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Ref. No. MCHI/PRES/19-20/647

August 27, 2020

To,

Shri Iqbal Singh Chahal (I.A.S.)

Municipal Commissioner

Municipal Corporation of Greater Mumbai

Mumbai - 400 001

Sub: Suggestion for modification in Reg 33(7) DCPR 2034 for Municipal tenanted Plots and to promote cluster redevelopment under Reg 33(9) of DCPR 2034

Respected Sir,

With reference to above, We would like to bring to your notice , certain suggestion to be made to modify existing Reg33(7) for Municipal tenanted plots and Lease hold plots of MCGM to make project viable and **bring more revenue to MCGM and to Promote cluster redevelopment under Reg 33(9)** , which has been a failure till date due to non-viable provision in DCPR 2034 and in earlier DCR 1991 , which is the need of this city for promotion of sustainable development.

Following are our Suggestion for modification in said regulation with justification for your reference and perusal.

Sr.no	DCPR 2034 Regn	Issues on	Recommendation /Suggestion	Justification
1	14- Note ii	In case of redevelopment under 33(7), 33(7)(A), 33(10) amenity as per this Regulation shall be reduced to 35%.	Modification proposed: In case of redevelopment under 33(7), 33(7)(A), 33(10) amenity as per this Regulation shall be reduced to 35%. And to be made applicable for plots above 20000sq.mts only	33(7) being high density projects dealing with rehab of old protected tenants under rent control act , to consume FSI - additional amenity in 1991 DCR was also insisted for plots beyond 20000sq.mts to be restored .



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2	17(3)(B)(2)	Clarification of applicability of 17(3)(b) sub clause 2 - i.e.	<p>Benefit under 33(7) for Free hold plots and Municipal tenanted plots and Non cess structures on cess plots availing benefit of FSI under 33(7) should be on par, being single regulation to prevent disadvantage MCGM for its own buildings and non cess structures being on same plot i.e. Reservation stands deleted equal to land component of BUA of structures including cess / non cess / or for municipal tenanted structures also on same plot . and</p> <p>Note: Notwithstanding anything in above , for Plot area is excess to the said land component shall hand over reservation as per 17(1) or AR policy for land and BUA , however for FSI in 33(7) shall be i.e FSI 3.00 on Gross plot including area under reservation</p>	<p>17(3)(b)(3) any ways stipulates to provide 25% municipal tenanted PAP housing even if plot have no reservation and for plots having Designation of MH and Non cess are deemed to be cess for purpose of FSI and same should be applicable for working our reservation component</p> <p>In case of vacant plot with no reservation, FSI is Gross 3.00 , this way MBRRB will get more surplus and will improve project viability.</p>
3	17(3)(b)(3)	BUA equal to 25% of Zonal FSI is to be provided PAP to MCGM, and for and the developer shall be entitled to BUA in lieu of cost of construction against handing over of built up amenity as per Note (d) of Regulation 17(1).	Benefit as per 17(1) to be allowed as TDR or in situ consumption of FSI as per same ratio	Similar option is given in all other schemes under AOS and 17(1)

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4	33(7)(4) for Municipal tenanted properties - ie buildings belonging to corporation	Buildings of Corporation existing prior to 30.09.1969 as per this Regulation, the BUA beyond area required for re-accommodation of existing occupants and incentive thereon of such rehab area if any shall have to be shared between MCGM and Society of occupants in the ratio of 1(MCGM): 0.5(Society of occupants) or compensation for MCGM share shall be paid to MCGM, as per policy of Municipal corporation.	<p>Surplus area for lease hold lands of MCGM , to be on par with Appendix III of MHADA act to being free hold and</p> <p>And Municipal tenanted property on Par with Table C of 33(5) Provision of Surplus table</p> <p>Further for Surplus area in municipal tenanted plots , where sharing is not availed by applicant then recovery of Capitalised value to be done as per Table C of 33(5) to maintain parity among development of MCGM and MHADA lands</p> <p>The Capitalised value of Surplus area to be max 25% of land ASR on par with 33(5) policy for premium for Surplus FSI in Table C as per notification dated 20.08.2019 vide TPB/4319/18/CR - 123/2019/UD 11</p>	Under Reg 30, Government FSI is at a cost of 35% of land ASR and Municipal tenanted property if kept at 100% on Land ASR will lead to severe disadvantage of such plots which otherwise generate additional PAP in EVERY SCHEME for use in Govt infrastructure projects

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5	33(7)5(b) Municipal tenanted properties – ie buildings belonging to corporation and incentive for Proposal under 33(9) to benefit with same incentive as 33(10)	Provided, further that if the number of plots jointly undertaken for development of six or more with cessed buildings existing prior to 30/9/1969, or in case of redevelopment of municipal properties under this regulation having eligible tenements density more than 650/ ha, FSI will be 3.00 or FSI required of rehabilitation for occupiers plus 70%	Incentive to be on par with 33(10)- table B <table><tr><th>Basic Ratio (L/R.C)*</th><th colspan="6">Incentive as per area of scheme</th></tr><tr><th></th><th>up to 0.40 ha</th><th>More than 0.4 ha up to 1 ha</th><th>More than 1 ha up to 5 ha</th><th>More than 5 ha up to 10 ha</th><th>For more than 10 ha upto 20 ha</th><th>For more than 20 ha</th></tr><tr><td>Above 6.00</td><td>0.8</td><td>0.85</td><td>0.90</td><td>0.95</td><td>1.0</td><td>1.05</td></tr><tr><td>Above 4.00 and upto 6.00</td><td>0.90</td><td>0.95</td><td>1.0</td><td>1.05</td><td>1.1</td><td>1.15</td></tr><tr><td>Above 2.00 and upto 4.00</td><td>1.0</td><td>1.05</td><td>1.1</td><td>1.15</td><td>1.2</td><td>1.25</td></tr><tr><td>Upto 2.00</td><td>1.10</td><td>1.15</td><td>1.2</td><td>1.25</td><td>1.3</td><td>1.35</td></tr></table> <p>For Municipal tenanted property/Lease hold lands , no of CS no are always more and there are more no of plots so incentive to be based on plot area rather than density, on similar grounds to 33(10) Benefit of incentive for 33(7) and 33(9) to be similar to give boost to redevelopment.</p>	Basic Ratio (L/R.C)*	Incentive as per area of scheme							up to 0.40 ha	More than 0.4 ha up to 1 ha	More than 1 ha up to 5 ha	More than 5 ha up to 10 ha	For more than 10 ha upto 20 ha	For more than 20 ha	Above 6.00	0.8	0.85	0.90	0.95	1.0	1.05	Above 4.00 and upto 6.00	0.90	0.95	1.0	1.05	1.1	1.15	Above 2.00 and upto 4.00	1.0	1.05	1.1	1.15	1.2	1.25	Upto 2.00	1.10	1.15	1.2	1.25	1.3	1.35	Benefit for Slum and legal tenement to be on par and not discriminatory- DCPR to be standardised for benefits with similar constraint.
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6	33(7)(19)	To allow composite development of slum and cessed structures together in case of corporation schemes	Clarification required - MCGM has already forwarded report for same - To allow composite development of 33(7) and slum structures adjoining or within scheme as per 33(10) to allow larger land parcels to amalgamate and claim benefit under respective schemes and planning is together for better quality of light and ventilation	Same was already in practice since 2009 , however SRA was planning authority for both and now in case of Corporation plots of MCGM - MCGM is planning authority so Benefit or DCPR has to be same irrespective of planning authority																																										
7	33(7) (8)	Relaxation in building for 33(7)	All relaxation in premium under 33(7) and 33(10) to be on par for both composite and non composite buildings as per provision of DCR 1991	Boost is required for cessed and such old structures prior to 1969, whose condition is like slums and unhygienic conditions																																										

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8	Min Road width requirement is 18m to do Cluster development as per DCPR Reg. 33(9) 1.1	To be reduced to 9.0 m for height upto 120m - 12m for additional height	Roads in city of 18.0m above are less than 35% of total roads which means 65% of City cannot do Cluster redevelopment which is the need of the hour for planned development. Also Under DCPR 33(7)/33(10) 9.00 m width of road is sufficient for the redevelopment proposal.	
9	Land pooling - Exchange of such land with a suitable land of at least equivalent value as per ASR land rates. Reg. 33(9)(3)	Exchange of such land with a suitable land of at least equivalent value as per 25% ASR land rates. Also Once money is deposited with MCGM , It shall deemed approval for plots belonging to State Government/MCGM lease hold plots and for private plots Acquisition process to be simplified to be completed by Collector within 6 months . Detail Guidelines to be prepared for same.	Supreme Court has Given in its judgement in lease hold plots also that encumbered lands cannot be valued more than 25% of Land ASR , as such there cant be value of land but value to FSI.	
10.	Sub clause 4(a) insist to provide consents to be registered. Reg. 33(9) 4(a)	Consent in all schemes are notarised. Rent and corpus to on par with MHADA policy for 33(7)	Registration is additional tax burden which needs to be relaxed.	

11	Rehab area Addition al area to rehab is Granted only if Scheme is above 1HA unlike in 33(7) where based on no of plots addition al area to rehab is granted as result tenant don't want to amalga mate for larger develop ment under 33(9). Reg. 33(9)(5)	Proposed Rehab area - upto 1HA - Based on no of plots rehab to be granted 5% (Single plot)/8%- (2-5 plots) /15% more than 5 plots same as per clause 33(7)- (5)(A/B/C/) and thereafter for more than 1HA as per table below	Unless rehab is proposed same area as per other scheme cluster will be a failure.																																											
12	Reg. 33(9)(6)	Table B on par with 33(10)	Schemes under 33(7) , 33(9) and 33(10) to be on par to allow amalgamation of schemes as other wise Slum scheme will never merge with Cluster as benefit are less and also for schemes need to be made viable.	<table><tr><th>Basic Ratio</th><th colspan="6">Incentive as per area of scheme</th></tr><tr><th>(LR/RC)*</th><th>up to 0.40 ha</th><th>More than 0.4 ha up to 1 ha</th><th>More than 1 ha up to 5 ha</th><th>More than 5 ha up to 10 ha</th><th>For more than 10 ha upto 20 ha</th><th>For more than 20 ha</th></tr><tr><td>Above 6.00</td><td>0.8</td><td>0.85</td><td>0.90</td><td>0.95</td><td>1.0</td><td>1.05</td></tr><tr><td>Above 4.00 and upto 6.00</td><td>0.90</td><td>0.95</td><td>1.0</td><td>1.05</td><td>1.1</td><td>1.15</td></tr><tr><td>Above 2.00 and upto 4.00</td><td>1.0</td><td>1.05</td><td>1.1</td><td>1.15</td><td>1.2</td><td>1.25</td></tr><tr><td>Upto 2.00</td><td>1.10</td><td>1.15</td><td>1.2</td><td>1.25</td><td>1.3</td><td>1.35</td></tr></table>	Basic Ratio	Incentive as per area of scheme						(LR/RC)*	up to 0.40 ha	More than 0.4 ha up to 1 ha	More than 1 ha up to 5 ha	More than 5 ha up to 10 ha	For more than 10 ha upto 20 ha	For more than 20 ha	Above 6.00	0.8	0.85	0.90	0.95	1.0	1.05	Above 4.00 and upto 6.00	0.90	0.95	1.0	1.05	1.1	1.15	Above 2.00 and upto 4.00	1.0	1.05	1.1	1.15	1.2	1.25	Upto 2.00	1.10	1.15	1.2	1.25	1.3	1.35
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13	33(9)	Basic FSI as proposed in Existing DCPR is FSI 4.00	<p>The basic FSI for proposal under cluster redevelopment needs to be increased based on road width and plot size</p> <table border="1"> <thead> <tr> <th>Sr.no</th><th>Cluster size</th><th>Road width</th><th>FSI</th></tr> </thead> <tbody> <tr> <td>a</td><td>upto 1HA</td><td></td><td></td></tr> <tr> <td></td><td></td><td>9.0m</td><td>4.00</td></tr> <tr> <td></td><td></td><td>12.0m</td><td>4.50</td></tr> <tr> <td></td><td></td><td>18.0m and more</td><td>5.00</td></tr> <tr> <td>b</td><td>1HA to 2 HA</td><td></td><td></td></tr> <tr> <td></td><td></td><td>9.0m</td><td>4.50</td></tr> <tr> <td></td><td></td><td>12.0m</td><td>5.25</td></tr> <tr> <td></td><td></td><td>18.0m and more</td><td>5.50</td></tr> <tr> <td>b</td><td>2HA and above</td><td></td><td></td></tr> <tr> <td></td><td></td><td>9.0m</td><td>5.00</td></tr> <tr> <td></td><td></td><td>12.0m</td><td>5.50</td></tr> <tr> <td></td><td></td><td>18.0m and more</td><td>6.00</td></tr> </tbody> </table> <p>Note :</p> <p>The provision of Height and Fire protection shall be followed as per Existing provision of DCPR 2034</p> <p>All projects under 33(9) to Follow Green building norms applicable i.e 1) Enegery effeciency 2) water recycling with tertiary treatment 3) waste recycleline with tertiary treatment 4) alternative power like solar or wind for project within site or inventment off site to offset enviornment impact of development . AS required under MOEF guidelines.</p>	Sr.no	Cluster size	Road width	FSI	a	upto 1HA					9.0m	4.00			12.0m	4.50			18.0m and more	5.00	b	1HA to 2 HA					9.0m	4.50			12.0m	5.25			18.0m and more	5.50	b	2HA and above					9.0m	5.00			12.0m	5.50			18.0m and more	6.00
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14	10(7) of DCPR 2034	Instalment and recovery of premium	<p>Proposal – 10% of total premium at time of NOC to CC and 90% before NOC to OC , and in lines with policy with SRA to keep flat lien for euqitable cost in name of MCGM</p> <p>Justificaiton : Reg 10(7) o DCPR 2034 mentions “Development permission/ Commencement certificate shall be granted only on payment of the requisite fees,development charges,premiums, Development cess/off-site infrastructure charges, as applicable for the proposal. The development shall be considered unauthorized if carried out without requisite payments to the Government/MCGM/Planning Authority.</p> <p>NOTE: The Commissioner with special permission may decide the modalities of procedure for Development Permission, including online approval process, from the point of view of Ease of Doing Business.</p> <p>Based on above considering, the hardship we request to consider above proposal for recovery of premium</p>

Sir, we request you to consider above suggestion for revive the industry and to promote development under cluster which is the need of the hour for a city like Mumbai.

Thanking You,

For CREDAI-MCHI



Nayan A. Shah
President



Bandish Ajmera
Hon. Secretary