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Ref. No. MCHI/PRES/19-20/002

August 7, 2019

To,  
**Shri Milind Borikar (I.A.S.)**  
Collector,  
Mumbai Suburban District,  
New Administrative Building  
Kalanagar, Bandra (E)  
Mumbai - 400 051

08/08/19  
लिपिक  
जिल्हाधिकारी  
मुंबई उपनगर जिल्हा

**Sub: Issue of allotting un-encroached plots surrounded by slum rehabilitation scheme to be reviewed and made part of already recommended Exhaustive Policy to Government of Maharashtra.**

Dear Sir,

We are very thankful to you for submitting an exhaustive policy for disposing small, unbuildable landlocked, odd shaped government plots to the adjacent owners or institutions by charging reasonable premium. However, an issue of allotting un-encroached plots surrounded by the slum rehabilitation scheme needs to be addressed on similar lines for allotting such land for integrated townships. We suggest, such plots need to form part of the SR scheme to protect it from any unauthorized encroachment since regulation number 33(10) para 1.11 does not address the issue of allotment of un-encroached Government plots. We suggest a policy as under for your kind perusal and consideration.

As per provisions of DCR 33(10) Clause II.II premium for ownership and terms of lease, that part of rehabilitation component of the SRS constructed shall be leased to the Co-operative Housing Society of the slum - dwellers for 30 year. Annual lease rent of Rs. 1001 for 4000 sq. mtr. of land or part thereof and lease shall be renewable for a further period of 30 years at a time. Simultaneously, land under free sale component shall be leased directly to the Society/ Association of the purchasers of the tenement under free sale component. Pending the formation of the Society/ Association of the purchasers in the free sale component with a provision for further renewal for a period of 30 years at a time. The lease rent for the free sale component shall be fixed by SRA.

In addition to the above, the Developer/Co-operative Housing Society shall pay premium at the rate of 25% of ASR in respect of SRS proposed to be undertaken on land owned by Government, Semi-Government undertakings and local bodies and premium shall go to land owning authority such as MHADA, MCGM, MMRDA as the case may be. The premium instalment so recovered shall be remitted to concerned land owning authority within 30 days from the date of recovery.

It is to submit that there are many plots belonging to public authorities which are surrounded by slums and landlocked, thereby are not feasible for construction, having adequate width, which are getting encroached resulting in loss of Government land with no revenue to public authorities. It may here be mentioned that most of the slums are encroached on Government land in Mumbai City.

The existing provisions allow land belonging to public authority for rehabilitation component by recovering premium at the rate of 25% of land ASR.

Many of the slum rehabilitation schemes are held up due to inadequate planning/design constraints of building proper access and owing to non-permissibility of SR schemes on such non-buildable land locked plots belonging to public authorities. By allowing such small unencumbered plots, adjoining/surrounded by slums scheme, many of the SR

schemes will become feasible and revenue in the form of premium at the rate of 100% of land ASR can be generated for the public authorities and such plots belonging to public authorities can be saved from further encroachment and liability to public authorities for providing amenities such as water supply, electricity, sewer lines, roads, etc. at no cost to these future encroachers.

It may be mentioned here that Government of India has declared National Housing policy and State Housing Policy of Government of Maharashtra targeting Housing for All in India by the year 2022 which shall be the Platinum Jubilee year of Independence of India. Hon'ble Prime Minister of India has already declared that everyone shall have their own dwelling by the year 2022.

In view of the above, it is our humble suggestion to the Government of Maharashtra to incorporate following clause in Tit Bit Policy of Government of Maharashtra allowing land belonging to public authorities in integrated town planning schemes, land pooling clause in cluster development i.e. 33(9), allowing Tit Bit land in MHADA layouts for development as per DCR 33(5), allowing adjoining strip of lands adjoining to schemes being implemented under DCR 33(7) and also in Industrial policy for allowing Industrial plots for development. All the clauses, provisions and relaxations of DCR 33(9), 33(5), 33(7) are applicable to SR schemes implemented under provisions of DCR 33(10) and hence it is necessary to allow such land locked/adjoining/non-buildable plots belonging to public authorities surrounded by slums/adjoining by slum schemes at par with above provisions in case of DCR 33(10) to make the scheme viable on recovery of premium at the rate of 100% ASR premium.

Unencumbered landlocked, odd shaped, non-buildable plots surrounded by slums or adjoining to slum rehabilitation schemes shall be allowed for development along with slum rehabilitation schemes with full permissible FSI by charging the premium at the rate of 100% ASR of the year in which the scheme is sanctioned and such lands shall be leased to the society as per provision of clause 1.11 of DCR 33(10).

It is further to mention that in our earlier representation, it is inadvertently mentioned that plinth shall not be more than 33%. However, in order to have flexible planning and to create housing for all by 2022, it is not advisable to restrict the plinth to 33%. Hence it is requested to remove all such restrictions in order to consume full permissible FSI as per DC regulations.

Under the circumstances, the Collector Mumbai Suburban District is requested to recommend the above changes in continuation to already recommended exhaustive policy to Government of Maharashtra.

We request you to bring this issue to the notice of Government and recommend the policy accordingly.

Thanking you,

Yours faithfully,  
For CREDAI-MCHI



Nayan A. Shah  
President



Bandish Ajmera  
Hon. Secretary



Sanjiv Chaudhary MRICS  
Chief Operating Officer