

Maharashtra Regional & Town Planning Act, 1966

- **Direction under section 37(1) & 154 of Maharashtra Regional and Town Planning Act.**
- **Modification to Development Control Regulation for all the Municipal Corporation (excluding Gr. Mumbai Corporation) of the Maharashtra (including the area under the jurisdiction of Special Planning Authorities) ; New Town Development Authorities and all the Municipal Councils in Maharashtra State**

**GOVERNMENT OF MAHARASHTRA
Urban Development Department
No.Misc/TPS2004/687/CR-26/2004/UD-13
Date 20th May, 2004**

ORDER

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

In the year 2003 Government has further drawn up Revised Information Technology and information Technology Enabled Services (IT/ITES), Policy 2003 (hereinafter referred to as "the said Revised Policy") vide Industry, Energy and Labour Departments Resolution No. ITP/2003/CR-3311/IND-7 , Dated 12/7/2003 , which has come into force with effect from 4th June,2003 to remain in force for a period of five years. The prime object of the said revised policy is to make Maharashtra, the most favoured destination for investments in the IT/ITES Industries, there by opening up large scale opportunities of employment and self employment so as to facilitate growth of skilled and globally employable manpower.

The contents of the said revised policy have been exclusively examined with reference to the Development plan of Gr. Mumbai and the Development Control Regulations framed thereunder in 1991 (hereinafter referred to as "the said regulations"). It is now felt necessary to make amendment to the said regulations in regard to permissibility of IT users in different Zones, FSI available for development of IT, Establishments, etc. in view of the above facts and circumstances, the undersigned is directed to issue the following direction to the Municipal Corporations (excluding Greater Mumbai Corporation) of the Maharashtra (including the area under the jurisdiction of Special Planning Authorities, New Town Development Authorities) (hereinafter referred to as "the said Corporation " or "said Authority" as the case may be, also to all the A,B and C class Municipal Councils (hereinafter referred to as the "said Council") as per the provisions under section 37(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act")

DIRECTIONS

- (1) The said Corporation or Authority and the said Councils shall initiate Modification to include Regulations as detailed out in Schedule appended here to.
- (2) The said Corporation or Authority shall publish the requisite notice inviting suggestions/ objections over the said modification within a period of 60 days from the date of issue of this order.
- (3) After completing the legal procedure, as laid down under section 37(1) of the said Act, aforesaid modification proposal shall be submitted to the Government for final sanction.
- (4) Pending sanction to these modifications by the Government under section 37(2) of the said Act, the aforementioned modifications shall come into effect forthwith. In case, where the modification to the D.C. Rules, of any Corporation for including the I.T. Rules according to I.T. Policy 1998 is sanctioned, the concerned Corporation is directed to amend those Rules so as to include the additional rules according to revised I.T. Policy 2003 . Till then the special Regulations given in the schedule enclosed herewith will become applicable with immediate effect.
- (5) These directions will supersede all the directions previously given in their behalf

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

sd/-

(V.R.Kurulkar)
Under Secretary to Government

To,

- 1) All Municipal Commissioners of all Municipal Corporations (excluding Municipal Corporation of Gr.Mumbai)
- 2) All Chief Executive Officer of all Special Planning Authorities.
- 3) The Chief Executive Officer, Pimpri Chinchwad Now Town Development Authority, Nigadi, Pune.
- 4) All Chief Officers of all Municipal Councils.

Copy to _

- 1) Principal Secretary to Chief Minister of Maharashtra, Mantralaya, Mumbai
- 2) Dy.Secretary to Chief Secretary of Maharashtra, Mantralaya, Mumbai.
- 3) Principal Secretary (Industry Department) Mantralaya, Mumbai

SCHEDULE

Special Regulations for development of IT/ ITES

Modification No	Subject	Version of Modification
1	Definitions	<p>In the context of the policy, the Information Technology Industry, Industry, IT Services and IT Enabled Services as defined below: IT Taskforce of Government of India has defined IT software as follows:-</p> <ul style="list-style-type: none">a) IT Software: - IT Software is defined as any representation of instruction, data, sound or image, including source code and object code, recorded in a machine readable form and capable of being manipulated or providing interactivity to a user, with the means of a computer.b) IT Hardware: - IT Hardware covers approximately 150 I.T. products notified by Directorate of Industries.c) IT services and IT Enabled Services: - These include various IT Services and are defined by the IT Task force of the Government of India as follows: “ IT Service including IT Enabled Service is defined as any unit that provides services, that result from the use of any IT Software over a Computer System for realizing any value addition” <p>“The Directorate of Industries has prepared and published an illustrative list of such IT Enabled Services which is to be updated from time to time”</p>
2	Height of the room for ITE	Notwithstanding anything contained in these regulations any telematic equipment storage erection facility can have a height as required for effective functioning of that system.
3	Covered antenna be free of FSI	Any covered antenna/dish antenna/communication tower will be allowed to be erected free of FSI if used for Telecom (basic cellular or satellite telephone) or ITE purposes, which shall include equipment relating to earth station, V-Sat, routes, Transponders and similar IT related structure or equipment.
4	ITEs to be allowed in Residential Zone	“ Notwithstanding anything contained in these regulations, IT/ITES on the plots/ premises fronting on roads having with more than 12.0 mt.” shall be allowed
5	ITEs to be allowed in Service industries Zone (I-1)	IT/ITES shall, be permitted in I-1Zone and Services Industrial Estates on all plots fronting on roads having width more than 12 metre.”

6	ITEs to be allowed in General Industries Zone (I-2) and Special Industrial Zone (I-2)	“ IT/ITES shall be permitted on all plots fronting on roads having width more than 12 meter.”
7	ITEs to be allowed in No Development Zone / Green Zone earmarked in the Development plan.	<p>Development of IT/ITES with ancillary residential development shall be allowed in No Development Zone subject to the following:-</p> <ul style="list-style-type: none"> (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 ITES/ancillary Residential use may be permitted (in a suitable location so as to keep as much of remaining space open) up to 20% on 10% of the area of 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.
8	Additional FSI to IT/ITES	<p>Subject to approval by Director of industries, the Commissioner / Chief officer or as the case may permit the floor spaces indices specified in these regulations to be exceeded to the extent of 100% over and above the permissible FSI as under (including for IT/ITES units located in NDZ/Green Zone / Agriculture Zone proposed in the Development Plan of Regional plan.)</p> <ul style="list-style-type: none"> (I) 100% additional FSI shall be made available to all IT/ITES units in public IT parks. (II) 100% additional FSI shall also be made available to all registered IT/ITES units located in Private IT Parks approved by the Directorate of Industries (III) Permission for erecting towers and antenna upto the height permitted by the Civil Aviation Department shall be granted by the concerned municipal bodies at the time and as a part of approval of building plan itself.
9	General Terms/Conditions applicable for development IT/ITES units	<ul style="list-style-type: none"> (I) Additional FSI to IT/ITES units would be available only upon full utilisation of basic admissible FSI (II) Additional FSI to IT/ITES units would be available to IT/ ITES Park duly approved by the Directorate of Industries (III) The additional FSI shall be granted upon payment of premium which shall be paid in the manner as may be determined by the Government. Such premium shall be recovered at the rate of 25% of the present day market value of the land under reference as indicated in the Ready Reckoner.

		<p>(IV) 25% the total premium shall be paid to the Govt. and remaining 75% amount shall be paid to the said respective Municipal Corporation, Municipal Councils, Special Planning Authority or New Town Development Authority. Where no such Planning Authority exists the share of premium shall be paid to the MIDC.</p> <p>(V) The premium so collected by the Planning Authorities /MIDC shall be primarily used for development/ upgradation of off site infrastructure required for the IT /ITES park and the utilisation of this premium shall be monitored by the empowered committee.</p> <p>(VI) In the event, the developer comes forward for provision of such off site infrastructure at his own cost, then the respective Planning Authority or the MIDC as the case may be shall determine the estimated cost of the works and shall also prescribe the standards for the work. After completion of the works the said planning Authority/ MIDC shall verify as to whether the same is as per prescribed standards and thereafter, by deducting the cost of works, the balance amount of premium shall be recovered by the said Planning Authority / MIDC.</p> <p>(VII) <u>Users / Services ancillary to the IT/ITES:</u> While developing site for IT/ITES with additional FSI, users ancillary to the principal user, as may be approved by the Directorate of Industries shall also be allowed.</p> <p>(VIII) No condonation in the required open spaces, parking and other requirements prescribed in these regulations shall be allowed in case of such additional FSI.</p>
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(V.R.Karulkar)
Under Secretary to Government.