

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. Ch.E./D.P./004477/Gen. dtd.

12 MAY 2021

Sub: Penalty for regularization of work carried out beyond approval /C.C. and procedure for regularization.

Procedure for regularizing unauthorized work / structure was circulated vide Circular No. CHE/2052/DP/GEN dtd. 4-2-2011. Other circulars were also in force for miscellaneous works /issues etc. The said circulars are now clubbed together and revised as follows.

1. On receipt of application in prescribed manner as per DCR along with requisite documents u/s 44 of MR & TP Act requesting for regularization and due reasons for exceeding the work beyond approval / C.C., if concession / relaxations are involved approval of higher authorities shall be sought within 15 days. After receipt of approval, demand note shall be issued for payments to be made.

2. All the payments shall be made by the user/ developer within seven days from receipt of demand note by him.

The rate of penalty shall be as under.

The premium rate shall be taken as 25% of developed land rates given in Stamp Duty Ready Reckoner (For FSI 1.0) issued by Government for the year of the date of approval for regularization. The land rates shall be enhanced by factor 1.5 for industries and 2 for commercial.

Table A

Category	Type	Scale of penalty as percentage of premium rates
1	Work carried out beyond CC but within the approved plan	20%
2	Work carried out beyond cc and within the approved plan but after issue of stop work notice	40%
3	Work carried out without approval but within plot - potential including setback area	70%
4	Work carried out without approval but regularizable by way of utilizing TDR or amalgamation of additional plots or additional FSI as per Reg. 30 and 33.	100%
5	For change of user within approved /authentic building	30%
6	For interior addition / alteration within approved / authentic building which requires prior permission or work of foundation of any type or excavation work / temporary labour huts/ camp / temporary site office/ godown / store /site laboratory/ sample flat	Rs.520 per Sq.mt. (minimum Rs.25,000/-). To be increased by 5% every 2 years period.

7	For regularizing-converting elevation features / free of FSI features in to habitable use which are shown/reflected in approved plan. May not involve new construction & if FSI required for such regularization is available as per relevant provision of the regulation.	Nil for the period upto 31.12.2021 only. 10% of SDRR 01.01.2022 onwards.
8	For deficiency in parking created due to unauthorized merger of elevation treatment into the flat wherein there is no change in the profile of the building or number of flats	10%

Table B

For redevelopment as per DCR 33 (5), 33 (7), 33(7) A and 33 (9)

Category	Type	Scale of penalty as percentage of premium rates
1	Composite building	40% of normal penalty as per Table A
2	Non composite building	Normal penalty as per Table A for sale portion and 40% of normal penalty as per Table A for rehab component.
3	Only for rehab building	40% of the normal penalty as per Table A
4	Sale Building	Normal penalty as per Table A

3. The necessary condonation for any deficiency including Open Space, Parking etc. prior approval shall be obtained and premiums as per the policy in force shall be recovered.

4. While calculating the penalty, the entire area including staircase, lift, lift lobby, balcony, basement, service floor, stilt parking floor, shall be included and taken as a base for arriving penalty by applying the desired scale as mentioned in Table A above.

5. For regularization of staircase room, lift machine room and overhead water tank, a lump sum penalty of Rs.20,000 per wing of the bldg. shall be recovered.

6. Necessary premiums for granting staircase, lift, passage area free of FSI shall be levied as per policy in force.

7. This supersedes the circular u/no. Ch.E./D.P./30311/Gen. dtd. 28.02.2020 (CHE / DP / 106 / Gen. 2019-2020).

This circular is issued with approval of M.C. u/no. MCP/8980 dtd. 10.05.2021.

-Sd/-
Ch.E.(D.P.)

BRIHANMUMBAI MUNICIPAL CORPORATION

No. Dy.Ch.B / B.P. / 257 / ES 23-06-2022

Subject: Clarification regarding certain recoveries payable towards Various Construction permits issued by MCGM within the limits of MCGM limits.

The Municipal Corporation of Greater Mumbai as planning authority its area of jurisdiction is empowered vide provisions of MMC Act 1888, MR & TP 1976 and DCPR 2034 to recover various fees, Charges, Deposits, Penalties & Premiums etc.

There were several policies framed for recovering the above said payments payable towards permissions for construction permits being issued as planning authority as per DCR 1991. The provisions of DCPR 2034 are effective since 01.09.2018 which also empower the Municipal Commissioner for imposing the charges as per relevant provisions stipulated thereat and also the special powers vested under reg. no. 6(b) in DCPR 2034.

It is pointed out by the Architect/ Stakeholders that there are different practices followed up within the 5 sections of Building Proposal Offices with regards to some of the recovery heads. These discrepancies are also resulting in audit notes in several proposals.

As such to make effective implementation & streamlining the policy in all BP offices, the clarification is required to be issued in certain recoveries involved in Building Proposals in order to avoid ambiguity and to bring more clarity.

In view of this following policy is proposed so as to implement the same henceforth.

Sr. no.	Recovery head	Present Practices/ Ambiguities	Proposed Guidelines for implementation
1	For Miscellaneous Fast track approvals	Debris deposit = Rs.2000/- or Rs.5000/-	Being a general practice followed i) debris deposit = Rs. 2000/-
		Deposit for faithful compliance of approval = Rs.5000/-	ii) Deposit for faithful compliance of approval = Rs.5000/- Same may be continued & be followed in all Building Proposal offices.
		Renewal of permission beyond 1 year	Renewal/ revalidation of such permissions may be done by recovering Scrutiny Fee per year as per prevailing rates & no penalty shall be imposed till completion of such projects, as such proposals mainly submitted by general public/occupiers.
2	Penalty for unauthorized change of activity	No specific Policy	Within approved commercial premises, change in activity permissible in regulations (e.g. Shops to Clinic etc) shall be regularized along with the penalty for regularization of addition and alteration involving no FSI i.e. @

			<p>Rs. 520/- per sqm as per policy in force. Further, for regularization of change in activity, additional Rs. 520/- per sqm shall be levied.</p> <p>For residential / industrial to commercial user and vice versa, the penalty scale for change of user as mentioned in regularization policy dated 12.05.2021 or prevailing policy at that time, shall be adopted.</p>
3	<p>3A) Revalidation of RMC Plants / temporary sheds on 6 month renewal basis</p> <p>Sr. No. 57 (xi)</p> <p>Subject NOC of MPCB.</p>	<p>i) To charge renewal fees on yearly basis or half yearly basis</p> <p>ii) Revalidation Fees calculated as per PEATA old manual, however needs revision</p>	<p>These being a general practice as per old PEATA manual, for RMC plants & temporary sheds permitted as per Reg. no. 57 in DCPR 2034, shall be charged for every 6 month as below:</p> <p>Scrutiny Fees= Rs. 600/- for first 10sqm (Construction area) + Rs. 300/- for additional 10sqm (Construction area) or thereof.</p> <p>Revalidation fees shall be same as per scrutiny fees above on yearly basis.</p> <p>Penalty for delayed Revalidation fees= 10% of above fees per month.</p> <p>No yearly increment is proposed, being essential part of construction activity.</p>
	<p>3B) Revalidation of RMC Plants on Permanent Basis u/s of 337 of MMC Act.</p> <p>Sr. No. 74 of Table no. C of Reg. 34(3.2)</p>	No specific Policy	<p>Revalidation as per commercial user of regular proposal u/s of 337 of MMC Act till completion, as mentioned in C.R. prevailing at that time.</p>
4	<p>Regularization of Labour camp/ RMC plants</p>	<p>CHE/23087/DP dtd 20.01.2012</p>	<p>Said policy dtd 20.01.2012 may be revised as below:</p> <p>A) All the regularization proposals of temporary labour huts/camp Constructed without approval</p> <p>(i)- Regularization by Charging penalty as per category No 6 of Table A mentioned in regularization policy dated 12.05.2021 or prevailing policy at that time.</p>

			<p>A (ii) – Since the labour camp/ temporary structures may be permitted free of FSI as per provision of reg. no. 57 in DCPR 2034, same should not be counted into FSI. However, CC of equivalent area shall be restricted till demolition of same.</p> <p>B) Regularization of R.M.C. plant</p> <p>B(i) Penalty shall be charged at the rate of 25% of category No. 3 of table A of circular dtd 12.05.2021. i.e. 25% of 70% i.e. 17.5 % of Premium</p> <p>B(ii) Further, the area to be considered for regularization will be the plot / subplot area which will be required to be shown as carved out area of the plot for RMC plant.</p>
5	5A) Layout Deposit for New Layout or amended layout	<p>As per old PEATA manual & practice, Rs. 50 per sqm</p> <p>100% Refundable or 10% Non refundable on approval of Dy.Ch.E(B.P.)</p>	Rs. 50 per sqm and 100% Refundable.
	5B) Scrutiny fees for Amended layout	No specific Policy	<p>Scrutiny Fees for amended layout plan approval shall be recovered Minimum as specified in circular, in case plot area is not increased.</p> <p>In C.R., basic scrutiny fees is specified for area of 2500 sq.mt. for plots in R & C zone and 1000sqm for Industrial zone. Hence in case of amended layout proposal involving no additional plot area, the said basic scrutiny fees shall be considered as minimum & same shall be recovered.</p> <p>For additional plot area, same shall be as per regular scrutiny fees on plot area as per policy circular for Scrutiny Fees issued yearly. DP Department shall incorporate this in</p>

			next year CR approval.
6	RR in case of different RR values wrt different CTS nos. different villages -Avg Mean (Median)	Not specified for regular proposals except reg. no. 33(9)	In all cases wherein two or more ready reckoner rates are involved in single layout/ proposal, the RR for calculating any premiums shall be considered as Weighted Average
7	Open space deficiency for Parking Tower	i) At 10% or 100% ii) Parking tower permitted at 1.50 m from plot boundary as per circular C-8. Whether to recover OSD premium	<p>The Open space requirement for Parking Tower shall be considered as per policy circular C- 8.</p> <p>Any deficiency in said open spaces be considered only at ground level & shall be recovered as below:</p> <p>Area of open space deficiency between building/ plot boundary & parking tower x Ready reckoner rate x 25 % x 10%.</p> <p>The premium shall be calculated as per occupancy i.e. for residential bldg. 1 times, for Commercial building 2 times & for Industrial building 1.5 times. In case of mix user, predominant user shall be considered</p>
8	Condonation of Parking spaces	At 10% or 100%	<p>Condonation of parking is not allowed. However in case of any hardship, parking is condoned by Hon'ble MC then, Condonation of no. of parking spaces for all occupancies shall be calculated as below:</p> <p>Area of parking space x no. of deficient parking x Ready reckoner rate x 25 % x 10%</p> <p>The premium shall be calculated as per occupancy i.e. for residential bldg. 1 times, for Commercial building 2 times & for Industrial building 1.5 times.</p> <p>Size for big parking =(2.5 m x 5.5m) & for small parking= (2.3 m x4.5m)</p>
9	Deficiency for artificial ventilation	At 10% or 100%	Condonation of Deficiency for artificial ventilation shaft shall be

	shaft		<p>calculated as below:</p> <p>Deficient Area of Ventilation shaft as required as per Reg. 40(2) of DCPR2034 x no. of floors x Ready reckoner rate x 25 % x 10%.</p> <p>The premium shall be calculated as per occupancy i.e. for residential bldg. 1 times, for Commercial building 2 times & for Industrial building 1.5 times.</p>
10	Open space for Deficiency basement	No Specific Policy	<p>Condonation of Deficiency in open space for basement shall be calculated as below:</p> <p>i) For basement free of FSI:-</p> <p>Deficient Area of basement projecting beyond required open space x no. of basement levels x Ready reckoner rate x 25 % x 10%.</p> <p>iii) If Basement counted in FSI, OSD shall taken as per regular OSD policy.</p>
11	Premium for allowing steps in Front Open Space	At 10% or 100%	<p>Condonation of Deficiency for area under steps in open space shall be calculated as below:</p> <p>Area of steps x Ready reckoner rate x 25 % x (10% for M.S. steps/ 100% for RCC steps)</p>
12	Unauthorized sub-division/ amalgamation in Layouts charges/ penalty	No specific Policy	As per old PEATA manual & practice, Penalty for such unauthorized subdivision/ amalgamation shall be charged at Rs. 1/- per sq m of plot area.
13	Unauthorized OCC penalty	Presently as per PEATA old manual.	As per old PEATA manual & practice, Penalty for occupation of premises prior to occupation permission shall be charged at Rs. 50/- per sq m of built up area for residential, Rs. 100/- for commercial, Rs 75/- for Industrial.
14	Premium for LOS touching to building line/Podium line and for inadequate size & shape of LOS-	<p>Whether to recover</p> <p>i) area of LOS touching building x RR x 25% (i.e. premium rate)</p>	<p>The area of LOS to be considered for calculation shall be as below</p> <p>Area = Length of LOS touching building/Podium line x 3.0 (i.e. (deficient width)</p>

		OR ii) area of LOS touching building x Rs. 50/-	Premium to be recovered = Area of deficient OS x RR x 25% (i.e. premium rate) x 10%
		There is no policy to recover premium for inadequate size & shape of proposed RG/AOS	It is proposed to recover charges for inadequate size & shape of RG/AOS as per present practice of recovering premium for paved/ perforated LOS. i.e. Rs. 50 per Sqm for Residential, Rs. 75 per Sqm for Industrial and Rs. 100 per Sqm for Commercial , of proposed RG/AOS.
15	Premium for paved/ perforated LOS	Presently as per PEATA old manual.	Premium to be recovered for Paved/ Perforated LOS shall be recovered at Rs. 50/- per sqm of paved / Perforated LOS.
16	Open Space Deficiency Premium at telescopic rate	Needs to revive the policy circular for implementation of DCPR 2034 provisions	The policy approved vide no. CHE/105/DPBPWS dated 29.04.2011 for charging of open space deficiency on telescopic basis shall be continued.
17	All premiums in case of proposals of School & Hospital. Other than Premium mentioned in Regularization.	For hospital buildings, premium is recovered at commercial rate. For School buildings run by Charitable trusts, premiums are recovered at Residential Rate. However, the schools/ hospitals buildings run by Private Institutions shall be recovered at commercial premium rate.	Same policy/ practice will be continued.
18	All charges/ premiums except scrutiny fees at proportionate basis	The premiums related to condonation of deficiencies in planning parameters such as OSD, Artificial ventilation shaft, Parking deficiency etc.	Same policy/ practice will be continued.

		are charged as per prorata user basis. Premiums such as fungible FSI, staircase etc. are charged proportionately.	
19	Scrutiny Fees for Amended plans	Requests are receiving from stake holders to not impose scrutiny fees for BUA for which part OCC is received.	<p>To ensure the amendments, all the building plans including floors for which part OCC is granted are required to be scrutinized.</p> <p>In case, any amendments are proposed by Architect in OCC granted area, it is proposed to levy minimum scrutiny fees as per Corporation Resolution for OCC granted area.</p> <p>In case no changes are proposed within OCC granted area, on certification by Architect, no scrutiny fees shall be insisted for that portion only.</p> <p>The scrutiny fee for balance areas (excluding area for which OCC/ part OCC is granted) shall be as per policy circular in force. D.P. Department shall incorporate this in next year CR approval.</p>

Above proposal is submitted for approval so as to streamline & to have better co-ordination among all zonal building proposal offices.

In view of above, approval of CH.E. (DP)/ Hon'ble M.C. is requested to treat the guidelines in column no. 4 in above table as policy.

Submitted please. On receipt of approval, the same will be circulated to all zonal offices to implement accordingly.

क्र. प्र.अ/वि.नि./6631/साधारण वि.

19 JUL 2022

Dy.Ch. E. (B.P.) E.S.

CH.E. (DP)

Hon' ble M.C.

Sir

Chief Engineer
(Development Plan) 1/2

Municipal Commissioner

प्रमाण सचिवता (वि. नि.)