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2011 - 2012**

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(MCHI Mira Virar City Unit)

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Harish Patel

Nainesh Shah - President

(MCHI Thane Unit)

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Ashok Mohanani

JT. TREASURERS

Mukesh Patel, L. P. Bhagtani

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Sandeep Runwal

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Sandeep Raheja

Bandish Ajmera - President

(MCHI Kalyan-Dombivali Unit)

Sujal Shroff, Parag Munot

Rajan Bandelkar, Vikas Walawalkar

Jayesh Shah, Nayan Bheda

Sanjay Chabria

Rajendra Chaturvedi

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Ajay Ashar - Secretary

(MCHI Thane Unit)

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(MCHI Kalyan-Dombivali Unit)

Shailesh Sanghvi - Secretary

(MCHI Mira Virar City Unit)

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(MCHI Raigad Unit)

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(MCHI Navi Mumbai Unit)

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Pravin Doshi, Mohan Deshmukh

Mofatraj Munot

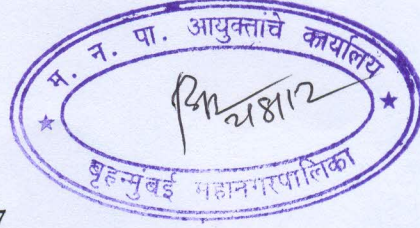
Niranjan Hiranandani

Rajni S. Ajmera, G. L. Raheja

(Late) Lalit Gandhi

(Late) Babubhai Majethia

MCHI - CREDAI



Ref. No. MCHI/PRES/12-13/027

August 02, 2012

To,

Hon'ble Shri Sitaram Kunte (IAS)

Commissioner

Municipal Corporation of Greater Mumbai

Municipal Head Office,

Mahapalika Marg

Mumbai - 400001

Sub: SPEEDY APPROVALS - Formation of Special Committee to resolve interpretation issues related to New DCR and request for an Interaction Meeting & Welcome Dinner with MCHI-CREDAI Members.

- Ref :** 1) Our letter dtd. 12th June, 2012 bearing No. MCHI/PRES/12-13/007
2) Our letter dtd. 5th July, 2012 bearing No. MCHI/PRES/12-13/018
3) Our letter dtd. 20th July, 2012 bearing No. MCHI/PRES/12-13/023
4) Our letter dtd. 27th July, 2012 bearing No. MCHI/PRES/12-13/026

Respected Sir,

Greetings from MCHI-CREDAI

With reference to our last meeting on 11th June 2012 at MCGM Office, we have presented to your office the issues related to New DCR that require your immediate intervention & our suggestions & changes required in DCR which are submitted herewith thru an Annexure A & Annexure B.

Regarding speedy approvals - formation of Special Committee to resolve interpretation issues related to New DCR

Sir, we had recommended to form a special committee to meet every fortnight with your Engineers at various BP's thereby allowing them to discuss and decide on the interpretation with regards to various cases. If this committee meets for the next 6 months continuously all the issues that have interpretation problems will get resolved after which this committee may be disbanded.

Maharashtra Chamber of Housing Industry (ISO 9001:2008)

Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.

Tel: 42121421, Fax: 4002 0361/62. Email : secretariat@mchi.net

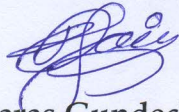
Website : www.mchi.net

Regarding request for an Interaction Meeting & Welcome Dinner with MCHI - CREDAI Members.

Sir, it will be very good for our members to hear from you the future plan for development of our city and also clarify the doubts relating to DCR, Approval of Plans.

May we request you give us an opportunity to host an Interaction Meeting at the Yashwantrao Chavan Auditorium, Near Mantralaya, Mumbai when all our members can hear from you directly. May we request any day of your convenience. The Interaction Meeting will be between 6.00 pm. to 8 pm. and followed by dinner.

With respectful regards,
For MCHI-CREDAI



Paras Gundecha
President

Mob: 9821092439

Encl :

- 1) *Annexure A*
Suggestions/Changes in new DCR to be implemented immediately
- 2) *Annexure B*
Points regarding modifications in DCR
- 3) *Power Point Presentation (Hard Copy)*
- 4) *Minutes of the meeting with Hon'ble CM*

Annexure A
Suggestions/Changes in new DCR to be implemented immediately

Sr. No.	Issue	MCHI's suggestion
1.	Staircase lobby/Lift lobby/Cut off Lobbies to be specified.	As per D.C.R., the specified lobby does not mention the extent of lobby to be permitted. However as per the circular issued by the then Municipal Commissioner, the lift lobbies to the extent of depth of the lift is only being permitted. However there are various lift lobbies which are by default required as per the requirement of the width of the staircase, hence limiting the lift lobbies to the extent of depth of the lift is not viable and therefore there is planning constraint. Hence, we would like to suggest that Lift lobby/Cut off Lobby as per the enclosed sketches to be permitted free of FSI by charging premium as applicable for staircase area. (Sketches).
2.	Elevation projections permissible need to be reviewed.	<ol style="list-style-type: none"><li data-bbox="1036 1541 1520 1921">1. Elevation projections are made quite stringent in new D.C.R. and some pragmatic issues needs to be taken so as to have aesthetically beautiful building. MCHI would like to suggest some of the elevation projections, which needs to be permitted.<li data-bbox="1036 1933 1520 2011">2. Full height French Windows and external railing are to be allowed.

		3. Pergola above terrace are to be allowed
3.	Service Ducts viz. Electrical duct, F.F. duct, Refuse Chute, Data/cable duct, A.V. Shafts etc. are counted in FSI	Service Ducts viz. Electrical duct, F.F. duct, Refuse Chute, Data/cable duct, A.V. Shafts etc for each wing of proposed building are required for proper functioning & maintenance of the buildings. As such the same are to be allowed free of FSI when there is no chance of misuse. Statutory requirement as regards fire safety, it is mandatory.
4.	Terraces created on higher floors due to planning constraints not to be counted in FSI.	Majority of the development in Mumbai is for re-development wherein existing occupants are to be rehoused in the proposed building that are having various carpet areas and hence it is not possible to have uniform building all throughout. We would like to suggest that wherever the building line is changing due to planning constraint, the same may be permitted by proposing 1: 5 slopping terrace. Also due to railway open space requirement buildings are required to be setback, the same may be permitted.
5.	In cases of redevelopment u/s 33(7) & 33(9), development cess Rs. 5000/- per Sq. Mt. is to be paid for built up area over & above the normally permissible FSI.	Development cess shall not be levied on fungible FSI. Development charges on fungible FSI need not be charged since premium on same is being recovered for the fungible FSI

6.	Fungible FSI premium is required to be paid before issue of IOD	Fungible FSI premium allowed to be paid in installments, at the time of grant of CC/stage of work.
7.	Grant of IOD/CC when concessions are approved prior to 6 th Jan, 2012	Wherever concessions were granted prior to 6 th June 2012, they should be considered as commitment and project should be allowed to be developed as per the earlier DCR. Concession is also a process of approval. It should be considered as a commitment.
8.	Podiums are to be allowed for plot having area less than 1500 Sq.Mt.	Podium shall be allowed for building on plot having area less than 1500 sqmt to accommodate parking spaces as it is difficult to meet the parking requirements as per DCR as well as growing demand of flat purchasers.
9.	<u>35(2)note(iii)</u> : Any passage by whatsoever name not covered under DCR 35(2) shall be counted in F.S.I.	In cases schemes under DCR 33(5), 33(7) & 33(9). While designing the proposed rehab buildings/wings, central corridor is provided for accommodating more tenants in single floor and these passages cannot be covered and used as habitable passages in the flat. In case if the passage area in counted in F.S.I., the benefit of fungible F.S.I. will be reduced and the tenants will get only 350 - 360 sqft carpet area instead of 405 sqft which will be unpopular among the tenants and against the Government
10.	<u>35(4) para 3</u> : Provided further that redevelopment under D.C.	The redevelopment of MHADA colonies under D.C. Regulations NO. 33(5) in which

	<p>Regulations NO. 33(5) and redevelopment proposals of existing buildings in suburbs and extended suburbs by availing T.D.R., the fungible compensatory FSI admissible on the F.S.I. consumed in the existing structures shall be granted without charging premium.</p>	<p>the tenant/ members of EWS/LIG/MIG tenement are rehabilitated with a carpet area upto 300 sqft to 800 Sqft as approved by MHADA as against their existing carpet area of 180 sqft to 450 sqft In the event of fungible F.S.I. is only admissible on existing carpet area, then the benefit is meager, where as in case of redevelopment schemes under regulation 33(7), (9) & (10), the tenant/ members are entitled fungible F.S.I. on the proposed carpet area which is discriminatory and will bring bad name to Govt.</p> <p>As such the fungible compensatory FSI should be admissible on such carpet area determined by the Govt. as per the regulation 33(5) and same should be granted without charging premium at par with other redevelopment schemes under regulation 33(7), (9) & (10).</p>
11.	<p>Provided in case of redevelopment under regulation 33(7), 33(9) and 33(10) excluding clause No. 3.11 of appendix IV of DCR 1991, the fungible compensatory FSI admissible on rehabilitation component shall be granted without charging premium.</p>	<p>In case of redevelopment under 33(10), the computation rehab F.S.I. is on the Built-up area for entire rehabilitation component of total construction area including areas under passages, balwadis, welfare centres, society office, religious structures etc.</p> <p>As per clause 8 of appendix III, , the relaxations in Regulations No 33 (10) is applicable to 33(7) & 33(9), as such the</p>

		computation rehab F.S.I. for 33(7) cases also shall be on the Built-up area for entire rehabilitation component of total construction as the construction area.
12.	Services like Substation, DG Set Room and Meter room are counted in FSI if not proposed in basement. Fire equipment room, garbage room, telecommunication room, letter box room, BMS room, driver's room, etc. counted in FSI.	Services like Substation & DG set Room are to be allowed free of FSI in stilt, podium or side open spaces as Power Co. are not allowing the same in the basement due to flooding during monsoon. Meter Room, Fire equipment room, garbage room, telecommunication room, letter box room, BMS room, driver's room are to be allowed free of FSI on stilt or podium as these services are required for better functioning & maintenance.
13.	Open Space deficiency premium for building with fungible FSI shall not be charged with telescopic rate.	Due to fungible FSI, height of the building is increased resulting in additional premium for Open space deficiency. However premium is charged for fungible FSI as well O.S. deficiency. Hence request not to charge open space deficiency with telescopic rate.
14.	Fungible FSI premium is charged for Owner occupied tenants.	Fungible FSI shall be allowed for owner occupied tenants without charging premium if they have to be re-accommodated.
15.	CRZ development	Fungible FSI should be permitted
16.	Dilapidated buildings in suburbs in CRZ II	In the interest of safety of existing occupants FSI should be enhancement from 1.00 to 2.00 to make it financially viable. In Afzalpurkar

		committee report for suburbs, this has been recommended but not yet implemented by government.
17.	Pocket terraces are formed due to aviation restriction or railway or any other reasons	Such pocket terraces should not be counted in FSI
18.	Fungible FSI for existing occupied buildings where they has enclosed flower beds and ducts	Fungible FSI should be allowed to regularize.
19.	Glass façade in residential building	It should be allowed free of FSI upto 0.30 m as in commercial buildings
20.	For building of height less than 70 metres 3 rd lift is claimed free of FSI as per 35(2) of DCR 1991	In new DCR 3 rd lift which is a stretcher lift the area should not be computed in fungible FSI.
21.	Use of fungible FSI in redevelopment scheme in suburbs	Societies are the owner of land of a building and in redevelopment scheme if premium is paid for full fungible FSI, then use should be allowed as per the decision of society.
22.	Where structural beam are insisted at mid landing level by high rise committee/RCC compliance and void is created	The void should not be counted in FSI
23.	Remarks from E.E.T & C / C.F.O./ SWD etc. to be issued within 15 days time limit.	As per the circular dated 23.01.2012 issued by Municipal Commissioner regarding proposals to be approved within 60 days time limit and remarks from the concerned department to be obtained by E.E.B.P. within 15 days time limit.

		<p>However it is observed that remarks are not forwarded by Building Proposal Dept. within stipulated time limit and subsequently all the concerned departments raise frivolous issues because in absence of guidelines, proposals are scrutinized at their will and 15 days time limit is not adhered too.</p> <p>Proper guideline needs to be finalized to avoid delay and ensure speedy remarks and circular dated 23.01.2012 needs to be implemented.</p>
24.	For handing over of reservation / amenity open space, 50% development is being restricted.	Wherever reservations are either existing or proposed by way of amenity open space, development is being restricted to 50% of the entire development and it is the major hurdle wherein the process of handing over is quite cumbersome and it may not comply with progress of the development process and hence advance possession of this reservation is to be taken by M.C.G.M. and full development may be permitted.
25.	To allow One FSI development without insisting on concessions on the entire proposals.	MCHI would like to suggest that the initial approval of One FSI which is land potential of the plot wherever it does not derive any concessions, the same needs to be permitted since the basic approval will assist negotiating with the tenants or the occupants for alternate accommodations and

		<p>Rehab area is considered as 269 for residential and area in use for commercial.</p> <p>Further as per 33(5) clause 6 rehab area is to be taken as area as decided for housing from time to time. Housing has decided area for LIG as 45 sqmt and for mig as 80 sqmts.</p> <p>However MCGM is considering rehab area as area in use by the members prior to redevelopment and not area offered to members as per norms.</p> <p>This is resulting in rehab area being taken very low and bldg considered as non composite or rehab area benefits being given only upto existing BUA and not as decided by housing department as per notification</p>
29.	Fast Track	<p>1. If the proposals are CFO+ Parking + DCR complaint (open space concession required seem to be reasonable) then the same should be put on Fast Track and put up to M.C expeditiously and accordingly instructions needs to be given to B.P. Department staff. And the proposal should be forwarded by the Dy Chief Engineer straight to M.C. Only four levels of scrutiny till it is</p>

		<p>send to M.C. What actually happens is that once it comes to the H.O again there is scrutiny by EEPA to Chief Engineer D.P, Chief Engineer D.P, EEPA to Dir., Dir. (ESEP), O.S.D to MC and MC so more persons scrutinizing the file leads to delay in approval.</p> <p>2. Previous MC has already recommended certain modifications in Open Space, Parking etc. to U.D.D by a letter dated 26th March 2012, pending sanction to the modification, hereby M.C is requested to condone the requirement under DCR 64(b) by charging premium and the same needs to be officially communicated to the staff in B.P. D.P and be implemented accordingly.</p> <p>3. Modified DCR is also impacting over all structure of planning however there are lots of issues for accountability of staff for disposal of proposal. Fast track system needs to be implemented wherein approval can be granted within 15 days time.</p> <p>4. Architect should not have to go from pillar to post for demarcation/handing over/legal</p>
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		<p>formalities etc. hence, all the infrastructure remarks pertaining to MCGM shall be made available for all the plots at a single place, so that Architect can concentrate on implementation.</p> <p>5. And all fees charges at all departments e.g., H.E, S&P etc should be accepted at the respected zonal office for all the departments. What happens is that alter IOD is issued we have to make payments to H.E and other Department and without they accepting the payment the CC does not get issued so and so then is scope of mischief.</p> <p>6. All the approvals/ remarks, NOC, clarification, permissions, plans are to be kept on website of MCGM, especially CFO /EETC/SWD/ Water Mains/N&E, S&P, Roads etc. so that applicant can learn from specific cases. And any concession, benefit or rejection or amendment granted to one case can be made applicable to all.</p>
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Annexure B
Points regarding modifications in DCR

Sr. No.	Issue	MCHI's suggestion
1.	Modification to certain provisions of DCR in respect of parking spaces, fire protection measures etc. forwarded to U.D. dept. vide MC's letter dated 26/03/2012.	Necessary directives from U.D. dept. need to be obtained on priority so that provisions are implemented to ensure smooth approvals.
2.	Fungible FSI for commercial buildings & Hotel User is 20% to be increased to 35%.	<p>Commercial building with multi tenanted offices with shops or showrooms or a retail shopping Mall or a shopping arcade, the compensatory FSI available is to the extent of 20%. Further a number areas that were earlier available free of FSI are now to be counted in FSI as per modified DCR. Hence we request to increase compensatory FSI up to 35%.</p> <p>As per D.C.R., Hotel User falls in residential category wherein 35% Fungible FSI is permissible, however at present only 20% is permissible. MCHI would like to suggest that 35% needs to be permitted since as per the earlier regulation, 10% balcony was permitted free of FSI wherein the said users are considered as residential user.</p>
3.	Structures having height beyond 70 mts. require High Rise	Proposal forwarded to U.D. dept. not insisting High Rise NOC for structures

	Committee NOC.	having height up to 120 mts. needs to be expedited.
4.	Storage/Safe deposit vaults are to be allowed in the basement free of FSI.	Storage for Shops at Ground floor, Safe deposit vaults/lockers for banks etc. are to be allowed in the basement free of FSI by charging deposit as per earlier practice.
5.	Transition Policy	There should be a transition policy with a cut off dead line with option for the duration when new policy is being introduced, developers to have option to go for old or new policy and to finish the procedures of under process approvals.