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To,
Shri Sanjeev Jaiswal [I.A.S.]
VP & CEO,
MHADA,
5th Floor, Grihnirman Bhavan,
Kala Nagar, Bandra E, Mumbai- 400051

Sub: Suggestion which is required for faster implementation of Redevelopment Scheme under Regulation 33(7) of DCPR 2034 for Greater Mumbai.

Respected Sir,

Firstly, we are grateful to you for accepting our suggestion and issuing the revised circular for revalidation fees. It certainly brought big relief to all the developers; your proactive step has created a positive vibe in the industry. We would further would like to draw you attention to following suggestions which is required to be looked upon for faster implementation of redevelopment scheme under Regulation 33(7) of DCPR 2034 which is required for necessary action.

Sr. No	Regulation No.	Suggestion	Suggestion with Justification.
1	33(7)(8)	8. Relaxation in building and other requirements for rehabilitation. 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. Even if the amenity open space(LOS) is reduced to make the project viable a minimum of at least 10% of open space shall be maintained.	8. Relaxation in building and other requirements for rehabilitation. 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 AST (for FSI 1), whichever is more shall apply. The clause No. 6.16 incorporated in sub Regulation No. 6 of Regulation No. 33(10) shall apply. Even if the amenity open space (LOS) is reduced to make the project viable a minimum of at least 10% of open space shall be maintained. Justification: Typographical mistake.

Maharashtra Chamber of Housing Industry

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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

2	33(7)(19)	<p>19. Non- Deduction of non-cessed structure area in the scheme of 33(7) for FSI purpose. In case of mix of the structure i.e. cessed and non-cessed structure existing prior to 30.09.69, area of land component under non-cessed structure works out up to a limit of 25% of plot area, then FSI shall be considered on total plot area. If this area exceeds 25% of the total area, then area above 25% shall be deducted from plot area. FSI for deducted area shall be as per Regulation No. 30 and the FSI for the remaining plot area shall be as per 33(7). Provision of clause no. 2 above shall be made applicable to non- cessed occupier. Provided that the 25% land component of non-cessed structures will be eligible for FSI as per Regulation 33(7) only.</p>	<p>19. Non- Deduction of non-cessed Structure area in the scheme of 33(7) for FSI purpose. In case of mix of the structure i.e. cessed & non cessed structure and if the area of non-cessed structure existing prior to 30/9/69, area of land component under non cessed structure works out upto limit of 45% of plot area, then FSI shall be considered on total plot area or incentive FSI thereon. If this area exceeds 45% of the total area, then area above 45% shall be deducted from plot area. FSI / BUA for deducted area shall be as per Regulation no. 30 and the FSI for the remaining plot area shall be as per 33(7). The tenants in the remaining area i.e. within 45% of the plot area will also be eligible for additional area of 5%, 8% and 15% as the case may be and incentive of this area will be advisable as per the provision of DCPR 33(7) as ple clause 5(A) and 5B) Above. Provision of clause no. 2 above shall be made applicable to non-cessed occupier. Provided that the 45% land component of non-cessed structures will be eligible for FSI as per Regulation 33(7) only.</p>
3	Insert new sub clause- 10 in 33(7)		<p>10. In case of redevelopment scheme in progress / part occupation obtained and such schemes where LOI has been issued, the Owner/Developer/Co-op Housing Society with the prior approval of Vice President and Chief Executive Officer, Maharashtra Housing and Area Development Authority, may convert the proposal in accordance with modified regulations. However, such conversion is optional and shall not be binding. Provided that in case of building of Corporation, the conversion is permissible with the approval of Municipal Commissioner subject to ascertaining and due verification of redevelopment scheme.</p>

4	Insert new sub clause -22 in 33(7)	----	<p><u>Clubbing of scheme:-</u></p> <p>At the option of the owner / developer two or more schemes under this regulation can be permitted to be integrated. A developer / developers making an application under this regulation may club more than one plot belonging to single or multiple owners.</p> <p>Rehab as well as sale component BUA of the plot shall be allowed to be clubbed with other plots provided all right holders agree and make a joint application.</p> <p>1. Premium</p> <p>The developer shall have to pay a premium equal to 30% of differences as per ASR of the plots where such clubbing have been permitted on the smaller plot area. The premium shall be paid to the Planning Authority in two stages 50% at the time of further CC above plinth and 50% at the time of issuing full C.C.</p> <p>Out of the total premium amount collected under this regulation shall be shared in 1/3 proportion by Government, MCGM & MHADA shall be kept in the separate account to be utilized for infrastructure improvement.</p> <p>2. Conditions</p> <p>a. The clubbing of scheme will be allowed after the due approval of the Commissioner and he is satisfied with hardship as per the provision of DCPR.</p> <p>b. Such clubbing can be allowed for the schemes falling within the distance of 10km. of radius. Further, when clubbing of scheme is proposed from composite scheme the receiving plot / scheme shall be treated as a composite scheme to make the intent of this regulation very clear which will promote redevelopment of plot / plots very fast which cannot be developed due to regulatory restrictions.</p>
5	As per Regulation 33(7) 13	To modify regulation 33(7) 13 i.e. tenancy cut of date of 13.06.1996 and to bring tenancy cut-off date at par with SRA.	The tenants of the existing cessed building are authorised tenants and they are paying taxes as per the provision of law. By allowing this process of redevelopment will get booster and there will be minimum action under 95(A) of MHAD Act.
6		The Scheme of 33(7) should be treated as a composite scheme even if the buildings are proposed in wing manner.	When rehab ratio is more than 50% the scheme becomes composite and if rehab ration is less than 50%, the surplus area which is required to be handed over to MHADA goes to rehab tenants which are on waiting list of MHADA and this surplus area are utilized by MHADA for rehabilitating the tenants of the cessed building only which are demolished by MHADA.

7		In proposal of FSI 3 on plot area basis, it is mandatory to give additional area of 5% to 15% and only this additional area are allow for calculating permissible area however no incentive has been given for this areas.	To make the scheme viable the incentive should be given as per the regulation on additional area to be given to the tenants.
8		As per present policy there is gap of maximum 120.00 Sq.mt. of rehab area in case of residential tenement for incentive FSI i.e. incentive FSI is permitted upto area of 120.00 Sq. Mt.	The present policy genuinely affects receiving consents from such tenants/ occupants and due to no incentive granted on such flats /units which reduces feasibility of may proposals in the island city and even though the area of non-residential tenant are more than 120.00 Sq. mt. are getting incentive on area more than 120.00 Sq. mt.
9.		To allow incentive FSI on non-cessed tenant area which are within permissible limit of 45% as per DCPR and to mark exact tenement which are within 45% of non-cessed area.	As per the provision of DCPR, since the list of non-cessed tenants are certified by MHADA, MCGM insists the rehab carpet area as per the provision of DCPR but they are not giving incentive FSI on the non-cessed rehab area as they have forwarded this point for clarification to the UD Department. x
10	33(7)(5)(c)	Provided further that reconstruction/redevelopment undertaken by proposed Cooperative Housing Society of occupiers of buildings existing prior to 30/9/1969 in Island City, which were earlier cessed building and were attracting the provisions of MHAD Act, 1976 but thereafter due to purchase/acquisition of the same by Cooperative Housing Society of Occupiers, such buildings are exempted from payment of cess,the total FSI shall be 2.5 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI whichever is more.	33(7)(5)c - Provided further that reconstruction/redevelopment undertaken by proposed Cooperative Housing Society of occupiers of buildings existing prior to 30/9/1969 in Island City, which were earlier cessed building and were attracting the provisions of MHAD Act, 1976 but thereafter due to purchase/acquisition of the same by Cooperative Housing Society of Occupiers, such buildings are exempted from payment of cess, the total FSI shall be 3.00 of the gross plot area or the FSI required for rehabilitation of existing occupiers OR incentive FSI 33(7) 5C modified from time to time - whichever is more. Justification : Decess buildings were cess till recent terms and took over by forming society by paying rent , However structures are old and dilapidated being more than 70/80 years old and being part of 33(7) there should be one FSI system rather than multiple scenarios creating confusion In 33(9) – any Building of 30 years old is allowed and same incentive granted

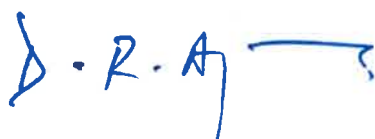
We hope that the above suggestions will be considered positively, and necessary action will be taken.

Thanking you

Yours sincerely,
For **CREDAI-MCHI**



Domnic Romell
President



Dhaval Ajmera
Hon. Secretary