

**PRESIDENT**

Nayan A. Shah

**IMMEDIATE PAST PRESIDENT**

Mayur Shah

**VICE PRESIDENTS**

Deepak Goradia

Boman Irani

Harish Patel

Nainesh Shah

Domnic Romell

**ADDL. VICE PRESIDENT**

Sukhranj Nahar

**HON. SECRETARY**

Bandish Ajmera

**TREASURER**

Mukesh Patel

**SPECIAL PROJECTS**

Parag Munot

Sandeep Raheja

Jayesh Shah

Sanjay Chhabria

Rasesh Kanakia

**HON. JOINT SECRETARIES**

Navin Makhija

Sandeep Runwal

Shailesh G. Puranik

Dhaval Ajmera

Pratik Patel

**JOINT TREASURER**

Nayan Bheda

Munish Doshi

**CO-ORDINATORS**

Sandeep Shah

Tejas Vyas

Shallesh Sanghvi

Pritam Chivukula

**COMMITTEE MEMBERS**

Jagdish Ahuja

Jitendra Jain

Deepak Gundecha

**INVITEE MEMBERS**

Praful Shah

Rajesh Prajapati

Sachin Mirani

Nikunj Sanghavi

Rajeev Jain

Shyamal Mody

Digant Parekh

Rushank Shah

Samyag Shah

Jayesh C. Shah

Sunny Bijlani

Sahil Parikh

Naman Shah

Suhail Khandwani

Ricardo Romell

**PAST PRESIDENTS**

Dharmesh Jain

Vyomesh Shah

Paras Gundecha

Pravin Doshi

Mohan Deshmukh

Mofatraj Munot

Rajnikant Ajmera

Late G. L. Raheja

Late Lalit Gandhi

Late Babubhai Majethia

**CREDAI-MCHI UNITS**

**PRESIDENT, THANE**

Ajay Ashar

**PRESIDENT, KALYAN-DOMBIVLI**

Ravi Patil

**PRESIDENT, MIRA VIRAR CITY**

Ashit Shah

**PRESIDENT, RAIGAD**

Ateeque Khot

**PRESIDENT, NAVI MUMBAI**

Prakash Baviskar

Ref. No. MCHI/PRES/19-20/064

October 14, 2019

To,

**Dr. Nitin Kareer (I.A.S.)**

Additional Chief Secretary

Urban Development Department -1

Government of Maharashtra

Mantralaya, Mumbai - 400 032

14/10/19  
लिपिक  
प्रधान सचिव (नवि-१)  
नगरविकास विभाग,  
महाराष्ट्र शासन, मंत्रालय,  
मुंबई - ४०० ०३२

**Sub: Grant of Transferable Development Right including Incentive against surrender of land under Table No. 12-A of DCPR 2034**

Respected Sir,

- 1) Reference is requested to the above. The Table 12 A inter alia provides as follows:

"Table No. 12-A"

Sr. No	Instances	Extent of TDR		Remarks/Conditions
		Area under reservation	Entitlement of TDR/DR	
1	a) If plot of land reserved for public purpose in the DP, RL, Nala widening, land required for public purpose as per clause 2(vii) of this Regulation and deemed reservation and land is transferred in the name of MCGM/Appropriate Authority.	Mumbai City area (island City)	2.5 times the area of surrendered land. (maximum 2.5)	a) Where FSI benefit is not approved in the development proposal on remainder plot and no TDR/ monetary compensation is availed due to no fault of land owner. b) Award is not declared under relevant act.
		Mumbai Suburban/ Extended Suburban	2 times the area of surrendered land. (Maximum 2.00)	

- 2) As per the above, any land owner surrendering his land which is reserved for public purpose in the DP, RL, Nala widening, land required for public purpose as per clause 2(vii) of the DCPR-2034 and deemed reservation is entitled to grant of TDR equal to 2.5 times for lands situated in Mumbai city and 2 times for lands situated in the Mumbai Suburbs and extended suburbs. In addition to the above Table 12-A further provides as follows :  
"Provided also that Additional/incentive Transferable Development Rights (TDR) to the extent of 10% and 5% of the surrendered land area shall also allowed to the land owners who submit the proposal of grant of Transferable Development Rights (TDR) and if land is surrendered to MCGM within 24 months and 36 months respectively from the date of coming into force of these Regulations. The owner may opt for the said entitlement in the form of FSI on the balance plot or in the same layout as permissible under these Regulations".
- 3) As can be seen from the above, to incentivise the early surrender of reserved land in the Development Plan-2034 to the MCGM, the DCPR provides for

additional incentive in the form of TDR to the extent of 10% and 5% of the surrendered land to land owners who submit the proposal for grant of TDR to the MCGM and transfer the land within 24 and 36 months respectively.

- 4) Several members of the MCHI have approached the MCGM for surrender their reserved land situated within the larger layout to avail the incentive as provided in the Table 12-A above. However, the MCGM has shockingly taken a stand that if the reserved land is situated within an approved layout and there exist a condition in the said layout approval to handover the reserved land as and when demanded by the MCGM, then in such a case even if the reserved land is surrendered by the land owner voluntarily without being demanded by the MCGM, the land owner would not be entitled to the incentive as provided in Table 12A. Effectively, as per the MCGM stand if the reserved layout is situated within an approved and the said reserved land is voluntarily handed over by the land owner in lieu of TDR, no incentive shall be granted. In support of this contention the MCGM has inter alia referred to the Government Notification u/no. : TPS-1813/3067/CR-122/M CORP/12/011-13 dated 16.11.2016 and guidelines circulated u./np/ Ch.E./DP/Gen/37206 dated 16.03.2017, Sr.No.5 as under :
- "No incentive shall be allowed for the proposal submitted before publication of notification under referred dated 16.11.2016".*
- 5) It is submitted that the stand of the MCGM is not only absurd but totally erroneous as there is no such provision in the DCPR 2034 and the land owner is entitled to grant of incentive TDR if the reserved land is surrendered within 24-36 months as provided in the Table 12-A irrespective of the said land being situated in an approved layout or otherwise. It is further submitted that, if a reserved land forms part of a larger layout, the collector insists on approved layout for sub-division and therefore the stand taken by the MCGM is absurd.
- 6) In view of the above, the Urban Development Department is requested to issue necessary directions to the MCGM to grant incentive TDR as per Table 12-A notwithstanding the provision contained in the comment Notification No TPS-1813/3067/CR-122/M CORP/12/011-13 dated 16.11.2016 and guidelines circulated under Ch.E./DP/Gen/37206 dated 16.3.2017, Sr. No.5 which in our humble opinion ceases to exist upon the coming in force of the DCPR 2034.

Thanking you,

Yours truly,  
For CREDAI-MCHI



**Nayan Shah**  
President



**Bandish Ajmera**  
Hon. Secretary



**Sanjiv S. Chaudhary MRICS**  
Chief Operating Officer