

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

Chief Executive Officer

Ref. No. MCHI/CEO/17-18/151

March 05, 2018

Sub: Streamlining the Railway Clearances/NOCs with respect to Building Approval procedures under Ease of Doing Business.

Dear

Please recollect the Interactive Workshop held on February 22, 2018 at MMRDA Auditorium, Mumbai about the Ease of Doing Business (Construction Permit) organised by Municipal Corporation of Greater Mumbai (MCGM) under the leadership of Municipal Commissioner, Shri Ajoy Mehta (I.A.S.). During the discussion, you were kind to have asked the CREDAI-MCHI Members to send the relevant issues, which could be taken up by your department.

You are aware that, Mumbai city is not like other cities in India. The Geographical shape of the city is elongated and city is sandwiched between Arabian Sea from both side of land. Railway is main transport facility and lifeline of Mumbai, passing through the heart of the city. City of Mumbai was developed along the sides of all the three railway lines. These buildings developed earlier are now more than 100 years old and are in dilapidated conditions. As you know that, Government of Maharashtra cannot spend huge amount for the redevelopment of these old buildings. Hence these old dilapidated buildings are to be developed through private party participation only. However, Railway has very stringent policies for the development of railway abutting plots. In city of Mumbai due to small plot sizes there are lots of constraints to redevelop the properties abutting to the railway lines. These redevelopment policies and principles are very old and require modifications in the policies considering the latest advance construction techniques adopted in the real estate industries.

Some of the constraints facing by the real estate industries are listed below.

- 1. Provisions in Railway Board circular & Development Control Regulation of Mumbai.**
As per the provisions in the Railway Board circular & Development Control Regulations in Mumbai, if the proposal falls within 30 mtrs from the railway boundary the project proponent has to obtain NOC from concerned railway authorities. Here, it is pointed out that, there are two issues A) Railway Land Boundary 2) Railway Track Boundary. The Railway authorities are insisting up on the NOC if the proposed work falls within 30 mtrs from railway land Boundary. In such cases the height is restricted to 2H (where H is horizontal distance from Railway Track Boundary and proposed building) and no continuous building is allowed with offsets. Railway authorities are also insisting upon to keep 1.50 mtrs distance between two buildings of different heights. (Graphical representation is enclosed)

In this issue we request the railway authorities to reduce this existing 30mtrs distance from the railway land boundary to 15 mtrs from the railway track boundary. Also allow continuous building including basement within this distance.

- 2. Height of the building (2H)**
If the proposed work falls within 30 mtrs from railway land Boundary, in such cases the height of the building at present is restricted to 2H (where H is horizontal distance from Railway Track Boundary and proposed building) This height restriction should be increased to 6H considering today's advance construction technology.

3. **Time for issue of NOC from railways**

Time required for obtaining such NOC from railway is minimum 6 months, hence it is very time consuming and that affects the start up with the project itself. For obtaining NOC the file moves in different railway offices number of times. We suggest that the NOC should be dealt by only one office so that time required for issue of NOC will be reduced. This will also help, in this time of bringing in Ease of Doing Business to clear the cases through one window system.

4. **Online submission of documents for issue of NOC under Ease of Doing Business.**

Under Ease of Doing Business (EODB) Government is promoting paperless offices for their regular works. In Mumbai Municipal Corporation under EODB almost all the NOCs are now obtained online, even building approvals are also getting online. On the same basis if the railway authority issues suitable guidelines for submission of proposal by online process, the developers/ Architect will submit the required documents in the said format to the department. So that it will be easy for the railway authorities for grant NOC online which will save the cost and time of the project development.

The NOC shall be issued on the submission of minimum documents

- 1) Formal application from architect and project proponent of the proposal along with his documents.
- 2) Copy of the plans approved by Municipal Corporation along with copy of IOD.
- 3) Structural stability certificate from Regd. Structural Engineer.
- 4) Certificate from Geotechnical Consultant.

If the information submitted is found wrong, then the project proponent/Architect/Structural Engineer/Geotech Consultant shall be held responsible.

We request your goodself to look into this aspect and see that the distance should be reduced to 15 mtrs from the centre line of 1st railway track instead of existing 30mtrs from the railway plot boundary. Please treat these issues on priority basis and kindly issue the necessary directives to the concerned officials.

Kindly do the needful and oblige.

Yours



(S. S. Hussain)

To,
Shri Durga Shankar Mishra (I.A.S.)
Secretary
Ministry of Housing and Urban Affairs
Government of India
Nirman Bhawan,
New Delhi - 110011

Encl.: As above

Government of India
Ministry of Railways
(Railway Board)

No.2007/LML/19/4

New Delhi Dated: 16.5.2008

General Manager (Engg).
Western Railway, Churchgate, Mumbai.

General Manager (Engg).
Central Railway
Mumbai.

Sub: Grant of 'No Objection Certificate' for construction of private buildings in private lands in vicinity of Railway Land in Mumbai Area.

Number of representations have been received by the Board due to denial of issue of 'No Objection Certificate' by the railways to construction of private buildings in private lands in vicinity of Railway Land in Mumbai area including some of the cases where the nearest track is at a considerable distance from the proposed building.

2. It is observed that extant rules on the subject in Mumbai area are governed by provisions in regulation No.29 (8) (ii) of the 'Govt. of Maharashtra, Urban Development Department Development Control Regulations for Greater Bombay-1991' which provides that "...no new construction of any building or reconstruction of an existing building shall be allowed within a distance of half the height of the said building from the Railway track boundary, and in any case at least 3m away from such boundary." Further a 'No objection Certificate' from the concerned railway is required to be submitted by the party to the local authorities for granting permission for the building plans if proposed structure lies between the railway boundary and the distance of 30 m from it.

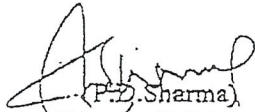
3. Because the 'Railway Track Boundary' is not defined, problems are arising due to reckoning of horizontal clearance from railway boundary instead of 'Railway Track Boundary' as provided in the regulation No. 29(8)(ii) mentioned above.

4. Matter has been examined and it has been decided by the Board (ME) that for the purpose of regulation No.29 (8) (ii) of the 'Govt. of Maharashtra, Urban Development Department Development Control Regulations for Greater Bombay-1991' "Railway Track Boundary" be considered to be a horizontal distance of '6m plus height of railway embankment at the point of consideration' from the centre line of the railway track nearest to the proposed building or the actual railway land boundary from the centre line of the railway track nearest to the proposed building whichever is less.

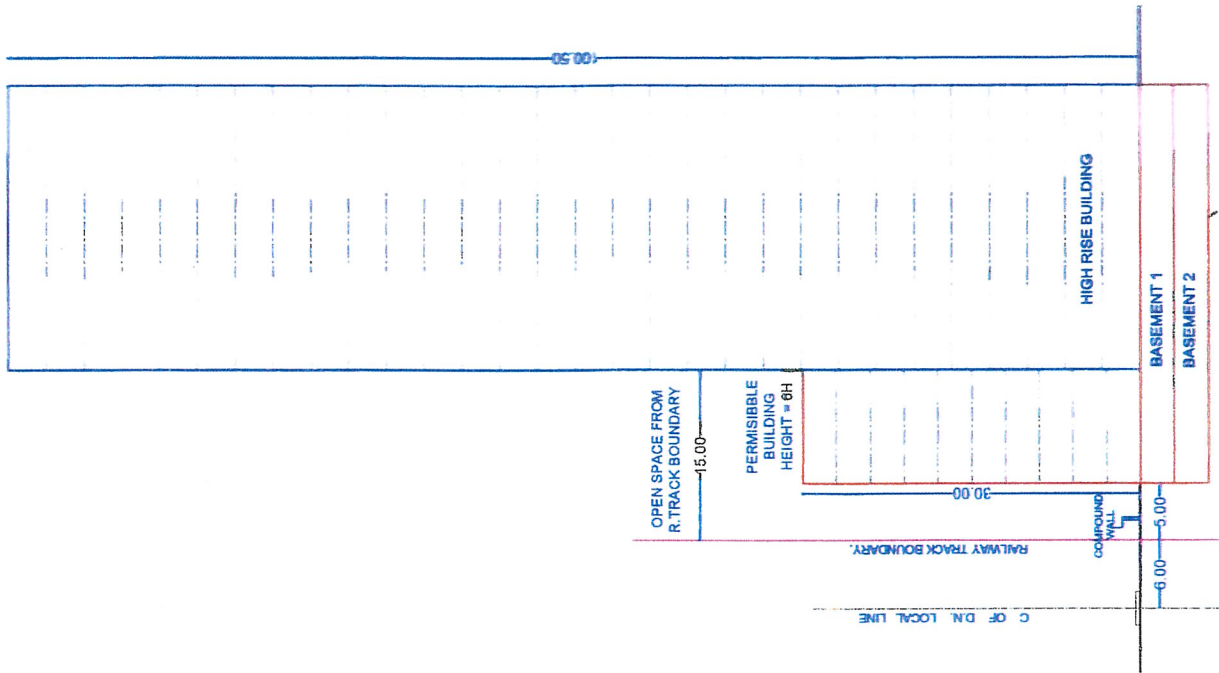
4.1 The nearest track here will mean the existing track or the proposed track in future if contemplated to be constructed in the near future, nearest to the proposed building. While considering allowance for future track, the railway should not unduly keep such allowance for individual sites when future track is not feasible on that side in view of already existing buildings or structures on either side of the proposed site. Instructions issued under Railway Board letter No.94.LM(L)/14/22 dated 29.8.95 may also be referred to in this regard.

5. It is therefore, advised that all such cases regarding issue of grant of 'No Objection Certificate' to construction of private buildings in private lands in vicinity of Railway Land in Mumbai area may kindly be dealt with accordingly. While granting 'NOC' railway may ensure that the provisions of para 827(b) of IRWM-2000 are complied with.

6. This is for your kind information and further necessary action. Fresh remarks in the cases earlier referred by Board to railways for comments, may be advised to the Board in view of above directions for further disposal of the same at this end.


(P.D. Sharma)
Executive Director/L&A-I
16.5.08

PROPOSED MODIFICATION



EXISTING RULE

