

Cin No. CH.E/D.P./155/Gen

2020-21

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

Ch.E./D.P./ 20234/DP/Gen dtd. 17/02/2021

Ch.E./DP/21546/Gen, dt. 22/02/2021

**Sub: Directions u/sec 154 of MR&TP Act 1966:**

To provide concessions in charging premium towards additional FSI and Fungible Compensatory Area as per Development Control & Promotion Regulations 2034.

**Ref:** 1) TPS-1820/अ.नौ./CR 80/20/UD-13 dtd. 14.01.2021. ( Pg. C/ 29-33)

2) MC's letter to PS (UD-1) u/no. MGC/A/5537 dtd.08.02.2021 ( Pg. C/11-13)

3) Clarification issued u/no. TPS – 1820 / CS-80/20/UD-13 Dtd. 12.02.2021

**I) Directives u/s 154**

Recently, GOM had issued directives U/S 154 of M.R. & T. P. Act 1966 (hereinafter referred as *the said directives*), as referred above, allowing reduction in various premiums. (at Pg. C /29-33 ).

As per the sr. no. 1 of the said directives, concession is granted to an extent of 50% for the premium to be recovered for additional FSI / Fungible Compensatory Area.

Sr. no. 2 of the said directives, *inter alia*, provides that the Planning Authority may take necessary decision regarding the premiums, excluding the premium for additional FSI. These payments include premium for Staircase / lift area claimed free of FSI, deficiency in open space, conversion of zone etc. The above concessions are subject to certain conditions as mentioned therein.

A clarification regarding the said directives was requested from UDD regarding the following.

1. *Vide sr. no. 2 (a) (i) of the said directives, the project proponents are granted concession to the extent of 50% for the premium to be recovered for additional FSI / Fungible Compensatory Area.*

*In many ongoing proposals, installment facility was availed by the developers prior to 14.01.2021. In the said instalments facility, instalments were sought for payment of premiums payable to MCGM, as well as, other authorities. In some of the cases, the developers have failed to pay the instalment on the due dates. The instalment policy provides for action to be taken for such defaulters.*

*It may be stated that, pursuant to the directions of GoI and GoM, a policy decision was taken by MCGM, inter-alia regarding shifting of due date of installments of various payments by 9 months (i.e. from 25.03.2020 to 24.12.2020) and waiver of interest in this period.*

*Now, NAREDCO, MCHI, PEATA have requested that, in the event of defaulters agreeing to make the payment of the defaulted installment during the period ending*

31.12.2021, the concessional rate as provided under serial no. 2 (a) (i) of the said directives be made available to such defaulters also. i.e. applying the said directives retrospectively to the premiums which were based on the rates applicable at the time of approval. This would imply that the defaulters would be entitled to pay 50% of the defaulted amount only. This concession will however not apply to the interest payable as per the instalment facility.

2. In consonance with the foregoing, in the case of those developers who had been making regular instalment payments till 22.03.2020 (commencement of lockdown period), there is a demand for rebate in the payments/premiums (in respect of fungible compensatory area and additional FSI only) payable to MCGM and other authorities. This concession will however not apply to the interest payable as per the instalment facility.
3. In the cases where the 50% concession is availed as per the said directives and there is a request to permit the instalment facility for such 50% concession for the period ending 31.12.2021.

Now, UDD vide reference mentioned at sr. no. 3 has issued further clarification (hereinafter referred as 'the said Clarification') in response to the above representations. The relevant portion of the said clarification is reproduced verbatim as follows

शासनाकडील दि.१४.०१.२०२१ रोजीचे निदेश स्वयंस्पष्ट आहेत. सदर निदेशानुसार, चालू प्रकल्पांकरिता, मंजुरीवेळी लागू असणा-या वार्षिक बाजारमूल्य दर तक्त्यातील दरानुसार अधिमूल्य गणना करून येणा-या अधिमूल्यामध्ये ५०% सवलत देणे अपेक्षित आहे. तर नवीन प्रकल्पांकरिता दि.०१.०४.२०२० रोजी लागू असणा-या किंवा अधिमूल्य भरणा करताना प्रचलित असणा-या, यांपैकी जो जास्त असेल त्या, वार्षिक बाजारमूल्य दर तक्त्यातील दरानुसार अधिमूल्य गणना करून त्यामध्ये ५०% सवलत देणे अपेक्षित आहे. तसेच वरीलप्रमाणे दोन्ही प्रकारच्या प्रकल्पांबाबत दि.१४.०१.२०२१ ते दि.३१.१२.२०२१ या कालावधीत प्रत्यक्ष जमा करण्यात येणा-या अधिमूल्याच्या रकमेवर ५०% सवलत देणे अपेक्षित आहे. यामध्ये थकबाकीदार थकलेले हप्तें अथवा अधिमूल्याची उर्वरित रक्कम या कालावधीमध्ये प्रत्यक्ष जमा करणार असतील तर त्यांनाही प्रत्यक्ष जमा होणा-या रकमेकरिता ५०% सवलत देय राहिल. वरीलप्रमाणे दोन्ही प्रकारच्या प्रकल्पांबाबत दि.३१.१२.२०२१ नंतर जमा होणा-या अधिमूल्यामध्ये अशी सवलत देय राहणार नाही.

अधिमूल्याची रक्कम हप्त्यांमध्ये भरण्याची सुविधा देणे आणि त्यावर व्याज आकारणी करणे तसेच थकबाकीदारांच्या बाबतीत व्याज आकारणी/दंड आकारणी करणे, इत्यादी बाबी महानगरपालिकेच्या स्तरावर ठरविण्यात आलेल्या धोरणाशी संबंधित आहेत. त्यामुळे याबाबतचा निर्णय महानगरपालिकेच्या स्तरावरच घेणे अपेक्षित आहे. शासनाच्या निदेशामध्ये अशा प्रकारच्या व्याजामध्ये अथवा दंडनीय रकमेमध्ये सवलत देण्याबाबत कोणत्याही सूचना नाहीत.

From the above it is apparent that 50% concession is applicable to all such premiums which are actually paid in the period between 14/01/2021 and 31/12/2021. Thus, the rebate in the premium as regards Sr no 1 of the said directives are also applicable to those proposals, wherein installment facility has been availed, by considering the RR rate prevailing on the date of approval of plans / issue of CC. Further, the said directives are applicable to those proposals wherein there is default in the

payment of the installment(s). As and when the project proponent intends to make payment of the said installment before 31/12/2021, the project proponent will be entitled for 50% rebate in the due payment as per the provisions of the installment policy. This is subject to the following conditions

- 1) The present circular limits its applicability to ONLY the premium for additional FSI (as per Reg. 30(A) Table 12) / premium for additional FSI as per Reg. 33) and the Fungible Compensatory Area (FCA) as per Reg. 31(3) of DCPR 2034 and to the premium for additional FSI/FC FSI as per the analogous regulations of DCR 1991.  
The said directives will also be applicable for the payment to be made to Authorities other than MCGM (i.e. State Govt. / MSRDC / Dharavi Redevelopment Authority).
- 2) The dues of ongoing proposals are inclusive of Principal premium amount + interest + penal interest (if any, in case of defaulters). The rebate of 50% as provided in the said directives will be applicable for the Principal premium amount only. The said directives will be applicable to proposals wherein installment facility is availed / not availed and to those projects which may avail installment facility in future as per the installment policy circular dtd. 17/09/2019.
- 3) The development charges and all other premiums/charges, other than the premiums mentioned in Sr. No. 1 of the said directives, shall be recovered as per prevailing policy/ circular in force.
- 4) The premium for new projects and for fresh part of ongoing project (i.e. additional BUA ) shall be computed considering Ready Reckoner rate as on 01.04.2020 or Ready Reckoner rate as on date of payment, whichever is higher.
- 5) The balance payment, if any, after 31/12/2021 shall be recovered at non concessional rate as per the earlier applicable instalment policy circular(s).
- 6) The said directions stipulate that reduction in premium is applicable to those projects which will bear the applicable stamp duty for residential / commercial / industrial etc. premises. However, there would be projects which do not have end user sale of the premises at this moment. For illustration purpose, such projects will include, but will not be limited to Schools, Colleges, Hospitals, shopping malls, IT/ Commercial parks, self-occupied premises, premises given on lease, hotels, Cinema etc. The benefit of the said directives will be applicable to such projects. However, registered undertaking from the project proponents of such projects, that, whenever sale will happen in future, they will bear the stamp duty for the same. *shall be insisted mentioning*
- 7) Zonal Dy.Ch.E (Building Proposal) shall submit to Ch.E. (D.P.), weekly report of revenue generated for assessment and upkeep of Centralized data base as per the format Annexure IV-B.
- 8) The format of a) Registered Undertaking to be submitted by Developer, b) the Certificate by the Customer, c) the list of customer published by Developer and d) the list of proposals to be published on MCGM's portal is attached as Annexure I, II, III, IV-A & IV-B (Pg. C / 51-59 ). The Annexures to be published on MCGM portal will be kept in a folder on portal specifically created on page of D.P. Dept. All zonal

AO (BP) to send the soft copies to AO (DP) – II by 15th of every month and AO (DP) – II will arrange to upload this on portal.

It is to be stated that, the BUA of premises / shops for which the Stamp duty will be paid by the Developer cannot be anticipated by MCGM at any given time. Hence, the self-declaration from Developers will be accepted. It is the responsibility of the EE (BP) concerned to ensure that the project proponents adhere to the format without any addition / alteration while availing this facility. The required Annexures I, II, III, IV-A shall be submitted by the project proponent at the time of payment to concerned EE (BP), who will approve the demand note accordingly.

- 9) Regarding the issues mentioned at Sr No 2 of the said directives, policy circular will be circulated after seeking sanction of the Competent Authority i.e. Corporation.

**II) Extension of time period for payment of premium provided as per circular u/no MGC/F/2574 dtd 31.07. 2020**

MC's approval u/no.MGC/F/2574 dtd.31.07.2020 regarding waiver of interest for the period 25.03.2020 to 24.12.2020 i.e. for the period of 9 months was issued as a circular.

Subsequent to this there was a request from CREDAI-MCHI/ PEATA for further extension of 6 months ie upto 30.06.2021. As there were no specific directions from Govt. of Maharashtra and Govt. of India, the request to grant extension in relief of payments was not considered and accordingly letter was issued to CREDAI-MCHI/ PEATA.

As per M.C.'s approval "9 months interest waiver on installments will not be applicable to proposals who have failed to make up to date due instalments payment on or before 10.01.2021 and regular interest as well as penal interest will be charged to such proposals as per prevailing policy circular".

CREDAI-MCHI vide letter dtd. 21.01.2021 ( Pg. C /49) have informed that many developers have not paid their due instalments due to severe financial constraint. It is further pleaded that, the industry has seen improved sales in last quarter due to stamp duty rebate and are hence expecting more revenue to come into their coffers within next 30-45 days. Hence, it is requested not to charge interest for the payment due for the period 24.03.2020 to 10.01.2021 and defer the payment of instalment of all the charges until 31.03.2021 with a nominal interest charge (Rate of interest is not quoted).

This issue was discussed with M.C. and as per the discussion it is suggested to extend the interest waiver date from 10.01.2021 to 31.03.2021 for payment of all dues as requested by the stakeholders which is submitted for consideration and approval.

C.A.(F) is requested to scrutinize the above request and offer remarks for the consideration and orders of AMC(P)/ M.C. and if this is approved by AMC (P)/ M.C., the date will be extended from 10.01.2021 to 31.03.2021 and there will not be any other change in the policy approved u/no. CHE/DP/129/Gen of 2020-21 (CHE/DP/3274/Gen dtd. 31.07.2020) vide pg. C/ 39-41 except that the interest of 8.5% will be charged for the period extended i.e. from 10.01.2021 to 31.03.2021 and entire due amount will have to be cleared on or before 31/03/2021 failing which the action as per the policy will be initiated on all defaulters.

In view of the above, CA (Finance) is requested to offer remarks regarding Sr. No. I & II and submit the same to A.M.C (P) / M.C for consideration and approval.

Under the circumstances, M.C.'s consideration and approval is requested to above policy and the formats at pg C /51-59 which will be circulated for implementation.

On receipt of approval, the above report will be circulated as a policy.

Submitted for approval please.

16/2/21  
(R.G.Patgaonkar)  
Dy.Ch.E.(D.P.)-II

16/02/2021  
(Y.S.Dalvi)  
Dy.Ch.E.(D.P.)-I i/c

(V.P.Chithore)  
Ch.E.(D.P.) & Dir.(E.S. & P.)  
R.K. Achad With remarks  
(P.B. Padwar)  
C.A.(F)

(P. Velrasu)  
A.M.C.(P)

(I.S.Chahal)  
Hon'ble M.C.  
Sir,

CA CF) to please scrutinize & submit the proposal for Amc CP/Hon mcs approval as recommended please.

16/02/2021  
Ch. Engineer (D.P.)  
& Dir. (E.S. & P.)

वृहन्मुंबई महानगरपालिका  
प्रमुख लेखापालाचे कार्यालय

17 FEB 2021

क्रमांक : Rev. III/2021  
DyCA (6/28)

**BRIHANMUMBAI MAHANAGARPALIKA**

No. DyCA/Rev III/262  
22.02.2021

Sub : Directions under Section 154 of MR&TP Act, 1966 –

To provide concessions in charging premium towards additional FSI and Fungible Compensatory Area as per Development Control and Promotion Regulations 2034.

- Ref : 1. No.TPS-1820/अ.नं./CR 80/20/UD-13 dated 14.01.2021 (P.C-29/33).  
2. M.C's letter to PS(UD-1) under No.MGC/A/5537 dated 08.02.2021 (P.C-11/13).  
3. Clarification issued under No.TPS-1820/CS-80/20/UD-13 dated 12.02.2021  
4. No.ChE/DP/20234/DP/Gen dated 17.02.2021.

With reference to Dy.Ch.Eng.(D.P.) I and II's note at pages N-3/7 and Ch.Eng.(D.P.)/Dir.(E.S.&P.)'s recommendations thereon, this office remarks in this matter are as follows :

**Directions under section 154 of MR&TP Act, 1966**

Pursuant to the directives given by Govt. of India and Govt. of Maharashtra the project proponents are granted concessions to the extent of 50% of the premium to be recovered for additional FSI/fungible compensatory area in current projects as well as new projects upto 31.12.2021. Accordingly, Ch.Eng.(D.P.) has proposed a SOP at page N-5 wherein in item Nos.1 to 9, it is clearly mentioned about the procedure to be adopted while granting 50% concessions. In these remarks, it is specifically mentioned that the rebate of 50% will be provided on the principal premium amount only. In Urban Development Department's clarification No.TPS-1820/CS-80/20/UD-13 dated 12.02.2021, the amount actually deposited in a period from 14.01.2021 to 31.12.2021, 50% concession is payable on actually paid amount. In the clarification note received from GoM, it is mentioned that in the premium amount recovered in instalments the interest on it and penal interest are related to MCGM and MCGM should take decision at their level.

In this context, it is to be stated here that –

1. In this revised policy, it is mentioned that the amount payable during the period from 14.01.2021 to 31.12.2021 the rebate of 50% will be applicable for the principal premium amount only.

2. As per new policy if defaulter has not paid the dues earlier of ongoing proposals including principal premium amount + interest + penal interest, the rebate of 50% will be given to those developers if they pay upto 31.12.2021. Previously the circular has been published under No.CHE/DP/3274/Gen dated 31.07.2020 wherein the period of covid-19 pandemic was treated as zero and accordingly the benefit of interest of that period has already been given. Now as per the revised directives, only 50% amount of the total outstanding will be recovered. Further, in 2017 the instalment facility has been given to developers to facilitate their premium as well as in respect of fungible compensatory area and additional FSI amounting to Rs.2031.71 crore approx. Out of these upto 4<sup>th</sup> instalment amount of Rs.886.81 crore has been received and due amount is Rs.1144.90 crore. If developer wants to pay the future instalments, 50% concession will be allowed to those developers also. In this scenario, the revenue in the financial year 2021-22 may increase but thereafter the revenue of D.P. department in subsequent years may be affected.

Submitted please.

(A) may be seen.   
 The directions of the <sup>13/02/2021</sup>   
 Chief Accountant (Finance)   
 through the Coot's Circular are   
 50% premium and the   
 subsequent clarification may be   
 implemented immediately.

HON MC

s/r. 22/2/2021

22/02/2021  
A. M. C.(P)

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**Annexure I**

**“Registered Undertaking to be submitted by Developer  
as per B (I)”**

**To,**  
**Ex. Eng. (BP)** \_\_\_\_\_ **Ward**  
Building Proposal \_\_\_\_\_,  
M.C.G.M.

**Sub:** Proposed Residential/Commercial building on land bearing  
CTS No ----- of village ----- in \_\_\_\_\_ ward.

**Ref.:** BP file no. CHE/ \_\_\_\_\_ /BP(\_\_\_\_)/A .

**Sir,**

Myself, \_\_\_\_\_ Owner / Proprietor / Partners of  
M/s \_\_\_\_\_ as a project proponent of the above subject project  
states that, I/we wish to avail the facility of concession in premium to the extent  
of 50% as per Govt directives u/s 154 of MR&TP Act 1966 issued u/no. TPS-  
1820/SR-27/CR-80/20/UD-13 is dtd 14.01.2021.

I / we hereby undertake that, I / we will abide by the above said directives  
and the clarification thereof dated 12.02.2021, in letter & spirit and will be liable  
for action on the failure to do so.

This undertaking is not only binding on me but also on my legal  
heirs, legal representatives, executors, administrators, successors and lessees, if  
any.

I / we also indemnify MCGM and its officers from any litigation arising out  
of this policy.

Date:

**Yours faithfully,**

**Shri.** \_\_\_\_\_

**Project Proponent,**  
**M/s.** \_\_\_\_\_



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**Annexure II****Certificate to be Given by Unit Purchaser/Customer  
as per B(II)****Shri/Smt. \_\_\_\_\_****Address;**

\_\_\_\_\_

\_\_\_\_\_

**E mail:** \_\_\_\_\_**Mobile No:** \_\_\_\_\_**TO WHOMSOEVER IT MAY CONCERN**

I/We the undersigned, Shri/Smt. \_\_\_\_\_ states  
that, I have purchased the unit viz. Flat/Shop/Commercial Premises, the details  
of the same are as under;

<b>Sr No.</b>	<b>Descriptions</b>	<b>Details</b>
1	Building Proposal File No	
2	CS No/CTS No	
3	Village	
4	Name of the Developer	
5	Name of L S/Architect	
6	Flat No	
7	Floor No	
8	Wing No	
9	Building No	
10	Sale Agreement Registration Under No	
11	Date of Registration	
12	Amount of Stamp duty paid	

I/we hereby certify that, the stamp duty payable for the registration of this  
agreement no. \_\_\_\_\_ on the sale proceeds of the above unit is paid by the  
project proponent  
The above information is true and correct.

**Yours faithfully,****Unit Purchaser/Customer****Shri/Smt. \_\_\_\_\_**

**Annexure III**  
**Declaration**

**“List of Unit Purchasers to be published by Developer as per B (III)”**

**Sub:** Proposed Residential/Commercial building on land bearing CTS No --- of village ----in --- ward.

**Ref.:** BP file no. CHE/ /BP(---)/A .

**To,**  
**EE (BP)** \_\_\_\_\_

**Sir,**

I, Shri \_\_\_\_\_ as an Owner / Proprietor / Partners of M/s \_\_\_\_\_ as a project proponent of the above subject project states that, I/We have availed the facility of concession in payment of premium to the extent of 50% as per Govt directives u/s 154 of MR&TP Act 1966 issued u/no. TPS-1820/SR-27/CR-80/20/UD-13 dtd 14.01.2021.

As per Clause B (III) of the said directives, I hereby declare that, I/We have sold the Flat/Shop/ Commercial units to the following persons and the applicable stamp duty payable by unit purchaser/Customers on the sale proceeds approved under the scheme of payment of 50% premium is paid by me/us from our account. The RERA registration of this project is \_\_\_\_\_.

Sr No	Name of the Purchaser	Details of Flat/Shop/Commercial Unit			Stamp Duty Amount Paid by Developer	Date of Payment	Document Registered U/No	Date of Registration
		Flat/Shop No	Floor	Wing				
1								
2								
3								

The above information is true and correct.

Yours faithfully,

Shri \_\_\_\_\_  
Project Proponent,  
M/s. \_\_\_\_\_

# **Annexure IV-A**

**List of Proposals to be published On MCGM Portal and to be submitted to The Collector of Stamps  
as per B (IV)  
( Period \_\_\_\_\_ to \_\_\_\_\_ )**

**Sub:** List of Proposal approved during the month of \_\_\_\_\_ in which 50% Premium payment  
facility is availed by the Developer.

**To,**  
**EE (BP)** \_\_\_\_\_

**Sir/ Madam,**

We have availed the facility of payment of 50% premium as per Govt. directives u/s 154 of MR&TP Act. 1966 issued  
u/no. TPS-1820/SR-27/CR-80/20/UD-13 dtd. 14.01.2021.

As per clause B (IV) of the said directives, the details of the Flat/Shop/ Commercial units approved under the facility of  
payment of 50% premium is furnished as under;

Sr No	Ward	Building File No.	Proposal	Name of the Developer	CS/ CTS No. & Village	RERA registration no.	Details of Flat/Shop/Commercial Unit				Amount paid for policy
							Flat/ Shop No	Floor	Wing	Bldg. No.	
1											
To be submitted by the Developer.											

**Yours faithfully,**

**Shri.** \_\_\_\_\_

**Project Proponent**

**M/s.** \_\_\_\_\_

c/57

**To,**  
The Collector of Stamp,  
Mumbai Suburban District,  
Old Custom House,  
Fort, Mumbai-400 001.

As per the Govt directives Stamp Duty payable by unit purchaser on the sale proceeds of the above listed units is to be borne by the Developers. You are therefore requested to recover the Stamp Duty from the account of Developer and not from the unit purchaser. Action for non-compliance of the same may be taken at your end as per Govt directives.

**c.c. to :-**

**A.O. (DP) - II**

Forwarded for uploading on the MCGM portal.

**EE(BP)\_\_\_\_Ward**

**EE(BP)\_\_\_\_Ward**

# Annexure IV-B

## Weekly report of revenue generated for assessment and upkeep of Centralized data base (Period \_\_\_\_\_ to \_\_\_\_\_)

**Sub:** List of Proposals approved during the month of \_\_\_\_\_ in which 50% Premium payment facility is availed by the Developer.

**To,**  
Chief Engineer (D.P.),

**Sir,**

The Developer has availed the facility of payment of 50% premium as per Govt directives u/s 154 of MR&TP Act 1966 issued u/no. TPS-1820/SR-27/CR-80/20/UD-13 dtd 14.01.2021.

As per clause B (IV) of the said directives, the details of the Flat/Shop/ Commercial units approved under the facility of payment of 50% premium is furnished as under;

Sr No	Ward	Building Proposal File No.	Name of the Developer	Name of the LS/Architect	CS/ CTS No. & village	Details of Flat/Shop/Commercial Unit			Amount deposited as per policy.
						Flat/Shop No	Floor	Wing Bldg. No.	
1						To be obtained from the Developer.			

Dy.Ch.E.(B.P.) \_\_\_\_\_

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