

No. : SROT/2500 /Regularisation Policy/SOP/399/2022

Date: 23 MAR 2022

**STANDARD OPERATING PROCEDURE (SOP) FOR REGULARIZATION OF UNAUTHORIZED CONSTRUCTIONS IN THE SPECIAL PLANNING AUTHORITY AREAS OF MMRDA FALLING WITHIN THE JURISDICTION OF THANE DISTRICT.**

- Ref: 1) MMRDA's Notice no. SROT/2500 /Regularisation Policy/334/2022 dated 11.03.2022 published in newspapers dated 12.03.2022  
2) MMRDA's circular dated no. SROT/2500 /Regularisation Policy/333/2022 dated 11.03.2022

**Preamble:**

Considering the quantum of unauthorised constructions in SPA areas of MMRDA a regularisation policy on the lines of MCGM was decided vide office note dated 05.05.2014. The said policy was further revised vide office note dated 25.07.2019 on comparative study of various authorities policy within Thane district. In view of the requests received from applicants to reduce the rates of Penalty and 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.

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 a circular referred at (2) above is issued regarding 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 namely 'Bhiwandi Surrounding Notified Area' (BSNA), 'Ambarnath, Kulgaon-Badlapur and Surrounding Notified Area' (AKBSNA) and 'Kalyan Growth Centre' (KGC) falling within the jurisdiction of Thane District. As per said Circular and in order to ensure smooth processing of regularisation proposals received for above SPA areas of MMRDA, Standard Operating Procedure (SOP) to be followed as follows:

**Part A: Application for regularisation**

- i. The Land Owner / Applicant through their Architect / Licensed Engineer shall submit proposals for regularisation in prescribed format as per Annexure-A along with requisite documents on/ or before 31<sup>st</sup> December, 2022 to the Sub-Regional Office, Thane.
- ii. Inward clerk shall receive the applications for regularisation as per policy for said SPA areas of MMRDA . He/ She shall also maintain a separate record for applications received in SRO, Thane, applications received from Collector, Thane, CO, Ambarnath Council and CO, Kulgaon-Badlapur Council, if any.

**Mumbai Metropolitan Region Development Authority**

Bandra-Kurla Complex, Bandra East, Mumbai 400 051.

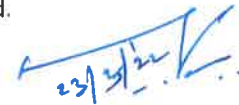
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<https://mmrda.maharashtra.gov.in>

**Part B: Procedure to process the applications**

- i. Unauthorized developments carried out by violating land use permissible in zones of Development Plan of respective SPA area shall be rejected at Senior Planner's level only.
- ii. On receipt of application for regularization as per prescribed format at Annexure-A, site visit will be carried out within 10 working days. On preliminary scrutiny of the proposal Deputy Planner shall also communicate deficiencies, if any to the applicant within 10 working days.
- iii. If the proposal is approvable as per MMRDA's Circular dated 11.03.2022, Dy. Planner shall scrutinise the proposal and prepare a note along with Scrutiny report on the lines of formats mentioned in MMRDA's handbook of building permission. While calculating Penalty rates for regularisation as per rates fixed by Authority, promotional concession in the premium rates as per Table no. 2 of circular shall be considered. Regarding deficiencies in required marginal distances, amenity spaces, recreational open spaces and parking for the unauthorized developments on/ or before 31.12.2020 shall be submitted case by case where clearly demonstrable hardship is caused for consideration and approval of MC.
- iv. A note along with Scrutiny report shall be submitted for MC's approval within 15 working days from last compliance. On approval of proposal from MC, applicant shall be communicated for payment of charges, fees, premiums and penalty for regularisation.
- v. On receipt of payment, letter for regularisation of construction shall be issued within 03 working days under signature of Planner in the format given at Annexure-B. Copy of the said letter shall also be sent to Land and Estate Cell for information and necessary action.
- vi. It will be responsibility of the applicant to comply deficiencies/ demand note of MMRDA as and when communicated before 31<sup>st</sup> December, 2022 to enable MMRDA to issue approval before 31<sup>st</sup> March, 2023 which will be the end date of policy tenure for the proposals received as per MMRDA's Notice referred above.
- vii. Applications received after 31<sup>st</sup> December, 2022 as stipulated in MMRDA's Notice referred above shall not be accepted.
- viii. No further development other than repairs and maintenance shall be permissible in the buildings which are regularised with condonations;
- ix. Inward/ Outward clerk shall keep separate record of such regularization proposals SPA wise in the prescribed format.

The above SOPs should be followed scrupulously by all concerned with immediate effect. All previous Orders regarding the above procedure are deemed to be ceased.



**(S.V.R. Srinivas, I.A.S.)**  
**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 (R & R)/ Chief, SDC**
- 7. Chief, Transport & Communications Div.**
- 8. O.S.D., SRA**
- 9. Financial Advisor**
- 10. Chief Accounts Officer**
- 11. Chief Engineer, Engineering Div.**
- 12. J.P.D. (Legal)**
- 13. J.P.D. (Town Planning)/ Chief, IT Cell**
- 14. P.A. to M.C.**
- 15. P.A. to A.M.C. – I**
- 16. P.A. to A.M.C. – II**
- 17. P.A. to Jt. M.C.**
- 18. Circular File**

**Annexure-A**

**Form of Application for Regularisation of Unauthorized Development as per MMRDAs  
policy for Regularisation**

To,  
Senior Planner,  
MMRDA, Sub-Regional Office,  
2<sup>nd</sup> Floor, Multipurpose Hall,  
Pokharan Road No. 2, Majiwada, Thane (W) 400601

Madam/ Sir,

I intend to regularise the existing development of \_\_\_\_\_ building on plot No. \_\_\_\_\_ S. No./ C.T.S. No \_\_\_\_\_ of village \_\_\_\_\_ Taluka \_\_\_\_\_ District Thane in accordance provisions of MR & TP Act, 1966 in MMRDA's SPA area of " \_\_\_\_\_ ".

I enclose the as-built plans and documents signed by me and licensed Architect/Engineer who has prepared the as-built plans on my behalf and copies of other statements/ documents as required. The technical scrutiny report duly filled and signed by the Architect/Engineer is enclosed herewith.

Please regularise the above stated existing development.

Yours faithfully,

Name of Owner : \_\_\_\_\_  
(in block letters)

Address of Owner: \_\_\_\_\_

Contact number : \_\_\_\_\_

Owners' Signature: \_\_\_\_\_

Name of Architect/Engineer : \_\_\_\_\_  
(in block letters)

Address of Architect/Engineer: \_\_\_\_\_

Contact number : \_\_\_\_\_

Architect/Engineers' Signature \_\_\_\_\_

Date: \_\_\_\_\_

**A. DETAILS OF THE EXISTING DEVELOPMENT:**

Sr. no.	Description	Details
1	Date of completion of construction (with proof)	
2	Class of Land	
3	Previous Permissions if any	
4	Use of the development	

**B. DOCUMENTS FOR SUBMISSION:**

Sr. no.	Document	Page No.	Remarks
1	Proof of date of completion of construction prior 31.12.2020 (House Tax/Property Tax and Coloured Google Imagery of December 2020 certified by Architect and Owner)		
2	Letter of Appointment of Architect/Engineer		
3	Letter of appointment and acceptance of other Consultants & their remarks a. Structural Engineer b. Site Supervisor c. Licensed Plumber d. Public Health Consultant (RWH/PCO/SWM) e. M & E Consultant f. Road construction g. Fire Safety h. Traffic/ Parking i. Horticulturist		
4	Comprehensive Indemnity Bond by the Owner ( <i>MMRDA's format</i> )		
5	Indemnity Bond by the Owner for additions and alterations ( <i>MMRDA's format</i> )		
6	Format of Comprehensive undertaking by Owner ( <i>MMRDA's format</i> )		
7	ULC Bond		
8	Owners Affidavit for plot Area		
9	Plot Area Certificate by Architect.		
10	Extracts from P.R. Cards / 7/12 extract and relevant ownership documents if any		
11	Search Report and Title Clearance Certificate		
12	Power of Attorney/Consent from Co-owners		
13	CTS Plan/ Measurement Plan certified by TILR/DILR		
14	Layout/sub-division/ Amalgamation		

	document/ plan		
15	Permissions/Clearances/NOC's from Competent Authorities (whichever applicable)		
15a	NOC from Chief Fire Officer along with plans		
15b	NOC from Police Commissioner		
15c	CRZ Clearance		
15d	EIA Clearance		
15e	NOC From Railway		
15f	NOC From Director of Industries		
15g	N.O.C. from the owner of the original plot.		
15h	NOC from Forest Department		
15i	Consent letter from co-owner.		
15k	NOC From Air Pollution Preventions/MPCB.		
15l	NOC From Highway Authorities		
15m	NOC from local Authority		
15n	NOC from Civil Aviation Department		
15o	NOC from Labour Commissioner		
15p	NOC from Electric supply Department/ company		
15q	NOC from Water Supply Department/ Agency		
15r	NOC from Metro/ Mono Railway		
15s	NOC from PWD in case of access from highway		
15t	NOC from Jail		
15u	NOC from Defence Department		
15v	NOC from Forest/ National Board for Wild Life		
15w	NOC from National Green Tribunal (NGT)		
15x	NOC from Petroleum and Exclusive Safety Organisation (PESO)		
16	As-Built Drawings with area statements		
17	Structural audit report along with Structural stability Certificate		
18	Self declaration by Owner for trees on site		
19	Self declaration from the owner/developer for the existence of the structure prior to 31.12.2020 along with photographs.		
20	Registered 'Right of Way' document in case no public access		
21	Any other document required		

**I hereby declare that the information above is true and I am ready to pay all the charges, fees, premiums as specified in MRTP act, prevailing DC Regulations and as decided by Authority.**

1. Owners' Signature & Date
2. Architects'/Engineers' Signature & Date

**Annexure-B**

**Permission for Regularisation of Unauthorized Development as per MMRDAs policy for  
Regularisation**

No. SROT/SPAname/SPA no./ Regularisation/ Outward No./Year

Date:

To,

**Applicant's Name**

Address

Sub: Permission for regularisation development of \_\_\_\_\_ building/s on land bearing  
S. No./CTS No. \_\_\_\_\_ of Village \_\_\_\_\_, Tal. \_\_\_\_\_, Dist. Thane.

Ref: Your letter no. \_\_\_\_\_ received in this office on \_\_\_\_\_.

Madam/ Sir,

Permission is hereby granted, under section 45 and 143 of Maharashtra Regional & Town Planning Act, 1966 (Maharashtra Act No. XXXVIII of 1966) to \_\_\_\_\_ for the regularisation of \_\_\_\_\_ building/s carried out on land having net plot area \_\_\_\_\_ Sq.m. and bearing CTS no./ S. No. \_\_\_\_\_, of village \_\_\_\_\_ Tal. \_\_\_\_\_, Dist. Thane. Details of the same are as mentioned below:

Building No.	User	No. of Storey	Total BUA

Details of the FSI/BUA etc as depicted on the drawing sheet no. \_\_\_\_\_.

Permission is granted on the following conditions:

**Viz:**

1. This Permission is liable to be revoked by the Metropolitan Commissioner, MMRDA if-
  - i) Any of the conditions subject to which the same is granted or any of the restrictions imposed by the Metropolitan Commissioner is contravened or is not complied with.
  - ii) The Metropolitan Commissioner, MMRDA is satisfied that the same is obtained through fraud or misinterpretation;
2. No further development other than repairs and maintenance shall be permissible in the buildings which are regularised with condonations; (*applicable for cases where condonations are granted*). That if any change in the user or constructed premises mentioned/depicted in As-built drawings is found at any time without prior permission of MMRDA then this Permission will be treated as cancelled & appropriate action will be taken;
3. This Permission shall not entitle the right of ownership of land to the applicant/ owner/ occupier and MMRDA will not be responsible for any dispute regarding any issues related to ownership/ occupancy/ title etc. of the land and structure that is regularised;
4. The provisions in the proposal which are not confirming to applicable Development Control Regulation, other acts and MMRDA's circular of regularisation policy dated 11.03.2022 are deemed to be not approved;
5. This permission is issued without prejudice to action, if any, under the MR & TP Act, 1966;

6. Any condition mentioned in any of the NOCs/ approvals/ permissions issued by any Concerned Authority shall be complied immediately and applicant will be solely responsible for non-compliance of the conditions of said NOCs/ approvals/ permissions;
7. That the utilities like drainage & water-supply arrangements shall be in accordance with the overall arrangements made and remarks certified and submitted by the consultants;
8. Adequate arrangements for disposing the solid waste shall be made for the entire project on regular basis;
9. The applicant shall provide, at his own cost, the infrastructural facilities within the plot (Internal access, arrangements of drinking water, arrangements for conveyance, disposal of sullage and sewage, arrangements of collection and disposal of solid waste, Rain Water Harvesting, reuse and recycling of waste water);

One or more relevant conditions may be added or deleted on case to case basis.

A set of certified as built plans is enclosed herewith.

Yours faithfully,

**(Name of Planner)**  
Planner, MMRDA

Encl: One set of approved drawings \_\_\_\_ to \_\_\_\_ (Total \_\_\_\_ No of sheets)

Copy to:

1. **Name of Architect of proposal**  
Address
2. **The Collector, Thane District**