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MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/25707,25370,26413,26004/DP/Gen. dtd. 04 MAY 2022

Sub.: Grant of additional FSI over of above permissible FSI as per Reg.30(A)(3)(a) in lieu of roads proposed under the DP or the MMC act 1888 as per Reg. 16 of DCPR 2034.

- Ref.:** 1) Representation from NAREDCO u/no. NWF/SR-MCGM-02/2022 dtd. 18.02.2022 and NWF/SR-051/22-dtd 06.04.2022. (Pg.C/1-7 & C/41-47)
2) Representation from PEATA u/no. PEATA/024/2021-22 dtd. 24.02.2022. (Pg.C/17-27)
3) Modification u/s 37(1AA)(c) of MRTP Act to Reg. 30(A)(3)(a) of DCPR 2034 u/no. TPB-4319/प्र.क्र.२५/२०१९/नवि-११ दि. २४.११.२०२१. (Pg.C/49-55)

Reference is requested to representation addressed to Municipal Commissioner from NAREDCO & PEATA on above subject matter in connection with sanctioned modification to Reg. 30(A)(3)(a) of DCPR 2034 u/no. TPB-4319/प्र.क्र.२५/२०१९/नवि-११ दि. २४.११.२०२१.

The main contention of these representation is to make applicable the provisions of sanctioned modification dt. 24.11.2021 to Reg. 30(A)(3)(a) of DCPR 2034 for various stages of proposals as quoted in the representation.

Point wise remarks on various stages of proposals and corresponding grant of FSI advantage as represented by **NAREDCO** is as below: -

Table 'A'

Sr.No.	Stage of proposal	Request of NAREDCO	Remarks
1	Road is handed over prior to 8 th May 2018 and FSI advantage of the road area is still not granted.	The FSI of road area to be permitted over and above the permissible FSI as per the sanction notification dt. 24.11.2021.	The FSI of road / setback may be granted as per the sanctioned notification dt. 24.11.2021, subject to the conditions that the setback is handed over on or after 16.11.2016 (i.e. the date of notification for Reg. of grant of

			<p>TDR);and the proposal is in process and is in consonance with the provisions of DCPR 2034.</p> <p>In cases, wherein setback is handed over prior to 16.11.2016 and benefit has not been availed either partially or fully, the proposal for grant of TDR shall be processed on merits as per the policy circular CHE/DP/140/Gen /2020-21 (pg C/73)</p>
2	Road is handed over prior to 8 th May 2018 and FSI advantage of the road area is granted but C.C. for the road area is not granted.	The FSI of road area to be permitted over and above the permissible FSI as per the sanction notification dt. 24.11.2021.	Same as 1 above.
3	Road is handed over prior to 8 th May 2018 and FSI advantage and C.C. for road area is granted.	The FSI advantage of road area to be permitted within the permissible limit as per column 7 of Table 12 of Reg. 30(A)	The provisions of the sanctioned modification dtd. 24.11.2021 will not be applicable for this case.
4	Road is handed over after 8 th May2018 and FSI advantage of the road area is not granted.	The FSI of road area to be permitted over and above the permissible FSI as per the sanction notification dt. 24.11.2021.	Same as 1 above.
5	Road is handed over after 8 th May2018 and FSI advantage of the road area is granted but C.C. for the road area is not granted.	The FSI of road area to be permitted over and above the permissible FSI as per the sanction notification dt. 24.11.2021.	Same as 1 above.
6	Road is handed over after 8 th May2018 and FSI advantage and C.C. for the	The FSI of road area to be permitted over and above the permissible FSI as per the sanction	Since handing over of the road, granting FSI advantage and granting of CC in lieu of setback / road is prior to coming in to force of

	road area is granted.	notification dt. 24.11.2021.	sanctioned modification dtd. 24.11.2021, acceding to this request will be a case of retrospective application of the said modification. Hence, the request cannot be considered.
7	Road is not handed over and the plans are not approved with FSI advantage of the road area.	The FSI of road area to be permitted over and above the permissible FSI as per the sanction notification dt. 24.11.2021.	The provisions of the sanctioned modification dtd. 24.11.2021 will be applicable for this case
8	Road is not handed over and the plans are approved with FSI advantage of the Road area within the permissible limit as per Reg. 30(A) and CC of the road area is not granted.	The FSI of road area to be permitted over and above the permissible FSI as per the sanction notification dt. 24.11.2021.	Same as 7 above.
9	Road is not handed over and the plans are approved with FSI advantage of the Road area within the permissible limit as per Reg. 30(A) and CC of the road area is granted.	The FSI of road area to be permitted over and above the permissible FSI as per the sanction notification dt. 24.11.2021.	Since the question of granting CC against the FSI advantage of road / setback not handed over does not arise, the request cannot be considered.

Point wise remarks on various stages of proposals and corresponding grant of FSI advantage as represented by **PEATA** is as below:-

Table 'B'

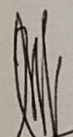
Sr.No.	Stage of proposal	Grant of road FSI	Remarks
1	DP road / Road setback area is handed over prior to 17.11.2016 however FSI advantage of road	The FSI equivalent to TDR as per Table 12(A) 2.0 times in suburbs and 2.5 times in City	In cases, wherein setback is handed over prior to 16.11.2016 and benefit has not been availed either partially or fully, the proposal for grant of TDR as per the


	not granted prior to 17.11.2016 and full OC not granted.	to be permitted over & above permissible FSI as per sanctioned notification dtd 24.11.2021.	policy circular CHE/DP/140/Gen /2020-21 (pg C/73) shall be processed on merits.
2	DP road / Road setback area is handed over after 17.11.2016 & FSI advantage of road granted after 17.11.2016 and full OC not granted.	The FSI equivalent to TDR as per Table 12(A) 2.0 times in suburbs and 2.5 times in City to be permitted over & above permissible FSI as per the sanctioned notification dtd 24.11.2021.	As per sr no. 3 of Table 'A' above.
3	DP road / Road setback area is not handed over & FSI advantage of road not granted.	The FSI equivalent to TDR as per Table 12(A) 2.0 times in suburbs and 2.5 times in City to be permitted over & above permissible FSI as per the sanctioned notification dtd 24.11.2021.	As per sr no. 7 of Table 'A' above.
4	DP road / Road setback area is handed over prior to 17.11.2016 and FSI advantage of road granted prior to 17.11.2016 and full OC not granted.	The FSI equivalent to TDR as per Table 12(A) 2.0 times in suburbs and 2.5 times in City to be permitted over & above permissible FSI as per the sanctioned notification dtd 24.11.2021.	As per sr no. 3 of Table 'A' above.
5	DP road / Road setback area is not handed over and the plans are approved with FSI advantage of the road area within	The FSI equivalent to TDR as per Table 12(A) 2.0 times in suburbs and 2.5 times in City to be permitted over	As per sr no. 7 of Table 'A' above.

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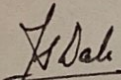
	the permissible limit as per Reg. 30(A) and CC of the road area is not granted.	& above permissible FSI as per the sanctioned notification dtd 24.11.2021.	
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In view of above, Ch.E.(D.P.) / M.C.'s approval is requested to this office remarks in respect of stages of proposals and corresponding grant of FSI advantage. On receipt of approval, this will be circulated as a circular. Submitted please.

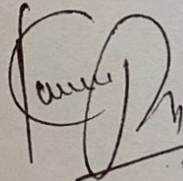

E.E. (D.P.) (Implementation) 18/04/2022


E.E. (D.P.) (DCR) 19/4/22

(Y. S. Dalvi)
~~Dy.Ch.Eng.(D.P.-I)~~


19/04/2022
DyChEDP-I

(M.R.Kupta)
~~Ch.Eng.(D.P.)~~


27/04/22
Chief Engineer
(Development Plan)

(I.S. Chahal)
Municipal Commissioner,
Sir,