

Maharashtra Industrial Development Corporation
(A government of Maharashtra undertaking)

No: MIDC/Law and Procedure/BCC/152/2012

"Udyog Sarathi",
Marol Industrial Area,
Mahakali Caves Road,
Andheri (East), Mumbai- 93.
Date : 17/4/12

Circular

Subject: Policy regarding obtaining Building Completion Certificate (BCC) by constructing 20% of the land as per MIDC's Development Control Regulations.

It is inevitable to go into component production by obtaining Building Completion Certificate (BCC) by constructing on Industrial Area plot developed by MIDC, within the stipulated time as per the approved plan as per the Development Control Regulations.

MIDC has observed that budding entrepreneurs obtain Building Completion Certificates by constructing 100% as per the approved plans. However, some entrepreneurs start production by obtaining Part Building Completion Certificate (Part BCC) without completing the building within the stipulated time and obtaining Building Completion Certificate and under the guise of starting production, they demand an extension to obtain Building Completion Certificate without incurring additional charges and they have to pay extra till the construction is completed as per the approved plan.

Some entrepreneurs approve construction plans for small areas and build accordingly and obtain Building Completion Certificates. Such entrepreneurs, however, do not need further extension for construction, nor do they have to pay extra.

The matter was discussed and presented for decision at the 344th meeting of MIDC held on 30/11/2011 to remove the above discrepancies. The matter was discussed in detail in the meeting of the Board of Directors and Resolution No. 5068 was passed and the following policy was decided in this regard.

It is being made mandatory for the plot holder to construct at least 20% of the permissible FSI (Basic) in order to obtain the Building Completion Certificate. Some plot holders approve maps of more than the permissible 20% FSI (Basic) area, but they are unable to construct as per the approved plans or receive a Part Building Completion Certificate (Part BCC), in such a case, if at least 20% of the permissible FSI (Basic) construction is completed and the component goes into production, they should be given a Building Completion Certificate and will not need to extend the construction of the remaining 80% FSI (Basic). However, such concessions may be granted subject to the following terms and conditions:

1. If at least 20% of the permissible FSI (Basic) has not been constructed within the stipulated period, the plot holder will have to pay an additional amount (paid) as per the prevailing policy of MIDC till 20% of the construction is completed and the Building Completion Certificate (BCC) is produced.
2. If construction is not completed as per approved plans. Also, if at least 20% of the permissible FSI (Basic) has not been constructed and the component has not gone into production, the plot holder will have to pay an additional fee (paid) till the component goes into production, as per the prevailing policy of MIDC.
3. When applying for a plot, the project report should clearly state how the required construction will be carried out in phases. Out of which, in the first phase, construction of at least 20% of the permissible FSI (Basic) should be mentioned in the project report.
4. Water and other general rates for further construction will be applicable if the component has gone into production with a Building Completion Certificate by constructing at least 20% of the permissible FSI (Basic) on the plot within the stipulated time. However, if the component does not go into production with a Building Completion Certificate by constructing at least 20% of the permissible FSI (Basic), then according to the prevailing policy of MIDC, the

term should be extended by charging extra amount (paid). Also, in such cases, one and a half times the water rate and other incremental rates should be charged.

5. At the time of allotment of plots, if the construction proposed in the project report is multi-storey and the applicant has completed the construction at the rate of 20%, then it will not be possible to go into production with a Part Building Completion Certificate till the completion of the above floors. As per the prevailing policy of MIDC, the applicants will have to pay an additional amount (paid) till the completion of the multi-storey building.
6. If the plot holder has been given a Part Building Completion Certificate (Part BCC), as per the approved plan, till the completion of the building and till he gets the Complete Building Completion Certificate as mentioned in the building permit, it will be mandatory to get extension from the building planning/ design planning special planning authority and according to the project report, the final agreement will be signed only after the completion of construction.
7. This policy applies to all pending cases as well as to all subsequent allotments in cases where more than 20% of the construction plans have been approved and the Complete Building Completion Certificate has not yet been obtained and production has not started.
8. When requesting a plot of land, if the entrepreneur has shown less than 20% of FSI (Basic) construction area permits in the Project Report as per their purpose E.g. Fabrication, Pulses Mill, Pipe Industries, etc., due to the large amount of space required for the industry and has been approved at the level of CEO, then entrepreneurs should not be required to construct at least 20% for obtaining Building Completion Certificate. However, the construction proposed by such entrepreneurs in the project report will have to be completed within the stipulated time and they will have to go into production.
9. Prior to this policy, the plot holder who has obtained the Part Building Completion Certificate and now as per this policy, by constructing at least 20% of the permissible FSI (Basic), the component which has gone into production will be considered as Part Building Completion Certificate (Part BCC), the plot holder who has taken the Part Building Completion

Certificate, has already paid the additional non-refundable amount to MIDC for extension of the Building Completion Certificate, that amount should not be returned to the plot holder. Also, such plot holders should not be charged extra for extension for subsequent construction. Similarly, if water charges have been levied at one and a half times before the date of this circular/ if water charges have been paid at one and a half times before, the amount should not be refunded. Plot holders who have obtained a Building Completion Certificate of less than 20% FSI (Basic) construction, as per the previous policy, and have started production, will be charged a one-time water rate. However, those plot holders who have obtained Part Building Completion Certificate and as per the revised policy, are required to pay water at one and a half times till they get Build Completion Certificate using at least 20% FSI (Basic) and go into production. Accordingly, in Issue No. C (2) of Circular No.G./05/2006, dated 24/04/2006, it is required to go into production by constructing at least 20% instead of at least 10% construction.

10. Currently, landowners who have constructed less than 20% of the permissible FSI (Basic) or who have constructed more than 20%, but these components have not gone into production, whether or not such a plot holder has a Part Building Completion Certificate, both of these conditions/ matters will be binding on him under this policy, to construct at least 20% of the permissible FSI (Basic) as well as to go into component production.
11. Prior to this circular, all circulars/ guidelines for obtaining Building Completion Certificates are being revoked.
12. All relevant parties should take note of the fact that the above policy will be effective from the date of this Circular.

This Circular is being issued with the concurrence of the Department of Law, Planning and Engineering and with the approval of the Hon'ble Chief Executive Officer, MIDC.