

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

Chief Executive Officer

Ref. No. MCHI/CEO/15-16/241

March 17, 2016

**Sub: Clarification in respect of provision of 20% BUA in the form of residential tenements having built up area upto 50 Sq.mt. while allowing residential user on land situated in industrial zone.**

Ref: 1) TPB-4304/2770/CR-312/04/UD11 dated 14 May 2007.  
2) TPS-1205/2436/CR-286/05/UD-12 dated 19 June 2007.

Dear

The Development Control Regulation for Greater Mumbai and Thane region were sanctioned by the State Government in the year 1991 & 1994 respectively. The regulations were amended from time to time. Accordingly, Regulation no. 56 and 57 of DCR 1991 of MCGM & Regulation no. 65 of DCR 1994 of TMC were modified vide above referred notifications for allowing Residential/Commercial user on land situated in Industrial zone.

As per modified DCR 56 (3)(c) and 57 (4)(c) of DCR 1991 for Greater Mumbai and DCR 65, Appendix M-6.1 for Thane, a following note was added in the said regulations -

**"Out of the total floor area proposed to be utilized for residential development, 20% of the same shall be built for residential tenements having built up area 50 Sq. Mt."**

The Municipal Corporation of Greater Mumbai as well as Thane Municipal Corporation while allowing residential user on Industrial zone land are insisting residential tenements having 50 sq mts BUA on 20% of the total floor area i.e. on FSI+ TDR component. In the past also PEATA and MCHI has requested the Municipal Commissioner of MCGM to work out 20% tenements up to 50 Sq. Mt. on basic zonal FSI and not on TDR component. It is learnt that pursuant to the request made by PEATA, the MCGM has sought clarification from UD department regarding working of tenements of 20% BUA up to 50 Sq mts. The said clarification is not yet received from Urban Development Department.

The request made by PEATA as well as MCHI-CREDAI is based on the following points which may be taken into consideration by the department -

1. As per clarification dt. 14.07.1994 issued by Urban Development Department vide regulation 62 (3) of DCR 1991 for the development of plots under reservation of Public Housing, 10% of the permissible built up area in the form of tenements required to be handed over to MCGM for rehabilitation of PAP is insisted on basic FSI and not on TDR component.

2. As per recent notification issued by Urban Development Department for Inclusive housing, the same is required to be provided up to 20% of the basic zonal FSI & not on TDR component.
3. In case of development of buildable reservation under regulation 9 of DCR 1991, the area of built up amenity to be handed over to MCGM is worked out on basic FSI and not on TDR component. The area proposed for utilization of TDR is always allowed to be utilized without any restriction.
4. The RG area is considered by deducting 15% of the balance area of plot and is not applicable to TDR component
5. The TDR is generated out of handing over of land to MCGM against various reservations as stipulated in regulation 34 of DCR 1991. The MCGM gets the said land free of cost and free of encumbrances for purpose of public utilities. As such, there shall be no restriction on utilizing the said area for residential tenements.

In view of the above points, MCHI-CREDAI would like to request you to please issue the clarification addressing Municipal Corporation of Greater Mumbai as well as Thane Municipal Corporation for working out 20% built up area for tenements up to 50 Sq.mts. on basic zonal FSI and not on TDR component.

Yours



(S. S. Hussain)

To,  
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