites are shown on the Plan No. C.

iv) Cost of development of ESR/GSR and Electricity Sub-Station

The Sites for two STP and 3 electric sub-station are provided in the Scheme. ESS for distribution of the electric power with transformer and main source line are immediately required to be provided to the scheme area with the assistance of the MSEDCL so as to provide service to the residents. These sites are shown on the Plan No. E accompanied to the Final Scheme. The cost of development of STP and ESS is estimated to Rs. 119 Cr. The one site of Elevated Storage Reservoir/Ground Storage Reservoir is provided in the scheme. The estimated cost of development of this storage are 32.44 Cr.

v) Cost of providing the Utilities/Services

The costs of providing the Water Supply Distribution Lines, the Drainage Collection Lines (sewer lines) and Storm Water Drains have been estimated as per rates given by the Engineering Wing of the CIDCO as shown on the Plans No. E accompanied to the Final Scheme which are as Rs. 54.30 Cr., Rs. 27.98Cr. and Rs. 181.15Cr. respectively and the same have been considered here and entered to the cost side of the scheme.

vi) Cost of Street Lighting and Provision of Main Power Line

The laying of electricity distribution lines and providing the street lighting along all the roads in the scheme is considered. The estimated cost is Rs. 14.53 Cr. For this, electricity power supply line is required to be made available immediately and the cost for this has been estimated to Rs. 56.60 Cr.

Total Estimated Cost of infrastructural works

The total infrastructural cost is worked out as under.

Sr. No.	Name of Work Contemplated in the Scheme	Estimated Amount in Cr.
1	Construction of all Roads including Bridges and Culverts (as shown on Plan No. D)	331.75
2	Providing Bridges and Channel	61.47
3	Providing Arboriculture and Street Furniture for roads to 15 m wide and of more wider roads	44.37
4	Providing Water Supply Lines along all the Roads (as shown on Plan No. E)	181.15
5	Providing Water Supply Lines along all the Roads (as shown on Plan No. E)	54.30
6	Providing Sewer Lines along all the Roads (as shown on Plan No. E)	27.98

7	Providing Street Lighting along all the roads	14.53
8	Providing Electric Power Line to the Area	56.60
9	Providing Fencing to the 4 Sites of Schools, 54 sites of Amenities, 35 sites of EWS/LIG Housing, 2 sites of Growth Centre and 52 sites of Sale plots and Play Ground	0.44
10	Development 5 of sites of Garden & Parks	5.33
11	Development of 9 sites of Play Ground	4.00
12	Development of 76 sites of Open Spaces	4.00
13	Development of 2 sites of STP and 3 sites of Electric Substation(Plan E)	119.00
14	Development of 1 site of ESR/GSR (Plan E)	32.44
	Estimated Cost of all works listed in 1 to 16	937.36
	Total Estimated Cost of Works of the Scheme considering 5 % escalation per year for 3 years of implementation period	1085.11

5.7.4. Compensation by SPA, NAINA for Plots beneficial to the Residents of the Scheme

SPA, NAINA has been allotted 76 plots for Open Spaces, 4 plots for Parks, 1 Site of City Park and 9 plots for Play-Grounds. Similarly, 3 plots for Electric Sub-Station, 4 plots for Primary Health Centre, 4 for Daily Bazar, 1 for ESR/GSR and 2 plot for STP have been allotted to SPA, NAINA. Further, there are 4 plots for Schools, 1 plot for college and 52 plots for amenities allotted to the SPA, NAINA. All these plots are meant for various public purposes and are either fully or partially beneficial to the residents of the scheme as shown in the remark column of the Form no. 1 accompanied to this Final scheme.

According to section 97 (1) (c & d), the compensation payable by the SPA, NAINA in respect of plots which are solely or partially beneficial to the residents of the scheme is required to be included in the cost of the scheme. Hence, this compensation works out to Rs. 286.27 Cr. as shown in the Form no. 2 accompanied to this Final scheme.

5.7.5. Compensation to the Land Owners

The compensation eligible to the land owners whose lands are acquired during the reconstitution of their Original Plots into Final Plots is considered as zero as it is presumed that land owners will opt for the equivalent FSI/TDR as provided under section 100 of the Act in lieu of monetary compensation as described earlier.

5.7.6. Other Concurrent Costs

The costs incurred on incidental items such as making of the draft scheme, preparing the base map of the scheme area, demarcation and preparation of the joint measurement plan of the scheme layout, legal expenses and on Arbitration Proceedings, Tribunal of Appeals as enlisted in the Form No. 2 accompanying this final scheme have been considered under the cost of the scheme. The cost is estimated to 3.88 Cr. A provision of 10% of the estimated infrastructure cost amounting to Rs.107.38 Cr. is made to the cost side of the scheme for incidental works.

5.8 Receipts Side of the Scheme Finance

5.8.1. Contribution by Land Owners

The contribution levied to the land owners who have been allotted final plots in the scheme is the major component of the receipt side as it is expected that the cost of the scheme shall be met solely of partly through such contribution worked out as provided under Section 99 of the Act. However, all the land owners have strongly urged not to levy such contribution in respect of final plots allotted to them as they have cooperated to part with their lands to the extent of 60 % which is the highest percentage in any scheme in the State. This levy of contribution is for meeting the cost of the scheme and as the scheme cost is being met mostly through the compensation receivable from the SPA, NAINA. The Arbitrator has decided to levy contribution to the land owners at a reduced rate of 0.05 percent of the incremental value instead of 50% as is proposed by the SPA, NAINA in the draft sanctioned scheme. As such, the total amount of contribution receivable from the land owners works out to Rs. 94,43,550/- as can be seen from Form No. 2 accompanying this final scheme.

5.8.2. Contribution by SPA, NAINA

The Planning Authority is not required to contribute in respect of plots meant for public purposes which are solely beneficial to the residents of the scheme. If such plots are solely or partially beneficial to the general public, then the Planning Authority is required to pay the contribution in proportionate to the benefits provided to the general public. The plots meant for housing of the EWS/LIG Housing is for specific purpose and it is solely beneficial to the general public. The plots for Growth Centers are solely beneficial to the general public.

The sale plots are partially beneficial to the scheme residents. Further, 34 Amenity sites, 4 school sites and 1 college site are partially beneficial to the general public. Hence, Contribution levied in proportion of the benefits attributable to the general public in respect of all these plots is payable by the SPA, NAINA. The Arbitrator has decided to levy contribution to the SPA, NAINA also at the same reduced rate of

0.05 percent of the incremental value. The total amount of such contribution works out to Rs. 42,41,252/-.

5.8.3. Compensation by SPA, NAINA for Plots beneficial to General Public

The 35 plots meant for housing of the EWS/LIG is for specific purpose and it is solely beneficial to the general public. The 2 plots for Growth Centre are also solely beneficial to the general public. Further, 34 Amenity sites and 4 school sites are partially beneficial to the general public. The compensation in respect of the plots meant for public purposes in the scheme in the name of SPA, NAINA which are either fully or partially beneficial to the general public is payable by the SPA, NAINA and will appear to the receipt side of the finance of the scheme in proportion of their benefits to the general public. This amount works out to be Rs. 790.73 Cr. This amount payable by the SPA, NAINA to the scheme finance can be seen from the Form No. 2 accompanying this final scheme.

5.8.4. Proceeds obtained by Sale of Plots

Section 64(g-1)(ii-D) of the Act entitles the SPA, NAINA to propose a land itself for sale subject to proviso (I) of the section. The proceeds from the sale of such land shall have to be used for providing infrastructural facilities to the scheme area

52 Sale plots have been allotted to the SPA, NAINA by the Arbitrator in the Preliminary Scheme which have been sanctioned by the Government. Hence the proceeds at the rates of Rs 24000/- per sq. m respectively have been estimated to receive, if sold in the open market by the SPA, NAINA for meeting partially the cost of infrastructure. This amount of proceeds works out to Rs. 122.21 Cr and has been added to the receipt side of Form 2 of the scheme.

These plots are having FSI of 2.5 and are of good shape and frontages and may fetch even better price in the market. Hence, to get maximum selling price, it is suggested that these plots may be sold in the open market by auction.

5.9 Net Cost of the Scheme

The net cost to the Final Scheme is the amount of total expenditure expected as estimated at (A) side of the Form no. 2 incurred or required to be incurred towards the implementation of the scheme exceeds over the total amount receivable as shown at (B) side of the Form no. 2. The total expenditure estimated is Rs. 1471.32 Cr. which is less than half the total increment of the scheme. Total increment of the scheme is Rs. 3023.23 Cr.

The Section 110 of the Act provides that any amount from the sums paid to the Planning authority remains as surplus after completing the scheme and meeting all the

costs, then such balance amount shall be utilized on providing the additional amenities beneficial to the residents of the scheme in consultation with the land owners.

6. Form No. 1 – Redistribution and the Valuation Statement

The Arbitrator has then estimated valuation relevant to the date of declaration of intention to prepare this scheme under section 60 (1) of all the original plots included in the scheme and the valuations considering the semi-final and final values relevant to the same date of all the reconstituted final plots allotted to the land owners and to the SPA, NAINA.

The Form no. 1 is prescribed under Rule no. 6 (v) of the Maharashtra Town Planning Schemes Rules, 1974 as Redistribution and the Valuation Statement. This is important accompaniment of the Final Scheme and all the decisions of the Arbitrator regarding the valuations, Incremental Values and of the Contribution in respect of all the Original Plots and the Final Plots are recorded in it. The Ownerships and Areas of OPs and their allotted FPs in lieu of them along with their areas are entered in this Form 1 as decided by the Arbitrator in the Table B of the Preliminary Scheme. The rates of Original Plot Values, Semi-Final values and Final Plot Values are entered in this Form no. 1 as decided by the Arbitrator and as appearing in the Plans No. A, B and C accompanied to this Final Scheme.

The amount of Contribution to be levied and recovered from the Land Owners and also from the SPA, NAINA is decided by the Arbitrator considering the issues raised by all the land owners during their hearings and it is within the scope of section 99 of the said Act. The Arbitrator cannot levy the contribution more than 50 % of the incremental value of the FPs, but can lower down this percentage with the incremental value subject to proviso (i) of section 99 (1). The decision regarding levying the contribution only at 0.05 percentage of the increment has been arrived at by the Arbitrator after considering the details in the Form no. 2 and in view of the fact that still the amount will remain at balance with the SPA, NAINA.

The columns no. 2 to 3(d) of Form no. 1 record the ownerships, names of concerned villages, survey numbers and hissa numbers with their tenures etc. i. e. the survey details regarding the original lands included in the scheme. The column no. 4 shows the respective Original Plot numbers allotted as reference numbers to the land holdings included in the scheme and the original lands will always be referred to by these OP numbers hereinafter for the scheme matters and not by their survey details. The column 5 shows the areas of these original holdings. The columns no. 6(a), 6(b) and 6(c) show the rates and land values of the original plots without and with reference

to structures, if any, (OP Values) respectively. The further columns no. 7 and 8 give the reference number of final plots allotted in lieu of respective original plots and their areas. The columns from 9 (a) to 9 (c) show the rates of land values of undeveloped final plots and accordingly, their valuation in undeveloped state (semi-final value) as estimated by the Arbitrator with and without reference to structures, if any, and without considering the works contemplated in the scheme. The columns from 10 (a) to 10 (c) give the rates of land values and accordingly the final valuation of the final plots considering that the works contemplated in the scheme are complete.

The Column 11 gives the compensation which is arrived at by deducting the OP values from the Semi-final Values of the allotted Final plots in lieu of the OPs, both with reference to the structures if any, i.e. amount obtained as columns {9(c) – 6(c)}. If the amount is negative, then it is the compensation to be paid to the land owner by the SPA, NAINA. Otherwise, it will be a contribution to be paid by the land owner to the Planning Authority.

The column no. 12 gives the incremental value of the final plot and it is the difference between the final value and the semi-final value, both without reference to structures, i.e. amount obtained as columns {10 (b) – 9 (b)}.

The column 13 shows the contribution levied by the Arbitrator in respect of each and every final plot included in the scheme and it is at some percent of the respective incremental value as decided by the Arbitrator. The last column no. 15 shows the net demand of the amount to be paid to the Planning Authority by the land owners or by the Planning Authority to the land owners if this figure is negative. The column no 14 is for adjustment of any other amounts due under any other sections or Acts and in the present scheme, such amount is nil in respect of all the final plots.

The Form No. 1 appended to the Final Scheme shows that the total Compensation payable by the SPA, NAINA to the Land Owners works out to Rs. 320.68 Cr. for their lands acquired in the Scheme to the extent of 60 %. However, some of the land owners have opted for additional FIS/TDR in lieu of cash compensation. Though many of the land owners have not consented for additional FSI/TDR. The compensation worked out in the draft sanctioned scheme has been adopted as it is i.e. zero. Considering that they will accept additional FSI/TDR.

Cash compensation (Column 11(a)) and Net demand (Column 15(a)) have been readily worked out for those land owners who have not given consent for additional FSI/TDR in lieu of cash. In such case, the FSI permissible to the respective FP will be 1.00 and the FP will not be eligible for any TDR in future.

Further, it is very important to note here that the Arbitrator has taken the decision to levy the Contribution at a very nominal rate of 0.05 % of the incremental value. This decision is taken in view of giving solace to the land owners considering the fact that they have surrendered their 60 % land for the development and especially, they have opted for the FSI/TDR in lieu of monetary compensation, thereby, the financial burden on the SPA, NAINA has got reduced. The benefit of charging contribution at a nominal rate has therefore to be given only to those land-owners who have opted for FSI/TDR as per section 100 of the Act.

As such, the Arbitrator gives the following decision in respect of this final scheme.

Decision -

The Arbitrator therefore, gives his decision that in the cases where the monetary compensation is demanded by any of the owners included in this scheme instead of the FSI/TDR as per section 100, then the Contribution payable to the SPA/NAINA by such land owner shall be at 50 % of the Incremental Value worked out in column 13a. The FSI permissible in respect of Final Plots where monetary compensation is paid shall be 1.00, and the net demand shall be as per column 15a.

Provided that in the cases of Final Plots allotted to the land owners having very small areas where FSI/TDR as per section 100 of the Act is unable to be consumed in view of the provisions in the DCPR-2017 or in the DCPR of the Preliminary Scheme No. 4, then such contribution recoverable shall be at a reduced rate at 0.05 % of the incremental value as recorded in its respective column no. 13 of the Form no. 1.

7. Form No. 2 – Finance of the Town Planning Scheme

Form no. 2 prescribed under Rule no. 6 (vii) of the said Rules, 1974 is accompaniment of the Final Scheme giving all the details regarding the Finance of the Scheme which includes receipt side and the cost side of the scheme and thereby, gives the net Cost of the Scheme to the Planning Authority. The receipt side includes the total contribution receivable from the land owners and from the Planning Authority as well as the compensation receivable from the Planning Authority in respect of plots meant for various public purposes which are not beneficial to the residents of the scheme, either wholly or partially. The amount expected from the sale of plots is provided to meet the scheme cost as per section 64 (g-1) (D) of the Act. It is also a component of the receipt side. The compensation payable to the land owners is not accountable if

they have opted for FSI/TDR which is equivalent to the area reduction during the reconstitution of the final plots as provided under section 100 of the Act.

The cost side (A) of Form no. 2 includes mainly the cost of providing the infrastructure and the utility services, cost of construction of roads and expenditure made on all the items mentioned under cost of the scheme as given above. This includes also the compensation payable by the Planning Authority in respect of the plots meant for the public purposes which are beneficial to the residents of the scheme, either wholly or partially as per section 97 (1) (c & d).

The net cost to the Final Scheme is the amount of total expenditure expected as estimated at (A) side of the Form no. 2 incurred or required to be incurred towards the implementation of the scheme exceeds over the total amount receivable as shown at (B) side of the Form no. 2. The total expenditure estimated is Rs. 1471.32 Cr. which is less than half the total increment of the scheme. Total increment of the scheme is Rs. 3023.23 Cr

8. Substantial Variations in the Draft Scheme

The clause (b) of sub-section (7) of section 72 of the Act permits the Arbitrator with the prior approval of the State Government to make even substantial variations in the sanctioned draft scheme. The explanation under this clause states the meaning of substantial nature of variation and it is an increase in the cost of the draft scheme by more than 20 % of the scheme cost or Rs. 2.00 lakh whichever is more on account of provision of new works or reservations of additional sites of public purposes in the scheme drawn up by the Arbitrator. In the Preliminary Scheme drawn up by the Arbitrator and now sanctioned by the Government under section 86 (1) of the Act does not include any additional work or site which will exceed this limit. Hence, the question of substantial variation in respect of this final scheme does not arise.

9. Time Limit for drawing the Final Scheme

The Arbitrator is required to prepare Final Scheme by following the prescribed procedure laid down under the Maharashtra Town Planning Schemes Rules, 1974 and by deciding all the items enlisted under section 72 (6) of the Act and then to draw the final scheme under section 72 (7) within the time limit prescribed under section 72 (3) of the said Act.

The time limit for drawing up the final scheme is of 18 months from the appointment of the Arbitrator. The date of his appointment is 2nd December 2022. The Code of conduct was introduced for General Elections from 16th March 2024 to 06th

July 2024, totaling 113 days. This period is eligible for exclusion from the computation of time limit as provided under Section 148A of the Act. As such, this time limit automatically got extended upto 22 September 2024 for drawing up of the Final NAINA Town Planning Scheme No. 4.

There is no time limit prescribed for submitting the Final Scheme to the State Government for sanction and it is generally required to be submitted after completing the procedure of the Tribunal of Appeals to be set up under section 75 of the Act if appeals are filed by the land owners against the decisions of the Arbitrator taken in the final scheme mainly on valuation, compensation, increment and contribution. The Arbitrator has to then incorporate the decisions of the Tribunal of Appeals and to vary the scheme accordingly.

10. Award of the Final Town Planning Scheme

The Arbitrator is required to draw the Final Scheme as per the sub-section (7) of section 72 of the Act in the prescribed form and after following the procedure laid down under Rule no. 13 of the Maharashtra Town Planning Schemes Rules, 1974. The time limit to draw the final scheme is now upto 22nd September 2024. Hence, the Arbitrator, after carrying out the entire procedure laid down under the said rules and after estimating and calculating and then by determining all the financial matters listed under section 72 (6) of the Act as detailed above, has prepared the final scheme. The requisite plans and documents and the report on the Final Scheme have been duly prepared.

The Final NAINA Town Planning Scheme No. 4 (Adai, Akurli, Nevali, Shilottar Raichur and Pali Devad) has been accordingly drawn up by the Arbitrator on 12th September 2024, well within the prescribed time limit.

The NAINA Final Town Planning Scheme No. 4 (Adai, Akurli, Nevali, Shilottar Raichur and Pali Devad) so drawn up by the Arbitrator as said above under section 72 (7) of the Act has been published in the office of the Arbitrator and the office of SPA, NAINA for the inspection of the general public.

The Notices in this regard in Marathi and in English are published in the Maharashtra Government Gazette, Extra-Ordinary No. 97, Part II dated 20th September 2024 on pages 1 to 4 as provided under Rule no. 13 (9) of the Maharashtra Town Planning Schemes Rules, 1974. The same notices are also published in the local Newspapers, daily 'Krushival' and daily 'Newsband' dated 1st October 2024.

11. Accompaniments of the Final Scheme

The Final Scheme Report contains the following Forms and Plans as part of the scheme.

1. Form No. 1 – Redistribution and valuation Statement of the Scheme
2. Form No. 2 – Finance of the Scheme
3. Plan No. A - Showing the rates of Original Plot values of the Scheme.
4. Plan No. B - Showing the rates of Semi-Final Values of Final Plots of the Scheme.
5. Plan No. C - Showing the rates of Final Values of Final Plots of the Scheme.
6. Plan No. D - Showing the Roads under construction and their cross section in the Scheme
7. Plan No. E - Showing the Services along the Roads to be provided in the Scheme



(S. D. Landge)
Arbitrator

12th September 2024

NAINA Town Planning Scheme No. 4

NAINA TOWN PLANNING SCHEME No. 4

Legal Formalities

SR. NO	LEGAL STAGE	SECTION/ RULE OF THE ACT	REFERENCE	DATE
1	Declaration of Intention	60 (1)	Resolution No. 12189, Board Meeting No. 619	07.06.2019
2	Gazette Publication of notice	60 (2)	Maharashtra Government Gazette, Extraordinary Part II	21.06.2019
3	Newspaper Publication of notice	60 (2) Rule 3(2)	The Asian Age (English) Vartahar (Marathi)	25.06.2019
4	Copies of Intention and Plan to Govt. and DTP	60 (2)	Letter No. CIDCO/ NAINA / CP / TPS-4 / 2019 / 260 /E-427	24.06.2019
5	Publication of Plan and Gazette notice in SPA's office	60 (3) Rule. 3(1)	-----	21.06.2019
6	Application for Extension of 3 months	61 (3)	Board Resolution No. 12275, Board Meeting No. 623 Letter No. CIDCO / NAINA / CP / TPS/Ext./2020/37/SAP-1036	10.01.2020 07.02.2020
7	Govt order sanctioning of Extension of time limit u/s 61(3)	61 (3)	No. TPS-4 / NAINA / Sect.61(3) / Time-limit Extension / JDTP-KDN/2058	04.03.2020
8	Meeting with Owners	Rule 4(1)		27, 28, 29 Feb. 2020
9	Consultation with DTP	61(1) Rule 4(2)	Letter No. CIDCO/NAINA/TPS-4/Consultation/sec 61(1) /2020 /87/ SAP-1156	19.03.2020
10	Submission for Suitable Amendments in IDP/DP	59(2)	CIDCO /NAINA /TPS-4 Amendment/sec 59(2)/ 2020/ 86/ SAP-1155	19.03.2020
National Lockdown applicable as per Maharashtra Ordinance XV of 2020 dated				

SR. NO	LEGAL STAGE	SECTION/ RULE OF THE ACT	REFERENCE	DATE
31st August 2020				
11	DTP's Remarks on draft scheme & approval of Suitable Amendments in IDP/DP	61(1) Rule 4(2)	जा.क्र.नैना नरयो क्र.4 / प्र.क्र.71 / 20 / टिपीव्ही-3 / 1351 dt.05.03.2021	Received in this office 01.04.2021
12	Gazette publication of notice	61(1) Rule 5(1)	Maharashtra Government Gazette, Extraordinary Part II dated 25.04.2022	25.04.2022
13	Newspaper Publication of notice	61(1) Rule 5(2)	किल्ले रायगड	28.04.2022
14	Suggestions/ Objections Received within the Timeframe	Rule 5(2)	-----	25.04.2022 - 27.05.2022
15	Submission to Govt. for Sanction	68(1)	CIDCO/NAINA/Planning/ DP / TPS-4 / Draft Sanction / Sec.68(1) / 2022/E-136647	22.07.2022
16	Consultation with DTP		CIDCO / NAINA / TPS-4/Consult. 68(2)/2022/1663	08.08.2022
17	Submission of Suitable Amendments in IDP/DP		CIDCO / NAINA/TPS-4 / Amendment / Sec-59(2) / 2022 / 501	10.08.2022
18	DTP's Remarks on draft scheme & Approval of Suitable Amendments in IDP/DP	68(2)	जा. क्र. प्रा.न.र.यो / नरयो क्र.4/ नैना / कलम 68(1) /457	12.10.2022
19	Sanction to the Draft Scheme	68(2)	Notification no. CIDCO/NAINA/TPS-4/Draft Scheme/2022/563 dated 21.10.2022 (Powers delegated to VC&MD)	21.10.2022
20	Gazette Publication of Sanction Draft		Sanction of scheme published in Maharashtra Govt. Gazette Extra Ordinary Part II dated 4.11.2022	04.11.2022

SR. NO	LEGAL STAGE	SECTION/ RULE OF THE ACT	REFERENCE	DATE
	Scheme			
21	Newspaper publication of notification	68(2)	Publication of notification in Newspaper "Ram Prahar"	10.11.2022
22	Display of sanctioned draft scheme in SPA's office	68(2)	---	21.10.2022
(B) Arbitration Proceedings				
23	Appointment of Arbitrator by Govt.	72(1)	No. TPS-1222/2152/C.R.148/22/UD-12	02.12.2022
24	Gazette publication of appointment	72(1) Rule 11	Maharashtra Government Gazette, Konkan Division Supplement, Part 1	23-29 March 2023
25	Arbitrator to commence the duties	Rule 13	ARB/TPS-4/GEN/2023/08	05.04.2023
26	Gazette of commencement of duties	Rule 13	Maharashtra Government Gazette, Extraordinary Part II	25.04.2023
27	Newspaper publication of commencement of duties	Rule 13(1)	Newsband (English)	13.04.2023
			Ram Prahar (Marathi)	
28	Special Notices in Form 4 to Owners	72(4)(i) and Rule 13(3)	---	20.04.2023 to 9.06.2023 and on 8.8.2023
29	Hearings of land owners	72(4)(i) and Rule 13(4)	----	01.05.2023 to 04.07.2023
30	Public notice for hearing of Kul and Other Rights holders owners those remained absent	72(4)(i) and Rule 13(4)	Kille Raigad Raigad Times	09.08.2023

SR. NO	LEGAL STAGE	SECTION/ RULE OF THE ACT	REFERENCE	DATE
	to hearing			
31	Arbitrator to subdivide the scheme into Preliminary and Final Schemes	72(3)	ARB/TPS-4/GEN/2023/815	20.10.2023
32	Letter for hearing to SPA, NAINA	72(4)(i)	ARB/TPS-4/GEN/2023/712	14.07.2023
		Rule 13(4)		
33	Hearing to SPA, NAINA (CIDCO)	72(4)(i) Rule 13(4)	-----	07.08.2023
34	Remarks of SPA, NAINA (CIDCO) on hearing to Arbitrator	--	CIDCO/NAINA/PLNG/DP/TPS-4/2023/642	08.08.2023
35	Arbitrator to draw the Preliminary T. P. Scheme	72(7)	ARB/TPS-4/Award/2023/824	30.11.2023
36	Publication of notice regarding drawing the preliminary scheme in M. G. Gazette	Rule 13(9)	Maharashtra Govt. Gazette, Extra-Ordinary	01.12.2023
			Part II	
36	Publication of notice regarding drawing the preliminary scheme in Newspaper	Rule 13(9)	Newsband (English)	08.12.2023
			Vadalvara (Marathi)	
37	Submission of Preliminary Town Planning Scheme to Govt. for sanction	72(5)	ARB/TPS-4/Pre-Sub/2023/833	13.12.2023
38	Notification sanctioning the Preliminary Scheme	86(1)	TPS- 1224/03/CR-20/24/UD-12	28.02.2024

SR. NO	LEGAL STAGE	SECTION/ RULE OF THE ACT	REFERENCE	DATE
39	Gazette Publication of Notification	Rule 13(9)	Maharashtra Government Gazette, Konkan Division Supplement, Part 1, Page 8-51	26 Sept -2 Oct 2024
40	Date of Enforcement of Preliminary Scheme	86(2)(b)	As per Notification	
41	Notice of Drawing of the Final Scheme	72(7) Rule 13(9)	ARB/TPS-4/Final Award/2024/861	12 th September 2024
42	Gazette Publication of Notice of Final Scheme	Rule 13(9)	Extraordinary No. 92, Part II On Pages 1 to 4	20 th September 2024
43	Newspaper Publication of Notice of Final Scheme	Rule 13(9)	Daily 'Krushival' & Daily 'Newsband'	1 st October 2024
	Date of serving the Notices in Form 5 to the Owners	Rule 13(9)		
44	General Public Notice to the Land-Owners to inform regarding Form no. 5	Rule 13(9)		
45	Award Copy to SPA, NAINA	Rule 13(9)		
46	Two Months period to receive Appeals	Section 74		
47	No appeals filed	---		
	Tribunal of Appeals	Section 75		
	Submission of Final Scheme to Govt. for Sanction	Sections 72(5) 82(2)		

SR. NO	LEGAL STAGE	SECTION/ RULE OF THE ACT	REFERENCE	DATE
	Notification sanctioning the Preliminary Scheme	86(1)		
	Gazette Publication of Notification	Rule 13(9)		

(Signature)

(S. D. Landge)

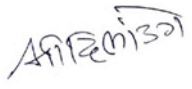
Arbitrator

NAINA Town Planning Scheme No. 4

Time Limits Followed

Sr No.	Section of the Act	Time Limit prescribed	Time limit followed
1	60(1)	Declaration of Intention	CIDCO Board's Resolution 7 th June 2019
2	60(2)	Publication of Intention	Gazette on 21 st June 2019
		30 days	The Asian Age (English) 25.06.2019
		(upto 6 th July 2019)	Vartahar (Marathi) 25.06.2019
3	61(1)	Publication of draft scheme	Gazette on 25 th April 2022
		9 months+3months extension	
		(upto 1 st June 2022)	
4	68(1)	Submission of draft scheme to Govt.	22 nd July 2022
		3 months from publication	
		(upto 31 st August 2022)	
5	68(2)	Sanction to draft scheme by Govt.	21 st October 2022 Gazette Published on 4 th November 2022
		3 months from submission by Planning Authority	
		(upto 21 st October 2022)	
6	72(1)	Appointment of Arbitrator	2 nd December 2022
		One month	
		(upto 3 rd December 2022)	
7	72(3)	To draw Preliminary Scheme	30 th November 2023
		9 months+3 months extension	
		(upto 1 st December 2023)	
8	72(5)	Submission of the Preliminary scheme (No time limit is prescribed)	13 th December 2023
9	72(3)	Time limit To Draw the Final Scheme (18 months)+Period of Code of conduct	22 nd September 2024
10	72(7)	The Date of Drawing the Final Scheme	12 th September 2024

Sr No.	Section of the Act	Time Limit prescribed	Time limit followed
11	72(5)	Submission of the Final scheme	No Time Limit is prescribed


 (S. D.Landge)
Arbitrator
NAINA TOWN PLANNING SCHEME No.

Annexure 1

Sr. No.	Village	Survey Number	Hissa No. included in the scheme	OP Number	Fully or Partly in urban village	FP Number in Preliminary Scheme	Remarks
1	Palidevad	31	31/2	33	Partly Included in Urban Village	1	Hissa Map is not available
2	Palidevad	31	31/1	32	Partly Included in Urban Village	2	Hissa Map is not available
3	Shilottar Raichur	45	45/1/19	104	Partly Included in Urban Village	46	
4	Shilottar Raichur	36	36/3	77	Partly Included in Urban Village	48	
5	Shilottar Raichur	45	45/1/13	98	Partly Included in Urban Village	56	Hissa Map is not available
6	Shilottar Raichur	45	45/1/15	100	Partly Included in Urban Village	71	Hissa Map is not available
7	Shilottar Raichur	36	36/2	76	Partly Included in Urban Village	95	Hissa Map is not available
8	Shilottar Raichur	23	23/0	61	Partly Included in Urban Village	211	
9	Akurli	6	6/0	140	Fully Included in Urban Village	220	
10	Akurli	11	11/0	145	Partly Included in Urban Village	248	
11	Akurli	12	12/0	146	Partly Included in Urban Village	249	
12	Akurli	15	15/0	149	Fully Included in Urban Village	252	
13	Akurli	16	16/0	150	Fully Included in Urban Village	253	
14	Akurli	9	9/A	142	Fully Included in Urban Village	254	Hissa Map is not available
15	Akurli	10	10/0	144	Fully Included in Urban Village	254	
16	Akurli	9	9/B	143	Fully Included in Urban Village	258	Hissa Map is not available
17	Akurli	17	17/0	151	Fully Included in Urban Village	260	
18	Akurli	243	243/0	475	Partly Included in Urban Village	263	
19	Akurli	238	238/5/A	466	Partly Included in Urban Village	264	Hissa Map is not available
20	Akurli	244	244/1	476	Fully Included in Urban Village	265	Hissa Map is not available
21	Akurli	143	143/0	360	Partly Included in Urban Village	266	
22	Akurli	144	144/2	363	Partly Included in Urban Village	266	
23	Akurli	148	148/0	369	Fully Included in Urban Village	266	
24	Akurli	149	149/0	370	Fully Included in Urban Village	266	
25	Akurli	151	151/2	373	Fully Included in Urban Village	266	
26	Akurli	151	151/3	374	Fully Included in Urban Village	266	
27	Akurli	245	245/1	478	Partly Included in Urban Village	266	Hissa Map is not available
28	Akurli	245	245/2	479	Partly Included in Urban Village	266	Hissa Map is not available
29	Akurli	245	245/3/A	480	Partly Included in Urban Village	266	Hissa Map is not available
30	Akurli	248	248/0	484	Fully Included in Urban Village	266	
31	Akurli	147	147/1	367	Fully Included in Urban Village	267	
32	Akurli	152	152/0	375	Partly Included in Urban Village	267	
33	Akurli	238	238/4/B	465	Partly Included in Urban Village	267	Hissa Map is not available
34	Akurli	238	238/4/B	465	Partly Included in Urban Village	267	Hissa Map is not available
35	Akurli	244	244/2	477	Fully Included in Urban Village	267	Hissa Map is not available
36	Akurli	245	245/3/B	481	Partly Included in Urban Village	267	Hissa Map is not available
37	Akurli	246	246/0	482	Fully Included in Urban Village	267	
38	Akurli	247	247/0	483	Fully Included in Urban Village	267	
39	Akurli	249	249/0	485	Fully Included in Urban Village	267	
40	Akurli	145	145/0	364	Fully Included in Urban Village	268	
41	Akurli	23	23/0	157	Partly Included in Urban Village	270	
42	Akurli	22	22/0	156	Partly Included in Urban Village	272	
43	Akurli	146	146/1/A	365	Fully Included in Urban Village	274	Hissa Map is not available
44	Akurli	146	146/1/B	366	Fully Included in Urban Village	274	Hissa Map is not available
45	Akurli	147	147/2	368	Fully Included in Urban Village	274	
46	Akurli	18	18/0	152	Fully Included in Urban Village	275	
47	Akurli	21	21/0	155	Partly Included in Urban Village	277	
48	Akurli	24	24/0	158	Partly Included in Urban Village	278	
49	Akurli	28	28/0	163	Partly Included in Urban Village	281	

Sr. No.	Village	Survey Number	Hissa No. included in the scheme	OP Number	Fully or Partly in urban village	FP Number in Preliminary Scheme	Remarks
50	Akurli	13	13/0	147	Partly Included in Urban Village	282	
51	Akurli	29	29/0	164	Partly Included in Urban Village	283	
52	Akurli	8	8/0	141	Fully Included in Urban Village	337	
53	Akurli	151	151/1	372	Partly Included in Urban Village	348	
54	Akurli	238	238/1/B	459	Partly Included in Urban Village	351	Hissa Map is not available
55	Akurli	238	238/2/A	461	Partly Included in Urban Village	351	Hissa Map is not available
56	Akurli	238	238/3	463	Partly Included in Urban Village	351	Hissa Map is not available
57	Akurli	238	238/4/A	464	Partly Included in Urban Village	351	Hissa Map is not available
58	Akurli	238	238/6	468	Partly Included in Urban Village	351	Hissa Map is not available
59	Akurli	241	241/0	473	Partly Included in Urban Village	351	
60	Akurli	238	238/1/A	458	Partly Included in Urban Village	353	Hissa Map is not available
61	Akurli	238	238/1/C	460	Partly Included in Urban Village	354	Hissa Map is not available
62	Akurli	238	238/2/B	462	Partly Included in Urban Village	355	Hissa Map is not available
63	Akurli	150	150/0	371	Fully Included in Urban Village	363	
64	Akurli	144	144/1/A	361	Partly Included in Urban Village	432	Hissa Map is not available
65	Adai	32	32/1	611	Partly Included in Urban Village	440	
66	Adai	99	99/2/5B	947	Partly Included in Urban Village	456	
67	Adai	98	98/6	945	Partly Included in Urban Village	470	
68	Adai	96	96/1	940	Partly Included in Urban Village	480	
69	Adai	1	1/1	486	Fully Included in Urban Village	631	
70	Adai	26	26/2	597	Partly Included in Urban Village	634	
71	Adai	25	25/2/3/4/C	594	Partly Included in Urban Village	635	
72	Adai	29	29/5	607	Fully Included in Urban Village	649	
73	Adai	4	4/1/2	493	Partly Included in Urban Village	656	
74	Adai	137	137/3	1154	Partly Included in Urban Village	666	
75	Adai	137	137/5	1156	Partly Included in Urban Village	666	Hissa Map is not available
76	Adai	137	137/6	1157	Partly Included in Urban Village	666	Hissa Map is not available
77	Adai	144	144/1/2/B	1166	Fully Included in Urban Village	666	Hissa Map is not available
78	Adai	144	144/1/2/A	1165	Fully Included in Urban Village	667	Hissa Map is not available
79	Adai	121	121/1/2/A	1090	Partly Included in Urban Village	671	
80	Adai	121	121/1/2/B	1091	Partly Included in Urban Village	673	
81	Adai	121	121/3	1092	Partly Included in Urban Village	673	
82	Adai	98	98/5/1	943	Partly Included in Urban Village	675	Hissa Map is not available
83	Adai	98	98/5/2	944	Partly Included in Urban Village	676	Hissa Map is not available
84	Adai	105	105/1/B	964	Partly Included in Urban Village	686	
85	Adai	101	101/1/A	951	Partly Included in Urban Village	687	
86	Adai	105	105/1/A	963	Partly Included in Urban Village	687	
87	Adai	93	93/9	932	Partly Included in Urban Village	697	
88	Adai	103	103/3	957	Partly Included in Urban Village	698	
89	Adai	95	95/3	939	Fully Included in Urban Village	699	
90	Adai	93	93/5	928	Partly Included in Urban Village	701	
91	Adai	93	93/6	929	Fully Included in Urban Village	701	
92	Adai	93	93/7	930	Partly Included in Urban Village	701	
93	Adai	94	94/1/B	934	Fully Included in Urban Village	701	
94	Adai	94	94/2	935	Fully Included in Urban Village	701	
95	Adai	95	95/1/A	936	Fully Included in Urban Village	701	
96	Adai	95	95/1/B	937	Fully Included in Urban Village	701	
97	Adai	95	95/2	938	Fully Included in Urban Village	701	
98	Adai	96	96/2	941	Fully Included in Urban Village	701	
99	Adai	96	96/5	942	Fully Included in Urban Village	701	
100	Adai	102	102/6	954	Partly Included in Urban Village	701	

Sr. No.	Village	Survey Number	Hissa No. included in the scheme	OP Number	Fully or Partly in urban village	FP Number in Preliminary Scheme	Remarks
101	Adai	93	93/1	924	Partly Included in Urban Village	703	
102	Adai	94	94/1/A	933	Partly Included in Urban Village	704	
103	Adai	148	148/0	1167	Fully Included in Urban Village	707	
104	Adai	149	149/0	1168	Fully Included in Urban Village	707	
105	Adai	32	32/3	613	Partly Included in Urban Village	710	
106	Adai	32	32/7	618	Fully Included in Urban Village	711	
107	Adai	33	33/1/B	620	Partly Included in Urban Village	712	Hissa Map is not available
108	Adai	32	32/4/B/1	615A	Partly Included in Urban Village	715	Hissa Map is not available
109	Adai	32	32/4/B/2	615B	Partly Included in Urban Village	715	Hissa Map is not available
110	Adai	32	32/4/B/3	615C	Partly Included in Urban Village	715	Hissa Map is not available
111	Adai	32	32/2	612	Fully Included in Urban Village	719	
112	Adai	29	29/4	606	Fully Included in Urban Village	720	
113	Adai	29	29/6	608	Fully Included in Urban Village	720	
114	Adai	29	29/1	603	Fully Included in Urban Village	724	
115	Adai	29	29/2	604	Fully Included in Urban Village	725	
116	Adai	27	27/1/A/1	602	Partly Included in Urban Village	736	
117	Nevali	22	22/16/30A	1275	Partly Included in Urban Village	807	
118	Nevali	28	28/6	1365	Fully Included in Urban Village	807	
119	Nevali	8	8/1	1192	Fully Included in Urban Village	808	
120	Nevali	21	21/3/4/6A/1	1261	Partly Included in Urban Village	812	Hissa Map is not available
121	Nevali	22	22/16/30B	1276	Partly Included in Urban Village	812	
122	Nevali	6	6/7	1186	Fully Included in Urban Village	814	
123	Nevali	32	32/2	1384	Fully Included in Urban Village	814	
124	Nevali	22	22/27/28	1287	Partly Included in Urban Village	816	
125	Nevali	8	8/5	1196	Fully Included in Urban Village	823	
126	Nevali	27	27/4	1354	Partly Included in Urban Village	823	
127	Nevali	27	27/5	1355	Partly Included in Urban Village	827	
128	Nevali	28	28/2C	1361	Fully Included in Urban Village	827	
129	Nevali	8	8/4	1195	Fully Included in Urban Village	828	
130	Nevali	31	31/9	1381	Partly Included in Urban Village	838	
131	Nevali	21	21/3/4/6A/2	1262	Partly Included in Urban Village	843	Hissa Map is not available
132	Nevali	45	45/1B	1478	Partly Included in Urban Village	856	Hissa Map is not available
133	Nevali	5	5/5	1178	Fully Included in Urban Village	861	
134	Nevali	31	31/6	1378	Partly Included in Urban Village	861	
135	Nevali	45	45/4A	1481	Partly Included in Urban Village	862	Hissa Map is not available
136	Nevali	45	45/4B	1482	Partly Included in Urban Village	862	Hissa Map is not available
137	Nevali	4	4/A/1	1169	Partly Included in Urban Village	864	
138	Nevali	4	4/A/6	1172	Partly Included in Urban Village	865	
139	Nevali	9	9/A/11	1204	Fully Included in Urban Village	865	
140	Nevali	21	21/1	1259	Fully Included in Urban Village	865	
141	Nevali	9	9/A/18	1208	Fully Included in Urban Village	866	
142	Nevali	37	37/4/2	1425	Fully Included in Urban Village	872	Hissa Map is not available
143	Nevali	44	44/4	1472	Partly Included in Urban Village	872	
144	Nevali	44	44/1B	1470	Partly Included in Urban Village	873	Hissa Map is not available
145	Nevali	44	44/1A	1469	Partly Included in Urban Village	875	Hissa Map is not available
146	Nevali	46	46/2	1490	Partly Included in Urban Village	876	
147	Nevali	47	47/5	1496	Fully Included in Urban Village	877	
148	Nevali	37	37/1	1421	Fully Included in Urban Village	883	
149	Nevali	46	46/1	1489	Fully Included in Urban Village	884	
150	Nevali	21	21/2	1260	Fully Included in Urban Village	886	
151	Nevali	46	46/3	1491	Partly Included in Urban Village	886	

Sr. No.	Village	Survey Number	Hissa No. included in the scheme	OP Number	Fully or Partly in urban village	FP Number in Preliminary Scheme	Remarks
152	Nevali	45	45/1A	1477	Partly Included in Urban Village	887	Hissa Map is not available
153	Nevali	8	8/3	1194	Fully Included in Urban Village	889	
154	Nevali	21	21/7	1265	Fully Included in Urban Village	889	
155	Nevali	29	29/3	1368	Fully Included in Urban Village	889	
156	Nevali	29	29/4A	1369	Fully Included in Urban Village	889	
157	Nevali	29	29/5	1371	Fully Included in Urban Village	889	
158	Nevali	31	31/2	1374	Fully Included in Urban Village	889	
159	Nevali	31	31/3	1375	Fully Included in Urban Village	889	
160	Nevali	31	31/4	1376	Fully Included in Urban Village	889	
161	Nevali	31	31/8	1380	Fully Included in Urban Village	889	
162	Nevali	32	32/1	1383	Fully Included in Urban Village	889	
163	Nevali	32	32/3	1385	Fully Included in Urban Village	889	
164	Nevali	32	32/5	1387	Partly Included in Urban Village	889	
165	Nevali	37	37/4/1	1424	Fully Included in Urban Village	889	Hissa Map is not available
166	Nevali	37	37/5	1426	Partly Included in Urban Village	889	
167	Nevali	47	47/1	1492	Fully Included in Urban Village	889	
168	Nevali	47	47/2	1493	Fully Included in Urban Village	889	
169	Nevali	47	47/3	1494	Fully Included in Urban Village	889	
170	Nevali	47	47/4	1495	Fully Included in Urban Village	889	
171	Nevali	47	47/6/7	1497	Partly Included in Urban Village	889	
172	Nevali	37	37/6	1427	Partly Included in Urban Village	891	
173	Nevali	31	31/5	1377	Fully Included in Urban Village	894	
174	Nevali	29	29/1C /2	1367	Fully Included in Urban Village	896	
175	Nevali	37	37/3	1423	Fully Included in Urban Village	896	
176	Nevali	28	28/3	1362	Fully Included in Urban Village	900	
177	Nevali	28	28/4	1363	Fully Included in Urban Village	901	
178	Nevali	28	28/5	1364	Fully Included in Urban Village	902	
179	Nevali	28	28/7	1366	Fully Included in Urban Village	903	
180	Nevali	28	28/2A	1359	Fully Included in Urban Village	904	
181	Nevali	7	7/2	1191	Fully Included in Urban Village	906	Hissa Map is not available
182	Nevali	6	6/10	1189	Fully Included in Urban Village	910	
183	Nevali	6	6/9	1188	Fully Included in Urban Village	911	
184	Nevali	6	6/5	1184	Fully Included in Urban Village	912	
185	Nevali	6	6/8	1187	Fully Included in Urban Village	913	
186	Nevali	6	6/6	1185	Fully Included in Urban Village	915	
187	Nevali	6	6/1	1180	Fully Included in Urban Village	917	
188	Nevali	6	6/4	1183	Fully Included in Urban Village	918	
189	Nevali	6	6/3	1182	Fully Included in Urban Village	920	
190	Nevali	6	6/2	1181	Fully Included in Urban Village	922	
191	Nevali	5	5/1	1175	Fully Included in Urban Village	924	
192	Nevali	5	5/4	1177	Fully Included in Urban Village	929	
193	Nevali	9	9/A/8/12	1203	Fully Included in Urban Village	933	
194	Nevali	9	9/A/8/12	1203	Fully Included in Urban Village	933	
195	Nevali	9	9/A/1/4	1200	Fully Included in Urban Village	937	
196	Nevali	9	9/A/1/4	1200	Fully Included in Urban Village	937	
197	Nevali	8	8/7/A	1198	Fully Included in Urban Village	940	Hissa Map is not available
198	Nevali	27	27/1	1351	Fully Included in Urban Village	940	
199	Nevali	27	27/3	1353	Partly Included in Urban Village	940	
200	Nevali	29	29/4B/6	1370	Fully Included in Urban Village	940	
201	Nevali	32	32/6	1388	Partly Included in Urban Village	940	
202	Nevali	21	21/5	1264	Partly Included in Urban Village	942	Hissa Map is not available

Sr. No.	Village	Survey Number	Hissa No. included in the scheme	OP Number	Fully or Partly in urban village	FP Number in Preliminary Scheme	Remarks
203	Adai	93	93/4	927	Partly Included in Urban Village	-	Spring
204	Palidevad	28	28/2B/(P)	29A	Partly Included in Urban Village	18 & 29B	Hissa Map is not available
205	Akurli	5	5/0	139	Fully Included in Urban Village	245A	
206	Akurli	4	4/1/A (P)	137A	Partly Included in Urban Village	245A	
207	Akurli	20	20/1	154A	Fully Included in Urban Village	273A	
208	Akurli	14	14/0	148	Fully Included in Urban Village	276A	
209	Akurli	19	19/0	153	Fully Included in Urban Village	276A	
210	Akurli	20	20/2	154B	Fully Included in Urban Village	276B	
211	Akurli	20	20/3	154C	Fully Included in Urban Village	276C	
212	Akurli	144	144/1/B	362	Partly Included in Urban Village	328A	Hissa Map is not available
213	Shilottar Raichur	45	45/2/1	105	Partly Included in Urban Village	50 & 51	Hissa Map is not available
214	Shilottar Raichur	45	45/2/4	107	Partly Included in Urban Village	50 & 51	Hissa Map is not available
215	Shilottar Raichur	45	45/2/5	108	Partly Included in Urban Village	50 & 51	Hissa Map is not available
216	Shilottar Raichur	45	45/2/6	109	Partly Included in Urban Village	50 & 51	Hissa Map is not available
217	Shilottar Raichur	45	45/2/7	110	Partly Included in Urban Village	50 & 51	Hissa Map is not available
218	Shilottar Raichur	45	45/2/8	111	Partly Included in Urban Village	50 & 51	Hissa Map is not available
219	Shilottar Raichur	45	45/2/9	112	Partly Included in Urban Village	50 & 51	Hissa Map is not available
220	Shilottar Raichur	45	45/2/10	113	Partly Included in Urban Village	50 & 51	Hissa Map is not available
221	Shilottar Raichur	45	45/2/11	114	Partly Included in Urban Village	50 & 51	Hissa Map is not available
222	Shilottar Raichur	45	45/2/2	106A	Partly Included in Urban Village	50 & 51	Hissa Map is not available
223	Shilottar Raichur	45	45/2/3	106B	Partly Included in Urban Village	50 & 51	Hissa Map is not available
224	Shilottar Raichur	45	45/1/7	92	Partly Included in Urban Village	57A	Hissa Map is not available
225	Adai	29	29/3	605	Fully Included in Urban Village	619A	
226	Adai	31	31/1	609	Fully Included in Urban Village	708A	Hissa Map is not available
227	Adai	31	31/2	610	Fully Included in Urban Village	708B	Hissa Map is not available
228	Nevali	28	28/1	1358	Fully Included in Urban Village	742A	
229	Nevali	29	29/7	1372	Fully Included in Urban Village	742A	
230	Adai	33	33/2	621	Partly Included in Urban Village	742B	Hissa Map is not available
231	Shilottar Raichur	33	33/0	72	Partly Included in Urban Village	78A	
232	Shilottar Raichur	34	34/0	73	Fully Included in Urban Village	78B	
233	Shilottar Raichur	36	36/1	75	Partly Included in Urban Village	78B	Hissa Map is not available
234	Shilottar Raichur	37	37/0	78	Fully Included in Urban Village	78B	
235	Shilottar Raichur	38	38/0	79	Partly Included in Urban Village	78B	
236	Palidevad	28	28/2B/(P)	29B	Partly Included in Urban Village	7A	Hissa Map is not available
237	Nevali	21	21/8	1266	Partly Included in Urban Village	815A	
238	Nevali	8	8/6	1197	Fully Included in Urban Village	821B	
239	Nevali	32	32/11	1396	Partly Included in Urban Village	826A	
240	Nevali	8	8/2	1193	Fully Included in Urban Village	826B	
241	Nevali	27	27/2	1352	Fully Included in Urban Village	863B	
242	Nevali	31	31/1	1373	Fully Included in Urban Village	870A	
243	Nevali	37	37/2	1422	Fully Included in Urban Village	870A	
244	Nevali	45	45/4C	1483	Partly Included in Urban Village	893A	Hissa Map is not available
245	Nevali	31	31/7	1379	Fully Included in Urban Village	895A	
246	Nevali	32	32/4	1386	Partly Included in Urban Village	895B	
247	Nevali	7	7/1	1190	Fully Included in Urban Village	909A	Hissa Map is not available
248	Nevali	28	28/2B	1360	Fully Included in Urban Village	909B	
249	Shilottar Raichur	2	2/0	39	Partly Included in Urban Village	92A	
250	Nevali	5	5/7	1174	Partly Included in Urban Village	930, 932, 935	
251	Nevali	5	5/6	1174	Partly Included in Urban Village	930, 932, 935	
252	Nevali	5	5	1174	Partly Included in Urban Village	930, 932, 935	
253	Nevali	4	4/2	1174	Partly Included in Urban Village	930, 932, 935	

Sr. No.	Village	Survey Number	Hissa No. included in the scheme	OP Number	Fully or Partly in urban village	FP Number in Preliminary Scheme	Remarks
254	Nevali	4	4/3	1174	Partly Included in Urban Village	930, 932, 935	
255	Nevali	9	9/B	1209	Fully Included in Urban Village	930, 932, 935	
256	Nevali	9	9/B	1209	Fully Included in Urban Village	930, 932, 935	
257	Nevali	9	9/B	1209	Partly Included in Urban Village	930, 932, 935	
258	Nevali	9	9/B	1209	Partly Included in Urban Village	930, 932, 935	
259	Nevali	9	9/B	1209	Partly Included in Urban Village	930, 932, 935	
260	Nevali	9	9/A/3	1201	Fully Included in Urban Village	938B	
261	Nevali	9	9/A/5	1202	Fully Included in Urban Village	938B	
262	Nevali	8	8/7/B	1199	Fully Included in Urban Village	941A	Hissa Map is not available
263	Nevali	12	12/2/4	1210	Partly Included in Urban Village	943 & 947	