



Sub: Clarification under Clause 4(3) of DCPR 2034 regarding applicability of Inclusive Housing as per Reg.15 of DCPR 2034 for the on-going proposals where Residential development has partly taken place as per DCR 1991.

Ref.: सीएमएस/टीपीवी-४३९९/७७२/नवि-९९ दि.२२.११.२०१९

Dear *Nitin*,

Under Secretary, U.D.D. vide his letter dtd.22/11/2019 has sought remarks on representation dt.31.10.2019 from CREDAI-MCHI addressed to Addl.Chief Secretary U.D.-1 in respect of applicability of Regulation 15 of DCPR 2034 for ongoing proposal approved as per the provision of DCR 1991.

This office remarks are as follows:-

It may be stated here that as per provision of regulation 15 (2) of DCPR 2034 it is stated as follows.

15. Inclusive Housing (IH)

In case of any residential development partially or fully consisting of sub-division/amalgamation/layout or single plot of land having gross plot area admeasuring 4000 sq. m. or more (excluding the area under Road set back/DP Road/designation/reservation) shall have the provision of IH

EWS/LIG Housing in the form of tenements of size ranging between carpet area shall be 25 sq. m. and 27.88 sq. m (hereinafter referred to as 'IH tenements') and shall be constructed at least to the extent of 20% of the Zonal(basic) FSI. Such housing shall preferably be in separate wing/building

There shall be no obligation to construct IH tenements in accordance with these provisions in any redevelopment project under Regulation No. 33(2),33(3)(A),33(5),33(6),33(7),33(8), 33(9), 33(9)(A), 33(9)(B), 33(10), 33(10)(A), 33(11), 33(20), development under Regulation No 35 and specified under Regulation 14(B) as well as any Housing scheme or residential development project wherein owing to the relevant provisions of the DCRs, more

than 20% of the Zonal (basic) FSI is required to be utilized towards construction of residential EWS/LIG tenements and development of land situated in-SDZ as per the regulation 33(8) and also for the development/redevelopment of any land owned by the Govt. or any Semi-Govt. Organization, provided such development or redevelopment is undertaken by Govt. or Semi-Govt. organization itself.

A. Applicability of IH for ongoing proposals for which I to R allowed under DCR 1991

The provision of Inclusive Housing (IH) is not applicable in cases wherein conversion of zone from Industrial to Residential is done as per regulation 14(B) of DCPR 2034. However there is no mention in the said proviso regarding applicability of regulation 15 of DCPR 2034 wherein project proponent comes forward for balance development as per regulation 9(6)(b) of DCPR 2034 on a plot, zone of which has already been converted from I to R as per provision of Regulation 56 & 57 of DCR 1991.

The proviso in the notification U/No.TPB/4312/CR-45/2012/(2)/UD-11 dt.08.11.2013 under section 37(1AA)(C) of MR & TP Act 1966 states as follows :-

"There shall be no obligation to construct affordable housing tenements in accordance with these provisions in any Housing Scheme or residential development project wherein owing to the relevant provisions of the Development Control Regulations, more than 20% of the basic zonal FSI is required to be utilized towards construction of residential tenements for EWS, LIG or MIG."

However, aforesaid provision is not included in Regulation 14(B) of DCPR 2034.

Further as per then Regulation of DCR 1991, Zonal FSI was 0.85 for plots having area equal to or more than 2125 Sq.m. Now as per DCPR 2034 project proponents are coming forward for availing balance 15% FSI deducted towards RG as per then prevailing Regulation or balance plot potential as per the provision of DCPR 2034. Hence, it is also not clear as to whether provision of IH as per regulation 15 of DCPR 2034 is to be insisted for development of plots having plot area admeasuring 4000 sq.m. or more (excluding the area under Road set back/DP Road/designation/ reservation) wherein zonal (basic) FSI has not been exhausted.

Further, as per regulation 14(B) note III in case of conversion of Industrial zone to Residential it is stated as follows:

Out of the total floor area proposed to be utilized for residential development, 20% of the same shall be built for residential tenements, each having BUA up to 50 sq.m.

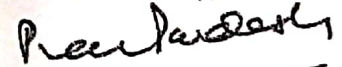
B. Applicability of IH for ongoing proposals where CC is granted.

As per Govt. Notification u/no.TPB-4312/CR-45/2012/(2)/UD-11 dtd.08.11.2013 regarding modification to DCR 1991, the provision of IH was not applicable to projects wherein Commencement Certificate had been issued prior to the date of coming into force of those regulations. However, this provision is not included in Reg 15 of DCPR 2034. As such, it is not clear as to whether IH provision is applicable for ongoing proposals for which CC is granted & where IH was not made applicable as per notification dt. 08.11.2013. As such, clarification from UD Dept is required.

In view of above, it is requested to give suitable clarification under regulation 4(3) of DCPR 2034 as regards follows:

1. Applicability of sidelined proviso wherein the project proponent comes for balance development as per regulation 9(6)(b) of DCPR 2034 where development is in progress & where I to R/C is allowed as per the then provisions or Regulations which are being complied with.
2. Whether to insist the provision of IH as per regulation 15 of DCPR 2034 while availing balance plot potential as per zonal basic FSI as per Regulation 9(6)(b) of DCPR 2034 where the development is under progress where CC is already granted prior to 08.11.2013 & where IH was not insisted as per notification dtd.08.11.2013.

Yours sincerely,



(Praveen Pardeshi)

~~Dr. Nitin Kareer~~

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