

Maharashtra Regional and Town
Planning Act, 1966.

- Modification u/s 37 (2) to Bandra Kurla Complex Planning Proposal of ...
- Development Plan of H/East Ward of Gr. Mumbai.

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated 11th March, 2010.

NOTIFICATION

N. TPB-4308/3531/CR-29/2009/UD-11:-

Whereas, in exercise of its powers conferred by clause (C) of sub-section (1) of section 40 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") the Government of Maharashtra had appointed the Mumbai Metropolitan Region Development Authority (MMRDA) (hereinafter referred to as "the said Authority") established under the Mumbai Metropolitan Region Development Authority Act, 1974 (Mah. IV of 1975) to be the Special Planning Authority for the Notified Area of Bandra-Kurla Complex (hereinafter referred to by its acronym BKC) by the State Government in Urban Development and Public Health Department Notification No. BKR 1177/262-UD-5, dated 7th March, 1977;

And whereas, in exercise of its powers under clause (d) of sub-section (3) of section 40 of the said Act, the Government of Maharashtra in Urban Development Department and Public Health Department by its notification No. BKR 1177/262-UD-5, dated 9th April, 1979 approved the Planning Proposals (hereinafter referred to as "the said Plan") submitted by the Authority for the development of lands in the Bandra-Kurla Complex Notified Area together with the MMRDA Bandra-Kurla Notified Area Development Control Regulations 1979 (hereinafter referred to as "the said Regulations");

And whereas, Land bearing S.No. 378(pt). CTS No. 7643(pt) of village-Kole Kalyan, Tal. Andheri in Mumbai suburban District situated in Bandra-Kurla Complex (hereinafter referred to as "the said land") is shown as Maharashtra Housing Board Transit Camp in the said plan;

And whereas, Maharashtra Housing and Area Development Authority (hereinafter referred to as "the said Authority") vide letter dated 17/9/08 informed that the said land admeasuring about 17.81 Ha. (44 acres) was allotted to Maharashtra Housing Board in 1977 for the purpose of transit camp to accommodate slum dwellers to be shifted from slums situated along Western Express Highway. Out of the said land 1.38 ha. was used for Tata Colony Co-op. Housing Societies for Low Income Group tenement (hereinafter referred to

as "the said society"). Thereafter, the said society was converted into ownership basis and sale deed & lease deed was executed. Also adjoining land to the said Society admeasuring 1.8 Ha. was belonging to the said Authority and currently used for temporary transit camp;

And whereas, the said Authority vide letter dated 7/3/07 had granted No Objection Certificate for reconstruction of Tata Colony for total additional built up area of 23, 218.39 sq.mt. on the plot admeasuring 17,940.68 sq.mt. (13901.57 sq.mt. + Road admeasuring 4039.11 sq.mt.). Accordingly, the said Authority requested Govt. to include land of the said Society and land belonging to the said Authority in 'G' Block admeasuring about 35,000 sq.mt. for Residential-cum-Commercial use and to grant 4.00 FSI for commercial use and 3.00 FSI for residential use. Also the said authority vide letter dated 9/2/09 and 27/2/09 informed that they will shift the transit camp to nearby localities and requested that land under transit camp shall be changed to commercial use;

And whereas, the said society had entered into agreement with M/s. M.K. Enterprises which is then assigned to M/s M.K. Malls and Developers Pvt. Ltd. (hereinafter referred to as "the said Developer"). The said developer requested to earmark 4197.04 sq.mt. land to accommodate the members of the said society and remaining land for commercial use;

And whereas, the Govt. has accepted the proposal of the said Authority and decided to - (i) include 35,940.68 sq.mt. land in the planning proposal of Bandra-Kurla Complex (ii) convert 18,000 sq.mt. land under transit camp and 11,719.98 sq.mt. land under the said society from Maharashtra Housing Board Transit Camp to Commercial use and (iii) convert 4197.04 sq.mt. land under the said society from Maharashtra Housing Board Transit Camp to Residential use;

And whereas, it is necessary to modify the said plan as per the decision of the Govt. and the said modification is in public interest and needs to be processed on priority;

And whereas, in exercise of the powers contained in sub-section (1AA) of section 37 with 154 of the said Act, Government had issued the notice of even No. dated 6th July, 2009 for inviting suggestions/objections from any person with respect to the said modification and appointed an officer under section 162 of the said Act (hereinafter referred to as "the said officer") to submit the report to Govt., after scrutinizing the suggestions/objections of proposed modification and say of the Municipal Corporation of Gr. Mumbai;

And whereas, the said notice was published in the Government Gazette (Ordinary) dated 16/7/09 and in the newspaper namely Asian Age (English) dated 12/7/09.

And whereas, the writ petition No. 1742 /2009 was filed in the Hon'ble High Court, Mumbai against the said notice of even No. dated 6th July, 2009. The Hon'ble High Court, Mumbai has passed the order dt. 25th September,

2009 staying clause (B), of the said notice in respect of section 154 of the said Act and allowed to continue the procedure of section 37 (1AA) of the said Act.

And whereas, the said officer has submitted its report through Director of Town Planning, Maharashtra State, Pune vide letter No. DDTP/Brihanmumbai/section 37(1AA)/Tata Housing/2030 dated 1/12/2009. Director of Town Planning, Maharashtra State, Pune also submitted their report on 16th Dec. 2009.

And whereas, the said Officer further informed the Government that two suggestions/objections were received on the aforesaid modification;

And whereas, after considering the report of the said officer and report of the Director of Town Planning, Maharashtra State, Government is of opinion that the said modification shall be sanctioned.

Now, therefore, in exercise of the powers conferred under section 37(2) of said Act, the Government has hereby sanctioned the modification as follows:—

- A) 1) The land bearing S.No. 378(pt), CTS No. 7643(pt) of village Kote Kalyan in Tal-Andheri in Mumbai suburban District area admeasuring 35,940.68 sq.mt. is included in the planning proposal of Bandra-Kurla Complex.
- 2) The said land is changed from "MHE Transit Camps" to Residential/Commercial use as follows:- (more specifically shown in the plan attached here with)
- a) 18000-sq.mt. land under transit camps is converted to commercial use.
- (b) Out of the land of the said Society -
- (i) 11,719.98 sq.mt. is converted to commercial use.
- (ii) 4197.04 sq.mt. is converted to residential use.
- (iii) 2023.66 sq.mt. is shown as 24 mt. wide D.P. Road.)
- B) Fixes the date of publication of this Notification in the Government Gazette as the date of coming into force of this modification.
- C) Directs the said Authority that, in the Schedule of Modification sanctioning the said Regulations, after the last entry, the schedule referred to as (A) above shall be added.

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

(Rajendra Hebde)
Chief Secretary to Government.