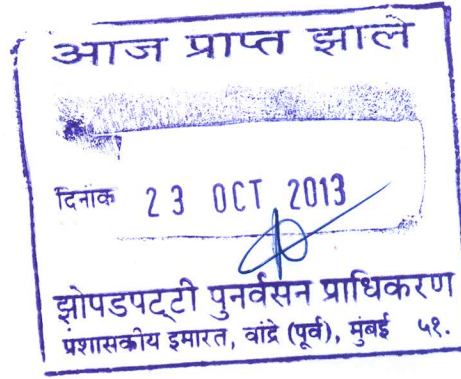


S. S. Hussain I.A.S. (Ex)

Chief Executive Officer

Ref. No. MCHI/CEO/13-14/221



October 21, 2013

To,
Shri Nirmal Deshmukh (I.A.S.)
Chief Executive Officer
Slum Rehabilitation Authority,
Government of Maharashtra,
Bandra (E),
Mumbai - 400 051.

Sub : Request for reduction in Penalty levied for work carried out beyond approvals.

Dear

Please go through the MCGM Circular No. CHE/2052/DP/GEN dt. 4.2.2011 regarding Penalty for regularization of work carried out beyond approval/C.C. and procedure for regularization. (Photocopy attached). Our request is to review the penalty levied for works carried out beyond the approvals on the basis of the MCGM Circular.

You are well aware that it takes lot of time to obtain various approvals. Further, after completing the plinth of rehab building the developer has to continue with the construction work without FCC, due to pressure exerted by the slum dwellers on the developer about the slow/no work at site etc.

You will appreciate that the earliest completion of Rehab building is in the interest of everybody including SRA, MCGM, etc. Further, eradicating the slum colonies and upgrading the standard of living of slum dwellers will make difference in the environment of the megacity. Since it's a State Govt. scheme to make Mumbai Slum Free, our members are contributing towards achieving this objective apart from socio economic objectives. Therefore, it is our earnest request to not to levy any penalty if Rehab/Composite building is constructed beyond C.C because of various reasons.

Clause 6.23 of Appendix - IV of D.C regulation 33(10) provides for 10% of the normal premiums even for the free sale components both in island city and suburbs and extended suburbs.

Further, if authority wants to charge the penalty, it should be as a token amount of say Rs.300/- per rehab / composite tenements as per earlier practice of SRA and 10% of the penalty levied as per circular of MCGM for sale building.

To summarise it should be as per following table of MCGM Circular:

Category	Type	% of penalty	10% for Sale
1	Work carried out beyond CC but within the approved plan.	20%	2%
2	Work carried out beyond CC and within the approved plan but after issue of stop work notice.	40%	4%

3	Work carried out without approval but within plot potential (including setback area).	70%	7%
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In view of the above, it is a collective request from our members of MCHI-CREDAI to consider the suggestions highlighted above which will not only grant relief to the developer economically under the prevailing slow moving market scenario, but will also be helpful in the proper and fast implementation of the Slum Rehabilitation Scheme. If authority wants to encourage and attract credible and reputed developers who can promptly and successfully take up and finish slum rehabilitation projects, it would be desirable to have faith in them and reduce the penalty quantum, which will definitely have a very positive outcome.

Submitted for your kind consideration.

Yours

S. S. Hussain

Shri Nirmal Deshmukh (I.A.S.)
Chief Executive Officer
Slum Rehabilitation Authority,
Government of Maharashtra,
Bandra (E),
Mumbai - 400 051.

✓ CC to: **Shri Debashish Chakrabarty (I.A.S.)**, Principal Secretary, Housing Dept.
Mantralaya, Mumbai - 400032 (for necessary consideration)

P. A. to Principal Secretary to the
Government of Maharashtra
Housing Department
Mantralaya, Mumbai 400032

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE / 2052 / DP / GEN dt.4-2-2011

CIRCULAR

Sub: Penalty for regularization of work carried out
beyond approval / C.C. and procedure for
regularization.

Ref. : 1. CHE/77/DPC/Gen dt. 17.6.2004

2. DyChE/BP/3307/WS of 8.7.2005

Procedure for regularizing unauthorized works / structures was circulated vide Circular No. CHE/77/DPC/Gen dt. 17.6.2004. The said circular is now revised as follows.

1. On receipt of application in prescribed manner as per DCR along with requisite documents u/s 44 of MR & TP Act requesting for regularization and due reasons for exceeding the work beyond approval / C.C., if concession/relaxations are involved approval of higher authorities shall be sought within 15 days. After receipt of approval, demand note shall be issued for payments to be made.
2. All the payments shall be made by the user / developer within seven days from receipt of demand note by him.

The revised rate of penalty shall be as under.

The premium rate shall be taken as 25% of developed land rates given in Stamp Duty Ready Reckoner issued by Government for the year of the date approval for regularization. The land rates shall be enhanced by factor 1.5 for industries and 2 for commercial.

Table A

Category	Type	Scale of penalty as % of premium rates
1.	Work carried out beyond CC but within the approved plan	20%
2.	Work carried out beyond cc and within the approved plan but after issue of stop work notice	40%
3.	Work carried out without approval but within plot potential (including setback area)	70%
4.	work carried out without approval but regularizable by way of utilizing TDR or amalgamation of additional plots or additional FSI as per DCR 33.	100%
5.	For change of user/activity within approved /authentic building	30%
6.	For alterations/ interior works i.e. erection of cabin / partitions within approved/authentic building or work of foundation of any type or excavation work	Rs.425/- per Sq.mt. (minimum Rs.25,000/-) to be increased 5% every two year's period

Table B

For redevelopment as per DCR 33 (5), 33 (7) and 33 (9)

Category	Type	Scale of penalty as % of premium rates
1.	Composite bldg	40% of normal penalty as per Table A.
2.	Non composite bldg	Normal penalty as per Table A for sale portion and 40% of normal penalty as per Table A for rehab component.
3.	Only for rehab. bldg	40% of the normal penalty as per Table A
4.	Sale Bldg	Normal Penalty as per Table A

4. The necessary condonation for any deficiency including Open Space, Parking etc. prior approval shall be obtained and premiums as per the policy in force shall be recovered.

5. While calculating the penalty, the entire area including staircase, lift, lift lobby, balcony, basement, service floor, stilt parking floor shall be included and taken as a base for arriving penalty by applying the desired scale as mentioned in Table above.

6. For regularization of staircase room, lift machine room and overhead water tank, a lump sum penalty of Rs. 20,000 per wing of the bldg shall be recovered.

7. Necessary premiums for granting staircase, lift, passage area free of FSI or lucrative premium shall be levied as per policy in force.

This shall be given immediate effect.

Sd/- 4-2-2011
for Director (E.S. & P.)
No. CHE / 2052 / DP / GEN dt.4-2-2011

Sd/- 4-2-2011
Municipal Commissioner

MUNICIPAL CORPORATION OF GREATER MUMBAI

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