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Vimal Shah

IMMEDIATE PAST PRESIDENT  
Paras Gundecha

PRESIDENT-ELECT  
Dharmesh Jain

VICE PRESIDENTS  
Mayur Shah  
Nayan Shah  
Deepak Goradia  
Boman Irani

HON. SECRETARY  
Nainesh Shah

HON. TREASURER  
Sukhraj Nahar

CEO  
S. Shahzad Hussain  
I.A.S. (Retd.)

HON. JOINT SECRETARIES  
Harish Patel  
Ashok Mohanani  
Sandeep Runwal  
Bandish Ajmera

JOINT TREASURERS  
Lakshman Bhagtani  
Mukesh Patel

CO-ORDINATORS  
Rasesh Kanakia  
Jagdish Ahuja  
Pujit Aggarwal  
Parag Munot

COMMITTEE MEMBERS  
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Rajan Bandelkar  
Vikas Walawalkar  
Jayesh Shah  
Nayan Bheda  
Sanjay Chhabria  
Rajendra Chaturvedi

PAST PRESIDENT  
Sunil Mantri  
Pravin Doshi  
Mohan Deshmukh  
Mofatraj Munot  
Niranjan Hiranandani  
Rajni S. Ajmera  
G. L. Raheja  
Lalit Gandhi  
Babubhai Majethia

MCHI-CREDAI UNITS

President, Thane  
Shailesh Puranik

President, Kalyan-Dombivli  
Johar Zojwalla

President, Raigad  
Rajesh Prajapati

President, Navi Mumbai  
Arvind Goel

Hon. Secretary, Mira Virar City  
Shailesh Sanghvi

Ref. No. MCHI/CEO/13-14/022

July 1, 2013

To,  
Hon'ble Shri Sitaram Kunte (I.A.S.)  
Municipal Commissioner,  
Municipal Corporation of Greater Mumbai,  
Mumbai - 400 001



Dear

With reference to the Meeting held on 27<sup>th</sup> June 2013 between our Vice Presidents, Mr. Mayur Shah & Mr. Nayan Shah alongwith Shri Rajeev Kuknur, Chief Engineer (DP) of MCGM, our Core Committee want to meet you to discuss the following issues with priority for further progress in the matter.

- (1) Charging 10% payment for condoning the deficiency in open space that arises due to use of Fungible F.S.I. as well as charging of premium for the existing buildings.
- (2) Staircase Width and Passage
- (3) Part terrace created due to Tower like structure, Railway Set-back and Passage
- (4) Fire Check Floor
- (5) Timely approval - Validity period of Approvals and Payment of fees at one place
- (6) Curtailing the Levels of approvals.
- (7) Proper Monitoring and Tracking System of the proposals submitted.
- (8) High Rise issue; issues including the heights approvals for the existing buildings.
- (9) Affordable Housing Policy

Therefore, as these issues are vital for in development of projects, I personally request you to arrange for an early meeting alongwith concerned officers and engineers related to the matter.

Yours Sincerely,

S. S. Hussain, I.A.S. (Retd.)  
C.E.O  
MCHI-CREDAI

To,  
Hon'ble Shri Sitaram Kunte (I.A.S.)  
Municipal Commissioner,  
Municipal Corporation of Greater Mumbai,  
Mumbai - 400 001

To: c.c. Mr. R. B. Zope  
Ex-Eng. to. MC

**Points to be taken with The Hon'ble M.C. –**

We would like to discuss few of the some important points with you as follows;

1. **Charging 10% payment for condoning the deficiency in open space that arises due to use of Fungible F.S.I.**

In case of utilization of Slum TDR for entire building or 0.33 additional FSI there is built in provision to charge premium for deficient open space at the rate of 10%.

The fungible compensatory FSI as per DCR 35(4) is not independent or additional FSI. It is dependent on the source FSI i.e. unless the basic FSI and TDR is consumed fungible compensatory FSI cannot be granted on the additional FSI. It is therefore felt that properties of the fungible compensatory FSI will have to be same as that of the source TDR or source FSI.

Also clause 12 of column (1) of Table 14 of DCR 32, the relaxation of premium i.e. 10% of normal premium shall be charged while condoning deficiencies in open spaces as applicable for case of Slum TDR. It is, therefore, incumbent on the MCGM to charge 10% of normal premium while granting relaxation because consumption of Slum TDR and additional 0.33 FSI under D.C.R. 32 as benefits thereto are entitled for relaxation as mentioned in Clause 6.23. The Clause 6.23 is reproduced below:

“Relaxation for the free sale component-Relaxation contained in sub-regulation no.6.12, 6.13, 6.18, 6.19, 6.20 above, as well as other necessary relaxation shall be given to the free sale components, on payment of 10% of the normal premium”.

Sir, S.R. Scheme, as per clause 6.22, premium is not charged for relaxation for rehab component. Hence in case of redevelopment proposal under 33(7) in City and 33(5) in Suburbs, the same benefit as per clause 6.22 of Appendix IV will have to be granted as per the provisions of D.C.R. 33(5), Sub-clause 6 and as per Appendix III, Sub-clause 8.

Fungible compensatory FSI entitled for existing structure is also entitled to benefits permissible under D.C.R. 33(10) i.e. no premium is chargeable for rehab area.

Specific provision of 33(4) related to grant of fungible compensatory FSI on existing structure in respect of City and Suburbs which is reproduced below :

“Provided in case of redevelopment under regulation 33(7), 33(9) & 33(10) excluding clause no.3.11 of Appendix-IV of Development Control Regulation 1991, the fungible compensatory F.S.I. admissible on rehabilitation component shall be granted without charging premium.

Provided further that redevelopment under D.C. Regulation no. 33(5) and redevelopment proposal of existing building in suburbs and extended suburbs by availing TDR, the fungible compensatory FSI admissible on F.S.I. admissible on F.S.I. consumed in existing structure shall be granted without charging premium”.

THUS, NO PREMIUM IS CHARGEABLE, FOR CONSUMPTION OF FUNGIBLE COMPENSATORY FSI ON EXISTING STRUCTURE IN CASE OF CITY AS PER APPENDIX-III AND IN CASE OF REDEVELOPMENT UNDER 33(5) IN SUBURBS AS PER SUB-CLAUSE (B) OF 33(5).

THEREFORE IN CASE OF ALL REDEVELOPMENT PROPOSAL 10% OF NORMAL PREMIUM SHALL BE CHARGED FOR RELAXATION IN OPEN SPACES IF SLUM TDR AND 0.33 ADDITIONAL FSI UNDER DCR 32 IS UTILIZED FOR SALE COMPONENT AND FUNGIBLE COMPENSATORY FSI OF SALE AS WELL AS REHAB COMPONENT.

**Request –**

1. That deficiency created on account of utilization of Slum TDR and fungible compensatory FSI thereon will be charged at 10% of normal premium in case of Suburbs and in case of fungible compensatory FSI on FSI of existing structure, the relaxation shall be granted at 10% of normal premium in case of Suburbs except

redevelopment proposal of L.I.G./E.W.S./M.I.G under 33(5) where the same shall be granted free of premium.

2. In case of City, proposal under 33(7), 33(9), 33(10), the relaxation in open spaces shall be charged at 10% of premium for sale component and free of premium in case of rehab component included fungible compensatory FSI.
3. MCHI respectfully disagrees with the decision of the MCGM to charge premium to the extent of 100% of the Open Space Deficiency created on account of utilization of Fungible FSI. The submission of MCHI is that the same may be implemented by the MCGM prospectively. In the past wherever concessions are approved the premium be collected at 10% and in new cases this decision be implemented so that the members can take necessary legal recourse to protect their rights.

2. **Staircase Width and Passage**

Area for Lift Lobby, Passage should not be deducted in F.S.I. even if it is more than 1.2 Mts. because there is no chance to misuse and it is allowed by charging premium (Sketches enclosed as **Annexure 'A'**).

3. **Part terrace created due to Tower like structure, Railway Set-back and Passage**

Part terrace created due to Tower like structure, Railway Set-back, Different Carpet area in redevelopment project should not be counted in F.S.I. even if these are not accessible by common passage and common lobby with slope of 1 to 5 terraces (Sketches enclosed as **Annexure 'B'**).

4. **Existing building**

Wherever there is an approved plans and the building has been constructed irrespective of whatever Occupation Certificate is given or not. The fungible F.S.I. should be permitted without charging premium for the existing building.

5. **Fire Check Floor**

Currently the height of the Fire Check Floor is 1.8 Mts. and hence the staircase height reduces from 2.9 Mts. to 1.8 Mts. as such during a fire this will become a death trap and the same is shown in the sketch enclosed as **Annexure 'C'**.

Request –

The height of Fire Check Floor should be increased to 2.9 Mts. with cross beam of the depth of 1.1 Mts. This is to ensure that there is no misuse.

Sketch showing the solution is enclosed herewith.

6. **Timely approval – Validity period of Approvals and Payment of fees at one place**

We request that the Director (E.S.&P) call a meeting of all the HOD of the Utility Department such as H.E., S.W.D., Traffic & Co-ordination, C.F.O. etc. and formulate the Policy wherein -

- a) The fees paid at one place only.
- b) The validity period of the remarks issued should be for Five years.
- c) And once the C.C. above plinth is issued thereafter the remarks granted from S.W.D. and H.E. etc. should be considered as confirmed and no further changes should be called upon or removal need to be done.

**So our request –**

The Director (E.S.&P) be requested to call for a meeting of all the HODs and within 45 days he submits the reports and his recommendation to the Hon'ble Municipal Commissioner as to how it could be done.

7) **Levels of approval**

We request that the levels of approvals be reduced and including the Ch.E. maximum there should be **Three** level and Fourth level should be the Hon'ble Municipal Commissioner.

Report of concession that has been put up to the Hon'ble Municipal Commissioner is a very detailed report that has been sent currently. The necessity is for sending only the key points of the concession to the Hon'ble Municipal Commissioner, rest all should be scrutinized and approved at the level of the Executive Engineer. As such the report for the concession should be sharpened and should be made strictly only for the purpose of concession and nothing else. So the draft of the report may please be made.

And once The Hon'ble Municipal Commissioner approved it, based on that report only, all file will be put.

**Our request -**

- a. The number of levels for approval including The Hon'ble Municipal Commissioner should be **Four** only.
- b. A very short report for concession should be made for the approvals of the Hon'ble Municipal Commissioner.

8. **Proper Monitoring and Tracking System**

There should be a proper monitoring and tracking system wherein there should be real time feedback about which file is pending at what level and at what reason.

9. a. **Where Plot under development is part of an existing layout?**

- b. The Layout Road is of 6.00 Mts. and the layout road is connected by a Proper Municipal Road.
- c. And where CFO NOC is issued.
- d. And where Total Built-up area is less than 5,000 Sq. Mts.
- e. Then building of a Higher height above 30.00 Mts. should be permitted.

**Request –**

Where plot under development is part of an existing layout and the total development proposed is of Built-up area of 5,000 Sq. Mts. or less and where C.F.O.

has granted NOC and the existing width of the layout road is 6.00 Mts. or above then in such a case building of a height above 30 Mts. should be permitted.

10. High Rise should be considered above 32.00 Mts. instead of 30.00 Mts. ( $0.30 + 3.90 + 3.90 + 2.90 \times 8 = 31.30$  Mts.) so hence allow 32.00 Mts. (Sketches enclosed as Annexure 'D').

11. **Affordable Housing Policy**

The real estate prices are increasing due to the overall inflation as also due to shortage of supply of quality real estate. Mumbai urgently needs development of at least 10 Lacs houses under Affordable Housing Policy. As such it is our request to The Hon'ble Municipal Commissioner that in coming 6 months please put up a comprehensive proposal to the State Government for such a policy.

**Request –**

- 1) Sir, immediately the Minutes should be prepared and be circulated.
- 2) By Monday 15<sup>th</sup> July 2013 the working guidelines (All small small points should be taken) of what is approvable and what is not approvable should be made very clear.
- 3) Regarding time lines for grant of NOCs, Remarks, Completion Certificates, Utilization of TDR, grant of IOD, grant of C.C., grant of part Occupation Certificate, grant of Occupation Certificate clear cut time lines be fixed and it should be effectively and efficiently monitored.
- 4) Auto tracking can be taken immediately and for Auto DCR date be fixed up.