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Dharmesh Jain

PRESIDENT-ELECT
Nayan Shah

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Boman Irani
Harish Patel
Nainesh Shah

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Domnic Romell

HON. TREASURER
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Rasesh Kanakia

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Sandeep Runwal
Lakshman Bhagtani
Bandish Ajmera

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Jayesh Shah

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Munish Doshi
Tejas Vyas
Pratik Patel
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Sanjay Chhabria
Shailesh Sanghvi
Jitendra Jain
Deepak Gundecha

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Praful Shah
Sachin Mirani
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Shyamal Mody
Nikunj Sanghavi
Digant Parekh

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Paras Gundecha
Pravin Doshi
Mohan Deshmukh
Mofatraj Munot
Rajni S. Ajmera
Late G. L. Raheja
Late Lalit Gandhi
Late Babubhai Majethia

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PRESIDENT, THANE
Ajay Ashar

PRESIDENT, KALYAN-DOMBIVLI
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Ashit Shah

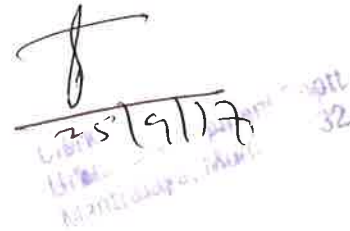
PRESIDENT, RAIGAD
Vikas Kothari

PRESIDENT, NAVI MUMBAI
Prakash Baviskar

Ref. No. MCHI/PRES/17-18/017

September 25, 2017

To,
Dr. Nitin Kareer (I.A.S.)
Principal Secretary - I
Urban Development Department
Government of Maharashtra
Mantralaya, Mumbai - 400 032


25/9/17
Liberty - Justice - Equality - 911
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Sub: Provision of the amnesty scheme for grant of Occupation to the Buildings which have been occupied without obtaining the required Occupation Certificate.

Ref: MCP/8348 dt. 20.05.2017

Respected Sir,

It is learnt that Municipal Commissioner has forwarded a proposal vide letter dt. 20.05.2017 in respect of Amnesty Scheme for grant of Occupation Permission. The said proposal is on parallel lines with the earlier proposal formulated vide notification dt. 23.04.2004. The Commissioner has also forwarded a table showing changes required in earlier notification. The MCHI is in agreement with MCGM on these issues. However it appears that a major issue is not considered by MCGM in the said proposal. The area of concern that needs to be dealt with is as follows :

You are aware that the State Govt. vide notification no. CMS 4311/452/CR-58/2011/UD-11 dt. 06.01.2012 had modified Regulation 35 (2), (3), (4) of DCR 1991. The new provision has made a substantial change in calculation of FSI vis-à-vis free of FSI areas.

As a result, many buildings which were approved prior to 06.01.2012 have not been granted Occupation permission mainly for following reasons:

- The free of FSI constriction like elevation treatment / flower beds which were permissible free of FSI prior to 06.1.2012 are now not permissible free of FSI.
- Free of FSI areas available in staircase and lobby cores and service ducts.

Most of these buildings are complete in all respects, already occupied by flat purchasers and co-operative housing societies have been formed. The construction work carried out as per regulations and policies prevailing prior to 06.01.2012 are not regularized for the want of FSI or the heavy premiums payable. Further, Corporation

also charges penalty at the rate proportionate to current ready reckoner rate for such work. These premiums / penalties which are charged at current ready reckoner rate work out unreasonably high for the developers in today's market. Neither the co-operative society of the buyers nor the developers, therefore, come forward to regularize such buildings and seek Occupation permission.

We therefore request you to extend the amnesty scheme on such proposals also on following basis:

The regulations in force prior to 06.01.2012 should be applied for these buildings while considering the FSI statement. The premium which may be due should be calculated at ready reckoner rate of 2012. The penalties for regularization of such work should not be charged since the work such carried out will be as per the Permissible FSI / TDR then.

If this policy is adopted then lot of buildings can be granted Occupation permission thereby Municipal files will be closed and the occupants will not be harassed after Occupation.

You are requested to look into the matter and decide accordingly please.

Thanking you,

Yours faithfully,
For CREDAI-MCHI



Mayur Shah
President



Domnic Romell
Hon. Secretary



S. S. Hussain, I.A.S. (Retd.)
Chief Executive Officer