

MUNICIPAL CORPORATION OF GREATER MUMBAI

No.: CHE/ 15868 /DPC/GEN dt. 14.11.2011

Sub: Allowing additional FSI of 0.33 in Suburbs of Mumbai

Ref: 1) TPB/ 4308/776/CR-127/2008/UD-11 dt. 10.04.2008
2) Government order No. TPB/ 4308/776/CR-127/2008/UD-11 dt. 24th October 2011
3) Approval of hon'ble M.C. under No. MGC/F/6327 dt. 14.11.2011

In past this office vide circular under No. CHE/199/DP/Gen dt. 24.08.2008 circulated copy of directives issued by Govt. in U.D. dept. vide Sr. No. 1 above alongwith the modalities to be adopted as approved by the then M.C. under No. MGR/9062 dt. 24.04.2008.

After following the procedure stipulated in section 37 of the M.R.&T.P. Act, 1966, Govt. has issued the directives under section 37(2) of the M.R.&T.P. Act, 1966, under even No. dt. 3.10.2008. However PIL NO. 94 of 2008, Hon'ble High Court, Bombay by its order dt. 10.6.2010 had declared the notification issued by the State Govt. under section 37(2) of the M.R.&T.P. Act, 1966 as null and void.

Now Govt. in U.D. Dept. has issued the final sanction under section 37(2) of the M.R.&T.P. Act, 1966 as referred to vide Sr. No. 2 above regarding grant of additional FSI of 0.33 over normal permissible FSI of 1.00 in suburbs.

In the Annexure to the modification sanctioned under section 37(2) of M.R.&T.P. Act, the slabs of land rate/ sq.mt. mentioned in the column 2 of the Annexure indicate land rate/ sq.mt. as per R.R. rate of 2008. (Condition No. 5) of notification states that "premium shall be charged for additional 0.33 FSI as per the rates mentioned in annexure. However the govt. may revise these rates from time to time."

In view of this condition, the Ready Recknor rates of 2008 will have to be considered for working out premium. However, Govt. will be requested to revise the rates as per current Ready Recknor rates.

It is proposed to modify the modalities as circulated earlier. It is proposed to adopt the following modalities:-

1. The proposal for additional 0.33 FSI shall be submitted in zonal offices of respective Executive Engineer who will process the proposal as being done for 1.00 FSI proposals. Such proposals shall be accepted alongwith premium for additional FSI for MCGM share. E.E.B.P. shall also prepare the challan/ letter for payment to Reserve Bank of India, towards State Govt.'s share of premium as communicated by Under Secretary U.D.D. in the past vide letter under No. TPB-4308/776/CR-127/2008/ UD-11 dt. 15.04.2008 till further communication from U.D.D. & ensure the payment thereof, before processing the proposal further. A letter from owners/ developers stating that they will accept the refund of premium paid, without claiming any interest thereon, if the development proposal is not approved/ rejected by M.C.G.M.
2. It shall be scrupulously observed that IOD for addl. 0.33 FSI will not be issued until both the premiums are paid and receipts thereof submitted.
3. In respect of ongoing proposals where files have been processed for grant of 1.00 FSI & utilization of TDR, i.e. for FSI 1.00 + TDR
 - a. In cases where IOD is not issued, deutilisation to the extent of 0.33 may be permitted subject to the procedures prescribed by D.P. section in this respect.
 - b. In cases where IOD has already been issued for utilization of TDR, then the deutilisation of TDR cannot be allowed and the benefit of additional FSI 0.33 shall not be permitted.
 - c. In cases where part TDR has been allowed, grant of additional FSI 0.33 can be considered.

4. C.A.(Finance) has already prepared the separate budget head giving G.L. code for this purpose.
5. As specified in the Govt. letter dt. 15th April 2008, a separate register maintaining the details such as location of the land, area, additional built up area granted, Ready Recknor rate as per which premium is derived at and the premium paid to the Corporation as well as to the State Govt. for each case. The consolidated report would be maintained by the Dy.Ch.E.B.P.(E.S.). The Dy.Ch.E.B.P.(W.S.) I & II shall forward all the details as above to Dy.Ch.E.(B.P.)ES every week, who will compile the same alongwith the details of E.S. & submit weekly report to M.C. containing the details enumerated and forward the so consolidated report to State Govt. by 10th of every month.
6. C.A.(Finance) will also submit the details to M.C. every week regarding the collection of the premium.
7. The table showing the area of additional 0.33 FSI claimed, premium amount paid to MCGM & State Govt. with respective receipt Nos./dates shall be incorporated in the plan showing Proforma 'A' of each proposal approved with 0.33 additional FSI.
8. All conditions mentioned in the Govt.'s notification under section 37(2) of M.R.&T.P. Act, 1966 under No. TPB-4308/ 776/case No. 127/ 2008/ UD-11 dt. 24.10.2011, shall be scrupulously followed.

In view of above, Dir.(E.S.&P.)/M.C.'s approval is requested to portion sidelined 'A' and also to circulate the final sanction issued by Govt. u/s. 37(2) of M.R. & T.P. Act, 1966 dt. 24.10.2011 in respect of allowing additional 0.33 FSI in suburbs in, Mumbai alongwith procedure modalities as finalised above.

Submitted please.

Sd/-
11.11.2011
Ch.E.D.P.(i/c)

Sd/-
11.11.2011
M.C.

All the staff of Building Proposal and the Development Plan dept. shall take note of the above modalities approved by Hon'ble M.C. under No. MGC/F/6327 dt. 14.11.2011 and process the proposals accordingly.

Selvarathi
14/11/11
Dy.Ch.E.D.P.(II)

Shree
14/11/11
Ch.E.D.P. (i/c)

COPY TO

Dir.(ES&P)

CH.E.D.P.

DY.CH.E.D.P.(I)/II/ DY.CH.E.B.P.(CITY)/E.S./W.S.-I/II

E.E.(P)TO DIR.(E.S.&P.)/E.E.(P) TO CH.E.D.P./ O.S.D. to M.C.

E.E.D.P.(CITY)/ E.E.D.P.(WS)(P&R)/(H&K)/ E.E.D.P.(E.S.)

E.E.B.P.(CITY) (I)/ (II)/ (III)/ E.E.B.P.(E.S.) (I)/ (II)

E.E.B.P.(W.S.) (H&K/E)/ (K/W &P)/ (R)/ E.E.T.P.(VARIATION)

A.E.D.P.(City)(I/ II/ III)/ A.E.D.P.(L&N)/ (S&T)/ A.E.D.P.(M)/ A.E.D.P.(H/E & K/E) /(H/W&K/W)

A.E.D.P.(P), A.E.D.P.(R/N)/ (R/C)/ (R/S)

S.E.D.P. _____