

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/22276/DP/Gen dt. 12/01/12

CIRCULAR

Sub: Procedure to be followed for implementation of the modified provisions for certain D.C. Regulations, 1991 for Greater Mumbai.

Government of Maharashtra in U.D. Department issued directives under section 37(1AA) of M.R. & T.P. Act, 1966 under NoCMS/TPB-4311/452/CR-58/2011/UD-11 dtd.25.7.2011. Thereafter, the suggestions & objections on the proposed modifications to D.C. Regulations, 1991 were invited. After giving hearing the suggestions and objections by Dy. Director (Town Planning) the same have been submitted to the U.D. Deptt. in Govt. of Maharashtra. Now the Govt. of Maharashtra in U.D. Deptt. has sanctioned the modifications to the D.C. Regulations for Greater Mumbai, 1991 under Section 37(1AA)(C) of M.R. & T.P. Act, 1966.

Considering the final sanction to the said modification to the certain D.C. Regulations, the following procedure shall be followed for processing the building proposals to be approved hereinafter:-

A) The procedure to be followed for ongoing proposals /new proposals.

Sr. No.	Status	Proceed to be followed
1)	The proposals where I.O.D is yet to be issued, though the Competent Authority's sanction is obtained/yet to be obtained.	a) The concerned E.E.B.P shall call the concerned architect and enquire whether he desires to retain the same building plans. In that case architect has to submit revised statement/plans for fungible FSI in conformity with modified D.C.Regulations. b) The architect may if so desire, revise the plans in accordance with modified D.C. Regulations including the fungible FSI and submit the same.
2)	Where I.O.D / I.O.A has been granted and building is not completed	a) Owner has an option to continue the last approved plans /I.O.D., however, these modified regulations will apply for the proposed work beyond approved plans. b) Alternatively, if owner desires to avail benefit of amended regulations, for entire potential including last approved plans, then the entire proposal will have to be in conformity with the modified regulations in toto.
3)	I.O.D is issued and it is proposed to change the foot print/ plinth of the approved building, in the proposed amended plans.	Even though I.O.D is obtained then these modified regulations will apply for the entire work.
4)	In case of plots /layout where I.O.D/ C.C is granted for partial development.	a) These regulations will apply for remaining balance potential of the layout. b) In case of building where O.C.C has been given, the same shall not be counted in balance potential.

		c) The area of the building for which I.O.D. has been granted but occupation yet to be granted will be governed by D.C.R existing prior to above referred amendments. However, owners/developer will have option to modify the plans only in consonance with modified D.C.R.
5)	Where the plots/lands which are affected by C.R.Z	The development in CRZ area shall be governed as per M.O.E.F. notification/directions issued by Competent Authority/M.O.E.F from time to time i.e. no compensatory fungible FSI will be admissible in these cases. These will be governed by earlier policies.

- 6) In case of redevelopment under regulation 33(7), 33(9) & 33(10) excluding clause no.3.11 of Appendix-IV of Development Control Regulation 1991, the fungible compensatory F.S.I. admissible on rehabilitation component only shall be granted without charging premium.
 - 7) Please note that in case of redevelopment under D.C.Regulations No.33(5) and redevelopment proposal of existing buildings in suburbs and extended suburbs by availing TDR, the fungible compensatory F.S.I admissible only on the F.S.I consumed in existing structure shall be granted without charging premium.
 - 8) In case of such fungible compensatory F.S.I for rehabilitation component referred to in para 6) & 7) above shall not be used for free sale component and can only be used to give additional area over and above eligible area to the existing tenants/occupants.
 - 9) The fungible FSI used in rehabilitation component shall not be eligible for working out the saleable FSI for the free sale component. The fungible FSI will be available on such FSI for free sale component on payment of premium as per modified D.C.R.
 - 10) The modified D.C.Regulations shall be applicable in respect of the building to be constructed or reconstructed only i.e. where O.C.C is given, the modified D.C.Regulations will not be applicable.
- B
- 1) The fungible FSI is interchangeable and useable as a regular FSI. It is not necessary that owner /developer shall use it only for items mentioned in D.C.R.35(3) e.g. flower bed, balcony, voids, elevation features etc. It can be used for these purposes and /or for enlarging the room sizes, or / and for additional rooms and/or for more dwelling units.
 - 2) Any area /feature which is not exempted from FSI under modified Regulation 35(2) shall be counted in FSI.
 - 3) Various FSI inclusions such as covered parking spaces, fire escape balconies, sanitary blocks for domestic servants on habitable floors other than at midlanding of staircase, A.C. plant rooms, D.G.set rooms other than in basement; fire check floor/service floor exceeding 1.8 mt. height, balconies, niches, telephone booth & rooms, ornamental projections, flower beds, separate letter box room (excluding wall mounted letter boxes in common areas), deck parking inclusive of car lifts and passages thereto, covered swimming pool, etc. and all such features as mentioned in D.C.R.35(3) shall be strictly examined and adhered to while scrutinizing the plans.
 - 4) The dimensions of various features such as chajja, cornice, weather sheds, service ducts abutting sanitary blocks, ornamental projection of glass façade in non-residential building, etc. as specified in 35(2) shall be strictly examined and adhered to and the excess areas shall be computed in FSI. Open to sky

swimming pool at any level other than the terrace above the top most storey or on the top most podium or at ground level as provided in D.C.Regulation 30(ii), shall be counted in FSI. Further, any passage by whatever name not covered under D.C.R.35(2) shall be counted in FSI.

- 5) All part/pocket terraces whether covered or not shall be counted in FSI, except the top most podium, open terrace above the top most storey and the part terrace at top most storey due to planning constrains, but accessible from common staircase.
- 6) Circular U/No.CHE/9488/DPR dt. 13.9.2011 regarding charging 100% premium for internal staircase within a flat shall be followed.
7. The maximum floor height permissible shall be 3.9 mt. except for occupancy under Sr. No.1 (d) of Table 19 of D.C.R. 1991. Any height in excess of 3.9 mt. in cases other than Sr. No.1(d) shall be deemed to have consumed an additional FSI of 50% of the relevant floor area
8. Various provisions in modified Regulations 43 & 44 shall be scrupulously followed, viz. restriction of refuge area to 4% of habitable area served, counting excess refuge area in FSI, restricting the height of fire check floor to 1.8 mt. and mandatory provision of fire check floor above 70 mt. height, mandatory provision of fire escape chutes / controlled lowering device for evacuation above 70 mt. height etc.
9. As per modified Regulation 38(9)(iv), storage of household or other non-hazardous goods, store rooms, safe deposit vaults shall be permitted only in the first basement by counting FSI.
10. No separate balcony enclosure permission is necessary for buildings constructed as per modified D.C.R.
11. As per he modified D.C. Regulation No.38 (5), there is no area restriction for the construction of loft in residential buildings, in shops and in industrial building. However, the lofts in non-residential buildings shall be located at least 2 mt. away from the entrance.
12. As per modified D.C. Regulation 35(2)(iv), areas covered by staircase / lift wells including lobbies as specified shall not be counted in F.S.I. with special written permission of the Commissioner, subject to the payment of premium. Premium is payable except for areas covered under D.C. Regulation 35(2)(iii). Accordingly the following shall not be counted in F.S.I. with special written permission of the M.C. by charting premium at 25% of the Stamp Duty Ready Reckoner rates for developed land as per prevailing policy,
 - (a) Lobby in front of lift/s, equivalent to the depth of the lift.
 - (b) Lobby in front of the staircase/s, equivalent to width of the stair flight.
 - (c) Not more than 1.5 mt. long lobby in front of smoke vent (window) provided only between the lifts/staircases equivalent to depth of the lift. However, such lobby shall not be allowed free of FSI, if it abuts habitable area.

C. It is proposed to adopt the following modalities:-

- 1) The proposal for fungible FSI as per D.C.R. 35(4) shall be submitted in Zonal offices of respective Executive engineer who will accept the proposal, (payment of premium to be made /before issue of I.O.D. / amended plans) for fungible FSI on admissible built up area on the plot. The payment of premium shall be at the prevailing Stamp Duty Ready Reckoner Rates for developed land on the date of payment.
- 2) The quantum of fungible FSI (35%/20%) shall be on prorata basis as per actual user (residential user /all non residential user including commercial and industrial user) for the built up area and not based on the predominant user in the development. The fungible FSI over and above admissible Floor Space Index shall be allowed by charging a premium at the rate of 60%, 80% & 100% of the Stamp Duty Ready Reckoner Rates for residential , Industrial and commercial development respectively. Any areas other than residential building or for industrial use, 20% fungible FSI will be admissible treating those areas as, commercial areas and premium at 100% of the Stamp Duty Ready Reckoner Rates will be leviable.

- 3) Such premium collected for FSI as per D.C.R. 35(4) shall be credited under a separate budget head being created.
- 4) A separate register shall be maintained with the details of location of the land, fungible FSI granted, user permitted, Ready Reckoner Rates as per which premium is derived and the user wise total premium amount in each case.
- 5) The details as in (4) above shall also be reflected on the proposed plan containing Proforma A in a tabular form including receipt No. and date, while issuing I.O.D. / amended plans.
- 6) The report of amount of premium collected as above shall be forwarded every fortnight to Dy. Ch. Eng. (B.P.) WS – I, who will consolidate and submit report as on 1st and 16th of every month to Ch. Eng. (D.P.) within three days.

D The B.P. staff is hereby directed to go through the modified sanctioned D.C. Regulations in detail and scrutinize all the proposal accordingly.

It is directed that when the proposal is submitted by the owner / developer, it shall be scrutinized by the Building Proposal staff in accordance with the modified D.C. Regulations, taking into account fungible compensatory FSI proposed to be utilized by the owner / developer, request for exemption of staircase, lift, lift lobby areas on premium as per rules, and other required concessions in accordance with these modified D.C. Regulations, without referring the matter first to Municipal Commissioner for approval.

It is further directed that they should insist the proposals are received with full permissible FSI, including TDR utilization / additional FSI as per D.C.R. 33 and permissible fungible F.S.I thereon, and submit the duly scrutinized comprehensive proposal to Hon'ble M.C. at one time only

- a) For obtaining sanction to allow staircases, lift, lobby free of FSI by charging premium or as the case may be.
- b) To allow fungible F.S.I. as per D.C.R.35 (4)
- c) To obtain the sanction for condonation of deficiency in open space under D.C.R. 64 (b).
- d) To allow any other approval where M.C.'s special permission is required.

It will be the responsibility of the Dy.Ch.E. (B.P.) to see that proposals are submitted at one time only to obtain the sanction of Hon'ble M.C.

All proposals which are being reworked, shall be rescrutinized and resubmitted to Ch.Eng.(D.P.) within a period of 15 days positively.

Sd/-	Sd/-	Sd/-
CH.ENG.(D.P.)	DIRECTOR(E.S.&P)	M.C.

No.CHE/22276/DP/GEN (MGC/F/6827 DT/12.01.12)

COPY TO :

DMC(VIG)/DIR(E.S.&P)

CH.E.D.P

DY.CH.E.D.P.(I)/II/DY.CH.E.B.P.(CITY)E.S./W.S.-I/II

E.E.(P) TO DIR(E.S.&P)/ E.E.(P) TO CH.E.D.P/O.S.D. TO MC.

E.E.D.P. CITY/ E.E.D.P.(WS)(P&R)(H&K)/E.E.D.P.(E.S.)

E.E.B.P. CITY/ (I)/(II)/(III)/E.E B.(E.S.)(I) (II)

E.E.B.P..(WS) (H&K/E)(K/W&P)/(R)/E.E.T.P.(VARIATION)

A.E.D.P.CITY(I)(II)(III)/A.E.D.P.(L&N)/S&T/A.E.D.P.(M)/A.E.D.P. (HE & K/E) H/W & K/W

A.E.D.P.(P), A.E.D.P.(R/N) & (R/C) / (R/S)

S.E.D.P.....

Copy forwarded for information & necessary action please.

For Administrative Officer
(Development Plan)