

BRIHANMUMBAI MUNICIPAL CORPORATION

No. Ch.E./DP/ 3888 /Gen. Dtd. 16 MAY 2023

Office of the
Chief Engineer(Dev.Plan),
5th Floor Annexe Bldg.,
Municipal Head Office,
Mahapalika Marg, Fort,
Mumbai 400 001.

To,
Under Secretary, UD-11,
Urban Development, Govt. of Maharashtra,
4th Floor, Mantralaya, Mumbai 400 032

Sub. :- Concurrence to reissue lapsed IOD for continuation of 50% premium benefit up to 31.12.2023

Ref:- व्हिआयपी/२०२३/सं.क्र. ७०/नवि-२१ दि. २१.०४.२०२३

Sir,

In past this office has received representation from PEATA regarding subject matter. Accordingly a letter to UDD was submitted u/no. CHE/DP/21675/Gen dtd. 30.11.2022 requesting therein to give further directions to revalidate the IOD, for further one year by recovering scrutiny fee as applicable before issue, in such cases, where there is no such material change in the original approval, not involving additional concessions.

UDD vide letter u/no. टिपीबी/४३२२/प्र.क्र. १२९/२०२२/नवि-११ दि.२३.१२.२०२२ informed That

a) MMC Act नुसार IOD ची वैधता एक वर्ष आहे. त्यानुसार IOD घेतल्यापासून एक वर्षाचे आता बांधकाम प्रारंभ परवानगी (CC) घेण्यात न आलेल्या प्रकरणी IOD व्यपगत होतात हि बाब महानगरपालिकेने विचारात घेणे आवश्यक आहे. एकदा IOD व्यपगत झालेवर पुन्हा सदर प्रस्तावास जेव्हा नव्याने परवानगी /IOD देण्यात येईल त्या दिवशी लागू असलेली नियमावली तसेच अधिमूल्य आकारणी संबंधित नियम/ शासन निर्देश / धोरण इत्यादी लागू होतात. त्यामुळे या बाबतच्या अंमलबजावणीमध्ये कोणतेही संदिग्धता असण्याचे कारण नाही. सबब महानगरपालिकेची त्यांचे पत्रामध्ये नमूद धारणा सदर धोरणांशी सुसंगत दिसून येत नाही.

Thereafter a representation from M.P. Shri. Gopal Shetty addressed to Hon C.M. & Dy.C.M., GoM on similar subject matter is received wherein hardship faed by project proponent for getting CC is described in detail. On the aforesaid representation Hon Dy.C.M. GoM has issued endorsement "M.C. BMC examine and take necessary action." (Copy enclosed)

In this respect, considering a recession in the construction business due to COVID-19 pandemic & lockdown, Govt in UDD vide notification no TPS/1820/अनौ २७/ प्र.क्र.८०/२०/नवि -१३ dtd. 14.01.2021 issued directives u/s 154 of MRTTP Act. As per the directions 50% concession for FCA, Premium FSI, premium for staircase, lift, lift lobby, OSD was permitted for proposals upto 31.12.2021. Number of housing societies have taken benefit of this concession to make redevelopment proposals viable. IOD has been granted to such proposals by recovering the premium amount as per Govt. directions. It is to mention here that as per provisions of relevant regulations of DCPR, some of the premiums are to be shared between BMC, State Govt, MSRDC & Dharavi Authority.

However, some of the project proponent were not able to apply for CC within validity period of IOD due to non compliance of some of the IOD conditions. In some of the cases of redevelopment projects due to non co-operation of some members, existing building could not be vacated within time frame and in some cases, due to delay in getting NOC's from various authorities.

It is to mention here that, as per aforesaid Govt. directions, where the project proponent has opted 50% concessions in premiums, in such cases stamp duty has to be paid by developers. As such if IOD issued for such cases is not re-issued, the prospective buyers will be deprived from this benefit. Also, in cases if the project proponents have taken CC, they are eligible for premium concession benefit as per Govt. directives. But it would be unfair to disqualify the project proponent from premium concession benefit who have not been able to fulfil some of the IOD conditions even though they have paid premium as per Govt. directions.

It is pertinent to mention here that direction issued by State Govt. u/s 154 of MRTP Act for allowing 50% concession for FCA, Premium FSI, premium for staircase, lift, lift lobby, OSD was applicable for all Planning Authorities, Town Planning offices in Maharashtra state. The benefit permitted under this notification was applicable for all proposals upto 31.12.2021 irrespective of progress on site. However, for proposals in BMC limit, as per provisions of section 346 of MMC Act, IOD's are issued. Further, as per provisions of section 347(2) of MMC Act, IOD is valid for one year, within this validity period project proponent has to apply to get CC. However, due to non compliances of some of the IOD conditions, project proponents are unable to take C.C.

In such cases BMC needs to reissue IOD for projects who availed benefit of 50% premium concession wherein project proponent has already paid premiums as per Govt. directives and where there is no change in the original approval and not involving additional concessions. However, this needs concurrence of Govt., since some premiums are also shared by Govt & other authorities.

In view of above, UDD is requested to give concurrence to allow BMC to reissue IOD in aforesaid cases for further period upto 31.12.2023 and continue 50% concession facility as per Govt. directives.

This letter is issued with the approval of Hon. MC u/no. MGC/A/374 dtd 16.05.2023

Yours faithfully,

(S.H. Rathod)

Chief Engineer
(Development Plan) i/c