

# Maharashtra Industrial Development Corporation

(A Government of Maharashtra Undertaking)

No. MIDC/CP/P1363282023

Date: 07 /12/2023

## CIRCULAR

**Subject:** Guidelines for recovery of compounding charges for permitting structures and regularizing already constructed structures in marginal open space for all plots in MIDC.

- Reference:** 1) Circular no. MIDC/CP/281 dt. 08/02/1999  
2) Circular no. MIDC/CP/ A26305 dt. 28/01/2016  
3) Office order no. MIDC/E31101/2019 dt. 26/12/2019  
4) Circular no. MIDC/CP/A03125/2021 dt. 04/01/2021  
5) Circular no. MIDC/CP/D98927/2022 dt. 02/12/2022  
6) Govt. Notification no. TPB-4322/314/CR-25/2022/UD-11 dt. 05/07/2023

In order to restrict MIDC plot holders to construct structures in marginal open space and to minimize the cases of encroachment in marginal open space, guidelines regarding recovery of compounding charges for structures violating rules with marginal encroachment in the open spaces under hardship have been issued vide circulars under reference as above.

It is however represented by MIDC plot holders that projections, accessory / ancillary buildings and structures as mentioned in clause no. 5.7 of CDCPR-2023 need to be constructed at a specific location as per specific need of the activity and requirement of the concerned authority.

In such cases, many plot holders build these structures along compound wall and construction of these structures along compound wall is treated as an encroachment in marginal open space even though sufficient marginal distance is available in between above stated ancillary structures and main factory building. It is therefore felt necessary to permit above stated ancillary structures along plot boundary subject to condition that the minimum marginal distance as per clause no. 5.1 / 5.2 / 5.3 / 5.4 and Table no. 5A / 5B / 5C of the CDCPR-2023 is available between main factory building and ancillary structures, which is required for the movement of fire fighting vehicles.

It has also been observed that such hardship is being faced in industrial and all other types of buildings & hence, the said provision of recovery of compounding charges needs to be made applicable for industrial as well as all other types of buildings.

Therefore, following guidelines shall be followed while permitting structures in marginal open space for all the plots in industrial areas of MIDC.

1) With reference to provisions in clause no. 2.4 the CDCPR-2023, structures in marginal open space shall be regularized by giving concession as per the provisions of clause no. 2.4 of the CDCPR-2023 and by recovering below mentioned compounding charges, provided the relaxation sought does not violate the health safety, fire safety, structural safety & public safety of the inhabitant of the building and the neighborhood.

a) Compounding charges for regularization of construction in marginal open space of industrial and all other types of buildings –

Industrial area falling in Group 'A'	Area of encroachment X 2 times the block rate
Industrial area falling in Group 'B'	Area of encroachment X 1.5 times the block rate
Industrial area falling in Group 'C', 'D' and 'D+'	Area of encroachment X block rate

b) Compounding charges for regularization of ancillary structures in marginal open space having minimum marginal distance as per the provisions of clause no. 2.4 of the CDCPR-2023 = 50 % of block rate for Class I construction X area of encroachment X 50 %

2) Powers to regularize construction upto 40 sqm in marginal open space by recovering compounding charges are hereby delegated to the concerned SPA with consent of local Divisional Fire Officer and with prior approval of concerned Executive Engineer where Dy. Engineer / Dy. Planner / Dy. Architect / Asstt. Planner / Asstt. Architect is SPA and with prior approval of Superintending Engineer where Executive Engineer / Asso. Planner / Asso. Architect is SPA.

3) The proposals regarding regularization of construction more than 40 sqm in marginal open space shall be submitted to the Chief Executive Officer through Chief Planner after obtaining remarks of Fire Department.

Earlier circular no. MIDC/CP/281 dt. 08/02/1999, circular no. MIDC/CP/A26305/2016 dt. 28/01/2016, circular no. MIDC/CP/A03125/2021 dt. 04/01/2021 and circular no. MIDC/CP/D98927/2022 dt. 02/12/2022 shall be treated as cancelled. All SPAs are hereby directed to take a note of the same and further action shall be taken accordingly.

  
07-12-23  
**Chief Executive Officer**

MIDC, Mumbai-93.

Copy to Jt. CEO (Admin) / Jt. CEO (SP) / Jt. CEO (Vidarbha) for information.

Copy to all HoDs, MIDC for information.

Copy to all ROs / EEs / SPAs, MIDC for information and necessary action.

Copy to all Officers of Planning Department & Fire Department for information and necessary action.

Copy to Guard File.