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To,
The Chief Engineer,
Development Plan,
Municipal Head Office,
5th floor, Annexe Building,
Mahapalika Marg, Fort,
Mumbai – 400 001.



Subject: Suggestions / Objections for Proposed Modification to the Regulation 33 (20)(B) of DCPR 2034 u/s 37(1) of M.R. & T.P. Act.

Ref: - Our Suggestion /objections letter dt. 10.04.2023.

Dear Sir,

In continuation to our previous letter dt. 10.04.2023 submitting our suggestions/objections and as stated that we reserve our rights to add, after or amended the suggestions/ objections we have to further state as follows:

Reg. No.	Regulation as per Proposed Modification	Suggested Clause	Reasoning
Note-1 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.	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. 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).	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). It needs to be further clarified that the same definition of plot area for FSI purpose shall be applicable in case of combination/clubbing proposals as well.

Maharashtra Chamber of Housing Industry

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Note-1 iii)	This provision shall also apply to the plots developed as per Column 7 of Table no. 12 of Regulation 30(A).	This provision shall also apply to the plots developed as per Column 7 of Table no. 12 of Regulation 30(A), 33(6) 33(7), 33(7)(A), 33(7)(B).	Clause added for further clarity on applicability to any scheme.
d)	The ratio of BUA to carpet area shall be 1.2, including all the amenities & facilities. The area of features permissible free of FSI as per Regulation No 31 shall not be considered for the calculation of carpet areas.	The ratio of BUA to carpet area shall be 1.2, including all the amenities & facilities. The area of features permissible free of FSI as per Regulation No 31 shall not be considered for the calculation of carpet areas. Provided however that the area of common passage leading to AH/R&R tenements and not permitted free of FSI shall be considered for the calculation of BUA.	
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. Also, payment of development cess under note (7) of Regulation 30 shall not be payable for FSI availed under this regulation.	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)	In case of layout having area of 4000 sqm & more, 25% of pro-rata 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 case of layout having area of 4000 sqm & more, 25% of pro-rata Zonal (basic) FSI corresponding to FSI as mentioned in Column no 6 of above Table availed under regulation 33(20)(B) shall be exclusively may be 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.	Shopping / Convenience shopping should not be made mandatory as it will create planning constraints to give 25% of zonal basic FSI for such users, mainly separate staircases & lift provision to such users.

<p>I)</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 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. 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>Such clubbing can be allowed for the schemes falling in same ward or adjoining ward or within the distance of 5 km.</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 in any 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 in any scheme 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 if preferably AH / R&R tenements are proposed in 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>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>Such clubbing can be allowed for the schemes falling in same ward or adjoining ward or within the distance of 5 km. Within 'Island City with schemes in 'Island City' and within 'Western Suburbs & Extended Suburbs' with schemes in 'Western Suburbs & Extended Suburbs' and within 'Eastern Suburbs & Extended Suburbs' with scheme in 'Eastern Suburbs & Extended Suburbs'.</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.mt. 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 subject to the following conditions: -"</i></p> <p>The clubbing should be permitted in any scheme so as to incentivize the generation of AH/ R&R tenements.</p> <p>The clubbing to be permitted on par with clubbing of scheme in case of Reg.33(11) & 33 (10).</p> <p>The developer shall have to pay as an unearned income equal to 40% of difference of sale value Land value of shifted built up area of AH/ R&R component as per ASR.</p>
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<p>m)</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)</p> <p>were,</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 & 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>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, Within 'Island City with schemes in 'Island City' and within 'Western Suburbs & Extended Suburbs' with schemes in 'Western Suburbs & Extended Suburbs' and within 'Eastern Suburbs & Extended Suburbs' with scheme in 'Eastern Suburbs & Extended Suburbs' 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)</p> <p>were,</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 preferably provided in one building/wing.</p> <p>Provided further that in case of constructed & 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 ten years calculated from the date of C.C. to the said tenement.</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.mt. 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 subject to the following conditions: -"</i></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>iii) The clubbing should be permitted in any scheme so as to incentivize the generation of AH/ R&R tenements.</p> <p>The clubbing to be permitted on par with clubbing of scheme in case of Reg.33(11) & 33 (10).</p>
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Additional Provision (n)	<p>n) Notwithstanding to any provisions in these regulations following provisions shall be applicable:</p> <p>(i) For a building up to height 32m the front open space shall be 3.0 m.</p> <p>(ii) For a building, up to height 32 m, side and rear marginal open spaces may be reduced to 3.0 m.</p> <p>iii) For a building with height more than 32 m but up to 70 m the side and rear marginal open spaces shall not be less than 6 m and for a building with height more than 70 m the side and rear marginal open spaces shall not be less than 9 m and 12 m beyond 120 m subject to fulfillment of fire safety requirement as specified in these Regulations.</p>	In order to incentivize the scheme under Reg. 33(20)(B) this provision is added.
Additional Provision (o)	o) Notwithstanding to any provisions in these regulations the restrictions of height spelt out in Reg. 43 shall not be applicable for this regulation.	In order to incentivize the scheme under Reg. 33(20)(B) this provision is added.
Additional Provision (p)	p) Provided further that, in those cases, where BUA as stipulated in this clause, no payment as stipulated in clause (j) above needs to be made.	This provision should be added at the end of sub clause 33(20)(B) (m)
Additional Provision (q)	Notwithstanding anything contained in these Regulation, the relaxations incorporated in sub-Regulation No.6.1 to 6.18 of Regulation No. 33(10) of these Regulations except clause 6.11, 6.16 & 6.18 shall apply.	In order to incentivize & make scheme viable the scheme under Reg. 33(20)(B), this provision is added.
Additional Provision (r)	<p>LOS Requirement: -</p> <p>LOS Requirement as per Reg. 27 may be relaxed to 10% with special permission of Commissioner which should be at ground level.</p>	In order to incentivize & make scheme viable the scheme under Reg. 33(20)(B), this provision is added.
Additional Provision (s)	<p>Provided that for the redevelopment under Regulation 33(5), 33(6), 33(7), 33(7)(A),33(9),33(9)(B), 33(10) 33(10) (A), 33(11) (A),33(15) & 33(20) (A), 33(20)B, the parking shall be as follows.</p> <p>One parking space for every.</p> <p>a) 8 tenements having carpet area up to 45 sq. m each</p> <p>b) 4 tenements with carpet area exceeding 45 sq. m but not exceeding 60 sq. m each</p> <p>c) 2 tenements with carpet area exceeding 60 sq. m but not exceeding 90 sq. m each.</p> <p>d) 1 tenement with carpet area exceeding 90 sq. m</p>	Inclusion of into Table 15 Parking spaces to be provided on par with Regulation 30(20)(A).

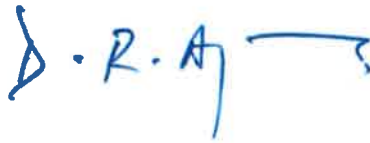
	Additional Provision (s)	Provisions of 14(A) and 15 shall not be applicable for development under this regulation.	This is suggested in order to allow greater number of units for AH/R&R to be constructed in proposed plot. Further the provision for such tenements itself is an amenity and such tenements shall also serve to alleviate the burden on city infrastructure.	
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You are requested to consider our above suggestions and oblige.

Yours sincerely,
For CREDAI-MCHI



Domnic Romell
President



Dhaval Ajmera
Hon. Secretary