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CREDAI-MCHI

Ref. No. MCHI/PRES/23-25/163
Date: 5/12/2023

To,
The Deputy Director (Town Planning),
ENSA Hutments, E-Block,
Azad Maidan,
Mahapalika Marg,
Mumbai – 400 001.

Sub: **Suggestions / Objections to TPB - 4323/UOR48/CR-67/2023/UD-11 dated 07.11.2023**

Dear Sir,

With reference to above subject matter, please find enclosed suggestions and objections. (Enclosed herewith)

We hereby request you to kindly give us an opportunity of personal hearing to personally explain our suggestions / objections.

Thanking you,

Yours sincerely,
For **CREDAI-MCHI**

Domnic Romell
President

Dhaval Ajmera
Hon. Secretary

Encl.: As above

5/12/23
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उपसंचालक ... बृहन्मुंबई
... आझाद मैदान
... मुंबई–४०० ००१.

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

<u>*Suggestions in respect of Urban Development Notice No. TPB-4323/UOR48/CR67/2023/UD-11, Dated 07/11/2023*</u>

Rule no	***Proposed Modification as per Notification dated 07/11/2023***	***Suggestions***	***Reasons***
30(A)(6)	*Premium shall be charged for 'additional FSI on payment of premium' (as per column no 5 of table no 12) for BUA at the rate of 50% 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 Govt. from time to time. Premium so recovered shall be shared between the State Govt., MCGM and MSRDC ~~**and Dharavi Authority**~~ on **25:50:25** basis. The MCGM shall utilize the premium for implementation of DP.*	*Following note shall be added in Regulation 30(A)(1) below Table No. 12 –* ***"3) The FSI in column (7) above allowed to be increased upto 3.00 for plot fronting to road width of 12 m or more, and upto 4.00 in case of plot abutting to road more than 18 m or more, with utilization of Dharavi TDR (as and when available)".*** *The deficiency in open space generated due to use of Dharavi TDR shall be condoned by charging premium equal to 2.5% of Land rate of ASR (for FSI 1).*	*The prospective buyers to be encouraged to purchase Dharavi TDR if utilization of Dharavi TDR increases the permissible FSI of their plot.*
Reg. 32(4) (4.1)(4.1.1) Table No. 12A Sr. No. 2	*In case of Regulation 33(7), 33(8), 33(9), **33(9)(A)**,33(10), **33(10)(A)**, 33(11), 33(20)(B)*	-	-
Insert new proviso in Reg. 32(4) (4.2)	***Provided further that, in case of Redevelopment Scheme under Regulation 33(9)(A) & 33(10)(A) where permissible in-situ FSI cannot be utilized in-situ, the difference between permissible FSI and FIS that can be used in-situ will be the quantum of TDR generated as per Regulation 32.***		-
Insert new proviso in Note of Reg. 32(5) (5.3)	*Note: - All TDR including slum and heritage TDR shall be utilized as per this regulation only.* ***Provided that the TDR generated from the Dharavi redevelopment Project as per Regulation 33(9)(A) & 33(10)(A) shall be allowed to utilise without applying the indexation provision above with following conditions:*** ***a) The quantum of TDR to be utilised shall be equivalent to FSI.*** ***b) In order to dispose off the available TDR in fair and transparent manner in market, MCGM in consultation with State Government will prepare and implement the e-tender / e-auction / e-quotation/ d mat or any other electronic system.***		

	c) In utilisation of TDR without indexation as per above, the maximum sell price of TDR shall not exceed 90% of the Value of Land as per ASR of the receiving plot of the year of loading the TDR.		
Insert new proviso in Note (iii) of Reg. 32(5)(5.4)	*iii) The quantum of maximum permissible TDR loading mentioned above shall include slum TDR ~~at least~~ 20 % ~~and maximum to the extent of 50%~~ and **Dharavi TDR 40%** of column no. 6 of Table No. 12 regulation 30(A) or as decided by Govt. time to time. **Provided further that, TDR generated from Dharavi Redevelopment Project (DRP) under regulation 33(9)(A) & 33(10)(A) shall be used on priority, such that TDR generated from Dharavi Redevelopment Project (DRP) shall be use first before utilization of other TDR**. Slum TDR as per this regulation and DRC generated from the vary said land and/or DRC generated from other location may be utilized up to the permissible limit mention above. **Provided that provision of utilisation of Dharavi TDR shall be applicable only when it is available for utilisation in market, till such time and in case of unavailability after starting generation of said TDR, this provision of utilisation of Dharavi TDR shall not be applicable. The quantum of total TDR generated from DRP and available for utilisation shall be displayed on BMC and DRP websites with real time update for information of general public.***	*Note i) of Reg. 32(5) (5.4) shall be modifed as follows – The maximum permissible ~~TDR that~~ **FSI as per regulation 30(A) Table 12 Column (7) can be allowed to be increased upto 3.00 in case of plot abutting to road width of 12 m or more, and upto 4.00 in case of plot abutting to road width 18 m & more, with utilization of Dharavi TDR, as and when such TDR is available which** can be utilized on any plot. Note iii) of Reg. 32(5) (5.4) shall not be modified.*	*The prospective buyers to be encouraged to purchase Dharavi TDR if utilization of Dharavi TDR increases the permissible FSI of their plot.*
Reg. 33(9)(A)	*……… DRP Area which shall have an overall FSI of 4.00 **or sum total of renewal FSI plus incentive FSI whichever is more.***	-	-
Reg. 33(9)(A)(1) {3(a)}	*…….. the TDR generated from the plot in the said SRD/SRA scheme would be deducted from over all calculation of FSI 4.00 **or sum total of Renewal BUA plus incentive BUA whichever is more.***	-	-
Reg. 33(9)(A)(1) {3(b)}	*(b) For private unencumbered plot/s situated within DNA but presently excluded, the FSI shall be 4.00 **or sum total of Renewal BUA plus incentive BUA whichever is more** on their inclusion in DRP. The developer however, shall have to pay premium as decided by DRP on BUA equivalent to 2.67 FSI **or difference between sum total of Renewal BUA plus Incentive BUA whichever is more**, of that plot upon which he could go up to BUA*	***Delete Reg. 33(9)(A)(1){6(b)}.***	

	equivalent to 4.00 FSI or sum total of Renewal BUA plus incentive BUA whichever is more in his free sale component.		
Insert new provision (c) in Reg.33(9)(A)(6)	(c) Out of the total permissible BUA on any of the plot in DRP area, unconsumed sale BUA due to constraints may be allowed to be utilised on any other plot in DRP or may be allowed in the form of transferable development rights as per Regulation 32 of these Regulations. TDR will be allowed in proportion to construction of rehabilitation component.		
Insert new provision in Reg. 33(9)(A)(6)	(d) Additional commercial area in the form of amenity area having 10% of the total rehabilitation component shall be constructed by the Developer and shall be handed over to DRP/SRA. This amenity area shall be considered for computation of rehabilitation area and incentive on the same shall be permissible as per clause (a) above. This amenity area may be allowed to lease by the Society or by the DRP/SRA on annual basis. The lease income generated from the same shall be used for the purpose of operation and maintenance of the building and society premises. However, the ownership of this area shall vest with DRP/SRA.		
Reg.33(10)(A)	......The DRP area shall have an overall FSI of 4.00 or sum total of Rehabilitation BUA plus incentive BUA whichever is more. .... guidelines given below.		
Reg. 33(10) (A) (3)(3.4) (a)	~~If the FSI required for rehabilitation of existing hutment dwellers plus free sale component exceeds FSI 4.00 of a particular plot, such excess quantum shall get absorbed while calculating overall FSI of 4.00 on entire DRP Area.~~ The maximum permissible BUA in DRP area shall be FSI 4.0 or area required for rehabilitation component plus incentive thereon whichever is more with minimum tenement density of 650 per Ha. Out of the total permissible BUA on any of the plot in DRP area, unconsumed sale BUA due to constraints may be allowed to be utilised on any other plot in DRP or may be allowed in the form of transferable development rights as per Regulation 32 of these Regulations. TDR will be allowed in proportion to construction of rehabilitation component. TDR will not be allowed to be exceeded by 50% of the construction of rehabilitation area sector/ phase wise, at any point of		

	time till completion of the construction of rehabilitation component. On sector/ phase wise completion of construction of rehabilitation component and obtaining Occupation Certificate, the balance TDR shall be released sector/ phase wise.		
Reg. 33(10)(A)(5)(5.2)	*……. for commercial/office/shop/Industrial establishments/structures for potter's/economic activity, both free of cost.* ***The carpet area of such residential unit shall not exceed 27.88 Sq.M. and carpet area of Commercial Unit shall be as mentioned in the Gumasta License.***	-	-
Insert New Provision 5.7 in Reg.33(10)(A)(5)	***Additional commercial area in the form of amenity area having 10% of the total rehabilitation component shall be constructed by the Developer and shall be handed over to DRP/SRA. This amenity area shall be considered for computation of rehabilitation area and incentive on the same shall be permissible as per clause (a) above. This amenity area may be allowed to lease by the Society or by the DRP/SRA on annual basis. The lease income generated from the same shall be used for the purpose of operation and maintenance of the building and society premises. However, the ownership of this area shall vest with DRP/SRA.***		
Reg. 33(10)(A)(6)(6.8)	***Notwithstanding anything contained in regulation 41(5) of these regulations,*** *the distance between any two rehab/composite buildings shall not be less than 6 m for the height up to 32 m and for the building with height more than 32 m the open spaces shall be* ~~as per Regulation No. 41(5)~~ ***12m.***	-	-
Insert New Provision 11 in Reg.33(10)(A)	***Provision for non-eligible slum dwellers:*** ***Non eligible slum dwellers in DRP area, be dealt as per Government in Housing Department GR. no. drP-2022/Pra.kra87/zopsu, dt 28th September, 2022.***	-	-