

जा.क्र. प्रा.दे/उपा/1214/2020  
दिनांक : 09/09/2020.

परिपत्रक

विषय : Ease of Doing Business

संदर्भ : मा. मंत्री, गृहनिर्माण यांचे समवेत दि. २१/०१/२०२० रोजी झालेल्या बैठकीचे इतिवृत्त

मा. गृहनिर्माण मंत्री यांनी सर्व म्हाडा वसाहतींची विकास कामे जलद गतीने करणे आणि प्रस्ताव सादर केल्यानंतर ४५ दिवसांचे आत देकारपत्र देण्याचे महत्वाकांक्षी लक्ष्य ठेवले आहे. दि. २१/०१/२०२० रोजी झालेल्या बैठकीमध्ये MCHI-CREDAI यांनी सादर केले की, म्हाडा वसाहतींचा पुनर्विकास जलदगतीने होण्याकरीता म्हाडास विशेष नियोजन प्राधिकरण (SPA) म्हणून नियुक्त केले आहे. तथापि विकासकास प्रथम ना-हरकत प्रमाणपत्र / देकार पत्राकरीता मुंबई मंडळाकडे संपर्क साधावा लागतो आणि त्यानंतर म्हाडाच्या इमारत परवानगी कक्षाकडून मंजूरी मिळवावी लागते. दोन्ही प्रकरणांमध्ये नस्ती अखेर उपाध्यक्ष/म्हाडा यांचेकडून मंजूर केली जाते. त्यामुळे वेळेचा अपव्यय होतो. त्यानुषंगाने सादर करण्यात येते की, Offer Letter / NOC / IOD / CC / OC इ. सर्व मंजूरींचे प्रस्ताव इमारत परवानगी कक्षाने त्यांना सादर केलेल्या तारखेपासून ४५ दिवसांचे आत मंजूर कराव्यात. त्यामुळे म्हाडाची विशेष नियोजन प्राधिकरण (SPA) म्हणून नेमणूक केल्याचे उद्दिष्ट साध्य होईल.

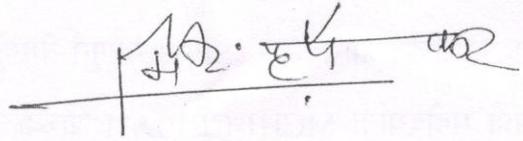
मा. मंत्री महोदयांनी MCHI-CREDAI यांच्या निवेदनाचा विचार Ease of Doing Business ला प्रोत्साहन देण्याच्या हेतूने ३३(५) अंतर्गत पुनर्विकासाच्या सर्व परवानग्यांची कामे करण्याकरीता Single Window प्रणालीद्वारे करण्याचे निर्देशित केले आहे. सदर प्रस्तावांवर म्हाडा ४५ दिवसांत प्रक्रिया करेल.

उपरोक्त उद्देश्य पार पाडण्याच्या हेतूने तसेच मोडकळीस आलेल्या व जीर्ण झालेल्या म्हाडा वसाहतींचा वेगवान पुनर्विकास सुलभ करणे व एकंदर जीवनशैली सुधारण्यासाठी शासनाने अधिसूचना क्र. TBP-४३१५/१६७/CR-५१/२०१५/UD-११, दि.२३/०५/२०१८ अन्वये म्हाडा अभिन्यासासंदर्भात

म्हाडास विशेष नियोजन प्राधिकरण (SPA) म्हणून नियुक्त केले आहे. त्यानुषंगाने प्राधिकरणाने दि.३०/०५/२०१८ रोजीच्या आदेश क्र.प्राधि/२०१८/१७२९/F-७ अन्वये आदेश जारी केले. सदर आदेशामध्ये बदल करण्याची बाब विचाराधीन होती.

प्रस्तावांना मंजूरी देण्याकरीता Single Window प्रणालीचा वापर करण्याच्या दृष्टीकोनातून पुनर्विकासाचा प्रस्ताव सादर केल्यापासून, संपूर्ण अभिन्यासाची मंजूरी व विशिष्ट इमारतीच्या नकाशास मंजूरी, पुनर्विकासासाठी सोसायटी / विकासक यांचेकडून प्रस्ताव सादर करण्यापासून ते ताबा प्रमाणपत्र (Occupation Certificate) मिळेपर्यंतची सर्व कामे इमारत परवानगी कक्षात केंद्रीकृत करण्याचे विचाराधीन होते.

वरील बाबींच्या अनुषंगाने दि.३०/०५/२०१८ रोजी पारित केलेले आदेश (PMAY वगळता) रद्द करण्यात येऊन पुनर्विकासासाठी Offer Letter / NOC, विकास आरखड्यास मान्यता आणि इमारत प्रस्तावांना मंजूरी देणे यापुढे इमारत परवानगी कक्षामार्फत केंद्रीकृत पध्दतीने केले जाईल. तसेच निवासी कार्यकारी अभियंता, मुंबई मंडळ हे यापुढे उपमुख्य अभियंता (इमारत परवानगी कक्ष) यांच्या अधिनस्त कामाकाज हाताळतील. उपमुख्य अभियंता (इमारत परवानगी कक्ष) हे बांधकाम प्रस्तावाची सर्व कामे, मंजूरी देणे तसेच Offer Letter / NOC देणे इ. कामांकरीता प्रभारी अधिकारी असतील. यासोबत जोडलेल्या कार्यप्रवाहानुसार मंजूरीची प्रक्रिया सुलभ केली जाईल.



उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी/प्राधिकरण

प्रत :

१. मुख्य अभियंता - १ / २ / ३ / प्रा.
२. मुख्य अधिकारी, मुंबई मंडळ
३. मुख्य वास्तुशास्त्रज्ञ व रचनाकार / प्रा.
४. सहमुख्य अधिकारी, मुंबई मंडळ
५. उपमुख्य अभियंता, इमारत परवानगी कक्ष
६. नि.का.अ., मुंबई मंडळ
७. सचिव / प्राधिकरण

## महाराष्ट्र शासन

क्रमांक: बैठक-२०२०/प्र.क्र.३२/गृनिप  
गृहनिर्माण विभाग,  
हुतात्मा राजगुरु चौक, मादाम कामा रोड,  
मंत्रालय, मुंबई ४०० ०३२.  
दिनांक:- ०३ फेब्रुवारी, २०२०.

प्रति,

१) उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी,  
महाराष्ट्र गृहनिर्माण व क्षेत्रविकास प्राधिकरण,  
गृहनिर्माण भवन, कलानगर,  
वांद्रे (पू), मुंबई

३) मुख्य अधिकारी,  
मुंबई ईमारत दुरुस्ती व पुनर्रचना मंडळ,  
गृहनिर्माण भवन, कलानगर,  
वांद्रे (पूर्व), मुंबई.

५) श्री. बोमन ईराणी (सचिव),  
महाराष्ट्र चेंबर्स ऑफ हाऊसिंग इंडस्ट्री,  
मेकर भवन ॥, ४ था मजला, १८, व्ही.  
ठाकरसी मार्ग, न्यु मरीन लाईन्स, मुंबई

७) श्री. विनोद गोयंका (सदस्य),  
महाराष्ट्र चेंबर्स ऑफ हाऊसिंग इंडस्ट्री,  
मेकर भवन ॥, ४ था मजला, १८, व्ही.  
ठाकरसी मार्ग, न्यु मरीन लाईन्स, मुंबई

२) मुख्य अधिकारी,  
मुंबई गृहनिर्माण व क्षेत्रविकास मंडळ,  
गृहनिर्माण भवन, कलानगर,  
वांद्रे (पू.), मुंबई

४) श्री. नयन शाह (अध्यक्ष),  
महाराष्ट्र चेंबर्स ऑफ हाऊसिंग इंडस्ट्री,  
मेकर भवन ॥, ४ था मजला, १८, व्ही.  
ठाकरसी मार्ग, न्यु मरीन लाईन्स, मुंबई

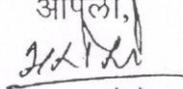
६) श्री. शाहीद बलबा (सदस्य),  
महाराष्ट्र चेंबर्स ऑफ हाऊसिंग इंडस्ट्री,  
मेकर भवन ॥, ४ था मजला, १८, व्ही.  
ठाकरसी मार्ग, न्यु मरीन लाईन्स, मुंबई

विषय :- MCHI-CREDAI यांचे निवेदनाच्या अनुषंगाने बैठक.

महोदय,

MCHI-CREDAI यांचे निवेदनाच्या अनुषंगाने मा. मंत्री (गृहनिर्माण) यांच्या अध्यक्षतेखाली मंगळवार, दि.२१.०१.२०२० रोजी त्यांच्या A-३ बंगला येथील निवासस्थानी बैठक आयोजित केली होती. सदरहू बैठकीच्या इतिवृत्ताची प्रत यासोबत जोडून पाठविण्यात येत आहे.

सहपत्रे-वरीलप्रमाणे

आपला,  
  
(मु. उ. भरोसे)

कक्ष अधिकारी, महाराष्ट्र शासन

प्रत,

- १) मा. मंत्री (गृहनिर्माण) यांचे खाजगी सचिव, मंत्रालय, मुंबई
- २) अपर मुख्य सचिव (गृहनिर्माण), यांचे स्वीय सहायक, मंत्रालय, मुंबई
- ३) अवर सचिव (दुवपु-१), गृहनिर्माण विभाग, मंत्रालय, मुंबई
- ४) निवडनस्ती (गृनिप)

## Meeting Minutes

The Meeting under chairmanship of Hon'ble Housing Minister was held on 21.01.2020 at A-3 Bungalow opp Mantralaya. The following were present for the meeting.

Shri Sanjay Kumar	A.C.S. (Housing)
Shri Milind Mhaiskar	VP & CEO/MHADA
Shri R. K. Dhanawade	Dy. Secretary, Housing Dept., Mantralaya
Shri M. R. Parkar	Under Secretary, Housing Dept., Mantralaya
Shri Nayan Shah	Representative of MCHI & CREDAI
Shri Boman Irani	
Shri Vinod Goyanka	
Shri Shahid Balwa	

The MCHI / CREDAI has given representation regarding the issues related to redevelopment in MHADA colony.

The meeting was conducted on the said representation & the detailed discussion took place in said meeting. The point wise directions given by Hon'ble minister are as under

Sr. No.	Issues Raised by MCHI-CREDAI	Hon. Ministers Direction	Action to be taken by
a)	Government decision vide Notification bearing No.TPB/4319/189/CR No./123/2019/UD-11 dated 20 <sup>th</sup> August 2019 should be applicable to all ongoing projects and premium should be recalculated for the entire project including for NOC issued prior to 20 <sup>th</sup> August 2019, including in case where premium is partly paid. For example If the premium as per offer letter issued prior to 20 <sup>th</sup> August 2019 is Rs.100 and Rs.50 is paid and the reduced premium is Rs.75 then in such case the developer should be liable to pay only Rs. 25 to MHADA	The Premium for additional Built up area shall be charged for ongoing project as per notification dated 20.08.2019, So that level playing field between ongoing and new projects is maintained. Mhada to issue fresh offer letters to all ongoing projects as per Government notification.	MHADA
b)	The Government vide the above notification had waived levy of development cess /off site infrastructure charges. However in cases where offer letter has been issued but no payment made, in such cases MHADA is insisting for payment of off-site infrastructure charges. The same is against the Government policy. Therefore in all such cases where LOI is issued prior to the Government Notification but payment not made by developer, fresh offer letter is to be issued without levying any off-site infrastructure charges.	The revised offer letter to be issued as per the notification dated 20.08.2019 for those who have not paid any charges as per offer letter, as per Government Policy.	MHADA

c)	SRA vide Circular No. CEO/SRA 4598 dated 6/8/2019 has permitted payment of various charges, premiums etc. without levy of interest. As per sub-Rights 6 of the DCPR-33(5), MHADA projects are at par with SRA. Therefore no interest should be levied on the premium, levies, development charges etc. levied by MHADA.	Mhada shall examine the matter in terms of financial implication and if necessary, proposal may be sent to Government.	MHADA
d)	MHADA has permitted payment of premium under DCPR 33(5) in 4 annual instalments at interest rate of 12% vide Resolution No. 6749 of 11/07/2017. However, the CC is linked to payment of instalment. For Example if 25% of the premium is paid only 25% CC is issued. However the MCGM vide Circular dated 17/09/2019 bearing No. CHE/DP/14770/Gen has permitted payment of all premium by 5 to 6 annual instalments depending on the height of the building. It is submitted that MHADA for FSI premium under DCPR 33(5) should follow the MCGM policy of 5 to 6 annual instalments. Also as per the MCGM policy CC is not restricted and only OC is restricted.	Mhada shall frame a policy in this regard, so that developers are able to tide over the liquidity crunch, on the line of a 20:80 policy where 20% premium is paid upfront & Commencement Certificate for the full potential is issued. 80% premium is to be on Occupation Certificate. Developer should provide sale flats as security. And Mhada should charge interest as per MCGM policy. Before Occupation Certificate developer should pay 100% premium to Mhada. Adequate safety /security for Mhada should be there and accordingly policy to be formulated within 7 days & submitted for approval of the Government.	MHADA
e)	As the MHADA projects involve construction of Rehab buildings and Sale buildings in Phase wise manner, occupation certificate based on the percentage of premium paid should be granted. For example if 50% premium is paid then 50% occupation certificate must be granted.	The OC to the proportionate BUA for which the amount of premium is paid shall be issued.	MHADA
f)	The Government vide above notification has allowed reduction in premium for 2 years. However, as the premium is paid in instalments beyond 2 years, MHADA is insisting to either pay full premium in 2 years or pay higher premium for instalments paid after 2 years. It is submitted that MHADA's decision in this regard is contrary to the spirit of the Government decision. It is submitted that once a project is given an offer letter (revised or new) and the developer pays the 1 <sup>st</sup> instalment within the window of 2 years then in such case the reduced premium shall apply for the entire duration of the project including for instalments of premium to be paid beyond 2 years.	In this regard MHADA shall frame a policy, So that benefit of notification is given to all projects which are started within the window period to ensure level playing field and relief to ongoing projects as per MCGM policy in respect of projects under DCR 33.	MHADA

g)	MHADA vide its recommendation dated 25 <sup>th</sup> July 2019 had recommended reduction by 50% the premium levied for FSI under DCPR 33(5). It is submitted that the Government vide above notification reduced the premium only by 25%.It is submitted that the premium levied by MHADA is very high and should be reduced by 50% as recommended by MHADA.	Mhada / Housing Dept. shall take up this issue with Urban Development Department.	1) MHADA 2) Housing Dept. 3) Urban Development Department.
h)	MHADA vide its recommendation dated 25 <sup>th</sup> July 2019 had recommended that the incentive sale FSI against the Rehab component be brought on par with DCPR 33(9), as MHADA would like to have cluster redevelopment of its colonies. However urban Development Department has not yet approved MHADA 's request.	Mhada / Housing Department shall take up this issue with Urban Development Department.	1) MHADA 2) Housing Dept.
i)	It was submitted that developers are facing a severe liquidity crunch and after payment of 1 <sup>st</sup> instalment are unable to pay further instalments. It was submitted that in some cases, after approval of the project and occupants are vacated, due to slowdown in sales for want of funds developers are not able to pay the 1 <sup>st</sup> instalment and/or the subsequent instalments. It was submitted that due to NBFC crises developers are also not able to raise funds. In view of the same it was submitted that MHADA should allow such projects to proceed by taking a mortgage/lieu of the sale area and the premium so payable can be recovered in due course as and when the stock is sold. This will help developers tide over the liquidity crises and speed up completion of existing and new projects.	As per decision taken for point "d".	MHADA
j)	It was submitted that currently MHADA grants 30 year lease to the Housing Societies and which may be renewed in the future. However it was submitted that when redevelopment is undertaken and new building is constructed, the buyers are not comfortable to buy flats in a lease hold land. It was therefore submitted that on the lines of the Government decision vide GR no. Jamin.2018/CR 90/J-1 dated 8 <sup>th</sup> March 2019 wherein the government has permitted conversion of Class II tenure land to Class I tenure, on payment of premium, MHADA should also adopt the same so that the land can be given to the newly redeveloped society on Class-I basis, subject to payment of premium. This will also reduce MHADA liability in the future.	MHADA shall examine this proposal and submit report to Government.	MHADA

k)	<p>It was submitted that, MHADA has developed 56 large colonies across Mumbai. However, the layout in accordance with DCPR-2034 has not been approved for many colonies. As a result the redevelopment of the societies in such colonies is held up. It was submitted that currently MHADA has a separate Building proposal (BP) department which approves the plan and the Mumbai Board approves the layout. However in the MCGM the plans as well as layout are approved by the Building Proposal (BP) department. This expedites the process of approval. It is therefore submitted that MHADA should follow the MCGM system and layout should be approved by the BP dept. Also a 90 day time line should be fixed for approval of all layouts.</p>	<p>The final decision regarding layout approval for redevelopment proposal shall be done within 45 days by Mhada as per MCGM Policy.</p>	<p>MHADA</p>
l)	<p>It was submitted that MHADA was appointed SPA to expedite approvals of redevelopment of its colonies. However currently a developer has to first approach the Mumbai Board for NOC/offer letter and thereafter approach the BP department of MHADA for approval. In both cases the file is finally approved by VP MHADA. As such no time saving has been achieved. In view of the same it is submitted that all approvals including NOC/Offer Letter/IOD/CC/OC etc. should be approved by the BP cell within a time bound period of 30 days from date of submission. This will achieve the objective of appointing MHADA as SPA to expedite redevelopment.</p>	<p>To promote ease of doing business the MHADA should process all permissions for redevelopment under 33(5) in single window manner. The MHADA shall process the proposal in 45 days. The approval system for entire 33(5) proposal shall be followed as per MCGM .</p>	<p>MHADA</p>
m)	<p>MHADA vide letter dated 27<sup>th</sup> June 2019 has requested the Revenue Department to charge nominal stamp duty of Rs.1000/- in respect of redevelopment project undertaken on MHADA land. The submission is based on the fact that in case of MHADA land, MHADA is the owner of the land whereas the Society is the lessee. The developer is only acting as a contractor as the developer does not become the owner or lessee of the land and therefore charging of stamp duty based on market value price is counterproductive to the process of redevelopment. Request of MHADA was based on the fact that vide Notification dated 20<sup>th</sup> June 2019, the Revenue Department has notified that in respect of MCGM land undertaken for redevelopment, nominal stamp duty of Rs.1000/- will be levied. There has been no response</p>	<p>Mhada / Housing department shall take up this issue with Revenue Department.</p>	<p>1) MHADA 2) Housing Dept.</p>

	from the Revenue Department in this regard. In view thereof it is requested that the Housing Department take up this issue with the Revenue Department and issue notification on the same line of MCGM for charging nominal stamp duty in respect of redevelopment of MHADA land		
n)	Under DCPR 33(5), MHADA has prescribed the minimum area for rehabilitation and the said area is based on the existing rehabilitation area. MHADA has further provided for incentive incremental area i.e. to say if the layout is larger than the rehabilitation tenement size is also larger. However, while computing the premium payable in respect of FSI to be paid to MHADA, MHADA is only deducting the existing built up area and not the actual rehabilitation area For e.g. if the existing tenement size 150 sq.ft and the minimum prescribed rehab area is 400 sq.ft, MHADA demands payment for the 250 sq.ft area difference as a premium from the developer. It is respectfully submitted that the rehabilitation area is prescribed by the Government and to charge for the rehabilitation area is completely contrary to the spirit of the regulation. In view of the same it is submitted that MHADA should deduct the actual rehab area and charge premium only for the area available for sale.	The point raised is principally accepted. MHADA to take necessary action in this regard and forward to proposal to Government, if required.	MHADA

After the vote of thanks meeting is concluded.

## पुनर्विकास प्रस्तावांकरीता प्रारूप कार्यपध्दती

टप्पे

१.

पुनर्विकास प्रस्ताव विकासक/वास्तुशास्त्रज्ञ/संस्था यांचेकडून विभागीय कार्यकारी अभियंता/ मुंबई मंडळ यांचे कार्यालयास सादर.

२.

विभागीय कार्यकारी अभियंता/ मुंबई मंडळ यांचे कार्यालयाकडून संमतीपत्रे तपासून सिमांकन नकाशासह उपमुख्य अभियंता/मुंबई मंडळ यांच्या अभिप्रायासह निवासी कार्यकारी अभियंता/मुंबई मंडळ यांचे कार्यालयास सादर.

३.

निवासी कार्यकारी अभियंता/मुंबई मंडळ यांचे कार्यालयाकडून सखोल छाननीनंतर प्रारूप देकारपत्रासह प्रस्ताव उपमुख्य अभियंता, इमारत परवानगी कक्ष / प्राधिकरण यांचेकडे सादर.

४.

इमारत परवानगी कक्षाकडून नकाशांसह देकारपत्र मंजूरीसाठी व नकाशांसह Concession साठी प्रस्ताव मा. उपाध्यक्ष/प्रा. यांना सादर.

५.

मा. उपाध्यक्ष/प्रा. यांचे मंजूरीने उपमुख्य अभियंता / इमारत परवानगी कक्ष यांचेमार्फत देकार पत्र जारी करणे.

६.

देकारपत्राच्या पूर्ततेनंतर नकाशा मंजूरी, IOA, CC इ. परवानग्या इमारत परवानगी कक्षातर्फे जारी करणे.

टिप - सविस्तर कार्यपध्दती कालमर्यादेसह स्वतंत्ररित्या जारी करण्यात येईल.