

**Minutes of the Meeting MCHI-CREDAI held with  
the Hon'ble Shri Prithviraj Chavan, Chief Minister of Maharashtra  
on Tuesday, 1<sup>st</sup> May, 2012, at Sahyadri Guest House.**

Sr No.	Issue	Discussion outcome/deliberations	Status as on 14th September, 2012	Suggestions on Way Forward	Remarks
1.	<b>SPEEDY (60 DAYS) APPROVAL BY ULBs</b>	<p>Responding to Mr. Boman Irani's submission, the Chief Minister said it was an unacceptable situation that approvals could extend to 24 months. Mr. T C Benjamin, Principal Secretary, Urban Development, said that Section ---- of ----prescribed 45-60 days deemed permission, as per DCR and DP ----commencement of work letter than Section 47 appeal would lie. Dr. Nitin Kareer said that only Section 47 is not desired, committee can examine -----,</p> <p>It was pointed out to the Chief Minister that proposals were getting rejected on frivolous grounds.</p> <p>It was proposed that a Monthly Monitoring Mechanism could be set up, whereby all clearances would be put up on a website, and average time taken will also be known. This will promote accountability at each level. The Hon'ble Chief Minister said that like the Central Environ Department, the State Government too could follow this lead.</p>	No progress	<p>i) UD has to issue the requisite circulars to all ULBs in the next 7 days.</p> <p>ii) Commissioner to call ULB MCs for the Review Meeting in the next 15 days.</p>	

Sr No.	Issue	Discussion outcome/deliberations	Status as on 14th September, 2012	Suggestions on Way Forward	Remarks
2.	<b>ENVIRONMENT</b>	<p>On the issue of Environment, the Chief Minister said he had personally written to the Ministry in Delhi, and was pursuing the issue. He said we have forwarded file to Environment Ministry at Delhi for approval for an additional committee for MMR. The two committees will be given a mandate to meet regularly to clear the backlog of approvals.</p> <p>With reference to the recent office memo on the height of Building, he had written a letter to the Environment Ministry on its impact on Real Estate here. But this being a Central matter, there were jurisdictional issues. But he stressed that the Terms of Reference being drawn up for the proposed committees will be underlined by absolute clarity and clearance of all backlog. If need be, the Chief Minister said he was ready to make an approach at the PMO level.</p>	<p>2<sup>nd</sup> Committee formed.</p> <p>1<sup>st</sup> Review Meet on 22<sup>nd</sup> August.</p> <p>2<sup>nd</sup> Review Meet on 13<sup>th</sup> September.</p> <p>Also, relief to be granted from the MOEF Notification dated 7<sup>th</sup> February, 2012 by keeping the same in abeyance. However, the SEAC Committee even today goes by the Office Memorandum dated 7<sup>th</sup> February, 2012.</p>	<p>Committee has been instituted.</p> <p>The plain reading of the Office Memorandum states that it is advisory in nature and hence State should give requisite direction to the SEAC Committee within 7 days.</p> <p>Office Memorandum dated 7<sup>th</sup> February, 2012 to be kept in abeyance.</p>	<p>The Committee should meet at least once a week and Terms of Reference should be finalized.</p>
3.	<b>AUTOMATIC NA</b>	<p>The Chief Minister said that the Cabinet in 2009 had rejected Auto NA. The Revenue Department would put up a new note to the cabinet.</p>	<p>No progress.</p>	<p>Revenue Department to make Automatic NA a reality in all other classes of land.</p>	

Sr No.	Issue	Discussion outcome/deliberations	Status as on 14th September, 2012	Suggestions on Way Forward	Remarks
		The grant of Automatic NA was under active consideration of the Government in respect of Class-I lands and Class-II lands. However, he said there were issues of ownership, occupancy, with Tribal, SC, reservations needing to be taken into account. It may require modification of MRL act. Till then we can adopt Nashik pattern for NA.			
4.	<b>HIGH RISE COMMITTEE</b>	<p>It was submitted to the Chief Minister that the Municipal Commissioner had prescribed 120 mtrs. as the minimum height. The Chief Minister made a reference to the National Building Code's 100mtrs. norm. High Rise in 2004 had expeditiously cleared proposals.</p> <p>It was suggested the High Rise Committee should look into the minimum permissible height, and Structural Safety issues. It was proposed that a minimum height could be prescribed for all ULBs, wherein proposals that come below the minimum height would not go to the Committee. Other cases, could be referred to a Panel of Experts from institutions such as</p>	<p>No progress.</p> <p>Meeting with PS UDD (I), Shri Manu Kumar Srivastava held on 8<sup>th</sup> August, 2012.</p>	<p>i) Terms of Reference (ToR) of the High Rise Committee to be looked into, so as to avoid overlapping or duplication with respect to MOEF Committee.</p> <p>ii) UD Department has written to Indian Institute of Technology for their opinion - That needs to be followed up.</p> <p>iii) MCHI suggested that, like earlier, construction up to 70 m should be allowed at the risk and responsibility of the</p>	

Sr No.	Issue	Discussion outcome/deliberations	Status as on 14th September, 2012	Suggestions on Way Forward	Remarks
		<p>IITs.</p> <p>The Government agreed that Terms of Reference of the High rise Committee would be looked into, particularly in view of existence of Environmental Committee. Various options like peer review, etc. are under Government's active consideration. The decision of the CM would be taken very quickly with regard to this Committee.</p>		<p>developer and the developer may make all provisions that may be required - UD to consider.</p> <p>iv) It was discussed that the constitution of Hi-Rise Committee is not by observations or Court of Law, neither it is statutory in nature. It is an administrative set-up.</p>	
5.	ULC	<p>Mr. Boman Irani submitted that ULC should be scrapped in letter and in spirit. He said that ULC issues could be handed over to ULBs.</p> <p>The CM agreed to the need to do away with the department, subject to checks being put in place, to ensure the commitments made by Developers under ULC, are fulfilled. It was said that there were 2800 cases pending in residential projects for The Advocate General had expressed a negative view on ULC. And the Government would be taking the opinion of the Attorney General. The Government would take suitable action on this</p>	<p>A meeting was held by ACS (UD) on 15<sup>th</sup> May, 2012 where it was committed that the case for opinion would be sent to Attorney General latest by 20<sup>th</sup> May, '12 - still pending.</p>	<p>Case for opinion to be sent to Attorney General by 20<sup>th</sup> September, 2012.</p>	

Sr No.	Issue	Discussion outcome/deliberations	Status as on 14th September, 2012	Suggestions on Way Forward	Remarks
		issue, at the earliest.			
6.	<b>CIVIL AVIATION</b>	<p>The CM agreed with the view that various heights can be prescribed on a three-dimensional basis for the entire MMR. He promised to take up the matter with the Civil Aviation Authorities in Delhi. Mr. Rahul Asthana, Commissioner-MMRDA, said he had written to the Hon'ble Civil Aviation Minister, Shri Vyalar Ravi on the issue of Civil Aviation clearances for projects in Mumbai. The Chief Minister expressed surprise that when international norms from ICAO were available, why it was so difficult to set clear guidelines for Mumbai.</p> <p>Mr. Dharmesh Jain made a reference to the proposed Navi Mumbai airport, wherein a radius of 20 kms has been prescribed. It was also pointed out that the Civil Aviation Committee had not met for 9 months.</p> <p>On the point of letting ULBs being given the charge of Civil Aviation clearances, Mr. T C Benjamin, that the subject was too sensitive to be handed over to ULBs.</p>	No progress.		

Sr No.	Issue	Discussion outcome/deliberations	Status as on 14th September, 2012	Suggestions on Way Forward	Remarks
		The Chief Minister said will take the issue of Civil Aviation with him to Delhi, and meet with the Civil Aviation Minister.			
7.	<b>RENTAL HOUSING</b>	The Chief Minister observed that he had received a note on committee of Rental Housing, and that he was not happy with the situation. The Government reiterated that Rental as well as Affordable Housing was the need of the hour. And the Government would come out with further clarification and simplification in respect of Rental/Affordable Housing in a very short time.	No progress.	Any change should be prospective in nature and not retrospective.  Locational clearance given (whether valid as on today's date or not), following instances shall be considered as a commitment where the locational clearances is granted (whether revalidated or not) or where letter of comfort or letter of Intent to consider the proposal of Rental Housing to be made by the owner/developer were given by MMRDA such instances should be considered as a "commitment" and old policy should be continued in this case or cases where MMRDA could not process Locational Clearances only for want of	

Sr No.	Issue	Discussion outcome/deliberations	Status as on 14th September, 2012	Suggestions on Way Forward	Remarks
				Government clarifications, Government technicalities like ULC clearance etc. These cases should be considered as commitment and considered as “logged-in” cases.	
8.	<b>MCHI Units</b>	<p>i) Uniform DCR</p> <p>ii) Independent Meets - After Mr. Boman Irani’s presentation, each Unit of MCHI-CREDAI also made a representation to the Hon’ble Chief Minister, highlighting their region’s issues and problems. The Chief Minister, duly taking note of these presentations, offered to call a separate meeting of all, so that their region-specific problems would be addressed in more detail.</p>	<p>No progress.</p> <p>No progress.</p>	<p>Requisite GR can be issued by 30<sup>th</sup> July, 2012 based on the Report of already set-up Committee, headed by ACS (UD)</p> <p>Independent Meets with MCHI-CREDAI Units to be held at the earliest.</p>	

Sr No.	Issue	Discussion outcome/deliberations	Status as on 14th September, 2012	Suggestions on Way Forward	Remarks
9.	<b>MHADA 33 (5)</b>	37 (1) AA has been done and hence the Government should immediately proceed with the approvals under 37(2), as the State is losing revenue on a daily basis.	Pending	The necessary notification u/s 37(2) of MRTP act be issued by 30 <sup>th</sup> July, 2012.	
10.	<b>TRANSITION POLICY</b>	<p>In closing, the Chief Minister said that any new policy requires a transition, and he was of the view that a transition arrangement was required between the transfer from old to new regulations and policies.</p> <p>The Chief Minister reiterated that views the Real Estate Industry as very essential to the growth of Maharashtra. And Affordable Housing and adequate housing is the most important need. He said he looks forward to working with an organized Housing Industry, based on a speedy approvals process. The Housing Industry has the potential to make a robust contribution to the revenue and taxes in Maharashtra.</p>	No progress. Turnaround Time (TAT) is most crucial. By stoppage of approvals, the entire industry has come to a halt. Cash flows from Banks, Investors, Customers are all linked to the approvals. Stoppage of approvals have created an entire logjam and a fatal scenario.	Logjam of approvals to be eased out.	
11.	<b>DCR</b>	Discussion on this was held with PS (UD) at the meeting held on 8 <sup>th</sup> August, 2012.	i) MCHI informed about the suggestion of formation of Committee to guide the BMC	The Hon'ble Municipal Commissioner had sent certain revisions in DCR recommendations for UD approval - UD to approve the same.	



Sr No.	Issue	Discussion outcome/deliberations	Status as on 14th September, 2012	Suggestions on Way Forward	Remarks
			<p>for the interpretation of DCRs. A decision needs to be taken about the same.</p> <p>ii) It was deliberated in detail that there needs to be "Transition Policy" agreed where commitments done by Corporation/ State with respect to IOD / CC, where the choice lies with the developer to go with the old DCR or the new DCR.</p> <p>iii) New DCR with respect to Commercial Development and Retail Development - MCHI strongly emphasized that with the new DCR, it is impossible for the</p>		

Sr No.	Issue	Discussion outcome/deliberations	Status as on 14th September, 2012	Suggestions on Way Forward	Remarks
			new Commercial and Retail Development to come up in Mumbai and requested UD to have a re-look at it.		