

-4/1-

Municipal Corporation of Greater Mumbai

Ch.Eng.(Development Plan)

Ch.Eng./D.P./2238/TDR/Gen dt. 30/04/2019

Subject – Indexation for DRCs issued under DCR 1991 of
Slum Redevelopment & Heritage.

Government vides their notification u/s 31(1) of MR&TP Act, 1966 vide no. TPB/4317/629/CR-118/2017/DP/UD-11 dtd. 08.05.2018 has accorded sanction to the Draft Development Plan 2034 of Greater Mumbai with modifications shown in SCHEDULE – A appended to the said notification excluding the substantial modifications as shown in SCHEDULE – B appended to the said notification. Government has issued a Corrigendum of even number dt. 22nd June, 2018 and thereafter issued a Corrigendum and Addendum of even number dt. 29th June, 2018 to the said notification, which is published in Government Gazette dt. 30th June, 2018. The Government of Maharashtra vide notification dt. 21/09/2018 has sanctioned EP-1 to EP-168 (excluding certain EP and provisions which were kept in abeyance) in the Development Control and Promotion Regulations – 2034, which were excluded as substantial modifications.

Government has issued Corrigendum under no. TPB/4317/629/CR-118/2017(III)/UD-11 dtd. 12.11.2018 in respect of sanction DCPR 2034. The DCPR-2034 including EP came into the force from 13.11.2018. As per the Corrigendum to EP No. 70 Regulation 32(8) it is sanctioned as follows:

Sr. No.	Part No.	Regulation Number	EP. No.	For Sanctioned Provision	Read as
		32(8)	70	8.0 EFFECT OF THIS REGULATION:- Provision of Generation of TDR from these regulations shall not be applicable where DRC has been issued prior to publication of these regulations. "However DRCs issued under the DCR-1991 of slum redevelopment & Heritage shall be allowed to be utilised as per DCR 1991 without indexation for one year only.	8.0 EFFECT OF THIS REGULATION:- Provision of Generation of TDR from these regulations shall not be applicable where DRC has been issued prior to publication of these regulations. "However DRCs issued under the DCR-1991 of slum redevelopment & Heritage shall be allowed to be utilised as per DCR 1991 without indexation for one year only.

			<p>Provided that balance of DRCs issued under the DCR- 1991 of slum redevelopment & Heritage shall be indexed for utilisation.</p> <p>Provided also that old TDR purchased for utilisation on a specific plot with registered documents of sale and/or specific proposal for utilisation of such TDR pending in the ULBs prior to these regulations shall be allowed completely as per the DCR 1991 " .</p> <p>Notwithstanding anything contained in these Regulation, at the option of owner/developer the TDR to be generated in the ongoing schemes as per Regulation 33(10) & 33(14) of DCR 1991 where CC is already issued which is valid & work is in progress accordingly, then in such cases the TDR generation & utilisation shall be allowed as per DCR 1991. Provided that the utilisation of such TDR as per then Regulation shall be allowed within period of 1 year from the date of issue of such DRC without indexation and balance quantum after one year shall be indexed.</p>	<p>Provided that balance of DRCs issued under the DCR-1991 of slum redevelopment & Heritage shall be indexed for utilisation.</p> <p>Provided also that old TDR purchased for utilization on a specific plot with registered documents of sale and/or specific proposal for utilisation of such TDR pending in the ULBs prior to these regulations shall be allowed completely as per the DCR 1991 " .</p> <p>Notwithstanding anything contained in these Regulation, at the option of owner/developer the TDR to be generated in the ongoing schemes as per Regulation 33(10) & 33(14) of DCR 1991 where CC is already issued which is valid & work is in progress accordingly, then in such cases the TDR generation & utilisation shall be allowed as per DCR 1991.</p> <p>Provided that the utilisation of such TDR as per then Regulation shall be allowed within period of 1 year from the date of issue of such DRC without indexation and balance quantum after one year shall be reworked as per DCPR 2034 for generation and indexed for utilisation.</p>
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It may be stated here that the date of publication of these regulations i.e. DCPR 2034 is 08.05.2018. Hence as per the aforesaid Corrigendum dt. 12.11.2018, DRCs issued under regulation 33(10) of DCR 1991 and Heritage TDR issued under regulation 67 of DCR 1991 are allowed to be utilized without indexation till dt. 07.05.2019 and where such proposal are pending with U.L.B./B.P. dept. after compliance/submission of utilization form, agreement,U/T & NOC by Architech/Developer till dt.07.05.2019

It may be stated here that DRCs under regulations 33(10) as well as regulation 33(14) of DCR 1991 as well as regulation 33(10) and 33(11) of DCPR 2034 are issued on recommendation of CEO (SRA) & Metropolitan Commissioner (MMRDA) as per approvals given by them within their respective jurisdictions. As regards quantum of TDR against un-utilized FSI under regulation 33(10) i.e. against rehab is same as per then provisions of DCR 1991 and DCPR 2034.

However quantum of TDR issued for land component as well as Construction of PTC tenements under regulation 3.11 of 33(10) and construction of PTC Tenements as per then regulation 33(14) of DCR 1991 and corresponding regulation 33(11) of DCPR 2034 is different. The provisions of 3.11 of 33(10) of DCPR 2034 is as follows

3.11 Notwithstanding anything contained in this regulation, rehabilitation project of a slum located on land belonging to public authority and needed for a vital public purpose and where eligible slum dwellers which cannot be accommodated in the in-situ SRS of land under non-buildable reservations, is taken up on an unencumbered plot, TDR as per regulation 32 Table 12(A) for the area of the land spared for this purpose shall be sanctioned for the owner of the said unencumbered plot and the TDR in lieu of cost of construction of BUA as per sub regulation 4.2 of regulation 32(A) shall be permissible. For the purpose of this regulation, BUA shall be as per 3.2 of this regulation. No sale component shall be permissible.

Further the provision of regulation 33(11)(E) is as follows

(E) Additional FSI over & above Zonal(basic) FSI may be released in correlation to the BUA of the tenements that are required to be handed over free of cost to SRA/MCGM as the case may be. Alternatively, TDR in lieu of unconsumed sale component of additional FSI, as per this Regulation, may be permitted for Permanent Transit Camp(PTC) for which SRA will be the Planning Authority. For the purposed of this Regulation BUA of PTC tenements shall be calculated as per clause 3.2 of Regulation 33(10).

Hence balance of DRCs issued under regulation 3.11 of 33(10) of DCR 1991 in ongoing schemes has to be reworked as per new regulation 3.11 of 33(10) DCPR 2034 as aforesaid after 1 year from the date of their issuance. Also balance of TDR issued under regulation 33(14) of DCR 1991 in ongoing schemes is to be reworked as per regulation 33(11) (E) of DCPR 2034 as aforesaid after 1 year from the date of issue. As regards Heritage TDR issued prior to 07.05.2018 as per then regulation 67 of DCR 1991, ~~the~~ same are to be indexed considering land rate of generating plot as per ASR of the year of its issuance.

The TDR against construction of amenity in case of clause 3.11 of Regulation 33(10) shall be as per clause 4.2 Regulation 32 of DCPR-2034 and in case of land spared for construction of PTC tenements, TDR shall be as per regulation 32 Table 12(A) of DCPR 2034

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

- 1) To index the DRCs issued prior to dt. 08.05.2018 issued under DCR 1991 of SRA and Heritage considering Ready Reckoner Rate of Land of the year in which such DRCs are generated. The indexation will be considered as per the year of generation of DRC as stated in regulation 5.3 of DCPR 2034. If balance DRC if any, the rate of land as per SDRR of the generation year will be mention on the said DRC with the approval and signature of Hon'ble M.C. as per procedure being followed and on receipt of proposal from the DRC holder, thereafter utilization thereof will be as per regulation 5.3 & 5.4 of DCPR 2034.
- 2) To draft D.O. letters to CEO (SRA), Metropolitan Commissioner(MMRDA) & copy thereof to Principal Secretary U.D.-1 for information under signature of Hon'ble M.C. as at pg C/33-39 informing them to rework the balance of DRCs being to be issued in the ongoing schemes as per regulation 33(10), 33(14) of DCR 1991 where CC is already issued is valid and work in progress accordingly as per regulation 3.11 of 33(10) of DCPR 2034 and regulation 33(11) (E) of DCPR 2034 respectively and forward the said reworking along with their recommendation to this office before allowing further utilization thereof as per new regulation 32(8) of DCPR 2034 considering rate of construction and land rate as per Annual Statement Rates of the year of issue of such DRCs. Where in such cases TDR generation and utilization is to be allowed as per DCR 1991 within period of 1 year from the date of issued of such DRCs without indexation.

Submitted please.

[Signature]
25/06/2019
C.H. Kandalkar
Dy. Ch.E. D.P.-II

[Signature]
25/6/19
M.G. Mulay
Dy. Ch.E. (D.P.)-I

[Signature]
Shri. Sanjay Jadhav
Ch.E. (DP)/i/c

[Signature]
Shri. Ajoy Mehta
Municipal Commissioner
Sir,

[Signature]
30/4/19
Municipal Commissioner

[Signature]
26/06/2019
Chief Engineer
(Development Plan)

Ch.E. (D.P.)
MCP/4661
05.05.19

बृहन्मुंबई महानगरपालिका
 आयुक्तांचे कार्यालय

30 APR 2019

संख्ये ११, १२, १३, १४,
 १५, १६, १७, १८,
 क्रमांक MCP/5661
 04.05.19

बृहन्मुंबई महानगर पालिका
 प्रमुख अभियंता (विकास नियोजन)
 यांचे कार्यालय

04 MAY 2019

क्रमांक/दि.नि./ : 02597

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४	५	६

क्र.सं.	शहर	पूर्व. उप	प. उप
१	कोलार	लेख	आस्था

TDR Gen.

Dy. Ch E (CDP) I

04/05/19
 Chief Engineer (DE)

Dy. Ch E (CDP)-II / Ch E (CDP) DCR / Ch E (CDP)-III

04/05/19
 Dy. Ch. E (CDP)-I

06/05/2019
 Chief Engineer - II

प्रशासकीय अधिकारी (वि.नि.) I

उप प्र. अ. (वि. नि.) १ यांच्याशी
 कोलेच्या चर्चेच्या अनुषंगाने सदर
 कागदपत्र आपल्या विभागात परिचलित
 करण्याकरिता अहोपित.

प्रमोद मोरकर
 06/05/19

प्रशासकीय अधिकारी (वि.नि.) III

लिपिका (पुनरुत्पन्न)

सदर प्रकरणाची मुळ
 नसती संबंधित प्र. अ. (वि. नि.) I
 सोबतच द. दा. करण्यास पाठविली
 असून उप प्र. अ. वि. नि. १ यांच्या
 निदेशान्वये सदर द्यावयाची नोंद DP 2037 नुसार
 नोंदवली आहे द्यावयात यावी व कागदपत्र (छापांकित प्रत)
 जातून करावेत.

प्रमोद मोरकर
 01/5/19

प्रशासकीय अधिकारी (वि.नि.) III

AJOY MEHTA

I. A. S.

Municipal Commissioner



No. : MCP/4661

Date : 04.05.2019

Sub.: Indexation for DRCs issued under DCR 1991 of Slum Redevelopment & Heritage.

Dear Shri.Rajeev,

Government vides their notification u/s 31(1) of MR&TP Act, 1966 vide no. TPB/4317/629/CR-118/2017/DP/UD-11 dtd. 08.05.2018 has accorded sanction to the Draft Development Plan 2034 of Greater Mumbai with modifications shown in SCHEDULE - A appended to the said notification excluding the substantial modifications as shown in SCHEDULE - B appended to the said notification. Government has issued a Corrigendum of even number dtd.22nd June, 2018 and thereafter issued a Corrigendum and Addendum of even number dtd.29th June, 2018 to the said notification, which is published in Government Gazette dtd.30th June, 2018. The Government of Maharashtra vide notification dt. 21/09/2018 has sanctioned EP-1 to EP-168 (excluding certain EP and provisions which were kept in abeyance) in the Development Control and Promotion Regulations - 2034, which were excluded as substantial modifications.

Government has issued Corrigendum under no. TPB/4317/629/CR-118/2017(III)/UD-11 dtd. 12.11.2018 in respect of sanction DCPR 2034. The DCPR-2034 including EP came into the force from 13.11.2018. As per the Corrigendum to EP No. 70 Regulation 32(8) it is sanctioned as follows:

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regulations. "However DRCs issued under the DCR-1991 of slum redevelopment & Heritage shall be allowed to be utilized as per DCR 1991 without indexation for one year only.

Provided that balance of DRCs issued under the DCR- 1991 of slum redevelopment & Heritage shall be indexed for utilization.

Provided also that old TDR purchased for utilization on a specific plot with registered documents of sale and/or specific proposal for utilization of such TDR pending in the ULBs prior to these regulations shall be allowed completely as per the DCR 1991 ".

Notwithstanding anything contained in these Regulation, at the option of owner/developer the TDR to be generated in the ongoing schemes as per Regulation 33(10) & 33(14) of DCR 1991 where CC is already issued which is valid & work is in progress accordingly, then in such cases the TDR generation & utilization shall be allowed as per DCR 1991. Provided that the utilization of such TDR as per then Regulation shall be allowed within period of 1 year from the date of issue of such DRC without indexation and balance quantum after one year shall be indexed.

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Further the provision of regulation 33(11)(E) is as follows;

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FSI, as per this Regulation, may be permitted for Permanent Transit Camp(PTC) for which SRA will be the Planning Authority. For the purposed of this Regulation BUA of PTC tenements shall be calculated as per clause 3.2 of Regulation 33(10).

Hence balance of DRCs issued under regulation 3.11 of 33(10) of DCR 1991 in ongoing schemes has to be reworked as per new regulation 3.11 of 33(10) DCPR 2034 as aforesaid after 1 year from the date of their issuance. Also balance of TDR issued under regulation 33(14) of DCR 1991 in ongoing schemes is to be reworked as per regulation 33(11) (E) of DCPR 2034 as aforesaid after 1 year from the date of issue. As regards Heritage TDR issued prior to 07.05.2018 as per then regulation 67 of DCR 1991. The same are to be indexed considering land rate of generating plot as per ASR of the year of its issuance.

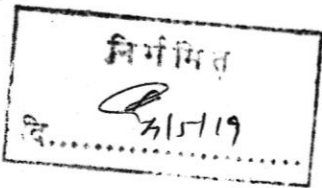
Yours Sincerely,
Sd/-
(Ajoy Mehta)

Shri. R.A. Rajeev
Metropolitant Commissioner,
MMRDA,
Bandra Kurla Complex,
Bandra(East),Mumbai-51

C.C.:-

The Principal Secretary-1
Urban Development D.P.
Govt. of Maharashtra, Mantralaya,
Mumbai-400 051.

Copy submitted for information please.



Ajoy Mehta 3/5
Municipal Commissioner



Sub.: Indexation for DRCs issued under DCR 1991 of Slum Redevelopment & Heritage.

Dear Shri Kapoor,

Government vide their notification u/s 31(1) of MR&TP Act, 1966 vide no. TPB/4317/629/CR-118/2017/DP/UD-11 dtd. 08.05.2018 has accorded sanction to the Draft Development Plan 2034 of Greater Mumbai with modifications shown in SCHEDULE - A appended to the said notification excluding the substantial modifications as shown in SCHEDULE - B appended to the said notification. Government has issued a Corrigendum of even number dt. 22nd June, 2018 and thereafter issued a Corrigendum and Addendum of even number dt. 29th June, 2018 to the said notification, which is published in Government Gazette dt. 30th June, 2018. The Government of Maharashtra vide notification dt. 21/09/2018 has sanctioned EP-1 to EP-168 (excluding certain EP and provisions which were kept in abeyance) in the Development Control and Promotion Regulations - 2034, which were excluded as substantial modifications.

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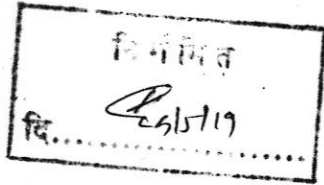
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Yours Sincerely,
Sd/-
(Ajoy Mehta)

Shri Deepak Kapoor
Chief Executive Officer
Slum Rehabilitation Authority,
Prof. Anant Kanekar Marg,
Bandra(East)
Mumbai-400051.

C.C.
The Principal Seceretary-1
Urban Development D.P.
Govt. of Maharashtra, Mantralaya,
Mumbai-400 051.

Copy submitted for information please.



Ajoy Mehta 3/5
Municipal Commissioner