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MCHI-CREDAI UNITS

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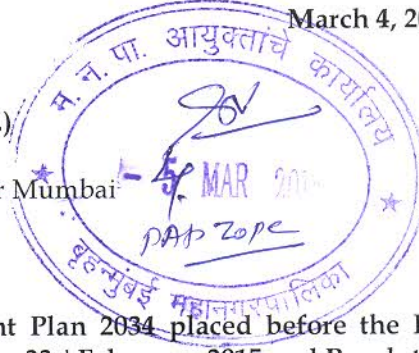
President, Raigad
Vikas Bhamre

President, Navi Mumbai
Arvind Goel

Ref. No. MCHI/PRES/14-15/142

March 4, 2015

To,
Hon'ble Shri Sitaram Kunte (I.A.S.)
Municipal Commissioner,
Municipal Commissioner of Greater Mumbai
Mumbai - 400 001.



Re: The draft Development Plan 2034 placed before the Hon'ble Municipal Commissioner on 23rd February, 2015 and Resolution No. 1195 dated 23rd February, 2015.

And

Re: Notification issued under No. CHE/32596 / DP / GEN dated 25th February, 2015 in the Government Gazette notifying the draft Development Plan 2034.

And

Re: Procedure to deal with the implications of publication of draft Development Plan 2034 and transitional arrangement pending sanction of the Development Plan 2034.

Respected Sir,

With reference to the above, potential questions and queries which will arise between various Departments of the MCGM and the Developer/Promoter Members of Maharashtra Chamber of Housing Industry (MCHI) needs to be considered and a comprehensive policy on the same may be framed which will ensure that till new DP with DCR is implemented, no work is held up.

In principle, the question of applicability of 1991 Development Plan Vs. Development Plan 2034 and category of projects to which they will apply needs to be categorized. It is true that during the transitional period, Development Control Regulations 1991 shall continue to apply to all Projects whether ongoing Or which may be sanctioned during the period of publication of Development Plan 2034 and final sanction thereof by the Government.

As per questions raised by our members, some of the questions/ suggestions are Listed hereinafter for you to consider the same and issue necessary instructions for implementation.

Following are the questions/suggestions as stated above for you to consider and include in Transitional Arrangement to be prescribed by MCGM and the

MCHI-CREDAI (ISO 9001:2008)

proposed procedure which you intend to prescribe for dealing with implications of publication of draft Development Plan 2034.

1. While applying stringent of the two DP plans to the ongoing projects, which is the stage under the law (MRTP or any other) which denotes commitment on the part of the Corporation under the 1991 DP plan and which will exclude application of draft DP 2034.
 - a. Approval of Concession Report for the project?
 - b. Approval of Layout MRTP Act?
 - c. Issue of IOD u/s. 354 of the BMC Act?
 - d. Issue of CC u/s. 45 of the MRTP Act?
 - e. Issue of further CC beyond plinth under guidelines of the Corporation by way of endorsement on the CC issued u/s.45 of the MRTP Act?

2. Depending upon the answer to (1) (whatever stage is considered as the stage at which the draft 2034 DP will not be applicable), the further questions are as follows (For example, if IOD is accepted as that stage, then all the questions will reflect with reference to issue of IOD)
 - a. To the building(s) for which IOD* is/are issued whether any further development by way of additional FSI, modification, amendment under DCR 1991 on those buildings will be permitted?
 - b. In case of layout, to the extent the buildings which have received IOD* with the open spaces required around it, can those be allowed for further development by way of additional FSI, modification, amendment under DCR 1991 on those buildings?
 - c. In case of layout the area other than covered under (b) will it be governed by stringent of the two DPs?

3. In the event where part of a plot is being developed under DP 1991 because of IOD* being granted and part of the plot is being developed under stringent of DP 1991 and draft DP 2034 does not amount to plot getting sub-divided on the basis of applicability of DP 1991 or stringent of the two DPs. In view of above, the FSI of the plot shall continue to be one FSI applicable to the whole plot and hence can additional development of the plot potential be permitted on that portion of the land which is being developed under DP 1991?
 - a. In case of plots which are partially or partly affected by road/proposed road / road widening under draft DP 2034
 - a. Whether plans can be approved based on the gross plot area before setback?
 - b. The area for the purpose of loading of TDR on such plot whether the same can be gross plot area, not considering the area to be handed over for setback/road under Draft DCR 2034?

- c. Any open space deficiency arising due to reservation of the road or widening of the road proposed in draft DP 2034 whether the same can be condoned without charging any premium? (Note: Since the reservation cannot be taken over under the draft DP 2034 the deficiency cannot be calculated from the new road line and in view of this premium cannot be charged).

Should you require any assistance to further discuss the aforesaid questions/suggestions or any material in support thereof, please feel free to contact us for the same.

We look forward to your constructive and favourable response to the above for larger benefit of the City.

Thanking you,

Yours faithfully
For MCHI-CREDAI



Vimal Shah
President