



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग दोन

वर्ष १०, अंक ३८(२)]

मंगळवार, जुलै ९, २०२४/आषाढ १८, शके १९४६

[पृष्ठे १२, किंमत : रुपये १२.००

असाधारण क्रमांक ५५

प्राधिकृत प्रकाशन

शहर आणि औद्योगिक विकास महामंडळ महाराष्ट्र मर्यादित

सूचना

महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ च्या कलम ६८ च्या उप कलम (२) नुसार
नगररचना परियोजना क्रमांक १२ (टीपीएस - १२)

क्रमांक सिडको/नैना/ न.र.यो. १२/ प्रा.यो./२०२४/१०५, दिनांक ८ जुलै, २०२४

ज्याअर्थी, महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ (महा. अधिनियम XXXVII, १९६६) (येथून पुढे 'उक्त अधिनियम' असे निर्देशित करण्यात येईल), च्या कलम ४० च्या उप कलम (१) मधील खंड (ब) द्वारा प्रदान करण्यात आलेल्या अधिकारांचा वापर करून महाराष्ट्र शासनाच्या नगरविकास विभाग (नविवि) ने अधिसूचना क्रमांक टीपीएस-१७१२/४७५/प्र.क्र.-९८/१२/नवि-१२, दिनांक १० जानेवारी, २०१३ व वेळोवेळी झालेल्या सुधारणा अन्वये त्यात नमूद केल्याप्रमाणे, नवी मुंबई विमानतळ प्रभावित अधिसूचित क्षेत्र (नैना), (येथून पुढे 'उक्त क्षेत्र' असे निर्देशित करण्यात येईल) साठी शहर आणि औद्योगिक विकास महामंडळ महाराष्ट्र मर्यादित (महाराष्ट्र शासनाच्या मालकीची व नियंत्रणाखालील कंपनी) म्हणजे सिडकोची विशेष नियोजन प्राधिकरण (येथून पुढे वि.नि. प्रा.असे निर्देशित करण्यात येईल) म्हणून नेमणूक केली आहे;

आणि ज्याअर्थी, महाराष्ट्र शासनाने अधिसूचना क्र. टीपीएस -१२१५/२४५/सीआर -३३२/२०१५/एस.एम./यूडी -१२, दिनांक २७ एप्रिल, २०१७ नुसार अधिनियमाच्या कलम ३१(१) नुसार नैनातील २३ गावांसाठी अंतरिम विकास आराखडा मंजूर केला आणि अधिसूचना क्र. टीपीएस. १२१५/२४५/प्र.क्र. ३३२/१६/ई.पी./नवि-१२, दिनांक १, मार्च, २०१९ अन्वये अंतरिम विकास आराखड्याचे वगळलेले भाग मंजूर केले आहेत;

आणि ज्याअर्थी, महाराष्ट्र शासनाने अधिसूचना क्र. टीपीएस -१७१७/ एमआयएस २७५०/सीआर - ११/२०१९/यूडी -१२, दिनांक १६ सप्टेंबर, २०१९ नुसार नैनातील १५१ गावांसाठी विकास आराखडा मंजूर केला आहे आणि अधिसूचना क्र. टीपीएस. १२२१/१०४१/ प्र.क्र. ७१/ २१/ नवि -१२, दिनांक २४ जून २०२२ व अधिसूचना क्र. टीपीएस-१२२१/ १०४१/ प्र.क्र.७१/२१/ ईपी. २९/ नवि-१२, दिनांक २६ जुलै, २०२३ अन्वये अधिनियमाच्या कलम ३१ च्या उप-कलम (१) नुसार विकास आराखड्याचे वगळलेले भाग अंशतः मंजूर केले आहे;

(१)

आणि ज्याअर्थी, सिडको संचालक मंडळाच्या ठराव क्र. १२५५१ दिनांक २ एप्रिल, २०२२ अन्वये नगररचना परियोजना करण्याचा उद्देश घोषित करण्याचे कलम ६० च्या उप-कलम (१) नुसार अधिकार उपाध्यक्ष व व्यवस्थापकीय संचालक, सिडको यांना दिले आहे;

आणि ज्याअर्थी, उपाध्यक्ष व व्यवस्थापकीय संचालक, सिडको यांनी, सिडको संचालक मंडळाच्या दिनांक २ एप्रिल, २०२२ रोजीच्या ठराव क्र. १२५५१ अन्वये प्रदान केलेल्या अधिकारांचा वापर करून क्र. सिडको/नैना/२०२२/ E-१४८१६२, द्वारे दिनांक २२ सप्टेंबर, २०२२ रोजी, पनवेल तालुक्यातील रायगड जिल्ह्यातील मौजे चिंचवली तर्फे वाजे, कोंडले, महाळुंगी, मोर्बे, रीटघर, उमरोली, उसर्ली बु. आणि वाकडी गावांच्या काही भागात उक्त अधिनियमातील कलम ६० च्या उप-कलम (१) नुसार नगररचना परियोजना क्र. १२ करण्याचा उद्देश घोषित केला आहे आणि उक्त अधिनियमाच्या कलम ६० च्या उप-कलम (२) खालील सूचना दि. १४ ऑक्टोबर, २०२२ रोजीचे **महाराष्ट्र शासन राजपत्र**, भाग २ यामध्ये व दि. १९ ऑक्टोबर, २०२२ रोजीच्या मराठी दैनिक रामप्रहर व द फ्री प्रेस जर्नल या इंग्रजी वृत्तपत्रात यात प्रकाशित करण्यात आली आहे;

आणि ज्याअर्थी, परियोजनेच्या प्रभावी अंमलबजावणीसाठी उक्त अधिनियमाच्या कलम ५९(१)(ख)(iii) अन्वये महाराष्ट्र शासनाने अधिसूचना क्र. टीपीएस-१२१९/२३८२/प्र.क्र.१८६/१९/नवि-१२, दि. ३० डिसेंबर, २०१९ व दि. २८ फेब्रुवारी, २०२४ अन्वये मंजूर विकास योजनेच्या विकास नियंत्रण व प्रोत्साहन नियमावलीच्या काही तरतुदींच्या तहकुबीला मंजुरी दिलेली आहे.

आणि ज्याअर्थी, महाराष्ट्र न. र. प. नियम, १९७४ च्या नियम क्र. ४(१) नुसार दिनांक ५ व ६ एप्रिल, २०२३ रोजी संबंधित जमीन मालकांची सभा आयोजित करून आणि जमीन मालकांकडून मिळालेल्या सूचनांचा समावेश केल्यानंतर दि. १० जुलै, २०२३ रोजीच्या प्रस्तावान्वये टीपीएस-१२ चा कच्चा मसुदा उक्त अधिनियमाच्या कलम ६१(१) नुसार आणि महाराष्ट्र टीपीएस नियम, १९७४ च्या नियम क्रमांक ४(२) नुसार संचालक, नगररचना, महाराष्ट्र राज्य यांच्याकडे कलम ५९(२) अन्वये मान्यता व कलम ६१ (१) अन्वये प्रसिद्धीपूर्व सल्लामसलतीसाठी पाठविण्यात आला;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ६१(१) नुसार, नियोजन प्राधिकरणाने संचालक, नगररचना, यांच्याशी सल्लामसलत करून, ज्या योजनेसाठी घोषणा करण्यात आली त्या क्षेत्रासाठी प्रारूप योजना तयार करून घोषणेच्या तारखेपासून नऊ महिन्यांच्या आत किंवा वाढीव कालावधीत अधिकृत **महाराष्ट्र शासन राजपत्रात** नोटीस प्रकाशित करावयाची आहे;

आणि ज्याअर्थी, सहसंचालक, नगररचना, कोकण विभाग यांनी आदेश क्रमांक प्रा.न.र.यो.क्र. १२/ नैना/ कलम ६१(३)/ मुदतवाढ/ सहसंकोवि/१८८६, दिनांक २८ जून, २०२३ अन्वये प्रारूप योजना बनवून प्रकाशित करण्यासाठी तीन महिन्यांचा म्हणजेच दि. १३ ऑक्टोबर २०२३ हा दिवस धरून त्यापर्यंतचा वाढीव कालावधी दिलेला आहे;

आणि ज्याअर्थी, संचालक, नगररचना, महाराष्ट्र राज्य यांनी दिनांक ३ ऑक्टोबर, २०२३ रोजीच्या पत्र जा.क्र.वि.यो.नैना/नरयो क्र. १२/कलम ६१(१)/प्र.क्र. ३४८/२३/टिपीव्ही-३/५१४९ अन्वये टीपीएस -१२ बाबत सल्लामसलत दिली आहे. तसेच टीपीएस -१२ बनवताना मंजूर विकास योजनेच्या प्रस्तावांमध्ये झालेल्या बदलांना उक्त अधिनियमाच्या कलम ५९(२) अन्वये मंजुरी दिलेली आहे;

आणि ज्याअर्थी, नगररचना संचालकांनी सल्लामसलत करताना सुचवलेले आवश्यक बदल टीपीएस -१२ मसुद्यात समाविष्ट करण्यात आलेले आहे;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ६१(१) नुसार, टीपीएस -१२ मसुदा तयार करण्याची सूचना असाधारण अधिकृत **महाराष्ट्र शासन राजपत्रात** (भाग-II) दिनांक ११ ऑक्टोबर २०२३ रोजी दैनिक "स्थानिक वृत्तपत्र रायगड नगरी" आणि "द फ्री प्रेस जर्नल" मध्ये दिनांक १७ ऑक्टोबर, २०२३ रोजी प्रकाशित करून, उक्त अधिनियमाच्या कलम ६७ मधील तरतुदींनुसार एक महिन्यांच्या आत सूचना/आक्षेप मागविण्यात आले आहे;

आणि ज्याअर्थी, महाराष्ट्र शासनाने उक्त अधिनियमाच्या कलम १५१ च्या उप-कलम (१) नुसार प्रदान करण्यात आलेल्या अधिकारांचा वापर करून दिनांक १३ सप्टेंबर २०१७ रोजीच्या अधिसूचना क्रमांक टीपीएस -१८१७/ ९७३ / सीआर-१०३/१७/ नवि-१३ अन्वये त्यांच्यातर्फे कलम ६८(२) अंतर्गत वापरण्यात येणारे अधिकार सिडकोचे उपाध्यक्ष व व्यवस्थापकीय संचालक, यांना प्रदान केलेले आहेत;

आणि ज्याअर्थी, प्राप्त झालेले लेखी आक्षेप विचारात घेऊन त्याप्रमाणे आवश्यक बदल समाविष्ट केल्यानंतर, प्रारूप योजना उपाध्यक्ष व व्यवस्थापकीय संचालक यांना उक्त अधिनियमाच्या कलम ६८(१) नुसार दि. १ जानेवारी, २०२४ रोजी मंजुरीसाठी सादर करण्यात आली;

आणि ज्याअर्थी, उपाध्यक्ष तथा व्यवस्थापकीय संचालक, सिडको यांनी दि. २ जानेवारी, २०२४ रोजी उक्त अधिनियमाच्या कलम ६८ च्या उप-कलम (२) नुसार, प्रारूप योजना मंजूर करण्यापूर्वी संचालक, नगररचना, महाराष्ट्र राज्य यांची सल्लामसलत मागितली आहे;

आणि ज्याअर्थी, संचालक, नगररचना, महाराष्ट्र राज्य यांनी दि. १५ मार्च, २०२४ रोजीचे पत्र. जा. क्र. नरयो क्र. १२ (प्रा.) नैना/कलम ६८(१)/प्र.क्र. ८१/२४/टीपीव्ही-३/१६९८ पत्रान्वये उक्त अधिनियमाच्या कलम ६८च्या उप-कलम (२) अन्वये प्रारूप नगररचना परियोजना -१२ मंजुरी बाबत सल्लामसलत दिली आहे;

आणि ज्याअर्थी, महाराष्ट्र प्रादेशिक नियोजन रचना अधिनियम द्वारे, उक्त अधिनियमाच्या कलम १४८ (अ) मधील तरतुदीनुसार, अधिनियमातील प्रकरणे दोन, तीन, चार व पाच मधील तरतुदीप्रमाणे, कोणत्याही विकास योजना, प्रादेशिक योजना किंवा योजनांसाठी कालावधी विचारात घेताना, भारत निवडणूक आयोग किंवा राज्य निवडणूक आयोगाने निवडणुकीच्या संदर्भात आचारसंहितेची अंमलबजावणीमुळे, उक्त प्रकरणानुसारची कोणतीही कार्यवाही पूर्ण होऊ शकली नसेल तर, असा कालावधी वगळणे आवश्यक आहे;

आणि ज्याअर्थी, भारताच्या निवडणूक आयोगाकडून लोकसभा सार्वत्रिक निवडणुकीकरिता लागू असलेला आदर्श आचारसंहिता कालावधी दिनांक १६ मार्च, २०२४ रोजी लागू करण्यात आला व तो दिनांक ६ जून, २०२४ च्या अध्यादेशानुसार विधानपरिषद कोंकण पदवीधर मतदारसंघाच्या निवडणुकीकरिता दिनांक २४ मे, २०२४ च्या प्रेस नोट द्वारे नमूद निवडणूक संपेपर्यंत म्हणजेच दिनांक ५ जुलै, २०२४ पर्यंत वाढविण्यात आला, सदर कालावधी उक्त अधिनियमाच्या कलम १४८-अ अन्वये वगळण्यात आला आहे.

म्हणून, आता या अधिसूचनेद्वारे, दि. १३ सप्टेंबर २०१७ च्या अधिसूचने अन्वये राज्य सरकारद्वारे मला प्रदान केलेल्या अधिकारांचा वापर करून पनवेल तालुक्यातील रायगड जिल्ह्यातील मौजे चिंचवली तर्फे वाजे, कोंडले, महाळुंगी, मोर्बे, रीटघर, उमरोली, उसर्ली बु. आणि वाकडी गावांच्या काही भागात येथे एकसंलग्न अशा प्रारूप नगररचना परियोजना क्रमांक १२ (टीपीएस -१२) त्यासोबतच्या विशेष विकास नियंत्रण नियमावलीसह उक्त अधिनियमाच्या कलम ६८ च्या पोट-कलम (२) अन्वये मंजूर करण्यात येत आहे.

उक्त अधिनियमाच्या कलम ६८ च्या उप-कलम (३) नुसार मंजूर प्रारूप टीपीएस -१२ योजनेची प्रत संबंधित विशेष नियंत्रण नियमावलीसह नैना कार्यालय, ८ वा मजला, टॉवर नं. १०, बेलापूर रेल्वे स्टेशन संकुल, सीबीडी बेलापूर, नवी मुंबई ४०० ६१४ येथे कार्यालयीन कामकाजाच्या सर्व दिवशी नागरिकांच्या अवलोकनार्थ खुली ठेवण्यात आली आहे. तसेच प्रारूप टीपीएस -१२ सिडकोचे संकेतस्थळ <https://cidco.maharashtra.gov.in//naina> येथेसुद्धा अपलोड केली गेली आहे आणि विहित शुल्क भरल्यानंतर देखील मिळू शकते.

नवी मुंबई,
दिनांक ८ जुलै २०२४.

विजय सिंघल,
उपाध्यक्ष व व्यवस्थापकीय संचालक, सिडको.

नोंदणीकृत कार्यालय : निर्मल, २ रा मजला, नरीमन पॉईंट, मुंबई ४०० ०२१.

CITY AND INDUSTRIAL DEVELOPMENT CORPORATION OF MAHARASHTRA LTD.**Notice**

[UNDER SECTION 68(2) OF THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966]

Town Planning Scheme No. 12 (TPS-12)

No. CIDCO/NAINA/TPS-12/ Draft Scheme/2024/105, dated 8th July, 2024.

WHEREAS, the Government of Maharashtra in exercise of powers conferred under clause (b) of sub-section (1) of the section 40 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”) declared by Notification No. TPS -1712/475/CR-98/12/UD-12, dated 10th January, 2013 and subsequent amendment (hereinafter referred to as “the said Notification”) City and Industrial Development Corporation of Maharashtra Limited (being a company owned and controlled by the Government of Maharashtra) (hereinafter referred to as “the Corporation”) as Special Planning Authority (hereinafter referred to as “the SPA”) for Navi Mumbai Airport Influence Notified Area (NAINA) (hereinafter referred to as “said notified area”) as specified therein;

And whereas, the Government of Maharashtra *vide* Notification No. TPS-1215/245/CR-332/2015/SM/UD-12, dated 27th April, 2017 has sanctioned the Interim Development Plan (IDP) for the 23 villages of NAINA, under section 31(1) of the said Act, and *vide* Notification No. TPS. 1215/245/C.R. 332/16/EP/UD-12, dated 1st March, 2019 has sanctioned the Excluded Parts of the IDP;

And whereas, the Government of Maharashtra *vide* Notification No. TPS-1717/MIS-2750/C.R.91/2019/UD-12, dated 16th September, 2019 has sanctioned the Development Plan (DP) for 151 villages of NAINA and also *vide* Notification No. TPS. 1221/1041/C.R.71/21/UD-12, dated 24th June, 2022 and Notification No. TPS-1221/1041/C.R.71/21/EP-29/UD-12, dated 26th July, 2023 has partly sanctioned the Excluded Parts of the DP under section 31(1) of the said Act;

And whereas, as per section 60(1) of the said Act, CIDCO’s Board *vide* Resolution No 12551, dated 2nd April, 2022 had delegated Managing Director, CIDCO (hereinafter will be referred to as “VC&MD”) the powers to get the schemes declare its intention. In accordance with the powers delegated by CIDCO Board, VC&MD *vide* CIDCO/CP (NAINA)/TPS-12/2022/E-148162, dated 22nd September, 2022 has accorded approval for declaration of intention for making of Town Planning Scheme No. 12 under section 60(1) of the said Act at part of villages bounded by PINK border as shown on declaration plan, namely; Chinchavali tarf Waje, Kondale, Mahalungi, Morbe, Ritghar, Umroli, Usarli Bk. and Vakadi of Taluka Panvel, District Raigad and a notice about declaration of making TPS-12 as per provision in section 60(2) of the said Act, has been published in the Extraordinary official *Maharashtra Government Gazette* (part-II) dated 14th October, 2022 as well as in the daily newspapers “Ram Prahar” and “The Free Press Journal” on dated 19th October, 2022;

And whereas, the Government of Maharashtra *vide* Notification No. टीपीएस-१२१९/१५२४/प्र.क्र.६४/ १९/ नवि १२, dated 30th December, 2019 and 28th February, 2024 has sanctioned the suspension of certain regulations of Development Control and Promotion Regulations of Development Plan of NAINA corresponding to proposed special DCR of TPS-12 in accordance with section 59(1)(b)(iii) of the Act for the proper carrying out of the scheme;

And whereas, after conducting owners meet on 5th and 6th April, 2023 with an extension till 18th April, 2023, as per Rule No. 4(1) of Maharashtra TPS Rules, 1974 by calling all the land owners for discussion and after incorporating suggestions received from the owners, consultation was sought *vide* submission dated 10th July 2023 from the Director of Town Planning, GoM, as per section 61(1) of the said Act and as per rule No. 4(2) of TPS Rules, 1974;

And whereas, as per Section 61(1) of the said Act, the Planning Authority shall, in consultation with the Director of Town Planning, make a draft scheme for the area in respect of which the declaration was made, and publish a notice in the *Official Gazette* within nine months or within the extended period from the date of the declaration;

And whereas, the Joint Director of Town Planning, Konkan division *vide* Order No, TPS No. 12/NAINA/Sect. 61(3)/Time-limit Extension/JTDP-KDN/1885, dated 28th June, 2023 has granted extension of three months' time *i.e.* up to and inclusive of 13th October, 2023 for making and publication of the said draft scheme;

And whereas, the Director of Town Planning *vide* letter जा.क्र.वि.यो.नैना/नरयो क्र. १२/कलम ६१(१)/प्र.क्र. ३४८/२३/टिपीव्ही-३/५१४९, dated 3rd October, 2023 had offered consultation on TPS-12 and also accorded approval for suitable amendment in the sanctioned DP reservation while making provisions in a draft TPS-12 as per provisions of section 59(2) of the said Act;

And whereas, necessary changes suggested by Director of Town Planning in the consultation have been incorporated in the draft TPS-12;

And whereas, in accordance with provisions of section 61(1) of the said Act, a Notice of making draft TPS-12 had been published in extraordinary official *Maharashtra Government Gazette* (part-II) dated 11th October, 2023 and in local newspapers "Raigad Nagri" and "The Free Press Journal" on dated 17th October, 2023 for inviting suggestions/objections within one month of notice in accordance with the provisions of section 67 of the said Act;

And whereas, the Government of Maharashtra in exercise of 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 13th September 2017 had delegated the powers exercisable by it under section 68(2) of the said Act to Managing Director, CIDCO (hereinafter will be referred to as "VC&MD");

And whereas, after incorporating necessary changes as per suggestions received, the draft scheme has been submitted to VC&MD for sanction in accordance with section 68(1) of the said Act on 1st Jan, 2024;

And whereas, in accordance with sub-section (2) of section 68 of the said Act, VC&MD has sought consultation of Director of Town Planning, Maharashtra State on 2nd Jan, 2024 prior to sanction of Draft Scheme;

And whereas, the Director of Town Planning *vide* letter No जा. क्र. नरयो क्र. 12(प्रा.)नैना/कलम 68(1)/प्र.क्र. ८१/२४/टीपीव्ही-३/१६९८, dated 15 March, 2024 had given his consultation for sanction of Draft TPS-12;

And whereas, in accordance with the provisions of section 148(A) of the said Act, in computing the period in relation to any Development Plan, Regional Plan or Scheme under the provisions of Chapter II, III, IV and V of the said Act, the period or periods during which any action could not be completed under the said chapters due to enforcement of any Code of conduct by the Election Commission of India or the State Election Commission in respect of any election shall be excluded;

And whereas, Model Code of Conduct by the Election Commission of India in respect of general election to Lok Sabha was made applicable with effect from 16th March 2024 and further extended by the notification of 6th June, 2024 for State Legislative Council Election of Post-Graduate Constituency Konkan Division till the completion of the election *i.e* 5th July 2024 as per Election Commission of India, Press Note dated 24th May, 2024, the said time period is excluded under section 148-A of the said act.

Therefore, now in accordance with the powers delegated to me by the State Government *vide* Notification dated 13th September 2017, the Draft Town Planning Scheme No. 12 (TPS-12) at part of Villages Chinchavali tarf Waje, Kondale, Mahalungi, Morbe, Ritghar, Umroli, Usarli Bk. and Vakadi of Taluka Panvel, District Raigad is hereby sanctioned under section 68(2) of the MR&TP Act, 1966 along with corresponding Special Development Control Regulations.

A copy of the draft TPS-12 scheme book, plans thereof along with corresponding Special DCRs are made available for inspection by the public during office hours on all working days in the office NAINA, 8th Floor, Tower No. 10, Belapur Railway Station Complex, CBD Belapur, Navi Mumbai 400 614 in accordance with sub-section (3) of section 68 of the said Act. The same is also uploaded on website of CIDCO *i.e.* <https://cidco.maharashtra.gov.in/naina> and further can be obtained on payment of prescribed fees.

Navi Mumbai,

Date 8th July 2024.

VIJAY SINGHAL,

Vice Chairman and Managing Director, CIDCO.

Regd. Office:- Nirmal, 2nd Floor, Nariman Point, Mumbai 400 021.

NAINA TOWN PLANNING SCHEME No. 12

(Part of Villages Chinchavali tarfe Waje, Kondale, Mahalungi, Morbe, Ritghar, Umroli, Usarli Bk. and Vakadi of Taluka Panvel, District Raigad)

DRAFT SCHEME

SPECIAL DEVELOPMENT CONTROL REGULATIONS

Part B

1. DEVELOPMENT CONTROL IN THE SCHEME AREA :

As per the provisions of sub-section (2) of section 159 of the said Act, the State Government may, by notification in the *Official Gazette*, make Special Development Control Regulations consistent with this Act and the rules made thereunder, for the purpose of implementing any Scheme, Project, Program or Policy, of the Central or the State Government, in the whole or a part of the State.

To enable the land owner to consume the assigned FSI, it is necessary to give certain relaxations in the sanctioned DCPR of DP to ensure consumption of FSI. This concern has been raised by Architects and land owners at various forums including land owners' meet. Such relaxation would probably make the land owners to accept the schemes.

Since the powers of sanctioned of Draft Scheme u/s 68(2) of the Act are delegated to Managing Director, CIDCO *vide* Notification No. TPS-1817/973/CR-103/17/UD-13, dated 13/09/2017, it is proposed to formulate Special Development Control Regulations for TPS-1 consistent with sanctioned DCPRs of DP as per sub-section (2) of section 159 of the said Act. A separate note was initiated by this office *vide* No. CIDCO/NAINA/PLNG/SP(DP)/2021/E-73050, dated 23rd Sept. 2021, for modifications in special DCR of TPS on request of CREDAI-MCHI and other architects to utilize full potential of final plot. Meanwhile Preliminary Scheme TPS 02 is approved by Government dated 03/11/2021 with Special DCPR.

The State Government has sanctioned the Preliminary TPS 03 along with Special DCR *vide* Urban Development Department Notification No. TPS-1222/2186/CR-15/12/UD-12, dated 29th November 2022 under sub-section (1) of section 86 of the said Act.

Now for all the 12 Town Planning Schemes, it is proposed that uniform Special DCR shall be made applicable. Accordingly in Preliminary scheme submission of TPS 06, the modification is proposed in special DCR of TPS-6 by Arbitrator by preparing a comparison statement of Special DCR sanctioned by the Govt. for TPS 03 with Special DCR sanctioned in Draft TPS 06 and the modifications as communicated by SPA-NAINA to Arbitrator dated 02/11/2023 in the Special DCR for each regulations.

Accordingly, the Special DCR of TPS 12 is modified considering Special DCPR of preliminary TPS 03, modification proposed in special DCR of Preliminary scheme TPS 06 and as suggested by Director, Town Planning, Pune in 2nd Consultation.

2. SPECIAL DEVELOPMENT CONTROL REGULATIONS FOR TPS-12

In addition to the Development Control and Promotion Regulations, which are made applicable to the 23 Revenue villages of NAINA *vide* directives given by Government *vide* No. TPS-1717/ 2750/ C.R.91/ 19/ UD-12, dated 06/01/2020 (hereinafter called as 'sanctioned DCPRs of NAINA') under section 37(IAA) read with section 154 of the Maharashtra Regional and Town Planning Act, 1966, the following special Regulations shall be applicable to the development of any sort to be carried out in the final plots of the Town Planning Scheme, NAINA No.10. Rest of the provisions of prevailing sanctioned DCPRs of NAINA as amended from time to time shall be applicable.

In case of any conflict between the regulations in sanctioned NAINA DCPR -2019 and these special regulations prescribed below arises, then these special regulations shall prevail.

1. The Final Plots allotted to the owners in lieu of their Original Plots shall be considered as included in the Predominantly Residential Zone of the sanctioned Development Plan and shall be eligible for development for uses prescribed in Regulation No. 31 of the DCPRs -2019 irrespective of the actual zonal boundaries of the DP.

2. Boundaries of the Final Plots shall not be changed, modified, or altered during development.

3. Amalgamation of two or more Final plots shall not be permitted to form a new Final Plot. However, integrated development in two or more adjoining Final Plots of within the scheme or of adjacent schemes shall be permitted considering sum of their areas as one unit for development.

4. Temporary/ short term development proposals on any ground shall not be permitted within the portions of original plots which are merged during the reconstitution to form a Final Plots not allotted to the holders / owners of such original plots.

5. Development Permission in a Final Plot shall be granted only after ascertaining that the amount mentioned in column 15 of Form No. 1 of the Final Scheme under Rule No. 6(v) of the Maharashtra Town Planning Schemes Rules, 1974 is fully recovered. However, the Special Planning Authority, NAINA (CIDCO) may allow such amount to be recovered in suitable installments within a period up to the issuance of Occupancy Certificate. This amount is in addition to the Development Charges prescribed under Chapter VI-A of the Maharashtra Regional and Town Planning Act, 1966.

6. Internal Sub-division/ partition of a Final Plot shall be permissible subject to strictly adhering to the boundaries of respective Final Plot and subject to sanctioned DCPR- 2019.

7. The 10% Recreational Open Space prescribed under regulation No. 20.3.1 of the sanctioned DCPR-2019 shall not be enforced in developing Final Plot admeasuring 0.40 ha or more considering that such open spaces are provided in the form of Playground, Parks and Open spaces in the scheme in addition to those reserved in the Development Plan for which owners of the final plots have shared their lands from their original plots.

8. The 5% Amenity Space prescribed under regulation No. 20.3.11 of the sanctioned DCPRs of NAINA shall not be enforced in developing Final Plot admeasuring 2.00 ha or more considering that such Amenity spaces are provided separately in the scheme in addition to those reserved in the Development Plan for which owners of the final plots have shared their lands from their original plots.

9. The provision of 20% plots/tenements for EWS / LIG as inclusive housing prescribed under Regulation No. 20.6 of the DCPR-2019 read with Annexure- 4 shall not be made applicable for a sub-division or layout of a Final Plot as the Scheme provides dedicated plots for EWS/ LIG housing for which the owners of final plots have shared the lands from their original plot.

Notes:

i. The regulations at serial number 7, 8 and 9 above shall not be applicable for Final Plots having area more than 50% of the original plots. For such plots the provisions of sanctioned DCPRs of NAINA in force shall be applicable.

ii. In cases wherein CC is already granted (before declaration of TPS), if the final plot is given by reducing land area under Recreational Open Space (RG), Amenity and layout road, then while processing Amended CC or OC of such final plots, land area as per CC for such Open Space, Amenity may not be insisted upon. However, location and land area of remaining Open Space and Amenity inside the final plot shall be maintained as per CC.

10. The owners of Final Plots are entitled for monetary compensation as recorded in form No. 1 of the Final Scheme as per Rule 6(v) of the Maharashtra Town Planning Schemes Rules, 1974. However, the owners may opt for FSI or TDR in lieu of monetary compensation as provided under section 100 of the Maharashtra Regional and Town Planning Act, 1966. Such Compensation partially in terms of FSI / TDR and partially in amount shall not be permissible.

11. The base FSI applicable to the Final Plots allotted under the Town Planning Scheme shall be 1.00. However, if the owners of final plots opt compensation in the form of FSI as provided under section 100 of the Act, then the FSI permissible in a final plot shall be computed as below:

$$\text{FSI of Final Plot} = \frac{\text{Area of Original Plot}}{\text{Area of Respective Final Plot}}$$

Provided that such FSI computed as above shall be permissible to those who have opted to avail the compensation in terms of FSI instead of monetary compensation worked out in Form No. 1 of the Final Scheme.

Provided further that, the land parcel eligible of 1.00 FSI as per provisions of sanctioned DCPRs of NAINA (i.e. within 200 m of Gaothan), if included in TPS shall be permitted 25% additional incentive FSI in lieu of their 60% land contribution to the project. The FSI of the final plot (whether anchored at its original location or otherwise) against such land parcels shall be increased in proportion to its area, irrespective of whether the final plot is a stand-alone plot or amalgamated with other land parcels.

$$\text{FSI of Final Plot} = \frac{\text{Area of OP}}{\text{Area of Respective FP}} + \left[\frac{\left(\frac{\text{Area of OP} - \text{Area of Respective FP}}{\text{Area of OP}} \right) \times 0.25}{\frac{\text{Area of OP}}{\text{Area of OP}}} \right] \times \left[\frac{\text{Area of OP}}{\text{Area of OP}} \right] \times \text{eligible for benefit within 200 M from Gaothan}$$

12. The permissible FSI in respect of Final Plots, whose owners have been awarded monetary compensation as per Form No. 1 of the Final Scheme prescribed under Rule No. 6(v) of the Maharashtra Town Planning Schemes Rules, 1974 shall be 1.00.

13. If the FSI mentioned in the Special regulation No. 11 above permissible in a Final Plot becomes unable to be consumed for maintaining prescribed marginal distances/ height restrictions /fire-fighting requirements or any such statutory restriction, in such cases, the balance FSI over and above FSI consumed may be permitted to be transferred as TDR to any Final Plot situated in this scheme subject to –

- i. The provision of Regulations No. 43 of the sanctioned DCPR -2019 shall be applicable.
- ii. Such transfer of development right from a Final Plot to another Final Plot situated in the adjoining sanctioned preliminary scheme shall be permitted once only and only with prior approval of the Managing Director of the CIDCO and upon his satisfaction that the concerned owner is unable to transfer his development right within the scheme where the TDR has generated.
- iii. The aggregate FSI in a receiving Final Plot shall not exceed 4.00
- iv. The owner transferring the FSI as TDR shall not develop his Final Plot at any time to consume FSI more than that already consumed at the time of issuing the DRC.
- v. The Final Plot, after such transfer, shall not be eligible for any additional FSI/TDR in future.
- vi. The owner of such Final Plot shall not ask for monetary compensation for balance FSI if any after partially transferring the FSI received in lieu of monetary compensation as TDR.

14. The permissible FSI in respect of Final Plots designated to Amenity Plots or to Schools, College, Education Purpose, Fire Station, Police Station, Community Centre, Hospital, Primary Health Centre and Town Hall shall be 2.5.

15. The permissible FSI in respect of Final Plots designated to Electric Sub-Station, Daily Bazaar, ESR/GSR, Burial ground and Crematorium in the scheme shall be 1.00

16. The permissible FSI in respect of Final Plots designated to EWS/LIG Housing or Housing of the dispossessed persons or Final Plots reserved as sale plots in this scheme shall be 4.0

17. The permissible FSI in respect of Final plots designated to Growth center in this scheme shall be 2.5

Provided that the aforesaid FSI may be increases maximum up to 4.0 on payment of FSI linked premium (FLP) for over and above 2.5 FSI as prescribed in the sanctioned DCPR of NAINA for every increase of FSI of 0.30

18. The Final Plots designated for Open Spaces, Parks, Green Belts or Play-Grounds are permissible to built-up area equal to 15% of the respective final plot area subject to ground coverage up to 10% of the respective final plot and structures shall be only of ground floor or ground plus one upper floor. Such structure shall be at one corner of respective final plot and shall be used for any use complementary to the designated use of such Final Plot.

19. The set-backs from the roads and the side/ rear marginal distances from the boundary of the plot in respect of all structures shall be as follows;

Side and Rear Marginal Spaces

Area of Plot	Category of building	Maximum permissible height of the building	Min Marginal Open Spaces (in M.)	
			side	rear
40 M ² to less than 150 M ² *Pls refer Special Note	Row houses type	Upto 15 M	0.0	1.5
	Semi-detached type	Upto 15 M	1.5	1.5
*Special Note: Irrespective of the road width on which these plots abuts, the maximum front margin shall be 3.00 M.				
150 M ² to less than 450 M ²	Semi-detached type	Upto 15 M	1.5	2.25
	Detached type	Upto 15 M	2.25	2.25
		Above 15 M Upto 24.0 M	H/5	H/5
450 M ² to the less than 1000 M ²	Detached type	Upto 15 M	3.00	3.00
		Above 15 M Upto 24.0 M	H/5	H/5
		Above 24.0M upto 37.5 M	6.00	6.00

Area of Plot	Category of building	Maximum permissible height of the building	Min Marginal Open Spaces (in M.)	
			side	rear
1000 M ² and above	Detached type	Upto 15 M	3.00	3.00
		Above 15 M Upto 24.0 M	H/5	H/5
		Above 24.0M Upto 37.5 M	6.00	6.00
		Above 37.5 M upto 60.0 M	H/5 or 9.00m whichever is less	H/5 or 9.00m whichever is less
		Above 60.00 M	12.00	12.00

(Where H = Height of the building above ground level).

(a) Irrespective of height and length of the buildings, the marginal open spaces more than 12.0 M shall not be insisted upon. Long length factor for buildings above 40 meter length shall not be applicable.

(b) The provision of dead wall mentioned in sanctioned DCPRs of NAINA shall be applicable.

(c) For special building use No projections of any sort shall be permissible in the side and rear marginal open spaces mentioned above.

Provided that projections required for firefighting and chajja or weather shed upto 0.75 m over openings shall be permitted after clearance from CFO, CIDCO along with the minimum height at which it is to be provided.

(d) Provision of front open spaces shall be in accordance with sanctioned DCPRs of NAINA. However, Front open space for residential use and predominantly residential use (in case of mixed use) buildings of height more than 15m upto 24 m shall be 4.5m and for above 24 m building height front open space shall be 6.0 m.

(e) The building height for the purposes of light and ventilation regulation and for calculating the marginal distances shall be exclusive of height of parking floors. In case of part parking floor such provision shall be applicable only to the part where parking is provided.

20. Mechanical/Hydraulic / Stack parking / multistoried parking with or without car lift may be allowed to meet the requirement.

21. If the basement is proposed flushing to average surrounding ground level, then such basement can be extended in side and rear margins up to 1.5 m. from the plot boundary and beyond the building lines at ground level subject to a clear minimum front margin of 4.5 m and further subject to non-habitable uses and provision for mechanical ventilation and all safety provisions and drainage. However, it is essential that the basement top slab below the external circulation at ground level should be designed for firefighting vehicular loads as per NBC 2016.

Provided that the above provision shall be permissible after the clearance from the Chief Fire Officer, CIDCO.

22. Every building or group of buildings together shall be either connected to a Drainage system or be provided with sub-soil dispersion system in the form of septic tank of suitable size and technical specifications, modern methods of disposals, shall be permitted at the discretion of the Authority.

23. The service road of the State highways, National highways and Multi Modal Corridor (MMC) shall be considered for the access to the plot.

Further the plots along the other categorized roads such as Major District roads/ Village roads shall be directly accessible from these roads.

In all the above cases for final plots in Town Planning scheme Ribbon development rules shall not be applicable.

24. The distance between two main buildings in a final plot shall be that required to be provided for a taller building amongst them subject to 12.0m as maximum. This distance shall also be treated as means of access /driveway and no separate setback/marginal distances shall be insisted from such driveway.

25. Construction within River and blue line: Construction within River and Blue line may be permitted at a height of 0.60 m. above red flood line level. Provided that necessary mitigation measures are followed along with clearance from Irrigation department.

26. Grant of Development Permission does not constitute acceptance of correctness, confirmation, approval or endorsement of and shall not bind or render the competent authority liable in any way in regard to;

- a. Title Ownership and easement right of the plot on which building is proposed.
- b. Workmanship, soundness of material and structure safety of building.
- c. Variation in area from recorded areas of building unit.
- d. Location and boundary of building unit.
- e. Safety of the user of the building.
- f. NOC from appropriate authority.
- g. Structural reports and Structural drawing.

VIJAY SINGHAL,

Vice Chairman and Managing Director, CIDCO.