

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)
CIRCULAR

No. MIDC/CP/29857/2024

Date: 13 August 2024

Subject: Guidelines for Procedure, Checklist of Documents and Time Limit for Issuing permission for new alteration and addition / revision / revalidation of Building plan and permission for demolition and reconstruction of building to SPAs

- Reference: 1. Circular no MIDC/CP/C55139/2017 Dt. 13.07.2017
2. Circular no MIDC/CP/C55174/2017 Dt. 13.07.2017
3. Circular no MIDC/CP/C47210/2017 Dt. 11.11.2020

For expediting procedure of building plan approval in MIDC Areas, It is decided to implement Building Plan Approval through Web Based Software solution (Auto-DCR) integrated with Single Window Clearance (SWC). M/s SOFTTECH has been appointed for implementation of Auto-DCR and Auto-DCR Cell is established by MIDC. This system is functioning from 10th February 2016.

Auto DCR - unique and innovative solution provided by M/s Soft Tech for automation of Building Plan Approval, reading CAD drawings and mapping them to development control regulations of approving authorities. Auto DCR is seamlessly integrated to online Approval Workflow to monitor the approval process with associated Document Scrutiny. Building plan Approval management system (BPAMS) is established by introducing (Auto DCR) system. Auto DCR software reads CAD drawing submitted by Architects and automatically produces the deviation report based on Comprehensive Development Control & Promotion Regulation -2023 prescribed by MIDC.

MIDC has issued a circular no C-55139 Dt.13.07.2017, circular no C 55174 Dt.13.07.2017 and circular no C-47210 Dt. 11.11.2020 regarding guidelines for procedure, checklist of document and time limit for issuing Building permission / construction permit, building completion, occupancy certificate to SPA for giving the said service. Presently the online system in respect of construction permit approval developed with reference to earlier business reform action plan to develop necessary system & now with reference to revised reform issued as per BRAP-2024, it is directed to develop necessary system & issue permission for alteration and addition / revision / revalidation of Building plan and permission for demolition and reconstruction of building shall be issued, also stipulated time limit of 45 days to complete the above task.

Therefore, it is necessary to issue guidelines regarding Procedure and Check list of Documents and Time Limit for following.

- (i) Building Plan Approval
- (ii) Permission for Alteration and Addition/ Revision / Revalidation of Building Plans
- (iii) Permission for demolition and reconstruction of building
- (iv) Occupancy / Completion certificate

Right to Services Act / Public Service guarantee Act

As per definition in Maharashtra Industry, Trade and Investment Facilitation Act, 2023 "specified time limit" means the time limit specified under the Maharashtra Right to Public Services Act, 2015 or any other relevant law within which it is mandatory to process and dispose off the applications for permissions. As per section (3) of Maharashtra Right to Service Act 2015, specified time limit is to be notified.

As per subsection 5 of section 45 of MR&TP Act, If the Planning Authority does not communicate its decision whether to grant or refuse permission to the applicant within **sixty days** from the date of receipt of his application, or within sixty days from the date of receipt of reply from the applicant in respect of any requisition made by the Planning Authority, whichever is later, such permission shall be deemed to have been granted to the applicant on the date immediately following the date of expiry of sixty days : Provided that, the development proposal, for which the permission was applied for, is strictly in conformity with the requirements of all the relevant Development Control Regulations framed under this Act or bye-laws or regulations framed in this behalf under any law for the time being in force and the same in no way violates either the provisions of any draft or final plan or proposals published by means of notice, submitted for sanction under this Act and as per Business Reforms Action Plan, 2024 (BRAP - 2024).

Minimum Time Limit for Building Plan Approval in any case shall not be less than 30 Days from date of receipt of full-fledged application with SPA (30 days excludes time taken by scrutiny cell, Fire, other depts. Counting will start from date of receipt of application with SPA)

1. Process for Approval & Permission for Alteration and Addition/ Revision under Building Plan Approval Process

In all cases:- Minimum Time Limit for Building Plan Approval in any case shall not be less than 30 Days from date of receipt of full-fledged application with SPA (30 days excludes time taken by scrutiny cell, Fire, other depts. Counting will start from date of receipt of application with SPA). After document verification process, licensed Engineer/ Architect shall digitally sign the drawing file for which scrutiny is verified by SPA. This implies that:

- a) There is no requirement for any separate online system for availing these services, thus eliminating the need for a computerized system for identifying building/ area that needs to be inspected based on risk assessment.
- b) There is no separate notified timeline for the afore mentioned service.

- c) There shall not be any explicit entry in the Dashboard for the afore mentioned services.
- d) The 'Inspection Procedure and Checklist for Inspection' is the same as that of Building Plan approval.

2. Process for Revalidation of Building Plans which is part of Building Plan Approval process.

Presently there is not any online system to accept the applications for revalidation of building plans. As per MIDC circular no. A43676 dt. 09.02.2016 there is a provision to recover Rs.1000/- for revalidation of building plan or amount to be recovered as per CDCPR clause 2.7.1 whichever is higher or as per clause no 2.7.7 as follows.

The commencement certificate / development permission, as approved, shall remain valid for 4 years in the aggregate but shall have to be renewed every year from the date of its issue. The application for renewal shall be made before expiry of one year if the work is not already commenced. Such renewal can be done for three consecutive terms of one year after which proposals shall have to be submitted to obtain development permission afresh. If application for renewal is made after expiry of the stipulated period during which commencement certificate is valid, then the Authority may condone the delay for submission of application for renewal by charging necessary fees at the rate of 1/3 of amount as per Regulation No. 2.2.13 per year, but in any case, commencement certificate shall not be renewed beyond 4 years from the date of commencement certificate / development permission.

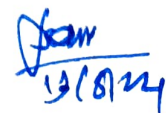
As per general condition in commencement letter, permission stands cancelled if no construction work is started within 12 months from the date of issue of this letter or the date given in the agreement to lease to start construction work whichever is earlier.

As per section 48 of MR&TP Act, every permission for development granted or deemed to be granted under section 45 or granted under section 47 shall remain in force for a period of one year [from the date of receipt of such grant], and thereafter it shall lapse:

Provided that, the Planning Authority may, on application made to it extend such period from year to year; but such extended period shall in no case exceed three years: [Provided further that, if the development is not completed up to plinth level or where there is no plinth, up to upper level of basement or stilt, as the case may be, within the period of one year or extended period, under the first provision, it shall be necessary for the applicant to make application for fresh permission.

This implies that:

- a) The existing system for Building Plan approval addresses the requirement of 'Revalidation of Building Plan', along with the requirement for a computerized system for identifying building/ area that needs to be inspected based on risk assessment.
- b) There is no separate notified timeline for the afore mentioned service.
- c) The 'Inspection Procedure and Checklist for Inspection' is the same as that of Building Plan approval.


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However, as the user is required to pay an amount thus effecting a change in the usual workflow as that of Building Plan approval, a separate entry of 'Revalidation of Building Plan' is made available in the Dashboard.

3. Process for Demolition Permission

Definition of development in MR&TP Act shall include demolition itself therefore it is felt that no separate service is required for only demolition of existing building. Architect on behalf of plot holder can show the partial structure to be demolished or the entire structure to be demolished in the plan itself along with the proposed development of the said plot. The existing system for 'Building Plan approval' has provision for the Architect to submit plan for 'Demolition and Reconstruction of Building' (in case of any existing structure). The rest of the process is the same as that of Building Plan approval. Therefore, there is no necessity to develop online system receiving application only for demolition permission. Procedure as per rules MIDC Circular No. B-57165 dtd.27/05/2015 shall be followed for revised time limit.

- a) There is no requirement for any separate online system for availing these services, thus eliminating the need for a computerized system for identifying building/ area that needs to be inspected based on risk assessment.
- b) There is no separate notified timeline for the afore mentioned service.
- c) There shall not be any explicit entry in the Dashboard for the afore mentioned service.
- d) The 'Inspection Procedure and Checklist for Inspection' is the same as that of Building Plan approval.

4. Occupancy/Completion certificate

As per regulation no. 2.10 of MIDC CDCPR-2023, SPA shall issue an occupancy certificate in the form prescribed in Appendix-H or refuse to sanction the occupancy certificate prescribed in Appendix-I within 21 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. Maximum Time Limit for OCCUPANCY CERIFICATE in any case shall not exceed 08 Days from date of receipt of full-fledged application with SPA

All other content of earlier reference circular 1, 2 & 3 will remain unchanged. All the SPA shall take note of the same and take necessary action from the date of issuance of this circular & strictly follow the time limit stipulated for the same. This circular is issued with prior approval of Hon. Jt.CEO MIDC


Chief Planner

MIDC Mumbai -93

please

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All Executive Engineers in MIDC

All SPAs in MIDC.

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