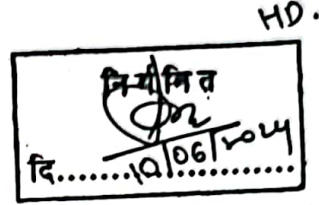




No.: MCP/5582

Date: ०५/06/2024

To,  
Chief Executive Officer  
Slum Rehabilitation Authority  
Administrative Building,  
D - Block, BKC,  
Anant Kanekar Marg,  
Bandra (East), Mumbai-400051.



Sub.: Interference of Slum Rehabilitation Authority (SRA)  
in Brihanmumbai Municipal Corporation (BMC)  
jurisdiction as a Planning Authority.

For preparation and implementation of Development Plan and issuing development permissions, the relevant provisions of the Maharashtra Regional & Town Planning Act, 1966, are applicable for the whole State including Mumbai City.

The development permissions within the jurisdiction of the area are issued by the respective Planning Authority mentioned in Sec. 19 of the M.R.& T.P. Act, 1966, provides the provision regarding the Planning Authority, which states as under :

“(19) : “Planning Authority” means a local authority; and shall includes,-

- (a) a Special Planning Authority constituted or appointed or deemed to have been appointed under section 40; and
- (b) in respect of the slum rehabilitation area declared under section 3C of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, the Slum Rehabilitation Authority appointed under section 3A of the said Act).”

As per the above provisions, primarily for the Mumbai City, the Planning Authority is a Local Authority i.e. the Brihanmumbai Municipal Corporation as specified in Sec.19. In Sub-Section 'B' of the said Section, it is further provided that the Slum Rehabilitation Authority (SRA) is the Planning Authority; however,

jurisdiction of the same is only limited to the area declared under Sec.3 of the Maharashtra Slum Area Act, 1971.

The Development Plan and Development Control And Promotions Regulations - 2034, are prepared by the B.M.C. as an Urban Local Body for which, the sanction from the State Government in the Urban Development Department is accorded. The permissions are granted by the Planning Authorities including S.R.A. as per the sanctioned Development Plan and the sanctioned D.C.P.R. - 2034. In short, the D.C.P.R. - 2034 is applicable for issuing the permissions by Planning Authority B.M.C. as well as S.R.A. and there is no separate regulation formulated by the S.R.A. for the jurisdiction of their areas. As per the D.C.P.R. - 2034, the provision regarding redevelopment of slum areas declared under the Slum Act, is provided in Regulation 33(10) and also, there is another provision regarding construction of permanent Transit Camp for slum areas under Reg. 33(11). Further, there is also a provision for clubbing of these two provisions / schemes i.e. 33(10) and 33(11) subject to certain conditions as specified in the respective regulations. It is specifically to mention here that as far as the S.R.A. as a Planning Authority is concerned, except these two provisions of D.C.P.R. - 2034, there is no jurisdiction of SRA to issue the development permission in any of other regulation either independently or in combination for which, the B.M.C. is the only Planning Authority.

However, it is observed that in some of the cases, Slum Rehabilitation Authority is issuing the development permissions under other regulations like Reg. 33(12)(B), 33(19), etc., which does not attract the provisions of the Slum Act, with the benefit of relaxation at par with provision of Reg. 33(10)(6) of the D.C.P.R. - 2034, either independently or with combination of these and other regulations. Similarly, as per the provision of Reg. 33(19), additional FSI may be allowed upto 5.00 including permissible FSI as per provision of Reg. 30(A)(1), Table no. 12, considering the nearby area of plot is having well developed infrastructure to cater the additional load of proposals, which is primarily BMC's responsibility. It is to be pointed out here that the said act of S.R.A. of issuing the development permissions beyond the jurisdiction of their area as a Planning Authority, is not as per the provisions of the M.R. & T.P. Act, 1966, and is bad in law and also, encroaching upon the powers of the B.M.C. as a Planning Authority.



There is a provision under Reg. 30(A)(12) regarding the development of plots under combination of various regulations subject to certain conditions. Also, there are provisions for clubbing of the various schemes / proposals under the DCPR - 2034, which are specifically mentioned in respective regulation like Reg. 33(7), 33(18), etc. However, issuing the permissions under all these schemes, independently or in combination is the only jurisdiction of B.M.C. and not under the S.R.A. as per the M.R. & T.P. Act, 1966. Hence, the act of S.R.A. of issuing such permissions under the various regulations and doing the combinations with other regulations, is the violation of provisions of the M.R. & T.P. Act, 1966 as well as the violation of DCPR - 2034.

While going through the approvals issued by the S.R.A., which are forwarded to B.M.C. either for concurrence or for any other purpose, it is also found that in the recent past, in many cases while approving the proposals by S.R.A., the provisions of DCPR - 2034 either not taken cognizance of or the proposals are issued by violation of the provisions or giving the relaxations in the provisions which are not permissible as per the said provisions of Regulation or the M.R. & T.P. Act, 1966. We are making the correspondence regarding this issue separately, to the Urban Development Department to take cognizance of the said act of the S.R.A. of issuing such approvals which are in contravention to the provisions of the D.C.P.R. - 2034 by implementing the DCPR in different way both incorrect/ wrong interpretation.

In view of the circumstances as stated above, it is very clear that the S.R.A. is using their powers beyond their jurisdiction mentioned in the provisions of D.C.P.R. - 2034 and in the M.R. & T.P. Act, 1966. Hence, you are requested to please direct the concerned S.R.A. Officers to immediately take action on the same and stop issuing such permissions which are beyond SRA's jurisdiction and further, it is also requested to withdraw such permissions which are already granted, to avoid further legal complications in future.

Yours

  
**Municipal Commissioner**