

Maharashtra Industrial Development Corporation

(A Government of Maharashtra Undertaking)

No. MIDC/CP/D98927/2022

Date: 02/12/2022

CIRCULAR

Subject: Regarding revision in guidelines for recovery of compounding charges for permitting structures and regularizing already constructed structures in marginal open space for all plot areas in the industrial areas of MIDC.

- Reference:** 1) Circular no. MIDC/CP/281 dt. 08/02/1999
2) Government Notification No. TPS/4308/CR-64/08/UD-11 dt. 31/08/2009
3) Circular no. MIDC/CP/ A26305 dt. 28/01/2016
4) Office Order no. MIDC/E31101/2019 dt. 26/12/2019
5) Circular no. MIDC/CP/A03125/2021 dt. 04/01/2021

Vide circular under reference no. 1, guidelines regarding recovery of compounding charges for structures violating rules with marginal encroachment in the open spaces under certain conditions were issued on the lines of Mumbai Municipal Corporation. Provisions of the said circular are as follows –

‘Structures violating the rules with marginal encroachment in the open spaces may be permitted by the Chief Executive Officer, MIDC, where such encroached portion does not exceed 10 per cent of the already constructed built up area or 40 sqm whichever is less, subject to the condition that the compounding fees for regulation of the aforesaid encroachment shall be recovered as below’ –

Industrial area falling in Group ‘A’	3 times the block rate of Class-I construction
Industrial area falling in Group ‘B’	2½ times the block rate of Class-I construction
Industrial area falling in Group ‘C’	2 times the block rate of Class-I construction
Industrial area falling in Group ‘D’	1½ times the block rate of Class-I construction
Industrial area falling in Group ‘D+’	Block rate of Class-I construction

Considering the provision in DCRs under hardship and while giving concession in marginal open space, above stated heavy penal charges are being recovered in order to restrict the plot holder to construct structures in marginal open space and to minimize the cases of encroachment in marginal open space.

Thereafter, the Revised Development Control Regulations of MIDC were published vide Government Notification under reference no. 2. As per Revised DCR-2009, clause no. 24.6, some structures are permissible in marginal open space on the plots only up to 5000 sqm area. But this concession is not available for the plots above



5000 sqm area. It has been represented by some applicants that, for plots above 5000 sqm area, some structures like suction tank, generator set, ETP, STP, meter room, electric substation, cooling towers, pipe structures for carrying steam and liquids from one plot to another plot as per requirements of the unit etc. are ancillary structures, which need to be constructed by the plot holder at specific location as per requirement of the concerned authority and specific need of the industry.

In such cases, many plot holders build these structures along compound wall. However, marginal distance is measured from the compound wall and therefore, for the plots above 5000 sqm area, construction of these structures along compound wall is treated as an encroachment in marginal open space even though there is sufficient marginal distance available in between above stated ancillary structures and main factory building. It is however felt necessary to permit above stated ancillary structures along plot boundary subject to condition that, minimum 9.00 m distance is available between main factory building and ancillary structures, which is required for the movement of fire fighting vehicles.

It has also been observed that such hardship is being faced in industrial and all other types of buildings & hence, the said provision of recovery of compounding charges needs to be made applicable for industrial as well as all other types of buildings.

Therefore, following revised guidelines shall be followed while permitting structures in marginal open space for all the plots in industrial areas of MIDC -

1) With reference to provisions in clause no. 16 of Revised DCR-2009, structures in marginal open space shall be regularized by giving concession as per clause no. 16 of DCR-2009 and by recovering below mentioned compounding charges, provided the relaxation will not affect the healthy safety, fire safety, structural safety & public safety of the inhabitant of the building and the neighborhood.

a) Compounding charges for regularization of construction in marginal open space of industrial and all other types of buildings for all plot areas -

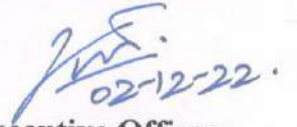
Industrial area falling in Group 'A'	Area of encroachment X 2 times the block rate
Industrial area falling in Group 'B'	Area of encroachment X 1.5 times the block rate
Industrial area falling in Group 'C', 'D' and 'D+'	Area of encroachment X block rate

b) Compounding charges for regularization of ancillary structures in marginal open space having minimum 9.00 m distance between said structures and building for plots above 5000 sqm area = 50 % of block rate for Class I construction X area of encroachment X 50 %

2) All the cases regarding regularization of structures in marginal open space under DCR clause no. 16 shall be submitted for approval of the CEO, MIDC through Chief Planner after obtaining remarks of Fire Department for all land uses irrespective of plot areas. Earlier circular no. MIDC/CP/281 dt. 08/02/1999, circular no.

MIDC/CP/A26305/2016 dt. 28/01/2016 & circular no. MIDC/CP/A03125/2021 dt. 04/01/2021 shall be treated as cancelled.

All SPAs are hereby directed to take a note of the same and further action shall be taken accordingly.


Chief Executive Officer
MIDC, Mumbai-93.

Copy to Jt. CEO (Admin) / Jt. CEO (SP) for information.

Copy to all HoDs, MIDC for information.

Copy to all ROs / EEs / SPAs, MIDC for information and necessary action.

Copy to all Officers of Planning Department for information and necessary action.

Copy to Guard File.