

Existing provision	Amendment proposed	Suggestion	justification
33(5) Development /redevelopment of Housing Schemes of Maharashtra Housing & Area Development Authority:	33(5) Development /redevelopment of Housing Schemes of Maharashtra Housing & Area Development Authority:		
1) The FSI for a new constructed tenements scheme of Low Cost Housing Schemes on vacant lands for Economically Weaker Section, Low Income Groups & Middle Income Group of the MHADA having at least 60% built up area in the form of tenements under EWS, LIG & MIG categories shall be 2.50.	1) The FSI for a new constructed tenement scheme of Low Cost Housing schemes , implemented by MHADA departmentally on vacant lands for Economically Weaker Section (EWS), Low Income Group (LIG) and Middle Income Group (MIG) categories shall be 2.5 3.0 on the gross plot area (exclusive of the Fungible FSI) and at least 60% built-up area in such scheme shall be in the form of tenements under EWS, LIG and MIG categories as defined by the Government in Housing Department from time to time.	O.K.	
2) For redevelopment of existing housing schemes of MHADA, undertaken by the MHADA departmentally or jointly with societies /occupiers of buildings or by housing societies / occupiers of building or by lessees of MHADA or by the developer, the FSI shall be as under -	2) For the redevelopment of existing housing schemes of MHADA undertaken by the MHADA departmentally or jointly with societies /occupiers of buildings or containing (i) EWS/ LIG and/or (ii) MIG and or (iii) HIG houses with carpet area less than the maximum carpet area prescribed for MIG, the total permissible FSI shall be 3.0 on the gross plot area (exclusive of the Fungible FSI) by housing societies /occupiers of buildings or by lessees of MHADA, or by the developer, the FSI shall be as under	2) For the redevelopment of existing housing schemes of MHADA containing (i) EWS/ LIG and/or (ii) MIG and or (iii) HIG houses with carpet area less than the maximum carpet area prescribed for MIG, the total permissible FSI shall be 3.0 on the gross plot area (exclusive of the Fungible FSI) or the FSI required for rehabilitation of occupant of existing tenement plus incentive FSI as specified in this regulation whichever is more.	There should be no cap on the permissible FSI under this regulation otherwise, it would lead to discriminatory vis-à-vis plots where the rehab FSI and incentive comes to more than 3.00. there is no cap of FSI under regulation 33(7) and 33(9).
a) Total permissible FSI shall be 2.5 on gross plot area.	Deleted	OK	

New	<p>2.1 Where redevelopment of buildings in existing housing schemes of MHADA is undertaken by the housing co-operative societies or the occupiers of such buildings or by the lessee of MHADA, the Rehabilitation Area Entitlement, Incentive FSI and sharing of balance FSI shall be as follows:-</p>	<p>2.1 Where redevelopment of existing housing schemes of MHADA is undertaken by the housing co-operative societies or the occupiers of such buildings or by the lessee of MHADA or through Developer appointed by the society/s and or occupant and or lessee and or Federation of societies as per the procedure laid down by Govt. in Cooperative Dept. the Rehabilitation Area Entitlement, Incentive FSI and sharing of balance FSI shall be as follows:-</p>	<p>All the redevelopment schemes involve the developer without which the occupant / members will not participate in redevelopment and if the procedure laid down by Cooperative Dept. is followed then there will a transparency in selecting the developer who gives maximum benefit to the occupants which will lead to large planned development with cluster approach which in turn will generate large dwelling units for MHADA. Under joint venture MHADA role should be of facilitator and the procedure such as individual consent and conveyance can be bypassed as overall consent is sufficient.</p>
New	<p>A) Rehabilitation Area entitlement:</p> <p>i) Under redevelopment in existing Housing Schemes of MHADA, the entitlement of rehabilitation for an existing residential tenement shall be equal to sum of-</p> <p>(a) a basic entitlement equivalent to the carpet area of existing tenement plus 35% thereof, subject to minimum carpet area of 300 sq. ft., and</p> <p>(b) an additional entitlement, governed by the size of plot under redevelopment, in accordance with Table A below:-</p> <p>Table - A</p>	<p>b) Rehabilitation Area entitlement:</p> <p>i) Under redevelopment in existing Housing Schemes of MHADA, the entitlement of rehabilitation for an existing residential tenement shall be equal to sum of-</p> <p>(a) a entitlement of basic carpet area equivalent to the carpet area of existing tenement subject to the minimum carpet area of 27.88 sq.mtrs. (300 sq.ft.) plus 35% thereof, subject to minimum carpet area of 300 sq. ft., and</p> <p>(b) an additional entitlement, governed by the size area of plot under redevelopment will be , in accordance with Table A below:-</p> <p>Table - A</p>	<p>-</p> <p>The benefit of incentivizing the Rehab FSI should be applicable to the minimum carpet area cases also otherwise the rehab entitlement of tenement having existing area of 180 to 220 will be only 300 Sq.ft. by adding 35% on the existing area more so when the developer is not getting any incentive on fungible FSI. The EWS /LIG tenement will not get the benefit of additional entitlement admissible under Table-A which will discourage them to participate in large redevelopment. Since most of the EWS are of ground floor structure where consumed FSI is very less and thereby more potential for</p>

	<table><tr><th>Area of the plot under Redevelopment</th><th>Additional entitlement (As % of the Carpet Area of the Existing</th></tr><tr><td>Upto 4000 sq.m.</td><td>Nil</td></tr><tr><td>Above 4000 sq.m to 2hect</td><td>15%</td></tr><tr><td>Above 2 hect to 5 hect</td><td>25%</td></tr><tr><td>Above 5 hect to 10 hect</td><td>35%</td></tr><tr><td>Above 10 hect.</td><td>45%</td></tr></table>	Area of the plot under Redevelopment	Additional entitlement (As % of the Carpet Area of the Existing	Upto 4000 sq.m.	Nil	Above 4000 sq.m to 2hect	15%	Above 2 hect to 5 hect	25%	Above 5 hect to 10 hect	35%	Above 10 hect.	45%	<table><tr><th>Area of the plot under Redevelopment</th><th>Additional entitlement (As % of increase in the basic Carpet Area of the Existing</th></tr><tr><td>Upto 4000 sq.m.</td><td>Nil</td></tr><tr><td>Above 4000 sq.m to 2hect</td><td>15%</td></tr><tr><td>Above 2 hect to 5 hect</td><td>25%</td></tr><tr><td>Above 5 hect to 10 hect</td><td>35%</td></tr><tr><td>Above 10 hect.</td><td>45%</td></tr></table>	Area of the plot under Redevelopment	Additional entitlement (As % of increase in the basic Carpet Area of the Existing	Upto 4000 sq.m.	Nil	Above 4000 sq.m to 2hect	15%	Above 2 hect to 5 hect	25%	Above 5 hect to 10 hect	35%	Above 10 hect.	45%	MHADA share of development and by pruning the benefit of additional area to small tenement such potential will go untapped. In large development, the areas under reservation are required to be included and area for table-A should include such areas. Besides the areas under reservation can be exploited as admissible under DCR for more MHADA share as such redevelopment including the reservation should be encouraged.
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<p>Explanation: The plot under redevelopment, means the land demarcated by MHADA for redevelopment.</p> <p>Provided the maximum entitlement of rehabilitation area shall in no case exceed the maximum limit (carpet area prescribed for MIG category by the Govt. as applicable on the date of approval of the redevelopment project.</p> <p>Provided further that the entitlement of rehabilitation area as admissible under this regulation shall be exclusive of the area of balcony.</p> <p>ii) Under redevelopment of buildings in the existing Housing Schemes of MHADA, the rehabilitation area of the existing commercial / amenity units in the Residential Housing scheme shall be equal to the carpet area of existing unit plus 20% thereof.</p>	<p>Explanation: (i) The plot under redevelopment, means the land demarcated by MHADA for redevelopment. It may include layout open spaces and amenities, RG, PG etc.</p> <p>Provided the maximum entitlement of rehabilitation area shall in no case exceed the maximum limit (carpet area prescribed for MIG category by the Govt. as applicable on the date of approval of the redevelopment project.</p> <p>Provided further that the entitlement of rehabilitation area as admissible under this regulation shall be exclusive of the area of balcony.</p> <p>ii) Under redevelopment of buildings in the existing Housing Schemes of MHADA, the rehabilitation area of the existing commercial / amenity units in the Residential Housing scheme shall be equal to the carpet area of existing unit plus 20% thereof.</p>																										
b) The incentive FSI admissible against the FSI required for rehab shall be as under:	B) Incentive FSI : Incentive FSI admissible against the FSI required for rehabilitation as calculated in (a) above, shall be based on (herein after referred to as Basic Ratio) of the Land Rate (LR) in Rs/Sqm of the plot under redevelopment as per the Annual Schedule of Rates (ARS) and Rate of Construction (RC)* in Rs/Sqm applicable in the areas per the ARS and shall be as given in the Table B below:	B) Incentive FSI : Incentive FSI admissible against the FSI required for rehabilitation as calculated in (a) above, shall be based on (herein after referred to as Basic Ratio) of the Land Rate (LR) in Rs/Sqm of the plot under redevelopment as per the Annual Schedule of Rates (ARS) and Rate of Construction (RC)* in Rs/Sqm applicable in the areas per the ARS and shall be as given in the Table B below, subject to minimum of 40% and maximum of 70%:																									
(i) In Island City, for the area upto 4000 sq.mt. the incentive FSI admissible will be 50%																											
(ii) In Island City, for the area above																											

4000 sq.mt. the incentive FSI admissible will be 60%. (iii) In suburban area, for the area upto 4000 sq. mt. The incentive FSI admissible will be 60%. (iv) In suburban area, for the area above 4000 sq.mt. the incentive FSI will be 75%.	Table- B	Table- B	entitled for the same incentive FSI of 50% and the plot having Land rate above Rs. 107360are entitled for the same FSI of 40% as against the minimum incentive 60% admissible under existing regulation which is not only detrimental but also discriminatory as the sale price of such property varies correspondingly resulting a huge profit for the property of basic ration of 2.00 and meager and unviable profit for a property with basic ratio of 2.1 . where as the by the suggested formula the incentive is directly proportionate to the basic ration without any slab and hence it is dynamic and leads to no discrimination. Besieds it avoids unreasonable benefit of more FSI to the plot slightly more than upper limit of lower slab and thereby generating more MHADA share of area. Since there is no cap on Max. FSI this rider -"availability of FSI" inconsequential and this also will not empower MHADA to act discriminatory on one or other ground.																		
	<table><tr><th>Basic Ratio (LR/RC)</th><th>Incentive (As % of Admissible Rehabilitation Area) the Rehab area</th></tr><tr><td>Above 6.00</td><td>40%</td></tr><tr><td>Above 4.00 and up_to 6.00</td><td>50%</td></tr><tr><td>Above 2.00 and upto 4.00</td><td>60%</td></tr><tr><td>Upto 2.00</td><td>70%</td></tr></table>	Basic Ratio (LR/RC)		Incentive (As % of Admissible Rehabilitation Area) the Rehab area	Above 6.00	40%	Above 4.00 and up_to 6.00	50%	Above 2.00 and upto 4.00	60%	Upto 2.00	70%	<table><tr><td>Ready Reckoner Land Rate (RR) = X</td></tr><tr><td>Rate of new construction (RC) = Y</td></tr><tr><td>Ratio RR/RC = x/y = A (shall be rounded to one digit)</td></tr><tr><td>Max. incentive FSI permissible = 70%</td></tr><tr><td>Average Decrease in incentive FSI on the ratio of 1 = 5%</td></tr><tr><td>Deduction on Max incentive due to increase in ratio = (5%X (A-2) - (B)</td></tr><tr><td>Society share admissible = 70% - B- (C)</td></tr><tr><td>MHADA share admissible=100%- (C)</td></tr></table>	Ready Reckoner Land Rate (RR) = X	Rate of new construction (RC) = Y	Ratio RR/RC = x/y = A (shall be rounded to one digit)	Max. incentive FSI permissible = 70%	Average Decrease in incentive FSI on the ratio of 1 = 5%	Deduction on Max incentive due to increase in ratio = (5%X (A-2) - (B)	Society share admissible = 70% - B- (C)	MHADA share admissible=100%- (C)
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<p>* RC is the rate of construction of R.C.C. Construction as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Schedule of Rates.</p> <p>Provided that the above incentive will be subject to the availability of the FSI on the plot under redevelopment and its distribution by MHADA.</p> <p>Provided further that in case there are more than one land to the deferent pats of the plot under redevelopment, a weighted average of all applicable rates shall be taken for calculating the Average Land Rate and the Basic Ration.</p> <p>Provided further the Land Rate (LR) and the Rate of Construction (RC) for calculation of the Basic Ratio shall be taken for the year in which the redevelopment project is approved by the authority competent to approve it.</p>	<p>* RC is the rate of construction of R.C.C. Construction as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Schedule of Rates.</p> <p>Provided that the above incentive will be subject to the availability of the FSI on the plot under redevelopment and its distribution by MHADA.</p> <p>Provided further that in case there are more than one land to the deferent pats of the plot under redevelopment, a weighted average of all applicable rates shall be taken for calculating the Average Land Rate and the Basic Ration.</p> <p>Provided further the Land Rate (LR) and the Rate of Construction (RC) for calculation of the Basic Ratio shall be taken for the year in which the redevelopment project is approved by the authority competent to approve it.</p>																				

c) In the redevelopment scheme either (i) difference between 2.5 FSI and the FSI required for rehab + incentive shall be shared between MHADA and Society/Developer in the ration of 2:1	<p>C) Sharing of the Balance FSI:</p> <p>The FSI remaining in the balance after providing for the rehabilitation and incentive components, calculated as per (a) and (b) above respectively shlal be shared between the Cooperative Housing Society and MHADA in the form of built up area in given in Table C below and the share of MHADA shall be handed over to MHADA free of cost.</p> <table><tr><th colspan="3">Table C</th></tr><tr><th>Ratio =(LR/RC)</th><th>Cooperative Society</th><th>MHADA share</th></tr><tr><td>Above 6.00</td><td>30%</td><td>70%</td></tr><tr><td>Above 4.00 and upto 6.00</td><td>35%</td><td>65%</td></tr><tr><td>Above 2.00 and upto 4.00</td><td>40%</td><td>60%</td></tr><tr><td>Upto 2.00</td><td>45%</td><td>55%</td></tr></table>	Table C			Ratio =(LR/RC)	Cooperative Society	MHADA share	Above 6.00	30%	70%	Above 4.00 and upto 6.00	35%	65%	Above 2.00 and upto 4.00	40%	60%	Upto 2.00	45%	55%	<p>d) Sharing of the balance FSI:</p> <p>The FSI remaining in the balance after providing for the rehabilitation and incentive components, calculated as per (a) and (b) above respectively shlal be shared between the Cooperative Housing Society and MHADA in the form of built up area in given in Table C below and the share of MHADA shall be handed over to MHADA free of cost.</p> <table><tr><th colspan="2">Table C</th></tr><tr><td colspan="2">Ready Reckoner Land Rate (LR) = X</td></tr><tr><td colspan="2">Rate of new construction (RC) = Y</td></tr><tr><td colspan="2">Ratio LRR/RC = x/y = A (shall be rounded to one digit)</td></tr><tr><td colspan="2">Max. Society Share on balance FSI permissible = 45%</td></tr><tr><td colspan="2">Decrease in Society Share FSI on the ratio of 1 = 2.5% (A)</td></tr><tr><td colspan="2">Deduction on Max. Society Share due to decrease in ratio = (2.5 %X (A-2) = B</td></tr><tr><td colspan="2">Incentive FSI admissible = 45% - B</td></tr></table>	Table C		Ready Reckoner Land Rate (LR) = X		Rate of new construction (RC) = Y		Ratio LRR/RC = x/y = A (shall be rounded to one digit)		Max. Society Share on balance FSI permissible = 45%		Decrease in Society Share FSI on the ratio of 1 = 2.5% (A)		Deduction on Max. Society Share due to decrease in ratio = (2.5 %X (A-2) = B		Incentive FSI admissible = 45% - B		Reasons are of the same as mentioned against Table-A
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or (ii) for additional built up area over and above the permissible FSI as per DCR 32, MHADA shall charge premium at the rate decided by Govt. in Housing Department from time to time	Deleted	OK																																			
New	2.2) whether redevelopment of existing Housing Schemes of MHADA by MHADA or jointly by MHADA along with housing societies or the occupiers of such building or by lessees of MHADA, the Rehabilitation Area Entitlement, incentive FS1 and sharing of balance FSI shall be as follows:	2.2) whether redevelopment of existing Housing Schemes of MHADA by MHADA or jointly by MHADA along with housing societies or the occupiers of such building or by lessees of MHADA or through Developer appointed by the society/s and or occupant and or lessee and or Federation of societies as per the procedure laid down by Govt. in Cooperative Dept., the Rehabilitation Area Entitlement, incentive FS1 and sharing of balance FSI shall be as follows:	Any Joint Venture should involve the developer without which the occupant / members will not participate in redevelopment and if the procedure laid down by Cooperative Dept. is followed then there will a transparency in selecting the developer who gives maximum benefit to the occupants which will lead to large planned development with cluster																																		

			approach which in turn will generate large dwelling units for MHADA. Under joint venture MHADA role should be of felicitator and the procedure such as individual consent and conveyance can be bypassed as overall consent is sufficient.
New	<p>A) Rehabilitation Area entitlement:</p> <p>The Rehabilitation Area Entitlement will be increased by 10% of the existing carpet area, over and above the Rehabilitation Area Entitlement calculated in (A) of (2.1) above subject to the maximum of the size of MIG prescribed by the Government in the Housing Department.</p>	OK	
New	B) Incentive FSI: incentive FSI shall be same as in (B) of 2.1	OK	
New	C) Sharing of the balance FSI: Sharing of the balance FSI shall be Same as in (C) of 2.1	OK	
New	<p>3) For the purpose of calculating the FSI, the entire area of the layout including development plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered. Sub-division of plots will be permissible on the basis of the compulsory open spaces as in these Regulations. For low cost housing schemes of MHADA for EWS, LIG categories, the Regulations in Appendix-1 {excluding l(b)} shall apply.</p> <p>Provided that there shall be no restriction on the utilization of the FSI permissible under this regulation except for the restrictions under any law, rule or regulation.</p>	<p>3) For the purpose of calculating the FSI, the entire area of the layout including development plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered. Sub-division of plots will be permissible on the basis of the compulsory open spaces as in these Regulations. For low cost housing schemes of MHADA for EWS, LIG categories, the Regulations in Appendix-1 {excluding l(b)} shall apply.</p> <p>Note: For the purpose of calculating the FSI for the area under reservation relaxation under regulation 33(9) shall apply.</p> <p>OK</p>	The development norms and the FSI benefits as admissible under regulation 33(9) should be extended under this regulation for the exploitation availability of FSi and thereby maximize MHADA share of tenement. Under regulation 33(9), under clause 7. Construction or reconstruction of slums / buildings falling under Reservations contemplated in development shall be permitted with certain restriction mentioned there on and the same should be applicable for redevelopment under this

			regulation.
4) For the purpose of this regulation the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.	4) For the purpose of this regulation the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.	OK	
5) For the off site infrastructure, MHADA shall pay to the MCGM 12.5% of the charges collected by MHADA for the grant of additional FSI (FSI over and above the normally permissible FSI) for the Redevelopment Schemes	5) a) For providing the requisite off site infrastructure for the increased population , an infrastructure charges at the rate of 12.5% Rs. 7% of charges collected by MAHADA-land Rate as per ASR of the year of approval of the redevelopment project shall be chargeable for the extra FSI (excluding the fungible FSI) granted over the normal FSI at the time for the redevelopment schemes, 50% of the infrastructure charge levied and collected by MHADA shall be transferred to the Municipal Corporation Of Greater Mumbai for developing off site infrastructure b) no premium shall be charged for the fungible FSI admissible as per DCR 35(4) for (i) constructions of EWS/LIG and MIG tenements by MHADA on a vacant plot or (ii) in a redevelopment project for the construction of EWS/LIG and MIG tenements towards the share of MHADA (iii) For rehab component of a redevelopment project.	5) a) For providing the requisite off site infrastructure for the increased population , an infrastructure charges at the rate of 12.5% Rs. 7% of charges collected by MAHADA-land Rate as per ASR of the year of approval of the redevelopment project shall be chargeable for the extra on the incentive FSI (excluding the fungible FSI) granted over the normal FSI at the time for the redevelopment schemes, 50% 80% of the infrastructure charge levied and collected by MHADA shall be transferred to the Municipal Corporation Of Greater Mumbai for developing off site infrastructure	
6) Notwithstanding anything contained in these regulations, the relaxation incorporated in Regulations No. 33(10) of these regulations shall apply for Housing schemes under this regulation for tenements under EWS/LIG and MIG categories. However, the front open space shall not be less than 3.6 mt.	6) Notwithstanding anything contained in these regulations, the relaxation incorporated in Regulations No. 33(10) of these regulations shall apply for Housing schemes under this regulation for tenements under EWS/LIG and MIG categories. However, the front open space shall not be less than 3.6 mt.	Ok	
7) In any Redevelopment scheme where the Co-operative Housing Society/Developer appointed by the Co-	7) (a) In any Redevelopment scheme where the Cooperative Housing Society /Developer appointed by the Cooperative Housing Society	OK	

operative Housing Society has obtained No Objection Certificate from the MHADA/Mumbai Board thereby sanctioning additional balance FSI with a consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation) then it shall be obligatory for all the occupiers/members to participate in the Redevelopment Scheme and vacate the existing tenement for the purpose of redevelopment. In case of failure to vacate the existing tenements, the provision of section 95A of the MHAD Act mutatis mutandis shall apply for the purpose of getting the tenements vacated from the non co-operative members.	has obtained No Objection Certificate from the MHADA/ Mumbai Board thereby sanctioning additional balance FSI with a consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation), then it shall be obligatory for all the occupiers' / members to participate in the Redevelopment scheme and vacate the existing tenement for the purpose of redevelopment . In case of failure to vacate the existing tenements, the provision of section 95 A of the MHAD Act mutatis mutandis shall apply for the purpose of getting the tenements vacated from the non Cooperative members.		
New	b) For redevelopment of building in any existing Housing Scheme of MHADA under clause 2.2 herein above by MHADA, the consent of the society in the form of valid resolution as per Cooperative Society Act, 1960 will be sufficient. In respect of members not co-operating as per approval of the redevelopment project, action under section 95(A) of the Maharashtra Housing and Area Development Act, 1976 may be taken by MHADA.	OK	
8) A corpus fund, as may be decided by MHADA, shall be created by the Developer which will remain with the societies for its maintenance.	8) A corpus fund, as may be decided by MHADA, shall be created by the Developer which will remain with the societies for the maintenance of the new building under the rehabilitation component.	OK	
New	9) The redevelopment proposals where NOC	9) The redevelopment proposals where NOC has	The option of convection of ongoing schemes as well as

	has been issued by Mumbai Board or offer letter has been issued prior to the date of coming into force of this modification (hereinafter referred to as " appointed dated") which is valid as on the appointed date shall continue to be governed by the regulation applicable prior to this modification.	been issued by Mumbai Board or offer letter has been issued prior to the date of coming into force of this modification (hereinafter referred to as " appointed dated") which is valid as on the appointed date shall continue to be governed by the regulation applicable prior to this modification. However if N.O.C. holder with the majority consent of society/ lessee/occupant wants to convert the approved/ ongoing scheme to avail the benefit of this regulation, the option will be given to convert the scheme in toto and the same is not compulsory.	scheme approved should be permitted which in turn will generate more MHADA share as the max permissible FSI is increased from 2.5 to 3.00.
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