

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, AT NEW DELHI MEMORANDUM OF
APPLICATION
(UNDER SECTIONS 25, 26 & 28 OF THE NATIONAL
GREEN TRIBUNAL ACT, 2010)**

MISCELLANEOUS APPLICATION NO. 12 OF 2025

IN

ORIGINAL APPLICATION NO. 327 OF 2024

IN THE MATTER OF:

HUBTOWN LIMITED

... APPLICANT

VS

THE UNION OF INDIA & ORS.

... RESPONDENTS

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THROUGH

**SAMIR MALIK, MAHIP SINGH,
& VARUN KALRA**

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Place:- New Delhi

Dated:-14.06.2025



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**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE
APPLICANT TO THE AFFIDAVIT IN REPLY OF
RESPONDENT NO. 4 (MCZMA)**

I, Ali Murtuza, s/o Muzaffar Ali aged 49 years, Vice President, legal of the Applicant abovenamed having my office at Hubtown Seasons, R. C. Chemburkar Marg, Chembur (East), Mumbai- 400071, do hereby solemnly affirm and state as under:

1. I am authorized by the Applicant to file the present Affidavit. The present Affidavit is being filed in rejoinder (hereinafter referred to as "**Rejoinder**"), on behalf of the Applicant, to the reply dated May 21, 2025 ("**Reply**") filed by the Respondent No. 4 on May 28, 2025.
2. At the outset, the contents of the Reply are denied to the extent the same are contrary to and/or inconsistent with what is stated in the Misc. Application and herein. I say that nothing in the present Rejoinder should be deemed to be an admission for the want of specific traverse. I say that the various contentions sought to be raised by the Respondents in their Reply are ex facie false, inaccurate, baseless, extraneous and liable to be rejected in limine.
3. The Respondents in their Reply have *inter alia* raised the following contentions:

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- (a) Hon'ble Tribunal's view in its Order dated October 24, 2024 that the Subject Property cannot be treated as a Garden is in contravention of paragraph 10.3 of the CRZ Notification, 2019 and is not sustainable;
- (b) Hon'ble Tribunal's direction in its Order dated October 24, 2024 to consider the Applicant's SRA proposal under paragraph 5.2(i), (ii) and (iii) are not in line with the legal provisions of CRZ Notification, 2019 as the said paragraphs are not applicable to properties reserved for Gardens;
- (c) Respondent MCZMA cannot consider the Applicant's SRA proposal on the Subject Property until (i) BMC modifies the Development Plan by deleting the Garden reservation or (ii) MoEF & CC amend paragraph 10.3 of CRZ Notification, 2019 permitting SRA of reserved Garden land;
- (d) There is no disobedience or contempt of the NGT's order as MCZMA in compliance had conducted the 180th Meeting for considering the Applicant's proposal whereby the proposal was rejected;
- (e) Applicant cannot implead the members of the MCZMA in contempt proceedings as they were acting in their official capacity;
- (f) The Applicant cannot file execution of Hon'ble Tribunal's Order dated October 24, 2024 as the MCZMA had followed the said Order by conducting the 180th Meeting for considering the Applicant's proposal. The Applicant should challenge MCZMA's decision of rejecting the proposal by a separate appeal.

**MCZMA IS BOUND BY THE ORDERS OF THE NGT
AND HAS NO RIGHT TO QUESTION THE SAME:**

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4. The Hon'ble Tribunal is a quasi-judicial authority having jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such questions arising out of the implementation of *inter alia* Environment (Protection) Act, 1986 ("**Environment Protection Act**"). Therefore, Hon'ble Tribunal has judicial powers for hearing, deciding and enforcing matters under the Environment Protection Act. The orders of the Hon'ble Tribunal have same legal force as decrees/orders passed by a court of law.
5. On the other hand, MCZMA is a state level regulatory body constituted by MoEF under section 3(1) and (3) of the Environment Protection Act for managing affairs in relating to coastal environment.
6. In view of the above, the MCZMA is merely a statutory body created under the Environment Protection Act whilst the Hon'ble Tribunal is the judicial authority for the Environment Protection Act. The Hon'ble Tribunal has judicial powers over any action taken by MCZMA under the Environment Protection Act. MCZMA is therefore bound by the orders and directions of the Hon'ble Tribunal without any condition or exception. MCZMA does not have any power to question or pass judgement on any order or direction passed by the Hon'ble Tribunal.
7. The MCZMA has over stepped its boundaries by criticizing and questioning the legality of the Hon'ble Tribunal's Order dated October 24, 2024, in its 180th Meeting and its Reply.
8. The conduct of MCZMA is particularly contumacious in as much as all parties, including MCZMA were represented and heard in detail by the Hon'ble Tribunal before the order dated October 24, 2024 came to be passed. Further, the said order has not been appealed against, modified and/or set aside at the



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instance of any party. Yet, MCZMA, in the meeting dated December 11, 2024, instead of complying with the order, has contumaciously termed the NGT Order as “erroneous” and refused to comply with the same.

9. It is also pertinent to note that the nodal Ministry, being the MoEF, by its letter dated November 28, 2024, inter alia, had called upon MCZMA to ensure compliance of the NGT Order. The aforesaid fact clearly shows that even the MoEF has accepted and sought compliance with the directions of the Hon’ble Tribunal.
10. Further, by letter dated June 8, 2023, the Urban Development Department, State of Maharashtra, wrote to the CEO, SRA, *inter alia*, clarifying that even as per the Development Plan 2034, the reservation of open spaces on the Subject Property was only of 4681.90 sq. mtrs. (which requirement has always been complied by the Applicant herein). The stand taken by the MCZMA, that the Subject Property, being shown as green in the DP, is an NDZ in terms of Clause 10.3 of the CRZ Notification, therefore devoid of merit and is contrary to the view of the Urban Development Department, i.e., the authority charged with the creation, implementation and execution of the DP. A copy of the said letter dated June 8, 2023 by Urban Development Department along with its English translation, Sate Government are annexed hereto as **Annexure- 1**.
11. It is also pertinent, that Note 20 of D.P. 2034, inter alia, provides that “(20) *If the SRS is sanctioned considering proposals of 1991 Development Plan ... and such sanction is still valid and is new reservations are proposed in 2034 D.O. on such land then the new reservations of 2034 D.P. shall be deemed to be deleted. In such cases, the rearranged proposal as per sanctioned SRS if any shall prevail over 2034 D.P.*” Therefore, even on merits the contentions of MCZMA based



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on the D.P. 2034 read with Clause 10.3 of the CRZ Notification are without merit.

12. The conduct of MCZMA, not only demonstrates its brazen disregard and contumacious disobedience of the directions passed by this Hon'ble Tribunal but also shows an attempt to act as a super-authority in overreach of the stands recorded in the letter dated November 28, 2024 of MoEF and letter dated June 8, 2023 of the Urban Development Department.

**CONTENTIONS OF MCZMA HAVE ALREADY BEEN DEALT
BY HON'BLE TRIBUNAL:**

13. Without prejudice to the above, before the Hon'ble Tribunal, it was the case of the MCZMA that the Subject Property is situated in NDZ of CRZ-II within Greater Mumbai by virtue of Garden reservation as per approved CZM Plan and in this regard placed reliance on paragraph 10.3 of the CRZ Notification, 2019. (refer to para 4 of the Affidavit in reply of MCZMA dated August 13, 2024)
14. After considering the arguments of the MCZMA, the Hon'ble Tribunal by its Order dated October 24, 2024 directed MCZMA to take steps on the Applicant's proposal in accordance with the Order dated October 17, 2012 and ignore the classification of the Subject Property as Garden in CRZ Notification, 2019. The Hon'ble Tribunal, *inter alia* held that the Subject Property was erroneously shown to be as reserved for Garden. The Hon'ble Tribunal also held that subsequent CRZ 2011/2019 will have no bearing on the classification agreed upon by the MCZMA under CRZ Notification 1991. The MCZMA cannot repeatedly raise the issue which is concluded.
15. In the 180th Meeting, the MCZMA has again raised the same issue which was considered and expressly rejected by the Hon'ble Tribunal in its Order dated October 24, 2024. The



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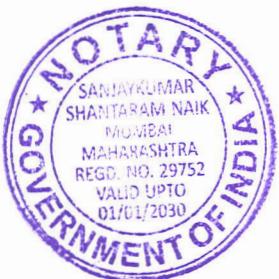
MCZMA has gone onto reiterating the same points in its Reply. The MCZMA cannot repeatedly raise the same concluded points of the Subject Property being reserved as Garden. This argument of the MCZMA has been rejected by the Hon'ble Tribunal on more than one occasion. It appears that MCZMA is refusing to accept that its contentions have been rejected.

MERE HOLDING OF MEETING BY MCZMA

CANNOT CONSTITUTE COMPLIANCE OF ORDER:

16. MCZMA has taken contradictory stands in the Reply. On the one hand, it claims to have complied with the Order dated October 24, 2024 and other hand, refuses to comply with direction (as being erroneous) in the Order dated October 24, 2024 to ignore the classification of the Subject Property as Garden in CRZ Notification, 2019 and accordingly consider the SRA proposal. Therefore, MCZMA cannot claim to have complied with the Hon'ble Tribunal's Order. MCZM's stand in the Reply shows that it continues to defy this Hon'ble Tribunal's Order. MCZMA cannot claim that there is no disobedience or contempt of the Hon'ble Tribunal's order merely because it considered the Applicant's proposal in its 180th Meeting.

17. As demonstrated above, the MCZMA has not followed the Hon'ble Tribunal's Order dated October 24, 2024. By merely holding a meeting, the MCZMA cannot claim to have followed the said order. The Applicant's proposal was rejected despite the Hon'ble Tribunal directing the MCZMA to ignore the Garden reservation. Section 25 of the National Green Tribunal Act 2010 ("NGT Act") provides that the Hon'ble Tribunal's order would be executable as a decree of a civil court. It is therefore the statutory right of the Applicants to seek execution of the Order dated October 24, 2024. It is for the Applicant to decide and adopt the legal remedies available



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to it under law. The MCZMA cannot decide legal remedies for the Applicant.

18. The members of the MCZMA have been rightly impleaded as parties in the contempt application and are liable for punishment. Section 28 of the NGT Act provides that when a Government department fails to comply with any order or award or decision of the NGT, the Head of the Department along with the officers shall be deemed to be guilty of such failure and shall be liable to be proceeded against for having committed an offence and punished accordingly. All the members of the MCZMA are therefore liable to be punished for contempt of the Hon'ble Tribunal's order in their official capacity.

BY VIRTUE OF NOTE 20 IN NOTIFICATION DATED MAY 8, 2018, WHICH GAZETTED THE DEVELOPMENT PLAN STATES THAT THE RESERVATION INDICATED ON THE SUBJECT PROPERTY IS DEEMED TO BE DELETED :

19. Regulation 10.3 of the CRZ Notification of 2019 pertains to reservations of garden "*indicated*" under the DP of 2034 with respect to Mumbai.
20. The development plan is published u/s 31 of the Maharashtra Regional Town Planning Act, 1966 ("**MRTP Act**") and is defined u/s 2(9) as under:

"(9) "Development plan" means a plan for the development or redevelopment of the area within the jurisdiction of a Planning Authority and includes revision of a development plan and proposals of a special planning Authority for development of land within its jurisdictions"

21. Development Regulations are made u/s. 159 of the MRTP Act and are defined u/s. 2(27) as under:

"(27) "Regulation" means a regulation made under section 159 of this Act and includes zoning, special development

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control regulations and other regulations made as a part of a Regional Plan, Development plan, or Town Planning Scheme”

Excerpts of the relevant provisions viz. Sections 2(9), 2(27), 31 and 159 of the MRTP Act are annexed hereto as **Annexure -2.**

22. Thus, Development Plan and the Regulations are to be read together and Regulations are part of the development plan and the development plan cannot be seen in isolation and has to be read with Regulations. In the present case, the DP 2034 has to be seen in conjunction with DCPR, 2034.
23. Policy Note 20 of the Notification dated May 8, 2018, under which the DCR of 2034 was accorded sanction (which has the force of law), provides that where a slum rehabilitation scheme is sanctioned considering the proposal of the DP of 1991 and also by rearranging the reservations of the same, the new reservation under the DP 2034 shall be deemed to be deleted. Copy of the Notification dated May 8, 2018 (without the schedule) is annexed hereto as **Annexure -3.**
24. Thus, in the present case, by virtue of note 20 in Notification dated May 8, 2018, issued by the State Government, pursuant to which the DP of 2034 was published, the reservation indicated on the subject property of the DP of 2034 is deemed to be deleted and thus subject property has no reservation indicated on the DP.
25. The above position has been confirmed and clarified by the Urban Development Department of the State of Maharashtra, which is the authority which issued the notification gazetting the DP Plan and the DC Regulations, under the MRTP Act. The Urban Development Department, State Government, by letter dated June 8, 2023 addressed to CEO, SRA *inter alia* stated that the reservation on the Subject Property was deemed to be deleted from Development Scheme 2034 and the area of



Handwritten signature or mark.

the Garden as indicated on the DP is 4681.90 sq. mtrs, which area of 4681.90 sm is kept open and no construction is proposed on the same.

26. In light of the above, the Applicant's application ought to be allowed with costs.

Solemnly affirmed at Mumbai This 14th day of June, 2025





 DSK Legal
 Advocates for the Applicant.

VERIFICATION

I, Ali Murtuza, s/o Muzaffar Ali aged 49 years, Vice President, legal of the Applicant abovenamed having my office at Hubtown Seasons, R. C. Chemburkar Marg, Chembur (East), Mumbai- 400071, do hereby declare and state that what is stated in the aforesaid paragraphs is true to the best of my knowledge and I believe the same to be true.

Solemnly declared at Mumbai This 14th day of June, 2025



 DEPONENT

 THROUGH 

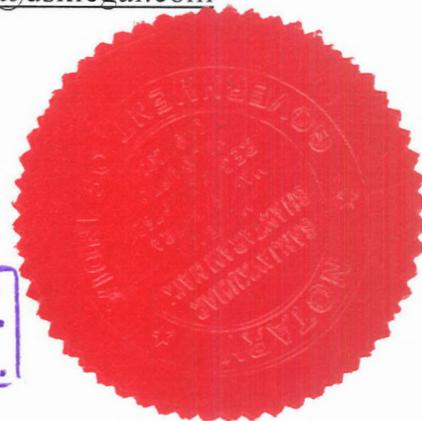
 SAMIR MALIK, MAHIP SINGH,
 & VARUN KALRA
 Advocates for the Applicant
 DSK Legal
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 Okhla Industrial Estate, Phase III
 New Delhi – 110020, India
 Mo. No: 9818990959
 Email: varun.kalra@dsklegal.com

Place:- New Delhi
 Dated:- 14.06.2025




 SANJAYKUMAR SHANTARAM NAIK
 Reg. No. 29752 B.A., LLB
 ADVOCATE & NOTARY, GOVT. OF INDIA
 5/503, Swami Sadan, Sitaram Jadhav Marg,
 Lower Parel, Mumbai-400 013, Maharashtra

BEFORE ME
 NOTARY Reg. No. 458/2025
 Date 14 JUN 2025



ANNEXURE-1



महाराष्ट्र शासन

नगर विकास विभाग, मंत्रालय, ४ था मजला, मादाम कामा रोड,
हुतात्मा राजगुरु चौक, मुंबई ४०० ०३२.

nirmal.chaudhari@gov.in



क्रमांक :- टिपीबी - ४३२३/५५/प्र.क्र.६४/२०२३/नवि-११

दिनांक :- ०८/०६/२०२३

प्रति,
मुख्य कार्यकारी अधिकारी,
झोपडपट्टी पुनर्वसन प्राधिकरण,
अनंत काणेकर मार्ग, प्रशासकीय इमारत,
वांद्रे (पूर्व), मुंबई-५१.

विषय :- Note-20 of the Notification dated 8th May 2018, sanctioning DP 2034 under Section 31(1) of the MRTP Act and Indicated Open Spaces and reservation/s as per DP 2034 on the land which were occupied by the slums and on which LOI issued by SRA prior to 2016 and on going redevelopment of Slum Scheme on plot bearing CTS No. B-908 to 910, B-911(Pt) at Kadeshwari Mandir Marg, Mount Mary Hills, Bandra, Mumbai ("Subject Project").

संदर्भ :- १) मे. हब टाऊन लि. यांचे वरील विषयाचे पत्र दि. २/०२/२०२३.
२) उप प्रमुख अभियंता, झोपडपट्टी पुनर्वसन प्राधिकरण यांचे पत्र क्र. SRA/Eng/Desk/OW-१६/२८/HW, दि. ११/०४/२०२३.

महोदय,

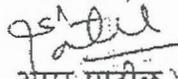
संदर्भित पत्रांचे कृपया अवलोकन व्हावे.

अर्जदार यांचे संदर्भ क्र. १ चे पत्राचे अनुषंगाने संदर्भ क्र.२ चे पत्रान्वये झोपडपट्टी पुनर्वसन प्राधिकरणाचे अभिप्राय प्राप्त झाले आहेत.

सदर प्रकरणी मंजूर विकास योजना १९९१ नुसार बगीचा चे आरक्षणखालील क्षेत्राने बाधित जमिनीवरील मंजूर झोपडपट्टी पुनर्वसन योजनेत आरक्षणाचे सुसुत्रीकरण (Rearrange) करण्यात आले असून योजनेतील पुनर्वसन तसेच विक्री घटक इमारतीचे नकाशे मंजूरी, बांधकाम परवानगी ही देण्यात येऊन त्यानुसार जागेवर विकास प्रगतीपथावर असून विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ लागू झाली तेव्हा सदरहु झोपडपट्टी पुनर्वसन प्राधिकरणाने दिलेल्या परवानग्या वैध (valid) असल्याचे झोपडपट्टी पुनर्वसन प्राधिकरणाने कळविले असल्याने सदर भूभागावर विकास योजना-२०३४ मध्ये नव्याने आरक्षण प्रस्तावित केले असले तरी शासन अधिसूचना दि. ८/०५/२०१८ चे स्पष्टीकरण Note A(२०) नुसार विकास योजना-२०३४ मधील आरक्षण व्यपगत (Deemed to be deleted) ठरत असून विकास योजना १९९१ मधील बगीच्याचे आरक्षण जे योजनेत Rearranged केले आहे तसेच



(rearranged proposal as per sanctioned SRS) कायम राहिल. तसेच, झोपडपट्टी पुनर्वसन प्राधिकरणाने कळविल्याप्रमाणे विकास योजना-२०३४ नुसार गार्डन/ बगीचा आरक्षणाचे प्रत्यक्ष क्षेत्र काहीसे जास्त भरत असल्याने, ते क्षेत्र (४६८१.९० चौ.मी.) बृहन्मुंबई महानगरपालिकेस हस्तांतरीत करावे लागेल. असे आपणांस कळविण्याचे मला सूचना आहेत.

आपला,

 (अमर पाटील)

अवर सचिव, महाराष्ट्र शासन

- प्रत :- १) प्रमुख अभियंता (विकास नियोजन), बृहन्मुंबई महानगरपालिका.
 २) मं.मै. हब टाऊन लि., हबटाऊन सिंसन्स, सीटीएस नं. ४६८-अ, चेंबुरकर मार्ग, चेंबुर (पूर्व), मुंबई- ७१.
 ३) निवडनस्ती (नवि-११)



महाराष्ट्र शासन राजपत्र भाग एक—कोकण विभागीय पुरवणी, गुरुवार ते बुधवार, मे १७-२३, २०१८ / वैशाख २७-ज्येष्ठ २, शके १९४०

(20) If the SRS is sanctioned considering proposals of 1991 Development Plan and also by rearranging the reservations and road proposals of 1991 D.P. and such sanction is still valid and if new reservations are proposed in 2034 D.P. on such land then new reservations of 2034 D.P. shall be deemed to be deleted. In such cases, the rearranged proposal as per sanctioned SRS if any shall prevail over 2034 D.P.

(21) Where layouts are approved and IOD granted prior to 27th May 2016 (i.e. date of publication of D.P. under section 26 of MRTP) which are valid then the proposals of 1991 D.P., on such land shall prevail over proposal under 2034 D.P.

(22) Draftsman's error - Draftsman's errors which are required to be corrected as per actual situation on site and / or correction in existing boundaries of the establishments is required to be corrected as per city survey record or revenue record or as per acquisition and possession of lands or as per valid sanctioned layout etc. may be corrected by the Municipal Commissioner. In respect of High Tension Line, the alignment shown on D.P. is to be corrected or deleted wherever required by the Municipal Commissioner in consultation with the concerned department. However, due to shifting or deletion of such High Tension Line, the land use zone of lands (before shifting) under H.T. Line shall be the zone of adjoining land.

The Municipal Commissioner, after due verification and satisfying himself regarding such error, shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order in original shall be forwarded to the Government in Urban Development Department and Director of Town Planning, Maharashtra State, Pune for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

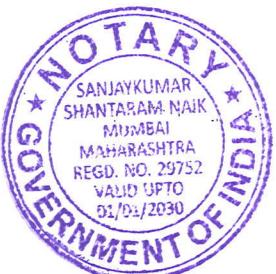
(23) The areas of reserved sites as mentioned in Development Plan are approximate and tentative. The exact areas as measured on site as per the boundaries shown on the Development Plan shall be considered as the area of reserved site.

(24) The private or rental premises shown as designated in Public-Semipublic zone/use will continue to be in public-semipublic zone/use as long as Public-Semipublic user exists. If such user is shifted or closed then the Authority shall allow development permission on such land considering adjoining predominant land use zone, after due verification Commissioner may pass a suitable specific order to correct it and shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(25) On lands acquired for public purpose from the earlier Sanctioned Development Plan where reservation is continued in this revised Development Plan for the another public purpose, in such cases such lands shall be available as per revised Development Plan reservation for public purpose.

(26) Existing Features Shown On Development Plan - The existing features shown on Development Plan are indicative and stand modified on Development Plan as per actual position. Merely mention of particular existing use on Development Plan, shall not bar the owner from development permission in that zone. Also, the boundaries of s. no., alignment of existing road / nala and other physical features of land shall be as per measurement plan of Land Records Department.

(27) Wherever the boundaries of Gaathan/Koliwada/Adivasi Pada are not shown on the Development Plan will be considered as and when the same is finalized by the Revenue Department.



English translation of original document in Marathi

Government of Maharashtra
Urban Development Department, Mantralaya, 4th Floor, Madam Cama Road
Hutatma Rajguru Chowk, Mumbai 400032
nirmal.chaudhari@gov.in

No.TPB-4323/55/Pra.Kra.64/2023/NaVi-11 Date: 08.06.2023

To,
The Chief Executive Officer
Slum Rehabilitation Authority
Anant Kanekar Marg, Administrative Building
Bandra (East), Mumbai 51.

Subject: Note-20 of the Notification dated 8th May 2018, sanctioning DP 2034 under Section 31(I) of the MRTP Act and Indicated Open Spaces and Reservation/s as per DP 2034 on the land which were occupied by the slums and on which LOI issued by SRA prior to 2016 and ongoing redevelopment of Slum Scheme on plot bearing CTS No. B-908 to 910, B-911 (Pt) at Kandeshwari Mandir Marg, Mount Mary Hills, Bandra, Mumbai ("Subject Project")

Reference: 1) Letter of M/s Hubtown Ltd. on the above subject dt. 02.02.2023.

2) Letter of Dy. Chief Engineer, Slum Rehabilitation Authority, No. SRA/Eng/ Desk/W-16/ 28/HW dt.211.04.2023.

Sir,

Please refer to the above referred letters.

Opinion in context with the letter at Ref.No.1 above, has been received from Slum Rehabilitation Authority, vide letter at Ref.No.2 above.

In this connection, Slum Rehabilitation Authority has informed that, the reservation in the sanctioned Slum Rehabilitation Scheme



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English translation of original document in Marathi

on the land affected by reservation of garden, has been rearranged as per sanctioned Development Scheme 1991 and the rehabilitation in the scheme, building plans of sale component also have been sanctioned and permission for construction also has been given and accordingly the development work at the site is in progress, and that, the permissions granted by Slum Rehabilitation Authority since introduction of Development Control & Promotion Regulations 2034 are valid. Therefore, although fresh reservation has been proposed on the said plot in Development Scheme-2034, the reservation in Development Scheme-2034 is 'deemed to be deleted' as per Explanation Note A(20) of the Government Notification dt. 08.05.2018, and the reservation of garden in Development Scheme 1991 which is rearranged in the Scheme (rearranged proposal as per sanctioned SRS) will remain unchanged. I have been further instructed to inform you that, as informed by Slum Rehabilitation Authority, the actual area of the garden/park as per Development Scheme-2034, works out a little more and hence the said area (4681.90 sq. mtrs.) will have to be transferred to Municipal Corporation of Greater Mumbai.

Yours

Sd/-

(Amar Patil)

Under Secretary, Government of Maharashtra

Copy to:

- 1) Chief Engineer (Development Planning), Municipal Corporation of Greater Mumbai.
- 2) M/s Hubtown Ltd., Hubtown Seasons, CTS no. 468-A, Chemburkar Marg, Chembur (E), Mumbai - 71.
- 3) Selection File (NAVI-11)

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ANNEXURE -2

The
Maharashtra
Regional & Town
Planning Act, 1966


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Definitions

[S. 2

(8) "Development Authority" means a New Town Development Authority ¹[constituted or declared under section 113];

(9) "Development plan" means a plan for the development or redevelopment of the area within the jurisdiction of a Planning Authority ²³[and includes revision of a development plan and] proposals of a special planning Authority for development of land within its jurisdiction];

⁴[(9A) "development right" means right to carry out development or to develop the land or building or both and shall include the transferable development right in the form of right to utilise the Floor Space Index of land utilisable either on the remainder of the land partially reserved for a public purpose or elsewhere, as the final Development Control regulations in this behalf provide;]

(10) "Director of Town Planning" means the officer appointed by the state Government as the Director of Town Planning;

(11) "engineering operations" include the formation or laying out of a street or means of access to a road or laying out of means of water-supply, drainage, electricity, gas or other public service;

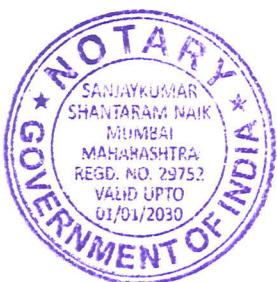
(12) "existing-land-use map" means a map indicating the use to which lands in any specified area are put at the time of preparing the map;

(13) "final plot" means a plot allotted in a final town planning scheme;

⁵[(13A) "Floor Space Index" means the quotient or the ratio of the combined gross floor area to the total area of the plot, viz :—

$$\text{Floor Space Index} = \frac{\text{Total covered area of all floors}}{\text{Plot area}}$$

1. These words were substituted for the word "constituted" by Mah. 21 of 1971, s. 2(2).
2. These words were inserted by Mah. 30 of 1972, s. 2(1).
3. These words were substituted for the words "and includes" by Mah. 6 of 1976, s. 2.
4. Clause (9A) was inserted on the 25th March, 1991 by Mah. 10 of 1994, s. 2(c).
5. Clauses (13A), (13B) and (13C) were inserted by Mah. 39 of 1994, s. 2(b).



(21) "plot" means portion of land held in one ownership and numbered and shown as one plot in a town planning scheme;

(22) "reconstituted plot" means a plot which is altered in ownership or in any other way by making of a town planning scheme;

(23) "Region" means any area established to be a Region under section 3;

(24) "Regional Board" or "Board" means a Regional Planning Board constituted under section 4;

(25) "Regional plan" means a Plan for the development or redevelopment of a Region which is approved by the State Government and has come into operation under this Act;

(26) "Regional Planning Committee" means a committee appointed under section 10;

(27) "regulation" means a regulation made under section 159 of this Act and includes [zoning, special development control regulations] and other regulations made as a part of a Regional Plan, Development Plan, or Town Planning Scheme;

(28) "residence" includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables and outhouses, if any, appertaining to such land or building;

(29) "rule" means a rule made under this Act;

(30) "scheme" includes a plan relating to a town planning scheme;

(30A) [* * *];

1. These words were substituted for the word "zoning" by the Mah. 22 of 2005, s. 2(a), (w.e.f. 20-6-2005).

2. Clause (30A) was deleted by Mah. 43 of 2014, dated 29-12-2014, s. 5(c).

Prior to deletion clause (30A) was read as under:

(30A) "Special Township Project" means a Special Township Project declared under section 18 or 44, as the case may be;



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S. 31]

Sanction to draft Development plan

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re**31. Sanction to draft Development plan**

(1) Subject to the provisions of this section, and not later than ¹[six months] from the date of receipt of such plan from the Planning Authority, or as the case may be, from the said Officer, ²[* * *] the State Government may, after consulting the Director of Town Planning by notification in the *Official Gazette* sanction the draft Development plan submitted to it for the whole area, or separately for any part thereof, either without modification, or subject to such modifications as it may consider proper or return the draft Development plan to the Planning Authority or as the case may be, the said Officer for modifying the plan as it may direct or refuse to accord sanction and direct the Planning Authority or the said Officer to prepare a fresh Development plan:

³[**Provided that**, the State Government may, if it thinks fit, whether the said period has expired or not, extend from time to time, by notification in the *Official Gazette*, the period for sanctioning the draft Development plan or refusing to accord sanction thereto, by such further period not exceeding,—

(i) twenty-four months, in the aggregate, in case, the area of such Development plan falls in the jurisdiction of a Metropolitan Planning Committee constituted under the Maharashtra Metropolitan Planning Committees (Constitutions and Functions) (Continuance of Provisions) Act, 1999;

(ii) twelve months, in the aggregate, in any other case, as may be specified in such notification:]

1. These words were substituted for the words "one year" by the Maharashtra Regional and Town Planning (Second Amendment) Act 2010, dated 5-4-2011.
2. The words "or not later than such further period not exceeding twelve months as it may decide" were deleted by Mah. 6 of 1976, s. 12(a).
3. This proviso was substituted by Mah. Act No. 38 of 2014, dated 23-12-2014, s. 4(a), (*w.e.f.* 4-10-2013).

Prior to substitution, proviso was read as under:

Provided that, the State Government may, if it thinks fit, whether the said period has expired or not, extend from time to time, by a notification in the *Official Gazette*, the period for sanctioning the draft Development plan or refusing to accord sanction thereto, by such further period not exceeding,—

- (i) twelve months, in case of a Municipal Corporation having a population of ten lakhs or more, as per the latest census figures, and
- (ii) six months, in any other case, as may be specified in such notification:



1.60

Sanction to draft Development plan

[S. 31

¹[**Provided further that**, where the modifications proposed to be made by the State Government or submitted by the Planning Authority under section 30 and proposed to be approved by the State Government without any further change are of a substitutional nature with respect to the draft Development plan published under section 26, the Government shall publish a notice in the *Official Gazette* and also in not less than two local newspapers inviting objections and suggestions from any person in respect of the proposed modifications within a period of one month, from the date of such notice]:

²[**Provided also that**, if the Government does not publish its decision by notification in the *Official Gazette*, regarding sanctioning the draft Development plan submitted to it, for the whole area, or separately for any part thereof, either without modification, or subject to such modifications as it may consider proper, or return the draft Development plan to the Planning Authority, or as the case may be, the said Officer for modifying the plan as it may direct or refuse to accord sanction and direct the Planning Authority or the said Officer to prepare a fresh Development plan, within the period under this section, such draft Development plan shall be deemed to have been sanctioned as submitted to the Government under section 30, on the date immediately following the date of expiry of the period under this section:

Provided also that, where any modification submitted by the Planning Authority or, as the case may be, the said Officer, under section 30 is of substantial nature with respect to the draft Development plan published under section 26, such modification shall not be deemed to have been sanctioned and the Government shall publish a notice regarding such modifications of substantial nature and the provisions relating to publication of the notice in the *Official Gazette* and two local newspapers for obtaining suggestions and objections as stipulated in the second proviso, shall apply.]

1. This proviso was substituted by the Maharashtra Regional and Town Planning (Second Amendment) Act, 2010, dated 5-4-2011.

Prior to substitution, proviso read as under:

Provided further that, where the modifications proposed to be made by the State Government are of a substantial nature, the State Government shall publish a notice in the *Official Gazette* and also in local newspapers inviting objections and suggestions from any person in respect of the proposed modifications within a period of sixty days, from the date of such notice.

2. These provisos were added by Mah. Act No. 38 of 2014, dated 23-12-2014, s. 4(b), (*w.e.f.* 4-10-2013).



S. 31]

Sanction to draft Development plan

1.61

(2) The State Government may appoint an officer of rank not below that of a ¹[Group A Officer] and direct him to hear any such person in respect of such objections and suggestions and submit his report thereon to the State Government ²[within one year from the date of publication of notice under second proviso to sub-section (1)];

(3) The State Government shall before according sanction to the draft Development plan take into consideration such objections and suggestions and the report of the officer.

³[**Provided that**, the time-limits as provided in sub-sections (1) and (2) shall not apply for according sanction to the modifications published under sub-section (1):

Provided further that, the Government shall take final decision regarding such modifications within one year from the date of receipt of the report from the officer appointed under sub-section (2)]

(4) The State Government shall fix in the notification under sub-section (1) a date not earlier than one month from its publication on which the final Development plan shall come into operation.

⁴[(4A) The State Government may, by notification in the *Official Gazette*, delegate all the powers and functions under this section to the Director of Town Planning in such cases and subject to such conditions, if any, as may be specified in such notification.]

(5) If a Development plan contains any proposal for the designation of any land for a purpose specified in clauses (b) and (c) of section 22, and if such land does not vest in the Planning Authority, the State Government shall not include that in the Development Plan, unless it is satisfied that the Planning Authority will be able to acquire such land by private agreement or compulsory acquisition not later than ten years from the date on which the Development plan comes into operation.

(6) A Development plan which has come into operation shall be called the "final Development plan" and shall, subject to the provisions of this Act, be binding on the Planning Authority.

1. These words and letter were substituted for the words "Class I officer" by Mah. Act No. 5 of 2014, s. 8(b)(i), (w.e.f. 4-10-2013).
2. These words were added by Mah. Act No. 5 of 2014, s. 8(b)(ii), (w.e.f. 4-10-2013).
3. These provisos were added by Mah. Act No. 5 of 2014, s. 8(c), (w.e.f. 4-10-2013).
4. Sub-section 4A was inserted by the Maharashtra Regional and Town Planning (Second Amendment) Act, 2010, dated 5-4-2011.



1.306

Power to make regulations

[S. 159]

s. 159]

159. Power to make regulations

¹[(1)] Any Regional Board, Planning Authority or Development Authority may with the previous approval of the State Government, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act, and without prejudice to the generality of this power,—

- (i) a Regional Board or a Development Authority may make,—
- (a) regulations subject to which it shall exercise powers and perform functions under this Act;
- (b) regulations for regulating its procedure and the conduct of its business at its meeting;
- (c) regulation providing for any other matter which has to be or may be prescribed by regulations;

1. Section 159 renumbered as sub-Section (1) and (2) was added by Mah. 22 of 2005, s. 5, (w.e.f. 20-6-2005).

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s. 159]

(ii) a Planning Authority may make,—

(a) regulations prescribing the manner in which its order under sub-section (1) of section 45 shall be communicated to the applicant seeking permission under that section;

(b) regulations prescribing the time within which and the manner in which a notice shall be served on the State Government under sub-section (1) of section 49;

(c) regulations providing for any other matter which has to be or may be prescribed by regulations.

(2) Subject to the provisions of this 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.]

(3) The State Government shall, before making such Regulations prepare a draft thereof and publish a notice in the *Official Gazette* stating the draft Regulations have been prepared. The notice shall state that the names of the places where a copy of such draft Regulations shall be available for inspection by the public at all reasonable hours mentioned therein and the copies thereof or any extract therefrom, certified to be correct, shall be available for sale to the public at a reasonable price; and invite objections and suggestions from any person with respect to the draft Regulations before such date as may be specified in the notice. The notice shall also be published in at least two newspapers having wide circulation in the area to which the Regulations are to be made applicable and also in such other manner as the State Government may think fit.

Sub-sections (2) to (5) were substituted for sub-section (2) by Mah. 43 of 2014, dated 29-12-2014, s. 17.

Prior to substitution, sub-section (2) was read as under:

(2) The State Government may make special development control regulations consistent with this Act and the rules made thereunder, to carry out the purpose of executing a Special Township Project and such regulations may be a part of Development Control Regulations of Development Plan or Regional Plan, as the case may be.

5, (w.e.f.

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Special provisions relating to New Town Development . . .

[S. 159A

(4) After considering the objections and suggestions received by it, the State Government may approve such draft Regulations with modifications or without modifications, if any, as it may think fit, or decide not to approve the same and shall publish a notification in the *Official Gazette* stating that the Regulations have been approved with or without modifications or have not been approved, as the case may be. In case the Regulations are approved, the notification shall specify therein the date on which the Regulations shall come into operation.

(5) Where Special Development Control Regulations are made, the provisions of such Regulations shall be in force in the area to which such Regulations are made applicable and the provisions of any plan or scheme applicable to and in force in such area or part thereof prior to the date of coming into force of such Regulations under subsection (4) shall, to the extent of the provisions contained in such Regulations, stand modified.]

1. Section 159A was inserted by Mah. 47 of 1974, s. 2.

2. These words were substituted for the words "the Schedule" by Mah. 16 of 1992, s. 4.

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ANNEXURE -3

RNI No. MAHBIL/2009/35529



महाराष्ट्र शासन राजपत्र
भाग एक-कोकण विभागीय पुरवणी

वर्ष ४, अंक २०]

गुरुवार ते बुधवार, मे १७-२३, २०१८ / वैशाख २७-ज्येष्ठ २, शके १९४०

[पृष्ठे १०७२

प्राधिकृत प्रकाशन

शासकीय अधिसूचना, नेमणुका इत्यादी

अधिसूचना

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 8th May 2018.

NOTIFICATION

No. TPB. 4317/629/CR-118/2017/DP/UD-11—Whereas, the Municipal Corporation of Greater Mumbai is the Planning Authority for jurisdiction of Greater Mumbai (hereinafter referred to as "the said Corporation ") as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred as "the said act ").The first Development Plan prepared by the said Corporation, was sanctioned in the year 1964-1967. Thereafter, the said Corporation revised the first Development Plan as per provisions of the said act, and said revised Development Plan was sanctioned by State Government in the year 1991-1994. The last part of said Revised Development Plan was sanctioned on 4th March 1994 and has come into force accordingly ;

And whereas, the said Corporation *vide* their Resolution No.767, dated 20th October 2008 declared their intention to revise the Sanctioned Revised Development Plan of Greater Mumbai within its jurisdiction as laid down under section 38 read with section 23(1) of the said act. Accordingly, notice to that effect, was published in the *Official Government Gazette* on 1st July 2009. Thereafter the survey of Existing Land Use of the entire area within the jurisdiction of the said Corporation was carried out as laid down under section 25 of the said Act and the Existing Land Use maps were prepared ;

And whereas, the said Corporation had prepared the Draft Revised Development Plan along with Development Control Regulations and after obtaining sanction from General Body, *vide* Resolution No.1195 dated 23rd February 2015 published a Notice in the *Maharashtra Government Gazette* dated 25th February 2015 under sub-section (1) of section 26 of the said act for inviting suggestions/ objections from general public on the Draft Revised Development Plan ;

And whereas, the suggestions/objections received by the said Corporation in respect of errors in Draft Revised Development Plan and representations from organization, general public, members of Legislative Assembly/Council, the State Government has issued direction *vide* letter dated 23rd April 2015 under section 154(1) of the said Act, to the said Corporation to revamp/

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भाग एक (को.वि.पु.)—१



२ महाराष्ट्र शासन राजपत्र भाग एक—कोकण विभागीय पुरवणी, गुरुवार ते बुधवार, मे १७-२३, २०१८ / वैशाख २७-ज्येष्ठ २, शके १९४०

recast the draft revised Development Plan after examining all the errors on the basis of existing site conditions and its merits by considering the planning and legal issues and republish the Draft Revised Development Plan after incorporating all the corrections for the purpose of inviting suggestion/objections as per the provision of section 26 of the said Act ;

And whereas, as per direction of the State Government, the Draft Revised Development Plan along with Development Control Regulations were prepared by the said Corporation within the time extension granted under section 26(A) introduced by the way of an ordinance No. XVIII of 2015, dated 29th August 2015 by the State Government and after obtaining sanction from General Body, *vide* Resolution No.307 dated 27th May 2016, a notice for inviting suggestions/objections from the general public as required under the provision of sub-section (1) of section 26 the said Act is republished in the *Maharashtra Government Gazette* dated 27th May 2016 (hereinafter referred to as " the said Draft Development Plan ") ;

And whereas, the Planning Committee constituted under section 28(2) of the said Act, has considered the suggestions and / or objections to the said Draft Development Plan received within stipulated period by the said Corporation and submitted their report along with their recommendations to the said Corporation under section 28(3) of the said Act on 6th March 2017 ;

And whereas, after considering the report of the Planning Committee, the said Corporation *vide* its Resolution No.393, dated 31st July 2017 has sanctioned the Draft Development Plan with modifications or changes carried out by Planning Committee subject to the modifications suggested by the said Corporation, which were published under section 28(4) of the said Act and submitted in accordance with the provisions of sub-section (1) of section 30 of the said Act, to the State Government for sanction *vide* letter dated 2nd August 2017 ;

And whereas, in accordance with sub-section (1) of section 31 of the Said Act, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune the State Government has accorded sanction to the Draft Development Plan (Part) of Greater Mumbai in K/E, S, G/S Ward *vide* notification No. TPB. 4317/629/CR-118/2017/UD-11, dated 9th November 2017 and notification No. TPB. 4317/778/CR-267/2017/UD-11, dated 7th February 2018 ;

And whereas, the Director of Town Planning, *vide* his Marathi letter. No.1225, dated 21st February 2018 has submitted his Report on the modified Draft Development Plan and the Draft Development Control and Promotion Regulations in respect of proposal of Development plan of Greater Mumbai 2034 to Government for sanction ;

And whereas, in accordance with provisions of sub section (1) of section 31 of the Said Act, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune, the State Government has accorded sanction to the Draft Development Plan of Greater Mumbai with modification shown in ~~SCHEDULE-A~~ appended to this Notification No. TPB. 4317/629/CR-118/2017/DP/UD-11, Dated 8 May 2018 excluding the substantial Modification as shown in SCHEDULE-B appended hereto.

Now therefore, in exercise of the powers conferred by sub-section (1) of section 31 of the Said Act and of all other powers enabling it on that behalf, the Government of Maharashtra hereby :—

(A) Accords Sanction to the Draft Development Plan 2034 of Greater Mumbai excluding the part portion of sanctioned Development Plan *vide* Notification dated 9th November 2017 and 7th February 2018. with following policy notes and conditions which are applicable to entire Development Plan 2034.

(1) The word used on Plan/Report/DCPR as "designated" for the purpose of showing respective existing facilities/amenities shall be changed to "Existing". So the prefix "D" at all the places shall be replaced by prefix "E" eg. DE, DOS, DSA etc shall be changed to EE, EOS, ESA etc.



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महाराष्ट्र शासन राजपत्र भाग एक—कोकण विभागीय पुरवणी, गुरुवार ते बुधवार, मे १७-२३, २०१८ / वैशाख २७-ज्येष्ठ २, शके १९४० ३

(2) If the commissioner found that the designation shown on plan is not as per site condition and it is a draftsman's error, he may pass a suitable specific order to correct it and shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to Government in Urban Development Department and the Director of Town Planning, Maharashtra State, Pune for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him :

Provided that such proposal shall be submitted by the concerned land owner to the commissioner within a period of 3 months from the date on which the D.P. come into force and commissioner shall take the decision on it within next 6 months.

(3) All the reservations proposed on the layout R.G. shall be deleted by the commissioner under his special permission, as and when noticed or brought to the notice to him. For such deletion the commissioner shall pass a special well reasoned, speaking order, modifying Development Plan to that effect and copy of such order along with certified part plan showing such modification in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(4) Where Public Parking Lots (PPL) has been proposed or developed on Partial land or on some floors of Residential/Commercial buildings and on such lands, under the provisions of regulations, Where the proposed reservation/designation of Public Parking Lot (PPL) is shown in Development plan, then all such reservation/designation shall deemed to be deleted and land under such reservation/designation shall be included in the adjoining pre-dominant land use.

(5) Where the public parking lots (PPL) have been handed over to Municipal Corporation after development by getting the approval of Corporation then such sites be shown as existing Public Parking Lot (PPL).

(6) The reservations for Petrol pump are proposed to be sanctioned as proposed under section 30 of MR & TP Act, 1966.

(7) Alignment of nalla shall be considered as continuous even if it is shown as broken in some part due to covered portion if such broken alignment come into notice or brought to the notice of the commissioner, he shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(8) The designation shown for petrol pump on Development Plan shall be considered only up to the minimum area and access as otherwise required under these regulations for the user of petrol pump. Excess area of such designation shall be considered as deleted from such designation. If it is brought to the notice of Commissioner then he shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(9) 30m buffer line is shown on Development Plan along last track of railway line. If any deviation is found regarding this 30m distance, then the commissioner shall correct such line and shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in

भाग एक (को.वि.पु.)—१अ



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महाराष्ट्र शासन राजपत्र भाग एक—कोकण विभागीय पुरवणी, गुरुवार ते बुधवार, मे १७-२३, २०१८ / वैशाख २७-ज्येष्ठ २, शके १९४०

Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(10) At the time of Implementation, if the alignment of coastal road varies from the alignment shown on D.P. due to site situation, then such variations shall be permitted and the alignment on DP shall be treated as stand modified to that effect. The area released due to such deviation shall be considered as included in adjoining zone.

(11) The appropriate authority for all the reservation for "Government Office" shall be changed to "PWD/GAD".

(12) Where the I to R/C proposal is sanctioned by Corporation but still the land under such proposal is shown in industrial zone, then notwithstanding to that, separate permission for I to R/C shall not be required and no any procedure to that effect is necessary.

(13) In case of sanctioned I to R/C proposals once the amenity space is handed over and final Occupancy Certificate is granted, the zone of such lands shall be treated as the zone for which it is converted even if they are shown as Industrial on D.P.

(14) In case of sanctioned Accommodation Reservation proposals, if the share of MCGM along with the construction if any thereon is handed over and final Occupation Certificate is granted to it, then the share of land retained with the owner shall be declared as free from reservation by the commissioner and he shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(15) If the land shown as a Natural Area (N.A.), does not fulfill the criteria set for it, then the commissioner, with the prior approval from the Government, under his special permission shall pass a well reasoned order to consider that land is in No Development Zone/Special Development Zone (NDZ/SDZ). In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(16) If any reservation in the earlier sanctioned Development Plan is lapsed in pursuance of notice under section 49 or 127 of the MRTP Act, 1966 or as directed by the Hon. High court/Supreme Court in respect of such notice, then the corresponding reservation shall stand lapsed in the Revised Development Plan to the extent of area covered in the said notice.

(17) The proposal of the 1991 D.P. on the government lands, which are granted by the government to any institute or persons excepting textile mill, during the period from the date of sanction of the concerned part of the 1991 D.P. and the date of publication of draft D.P. 2034 under section 26(i.e. 27th May 2016) which are valid, shall prevail, irrespective of any proposal in the 2034 D.P. subject to the stipulations of the order of the said grant of land/ consent term if any/court order if any, in this regard.

Provided that the above provision shall also be applicable to the land allotted by the MCGM/ MMRDA and to the lands for which the land use decided by competent court and to the lands for which the consent terms submitted by government in the competent court. Provided further that, such proposals shall be submitted by the allottee to the commissioner within a period of three months from the date on which the D.P. come into force and the commissioner shall take decision on it within next six months.

(18) Reservation for which the appropriate authority is shown a private person/private institute shall be considered to be lapsed. The development permission on such land shall be permitted as otherwise permissible on the adjoining land and as per the DCR 2034.

(19) In case of any variation proposal to the final TPS is sanctioned by the government, the proposals of the final D.P. stands modified to that effect.



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महाराष्ट्र शासन राजपत्र भाग एक—कोकण विभागीय पुरवणी, गुरुवार ते बुधवार, मे १७-२३, २०१८ / वैशाख २७-ज्येष्ठ २, शके १९४०

(20) If the SRS is sanctioned considering proposals of 1991 Development Plan and also by rearranging the reservations and road proposals of 1991 D.P. and such sanction is still valid and if new reservations are proposed in 2034 D.P. on such land then new reservations of 2034 D.P. shall be deemed to be deleted. In such cases, the rearranged proposal as per sanctioned SRS if any shall prevail over 2034 D.P.

(21) Where layouts are approved and IOD granted prior to 27th May 2016 (*i.e.* date of publication of D.P. under section 26 of MRTP) which are valid then the proposals of 1991 D.P., on such land shall prevail over proposal under 2034 D.P.

(22) Draftsman's error - Draftsman's errors which are required to be corrected as per actual situation on site and / or correction in existing boundaries of the establishments is required to be corrected as per city survey record or revenue record or as per acquisition and possession of lands or as per valid sanctioned layout etc. may be corrected by the Municipal Commissioner. In respect of High Tension Line, the alignment shown on D.P. is to be corrected or deleted wherever required by the Municipal Commissioner in consultation with the concerned department. However, due to shifting or deletion of such High Tension Line, the land use zone of lands (before shifting) under H.T. Line shall be the zone of adjoining land.

The Municipal Commissioner, after due verification and satisfying himself regarding such error, shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order in original shall be forwarded to the Government in Urban Development Department and Director of Town Planning, Maharashtra State, Pune for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(23) The areas of reserved sites as mentioned in Development Plan are approximate and tentative. The exact areas as measured on site as per the boundaries shown on the Development Plan shall be considered as the area of reserved site.

(24) The private or rental premises shown as designated in Public-Semipublic zone/use will continue to be in public-semipublic zone/use as long as Public-Semipublic user exists. If such user is shifted or closed then the Authority shall allow development permission on such land considering adjoining predominant land use zone, after due verification Commissioner may pass a suitable specific order to correct it and shall issue a written, well-reasoned, speaking order modifying Development Plan to that effect and copy of such order along with certified part plan in original shall be forwarded to the Director of Town Planning, Maharashtra State, Pune and Government in Urban Development Department for record. In any case the commissioner shall not delegate his power to do so, to any officer sub-ordinate to him.

(25) On lands acquired for public purpose from the earlier Sanctioned Development Plan where reservation is continued in this revised Development Plan for the another public purpose, in such cases such lands shall be available as per revised Development Plan reservation for public purpose.

(26) Existing Features Shown On Development Plan - The existing features shown on Development Plan are indicative and stand modified on Development Plan as per actual position. Merely mention of particular existing use on Development Plan, shall not bar the owner from development permission in that zone. Also, the boundaries of s. no., alignment of existing road / nala and other physical features of land shall be as per measurement plan of Land Records Department.

(27) Wherever the boundaries of Gaothan/Koliwada/Adivasi Pada are not shown on the Development Plan will be considered as and when the same is finalized by the Revenue Department.

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६ महाराष्ट्र शासन राजपत्र भाग एक—कोकण विभागीय पुरवणी, गुरुवार ते बुधवार, मे १७-२३, २०२८ / वैशाख २७-ज्येष्ठ २, शके १९४०

(28) Every order passed by the commissioner, involving changes in D.P. proposals shall be send along with part plan to the Director of Town Planning, Maharashtra State, Pune and Government of Maharashtra in Urban Development Department for record purpose.

(B) Accords sanctioned to the Draft Development control and promotion regulations - 2034 for Greater Mumbai excluding the part portion specified in Schedule-B and more specifically given in the booklet available on the Government website.

(C) Extends the period prescribed under section 31(1) of the Said Act, for sanctioning the Said Development Plan upto and inclusive of the date of this notification.

(D) Fixes the date, one month after publication of this Notification in the *Official Gazette* to be the date on which the said sanctioned Development Plan of Greater Mumbai-2034 shall come into force.

The aforesaid part Final Development Plan of Greater Mumbai Sanctioned by the State Government *vide* this Notification shall be kept open for inspection by the general public during office hours on all working days for a period of one month from the date of coming into force of this Notification, at the office of the—

(1) Chief Engineer (Development Plan), Municipal Corporation of Greater Mumbai, Mahapalika Marg, Mumbai 400 001.

(2) Deputy Director of Town Planning, Greater Mumbai, ' E ' Block, ENSA Hutment, Azad Maidan, Mahapalika Marg, Mumbai 400 001.

This Notification shall also be available on the Government of Maharashtra website : www.maharashtra.gov.in (कायदे व नियम)

By order and in the name of Governor of Maharashtra.

PRADEEP GOHIL,
Under Secretary to Government.

[Handwritten Signature]



Clerk SM

From: Falguni Thakkar <Falguni.Thakkar@dsklegal.com>
Sent: Saturday, June 14, 2025 6:03 PM
To: mah-env@nic.in; monitoring-crzc@nic.in; dir1.mev-mh@nic.in; secy-moef@nic.in; mvermadv@gmail.com
Cc: Parag Kabadi; Mahip Singh; Varun Kalra; Anshita Sethi
Subject: Before National Green Tribunal Principal Bench, New Delhi, Misc. Application No.12 of 2025 in Original Application No.327 of 2024, Hubtown Limited v/s. The Union of India & Ors.
Attachments: Affidavit in Rejoinder in MA 12 of 2025.pdf

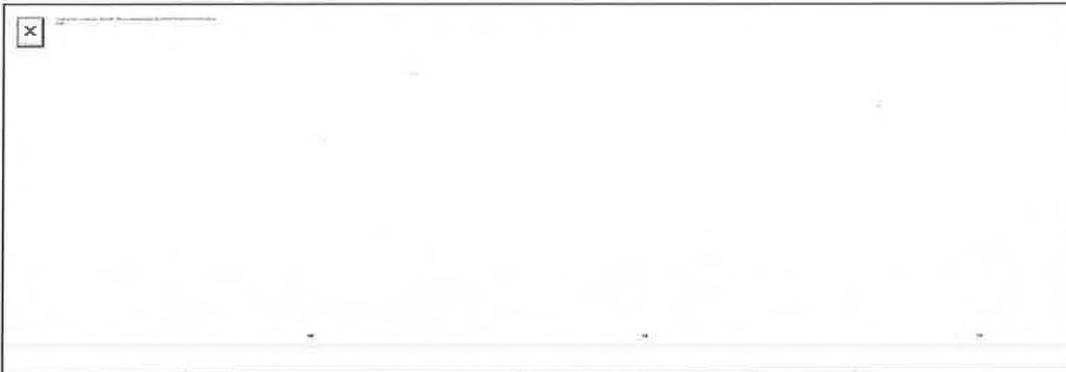
Dear Sir/Madam,

We represent the Applicant in the captioned matter.

Please find attached Affidavit in Rejoinder of the Applicant as and by way of service upon you/your client in the captioned matter.

Regards,

Falguni Thakkar
Of Counsel
+91 022 61526036



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