O/C

CREDAI-MCHI

Ref. No. MCHI/PRES/22-23/202
Date: 26/5/2022

To
Shri Satish Lokhande (I.A.S.)
Chief Executive Officer
Slum Rehabilitation Authority
Bandra East, Mumbai

Sub: Draft Minutes of meeting on suggested amendment under SRA as discussed with Urban Development Department

Respected Sir,

We would like to bring to your attention that CREDAI-MCHI had a detailed meeting with Additional Chief Secretary Shri Bhushan Gagrani and Director Town Planning Shri Avinash Patil and entire Urban Development Department on 16th May 2022, to discuss various suggestion and issues with regard to DCPR 2034.

Sir, as per our detailed discussion on 16th May 2022, we would like to submit the points under SRA and the required action to be taken for your kind reference. We request to kindly look into the issues and take necessary action in discussion 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

Received
26/05/2022
P. A. to
Chief Executive Officer,
Slum Rehabilitation Authority

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

Point for SRA as discussed with ACS UDD in a meeting 16th May 2022

	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 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.	UDD informed that SRA and Housing 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	UDD to examine post discussion with SRA and Housing

	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**	
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 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.	UDD will examine
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	UDD agreed that restriction of 10 Km

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<tr><td></td><td colspan="5">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.</td><td>radius to be removed and it shall be allowed across cities if developer agreed to pay differential rates of RR</td></tr>
<tr><td>10</td><td colspan="5">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
It is suggested that FSI under reg. 33 (11) may be allowed on gross plot area.</td><td>UDD informed that it is already under process</td></tr>
<tr><td>11</td><td>Utilisation OF Premium & TDR in Case of Regulation 33 (11)</td><td>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)</td><td>Regulation 30 Table 12 , 33(11), 33(20)(B)</td><td>UDCPR
As regulation 30(12) permit combination subject to Max CAP same shall be allowed in SRA 33(11) also</td><td>PROVISION OF 30(12) TO BE IMPLEMENTED</td><td>UDD will examine the suggestion</td></tr>
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