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Alka Doahl

To,
Shri Assem Kumar Gupta (I.A.S.)
Additional Chief Secretary,
Urban Development Department,
Government of Maharashtra,
Mantralaya, Mumbai 400 032

Subject: Regarding meaning and clarity about the contiguous slum or non slum area under regulation 33(10) of DCPR-2034

Respected Sir,

The provision of clause 7.1 under regulation 33(10) of DCPR-2034 with respect to contiguous non slum area is as under ;

“7.1 Wherever slum and municipal / MHADA property are found together or adjoining, it would be eligible for redevelopment using provisions of both DCPR 33(7) and of DCPR 33(10), development of slum and contiguous non-slum area provided slum area shall be more than 51% of the scheme area under any other provisions of these regulations may be allowed together in order to promote flexibility of design as well as to raise more resources. Provided that the FSI of non-slum quantum of area shall be restricted to that permissible in the surrounding zone, inclusive of admissible TDR on non-slum area including the plans for admissible TDR shall be approved by CEO, SRA. The power under D.C. Regulation 13(6) for shifting and/or interchanging the purpose of existing amenity/ reservations shall be exercised by the CEO, SRA. However, in case of shifting of the alignment of Road /DP Road, same shall be done in consultation with MCGM.”

The aforesaid provision stipulates that the non-slum area which is to be amalgamated with the adjoining slum rehabilitation scheme shall be contiguous. However, it does not stipulate or specify about the non-slum plot under reservations which are separated by the existing or proposed road and such non-slum area is to be considered as contiguous or not. Provided the other conditions are fulfilled. Moreover, in certain situations the land may not be contiguous but due to planning consultant the project under 33(7) and under 33(10) may need to be amalgamated to fulfill certain conditions that may be laid down by the BMC such as handover of the reservation area etc. However, it is stipulated that such amalgamation shall be allowed in order to promote flexibility of design as well as to raise more resources.

Considering the above provision, a non-slum area under reservations which are separated merely by existing or proposed road shall not be considered as contiguous even while dealing with the clause 3.11A of regulation 33(10) of the DCPR-2034.

It is a settled fact that no two slum pockets are contiguous. Either it may be separated by an existing or proposed road and or existing Nala etc. Thus, if such adjacent non slum area either occupied by various structures or under various reservations which are merely separated by such features are to be considered

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CREDAI-MCHI CHAPTERS

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as contiguous for the sake of comprehensive planning and design of such slum areas as well as any adjacent non slum area with or without reservations if intended to be included in the Slum Rehabilitation Scheme. Provided the FSI on non-slum plot under such reservations or any other non-slum plot shall not exceed the permissible FSI under the respective regulation and excluding the free of FSI component required for the construction of designated amenities as provided in clause 8.3 under regulation 33(10) of the DCPR-2034.

In view of the above, you are requested to consider the same and do the necessary changes before finalizing the proposed modification in clause 3.11A under regulation 33(10) of the DCPR – 2034 for the following or issue a clarification about the interpretation or meaning under regulation 4(3) of the DCPR – 2034 as under ;

1. The non-slum area adjacent to slum rehabilitation scheme if intended to be included in the slum scheme and if situated within the same ward, either occupied by various structures or under various amenities / reservations which are merely separated by an existing or proposed road and or existing Nala etc. such adjacent non slum area is to be considered as contiguous for the sake of comprehensive planning and design of such slum areas as well as any adjacent non slum area with or without amenity / reservations.
2. The FSI on non-slum area includes the free of FSI area required for construction of amenities, PAP's, rehabilitation area of slum dwellers or sale component to the extent of balance FSI.

Thanking you in anticipation.

Yours sincerely,

For CREDAI-MCHI



Sukhraj Nahar
President