

REQUEST FOR INFORMATION UNDER
CENTRAL RIGHT TO INFORMATION ACT 2005

To,
The Chief Engineer,
Development Plan Department
Mahanagarpalika Marg,
MCGM Head Office
Mumbai - 400 001



1. Name of the Applicant : MR. SANJAY PHOPE
2. Address : Maharashtra Chamber of Housing Industry
Maker Bhavan-II, 4th Floor,
18, Sir Vithaldas Thakersey Marg,
New Marine Lines, Mumbai - 400 020
3. Particulars of Information required : About Technical Advisory Committee's Meeting
- i. Subject matter of Information : About Meeting with Technical Advisory Committee,
MCGM
- ii. The period to which information relates : Date - 8/August/2014
- iii. Description of the information required : Required copy of the Minutes of 2nd Meeting of Technical
Advisory Committee, MCGM.
- 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.) : N.A.
4. Whether the applicant is below poverty in (if yes, attach the photo copy of the proof thereof) : N.A.

SANJAY PHOPE
Liaison Assistant, MCHI-CREDAI
Mo-9619345193

Place: Mumbai

Date: 25.09.2014


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.

MUNICIPAL CORPORATION OF GREATER MUMBAI


APPROVED MINUTES OF MEETING HELD ON 8.8.2014


Sub: Issues to be discussed in Technical Advisory Committee (TAC) for B.P./D.P. Department for obtaining their views/remarks.

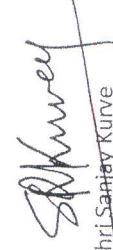
Sr. No.	Subject/Issues to be discussed	<u>Discussion</u>	<u>Recommendations of TAC</u>
1	To read and approve the minutes of meeting dated 18.06.2014	The minutes were discussed	Minutes were read and approved by TAC Members.
2.	To allow the hollow portion created due to provision of tower like parking structure in part portion of the building and to provide cross beam to not to misuse the same.	This was also discussed in meeting dt. 18.6.2014. Due to hardship to accommodate the existing members/tenants such hollow portion (voids) are created and these hollow portions are considered depending upon the case to case and as per the merits.	This issue was discussed in detail in the last meeting held on 18.6.2014 and the issue was also decided and has been incorporated in the minutes of the meeting dated 18.6.2014.



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Shri Rajiv Mishra
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Shri A.S. Jain
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Shri Sanjay Kurve
Member
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Shri A.N. Kale
Chairman


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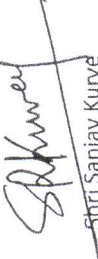
<p>3.</p>	<p>The context of Afzalpurkar report i.e. to allow development in the plot affected by Heritage Precinct.</p>	<p>The matter has been discussed. The meeting was held by the Commissioner with Sr. Counsel Shri Kamdar & the BMC concerned staff and decision has already been taken by the Hon. M.C. The matter therefore stands decided and the note on M.C.'s approval is kept on record.</p>	<p>The meeting was held by the Commissioner with Sr. Counsel Shri Kamdar & BMC official and decision has already been taken by the Hon. M.C. The matter therefore stands decided and the note of the M.C.'s approval is kept on record.</p>
<p>4.</p>	<p>To prepare the guidelines for charging premium for the open space deficiency created in lieu of plot potential + TDR + fungible compensatory FSI and the various combinations in the project thereof. Charging of premium for condoning the open space deficiency arising due to use of fungible compensatory FSI from 100% to 10%</p>	<p>The issue was discussed in the last meeting. Further, it has been further discussed with Hon. M.C. who has also accepted the existing procedure of calculating the open space deficiency. Accordingly, the elaborated guidelines are also prepared and submitted to Hon. M.C. for approval.</p>	<p>In this connection, arising out of the court case, the matter was discussed with the Municipal Commissioner on 22.7.2014. It was generally agreed that the present policy of charging premium for Open Space Deficiency should be continued. TAC feels that the fresh clarificatory circular should be issued in the matter so as to give full clarification for the policy being followed by B.P. Staff with relevant sketches etc. under the M.C.'s signature.</p>



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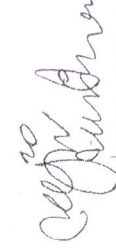

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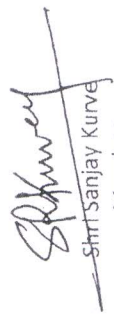
<p>5.</p>	<p>Whether to insist various NOCs such as Heritage, the CRZ NOC etc. for the additions alterations, and amalgamation of flats in old buildings.</p>	<p>The issue was discussed in the last meeting. Further, in the meeting it was discussed that structural stability shall be insisted before allowing additional /alterations and after completion of work. Also there shall not be any change in other façade of building. However, the issue may be referred to Hon. Heritage Committee for their views/comments.</p>	<p>TAC feels that a Reference be made to Heritage Committee bringing out the difficulties and the policy of repair works to be adopted inclusive of small internal additions and alterations in case of Heritage structures and priciest etc. which will then be followed by B.P. Staff.</p>
<p>6.</p>	<p>The various issues of MCHI to be discussed in TAC. 20% inclusive housing. I. Wherever the plot is fully built up i.e. FSI 1.00 has already been consumed in such cases EWS/ LIG at the rate of 20% should not be insisted upon.</p>	<p>It was discussed that the matter is already referred to U.D. for clarification. It is still awaited. Committee member Dy.D.T.P. Shri. Kurve informed that he will also inquire about the status and other relevant issues with U.D. dept and would clarify in the TAC meeting.</p>	<p>In this regard, the matter is already sub judice and the present status will be made available from the Legal Dept. Of the Corporation as also Shri Kurve will inquire about the status with the U.D. Dept. of Govt. Of Maharashtra and clarify in the TAC meeting.</p>


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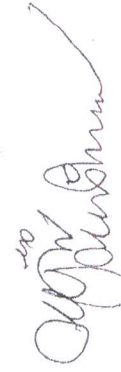

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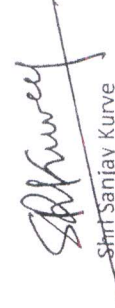
<p>II. This request is without prejudiced to the rights available to challenge the notification itself because by the notification there is a major modification being carried out to the development plan and land is a right indirect acquisition without proper compensation can not be insisted upon by the Government.</p>	<p>III. Please request the Government that all lands mentioned under number 1 to 22 (Bus Depot, Police Station, Fire Brigade, Municipal school, Retail Market, Municipal Hospital, Government Hospital, Post Office, Sports Centre, Collector Office, Railway Station, Municipal Lands, State Govt. Lands, Central Govt. Lands, Lands of defence, Lands of Railways, Lands of MHADA,</p>
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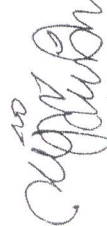

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IV Lands of Housing Board, Lands of CIDCO, Lands of MIDC, Lands of Port authorities, Salt Pan lands) should also be utilized for Affordable Housing.
work is not started and if the plot area is more than 4000 sq.mt. and if there is any change in planning due to change in bottom/basement/bldg line due to Hon. Supreme Court of India's Judgment.


V If CC is granted and work is not started, then for the plot area more than 4000 sq.mt. EWS notification dated 8.11.2013 should not be made applicable even there is change in planning due to change in bottom/basement/building line due to Hon. Supreme Court of India's judgment



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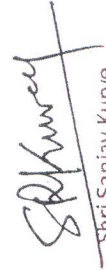
7.	50% restriction of C.C. for handing over of D.P. reservation/amenity open space to MCGM to be relaxed to the equivalent area of D.P. reservation/amenity open space or 50% of the area of D.P. reservation/amenity open space whichever is lesser.	Taken on 18.6.2014. Committee directed that recommendations are already recorded in the minutes of first TAC.	This item has already been decided and incorporated in the last minutes of the meeting held on 18.6.2014.
8.	In case due to minor changes in plan due to Hon. Supreme Court Judgment, the file should not be sent to Hon. M.C. if there is no change in deficiency in open space.	Dy. Ch.E.(BP) has given example for this. In case there is minor variation in the plinth dimensions during execution, the open spaces are charged but if the % of the deficiency is within the percentage approved by Hon. M.C. this should be allowed if there is no other concession involved. However, member stated that it is difficult to define the "minor changes" in the plinth dimensions, open spaces etc. Hence, concerned Dy. Ch.E.(BP) will be appropriate authority to decide whether to allow the same or to refer the	It is very difficult to define the words "minor changes". However, the Senior level of Dy. Ch.E. is competent to decide whether such changes need Commissioner's further approval and depending on such decisions, the file may be processed further



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<p>9.</p>	<p>To modify the circular (Regarding applicability of Modified DRR 91) issued under no CHE/22276/GEN Dated 1.3.2012 i. e. Not to apply modified DCR 91 for the amended proposals where variation in footprint area is within 5%.</p>	<p>matter for approval of the Hon. M.C. Sample cases were discussed on this issue. Due to this clarification circular, it is not possible to deal with the cases where there is slight variation in foot print as the FSI varies if the foot print is changed. This is with the similar case as discussed for the item No. 8 i.e. "minor variation". The committee members discussed the entire issue and various options</p>	<p>It is not advisable "Not to apply modified DCR 91 for the amended proposals in case of "any variation". It is however necessary to restrict the variation in the footprint in cases of regularization policy. Any variation within 5% of the floor plate may be considered. It is thus suggested that in cases of amendments/occupation permissions following steps may be taken, if variation in the floor plate area is not more than 5%.</p> <p>i) The construction which are strictly as per approved plan shall be adhered to.</p> <p>ii) Any changes in plan shall be considered as per amended rules (6.1.12).</p> <p>iii) If these changes are brought within permissible FSI, the</p>
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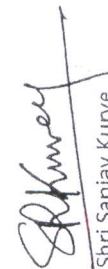
	<p>2. To allow entire sale area as N.R. user for retail users as per provisions of DCR 52 (4)(ii) on road having proposed R.L. of 80 feet and considering</p>	<p>The case is discussed by Dy. Ch.E.(BP) City. As the R.L. is proposed and not sanctioned. Committee member opined</p>	<p>same may be regularized as per policy. iv) While working out FSI the balance potential, if any, of the plot along with proportionate fungible FSI as per policy may be considered. TAC Opinion: Such cases deserve consideration and if the entire building is constructed as per approved plan, and if some elevation features/area are constructed beyond approved floor, such cases may be considered for regularizing the area by taking into FSI available and corresponding proportionate fungible FSI so that amendments/OCC can be processed. Accordingly, the circular dt. 1-3.2012 may be modified, if agreed by the Hon. M.C. Unless regular line is sanctioned for the adequate width of road, sale shopping cannot be permitted.</p>
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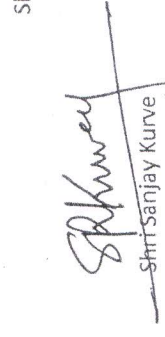

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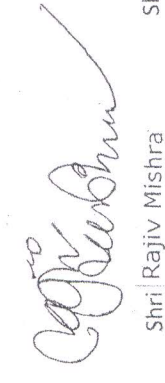
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	<p>that unless sanction to the R.L. is granted there is no legal status to approve shopping.</p>	<p>the plot accordingly, in R-2 Zones and in view of clarification from Govt. Dated 6.1.2013.</p>
<p>11.</p>	<p>This was discussed with various examples. The committee opined that only one part terrace at any land as per Railway NOC may be allowed and the concerned Architect will plan the building accordingly.</p>	<p>Approval of pocket terrace/part terrace that are created due to Railway setback with pitch roof 1.5 and concession shall be granted for the same and same should not be counted in FSI.</p>
<p>12.</p>	<p>The matter was discussed in details, with various dates given in the report. It is explained by the architect that the position as stands on the date of notification i.e. 14.5.2007 that the possession of amenity was not handed over and that full OCC was not given. It is noted that even the area of amenity is subsequently increased and possession of entire 5% amenity is still not granted.</p>	<p>To grant the permission to convert the proposal of allowing the commercial user on plot situated in 'Special Industrial Zone (I-3)' bearing CS no 114,1/136(pt),1A/136,133(pt) of Lower Parel Division as per the modified provisions of regulation no 57 of DCR 91 amended upto date.</p>
<p>No relaxation can be given in this respect and the proposal should be processed as per DCR.</p>	<p>The case is thus in conformity with the clarification by Govt. Notification dated 31.8.2009. Hence, it is recommended that the case is considered in accordance with the new rule 57 (4C).</p>	

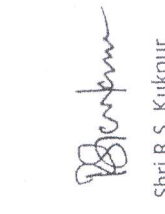

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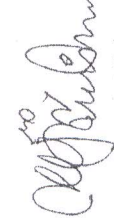
proposals in transit about 33 (24) shall be considered.


Reg. i) When there is a common wall between core of lift/staircase etc. And habitable area, 50% of wall thickness may be considered as part of lift/staircase etc. Area.


Reg.ii) It is true that there is a difference in the circular and the representation made to the extent that lobbies are extended upto the various additional lift shafts and voids which are allowed free of FSI. It was pointed out that these areas are necessary for common circulations and considering their utility they are not mergeable within the flat areas. It was brought out during discussion that this is typical case of hardship where the developers were forced to amend the plans by serving notice under MRTP Act, due to change in policy of public parking lots under DCR 33 (24). The entire concept of public parking was changed and the developer


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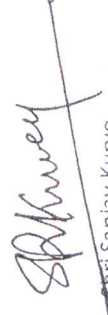

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<p>has agreed to provide the same in all wings of the proposed buildings so as to be in conformity with new rules. Thus, the entire provision of core area in each wing was required to be modified to meet the requirements of changes in the planning. This has, therefore, become a transitory case where developer has agreed to shift entire old approval to the new by payment of necessary premiums etc. Considering the wording in DCR No. 35 (2)(iv), the Commissioner has discretionary powers to allow such changes, especially this being a transition case as stated above. However, due care shall be taken to verify that such additional lobby areas are not merged with flats and suitable safeguards by way of undertaking etc. May be taken accordingly.</p>	<p>There is no other issue.</p>	<p>14 Any other issue with the permission of the chair</p>
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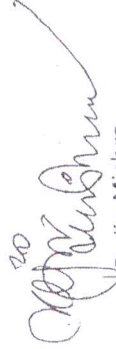
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