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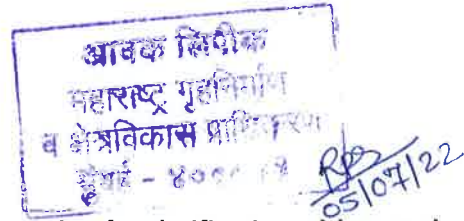
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Naman Shah

PROCUREMENT CONVENOR
Nimish Ajmera

WOMEN'S WING CHAIRPERSON
Mona Ajmera

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RAIGAD
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PALGHAR BOISAR
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SHAHAPUR-MURBAD
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ALIBAG
KARIAT-KHALAPUR-KHOPOLI

To,
Shri Anil Diggikar (I.A.S.)
Vice President
MHADA
Bandra East, Mumbai



Sub: CREDAI-MCHI's representation for clarification with regard to 33(7) proposal wherein BCC or full OC obtained

Respected Sir,

In island city of Mumbai there are number of old, dilapidated buildings. The tenants / occupants of such buildings are in constant threat of collapse of such buildings especially in monsoon every year. It is utmost important to redevelop such buildings as early as possible to save the lives of occupants of such buildings. Initially, it is being primary duty of providing safe shelter to citizen, State Government through MHADA has tried to address the redevelopment issue. But due to lack of availability of quantum of fund required for this mammoth task, the issue remained unsolved for years together in the past.

Hence, Government has invited private participation in this redevelopment scheme for rehabilitation of existing tenants / occupants in newly constructed safe buildings. In such redevelopment schemes, primarily undertaken as per regulation 33(7) of DCR 1991 / DCPR 2034, the tenants / occupants are rehabilitated free of cost by private developers and to recover cost of this rehabilitation, incentive FSI is given to private developers.

The scheme is operative for last 20-25 years. Taking in to consideration the requirements of executing the rehabilitation scheme at ground level, the government has modified the parameters of the regulation from time to time.

There are many such redevelopment schemes taken up by private developers with FSI 2.5 permissible as per then provision of regulation 33(7). On receipt of representation from the developers and after getting convinced about the facts of representation Government has revised the FSI permissible for redevelopment scheme under regulation 33(7) from 2.5 to 3.0 since May 2011 onwards. However, it took 3-4 years that time for Government to issue the required modification to regulation 33(7), after receipt of representations from the private developers and such other forums.

Hence, in the meantime while the decision in this respect was being taken by the Government, due to pressure from rehab tenants as well as from new flat purchasers from sale component of the scheme, for giving possession of the tenements / flats in the redeveloped building, many developers needed to complete the building and obtain Building Completion Certificate (BCC) or occupation certificate from MCGM before they could apply and get FSI revised from 2.5 to 3.0 under regulation 33(7).

In such cases, MHADA citing that the redevelopment scheme is already completed as the developer has obtained BCC / Occupation permission for the entire building including rehab and sale component, is denying to grant revised NOC for FSI 3.0 in such schemes.

Had the developer delayed obtaining BCC / occupation certificate for rehab component or some of the flats from sale component, the scheme would have been considered as not completed and the revised NOC for FSI 3.0 would have been granted by MHADA.

Maharashtra Chamber of Housing Industry

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The developers in such cases are getting punished for giving better services to rehab tenants and sale flat purchasers.

Hence, the revision in FSI from 2.5 to 3.0 under regulation 33(7) which was felt necessary at that time when these schemes were in progress, mere obtaining BCC or full occupation permission should not be a point to deny the due compensation for carrying out the redevelopment.

Hence, it is requested to clarify the issue and give MHADA NOC for FSI 3.0 as per regulation 33(7) for the redevelopment schemes wherein BCC or Full occupation permission is obtained.

Yours faithfully,
For CREDAI-MCHI


Boman Irani
President


Dhaval Ajmera
Hon. Secretary

CC:
Dr. Iqbal Singh Chahal (I.A.S.)
Municipal Commissioner,
Brihanmumbai Municipal Corporation.
Fort, Mumbai

