

DRAFT TOWN PLANNING SCHEME-05

(Part Villages of Bonshet, Bhokarpada (Chipale), Devad, Moho,
Shivkar, Vichumbe and Vihighar)

NAVI MUMBAI AIRPORT INFLUENCE NOTIFIED AREA

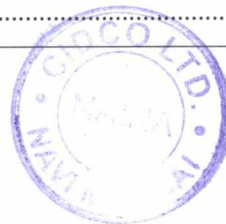


Sanctioned under section 68(2) of MR & TP Act, 1966
City and Industrial Development Corporation
of Maharashtra Ltd. (CIDCO)



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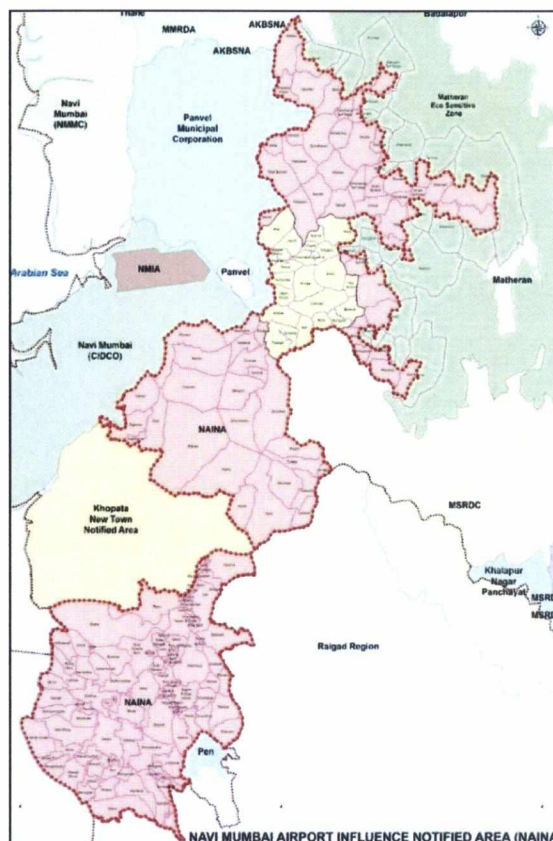




Industrial Development Corporation Limited, (MIDC) and Maharashtra State Road Development Corporation Limited, (MSRDC) respectively as SPA, resulting NAINA to 224 villages with total area of 474 sq.km.

Further, considering contiguity of the project, State Government while sanctioning the Development plan of NAINA, have deleted 35 villages from Khalapur and Karjat Tahsils and 14 Villages from Thane Tahsils, thereby the jurisdiction of NAINA remained with 174 villages of Raigad district encompassing 372 Sq.km area.

Interim Development Plan (IDP) for 23 villages was sanctioned by Govt on 27.04.2017 and Excluded parts of IDP were sanctioned on 01.03.2019. The development plan for remaining 152 villages have been sanctioned by Govt on 16.09.2019.



I. Role of CIDCO

CIDCO as SPA is entrusted with the responsibility of preparation of development plan, corresponding development control regulations and mechanism for implementation of the plan. An innovative concept that promotes voluntary land assembly, contributes land for public purpose, finances infrastructure development, has been developed by CIDCO for NAINA. To realize this model and to assess the acceptability of the landowners it is decided to test the concept at a smaller scale. Based on the above consideration, CIDCO decided to prepare an Interim Development Plan (IDP) on priority for the area under pressure of development due to its proximity with the developed node of New Panvel. Accordingly, IDP was prepared for 23 villages. The Government of Maharashtra vide Notification No. TPS-1215 /245/ CR-332/ 2015/ SM/ UD-12, dated 27.04.2017 has sanctioned the Interim Development Plan (IDP) along with Development Control and Promotion Regulations for the 23 villages of



NAINA under Section 31(1) of the said Act, wherein the voluntary participatory NAINA Scheme was approved. The excluded part of IDP was sanctioned on 01.03.2019.

II. Vision of NAINA

The development model for NAINA is pivoted on eliciting participation and contribution of the private land owners. CIDCO intends to play the role of facilitator encouraging land aggregation for self-sustaining and participatory model of development; without full-fledged land acquisition. The highlights of the sanctioned NAINA Scheme are as under:

- Minimum land area or land aggregation required for participation is 10 Ha.
- For financial sustainability of the NAINA Project, 40 % land shall be surrendered to Authority "free of cost" which shall be preferably include of IDP reservations.
- The FSI of original land is permitted to be utilized on land retained by the owner Thus on 60% land, the maximum permissible FSI will be 1.7.
- Uses permissible on retained land are Residential, Comm., R+C, Hotels, Offices etc.
- Additional, 20% BUA over & above BUA generated on 60% land shall necessarily be constructed for EWS/LIG housing. The constructed tenements of EWS/LIG will be handed over to CIDCO at pre-determined rates (as per MHADA formula).
- Flexibility to join non-contiguous land under reservations to make aggregation of 10 Ha.
- Reservations within NAINA Cluster shall be flexible (excluding roads) and will be allowed to be relocated in the cluster.

2. Initiative taken for implementation of IDP

To make the NAINA scheme successful, CIDCO has also sought Relaxation in Stamp duty for execution of Co-operation agreement and Surrender Deed. However, after various discussions, the Govt. in its wisdom directed CIDCO that rather than waiting for relaxations and to avoid land aggregation to happen at sporadic locations, CIDCO should implement NAINA Scheme itself in the ambit of recently amended Town Planning Scheme (TPS) regulations.

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 13/09/2017



had delegated the powers exercisable by it under section 68(2) of the said Act to Managing Director, CIDCO, for speedier implementation of the scheme.

Thereafter, Board of CIDCO approved the proposal to take forward Town Planning Scheme regulations by giving all the benefits, approved under NAINA Scheme.

Accordingly, a proposal of NAINA scheme received to CIDCO has been decided to be implemented through pilot TPS, and the Board of CIDCO vide Resolution No 11915 dated 11.08.2017 had declared its intention under Sub- Section (1) of Section 60 of the said Act, for making of Town Planning Scheme No 1 (TPS-1) at Village- Akurli, Belavali, and Chikhale (non-contiguous pocket) of Taluka – Panvel, District Raigad admeasuring about 19.12 Ha.

Thereafter, as per provisions of the Act and TPS Rules 1974, after conducting owners meet, inviting suggestions/objections and seeking consultation from the Director of Town Planning, GoM, the VC&MD, CIDCO, in accordance with the powers delegated to him by the State Government vide Notification No TPS-1817/973/CR-103/17/UD-13 dated 13.09.2017, had sanctioned the Town Planning Scheme No 1 (TPS-1) on 21/09/2018 under section 68(2) of the Act with corresponding special DCRs. The Final TPS-1 drawn by Arbitrator is sanctioned by Govt under section 86(1)(K) of the Act on 30.08.2022.

Also, TPS-2 is sanctioned by Govt. under section 86(1) of the Act on 03.11.2021. Thus, the concept and method adopted by CIDCO in preparation of TPS is accepted and vetted by the State Govt. So far CIDCO has declared twelve Town Planning Schemes within DP area of NAINA.

3. Purpose of Town Planning Scheme No - 5

Provision under section 59 of MR&TP Act, 1966, specifies the purpose of implementing the proposal in final development plan. Post approval of IDP, CIDCO was under pressure from public to provide infrastructural facilities at par with other developed nodes by CIDCO within Navi Mumbai jurisdiction.

With this background, CIDCO has declared intention to prepare TPS-05 for the purpose of implementing the proposals in the sanctioned IDP of NAINA.



The Board of CIDCO vide Resolution No 12189 dated 07.06.2019 had declared its intention under Sub- Section (1) of Section 60 of the said Act, for making of Town Planning Scheme No-05 at part of Villages Bonshet, Bhokarpada(Chipale), Devad, Moho, Shivkar, Vichumbe and Vihighar in one contiguous pocket of Taluka – Panvel, District Raigad. (Admeasuring approximately 242 Ha).

The declaration of intention to make TPS-5 has been published in Government Gazette (extraordinary Part-II) on 26.06.2019 as per section 60(2) of the Act.

4. Concept of Layout Plan

The Town Planning Scheme is implemented as per the provisions of the Acts and guidelines of the Town Planning Rules 1974. The draft layout in the scheme is prepared on the following principles which are adhered in all the Town Planning Schemes by CIDCO for NAINA area which are published in the recent times.

- All contribute equal percentage of land for the project.
- Forest lands, water bodies, existing structure of valid permissions are kept intact.
- Land owners to get 40% of original land holding as net final plot.
- As far as possible final plots anchored to their original location.
- Approximate 10% open space and 5% amenity are provided commonly in scheme layout and distributed spatially on neighborhood concept
- As far as possible existing structures are protected and final plot are given around existing structures.
- An attempt has been made to carve out final plots in such a way that they are of regular shape and are developable.
- As far as possible, land affected by gas pipe line, H. T. line have been given unencumbered final plots to its nearby original location.
- Same owner with scattered land parcels have been given single plot considering his consent for amalgamated.
- 7/12 is considered as basis for finalizing entitlement.
- No one is dispossessed in the scheme.
- On the basis of suggestions received from owners during meet, necessary changes have been carried out in the tentative proposal.



As committed in NAINA scheme, the FSI of original plot is going to be loaded on the final plot (FP) area, which is 40% of Original Plot (OP), thus the permissible FSI on the FP will be 2.5. To enable the holder of FP to consume the permissible FSI, it is necessary to make Special Development Control Regulations for TPS-5. Therefore, along with approval of Draft TPS-5 under section 68(2) of the Act, requisite special DCR in accordance with sub-section (2) of section 159 of the said Act are proposed to be approved with Draft TPS.

The special DCR in TPS-1 and TPS-2 have been approved by Government while sanctioning preliminary scheme. The same are proposed to extend in all the TPS in NAINA for ensuing uniformity. The Government has approved suspension of corresponding provisions of the sanctioned DCPRs of IDP in TPS-5 on 30.12.2019.

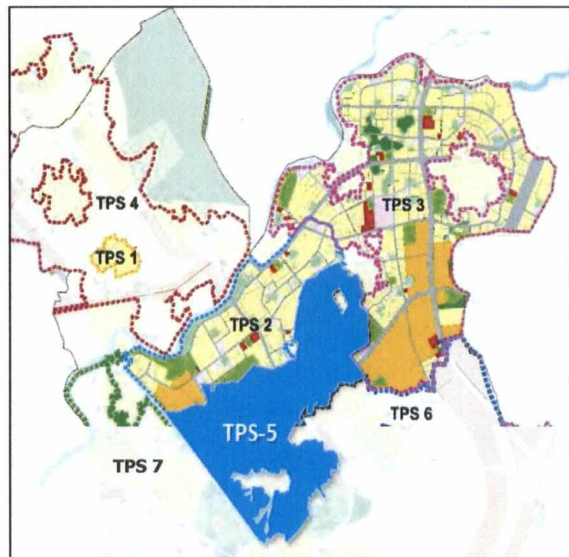
5. Compliance of the MR&TP Act, 1966 provisions in the Draft Town Planning Scheme – 5

1. Identification of the TPS boundary

The boundary for TPS-5 is identified in the proximity of already published boundary of TPS-02 and TPS-03. The scheme located on left side of Mumbai Pune Expressway towards travelling to Pune. The core gaothans, padas and already developed pockets are excluded from the scheme area.

The main features for identification of the boundary are-

- Continuity with Town Planning Scheme No - 2 and 3, the physical infrastructure of both the schemes can be extended as a comprehensive system.
- Half of the Clover leaf at Vichumbe village along Mumbai Pune expressway and junction of proposed 45m wide road provides better connectivity to the adjoining area. Half clover leaf is falling in TPS-7.



- The scheme is bounded by:
 - On North by sanctioned TPS-2 boundary,
 - On South by growth center reservation of village Shivkar.
 - On East by boundary of published TPS-3.
 - On West by Mumbai Pune expressway.
- A water passage collecting storm water from Moho village is traversing through TPS area towards Gadhi River at Navi Mumbai.
- Power Transmission lines of 220 KV and 110 KV are traversing throughout North-South of the scheme, for which buffer of 35 M and 22 M respectively is required to be kept as no-construction zone.
- The scheme comprises of approximately 41 % IDP reservations like school, college, playgrounds, parks, crematorium, PHC, daily bazar, Fire Station, Police Station, STP etc. and also growth center.
- Major part of identified pocket is virgin lands, hence less constrain for proper planning. The identified scheme area is sizable for township.

II. Declaration of Intention to prepare scheme u/s 60(1) of Act

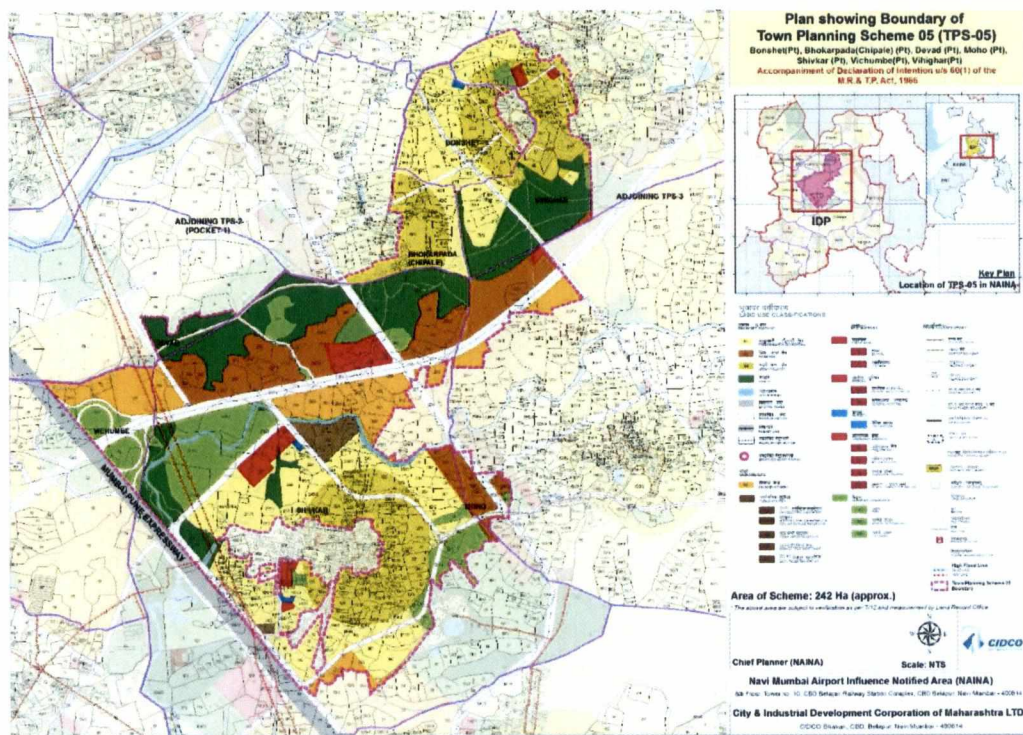
The proposal for implementation of Town Planning Scheme is placed before CIDCO Board. The Board of CIDCO vide Resolution No 12189 dated 07.06.2019 had declared its intention under Section 60(1) of the said Act, for making of Town Planning Scheme No.- 5 at part of Villages - Bonshet, Bhokarpada(Chipale), Devad, Moho, Shivkar, Vichumbe and Vihighar of Taluka Panvel, District Raigad in one contiguous pocket. The scheme area is approximately 242 Ha.

III. Publishing Declaration of Intention u/s 60(2) of Act

As compliance of the Acts within 30 days of such declaration of intention to make a scheme -

- Gazette Notification: A notice about declaration of making Town Planning Scheme No 5 as per provision in Section 60(2) of MR&TP Act, 1966 has been published in the extraordinary official Maharashtra Government Gazette (part-II) dated 26.06.2019.





- **Local News Paper:** A public notice is also published in two widely circulated local News Papers, the daily Marathi newspapers "रायगड नगरी" on 01.07.2019 & English daily newspaper "Newsband" dated 10.07.2019.
- **Information to Govt.:** As per provisions of Sub- Section (2) of Section 60 of the said Act, a copy of gazette Notice together with a copy of the map showing the scheme area has been dispatched to the Urban Development Department (UDD)-12 on 03.07.2019.
- **Information to Director of Town Planning, Maharashtra State:** A copy of gazette Notice together with a copy of the map showing the scheme area has been dispatched to the office of Director of Town Planning on 03.07.2019.

IV. Display for public u/s 60(3) of Act

- **Display in the NAINA Office:** In accordance with the provisions of Section 60(3) of the Maharashtra Regional and Town Planning Act, 1966, a copy of the declaration along with the map showing the area to be included in the Town Planning Scheme- 5 is kept open for inspection of the public in the NAINA office during office hours on all working days.
- **Display in Govt. Offices:** The same is also made available in Collector's office, Tahsildar's office for inspection of the public.

- CIDCO's official website : The Public notice and the map is also uploaded in the CIDCO's official website www.cidcoindia.com

V. Extension of 3 months' u/s 61(3) of Act

- As per Section 61(1) of the Act, it is mandatory to publish the draft scheme within 9 months (i.e. 25th March, 2020) from date of declaration. Accordingly, extension in time limit as per section 61(3) of the said Act, was sought by placing a proposal before the Board.
- CIDCO Board vide Resolution No 12275 dated 10th Jan, 2020 approved the proposal for seeking extension under section 61(3) of the said Act for publication of the draft scheme and authorized JMD-1 and Chief Planner (NAINA) for submitting request for extension to Government. The request letter was sent to the Government on 7th Feb, 2020.
- In response to proposal dated 7th Feb, 2020, Joint Director Town Planning Konkan division under power delegated under section 61(3) of MR&TP Act 1966, has granted extension up to three months (i.e. up to 24th June 2020 as per order) vide letter TPS No.5/ NAINA/Sect 61(3)/Time-limit Extension/ JDTP-KDN/2059, Dt: 4th March 2020, under section 61(3) of MR&TP Act 1966.

VI. Publication of Draft scheme u/s 61(1) of Act

- After conducting Owners meet on 5th & 6th March 2020, tentative proposal of draft Town Planning scheme has submitted to Director Town Planning office, Pune vide CIDCO/ NAINA/ TPS-5/Consultation/Sec.61(1)/ 2020/ 89/ SAP-1159 dt. 20/03/2020 for first consultation.
- The Director Town Planning vide जा. क्र. नैना नरयो क्र.५/ प्र.क्र.७२/ २०/ टिपीव्ही-३/ १३५२ dated ०५.०३.२०२१ had offered consultation on TPS-5.
- Necessary changes suggested by Director Town Planning in the consultation have been incorporated in the draft scheme. Further, in accordance with the provision of section 61(1) of the act, draft scheme no. 5 was published in the Gazette on 25th April 2022.
- Notice related to publication of draft scheme was published in Marathi local newspaper namely रामप्रहर and दैनिक लोकदृष्टी on 28th April 2022.



- Also, a copy of the notice along with maps are kept open for inspection of the public at NAINA office during office hours on all working days.

6. Time line for the project

Sr. No.	Section	Action	Act Provisions	Completed
1.	60(1)	Declaration of Intention	Starting date	07.06.2019
2.	60(2)	Declaration in the Official Gazette Two local news papers Display in the office Intimation to Urban Development Dept. Intimation to Director, Town Planning Dept.	Within 30 days	26.06.2019
3.	61(1)	Preparation of conceptual layout plan	Within 6 months or time extended u/s 61(3) (sought 3 months' time extension)	24.03.2019 (in accordance with extension granted by Jt. DTP vide Order dtd 04. 03.2020)
		Owners Meet		5 th & 6 th March 2020
		Submission of Draft Scheme to Director, Town Planning for first Consultation	Before 3 months of publication	20.03.2020
	National Lockdown applicable as per Maharashtra Ordinance XV of 2020 dated 31st August 2020			
	61(1)	Receipt of first Consultation from Director, Town Planning		05.04.2021
		Publication of Draft Scheme		25.04.2022
4.	67	Objections to draft scheme to be submitted within 30 days from publication	Within 30 days	27.05.2022
5.	68(1)	Submission of draft scheme with modification to VC&MD for sanction along with copy of objections received	Within 3 months	22.07.2022
6.	68(2)	Sanction of Draft Scheme	Within 3 months	21.10.2022



7. National Lockdown

- National lockdown due to Covid-19 Pandemic commenced from 23rd March 2020.
- In the view of Pandemic, Urban Development Department, GoM vide Maharashtra Ordinance XV of 2020 dated 31st August 2020 issued the Ordinance and its enactment dated 14th September 2020, the period of lockdown measures by the Government is excluded while calculating the timelines under section 148-A of the MR&TP Act.
- Therefore, the lockdown period will require to be excluded while computing the time limit for publication etc.

8. Methodology for preparation of Draft Town Planning Scheme

As specified in Rule number 4(1) of Maharashtra Town Planning Schemes Rules, 1974, public meetings of the land owners included in draft scheme is called to explain the tentative proposal of the draft scheme for eliciting public opinion and suggestions. In the scheme, 583 land parcels and about 403 final plot holders are participating. The notice in this regard is published in two local newspapers "निर्भीड लेख" and "दैनिक किल्ले रायगड". Individual notice to all owners for public meeting is also issued by register post. In the notice the participant owners are asked to verify their name, area as per 7/12 extract and tenure of the land. They are also asked to submit the request for amalgamation for their entitlement. The list indicating the names, area and tenure of each plot is also uploaded in the CIDCO's official website and the same is made available in the respective Gram Panchayat Offices and Tahsildar office. On receipt of the consent for amalgamation the entitlements are combined in the tentative scheme layout plan.

I. Collection of TILR (measurement plan) and certified 7/12 extracts

For furnishing measurement and certified 7/12 abstracts of all landholders in TPS-5, the office of Deputy TILR Panvel and Tahsil office, Panvel respectively were requested. Necessary fees towards measurement have also been paid by CIDCO. On the basis of certified 7/12 received from Tahsil office, Panvel, the list of all landholders included in the scheme has been prepared. The soft copy of AutoCAD drawing of survey furnished by agency M/s Shidhore & Associates (who has been appointed by Engineering Department for coordinating with TILR and Tahsil Office) has been referred for preparation of layout in the scheme. Subsequently, Deputy



Taluka Inspector of Land Records, Panvel was requested for official stamped copy of the measurement plan of the TPS-5 area. However, in absence of measurement plan, maximum possible details of sub-division of survey numbers have been collected and incorporated in scheme. Sanctioned Development Plan, Physical survey provided by the appointed agency and details of revenue records such as village maps, Gut Book, Tenure, Phalani map, 7/12 & 8A extracts of sanctioned layouts, measurement plan, details of government lands are incorporated in scheme. On the basis of all the above information the Base Map is prepared showing Original Plots (in Green color).

The area mentioned in the 7/12 extract is considered for entitlement calculation. The irrevocable consents of land owners for aggregating land parcels is also accepted from the willing parties.

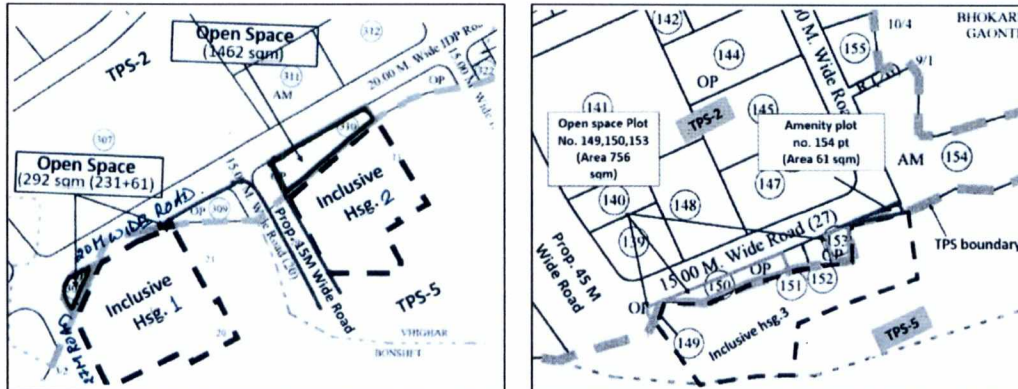
II. Coordinating with adjoining Sanctioned Draft Scheme of TPS-2

Town Planning Scheme-5 is abutting boundary of TPS-2 and TPS-3. TPS-2 is sanctioned and published in gazette on 03.05.2019. Arbitrator is appointed by State Govt. and work of arbitration in final stage. At the time of preparing draft scheme for TPS-5, within TPS-2 area at three locations, changes are suggested and conveyed to Arbitrator vide CIDCO/NAINA/TPS-2/2019/SAP-1246/1384 dtd 25.11.2019 with a request to incorporate these changes in TPS-2 before submitting the preliminary scheme to the State Govt. u/s 82 of MR&TP Act 1966. The suggestions are as follows,

- 1) The 15M wide road, starting from TPS-2 and connecting TPS-5, is affecting the existing occupied structures within TPS-5. Hence, it is proposed to shift the road latterly towards East, so as save these structures.



- 2) At two locations, adjoining to the Open Space area of TPS-2, housing for Economically Weaker Section (EWS) is proposed within TPS-5. In order to achieve the larger size plot for EWS housing at one location and to increase the overall percentage of EWS housing within IDP area, the total Open Space area of about 1754 sqm [OP no. 308(pt) (231sqm), OP no. 309(pt) (61sqm), OP no. 310(pt) (1262sqm)] of TPS-2 is suggested to convert from Open Space to EWS housing.



The above suggestions has been discussed with Arbitrator and the Arbitrator has accepted all the above suggestions, hence draft scheme of TPS-5 is prepared with incorporating the above changes.

The Preliminary scheme no. 2 has been approved by Govt. vide TPS-1221/54/CN/10/21/UD-12 dated 3rd November 2021 and the above changes are incorporated in the sanctioned scheme.

III. Existing features within Scheme area

a) Reliance pipeline:

Reliance pipeline is traversing from North to South in the scheme area. The length of Reliance pipeline passing through scheme area is approximately 1.53 Km. At the time of detailing of TPS-2, after communicating with the office of Reliance Gas pipeline at Sheva, it is gathered that the land under right of use of Reliance pipeline is having total 6 mtr wide corridor. Hence land measuring 7800 sqm will require to keep for non-buildable use.

Existence of these pipeline will constraint to planning authority to utilize the land. Since the land under pipeline is acquired under Right of Use condition, the land holders having land under this corridor are considered for scheme entitlement as per the total

area mentioned in 7/12 extract. The area under pipeline buffer is mostly kept as open spaces, and at few locations the final plot of Gurcharan is allotted along buffer, considering that Gurcharan shall be used as open space for grazing cattle.

b) Extra High Voltage Tower Line:

MSEB's extra high voltage tower line of 220 KV having corridor of 35 M and 110 KV having corridor of 22 M is traversing through village Vichumbe and Shivkar of TPS-5. The length of HT line passing through scheme is approx. 1.12 Km, affecting an area of 7.2 Ha (both the lines are parallel, total buffer of 65M). In regard to acquisition and compensation for land under Tower line, the correspondence made at the time of TPS2. Executive Engineer EHV(O&M) division, vide letter no. EE/EHV(O&M) / Dn/PNL/T-66/ 0742 dtd 19.04.2018 informed that MSETCL has not acquired any land for erection of EHV lines and compensation was given only for removal of trees and crops as per Indian Telegraphic Act, 1885.

The land holders having land below this corridor are considered for entitlement as per the total area mentioned in 7/12 extract. Existence of this HT line will constraint to the use the land under corridor, however lands under these corridors have to be put to an effective use without compromising safety requirements. As no construction is allowed under the high tension buffer, at few locations the final plot of Gurcharan is allotted along buffer, considering that Gurcharan shall be used as open space for grazing cattle.

c) Tributary:

Strom water catchment of Moho village flows through tributary/nallah, which is traversing from East to West ultimately joins to Kalundre river at around 2 Km. The course of the tributary is very undulating with average width of 15M. Area under tributary/nallah falling in said scheme is 2.8 Ha as per ELU plan (autocad). However, as per 7/12 extract area under ओहोळ (Nalla) is only 0.88 Ha. Rest of the tributary is passing through private land and for those land parcels entire land as per 7/12 extract consider eligible for plot.

The existing undulating course of tributary is constraint for preparing layout. Hence for training of this existing undulating tributary a correspondence has been made with



Engg. Dept. and accordingly to allow smooth flow of water, channel is proposed as shown in scheme layout.

d) Forest land:

The Scheme comprises of 45.16 ha of total forest land as per 7/12 extract. It is located at the middle of the Scheme and throughout East to West. As per the digitized village map, the forest area is 41.93 Ha. Resulting difference in Forest area of almost 3.23 Ha.

The shape of Forest land parcel is irregular, at many locations some area as open space is added to make these Forest land parcels of regular shape and prepared layout along these land parcels.

e) Existing structures and structures with valid Building Permission:

- Within the scheme area, there are about 283 odd structures as per survey map and Google imagery. Out of this, majority of structures are sheds/ temporary construction for the purpose of farming. As far as possible care is taken to provide the final plots around the structure to retain it.
- The unauthorized structures falling under IDP/TPS reservations shall be demolished before giving possession of final plots to the land owners. The land owners shall hand over unencumbered land in lieu of unencumbered developed Final Plot.
- The unauthorized structures falling in alignment of roads shall be demolished while executing works linear infrastructure.
- Unauthorized structures falling on Government land shall be compulsorily be demolished as these are encroachments on Govt lands.
- As shown in Physical survey, the existing Religious structure of Shivkar village falls within scheme. The same is retained by providing amenity plot at location.
- In case where Building Permission is issued by the competent authority, the same is honored and final plot is carved out by maintaining sufficient margins from the CC granted structure. Meanwhile the CC granted project proponent submitted WGS Coordinates of the constructed buildings from the empaneled surveyor through the Building permission section. As per the submission, plot boundaries are slightly modified by keeping the CC granted area and structures intact. The same has been communicated to Building Permission section for further processing.



IV. Engineering and Transportation aspects

a) Engineering Aspects:

TPS-5 located adjacent to Mumbai Pune Expressway and in continuation with TPS-2. The proposed water supply network needs to be extended till TPS-5 boundary. There is a Sewage Treatment Plant (STP) reserved in sanctioned IDP of NAINA along tributary at Shivkar village.

Till the STPs earmarked in the IDP gets developed, it will require to develop package treatment plants within the scheme area. Provision for underground sewage connection to every plot shall be made, which will finally get connected to STP once it gets operational. Existing tributary, channelized for carrying out storm water from TPS area.

Planning NAINA vide reference no. CIDCO/ NAINA/ TPS-5/ 2020/ SAP-1428, dated 02/01/2020, forwarded the layout indicating proposed roads and amenities in TPS-5 to Engineering Department to provide cost of providing Engineering Infrastructure in the scheme.

b) Transportation:

The road network in Draft TPS- 5 was prepared in consultation with CIDCO's T&C Dept. Necessary modifications at major road junctions and other geometrics of the roads are planned after due suggestions from T&C Dept. The proposed road sections have provisions for future service lines such as Cooking gas lines, fiber optics, electric cables. The footpath will have tree guards. The main roads will have bus bays and bus shelter.

V. Details of sanctioned IDP within scheme area

Total scheme area is 242.16 Ha. Within the scheme about 38.83 Ha of lands are non-developable such as nala and forest. The developable land is 202.21 Ha. The scheme contains 41% of the sanctioned IDP reservations. These reservations include IDP roads, Schools, School Playgrounds, Parks, General Hospital, Primary health center, Community Center, Daily Bazars, Police Station, fire Station, Sewage Treatment Plan, Electric Sub Station and Growth Centre. The total area under such reservations is 86.31 Ha.



The detail of sanctioned IDP reservation in the scheme and its area after draft layout prepared is mentioned in the Table placed below –

Reservation type	Reservation No.	As per IDP report (in Ha)	As per IDP report (Sq.M.)	As per TPS5 layout (Sq.M.)
33KV Electric Substation (ESS)	101 _ ESS	0.22	2200	2200
Community Center	95 _ CC	0.22	2200	2200
Daily Bazaar	66 _ DB	0.12	1200	1200
	98 _ DB	0.11	1100	1300
	100 _ DB	0.15	1500	1600
Fire station	102 _ FS	1.07	10700	10700
General Hospital	51 _ GH	2.72	27200	27200
Police station	111 _ PS	1.18	11800	11800
Primary Health Center	59 _ PHC	0.24	2400	2400
	75 _ PHC	0.17	1700	2000
	110 _ PHC	0.14	1400	1400
School	81 _ S	0.39	3900	4100
	114 _ S	0.45	4500	4500
Sewage Treatment Plant (STP)	116 _ STP-4	2.66	26600	33000
School Playground	70 _ PG	Provided in TPS-3	0	0
	74 _ PG	0.66	6600	7090
	107 _ PG	0.57	5700	6278
	104 _ PG (part)	0.7	7000	1500
(School) Playground	206B _ PG	3.31	33100	106643
	206C _ PG	6.71	67100	
	96A _ PG (part)	5.6	56000	20400
	216 _ PG	0.66	6600	6600
Park	52 _ P	1.51	15100	15400
	56 _ P	1.89	18900	18900
	105 _ P	2.42	24200	24200
	215 _ P	0.11	1100	1100
	217 _ P	0.51	5100	5200
City Park	96 _ CP (part)	11.61	116100	14800
Growth Center	203 _ GC (part)	22.3	223000	76014
	206 _ GC (part)	108.5	1085000	132036



VI. Reshaping and Realignment of the IDP reservations within the TPS u/s 59(2) of Act, 1966

While preparing scheme layout, for betterment of the scheme, reshaping or realignment of sanctioned reservations are carried out by maintaining the area of reservation and maintaining the entry and exit of roads with adjoining area. A separate proposal requesting Director, Town Planning, Govt. of Maharashtra has been submitted for approval as per provision of section 59(2) of MR&TP Act, 1966. Director Town Planning had in principle approved the proposal vide जा. क्र. नैना नरयो क्र.5/ प्र.क्र.72/ 20/ टिपीव्ही-3/ 1352 dated 05/03/2021.

The details of reshaping and realignment of the IDP reservations, in principle approved by DTP under section 59(2) are mentioned in the Table placed below.

Reservation type	Reservation no.	As per IDP report (Sq.M.)	As per TPS-5 layout (Sq.M.)	Remarks
33KV Electric Substation (ESS)	101 _ ESS	2200	2200	Reservation area its location and reshaping of plots under section 59(2) of MR&TP Act, 1966 are in principle approved by DTP.
Community Centre	95 _ CC	2200	2200	
Daily Bazaar	66 _ DB	1200	1200	
	98 _ DB	1100	1300	
	100 _ DB	1500	1600	
Fire station	102 _ FS	10700	10700	
General Hospital	51 _ GH	27200	27200	
Police station	111 _ PS	11800	11800	
Primary Health Centre	59 _ PHC	2400	2400	
	75 _ PHC	1700	2000	
	110 _ PHC	1400	1400	
School	81 _ S	3900	4100	
	114 _ S	4500	4500	
Sewage Treatment Plant (STP)	116 _ STP-4	26600	33000	
School Playground	70 _ PG	0	0	
	74 _ PG	6600	7090	
	107 _ PG	5700	5666	
	104 _ PG (pt)	7000	1500	
(School) Playground	206B _ PG	33100	105200	
	206C _ PG	67100		



Reservation type	Reservation no.	As per IDP report (Sq.M.)	As per TPS-5 layout (Sq.M.)	Remarks
	96A_PG (pt)	56000	20400	
	216 _ PG	6600	6600	
Park	52 _ P	15100	15400	Reservation area its location and reshaping of plots under section 59(2) of MR&TP Act, 1966 are in principle approved by DTP.
	56 _ P	18900	18900	
	105 _ P	24200	24200	
	215 _ P	1100	1100	
	217_P	5100	5200	
City Park	96_CP (pt)	116100	14800	
Growth Center	203 _ GC (pt)	223000	68000	
	206 _ GC (pt)	1085000	132036	
Forest(JFM)	52_P, 54_P, 234_P, 235_P, 236_P, 237_P, 238_P	381736	372591	
Roads	--	281600	316900	Realignment and revision in IDP roads under section 59(2) of MR&TP Act, 1966 are in principle approved by DTP.

Further, after incorporation of necessary changes suggested by DTP in consultation report, the draft scheme was published in Gazette u/s 61(1) on the act on 25.04.2022 for inviting suggestions/ objections on the scheme.

In the meantime, Transportation Dept. has carried out a feasibility study interchange at village Vichumbe. This interchange partly falls in TPS -5 and partly in TPS-7. After study, it is understood that the existing designed cloverleaf which is part of sanctioned IDP needs revision. Further, after detailed discussion and deliberations on the various designs of interchanges, Dumbbell shaped interchange has been finalized. This interchange is on Mumbai Pune expressway. This issue was also discussed in the meeting with VC&MD, CIDCO and VC&MD, MSRDC dated 16.06.2022 and during the meeting consent for the Dumbbell interchange design has been given by VC&MD, MSRDC.

Since the Dumbbell interchange design is finalized after publication of draft scheme, it was not incorporated in the scheme while publication of draft scheme.



Due to this Dumbbell interchange, few landowners plots and adjoining IDP reservations needs revision. The approved design of interchange is incorporated in draft scheme and adjoining layout is modified by keeping the area of sanctioned reservations and final plots intact.

As the interchange and adjoining reservations are part of sanctioned development plan, a proposal for reshaping and realignment of the IDP reservations within scheme boundary under section 59(2) of the act has been initiated once again.

The details of sanctioned IDP reservation and its area after incorporating Dumbbell interchange in the layout along with justification is mentioned in the Table placed below,

Sr. No.	Reservation type	Reservation no.	Area in IDP (Sq.M.)	Area during publication (Sq. M.)	Modified Area (Sq. M.)	Remarks
1	Growth Centre	203_GC	22,3000 (95,596 sq.m. to be provided in TPS-5)	68000	76014	Out of total 22.3 Ha 12.7404 Ha provided in TPS-2. Area increased marginally due to Dumbbell interchange.
2	Park	56_P	18900	18900	18900	Area maintained.
3	Park	105_P	24200	24200	24200	Area maintained.
4	Playground	206 B&C_PG	100200	105200	106643	Area increased marginally.
5	Playground	107_PG	5700	5666	6278	Area increased due to WGS coordinates submitted by adjoining Building Permission proposal (FP-346).
6	IDP roads	—	281600	318649	320832	Area increased due to Dumbbell interchange.

Director Town Planning had in principle approved the above proposal in consultation u/s 68 (2) offered by Director of Town Planning vide letter No जा. क्र.प्रा.न.र.यो./नरयो क्र. ५/नैना / कलम ६८(१)/४६५ दिनांक १७/१०/२०२२.



VII. Special treatment for Lands falling within the Urban Village Zone

As per sanctioned IDP the 200 mt around the gaathan area is considered as urban village with 1.0 FSI. The rest of the lands under predominantly residential zone and mix use zone is having the FSI as 0.2 + 0.3 (Base FSI + FSI with Premium).

In the TPS-5, at four locations urban village zones are existing. It was the demand of the landowners that as they are having lands with more advantage in the present scenario the same should be protected in the TPS also. Therefore, original plot value of land parcels falling more than 50% in urban village zone has been increased in Form 1 redistribution and valuation statement, so that the net demand from such participating land owners become zero. The land to be returned in terms of FP kept intact i.e. 40% of OP.

9. Content of Draft Town Planning Scheme as per sec. 64 of the Act

The draft scheme shall contain the following particulars so far as may be necessary

Sr. No	Section	Content/particulars	Compliance/provision
1	64(a)	The ownership, area and tenure of each original plot	The 7/12 extracts are considered as ownership document for the purpose of finalizing entitlements. Tenure as mentioned on 7/12 such as class-I, class-II etc. are incorporated in the form -1
2	64(b)	Reservation, acquisition or allotment of land required under sub-clause (i) of clause (b) of section 59 with a general indication of the uses to which such land is to be put and the terms and conditions subject to which, such land is to be put to such uses	<p>Section 59(1)(b)(i) of the Act deals with any of the matters specified in section 22.</p> <p>The IDP of NAINA has been sanctioned on 27.04.2017 and DP is sanctioned on 16.09.2019</p> <p>Area of land reserved for public purposes in IDP, such as schools, colleges, PHC, DB, open spaces, playgrounds, roads, public utilities, amenities etc. are kept intact with minor modification / re-alignment of roads for proper planning and carrying out of layout. The areas of IDP reservations remained unchanged.</p> <p>The Growth center reservation of an extensive scale is also kept intact in terms of section 22 (g).</p> <p>There is no low lying area or, swampy or unhealthy areas in the scheme. The leveling up of land is</p>



Sr. No	Section	Content/particulars	Compliance/provision
			<p>included in costing of scheme by engineering section of CIDCO.</p> <p>As per clause (m), special DCR are proposed for effective controlling and regulating the use and development of final plot.</p>
3	64(c)	The extent to which it is proposed to alter the boundaries of the original plots by reconstitution ;	<p>The Final plots are proposed as far as possible at the location of their original land. As far as possible, the FP against land under reservation has been allotted within same village or on land having ASR rate equal to or more than its OP value.</p> <p>The boundaries of OP has been altered to make the FP regular shape and developable.</p>
4	64(d)	An estimate of the total cost of the scheme and the net cost to be borne by the Planning Authority	Estimate of total cost is given in Form 1 and Form 2 of the Scheme.
5	64(e)	A full description of all the details of the scheme with respect to such matters referred to in clause (b) of section 59 as may be applicable	<p>As per Section 59(1)(b), new roads have been laid out to give access to each final plot. Also, minor diversion, extension, alteration of IDP roads are made to have better connectivity. Existing structures falling under IDP roads, growth centers are proposed to be demolished.</p> <p>The scheme contains approximate 10% OS and 5% amenities apart from IDP reservations. The amenities shall be assigned uses such as DB, Town hall, ESS, etc. as per requirements. Also, 5 schools and attached play grounds will be materialized from the layout OS and amenities.</p> <p>All infrastructure and engineering utilities such as drainage, inclusive of sewerage, surface or sub-soil drainage and sewage disposal; lighting; water supply; shall be done in consultation with Engineering Department of CIDCO.</p> <p>Existing temples are protected.</p> <p>As per sub-section (iii) the corresponding regulations of sanctioned DCPRs of IDP have been</p>



Sr. No	Section	Content/particulars	Compliance/provision
			suspended by Govt vide letter dated 30.12.2019 for implementation of Special DCR for TPS.
6	64(f)	The laying out or re-laying out of land either vacant or already built upon including areas of comprehensive development	The layout has been prepared on vacant land (excluding land under reservations), taking into consideration comprehensive development of regional linkages such as 45M wide road and reserving spaces for social facilities, utilities, EWS housing etc.
7	64(g)	The filling up or reclamation of low lying swamp or unhealthy areas or leveling up of land	There is no low lying swamp or unhealthy areas. The cost towards leveling up of land is considered in engineering infrastructure estimates.
8	64(g-1)	<p>The allotment of land from the total area covered under the scheme, to the extent of,—</p> <p>(i) the reservation of land to the extent of ten per cent. of the total area covered under the scheme, for the purpose of providing housing accommodation to the members of economically weaker section and for lower income group and for persons dispossessed in the scheme;</p> <p>(ii) The allotment of land to the extent of forty per cent. of the total area covered under the scheme, in the aggregate, for</p>	<p>In the layout, 2.9% land of the scheme area is reserved for providing housing accommodation to the members of economically weaker section and for lower income group.</p> <p>CIDCO is proposing 10% open space 5% amenity and EWS in the layout as common space, and it is proposed that the land owners need not to provide these spaces again on final plots. Therefore, the land pooled from all land owners for common open spaces, amenity and EWS shall be considered to be carved out from final plots (which is otherwise is going to be provided by land owners from their final plots).</p> <p>Also, there is no loss of land potential as FSI equal to original land holding area is proposed to be given to the owner on final buildable plots, thus on the final plot, FSI works out to 2.5</p> <p>The extent of 40% mentioned in 64(g-1)(ii) is for purposes of roads, parks, playgrounds, garden and open spaces, social infrastructure such as schools, dispensary, fire brigade and public utility place and sale by Planning Authority.</p> <p>It is to submit that, the Growth centers earmarked in IDP are of extensive scale reservations (in terms</p>



Sr. No	Section	Content/particulars	Compliance/provision
		any or all of the following purposes, namely: (A) for roads; (B) for parks, playgrounds, garden and open spaces; (C) social infrastructure such as schools, dispensary, fire brigade and public utility place; (D) sale by Planning Authority for residential, commercial or industrial use depending upon the nature of development	of section 22-g of the Act) and are meant to recover the cost of these infrastructure along with recovery of cost towards water source development, metro, etc. CIDCO is not reserving any land in layout for sale purpose in terms of section 64(g-1)(ii)(D)
9	64(h)	Any other prescribed particulars.	A buffer along transmission line, Reliance/ Gail pipe line and Mumbai Pune Expressway is mostly kept as open space. At few location part of Guruchran plot falls in buffer, considering that Gurcharan shall be used as open space for grazing cattle.

The total number of Final plots (to be returned to land owners) is 407. Out of this about 314 plots (81% of total plots) are anchored around their original location. The plots which could not anchored are mainly due to the IDP reservations, buffer of Reliance Pipe line and HT line and channelization of tributary. In case of plots affected by Growth center or any other IDP reservation, care is taken that as far as possible the shift shall be within the same village boundary. If the same is not possible then the plot shall be shifted to such location where ASR value is more than the original plot value.



Detail of anchoring of plots are as below-

Details of anchoring of Final Plots of Town Planning Scheme-05		
1	Total original plots (7/12 extracts)	587
2	Total final plots (7/12 extracts)	407
3	Total No. of residential Final plot (Excluding forest and masanvata)	386 {407-15(Forest)-6 (masanvata)}
	Total Anchored Plots	314 (81%)
	Total Relocated Plots	72 (19%)
4	Reasons for relocation	
	i. Due to Reservation	53
	ii. Due to HT line	7
	iii. Due to gas pipe line	0
	iv. Due to building line of Express way	6
	v. Due to Channel alignment	6
	Total Relocated plots	72

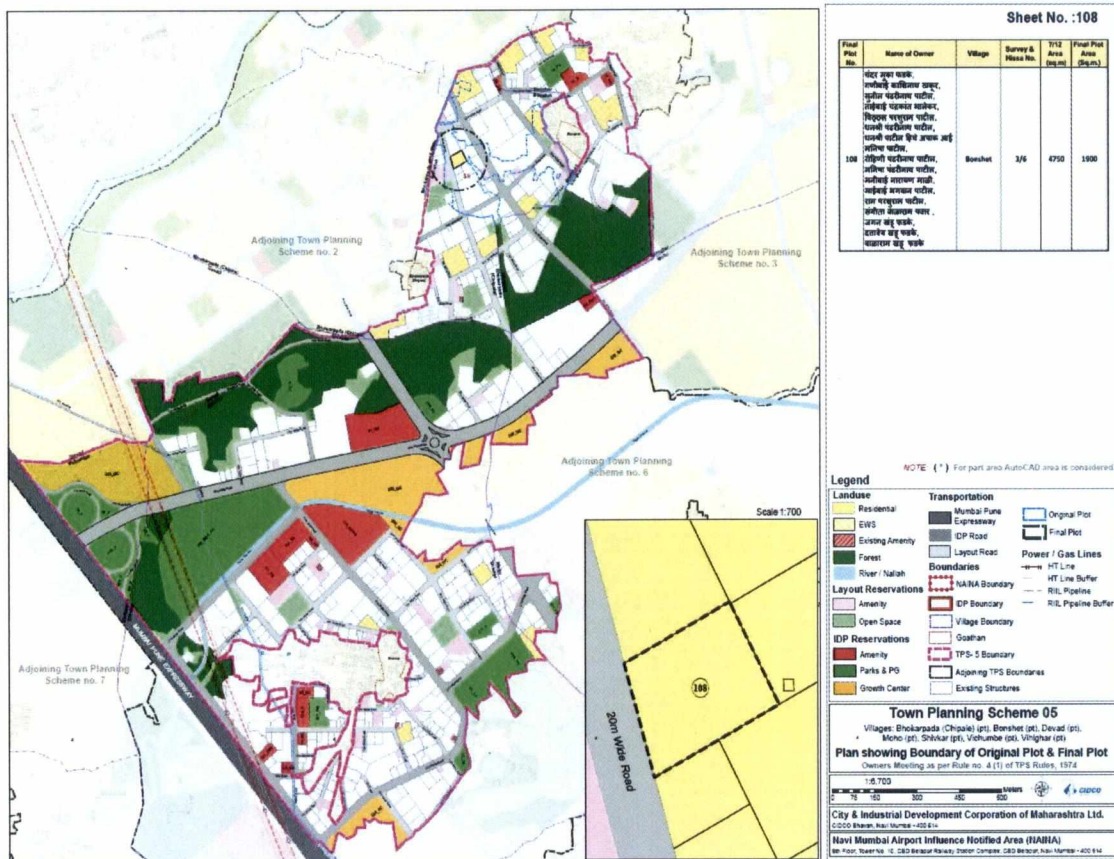
10. Meetings with land holders and framing of the tentative proposals:

As per Rule No. 4(1) of Town Planning Scheme Rules 1974, owners meet was organized on 5th & 6th March 2020 at NAINA office, Tower No. 10, Floor No. 8, CBD Belapur Railway Station, Complex, CBD Belapur, Navi Mumbai 400614.

All the landowners in Town Planning Scheme no. 5 were invited by:

1. Sending letters through Registered post or by hand delivery.
2. The notice for time table of owner's meet was published in two local newspapers namely "निर्भीड लेख" dated 14/02/2020 and "दैनिक किल्ले रायगड" dated 20/02/2020.
3. Notice along with schedule of public meet was displayed in respective Gram Panchayat offices.
4. Notice along with schedule of public meet was displayed in CIDCO's NAINA office.
5. Notice along with schedule of public meet was uploaded on CIDCO's official website.





The plans and details of Town Planning Scheme no.5 depicting benefits to the landowners, commitment to the landowners during earlier meetings and way forward were displayed at the entrance of NAINA office.

There were overall 587 land parcels (7/12), in the scheme. Before schedule of owners meet 11 land owners have submitted their consent to give them one single plot for the land parcels owned by them jointly or severally within the scheme. Lands in same ownership (though located at different locations) were proposed to be given a single final plot, considering consent of such land owners for giving single plot. After voluntary and deemed consent the numbers of final plots in the scheme were 403 numbers. The 403 land owners of final plot were invited by sending individual letters for eliciting public opinion and suggestions thereon. For the sake of convenience and handling the land owners in efficient manner, the 403 FP owners were given time slot between 10AM to 5PM on 5th & 6th March 2020.

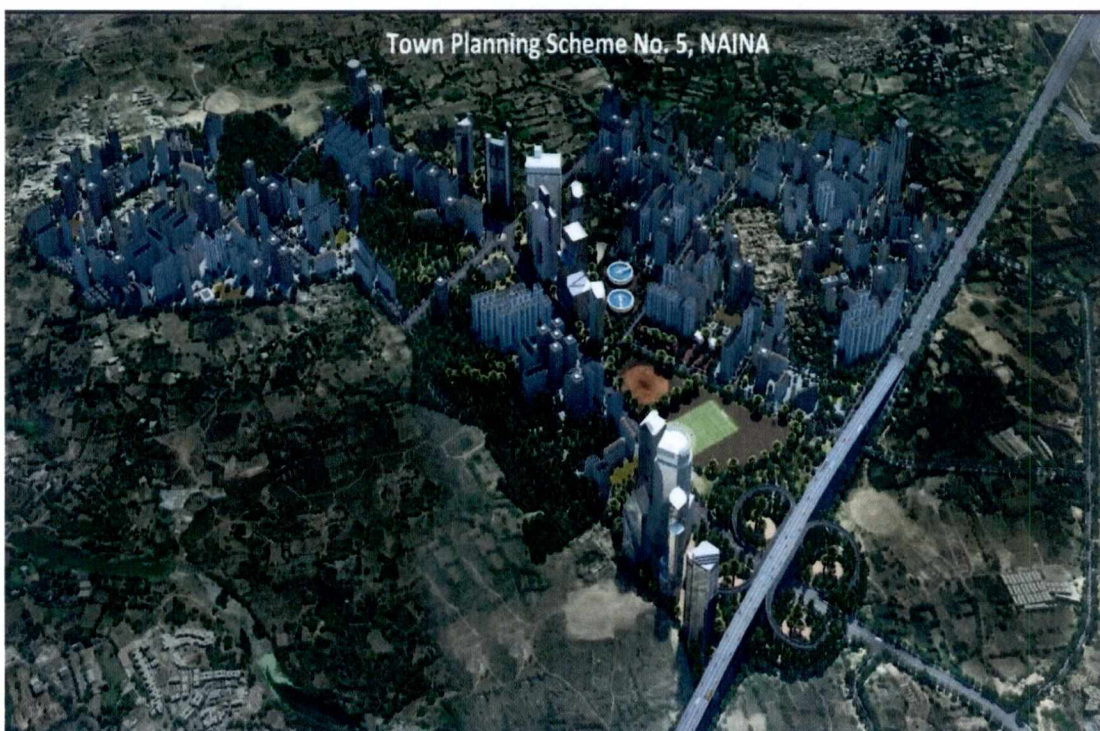
On all the three days, land owners from village- Bonshet, Bhokarpada(Chipale), Devad, Moho, Shivkar, Vichumbe and Vihighar of Taluka – Panvel have attended the owners meet individually or in groups.

On 5th March, 60 land owners have attended the meeting, on 6th March, 50 land owners have attended the meeting. Another 31 landowners visited the office in next week of owners meet. Thus, in all 141 owners out of 403 i.e. @ 35% owners have attended the meeting.

All the owners participated in public meet were shown location of their final plot and their original land with the help of individual plot wise A2 size sheets prepared by TPS team. The team of planners explained the landowners about Town Planning scheme in general and about scheme no. 5 in particular.

Majority of land owners expressed their satisfaction during the meet and overall response to the scheme was positive. The land owners were requested to submit their suggestions within 7 days from the date of owners meet. Therefore, the valid suggestions received till 13.03.2020 is considered for updating the scheme layout.

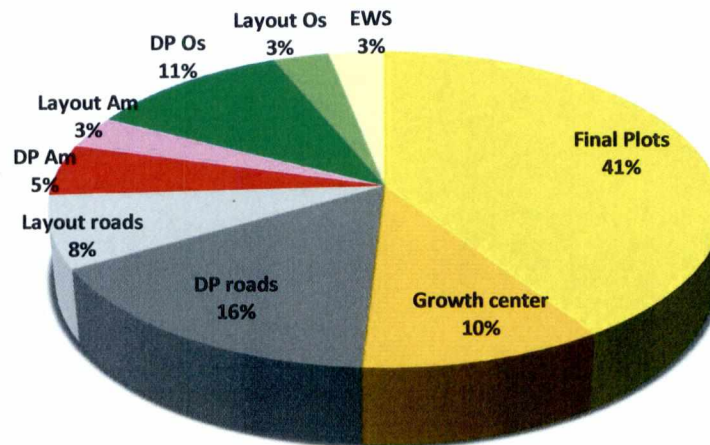




11. Land use distribution in TPS- 5

The land use distribution in TPS-5 is as under:

Sr. No.	Land use	Area (in Ha)	% on net scheme area	Total percentage
1	Final Plots	83.09	40.8%	
2	Growth Centre	20.81	10.2%	
3a	DP Roads	32.11	15.8%	23.1%
3b	Layout Roads	14.98	7.4%	
4a	DP Amenities	10.56	5.2%	8.6%
4b	Layout Amenities	6.89	3.4%	
5a	DP Open Space	22.83	11.2%	14.3%
5b	Layout Open Space	6.29	3.1%	
6	EWS	6.10	3.0%	
7	Total Net Scheme Area	203.65	100.0%	
8	Forest	37.24		
9	Water Body	0.31		
10	Gross Scheme area	241.19		



Pie chart showing percentage land use of Draft scheme no. 5

12. Development Control in the Scheme Area

As committed by CIDCO in NAINA scheme and as per approved DCPRs of IDP, no landowner should loose potential of land. The full FSI of land area is permitted to be utilized on land retained by the owners in NAINA scheme. On the same lines it is proposed to permit FSI equal to original plot area on final plot area. Thus the effective FSI on final plot will be 2.5 (since the FP is 40% of OP).

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, Programme 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 IDP 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 IDP as per sub-section (2) of section 159 of the said Act.

In line of Sanctioned Special DCRs of Preliminary TPS-2 of NAINA approved by Government, the Special DCRs of TPS-5 has been prepared.

For the special regulations framed for TPS, the Govt. vide letter No टीपीएस-१२१९/२३८२/ प्र.क्र.१८६/ १९/ नवि-१२ दि. ३०.१२.२०१९ has granted suspension of corresponding regulations of sanctioned DCPRs of NAINA.

Special Development Control Regulations for Draft TPS-5

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(1AA) 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.-5. 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 DCPRs 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 Interim Development Plan and shall be eligible for development for uses prescribed in Regulation No. 31 of the sanctioned DCPRs of NAINA.

Provided that the final plots fronting on roads having width of 12.0m or more shall be permissible for development either under regulation of predominantly residential zone or under Mixed use zone of sanctioned DCPR irrespective of the actual zonal boundaries of the IDP.

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 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 provisions of sanctioned DCPRs of NAINA.
7. The 10% Recreational Open Space prescribed under regulation No. 20.3.1 of the sanctioned DCPRs of NAINA 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 and open spaces in the scheme in addition to those reserved in the Development Plan for which owners of the original plots have shared their lands.

The above regulation shall be applicable subject to suspension of regulation no. 20.3 of sanctioned DCPR of NAINA by Govt. of Maharashtra.

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 original plots have shared their lands.

The above regulation shall be applicable subject to suspension of regulation no. 20.3 of sanctioned DCPR of NAINA by Govt. of Maharashtra.

9. The provision of 20% plots/tenements for EWS / LIG as inclusive housing prescribed under Regulation No. 20.6 of the DCPRs of NAINA 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 & 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. However, location & land area of remaining Open Space & 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 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 lands included 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:



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

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 lands eligible of 1.00 FSI as per 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 standalone plot or amalgamated with other land parcels.

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 restriction/firefighting requirements or any such statutory restrictions, 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 of NAINA shall be applicable.
 - ii. Such transfer of development right from a final plot to another Final Plot shall be permitted once only.
 - iii. The aggregate FSI in a receiving Final Plot shall not exceed 4.00
 - iv. The owner transferring the FSI shall not develop his Final Plot at any time to consume FSI more than 1.00
 - 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, Primary health center shall be 2.5
15. The permissible FSI in respect of Final Plots designated to Electric Sub-Station, Daily Bazaar, ESR/GSR 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

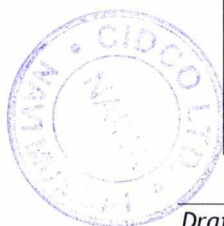
18. The Final Plots designated for Open Spaces, Parks or Play-Grounds are permissible to built-up area equal to 15% of the respective final plot area subject to ground coverage up to 10% of the respective final plot and structures shall be only of ground or ground plus one floor. Such structure shall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

Provided that area of such plots shall not be less than 1000 sq.m.

19. 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 M2 to less than 150 M2	Row houses type	Upto 15 M	0.0	1.5

*Pls refer Special Note	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 3.00M.				
150 M2 to less than 450 M2	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 M2 to the less than 1000 M2	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
1000 M2 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).				
<p>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.</p> <p>b) The provision of dead wall mentioned in sanctioned DCPRs of NAINA shall be applicable</p> <p>c) For special building use No projections of any sort shall be permissible in the side and rear marginal open spaces mentioned above.</p> <p>d) Provided that projections required for firefighting and chajja or weather shed up to 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.</p> <p>e) 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 up to</p>				



- 24 m shall be 4.5m and for above 24 m building height front open space shall be 6.0 m.
- f) 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 and national highways 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 both the 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.

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

13. Finance of the Scheme

I. Redistribution and Valuation Statement

Sections 97 to 107 of the Maharashtra Regional and Town planning Act, 1966 deal with finance of the scheme. The compensation to be paid to the owners for their lands acquired for public sites, widening of existing roads and for new roads proposed in the Town Planning Scheme is based on NA land rate mentioned in ASR of corresponding year prevailing to the date of declaration of intention of making of this scheme and this date is 7th June 2019. It is observed that as transactions registered during the period of 2010 to 2019, market value (agreement value) of the land involve huge variation. Therefore, for uniformity NA land rate of the village is considered as base for determining Original Plot value in the scheme. This estimation was used to decide the values of the Original Plots.

For the purpose of Semi-Final value of plot, considering regular shape of the plot and proposed access, it is presume that the value of the land will rise at least two times original value. Therefore, Semi-Final value of the plot is considered as one and half times of NA



land rate of ASR 2019-20. The Final Plots were estimated in the draft scheme at the rate of four times of NA land rate of ASR 2019-20.

The re-distribution and valuation statement of original plots as well as of final plots are worked out in form no.1. The same is enclosed herewith for reference.

Finance of the TPS-5 as required under Rules 6 (vii) and 21 (2) of the Maharashtra Town Planning Schemes Rules, 1974 has been prepared under Form No. 2 and is enclosed wherewith for reference.

As per Act provision and formats of TPS rules, the Redistribution and Valuation Statement in the format of Form 1 and Form 2 need to be prepared and constitutes part of draft scheme. It is to mention that, in earlier schemes, the receipts/earning from Growth center and cost of IDP reservations were not considered in redistribution and valuation statement with an assumption that Growth Centre will be take care in subsidizing cost of providing city scale infrastructure. However, the Director of Town Planning as well as appointed arbitrator in the first three schemes have opined that, since CIDCO is getting the IDP reservations as final plots though TPS, the valuation as well as cost of its development need to be considered in the valuation statement of the scheme.

The assumptions in preparation of the finance of scheme are as under:

- 1) For original plot value of land parcels, ASR of Non-agriculture land of 2019-20 is considered.
- 2) If more than 50% of a particular survey number falls under no construction activity area due to restriction of buffer due to HT line/ pipe line etc, 50% of NA rate mentioned in ASR is considered for original plot value.
- 3) For the already granted CC/permissions by competent Authority, OP value is considered equal to semifinal value, considering that there will be enhancement only in terms of provision of infrastructure by CIDCO.
- 4) For the land parcels falling 50% or more in 200mts of Gaothan or in urban village, original plot value is considered as 1.1 times ASR of Non-agriculture land of 2019-20, so that the net demand becomes zero for such plots.
- 5) For the purpose of semi-final value of plot, 1.5 times ASR of Non-agriculture land of 2019-20 of OP is considered.



- 6) For original plot value of land parcels along Highway ASR of Highway land of 2019-20 is considered.
- 7) Final value of plot is calculated considering 4 times ASR of Non-agriculture land of 2019-20.
- 8) No contribution is levied on plot reserved for public purpose which will be solely for the benefit of the owners/residents within scheme area or purposes of Planning Authority. Plots of as small amenities which are solely for the benefit of residents within scheme area don't attract contribution. The Growth Centre is reserved for purpose of Planning Authority. The economic or commercial activity envisaged through GC shall mainly serve to the benefit of entire IDP. Hence it is assumed that GC shall be beneficial to the general public. Plots carved out for EWS/LIG in the scheme are requirement of scheme as per Act Provision and shall mainly serve to the benefit of entire IDP, hence shall be beneficial to the general public.
- 9) Plot numbers are given to roads only as per the request of Dy. SLR for preparing property cards. No compensation/ contribution is work out on such final plots.
- 10) Plots reserved for Planning Authority such as park, open space, gardens, common play grounds which are non-saleable plots. Hence, semifinal value is considered as ASR and equal to final plot value.
- 11) For survey numbers/ hissa numbers partly in scheme, area as per drawing (Auto CAD) is considered in scheme.
- 12) Compensation as mentioned in Column no. 11 considered zero since FSI in lieu of compensation is provided. (Modified as per consultation of Director Town Planning Pune)

II. Cost of the scheme

In Town Planning schemes all infrastructure facilities including last mile connectivity shall be developed by CIDCO. The expenditure required for development of infrastructure in sanctioned IDP of NAINA project i.e. for Town Planning Schemes 1 to 11 is worked out by Economist Dept., CIDCO which includes onsite and offsite costs/ City level costs. On site project cost provided by Engg. Dept and offsite costs/ City level costs such as Metro, Sub Urban Railway, BRTS, Multimodal Corridor (MMC), PSID & Street lighting, Construction and



maintenance of Fire station and water source development (off site infrastructure cost) provided by Transportation, Water supply, Electrical and Fire Dept.

This cost has been apportioned for individual 1 to 11 Town Planning scheme on the basis of its declared area. The Cumulative scheme wise infrastructure costs work out considering few assumptions like project duration for 20 years, Miscellaneous charges are considered 1.5% and Contingency, Escalation, Overheads are considered as 5% year on year. Also, interest during construction (IDC) is considered as 8% on average cost.

In case of TPS-5, the onsite infrastructure cost provided by Engg. Dept. is 662.02 Cr. However, considering all the onsite, offsite and city level costs with assumption mentioned above the cumulative cost of scheme no. 5 is 3271.69 Cr. The same is considered while preparing Finance of the scheme i.e. Form-II.

III. Sources of revenue

The exercise undertaken by the Economics Department to establish financial viability for Interim Development Plan (IDP) of NAINA is ongoing. The following sources of revenue are expected to be generated from the all Town Planning schemes for the recovery of onsite and offsite charges incurred in the development of these Town Planning Schemes.

1. Development Charges (DC)
2. Disposition of Plots
3. Contribution/ Betterment Charges
4. Infrastructure Contribution Charges (ICC)

1. Development Charges

Development Charges are statutory charges that are to be levied on the owners of both, saleable (the social facility plots, growth center) plots and final (40% residential) plots within the Town Planning Schemes. DC applicable for land per sq m is 0.5% of the Annual Statement Rate (ASR) or Rs 100, whichever is higher and DC applicable for built up area per sq m is 2% of the Annual Statement Rate (ASR) or Rs 400, whichever is higher.

2. Disposition of Plots

The total component of salable land available for disposition within the 11 Town Planning schemes is 613 Ha. This includes land for disposition under Growth Centre, EWS Housing



and Social Facility Plots. The 351.94 Ha of land allotted to Growth Centre for sale, with an FSI of 4, is expected to generate a bulk of the revenue.

3. Contribution/ Betterment Charges

As per provision of act, contribution (betterment charges) is proposed to be levied and to be recovered from land owners in 10 annual installments in Form-I of TPS-5.

However, there is continuous opposition from the local land owners. They also formed “Kruti Samittee” for opposing betterment charges. In the Assembly session of Feb-March 2022 in the discussion of short notice of rule 97 in Vidhan Parishad the Hon’ble Urban Development Minister has announced stay on levying of betterment charges on land owners. And it was informed to the Vidhan Parishad that the contribution/ betterment charges will be recovered from the last beneficiary by alternative mechanism. CIDCO is in process of deriving mechanism for collecting these charges and will be made applicable after approval from Government.

4. Infrastructure Contribution Charges

Apart from the development of TPS level infrastructure facilities, CIDCO to develop basic Development plan level infrastructure and water sources development which will requires huge funds.

A study is conducted by the appointed consultant for financial feasibility of Town Planning Schemes. The study inferred that the expected revenue from land disposition cannot support the estimated infrastructure investment. As per the suggestion of the consultant to match the expenditure the Infrastructure Contribution Charges to be made applicable in NAINA jurisdiction area. A proposal in this regard is submitted to Govt. for approval.

The financial part of scheme i.e. Final Scheme shall be decisively completed by Arbitrator. Therefore, all the matters related to financial part of the scheme can be addressed at the time of finalizing final scheme.

14. Publication of Draft scheme u/s 61(1) of Act:

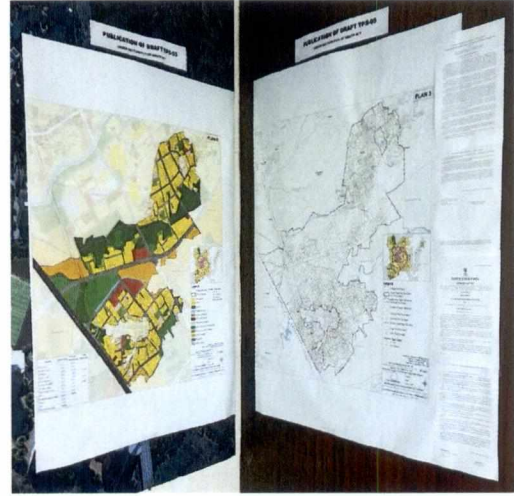
After conducting Owners meet, tentative proposal of draft Town Planning scheme has submitted to Director Town Planning office, for first consultation. The Director Town Planning



vide जा. क्र. नैना नरयो क्र.५/ प्र.क्र.७२/ २०/ टिपीव्ही-३/ १३५२ dated ०५.०३.२०२१ had offered consultation on TPS-5. Necessary changes suggested by Director Town Planning in the consultation have been incorporated in the draft scheme. Further, in accordance with the provision of section 61(1) of the act, Draft scheme no. 5 was published in the Gazette on 25th April 2022.

Notice related to publication of draft scheme was published in Marathi local newspaper. Also, a copy of the notice along with maps are kept open for inspection of the public at NAINA office during office hours on all working days and all plans along with Form- I & Form-II uploaded on CIDCO's website.

After publication of draft scheme on 25th April 2022, one-month time i.e 27th May 2022 provided for submission of suggestion and objection on scheme.



15. Objections received after Publication:

Around 31 applications were received till 27th May 2022. Also, around 30 applications were received before publication of draft scheme. All these applications were broadly categorized as under:

Sr. no.	Category	Application received		Total applications
		before publication	after publication	
(i)	Plan related	12	11	23
(ii)	Ownership related	11	3	14
(iii)	Contribution/ Betterment Charges	0	3	3
(iv)	General related to scheme	7	14	21
Total		30	31	61

After examining applications related to plan along with documents submitted by applicant, possibility of accepting the suggestions was explored and accordingly necessary modifications have been carried out in the Draft Scheme and accordingly in Form-I. The statement of



applications along with remarks on each application for accepted and non-accepted were tabulated and enclosed in the submission of consultation.

16. Consultation u/s 68(2) vis-s-vis its compliance:

After carrying out necessary changes arising out of valid suggestions, the draft TP Scheme no. 5 was submitted to VC&MD for sanction on 22/07/2022 under Sub-section (2) Section 68 of the Act in accordance with powers delegated to him vide notification dated 13/09/2017.

As per Sub-section (2) of Section 68 of the Act, VC&MD before sanction of Draft Scheme, had sought consultation of Director of Town Planning (DTP), Maharashtra State vide letter dated 08/08/2022. The Director Town Planning Office, Pune vide letter No. जा. क्र.प्रा.न.र.यो./नरयो क्र. ५/नैना / कलम ६८(१)/ ४६५ दिनांक १७/१०/२०२२ had offered his consultation.

As per suggestions given by DTP, necessary compliance is done and all plans, Sp. DCPR and Report of Draft TPS-5 is prepared for sanction.

17. Legal Formalities of Scheme

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	26.06.2019
3	Newspaper Publication of notice	60 (2) Rule 3(2)	Newsband (English), Dainik Raigad Nagari (Marathi)	10.07.2019 01.07.2019
4	Copies of Intention and Plan to Govt. and DTP	60 (2)	Letter No. CIDCO/ NAINA/CP /TPS-5/ 2019/SAP 448/279	03.07.2019
5	Publication of Plan and Gazette notice in SPA's office	60 (3) Rule. 3(1)	-----	26.06.2019
6	Extension for publication of draft scheme	61 (3)	No. TPS No. 5/ NAINA/ Sect 61(3)/ Time-limit Extension/ JDTP-KND/ 2059	04.03.2020
7	Newspaper publication for owners meet	Rule 4(1)	निर्भीड लेख आणि दैनिक किल्ले रायगड	14.02.2020 & 20.02.2020
8	Meeting with Owners	Rule 4(1)	----	05.03.2020 - 06.03.2020
9	Consultation with DTP	61(1) Rule 4(2)	Letter No. CIDCO/NAINA/ TPS-5/Consultation u/s 61(1)/2020 /89/SAP-1159	20.03.2020

10	National Lockdown applicable as per Maharashtra Ordinance XV of 2020 dated 31st August 2020			
11	DTP's Remarks on draft scheme	61(1) Rule 4(2)	जा. क्र. नैना न र यो क्र ५ प्र./ क्र./ ७२ / २० – टीपीव्ही/ ३ / १३५२	05.03.2021
12	Gazette publication of notice	61(1) Rule 5(1)	Maharashtra Government Gazette, Extraordinary Part II	25.04.2022
13	Newspaper Publication of notice	61(1) Rule 5(2)	रामप्रहर आणि दैनिक लोकदृष्टी	28.04.2022
14	Suggestions/ Objections Received Timeframe	Rule 5(2)	-----	25.04.2022 - 27.05.2022
15	Submission to Govt. for Sanction (Now to MD, CIDCO)	68(1)	CIDCO/NAINA/TPS-5/ Sec.68(1)/2022/E-136651	22.07.2022
16	Consultation with DTP	68(2)	जा. क्र. प्रा.न.र.यो / नरयो क्र. ५/ नैना / कलम ६८(१) / ४६५	17.10.2022
17	Sanction of Draft Scheme	68(2)	CIDCO/NAINA/TPS-5/	21.10.2022

17. Submission/ Scheme Accompaniments

- Declaration of intention under Sub- Section (1) of Section 60 of the said Act by the Board of CIDCO - Resolution No 12189, dated 07.06. 2019
- A notice as per provision in Section 60(2) of MR&TP Act, 1966 - published in the extraordinary official Maharashtra Government Gazette (part-II) dated 26.06.2019.
- A notice as per provision in Section 60(2) of the Act in the daily newspapers "रायगड नगरी" on 01.07.2019 & English daily newspaper "Newsband" dated 10.07.2019. The notice was also displayed and affixed on Notice Board of CIDCO Bhavan and NAINA office.
- Copy of Gazette Notice together with a copy of the plan showing the area to be included in the scheme is dispatched to the UDD-12 and Director of Town Planning, Maharashtra State.as per provisions of Sub- Section (2) of Section 60 of the Act.
- Extension in time of three months' u/s 61(3) received on 04.03.2020
- Consultation of DTP received u/s 61(1) vis-à-vis compliances done by CIDCO
- Notice as per section 61(1) published in Gazette dated 25.04.2022
- Notice published in the local news paper रामप्रहर, दैनिक लोकदृष्टी on 28.04.2022.
- Suggestions/ objections received to CIDCO till 27.05.2022
- Summary of suggestions/ objections and CIDCO's remarks.

Accompaniments with draft scheme being sent for consultation as per section 68(2) of the Act are as under:

- Plan no. 1 showing the location of the area under scheme.
- Plan no. 2 showing the Original Plots included in the scheme.
- Plan no. 3 showing the Original Plots and the Final Plots allotted in the scheme.



- iv. Plan no. 4 showing the Final Plots allotted in the scheme.
 - v. Plan no. 5 showing details of roads & infrastructure to be carried out by the Authority.
 - vi. Plan no. 6 showing uses/ zones of final plots and sites reserved for public purposes by the Authority.
 - vii. Report on the Scheme.
 - viii. Redistribution and Valuation Statement in Form-I and finance of TPS-05 in Form-II.
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Chief Planner (NAINA)




VC&MD, CIDCO