

Ref. No. MCHI/PRES/19-20/611

August 4, 2020

To,  
**Shri Iqbal Singh Chahal (I.A.S.)**  
Municipal Commissioner,  
Municipal Corporation of Greater Mumbai

- Sub:** 1) Charging of staircase, lift, lift lobby premium under DCPR 31(1)(iv).  
2) Reduction in premium for commercial project  
3) Charging of premium for Staircase under Regulation 48(5)(A) of DCPR 2034
- Ref:** 1) MCGM letter dated 24.07.2019 to Government of Maharashtra  
(Copy Enclosed)

Hon'ble Sir,

Reference is requested to the above. In this regard it is submitted as under :

- 1) In buildings exceeding 70 meters height, as per regulation 48(5)(A) second staircase which is used as alternative means of escape during fire is required to be provided. As per Regulation 48(5)(A) of DCPR 2034 no premium can be charged for such second staircase. The Regulation 48(5)(A) of DCPR 2034 deals with provisions of additional staircase in case of high rise buildings. Further sub clause (e) of 48(5)(A) clearly states that:  
*"The Fire escape staircase other than one required per building/wing shall be free of FSI without charging premium."*
- 2) The Regulation in this respect is clear and no premium can be charged by the Planning Authority for the second staircase provided as a means of fire escape in a building exceeding 70 meters.
- 3) It has been further submitted that, while granting exemption from FSI under Regulation 31(1) (iv) the MCGM computes the area of the lift well on each floor and demands payment of premium for the area of the lift well. The Regulation 31(1)(iv) inter alia reads as follows :  
*"(iv) Areas covered by staircases/lift wells including lobbies as specified, excluding those covered under DC Regulation No. 31(1)(iii) with special written permission of the Commissioner subject to payment of premium."*
- 4) It is further submitted that according to the above provisions the lift- well has been specified and the Planning Authority is required to work out the premium of the lift-well at one floor i.e. the ground floor and not on every floor the lift makes a stop. The practice of charging premium for lift well is taken from the MCGM circular dated 12<sup>th</sup> January 2012 which provides the procedure to be followed for the implementation of the modified provisions for certain Development Control Regulations for Greater Mumbai, 1991. The circular inter-alia provides as under :  
*"B. As per the modified Development Control Regulation 34(2)(iv) areas covered by staircases/lift wells including lobbies as specified shall not be counted in FSI with special written permission of the Commissioner subject to payment of premium. Premium is payable except for areas covered under DC Regulations 35(2)(iii). Accordingly, the following shall not be counted in FSI with special permission of the MC by charging premium at 25% of the Stamp Duty Ready Reckoner rates for developed land as per prevailing policy.*
  - a. Lobby in front of lift, equivalent to the depth of the lift.
  - b. Lobby in front of the staircase/s equivalent to width of the stair flight
  - c. Not more than 1.5 mts long lobby in front of smoke vent (window) provided only between the lift/staircases equivalent to depth of the lift. However, such lobby shall not be allowed free of FSI, if it abuts habitable area.

- 5) Even as per the circular dated 12<sup>th</sup> January 2012, the premium is payable for the lift well on one floor i.e. Ground floor and as such the practice of the Planning Authority to calculate premium for every floor on which the lift stops is against the provisions of DCR 31(1)(iv). Further the Regulation clearly uses the word 'Lift wells' and as such use of the word 'Lift wells' by implication means that it is an open shaft for movement of an elevator and thus does not and cannot constitute built up area and as such no premium can be charged for excluding the area of lift well on all floors save and except the ground floor.
- 6) The Regulation 31(1)(iv) provides for Areas covered by staircases/lift wells including lobbies as specified excluding those covered under D.C. Regulation No.31(1)(iv) with special written permission of the Commissioner subject to payment of premium. The Commissioner is required to apply his mind and pass an order for exempting the lift well area from the Computation of FSI.
- 7) Reference is requested to the National Building Code and in particular the provision pertaining to computation of the lift well area for the purpose of FSI. A copy of the relevant page is given below.

**3.4.1 General**

All buildings shall satisfy certain requirements which contribute, individually and collectively, to the safety of life from fire, smoke, fumes and panic arising from these or similar causes. There are, however, certain general principles and common requirements which are applicable to all or most of the occupancies.

**3.4.2 Exceptions and Deviations**

Exceptions and deviations to the general provisions of requirements of individual occupancies are given as applicable to each type of occupancy in 6.1 to 6.9. In case of practical difficulty or to avoid unnecessary hardship, without sacrificing reasonable safety, the Authority may grant exemptions from the Code.

**3.4.3 Occupation of Buildings under Construction**

**3.4.3.1** A building or portion of the building may be occupied during construction, repairs, alterations or additions only if all means of exit and fire protection measures are in place and continuously maintained for the occupied part of the building.

**3.4.3.2** A high rise building during construction shall be provided with the following fire protection measures, which shall be maintained in good working condition at all the times:

- a) Dry riser of minimum 100 mm diameter pipe with hydrant outlets on the floors constructed with a fire service inlet to boost the water in the dry riser and maintenance should be as per the requirements laid down in good practice [4(6)].
- b) Drums filled with water of 2 000 litres capacity with two fire buckets on each floor; and
- c) A water storage tank of minimum 20 000 litres capacity, which may be used for other construction purposes also.

**3.4.4 Maximum Height**

Every building shall be restricted in its height above the ground level and the number of storeys, depending upon its occupancy and the type of construction. The height shall be measured as specified in Part 3 'Development Control Rules and General Building Requirements'. The maximum permissible height for any combination of occupancy and types of construction should necessarily be related to the width of street fronting the building, or floor area ratios and the local fire fighting facilities available.

**3.4.5 Floor Area Ratio**

The comparative floor area ratios for different occupancies and types of construction are given in

**Table 19 Comparative Floor Area Ratios for Occupancies Facing One Public Street Atleast 9 m Wide**  
(Clauses 2.6 and 3.4.5)

Occupancy Classification (1)	Type of Construction			
	Type 1 (2)	Type 2 (3)	Type 3 (4)	Type 4 (5)
Residential	UL	2.0	1.4	1.0
Educational	UL	2.0	1.4	1.0
Institutional	UL	1.5	1.0	0.8
Assembly	UL	1.0	0.7	0.5
Business	UL	2.9	2.3	1.6
Mercantile	8.0	1.8	1.4	1.0
Industrial	7.5	1.9	1.6	1.3
Storage (see Note 5)	6.0	1.5	1.3	1.0
Hazardous (see Note 5)	2.8	1.1	0.9	NP

UL — Unlimited.

NP — Not permitted.

**NOTES**

**1** The FAR values given in this table are subject to overall restrictions on the heights of buildings in the case of educational, institutional, assembly, storage and hazardous occupancies as specified in col 2 of Table 23.

**2** This table has been prepared, taking into account the combustible content in the different occupancies as well as the fire resistance offered by the type of construction.

**3** This table should be modified by the Authority, taking into account the other aspects as given below:

- a) Density in terms of dwelling units per hectare;
- b) Traffic considerations;
- c) Parking spaces;
- d) Local fire fighting facilities; and
- e) Water supply, drainage and sanitation requirements.

**4** The FAR values specified in this table may be increased by 20 percent for the following services:

- a) A basement or cellar space under a building constructed on stilts and used as a parking space and air-conditioning plant room used as accessory to the principal use;
- b) Watchman's booth, pumphouse, garbage shaft, electric cabin or sub-station and other utility structures meant for the services of the building under considerations;
- c) Projections and accessory buildings as specifically exempted under the Code; and
- d) Staircase room and lift rooms above the topmost storey; architectural feature; and chimneys and elevated tanks of dimensions as permissible under the Code; the area of the lift shaft shall be taken only on one floor.

**5** In so far as single storey storage and hazardous occupancies are concerned, they would be further governed by volume to plot area ratio (VPR) to be decided by the Authority.

**3.4.5.1** Each portion of a building, which is separated by one or more continuous fire resisting walls, having a fire resistance of not less than 2 h, extending from the foundation to 1 m above the roof at all points, may

- 8) As can be seen from the above, the area of the lift shaft can be taken only on one floor for the purpose of computation of FSI. In view of the above, and considering the fact that the 2012 Circular of the MCGM was relevant only for the DC Regulation 1991 and not DCPR 2034 and considering the provisions of the National Building Code, the area of the lift well for the purpose of exempting from FSI under Regulation 31(1)(iv) and premium thereon can be counted only one time. In respect of existing project, in respect of building for which OCC for the complete building is yet to be issued and where the premium has been paid, the excess premium paid may be adjusted against any other amounts payable in respect of the building/project.
- 9) The MCGM vide its letter dated 24<sup>th</sup> July 2019, while recommending reduction in premium, Development charges, etc. had inter alia informed the Government of Maharashtra as follows :
- As regards, the reduction in Development Cess, once the Development Charges get reduced, Development Cess will also get reduced to 50% automatically. As regards premium towards granting staircase, lift area free of FSI, the same will be dealt with at level of MCGM, after obtaining the sanction of Standing Committee/Corporation. It was also discussed and decided that the above reduction in premium/charges may be considered for two years period, in order to revive the housing construction in Mumbai.*
- 10) The above letter was sent as a culmination of several rounds of discussions with the then Municipal Commissioner. As a consequence of the said letter the Government of Maharashtra vide Notification No. TPB-4319/189/CR-123/UD-11 dated 20<sup>th</sup> August 2019 reduced the premium chargeable under the DCPR ranging from 25% to 50%. However, subsequent to the said letter the issue regarding implementation of the decision to reduce the staircase, lift, lift lobby premium by 50% for Residential projects and also to bring the premium for exemption of staircase, lift, lift lobby premium for commercial projects at par with residential project has been held up for almost a year. The situation of the Real Estate Industry between July 2019 and August 2020 has deteriorated even further and it is now most essential that the decision taken in July 2019 is implemented without any further delay.

In view of the above, you are requested to issue necessary orders on the following issues :

1. Direct the building proposal department to charge only for the First staircase and not to charge premium for the 2<sup>nd</sup> staircase or any additional staircase as provided in regulation 48 (5)(A).
2. Direct the building proposal department to compute the area of the lift well only one time in accordance with the DCPR 2034 and the National Building Code.
3. Direct the building proposal department to reduce the premium chargeable for exemption of staircase, lift, lift lobby under DCPR 31(1)(iv) by 50% i.e. reduce from current 25% to 12.5% for residential project and further for commercial project bring the same at par with residential project i.e. from 50% to 12.5%.

We eagerly await your early action in this matter.

Thanking You,

Yours Sincerely,  
**For CREDAI-MCHI**

  
**Nayan A. Shah**  
President

  
**Bandish Ajmera**  
Hon. Secretary

**PRAVEEN PARDESHI**  
I. A. S.  
Municipal Commissioner



No. :

Date :

Sub: Reviving Housing Construction in Mumbai.  
Presentation during the meeting in presence of union minister  
of Housing, Minister of Railways and Hon.C.M.

Dear Nitin,

The Urban Development Department vide their notification u/no. TPB-4317/629/CR-118/ 2017/ DP/ UD-11 dtd.08.05.2018 u/s 31(1) of MR & TP Act 1966 has sanctioned DP 2034 & DCPR 2034 excluding substantial modifications. Further, UDD vide their corrigendum dtd.23.06.2018 has fixed the date of coming into force of DCPR 2034 as 01.09.2018. Thereafter UDD vide their notification u/no. TPB-4317/ 629/CR-118(III)/ 2017/ EP(DCPR)/ UD-11 dtd. 21.09.2018 has sanctioned EPs of DCPR 2034 and it was stated that the same will come into force from 24.10.2018. UDD vide their corrigendum u/no. TPB-4317/629/CR-118(III)/ 2017/ EP(DCPR)/ UD-11 dtd.23.10.2018 has fixed the date 13.11.2018 to be the date on which the said excluded parts as described in the schedule A shall come into force.

A meeting was held at 11.00 am on 29.06.2019 at Sahyadri Guest House, when Hon'ble CM, Govt. of Maharashtra, Hon'ble Minister, Govt. of India Shri Piyush Goyal, Hon'ble Minister, Govt. of India Shri Hardeepsingh Puri, Chief Secretary, GoM, Municipal Commissioner, Principal Secretary, UDD, other officers GoM & the various stakeholders representing NAREDCO, MCHI, PEATA were present. In the said meeting, the presentation was made specifically in respect of Regulation 14(A), 14(B), 15 & issues related to payment of various premiums & discussed in detail on these issues. It was also decided to refer the matter to Govt. for their directions/remarks.

Thereafter, meetings were held by Hon. Chief Secretary, Govt. of Maharashtra on 01.07.2019 & 18.07.2019 in respect of further line of action to be adopted in the subject matter, when Municipal Commissioner, MCGM, Principal Secretary UDD & representatives of NAREDCO, MCHI, PEATA were also present

As regards the reduction in various premiums, the stakeholders have requested to reduce the development charges, development cess, staircase/lift premium, Fungible Compensatory Area premium, premium towards additional FSI etc. As discussed remarks in the matter are as follows:

Sr. No.	Charges/Premium	Remarks
1.	Development Charges	Changes in Development Charges attract amendment to MR&TP Act 1966. 50% reduction in Development Charges may be considered for Mumbai, for a period of two years. Further Residential & commercial Development Charges may be brought at par for a period of two years.
2.	Fungible Compensatory Area Premium (For commercial/ residential development)	1.The rate may be reduced to 40% for the period of two years. 2.Directives from Govt. shall be required since this is the provision of DCPR 2034
3.	Additional FSI as per Regulation 33(13)(for IT) & 33(19)(for commercial)	1.The rate may be reduced to 40% for the period of two years. 2.Directives from Govt. shall be required since this is the provision of DCPR 2034

As regards, the reduction in Development Cess, once the Development Charges get reduced, Development Cess will also get reduced to 50% automatically. As regards, premium towards granting staircase/lift area free of FSI, the same will be dealt with at level of MCGM, after obtaining the sanction of Standing Committee/ Corporation. It was also discussed & decided that the above reduction in premium/charges may be considered for two years period, in order to revive the housing construction in Mumbai.

In view of above; Principal Secretary, UDD is requested to move the state Govt. in UDD for necessary directives & amendment to MR&TP Act 1966.

Yours sincerely,  
Sd/-  
(Praveen Pardeshi)

**Shri Nitin Kareer**  
Principal Secretary-I  
Urban Development Department,  
Mantralaya, Mumbai-400032.

✓ C.C. to :  
The Chief Secretary,  
Govt. of Maharashtra,  
Mantralaya, Mumbai.


  
Municipal Commissioner

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६  
उक्त अधिनियमाचे कलम १५४ चे निदेश.  
( बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४  
मधील अधिमूल्याचे दराबाबत )

महाराष्ट्र शासन  
नगर विकास विभाग  
मंत्रालय, मुंबई : ४०० ०३२,  
क्रमांक :- टिपीबी-४३१९/१८९/प्र.क्र. १२३/२०१९/नवि-११  
दिनांक :- २० ऑगस्ट, २०१९

शासन निर्णय : सोबतचे आदेश महाराष्ट्र शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

  
( निर्मलकुमार पं. चौधरी )  
अवर सचिव, महाराष्ट्र शासन

प्रत :-

- (१) मा. मुख्यमंत्री यांचे प्रधान सचिव.
- (२) मा. राज्यमंत्री ( नगर विकास ) यांचे स्वीय सहाय्यक.

प्रति,

- (१) आयुक्त, बृहन्मुंबई महानगरपालिका.
- (२) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- (३) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.  
( त्यांना विनंती करण्यात येते की, सोबतचे आदेश महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करून त्याच्या प्रत्येकी १० प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई, आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई, संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे व उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)
- (४) उपसंचालक, नगर रचना, बृहन्मुंबई, इन्साइटमेट, महापालिका मार्ग, मुंबई- ४००००९.
- (५) कक्ष अधिकारी, कार्यासन नवि-२९, यांना विनंती करण्यात येते की, सोबतची आदेश विभागाच्या वेबसाईटवर प्रसिध्द करावी.
- (६) निवड नस्ती (नवि-११)

**Maharashtra Regional & Town Planning  
Act, 1966.**

Directives Under Section 154 of the said Act.  
(regarding reduction in Premium Rates in  
DCPR-2034)

**GOVERNMENT OF MAHARASHTRA**  
**Urban Development Department,**  
Mantralaya, Mumbai 400 032.  
Dated :- 20<sup>th</sup> August, 2019.

**ORDER**

**No. TPB-4319/189 /CR- 123/2019/UD-11**

whereas, in exercise of the powers conferred by sub Section (1) of Section 31 of the said Act, the State Government vide Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, Dt. 08/05/2018 (hereinafter referred to as "the said Notification") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai along with the Development Control and Promotion Regulations -2034 for Greater Mumbai (hereinafter referred to as "the said Regulations") with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dt. 22<sup>nd</sup> June, 2018 as per which the said Regulations have come into force from 1/09/2018. And whereas, thereafter Government has issued a Corrigendum and Addendum of even number dt. 29<sup>th</sup> June, 2018 to the said Notification, which is published in Maharashtra Government Gazette dt. 30<sup>th</sup> June, 2018;

And whereas, the Government of Maharashtra vide Notification dt. 21/09/2018 has sanctioned the Excluded Part i.e. EP-1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) which were excluded from the sanction of the said Regulations;

And whereas, the Government of Maharashtra vide Notification dt. 12/11/2018 has issued corrigendum in respect of some typographical errors and mistakes and also to clarify and co-relate certain provisions of the said Regulations for its proper interpretation;

And whereas, Government has received various representations from M/s CREDAI-MCHI, NAREDCO, PEATA, M/s Borivali Developers Association (Proposed) (hereinafter referred to as "the said Associations") thereby requested the Government to take necessary urgent steps in order to review the housing construction in Mumbai. And whereas, the said Associations have requested Government to reduce development charges, development cess, Fungible Compensatory area premium, Premium towards additional FSI, etc. And whereas, the Commissioner, Municipal Corporation of Greater Mumbai vide his letters dated 25/07/2019 and dated 02/08/2019 has submitted his remarks. And whereas, the CEO, MHADA vide his letter dated 25/07/2019 has requested to modify the said Regulations;

And whereas, considering the request of the said Associations, report of the Commissioner, Municipal Corporation of Greater Mumbai and report of the CEO, MHADA, the Government in Urban Development Department is of the opinion that it is expedient in



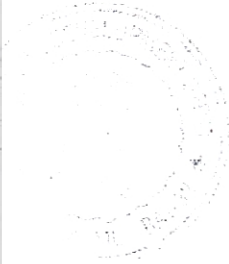
the public interest to take recourse of Section 154 of the said Act to issue directions in this regard;

Now, therefore, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (1) of Section 154 of the said Act and of all other powers enabling it in this behalf, Government of Maharashtra hereby accordingly issues directions as specifically described in the schedule attached herewith.

Further, these directives under Section 154(1) of the said Act shall come into force from the date of this order and will be valid and applicable for the period of Two years from the date of this order.

This order under Section 154(1) of the said Act shall also be available on the Government of Maharashtra website : [www.maharashtra.gov.in](http://www.maharashtra.gov.in) ( Acts/Rules )

**By order and in the name of the Governor of Maharashtra.**



**( Nirmalkumar P. Chaudhari )  
Under Secretary to Government.**

## SCHEDULE

**Accompaniment to the Government in Urban Development Department Order No. TPB-4319/189 /CR- 123/2019/UD-11, dated – 20<sup>th</sup> August, 2019.**

Directives issued under section 154(1) of the Maharashtra Regional and Town Planning Act, 1966 to all the Planning Authorities in MCGM area, where Development Control and Promotion Regulations-2034 are applicable.

1. The rate of premium provided in Regulation 30(A)(6) and Regulation 31(3) are revised as 35% for Residential Development and 40% for Commercial Development of the land rates as per ASR (for FSI 1) of the year in which such FSI is granted or as may be decided by the Govt. from time to time.
2. The rate of premium provided in Regulation 33(13)(a) and in Regulation 33(19)(4) are revised from 50% to 40% of ASR for open developed land.
3. The premium worked out as per formula in Regulation 33(18)(X) is revised from 60% to 40% of [Value of the additional BUA corresponding to the incentive FSI admissible under this Regulation, as per A.S.R. – (Cost of construction of PPL + cost of any extra amenities/facilities provided + cost of construction of BUA corresponding to the incentive F.S.I. admissible under this Regulation)]
4. The rate of premium provided in Regulation 33(5) Table C-1 are revised as follows:-

**Table-C1**


<i>LR/RC</i>	<i>Ratio EWS/ LIG</i>	<i>MIG</i>	<i>HIG</i>
0 to 2	<b>20%</b>	<b>45%</b>	<b>60%</b>
2to4	<b>23%</b>	<b>49%</b>	<b>64%</b>
4to6	<b>25%</b>	<b>53%</b>	<b>68%</b>
above 6	<b>28%</b>	<b>56%</b>	<b>71%</b>

5. The Development Cess under Regulation 30 and under various sub-regulation of Regulation 33 i.e. Regulation 33(3)(A)(3), 33(3)(B)(1)(iv)(c)(i), 33(4)(2), 33(5)(5)(a), 33(7)(14), 33(7)(A)(15), 33(8)(D)(i), 33(8)(II)(4)(g), 33(9)(10), 33(9)(22)(b), 33(9)(B)(7) and other provisions of DCPR-2034 if any, wherein there is a provision in respect of Development Cess, shall not be recovered for the period of two years from the date of this order.

**NOTE:-**The aforesaid revised premium rates shall be valid and applicable for the period of Two years from the date of this order.

By order and in the name of the Governor of Maharashtra.



  
( **Nirmalkumar P. Chaudhari** )  
Under Secretary to Government.