

MUNICIPAL CORPORATION OF GREATER MUMBAI

Sub: Policy to be formulated in respect of granting approvals to amendments received due to benefits now available for ongoing proposals of redevelopment under DCPR 33(7) of 2034.

Ref:MGC/A/9781 dated 13-8-19 (pg C17-C19)

There are several ongoing proposals in Building Proposals City, for redevelopment of cessed buildings under DCR 33(7) of 1991. The proposals are in various stages of approval and construction.

DCPR 2034 except excluded portions came into force vide notification dated 23-05-2019. Due to change in Regulation, and possible additional benefits, there are several proposals of redevelopment under DCR 33(7) where IOD and CC are issued as per DCR 1991 and similarly Project Proponent /developer / LS are submitting proposals for converting to DCPR 2034 for amendment / balance potential consumption and these proposals are being processed.

The benefits are now available for 33(7) proposals as per DCPR 2034 are as follows:

- a) Additional 5% / 8% / 15% carpet area can now be given to existing tenants, subject to maximum area cap of 120 Sqm.
- b) While calculating the carpet area of each tenant in the existing building, balconies can be included, which were earlier disallowed.
- c) Common area benefit which was available earlier is still available.
- d) As a result of a) to c) above, the area that is to be proposed for tenants increases.
- e) Since the additional area is to be given over and above 3.00 FSI, there is no increase in sale component in 3.00 FSI cases. However, in incentive cases, there is an increase in the sale component.

Same the above referred advantage/benefits, are now available for redevelopment proposals under DCPR 33(7) of 2034, project proponent / L.S. / Architect are seeking amended approval for ongoing proposals.

As a consequence of the above referred benefits, the following changes may occur in the proposal:

- i) Building which was earlier a non composite building, may now become a composite building, since there is an increase in rehab area, without any increase in sale area for 3.00 FSI cases. As a result, open space requirement reduces drastically, due to which there is a reduction in the premiums to be paid towards open space deficiency premium. Also, premium for claiming staircase, lift, lift lobby area free of FSI for sale component is no longer payable, on account of it now being a composite building.
- ii) Status of cases where the MHADA surplus to be surrendered was less than 10%, becomes NIL.

The amended plans submitted for ongoing proposals are invariably those where above referred advantages become available. The buildings are also at various stages of construction, and hence the project proponent wants to avail the advantages, even if he has half completed the project.

Since the buildings are already under construction, it is not possible physically to increase the area to be given to the tenants / occupants. The Architect / LS therefore, is correcting the table No. 21 to show that there is an increase in the basic area allotted to the tenant, by reducing the fungible compensatory area proposed for the tenant.

Reference is requested to letter dated 17-1-2019 from MBR&R board, (pg C-1-C13) in which MBR&R Board has laid down the procedure for calculating the carpet area for the purpose of rehabilitation of existing tenants, as certified by them while issuing NOC as per DCPR 2034. As per the same, MBR&R Board considers the eligible area is worked out on the existing carpet area + equivalent distributed common area + balcony area + additional entitlement of 5%/8%/15% for the eligible tenants/occupants and this decision was taken to grant maximum benefit in terms of additional area to the existing tenants / occupants in

redevelopment projects. MCGM has also adopted the above guidelines for the purpose of calculation of total permissible BUA under Regulation 33(7) of DCPR 2034 as a policy.

In view of above, following procedure shall need to be followed, if agreed, by Dy.Ch.Eng(BP City / Ch. Eng (DP) / Hon'ble MC:

- 1) MBR&R Board is the authority that certifies the basic area to be given to each tenant. It is the responsibility of MCGM to ascertain that the basic area, allotted to each tenant, is not less than that certified by MBR&R Board.
- 2) Disbursement of Fungible Compensatory FSI to the tenant / occupant is at the discretion of the Project Proponent. MCGM is to only ascertain, that fungible area, which is not allotted to any tenant, is not utilize for any other tenant OR for any sale tenement.
- 3) Approval of concessions as required for granting approval to amended plans shall be processed. However, Revised NOC from MBR&R Board as per DCPR 2034 (including additional 5%/8%/15% as the case may be) will be insisted before issue of approval / Amended approval.
- 4) No refund will be given for premiums / penalties paid earlier, on account of non-composite building now becoming a composite building.
- 5) A Registered Undertaking CUM Indemnity Bond shall be insisted from Project Proponent / Developer stating that MCGM and its Officials shall be indemnified against any litigation that might arise out of any area disputes that may occur due to amended plan approval granted by MCGM. (Draft at Pg C-15)

On approval of (1) to (5) above, the same will be followed as a policy for any amended proposal submitted under Regulation 33(7) of DCPR 2034.

Submitted Please

DYCHE/2322/(B.P.) CITY

[Signature]
6/09/2019
Ex.Eng.(BP) City-II

[Signature]
6/9/2019
Dy.Ch.Eng(BP)City

Ch. Eng. (D.P)
M.C.
Sir

7 SEP 2019
24/09/2019

Submitted please,

[Signature]
23/09/19
Chief Engineer
(Development Plan)

MCG/19781
4/10/19
DyChE(BP)City

[Signature]
3/10
Municipal Commissioner

(TO BE TYPED ON RS. 200/- STAMP PAPER AND REGISTERED)

Undertaking Cum Indemnity Bond

To,
The Municipal Commissioner
Municipal Corporation of Gr. Mumbai
1st Floor, Municipal Head Office,
Mahapalika Marg,
Fort, Mumbai 400 001.

Sub : Proposed redevelopment under DCPR 33(7) on plot bearing _____ of _____
Division, _____, Mumbai.

Ref.: Building Proposal File No. _____

I, _____, Indian inhabitant, _____ of _____ and
Constituted Attorney to _____, having the office address at -----
----- do hereby state on Solemn affirmation as under:

I/We have on behalf of _____ submitted a proposal for redevelopment under
DCR 33(7) on the plot bearing _____ of _____ Division, _____, Mumbai
through our Architect/Licensed Surveyor, _____ of _____ bearing Building Proposals
File No. _____.

I/We after getting amended approval on _____ for full potential of plot inclusive of
fungible sale component, I/we have got the full CC endorsed as per last amended approval dated
_____ on _____ as per DCR 33(7) of 1991, for building consisting of _____
_____ with the total height of _____ M.

I/We have now through our Architect/Licensed Surveyor, submitted amended plans by
choosing the option to convert the redevelopment proposal under the sanctioned DCPR 2034 and
claim the benefits that become available under DCPR 2034 due to the said conversion.

As per DCPR 33(7), an additional area of 5% of rehab carpet has to be proposed for each rehab
tenement as per clause 5(a) of regulation 33(7) of 2034; and that the area of balconies of old building
are now to be included in the carpet area of each rehab tenement as per clause 2 of regulation 33(7)
of 2034; and that the benefit of common carpet area is to be given to all rehab tenements as per
confirmation by Hon'ble M.C. on 12/2/2019.

Based on the demand of the tenants, the carpet areas allotted to each tenant as proposed in the
last approved Plan dated _____ were already larger than their then eligible carpet area and that
the additional area over and above their eligible carpet area was provided partly from sale area and
partly from available compensatory fungible area.

I/We say that the in the amended Plan submitted through our Architect/Licensed Surveyor,
the benefit of Additional 5% area and the benefit of Balcony area of old building which was earlier

not included in carpet area of rehab tenement is now claimed for all rehab tenements, as per provisions of regulation 33(7) of 2034 without proposing any change in the area of rehab tenements proposed as per last amended Plan on account of the larger flats which are already promised to the tenants as per last amended Plan.

I/We hereby undertake to keep MCGM and its officers indemnifying against any claims, costs, damages as may be demanded by the tenants and any suits/cases filed in the court of Law or any other action taken in this regard by any person aggrieved by the MCGM granting me the said approval.

Due to application of DCPR 2034, the building which was earlier non-composite, has now become composite, since the rehab percentage has now increased beyond 50%. I/We confirm, that due to change in status of the building from non-composite to composite building, the applicable premium/charges will reduce. I/We also confirm that I/we will not ask for any refund or claim any adjustment of any amounts already paid to MCGM on this account.

I/We say that due to application of DCPR 2034, the rehab area has increased and consequently there is reduction in MHADA surplus from ____ Sqm. to ____ Sqm. and I/we say that an application has already been made to MHADA for issue of revised MHADA NOC and I/We hereby undertake to submit the revised MHADA NOC with corrected surplus area, before issue of Approval to amended Plans.

I/We undertake that the undertaking is binding on me/us/my/our/its legal heirs/representatives/partners/directors who are responsible for the acts done by the company/firm/ owner from time to time.

Solemnly affirmed at Mumbai

This ____ day of _____ 2019

Before Me,

SHRI. _____