

N/S

MUNICIPAL CORPORATION OF GREATER MUMBAI

CHE/DP/ /GEN Dt.

Sub.: Guidelines for Utilisation of TDR with respect to clarification issued by UDD.U/No.TPB-4317/255/C.R.59/2017/UD-11 dt. 07.07.2017.

This office is in receipt of various proposals of utilisation from the offices of zonal Building Proposal in view of clarification of U.D. Department of GOM under No.TPB-4317/255/C.R.59/2017/UD-11 dtd. 07.07.2017 on notification issued under No.TPS/1813/3067/CR-122/MCORP/12 UD-13 dtd.16.11.2016 particularly with respect to utilisation of T.D.R. on the basis of road widths having access from Municipal/Public Road through internal roads/ ROW of width 6.0 to 9.0 mt, where concessions & I.O.D./C.C. was issued prior to notification dtd.16.11.2016.

The proposals for TDR utilization are submitted to this office for making the debit entry in the respective DRC by verifying the contents of the U- form submitted along with the proposal and all other technical aspects are verified by the EE (BP) Office while submitting the TDR utilisation report.

It is to mention that while scrutinising the proposal it is necessary to verify the status of access road to the respective plot ie Municipal/Public road/ existing road maintain by MCGM prescribed under provisions of MMC Act or MRTP Act except road developed under 63K of MMC Act with respect to minimum width of road from respective plot up to nearest junction of road having width 9.0 mt or above. Utilisation of TDR is not permissible on Right of Way or the Layout road/internal roads as per the notification dt.16.11.2016 and subsequent clarification dtd.07.07.17.

A) Modification to Regulation 34 of DCR 1991 :

The State Govt. vide notification dtd. 16.11.2016 has modified the Reg. no. 34 of the DCR 1991 and its appendix VII A by substituting it by modified Reg. No. 34.

As per the section 5.4.1 of the modified Reg. No. 34, utilization of TDR is governed on the basis of the plots fronting on the road width. Accordingly loading of the TDR is permissible to an existing road width of 9Mts. and above so marked under the relevant Municipal Corporation Act.

①

As per section 5.4.1 (i), M.C.G.M. shall convert all the roads of width less than 9.00 Mtr. to 9.00 Mtrs. and above as per site conditions through M.R.&T.P.Act or MMC Act provisions.

As per section 5.4.1 (ii), para (II), utilisation of T.D.R. would be available to an existing road width of 9Mts. and above so marked under the relevant Municipal Corporation Act.

As per section 5.4.1 (vi), utilisation of T.D.R. is also permissible if a plot is situated on internal road having dead end within 50 Mts. From the Main Road considering the plot is treated as a fronting on Main Road.

B) In this respect, minutes of the meeting regarding the implementation of TDR notification dtd. 16.11.2016 was circulated u/no. CHE/DP/GEN/5079/TDR dtd. 17.05.2017. The following decisions were taken in the meeting. (File no. CHE/DP/10/GEN/ 2017-18)

a) "Utilisation of the TDR permissible on the plots having access/ fronting/ abutting the existing Municipal/Public road except Right of Way/internal road.

b) Utilisation of T.D.R. is permissible only on the plots situated on internal road having dead end within 50 Mts. from the Main Road considering the plot is treated as a fronting on Main Road.

c) Utilisation of T.D.R. is permissible as per clause 5.4.1 only on the layout having single ownership/P.R.C. (which is not subdivided) having access/ fronting/ abutting the existing Municipal/Public road.

C) Subsequently, circular is also issued u/no. CHE/6120/DP/Gen dtd. 03.06.2017 as regards prescribing of R.L. to roads which are not Municipal/Public Road. ((File no. CHE/DP/16/GEN/ 2017-18) kept below)

Part II of the said circular deals with the prescribing of R.L. which are not Municipal/Public Road and to follow the procedure as per provision of Section 291/294/297/306 of MMC Act (as applicable).

D) The State Govt. has issued clarification u/no. TPS u/no. TPB-4317/255/C.R.59/2017/UD-11 dtd. 07.07.2017 to the notification dtd. 16.11.2016. As per the Sr. No. A.(4) (ii) of the said clarification "उपनगरातील ६ मी. ते ९ मी. रुंद रस्त्यासमुख भूखंडावरील इमारतीचे विकास / पुनर्विकास योजनांमध्ये महापालिका आयुक्तांकडून FSI व TDR च्या ज्या क्षमतेने सवलती मंजूर करून घेतल्या असतील व प्रकल्पाचे नकाशे मंजूर करून JOD/ CC शासन अधिसूचना दिनांक १६.११.२०१६ पूर्वी दिली असेल अशा प्रकरणांमध्ये

या मंजूरीच्या मर्यादेत किमान रस्त्याची सुधारित टीडीआर नियमावलीतील तरतूद / अट लागू न करता टीडीआर अनुज्ञेय राहिल".

Further, before scrutinising the utilisation proposal D.P. office recovers the scrutiny fees as per circular u/no CHE/GEN-207/DP dt. 21.01.2010. Now the payments of various fees, premiums, penalties etc. are to be deposited through One Window system at Zonal B.P. office, it is proposed to recover the scrutiny fees for TDR utilisation also at the One Window system maintained at zonal B.P. office in order to facilitate for Ease of Doing Business. The GL code to be used for recovering scrutiny fees for TDR utilisation is already communicated to zonal B.P.offices.

In view of above, Chief Engineer (D.P.)/Hon'ble M.C.'s approval is requested to the following

- Utilisation of T.D.R. shall be made permissible strictly subject to compliance mentioned in Para-A,B,C & D above i.e. on Municipal/Public road/ existing road maintain by MCGM prescribed under provisions of MMC Act or MRTP Act Except roads developed under Section 63K of M.M.C. Act. Right of Way & the Layout road/internal roads.
- To recover the scrutiny fees towards the T.D.R. utilisation proposal in the office of the zonal Building Proposal as per one window system while scrutinising and before forwarding the utilisation proposal to D.P. department.

On receipt of Ch E (D.P.)/ Hon.M.C.'s approval, the same will be circulated to all B.P./D.P staff as a policy decision.

Submitted please.

(M.G.Mulay)
E.E.(D.P.) P&R

(V.E.Patil)
E.E.(D.P.) W.S.

(S.P.Pandit)
E.E.(D.P.) H&K

(R.G.Patgaonkar)
E.E.(D.P.) City

(S.S. Chavan)
Dy.Ch.E.(D.P.)-II

(V.R. More)
Dy.Ch.E.(D.P.)-I

(Sanjay P. Darade)
CH.E.(D.P.)

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

3