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I.A.S. (Retd.)

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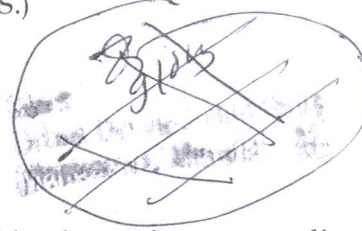
President, Navi Mumbai
Arvind Goel

Hon. Secretary, Mira Virar City
Shailesh Sandhvi

Ref. No: MCHI/TO/13-14/012

October 9, 2013

To,
Shri Manu Kumar Srivastava (I.A.S.)
Principal Secretary, (I)
Urban Development Dept.
Government of Maharashtra,
Nirmal Bhavan, Nariman Point,
Mumbai - 400 021



Sub: Suggestions for Ownership issue in new policy of Cluster Redevelopment Scheme under D.C.R. 33(9).

Respected Sir,

With reference to the discussion we had on 07/10/2013 regarding the Ownership issue on the cluster development wherein various owners are involved, our suggestions are as follows:-

- 1) In Cluster where only private properties are involved, however, more than 70% Owners consent to development and less than 30% Owners do not consent for development?
 - a) In such eventuality, the non-cooperating Owners should be offered a compensation equal to market value of 20% of the surplus area which is available as incentive area on the rehab area after deducting the area required to meet the cost of construction of owner share of area.
 - OR
 - b) A compensation equal to Market Value as per the procedure adopted by the Stamps Duty Dept. which is based on the F.S.I. potential of the property.
 - OR
 - c) A compensation equal to Market value as proposed in the Land Acquisition Act 2013.
- 2) In cases where the property belonging to any centre / state Govt. or any Semi Government or Government such as M.C.G.M., MHADA, BEST and such properties are either leased or freehold properties:-
 - a) In case of lease hold property, 25% of the Ready Reckoner Value which as prescribed under DCR 33(9) of 22/03/2009 to be paid to the concerned authorities and land continues to be on lease with a fixed premium of Re.1 per year for a perpetual period with a 5% lease renewal premium on Ready Reckoner Land Value on zonal F.S.I every 30 years, permitting notionally amalgamate with other properties under cluster redevelopment with benefits of F.S.I. as a freehold land. However, after amalgamation MCGM should not

insist for single P. R. Card as the tenures are different for freehold and leasehold land. In case of amalgamation, the single P. R. Card should be only for the purpose computation of built up area permissible on the amalgamated property as to ensure any F.S.I. on the amalgamated plot and total land area.

- b) In case the authority decides to give such property/land on freehold, the compensation to be levied shall be equal to the compensation as proposed in Sr. No.1 which should uniform and to be applied to all the authorities.
- c) It should be mandatory to give their consent for the concern Authority for such properties belonging to authorities within the cluster for the purpose of cluster development. Each authority should not take their independent view.

We hope you shall consider our above view and formulate the guidelines in the ensuing policy of D.C.R. 33(9) to have more clarity on acquisition of properties belonging non-consenting Owners and ownership issue of Government and Semi Government properties.

Thanking you,

Yours faithfully,
For MCHI-CREDAI



(R. R. Chaturvedi)
Committee Member