

Municipal Corporation of Greater Mumbai (2019-20)**Chief Engineer (Development Plan)**

Ch.Eng./D.P./26937/TDR dt. 28/01/2020

Sub: The DRC issued under the Slum & Heritage is as per provision of DCR-1991 between dt. 08.05.2018 to dt. 12.11.2018

Ref:- 1) The clarification from Govt. u/no. TPB- 4319/420/2019/UD-11 dt. 06.11.2019

Reference is requested to this office report at pg. no. N-1 to N-13 wherein as per govt. letter vide above reference 1 the DRC's of Slum & Heritage issued as per DCR 1991 i.e. prior to 08.05.2018 as well as DRC issued between 08.05.2018 to 12.11.2018 will be utilized without indexation upto 12.11.2019.

The provisions of the regulation 32A(8) is as follows,

8.0 EFFECT OF THIS REGULATION:-

Provision of Generation of TDR from these regulations shall not be applicable where DRC has been issued prior to publication of these regulations. "However DRCs issued under the DCR-1991 of slum redevelopment & Heritage shall be allowed to be utilised as per DCR 1991 without indexation for one year only.

Provided that balance of DRCs issued under the DCR-1991 of slum redevelopment & Heritage shall be indexed for utilisation.

Provided also that old TDR purchased for utilization on a specific plot with registered documents of sale and/or specific proposal for utilisation of such TDR pending in the ULBs prior to these regulations shall be allowed completely as per the DCR 1991 "

Notwithstanding anything contained in these Regulation, at the option of owner/developer the TDR to be generated in the ongoing schemes as per Regulation 33(10) & 33(14) of DCR 1991 where CC is already issued which is valid & work is in progress accordingly, then in such cases the TDR generation & utilisation shall be allowed as per DCR 1991.

Provided that the utilisation of such TDR as per then Regulation shall be allowed within period of 1 year from the date of issue of such DRC without indexation and balance quantum after one year shall be reworked as per DCPR 2034 for generation and indexed for utilization.

In this reference is requested this office note u/no.Ch.Eng.(D.P.)/2238/TDR/Gen dt.30.04.2019 and Hon'ble M.C.'s approval thereon to rework the DRC's in case on going schemes of slum, 33(14) & Heritage issued after one year from 08.05.2018, date of

publication of DCPR-2034 & Hon'ble MC's approval thereon. The said approved policy was adopted & circulated vide circular u/no. CHE/DP/95/Gen (2019-20).

The U.D. dept. have issued letter u/no. TPB- 4319/420/ 2019/UD-11 dt. 06.11.2019 which states as "विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ मधील विनियम ३२(८) ची तरतूद ही ई.पी. ७० मध्ये होती. त्यास शासनाने दि. २१.०९.२०१८ रोजी मंजूरी दिली असून त्यास दि. १२.११.२०१८ रोजी शुद्धीपत्रक निर्गमित केले आहे. सदर तरतूद दि. १३.११.२०१८ पासून अंमलात आलेली असल्याने अर्जदार यांची विनंती उचित असून बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ चे विनियमातील तरतुदीनुसार झोपडपट्टी पुनर्वसन व हेरिटेज अंतर्गत देण्यात आलेले विकास हक्क प्रमाणपत्र (DRC) हे सन १९९१ च्या नियमावलीनुसार Indexation लागू न करता वापरण्याचा एक वर्षाचा कालावधी दि. १२.११.२०१९ पर्यंत राहिल, असे आपणांस कळविण्याच्या मला सूचना आहेत."

Reference is requested to this office note & Hon'ble M.C.'s approval thereon and thus the DRC issued prior from 08.05.2018 to 12.11.2018 will be utilized without indexation upto 12.11.2019.

Vide above letter u/no. TPB- 4319/420/ 2019/UD-11 dt. 06.11.2019 Govt. of Maharashtra, the provision of the Regulation came into force from 13.11.2019 & it can be construed that the Slum & Heritage DRC issued prior to 13.11.2018 shall be treated as DRC issued as per the provisions of DCR -1991 i.e. the utilisation of DRC shall be allowed without indexation for 12.11.2019.

As per the provisions of the Regulation 32A(8) DRC in ongoing scheme use in case of Slum & Heritage to be used within the period of One year from the date of issue of DRC without indexation & balance quantum is to be reworked as per DCPR-2034 for generation & Index for utilisation.

As per the above clarification issued by U.D. dept. Govt. of Maharashtra the date of issue of such DRC as per DCR 1991 for the period of One year is construed to be shifted from 08.05.2018 to 12.11.2018. Thus DRC's issued between 08.05.2018 to 12.11.2018 will have to be construed as DRC issued as per DCR 1991 prior to coming into force of the DCPR-2034. As such the period of one year will have to be counted from 12.11.2018 for all DRC issued from 08.05.2018 to 12.11.2018. Thus, the balance quantum of such DRC's issued between 08.05.2018 to 12.11.2018 will be treated as DRC issued prior to coming into force of DCPR-2034 and will have to be indexed for utilisation from 12.11.2019 instead of reworking for Generation & Index for utilisation.

The procedure for indexation of DRC where DRC issued prior to 08.05.2018 (i.e. upto 07.05.2018) and reworking as per provision of DCPR-2034 in case of ongoing scheme was circulated vide circular u/no. CHE/DP/76/Gen dt. 07.05.2019. The office of CEO (SRA) & Metropolitan Commissioner (M.M.R.D.A.) & office of Principal Secretary U.D.-11 were informed vide no. MCP/4661 dt. 04.05.2019

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In view the above, clarification u/no. TPB/4319/420/2019 U.D./11 Dated 06.11.2019 balance DRC in ongoing scheme under Regulation 33(10) & 33(14) & Heritage, issued between the period from 08.05.2018 to 12.11.2018 will be allowed without indexation and without rework upto 1 year and thereafter balance quantum will be indexed from 12.11.2019 for utilisation . The DRC's issued after 12.11.2018 will be reworked as per DCPR 2034 for generation & Indexed for utilisation after one year from date of issue of DRC.

In view of above Chief Engineer (D.P.) & Dir (E.S. & P) / MC's approval is requested to 'A' above policy, the same will have to be intimated to the office of C.E.O.(SRA), MMRDA and copy to Add. Chief Secretary U.D. Accordingly draft letter is submitted herewith for approval and issue.

Shri C.H.Kandalkar
23/01/2020
Shri C.H.Kandalkar
Dy.Ch.Eng.(D.P.)-II

Shri Parag Raut
24/01/2020
Shri Parag Raut
Dy.Ch.Eng.(D.P.)-I

Shri Vinod Chithore
27/01/2020
Shri Vinod Chithore
Ch.Eng.(D.P.)&Dir.(E.S.&P)

Shri Praveen Pardeshi
Hon. M.C.
Sir

Praveen Pardeshi
30/1

बृहन्मुंबई महानगरपालिका
आयुक्तांचे कार्यालय
28 JAN 2020
समय ११, १२, १३, १४,
१५, १६, १७, १८,
क्रमांक MCP/576
05.02.2020

Municipal Commissioner

Ch.E.(D.P) & Dir.(E.S.&P)