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Ref. No. MCHI/PRES/25-26/028

Date: 09/02/2026

प्रधानमंत्री टपाल केंद्र
मंत्रालय
नंतुरुमांड़ - ९८४८५३
दिनांक: - १०/२/२६

To,

Shri Aseem Kumar Gupta (I.A.S.)

Additional Chief Secretary,
Urban Development Department (I),
Government of Maharashtra,
Mantralaya, Mumbai – 400032.

Subject: UDD Notification Ref. No. 4320/314/CR-162/2020/UD-11 dated 29th February 2024

Respected Sir,

Vide Notification Ref. No. 4320/314/CR-162/2020/UD-11 dated 29th February 2024, Government issued directives under Section 154 (1) of MRTP Act bringing into force Reg. 33(23) of DCPR 2034 i.e. Transit Oriented Development (TOD), pending sanction to Proposed Modification under clause (C) of Section 37(1AA) of MRTP Act. Accordingly, FSI under TOD regulation could be availed for development.

The following are the key concerns with respect to TOD regulation:

Regulation	Key Concern
1 Reg. 33(23)(2.2): "2.2 Impact Assessment and Integrated Mobility Plan:-" <i>Such TOD FSI over and above the Principal FSI, shall be granted by the Municipal Commissioner, BMC from where the underground Metro Rail Line is passing through, <u>subject to condition that the land proposed to be developed under this regulation is connected or proposed to be connected directly with the underground Metro Station by a vestibule of a minimum clear 3.5M width for pedestrian movement or more subject to a maximum length of 500 mtrs or less and further as may be determined by the MMRCL/ Metro Proponent and such a vestibule shall open directly into the land proposed to be developed under this regulation and further subject to the Impact Assessment of the impact on the city and sector level infrastructure and amenities as well as on traffic and environment and which Impact Assessment study shall be carried out by the project proponent.....However, the cost of construction of the vestibule from the Metro Station upto the land proposed to be developed under this regulation shall be borne by the landowner / developer.</u></i> In case the vestibule connecting the Metro Station passes through BMC Road/footpath, the BMC shall give its NOC for the same subject to the owner/developer bearing the cost of shifting any utilities. The same shall apply to any Road Footpath on Government Land/ MHADA Land/ MMRDA Land/ any Government Authority.	In accordance with Reg. 33(23)(2.2), several project proponents approached MMRCL and entered into MoU's for construction of Vestibules connecting TOD developments to the Metro Stations of Metro Line 3. Project proponents thereafter approached BMC for approval under TOD Regulation, paid the requisite TOD premiums, and obtained IOD/CC to commence constructions. Further, it is to be noted that Reg. 33(23)(2.2) clearly specifies the role of the project proponent is only limited to bearing the construction cost of the vestibule. To enable the project proponents to make payment of such construction cost of the vestibule, an Agreement is required to be executed with MMRCL as a follow up to the MoU,

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CREDAI-MCHI CHAPTERS

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	<p><i>However, in case the vestibule passes through any property other than Road/Footpath, the MMRCL/ Metro Proponent shall obtain at the cost of the project proponent the NOC from the land owner so affected for construction of the vestibule. <u>The project proponent shall only be entitled to avail the FSI under this regulation after signing of an agreement / MoU with Mumbai Metro Rail Corporation Ltd. (MMRCL).</u> However, Occupation Certificate to the development shall only be granted after the actual vestibule connecting the land from the Metro Station is constructed and opened to public use. Necessary NOC to this effect shall be insisted by the BMC/Planning Authority from the MMRCL/Metro Proponent before grant of Occupation Certificate to the development undertaken as per this regulation.”</i></p>	<p>formalizing details such as construction plan & methodology, total quantum of construction cost's to be incurred, timeline for payments, construction timelines, etc. However, despite several follow ups, MMRCL has not progressed to execute Agreements in any of such TOD projects for construction of vestibule and as a result, construction of any vestibules is yet to commence till date.</p> <p>Nearly 2 years have lapsed since the sanction of the TOD regulation and Project proponents have completed their obligations under the regulation of executing MoU for construction and payment of TOD requisite premiums and since there is no delay of such on the project proponents part. Work at site for all such proposals under TOD regulations have progressed significantly.</p> <p>In view of the above facts, it is requested that Occupation Certificate of the projects under TOD regulation may not be linked with completion and opening of the vestibules to the public connecting the developments to the Metro Stations.</p>
2	<p>Reg. 33(23)(12)</p> <p>Provision of Amenities [(Regulation 14(A)], Inclusive Housing (Regulation 15) and development cess (Regulation 30(7)) shall not be applicable to projects undertaken under this regulation. <u>However, in case the cost recovered by the MMRCL / Metro Proponent for construction of the vestibule as provided under this regulation from the project proponent is less than the applicable development cess under Regulation 30(7), then in such a case the project proponent shall be liable to pay the difference to the BMC before grant of Occupation Certificate to the development.</u></p>	<p>It is requested that cost equivalent to the Development Cess be recovered immediately by MMRCL to mobilize the construction of vestibule's connecting developments to the Metro Line 3 stations.</p> <p>Additionally, a framework/standard agreement be decided at the earliest in respect of the cost to be incurred for the vestibule such that construction work of the vestibules</p>

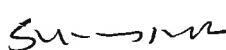
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3	<p>Reg. 33(23)(18)</p> <p>"18. TOD Zone local area planning:</p> <p>a) <u>On publication of this notice, BMC with the help of MMRDA, shall prepare the local area plans for TOD zones of each individual station areas by carrying out existing land use survey within 2 months.</u> In case the preparation of plans is delayed beyond 2 months, then in such a case the BMC shall grant permission to the project proponent under this regulation subject to clause 2.2 of this regulation....</p> <p>e) <u>The local area plan will be sanctioned by the Municipal Commissioner and the copy of the same shall be published on website and submitted to Director, Town Planning and Urban Development Department for information along with the proposed modifications required in sanctioned DP, if any and further 50% of the TOD FSI premium collected by the BMC shall be utilized for implementing the local area plan only.</u> The BMC shall maintain a separate account for the same."</p>	<p>It is requested that BMC/MMRDA/MMRCL expedite the process of finalising the Local Area Plans for all TOD including the finalisation of station alignments and the number and location of vestibules, so that projects intending to avail TOD FSI can be planned holistically in sync with these plans. Early finalisation will ensure that development proposals near metro line -3 stations achieve seamless connectivity with the specified vestibules and align with the TOD planning framework, thereby optimising public transport integration which is the key objective of the TOD regulation.</p>
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The implementation of TOD regulations, from a city-level infrastructure perspective, is a complex and multi-agency exercise requiring coordinated planning and execution. At present, the finalisation and sanction of Local Area Plans for TOD Zones, including the planning and construction of station vestibules and connecting infrastructure, has been delayed due to various challenges. Consequently, while several TOD development projects have substantially progressed and/or are nearing completion, the corresponding metro-side vestibule works have not yet commenced. In view of the above, linking the issuance of the Occupation Certificate to the construction or completion of vestibules would result in undue hardship, project delays, and financial implications for ongoing developments. Therefore, the Occupation Certificate for TOD projects should not be made contingent upon the completion of such external infrastructure works. However, early resolution of these challenges remains essential to achieve the intended objectives of TOD, such as seamless public transport integration, improved accessibility, and enhanced metro ridership. It is therefore recommended that MMRCL, BMC, and MMRDA collect the applicable development cess from proposals approved under TOD regulation promptly to mobilise and fund the construction of vestibules and associated connectivity infrastructure. Further, considering that Mumbai Metro Line 3 comprises 27 stations, preparation of all TOD Zone Local Area Plans simultaneously may be challenging. As an interim strategy, priority may be accorded to 3–4 high-demand stations where maximum TOD proposals have been received, and multimodal public transport integration is critical, so that early implementation can demonstrate tangible benefits and accelerate overall TOD adoption.

Yours sincerely,
For CREDAI-MCHI



Sukhraj Nahar
President



Rushi Mehta
Hon. Secretary