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To,

- 1) **Shri Eknath Shinde ji**  
Hon'ble Chief Minister  
Government of Maharashtra  
Mantralaya, Mumbai - 400032
- 2) **Dr. Bhushan Gagrani (I.A.S.)**  
Additional Chief Secretary,  
Urban Development Department (I),  
Government of Maharashtra
- 3) **Shri Satish Mahadeo Lokhande (IAS),**  
Chief Executive Officer,  
Slum Rehabilitation Authority,  
3<sup>rd</sup> Floor, Administrative Building,  
Anant Kanekar Marg, Bandra (E), Mumbai-400051

**Sub: Grant of Fungible Compensatory Area under Regulation 31(3) of DCPR-2034 to slum rehabilitation schemes which are classified as Projects of Vital Public Importance / Special Projects**

**Ref: (1) Letter of CEO(SRA) u/no. SRA/ED/OW/2020/13272 dated 02/07/2020 addressed to Addl. Chief Secretary, Housing Dept., GoM**

**(2) Tender / RFQ-cum-RFP published by the State Govt. for redevelopment of Dharavi Notified Area**

Respected Sirs,

Reference is requested to the above referred letter written by the CEO (SRA) to the Addl. Chief Secretary, Housing Dept., Government of Maharashtra wherein the CEO (SRA) had brought the attention of the Government to the following provisions of Development Control & Promotion Regulations, 2034 (DCPR-2034):

Clause 1.1 of the Regulation 33(10) [Redevelopment for Rehabilitation of Slum Dwellers]:

*"1.1. Hutment-dwellers, in the slum or on the pavement, eligible in accordance with the provisions of this Regulation shall in exchange of the protected dwelling structure, be given free of cost a residential tenement having a carpet area of **27.88 sq. m** including balcony, bath and water closet, but excluding common areas.*

*For this purpose of "carpet area" means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per prevailing Regulation."*

Regulation 31(3) [Fungible Compensatory Area]:

*"Notwithstanding anything contained in the D.C. Regulations 30, 32 & 33, the Commissioner may, by special permission, permit fungible compensatory area, not exceeding 35% for residential / Industrial / Commercial development, over and above admissible FSI/BUA, by charging a premium at the rate of 50% for Residential and 60% for Industrial and Commercial development of ASR (for FSI 1), which is to be shared between MCGM, State Govt. and MSRDC (for Sea Link) in 50%, 30% and 20% respectively.*

**Maharashtra Chamber of Housing Industry**

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Tel: 42121421, Fax: 4212 1411/407 Email: secretariat@mchi.net Website: [www.mchi.net](http://www.mchi.net)

*Provided that in case of redevelopment under regulation 33(7), 33(7)(A), 33(8), 33(9), 33(9)(B), 33(20), and 33(10) excluding clause No.3.11 of the Regulation the fungible compensatory area admissible on AH / R&R component shall be granted without charging premium.....*

*..... Provided further that such fungible compensatory area for rehabilitation component shall not be used for free sale component and may be used to give additional area over and above eligible area to the existing tenants/occupants. Fungible compensatory area admissible to one rehabilitation tenement cannot be utilized for another rehabilitation tenement”*

On the basis of above express provisions in the DCPR-2034, the CEO (SRA) had explained in his representation that there is no bar in Clause 1.1 of Reg. 33(10) to allow fungible compensatory area to be provided to the rehabilitation tenement in addition to the carpet area of 27.88 sq. mtrs. Vide his above letter, he had sought clarification from the State Govt. on allowing fungible compensatory area under Reg. 31(3) to be provided in addition to the prescribed tenement size under Clause 1.1 of Reg. 33(10) and to further allow rehabilitation component including fungible compensatory area.

Thereafter, the State Government published Tender for redevelopment of Dharavi Notified Area (DNA). The State Government has declared this project as a vital public purpose project for effective implementation of the Dharavi Redevelopment Project (DRP) and being a vital public purpose project, the State Government has also permitted fungible area for rehab residential tenements, over and above their basic entitlement of 27.88 square meters carpet area.


It is pertinent to highlight here that there are several other redevelopment / rehabilitation projects which have been classified as Projects of Vital Public Importance by the Municipal Corporation of Greater Mumbai (MCGM) / Government of Maharashtra (GOM). These projects comprise of missing vital links to arterial roads, expansion of Sewerage Treatment Plants (STPs), projects undertaken under MUIP / MUDP, etc. Most of these projects are of utmost importance for catering to the need of public at large, exactly like the redevelopment of larger Dharavi Notified Area and that is precisely the objective with which these projects have been declared as Vital Public Purpose Projects / Special Projects by the State Govt. Most of these projects are held up for several years as the underlying land in these projects are encroached by slums / unauthorised constructions.

Therefore, with a view to expedite these projects and provide additional incentives to the slum dwellers residing on these lands to vacate such lands and avoid further delay in implementation of these projects, Government ought to permit additional fungible area to the slum dwellers on these lands, upto 35% as provided in the DCPR-2034. By allowing the fungible compensatory area to the slum dwellers / occupants of such vital public purpose projects, the developers shall also be encouraged to take up these projects expeditiously. Quicker implementation of these vital public purpose projects will help in clearing the underlying lands and putting to use the required amenity and / or creation of necessary infrastructure facility for which these projects are declared as vital public purpose projects / special projects.

We therefore humbly request you to consider our above submission positively which will help in achieving the objective of the Government of quicker implementation of vital public purpose projects / special projects.

Yours faithfully,  
**For CREDAI-MCHI**

  
**Boman Irani**  
President

  
**Dhaval Ajmera**  
Hon. Secretary