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To,

Smt. Valsa Nair (I.A.S.),

Additional Chief Secretary

Housing Department

Government of Maharashtra

Badam
13/06/2023
मुख्य (पुनर्निर्माण) यांचे कार्यालय

Sub: Problems / Suggestion for Housing department to promote SRA/ MHADA Schemes

Respected Sir,

At the outset, let us begin by commending the Housing department for the admirable job that the department is doing to promote affordable Housing. With a view to further promote development of MHADA / SRA schemes we would like to bring to you the following issues which requires your intervention:

- 1) **REPEAL of MQFA**
- 2) To charge nominal stamp duty of Rs. 1000/- in respect of redevelopment project undertaken on MHADA Land. Requested that the Housing Department & MHADA to take up this issue with Revenue Department and issue notification on the same line of MCGM for charging nominal stamp duty in respect of redevelopment on MHADA land.
- 3) Proposed Modification under DCPR 2034, Reg. 31(3): Provided further that in case of redevelopment schemes of EWS/ LIG / MIG category under Regulation 33(5) where rehab entitlement **has been determined by the Government under these Regulations**, then fungible compensatory area on such total rehab entitlement should be granted without charging premium, **and not to be restricted to the existing BUA as defined by the planning authority or special planning authority, as may be applicable.**
- 4) Proposed modification / clarification under DCPR 2034, regulation 33(5) vide clause no. 6 for grant of staircase, lift and lift lobby area free of premium for the proposed built up area of the rehab members in a composite or an independent building / wing instead of restricting the same to existing built up area and recovering the premium for the balance area under staircase, lift and lift lobby as done by SPA of MHADA authority.
- 5) Regarding the payment of premiums for allotment of additional FSI through Resident Executive Engineer Department-directions to be given to REE to grant NOC to CC. for the entire approved BUA or direct them to not levy interest on the proportionate amount for which the NOC to C.C is not granted.
- 6) Regarding levy of premiums under DCPR 33(5), MHADA should deduct the actual rehab area and charge premium only for the area available for sale
- 7) MHADA is granting free fungible FSI only to the extent of 35% on the existing BUA as per lease deed certified by REE, MHADA, it is requested that entire fungible compensatory FSI on the rehab component not exceeding 35 sq. mt shall be granted without charging premiums.

Maharashtra Chamber of Housing Industry

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VASAI-VIRAR | AURANG | KARNATAK KHALABUR KHAROL | YOUTH NMB

- 8) The rehab entitlement under Regulation 33(5) of DCPR 2034 is determined by the State Government from time to time. As per Regulation 33(5) of DCPR 2034 the redevelopment of MIG/HIG has now been permitted for the tenements having area up to 80sq mt.

However, the Fungible Compensatory Area without charging premium has been restricted to Redevelopment of Schemes of EWS and LIG category only and to the extent of the rehab entitlement not exceeding 35 sq mt (as mentioned in earlier clause). The aforesaid restrictions under Regulation 31(3) is unreasonable and there is no correlation between exclusion of the category under MIG and HIG since the rehab entitlement for these categories have been determined by the Government which is up to 80 sq. mtrs.

In view of the above, we propose the following modification in Regulation 31(3) of DCPR 2034 as under:

31(3) as per Existing DCPR 2034	Proposed Modification
Provided further that in case of redevelopment schemes of EWS/ LIG category under Regulation 33(5) where rehab entitlement not exceeding 35 sq. mtrs. then fungible compensatory area on such rehab entitlement shall be granted without charging premium.	Provided further that in case of redevelopment schemes of EWS/ LIG / MIG category under Regulation 33(5) where rehab entitlement has been determined by the Government under these regulations, then fungible compensatory area on such rehab entitlement shall be granted without charging premium

9) **Parity between various regulations wherein MHADA is the sanctioning Authority.**

Vide notification bearing TPB-4320/107/CR-72/2020/Part-I/UD-11 the incentive FSI for schemes under Regulation 33(7) & 33(9) have been revised to make it more conducive to development and as such make them viable. Whereas the incentive FSI under 33(7) has been increased from 50% to ranging from 75-100% depending upon the LR/RC ratio and number of plots. Similarly, the incentive FSI has increased ranging from 85% to 130% depending upon the LR/RC and size of the plot. The incentive FSI for 33(5) also needs to be brought in parity with Regulation 33(7) and 33(9) as the characteristics of development for these regulations are similar. The incentive table B for Regulation 33(5) should be as follows:

Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)			
	For 0.4 Ha upto 1 Ha	More than 1 Ha upto 5 Ha	More than 5 Ha upto 10 Ha	For more than 10 Ha
Above 6.0	85%	90%	95%	100%
Above 4 and upto 6	95%	100%	105%	110%
Above 2.00 and upto 4	105%	110%	115%	120%
Upto 2	115%	120%	125%	130%

10) **Schedule for payment of MHADA Premium in 10:10:80 scheme.**

The Real Estate Industry has been through a lot of turmoil in the last decade which has been exaggerated by the Pandemic. For survival and revival of the Industry it is imperative that the premiums are correlated to the stage of construction and incoming flow of the Developer so that projects are not stalled due to want of liquidity. In light of the same it is imperative that the schedule of payment of Premium in lieu of MHADA share as per clause 2.1 (c) of regulation 33(5) and as per option provided vide UD notification bearing no TPB-4321/CR-79/2021/UD-11 dated 18th August 2021 for the additional 1 FSI over and above 3 FSI should be in 10:10:80 format. (10% at the time of sanctioning the sale FSI in lieu of MHADA share, Further 10% at the time issuance of CC for such FSI and 80% at the time of OC).

- 11) Proposed Modification under DCPR 2034, Reg. 31(3):
Provided further that in case of redevelopment schemes of EWS/ LIG / **MIG** category under Regulation 33(5) where rehab entitlement ~~not exceeding 35 sq.mt~~ **has been determined by the Government under these Regulations**, then fungible compensatory area on such total rehab entitlement shall be granted without charging premium, **and not restricted to the existing BuA as defined by the planning authority or special planning authority, as may be applicable.**
- 12) Request for implementation of new policy for parking of Non-Resident units for redevelopment scheme under regulation no. 33(10),30(10)A
- 13) Finalizing New Housing Policy
- 14) Finalization of Draft Model Tenancy Act
- 15) Finalisation of conditions in relation to Shashulk patra wherein the cost of 2.5 lacs has been standardised as per recent GR.
- 16) Recognizing and Regularizing transfer of structure after preparation of Annexure-II. Present Policy doesn't allow transfer of slum structures after preparation of Annexure-II. The ground reality is that 30-50% structures are transferred between Annexure-II and eventual allotment of flats. It is submitted that the Competent Authority should charge transfer fee and regularise the transfer of the structure, reflecting the name of the transferee in the Annexure-II.
- 17) SRA has come up with a draft lease agreement for lease of government or public land to slum/sale societies after completion of building/project. that needs drastic amendment. Request a joint committee to be formed with some developers, legal SRA, one or 2 engineering staff and architects. finalisation of the same.
- 18) For lands/roads handed over in SR scheme TDR should be granted. earlier FSI was given in relation to Land and there was a cap on construction and hence it was logical not to give TDR for road/reservation handover since FSI was given on gross plot area i.e. on such handover areas as well. but now there is no cap on fsi and developer is getting only fsi in relation to rehab component and not land area. hence TDr should be given for lands/reservations handed over in slum just like in other regulations.
- 19) Reduce approval process currently in place for shifting of religious structures within SRA scheme. Current Process as per Circular of the Home Department dated 23rd November 2009. NOC is required from Local Police station, Traffic, Commissioner of Police, Home Dept., UD before SRA issues CC for the same (This process takes a minimum of 8-12 months). We humbly suggest that a 2 person committee should be formed with CO SRA/Secretary SRA and Asst. Commissioner of Police as members which would meet twice a month (like the HPC) and deliberate on proposals for shifting of religious structures within an SRA scheme. The opinion of the local police station may be sought wherever required.
- 20) Infrastructure charges: In DCR 1991, the infrastructure charges were charged on additional FSI over and above the basic FSI @ Rs.560/- per sq.mt. In DCPR 2034, Govt. of Maharashtra has revised the infrastructure charges @ 2% of the R.R. Rate, which makes many Slum Schemes difficult to implement. We request you to continue the policy of charging the infrastructure charges on additional FSI over and above the basic FSI @ Rs.560/- per sq.mt.

- 21) Mechanism for swift MOEF Clearances for SRA projects. NOC/Approvals should contain flexibility to enable Developers to make changes to layout/planning without having to apply and take NOC again and again. Further deliberations should be restricted to environmental factors.

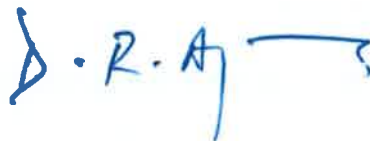
We hope that our request will be considered positively, and immediate instruction will be given to the respective department on the same.

Thanking you in anticipation

Yours sincerely,
For **CREDAI-MCHI**



Domnic Romell
President



Dhaval Ajmera
Hon. Secretary