

Maharashtra Industrial Development Corporation

(A government of Maharashtra undertaking)

no.MIDC/Land Department/Desk-1/C73850

“Udyog Sarathi”,
Marol Industrial Area,
Mahakali Caves Road,
Andheri (East),
Mumbai-93
Date : 08/09/2015

Circular

Subject: Regarding non-penalty extension sanctioned for plots where production has started without obtaining Building Completion Certificate for the building constructed on the plot.

References :

1. Circular no. MIDC/Land Department/Desk-1/A71222, dated 06.03.2013
2. Circular no.MIDC/Land Department/Desk-1/3352/2012, dated 21.12.2012
3. Circular no. MIDC/Land Department/Desk-1/D47131, dated 08.12.2014
4. Circular no. MIDC/Land Department/Desk-1/C44372, dated 12.08.2015

As per the above reference Circulars of MIDC, guidelines have been issued for granting post extension with retrospective effect and giving a free period of 90 days for obtaining Building Completion Certificate for the plot accordingly.

The entrepreneur may have started production by developing the plot, but it is not possible to issue Building Completion Certificate as the construction is not in accordance with the approved plans or the plans are not approved due to extension. The issue of granting extension to such land holders was raised in the 360th meeting of the Board of Directors of MIDC dated 14.01.2015. After a detailed discussion on the subject, Resolution No. 5457 was passed and in accordance with that Resolution, the revised policy for granting extension in such cases is being worked out as follows-

1. Landlords who have started production by constructing a building but the construction done is not in accordance with the approved plans or the plans have not been approved due to lack of extension or revised plans have not been approved. However, the construction is in accordance with the MIDC's Development Control Regulations, in cases where the prescribed period for obtaining a Building

Completion Certificate expires or extends to the date of commencement of production on the plot or the date of submission of a complete proposal for Building Completion Certificate, whichever is earlier a paid extensions should be approved with retrospective effect till that month and a period of 90 days should be given free of cost to get the Building Completion Certificate.

2. It will be mandatory for the Special Planning Authority to issue Construction Completion Certificate within 90 days from the date of approval of free extension for obtaining Construction Completion Certificate by the Regional Officer's Office.
3. If the Building Completion Certificate (BCC) is not obtained even within the above 90 days period, it will be necessary to take a paid extension as per the prevailing policy of MIDC to get the Building Completion Certificate (BCC) from the day on which the 90 days period ends. 25% and 40% for first and second extensions for industrial zone plots in sections A, B and C respectively for paid extensions after 90 days free period and 10% each for first and second extensions for industrial plots in section D and D +, respectively, extension charges should be levied. Extension charges should be levied for the subsequent period as per the prevailing policy of MIDC at that time.
4. In case the plot has been approved but the construction work is not as per the approved plans or construction plans submitted for approval but construction is completed without approval of plans and if the plot holder has gone into production but the construction is done as per the provisions of the Development Control Regulations of MIDC, then it will be the responsibility of the Special Planning Authority to regulate the construction by charging compounding charges as per the policy of MIDC.
5. In cases where production has started on the plot, but the construction on the plot is not as per the approved plans and a paid extension has been granted but still such land holders have not paid the extension fee, after the Special Planning Authority certifies that the construction on such land is in accordance with the Development Control Regulations, action should be taken as per the policy mentioned above (1) to (4). In such cases, the land holders who have already paid the extension fee will not be refunded.
6. Land holders/ entrepreneur who have constructed the building without submitting the building plan to the concerned department but have not started production also they are not benefited by participating in the Special Extension Scheme issued by MIDC, such land holders will not be able to avail the benefits of this Circular.

The above mentioned policy is applicable to all types of plots, all pending but before 06.03.2013 prescribed development period as well as extension period has expired such receiving cases are being applied.

Please note that while determining the date of commencement of production on the plot as per Reference Circular No. 4 dated 12.08.2015, it will be the responsibility of the concerned to strictly implement this Circular keeping in mind that there will be no financial loss to MIDC.

This Circular is being issued with the approval of Hon'ble Chief Executive Officer, MIDC.