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URAN-DRONAGIRI
ALIBAG
KARJAT-KHALAPUR-KHOPOLI

To,

Dr. Bhushan Gagrani (I.A.S.)

Additional Chief Secretary,
Urban Development Department (I),
Government of Maharashtra

लिपिक
प्रधान सचिव (नवि-9)
नगर विकास विभाग
महाराष्ट्र शासन, मंत्रालय

Sub: Request to issue Clarification for carrying out development under Regulation 33(11) of DCPR 2034 on balance plot which is being developed under Regulation 17(1) of DCPR 2034.

Ref: 1. Urban Development Department, Government of Maharashtra notification bearing no. TPB 4319/P.K. 196/2019/UD - 11 dated 31.12.2019

Respected Sir,

With reference to the subject matter cited herein above, the Regulation 17(1) of Development Control and Promotion Regulation, 2034 of Greater Mumbai provides for carrying out development of land reserved for public purposes. As per the said regulation, the owner/developer can develop a land under reservation for any public purpose subject to the condition that the owner/developer needs to hand over BUA equivalent to X% of Basic (zonal) FSI to MCGM/Appropriate Authority in lieu of FSI/TDR and a Y% of the area of reserved plot free of cost as per the design, specifications, terms and conditions duly approved by the Commissioner. The owner/developer will be entitled to avail the permissible BUA of Y% of the reserved plot for other permissible uses in the zone under these regulations on the remaining land as permitted under this regulation.

From the aforesaid regulation it is understood that once the obligation of handing over of the reserved portion of the plot as per Regulation 17(1) is duly complied by developer/owner, he will be in a position to develop the said balance portion of the plot as per permissible user in the adjoining zone and he will be entitled for carrying out the development as per DCPR 2034.

Further, it is respectfully submitted that there is one clarification which was issued by the Urban Development Department of GoM vide their notification bearing no. TPB-4319/P.K. 196/2019/UD-11 dated 31.12.2019. Copy of the same is enclosed herewith as Annexure-A.

On perusal of the said clarification it can be seen that it has been categorically clarified that the utilization of FSI on the balance plot post hand over of Y% of the area of reserved land to MCGM, the owner/developer can utilize the basic zonal FSI of the total reserved land on the balance remaining plot and if the owner/developer wishes to undertake the development of the balance plot under any sanctioned regulation then they can do so subject to the condition that such development is within the maximum permissible FSI on the balance plot.

Hence it is construed that once the liability of handing over of reservation to MCGM is complied with owner/developer is free to develop the balance portion of the plot under any regulation as permissible under DCPR 2034.

Now we would like to draw your kind attention to the Regulation 33(11) of DCPR, 2034 for the development of Permanent Transit Camp tenements for Slum Rehabilitation Scheme. The maximum FSI permitted under this regulation is 4.00 depending on the width of the abutting road. However, the said regulation also states that such schemes shall not be permitted on the lands reserved/existing amenity in the DP & in SDZ/GZ.

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

Now, in view of the aforesaid clarifications issued by the GoM dated 31.12.2019 read with Regulation 33(11) it is felt that once the liability of handing over of the reservation is complied with by the land owner/developer he should be allowed to carry out the development on the balance portion of plot under Regulation 33(11) as he is complying with the conditions of both the regulations and as the balance portion of the plot on which the development is proposed becomes a freehold land.


Furthermore, the planning authority for handing over of reservation under regulation 17(1) is DP department of MCGM and planning authority for carrying out development under Regulation 33/11) is SRA, we hereby request you to kindly issue a clarification in this regard to the authorities so that the proposals can be processed by the land owner/developer as per their choice with the concerned authority. The aforesaid clarity will further help in providing Permanent Transit Camps for people without houses.

We request your urgent and immediate intervention in this matter.

Thanking you for your continuous support.

Yours faithfully,
For CREDAI-MCHI


Boman Irani
President


Dhaval Ajmera
Hon. Secretary

महाराष्ट्र शासन

क्रमांक : टिपीबी-४३१९/प्र.क्र.१९६/२०१९/नवि-११
नगर विकास विभाग, ४ था मजला,
मंत्रालय, मुंबई - ३२.
दिनांक : ३१/१२/२०१९.

प्रति,
आयुक्त,
बृहन्मुंबई महानगरपालिका.

विषय :- बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ चे
विनियम १७ अन्वये समावेशक आरक्षणाच्या माध्यमातून विकास
करताना जमीन मालकाचे ताब्यात शिल्लक राहणारे क्षेत्रावरील
परवानगीयोग्य बांधकाम क्षेत्राबाबत स्पष्टता करण्याबाबत.

महोदय,

बृहन्मुंबई महानगरपालिकेच्या विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ च्या समावेशक
आरक्षणाच्या विनियम १७ मधील तरतुदीनुसार महानगरपालिकेस/ समुचित प्राधिकरणास जमीन
मालकाकडून बांधीव सुविधेसह / मोकळे क्षेत्र हस्तांतरण केले जाते ते विचारात न घेता संपूर्ण भूखंडाचा
चटई क्षेत्र निर्देशांक जमीन मालकास त्याचे उर्वरित क्षेत्रावर अनुज्ञेय रहातो. बांधीव सुविधा क्षेत्रासाठी
Amenity TDR देणेची तरतूद असल्याने त्याप्रमाणे स्वतंत्ररित्या कार्यवाही होते. महानगरपालिका/
समुचित प्राधिकरणास हस्तांतरण केलेले क्षेत्र वजावट करता जमीन मालकाचे ताब्यातील क्षेत्रामध्ये
(Balance Plot) विनियम १७(१)(a)व(b) ची तरतूद विचारात घेता अनुज्ञेय करावयाच्या चटई क्षेत्र
निर्देशांकाचे परिगणनेच्या अनुषंगाने अनौपचारिकरित्या महानगरपालिकेकडून स्पष्टीकरणाची मागणी
होत असलेने त्याबाबत खालीलप्रमाणे कळविण्याच्या मला सूचना आहेत.

“समावेशक आरक्षणाचे माध्यमातून (AR) विकास करताना त्यामधील तरतुदीनुसार जमीन
मालकाचे ताब्यातील क्षेत्रावर त्याच्या आरक्षित असलेल्या क्षेत्राचा संपूर्ण चटई क्षेत्र निर्देशांक अनुज्ञेय
आहे. जमीन मालकास मंजूर विनियमाच्या इतर तरतुदीनुसार त्याच्या ताब्यातील क्षेत्राचा (Balance Plot)
विकास करावयाचा असलेस, असा विकास त्याच्या ताब्यातील क्षेत्र विचारात घेवून सदर विनियमानुसार
अनुज्ञेय होणाऱ्या कमाल चटई क्षेत्र निर्देशांकाचे मर्यादेमध्येच त्याच्या ताब्यातील क्षेत्रावर परिगणित
होणारा एकंदर चटई क्षेत्र निर्देशांक राहिल याप्रमाणे अनुज्ञेय आहे.”

आपला,



(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत माहितीस्तव :-

- १) प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका.
- २) उपसंचालक, नगर रचना, बृहन्मुंबई.
- ३) निवडनस्ती (नवि-१)