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Ref. No. MCHI/PRES/22-23/441

Date : 10.04.2023



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

Sub: Suggestions & Objections to the proposed Modification to Regulation 33 (20) (B) of DCPR2034

Respected Sir,

With reference to above subject matter please find the following suggestions & objections

Reg. no.	Regulation as per Proposed Modification	Suggested Clause	Reasoning
a) Note-i)	On the plot area excluding area to be handed over to MCGM / Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ <u>except</u> proposed, <u>sanctioned</u> DP roads/prescribed RL under MMC Act.	<p>On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ <u>except</u> proposed, <u>sanctioned</u> DP roads/prescribed RL under MMC Act.</p> <p>However, in case of development of reservation under Accommodation Reservation Policy, the entire plot area under reservation may be allowed to be considered for FSI under this provision as is allowed for the Accommodation Reservation policy development under Regulation 17(1).</p>	<p>In case of accommodation reservation policy, FSI as per Regulation 30 is permissible as per DCPR 2034. Hence, there should not be any restriction to exclude such schemes from applicability of 33(20)(B).</p>
a) Note-iii)	<p><u>This provision shall also apply to the plots developed as per Column 7 of Table no. 12 of Regulation 30(A).</u></p>	<p><u>This provision shall also apply to the plots developed as per Column 7 of Table no. 12 of Regulation 30(A) and other regulations where</u></p>	<p>This modification is required so that any other scheme in combination with</p>

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		<u>MCGM is the planning authority.</u>	33(20)(B) can be implemented.
33(20)(B) Clause (i)	The offsite infrastructure charges at the rate of 7% of land rate as per ASR for FSI 1.0 for BUA beyond Zonal (basic) FSI shall be payable. DELETED.	The offsite infrastructure charges at the rate of 7% of land rate as per ASR for FSI 1.0 for BUA beyond Zonal (basic) FSI shall be payable. DELETED. <u>Also, payment of development cess under note (7) of Regulation 30 shall not be payable for FSI availed under this regulation.</u>	Clause added for non-applicability of development cess, since note (7) under Regulation 30 does not mention Reg. 33(20)(B) under exclusion from development cess.
k)	<u>In case of layout, 25% of Zonal (basic) FSI shall be exclusively used for the purpose of convenience shopping along layout road. In case of layout having area 4000 sqm & more, 25% of prorata Zonal (basic) FSI corresponding to FSI as mentioned in column no. 6 of above Table availed under regulation 33(20) (B) shall be exclusively used for the purpose of shopping/convenience shopping. However, only convenience shopping may be allowed even along layout road. There shall be no obligation to construct shopping/convenience shopping to the entire extent for in those cases where on account of other provisions of DCPR, certain % zonal (Basic) FSI is required to be mandatorily provided as shopping. In such cases, only the balance area to the extent 25% of prorata zonal (Basic) FSI will be provided. In cases wherein it is not feasible to propose shopping</u>	<u>In case of layout having area 20,000 sqm & more, 25% of prorata Zonal (basic) FSI corresponding to FSI as mentioned in column no. 6 of above Table availed under regulation 33(20) (B) shall be exclusively used for the purpose of shopping/convenience shopping. However, only convenience shopping may be allowed even along layout road. There shall be no obligation to construct shopping/convenience shopping to the entire extent for in those cases where on account of other provisions of DCPR, certain % zonal (Basic) FSI is required to be mandatorily provided as shopping. In such cases, only the balance area to the extent 25% of prorata zonal (Basic) FSI will be provided. In cases wherein it is not feasible to propose shopping</u>	Provision of shopping area is not feasible, wherein plot is having very less frontage, or wherein there is no demand for shopping. Hence, the condition of mandatory shopping area shall not be insisted in such instances, considering specific hardships of such cases.

	<p><u><i>FSI is required to be mandatorily provided as shopping. In such cases, only the balance area to the extent 25% of prorata zonal (Basic) FSI will be provided.</i></u></p>	<p><u><i>area due to lesser road frontage or due to location of the plot, the above requirement shall not be made mandatory, as may be decided by Municipal commissioner, considering the aspects of particular case.</i></u></p>	
I)	<p>Clubbing: The entire AH/ R&R components including Base FSI may be categorized as AH/ R&R component as applicable and the corresponding sale components from the additional FSI amongst two or more schemes under this regulation can be permitted to be interchanged. A developer / developer making an application under this regulation may club more than one plot belonging to single or multiple owners and offer AH/ R&R component on a single plot while shifting sale component as well as base FSI of the plot to other plots provided all right holders of these plots agree and make a joint application. However, clubbing shall be allowed only if it leads to an independent plot / building/wing as the case may be with AH/ R&R component being handed over to Planning Authority.</p>	<p>Clubbing: The entire AH/ R&R components including Base FSI may be categorized as AH/ R&R component as applicable and the corresponding sale components from the additional FSI amongst two or more schemes under this regulation can be permitted to be interchanged. A developer / developer making an application under this regulation may club more than one plot belonging to single or multiple owners and offer AH/ R&R component on a single plot while shifting sale component as well as base FSI of the plot to other plots provided all right holders of these plots agree and make a joint application. However, clubbing shall be allowed <u><i>if preferably AH / R&R tenements are proposed preferably in only if it leads to</i></u> an independent plot / building/wing as the case may be with AH/ R&R component being handed over to Planning Authority.</p>	<p>Word "preferably" is added in line with regulation for Inclusive housing under regulation 15 (2) reproduced below:</p> <p><i>" EWS/LIG Housing in the form of tenements of size ranging between carpet area of size 25 to 27.88 sq.m. or as decided by the Housing Department, Government of Maharashtra, from time to time. (hereinafter referred to as 'IH tenements') and shall be constructed at least to the extent of 20% of the Zonal(basic) FSI. Such housing shall preferably be in separate wing/building and shall be handed over to MCGM</i></p>

	<p>The developer shall have to pay as an unearned income equal to 40% of difference of sale value of shifted built up area of AH/ R&R component as per ASR.</p>	<p>The developer shall have to pay as an unearned income equal to 40% of difference of sale value of shifted built up area of AH/ R&R component as per ASR.</p>	<p><i>subject to the following conditions: -"</i></p>
m)	<p>Provided that the BUA of AH/ R&R component under this regulation can also be provided in any scheme within the same municipal ward or adjoining municipal ward of BMC or within the distance of 5km, provided that the BUA to be handed over to BMC shall be equivalent value as per ASR of the year of surrender of the tenements. This will be worked out in the following manner.</p> <p>Built up area B = Built up area A x (RR A/RR B) where,</p> <p>Built up Area A = BUA of AH/R&R component proposed to be shifted from plot A</p> <p>Built up Area B = BUA of AH/R&R component to be handed over to BMC at plot B in lieu of BUA of plot A</p> <p>RR A= Ready Reckoner Rate for BUA at plot A</p> <p>RR B=Ready Reckoner Rate for BUA at plot B</p> <p>Provided that, in such cases minimum 10 nos. of AH/ R&R tenements to be provided in one building.</p> <p>Provided further that in case of constructed</p>	<p>Provided that the BUA of AH/ R&R component under this regulation can also be provided in any scheme within the same municipal ward or adjoining municipal ward of BMC or within the distance of 5km, provided that the BUA to be handed over to BMC shall be equivalent value as per ASR of the year of surrender of the tenements. This will be worked out in the following manner.</p> <p>Built up area B = Built up area A x (RR A/RR B) where,</p> <p>Built up Area A = BUA of AH/R&R component proposed to be shifted from plot A</p> <p>Built up Area B = BUA of AH/R&R component to be handed over to BMC at plot B in lieu of BUA of plot A</p> <p>RR A= Ready Reckoner Rate for BUA at plot A</p> <p>RR B=Ready Reckoner Rate for BUA at plot B</p> <p>Provided that, in such cases minimum 10 nos. of AH/ R&R tenements to be provided in one building/<u>wing</u>.</p> <p>Provided further that in case of constructed & completed tenements to be handed over to BMC,</p>	<p>i) Added "wing / plot" in line with original clause</p> <p>ii) Age of tenement may be increased up to ten years.</p>

	<p>& completed tenements to be handed over to BMC, the age of the tenements at the time of handing over of these tenements shall not be more than seven years calculated from the date of C.C. to the said tenement.</p>	<p>the age of the tenements at the time of handing over of these tenements shall not be more than seven ten years calculated from the date of C.C. to the said tenement.</p>	
n)	-	<p>New Clause to be added as below -</p> <p>Even if the layout open space (LOS) is reduced to make the project viable a minimum of at least 10% of open space shall be maintained.</p> <p>In case of combination scheme, LOS shall be provided to the extent of 10% of prorata plot area under 33(20)(B) and as per Regulation 27(1)(a) for balance plot area.</p>	<p>In 33(11) schemes, 8% RG area is insisted. Also, for other redevelopment schemes including 33(20)(A), 10% RG area is required as per DCPR 2034.</p>
o)		<p>Relaxation in building and other requirements for rehabilitation:</p> <p>Notwithstanding anything contained in these Regulations, the relaxations incorporated in sub Regulation No. 6 of Regulation No. 33(10) of these Regulations except clause 6.11, 6.16 & 6.18 shall apply. The payment of premium at the rate of 10% of normal premium or at the rate of 2.5% of the land rates as per ASR (For FSI (1), whichever is more shall apply for any relaxation granted in open spaces.</p>	<p>This clause is required for allowing relaxations for rehab component at par with other redevelopment schemes including 33(7), 33(9), 33(11).</p>

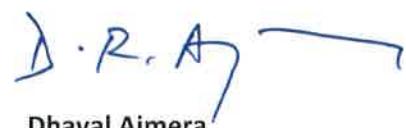
p)		<p><u>New Clause to be added as below -</u></p> <p>Development charges shall not be recovered for the BUA to be handed over to MCGM for AH/R&R tenements</p>	This clause is at par with 33(11) and also as per Reg. 33(8)(h) of DCPR 2034
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Looking forward to your kind consideration on the above.

Thanking you,

Yours faithfully,
For CREDAI-MCHI


Boman Irani
President


D. R. A
Dhaval Ajmera
Hon. Secretary