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Sub: Computation of the tenement density for the S.R.Scheme.

The DCPR 2034 has come into force in Nov 2019. During implementation of the scheme, due to difference between the texts of Regulations of DCR1991 and the corresponding regulations of DCPR 2034, there were disagreement amongst the various stake holders regarding the interpretation. To resolve this, CEO (SRA), invoking the powers vested under Regulation 9(6) of DCPR 2034 and in consultation with the staff, had issued necessary directions, as per the need, clarifying such contentious issues.

However, an issue regarding computation of Tenement density has persisted. It is whether Tenement density (T/D) is to be computed with respect to the gross plot (without deducting reservations, including road) or to consider the same on the basis of net plot area arrived after deducting reservations/roads.

The proponents of computation of T/D based on Gross plot have referred to clause 3.8 of Reg 33(10)(VIII) of DCPR 2034, the relevant portion being cited as follows

“ Maximum FSI Permissible FSI that can be sanctioned on any slum site shall be 4 or sum total of rehabilitation BUA plus incentive BUA”

The contention is that since the said clause refers to ‘Slum site’, it implies that the complete slum plot ie Gross plot be considered for computing the Tenement density. This methodology would result in generation of additional PAPs. On the other hand, the proponents of the net plot theory have cited various references which are discussed in detail in the ensuing paragraphs.

As this issue was on the anvil since some time, a meeting was convened in the chamber of CEO(SRA) on 13.09.2019 to sort it, during which, Secretary (SRA), DDTP, DYChE -I, II & III, all the EEs were present. During the detailed deliberations, the following points were discussed and endorsed.

1. As per cl.3.12(A) of 33(10) of DCPR-2034 : *Minimum tenement density on the plot including the non residentail unit :The minimum tenement density of rehabilitation so as to generate adequate number of additional*

rehabilitation tenements and affordable tenements in situ under any Slum rehabilitation Project will be 650 tenements per net Hectare ,i.e. after deducting all reservations actually implemented on site including the land apputenant thereto, but not deducting the recreational / amenity open space on the remaining area.

As seen from above, the T/D refers to the term 'per net Hectare' which is arrived at after deduction of all reservations (and excludes only the Recreational/Amentiy Open Space, which is not a point of dispute in the issue).

2. As per clause 3.8 of Reg 33(10)(VIII):-*Maximum FSI Permissible for consumption on the Plot: FSI that can be sanctioned on any slum site shall be 4 or sum total of rehabilitation FSI plus incentive FSI whichever is more with Minimum Tenement Density of 650 per Net Hectare. Due to local planning constraints and viability of the Slum Rehabilitation Project the density norms of 650 per net hectare may be reduced up to 25% by Chief Executive Officer, SRA subject to minimum tenement density of 500 per net hectare. In such cases, maximum permissible in-situ/total FSI shall be restricted to sum of rehabilitation and incentive BUA which may be generated in the scheme after such relaxation of tenement density.*

Here too, the measure of T/D is 'per net Hectare'. Although, not though specifically mentioned, it implies that the T/D is to be calculated on net plot, or else, the measure of T/D would have been 'per Hectare' if the framers of the DCPR had intended to consider it in relation to Gross plot.

3. As regards, the contention that considering gross plot for T/D computation would lead to generation of additional PAPs to achieve the minimum T/D of 500 T/H or 650 T/H as the case may be, it is devoid of sufficient merits, as the generation of additional PAPs would not be without strings

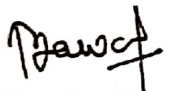
attached. In fact, the developer will be compensated inequitably on the higher side as compared to his contribution to SR scheme. This will be detriment to the spirit of SR project.

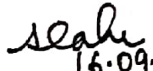
4. The DCPR 2034 has not specified a prescribed format for computing the T/D. However, referring modified DCR 1991, on which DCPR 2034 is based, more particularly Reg 33(10), it is seen that a format is prescribed under Annexure-I of Appendix C of Reg 33(10) wherein under item no 12 and 13, the computation of tenement density does show the deductions under Roads/setbacks as well as physical provision of buildable/non buildable reservations.
5. As regards, the powers of CEO(SRA) as per clause 3.8 to relax the T/D by 25%, the same bound by the 'Lakshman Rekha' of minimum 500 T/H and CEO(SRA) cannot relax the T/D below this bare minimum.
6. In the cases of conversion of ongoing scheme from DCR91 to DCPR 2034 due to conversion of Tenement size from 25 sqm to 27.88 sqm, the basic parameters of the scheme, especially as regards to number of tenements, may have already been defined. Now, although there may not be any change in size of plots/ setback area/ DP road etc, it would lead to disproportionate increase in the Tenement requirements without the wherewithal for compliance at site.
7. In Govt notification dated 11/09/2014, which is in the context of development of SR scheme in Thane, the net plot area is defined in the appendix S as follows "*... balance area derived after deducting from the gross plot area, the area earmarked for road set back area, proposed road and any reservation under the Development plan of Thane Municipal Corporation.*"


In the Annexure-I also of the said notification, the net plot area (for computation of T/D), the net plot area is shown as the area in balance after deduction of set back area proposed road area etc.

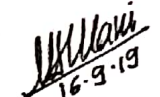
Considering all the above issues, more so considering the spirit intended in the Reg 33(10), it is unanimously decided to compute the T/D on the basis of net plot area, and not gross plot area.

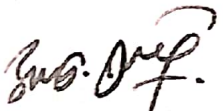
Submitted please.



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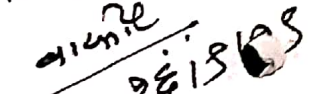

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