

MUNICIPAL CORPORATION OF GREATER MUMBAIDy.Ch.Eng(City) B.P.15427 | dated 24/1/19

Sub: Consideration of total existing carpet certified by M.B.R. & R. Board (inclusive of balcony and common carpet area) for calculating permissible BUA under Reg.33(7) of DCPR 2034.

Ref: 1. PEATA's representation dated 23.01.2019 at page C 1- C3.
2. Letter from V.P. & CEO MHADA dated 17.01.2019 at pg. C-5 to C-15. addressed to Add. Chief Secretary housing Department

Reference is requested to above cited letter of PEATA and Ch.Eng (D.P.)'s endorsement thereon may please be seen at page C-1. PEATA has represented to consider total carpet area certified by M.B.R. & R.Board (including common carpet area) for calculating total permissible BUA (i.e. rehab & incentive) under DCPR 33(7). This office remarks in the matter are as under:

1. As per earlier Reg 33(7) of DCR 1991, the existing tenants were rehabilitated with the carpet area as certified by M.B.R & R Board. The said carpet area included various common carpet areas such as staircase, passage, lift, Common W.C./ bathroom etc. as the same were utilised by the tenants. PEATA has represented that the said common carpet areas were added as same were counted in FSI as per the provisions of D.C. regulation existing prior to 1989.

2. As per Regn 33(7) of DCPR 2034, sub clause 3, the list of eligible occupants and area occupied by each of them of cessed and non-cessed building/structures (existing prior to 30.09.1969) shall be certified by the Mumbai Building Repairs and Reconstruction (M.B.R.&R.) Board and the irrevocable written consent as specified in 1 (a) ^{there in} ~~above~~ shall be verified by the Board.

3. Sub clause 2 of DCPR 33(7) of 2034 states the definition of carpet area/ rehabilitation carpet area as under.

"The net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then/prevailing regulation but including the areas of the balcony if allowed free of FSI as per then regulation".

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4. Hon. V.P. & CEO MHADA vide letter dated 17.01.2019, referred above at Sr. No.2 has clarified the aspect. The contentions of said letter are submitted as under:

a. As per DCPR 33(7), minimum & maximum built up area to be given to Residential & Non-residential Rehab Tenant were worked out on the basis of carpet area of old existing rehab tenants including common areas distributed proportionately (such as Common toilet, verandah, common passage, staircase etc). This practice is approved by then V.P/C.E.O. (MHADA) in year 2000 on the basis of remarks offered by Chief Architect and C.E.O. M.B.R.&R. Board. Accordingly, common areas are being proportionately distributed and included in rehab carpet area for rehabilitation. M.B.R.R. Board is following this practice since 2008.

b. Now, U.D. Deptt, Govt of Maharashtra vide Notification dated 21.09.2018 and 12.11.2018 for sanctioned DCPR 33(7) has incorporated clause No.2 with following provision:

'For purpose of rehabilitation existing "Carpet area"/ rehabilitation "carpet area" means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then/prevaling Regulation but including the areas of balcony if allowed free of FSI as per then Regulation'.

As per above provision, the area of balcony is included in existing tenants/ occupants area. Also as per clause No.5(a) & (b) of modified DCPR 33(7), additional entitlement of 5% / 8%/ 15% to the eligible tenants/occupants is included. As per the same, MHADA will consider the eligible rehab area for the eligible tenants worked out on the existing carpet area + equivalent distributed common area + balcony area + additional entitlement of 5% / 8%/ 15% to the eligible tenants/occupants.

c. This decision was taken to grant maximum benefit in terms of additional area to the existing tenants/ occupants in the redevelopment scheme.

d. V.P. & CEO MHADA has thus concluded that M.B.R.&R. Board is being granting NOC's as per the sanctioned provision of DCPR 33(7) by granting benefit of common areas as detailed above.

5. Further, reference is requested to the EODB circular under CHE/DP/49/Gen/2015 dated 02/12/2015 and CHE/DP/37143/Gen/2015 dated 02/12/2015, sub clause part X, 4 (B) of the same states that the certificate issued by MHADA/ Land Owning authority as fore said shall be regarded as compliance of Provision DCR" and further as per DCPR 33(7) 1(b) which states that "all the eligible occupants of cessed and non-cessed building/structures(existing prior to 30.09.1969) certified by MBRRB, existing on the plot having cessed building only, shall be re-accommodated in the redeveloped building.

In view of above, as per provisions of Reg 33(7), sub clause 3 of DCPR 2034, Ch.Eng.(D.P.)/ Hon. M.C's order are requested to consider the total carpet area certified by M.B.R. & R Board (including common area) for the purpose of calculation of total permissible BUA under DCPR 33(7) as a policy.

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Submitted Please.

Ch.Eng.(D.P.),

Hon. M.C. Sir,

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i) As brought out vide position & sidelined 'X' at page N-1, MBR & R Board shall certify the list of eligible occupants and area occupied by each of them of cessed and non-cessed building/structures

ii) Sr.No.4) of above report brings out the details of stand taken in VP&CEO-MHADA's letter.

iii) Submitted for orders on position sidelined 'Y' above pl.

Considering the fact that MAHADA is ^{Ch.Eng.} ChEna(DP).

