

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/ 17124 /TDR Dt. 18/11/17

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

Ref.: 1) Notification issued u/no. TPS 1813/3067/CR-122/MCORP/12/UD-13 Dt. 16.11.2016.
2) Clarification issued under 62(3) as regards utilisation of TDR U/No. TPB-4317/255/C. No. 59/2017/UD-11 Dt. 06.11.2017.

U.D. Deptt of GOM has issued the Clarification issued under 62(3) as regards utilisation of TDR U/No. TPB-4317/255/C. No. 59/2017/UD-11 Dt. 06.11.2017.

Earlier UDD under No. TPB-4317/255/C.R.59/2017/UD-11 dtd. 07.07.2017 has issued the clarification with respect to notification issued under No.TPS/1813/3067/CR-122/MCORP/12 UD-13 dtd.16.11.2016. Sr no. 4 of the clarification is as regards utilisation of T.D.R. on the basis of road fronting on width 6.0 to 9.0 mt, where concessions & I.O.D./C.C. was issued prior to notification dtd.16.11.2016.

Earlier 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 / road developed under 63K of MMC Act/ ROW/ Layout roads etc with respect to minimum width of road from respective plot up to nearest junction of road having width 9.0 mt or above.

Now UDD has issued the clarification under 62(3) of DCR-1991 on 06.11.17 w.r.t. utilisation of TDR. As per said clarification TDR is now permissible on approved layout roads/ private road having registered record, as specified in the clarification.

Modification to Regulation 34 of DCR 1991 :

A) 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.

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 9 Mts. and above so marked under the relevant Municipal Corporation Act.

As per section 5.4.1 (vi), utilisation of T.D.R. is 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) Guidelines were issued u/no.CHE/DP/Gen/3720dt.18.03.17for implementation of notification dt.16.11.16. Para 6,10,11and 12 of the guidelines elaborates the provision of utilisation of TDR.

A letter to the P.S-I.UDD u/no MCP/7771 dt. 16.03.17 was also issued requesting confirmation and clarification on certain issues on notification dt.16.11.16. The UDD has issued the clarification dt 07.07.2017.

C) Subsequently, 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.

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. रूंद रस्त्यासन्मुख भूखंडावरील इमारतीचे विकास / पुनर्विकास योजनांमध्ये महापालिका आयुक्तांकडून FSI व TDR च्या ज्या क्षमतेने सवलती मंजूर करून घेतल्या असतील व प्रकल्पाचे नकाशे मंजूर करून IOD/ 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".

N/21
N/19

E) Accordingly guidelines were again issued for uniform and smooth implementation of Govt clarification dt 07.07.2017 u/no. CHE/DP/39/GEN dt. 06.09.17

1) Plot shall be directly fronting from road having width minimum 6.00 mt to 9.00 mt in suburban area.

2) Such road shall be Municipal road/Public road.

3) Utilisation of TDR shall not be permissible on plots having fronting/access from roads developed under section 63(k), ROW, 302 of MMC Act (Layout roads/Internal roads), Internal roads except having dead end at 50.00mt.

4) To recover the scrutiny fee while accepting the TDR proposal in the office of Zonal Building Proposal under single window clearance system.

F) A draft letter to the P.S.-I (U.D. Deptt) was issued u/no. MCP/685/Dt. 16.09.2017, requesting to issue the clarification under section 62(3) of DCR 1991, regarding allowing the utilisation of TDR on the roads other than Municipal Roads / Public Roads, as per the following table -

Sr. No.	Type of Road	Maintained by MCGM	Not maintained by MCGM	Remarks
1	Municipal Road	Yes	-	TDR allowed
2	Public Road	Yes	-	TDR allowed
3	R.L. prescribed/sanctioned u/s. 291 & 297 of MMC Act.	Yes	-	TDR allowed
4	Layout roads approved u/s. 302 of MMC Act	Yes	-	TDR not allowed
5	Pre-merger layout road	Yes	-	TDR not allowed
6	Private Roads	-	Yes	TDR not allowed
7	Pre-merger layout road. Pvt. Road, road maintained u/s. 63 K of MMC Act/ Layout road approved u/s. 302 of MMC Act	-	Yes	TDR not allowed
8	Right of Way	-	Yes	TDR not allowed

Layout roads are treated as Internal road.

The Govt. of Maharashtra UDD Deptt. has issued the clarification under section 62(3) as regards utilisation of TDR U/No. TPB-4317/255/C. No. 59/2017/UD-11 Dt. 06.11.2017, stating therein that,

“ मूळ FSI देण्यासाठी जो रस्ता महानगरपालिका बाह्य धरते तो रस्ता त्यांच्या रुंदीप्रमाणे TDR साठी खालील अटीसापेक्ष अनुज्ञेय राहिल.

अटी:-

- iv. सदर रस्ता अभिन्यास रस्ता (Layout road) असल्यास अभिन्यास (Layout) ला महापालिकेची मान्यता असावी.
- v. खाजगी रस्ता असल्यास दस्त नोंदणीकृत व महानगरपालिकेच्या अभिलेख (Record) वर असावा.
- vi. महानगरपालिकेच्या परवानगीशिवाय अशा रस्त्याची रुंदी कमी करणे अनुज्ञेय नसावे व महानगरपालिका अशी परवानगी देणार नाही असे धोरण ठरवावे.”

I) In view of above, for uniform and smooth implementation of Govt clarification dt. 06.11.2017, following guidelines in partial modification to the earlier circulars/guidelines is proposed -

- 1) In case of layout having single ownership, without sub-division, having single PRC, utilisation of TDR is permissible as per clause 5.4.1 of notification Dt. 16.11.2016, considering the width of road abutting to the single layout approved by MCGM, subject to compliance of conditions stipulated in notification Dt. 16.11.2016 / clarifications from UDD/ guidelines / circulars as applicable, issued in this respect, from time to time.
- 2) In the approved layouts, having more than one subdivided plot, with internal layout roads, subsequent subdivision shall not be permissible, wherein plot potential & TDR is not proportionately loaded on individual plots.
- 3) In case of approved layouts having subdivided plots due to natural subdivision (e.g. D.P. Roads etc.), the plot potential / TDR shall be proportionately loaded on the subdivided plots, otherwise, subdivided plots shall not be allowed for subsequent sub division.
- 4) In case of MCGM approved subdivided layouts/ land-locked plot having separate PRC's, the utilisation of TDR is permissible as per the width of the layout road / right of way, subject to compliance of conditions stipulated in notification Dt. 16.11.2016 / clarifications from UDD/ guidelines / circulars as applicable, issued in this respect, from time to time.

- N/21
- 5) The right of way agreement shall be taken on record, while allowing the utilisation of TDR on the plots deriving access from the right of way.

Proposal where IOD/CC is not issued the ROW agreement shall be a perpetual agreement with a condition that, the width of the right of way shall not be reduced in future, unless separate access of equal or more width is available either by way of separate right of way / Municipal Road.

- 6) The status of the existing road width shall be verified & utilisation of TDR shall be permissible considering minimum existing width of the layout road / right of way available from the plot to the existing Municipal Road, having width of minimum 9.00 Mtr & above, so marked under the relevant Municipal Corporation Act, subject to compliance of conditions stipulated in notification Dt. 16.11.2016 / clarifications/ guidelines / circulars as applicable, issued in this respect, from time to time.
- 7) The road width approved in the layout, shall not be allowed to be reduced in future while amendment in the layout / redevelopment within the layout once IOD/CC for utilising TDR is issued to any individual building with in layout.
- 8) AE (survey) shall take on the record all the layout / private roads (right of way given to the adjoining property / within the layout) along with its alignment, width and shall include the same in the Survey remarks.

II) Further Meeting was held under the chairmanship of Hon. M.C. on 08.11.17 with PEATA, MCHI, NAREDCO

- 1) In this respect Minutes of Meeting held on 08.11.17 under the chairmanship of Hon.M.C. with PEATA, MCHI, NAREDCO approved by Hon. M.C. u/no. MGC/A/382 dt. 16.11.17 are uploaded on MCGM web site and circulated among the concerned staff. Hon.M.C. orders as regards utilisation of TDR are reproduced below-
- 2) Utilization of TDR shall be allowed as per the Road width specified in clause 5.4.1 of Notification issued by U.D.D. on 16.11.2016 i.e. TDR shall be considered as per the sanctioned width of D.P./R.L. Road fronting on plots subject to compliance of other conditions specified in the said notification. However minimum 9 Mtr. clear width of existing road shall be available from the plot under reference up to the nearest Junction of the existing Municipal road having minimum width of 9 Mtr. and above so marked under the relevant Municipal Corporation Act.
- 3) Set back area where C.C. is granted on or before notification dt.16.11.16/ 10(2) benefit as per TP Scheme /Benefit under Accommodation

Reservation area shall be counted towards permissible TDR loading excluding 20% slum TDR (wherever applicable).

4) As per 5.4.4 the utilization of TDR shall be permissible by considering gross plot area excluding area affected by reservations or deemed reservations, road set back area, if any.

5) Certificate issued by Licence surveyor/ Architect for status and width of the existing road shall be accepted in view of EODB.

III) Proposals where Compensation has already paid partly or fully by any means and compensation in the form of FSI /or by any means has already been granted partly or fully to the owner as specified in clause 3 (i) and 3(v) of regulation 34 prior to 16.11.16, the owner is not eligible to avail the benefit as per clause 4.1.1 of regulation 34 of DCR amended up to date.

Submitted for approval of Hon'ble MC. On receipt of approval same will be circulated to DP/BP staff.

Submitted please.

Hon'ble M. C.
Sir,

[Signature]
Dy. Ch.E. (D.P.) I

[Signature] 15.11.17
Chief Engineer (D.P.)

As referred

By null
24/11/17

पुणे न्युंबई महानगरपालिका
आयुक्तांचे कार्यालय

18 NOV 2017

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क्रमांक MCP/2073