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Alka Doshi

Ref. No. MCHI/PRES/26-27/005



To,

Smt. Ashwini Bhide (I.A.S.)

Municipal Commissioner,

Brihanmumbai Municipal Corporation,

Fort, Mumbai - 400 001

Subject: Request for Parity in Recovery of Land Premium for Municipal Tenanted Plots under Cluster Development under Reg.33(9) in line with Reg. 33(7) of DCPR2034.

Respected Madam,

We seek your kind attention towards an important matter concerning the redevelopment of Municipal tenanted plots under DCPR 2034.

The Government of Maharashtra has commendably introduced several modifications to Regulation 33(9), promoting cluster development for sustainable, planned growth. These initiatives have significantly benefited tenants, landlords, and the Municipal Corporation by enabling organized redevelopment, ensuring environmental compliance, and enhancing green urban infrastructure.

Historically, Municipal tenanted plots—owned by the BMC and occupied by tenants or encroachments on reserved lands—were redeveloped under Regulation 33(7). With the advent of cluster development under Regulation 33(9), there is now a clear pathway for comprehensive, planned redevelopment. These schemes offer larger-scale benefits, including:

- Higher premiums due to the scale of development.
- Greater public interest contribution, with schemes mandating the provision of PAP tenements as per Reg. 17(3)(C), amounting to 30% x Plot Area x zonal fsi - substantially higher than the 25% applicable under Reg. 33(7).
- Additional PAP creation under Reg. 33(9)(20), further supporting city infrastructure projects—an advantage absent in 33(7) schemes.

Despite these benefits, a significant disparity exists between the two regulations regarding land premium recovery:

- Under Reg. 33(7): No land premium is levied for Municipal tenanted plots.
- Under Reg. 33(9): A substantial land premium is imposed – 40% of the Land ASR (at FSI 1.00) on the entire plot area, and 25% on areas handed back to BMC under reservation, even in incentive-based cases. This is as per the circular Dy. Ch. E (Imp)/1213/dt.07/01/2025 and based on acquisition cost stipulated in LR Act of GOM.

MAHARASHTRA CHAMBER OF HOUSING INDUSTRY

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It is pertinent to note that in both cases the land remains leasehold and not acquired.

This additional premium under Reg. 33(9) becomes financially burdensome and discourages much-needed cluster developments, despite the fact that such schemes generate higher revenues for the BMC through:

- Increased overall premiums from larger developments.
- Substantial enhancement in property tax collections post-development.
- Greater number of PAP units supporting city infrastructure needs.

It is important to note that BMC's long-standing policy for over two decades under Reg. 33(7) has been to waive land premium, recognizing that these schemes develop reserved lands, rehouse tenants paying nominal rents, and significantly improve municipal revenue streams through taxes and premiums.

Given that cluster development under Reg. 33(9) delivers superior urban planning outcomes, greater financial returns, and enhanced public amenities compared to Reg. 33(7), the imposition of an additional 40% land premium appears unjustified and counterproductive to the objective of promoting sustainable redevelopment in Mumbai.

In light of the above, we earnestly request to consider exempting land premium for Municipal tenanted plots developed under Reg. 33(9), bringing it at par with the provisions of Reg. 33(7). This alignment will benefit tenants, enhance BMC revenues, and contribute to a better-planned Mumbai.

We remain hopeful for your favorable consideration in the interest of balanced urban growth and redevelopment. We would request you for a meeting with your good office to discuss the same in detail.

Thanking you,

Yours sincerely,
For CREDAI-MCHI

A handwritten signature in blue ink, appearing to read "Sukhraj Nahar".

Sukhraj Nahar
President

A handwritten signature in blue ink, appearing to read "Rushi Mehta".

Rushi Mehta
Hon. Secretary