

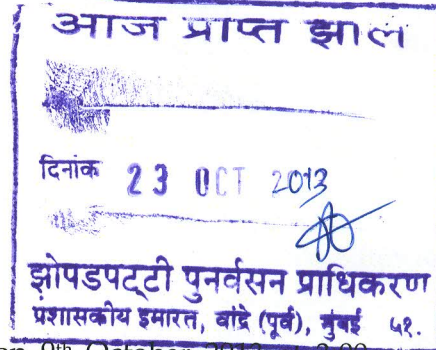
S. S. Hussain I.A.S. (Ex)

Chief Executive Officer

Ref. No. MCHI/CEO/13-14/219

October 21, 2013

To,
Shri Nirmal Deshmukh (I.A.S.)
Chief Executive Officer
Slum Rehabilitation Authority,
Government of Maharashtra,
Bandra (E),
Mumbai - 400 051.



Dear

Please recollect our meeting with you on 9th October 2013 at 3:00 pm. Shri Jagdish Ahuja, Co-ordinator of our Managing Committee and Shri Gautam Ahuja, who is a Director for Ahuja Group, were attended this meeting and discussed the following points related to the SRA.

Please go through the following points discussed in the Meeting, which may be useful for SRA Redevelopment Schemes.

1. **Transfer of hutment Policy** : Transfer policy for eligibility of hutment dwellers who have been residing in the hutment post 1995 and have purchased the same from the previous hutment dwellers. The occupants of the huts are selling their huts as per their requirement, or by considering the location nearer to their job work, etc. Hence the authenticity of the structure prior to 1/1/1995 to be considered for eligibility for rehabilitation scheme instead of the individual. We believe the government has decided regarding transfer policy; but implementation needs to be expedited. The Modalities for the policy for considering eligibility should be decided at the earliest. The powers to decide such cases should also be given to the Appeal Cell which operates in SRA.
2. **Ineligible Slum Dwellers**
Slum dwellers whose names are not reflected in Annexure II be barred from becoming a member of a society implementing a scheme under Regulation 33 (10) ("Regulation") of the Development Control Regulation for Greater Mumbai, 1991 ("DCR") or from participating in any way in the affairs of the society. Further, the aforesaid societies must maintain the I&J register in consonance with the Annexure II.

In this regard, it may be brought to your kind attention that even though the Regulation provides that the society shall include all the eligible hutment dwellers on site, as members or the society, the clarification that the society shall include only those eligible slum dwellers as members whose names are reflected in the Annexure

II and as and when the Annexure II is updated, the names of the new eligible slum dwellers be updated in the I&J registers is required.

Further, any member whose name is not reflected in the Annexure II but is reflected in I & J register of the society shall immediately cease to be a member of the aforesaid Society upon finalization and/or issuance of the Annexure II. In the event an eligible slum dweller expires then in such an event the person whose name is reflected in the nomination form will be the only person entitled to exercise his rights in respect of the hutment.

The aforesaid clarification shall avoid any discrepancy in membership register and Annexure II and further shall bridge the gap between the Slum Rehabilitation Act, 1971 ("**Slum Act**") and the Maharashtra Co-operative Societies Act, 1960 ("**MCS Act**") which at present does not expressly provide that only an eligible slum dweller under the Slum Act read with the DCR is entitled to be a member and exercise the rights and benefits attached to membership of a society incorporated under the provisions of the MCS Act implementing a slum rehabilitation scheme as per the Regulation.

3. **SRA Scheme to be developed in CRZ :**

As per Coastal Regulation Zone (CRZ) Notification No.S.O.19 (E) dated 6/1/2011, the Clause No. 8(V)(b)(2) states that :

"2. To provide a safe and decent dwelling to the slum dwellers, the State Government may implement slum redevelopment schemes as identified as on the date of issue of this notification directly or through its parastatal agencies like Maharashtra Housing and Area Development Authority (MHADA), Shivshahi Punarvasan Prkalp Limited (SPPL), Mumbai Metropolitan Region Development Authority (MMRDA) and the like:

Provided that :-

- (i) Such development scheme shall be undertaken directly or through joint ventures or through public private partnerships or other similar models ensuring that the stake of the State Government or its parastatal entities shall be not less than 51%."

Based on the policy note /guide line given by the Environment dept to allow redevelopment of slum in CRZ, the developers are wanting a policy to be clarified further specifically in regards to the references made whether government would be 51% partner in the project. We feel that having the govt. as partner in the scheme has certain implicit restrain being govt investment towards cost of the project. Auditing the profit of the project would have its own logistic issue.

It may be mentioned here that no proposal for redevelopment of slum in CRZ is received and approved on these norms so far.

Instead of this a formula could be arrived based on the Ready Reckoner, where the price of the finished flat is known and so is the cost of the land as well as the construction cost. Based on the notional value of the project at a discounted value of 3 to 4 years could be arrived at which would give the profit in current date. This amount can be charged of a premium to be paid to the govt.

As per our discussion with CEO, SRA, we will complete 4 sample cases in this formula - one for western suburban, one for eastern suburban, one for north Mumbai and one for difficult areas (Vijay Nagar, Chembur)

4. **Sub-division & amalgamation :**

As per SRA policy the developer is released FSI in stages based on construction of rehabilitation building. As per SRA policy 25% of the FSI is also retained till the buildable reservation are not built and till amalgamation and subdivision for the plot under the scheme. Our concern that the process of amalgamation and subdivision takes as long as 12 months, where separate PR Card are issued in favour of the rehab society and sale society. It is understandable that the sale FSI is restricted based on progress of rehab building but to hold the FSI for amalgamation and subdivision which is not in control of the developer is not reasonable. There are instances all the rehab buildings are built and OC granted for Rehab Buildings but the Further commencement certificate for Sale buildings are restrained due to separation of PR Card.

It was discussed that the restriction of releasing the last 10% of FSI / Further CC to sale building will be relaxed. As per CEO this is being done already; Incase this is not being followed it will be done for future.

5. **Lease deed finalization and execution :**

The draft lease deed which is to be executed between the rehab society and sale society and the land owning authority of being finalized since a while. None of these have been executed in favor of the respective societies for a number of schemes which are already completed. We understand as per policy that these leases are to be executed only after the B.C.C. of all the buildings under the said SRA Scheme is issued. It is a normal practice in the city of Mumbai for developers to get the OCC processed; post that the BCC remained to be a mere formality. We request the SRA to execute this deed for scheme wherever all Occupant Certificate are issued.

6. **Eviction process under section 33 and 38 of Slum Improvement Act 1971:**

As per SRA policy the process of evicting non-co-operative slum dwellers is well laid out, and Section 33A is introduced which deals with demolition of the non eligible and non participating slum dwellers. This process is meant to enable expeditious disposal of decision relating to non-co-operative slum dwellers. I request that Section 33A, once implemented expeditiously, it will be very helpful to quicken process. As per policy the developer applies to SRA for initiating proceeding under sec 33 and 38 of Slum Act. In turn SRA informs the concern

competent authority i.e. BMC, Collector to hear and decide on the eviction of non-co-operative slum dwellers. After receiving orders from the competent authority, slum dwellers have got a remedy to appeal in front of the Konkan Commissioner. If we consider all the projects in Mumbai there are thousands of appeals regularly by non-co-operative slum dwellers. Since we have only one Konkan Commissioner the disposal of appeals takes months. Post this the non-co-operative slum dwellers has right to approach High Court and so on. End to end this process of evicting non-co-operative slum dwellers at times takes even as long as 1 year. We understand that the time taken in the High Court is not in control of the govt. but the time taken in the office of Konkan Commissioner can be reduced substantially by delegating these powers to the officer in the Collector's office. I believe, Additional Collector could be an appropriate authority to deal with such cases.

It will be most ideal if entire process can be done under the roof of SRA by appointing a separate authority/section to deal with such appellant cases as the officers concerned are fully aware of the scheme.

Kindly take a note of the abovementioned points, this is for your information and necessary action please.

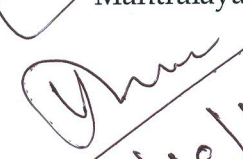
Yours



S. S. Hussain

Shri Nirmal Deshmukh (I.A.S.)
Chief Executive Officer
Slum Rehabilitation Authority,
Government of Maharashtra,
Bandra (E),
Mumbai - 400 051.

✓ **CC to: Shri Debashish Chakrabarty (I.A.S.), Principal Secretary, Housing Dept.**
Mantralaya, Mumbai - 400032 (for necessary consideration)


23/10/13
P.A. to Principal Secretary to the
Government of Maharashtra
Housing Department
Mantralaya, Mumbai 400032