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Ref: No. MCHI/PRES/22-23/357
Date: 02/12/2022

To
Dr. Iqbal Singh Chahal (I.A.S.),
Municipal Commissioner,
Brihanmumbai Municipal Corporation,
Fort, Mumbai 400 001

Subject: Plots affected by Reservation/ Designation/ Existing Amenity of Parking lot (RT 1.6/ DT 1.6) which was in Excluded Portion (EP) as per Notification u/No. No. TPB. 4317 /629 /CR-118 /2017 /DP/UD-11 dated 8th May 2018

Respected Sir,

As per proposal of Draft DP 2034 of Mumbai published under **section 26 of the MR&TP Act, 1966**, certain plots wherein Public Parking Lots (PPL) was proposed or developed on Partial land or on some floors of Residential/Commercial buildings, under the provisions of regulation DCR 1991 were stated to be affected by Designation of Parking lot (DT 1.6).

Further, as per proposal of Draft DP 2034 of Mumbai published under **Section 30 of the MR&TP Act, 1966**, for these plots, the Designation of Parking Lot (DT 1.6) was proposed to be changed to Reservation of RT 1.6 (Parking Lot).

Further, on 8th May 2018 vide Notification u/No. No. TPB. 4317 /629 /CR-118 /2017 /DP /UD-11, State Govt as per Sub-section (1) of **Section 31 of the MR&TP Act, 1966** accorded sanction to part portion the Draft Development plan 2034 of Greater Mumbai as per Schedule -A along with policy notes excluding the Substantial Modification i.e. Excluded Part as shown in Schedule-B

As per Policy Note. 4 of Notification u/No. No. TPB. 4317 /629 /CR-118 /2017 /DP /UD-11 dated 8th May, 2018, *"Where Public Parking Lots (PPL) has been proposed or developed on Partial land or on some floors of Residential/Commercial buildings and on such lands, under the provisions of regulations, Where the proposed reservation/designation of Public Parking Lot (PPL) is shown in Development plan, then all such reservation/designation shall deemed to be deleted and land under such reservation/designation shall be included in the adjoining pre-dominant land use."*

Also, as per Substantial Modification i.e. Excluded Part published by State Govt under Section 31 of the MR&TP Act, 1966 vide Notification u/No. No. TPB. 4317 /629 /CR-118 /2017 /DP /UD-11 dated 8th May 2018 as shown in Schedule-B, for the aforementioned plots, the State Govt proposed the following: *"Refused to accord sanction. Reservation u/s 30 is proposed to be deleted and included in adjoining predominant zone."*

Extract for one of the EPs is as reflected below:

Sr. No.	Excluded Part No. (EP)	Modification No.	RDDP Sheet No.	Proposal of Draft D.P. of GR. Mumbai published under Section 26 of the MR & TP Act, 1966	Proposal of Draft D.P. of GR. Mumbai submitted under Section 30 of the MR & TP Act, 1966	Substantial Modification published by Government under Section 31 of the MR & TP Act, 1966
1	2	3	4	5	6	7
82.	EP-D04	MD7	IC 13	DT 1.6 (PL) Public Parking Lot	The said plot is reserved as RT 1.6 Parking Lot	Refused to accord sanction - Reservation u/s 30 is proposed to be deleted and included in adjoining predominant zone

Maharashtra Chamber of Housing Industry

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Hence, from the above stated facts, it is clear that as per UD Notification u/No. TPB. 4317 /629 /CR-118 /2017 /DP /UD-11 dated 8th May, 2018 for the plots wherein Public Parking Lots (PPL) was proposed or developed on Partial land or on some floors of Residential/Commercial buildings, under the provisions of regulation DCR 1991, where the proposed reservation/designation of Public Parking Lot (PPL) is shown in Development plan, then all such reservation/designation are deemed deleted and land under such reservation/designation are included in the adjoining pre-dominant land use/ zone.

Later on 12th September 2022, State Govt vide notification u/No. TPB-4320/CR-135/2020/UD-11 dated 12th September 2022, accorded sanctioned to certain Excluded Part (EP) of DP 2034 including that for aforementioned plots.

However, since, proposed reservation/designation of Public Parking Lot (PPL) is shown in Development plan are deemed deleted as per Policy Note 4 of UD Notification dated 8.5.2018 and land under such reservation/designation are included in the adjoining pre-dominant land use/ zone hence, the sanctioned part of Excluded Part (EP) of DP 2034 for such plots is not applicable.

Considering the above facts, Hon'ble MC sir's directions are requested that for plots wherein Public Parking Lots (PPL) was proposed or developed on Partial land or on some floors of Residential/Commercial buildings, under the provisions of regulation DCR 1991, where the proposed reservation/designation of Public Parking Lot (PPL) is shown in Development plan, then all such reservation/designation are deemed deleted and land under such reservation/designation are included in the adjoining pre-dominant land use/ zone considering Policy Note 4. In view of this facts all proposal be processed as per policy Note 4 without giving effect to State Government vide notification u/No. TPB-4320/CR-135/2020/UD-11 dated 12th September 2022.

Furthermore, for certain plots wherein proposed reservation/designation of Public Parking Lot (PPL) was under Excluded Portion however, the zone of the plots was already sanctioned as shown on DP 2034 sheets sanctioned on 8.5.2018 as per Notification u/No. No. TPB. 4317 /629 /CR-118 /2017 /DP /UD-11 dated 8th May, 2018. Accordingly, on issuing DP 2034 remarks, the sanctioned zone for those plots was clearly reflected in the DP Remarks and was not reflected as being a part of Excluded portion. However, as per State Govt vide notification u/No. TPB-4320/CR-135/2020/UD-11 dated 12th September 2022, the zone for such plots has been changed during the sanction of Excluded Portion for the proposed reservation/designation of Public Parking Lot (PPL).

Thanking you for your continuous support.

Yours faithfully,
For CREDAI-MCHI



Boman Irani
President



Dhaval Ajmera
Hon. Secretary