

MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. _____

Sub: Processing of the Redevelopment proposal of the buildings which are declared as dilapidated, dangerous after 06.01.2011 which are situated in CRZ-II.

Ref: 1. CRZ Notification dated 6th January 2011 Clause 8(V)(1) (c)

2. Hon'ble High Court Order dated 23rd July 2015 in WP No. 1108 of 2013 and Chamber Summons 180 of 2013 attached herewith

3. MCZMA Minutes of Meeting of 119th Meeting Item No. 46.

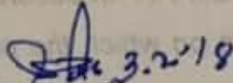
4. Hon'ble High Court Order dated 16th March 2017 in WP No. 2913 of 2016 .

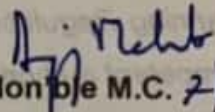
- 1) As per Clause 8(V)(1)(iii)(c) Sub Clause 2 (i) of CRZ Notification dated 6/1/2011 the projects which are cessed, dangerous and dilapidated buildings in CRZ Zone identified on the date of the Notification, i.e. 06.01.2011 shall be redeveloped in accordance with the prevailing Regulations and the FSI/FAR "in accordance with the Town and Country Planning Regulations as on the date on which the project is granted approval by the competent authority".
- 2) Orders of the Hon'ble High Court referred above states that "It is submitted that this clause is being interpreted to mean those dilapidated, cessed and unsafe buildings that existed as on 6th January 2011. In our view this interpretation sought to be given by the Respondents is totally illegal since a proper construction of the said clause clearly indicated that it speaks about identified buildings viz. those buildings which are old and dilapidated, cessed and unsafe buildings and as such therefore the term 'identified buildings' cannot be held to be identified as on the date on which the Notification was issued. The intention of the Central Government was to carve out an exception to the general rule in respect of these identified buildings viz. dilapidated, cessed and unsafe buildings. To restrict this category only to the date on which the Notification was issued would render the exception which is given by the Central Government nugatory. To that extent therefore, it is clarified that these identified buildings would not be restricted to buildings that are old and dilapidated, cessed and/or unsafe as on 6th January 2011, but also those buildings which become unsafe and dilapidated subsequently so as to get the exception available under paragraph 8(V)(c)(1) of 2011 Notification."
- 3) MCZMA has already cleared proposal vide its meeting referred at Ref. No.3 above citing the Judgement of Hon'ble Court referred to hereinabove. In the said proposal, the building under question was declared dilapidated on 20.11.2015 by MCGM. The MCZMA decided to recommend the project to concerned planning Authority from CRZ point of view and further contended that proposed construction is to be as per DCR prevailing as on date on which the project is granted approval by the Competent Authority.
- 4) In view of the above, it is seen that in accordance with the Order dt. 23rd July 2015, MCZMA has already recommended CRZ clearance with applicable rules and


regulations prevailing as on date of approval to the proposal by Competent Authority for redevelopment of dilapidated building declared dilapidated on 20.11.2015 by MCGM, which is after 06/01/2011.

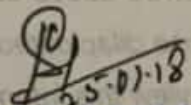
In view of above following policy guidelines in this respect shall be followed :

- A) All the proposals of redevelopment of buildings declared dilapidated after 6/1/2011 shall also be forwarded to MCZMA as per routine practice and in accordance with the aforesaid High Court Orders.
- B) Fresh NOC from MCZMA for cases where earlier MCZMA clearance under clause 8(V)(c) of CRZ Notification dated 6/1/2011 is not obtained and for which the benefit of the said clause is claimed subsequently, shall be insisted.


Ch.Eng.(DP)


Hon'ble M.C. 2/2/17


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Dy. Ch.Eng.(BP) City