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Samyag Shah

PROCUREMENT CONVENOR

Nimish Ajmera

WOMENS WING CHAIRPERSON

Alka Doshi

Ref. No. MCHI/PRES/25-26/022

Date: 08/12/2025

लिपि
उपमुख्यमंत्री कांचे कार्यालय
महाराष्ट्र शासन
मंत्रालय, मुंबई ४०० ०३२
११/१२/२५

To,

Shri Eknath Shinde

Hon'ble Deputy Chief Minister

Minister for Housing & Urban Development

Mantralaya, Mumbai – 400 032

Subject: Suggestion for Proposed amendment to DCPR 2034 – DCR 33(7) regarding unfair limitation, imposed on carpet area for tenants/occupants

Respected Sir,

This is to submit a suggestion in respect of the Proposed Amendment / Modification to DCR 33(7) under Final DCPR 2034, as circulated vide Notifications dated 21.09.2018, 12.11.2018 and 08.07.2021 (copy of extract enclosed).

1. At present, under DCR 33(7), each residential tenant/occupant in cessed/old buildings is entitled to rehabilitation carpet area equivalent to the area occupied in the old building, subject to a maximum cap of 120 sq.m. In cases where the carpet area exceeds 120 sq.m., the excess construction cost is required to be borne by the tenant/occupant and is not counted for incentive FSI.

2. In practice, many old buildings, particularly in Mumbai, have tenants/occupants using areas above 120 sq.m. The existing cap makes it difficult to recover the cost of construction from such tenants and renders several redevelopment schemes financially unviable. Developers are also constrained because the incentive FSI benefit is restricted only up to 120 sq.m., making project unviable and non co operation from such tenants as offer are restricted and therefore affecting redevelopment

3. Sir, We proposed amendment to remove the unfair cap 120 sq mtr , which correctly recognizes the difficulty and suggests that each occupant be rehabilitated and given carpet area equivalent to the area occupied in the old building, without the earlier restrictions and without requiring payment of additional construction cost beyond 120 sq.m. This will align the rehabilitation benefit with the actual existing use and help in expediting redevelopment of old and dilapidated buildings.

4. It is further submitted that the Vice President & CEO, MHADA has already addressed a communication to the Urban Development Department (UDD) recommending the same approach, namely that rehabilitation carpet area should be equivalent to the area occupied in the old building without the 120 sq.m. ceiling, which demonstrates institutional support for this reform from the nodal housing authority. MHADA has repeatedly already recommended the said proposal at Draft DCPR 2034, thereafter modification and again recent recommendation to UD / Housing considering the hardship faced in redevelopment

In view of the above, it is humbly requested that the State Government may kindly:

a) Approve and notify the proposed amendment to DCR 33(7) that the rehabilitation carpet area shall be equivalent to the area occupied in the old building, without imposing the 120 sq.m. cap for residential as well as non-residential occupants; and incentive be allowed on entire entitlement areas as per same

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

- b) Ensure that such amended provision is given prospective and, as far as feasible, beneficial retrospective effect on ongoing proposals, so that currently stalled or non-viable schemes may also be revived.

This change will protect the legitimate housing rights of tenants/occupants, encourage timely redevelopment of unsafe buildings, and support the broader policy objective of urban renewal in Mumbai and other cities of Maharashtra.

Thank you for your time and consideration of this important matter.

Yours sincerely,
For CREDAI-MCHI

A handwritten signature in blue ink, which appears to read "Rushi Mehta", is written over a horizontal line.

Rushi Mehta
Hon. Secretary

Encl.: Copy of extract – Proposed Amendment / Modification to DCR 33(7) as per Final DCPR 2034

Proposed Amendment / Modification to DCR 33(7) as per Final DCPR 2034 dated 21.09.2018, 12.11.2018 & 08.07.2021

Sanctioned modification DCPR 2034 and DCR 33(7) Notification dated 21.09.2018, 12.11.2018 & 08.07.2021	Proposed Amendment	Justification
<p>2. Each occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 sq. m (300 sq.ft.) and/or minimum carpet area upto 120 sq.m (1292 sq. ft.) as provided in the MHAD Act, 1976. In case of non-residential occupier, the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. Provided that if carpet area for residential purpose exceeds 120 sq. m (1292sq. ft.) the cost of construction for the area over and above 120 sq. m shall be paid by tenant / occupant to the developer. The cost of construction shall be as per ASR of that year. However, the carpet area exceeding 120 sq. m (1292 sq. ft.) shall be considered for rehab FSI but shall not be considered for increase FSI. Provided further that each eligible residential cum commercial occupant shall be entitled to a tenement of minimum carpet area of 27.88 sq. m (300 sq. ft.).</p> <p>For purpose of rehabilitation existing 'Carpet area' / rehabilitation 'carpet area' means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then/prevaling Regulation but including the areas of balcony if allowed free of FSI as per then Regulation.</p>	<p>2. Each occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 sq. m (300 sq.ft.) and/or minimum carpet area upto 120 sq.m (1292 sq. ft.) as provided in the MHAD Act, 1976. In case of non-residential occupier, the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. However, if carpet area for residential purpose exceeds 120 sq. m (1292sq. ft.) the cost of construction for the area over and above 120 sq. m shall be paid by tenant / occupant to the developer. The cost of construction shall be as per ASR of that year. However, the carpet area exceeding 120 sq. m (1292 sq. ft.) shall be considered for rehab FSI but shall not be considered for increase FSI. Provided further that each eligible residential cum commercial occupant shall be entitled to a tenement of minimum carpet area of 27.88 sq. m (300 sq. ft.).</p> <p>For purpose of rehabilitation existing 'Carpet area' / rehabilitation 'carpet area' means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then/prevaling Regulation but including the areas of balcony if allowed free of FSI as per then Regulation.</p>	<p>It is observed by M.H.R. & R. Board that in some buildings the carpet area occupied by tenants/occupants is more than 120 Sq.m (1292 Sq.ft.). Hence owner / developer is required to provide carpet area equivalent to the area occupied in the old building, but increase FSI is restricted to 120 Sq.mt, only due to which the only way to reduce and scheme becomes unviable. Further practically it is difficult to recover construction cost from the tenants / occupants, since the area used by them is more than 120 Sq.mt.</p>