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Ref. No. MCHI/PRES/17-18/032

October 18, 2017

To,

Hon'ble Shri Piyush Goyal

Minister for Railways

Government of India

Rail Bhawan,

New Delhi

Sub: Streamlining the Railway Clearances/NOCs with respect to Building Approval procedures under Ease of Doing Business.

Respected sir,

CREDAI-MCHI is an apex body consisting of members from Real Estate Industry among Mumbai Metropolitan Region (MMR). It is the most prominent and the only recognized body of Real Estate Developers in Mumbai and MMR. We bring together members dealing in Real Estate Development on one common platform to address various issues facing the Industry. With a strong Membership of over 1800 leading Developers in Mumbai, CREDAI-MCHI has expanded across MMR, having its own units in the region of Thane, Kalyan-Dombivli, Mira-Virar, Raigad and Navi Mumbai. CREDAI-MCHI is recognized by Government of Maharashtra and the Central Government and helps in meeting their objectives of providing housing, which is a basic necessity.

Sir, you are aware that, Mumbai city is not like other cities in India. The Geographical shape of the city is elongated and city is sandwiched between Arabian Sea from both side of land. Railway is main transport facility and lifeline of Mumbai, passing through the heart of the city. City of Mumbai was developed along the sides of all the three railway lines. These buildings developed earlier are now more than 100 years old and are in dilapidated conditions. As you know that, Government of Maharashtra cannot spend huge amount for the redevelopment of these old buildings. Hence these old dilapidated buildings are to be developed through private party participation only. However Railway has very stringent policies for the development of railway abutting plots. In city of Mumbai due to small plot sizes there are lots of constraints to redevelop the properties abutting to the railway lines. These redevelopment policies and principles are very old and require modifications in the policies considering the latest advance construction techniques adopted in the real estate industries.

Some of the constraints facing by the real estate industries are listed below.

1. Provisions in Railway Board circular & Development Control Regulation of Mumbai.

As per the provisions in the Railway Board circular & Development Control Regulations in Mumbai, if the proposal falls within 30 mtrs from the railway boundary the project proponent has to obtain NOC from

concerned railway authorities. Here, it is pointed out that, there are two issues A) Railway Land Boundary 2) Railway Track Boundary. The Railway authorities are insisting up on the NOC if the proposed work falls within 30 mtrs from railway land Boundary. In such cases the height is restricted to 2H (where H is horizontal distance from Railway Track Boundary and proposed building) and no continuous building is allowed with offsets. Railway authorities are also insisting upon to keep 1.50 mtrs distance between two buildings of different heights. (Graphical representation is enclosed)

In this issue we request the railway authorities to reduce this existing 30mtrs distance from the railway land boundary to 15 mtrs from the railway track boundary. Also allow continuous building including basement within this distance.

2. Height of the building (2H)

If the proposed work falls within 30 mtrs from railway land Boundary, in such cases the height of the building at present is restricted to 2H (where H is horizontal distance from Railway Track Boundary and proposed building) This height restriction should be increased to 6H considering today's advance construction technology.

3. Time for issue of NOC from railways

Time required for obtaining such NOC from railway is minimum 6 months, hence it is very time consuming and that affects the start up with the project itself. For obtaining NOC the file moves in different railway offices number of times. We suggest that the NOC should be dealt by only one office so that time required for issue of NOC will be reduced. This will also help, in this time of bringing in Ease of Doing Business to clear the cases through one window system.

4. Online submission of documents for issue of NOC under Ease of Doing Business.

Under Ease of Doing Business (EODB) Government is promoting paperless offices for their regular works. In Mumbai Municipal Corporation under EODB almost all the NOCs are now obtained online, even building approvals are also getting online. On the same basis if the railway authority issues suitable guidelines for submission of proposal by online process, the developers/ Architect will submit the required documents in the said format to the department. So that it will be easy for the railway authorities for grant NOC online which will save the cost and time of the project development.

The NOC shall be issued on the submission of minimum documents

- 1) Formal application from architect and project proponent of the proposal along with his documents.
- 2) Copy of the plans approved by Municipal Corporation along with copy of IOD.
- 3) Structural stability certificate from Regd. Structural Engineer.
- 4) Certificate from Geotechnical Consultant.

If the information submitted is found wrong then the project proponent/Architect/Structural Engineer/Geotech Consultant shall be held responsible.

We request your goodself to look in to this aspect and see that the distance should be reduced to 15 mtrs from the centre line of 1st railway track instead of existing 30mtrs from the railway plot boundary. Please treat these issues on priority basis and kindly issue the necessary directives to the concerned officials.

Kindly do the needful and oblige

Thanking you,

Yours faithfully,
For CREDAI-MCHI



Mayur Shah
President



Domnic Romell
Hon. Secretary



S. S. Hussain, I.A.S. (Retd.)
Chief Executive Officer

Encl: As above