

PRESIDENT

Dharmesh Jain

IMMEDIATE PAST PRESIDENT

Vimal Shah

PRESIDENT-ELECT

Mayur Shah

VICE PRESIDENTS

Nayan Shah
Deepak Goradia
Boman R. Irani
Harish Patel

HON. SECRETARY

Nainesh Shah

HON. TREASURER

Sukhraj Nahar

CEO

S. Shahzad Hussain
I.A.S. (Retd.)

SPECIAL PROJECTS

Bandish Ajmera
Rasesh Kanakia
Parag Munot

HON. JOINT SECRETARIES

Sandeep Runwal
Lakshman Bhagtani

JOINT TREASURER

Mukesh Patel

CO-ORDINATORS

Jagdish Ahuja
Pujit Aggarwal
Domnic Romell

COMMITTEE MEMBERS

Jayesh Shah
Nayan Bheda
Sanjay Chhabria
Shailesh Sanghvi
Tejas Vyas
Jitendra Jain
Deepak Gundecha

INVITEE MEMBERS

Sandeep Raheja
Munish Doshi
Navin Makhija
Rushank Shah
Pratik Patel
Rajeev Jain
Dipesh Bhagtani
Dhaval Ajmera
Shyamal Mody
Nikunj Sanghavi
Digant Parekh
Shailesh Puranik

PAST PRESIDENTS

Paras Gundecha
Pravin Doshi
Mohan Deshmukh
Mofatraj Munot
Rajini S. Ajmera
Late G. L. Raheja
Late Lalit Gandhi
Late Babubhai Majethia

MCHI-CREDAI UNITS

PRESIDENT, THANE

Ajay Ashar

PRESIDENT, KALYAN-DOMBIVLI

Praful Shah

PRESIDENT, MIRA VIRAR CITY

Ashit Shah

PRESIDENT, RAIGAD

Vilas Kothari

PRESIDENT, NAVI MUMBAI

Prakash Baviskar

Ref. No. MCHI/GEN/16-17/007

July 28, 2016.

To,
Shri Sanjay Banait
Dy. Director
Town Planning Department
Ensa Hutments,
'E' Block, Azad Maidan,
Mumbai-400001

उपसंचालक, नगर रचना,
पुणे मुंबई बांधे लिपिक
29/7/16

Sub: Proposed Modification to Regulation 56 and 57 of DCR 1991

Ref: Gazette Notice published inviting suggestions/objections under no. TPB/4313/630/CR-107/2013/UD11, dated 21st July 2016

Dear Sir,

With reference to above, we wish to submit the suggestions/objections as under-

1. The original regulation 56 and 57 allows adjustment of amenities provided in DP as against the required amenities as per DCR 56 and 57 while allowing change of user from I to R or C.
2. Hon High court in order dated 13.3.2014 in WP 651 of 2013, have clarified that the DP road/Setback area affected shall also be eligible for such set-off/adjustment from amenity required under DCR 56 and 57.
3. In many other cases also, Mumbai high court has issued verdict on same lines.
4. It appears that the present Directive is issued by the Govt. based on request from Municipal Commissioner, in order to nullify the high court orders.
5. Clause in Note Nos II(a) and (b) of the present modification stipulate that the area under DP reservations (Excluding DP road/setback area) will be eligible for set-off / adjustment against the required AOS under DCR 56/57.
6. Clause in Note no. IV (b)(b) stipulates that in case where such amenity which is already handed over is in excess of than required, then such amenity will be retained by MCGM.
7. MR&TP act defines "Amenity" as well as stipulates "Contents of Development Plan" in clause 22 of the said act. The Act do not differentiate/discern between ROAD and RESERVATION and the same is at PAR.

8. In view of the same, the words (Excluding DP road/setback) as covered in note clause II (a) and (b) shall be deleted.

9. Reopening of old cases where amenity is handed over can be taken care by the footnote No. IV.


10. The Government has proposed to levy premium at the rate of 20% of RR rates while allowing such conversion. The levy of premium is not justified, because, such users are permitted in Industrial zone, as no new industries are permitted in MMR region, as per Industrial Location policy. More so, rerunning an industry is impossible in Mumbai due to high rentals, high assessment tax, high water and electricity bills and costly labour. The provision of I to R or I to C is purely "Urban Planning based concept", wherein such users are allowed so as to promote housing and business being commercial capital of India. On one hand Govt curbs industry, promotes office and residence and on the other hand recover premium is unjustified. Therefore the wording related with "Charging premium" shall be deleted.

I therefore request you to delete the wordings from proposed modification, as elucidated in 8 and 10 above, so as to bring PARITY between DP road and DP reservation, as per provisions of MR&TP act.

I request, to be given personal hearing in the matter.

Thanking you,

Yours faithfully,
For MCHI-CREDAI-



Avadhoot Rane
General Manager