

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम,
१९६६ मधील कलम ५२(क) नुसार अनधिकृत बांधकामे
प्रशमन आकार लावून “प्रशमित संरचना” म्हणून
घोषित करण्यासाठी अधिनियमाचे कलम १५८(१)
अन्वये केलेले प्रारूप नियम हरकती / सूचनांसाठी
प्रसिध्दीबाबत ...

महाराष्ट्र शासन

नगर विकास विभाग

मंत्रालय, मुंबई-३२

शासन निर्णय क्रमांक: टिपीएस-१८१४/प्र.क्र.८२/१४/नियम/नवि-१३

दिनांक : २१/०७/२०१७

शासन निर्णय :- सोबतची शासकिय अधिसूचना महाराष्ट्र शासनाच्या असाधारण राजपत्रामध्ये
प्रसिध्द करावी.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नांवाने,

Digitally signed by Sanjay

Balkrishna Saoji

Date: 2017.07.21 16:59:05 +05'30'

(संजय सावजी)

उप सचिव, महाराष्ट्र शासन

प्रत :-

- १) मा.मुख्यमंत्री महोदय यांचे सचिव.
- २) मा. राज्यमंत्री, नगर विकास यांचे खाजगी सचिव.
- ३) प्रधान सचिव (नवि-१), नगर विकास विभाग, मंत्रालय, मुंबई.
- ४) प्रधान सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई.
- ५) प्रधान सचिव, ग्राम विकास विभाग, मंत्रालय, मुंबई.

प्रति :-

- १) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- २) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नी रोड, मुंबई.
त्यांना विनंती करण्यांत येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाच्या
असाधारण राजपत्रामध्ये प्रसिध्द करून त्याच्या प्रत्येकी १०० प्रती या विभागास पाठवाव्यात.
- ३) महानगरपालिका आयुक्त / मुख्याधिकारी, नगरपरषिदा / नगरपंचायती (सर्व).
- ४) मुख्य कार्यकारी अधिकारी, एमआयडीसी.
- ५) व्यवस्थापकीय संचालक, सिडको.
- ६) कक्ष अधिकारी (नवि-२९) नगर विकास विभाग, मंत्रालय, मुंबई.
त्यांना विनंती की सदरची सूचना या विभागाच्या वेबसाईटवर प्रसिध्द करणेत यावी.

**Government of Maharashtra
Urban Development Department
Mantralaya, Mumbai - 400 032.
Dated 21st July, 2017.**

NOTIFICATION

**Maharashtra
Regional and
Town
Planning Act,
1966**

No.TPS-1814/CR-82/14/Rules/UD-13.- The draft of rules may be called as **Maharashtra Town Planning (Compounded Structures) Rules, 2017** which the Government of Maharashtra proposes to make in exercise of powers conferred by sub section (1) of Section 52A and clause (xxxviii) of sub section (2) of Section 158 of the Maharashtra Regional and Town Planning Act, 1966 (Mah.XXXVII of 1966), and of all other powers enabling it in this behalf is hereby **published** as required by sub section (1) of Section 158 for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules will be taken into consideration by the Government of Maharashtra on or after expiry of one month period from the date of publication of these rules.

2. Any objections or suggestions which may be received by the Principal Secretary, Urban Development Department, Mantralaya, Mumbai - 400 032, from any person with respect to the said draft rules before the said date as mentioned in clause (1), will be considered by the Government.

By order and in the name of Governor of Maharashtra,

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Balkrishna Saoji
Date: 2017.07.21 16:59:49 +05'30'
(Sanjay Saoji)
Deputy Secretary to Government

DRAFT RULES

1. These rules may be called the Maharashtra Town Planning (Compounded Structures) Rules, 2017.

2. These rules shall apply to the unauthorised developments carried out on or before 31/12/2015 within the jurisdiction of Local / Planning Authority area.

3. In these rules, unless the context requires otherwise,-

(a) “Act” means the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966);

(b) “Buffer zone” means an area to be left free from development as per the concerned regulations;

(c) “Compounded structure” means a structure defined as compounded structure under clause (5A) of section 2 of the Act;

(d) “Compounding charges”, “infrastructure charges” and “premium” means compounding charges, infrastructure charges and premium as specified by the Government under these rules;

(e) “Prohibited areas” means the areas where development is prohibited on account of safety and legal or natural impediments or constraints;

(f) “Regulations” means Development Control and Promotion Regulations made under the Act;

(g) “Structurally unsafe buildings” means the building which is declared as dangerous structure under the relevant provisions of the concerned Municipal laws time being in force;

(h) “Unauthorised development” means an unauthorised development as envisaged in subsection (1) of Section 52 of the Act;

The words an expression used in these Rules but not defined hereinabove shall have the same meaning as respectively assigned to them under the Act, rules or regulations made thereunder.

4. The following types of unauthorised developments shall not be considered for declaration as compounded structure under section 52(A) of the Act, namely:-

(a) Unauthorised developments in the areas where development is prohibited by or under the law, such as rivers, canals, tanks, blue flood line, defence zone, quarry, heritage buildings, dumping grounds, ecologically sensitive areas like hill slope having slope greater than 1:5, CRZ-I areas, mangroves, forest etc.;

(b) Unauthorised development in Buffer Zones.

(c) Structurally unsafe building;

(d) Unauthorised development on lands in zones other than the Residential Zone, Public-Semipublic Zone, Commercial Zone & Industrial Zone.

(e) Unauthorised development carried out by violating the land use permissible in zones of Development Plan except in the Residential Zone.

5. The following types of unauthorised developments may be considered for declaration as compounded structure subject to the fulfilment of conditions mentioned below and parameters specified in the table annexed to these rules.

(a) Unauthorised development on inam lands and class-II Occupant lands on production of clearance or No Objection Certificate from the competent authority.

(b) Unauthorised developments on lands reserved for public purposes except playground, garden and open spaces in any plan, if the said reservation is shifted or deleted after following due process of law, subject to the condition that the cost of shifting or deletion is born by the owner and / or occupier.

(c) Unauthorised developments on lands reserved for linear reservations such as roads, railways, metros in any plan if the said linear reservations are shifted after following due process of law.

(d) Unauthorised developments on buildable reservations in any plan, if requirements of regulation for Accommodation Reservation are complied with.

(e) Unauthorised developments violating the land use zone, if the land use zone is changed after following due process of law subject to the condition that the cost of zone change is born by the owner and / or occupier.

(f) Unauthorised developments on Government lands or lands owned by other public authorities on production of,-

(i) No objection certificate from the land owning authority authorised to do so under the law applicable thereto; and

(ii) After transfer or allotment or lease of such land to the concerned person by following due process of law under the law applicable thereto.

(g) Unauthorised developments on unauthorised plots subject to conditions mentioned in entry 14 in the table annexed hereto;

6. Development which is permissible in Residential or Commercial or Public-semipublic or Industrial Zone as per prevailing development control Regulations but constructed without obtaining prior permissions of the authority shall be considered for declaration as compounded structure by charging compounding charges.

7. Unauthorised developments which is carried out in Residential or Commercial or Public-semipublic or Industrial Zone in violation of Regulations for the following grounds may be considered for declaration as compounded structure after taking into consideration the parameters specified in the table annexed to these rules.

(i) Floor Space Index (F.S.I.)

(ii) Height of building

(iii) Marginal open spaces.

(iv) Coverage.

(v) Road width or

(vi) Other development control matters provided in the table annexed to these rules.

8. Every Planning Authority shall, within six months from the commencement of these rules, publish notice, in local newspapers widely circulated in its area, inviting applications, in the form provided by it in the public notice, from the owners or occupiers of unauthorised development, for consideration to declare such structure as compounded structure and stating therein the time and date on or before which the application must reach to it and applications received thereafter shall not be considered;

9. Every Planning Authority shall consider the applications received by it after taking into consideration the parameters specified in these rules and in the table annexed to these rules;

10. Where the Planning Authority is satisfied in case or class of cases the unauthorised developments or use of such developments can be permitted for retention or continuation of use by charging and recovering premium, infrastructure charges and compounding charges, as specified in these rules and upon such payments, the Planning Authority may declare such unauthorised development as compounded structure;

11. Where the planning authority has declared any unauthorised development as compounded structure, no further development shall be permissible in such structure other than repairs and maintenance, and any redevelopment or reconstruction of such structure shall be permissible only as per the provisions of the prevailing Development Control and Promotion Regulations;

12. In respect of unauthorised development to be declared as compounded structure, in addition to the Development Charges,-

(a) i) Infrastructure charges equal to the development charges shall be levied and recovered.

ii) Compounding charges not less than double the development charges shall be levied and recovered.

(b) Premium shall be assessed, levied and recovered as applicable in the jurisdiction of planning authorities for the categories such as Addition Floor Space Index premium, Transferrable Development Rights (TDR) loading premium, infrastructure improvement charges, Deficiency premium etc. as the case may be.

13. All money received by the planning authority as a premium, infrastructure charges and compounding charges under these rules shall be credited to a separate head of account and the same shall be utilized only for the purpose for providing public amenities, utilities and services in the respective areas.

By order and in the name of Governor of Maharashtra,

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Balkrishna Saoji

Date: 2017.07.21 17:00:55 +05'30'

(Sanjay Saoji)

Deputy Secretary to Government

Table

Parameters to be taken into consideration by the Planning Authority while declaring unauthorised developments as compounded structures

1	Permissible height of building with respect to Road Width.	Road width	Maximum permissible height
		6.00 mt.	Upto 15.00 mt.
		9.00 mt.	Upto 24.00 mt.
		12.00 mt.	Upto 36 mt.
2	Permissible building use.	i) Mixed uses under R-1 and R-2 zones may be considered as permissible in Development Control Regulations without the limitations of the floors. ii) Uses in independent building may be considered as permissible in Development Control Regulations, provided the road width is minimum 9 mt. iii) Mixed use other than residential use may be considered by charging compounding charges as specified in these rules.	
3	Permissible Floor Space Index (FSI)	Floor Space Index (FSI) shall be permissible as per the prevailing Development Control Regulations of the respective Planning Authority; Provided that if some extra construction has been carried out beyond the then permissible Floor Space Index limit or areas free of Floor Space Index have been brought into habitable use, then such areas / construction can be considered for declaration as compounded structure by procuring premium Floor Space Index or Fungible Floor Space Index or Transferrable Development Right admissible as per the current norms in the prevailing Development Control Regulation by paying additional compounding charges at the rate of 10% of land rate as	

		<p>mentioned in the Annual Statement Rates in addition to the premium for such additional Floor Space Index;</p> <p><u>Explanation:-</u></p> <p>For the purpose of this clause higher permissible Floor Space Index as applicable for Economically Weaker Section / Low Income Group housing and slum rehabilitation projects shall be taken into consideration subject to the restrictions of dwelling unit sizes mentioned in the respective Development Control Regulations.</p>												
4	Inadequate set backs	<p>Inadequate marginal distances with respect to Development Control Regulations may be considered as per the following table:-</p> <table border="1"> <thead> <tr> <th>Sr. No</th> <th>Building height</th> <th>Minimum required setback</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Height up to 10 mtr.</td> <td>0.75 mtr.</td> </tr> <tr> <td>2</td> <td>10 to 24 mtr.</td> <td>50 % of required setback</td> </tr> <tr> <td>3</td> <td>Above 24 mtr.</td> <td>50 % of required setback or as decided by Chief Fire Officer.</td> </tr> </tbody> </table> <p>It can be considered for compounding subject to recovery of an amount equal to 50 % of the cost of the unauthorised development occupied by inadequate marginal distance calculated as per the construction rate mentioned in applicable Annual Statement of Rates, with additional compounding charges equal to 10 % of the land rate in current Annual Statement of Rates subject to No Objection Certificate of fire, wherever necessary.</p>	Sr. No	Building height	Minimum required setback	1	Height up to 10 mtr.	0.75 mtr.	2	10 to 24 mtr.	50 % of required setback	3	Above 24 mtr.	50 % of required setback or as decided by Chief Fire Officer.
Sr. No	Building height	Minimum required setback												
1	Height up to 10 mtr.	0.75 mtr.												
2	10 to 24 mtr.	50 % of required setback												
3	Above 24 mtr.	50 % of required setback or as decided by Chief Fire Officer.												
5	Width of approach road	Width of approach road must be as per the approved Development Control Regulations of the concerned planning authority. If width of approach road is not												

		<p>as per the Development Control Regulations, the possibility of widening the same may be explored by adopting the process under prevailing Acts / Rules / Regulations. However, in any case, following minimum width of road should be observed.</p> <p>In Gaothan Area -</p> <p>i) For purely Residential use - at least 4.50 m.</p> <p>ii) For Mixed use - at least 6.00 m.</p> <p>In Outside Gaothan Area -</p> <p>i) For purely Residential use - at least 6.00 m.</p> <p>ii) For Mixed use - at least 9.00 m.</p> <p>However such uses may be considered by charging the additional compounding charges equal to 10 percent of the land rate in current Annual Statement of Rates.</p>
6	Plinth area (Ground Coverage)	<p>Plinth area or Ground Coverage may be relaxed by the concerned planning authority or officer authorised by charging the additional compounding charges equal to 10% of the land rate in current Annual Statement Rates. These charges shall not be necessary in cases in which charges for inadequate setback are recovered.</p>
7	Parking area	<p>If parking area is not possible to be provided for the individual building, possibility be explored to provide mechanical parking or a space for common parking adjoining such area. If not possible then concession be given by charging additional premium equal to 20% of land rate in current Annual Statement of Rates.</p>

8	Stair case width / passage width / balcony / terrace / misuse of any free Floor Space Index component.	Relaxation may be granted up to 30 % of the base Floor Space Index as per the Development Control Regulations by recovering additional compounding charges equal to 10 % of the land rate in current Annual Statement of Rates.
9	No Objection Certificates of Drainage Department	No Objection Certificate from authorised officer of Planning Authority is required wherever necessary.
10	No Objection Certificates of Water Supply Department	No Objection Certificate from authorised officer of Planning Authority is required wherever necessary.
11	No Objection Certificates of Garden	No Objection Certificate from authorised officer of Planning Authority is required wherever necessary.
12	No Objection Certificates of Fire department	Wherever required as per the Development Control Regulations, fire No Objection Certificate from authorised officer is necessary.
13	Structural stability of Unauthorized building	Wherever required as per the Development Control Regulations, Structural stability certificate / No Objection Certificate from authorised structural engineer is necessary.
14	Unauthorised sub-division of layouts / plot in Residential Zone	Unauthorised layout / plot / subdivision in Residential zone - i) Unauthorised layouts which are as per the Development Control Regulations can be regularised by charging one time compounding charges as specified by the Government. But when such layouts are not as per the Development Control Regulations, then in such cases compounding charges plus land value of compulsory re-creational open space shall be recovered. ii) for unauthorised sub-division of plot, when such plot owner comes for regularisation then such plot may be regularised by charging compounding and infrastructure charges.

		iii) In cases (i) and (ii) above where open spaces are not available in layouts, in such cases Floor Space Index shall be the 75 per cent of the basic Floor Space Index.
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By order and in the name of Governor of Maharashtra,

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Balkrishna Saoji
Date: 2017.07.21 17:02:13 +05'30'

(Sanjay Saoji)
Deputy Secretary to Government

अनधिकृत बांधकाम नियमितीकरण- २०१७ करिता अर्ज

प्रति,

मा. सहाय्यक संचालक नगर रचना,
महानगरपालिका, औरंगाबाद

यास,

विषय :- अनधिकृत बांधकामे प्रशमन आकार लावून प्रशमित संरचना-२०१७ म्हणून
घोषित करून नियमित करण्याबाबत.

संदर्भ :- शासन निर्णय क्रमांक टीपीएस १८१४/प्र.क्र.८२/१४ नियम/नवि-१३, दि. ०७/१०/२०१७

महोदय,

बांधकामाचे नियमितीकरण करण्यासाठी खाली दिल्याप्रमाणे माहिती सादर करित आहे.

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|-----|--------------------------------------------------------------------|---|--------------|
| ०१. | अर्जदाराच्या भुखंडधारकाचे नांव व पत्ता | - | |
| ०२. | भुखंडाचा सर्व्हे नंबर/सि.स.नं. | - | |
| ०३. | मोहल्ला/मौजे | - | |
| ०४. | भुखंडाचे क्षेत्रफळ
(७/१२, इंडेक्स II खरेदीखतानुसार) | - | ----- चौ.मी. |
| ०५. | बांधकाम पुर्ण झाले आहे का ? | - | होय/नाही |
| ०६. | असल्यास बांधकामाचे क्षेत्रफळ | - | ----- चौ.मी. |
| ०७. | भुखंड किंवा बांधकामा विषयी न्यायालयास
प्रकरण प्रलंबित आहे काय ? | - | |
| ०८. | अ. असल्यास, त्याचा तपशिल व आताची
स्थिती नमुद करावी. | - | |
| | ब. मे. कोर्टाची स्थगिती आहे का ? | - | |

नियमितीकरणासाठी सोबत जोडावयाची कागदपत्रे

०१. विहित नमुन्यात अर्ज (आर्किटेक्ट/ इंजिनियर द्वारा)
०२. मालकी हक्काचे कागदपत्रे - ७/१२ उतारा/प्रॉपर्टी कार्ड, (सहा महिन्याच्या आतील)
०३. बांधकाम ३१ डिसेंबर, २०१५ पुर्वीचे असल्याबाबतच्या निर्विवाद पुराव्याकामी-महानगरपालिका कर संकलन विभागाचा मिळकत कर आकारणी दाखला (मिळकत कर शास्तीकरासह भरल्याचा ना करत दाखला) आणि डिसेंबर-२०१५ ची Google image (कलर प्रिंट)
०४. मान्यताप्राप्त स्ट्रक्चरल इंजिनियरद्वारा स्ट्रक्चरल स्टॅबिलिटी सर्टीफिकेट/ दाखला
०५. अनाधिकृत बांधकामाचे नकाशे (चार प्रती)
०६. अर्जदाराचे बांधकाम डिसेंबर २०१५ पुर्वीचे असल्याबाबतचे स्वयंम घोषणा पत्र
०७. महानगरपालिका मालमत्ता, पाणीपट्टी कर भरणा करणे बाबतचे संबंधीत वॉर्ड अधिकारी यांचे बेबाकी प्रमाणपत्र
०८. अग्निशामन विभागाकडील ना-हरकत दाखला (१६ मी. पेक्षा जास्त उंचीची इमारत असल्यास व मौजे सातारा-देवळाई करीता १५.०० मीटर पेक्षा जास्त उंचीची ~~करीता~~ करीता)
०९. बांधकाम विकास योजनेच्या रस्त्यालगत अथवा आरक्षणालगत असल्यास सिटी सर्व्हेकडील प्रत्यक्ष मोजणी नकाशा/ भुमी अभिलेख नकाशा
१०. करण्यात आलेले अनाधिकृत बांधकाम मंजूर रेखांकनातील भूखंडा बाहेरील असल्यास सक्षम कार्यालयाचा मोजणी नकाशा सादर करणे आवश्यक.
११. वर्ग-२ (इनामी/वतन) चे जमिनीवरील बांधकाम नियमित करण्यासाठी मा. जिल्हाधिकारी यांचेकडील ना हरकत दाखला अनिवार्य

वरील प्रमाणे अर्जामध्ये दिलेली माहिती व सोबत जोडलेले कागदपत्रे हे सत्य आहे. ती खोटी अढळल्यास मी सर्व प्रकारच्या कायदेशीर कायवाहीस पात्र राहिल. याची मला जाणीव आहे.

ठिकाण :- औरंगाबाद

दिनांक :-

आर्कि. सही

भूखंडधारकाची सही

आर्कि. चे नाव :-

नाव :-

क्रमांक