

MUNI

CORPORATION OF GREATER BOMBAY

675/Acq (C) of 6.10.1993.

Eng. (D.P.)/Dir. (ES. & P.) /A.M.C. (B)

Subject: Fixation of premium rates for charging ground rents to Ex-Trust/Estate plots and condoning deficiencies in open spaces, parking spaces, City, Suburbs and Extended suburbs for the year 1993-94 (i.e. from 1.8.1993 to 31.7.1994.)

Reference is please requested to his office notes submitted to M.C. for the sanction of premium rates for the period from 1.8.1992 to 31.7.1993 (as detailed below) :-

A) For the city Area :- Note under No. Ch.E. / 18/Acq-c, dtd 21st July, 1992 in the acc. file No. 1 at pages 191-192 and M.C.'s approval thereon at page 193 under No MGC/A-3472, dated 23rd Oct. 1992 (zerox copy at P.193 for M.C.'s ready reference)

B) For the Suburban Area : Note under No Ch.E. /18/Acq / Gen/2/WS dtd 10th July, 1992 in the acc file No. 2 at page 359 & M.Cs approval thereon at page 364 under No. MCP /3065 dtd 28th August, 1992 (zerox copy at pages 241-246 for M.C.'s ready reference.)

Generally, the premium rates are to be decided on the basis of the reasonable market value of the land of the plots by considering present instances of sales. The valuation based on sales instances depends upon many factors, such as situations, location, size, encumbrances on the individual plots etc. Since the premium rates are fixed sector wise for a largest area, this office had considered the basis of rates of flats adopted by the Inspector General of Registration (I.G.R.) for charging the stamp duty while obtaining M.C.'s sanction to the premium rates for the year 1992-93.

On making enquiries with the IGR it is learnt that, they have not revised their rates for charging stamp duty since 1991. The Municipal Corporation has also adopted same premium rates from 1.9.1990 to 31.8.1993. However, considering the general trend of increase in prices, it is proposed to enhance the sanctioned premium rates of the year 1992-93 by 10% for arriving the premium rates for the period from 1.8.1993 to 31.7.1994 for both City and Suburbs areas.

It is, therefore, proposed to fix up the revised premium rates for the city, suburbs and Extended Suburbs for the year 1993-94 by enhancing the premium rates by 10% over the rates for previous year and rounding upto the nearest multiple of five for residential user as mentioned in the statement at Pages 195-239.

The ratio for Residential : Commercial : Industrial users will be maintained as adopted earlier i.e. 1:2:1.25.

The rates mentioned in the statement at pages 195-239 will be further enhanced depending upon the location of the plot as under :-

1. If the plot situated at the junction of two major roads having width more than 18.3 mts. (60 ft. and above) 10% extra rate of land than these proposed in the statement.
2. If the plot is situated at the junction of major road having width 18.3 Mtrs. (60 ft. & above) & minor road having width less than 18.3 Mtrs. (60ft.), 5% extra rates of land than that proposed in the statements.
3. If the plot is situated along major road having width 18.3 mts. and above (60 ft. and above), 5% extra rate of land than that proposed in the statement.

A.M.C. (B)'s sanction is , therefore please requested to adopt the rates for charging extra ground rent, premium, etc. for the various ex-trust schemes and estate plots and for working out the premium while condoning the deficiencies in respect of some of the provisions of the D.C. Regulations for Greater Bombay,

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11/18/2014

CIRCULAR

CHE-19 (DP-19)

1992-93

In case of registered Charitable Institutions/Trusts/Organizations, in the past it has been decided to charge premium for condoning the deficiencies in compliance of the various requirements of the D.C. Rules/D.C. Regulations, 1991, at concessional rate of 25 % of the normal premium vide policy circular issued under no. CHE/6705/DPBP, dated 20th April, 1987. However, the premium thus worked out to the extent of 25 % of the normal premium also works out very heavy and the registered Charitable Institutions/Trusts/Organizations find it difficult to pay such premium since many a times the developments carried out by such registered Charitable Institutions/Trust/Organizations do not have any profit making and many a times for taking up such constructions, donations are collected. Consequently, number of representations have been received from such registered Charitable Institutions/Trusts/Organizations to give further concession in charging of premium so that the matter has been thoroughly examined and the earlier policy has been reconsidered and approved by the Municipal Commissioner under no. CM/157/MC, dt. 4th January, 1993. It has been now decided that in case of such registered Charitable Institutions/Trusts/Organizations, we will hereafter charge premium to the extent of 10 % of the normal premium instead of 25% as per policy hitherto in force and that too subject to a maximum of Rs. 1/- lac only. Similarly, the premium charged for allowing the benefit of exemption the areas of staircase rooms & lift wells in case of such registered Charitable Institutions/ Trusts/Organizations, such premium will also be charged at 10% of the normal premium.

It has been further observed that, in case of private development for private individual/individuals, where there is no profit gaining, the owners of such developments find it difficult to make payment of premium. In one of the cases of sculptors, the matter has been represented to the State Govt. and the State Govt. on merits of the case, have suggested to reconsider the matter. The issue has been therefore, examined at length & it has been now decided that in case of private developments for private individual/individuals, where there will be no profit gaining, we will charge premium at the rate of 5 % of the normal premium only. However, such individual cases will be dealt with on merits of individual case.

All concerned are requested to carefully take note of the policy as modified above while dealing with the proposals for development from the registered Charitable Institutions/Trusts/Organizations as also the private individuals.

Sd/-19.1.93

DY.CH.ENG.D.P.(I)

Sd/-19.1.93

CH.ENG.(D.P.)

Sd/-20.1.93

DIRECTOR (E. S. & P.)

No. CHE/4467/DPC of 22.1.1993.

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11/18/2014

MUNICIPAL CORPORATION OF GRATER BOMBAY

No. CHE/ 6211/DP/BP of 26.5.92

DIRECTOR (E. S. & P.)

Sub Proposed amalgamation and building on plot bearing CTS No
415 and 416 Gavanpada, Mulund (E).

Reference is please requested to the detailed note form the Dy Ch.E. (B.P) (ES) at pages 173-174 and
Director (E S & P)'s observations at page 175.

This issue about condoning the deficiency for the existing structure on account of the proposed access in the
in the form of right off way was discussed at length with the Director (ES.& P.) during the weekly meeting in
the G/North ward on 22.5.92

It was observed that the land-locked plots should be provided with the by of right of way. For obtaining
the right of way itself the developer/owner has to pay heavy cost to obtain such legal rights and hence
charging premium on account of the deficiency created in existing plans because of the access in the form of
right of way, may be condoned without charging premium.

Such view will encourage the orderly planned development in the plots which have no regular access from
municipal road and the unauthorised encroachments can be avoided. It was therefore, decided that wherever
such situation arises, the deficiency in the provision of required open spaces existing structure/s created on
account of the access provided in the form of right of way, may be condoned without charging premium. This
will be adopted as a policy in future. The Director (ES.& P.)'s approval to the same is requested please.

Submitted please.

CH. ENG. (D.P.) (I/C)

No: CHE/195/OPC/05a of

73

DRAFT CIRCULAR

Sub - Charging premium and penalties at concessional rate in case of developments by registered Charitable institutions/trusts/organisations etc.

Ref - Circular No. CHE/1519/OP/DP of 2-7-1992
D. CHE/1467/OPC of 22-1-1993

As per policy circular under no. CHE/1519/OP/DP of 2-7-1992, certain concessions were granted for charging penalties for works carried out beyond approved plans by educational institutes. Further as per subsequent circular under no. CHE/1467/OPC of 22-1-1993 certain concessions were granted for charging premium for work carried out by registered charitable institutes/trusts/organisations etc.

In order to have a uniform policy and in view of representations received from registered charitable trusts to give further relaxations in payments of ^{of} ~~penalty~~ penalties etc. the earlier policy circulars have been reconsidered and revised policy has been approved by Municipal Commissioner under no. MCP/4261/OP/DP, 1993.

The revised policy in case of development works by registered Charitable Institutions/Trusts/Organisations registered under Public Charitable Trust & Act is as under :-

- 1) The premium for condoning deficiency in open space, shall be charged at the rate of 10% of the normal premium, subject to max. maximum of Rs. 1 lakh only.
- 2) The premium for allowing benefit of exempting the areas of 33sqm per room, lift wells, lift lobbies etc. (As per Reg. No. 35/2/E of D.C.R.W. 1991); shall be charged at the rate of 10% of normal premium.
- 3) The penalties in case of works carried out beyond C.C./beyond approved plans etc. as the case may be, and if the work carried out is otherwise approvable, amount of such penalty may be reduced to 10% of normal penalty leviable.

This circular supersedes earlier policy circulars under reference no. CHE/1519/OP/DP of 2-7-92 & CHE/1467/OPC of 22-1-93.

of 22.01.93.

All concerned staff are requested to carefully take note of the policy as notified above while dealing with proposals for development from registered Charitable Institutions/Trusts/Organisations, registered under Public Charitable Trust Act, in future.

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

[Signature]
Director (E. S. & P.)

asm/20.5.98

Ch/305/stop/401 of 29/1/98

Dy Ch. Eng. / Ex. Eng.
Copy Forwarded for
Information & Further Necessary
action pl.

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

copy to Dy Ch. Eng. (City), E. E. O. P. (City)

— " — (E. S.) — " — (E. S.)

— " — (W. S.) — " — H. E. K. & P. R.

Dy Ch. Eng. (I), E. E. O. P. (W. S.) / E. E. O. P. (D)

A. E. Sri (Rajalakshmi) / A. E. Sri (Rajalakshmi) / Dy Ch. Eng.

MUNICIPAL CORPORATION OF GREATER BOMBAY

No. CHE/4467/DPC dt 22.1.1993

CHE-19(23-19)

1992-93

C I R C U L A R

Sub: Charging of premium at concessional rates in case of developments by registered Charitable Institutions/Trusts/Organizations, etc.

In case of registered Charitable Institutions/Trusts/Organizations, in the past it has been decided to charge premium for condoning the deficiencies in compliance of the various requirements of the D.C. Rules/U.C. Regulations, 1991, at concessional rate of 25% of the normal premium vide policy circular issued under No. CHE/6705/OPOR, dt. 20th April, 1987. However, the premium thus worked out to the extent of 25% of the normal premium also works out very heavy and the registered Charitable Institutions/Trusts/Organizations find it difficult to pay such premium since many a times the developments carried out by such registered Charitable Institutions/Trusts/Organizations do not have any profit making and many a times for taking up such constructions, donations are collected. Consequently, number of representations have been received from such registered Charitable Institutions/Trusts/Organizations to give further concession in charging of premium so that the matter has been thoroughly examined and the earlier policy has been reconsidered and approved by the Municipal Commissioner under No. CM/157/ME, dt. 4th Jan., 1993. It has been now decided that in case of such registered Charitable Institutions/Trusts/Organizations, we will hereafter charge premium to the extent of 10% of the normal premium, instead of 25% as per policy hitherto in force and that too subject to a maximum of Rs. 1/-lacs only. Similarly, the premium charged for allowing the benefit of exempting the areas of staircase rooms and lift walls in

C. Srinivas Reddy

... of such registered Charitable Institutions/Trusts/Organizations, such premium will also be charged at 10% of the normal premium.

It has been further observed that in case of private developments for private individual/individuals, where there is no profit gaining, the owners of such developments find it difficult to make payment of premium. In one of the cases of sculptures, the matter has been represented to the State Govt. and the State Government on merits of the case, have suggested to reconsider the matter. The issue has been therefore, examined at length and it has been now decided that in case of private developments for private individual/individuals, where there will be no profit gaining, we will charge premium at the rate of 5% of the normal premium only. However, such individual cases will be dealt with on merits of individual case.

All concerned are requested to carefully take note of the policy as modified above while dealing with the proposals for development from the registered Charitable Institutions/Trusts/Organizations, as also the private individual.

Sd/-19.1.93
DY.CH.E.D.P. (I)

Sd/-19.1.93
CH.E. (D.P.)

Sd/-20.1.93
DIRECTOR (ES&P)

Copy to :
M.C./A.M.C. (B)/A.M.C. (P)/A.M.C. (A)/A.M.C. (D)/
DIR(ES&P)/D.M.C. (SE)/D.M.C. (E)/D.M.C. (I)/D.M.C. (Z-I)/D.M.C. (Z-II)/
D.M.C. (Z-III)/D.M.C. (Z-IV)/D.M.C. (P)/D.M.C. (V)/C.E./CH.E.D.P./
D.A./CH.E. (RDS)/DIR(CTIRC)/DY.CH.E.D.P. (I)/(II)/DYCH.E.D.P. (C)/
(W.S. I)/(E.S.)/DY.C.E. (VIG)/DY.C.E. (D&D)/DY.C.E.S.I/E.E.P. to
DIR(ES&P)/E.E.P. to CH.E.D.P./E.E.B.P. (City)/E.E.P. to C.E./
E.E.H.P.C.S.)/W.S.)/H&K/W. Ward/E.E.B.P. (WS)K/E.&P/E.E.B.P. (WS)
R-Ward/P.S. to A.M.C. (B)/P.S. to A.M.C. (A)/P.S. to M.C./P.S. to
A.M.C. (D)/P.S. to A.M.C. (P)/A&C/Law Officer/E.E. (Sp1)(Z-I)/Z-II/
Z-III/Z-IV/Z-V/W.O. R.E. /E.E. J.P. (R&R)/E.E.D.P. (M)/E.E.D.P. (H)/
...3..

CHE-1 (DP-1) 1998-99

As per circular issued under No. CE/3050 of 4.9.91, (R. No. 5280) premium was not to be charged for the area of lifts proposed under D.C. Regulation No. 35(2) (N&S) which is an essential amenity to the occupants of the existing buildings. However, premium for deficiency in open spaces was proposed to be charged. Subsequently, DIR. (ES&P) w/no. DIR/ ES&P/ 4342 of 23.10.91 has approved the policy to condone the difficulty in open spaces in such proposal by charging premium at concessional rates i.e. at 10% of the normal rates.

It is, however, been observed that in certain new proposals, developers propose additional lifts over and above the normal requirements as per D.C. Regulations or propose lift where there is no such requirement (building of height upto 16 Mt.) and request for not recovering premium for the area of additional lifts proposed by them, on the ground that the same is an additional amenity.

In view of above, fresh guidelines are issued as follows:

- 1) In case of proposals for providing lifts in existing buildings under D.C. Regulations 35 (2) (n)&(s), area of lift will be considered free of FSI without charging premium.
- 2) In such cases mentioned in (1) above, premium for condoning the deficiency in open spaces will be recovered at concessional rates i.e. at 10% of the normal rates.
- 3) In case of new development where the area of staircase and lifts are requested to be exempted from FSI Computation under D.C. Regulation 35(2)(c), premium will be recovered as usual even if developers propose additional lifts over and above the No. of lifts to be provided as per D.C. Regulations.

The above policy guidelines will be applicable to city as well as to suburbs and will supersede all the previous circulars in this respect.

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E.D.P. (I)

DIR. (ES&P)

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11/18/2014

MUNICIPAL CORPORATION OF**MUMBAI**

No. CHE.395/DPC/Ge

3.

DRAFT CIRCULAR

Sub.:- Charging premium and penalties at concessional rates in case of development of registered institutions/ trustees/ organizations etc.

Ref.:- circular no. 1. CHE/1519/DP/BP of 2.7.1992
2. CHE/4467/DPC of 22.1.1993.

As per policy circular under no. CHE/1519/DP/ BP of 2.7.1992, certain concessions were granted for charging penalties for works carried out beyond approved plans by educational institutes. Further, as per subsequent circular under no. CHE/4467/DPC of 22.1.1993, certain concessions were granted for charging premium for works carried out by registered institutions/ trustees/ organizations etc.

In order to have a uniform policy and in view of representation received from registered trust to give further relaxation in payment of premium, penalties etc., the earlier policy circular have been reconsidered and modified policy has been approved by Municipal Commissioner under no. MCP/ 8361/ 06.03.1998.

The revised policy in case of development works by registered institutions/ trustees/ organizations under Public Charitable Trust Act is as under: -

- 1) The premium for condoning deficiency in open spaces, shall be charged at the rate of 10% of the normal premium, subject to maximum of Rs. 1 lacks only.
- 2) The premium for allowing benefit of exempting the areas of staircases rooms & lifts wells, lift lobbies etc. (As per Reg. no. 35/ 2/ C of D.C.R. 1991); shall be charged at the rate of 10% of normal premium.
- 3) The penalties in case of works carried out beyond C.C./ beyond approved plans etc. as the case may be, and if the work carried out is otherwise approvable, amount of such penalty may be reduced to 10% of normal penalty leviable.

This circular supersedes earlier policy circulars under reference no. CHE/1519/ DP/ BP of 2.7.1992 and no. CHE/ 4467/ DPC of 22.1.1993.

All concerned staff are requested to carefully take note of the policy as modified above while dealing with proposals for development from registered institutions/ trustees/ organizations under Public Charitable Trust Act, in future.

Sd/-

Sd/-

Dy.CH.E. D.P.-(1)

Dir.

(E. S. & P.)

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MUNICIPAL CORPORATION OF GREATER MUMBAI**No.CHE/3984/DPC/GEN of 24/5/2000****CIRCULAR**

- Subject:** i) Condoning deficiency in open spaces while considering the building proposals in cases of development on virgin plots and in cases of accommodation reservations.
 ii) Condoning deficiency in the segregation distance while allowing conversion of Industrially Zoned lands into Residential/Commercial User.

Under Circular No. CHE/3291/DPC dated 24/11/1995, clarification regarding implementation of M.C.'s various orders is issued. Vide (A) of the said Circular, various cases for grant of concessions in open spaces and parking spaces are described.

Sr.No. A-1 and A-12 of the said Circular will stand modified with immediate effect as follows:

A-1) Any concessions in open spaces shall not be considered in the proposal of new building on any virgin plots including the plot with odd shape and narrow plots etc. If the deficiency in open spaces is required to be condoned as a very rare and exceptional case involving demonstrable hardship, the same may be considered by the Director (ES&P) by charging premium in prescribed manner and at pre-determined rates.

A-7) In cases of proposals on industrially zoned lands, where the user of the same is allowed to be changed to residential or local commercial (C-1) as per the provisions of D.C. Regulation Nos. 56 and 57, the segregation distance as required as per the D.C. Reg.No. 29, Table 10(c) shall be insisted. Any deficiency in segregation distance shall not be allowed. If the same is required to be condoned on the ground of hardship, it may be considered by the Director (ES&P) by charging premium in prescribed manner and at predetermined rates.

A-12) In respect of the proposals for development of accommodation reservations under D.C.R. No. 9 concessions for the deficiency in open spaces for the amenity building (including joint open space), if any, shall be condoned without charging premium where a separate building is provided for the amenity.

In case of a composite building i.e. a building consisting of accommodation reservation as well as other permissible development, the deficiency in open spaces shall be condoned without charging premium only to the extent of the deficiency caused due to the provision of accommodation reservation.

However, in all such cases, condoning deficiency in parking spaces shall be considered by charging premium.

3.5.2000

COMMISSIONER

Sd/-

MUNICIPAL

CHE/282/DPC/GEN of 30/5/200

For information and further necessary action please.

24.5.2000

(D.P.)

Sd

C.H.E.

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11/18/2014

BRIHANMUMBAI MAHANAGARPALIKA

No. CHE/3609/DPC/Gon. ps 23/2/99

CHE/3609/DPC/GON

Sub : Charging premium while condoning deficiency in open spaces in cases of utilisation of TDR generated from D.P. reservations/D.P. road etc. in combination with slum TDR.

Ref : Circular under No. CHE/3291/DPC of 24.11.1995

CHE/134/DP/SP/WS of 8.6.98.

As per Clause A-51(b) of the circular No. CHE/3291/DPC dtd. 24.11.1995, additions and alterations to the existing building by utilisation of TDR generated from D.P. reservation D.P. roads etc. are being considered by condoning deficiency in open spaces by charging premium as per the policy.

Now, the proposals involving utilisation of TDR generated from Slum Redevelopment Projects approved under provisions of Reg. 33(10) by DCR 1991 as amended upto date are being received. As per the provisions of Appendix III-b of D.C. Reg. 33(10) amended upto date, the relaxation as required shall be given for such Slum TDR on the same basis as per free sale component at 10% of the normal premium vide Govt. Gazette dated 15th October, 1997, (Annexure 'A', sub-Rule 625)

In view of the said provisions, it has been decided to charge the premium at 10% of the normal rate for the proposals of utilisation of TDR generated from slum Redevelopment scheme and involving condonation of deficiency in open spaces/ parking spaces etc.

Arising out of a case of construction of additional floors over existing building by utilisation of TDR generated from D.P. reservations/D.P. road in combination with that generated from Slum Redevelopment Scheme, it has been observed that the concerned staff working in Building Proposal Section is finding difficult to work out the amount of premium due to differential rates and different quantum of TDR and, therefore, the policy is not being followed in different

of premium to be recovered, most probably due to differential rates applicable for two categories of TDR viz. the TDR generated from D.P. reservations/D.P. roads and that generated from Slum Redevelopment Scheme.

In view of the above, it is proposed to adopt the following methodology for working out the premium :

- 1) Total area of the deficiency in open space involved in the proposal shall be calculated.
- 2) Percentage of area of building (floor) due to which deficiency is created shall be worked out in proportion to the category of use of TDR.
- 3) Deficient area as calculated in Sr.No.1 above shall be divided in proportion to the percentage of area as determined in Sr.No.2 above.
- 4) Premium at concessional rate of 10% shall be charged for the deficient area worked out in proportion to the use of Slum TDR and premium at full rates shall be charged for the balance area and will be effective from 15/10/1997 (i.e. date of sanction of amended D.C. Reg. 33(10))

The concerned staff working in Building Proposal section is requested to follow the Guidelines as mentioned above while working out the amount of premium.

APPROVED
 14-1-99
 CH.E.D.P. sd/- 19.1.99 sd/- 8.2.99
 DIR(E.S.&P.) MUNICIPAL COMMISSIONER
 Dy Cheng DP - EX-107 DP UP TO RELEVANT

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For information and further necessary action, please.

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MUNICIPAL CORPORATION OF GREATER BOMBAY

No. CHE/ 121/ DPC/ GEN of 14.06.2000

CIRCULAR

Subj. - Guidelines for approving building as per modified D.C. Regulations 33(7) for reconstruction or redevelopment of cessed buildings in Island City.

D.C. Regulation 33(7) has been modified vide notification of government under no. TPB 4391/ 1681/ CR-188/ 91/ UD-11 dated 25.01.1999 and the modified regulation have come into effect from 25.01 99.

As per condition 10 of the Appendix III of the modified regulation, if full occupation permission has not been granted, then Co-operative Society of the landlords and/ or the occupiers or the Corporation building may convert the proposal in accordance with the modified regulations subject to submitting structural stability certificate from licensed Structural Engineer, and as such, many proposals are now being received by the building proposal Section for converting the earlier proposal with F.S.I. 2 to 2.5.

Similarly fresh proposal claiming F.S.I. of 2.5 or F.S.I. required for rehabilitation of existing occupiers plus incentives F.S.I. as per modified D.C.R. 33(7) whichever is more also being received.

Policy guidelines have therefore, been framed as follows for clarifying various issues, for approval of building proposals as per modified D.C. Regulations 33(7).

1) Premium for Condonation of Deficiency in Open Spaces:

General guidelines for working out the premium for condonation of deficiency in open spaces are as follows: -

- i) As per clause 8 of Appendix-III of modified D.C.R. 33(7), relaxation in building & other requirements as incorporated in D.C.R. 33(10) are applicable for reconstruction/ redevelopment of cessed buildings.
- ii) An individual building shall be treated as composite building if the same contains atleast 50% of the built up area as rehabilitation component.
- iii) Open spaces required to be provided for rehabilitation component/ composite building shall be as per Clause 6-11 and 6-15 of Appendix-IV to the D.C. Regulation 33(10) or the open space required to be provided as per C.F.O. 's approval whichever is higher. If due to planning constraints, any further relaxation is to be given in open spaces required to be provided as per clause 6-11 and 6-15, premium shall be charged at 10% of the normal rates.
- iv) For free sale component/ sale building regular open space as per D.C. Regulations shall be provided. Premium shall be charged at 10% of normal rates for condoning deficiency in open space as per clause 6-25 of Appendix IV to D.C. Regulation 33(10)
- v) Built up area of the non-cessed now eligible structures re-accommodated in the scheme shall be treated as sale component.
- vi) If open space deficiency is created due to the condition imposed by Mumbai Heritage Conservation Committee (MHCC), the same shall be condoned without charging premium after obtaining Competent sanction.
- vii) Land rate is the premium rate as approved by M.C. from time to time.

MUNICIPAL CORPORATION OF GREATER MUMBAI

No.CHE/3984/DPC/GEN of 24/5/2000

CIRCULAR

- Sub:- i) Condoning deficiency in open spaces while considering the building proposals in cases of development on virgin plots; and in cases of accomodation reservations.
- ii) Condoning deficiency in the segregation distance while allowing conversion of Industrially Zoned lands into Residential/Commercial User.

Under Circular No.CHE/3291/DPC dated 24/11/1995, clarification regarding implementation of M.C.'s various Orders is issued. Vide (A) of the said Circular, various cases for grant of concessions in open spaces and parking spaces are described.

Sr.No.A-1, A-7 and A-12 of the said Circular will stand modified with immediate effect as follows:

A-1) Any concessions in open spaces shall not be considered in the proposal of new buildings on any virgin plots including the plot with odd shape and narrow plots etc. If the deficiency in open spaces is required to be condoned as a very rare and exceptional case involving demonstrable hardship, the same may be considered by the Director (ES&P) by charging premium in prescribed manner and at pre-determined rates.

A-7) In cases of proposals on industrially zoned lands, where the user of the same is allowed to be changed to residential or local commercial (C-1) as per the provisions of D.C.Regulation Nos.56 and 57, the segregation distance as required as per the D.C.Reg.No.29, Table 10(c) shall be insisted. Any deficiency in segregation distance shall not be allowed. If the same is required to be condoned on the ground of hardship, it may be considered by the Director (ES&P) by charging premium in prescribed manner and at predetermined rates.

A-12) In respect of the proposals for development of accommodation reservations under DCR No.9 concessions for the deficiency in open spaces for the amenity building (including joint open spaces), if any, shall be condoned without charging premium where a separate building is provided for the amenity.

In case of a composite building i.e. a building consisting of accommodation reservation as well as other permissible development, the deficiency in open spaces shall be condoned without charging premium only to the extent of the deficiency caused due to the provision of accommodation reservation.

However, in all such cases, condoning deficiency in parking spaces shall be considered by charging premium.

Sd/- 3.5.2000

MUNICIPAL COMMISSIONER

USERWARE CIRCULAR 23.3.2000 PC.2

CHE/282/DPC/GEN of 20/05/2000

C.C. to EEDP (C)

For information and further necessary action please.

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CHE.(D.P.) 24/5/2000

MUNICIPAL CORPORATION OF GREATER MUMBAI

NO: CHE/3413/DPC/Gen. of 27.12.2000.

CIRCULAR

Sub: Concessions in premium for condoning deficiency in open spaces in cases of building proposals involving clearance of built up setbacks.

To encourage clearance of built up setbacks by the owners/developers, M.C. has approved the policy under No.MGC/V/1471 of 7.9.2000, for granting concessions in premium to be charged for condoning deficiency in open spaces in respect of building proposals involving clearance of built up setbacks. Concessions in premium will be granted as follows:

1. Only 10% of the normal premium shall be charged if the proposal conforms to all the criteria given below:
 - i) Proposal is for clearance of an identified bottle neck on an arterial road.
 - ii) The setback is substantially built up and area of built up setback is atleast 50% of the plot area.
2. In all other cases premium shall be charged as follows:
 - i) 10% of the normal premium for the built up area proposed for rehabilitating the occupants of the existing authorised, tolerated/protected structures affected by the road, on proportionate basis.
 - ii) Normal premium for the balance area.

Premium already paid as per prevailing policy will not be refunded/adjusted.

All the staff working under Development Plan/Building Proposal section shall take note of the above policy.

Sd/-
10.11.2000
DTR.(ES&P)

CHE/3413/DPP/Gen. of 27.12.2000.

CC: Ch.Eng.(D.P.); Dy.Ch.E.D.P.(I), (II)

DY.CHENG.B.P. _____ E.E.D.P. (R) _____

A. E. D.P. _____ Sub Eng.D.P. _____

Jr. Eng.D.P. _____

For information and further necessary action.

[Handwritten signature]
DY.CH.E.D.P.(I)

15/12/2000

12/15

BRIHANMUMBAI MAHANAGARPALIKA

No. DIY/1687 of 30/5/2001 P.F

Sub: Granting concessions in open spaces and parking spaces.

A meeting was held in M.C.'s Chamber on 16.4.2001 with PEATA & MCHL, when M.C. had instructed to discuss the matter with them and put up necessary comments in light of the discussion with them. Accordingly, a note has been prepared by Ch.E.(D.P.) at Pg.N/13-14.

PEATA has thereafter submitted another representation on 18.5.2001 as at Pg.C/ The issue is regarding grant of concessions for effective utilization of TDR in the suburbs and the extended suburbs. Their contention is that they are not able to utilize the entire TDR on the plots unless the deficiency in open spaces and car parking spaces are considered favourably. They have also stated that in the past, these concessions were considered favourably and accordingly the planning of additions & alterations were being carried out. As the grant of concessions is at the discretion of the M.C., the changes in the policy are made from time to time depending upon the circumstances. With the present increase in the purchasing power of the public, the number of cars have increased in the City of Mumbai. Hence, the previous M.C., Shri Rangnathan had taken a firm view that we should not allow any concessions for deficiency in parking spaces except in very demonstrable hardship cases. Similarly, for better development from light & ventilation point of view and other amenities required for the occupiers, the grant of concessions in open spaces has also been reconsidered and as discussed with M.C., the maximum deficiency for existing buildings where TDR is utilized has been restricted from 35% to 40% while the deficiency for upper floors or for new construction has been restricted from 20% to 25%. PEATA's contention is that whenever there is a drastic change in policy for grant of condonation of these deficiencies, proposals submitted prior to the change of policy, should be eligible for scrutiny as per the then prevailing policy, since the Owners/Architects have considered these aspects and made commitments accordingly.

The proposal put up by Ch.E.(D.P.) allows further concessions in light of the discussion with PEATA members as stated below :-

- 1) For plot areas less than 500 mtrs. being smaller sized plots, more deficiency in open spaces should be given due to difficulty in planning.
- 2) Though PEATA has suggested to grant maximum deficiency in open spaces upto 50%, D.P. has proposed different grades ranging from 20% to 35% as stated in Annexure-1 at Pg 43.
- 3) The front open spaces for various categories have been recommended with minimum 1.5 mtrs. where clearing of major setback is involved.

BRIHANMUMBAI MAHANAGARPALIKA

CHER 1935 DAPAN DOME 15/11/01

215
B.P.

Sub: Method of calculation of premium for
Deficiency in open space of the bldg.

Ref: MGC/A/8203 dt.17.11.2001.

C-7
Dr.A.H.Rizvi, Member of Rajya Sabha vide letter dt.17.11.2001 has requested Municipal Commissioner to correct the method of calculation of premium for the deficiency in open space. The matter was also discussed with Municipal Commissioner when Shri Rizvi was also present. As far as the deficiency in open space is concerned the premium for deficiency in open space is calculated considering the whole bldg. as one entity and the required open space is calculated right from ground floor level.

There are representations from different architects that deficiency in open space shall be calculated only for the floors from which deficiency occurs. A typical example of such deficiency in open space is as follows;

Before the concept of TDR bldg. plans were approved with permissible FSI of either 1.33 or 1.00 on individual plots. When such bldgs. are approved no concession in open space used to be given. However, as per DCR 1991 the concept of TDR is now permissible. While loading TDR to an approved existing bldg. for which there is no deficiency in open space, deficiency in open space is caused due to additional upper floors. However, the deficiency in open space is calculated right from the ground floor for all the floors considering the entire bldg. as one entity.

Shri Rizvi has submitted certain calculations in respect of deficiency in open space alongwith his letter dt.17.11.01. As per the said calculation the quantum of deficiency is to be calculated in a depending order according to the height of the bldg.

The particular work which Shri Rizvi was referring is regarding the work in respect of Children Theatre and the residential bldg. approved on plot bearing CTS no.1166, 1167 etc. at viii Sherly Rajan Bandra(West).

The plot under reference is reserved for Garden with Children Theatre as per Dev.Plan and the plot should have been developed only as Children Theatre. However, in view of the clarification from the Govt. u/no.DCR/1097/2119/CR/80/98/UD II dt.20 July,1998, the same was

allowed to be developed by owner subject to the certain conditions which have been stated thereat. Accordingly, the developer was allowed to develop the above referred property with a condition that the Children Theatre shall be constructed and handed over to Corporation for an area of 33%. 15% area is to be developed as Garden. The remaining area of 52% can be developed for the purpose as may be permissible under the respective zoning even with full potential of the plot.

Accordingly, plans were approved for a composite structure with Children Theatre on one side and a stilt+ 14 floor bldg. on the other side. Both the bldgs. are touching each other. The built up area of the Children Theatre has been exempted from the computation of F.S.I. on the lines of accommodation reservation and the residential building is proposed by utilizing full potential of the plot.

In respect of development of accommodation reservation certain concessions have been granted in the past in calculating premium for condoning deficiencies and accordingly a policy decision has been taken vide Circular No.CHE/3984/DPC/Gen of 24.5.2000, which is attached at P.C43-C44.

The following concessions are granted;

- 1) in respect of proposal for development of the accommodation reservation under DCR 9, concession for the deficiency in open space for the amenity bldg. including joint open space, if any, shall be condoned without charging premium, where a separate bldg. is provided for the amenity.
- 2) in case of a composite bldg. i.e. bldg. consisting of accommodation reservation as well as other permissible development, the deficiency in open space shall be condoned without charging premium only to the extent of deficiency caused due to the provision of accommodation reservation.

As far as (1) is concerned when the amenity bldg. is approved, the entire deficiency in open space is being encouraged without charging any premium. Generally separate bldg. for amenity is being recommended and as such the joint open space between the amenity bldg. and the bldg. is also being condoned.

147 C/97
-183 203

MUNICIPAL CORPORATION OF GREATER MUMBAI

No: of
Dy.Ch.E.(B.P.)(City) CHE/33/Ac9/c/22/5/2003
Dy.Ch.E.(B.P.)(W.S.)
Dy.Ch.E.(B.P.)(E.S.)

Sub :- Fixation of premium rate for charging premium for condoning deficiency in open spaces, staircase, premium etc. in City, Suburbs & Extended Suburbs for the period 1.4.2003 to 31.3.2004.

Ref :- No. MCP/2510 dtd. 21-04-2003.

The premium rates for the year 2003-2004 i.e. from 1st April 2003 to 31st March 2004 for the purpose of charging of premium for condoning of deficiency in open spaces, exempting of staircase / lift area from computation of FSI etc. has been approved by M. C. under no. MCP/2510 dtd. 21-04-2003.

The premium rates for residential user have been calculated at 25% of the ready reckoner rate of developed land for that particular CTS / C.S.No. & Village / Division. The premium rate for commercial user & Industrial users are calculated at 2 times & 1.25 times the premium rate of residential user. In the island city area, the ready reckoner rate is multiplied by 1.33 in order to arrive at the ready reckoner rate of developed land and thereafter the premium rate has been worked out for residential user at 25% of this rate.

The copy of the premium rate statement on the basis of City Survey / CTS numbers & Village /Division has been approved showing the premium rates for residential, commercial and Industrial user for the period 1.4.2003 to 31.3.2004, and the same is enclosed herewith for ready reference.

The zones, sub zones and C.S./ C.T.S.No. & Division etc. of the premium rate statement are the same as that of ready reckoner rate statement. The ready reckoner rate statement published by private publications, are available in the market. A copy of the ready reckoner book is also enclosed for ready reference of zonal Dy.Ch.E.(B.P.). This book may be referred to for any clarification in respect of C.S.No. /C.T.S.No. Zone / sub zone of any plot, which does not appear to have been reflected in the premium rate statement. In case any further clarification is required, the same may be referred to the D.P.Section. Since this is a very voluminous work, it would be desirable to refer to the ready reckoner book, to take care of any inadvertent mistakes/ omissions in the premium rate statement.

All zonal Bldg. Proposal staff are requested to adopt the premium rate statement for charging of premium for condoning deficiency in open space, staircase premium etc. for the period 1.4.2003 to 31.3.2004.

~~Handwritten signature~~
Dy. Ch. E. B. P. I. 21/5/03
CHE. (D.P.)

Chandoo
21/5/03

(49) 193
[REDACTED]
4/23

MUNICIPAL CORPORATION OF GREATER MUM

No:

Dy. Ch. E. (B.P. City) / Dy. Ch. E. (D.P.) (ES) / Dy. Ch. E. (B.P.) (W.S.)

Sub :- Fixation of premium rate for condoning deficiency in open spaces, staircase premium etc. in city suburbs & extended suburbs for the period 1.4.2002 to 31.3.2003.

The Municipal Commissioner has already approved the policy to fix premium rates for residential user for the purpose of charging premium for condoning deficiency in open space, staircase premium etc. at 25% of the ready reckoner rate of developed land. The premium rate for Commercial & Industrial users are to be fixed by adopting the ratio of 1:2:1.25 as per approved policy for Residential : Commercial : Industrial users respectively.

The ready reckoner rate for the year 2002 has been published by the Superintendent of Stamps. The Ready reckoner rates are also published by the private publishing company named "Architects Publishing Corporation of India", 51, Sujata, Ground floor, Rani Sati Marg, Malad (E), Mumbai - 400 097. The Ready reckoner rates published by this private company is readily available and can be adopted for reference as per the approved policy. A copy of the ready reckoner for the year 2002 published by the private company is enclosed for the reference of zonal Dy.Ch.E.B.P. The ready reckoner rates for the year 2002 are more or less unchanged in respect of most of the zones. However, in certain zone there is a slight increase in rates.

With effect from 1/4/2002, all the concerned staff of Building Proposal deptt. are requested to work out the premium rates for residential user at 25% of the ready reckoner rates of developed land for the year 2002, mentioned in this private publication after procuring the same. The premium rates for Commercial & Industrial user shall be calculated by enhancing the ready reckoner rate for developed land as per the ratio mentioned above. In case the premium rates so worked out are less than the premium rate fixed for the period 1.9.2001 to 31.3.2002 (which is already circulated to the Bldg. Proposal deptt. vide CIE/638/ACQ/City dt. 30.10.2001.) then premium shall be recovered on the basis

of the premium rate fixed for the period 1/9/2001 to 31/3/2002 only will fresh rates duly approved by M.C. are circulated.

The Ready reckoner rates for developed land for the year 2002 are based on F.S.I. of 1. In city limits the F.S.I. is 1.33, the ready reckoner rates of developed land has to be multiplied by 1.33 to arrive at the ready reckoner rate of developed land in the city.

The detailed premium rate statement duly approved by M.C. will be prepared & circulated shortly. In the meantime all the staff of Bldg. Proposal Deptt. are requested to follow the above methodology for working out the premium for the above purposes from 1st April 2002 onwards.

sd/-

CH.E.(D.P.)

CH.E./638/ACC City 30/3/02

Copy to E.E.B.P.(City)(I), E.E.B.P.(C-II), E.E.B.P.(City)-UL, E.E.B.P.(W.S.) H&K/E, E.E.B.P.(W.S.) (P & K/W), E.E.B.P.(W.S.) R, E.E.B.P.(L.S.)

sd/-

CH.E.(D.P.)

बुध-मुंबई महानगर पालिका
कार्यकारी अधिकारी
ईमारत प्रस्ताव(महुर) III पांच कार्यालय
दिनांक 02 APR 2002
इ.इ.बी.पी./ 29 /शहर-३।

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A.S.P. E.E.B.P. (C) I II V VII

बुध-मुंबई महानगर पालिका
कार्यकारी अधिकारी
ईमारत प्रस्ताव(महुर) III पांच कार्यालय
दिनांक
इ.इ.बी.पी./ /शहर-३।

for circulate

4/4/02

Exc. Bag Bldg. Proposed (City)-III

Noted
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SE B.P. EXT XI
to note & circulate
6/4/02

(151) C/99
CHSS

MUNICIPAL CORPORATION OF GREATER MUMBAI

No: CHE/809/AC9/C of 10/3/2004

Dy.Ch.E.(B.P.City)/Dy.Ch.E.(B.P.) (BS)/Dy.Ch.E.(B.P.) (W.S.)

Sub :- Fixation of premium rate for condoning deficiency in open spaces, staircase premium etc. in city suburbs & extended suburbs for the period 1.4.2004 to 31.3.2005.

The Municipal Commissioner has already approved the policy to fix premium rates for residential user for the purpose of charging premium for condoning deficiency in open space, staircase premium etc. at 25% of the ready reckoner rate of developed land. The premium rate for Commercial & Industries users are to be fixed by adopting the ratio of 1:2:1.25 as per approved policy for Residential : Commercial : Industrial users respectively.

The ready reckoner rate for the year 2004 has been published by the Superintendent of Stamps. The Ready reckoner rates are also published by the private publishing company named "Architects Publishing Corporation of India", 51, Sujata, Ground floor, Rani Sati Marg, Malad (E), Mumbai -400 097. The Ready reckoner rates published by this private company is readily available and can be adopted for reference as per the approved policy. A copy of the ready reckoner for the year 2004 published by the private company is enclosed for the reference of zonal Dy.Ch.E.B.P.

With effect from 1/4/2004, all the concerned staff of Building Proposal dept. are requested to work out the premium rates for residential user at 25% of the ready reckoner rates of developed land for the year 2004, mentioned in this private publication after procuring the same. The premium rates for Commercial & Industrial user shall be calculated by enhancing the ready reckoner rate for

developed land as per the ratio mentioned above till fresh rates duly approved by M.C. are circulated.

The Ready reckoner rates for developed land for the year 2004 are based on F.S.I. of 1, in city limits, the F.S.I. is 1.33, the ready reckoner rates of developed land has to be multiplied by 1.33 to arrive at the ready reckoner rate of developed land in the city.

The detailed premium rate statement duly approved by M.C. will be prepared & circulated shortly. In the meantime all the staff of Bldg. Proposal Deptt. are requested to follow the above methodology for working out the premium for the above purposes from 1st April 2004 onwards:

Mohr
21/2/2004
EEDPC(C)

[Signature]
Dy Ch. E.D.P. II

[Signature]
02/03/04
CH.E.(D.P.)

ACC: Ready Reckoner Rules

Copy to E.E.B.P.(City)(I), E.E.B.P.(C-II), E.E.B.P.(City)-III, E.E.B.P.(W.S.) H&K/E, E.E.B.P.(W.S.) (P & K/W), E.E.B.P.(W.S.) R, E.E.B.P.(E.S.).

Mohr
21/2/2004
EEDPC(C)

[Signature]
Dy Ch. E.D.P. II

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02/03/04
CH.E.(D.P.)

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discussed copy collected
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B.P. Circular - premium

MUNICIPAL CORPORATION OF GREATER MUMBAI

CHE/DP/31

CIRCULAR

2005-06

U/No

391

Sub:- Concessions in premium for condoning deficiency in open spaces in cases of building proposal involving clearance of built-up setbacks.

A Circular has been issued in the past granting certain concessions in premium for condoning deficiency in open spaces in cases of clearance of built-up setbacks U/No.CHE/3143/DPC/GEN. dt.27.12.2000. It is observed that due to huge premium involved in condoning the deficiency in open spaces of such cases, owners/ developers are reluctant to clear built-up setbacks. Acquisition of such built-up setbacks and the consequent rehabilitation of PAPs is difficult and therefore, as an incentive it has been decided to adopt following policy for charging premium for condonation of deficiency in open spaces of the proposed buildings envisaging clearance of built-up setbacks.

Mode of calculation:

- a) Total deficiency of the proposed work shall be calculated in Sq.Mt..
- b) Total area of structure (authorised/ tolerated) in setback, as well as in the front open space of the proposed building shall be calculated.
- c) The balance deficiency shall be worked out as a-b and the premium at the rate prevailing at the time of approval shall be charged.

The above policy has been approved by A.M.C.(WS)/ M.C. vide approval U/No.MGC/F/4927 dt.21.9.2005.

The premium already paid as per previous policies will not be refunded/ adjusted. Even in cases where Commencement Certificate has been issued with certain deficiency in open spaces having been condoned, the matter shall not be reviewed.

All the staff working under Development Plan/ Building Proposal Section shall take note of the abovesaid policy which is being issued in supersession of the earlier Circular dt.27.12.2000.

M. S. Teja
2019/01
CH.ENG.(D.P.)

M. S. Teja
30/9/05
DIRECTOR(ES&P)

CHE/1109/DPC/GEN of 10-10-05

COPY TO —

CHE.D.P.

DYCHEDP(I)/II /DYCHEBP (city) (ES) (WS)

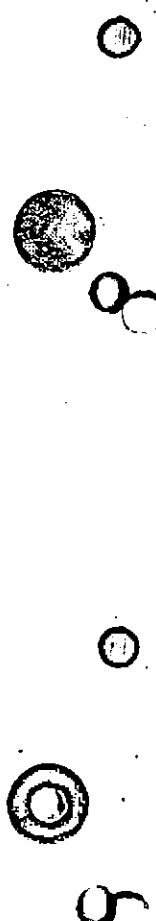
O.S.D. to M.C.

E.E.(P) to DIR(ES&P) / EE(P) to CHEDP.

EEBP (city) (I) (II) (III) / EEBP (WS) (I) (II) (III)

EEBP (ES)

3 minutes of 10/10/05
A.Q.D.P. (I/C)
2005/10/10
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MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/425/DPC/Gen. dt. 8.7.2005

CHE/DP/22

2005-06

Sub:- Grant of benefit of excluding area of staircase, lift, lift lobby etc. from computation of FSI for the schemes under D.C.R. 33(6).

Reference is requested to the detailed report at Pg.N/1 and the policy circular accordingly issued as at C/24. It has been specified in the circular that "in future in respect of cases of redevelopment under D.C.R. 33 (6), no premium shall be charged for allowing exclusion of the areas of staircases, lift, lift lobby etc. from the computation of FSI under D.C.R.35(2)(c)". Architect Shri Shrish Sukhatme vide his letter at Pg.C/26 has represented that his client's property consists of very old structure and is on the verge of collapse and further recently redevelopment of the said structure under Section 33(6) of D.C.R. were approved and while granting approval concessions under Section 35(2)(c) of D.C.R. were granted subject to payment of premium towards area of lift and staircase, etc. The Architect has further stated that Commencement Certificate for this work is not yet obtained and the amount of staircase premium was not paid since the policy of not charging premium towards the same was not in effect. He has, therefore, requested to consider this case where C.C. is not still issued as eligible for the said policy decision.

Considering the representation, it is felt that the decision of not charging premium towards the exemption of computation of FSI of staircase, lift, lift lobby etc. for the redevelopment cases under provision of D.C.R.33 (6)(c) may be made applicable where C.C. has so far not been issued. Thus, the said policy will be applicable for cases where C.C. has not been issued and/ or the staircase premium has not been paid. The cases where C.C. has not been issued or premium has been paid will not be reopened for making eligible for the aforesaid policy decision.

Submitted for approval of Direct(ES&P) / M.C. please.

Sd/-

CH. ENG. (D.P.)

165

MUNICIPAL CORPORATION OF GREATER MUMBAI.
No. CHE/425/DPC/GEN dated 29.06.2005

CHE/DP/10
2005-06

CIRCULAR

Sub : Grant of benefit of excluding area of stair case, lift, lift lobby etc. from computation of FSI for the Schemes under DCR 33(6).

In respect of cases being developed under D.C.R. 33(6) , the entire building is being developed for accommodation of the existing occupants and there is no incentive F.S.I. available. While allowing the redevelopment proposal the stair case, lift, lift lobby etc. are being proposed as per requirement of the present regulation and it may not be appropriate to over-burden the developers / society to charge the premium for the stair case, lift, lift lobby area etc. which is proposed in excess of the existing stair case areas.

Therefore, in future, in respect of cases of redevelopment under D.C.R. 33(6) no premium shall be charged for allowing exclusion of the areas of stair case, lift, lift lobby etc. from the computation of F.S.I. under D.C.R. 35(2)(c)

All the staff working under Building Proposal section are directed to take note of the above.

Sd/-4.6.
Ch.Eng. (D. P.)

Sd/- 10.6.
Director (E.S. & P.)

Sd/-
M. C.

Copies forwarded to:-

- Dy.Ch.Eng.(DP) I/ II
- Dy.Ch.Eng.(BP) City/ WS/ ES
- EEBP(CITY-IV) II/ III
- EEBP(ES)
- EEBP(WS) I/II/ III/ IV/ V/ VI/ VII/ VIII
- EE(P) to Director(ES&P)
- EE(P) to Ch.Eng.(D.P.)

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27/07/05

M.S. Teja
CH.ENG.(D.P.)

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167

Maharashtra Regional & Town
Planning Act, 1946

Regulation No. 35 (2)(c) of the
Development Control Regulations
Mumbai, 1991

Urban Development Department
Mumbai - 400 052

Date: 11th Nov. 1999.

NOTIFICATION

No. FFB 4597/453/G3 03/97/UD-11

Whereas, Government in Urban Development Department
has sanctioned the Development Control Regulations for
Greater Mumbai, 1991 vide Notification No. DCR 1090/RDP/
UD-11 dated 23.2.1991 which came into force with effect
from 25.5.1991 (hereinafter referred to as 'the said
Regulations');

And whereas, the Regulation Nos. 33 (6) & 33 (7) of
the said Regulations inter alia permit the additional Floor
Space Index (hereinafter briefed as FSI) in certain
categories including reconstruction of buildings destroyed
by the fire or buildings which have collapsed or buildings
which have been demolished etc. and for reconstruction or
redevelopment by Co-operative Housing Societies or of old
buildings belonging to the Corporation;

And whereas, the Sub-regulation No. (2) of /that
Regulation No. 33 of the said Regulations prescribes /the
provisions / stipulations such as the areas covered by
staircase, lift well ~~xxxxxxx~~ etc. which shall not

be counted while computing FSI;

And whereas, as per the ~~xxxxxxx~~ first

provision of the Sub-regulation No. (2) (C) of Regulation

the said regulations the above benefit of

provisions, lift wells etc. is not

available in the reconstruction schemes with FSI

The Municipal Commissioner, Municipal Corporation of Greater Mumbai, in his letter dated 9 April, 1997, had requested the Urban Development Department to review the matter with a view to exempt the area of 2.00 acres from the application of the said Regulations in case of redevelopment schemes consuming less than 2.00 which are undertaken vide Regulation No. 35 (2) & 35 (7) of the said Regulation;

On 23.04.1997, after examining the same considering the request made by the Municipal Commissioner, Municipal Corporation of Greater Mumbai, it had felt necessary to reconsider the issue;

Accordingly, it had felt the need to modify the sub-section (2)(c) of Regulation No. 35 of the said Regulation in as-much-as it relates to reconstruction/development of plots with FSI exceeding 2.00 as envisaged in Regulation No. 35 (2) & 35 (7) of the said Regulations;

Accordingly, in exercise of the powers conferred under sub-section (1) of Section 37 of the Maharashtra Regional & Town Planning Act, 1966 (hereinafter referred to as the 'said Act'), the Government in Urban Development Department vide its order number U.D. 25.7, 1997 had directed Municipal Commissioner of Greater Mumbai (hereinafter referred to as the 'said Commissioner') to initiate modification (hereinafter referred to as the 'said modification') to the Regulation No. 35 (2)(c) of the said Regulation as per the directives given hereunder.

Accordingly, the said Corporation has resolved to modify the sub-section (2)(c) of said Regulation (hereinafter referred to as the 'said modification') vide Corporation Order No. 257 dated 29.9.98 and has accordingly invited all interested parties to submit their suggestions & objections.

Yours faithfully,

MUNICIPAL CORPORATION, BOMBAY

Subject: Proposals being considered under D.C. Regulations No. 33(6) & 33(7) - Policy decisions taken earlier and certain policy decisions required to be taken for streamlining the approvals.

Ref: Director (E&P)'s dated 1.9.96 at P.H/2.

This matter was discussed by the undersigned with the Dir. (E&P) sometime back. In respect of the proposals of redevelopment of the old buildings under Sec. 33(6) & 33(7), E.B.P. (City) is charging premium for condoning deficiency in parking spaces. However, E.E.B.P. (R&R) is condoning the deficiency in parking spaces without charging premium as per the policy and D.C. Regulations, 1991.

Dir. (E&P) was of the opinion that E.E.B.P. (R&R) should charge the deficiency in parking spaces by 1% of the normal premium as being charged under Section 33(7) for condoning the deficiency in open spaces.

In view of the above, Dir. (E&P)'s orders are requested to condone the deficiency in parking spaces in respect of the proposals under section 33(6) & 33(7) or by charging 1% of the normal premium for Residential and 10% of the normal premium for commercial user building (CR users). This will be adopted as a policy.

Submitted please

DIRECTOR (E&P)

G.O. nos. 23096

(Area) Director (E&P)

72.2.1
19-7-96

is approved

Signature

Director (E&P)

175

MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. 33(6) F.S.I. (2000) OF 2000

Sub: Grant of stair-cage and lift-well F.S.I. under U.C.Reg. No.35(2)(c) in the case of reconstruction of the building undertaken under D.C.Reg. No.33(6).

In connection with above, please find enclosed herewith a xerox copy of the note, addressed to Director (ES&P)/M. C. and H.C.'s approval thereon under No.MGC/C/392 of 22.12.1997. In view of the approval granted by H.C., the F.S.I. in lieu of stair-cage and lift-well for construction of the building in suburbs upto 2.00 F.S.I. under U.C.R. No.33(6) may be considered subject to guidelines mentioned in the said note.

[Signature]
DY.CH.ENG. (D.P.) (I)

[Signature]
CH.ENG. (D.P.)

DY. CH. C. E.P. (CITY) / (W.S.) / (E.S.)
E. C. B.P. (City) / (W.S.) / (E.S.)
E. E. B.P. (R&K)
E. E. D.P. (N) / (H) / (T) / (G) / (Thakur)
(WS) (WS) (ES) (C)

vgr/soj/
301297.

RECEIVED
MUMBAI MUNICIPAL CORPORATION
23 JAN 1998
2929
3 JAN 1998
10053

2.9.2007
Dr. Ch. E. D. P. (I) / Gen. Secy

23 JAN 1998
E. C. B.P. (City)
E. E. B.P. (R&K)
E. E. D.P. (N)
H.C.B.P. (City)
H.C.B.P. (R&K)
H.C.B.P. (N)
H.C.B.P. (H)
H.C.B.P. (T)
H.C.B.P. (G)
H.C.B.P. (Thakur)

[Signature]
Office Supdt. (City)
Dy. Chief Engr. (D.P.) City Office

13

~~SECRET~~

SECRET

copy forwarded to information
by please

SECRET
H.C.B.P.C.

MUNICIPAL CORPORATION OF DELHI
TO THE DIRECTOR (E&P)

Sub: Proposals being scrutinized under D.C. Regulations No. 33(6) & 33(7) - Policy decisions taken earlier and certain policy decisions required to be taken for streamlining the approvals.

Ref: Director (E&P)'s dated 1.9.96 at P. 10/2.

This matter was discussed by the undersigned with the Dir. (E&P) sometime back. In respect of the proposals of redevelopment of the old buildings under Sec. 33(6) & 33(7), E.E.S.P. (City) is charging premium for condoning deficiency in parking spaces. However, E.E.S.P. (R&R) is condoning the deficiency in parking spaces without charging premium as per the policy and D.C. Regulations, 1991.

Dir. (E&P) was of the opinion that E.E.S.P. (R&R) should charge the deficiency in parking spaces by 1% of the normal premium as being charged under Section 33(7) for condoning the deficiency in open spaces.

In view of the above, Dir. (E&P)'s orders are proposed to condone the deficiency in parking spaces in respect of the proposals under section 33(6) & 33(7) at 1% of the normal premium for Residential and 10% of the normal premium for commercial user building (BU users) as per the policy.

Yours faithfully,

CH. S. D. P.

722
10-7-96

is a member of
proposed

Scholar
Dir. (E&P)

10/10/96
10/10/96

5

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CH E/DP/22/005-06 of 08.07.05.

CH E/DP/22
2005-06.

Subj:- Grant of benefit of excluding area of staircase, lift, lift lobby etc. from computation of FSI for the schemes under D.C.R.33(6)

Reference is requested to the detailed report at Pg.N/1 and the policy circular accordingly issued as at C/24. It has been specified in the circular that "In future in respect of cases of redevelopment under D.C.R.33(6), no premium shall be charged for allowing exclusion of the areas of staircase, lift, lift lobby etc. from the computation of FSI under D.C.R.35(2)(c)". Architect Shri Shirish Sukhatme vide his letter at Pg.C/26 has represented that his client's property consists of very old structure and is on the verge of collapse and further recently redevelopment of the said structure under Section 33(6) of D.C.R. were approved and while granting approval, concessions under Section 35(2)(c) of D.C.R. were granted subject to payment of premium towards area of lift and staircase, etc. The Architect has further stated that the Commencement Certificate for this work is not yet obtained and the amount of staircase premium was not paid since the policy of not charging premium towards the same was not in effect. He has, therefore, requested to consider this case where C.C. is not still issued in compliance to the said policy decision.

Considering the representation, it is felt that the decision of not charging premium towards the exemption of computation of FSI of staircase, lift, lift lobby etc. for the redevelopment cases under provision of D.C.R.33(6)(c) may be made applicable where C.C. has so far not been issued. Thus, the said policy will be applicable for cases where C.C. has not been issued and/ or the staircase premium has not been paid. The cases where C.C. has been issued or premium has been paid will not be reopened for making eligible for the aforesaid policy decision.

Submitted for approval of Director (ES&P), M.C. please.

M. S. *[Signature]*
27/7/05
CH ENG. (D.P.)

DIRECTOR (ES&P)

No. CH E/DP/22/005-06

13/7/05

M.C.

[Signature]
21/7

CHDP10-03155N/C...
Municipal Commissioner

[Signature]
21/7/05
Director
(Eng. Services & Projects)

SEBTL-IX

व. म. म. पालिका
 (संचालक अभि. सेवा व प्रकल्प)
 यांचे कार्यालय
 दि: 25/7/05
 व.सं./व.सं.सं./ 7674/05

CHE/665/DPC/Gen of 25.07.

शुद्ध व: महानगरपालिका
 मंडळ व: कार्यालय.
 13 JUL 2005
 समय: 12, 13, 14,
 15, 16, 17, 18,
 क्रमांक: MCP/7505

ref - mc's sanction u/mo.
 MCP/7505 dt 22.7.05.

In continuation of earlier
 circular issued on 29.6.05 u/mo. ch:
 DPC Gen (CHE/DP/10 of 2005-06), mc's
 proposed sanction is circulated
 herewith for information & for
 necessary action in the matter.

महानगरपालिका
 व. म. म. (विकास निर्माण)
 यांचे कार्यालय
 22 JUL 2005
 क्रमांक: 665
 व. म. म. (व.नि.)

96
 DPC/Gen

M. S. F.

CHE/DP

DYCHE(DP) I/II
 DYCHE(DP) City/WS BS
 BBBP (City) I/II/III
 BBBP (BS)
 BBBP (WS) PKK-E/PKKW/RWSD
 E-E (P) to DPC (E) 2P.
 BFP to CHE (DP)

HCDP (E)
 11. 2005.

ON
 Special to C/SW
 25.7
 HCDP (E)

व. म. म. पालिका
 (संचालक अभि. सेवा व प्रकल्प)
 यांचे कार्यालय
 दि: 25/7/05
 व.सं./व.सं.सं./ 7674/05

1 copy to all

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आयुक्त कार्यालय (व.म.म. व.नि.) शहर
 25/7/05

Copy to E I II III by
 H by (DP) office p1.

MUNICIPAL

CORPORATION OF GREATER MUMBAI

27/04/2002

184

CIRCULAR

Sub :- Granting concession in premium to be charged for exempting area of staircase and lift under D C R 35(2)(c), in respect of the proposals for Redevelopment of the cessed building in the Island City situated in CRZ areas.

Ref :- CHE-1815-DPC-GEN dated 15.2.2002

As per the above circular, premium is not to be charged for the staircase and lift area of the rehabilitation portion of the building, exempted from computation of F.S.I. in respect of the proposals under original D.C.R.33(7) applicable to redevelopment schemes in CRZ area.

2. FSI permissible as per original D.C.R. 33(7) is 2 or the consumed F.S.I. whichever is more. However, in respect of proposals from Coastal Regulation Zone areas where original D.C.R. 33(7) is applicable, areas of staircases and lifts is not exempted from F.S.I. where permissible F.S.I. is more than 2 as per present policy and as such, question of granting concessions in premium does not arise in such cases.

3. The words "Where FSI permissible is 2 or the consumed floor space index of the existing building whichever is more" appearing after the word DCR 33(7) in para 3 of the aforesaid circular were only to indicate the provisions of D.C.R. 33(7) in respect of F.S.I. and the same shall not be construed as a sanction for change in the existing policy of "not granting exemption for staircase and lift area from computation of F.S.I. where F.S.I. is more than 2"

In view of above, all the staff working in Building Proposal Section (City) are instructed to note that there is no change in the present policy of not granting exemption of staircase and lift area from computation of F.S.I.

In respect of proposals from C-2 Zone where FSI permissible is more than 2 and the aforesaid circular for granting concessions in premium can be made applicable ^{only} to proposals where FSI permissible is not exceeding 2.

SD/- 1.4.2002
DYCH.E.(D.P.)I

Copy to :-

DY.C.H.E.(B.P.) CITY

DYCH.E.(D.P.)/II

E.E.B.P.(CITY-I)/III.

[Signature]
DYCH.E.(D.P.)I

महानगर पालिका,
कर्मचारी भवन,
महानगर (शहर) २ पात्रे कार्यलय
दिनांक = 6 APR 2002
ह.बी.पी./10/शहर-२

Handwritten notes:
H.C.P.P.C.B.
Approved by
for release
to all concerned

निर्गमित

Handwritten notes:
10/11/02
10/11/02

191 C/103
2/33 7/11

MUNICIPAL CORPORATION OF GREATER MUMBAI

No: ChE/2249/AcqC dtd. 23/03/06

Dy.Ch.E.(B.P.City)/Dy.Ch.E.(B.P.)(ES)/Dy.Ch.E.(B.P.)(W.S.)

Sub :- Fixation of premium rate for condoning deficiency in open spaces, staircase premium etc. in city suburbs & extended suburbs for the period 1.4.2006 to 31.3.2007.

The Municipal Commissioner has already approved the policy to fix premium rates for residential user for the purpose of charging premium for condoning deficiency in open space, staircase premium etc. at 25% of the ready reckoner rate of developed land. The premium rate for Commercial & Industrial users are to be fixed by adopting the ratio of 1:2:1.25 as per approved policy for Residential : Commercial : Industrial users respectively.

The ready reckoner rate for the year 2006 has been published by the Superintendent of Stamps. The Ready reckoner rates are also published by the private publishing company named "Architects Publishing Corporation of India", 51, Sujata, Ground floor, Rani Sati Marg, Malad (E), Mumbai -400 097. The Ready reckoner rates published by this private company is readily available and can be adopted for reference as per the approved policy. A copy of the ready reckoner for the year 2006 published by the private company is enclosed for the reference of zonal Dy.Ch.E.B.P.

With effect from 1/4/2006, all the concerned staff of Building Proposal deptt. are requested to work out the premium rates for residential user at 25% of the ready reckoner rates of developed land for the year 2006, mentioned in this private publication after procuring the same. The premium rates for Commercial & Industrial user shall be calculated by enhancing the ready reckoner rate for developed land as per the ratio mentioned.

MUNICIPAL CORPORATION
No. CHE/2278/ACQ

GREATER MUMBAI
28/2/2008

2113-717



Dy. Ch. E (B.P.) City/ Dy. Ch. E. (B.P.) (ES)/ Dy. Ch. E (B.P.) W.S.

Sub: Fixation of premium rate for condoning deficiency in open spaces staircase premium etc. in City Suburbs & extended suburbs.

Ref :- 1) CHE/2190/ACQC dtd. 29.3.2007.
2) MCP/5147 dtd. 20.2.2008.

The Municipal Commissioner has already approved the policy to fix premium rates for residential user for the purpose of charging premium for condoning deficiency in open space, staircase premium etc. at 25% of the ready reckoner rate of developed land. The premium rate for Commercial & Industrial user are to be fixed by adopting the ratio of 1:2:1:25 as per approved policy for Residential /Commercial /Industrial users respectively.

The ready reckoner rate for the year 2008 has been published by the Superintendent of stamps. The Ready Reckoner is also published by the private publishing Companies. The Ready Reckoner published by the private company is readily available and can be adopted for reference as per the approved policy. However, any difference is observed in the rates published by private publication and that published by Inspector General Registrar and Stamp Duty Controller, the difference in premium amount, if any shall be recovered.

In the past, these privately published Ready Reckoner books used to be available only by the end of January of the calendar year. It was therefore, difficult to apply these ready reckoner rates for proposals received in January of the calendar year. In order to offset the problem of non-availability of R.R. rates on 1st January and to facilitate recovery of premium rates uniformly, it was then proposed that the premium rates will be fixed for every financial year i.e. starting from 1st April to 31st March instead of Calendar year i.e. from 1st Jan. to 31st Dec. The sanction of M.C. was obtained under no. MCP/5221 dtd. 31/9/2001 to the above proposal. The premium rates were thereafter fixed for every financial year and circulars were issued before 31st March for adopting the premium rates for the new financial year starting from 1st April.

On the above lines, a circular had been issued under no. CHE/2190/ACQC dtd. 29/03/2007 for fixing premium rates from 1st April 2007 onwards at 25% of the R.R. rate of developed land applicable for the year 2007. However, the privately printed Ready Reckoner Rate Books are now readily available by the 1st week of January 2008.

applicable the premium rates at 25% of the ready reckoner rates for the year 2008 from 1st Jan. 2008 to 31st Dec. 2008 in supercession of the earlier circular issued under no. CHE/2190/ACQC dtd. 29.3.2007. M.C.'s sanction as mentioned above supercedes all the orders issued earlier based on previous circular u/no. CHE/2180/ACQC dtd. 29.3.2007. It has also been sanctioned that here onwards, the ready reckoner rates published for every calendar year will be made applicable from 1st Jan. of the respective calendar year for which no separate circular will be issued every year. Also during any calendar year, the rates prevailing at the time of payment of premium shall be made applicable with due cognizance of any change / revision of ready reckoner rates if any, during the calendar year. For the current year, the difference in the premium payable after applying the ready reckoner rate for 2008 to cases wherein the premium has already been accepted based on earlier circular, shall be recovered by respective zonal building proposal offices before granting further building permission. Also for subsequent years here onwards, till the receipt of revised ready reckoner rates for the respective calendar year, the premium shall be accepted by insisting the undertaking for agreeing to pay the difference in premium, if any, on receipt of respective ready reckoner rates. For this, ready reckoner rates published by private printing houses which are readily available for sale shall be adopted.

The ready reckoner rates for developed land are based on FSI 1.00. As the FSI is 1.33 in City limit, the ready reckoner rate of developed land has to be multiplied by 1.33 to arrive at the ready reckoner rate of developed land in the City.

All the staff of Bldg. Proposal Sections are requested to follow the above methodology for working out the premium for the purpose from 1st Jan. 2008 onwards.

[Signature]
 EEDP (C-I) 26/12
 EEDP (City) 26/12/08

[Signature]
 Dy. Ch. E. D. P. II
 CH.E (D.P.) 26/12/08

Copy to:

- ✓ E.E B.P. (City) I
- ✓ E.E B.P. (C-II)
- ✓ E.E B.P. (City) III
- ✓ E.E B.P. (WS) H & K/E
- ✓ E.E B.P. (WS) P & K/W
- ✓ E.E B.P. (WS) R.
- ✓ E.E (B.P.) E.S.
- ✓ A.C (Estates)

[Signature]
 CH.E (D.P.) 26/12/08

207

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/105/SPPWS dt. 29-04-2011

CHE/DP/2
11-12

C I R C U L A R

Sub. Charging of open space deficiency on telescopic basis.

In one of the reports submitted by Dy.Ch.E.(B.P./W.S.-II requesting various concessions in respect of a proposal wherein on account of demonstrable hardships beyond the control of Developer and Architect, deficiency to the tune of 30% to 90% is created while utilizing the T.D.R.

In the said report the charging of premium towards open space deficiency on increased scale was proposed as tabulated below.

	Deficiency upto-30%	Deficiency between 30% - 50%	Deficiency between 50% -70%	Deficiency between 70% -90%	Deficiency above 90%
Additional Premium Proposed	Normal rates	10% above Normal rates	20% above normal rates.	30% above normal rates.	50% above normal rates.

X

The said proposal came up for discussion on 12.3.2011 when all the Dy.Chief Engineer's of Building Proposal Department and Development Plan Department as well were present, when Hon'ble M.C. was illustrated about the demonstrable hardships submitted by the Architect and after perusing the same, M.C. was pleased to approve the 'X' above as a general policy.

In view of the above, all Dy.Ch.Engs (B.P.) are hereby directed to communicate this policy to their concerned officials to adhere to the same while recommending concessions to the Competent Authority. However, they are further instructed to specifically confirm the following.

- i) That the demonstrable hardships are established beyond doubt.

227

**Development Control Regulations
for Greater Mumbai 1991.**

- Clarification under Regulation 62(3) of
- Exemption of area under lift/ staircase/ lift lobby from FSI computation by charging necessary premium.

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated the 6th July, 2009.

Read: Letter No. MGR/2311 dated 25/6/1992 & MCP/4321 dated 23/6/09 from Municipal Commissioner, MCGM.

MCP/4321
 Ch. 4 (CP)
 23/6/09

ORDER

No. TPB 4309/2231/CR-182/09/UD-11:

The Development Control Regulations for Greater Mumbai 1991 (hereinafter referred to as "the said Regulations") have been sanctioned by Government vide Urban Development's Notification No. DCR 1090/RDP/UD-11, dated 20th February, 1991 to come into force with effect from 25th March, 1991.

02. Regulation 35(2)(c) of the said regulation provides for exclusion of areas covered by stair-case rooms, lift rooms above the topmost storey, lift wells and stair cases and passages thereto, architectural features, chimneys and elevated tanks of permissible dimensions in respect of buildings in the Island City, Suburbs and extended suburbs from FSI computation with the special permission of the Commissioner.

03. Further Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") is charging premium for such exclusions of staircase, lift, lift lobby areas from FSI computation. In fact the said Corporation is charging such premium much prior to coming into force of the prevailing D.C. Regulations.

04. Further owners/developers of various lands under the said Corporation's jurisdiction have filed Writ Petitions in the Hon'ble High Court challenging charging premium by the said Corporation for grant of special permission of Municipal Commissioner for allowing staircase, lift, lift lobby free of FSI under Regulation 35(2)(c) of DCR 1991.

एमजीआर/६२०९
 L-0-0e

म. न. पा. आयुक्त
 (वि. न.)

महानगरपालिका
(विकास नियोजन)
कोषी कार्यालय

147

- 8 10/10 2009

675

DP (Gen)

CHE/ 675 /DP/GEN OF 10/2009

Fig. / Dir, (ES&P)

LOW OFFICER

D.P.(I)/II

D.P.(CITY)/ES/WS - I/II

DIR (ES&P)/E.E.(P) TO CHE.D.P.

CITY)/E.E.D.P.(WS) (P&R) (H&K) /E.E.D.P.(ES)

CITY)(I)(II)(III)/E.E.B.P. (E.S.)

(W.S.) (H&K/E)(K/W&P)(R)/E.E.T.P.(VARIATION)

City) (I)(II)

(S&T)/A.E.D.P. A.E.D.P.(H/E&K/E)(H/W&K/W)

(R/N)(R.S)(CENTRAL)

ended for information and necessary action please.

Amilika
ADMINISTRATIVE OFFICER
(DEVELOPMENT PLAN)

Rice
10/2009

227

MUNICIPAL CORPORATION OF GREATER MUMBAI
NO.CHE/29498/DP/GEN. OF 14/02/2013

CIRCULAR

Sub:- Charging of premium and penalties in case of development of lands by registered Charitable Institution/Trust/Organisation etc. review of the earlier circular issued under no. CHE/395/DPC/Gen. dtd. 29.5.1998.

Ref:- Circular issued u/no. CHE/395/DPC/Gen. dtd. 29.6.1998.

The circular u/no. CHE/395/DPC/Gen. dtd. 29.6.1998 was framed to grant concessions in payment of premium for exempting the area of staircase, lift, lift lobbies etc. from computation and condoning deficiency in open space for the proposals from Charitable Institution/Trust /Organisation (with max. limit of Rs.1 lakh only for premium towards condonation of deficiency in open spaces.

Further, the penalties, in case of works carried out beyond C.C./beyond approved plans etc. as the case may be & for the works carried out without approval (which are otherwise of approvable nature), was being levied at 10% of the normal penalty leviable based on the above mentioned policy circular of 1998.

The above mentioned policy circular has now been reviewed especially with respect to the stipulation of maximum limit of Rs. 1 lakh provided in the aforesaid policy circular.

The stipulation of maximum limit of Rs. 1 Lakh stated in the earlier circular dtd. 29.6.1998 will henceforth not be applicable while charging premium for condonation of open space deficiency in case of development of land belonging to registered Charitable Trust/ Institution / Organization registered under the Public Charitable Trust Act etc.

In view of the above, the revised policy for recovery of premium / penalty in case of development works undertaken by registered Charitable Institution / Trust /Organisation registered under Public Charitable Trust Act will be as under:-

- 1) The premium for condoning deficiency in open space shall be charged at the rate of 10% of normal premium.
- 2) The premium for allowing benefit of exemption of the area of staircase, lift, lift lobby from FSI computation as per provision of Reg. 35(2)(iii) shall be charged at the rate of 10% of normal premium.
- 3) The penalties in case of works carried out beyond C.C./ beyond approved plans etc. as the case may be & if the work carried out is otherwise approvable, shall be levied at 10% of the normal penalty leviable.

This circular supercedes earlier policy circular under no. CHE/395/DPC/Gen. of 29.6.1998.

All the concerned staff of Bldg. Proposal Section are requested to carefully take note of the policy as modified above while dealing with proposal for development received in future from registered Charitable Institutions (Trust /Organization, registered under Public Charitable Trust Act.

Sd/12.11.2012
 Dy.CHE.(D.P.)-II

Sd/12.11.2012
 CHE.(D.P.)

Sd/19.12.2012
 M.C.
 Administrative Officer
 (Development Plan)

229

Sub:-Policy regarding charging premium for granting concessions in open spaces in case of building proposals for utilization of Slum TDR and additional 0.33 FSI under DCR 323 including fungible compensatory FSI.

Ref :-1) MGC/A/8252 dtd. 6.11.2012 (C/3).
2) MGC/G/2234 dtd. 25.6.2013 (C/5).

The references are received from the following in respect of subject matter requesting therein to levy the premium for open space deficiency at 10% rate in case of utilization of additional BUA in lieu of slum TDR and 0.33 FSI.

- 1) Architect Shri B.H. Wadhwa vide letter dtd. 15.9.2012 (C/3).
- 2) Hon'ble M.L.C. Shri Vijay Sawant vide letter dtd. 20.6.2013 (C/5).
- 3) MCHI representation dtd. 1.7.2013 (C/7)
- 4) PEATA's representation dtd. 3.6.2013 (C/21).

The issue was also discussed with MCHI, PEATA members and main content of their submission on subject matter are as under :-

- a) As per Clause 6.22 of Appendix IV-A of DCR 1991 all relaxations outlined hereinabove shall be given to the rehabilitation component and also to the composite buildings in the project. Premium shall not be charged for all or any of the relaxations given hereinabove, or for any other mentioned in DCR 35(2)(C).
- b) Further, as per Regn. No. 33(10) (Slum TDR), Appendix IV, Clause 6.23, "Relaxation for the free sale component- Relaxation contained in Sub Regulation No. 6.13, 6.14, 6.18, 6.19, 6.20 above as well as other necessary relaxation shall be given to the free sale components, on payment of 20% of the normal premium, for Dharavi redevelopment project."
- c) Slum TDR is a sale component of S.R. Scheme which one cannot or does not wish to utilize in S.R. Scheme and can be utilized outside S.R. Scheme by issuing Slum DRC. As per clause No. 17 of Appendix VII-B for issue of slum TDR, wherever TDR arising out of S.R. Scheme project is received, the relaxation as required shall be given for utilization of such slum TDR on the same basis as free sale component in the Slum Rehabilitation Project (C/47).
- d) As per 6 of 33(5) of DCR 1991 for redevelopment of MHADA's land in sub wards Not withstanding any thing contained in these regulations, the relaxations incorporated in 33(10) of these regulations shall apply for Housing Schemes under these regulations for tenements under EWS/LIG & MIG categories. However, the front open space shall not be less than 3.60 mt.

- e) As per Clause 8 of Appendix-III for 33(7) for redevelopment :-
"Relaxation in building and other requirements for rehabilitation :- Notwithstanding anything contained in these regulation, the relaxations incorporated in Regulation 33(10) of these regulations shall apply (No further relaxation shall be applicable).
- f) As per Clause 12 of Column (1) of Table 14 of DCR 32 for additional 0.33 FSI "The relaxation of premium i.e. 10% of normal premium shall be charged while condoning deficiencies in open spaces (as applicable for case of Slum TDR". (C/)
- g) The provisions of 35(4) of DCR 1991 related to grant of fungible compensatory FSI on existing structure in respect of City and Suburbs which is reproduced below :

Provided in case of redevelopment under Regulation 33(7), 33(9) and 33(10) excluding Clause No. 3.11 of Appendix IV of Development Control Regulation 1991, the fungible compensatory FSI admissible on rehabilitation component shall be granted without charging premium.

Provide further that redevelopment under D.C. Regulations No. 33(5) and redevelopment proposal of existing buildings in suburbs and extended suburbs by availing TDR, the fungible compensatory FSI admissible on FSI consumed in existing structure shall be granted without charging premium.

- h) The fungible compensatory FSI permissible as per DCR 35(4) is an additional FSI, dependent on the source FSI i.e. unless TDR/additional 0.33 FSI is consumed first, fungible compensatory FSI cannot be granted on the plot. Further, no premium on fungible compensatory FSI (FCFSI) is applicable on authentic existing built up area.

In view of above, it is requested to charge the premium for open space deficiency occurred due to utilization of additional BUA of FCFSI over the slum TDR, 0.33 FSI, of which open space deficiencies premium are charged at 10% of normal premium (i.e. 10% on 25% of prevailing SDRR).

•XI) The remarks are as under :-

- 1) The provision of 35(4) for utilization of FCFSI is newly introduced by modification in DCR 1991 on 6.1.2012.
- 2) Accordingly, the FCFSI may be utilized by paying premium as under.

For residential -35% of permissible BUA at 60% rate of prevailing SDRR.

For commercial user 20% of permissible BUA at 100% rate of prevailing SDRR.

For industrial use at 20% of permissible BUA at 80% rate of prevailing SDRR.

237


MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. CHE/13462/DP/GEN OF dt. 12.8.14

Subject :- Charging premium while condoning deficiency in open spaces in case of utilization of TDR generated from D.P.Reservation / D.P.Road etc. In combination with Slum TDR.

Reference :- MCP/9019 dated 11.8.2014.

Reference is requested to the Hon'ble Municipal Commissioner's approval to the Circular regarding guidelines for subject under reference. All concerned are hereby requested to follow the same scrupulously.


11/8/14
Ch.Eng.(D.P.)

Dy.Ch.Eng.(B.P.)CITY

Dy.Ch.Eng.(B.P.)E.S.

Dy.Ch.Eng.(B.P.)W.S.-I

Dy.Ch.Eng.(B.P.)W.S.-II

Dy.Ch.Eng.(D.P.)-I

Dy.Ch.Eng.(D.P.)-II

Dy.Ch.Eng.(M.C.'S OFFICE)

A.O.(D.P.)-I & II