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Prakash Baviskar

Ref. No. MCHI/PRES/18-19/061

7th October 2019

To,

Dr. Nitin Kareer (I.A.S.)

The Principal Secretary-I

Urban Development Department

Government of Maharashtra

Mantralaya, Mumbai-400 032.

07/10/19
विधिपत्र
प्रधान सचिव (नवि-१)
नगरविकास विभाग,
महाराष्ट्र शासन, मंत्रालय,
मुंबई - ४०० ०३२.

Sub: Charging one time Premium on land that are reserved in the sanctioned development plans, e.g. reserved for Municipal School, Hospital, Secondary School, Collage, Recreation Ground, Play Ground, Library Welfare Centre, Staff Quarters etc. and being developed under the Accommodation reservation policy dated 2nd May, 2016 under No. TPS/1813/30676/CR-492/13/MCCORP/UD-13 or being developed as per Development Control Regulation prevailing from time to time.

Respected Sir,

The Government of Maharashtra has come out with the Accommodation reservation policy under No. TPS/1813/30676/CR-492/13/MCCORP/UD-13 dated 2nd May, 2016 and also as per the DCPR 2034 Regulation 17(1).

Under the Development Control Regulation for different planning authorities' development of reservation is allowed as per the policy provided in the relevant Development Control Regulation applicable from time to time to the land that is being developed.

In the past these reserved land for e.g. a Municipal School, Hospital, Secondary School, College etc. were allowed to be developed for the such lands use as it was reserved for, and exemptions Order under section 20 of the ULC Act or NOC under the ULC Act were granted to develop the said reservations. After the Accommodation Reservations Policy has been announced, the reservation is still required to be developed, however depending upon the nature of the reservation 30%, 40%, 50% or 70% of the land under reservation is to be handed over to the Planning Authority and the balance land is allowed to the owner to be developed by the owner as a free sale portion.

So, the reservation does get developed as per the norms specification and rules of the Planning Authority and the balance area is allowed to be used. The earlier exemption order that were issued under the ULC Act prior to the advent of the Accommodation Reservation Policy was for the development of the complete area of Reservation.

For e.g. in year 2008 an exemption Order under section 20 the ULC Act is granted to developed a Hospital for the complete area of the 4000 sq. meter of land that was no free sale part and 100% of land was to be retained by the owner and the development on the entire plot of 4000 sq. meter had to be done for a Hospital. After the Accommodation Reservation Policy has come into force, the same reservation of Hospital of 4000 sq. meter, 2000 sq. meter of land would be handed over to the planning authority with a fully build up Hospital and on the balance 50% land i.e. 2000 sq. meter he i.e. the free sale portion he is allowed to be develop and is to be retained by the Owner.

So, in all such cases one time premium should be taken and the development should be permitted, our request is that only that area, that is allowed to be retained to the land owner, the one time premium only for area of land that should be taken.

Say for example there is plot of 4000 sq. mtrs reserved for a Hospital and 2000 sq. mtrs is to be handed over to the Government or to the Planning Authority for Hospital and 2000 sq. mtrs is left to the land owner then one time premium should be taken only for the 2000 sq. mtrs i.e. R.R. Rate of 2000 sq. meter land X 10% should be one time premium. This is because the land owner has to bear the cost of construction of the reservations and has to also handover the land and build up reservation both the handing over of land and construction is done free of cost so how can the land owner be called upon to pay one time premium on land that is going to be handed over by him free of cost to the planning Authority/Government.

So the one time premium needs to be on the balance plot area retained by the Owner.

In view of the above we humble request as follows.

CREDAI-MCHI PRAYER

That for lands under Reservation that the Owner desires to develop as per the DCR/DCPR prevailing from time to time one-time premium @10% of the Ready Reckoner Rate should be charged on the balance plot area retained by the owner and development under the ULC Act should be permitted as per the DCR/DCPR prevailing from time to time.

Thanking You,

Your sincerely,
For CREDAI-MCHI



Nayan A. Shah
President



Bandish Ajmera
Hon. Secretary



Sanjiv Chaudhary MRICS
Chief Operating Officer

C.c. to

- 1 Hon'ble Shri Devendra Fadnavis
Chief Minister
State of Maharashtra
Mantralaya, Mumbai - 400 032

2. Shri Ajoy Mehta (I.A.S.)
Chief Secretary
Government of Maharashtra
Mantralaya, Mumbai 400 032

3. Shri. Rajeev Parikh
President
Credai Maharashtra

4. Dr. Abhyankar
Director General,
Credai - Pune Metro

मुख्यमंत्री सचिवालय
महाराष्ट्र शासन
मंत्रालय, मुंबई - ४०० ०३२
दिनांक ७/१०/१९

लिपिक
मुख्य सचिवांचे कार्यालय
सामान्य प्रशासन विभाग
मंत्रालय, मुंबई ४०० ०३२
७/१०/१९