

MUNICIPAL CORPORATION OF GREATER MUMBAI

Ch.E./DP/ 2450 /Gen dtd.: 31/10/2018

- 4/1-

Sub: Transitional Policy for ongoing proposals. (Circular No. T-1)

The Urban Development Department vide their notification u/no. TPB-4317/629/CR-118/ 2017/ DP/ UD-11 dtd.08.05.2018 u/s 31(1) of MR & TP Act 1966 has sanctioned DP 2034 & DCPR 2034 excluding substantial modifications. Further, UDD vide their corrigendum dtd.23.06.2018 has fixed the date of coming into force of DCPR 2034 as 01.09.2018. Thereafter UDD vide their notification u/no. TPB-4317/629/CR-118(III)/ 2017/ EP(DCPR)/ UD-11 dtd. 21.09.2018 has sanctioned EPs of DCPR 2034 and it was stated that the same will come into force from 24.10.2018. UDD vide their corrigendum u/no. TPB-4317/629/CR-118(III)/ 2017/ EP(DCPR)/ UD-11 dtd.23.10.2018 has fixed the date 13.11.2018 to be the date on which the said excluded parts as described in the schedule A shall come into force. Hence, it is necessary to frame Transitional Policy according to the sanctioned provisions of DCPR 2034.

The matter discussed with Hon. M.C. Accordingly, transition policy for ongoing proposals is put-up herewith for Hon. M.C.'s approval and signature please.

Submitted please.

cl/

R. B. Zope
(R. B. Zope)
31/10/18
Ch.Eng. (DP)

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

Aj Mehta
31/10/18
Municipal Commissioner

✓ Ch.E.(D.P)

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| बृहन्मुंबई महानगरपालिका | |
| आयुक्तांचे कार्यालय | |
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| | १५, १६, १७, १८, |
| क्रमांक | mcp/ 720 |
| 01.11.2018 | |

AOC(DP)I
Pl. circulate to all &
put it on website
31/10/18
Chief Engineer (DP)

बृहन्मुंबई महानगर पालिका
 प्रमुख अभियंता (विकास नियोजन)
 यांचे कार्यालय

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| साधारण | शहर | पूर्व. उप | प. उप |
| मा. अधि. | टिडीआर | लेखा | आस्था |

H.L. (साधारण)
 (Signature)
 01/11
 AOC(DP)I

ICPC
 (Faint text)

Sub: Transitional Policy for ongoing proposals. (Circular No. T-1)

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Hence, it is necessary to frame Transitional Policy according to the sanctioned provisions of DCPR 2034.

The Reg. 9(5) of DCPR 2034 as finally sanctioned vide EP 11 is as follows :
Reg. 9) (5) Validity of development permission : The development permission granted in the past shall be governed by the provision of section 48 of the MR & TP Act, 1966.

Where development has commenced as per the development permission/IOD issued prior to publication of these Regulations, the CC shall be issued or revalidated till completion of development in accordance with the plans approved, in respect of the said IOD including minor amendment thereof as per the then Regulations.

In view of above, in respect of proposals wherein IOD/ amended plans are approved, in those cases C.C./further C.C./ O.C.C./B.C.C. can be issued in respect of plans which are approved, subject to due compliance of conditions stipulated therein.

Further, the ongoing proposals shall be dealt with as follows:

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| 1 | In various cases IOD is revalidated as per the policy in force, but CC is not issued. In such case C.C. may be issued within the validity period of said IOD. In case, if C.C. is not issued within the validity period of IOD, further revalidation of such IOD shall not be done and the proposal needs to be dealt further as per the provisions of DCPR – 2034. |
| 2 | Where Zero FSI IOD is issued as per DCR 1991 and C.C. is yet to be |

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| | granted, in such cases fresh zero FSI IOD may be issued as per the provisions of DCPR 2034 and CC may be issued accordingly. |
| 3 | Drafts plans are approved on or before 31.08.2018, but approval not issued only for want of payment. In such cases if demand note for requisite payment has been issued to the Project proponent, on or before 31.08.2018, then the approval of the plans may be issued by recovering the due payment with 18% interest from 31.08.2018 till the date of payment. However, this procedure will be allowed only till 31.12.2018. Thereafter, plans needs to be scrutinised as per the provisions of DCPR-2034. |
| 4 | The concessions in respect of various proposals have been approved in the past, as per the provisions of DCR 1991. However, the approvals are not issued before 01.09.2018. There are requests from stake holders not to resubmit the file for approval of various concessions, as per DCPR 2034 to Hon.M.C., for fresh approval of the concessions. In case of some of the concessions, which have been approved earlier, only the regulation numbers/ clauses have been changed in DCPR 2034, but the content of the regulation remains the same. The hardship is already demonstrated while approving earlier concessions by Hon.M.C., Hence, these concessions wherein only regulation numbers have been changed, need not be put up for Hon.M.C.'s approval again. However, the scrutiny authority shall verify that there is only change in clauses/Regulations numbers of DCR 1991 & DCPR 2034 and consider the approval of plans accordingly (in the light of concessions already approved) as per DCPR 2034 at zonal level only without resubmitting the proposal for approval of concessions again. When there is an additional requirement in the concessions, the concessions should then be re-sought by stating the hardship. However, it should be noted that while scrutinizing the plans as per DCPR 2034, the open spaces as per DCPR 2034 shall be taken into consideration from building line including cantilever if any. |
| 5 | Plans have been approved as per DCR 1991 and project proponent comes forward for occupation with minor amendments. In such cases minor amendments to the extent of 5% per floor within the permissible FSI as per then prevailing regulation may be considered, with approval of Hon' MC. |

R.B. Zope
 31/10/18.
 (R.B. Zope)
 Ch.E.(DP)

Ajoy Mehta
 (Ajoy Mehta)
 Hon.M.C