

Maharashtra Regional & Town Planning Act, 1966
Development Control Regulation for Greater Mumbai 1991.
Modification under section 37(2) of.....

GOVERNMENT OF MAHARASHTRA URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 17th February 2000

NOTIFICATION

No. TPB. 4398/1234/CR-201/98/UD-11 —Whereas Government in Urban Development Department *vide* Notification No. DCR. 1090/RDP/UD-11, dated 20th February 1991, has sanctioned Development Control Regulations for Greater Mumbai 1991 (hereinafter referred to as " the said regulations "), in exercise of powers conferred by sub-section (1) of section 31 of the Maharashtra Regional and Town Planning Act, 1966 (herinafter referred to as " the said Act **") to bring into force with effect from 25th March 1991;

Considering importance of Information Technology and its worldwide utility in every field, Government of Maharashtra has announced " Information Technology Policy, 1998 " (hereinafter referred to as " the said policy "), in August, 1998. Further the Government also announced 1999 as an " Information Technology " year. In order to promote successfully the implementation of the said policy, Government has also decided to offer incentives/ concessions for setting up Information Technology Establishments.

The contents of the said policy have been exclusively examined with reference to the Development Plan of* Greater Mumbai and the said Regulations, It was felt necessary to make amendment to the said Regulations in regard to the permissibility of Information Technology users in different zones. FSI available for development of Information Technology Establishments, etc.

In view of the above facts and circumstances, the Government in Urban Development Department, *vide* order of even number dated 1st April 1999 had issued directions under section 37(1) of the said Act (hereinafter referred to as " the said directions ") to the Municipal Corporation of Greater Mumbai (hereinafter referred to as " the said Corporation ") to initiate modification (hereinafter referred to as * the said modifications ") more specifically described in the schedule thereunder;

And whereas, by way of said directions, said Corporation was required to publish the requisite notice pertaining to the aforesaid modifications in the *Official Gazette* within 60 days from the date of issue of the said directions as stipulated in sub-section (1) of section 37 of the said Act;

And whereas, the said Corporation had failed to publish requisite notice regarding the said modification within the stipulated period ; And whereas, sub-section (1A) of the said Act, empowers Government to issue such notice in case of failure by the Planning Authority;

And whereas, the Government was found it expedient to publish the requisite notice by exercising powers contained in sub-section (1A) of section 37 of the said Act;

Now, therefore in exercise of the powers vested in sub-section (1A) of section 37 of the said Act, Government had issued notice on 15th November 1999 thereby inviting objections and suggestions from any person with respect to the said modification as given in the schedule attached therewith within a period of one month from the date of issue of that notice and to be forwarded to the Deputy Director of Town Planning, Greater Mumbai having his office at 'E' Block, ENSA Hutments, Azad Maidan, Mahapalika Marg, Mumbai 400 001, appointed under section 162 of the said Act to be an Officer (hereinafter referred to as " the said Officer ") who had been authorised to hear all suggetions/objections and to carry out all the procedure laid down under sub-section (1) of section 37 of the said Act and to submit his report to Government within a period of 30 days from the expiry of the one month aforementioned period;

And whereas, the said notice was published in the *Maharashtra Government Gazette* (Extraordinary), dated 18th November 1999 and the said notice was also published in "Indian Express", dated 19th November 1999 and the " Asian News", dated 23rd November 1999 ;

And whereas, after completing the procedure as laid down under section 31(1) of the said Act, the

said officer has submitted his report to Government on 15th January 2000 for final sanction of the said modification under section 37(2) of the said Act;

And whereas, after consulting the Director of Town Planning, Maharashtra State, Pune and as the said officer has completed all formalities laid down under section 37(1) of the said Act, the Government finds it necessary to sanction the said modification ;

Now, therefore in exercise of the powers conferred by sub-section (2) of section 37 of the said Act, the Government of Maharashtra hereby—

- (a) sanctions the said modifications more specifically described in the schedule attached herewith.
- (b) fixes this day to be the date on which the said modifications shall come into force as and when this Notification will publish in the *Official Maharashtra Government Gazette* (Extraordinary).
- (c) directs the said Corporation that in the schedule of modifications appended to the aforesaid Government Notification sanctioning the said Regulations, after the last entry the above entry (a) shall be added.

Accompaniment to Government in Urban Development Department's Notification
Bearing No. TPB. 4398/1234/CR-201/98/UD-11, dated 17th February 2000
Schedule of modifications

Modification No. (1)	Subject (2)	Version of modification (3)
1	Definition of ITE	New clause (100) shall be added to Regulation 2, as under : — " (100) Information Technology Establishment means an establishment which is in the business of developing either software or hardware".
2	Height of the room for ITE	Following proviso to Sr. No. (ii) of Regulation 3S(2) shall be added : — " (ii) Notwithstanding the above restriction as stated in Table 19, any telematic equipment storage erection facility can have a height as required for effective functioning of that system ".
3	ITEs to be allowed in Residential Zone.	Following new clause (<i>xviii</i>) shall be added in Regulation 51, as under : — " (<i>xviii</i>) Information Technology Establishment (pertaining to software only) on the plots/premises fronting on roads having width more than 12.0 metre ".
4	ITEs to be allowed in service Industries Zone (I-1).	New sub-clause (2) shall be added to Regulation 55, as under ; — " 55(2) Information Technology Establishment shall be permitted in I-1 Zone and Services Industrial Estates on all plots fronting on roads having width more than 12 metre ".
5	Users to be free of FSI ...	Following new clause (<i>u</i>) shall be added in Regulation 35(2) : — Any covered antenna/dish antenna/communication tower used for Telecom (basic cellular or satellite telephone) or ITE purposes, V-Sat, Routes, Transponders or similar IT related structure or equipment".
6	ITEs to be allowed in General Industries Zone (1-2).	New clause (<i>f</i>) shall be added to regulation 56(3) as under : — " (<i>f</i>) Information Technology Establishment shall be permitted on all plots fronting on roads having width more than 12 metre ".

7	ITEs to be allowed in Special Industries Zone (1-3).	' New clause (l) shall be added to regulation 57(4) as under: — "(l) Information Technology Establishment shall be permitted on all plots fronting on roads having width more than 12 metre".
8	ITEs to be allowed in No Development Zone.	New clause (xiv) shall be added to regulation 60 as under : — " (xiv) Development of Information Technology Establishment (pertaining to software only) with residential development subject to the following : — (i) The total FSI shall not exceed 0.20. (ii) Residential Development shall not exceed one third of the total built up area. (iii) Construction of ITE/Residential use may be permitted (in a suitable location so as to keep as much of remaining space open) upto 20% on 10% of the area of total plot. On remaining 90% plot. Trees shall be planted at the rate of 500 trees per hectare. (iv) Sub-division of land shall be permitted with area of the plot so sub-divided being not less than 4000 sq. mt.
(1)	(2)	(3)
9	Additional FSI to ITE ...	Following new clause (16) shall be added to Regulation 33 as under : — "33(16) Buildings of Information Technology Establishment (pertaining to software only). The Commissioner may permit the floor spaces indices specified in Table 14 above to be exceeded by 100% in respect of/ buildings in independent plots of Information Technology Establishment set up by Public Bodies like MHADA, SEEPZ, MIDC, SICOM, CIDCO, or their joint venture companies having more than 51% stake of these bodies or lessees of these Public Bodies having plots exclusively used for ITE in wards of Island City, suburbs and extended suburbs, subject to terms and conditions as he may specify : Provided in case of additional Floor Space Index allowed in respect of Information Technology Establishment, as aforesaid premium as may be determined by Government shall be paid to the Corporation out of which 50% shall be payable to the Government.
10	Exemption from height restriction.	Words, i.e. "I.T. equipment" shall be inserted between the words " booster antenna " and " and wireless transmitting " appearing in Regulation 31(4)" IT Equipment".

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

S. V. DESHPANDE,
Deputy Secretary to Government.