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**CREDAI-MCHI UNITS**  
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Ateeque Khot

**PRESIDENT, NAVI MUMBAI**  
Prakash Baviskar

Ref. No. MCHI/PRES/18-19/234

April 5, 2019

To,  
The Deputy Director of Town Planning Greater Mumbai  
ENSA Hutments, E-Block, Azad Maidan,  
Mahapalika Marg,  
Mumbai - 400 001.

उपसंचालक, नगर योजना, बृहन्मुंबई  
इन्सा हटमेंट्स, ई ब्लॉक, आझाद मैदान  
महापालिका, मुंबई-४०० ००१.

**Sub :** Suggestion/ Objections and Request in regards to the Notice issued by the Government of Maharashtra under section 37 (1AA) & proposed modification to Regulation 30(A)(3)(a) of DCPR 2034 of Greater Mumbai.

**Ref :** Notice no. TPB-4319/CR-25/2019/UD-11 dated 7<sup>th</sup> March 2019.

Dear Sir,

With reference to the Notice no. TPB-4319/CR-25/2019/UD-11 dated 7<sup>th</sup> March 2019 and on scrutiny of the Development Control and Promotion Regulations (DCPR) - 2034, **CREDAI-MCHI**, on behalf of its more than 1200 members, is submitting the suggestions and objections as stated below.

**SCHEDULE**

Regulation No.	Existing Provisions	Proposed Provisions
Last provision of Regulation 30(A)(3)(a)	Provided further that FSI equivalent to TDR as per Table 12A of Regulation 32, in lieu of road widening or roads proposed under the D.P. or the MMC Act, 1888 as per Regulation 16 may be allowed to be utilized over and above the permissible FSI as per column 7 of table 12, or remainder plot.	Provided further that FSI equivalent to TDR as per Table 12A of Regulation 32 in lieu of road widening or roads proposed in D.P. or under the MMC Act, 1888 as per Regulation 16 may be allowed to be utilized on remainder plot within admissible TDR limit. However, if the TDR /FSI of Road widening of very said plot is balance after utilizing it in the admissible TDR limit, then such balance TDR/FSI of road widening may be allowed over and above the permissible FSI

## CREDAI-MCHI's OBJECTIONS

- The Urban Development of State of Maharashtra has issued a Notice No: TPB-4319/CR-25/2019/UD-11 on 7<sup>th</sup> March 2019. The said Notice refers to a benefit of Road Setback for Development of Plots under DCPR 2034.
- The said subject has been discussed at length before it was concluded under your approval & published in the DCPR 2034 on 12.11.2018. The same is again proposed to be modified which will cause major embarrassment to the Government & also make large number of projects unviable. Also, the purpose behind which this decision was taken before was to encourage plot owners to hand over road setbacks to the development of city infrastructure.
- The Hon. Chief Minister of Maharashtra had proposed to widen all roads across Maharashtra to minimum width of 9 mtrs, with fire safety in mind. During the interaction the Hon. Chief Minister had opined that there will be no loss of FSI to any plot owner in lieu of the widening of roads. The same was the basis of providing FSI over and above for handover of road setback.
- The said FSI will encourage the plot owners to handover road setback which will result in better development of infrastructure across the State. The compensation provided under land acquisition act 2013 provides monetary compensation which is much higher.
  - If the said modification is implemented it will mean a large part of infrastructure that could have come to the city under principle of accommodation reservation will not happen. Which will mean huge number of plots in the city of Mumbai won't get widened as the FSI potential will drop substantially.
  - There are many projects which half way into development in lines with the GR of 16.11.2016 & many are which have reached different stages of approval. At this point reducing the development potential will hamper the development in a big way. This will mean projects will run into losses & litigations.
- The above has come as an extremely rude shock to the entire industry specially for projects that are abutting larger roads which have bigger road widening in form of setback. This will effectively mean huge number of projects will run into unviability & the old already crippling buildings will become serious danger to life of many occupants who will be left with no options for redevelopment as without the FSI compensation against the setback of road it's virtually impossible to develop.
- Below are the details of publications, approvals issued at different times with authorities:

Date & No:	Authority	Clause no. & clause as published	FSI over & above for handing over of Road Setback.
TPS-1813/3067/CR-122/MCORP/12/UD-13. (Annexure-A)	UD Department, State of Maharashtra	5.4.1(iii): FSI Loading limit on such plot (Maximum Building potential) shall be the basic FSI+ TDR+ Additional FSI on payment of premium if any + Road widening FSI of the very said plot if any.	YES
31.7.2017, Approved in BMC House (Annexure-B)	Committee Appointed by Chief Minister of Maharashtra to correct the DCPR 2034 errors.	DCR 30, Table 12, 3 (a): Additional BUA equal to area of land so surrendered to MCGM/Appropriate Authority shall be allowed to be consumed over and above the permissible BUA (as per column no.7 of Table no 12 above) on the remainder/balance plot or may be availed in the form of TDR as per these Regulations.	YES
8.5.2018, GR Published. (Annexure-C)	UD Department, State of Maharashtra	DCR 30, Table 12, 3 (a): <del>Additional BUA equal to area of land so surrendered to MCGM/Appropriate Authority shall be allowed to be consumed over and above the permissible BUA (as per column no.7 of Table no 12 above) on the remainder/balance plot or may be availed in the form of TDR as per these Regulations</del>	YES
4.10.2018 (Annexure-D)	UD Department, State of Maharashtra	DCR 30, Table 12, 3 (a): <del>Additional BUA equal to area of land so surrendered to MCGM/Appropriate Authority shall be allowed to be consumed over and above the permissible BUA(as per column no.7 of Table no 12 above) on the remainder/balance plot or may be availed in the form of TDR as per these Regulations.</del>	NO

Date & No:	Authority	Clause no. & clause as published	FSI over & above for handing over of Road Setback.
		TDR as per regulation 32 Table 12(A) of the land surrender to MCGM/Appropriate Authority as per Sr.No.2 above may be allowed in the form of FSI as per column no.6 of Table no.12 above on the remainder/balance plot within the admissible limit of TDR.	
12.11.2018 Published (Annexure-E)	GR UD Department, State of Maharashtra	DCR 30, Table 12,3(a): Provided further that FSI equivalent to TDR as per Table 12 A of Regulation 32, in lieu of road widening or roads proposed under the D.P. or MMC Act,1888 as per Regulation 16 may be allowed to be utilized over and above the permissible FSI as per column 7 of table 12, on remainder plot.	YES
7.3.2019 Notice TPB-4319/CR-25/2019/UD-11 (Annexure-F)	UD Department, State of Maharashtra	DCR 30, Table 12,3(a): Provided further that FSI equivalent to TDR as per Table 12 A of Regulation 32, in lieu of road widening or roads proposed under the D.P. or MMC Act,1888 as per Regulation 16 may be allowed to be utilized on remainder plot within admissible TDR limit. However, if TDR/FSI of Road widening of very said plot is balance after utilizing it in the admissible TDR limit, then such balance TDR/FSI of road widening may be allowed over and above the permissible FSI.	NO

**CREDAI-MCHI's SUGGESTIONS**

- The proposed modification is against the principle of the provision of Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.
  - Under the Act it is necessary to allow the fair compensation for the land reserved for public amenities, social facilities and utilities in the development prepared under the provision of MRTP Act 1966.
  - Under the Accommodation Reservation principle, the benefit of the land surrendered is given by way FSI /TDR on the gross plot.
- Road widening must be incentivized to its maximum, for early and speedy implementation of road handing over. Road is placed at top of all the DP utilities, as it acts as "Corridors of business" and "Spine of the city". By such regressive amendments, the State is trying to paralyse the City Development Plan.
- As the fundamental principle of "Solatium", the landowner parting away his land for public purposes must be rewarded than "Legally accruable dues", and hence such "Over and above in situ" is the correct principle.

**CREDAI-MCHI's PRAYER**

Considering the above, on behalf of its more than 1200 members, CREDAI-MCHI would like to urge as below:

- The Notice TPB-4319/CR-25/2019/UD-11 on 7.3.2019 be immediately stayed. Also, the rule for providing FSI against the road setback handover as approved in DCPR 2034 published on 12.11.2018 be continued.
  - In proposed provision, words "*within admissible TDR limit*" should be replaced by "*over and above the permissible FSI as per Column 7 of table 12, on remainder plot*".

We further request you to call us for personal hearing before the Suggestion / Objection Committee by sending intimation on above mentioned address and consider our bonafide request.

Thanking you,

Your sincerely,  
For CREDAI-MCHI



Nayan A. Shah  
President



Bandish Ajmera  
Hon. Secretary



Sanjiv Chaudhary MRICS  
Chief Operating Officer