

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/042573/Gen. dtd. 16/1/16

1/9 72

Sub:-To decide the policy regarding condonation of open space deficiency created on account of loading of fungible FSI by charging premium at the rate of 10% on normal premium for redevelopment of proposal proposed under Regulation 33(5) of DCR 1991.

Ref :- 1) Hon'ble M.C.'s order dtd. 18.11.2015.
2) Dy.Law Officer's opinion dtd. 08.01.2016.

Reference is requested to the report regarding 8th Tac Committee meeting held on 10.08.2015 as at pg. N/1 to N/5 and Hon'ble M.C.'s orders for Sr.No.2 thereon at pg. N/5 i.e. "as regards Sr.No.5 the opinion of Law Officer be obtained. The Sr.No.5 of the report pertains to policy regarding charging premium towards deficiency in open space created on account of loading of fungible FSI for development proposals under 33(5) only."

As directed the proposal is referred to Law Officer and Dy. Law Officer (Conveyance-I) has submitted their remarks as at pg. C/77 to C/79 wherein it is stated that, "in view of the amended provisions of DCR 1991 i.e. Clause 6.21, 6.22, 6.23 of Regulation 33(10) shall be made applicable for Regulation 33(5)."

The Clause 6.21 is regarding the premium to be charged for staircase and lift well etc. The provisions of Clause 6.22 is reproduced hereunder.

"All the relaxation outlined here-in-above shall be given to the rehabilitation competent, and also to the composite building in project. Premium shall not be charged for all or in all the relaxation given hereinabove, or for any other as mentioned in DCR 35(2)(c)."

Further, the provisions of Clause 6.2 is reproduced here under :-

"Relaxation for the free sale component - Relaxation contained in sub Regulation No. 6.12, 6.13, 6.18, 6.19, 6.20 above, as well as other necessary relaxation shall be given to the free sale component on payment of 10% of the normal premium".

In view of the above, remarks given by Dy. Law Officer (Conveyance-1) that, "the clause 6.21, 6.22, 6.23 of Regulation 33(10) shall be made applicable for Regulation 33(5)" and the advise given by the TAC on the above issue in meeting held on 10.8.2015 that, "as per the provision of Clause 6 of D.C. Regulation 33(5) read with sub Clause 6.23 of Appendix-IV and Regulation 33(10) of DCR 1991 the Tac is of the opinion that the open space deficiency created on account of loading of fungible FSI may be condoned by charging premium at the rate of 10% of normal premium for redevelopment proposal under Regulation 33(5) for tenants under EWS/LIC and MIC category only. The above decision for charging premium shall be applied prospectively only" is submitted for Hon'ble M.C.'s orders please.

Submitted please.

Hon. M.C.
Sir,

As proposed. Please take action
action as recommended by
TAC committee & recommended
by law officer.

Ch. E. (D.P.) 1/16

By: [Signature]
13/1/16

Municipal Commissioner
CHFS(DP)

MIP/198
19/1/2016