

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

Chief Executive Officer

Ref. No. MCHI/CEO/17-18/204

June 26, 2018

Sub: Bullet Points of the Meeting held with CREDAI-MCHI Raigad Unit Members on 8th June 2018 at Mantralaya.

Dear

I am very much thankful to you for giving your valuable time to our CREDAI-MCHI Raigad Unit Members to discuss their key issues related to CIDCO/Navi Mumbai areas.

In context to the various key issues, you personally issued specific directions to the department officials and also assured our delegation to look into the matters as per the norms.

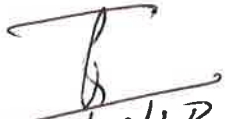
In view of the above, I am sending you the Bullet Points of the discussion for your kind ready reference and further necessary action, please.

Yours



(S. S. Hussain)

To,
Dr. Nitin Kareer (I.A.S.)
Principal Secretary - I
Urban Development Department
Government of Maharashtra
Mantralaya, Mumbai - 400 032


26/6/18

Urban Development Dept.
Mantralaya, Mumbai - 400 032

Bullet Points of the Meeting held with Principal Secretary of U.D.D., Dr. Nitin Kareer with CREDAI-MCHI Raigad Unit Members, on 8th June 2018 at Mantralaya.

Sr. No.	Issue	Discussion held
1	<p>Issue of CB, FB and Terrace.</p> <p>Issuance of Occupancy Certificates in CIDCO developed area in Panvel Municipal Corporation.</p> <p>Reference:</p> <p>1) Letter from Commissioner PCMC, vide letter No. 4327/2018 Dated 13.04.2018</p> <p>2) Letter from U.D. Department, Mah Govt., Vide letter No. TPS.1216/503/PRA. KRA.94/16/ UD-2 Dated 03.08.2017</p> <p>3) Interim Circular vide letter. No. CIDCO/CAP/2017/790 Dated 26.09.2017</p> <p>4) TPS/1716/ANS77/PRA. KRA./414/16/UD-2 Dated 22.12.2016</p> <p>The above mentioned topic is for the CIDCO area which has been transferred to PCMC and the planning authority powers have been also transferred to PCMC. As per the reference number 3 & 4 CIDCO has stopped approving CB, FB and Terraces for newly submitted proposals. But Occupancy Certificates are been issued to the existing proposals with CB, FB and Terraces. However, the Commissioner of PCMC has stopped issuing O.C. for existing proposals which were approved by CIDCO with CB, FB & Terraces.</p> <p>We kindly request you to look in to the matter at the earliest and allow issue of Occupancy Certificates for such approvals given by CIDCO earlier as the construction on all such sites have been completed & even third party interests have been created. Hence it is next to impossible to revise the constructed and completed structures as all the FSI potential has been consumed along with the free of FSI components. For regularising the free of FSI components we are not left with any balance FSI on such plots.</p>	<p>Discussion held</p> <p>Dr. Nitin Kareer, Principal Secretary-I of UDD said that the proposal was already sent by the Panvel Municipal Commissioner with his comments with respect to the issuance of OC for existing proposals which are approved by CIDCO with CB, FB & Terrace. He accordingly informed the concerned Desk Officer to put up entire file to him for his case study. The Principal Secretary, UDD will examine the comments & will take appropriate action on the same.</p> <p>Dr. Kareer mentioned that as per CIDCO DCR - Covered/flowerbed is not possible.</p>

2	<p>Maweja</p> <p>A. Problem : CIDCO pays entire compensation to the farmer as per the Court order. Cidco later recovers from the transferee, this results in enormous delays in recovery of Maweja, also sometimes loss of revenues specially in cases where the property is transferred to the society or transferee has closed down his business firm after completion of the project.</p> <p>Solution : At the time of agreement of lease with the farmer, CIDCO should take undertaking cum indemnity that the farmer giving his irrevocable consent to CIDCO to deduct their share of Maweja from the compensation decided by the court from time to time. By producing this undertaking CIDCO will be able to directly deduct the Maweja from the compensation amount. To avoid this confusion CIDCO should delete clause from Form B stating that the new transferee will pay the Maweja to CIDCO.</p> <p>B. Problem : Developers work has been stopped by CIDCO due to non payment of Maweja.</p> <p>Solution : Till the time decision on the above matter is taken CIDCO should not stop work and should grant time extension by charging penalty as per original lease premium. It should raise the Maweja demand only at the time of conveyance.</p> <p>C. Problem : In many nodes like Dronagiri Infrastructure like street lights, water, drainage has not been provided even now due to which construction has not started.</p> <p>Solution : In such cases penalty for time extension should not be taken at all for such period and construction period should be increased to atleast 10 years.</p>	<p>Shri Rajesh Prajapati explained in detail that the Maweja/ compensation amount awarded by the court, the amount has to be recovered from the farmers only from his enhanced compensation amount. The delegates requested to Principal Secretary, Shri Nitin Karer to find a way out to do so. He also asked in detail the procedure and nitigrities for Maweja and was convinced that Maweja amount is to be recovered from the farmers only. Principal Secretary informed that he will discuss with other officials from Revenue, CIDCO and find a way out to this problem. Also asked us to be in touch for the earlier resolution of this problem.</p>
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D. Problem : Penalty for time extension is calculated along with Maweja amount that too from the date of Original Agreement.

Solution : Penalty to be calculated on the original lease premium and not on the lease premium due to enhanced compensation.

E. Problem : Transfers/ Conveyance / Lease Deed / Society Formation in plots wherein enhanced compensation cases under section 28A are going on in various courts, have been completely stopped for any action illegally.

Solution : There is no time line when the judgement of all such cases will come from the court. Moreover the farmer has option to approach high court and supreme court for further enhanced compensation. Hence all transfers/ Conveyance/ Lease Deed/ Society formation of plot should be immediately started.

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Issues of A B C municipal council.

SR.NO	CLAUSE NO	AS PER DRAFT DCPR	PROPOSED MODIFICATION	REASON FOR MODIFICATION
1	2.61	HIGH RISE BUILDING: The buildings 15 m & above will be considered as high rise buildings.	The buildings 24 m & above in A, B & C class Councils within MMAR Region shall be considered as high rise buildings	As per the previous Bylaws in these Councils extra fire staircase was required only after exceeding 24 m height. But due to the prevailing rules FSI consumption gets hampered on smaller size of plots.

Dr. Kareer informed the delegation that the formula which is currently applying in other Municipal Corporations in MMAR area for the building height from 15 mt. to 24 mt. to avoid double staircase will be applying in ABC Municipal Councils after examining the proposals.

Issues of Common DCR in MMR.

SR.NO	CLAUSE NO	AS PER DRAFT DCPR	PROPOSED MODIFICATION	REASON FOR MODIFICATION
1	5.5.B.4	The balcony shall not be enclosed and declaration regarding this shall be submitted by the owner.	The balcony shall be enclosed by payment of premium at 10% of R.R. rate	Due to non-enclosure of balcony the size of the flats increases due to which affordability of the flats hampers.
2	4.4.1	10% recreational open space shall be provided for plots 1000 sqm and more.	10% recreational open space shall be provided for plots 4000sqm and more.	Due to mandatory open space on smaller plots FSI consumption becomes hurdle.
3	4.5	In layout or sub division or any development of land admeasuring 4000 sqm and more 15% of the area shall be earmarked as amenity space.	In layout or sub division or any development of land admeasuring 8000 sqm and more 15% of the area shall be earmarked as amenity space.	Due to mandatory amenity open space on smaller plots FSI consumption becomes hurdle.
4	1.3.3	In specific cases where clearly demonstrable hardship is caused the commissioner may relax the prescribed dimensions provided the base FSI is not consumed.	In specific cases where clearly demonstrable hardship is caused the commissioner may relax the prescribed dimensions provided the base FSI as well as premium FSI is not consumed by paying open space deficiency charges.	As per the marginal open spaces provided as per these regulation the maximum permissible potential in terms of FSI on any said plot can't be consumed.
5	5.6		A society office, fitness centre, cretch, air handling unit, tele booth, telephone concentric room, EPBAX room and letter box admeasuring 20 sqm each building shall be provided free of FSI.	The above said amenities should be free of FSI as those are amenities to be used commonly by the society.

Dr. Nitin Kareer mentioned that some of the common issues of the DCR across Maharashtra will be going to standardize in next few months and accordingly issue of common DCR will get all the benefits, which are incorporated in the other DCR across Maharashtra.

5	<p>Other points</p> <p>(i) Building permission in the Neral-Karjat region</p>	<p>The issue related to the building permission in the Neral-Karjat region was raised by Shri Dinesh Doshi. Shri Doshi informed the Principal Secretary of UDD that due to the technical problems in online submission, the Chief Officer of Karjat Municipal Council is not permitting the Architect to submit the building plans in offline mode and due to this reason, the proposals are stuck up. Shri Doshi also pointed out that since August 2017, no building permission has been issued after online approval made compulsory. Hence, the delegation requested to Dr. Nitin Kareer to look into this matter to provide 'Single Window Clearance' concept and the problems of proposal submissions in offline mode should start at the earliest. This process should be continued till the online submission concept will start in the Municipal Councils.</p> <p>Also, the issue was raised about the infrastructure, which is not available like roads, drainages etc. in that region. It was requested to Dr. Kareer to look into this issue also.</p>
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The meeting was concluded with Vote of Thanks by Shri S. S. Hussain - Chief Executive Officers of CREDAI-MCHI.