

Cir.No. CHE/DP/38/Gen.  
2018-19

**Municipal Corporation of Greater Mumbai**

**Chief Engineer (Development Plan)**

No. CHE/DP/24394/Gen., dt. 04/12/2018

**Subject:-** Transitional Policy for ongoing proposals.(Circular No. T-2)

In order to deal with ongoing proposals Transitional Policy Circular (T-1) has been issued under no. Ch.E/DP/21521/Gen dated 01.11.2018. In order to bring in further clarity while dealing with ongoing proposals, following guidelines are being issued.

1	<p>In respect of amended plans for ongoing proposals (where concessions are already approved as per DCR 1991) &amp; or in respect of proposals wherein zero FSI IOD/CC is granted with approval for various concessions involved in the proposal for full potential of plot as per DCR 1991, the balance development potential shall be worked out as per the provisions of Regulation 9(6)(b) of DCPR 2034. For processing of such amended plans, the open space requirements shall be reworked as per DCPR 2034 (i.e. from the projected building line if any) and the said open space requirement shall be compared with earlier approved concessions and if requirement of reworked open spaces is within the limit of open spaces relaxation considered earlier (i.e. there is no increase in the magnitude of open space deficiency considered earlier), the file need not be resubmitted for Hon.M.C.'s approval for such relaxations and shall be processed for approval at Zonal level only as the hardship is already demonstrated while approving earlier concessions by Hon.MC. Scrutiny authority shall verify that there is no further increase in magnitude of open space deficiency considered earlier. However, if there is any increase in magnitude of open space deficiency, the proposal shall be resubmitted for Hon.M.C.'s approval. The projections in front open space/side open spaces/rear open space as per earlier approved plans need to be continued for further work in lieu of balance development potential, being a past commitment.</p> <p>The open space requirements for the entire development shall be worked out as per DCPR 2034 &amp; if there is any increase in open space deficiency area then premium shall be charged for such increased deficient area. The premium paid earlier towards condoning deficiency in open space if paid in excess shall not be refunded.</p>
2	<p>In respect of proposals on plot abutting road having minimum road width of 6 m &amp; above but less than 9 m, wherein TDR has been utilised but plans</p>

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	not approved as per DCR 1991 pursuant to approval of various concessions as per DCR 1991, in such cases, approvals may be issued for that quantum of TDR only which is already utilised, after obtaining approval of competent authorities for further concessions as per DCPR 2034 if applicable, without insisting prescription of RL as per note (1) below table 12 of Regulation 30(A). However, In respect of proposals, wherein TDR is not utilised as per DCR 1991, but only concessions have been approved for utilisation of TDR, in such cases, provisions of DCPR 2034 shall be followed.
3	For the purpose of allowing additional parking spaces free of FSI as per Regulation 31(1) (vi) of DCPR 2034, visitors parking shall be considered as 5% instead of 25%. Further, the provisions of note (ii) below Regulation 44(6)(a) for charging of premium for additional parking spaces shall be operative after considering the parking spaces as per Regulation 31(1)(vi) over & above Table 21 of Regulation 44.
4	Plans to be submitted in PRE-DCR format irrespective of the software being compliant to DCPR 2034 or otherwise.
5	If applicant/owner desires to convert the ongoing proposal of development of buildable reservation under AR, as per the provisions of DCPR 2034, same may be allowed, provided occupation is not granted to built up amenity to be handed over to MCGM/Appropriate Authority.
6	If Fire check floor is constructed on site as per NOC from CFO & as per the plans approved as per DCR 1991, the same may be continued free of FSI as per the then approved plans & approval of Hon MC shall not be sought again if applicant desires to convert the proposal as per DCPR 2034.
7	In respect of proposals wherein concessions have been approved with full potential as per DCR 1991 with height of building less than 24m & the work of building has commenced after obtaining CC, for utilisation of balance potential as per DCPR 2034, 1.50 m clear width of staircase shall not be insisted, if the height of building is restricted to 24 m with the approval of Hon.MC by condoning the deficient width by charging premium even though as per DCPR 2034, the minimum width of staircase is 1.50mt.
8	In respect of proposals wherein TDR has been utilised more than the limit as stipulated in column no. 6 of Table 12 of Regulation 30(A) of DCPR 2034, the utilisation of balance additional FSI on payment of premium may be allowed as per the shortfall in permissibility as per column no 5, of Table 12 of Regulation 30(A) of DCPR 2034 keeping the total permissible FSI as per column no. 7 of Table 12 of Regulation 30(A) of DCPR 2034.
9	As per Regulation 37(17) & as per policy circular issued under no ChE/DP/27099/Gen. dated 10.11.2017, lift opening is allowed free of FSI at

	<p>terrace level.</p> <p>Same shall be allowed without charging premium in respect of residential development at zonal building proposal office level &amp; same shall be allowed by charging premium in respect of non residential development with the approval of Hon.MC.</p>
10	<p>In development/redevelopment cases wherein the approval of Hon MC has already been obtained for grant of Fungible Compensatory FSI as per Regulation 35(4) of DCR 1991/ Fungible Compensatory Area as per Regulation 31(3) of DCPR 2034 by charging premium &amp; plans are yet to be approved in lieu of said Fungible Compensatory FSI/Fungible Compensatory Area, such cases need not be resubmitted for Hon. MC's approval due to reduction in the applicable premium for Fungible Compensatory FSI/Fungible Compensatory Area. However, if there is any increase in the quantum of Fungible Compensatory FSI/Fungible Compensatory Area to be utilised, then such cases shall be resubmitted for Hon.MC's approval for the increased Fungible Compensatory FSI/Fungible Compensatory Area.</p>

*R. B. Zope*  
 30/11/18  
 (R.B.Zope)  
 Ch.E.(DP)

*Excerpt SI No: 2, which should be kept in abeyance to align it with the clarification, issued by govt. in this respect.*  
*Ajoy Mehta*  
 (Ajoy Mehta) 3/12/18  
 Hon.M.C.