

d11

Municipal Corporation of Greater Mumbai

Chief Engineer (Development Plan)

No.

Subject:- Transitional Policy for ongoing proposals.(Circular No. T-3)

In order to deal with ongoing proposals Transitional Policy Circulars (T-1) & (T-2) have been issued. In order to bring in further clarity while dealing with ongoing proposals, following guidelines are being issued.

- | | |
|---|--|
| 1 | For the purpose of calculating the balance potential, FSI calculations etc sample proforma Annexure I to IV are enclosed for guidance & same shall be followed scrupulously while processing the proposals. While processing the proposals, the proposed built up area as per DCR 1991/ DCPR 2034 and total built up area shall be shown clearly in Proforma 'A' in separate columns, wherever applicable. |
| 2 | <p>The Regulation 9(6)(b) of DCPR 2034, reads as follows:-</p> <p>“In case of such plots or layouts that started with due permission before DCPR 2034 have come into force and if the owner/developer, at his option, thereafter seeks further development of plot/layout/buildings as per DCPR 2034, then the provisions of DCPR 2034 shall apply to the balance development. The development potential of such entire plot shall be computed as per DCPR 2034 from which the sanctioned FSI of buildings /part of buildings which are proposed to be retained as per the approved plan, as per then Regulations shall be deducted to arrive at the balance development potential of such plot or layout.</p> <p>Note:- For smooth implementation and removal of difficulties in transitional proposals, the Municipal Commissioner may formulate a policy.</p> <p>As per the above Regulation, provisions of DCPR 2034 shall apply to the balance development. However, in some cases of ongoing proposals, it may be difficult to comply with certain regulations of DCPR 2034 due to planning or other constraints. In such cases for removal of difficulties & smooth implementation of transitional proposals following guidelines are issued</p> <p>In respect of redevelopment/development of partially developed plot admeasuring 4000 sq m or more (excluding the area under set back/DP Road), the magnitude of amenity as per Regulation 14(A) on balance development shall be worked out as per Annexure I to V of this circular. Further the following modalities shall be adopted while dealing with these proposals.</p> |

(i) Wherein such amenity plot works out to less than 200 sq m, payment of premium at 100% rate of ASR of the developed land for the Zonal (basic) FSI for plot to be carved out as amenity plot may be insisted before approval of plans & the physical required amenity may not be insisted.

(ii) wherein such amenity plot works out to 200 sq m or more & if it is not possible to provide the required amenity, then Built up amenity with BUA equivalent to Zonal (basic) FSI of such amenity plot may be provided preferably at ground floor or 1st/2nd floor with separate access. Such built up amenity shall be excluded from FSI computations. TDR in lieu of cost of construction of such built up amenity will be given as per clause 1(d) of note below table 5 of Regulation 17(1). Procedure related to transfer of ownership as stipulated in clause 17(1)(2)(iii) shall be followed.

OR

Payment of premium at 100% rate of ASR of the developed land for the Zonal (basic) FSI for plot to be carved out as amenity plot may be insisted before approval of plans & the physical required amenity may not be insisted.

The above modalities shall be made applicable only in cases where CC for any of the buildings in plot/layout is issued & is valid.

3 In case of plots reserved in DP & comes forward for balance development as per Regulation 9(6)(b) of DCPR 2034, in such cases, the development permission issued under Accommodation Reservation principle for development of reservation as per then prevailing regulations having valid IOD or CC shall be valid & continued & no fresh development permission for development of reservation under Regulation 17 of DCPR 2034 shall be insisted.

4 In respect of proposals on plot abutting road having minimum width of 6 m & above but less than 9 m, wherein concessions have been approved & IOD or CC is issued prior to 16.11.2016, in such cases for utilisation of FSI/TDR ,clarification issued under the provisions of Regulation 62(3) of DCR 1991 under no. TPB-4317/255/PK59/2017/UD-11 dated 07.07.2017 & orders issued by Urban Development Department ,Government of Maharashtra, in appeal under section 47 of MR &TP Act 1966under no. Appeal/TPB 4318/15/PK 126/2018/UD-11 dated 15.06.2018 shall be followed

5 Circular No. CHE/DP/49/Gen/2015-16 & CHE/DP/37143/Gen dated 02.12.2015 and as amended from time to time till date and issued for implementation of EODB being procedural in nature shall continue to be implemented with modifications if any, subject to condition that they are not contrary to provisions of DCPR 2034. However if there is any conflict, then the provisions of DCPR 2034 shall be followed.

- 6 The Sr. No. (3) of circular no. T-1 dated 02.11.2018, shall stand modified as follows:
For the purpose of clause 9(5) of DCPR 2034, the provision 'minor amendment' shall mean variation of 5(five) percent of the approved built up area as per the provisions of DCR 1991.
- 7 The provision vide Sr. No. (3) of circular no. T-1 dated 02.11.2018, allows payment with 18% interest till 31.12.2018. Now this payment facility is extended up to 31.03.2019 with the same rate of interest.
- 8 In respect of redevelopment proposals wherein IOD has been issued as per the provisions of Regulation 33(7) of DCR 1991 & IOD is valid, the provision of giving additional area to the extent of 5%/8%/15% as the case may be as per the provisions of clause 5 of Regulation 33(7) of DCPR 2034 shall be at the option of owner/developer & shall not be mandatory while processing the proposal for amendments, balance development, conversion as per the provisions of DCPR 2034.

R.B. Zope
12/10/19
(R.B. Zope)
Ch.E.(DP)

*Approved except 2 LNO: 2 as per the
recorded in meeting.*

Ajoy Mehta
(Ajoy Mehta)
Hon.M.C.

MUNICIPAL CORPORATION OF GREATER MUMBAI

Ch.E./DP/ 29837 /Gen dtd.: 24/01/2019

Sub: Transitional Policy for ongoing proposals. (Circular No. T-3)

Ref: 1) MCP/720 dtd.01.11.2018 (N/1)

2) MCP/1338 dtd.03.12.2018 (N/3)

N/1-3
Reference is please requested to detailed note submitted at page N/1-3 in the subject matter and Hon.M.C.'s approval thereon. Accordingly, Transitional Policy Circular (T-1) is issued on 02.11.2018 and Transitional Policy Circular (T-2) is issued on 04.12.2018. In order to bring in further clarity while dealing with ongoing proposals, the further draft guidelines were discussed in Hon'ble MC's meeting with MCHI, NAREDECO & PEATA on 18.01.2019.

In view of above, the transition policy for ongoing proposals (Circular No. T-3) is put-up herewith at page C/11-23 for Hon. M.C.'s approval and signature please.

Submitted please.

~~ZOPE~~
24/01/19.
(R. B. Zope)
Ch.Eng. (DP)

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

वृहन्मुंबई महानगरपालिका
आयुक्तांचे कार्यालय

24 JAN 2019

समय ११, १२, १३, १४,
१५, १६, १७, १८,
क्रमांक MGP / 2579

Approved except S: No: 2. As regards
S: No: 2 the transition policy be
resubmitted together with policy
regarding amenity under 14(B).
Rest circular be issued.

Aj Mehta
26/2/19