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Nayan Shah

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Deepak Goradia

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Domnic Romell

**HON. TREASURER**

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S. Shahzad Hussain

I.A.S. (Retd.)

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Rasesh Kanakia

**HON. JOINT SECRETARIES**

Parag Munot

Sandeep Runwal

Lakshman Bhagatani

Bandish Ajmera

**JOINT TREASURER**

Mukesh Patel

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**CO-ORDINATORS**

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**COMMITTEE MEMBERS**

Jagdish Ahuja

Sanjay Chhabria

Shailesh Sanghvi

Jitendra Jain

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**INVITEE MEMBERS**

Sandeep Raheja

Rajesh Prajapati

Shailesh Puranik

Praful Shah

Sachin Mirani

Rushank Shah

Rajeev Jain

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Nikunj Sanghavi

Digant Parekh

Pritam Chivukula

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Vyomesh Shah

Paras Gundecha

Pravin Doshi

Mohan Deshmukh

Mofatraj Munot

Rajni S. Ajmera

Late G. L. Raheja

Late Lalit Gandhi

Late Babubhai Majethia

**CREDAI-MCHI UNITS**

**PRESIDENT, THANE**

Ajay Ashar

**PRESIDENT, KALYAN-DOMBIVLI**

Manoj Rai

**PRESIDENT, MIRA VIRAR CITY**

Ashit Shah

**PRESIDENT, RAIGAD**

Vilas Kothari

**PRESIDENT, NAVI MUMBAI**

Prakash Baviskar

Ref. No. : MCHI/PRES/17-18/217

May 10, 2018

To,

**Mr. M. K. Gupta**

Member (Engineering)

Railway Board

Government of India

Indian Railways

Rail Bhawan, New Delhi

**Sub : Streamlining the Railway NOC/ Clearance's with respect to building approval in city of Mumbai.**

**Ref. : Letter dated 22<sup>nd</sup> February 2018 (MCHI/PRES/17-18/145)**

Respected Sir,

We the CREDAI-MCHI vide our letter dt. 22.2.2018 submitted the representation regarding streamlining the Railway clearances/ NOC's with respect to the Building approval procedures under Ease of Doing Business. In continuation with that representation we are submitting further submission for your kind consideration.

Sir, you are well aware that graphical shape of Mumbai City is elongated and it is sandwiched between Arabian Sea from both side. The land cost in the Mumbai city is very high also the plot sizes are very stringent. The development which was undertaken along the railway lines is now more than 150 years old, and that dilapidated buildings require redevelopment. Government cannot spend such big finance for the redevelopment of these dilapidated buildings. Hence, as per the Maharashtra state government's policies and provisions in the Development Control Regulation of Mumbai these dilapidated building are to be developed by the private project proponents by availing additional FSI. Due to this provision of the additional FSI the height of the proposed buildings bound to be more than present height.

In this regards Railway board, Ministry of Railways Vide their circular / office memorandum issued under no. 2015/LML-1/19/2 Dtd. 25.06.2015 addressed to General Manager/ principal chief engineer of all zonal railways inform the procedure to issue NOC for construction / redevelopment of government and private buildings on the land adjoining the railway boundary. The main points in the circular are as follows.

1. The basic intention behind the stipulation of the para no. 827 of Indian railway work manual is to safe guard the railways interest in the property adjoining the railway lines from future development point of view.
2. The exact space between railway land boundary and nearest edge of the building is approximately 30 mtrs. however, it is governed by local conditions.
3. In the cities and towns where the land is valuable it is not expected of the land owner of the plot to leave a large vacant open space between the building and railway boundary and it is deemed that railways interest will be adequately safeguard.


4. Railway NOC is required for construction of buildings within 30 mtrs. from the railway boundary; however, disposal of waste such as sewage and silage water and disposal from septic tank shall be away from railway land.
5. In case of construction of high rise buildings with basements, railway should examine the drawings and construction methodology and ensure that under no circumstances safety of the railway track is adversely affected during and after construction.

In view of above points in the office memorandum we would like to submit :


1. At present as per new structural code all the buildings which are being designed by the registered structural consultants are liable to take the **seismic forces**. Hence, in the situation of earth quake the new buildings are **safe from earth quake point of view**. Therefore, even during earth quake the new buildings will not fall on the railway tracks. In view of this the **distance of 30 mtrs should be reduced to 15 mtrs.** for obtaining the NOC from the railways. **Also the height restriction of 2H** (where H is horizontal distance from Railway Track Boundary and proposed building) **should be increased to 6H** considering today's advance construction technology and structural designs.
2. Mumbai city is a well developed city, having top class infrastructures like underground sewerage systems and storm water drain systems. Therefore, in such condition, whenever the plans are approved by Municipal Corporation of Greater Mumbai, it is mandatory to all the developers to connect the sewer and storm water of each plot to municipal sewer and storm water system. In view of this the sewage and silage water never comes on the railway lines or on railway land boundary. Hence, railway land in Mumbai is always safe from sewage water point of view.

In view of this we request yourself to look in to matter and initiate the new policy depending upon above representation please.

Yours faithfully,  
For CREDAI-MCHI

  
Mayur Shah  
President

  
Domnic Romell  
Hon. Secretary

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

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Prakash Baviskar

Ref. No. MCHI/PRES/17-18/145

February 22, 2018

To,  
**Mr. M. K. Gupta**  
Member (Engineering)  
Railway Board  
Government of India  
Indian Railways  
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 the 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 into this aspect and see that the distance should be reduced to 15 mtrs from the centre line of 1<sup>st</sup> 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



Government of India  
Ministry of Railways  
(Railway Board)

No.2007/LML/19/4

New Delhi Dated: 16.5.2008

General Manager (Engg).  
Western Railway, Churchgate, Mumbai

General Manager (Engg).  
Central Railway  
Mumbai.

Sub: Grant of 'No Objection Certificate' for construction of private buildings in private lands in vicinity of Railway Land in Mumbai Area.

Number of representations have been received by the Board due to denial of issue of 'No Objection Certificate' by the railways to construction of private buildings in private lands in vicinity of Railway Land in Mumbai area including some of the cases where the nearest track is at a considerable distance from the proposed building.

2. It is observed that extant rules on the subject in Mumbai area are governed by provisions in regulation No.29 (8) (ii) of the 'Govt. of Maharashtra, Urban Development Department Development Control Regulations for Greater Bombay-1991' which provides that "...no new construction of any building or reconstruction of an existing building shall be allowed within a distance of half the height of the said building from the Railway track boundary, and in any case at least 3m away from such boundary." Further a 'No objection Certificate' from the concerned railway is required to be submitted by the party to the local authorities for granting permission for the building plans if proposed structure lies between the railway boundary and the distance of 30 m from it.

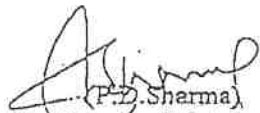
3. Because the 'Railway Track Boundary' is not defined, problems are arising due to reckoning of horizontal clearance from railway boundary instead of 'Railway Track Boundary' as provided in the regulation No. 29(8)(ii) mentioned above.

4. Matter has been examined and it has been decided by the Board (ME) that for the purpose of regulation No.29 (8) (ii) of the 'Govt. of Maharashtra, Urban Development Department Development Control Regulations for Greater Bombay-1991' "Railway Track Boundary" be considered to be a horizontal distance of '6m plus height of railway embankment at the point of consideration' from the centre line of the railway track nearest to the proposed building or the actual railway land boundary from the centre line of the railway track nearest to the proposed building whichever is less.

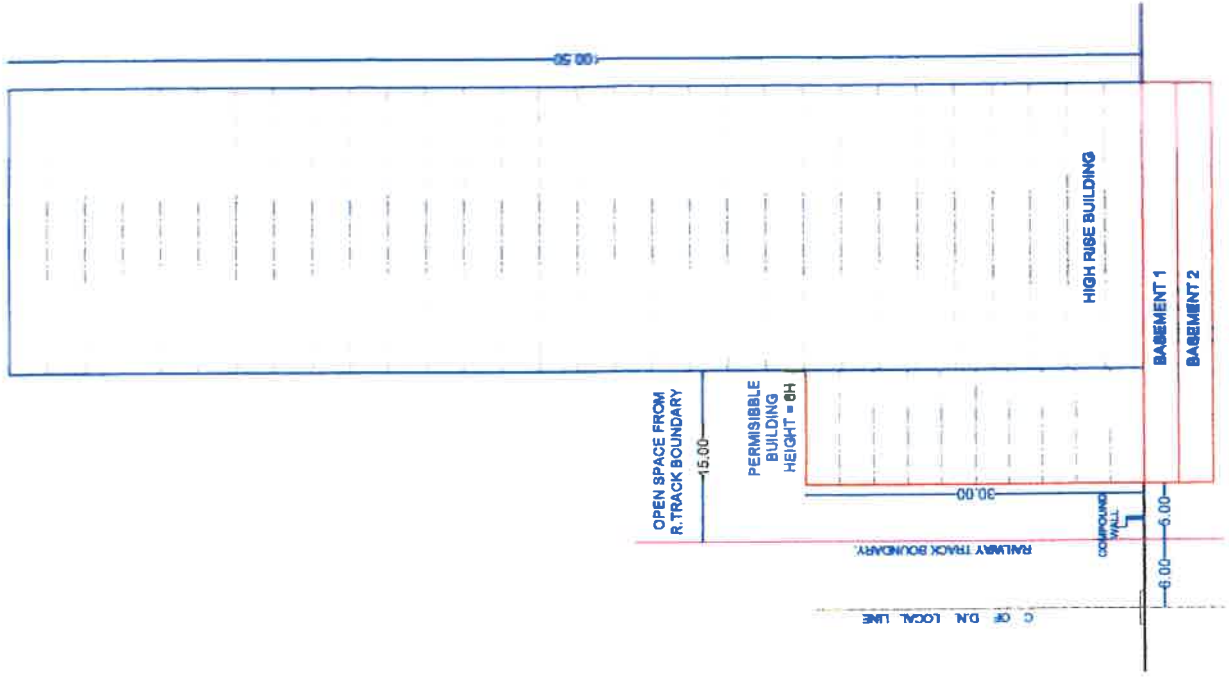
4.1 The nearest track here will mean the existing track or the proposed track in future if contemplated to be constructed in the near future, nearest to the proposed building. While considering allowance for future track, the railway should not unduly keep such allowance for individual sites when future track is not feasible on that side in view of already existing buildings or structures on either side of the proposed site. Instructions issued under Railway Board letter No.94.LM(L)/14/22 dated 29.8.95 may also be referred to in this regard.

5. It is therefore, advised that all such cases regarding issue of grant of 'No Objection Certificate' to construction of private buildings in private lands in vicinity of Railway Land in Mumbai area may kindly be dealt with accordingly. While granting 'NOC' railway may ensure that the provisions of para 827(b) of IRWM-2000 are complied with.

6. This is for your kind information and further necessary action. Fresh remarks in the cases earlier referred by Board to railways for comments, may be advised to the Board in view of above directions for further disposal of the same at this end.

  
(P. D. Sharma)  
Executive Director/L&A-I  
16.5.08

PROPOSED MODIFICATION



EXISTING RULE

