

9169

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

No. MGC/A/

Dt.

The Para sr.no.5 (2) & (4) of the policy guideline issued u/no.MGC/A/876 Dt.19.12.17 for grant of Fungible area for existing Building are modified as below-

Provision as per Policy circular issued u/no.MGC/A/876 Dt.19.12.17.	Modified Provision.
Sr.No. 5(2)- The building came for redevelopment having only approved copy of plan but not having the occupation certificate. FCFSI on existing BUA can be granted by charging premium.	Sr.No.5(2)- The building came for redevelopment having only approved copy of plan and full commencement certificate but not having the occupation certificate. FCFSI on existing BUA can be granted <b>without</b> charging premium. This shall be applicable prospectively. The premium already paid if any, under this category shall not be refunded or adjusted.
Sr.No. 5(4)- The building came for redevelopment having neither approved copy of plan nor having the occupation certificate. Neither file number is available in record. In such case BP staff to verify & certify the status of file & based on the assessment record FCFSI on existing BUA can be granted <b>without</b> charging premium.	Sr.No.5(4)- The building came for redevelopment having neither approved copy of plan nor having the occupation certificate. Neither file number is available in record. In such case FCFSI on existing BUA can be granted by charging premium. This shall be applicable prospectively. In this category plans already approved if any, and FCFSI on existing BUA is allowed without charging premium, the same shall be allowed to be continued.

All the concerned shall take the cognizance of modified provisions and follow the same scrupulously.

*Ch.E.(DP)*  
13/12/18

*Municipal Commissioner*  
19/12/18

*Dy. Ch. E. D. P. - I*  
13/12/18

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

**Chief Engineer (Development Plan) Department**

No. ChE/DP/ 21089 /Gen. of 14/12/2018

Sub: Representation of Hon.M.P. Shri. Gopal Shetty  
dtd. 20.09.2018 to Hon.M.C. Maharashtra State.

Ref: 1) MGC/CM/2270 dtd.26.10.2018.(Pg-C/1)  
2) MGR/9957 dtd.05.12.2018.(Pg-C/67)

Reference is requested to this office report vide page N/1- N/3 & Hon.M.C.'s endorsement there on "Please examine, if there is any court case. Where there are orders in this matter."

The issue under reference is discussed with E.E.(MCO), when it is learnt that in suit(L) No.257 of 2016, the Hon'ble High Court had asked MCGM to clarify the issue regarding allowing fungible FSI without charging premium to the building under redevelopment which was occupied without valid Occupation Certificate.

In this regard, Hon.M.C. on behalf of MCGM has submitted the affidavit informing Hon'ble Court that as per the provisions of Reg.35(4) of DCR 1991, no benefit or advantage can be given to either of the parties for the unauthorized occupation of structure.

This issue was discussed with Hon.M.C. on 29.11.18. During the discussion in the said meeting it was decided to modify the earlier policy decision particularly as regards sr.no. 5(2) of earlier policy dt. 19.12.17 as regards grant of Fungible Compensatory FSI while allowing redevelopment/ reconstruction of building. Accordingly, Minutes of meeting as regards granting Fungible Compensatory FSI for existing Building under 31(3) of DCPR-2034 is submitted herewith for Hon.M.C.s approval and signature please.

A draft letter to Principal Secretary, Urban Development Department, Govt. of Maharashtra and copy thereof to ACS, CMO is also submitted herewith for approval and signature of Hon'ble M.C.

Submitted please.

MGC/CM/2270  
03/01/19

(Ajoy Mehta)  
Hon.M.C.  
Sir,

Aj Mehta  
19/12/18  
Municipal Commissioner

Gopal Shetty  
13/12/18  
Dy. Ch. E. D. P. - I

Rajendra B. Zope  
13/12/18  
(Rajendra B. Zope)  
Ch.E.(D.P)