

## MUMBAI METROPOLITAN REGION DEVELOPMENT AUTHORITY

No. : SROT/2500 /Regularisation Policy/333/2022 Date: 11 MAR 2022

### CIRCULAR

Sub: Procedures and Scale of Penalty Premium to be recovered for Regularization of Unauthorized Constructions in the Special Planning Authority Areas (SPA's) of MMRDA falling within the jurisdiction of Thane District.

- Ref: 1. MMRDA's Office note dated 05.05.2014 for rates of penalty premium  
2. MMRDA's office note dated 25.07.2019 for revised rates of penalty premium  
3. MMRDA's letter no. SROT/2500/BSNA/UC/Policy/1020/2021 dated 21.10.2021  
4. UDD, GoM's letter no. TPS-1221/ 2267/Pra.Kra.7/22/UD-12 dated 22.02.2022

Govt. of Maharashtra has appointed Mumbai Metropolitan Region Development Authority as Special Planning Authority for the 'Bhiwandi Surrounding Notified Area' (BSNA), 'Ambarnath, Kulgaon-Badlapur and Surrounding Notified Area' (AKBSNA) and 'Kalyan Growth Centre' (KGC) in exercise of its powers conferred by Section 40 (1) of the Maharashtra Regional and Town Planning Act, 1966.

Considering the quantum of unauthorised constructions in SPA areas of MMRDA a regularisation policy on the lines of MCGM was decided vide office note referred at (1) above. The said policy was further revised vide note referred at (2) above on comparative study of various authorities policy within Thane district. Applicants from BSNA requested to reduce the rates of Penalty. In view the meeting conducted by Principal Secretary, Urban Development Dept. on 04.10.2021 MMRDA vide its letter dated 21.10.2021 requested Govt. to make a policy for regularisation of unauthorised constructions and to fix rates for penalty to be charged for regularisation in above SPA areas of MMRDA. Urban Development Department vide their letter dated 22.02.2022 has directed MMRDA to regularise unauthorised constructions under section 143 of the MRTP Act by charging Penalty as decided by Authority and also to take decision on regularisation on case to case basis regarding deficiency in Marginal Open Space, Parking, Amenity Space and Recreational Open Space under the provisions of UDCPR at Authority's level.

Further, Authority in its 152<sup>nd</sup> meeting held on 28<sup>th</sup> February, 2022 vide resolution no. 1602 has accorded its approval for regularisation of proposals for above SPA areas of MMRDA and to fix rates of Penalty.

Therefore, in view of the Govt's directions and Authority's approval the procedures and Scale of Penalty Premium to be recovered for Regularization of Unauthorized Constructions in the Special Planning Authority Areas (SPA's) of MMRDA falling within the jurisdiction of Thane District are as follow:

1. Applicants shall submit their proposals in prescribed manner as per prevailing DCR along with requisite documents as per MMRDA's handbook for regularisation of unauthorised construction

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within jurisdiction of SPAs of MMRDA falling within Thane District on/or before 31st December, 2022 to Sub-Regional Office, Thane.

2. Penalty rate for regularisation shall be charged as decided by Authority vide resolution no. 1602 as mentioned in Table no.1.

Table no.1:

<b>PENALTY RATES FOR REGULARISATION OF UNAUTHORISED CONSTRUCTIONS IN MMRDA'S SPA AREAS OF BHIWANDI SURROUNDING NOTIFIED AREA, KALYAN GROWTH CENTRE AND AMBARNATH, KULGAON- BADLAPUR AND SURROUNDING NOTIFIED AREA FALLING WITHIN THE JURISDICTION OF THANE DISTRICT.</b>			
<b>Note:</b> The base premium rate shall be taken as 25% of developed land rate given in stamp duty Ready Reckoner issued by Govt. for the year of the date of approval for regularization.			
<b>S. No</b>	<b>Description</b>	<b>Scale of Penalty as % of premium rates.</b>	<b>Remarks</b>
1.	Work carried out beyond CC but within the approved plan.	<b>20%</b> (of 25% of base premium rate)	Adopted as per amended policy of MCGM.
2.	Work carried out beyond CC and within the approved plan but after issue of stop work notice.	<b>40%</b> (of 25% of base premium rate)	Adopted as per amended policy of MCGM.
3.	Work carried out without approval but within plot potential including setback area	<b>70%</b> (of 25% of base premium rate)	Adopted as per amended policy of MCGM.
4.	Work carried out without approval but regularizable by way of utilizing TDR or amalgamation of additional plots or additional FSI permissible, as per the provisions of applicable sanctioned DCR	<b>100%</b> (of 25% of base premium rate)	Adopted as per amended policy of MCGM.
5.	For change of user within approved / authentic building.	<b>30%</b> (of 25% of base premium rate)	Adopted as per amended policy of MCGM.
6.	For interior addition / alteration within approved / authentic building which requires prior permission or work of foundation of any type or excavation work / temporary labour huts / camp / temporary site office / godown / store / site laboratory / sample flat	<b>Rs.520/- per sq.m</b> (Minimum ` 25000/-) to be increased by 5% every two years period.	Adopted as per amended policy of MCGM.
7.	Unauthorized occupancy without obtaining prior	<b>Rs. 50/- per sq.m</b> of occupied carpet area	Adopted as per amended policy of

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	Occupation Certificate from the Authority		MCGM, dated 06.10.1995.
8.	Condonation for deficiency in required Marginal Open Space, (Applicable only for Regularization Proposals and side and rear margins).  <b>[Note: This provision shall only apply to the unauthorized development carried out on or before the date i.e. 31.12.2020]</b>	Subject to clearance from Competent Fire Authority and the payment of penalty premium as given below  i. <b>10%</b> (of 25% of base premium rate) for Residential user (For affected BUA).  ii. <b>25%</b> (of 25% of base premium rate) for other than Residential User (For affected BUA).	As informed by Govt. vide their letter dt. 22.02.2022 under Reg. No. 2.4 of UDCPR
9.	Amenity Space (Applicable only for Regularization Proposals).  <b>[Note: This provision shall only apply to the unauthorized development carried out on or before the date i.e. 31.12.2020]</b>	Relocation of reservation area up to 500m from the boundary of plot within original location in Development Plan or within 300m from the boundary of plot of other land subject to consent from land owner.	As informed by Govt. vide their letter dt. 22.02.2022 under Reg. No. 3.5 & 3.11 of UDCPR
10.	Recreational Open Space (Applicable only for Regularization Proposals).  <b>[Note: This provision shall only apply to the unauthorized development carried out on or before the date i.e. 31.12.2020]</b>	<b>25% of Land RR rate (For provided R.G. Area)</b>  Depending upon case to case basis where clearly demonstrable hardship is caused.	As informed by Govt. vide their letter dt. 22.02.2022 under Reg. No. 3.4 & 2.4 of UDCPR
11.	Parking (Applicable only for Regularization Proposals).	No relaxation as per UDCPR. Stack parking may be allowed as per DCR in case of clearly demonstrable hardship.	As informed by Govt. vide their letter dt. 22.02.2022 under Reg. No. 2.4 of UDCPR
12.	Levy of Penalty Premium	If the proposals for regularizations are received for which <b>earlier approvals</b> have been granted by the <b>then Competent Authorities</b> , then the <b>Penalty Premium</b> for the Land & Built-up Area Component shall be <b>calculated on the additional Built-up Area Component and land component as per S.No. 1 to 11 above if it is newly added, after deducting the earlier sanctioned Land &amp; Built-up Area Component.</b>	

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3. Promotional Concessions in the premium rates shall be applicable to the following proposals as per said resolution as mentioned in Table no. 2.

Table no.2:

Period for submission of proposal	Concession on premium rate
First 03 months	20 %
03 to 06 months	10%
06 months to 01 year	5%

The promotional concession will be valid for one year and will be applicable from the date of publication of notice in newspapers regarding regularisation of unauthorised constructions in the said SPA areas.

4. Ambarnath Municipal council, Kulgaon-Badalapur Municipal council and Collector office, Thane shall forward the regularisation proposals received in their office to MMRDA for MMRDA's SPA area of Ambarnath, Kulgaon-Badlapur and Surrounding Notified Area.



(S.V.R. Srinivas, IAS)

Metropolitan Commissioner,  
MMRDA

To,

**All Concerned.**

1. Chief, Planning Division
2. Chief, Town & Country Planning Division
3. Chief, Town Planning Division
4. Chief, Urban Design Division
5. Chief, Land & Estate Cell
6. Senior Planner, Sub-Regional Office, Thane

Copy for Information to ,

1. Sr. Director (Integrated Systems) Metro-PIU
2. Director (Projects) Metro-PIU
3. Director (Works) Metro-PIU
4. Director (Systems) Metro-PIU
5. Joint M.C. (Admin)
6. Chief, Rental Housing
7. Chief (R & R)/ Chief, SDC
8. Chief, Transport & Communications Div.
9. O.S.D., SRA
10. Financial Advisor
11. Chief Accounts Officer
12. Chief Engineer, Engineering Div.
13. J.P.D. (Legal)
14. J.P.D. (Town Planning)/ Chief, IT Cell
15. P.A. to M.C.
16. P.A. to A.M.C. - I
17. P.A. to A.M.C. - II
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