

REQUEST FOR INFORMATION UNDER  
CENTRAL RIGHT TO INFORMATION ACT 2005

To:

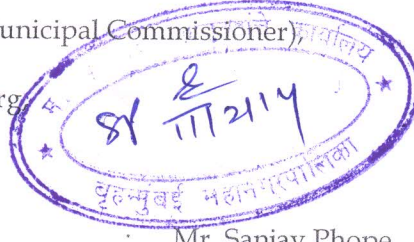
The Public Relation Officer

(Administrative Officer to Hon'ble Municipal Commissioner)

Municipal Commissioners Office.

MCGM Head Office, Mahapalika Marg

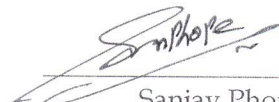
Mumbai - 400001



1. Name of the Applicant : Mr. Sanjay Phope
2. Address : MCHI-CREDAI  
Maker Bhavan-II, 4<sup>th</sup> Floor,  
18, Sir Vithaldas Thakersey Marg,  
New Marine Lines, Mumbai - 400 020
3. Particulars of Information required : Correspondence from MCGM related to 20% EWS/LIG Scheme.
  - i. Subject matter of Information : Require a copy of the letter addressed to the Principal Secretary (UD), which was signed by Chief Engineer (DP) under subject of clarification regarding the notification number TPB/4312/CSR-45/2012/(2)/UD-11.
  - ii. The period to which information relates :
  - iii. Description of the information required : Provisions regarding inclusive housing for the subdivision or layout of land admeasuring 4000 sq. mtr. or more.
  - iv. Whether information is required By Post or in person. (The actual postal charges shall be included in additional fees) : Personally
  - v. In case by Post (Ordinary, Registered or Speed.) : NA
4. Whether the applicant is below poverty in (if yes, attach the photo copy of the proof thereof) : NA

Place: Mumbai

Date: 10.02.2014

  
Sanjay Phope

N. B. The aforesaid information is required as per the provisions of the Central Right to Information Act, 2005 within the time limit and stipulation stated therein, kindly note.



# बृहन्मुंबई महानगरपालिका

महानगरपालिका आयुक्तांचे कार्यालय, खोली क्र. ४६,  
पहिला मजला, जुनी इमारत, महापालिका मार्ग,  
मुंबई - ४०० ००१. दुरध्वनी क्र. : ०२२-२२६२०२५१ (३१४५)  
संगणक डाक : [www.mcgm.gov.in](http://www.mcgm.gov.in)  
क्र. एमआयआर / 561 दिनांक : 13/2/14

प्रति, MR. Sanjay Phope .  
MCHI - CREDAI .  
Maker Bhavan - II, 4th floor,  
18 Sir Vithaldas Thackersey marg,  
New Marine Lines, Mum-400 020

विषय : माहितीचा अधिकार अधिनियम २००५ अन्वये माहिती  
मिळणेबाबतचा आपला दि. 10/2/14 रोजीचा अर्ज.

महोदय,

आपला उपरोक्त संदर्भाधिन माहिती अधिकारांतर्गतचा अर्ज या कार्यालयात दि. 11/2/14 रोजी प्राप्त झाला. त्याबाबत आपणांस कळविण्यात येते की, माहितीचा अधिकार अधिनियम २००५ मधील, कलम ५(१)/१९(१) अन्वये जनतेला माहिती उपलब्ध करून देण्यासाठी बृहन्मुंबई महानगरपालिकेने खातेस्तरावर/विभागस्तरावर जन माहिती अधिकारी/अपिलीय अधिकारी नियुक्त केलेले आहेत. यास्तव आपल्या अर्जात नमूद केलेल्या मुद्यांबाबतची माहिती खालील नमूद केलेले खाते/विभागातील संबंधित जनमाहिती अधिकारी यांजकडून, उपलब्ध माहिती देण्याबाबत, माहितीचा अधिकार अधिनियम २००५ मधील, कलम ६(३)२ नुसार, आपला सदरहू अर्ज, आपणांस परस्पर माहिती देण्याच्या विनंतीसह संबंधित खाते/विभाग यांचेकडे समक्रमांक व दिनांकान्वये अग्रेषित करण्यात येत आहे. त्यांचा पत्ता खालील प्रमाणे आहे. कृपया आपण त्यांच्या कार्यालयाशी संपर्क साधावा अशी विनंती आहे.

माहितीचा अधिकार अधिनियमांतर्गत अर्ज करतांना विषयाशी संबंधित खाते/विभागाकडे अर्ज करणे अपेक्षित आहे. त्यामुळे, संबंधित खाते/विभागाच्या जन माहिती अधिका-याशी परस्पर संपर्क साधावा अशीही विनंती आहे.

याबाबत आपणांस अपिल करावयाचे असल्यास, खाली नमूद केलेल्या खाते/विभाग यांच्या कार्यालयातील अपील अधिका-यांकडे परस्पर अर्ज पाठवावा अशी आपणांस विनंती आहे.

आपला विश्वासू,

अ-६.वे.१००२, १२.२.१४

जन माहिती अधिकारी,

प्रशासकीय अधिकारी (एमआयआर/आयुक्त)

मनपा आयुक्त यांचे कार्यालय 01/02/2014

प्रत रवाना :-

कार्यकारी अभियंता (विकास नियोजन)

कृपया Sanjay Phope, यांचा उपरोल्लेखित दि. 11/2/14 रोजीच्या माहिती अधिकार अर्जातील मुद्यांबाबत, आपल्या विभागाशी संबंधित माहिती, अर्जदारास परस्पर, विहित मुदतीत देण्यासाठी मूळ अर्ज/मूळ अर्जाची छायांकीत प्रत अग्रेषित करण्यात येत आहे.

सूचना : उपरोक्त संबंधित खाते/विभागातील जन माहिती अधिकारी यांना असे निर्देशित करण्यात येत आहे की, जर अर्जदाराने मागितलेली माहिती, त्यांच्या विभागाशी संबंधित नसल्यास व अन्य संबंधित खाते/विभाग यांचेकडे येत असल्यास, सदरहू अर्ज पुढील कार्यवाहीसाठी संबंधित विभागाकडे परस्पर वर्ग करावा व तसे अर्जदारास कळविण्यात यावे. मात्र कोणत्याही परिस्थितीत सदरहू अर्ज आपल्या कार्यालयाशी संबंधित नसल्यास, आयुक्त कार्यालयास परत अग्रेषित करू नये, यांची संबंधितांनी कृपया नोंद घ्यावी अशी विनंती आहे.

विभाग/खाते यांचा पत्ता :

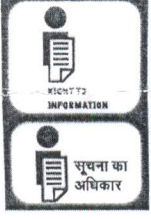
कार्यकारी अभियंता (विकास नियोजन)

मनपा मुख्यालय नवीन इमारत

पुढा मजला, मु. ४००००९

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

No. CHE/34973/DPGen/RTI 2005 dt. 13-3-14



Office of the  
Chief Engineer (Devp.Plan)  
Munl. Head Office, 5<sup>th</sup> floor  
Annexe Building,  
Mahapalika Marg, C.S.T.  
Mumbai 400001.

To

Shri Sanjay Phope  
MCHI-Credai  
Maker Bhuvan II, 4<sup>th</sup> floor  
18, Sir Vitthaldas Thakersey Marg  
New Marine Lines, Mumbai 400020.

Sub: Your application dt. 10.2.2014 under R.T.I. Act, 2005.

Sir,

Please refer to your application dt. 10.2.2014 addressed to Administrative Officer to Hon. Municipal Commissioner under Right to Information Act, 2005.

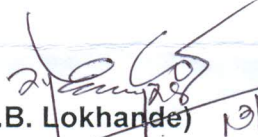
Xerox copy of the circular is enclosed herewith for ready reference and record please.

In case of any further clarification, you may contact this office concerned staff between 3.00 p.m. to 5.00 p.m. on any working day. They will extend full cooperation in giving information to you in the form of documents available in this office.

In this case, the 1<sup>st</sup> Appellate Authority is Shri Vijay Patil, Executive Engineer (Development Plan) H & K whose office is situated at 5<sup>th</sup> floor, Annex Building, Municipal Head Office, Mahapalika Marg, Fort, Mumbai 400001. You can file appeal within 30 days from receipt of this letter.

This disposes off your application dt. 10.2.2014 under Right to Information Act, 2005.

Yours faithfully,

  
(Shri G.B. Lokhande) 13/03/14  
Public Information Officer  
Administrative Officer  
(Development Plan) 2

Office of the  
Chief Engineer (Devp. Plan)  
Brihanmumbai Mahanagarpalika  
Municipal Head Office, 5<sup>th</sup> floor  
Annex Bldg, Mahapalika Marg  
Fort, Mumbai 400001.

To

The Principal Secretary  
Urban Development Department  
Mantralaya, Mumbai 400032.

Sub: Clarification with respect to the notification issued under No. TPB/4312/CR-45/2012 (2)/UD-11 dt. 8.11.2013 for regulation for inclusive housing.

Ref: Notification issued under No. TPB/4312/CR-45/2012 (2)/UD-11 dt. 8.11.2013.

Sir,

Reference is please requested to the above notification issued by U.D. Dept., Govt. of Maharashtra for mandatory provision of 20% housing for EWS/LIG. The implementation of the above said notification needs clarification on certain issues which have not been specifically addressed to in the regulatory provisions.

1. The tenements of sizes less than 30.00 Sq.mt. BUA are required to be constructed during development as per provisions of DCR 1991, such as No. 9, 33 (5), 33 (7), 33 (9), 33 (10) etc.  
As such clarification is felt necessary whether the 20% B.U.A. for EWS/LIG shall be made applicable in addition to the BUA to be constructed as per various DCR1991 provisions as stated as above.
2. As per the provisions of 57 (4)(c)(v) of DCR 1991, out of total floor area proposed to be utilized for residential development, 20% of the same shall be built for residential tenements having built up area upto 50.00 Sq.mt. As such, a clarification is required whether 20% built up area for EWS/LIG under this notification shall be made applicable in addition to the above No.57-4-C of DCR 1991 provision.
3. In suburbs, the exemption is granted to the Societies required prior to 1984 for not handing over of the PAP tenements for redevelopment on their plot in view of the clarification given by the U.D.D. under No. TPB/4394/845/UD-11 dt. 14.7.1994 and as per the foot note of provisions of Regn. 9 of DCR 1991. The clarification is therefore required whether the 20% built up area for EWS/LIG shall be insisted irrespective of granting exemption for not handing over of the PAP tenements to the MCGM being plots reserved for PH, PH/HDH & HD.
4. In case of 33 (9) of DCR 1991, existing tenants are required to be rehabilitated during redevelopment. In some cases, the area of the existing tenements to be rehabilitated is likely to exceed 50.00 Sq.mt. As such, the balance potential available for development will be very less. It will not be therefore all the time

- possible to provide 20% EWS/LIG tenements as per this notification. As such, clarification is required whether the 20% built up area for EWS/LIG shall be made applicable in such cases wherein area of rehabilitation is exceeding 50.00 Sq.Mt. built up area.
5. The size of PAP tenements handed over to the MCGM under various provisions of DCR 1991 are less than 30.00 sq.mt. whereas this notification states the provision of 20% built up area in the form of tenements of sizes 30.00 Sq.mt. to 50 Sq.mt. It is therefore necessary to clarify whether tenements size less than 30.00 Sq.mt. built up area shall be counted within 20% built up area for EWS/LIG as per this notification.
  6. Sr.No. 4 of said Notification states that applicability of Notifications prospectively not applicable to any Housing Scheme or residential development project wherein the C.C. had been issued prior to date of force of the notification.
  7. Whether premium/charges are leviable for staircase, lift, lift lobbies, open space deficiency, development charges etc. for 20% E.W.S. component.
  8. The 20% built up area under the said notification is free of FSI over and above the basic permissible FSI. The sizes of each tenement for EWS/LIG are 30 Sq.mt. to 50 Sq.mt. The sizes of the tenement will exceed the maximum built up area of 50.00 Sq.mt. in case the fungible compensatory FSI (FC FSI) is considered. Further, the owner has to pay premium towards using F.C. FSI, open space deficiency etc. at normal rate.

It is therefore felt necessary to clarify whether the fungible compensatory FSI shall be allowed for 20% BUA for EWS/LIG under the said notification. If so, then whether the same shall be allowed free of FSI or otherwise:

In the layout, it is possible that C.C. for a residential or commercial building is granted and plans for other proposed buildings are not approved. Further, it is a possibility that the C.C. for the commercial building is already issued and rest development is proposed for residential use.

As such, clarification is felt necessary whether the said notification shall be made applicable to the balance potential in case C.C. for residential/commercial building in layout is already granted.

It is requested for the clarification on above said issues, for effective implementation of the said notification.

Yours sincerely,

  
11/11/14

**Chief Engineer  
(Development Plan)**