

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. AC / Estates / G-216 / A.E. (I) - dtd. 6 / 1 / 18

Sub :- Ease of Doing Business for dealing with Building permission.
"NOC's from Estate department".

Ref :- Meeting held in the chamber of Ch. Eng. (D.P.) on 22/12/2017.

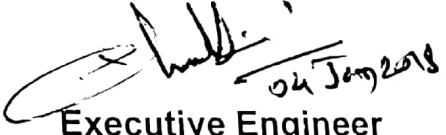
Reference is requested to the meeting held on the subject matter in the chamber of Ch. E. (D.P.) on 22/12/2017.

As per the instructions given in the meeting, a set of FRS for Lease hold plots in Estate Department to issue various NOC's for redevelopment under DCR 33(7) is enclosed herewith.

In this regards it is to be submitted here that a set of procedures to be adopted under EODB with work flowchart along with time line for dealing with various NOC's being processed for redevelopments on Estate plots was also submitted to D.P. Department earlier vide note u/no. AC / Estate / 998 dtd. 25/04/2016.

Submitted please.

Acc. :- As above.


Executive Engineer
(Estates)

Ch. Eng. (D.P.)
Sir,

FRS for Leasehold plots in Estates Department

Documents for proposed system of Estate Department to issue various NOC's in leasehold plots (Redevelopment under D.C.R. 33(7))

-: Type of NOC's :-

- A) NOC to C.C. upto Plinth.
- B) NOC to C.C.
- C) NOC to O.C.

NOC to C.C. upto plinth

➤ Documents check list.

- 1) Application from Lessee / Architect appointed by Lessee along with letter issued by Lessee / Developer – along with copy of Development agreement between Developer and lessee.
- 2) Registered undertaking on Rs. 500/- stamp paper regarding ongoing Court matters in High Court (From applicant).
- 3) Lease plan / Licence Plan (from lease section).
- 4) Lease Deed (from lease section).
- 5) PRS form (from lease section)

➤ Procedure of proposal processing

Sub Engineer (Estates) :-

- 1) Sub Engineer issued letter to applicant to pay scrutiny fees as per circular no. MDD / 2943 dtd. 30/07/2011. (Resolution no. 755 dtd. 03/09/2012)
- 2) After submission of payment receipt, papers processed to lease section to submit PRS form.
- 3) Lease section submit PRS form by recovering pending ground Rent / Extra Ground Rent if any.
- 4) Meantime this office issued call and see letter to applicant for site visit.
- 5) Accordin to aforesaid letter applicant contact this office and finalized date of site visit.
- 6) Site inspected as per lease / licence plan and found out breaches on site. As per circular u/no. CHE / 1216 / ACQ – C dtd. 17/01/2001 and AC / Estates / 27913 / A.E. (I) dtd. 03/05/2012.

a. Charging work in compulsory open space :-

Premium =

15% x area of structure at ground floor in C.O.S. x 25% of SDRR per Sq. Mtr.

b. Change of user :-

Extra annual Ground rent =

Premium per Sq.mtr. x additional BUA x 15%

Premium per Sq. mtr. =

(Current market rate of present user - Current market rate of user permitted in lease) x 25%

c. Balcony enclosure :-

Balcony enclosure =

Rs. 500/- for each balcony enclosure.

- 7) As per policies of Estate Department for working of premises, penalties the proposal is scrutinized

➤ Policy for non-execution of lease deed.

As per circular u/no. AC / Estates / 4274 / A.O. (Lease) dtd. 23/05/2014, penalty charges for non-execution of lease deed are as follows,

(A) For residential user :-

Penalty =

Rs. 1/- Lakh per year for 1st, 10 years from date of proposed development of plot as per lease agreement + Thereafter for every year, Rs. 50,000/- per year till date of approval for redevelopment.

(B) For Industrial User :-

Penalty =

Rs. 1,25,000/- per year for 1st, 10 years from date of proposed development of plot as per lease agreement + Thereafter 50% of Rs. 1,25,000/- per year till date of approval for redevelopment.

(C) For Commercial User :-

Penalty =

Rs. 2,00,000/- per year for 1st, 10 years from date of proposed development of plot as per lease agreement + Thereafter 50% of Rs. 1,25,000/- per year till date of approval for redevelopment.

- 8) Accordingly report prepared and submitted to Asstt. Engineer (Imp.) for checking.

Asstt. Engineer :-

- 1) Checking the report submitted by Sub Engineer (Estates) and verify the documents.
- 2) If there is any correction, report returned to Sub Engineer (Estate) for rectification and if report is alright it is submitted to Exe. Engineer (Estates) / Asstt. Commissioner (Estates) for approval.

Exe. Engineer (Estates) :-

- 1) Scrutinize the proposal, verify the documents and given the approval.
- 2) Submitted the proposal to Asstt. Commissioner (Estates)

Asstt. Commissioner (Estates) :-

- 1) verify the documents and given the approval.
- 2) Forwarded the proposal to Dy. C.A. (Rev.) for audit and recommend the proposal to D.M.C. (Imp.) for sanction.

Dy. C.A. (Rev.) :-

Scrutinize proposal from revenue point of view and submit to D.M.C. (Imp.) for approval.

D.M.C. (Imp.) :-

Approve the proposal and forwarded the same to Asstt. Commissioner (Estates) for issuing NOC.

Asstt. Commissioner (Estates) :-

Forwarded file to Asstt. Engineer (Imp.) / Sub Engineer (Estates) to recover requisite charges.

Asstt. Engineer (Imp.) / Sub Engineer (Estates) :-

- 1) Recover requisite charges.
- 2) Attach payment receipt to the proposal and submit the NOC to

➤ Workflow Diagram



NOC to C.C.

➤ Documents check list.

- 1) Application from Developer / Lessee / Architect.
- 2) Registered undertaking on Rs. 500/- stamp paper regarding ongoing Court matters in High Court (From applicant) (if not submitted at the time of NOC to C.C. upto plinth).
- 3) Copy of letter of appointment of Architect.
- 4) Copy of approved plans from B. P. Department.
- 5) Lease plan / Licence Plan (from lease section).
- 6) PRS form (from lease section).

➤ Procedure of proposal processing

Sub Engineer (Estates) :-

- 1) Scrutinize the proposal and forwarded to lease section to submit fresh PRS form.
- 2) Issue a standard letter to Asstt. Engineer (B.P.) to obtain area statement for proposed BUA, Rehab area, area surrendered to MHADA, F.S.I. / incentive F.S.I., fungible area for sale, rehab or MHADA / MCGM.
- 3) Forwarded the file to Head Draftsmen (Estate) to workout area of existing structure as per lease / licence plan.
- 4) After obtaining reply to aforesaid letter from B.P. Department area of existing structure from Head Draftsmen (Estate) and PRS form from lease section, One Time Premium charges towards excess chargeable area and premium towards fungible sale area are worked out as follows,

- One Time Premium towards excess chargeable area is work out per ICR no. 180 dtd. 28/10/2010 and C.R. No. 929 dtd. 25/10/2012.

One Time Premium =

Premium per Sq. Mtr. x Add. Chargeable area

Premium / Sq. Mtr. =

$$\frac{\text{Current Market rate of land per Sq. mtr. (SDRR) X 50\%}{\text{Permissible FSI in that area}}$$

Add. Chargeable area =

Proposed built up area – Free permissible area

Free permissible area =

Area of existing structure as per lease / licence plan + 50% of Rehab area + Area to be surrendered to MHADA

- 50% of One Time Premium is payable @ NOC to C.C.
- Remaining 50% of One Time Premium is payable @ NOC to O.C. or 3 years from date of NOC to C.C., whichever is earlier.
- Premium for fungible compensatory FSI is worked out as per clause (D) in circular u/no. AC / Estates / 1420 / A.E. (imp.) – II dtd. 14/05/2012.

For residential user :-

Premium =

5% x chargeable built up area x SDRR of Developed land prevailing on date of said area.

For commercial user :-

Premium =

10% x chargeable built up area x SDRR of Developed land prevailing on date of said area.

- 5) As per policies of Estate Department for working of premises, penalties the proposal is scrutinized

➤ **Policy for non-execution of lease deed.**

As per circular u/no. AC / Estates / 4274 / A.O. (Lease) dtd. 23/05/2014, penalty charges for non-execution of lease deed are as follows,

(A) **For residential user :-**

Penalty =

Rs. 1/- Lakh per year for 1st, 10 years from date of proposed development of plot as per lease agreement + Thereafter for every year, Rs. 50,000/- per year till date of approval for redevelopment.

(B) **For Industrial User :-**

Penalty =

Rs. 1,25,000/- per year for 1st, 10 years from date of proposed development of plot as per lease agreement + Thereafter 50% of Rs. 1,25,000/- per year till date of approval for redevelopment.

(C) **For Commercial User :-**

Penalty =

Rs. 2,00,000/- per year for 1st, 10 years from date of proposed development of plot as per lease agreement + Thereafter 50% of Rs. 1,25,000/- per year till date of approval for redevelopment.

➤ **Approval for amended plans / C.C. from B.P. Department without NOC of Estate Department**

As per guidelines approved by Hon.M.C. vide no. MGC / F / 2182 dtd. 22/12/2016. Penalty towards not obtaining NOC of Estate Department for approved amended plans / C.C. issued by Building Proposal Department are as follows,

Penalty =

Rs. 200/- per Sq. mtr. x Area of plot

- 6) Thereafter, proposal submitted to Asstt. Engineer (imp.) for scrutinizing.

Asstt. Engineer :-

- 1) Checking the report submitted by Sub Engineer (Estates) and verify the documents.
- 2) If there is any correction, report returned to Sub Engineer (Estate) for rectification and if report is alright it is submitted to Exe. Engineer

Exe. Engineer (Estates) :-

- 1) Scrutinize the proposal, verify the documents and given the approval.
- 2) Submitted the proposal to Asstt. Commissioner (Estates)

Asstt. Commissioner (Estates) :-

- 1) verify the documents and given the approval.
- 2) Forwarded the proposal to Dy. C.A. (Rev.) for audit and recommend the proposal to D.M.C. (Imp.) for sanction.

Dy. C.A. (Rev.) :-

Scrutinize proposal from revenue point of view and submit to D.M.C. (Imp.) for approval.

D.M.C. (Imp.) :-

Approve the proposal and forwarded the same to Asstt. Commissioner (Estates) for issuing NOC.

Asstt. Commissioner (Estates) :-

Forwarded file to Asstt. Engineer (Imp.) / Sub Engineer (Estates) to recover requisite charges.

Asstt. Engineer (Imp.) / Sub Engineer (Estates) :-

- 1) Recover requisite charges.
- 2) Attach payment receipt to the proposal and submit the NOC to Asstt. Commissioner (Estates) to issue.
- 3) Issue NOC to applicant / lessee and Exe. Engineer (B.P.)

➤ **Workflow Diagram**



NOC to Occupation Certificate

➤ Documents check list.

- 1) Application from Developer / Lessee / Architect.
- 2) Copy of letter of appointment of Architect if Architect changed.
- 3) Set of approved plans from B.P. Department.

➤ Procedure of proposal processing

Sub Engineer (Estates) :-

- 1) Forwarded proposal to lease section to submit concerned file along with fresh PRS form with no dues pending.
- 2) Issue letter to Asstt. Engineer (B.P.) to forward area statement for proposed BUA, Rehab area, area surrendered to MHADA, F.S.I. / incentive F.S.I., fungible area for sale, rehab or MHADA / MCGM.
- 3) Site inspected along with applicant to check occupancy in proposed building.
- 4) After obtaining reply to aforesaid letter from B.P. Department area of existing structure from Head Draftsmen (Estate) and PRS form from lease section, One Time Premium charges towards excess chargeable area and premium towards fungible sale area are worked out as follows,

- One Time Premium towards excess chargeable area is work out per ICR no. 180 dtd. 28/10/2010 and C.R. No. 929 dtd. 25/10/2012.

One Time Premium =

Premium per Sq. Mtr. x Add. Chargeable area

Premium / Sq. Mtr. =

Current Market rate of land per Sq. mtr. (SDRR) X 50%

Permissible FSI in that area

Add. Chargeable area =

Proposed built up area – Free permissible area

Free permissible area =

Area of existing structure as per lease / licence plan + 50% of Rehab area + Area to be surrendered to MHADA

- 50% of One Time Premium is payable @ NOC to C.C.
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For residential user :-

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For commercial user :-

Premium =

10% x chargeable built up area x SDRR of Developed land prevailing on date of said area.

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Exe. Engineer (Estates) :-

- 1) Scrutinize the proposal, verify the documents and given the approval.
- 2) Submitted the proposal to Asstt. Commissioner (Estates)

Asstt. Commissioner (Estates) :-

- 1) Verify the documents and given the approval.
- 2) Forwarded the proposal to Dy. C.A. (Rev.) for audit and recommend the proposal to D.M.C. (Imp.) for sanction.

Dy. C.A. (Rev.) :-

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Asstt. Engineer (Imp.) / Sub Engineer (Estates) :-

- 1) Recover requisite charges.
- 2) Attach payment receipt to the proposal and submit the NOC to Asstt. Commissioner (Estates) to issue.
- 3) Issue NOC to applicant / lessee and Exe. Engineer (B.P.)

> Workflow Diagram

