

PRESIDENT

Nayan A. Shah

IMMEDIATE PAST PRESIDENT

Mayur Shah

VICE PRESIDENTS

Deepak Goradia
Boman Irani
Harish Patel
Nainesh Shah
Domnic Romell

ADDL. VICE PRESIDENT

Sukhraj 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
Shailesh 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/18-19/299

June 07, 2019

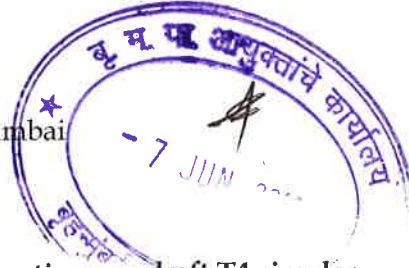
To

Shri Pravin Pardeshi (I.A.S.)

Municipal Commissioner,

Municipal Corporation of Greater Mumbai

Mumbai - 400 001.



Subject: CREDAI-MCHI suggestions on draft T4 circular

Respected Sir,

Kindly recall our last meeting we had with on 23 May 2019, where you requested us to submit our suggestion on draft of T4 circular.

We hereby submit our suggestions for finalizing the T4 circular. this is pending for long and due which many projects are stuck in absence of the same.

Request you please consider our suggestions

Thanking you,

Your sincerely,

For CREDAI-MCHI

Nayan A. Shah
President

Bandish Ajmera
Hon. Secretary

Encl.: As mentioned above

DRAFT -1

Transitional Policy for ongoing proposals (Circular No- T4)

In order to deal with ongoing proposals Transition Policy Circulars T-1, T-2 and T-3 have been issued. In order to bring in further clarity while dealing with ongoing proposals following guidelines are being issued.

<p>1)</p>	<p>The Regulation 9(6) of DCPR 2034 deals with applicability of the DCPR 2034 to ongoing and partially completed works The regulation consists of two clauses.</p> <p>In case of proposals where IOD/IOA has been issued Clause 9(6)(a) allows owner/ developer continue to complete the said works in accordance with the conditions under which permission stood granted or at the option of owner/developer, the proposal can be converted as per DCPR-2034 in toto.</p> <p>Clause 9(6)(b) on the other hand deals with manner of FSI computation in regards of the ongoing and partially completed works where owner/developer comes forth for balance development beyond the approved plans as per the erstwhile regulations and is read as follows:</p> <p><i>The development potential of such entire plot shall be computed as per DCPR 2034 from which the sanctioned FSI of buildings/ part of buildings which are proposed to be retained as per approved plan as per then Regulations, shall be deducted to arrive at the balance development potential of such plot or layout.</i></p> <p>The Regulation 14(A) of DCPR 2034 reads as follows:</p> <p><i>In case of development of land admeasuring 4000 sq. m and more (excluding the area under Road set back/DP Road) in Residential and Commercial Zones, amenity areas as specified below shall be provided fronting on public road or shall be provided with a perpetual independent right of way. Such amenity area shall be exclusive of area under perpetual independent right of way and shall be handed over to MCGM.</i></p> <p>(i) <i>Development of plots with area 4,000 sq. m and more and up to 10,000 sq. m shall require handing over 5% of plot area to MCGM as POS.</i></p> <p>(ii) <i>Developments of plot with area exceeding 10,000 sq. m shall require handing over of 500 sq. m plus 10% of plot area in excess of 10000 sq. m to MCGM as amenity. 50% of such amenity shall be used exclusively for POS and the balance 50% shall be used for provision of such amenities as education, health, social and other amenities as approved with the special permission of the Commissioner. In</i></p>
------------------	---

determining the amenity, the Commissioner shall give due regard to amenity deficits in the ward

The aforesaid Regulation specifies the manner of computing the magnitude of Amenity based on the plot area, notwithstanding the potential of the plot.

In case of the ongoing / partially completed proposals, that have started with due permissions under the erstwhile regulations, it may be difficult to comply to such newly introduced provision of DCPR 2034.

As per the norms of MCGM, developers/owners are required to take concession approvals for entire permissible potential of the plot.

As such, planning for entire permissibility with land allocation is already done for buildings, open spaces, layout open spaces and various services required for the end users in the development. Time consuming NOCs such as MOEF and High Rise are obtained based on these plans. As such no land area, free of designation, is available vacant, hence provision of physical amenity is not possible. This is regardless of the FSI potential that is under construction. In such scenario handing over of plot area on the basis of balance potential is not feasible.

Furthermore, the progress of construction on any particular construction site is dependent on several factors. Each project has its own constraints due to which built up area may be restricted while construction is in process, there may be existing tenants, setbacks and reservations to be handed over, amalgamated PRCs to be obtained therefore taking IOD/IOA for entire permissible FSI is not a financially judicious decision. Progress is therefore often in premeditated phases.

Imposing compliance of the regulation 14(A) based on potential consumed for ongoing proposals will not be fair and will cause disparity.

It may also be noted that in certain cases TDR / FSI may have been purchased / utilized based on total plot area available for development under the erstwhile regulation. Imposing deduction of Amenity area as per DCPR 2034 in these cases will cause imbalance of FSI.

Prayer:

The note under Regulation 9(6)(b) allows the Hon' Municipal Commissioner to formulate a policy to tackle such situations.

1. By virtue of this, it is proposed to allow further development on such ongoing proposals without insisting on provision of amenity under Regulation 14(A) in the layout where CC of any of the building is received and work is started on site.
2. Also, in case where base FSI as per DCR 1991 is already consumed in the existing layout, then Regulation 15 of DCPR 2034 shall not be applicable.