

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

Chief Executive Officer

Ref. No. MCHI/CEO/17-18/181

April 07, 2018

Sub: Development of Reserved plots for Educational purpose under the Gazette Notification of Accommodation Reservation Policy dated 02/05/2016 issued by Urban Development Department, GoM.

Dear

CREDAI-MCHI really appreciate that; Government of Maharashtra has sanctioned the Accommodation Reservation policy vide u/no. TPS-1813/3067/CR-492/MCORP/AR/UD-13 dated 02.05.2016 (**AR Policy - Exhibit 1**) with the intention to develop the amenity on the reserved plots in a proper manner and at the same time providing compensation to the land owner by allowing him to develop the remaining portion of the land for his own exploitation as per the prevailing DC Regulations. This will lead to release of lands for developing housing. Moreover, the Planning Authority is also getting the amenity building duly developed and that also totally free of cost without spending any amount from its scarce resources.

Under the circumstances, on behalf of CREDAI-MCHI I would like to point out some very important issues as under;

1. We all are aware that the nature of the Education system and the literacy rate of any country is one of the main determinants of the level of the Intellectual Capital of any country. The recent Economic Survey of India has also emphasized the need for improving and strengthening the Education System of India. The Student Classroom Ratio (SCR) and Pupil Teacher Ratio (PTR) of the government-run schools have witnessed 'significant progress', the Economic Survey has said. Besides, Gender Parity Index (GPI) has also improved "substantially" at primary and secondary levels by increasing enrolment of girls, *although in higher education, gender disparities still prevail*. India has improved quantitative indicators such as enrolment levels, completion rates and other physical infrastructure, which includes construction of school buildings/class rooms, drinking water facilities, toilet facilities and appointment of adequate number of teachers at elementary school level. However, the physical infrastructure for school/ colleges/ educational institute still needs to be improved.
2. The said AR Policy has provided for development of lands which are reserved for Primary School, High School, College etc. and has also provided the Principle for Development through Accommodation Reservation subject to which development is permissible.
3. We would like to request you to kindly refer to AR Policy Clause No.6 (a),(b),(c) & (d) of the said A R Policy for development of plots reserved for Educational purpose of (a) Primary School and (b) High School. (relevant copy attached)

4. Many of our members have written to us intending to their lands which are reserved for the educational purpose, develop their plots under the above clauses no. 6 (a),(b) (c) (d) of the Accommodation Policy dated 02.05.2016 , the clause reproduced below:

"The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 50% independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below & as per norms prescribed by Municipal Commissioner"
5. However these members have expressed to us their difficulty that when they submit their proposal to the Planning Authority for approving the building plans under the AR Policy as above, the Planning Authority is insisting for a fresh NOC from the Education Department, Government of Maharashtra before issuing the approval of building plans.
6. In this connection, we would like to represent to you that it is clearly mentioned in the AR policy itself that 50% built up amenity should be handed over to Planning Authority and as such now when they are sanctioning the building plans the Planning authority should not again insist on a fresh NOC from Education Department, Government of Maharashtra. This is because the Accommodation reservation policy itself is sanctioned and approved by the Government of Maharashtra and as such there is no requirement under the AR policy for Department concerned NOC again.
7. Moreover, the Planning authority like MCGM and others have their own Education Department, School Cell, Municipal Architect and all schools are designed and approved by them.
8. As such now at the time of approval of plans by the planning authority under the AR policy for a school/education building though such building is approved by their own Municipal architect, they are insisting for a further fresh NOC again from the Education Department of the Government. This is only delaying the process of the development of the reservation and goes against the vey spirit of the EODB.
9. The Developer is unnecessarily made to run from pillar to post for no fault of his and is subjected to delay and red-tape.
10. On the other side, the society at large will also suffer due to the delay of development of the constructed amenity and consequently handover of developed amenity viz. School/College/Educational institution.
11. Another very important repercussion of this requirement of obtaining multiple NOCs from the Government Departments, may spar; the Land Owners of such reserved land to start demanding payment of Monetary Compensation by the Government under the Right to Fair Compensation Act. It will not only be practically possible for the Government but over and above that, the Government will have to again spend money for the cost of constructing the amenity buildings.

12. We CREDAI-MCHI members feel that, the concerned officers of the Planning Authority should process the proposal without asking for specific remarks to get NOC under the Accommodation Reservation Policy. This will save the cost of expenditure and multiple layer delays while getting approvals for the building plans from the planning authority.

This one single step will lead to tremendous speeding of the proposals for development of educational buildings under the AR Policy which is the need of the hour and our city and country have to build educational infrastructure to impart education to the society and a right step forward in the "Ease of doing Business" policy of the government.

In view of the above, CREDAI-MCHI would like to kindly request the government to issue necessary clarification to all the Planning Authorities, that the proposal for development of plots reserved for Primary School, Secondary School, Colleges and Educational Complex for Educational purpose under Clause 6 (a),(b),(c),(d) of the Accommodation Reservation policy dated 02.05.2016, should be approved without asking again for further NOC from the Education Department of Government of Maharashtra for the development of the school/college/education institution the above under Clauses. This clarification is required for the benefit of Development of industry.

Yours

(S. S. Hussain)

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

CC to,
(1) Shri Ajoy Mehta (I.A.S.)
Municipal Commissioner,
Municipal Corporation of Greater Mumbai
Mumbai - 400 001

(2) Shri Nand Kumar (I.A.S.)
Principal Secretary
School Education & Sports Dept.
Government of Maharashtra
Mantralaya, Mumbai - 400 032

7/4/18
Urban Development Dept.
Mantralaya, Mumbai - 400 032



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Reservation	Person/ Authority who may acquire /develop	Principle for Development through Accommodation Reservation subject to which development is permissible
6 (a)Primary School (b) High School (c) Collage	Planning Authority/ Appropriate Authority/ Registered Public Educational Institution Trust / Owner	<p>The Planning Authority / Appropriate Authority may acquire and develop the site for the same purpose. The Planning Authority/ Appropriate Authority after acquiring land or after acquiring and constructing the building on it, as the case may be, lease out the same as per the provisions of the Municipal Corporations Act, to the Registered Public Educational Institutions trust for developing and running the same.</p> <p>OR</p> <p>The Owner may be allowed to develop the reservation for the same purpose. The Registered Public Educational Institution trust on behalf of owner may be allowed to be develop subject to terms / conditions as prescribed by the Planning Authority.</p> <p>OR</p> <p>i) The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 50% independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no (iii) mention below & as per norms prescribed by Municipal Commissioner.</p> <p>ii) The owner shall be entitled to develop remaining 50% land for the uses permissible in adjoining zone with full permissible FSI of the entire Plot and permissible TDR potential of the entire plot.</p> <p>iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilized FSI if any (after deducting in -situ FSI as mentioned in sr no (ii) above) which shall be utilized as per the TDR utilization regulations. Provided that the area of reservation to be handed over shall not be less than norms decided by Education Department.</p> <p>iv) Reservation shall not be allowed to be developed in parts.</p>

(d)Educational Complex	Planning Authority/ Appropriate Authority/ Land Owner	<p>The Planning Authority/ Appropriate Authority may acquire and develop the site for the same purpose.</p> <p style="text-align: center;">OR</p> <p>The Planning Authority/ Appropriate Authority after acquiring land or after acquiring and constructing the building on it, as the case may be, lease out the same as per the provisions of the Municipal Corporations Act, to the Registered Public Educational Institution Trust for developing and running or only for running the same.</p> <p style="text-align: center;">OR</p> <p>The owner may be allowed to develop the reservation for the same purpose. The Registered Public Educational Institution trust on behalf of owner may be allowed to be develop subject to terms /conditions as prescribed by the Planning Authority.</p> <p style="text-align: center;">OR</p> <p>If the area of the Educational Complex reservation is more than 3.00 Hect, then</p> <p>i)The Commissioner may allow the owner to develop the reservation, subject to handing over to the Planning Authority 50 % independent plot along with 50% constructed amenity of total area free of cost in lieu of construction amenity TDR as per general Regulation no</p> <p>(ii) mention below & as per norms prescribed by Municipal Commissioner.</p> <p>iii) The Municipal Commissioner, if required, shall allow the TDR for the unutilised FSI if any (after deducting in-situ FSI as mentioned in Sr. No (ii) above) which shall be utilised as per the TDR utilisation regulations.</p> <p>iii) The Planning Authority, if required, shall allow TDR to the owner after deducting in- situ FSI utilized on 50% land mentioned in (ii).</p>
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