

**PRESIDENT**

Nayan A. Shah

**IMMEDIATE PAST PRESIDENT**

Mayur Shah

**VICE PRESIDENTS**

Deepak Goradia  
Boman Irani  
Harish Patel  
Nainesh Shah  
Domnic Romell

**ADDL. VICE PRESIDENT**

Sukhraj Nahar

**HON. SECRETARY**

Bandish Ajmera

**TREASURER**

Mukesh Patel

**SPECIAL PROJECTS**

Parag Munot  
Sandeep Raheja  
Jayesh Shah  
Sanjay Chhabria  
Rasesh Kanakia

**HON. JOINT SECRETARIES**

Navin Makhija  
Sandeep Runwal  
Shailesh G. Puranik  
Dhaval Ajmera  
Pratik Patel

**JOINT TREASURER**

Nayan Bheda  
Munish Doshi

**CO-ORDINATORS**

Sandeep Shah  
Tejas Vyas  
Shailesh Sanghvi  
Pritam Chivukula

**COMMITTEE MEMBERS**

Jagdish Ahuja  
Jitendra Jain  
Deepak Gundecha

**INVITEE MEMBERS**

Praful Shah  
Rajesh Prajapati  
Sachin Mirani  
Nikunj Sanghavi  
Rajeev Jain  
Shyamal Mody  
Digant Parekh  
Rushank Shah  
Samyag Shah  
Jayesh C. Shah  
Sunny Bijlani  
Sahil Parikh  
Naman Shah  
Suhail Khandwani  
Ricardo Romell

**PAST PRESIDENTS**

Dhamesh Jain  
Vyomesh Shah  
Paras Gundecha  
Pravin Doshi  
Mohan Deshmukh  
Mofatraj Munot  
Rajnikant Ajmera  
Late G. L. Raheja  
Late Lalit Gandhi  
Late Babubhai Majethia

**CREDAI-MCHI UNITS**

**PRESIDENT, THANE**  
Ajay Ashar

**PRESIDENT, KALYAN-DOMBIVLI**  
Ravi Patil

**PRESIDENT, MIRA VIRAR CITY**  
Ashit Shah

**PRESIDENT, RAIGAD**  
Ateeque Khot

**PRESIDENT, NAVI MUMBAI**  
Prakash Baviskar

Ref. No. MCHI/PRES/19-20/009

To,

Shri Keshav Ubale

Assistant Municipal Commissioner (Estate.)

Municipal Corporation of Greater Mumbai

4<sup>th</sup> Floor, Annex Building

Mumbai - 400 001.



August 14, 2019

Sub:- Meeting held on 17.07.2019 under the Chairmanship of Hon M.C in presence of various MCGM department and representative of PEATA, MCHI-CREDAI, NAREDCO and developers in respect of redevelopment of municipal tenanted properties.

Ref: Email dated 24.07.2019 by A.C. estate

Dear Sir,

With reference to the email, contents reproduced as below,

"In the meeting Hon M.C has directed the PEATA, MCHAI-CREDAI, NAREDCO, CMDWA and developers to submit their detail proposal in respect of

1. Lease Rent & Lease tenure
2. Reduction in Instalment of OTP payment on Lease plots
3. Conversion of lease plot to free Hold plot

In view of above, you are requested to submit your individual detail proposal on above issues with supporting documents and explanation at earliest."

On discussion with stake holders we request you to consider the proposed policy as detailed below.

Without prejudice and subject to our rights and contentions in WP 1251/2014 we submit a win-win compromise formula in respect of granting permissions and levying premiums for development/redevelopment and which shall apply to all cases where the transfer premiums are deposited subject to undertakings as per directions of the court.

<u>Issues For estate</u>	<u>Recommendation /Suggestion</u>	<u>Justification</u>
<b>1A.</b> Lease Rent & Lease Tenure for Leasehold Lands with subsisting leases of 999 years and in perpetuity.	<b>1A.</b> Lease Rent with tenure of 999 years and in perpetuity to be maintained as per existing Lease Rent of Re 1 per year.  Lease Tenure of 999 years / perpetuity also required to be maintained.	<b>1A.</b> The terms of legal contract remains binding and cannot be altered unilaterally. In a Bombay High Court judgement, <u>Jaikumari Amar Bahadur Singh vs. State of Maharashtra</u> , the court said "If the lease does not keep option to the Government to add, modify, alter or delete, any condition of the lease then the discretion of the Government cannot be taken forward unless the lessee, put in possession of the land, was to accept such change. Similarly, if

		<p>there is renewal clause in the lease the Government will be obliged to renew the lease in the same terms and conditions."</p> <p>In another judgement, <u>Ratti Palonji Kapadia And Anr. vs. State Of Maharashtra And Ors. on 23 April, 1992</u>, the Bombay High Court.</p> <p>In this case the lands belonging to the State were already leased to the lessees more than 80 years back. These were long-term leases for the purpose of development of the plots. Such leasehold lands when become due for renewal, the principles which would be applicable are the principles which govern the Rent Control legislation rather than those principles which would govern the disposal of a property belonging to the State.</p> <p>Hence in the light of the above judgements it is very clear that the MCGM should not change the Lease Tenure and Lease Rent.</p>
<p><b><u>1B.</u></b> Transfer Premium/ Fee:</p>	<p><b><u>1B.</u></b> <b><u>CASE1:</u></b> Transfer premium / Fee where "SO often clause is present "In lease document to be charged only "Rs. 1,00,000/- as administrative cost.</p> <p><b><u>CASE 2:</u></b> Where so often Clause is not present in Lease Document administrative charges for transfer of Lease up to Rs. 5,00,000/- to be recovered.</p>	<p><b><u>1B.</u></b></p> <p>It is submitted that given regard to the facts that the lessees had paid premium/consideration for acquiring lease at the then prevailing market rates and long tenures of leases, in most of the cases they have been given unfettered right to assign the leases without seeking prior permission from MCGM.</p> <p>Further whenever prior permission of MCGM is necessitated it means a formal permission. Therefore, in all the lease deeds, no transfer charge / fee / premium is anticipated or provided and only mention is for recovery of administrative cost of mutation.</p> <p>Reference Resolution 8666/28 dtd 18/08/1933</p>

	<p><b>CASE 3:</b> Post redevelopment transfer in favour of Co-op Housing Society to be at Rs 1,00,000/- as administrative cost only.</p>	<p>Redevelopment of Properties including cessed under DCPR 33(7) and 33(9) on Leasehold Lands is undisputedly in Public / Govt. Interest and the same is out of compulsion due to age of the building and in compliance of Govt. Policies. Therefore undertaking such Redevelopment cannot be construed to be termination of lease.</p> <p>Post redevelopment transfer in favour of Co-op Housing Society is a statutory requirement and under RERA and hence MCGM should not levy transfer premium.</p> <p>Transfer fee as per Lease document executed is only to recover <u>administrative cost</u> which is mentioned in Lease Document which is valid, subsisting and binding as legal contract between the parties. And therefore is proposed to be kept reasonable. Further legal charges are separately recovered for Public Advt. and Legal Advice.</p>
<p><b>2A.</b> Reduction One Time Premium (OTP) for Redevelopment on Lease plots.</p> <p>Currently Premium levied - OTP on additional FSI is levied 50% of ASR</p>	<p><b>2A.</b> Premium levied - OTP on additional FSI to be levied 25% of ASR</p>	<p><b>2A.</b> We draw your attention to Govt. Notification bearing no. BMC 2398-3176 No 589 N/VI/21 dtd.18<sup>th</sup> Jan 2000 in pursuance of recommendation of Sukhtankar Committee which provided for freezing of Land Value at 1976 level when MHADA Act was promulgated. Accordingly the OTP Policy framed in 2002 is not in tune with said Govt. Notification freezing the land value at 1976 level ( Attached Annexure 1)</p> <p>There are three Supreme Court judgements (which were referred in the GR) in these regards. They are Col.Sir Harinder Singh Brar Bans Bahadur vs. BihariLal (1994), Inder Prashad v/s Union of India (1994) and Mangat Ram v/s State of Haryana &amp; Ors</p>

		<p>(1996) which has decided this issue and came to the conclusion, that the valuation of the Govt. should be 25% and the lease holder should 75% in the concerned property.</p> <p>In this, InderPrashad vs. Union of India &amp; Ors. (1994) was the original judgement which laid the law and had made some significant observations. The summary of this judgment is as follows. The petitioner was given a leasehold land in Delhi by Govt. of India in the year 1934 which was to renewed till perpetuity. The Govt. in 1973 wanted to resume the land for public purposes under Land acquisition act. Since it could not decide the compensation to be paid to the lessee, it referred the matter to a civil court. The Civil court decided that the Govt. is entitled for a compensation of 33% and the lessee to get 66%. This was challenged by the Inder Prashad in the High court which came to the conclusion that the Govt. is entitled for 25% and the lessee is entitled to 75%.</p> <p>Supreme Court made some significant laws in this regard and later reiterated this principle by the subsequent Supreme Court Judgements</p> <p>Thus the valuation right of the Govt. in the leasehold property should be 25% and 75% for the lessee, and this is also reflected in proposed estate policy for calculation of premium.</p> <p>Moreover, it needs to be noted that the Current policy is rendering implementation of Redevelopment completely unviable, which is not in anyone's interest.</p>
<p><b>2B.</b> Reduction in OTP calculation/instalment</p> <p>Current practice</p> <p>OTP = (Proposed BUA</p>	<p><b>2B.</b> Calculation methodology of One Time Premium in lease hold plot for additional Sale FSI</p> <p>Proposed :</p>	<p><b>2B.</b> DCPR 2034/ MHADA specifies a certain minimum PAA Area to be given to Rehab irrespective of their existing areas. Hence it is imperative that the proposed Rehab Area should be exempted</p>

(without Fungible) - Existing Area as per lease Plan-Mhada Surplus - 50% Permissible Rehab BUA)* 50%* ASR Land Rate)	OTP = (Proposed BUA (without Fungible) - Permissible Rehab BUA including Mhada Surplus BUA - 50% Permissible Rehab BUA including Mhada BUA)* 25%* ASR Land Rate)	from Premium Calculations. <b>Permissible Rehab BUA as mentioned in Col 14 of Table 21 MCGM Approved plans must be referred to confirm the same. This is only fair and just.</b>
<b>2C.</b> Reduction in Instalment of OTP payment on Lease plots.	<b>2C.</b> Proposed Interest Free Instalments :  CC issued by BP: 10% After 12 months: 20% After 24 months: 20% At OC: 50%  No interest to be levied on above instalments for duration of 3 years from the date of Commencement Certificate for Buildings upto 70 mt. height and for duration of 5 years from the date of Commencement Certificate for buildings above 70 mt. height.	<b>2C.</b> The Instalments proposed are on similar lines with the current MCGM guidelines for instalments for premiums.
<b>2D.</b> Reduction in OTP on other FSI.	<b>2D.</b> Additional OTP shall not be charged on PPL FSI, Fungible FSI, Additional FSI in 33(4) Hotel, 33(19) Commercial, 33(13) IT and Fintech. Road FSI and AOS which are handed over to MCGM.	<b>2D.</b> As several premiums are already levied by MCGM before allowing following FSI, Since Premium for Fungible FSI is being separately recovered by MCGM (BP). This accounts to double taxation.  To bring viability in undertaking development.

<p><u>2E.</u> Reduction in OTP Calculation in proposals as per DCPR 30</p>	<p><u>2E.</u> OTP Calculation in proposals as per DCPR 30 Table 12 permitting increased FSI over and above Zonal FSI based on Road Width including proposals as per DCPR 33(7B).</p> <p>(i). No OTP for loading Govt. Premium FSI.</p> <p>(ii). 2.5% OTP for loading TDR.</p>	<p><u>2E.</u> Such proposals will now be on rising since FSI increase as per Road width is now permissible in island city.</p> <p>(i). Premium is already recovered by MCGM (BP) hence additional OTP not justified.</p> <p>(ii). Existing MCGM estate policy is to charge 5% OTP, however in Govt. Land the policy for loading TDR is 2.5% OTP.</p>
<p><u>3.</u> Conversion of lease plot to free Hold plot</p>	<p><u>3.</u> There needs to be a policy for the Conversion of Estate Leasehold lands to Freehold category by charging a conversion Premium as under:</p> <p>For Plots which have Non Cessed Structures:</p> <p>10% of ASR Value of the Plot</p> <p>For Plots which have Cessed Structures:</p> <p>7.50% of ASR Value of the plot</p> <p><b>NOTE ATTACHED Annexure B</b></p>	<p><u>3.</u> 1) Yashwantrao Chavan Academy of Development Administration, (YASHADA) Pune came out with functional review of the Revenue Dept. of 'Government of Maharashtra', through its 'Research &amp; Development Centre' and After a detailed study of Occupancy and Leasehold lands in Maharashtra they have recommended that all such lands be given an option to convert to Class 1 lands.</p> <p>Recently the Maharashtra Govt has come up with a policy to convert Collector/ Govt. Lease hold lands to Class 1 lands. Dated 8/3/2019).</p> <p>The MCGM leasehold lands are of lease tenure of 999 years (i.e. perpetual lease) and should be treated on par with Class 2 Occupancy lands.</p> <p>Revenue collected from such conversions will give enormous income/ funds to MCGM and even the interest earned on such collections shall be far greater than the current income from leasehold lands. And end all litigation.</p>
<p><u>4.</u> Enhanced Lease Rent</p>	<p><u>4.</u> In cases, wherein the Lessee (Developer) <u>does not opt</u> for</p>	<p><u>4.</u> 1) When MCGM does not derive direct one-time monetization benefit of its land resource by</p>



	conversion to Freehold Category by payment of requisite premium between the time of Formal NOC for Redevelopment and before Completion Certificate / OC for Redevelopment, the Lease Rent may be increased after completion (OC) of Redevelopment to the extent of 0.25% of ASR Value of Land to be revised by 5% at interval of every 5 years	way of conversion arising from Redevelopment, it is reasonable to levy periodic benefit. 2) In Govt. Land for renewal of expired Leases, Lease Rent of 0.5% of ASR Value of Land is adopted. 3) Accordingly, in cases of subsisting Lease Terms, enhanced Lease Rent of 0.25% of ASR value of Land is reasonable in case of transformation of Leased Property upon Redevelopment.
--	--	---


For other reliefs and Ease of Doing Business including in respect of amalgamation of Leasehold Properties; separate representations are submitted and hearings have already happened and we are expecting positive outcome of the same.


We request you to kindly give us a hearing on above subject matter, and we expect your positive response on above issues to improve feasibility and give a boost to redevelopment of these cessed & old properties which have outlived their lives and to pave way for compromising various pending Writ Petitions on issues of Lease matters including Constitutional Validity of Sec. 92ddddd of MMC Act by filing appropriate Consent Terms wherein our Association is Petitioner.

Thanking you,

Your sincerely,  
For CREDAI-MCHI

  
Nayan A. Shah  
President

  
Bandish Ajmera  
Hon. Secretary

  
Sanjiv Chaudhary MRICS  
Chief Operating Officer

CC:  
Shri Pravin Pardeshi (I.A.S.)  
Municipal Commissioner,  
Municipal Corporation of Greater Mumbai  
Mumbai - 400 001.

Shri Ashutosh Salil (I.A.S.)  
Joint Commissioner - Vigilance  
Municipal Corporation of Greater Mumbai  
Annex Building, 3<sup>rd</sup> Floor  
Mumbai - 400 001.

Shri Chandrashekhar D. Chore  
Dy. Municipal Commissioner (Improvements)  
Municipal Corporation of Greater Mumbai  
Annex Building, 6<sup>th</sup> Floor,  
Mumbai - 400 001.



**Note on Conversion of Leasehold land of MCGM to Freehold ( Reversionary Rights )**

1. In implementation of its objective of the Govt. / Govt. bodies disengaging from business, the State Govt. has recently notified "The Maharashtra Land Revenue (Conversion of Occupancy Class-II and Leasehold lands into Occupancy Class – I lands) Rules, 2019" on 8.3.2019.
2. This note is for a conversion proposal to be considered by the Municipal Corporation of Greater Mumbai ["MCGM"] for lands leased by the British Raj through 1897-pre 1947 and post-independence inherited by the Bombay Improvement Trust and eventually now referred as MCGM Estate by Leases in perpetuity or for long terms (for varying periods). The material aspects in this regard are discussed below -
  - (a) Such leases/licenses were granted against payment of huge premiums based on then prevalent market values at that time, and MCGM has already received the intrinsic value of the lands at the inception of the lease.
  - (b) The perpetual Leases entitle the Lessee to transfers without prior consent of MCGM. Recently amended Section 92(dddd) of the Mumbai Municipal Corporation Act, 1888 provides for additional conditions provided in the lease deed, but applies only to leases granted for whatever term, and not to leases in perpetuity. *(The differentiation between a lease in perpetuity and leases (other than a lease in perpetuity) i.e. for whatever term is in S.92 (b) (iii), and S.105 of the Transfer of Property Act which defines a lease as a right to enjoy property for a certain time, or in perpetuity).* Perpetual Leases are akin to ownership and stand on a higher footing, as compared to leases for whatever term. Consequently, Lessees` case is that S.92 (ddddd) does not apply to perpetual leases, even if courts declare S.92 (ddddd) to be valid.
  - (c) Lease deeds/Licenses for 999 years which does not prohibit assignment or transfer for whole of the term granted, entitle Lessees to sub-lease for a term less than the balance term, without any prior permission or payment of premium. In fact, amended Section provides for these S.92 (ddddd) conditions "in addition to the conditions stipulated under the lease deed". Consequently, Lessees` case is that (a) sub-leasing for a term less than the balance term under the lease deed, does not require prior permission or payment of premium; and (b) in any event, contractual conditions in the lease deeds are saved and continued by S.92(ddddd).
  - (d) MCGM is embroiled in multiple litigation relating to leasehold properties, including in respect of transfer premiums, reduction of the perpetual as well as long term leases to 30 year leases and increase of rents of perpetual and long term leases (sought to be imposed on the basis of circulars and resolutions). Several adverse orders have been passed against MCGM in earlier multiple rounds of litigation in Bombay High Court and Supreme Court [including (a) charging transfer premiums based on resolutions, without any power in law *[subsequently sought to be modified by amending S.92 of the MMC Act]*, (b) regarding the reduction in lease period to



30 years, and (c) increase of lease rent. There are subsisting restraint orders passed by the Bombay High Court against MCGM in certain matters.

- (e) The public (including the lessees / tenants /occupants / business community) and even the officers of MCGM are trapped in the quagmire of widespread uncertainty and imbroglios relating to the legal rights and management in respect of MCGM leasehold properties. Consequently, in every case relating to transfers, change of use, re-development etc., MCGM has been processing the leasehold property matters by accepting without prejudice undertakings pending the final decision of the courts.
- (f) For these reasons, the value of the properties in the hands of both MCGM and its Lessees has eroded substantially, and such properties have acquired the onerous reputation of being problematic and pariah properties. Meanwhile, MCGM is incurring huge costs in respect of these properties, including for the day to day management and monitoring, and also for the multiple litigation; which costs are probably not justifiable in proportion to the rental / other revenue being generated by MCGM. At the same time the flats in the Leasehold buildings post redevelopment costs more with time period restrictions than the flats in freehold buildings resulting in non-marketability of leasehold plots/buildings.
- (g) It is relevant that MCGM as a statutory corporation is exempted from the Rent Act Legislation (inter alia giving permanent protection to tenants) only on the basis that would not be actuated by any profit making motive so as to unduly enhance the rents or eject the tenants from their respective properties as private landlords are or are likely to be. The Courts have recognised that the basis of differentiation in favour of the public authorities was on the ground that they would not act for their own purpose as private landlords do but must act for public purpose. Being a public body, even in respect of its dealing with its tenant, it must act in public interest.<sup>1</sup>

3. In the aforesaid background, it is necessary for MCGM to consider a rational, efficient and workable scheme for conversion of its leasehold lands; on the following lines.

- (a) MCGM can offer to sell and transfer to the Lessee, its reversionary rights as a Lessor, for a sale price depending on the type of the lease. On purchase of reversionary rights, the lease would be determined and merged in the reversion, and the Lessee would become the absolute owner (*as provided in S.111 (d) of the Transfer of Property Act*). This is necessary to obviate multiple documentation and related stamp-duty and other issues relating to sale of the property.

---

<sup>1</sup> SC – In Dwarkadas Marfatia Vs. Board of Trustees of the Port of Bombay, dt. 27.4.1989 (AIR 1989 1642 = 1989 SCR(2) 751); Rampratap Jaidayal Vs. Dominion of India ([1952] 54 BOM LR 927; Baburao Shantaram More Vs. The Bombay Housing Board

- (b) Considering the factors detailed in Paras 2(a) to 2(g) above, MCGM can charge the Lessee, a sale price of the reversionary rights on the following lines<sup>2</sup> -

Sl. No	Original Lease	Conversion Premium (% of RR rates of Land)		Mixed Use
		Commercial	Residential	
	Leases in Perpetuity	10%	As submitted in the proposal	Prorata of commercial
	999 years	15%		17.5%
	99 years	25%		25%
	30 years	35%		37.5%
	15 years	50%		

- (c) The conversion premium should be reasonable and not exorbitant or accentuated by profit motive, to enable Lessees to actually come forward and pay such sale price. \*Since the lands in perpetuity & 999 years have already paid market value at the time of lease a considered view is requested and proposed since these are largely cessed buildings with rents frozen under Rent Control Act with redevelopment potential under DCPR 33/7 and DCR 33/9.
- (d) The conversion premium for the reversion should be based on the original tenure of the registered lease deed and in respect of the demised leasehold premises, independently of any litigation or of any undertakings obtained from the Lessee.
- (e) In cases where lease deed not executed but licenses issued no penalty to be levied and to treat such lands at par with leased properties.
- (f) In cases where all premiums are already paid and buildings redeveloped OC obtained and Coop Society formed. There should be no insistence of 30 years and immediately all such buildings must be converted as freehold without charging any further premium.

<sup>2</sup> The conversion premium **in respect of the Govt. Lands** is as follows -

Sl. No.	Type of Occupancy of Land	Premium upto 3 yrs - (% of land value as per rates in curr.ASR)	
		Commercial / industrial	Residential
1	Occupancy class- II Land	50%	15% to 10%
2	Occupancy class- II Land held by co-operative housing society	-	15%
3	Leasehold Land	50%	25%
4	Leasehold Land held by a Co-op.Hsg. Soc	-	15%

- (g) All subsisting demands and disputes, and the litigation would ipso-facto stand closed on registration of the sale deed in respect of the reversionary rights, with all disputed demands and notices being withdrawn by MCGM).
- (h) Amounts deposited by Lessee on a without prejudice basis, should be adjusted against the conversion premium on the date of registration of the sale deed (to obviate double exposure to the Lessee). Proposed to be filed as consent terms in courts in the WP 1251 of 2014 so that no other authority can arbitrarily reverse this situation permanently.
- (i) The Lessee should be given an option for simultaneous transfer of the lease without any payment, to a nominee; and immediate sale of reversion by MCGM to the nominee at the notified sale price.

#### **4. Benefits:**

Such conversion scheme will, inter alia -

- (a) achieve the objective of Govt. disengaging from business activity;
- (b) provide an environment which facilitates ease of doing business
- (c) obviate the present situation of duplicating permissions from two departments of MCGM ( Building Proposals & Estate) in respect of the same activity;
- (d) enable MCGM to generate large lumpsum sale consideration upfront, which can be utilised for various development projects of the city;
- (e) resolve multiple litigation;
- (f) free the lands for development and generate substantial additional revenue of premiums/charges;
- (g) save substantial resources and time in managing more than 4000 leasehold properties;
- (h) save time and huge litigation costs;
- (i) Ensure complete certainty and clarity, instead of current imbroglios in respect of such lands.
- (j) Help in freeing from litigation and uncertainty, substantial lands for development generate and accelerate employment and economic growth of the State.
- (k) Uplift the lives of the tenants who desperately require upgrading of their living conditions.
- (l) Greater revenue generation wrt property taxes.
- (m) Net increase in revenue to the govt/mcgm in water & electric charges as most of the 4000 plots have unregistered/unmetered water connections.
- (n) bringing affordability in the housing segment

- 5. The aforesaid maybe suitably considered for a conversion proposal by the Municipal Corporation of Greater Mumbai [“MCGM”] for lands leased by MCGM.
-

बृहन्मुंबई महानगरपालिकेच्या मालकीच्या भाडेपट्टीवर दिलेल्या जमिनीवर उभ्या असलेल्या 'उपकर प्राप्त इमारतींची पुनर्बांधणी करण्यात आल्यास त्या जमिनीचे भुईभाडे, दि. १ जानेवारी, १९७६ रोजी जी किंमत होती त्या किंमतीच्या १५ टक्के दराने प्रतिवर्षी आकारण्याबाबत.

## महाराष्ट्र शासन नगर विकास विभाग,

शासन निर्णय क्र. बीएमसी-२३९८/३१७६ प्र.क्र. ५८९/नवि-२१

मंत्रालय, मुंबई - ४०० ०३२.

दिनांक १८ जानेवारी २०००

संदर्भ : गृहनिर्माण विभाग व विशेष सहाय्य विभागाचा दिनांक १८ जुलै १९९८ चा अनौपचारिक संदर्भ.

पार्श्वभूमी : बृहन्मुंबईतील महानगरपालिका क्षेत्रातील जुन्या व मोडकळीस आलेल्या इमारतींच्या समस्यांचा सर्वांगीण विचार करून उपाय योजना सुचविण्यासाठी माजी मुख्य सचिव श्री. द. म. सुकथनकर यांच्या अध्यक्षतेखाली राज्य शासनाने (गृहनिर्माण व विशेष सहाय्य विभाग) एका अभ्यासगटानी स्थापना केली होती. या अभ्यासगटामध्ये इतर सदस्यांबरोबर महानगरपालिकेचे तत्कालीन व विद्यमान आयुक्त हे सह मदत करीत होते. सदर अभ्यासगटाने ज्या शिफारशी शासनास सादर केल्या त्या गृहनिर्माण व विशेष सहाय्य विभागाने शासनास (मंत्रिमंडळाने) दि. १-१२-१७ रोजी सादर केल्या. मंत्रिमंडळाने कांही फेरफार करून या शिफारशी मान्य केल्या असून त्यातील शिफारस क्र. २६ पुढीलप्रमाणे आहे :

"राज्य शासन, महानगरपालिका आणि राज्य शासनाच्या अखत्यारीतील सार्वजनिक उद्योग अथवा प्राधिकरणा यांच्या मालकीच्या जमिनीवर उभ्या असलेल्या उपकरप्राप्त इमारतींची पुनर्बांधणी करण्यात आल्यास त्या जमिनीचे भुईभाडे त्या जमिनीची किंमत १ जानेवारी १९७६ रोजी जी होती त्या किंमतीच्या १५ टक्के दराने प्रतिवर्षी आकारण्यात यावे."

२. मंत्रिमंडळाच्या शासनाच्या उपरोक्त निर्णयानुसार आवश्यक ते आदेश मुंबई महानगरपालिकेस देण्याचा प्रस्ताव शासनाच्या विचाराधीन होता.

### शासन निर्णय

मंत्रिमंडळाने घेतलेल्या निर्णयाची तातडीने अंमलबजावणी व्हावी म्हणून शासन याद्वारे मुंबई महानगरपालिकेस असे आदेश देत आहे की, बृहन्मुंबईतील महानगरपालिकेच्या मालकीच्या भाडेपट्ट्यावरील जमिनीवर उभ्या असलेल्या उपकरप्राप्त इमारतींची पुनर्बांधणी करण्यात आल्यास त्यावरील व्याप्त जमिनीचे भुईभाडे बृहन्मुंबई महानगरपालिकेने त्या जमिनीची किंमत दि. १ जानेवारी, १९७६ रोजी जी होती त्या किंमतीच्या १५ टक्के दराने प्रतिवर्षी आकारावे.

सदर आदेश, मुंबई महानगरपालिकेने तात्काळ अंमलात आणावेत.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नवने.

(द. श्री. मुज्जर)  
उपसचिव

प्रति,

आयुक्त, मुंबई महानगरपालिका, मुंबई

सचिव, महसूल व वन विभाग, मंत्रालय, मुंबई

सचिव, गृहनिर्माण व विशेष सहाय्य विभाग, मंत्रालय, मुंबई

उपसचिव (नवि-११)

निवड नसरी (नवि-२१)

**EXHIBIT -**

✓ English translation of Govt. Resolution No. BMC-2398/3176  
No.589/N.VI 21 dated 18.1.2000.

In respect of Brihanmumbai Mahanagarpalika  
Owned land given on lease with a cessed  
building standing thereon, if reconstruction  
of such building is done then ground rent on  
such land be charged on price of such land  
prevailing as on 1.1.1976 at 15% per annum.

**GOVT. OF MAHARASHTRA  
Urban Development Department**

Government Resolution No. BMC-2398/3176 PRA No. 589/N/VI.21

Mantralaya, Mumbai - 400 032.

Date : 18<sup>th</sup> January, 2000.

Ref :- Housing & Special Assistance Departments - 18<sup>th</sup> July, 1998  
formal reference.

**BACKGROUND :**

For considering over all difficulties of old and dilapidated buildings in the  
Brihanmumbai Mahanagarpalika area and suggesting remedial  
measures, a study group under the chairmanship of Ex. Chief Secretary  
Shri D.M. Sukthankar was instituted by State Govt. (Housing & Special  
Assistance Departments). In the said study group alongwith other  
members the then and present Municipal Commissioner were co-  
members. The said study group made recommendations to the Govt.  
which Housing & Special Assistance Departments submitted to Govt. (i.e.

Cabinet) on 9.12.1997, Cabinet on making some changes accepted the same out of which recommendation item No. 36 is as under :-

"In respect of State Govt. Mahanagarpalika, State Govt. undertakings and development authorities owned land having cessed buildings standing thereon if reconstruction is taken up ground rent for land covered under reconstruction be charged on the basis of land price as on 1.1.1976 at 15% per annum".

2.As aforesaid Cabinet decision proposal was under consideration of the State to issue necessary orders to Municipal Corporation.

#### GOVERNMENT DECISION

For immediate implementation of Cabinet decision, Govt. hereby order that in respect of lands owned by Brihanmumbai Mahanagarpalika given on lease having cessed buildings standing thereon and reconstructed, Brihanmumbai Mahanagarpalika should charge ground rent on price of land as on 1.1.1976 at 15% per annum on land covered under reconstruction.



This order Mumbai Mahanagarpalika shall enforce with immediate effect.

By Order and in the name of Governor of Maharashtra.

Sd/-  
Under Secretary

To :  
Commissioner, Mumbai Mahanagarpalika, Mumbai  
Secretary, Revenue & Forest Dept., Mantralaya, Mumbai  
Secretary, Housing & Special Assistance Dept., Mantralaya, Mumbai.  
Under Secretary (N.VI.II)  
NIVAD NASTI (N.VI.21)