

Municipal Corporation of Greater Mumbai

Chief Engineer (Development Plan)

No.

Subject: - Transitional Policy for ongoing proposals. (Circular No. T-4)

In order to deal with ongoing proposals Transitional Policy Circulars (T-1) (T-2) & T-3) are already issued. In order to bring in further clarity while dealing with ongoing proposals, following guidelines are being issued.

under Regulation 9(6) b

1. (i) If there is an ongoing/new development proposal on sub-divided plot situated in R/C Zone (which is part of earlier layout/subdivision duly approved by MCGM prior to 27.05.2016 or sub divided plot of premerger layout, having separate PRC), having such sub divided plot area (excluding setback/DP Road if any) less than 4000 sq. m, the requirement of amenity as per Regulation 14(A) & the Inclusive Housing as per Regulation 15 (plot area needs to be calculated excluding setback/DP Road/existing amenities/reservation if any) shall not be made applicable, subject to (iii) below. However, if such subdivided plot area is 4000 sq. m & more, the requirements as per Regulation 14(A) & 15 shall be made applicable.
- (ii) In case of FP plot in TP Schemes or plot of Improvement Scheme/Estate Schemes, the provision of amenity space as per Regulation 14(A) & Inclusive Housing as per Regulation 15 shall not be insisted, if area of individual FP Plot / plot of Improvement Scheme/Estate Schemes is less than 4000 sq. m in area, subject to (iii) below. However, if such individual FP plot/plot of Improvement Scheme/Estate Schemes is 4000 sq. m & more in area, the requirements as per Regulation 14(A) & 15 shall be made applicable.
- (iii) However, the layout amenities such as LOS/Layout RG and internal road approved in the past will have the same status as per the terms & conditions of approved layout/sub division scheme & shall not be part of redevelopment. At the same time, no FSI benefit will be permissible in respect of the said amenities provided in the layout. The said amenities will have to be maintained & shall not be subjected to acquisition. In such cases, the physical area of layout RG will have to be maintained as per the then approved layout.

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	<p>(iv) Provided further that if development of entire layout as a whole including all the sub divided plots & layout RG and internal road is proposed for such layout, as per the provisions of DCPR-2034, then entire proposal needs to be processed as per the provisions of DCPR 2034 & the provisions of Regulation 14(A) & 15 shall be duly complied with.</p>
2.	<p>In various cases where permission for conversion of zone from I to R/C is already granted but still the land under such proposal is shown in Industrial Zone & there is a valid development permission as per provisions of Regulation 9(5) of DCPR 2034, then the provision of Regulation 14 (B) of DCPR 2034 shall not be made applicable while processing the proposal further.</p>
3.	<p>Sr. No. (7) of circular no. T-2 dated 01.12.2018, shall stand modified as follows: - In respect of proposals wherein concessions have been approved with full potential as per DCR 1991 with height of building less than 24m & the work of building has commenced after obtaining CC with width of staircase 1.2 m & with single lift, for utilisation of balance potential as per DCPR 2034, 1.50 m width of staircase & provision of 2nd lift as per Regulation 37(17) may not be insisted, if there is hardship/planning constraints subject to building height restriction up to 32 m, with the approval of Hon.MC by condonation of deficient width of staircase & for deficiency in provision of 2nd lift by charging premium, subject to NOC from CFO.</p>
4.	<p>The relaxation in the required open space in view of demonstrable hardship, is the discretionary power of Municipal Commissioner as per Regulation 6(b) of DCPR 2034. However, while considering relaxation in requirement of front open space, various factors need to be taken in to account and after examining the hardship submitted by the Architect/LS for not providing required front open space as per the provision of DCPR 2034, the proposal for condonation of deficiency in front open space maximum to the extent of 1.5 m. may be submitted for the approval of the Municipal Commissioner.</p>

with respect to
Redevelopment
 of Building
 as per
 Regulation
 37(17)
 can
 be submitted
 for approval
 of MC

dy:-

Further, in case of such condonation in front open space, width of chajja/elevation features shall be restricted so as to comply with the provision of Regulation 42.

5. **Guidelines for processing the proposals under Regulation 33(7)(B)**

Redevelopment under Regulation 33(7) (B) shall be permissible where such proposals are submitted after coming into force of this regulation or in case of the proposals which are submitted prior to date of coming in to force of this regulation & the building is existing on site. For smooth implementation, the following guidelines are issued in this regards: -

(a) As regards the utilization of incentive additional built up area as per Regulation 33(7) (B), the General Body Resolution of society shall be necessary specifying the beneficiary of such incentive additional BUA i. e. for members of society/developer or combination thereof.

(b) For the purpose of considering area & authenticity of the existing built up area, following guidelines shall be followed

(i) Existing building having occupation certificate, the existing built up area as per OC plans shall be considered for arriving at incentive additional BUA.

(ii) Existing building having only approved copy of plan & full Commencement Certificate but not having occupation certificate the existing built up area as per approved plans shall be considered for arriving at incentive additional BUA.

(iii) Existing building having neither approved copy of plan nor having the occupation certificate nor file number is available in records incentive additional BUA is not permissible.

(iv) Existing building falling in tolerated category, existing built up area based on assessment record prior to datum line shall be considered for arriving at incentive additional BUA.

Note: - While submitting the proposals to Hon. M.C. for approval of concessions, the concerned EE(BP) shall clearly mention the details under which category mentioned as above the proposal under reference falls before recommending the proposal.



While considering the existing BUA as per the assessment record, the area as per the original assessment extract or area of tolerated structures prior to datum line shall only be considered & no subsequent additions in areas shall be considered for arriving at incentive additional BUA.

(c) For arriving at number of existing tenements for the purpose of incentive additional BUA, following guidelines shall be adopted.

(i). If the copies of approved plans are available, then the proof of number of tenements shall be taken from the approved plans. However, if the user shown in the approved plan is residential user which is subsequently changed unauthorisedly, then the benefit of incentive additional BUA shall not be permissible to the said tenement.

(ii). Where the copies of approved plans are not available, the number of tenements shall be considered on the basis of records of Registrar of society. However, the same shall also be verified from assessment records & the stringent shall be considered.

(iii). For the purpose of calculating incentive additional BUA tenement wise, only existing residential tenements shall be considered. Further, as regards considering 15% incentive additional BUA, existing BUA shall include residential and non-residential area, if any.

(d) The Regulation 33(7)(B) will be applicable only when existing members of the society are proposed to be re-accommodated in the same project on plot/layout.

6. In respect of amended plans submitted as per the provision of Regulation 9(6)(a) or (b), it observed that the plans are already approved with the offset of columns within the required clear width of proposed staircase, which warrants condonation in width of staircase at column offset. In such cases, where plans are already approved with offset of columns, such deficiency may be condoned by charging premium as per the policy, by the concerned EE(BP).

R.B. Zope
109/07/19
(R.B. Zope)
Ch.E.(DP)

Praveen Pardeshi
(Praveen Pardeshi)
Hon.M.C.

MUNICIPAL CORPORATION OF GREATER MUMBAI
Ch.E./DP/ 33335 /Gen dtd.: 09/07/2019

Sub: Transitional Policy for ongoing proposals. (Circular No. T-4)
Ref: I) MCP/720 dtd.01.11.2018 (N/1)
II) MCP/1338 dtd.03.12.2018 (N/3)
III) MCP/2579 dtd.27.02.2019 (N/5)

Reference is please requested to detailed note submitted at page N/5 in the subject matter and Hon.M.C.'s approval thereon. Accordingly, Transitional Policy Circular (T-3) is issued on 27.02.2019 except Sr. No. 2 of said policy which deals with Regulation 14(A). Further issues related to Transitional Policy were discussed in Hon.M.C.'s meetings with MCHI/ PEATA/ NAREDCO representatives on 14.06.2019 & 28.06.2019. Accordingly, the reference was made to Principle Secretary, UDD seeking remarks on Circular No. T-4. So far till today no remarks have been received from UDD. The matter was discussed with Hon.M.C. on 08.07.2019. Accordingly, the transition policy circular for ongoing proposals (Circular No. T-4) is put-up herewith at page C/35-C/41 for Hon. M.C.'s approval and signature please.
Submitted please.

N/5
C/11-23
C/25-33

(Praveen Pardeshi)
Hon.M.C.
Sir,

R.B. Zope
09/07/19
(R.B. Zope)
Ch.Eng. (DP)

We had shared this policy with U.D. Govt of Maharashtra for their views on dt. 28/6. As there is no objection conveyed, policy is approved as per regulatory 9(b) &. May be circulated
Praveen Pardeshi

बृहन्मुंबई महानगरपालिका
आयुक्तांचे कार्यालय
- 9 JUL 2019
समय ११, १२, १३, १४,
१५, १६, १७, १८,
क्रमांक MCP/6057