

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.185 OF 2023 (WZ)
Earlier PIL No.14/2014

Vanashakti Public Trust & Anr.

... Applicant

v.

Union of India & Ors.

... Respondents

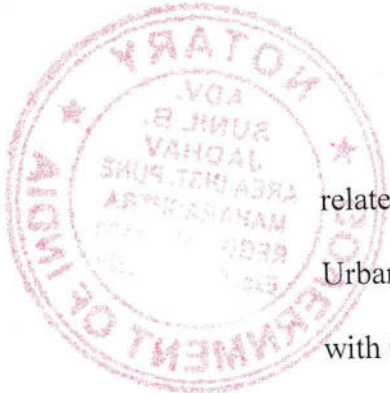
AFFIDAVIT ON BEHALF OF STATE OF MAHARASHTRA IN
URBAN DEVELOPMENT DEPARTMENT (UD-1) MENTIONED AS
RESPONDENT NO.2(II)

I, Kishor V. Gokhale, Age 53 years, Deputy Director of Town Planning, Urban Research Cell, Pune on behalf of Respondent No.2 (ii), do hereby state on solemn affirmation as under –

I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

1. I say that, the present Original Application is mainly filed by the Respondents being aggrieved by the rampant encroachments and unauthorized constructions on the floodplains of rivers and tributaries, riverbeds and riparian fringes, ultimately resulting in deterioration of water holding capacity of rives and tributaries. And also, non-compliance of the orders of Hon'ble Tribunal and failed in upholding constitutional duties of environment protection and enactment of proper River Regulation Zone Policy by the Respondent Authorities.
2. I respectfully say that, in the Prayer Clauses No. i to iv, vii and viii are related to Urban Development Department, out of which only Clause no. ii and iii are





related to Urban Development Department (UD-1) and others are related to Urban Development Department (UD-2). Hence, this affidavit is dealing only with Clauses No. ii and iii in the Prayer Clauses.



3. I further say that, in the Prayer Clause No. ii, the Petitioners are seeking to ban the conversion of agricultural land in to developable or constructable areas for a distance of 100 m. on either side of the river banks and 50 m. from all tributaries and water courses that contribute to the discharge of water into rivers, and in the Prayer Clause No. iii, Petitioners are seeking to pass guidelines preventing construction of any kind except those required by the Government for maintaining the purity of the rivers.

4. I say that, the Unified Development Control and Promotion Regulations - 2020 (UDCPR-2020) sanctioned by the Government of Maharashtra in Urban Development Department (UD-1) and are applicable to State of Maharashtra, with some exceptions. Various provisions as mentioned below are included in the UDCPR-2020, to prevent encroachments and unauthorized constructions in the near vicinity of the rivers and water bodies. (Exhibit 1- Copy of UDCPR is annexed herewith.)

3.1.1 - Site not Eligible for Construction of Building Regulation No.

3.1.1 (ii)- If the entire site is within a distance of 6.0 m. from the edge of water mark of a minor water course (like nallah, canal) and 15.0 m. from the edge of water mark of a major water course (like river) shown on Development Plan / Regional Plan or village / city survey map or otherwise;

Provided that where a minor water course passes through a low-lying land without any well-defined banks, the owner of the property may be permitted by the Authority to canalize water course within the same land without changing the overall alignment and the position of the



inlet and outlet of the water course according to cross section as determined by the Authority. In such case, marginal open space shall be as stipulated under this regulation and shall be measured from edge of the trained nallah;

Regulation No. 3.1.1 (xi)-If it is within the river and blue flood line of the river (prohibitive zone), unless otherwise specified in these regulations;

3.1.3 Construction within Blue and Red Flood Line:

i) Where Blue and Red flood line are marked on the Development Plan / Regional Plan or received from the Irrigation Department.

a) The Red Flood Line and Blue Flood Line shall be considered as per the plan prepared by the Irrigation Department. The area between the river bank and blue flood line (Flood line near the river bank) shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water / gas / drainage pipe lines, public toilet or like uses, provided the land is feasible for such utilization. Provided that, redevelopment of the existing authorised properties, within river bank and blue flood line, may be permitted at a plinth height of 0.45 m. above red flood line level.

b) Area between blue flood line and red flood line shall be restrictive zone for the purposes of construction. The construction within this area may be permitted at a height of 0.45 m. above the red flood line level.

c) If the area between the river bank and blue flood line forms part of the entire plot in Development Zone, then, FSI of such part of land may be allowed to be utilised on the remaining land.

d) The red and blue flood line, if shown on the Development / Regional Plan / Planning Proposal shall stand modified as and when it is modified by the Irrigation Department.

ii) Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department.



Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department, the tentative blue line shall be earmarked taking into consideration maximum observed flood level records available locally and also interacting with the residence in the area. The plan showing such tentative blue line shall be got approved from Chief Engineer, Irrigation Department. The distance of 50.0 m. on landward side from this tentative blue line shall be treated as No Construction Zone.

4.12 GREEN BELT ZONE / RIVER PROTECTION BELT

4.12.1 Following uses shall be permissible

- i) Agriculture,
- ii) Tree Plantation, Gardens, Public Park, Landscaping, Recreational Open Space, Forestry and Nursery etc.
- iii) River front development by Authority or any institution authorised on behalf of Authority.
- iv) Development of pedestrian pathways, Jogging tracks, Cycle tracks, Boat clubs etc.
- v) Swimming pools, club houses, recreational facilities after leaving 15.0 m. belt along river bank and 9.0 m. from Nallahs, subject to other provisions in these regulations.
- vi) Public toilets as per requirement.
- vii) Recreational open space of any layout / sub-division / development proposals, if submitted along with the developable land adjoining such green belt, after leaving marginal distances of minimum 15.0 m. and 9.0 m. from rivers and Nallahs, respectively, or subject to restrictions mentioned in Regulation No.3.1.3.
 - a) The uses and their extent shall be permissible in such Recreational open space, as prescribed in this regulation.
 - b) If the land under green belt zone, excepting open space therein, if any, is required by Authority for the public purposes mentioned above, the owner shall hand over the possession of such land for the development and maintenance of public purposes. Thereafter, such



land shall remain open and accessible to general public for recreational activities.

c) The side / rear marginal distances for a proposed building in a land adjoining a river / nallah shall be the maximum of :-

(i) Side / rear marginal distance, to be measured from river / nallah, as required according to height of building or

(ii) 4.5 m. from the dividing line between green belt zone and the other developable zone; or

(iii) Mandatory distance of 15.0 m. or 9.0 m to be observed from a river or nallah respectively.

10.4.4 The following regulation shall be applicable -----

----- shall also be not applicable for revision of such already approved permissions.

However, such development should not be permitted on lands which deserve preservation or protection from Environmental considerations viz. Hills and Hill tops and within the required Buffer Zone / Prohibited Zone from river, lakes and reservoirs of minor and major project of water resource department.

5. I further say that, UDCPR-2020 has ensured conservation of rivers and water bodies by discouraging construction near rivers and water bodies by insertion of above Clauses.

6. I further say that, Government Resolution No.TPS 1815/C.R.49/15/UD-13, dated 06.05.2015 has been issued by the Government of Maharashtra in Urban Development Department regarding the procedure to be followed while modifying the proposals in the sanctioned Regional Plans approved under the Maharashtra Regional and Town Planning Act, 1966. In Clause No.1 of this Government Resolution, a 'Scrutiny Committee' has been formed to scrutinize the proposals for change of use of land in the approved Regional Plan and make



recommendations to the Government. Members of the 'Scrutiny Committee' are as follows.

"Divisional Level Committee for proposals for sites ranging from 10.00 hectares to 25.00 hectares in area under land use conversion:

- | | |
|---|-------------------|
| 1) Divisional Commissioner (Concerned Division) | Chairman |
| 2) Collector (Concerned District) | Member |
| 3) Chief Engineer, Maharashtra Jeevan Pradhikaran | Member |
| 4) Chief Engineer, Public Works Department | Member |
| 5) Chief Engineer, Water Resources Department | Member |
| 6) Head of concerned branch Office
Department of Town Planning | Member |
| 7) Joint Director, Town Planning
of concerned Division | Member Secretary" |

The guidelines for scrutinizing the proposals of change in land use are also issued in Annexure - D along with this G.R. dated 06.05.2015.

The guideline No.8 is as below :

"While considering the request for change in use of lands like Hill Top - Hill Slope, lands in catchment area of dam, forest lands, water bodies, lands in Coastal Regulation Zone (CRZ), lands in environmentally sensitive areas, which are ecologically important, appropriate recommendations should be made after careful scrutiny of such proposals, taking into consideration the factual situation on site and need of future."

The said provision in the guidelines is incorporated by the Government with intent to protect the lands in ecologically sensitive areas.

The said committee includes officials from Maharashtra Jeevan Pradhikaran, Water Resources Department, and looking into the nature of proposal, the members from the authorities like



Maharashtra Industrial Development Corporation, Maharashtra Pollution Control Board, Groundwater Survey Department, Irrigation/ Water Resources Department etc. are invited by the said committee and appropriate decisions are taken with reference to land use change considering the suggestions of the members and invitees. (Exhibit 2 - Copy of G.R. dated 06.05.2015 is annexed herewith.)

7. I respectfully say that, there are total 10 points in the prayer clause, where Petitioners seeking some action against encroachments and unauthorized development on the floodplains of rivers and tributaries, riverbeds and riparian fringes from different Departments of Government. Hence, after considering the say of other concerned Departments, this Hon'ble Court may pass appropriate order as deem fit as proper in interest of justice.

Pune

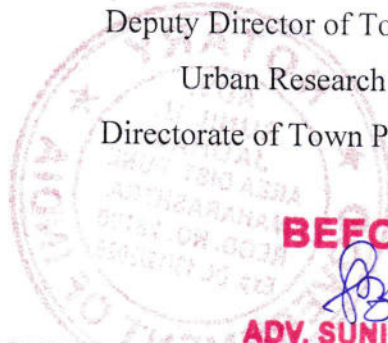
Date 06 February, 2025.

Kishor V. Gokhale

Deponent

Kishor V. Gokhale

Deputy Director of Town Planning,
Urban Research Centre,
Directorate of Town Planning, Pune



BEFORE ME

Sunil B. Jadhav

ADV. SUNIL B. JADHAV
NOTARY, GOVT. OF INDI
PUNE DIST.
REG. No. 28100

NOTED AND REGISTERED

SERIAL NUMBER: R/229/2025

DATE: 6/2/2025

2025 FEB 06
- 6 FEB 2025



VERIFICATION

I, Kishor V. Gokhale, Deputy Director of Town Planning, Urban Research Centre, Urban Development Department, Government of Maharashtra, having my office address at Directorate of Town Planning and Valuation, Ground Floor, Central Building, Finance Road, Agarkar Nagar, Pune – 411 001 do hereby verify and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.

Solemnly affirmed on this 06 day of Feb., 2025 at Pune.

Gokhale
Deponent

Kishor V. Gokhale

Deputy Director of Town Planning,
Urban Research Centre,
Directorate of Town Planning, Pune



BEFORE ME
[Signature]
ADV. SUNIL B. JADHAV
NOTARY, GOVT. OF INDI
PUNE DIST.
REG. No. 28100
06/2/2025

6 FEB 2025

6 FEB 2025

CHAPTER - 3

GENERAL LAND DEVELOPMENT REQUIREMENTS.

3.1 REQUIREMENTS OF SITE

3.1.1 Site not Eligible for Construction of Building

No piece of land shall be used as a site for the construction of building,

- i) If the Authority considers that the site is insanitary, incapable of being well drained or is dangerous to construct a building on it;
- ii) If the entire site is within a distance of 6.0 m. from the edge of water mark of a minor water course (like nallah, canal) and 15.0 m. from the edge of water mark of a major water course (like river) shown on Development Plan / Regional Plan or village / city survey map or otherwise;

Provided that where a minor water course passes through a low lying land without any well-defined banks, the owner of the property may be permitted by the Authority to canalise water course within the same land without changing the overall alignment and the position of the inlet and outlet of the water course according to cross section as determined by the Authority. In such case, marginal open space shall be stipulated under these regulation and shall be measured from edge of the trained nallah;
- iii) If the site is hilly and having gradient more than 1:5;
- iv) If the site is not drained properly or is incapable of being well drained;
- v) If the owner of the building has not proposed appropriate measures required to safeguard the construction from constantly getting damp to the satisfaction of the Authority;
- vi) In case the building is proposed on any area filled up with carcasses, excreta, filth and offensive matter, then certificate from the Authority to the effect that it is safe from the health and sanitary point of view, to be built upon, is required;
- vii) If the use of the site is for the purpose, which in the opinion of the Authority will be a source of annoyance to the health and comfort of the inhabitants of the neighbourhood;
- viii) If the proposed occupancy of the building on the site does not conform to the land use proposals in the development plans / Regional Plan or Zoning Regulations;
- ix) If the level of the site is less than prescribed datum level depending on topography and drainage aspects;
- x) If it doesn't derive access from an authorized street/means of access of adequate width as described in these Regulations;
- xi) If it is within the river and blue flood line of the river (prohibitive zone), unless otherwise specified in these regulations;
- xii) If the site is within the boundary of Coastal Regulation Zone where CRZ Regulation does not allow development;
- xiii) If the site is not developable by virtue of restrictions imposed under any law or guidelines of any Government Department;
- xiv) If the entire site is within a distance of 50.0 m. from the mean high flood level of a wetland. The mean shall be calculated as per the provisions of Wetlands (Conservation and Management) Rules, 2017.

3.1.2 Distance of Site from Electric Lines

No structure including varandah or balcony shall be allowed to be erected or re-erected or any additions or alterations made to a building on a site within the distance quoted in Table No.3 below in accordance with the prevailing Indian Electricity Rules and its amendments from time to time between the building and any overhead electric supply line.

Table No.⁽¹⁾ 3 - Distance of site from Electric Lines		
Electric Lines	Vertical (Meters)	Horizontal (Meters)
Low and medium voltage Lines	2.50	1.20
High voltage lines up to and including 33000 V.	3.70	2.00
Extra High voltage lines beyond 33,000 V.	3.70	2.00
	(Plus 0.3 m. for every additional 33,000 V. or part thereof)	
Note - The minimum clearance specified above shall be measured from maximum sag for vertical clearance and from maximum deflection due to wind pressure for horizontal clearance.		

3.1.3 Construction within Blue and Red Flood Line**i) Where Blue and Red flood line are marked on the Development Plan / Regional Plan or received from the Irrigation Department.**

- a) The Red Flood Line and Blue Flood Line shall be considered as per the plan prepared by the Irrigation Department. The area between the river bank and blue flood line (Flood line near the river bank) shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water / gas / drainage pipe lines, public toilet or like uses, provided the land is feasible for such utilization.

Provided that, redevelopment of the existing authorised properties, within river bank and blue flood line, may be permitted at a plinth height of 0.45 m. above red flood line level.

- b) Area between blue flood line and red flood line shall be restrictive zone for the purposes of construction. The construction within this area may be permitted at a height of 0.45 m. above the red flood line level.
- c) If the area between the river bank and blue flood line forms part of the entire plot in Development Zone, then, FSI of such part of land may be allowed to be utilised on the remaining land.
- d) The red and blue flood line, if shown on the Development / Regional Plan / Planning Proposal shall stand modified as and when it is modified by the Irrigation Department.

ii) Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department.

Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department, the tentative Blue line shall be earmarked taking into consideration maximum observed flood level records available locally and also interacting with the residence in the area. The plan showing such tentative Blue line shall be got approved from Chief Engineer, Irrigation Department. The distance of 50.0 m. on landward side from this tentative Blue line shall be treated as No Construction Zone.

⁽¹⁾ Substituted vide Corrigendum / Addendum No.CR.121/21, dt.02nd December, 2021

In such cases, provisions of Regulation No.3.1.3(i)(a,b,c,d) shall be applicable to that extent. Till such tentative Blue line is prepared and marked on the plan, the development permission shall be governed by the provisions of Regulation No.3.1.1(ii).

3.1.4 Development within 30.0 m. Distance from Railway Boundary

For any construction within 30.0 m. from railway boundary, No Objection Certificate from Railway Authority shall be necessary.

3.1.5 Environmental Clearance

Environmental clearance certificate shall be submitted for the project as may be prescribed by the Ministry of Environment from time to time.

3.1.6 ^(#) Development along Highways / Classified Roads

The development along the highways shall be subject to the provisions of State Highways Act, 1965 and National Highway Act, 1956 and orders issued by Public Works Department, directives issued by Urban Development Department vide Resolution No.TPS-1819/UOR-36/19/UD-13, dated 5.8.2019 in this regard, from time to time. ⁽ⁱ⁾ All the classified roads passing through the ⁽ⁱⁱ⁾ ULBs i.e. Municipal Corporations / Municipal Councils / Nagar Panchayats shall be treated as city roads.

A service road as specified in Regulation No.3.3.8 shall be provided along State and National Highways on both sides. Where service road of 12.0 m. width is already provided in adjoining land, such service road of the same width may be continued in the development permission. Such service roads may not be insisted if it has no continuity from junction to junction due to existing authorised development / construction.

3.1.7 Development within certain distance from the Prison Premises

The development within 150 m., 100 m., 50 m. from the perimeter wall of Central Prison, District Prison and any Sub Prison respectively shall be regulated and may be permitted with prior consent of the committee constituted in this regard by the Home Department. This provision shall be subject to the orders issued by the Government from time to time.

3.1.8 Distances from land fill sites

For any residential development, segregating distance from the land fill site shall be observed as specified under Solid Waste Management Rules in force from time to time or as specified by competent authority.

3.1.9 Restrictions in the vicinity of Airport

For structure, installations or buildings including installations in the vicinity of aerodromes,

- i) The height shall be restricted to permissible top elevation as mentioned on Colour Coded Zoning Maps (CCZM) prepared by the Airport Authority of India (AAI) published on its web site.
- ii) For any additional height beyond that mentioned in i) above, prior NOC from AAI shall be submitted.
- iii) For the areas depicted in red colour on CCZM, prior NOC from AAI shall be submitted.

⁽ⁱ⁾ Inserted vide Corrigendum / Addendum No.CR.121/21, dt.02nd December, 2021
^(#) Clarification issued vide Order No.CR.236/18 (Part-2), dt.23rd December, 2021

4.12 GREEN BELT ZONE / RIVER PROTECTION BELT**4.12.1 Following uses shall be permissible**

- i) Agriculture,
- ^(a) ii) Tree Plantation, Gardens, Public park, Landscaping, Recreational Open Space, Forestry and Nursery etc.
- iii) River front development by Authority or any institution authorised on behalf of Authority.
- iv) Development of pedestrian pathways, Jogging tracks, Cycle tracks, Boat clubs etc.
- v) Swimming pools, club houses, recreational facilities after leaving 15.0 m. belt along river bank and 9.0 m. from Nallahs, subject to other provisions in these regulations.
- vi) Public toilets as per requirement.
- vii) Recreational open space of any layout / sub-division / development proposals, if submitted along with the developable land adjoining such green belt, after leaving marginal distances of minimum 15.0 m. and 9.0 m. from rivers and Nallahs, respectively, or subject to ⁽¹⁾ restrictions mentioned in Regulation No.3.1.3.
 - a) The uses and their extent shall be permissible in such Recreational open space, as prescribed in this regulation.
 - b) If the land under green belt zone, excepting open space therein, if any, is required by Authority for the public purposes mentioned above, the owner shall hand over the possession of such land for the development and maintenance of public purposes. Thereafter, such land shall remain open and accessible to general public for recreational activities.
 - c) The side / rear marginal distances for a proposed building in a land adjoining a river / nallah shall be the maximum of :-
 - (i) Side / rear marginal distance, to be measured from river / nallah, as required according to height of building or
 - (ii) 4.5 m. from the dividing line between green belt zone and the other developable zone; or
 - (iii) Mandatory distance of 15.0 m. or 9.0 m to be observed from a river or nallah respectively.

4.13 TRAFFIC AND TRANSPORTATION ZONE

- i) All uses / activities related to surface, water and air traffic and transportation including Parking, ancillary uses shall be permissible.
- ii) Separable lands of Railways shall be allowed to be developed for uses permissible in Commercial Zone.

4.14 REGIONAL PARK ZONE

The following uses shall be permissible :-

- i) All uses permissible in Green Belt Zone, Hill Top Hill Slope Zone and Afforestation Zone.
- ii) Uses at Regulation No.4.11 (iv, v, vi, viii, ix, x, xiii, xix, xx, xxii, xxv, xxviii, xxix, xxxvi, xxxix, xxxxi) permissible in Agriculture Zone.
- iii) Uses at Regulation No.4.11 (xv, xxxiii, xxxiv) permissible in Agriculture Zone with maximum FSI of 0.20 without premium and additional 0.30 i.e. upto 0.50 with payment of premium @ 20% of land rate in ASR.
- iv) Gaothan expansion as specified in Regulation No.5.1.1 subject to 200 m. from the gaothan limit.

⁽¹⁾ Substituted vide Corrigendum / Addendum No. CR 121/21, dt. 02nd December, 2021

^(#) Clarification issued by the Govt. vide letter No.CR.122/23/UD-12, dt.26th October, 2023

- ⁽ⁱⁱ⁾ **10.4.3** The following regulation shall be applicable only for the reference of Regulation No.25.6(xxxx) mentioned in the notification of sanctioning the Development Plan of Nagpur Metropolitan Region Development Authority.

In Agriculture zone, Residential use shall be allowed subject to following conditions -

- Minimum area of land shall be 15.0 hect.
- Land shall front on minimum 12.0 m. wide existing road.
- Permissible FSI / TDR shall be as that of Residential zone.
- The offsite infrastructure like road, water supply, sewerage treatment plant having zero discharge shall be developed by land owner at his own cost, unless this infrastructure is provided by Authority.
- 10% of the entire holding area shall be handed over to the Authority free of cost, without any FSI / TDR and free of all encumbrances for sale by Authority for residential, commercial or industrial use depending upon the nature of development. This 10% area shall be over and above recreational open space and amenity space to be provided as per regulation. This 10% area shall front on minimum 12.0 m. wide road.
- Premium on gross area at the rate of 5% of land rate in Annual Statement of Rates of the said land without considering the guidelines therein shall be paid to the Authority.

- 10.4.4** ⁽ⁱ⁾ The following regulation shall be applicable only for the reference of Regulation No.25.6 (xxxiii) mentioned in the notification of sanctioning the Development Plan of Nagpur Metropolitan Region Development Authority.

Development permission around the periphery of Gaothan boundary -

Development permission around the periphery of Gaothan boundary shall be allowed as per the Regulation mentioned as below. This regulation shall be applicable only for the Rural centre and rural area. (excluding nine urban centre area) Regulation for residential zone and other regulation shall be applicable.

The peripheral residential area shown along the Gaothan village is deleted and land thereunder included in Agriculture Zone. The development along the periphery of the Gaothan shall be allowed subject to following :

- In the villages in Rural area / Rural Centre excluding the area under nine urban centres, Residential Development or development allowed in Residential Zone, may be permitted within the periphery of Gaothan boundary as per the criteria given below. The regulations in respect of residential zone specified in these UDCPR shall be applicable.

Sr. No.	Category of Village (Populations as per latest census)	Development allowed from Gaothan boundary
1	Up to 5000	750 m.
2	Above 5000	1000 m.

Such development may be permitted on payment of premium of the total area of land. Such premium shall be calculated considering 15% rate of the said land as prescribed in the Annual Statement of Rates of the year granting such developments. Such premium shall be deposited in the concerned Authority.

Provided that, where more than 50% of area of the Survey Number/ Gat Number is covered within the above peripheral distance then the remaining whole of such Survey Number / Gat Number within one ownership shall be considered for development on payment of premium as above.

⁽ⁱ⁾ Inserted Vide Addendum No.CR.236/18 (Part-1), dt.23rd June, 2021
⁽ⁱⁱ⁾ Clarification issued vide letter No.CR.67/2022, dt.6th September, 2022

⁽¹⁾ Provided further that, the premium charges shall be recovered at the time of tentative approval of the Development permission. Where tentative development permission is already granted before publication of this Development Plan and final approval is yet to be granted, then in such cases premium charges shall not be recovered at the time of final approval.

Provided further that, such payment of premium shall not be applicable in cases where development permission is already granted or layout is already approved by the authority before publication of Development Plan. Such premium shall also be not applicable for revision of such already approved permissions.

However, such development should not be permitted on lands which deserve preservation or protection from Environmental considerations viz. Hills and Hill tops and within the required Buffer Zone / Prohibited Zone from river, lakes and reservoirs of minor and major project of water resource department.

10.5 NASHIK MUNICIPAL CORPORATION

10.5.1 Applicability of Regulations for some areas

- i) The special Regulations framed by the Arbitrator for some final plots in T.P. Scheme No.1 (First Varied) shall remain in force.

⁽²⁾ (--)

10.5.2 Development of Cycle Track Along River and Nallah

A cycle track shall be developed in green belt areas earmarked on Development Plan along the rivers. Also, cycle track proposal is shown on canal land in the Development Plan.

A distance of 6.0 m. from the edge of minor water course (nallah) is to be left as marginal distance for construction of any building. A 3.0 m. strip of land from the edge of such water course out of this 6.0 m. distance to be left shall be available for use as cycle track for general public. The compound wall shall be constructed excluding this distance of 3.0 m. strip for cycle track. The owner shall be entitled for FSI of this strip of land for cycle track, in-situ. This 3.0 m. wide strip shall be handed over to Municipal Corporation for which, owner shall be entitled for TDR or in-situ FSI equivalent to 35% of the area of 3.0 m. wide strip. This regulation shall be applicable for development of land along Nallahs specified in Plan - A annexed with this UDCPR. Where development is already taken place and it is not possible to make provision for such 3.0 m. wide cycle track, then Municipal Commissioner shall be empowered to decide not to apply this regulation for particular stretch of nallah. In such cases, normal marginal distances under these regulations shall apply.

10.5.3 Set back and marginal distances for 36 m. wide D.P. road passing through village Gangapur and Ambad

Notwithstanding anything contained in Regulation No.6.2.1, following set back and marginal distance shall be applicable for road mentioned below.

Description of the road	Min. Plot Size in sq.m.	Min. width of plot in m.	Min. set back from road side in meters	Min. side margins in m.	Min. rear margins in m.	Remarks
36 m. wide D.P. road from Gangapur S.No.12 to Ambad S.No.199	300	12	3.00 (for commercial use also)	2.00	2.00	Margins for buildings G + 2 or stilt + 3 structure. Higher height permissible subject to marginal distances in Regulation No.6.2.3.

⁽¹⁾ Inserted Vide Addendum No.CR.236/18 (Part-1), dt.23rd June, 2021

⁽²⁾ Sr.No.(ii) deleted vide Corrigendum / Addendum No.CR.121/21, dt.02nd December, 2021

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ अन्वये मंजूर केलेल्या प्रादेशिक योजनेतील प्रस्तावांमध्ये वेळोवेळी कराव्या लागणाऱ्या फेरबदलांसंदर्भाने करावयाची कार्यपध्दती निश्चित करणेबाबत.....

महाराष्ट्र शासन

नगर विकास विभाग

शासन निर्णय क्रमांक : टिपीएस-१८१५/प्र.क्र.४९/१५/नवि-१३

हुतात्मा राजगुरू चौक, मादाम कामा मार्ग,

मंत्रालय, मुंबई-३२

दिनांक: ०६/०५/२०१५

प्रस्तावना:

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ (यापुढे उक्त अधिनियम असे नमूद केले आहे) चे कलम ३ अन्वये शासनाने स्थापित केलेल्या प्रदेशासाठी, उक्त अधिनियमाचे कलम ४ ते १७ अन्वये प्रादेशिक योजना तयार करण्यात येते. अशा प्रादेशिक योजना अंमलात आल्यानंतर १० वर्षांच्या कालावधीनंतर केव्हाही, शासन अशी प्रादेशिक योजना सुधारित करू शकते. ज्या प्रदेशासाठी प्रादेशिक योजना तयार केली आहे, त्या प्रदेशाच्या समतोल विकासाच्या दृष्टीने आवश्यक असल्यास, शासन त्यापूर्वीही मंजूर प्रादेशिक योजनेमध्ये, उक्त अधिनियमाच्या कलम २० अन्वये फेरबदल करू शकते. त्यानुसार शासनाकडून वेळोवेळी मंजूर प्रादेशिक योजनेच्या प्रस्तावांमध्ये आवश्यकतेनुसार कलम २० अन्वये प्रक्रिया पूर्ण करून, फेरबदल करण्याची कार्यवाही करण्यात येते.

०२. असे फेरबदल हे प्रामुख्याने शेती / ना-विकास विभाग, वनीकरण विभाग अशा प्रकारच्या अनुक्रमे अल्प प्रमाणात विकास अनुज्ञेय असलेल्या व नसलेल्या जमिनी रहिवास विभागात किंवा औद्योगिक अथवा सार्वजनिक / निम सार्वजनिक विभागात समाविष्ट करण्यासाठी तसेच काही वेळा मंजूर विकास नियंत्रण नियमावलीमध्ये काही फेरबदल करण्यासंदर्भाने असतात. शासनास स्वतःहून आवश्यकता वाटल्यास अथवा जनतेकडून प्राप्त होणाऱ्या विनंती अर्जावर, आवश्यक चौकशी करून वापर विभाग बदल तसेच नियमावलीमधील बदलांबाबत उक्त अधिनियमातील कलम २० मध्ये नमूद केलेली विहित कार्यवाही करून शासनाकडून उचित निर्णय घेण्यात येतो.

०३. वर नमूद केलेली फेरबदल करण्याची प्रक्रिया अधिक नियोजनपूर्ण, पारदर्शक व अधिक वस्तुनिष्ठ होण्याच्या दृष्टीकोनातून, या प्रक्रियेसाठी विशिष्ट निकष व कार्यपध्दती विहित करण्याची बाब शासनाच्या विचाराधिन होती. त्यानुषंगाने आता या शासन निर्णयान्वये महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ चे कलम १५४ अन्वये पुढीलप्रमाणे निदेश देत आहे:-

शासन निदेश:-

महाराष्ट्रातील मंजूर केलेल्या प्रादेशिक योजनांमध्ये अधिनियमाचे कलम २० अन्वये वेळोवेळी कराव्या लागणाऱ्या जमीन वापराच्या फेरबदलांसंदर्भाने करावयाची कार्यपध्दती निश्चित करण्यात आली असून ती सोबतच्या प्रपत्र-अ मध्ये नमूद करण्यात आली आहे. त्यानुसार या शासन



महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ अन्वये मंजूर केलेल्या प्रादेशिक योजनेतील प्रस्तावांमध्ये वेळोवेळी कराव्या लागणाऱ्या फेरबदलांसंदर्भात करावयाची कार्यपध्दती निश्चित करणेबाबत.

प्रस्ताव
छाननी
समितीचे
गठण

०१. मंजूर प्रादेशिक योजनेतील वापर विभाग बदलासाठीच्या प्रस्तावांची छाननी करून शासनास शिफारशी करण्याकरिता, सोबतच्या अनुसूची "अ" मध्ये विहित केल्यानुसार "प्रस्ताव छाननी समिती" (यापुढे सोयीसाठी "समिती" असे उल्लेखिलेली) गठित करण्यात येत आहेत. मंजूर प्रादेशिक योजनेतील ना-विकास क्षेत्रातून रहिवास तसेच वाणिज्य क्षेत्रात, सार्वजनिक निमसावर्जनिक विभागातून रहिवास विभागात, रहिवास विभागातून औद्योगिक विभागात आणि वनिकरण विभागातील १:५ पेक्षा कमी उताराच्या जमिनी शंती विभागात समाविष्ट करणे इत्यादी वापर बदल करणेचे प्रस्ताव समितीने हाताळावेत.

समितीच्या
बैठका

१.१ उपरोक्त समितीने आवश्यकतेनुसार व प्रस्तावांच्या संख्येनुसार दर दोन महिन्यांतून किमान एक किंवा आवश्यकतेनुसार अधिक बैठका घेऊन, बैठकीच्या विषय पत्रिकेमधील प्रस्तावांना मान्यता देण्यासंदर्भात आवश्यक तो कार्यवाही करावी.

समिती
सदस्यांची
उपस्थिती
अनिवार्य

१.२ समितीतील वेगवेगळ्या विभागाचे सदस्य हे अशा बैठकांमध्ये त्या-त्या विभागाचे प्रतिनिधीत्व करतील त्यामुळे अशा बैठकांना सदस्यांनी स्वतः उपस्थित राहणे अनिवार्य राहिल.

०२. मंजूर प्रादेशिक योजनेमधील वापर विभाग बदलण्यासाठी आवश्यकतेनुसार शासन स्वतःहून अथवा जनतेकडून प्राप्त झालेल्या विनंतीच्या अनुषंगाने आवश्यक तो फेरबदल प्रस्ताव कार्यान्वीत करेल. असा प्रस्ताव कार्यान्वित करण्यासाठी व त्याची छाननी करण्यासाठी शासन खालील प्रमाणे कार्यपध्दती निश्चित करीत आहे :-

प्रस्ताव
सादर
करणे

२.१ वापर विभाग बदल करण्यासाठीचा प्रस्ताव हा संबंधितांनी सोबतची अनुसूची "ब" मध्ये विहित केलेल्या नमुन्यात, सदर समितीच्या सदस्य-सचिवांकडे सादर करावा. वापर विभाग बदलासंबंधी थेट शासनाकडे विनंती अर्ज प्राप्त झाल्यास, शासनकडून असे अर्ज संबंधित व्यक्तीस परत पाठवून अशा व्यक्तीने परिपूर्ण प्रस्ताव सदर समितीच्या सदस्य-सचिवांकडे सादर करण्याबाबत संबंधितांना कळविण्यात येईल.

प्रस्तावासोबत
जोडावयाची
कागदपत्रे

२.२ वापर विभाग बदलाच्या विहित नमुन्यातील प्रस्तावासोबत खालील कागदपत्रे आवश्यक असतील.

- प्रस्तावांतर्गत जागेच्या मालकीसंबंधी अधिकार अभिलेख.
- प्रस्तावांतर्गत जागेस उपलब्ध असलेल्या विद्यमान पोचरस्त्याची रुंदी दर्शविणारा प्रमाणित मोजणी नकाशा अथवा विद्यमान पोचरस्ता उपलब्ध असलेबाबतचा अन्य पुरावा.
- प्रस्तावांतर्गत जागेचा मंजूर प्रादेशिक योजनेप्रमाणे वापर विभाग दर्शविणाऱ्या प्रमाणित भाग नकाशाची प्रत.
- प्रस्तावांतर्गत जागेच्या हद्दी तसेच आजूबाजूचा परिसर दर्शविणाऱ्या अद्ययावत उपग्रहीय छायाचित्राची रंगीत प्रत.



2

- (v) प्रस्तावांतर्गत जागेचा वापर विभाग बदल केल्यास, प्रस्तावित वापर विभागाच्या अनुषंगाने पाण्याची आवश्यकता, पाणीपुरवठ्याचा स्रोत व त्यापासून होणाऱ्या किमान पाणी उपलब्धतेचा संबंधित यंत्रणेचा किंवा तज्ञाचा दाखला.
- (vi) प्रस्तावांतर्गत जागा उंच सखल असल्यास, तज्ञ संस्थेकडून तयार करून घेतलेला, जागेचा उंच सखलपणा दर्शविणारा / समतल रेखा दर्शविणारा नकाशा (Contour Map), अशा नकाशावर त्याच्या सत्यतेबाबत संबंधित तज्ञ संस्थेचे प्राधिकृत प्रतिनिधी व अर्जदार यांनी साक्षात्कन केलेले असणे आवश्यक आहे.
- (vii) संबंधित गावनकाशाची प्रमाणित प्रत.
- (viii) प्रस्तावांतर्गत जागा भूधारकाच्या विनंतीवरून रहिवास वापर विभागामध्ये समाविष्ट करावयाची असल्यास सोबतच्या अनुसूची "क" मध्ये विहित केलेल्या नमुन्यातील भूधारकाने केलेले प्रतिज्ञापत्र / बंध पत्र.
- (ix) अन्य उपयुक्त व पुरक कागदपत्रे / नकाशे.

परिपूर्ण
प्रस्तावाच्या
आवश्यक प्रती

२.३ वापर विभागबदल करण्यासाठी विहित नमुन्यातील प्रस्तावासोबत वर सविस्तर नमूद केलेली आवश्यक कागदपत्रे जोडून तसेच मुद्दा क्र.७.१ येथे नमूद केल्याप्रमाणे प्रक्रिया शुल्काचा भरणा करून असा परिपूर्ण प्रस्ताव, संबंधितांनी किमान ७ प्रतीत समितीच्या सदस्य-सचिवांकडे सादर करणे आवश्यक राहिल.

अपूर्ण
प्रस्तावाबाबत
कार्यवाही

२.४ प्राप्त झालेला प्रस्ताव हा विहित नमुन्यात व आवश्यक कागदपत्रांसह नसल्यास, तो सदस्य-सचिवांचे स्तरावरूनच यथाशीघ्र मात्र एक महिन्यापेक्षा जास्त नाही अशा कालावधीत संबंधितांस परत पाठविण्यात यावा.

प्रस्ताव
सदस्यांकडे
पाठविणे

२.५ समितीच्या सदस्य-सचिवांकडे असा परिपूर्ण प्रस्ताव प्राप्त झाल्यानंतर त्यांनी सर्वसाधारणपणे सात कामाच्या दिवसांच्या आत, सदर प्रस्तावाची प्रत समितीच्या अध्यक्षसह सर्व सदस्यांकडे पाठवावी.

छाननीसमितीच्या
सदस्यांना
अभिप्रायासाठी
विहित कालमर्यादा

२.६ समितीच्या सदस्य-सचिवांच्या पत्राच्या दिनांकापासून ३० दिवसांत प्रस्तावासंदर्भात समिती सदस्यांनी त्यांचे अभिप्राय उपलब्ध करून द्यावेत व या विहित कालमर्यादेत संबंधित विभागाचे / समिती-सदस्याचे अभिप्राय प्राप्त न झाल्यास, संबंधित विभागाचा / समिती-सदस्याचा सदर प्रस्ताव मंजूरीस कोणताही आक्षेप/सूचना नसून केवळ सहमती असल्याचे गृहीत धरण्यात येईल, याची स्पष्ट कल्पना समितीचे-सदस्य-सचिव यांनी, अशा प्रस्तावाची प्रत अन्य समिती-सदस्यांना पाठवितांनाच्या पत्रामध्ये संबंधितांना स्पष्टपणे द्यावी. त्यानुषंगाने समितीच्या सदस्य-सचिवांच्या पत्राच्या दिनांकापासून संबंधित विभागाने / समिती-सदस्यांनी, सदर प्रस्तावाबाबत निर्णय घेण्यासंदर्भात त्यांचे अभिप्राय ३० दिवसांच्या आत सदस्य-सचिवांकडे उपलब्ध करून द्यावेत. संबंधित विभागास / समिती-सदस्यास, प्रस्तावाबाबत काही आक्षेप असल्यास ते त्यांनी विहित कालमर्यादेतच पाठवावेत.



बेठकीसाठी
तांत्रिक टिप्पणी
तयार करणे

२.७

समितीच्या अन्य सदस्यांकडून अभिप्राय प्राप्त होईपर्यंतच्या कालावधीमध्ये सदस्य-सचिवांनी प्रस्तावाखालील जागेची पाहणी करून अन्य कागदपत्रांची छाननी करावी. समितीच्या अन्य सदस्यांकडून अभिप्राय प्राप्त होण्यासाठी विहित कालावधी

पूर्ण झाल्यानंतर १५ दिवसांच्या आत, सविस्तर तांत्रिक टिप्पणी तयार करून ती बैठकीसाठी समितीच्या अध्यक्षकांडे पाठवावी.

- बैठकीसाठी कालमर्यादा २.८ विभागबदल करण्यासंबंधीचा परिपूर्ण विनंती अर्ज / प्रस्ताव प्राप्त झाल्याच्या दिनांकापासून जास्तीतजास्त १० दिवसांच्या आत, वर नमूद प्रक्रिया पूर्ण करून समितीच्या नजिकच्या बैठकीच्या विषयसूचीमध्ये सदर प्रस्तावाचा समावेश करण्यात यावा.
- प्रस्ताव छाननीसाठी मार्गदर्शक तत्वे २.९ वापर विभाग बदल प्रस्तावांच्या छाननीसाठी, सोबतच्या अनुसूची "ड" मध्ये विहित केलेल्या ढोबळ मार्गदर्शक तत्वांचा विचार करण्यात यावा.
- समितीचे अभिप्राय कालमर्यादेत सादर करणे २.१० अध्यक्ष व सदस्य-सचिव यांना समितीचे इतिवृत्त, बैठक झाल्यापासून, जास्तीत जास्त ७ दिवसांत अंतिम करावे व त्यापुढील ७ दिवसांत प्रकरणनिहाय मंजूरी अथवा नामंजूरीचा प्रस्ताव, सह संचालक, नगर रचना यांचेकडे आवश्यक त्या कागदपत्रांसह पाठवावा.
- विशेष नियोजन प्राधिकरणाशी सल्लामसलत २.११ ज्या क्षेत्रासाठी शासनाने क्षेत्र विकास प्राधिकरण व विशेष नियोजन प्राधिकरण गठीत केले आहे, मात्र अद्याप या क्षेत्रासाठी संबंधित नियोजन प्राधिकरणाने उक्त अधिनियमाच्या कलम २६ अन्वये प्रारूप विकास योजना किंवा कलम ११५ अन्वये नियोजन विषयक प्रस्ताव प्रसिध्द केलेले नाहीत अथवा कलम ३१ अन्वये विकास योजना / कलम ११५ अन्वये नियोजन विषयक प्रस्ताव मंजूर झालेले नाहीत, अशा क्षेत्रातील मंजूर प्रादेशिक योजनेतील जमीन वापर विभाग बदलाच्या प्रस्तावावर उपरोक्त कार्यपध्दतीसह समितीने संबंधित प्राधिकरणाचे अभिप्राय प्राप्त करून घेऊन समितीच्या प्रस्तावामध्ये त्याचा अंतर्भाव करावा.
- समितीच्या मान्यतेने प्रस्तावाची कलम २०(३) ची सूचना निर्गमित करणे ०३. वरील परिच्छेद क्र.०२ मध्ये विहित केलेली कार्यपध्दती अवलंबून प्राप्त झालेल्या प्रस्तावाबाबत व परिच्छेद क्र.२.१० मधील निर्णयास अनुसरून विभागीय सह संचालक, नगर रचना यांनी त्याप्रमाणे फेरबदलाचा उद्देश जाहीर करणारी व त्यावर जनतेकडून हरकती व सूचना मागविण्यासाठी उक्त अधिनियमाच्या कलम २०(३) अन्वये शासनातर्फे शासनाने शासन निर्णय क्रमांक TPS-1815/CR-49/15/UD-13, dated 06/05/2015 अन्वये प्रदान केलेल्या अधिकारांचा वापर करून सूचना प्रसिध्द करावी. सदर सूचना प्रसिध्द करतांना मुद्दा क्र.७.२ येथे नमूद केल्याप्रमाणे अधिमूल्य आकारण्यासंबंधीची अट, अंतर्भूत करावी तसेच जमिनीच्या वापर बदलाच्या अनुषंगाने आवश्यक वाटतील अशा शर्ती / अटी अंतर्भूत कराव्यात.
- कलम २०(४) चा प्रस्ताव संचालक, नगर रचना यांना सादर करणे ०४. प्रस्तुत शासन निर्णयाद्वारे विहित केलेल्या कार्यपध्दतीनुसार प्रस्ताव प्राप्त होऊन विभागीय सह संचालक, नगर रचना यांनी अशा विभागबदलाबाबत, जनतेच्या हरकती / सूचना मागविण्यासाठी उक्त अधिनियमाच्या कलम २०(३) अन्वये सूचना प्रसिध्द केल्यानंतर त्यांच्यातर्फे पुढील वैधानिक कार्यवाही करण्यासाठी प्राधिकृत केलेल्या अधिकाऱ्याने यासंबंधी आवश्यक ती वैधानिक कार्यवाही पूर्ण करून उक्त अधिनियमाच्या कलम २०(४) खालील प्रस्ताव दोन प्रतीत संचालक, नगर रचना, महाराष्ट्र राज्य पुणे यांच्याकडे सादर करावा.



३०

समितीकडे
प्रस्ताव
अंतिम
मंजूरीसाठी
सादर करणे.

०५. संचालक, नगर रचना महाराष्ट्र राज्य पुणे यांच्याकडे प्राधिकृत अधिकाऱ्यांकडून उक्त अधिनियमाच्या कलम २०(४) खालील प्रस्ताव प्राप्त झाल्यानंतर १५ दिवसांत त्यांचे अभिप्राय समिती अध्यक्ष यांच्याकडे सदस्य सचिव यांच्यामार्फत पाठवावे. संचालक नगर रचना यांचेकडून अभिप्राय प्राप्त झाल्या नंतर सदस्य सचिवांनी समितीची बैठक आयोजित करून त्यामध्ये प्रस्ताव मान्यतेसाठी ठेवावे. अशा प्रस्तावाबाबत प्राप्त झालेल्या हरकती / सूचनांमुळे व अन्य नियोजनात्मक बाबी विचारात घेऊन समितीकडे असा प्रस्ताव प्राप्त झाल्यापासून प्रस्तावाच्या मंजूरी / नामंजूरीबाबत समितीने १५ दिवसांचे आंत निर्णय घ्यावा व समितीच्या बैठकीचे इतिवृत्त ७ दिवसांत अंतिम करावे.

समितीच्या
मान्यतेने
प्रस्तावाची
कलम २०(४)
ची अंतिम
अधिसूचना
निर्गमित करणे

०६. वरीलप्रमाणे प्राप्त प्रस्तावाबाबत गठीत केलेल्या समितीची मंजूरी प्राप्त झाल्यानंतर प्रकरणी विहित केलेल्या अधिमूल्य रक्कमेचा भरणा नगर रचना विभागाच्या जिल्हास्तरीय शाखा कार्यालयाकडे करण्याबाबत समितीच्या सदस्य-सचिवांनी आवेदकास / अर्जदारास पत्राद्वारे कळवावे. संबंधितांनी अधिमूल्य रक्कमेचा भरणा करून त्याचे चलन अथवा पावती संबंधित कार्यालयामार्फत सह संचालक, नगर रचना यांना प्राप्त झाल्यानंतरच त्यांनी उक्त अधिनियमाच्या कलम २०(४) अन्वयेची अंतिम अधिसूचना शासनातर्फे शासनाने शासन निर्णय क्रमांक TPS-1815/CR-49/15/UD-13, dated 06/05/2015 अन्वये प्रदान केलेल्या अधिकारांचा वापर करून निर्गमित करावी.

०७. वापर विभाग बदलासाठी खालीलप्रमाणे शुल्क आकारणी करण्यात यावी:-

वापर विभाग
बदलासाठी
प्रक्रिया शुल्क व
सूचना प्रसिध्दी
शुल्क

७.१ प्रक्रिया शुल्क व सूचना प्रसिध्दी शुल्क (Processing Fee and Notice Publication Fee):-

वापर विभागवदल करण्यासाठी, वरील परिच्छेद क्र.२ मध्ये नमूद केलेल्या अर्जासोबत, विभागबदलाच्या मागणीखालील जमिनीचे त्या-त्या वर्षासाठी तयार केलेल्या बाजारमूल्य दर सूचीतील जमिन दराच्या ०.५०% एवढी रक्कम किंवा रु.२०,०००/- यापैकी जे जास्त असेल एवढी रक्कम एकरकमी विनापरतावा "अर्ज-प्रक्रिया शुल्क" म्हणून आकारण्यात यावी. त्याप्रमाणे कलम २०(३) ची सूचना वृत्तपत्रात प्रसिध्द करणेकामी भरावयाचे शुल्क प्रथमतः संबंधित समिती सदस्य-सचिव यांनी जमा करावे व या रकमेची अर्जदाराकडून एकरकमी विनापरतावा प्रतिपूर्ती प्रसिध्दी शुल्क म्हणून आकारण्यात यावी. सदर रक्कम नोटीस प्रसिध्द दिनांकापासून अर्जदाराने एक महिन्याच्या आत प्राधिकृत अधिकाऱ्यांमार्फत शासनाकडे जमा करावी.

७.२ विभाग बदलासाठी अधिमूल्य (Zone Change Premium):-

७.२.१ वरील परिच्छेद क्र.६ मध्ये नमूद केल्यानुसार फेरबदलासंबंधी कलम २०(४) ची अधिसूचना निर्गमित करण्यापूर्वी प्रस्तावातील झोनबदलाखालील क्षेत्र हे खालीलप्रमाणे अधिमूल्य आकारणीस पात्र असेल.

७.२.२ खालील तक्त्यात नमूद अ.क्र.१ ते ४ या प्रस्तावाखालील जमिनीच्या क्षेत्रावर वार्षिक मूल्यदर तक्त्यातील (Annual Statement of Rates) विकसित जमिनीचा किंवा विकसित जमिनीचा उपलब्ध नसल्यास लगतच्या रहिवास क्षेत्रातील जमिनीचा मूल्यदर विचारात घेऊन खालीलप्रमाणे अधिमूल्य आकारण्यात यावे. अ.क्र.५ या प्रस्तावाखालील जमिनीसाठी शेती विभागातील जमिनीचे दरमूल्य विचारात घेवून अधिमूल्य आकारावे.



अ.क्र	वापर बदल विभाग	अधिमूल्य दर
१	शेती तथा नाविकास विभागातून रहिवास विभागामध्ये	५० %
२	शेती तथा नाविकास विभागातून वाणिज्य विभागामध्ये	७५ %
३	सार्वजनिक निमसार्वजनिक विभागातून रहिवास विभागामध्ये	२० %
४	रहिवास विभागातून औद्योगिक विभागामध्ये	२० %
५	वर्नाकरण विभागातून शेती विभागामध्ये	४० %

७.२.३ अधिमूल्य आकारणीसाठी क्षेत्र विचारात घेतांना एकूण क्षेत्रामधून, प्रादेशिक योजनेतील आरक्षणे, प्रस्तावित रस्ते व रस्ता रुंदीकरण इत्यादी प्रस्तावांनी बाधित होत असल्यास असे क्षेत्र बजा करून, उर्वरित क्षेत्रावर, वर विहित केलेनुसार अधिमूल्याची आकारणी करावी.

७.३ वरील परिच्छेद क्र.७.१ व ७.२ मध्ये विहित केलेल्या, रक्कमेचा भरणा शासनाच्या वतीने स्थानिक नगर रचना शाखाधिकारी यांचेकडील लेखाशिर्षाखाली चलनाद्वारे भरण्यात यावा.

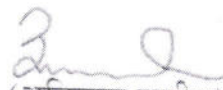
सार्वजनिक
हिताच्या
तातडीचा
फेरबदल

०८. शासनास सार्वजनिक हिताच्या दृष्टीने एखाद्या जमिनीचा वापर विभाग तातडीने बदलावयाचा असल्यास, शासन त्याबाबत प्रस्तुत शासन निर्णयामध्ये विहित केलेली कार्यपध्दती न अवलंबता शासनस्तरावरून योग्य वाटतील अशा प्राधिकार्याशी सल्लामसलत करून कलम २० अन्वये कार्यवाही करू शकेल.

फेरबदल
प्रकरणाचा
मासिक
अहवाल
सादर करणे

०९. वरप्रमाणे शासन निर्णयाच्या दिनांकापासून सह संचालक, नगर रचना यांच्याकडे प्राप्त होणारे प्रस्ताव, प्रस्तावाचे स्वरूप व त्याचे विवरण, प्राप्त होणारे विविध शुल्क याबाबतची माहिती सह संचालक, नगर रचना यांनी प्रपत्र विहित करून त्यामध्ये अद्यावत करावी, अशा प्रकारचा मासिक अहवाल महिन्याच्या ५ तारखेपर्यंत शासनास व संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे यांना सादर करावा.




(अविनाश पाटील)
सह सचिव, महाराष्ट्र शासन

अनुसूची 'अ'

(शासन निर्णय क्रमांक : टिपीएस-१८१५/प्र.क्र.४९/१५/नवि-१३, दि.०६/०५/२०१५ सोवतची अनुसूची)

"प्रस्ताव छाननी समिती"

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ चे कलम २० अन्वये फेरबदलाद्वारे जमिन वापर विभाग बदल करण्यासाठी "प्रस्ताव छाननी समिती".

जमीन वापराच्या फेरबदलाखालील क्षेत्र १०.०० हेक्टर ते २५ हेक्टर पर्यंत असलेल्या जागेच्या प्रस्तावासाठी विभागीय स्तरावरील समिती:-

१) विभागीय आयुक्त (संबंधित विभाग)	अध्यक्ष
२) जिल्हाधिकारी (संबंधित जिल्हा)	सदस्य
३) मुख्य अभियंता, महाराष्ट्र जीवन प्राधिकरण	सदस्य
४) मुख्य अभियंता, सार्वजनिक बांधकाम विभाग	सदस्य
५) मुख्य अभियंता, जलसंपदा विभाग	सदस्य
६) नगर रचना विभागाच्या संबंधित शाखा कार्यालयाचे प्रमुख	सदस्य
७) सह संचालक, नगर रचना	सदस्य सचिव



3e

(टीप:- उपरोक्त समितीमध्ये प्रस्तावाचे स्वरूप पाहून महाराष्ट्र औद्योगिक विकास महामंडळ, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, भूजल सर्व्हेक्षण विभाग, जलसंपदा विभाग इ. संबंधित विभागाच्या अधिकाऱ्यांना निर्मात्रित करता येईल.)

अनुसूची "ब"

(शासन निर्णय क्रमांक : टिपीएस-१८१५/प्र.क्र.४९/१५/नवि-१३, दि.०६/०५/२०१५ सोबतची अनुसूची)

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ चे कलम २० अन्वये फेरबदलासाठी सदस्य सचिव तथा सहसंचालक, नगर रचना यांचेकडे सादर करावयाच्या प्रस्तावाचा नमुना

प्रति,

मा.सह संचालक, नगर रचना,
विभाग पुणे / नागपूर / अमरावती /
औरंगाबाद / नाशिक / कोकण

विषय:- प्रादेशिक योजना-.....

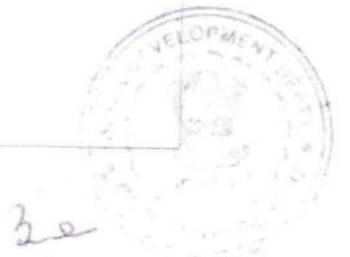
मौजे....., ता....., जि.....

येथील गट नं./स.नं..... ही.....

विभागातील..... चौ.मी. जमीन..... या विभागात

समाविष्ट करण्याबाबत.

१	प्रादेशिक योजनेचे नांव.	प्रादेशिक योजना.....
२	प्रादेशिक योजना मंजूर/अंमलात आल्याचा दिनांक.	दि..... रोजी मंजूर असून दि..... पासून अंमलात आली आहे.
३	अर्जदाराचे नांव	
४	गावाचे नांव	मौजे....., ता.....
५	वापर विभागबदल (झोन) बदल करून हवा असलेल्या जमिनीचा तपशील व क्षेत्र	गट नं./स.नं..... एकूण क्षेत्र हेक्टर
६	मंजूर प्रादेशिक योजनेनुसार संबंधित जागेचा विद्यमान वापर विभाग (झोन)	
७	बदल करून हवा असलेला वापर विभाग (झोन)	
८	वापर विभाग बदलण्याचे प्रयोजन	
९	जागेच्या नजीकच्या गावठाणाचे नांव व जागेचे नजीकच्या गावठाणाच्या हद्दीपासूनचे अंतर.	



१०.	जागेचे नजीकच्या नगरपरिषद अथवा महानगरपालिकेचे नाव व तिच्या हद्दीपासून अंतर.	
११.	जागेस उपलब्ध असलेल्या विद्यमान पोच रस्त्याची रुंदी व तपशील.	
१२.	प्रस्तावित वापरासाठी आवश्यक पाणी पुरवठ्याबाबत सोय	अ) पाण्याची आवश्यकता:- ब) पाण्याची उपलब्धता:-
१३.	संबंधित जागेचे रंगीत उपग्रह छायाचित्र.	जोडले आहे
१४.	संबंधित जागेवर बांधकामे आहेत काय?	होय / नाही
१५.	असल्यास बांधकामे अधिकृत की अनधिकृत आहेत?	अधिकृत / अनधिकृत
१६.	अशा बांधकामांचे बांधकाम क्षेत्र चौ.मी.
१७.	सोबत खालील कागदपत्रे जोडलेली आहेत:- (i) प्रस्तावांतर्गत जागेच्या मालकी हक्काचा पुरावा. (ii) प्रस्तावांतर्गत जागेस उपलब्ध असलेल्या विद्यमान पोचरस्त्याची रुंदी दर्शविणारा प्रमाणित मोजणी नकाशा अथवा विद्यमान पोचरस्ता उपलब्ध असलेबाबतचा अन्य पुरावा. (iii) प्रस्तावांतर्गत जागेचा मंजूर प्रादेशिक योजनेप्रमाणे वापर विभाग दर्शविणाऱ्या प्रमाणित भाग नकाशाची प्रत. (iv) प्रस्तावांतर्गत जागेच्या हद्दी तसेच आजूबाजूचा परिसर दर्शविणाऱ्या अद्ययावत उपग्रहीय छायाचित्राची रंगीत प्रत. (v) प्रस्तावांतर्गत जागेचा वापर विभाग बदल केल्यास, संभाव्य वापर विभागाच्या अनुषंगाने पाण्याची आवश्यकता, पाणीपुरवठ्याचा स्रोत व त्यापासून होणाऱ्या किमान पाणी उपलब्धतेचा दाखला. (vi) प्रस्तावांतर्गत जागा उंच सखल असल्यास, तज्ञ संस्थेकडून तयार करून घेतलेला, जागेचा उंच सखलपणा दर्शविणारा / समतल रेखा दर्शविणारा नकाशा (Countour Map), अशा नकाशावर त्याच्या सत्यतेबाबत संबंधित तज्ञ संस्थेचे प्राधिकृत प्रतिनिधी व अर्जदार यांनी साक्षांकन केलेले असणे आवश्यक आहे. (vii) संबंधित गावनकाशाची प्रमाणित प्रत. (viii) प्रस्तावांतर्गत जागा भूधारकाच्या विनंतीवरून रहिवास वापर विभागामध्ये समाविष्ट करावयाची असल्यास सोबतच्या अनुसूची "क" मध्ये विहित केलेल्या नमुन्यातील प्रतिजापत्र / बंध पत्र. (ix) अन्य उपयुक्त व पुरक कागदपत्रे / नकाशे.	

दिनांक :-

ठिकाण :-

प्रस्ताव प्रवर्तकाचे नांव व सही



३०

अनुसूची "क"

(शासन निर्णय क्रमांक : टिपीएस-१८१५/प्र.क्र.४९/१५/नवि-१३, दि.०६/०५/२०१५ सोबतची अनुसूची)

प्रतिज्ञापत्र / बंधपत्र

मी/आम्ही श्री/श्रीमती.....

रा. याद्वारे असे आश्वसित करतो/करते
की, माझ्या/आमच्या, मौजे ता. जि. पुणे येथील स.क्र./ग.क्र.
..... क्षेत्र हे. हे क्षेत्र, मंजूर प्रादेशिक योजनेतील
..... विभागातून वगळून रहिवास विभागामध्ये समाविष्ट करण्यासाठी
मी/आम्ही शासनाकडे विनंती केली आहे.

मी प्रतिज्ञापत्र लिहून देतो की, शासनाने माझ्या जमिनीचा वापर बदलण्याच्या प्रस्तावास तत्वतः मान्यता दिल्यास अंतिम मंजूरीपूर्वी शासनाने ठरविल्याप्रमाणे वापर बदल प्रस्तावाचे अधिमूल्य शासनाकडे जमा करेल. तसेच शासनाने माझी/आमची उपरोक्त जमीन रहिवास वापर विभागात समाविष्ट केल्यास सदर जमिनीवर मी/आम्ही भविष्यात करणार असलेल्या अभिन्यासात भूखंड पाडून विक्री करणे प्रस्तावित केले असेल तर मूलभूत सुविधांचा विकास क्रमाने करताना एकूण अपेक्षित सुविधांचा विकास टप्प्याने होत असताना माझ्यावर/आमच्यावर अभिन्यासातील भूखंड विक्रीवर बंधन खालील तक्त्यात दर्शविल्याप्रमाणे राहिल याची मला/आम्हाला जाणीव असून सदर निबंध मला/आम्हाला मान्य आहेत. मी/आम्ही प्रस्तावांतर्गत ठिकाणी समूह गृह बांधणी योजना प्रस्तावित केली असेल तर त्यामधील सदनिकांची विक्री ही व अभिन्यासांतर्गतच्या सुविधांचे विकसन यांची सांगड खालीलप्रमाणे राहिल, तसेच सर्व मूलभूत सुविधा विकसित झाल्याशिवाय मला/आम्हाला भोगवटा प्रमाणपत्र मिळणार नाही याची मला/आम्हाला जाणीव आहे.

सदर बाब स्वखुशीने व जबाबदारीने स्विकृत करित आहे. यामध्ये माझेकडून/आमचेकडून वरीलबाबत उल्लंघन झाल्यास किंवा कोणतीही हयगय झाल्यास सदर जागेवर मंजूर झालेला अभिन्यास अथवा समूह गृह बांधणी योजना रद्द करण्यास पात्र असेल तसेच त्याबाबत संबंधित कायद्यांतर्गत कारवाई होवू शकेल, याची मला/ आम्हाला जाणीव आहे. यासंदर्भात होणाऱ्या सर्व परिणामांची संपूर्ण जबाबदारी सर्वस्वी माझी/आमची राहिल.

तक्ता

अभिन्यासातील भूखंड / सदनिका यांची सुविधांच्या विकसनाशी सांगड

अ	अभिन्यास अंतिमतः मंजूर झाल्यावर	--	एकूण २५% भूखंड/सदनिका विक्री अनुज्ञेय राहिल
ब	सुमारे ४०% मूलभूत सुविधा पूर्ण झाल्यावर	--	एकूण ५०% भूखंड/सदनिका विक्री अनुज्ञेय राहिल
क	सुमारे ६०% मूलभूत सुविधा पूर्ण झाल्यावर	--	एकूण ७५% भूखंड/सदनिका विक्री अनुज्ञेय राहिल
ड	सुमारे ८०% मूलभूत सुविधा पूर्ण झाल्यावर	--	एकूण ९०% भूखंड/सदनिका विक्री अनुज्ञेय राहिल
इ	सुमारे १००% मूलभूत सुविधा पूर्ण झाल्यावर	--	एकूण १००% भूखंड/सदनिका विक्री अनुज्ञेय राहिल

दिनांक :-

ठिकाण :-



प्रस्ताव प्रवर्तकाचे नांव व सही

अनुसूची "ड"

(शासन निर्णय क्रमांक : टिपोएस-१८१५/प्र.क्र.४९/१५/नवि-१३, दि.०६/०५/२०१५ सोबतची अनुसूची)

प्रस्ताव छाननी समितीसाठी वापर विभाग बदल विषयी मार्गदर्शक तत्वे

१) किमान क्षेत्रमर्यादा :-

रहिवास वापरासाठी एखाद्या विशिष्ट जमिनीपुरता वापर विभाग बदलाचा प्रस्ताव असल्यास त्या जमिनीच्या आजूबाजूचाही विकासाचा कल पाहून सर्वसाधारणपणे विकासाचा दबाव असलेले सलग क्षेत्र सुनिश्चित करून त्या क्षेत्रासाठी वापर विभाग बदलाचा विचार करण्यात यावा. आवश्यकता असल्यास त्या क्षेत्रामध्ये पुरेशा रुंदीचे सार्वजनिक रस्ते नव्याने प्रस्तावित करण्याची शक्यताही पडताळून पाहण्यात यावी. अनुसूची-अ मध्ये नमूद केल्याप्रमाणे फेरबदलाच्या क्षेत्राबाबत प्रस्ताव छाननी समितीची कार्यक्षमता राहिल. सर्वसाधारणपणे १० हेक्टर ते २५ हेक्टर पर्यंतचे एकसंघ, एकसामाईक असे क्षेत्र विचारात घेण्यात यावे. असे निकष लावताना किमान / कमाल क्षेत्रामध्ये किरकोळ बदल (+/- ०.५० हेक्टर पर्यंत) विचारात घेता येईल. तथापि, या व्यतिरिक्त असलेल्या क्षेत्राचे फेरबदल प्रस्ताव आल्यास, अपवादात्मक प्रकरणात या शासन निर्णयामध्ये नमूद केलेल्या इतर निकषांची पूर्तता होत असल्यास आणि सबळ कारण असल्यास व अशा जमिनीचे फेरबदल करणे आवश्यक आहे असे समितीचे मत असल्यास तसे नमूद करून फेरबदल प्रस्ताव कार्यन्वयित करता येतील.

२) किमान आवश्यक पोचरस्ता :-

रहिवास विभागबदलासाठी जागेस किमान ९ मी. तर औद्योगिक व इतर वापर विभागबदलासाठी जागेस किमान १२ मी. रुंदीचा विद्यमान पोचरस्ता असावा. मात्र परिस्थितींनुसार व प्रकरणाच्या गुणवत्तेनुसार प्रस्तावित रस्ता रुंदीबाबतची शक्यताही पडताळून पाहण्यात यावी.

३) पाणीपुरवठा उपलब्धता :-

प्रस्तावांतर्गत जागत प्रस्तावित वापरासाठी पाण्याची गरज किती आहे, प्रस्तावांतर्गत जागेस पाणीपुरवठाबाबतचा स्रोत काय आहे तसेच तो पुरेशा प्रमाणात आहे काय याची तपासणी होणे आवश्यक आहे. सदर जागेला स्थानिक प्राधिकरण (ग्रामपंचायत / जिल्हा परिषद), निकटवर्ती महानगरपालिका / नगरपरिषद / नगरपंचायत, महाराष्ट्र जीवन प्राधिकरण किंवा तत्सम प्राधिकरण पाणी उपलब्ध करून देणार असल्यास, तसे प्रमाणपत्र सोबत जोडले असल्याची खात्री करण्यात यावी.

पाण्याचा स्रोत हा भूजलापासून असल्यास त्यापासून पुरेशा प्रमाणात पाणी उपलब्धता असल्याचे प्रमाणपत्र शासनाची भूजल सर्वेक्षण यंत्रणा अथवा खाजगी भूवैज्ञानिक यांचा तसा दाखला जोडल्याची खात्री करण्यात यावी.

प्रत्येक प्रस्तावामध्ये जागेस आवश्यकतेप्रमाणे पुरेशा प्रमाणात पाणी उपलब्ध होणार असल्याची खात्री समितीने करणे आवश्यक राहिल.

४) रहिवास वापर विभाग बदल प्रस्तावांमधील सोयी-सुविधांची सुनिश्चितता :-

प्रस्तावांतर्गत जागा रहिवास वापर विभागात समाविष्ट करण्याचा विचार करतांना क्षेत्रसापेक्ष लोकसंख्यासाठी किंवा किमान आवश्यक सामाजिक सोयी-सुविधा (जसे प्राथमिक शाळा, दवाखाना, क्रिडांगण, बगीचा, दुकान केंद्र इत्यादी) तसेच आजूबाजूच्या परिसरामध्ये उपलब्ध



असलेल्या सामाजिक सोयी-सुविधा व त्यांची प्रस्तावांतर्गत जागेपासूनची अंतरे यांचा विचार समितीने करून योग्य त्या शिफारशी कराव्यात.

ज्या मंजूर प्रादेशिक योजनांच्या विकास नियंत्रण नियमावलीमध्ये जमिन विकास परवानगीच्यावेळी सुविधा क्षेत्र सोडणे बंधनकारक नाही, अशा ठिकाणी रहिवास वापरासाठीच्या विकसनावेळी जागेच्या एकूण निव्वळ क्षेत्राच्या टक्केवारीच्या स्वरूपात किमान सुविधा क्षेत्र म्हणून सोडणेच्या आवश्यकतेबाबत देखील सकारण शिफारस करण्यात यावी. अशा रहिवास वापर विभाग बदल प्रस्तावासंदर्भातने सोबतच्या अनुसूची "क" मध्ये विहित केलेल्या नमुन्यातील संबंधित भूधारकाने लिहून द्यावयाच्या बंधपत्राबाबत आवश्यक ती छाननी व उहापोह याचाही समावेश समितीच्या अहवालात करण्यात यावा.

५) औद्योगिक धोरणाशी व औद्योगिक स्थाननिश्चयन धोरणाशी सुसंगतता :-

प्रस्तावांतर्गत जागेचा वापर विभाग, औद्योगिक विभागात बदलावयाचा असल्यास उद्योग विभागाच्या यासंदर्भातील प्रचलित धोरणाशी हा वापर विभाग सुसंगत असल्याबाबत, समितीमधील उद्योग विभागाशी संबंधित असलेल्या समिती सदस्यांनी छाननी करून अभिप्राय द्यावेत.

६) विद्यमान औद्योगिक घटकांच्या विस्तारासाठी आवश्यक विभाग बदल:-

ज्या जमिनीवर मंजूर प्रादेशिक योजनेतील विद्यमान जमीन वापर विभागामध्ये प्रचलित नियमावलीप्रमाणे औद्योगिक वापर सक्षम प्राधिकरणाने यापूर्वीच मंजूर केलेला असून त्याप्रमाणे वापर सुरु आहे, अशा औद्योगिक घटकाच्या विस्ताराच्या कारणासाठी सदर जागा औद्योगिक विभागात समाविष्ट करण्याची मागणी प्राप्त झाल्यास पाणी पुरवठा, प्रदूषण इत्यादी संबंधीच्या बाबींची तपासणी या अनुसूचीत नमूद कार्यपध्दतीनुसार करण्यात यावी.

७) प्रदूषण नियंत्रण :-

प्रस्तावाखालील जागेमध्ये भविष्यात उद्योग स्थापन झाल्यास / विद्यमान घटकाचा विस्तार प्रस्तावित असल्यास संभाव्य प्रदूषणाबाबत त्याचप्रमाणे ते नियंत्रणात ठेवण्यासाठी आवश्यक उपाय योजनांबाबत अभिप्राय, समितीमधील महाराष्ट्र प्रदूषण नियंत्रण मंडळाकडील प्रादेशिक अधिकारी यांनी देणे आवश्यक आहे.

८) नैसर्गिक दृष्ट्या संवेदनशील जमिनीबाबत :-

सर्वसाधारणपणे डोंगरमाथा / डोंगरउतार, धरणाचे पाणलोट क्षेत्र, वनजमिनी, जलसाठे, सागरतटीय नियंत्रण नियमावलीने (CRZ) बाधित जमिनी / पर्यावरण संवेदनशील क्षेत्रामधील जमिनी इत्यादी पर्यावरणाच्या दृष्टीने महत्वाच्या जमिनीच्या विभाग बदलाच्या मागणीवर विचार करताना, जागेवरील वस्तुस्थिती व भविष्यातील गरज यांचा साकल्याने विचार करून काळजीपूर्वक छाननी करून त्याप्रमाणे उचित शिफारशी करण्यात याव्यात.



-- (English translation of Exhibit 2) --

Regarding determining the procedure to be followed for the modifications to be made from time to time in the proposals of the sanctioned Regional Plan under the Maharashtra Regional Planning and Town Planning Act, 1966...

Government of Maharashtra

**Urban Development Department
Government Resolution No. : TPS-1815/C.R.49/15/UD-13,
Hutatma Rajguru Chowk, Madame Cama Road,
Mantralaya, Mumbai – 32
Date: 06/05/2015**

Preamble:-

For an area established by the Government under Section 3 of the Maharashtra Regional Planning and Town Planning Act, 1966 (hereinafter referred to as 'the said Act'), Regional Plan is prepared under Sections 4 to 17 of the said Act. At any time after a period of 10 years from the date of such Regional Plan has come into force, the Government may revise such Regional Plan. For the balanced development of the region for which the Regional Plan has been prepared, the Government may modify the previously sanctioned Regional Plan under Section 20 of the said Act, if necessary. Accordingly, as per the need, the sanctioned Regional Plan proposals are modified by the Government, from time to time by completing the process under section 20.

02. Such modifications are mainly related to the inclusion of lands under the Agriculture/No-Development Zone, Afforestation Zone etc., which are allowed to be developed for small scale development and where no development is permitted, respectively, in the Residential or Industrial or Public/Semi-Public zone, and sometimes modifications are related to changes in the sanctioned Development Control Regulations. If the Government deems it necessary on its own or on the basis of a request received from the public, the Government may take appropriate decisions regarding changes in the land use and changes in the regulations, by making necessary enquiries, following the process mentioned in Section 20 of the said Act.

03. With a view, making the above-mentioned process of modifications more planned, transparent and objective, the matter of prescribing specific criteria and procedures for this process was under consideration of the Government. Accordingly, now by this, Government Resolution, under Section 154 of the Maharashtra Regional Planning and Town Planning Act, 1966, the following directives are being issued:-

Government Directives :-

The procedure to be followed in respect of changes in land use to be made from time to time under Section 20 of the said Act in the sanctioned Regional Plans in Maharashtra has been fixed and is mentioned in the Annexure-A attached herewith. Accordingly, all Divisional Commissioners, all District Collectors and Officers of the Town Planning Department should immediately implement the procedure for making changes in land use from time to time under Section 20 of the said Act in the sanctioned Regional Plan, from the date of this Government Resolution.

(Sd/-)
(Avinash Patil)
Joint Secretary
Urban Development Department

Copy (for information) :-

- 1) Secretary to Hon. Chief Minister.
- 2) Private Secretary to Hon. Minister of State (UD).
- 3) Principal Secretary (UD-1) Urban Development Department, Ministry, Mumbai.
- 4) Director, Town Planning, Maharashtra State, Pune.
- 5) The said Government Resolution should also be published on the website of the Directorate of Town planning(www.dtp.maharashtra.gov.in)
- 6) Director and Joint Secretary (Town Planning), Urban Development Department, Mantralaya, Mumbai.
- 7) Chief Planner, Maharashtra Industrial Development Corporation, Mumbai
- 8) Joint Director and Joint Secretary (Town Planning), Urban Development Department, Mantralaya, Mumbai

Copy for information and necessary action :-

- 1) Divisional Commissioner, Pune / Konkan / Nashik / Nagpur / Aurangabad / Amravati Division.
- 2) District Collector, All Districts.
- 3) Joint Director, Town Planning, Implementation Wing / Valuation / Pune / Konkan / Nashik / Nagpur /Aurangabad / Amravati Division
- 4) Assistant Director of Town Planning / Town Planner, All Branch Offices, Town Planning Department.
- 5) Desk Officer (UD-29), Urban Development Department, Mantralaya, Mumbai.
The said Government Resolution shall be published on the Government website.
- 6) Desk Officer, Information and Technology Department, Mantralaya, Mumbai.
The said Government Resolution shall be published on the Government website.
- 7) Under Secretary, UD-11 / UD-13 / UD-30.
- 8) Desk Officer, UD-9 / UD-12.
- 9) Specified Record File (UD-13).

**Regarding determining the procedure to be followed for the modifications to be made
from time to time in the proposals of the sanctioned Regional Plan under the
Maharashtra Regional Planning and Town Planning Act, 1966**

Constitution of Proposal Scrutiny Committee 01. "Proposal Scrutiny Committee" (hereinafter referred to as "the said Committee" for convenience) is being constituted as prescribed in Schedule "A" hereto to scrutinize the proposals for change of land use zone in the sanctioned Regional Plan and make recommendations to the Government. The Committee should handle proposals for change of use, such as conversion of land from non-development zone in the sanctioned Regional Plan to Residential/ Commercial zone, from Public and Semi-Public zone to Residential zone, from Residential zone to Industrial zone, and from Afforestation zone to Agricultural zone having slope less than 1:5.

Meetings of Committee 1.1 The above Committee should hold at least one meeting every two months or more if required, depending on the number of proposals, and take necessary action to approve the proposals in the agenda of the meeting.

AttendanceMandatory for Members 1.2 Members of Different Departments in the Committee will represent their respective Departments in such meetings; therefore it will be mandatory for the members to personally attend such meetings.

02. The Government will implement the necessary modification proposal, either on its own or in accordance with the request received from the public, as required, to change the land use zone in the sanctioned Regional Plan. The Government is determining the following procedure to initiate and scrutinize such a proposals :-

Submission of Proposal 2.1 The proposal for change of land use zone should be submitted by the concerned person, in the form prescribed in **Schedule "B"** attached herewith, to the Member Secretary of the said Committee. If a request for change of land use zone is received directly to the Government, the Government will return such application to the concerned person and inform the concerned person about submitting the complete proposal to the Member Secretary of the said Committee.

Submission of Documents with Proposal 2.2 The following documents will be required along with the proposal in the prescribed format for change of land use zone.

- (i) Land Title documents of the proposed site.
- (ii) Certified Measurement Plan showing the width of the existing access road available to the land under proposal or other evidence of the availability of an existing access road.
- (iii) Copy of certified Part Plan of sanctioned Regional Plan showing the land use zone of the land under proposal.
- (iv) A colour copy of a recent satellite photograph showing the boundaries of the land under proposal and its surroundings.
- (v) If the land use zone of the land under proposal is to be changed, then a certificate from the relevant authority or expert regarding the water requirement, source of water supply and minimum water availability from it in accordance with the proposed land use zone.
- (vi) If the land under proposal is hilly, a map showing Slope/ Contour Map prepared by an expert organization showing the hilly/ flat area/ contour of the land. Such map must be attested by the authorized representative of the concerned expert organization and the applicant regarding its authenticity.
- (vii) Certified copy of the relevant village map.

- (viii) If the land under proposal is to be included in the Residential land use zone at the request of the landowner, an affidavit / bond made by the landowner in the form prescribed in Schedule "A" hereto.
- (ix) Other useful and supplementary documents / maps.

Copies of complete Proposal

- 2.3 For change of land use zone, the concerned person(s) is required to submit at least 7 copies of such complete proposal in the prescribed format to the Member Secretary of the said Committee along with the required documents mentioned in detail above, by paying the processing fee as mentioned in point no. 7.1.

Disposal of Incomplete Proposal

- 2.4 If the proposal received is not in the prescribed format and is not accompanied by the necessary documents, it should be returned to the concerned person(s) from the Member-Secretary level as soon as possible but not more than one month.

Sending of Proposal to Members

- 2.5 After receiving such a complete proposal, the Member Secretary of the Committee shall, generally within seven working days, send a copy of the said proposal to all the members including the Chairman of the Committee.

Time limit to Members for submitting their remarks on Proposal

- 2.6 The Committee members should provide their opinions on the proposal within 30 days from the date of the proposal received from the Member-Secretary of the Committee and the Member-Secretary of the Committee should clearly mention to the concerned in the letter while sending a copy of such proposal to other Committee members that, if the opinion of the concerned Department/ Committee member is not received within this prescribed time limit, it will be assumed that, the concerned Department/ Committee member have no any objection/suggestion, and they are agreed to approval of proposal. Accordingly, the concerned Department/Committee members should provide their remarks to the Member-Secretary within 30 days from the date of the letter from the Member-Secretary of the Committee for taking a decision on the said proposal. If the concerned Department/Committee member has any objections to the proposal, they should send it within the prescribed time limit.

Preparation of Technical note for meeting

- 2.7 The Member-Secretary shall inspect the site under the proposal and scrutinize other documents within a period of pending the receipt of remarks from other members of the Committee. Within 15 days of the expiry of the prescribed period for receipt of remarks from other members of the Committee, a detailed technical note shall be prepared and sent to the Chairman of the Committee for a meeting.

Timeline regarding Meetings

- 2.8 The above process should be completed within a maximum of 90 days from the date of receipt of the complete request / proposal for change of land use zone and the said proposal should be included in the agenda of the next meeting of the Committee.

Guidelines for scrutiny of Proposals

- 2.9 For the scrutiny of proposals for change of land use zone, the broad guidelines prescribed in the accompanying Schedule "D" should be considered.

Timeline for submitting remarks of the committee

- 2.10 The Chairman and Member-Secretary shall finalize the minutes of the Committee meeting within a maximum of 7 days from the date of the meeting and within the subsequent 7 days, shall send the proposal to the Joint Director, Town Planning, along with necessary documents, regarding approval or disapproval of the proposals, case wise.

Consultation with Special Planning Authorities

- 2.11 For an area for which the Government has constituted an Area Development Authority and Special Planning Authority, but the concerned Planning Authority has not yet published a draft

Development Plan under Section 26 of the said Act or a planning proposal under Section 115 for such area, or the Development Plan under Section 31 / planning proposal under Section 115 has not been approved, the Committee should obtain the remarks of the concerned Authority according to above procedure, on the proposal for change of land use zone in the sanctioned Regional Plan in such area and include it in the proposal of the Committee.

Issue notification under section 20(3) with approval of committee 03. In accordance with the procedure prescribed in paragraph 02 above and in accordance with the decision in paragraph 2.10, the Divisional Joint Director, Town Planning shall, in exercise of the powers conferred by the Government Resolution No. TPS-1815/CR-49/15 / UD-13, dated 06/05/2015, issue a notice under section 20(3) of the said Act, declaring the purpose of the modification and inviting objections and suggestions from the public. While publishing such notice, the condition regarding levy of premium as mentioned in point No. 7.2 should be mentioned and such other terms/conditions in connection with the change in use of the land should be mentioned, as may be deemed necessary.

Submitting proposal to Director, Town Planning under section 20(4) 04. After publishing a notice under Section 20 (3) of the said Act to invite objections/suggestions from the public regarding such zone change as per the procedure prescribed by this Government Resolution & after receiving the proposal by the Divisional Joint Director, Town Planning, the Officer authorized to take further statutory action on his behalf shall complete the necessary statutory action in this regard and submit the proposal u/s 20(4) of the said act, in two copies to the Director, Town Planning, Maharashtra State, Pune.

Submitting proposal Committee for final sanction 05. The Director, Town Planning, Maharashtra State, Pune, shall, within 15 days of receipt of the proposal under section 20 (4) of the said Act, forward its comments to the Committee Chairman through the Member Secretary. After receiving the comments from the Director, Town Planning, the Member Secretary shall schedule a meeting of the Committee and place the proposals before it for approval. Considering the objections / suggestions received regarding such proposals and other planning matters, the Committee shall take a decision regarding the approval / rejection of the proposal within 15 days from the date of receipt of such proposal by the Committee and finalize the minutes of the Committee meeting within 7 days.

Issue Final sanction notification under section 20(4) with approval of committee 06. After receiving the approval to the proposal received by the Committee constituted as above, the Member Secretary of the Committee should inform the applicant by a letter regarding the payment of the prescribed amount of premium with the district level branch office of the Town Planning Department. Only after the receipt or challan of premium amount paid by concerned persons is received by through the concerned branch office, the Joint Director, Town Planning should issue the final notification under Section 20 (4) of the said Act by exercising the powers conferred by the Government vide Government Resolution No. TPS-1815/CR-49/ 15/UD-13, dated 06/05/2015.

07. The following **Charges** should be levied for change of land use zone:-

Processing Fees for zone change and Notice Publication Fees

7.1 Processing Fee and Notice Publication Fee:-

Along with the application mentioned in paragraph no. 2 above, an amount equal to 0.50% of the land rate in the ready reckoner of the land for that year or Rs. 20,000/-, whichever is higher, for change of land use zone, should be charged as a lump sum non-refundable "Application-Processing Fee". Accordingly, the fee to be paid for publishing the notice of Section 20 (3) in the newspaper should be deposited first by the concerned Member-Secretary of the Committee and this amount should be collected as a lump sum non-refundable reimbursement publication fee from the applicant. The said amount should be deposited by the applicant to the Government through the authorized officer within one month from the date of publication of the notice.

7.2 Zone Change Premium :-

7.2.1 Before the issuance of the notification under Section 20(4) regarding the modification as mentioned in paragraph No. 6 above, the area under the proposed zone change shall be eligible for levy of premium as follows.

7.2.2 For Sr.No. 1 to 4 mentioned in the table below, the premium should be levied on the area of land under proposal considering the rate of the developed land in the Annual Statement of Rates or the rate of the land in the adjacent Residential zone if no developed land is available. For the land under proposal as per Sr. No. 5, the premium should be levied by considering the rate of the land in the agricultural zone.

Sr.No.	Proposed Zone Change	Rate of Premium
1	From Agriculture/ No-Development zone to Residential zone	50%
2	From Agricultural/ No-Development zone to Commercial zone	75%
3	From Public/ Semi Public zone to Residential zone	20%
4	From Residential zone to Industrial zone	20%
5	From Afforestation zone to Agricultural zone	40%

7.2.3 While considering the area for levying premium, if any area is affected by reservations in the Regional Plan, proposed roads and road widening proposals, etc., such area should be deducted from the total area and premium should be levied on the remaining area as prescribed above.

7.3 The amount prescribed in paragraphs 7.1 and 7.2 above should be paid by way of challan under the account head of the Local Town Planning Officer on behalf of the Government.

Fastrack change of use in case of larger public benifit

08. If the Government has urgency to change the use of a land in the larger public interest, the Government may take action under Section 20 in consultation with such authority as it deems appropriate at the Government level, without following the procedure prescribed in the present Government Resolution.

Monthly reports regarding change proposals

09. The Joint Director, Town Planning shall maintain and update the information regarding nature and details of the proposals, various fees collected, for the proposals received by him in decided format, from the date of above Government Resolution. Such a monthly report shall be submitted to the Government and the Director, Town Planning, Maharashtra State, Pune by the 5th date of the every month.

(Sd/-)

(Avinash Patil)

Joint Secretary

Urban Development Department

Schedule 'A'

(Schedule accompanying Government Resolution No.: TPS-1815/Pr.No.49/15/UD-13, Dated
06/05/2015)

"Proposal Scrutiny Committee"

"Proposal Scrutiny Committee" for change of land use zone by modification under Section 20 of Maharashtra Regional Planning and Town Planning Act, 1966.

Divisional Level Committee for proposals for sites ranging from 10.00 hectares to 25.00 hectares in area under land use conversion:

1) Divisional Commissioner (Concerned Division)	Chairman
2) Collector (Concerned District)	Member
3) Chief Engineer, Maharashtra Jeevan Pradhikaran	Member
4) Chief Engineer, Public Works Department	Member
5) Chief Engineer, Water Resources Department	Member
6) Head of concerned branch Office Department of Town Planning	Member
7) Joint Director, Town Planning of concerned Division	Member Secretary

(Note:- Officers of the concerned Departments like Maharashtra Industrial Development Corporation, Maharashtra Pollution Control Board, Ground Water Survey Department, Water Resources Department etc. may be invited in the above Committee after considering the nature of the proposal.)

Schedule "B"

(Schedule accompanying Government Resolution No.: TPS-1815/Pr.No.49/15/UD-13, Dated
06/05/2015)

**Sample proposal to be submitted to the Member Secretary and Joint Director, Town Planning for
modification under Section 20 of the Maharashtra Regional Planning and Town Planning Act,
1966**

To,

**Hon. Joint Director, Urban Planning,
Department Pune / Nagpur / Amravati /
Aurangabad / Nashik / Konkan**

Sub : Regional Plan -.....

Change of zone from existing zone to zone
of Sq.m. land from Gat No./S.No.....
located in Mouje..... Tal District.....

1.	Name of Regional Plan	Regional Plan
2.	Date of Sanction / Date of enforcement of the said Regional Plan	Sanctioned on date To be enforceable from date
3.	Name of Applicant	
4.	Name of Village	Mauje....., Tal.....
5.	Details of land which proposed for land use (zone) change	Gat No./S.No..... Area..... (in Ha)
6.	Existing land use (zone) as per prevailing Regional Plan	
7.	Proposed land use (zone)	
8.	Reason for seeking land use (zone) change	
9.	Name of nearest Gaothan and distance from boundary of such Gaothan (km)	
10.	Name of nearest Council or Corporation and distance from boundary of such Council or Corporation	
11.	Details and width of road (in case existing approach road is available)	
12.	Provision of source of water for proposed land use	A) Quantum of Water required :- B) Source of Water :-
13.	Attach Colour copy of satellite map for the land under proposal	Attached
14.	Is there any construction on the said land	Yes / No
15.	If yes then, whether the construction is authorised or unauthorised?	Authorised/ Unauthorised
16.	Built-up area of such construction Sq.m.
17.	The following documents are attached:- (i) Land Title documents of the proposed site. (ii) Certified Measurement Plan showing the width of the existing access road available to the land under proposal or other evidence of the availability of an existing access road. (iii) Copy of certified Part Plan of sanctioned Regional Plan showing the land use zone of the land under proposal. (iv) A colour copy of a recent satellite photograph showing the boundaries of the land under proposal and its surroundings.	

	<p>(v) If the land use zone of the land under proposal is to be changed, then a certificate from the relevant authority or expert regarding the water requirement, source of water supply and minimum water availability from it in accordance with the proposed land use zone.</p> <p>(vi) If the land under proposal is hilly, a map showing Slope/ Contour Map prepared by an expert organization showing the hilly/ flat area/ contour of the land. Such map must be attested by the authorized representative of the concerned expert organization and the applicant regarding its authenticity.</p> <p>(vii) Certified copy of the relevant village map.</p> <p>(viii) If the land under proposal is to be included in the Residential land use zone at the request of the landowner, an affidavit / bond made by the landowner in the form prescribed in Schedule "A" hereto.</p> <p>(ix) Other useful and supplementary documents / maps.</p>
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Date :-

Place :

Name and sign of Project Proponent

Schedule “C”

(Schedule attached with Government Resolution No.: TPS-1815/Pr.No.49/15/UD-13, Dated 06/05/2015)

Affidavit / Bond

I/We Shri/Smt..... Residing at..... Do hereby assure that I/we have requested the Government to exclude my/our land having area of Ha. from Gat No./ Survey No. locate in Mauje....., Tal....., District from zone of the sanctioned Regional Plan and to include it in the Residential Zone.

I hereby declare that if the Government approves in principle the proposal for change of use of my/our land, I/we shall deposit the premium for the change of land use proposal with the Government, as decided by the Government, before final approval. Also, if the Government includes my/our above land in the Residential use zone, and if I/we propose to sell the plot in the future development of the said land, I/we am aware that while the development of basic facilities is being done in a phased manner, the restriction on the sale of the plot in the development will remain as shown in the table below and I/we agree to the said restrictions. If I/we have proposed a group housing scheme in the proposed location, the combination of sale of flats in it and development of facilities under the development will be as mentioned in the following table, and I/we am/are aware that I/we will not get the occupancy certificate until all the basic facilities are developed.

I/We hereby voluntarily and responsibly accept this matter. In case of any violation or any lapse on my/our part, I/We are aware that the sanctioned layout plan or group housing scheme on the said site may be liable to be cancelled and action may be taken under the relevant laws. I/We shall be fully responsible for all consequences arising in this regard.

Table**Relationship between plots/flats in the scheme with development of facilities in the layout**

A	On Final approval of layout	--	25% of plots/ flats are permissible for sale
B	On around 40% development of basic amenities	--	50% of plots/ flats are permissible for sale
C	On around 60% development of basic amenities	--	75% of plots/ flats are permissible for sale
D	On around 80% development of basic amenities	--	90% of plots/ flats are permissible for sale
E	On around 100% development of basic amenities	--	100% of plots/ flats are permissible for sale

Date :-

Place :

Name and sign of Project Proponent

Schedule "D"

(Schedule accompanying Government Resolution No.: TPS-1815/Pr.No.49/15/UD-13, Dated 06/05/2015)

Guidelines for Proposal Scrutiny Committee on Change of land Use zone

1) Minimum Area Limit:-

If there is a proposal to change the land use zone of a specific land for Residential use, then the general development trend around that proposed land should also be considered, ensuring a contiguous area with development pressure and the change of land use zone for that area is also considered. If necessary, the possibility of proposing new public roads of sufficient width in that area should also be examined. As mentioned in Schedule-A, the Proposal Scrutiny Committee will have the jurisdiction regarding the area for modification. Generally, a single, uniform area ranging from 10 hectares to 25 hectares should be considered. While applying such criteria, variation in the minimum / maximum area of (+/- 0.50 hectares) may be considered. However, if a proposal for modification of zone other than mentioned above is received, in exceptional cases, if other criteria mentioned in this Government Resolution are fulfilled and there is a strong reason and if the Committee is of the opinion that such land use needs to be modified, then proposal for modification may be processed by stating so.

2) Minimum required access road:-

For Residential zone change, the existing access road should be at least 9 m. wide and for industrial and other land use zone change, the existing access road should be at least 12 m. wide. However, the possibility of the proposed road widening should also be examined according to the circumstances and the merits of the case.

3) Availability of water supply:-

It is necessary to check how much water is required for the proposed use in the proposed area, what is the source of water supply to the proposed area and whether it is sufficient. If the local authority (Gram Panchayat / Zilla Parishad), nearby Municipal Corporation / Municipal Council / Nagar Panchayat, Maharashtra Jivan Pradhikaran or similar authority will provide water to the said area, then it should be ensured that a certificate from such authority about providing water to the proposed area is attached.

If the source of water is from groundwater, then a certificate from the Government Ground Water Survey Department or a private geologist should be attached to it stating that there is sufficient water availability from it.

The Committee will be required to ensure that sufficient water is available in each proposal as per the requirement of the area.

4) Ensuring the availability of amenities in the Residential use zone change proposals:

While considering the inclusion of the proposed site in the Residential land use zone, the Committee should consider the minimum social amenities (such as primary schools, clinics, playgrounds, gardens, shopping centres, etc.) for the estimated population of the proposed area as well as the social amenities available in the surrounding area and their distances from the proposed site and make appropriate recommendations.

In cases where the Development Control Regulations of the sanctioned Regional Plans do not require to keep of an amenity space at the time of land development permission (layout), a reasoned recommendation should also be made regarding the requirement to keep separately a minimum amenity space as a certain percentage of the total net area of the site at the time of development of site for Residential use. The Committee's report should also include the necessary scrutiny and reasons

regarding the bond to be signed by the concerned landowner in the form prescribed in Schedule "C" with reference to such Residential land use zone change proposal.

5) Compatibility with Industrial Policy and Industrial Location Policy:-

If the proposed land use is to be changed to Industrial zone, the Committee members related to the Industry Department in the Committee should scrutinize and give their feedback on whether this use is compatible with the prevailing policy of the Industry Department in this regard.

6) Necessary zone change for expansion of existing industrial units:-

In case of a demand to include the said land in the industrial zone for the purpose of expansion of such industrial unit on the lands on which industrial use has already been approved by the competent authority as per the prevailing rules in the existing land use zone of the sanctioned Regional Plan and such use is in progress, then the matters related to water supply, pollution etc. should be examined as per the procedure mentioned in this schedule

7) Pollution Control:-

If an industry is set up in the proposed area in the future / if an expansion of the existing unit is proposed, the Regional Officer of Maharashtra Pollution Control Board in the Committee must provide opinion on the potential pollution as well as the measures required to control it.

8) Regarding environmentally sensitive lands:-

In general, while considering the demand for modification of environmentally important lands such as hilltops / hillsides, dam catchment areas, forest lands, water bodies, lands affected by Coastal Control Regulations (CRZ)/lands in environmentally sensitive zones, etc., the ground level facts and future needs should be carefully considered and appropriate recommendations should be made accordingly after thorough scrutiny.
