

April 23, 2019

Ref. No. MCHI/PRES/18-19/262

To,
(1) Hon'ble Shri Devendra Fadnavis
Chief Minister
Government of Maharashtra
Mantralaya,
Mumbai - 400032

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मुख्यमंत्री सचिवालय
महाराष्ट्र शासन
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक.....२३/४/१९

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

0/c
Purchase
23/04/2019
निषिद्ध,
नगरपालिका निदेश
(आस्थापना)

Sub:- Authorization of architectural & ornamental features allowed free of FSI prior to 6/1/2012 in MCGM areas & Local Planning authorities where Fungible FSI is not allowed.

Ref:- M.C.'s letter under No. MGC/A/8279 dated 13.07.2011

Respected Sir,

Reference is requested to Hon. M.C.'s letter under No. MGC/A/8279 dated 13.07.2011 to Principal Secretary, U.D. Dept. requesting to issue the suitable directives so as to give the effect to the proposed amendments to D.C. Regulations 1991 and to take expeditious action u/s. 37 of M.R.&T.P. Act 1966.

In this note the then M.C. has described about the elevation / ornamental features such as lily ponds, deck parking , refuge areas, etc which were allowed free of FSI as per Regulation 35(2) without premium. The Owner / developers normally include these areas as saleable component / super built up area.

After following due process of Law Government of Maharashtra in U.D. Dept. issued the directives under Section 37 (IAA)(C) of Maharashtra Regional & Town Planning Act, 1966 under No.CMS/TPB 311/452/CR-58/2011/UD-11 dtd. 6/1/2012. This came in effect immediately.

The modifications proposed DCR No. 35(2) deals with the areas which are not to be counted in F.S.I., the proposed new DCR 35(3) deals with the areas which are to be counted in FSI and the proposed new DCR 35(4) deals with the compensatory FSI be given by charging premium in respect of residential /commercial /industrial buildings. Accordingly plans for building post 6 /1/ 2012 are being approved by utilizing fungible FSI.

However, the proposal which were approved prior to 6/1/2012 and flats sold by builder to purchaser. Lot of revenue is not recovered due to lack of regulation to do so. Flat purchaser is enjoying the free of FSI features which they purchased from developer. Various anti social elements are complaining against occupants to various government authorities and un-duress is created amongst lot of occupants.

CREDAI - MCHI

Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020,
Tel.: 4212 1421, Fax : 4212 1411 / 407 • Email: secretariat@mchi.net • Website: www.mchi.net

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In order to avoid the blackmailing by certain elements of society government shall come with a policy to authorize said features by recovering reasonable premium. By doing so government will get revenue & people will get peace.

The premium can be recovered considering two categories

- 1) The features are being merged in room: the same can be authorized by recovering 50% of R.R. Rate. (same as rate for premium / fungible FSI). No penalty to be charged in such cases as developer has already recovered money from the purchaser for construction of this features.
- 2) The features are being used for outdoor users but not merged in room (e.g. keeping AC units, accessing façade, accessing flower pots, decks etc.). This is permissible use and hence, no premium is required to be charged.

Authorization scheme in this regard will give lot of relief to the people who are willing to come forward to get authorization of this feature to avoid harassment by certain elements of society.

Thanking you,

Your sincerely,
For CREDAI-MCHI



Nayan A. Shah
President



Bandish Ajmera
Hon. Secretary



Sanjiv Chaudhary MRICS
Chief Operating Officer

CC :

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

