

MUNICIPAL CORPORATION OF GREATER MUMBAI

## OFFICE OF THE CHIEF ENGINEER DEVELOPMENT PLAN

No. ChEng/DP/ 2401/Gen of 30/07/2020

Sub.: - Policy for allowing development of residential plot with smaller width of abutment to public street/road

- Ref:- 1) The then Hon'ble M.C.'s note sheet in CHE/WS/5576/H/East/NEW dt.24.4.2019 (pg. C-123)  
 2) Report of this office dt. 07.01.2020 at pg. N-3/N-4.  
 3) CFO's remarks dt. 17.03.2020 at pg. N-5/N-8  
 4) This office's note dt. 23.04.2020 at pg. N-9

Reference is requested to the case of Architect Shri Arun Kumar Dubey who has submitted proposal for required concession for proposed redevelopment of existing residential building known as 'Royal Dimond Park CHSL' at Kolkalyan, Santacruz (E) for Hon'ble M.C.'s approval on 23.04.2019 and Hon'ble M.C.'s remarks i.e. "for the present, the proposal is approved assuming that there is only a 6.0 m access, without allowing TDR/Premium FSI as per DCPR2034. Please formulate the policy on how to deal with pipe access to the building."

In the instant case, the plot u/r abuts 9.15 wide existing road with 6.10 m pipe access according to shape of plot/CTS (i.e part of CTS). Length of pipe access is 23.33 m which is shown in the plan at pg. no. C-129. Architect has claimed the TDR in this case. After receipt of the remarks from Hon'ble M.C., proposal of piped access less than 9m in other cases were not processed for approvals with benefit of TDR.

In many cases the proposals were not processed for the want to formulate the policy on how to deal with pipe access to the building. In this regards, various representations were received from public representatives, Developers Association, Architects and PEATA. Copies of representation/request letters are enclosed herewith for kind perusal. (page No. C-1 to C- 121) and also in **Bunch 1** kept below.

There are many cases where plot/s abut public street/road. However, width of abutment to such public street/road is smaller than 9.00m. There are various cases where width of abutment of two or more plots combinely provide access to buildings in the plots from public street/ road.

Provisions with respect to requirement of access to any plot are very clear in DCPR'34 and are not dealt herewith. However, where plot abuts the public street/ road, but width of abutment is less than 9.00m will be processed as per the policy herewith.

Accordingly, report was submitted to Hon MC vide pg. N-3/N-4 and CFO's remarks were received at pg. N-5/N-8. These were incorporated and report as at pg. N-9 was submitted with correction if draft policy. During presentations on 13.07.2020, Hon. MC instructed to review the draft policy by reducing the discretions. Accordingly, officers of Fire Dept and DP discussed the issues related to fire requirements. Accordingly, changes in requirement of CFO are included in the draft policy at pg. C-259/C- 263.

Subsequently points were discussed on 27<sup>th</sup> July 2020 with Jt.MC (MCO), CFO, EE(MCO) and undersigned. The draft policy is accordingly corrected and attached at pg. C-281/C-289.

As per provisions of Reg. 30/Reg.32, FSI/TDR permitted is reckoned from the width of the public street / road to which plot abuts. In these cases since plot is abutting public street/road, FSI/TDR will be permitted based on the width of the public street/road to which the plot abuts irrespective of width of abutment of the plot.

In view of above, Hon'ble M.C.'s consideration and approval is requested to 'A' above and policy guidelines at pg. C- 281/C-289 for approval please.

On receipt of approval, policy will be circulated to all concerned including stake holders.

Submitted please.

Acc: 2(S.F)  
1) Pages: 1 to 207  
2) Pgs : 1 to 15

(Vinod Chithore)  
Ch.Eng.(D.P.) & DMC (SE)

(I. S. Chahal)  
Hon'ble M.C.  
Sir,

बृहन्मुंबई महानगरपालिका  
आयुक्तांचे कार्यालय

30 JUL 2020

समय ११, १२, १३, १४,  
१५, १६, १७, १८,

क्रमांक MCP/3107

31/7-20  
Municipal Commissioner

Ch.E.DP

बृहन्मुंबई महानगर पालिका  
प्रमुख अभियंता (विकास नियोजन)  
यांचे कार्यालय

31 JUL 2020

03310

क.प्र.अ.वि.नि./

शहर	पूर्व. उप	प. उप
मा. अ.वि.	टिडीआर	लेखा
आस्था		

DP/Ch.E.DP/1  
Pl. circulate immediately  
Ch. Engineer (DP)  
& D. M. C. (Spl. Engg.)

(Acc 2S fin FB)

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

2020-21

**OFFICE OF THE CHIEF ENGINEER DEVELOPMENT PLAN**

No. ChEng / DP / 3310 / Gen. of 31/07/2020

**CIRCULAR**

Sub.: - Policy for allowing development of residential plot with smaller width of abutment to public street/road

There are many cases where plot/s abut public street/road. However, width of abutment to such public street/road is smaller than 9.00m. There are various cases where width of abutment of two or more plots combinedly provide access to buildings in the plots from public street/ road.

Representations were received to consider such cases for allowing development on such plots.

Provisions with respect to requirement of access to any plot are very clear in DCPR'34 and are not dealt herewith. However, where plot/s abuts the public street/ road, but width of abutment of plot/s is less than 9.00m will be processed as per the policy herewith.

**A. For residential building having height less than 15m, Fire Safety requirements :-**

**Whenever plot/s partly abut public street/ road of width 6.00m or more and width of such abutment and/or approach is min. 3.60m for entire length, as the width of approach of 3.60 m width is not sufficient for fire appliances to reach up to the proposed building the fire appliances will be parked on the main road / public street and further firefighting operations will be carried out manually and with the help of inbuilt fire safety measures as recommended below -**

1. Approach to proposed building from public street / road shall not be less than 3.60 mtrs. wide.
2. The clear open space of the proposed building from plot boundary in alignment of approach shall be minimum 3.60 mtrs. (Sketch attached)
3. The said public street/road of minimum 6.00 mtrs. width shall be connected to another road having width of minimum 6.00 mtrs for easy manoeuvrability of fire appliances in case of an emergency. Traffic department's / traffic consultant's certificate to that effect shall be submitted along with proposal.
4. The length of the approach from the main road to the point from where, the plot widens to full width within plot/s, shall not be more than 100 mtrs.
5. Down Comer of internal diameter 10 cms. of G.I. "C" class pipe along with booster pump of 450 lpm capacity shall be provided in the duct or niches adjoining the staircase with hose reel at each floor & on ground floor. Pressure reducing discs or orifice shall be provided at lower level so as not to exceed pressure of 5.5 kgs/sq.cms. The riser shall be extended upto topmost floor/ terrace level & shall be installed such that it will not reduce the flight width of the staircase.
6. A fire service inlet on the public street / main road side as well as on the external face of the building directly fronting the courtyards shall be provided to connect the mobile pump of the fire service to the rising mains of Down Comer.
7. Minimum two courtyard hydrants shall be provided within the confines of the site of the down comer in accordance with I.S. specification.
8. Smoke detectors shall be installed in Lift Machine room and Electric Meter room in accordance with I.S. specification.
9. The building shall be provided with manual fire alarm system with main control panel at ground floor level & pill boxes & hooter at each floor level. The same shall be in accordance with I.S. specification.

10. One fire extinguisher of 06 kgs capacity each with BIS Certification mark shall be provided in electric meter room, lift machine room & on each floor.
11. Over Head Water Storage Tank for firefighting purpose at Terrace Level of minimum 5,000 litres capacity is mandatory.
12. Staircase/s provided shall be having minimum width as per the provision of DCPR 2034.
13. Government approved Licensed Agency registered under The Maharashtra Fire prevention and Life Safety Measures Act, 2006 for fire safety measures (referred as Licenced Agency) shall be appointed. Schematic drawings pertaining to fire prevention & fire safety measures shall be submitted along with proposal by the Licenced Agency.
14. The self-declaration regarding the maintenance of all the fire-fighting measures provided in the building from the Licensed Agency minimum upto 03 years shall be submitted by the Owner/Occupier of the said building at the time of submission of building completion certificate in online single window system through AutoDCR and same shall be renewed time to time.
15. Certification from Licenced Agency regarding provision of all the fire-fighting measures in the building are from the approved Licensed Agency registered under The Maharashtra Fire prevention and Life Safety Measures Act, 2006 shall be submitted at the time of submission of building completion certificate as per Common Completion Application process as per EODB including joint site visit by concerned departments and issuance of completion will be followed.
16. Certification from Licenced Agency regarding provision of all the fire-fighting measures in the building are from the Licensed Agency registered under The Maharashtra Fire prevention and Life Safety Measures Act, 2006 shall be submitted at the time of submission of building completion certificate through single window system through AutoDCR
17. Certification from Licenced Agency regarding the maintenance of all the fire-fighting measures provided in the building initially for period of minimum 3 years, shall be submitted at the time of submission of building completion certificate through single window system through AutoDCR.
18. Undertaking regarding the maintenance & to keep the entire fire service inlet as well as all other firefighting installations / equipment in good working condition all the time shall be submitted by the Owner/Occupier of the building as per Section 3 of The Maharashtra Fire Prevention & Life Safety Measures Act-2006 and Form B shall be submitted in the month of January & July to Fire Brigade Department as per the provisions of Sec 3 of Maharashtra Fire Prevention & Life Safety Measures Act.

**B. Residential building having height 15 m and above up to 32 m –**

**Whenever plot/s partly abut public street/ road of width 6.00m or more and width of such abutment and/or approach is min. 3.60m for entire length, as the width of approach of 3.60 m width is not sufficient for fire appliances to reach to the proposed building the fire appliances will be parked on the main road / public street and further firefighting operations will be carried out manually and with the help of inbuilt fire safety measures as recommended below -**

1. Approach to proposed building from public street / road shall not be less than 3.60 mtrs. wide.
2. The clear open space of the proposed building from plot boundary in alignment of approach shall be minimum 3.60 mtrs. (Sketch attached)
3. The said public street/road of minimum 6.00 mtrs. width shall be connected to another road having width of minimum 6.00 mtrs for easy manoeuvrability of fire appliances in case of an emergency. Traffic department's / traffic consultant's certificate to that effect shall be submitted along with proposal.
4. The length of the approach from the main road to the point from which plot widens to full width within plot/s shall not be more than 100 mtrs.





5. Minimum two lifts will be provided in such buildings, out of which one will be fireman evacuation lift with the requirement as per MGC/A/5801 dated 25.01.2018 and as per illustrative sketches attached. Fireman evacuation lift can be used as passenger lift unless in case of emergency.
6. Alternate supply shall be provided to Fireman Evacuation Lift, fire lift, fire pumps, sprinkler pump & jockey pump.
7. Wet riser-cum-down comer of internal diameter 10 cms. of G.I. "C" class pipe along with booster pump (900 lpm capacity) & fire pump (1400 lpm capacity) & sprinkler pump shall be provided in the duct or niches adjoining the staircase with single hydrant outlet and hose reel at each floor & on ground floor. Pressure reducing discs or orifice shall be provided at lower level so as not to exceed pressure of 5.5 kgs/sq.cms. The riser shall be extended upto topmost floor/ terrace level & shall be installed such that it will not reduce the flight width of the staircase.
8. A fire service inlet on the public street / main road side as well as on the external face of the building directly fronting the courtyards shall be provided to connect the mobile pump of the fire service to the rising mains of Wet riser cum down comer system as well as sprinkler system
9. Automatic Sprinkler System shall be provided in the entire building including lift lobby, common corridor, each habitable room in each flat and other prominent areas.
10. Minimum two courtyard hydrants shall be provided within the confines of the site of the wet riser in accordance with I.S. specification.
11. Smoke detectors shall be installed in Lift Machine room and Electric Meter room in accordance with I.S. specification.
12. The building shall be provided with manual fire alarm system with main control panel at ground floor level & pill boxes & hooter at each floor level. The same shall be in accordance with I.S. specification.
13. One fire extinguisher of 06 kgs capacity each with BIS Certification mark shall be provided in electric meter room, lift machine room & on each floor.
14. For firefighting purpose Underground water storage tank of minimum 50,000 litres capacity & Overhead water storage tank of minimum 20,000 litres capacity is mandatory.
15. Staircase/s provided shall be of enclosed type having minimum width as per the provision of DCPR 2034 (Reg. 37, Table No. 16).
16. Fire Resistant Door having 01hour fire rating shall be provided at staircase, main entrance and kitchen of each flat.
17. Government approved Licensed Agency registered under The Maharashtra Fire prevention and Life Safety Measures Act, 2006 for fire safety measures (referred as Licenced Agency) shall be appointed. Schematic drawings pertaining to fire prevention & fire safety measures shall be submitted along with proposal by the Licenced Agency.
18. Certification from Licenced Agency regarding provision of all the fire-fighting measures in the building are from the approved Licensed Agency registered under The Maharashtra Fire prevention and Life Safety Measures Act, 2006 shall be submitted at the time of submission of building completion certificate as per Common Completion Application process as per EODB including joint site visit by concerned departments and issuance of completion will be followed.
19. The self-declaration regarding the maintenance of all the fire-fighting measures provided in the building from the Licensed Agency minimum upto 03 years shall be submitted by the Owner/Occupier of the said building at the time of submission of building completion certificate in online single window system through AutoDCR and same shall be renewed time to time.
20. Certification from Licenced Agency regarding provision of all the fire-fighting measures in the building are from the Licensed Agency registered under The Maharashtra Fire prevention and Life Safety Measures Act, 2006 shall be submitted at the time of submission of building completion certificate through single window system through AutoDCR.

21. Certification from Licenced Agency regarding the maintenance of all the fire-fighting measures provided in the building initially for period of minimum 3 years, shall be submitted at the time of submission of building completion certificate through single window system through AutoDCR.
22. Undertaking regarding the maintenance & to keep the entire fire service inlet as well as all other firefighting installations / equipment in good working condition all the time shall be submitted by the Owner/Occupier of the building as per Section 3 of The Maharashtra Fire Prevention & Life Safety Measures Act-2006 and Form B shall be submitted in the month of January & July to Fire Brigade Department as per the provisions of Sec 3 of Maharashtra Fire Prevention & Life Safety Measures Act.

**NOTE:**

*(a) The proposals as mentioned above for the residential buildings upto height of 32 mtrs. with smaller width of abutment to public street / road as well as for any open space concession for the residential building below 32 mtrs. Due to hardship shall be strictly adhered to the fire safety measures at (a) 01 to 18 & (b) 01 to 22 above respectively & the compliance of the same shall be obtained from Licensed Agency as per the provisions of Maharashtra Fire Prevention & Life Safety Measures Act, 2006.*

*(b) No separate NOC from CFO needs to be obtained even if proposal involves relaxations due to hardships in open space other than open space insisted in the policy.*

*(c) The process to obtain completion certificate for compliance of fire will be as per EODB.*

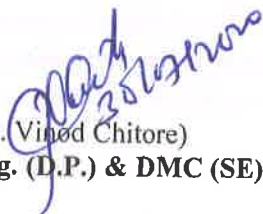
**C. Residential building having height more than 32 m –**

Whenever plot/s partly abut public street/ road of width 9.00m or more and width of such abutment and/or approach is min. 4.50m for entire length , as per reg. 12(2) read with Reg. 2 (IV) (75) of DCPR '34, all such proposals will be scrutinized by Fire Department with respect to access, staging area etc. & NOC/remarks regarding the same will be offered with justification by Fire Department, wherever required, approval of Hon. M.C shall be obtained.

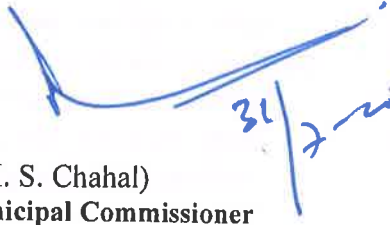
**Notes :**

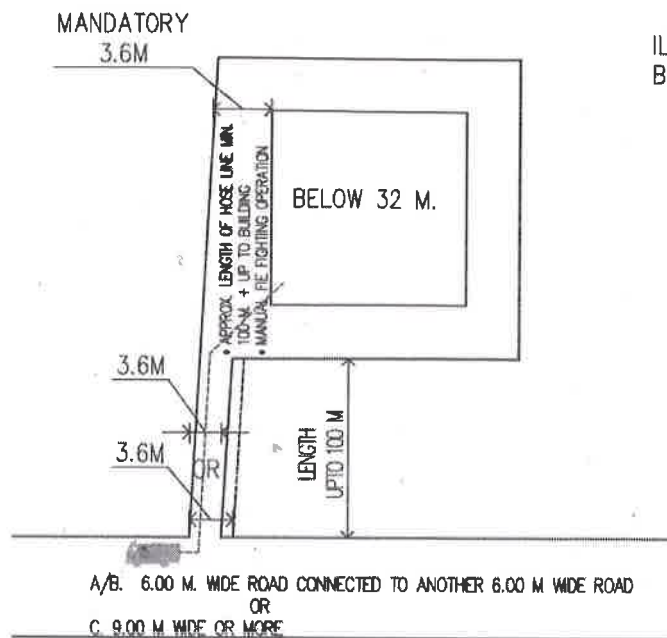
1. The word abutment and/or access to plot/s specified in paragraphs above, shall mean and include any narrow access which is a part / portion of same plot or any narrow access which includes a portion of other plot / plots or common access which is commonly used with any other adjoining plot / plots for common access. The width of abutment / access shall be considered as total width of abutment / access of the same plot as well as adjoining plot which is jointly used as common access by the plot holders.
2. List of Licenced Agency can be obtained from <https://www.mahafireservice.gov.in> by accessing Tab List of License Agency.
3. Where NOC is already issued by CFO before the date of this circular, building permissions shall be processed as per these NOCs.

Attached : Illustrative Sketches I to IV .

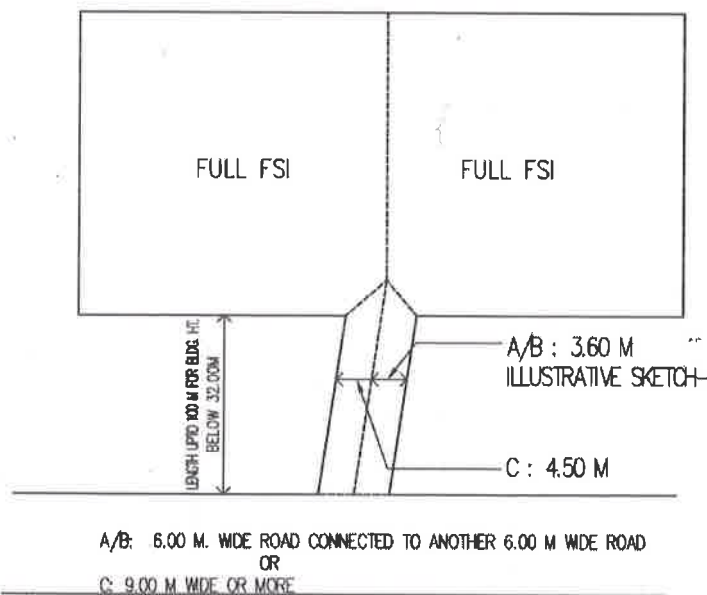
  
(Mr. Vinod Chitore)  
Ch. Eng. (D.P.) & DMC (SE)

  
(Prabhat Rahangdale)  
CFO / DMC (DM)

  
(I. S. Chahal)  
Municipal Commissioner



ILLUSTRATIVE SKETCH-I  
BELOW 32.00M



ILLUSTRATIVE SKETCH-II

*[Signature]*

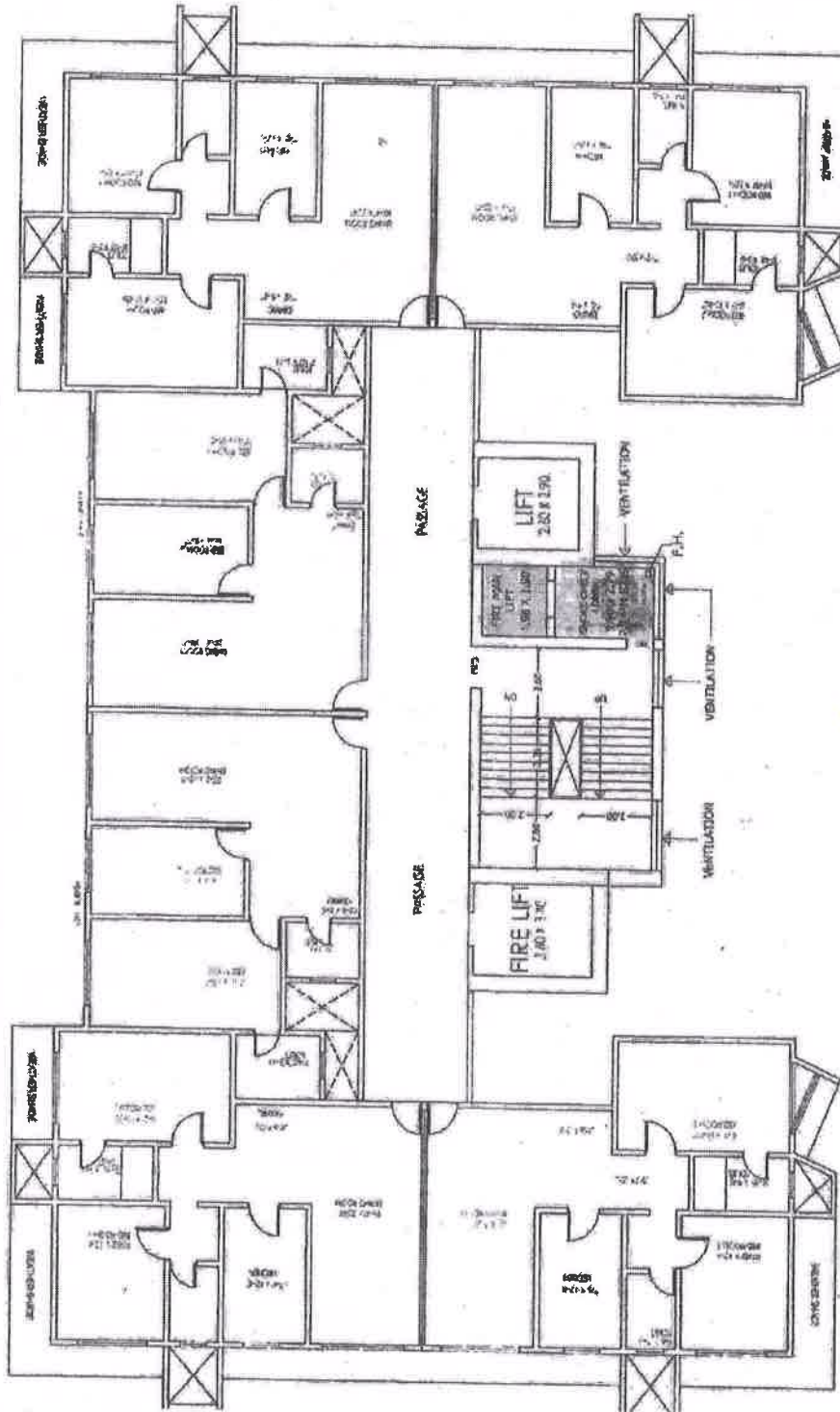
DY.CH.ENG. (DP) -1

*[Signature]*  
C.F.O

*[Signature]*  
CH.ENG.(DP) & DMC (SE)

# FIREMAN EVACUATION LIFT AT LANDING

ILLUSTRATIVE SKETCH-III

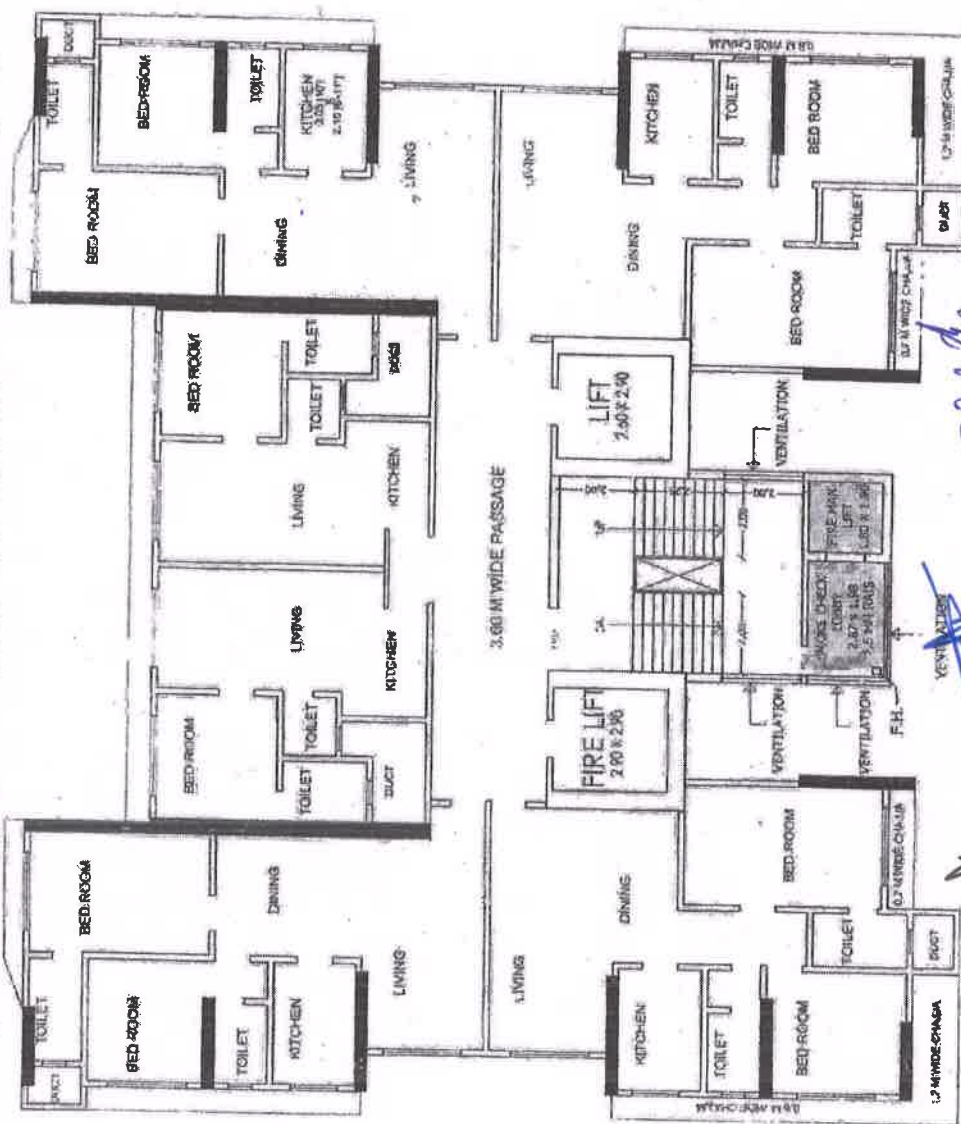


*Dr. R. S. Chatterjee*  
 CH. ENG. (DP) & DMC (SE)  
*[Signature]*  
 C.F.O.  
*[Signature]*  
 DY. CH. ENG. (DP) - 1



ILLUSTRATIVE SKETCH-IV

# FIREMAN EVACUATION LIFT AT MIDLANDING



CH.ENG. (DP) & DMC (SE)

C.F.O.

DY. CH.ENG. (DP) - 1



CHE/DP/135/GEN  
2020-21

**MUNICIPAL CORPORATION OF GREATER MUMBAI**  
**OFFICE OF THE CHIEF ENGINEER DEVELOPMENT PLAN**

No. ChEng/DP/3310 /Gen of 2/3/2020

Sub.: - Clarification about 'Policy for allowing development of residential plot with smaller width of abutment to public street/road'


Ref:- 1) CHE/DP/128/Gen. 2020-2021  
2) CHE/DP/2401/Gen. dt. 30.07.2020 & MCP/3107 dt. 31.07.2020 in 1 above  
3) Circular u/no. CHE/DP/3310/Gen. dt. 31.07.2020 in 1 above

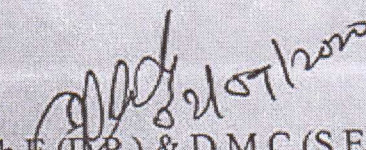
Reference is requested to Sr. No. 1 of references above which has circulated ref. at Sr. No. 2 & 3. After issuing policy, there are queries such as whether this policy allows development with right of way, 63k roads, layout roads etc.

It is clarified here that, the portion side-lined "A" of the office note under no. CHE/DP/2401/Gen. dt. 30.07.2020 duly approved by Hon. MC vide no. MCP/3107 dt. 31.07.2020 deals only with the FSI admissible to plots which abut public street. However, plots having approach from layout road or any plot which was part of layout, estate department's schemes/collectors' schemes which render access to other plots directly/indirectly abutting any public street, are not covered for FSI under this policy.

It is also clarified here that the circular u/no. CHE/DP/3310/Gen. dt. 31.07.2020 deals only with height of the building that may be permitted on compliance of the provisions required by CFO as mentioned in the circular where the plot directly abut to the public street/road.

All staff members should follow this clarification while scrutinising the proposals.

  
02-09-2020  
Dy.Ch.E.(D.P.)-I

  
Ch.E.(D.P.) & D.M.C.(S.E.)



N-5

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

No. CHE/DP/28295/Gen. dt

28 MAR 2022

Sub: Further clarification about 'Policy for allowing development of residential plot with part of abutment / piped access / approach road abutting to Municipal Road / Public Street'.

Ref: 1) Circular u/no. CHE/DP/3310/Gen. dated 31.7.2020.  
2) ChEng/DP/3310/Gen. of 2.9.2020.

Reference is requested to the report of Dy.Ch.Eng.(B.P.) City at Page N-1 and N-2 and the endorsement of the undersigned which can be seen on Page N-2 which endorsement is reproduced hereinbelow for ready reference:

*"The proposal submitted by Dy.Ch.Eng. is submitted for Hon. M.C.'s approval subject to following:*

- (i) Part of abutment / piped access / approach road abutting Municipal Road shall be owned by owner of plot under redevelopment.
- (ii) Wherever concessions are needed as per Regulation 6(b), Zonal Dy.Ch.Eng.(B.P.) shall submit the same for approval of Hon. M.C.

*On approval, this shall be circulated as clarification to earlier policies issued dated 31.7.2020 and 2.9.2020."*

Accordingly, Hon. M.C. has made an endorsement on the report to submit the report jointly by Chief Engineer (DP) & Chief Fire Officer.

In the light of the above, a joint discussion was held between the undersigned and the staff of the office of the Chief Fire Officer and accordingly clarification to the policy circulars at Ref.No.1 and Ref.No.2 above was made which is as follows:

- 1) Height of the building to which the illustrative sketch-I and illustrative sketch-II of circular at Ref.No.1 above, will be applicable:

**Clarification:** The illustrative sketch-I and sketch-II attached to circular at Ref.No.1 above, will be applicable to buildings having height below 32 mtrs. as per the illustrative sketches attached to the policy circular which is as at Ref.No.1 above.

- 2) Applicability of the above circulars to high rise residential buildings having height of more than 32 mtrs.:

**Clarification:** In so far as high rise residential buildings are concerned, Para No. C of the circular at Ref.No.1 will be applicable which is reproduced below:

**"C. Residential building having height more than 32 mtrs.:**

*Whenever plot/s partly abut public street / road of width 9.00m or more and width of such abutment and/or approach is minimum 4.50m for entire length, as per Reg. 12(2) read with Reg. 2 (IV)(75) of DCPR'32, all such proposals will be scrutinized by Fire Department with respect to access,*

*28/03*

staging area etc. & NOC/remarks regarding the same will be offered with justification by Fire Department, wherever required, approval of Hon. M.C. shall be obtained."

However, in the above, it is clarified that the approval of the Hon. M.C. as stated in the above Para No.C which is reproduced above, shall be taken only if deemed necessary by Ch.Eng.(D.P.) or by the concerned Fire Officer of the Fire Department.

- 3) Applicability of the above policy circulars considering the status / title of the owner to the plot/s being developed or redeveloped and height of building:

Clarification: The above policy Ref.No.1 and Ref.No.2 will be applicable whenever a plot/s partly abuts public street /municipal road having width of 9 mtrs. or more and width of such abutment and/or approach road/pipe access is minimum 4.5 mtrs. (four point five meters). It is further clarified that if such approach road / pipe access is being commonly used by two plots of land then atleast some part of the abutment / approach road / pipe access should be owned by the owner of the plot which is being developed or redeveloped and such owner will be entitled to take FSI / TDR / premium FSI as per DCPR 2034 as per the width of the Municipal Road to which such plot abuts through the approach road / pipe access of such plot. The height of the buildings on plots having approach road / pipe access abutting Municipal Road / public street shall be allowed as per the width of such abutting Municipal Road / public street as per Table 6 of Regulation 19 of DCPR 2034 and subject to Fire Department NOC. Further, wherever concessions are sought as per Regulation 6(b) of DCPR 2034, Zonal Dy.Ch.Eng.(B.P.) shall seek approval of the Hon. M.C.

- 4) Applicability of the above referred circulars in respect of plots abutting the public street / Municipal Road through layout road, estate department schemes, collector schemes:

Clarification: The above referred circulars will not be applicable to plots having approach road which is a layout road or road belonging to estate department or the collector of Mumbai City which is abutting to Municipal Road / public street. These circulars will be only applicable to plots which have an abutment / approach road / pipe access which is being fully or partly owned by the owner of the plot which is being developed or being redeveloped.

In view of above, C.F.O. and Hon. M.C.'s approval is requested to clarification of points Nos.1 to 4 (at pg N-5 to N-6) above and if approved, the same will be treated as policy and circulated.

Submitted please.

FB/14/2251  
28/03/2022

mcpl/6330  
30.03.22

C.F.O.

Hon. M.C.

Sir,

Ch.Eng.(D.P.)

Chief Fire Officer in

Mumbai Fire Brigade

Sir,  
As discussed with C.F.O. S.No. 3 above is for bldg above 32.10 mtrs height and the common pipe access/approach Rd. abutting municipal rd./public street equt be owned by more than one owner.

CHECKED

Ch.Eng.(D.P.)

Municipal Commissioner



Circular ChE/DP/2018/Gen  
2023-24

**BRIHANMUMBAI MUNICIPAL CORPORATION**

Dy. Ch.E. (B.P.) 346 W.S./P&R

26 APR 2023

**Sub. :** Clarification of the clause for development along the internal road having dead end with length of 50mt as per the provision of Reg. 32(5.4.1) Note (iv).

- Ref. :** 1. PEATA representation dated 10.10.2022  
2. Circular u/no. ChEng / DP / 3310 / Gen dated 31.07.2020  
3. Clarification circular u/no. ChEng / DP / 3310 / Gen dated 02.09.2020  
4. Clarification circular u/no. ChEng / DP / 28295 / Gen dated 28.03.2022  
5. Circular u/no. ChEng / DP / 17124 / Gen dated 18.11.2017  
6. Case opinion given by Advocate High Court. Shri Girish S. Godbole dtd. 19.03.2022.

Reference is requested to the representation of PEATA dated 10.10.2022 .

**Representation of PEATA -**

*"However, above mentioned Circulars clarify that utilization of T.D.R. will not be applicable to plots having Layout Road or Roads belonging to Estate Dept. or Collector of Mumbai and to plots which have an abutment which is fully or partly owned by owner or plot owned by more than one owner. Reference is requested as per Reg. 32(5.4.1) Note (iv),*

*"If a plot is situated on access road having dead end within 50 m from the main road, having minimum width of 9 mt. or more, then such plot shall be treated as fronting on main road for the purpose of utilization of TDR. Similarly, if the plot derives from 9 mts. wide internal road then such plots are also eligible for the purpose of utilization of TDR."*

*From the above provision, it is clear that even for the internal road having dead end with length of 50mt. the FSI permissible is as per the width of the Main Road the internal road abuts. The same principle can be applied in the case for the land locked properties where the owners obtain right of way from the adjoining plot owner and the right of way abuts to the road width of 9.00 mts. or more then the owner of the plot will be entitled to take FSI / TDR /*

*Q. A. D. M.*

*premium FSI as per DCPR 2034 as per the width of the Municipal Road to which such plot abuts through the approach road / pipe access of such plot.*

*It is further to state that in case of Town Planning scheme, the final plots are allotted to the owners after the scheme is sanctioned. In the various T.P. schemes, the plots are deriving an access from the T.P. road having width 3.00 mts. or less. However, these smaller width of the T.P. road abuts to the municipal road having width of 9.00 mt. or more. There are many such types of plots where the existing buildings are more than 40 years of age and requires redevelopment. However, the same cannot be redeveloped due to non-permissible of additional FSI & TDR. As such, all these plots should be considered on par with the regulation 32(5.4.1), Note(iv) and additional FSI & TDR should be permitted which would give viability to the redevelopment project in the public interest at large."*

Based on the representation received from PEATA, it was already clarified vide circular dated 21.06.2022 that pipe access policy does not cover plots having approach from Layout road or any plot which was part of layout, estate department's schemes/ collector's schemes which render access to other plots directly/ indirectly abutting any public street.

However, it is necessary to clarify the clause for development along the internal road having dead end with length of 50mt. it is necessary to have a glance through the existing circulars/ clarification/ DCPR provisions issued till date for the same which is as under,

**A) Guidelines for TDR utilization on the roads other than Municipal Roads/ Public Roads.**

In this case, reference is requested to the guidelines issued vide circular reference at Sr. No. 5 on upon receipt of Government clarification issued under no. TPB- 4317 / 255 / C. No. 59/ 2017/ UD-11 dated 06.11.2017 regarding allowing the utilization of TDR on the roads other than Municipal Roads/ Public Roads.

As per said circular, in case of MCGM approved subdivided layouts/ land locked plot having separate PRC's, the utilization of TDR is permissible as per the width of layout road/ right of way, subject to compliance of conditions stipulated in notification dated 16.11.2016/ clarifications from UDD/ guidelines / circulars as applicable , issued in this respect, from time to time. Similarly, right of way agreement shall be taken on record, while allowing the utilization of TDR on the

plots deriving access from the right of way. AE(Survey) shall take on the record all the layout/ private roads (right of way given to the adjoining property/ within the layout) along with its alignment, width and shall include the same in the Survey remarks.

**B) Policy for allowing development of residential plot with smaller width of abutment to Public Street/ road.**

In this case, reference is requested to the guidelines issued vide circular reference at Sr. No. 2, 3 & 4 for dealing with proposals having piped access i.e. width of abutment plot to such public street/ road is smaller than 9.00m.

As per said circular at Sr. No. 2, FSI/TDR as per the provision of Reg. 30/ Reg. 32 is reckoned from the width of public street/ road to which plot abuts irrespective of width of abutments of the plot. Thereafter, vide circular at Sr. No. 3, it was clarified that sidelined 'A' of the office note under no. ChE/DP/ 2401/ Gen dated 30.07.2020 duly approved by Hon. MC vide no. MCP/ 3107 dated 31.07.2020 deals only with the FSI admissible to plots which abuts Public Street. However, plots having approach from Layout road or any plot which was part of layout, estate department's schemes/ collector's schemes which render access to other plots directly/ indirectly abutting any public street, are not covered for FSI under this policy.

In this regard, after circulation of clarification policy dated 28.03.2022, UD department vide their letter dated 21.06.2022 (copy enclosed at page C-43 to C-48) raised queries on receipt of complaint to UD Department. Accordingly, suitable reply is submitted to UD department vide letter dated 10.10.2022 (copy Enclosed as at pg. C- 49 to C-53). However, no further communication in this regard received from UD Department.

**C) Reg. 32.- Transfer of Development Rights (TDR)- 5.4 Utilization of TDR:**

**Note- iv)** If a plot is situated on access road having dead end within 50 mt. from the main road, having minimum width of 9m or more then such plot shall be treated as fronting on main road for the purpose of utilisation of TDR.

Similarly, If the plot derives from 9m wide internal road then such plots also eligible for the purpose for utilization of TDR.



**D) Reg.19. - Public Street and Means of Access**

(1) *Every site to have access free of encroachment*: Every site proposed to be developed or redeveloped shall have access from a public street/road as required in these Regulations. Such access shall be kept free of encroachment

**E) Opinion given by Advocate High Court, Shri Godbole dated 19.03.2022**

*As per Sr.No.12, it is mentioned "Apart from this, there is intrinsic evidence in note 4 of DCPR 32 (5.4.1) indicating that the access road need not be owned by the owner of the plot under development. Note 4 uses different terms namely "main road" and "access road" and "internal road". Thus, if there is an access road connecting the plot and the main road and if the access road is having a minimum width of 9 mt. and a length of less than 50 mt.; the plot shall be treated as fronting on main road for the purpose of utilization of TDR. The second sentence of note 4 makes it explicitly clear that it is not necessary for the plot owner to be an owner of land covering such an access road leading to the main road. The second sentence uses the term "Internal Road". The word "access" is absent in the second sentence but that is an obvious error of the draftsman, and the word access must be read between words "derives" and "from 9 mt. wide internal road".(copy enclosed at page C-19 to C-34)*

*Further as per Sr.No.16 it is mentioned: -*

*"Based on the aforesaid discussion, on various factual and legal aspects, I proceed to answer the Queries as under:*

(1) What is the difference between Access Road as mentioned in Clause No. 32 (5.4.1) Note (iv) and Right of Way or Right of Access?

Ans.: There is no difference. A right of way or right of access is nothing but an access road and all the three terms have same meaning while considering applicability of Note (iv) of DCPR 32(5.4.1)."

**F) This office remarks:**

In view of above, considering spirit of the DCPR2034 & Government clarification issued under no. TPB- 4317 / 255 / C. No. 59/ 2017/ UD-11 dated 06.11.2017 allowing the utilization of TDR on the roads other than Municipal Roads/ Public Roads and Sr. Counsel's opinion, it is proposed to clarify as under for uniform and smooth implementation of Govt. clarification dated 07.07.2017 subject to AE (Survey) shall take on the record all the layout/TP or Estate schemes Roads or Right of Way registered agreement along with its alignment,



width shall include the same in the Survey remarks and suitable condition shall be incorporated in approval to not to reduce further width of said road in future and it should be developed for full width before asking Commencement Certificate for development.

For the purpose of Reg. 32(5.4.1) note (iv), following categories of access will be considered

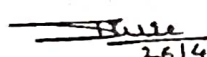
- 1) If the plot is situated on access road i.e. Private layout road / common passages / private access, of minimum 9.00m width having dead end within 50m from main road, then such plot shall be treated as fronting main road for the purpose of utilization of TDR. However, registered document for maintaining such private access in perpetuity shall be insisted.
- 2) If the width of such minimum 9.00m private layout road / private access reduces at some length, then the length of the same shall be taken from main road to point of reduction of access width for the purpose of Reg. 32(5.4.1) note (iv). However, registered document for maintaining such private access in perpetuity shall be insisted.
- 3) If the plot is situated on Right of way having dead end within 50m from main road, then such plot shall be treated as fronting main road for the purpose of Reg. 32(5.4.1) note (iv). However, registered document for maintaining such right of way in perpetuity shall be insisted.


'X'


In view of above, Ch.E. (D.P.) / Hon. M. C.'s approval is requested to the sidelined portion 'X' as above.

On receipt of approval, same will be circulated to all as a clarification to the regulation 32(5.4.1)(note- iv) of DCPR2034.

Submitted please.

  
26/4/2023  
E.E.(B.P.) R.1 WSII

  
26/04/2023  
E.E.(B.P.) R.2 WSII


  
26/04/2023  
E.E.(B.P.) P WSII

Dy. Ch. Eng. (BP) WS-II

/In view of above information, submitted for approval plan submitted plan.

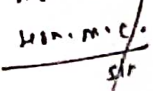
Chief Engineer (D.P.)

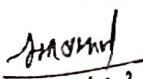
1/c 30/12/22 2281 4:34 PM 22 MAY 2023

  
26/04/2023  
Dy. Ch. Eng. (BP) WS II

Hon'ble M.C.

Sir,

Sir,  
Sr. no 1 to 3 of DWAPWS-II's plan for 4104 having dead end road upto 50m. is submitted for Hon. M.C.'s approval.  
  
sir

  
18/5/23

बृहन्मुंबई महानगरपालिका			
प्रमुख आगंतुता (विपक्ष) नियोजन			
बांधे कार्यालय			
११	१		
१२	४		
१	५		
२	६		
27 APR 2023			
2281			
अ.प्र.उ./वि.नि./			
साधारण	अहर	पूर्व तय	प. लप
मा. उ.प्रि	वि.नि.अ.अ.	लेखा	आस्था

Res. No. 142 as proposed.  
Sr. No. 3 shall be  
dealt separately.

बृहन्मुंबई महानगरपालिका	
आयुक्त (वि.नि.) कार्यालय	
22 MAY 2023	
समय ११.१२, १३, १४, १५, १६, १७, १८	
क्रमांक MCP/6350	

25/05/23

24 / 5-24  
Municipal Commissioner

प्रमुख प्रमाणित (वि.नि.)



## महाराष्ट्र शासन

नगर विकास विभाग, मंत्रालय, ४ था मजला, मादाम कामा रोड,  
हुतात्मा राजगुरु चौक, मुंबई ४०० ०३२.  
nirmal.chaudhari@gov.in

क्रमांक :- टिपीबी - ४३२२/१३३/प्र.क्र.५२/२०२४/नवि-११

दिनांक :- १६ /०४/२०२४

प्रति,  
आयुक्त,  
बृहन्मुंबई महानगरपालिका.

विषय :- Further clarification about 'Policy for allowing the redevelopment of the residential plot with part of abutment / piped access / approach road abutting to Municipal Road/Public street.

संदर्भ :- १) शासन नगर विकास विभागाने महानगरपालिकेने पाठविलेले पत्र  
दि. २१/०६/२०२२.

२) प्रमुख अभियंता (वि.नि.) बृहन्मुंबई महानगरपालिका यांचे क्र. CHE/DP/  
१४५४२/Gen., दि. १०/१०/२०२२.

महोदय,

प्रमुख अभियंता ( वि.नि.), बृहन्मुंबई महानगरपालिका यांचे वरील विषयाचे संदर्भित पत्र प्राप्त झाले असून सदर पत्राचे कृपया अवलोकन व्हावे.

उपरोक्त संदर्भात महानगरपालिकेस खालीलप्रमाणे कळविण्याच्या मला सूचना आहेत :-

“विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ मध्ये इमारतीसाठी आवश्यक असणाऱ्या सार्वजनिक रस्त्याबाबतच्या तरतुदी स्वयंस्पष्ट आहे. परंतु सदर सार्वजनिक रस्त्याला लागून ९.०० मी. पेक्षा कमी रुंदीच्या पोहचरस्त्याने (विकसित करण्यात येणाऱ्या भूभागाचाच भाग) प्रवेश करण्यायोग्य भूभागाच्या पुनर्विकासाबाबत विकास नियंत्रण व प्रोत्साहन नियमावली २०३४ मध्ये स्पष्टता, नाही. यास्तव अशा प्रकारच्या रहिवाशी भूभागवरील विकासाचे प्रस्ताव विकास नियंत्रण व प्रोत्साहन नियमावली २०३४ मधील तरतूद क्र ६(अ) (iii) खालील अधिकारांतर्गत निर्गमित केलेल्या महापालिकेच्या दि. ३१.०७.२०२०, दि.०२.०९.२०२० व दि २८.०३.२०२२ रोजीच्या परिपत्रकाद्वारे करता येईल.

आपला,

  
(अमर पाटील)

अवर सचिव, महाराष्ट्र शासन

प्रत :- १) प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका.  
२) निवडनस्ती ( नवि-११)