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Ref. No. MCHI/PRES/22-23/205

Date: 30/5/2022

To
Dr. Jitendra Awhad
Hon'ble Minister for Housing,
Government of Maharashtra.
Mantralya, Mumbai.

31/5/22

Sub: CREDAI-MCHI suggestion for redevelopment of MHADA layout

Respected Sir,

At the onset, CREDAI-MCHI would like to thank you for scheduling the meeting to discuss CREDAI-MCHI suggestion for giving boost to MHADA redevelopment. We are fortunate to have a leader like you, who have always supported the real estate industry.

We bring to your kind attention few suggestions for MHADA redevelopment for your guidance :

1) Modification to Reg. 33(5) of DCPR 234

- a) Under DCPR 2034, Regulation 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 incremental area i.e. as the layout gets larger, possible incremental area also increases, as stated in clause 2.1 (A) (a) and (b) therein.

Now, while the above clause provides for the rehabilitation entitlement as prescribed by MHADA, the same standard is not ascribed to while computing the premium to be charged for FSI for the rehabilitation component. For computing premium for the rehabilitation component, only the existing built-up area is being deducted, and the residual area up to the entitlement as given above is chargeable. This is not in the spirit of the regulation to charge for area that is mandated by MHADA as entitlement to the rehabilitation component.

We, therefore, propose the following addition of clause 2.1 (A)(iii) as follows –

Existing clause	Proposed addition
-	2.1 (A) (iii) Provided further that for the purpose of calculating premiums under this regulation, the area as given above in (i) and (ii) shall be deducted from the proposed area (for the rehabilitation component as per entitlement) and the balance area available for sale to be charged.

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

- b) Under DCPR 2034, Regulation 31, clause 3, the fungible compensatory area on rehabentitlement shall be granted without charging premium for redevelopment schemes of EWS/LIG category under Regulation 33(5).

However, SPA MHADA is granting such free fungible FSI for Regulation 33(5) schemes only on the existing BuA (as per lease deed or area certified by REE, MHADA) and not the entitlement area as prescribed in Regulation 31(3) stated above.

Furthermore, 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 Scheme of EWS and LIG category only and to the extent of the rehabilitation component not exceeding 35 sq mt. This restriction under Reg. 31(3) is unreasonable as the entitlement area has been determined by the Government and is stated up to 80 sqmt.

The definition of free fungible FSI for such schemes may, thus, be explicitly clarified and stated as below with the following modification to Reg. 31(3) as follows –

Existing clause	Proposed modification
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.	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.	Provided further that in case of redevelopment schemes of EWS/ LIG / MIG category under Regulation 33(5) where rehab entitlement not exceeding 35 sq.mt has been determined by the Government under these Regulations , then fungible compensatory area on such total rehab entitlement shall be granted without charging premium, and not restricted to the existing BuA as defined by the planning authority or special planning authority, as may be applicable.

2. Suggestion for modification under Reg 17(3)(b) of DCPR 2034

Under DCPR 2034, Regulation 17(3)(B), clause 2, in case of redevelopment of plot(s) having cessed structure(s), the land component of the said cessed structure(s) as per zonal (basic) FSI shall deemed to have been automatically deleted from the reservation.

Regulation 33(7) which pertains to the redevelopment of plot(s) having cessed structure(s), treats non-cess structures and non-tallying structures at par with cessed structures as mentioned in clauses 13 and 19 therein. Regulation 17(3)(B) draws reference to the provisions of Reg. 33(7), and as an extension should allow for the deletion of land component under non-cessed and non-tallying structures as per zonal (basic) FSI from the reservation, in keeping with the spirit of parity created by Regulation 33(7) and all associated regulations in the DCPR.

We, therefore, propose the following modification to Reg. 17(3)(B) clause 2 as follows –

Existing clause	Proposed modification
(2) Notwithstanding anything contained in these regulations, in case of redevelopment of plot/(s) having cessed structures/s and having reservation in the DP, the land component of the said cessed structure as per Zonal (basic) FSI shall be deemed to have been automatically deleted from reservation.	(2) Notwithstanding anything contained in these regulations, in case of redevelopment of plot/(s) having cessed, non-cessed and/or non-tallying structures/s and having reservation in the DP, the land component of the said cessed, non-cessed and non-tallying structure as per Zonal (basic) FSI shall be deemed to have been automatically deleted from reservation.

3. Suggestion for modification under Reg. 33(24) of DCPR 2034

Vide the notice dated 28.02.2022, TPB-4321/543/C.R.186/2021/UD-11, Reg. 33(24) has been defined for reconstruction or redevelopment of tenanted buildings belonging to MHADA or tenanted buildings belonging to MCGM in the Island City. These buildings which were originally developed under Reg. 33(7) of DCR 1991, now due to reconstruction no longer have the “cessed” status and are considered non-cessed. Thus, the provisions of Reg. 33(7) are not directly applicable for redevelopment of such buildings which might be in dilapidated condition. To facilitate redevelopment of these, Reg. 33(24) has been introduced.

Now, the incentive FSI being permitted as part of this regulation has been defined as per the LR/RC ratio and number of plots. While the principle draws from the basis used for Reg. 33(7), the actual quantum of incentive FSI is substantially lesser than Reg. 33(7). This would not be incentive enough for private developers to take on redevelopment of these dilapidated buildings, which are at least 454 by UDD’s own count in the said notification cited above. Keeping in line with the provisions of Reg. 33(7) which was the original regulation for redevelopment of these properties, it is, therefore, requested that the incentive FSI table as quoted in Reg. 33(7) clause 5(a) be replicated in Reg. 33(24) clause 7(A).

The said clause 5(a) from Reg. 33(7) is reproduced below –

The FSI for rehabilitation of existing tenants/occupiers in a reconstructed building and incentive FSI that will be available shall be as under:

(a) In the case of redevelopment of cessed building existing prior to 30/9/1969 undertaken by landlord or Co-operative societies of landlord and Co-operative Housing Societies of landlord / occupiers, the total FSI shall be 3.00 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI whichever is more and the occupier shall be eligible for 5% additional rehab Carpet area as per serial No. 2 subject to maximum limit. The incentive FSI admissible against the FSI required for rehabilitation shall be based on the ratio (hereinafter referred to as the Basic Ratio) of Land Rate (LR), in Rs/sqm, of the lands as per the ASR and Rate of Construction (RC) in Rs/sqm, applicable to the area as per the ASR and shall be given as per the table below:

Table

LR/RC	% Incentive FSI permissible		
	Single plot	Two to five plots	Six or more plots
Above 6	75	85	90
Above 4 and up to 6	78	88	95
Up to 4	80	90	100

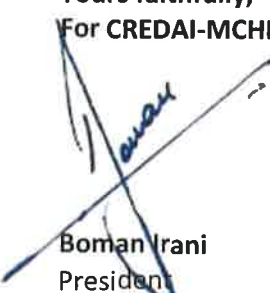
We, therefore, request the following modification to Reg. 33(24) clause 7(A) as follows –

Existing clause	Proposed modification																																																		
<p>A. For redevelopment undertaken by Private developer as per clause 2(a) above: FSI required for rehabilitation of existing occupants plus incentive thereon mentioned below, subject to minimum 3 FSI</p>	<p>A. For redevelopment undertaken by Private developer as per clause 2(a) above: FSI required for rehabilitation of existing occupants plus incentive thereon mentioned below, subject to minimum 3 FSI</p>																																																		
<table><tr><th>LR/RC</th><th colspan="4">% Incentive FSI permissible</th></tr><tr><th></th><th>Single plot</th><th>Plots more than 1 up to 3</th><th>Plots more than 3 up to 6</th><th>Plots more than 6</th></tr><tr><td>Above 6</td><td>30</td><td>35</td><td>40</td><td>45</td></tr><tr><td>Above 4 and up to 6</td><td>35</td><td>40</td><td>45</td><td>50</td></tr><tr><td>Above 2 and up to 4</td><td>40</td><td>45</td><td>50</td><td>55</td></tr><tr><td>Up to 2</td><td>45</td><td>50</td><td>55</td><td>60</td></tr></table>	LR/RC	% Incentive FSI permissible					Single plot	Plots more than 1 up to 3	Plots more than 3 up to 6	Plots more than 6	Above 6	30	35	40	45	Above 4 and up to 6	35	40	45	50	Above 2 and up to 4	40	45	50	55	Up to 2	45	50	55	60	<table><tr><th>LR/RC</th><th colspan="3">% Incentive FSI permissible</th></tr><tr><th></th><th>Single plot</th><th>Two to five plots</th><th>Six or more plots</th></tr><tr><td>Above 6</td><td>75</td><td>85</td><td>90</td></tr><tr><td>Above 4 and up to 6</td><td>78</td><td>88</td><td>95</td></tr><tr><td>Up to 4</td><td>80</td><td>90</td><td>100</td></tr></table>	LR/RC	% Incentive FSI permissible				Single plot	Two to five plots	Six or more plots	Above 6	75	85	90	Above 4 and up to 6	78	88	95	Up to 4	80	90	100
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We hope that the above mentioned suggestions will be considered positively and necessary actions will be carried under your guidance.

Thanking you for your continuous support.

Yours faithfully,
For CREDAI-MCHI


Boman Irani
President


Dhaval Ajmera
Hon. Secretary