

महाराष्ट्र शासन

क्र.टिपीवी-४३१५/९६२/प्र.क्र.४४/२०१४/नवि-११

नगर विकास विभाग, ४ था मजला,

मंत्रालय, मुंबई -३२.

दिनांक : १५/०७/२०१५.

प्रति,
आयुक्त,
बृहन्मुंबई महानगरपालिका.

विषय :- बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ विनियम ३५(४)
मधील मंजूर फेरवदल.

संदर्भ :- १) शासनाकडील समक्रमांची दिनांक २१/५/२०१५ रोजीची
अधिसूचना.

२) आपले अ.शा. पत्र क्र. MCG/A/५६२५, दि. १/६/२०१५.

महोदय,

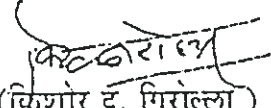
विषयांकित प्रकरणी शासनाकडील समक्रमांच्या दिनांक २१/५/२०१५ रोजीच्या महाराष्ट्र
प्रादेशिक व नगर रचना अधिनियम १९६६ च्या कलम ३७(१अअं) (सी) खालील अधिसूचनेन्वये
बृहन्मुंबई विकास नियंत्रण नियमावली विनियम ३५(४) मधील explanatory note(i) सुधारित
करणवात आलेली आहे.

प्रस्तुत सुधारणेमध्ये अधिपूल्याच्या आकारणीबाबत तसेच त्याच्या कार्यपध्दतीबाबत स्पष्टता
होत नसलेमुळे आपणाकडून उक्त संदर्भित दिनांक १/६/२०१५ च्या पत्रान्वये आवश्यक स्पष्टीकरण
अपेक्षित आलेले आहे. त्याबाबत खालीलप्रमाणे आपणांस स्पष्टीकरण कळविणेचे मला आदेश
आहेत.

" स्पष्टीकरण -१ :- दिनांक ६/०१/२०१२ पूर्वी म्हणजेच फंजिवल बाबतच नियम लागू होण्यापूर्वी ज्या
इमारतीकरीता बृहन्मुंबई महानगरपालिकेने JOD/IOA निर्गमित केली आहे आणि सदर दिनांकारोजी
वांछकाम सुरु झाले आहे आणि पूर्ण झाले नाही अशा इमारतीवरील अधिकच्या /उर्वरित (Additional)
विकास कामांना दिनांक ६/०१/२०१२ पूर्वी प्रचलित असलेल्या नियमांचा विकल्प जमिनमालकाने/
विकासकाने स्विकारल्यास अशा अधिकच्या / उर्वरित सुधारणांपुरते फंजिवल नियम लागू राहणार
नाहीत. मात्र, अधिपूल्य आकारणीचा दर हा अधिपूल्य आकारणीच्या दरातील अधिकतम दर म्हणजे
६०% प्रमाणेच होईल.

स्पष्टीकरण-२ :- अशा अधिकच्या / उर्वरित सुधारणांपुरते चटई क्षेत्र निर्देशांक मुक्त क्षेत्राची अनुज्ञेयता
ही काटेकोरपणे दिनांक ६/०१/२०१२ पूर्वी लागू असलेल्या विकास नियंत्रण नियमावलीनुसार अनुज्ञेय
असेल."

आपला,


(किशोर द. गिराल्ला)

अवर सचिव, महाराष्ट्र शासन

प्रत :- उपसंचालक, नगर रचना, बृहन्मुंबई.

0-13

MUNICIPAL CORPORATION OF GREATER MUMBAI
CE/5132/BPES/AT

To,

The Urban Secretary,
Urban Development Department,
Mantralaya, Mumbai - 400 032

Subject : Clarification to the Notification issued by Govt. of Maharashtra Urban
Development Department under No.EEPB/4813/762/CR-44/2014-UD-11
dt 21.05.2015.

Sir,

Reference is requested to the above subject notifications, in which modification to the explanatory note (i) to Regulation 35(4) of the Development Control Regulation for Greater Mumbai, 1991, is proposed.

The said modification is to be ^{reproduced} replaced as follows:-

"(i) If an IOD/IOA has already been granted in respect of a building, which is under construction and not complete on the date of coming into force of this regulation, then at the option of the owner/developer, the regulation prevailing prior to 6th January, 2012 shall be applicable to subsequent amendments to the IOD/IOA and to sanctioned plans, to the extent such amendments provide for additional development in relation to such building, subject to charging premium at the maximum rate charged for approval to lift, Lobby, Staircase by the Municipal Corporation of Greater Mumbai." On going through the notification, the office of Ch.Eng.(D.P.) needs clarification to certain points which are as follows :

- (1) Clarification is needed regarding premium to be charged. In the above said modification, it is mentioned that additional development in relation to such building is subject to charging premium at the maximum rate. It is now requested to clarify what is the maximum rate that needs to be adopted
 - a) as per M.C.G.M. policy circulars states that, 25% premium is charged to staircase, lift and lift lobby of the building for residential user, 50% premium is charged for Commercial user & 37.50% premium is charged for Industrial user
 - b) Again for the fungible compensatory F.S.I as per M.C.G.M. policy 60% for Residential, 80% for Industrial and 100% for Commercial user premium is charged @ S.D.R.R. rates of prevailing year.
- (2) What will be the upper cap for additional area to be permitted. As per Modified D.C.R. dated 06/01/2012, fungible area permissible is 35% for residential and 20% for commercial / industrial
- (3) Earlier, i.e. prior to Modified D.C.R., excess parking was allowed free of FSI, excess refuge area beyond 4% was allowed. However, as per modified D.C.R.
 - a) Excess parking beyond 25% for residential and beyond 10% for Commercial Industrial is counted in FSI.
 - b) Refuge area beyond 4% of B.U.A. is counted in FSI. Now, clarification is requested whether excess parking & refuge can be allowed free of FSI or whether it is required to be counted in FSI for additional area proposed.
 - c) Ornamental projection / Elevation feature were allowed free of F.S.I however as per modified DCR same are counted in FSI.

In view of above points, it is requested to clarify the same at the earliest.

Yours faithfully,

Chief Engineer

0-15

MUNICIPAL CORPORATION OF GREATER MUMBAI
No. CE/5132/BPES/AT

Sub :- Requesting clarifications from Urban Development Department, Govt. of Maharashtra regarding recent notification to modify the Explanatory Note (i) to Regulation 35(4) of D.C.R. 1991.

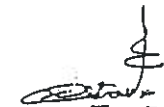
Ref:- TFB 4313/962/CR-44/2014/UD-11.

Govt. of Maharashtra, U.D. Department, has recently issued notification regarding modification to Explanatory Note (i) to Regulation 35(4) of D.C.R. 1991.

The modification states that "(i) If an IOD/IOA has already been granted in respect of a building, which is under construction and not complete on the date of coming into force of this regulation, then at the option of the owner/developer, the regulation prevailing prior to 6th January, 2012 shall be applicable to subsequent amendments to the IOD/IOA and to sanctioned plans, to the extent such amendments provide for additional development in relation to such building, subject to charging premium at the maximum rate charged for approval to lift, Lobby, Staircase by the Municipal Corporation of Greater Mumbai."

On going through the above, it is felt that clarifications to certain issues are necessary from the U.D. Department, Govt. of Maharashtra. The note for the same is prepared and attached herewith, the same may please be forwarded to U.D. Department, Govt. of Maharashtra, for getting clarifications to the points mentioned therein

Submitted please.

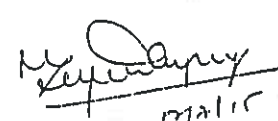

-6.7.15
Ex. Eng. (B.P.) E.S.-I

Dy.Ch.E.(B.P.)E.S.

Ch.E.(D.P.)

CHE/DP/21892/Gen DT 17 JUL 2015
D Dy Ch.E.B.P.(E.S.) to put up clarification note (final) to U.D. for H.A.M.'s approval.
D All Zonal Dy Ch.E.B.P. to give urgent remarks within 3 days for forward to Dy Ch.E.B.P.(E.S.).

Submitted pl with request to take remarks from other Dy Ch.E.B.P.


17/7/15

Dy Ch.E.B.P.(E.S.)/WSI/WSII/city/spl. Ch.E.B.P.(E.S.)/C
15/7/15
cel.

बृहन्मुंबई महानगरपालिका
उपप्रमुख अभियंता (इ.प्र.) शहर
कांचे कार्यालय

दिनांक 20 JUL 2015

संसाधन
/अवकाशना
मालिका

उप.अ.इ.प्र.अ./ 2504

वेळ १० ३० ११ १२, १, २, ३, ४, ५, ६, ३०,

कार्यकारी अभियंता (इ.प्र.) शहर १२३

उप प्रमुख अभियंता (इ.प्र.) शहर

उप प्रमुख अभियंता (इ.प्र.) शहर 2504 (इ.प्र.) शहर 20-7-15

Lyche (BP) city E.S.

As per the CBP's instructions, the points on which clarification is required, are forwarded herewith.

You are requested to peruse the same & submit consolidated note to the CBP please.

Chaldar
20-7-15

By Ch. (BP) city

बृहन्मुंबई महानगर पालिका
उपप्रमुख अभियंता इमारत प्रशासन
(पूर्य उपनगरे) कांचे कार्यालय

22 JUL 2015

वेळ :- 6249

११, १२, १३, १४, १५, १६, १७,

कार्य अभि. (इ.प्र.) पू. उप.

pl. incorporate city
points. Wait for us 2
observations

21/7/15

उप प्रमुख अभि. (इ.प्र.) पू. उप.

१) सहा. अभि (इ.प्र) एल/एन -
२) सहा. अभि (इ.प्र) एस/टी -
३) सहा. अभि (इ.प्र) एम/पू.प -
४) मु. लि. (इ.प्र) पू. उप -
५) मु. लि. (आस्था) पू. उप -

कार्य अभि (इ.प्र) पू. उपनगरे १/२

After modification for DCR 35(a) TPE/4813/762/CR-44/2014-UD-11 dated 21/05/2015 & clarification under NO TPE/4315/962/CR-44/2014/UD-11 dated 15/7/2015

		Clarification required on following		
Balcony	Whether to allow free of FSI with premium as per policy prior to 6th Jan 2012	OR	Premium as per Fungible FSI @ 60%, 80%, 100% depending on user	
2nd staircase	Whether to allow Free of FSI without premium per DCR prior to 6th Jan 2012 clause 35(2)(d)	OR	by charging premium at the rate of 25% For RES 31.25% times for Industrial & 50% times for commercial	OR Premium as per Fungible FSI @ 60%, 80%, 100% depending on user
Nitch	Whether to allow Free of FSI without premium as per DCR prior to 6th Jan 2012	OR	Premium as per Fungible FSI @ 60%, 80%, 100% depending on user	
Elevation treatment up to permissible Limit	Whether to allow Free of FSI without premium as per DCR prior to 6th Jan 2012	OR	Premium as per Fungible FSI @ 60%, 80%, 100% depending on user	
Elevation treatment beyond permissible limit with special permission of MC	Whether to allow Free of FSI without premium as per DCR prior to 6th Jan 2012	OR	Premium as per Fungible FSI @ 60%, 80%, 100% depending on user	
Service ducts for toilets				
Free of FSI without premium				
Service duct DCR 35 (2)(m)	Whether to allow Free of FSI without premium as per DCR prior to 6th Jan 2012	OR	Premium as per Fungible FSI @ 60%, 80%, 100% depending on user	
Cutoff Passage thereto	whether to allow free of FSI by charging premium at the rate of 25% For RES 31.25% times for Industrial & 50% times for commercial	OR	Premium as per Fungible FSI @ 60%, 80%, 100% depending on user	
Extra passage with more than required as per relevant DCR and 35(2)(m)	whether to allow free of FSI by charging premium at the rate of 25% For RES 31.25% times for Industrial & 50% times for commercial	OR	Premium as per Fungible FSI @ 60%, 80%, 100% depending on user	
Refuge Floor More than 4%	Whether to allow Free of FSI without premium as per DCR prior to 6th Jan 2012	OR	Premium as per Fungible FSI @ 60%, 80%, 100% depending on user	
Car Parking beyond 25% of required	Whether to allow Free of FSI without premium as per DCR prior to 6th Jan 2012	OR	Premium as per Fungible FSI @ 60%, 80%, 100% depending on user	
Fungible FSI For Rehab in city and sub	Without charging premium	OR	Premium as per Fungible FSI @ 60%, 80%, 100% depending on user	
If additional floors are envisaged over the earlier approved building, in lieu of TDR or any other balance potential, whether similar concessions as permitted on lower floors can be extended for additional floors with special permission of MC				
If Elevation features, passages are allowed by recovering Premium @ 60%, implying it to be at par with fungible FSI, whether it will be allowed to be merged with habitable area				

P. J. Datta
20-7-15
By C.A.L. (87)
City

MUNICIPAL CORPORATION OF GREATER MUMBAI

No.DYCHE/3575/BPWS/II dt.

31 AUG 2015

Sub: Requesting clarifications from Urban Development Department, Govt. of Maharashtra regarding recent Notification to modify the Explanatory Note (i) to Regulation 35 (4) of D.C.R. 1991

Ref: (1) No. CE/5132/BPES/AT
(2) No. CHE/21892/DP/Gen. dt. 16/07/2015

With reference to ref. at Sr. No.(2) above, the following points may also be added in the clarification to be sought from Govt. :-

1) It is presumed that premium is to be charged for the area to be given free of FSI as was permitted prior to modified DCR without insisting same to be counted in fungible F.S.I.

The area given free of F.S.I. prior to modification was not allowed to be merged with habitable area whereas area counted in fungible FSI is allowed to be merged in habitable area.

As regards area now allowed free of FSI by charging premium as per this notification, clarification is requested whether the same can be allowed to be merged with habitable area or otherwise.

2) As per present policy, the applicability of modified DCR is insisted for the amendments / additional construction proposed after 06.01.2012.

i) Even though the concessions are approved prior to 06.01.2012, many proposals are approved /modified by counting area of elevation features in fungible FSI for the vertical extensions proposed after 06.01.2012 and premium for the same has been paid. C.C. is also granted.

ii) In many proposals, the number of floors have been reduced by one or two numbers than that of approved in concessions due to counting area in F.S.I. and fungible F.S.I.

Clarification is required whether the owner / architect has option to revert back to the proposal as per the approved concessions prior to modification

[Signature]
Dy.Ch.E.(B.P.) W.S.-II

Dy.Ch.E.(B.P.) E.S.

RECEIVED
MUNICIPAL CORPORATION OF GREATER MUMBAI
OFFICE OF THE CHIEF ENGINEER (B.P.)
MUMBAI

RECEIVED (B.P.) E.S.
M. compile & put up