

MUNICIPAL CORPORATION OF GREATER MUMBAI

Cir. NO.CHE/DP/126/Gen Dt. 13/07/2020

CIRCULAR (2020-21)

Sub.: Policy regarding taking over Setback,
Non buildable/Buildable reservation.

As per Ease of Doing Business, taking over of Setback, Non buildable/Buildable reservations is dealt by D.P. Department on receipt of proposal from Building Proposal Department or Architect/Licensed Surveyor. As per Sr.No. 4 of the note below table no.5 of Regulation No 17 of DCPR 2034, the owner shall give advanced possession of the land wherever applicable (to be handed over) to MCGM/Appropriate Authority at the time of seeking Approval for Development of plot which is dealt by Building Proposal Department.


While processing the proposal, it is observed that there is no uniformity in the various sections of D.P Department. For smooth and uniform working, following uniform procedure shall be adopted.

- 1) *In case, if the sub division of the Setback, Non buildable reservations to be handed over is already approved by Collector (City)/ Collector(MSD) as per approved Layout/ approved Plan by appropriate Authority by issuing subdivision order / separate PRC, in such cases Joint Measurement shall not be insisted.*
- 2) *In all cases of taking over Setback, Non buildable/Buildable reservations in lieu of FSI, it shall be mandatory of verification of title by Legal Department of M.C.G.M.*
- 3) *As soon as advance possession of the land on approval of Layout/ Plan is taken over, Building Proposal Department shall inform D.P department and Owner /Developer shall submit the proposal of handing over of land for physical possession to the office of D.P. Department, so that procedure for title clearance can be completed and time will not be lost in title clearance once it is ready.*
- 4) *a) Any proposal for taking over of Setback, Non buildable/Buildable reservations is to be approved by concerned Dy.Chief Engineer (D.P.).*

b) In some cases, wherever taking over Setback, Non buildable/Buildable reservations is to be processed without insisting Letter Of Intent (LOI) in such cases approval of Chief Engineer (D.P.) shall be obtained.

5) In case of S.R.Schemes, same procedure shall be followed for taking over plots affected by ^{setback,} reservation/Amenity.

This circular will be followed scrupulously with immediate effect.


(V. P. Chithore)
Chief Engineer (D.P.)

e/23

**4E.LETTER FROM MCGM FOR SUBMISSION OF REGISTERED
AGREEMENT**

(from Architect / L.S./Owner)

To,
Executive Engineer (D.P.),
5TH Floor, MCGM head office,
Mumbai

Sub: Submission of Draft Agreement for property bearing CTS no ___ of village
___, ___ ward affected by the DP reservation of ___/DP road being handed
over to MCGM in lieu of TDR

Ref: File No:
LOI dated

Dear Sir,

Please refer your letter dated _____. We are hereby submitting 1 set of Original
Registered Agreement for property bearing CTS no ___ of village ___, ___ ward
affected by the DP reservation of ___/DP road being handed over to MCGM in
lieu of TDR for your record .

We now request you to kindly complete the procedure for taking over
possession of the said property .

Thanking You

Architect/L.S./Owner

Enclosed as above .

5. TAKING OVER POSSESSION OF NON BUILDABLE RESERVATION

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. TDR/ /dtd.

Sub: Taking over of non-buildable reservation bearing CTS No. _____ of _____ village _____ reserved for public purpose of _____

Ref: My Application dated: _____

Case no. :

CTS No.:

Reservation:

Sr. No.	Item No.	Remarks
1	If the land under reference is leveled by property filling, cutting to the formation level as given by the CH. E (Roads & SWD)	Yes
	a) What is average reduced level of the ground as certified by Architect.	More than ____ Mt.
	b) Whether filling work has undergone one monsoon season.	Yes
2	If the compound wall with gates has been constructed as per design and specifications	Yes
3	Whether the Retaining wall on side as per design and specification, given by the City Engineer has been constructed	
4	If Nalla is passing through the land under reference, whether the nalla is shifted and / or trained as directed by the CH. E.(Roads & SWD)	
5	If the access to the land under reference has been provided. Whether the same is properly paved, channeled, lighted and provided with S.W.D. as per Municipal specifications	
6	a) Whether deposit towards for defect liability has been paid.	Yes

	b) Whether deposit for faithfully compliance has been paid	Yes
7	If necessary amount towards Lessor's interest has been deposited? Lessor's NOC is submitted	Yes
8	In case of land under acquisition whether payment of supervision charges is made	
9	Encumbrance Details	
10	Agreement duly signed by owner	

With reference to my above referred application dt. _____ I request to hand over the possession of the land bearing CTS NO _____ reserved for public purpose of _____ in lieu of TDR.

The gist of the case:

Survey Remarks :

As per the Sanction Revised Development Plan of ' _____ ' Ward sanctioned by the State Government, the land under reference bearing CTS Nos. _____ is reserved for the public purpose of _____ as shown on the plan. The land under subject is situated in the _____ Zone and affected by _____ m wide DP road. The proposed plot has access through DP road/right of way/existing public road

Demarcation by AE (Survey)

Ownership:

As per the copy of P.R.Card submitted, the land bearing CTS No. _____ is showing the name of _____. The title certificate from _____ submitted by empanelled advocate is attached at pg _____ to _____.

Site Inspection :

The site under reference was visited by SE(DP) and AE(DP) and it was observed that land under reference is vacant and leveled and no overhead HTL passing over it. The compound wall along with gate, SWD as per empanelled consultant requirement, watchman cabin are also constructed. The photographs of the same are at pg. _____.

It is to be mentioned here that the owner has submitted Assessment Tax payment up to _____. As such up to date payment of taxes will be insisted for the land under reference before issue of the DRC

Area of reservation plot :

A Details of Plot Area under Reservation :

Survey No.	H.No.	CTS/C.S.No.	Village /Division	Area in Sq.Mtrs.
Total				

B Details of Encumbered Area along with appurtenant area :

Survey No.	H.No.	CTS/C.S.No.	Village /Division	Area in Sq.Mtrs.
Total				

Area excluding encumbrances for DRC (A-B) = _____ is _____ sqmt.
 As per the joint measurement carried by CTSO _____, the area of reservation plot for the CTS No. _____ is _____ sqmt. As per triangulation calculations, area of the said land under _____ is _____ sqmt.

Scrutiny Fees:

The owner has paid a sum of Rs. _____ towards scrutiny fees online on Dt. Via receipt no. _____ @ rate of Rs. _____ per sq.mt.

Registered Agreement

The owner has submitted Registered Agreement for transfer of the reservation land to MCGM is attached at pg _____ to _____.

Approval :

In view of above, Dy.Ch.E.(D.P.) ____, approval is requested for taking over possession and process TDR/FSI.

Submitted please.

Site Inspected by S.E. on _____

Proposed by

Recommended by

Architect/L.S.

S E D P

A E D P

Approved by:

EE.(DP).__

6. TAKING OVER POSSESSION OF BUILDABLE RESERVATION

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. TDR/ /dtd.

Sub: Taking over of buildable reservation bearing CTS No. _____ of village reserved for public purpose of _____.

Ref: My Application dated: _____

With Reference to my above referred application dt _____ I request to hand over the possession of the developed/constructed reservation of _____ for public purpose of _____ in lieu of TDR/FSI on the _____ Layout /Plot .

The gist of the case:

Survey Remarks:

As per the Sanction Revised Development Plan of '_____' Ward sanctioned by the State Government, the land under reference bearing CTS Nos. ____ is reserved for the public purpose of _____ as shown on the plan. The land under subject is situated in the _____ Zone and affected by _____ m wide DP road. The proposed plot has access through DP road/right of way/existing public road

Ownership:

As per the copy of P.R.Card submitted, the land bearing CTS No. _____ is showing the name of _____. The title certificate from _____ submitted by empanelled advocate is attached at pg _____ to _____.

Planning of Buildable Reservation:

Plans of the buildable Reservation were submitted by the Architect and have been approved by user department vide LOI no. _____ dated _____ and Dy.M.A.vide letter no. _____ dated _____ at pg. _____ to _____

Building Proposal status:

IOD No. _____ dt. _____

CC No. _____ dt. _____

OCC NO. _____ dt. _____

Area : _____ Sq.mt.

Site Inspection:

The site under reference was jointly inspected; it was observed that buildable reservation under reference is in accordance with the internal plans approved by the Dy.M.A. The compound wall along with gate, SWD as per empanelled consultant requirement and watchman cabin are also constructed. The photographs of the same are at pg. _____.

It is to be mentioned here that the owner has submitted Assessment Tax payment up to _____. As such up to date payment of taxes will be insisted for the land under reference before issue of the DRC

Area of Built Up Reservation to be handed over

Floor Details	User /Reservation Name	Constructed Area handed over in Sq.Mtrs.

Area of reservation plot (if any):

The area of reservation plot for the CTS No. _____ is _____ sqmt. As per triangulation calculations submitted by the Architect and approved by Dy.M.A.

Scrutiny Fees:

The owner has paid a sum of Rs. _____ towards scrutiny fees online on Dt. Via receipt no. _____ @ rate of Rs. _____ per sqmt.

Approval :

In view of above, Dy.Ch.E.(D.P.) ____, approval is requested for taking over possession and process TDR/FSI.

Submitted please.

Proposed by

Architect/L.S.

E E D P

Recommended by

S E D P

A E D P

Approved by:

Dy. Ch.(DP).__