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Boman Irani

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Dhaval Ajmera

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Nikunj Sanghavi

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Rushi Mehta

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Gurminder Singh Seera

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Dr. Adv. Harshul Savla

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YOUTHWING CONVENOR
Naman Shah

PROCUREMENT CONVENOR
Nimish Ajmera

WOMEN'S WING CHAIRPERSON
Sejal Goradia

To,

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



Ref. No. MCHI/PRES/23-25/066
Date: 23/6/2023

Sub: To Request for action on letter submitted on date 27.04.2023

Ref: CREDAI-MCHI letter no. MCHI/PRES/23-25/011 on dated 27.04.2023
Submitted to BMC.

Respected Sir,

We would like to draw your kind attention towards our letter submitted on 27.04.2023 regarding the subject of Clarification for reissue of IOD lapsed availing 50% premium benefit to be continued being FSI premium and not charges for IOD issued prior to 31.12.2021 (Copy attached)

We therefore kindly request your to please instruct all building proposal staff not to insist any additional premium over and above the amount paid – as per circular CHE/DP/21546/Gen dated 05.03/2021 and to honour the premium paid prior to 31.12.2021. we also request you to revalidate all lapsed IODs for one year considering the purpose of the government's plan to revive the real estate sector.

Thank you for your kind attention to this matter. We look forward to a favourable response.

Yours Sincerely,

For CREDAI-MCHI

Domnic Romell
President

Dhaval Ajmera
Hon. Secretary

Maharashtra Chamber of Housing Industry

Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.
Tel: 42121421, Fax: 4212 1411/407 Email: secretariat@mchi.net Website: www.mchi.net

CREDAI-MCHI CHAPTERS : THANE | KALYAN-DOMBIVLI | MIRA BHAYANDAR | RAIGAD | NAVI MUMBAI |
BHIWANDI | PALGHAR BOISAR | SHAHAPUR-MURBAD | URAN-DRONAGIRI |
VASAI VIRAR | ALIBAG | KARJAT-KHALAPUR-KHOPOLI | YOUTH NMR

MANAGING COMMITTEE
2023-2025

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WOMEN'S WING CHAIRPERSON
Sejal Goradia

01C
CREDAI MCHI



Ref. No. MCHI/PRES/23-25/011

Date: 27/4/2023

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

Sub: Clarification for reissue of IOD lapsed availing 50% premium benefit to be continued being FSI premium and not charges for IOD issued prior to 31.12.2021

Ref: 1) TPB/4319/189/CR 123/2019UD 11 on 20.08.2019
2) CHE/DP/21546/Gen dated 05.03.2021

Respected Sir,

The Government of Maharashtra had issued 2 notifications to revive the real estate industry, vide no TPB/4319/189/CR 123/2019UD 11 on 20.08.2019 for a period of 2 years and GOM issued directive to reduce all premium and thereafter MCGM after standing committee resolution no 1510 dated 26.02.2021 and CR no 424 dated 04.03.2021 issued circular vide no. CHE/DP/21546/Gen dated 05.03.2021 to reduce all premium by 50%, copy of both circular attached valid till 31.12.2021, in fact even CC payments were allowed to be paid at IOD stage which helped industry and BMC to generate record breaking revenues in the period.

Now due to certain circumstances beyond the control of the project proponent, in several cases C.C. be issued within the stipulated one-year time frame and hence IOD was considered to be lapsed. It is necessary to re-issue these IOD approvals where all the premiums are already paid for Fungible FSI, Staircase lift passage premium, open space deficiency, conversion of Industrial to Residential/Commercial zone etc, as per the Government's scheme. The demand for payment of balance 50% as per current R.R. Rates in such cases by zonal offices is incorrect as it defeats the purpose of the scheme as the said premium is paid for FSI purchased at prevailing R.R. Rates. As payment is done by a purchaser and commodity is purchased at the prevailing rate by full compensation, it should be treated as TOR purchased. We also request to revalidate such IODs for one more year as it will help revive the real estate sector.

Even in past, when IOD were issued and fungible FSI was approved wherein IOD had lapsed subsequently, there have been several precedent cases where the IOD was reissued without recovering any difference in amount paid even though the percentage of fungible premium increased from 35% to 50% or 40% to 60% or change in Land ASR, as the FSI once bought by Project proponent is loaded on scheme as per prevailing R.R. Rate.

There are various conditions levied in the IOD, which need to be fulfilled before asking for C.C. Many conditions such as agreement with the tenants / society member, NOC from MOEF, MCZMA etc. and sometimes even financial constraints beyond the control of the project proponents take more than one year to get resolved and applying for CC is not possible.

We therefore request you to please instruct all building proposal staff not to insist any additional premium over and above the amount paid - as per circular CHE/DP/21546/Gen dated 05.03.2021 and to honour the premium paid prior to 31.12.2021. We also request you to revalidate all lapsed IODs for one year considering the purpose of the government's plan to revive the real estate sector.

Thanking you,

Yours sincerely,
For CREDAI-MCHI

Domnic Romell
President

Dhaval Ajmera
Hon. Secretary

Maharashtra Chamber of Housing Industry

Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.
Tel: 42121421, Fax: 4212 1411/407 Email: secretariat@mchi.net Website: www.mchi.net

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VASAI VIRAR | ALIBAG | KARJAT-KHALAPUR-KHOPOLI | YOUTH NMR

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
उक्त अधिनियमाचे कलम १५४ चे निदेश.
(बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४
मधील अधिमूल्याचे दराबाबत)

महाराष्ट्र शासन
नगर विकास विभाग
मंत्रालय, मुंबई : ४०० ०३२,
क्रमांक :- टिपीबी-४३१९/१८९/प्र.क्र. १२३/२०१९/नवि-११
दिनांक :- २० ऑगस्ट, २०१९

शासन निर्णय : सोबतचे आदेश महाराष्ट्र शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(निर्मलकुमार पं. चौधरी)
अवर सचिव, महाराष्ट्र शासन

प्रत :-

- (१) मा. मुख्यमंत्री यांचे प्रधान सचिव.
- (२) मा. राज्यमंत्री (नगर विकास) यांचे स्वीय सहाय्यक.

प्रति,

- (१) आयुक्त, बृहन्मुंबई महानगरपालिका.
- (२) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
- (३) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.
(त्यांना विनंती करण्यात येते की, सोबतचे आदेश महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१
मध्ये प्रसिध्द करून त्याच्या प्रत्येकी १० प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई,
आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई, संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे व
उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)
- (४) उपसंचालक, नगर रचना, बृहन्मुंबई, इन्साइटमेंट, महापालिका मार्ग, मुंबई- ४००००१.
- (५) कक्ष अधिकारी, कार्यासन नवि-२९, यांना विनंती करण्यात येते की, सोबतची आदेश विभागाच्या
वेबसाईटवर प्रसिध्द करावी.
- (६) निवड नस्ती (नवि-११)

**Maharashtra Regional & Town Planning
Act, 1966.**

Directives Under Section 154 of the said Act.
(regarding reduction in Premium Rates in
DCPR-2034)

GOVERNMENT OF MAHARASHTRA

Urban Development Department,

Mantralaya, Mumbai 400 032.

Dated :- 20th August, 2019.

ORDER

No. TPB-4319/189 /CR- 123/2019/UD-11

whereas, in exercise of the powers conferred by sub Section (1) of Section 31 of the said Act, the State Government vide Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, Dt. 08/05/2018 (hereinafter referred to as "the said Notification") has accorded sanction to the Draft Development Plan-2034 of Greater Mumbai along with the Development Control and Promotion Regulations -2034 for Greater Mumbai (hereinafter referred to as "the said Regulations") with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dt. 22nd June, 2018 as per which the said Regulations have come into force from 1/09/2018. And whereas, thereafter Government has issued a Corrigendum and Addendum of even number dt. 29th June, 2018 to the said Notification, which is published in Maharashtra Government Gazette dt. 30th June, 2018;

And whereas, the Government of Maharashtra vide Notification dt. 21/09/2018 has sanctioned the Excluded Part i.e. EP-1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) which were excluded from the sanction of the said Regulations;

And whereas, the Government of Maharashtra vide Notification dt. 12/11/2018 has issued corrigendum in respect of some typographical errors and mistakes and also to clarify and co-relate certain provisions of the said Regulations for its proper interpretation;

And whereas, Government has received various representations from M/s CREDAI-MCHI, NAREDCO, PEATA, M/s Borivali Developers Association (Proposed) (hereinafter referred to as "the said Associations") thereby requested the Government to take necessary urgent steps in order to review the housing construction in Mumbai. And whereas, the said Associations have requested Government to reduce development charges, development cess, Fungible Compensatory area premium, Premium towards additional FSI, etc. And whereas, the Commissioner, Municipal Corporation of Greater Mumbai vide his letters dated 25/07/2019 and dated 02/08/2019 has submitted his remarks. And whereas, the CEO, MHADA vide his letter dated 25/07/2019 has requested to modify the said Regulations;

And whereas, considering the request of the said Associations, report of the Commissioner, Municipal Corporation of Greater Mumbai and report of the CEO, MHADA, the Government in Urban Development Department is of the opinion that it is expedient in



the public interest to take recourse of Section 154 of the said Act to issue directions in this regard;


Now, therefore, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (1) of Section 154 of the said Act and of all other powers enabling it in this behalf, Government of Maharashtra hereby accordingly issues directions as specifically described in the schedule attached herewith.

Further, these directives under Section 154(1) of the said Act shall come into force from the date of this order and will be valid and applicable for the period of Two years from the date of this order.

This order under Section 154(1) of the said Act shall also be available on the Government of Maharashtra website : www.maharashtra.gov.in (Acts/Rules)

By order and in the name of the Governor of Maharashtra.




(Nirmalkumar P. Chaudhari)
Under Secretary to Government.

SCHEDULE

Accompaniment to the Government in Urban Development Department Order No. TPB-4319/189 /CR- 123/2019/UD-11, dated - 20th August, 2019.

Directives issued under section 154(1) of the Maharashtra Regional and Town Planning Act, 1966 to all the Planning Authorities in MCGM area, where Development Control and Promotion Regulations-2034 are applicable.

1. The rate of premium provided in Regulation 30(A)(6) and Regulation 31(3) are revised as 35% for Residential Development and 40% for Commercial Development of the land rates as per ASR (for FSI 1) of the year in which such FSI is granted or as may be decided by the Govt. from time to time.
2. The rate of premium provided in Regulation 33(13)(a) and in Regulation 33(19)(4) are revised from 50% to 40% of ASR for open developed land.
3. The premium worked out as per formula in Regulation 33(18)(X) is revised from 60% to 40% of [Value of the additional BUA corresponding to the incentive FSI admissible under this Regulation, as per A.S.R. - (Cost of construction of PPL + cost of any extra amenities/facilities provided + cost of construction of BUA corresponding to the incentive F.S.I. admissible under this Regulation)]
4. The rate of premium provided in Regulation 33(5) Table C-1 are revised as follows:-

Table-C1


<i>LR/RC</i>	<i>Ratio EWS/ LIG</i>	<i>MIG</i>	<i>HIG</i>
0 to 2	20%	45%	60%
2to4	23%	49%	64%
4to6	25%	53%	68%
above 6	28%	56%	71%

5. The Development Cess under various sub-regulation of Regulation 33 i.e. Regulation 33(3)(A)(3), 33(3)(B)(1)(iv)(c) (i), 33(4)(2), 33(5)(5)(a), 33(7)(14), 33(7)(A)(15), 33(8)(D)(i), 33(8)(II) (4)(g), 33(9)(10), 33(9)(22)(b), 33(9)(B)(7) shall not be recovered for period of two years from the date of this order.

NOTE:-The aforesaid revised premium rates shall be valid and applicable for the period of Two years from the date of this order.

By order and in the name of the Governor of Maharashtra.




(Nirmalkumar P. Chaudhari)
Under Secretary to Government.

N/13

MUNICIPAL CORPORATION OF GREATER MUMBAI

Chief Engineer (Development Plan) Department

Ch.E./D.P./ 21546 / Gen. dtd. 05 MAR 2021

Che/D.P./156/Gen
2020-21

Sub: Directions u/sec 154 of MR&TP Act 1966: To provide concessions in premium towards additional FSI / FCA as per Development Control & Promotion Regulations 2034 and to take decision regarding granting concession for premiums other than Additional FSI / FCA, as per Development Control & Promotion Regulations 2034, by Planning Authority (MCGM).

Ref: 1) TPS-1820/अ.नौ./CR 80/20/UD-13 dtd. 14.01.2021 (C/29-35)
2) Standing Committee Resolution no.1510 dtd.26.02.2021
3) Corporation Resolution no.424 dtd. 04.03.2021 (C/73)

Recently, GOM had issued directives u/s 154 of M.R. & T. P. Act 1966 (hereinafter referred as *the said directives*), as referred above, allowing reduction in various premiums.(at Pg. C /29-33).

As per the sr. no. 1 of the said directives, concession is granted to an extent of 50% for the premium to be recovered for additional FSI / Fungible Compensatory Area.

Sr. no. 2 of the said directives, *interalia*, provides that the Planning Authority may take necessary decision regarding the premiums, excluding the premium for additional FSI/Fungible Compensatory Area. These payments include premium for Staircase / lift area claimed free of FSI, deficiency in open space, conversion of zone etc. The above concessions are subject to certain conditions as mentioned therein.

In view of the said directives a detailed note alongwith the policy guidelines with requisite formats was submitted to Hon.M.C. for approval to allow concession to an extent of 50% for the premium to be recovered for additional FSI / Fungible Compensatory Area. Hon.M.C. vide No. MGC/A/5537 dtd.22.02.2021 has approved the said proposal. Accordingly, the policy circular has been issued u/no. CHE/DP/21546/Gen. dtd.22.02.2021 (Circular No. CHE/DP/155/Gen of 2020-21).

In view of the said directives in order to allow the rebate of 50% as mentioned at sr. no. 2 of the above said directives to other premiums being charged for staircase, open space deficiency, change of user etc., DL to MS was submitted through C.A. (F) / AMC (P) after the approval of Hon. M.C. to Standing Committee/ Corporation for their approval. Standing Committee vide Resolution no.1510 dtd. 26.02.2021 and Corporation vide its Resolution u/no. 424 dtd. 04.03.2021 has approved the said proposal of granting rebate of 50% to other premiums being charged for staircase, open space deficiency, change of user etc.

Accordingly, as per the approval of Standing Committee/ Corporation, it is proposed to grant 50% concession in the payment for the following premiums:

1. Premium for Open Space Deficiency
2. Premium for Staircase / Lift Area
3. Premium for conversion of Industrial Zone to Residential / Commercial Zone
4. Premium for not handing over of land component as necessary as per Regulation 17 of DCPR 2034
5. Premium towards condonation of parking
6. Premium for providing paved LOS
7. Premium towards condonation for width of staircase
8. Premium towards condonation in size of artificial ventilation shaft
9. Premium towards non provision of amenity as per Reg. 14(A)
10. Premium towards parking provided beyond permissible as per Note (ii) of Regulation 44(6)

The concession of 50% will not be applicable for any penalty / penal interest or any other premium / charges / scrutiny fee / Development Charges etc. to be recovered other than mentioned at sr.no. 1 to 10 above.

Regarding the modalities of implementation of above, the policy circular issued u/no. CHE/DP/021546 dtd.22.02.2021 (Circular No. CHE/DP/155/Gen of 2020-21) shall be followed.

Under the circumstances, M.C.'s consideration and approval is requested to above policy which will be circulated for implementation.

Submitted for approval please.

09/03/21
(R.G. Patgaonkar)
Dy.Ch.E.(D.P.)-II

(V.P. Chithore)
Ch.E.(D.P.) & Dir.(E.S. & P.)

(I.S. Chahal)
Hon'ble M.C.
Sir,

On view of Govt directives, resolution passed by standing committee, corporation, the policy vide PN-13-14 is submitted for Hon.M.C.'s approval. On receipt of approval, the same will be circulated for implementation please.

05/03/2021

Ch. Engineer (D.P.)
& Dir. (E.S. & P.)

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5/3-21
Municipal Commissioner
Ch.E(DP)

ESCP
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