

SDCR 1. REDEVELOPMENT OF CESSED BUILDING

SDCR 1.1 APPLICATION

- a) This Regulation shall apply to redevelopment of following categories of buildings: tenanted Cessed buildings covered by Chapter VIII of the MHAD Act 1976
- b) Existing Municipal Staff Quarters/Police Quarters/Government Staff Quarters.
- c) Tenanted non-Cessed building situated on a plot of land that has cessed buildings if included in a composite redevelopment of cessed and such non-cessed buildings.

This regulation shall apply in addition to all the relevant provisions of the GDCR. In case of conflict, provisions of this regulation shall prevail.

- d) Municipal Tenanted Buildings existing prior to 30/09/1969.
- e) Co-operative Housing Society of occupiers of building/s, which were earlier cessed building/s but thereafter due to purchase/acquisition by Co-operative Housing Society of occupiers, if exempt from payment of cess.
- f) Tenanted buildings constructed prior to 30/09/1969 acquired by MBRR Board.

This regulation shall apply in addition to all the relevant provisions of the GDCR. In case of conflict, provisions of this regulation shall prevail.

Relaxation in building and other requirements for rehabilitation, notwithstanding anything contained in these Regulations, the relaxations incorporated in Regulations SDCR 4.9 of these Regulations shall apply.

SDCR 1.2 ELIGIBILITY AND ENTITLEMENT OF THE BENEFICIARIES

- a) No new tenancy created after ~~13th June, 1996~~ 01.01.2000 shall be considered as eligible beneficiary under this Regulation.
- b) Unauthorized constructions made in the building shall not be considered while computing existing built up area. However "Tolerated Structures" which is part of the composite redevelopment shall be allowed to be included in the redevelopment Scheme and its built up area shall be included in rehabilitation area.

Explanation: The term "tolerated structure" means the structure used for residential or non-residential purpose and existing as on 01.01.2000.

- c) **Basic Entitlement:** Each eligible occupant/tenant shall be rehabilitated and given on ownership basis a reconstructed dwelling unit having carpet area equivalent to the area occupied by such occupant/tenant for residential purpose in the old building subject to the minimum carpet area of 27.88 Sq.M(300.00 Sq.Ft.) and subject to the maximum carpet area stipulated in Sub-Section (2) of Section 92 of MHADA Act 1976 amended upto date. In case of non-residential occupier the area to be given in the reconstructed building will be equivalent to the area occupied in the old building.

Provided that if carpet area for residential purpose exceeds 70.00 sq.mt. (753 sq.ft.) the cost of construction for excess area shall be paid by tenant/occupant to the developer. The cost of construction shall be as per Ready Reckoner rate of that year. However, the carpet area exceeding 70.00 sq.mt. (753 sq.ft.) shall be considered for rehab FSI but shall not be considered for incentive FSI.

SDCR 1.3 INCENTIVE DEVELOPMENT RIGHTS

a) The incentive development rights against the carpet area required for rehabilitation shall be computed as specified in Regulation No. 15.4 (Revised Formula) of the General Development Control Regulations of these Regulations.

b) The Permissible F.S.I. shall as follows:

- i. If the sum of Development Rights Rehabilitation of existing eligible occupants (Rehab) and incentive Development Right (I) amount to FSI less than Permissible FSI (Pf) i.e. $(\text{Rehab} + I) < \text{Permissible FSI}$ the development will be permitted upto permissible FSI (Pf) as given in Table No. 13. The difference between the permissible FSI (Pf) and Rehabilitation and Incentive FSI (Rehab+I) can be availed according to provisions of Table No. 13 by utilization of TDR and Premium FSI may be applicable.
- ii. If the sum of Development Rights for Rehabilitation and Incentive FSI (Rehab+I), amount to FSI in excess of Permissible FSI (Pf) i.e. $(\text{Rehab} + I) > \text{Permissible FSI}$ (Pf), the required Rehabilitation FSI + 50% Incentive (Rb + 50% I) will be permitted on site and balance incentive FSI will be allowed in form of TDR.

In case of ii), the Permissible FSI shall be allowed without utilizing TDR and without payment of Premium.

c) If two or more plots up to 5 plots join together, additional incentive of 10% and if more than 5 plots join together, additional 20% development rights shall be granted.

d) For smooth implementation of the redevelopment scheme undertaken by owners and/or Co-operative Housing Society of the occupiers, temporary transit camps may be permitted on the same land or elsewhere in MCGM limits on land belonging to the Promoter/Developer up to Zonal FSI of land where transit camp is proposed to be constructed. Such transit camps should be demolished within one month from the date of occupation certificate granted by the Corporation for the Rehab portion in reconstructed buildings. Till the transit camps are fully demolished, the Commissioner shall not release the incentive development rights for the free sale area in excess of 75% of the total admissible Development Rights under this Regulation.

If any non-cessed building is proposed to be retained on plot where development is proposed under this regulation, the zonal permissible FSI as prescribed in these regulations for the proportionate land component of such non-cessed building calculated by dividing sanctioned constructed area by permissible FSI under these Regulations shall be withheld for the purpose of computation of permissible Development Rights.

SDCR 1.4 DEVELOPMENT APPROVED PRIOR TO COMING INTO FORCE OF THESE REGULATIONS

~~In the case of redevelopment scheme in progress and such schemes where C.C. has been issued and if the construction of rehab building is not completed up to plinth level, the owner/Developers /co-operative housing societies may convert the proposal in accordance with these Regulations.~~ Redevelopment Scheme approved prior to the coming into force of these Regulation may be converted as per the provisions of these Regulation at the option of the owner/ developer. However, such conversion is optional and shall not be binding.

SDCR 1.5 CONDITIONS FOR DEVELOPMENT

- a) The new building may be permitted to be constructed only if irrevocable written consent by not less than ~~70.00%~~ 60% of the total occupiers of all the old building/s, subject to minimum written consent by not less than 50% of individual building is furnished along with the application for development permission.
- b) All the occupants of the old building shall be re-accommodated in the redeveloped building.
- c) The list of occupants and area occupied by each of them in the old building shall be certified by the Mumbai Building Repairs and Reconstruction Board (MBRRB) and the irrevocable written consent as specified above shall be certified by the Board within two months from date of submission of the list by concerned owner/ developer/Co Op Hsg. Soc./ Architect, failing which the plans for development will be approved by MCGM on the basis of Letter of Intent along with rehab FSI calculation submitted by the applicant to MHADA / MBRRB and on the submission made to MHADA/ MBRRB subject to the condition that certification by MHADA/MBRRB submitted before demolition of existing building or before commencement certificate if the building is already demolished by direction of competent authority.
- d) The tenements in the reconstructed building shall be allotted by the landlord/occupants' co-operative housing society to the occupiers as per the list certified by the Mumbai Repairs and Reconstruction Board and MHADA NOC shall be insisted prior to issue of occupation certificate of sale component by MCGM.
- e) As per the provision of clause (d) above, each residential/non-residential occupant shall be rehabilitated for carpet area mentioned in the certified list and such areas shall be clearly shown on the building plan submitted to the Corporation/ MHADA.
- f) Restriction on transfer of tenements shall be governed by provision of Rent Control Act till Coop. Society is formed and after that the same shall be governed by the provision of Maharashtra Co-op. Society's Act.
- g) Consent as aforesaid of tenants /occupiers for redevelopment shall not be required, when MHADA/MCGM/any other appropriate Govt./Semi Government Authority undertakes redevelopment either departmentally or through joint venture.

SDCR 1.6 ~~PLANNING~~REDEVELOPMENT PERMISSION

Proposal formulated under this Regulation shall first seek ~~Planning~~Development Permission under Regulation No. 6.6 of GDCR.

The FSI as in SDCR1 should be allowed by the Planning Authority only after Mumbai Repairs and Reconstruction Board is satisfied that the said redevelopment proposal fulfills all conditions to be eligible for the benefits under these regulations.

SDCR 1.7 REDEVELOPMENTS APPROVED PRIOR TO COMING INTO FORCE OF THESE REGULATIONS

The redevelopment proposals where NOC had been issued by Mumbai Building Repairs & Reconstruction Board prior to the date of coming into force of these Regulations, and which is valid shall continue to be governed by Regulations applicable prior to these regulations.

SDCR 1.8 RELAXATION IN BUILDING AND OTHER REQUIREMENTS REGULATIONS

Notwithstanding anything contained in these Regulations, following shall apply for development under SDCR 1:

- i. In case of the Cessed Building Redevelopment, in case the property is falling in any Zone the redevelopment shall be allowed in situ without going through process of Change of Zone. For existing Industrial Structure, the segregating distance shall be maintained from existing industrial unit.
- ii. For any buildable reservations on lands, built up area equal to not more than 15 per cent area of the entire plot or 25 per cent of the area under reservation in that plot, whichever is less, shall be made available free of cost for the Municipal Corporation or for any other appropriate Authority.

SDCR-2 Redevelopment of Clusters of Buildings under URBAN RENEWAL SCHEMES

SDCR 2.1 DEFINITION

"Urban Renewal Cluster (URC)" means a cluster of buildings and structures over a minimum area of 4,000 Sq. M in a single plot or multiple plots situated in the Island City or suburbs or extended suburbs of Mumbai, ~~bounded by existing distinguishing physical boundaries such as roads, nallas, railway lines etc.~~ and accessible by an existing or proposed D.P. road which is at least ~~18.00~~ **12.00** M wide, or URP or a road for which Regular Line of Street has been sanctioned by the Municipal Corporation under MMC Act, 1888."Urban Renewal Scheme (URS)" means a scheme formulated under this regulation for the redevelopment of Urban Renewal Cluster. ~~(Even in New DP URCs proposed are along the road width of 12.20 M).~~

SDCR 2.2 APPLICABILITY

This Regulation shall apply to following types of Urban Renewal Clusters (URC) in the Island City of Greater Mumbai, in addition to the GDCRs.

- a) URCs demarcated on the DP ; or
- b) URCs defined in the Urban Renewal Plan (URP) for the concerned area, prepared and notified by the Commissioner, after publication of these Regulations; or
- c) Urban Renewal Scheme proposed by a promoter for URC not covered by (a) or (b) above, subject to approval of the Commissioner.

SDCR 2.3 SCHEMES TO BE UNDERTAKEN BY:

URS can be undertaken by:

- a) the Maharashtra Housing & Area Development Authority(MHADA) or
- b) the Municipal Corporation of Greater Mumbai (MCGM) either departmentally or through any suitable agency or
- c) by MHADA/MCGM, jointly with land owners and/or Co-op. Housing Societies of tenants/occupiers of buildings and/or Co-op. Housing Society of hutment dwellers therein, or
- d) by landowners and/or Co-op. Housing Society of tenants/occupiers of buildings and/ or Co-op Housing Society of hutment dwellers, independently or through a Promoter/ Developer.

SDCR 2.4 GUIDELINES FOR FORMULATION OF URS

a) ~~Every URS shall inter alia include an Impact Assessment Study evaluating the impact of the proposed development on the city and local level infrastructure and amenities as well as traffic and environment and a plan of mitigating the adverse impacts if any.~~

a) The land under URS, irrespective of the tenure of the plots comprised therein, shall be treated as one plot for the purpose computing permissible development rights and computation of marginal distances. ~~The amalgamated PR card of different tenure plots will not be necessary in case of URS. However, for handing over realigned roads and reservation amenities to MCGM, further subdivision after completion of the scheme will be permitted.~~ (to be redrafted)

b) ~~In specific cases where URS is not bounded by roads, nallas and Railway lines, the boundary of the Cluster may be decided by the Municipal Commissioner.~~

e)b) _____ The Urban Renewal Cluster may consist of ~~a mix~~ any of the following ~~of~~ structures of different characteristics ~~primarily comprising Cessed buildings in Island City, which attract the provisions of MHADA Act, 1976 and~~ as listed below:

- i. ~~Cessed Building in Island city which attracts the provision of MHADA Act 1976.~~
- ii. Buildings of at least 30 years of age and acquired by MHADA under MHADA Act, 1976
- iii. Authorised buildings of at least 30 years of age
- iv. Buildings for Service Industrial Estates, Industrial galas, Industrial sheds of more than 30 years prior to the date of submission of the proposal.
- v. Any other authorized structures which in the opinion of the Commissioner necessary to be included in the cluster for better planning.
- vi. Buildings belonging to the Central Government, the State Government, Semi-Government Organisations and the Municipal Corporation of Greater Mumbai (MCGM), as well as institutional buildings, office buildings, tenanted municipal buildings and buildings constructed by MHADA, that are at least 30 years of age. Provided that in case of buildings or lands belonging to the Central Govt.,

the State Government, Semi-Government Organisations and MCGM or MHADA, prior consent of the concerned Department shall have to be obtained for including such buildings or lands in any proposal of Urban Renewal Scheme.

- vii. Other buildings which by reasons of disrepair or because of structural /sanitary defects, are unfit for human habitation or by reasons of their bad configuration or the narrowness of streets are dangerous or injurious to the health or safety of the inhabitants of the area, as certified by the Officer or the Agency designated for this purpose by MHADA / MCGM or Mumbai Repair & Reconstruction Board.
- viii. Slum areas declared as slums under Section 4 of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 or slums on Public lands existing prior to 1.1.2000 or such other reference date notified by the Government, provided such slum areas do not constitute more than 50% of the area of Urban Renewal Cluster.
- ix. If some areas are previously developed or are being developed under provisions of the Regulations in force prior to these Regulations, such areas can be included in the urban renewal cluster only for planning purposes. However, such areas shall be excluded for calculation of FSI under this Regulation and the admissible FSI shall be calculated as per the relevant provisions of the DCR under which such areas are developed or are being developed. However, it shall be necessary to obtain consent of owner/owners of such areas for becoming part of the Urban Renewal Cluster.

Explanation:—Age of a building shall be as on the 1st of January of the year in which redevelopment proposal for the URC complete in all respects, is submitted to the Commissioner and shall be calculated from the date of occupation certificate or where such occupation certificate is not available, from the first date of assessment as per the property tax record in respect of such building, available with the Municipal Corporation

- e) Redevelopment under URS may be permitted in pursuance of an irrevocable registered written consent by not less than 70 percent in aggregate of the eligible tenants/ occupiers of all the authorised buildings on entire holding involved in the URS or as provided in MHADA Act, 1976. However consent of at least 50 percent of eligible tenant/ occupier of authorized buildings on each plot shall be necessary. Consent as aforesaid of such 70% tenants /occupiers for redevelopment shall not be

required, when MHADA/MCGM/any other appropriate Govt./Semi Government Authority/ private land owner(s) undertakes redevelopment, on its own land(s).

- f) All the eligible occupants/tenants of the buildings undergoing redevelopment shall be rehabilitated in the redeveloped buildings.

SDCR 2.5 ELIGIBILITY OF OCCUPANTS FOR REHABILITATION UNDER URS

SDCR 2.5.1 FOR BUILDINGS

- a) Occupants in tenancies existing as on the 13th June 1996 in the Cessed / De-cessed / Tenanted Buildings shall be considered as eligible for URS under this Regulation. Further, unauthorized construction made in buildings for creating new tenancy after 13th June 1996 shall not be considered while computing existing FSI. A certified extract of the inspection report of the Assessment Department of MCGM for the year 1995-96 or Court Order proving the existence of tenencies prior to 13th June 1996 shall be considered adequate evidence to establish the number of eligible tenements. However, the Commissioner, may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.
- b) For other than Tenanted buildings number of tenements shall be considered as per the sanctioned building plan. However in case of non-availability of sanctioned building plan, number of tenements shall be considered as per true inspection extract of Assessment department of MCGM for the year 30 years prior to the date of submission of the proposal. The list of occupants in other buildings excluding slums and the area occupied by each of them and the irrevocable written consents as specified in clause SDCR 2.4(e) of this Regulation shall be certified by the Mumbai Building Repair & Reconstruction Board.
- c) The list of occupants and the area occupied by each of them in municipal buildings and their irrevocable written consents shall be certified by the MCGM.
- d) Authorized Mezzanine floors or Mezzanine floors constructed / tolerated prior to 15th August, 1997 or any other datum line prescribed by the Commissioner and regularized subsequently shall be eligible for rehabilitation and incentive FSI.

SDCR 2.5.2 FOR SLUMS

- a) All the protected Occupiers as defined in Chapter IB of Maharashtra Slum Areas(Improvement, Clearance and Redevelopment) Act 1971 and orders issued thereunder shall be considered.
- b) A structure shall mean all the dwelling areas of all persons who are

enumerated as living in one numbered house in the electoral roll of the latest date, up to 1st January 2000 or such other reference date Notified by the Govt, and regardless of the number of persons, or location of rooms or access.

- c) The eligibility of the participants will be certified by the Competent Authorities as notified under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

SDCR 2.6 LAND AMALGAMATION FOR URS

The MCGM/MHADA or any other agency approved by them or the Promoter of URS shall try to pool lands belonging to various categories of landholders including Public lands by obtaining their consent for including their lands in the proposed URS, by resorting to any of the following methods of land pooling.

- a. Purchase of lands, including buildings, if any, standing thereupon. Provided that if the Promoter wishes to purchase any building or land belonging to the State Government or MCGM or MHADA or any Agency under the control of State Government (hereinafter collectively referred as "Public Authority"), then he shall make a written request in this regard to the Municipal Commissioner. The Commissioner shall examine the request made by the Promoter in terms of the need and desirability of making the land belonging to a Public Authority available for URS and would decide the terms of transfer of such land to the Promoter for the purpose of implementing URS in consultation with the land owning Public Authority. In case the land sought by the Promoter belongs to an authority created by or under a statute, the decision shall be subject to ratification/ approval by such Authority. Vacant Lands belonging to the Public authority shall be given for URS at premium at the rate of 100% of Ready Reckoner Land Rate prevailing at the time of payment of such premium. Non vacant and /or encumbered land belonging to the Public authority shall be given for URS at premium at the rate of 25% of Ready Reckoner Land Rate prevailing at the time of payment of such premium.
- b. Exchange of such land with a suitable land of at least equivalent value as per the land rates given in the A.S.R.;
- c. Procurement of development rights over such land, by way of registered document by the Promoter;
- d. Transfer of all lands included in the URC to a legal entity (e.g. Registered Society or Company, Co-operative Housing Society, Charitable Trust, etc.) to be created by the Promoter for implementing the Urban Renewal Scheme where different landholders have stakes proportionate to their share in the total

land under URS or

- e. Acquisition of lands, provided that the Promoter has purchased or procured development rights over at least 70% land comprised in a cluster of the URS and if the additional land required from part of the cluster already marked on the proposed land use plan or if there are dangerous buildings, declared as such by the Competent Authority, on the balance lands contained in the URS. In such a situation the Promoter may approach the Commissioner for recommending the proposal to the Government for acquisition of such balance lands. Upon receipt of such request, the Commissioner may, after due examination, recommend to the Government as to which lands are required to be acquired for the purposes of URS. The Government thereafter, shall take necessary steps to acquire such balance lands under the provisions of the relevant law. Viz MRTP Act, 1966 or Land Acquisition Act and transfer the same to the Promoter only for the purpose of implementing URS after executing an agreement with him in this regard, subject to the Promoter depositing with the Government necessary amount of money for the land acquisition. For the purpose of land acquisition, URS shall be regarded as public purpose.

SDCR 2.7 REHABILITATION ENTITLEMENTS UNDER URS

SDCR 2.7.1 BASIC ENTITLEMENT

Each eligible occupant/tenant shall be rehabilitated and given on ownership basis, a dwelling unit having carpet area equivalent to the area occupied by such occupant/ tenant for residential purpose in the old building subject to the minimum carpet area of 27.88 Sq.M (300Sq.Ft.) and subject to the maximum **existing** carpet area ~~stipulated in Sub-Section (2) of Section 92 of Maharashtra Housing and Area Development Act, 1976 amended upto date.~~ In case of non-residential occupier the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. This shall be called the "basic entitlement" of an eligible occupant. ~~Maximum carpet area stipulated in Sub-section 2 of Section 92 of MHADA Act 1976, cannot be made applicable to the tenements other than cessed buildings.~~

SDCR 2.7.2. INCENTIVE FSI

The incentive FSI against the carpet area required for the rehabilitation of existing tenements shall be as stipulated in Regulation No. 15.4 of the GDCRs.

For the purpose of calculating the permissible development rights, the entire area of the layout excluding the developed public amenities shall be considered. Development of reservations, designations, amenity spaces and roads shall be as given in Regulation No. 11.4 of the GDCRs. Sub-division of plots shall be permissible on the basis of the

public purpose land uses such as roads, reservations, designations, amenity spaces etc. as per the provisions of these Regulations.

SDCR 2.7.3 ADDITIONAL ENTITLEMENT

- a) In addition to the basic entitlement, there shall be additional entitlement for the rehabilitation of Residential Occupants governed by the size of the URS in accordance with the table below: *Table No. 65. Additional entitlement for URS*

S.No	Area under URS	Additional entitlement as % of original carpet area basic entitlement
1	Above 1 HA upto 2 HA	15%
2	Above 2 HA upto 5 HA	25%
3	Above 5HA upto 10 HA	35%
4	Above 10HA	45%

The additional entitlement shall be calculated with reference to ~~the carpet area~~ **basic entitlement as in 2.7.1** of any occupant/tenement in the old building (~~"X" Sq.M~~) Excess area included in the 'Basic Entitlement' shall not be considered for the computation of additional entitlement under this clause

- b) Eligible slum dweller in the scheme shall be entitled to a tenement of carpet area as prescribed in SDCR 4 and shall not be entitled to any additional entitlement under this clause ~~of 27.88 Sq.M. (300 Sq.Ft) for Residential and in case of Non-Residential area occupied by the slum dweller shall be entitled to tenement of carpet area equivalent to area occupied by the slum dweller subject to maximum 20.90 Sq.M.~~
- c) Rehabilitation entitlement of any occupant of a Non-Residential establishment, who is allowed by the Commissioner to be rehabilitated in a residential tenement in lieu of his Non-Residential establishment, shall also be governed by the aforesaid provisions applicable to the residential occupants in these regulations.
- d) Provided further that if any new area is allowed to be added to or deleted from the URS after such Scheme has been approved and if there is change in the slab prescribed above due to addition or deletion of such area, the incentive FSI for the total area of the revised Scheme shall be determined as per the new slab. Provided further that due to any deletion of area from URS, the total area under URS shall not be reduced below the

minimum area requirement for formulation of URS under this Regulation and such deletion does not break the contiguity of the area under URS and any new area that is added to a URS shall not be less than 75% of the minimum area required for URS. However, there shall be no revision of individual entitlements as a result of such amalgamation of area if construction of rehabilitation component is already commenced.

SDCR 2.7.4 TOTAL PERMISSIBLE FSI UNDER URS

- a. The total permissible development rights for an URC shall be equal to BUA required for the "Basic Entitlement" plus "Additional Entitlement" plus the Incentive development rights. ~~plus the BUA required for "Additional Entitlement".~~ Consumption of permissible development rights shall be governed as per Regulation No. 15.5 of the GDCRs provided that, if the total of permissible development rights accounts for FSI less than the Total Zonal Permissible FSI, then the Balance development rights over and above total permissible development rights up to the limit of Zonal Permissible FSI shall be shared in terms of built up area between MHADA and the Promoter/Developer in accordance with Table No. 66 given below:

Basic Ration LR/RC	Sharing of Balance area	
	Promoter / Developer share	MHADA Share
Above 6.00	53% 30%	70%
Above 4.00 and up 6.00	35%	65%
Above 2.00 upto 4.00	40%	40% 60%
Upto 2.00	45%	55%

Where LR is the land rate and RC is the construction cost of RC construction as per ASR.

- b. Provided that at the option of or with the approval of MHADA, the tenements coming to the share of MHADA can also be provided by the Promoter/Developer elsewhere within the Island City as per the following formula.

$$A = B \times \text{LR of A} / \text{LR of B}$$

Where:

A = Area of tenements proposed to be given as MHADA's share at other location in the Island City
 B = Area of tenements required to be given as MHADA 's share in URS

LR of A = Land rate as per ASR value of location 'A'

LR of B = Land rate as per ASR value of location 'B'

- c. Provided further that the tenements so received by the MHADA under its share shall be first offered free of cost to the MCGM and MMRDA for use as PAP tenements or as transit accommodation for other URS etc. If the MCGM and MMRDA do not require such tenements for PAP's or as transit accommodation then the tenements received under its share shall be used by MHADA for PAP's or Transit Accommodation or shall be sold as affordable housing by MHADA / MCGM / MMRDA with prior permission of the Government.
- d. In case of Urban Renewal Scheme is on land out of which at least 50 percent or more is in possession/owned by MCGM or other Public Authority, such aforesaid PAP tenement share shall be directly handed over to MCGM or other Public Authority instead of MHADA by Co-Op HsgSoc / Promoter / Developer.
- e. "Tolerated Structures" encroaching upon the roads in nearby vicinity shall be allowed to be included in the Urban Renewal Scheme and its built up area shall be included in rehabilitation area, provided such structures are permanently removed.

Explanation: The term "tolerated structure" means the structure used for residential or non-residential purpose and existing prior to 1-1-2000 on similar lines of slum structures.

- f. It shall be permissible to implement the sanctioned URS in phases provided the area of URS is more than 8,000 Sq.M. (2 Acres) the development in each phase is strictly in conformity with the Master Plan/Layout Plan approved for the entire URS. Subject to the master plan for the whole cluster being followed, phase-wise implementation of URS may be allowed, with pro-rata utilization of the total admissible FSI.
- g. Provided, further that, while giving permission for phased implementation of the Urban Renewal Scheme, the time frame for implementation of each phase shall also be given. The minimum area for each phase shall be 4,000 Sq.M.
- h. Provided further that, while giving permission for phased implementation of URS, the incentive FSI shall be first released as may be admissible for the given phase and the additional entitlement for FSI shall be released thereafter as per the phased programme approved.

SDCR 2.7.5 GRANT OF TDR UNDER URS

From the total FSI available under Regulation No. 2.7.3, entire FSI towards rehabilitation component and MHADA's share shall have to be utilized on plot/plots under the Scheme subject to other Regulations of GDCRs of these Regulations. In case a part of

permissible FSI under this Regulation cannot be utilized due to other regulatory requirements of GDCRs on the same plot, the benefit of TDRs as provided in Regulation No. 15.5 of the GDCRs shall be granted.

SDCR 2.8 GENERAL PROVISIONS

- a. The approving/sanctioning authority for the building plans under the URS shall be the Municipal Commissioner as per the MMC Act and MRTTP Act, 1966 even if the URS partly consists of declared slums/slumson Municipal/Government, lands existing prior to 1st January 2000 or such other reference date notified by the Government.
- b. All the permissions required under these Regulations before grant of C.C. shall be granted at once under **Planning Building** Permission as per Regulation No. 6.6 of the GDCRs.
- c. C.C. will be given as per the phased programmed as required under Regulation No. 6.10 of General Development Control Regulations of these Regulations and the work will be monitored as per the said phased program and other requirements of General Development Control Regulations of these Regulations.
- d. Any reservation/designation/amenity space/roads that are required to be handed over to MCGM or the Appropriate Authority shall be developed and handed over to MCGM or the Appropriate Authority as per the requirements, free of costs. However, **area under Existing Roads roads and area under existing developed amenities/reservations/—designations and proposed to be retained** shall not be included in URS for the purpose of FSI calculation. However, such developed amenities / reservations /designations/roads can be relocated or realigned as the case may be for better planning of URS, as per provisions of Regulation No.17.4 of General Development Control Regulations of these Regulations, subject to their reconstruction as directed by the MCGM or the Appropriate Authority. **Further if the existing Public amenities / Designations are required to be redeveloped or relocated then plot area under such existing public amenities / Designations shall be considered for FSI Calculation and Built Up Areas of such Amenities / Designations shall be treated as Rehabilitation component for the Purpose of FSI calculation and Admissible Incentive thereon shall be granted.**
- e. The temporary transit camps may be permitted in the same URS or elsewhere in MCGM limits on land belonging to the Promoter/Developer up to Zonal FSI of land where transit camp is proposed to be constructed or proposed rehab area in URS whichever is more. Such transit camps shall have to be demolished after full occupation certificate is granted to the Rehabilitation Component by the Corporation for the reconstructed building. Till

the transit camps are fully demolished, the Commissioner shall not release development rights for the free sale area under the URS in excess of 75.00% of the total admissible **free sale** FSI under this Regulation.

- f. Non-conforming Activities - All activities which are existing shall be allowed to be re-accommodated regardless of the nonconforming nature of such activities excepting those which are hazardous and highly polluting and those where alternative accommodation has to be provided elsewhere by the Promoter/Developer.
- g. All other requirements of General Development Control Regulations of these Regulations shall be applicable.
- h. Existing authorized religious structures on the site of URS prior to redevelopment shall retained and if required to be redeveloped then it shall follow in accordance with the guidelines issued by the Government from time to time.
- i. Restriction on transfer of tenements shall be governed by the provisions of Maharashtra Rent Control Act, till Co-op. Housing Society is formed and thereafter the same shall be governed by the provision of Maharashtra Co-op. Societies Act. However, tenements constructed for slum rehabilitation shall not be transferable for a period of 10 years.

j. Any ongoing scheme where Letter of intent is issued or is sanctioned under ~~any~~ Regulation 33(9) of DCR 1991 ~~in force~~ prior to coming in to these Regulations, ~~which fulfils the criteria under this Regulation~~ can be converted in a proposal under this Regulation ~~for approval as URS subject to compliance of all the requirements under this Regulation and provisions of General Development Control Regulations of these Regulations.~~ at the option of the developer.

j.k. Any ongoing scheme sanctioned under any Regulation of DCR 1991 other than Regulation 33(9) of DCR 1991 can be submitted for sanction under this Regulation. On sanction of URS scheme under this Regulation, the earlier sanction under any other Regulation shall deemed to be cancelled.

k.l. Heritage buildings of Grade-I and II as well as authorized and structurally sound retainable buildings may be included in the Urban Renewal Cluster, but have to be kept as they are, along with land appurtenant, and this area shall be counted towards the Slab of Incentive FSI, but shall not be considered for FSI under this Regulation. Provisions under this Regulation shall apply to Heritage Buildings of Grade-III and heritage precincts. ~~However, before granting approval for such buildings, the~~

~~opinion of the Heritage Conservation Committee may be obtained.~~

4.m. The reservations of compatible nature can be preferably constructed in one or more separate blocks, depending on the area and nature of such reservations and Municipal Commissioner may permit composite development of reservations in case of such reservations.

b) Clubbing of Redevelopment schemes under SDCR 1 to 4 undertaken by the Same or different and collaborating Owner(s) / Developer(s) shall be allowed for the purpose of utilization of the Balance FSI of one scheme beyond Maximum permissible FSI on that plot as specified in GDCR 15.5 above (i. e. $R_b + 75\%$ of R_b) on the other redevelopment Scheme plot within the Maximum Permissible FSI Limit as per GDCR 15.5 on the Receiving Plot. (TWO POINTS TO BE ADDED... 1) 100% INCENTIVE 2) INDEXATION BETWEEN GENERATING & RECEIVING PLOTS AT LAND RR RATE)

15.4 INCENTIVE DEVELOPMENT RIGHTS

In case of schemes of Redevelopment of cessed Buildings, Redevelopment of Cluster(s) of buildings under Urban Renewal Scheme, Redevelopment of Existing Housing Schemes of MHADA and Redevelopment of Slums through owner/ developer/ Co.op. Soc. undertaken in accordance with the provisions of SDCR 1 to SDCR 4 of the Special Development Control Regulation respectively, "Incentive Development Rights" will be available. The Incentive Development Rights shall be calculated by using a formula given below:

Revised incentive formula

Project Cost = Cost of Land + Cost of Construction for (Rehab + incentive BUA) + Cost of Construction for areas under (Basement + Parking Floors + Fire Check Floor + service Floor + Stilt+ Other amenities + Staircase, Lift, Lobbies which are allowed Free of FSI ,etc) + Cost of transit accommodation + Cost of Negotiations with the tenants / occupants + Development Charges + Premium, Fees for NOCs of Various Departments + Professional Fees of Professionals on record +Shifting of the Infrastructure Utilities + Reconstruction of the Roads + cost of Development of the Reservations + premiums to be paid in Estate Dept of MCGM (For Leasehold Land) + Premiums to be paid in case of Govt Lease Hold Land + Interest on Capital depending on the Time period of the project .

I = Incentive Development right

Rs = Ready reckoner Sale Rate

Ip = Interest Period in years

$$I * Rs = 1.4 * (\text{Project Cost}) + (0.18 * Ip) * (40\% \text{ of Project Cost}) + 0.1 * (\text{Project Cost})$$

Notes:

(a) Ready Reckoner Rates applicable in the year in which the plans are approved or amended for such incentive Development Rights.

b) Rehabilitation area for calculating Rehabilitation FSI (Rb) will be considered Y times the Rehabilitation Carpet Area calculated according to entitlements prescribed in SDCR 1 to SDCR 4 of the Special Development Control Regulation respectively.

Scheme Under	Y
SDCR 1	1.65
SDCR 2	1.75
SDCR 3	1.7
SDCR 4	1.65

c) Provided further that in case there are more than one land rate applicable to different parts of the plot under redevelopment, a weighted average of all the applicable rates shall be taken for calculating the Average Land/Construction Rate and the Basic Ratio.

15.5 INCENTIVE DEVELOPMENT RIGHTS AND RESULTANT FSI

In the case of Redevelopment as per ~~SDCR 1~~, SDCR 2 and SDCR 4, the FSI to be utilized on the said plot will be up to Permissible FSI (Pf) or Development rights for Rehabilitation of Existing Occupants (Rb) + Incentive ~~50% of I~~, whichever is more.

(a) If the sum of Development Rights for Rehabilitation of existing eligible occupants (Rb) and Incentive Development Rights (I) amount to FSI less than the Permissible FSI (Pf) i.e. $(Rb+I) < Pf$ the development will be permitted upto Permissible FSI (Pf) as given in Table No.13. The difference between the Permissible FSI (Pf) and Rehabilitation and Incentive FSI (Rb+I) can be availed of according to the provisions of Table No. 13 by utilization of TDR and Premium FSI as may be applicable without purchasing TDR and Without payment of Premium., in the case of SDCR where Surplus DR is to be Shared with appropriate authority. **(KEEP OPTION OF SHARING OR PREMIUM)**

b) If the sum of Development Rights for Rehabilitation of existing eligible occupants (Rb) and incentive development rights (I) amount to FSI in excess of Permissible FSI (Pf) i.e. $(Rb+I) > Pf$, then Development rights to the extent of $(Rb + \text{0.50\% of } I)$ will be allowed in situ and Balance Development rights if any will be granted in the form of equivalent TDR in accordance with the Regulation No. 16.1.

c) If the built up area required for rehabilitation of existing eligible occupants (Rb) exceeds the Permissible FSI (Pf) i.e. $Rb > Pf$ for the purpose of onsite rehabilitation, the required Rehabilitation FSI (Rb) + ~~50% of Incentive FSI (I)~~ will be permitted on site ~~and balance 50% Incentive FSI (I) will be allowed in the form of TDR.~~

d) In case of b) and c) above, Permissible FSI as per the Table No. 13 will be allowed without utilizing TDR and without payment of premium.

SDCR 3. REDEVELOPMENT OF EXISTING HOUSING SCHEMES OF MHADA

SDCR 3.1 APPLICATION

This Regulation shall apply to redevelopment of existing Housing schemes of MHADA.

SDCR 3.2 ENTITLEMENT

Redevelopment entitlement for Residential and Commercial occupants of existing buildings in Housing Schemes of MHADA undertaken by co-operative housing societies or occupiers of such buildings or lessees of MHADA shall be as follows:

SDCR 3.2.1 REDEVELOPMENT OF EXISTING RESIDENTIAL BUILDINGS

Redevelopment of existing buildings in Housing Schemes of MHADA, the entitlement of rehabilitation area for an existing residential tenement shall be as follows equal to sum total of:

- a. The existing members of LIG/ EWS tenements shall be entitled to a carpet area of minimum 27.89 sqm or maximum 45 sqm. All other existing members shall be entitled to a carpet area not exceeding 80 sqm.
- b. For the purpose of this special regulation, the carpet area for EWS or LIG tenements shall be as determined by the Government from time to time.

~~A basic entitlement equivalent to the carpet area of the existing tenement plus 35% thereof, subject to a minimum carpet area of 27.89 Sq.M and~~

~~An additional entitlement, governed by the size of the plot under redevelopment, in accordance with the Table No. 67 below:~~

~~Table No. 67. Additional entitlement for Redevelopment Schemes of MHADA~~

Sr. No.	Area of the Plot under Redevelopment	Additional Entitlement (As % of the Carpet Area of the Existing Tenement)
1.	Upto 4000 Sq.M.	Nil
2.	Above 4000 Sq.M to 2 Ha.	15.00%
3.	Above 2 Ha. to 5 Ha.	25.00%
4.	Above 5 Ha. to 10 Ha.	35.00%
5.	Above 10 Ha.	45.00%

Explanation: The plot under redevelopment means the land demarcated by MHADA for redevelopment.

Provided that the maximum entitlement of rehabilitation area shall in no case exceed the maximum limit of carpet area prescribed by the Government as applicable on the date of approval of the redevelopment project.

SDCR 3.2.2 REDEVELOPMENT OF EXISTING AUTHORIZED COMMERCIAL/ AMENITY BUILDINGS

Redevelopment of existing buildings in Housing Schemes of MHADA, the entitlement of rehabilitation area for an authorized Commercial/Amenity Buildings shall be equal to the carpet area of the existing unit plus 20.00% thereof.

~~SDCR 3.2.3 ENTITLEMENT IN CASE OF REDEVELOPMENT BY MHADA~~

~~Entitlement in case of redevelopment of housing schemes undertaken by MHADA or jointly by MHADA along with co-operative housing societies or occupiers of such buildings or lessees of MHADA:~~

- a) ~~Where redevelopment of buildings in the existing Housing Schemes of MHADA is undertaken by MHADA or jointly by MHADA along with the housing societies or the occupiers of such building or by the lessees of MHADA, the Rehabilitation Area Entitlement shall be increased by 15% of the existing carpet area, over and above the Rehabilitation Area Entitlement calculated in 2.1 above, subject to the maximum of the size of MIG prescribed by the Government in the Housing Department.~~
- b) ~~For the purpose of this Regulation, the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.~~

SDCR 3.3 INCENTIVE FSI

- a) The incentive development rights against the carpet area required for rehabilitation shall be computed as specified in Regulation No. 15.4 of the General Development Control Regulations of these Regulations.
- b) ~~For the purpose of calculating the FSI, the entire area of the layout excluding the developed public amenities shall be considered. Development of reservations, designations, amenity spaces and roads shall be as given in Regulation No. 11.4 of the General Development Control Regulations of these Regulations. Sub-division of plots shall be permissible on the basis of the public purpose land uses such as roads, reservations, designations, amenity spaces etc. as per the provisions of these Regulations. FSI of 6.50 shall be allowed for each notionally sub divided plot.~~

SDCR 3.4 SHARING OF THE BALANCE FSI:

The incentive development rights and the resultant FSI shall be governed as per Regulation No. 15.5 of the General Development Control Regulations of these Regulations provided that, if the total of rehabilitation FSI plus incentive FSI is less than Zonal Permissible FSI, then the Balance FSI over and above total of "rehabilitation FSI plus incentive FSI" up to the limit of Zonal Permissible FSI shall be ~~shared in terms of built up area between MHADA and the Cooperative Housing Society in accordance with Table No. 68 given below:~~ allowed as under:

- a) The promoter/ developer shall have an option to pay premium at 60% of R.R. rate of land to MHADA for the balance FSI, as described above or tenements in lieu of the premium payable, at the RR rate for residential buildings on the day of approval of the proposal by MHADA.
- b) For the purpose of the redevelopment under this special regulation, no TDR need to be purchased or no payment need to be made for availing the premium FSI.

~~Table No. 68. Ratio of sharing balance FSI between MHADA and Co-Op. Hsg. Society~~

Sr. No.	Basic Ratio (Land Rate/Construction Rate)	Sharing of Balance FSI	
		Cooperative Society Share	MHADA Share
1.	Above 6.00	30%	70%
2.	Above 4.00 and up to 6.00	35%	65%
3.	Above 2.00 and up to 4.00	40%	60%

4.	Up to 2.00	45%	55%
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SDCR 3.5 PARTICIPATION BY OCCUPANTS:

- a) In any Redevelopment Scheme where the Co-operative Housing Society/ Developer appointed by the Co-operative Housing Society has obtained No Objection Certificate from the MHADA/Mumbai Board, thereby sanctioning additional balance FSI with the consent of 70.00% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation), then it shall be obligatory for all the occupiers/members to participate in the Redevelopment Scheme and vacate the existing tenements for the purpose of redevelopment.
- b) In case of failure to vacate the existing tenements, the provisions of Section 95A of the Maharashtra Housing and Area Development Act, 1976, mutatis mutandis shall apply

for the purpose of getting the tenements vacated from the non co-operative members.

- c) For redevelopment of buildings in any existing Housing Scheme of MHADA under Clause 3.2 herein above, by MHADA, the consent of the Cooperative Housing Society in the form of a valid Resolution as per the Co-operative Societies Act, 1960 will be sufficient. In respect of members not co-operating as per approval of the redevelopment project, action under Section 95(A) of the Maharashtra Housing and Area Development Act, 1976 may be taken by MHADA.

SDCR 3.6 DEVELOPMENTS APPROVED PRIOR TO COMING INTO FORCE OF THESE REGULATIONS

The Redevelopment proposals where NOC has been issued by Mumbai Board or Offer Letter has already been issued prior to the date of coming into force of this Regulations, and which is valid, shall continue to be governed by the Regulation applicable prior to these Regulations **at the option of the promoter / developer.**

By Ar. VISHWAS SATODIA

The objections/suggestions to the draft Development Control

Regulations 2034 – MCGM:

Proposed Corrections (Suggestions/objections)

Modifications / Additions / Deletions Shown In ‘Red’

SDCR 2034

SDCR – 4 REDEVELOPMENT OF SLUMS THROUGH OWNERS/DEVELOPERS/CO-OPERATIVE HOUSING SOCIETIES

SDCR 4.1 APPLICATION

This Regulation shall apply to redevelopment/ construction of accommodation for hutment /pavement-dwellers through owners/developers/co-operative housing societies of hutment/pavement-dwellers/ public authorities such as MHADA, MIDC, MMRDA, **MCGM**. etc. / Non-Governmental Organizations anywhere within the limits of Greater Mumbai. (NGO should be registered under the Maharashtra Public-Charitable Trusts Act, 1961 and the Societies Regulation Act, 1960 at least for the last five years or be certified by Nirmala Niketan College of Social work subject to NGO's name should also be got approved by SRA.)

- a) For this purpose, slums shall mean those censused, or declared and notified, in the past or hereafter under the Maharashtra Slum Areas (Improvement, clearance and Redevelopment) Act, 1971 **and Amendment from time to time** slum shall also mean area / pavement stretches hereafter notified (or deemed to be and treated) as slum rehabilitation areas.
- b) Any area, **whether declared as slum or otherwise,** where a project under Slum Rehabilitation Scheme has been approved by CEO (SRA) shall be a deemed slum rehabilitation area.
- c) If any area fulfills the condition laid down in section 4 of the Maharashtra slum areas (Improvement, Clearance and Redevelopment) Act, 1971 to qualify as slum area and has been censused or declared and notified shall be deemed to be and treated as Slum Rehabilitation Areas.
- d) Any area required or proposed for the purpose of construction of temporary or permanent transit camps and so approved by the Slum Rehabilitation Authority shall also be deemed to be and treated as Slum Rehabilitation Areas, and projects approved in such deemed to be and treated as Slum Rehabilitation areas, and

projects approved in such areas by the Slum Rehabilitation Authority shall be deemed to be Slum Rehabilitation **Project**.

- e) Denotification of slum Notification area: Slum Rehabilitation Authority on being satisfied that it is necessary to do, or when directed by the state Govt, shall denotify the slum rehabilitation area.

SDCR 4.2 ELIGIBILITY CRITERIA

- a) The eligibility of a person including a transferee, under a scheme of Slum Redevelopment shall be established in accordance with Chapter IB of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and orders issued thereunder.
- b) Subject to the foregoing provisions, only the actual occupants of the hutment shall be held eligible, and the so called structure –owner other than the actual occupant if any, even if his name is shown in the electoral roll for the structure, shall have no right whatsoever to the reconstructed tenement against that structure.
- c) Joint ownership with spouse: The reconstructed tenement shall be of the ownership of the hutment dweller and spouse conjointly, and shall be so entered and be deemed to be so entered in the records of the co-operative housing society, including the share certificates or all other relevant documents.
- d) All Religious / Social Amenity structures existing prior to redevelopment, is allowed in accordance with the guidelines issued by Government from time in time as part of redevelopment shall not exceed the area that existed prior to redevelopment.

SDCR 4.3 ENTITLEMENT OF ELIGIBLE RESIDENTIAL BENEFICIARIES

- a) Hutment – dwellers, in the slum or on the pavement, eligible in accordance with the provisions of this Regulation shall in exchange for their structure, be given free of cost a residential tenement having a carpet area of 25.00 Sq.M.
- b) Even those structures having residential areas more than 25.00 Sq.m. will be eligible only for 25.00 Sq.M. of carpet area.
- c) All eligible hutment dwellers taking part in the Slum Rehabilitation Scheme shall have to be rehabilitated according to the provisions of this regulations in –situ and in the same plot as far as possible.

- d) Pavement –dwellers and hutment dwellers in the slum on lands required for vital urgent public utility/ purpose or on the hazardous location shall not be rehabilitated in –situ but in other available plots and in accordance with these Regulations.

~~e) A certified extract of the relevant electoral roll(s) on or prior to 1st January 2000 or any other date notified by the Government, shall be considered adequate evidence to establish the eligibility of a person. However any other documents which establishes the eligibility of a person can be considered as evidence to establish the eligibility of person provided he is found residing in the structure. This is to avoid the possibility of persons who have left the structure coming back to claim free tenement under the Scheme even though they have in the normal course left the slum and gone away into a proper non-slum area or out of Brihan Mumbai. If hutment Dwellers are found resident in the structure, but the names are on the Electoral roll on or prior to 1st January, 1995-2000 at another slum/pavement Site in Brihan Mumbai, they shall be considered eligible but only at the Place of present residence, in case of doubt or dispute, the decision of the Competent Authority to be appointed by the Government in housing and Special Assistance Department shall be final and binding on all the parties Concerned.~~

e)

SDCR 4.4 ENTITLEMENT FOR ELIGIBLE BENEFICIARIES FOR COMMERCIAL /OFFICE /SHOP/ECONOMIC ACTIVITY

- a) The eligible existing area under commercial/office/economic activity shall be computed on actual measurement/inspection, and/or on the basis of official documents such as License under the Shops and Establishment Act, Electricity Bills, photo-pass etc.
- b) In the rehabilitation component, the built-up area for commercial/office/shop/economic activity that existed prior to ~~1st January 1995~~ 1st January 2000 ~~gazette copy~~, subject to the provisions in this regulation shall be given. Where a person has both residential and commercial premises without common wall between residential and commercial premises for commercial/office/shop/economic activity in the slum/pavement, he shall be held eligible for a residential unit ~~free of cost and also for built up area for commercial/office /shop /economic activity, both free of cost.~~
- c) Built up area for commercial/office/shop/economic activity upto ~~20.90~~ 70.00 Sq.M carpet area or actual area whichever is less shall be provided to the eligible person free of cost as part of the rehabilitation project. Any area in excess of ~~20.90~~ 70.00 Sq.M. to the extent of existing area may, if required, be sold on preferential basis at the rate for commercial area in the free-sale component.
- d) Such area may be allowed on any side of the plot abutting the accesses and pathways and abutting open spaces. Back-to-back shopping on ground & upper floor shall also be

allowed for the purpose of rehabilitation. ~~After exhausting these provisions it may be allowed on the first floor to the extent necessary.~~

SDCR 4.4.1 NON-CONFORMING ACTIVITIES

All activities which previously existed shall be allowed to be relocated regardless of the non-conforming nature of the activities, except those which are hazardous and highly polluting, and except in cases where the alternative accommodation has already been allotted elsewhere by the Municipal Corporation.

SDCR 4.4.2 SHOPPING IN FREE-SALE COMPONENT

Shopping in the free-sale component shall be permitted along the layout roads.

SDCR 4.5 INCENTIVE COMMERCIAL AREAS FOR SOCIETY AND NGO

- a) The scheme, when undertaken by a Co-operative Housing Society of slum dwellers, may provide an additional 5.00 % built-up area on the rehabilitation area free of cost for commercial purpose. This area will be at the disposal of the Co-operative Housing Society of the hutment-dwellers. The corpus amount shall not be spent, but the income from the property/corpus alone shall be used by the Society for maintenance of the building and premises, and such other purposes as may be laid down by the Slum Rehabilitation Authority.
- b) Where the scheme is undertaken by a Non-Government Organisation, [Govt. or Public Authority of Govt. Company] additional 5.00% built-up area on the rehabilitation area may be given free of cost for commercial purpose. This area shall be at the disposal of the Non-Government Organization [Govt. or Public Authority or Govt. Company] in consultation with the Co-Operative housing Society.

SDCR 4.6 PROCEDURE

- a) An individual agreement shall be entered into by the owner/developer/Co-operative housing Society/NGO with the eligible hutment-dwellers of each structure in the slum/pavement.
- b) The individual agreement entered into between hutment-dweller and the owner/developer/Co-operative housing Society/NGO shall be in the names of pramukh hutment-dweller and ~~or~~ spouse for every structure.
- c) Hutments having a physically handicapped person, or female –headed households shall be given first preference in allotment of tenements. Thereafter lots shall be drawn for allotment of tenements to the other hutment-dwellers. The details about

the specific tenement allotted should be given to the hutment-dwellers preferably before shifting them to the transit tenement.

- d) Automatic cancellation of Vacant Land Tenure- if any land or part of any land on which slum is located is under vacant land tenure the said tenure/lease created by MCGM or Municipal Commissioner shall stand automatically terminated as soon as slum rehabilitation scheme, which is a public purpose, on such land is prepared and submitted for approval to the Slum Rehabilitation Authority. Any arrears of dues to be collected by MCGM shall not be linked to the issue of any certificate or NOC relating to the Slum Rehabilitation Project.
- e) Recovery of pending dues such as assessment, compensation, occupational charges, non-agricultural tax/dues etc. pending with public authorities such as State Government, MHADA, and/or Municipal Corporation shall be dealt with separately and not be linked to grant of approval or building permission to the slum rehabilitation projects.
- f) A slum Rehabilitation Project shall be considered preferably when submitted through a proposed or registered co-operative housing society of hutment dwellers on site. The said society shall include all the eligible hutment-dwellers in a slum or pavements in a viable stretch at one place agree to join a rehabilitation scheme, it may be considered for approval
- g) Where 70% or more of the eligible hutment-dwellers in a slum or pavement in a viable stretch at one place agree to join a rehabilitation scheme, it may be considered for approval,

Provided that nothing contained herein shall apply to Slum Rehabilitation Projects undertaken by the State Government or Public authority or as the case may be, a Govt. company as defined in Sec.617 of the companies Act 1956 and being owned and controlled by the State Government or by the Private Land Owner on the land owned by such owner.

- h) In respect to those eligible hutment-dwellers on site who do not join the Project willingly the following shall be taken:
 - (i) Provision for all of them shall be made in the rehabilitation component of the scheme.
 - (ii) The details of the actual tenement that would be given to them by way of allotment by drawing lots for them on the same basis as for those who have joined the Project will be communicated to them in writing by the

Managing Committee of the Co-operative Housing Society [if it is registered or the developer, and in case of dispute, decision of the CEO, SRA shall be final and binding on all the parties concerned.]

~~h)~~(iii) The transit tenement that would be allotted to them would also indicated alongwith those who have joined the Project

~~h)~~(iv) If they do not join the scheme within 15 days after the approval has been given to the Slum Rehabilitation Project on that site, then action under the relevant provision including Section 33 & 38(**Sections 33-A of modified Slum Act**) of the Maharashtra Slum Areas (improvement, Clearance and Redevelopment) Act, 1971 as amended from time to time, shall be taken and their hutments will be removed, and it shall be ensured that no obstruction is caused to the scheme of the majority of persons who have joined the scheme willingly.

~~h)~~(v) After this action under the foregoing clause is initiated, they will not be eligible for transit tenement along with the others, and they will not be eligible for the reconstructed tenement by lots, but they will still be entitled only to what is available after others have chosen which may be on the same or some other site.

~~h)~~i) The Managing Committee of the proposed as well as registered Co-Operative housing society of hutment dwellers shall have women to extent of one-third of the total strength and actual members on the committee at any time.

~~h)~~j) Restriction on Transfer of Tenements: The tenement obtained under this scheme cannot be sold /leased/assigned or transferred in any manner for a period of ten years from the date of allotment/possession of the tenement. In case of breach of conditions, except transfer to legal heir, the tenement will be taken over by Slum rehabilitation Authority.

~~h)~~k) Premium for ownership and terms of lease- The part of Government/MCGM/MHADA land on which the rehabilitation component of Slum Rehabilitation Scheme will be constructed shall be leased by Co-operative housing society of the slum-dwellers on 30 years lease at the lease of Rs.1001/- for 4,000 Sq.M of land or part thereof and renewable for a further period of 30 Years. The same conditions shall prevail for the land under the free sale component and the land shall be leased directly to the Society/Association of the purchases in the free sale component, it shall be leased to the Developer. The said lease deed shall be executed by SRA within 60 days from the date of building permission being issued, provided ~~- In addition to above~~, the Developer/Co.op Housing Society shall pay

premium at the rate of 25.00% as provided in LOI in terms of Ready Reckoner in respect of Slum Rehabilitation Scheme proposed to be undertaken on lands owned by Government, Semi-Government undertakings and Local Bodies.

h) Amalgamation/Subdivision of plots: Any land declared as slum rehabilitation area or on which slum rehabilitation project has been sanctioned, if it is spread on part or parts of C.S.Nos. or CTS Nos. or S.Nos. or F.P. Nos. shall be treated as natural amalgamation/ subdivision/of that C.C. or CTS or S.No. or F.P. No. for which no separate approval for amalgamation / subdivision of land would be necessary.

m) Boundaries and the measurement of plot areas of the Slum Rehabilitation Area shall be declared by the competent authority after actual measurement of plot area on site and the same shall be adopted for planning purpose for calculation of density and floor space index.

n) The Chief Executive Officer, Slum Rehabilitation Authority may if required, adjust the boundary of the plot declared as slum rehabilitation area so as to suit the building design and provide proper access to the Project.

o) After approval is given to the Slum Rehabilitation Project, the area may be further sub-divided if necessary to earmark separate plots for the rehab component and the free-sale component. The plot area and the built-up area in terms of Sq.M. on the said plot shall be separately mentioned in the lease agreements and Record of Rights.

p) The Settlement Commissioner, Maharashtra State on payment of such fees as may be decided by the Government ensure that the City Survey sheet and property cards are corrected accordingly and fresh property cards are opened for each of the plots giving details regarding the area of the plots and the total area of the floors of the built-up property and TDR given that is, the FSI used on that plot before Grant of O.C of the sale Component.

q) Declaration of Additional Areas as Difficult Category: The Slum Rehabilitation Authority may consider declaring additional areas as difficult and publish it in the Maharashtra Government Gazette, provided the following criterion/criteria are fulfilled.

(i) Overcoming, High Density, and Unhygienic conditions, or

(ii) To vacate land required for implementation of reservations for essential public purposes, or

(iii) Required for rehabilitation to avoid loss of human life:

z)(iv) Provided, for difficult areas to be declared on account of overcrowding, high density and unhygienic conditions, the area required shall not be less than 40.00 Ha. In one contiguous area fulfilling the conditions mentioned above.

q.1 Minimum Density on the plot including Non-residential Units:

The minimum density of rehabilitation component on plot shall be as per Annexure – II consisting of eligible tenement + not eligible tenement or as per the maximum permissible FSI (Pf) on the plot will become total rehab component. & at the time of O.C.C of the rehab building still not eligible tenement reserved constructed tenements will become PAP tenements & those tenement shall be handed over free of cost to SRA or as per direction of SRA.

q.2. If they do not join till the building permission to the Project is given, they will completely lose the right to any built – up tenement, and their tenement shall be taken over by the Slum Rehabilitation Authority, and used for the purpose of accommodating pavement – dwellers and other Slum Dwellers who cannot be accommodated in situ etc.

SDCR 4.7TEMPORARY TRANSIT CAMPS

- a) The temporary transit camp shall be provided on the site itself or close to the site.
- b) On the slum site itself approved for rehabilitation, multi-storied temporary transit tenement may be allowed to be constructed.
- c) The area of temporary transit tenements shall be excluded from the computation of FSI, but the safety of the structure shall be ensured.
- d) Such building permission shall be given within 15 days from the date of application and after approval to the project by slum Rehabilitation Authority, failing which it shall be deemed to be given.
- e) If a site reserved in Development Plan for any buildable public purpose is vacant or partly encumbered, it happens to be the unused portion of cemetery or other such public purpose for which it is reserved, or is occupied by a public building such as market or library etc. at ground level, temporary construction of transit tenements in such sites and on top of such existing public buildings may be allowed wherever possible.

- f) On any nearby vacant site without any reservation in the Development Plan construction of temporary transit tenements with the consent of the landowners, made of light material shall be allowed to the extent of permissible base FSI. Temporary materials shall mean made of detachable material such as tubular/prefabricated light structure capable of providing desired strength. Stability and security of the occupants.
- g) In all such cases where the temporary transit camp is erected, the condition shall be that the structures shall be demolished by the Developer/ Society/ NGO within 30 days of granting Occupation Certificate to the rehab building and the site should be brought back to the original state. Till the transit camps are fully demolished, development rights for the free sale area shall not be permitted to be used in excess of 75.00% of the total admissible free sale area permissible under this Regulation.

SDCR 4.8 BUILDING PERMISSION FOR SLUM REHABILITATION PROJECTS

- a) The proposal for each Slum Rehabilitation Project shall be submitted to the Slum Rehabilitation Authority with all the necessary documents. No-objection certificates and the plans as may be decided by the Slum Rehabilitation Authority from time to time.
- b) The approval to the Project shall be given by the Slum Rehabilitation Authority within a period of 30 days from the date of submission of all relevant documents. In the event of a failure by Slum Rehabilitation Authority to do so, the said approval shall be deemed to have been given, provided the Project is in accordance with the provisions in this regulation.
- c) The Slum Rehabilitation Authority while giving the approval may lay down terms and conditions as may be necessary.
- d) The Slum Rehabilitation Authority shall adopt the procedure laid down in the Maharashtra Regional and Town Planning Act, 1966 for giving building permission to any Slum Rehabilitation Project under this Scheme.
- e) On compliance with the terms and conditions, the building permission shall be given, in accordance with the provisions under Section 45 of the Maharashtra Regional and Town Planning Act, 1966 to the Project under the Slum Rehabilitation Scheme, first to the Rehabilitation component and thereafter to the 'free-sale component' subject to the provisions in clauses below:
 - i) Correlation between Rehabilitation and free-sale components: Building permission, for 10.00 % of built up areas of both the rehab and free-sale components may be given simultaneously and thereafter proportionately or as may be decided by the Chief Executive officer, Slum Rehabilitation Authority.

- ii) Where there is no builder-developer but the Project is implemented directly by an NGO of established reputation, Chief Executive Officer, Slum Rehabilitation Authority may sanction 20.00% of the free-sale component right in the beginning without waiting for any expenditure on the rehabilitation component, but the approval for remaining part of free-sale component will be given only after at least 30.00 % of rehabilitation component is completed on site.
- iii) As soon as Annexure-II is issued for the project, the approval is given to the Project, the no objection certificate, for issuing approval to the project by SRA building permission, of the landowning authority shall be given in respect of that slum located on lands belonging to any department, undertaking, agency of the State Government including MHADA, or any local self-Government such as the Municipal Corporation within 30 days after the intimation of such approval to the Project is communicated. In the event of its not being given within the period, it shall be deemed to have been given on completion of 30 days after intimation and SRA shall issue LOI / building permissions for the project from time to time. On the completion of the project, SRA shall execute the lease deed in respect of the land under such project on the basis of the deemed NOC. Wherever land premium as per govt. gazette is paid NOC is deemed to be given.
- iv) Occupation certificate shall not be held up only for want of lease documents to be executed, in all slum rehabilitation projects taken a on lands belonging to any department, undertaking, agency of the state govt., including MHADA, and any local self-govt. such as Municipal corporation.

SDCR 4.9RELAXATION IN BUILDING AND OTHER REQUIREMENTS

- a) A multipurpose room shall be allowed with size up to 12.50 Sq. M with a minimum width of 2.40 M.
- b) Separate kitchen shall not be necessary. Cooking space (alcove) shall be allowed without any minimum size restrictions. Where a kitchen is provided, the minimum area shall be 5.00 Sq.M provided the width shall be at least 1.50 M., & other room sizes shall be relaxed for S.R Scheme wherever required.
- c) there shall be no size restriction for bath or water closet unit. Moreover for bathroom, water closet or kitchen, there shall be no stipulation of one wall abutting open space, etc. as long as artificial light and ventilation through any means are provided.
- d) in water closet, flushing cisterns shall not be essential and toilets without this provision may be permitted. Water closet seat shall be of a minimum length of 0.46 M.
- e) the staircase/s shall be of doglegged type. If a single flight staircase is accepted, the flight width shall not be less than 1.50M. However, if two or more staircases are provided the flight width may be reduced to 1.20 M in such case, provided that both the staircases shall be interconnected by means of common passage/corridors, so as to serve as alternate means of access/escape in the event of emergency for building up to 30mtr.height & building having height more than 30 mtrs. 1.5 mtrs. Staircase is required.

- f) A composite bldg. shall contain atleast 50.00 % of the built up area as rehabilitation components provided it may be reduced to 40.00 % for the projects in difficult areas.
- g) Access through existing pathways including the roads maintained under section 63K of Mumbai Municipal Corporation Act, 1888 but not less than 3.60 M in width, shall be considered adequate for any slum rehabilitation project, containing buildings having height less than ~~30.00~~ 24.00 M including stilts.
- h) A Septic tank filter bed shall be permitted with a capacity of 150 liters per capita , where the municipal services are likely to be available within 4-5 years.
- i) Areas of common passages not exceeding 2.0 mt. in width shall be allowed for rehab buildings.
- j) Where the location of the plot abuts a nalla the marginal open space along the nalla shall not be insisted upon beyond 3 mt. from the edge of the trained nalla.
- k) In order to make the Slum Rehabilitation Scheme viable, the Chief Executive Officer of Slum Rehabilitation Authority shall be competent to make any relaxation wherever necessary for reasons to be recorded in writing.
- l) Regulation No. 11.4 of GDCR 2034 shall not be applicable to the Slum Rehabilitation Scheme.
- m) Development of land for public purposes: For buildable reservations on lands under slum are to developed by giving built-up area equal to not more than 15 percent area of the entire plot or 25 percent of the area under that reservation in that plot, whichever is less, shall be demanded free of cost by the Slum Rehabilitation Authority for the Municipal Corporation or for any other appropriate Authority instead of proviso mentioned in the Regulation No. 17 of draft DCR 2034.
- n) In case of two or more nos. of slums taken up for development by same or different and collaborating owners /developers/NGOs/Co-operative Societies of the slum dwellers, both rehab and free sale components of the said slums can be combined & located in any proportion in those plots provided in any plot, the F.S.I does not exceed to the permissible F.S.I.

SDCR 4.10FSI PERMISSIBLE

- a) Formula in Regulation No. 15.2 table 13 to be revised for maximum 6.5 F.S.I zone for all slum rehabilitation schemes. Now F.S.I for S.R Schemes shall be equal to sum of rehab F.S.I + incentive F.S.I as per DCR 15.4.1 subject of maximum cap of 6.5 F.S.I.
- b) For the purpose of calculating the FSI, the entire area of the Slum Scheme/Layout excluding the developed public amenities shall be considered. Development of reservations, designations, amenity spaces and roads shall be as given in Regulation No. 11.4 of the General Development Control Regulations of these Regulations. Sub-division of plots shall be permissible on the basis of the public purpose land uses such as roads, reservations, designations, and amenity spaces etc. as per the provisions of these Regulations.
- c) Formula in Regulation No. 15.4 to be reviewed for F.S.I & other variables which are conflicting with DCR 1991& Regulation No. 15.4.1 of draft suggested DCR 2034(SRA authority has to formulate fresh Regulation for F.S.I & co-relation F.S.I.)
- d) Notwithstanding anything contained in these regulations, on account of constraints such as height restrictions, uneconomical site conditions, etc. if the full permissible FSI cannot be used on the same site, TDR may be allowed as may be necessary even without consuming the full permissible FSI in the same site. However, any TDR in Slum Scheme may be allowed only when the frame work for one complete building in rehab component is constructed or when 10.00% of the rehab component has been constructed on site and the said TDR will not exceed 50.00 % of the construction of rehab component at any point of time till the total rehab component has been completed. On completion of the total rehab component balance TDR will be allowed.
- e) If rehabilitation project of a slum located on land belonging to public authority and needed for a vital public purpose, is taken up on an unencumbered plot in addition to the rehabilitation and free-sale components as laid down hereinabove, TDR for the area of land spared for this purpose shall also be sanctioned for the owner of the said unencumbered plot. (provided that the State Govt. or Public authority or a Govt. Company as defined in Sec.617 of the companies Act 1956 and owned and controlled by the State Govt. (herein after referred as the Agency) may undertake Slum Rehabilitation Project on its own land and be eligible for the benefits under this regulation subject to following conditions:
 - a ,The rehabilitation project is approved by the Slum Rehabilitation Authority,
 - b ,The tenements so constructed in execution of the project are offered to slum dwellers located on land belonging to Govt. or Public Authority and needed for vital public purpose and within 270 days from the date of issue of LOI the Agency shall identify the slum dwellers.
 - c ,if the Agency fails to identify the slum dwellers needed to be shifted foe a vital public

purpose, as above, then the tenements so constructed shall be offered.

(i), to the slum dwellers located on land belonging to Government or Public Authority

within a distance of 2.00 km. from the land on which the Project is undertaken, or

(ii), to the slum dwellers located anywhere in Greater Mumbai on lands belonging to Govt.

or public Authority, or

(iii), to the slum dwellers located on private lands if the land owner pays the entire cost of tenements as determined by the Agency.

Provided further that in all the three categories of I., II., III. referred above slum TDR of land component shall not be given and the construction TDR shall be released only after identification of eligible slum dwellers.

g) Further provided that in all above cases the relocation of slum dwellers in any case will be undertaken not with reference to individuals but reference to assembly of slum dwellers for the purpose of releasing the plot of land wholly from slums and not only the patches of land.

h) Provided that notwithstanding anything mentioned above, project affected persons under Mumbai Urban Transport Project (MUTP) being resettled as per the provisions contained in Government Resolution, Housing and Special Assistance Department, by order no. 700/CR 31/ slum-2 dated 12/12/2000 and certified by the Project Director, MUTP will also be eligible for redevelopment scheme under this Regulation amended from time to time.

SDCR 4.11 DEVELOPMENT PLAN RESERVATIONS

a) For redevelopment of slums situated in lands falling under various reservations in the Development Plan, the provisions of Development plan shall be strictly followed.

b) ~~Any modification / realignment / relocation of D.P Roads / reservations shall be as per provisions of Regulation No. 17.4 of the General Development Control Regulations.~~

c) ~~For other buildable reservations on lands under slum are to developed by giving built-up area equal to not more than 15 percent area of the entire plot or 25 percent of the area under that reservation in that plot, whichever is less, shall be demanded free of cost by the Slum Rehabilitation Authority for the Municipal Corporation or for any other appropriate Authority.~~

- d) Slums in any zone shall be allowed to be redeveloped in-situ without going THROUGH THE PROCESS OF CHANGE OF ZONE. In the free-sale component in any zone, in addition to residential user, all the users permitted for the original zone shall be permitted. For industrial user, the segregating distance shall be maintained from the existing industrial unit.
- e) Wherever slum and municipal / MHADA property are found together or adjoining, it would be eligible for, redevelopment using provisions of these DCR along with SDCR Development of slum and contiguous non-slum area under any other provisions may be allowed together in order to promote flexibility of design as well as to raise more resources, provided the FSI on non-slum quantum of area shall be restricted to that permissible in the surrounding zone. Such a project shall be deemed to be a Slum Rehabilitation Project. The power for shifting and/or interchanging the purpose of designation/reservations shall be exercised by the Chief Executive Officer, Slum Rehabilitation Authority in respect of slum rehabilitation areas / projects.
- f) Contravening structures in the adjoining final plots, if declared as a slum rehabilitation area by the competent authority, may be included in the Slum Rehabilitation Scheme in the relevant Final Plot of the Town Planning Scheme.

SDCR 4.12 PAYMENTS TO BE MADE TO SRA AND INSTALLMENTS

- a) AN AMOUNT OF Rs. 20,000 or such an amount as may be decided by the Government from time to time as per tenement and also in the case of permanent transit camp tenements will have to be deposited by the owner/developer/society with the Slum Rehabilitation Authority, in accordance with the time-schedule for such payment as may be laid down by the Chief Executive Officer, Slum Rehabilitation Authority. However, by the time of completion of construction for occupation of tenements by the hutment dwellers, the total amount at the rate of Rs. 20,000 per tenement completed should have been full deposited in full. The building permission for the last 25% of the free-sale component would be given only after the entire required amount is deposited in full with Slum Rehabilitation Authority.
- b) An amount of ~~Rs. 840~~ Rs. 560 per sq.m shall be paid by the Owner/Developer/Society/NGO for the built-up area over and above the rehab built up area as per SDCR for the rehabilitation and free-sale components. Similarly, it shall be paid for the built-up area for construction of transit camps. This amount shall be paid to the Slum Rehabilitation Authority in accordance with the time schedule for such payment as may be laid down by Chief Executive Officer, Slum Rehabilitation Authority, provided the installments shall not exceed beyond the completion of construction. This amount shall be used for schemes to

be prepared form the improvement of infrastructure in slum or slum rehabilitation areas/ [Provided that out of ~~Rs. 840~~Rs.560 per Sq.mt. infrastructural charges, 90.00% amount shall be the share of the MCGM and 10% amount shall be share of SRA.]

SDCR 4.13 SOCIAL FACILITIES AND RELIGIOUS STRUCTURE:

a) There shall be social facility to be constructed in each project at the rate of 50sq.mtr. multipurpose space for 200 hutment dwellers or part thereof but located so as to entire building equitably. [Other social infrastructure like School, Dispensary, Gymnasium run by Public Authority or Charitable Trust that existed prior to the redevelopment shall be allowed without increase in existing area]

SDCR 4.14CONVERSION OF OLD PROJECT INTO NEW PROJECT

a) Wherever there is an application for conversion of the old project of slum redevelopment into the new, it shall be considered only if the full occupation certificate has not been given and provided the conditions relating to [the payment as specified in clause] are complied with and subject to such other conditions as may be imposed by the Chief Executive Officer.

[S1]