

Maharashtra Regional & Town Planning Act, 1966.

Proposed Modification to insert New Regulation 34 with Annexure-VII in the General Development Control Regulations for Navi Mumbai-1975 for New Town Development Authority (NTDA) Notified Area of the City & Industrial Development Corporation of Maharashtra Ltd. (CIDCO), except the NMMC Area, under section 37(1AA)

GOVERNMENT OF MAHARASHTRA

Urban Development Department,

Mantralaya, Mumabi 400 032.

Dated : 4th February, 2015.

NOTICE

No. TPB 4312/643/CR-9/2/2014/UD-11.

Whereas the General Development Control Regulations (GDCRs) for Navi Mumbai (hereinafter referred to as "the said Regulations") have been sanctioned by the Government under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act"), vide Urban Development and Public Health Department's Notification No. RPB1175/635/B-UD-5, dated 18/8/1979, published in the Maharashtra Government Gazette, dated 27/9/1979;

And whereas, the CIDCO vide its Board Resolution No.11017 dated the 26th February 2014, has decided to incorporate a New Regulation 34 alongwith Appendix-VII in the said Regulations of CIDCO regarding reconstruction / redevelopment of building or building constructed by CIDCO within the limits of CIDCO under a Urban Renewal Scheme with 3.0 FSI (hereinafter referred to as "proposed modification") and submitted a proposal to the Government, which did not adequately address the issue of reconstruction and redevelopment of building or buildings previously constructed by CIDCO and also without following the procedure as contemplated under Section 37(1) of the said Act;

And whereas, the NMMC is a Planning Authority within the New Town Development Authority (NTDA) Notified Area of CIDCO and whereas the characteristics of the CIDCO constructed buildings in the jurisdiction of NMMC and area within CIDCO's jurisdiction are similar. And whereas the Government in Urban Development Department has accorded Sanction to the modification proposal as submitted by the NMMC with some changes vide Notification No. TPB-4312/643/CR-9/1/2014/UD-11, dated 04/02/2015 for the reconstruction / redevelopment of buildings or buildings previously constructed by CIDCO within the limits of NMMC

And whereas the Govt. finds it necessary to have similar Regulations for Reconstruction / Redevelopment for the CIDCO constructed and dilapidated buildings within the jurisdictions of CIDCO and NMMC and is satisfied that in the public interest, it is expedient to carry out urgently a modification to incorporate a new Regulation at par with the NMMC's Regulation in this regard in the said Regulations;

Now therefore, after considering the above facts and circumstances and in exercise of powers conferred by sub section (1AA) of Section 37 of the said Act; and of all other powers enabling it in this behalf, the Government hereby—

- i) Proposes a modification to insert a New Regulation 34 with Appendix-VII in the GDCRs regarding reconstruction/redevelopment of CIDCO constructed buildings in the New Town Development Authority (NTDA) Notified Area of the City & Industrial Development Corporation of Maharashtra Ltd.(CIDCO), excluding the NMMC Area as described more specifically in the as schedule appended hereto; and
- ii) Publishes a Notice regarding the proposed modification, described specifically in the Schedule appended hereto, as required by the clause (a) of sub-section (1AA) of Section 37, for information of all the persons likely to be affected thereby; and hereby declares that the proposed modification will be taken into consideration by the Government of Maharashtra after the expiry of one month from the date of publication of this Notice in the Maharashtra Government Official Gazette;

The Government is further pleased to inform that any objections/ suggestions in respect of the proposed modification be forwarded before the expiry of one month from the date of publication of this Notice in the Maharashtra Government Official Gazette to the Joint Director of Town Planning, Konkan Division, Navi Mumbai having his office at Konkan Bhavan, 3rd Floor, CBD Belapur, Navi Mumbai. Any objection or suggestion, which may be received by the Joint Director of Town Planning, Konkan Division, Navi Mumbai within the said period shall be dealt with in accordance with the provisions of the said sub-section (1AA) of Section 37.

A copy of the said Notice along with Schedule showing the proposed modification shall be made available for inspection by the general public at the following Officers during Office hours on all working days :-

- (1) Office of the Joint Director of Town Planning, Konkan Division, Navi Mumbai, Konkan Bhavan, 3rd Floor, CBD Belapur, Navi Mumbai.
- (2) Office of the Managing Director, CIDCO, Cidco Bhavan, CBD Belapur, Navi Mumbai.

This Notice shall also be made available on the Govt. website www.Maharashtra.gov.in

By order and the name of the Governor of Maharashtra.



(Sanjay Banait)

Under Secretary to Government.

SCHEDULE

(Accompaniment to Notice No.TPB 4312/643/CR-9/2/2014/UD-11, Dated : 04/02/2015)

The following New Regulation 34 and Appendix-VII is proposed to be inserted after Regulation 33 in the Sanctioned General Development Control Regulations (GDCRs) for Navi Mumbai 1975.

34 :- Regulation for reconstruction/redevelopment schemes undertaken by CIDCO/ Owners' / Association/ Co-operative Housing Society (CHS) in respect of the authorised buildings previously constructed by CIDCO but subsequently destroyed by natural calamities or accidental fires or which have collapsed by aging or are demolished or being demolished under a lawful order of the Managing Director of CIDCO etc. :-

Reconstruction / Redevelopment, in whole or in part of a building, previously constructed by CIDCO (not being a building wholly occupied by warehousing/ Industrial user and also not being an individually owned structure, which has ceased to exist for the reasons mentioned above) or a building constructed by CIDCO which has been declared dilapidated by the Managing Director of CIDCO or a buildings constructed by CIDCO which is above 30 years of age, irrespective of its status of dilapidation, (hereinafter collectively referred to as dangerous/ dilapidated building) shall be permissible in accordance with the provisons contained in Appendix-VII of this Regulation.

Appendix- VII

[Regulation No. 34]

Regulation for Reconstruction / Redevelopment :-

1. For redevelopment of building or buildings in the housing schemes of CIDCO, containing houses or tenements for (i) EWS/LIG and/or (ii) MIG and/or (iii) HIG, the total permissible FSI shall as specified in Table-A below and shall be based on gross plot area :-

Table - A

Sr. No.	Category	Permissible FSI
i	Plot area of 1000 sq. m. or more and having access road of minimum 15m width .	2.50
ii	Plots area of 1000 sq.m.or more and having access road of minimum 9m width.	2.00
iii	All other plots having access road below 9m width.	1.80 or Authorisedly consumed FSI + 50% Incentive whichever is less

Identification of dangerous / dilapidated buildings shall be done by a Committee Under the Chairmanship of the Joint Managing Director, CIDCO, comprising Superintendent Engineer, Public Works Department, Thane; Joint Director, Town Planning, Konkan Division; City Engineer, NMMC; Chief Engineer, CIDCO; Chief Planner, CIDCO and such other members as may be appointed by the Joint Managing Director, CIDCO, having regard to their academic qualifications, technical competence and previous experience in the field of Structural Engineering.

2. Where redevelopment of any dangerous / dilapidated building(s) in a Housing Scheme of CIDCO constructed buildings is undertaken by the Co-op Housing Society or the occupiers of such building(s) or by the lessees of CIDCO, the Rehabilitation area Entitlement, Incentive FSI and sharing of balance FSI shall be as follows :-

A) Rehabilitation Area Entitlement :

i) Under redevelopment of any dangerous / dilapidated building(s) in a Housing Scheme of CIDCO, the entitlement of rehabilitation area for an existing residential tenement shall be equal to sum total of -

(a) a basic entitlement equivalent to the carpet area of the existing tenement plus 35% thereof, subject to a minimum carpet area of 300 sq ft, and

(b) an additional entitlement, governed by the size of the plot under redevelopment, in accordance with the Table - B below :-

Table - B

Area of the Plot under Redevelopment	Additional Entitlement (As % of the Carpet Area of the Existing Tenement)
Upto 4000 sq.m.	Nil
Above 4000 sq.m to 2hect	10%
Above 2 hect to 5 hect	15%
Above 5 hect to 10 hect	20%

Explanation : *The plot under redevelopment, means the total area of the land on which redevelopment of dangerous / dilapidated building (s) is to be undertaken.*

Provided that the maximum entitlement of rehabilitation area shall in no case exceed the maximum limit of carpet area prescribed for MIG category by the Govt., as applicable on the date of approval of the redevelopment project.

Provided further that the entitlement of rehabilitation area, as admissible under this regulation, shall be exclusive of the area of balcony.

ii) Under redevelopment of any dangerous / dilapidated building(s) in a Housing Scheme of CIDCO, the entitlement of rehabilitation area of any existing authorised commercial unit / amenity unit in the Residential Housing Scheme shall be equal to the carpet area of the existing unit plus 20% thereof.

B) **Incentive FSI** : Incentive FSI admissible against the FSI required for rehabilitation, as calculated above, shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR) in Rs/Sqm. of the plot under redevelopment as per the Annual Schedule of Rates (ASR) and Rate of Construction (RC)* in Rs/Sqm applicable to the area as per the ASR and shall be as given in the Table - C below :-

Table - C

Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)
Above 3.00	70%
Above 2.00 and upto 3.00	80%
Above 1.00 and upto 2.00	90%
Upto 1.00	100%

Explanation :- * RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Schedule of Rates.

Provided that the above incentive will be subject to the availability of the FSI on the Plot under redevelopment and its distribution by CIDCO.

Provided further that in case there are more than one land rate applicable to different parts of the plot under redevelopment, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that the Land Rate (LR) and the Rate of Construction (RC) for calculation of the Basic Ratio shall be taken for the year in which the redevelopment project is approved by the authority.

C) **Sharing of the Balance FSI** :

The FSI remaining in balance after providing for the rehabilitation and the incentive components, calculated as per (A) and (B) above respectively, shall

be shared between the existing or proposed Co-operative Housing Society/Apartment Ownership Association and CIDCO, in the form of built-up area, as given in Table D below and the share of CIDCO shall be handed over to CIDCO free of cost.

Table - D

Basic Ratio (LR/RC)	Sharing of Balance FSI	
	Society /Association Share	CIDCO Share
Above 3.00	50%	50%
Above 2.00 and upto 3.00	60%	40%
Above 1.00 and upto 2.00	70%	30%
Upto 1.00	80%	20%

2.1 Where redevelopment of dangerous / dilapidated building(s) in a Housing Scheme of CIDCO is undertaken by CIDCO directly or jointly by CIDCO along with the Co-operative Housing Society / Association or the occupiers of such building(s) or by the lessees of CIDCO, the Rehabilitation Area Entitlement, incentive FSI and sharing of balance FSI shall be as follows:

A) Rehabilitation Area Entitlement :

The Rehabilitation Area Entitlement shall be increased by 15% of the existing carpet area, over and above the Rehabilitation Area Entitlement calculated in (A) of Clause 2 above, subject to the maximum of the size of MIG, prescribed by the Government in the Housing Department.

B) Incentive FSI : Incentive FSI shall be the same as in (B) of Clause 2.

C) Sharing of the balance FSI: There shall be no sharing of the balance FSI, which shall be entirely available to CIDCO for implementing Affordable Housing Project.

3. Other requirement/Criteria :

i. For the purpose of calculating the FSI, the entire area of the layout including widening of existing roads and internal roads but excluding the land earmarked for public amenities shall be considered. Sub-division as well as amalgamation of plots shall be permissible. Amalgamation of more than one Apartment Owners' Association / Co. op. Hsg. Society (CHS) / Residents' Association shall be permissible and after such amalgamation, the amalgamated plot should be in the name of the applicant CHS with legal ownership title, without considering the provision made in the Regulation

- of this DCR. However consent of at least 70% leaseholders / occupants who intend to amalgamate such condominium shall be necessary.
- ii. In a condominium/plot area, widening of existing roads as per the regular line of street prescribed by CIDCO or widening of road providing vehicular access to the condominium plot to bring it to the minimum right of way as prescribed in Table- A, shall be permissible for reconstruction/ redevelopment, after handing over required stretch of land under road to CIDCO, free of cost, duly developed with storm water drains and footpath, if any, to the satisfaction of the Managing Director, CIDCO.
 - iii. In case where there are a number of dangerous / dilapidated buildings on a plot, in such cases, equivalent Land component of such buildings shall be worked out and incentive F.S.I. shall be based on such land component.
 - iv. The normal permissible tenement density per net hectare may be allowed to be exceeded in multiple of F.S.I. permissible.
 - v. The existing residential premises (other than R+C premises) shall be permitted to be redeveloped for residential user only. No change of Use from Residential to Residential cum Commercial shall be permitted. However, in such premises. if area of such plot is more than 1000sqm and the same is fronting on a road having width of 20 mtr and above then it shall be permissible to construct convenience shopping to the extent of 5% of the plot area and if the plot area is more than 1000 sq.mtr and the plot is fronting on a road having width of 30 mtrs and above then this limit for convenience shopping will be upto 10 %.
 - vi. In a condominium/plot area, It shall be mandatory to keep minimum 10% or 15%, as the case may be, compulsory recreational open space on ground clearly open to sky over and above podium garden, in the proposed redevelopment project in respect of land area between 2500 sq. mtrs. to 4000 sq.mtrs. or more than 4000 sq.mtrs., respectively.
 - vii. 5% of the Plot area under reconstruction / redevelopment project shall be surrendered to the CIDCO, free of cost, towards essential amenity area, in case the plot area is more than 2500 sq.mt. The FSI of such amenity area shall be permissible on the balance plot area and the entire area of such amenity space will be considered for computation of FSI, without deducting this area from the gross plot area. However, 1.0 FSI out of amenity space FSI will be deducted from the total permissible FSI. Alternatively carpet area equivalent to 5% of the area of the plot under redevelopment can be constructed within the scheme, providing separate access, and handed over to CIDCO free of cost as Social amenity.
 - viii. The Layout of entire condominium / residential /Residential cum commercial premises, duly signed by the Apartment owners' Association/CHS shall be submitted at the time of Commencement Certificate to ascertain the feasibility of the entire condominium for redevelopment, so that in future, proper redevelopment of other buildings in the condominium/residential premises is smoothly feasible. However, such redevelopment can be undertaken in a phased manner in respect of one or two buildings likewise as per the approved layout of the entire condominium/ residential

- premises. In case of such partial redevelopment, the infrastructure charges shall also be deposited in proportion to the area under such partial redevelopment.
- ix. For the purpose of deciding the authenticity of the age of the structure, if the approved plans of such existing structure are not available, the Managing Director, CIDCO shall consider other evidence such as Assessment Record, or city survey record or sanad.
- x. In any Redevelopment project where the existing or proposed Co-operative Housing Society/Apartment Owners' Association/Developer appointed by the concerned Society/Associations has obtained No Objection Certificate from the CIDCO, thereby securing additional balance FSI with the consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation), then it shall be obligatory for all the occupiers / members to participate in the Redevelopment Scheme and vacate the existing tenements for the purpose of redevelopment . However, in case of Apartment owner's Association, the Consent as per the concerned Act will be required.
- xi. For redevelopment of any dangerous / dilapidated buildings in any Housing Scheme of CIDCO under clause 2.1 hereinabove, by CIDCO, the consent of the Cooperative Housing Society in the form of a valid Resolution as per the Co-operative Societies Act,1960 will be sufficient. Similarly in case of Apartment Owners' Association, the consent as per the concerned Act will be required.
- xii. For providing the requisite infrastructure for the increased population, an infrastructure charge at the rate of 10% of the Land Rate as per the ASR of the year of approval of the redevelopment project shall be levied and charged by the CIDCO for the extra FSI granted for the redevelopment project, over and above the Basic Zonal FSI.
- xiii. A corpus fund, as may be decided by the Managing Director, CIDCO, shall be created by the Developer which shall remain with the concerned Co-operative Housing Society / Apartment Owners' Association for the maintenance of the new buildings under the Rehabilitation Component.
- xiv. For the purpose of this Regulation, the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government in the Housing Department from time to time.
- XV. Any redevelopment proposal where CIDCO has already issued Commencement Certificate (C.C.) prior to the date of coming into force of this Modification (hereinafter referred to as "the appointed date") and which is valid as on the appointed date, shall be allowed to convert to redevelopment projects under this Regulation, provided it satisfies all the requirements specified in this Regulation.

By order and the name of the Governor of Maharashtra.



(Sanjay Banait)

Under Secretary to Government.