

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/

OFFICE OF THE :
Chief Engineer (Development Plan)
Brihanmumbai Mahanagarpalika,
Municipal Head Office,
5th floor, Annexe Building,
Mahapalika Marg, Fort,
Mumbai-400 001.

To,
The Principal Secretary,
Urban Development Department,
Mantralaya,
Mumbai 400032

Sub : Clarification with respect to the notification issued u/no. TPB/4312/CR-45/2012/(2)/UD-11 Dtd. 08.11.2013 for regulation for Inclusive housing.

Ref : Notification issued u/no. TPB/4312/CR-45/2012/(2)/UD-11 Dtd. 08.11.2013

sir,

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

The clarification are required for the following points :

1. Plot Potential :

- a) Whether the plot potential to work 20% EWS/ LIG tenement should be considered after deduction of 15% RG area required as per reg. no. 23 of DCR 1931.
Normally, as per the present practice, the plot potential is considered as balance plot area after deduction of R.G. and such components with respect to the plot are worked out on the said balance area known as net plot area.
- b) In the proposals for redevelopment of existing buildings where the developer or society comes forward for redevelopment of the existing building with utilization of TDR or additional FSI whether, the potential of the plot, which is already developed to its full potential, shall be considered after deduction of the existing built up area or otherwise.

2. Incase of proposals wherein the developer / owner has already proposed the tenements having size upto 50 sq.mts. in area to the tune of min. 20% Whether the provision of 20% EWS/LIG would still be applicable, over and above, the already provided 20%.
3. Incase of development proposed by the Govt. on Govt./Collector's plot or allotted by the Collector, whether the said provision of 20% EWS/LIG would still be applicable.
4. Incase of the development of plots reserved for Public Housing / High Density housing / Housing for dis-housed, whether the tenements for EWS/LIG should be insisted over and above the 40% PAP tenement area which is required to be handed over to MCGM.

Incase of the redevelopment of cessed category buildings wherein the tenement size for rehab component is more than 50 sq. mts. as per the NOC issued by MHADA, whether the said provision of 20% EWS/LIG would still be applicable.

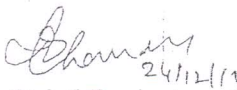
6. Incase of the redevelopment on MHADA land as per the reg. 33(5) for Middle Income Group category wherein the tenement size upto 80 sq. mts. that is required for rehabilitation of existing tenants and the 60% tenements of the said MHADA layout are within EWS/LIG/MIG category, whether the said provision of 20% EWS/LIG would still be applicable.
7. Incase of the proposals where the user of the land has been changed from Industrial to Residential and as per the provision of notification dtd. 14/05/2007, the 20% tenements are required to proposed below 50 sq. mts. , whether the said provision of 20% EWS/LIG would still be applicable.
8. Incase of the proposals approved as per the reg. no. 9 of DCR 1991, i.e. accommodation reservation, wherein 40% of the plot and 50% of the constructed area is required to be handed over to MCGM for the proposed reservation, whether the said provision of 20% EWS/LIG would still be applicable.
9. As per the above said notification; the built up area of the EWS/LIG tenements constructed under the said scheme shall not be counted towards FSI. Whether the area of such tenements would be accounted for overall cap of 2 FSI is governed by clause 13 of Appendix VII-B for utilization of TDR and whether the TDR component needs to be reduced to that extent or whether 20% EWS/LIG built up area being free of FSI shall be over and above the cap of 2FSI as stipulated in reg. no. 32 table 14 i. e. amounting to an FSI of 2.2.
10. Whether the fungible FSI under revised DCR would be applicable over and above the said provision of 20% EWS/LIG tenements and whether the 20% component is inclusive of fungible FSI. Whether the payment of premium for fungible FSI for EWS/LIG tenements is exempted. Further ,since 20% component , being free of FSI , whether fungible FSI would not be admissible.
11. Whether the 20% area to be handed over to MHADA is inclusive of the areas which are exempted from computation in FSI by charging premium. If no, then whether the premium / charges required to be paid for staircase, lift, lift lobbies areas, development charges, premium for open space deficiency are exempted. Incase of the composite building wherein 20% tenements to be handed over to MHADA and sale area is proposed in single building whether the payment for all above charges should be recovered proportionately / exempted, if MHADA component is more than 50% and treated as composite building as per reg.33(10).
12. Whether the utilities / facilities required for the building should be proposed separately for MHADA and Sale building.
13. As per sr. no. 4 of the notification, *"the provisions shall be applicable prospectively and shall not be applicable to any housing scheme for residential development project wherein commencement certificate had been issued prior to the date of coming into force of these provisions and was valid on such date"* however, in the layouts of the residential projects, if CC has been granted for one building and rest of the buildings are still to be approved, in that circumstances whether the said provision of 20% EWS/LIG should be made applicable to the balance development potential where CC is not yet granted.

Now plans for many proposals beyond 4000 sq. mts. of plot area are already approved by Corporation and CC has not been granted and developers / owners have completed the required procedures for grant of CC and obtained various major clearances for eg. MOEF, HRC etc. based on the earlier permissible built up area. The built up area of the project may be increased due to the said 20% provision and in those circumstances all approvals are required to be obtained afresh, before granting CC whether or any relaxation can be granted in such cases.

15. Whether under said notification should be applicable in CRZ and NDZ areas.
16. Whether the relaxations in building and other requirements under provisions of Reg. No. 33(10) Appendix IV need to be made applicable for approval of the plans for 20% EWS/LIG component of the proposed building with respect to approvals and payment of premiums. The clear guidelines are required to be formulated for effective implementation of the notification with respect to approval procedural guidelines and recovery of charges/premiums.
17. The said notification is silent on the issues which can arise after grant of occupation. The policy guidelines should be formulated for maintenance of common amenities, utilities and payment of property tax.
18. In case of proposals for development of entire plot for fully commercial user, whether this provision would be applicable.
19. Whether a separate wing is required to be constructed for ¼ part of total 20% EWS/LIG component which can be availed in the form of servant quarters or a separate building is required to be constructed.
20. The aspect whether the 30 Sq.Mt. and 50 Sq.mt. area mentioned in the notification is the carpet area or the built up area is not clearly stated.
21. Modalities related to purchase of flat by M.H.A.D.A. within 6 months need to be also expedited to avoid procedural delays in grant of C.C./O.C. etc. for the 20% affordable housing component and plot potential.
22. It is presumed that the Sr. No. 1 & 2 of the schedule are two options one of which can be exercised while permitting development. Since proposals under option No.1 is unlikely to be received in Greater Mumbai, the development under Option No. 2 would become governing for most cases in Greater Mumbai, which will be therefore considered and adopted.

It is therefore requested that the aforesaid issues may be examined and suitable clarification be issued so as to enable effective implementation of the notification.

Yours faithfully,


24/12/13
Chief Engineer
(Development Plan)

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BRIHANMUMBAI MAHANAGARPALIKA

No

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

Ref :- TPB/4312/CR-45/2012(2)/UD-11 dated 8.11.2013.

Govt. of Maharashtra Urban Development Department, has issued notification under Section 37(1AA)(c) of M.R. & T.P. Act 1966 for modification to D.C. Regulations 1991 for Greater Mumbai vide TPB/4312/CR-45/2012(2)/UD-11 for regulation for inclusive housing. It is felt that implementation of the said modification in D.C.R.1991 needs clarification from U.D.D.-11 on various provisions of the said modification.

In view of above, a draft letter to the Principal Secretary-I, Urban Development Department under the signature of Ch.E.(D.P.) submitted as at page-C-7-en for approval please.

Submitted please.

Signature
11.12.13

Dy.Ch.E.(B.P.)E.S.

ChE/27919/DP/GA
24.12.13

MCP/4408/
2.1.14

ChE/30003/DP/GA
2.1.14