

**PRESIDENT**  
Nayan A. Shah

**IMMEDIATE PAST PRESIDENT**  
Mayur Shah

**VICE PRESIDENTS**  
Deepak Goradia  
Boman Irani  
Harish Patel  
Nainosh 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 Kanakla

**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/18-19/300

June 07, 2019

To

**Dr. Bhushan Gagarani (I.A.S.)**

Principal Secretary to Hon'ble Chief Minister  
Chief Minister's Office  
Govt. of Maharashtra  
Main Bldg., Mantralaya, Mumbai

  
P. A. to Principal Secretary  
Chief Minister's Secretariat

**Subject: Copy of CREDAI-MCHI suggestions on draft T4 circular**

Respected Sir,


This is in continuation with Transition policy (T4) towards DCPR 2034 regulation 14(A) and 15 (h) should be consider for ongoing projects.

We have submitted our suggestions to Shri Praveen Pardeshi, Hon'ble Municipal Commissioner of MCGM regarding the same (copy is attached for your reference).

Request you please expedite this, as many project have been stand still in absence for this policy.

Thanking you,

Your sincerely,  
**For CREDAI-MCHI**

  
**Nayan A. Shah**  
President

  
**Bandish Ajmera**  
Hon. Secretary

**Encl.: As mentioned above**

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**PRESIDENT, NAVI MUMBAI**

Prakash Baviskar

Ref. No. MCHI/PRES/18-19/299

June 07, 2019

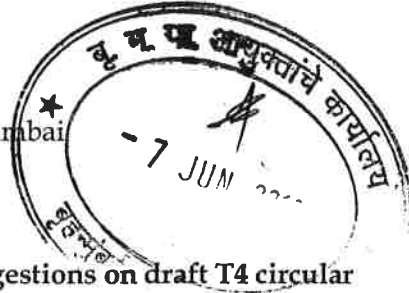
To

**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><b>1)</b></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>
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*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.