

Government Notice under section 37 (1 A A) of Maharashtra Regional & Town Planning Act, 1966 **Regarding Approvals of Building / structure , based on Risk Based categorization, for Fast Tracking Approval (Pre-construction, during construction, post construction).**

**Government of Maharashtra
Urban Development Department
Mantralaya, Mumbai - 32.**

Date :22/08/2017

Notice

No.TPB-4317/109/CR-11/2017/Notice/UD-11:- Whereas, Development Control Regulations (hereinafter referred to as the said DCR) of all Local Authorities i.e Municipal Councils/Corporations , Nagar Panchayat and ZP appointed for Non-Municipal Town Development Plan (hereinafter referred to as the **Said Authorities**) have already been sanctioned and accordingly building permissions are mandated to be issued under **Section 45** of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the said Act) by the respective Authorities as per the provisions of respective said DCR;

And whereas, the owner or owner through his License Surveyor / Engineer / Architect, as the case may be, shall be required to submit an application to the respective Authorities at various stages of Constructions like Commencement of work, Plinth Checking, Completion Certificate and Occupancy Certificate as per the provisions of respective DCR and the said Authorities have to grant permission or refusal to such proposals according to the provisions of the said DCR.

And whereas, under DIPP, Ease of Doing Business Assessment, 2017, the Government of India has mandated as a **part of obtaining construction permission and completion cum Occupancy Certificate, a Computerized system for identifying building/areas that need to be inspected based on Risk Assessment has to be designed and implemented** (hereinafter referred to as the said EoDB Reforms).

And whereas in-order to implement the said EoDB reforms, it is necessary to incorporate the provision regarding **Risk Based categorization of Buildings and process of approval of Building Plans in the said DCR of the said Authorities** (hereinafter referred to as the said **Proposed Modification as per Annexure-I**);

And whereas in view of the fact mention above, the Government found it expedient in the Public Interest to take recourse of the Section 37 (1 A A) (a) of the said Act to incorporate the said **Proposed Modification (as per Annexure-I)** in the said DCR of the said Authorities (excluding MCGM) and proposes to publish a notice in this regard;

Now therefore, in exercise of the powers conferred by Clause (a) of sub-section (1AA) of Section 37 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) and all other powers enabling in that behalf, the Govt. of Maharashtra hereby, declares its intention to **incorporate the said Proposed modification regarding Risk Based categorization of Buildings and process of approval of Building Plans in the said DCR of the said Authorities (excluding MCGM) and more specifically mentioned at Annexure-I attached herewith; (hereinafter referred to as the said proposed modification)** and for that purpose publishes a notice for inviting suggestions/objections from any person with respect to the said proposed regulations within a period of one month from the date of publication of this notice in the Maharashtra Government Gazette.

Any objections and suggestions to the said proposed modifications be forwarded before the expiry of one month from the date of publication of this notice in Maharashtra Government Gazette to the concerned Divisional Joint Director of Town Planning who is hereby authorised as an **officer** under section 162 of the said act on behalf of Government. The objections or suggestions, which may be received by the concerned Officer appointed, shall be considered and opportunity of being heard shall be given. Concerned Officer appointed under section 162 of the said act, is hereby authorized to give hearing and to submit his report to the Government. The Government will take final decision in accordance with the provision of the sub section (1AA) (c) of Section 37 of the said act.

This notice shall be kept open for inspection to the general public in the following offices for the above period on all working days.

- (i) Office of the Director of Town Planning, Central Building, Pune;
- (ii) Office of the Joint Director of Town Planning, Pune, Nashik, Nagpur, Konkan Aurangabad, Amravati Division;

This Notice shall also be published on the Government website www.maharashtra.gov.in (कायदे / नियम).

By order and in the name of Governor of Maharashtra,

(Sanjay Saoji)
Deputy Secretary to Government

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
राज्यातील स्थानिक प्राधिकरणांच्या (बृहन्मुंबई
महानगरपालिका वगळता) विकास नियंत्रण
नियमावलीमध्ये जोखीम आधारित (Risk based) इमारत
परवानगी मंजूरीच्या प्रक्रियेबाबत तरतूदी अंतर्भूत
करणेसाठी कलम ३७(१अेअे) अन्वये प्रस्तावित
फेरबदल....

महाराष्ट्र शासन
नगर विकास विभाग
मंत्रालय, मुंबई ४०००३२
दिनांक : २२/०८/२०१७.

सूचना

क्रमांक :- टिपीबी ४३१७/१०९ /प्र.क्र. १४/२०१७/सूचना/ नवि-११:- ज्याअर्थी, राज्य शासनाने राज्यातील महानगरपालिका, नगरपरिषदा, नगरपंचायती व बिगर नगर परिषदेसाठी असलेल्या विकास योजना असेल तेथे जिल्हा परिषद (यापुढे "उक्त प्राधिकरण" असा उल्लेख केलेला आहे) यांचेकरिता महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ च्या (यापुढे "उक्त अधिनियम" असा उल्लेख केलेला आहे) तरतूदीनुसार विकास नियंत्रण विनियम मंजूर केलेले आहेत (यापुढे "उक्त विनियम" असा उल्लेख केलेला आहे);

आणि ज्याअर्थी, जागतिक स्तरावर भारताचा दर्जा उंचाविणेसाठी जागतिक बँक तसेच केंद्र शासनाच्या औद्योगिक धोरण आणि संवर्धन विभागाकडून (Department of Industrial Policy & Promotion) बांधकाम परवाने देण्यासंदर्भात इमारत परवानगी मंजूरी प्रक्रिया सुलभतेने (Ease of Doing business) व जलदगतीने होण्यासाठी जोखीम आधारित (Risk based) इमारत परवानगी मंजूरी प्रक्रिया अनुसरावी असे धोरण ठरविण्यात आले आहे;

आणि ज्याअर्थी, शासन नगर विकास विभागाचे असे मत झालेले आहे की, इमारत मंजूरीच्या टप्प्यामधील अनेक प्रक्रिया तसेच त्यास लागणारा कालावधी कमी करावा आणि त्याकरिता विविध प्रकारच्या घटकांच्या आधारे निश्चित होणा-या जोखीम असलेल्या विवक्षित प्रकरणात परवानाधारक वास्तूविशारद/सर्वेक्षक/अभियंता यांना सशर्त मंजूरीचे अधिकार द्यावेत;

आणि ज्याअर्थी, सार्वजनिक हित विचारात घेता शासन नगर विकास विभागाचे असे मत झालेले आहे की. जोखीम आधारित (Risk based) इमारत परवानगी मंजूरी प्रक्रियेच्या तरतूदी अनुसूची-I मध्ये दर्शविल्याप्रमाणे राज्यातील उक्त प्राधिकरणांनाही (बृहन्मुंबई महानगरपालिका वगळून) (यापुढे यांचा उल्लेख "उक्त नियोजन प्राधिकरणे" असा केलेला आहे) लागू कराव्यात. (यापुढे याचा उल्लेख "प्रस्तावित फेरबदल" असा करणेत आलेला आहे);

आता त्याअर्थी, उपरोक्त परिस्थिती आणि वस्तुस्थिती विचारात घेता आणि उक्त अधिनियमाच्या कलम ३७ च्या पोट कलम (१कक) अन्वये प्राप्त अधिकार आणि त्या संदर्भातील सर्व शक्तींचा वापर करून, शासन याद्वारे उक्त प्राधिकरणांच्या विकास नियंत्रण विनियमामधील प्रस्तावित फेरबदलाविषयी, उक्त अधिनियमाच्या कलम ३७, पोट कलम (१कक) चे खंड(क) नुसार, कोणत्याही

व्यक्तीकडून प्रस्तावित फेरबदलाबाबत सदरची सूचना शासन राजपत्रामध्ये प्रसिध्द झालेल्या दिनांकापासून एक महिन्याचे मुदतीमध्ये, सूचना/हरकती मागविण्यासाठी सूचना प्रसिध्द करीत आहे.

शासनाकडून असेही कळविणेत येत आहे की, प्रस्तावित फेरबदलाविषयी कोणत्याही हरकत/सूचना शासन राजपत्रात सदर सूचना प्रसिध्द झाल्याच्या दिनांकापासून एक महिन्याच्या आत संबंधित विभागीय सह संचालक, नगर रचना यांना पाठविण्यात याव्यात. संबंधित विभागीय सह संचालक, नगर रचना यांना उक्त अधिनियमाचे कलम १६२ अन्वये अधिकारी म्हणून शासनातर्फे नियुक्त करण्यात येत असून त्यांच्याकडे सदरच्या कालावधीत प्राप्त होणा-या हरकती/सूचना यावर उक्त अधिनियमाच्या कलम ३७च्या पोट कलम (१कक) अन्वये कार्यवाही करण्यात येईल.

सदर फेरबदलाची सूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in (कायदे /नियम) या वेबसाईटवर प्रसिध्द करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(संजय सावजी)

उप सचिव, महाराष्ट्र शासन

ANNEXURE- I

Approvals of Building Permission on Fast Track based on Risk Based categorization

Notwithstanding Anything Contains in DCR/DCPR of the respective said Authority ,the Regulations Regarding Approval Of Building Permission by the **Architect /L.S./Engineer** at the Stage of Commencement , Plinth Checking and Completion cum Occupancy shall be as per **Risk Based Classification** of Building given in Table below:-

Sr. No.	Parameters to be consider for Risk Base.	Risk Category	
		Low Risk Category	Moderate Risk Category
1	Plot Area considered for Risk Based Assessment.	Buildings on a Plot Area upto 150 sq.mt.	Buildings on a Plot Area between 151 Sq mtr and upto 200 sq.mt.
2	Permissibility In Development Plan Zone	Residential Zone, Commercial zone and Public-Semi-public Zone	Residential Zone, Commercial zone and Public-Semi-public Zone
3	Plot status	The plot should be vacant . The Plot Status ,Plot criteria and permissibility in above land use zone shall be as per respective DCR/DCPR.	The plot should be vacant . The Plot Status ,Plot criteria and permissibility in above land use zone shall be as per respective DCR/DCPR.
4	Type of building	Residential and other buildings as per DCR/DCPR	Residential and other buildings as per DCR/DCPR
5	Proposed Structure of Building/Storey	G.F. / P+1 RCC./Load Bearing	G.F.+1 / P+2 RCC./Load Bearing
6	Front and side open spaces, Provision of Basement, Parking requirement and other requirements.	As per the provisions of Development Control Regulations.	As per the provisions of Development Control Regulations.
7	Tree cutting/ Tree replantation.	Not permitted.	Not permitted
8	Experience Criteria for Architect /L.S./Engineer for self-certification and all approval mentioned in this regulation.	As per Appendix-C of the respective DCR / DCPR regarding licensing and qualifications of the technical person.	As per Appendix-C of the respective DCR / DCPR regarding licensing and qualifications of the technical person.
9	NOCs and Documents	Wherever required as per the respective DCR / DCPR	Wherever required as per the respective DCR / DCPR
10	Site inspection and Computer based allocation of inspector for site inspection.	No site inspection is necessary by the Planning Authority at any stage. Approval Procedure is to be followed as mentioned in Point No.11 excluding point no 11 (c).	Site inspection at Plinth level is necessary by the Planning Authority. Approval Procedure is to be followed as mentioned in Point No.11 including point no 11 (c).

11 Procedure for Building Permission

Architect/ Licence Surveyor (L.S.)/Engineer (Architect registered with Council of Architecture & License Surveyor & Engineer registered with Planning Authority) are empowered to grant provisional approval **with self-certification** to the building proposal plans categorised as **Low Risk & Moderate Risk** in Table given above, subject to the following:-

Building Permission/Commencement Certificate:-

a) **Submission of Proposal:-**The proposal shall comprise of application u/s 44/69 of MR&TP Act, 1966, in format prescribed by Municipal Commissioner/Chief Officer/Chief Executive Officer, along with documents and undertakings required for the proposal as per regulation & required by the Municipal Commissioner/Chief Officer/Chief Executive Officer from time to time. All the required documents shall be **certified and signed** by the Architect /L.S./Engineer confirming with the original documents. The documents required shall be as per the DCPR of the said Authority.

b) **Commencement Certificate (CC) :-** After receipt of the application, the Demand Note regarding payment of Scrutiny Fee, Development Charges and other Charges based on the proposed Plans / Drawing submitted shall be given by the concern Engineer of the authority within 10 days. The owner / Architect /L.S./Engineer shall deposit the Charges as demanded. Upon deposit of such Charges with the Planning Authority, the concerned Architect/ Licence Surveyor (L.S.)/Engineer are empowered to grant provisional approval in the form of **self-certification** certifying that the plan / entire building proposal is strictly in conformity with the DCR / DCPR. This **self-certification** shall be treated as **Commencement for the construction work**.

The owner/concern Architect/ Licence Surveyor (L.S.)/Engineer shall submit the said **self-certified plan** to the Authority **within 10 days**. Upon such submission, The Junior most Officer / Junior Engineer at ward level, authorized by Municipal Commissioner / Municipal Chief Officer shall **countersign the plans without any scrutiny** and issue Commencement Certificate Under Section-45 of Maharashtra Regional and Town Planning Act, 1966 **within 10 days** from the receipt of such plan. The Scrutiny at Authority level need not be necessary. Concern Architect /L.S./Engineer is **empowered/Authorised** to issue the copies of such *approved plans & Certificates* with his signature.

c) **Plinth Checking For Moderate Risk building proposal:-**The concern Architect /L.S./Engineer shall apply for certificate of plinth checking in prescribed application for Moderate Risk building proposal only. The inspection shall be done by the concern Junior Engineers. The inspection report shall be prepared and uploaded within 48 hours. The Plinth checking certificate shall be grant within the period of 7 days from the receipt of the application, if found as per the sanctioned plan.

d) **Building completion certificate :-** On completion of work, the concern Architect/L.S./Engineer shall issue the Building completion certificate and Occupation certificate, as required as per the provision of DCR / DCPR to the completed building/structure and submit two set of completion plan along with the required certificate and all site inspection report to the authority. The concerned Junior Engineer / Ward Officer authorised by Municipal Commissioner / Chief Officer shall countersign the said Completion Plan along with Occupancy Certificate within 10 days **without any scrutiny and site inspection**.

12 Responsibility of the Architect/L.S./Engineer

a) The work shall be supervised by the concerned Architect/L.S./Engineer who will ensure that the same is carried out strictly as per the approval. Confirmation of ownership of land / plot area and land boundaries in the name of applicant shall be jointly responsibility of concerned Architect/L.S./Engineer and the owner.

b) It will be the responsibility of the concern Architect /L.S./Engineer, Site Supervisor & Structural Engineer appointed for the proposed development, jointly or severally to ensure that all plans shall be in consonance with provisions of Development Control Regulations. All the requirements of the DCR / DCPR shall have to be complied with due care and the work is carried out as per the approval only. Any deviation required during the construction shall be approved by Architect/L.S./Engineer before execution. The concerned Architect /L.S./Engineer shall be empowered for any amendments in the plan in process of construction within the purview of DCR.

c) Frequency of Inspection By the Architect/L.S./Engineer:- The Architect/L.S./Engineer shall inspect and submit the site inspection report along with photographs/video clips, at stages while submitting the building proposal, after completion of plinth work, and finally at the time of Building completion certificate to the authority. Such inspection reports shall be submitted and uploaded within 48 hours from the date of inspection.

d) After submitting the application or during the construction of building if the Architect/L.S./Engineer are changed, he shall intimate the competent authority immediately that he is no longer responsible for the project from the date of intimation. The construction work shall have to be suspended until the new Architect/L.S./Engineer as the case may be appointed by the owner. Owner's intimation regarding change of licensee shall be considered to be final. After intimation of the new appointed licensee shall then undertakes and start the project.

13 Authorisation to Authority :-

- a) In case of any deviations/irregularities noticed in the process or after completion, the Planning Authority may immediately issue notice to the owner and or to the concerned licensee to suspend the further work and rectify the deviations/irregularities. Only after satisfaction of rectification made by the owner or concerned licensee, the Planning Authority issue intimation to start the work. In major violations, the Planning Authority shall authorise to take appropriate action against Architect/L.S./Engineer as the case may be, as per the DCR or as per respective Acts and Laws.
- b) Municipal Commissioner/Chief Officer, as the case may be, of the respective Authority are authorised to prepare common application forms, proformas, affidavit etc. wherever required for the smooth implementation of this regulation.
- c) The above procedure shall be integrated with the Online Building Permission Management System (BPMS) by the concerned Authority.

14 Exceptions from this Procedure:-The above Procedure for Building Permission shall not bar the owner/ Architect/L.S./Engineer to obtain development permission as per Regular provisions of the DCR/DCPR. Also this Directives shall not be applicable to the proposals who desired to obtain Development Permission as per **Type Design Pattern** which was issued by Government vide TPS-1813/3200/CR 520/13/UD 13, Dated 03/01/2015.

By order and in the name of Governor of Maharashtra,

(Sanjay Saoji)
Deputy Secretary to Government