

Ref. No. MCHI/SEC/12-13/063

October 3, 2012

To,
All Members of MCHI-CREDAI & MCHI-CREDAI Units

Sub: Loading of TDR in JVPD Scheme

Ref: Writ Petition No. 2409 of 2011
Vasantkumar Jivanlal Mehta & Anr. ... Petitioners
V/s.
The Municipal Corporation of Greater
Mumbai & Ors. ... Respondents

Dear Members,

The Petitioners have filed the Petition challenging the communication received from Municipal Corporation refusing to permit utilization of TDR on their plots in JVPD Scheme.

The above Petitions came up for the hearing before the division bench of S. A. Bobde & R. G. Ketkar, JJ. Mr. Aspi Chinoy, Sr. Advocate, Mr. D. H. Mehta appeared on behalf of the Petitioners and Mr. E. P. Bharucha, Sr. Advocate & Mr. A. Y. Sakhare appeared on behalf of the Respondents.

The Hon'ble High Court placed the matter for the final hearing immediately at admission stage. It was submitted on behalf of the Petitioners that they are the Lessees of the plot and they intend to develop by utilizing one original + 1 FSI by way of loading TDR as per DC Regulations 1991. Submitted on behalf of Municipal Corporation, that the Corporation has made representations to the Government for clarifying the position for utilization on TDRs etc.

After considering the arguments from both the sides, the Hon'ble Court has quested communication issued by the Corporation and directed Municipal Corporation to permit the Petitioners to use TDR in accordance with the law.

In view of this order the owners/developers will be permitted to load TDR on their property situated in JVPD Scheme. Copy of the order is enclosed.

Thanking you,

Yours truly
For MCHI-CREDAI

Sd/-
Boman Irani
Hon. Secretary