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**WOMEN'S WING CHAIRPERSON**  
Sejal Goradia

To,  
**The Deputy Director of Town Planning**  
Ensa Hutments, E-Block,  
Azad Maidan Office,  
Mahapalika Marg, Mumbai-400 001

*Amrde*  
31/1/24  
लिपिक  
उपसंचालक, नगर रचना, बृहन्मुंबई  
इन्सा हटमेंट, "ई" ब्लॉक, आझाद मैदान  
महापालिका मार्ग, मुंबई-४०० ००१.

**Sub: Suggestions /Objections in respect of proposed modification under Regulation No. 33(8) read with Regulation No. 34 of DCPR 2034**

**Ref: TPB/4317/629/CR 118(III) 2016/UD-11 dt.28.12.2023**

Dear Sir,

The Govt. has recently published a Notice under 37(1)(AA) inviting suggestions/objections on the proposed modification.

After completing the due procedure laid down under the provisions of MR&TP act, the DCPR- 2034 of Mumbai has already been sanctioned by State Government on 8/5/2018 which finally came into force on 01/09/2018 i.e. around 5 years back. The Regulation No. 33(8) pertaining to development of lands under SDZ (earlier NDZ) has been sanctioned in the said DCPR-2034.

We are shocked and surprised to see such major changes in the Sanctioned Regulation itself. We are also shocked to see that the provision of Reg. No. 33(8) which deals with Affordable Housing is totally deleted 5 years after sanctioning DCPR-2034.

In fact, the Planning Committee had after hearing of all the public at large, thoughtfully and after due consideration, decided to propose modification to provide Affordable Housing to the people which is-in line with the vision of the Hon' Prime Minister, Shri Narendra Modi.

The sanctioned Regulations were also taking into account the need of the POS and other social infrastructure. We had emphasized to the Planning Committee that the entire SDZ land should be permitted to be developed under the Policy with 67% under Accommodation Reservation and remaining 33% shall be reserved for various Reservations such as 15% P.O.S. – R.G. and 10% for PAPs and Affordable Housing, 8% for other amenities such as Roads, Schools, Market, Hospital, Dispensary, etc.

The BMC, the Govt. and the MMRDA and other appropriate Authorities have taken up vital public projects for providing various infrastructure on large scale in the City such as road widening, bridges, Metro, Nalla widening etc. which require smaller sized tenements for rehabilitation of PAPs on larger scale. Even Airport Authority of India (AAI) require more than 2lakh tenements to rehabilitate the existing structures which have encroached the Airport land.

**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

We are also aware that the Corporation has already published a Notification inviting various developers to provide tenements to M.C.G.M. in each Ward on certain terms and conditions. Further, large number of tenements are required in case of any calamity or emergency, where lotsof people can be shifted as safety measure, which can be seen from the present global change of environment.

The proposed development under Reg. 33(8) promoting Affordable Housing on a large scale was seen as a positive and welcome development.

In a City like Mumbai having dense population, we cannot freeze development by proposing NDZ even after 55 years D.P., by restricting the F.S.I. though infrastructure is available at all the corners of the City. Earlier, M.C.G.M. had noted in their report while publishing 1991 DP that once the infrastructure is ready by M.C.G.M., they will convert all NDZ areas into developable land. This promise given by M.C.G.M. to the citizens of Mumbai is required to be fulfilled. Now, BMC / Govt. cannot go back, at this stage.

We all waited so long to see that all the NDZ land will be available for development for benefit of the City, but if the Govt. continues the restrictions on F.S.I. and NDZ both, then in such case more land will come under Slum, since Govt. has no control on the activities of the Slum, which will create a 'Slum Mumbai' instead of 'Slum free Mumbai', and after some years, it will be declared as Slum by extending the date, and come for redevelopment under 33(10) of the Regulations.

In fact, the freezing any land within the boundaries of the City in developed area, and continuing of NDZ itself by the Govt. is bad in terms of law and is not acceptable under any regulation or any law.

If the Govt. still wants to keep this land in NDZ, then it has to give an option either to acquire the land in the public interest and pay the compensation to the landlord, or to permit the development under SDZ, but they cannot hold or freeze the land under the name of NDZ any further. The citizen has already suffered since 1991 – more than 33 years, now no more.

It is pointed out that currently all these reservations including R.G. with zero FSI in 1991 are permitted to be developed under Reg. No. 17 under various heads with different F.S.I. subject to terms and conditions. Then why the lands under NDZ cannot be converted to SDZ and permit to continue the development of the City. This is also inconsistent with the law, that on one hand, the Govt. is insisting to develop IT and ITES with 0.2 F.S.I. by continuing NDZ, and on the other hand, in the said NDZ, Govt. is permitting development based on Road width upto 5.0 F.S.I. + Fungible F.S.I. by charging premium on the land, and still thereafter, the Zone of the land will be treated as NDZ. This contradictory stand is very surprising and not acceptable in terms of law.

The proposed modification suggested by the Govt. should allow under Reg. 33(8) as Accommodation Reservation by permitting development under Accommodation Reservation (AR) Policy with 67% to Owner and 33% to M.C.G.M. may continue. By restricting the F.S.I., again the Govt. is giving a boost up to 'Slum Mumbai' instead of 'Slum Free Mumbai'. The thrust has to be given on Residential & Affordable Housing when the City requires it the most.

The Zone of the land is to be changed from NDZ to SDZ and further development under Road width F.S.I. shall be permitted on all land under SDZ by deleting the provision of NDZ itself.

The Govt. is already permitting Global F.S.I. in Green Zone/NDZ under Township Policy, outside Municipal limit and MMR area.

It is further important to note that some area of SDZ is approved by the Govt., but the regulation of SDZ is totally deleted. Some of the EP of NDZ is also converted to Residential Zone. Some of the cases converted from N.A./ NDZ to Residential zone are pointed out here for your consideration.

- i) E.P./ P.S/ 68 – the plot is converted to Residential zone with the reservation of National Law University.
- ii) E.P./P.N/89 the plot is converted to Residential zone with the reservation of Police Housing.

The Govt. has already amended the regulation for I.T. Park/ITES under Reg. No. 33(13) whereby 60% is to be proposed as IT and 40% either for ITES or Residential use. It is however not clarified that Residential use can be permitted for sale of house.

The development of Educational Institute, Medical Institute, Cinema & TV Film production, Convention Center are proposed with 0.2 F.S.I. with 10% Plinth area is also not acceptable. Minimum 60% land shall be allowed to use with higher permissible F.S.I. more than 1.0, and on 40% land, BMC can insist to hand over to provide various social amenities in the said SDZ portion.

The proposed modification suggested by the Govt. is required to be totally scrapped and deleted and the earlier proposal of Reg. 33(8) as Affordable Housing by permitting development under Accommodation Reservation (AR) Policy with 60% to Owner and 40% to M.C.G.M. may continue. By restricting the F.S.I., again the Govt. is giving a boost up to 'Slum Slum Mumbai' instead of 'Slum Free Mumbai'.

It is pointed out that all these reservations are permitted to be developed under Reg. No. 17 under various heads with different terms and conditions. Why the land under NDZ cannot be converted to SDZ and permit to continue the development of the City. This is also inconsistent with the law, that on one hand, the Govt. is insisting to develop IT and ITES with 0.2 F.S.I. by continuing NDZ, and on the other hand, in the said NDZ, Govt. is permitting 0.2 F.S.I. for IT/ITES and permitting additional remaining potential of development available as per Road width F.S.I. by charging premium on the land upto 5.0 F.S.I. + Fungible, and still thereafter the Zone of the land will be treated as NDZ is very surprising and not acceptable in terms of law.

The Zone of the land is to be changed from NDZ to SDZ and further development under Road width F.S.I. shall be permitted on all land under SDZ by deleting the provision of NDZ itself.

Without prejudice to the said published Draft Notification, our suggestions and objections are as follows:

- (1) Delete the entire provision of NDZ and continue with the earlier provisions under Reg. No. 33(8) of DCPR 2034 in the interest of the public at large, as suggested by the Planning Committee.
- (2) Convert all NDZ land into SDZ land and permit development like AR Policy such that 33% land shall be available to the Corporation free of cost and 67% land will remain with the Owner, This will enable M.C.G.M. to provide high scale of infrastructure amenity, Affordable Housing and social amenities.
- (3) Permit two times T.D.R. of land as per Reg. No. 32 for Reservations /DP Road in NDZ/ SDZ at par with Reg. 4.1, Sr. No. 1, Table 12A or Reg. 32 of DCPR 2034 along with construction TDR thereof or permit to develop with 2 times F.S.I. over and above the F.S.I. permitted in NDZ/SDZ. The reservations proposed in NDZ/SDZ in DP 2034 shall be continued and shall be permitted to develop under AR Policy as per Road width.
- (4) The DP Road Reservations which are affected by the provisions of CRZ-I & III shall be taken over by M.C.G.M. in lieu of normal 2.0 T.D.R. (F.S.I.) and clarification to that effect should be clearly added in the Regulations. This will provide proper link of infrastructure.

- (5) The condition regarding approval and getting C.C. for one year is again not feasible for large NDZ layouts and the same is required to be extended to 3 years, since requirement & Environment NOC itself take 1 to 1 ½ year.
- (6) The mandatory open space under Reg. 14(A) ~~may~~ shall not be applicable since 33% land buildable area is offered to M.C.G.M.
- (7) The amalgamation of 2 or more schemes may please be allowed for better planning and better opportunities to make the scheme viable.
- (8) There is a huge demand for Cinema and TV production and hence the restriction of minimum 2 Ha with F.S.I. of 0.2 with 10% Plinth area, etc. is to be deleted. Instead full 1.0 F.S.I. shall be permitted without restriction of Plinth area with minimum plot of 1.0 Acre and above.
- (9) At present, it is proposed to develop Educational Institute with 5 Ha land with restriction of 0.2 F.S.I. and 10% Plinth area is not acceptable at all. It is not possible to invest Huge Investment for Education Hub, On the contrary, Educational and Medical Institutes are priority of the Govt. Hence these are to be permitted the development minimum with 1 Acre and with 4.0 F.S.I.
- (10) Permit residential development with some commercial area within the Layout, so that the travel time of the people connected with commercial activities shall be reduced and they do not have to travel much to and fro, which will reduce the load of traffic. The Regulation No. 33(13) permits 40% ancillary area which includes 40% residential or ITES, etc. use, which are to be clearly spelled out in the Regulation.

Hence we reiterate our request to the Govt. to discard the Govt. Draft Notification dt. 28.12.2023 and sanction the Notification permitting development in SDZ by considering the aspects as mentioned hereinabove under AR Policy, facilitating provision for PAP's & Affordable Housing for the community's welfare. This approach will also ensure that social amenities are accessible free of cost, benefiting both the Corporation and the general public, as highlighted in the earlier suggestions. We sincerely hope the government will take these considerations into account for the overall betterment of the city and its residents.

We may please be granted personal hearing in the matter. It may be added here that further points if any, shall be submitted by us at the time of hearing.

Submitted please.

Thanking you,

Yours sincerely,  
**For CREDAI-MCHI**

**Domnic Romell**  
President

**Dhaval Ajmera**  
Hon. Secretary

**PS: Contact Person Mr. Sanjay Phope - +91 9619345193**