

PRESIDENT
Deepak Goradia

IMMEDIATE PAST PRESIDENT
Nayan A. Shah

PRESIDENT-ELECT
Boman Irani

SR. VICE PRESIDENTS
Harish Patel
Nainesh Shah
Domnic Romell
Bandish Ajmera

VICE PRESIDENTS
Sukhraj Nahar
Jayesh Shah
Ajay Ashar

HON. SECRETARY
Pritam Chivukula

TREASURER
Munish Doshi

SPECIAL PROJECTS
Parag Munot
Sandeep Raheja
Navin Makhija
Rasesh Kanakia
Shahid Balwa
Subodh Runwal

HON. JT. SECRETARIES
Shailesh G. Puranik
Dhaval Ajmera
Pratik Patel

JT. TREASURERS
Mukesh Patel
Tejas Vyas

CO-ORDINATORS
Nayan Bheda
Raajesh Prajapati
Dr. Harshul Savla

COMMITTEE MEMBERS
Gautam Ahuja
Deepak Gundecha

INVITEE MEMBERS
Shailesh Sanghvi
Sachin Mirani
Nikunj Sanghavi
Rajeev Jain
Shyamal Mody
Digant Parekh
Rushank Shah
Samyag Shah
Jayesh C. Shah
Sunny Bijlani
Sahil Parikh
Naman Shah
Ricardo Romell
Binitha Dalal

PAST PRESIDENTS
Mayur Shah
Dharmesh Jain
Vyomesh Shah
Paras Gundecha
Pravin Doshi
Mohan Deshmukh
Mofatraj Munot
Rajnikant Ajmera
Late G. L. Raheja
Late Lalit Gandhi
Late Babubhai Majethia

CREDAI-MCHI UNITS

PRESIDENT, THANE
Jitendra Mehta

PRESIDENT, KALYAN DOMBIVLI
Shrikant Shitole

PRESIDENT, MIRA VIRAR CITY
Ashit Shah

PRESIDENT, RAIGAD
Madhhu Patil

PRESIDENT, NAVI MUMBAI
Vijay Lakhani

To,

Shri Iqbal Singh Chahal (I.A.S.),
Hon'ble Municipal Commissioner
Municipal Corporation of Greater Mumbai
Mumbai



Sub: Grant of TDR including Incentive against Surrender of land under Table 12-A of DCPR 2034

Respected Sir,

In this regard, we have to submit that the MCGM has taken a stand that if any reserved land is situated within an approved layout and there exists a condition in the said layout approval to handover the reserved land as and when demanded by the MCGM, the landowner would not be entitled to the incentive as provided in 12A of regulation 32 of DCPR 2034. Regulation 32 inter alia states as under:-

Provided also that Additional/incentive Transferable Development Right (TDR) to the extent of 10% and 5% of the surrendered land area shall also be allowed to the land owners who submit the proposal for grant of Transferable Development Rights (TDR) and if land is surrendered to MCGM within 24 months and 36 months respectively from the date of coming into force of these Regulations. The owner may opt for the said entitlement in the form of FSI on the balance plot or in the same layout as permissible under these Regulations. Provided that the quantum of Transferable Development Rights (TDR) generated by D.P. Road/reservation in CRZ/BDP/HTHS/Low Density Zone/Hazardous Zone/ Special Development Zone areas or in areas which have some natural or legal impediment or constraint on construction or development, etc. shall be 50% of normal TDR generated as prescribed above in Table 12 A of these Regulation. Provided that the Municipal Commissioner shall be satisfied that the said land can be used for the intended purpose.

It is also the MCGM's stand that MCGM had earlier issued guidelines under No.ChE/DP/Gen/37206 dated 16.03.2017 in lieu of TDR notification issued by the UDD bearing no.TPS-1813/3067CR-122/MCORP/12/011-13 dated 16.11.2016 wherein Sr.No.5 of the said circular mentions as under:

"No incentive shall be allowed for the proposal submitted before publication of notification under referred dt. 16.11.2016"

It is also the MCGM's stand that the layouts are approved as per Sec.302 of the MMC act and terms and conditions of the approval of the layout are accepted by the owner in the form of a Registered Undertaking. Moreover, as per MCGM, Note 4 of Table 7 of the DCPR 2034, the owner should give advance possession of the land wherever applicable to be handed over to the MCGM/Appropriate Authority at the time of seeking approval for development of the plot. Further, as per MCGM the spirit of incentive TDR is to motivate the land owners of reserved land, which are not part of any layout to MCGM/appropriate authority immediately for effective and early implementation of DP 2034 and not in cases where layouts were approved in the past prior to the DCPR 2034 notification dated 16.11.2016 as stated in the circular No.ChE/DP/Gen/37206 dated 16.03.2017.

In this regard it is respectfully submitted that the stand taken by the MCGM is contrary to the provisions of regulation 32 of DCPR 2034 and no exceptions as contended by the MCGM are provided in the said regulation. Moreover, with the advent of the DCPR 2034 the Notification and the circulars referred to by the MCGM prior to the DCPR 2034 are no longer valid and cannot be taken into consideration while examining cases for grant of TDR and incentive thereon.

Sir, as you are aware, the MCGM is already saddled with claims worth thousands of crores from land owners who are seeking compensation from the MCGM in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (also Land Acquisition Act, 2013) and not taking TDR due to the unfavorable policies adopted by the MCGM. In addition to such policies even the practices adopted by the MCGM are not in tune with the regulations itself.

CREDAI-MCHI Prayers

In view of the same, we respectfully submit that the land owners who have surrendered their lands within the window period wherein they were eligible for incentive as provided under Regulation 32 ought to be granted the incentive TDR as provided in the regulation and non-grant of the same would not only be illegal but also amount to injustice.

We therefore humbly request for your kind consideration to the issue mentioned above.

Yours faithfully,

For CREDAI-MCHI



Deepak Goradia
President



Pritam Chivukula
Hon. Secretary