

NOTIFICATION

**GOVERNMENT OF MAHARASHTRA,
URBAN DEVELOPMENT DEPARTMENT**

Mantralaya, Mumbai-400 032, Maharashtra

Dated - 4th July, 2005

**Maharashtra
Regional &
Town
Planning Act,
1966.**

No.TPS 1699/1612/CR-27(A)/03/UD-9: Whereas, the Earstwhile Ahmednagar Municipal Council (Now the Municipal Corporation) (hereinafter referred to as the 'said Municipal Council') being the Planning Authority within its jurisdiction under Clause (19) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra XXXVII of 1966) (hereinafter referred to the said Act) has by its Resolution No.131 dated 19th October 1988, declared its intention under section 38 read with subsection (1) of section 23 of the said Act to prepare Revised Draft Development Plan for the Municipal limit and Notice of such declaration was published at page No.735 of the Maharashtra Government Gazette, dated 8th June 1989 ;

And whereas the said Earstwhile Municipal Council after carrying out a survey of the lands within its jurisdiction as required under Section 25 of the said Act, Prepared and published a Notice regarding preparation of draft Development Plan at page No.655,656 in Maharashtra Government Gazette dated 12th September 1996 for inviting Objections and Suggestion to the such Draft Development Plan for the area of Ahemadnagar (hereinafter referred to as "the said Development Plan") under sub-section(1) of Section 26 of the said Act.

And whereas, after considering the Suggestions & Objections to the Published Draft Development Plan received and report submitted by the Planning Committee, the said Planning Authority has made some modifications under section 28(4) of the said Act to the said Development Plan vide its Resolution No.20(A) date 9th July, 1999 ;

And whereas, the modification proposed in the said Development Plan by the Planning Authority under Section 28(4) has not republished under section 29 of the said Act for inviting Objections & Suggestions before submission under 30 of the Act ;

And whereas, in the opinion of the State Government the Planning Authority has neglected to perform its duty imposed upon it under the provision of Section 29 of the said Act and taking further action upto submission of the said Development Plan to Government for sanction;

And whereas, in exercise of the powers conferred by sub-section (1) of section 162 of the said Act, and all other powers enabling in that behalf. The Government of Maharashtra has appointed the Deputy Director of Town Planning, Nashik Division,

Nashik, to be an Officer (hereinafter referred to as "the said Officer") for performing the duties of the said Planning Authority under Section 28, 29 and 30 of the said Act, vide its order No. TPS-1699/1682/CR-190/UD-9, dated 11th August 2000;

And whereas, the said Officer has republished the substantial modification under Section 29 for inviting Objections & Suggestions on that substantial modifications and notice to that effect appeared in Maharashtra Government Gazette, dated 1st March 2001;

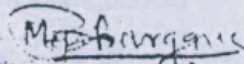
And whereas, after hearing the Suggestions & Objections received to the modifications of substantial nature the said Officer has made some modifications in the said Development Plan under sub-section(4) of section 28 of the said Act and published a notice regarding such modifications in official gazette dated 13th December 2001, one month before the submission of the draft Development Plan under Section 30 and decided to submit the said Development Plan to the Government for sanction under section 30 of the said Act;

And whereas, in accordance with provisions of Sub-section (1) of the section 31 of the said Act, the said Development Plan is required to be sanctioned by Government not later than one year from the date of receipt from the Planning Authority or within any such further period extended by the State Government in accordance with the proviso to the sub section (1) of section 31 of the said Act;

And whereas, the Government of Maharashtra has decided to extend the time limit for sanctioning the said Development Plan under sub section (1) of section 31 of the said Act, up to and inclusive of the 4th July, 2005.

Now, therefore in exercise of power conferred under the proviso to sub section (1) of section 31 of the said Act, the Government of Maharashtra hereby extends period for according sanction to the said Development Plan for a period upto & inclusive of the 4th July, 2005.

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


(Manohar Bhargave)
Section Officer.

AND WHEREAS the said Earstwhile Municipal Council (hereinafter referred to as the said Municipal Council) being the Planning Authority within its jurisdiction under Clause (19) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra XXXVII of 1966) (hereinafter referred to as the said Act) has by its Resolution No. 131 dated 19th October 1988, declared its intention under section 38 read with subsection (1) of section 23 of the said Act to prepare Revised Draft Development Plan for the Municipal limit and Notice of such declaration was published at page No. 735 of the Maharashtra Government Gazette, dated 8th June 1989;

**GOVERNMENT OF MAHARASHTRA
URBAN DEVELOPMENT DEPARTMENT
Mantralaya, Mumbai-400 032**

Dated - 4th July, 2005.

Maharashtra Regional & Town Planning Act, 1966. No. TPS 1699/1612/CR-27(B)/03/UD-9: Whereas the Earstwhile Ahmednagar Municipal Council (Now the Municipal Corporation) (hereinafter referred to as the said Municipal Council) being the Planning Authority within its jurisdiction under Clause (19) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra XXXVII of 1966) (hereinafter referred to as the said Act) has by its Resolution No. 131 dated 19th October 1988, declared its intention under section 38 read with subsection (1) of section 23 of the said Act to prepare Revised Draft Development Plan for the Municipal limit and Notice of such declaration was published at page No. 735 of the Maharashtra Government Gazette, dated 8th June 1989;

And whereas the said Earstwhile Municipal Council after carrying out a survey of the lands within its jurisdiction as required under Section 25 of the said Act, Prepared and published a Notice regarding preparation of draft Development Plan at page No. 655, 656 in Maharashtra Government Gazette dated 12th September 1996 for inviting Objections and Suggestion to the such Draft Development Plan for the area of Ahmednagar (hereinafter referred to as the said Development Plan) under sub-section (1) of Section 26 of the said Act;

And whereas, after considering the Suggestions & Objections to the Published Draft Development Plan received and report submitted by the Planning Committee, the said Planning Authority has made some modifications under section 28(4) of the said Act to the said Development Plan vide its Resolution No. 20(A) date 9th July, 1999;

And whereas, the modification proposed in the said Development Plan by the Planning Authority under Section 28(4) has not republished under section 29 of the said Act for inviting Objections & Suggestions before submission under 30 of the Act;

And whereas, in the opinion of the State Government the Planning Authority has neglected to perform its duty imposed upon it under the provision of Section 29 of the said Act and taking further action upto submission of the said Development Plan to Government for sanction;

And whereas, in exercise of the powers conferred by sub-section (1) of section 162 of the said Act, and all other powers enabling in that behalf. The Government of Maharashtra has appointed the Deputy Director of Town Planning, Nashik Division, Nashik, to be an Officer (hereinafter referred to as "the said Officer") for performing the duties of the said Planning Authority under Section 28, 29 and 30 of the said Act, vide its order No. TPS-1699/1682/CR-190/UD-9, dated 11th August 2000;

And whereas, the said Officer has republished the substantial modification under Section 29 for inviting Objections & Suggestions on that substantial modifications and notice to that effect appeared in Maharashtra Government Gazette, dated 1st March 2001;

And whereas, after hearing the Suggestions & Objections received to the modifications of substantial nature the said Officer has made some modifications in the said Development Plan under sub-section (4) of section 28 of the said Act and published a notice regarding such modifications in official gazette dated 13th December 2001, one month before the submission of the draft Development Plan under Section 30 and decided to submit the said Development Plan to the Government for sanction under section 30 of the said Act;

And whereas, the State Government extended the period under section 31 (1) of the said Act for sanctioning the said Development Plan up to and inclusive of the 4th July, 2005 vide Urban Development Departments Notification No. TPS-1699/1612/CR-27(A)/03/UD-9 dated 4th July, 2005.

And whereas, in accordance with subsection (1) of section 31 of the said Act, the said State Government after making necessary enquiry and after consulting the Director of Town Planning has decided to sanction a Part of the said Development Plan (Schedule Part-I) excluding that Part as shown bounded Pink on the Plan (hereinafter referred to as "the said excluded Part of the said Development Plan") subject to Modifications which are considered to be of substantial nature, as specified in Schedule Annexed hereto (Part-II);

Now, therefore in exercise of the powers conferred by Sub-section (1) of Section 31 of the said Act and of all other powers enabling it in that behalf, the Government of Maharashtra hereby -

(a) sanctions the said Draft Development Plan excluding the Part shown in Pink colour subject to the modifications shown in Orange colour on the said Development Plan and specified in the Schedule of Modification Part-I;

(b) fixes the 22nd August, 2005 to be the date on which the final Development Plan for area of Ahmednagar excluding the said excluded part of the Draft Development part shall come into force.

*Note :- 1) The aforesaid Final Development Plan-excluding the said excluded part of the Draft Development Plan sanctioned by the State Government shall be kept open for inspection by the Public during working hours on all working days for a period of one year in the office of the Ahmednagar Municipal Corporation.

2) Areas of reserved sites mentioned in the report of the Development Plan are approximate and subject to actual measurement on site as per boundaries shown on the final Development Plan.

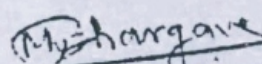
3) Draftsman's errors which are required to be corrected as per actual situation on site/or as per survey records, sanctioned layout etc. shall be corrected by the Commissioner, Ahmednagar Municipal Corporation Ahmednagar after due verification and with prior approval of the Director of Town Planning Maharashtra State, Pune.

4) The private or rental premises designated in Public-Semipublic Zone will continue to be in this zone as long as public Semi Public user exists, otherwise those lands shall be considered to be included in the adjoining major use zone.

5) The reservation/allocations which have not appeared in the Schedule of proposed substantial modifications (Part I, Part-II) are hereby sanctioned for the respective purposes as designated in the Development Plan.

6) This Notification is also available on Govt. web site www.urban.maharashtra.gov.in

By order and in the name of Governor of Maharashtra,


(Manohar Bhargave)
Section Officer.

**ACCOMPANIMENT OF GOVERNMENT NOTIFICATION NO.TPS- 1699/1612/CR-27(B)/03/UD-9 DATED 4TH JULY, 2005.
SCHEDULE OF MODIFICATIONS (PART I)**

Sr. No.	Modification No.	Proposals as per published Plan under Section 26	Proposals as per submitted Plan under Section 30 by an Officer appointed under Section 162 (1)	Modifications sanctioned by Government under Section 31 of Maharashtra Regional & Town Planning Act 1966
1	M-1	Site No.28, High School and Play Ground.	Site No.28, High School and Play Ground	Site No.28 is redesignated as "Primary School, High School and Playground" and Appropriate Authority for the Site No.28, is "Ariand Sadhana Mandal, Ahmednagar".
2	M-2	Site No.75, Garden	Site No.75, Play Ground	Appropriate Authority for the Site No.75, "Play Ground" is "Radhabai Kale Mahila Vidyalaya, Ahmednagar".
3	M-3	Site No.92, Primary School & Play Ground	Site No.92, Primary School & Play Ground	Appropriate Authority for the Site No.92, "Primary School & Play Ground" is, "Shri Markandey Mandir Devasthan, Ahmednagar".
4	M-4	Site No.134, High School	Site No.134, Municipal Purpose	Designation of Site No.134 is changed from "Municipal Purpose" to "Municipal Office".
5	M-5	Site No.153, Government Office	Site No.153, Shopping Centre and Office	Appropriate Authority for the Site No.153, "Shopping Centre & Office" is "Municipal Corporation, Ahmednagar".
6	M-6	Existing Vegetable Market & Shopping Centre	Site No.216, Vegetable Market & Shopping Centre	Area under CTS No.215 and 216 is excluded from Site No.216, Vegetable Market & Shopping Centre and remaining site is retained as Site No.216, "Shopping Centre & Vegetable Market".
7	M-7	Site No.113, Parking	Site No.113 and road widening is proposed to be deleted.	Site No.113, Parking is deleted and road widening is reinstated as shown on plan.
8	M-8	Exiting primary school	Site No.223,224,225,226, 227,228,229 for Municipal purpose by Municipal Council are deleted and land thereunder shown as Existing Primary School.	Site No.223,224,225,226,227,228,229 are deleted and land there under shown as existing Primary School.


(MANOHAR BHARGAVE)
SECTION OFFICER

APPENDIX " A "

Table No.3A

Sr. No	Category & Road width & description of housing	Minimum size of the plot on road in Sq.Mt.	Minimum frontage in Mt	Minimum front space from the road in front in Mt
1	2	3	4	5
1	Classified roads & other roads 18 Mt. (inclusive) and above	450	15	4.5 (4.5 Mt. from plot boundary or 25 Mt. from d of the classified roads which is even is more)
2	Roads of width below 18 Mt. & upto 12 Mt. (inclusive)	300	12	4.5
3	Roads of width below 12 Mt. & upto 9 Mt.	Above 100	8 to 12	3.0
4	Row housing on roads of width 12 Mt. and below	Above 50	4 to 8	3.0
5	Row housing for EWS/ LIG by public agencies	Above 30	4	Such plots shall be set back by 3.0 Mt. from the edge of the pathway & 3 Mt. from road boundary

Table No.3B

(Minimum rear and side open spaces, maximum built up area, maximum No. of storeys for minimum size of plots)

Sr. No	Minimum size of plot in Sq.Mt.	Minimum rear open space in Mt.	Minimum side margin in Mt.	Maximum built up area of plot area	Maximum No. of storeys
1	2	3	4	5	6
1	450 & above	4.50	3.0	1/3	G+II or subject to FSI 1.0
2	300 & above	3.0	2.25	1/3	G+II
3	100 & above for semi detached buildings	3.0	1.50 on one side	1/2	G+I
4	100 & above for detached building	3.0	1.50	1/2	G+I
5	50 & above (row housing)	2.25	Nil	1/2	G+I
6	30 & above (public agencies)	----	----	Full plot area after leaving front set back	Ground floor with space for vertical incremental housing to make it two room tenement

NOTE :

- a) For ensuring total built up area under Column 5 & 6 of Table No.3B, the same could be permitted with FSI 1.0 subject to marginal open space in respect of plot size and height restrictions.
- b) Subject to condition that row housing plot at the junction of two roads shall be larger to enable set back from both roads being left and subject further to condition that not more than 8 & less than 4 plots shall be allowed in each block of the road, each block shall be separated from the other by 6 Mt.
- c) Single subsidiary structure such as car parking, garage, outhouse, independent sanitary blocks, gotha sheds etc. shall be permitted only in plot having area more than 450 Sq.Mt. The built up area of such structure shall be taken in to account in FSI calculations. The distance between main building and subsidiary structure shall not be less than 1.5 Mt.
- d) Development as per Sr.No. 5 & 6 on in Table No.3B is permissible only for the persons from EWS of the community, a certificate from Social Welfare Department shall be produced to that effect and in case of housing by public agencies, the development shall confirm to the rules by Government as per Appendix II.
- e) Information given in Column No. 2, 3 & 4 of Table No.3A is only for new development.
- f) In case of Low Income Housing Schemes under Section 20/21 of ULC Act 1976, the development will be governed by the rules prescribed by Government from time to time.
- g) The distance between any two main buildings in a plot shall be 4.50 Mt. atleast.
- h) Where substandard plots either have been granted or approved by Government/Planning Authority prior to coming into operation of these Development Control Rules,
 - I) Plot admeasuring 50 Sq.Mt. are less in area and forming a compact block shall be governed by regulations (for Gaothan and similar) other than congested areas.
 - II) If such substandard plots from pockets within area of large plots, the road side setbacks shall be the same as in the case of large plots and other provisions of other than congested area (Gaothan and similar congested areas) shall apply.
 - III) In case of substandard plots above 50 Sq.Mt. area whether authorised or unauthorised, provision of Sr.No. 1 to 6 of Table No.3B shall apply.
- i) In no case, the Ribbon Development Rules for classified roads shall be relaxed without approval of the Highway Authority

purpose classification and uses permitted.

The uses of all land situated within the Municipal limits of Ahmadnagar, which have been allocated or have been specifically designated or reserved for certain purposes in the Development Plan would be regulated in regard to type and manner of development/re-development according to table given below. The uses not specified in the Table would be regulated in regards to type conditions and manner of development, in consultation with Director of Town Planning, Maharashtra State, Pune.

Sr. No.	Users (Allocation, designation or reservation)	Person/Authority who may develop.	Condition subject to which development is permissible.
	Residential (R)		
	a) Residential (R-1)	Owner	a) A public Authority may acquire the land and develop it for the allocated purpose. b) The owner may develop the land and owner shall be preparing a layout: i) 50% plots of minimum plot size (i.e. of 50 sq.m.) shall be set aside, out of this, 10% plots shall be handed over to Municipal Council free of cost. Or ii) If owner proposes multistoreyed building, at least 50% tenements of 30.00 sq.m. shall be built up and 10% tenements of total built up area of 30.00 sq.m. size shall be handed over to Municipal Council free of cost. After receipt of such tenements, Municipal Council shall transfer these tenements only for persons affected by Development Plan Proposal.
	b) Residential (R-2)	Owner	
	c) Housing the Dis housed.	Public Authority or owner or Municipal Council	
	d) Government Staff Quarters.	Government / Public Authority	
2.	Commercial Zone		
	a) Local Commercial C-1	Owner	Reservations may allowed to be developed by owner or owners, private entrepreneurs on the users permissible in R-1, R-2 District Commercial zones on following conditions: a) The owner shall develop 40% of the total permissible FSI exclusively for residential purpose.
	b) District Commercial Sub-centre	Municipal Council / Public Authority / Owner.	

			<p>b) The owner shall develop further 30% of the FSI for residential cum commercial purpose of which 10% of development shall be allowed for commercial purpose on the ground floor in the form of shopping line or in the form of shopping centre in the residential complex.</p> <p>c) the owner shall develop the balance 30% FSI exclusively for commercial purposes out of which 15% of the built up commercial area at one end or side of the site shall be given to the Municipal Council free of cost and this commercial area shall be used by the Municipal Council only for the purpose related to the rehabilitation of those effected by implementation of Development Plan and/or office users of other public bodies but restricted to Municipal Council, M.S.E.B., Water Supply and Sanitation Board and M.T.N.L.</p> <p>d) The owner shall be entitled for 50% of FSI for residential use, of the built up commercial area handed over to municipal corporation, or the TDR will be available for the area surrendered to the municipal corporation.</p>
	c) Shopping Centre	Municipal Council / Owner	<p>i) Municipal Council may develop this land by acquiring the site OR</p> <p>ii) The owner may develop it and atleast 20% shops of 10 sq.m. size according to design, specifications and conditions prescribed by the Deputy Director of Town Planning, Nashik Division on each road and side frontage shall be handed over to Municipal Council for rehabilitation of those affected by implementation of Development Plan at the rate of construction cost + 15% extra rate or free of cost by granting FSI/TDR of that area.</p>
	d) Vegetable Market and Shopping Centre	Municipal Council / Owner	<p>i) Municipal Council may acquire the land and develop it OR</p> <p>ii) Owner shall develop with condition that 1/3 land shall be given free of cost to Municipal Council for Vegetable Market and in remaining area condition of (c) (iii) shall prevall. FSI/TDR to the tune of 50% of area handed over for Veg. Market shall be made available to the owner.</p>
3.	Industrial Zone a) Service Industrial (i)	Owner	<p>In view of reducing industrial areas from council limit the owners shall be allowed to develop such lands for residential uses if they so desire on handing over an area of 15% of the plot to Municipal Council for amenity to be provided.</p>

	By Service Industrial estate	Municipal Council / Public Authority / Owner	1) Municipal Council/Public Authority may acquire and develop, OR Owner may develop. However 25% units shall be handed over to Municipal Council at the rate of 1.15 times the construction cost. Municipal Council shall transfer such units for benefited persons by Development Plan.
3A	Public/Semi-public Zone		If the PSP zoning is designated due to an existing Public Semi-public use in certain premises or on a private land, the owner is allowed in consultation with Director of Town Planning, Maharashtra State, Pune to develop his property as per permissible FAR and permissible zoning of adjoining area. He should hand over to the respective tenant if any, built up area to the extent of existing area occupied by the tenant. If the premises are vacated by the said tenant the property may be developed in consultation with Director of Town Planning, Maharashtra State, Pune as per permissible FAR and zoning of the adjoining area.
4	Parking	Municipal Council / Owner	a) The Municipal Council may acquire the land and develop, operate and maintain the parking plot either as a open parking or multi storied parking OR b) The owner may be allowed to develop the parking plot for the public according to the design, specification and conditions prescribed by the Chief Officer in consultation with Deputy Director of Town Planning, Nashik Division utilising the full built up area equal to the area available on the plot for the purpose of providing the parking spaces. The operation and the maintenance of the facility will be decided by the Chief Officer. The parking spaces may be in the basement or open spaces or under stilts or on the upper floors. The owner will be entitled to have full permissible FSI of the plot, without taking into account areas utilised for providing the parking spaces, for the other permissible users of the plot in case this facility being availed by the owner, he shall hand over parking space equivalent to the total plot area free or cost preferably at ground level or in stilts.
5	Public Semi-public Zone i) Dispensary and Maternity Home	Municipal Council / Owner / Public	i) Municipal Council/Public Authority may acquire and develop it OR

Authority

iii) The owner may be permitted to develop it according to the design and specification of Divisional Deputy Director of Town Planning. However, 15% built up area for dispensary and 20% built up area of total reserved area for maternity home shall be handed over to Municipal Council free of charge. The owner will be entitled to have the full permissible FSI of plot. According to the surrounding users, owner may utilise full FSI in the same plot. In case of reservation of Hospital, 30% built up area of total reserved site shall be handed over to Municipal Council. Deputy Director of Town Planning may consult the Director of Health Department for deciding the norms for development.

iii) Government Offices

Government / Public Authority

- 1 Educational
 - a) Primary School
 - b) Private Primary School
 - c) High School

Municipal Council
Owner/ Public Authority

iv) Municipal Council may acquire and develop it. Sites designated for Primary School as may be decided by the Municipal Council may be allowed to be developed for specific purpose by recognised public institution registered under Public Charitable Trust Act working in that field or the owners of the land. Sites designated for High School may be allowed to be developed by recognised public institution registered under Bombay Public Trust (Unincorporated and Amended) Act VI of 1960 working in that field or the owners of the land.

- d) College

Public Authority/
Owner

- e) Polytechnic

- f) Technical School

Assembly Hall and Recreational

- 1) Cultural Centre
- 2) Children's Play Ground / Gymnasium
- 3) Children's Park
- 4) Sports Complex
- 5) Play Ground
- 6) Garden
- 7) Park
- 8) Green belt

Owner/ Municipal Council

v) Chief Officer of Municipal Council may entrust the development and maintenance of the facility to a suitable agency on terms to be decided in consultation with Divisional Deputy Director of Town Planning.

Library

Municipal Council/
Owner

i) Municipal Council may acquire and develop it
OR

ii) The owner may be permitted to develop the library. However, owner shall construct a library on 20% area of the reserved site and hand over free of cost to Municipal Council according to design and specifications decided by Divisional Deputy Director of Town Planning. Place of library shall be on ground floor. The owner will be entitled to have the full permissible FSI of the plot without taking into account the area utilised for constructing library.

Public Utility

- 1) Post Office
- 2) post & Telegraph Office
- 3) Police Chowky/
Police Station

Appropriate
Authority/Owner

i) The Appropriate Authority may acquire and develop it

ii) Owner may be permitted to develop according to design and specification of Government and hand over free of cost a built up area of 30% to concerned Authority. The owner will be entitled to have the full permissible FSI of the plot without taking into account the area utilised for construction of the amenity. If the concerned department expects more area than that of 30% the excess area, maximum of 40% shall be made available at the cost of construction at 15% FSI to the tune of 50% of such extra area is eligible to the owner.

Appendix T

Transfer of Development Rights :- In certain circumstances, the development potential of a plot of land may be separated from the land itself and may be made available to the owner of the land in the form of transferable Development Rights (TDR). These Rights may be made available and be subject to the Regulations given below.

Regulations for the grant of Transferable Development Rights (TDR) to owners/developers and conditions for grant of such Rights :-

1. The owner (or lessee) of a plot of land which is reserved for a public purpose or road construction or road widening in the Development Plan and for additional amenities deemed to be reservations, provided in accordance with these Regulations, excepting in the case of an existing or retention user or an area required for road widening or any Development Plan proposal whose development potentiality has been fully utilised or an area from Agriculture Zone or any required compulsory or recreational open space shall be eligible for the award of Transferable Development Rights (TDRs) in the form of Floor Space Index (FSI) to the extent and on the conditions set out below. The area under jurisdiction of Ahmadnagar Municipal Council is divided into three zones, namely 'A', 'B' & 'C' marked on the plan No.27 annexed hereto this report. Such award will entitle the owner the land to FSI in the form of a Development Rights Certificate (DRC) which he may use himself or transfer to any other person.
2. Subject to the Regulation 1 above, where a plot of land is reserved for any purpose specified in Section 22 of Maharashtra Regional & Town Planning Act, 1966 the owner will be eligible for Development Rights (DRS) to the extent stipulated in Regulation 5 and 6 in this Appendix and the land been not so reserved, after the said land is surrendered free of cost as stipulated in Regulation 5 in this Appendix and after completion of the development or construction as in Regulation 1 in this Appendix if he undertakes the same.
3. Development Rights (DRs) will be granted to an owner or a lessee only for reserved lands under road widening. Development Rights (DRs) are available only in cases where development of reservation has not been implemented i.e. TDRs will be available only for prospective development of reservation.
4. Development Right Certificates (DRCs) will be issued by the Chief Officer himself. They will state, in figures and in words, the FSI credit in square meters of the built-up area to which the owner or lessees of the said reserved plot is entitle the place and user zone in which the DRs are earned and the areas in which such credit may be utilised.
5. The built-up area for the purposed of FSI credit in the form of a DRC shall be equal to the net area of the reserved plot to be surrendered and will proportionately increase or decrease according to the permissible FSI of the zone where from the TDR has originated. (Net area = Gross area of plot minus 10% of gross area)
6. When an owner or lessee also develops or constructs the amenity on the surrendered plot at his cost subject to such stipulations as may be prescribed by the Chief Officer or the appropriate authority, as the case may be and to their satisfaction and hands over the said developed/constructed amenity to the Chief Officer, appropriate authority, free of cost, he may be granted by the Chief Officer a further DR in the form of FSI equivalent to the area of the construction/development done by him, utilisation of which etc. will be subject to the Regulations contained in this Appendix.

7. A DRC will be issued only on the satisfactory compliance with the conditions prescribed in this Appendix.

8. If a holder of a DRC intends to transfer it to any other person, he will submit the DRC to the Chief Officer with an appropriate application for an endorsement of the new holder's name. The transferee on the said Certificate. Without such an endorsement by the Chief Officer himself, the transfer shall not be valid and the certificate will be available for use only by the earlier original holder.

9. A holder of a DRC who desires to use the FSI credit certificate therein on a particular plot of land shall attach to his application for development permission valid DRCs to the extent required.

10. Irrespective of the location of the land in which they originate.

a) DRC's shall not be used in Zone 'A' and in congested areas.

b) DRC's shall not be used on plots for housing schemes of slum dwellers for which additional FSI is permissible under Appendix 'U' and the areas where the permissible FSI is less than 100.

c) DRC's shall not be used on the plots fronting on following classified roads upto a width of 40.00 mt. from the road boundary.

i) Pune-Aurangabad State Highway No.7

ii) Ahmednagar-Manmad State Highway No.10

iii) Ahmednagar-Solapur State Highway No.141.

iv) Ahmednagar-Daund State Highway No.10.

v) Ahmednagar-Junner State Highway No.2

vi) Ahmednagar-Paithan State Highway No.148.

vii) Ahmednagar-Manmad 30.0 M diversion road.

viii) 45.0 M diversion road joining State Highway No.7 to State Highway No.10.

c-1) Area required for road widening or any Development Plan Proposal whose development potentiality (i.e. FSI) has been fully utilised.

i) DRC's originating from Zone 'A' shall not be used in Zone 'A' but may be used in Zone 'B' or 'C'.

ii) DRC's originating from Zone 'B' may be used in Zone 'B' or 'C'.

iii) DRC's originating from Zone 'C' may be used in Zone 'C' only.

11. A DRC shall not be valid for use on receivable plots in the areas listed below:

a) On plots for housing schemes of slum dwellers for which additional FSI is permissible under Rule No. 14.3.4.

b) Areas where historical monuments are situated.

12. The user that will be permitted for utilisation of DRCs on account of transfer of development rights will be as under:-

Zone in which designated reserved plot is situated

User to be permitted in receiving areas

3*

1) Residential

Only residential users and in Residential Zone only.

2) Commercial (C-2)

Commercial (C-2) users if the plot where the FSI is to be utilised is situated in C-2 Zone. Commercial (C-1) if the plot where the FSI is to be utilised is situated in C-1 Zone. Residential only in Residential Zones.

3) Industrial (I-1) (I-2) (I-3)

Residential only in Residential Zones

13. DRCs may be used on one or more plots of land whether vacant or already developed or by the erection of additional storeys or in any other manner consistent with these Regulations, but not so as to exceed in any plot a total built-up FSI higher than that prescribed in Regulation 14 in this Appendix.

14. In any case the FSI of a receiving plot shall not be allowed to exceed that of 0.4 in respect of a DR available or otherwise FSI created from road widening or total construction from the same plot.

15. DRs will be granted and DRCs issued only after the land under consideration is surrendered to the Council, where it is appropriate Authority, otherwise to the State Government as the case may be, free of cost and free of encumbrances, after the owner or lessee has leveled the land to the surrounding ground level and after he has constructed a 1.5 m. high compound wall (or at a height to the sites reserved in Development Plan stipulated by the Chief Officer with a gate at the cost of the owner, and to the satisfaction of the Chief Officer or the State Government (where the Council is not the appropriate authority). The cost of any transaction involved shall be borne by the owner or lessee.

16. With an application for development permission, where an owner seeks utilisation of DRs, he shall submit the DRC to the Chief Officer who shall endorse thereon in writing, in figures and words, the quantum of the DRC proposed to be utilised, before granting development permission, and when the development is complete, the Chief Officer shall endorse on the DRC in writing, in figures and words, the quantum of DRs actually utilised and the balance remaining thereafter, if any before issue of occupation certificate.

17. A DRC shall be issued by the Chief Officer himself as a certificate printed on bond paper in appropriate form prescribed by Chief Officer. Such a certificate will be a transferable "negotiable instrument" after due authentication by the Chief Officer. The Chief Officer shall maintain a register in a form considered appropriate by him of all transaction, etc. relating to grant of utilisation of DRs.

18. The surrendered land for which a DRC is to be issued shall vest in the Council or the State Government if the appropriate authority is the State Government and such land shall be transferred in the City Survey records in the name of the Council or the State Government, as the case may be and shall vest absolutely in the Council or the State Government. The surrendered land, so transferred to the Council in respect of which the Council is not the appropriate authority may, on application, hereafter be allotted by the Council in favour of the concerned authority, or organisation on appropriate terms as may be decided by the Deputy Director of Town Planning, Nashik Division, Nashik.

19. The Chief Officer, appropriate authority shall draw up in advance and make public from time to time a phased annual programme (allowing a 10 percent variation to deal with emergency development) for utilisation of TDRs in the form of DRs, prioritising revised (draft or sanctioned)

Development Plan reservations to be allowed to be surrendered and indicating the areas for their utilisation on receiving plots, notwithstanding this, in urgent cases the Chief Officer, appropriate authority, may for reasons to be recorded in writing, grant DRs, as and when considered appropriate and necessary.

- 1) Zone 'A' = Area bounded by Sector No. I.
- 2) Zone 'B' = Area bounded by Sector No. II & IV
- 3) Zone 'C' = Area bounded by Sector No. III, V, VI.

20) GRANT OF T.D.R. IN CASES WHERE LANDS ARE UNDER ACQUISITION .

i) Where land acqn. award has been declared after the date of publication of these rules in the Government Gazette but request was made for TDR to Special Land Acquisition Officer or Municipal Council.

ii) Possession of land has been delivered without having received part or full compensation under either M.R. & T.P. act or private negotiation or under any act for the time being in force within 10 years prior to the date of publication of these rules.