

MAHARASHTRA CHAMBER OF HOUSING INDUSTRY (MCHI)

SUGGESTIONS / OBJECTIONS
TO THE
"CLEARIFICATIONS REGARDIGN PROCEDURE TO BE FOLLOWED
FOR IMPLEMENTATION OF MODIFIED PROVISIONS OF DEVELOPMENT CONTROL
REGULATIONS FOR GREATER MUMBAI 1991"

WITH REFERENCE TO
MCGM CIRCULAR NO.: CHE/22276/DP/GEN dt. 30.01.2012

Sr. No.	Procedures to be followed as per DCR	Suggestions	Justification
1.	Residential / Non Residential		
	The fungible FSI to the extent of 35% shall be available on prorata basis for purely residential tenements. Non residential users including Hotel, Lodging, Housing, Nursing Homes, School, etc. will be eligible only for 20%fungible FSI on prorata basis.	For all the non residential users permissible in residential zone Including residential zone with shopping line (R2), fungible FSI to the extent of 35% of Admissible FSI for such users shall be permitted. The restriction of 20% fungible FSI shall be applied to commercial and industrial users only.	As per clause 35(4) of modified DCR it is stipulated that fungible compensatory FSI not exceeding 35% for residential development and 20% for commercial / industrial development shall be permitted. There is no further classification of those developments. Also otherwise, additional FSI For all these residential zone activities will be available on concessional rate premium ranging from 2.5 % to 25% of R. R. Rates.
2.	As regards pera A(3) of the circular dtd. 12.1.2012 referred to above, it is to clarify that		
	a) Internal changes without affecting the approved existing footprint will be permitted and will not be considered as amended for making applicability of modified D. C. Regulation, if FSI on each floor does not vary	Should be Deleted	In view of the specific provision in modified DCR that where IOD/IOA has been granted but building is not completed this regulation shall apply only at the

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			option of owner / developer, whether already approved plans are amended or otherwise these regulations can not be enforced without owner / developer opts for the same until the overall in principally approved FSI (Including TDR potential etc.) for the proposal is not exceeded. Hence, no need to define minor variation, minor amendments etc.
	b) Minor variation in dimension of the footprints may be permitted provided the approved F.S.I. on each floor does not vary and the deficiency in open spaces does not exceed	Should be Deleted	Same as above
	c) In case of two or more wings already approved building plans, if one or more wings is proposed to be amended, then modified regulation will not be made applicable to the wing/s where there is no change in the approved plan.	Should be Deleted	Same as above
3.	In case of terraces above shop, if the roof above shop is provided with R.C.C. slab having slope 1:5, then same will be considered as slopping roof and will not be counted in FSI. However, it will be verified at the time of grant of C.C. beyond floor above shop that R.C.C. slab with 1:5 slope has been cast as ceiling to the shop	The same parameters shall be considered for the part or pocket terraces are created due to regulatory provision compulsions such as setback required from Railway property, setback at upper	These being regulatory / policy requirements of respective department, such terraces are unavoidable and hence necessity to consider the same free of FSI on similar lines of terraces created above roof of shops.

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		levels required for Tower like structures etc.	
4.	In case of artificially ventilated shaft provided with dimension not more than D.C.R 42(2) and further if all sides of such ventilation shaft is abutting toilet / W.C. / bathroom only, then such a ventilation shaft can be allowed free of FSI provided the same is open to sky right from ground level.	The artificial vent shaft can not be kept open to sky and shall be permitted to be provided from first habitable level.	In the artificially ventilated shafts, the necessary ventilation is provided through mechanical means where in the foul air is vented out and as such these shafts cannot be kept open at top. Also, in almost every new building due to requirement of providing parking spaces in parking floor or podium, such shaft will be provided from either ground level or top of podium level as the case may be.
5.	In case of development / reconstruction of the existing building in City & Suburbs / extended Suburbs, the fungible compensatory FSI admissible for rehabilitation component shall be granted without charging premium. Such fungible FSI shall however be distributed on prorata basis for the area of each existing tenements. Fungible FSI of one rehab tenement cannot be used for any other rehab tenement.	The intent of the restriction is good but for practical difficulties a variation of @ 20 to 25 % shall be allowed.	In redevelopment schemes there is always a large variation in respective tenant's existing areas and while trying to provide fungible FSI in proportion to their existing areas, large no. of offsets will be created and those offsets will again be counted as pocket terraces, hence marginal variation need to be allowed.

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6.	In case of the development under DCR 33(5) as also for the redevelopment proposals under DCR 33(7), 33(9) etc. where the O.C.C. is not granted and if owner / developer /society comes forward for availing the fungible FSI, in that case, fresh NOC from MHADA for utilization of fungible FSI shall not be insisted.	Ok	----
7.	A cantilevered projection not exceeding 2 mts. in width may be permitted beyond the building line. No such projection shall reduce the minimum marginal open space to 3 mts. at the three sides & 1.5 mt. in the front.	The restriction on cantilever be in accordance with the respective structural stability aspect and shall be allowed so as to not to reduce the minimum marginal open space to less than 2.5 m at three sides and 1.5 m in the front.	The regulation does not stipulate any such restriction and it is mentioned that such projections are permissible up to 2.5 m from the pot boundary.
8.	The top of chajja,, cornice, weather shade, sun breaker etc. provided as per Regulation 35(2) (xii) and (xiii) shall be at least 600 mm below the floor level immediately above and the thickness of such chajja, cornice etc. shall not be more than 150 mm. Further, no facia / railing of any kind shall be permitted for such chajja, cornice, weather shade, sun breaker etc.	Ok	-----