



Business Reform Action Plan 2016 Response by Government of Maharashtra

Area 4a: Construction Permit Enablers

70: Implement a system to allow approval based on third party certification (during construction and/or completion stage, as applicable) of structural design and architectural drawings by authorized structural engineers and architects respectively across all ULBs and IDCs

Response: **Yes**

Remarks:

MIDC:

MIDC vide circular dated 24/02/2016, (No. MIDC/CP/A60356/2016) allows approval based on third party certification during construction and/or completion stage of structural design and architectural drawings.

The relevant circular can be found at:

<http://www.midcindia.org/documents/20182/27976/Empanelled+architects.pdf/06742378-8751-43b9-85c1-897494b22e05>

ULBs

As per the Development Control Regulations 1991, Urban Development Department, GoM has made a provision for issuing approvals based on third party certification by authorized structural engineers and architects across all ULBs.

Please refer to the DCR 1991 at <http://www.mcgm.gov.in/irj/portal/anonymous/qldecreg>



Government Of Maharashtra


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Supporting Documents:

MIDC

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)

No. MIDC /CP /A60356/2016
Date: 24 / 02 / 2016



Sub: Regarding appointment of Accredited Architects for Fast Track Approvals.


Ref: (1) Advertisement published in newspapers, dt. 27/11/2015
(2) Office order no. MIDC/CP/D44166/2015, dt. 08/12/2015

MIDC has published an advertisement under reference no. (1) above in newspapers for empanelment of Accredited Architects for Fast Track Approvals for year 2016 under Regulation No. 15 of MIDC DCR-2009 and applications were invited from Architects. The scrutiny committee formed as per the office order under reference no. (2) above has scrutinized all applications which were received in stipulated time limit & shortlisted eligible architects.

Also, vide letter no. D42168 dated 17.11.2015; Architects empanelled for year 2015 have given their consent to continue them as empanelled Architect with MIDC for year 2016.

A list of empanelled accredited Architects for year 2016 is enclosed herewith. All SPAs are hereby directed to take a note of the same.

Encl: As above


Chief Planner, 24/2/2016
MIDC, Mumbai-93

Copy submitted Hon. C.E.O. for information please.

Copy fwcs to all HODs, MIDC

Copy to all SEs/ All EEs/ROs/SPAs, MIDC

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ULB

Approval based on third party certification : Section 5.4 – Building plan Approval ; Section 6.4 – Plinth certificate; Section 6.6 – Completion certificate, Section 6.7 – Occupancy certificate

certificate from these authorities, applicable to the occupancy, shall also accompany the application.

- (xiv) *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 centre, crèche, adult-literacy and non-formal education programmes for the construction workers, directly by him or through a voluntary agency.
- (4) *Signing of plans by owners and licensed personnel/architect.* - (i) *Signing of Plans.* - All the plans shall 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 letter, addresses and license numbers when so licensed, allotted by the Commissioner.
- (ii) *Qualification and competence of the Licensed Surveyor/Engineer/Structural Engineer/Supervisor.* - The Commissioner shall license surveyors, engineers, structural engineers and supervisors with the qualifications listed in Appendix XII to perform the tasks mentioned in that Appendix.
- (5) *Processing of the development permission application.* - (i) *Grant of permission or refusal* - The 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 in Appendix XIII or XIV.
- (ii) *Fire brigade scrutiny.*-The plans for all multi-storied, high rise and special buildings shall also be subject to the scrutiny of the Chief Fire Officer, and development permission shall be given by the Commissioner only after the clearance by the Chief Fire Officer.
- (iii) *Deemed permission.*-If within sixty days of the receipt of the notice under sub-Regulations (i) of Regulations 5, the Commissioner fails to intimate in writing to the person who has given the notice his refusal or sanction, 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 plans.* - Once the plans have been scrutinised and objections have been pointed out, the owner giving notice shall modify the plans to comply with the objections raised and resubmit them. The plans submitted for final approval shall not contain superimposed corrections. The Commissioner shall scrutinise the revised plans and shall grant or refuse commencement certificate/development permission within sixty days from the date of resubmission.
- (6) *Commencement of work.* - A commencement certificate/development permission shall remain valid for four years in the aggregate, but 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.



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For the purpose of this Regulations, 'Commencement' shall mean as under: -

(a)	For a building work including additions and alterations	Upto plinth level
(b)	For bridges and overhead Tanks	Foundation and Construction work upto the base Floor.
(c)	For Underground works	Foundation and Construction work upto floor of underground Floor.
(d)	For lay-out, sub-division and amalgamation proposals	Final demarcation and provisions of Infrastructure and services upto the following stages: (I) Roads : Water bound macadam complete. (II) Sewerage, Drainage and water supply excavation and base concreting complete.

6. Procedure during construction.-

- (1) **Construction to be in conformity with Regulations.- Owner's liability.-** Neither the grant of permission nor approval of the drawing and specifications nor inspections by the Commissioner during erection of the building, shall in any way relieve the owner of such building from full responsibility for carrying out carrying out the work in accordance with these Regulations.
- (2) **Notice to start of work :-** The owner shall give notice to the Commissioner of his intention to start work on the building site in the form of given in Appendix XV. The owner may start the work after 7 days have elapsed from the date of the service such notice to the Commissioner or earlier, if so permitted.
- (3) **Documents at site :-** (I) **Results of tests:-** Where tests of any material are made to ensure conformity with the requirements of these Regulations, record 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 Commissioner.

(II) **Development permission :-** The person to whom a development permission is issued shall during construction, keep-
 - (a) posted in a conspicuous place, on the site for which permission has been issued, a copy of the development permission; and
 - (b) a copy of the approved drawings and specifications referred to in Regulations 5 on the site for which the permit was issued.
- (4) **Checking of plinth columns upto plinth level :-** The owner through his licensed surveyor, engineer, structural engineer or supervisor or his architect shall give notice in the form of Appendix XVI to the Commissioner on completion of work upto plinth level to enable the Commissioner to ensure that the work conforms to the sanctioned plans. The Commissioner may inspect the work jointly with the licensed technical personal 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 in Appendix XVII. If within this period, the permission is not refused, it shall be deemed to have been given provided the work is carried out according to the sanctioned plans.
- (5) **Deviation during constructions :-** If during the construction of a building, any departure of a substantial nature from the sanctioned plans is intended by way of internal or external additions, sanction of the Commissioner shall be necessary. A revised plan showing the deviations shall be submitted and the procedure laid down for the original plans heretofore shall apply to all such amended plans. Any work done in contravention of the sanctioned plans, without prior approval of the Commissioner, shall be deemed as unauthorised.



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- (6) **Completion certificate** :- The owner, through his licensed plumber, shall furnish a drainage completion certificate to the Commissioner in the form in Appendix XIX. The owner through his licensed surveyor/engineer/structural engineer/supervisor or his architect, who has supervised the construction, shall furnish a building completion certificate to the Commissioner in the form in Appendix XX. These certificates shall be accompanied by three 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 in Appendix XXI.
- (7) **Occupancy certificate** :- On receipt of the acceptance of completion certificate in the form in Appendix XXI, the owner, through his licensed surveyor/engineer/structural engineer/supervisor or his architect shall submit to the Commissioner a development completion certificate in the form in Appendix XVIII with three copies of the completion plan, one of which shall be cloth mounted for record. The 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 in Appendix XXII or refuse to sanction the occupancy certificate 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. One set of plans, certified by the Commissioner as the completed plans, shall be returned to the owner along with the occupancy certificate. Where the occupancy certificate is refused or rejected, the reasons for refusal or rejection shall be given in intimation of the rejection or refusal.
- (8) **Part occupancy certificate** :- When requested by the holder of the development permission, the 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 owner's indemnifying the Commissioner in the form in Appendix XXIII.

7. Amendment/modification to Appendices :-

Except where the same are prescribed in Mumbai Municipal Corporation Act, 1888, or Maharashtra Regional and Town Planning Act, 1956 or the rules or bye-laws framed thereunder, the Commissioner may, from time to time, add to, alter or amend Appendices X to XXIII.

8. Inspection

- (1) **Inspection at various stages**:- The 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 so to do.
- (2) **Inspection by Fire Department**:- For all multi-storeyed, high-rise and special buildings the work shall also be subject to inspection by the Chief Fire Officer, and the Commissioner shall issue the occupancy certificate only after clearance by the said Chief Fire Officer.
- (3) **Unsafe building** :- All unsafe buildings 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 Commissioner.
- (4) **Unauthorised development** :- In case of unauthorised development, the Commissioner shall -
- take suitable action which may include demolition of unauthorised works as provided in section 53 of the Maharashtra Regional and Town Planning Act, 1956 and the relevant provisions of the Mumbai Municipal Corporation Act, 1888.
 - take suitable action against the licensed technical person or the architect concerned.