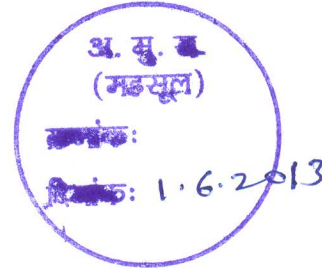


**MANAGING COMMITTEE
2013-2014****PRESIDENT
Vimal Shah****IMMEDIATE PAST PRESIDENT****Paras Gundecha****PRESIDENT-ELECT
Dharmesh Jain****VICE PRESIDENTS****Mayur Shah
Nayan Shah
Deepak Goradia
Boman Irani****HON. SECRETARY
Nainesh Shah****HON. TREASURER
Sukhraj Nahar****CEO****S. S. Hussain, I.A.S. (Retd.)****HON. JOINT SECRETARIES****Harish Patel
Ashok Mohanani
Sandeep Runwal
Bandish Ajmera****JT. TREASURERS****Lakshman Bhagatani
Mukesh Patel****CO-ORDINATORS****Rasesh Kanakia
Jagdish Ahuja
Pujit Aggarwal
Parag Munot****COMMITTEE MEMBERS****Sujal Shroff
Rajan Bandelkar
Vikas Walawalkar
Jayesh Shah
Nayan Bheda
Sanjay Chhabria
Rajendra Chaturvedi****INVITEE MEMBERS****Sandeep Raheja
Mukesh Mehta
Rakesh Sanghvi
Suhail Khandwani****MCHI-CREDAI UNITS****President, Thane
Shailesh Puranik****Hon. Secretary, Kalyan-Dombivli
Shrikant Shitole****Hon. Secretary, Mira Virar City
Shailesh Sanghvi****President, Raigad
Rajesh Prajapati****President, Navi Mumbai
Arvind Goel**

Ref. No. MCHI/CEO/13-14/004

May 31, 2013

To,
Shri Swadheen Kshatriya (I.A.S.)
Additional Chief Secretary, (Revenue)
Revenue & Forest Department,
Govt of Maharashtra,
Mantralaya, Mumbai



Dear

Government of Maharashtra is committed to transparent and speedy administration. Current process of taking N.A. permission is a time consuming and lengthy process for citizens. In the process, precious time is lost and many important and socially relevant projects are inordinately delayed.

Under section of 42 of MLRC No land used for agriculture shall be used for any non-agricultural purpose, except with the permission of the Collector.

To bring in transparency in this process of granting N.A. permissions by Collector and to avoid hurdles and getting expeditious action to provide permission, not longer than 90 days, which is mandatory, from which proposal is submitted or duly complied with, the deeming provision is also in the MLRC code.

Under section of 44 of MLRC detailed Procedure for conversion of use of land from one purpose to another is elaborated.

The above section also finally declares that if the collectors fails to inform the applicant of his decision within ninety days from the date of acknowledgement of the application, or from the date of receipt of the application, then within ninety days [or as the case may be, within fifteen days] from the date on which it is again presented, duly complied with, the permission applied for shall be deemed to have been granted, but subject to any conditions prescribed in the rules made by the State Government in respect of such user.

You may please recall that during the meeting with the Hon'ble Chief Minister, it was requested by our members that the procedure followed is too time consuming which affects the proposals very very adversely and there is lot of wastage of time and efforts. It was informed by your goodself that the Government has received the report of the Division Commissioners' Committee and the matter would be submitted to the Hon'ble Chief Minister within 30 days

Recd -
1.6.13

PAST PRESIDENTS**Sunil Mantri, Pravin Doshi, Mohan Deshmukh, Mofatraj Munot, Niranjn Hiranandani, Rajini S. Ajmera, G. L. Raheja, Lalit Gandhi, Babubhai Majethia**

for necessary decision. It was also brought out that there is no need for so many NOCs which is asked for before issuing NA permissions. We had also mentioned that if any change is to be brought in MLRC it may be amended.

We had suggested earlier to the Government that whenever a DP plan of any city or urban area is prepared the areas of the urban agglomerate which have been brought in MMR region etc. then, a separate NA permission may not be called for.

The Government may charge fees for the same which could be deposited with the Municipal Corporations or Municipal Councils and later on transferred to Revenue Department. This would save the time and the hassle faced by the applicants.

If I am allowed to suggest that the Collector Nashik has issued a circular and adopted a procedure in order to expedite the grants of NA permissions. He has adopted a detailed procedure for the same and with the help of SETU, concerned Tahsildars, relevant revenue record keepers and finally the collector's office. I also feel that if it is followed strictly, the permission can be granted well within three months period provided in the Code. If not, necessary amendment procedure may be taken up expeditiously.

Yours Sincerely,



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

To,
Shri Swadheen Kshatriya (I.A.S.)
Additional Chief Secretary, (Revenue)
Revenue & Forest Department
Govt of Maharashtra,
Mantralaya, Mumbai

Encl: Minutes of the Meeting held with Hon'ble CM on 09th May 2013.

**Minutes of the Review Meeting held under the
Chairmanship of Hon'ble Shri Prithviraj Chavan,
Chief Minister of Govt of Maharashtra
at Sahyadri Guest House on 9th May 2013 at 11:00 am**

Government Attendees:

1.	Hon'ble Shri Prithviraj Chavan	-	Chief Minister
2.	Shri J K Banthia (I.A.S.)	-	Chief Secretary
3.	Shri A K Jain (I.A.S.)	-	ACS to Hon'ble CM
4.	Shri Swadheen Kshatriya (I.A.S.)	-	ACS (Revenue)
5.	Shri U P S Madan (I.A.S.)	-	MC, MMRDA
6.	Shri Satish Gavai (I.A.S.)	-	VP & CEO, MHADA
7.	Shri S K Shrivastava (I.A.S.)	-	PS (Finance)
8.	Shri Sitaram Kunte (I.A.S.)	-	MC, MCGM
9.	Shri Manu Kumar Shrivastava (I.A.S.)	-	PS (UDD-1)
10.	Shri Debashish Chakrabarty (I.A.S.)	-	PS (Housing)
11.	Shri Praveen Pardeshi (I.A.S.)	-	PS (Forests)
12.	Shri Ashish Kumar Singh (I.A.S.)	-	PS to Hon'ble CM
13.	Shrimati Valsa Nair Singh (I.A.S.)	-	Secretary, Environment
14.	Shri Nirmal Deshmukh (I.A.S.)	-	CEO, SRA
15.	Shri Rajan Kop	-	Jt. Secretary for UDD
16.	Shri Kamalakar Aakode	-	Director for Town Planning
17.	Shri Rajeev Kuknur	-	Chief Engineer DP, MCGM

MCHI-CREDAI Attendees:

1.	Paras Gundecha	-	President
2.	Boman Irani	-	Secretary
3.	S S Hussain (I.A.S. Retd.)	-	Chief Executive Officer
4.	Vimal Shah	-	Elect President
5.	Mayur Shah	-	Vice President
6.	Nayan Shah	-	Vice President
7.	Deepak Goradia	-	Vice President
8.	Nainesh Shah	-	Jt Secretary
9.	Harish Patel	-	Jt Secretary
10.	Mukesh Patel	-	Jt Treasurer
11.	L P Bhagtani	-	Jt Treasurer
12.	Sukhraj Nahar	-	Co-ordinator
13.	Pujit Agarwal	-	Co-ordinator
14.	Sandeep Runwal	-	Co-ordinator
15.	Bandish Ajmera	-	Member
16.	Jayesh Shah	-	Member
17.	Parag Munot	-	Member
18.	Sanjay Chhabria	-	Member
19.	Manohar Shroff	-	Member & Secretary for Navi Mumbai Unit

S.No.	Issue	Discussion
1.	SPEEDY (60 DAYS) APPROVAL BY ULBs	<p>The Hon'ble Chief Minister (CM) welcomed MCHI-CREDAI committee members. He said that we are meeting after quite some time, and asked to be apprised on the status of issues.</p> <p>Mr. Boman Irani thanked the Hon'ble CM, and conveyed that a no. of issues had been put forward to the Hon'ble CM in the meeting of the May 1, 2012 & Sept 18, 2012.</p> <p>He said in that meeting all the commitments, viz Speedy Approvals, are still to be realized. Mr. Irani stated that in spite of the new DC Regulations, fungible FSI, where submitted plans have no ambiguity which would require clarifications, still approvals are not being done in the promised 60 days' time limit. In some instances, approvals have been delayed for upto 6 months.</p> <p>Hon'ble CM asked for data to be compiled on timelines for approvals.</p> <p>Municipal Commissioner to start collecting data as to when the file was submitted and when the file was cleared so as to get a fair idea to ascertain the average time taken to clear a file/proposal.</p>
2.	ENVIRONMENT	<p><u>OM dated 7th Feb'12:</u> High Court Order dated 10th April 2012 was discussed stating the HC has stated the OM to be advisory in nature.</p> <p>Hon'ble CM said he will be going to Delhi on 17th May and he would talk to the MoEF Ministry about the environmental issues.</p> <p>Another OM dated 4th May, 2013 was brought to the notice of Hon'ble Chief Minister stating that OM is mandatory regardless of the High Court's direction.</p> <p>Terms of Reference (ToR) to be finalized so as to avoid overlapping and repetitive/conflicting directions by various committees.</p> <p>Necessary instructions to be issued within 30 days.</p>
3.	AUTOMATIC N.A.	<p>There is the issue of transparency involved in submission of NA Proposals. It was pointed that changes to the Automatic NA would require amending the MLRC Act.</p> <p>CEO for MCHI CREDAI pointed out that if the Amendment in MLRC code required then it be looked</p>

		<p>upon as an issue to expedite clearances where so many NOCs may not be necessary.</p> <p>The Report of six Commissioners is under active consideration. Within 30 days, ACS (Revenue) will put up the file to Hon'ble CM.</p> <p>A similar consideration was agreed in 2006 policy, to ensure Automatic NA, co-incidentally it was drafted by the current ACS (Revenue).</p> <p>A GR has been issued, Collectors to follow the GR. General consensus was that there was no necessity for so many NOCs.</p>
<p>4.</p>	<p>HIGH-RISE COMMITTEE Definition</p>	<p>Another committee for High-Rise may not be needed. CEO for MCHI-CREDAI informed that MCHI- CREDAI is trying to collect data from within and outside India. Once obtained it would be submitted.</p> <p>Government to form a committee to examine the setting up of an expert panel that would scrutinize any submitted project, and approve within a month (30 days) such project.</p> <p>Municipal Commissioner raised the concern about accountability of Private Structural Experts and others, in the event of any problems arising, post-project completion. He said that statutory bodies were held accountable, but private practitioners may not be accountable.</p> <p>Definition: Definition of High Rise needs to be checked / threshold - whether NBC provides for any definition.</p> <p><u>Change in procedure discussed and suggested by PS (UD):</u></p> <ul style="list-style-type: none"> i) Municipal Commissioner to initiate formation of the Panel of structural experts can be finalized for Peer Review. Project proponent to get the design checked by the Peer Review and only the Peer Review remarks will be discussed by the High Rise Committee. ii) Should there be any mischief on behalf of the RCC consultant or the Peer Review consultant, their license could be revoked by the Corporation. iii) Proposal -to give CC upto 70 m on the indemnity and undertaking by the Developer at his risk --to be considered.

		<p>Government to finalise Terms of Reference so as to avoid overlapping with MOEF Committee.</p> <p>Necessary instructions to be issued within 30 days.</p> <p>To minimize overlapping of checklist by Environment Committee, by High Rise Committee and by CFO, a list of approvals / criteria that has to be checked by each of the Committee needs to be evolved so as to avoid any overlapping.</p> <p>Also it has been decided that govt will form an expert's panel to expedite following 2 issues</p> <ol style="list-style-type: none"> 1) Structural Engineering in terms of High Rise Building 2) Height restrictions upto 70 meters <p>For this any developer can hire a service from IIT or VJTI & he will bear the expenditure for the same.</p>
5.	ULC	<p>Mr. Manu Kumar Srivastava, PS for UDD-1, said that the issue was financial; a provision in the repealed act provided that if use of land is changed from commercial to residential, or if time has to be extended, then the Government charges a fee for such change. He said the issue had financial implication to the tune of Rs.200 crores.</p> <p>CEO for MCHI-CREDAI pointed it could be applicable to old proposals but when the ULC Act itself is repealed then the authority to charge a fee, or withhold approval on non-payment of such a fee, does not lie with the Government to ask for any NOCs, processes or rules under this Act. It only delays the projects.</p> <p>Mr. Vimal Shah pointed out that even in revenue terms the State Government was losing out far more than Rs.200 corers on Registration, Stamp Duties, other levies. Government, while it stood to collect Rs.200 cores was losing out on the creation of housing stock, the loss of general job opportunities, all these spelt a far greater loss through ULC delays. It impacts revenue earned!</p> <p>Maharashtra, said Mr. Vimal Shah, is the only State still having ULC in operation. Centres like Gurgaon, Bangalore and other metropolitan cities had gone far ahead of Mumbai Metropolitan Region in development.</p> <p>i) <u>Opinion</u>: In the meeting dated 1st May, 2012, Hon'ble CM had suggested to take the opinion from Attorney General of India. However, after in-depth discussion</p>

		<p>with PS (UDD-1) in today's meet, it was agreed that opinion of Attorney General of Maharashtra will be taken within 30 days.</p> <p>More than 40 Writ Petitions are pending in Bombay High Court. A three judge bench is yet to be formed and more than 2,50,000 homes are stuck. It would take anywhere upto 5 years before a Court verdict is delivered.</p> <p>ii) Scheme Management: PS(UDD-1) has agreed to streamline the process of any NOCs related to ULC in such a way that nobody needs to come to Mantralaya.</p>
6.	CIVIL AVIATION	<p>It was informed that the map for Navi Mumbai Airport has been finalized and would be vetted by AAI, and parameters like funnel, would be drawn up, thus doing away with the need for clearances on individual case-to-case basis.</p> <p>--CIDCO Map has been submitted to AAI, and a decision is expected to be received shortly.</p> <p>--Maps for Mumbai area are under preparation and will be submitted to AAI for vetting in a month.</p> <p>Shielding benefit for Mumbai buildings needs to be built in.</p> <p>The need for transition time / transition policy was emphasized as the current submissions by the Committee - it was briefly discussed - was too harsh and almost 95% of the applicants will be rendered ineligible.</p> <p>With the recent incident of collapse of Mumbra building, the need for transit accommodation is very severe.</p>
7.	MCHI UNITS	PS UDD-1 to meet all units within 30 days.
8.	UNIFORM DCR	<p>A comparative chart of the major DCR points in the MMR region needs to be evolved in 2 months.</p> <p>Point was raised that the issue has been pending for 2 years. Principal Secretary stated that the issue will be taken up within this month.</p> <p>On the issue of Uniform DCR, two committees are set up:</p> <ol style="list-style-type: none"> 1. For byelaws in Municipal Corporation Areas

		<p>2. For byelaws in Municipal Council Areas</p> <p>One is under PS of UDD-1 the other under Director-Town Planning</p>
9.	MHADA 33(5) PRIVATE LAND ON	<p>37 (1) AA already issued in Feb. 2011. Gazette notification has been issued for FSI 2.5</p> <p>MHADA emphasized on the need to implement 37(2). Also, the findings of the recent High Court Order were shared, supporting the same.</p> <p>Jt. Venture for property on Private Land. File being submitted. Request made for some more time. Committee</p> <p>37(2) to be implemented within 30 days.</p> <p>33(9) Cluster Redevelopment Scheme, PS of UDD-1 informed that they have finalized Draft 3 Major regulations are being finalized to be presented to the Hon'ble CM.</p>
10.	Rental Housing	<p>It was mooted that Rental Housing Scheme/Plan be converted into Affordable Housing. A report is to be submitted to the Hon'ble CM by Monday, May 13th.</p> <p>More Affordable Housing initiatives necessary, we are the lowest in providing FSI, which is affecting real estate projects. The Government's guidance and timeline are necessary.</p>
11.	NEXT REVIEW MEET	The next review meet could be taken within a month