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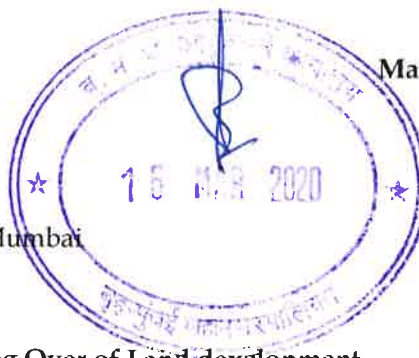
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Prakash Baviskar

Ref. No. MCHI/PRES/19-20/154

March 12, 2020

To,
Shri Pravcen Pardeshi (I.A.S.)
Municipal Commissioner
Municipal Corporation of Greater Mumbai
Mumbai - 400 001



Sub: EoDB - Handing over / Taking Over of Land development

Suggestions of CREDAI-MCHI on how to expedite handing over of reservation development done under Accommodation Reservation policy i.e. Land & Building

Respected Sir,

Under various incentivising provisions in Regulations of DCPR 2034 for the effective implementation of DP 2034, many land owners are coming forth to hand over lands reserved for public amenities in developing under the Accommodation Reservation Policy. However, it is felt that certain measures have to be taken for a fast track implementation so that the amenities so built are made available for public use expeditiously.

Sir in order that the Accommodation Reservation development gets completed in expeditious manner it is important that a proper policy is framed.

Following are few suggestions where MCGM effectuate the provisions.

Suggestion No.1: Clause in development Permission, parallelly the law officer will examine the title of the land under development.

The moment Accommodation reservation development permission is granted, the development permission should itself carry a clause that parallel the law officer will examine the title of the land under development. In those cases, where development permission has already granted Law officer may be requested to examine the title simultaneously.

Suggestion No 2: Joint measurement

City survey officer should be requested to carry out a joint measurement of the land that is proposed to be handed over to MCGM

Suggestion No.3: User department

Plans from user department need to get approved and if the user department doesn't respond to the proposed plans in six weeks. Accordingly, the plans proposed by the land owner should be approved by Executive Engineer Building Proposal.

Suggestion No.4: Handing over to Assistant Engineer Building Proposal

Handing over of the land of Built Up Amenity shall be done to the Assistant Engineer of Building Proposal Department.

Suggestion No.5 : Handing over full benefit.

Once the land of built up amenity is constructed and handed over to the Assistant Engineer Building Proposal and there shall be no restriction on the Owner's sale component, claiming of FSI and owner will be deemed to have completed his obligation under Accommodation reservation obligations.

So Assistant Engineer Building Proposal will be in charge for taking over land and building and full benefit will be given to the developer for the sale component and as far as the TDR is to be granted Assistant Engineer Building Proposal will forward the file to Development Plan department for grant of TDR / DCR.

Suggestion No.6 : Taking over as per TDR process.

The land will be taken over by the relevant Assistant Engineer Building Proposal as per the provision outline in the DCPR 2034. The policy will be same as we take over a land under reservation for grant of TDR. So the possession of the receipt which is used for grant of TDR / DRC same possession receipt will be used.

Suggestion No.7: Grant of permanent Right of way of Access.

While developing Buildable Amenities under Accommodation Reservation principle it is obligatory on the owner to position the Amenity Building in such a manner that public get easy access to it. In cases where the plot is abutting a single public road the owners's component is often positioned to the rear side of the plot. In such cases, a permanent right of way should be allowed for the Owner's portion without any charges/ premiums. Formality for grant of permanent right of way of access should start simultaneously, the Law officer may be requested to draft the document of the grant of permanent right of way of access along with clearance of title.

Suggestion No.8: Umbrella Resolution.

Since the Commissioner has to grant such permanent right of access with the approval of the corporation, once time prior approval / resolution from the house, granting the powers to the Municipal Commissioner to enter into agreement based on policy enforced for development of land under the accommodation reservation policy be proposed So the commissioner can grant such permanent right of way of access. Based on the umbrella resolution passed by the General Body.

Suggestion No.9: Temporary Right of way of Access

Till the one-time resolution is passed as per existing policy, while we handover the land a temporary right of access for the period of 11 months should be granted and the reservation should be taken over while simultaneously granting temporary right of access to the land owner for the free sale portion. In the meanwhile, within the 11-month further procedure for doing the permanent right of way should be completed. This will be applicable until the umbrella resolution is passed in the General Body.

Suggestion No.10: Variation in actual area of land of Built up handed over.

Also sir 3% difference in the area should be accepted, because what happens actually that no matter what is the area in the PR Card, the actual area on the ground may not tally with the exact area of the land proposed to be handed over because while constructing the compound wall there is always a problem meaning the compound wall is not constructed exact on the CTS boundary variation happens and then the land owners has to manage the city survey officer authorities to justify the land area and

then the whole process of demarcation, area certification and the city survey plan etc. be delayed and because of that the rent seeking happens. So if the area is less it should not become a case of violation of any nature. And should not become a case for deletion of reservation. To that extent, that much less corresponding area benefit will be given for the free sale portion but the proposal should be allowed to be continued.

These 3% difference in the area is not willful default of any of the landowners. It is the reality that happens actually because of the particular site conditions. So, all the consequential, the changes that happen should be closed. Even RERA has permitted 3% difference in the carpet area.

Deputy Chief Engineer at Building Proposal Department should be delegated power to approve such variance at the time of handing over and release of FSI

CREDAI-MCHI Prayer

As per our above suggestion a suitable policy be made and implemented immediately.

Thanking you for your kind co-operation.

Yours Sincerely,
For CREDAI-MCHI


Nayan A. Shah
President

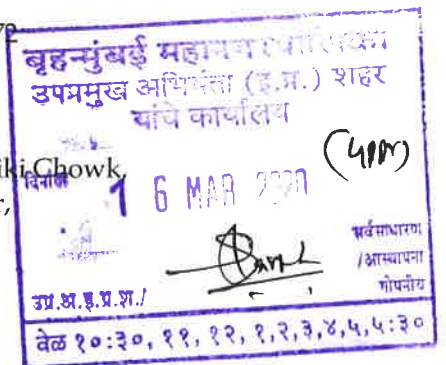

Bandish Ajmera
Hon. Secretary

CC: 1. **Shri Vinod P. Chitore**
Chief Engineer (Development Plan) &
Director (ES & P)
Municipal Corporation of Greater Mumbai
Mumbai - 400 001

2. **Shri Parag P. Raut**
Dy. Chief Engineer (DP) 1
Municipal Corporation of Greater Mumbai
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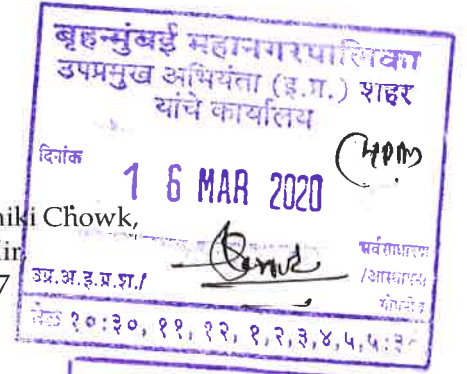
3. **Shri Suresh B. Shivagunde**
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4. **Shri Sanjay M. Jadhav**
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5. **Shri Atul Kulkarni**

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6. **Shri Ulhas V. Mahale**

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उप - प्रमुख अभियंता
इमारत प्रस्ताव
पश्चिम उपनगर १ यांचे कार्यालय.

17 MAR 2020

दिनांक

PPS

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१५, १६, ३०

इ.प्र.व. (उ.प्र.) प.उ.

उप प्रमुख अभियंता
इमारत प्रस्ताव प.उ.२
पी. व. आर. यांचे कार्यालय
कांदीवली पूर्व, मुंबई-४००१०१

17 MAR 2020

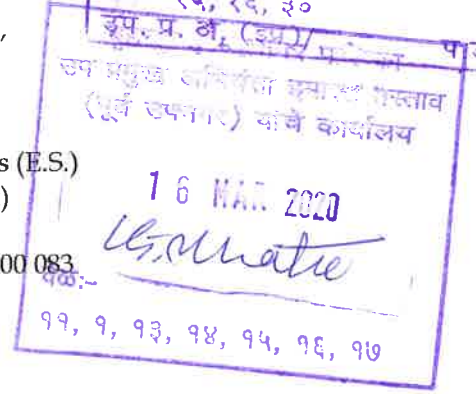
समय ११, १२, १, २, ३,
४, ५, ६
क्रमांक

7. **Shri Ashok S. Wakde**

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8. **Shri Niranjana Khanolkar**

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9. **Shri Durga Shanker Mishra (I.A.S.)**

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Additional Secretary
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11. **Shri Harpal Dave**

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Town & Country Planning Organisation,
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