

## PART- II

### DEVELOPMENT PERMISSION

#### 4. DEVELOPMENT PERMISSION:

4.1 **Necessity of Obtaining Permission:** No person shall erect or re-erect a building or alter any building or carry out any development or redevelopment, on any plot or land or cause the same to be done without first obtaining development permission in the form of commencement certificate from the Municipal Commissioner.

4.2 **Items of Operational construction by some authorities excluded:** Construction for operational purpose, including maintenance of operational structures, by the following organization, authorities or departments, whether temporary or permanent, may be exempted by the special permission of the Municipal Commissioner in each case from the purview of these Regulations, except those relating to floor space index and fire precautions.

- i. Railways
- ii. National Highways,
- iii. National Waterways
- iv. Major Ports,
- v. Aerodromes and Airports
- vi. Post and Telegraphs, Telephones, Television, Wireless, Broadcasting authorities and the authorities of other similar forms of communications,
- vii. Regional grids, towers, gantries, switchyards, contact rooms for distribution etc. of electricity,
- viii. Defense Authorities,
- ix. Any other essential public service as may be notified by the State Government.

All such constructions shall, however, conform to the prescribed requirements for the provision of essential services, water supply connections, drains etc. to the satisfaction of the Municipal Commissioner.

4.3 **Operational Constructions excluded:** The following constructions for operational purposes of the organizations, authorities or departments listed above are exempted from the purview of these Regulations except those relating to floor space index and fire precautions.

i Repairs and renovations of existing installations or building used for operational purposes only which do not involve addition to or increase of built up area.

ii In the case of the Railways ----

(a) Repairs and renovation of existing railway tracks, including culverts, over-bridges, under passes or bridges, tunnels and side drains.

(b) Platforms, goods sheds and offices, parcel offices, sub stations, foot-over bridges, turn tables, lifting towers, gantries, signal and signal boxes or control cabins in pump yards,

(c) Running (loco) sheds, carriage and wagon depots, carriage washing places, over head or ground level water tanks, pipelines and pumping stations, running rooms, train examiner's offices, yard depots, permanent way inspectors and signal inspector's store in railway yards and all over head electric equipment for traction.

iii Store sheds, when ancillary to operational requirement only.

Provided that, for the construction of new building, goods stores, sheds or platforms, parcel offices and workshops or for purposes of major remodeling the approval of the Municipal Commissioner shall be necessary.

Further provided that, the following constructions by the organizations, authorities or departments listed in sub regulation (4.2) herein shall not be deemed to be operational for the purposes of exemption under the said Regulations, namely.

- a. Residential building, commercial building, office building and industrial building (other than gate lodges, essential operational staff quarters and the like), roads and drains, hospitals, clubs, institutes and schools in residential, commercial or industrial areas of the colonies of such organizations, authorities or departments.
  - b. Construction, installation or any extension of any building in the case of any service other than those mentioned in this Regulations.
- 4.4 **Validity of development permission:** If development permission has been issued before the date of commencement of these Regulations, but the development is not started within a year from the date of such permission, the said development permission shall be deemed to have lapsed.
- 4.5 **Applicability to partially completed works:** for partially completed works, started with due permission before these Regulations have come into force, the Municipal Commissioner may not for reasons to be recorded in writing necessarily insist on compliance with the provisions of these Regulations for extending the period of the development permission, which shall not exceed than specified in Section 48 of the Maharashtra Regional and Town Planning Act, 1966.
- 4.6 **Development and constructions-** Except as herein after otherwise provided, these Regulations shall apply to all development, redevelopment, erection and/or re-erection of building, change of user etc. as well as to the design, construction or reconstruction of, and additions and alterations to a building.
- 4.7 **Part Construction:** where the whole or part of a building is demolished or altered or reconstructed/removed, except where otherwise specifically stipulated, these Regulations will apply only to the extent of the work involved.
- 4.8 **Change of Occupancy Use:** Where the occupancy use of a building is changed, except where otherwise specifically stipulated, these Regulations will apply for all parts of the building affected by the change.

4.9 **Re-Constructions:** The construction in whole or part of a building which has ceased to exist due to an accidental fire, natural collapse or demolition, having been declared unsafe, or which is likely to be demolished by or under an order of the Corporation or the CIDCO and for which the necessary certificate has been given by either the said Corporations or the CIDCO shall be allowed subject to the Regulation in Appendix - VI

4.10 **Exclusions:** Nothing in these regulations shall require the removal, alteration or abandonment or prevent the continuance of the lawfully established use or occupancy of an existing building or its use, unless, in the opinion of the Municipal Commissioner, such a building is unsafe or constitutes a hazard to the safety of adjacent property.

## 5 **INTERPRETATIONS:**

In these regulations, the use of the present tense includes the future tense, the masculine gender includes the feminine and the neuter, the singular includes the plural and the plural includes the singular. The word 'Person' includes a Corporation and 'Signature' includes thumb impression made by a person who cannot write if his name is written near to such thumb impression.

## 6 **PROCEDURE FOR OBTAINING DEVELOPMENT PERMISSION IN THE FORM OF COMMENCEMENT CERTIFICATE:**

6.1 **Notice of Intention:** Every person who intends to carry out any development on any land or alter any building or part of the building shall make an application in writing to the Municipal Commissioner of his intention in the Form - I and such application shall be accompanied by plans and statements with sufficient number of copies, as required by sub regulations 6.2 to 6.4 hereunder. The plans may be ordinary prints. One set of such plans shall be retained in the office of the Municipal Commissioner for record after the issue of permission or refusal.

6.2 **Copies of plans and statements:**

6.2.1 **Notice:** The application referred to in sub- regulation (6.1) shall be accompanied by as many copies of plans as the Municipal Commissioner may prescribe after taking into consideration the clearances required from other agencies.

6.2.2 **Size:** The plans referred to in (6.2) above shall be on drawing sheets of any of the sizes specified in table below”

**TABLE: 1**

Sr. No	Designation	Trimmed Sizes (mm)
1	A0	840 X 1190
2	A1	590 X 840
3	A2	420 X 590
4	A3	300 X 420
5	A4	210 X 300
6	A5	140 X 210

6.2.3 **Colouring Notations for Plans:** The plans shall be coloured as specified in Table 2 hereunder. The prints of the plans shall be one side of the paper only.

**TABLE-2**

Sr. No	Site Plan	Site Plan	Building Plan
1	Plot Line	Thick Black	Thick Black
2	Existing Street	Green	Green
3	Future Street, if any	Green Dotted	Green Dotted
4	Permissible Building Lines	Thick Dotted	Thick Dotted
5	Open Spaces	No Colour	No Colour
6	Existing Work	Blue	Blue
7	Work Proposed to be Demolished	Yellow Hatched	Yellow Hatched
8	Proposed work	Red	Red
9	Drainage & Sewerage Work	Red Dotted	Red Dotted
			Black Dotted

10	Water Supply work	Black Dotted Thin	Thin Red
11	Deviations	Red Hatched	hatched
12	Recreation Ground	Green wash	Green Wash
13	Roads and Set Backs	Burnt Sienna	Burnt Sienna
14	Reservation	Appropriate colour Code	Appropriate colour Code

**Note: Existing work to be hatched black. For land development/sub division/site layout suitable colouring notations shall be used duly indexed.**

### 6.3 Information accompanying notice:

6.3.1 (i) **Key plan, site plan etc. to accompany notice:** The notice shall be accompanied by the Key plan (Location Plan), a site plan, sub-division/Layout plan, building plan, specifications and certificate of supervision, ownership, title etc. as prescribed in clauses 6.3.1(ii) to 6.3.16 below:

(ii) **Ownership Title & Area:** Every application for development permission and commencement certificate shall be accompanied by the following documents for verifying the ownership and area etc. of the land.

- a. Attested copy of original Sale/Lease deed/power of attorney/enabling ownership documents wherever applicable.
- b. Property register card of a date not earlier than twelve months of the date of submission of the development proposal.
- c. Statement of the area of the holding by triangulation method from the qualified licensed technical personnel or architect with an affidavit from the owner in regard to the area in the form prescribed by the Municipal Commissioner.
- d. Any other documents prescribed by the Municipal Commissioner

In the case of land leased by the Govt. / CIDCO. or local authorities clearance of Govt. or such authorities, regarding observance of the

lease conditions shall be obtained and attached to the application for development permission in respect of such land.

**6.3.2 Key Plan or Location Plan:** A key plan drawn to a scale of not less than 1:10000 shall be submitted along with the application in Form-I for development permission and commencement certificate showing the boundary location of the site with respect to neighborhood land-marks.

**6.3.3 Site Plan:** The site plan sent with an application for permission drawn to a scale of 1:500 shall be duly authenticated by the appropriate officer of the Department of Land Records and or CIDCO showing:

- a. The boundaries of the site and of any contiguous land belonging to the owner of the site;
- b. The position of plot in relation to neighboring street;
- c. The names of the street on which the building is proposed to be situated, if any;
- d. All the existing buildings contained in the site with their names (where the buildings are given name) and their numbers;
- e. The position of the building and of all other buildings, if any, which the applicant intends to erect upon his contiguous land referred to in (a) above in relation to-
  - i. The boundaries of the site and, in case where the site has been partitioned the boundaries of the portion owned by the others;
  - ii All adjacent streets, building (with number or storeys and height) and premises within a distance of 12 meter of the work site and of the contiguous land (if any) referred to in (a) ; and
  - iii If there is no street within a distance of 12 meter of the site, the nearest existing street with its name;

- f. The mean of access from the street to the building and to all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in (a) above;
- g. The space to be left around the building/buildings to secure free circulation of air, admission of light and access for scavenging purposes.
- h. The width of the street in front and of the street (if any) at the side or rear of the building.
- i. The direction of north line relative to the plan of the buildings.
- j. Any existing physical features such as trees, wells, tanks & drains, etc.
- k. The ground area of the whole property and the break up of the covered area on each floor with the calculations for percentage covered in each floor in terms of the total area of the plot as required by the Regulations 3.58 and 3.68 governing the coverage of the area.
- l. Overhead electric supply line including space for electrical transforming sub station according to the requirements of the electric distribution licenses, water supply and drainage line,
- m. Such other particulars as may be prescribed by the Municipal Commissioner.

6.3.4 **Amalgamation:**<sup>1</sup> In case of the properties comprising of two or more different holdings belonging to the same owners, the plans for amalgamation of the holdings shall be got approved from the Corporation. In case of leasehold lands, no objection from the concerned lessor shall be obtained. Amalgamation may be permitted if, 1) More than one holding is of the same owner, 2) The user of the individual holding is same subject to condition that F.S.I of individual plot shall be considered while calculating F.S.I after amalgamation, **3 Deleted**

6.3.5. **Sub Division/Lay Out Plan:** Where development is proposed for sub division or involves a lay out plan, the notice shall be accompanied by key plan showing the location of the plot in the ward at scale of not less than 1: 4000 and a sub division lay out plan to a scale of not less than 1:500, which shall be duly authenticated by the appropriate officer viz. Taluka Inspector of Land Records/Superintendent of land Records and or CIDCO containing the following:

<sup>1</sup>The regulations were modified and sanctioned on 21 – 07 - 2008

- a. Scale used and the north line
- b. The location of all proposed and existing roads with their names, existing/proposed/prescribed width within the land,
- c. Dimensions of the plot along with the building lines showing the set-backs with dimensions within each plot,
- d. The location of drains, sewers, public facilities and services, electric line etc.
- e. A table indicating the size, area and use of all the plots in the sub division/lay out plan,
- f. A statement indicating the total area of the site, area utilized under roads, open spaces for parks, play grounds, recreation spaces and development plan designations, reservations and allocations, schools, shopping and other public places along with their percentage with reference to the total area of the site.
- g. In case of plots, which are sub divided, in built up areas, in addition to the above, the means of access to the sub division from existing streets and in addition in the case of plots which are sub divided in built up areas, the means of access to each sub plot from existing streets.

6.3.6 **Building plan:** The plan of the building with elevation and sections accompanying the notice in quadruplicate shall be drawn to a scale of 1: 100 and shall:

- a. Include floor plans of all floors together with the covered area clearly indicating the size of the rooms, the position and width of the staircases, ramps, other exit ways, lift-wells, lift machine rooms and lift pit details, meter room and electric sub station. It shall also include the ground floor plan as well as the basement plan and shall indicate the details of parking

spaces, loading and unloading spaces, if required to be provided around and within the buildings, as also the access ways and appurtenant open spaces with projections in dotted lines the distance from any building existing on the plot in figured dimension along with the accessory building.

- b. Show the use or the occupancy of all parts of the building;
- c. Show the exact location of essential services, i.e. water closet (w.c), sink, bath, toilets along with necessary detailed calculations;
- d. Include sectional drawings showing clearly services, size of the footings, thickness of basement wall, wall construction, size and spacing of framing members, floor slabs and roof slabs with their materials and overhead water tank & lift machine room. The section shall indicate the heights of the building and rooms and also the height of the parapet and the drainage and the slope of the roof. At least one section should be taken through the staircase. The structural plan giving details of all structural elements and materials used along with structural calculations can be submitted separately, but in any circumstances before the issue of the development permission/commencement certificate;
- e. Show relative levels of streets;
- f. Indicate the details of basket privy/served privy, if any;
- g. Give dimensions of the portions projecting beyond the permissible building line;
- h. Include a terrace plan indicating the drainage and the slope of the roof;
- i. Indicate the north line relative to the plans;
- j. Give a schedule of doors, windows and Light and ventilation;
- k. Building elevations from all streets;

- l. Provide such other particulars as may be prescribed by the Municipal Commissioner;
- m. Lay out of parking spaces along with necessary calculations;
- n. All structural Drawing with all necessary calculation;

6.3.7 Provided that with the buildings plans for multi-storied/high rise or special building, the following additional information shall be furnished or indicated on the building plans.

- a. Access to fire appliances/vehicles with details of vehicular turning circle and clear motorable access way around the building;
- b. Size (width) of main and alternative staircases along with the balcony approach, corridor, ventilated lobby approach;
- c. Location and details of lift enclosures;
- d. Location and size of fire lift;
- e. Smoke stop, lobby door, wherever provided,
- f. Refuse chutes, refuses chamber, service duct etc;
- g. Vehicular, loading and unloading parking spaces;
- h. Fire refuge area on every eighth floor.
- i. Details of air conditioning system with position of fire dampers, mechanical ventilation system, electrical services (with dimensions of electrical transforming sub stations etc), boilers, gas pipes, meter rooms etc;
- j. Details of exits including ramps, etc. for hospitals and special risks;
- k. Location of generator, transformer and switchgear room;
- l. Smoke exhaust system, if any;
- m. Details of fire alarm system;
- n. Location of centralized control, connecting all fire alarms, built in fire protection arrangements and public address system etc.
- o. Location and dimension of static water storage tank and pump rooms along with fire service inlets for mobile pumps and water storage tanks,
- p. Location and details of fixed fire protection installation such as sprinklers, wet hose reels, drenchers carbon dioxide (CO<sub>2</sub>) installation etc.

q. Location and details of first aid and fire fighting equipment's/installations etc.

r. Location and details of first aid and fire fighting equipment's/installations

6.3.8 **Service Plan:** Plan and sectional elevations of private water supply, sewage disposal system and details of building services, whenever required by the Commissioner, shall be made available to a scale of not less than 1:100, before undertaking such works.

6.3.9 **Specifications:** General specifications of the proposed construction, giving the type and grade of material to be used in Form No. 5 of these regulations, signed by a licensed surveyor/Engineer/Structural Engineer/Supervisor or Architect as the case may be, shall accompany the notice.

6.3.10 **Supervision Certificate:** The notice shall be further accompanied by a certificate of supervision in the format of the Form No. 2 of these regulations signed, by the licensed surveyor/Engineer/ Structural Engineer, Supervisor or Architect as the case may be. If the said licensed technical person or Architect ceases to be employed for the development work, further development shall be suspended till a new licensed technical person or architect is appointed and his certificate of supervision along with a certificate for the previous work erected, if any, is accepted by the Municipal Commissioner.

6.3.11 **Development Permission fee receipt:** The notice shall be accompanied by an attested copy of the receipt of payment of the development permission application fee.

6.3.12 **Security Deposit:** To ensure compliance with these Regulations and the directions given in the sanctioned plan and other conditions, a security deposit, which may be in the form of an irrevocable bank guarantee, shall be charged at rates specified by the Municipal Commissioner. It shall be returned to the owner one year after the issue of the full occupancy certificate after the Municipal Commissioner is satisfied with the compliance with various conditions stipulated in the said occupancy certificate.

6.3.13 **Clearance Certificate for tax arrears:** The notice shall also accompanied by an attested copy of a clearance certificate from the Assessment Department of the Corporation for payment of tax made up to date.

6.3.14 **No Objection Certificate:** For occupancies requiring clearance from authorities like the Civil Aviation Department, Directorate of Industries, Maharashtra Pollution Control Board, Ministry of Environment & Forest, Inspectorate of Boilers and Smoke Nuisances & Electrical Distribution Licenses regarding requirement's of Electrical transforming stations, the no objection certificate from these authorities applicable to the occupancy shall also accompany the application.

6.3.15 **Other facilities to be provided during Construction:** The notice shall also be accompanied by an undertaking from the owner/developer/contractor to the effect that during the period of construction, facilities will be made available for day care center, crèche, adult literacy and non formal education programme for the construction workers, directly by him or through a voluntary agency.

6.3.16 **Landscape plan (in quadruplicate) to a scale 1: 250** showing various landscape features such as trees, hedges, paved areas etc. The Plan shall show, in particular, the type and number of existing trees, the trees to be felled, the trees to be transplanted and the proposal for planting of new trees.

6.3.17 **No Objection Certificate from CIDCO:** N.O.C. of CIDCO being lessor of the land for additional F.S.I., change of user, mixed user, amalgamation, redevelopment etc. shall also accompany the application.

#### 6.4 **Signing of plans by owners and licensed personnel/Architect:**

- i. **Signing of plans:** All plans shall be signed by the owner and the licensed surveyor/Engineer/Structural Engineer, Supervisor or Architect as the case may be and shall indicate their names in block capital letters, addresses, contact No's, if any, and license numbers when so licenses allotted by the Municipal Commissioner.

## **7. RESPONSIBILITIES OF THE APPLICANT**

7.1 Neither the grant of Commencement Certificate nor the approval of the drawing and specifications nor inspections made by the Corporation during carrying out of development shall in any way relieve the applicant of his responsibility for carrying out the development in accordance with the requirements of these regulations.

7.2 The applicant shall:

- a. Permit authorized officers of the Corporation to enter the plot for which the Commencement Certificate has been granted for carrying out development, at any reasonable time for the purpose of enforcing these regulations.
- b. Obtain, where applicable, from the Corporation permission relating to building, zoning, grades, sewers, water mains, plumbing, signs, blasting, street occupancy, electricity, highways and all other permits required in connection with the carrying out the development.
- c. Give at least 7 days' notice to the Corporation of the intention to commence the carrying out of development. (Form No.8)
- d. In case of building operations, give notice to the Corporation on completion upto plinth level and 7 days before the commencement of further work. (Form No. 9)
- e. Give written notice to the Corporation regarding completion of the development in Form No.11 duly signed by the Licensed Architect.
- f. Obtain occupancy certificate from the Corporation prior to any occupancy or use of the development so completed. (Form No.19).
- g. Keep available for inspection, during carrying out of development and for such a period thereafter as required by the Corporation, the records of

the tests which are made of any materials to ensure conformity with the requirements of these regulations.

- h. Obtain Revised Permission for any change in the earlier approved plan from the Corporation. Any deviation from the sanctioned plan may be treated as unauthorized development.
- i. Keep pasted in a conspicuous place on the property in respect of which the permission to develop is granted, a copy of the Commencement Certificate.
- j. Keep a copy of the approved plans of the premises during carrying out of development.

## **8. REGISTRATION OF LICENSED STRUCTURAL ENGINEERS AND PLUMBERS & THEIR RESPONSIBILITIES.**

8.1 The Corporation shall license Structural Engineers and Plumbers. Application for registration as Licensed Structural Engineer and Licensed Plumbers shall be in form No.20 to 21.

### **8.2 Qualification for Registration:**

Following qualification shall be necessary for obtaining the license from the Corporation for practicing in Navi Mumbai

- a. Deleted
- b. The minimum qualification for registration of licensed structural engineer, shall be graduate in Civil Engineering or equivalent with 5 years' experience in structural design (in case of persons holding post graduate qualification experience will be relaxed by 2 years).
- c. The minimum qualification for registration as Licensed Plumber shall be a Graduate in Civil Engineering or equivalent or Diploma in Civil Engineering or a certificate from the Bombay Municipal Corporation enabling the person to practice as a licentiate plumber in the Bombay Municipal Corporation

Area, or any other certificate in Sanitary Engineering and Plumbing from any recognized institute. The annual license fee for registration as Licensed Structural Engineers / Plumbers shall be Rs.250/- per calendar year or part thereof. The fee shall be payable in advance and shall be non-refundable.

**8.3 Plans And Specifications To be Prepared by Registered Architect**

8.3.1 The plans and specifications referred to in 6.2 to 6.4 above shall be prepared and duly signed by the Architects registered with Council of Architecture. However, if the development is proposed in the scheme for allotment of plots of land to the project affected land holders in the defined area contiguous to the villages and if the development proposed is only ground floor structure without the structural use of RCC, the prescribed application form, the declaration and the plan may not be signed by the registered Architect. In such cases, the applicant shall submit under his signature the prescribed application form, the declaration, plans of the proposed development, building completion certificate and any other documents required for receiving necessary development permission from Navi Mumbai Municipal Corporation as being Planning Authority

8.3.2 The plan showing structural details shall be prepared and duly signed by the Registered Structural Engineer.

- i. The plans showing structural details shall be prepared & duly certified under the hand of Structural Engineer possessing requisite qualification as per Regulation No 8.2.
- ii. In respect of structural stability of each development work, each owner shall notify the name & address of the registered Structural Engineer in the form No. 3 of this regulation, the Structural Engineer shall convey his acceptance as per form No. 4 enclosed. The structural engineer shall submit form of supervision as per form No.5 enclosed, and on completion of the development, the structural engineer shall issue a certificate of stability of the structure, as per form No.13 enclosed and certificate of earthquake stability of the structure, as per Form No.14 enclosed.

8.3.3 The plans showing plumbing arrangements shall be prepared and duly signed by the Registered Plumber.

8.3.4 The procedure for Registration of Structural Engineers and Plumbers shall be as laid down in regulations No. 8 and as per the prescribed Form No. 20 to 21 of these regulations.

8.4 **Processing of the development permission application:**

- i) **Grant of permission or refusal:** The Municipal Commissioner may either sanction or refuse to sanction the plans and specifications or may sanction them with such modifications or directions as he may deem necessary and thereupon, he shall communicate his decision to the person giving the notice accordingly in the form No. 6 & No. 7 of these regulation.
- ii) **Fire Brigade scrutiny:** The plans of multi-storied, high rise which are more than 15 M height and special buildings like educational, assembly, institutional, industrial, storage and hazardous and mixed occupancies with any of the aforesaid occupancies having area more than 150 sq.mt. shall also be subject to the scrutiny of the Chief Fire Officer and development permission shall be given by the Municipal Commissioner only after the clearance by the Chief Fire Officer.
- iii) **Deemed Permission:** If within sixty days of the receipt of the notice under Regulation (6.1) the Municipal Commissioner fails to intimate in writing to the person who has given the notice his refusal or sanction with modifications or directions, the notice with its plans and statements shall be deemed to have been sanctioned, provided that this shall not be construed to authorise any person to do anything on the site of the work in contravention of or against the terms of lease or titles of the land development plan, these regulations or any law in force.
- iv) **Revised Plan:** Once the plans have been scrutinized and objections have been pointed out, the owner giving notice shall modify the plans to comply with the objections raised and resubmit them. The plan submitted for final approval shall not contain superimposed corrections. The Municipal Commissioner shall scrutinize the revised plans and shall grant or refuse

commencement certificate/development permission within 60 days from the date of re-submission.

**8.5 Commencement of work:** A commencement certificate / development permission shall remain valid for one year and shall have to be renewed before the expiry of one year from the date of its issue. The application for renewal shall be made before expiry of one year, if the work has not already commenced. Such renewal can be done for three consecutive terms of one year each, after which proposals shall have to be submitted to obtain development permission afresh.

For the purpose of this Regulation, “**Commencement**” shall mean as under

- |    |   |   |
|----|---|---|
| a) | For a building including addition and alteration.                                       | Up to Plinth level for each of the building proposed within the land / plot.  |
| b) | For bridges and overhead tanks:   | Foundation and construction work up to the base floor.  |
| c) | For underground areas:  | Foundation and construction of underground floor.   |
| d) | For lay out, sub Division and amalgamation proposal services upto the following stages. | Final demarcation & provision of<br>i. Road: Water bound macadam complete<br>ii. Sewerage, drainage and water supply excavation and base concreting complete. |

**8.6 Revocation of permission:**

- i) In addition to the provisions of Section 51 of Maharashtra Regional and Town Planning Act, 1966 the Municipal Commissioner may revoke any building permission issued under the provisions of the rules, wherever there has been any false statement or any misrepresentation of material fact in the application on which the building permission was based, and the whole work shall be treated as unauthorized.
- ii) In case of revocation of permission under sub regulation (1) above, no compensation would be payable.

**9. PROCEDURE DURING CONSTRUCTIONS:**

9.1 **Construction to be in conformity with regulations, owners liability:** Neither the grant of commencement certificate, nor the approval of the drawing and specifications, nor inspections made by the Corporation during the carrying out of development shall in any way relieve the applicant of such building from full responsibility for carrying out the development in accordance with the requirements of these regulations.

9.2 **Installation of display board at site:** As soon as the development permission for new construction/redevelopment is obtained the owner/developer shall install a **“Display Board”** on the conspicuous place on site indicating following details.

- a. Name and address of the owner, developer, architect and contractor,
- b. Plot Number/Sector/Node Number of land under reference along with description of its boundaries and category of allotment,
- c. Order number and date of grant of development permission issued by the Navi Mumbai Municipal Corporation or by any other authority,
- d. F.S.I. Permitted/use permitted,
- e. Number of residential/Commercial flats with their areas,
- f. Address where copies of detailed approved plans shall be for inspection.

9.3 **Notice for start of work:** The owner shall give notice to the Municipal Commissioner of his intention to start work on the building site in the form No. 8. The owner may start the work after 7 days have lapsed from the date of the service of such notice to the Municipal Commissioner or earlier, if so permitted.

9.4 **Documents at Site:**

1. Results of test where tests of any material made to ensure conformity with the requirements of these Regulations, records of the test data shall be kept available for inspection during the construction of the building and for such period thereafter as required by the Municipal Commissioner.

2. Development permission: The person to whom a development permission is issued shall during construction, keep -
  - a) A copy of the development permission issued by the Corporation for the said developments be pasted in a conspicuous place, on site.
  - b) A copy of the approved drawing and specifications referred to in Regulation 8.4 on the site for which the permit was issued.
  
- 9.5 **Checking of plinth columns up to plinth level:** The owner through his licensed Surveyor/Engineer, Structural Engineer or Supervisor or his Architect shall give notice in the form No. 9 to the Municipal Commissioner on completion of work up to plinth level to enable the Municipal Commissioner to ensure that the work conforms to the sanctioned plan. The Commissioner may inspect the work jointly with the licensed technical personnel or architect within fifteen days from the receipt of such notice and either give or refuse permission for further construction as per the sanctioned plans in the form No.- 10. If within this period the permission is not refused, it shall be deemed to have been given provided the work is carried out in accordance to the sanctioned plans.
  
- 9.6 **Deviation during Construction:** If during the construction of a building, any departure of a substantial nature from the sanctioned plans intended by way of internal or external additions fresh sanction of the Municipal Commissioner shall be necessary. A revised plan showing the deviations shall be submitted and the procedure laid down for the original plans hereto before shall apply to all such amended plan. Any work done in contravention of the sanctioned plans, without prior approval of the Municipal Commissioner, shall be deemed as unauthorized.
  
- 9.7 **Completion Certificate:** The owner, through his licensed plumber shall furnish a drainage completion certificate to the Municipal Commissioner in the form No.-15. The owner through his licensed surveyor or Engineer/Structural Engineer/Supervisor or his Architect, who has supervised the construction, shall furnish a building completion certificate to the Commissioner in the form No.12.

These certificates shall be accompanied by four sets of plans of the completed development. The Commissioner shall inspect the work and after satisfying himself that there is no deviation from the approved plans, issue a certificate of acceptance of the completion of the work in the form No.16.

- 9.8 **Occupancy Certificate:** On receipt of the acceptance of completion certificate in the form No.16, the owner, through his licensed surveyor /Engineer/Structural Engineer/Supervisor or his architect shall submit to the Municipal Commissioner a development completion certificate in the form No.12 with four copies of the completion plan, one of which shall be cloth mounted for record. The Municipal Commissioner may inspect the work and after satisfying himself that there is no deviation from the sanctioned plans, issue an occupancy certificate in the form No.-19 or refuse to sanction the occupancy certificate in the Form No.17 within 30 days from the date of receipt of the said completion certificate, failing which the work shall be deemed to have been approved for occupation, provided the construction conforms to the sanctioned plans. One set of plans, certified by the Municipal Commissioner as the completed plans, shall be returned to the owner along with the occupancy certificate. Where the occupancy certificates is refused or rejected, the reasons for refusal or rejection shall be given in intimation of the rejection or refusal.
- 9.9 **Part occupancy Certificate:** When requested by the holder of the development permission the Municipal Commissioner may issue a part occupancy certificate for a building or part thereof, before completion of the entire work, as per the development permission, provided sufficient precautionary measures are taken by the holder to ensure public safety and health, The occupancy certificate shall be subject to the owners indemnifying the Municipal Commissioners in the form No.18.
- 9.10 The work of construction of a building more than 15 m height shall be subject to inspection also of fire-officers NMMC and unless a clearance regarding completion

of the work from the Fire Protection point of view is given by him, no occupation certificate shall be issued in respect of such building.

## **10. AMENDMENT / MODIFICATION TO APPENDICES & FORMS**

10.1 Except where the same are prescribed in Bombay Provincial Municipal Corporation Act, 1949 or Maharashtra Regional and town Planning Act, 1966 or the rules or bye laws framed thereunder the Municipal Commissioner may, from, time to time, add to, alter or amend **Appendixes- I to IX** and Forms No.1 to 21 and all Annexures of these regulation.

## **11 INSPECTION**

11.1 **Inspection at various stages:** The Municipal Commissioner may at any time during erection of a building or the execution of any work or development, make an inspection thereof without giving previous notice of his intention to do so.

11.2 **Inspection by fire Department:** In case of all multi storied, high-rise and special buildings the work shall also be subject to inspection by the Chief Fire Officer. The occupancy certificate can be issued by the Municipal Commissioner only after obtaining clearance certificate from the said Chief Fire Officer for the said building.

11.3 **Architectural Control** For the buildings coming up in important areas or fronting on major roads or in the case of the important monumental buildings, the building schemes may be cleared by a special body separately set up from the architectural aesthetic points of view and the Authority shall have powers to frame suitable rules for ensuring the above.

11.4 **Un-authorized Development / Liability for offences and penalties:** In case of unauthorized development, the Municipal Commissioner shall:

- a. Take suitable action which may include demolition of unauthorized works as provided in section 52, 53 & 54 of the Maharashtra Regional and Town Planning Act, 1966 and the relevant provisions of section 267 of the Bombay Provincial Municipal Corporation Act, 1949.
- b. Take suitable action against the licensed technical person or the architect concerned.

**12. UNSAFE BUILDING:**

- 12.1 All unsafe building shall be considered to constitute a danger to public safety, hygiene and sanitation and shall be restored by repairs or demolished or dealt with as otherwise directed by the Municipal Commissioner. The provisions of section 264 of the B.P.M.C. Act shall apply for procedure of action to be taken by the Municipal Commissioner in respect of such buildings.
- 12.2 **Examination of Unsafe Buildings:** The Corporation shall examine or cause to be examined every building reported to be unsafe or damaged, and shall make a written record of such examination.
- 12.3 **Notice to Owners / Occupier.** Whenever the Corporation finds any Building or portion thereof to be unsafe, it shall, in accordance with established procedure for legal notice, give to the owner and occupier of such building written notices stating the defects thereof. This notice shall require the owner or the occupier within a period specified in the said notice either to complete the stated repairs or improvements or to demolish and remove the building or portion thereof.
- 12.4 The Corporation may direct in writing that the building, which in its opinion is dangerous or has no provision for exit, if the building catches fire, shall be vacated immediately or within the period specified for the purpose, provided that the Corporation shall keep a record of the reasons for such action.
- 12.5 **Disregard of Notice:** In case the owner or occupier fails, neglects or refuses to comply with the notice to repair or to demolish the said building or portion thereof, the Corporation shall cause the danger to be removed whether by demolition or repair of the building or portion thereof or otherwise.
- 12.6 **Cause of Emergency:** In cause of emergency, which in the opinion of the Corporation involves imminent danger to human life or health, the Corporation shall forthwith or with such notice as may be possible promptly cause such building or portion thereof to be rendered safe or removed. For this purpose, the Corporation may atonce enter into such structure or land on which it stands, or abutting land or structure with such assistance and at such cost as may be deemed necessary. The Corporation may also get the adjacent structure vacated

and protect the public by an appropriate fence or such other means as may be necessary. The decision of the Corporation shall be final.

12.7 **Costs:** Costs incurred under sub Regulation No's 12.5 & 12.6 above shall be charged to the owner of the premises involved. Such costs shall be charged on the premises in respect of which or for the benefit of which the same has been incurred and shall be recoverable from the owner/occupier concerned as arrears of Land Revenue.

**13. CONFORMITY TO NATIONAL BUILDING CODE:**

Any aspects not covered in the byelaws or in particular the planning, design and construction of the building and its appurtenant services shall be done to the satisfaction of the Authority. The National Building Code of India, 1970 shall be the reference document for conformity regarding the various aspects. The latest version to the National Building Code shall be referred to at the time of enforcement of the byelaws.

**14. DELEGATION OF POWERS AND DISCRETIONARY POWERS**

14.1 **Delegation of Powers:** Any of the powers, duties or functions conferred or imposed upon or vested in the Municipal Commissioner by any of the foregoing regulations may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by The Town Planning Officer, when the Municipal Commissioner so generally or specially empowers in writing in this behalf, and in each of the said regulations wherever the word "Municipal Commissioner" appears shall mean and deemed to be the Town Planning officer so empowered.

14.2 **Discretionary Powers:**

14.2.1 **In conformity with the intent and spirit of these regulations the Municipal Commissioner may:**

- a. Decide on matters where it is alleged that there is an error in any order, requirement, decision, determination or interpretation made by him in the application of these rules.

- b. Determine and establish the location of zonal boundaries in exceptional cases or in case of doubt or controversy.
- c. Interpret the provisions of these rules where the street layout actually on the ground varies from the street layout as shown on the Development plan.
- d. Modify the limit of a zone where the boundary line of the zone divides a plot and
- e. Authorize the erection of a building or use of premises for a public service undertaking for public utility purposes, only where he finds such an authorization is reasonably necessary for the public convenience and welfare, and even if it is not permitted in any land use classification.

14.2.2 In specific cases where a clearly demonstrable hardship is caused, the Municipal Commissioner after consulting Town Planning Officer, may by special written permission :-

Permit any of the dimensions/provisions prescribed by these rules to be modified, provided that the relaxation sought for does not violate the health safety, fire safety, structural safety and public safety of the inhabitants of the buildings and neighborhood. However, no relaxation so far the minimum set back distance required from the road boundary & the FSI shall be granted under any circumstances.

While granting permissions under regulation No. 8.4 conditions may be imposed on size, cost or duration of the structure, abrogation claim of compensation, payment of deposit and its forfeiture for non-compliance of payment of premium.

## **15. TEMPORARY CONSTRUCTION:<sup>1</sup>**

15.1 The Municipal Commissioner may grant permission for temporary construction for a period not exceeding six months at a time, in the aggregate not exceeding for a

<sup>1</sup>The regulations were modified and sanctioned on 21 – 07 – 2008

period of three years. Such a permission may be given by him for the construction of the following :-

- i) Structures for protection from the rain or covering of the terraces during the monsoon only;
- ii) Pandals for fairs, ceremonies, religious function, etc.;
- iii) Structures for godowns/storage of construction materials within the site;
- iv) Temporary site offices and watchmen chowkies within the site only during the phase of construction of the main building;
- v) Structures for exhibitions/circus etc.;
- vi) Structures for storage of machinery, before installation, for factories in industrial lands within the site;
- vii) Structures for ancillary works for quarrying operations in conforming zones;
- viii) MAFCO stalls, milk booths and telephone booths;
- ix) Transit accommodation for persons to be rehabilitated in a new construction;
- x) Structures for educational and medical facilities within the site of the proposed building during the phase of planning and constructing the said permanent buildings;

Provided that temporary constructions for structures, etc. mentioned at (iii), (iv), (vi), (ix) and X may be permitted to be continued temporarily by the Commissioner but in any case not beyond completion of construction of the main structure or building, and that structure in (viii) may be continued on annual renewable basis by the Municipal Commissioner beyond a period of three years.

Provided that, in case of construction project on the land having area more than 1 hect., it is obligatory on the developer to construct temporary labour camp alongwith toilet facilities on his own land only, during the phase of construction.

- 15.2
- i) While granting permission under sub-regulation (14.2.2) & (15.1) conditions may be imposed on size, cost or duration of the structure, abrogation of claim of compensation, payment of deposit and its forfeiture for non-compliance and payment of premium.
  - ii) The premium at the rate decided by the Municipal Commissioner shall be charged in following cases.
    - a) Where any sort of relaxation is granted under the regulation 14.2.2, and
    - b) Where additional benefit is accruable under these regulations over and above the provisions of the earlier sanctioned development permission and the development control regulations thereunder as amended from time to time.