

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/DP/ 22907 /TDR Dt. 18/11/17

Sub.: Utilisation of TDR with respect to clarification issued by UDD.U/No.TPB-4317/255/C.R.59/2017/UD-11dt. 07.07.2017.

Ref.1) Notification issued u/no.TPS1813/3067/CR-122/MCORP/12/UD-13 Dt. 16.11.2016.

2) Clarification issued as regards utilisation of TDR U/No. TPB-4317/255/C.R.59/2017/UD-11 dtd. 07.07.2017

3) Clarification issued as regards utilisation of TDR U/No. TPB-4317/255/C. No. 59/2017/UD-11 Dt. 06.11.2017.

I) Modification to Regulation 34 of DCR 1991 :

The State Govt. vide notification dtd. 16.11.2016 has modified the Reg. no. 34 of the DCR 1991 and its appendix VII A by substituting it by modified Reg. No. 34 and by virtue of this, Appendix VII-A is deleted.

Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this modification.

The said Notification was published in Govt. Gazette on 17.11.2016.

As per the section 8.0 Effect Of This Regulation-

(a) Provision of Generation of TDR from these regulation shall not be applicable where DRC has been issued prior to publication of these regulation;"However DRC's issued under the old Regulation shall be allowed to be utilised as per TDR zones of old Regulation without indexation but subject to all other conditions of these Regulations. Such utilisation shall be allowed for one year only.

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

(b) These Regulations shall come in to effect from publication of this Notification in Official Gazette.

II) A letter to the P.S-I.UDD u/no MCP/7771 dt. 16.03.17 was issued requesting confirmation and clarification on certain issues on notification dt.16.11.16. Vide Sr.no. 6 of Annexure-II, clarification was requested from UDD, whether the credits balance in the old DRCs is to be utilised with indexation, after one year from the effective date of notification i.e. from 17.11.2017.

The UDD has issued the clarification U/No. TPB-4317/255/C.R.59/2017/UD-11 dt 07.07.2017 on the D.O letters of MCGM issued U.No. MCP/7771 dt. 16.03.2017 and MCP/7721 dt. 16.03.17 is reproduced below-

महापालिकेच्या पत्रातील मुद्दा क्र. ५ नुसार स्पष्टीकरणाचा मुद्दा	विनियम ६२(३) अन्वये शासनाचे स्पष्टीकरण
<p>ज्या प्रकरणात अंशत : आयअओडी/सुधारित नकाशांना मंजूरी/अंशत: बांधकाम प्रारंभपत्र टीडीआरसह मंजूर केले आहेत. मात्र टीडीआरसह अंशत: वापरलेला आहे किंवा अद्याप वापरावयाचा आहे. अशा प्रकरणात टीडीआरचा वापर हा जुन्या विनियमाप्रमाणे रस्त्याची रुंदी विचारात न घेता अनुज्ञेय राहिल का?</p>	<p>शासन अधिसूचना दिनांक १६/११/२०१६ मधील खंड-८ नुसार जुन्या विनियमाप्रमाणे DRC दिलेली असेल, तर जुन्या विनियमानुसार टीडीआर झोन मध्ये Indexation न करता नवीन विनियमातील इतर सर्व अटीच्या अधीन एक वर्षापर्यंत टीडीआर वापरणे अनुज्ञेय केले आहे. तसेच जुना टीडीआर विशिष्ट भूखंडावर वापरण्यास नोंदणीकृत दस्तावेजानुसार विकत घेतला असेल व असा टीडीआर वापरण्यासाठी नवीन विनियम लागू होण्यापूर्वी नियोजन प्राधिकरणाकडे प्रलंबित असेल तर तो पूर्णपणे जुन्या विनियमाप्रमाणे अनुज्ञेय करावयाचा आहे.</p> <p>सबब, नवीन विनियम लागू होण्यापूर्वीचा टीडीआर, हा रस्त्याची रुंदी विचारात न घेता वरील विशिष्ट परिस्थितीत वापरणे अनुज्ञेय राहिल. मात्र, त्याला नवीन विनियमाप्रमाणे Indexation लागू होणार नाही.</p> <p>ii) उपनगरातील ६ मी. ते ९ मी. रुंद रस्त्यासन्मुख भूखंडावरील इमारतीचे विकास/पुनर्विकास योजनांमध्ये महापालिका आयुक्तांकडून FSI व TDR च्या ज्या क्षमतेने सवलती मंजूर करून घेतल्या असतील व प्रकल्पाचे नकाशे मंजूर करून IOD/CC शासन अधिसूचना दिनांक १६/११/२०१६ पूर्वी दिली असेल अशा प्रकरणांमध्ये या मंजूरीच्या मर्यादित किमान रस्त्याची सुधारित टीडीआर नियमावलीतिल तरतूद/अट लागू न करता टीडीआर अनुज्ञेय राहिल.</p>

III) The UDD has issued the clarification under section 62(3) as regards utilisation of TDR on the roads other than Municipal Roads / Public Roads U/No. TPB-4317/255/C. No. 59/2017/UD-11 Dt. 06.11.2017.

Hence, whether the TDR potential/credits balance in the old valid DRCs shall be allowed to be utilised with indexation, after one year from the effective

date of notification i.e. from 17.11.2017 remains un-clarified. However considering the provision as per clause 8.0 of notification dt. 16.11.16 and subsequent clarification received from UDD dt. 07.07.17, this department is of opinion that unutilised TDR potential of valid DRCs which are issued without Indexation on or before 16.11.2016 can be allowed to be utilised with indexation as per the formula given in the modification notification of 16.11.16 vide clause 5.3.

From DRCs record maintain in this department there is about total 93,844.0 sqmt of unutilised TDR potential of valid DRCs which are issued from sept.-2007 without Indexation on or before 16.11.2016 i.e. date of notification published on 17.11.2016.

In view of above Hon.M.C. approval is requested

- A)** To allow to utilise the balance TDR potential/credits of the old valid DRCs with indexation as per the formula given in the modification notification of 16.11.16 vide clause 5.3. as reproduced below-

Formula: $X=(Rg/Rr)*Y$

Where, X= Permissible Utilisation of TDR/DR in sqmt on receiving plot.

Rg= Rate for land Rs. as per ASR of Generating plots in Generating Year.

Rr= Rate for land Rs. as per ASR of Receiving plot in Generating Year.

Y= TDR debit from DRC in sqmt.

- B)** To allow to utilise old TDR purchased for utilisation on specific plot with registered documents of sale and/or specific proposal for utilisation of such TDR pending in the ULBs prior to 17.11.2017 without indexation.

Submitted for approval of Hon'ble MC. On receipt of approval same will be circulated to DP/BP staff.

Submitted please.

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

[Signature]
Chief Engineer (D.P.)

Hon'ble M. C.

Sir,

बुधबुधई महानगरपालिका
आयुक्तको कार्यालय

18 NOV 2017

सम्य ११, १२, १३, १४,
१५, १६, १७, १८,
क्रमांक MCP/2074

As per

[Signature]
23/11/17

Municipal Commissioner

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CHENG (DP)

73-11-17