

Sanction to modification in
Regulation 67 of
Development Control
Regulations for Gr. Mumbai,
1991 under section 37(2) of

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated 4th September, 2009.

NOTIFICATION

No. TPB-4309/1829/CR-209/2009/UD-11:

Whereas, the Development Control Regulations of Greater Mumbai (hereinafter referred to as "the said Regulations") have been sanctioned by the Government vide Urban Development Department Notification No. DCR 1090/RDP/UD-11 dated 20th February, 1991, under section 31(1) of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") to come into force with effect from 25/3/1991;

And whereas, regulation No. 67 forming part of the said regulations regarding conservation of listed buildings areas, precincts of historical and/or aesthetical, architectural & cultural value (hereinafter referred to as "the said heritage regulation") have been sanctioned by the Government vide Urban Development Department's Regulation No. DCR 1090/3197/RDP/UD-11 dated 21/4/1995 under section 31 of the said Act to come into force with effect from 1/6/1995;

And whereas, sub-regulation No. 2(iii) of the said Heritage regulation specifies that the provision of Regulation 67 would be applicable to only in Grade-I & II category of heritage building for reconstruction and redevelopment of old building undertaken under Regulation 33(7), 33(8) and 33(9) of these regulations;

And whereas, the Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") in its meeting held on 10/1/08, vide item No. 70, had considered that the buildings falling under Regulations 33(6) & 33(10) be also included alongwith the buildings falling under Regulations 33(7), 33(8) and 33(9) meant for redevelopment and reconstruction underlying the regulation 67 of DCR. It was expressed that the State Govt. be

requested to take steps immediately to modify the Development Control Regulation No.67;

And whereas, the opinion was forwarded to the Urban Development Department vide letter No. CHE/2126/DP/Gen dated 12/3/08;

And whereas, Govt. vide its letter dated 26/7/08 conveyed that the said Corporation may carry out the process under section 37 of the said Act to invite suggestions/objections and the Govt. would process the matter further on receipt of proposal from the said Corporation after completing the due procedure for the said modification proposal;

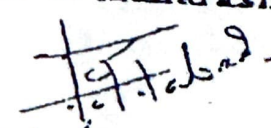
And whereas, the said Corporation suo-motto initiated the process under section 37(1) of the said Act and after completing the legal procedure laid under section 37 of the said Act submitted the modification proposal to Government for final sanction vide its letter No. CHE/283/DPC/Gen. dated 22/5/09;

And whereas, after consulting the Director of Town Planning, Maharashtra State, Pune, Govt. find it necessary to sanction the said modification;

Now, therefore, in exercise of the powers vested under section 37(2) of the said Act, Government hereby -

- A) Sanctions the modification as per schedule attached herewith
- B) Fixes the date of publication of this notification in the official gazette (Ordinary) as the date of coming into force of this proposal.
- C) Directs the said Corporation that in the schedule of Modification sanctioning the said plan appended to the said Notification, after the last entry, the above referred (A) shall be added.

By order and in the name of the Governor of Maharashtra,


(Rajendra Habde)

Under Secretary to Government.

SCHEDULE

Existing Provision

Sanctioned Provision

67(2)

67(2)

(iii)(a) - "Provision of Regulation 67 would be applicable only in Grade-I and Grade-II category of Heritage Building for reconstruction and redevelopment of old building undertaken under regulation 33(7), 33(8) and 33(9) of these Regulations.

(iii)(a) - "Provisions of Regulation 67 would be applicable only in Grade-II category of heritage Buildings for reconstruction and redevelopment of old buildings undertaken under regulations 33(6), 33(7), 33(8), 33(9) and 33(10) of these Regulations.

(b) In case of redevelopment of cessed buildings from Grade-III and Precincts, special permission from the Municipal Commissioner, Municipal Corporation of Gr. Mumbai, may be obtained if the height of the building exceeds 24 mts. (excluding height of stilt on ground floor)".

(b) In case of redevelopment under D.C.R. 33(6), 33(7), 33(8), 33(9) and 33(10) of heritage building/ sites from Grade-III and Precincts, special permission from the Municipal Commissioner, Municipal Corporation of Gr. Mumbai, may be obtained if the height of the building exceeds 24 mts. (excluding height of stilt on ground floor)".

- B) Fixes the date of publication of this notification in the government gazette as the date of coming into force of this modification.
- C) Directs the said corporation that in the schedule of modification sanctioning the said modifications after the last entry, the schedule referred to as (A) shall be added.

By order and in the name of the Governor of Maharashtra,

(Rajendra Habde)

Under Secretary to Government.