

V. Venkatesh

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**CIDCO**

*The New Bombay*  
*Disposal of Lands Regulations*  
*1975*

**CITY AND INDUSTRIAL DEVELOPMENT  
CORPORATION OF MAHARASHTRA LIMITED**

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September 1991

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BY THE CITY AND INDUSTRIAL DEVELOPMENT CORPORATION  
OF MAHARASHTRA LIMITED

New Bombay Disposal of Lands Regulations,  
1975 - Amendment to -

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. LQN. 4279/1932/ADM.- Whereas the Government of Maharashtra has, by Notification, Nos. RPB-1171/18124. WII, dated the 20th March 1971, and RPB. 1172-II-RPC, dated the 16th August 1973, promulgated under sub-sections (1) and (3A) of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (referred to hereinafter as "the Act"), designated a site for a New Town of New Bombay and appointed the City and Industrial Development Corporation of Maharashtra Limited (referred to hereinafter as the "Corporation"), to be the New Town Development Authority for the said New Town of New Bombay;

And whereas, the State Government in the Urban Development and Public Health Department has approved the said regulations and amendment thereto vide Memorandum No. LQN-4276-NT-1, dated the 17th July 1976, and letters No. LQN-4276/1640/UD-25, dated the 13th February 1978 and No. LQN-4276/1640-CR-198/UD-25, dated the 18th July 1978 respectively.

Notice is hereby given that the said regulations and amendments thereto are accordingly published.

Nirmal, 2nd Floor,  
Nariman Point,  
Bombay - 400 021.

K. P. NADKARNI,  
Chief Administrative Officer.

**CITY AND INDUSTRIAL DEVELOPMENT CORPORATION  
OF MAHARASHTRA LIMITED**

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. LQN - 4279 - ADM. - In exercise of the powers conferred by sub clause (a) of clause (1) of section 159 of the Maharashtra Regional and Town Planning Act, 1966, (Mah. XXXVII of 1966), the City and Industrial Development Corporation of Maharashtra Ltd., Bombay being the New Town Development Authority for the area comprised in the site of New Bombay under sub-section (3A) of section

113 of the said Act, hereby makes with the previous approval of the State Government published in the Maharashtra Government Gazette Part IV-C on 26th June 1979 the following regulations, namely :-

### CHAPTER I

1. Short title, extent and commencement.-
  - (i) These Regulations, will be called the New Bombay Disposal Land Regulations, 1975.
  - (ii) They shall apply to all lands of the Corporation.
  - (iii) They shall come into force on the date of publication thereof in the Maharashtra Government Gazette.

### CHAPTER II

2. *Demarcation of Plots.*— The Corporation shall divide the lands vested in it by the Government into disposable plots having regard to their size and location and shall demarcate them accordingly.

### CHAPTER III

#### Conditions of Lease

3. *Conditions of Lease.*— The Corporation may from time to time dispose of land only on lease on the following among other conditions.
  - (i) *Term of Lease.*— The lease shall be granted in consideration of premium rent or both premium and rent for a term not exceeding 60 years:

Provided that in special circumstances the term of the lease may be extended beyond 60 years but not beyond 99 years for reasons to be recorded in writing.

- (ii) *Payment of rents, taxes and other charges.*- The lessee shall during continuance of the lease pay all rates, taxes and other charges due or becoming due in respect of the demised land by the Corporation or any authority thereof.
- (iii) *Payment of land revenue.*- The lessee shall during the continuance of lease pay the land revenue and cesses assessed or which may be assessed on the demised land.
- (iv) *Recovery of premium or rent as land revenue.*— Whenever any part of premium or rent or service charges or any other sum due to the Corporation under the lease shall be in arrears, it may be recovered as arrears of land revenue under the provisions of para. 6 of the Schedule of the Maharashtra Regional and Town Planning Act, 1966 or any modification thereof.

- (v) *User of land.*— Every lease shall specify user of the demised land which shall be applied only to the specified user and to no other user.
- (vi) *To build according to the building regulations or municipal regulations or development control rules in force from time to time.*— The lessee shall not at any time during the lease erect any building, erection or structure on any portion of the demised land except in accordance with the building regulations or development control rules framed by the Corporation from time to time or the municipal regulations or any other regulations in force from time to time.
- (vii) *Restrictions against Assignment.*— The Lessee shall not sell, assign, mortgage, underlet or otherwise transfer wholly or partly the demised land or his interest therein or part wholly or partly with the possession of the demised land or permit any person to use wholly or partly the demised land (hereinafter referred to as "transfer of the demised land") **PROVIDED THAT** nothing contained herein shall apply if the Lessee shall perform to the satisfaction of the Corporation the following conditions :-
- (A) Before transferring the demised land, the Lessee shall pay to the Corporation one half of the difference between the declared premium and the premium paid by the Lessee to the Corporation, for obtaining the lease of the demised land, subject to a minimum of Rs. 1,000/-.
- (B) In the instrument by which the Lessee shall transfer the demised land the Lessee shall impose upon the person to whom the demised land is so transferred to perform and observe to the Corporation all the conditions and covenants of the lease granted to him, the Lessee.

*\*Explanation.*— The declared premium shall mean the premium calculated at such rate or rates as may be determined by the Corporation in the months of January and July each year in respect of lands/buildings with reference to the areas in which such lands/buildings are situated and displayed in the office of the Corporation." (Substituted vide notification published in Maharashtra Govt. Gazette in Part 4 (c) on 29th May 1980 under No. LQN - 4279/ADM)

*\*Explanation (ii).*— Nothing contained herein shall apply to mortgage of the demised land or any part thereof, to the Central Government, a State Government, Nationalised Bank, the Life Insurance Corporation of India, the Maharashtra State Finance Corporation, the Housing Development Finance Corporation Ltd. or an employer of the Lessee or any other financial institution as may be approved by the Board of Directors of the Corporation from time to time." (Added vide notification published in Maharashtra Govt. Gazette in Part (c) 4-c 5th November 1981 under No. LQN- 4281/1722/ADM)

*\*Explanation (iii)* 'transfer of the demised land' shall, where the land with or without a building erected thereon or to be erected thereon is leased to or demised unto or agreed to be leased or demised unto a Company registered under the

Companies Act, 1956 (I of 1956) or a Co-operative Housing Society registered under the Maharashtra Co-operative Societies Act, 1960 (Mah. Act No. XXIV of 1961) or any law for the time being in force for the registration of a corporate body for the purpose of providing accommodation to its share-holders or members include the transfer of a share or shares by its share-holder or member or an agreement or act or omission whatsoever of such share-holder or member which has the effect of transferring or enabling the enjoyment of such land or building or a part thereof. In the case of such transfer, the lessee being a Company, as the case may be a Society shall pay one-half of the difference of the declared premium and the premium paid by the lessee as is allocable to the land or building or part thereof so transferred or agreed to be transferred by a share-holder or member and such allocation shall be with reference to the proportion which the Floor Space Index (as defined in the General Development Control Regulations constituting the Development Plan for New Bombay for the time being in force) of the land or building permitted by the Corporation shall bear to such Floor Space Index of the land or building or part thereof so transferred or agreed to be transferred." (Added as explanation (iii) vide Notification No. CIDCO/Secy & Law/2202(40)/6 (G ADM dt.8/2/90 published in Mah. Govt. Gazette in part IV-C)

- (viii) *Delivery of possession, determination of lease.*—The lessee shall on determination of the lease for any reason deliver possession of demised land to the Corporation in as good condition as it was in when he obtained possession subject only to change caused by reasonable wear and tear or irresistible force.
- (ix) *Summary eviction of persons unauthorisedly occupying the lands on determination of lease.*— If on determination of the lease, any person is unauthorisedly occupying or wrongfully in possession of the land, it shall be lawful for the Managing Director to secure summary eviction of such a person in the manner provided by the Maharashtra Land Revenue Act, 1966 (Maharashtra Act 41 of 1966).
- (x) *Payment of cost of lease deeds.*— The lessee shall pay all costs and expenses incidental to preparation, execution and registration of all deeds or instruments of lease. (Substituted as per notification published in the Maharashtra Govt. Gazette in Part 4-C on 29th May, 1980 under No. 4279/1932/ADM.)
- (xi) *Notice and demands.*— Any demand for payment or notice requiring to be made upon or given to the lessee shall be sufficiently made or given if sent by the Corporation through the post by the registered letter addressed to the lessee at the demised land and any demand or notice sent by the post shall be deemed to have been delivered in the course of post.
- (xii) *Preference in employment of labour.*— (a) In employing skilled and unskilled labour the lessee shall give preference to the persons whose lands have been acquired provided they satisfy the prescribed qualifications.

- (b) The lessee shall furnish to the Managing Director on or before the 10th day of every calendar month a return showing the particulars of skilled and unskilled employees employed by him during the preceding calendar month. The return shall be in such a form as may be determined by the Managing Director from time to time.
- (xiii) *Forfeiture of lease and power of re-entry* - In case (a) the lessee fails or neglects to pay the premium or rent or commits a breach of any of these regulations or any of the conditions of the lease (b) the lessee renounces his character as such by setting a title in a third person or by claiming title in himself or (c) the lessee is adjudicated an insolvent, the Corporation shall be entitled to re-enter upon the demised land and determine the lease.
- (xiv) *Display of sign board, neon sign, or other advertisement* - The lessee should not during the continuance of the lease affix or display or permit to be affixed or displayed on the demised land any sign-board, skysign, neon sign or other advertisement painted, illuminated or otherwise without the previous consent in writing of the Managing Director provided that no such consent shall be required in respect of sign-board or advertisement of a reasonable size relating to the specified user.
- (xv) *Payment of service cost* - (a) The lessee shall make to the Corporation a yearly payment at such rate as the Corporation may determine from time to time as his contribution to the cost of establishing and maintaining civic amenities such as roads, water, drainage, conservancy, for the demised land regardless of the extent of benefit derived by him for such amenities; provided that no payment shall be due to be made one year after such civic amenities have been transferred to a Local Authority constituted under any law for the time being in force, provided further that if the period to be calculated for such payment is less than year, the payment shall be made on pro-rata basis.
- (b) The payment shall be paid on the first day of April in each year or within 30 days therefrom.

## CHAPTER IV

### Mode of Disposal

4. *Manner of disposal of land*- The Corporation may dispose plots of lands by public auction or tender or by considering individual applications as the Corporation may determine from time to time.
5. *Payment of premium:*

(1) The premium agreed to be paid by the Intending Lessee shall be paid in two equal instalments: (the first instalment shall be paid within the month from the receipt of acceptance by the Corporation of his proposal and the second instalment shall be paid within two months from such receipt of acceptance.)

(2) The Managing Director may in a deserving case, extend either of the foregoing periods on the payment of interest by the Intending Lessee at the rate to be approved by the Corporation by a general or specific order:

Provided that the period for the payment of both the instalments of the premium shall not exceed twelve months in all:

Provided further that the period for the payment of the first instalment shall not exceed three months:

Provided further that if there shall be default by the Intending Lessee in the payment of first instalment of the premium, the agreement concluded between the Corporation and the Intending Lessee shall stand determined and the earnest money deposited by the Intending Lessee shall stand forfeited to the Corporation with "it prejudice to the rights of the Corporation to recover compensation for loss or damage, if any, suffered in consequence of such default."

NOTE : substituted vide notification published in Maharashtra Govt. Gazette in part IV-C under No.CIDCO/MM/994(40)/89 at. 8/3/1990.

6. *Completion of building, factory, structure or other work within the prescribed time* - The lessee shall complete building, factory structure or other work for which the land has been granted within the time prescribed by the Managing Director.
7. *Permission for extension of time* - If the Intending Lessee obtains development permission and commences construction in accordance with the conditions of agreement to lease made between him and the Corporation but has been unable to complete the construction within the time stipulated in the agreement to lease for reasons beyond his control, the Managing Director may permit extension of time for completion of buildings, factory, structure or other work on payment of additional premium at the following rate:

Upto 1 year -	25 per cent of the premium
Between 1 and 2 years -	35 per cent of the premium
Between 2 and 3 years -	40 per cent of the premium

NOTE: substituted vide notification published in Maharashtra Govt. Gazette in Part 4-C on 10-11-1983 under No. LQN- 4283/2606/40/ADM.

Explanation:- The rates of additional premium are cumulative and extension of time would be given for 1 year at a time.

8. *Determination of lease on the incapacity of the lessee to use the land in the prescribed manner.* - If the Managing Director is satisfied that it is beyond

the capacity of the lessee to use the demised land in the prescribed manner, he may determine the lease and the premium paid by him shall be refunded after deduction of such service charges as may be fixed by the Managing Director but not exceeding 10 per cent of the premium.

## CHAPTER V

Grant of land for religious, educational, charitable and public purposes.

9. *Grant of land for religious purposes* - The Corporation may grant the lease of land for the construction of any temple, church, synagogue, mosque or for any other religious purpose subject to the following conditions:
- (i) The land to be leased is allocated to an appropriate user in the Draft or Sanctioned Development Plan of New Bombay.
  - (ii) The lease is granted with the previous approval of the Government.
10. *Grant of land for educational, charitable and public purpose* - The Corporation may grant the lease of land for promotion of educational, medical, religious, social and charitable purpose to Public Charitable Trusts or Government Departments or semi-Government Bodies on payment of such concessional premia as the Corporation may, in its discretion, determine from time to time; provided that norms for such concessional allotment have been decided by the Corporation.
11. *Grant of land for a playground or other recreational purposes* - The Corporation may grant land at a nominal annual rent of Rs.100/- for a playground, gymnasiums or other recreational purposes to educational institution or gymnasiums recognized by Government or semi-Government organizations or a public charitable trust registered under the Bombay Public Trust Act, 1950 for a term not exceeding 60 years.
12. *Additional conditions to be annexed to concessional grant of land* - There shall be annexed to every concessional grant of land made under this Chapter, the following conditions in addition to those that may be prescribed viz. (a) that the land or any part thereof or any interest therein shall not be transferred except with the previous sanction of the Managing Director.
- (b) that the land with all fixtures and structures thereon shall be liable to be resumed by the Corporation if not used for the specific purpose or purposes for which it is granted by such date as the Corporation may fix in this behalf, or if used for any purpose other than the specific purpose or other purposes for which it is granted or is required by the Government for its own purpose or any public purpose, and that a declaration by the Managing Director that the land is so required shall, as between the grantee and the Government, be conclusive.
  - (c) that if the land is at any time resumed under condition (b) the compensation payable therefore shall not exceed the amount if any, paid to the Corporation



for the grant together with the cost or value at the time of resumption (whichever is less) of any building or other work authorisedly erected or executed on the land by the grantee. If a question arises as to the adequacy of the amount of compensation to be paid under this condition, such question shall be referred to the Government for decision.

- (d) that if the land is at any time used for holding a circus, carnival, fair, exhibition, performance or other show, to which public or a section of public are admitted on payment of fee or charges, a lessee shall pay to the Corporation a sum equivalent to one-tenth portion of the fees or charges collected by him.

## CHAPTER VI

### Miscellaneous

13. *Conflict between these regulations and provisions of a lease-deed* - In the event of there being any conflict between these regulations and the provisions of a lease deed entered into by the Corporation, the regulations shall prevail.
14. *Delegation* - The Managing Director may delegate his powers to any other officer of the Corporation.
15. *Relaxation of regulations* - The Corporation may, with the previous approval of the Government, relax any or all of these regulations in special case or cases.
16. *Interpretation* - In these regulations, unless the context otherwise requires:
  - (a) 'Act' means the Maharashtra Regional and Town Planning Act, 1966, (Mah.XXXVII of 1966) as amended from time to time.
  - (b) 'Corporation' means the City and Industrial Development Corporation of Maharashtra Limited, incorporated under the Indian Companies Act, 1956 and declared as the New Town Development Authority by the Government.
  - (c) 'Displaced Person' means a person whose land within the site of New Bombay, has been acquired under the provision of the Land Acquisition Act, 1894 and includes a Hindu undivided family.
  - (d) 'Government' means the Government of Maharashtra.
  - (e) 'Grant of land' means grant of land on lease.
  - (f) 'Lease', 'Lessor' and 'Lessee' have the meanings assigned to them by section 105 of the Transfer of Property Act (Act IV of 1882).
  - (g) 'Managing Director' means the Managing Director or Deputy Managing Director of the City and Industrial Development Corporation of Maharashtra Limited or any officer specially appointed by the Corporation to perform the functions of the Managing Director or Deputy Managing Director under these Regulations.

- (h) 'Plot' means Land set apart for allotment to a person for construction of a building or factory or for any purpose and shown as such in the Development Plan prepared by the Corporation and sanctioned by the Government or the Draft Development Plan or Scheme prepared by the Corporation.
- (i) All other terms and expressions used here and not defined but used and defined in the Act, have the meanings assigned to them in the Act.

Nirmal Building  
Nariman Point  
Bombay 400 021  
Dated 13th July 1979.

L.C. Gupta  
Vice-Chairman and Managing Director

Sub: Delegation of powers under Regulation (5)  
of the New Bombay Disposal of Lands  
Regulations, 1975

Regulation (5) of the New Bombay Disposal of Lands Regulations, 1975 provides that, the premium agreed to be paid by the Intending Lessee shall be paid in two equal instalments: the first instalment shall be paid within the month from the receipt of acceptance by the Corporation of his proposal and the second instalment shall be paid within two months from such receipt of acceptance. It further provides that, the Managing Director may in a deserving case, extend either of the foregoing periods on the payment of interest by the Intending Lessee at the rate to be approved by the Corporation by a general or specific order. Extending either of the foregoing period on payment of interest by the Intending Lessee at the rate to be approved by the Corporation by general or specific order is of routine matter.

2. In exercise of the powers vested in me by Regulation (14) of the New Bombay Disposal of Lands Regulations, 1975, I V. S. Dhumal, Managing Director, hereby delegate to the incumbent in the post of the Manager(Marketing) and the Senior Project Co-ordinator (BUDP) power conferred upon me in Regulation (5) of the said Regulation.

3. The Manager(Marketing) and the Sr. Project Co-ordinator (BUDP), shall report on the 1st of every month the number of cases giving details of the party and period of extension.

4. They will certify that all extensions have been granted in accordance with rules.

5. The above order shall take immediate effect.

  
Managing Director.

To

✓ Manager(Marketing)  
Sr. Project Co-ordinator (BUDP)

Copies to be sent to M O S .

16.1.97

All files