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2022-2023**

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Parth Mehta

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URAN-DRONAGIRI

ALIBAG

KARJAT-KHALAPUR-KHOPOLI

o/c  
**CREDAI - MCHI**

Ref: MCHI/PRES/22-23/266

Date: 17.08.2022

To,  
Dr. Bhushan Gagrani (I.A.S.),  
Additional Chief Secretary,  
Urban Development Department (1),  
Government of Maharashtra,  
Mumbai - 400032.

18/8/22  
लिपिक  
ग्रहण सचिव (नवि-9)  
नगर विकास विभाग  
महाराष्ट्र शासन, मंत्रालय  
मुंबई - 400032

**Sub: Request to issue clarification/guidelines for handing over of plot component to MCGM and MHADA as required under Regulation 35 of DCPR 2034 and/or Regulation 58 of DCR 1991.**

Respected Sir,

With reference to the subject matter cited hereinabove we are very much thankful for finalizing the Regulation 35 of DCPR 2034 as per notification bearing no. TPB-4317/ 629/ C.R.118 (III)/ 2017/ UD-11, dated 25.06.2021. Now as per DCPR 2034 under Regulation 9(6) a & 9(6) b there is a specific provision for ongoing partially completed proposal wherein there is an option provided for converting the entire development in toto into DCPR 2034 or to apply DCPR 2034 only to the partial development going forward.

Now wherein the proposals are being continued to be developed under Regulation 9(6) b of DCPR 2034 and wherein all requisite approvals are already granted by Hon'ble Municipal Commissioner there are certain technical challenges which are being faced by our members. One such challenge is that during the course of redevelopment of the mill lands as part of the compliances, the measurement of the plot needs to be carried out through the competent authority. During the course of carrying out the measurements of the balance plot area after handing over of plot area to MCGM and MHADA it is seen that there is a marginal increase in the net plot area. Now considering that as the net plot area has increased there is a possibility of utilizing the remaining BUA that is generated by considering the FSI of 4.00 as permissible under the Regulation 35 of DCPR 2034 and/or Regulation 58 of DCR 1991. However, for such utilization of balance generated FSI, there is a requirement of handing over of plot area equivalent to 33% of gross plot area each to MCGM and MHADA in case of Regulation 35 of DCPR 2034 and similarly there is a requirement of handing over of plot area equivalent to 33% and 27% of net vacant plot area to MCGM and MHADA respectively in case of Regulation 58 of DCR 1991.

Considering the aforesaid facts and the hardships therein for the proposals which are already at an advanced stage of development and considering that there is no possibility to carve out further land to be handed over to MCGM and MHADA, a specific policy/guideline needs to be issued to address such scenarios.

Now we would like to draw your kind attention to the transition policy for ongoing proposals (Circular no. T-5) bearing no. ChE/DP/10475/Gen dated 04.09.2019 which was issued by MCGM with prior concurrence of UD under no. TPB- 4319/200/2019/UD - 11 dated 19.08.2019. The copy of the same is enclosed herewith for your ready perusal. On perusal of the said policy, it can be seen that it was derived for handing over of the amenity space required to be handed over to MCGM under Regulation 14(A) of DCPR 2034. In the said policy various options were provided wherein there were challenges to provide the equivalent required amenity space in ongoing development projects as per the amended provisions of DCPR 2034.

**Maharashtra Chamber of Housing Industry**

Maker Bhavan II, 4<sup>th</sup> 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](http://www.mchi.net)

In view of the above mentioned circumstances faced while redeveloping the mill lands and the transition policy derived with the concurrence of government for provision of amenity under Regulation 14 (A). We hereby request your kind good selves to give consideration to issue similar policy for handing over the plot area to MCGM and MHADA.

**The policy may include the following options,**

1. Condonation of additional hand over of plot area by 100% payment of premium for the said land as per ASR.
2. To provide BUA equivalent to zonal basic FSI of the plot to be handed over to MCGM and MHADA in same ward or any other ward between western to western, eastern to eastern and island city to island city as per indexation method.

Request to kindly consider our representation and provide specific guideline for handing over of additional plot area to MCGM & MHADA for mill land development at earliest and oblige.

Thanking you for your continuous support.

**Yours faithfully,  
For CREDAI-MCHI**



**Boman Irani**  
President



**Dhaval Ajmera**  
Hon. Secretary

**Encl : As mentioned above**

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**Municipal Corporation of Greater Mumbai**

Chief Engineer (Development Plan)

No. CHE/DP/10475/Gen dtd 04.09.2019.

**Subject: - Transitional Policy for ongoing proposals. (Circular No. T-5)**

In order to deal with ongoing proposals Transitional Policy Circulars (T-1), (T-2), (T-3) & (T-4) are already issued. Thereafter, in order to deal with applicability of Regulation 14(A) of DCPR 2034, in respect of ongoing proposals, the Transitional Policy guidelines were prepared and forwarded to Urban Development Department for concurrence. Now, UDD, GoM has communicated the concurrence for the said guidelines under no. TPB-4319/200/2019/UD-11 dated 19.08.2019. In view of the same following guidelines are issued under Regulation 9(6)(b);

1. The Regulation 9(6)(b) of DCPR 2034, reads as follows: -  
  
"In case of such plots or layouts that started with due permission before DCPR 2034 have come into force and if the owner/developer, at his option, thereafter seeks further development of plot/layout/buildings as per DCPR 2034, then the provisions of DCPR 2034 shall apply to the balance development. The development potential of such entire plot shall be computed as per DCPR 2034 from which the sanctioned FSI of buildings/part of buildings which are proposed to be retained as per the approved plan, as per then Regulations shall be deducted to arrive at the balance development potential of such plot or layout.  
Note: - For smooth implementation and removal of difficulties in transitional proposals, the Municipal Commissioner may formulate a policy."

As per the above Regulation, provisions of DCPR 2034 shall apply to the balance development. However, in some cases of ongoing proposals, it may be difficult to comply with certain regulations of DCPR 2034 due to planning or other constraints. In such cases for removal of difficulties & smooth

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Implementation of transitional proposals following guidelines are issued under Regulation 9(6)(b).

In respect of redevelopment/development of partially developed plot admeasuring 4000 sq. m or more (excluding the area under set back/DP Road), the magnitude of amenity as per Regulation 14(A) on balance development shall be worked out as per Annexure I to IV enclosed.

Due to planning & other constraints, where no land is available for providing the required amenity space, then in such cases, the following options can be made available to Project Proponent instead of land. However, the concerned EE(BP) shall examine the proposal & ensure that there is no land available in the plot/layout for providing the required amenity before allowing options as per this policy.

Further the following modalities shall be adopted while dealing with these proposals.

(i) Wherein such amenity plot works out to less than 200 sq. m, payment of premium at 100% rate of ASR of the developed land for the Zonal (basic) FSI (applicable on the date of issue of CC of the built up area proposed against the balance potential) for plot to be carved out as amenity plot may be insisted & the physical required amenity may not be insisted.

(ii) wherein such amenity plot works out to 200 sq. m or more & it is not possible to provide the required amenity, then built up amenity with BUA equivalent to Zonal (basic) FSI of such amenity plot may be provided preferably at ground floor or 1st /2nd floor with separate access. The BUA of built up amenity shall be excluded from FSI computations. TDR in lieu of cost of construction of such built up amenity will be given as per clause 1(d) of note below table 5 of Regulation 17(1). Procedure related to transfer of ownership as stipulated in clause 17(1)(2)(iii) shall be followed.

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OR

(ii) wherein such amenity plot works out to 200 sq. m or more & it is not possible to provide the required amenity in the form of amenity space, then built up amenity with BUA equivalent to 50% of Zonal (basic) FSI of such amenity plot may be provided preferably at ground floor or 1st /2nd floor with separate access. The BUA of such built up amenity shall be excluded from FSI computation.

If the Project Proponent provides only 50% of the amenity space in the form of BUA, then the difference between the value of required amenity space on ASR value & the value of BUA of built up amenity of amenity space at the date of CC of the built up area proposed against the balance potential shall be reimbursed by the Project Proponent to MCGM.

OR

(ii) Payment of premium at 100% rate of ASR of the developed land for the Zonal (basic) FSI (ASR applicable on the date of issue of CC of the built up area proposed against the balance potential) for plot to be carved out as amenity plot may be insisted before approval of plans & the physical required amenity may not be insisted.

Notes: -

(a) The above modalities shall be made applicable only in cases where CC for any of the buildings in plot/layout is issued & is valid. For the purpose of calculating the premium in lieu of amenity space, ASR prevailing on the date of issue of CC of the built up area proposed against the balance potential shall be taken.

(b) The amenity requirement needs to be calculated as per Annexure I to IV attached.

(c) If area of Amenities/Reservation proposed to be handed over or already

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handed over works out more than area of amenity to be handed over as per Regulation 14(A) by considering entire plot/layout area, then in such case amenity as per Regulation 14(A) need not be insisted to be handed over.

(d) Due to constraint if the permissible BUA as per the provisions of Regulations cannot be consumed, then the amenity may be calculated considering proposed BUA with BOLD noting on the plan to be approved that "No further plans shall be approved with balance BUA unless required enhanced amenity is provided." At the same time registered undertaking from the Project Proponent needs to be insisted stating therein that no further proposal will be submitted by him and whosoever is the owner of plot, subsequently with balance potential without the requisite provision of amenity by him.

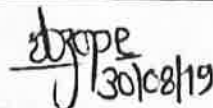
(e) The Project Proponents who have already been allowed further development as per Regulation 9(6)(b) prior to this policy with a condition to abide with the Transitional Policy that may be formulated, compliance shall be insisted as per this Transitional Policy before 31.12.2019.

*R. B. Zope*  
30/08/19  
(R.B. Zope)  
Ch.E.(DP)

*Praveen Pardeshi*  
(Praveen Pardeshi)  
Hon.M.C.

**Annexure I  
Sample Calculation (Suburbs)**

1	Plot Area	10000 sq m.
2	Considering the road width of 9 m, the permissible BUA as per DCR 1991(8500+10000)	18500 sq m.
3	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034	15000 sq m.
As per DCPR 2034		
4	Plot Area	10000 sq m.
5	Deduction as per Regulation 14(A) i.e. 5%	500 sq m.
6	Net plot Area (4 -5)	9500 sq m.
7	Zonal (basic) FSI	1.00
8	Additional FSI on payment of premium/TDR as per Table 12 of Regulation 30(A)	9500 sq m.
9	Permissible BUA (6*7 + 8)	19000 sq m.
10	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034 ( as per 3 above)	15000 sq m.
11	Balance BUA to be constructed as per DCPR 2034 (9 -10)	4000 sq m.
12	Proportionate plot area of balance development $\frac{4000 \times 10000}{19000} = 2105.26 \text{ sq m. say } 2110 \text{ sq m.}$	2110 sq m.
13	Regulation 14(A) will be applicable to 2110 sq m. Amenity as per 14(A) = 5% of 2110 sq m.	105.50 sq m.

  
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**Annexure I  
Sample Calculation (Suburbs)**

1	Plot Area	10000 sq m.
2	Considering the road width of 9 m, the permissible BUA as per DCR 1991(8500+10000)	18500 sq m.
3	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034	15000 sq m.
As per DCPR 2034		
4	Plot Area	10000 sq m.
5	Deduction as per Regulation 14(A) i.e. 5%	500 sq m.
6	Net plot Area (4 -5)	9500 sq m.
7	Zonal (basic) FSI	1.00
8	Additional FSI on payment of premium/TDR as per Table 12 of Regulation 30(A)	9500 sq m.
9	Permissible BUA (6*7 + 8)	19000 sq m.
10	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034 ( as per 3 above)	15000 sq m.
11	Balance BUA to be constructed as per DCPR 2034 (9 -10)	4000 sq m.
12	Proportionate plot area of balance development $\frac{4000 \times 10000}{19000} = 2105.26 \text{ sq m. say } 2110 \text{ sq m.}$	2110 sq m.
13	Regulation 14(A) will be applicable to 2110 sq m. Amenity as per 14(A) = 5% of 2110 sq m.	105.50 sq m.

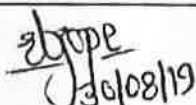
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**Annexure II  
Sample Calculation (Suburbs)**


As per DCPR 2034		
1	Plot Area	10000 sq m.
2	Deduction as per Regulation 14(A) i.e. 5%	500 sq m.
3	Net plot Area (1 -2)	9500 sq m.
4	Zonal (basic) FSI	1.00
5	Additional FSI on payment of premium/TDR as per Table 12 of Regulation 30(A)	9500 sq m.
6	Permissible BUA (3*4 + 5)	19000 sq m.
7	Consumed BUA	19000 sq m.
8	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034	4000 sq m.
9	Balance BUA to be constructed as per DCPR 2034 (7 - 8)	15000 sq m.
10	Proportionate plot area of balance development $\frac{15000 \times 10000}{19000} = 7894.73 \text{ sq m. say } 7895 \text{ sq m.}$	7895 sq m.
11	Regulation 14(A) will be applicable to 7895 sq m. Amenity as per 14(A) = 5% of 7895 sq m.	394.75 sq m.

  
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**Annexure III  
Sample Calculation (Suburbs)**

As per DCPR 2034		
1	Plot Area	10000 sq m.
2	Deduction as per Regulation 14(A) i.e. 5%	500 sq m.
3	Net plot Area (1 -2)	9500 sq m.
4	Zonal (basic) FSI	1.00
5	Additional FSI on payment of premium/TDR as per Table 12 of Regulation 30(A)	9500 sq m.
6	Permissible BUA (3*4 +5 )	19000 sq m.
7	Consumed BUA	19000 sq m.
8	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034 ( as per 3 above)	0.00 sq m.
9	Balance BUA to be constructed as per DCPR 2034 (6 -8)	19000 sq m.
10	Proportionate plot area of balance development $\frac{19000 \times 10000}{19000} = 10000 \text{ sq m.}$	10000 sq m.
11	Regulation 14(A) will be applicable to 10000 sq m. Amenity as per 14(A) = 5% of 10000 sq m.	500.00 sq m.

  
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**Annexure IV  
Sample Calculation (Suburbs)**

1	Plot Area	15000 sq m.
2	Considering the road width of 9 m, the permissible BUA as per DCR 1991(12750+15000)	27750 sq m.
3	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034	15000 sq m.
As per DCPR 2034		
4	Plot Area	15000 sq m.
5	Deduction as per Regulation 14(A) i.e. 5% of 10000 +10% of (15000 – 10000)	1000 sq m.
6	Net plot Area (4 -5)	14000 sq m.
7	Zonal (basic) FSI	1.00
8	Additional FSI on payment of premium/TDR as per Table 12 of Regulation 30(A)	14000 sq m.
9	Permissible BUA (6*7 + 8)	28000 sq m.
10	BUA proposed to be retained as per Regulation 9(6)(b) of DCPR 2034 ( as per 3 above)	15000 sq m.
11	Balance BUA to be constructed as per DCPR 2034 (9 -10)	13000 sq m.
12	Proportionate plot area of balance development $\frac{13000 \times 15000}{28000} = 6964 \text{ sq m. say } 7000 \text{ sq m.}$	7000 sq m.
13	Regulation 14(A) will be applicable to 7000 sq m.  Original plot area is more than 10000 sq m.  Area in excess of 10000 = 15000-10000 =5000 sq m.  Area attracting 10% of AOS is 5000/15000 i.e. 0.33%  Amenity as per 14(A) = (7000*0.33)* 10% +(7000*0.67)*5 = 231.0 + 234.5 = 465.50 sq m	465.50 sq m.

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