

F.No.19-105/2015-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
[IA.III Division]

Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi -3
Dated: 1st October, 2015

To

Shri S.S. Hussain,
Chief Executive Officer,
Maharashtra Chamber of Housing Industry,
Maker Bhawan-II, 4th Floor,
18, V. Thackersey Marg, New Marine Lines,
Mumbai - 20

Sub: Clarification on utilization/computation of BUA of the CRZ part of the plot for contraction on contiguous non-CRZ part of the plot of single owner - reg.

Ref: Letter No. MCHI/CEO/15-16/104 dated 10/09/2015

Sir,

The letter of even number dated 28th September, 2015 has been perused and it is noted that para 4 of the letter reads as under:-

"4. However, planning authority and / or local body decides on the TCPR including that of FSI / FAR for the areas in their jurisdiction. If planning authority or local body considers it appropriate to develop or evolve a potential FSI / FAR on the areas falling in CRZ and then desires to utilize that portion of FSI / FAR which cannot be utilized or used in CRZ-II because of the restrictions imposed by CRZ Notification, 2001, it is completely within their domain of decision making. CRZ Notification, 2011 does not prohibit any activity beyond the areas of CRZ."

2. This is repetition of the contents in first three paragraphs of the letter. Accordingly, para 4 is deleted from the communication. **The above letter bearing F.No.19-105/2015-IA.III dated 28th September, 2015 should be read without para 4.**

3. This issues with approval of the competent authority.

Yours faithfully,

SKS
11/10/2015
(S.K. Srivastava)
Scientist E

*Inform accordingly
give copy of these
my letter + these
two letters to Mr. S. Krami
A
11/10/15*

F.No.19-105/2015-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
[IA.III Division]

Indira Paryavaran Bhawan
Jor Bagh Road,
New Delhi - 110 003

September 28, 2015

To

Shri S.S. Hussain,
Chief Executive Officer,
Maharashtra Chamber of Housing Industry,
Maker Bhawan-II, 4th Floor,
18, V. Thackersey Marg, New Marine Lines,
Mumbai - 400 020

Sub: Clarification on utilization / computation of BUA of the CRZ part of the plot for contraction on contiguous non-CRZ part of the plot of single owner

Ref: Letter No. MCHI/CEO/15-16/104 dated 10/09/2015

6/10/15


In having taken note of the contents of the communication under reference wherein it has been sought to be clarified whether the utilization of the plot potential is permissible where it is proposed to utilize the potential of the plot affected by CRZ to be done on contiguous non-CRZ part of the plot owned by single owner. The subject matter has been examined. CRZ Notification, 2011 vide provision 7 in classification of CRZ delineates CRZ-V as areas requiring special attention, and sub-para V.1 thereto provides for the stipulation for CRZ area falling within the municipal limits of Greater Mumbai. In the proviso V.1(iii) the development or re-development in the areas falling within the municipal limits of Greater Mumbai have been permitted in accordance with the norms laid down in the TCPR as they existed on the date of issue of Notification i.e. 19/02/1991, unless specified otherwise in the Notification. This provision is general in nature also for the CRZ-II in the entire coastline vide CRZ Notification, 2011 restricting the applications of the TCPR including FSI/ FAR in CRZ-II area for development or re-development as they existed on the date of issue of Notification dated 19/02/1991.

2. CRZ Notification, 2011 is applicable for the area delineated and mapped under State Coastal Zone Management Plans for coastal areas and extends to all the CRZs. The restrictions and prohibitions for development or re-development and / or any other activity have been laid down in the Notification explicitly. The provisions of the Notification do not apply in area outside the delineated CRZ.

3. The subject matter of utilization of plot potential in accordance with the TCPR of the State Government or local bodies outside the CRZ is in the domain of concerned Town & Country Planning Authority and local bodies. However, in the clarification sought, the specific issue is utilization of the plot potential of plots falling in CRZ-II in the plots outside CRZ. It requires a specific mention that the potential of a plot in terms of permissible construction floor area is known and decided explicitly under published regulations and such potentials are in accordance with the extant legal norms of FSI / FAR. The restrictions imposed by CRZ Notification, 2011 for the area falling in CRZ is amply clear to the effect that FSI / FAR permitted to be constructed is in accordance with the TCPR of 1991, and accordingly FSI / FAR of such plots has to be limited on applicability of 1991 norms. In a hypothetical situation, the querist has raised that had these plots not been in CRZ area and thereby not being restricted to FSI / FAR norms of 1991, such plots should have attracted the FSI / FAR norms of the current times which is applicable on adjoining or contiguous plots outside CRZ. Accordingly, it is clear that potential of plots in CRZ-II has to be calculated on the basis of 1991 norms as amended from time to time if the potential is being utilized on non CRZ contiguous portion of land. CRZ Notification, 2011 does not prohibit any activity beyond the areas of CRZ.

4. However, planning authority and / or local body decides on the TCPR including that of FSI / FAR for the areas in their jurisdiction. If planning authority or local body considers it appropriate to develop or evolve a potential FSI / FAR on the areas falling in CRZ and then desires to utilize that portion of FSI / FAR which cannot be utilized or used in CRZ-II because of the restrictions imposed by CRZ Notification, 2001, it is completely within their domain of decision making. CRZ Notification, 2011 does not prohibit any activity beyond the areas of CRZ.

Yours faithfully,


28/9/2015
(S.K. Srivastav)
Scientist 'E'

S. S. Hussain I.A.S. (Ex)
Chief Executive Officer

Ref. No. MCHI/CEO/15-16/104

September 10, 2015

Sub : Request for additional elaboration in your referred Letter

Ref : Letter No. :19-105/2015-IA.III dt. 21.8.2015

Dear *Shri Sinha ji*,

We thank you for issuing us the Letter vide no. 19-105/2015-IA.III dated 21.8.2015.

Sir, we would like to draw your kind attention on the below mentioned paragraphs stated in your Letter vide no. 19-105/2015-IA.III dated 21.8.2015 and request your good self to kindly examine them once again. We request you to kindly provide further elaboration on the said matter to avoid any conflicts in the interpretation, in future please.

I would therefore, personally request you to please consider the below words (marked in bold) to be kindly added in the mentioned Paragraph on page 2 & 3 :

"The subject matter of utilization of plot potential in accordance with the TCPR of the State Government or local bodies outside the CRZ is in the domain of concerned Town and Country Planning Authority and local bodies. However, in the clarification sought, the specific issue is utilization of the plot potential of plots falling in CRZ-II in the plots outside CRZ. It requires a specific mention that the potential of a plot in terms of permissible construction floor area is known and decided explicitly under published regulations and such potentials are in accordance with the extant legal norms of FSI/FAR. The restrictions imposed by CRZ Notification, 2011 for the area falling in CRZ is amply clear to the effect that FSI/FAR permitted to be constructed is in accordance with the TCPR of 1991 and accordingly FSI/FAR of such plots has to be limited on applicability of 1991 norms. In a hypothetical situation, the querist has raised that had these plots not been in CRZ area and thereby not being restricted to FSI/FAR norms of 1991, such plots should have attracted the FSI/FAR norms of the current times which is applicable on adjoining or contiguous plots outside CRZ. Accordingly, it is clear that potential of plots in CRZ-II has to be calculated on the basis of 1991 norms as amended from time to time. If this potential is being utilized on non CRZ, contiguous portion of land, then the norms of CRZ notification 2011 shall not be applicable."

Request you to kindly do the needful.

Very best personal regards
Yours Sincerely,

(S. S. Hussain)

To,
Shri Bishwanath Sinha (I.A.S.)
Joint Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan,
Government Of India,
New Delhi - 110 003.

F. No. 19-105/2015-IA-III
Government of India
Ministry of Environment, Forest and Climate Change
(IA.III Section)

Indira Prayavaran Bhawan
Jor Bagh Road, Alliganj
New Delhi-110 003

Date: 28th June, 2016

7032
5.7.16

To

Member Secretary
Maharashtra Coastal Zone Management Authority
Environment Department, Room No. 217, (Annexe),
Mantralaya,
Mumbai- 400 032

Subject: Clarification on utilization/computation of BUA of CRZ part of
the plot for construction on contiguous Non-CRZ part of single
owner-reg.

This has reference to your e-mail message dated 7 June, 2016 wherein in it has
been requested to confirm the authenticity of letters dated 28 September, 2015 and 1
October, 2015 addressed to Chief Executive Officer, (CEO) Maharashtra Chamber
Housing Industry (MCHI), Mumbai.

2. Please find enclosed herewith attested copies of the letters dated 28 September,
2015 and 1 October, 2015 issued by this Ministry to CEO, MCHI for reference.

3. The limited issue conveyed in the said explanatory communications is that CRZ
Notification, 2011 restricts applicability of TCP Rules in CRZ areas, and doesn't prohibit
any activity beyond the CRZ areas.

4. This has approval of the Competent Authority.

Encl: as above

S.K.
28/6/2016
(S.K. Srivastava)
Scientist- E

2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jor Baug Road, New Delhi.
3. Municipal Commissioner, Municipal Corporation of Greater Mumbai, (MCGM), Mahapalika Marg, Fort, Mumbai
4. Shri. S. K. Srivastav, Scientist E, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jog Baug Road, New Delhi
5. Select File / TC4

NO. CHE/DP/ 13403 /GEN DT. 28-7-16

CHE/DP/ 30/GEN
2016-2017

DY.CHE (DP)-MIL/DY.CHE(BP)CITY/ES/ WS-I/WS-II/SPECIAL CELL/

DY.CHPLANNER(DP)/DY.CHE(PPPP)/EE(DP)CITY/EE(DP)ES/

EE(DP) WS.H&K / EE(DP) WS.P&R /EE (P) TO CHE (DP) /

EE (BP) CITY -I /II /III/EE(BP) (ES) I /II /EE (BP)WS H&K /

EE (BP)WS P&R /

AE (DP)...../SE(DP).....

Copy submitted for information & further necessary action please.

आयुक्त मंत्रालय, नई दिल्ली
पर्यावरण, वन्यजीव और जलवायु
परिवर्तन विभाग, इंदिरा पर्यावरण भवन,
जोर बाग रोड, नई दिल्ली

दिनांक: 28/07/2016

6815

SASARAN 28716
Administrative Officer II
(development Plan)

68746

आयुक्त मंत्रालय (ए.ए.ए.ए.)

पर्यावरण, वन्यजीव और जलवायु परिवर्तन विभाग

28/07/2016

आयुक्त मंत्रालय (ए.ए.ए.ए.)

1) आ. मंत्रालय, नई दिल्ली
2) आ. मंत्रालय (ए.ए.ए.ए.)
3) आ. मंत्रालय (ए.ए.ए.ए.)
4) आ. मंत्रालय (ए.ए.ए.ए.)
5) आ. मंत्रालय (ए.ए.ए.ए.)

F. No. 11-70/2007-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
(IA III Section)

Indira Paryavaran Bhawan,
Jorbagh Road, N Delhi-3
Dated: 30th June, 2016

To,

The Municipal Commissioner
Municipal Commission of Greater Mumbai
Municipal Head Office, 2nd Floor, Annex Building
Mahaipatka Marg, V.T.
Mumbai - 400 001 (Maharashtra)

Sub: Clarification with regard to revised clearance from State Coastal Zone Management Authority for additional construction in lieu of additional FSI/ TDR - reg.

Sir,

This has reference to letter No. O/E/3032/DP/City dated 28.04.2016 received from the Chief Engineer (DP) seeking authentication of this Ministry's letter F.No.11-70/2007-IA.III dated 28th September, 2015. It is confirmed that the letter mentioned above has been issued by this Ministry. The Ministry has taken note of the further confirmation sought in the said letter of Chief Engineer, MCGM to which this Ministry has no comment because these are not related to the subject matter of Ministry's letter.

2. However, it is clarified that para 2 of this Ministry's letter mentioned above is explicit in conveying that the necessity of appraisal and recommendation of MCZMA on subsequent occasion after first recommendation is not required in view of para 8(V)(1)(ii)(c) of CRZ Notification, 2011 which relates to redevelopment/reconstruction of old and dilapidated, cessed and unsafe buildings in CRZ areas falling within the limits of Greater Mumbai which is eligible for TCP/R prevailing as on the date on which the project is granted approval by the competent authority.

Sd/-
30/6/2016
(S.K. Srivastava)
Scientist E

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 2285 2696
e-mail : mahamczma@gmail.com

No. MCZMA - 2016 / CR - 28 / TC 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment Department, Room No. 217, 2nd Floor,
Annex Building, Mantralaya,
Mumbai- 400 032.
Date: 19th July, 2016

To,
Chief Engineer (DP),
Municipal Corporation of Greater Mumbai,
5th Floor, Municipal Head Office,
Mahapalika Marg, Mumbai - 400 001

Subject: Clarification on utilization / computation of BUA of CRZ part of the plot for construction on contiguous non CRZ part of the plot of single owner reg.

Ref.: 1) MCGM letter dated 31.3.2016 to MCZMA
2) MoEF & CC, New Delhi letters dated 28.9.2015 & 1.10.2015 addressed to CEO, MCHI, Mumbai
3) MCZMA letter dated 7.6.2016 to MoEF & CC, New Delhi
4) MoEF & CC, New Delhi letter dated 28.6.2016 to MCZMA

Sir,

Reference is kindly requested to your above referred letters in the subject matter. This is to inform you that, the Ministry of Environment, Forests & Climate Change, New Delhi vide letter dated 28.6.2016 forwarded attested copies of the letters dated 28.9.2015 & 1.10.2015 addressed to Chief Executive, Officer, (CEO), Maharashtra Chamber Housing Industry, (MCHI), Mumbai. Copies of the said letters are attached herewith.

2. The MoEF & CC, New Delhi vide letter dated 28.6.2016 further mentioned that, the limited issue conveyed in the said explanatory communications is that CRZ Notification, 2011 restricts applicability of TCP Rules in CRZ areas and doesn't prohibit any activity beyond the CRZ areas. Above referred letters are self explanatory and you are requested to follow the stipulations given by MoEF & CC, New Delhi through these letters.

3. This issues with the approval of Competent Authority.

Yours
Hatil
Director, Environment
& Member Secretary, MCZMA

Copy for information to:

1. Principal Secretary, Environment & Chairman, MCZMA, Environment Dept.
Room No. 217, Annex Building, Mantralaya, Mumbai.