

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING
AT PUNE**

Original Application No. 168 of 2023 (WZ)

(Under Sections 14 & 15 read with section of the 18 National
Green Tribunal Act, 2010)

Pratap Lal Teli ... **APPLICANT**

AND

Member-Secretary, State Level Environment Impact Assessment
Authority and others ... **RESPONDENTS**

**REJOINDER TO THE AFFIDAVIT-IN-REPLY GIVEN BY
RESPONDENT NO. 6 (Developer – K. Raheja Pvt. Ltd.)**

I, Pratap Lal Teli, residing at Mumbai, the Applicant above-named, do hereby solemnly affirm and state as under:

- 1.** The Applicant has gone through the copy of the Affidavit-in-Reply of Respondent No. 6, i.e. the Developer, namely, K. Raheja Pvt. Ltd.
- 2.** Before the Applicant tenders his Rejoinder, with reference to this Affidavit-in-Reply, he submits that this Respondent has erected a verbosely roving treatise on cliché aspects, which are extraneous to the core grounds of this Original Application. Such core grounds have been tersely expressed as Ground No. 1 to Ground No. 6 of this Original Application. Accordingly, in order to keep the issues at stake in focus and to uphold the substantive aspects of environmental law, and its bearing on the "Right to Life", the Applicant is limiting his reply primarily on addressing such *SIX GROUNDS*, which are all discussed in this Rejoinder. Accordingly, nothing which has not been denied specifically should be construed

as any admission to any fact which is inimical to the cause of this Original Application.

3. Thus, the Applicant submits that, in this Rejoinder, he shall traverse through such core points which are pertinent to the issues at stake, which are pointwise rebutted hereunder:

4.0 SPECIFIC GROUNDS TRAVERSED IN THE ORIGINAL APPLICATION AND REBUTTAL TO THE REPLIES IN RELATION THEREOF:

4.1 GROUND NO. 1: Serious violation of condition for conversion of land from Industrial to Residential – No Segregating Distance provided at all, which ought to have been planted with 1 tree for every 20 square metres of area:

Response of this Respondent:

This Respondent has stated that since the plot is surrounded by all sides of residential areas so he has not provided any Segregating Distance. He has also alleged that the Applicant has made false allegations.

Response of the Applicant:

The Applicant submits that this Respondent has taken recourse to rhetorics, rather than concrete facts.

It is seen that the Project Proponent started construction based on the layout approved by the Development Plan department of the Municipal Corporation. This layout was approved vide letter dated 18th November, 2015 (*ANNEXURE-'A5'* of the Original Application), where it was clearly mentioned as under:

“3) That the required segregation/set-back distance from the plot boundaries shall be maintained as per the D.C.R. No. 29(5), Table 10(c) and **shall be planted with trees at the rate of 5 trees per 100 Sq. Mt.**” (Emphasis supplied).

This stipulation was made pursuant to the provisions in the then prevailing Regulation 56 of the Development Control Regulations for Greater Mumbai, 1991 a copy of which has been annexed as *ANNEXURE-'A-4'* of the Original Application.

At the relevant time, when the entire construction commenced, the prevailing Development Plan, clearly indicated that the land under reference was surrounded by industrial lands, and this is apparent from *ANNEXURE-'A-2'* attached with the Original Application.

It is seen that this Respondent is trying to rely on the current Development Plan, which came into force only in May, 2018. However, the construction of the building and the layout was approved much before. Needless to add that it is a settled position in law [*refer ruling of the Hon'ble Supreme Court in the case of State Of Rajasthan & Anr vs H.V. Hotels Pvt. Ltd. & Anr on 12 January, 2007 in Appeal (civil) 176 of 2007*] where it was observed as under:

“All that the decisions indicate is that the bye-laws on the date of sanction would apply.”

Thus, the law prevailing on the date of sanction of initial plans shall apply. Since on the date of sanction, it was mandatory for the project proponent to maintain the segregating distance, and yet he did not do so, therefore, the project proponent has done serious infringement of the law with reference to the open spaces and they have to be duly corrected for the sake of maintaining the right to life under Article 21 of the Constitution of India.

In short, the segregating distances will have to be established if the rule of law has to prevail.

It is further pertinent to note that the law the contemporary period mandated plantation of trees within the segregating distance. In this aspect, the ‘Precautionary Principle’ ought to be applied pursuant to the provisions of section 20 of the National Green Tribunal Act, 2010, and thereupon to impose a principal

which promotes plantation and not with the one which dispenses with plantation.

Likewise, in this case, the principles of 'Non-Regression' would also have to be applied. Thus, if the law pursuant to the original sanction mandated tree plantation in segregating distances, the Project Proponent could not have indulged in any regressive act so as to evade that mandate of the law to effect tree plantation in the land meant for Segregating Distances.

Thus, the act of the Project Proponent to reject the terms and conditions of the layout of 18th November, 2015 cited above, and further to reject the Town Planning Regulation which were prevailing at the time of when the construction was approved and commenced, this ought to be held as legally untenable.

Therefore, a consequence be imposed on the Project Proponent to ensure that he leaves the prescribed Segregating Distance and plant them with trees in accordance with the law and that the building be pruned accordingly. This can only be accomplished when the building is pruned in the manner so that the mandated Segregating Distances be established.

Needless to add that the Builder cannot be let off by paying a paltry fine in an area where the sale price of the flat is almost 50 times the cost of the construction. This shall run contrary to the principles of environmental equity.

Further, the Project Proponent cannot deprive the local population of their right to clean air and trees under the eminent principles of the 'Doctrine of Public Trust' and that the innocent people would have to perpetually face the brunt of the act of recurring wrong each day.

Thus, paying environmental fine would not restore that open land where trees ought to be planted and thereby imposition of any fine would amount to undermining the "Right to Life" guaranteed under Article 21 of the Constitution of India.

4.2 GROUND NO. 2: Under the law, 20% of the entire holding had to be surrendered to the Municipal Corporation out of which half of the area had to be a public garden – Project Proponent violated the law and did not provide the area.

Response of this Respondent:

This Respondent has stated that the the development comprised two separate plots, with Plot No. 1 admeasuring 14638 square metres bearing C.S. No. 2/1629 and Plot No. 2 admeasuring 5478 square metres bearing C.S. No. 1A/1629. The total area of the plot considered for FSI was 20,117 square metres. Therefore, the rule of 20% surrender of land would not apply. The Developer has further stated that he has already handed over 5% of the area of land to the Municipal Corporation as amenity space, because the initial permission required to surrender just 5%.

Response of the Applicant:

Considering what has been stated above a question of law which arises is as under:

‘Question of Law’ to be determined:

If 2 separate plots are merged and the aggregate area exceeds 20,000 square metres so would it not be required to surrender 20% of the land to the Municipal Corporation as amenity space, which is to be used for public amenities such as garden.

The Applicant submits that while on this point of the law, there are 2 definitions specific to Development Control and Promotion Regulations for Greater Mumbai, 2034, which are relevant here. These are stated hereunder (relevant rule placed as **ANNEXURE-‘A-1’**):

(30) "Contiguous holding" means contiguous piece of land under one ownership irrespective of separate property register cards.

(109) "Site/Plot" means a parcel or piece of land enclosed by definite boundaries.

Since the amalgamated area of the plot is more than 20000 square metres, therefore, the Project Proponent ought to have to surrendered 20% of the land area for Development Plan amenities since the layout was approved under Development Control Regulations for Greater Mumbai, 1991, when 20% land area surrender stipulation was in force. In other words, the Project Proponent was required to surrender and area of 20% of 20117 i.e. **4022 square metres.**

Shockingly, even under the diluted provisions, the Project Proponent was required to have surrendered land for Development Plan amenities as under:

200 square metres PLUS 10% additional area beyond 10000 square metres i.e. 10% of (20117-10000) i.e. 10% of 10117 square metres i.e. 1011 square metres. Thus the total area required to be surrendered was 500 square metres PLUS 1011 square metres i.e. **1611 square metres.**

Appallingly, the Project Proponent has surrendered an area of **only 801.92 square metres**, in blatant violation of both the Development Control Regulations for Greater Mumbai, 1991 and also under Development Control and Promotion Regulations for Greater Mumbai, 2034, which came into force on 9th June, 2019.

THE RELEVANT LEGAL PROVISIONS ARE QUOTED
HEREUNDER:

Regulation 57(4) (ii) of the Development Control Regulations for Greater Mumbai, 1991:

“(ii) In such layouts or sub divisions having areas more than 2 Ha. but less than 5 ha., 20% land for public utilities and amenities like electric, sub-station, bus-station, sub-post office, police out post garden, playground, school dispensary and such other amenities shall be provided. In such layout or sub division each more than 5ha. in area, 25% land for public utilities and amenities like electric, sub-station, bus-station, sub-post office, police out post garden, playground, school dispensary and such other amenities shall be provided. Provided that atleast 50% of the amenity space shall be designated as open space

reservation. These areas will be in addition to the recreational space as required to be provided under regulation No.23.

(iii) The required segregating distance as prescribed under these regulations shall be provided within such land intended to be used for residential or commercial purposes.

Regulation 14A of the Development Control and Promotion Regulations for Greater Mumbai, 2034

14 Amenities

(A) In Plots/lay-outs of the land admeasuring 4000 sq. m or more:

In case of development of land admeasuring 4000 sq. m and more (excluding the area under Road set back/DP Road) in Residential and Commercial Zones, amenity areas as specified below shall be provided fronting on public road or shall be provided with a perpetual independent right of way. Such amenity area shall be exclusive of area under perpetual independent right of way and shall be handed over to MCGM.

(i) Development of plots with area 4,000 sq. m and more and up to 10,000 sq. m shall require handing over 5% of plot area to MCGM as POS.

(ii) Developments of plot with **area exceeding 10,000 sq. m shall require handing over of 500 sq. m plus 10% of plot area in excess of 10000 sq. m to MCGM as amenity.** 50% of such amenity shall be used exclusively for POS and the balance 50% shall be used for provision of such amenities as education, health, social and other amenities as approved with the special permission of the Commissioner. In determining the amenity, the Commissioner shall give due regard to amenity deficits in the ward.

It is thus seen that notwithstanding the fact that under the Environment Clearance granted to the Project Proponent he was legally obliged to follow the local Town Planning Regulations, yet he flouted them blatantly, and thereby seriously undermined the environment of an area inhabited by a large number of people, many of them in highly dense areas.

Therefore, the rule of 20% surrender of land would not apply. The Developer has further stated that he has already handed over 5% of

the area of land to the Municipal Corporation as amenity space, because the initial permission required to surrender just 5%.

Response of the Applicant:

Considering what has been stated above a question of law which arises is as under:

‘Question of Law’ to be determined:

if 2 separate plots are merged and the aggregate area exceeds 20,000 square metres so would it not be required to surrender 20% of the land to the Municipal Corporation as amenity space, which is to be used for public amenities such as garden

The Applicant submits that while on this point of the law, there are 2 definitions specific to Development Control and Promotion Regulations for Greater Mumbai, 2034, which are relevant here. These are stated hereunder (*relevant rule placed as ANNEXURE-‘A-1’ above*):

(30) "Contiguous holding" means contiguous piece of land under one ownership irrespective of separate property register cards.

(109) "Site/Plot" means a parcel or piece of land enclosed by definite boundaries.

From the aforesaid it is apparent that a plot of land has got no bearing on the C.S. numbers, which are only for accounting purposes. In most of the developments which are taking place, a plot of land comprises several C.S. numbers, and for all town planning purposes, they are considered as a single plot.

It is further seen that the Project Proponent has drawn Floor Space Index (FSI) from the amalgamated plot and not from 2 separate plots. This is apparent from the FSI Chart which has been mentioned in the layout plan. An extract from the layout plan is hereto annexed and marked as **ANNEXURE-‘A-2’**.

So the Project Proponent is blowing hot and blowing cold. He wants to show the two plots as separate i.e. pre-amalgamation. However, once amalgamated he drew FSI from the entire holding.

Needless to add that it is a very website Rules of Interpretation of Statutes, that if there is an interpretation which

promotes the cause of environment and there is another which opposes that causes, then the one which promotes the cause of environment shall prevail.

Similar, would be the considerations if 'Precautionary Principle' has to be invoked.

Therefore, if the Project Proponent has drawn FSI from an amalgamated plot, and if these 2 amalgamated plots bear an Agreement area of more than 20000 square metres, then the Project Proponent would be left with no option but to surrender and area equal to 20% of the plot area. half of which would have to be used as garden and for tree plantation.

4.3 GROUND NO. 3:

Environment Clearance condition that only trees on the ground shall be counted and not those on podium – condition violated:

This Respondent has stated that since the plot is surrounded by all sides of residential areas so he has not provided any Segregating Distance. He has also alleged that the Applicant has made false allegations.

Response of the Respondent:

The Applicant submits that he has planted more than 500 trees as against requirement of 291 trees, therefore, he has not done any violation.

Response of the Respondent:

The defence taken by this Respondent is absolutely specious in nature for the following reasons:

The Environment Clearance condition clearly stipulated as under:

Condition No. A - 5: PP to submit revised tree list by providing shrubs on podium instead of proposed trees; PP to count trees planted on ground only for calculation of nos. of trees to

be planted as per norms & revise tree list accordingly.

However, the 500 trees referred to by the Project Proponent have been planted on the podium. Needless to add that plantation of trees on concrete slab is biologically inconsequential when viewed against the mandatory requirement of planting indigenous trees, which in the case of Mumbai are evergreen tall tropical trees.

Be that as it may, the Project Proponent had not option but to have followed the Environment Clearance condition based on the eminent rule - '*A verbis legis non recedendum est*', which means that from the words of law, there must be no departure.

Thus, if the Environment Clearance condition stated that trees only on the grounds would be counted, then Project Proponent had no option but to follow the same, rather than taking law in his own hands.

Needless to add that if the Project Proponent had any reservation with respect to this condition, he ought to have moved the State Level Expert Appraisal Committee and the State Level Environment Impact Assessment Authority for amendment to this Environment Clearance condition rather than taking law in his own hands.

4.4 GROUND NO. 4:

The Project Proponent did not provide open spaces meant for light and ventilation and tree plantation as side and rear setbacks – Against the minimum open space of 20 metres required to be kept on all the sides, the Project Proponent has kept an open space of just 6 metres at the ground level and which gets reduced to 4.0 metres considering overhang at the upper levels.

Response of the Respondent:

This Respondent has resorted to indulge in undesirable rhetorical words such as “completely bogus”. He has stated that this allegation

is “completely bogus” because the Applicant has not clarified under what provision of law such open spaces were required to be provided.

Response of the Applicant:

The Project Proponent was required to have provided the following open spaces under the provisions of both the Development Control Regulations for Greater Mumbai, 1991 and the Development Control and Promotion Regulations for Greater Mumbai, 2034.

The relevant legal provisions are quoted hereunder:

(A) Regulation 29 of the Development Control Regulations for Greater Mumbai, 1991 (**ANNEXURE-‘A-3’**) .

(B) Regulation 41 of the Development Control and Promotion Regulations for Greater Mumbai, 2034 (**ANNEXURE-‘A-4’**).

From the aforesaid it is clear and apparent that the Project Proponent has blatantly violated the law and has constructed a massive skyscrapers building, without leaving the minimum required open spaces of 20 metres.

Further specific details with respect to such provisions of law have been traversed through in the next paragraph.

Needless to add that the Hon'ble Supreme Court in the case of *Supertech Limited v. Emerald Court Owner Resident Welfare Association & Ors. (Civil Appeal No. 5041 of 2021)* has clearly ruled that the open spaces are mandatory in nature and pursuant thereto, it had ordered the demolition of 2 skyscrapers in NOIDA.

4.5 GROUND NO. 5:

No relaxation on open spaces and tree plantation can be given by the Municipal Commissioner as such an act leads to increase in such poisonous gasses which can be neutralised by the trees..

Response of the Respondent:

This Respondent has resorted to indulge in undesirable rhetorical words such as “completely bogus”. He has stated that this allegation is “completely bogus” because the Applicant has not clarified under what provision of law such open spaces were required to be provided.

Response of the Applicant:

The Project Proponent was required to have provided the open spaces as mandated in Regulation 29 of the Development Control Regulations for Greater Mumbai, 1991 (**ANNEXURE-‘A-3’ placed above**) and Regulation 41 of the Development Control and Promotion Regulations for Greater Mumbai, 2034 (**ANNEXURE-‘A-4’ placed above**), which came into effect from 8th June, 2018.

More specifically, the relevant part of the said respective Regulations are quoted hereunder:

REGULATION 29 OF DEVELOPMENT CONTROL REGULATIONS FOR GREATER MUMBAI, 1991:**29. Open Space Requirement-****Side and rear open space in relation to the height of the building for light and ventilation-**

(1) Residential and Commercial Zones; (a) Building having length, depth upto 40 m.- The open spaces on all sides except the front side of a building shall be of a width not less than a third of the height of that building, 3.60m. above the ground level, rounded to the nearest decimeter **subject to a maximum of 20 m.**, the minimum being 3.6 m. for a residential building and 4.5 m. for a commercial building.

REGULATION 41 OF THE DEVELOPMENT CONTROL AND PROMOTION REGULATIONS FOR GREATER MUMBAI, 2034:

“(2) Side and rear open space in relation to the height of the building for light and ventilation-

(i) Residential and Commercial Zones-

(a) The open spaces on all sides except the front side of a building shall be as follows:

Table A

Sr. No.	Ht. of Building (H)	Side & rear marginal open space		Side & rear marginal open space	
		Plot up to 1000 sq. m or where average width/depth of plot is less than 20 m		Plot size more than 1000 sq. m and average width/depth of plot more than 20 m	
		Light & ventilation	Dead wall	Light & ventilation	Dead wall
1	Up to 32 m	Min - 3.6m in case of Residential building & 4.5 m in case of commercial building subject to H/5	3.6 m	Min - 3.6m in case of Residential building & 4.5 m in case of commercial building subject to H/4	3.6 m
2	More than 32 m & up to 70 m	H/5 subject to maximum 12 m	6 m	H/4 subject to maximum 12 m	6m
3	More than 70m & up to 120 m	-----		H/4 or 16 m Max.	9 m

4	More than 120 m	-----	20 m	9 m
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The Applicant thus submits that since open spaces are critical to "Right to Life" of the people and any reduction in the mandatory open spaces would adversely affect the health of the people, therefore, the Project Proponent could not have sought any relaxation in this respect, under both, the Regulations of 1991 and of 2034. The relevant legal provisions in this respect are quoted hereunder:

Extract from the Provisions of Regulation 64 of the Development Control Regulations for Greater Mumbai, 1991:

64. Discretionary powers.-

(b) In specific cases where a clearly demonstrable hardship is caused, the Commissioner may for reasons to be recorded in writing, by special permission **permit any of the dimensions prescribed by these Regulations to be modified**, except those relating to floor space indices unless otherwise permitted under these Regulations, **provided that the relaxation will not affect the health, safety, fire safety, structural safety and public safety of the inhabitants of the building and the neighborhood.**"

Extract from the Provisions of Regulation 6 (b) of the Development Control and Promotion Regulations for Greater Mumbai, 2034:

6. Discretionary powers (a) In conformity with the intent and spirit of these Regulations, the Municipal Commissioner may: -

... ..

(b) In specific cases where a clearly demonstrable hardship is caused, the Commissioner may for reasons to be recorded in writing, by special permission **permit any of the dimensions prescribed by these Regulations to be modified**, except those relating to floor space indices unless otherwise permitted under these Regulations, **provided that the relaxation will not affect the health, safety, fire safety, structural safety and public safety of the inhabitants of the building and the neighborhood.**" (Emphasis supplied).

It is thus reiterated that since relaxation in open space would have serious consequences on health of the people, because that would compromise, inter alia, on tree plantation, air, ventilation, sunlight, percolation of water, therefore, these relaxations provisions could not have been invoked by the Project Proponent.

It seems that it for such reasons that the Project Proponent has remained silent on this, and instead chose to use irrelevant rhetorical words such as “completely bogus”.

4.6 GROUND NO. 6:

The Project Proponent has concretised almost the entire layout. It is impossible to comply with the Orders of the High Court and also that of the National Green Tribunal, that soil of at least 1 metre be exposed to the elements around the tree.

Response of the Respondent:

This Respondent has stated that the “Green Belt” Guidelines issued by the Central Pollution Control Board are onkly suggestive and not mandatory. Further, he has stated that the ruling of the Hon'ble National Green Tribunal to keep an open space to the extent of 1 meter around the trunk of the tree are only ‘judgments in rem’ and in fact only ‘judgments in personum’.

Response of the Applicant:

Through this Affidavit-in-Reply implicitly this Respondent has admitted to the fact that he has concretised the entire layout.

The contention of the Project Proponent that the guidelines of Central Pollution Control Board on “Green Belt” are only suggestive this is not correct. The correct position is that this

constitutes a part of the mandatory conditions in the Environment Clearance.

It is worthy of notice that all the 3 Environment Clearances which were accorded to Project Proponent carried the stipulations as under:

Green Belt” development shall be carried out considering CPCB guidelines, including selection of plant species and in consultation with the local DFO/Agriculture Dept.”

Therefore, the contention of this Respondent that the CPCB guidelines on “Green Belt” are only suggestive, this position is legally untenable.

It is further seen that the view taken by the Project Proponent that the rule of providing 1 m land free of concrete are only ‘judgments in rem’ and in fact only *judgments in personum*’ this is not correct at all.

The stipulations of the Hon'ble National Green Tribunal on providing open land free of concrete of 1 m around the trunk of the trees are being followed in all the states. Further, Constitutional Court being various High Courts have also mandated similar stipulations.

So the contention of the Project Proponent that he is not bound by keeping 1 metre space free of concrete around the trunk of the trees, this position is legally incorrect.

Needless to add to add that NGT rulings and High Court rulings are established precedents and the Project Proponent has no option but to follow them.

5. The Applicant further submits that the contention put forward by the Project Proponent that this matter is pending with the Hon'ble Supreme Court is not correct. The Project Proponent is not a party of any proceedings which are linked to this matter. Further the subject-matter traversed through in this Original Application are not the subject-matter of any Petition before the Hon'ble Supreme Court. Therefore, till the time the Project

Proponent obtains any specific stay on the proceedings specific to this Original Application, he cannot make such untenable contentions.

6. To reiterate, till the time the Project Proponent obtains a specific stay on the proceedings before this Hon'ble Tribunal, he cannot claim that he has an implicit protection from the Hon'ble Supreme Court.

7. Thus the Applicant submits that considering the submissions made above, the Affidavit-in-Reply of this Respondent be reckoned as untenable, and accordingly, the Prayers made in the Original Application be made absolute.

Pratap
APPLICANT

24 OCT 2025
DATE: October, 2025
24
PLACE: Mumbai

VERIFICATION

I Pratap Lal Teli, the Applicant in this Original Application, do hereby verify that the contents of aforesaid paras of this Rejoinder which are true to the best of my knowledge and that I have not suppressed any material fact.

Pratap
APPLICANT
BEFORE ME

BEFORE ME

S. Cardoz
SHANE CARDOZ
Advocate & Notary (Govt. of India)
Reg. No. 16388 B.com., L.L.B.
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Reg. No. MAH / 3457 / 2002



Notary Register Serial No.	1061 / C / 25
Date:	24 OCT 2025



ORIGINAL SEEN & VERIFIED

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27. Additional Amenities and Facilities in lay-outs exceeding 2 ha.-

In any layout exceeding two hectares in area in residential and commercial zones, where the development plan has not provided for amenities and services or facilities, or if provided they are inadequate, 5 per cent of the total area shall be designated/reserved as amenity space for provision of primary schools, sub-post offices, police posts, etc. as directed and approved by the Commissioner, and such amenities or facilities shall be deemed to be designations or reservations in the development plan thereafter.

28. Setback and Open Spaces within Building Plots.-

When different open spaces/widths are prescribed under these Regulations, the largest of them shall prevail except when specifically provided otherwise. The general conditions governing open spaces shall be as under:-

- (a) *Building abutting more than one street.*-When a building abuts two or more streets, the set-backs from each of them shall be such as if the building were fronting each such street.
- (b) *Open spaces separate for each building or wing.*-The open spaces required under these Regulations shall be separate or distinct for each building and where a building has two or more wings, each wing shall have separate or distinct open spaces as required under these Regulations;

Provided that if one of the wings does not depend for light and ventilation on the open space between the two wings, the said open space shall be the one required for the higher wing.

- (c) *Open spaces to be provided for the full consumption of F.S.I.*-The open spaces to be left at the sides and rear shall relate to the height necessary to consume the full F.S.I. permissible for the occupancy in the zone.
- (d) *Manner of computing front open space/setback where the street is to be widened.*-If the building plot abuts any road which is proposed to be widened under the Development Plan or because of the prescription of regular lines of streets under the Mumbai Municipal Corporation Act, 1888, the front open/space road-side set back shall be measured from the resulting road widening line or the centre line of the widened road as the case may be. Where there is any conflict between the width provided in the development plan and the width resulting from the prescription of a regular line of a street under the Mumbai Municipal Corporation Act, 1888, the larger of the two shall prevail.

29. Open Space Requirement-

Side and rear open space in relation to the height of the building for light and ventilation-
(1) *Residential and Commercial Zones; (a) Building having length, depth upto 40 m.-* The open spaces on all sides except the front side of a building shall be of a width not less than a third of the height of that building, 3.60m. above the ground level, rounded to the nearest decimeter subject to a maximum of 20 m., the minimum being 3.6 m. for a residential building and 4.5 m. for a commercial building.

(b) *Building with Length/Depth Exceeding 40 m.-* (a) If the length or depth of a building exceeds 40 m. an additional width of 10 per cent of the dimension in excess of 40 m. shall be required on the side or rear open space as the case may be :

Provided that no such increase in additional open space shall be necessary if (a) it is a front open margin space, or (b) when only store rooms and stairways derive light and ventilation from the open space.

Provided further that-

- (i.) the open space for separation between any building and a single storeyed accessory building need not exceed 1.5 m.

(ii.) the minimum distance between any two ground floor structure in Public Housing/ High Density Housing shall be 4.5 m. if habitable rooms derive light and ventilation from the intervening space; if not, the distance may be reduced to 1.5 m.

(iii.) except where the plot size is less than 2,500 sq.m. the marginal open space in a plot abutting the amenity/recreational open space in the same lay-out shall not be less than 3 m.;

(iv.) where the amenity open space being accessible from all the layout plots does not have an exclusive means of access, the rear marginal open space shall not be less than 3 m.

(c) *Building existing on 1st January 1964 and those constructed thereafter.* - (i) In respect of building existing on 1st January 1964, upper floors, may be permitted with set-back at upper levels in the case of new development to make up for deficiencies in the open space as required under these Regulations.

(ii) With the permission of the Commissioner, set-backs as in clause (i) above may be allowed for the buildings constructed after 1st January 1964 to avail of additional FSI that may become available due to road set-back, Transfer of Development Rights as in Appendix VII, FSI in lieu of staircase room/liftwells or any change in the Regulations where by additional FSI may become available.

(d) *Set back at upper level :-* The Commissioner may permit smaller set backs at upper levels and also permit additional floor area upto a limit of 10 sq. m. over the permissible FSI to avoid structural difficulties or hardship but so as not to affect adversely the light and ventilation of an adjoining building or part thereof.

(e) *Tower-like structures:-* Notwithstanding any provision to the contrary, a tower-like structure may be permitted only with 6 m. open space at the ground level and one-set back at the upper levels provided that the total height does not exceed 24 m. If it exceeds 24 m. but does not exceed 37.5 m., the minimum open space at ground level shall be 9 m. Beyond 37.5 m. the minimum open space at ground level shall be 12 m. with two set-backs at upper levels. The terrace created by the set-back shall be accessible through a common passage and /or common staircase only.

(f) Where a room does not derive light and ventilation from an exterior open space; the width of the exterior open space as given in this Regulations may be reduced to one-fifth of the height of the building subject to a minimum of 3.6 m. in respect of residential building and 4.5 m. for a commercial building subject to a maximum of 12 m. For a building with height of 24 m. or more, such exterior open space ~~may be a minimum of 6 m.~~ **[shall be 6m.]** ⁽¹⁾subject to the requirements of the fire brigade authorities.

(g) The open spaces for the above purposes would be deemed to be sufficient if their widths are not less than one-fourth of each dimension of the site of the building and the percentage of the building area does not exceed 25 per cent of the area of the site, when the least dimension of the site is not less than that specified in the following table for different floor space indices.

Floor Space Index (1)	Least dimension of site in meters (2)
1.00	18
1.33	24

(2) *Industrial Zone :- (a) Buildings upto 4 storeys or 16 m. in height* - The minimum width of the open space around each building shall be 4.5 m. in the island city and 6 m. elsewhere.

(b) *Building more than 4 storeys or 16 m. in height :-* The open space dimension prescribed in (a) above shall be increased by at least 0.25m. for every 1 m. of height or fraction thereof, above 4 storeys or 16 m.

Provided that no such increase in open spaces is necessary if (i) it is a front margin, or (ii) when only store rooms and stairways derive light and ventilation from the open space.

(3) *Provisions in marginal open spaces if the height of the building is restricted :- (a)*Notwithstanding the provisions of sub-regulations (1) of this Regulation, the minimum open spaces in plots in residential and commercial zones may be relaxed to the values quoted in Table 9 below, if the number of Storeys are restricted to two.

[(1) Erratum under No. DCR 1090/RDP/UD-11 dated 6th July, 1992.

PROFORMA - A

ANNEXURE - A-2

PROFORMA - A (proposed)

903 amended approval on 22.06.2018 as per DCR(1991)

A		1A/1629	2/1629	A		1A/1629	2/1629
AREA STATEMENT		sq.mts.	sq.mts.	AREA STATEMENT		Sq. mts.	Sq. mts.
1	AREA OF PLOT AS PER P. R. CARD :	5,478.33	14,638.91	1	AREA OF PLOT AS PER P. R. CARD :-	5,478.33	14,638.91
(a)	TOTAL AREA OF PLOT = (5,478.33 + 14,638.91)	20,117.24		a	TOTAL AREA OF PLOT = (5,478.33 + 14,638.91)	20,117.24	
2	DEDUCTION FOR :			2	DEDUCTION :-		
(a)	ROAD SET BACK (R.L.)	171.68	---	a	ROAD SET BACK (R.L.)	171.68	476.25
(b)	ROAD SET BACK (R.L.)	---	476.25	b	PROPOSED ROAD	-	-
(c)	PROPOSED ROAD	---	---	c	ANY RESERVATION	-	-
(d)	ANY RESERVATION	---	---	d	TOTAL = (a) + (b) + (c)	171.68	476.25
(e)	TOTAL = (a) + (b) + (c) + (d)	171.68	476.25	e	TOTAL DEDUCTION = (171.68 + 476.25)	647.93	
(f)	TOTAL DEDUCTION = (171.68 + 476.25)	647.93		3	BALANCE AREA OF PLOT :-		
3	BALANCE AREA OF PLOT :			a	(1) - (2d)	5,306.65	14,162.66
(a)	(1) - (2e)	5,306.65	---	b	TOTAL BALANCE AREA OF PLOT = (5,306.65 + 14,162.66)	19,469.31	
(b)	(1) - (2e)	---	14,162.66	4	DEDUCTION FOR AMENITY OPEN SPACE PROVIDED AS PER VIDE CHE/046923/DPC/G/S dated 24/02/2016 = (a + b)	801.92	
(c)	TOTAL BALANCE AREA OF PLOT = (5,306.65 + 14,162.66)	19,469.31		5	BALANCE AREA OF PLOT = (3b) - (4)	18,667.39	
4	DEDUCTION FOR AMENITY OPEN SPACE PROVIDED AS PER VIDE No. TPS-1813/3067/CR-122/MCORP/12/40-13 dated 16/11/201 :			6	PERMISSIBLE FSI	1.33	
(a)	{ 5% OF (3a) } - (2a)	93.72	---	7	PERMISSIBLE BUA = (5) x (6)	24,827.63	
(b)	{ 5% OF (3b) }	---	708.20	8	ADDITION :-		
(c)	GRAND TOTAL = (a) + (b) = (93.72 + 708.20)	801.92		a	ROAD SET BACK AREA WHICH IS HANDED OVER = (476.25 x 1.33)	633.41	
5	BALANCE AREA OF THE PLOT :			b	ROAD SET BACK AREA WHICH IS HANDED OVER = on 29/01/2019 (171.68 x 2.50)	429.20	
(a)	(3a) - (4a) = (5,306.65 - 93.72)	5,212.93	---	i	ROAD / RESERVATION TDR		
(b)	(3b) - (4b) = (14,162.66 - 708.20)	---	13,454.46	(i)	PERMISSIBLE = [80% OF (0.64 x 18,667.39)] - 633.41 = 8,924.29		
6	TOTAL BALANCE AREA OF THE PLOT = (5,212.93 + 13,454.46)	18,667.39		(ii)	ALREADY CLAIMED AS PER TDR/WS/WARD PN-286/11/U-1 DATED ON 21/12/2018 & TDR/WS/WARD PN-287/11/U-1 DATED ON 21/12/2018 = 7198.86 SQM		
7	DEDUCTION FOR R.G = { 15% OF (5) }	781.94	2,018.17	(iii)	NOW CLAIMED AS PER CERTIFICATE NO. 1034 & 1024 DATED ON 19/12/2022. = 1724.50 SQM (1509.70 + 214.80)		
8	TOTAL DEDUCTION FOR R.G = (781.94 + 2,018.17)	2,800.11		(iv)	Total Road / Reservation TDR = 7198.86 + 1724.50	8,923.36	
9	BALANCE AREA OF THE PLOT = (5) - (7)	4,430.99	11,436.29	ii	Slum TDR		
10	NET AREA OF PLOT = (4,430.99 + 11,436.29)	15,867.28		i)	PERMISSIBLE = 20% OF (0.64 x 18,667.39) = 2389.43		
11	PERMISSIBLE BUILT UP AREA :			ii)	NOW CLAIMED SLUM TDR NO. SRA/1475/Land DATED ON 19/12/2022. = 2,389.00 SQM	2,389.00	
(a)	PLOT FSI = (4,430.99 x 1.33)	5,893.22	---	d	PREMIUM FSI = (0.73 x 18667.39)	13,627.19	
(b)	AS PER EARLIER APPROVAL No. EEBP/1105/65/A dated 03/08/2005.	---	15,721.82	e	ADDITIONAL INCENTIVE FSI AGAINST PPL = (50% OF 33,119.24)	16,559.62	
(c)	TOTAL AREA = (a) + (b) = (5,893.22 + 15,721.82)	21,615.04		f	TOTAL = {8a + 8b + 8c (I)(i) + 8c(II) utilised + 8d + 8e}	42,561.79	
(d)	ROAD SET BACK AREA = (171.68x 2.50)	429.20		9	PERMISSIBLE BUA = (7) + (8f)	67,389.42	
(e)	ROAD SET BACK AREA = (476.25x 1.33)		633.41	10	PERMISSIBLE FUNGIBLE BUA = 35% OF (9)	23,586.30	
(f)	AMENITY OPEN SPACE AREA = (93.72x 2.50)	234.30		11	TOTAL PERMISSIBLE BUA INCLUDING FUNGIBLE BUA = (9) + (10)	90,975.71	
(g)	AMENITY OPEN SPACE AREA = (708.20x 2.50)		1,770.50	12	ADDITION :-		
(h)	TOTAL	6,556.72	18,125.73	a	PHASE-1, RESIDENTIAL BUILDING	62,993.62	
(i)	TOTAL AREA PERMISSIBLE BUILT UP AREA = (6,556.72+ 18,125.73)	24,682.45		b	PHASE-2, RESIDENTIAL BUILDING (WING-B)	2,028.54	
12	FSI PERMISSIBLE FOR MCGM PARKING LOT AS PER NOTIFICATION No. TPB4313/929/CR-82/2013/Part-II/UD-11 dated 06/08/2014.		4.00	c	TOTAL = {a + b}	65,022.16	
13	BUILT UP AREA OF MCGM PUBLIC PARKING LOT		33,119.24	d	PHASE-2, OFFICE BUILDING (WING-A)	25,790.43	
14	INCENTIVE FSI AGAINST PPL = { 50% OF ITEM No. (13) }		16,559.62	13	PROPOSED BUA = (c) + (d)	90,812.59	
15	TOTAL PERMISSIBLE BUILT UP AREA = (11h) + (14)	6,556.72	34,685.35	14	PERMISSIBLE BUA	RESIDENTIAL	COMMERCIAL
(a)	TOTAL AREA PERMISSIBLE BUILT UP AREA = (6,556.72+ 34,685.35)	41,242.07		a	BUA OF RESIDENTIAL / COMMERCIAL DEVELOPEMENT	48,225.00	19,164.42
16	LESS AREA UNDER IT	478.65			PERMISSIBLE FUNGIBLE BUA = 35% OF (15a)	16,878.75	6,707.55
17	BUA FOR RESIDENTIAL (15 - 16)	40,763.42		b	TOTAL PERMISSIBLE BUA = (14a) + (14b)	65,103.75	25,871.96
18	PERMISSIBLE FUNGIBLE BUA (35% OF 17)	14,267.20		15	PROPOSED BUA	65,022.16	25,790.43
19	TOTAL PERMISSIBLE BUA FOR RESIDENTIAL (17 +18)	55,030.62		16	BALANCE BUA	81.59	81.53
20	PROPOSED RESIDENTIAL BUA (53,014.37 +1987.14)	55,001.51		17	FSI CONSUMED		3.61
21	BALANCE RESIDENTIAL BUA (20-19)	29.11					
22	AREA TO BE CONSTRUCTED FOR RESIDENTIAL TENEMENTS UPTO 50 SQ.M VIDE NO. CHE/035804/DPC/GS dated 18/11/2015	1,707.05					
23	PROPOSED BUA FOR RESIDENTIAL	1,716.12					
B TENEMENT STATEMENT							
1	PLOT AREA (ITEM A,TO ABOVE)						

(b) In case of redevelopment in Gaothan with the height restricted to 3 storey or maximum 10 mt. the ground coverage of the structure shall not be more than 75% of the plot area and open spaces left at side and rear shall be as to consume the FSI as permissible and not to affect adversely the light and ventilation of adjoining buildings and to provide proper drainage facilities”.]⁽²⁾

TABLE 9

Provisions in Open Spaces for Plots in Residential and Commercial Zones

Serial No.	Plot Area (Sq. m.)	Type of Development	Minimum open spaces (in meters)		
			(4)		
(1)	(2)	(3)	Front	Rear	Side
1	21 and above but less than 30	Row	0.75 (ii)	1.5
2.	30 and above but less than 40	Row	0.75 (ii)	2.25	
3.	40 and above but less than 60	Row/Semi-detached	1.00 (ii)	2.25	1.0 (i)
4.	60 and above but less than 125	Row/Semi-detached	1.5	3.0	1.0 (i)
5.	125 and above but less than 250	Row/Semi-detached/Detached	3.0	3.0	1.5 (i)

Explanation to Table 9 :- (i) Such side open space will not be required for row housing a semi-detached structure will have open spaces around the entire structure. Such side open space, shall not be reckoned as the main source of light and ventilation for habitable rooms of the structure.

- (ii) In plots less than 40 sq. m. in area, no front open space need be provided if the means of access serving such plots is at least 3 m. in width.
 - (iii) A row housing scheme developed as a block shall not be more than 45 m. in length and the distance separating two such blocks shall not be less than 1.5 m.
 - (iv) Where the amenity open space is accessible from all the lay-out plots and has no exclusive means of access, the rear marginal open space in plots abutting such amenity open space shall not be less than 3 m.
- (4) Provisions in open spaces for plots in Reconstruction/Redevelopment Schemes under the Maharashtra Housing and Area Development Authority Act, 1976;
- (a) Notwithstanding the provisions contained in sub-Regulations (1) of this Regulations, the side and rear marginal open spaces may be reduced to 1.5 m., the distance between any two such buildings being not less than 1.5 m.
- (5) Front Set-backs from the Street Line/Plot Boundary and set-backs from the zonal boundary in the different zones shall be as in Table 10 hereunder.

[(2) (3),(4) This clause was added vide orders under 37(2) of MR&TP Act, 1966 vide No No.TPB-4302/1730/CR-233/2002/UD-11 dated 30th July,2008

TABLE 10

A. Front set-back from Street Line/Plot Boundary (in meters)

Serial No. (1)	Location of plot (2)	Residential Zone (3)	Commercial Zone (4)	Industrial Zone (5)
1	On express highways or roads wider than 52 m	7.5	7.5	22.5
2	On roads wider than 21 m. other than those in (1)- -island city .. -elsewhere ..	3.0 6.0	4.5 6.0	** **
3	Away from road- -island city .. -elsewhere ..	4.5 4.5	4.5 4.5	4.5 6.0
4	Plots in gaothans, in the suburbs/extended suburbs smaller than 250 sq.m. [For plots in gaothans, in suburbs extended suburbs smaller than 250 sq.mtrs. i) streets less than 6 m ii) streets 6m and more and less than 9m iii) streets 9m and more] ⁽³⁾	1.5 NIL 1 1.5	...	Not Applicable N.A. N.A. N.A.
5	On island city roads listed below* ..	4.5	4.5	Not applicable
6	Areas not listed above- -island city .. -elsewhere ..	3.0 4.5	4.5 4.5	** **

** Refer to sub-Regulations (2) of this Regulations.

*Gopalrao Deshmukh Marg (Pedder Road), Bhulabhai Desai Road, Babasaheb Dahanukar Marg (Carmichael Road), Salebhoy Karim Barodawalla Marg (Altamount Road), Gamadia Road (Walkeshwar Road), Bal Gangadhar Kher Marg (Ridge Road), Laxmibai Jagmohandas Marg (Nepean Sea Road), Nyayamurti Sitaram Patkar Marg (Hughes Road), Chowpatty Sea-Face Road, Lala Lajpatrai Marg (Hornby Vellard), Dr. Annie Besant Road, Maulana Abdul Kalam Azad Road, Swatantrya Veer Sawarkar Marg (Cadell Road), Senapati Bapat Marg, Dr. Ambedkar Road from Byculla Bridge to Sion Causeway, Rafi Ahmed Kidwai Road.

With the approval of the Corporation, the Commissioner may add, alter or amend this list of roads.

B. Front Set-back from Street Lines (in meters)

Serial No. (1)	Location of Plot (2)	Residential (3)	Commercial Zone (4)	Industrial Zone (5)
1	On minor streets* -island city -elsewhere ..	7.5 9.0	7.5 9.0	10.5 12.0
2	[In case of identified streets] ⁽⁴⁾ In gaothans in the suburbs/extended suburbs ..	3.75 2.25	Not applicable	Not Applicable
3	Areas not listed above -island city .. -elsewhere ..	10.5 10.5	10.5 10.5	10.5 12.0

* A minor street is one less than 12 m. wide.

C. Set-back from Zonal Boundary in Industrial Zones (in meters)

Serial No.	Location of plots	Type of building	Set-back in zones (m)
(1)	(2)	(3)	(4)
1	Island city ..	Industrial building	I-1:6m. I-2:9m. I-3:9m.
2	Island city ..	Residential building, if permitted, due to conversion of zone.	I-1:6m I-2:9m. I-3:9m.
3	Island City ..	Other permissible non-industrial user if permitted in industrial zone.	(i)4.5m upto 4 storeys or 16 m. in height (ii) For heights more than 16 m., 4.5 plus 0.25m. for every meter or part thereof
4	Suburbs, extended suburbs and new reclamation areas at Wadala Salt Pans.	Industrial Building- (a)If zone boundary coincides with the boundary of permanent open space such as R.G., P.G. etc.	I-1:6m. I-2:10.5m. I-3:22.5m.
		(b)Otherwise	I-1: 10 m I-2: 22.5 m I-3: 52.5m
5	Do.	Residential building if permitted due to conversion of zone.	I-2:15m. I-3:22m. :52m. (For obnoxious or hazardous industries adjacent to residential development.)
6	Do.	Other non-industrial users permitted.	(i) 6m. upto 4 storeys or 16m in height. (ii) For height more than 16 m., 6m plus 0.25m. for every meter or part thereof.

Explanation to Table C - (i) The minimum segregating distance between different zone shall be the distance as measured from the opposite edge of the road (existing or proposed) in which the zone happens to abut.

(ii) In the case of residential development and other non-industrial development permitted in the industrial zone the area within the segregating distance as provided in the Table 10-C shall be planted with trees at the rate of not less than 5 per 100 sq.m. of such area.

- (6). *Open spaces for various types of buildings.*- (a) Educational buildings, hospitals, mental hospitals, maternity homes, house of correction, assembly buildings, mangal karyalaya, markets, stadia, petrol filling and service stations ;

A minimum space 6 m. wide shall be left open on all sides from the boundaries of the plot.

(b). Cinemas/theatres :-

(i) Front open space.- A minimum space 12 m. wide from the road or 37 m. from the centre of National Highway/State Highway/Major District road, which ever is more is required.

(ii) Side and rear open space.- Subject to the provisions of sub-Regulations (8) of Regulations 52, the side and rear marginal distances to be left open shall not be less than 6 m. wide.

- (7). Provisions regarding relaxation in open spaces in narrow plots.- (a) Narrow plots in residential and commercial zones, viz those less than 15 m. wide or deep will be permitted the relaxation shown in column 3 of Table 11 hereunder subject to the restrictions in column 4 thereof.

TABLE 11

Open Space Relaxation in Narrow plots in Residential and Commercial Zones.

Serial No.	Plot size/dimension	Relaxation	Restrictions on building
(1)	(2)	(3)	(4)
1	Depth less than 15m. ..	Rear open space may be reduced to 3 m.	No room except store-room and staircase derives light and ventilation from reduced open space.
2	Width less than 15 m. but more than 11.5 m. ..	Side open space may be reduced to 3 m.	No room except store-room and staircase derives light and ventilation from reduced open space.
3	Depth less than 11.5 m. but more than 9 m.	Front open space may be reduced to 3 m. and rear open space reduced to 1.8 m.	(i) Depth of the building not to exceed 5.5 m. (ii) Height not to exceed, 3 storeys or 10 m.
4	Width less than 11.5 m. but more than 9 m.	One side open space may be reduced to 3 m. and the other side open space may be reduced to 1.8 m.	(i) Width of the building not to exceed 5.5m. (ii) Height not to exceed, 3 storeys or 10 m.
5	Depth or width less than 11.5 m.	Semi-detached structure on adjoining plots with open spaces as at Sr. Nos. 3 or 4 above.	(i) Depth of the building not to exceed 5.5 m. (ii) Height not to exceed 3 storeys or 10 m.
6	Depth or width less than 9 m.	Open space may be reduced to 1.5 m. all around	only ground floor structure.

Explanation to Table II.- (i) No dimension of any building in a narrow plot shall exceed 30 m. :

- (ii) The relaxation in Table 11 shall not apply to any narrow plot where in reconstruction/redevelopment scheme under the Maharashtra Housing and Area Development Authority Act, 1976 is undertaken. In the case of such a plot, the Regulations in Appendix III shall apply.
- (iii) In areas when the majority of the plots is less than 11.5 meters in width or depth, the Commissioner may prescribe building lines in which row houses would be permissible.

- (b) Narrow plots in industrial zones, viz. those having one dimensions smaller than 16 m. will be allowed the relaxation subject to the restrictions in Table 12 hereunder.

TABLE 12
Open space Relaxation in Narrow Plots in Industrial Zones

Serial No.	Relaxation granted in or condition imposed on	Width less than 10.5 m.	Depth less than 10.5 m.	Width between 10.5 m. upto 12 m	Depth between 10.5 m. upto 12 m	Width between 12m upto 18 m.	Depth between 12m upto 18 m.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Open space ..	Side open space may be reduced to 1.8	Rear open space may be reduced to 1.8 m.	(i) May be reduced on one side to 4.5 m. (ii) The other side may be reduced to 1.8m.	May be reduced at the rear to not less than 1.8 m.	One side open space may be reduced to 1.8 m.	Rear open space may be reduced 1.8 m.
2.	Building dimensions, etc.- (i) Maximum width	6 m.	30 m.	6 m.	30 m.	6 m.	30 m.
	(ii) Maximum depth	30 m.	6 m.	30 m.	6 m.	30m.	6 m.
	(iii)Maximum height	4.5 m.	4.5 m.	8 m.	8 m.	8 m.	8 m.
	(iv)No. of storeys	One	One	Two	Two	Two	Two
	(v) Walls	Dead walls 40 cm. thick on both sides.	Dead wall 40 cm thick on the rear side.	Dead wall 40 cm. thick facing the reduced open space, as in Serial No.(i) (ii)above of this column.	Dead wall 40 cm. thick facing the rear side.	Dead wall 40 cm. Thick facing the reduced open space.	Dead wall 40 cm. thick facing, the rear side.

- (8) Additional restriction on construction/reconstruction.-
- (i). *Distance from electricity lines.-* No verandah, balcony or the like shall be constructed/reconstructed or any additions or alterations shall be made to a building on a site within the distance stated below from any overhead electric supply line :-

		Vertically	Horizontally
(a)	Low and medium voltage lines and service lines	2.5 m	1.2 m
(b)	High voltage lines upto and including 33,000 V.	3.7 m	2.0 m
(c)	Extra High voltage beyond 33,000 V.	3.7 m (Plus 0.3 m for every additional 33,000 V or part thereof)	2.0 m (Plus 0.3 m for every 33,000 V or part thereof)

Explanation :- The minimum clearance above shall be measured from the maximum sag for vertical clearance and maximum deflection due to wind pressure for horizontal clearance.

- (ii) *Building sites abutting railway track boundary.-* Subject to the requirements of set-backs from roads and side and rear marginal open spaces under the relevant Regulations, no new construction of a building or reconstruction of an existing building shall be allowed within a distance of half the height of the said building from the railway track boundary, and in any case at least 3 m. away from such boundary.

[Building sites situated within 30 mt. from Railway Boundary: No Objection Certificate from the concerned railway shall be insisted before granting permission for the building plans between the railway boundary and the distance of 30 mt. from it. The development of such plot shall be carried out as per terms and conditions stipulated by the Railway Authority.]⁽¹⁾

- (9) *Interior open spaces (chowks)-(a) Inner chowk.-* Unless it abuts on a front rear, or side open space, the whole of one side of every room other than a habitable room shall abut on an interior open space, courtyard or chowk, whose minimum width shall be 3 m. Such interior space, courtyard or chowk shall be accessible at least on one side at ground floor level through a common passage or space. Further, the inner chowk shall have an area at all its levels of not less than the square of one fifth of the height of the highest wall abutting the chowk :

Provided that when any room (excluding the stairway bay, the bathrooms and water closet) depends for its light and ventilation on an inner chowk, the dimension shall be such as is required for each wing of the building.

- (b) *Outer chowk.-* The minimum width of an outer chowk (as distinguished from its depth) shall be 2.4 m. but if the depth exceeds the width, the open space between the wings shall be regulated by clause (b) of sub-Regulation (i) of this Regulations, when any habitable room depends on light and ventilation on such outer chowk. A recess less than 2.4 m. wide shall be treated as a notch and not as a chowk.
- (10). *Open spaces to be unencumbered.-* Every open space whether interior or exterior shall be kept free from any erection thereon and shall remain open to the sky except the feature covered by the next Regulations.

[]⁽¹⁾ This clause was added by TPB-4302/1318/CR-23/03/UD-11 dated 5th July, 2005 under section 37(2) of MR&TP Act , 1966

ANNEXURE-'A-1'

GREATER MUMBAI

DEVELOPMENT PLAN-2034

**DEVELOPMENT CONTROL AND PROMOTION
REGULATIONS-2034**

- (20) "Cabin" means a non-residential enclosure constructed of non-load bearing partitions.
- (21) "Canopy" means a cantilevered projection over any building entrance.
- (22) "Carpet area" would have the same meaning as defined in Real Estate (Regulation and Development) Act, 2016.
- (23) "Chimney" means a construction by means of which a flue is formed for the purpose of carrying products of combustion to the open air and includes a chimney stack and the flue pipe.
- (24) "Chajja" means a structural overhang provided over openings on external walls for protection from the weather.
- (25) "Chowk" means a fully or partially enclosed space permanently open to the sky within a building at any level; inner chowk being enclosed on all sides and an outer chowk having one unenclosed side.
- (26) "Chute" means a vertical system passing from floor to floor provided with ventilation and inlet openings for receiving refuse from successive floors with or without sprinklers for cleaning and ending at the ground floor on the top of the collecting chambers.
- (27) "Cluster" means any defined area with proper access comprising dwelling units, buildings, chawls, etc.
- (28) "Combustible material" means that material which when burnt adds heat to a fire when tested for combustibility in accordance with the IS: 3808-1966 Method of Test for combustibility of Building Materials, National Building Code.
- (29) "Commissioner" means Municipal Commissioner of Greater Mumbai or any other officer designated by him.
- (30) "Contiguous holding" means contiguous piece of land under one ownership irrespective of separate property register cards.
- (31) "Conversion" means the change of occupancy or premises to any occupancy or use requiring development permission.
- (32) "Convenience shopping," means shops, each with a carpet area not exceeding 30 sq. m except where otherwise indicated and comprising those dealing with day to day requirements, as distinguished from wholesale trade or shopping, provided on the ground and/or first floor of building with internal means of access. It includes-
- (i) Food grain or ration shops,
 - (ii) Pan shops.
 - (iii) Shops for collecting and distribution of clothes and other materials for cleaning and dyeing establishments.
 - (iv) Tailor or darner shops.
 - (v) Groceries, confectioneries, wine and general provision shops
 - (vi) Hair dressing saloons and beauty parlours.
 - (vii) Bicycles hire and repair shops.
 - (viii) Vegetable and fruits shops.
 - (ix) Milk and milk products shops.

- (107) "Sanctioned or Approved Plan" means the set of plans in connection with a development which are duly approved and sanctioned by the Planning Authority.
- (108) "Service road" means a road/lane provided at the front, rear or side of a plot for service purposes.
- (109) "Site/Plot" means a parcel or piece of land enclosed by definite boundaries.
- (110) "Site, Corner" means a site at the junction of land fronting on two or more roads or streets.
- (111) "Site, Depth of" means the mean horizontal distance between the front and rear site boundaries.
- (112) "Site with double frontage" means a site having a frontage on two streets other than a corner plot.
- (113) "Site, Interior or Tandem" means a site access to which is by a passage from a street whether such passage forms part of the site or not.
- (114) "Smoke-stop door" means a door for preventing or checking the spread of smoke from one area to another.
- (115) "Solar Energy System" means a device to heat the water or generate power using solar energy.
- (116) "Stair-cover/Stair case Room" means a structure with a covering roof over a staircase and its landing built to enclose only the stairs for the purpose of providing protection from the weather and not used for human habitation.
- (117) "Stilt" means a space within framework of columns, beams and slabs without enclosure of walls over which the building rests. It is used for parking purposes/other services as provided under these Regulations.
- (118) "Storey" means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.
- (119) "Sub-station" means a station for transforming or converting electricity for the transmission or distribution thereof and includes transformers, converters, switchgears, capacitors, synchronous condensers, structures, cable and other appurtenant equipment and any buildings used for that purpose and the site thereof.
- (120) "Tenement" means an independent dwelling unit with a kitchen or a cooking alcove.
- (121) "Theatre" means a place of public entertainment for the purpose of exhibition of motion picture and or dramas and other social or cultural programs.
- (122) "Tower-like structure" means a structure in which the height of the tower-like portion is at least twice that of the broader base.
- (123) "Travel distance" means the distance from the entrance/exit of the remotest Apartment/office/unit/Premises on a floor of a building to a place of safety be it vertical exit or a horizontally exit or an outside exit measured along the line of travel.
- (124) "Volume to plot ratio (V.P.R.)" means the ratio expressed in meters of the volume of a building measured in cubic meters to the areas of the plot measured in square meters.
- (125) "Water closet (W.C.)" means a privy with an arrangement for flushing the pan with water, but does not include a bathroom.
- (126) "Water course" means a natural channel or an artificial channel formed by training or diversion of a natural channel meant for carrying storm and waste water.

41. Open Spaces within Building Plots/ Layout

(1) (a) **Open spaces separate for each building or wing.** -The open spaces required under these Regulations shall be separate or distinct for each building and where a building has two or more wings, each wing shall have separate or distinct open spaces as required under these Regulations;

Provided that if one of the wings does not depend for light and ventilation on the open space between the two wings, the said open space shall be the one required for the higher wing or one required for deriving the light and ventilation whichever is higher.

Open spaces to be provided for the full consumption of FSI-The open spaces to be left at the sides and rear shall relate to the height necessary to consume the full FSI permissible, for the occupancy in the zone.

(b)**Manner of computing front open space/setback where the street is to be widened**-If the building plot abuts any road which is proposed to be widened under the Development Plan or because of the prescription of regular lines of streets under the Mumbai Municipal Corporation Act, 1888, the front open space /road-side set back shall be measured from the resulting road widening line.

(c) The front open space shall be measured perpendicular to the road line. The open spaces for light and ventilation shall be measured perpendicular to the building line. The open spaces for dead wall shall be measured perpendicular to compound wall.

(2) **Side and rear open space in relation to the height of the building for light and ventilation-**

(i)**Residential and Commercial Zones-**

(a)The open spaces on all sides except the front side of a building shall be as follows:

Table A

Sr. No.	Ht. of Building (H)	Side & rear marginal open space		Side & rear marginal open space	
		Plot up to 1000 sq. m or where average width/depth of plot is less than 20 m		Plot size more than 1000 sq. m and average width/depth of plot more than 20 m	
		Light & ventilation	Dead wall	Light & ventilation	Dead wall
1	Up to 32 m	Min - 3.6m in case of Residential building & 4.5 m in case of commercial building subject to H/5	3.6 m	Min - 3.6m in case of Residential building & 4.5 m in case of commercial building subject to H/4	3.6 m
2	More than 32 m & up to 70 m	H/5 subject to maximum 12 m	6 m	H/4 subject to maximum 12 m	6m
3	More than 70m & up to 120 m	-----		H/4 or 16 m Max.	9 m
4	More than 120 m	-----		20 m	9 m

- Note i) Provision of glass facade without construction of dead wall inside the facade shall be treated as side deriving Light & Ventilation.
- ii) In case of residential building Glass façade shall be permissible in the portion, which does not derive light and ventilation.
- iii) In case of High Rise building with height more than 32 m the requirements of Fire Safety as specified in these Regulations/Fire Brigade Authorities shall be fulfilled.

Provided further that;

1. the open space for separation between any building and a single storeyed accessory building need not exceed 1.5 m.
2. the marginal open space(distance)between building and LOS in the same lay-out shall not be less than 3 m.

In respect of tolerated Buildings/Approved buildings, additional BUA in lieu of the subsequent set back created due to prescription of Regular Line under MMC Act 1888/due to proposed widening of road by Appropriate Authority, after issuance of development permission/Commencement Certificate, may be permitted at upper floors with step-back to make up for deficiencies in the open space in case of new development as required under these Regulations subject to fulfillment of structural requirements or else TDR in lieu of subsequent set back area as provided under these regulations may be allowed.

(b) *Step-back at upper level*- The Commissioner may permit smaller step-backs at upper levels and also permit additional floor area upto a limit of 10sq. m over the permissible FSI to avoid structural difficulties or hardship but so as not to affect adversely the light and ventilation of an adjoining building or part thereof.

(c) *Tower-like structures*- Notwithstanding any provision to the contrary, a tower-like structure may be permitted only with 6 m open space at the ground level and one step-back at the upper levels provided that the total height does not exceed 32m. If it exceeds 32m but does not exceed 70m, the minimum open space at ground level shall be 6 m on rear and one side and 9m on another side accessible from road. In case of building exceeding the height of 70 m minimum open space at ground level shall be 9 m and two step-back at upper level up to the height of 70 m and for the height more than 70 m and up to 120 m three step-backs and for the height beyond 120 m four step-backs may be allowed. The step-backs shall be provided in such a way that the required open spaces as per the provisions of Regulation No. 41(1)(a),41(2)(i)(a) & 43(1) are maintained at upper level. The terrace created by the step-back shall be accessible through a common passage and /or common staircase only.

Provided further that such step backs as stated above may also be allowed on one or more sides, however on other sides than the step back, shall have to maintain the regular open spaces as per these regulations.

(ii) Industrial Zone-

- (a) Buildings upto 4 storeys or 16 m in height - The minimum width of the open space around each building shall be 6m.
- (b) Building more than 4 storeys or 16 m in height- The open space dimension prescribed in (a) above shall be increased by at least 0.25m for every 1 m of height or part thereof, above 4 storeys or 16 m.

Provided that no such increase in open spaces is necessary if (i) it is a front margin or (ii) when only store rooms and stairways derive light and ventilation from the open space.

(3) Provisions in marginal open spaces if the height of the building is restricted-

(a) Notwithstanding the provisions of sub-regulations (2) of this Regulation, the minimum open spaces in plots in residential and commercial zones may be relaxed to the values quoted in Table No 17 below, if the number of storeys are restricted to Ground and one upper floor or Stilt and two upper floors

Table No 17

Provisions in Open Spaces for Plots in Residential and Commercial Zones

Serial No.	Plot Area (Sq. m.)	Type of Development	Minimum open spaces (in meters)		
			(4)		
(1)	(2)	(3)	Front	Rear	Side
1	21 and above but less than 30	Row	0.75 (ii)	1.5
2.	30 and above but less than 40	Row	0.75 (ii)	2.25
3.	40 and above but less than 60	Row/Semi-detached	1.00 (ii)	2.25	1.0 (i)
4.	60 and above but less than 125	Row/Semi-detached	1.5	3.0	1.0 (i)
5.	125 and above but less than 250	Row/Semi-detached/Detached	3.0	3.0	1.5 (i)

Explanation to Table No 17:

(i) Such side open space will not be required for row housing, but will be required for semi-detached structure which will have open spaces around the entire structure. Such side open space shall not be reckoned as the main source of light and ventilation for habitable rooms of the structure.

(ii) In plots, less than 60sq. m in area, no front open space need be provided if the means of access serving such plots is at least 3 m in width.

(iii) A row housing scheme developed as a block shall not be more than 45 m in length and the distance separating two such blocks shall not be less than 1.5 m.

(iv) Where the amenity open space is accessible from all the lay-out plots and has no exclusive means of access, the rear marginal open space in plots abutting such amenity open space shall not be less than 3 m

(b) In case of redevelopment in Gaothan / Koliwada/Adivasi Pada with the height restricted to 4 storeys or maximum 14 m, the ground coverage of the structure shall not be more than 75% of the plot area and open spaces left at side and rear shall be as to consume the FSI as permissible and not to affect adversely the light and ventilation of adjoining buildings and to provide proper drainage facilities.

(4) Front Set-backs from the Street Line/Plot Boundary and set-backs from the zonal boundary in the different zones shall be as in Table No 18 hereunder.

Table No 18

A. Front set-back from Street Line/Plot Boundary (in meters)

Serial No. (1)	Location of plot (2)	Residential Zone (3)	Commercial Zone (4)	Industrial Zone (5)
1	On express highways or roads wider than 52 m	6.0	6.0	22.5
2	Areas located in -island city -elsewhere	3.0 4.5	4.5 4.5	** **
3	Away from road- -island city -elsewhere	4.5 4.5	4.5 4.5	4.5 6.0
4	For plots in gaothans / Koliwadass/ Adiwassipada, in suburbs extended suburbs smaller than 250 sq. m. i) streets less than 6 m ii) streets 6m and more and less than 9m iii) streets 9m and more	NIL 1 1.5	N.A. N.A. N.A.	N.A. N.A. N.A.
5	On island city roads listed below*	4.5	4.5	Not applicable

** Refer to sub-Regulations 41(2) (ii) of this Regulations.

*Gopalrao Deshmukh Marg (Pedder Road), Bhulabhai Desai Road, Babasaheb Dahanukar Marg (Carmichael Road), Salebhoy Karim Barodawalla Marg (Altamount Road), Gamadia Road (Walkeshwar Road), Bal Gangadhar Kher Marg (Ridge Road), Laxmibai Jagmohandas Marg (Nepean Sea Road), Nyayamurti Sitaram Patkar Marg (Hughes Road), Chowpatty Sea-Face Road, Lala Lajpatrai Marg (Hornby Vellard), Dr. Annie Besant Road, Maulana Abdul Kalam Azad Road, Swatantrya Veer Sawarkar Marg (Cadell Road), Senapati Bapat Marg, Dr. Ambedkar Road from Byculla Bridge to Sion Causeway, Rafi Ahmed Kidwai Road.

NOTE: With the approval of the Corporation, the Commissioner may add, alter or amend this list of roads. For high rise buildings front marginal distance shall be as per Regulation No.43.

B. Segregating distance from Zonal/plot Boundary in Industrial Zones (in meters)

Serial No. (1)	Location of plots (2)	Type of building (3)	Set-back in zones(m) (4)
1	Island City	Industrial building	6 m
2	Island City	Residential building, if permitted, due to conversion of zone.	9 m
3	Island City	Other permissible non-industrial user if permitted in industrial zone.	(i)6.00 m upto 32 m in height (ii) For heights, more than 32 m,6.00 plus 0.25m for every meter or part thereof
4	Suburbs, extended suburbs and new reclamation areas at Wadala Salt Pans	(a) If zone boundary coincides with the boundary of permanent public open space such as P.G. Garden, Park etc.	6m and 22.50 m in case of hazardous building
		(b)Otherwise	9 m and 52.50 m in case of hazardous building
5	Do.	Residential building if permitted due to conversion of zone.	9 m & 52.50m (For obnoxious or hazardous industries adjacent to residential development.)
6	Do.	Other non-industrial users permitted.	(i) 6m upto 32min height. (ii) For height, more than 32 m, 6m plus 0.25m for every meter or part thereof.

Explanation to Table B-

(i) The minimum segregating distance between different zones shall be the distance as measured from the opposite edge of the road/Nalla/Watercourse (existing or proposed) in which the zone happens to abut.

(ii) These segregating distances from the adjoining plot as stated above shall not be insisted upon where non-industrial development has already been permitted by conversion of zone in the said adjoining plot situated in Industrial zone.

(iii) In the case of residential development and other non-industrial development permitted in the industrial zone, the area within the segregating distance as provided in the Table 18-B shall be planted with tress at the rate of not less than 5 per 100 sq.m of such area.

(5) Provisions in open spaces for plots in Reconstruction/Redevelopment Schemes under the Maharashtra Housing and Area Development Authority Act, 1976, Slum Rehabilitation Authority and Redevelopment Scheme of municipal tenanted properties; in case of DCR 33(5), 33(6), 33(7), 33(7)(A),33(7)(B), 33(9), 33(9)(A), 33(9)(B),33(10), 33(10)(A),33(11),33(15) and 33(20)(A).

The following provisions shall only be applicable in case of rehab and composite building. Composite building in Rehab scheme is the building where the rehab component is equal to or more than 50%.

(a) Notwithstanding the provisions contained in sub-Regulations (2) of this Regulation,

(i) For a building up to height 32m the front open space shall be 3.0 m.

(ii) For a building, up to height 32 m, side and rear marginal open spaces may be reduced to 3.0 m.

(iii) for a building with height more than 32 m but upto 70 m the side and rear marginal open spaces shall not be less than 6 m and for a building with height more than 70 m the side and rear marginal open spaces shall not be less than 9 mand 12 m beyond 120 m subject to fulfillment of fire safety requirement as specified in these Regulations.

(6). Open spaces for various types of buildings-

(a) Educational buildings, hospitals, mental hospitals, maternity homes, house of correction, assembly buildings, mangal karyalaya, markets, stadia, petrol filling and service stations:

A minimum space 6 m wide shall be left open on all sides from the boundaries of the plot.

(b) Cinemas/theatres:

(i) Front open space- A minimum open space 12 m wide from edge of the road or 37 m from the centre of National Highway/State Highway/Major District road, whichever is more is required.

Provided further that in case the cinema theater is proposed along with other permissible uses in building then open spaces as per requirement of special building will be considered deemed to be sufficient where waiting area for patron is provided within the building

(ii) Side and rear open space- The side and rear marginal distances to be left open shall not be less than 6 m wide.

(c) For high rise and special buildings, the provisions as stipulated in Regulation No. 47(1) shall apply.

(7). Provisions regarding relaxation in open spaces in narrow plots-

(a) Narrow plots in residential and commercial zones, viz those less than 15 m wide or deep will be permitted the relaxation shown in column 3 of Table No 19 hereunder subject to the restrictions in column 4 thereof.

Table No: 19

Open Space Relaxation in Narrow plots in Residential and Commercial Zones.

Serial No.	Plot size/dimension	Relaxation	Restrictions on building
(1)	(2)	(3)	(4)
1	Depth less than 15 m	Rear open space may be reduced to 3 m	No room except store-room and staircase derives light and ventilation from reduced open space.

2	Width less than 15 m but more than 11.5 m	Side open space may be reduced to 3 m	No room except store-room and staircase derives light and ventilation from reduced open space.
3	Depth less than 11.5 m but more than 9 m	Front open space may be reduced to 3 m and rear open space reduced to 1.8 m	(i) Depth of the building not to exceed 5.5 m (ii) Height not to exceed, 5storeys or 15 m.
4	Width less than 11.5 m but more than 9 m	One side open space may be reduced to 3 m and the other side open space may be reduced to 1.8 m	(i) Width of the building not to exceed 5.5m (ii) Height not to exceed 5 storeys or 15 m
5	Depth or width less than 11.5 m	Semi-detached structure on adjoining plots with open spaces as at Sr. Nos. 3 or 4 above.	(i) Depth of the building not to exceed 5.5 m (ii) Height not to exceed 5 storeys or 15 m
6	Depth or width less than 9 m	Open space may be reduced to 1.5 m all around	Only ground floor or stilt + one structure.

Explanation to Table No 19

1. No dimension of any building in a narrow plot shall exceed 30 m.

The relaxation in Table No 19 shall not apply to any narrow plot where in reconstruction/redevelopment scheme under the Maharashtra Housing and Area Development Authority Act, 1976 and Slum Act is undertaken

2. In areas when the majority of the plots is less than 11.5 m in width or depth, the Commissioner may prescribe building lines in which row houses would be permissible.

3. For the purpose of this regulation plot area/size shall be reckoned after deduction of area of the plot to be handed over to MCGM/Appropriate Authority' under these Regulations.

(b) Narrow plots in industrial zones, viz. those having one dimension smaller than 16 m will be allowed the relaxation subject to the restrictions in Table No 20 hereunder.

Table No: 20

Open Space Relaxation in Narrow Plots in Industrial Zones

Sr.No	Relaxation granted in or condition imposed on	Width less than 10.5 m	Depth less than 10.5 m	Width between 10.5 m. upto 12 m	Depth between 10.5 m. upto 12 m	Width between 12m upto 18 m	Depth between 12m upto 18 m
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Open space ...	Side open space may be reduced to 1.8 m	Rear open space may be reduced to 1.8 m	(i) May be reduced on one side to 4.5 m. (ii) The other side may be reduced to 1.8m	May be reduced at the rear to not less than 1.8 m	One side open space may be reduced to 1.8 m	Rear open space may be reduced 1.8 m
2.	Building dimensions, etc.-						
	(i) Maximum width	6 m	30 m	6 m	30 m	6 m	30 m
	(ii) Maximum depth	30 m	6 m	30 m	6 m	30m	6 m
	(iii) Maximum height	4.5 m	4.5 m	8 m	8 m	8 m	8 m
	(iv) No. of storeys	One	One	Two	Two	Two	Two
(v) Walls	Dead walls 40 cm thick on both sides.	Dead wall 40 cm thick on the rear side.	Dead wall 40 cm thick facing the reduced open space, as in Serial No.(i), (ii) above of this column.	Dead wall 40 cm thick facing the rear side.	Dead wall 40 cm thick facing the reduced open space.	Dead wall 40 cm thick facing the rear side.	

Note: -i) The restriction in Table No 20 shall not apply to any narrow plot where in reconstruction/redevelopment scheme under the Maharashtra Housing and Area Development Authority Act, 1976 and Slum Act is undertaken.

ii) For the purpose of this regulation plot area/size shall be reckoned after deduction of 'area of the plot to be handed over to MCGM/Appropriate Authority' under these Regulations.

(8) Interior open spaces (chowks)-

(a) Inner chowk-Unless it abuts on a front, rear, or side open space, the whole/part of one side of every room other than a habitable room shall abut on an interior open space, courtyard or chowk, whose minimum width shall be 3 m. Such interior space, courtyard or chowk shall be accessible at least on one side at ground floor level through a common passage or space. Further, the inner chowk shall have an area at all its levels of not less than the square of one fifth of the height of the highest wall abutting the chowk:

Provided that the maximum dimension of an inner chowk may not be insisted more than the required open spaces as stipulated in this regulation.

Provided further that when any room (excluding the stairway bay, the bathrooms and water closet) depends for its light and ventilation on an inner chowk, the dimension shall be such as is required for each wing of the building.

(b) *Outer chowk.* - The minimum width of an outer chowk (as distinguished from its depth) shall be 2.4 m, but if the depth exceeds the width, the open space between the wings shall be regulated by Regulation 41(2)(i)(a), when any habitable room depends on light and ventilation on such outer chowk. A recess less than 2.4 m wide shall be treated as a notch and not as a chowk.

(9). Open spaces to be unencumbered- Every open space whether interior or exterior shall be kept free from any erection thereon and shall remain open to the sky except the feature covered by the next Regulation 42.

42. Features permitted in open spaces

Certain features may be permitted in the prescribed open spaces except in case of high rise buildings where minimum clear marginal open space shall be observed as per Regulation 47(1) as enumerated below:

(i) Permitted in the side or rear marginal open spaces:

(a) Where the facilities in an existing building are inadequate, a sanitary block (i) not exceeding 3 m in height and 4 sq. m in carpet area. (ii) at least 7.5 m from the road line or the front boundary and 1.5 m from other boundaries and (iii) at least 1.5 m away from the main building.

(b) Covered parking spaces at least 7.5 m away from any access road, subject to Regulation No. 44 (6)(d)

(c) Suction tank, pump room, electric meter room or sub-station, garbage shaft/refuse chute, facility for treatment of wet waste in situ, space required for fire hydrants, electrical and water fittings, water tank, dust-bin, etc.

(ii) Other features permitted in open space:

(a) A rockery, well and well structures, plant nursery, water pool, or fountain swimming pool (if uncovered and only beyond the required open space as required under these Regulations), platform around a tree, tank, bench, gate, slide, swing, ramp, compound wall without affecting maneuverability of vehicles;