

111

**BRUHANMUMBAI MUNICIPAL CORPORATION**

No. DyChE/BP/012242/ES dt. 29/02/2024

**Sub:** Regarding incentive FSI vide Reg.33 (7)(B) of DCPR 2034

**Ref:** 1) Representation by L.S. u/n Chief Eng. (D.P.), /DP/27830 Dated 23.02.2024  
2) T-4 Policy Dated 10.04.2019  
3) Dy. Ch. Eng. (BP)/ 2803 / WS/P&R dated: 17/08/2021.

Reference is please requested to the representation made by L.S./Architect Eng. (DP), and **Chief Eng. (DP)'s endorsement** there on **"Please put-up facts"** may please be seen at page C /1.

In the above-mentioned circular, procedure to be followed to allow the Incentive BUA w.r.t. Reg. 33(7)B on the basis of No. of tenements stringent of following points are adopted.

The Regulation 33(7)(B) elaborated as below,

*In case of Redevelopment of existing residential housing societies, excluding buildings covered under regulation 33(7)(A) proposed by Housing So/ landlords or through their proponents where existing members are proposed to be re-accommodated on the same plot, incentive additional BUA to the extent of 15% or 10 Sq.Mt. per tenement whichever is more shall be permissible without premium.*

In Sr. No. 5 (c) of the circular, issued for Guidelines to be followed while granting incentive BUA as per Reg. 33(7)(b), vide No. Dy. Ch. Eng. (BP)/ 2803 / WS/P&R dated: 17/08/2021, Procedure for arriving No. of tenements for the purpose of incentive additional BUA is defined, wherein procedure in case of approved plans and in case of non availability of plans is elaborated:

*(i) If the copies of approved plans are available, then the proof of number of tenements shall be taken from the approved plans. However if the user shown in the approved plan is residential user which is subsequently changed unauthorisedly, then the benefit of incentive additional BUA shall not be permissible to the said tenement.*

*(ii) Where the copies of approved plans are not available, the number of tenements shall be considered on the basis of records of Registrar of society.*

However, the same shall also be verified from assessment records & the stringent shall be considered.

(iii) For the purpose of calculating incentive additional BUA tenement wise, only existing residential tenements shall be considered. Further, as regards considering 15% incentive additional BUA, existing BUA shall include residential and non-residential area, if any.

In continuation to the Sr. No. 5 (c) of the circular, methodology for arriving no. of existing tenements for the purpose of incentive additional BUA, following procedure is defined. Stringent of following should be adopted:

- 1) No. of Residential tenements on the basis of approved OC plans.
- 2) No. of Residential tenements as per Assessment Record.
- 3) No. of Residential tenements as per Records of Registrar of Society.
- 4) No. of Residential tenements found on site during the site visit.

The abovesaid option No. 1 i.e. approved OC plans is in contradiction to the provision of Clause C (i) *"If the approved plans are available, then the proof of number of tenements shall be taken from the approved plans. However, if the user shown in the approved plan is residential user, which is subsequently changed unauthorizedly, then the benefit of incentive additional BUA shall not be permissible to the said tenement."*

Moreover, the then Chief Eng. (DP),s following comments is seen on the circular u/no.Dy. Ch. Eng. (BP) / 2803 / WS/P&R dtd: 17/08/2021 which was subsequently approved by Hon'ble MC.

*"Many times the tenements are amalgamated with due approval & this category also needs to be considered along with copy of approved plans/ O.C. plans. While considering no. of T/s, since the amalgamation is approved, the no of T/s due to amalgamation may be one but for calculating the incentive, these tenements will have to be treated separately as per O.C. plan."*

It can be seen that the copy of approved plan / OC plan is specified in the above note of the then Chief Eng. (DP), Thus, in view of the spirit of the circular and above note of Chief Eng. (DP), it can be considered that instead of OC plan any available approved plan shall also be considered while arriving at the number of tenements for granting incentive BUA as per Reg.33(7)(B) of DCPR 2034.

Moreover, as per Sr No. (b)(iv) Existing building falling in tolerated category, existing built-up area based on assessment record prior to datum line shall be considered for arriving at incentive additional BUA.

From above, it can be seen that there are various parameters to derive the incentive BUA as per Reg. 33(7)(B), on the basis of number of Tenements or on the basis of Built-up area. Which is causing ambiguity in application of the said Regulation.

0505

In view of the above, to bring parity in finalizing / allowing the incentive FSI vide Reg. No. 33(7)(B) of DCPR 2034 on the basis of number of tenements BUA, it is proposed to consider stringent of the following:

1. No. of Residential tenements on the basis of available approved plans along with CC.
2. No. of Residential tenements as per Assessment Record.
3. No. of Residential tenements as per Records of Registrar of Society.
4. No. of Residential tenements found on site during the site visit.
5. In case of tolerated structures, prior to Datum Line, wherein plans are not available, number of Residential tenements / BUA as per Assessment records and as per Records of Registrar of Societies.

This procedure will be adopted by the office of Dy. ChE. (B.P.) E.S. for granting incentive FSI as per Reg. No. 33(7)(B) of DCPR-203.

Submitted please.

*[Signature]*  
29/02/2024  
EE (BP) ES - I

*[Signature]*  
29/2/24  
EE (BP) ES - II

Submitted please.

Dy. Ch.E. (BP)ES

Ch.E. (DP)

Sir,

*[Signature]*  
29/02/24  
Dy. Ch.E. (DP)

Guidelines vide Circular T-4 on quiet check in manner of deciding number of T/S. Further to bring clarity revised guidelines were issued on 17/8/2021. in this regard.

As soon implementation of grant of part o.c.c. full o.c.c. or otherwise, guidelines of T-4 and guidelines of 12.8.21 shall be followed by zonal office. Forwarded for doing the needful.

D. K. B. R.

*[Signature]*  
29/2/24  
Chief Engineer (DP)