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Ref. No. MCHI/PRES/19-20/149

March 5, 2020

To,

Shri Iqbal Singh Chahal (I.A.S)  
Principal Secretary (1)  
Urban Development Department  
Government of Maharashtra  
Mantralaya, Mumbai - 400 032

05/03/20  
लिपिक  
प्र. सचिव (नवि-१)  
नगर विकास विभाग  
महाराष्ट्र शासन, मंत्रालय,  
मुंबई - ४०० ०३२

**Sub: Clarification under Clause 4(3) of DCPR 2034 regarding applicability of Inclusive Housing as per Reg. 15 of DCPR 2034 in Cotton Textile Mills for the on-going proposals, where Development has partly taken place as per Reg 58 of DCR 1991 and the balance development is proposed as per Reg 35 of DCPR.**

Respected Sir,

The provision of Inclusive Housing in Development/Re-development of plots for Residential User was first introduced in 2013 vide Notification issued u/no. TPB-4312/CR-45/2012/(2)/UD11 dated 08.11.2013. As per the said notification for plot of land admeasuring 4000 sq.m or more to be developed for Housing Scheme, EWS/LIG Housing in the form of tenements were required to be constructed to the extent of 20% of the Basic Zonal FSI.

As per para (4) of the said notification, this provision was applicable prospectively and was not applicable to any Housing scheme or any residential project wherein Commencement Certificate had been issued prior to the date of coming into force of these provisions and was valid on such date. An amendment to the said notification was issued dated 11.09.2014. The provision of applicability was modified vide para 2(e) stating that 'There shall be no obligation to construct affordable housing tenements in accordance with these provisions in any redevelopment project under Regulation 33(5), 33(7), 33(9), 33(10), 33(14), 56(3)(c)(v), 57(4)(c)(v) and also in development of land earmarked to the land owner/developer as per column No.5 of the Table specified under Regulation 58(1)(b) as well as any Housing Scheme or residential development project wherein owing to the relevant provisions of the Development Control Regulations, more than 20% of the basic zonal FSI is required to be utilised towards construction of residential tenements for the EWS/LIG'

Residential developments were permitted thereafter on independent plots, I to R plots, Textile mill plots, etc. taking into consideration the above provisions.

The Urban Development Department vide their notification u/no. TPB-4317/629/CR-118/2017/DP/UD-11 dated 08.05.2018 accorded sanction to DCPR 2034 u/s 31(1) of MR&TP Act excluding certain modifications. The UDD vide their corrigendum dated 23.10.2018 fixed the date of 13.11.2018 to be the date on which EP shall come into force.

In the said sanctioned DCPR 2034, Regulation No. 15 is about provisions of Inclusive Housing. As per the said notification and amendment proposed on 13.11.2018, in case of Residential Development partially or fully, consisting of plot area admeasuring 4000 sq.m. or more, EWS/LIG housing in the form of tenements of size ranging between carpet area of size 25 to 27.88 sq.m. or as decided by the Housing Department, Govt. of Maharashtra, from time to time shall be constructed atleast to the extent of 20% of the Zonal Basic FSI. As per note

(3) of clause 15 of DCPR 2034, 'There shall be no obligation to construct IH tenements in accordance with these provisions in redevelopment project under Regulation No. 33(2),33(3)(A), 33(3)(B), 33(5),33(6),33(7), 33(7)(A), 33(8), 33(9), 33(9)(A), 33(9)(B), 33(10), 33(10)(A), 33(11), 33(20), development under Regulation No 35 and specified under Regulation No.14(B) as well as any Housing scheme or residential development project wherein owing to the relevant provisions of the DCPR, more than 20% of the Zonal (basic) FSI is required to be utilized towards construction of residential EWS/LIG tenements and development of land situated in SDZ as per the regulation no 33(8)'.

Thus it can be seen that the provision of Inclusive Housing of DCR 1991 is continued in DCPR 2034 with minor changes. However, on seeking clarification by CREDAI-MCHI about applicability of Inclusive Housing provision in the on-going proposals with UD, MCGM forwarded their remarks to UD and sought clarification vide their letter forwarded u/no. MCP/4585 dt.13.01.2020. The UD department has issued clarification u/no. TPB-4319/772/C.R.no 8/2020/UD-11 dated 13.02.2020. However, the said clarification does not clarify about applicability of IH in on going proposals of Cotton Textile Mills, for which clarification is needed.

It may be pointed out that, as per amended notification dated 11.09.2014, there shall be no obligation to construct affordable housing tenements in development of land earmarked to the land owner/developer as per column No. 5 of the table specified under Regulation 58(1)(b). However, considering the issues of redevelopment of Textile Mills under Reg 35 of DCPR 2034, the State Govt decided not to insist IH component in case of development for Textile Mills.

Further, as per provisions of Reg. 58(10) of DCR 1991, Notwithstanding anything stated in those Regulations, the development or redevelopment of all lands in Gr. Mumbai owned or held by all cotton textile mills shall be regulated by the provisions of the said regulation and not any other regulation. The said provision is continued as Reg 35(10) of DCPR 2034 without any change. Since no any other regulation is applicable, the provision of Inclusive Housing is also not made applicable. Hence, for the on going proposals to be permitted as per DCPR 9(6)(b) in case of development under DCPR 35, where permission is granted as per DCR 1991 but Inclusive Housing is not constructed and handed over to MHADA, the same shall not be insisted now in part or whole while granting balance development as per DCPR 9(6)(b).

It is, therefore requested to give clarification under Reg 4(3) of DCPR 2034 for not insisting Inclusive Housing component for the ongoing proposals to be permitted as per DCPR 9(6)(b) in case of development under DCPR 35, where permission is granted as per DCR 1991 but Inclusive Housing is not constructed and handed over to MHADA.

Thanking You,

Yours Sincerely,  
For CREDAI-MCHI



**Nayan A. Shah**  
President



**Bandish Ajmera**  
Hon. Secretary