CREDAI-MCHI

Ref. No. MCHI/PRES/22-23/196
Date: 24/5/2022

24/05/22
लिपिक
प्रधान सचिव (नवि-१)
नगर विकास विभाग
मंत्रालय, मुंबई ४०० ०३२.

To
Dr. Bhushan Gagrani (I.A.S.)
Additional Chief Secretary
Urban Development Department (I)
Government of Maharashtra

Sub: Draft Minutes of meeting on DCPR 2034 suggestion for the kind consideration of the Department

Respected Sir,

Firstly, CREDAI-MCHI would like to thank, you and the entire Urban Development Department for the meeting dated 16th May 2022. We are extremely pleased with the passion of yours and the team for resolving the issue to revive real estate of Mumbai. We are blessed to have guidance and support from you on constant basis.

Sir, as per our detailed discussion on 16th May 2022, we would like to submit the points and action to be taken report for your kind reference. Accordingly, we can have follow up meetings to discuss the progress on actionable point with UDD department.

We are extremely confident under your leadership and guidance, we overcome all the challenges face in the implementation of DCPR 2034 and maximum benefit can be availed by the stakeholders.

Thanking you for your continuous support.

Yours faithfully,
For CREDAI-MCHI

Boman Irani
President

Dhaval Ajmera
Hon. Secretary

Encl: As mentioned above

Maharashtra Chamber of Housing Industry
Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.
Tel: 42121421, Fax: 4212 1411/407 Email: secretariat@mchi.net Website: www.mchi.net

CREDAI-MCHI

Draft Points Minutes of Meeting with Shri Bhushan Gagrani Additional Chief Secretary UDD (1)

THE PROVISION APPLICABLE ALL OVER MAHARASHTRA SHALL BE MADE APPLICABLE IN DCPR 2034 IN CERTAIN CASES FOR UNIFORMITY

		DCPR 2034		UDPCR 2020		REMARKS	UDD Decision
			Clause No		Clause No		
	TEMPORARY STRUCTURE						
A	Temporary structures for godown / storage of materials	Permission Required	57(iii)	Permission Not necessary	2.1.2 (x)	UDPCR PROVISION TO BE ADOPTED	UDD agreed to examine the issues
B	Temporary site office , sample flats , watchman chowky , labour camps	Permission Required	57(IV)	Permission Not necessary	2.1.2 (xi)		UDD positively considered

AMENITY OPEN SPACE Residential & Commercial Zone							
							UDD agreed to examine the suggestion
	Plots / layouts of area 4000 to 10000 sqm	5%	14 A	NIL%	Modified regulation in JAN 2022 clause 3.5.1	UDPCR PROVISION TO BE ADOPTED	
	Plots / layouts of area More than 10000 sqm	5% + 10% of Area more than 10000 sqm	14A	NIL%			
	Plots / layouts of area More than 20000 sqm			5%			
C	Amenity Open Space insisted over Area Plot Area Amenity Open Space for the development already started with due approval.	Plot Area Excluding Road but including Reservation required as per Transition Policy for balance development	14A	It is excluding Road and reservation on both	3.5.1	Note required	UDD agreed to examine the suggestion

	Development of Amenity Open Space	to be handed over by MCGM and to be developed by MCGM Only		Amenity can be developed by Owner for the uses mentioned in definition of Amenity. Authority may insist hand over only if they require land for SIX purposes such, Garden, Playground ,Municipal School, Municipal Hospital, Fire Brigade, Housing for PAP Regulation 3.5.1		UDPCR PROVISION TO BE ADOPTED	
	AMENITY OPEN SPACE CONVERSION FROM INDIUSTRIAL TO RES /COMM ZONE						
D	Premium for Allowing Residential / Commercial Uses in Industrial Zone (I to R/C permission)	20%	14 B	5%	4.8.1(b) (i)	UDPCR PROVISION TO BE ADOPTED	
	Premium can be recovered on part of the plot whose conversion is proposed	Premium is recovered on Entire plot area even part of the plot is converted from	14 B Note I	Premium is recovered on part plot area when part of the plot is converted from Industrial to R/C	4.8.1(b) (xii)		UDD informed that the suggestion will require approval from cabinet

		Industrial to R/C					
	% AOS required for conversion of I to R/C						
E	Plots / layouts of area up to 2 hector	10%	14 B	10%	4.8.1(b)(v)	UDPCR PROVISION TO BE ADOPTED	
	Plots / layouts of area 2 hector to 5 hector	2000+20% of area above 2 Hect		2000+ 15% For area above 2 Hector			UDD will examine
	Plots / layouts of area More than 5 hector	8000 + 25% of area above 5 hector					

F	BASIC FSI	On Net Plot Area	Regulation 30 Table 12	On Net Plot Area	Regulation 6.3 Note xiv) Below Table 6 G	UDPCR PROVISION TO BE ADOPTED	UDD will examine
	Premium FSI			On Gross Plot Area			
	TDR			On Gross Plot Area			
	Road Area	Over and above allowed		Not allowed			

G	Lift Well Area with respect to FSI	premium is recovered at every level even if VOID is there	Regulation 31 (1)	Lift Well is counted once in FSI as per NBC norms	as per NBC 2005 / 2016	Premium to be recovered once Only	UDD will discuss the issue MC MCGM

H	Open Space requirement for buildings provided with Mechanical Light & Ventilation (Commercial & Industrial Buildings)	Provision of Glass facade where only Light is derived but no ventilation is considered as Light & Ventilated side	Regulation 41 Table A	Artificial Light & Ventilation requirements can be met through Mech Light & Ventilation	regulation 9.20.3	As there is no deff in Light & Ventilation premium cannot be charged on account of deficient Light and ventilation provided proper fire engine movement requirement is met with	UDD in principal agreed to the suggestion and will look into the suggestion positively
	SLUM REDEVELOPMENT AUTHORITY						

J	Utilisation OF Premium & TDR in Case of Regulation 33 (11)	MCGM is allowing Utilisation of TDR & Premium in case of similar regulation 33(20)(B) as per provision 30(12) read with 33(11)	Regulation 30 Table 12 , 33(11), 33(20)(B)	As regulation 30(12) permit combination subject to Max CAP same shall be allowed in SRA 33(11) also	PROVISION OF 30(12) TO BE IMPLEMENTED	UDD will examine the suggestion

OTHER ISSUES IN UD PRESENTATION		
Regulation 33(19)	30% Res USER ON ENTIRE 5 FSI Additional FSI to be permitted on to signatory's plots in the Line of Clarification issued for reservation plot for 33(19)	UDD will examine the suggestion

DEVELOPMENT CHARGES APPLICABILITY					UDD will examine
		Land Comp	Building Compo		

Development Charges cases	No Development Charge	Land is developed prior to 10/8/1992	IOD is granted prior to 10/8/1992	MRTP ACT 124A i), ii)	This has already been incorporated in UDPCR. No new charges for land developed prior to 10 August 1992. Only charge for building component can be charged. UDPCR Clause No. 2.2.13 (IV)
	For Reconstruction of building approved prior to 10/8/1992	No Land component to be recovered as land is already developed	Building component to be recovered as per USE of bldg		

		Land Comp	Building Compo		
Development Charge for Change of USE in already approved building prior to 10/8/1992 / (not paid development charges earlier)	Residential to commercial	Premium at Commercial rate	Premium at Commercial rate	AS no Development charges recovered Earlier	Charges shall be recovered for the same purpose as no development charges are recovered earlier under same head
	Commercial to Residential	Premium at resi rate	Premium at resi rate	AS no Development charges recovered Earlier	
	Industrial to Residential	Premium at Resl rate	Premium at Resl rate	AS no Development charges recovered Earlier	
	Industrial to commercial	Premium at Commercial rate	Premium at Commercial rate	AS no Development charges recovered Earlier	

		Land Comp	Building Compo	

Development Charge for redevelopment of buildings which has paid development charges at the time of earlier development at prevailing rate	Residential to commercial	Premium at difference in Resi & Comm rate	Premium at difference in Resi & Comm rate	Development charges are already paid for res	Charges cannot recovered for the same purpose once already paid at prevailing rate so only todays rate difference be charged for change
	Commercial to Residential	No development charge as already recovered at rate more than Residential	No development charge as already recovered at rate more than Residential to be charged only for additional area	Higher User Development charges area already paid hence no development charges is required to be paid.	
	Industrial to commercial	Premium at difference in Industrial & Comm rate	Premium at difference in Resi & Comm rate to be charged full for additional BUA	Development charges are already paid for Industrial hence no development charges is required to be paid.	

	Industrial to Residential	No development charge as already recovered at rate more than Residential	No development charge as already recovered at rate more than Residential to be charged only for additional area	Higher User Development charges area already paid hence no development charges is required to be paid.	

Sr. no	Issues / Suggestion from CREDAI-MCHI	Government Decision
1	Request for Extension to installment facility in premium payable to State government: **GoM resolution dated 19.09.2019 was valid for 2 years is required to be extended.** Request to kindly extend the installment payment scheme on premium payable to state government, MSRDC, Dharavi redevelopment projects, MMRDA, MHADA, etc.	ACS Agreed with Submission UDD will request for proposal from MCGM
2	<u>Levy of Development Charges</u>:- It was submitted that the MCGM is illegally charging development charges for developed land and existing BUA therefore contrary to Sec 124(A) MRTP Act. It was further submitted that the MCGM/Government also levies premium for grant of additional FSI under various provisions of DCPR such as Fungible Area, Additional Premium FSI under regulation 33 etc. which is essentially a development charge U/s 22(M) of MRTP Act. It was submitted that contrary to law MCGM charges further development charges u/s 124 (A) on the development charge collected under sec 22(M) which is essentially illegal. It was therefore submitted	Already discussed UDD will examine

	that UDD must issue directions to the MCGM to stop the forthwith and not charge development charge on developed land existing BUA and premium FSI purchased from MCGM/Govt.	
3	Levy of Development Cess:-It was submitted that development cess though differed for 2 years is proposed to be charged on the additional FSI purchased from the MCGM/Govt. which is not permitted under MRTP Act. It was therefore requested that the same be clarified and also levy of development cess be differed by 5 years and not 2 years.	UDD will examine
4	**Levy of Premium for exemption of area under staircase/lift/Lift lobby as per DCPR 31 (1).** It was submitted that contrary to the DCPR and the National Building Code, the MCGM was also illegally collecting the premium for the lift well and the fire staircase. It was submitted that despite several request MCGM continues to illegally levy premium for the same which is required to be stopped by issuing necessary direction to the MCGM.	UDD will examine
5	MCGM charges open space deficiency premium to approve building plans that do not provide Open space in accordance with the requirement of DCPR for adequate national light and ventilation. Regulation 41 table A of the DCPR interalia provides. **Open space deficiency is generally created upon use of additional FSI in the form of TDR, Premium FSI and Fungible FSI. The Zonal FSI for city is 1.33 and for suburbs is 1.00. However as per Table 12 further FSI is permitted.** FSI in the city is 3.00 and in the suburbs is 2.5. Further 35% fungible FSI is permitted over and above the permissible FSI. The TDR/ FSI availed on payment of premium and TDR is 67.2% for the city and 70.3% for the Suburbs. Further as per previous practice of the MCGM under DCR 1991, open space deficiency was charged at 10% of the normal rate (i.e 2.5%) for premium FSI and TDR. The deficiency was pro-rata calculated and premium worked out accordingly.	UDD will discuss the issue with MCGM

6	**Grant of TDR in respect of Reservations** - The regulation reduces the quantum of TDR to be granted for HTHS zone to 50%. There is no definition in the DCPR of the HTHS zone. It appears that this concept has come from Pune DP wherein the PMC has earmarked HTHS zone in the DP. However, the MCGM is now using this provision without any corresponding zoning in the DP and arbitrarily granting 50% TDR for any land which it perceives as a hilly land. There is no provision in the DCPR to do so. It is therefore submitted that **UDD may clarify that only areas specifically marked in the DP as HTHS or Green Hill slopes will attract the above provisions. For the rest of areas where no DP specification is available TDR as per Regulation 32 Table 12 A shall be granted.** In case of reservation TDR granted as per dcr 1991 there shall be no time period for utilisation of the same . UDD will issue necessary clarification for the same.	
7	**Payment Timelines for Statutory Premiums** All premium/charges/levies/cess etc. should be permitted to be paid on a 20:80 scheme i. e 20% upon issue of full CC and 80% before OC to be paid in proportion to the O.C granted. 8.5% simple interest as per MCGM policy shall be paid. The amount deferred to be secured by lien / mortgage of sale units.	UDD informed that the suggestion will be discussed with Municipal Commissioner MCGM
9	**Lands in SDZ be allowed to be developed for PAP, transit tenements, Affordable Housing, Staff quarters under Accommodation Reservation Policy**	UDD informed that is part of EP
10	**The second Staircase to be free of FSI without charging Premium as per Reg. 48(5)(A)(E).**	UDD informed that the request is already under consideration

<table>
<tr><td>11</td><td><u>TDR/ BUA in lieu of construction cost of built-up amenity</u>
A suitable formula shall be worked out to allow the project proponents to cover the cost of construction of built-up amenity</td><td></td></tr>
<tr><td>12</td><td><u>Pending EP's of DCPR 2034 to be finalized</u></td><td>Under Process</td></tr>
<tr><td>13</td><td><u>Land handed over as amenity under DCPR- 14(A)(iii) of DCPR- 2034 should not be deducted from computation of FSI of the plot.</u>

<table>
<tr><td><u>As per present Practice Proforma</u></td><td></td><td></td></tr>
<tr><td><u>Road width more than 27 m</u></td><td></td><td></td></tr>
<tr><td><u>Plot Area</u></td><td>-</td><td>19,500.00</td></tr>
<tr><td><u>AOS as per 14 (A)</u></td><td></td><td>1,450.00</td></tr>
<tr><td><u>Net Plot Area</u></td><td>-</td><td>18,050.00</td></tr>
<tr><td><u>Basic FSI</u></td><td>-</td><td>18,050.00</td></tr>
<tr><td><u>TDR + Premium FSI</u></td><td><u>1.5</u></td><td>27,075.00</td></tr>
<tr><td><u>Total BUA</u></td><td>-</td><td>45,125.00</td></tr>
</table>

<u>Proposed Proforma</u></td><td>UDD will examine</td></tr>
</table>

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<tr><td></td><td><table>
<tr><td colspan="3"><u>Road width more than 27 m</u></td></tr>
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<tr><td><u>Basic FSI</u></td><td>-</td><td>19,500.00</td></tr>
<tr><td><u>TDR + Premium FSI</u></td><td>1.5</td><td>29,250.00</td></tr>
<tr><td><u>Total BUA</u></td><td>-</td><td>48,750.00</td></tr>
</table>
<u>Land being taken from land owner without compensation Monetary or FSI which is ex facie illegal under law.</u>
<u>UDD is requested to issue u/s 154 to correct this error apparent on record</u></td><td></td></tr>
<tr><td>14</td><td>Regarding the approved layout as per Form 14 (A) DP 1991: For current layout where (sanctioned) DP has been approved as per 1991 and CCs have been approved in development prior to publication of draft DCPR. There should be no insistence on providing facilities as per the transition policy clause of MCGM DCPR 14 (A). This should only be applied to the new proposal, if it has been applied to the current layout, it would be only 15% RG's Basic F. S.I and which is available as per DCPR-2034. Should be applied to which the developer can claim in the current layout or take advantage of it as per DCPR.</td><td>Request denied</td></tr>
<tr><td>15</td><td>In Regulation 17(1)20 sr no (viii)(b) where reserved land is more than 5 Hectares additional BUA should be 100 % of the plot area transferred .(SAME AS PER LAND LESS THAN 5 HECTARES AS PER AR 17(1)(20)(a).</td><td>UDD agreed with the suggestion and informed necessary action</td></tr>
</table>

	If submitted there is no rational basis to penalize a land owner of a larger land who handover larger area to the MCGM viz a land owner handing over smaller area under the same regulation. It is therefore submitted that there should be parity in FSI irrespective of land area.	will initiated post MCGM remarks

Plot area < 5 H proforma as per regulation 17(1) (20) (a)		
Road width more than 27 m		
Plot Area		49,500.00
Land to surrender	70%	34,650.00
Permi. FSI		2.50
Perm. BUA		
Plot FSI	2.5	123,750.00
Surrender Land FSI	100%	34,650.00
Total Perm. BUA		158,400.00

Plot area < 5 H as per regulation 17(1)(20)(b)		
Road width more than 27 m		
Plot Area		51,000.00
Land to surrender	70%	35,700.00

Permissible. FSI		2.50
Perm. BUA		
Plot FSI	2.5	127,500.00
Surrender Land FSI	50%	17,850.00
Total Perm. BUA		145,350.00

Plot area < 5 Hector **Proposed Proforma** as per regulation 17(1) (20) (a)

Road width more than 27 m		
Plot Area		51,000.00
Land to surrender	70%	35,700.00
Permi. FSI		2.50
Perm. BUA		
Plot FSI	2.5	127,500.00
Surrender Land FSI	100%	35,700.00
Total Perm. BUA		163,200.00

16	Ongoing through the Reg. No. 14(B) of DCPR 2034, it is seen that 10% to 25% area is to be provided as Amenity open space, while converting the land from Industrial Zone to Residential/Commercial use. It is further seen that this is possible where vacant land is available for development, or the existing factories are proposed to be demolished, so that the amenity can be provided. In cases where existing Industrial buildings need to be converted to Commercial offices, OR in cases where work is carried out, and needs to be regularized for the purpose of commercial use, it is not possible to provide land for Amenity space, because there is no vacant land available. In case of Reg. 14(A), there are options available to offer 50% BUA equal to 100% land area of Amenity in the Proposed Building, or alternatively, to recover the premium for not providing amenity due to various hardships. Moreover, no T.D.R. is permissible in Industrial Zone, because Govt. wanted to close down industries in Mumbai, Such provisions are not made in the case of Reg. 14(B) and there are some I to C conversion proposals are stuck up for this reason. We, therefore request you to issue clarification under reg. 4 (3) of DCPR 2034 that for I to C cases of conversion where work is already carried out or building is existing and where it is not possible to provide physical amenity, in all such cases, providing 50% BUA instead of 100% land area, of Amenity or by charging premium be allowed for conversion from Industrial to commercial. In case of change of user of existing approved individual buildings to commercial. No amenity should be insisted and premium to be recovered against the same.	
17	In 17(1) (15) where plot is affected under AR and the authority is other than MCGM, noc should deemed as be granted if the same is not approved within 45 days of submission to the appropriate authority. (The reason for the above is other authorities aren't granting NOC for more than 6 months and still they have doubts and lingering the matter for no reason)	UDD agreed if within specified days NOC is not received from the respective authority, UDD will assign the reservation to other authority

18	TDR for Mangroves for the land with clear title to be granted. This will ensure that mangroves which are declared as Forest will be protected	Not accepted
19	Allow combination of regulations in all redevelopment projects in line with clarification granted by UDD on 13.04.2022 in respect of 33(12) and 33(7). The maximum cap to be honoured for that individual provision only. In case of clubbing of schemes as permitted in 33(7), the said Cap should not be applicable.	UDD will examine
20	IH Should be applicable for plot more than 20000 mtrs instead to 4000 mtrs and should be not more than 10% of Zonal Basic FSI instead of 20% (as with AS and IH are more than that is required in I to R).	UDD agreed with the suggestion
21	The Use of Industrial and commercial land should be charged at par with residential land and MCGM should be directed that all payments fees etc are to be charged at par with land use and should be charged at the same residential value instead of charging 1.5 times for industrial use and 2 times for commercial use.	UDD will examine
25	Regarding payment of premium for conversion from industrial zone to Residential / commercial zone as per reg. 14(B) of DCPR 2034 1. Recover premium only on part of plot which is converted from Industrial to R/C not on entire holding in industrial zone. 2. Premium is not to be recovered on AOS plot which is to be handed over to MCGM and does remain with owner for development 3. Premium not to be recovered on reservation area proposed to be developed as per AR policy as part of plot is being handed over to MCGM	UDD will examine
26	Redevelopment under reg. 33(2) of DCPR 2034 building of Medical d Educational institutions and other institutional building covered under reg. 2(iv)(17)g	Udd agreed with the suggestion and assured to look into the suggestion

	We suggest that redevelopment of such buildings as mentioned in reg 2(IV)17 should be allowed to utilize FSI by paying premium or TDR at the option of the developer. Further, we also request that the premium charged for Redevelopment should be at par with 33(10)		
27			
	Reg. 14(A): -For area of AOS up to 350 sqmt. option to be given for allowing constructed BUA equal to area of AOS at ground or 1st floor with separate access. The BUA to be allowed free of FSI and FSI/ TDR to be granted as per BUA of Reservation as per Reg. 17(1).	As per Reg. 14(A), from 4000 sqmt. to 10000 sqmt 5% is to be earmarked as Amenity Open Space and hence for plot up to 10000 sqmt the required AOS will be 350 sqmt. And the same is to be handed over to MCGM as POS. The area adm. 350 sqmt. will be small the general public to use it as POS. Hence, it is proposed that the area of AOS up to 350 sqmt. may be allowed to be developed for such built up amenity which is in short in the concerned ward within the building at gr. / 1st floor with separate access. The BUA of the same to be permitted free of FSI and FSI in lieu of constructed amenity to be granted as per AR policy of Reg. 17(1) and over and above the permissible FSI if claimed within the plot. Otherwise, TDR as per Reg. 32 for built up amenity to be granted. Option to be provided to developer to pay premium for Land not handed over as per 1.1 times of Land ASR (10%	UDD Informed that they will examine the suggestion

		additional) or provide similar area of equivalent ASR value within same ward	
28	Reg. 14(A) & Reg. 17(1): - AOS as per Reg. 14(A) should not be insisted in case where the reservation are developed under AR policy as per Reg. 17(1).	As per Note (1) of Reg. 14-A, No AOS is required if entire plot is reserved in D.P. Further, as per note 20 (vi) of Reg. 17(1), AOS is not required if the reservations are developed under AR policy. Majority of the plots are partly reserved & partly in R or C zone. Hence, if the partly reserved plots are developed under AR policy, then as per the note 20(vi) of Reg. 17(1). AOS should not be insisted for the Reserved plot.	Already discussed
29	Reg. 17(1): - To extend the validity of the Reserved land to be handed over to BMC / Appropriate Authority in case of development of Reservation under AR Policy.	As per note 20 (viii) of Reg.17(1), the BUA along with land is to transferred within 5 years from date of sanction of DCPR in order to avail over and above FSI of land transferred to MCGM/ Appropriate Authority. Hence, this benefit is valid up to 07.05.2023. The same to be extended further for 2 years in view of pandemic for almost 1½ year.	UDD requested to submit the request next year
30	Reg. 19(2): - In case of the redevelopment as per Reg 33(9) & 33(9)(B), the height of the building to be permitted up to 120.00 mts. & more than 120.00 mts. for plots abutting to the road having width of 9.00 mts. and 13.00 mts. respectively.	As per the proviso in Reg. 19(2), in case of redevelopment schemes under Reg. 33(7), 33(7)(A), 33(7)(B), 33(10) & 33(10)(A) the height of the building permissible is 120.00 mts. & more than 120.00 mts. for the plots abutting to the road having width of 9.00 mts. & 13.00 mts. respectively. Since, the Reg 33(9) & 33(9)(B) is also redevelopment of existing building under Cluster redevelopment scheme, the	UDD will take this suggestion later

		benefit for the permissible height given in other regulations for redevelopment should be granted.	
31	33(7)(8) 33(7)A(21) 33(9) 13.14. Existing provision Relaxation in building and other requirements for rehabilitation: Notwithstanding anything contained in these Regulations, the relaxations incorporated in sub Regulation No. 6 of Regulation No. 33 (10) of these Regulations except clause 6.11, 6.16 & 6.18 shall apply. The payment of premium at the rate of 10% of normal premium or at the rate of 2.5% of the land rates as per ASR (for FSI1), whichever is more shall apply.	Proposed modification: Relaxation in building and other requirements for rehabilitation: Notwithstanding anything contained in these Regulations, the relaxations incorporated in sub Regulation No. 6 of Regulation No. 33 (10) of these Regulations except clause 6.11, ~~6.16~~ & 6.18 shall apply. The payment of premium at the rate of 10% of normal premium or at the rate of 2.5% of the land rates as per ASR (for FSI1), whichever is more shall apply.	Not discussed
32	Clarification pending on Combination of 33(7) and 33(10) on Municipal tenanted property AS per 33(7) (20) in case of Municipal tenanted plots with slums same shall be allowed to be	Working of slum component to be as per provision of 33(10) only and cannot be treated as non-cess as MCGM is working out. It should be on par with SRA where both component are treated separately i.e for slum as per 33(10 and cess as per	Not discussed

	developed with planning authority being SRA or MCGM However, regulation applicable to Slum component is not mentioned SRA Is planning authority – It works out FSI for slum as per 33(10) and cess as per 33(7) And if MCGM is planning authority it works out both as per 33(7) assuming slum as non-cess	33(7) , clarification from MCGM has been send to UD – decision pending	
33	Clarification pending on incentive on 33(7)(19) – non cess within 45% Limit	In 33(7) for non-cess prior to 1969 are treated on par with cess and in case of FSI 3.00, plot area granted FSI 3.00 on non-cess component of plot, however in case of incentive same is not granted as MCGM has send to UD clarification . FSI 3.00 or incentive are proviso of same regulation and MCGM should keep parity when application of same.	Not discussed
34	Clarification on Composite building wing – similar to 33(9) for 33(7) 43B(7)A	33(9) – definition of composite is as follows " 13.8 A composite building **(comprising all wings)** under CDS shall have at least 50 percent of BUA as rehabilitation component." same to be made applicable to 33(7) .33(7) A	
35	Reg. 33(7)(B): - Incentive FSI for redevelopment of existing buildings under Reg. 33(7)(B) to be permitted on par with Reg. 33(7)(A). Also, all the benefit of	Reg. 33(7)(B) is also redevelopment of existing authorised buildings and all the benefits of incentive FSI and premiums should be granted in the redevelopment under Reg. 33(7)(B).	

	premiums to be granted in case of Reg. 33(7)(A) to be extended to Reg. 33(7)(B)		
36	Clause 3.3(1)(h) Of Reg. 34: - In case of non-residential buildings in Residential zone separate access requirements should be insisted.	As per clause 3.3(1)(h), separate staircase is not required for non-residential buildings in C & I zone. As such in all non-residential buildings in C & I zone separate staircase for various users permitted as per Table No. A of Reg 34 is not required. However, for entire non-residential building as per Table No. A of Reg. 34, separate staircase is required for various users as upper floors in Residential zone. There cannot be any differentiation in the similar buildings situated in different zone. Hence, in clause 3.3(1)(h) of Reg. 34, R zone should be added so that separate staircase will not be insisted for non-residential buildings in R zone.	
37	Reg. 47(A) & 47(B): - In Reg. 47(A) & 47(B), the restrictions on projections of Podium of 6.00 mts. beyond building line to be insisted on the side of the building where Refuge area is proposed.	As per Reg. 44, parking spaces are required to be provided. The same are permissible at podium levels. In order to provided required parking spaces in podium level the podiums are proposed with projections more than 6.00 mts. Hence, it becomes plan difficulty if projection of the podium is not proposed beyond 6.00 mts. Hence, the same should be permitted.	Not discussed
38	Reg. 70: - Incentive FSI to be given to the owner / developer for construction of Energy Efficient Buildings as per Reg. 70.	As per Reg. 70 there is option to the developer for constructing Energy Efficient Buildings. However, there is no provision for any incentive. Hence, to incentivize construction of Energy Efficient Buildings, the owner / developers should be granted incentive FSI. The incentive	UDD agreed that some incentive (50% Concession in premium) for Platinum rated building

		FSI should be permitted over and above permissible FSI of the relevant regulation under which the proposal is submitted.	It was also suggested same need to be represented to Environment department / Minister

	MHADA	Government Decision
1	MHADA vide its recommendation dated 25th July 2019 had recommended that the incentive sale FSI against the rehab component be brought on par with DCPR 33(9), as MHADA would like to have cluster redevelopment of its colonies. However urban Development Department has not yet approved MHADA's request. **UDD is requested to issue necessary directions u/s 154 to this effect to encourage redevelopment of MHADA colonies.**	To be taken Jointly with MHADA and Housing
2	Under DCPR 33(5), MHADA has prescribed the minimum area for rehabilitation and the said area is based on the existing rehabilitation area or minimum area, MHADA has further provided for incentive incrementalarea i.e. to say if the layout is larger than the rehabilitation tenement size is also larger. However,while computing the premium payable in respect of FSI to be paid to MHADA, MHADA is only deducting the existing built up area and not the actual rehabilitation area for e.g. if the existing tenement size 150 sq.ft. and the minimum prescribed rehab area is 376 sq. ft. MHADA demands payment for the 226 sq.ft. area difference as a premium from the developer/society. It is respectfully submitted that the rehabilitation area is prescribed by the Government and to charge for the rehabilitation area is completely contrary to the spirit of the regulation. **In view of the same, it is submitted it should be allowed to deduct the actual rehab area and charge premium only for the area available for sale**	UDD principally agreed, To be taken Jointly with MHADA and Housing

<table>
<tr><td>3</td><td> The Fungible Compensatory Area for Redevelopment under 33(5) as provided under Regulation 31(3) of DCPR 2034 allows without charging premium is to the extent of 35 sq. mtrs. for EWS/LIG category.
Regulation 31(3) of DCPR 2034 says 'In case of redevelopment under regulation 33(5), 33(6) & 33(7) (B) of the Regulation the fungible compensatory FSI area admissible on existing BUA shall be granted without charging premium. Provided further that in case of redevelopment schemes of EWS/LIG category under Regulation 33(5) where rehab entitlement not exceeding 35 sq mt, then fungible compensatory area on such rehab entitlement shall be granted without charging premium'. However, the SPA MHADA is granting free fungible FSI only to the extent of 35% on the existing BUA (as per lease deed or area certified by REE, MHADA). In view of the same, it is submitted that entire fungible compensatory FSI on the rehab component not exceeding 35 sq mt shall be granted without charging premiums. </td><td>UDD principally agreed, To be taken Jointly with MHADA and Housing</td></tr>
<tr><td>4</td><td>The rehab entitlement under Regulation 33(5) of DCPR 2034 is determined by the State Government from time to time. As per Regulation 33(5) of DCPR 2034 the redevelopment of MIG/HIG has now been permitted for the tenements having area up to 80 sq mt. However, the Fungible Compensatory Area without charging premium has been restricted to Redevelopment of Schemes of EWS and LIG category only and to the extent of the rehab entitlement not exceeding 35 sq mt (as mentioned in earlier clause). The aforesaid restrictions under Regulation 31(3) isunreasonable and there is no correlation between exclusion of the category under MIG and HIG since the rehab entitlement for these categories have been determined by the Government which is up to 80 sq. mtrs.
In view of the above, we propose the following modification in Regulation 31(3) of DCPR 2034 as under: <table><tr><td>31(3) as per Existing DCPR 2034</td><td>Proposed Modification</td></tr></table></td><td>UDD principally agreed, To be taken Jointly with MHADA and Housing</td></tr>
</table>

	<table><tr><td>Provided further that in case of redevelopment schemes of EWS/ LIG category under Regulation 33(5) where rehab entitlement not exceeding 35 sq. mtrs. then fungible compensatory area on such rehab entitlement shall be granted without charging premium.</td><td>Provided further that in case of redevelopment schemes of EWS/ LIG / MIG category under Regulation 33(5) where rehabentitlement has been determined by the Government under these regulations, then fungible compensatory area on such rehabentitlement shall be granted without charging premium.</td></tr></table>	
5	**Schedule for payment of MHADA Premium in 10:10:80 scheme.** The Real Estate Industry has been through a lot of turmoil in the last decade which has been exaggerated by the Pandemic. For survival and revival of the Industry it is imperative that the premiums are correlated to the stage of construction and incoming flow of the Developer so that projects are not stalled due to want of liquidity. In light of the same it is imperative that the schedule of payment of Premium in lieu of MHADA share as per clause 2.1 (c) of regulation 33(5) and as per option provided vide UD notification bearing no TPB-4321/CR-79/2021/UD-11 dated 18th August 2021 for the additional 1 FSI over and above 3 FSI should be in 10:10:80 format. (10% at the time of sanctioning the sale FSI in lieu of MHADA share, Further 10% at the time issuance of CC for such FSI and 80% at the time of OC).	UDD informed that MCGM should agree with the decision

	SRA	Government Decision
1	**Infrastructure charges:** In DCR 1991, the Infrastructure charges were charged on additional FSI over and above the basic FSI @ Rs.560/- per sq.mt. In DCPR 2034, Govt. of Maharashtra has revised the Infrastructure charges @ 2% of the R.R. Rate, which makes many Slum Schemes difficult to implement. The problem being it is applicable to both Rehab and Sale BUA. Usually Rehab BUA should not attract such charges. As a matter of fact, 33(10) (A) implemented by DRPA still maintains the original 840 Rs. Sq Mt. The infrastructure charge is the same as Development Cess levied under MCGM. MCGM levies the same for additional FSI over and above the Zonal / Protected FSI. As such Rehab BUA	UDD informed that SRA and Housing

	should not attract such provisions. We request SRA to continue the policy of charging the Infrastructure charges on additional FSI over and above the basic FSI @ Rs.560/- per sq.mt. Housing department should issue necessary GR in this regard.	should propose the suggestion
2	**Regulation 48 (5)(A)(e) of the DCPR 2034 pertaining to "Additional Staircase"** clearly states: "The fire escape staircase other than one required per building/wing shall be free of FSI without charging premium". Despite the law stating the above, the officers of SRA are recovering premium for the said additional staircase, whilst granting it free of FSI, putting unnecessary financial strain on developers and further hampering project viability. It is submitted that the said practice is illegal and contrary the regulations and necessary orders be issued to stop the same. UDD is requested to issue necessary clarification to this effect as agreed.	UDD to examine post discussion with SRA and Housing
3	**Staircase & Lift Area of Rehab building to be counted in Rehab Component:** When SRA policy was framed, the rehab building were constructed for Ground + 3 floor to 7 floors and SRA did not consider lift and staircase area to be the part of Rehab Component. Nowadays, due to high density developments, the majority of Slum Schemes are having Stilt + 30 to 40 story buildings along with basement for car parking and due to strict Fire Fighting norms, higher numbers of staircases and lifts are required. The cost of construction of staircase and lifts well / lifts – fire lifts are very high. Therefore, we request you to consider lift and staircase area in the Rehab Component to compensate the cost of construction of staircase and lifts well / lifts – fire lifts. **Moreover, premium for lift well for sale building should be changed one time as per Natural Building Code. SRA as planning authority can take this decision at its level.** Moreover, the premium for sale building (commercial) and Residential should be reduced to 10%. **UDD is requested d to issue direction u/s 154 to the SRA to this effect**	UDD to examine post discussion with SRA and Housing
4	Development agreements with land owners/ conveyance etc. should be valued at not over 25% of the land rate. Currently valuation is on basis of 3-4 FSI and not reflective of actual market value. Section 43CA of income tax act further imposes a 30% penalty (deemed evasion of income) on both buyer and seller for executing documents below stamp	

	duty valuations. This market it impossible for parties to transact as the valuation arrived at by the authorities is 10-15 times the fair market value of the transaction. Therefore, Housing department is requested to write to the revenue department to follow the principal of 25% land value as enshrined in the SRA Act. **UDD is requested to clarify that the LOI issued by the SRA shall in effect be the development agreement and any development agreement entitled between society of slum dwellers and developer can be signed on Rs 100/- stamp paper and the same can farm part of LOI.**	
5	**Land under taxation charged by MCGM is arbitrary.** FSI factor of 3-4 is applied by MCGM and LUC taxes have made all projects non- Viable. The tax is further recovered from the builder from the time one takes IOD/CC till receipt of OC. If project is delayed for any reason, LUC charges keep mounting. We humbly submit that no LUC should be charged for the Rehab Buildings. LUC for the sale building should be ascertained by using 1 FSI factor and should be charged slab wise in a staggered manner over the actual construction period of the building. SRA/Housing department was write to MCGM/UDD to rectify this situation. **UDD is requested d to issue direction u/s 154 to the MCGM to this effect**	
6	In SR schemes that have high FSI potential and where only 75% of land is available for construction, for making such schemes viable, it is necessary to incentivize Developers for opting for TDR, which can be done by giving double the TDR for unconstructed sale FSI. Housing department is requested to write to the UDD to amend DCPR 33(10) in this regard. **UDD is requested to examine the above issue and issue necessary directions in this regards to make SRA projects in airport funnel areas etc. viable.**	UDD requested for proposal from Housing department
7	• 33(10) 3.11 - construction TDR - time period for use within one year be removed and use it north of P line or as per current asr x bua x 1.2 only for transition cases be allowed.	
8	Reg. 33(11) of DCPR 2034 provides for construction of PTC tenements. The size of the tenements prescribed is	UDD will examine

	similar to rehab tenements in S.R. Schemes planned under Reg. 33(10). The PTC scheme is also allowed in City area of Mumbai. The scheme is not workable in city area of Mumbai due to very less incentive FSI available. Due to this, not one scheme under this section is submitted to SRA from City area in last two and half years. This clearly shows that the Regulation is not workable in City area of Mumbai. Reg 33(10) under DCR 1991, suffered from a major flaw i.e. it arbitrarily fixed the rehab to incentive ratio for city as 1:0.75 and for suburbs at 1:1. This flaw was rectified in DCPR 2034 and the rehab to Sale ratio has been linked to size of plot and SDRR Rate. This has increased the possibility of slums in areas with less SDRR rates also to get developed. It is suggested that the same formula as proposed under Reg 33(10) (3.8) be made applicable for Rehab to Sale ratio under Reg 33(11). This will ensure that PTC tenements shall be available in City area, where they are in need.	
9	Clubbing of two schemes under Reg 33(11) is permissible as per Reg 33(11) (G). A limit of 5 km or adjoining wards is prescribed for the clubbing. It is suggested that this limit is unworkable, especially for city area of Mumbai, where administrative wards are very small in size. It is suggested that the limit be raised to 10 Km. This scheme is allowed on plots abutting 12.00 m or more wide roads. On the other hands there is no such limit prescribed for development under Reg 33(12). Hence, many developers are opting for development under Reg 33(12). Thus, requisite PTC tenements shall not be available for implementation of SR Scheme, especially in City area of Mumbai, where Roads are narrow and there is no scope for widening. It is suggested that developments under Reg 33(11) may be allowed on roads that are 9.0 m or more in width.	UDD agreed that restriction of 10 Km radius to be removed and it shall be allowed across cities if developer agreed to pay differential rates of RR
10	As per reg. 33(11) of DCPR 2034, the FSI is allowed on net plot area, whereas as per reg 33(14b), which was the precursor of the present regulation, FSI was allowed on gross plot. Allowing FSI on gross area makes more PTC tenements available for SRA	UDD informed that it is already under process

	It is suggested that FSI under reg. 33 (11) may be allowed on gross plot area.					
11	Utilisation OF Premium & TDR in Case of Regulation 33 (11)	DCPR MCGM is allowing Utilisation of TDR & Premium in case of similar regulation 33(20)(B) as per provision 30(12) read with 33(11)	Regulation 30 Table 12 , 33(11), 33(20)(B)	UDCPR As regulation 30(12) permit combination subject to Max CAP same shall be allowed in SRA 33(11) also	PROVISION OF 30(12) TO BE IMPLEMENTED	UDD will examine the suggestion