

BRIHANMUMBAI MUNICIPAL CORPORATION

No.EEBP/ / City-
DYCHE/ 723 / (B.P.) CITY-06 JUN 2022

Sub: Guidelines for approving building proposals as per Regulation 33(7) and 33 (9) of DCPR 2034 for reconstruction or redevelopment of old buildings in Island City / suburbs and extended suburbs admissible as per relevant provisions.

Ref: 1) Sanctioned DCPR 2034 for Greater Mumbai in force from 01/09/2018
2) Sanctioned Modification to Regulation 33(7) and 33(9) of DCPR 2034 for Greater Mumbai under No. TPB-4320/107/CR-72/2020(Part-I)/UD-11 dated 08th July 2021

With reference to above subject, the policy guidelines are framed for efficient and smooth implementation of redevelopment schemes for Regulation 33(7) and 33(9) of DCPR 2034 is attached at Pg. C-1 to C-30 for approval and signature, please.

Submitted please.

Ch.E. (D.P)

Hon. Municipal Commissioner

Sir,

क. प्र. 3/लि. 5130/21/ध.
20 JUN 2022


6/6/22
Deputy Chief Engineer
(Building Proposal) City


14/06/22
Chief Engineer
(Development Plan) City

24/7-22
Municipal Commissioner

प्रमुख प्रमिपता (वि.नि)

बृहन्मुंबई महानगर पालिका			
प्रमुख अभियंता (विकास निदेशन)			
यांचे कार्यालय			
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प. प्र. ज. वि. नि. 5130			
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मा. अधि.	डिडीआर	लेखा	आस्था

Chief Engineer (D.P)

BRIHANMUMBAI MUNICIPAL CORPORATION

CIRCULAR No. CHE/DPI/ / DCPR2034 C-9/ Gen dated

Sub:- Guide lines for approving building proposals as per Regulation 33 (7) and 33(9) of DCPR 2034 for reconstruction or redevelopment of old buildings in Island City / suburbs and extended suburbs admissible as per relevant provisions.

Reference :- 1. Sanctioned DCPR 2034 for Greater Mumbai in force from 01/09/2018
2. Sanctioned Modification to Regulation 33(7) and 33(9) of DCPR 2034 for Greater Mumbai under no. TPB- 4320/107/CR-72/2020(Part-I)/UD-11 dated 8th July 2021

For redevelopment of cess and non cess buildings various Regulations such as 33 (7) and 33(9) have been sanctioned under DCPR 2034. Subsequently, U.D. department has sanctioned modifications to the provisions of regulation 33(7) and 33(9) of DCPR 2034 under no. TPB- 4320/107/CR-72/2020(Part-I)/UD-11 dated 8th July 2021.

For approving building proposals under regulation 33(7) of DCR 1991 Guidelines were issued vide circular under No. CHE/121/DPC/Gen dated 14/06/2000. The Policy guidelines have therefore been reframed as follows for clarifying various issues, for approval of building proposals as per Regulation 33(7) and 33(9) of DCPR 2034.

(A) Guidelines for proposals for redevelopment of cess and non cess buildings under Regulation 33(7) of DCPR 2034

Relaxations in building & other requirements for Rehabilitation :

- a. As per clause 8 of regulation 33 (7), notwithstanding anything contained in these regulations, relaxations as incorporated in sub Regulation no.6 of D.C.P.R. 33 (10) except 6.11, 6.16 and 6.18 are applicable for reconstruction / redevelopment of cessed buildings/ eligible non cessed component for rehab and composite building.
- b. An individual building / individual wing of the building shall be treated as composite building/wing if the same contains at least 50% of the built-up area (excluding FCA) as Rehabilitation component inclusive of cess and eligible non cess tenants within the extent of land component of non cess structure/s (prior to 30/09/1969) up to 25% of plot area or up to 45% of plot area for proposals submitted as per 8th July 2021 notification or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021.
In case of combination with other Regulations such as 33(7)A, 33(9) etc., the rehabilitation component shall be worked out considering all the regulations.
- c. Open spaces required to be provided for rehabilitation component in non-composite building/composite building shall be as per Clause 41(5) or as per CFO's requirement (i.e. as per regulation 47), whichever is more. If due to planning constraints, any further relaxation is to be given in open spaces required to be

provided as per Clause 41(5), the premium shall be charged at 10% of Normal Premium rate or at 2.5% of Land rate as per ASR(FSI1.0) whichever is higher. [10% of normal premium rate is equivalent to 2.5% of land rate as per ASR (for FSI 1.0)].

The premium for deficiency in open space created due to utilisation of Fungible compensatory area shall be charged at 25% of normal premium as above.

d. For free sale component in non-composite building/wing or sale building, regular open space as per D. C. Regulation 41 (2) shall be provided. Premium shall be charged at Normal Premium rate.

e. The land component of the Built-up area of the tolerated or eligible & authorised non - cesses structures (existing prior to 30.09.1969), to the extent of 25% of the plot area or to the extent of 45% of plot area for proposals submitted as per 8th July 2021 notification or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021 shall be eligible for FSI 3.0 as per regulation 33(7).

The FSI as admissible under Regulation 30, column 7 of Table 12 shall be applicable to the land component of eligible Non Cessed BUA beyond 25% of plot area or beyond 45% of plot area for proposals as per 8th July 2021 notification or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021 and for land component of noneligible authorised non-cess structures (i.e. subsequent to 30/09/1969) existing on the plot, if any.

f. No premium shall be recovered for the area under Staircase / Lift / Lift Lobby for composite Building / Rehab building / wing and for the Rehabilitation Component in non-composite building/wing.

g. Premium at the rate of Normal Premium i.e. 25% of the Land rate as per ASR (for FSI 1.0) shall be recovered for the area under Staircase / Lift / Lift Lobby for the Sale building / wing, Sale Component in non-composite building / wing and the BUA admissible towards Land Component of Non cesses BUA beyond 25%/45% of plot area as the case may be.

h. Recovery of Staircase/lift area & open space deficiency premium for the component under BUA to be surrendered to MBR&RB (MHADA Surplus) shall be as specified in c) and f) above.

i. Normal Premium means 25% of land Rate as per ASR (For FSI 1.00)

j. No premium shall be charged for the fungible compensatory area admissible as per regulation 31(3) for rehabilitation component, for the tenements to be handed over to MHADA and for the areas of reservations to be handed over to MCGM / appropriate authority.



k. Conversion of ongoing proposals under 33(7) as per modification dated 8th July 2021 is permissible at the option of owner/ developer. In such cases, adjustment of the already paid amount which may result in to excess amount after conversion, can be done with the subsequent payable amount in the same project /CDS after conversion. However, no refund will be made of such excess premium amount already paid.

l. For rehabilitation of existing NR in multiple levels of shops, the width of internal staircase shall be 0.90 m.

1. PREMIUM FOR CONDONATION IN OPEN SPACE DEFICIENCY:

1.1 CASES WHERE PLANS ARE APPROVED AND IOD/CC IS ISSUED AS PER REGULATION 33(7) OF DCR 1991, CC IS VALID :

The proposal shall be processed as per DCR 1991 and as per the circular under no. CHE/121/DPC/Gen dated 14/06/2000.

1.2 CASES WHERE PLANS ARE APPROVED, IOD/CC ISSUED AS PER REGULATION 33(7) OF DCR 1991, CC IS VALID AND AMENDED PLANS ARE SUBMITTED FOR CONSUMING BALANCE POTENTIAL AS PER SANCTIONED REGULATIONS OF DCPR 2034:

1.2.1 REHAB BUILDING / COMPOSITE BUILDING :- (Rehabilitation area $\geq$ 50%)

Area of deficient open space will be worked out for the whole building/ wing in which additional BUA is proposed with respect to the open space requirement as per Regulation 41(5) of DCPR 2034, but premium will be charged for additional deficient area as per Transition policy circular (T2).

DA = Deficient Area to be worked out with respect to open space requirement for rehab / composite building under regulation 41(5)

Normal Premium = 25% of ASR (for FSI 1.0)

Additional deficient area = Total deficient area (DA) – Earlier premium paid deficient area

% fungible area used for rehab = {(Fungible BUA consumed for Rehab) / (Fungible BUA consumed for Rehab + Rehab BUA)}

Premium for fungible component	<u>Additional deficient area FSI Consumed</u>	X	Normal Premium Rate	X	10%	X	% fungible area used for rehab	X	25 %	X	Teles copic factor
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Premium for Regular FSI component	<u>Additional deficient area FSI Consumed</u>	X	Normal Premium Rate	X	10%	X	(1 - % fungible area used for rehab)	X	Teles copic factor
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1.2.2 SALE / NON COMPOSITE BUILDING (Rehabilitation area < 50%)

Deficient area for rehabilitation component and sale component of the whole building/ wing in which additional BUA is proposed shall be worked out with respect to the open space requirement of each component on proportionate basis and total of both these areas shall be considered for charging premium. But premium shall be charged only for the additional deficient area as per Transition policy circular (T2) :-

- i. Deficient area of Rehab Component (DA1) = $\frac{\text{Deficient area for all the floors} \times \text{Rehab area}}{\text{Total built up area}}$
- ii. Deficient area of free Sale component (DA2) = $\frac{\text{Deficient area for all the floors} \times \text{Free sale area}}{\text{Total built up area}}$
- ii. Total area = DA = DA1 + DA2; subject to maximum proposed BUA and if DA > Maximum proposed BUA, to reduce DA, DA1 & DA2 shall be reduced proportionately.

DA1 = Deficient Area to be worked out with respect to open space requirement for rehab component /rehab building as per regulation 41(5).

DA2 = Deficient Area to be worked out with respect to open space requirement for sale component / building as per regulation 41(2).

% fungible area used for rehab = $\frac{\{(\text{Fungible BUA consumed for Rehab}) / (\text{Fungible BUA consumed for Rehab} + \text{Rehab BUA})\}}$

% fungible area used for Sale = $\frac{\{(\text{Fungible BUA consumed for Sale}) / (\text{Fungible BUA consumed for Sale} + \text{Sale BUA})\}}$

Premium for Regular FSI Component (Rehab) =	<u>Additional DA1 FSI Consumed</u>	X	Normal Premium Rate	X	10%	X	(1 - % fungible area used for rehab)	X	Teles copic factor
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Premium for Fungible Component (Rehab) =	<u>Additional DA1 FSI Consumed</u>	X	Normal Premium Rate	X	10%	X	% fungible area used for rehab	X	25%	X	Teles copic factor
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Premium for Regular FSI Component (Sale) =	<u>Additional DA2 FSI Consumed</u>	X	Normal Premlu m Rate	X	(1 - % fungible area used for sale)	X	Telescopic factor
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Premium for Fungible Component (Sale) =	<u>Additional DA2 FSI Consumed</u>	X	Normal Premium Rate	X	% fungible area used for sale	X	25%	X	Telescopic factor
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- 1.3 CASES WHERE FRESH PROPOSALS ARE SUBMITTED OR CASES WHERE ONGOING PROPOSALS APPROVED UNDER 33(7) OF DCR 1991 ARE PROPOSED TO BE CONVERTED AS PER DCPR 2034 OR CASES WHERE ONGOING PROPOSALS APPROVED UNDER REG. 33(7) OF DCPR 2034 ARE PROPOSED TO BE CONVERTED AS PER REG. 33(7) AS MODIFIED ON 8TH JULY 2021:

1.3.1 Rehab / Composite building :-

% fungible area used for rehab = (Fungible BUA consumed for Rehab) / (Fungible BUA consumed for Rehab + Rehab BUA)

Premium for Regular FSI Component	(DA for all floors or Additional deficient area) FSI Consumed	X	Normal Premium Rate	X	10%	X	(1 - % fungible area used for rehab)	X	Teles copic factor
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Premium for fungible Component	(DA for all floors or Additional Deficient area) FSI Consumed	X	Normal Premium Rate	X	10%	X	% fungible area used for rehab	X	25 %	X	Teles copic factor
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DA = Deficient Area to be worked out with respect to open space requirement for rehab / composite building as per regulation 41(5).

1.3.2 Sale/Non-composite building :-

i) Deficient area for Rehab component (DA1) = Deficient area for all the floors. x $\frac{\text{Rehab. Area}}{\text{Total built up area}}$

ii) Deficient area for sale component (DA2) = Deficient area for all the floors. x $\frac{\text{Sale Area}}{\text{Total built up area}}$

iii) Total deficient area = DA = DA1 + DA2; subject to maximum proposed BUA and

if DA > Maximum proposed BUA, to reduce DA, DA1 & DA2 shall be reduced proportionately.

DA1 = Deficient Area to be worked out with respect to open space requirement for rehab component / rehab building as per regulation 41(5).

DA2 = Deficient Area to be worked out with respect to open space requirement for sale component / sale building as per regulation 41(2).

% Fungible area used for rehab = $\frac{\text{(Fungible BUA consumed for Rehab)}}{\text{(Fungible BUA consumed for Rehab + Rehab BUA)}}$

% Fungible area used for Sale = $\frac{\text{(Fungible BUA consumed for Sale)}}{\text{(Fungible BUA consumed for Sale + Sale BUA)}}$

Premium for Regular FSI Component (Rehab) =	(DA1 for all floors or Additional deficient area) FSI Consumed	X	Normal Premium Rate	X	10%	X	(1 - % fungible area used for rehab)	X	Teles copic factor
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Premium for Fungible Component (Rehab) =	(DA1 for all floors or Additional deficient area) FSI Consumed	X	Normal Premium Rate	X	10%	X	% fungible area used for rehab	X	25%	X	Telescopic factor
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Premium for Fungible Component (Sale)	(DA2 for all floors or Additional deficient area) FSI Consumed	X	Normal Premium Rate	X	% fungible area used for sale	X	25%	X	Telescopic factor
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Premium for Regular FSI Component (Sale)	(DA2 for all floors or Additional Deficient area) FSI Consumed	X	Normal Premium Rate	X	(1 - % fungible area used for sale)	X	Telescopic factor
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2. PREMIUM FOR EXEMPTING AREA UNDER STAIRCASE / LIFT / LIFT LOBBY FROM F.S.I. COMPUTATION:

2.1 CASES WHERE PLANS ARE APPROVED AND IOD/CC IS ISSUED AS PER REGULATION 33(7) OF DCR 1991, CC IS VALID :

The proposal shall be processed as per DCR 1991 and as per circular under no. CHE/121/DPC/Gen dated 14/06/2000

2.2 CASES WHERE PLANS ARE APPROVED, IOD/CC ISSUED AS PER REGULATION 33(7) OF DCR 1991, CC IS VALID AND AMENDED PLANS ARE SUBMITTED FOR CONSUMING BALANCE POTENTIAL AS PER SANCTIONED REGULATIONS OF DCPR 2034 :

As per clause 6.14 of Regulation 33(10) read with clause 8 of Regulation 33(7) of DCPR 2034, no premium shall be charged for exempting staircase and lift area, from FSI computation for rehabilitation component as well as for rehab / composite building.

Premium will be worked out as follows:

2.2.1 REHAB / COMPOSITE BUILDING (Rehabilitation component > or = 50%)

Premium — Nil.

No refund or adjustment will be made of the premium already paid.

Premium to be paid in instalments as per old approval shall be recovered.

2.2.2 NON COMPOSITE BUILDING (Rehabilitation component <50%)

SLA = AREA UNDER STAIRCASE / LIFT / LIFT LOBBY claimed Free of F.S.I

Premium for Rehab Component = Nil

Premium for Sale Component to be worked out as below.

Premium =	<u>Additional SLA</u> FSI Consumed	X	<u>BUA of Sale Component</u> Total BUA	X	Normal Premium Rate
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Premium to be paid as per old approval for earlier approved area shall be recovered in addition to the premium as worked out above for additional area.

2.3 CASES WHERE FRESH PROPOSALS ARE SUBMITTED OR CASES WHERE ONGOING PROPOSALS APPROVED UNDER 33(7) OF DCR 1991 ARE PROPOSED TO BE CONVERTED AS PER DCPR 2034 OR CASES WHERE ONGOING PROPOSALS APPROVED UNDER REG. 33(7) OF DCPR 2034 SANCTIONED ON 01/09/2018 ARE PROPOSED TO BE CONVERTED AS PER REG. 33(7) AS MODIFIED ON 8TH JULY 2021:

2.3.1 REHAB / COMPOSITE BUILDING (Rehabilitation area $\geq$ 50%)

Premium = Nil

2.3.2 NON COMPOSITE BUILDING (Rehabilitation area $<$ 50%)

Premium for Rehab Component = Nil

Premium for sale component to be worked out as below :

Premium =	<u>(Total SLA or</u> <u>Additional SLA)</u> FSI Consumed	X	<u>BUA of Sale Component</u> Total BUA	X	Normal Premium Rate
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3. PERMISSIBLE NON RESIDENTIAL USER FOR SALE :-

As per clause 9 of regulation 33(7) of DCPR 2034, 20% of incentive FSI can be used for NR purposes otherwise permissible in the zone. Regulation is, however, not expressive in respect of the permissibility of extent of non-residential user in cases of redevelopment proposals with FSI of 3.0.

Non-residential user may be permitted in cases of proposal with FSI 3.0 and the permissible built-up area may be worked out as below.

BUA for Non-residential User = 20% of (Proposed BUA – (Rehab BUA + BUA to be handed over to MHADA))

Similar provision was existing in regulation 33(7) of DCR 1991. UD department vide order under no. TPB 4302/239/CR-202/2002/UD -11 dated 6th Jan 2003 had issued clarification under regulation 62(3) of DCR 1991 that the restrictions mentioned in sub-regulation 9 of the regulation 33(7) is only applicable to the cases of Residential (R1) Zone i.e. purely residential zone.

As per the said clarification, the restriction of permissibility of non-residential user to the extent of 20% of incentive FSI will be applicable only to those non-residential

user in Table C of regulation 34 of DCPR 2034 that are permissible with condition 18 of Table B of regulation 34 of DCPR 2034 i.e. limited to 50% floor space of principal use of residential user.

4. BUILT UP AREA OF REHAB COMPONENT :-

As per clause 19 of regulation 33(7), provision of clause 2 of regulation 33(7) provided for tenants of cess buildings shall be made applicable to non cess occupier. Accordingly, each occupant of eligible non cess structures (existing prior to 30/09/1969) shall be rehabilitated with carpet area 27.88 sq.m (300 sq.ft.) minimum and maximum with existing carpet area in case for residential purpose and with existing carpet area for non-residential purpose. However, for incentive purpose the rehab carpet area for residential user will be subject to maximum 120 sq.m.

Accordingly, the built-up area of tenants of cess and non cess structures (existing prior to 30/09/1969) for Rehabilitation component will be as below.

The area of each of the occupant of cess and non cess building /structures (existing prior to 30/09/1969) as certified by MBR&R Board shall be considered for working out the area for rehabilitation.

Fungible Compensatory area on BUA required for rehabilitation of cess structure and eligible non cess structure (prior to 30/09/1969) will be permissible without charging premium.

Fungible Compensatory area on existing BUA of non-eligible non cess structure i.e. prior to 30/09/1969 but component beyond 25% of plot area or beyond 45% of plot area for proposals submitted after 8th July 2021 or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021 and authorised non cess structure post 30/09/1969 will be permissible without charging premium on existing area as per policy.

For Rehabilitation purpose :-

A. The actual built-up area of the rehabilitation component for Residential and Non-Residential tenants is to be worked out as follows :-

- i) Calculate the total carpet area required for rehabilitation of tenants /occupants of cess as well as eligible non cess buildings as per clause 2 of the regulation 33(7).
- ii) For single plot redevelopment, the carpet area required for rehabilitation shall be as in i) above and the occupier of cess building shall be eligible for 5% additional rehab carpet area subject to maximum limit as per clause 2 of regulation 33(7).

For joint redevelopment of Two or more plots but not more than 5 plots, the carpet area required for rehabilitation shall be as in i) above and the occupier of cess building shall be eligible for 8% additional rehab carpet area subject to maximum



limit as per clause 2 of regulation 33(7).

For joint redevelopment of Six or more plots, the carpet area required for rehabilitation shall be as in i) above and the occupier of cess building shall be eligible for 15% additional rehab carpet area subject to maximum limit as per clause 2 of regulation 33(7).

This additional rehab carpet area will not be applicable to tenants with existing carpet area of 120 sq.m. or more. For tenants with existing carpet area less than 120 sq.m. after considering the additional rehab carpet area, the total carpet area for rehabilitation will not be more than 120 sq.m. Provided that the existing tenants with existing carpet area 120 sq.m or more, the tenant will be rehabilitated with existing carpet area and incentive will be permissible on maximum 120 sq.m. carpet area in case of residential tenants.

- iii) Add 20% of this rehab area worked out in i) and ii) above to arrive at built up area required for rehabilitation.

B. For working out incentive FSI purpose :-

The built-up area of the rehabilitation component for incentive purpose is to be worked out as follows:-

- i) Calculate separately, the total carpet area required for rehabilitation of tenants / occupants of cess as well as eligible non cess buildings as per clause 2 of the regulation 33(7) as certified by MBR&R Board by considering additional rehab carpet area in A ii) above.
- ii) Such rehab carpet area for non-residential tenants shall be as worked out in B i) above however, in case of residential tenants/occupants it shall be restricted to maximum 120 sq.m.
- iii) Add 20% of this area in ii) above to work out Rehab built up area to be considered for incentive FSI purpose.
- iv) The incentive FSI on rehab area of cess tenants shall be worked out at 50% of rehab built-up area in iii) above for single plot redevelopment, at 60% for redevelopment of Two or more plots but not more than 5 plots and at 70% for redevelopment of Six or more plots.

For proposals submitted as per 8th July 2021 notification or ongoing proposals proposed to be converted as per provisions of regulation 33(7) as modified on 8th July 2021, the Incentive FSI shall be worked out at percentage of rehab area for incentive purpose as in iii) above, as per Table in sub regulation 5 a) of regulation 33(7) as modified on 8th July 2021, which is reproduced as below.

Basic Ratio	Incentive (as % of Admissible Rehab Area)		
(LR / RC)	For Single Plot	For Composite Redevelopment	
		Two to Five Plots	Six or More Plots
1	2	3	4
Above 6	75	85	90
Above 4 up-to 6	78	88	95
Up-to 4	80	90	100

Note :- The incentive on rehab area for eligible non cess tenants will be as per the clarification that may be received from UD department in that respect.

The above procedure will be applicable for Municipal plots having different residential societies on different plots. However, for single Municipal plot having eligible tenement density more than 650 per Ha, the occupier shall be eligible for 15% additional Rehab carpet area subject to maximum limit. The incentive FSI on rehab area will be 70% and for proposals submitted as per 8th July 2021 notification or ongoing proposals proposed to be converted as per provisions of regulation 33(7) as modified on 8th July 2021, the incentive FSI will be as per column 4 of above table.

Provided in case of plots with FSI 3.00 scheme and incentive scheme are amalgamated for better planning FSI permissible shall be applicable on individual plots as per sub-regulation 5 a) and 5 b) of regulation 33(7) modified on 8th July 2021.

Note:- Redevelopment scheme on plots falling in CRZ, will be dealt with as per CRZ notification dated 18th Jan 2019 as may be amended from time to time.

5. PERMISSIBLE FSI IN CASES WHERE NON-CESSED STRUCTURES NOT ELIGIBLE FOR F.S.I. AS PER REGULATION 33(7) OF DCPR 2034 ARE SITUATED ON THE SAME PLOT OR DIFFERENT PLOTS UNDER JOINT REDEVELOPMENT :-

As per clause 5 of regulation 33(7), total FSI shall be 3.0 on gross plot area or FSI required for rehabilitation including additional rehab area as per 5 b) plus applicable incentive whichever is higher. Also, as per clause 18 of regulation 33(7), for area of



land component under non cess structures existing prior to 30/09/1969 i.e. eligible / authorised / tolerated non cess structures up to 25% of plot area or up to 45% of plot area for proposals submitted as per 8th July 2021 notification or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021, the FSI permissible shall be as per regulation 33(7).

As such the gross plot area for purpose of permissibility of FSI 3.0 will be as below,

- i) The land component of built-up area of existing eligible non cess structures existing prior to 30/09/1969 = (BUA of existing eligible non cess structures certified by MBRRB / 1.33)
- ii) Land component as in i) above up to 25% of plot area or up to 45% of plot area for proposals submitted as per 8th July 2021 notification or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021 will be eligible for FSI 3.0.
- iii) The gross plot area for permissibility of FSI 3.0 will be equivalent to plot area minus land component of the built-up area of eligible non cess structures (existing prior to 30/09/1969) as certified by MBRRB beyond 25% of plot area or beyond 45% of plot area for proposals submitted as per 8th July 2021 notification or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021 and land component of non eligible non cess structures (i.e. subsequent to 30/09/1969).
- iv) Add the additional 5%, 8% or 15% rehab carpet area as the case may be to be given to tenants of cess buildings over and above eligible carpet area as certified by MBR&RB as per regulation 5b) of 33(7).
- v) Add 20% of this area to work out built-up area required for rehabilitation.
- vi) For land component of the built-up area of eligible non cess structures (existing prior to 30/09/1969) beyond 25% of plot area or up to 45% of plot area for proposals submitted as per 8th July 2021 notification or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021 and land component of non-eligible non cess structures (i.e. subsequent to 30/09/1969), the FSI permissible will be as per regulation 30 of DCPR 2034.

Tenants / occupants of authorised / tolerated non-cess structures, not eligible for redevelopment under 33(7) may be rehabilitated under 33(7) A, if the said structure satisfies the required criteria. Otherwise, such tenants /occupants shall be rehabilitated with existing carpet area.

6. Development of Reservation as per regulation 17:

1. **Private buildings** : In case of redevelopment of plot(s) having cessed structures/s and having **reservation in the DP**, the land component of the said cessed structure as per Zonal (basic) FSI shall be deemed to have been automatically deleted from reservation. The reservation area beyond the land component of cessed structures/s may be developed as per provision of Regulation 17(1) under the principle 'Accommodation Reservation' for the intended purposes.

A= Plot Area under reservation

B= BUA of Cessed Structures existing on reserved portion of plot

C= Land component of the Cessed Structures = $B / 1.33$; subject to Maximum 'A' i.e. plot area under reservation.

D= Net plot area to be considered under reservation $A - C$

The Land Component D may be developed as per Accommodation Reservation Policy under DCR 17 (1).

2. **Buildings of Corporation:**

- 6.1 In case of reconstruction / redevelopment of building of Corporation, for the area of plot having **no reservation** or having **designation of Municipal Housing**, the BUA equal to 25% of Zonal (basic) FSI of such plot area in the form of tenements of size 300 sq.ft. carpet area or as decided by Commissioner or premium as may be decided by the Municipal Commissioner shall be made available to MCGM. The developer / owner shall be entitled to BUA in lieu of cost of construction against handing over of built up amenity as per Note (d) of Regulation 17(1) in case of above.

Option 1. To construct Built Up Amenity

A = Plot Area

B = BUA to be constructed and handed over to MCGM

$= A \times 1.33 \times 0.25$

C = Owner / Developer will get construction BUA / TDR

$C = B \times 1.50 \times (\text{Rate of Construction as per ASR per Sq.Mt.} / \text{Rate of Developed Land as per ASR per Sq.Mt.})$

Built up area to be handed over to MCGM shall be exclusive of free of FSI areas under DCPR2034.

OR

Option 2. To pay the premium :

Premium = as decided by the Municipal Commissioner.

- 6.2 **Reconstruction / redevelopment of buildings of Corporation** existing prior to 30.09.1969, falling under **reservation** contemplated in Development Plan shall be permitted as under:



- (i) Any plot / layout having area under non-buildable / open space reservations admeasuring up to 500 sq. m shall be cleared by shifting the existing tenants from that site.
- (ii) Where the area of site having non-buildable / open space reservation / Cemetery, is more than 500 sq. m & if the land component of existing structures is more than or equal to 65% such sites may be allowed for the redevelopment subject to condition that the ground area of the land so used shall not be more than 65% of the reservation and leaving 35% rendered clear thereafter for the reservation.
If the land component of existing structures is less than 65% such sites may be allowed for the redevelopment subject to condition that the ground area of the land so used shall not be more than land component of existing structures and leaving balance reservation land rendered clear thereafter for the reservation.
- (iii) For lands reserved for buildable reservation, the development shall be as per regulation 17(3)(B)(4) clause iii) to vi) as per clarification received from UD department under no. TPB-4319259/CR150/2019/UD-11 dated 13/09/2019.

7. PARTIAL REDEVELOPMENT OF CESSED PROPERTIES :-In cases where all the cessed structures eligible for FSI as per D.C. Regulation 33(7) are not proposed for reconstruction/redevelopment and only part development is proposed, then permissible F.S.I. shall be apportioned as follows:-

- i) Comprehensive scheme for reconstruction / redevelopment of all the buildings on the plot shall be prepared and got approved on the basis of the eligible area of re-accommodation of existing tenants as certified by MHADA (MBR & R Board).
- ii) Built up area required for rehabilitation of the occupiers of each building shall be worked out.
- iii) Permissible built-up area for each building shall be worked out by apportioning the total permissible built-up area, on the basis of the built-up area required for rehabilitation of the occupiers of each building.

If there are two buildings A and B on a plot and only building A is proposed to be reconstructed.

Permissible built up area of the building A = Total Permissible built up area x (Rehab Area of Building A / Total rehab BUA of Building A and B)

8. AGREEMENT WITH TENANTS OF CESSED AND ELIGIBLE NON CESS STRUCTURES: -

As per clause 3 of regulation 33(7), the list of eligible occupants and area occupied by them in cessed and non cessed building / structures (existing prior to 30/09/1969) shall be certified by M.B.R.&R. Board and the Irrevocable written consents as specified in 1(a)

of regulation 33(7) shall be verified by the Board. As such agreement with the tenants of cessed and non cessed building / structures (existing prior to 30/09/1969) need not be insisted by Building Proposal Department. However, registered undertaking with indemnity for rehabilitation of existing tenants /occupiers of non-eligible non cessed building /structures shall be insisted as an IOD condition.

9. PART OCCUPATION PERMISSION FOR REHABILITATING EXISTING OCCUPANTS :-

Part occupation permission for rehabilitating existing occupants may be considered on receipt of such application from the architects / developer subject to the compliance of relevant IOD conditions and further subject to the submission of plans along with the list of tenants by the Architect /LS showing the tenements proposed to be allotted to the tenants as certified M B R & R Board. After granting the part occupation permission, letter shall immediately be issued by the concerned Architect / Developer to the M B R & R Board informing them that the occupation permission for rehabilitating the existing tenants has been granted, as the permissions are issued by MCGM online. Such letter shall also be accompanied by a plan showing the portion of the building for which occupation permission has been granted and the list of the tenants rehabilitated. NOC from MBR&R Board shall not be insisted for granting part occupation permission for rehab component. However, occupation to sale portion shall be granted only after the NOC to that effect is received from MBR&RB.

As per newly inserted clause 10 of the regulation 33(7) as modified on 8th July 2021, ongoing proposals under 33(7) of DCR 1991/DCPR 2034 and such schemes where LOI has been issued, may be converted as per modified regulation 33(7).

In cases where proposals are converted in accordance with this modified regulation 33(7), on the buildings constructed or being constructed above plinth, the policy for fire safety measures will be as per circular issued under no. Mumbai Fire Brigade / circular 100 dated 31/12/2021

As per newly inserted clause 22 of the modified regulation 33(7), Two or more redevelopment schemes under 33(7) falling within the distance of 10 Km. can be integrated as per provisions of clause 22 of modified regulation 33(7) and as per MCGM policy circulated under No. CHE/DP/18518/Gen dated 26/11/2021.



(B) Guidelines for proposals for Redevelopment of Cluster(s) of Buildings under Cluster Development Scheme (CDS) under Regulation 33(9) of DCPR 2034:

1. Relaxations in Building for Rehabilitation Tenements or tenements to be handed over to MHADA towards its share and the BUA to be handed over to Planning Authority / Appropriate Authority:

- (i) A building comprising of all wings shall be treated as composite building if the same contains at least 50% of the built-up area as Rehabilitation component.

For proposals submitted as per 8th July 2021 notification or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021, an individual building comprising of all wings of building shall be treated as composite building if the same contains at least 50% of the built-up area as Rehabilitation component.

- (ii) Open spaces required to be provided for rehabilitation component / composite building shall be as per Clause 41(5) or as per CFO's requirement, whichever is more. If due to planning constraints, any relaxation is granted by Municipal Commissioner in open spaces required to be provided as per Clause 41(5), the premium shall be charged at 2.5 % of Land rate as per ASR (for FSI 1.0). The premium for deficiency in open space created due to utilisation of Fungible compensatory area will be at 25% of normal premium as above.

- (iii) If any relaxation in Open spaces except Front open Space as per requirement Regulation 41(2), subject to CFO NOC, is granted by Municipal Commissioner for free sale component in non-composite building / sale building premium shall be charged at 2.5% of Land rate as per ASR (for FSI 1.0)

- (iv) Government has powers to relax the Front Open space in case of bonafide Hardship.

- (v) No premium shall be recovered for the area under Staircase / Lift / Lift Lobby for the composite Building / Rehab building and Rehabilitation Component in non-composite building.

- (vi) Premium at the rate of Normal Premium i.e. 25% of Land rate as per ASR (for FSI 1.0), shall be recovered for the area under Staircase / Lift / Lift Lobby for the Sale Component in non-composite building / sale building.

- (vii) Recovery of premium for the component under BUA to be surrendered to MBR&RB (MHADA Surplus) / MCGM / Appropriate authority shall be as specified in ii) and v) above.

- (viii) Normal Premium rate means 25% of land Rate as per ASR (For FSI 1.00)

- (ix) No premium shall be charged for the fungible compensatory area admissible as per regulation 31(3) for rehabilitation component, for the tenements to be handed over to MHADA and for the areas of reservations to be handed over to MCGM / appropriate authority.

- (x) Conversion of ongoing proposals under 33(7) as well as under 33(9) prior to modification is permissible at the option of owner/ developer. In such cases, adjustment of the already paid amount which results in to excess amount after conversion, can be done with the subsequent payable amount in the same project /CDS after conversion. However, no refund will be made of such excess premium amount already paid.
- (xi) For rehabilitation of existing NR in multiple levels of shops, the width of internal staircase shall be 0.90 m.

2. PREMIUM FOR CONDONATION IN OPEN SPACE DEFICIENCY:

2.1 CASES WHERE PLANS ARE APPROVED AND IOD/CC IS ISSUED AS PER REGULATION 33(9) OF DCR 1991, CC IS VALID :

The proposal shall be processed as per DCR 1991

2.2 CASES WHERE PLANS ARE APPROVED, IOD/CC ISSUED AS PER REGULATION 33(9) OF DCR 1991, CC IS VALID AND AMENDED PLANS ARE SUBMITTED FOR CONSUMING BALANCE POTENTIAL AS PER SANCTIONED REGULATIONS OF DCPR 2034:

2.2.1 REHAB / COMPOSITE BUILDING :- (Rehabilitation area $\geq$ 50%) Area of deficient open space will be worked out for the whole building / wing in which additional BUA is proposed with respect to the open space requirement as per Regulation 41 (5) of DCPR 2034, but premium will be charged only for the additional deficient area as per Transition policy circular (T2).

DA = Deficient Area

% fungible area used for rehab = $\{(\text{Fungible BUA consumed for Rehab}) / (\text{Fungible BUA consumed for Rehab} + \text{Rehab BUA})\}$

Premium for Regular FSI component (Rehab) =	Additional deficient area FSI Consumed	X	ASR	X	2.5%	X	(1 - % fungible area used for rehab)	X	Telescopic factor
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Premium for fungible component (Rehab) =	Additional deficient area FSI Consumed	X	ASR	X	2.5%	X	% fungible area used for rehab	X	25 %	X	Telescopic factor
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2.2.2 SALE / NON COMPOSITE BUILDING (Rehabilitation area $<$ 50%)

Deficient area for rehabilitation component and sale component of the whole building / wing in which additional BUA is proposed shall be worked out with respect to the open

spaces of each component on proportionate basis and total of both these areas shall be considered for charging premium. But premium shall be charged only for the additional deficient area on proportionate basis, as follows:-

- i. Deficient area of Rehab = Deficient area for $\times \frac{\text{Rehab area}}{\text{Total built up area}}$
Component (DA1) all the floors
- ii. Deficient area of free = Deficient area for $\times \frac{\text{Free sale area}}{\text{Total built up area}}$
Sale component (DA2) all the floors.
- iii. Total area = DA = DA1 + DA2; subject to maximum proposed BUA and if DA > Maximum proposed BUA, to reduce DA. DA1 & DA2 shall be reduced proportionately.

DA1 = Deficient Area to be worked out with respect to open space requirement for rehab component /rehab building as per regulation 41(5).

DA2 = Deficient Area to be worked out with respect to open space requirement for sale component / building as per regulation 41(2).

% fungible area used for rehab = {(Fungible BUA consumed for Rehab) / (Fungible BUA consumed for Rehab + Rehab BUA)}

% fungible area used for Sale = {(Fungible BUA consumed for Sale) / (Fungible BUA consumed for Sale + Sale BUA)}

Premium for Regular FSI Component (Rehab) =	DA1 Additional deficient area FSI Consumed	X	ASR	X	2.5%	X	(1 - % fungible area used for rehab)	X	Telescopic factor
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Premium for Fungible Component (Rehab) =	DA1 Additional deficient area FSI Consumed	X	ASR	X	2.5%	X	% fungible area used for rehab	X	25%	X	Telescopic factor
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Premium for Regular FSI Component (Sale) =	DA2 Additional deficient area FSI Consumed	X	ASR	X	2.5%	X	(1 - % fungible area used for sale)	X	Telescopic factor
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Premium for Fungible Component (Sale) =	DA2 Additional deficient area FSI Consumed	X	ASR	X	2.5%	X	% fungible area used for sale	X	25%	X	Telescopic factor
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(Premium for sale component will be subject to U.D. Clarification in respect of clause 13.14 & 13.15 of regulation 33(9) as modified on 8th July 2021.)

2.3 CASES WHERE FRESH PROPOSALS ARE SUBMITTED OR CASES WHERE ONGOING PROPOSALS APPROVED UNDER 33(9) OF DCR 1991 ARE PROPOSED TO BE CONVERTED AS PER DCPR 2034 In TOTO OR CASES WHERE ONGOING PROPOSALS APPROVED UNDER REG. 33(9) OF DCPR 2034 ARE PROPOSED TO BE CONVERTED AS PER REG. 33(9) AS MODIFIED ON 8TH JULY 2021:

2.3.1 Rehabilitation / Composite building

% fungible area used for rehab = {(Fungible BUA consumed for Rehab) / (Fungible BUA consumed for Rehab + Rehab BUA)}

Premium for Regular FSI Component	<u>DA for all floors</u> FSI Consumed	X	ASR	X	2.5%	X	(1 - % fungible area used for rehab)	X	Telescopic factor
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Premium for Fungible Component	<u>DA for all floors</u> FSI Consumed	X	ASR	X	2.5%	X	% fungible area used for rehab	X	25%	X	Telescopic factor
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2.3.2 Sale / Non-composite building :-

- Deficient area for Rehab component (DA1) = $\frac{\text{Deficient area for all the floors} \times \text{Rehab. Area}}{\text{Total built up area}}$
- Deficient area for Sale component (DA2) = $\frac{\text{Deficient area for all the floors} \times \text{Sale Area}}{\text{Total built up area}}$
- Total deficient area = DA = DA1 + DA2 subject to maximum proposed BUA and if DA > Maximum proposed BUA, to reduce DA, DA1 & DA2 shall be reduced proportionately.

DA1 = Deficient Area to be worked out with respect to open space requirement for rehab component /rehab building as per regulation 41(5).

DA2 = Deficient Area to be worked out with respect to open space requirement for sale component / building as per regulation 41(2).

% fungible area used for rehab = {(Fungible BUA consumed for Rehab) / (Fungible BUA consumed for Rehab + Rehab BUA)}

% fungible area used for Sale = {(Fungible BUA consumed for Sale) / (Fungible BUA consumed for Sale + Sale BUA)}

Premium for Regular FSI Component (Rehab) =	<u>DA1 for all floors</u> FSI Consumed	X	ASR	X	2.5%	X	(1 - % fungible area used for rehab)	X	Telescopic factor
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Premium for Fungible Component (Rehab) =	DA1 for all floors FSI Consumed	X	ASR	X	2.5%	X	% fungible area used for rehab	X	25%	X	Teles copic factor
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Premium for Regular FSI Component (Sale)	DA2 for all floors FSI Consumed	X	ASR	X	2.5%	X	(1 - % fungible area used for sale)	X	Teles copic factor
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Premium for Fungible Component (Sale)	DA2 for all floors FSI Consumed	X	ASR	X	2.5%	X	% fungible area used for sale	X	25%	X	Teles copic factor
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(Premium for sale component will be subject to U.D. Clarification in respect of clause 13.14 & 13.15 of regulation 33(9) as modified on 8th July 2021.)

3. PREMIUM FOR EXEMPTING AREA UNDER STAIRCASE / LIFT / LIFT LOBBY FROM F.S.I. COMPUTATION:

3.1 CASES WHERE PLANS ARE APPROVED AND IOD/CC IS ISSUED AS PER REGULATION 33(9) OF DCR 1991, CC IS VALID :

The proposal shall be processed as per DCR 1991

3.2 CASES WHERE PLANS ARE APPROVED, IOD/CC ISSUED AS PER REGULATION 33(9) OF DCR 1991, CC IS VALID AND AMENDED PLANS ARE SUBMITTED FOR CONSUMING BALANCE POTENTIAL AS PER SANCTIONED REGULATIONS OF DCPR 2034:

As per clause 13.12 of Regulation 33(9) no premium shall be charged for exempting staircase and lift area, from FSI computation under provision of DCR 31(1) for rehabilitation component as well as for composite building.

Premium will be worked out as follows:

3.2.1 REHAB / COMPOSITE BUILDING (Rehabilitation component > or = 50%)

Premium — Nil.

Premium to be paid in installments as per old approval shall be recovered.

3.2.2 NON COMPOSITE BUILDING (Rehabilitation component <50%)

SLA = AREA UNDER STAIRCASE / LIFT / LIFT LOBBY claimed Free of F.S.I.

Premium for Rehab Component = Nil

Premium for sale component shall be calculated as below.

Premium for sale component	<u>Additional SLA</u> FSI Consumed	X	<u>BUA of Sale Component</u> Total BUA	X	Normal Premium Rate
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Premium to be paid as per old approval for earlier approved area shall be recovered in addition to the premium for additional BUA as worked out above.

3.3 CASES WHERE FRESH PROPOSALS ARE SUBMITTED OR CASES WHERE ONGOING PROPOSALS APPROVED UNDER 33(7) OF DCR 1991 ARE PROPOSED TO BE CONVERTED AS PER DCPR 2034 OR CASES WHERE ONGOING PROPOSALS APPROVED UNDER REG. 33(7) OF DCPR 2034 SANCTIONED ON 01/09/2018 ARE PROPOSED TO BE CONVERTED AS PER REG. 33(7) AS MODIFIED ON 8TH JULY 2021:

3.3.1 REHAB / COMPOSITE BUILDING (Rehabilitation area > or = 50%)

Premium = Nil

3.3.2 NON COMPOSITE BUILDING (Rehabilitation area < 50%)

Premium for Rehab Component = Nil

Premium for Sale Component shall be calculated as below:

SLA = area of Staircase Lift / Lift lobby claimed Free of FSI

Premium =	<u>Total SLA</u> FSI Consumed	X	<u>BUA of Sale Component</u> Total BUA	X	Normal Premium Rate
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4. BUILT UP AREA OF REHAB COMPONENT :-

- Basic Area:** As per clause 5 (i) of regulation 33(9), each eligible occupant / tenant of eligible structures shall be rehabilitated with the area occupied by such occupant / tenant in the old Building as certified by MBR&RB / MCGM. However, in case of Residential / Residential cum commercial occupant such carpet area shall not be less than 27.88 sq.m or for proposals submitted as per 8th July 2021 notification or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021 such carpet area shall not be less than 35 sq.m. This is termed as Basic area.

ii. Additional Entitlement:

In addition to (i) above, there shall be Additional area for rehabilitation of Residential / Residential cum commercial occupant depending on the Cluster Development Size as below.

Area of Cluster Development	Additional Area (over & above basic area)
Above 1 ha up to 2 ha	15 %
Above 2 ha up to 5 ha	20%
Above 5 ha up to 10 ha	25%
Above 10 ha	30%

For proposals submitted after 8th July 2021 or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021 Such additional area for rehabilitation of Residential / Residential cum commercial occupant depending on the Cluster Development Size shall be as below.

Area of Cluster Development	Additional Area (over & above basic area)
Above 4000 sq.m up to 5000 sq.m.	10 %
Above 5000 sq.m up to 1 ha	15%
Above 1 ha up to 2 ha	20%
Above 2 ha up to 5 ha	25%
Above 5 ha up to 10 ha	30%
Above 10 ha	35%

Note:

(a) Provided that if the carpet area of any occupant/tenement in the old building is 100 sq. m or more then he shall be eligible for additional area only on the basis of carpet area of 100 sq. m.

(b) Provided further that the rehabilitation entitlement of any occupant of a Commercial establishment, who is allowed by the HPC to be rehabilitated in a residential tenement in lieu of his commercial establishment, shall also be governed by the aforesaid provisions applicable to the residential occupants in these Regulations.

No occupant shall be given more carpet area than basic area + additional area, except in certain cases of planning constraints, where the Municipal Commissioner may allow marginally more area. Such additional area allowed due to planning constraints shall be deducted from the sale component without affecting the surplus area.

- iii. **Slum Dweller:** (a) Each eligible residential or residential cum commercial slum dweller shall be entitled to a tenement of carpet area of 27.88 sq. m (300 sq. ft.).
(b) Existing or 20.90 sq. m whichever is more in case of non-residential.

iv. **Rehabilitation BUA :-**

The actual built-up area of the rehabilitation component is to be worked out as follows :-

- (a) Calculate the total carpet area required for rehabilitation of Eligible tenants / occupants as per (i), (ii) and (iii) above.
- (b) Add 20% on (iv) (a) above to calculate the Rehabilitation BUA.

v. **Incentive BUA :-**

Incentive BUA will be admissible as per table below.

LR = Land Rate as per ASR

RC= Rate of Construction as per ASR

These rates shall be taken for the year in which the Cluster Development Project is approved and LOI is issued by the Competent Authority.

Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)			
	For 0.4ha to 1.0 ha.	For 1.0 ha to 5.0 ha	For 5.0 ha to 10.0 ha.	For 10.0 ha & above
Above 6.00	55%	60%	65%	70%
Above 4.00 and upto 6.00	65%	70%	75%	80%
Above 2.00 and upto 4.00	75%	80%	85%	90%
Upto 2.00	85%	90%	95%	100%

For proposals submitted after 8th July 2021 or ongoing proposals approved prior to 8th July 2021 proposed to be converted as per sanctioned modifications dated 8th July 2021, Incentive BUA will be admissible as per table below.

Basic Ratio(LR/RC)	Incentive (As % of Admissible Rehabilitation Area)			
	For 0.4ha to 1.0 ha.	For 1.0 ha to 5.0 ha	For 5.0 ha to 10.0 ha.	For 10.0 ha & above
Above 6.00	85%	90%	95%	100%
Above 4.00 and upto 6.00	95%	100%	105%	110%
Above 2.00 and upto 4.00	105%	110%	115%	120%
Upto 2.00	115%	120%	125%	130%

Permissible BUA = (Rehab BUA as per (iv) (b) + Incentive as per (v)) or

FSI of 4.00 on Gross Plot area, whichever is more.

FSI 4.0 on gross plot area shall be calculated by deducting area of plot under setback for road widening, area under reservation/existing amenity but without deducting proposed amenity area under 14(A), if any.

However, if there are structures eligible for cluster redevelopment existing on the area under setback for road widening, reservation/existing amenity, land component of such structures at zonal basic FSI shall be calculated and added to the plot area for computation of permissible BUA with FSI 4.0.

The balance land under setback for road widening, reservation/existing amenity after deducting land component as mentioned above, if any shall be permissible with FSI as per regulation 30/32 read with regulation 17 of DCPR 2034.

vi. MHADA Share :

A= Rehab BUA as per (iv)(b) above

B= Incentive BUA as per (v) above

C= FSI 4.00 on Gross Plot (CD) area

D= Balance BUA for Sharing = C - A - B

The BUA arrived at D above shall be shared between Developer and MHADA as per table below.

Basic Ratio (LR/RC)	Sharing of Balance FSI	
	Promoter /Developer Share	MHADA Share
Above 6.00	30%	70%
Above 4.00 and upto 6.00	35%	65%
Above 2.00 and upto 4.00	40%	60%
Upto 2.00	45%	55%

vii. **Reservation / Designation :**

As per clause 6 a) of DCR 33(9), the total permissible FSI for Cluster Development Scheme shall be 4.00 on gross plot area, but excluding the reservations / designations, road setback, area under existing municipal roads but including the BUA under reservations / designations, road set back or sum total of the Rehabilitation FSI + Incentive FSI, whichever is more.

Permissible BUA in case of plots reserved / designated as per Sanctioned DP shall be worked out as below.

(a) Buildable Reservation /Designation

a = Area of Land under reservation

b = BUA of eligible structures existing on the reservation area

c = Land component of the BUA of eligible structures existing on the reservation

area = $b / (1.33)$ in city

= b in suburbs

Provided, such land component needs to be restricted maximum equal to the area under setback for road widening, reservation/existing amenity.

d = Balance Land under reservation = $a - c$

e1 = Reservation BUA to be constructed as per DCR 17(3) (C)

= 125 % of zonal FSI on c (In case of Reservation of Parking Lot)

= 60 % of zonal FSI on c (in case other Buildable Reservations)

= 60 % of zonal FSI on c or Existing BUA of Designation whichever is more)

= 30 % of zonal FSI on c (in case Reservation of Rehabilitation and Resettlement)

e 2 = Reservation BUA to be constructed as per DCR 17(1)

= 125 % of zonal FSI on d (In case of Reservation of Parking Lot)

= Land and Constructed BUA to be handed over as per Table 5 of DCR 17(1) (In Case of Other Buildable reservations)

e 3 = Entitled BUA for the Developer

= $1.50 \times (e\ 1 + e\ 2) \times$ (Rate of construction per sq. m as per ASR / Rate of developed land per sq. m as per ASR)

(b) Non-Buildable reservation

f = Area of Land under Reservation

g = BUA of existing eligible structures on Land area under Non-Buildable / Open Space Reservation

h = Land Component of the BUA of eligible structures existing on the Non-Buildable / Open space reservation area

$h = g / (1.33)$ in city

$h = g$ in suburbs.

Provided, such land component needs to be restricted maximum equal to the area

under setback for road widening, reservation/existing amenity.

$j = \text{Balance Land under reservation} = f - h$

$k = \text{Non- buildable / Open Space reservation to be handed over to MCGM}$
as per DCR 17(3)

$= h$ (if $h \leq 500 \text{ Sq.mt.}$)

$= h / 2$ (if $h > 500 \text{ sq.mt.}$, subject to minimum of 500 Sq.mt.).

$m = \text{Non- buildable / Open Space reservation to be handed over to MCGM}$
as per DCR 17(1) to be worked out on area of (j) above.

$n = \text{Entitled BUA for the Developer on balance land } j \text{ after handing over reservation}$
under 17(1)

(c) Reconstruction/redevelopment of building of Corporation:

For the area of plot having no reservation or having designation of Municipal Housing, the BUA equal to 30% of such plot area as per Zonal (basic) FSI in the form tenements of size 300 sq.ft. carpet area or as decided by Commissioner shall be made available to MCGM.

$A = \text{BUA of the Tenements as worked out without considering the Free of FSI components of the buildings as per DCR 31(1), permissible without charging premium.}$

$B = \text{Entitled BUA for the Developer}$

$= 1.50 \times A \times (\text{Rate of construction per sq. m as per ASR} / \text{Rate of developed land per sq. m as per ASR})$

(d) Slum located on unbuildable reservation (fully occupied) :

In case of slum located on unbuildable reservation (fully occupied) at the option of the owner / developer and subject to rehabilitation of existing slum dwellers / occupants within the same / adjoining municipal ward with the consent of slum dwellers / occupiers as per the provision of these regulations at owners / developers cost without any compensation and handing over the said entire land under reservation to MCGM without any compensation, then it shall be permissible to utilize the permissible FSI of this land within the cluster area. No concession of whatsoever nature permissible under these regulation or regulation no. 33 (10) shall be permissible to the building.

(e) Additional amenity to be constructed.

If MC/MCGM approves areas for amenities such as Fire stations / Hospitals / Police Stations / Schools, PAP/R&R etc. additional area required by land owning authority other than reservations / designations under the DP, such amenities shall be handed over to the concerned Authority free of cost. The BUA of such amenity shall be considered towards rehabilitation FSI, and incentive FSI as admissible under this Regulation shall be permissible.

viii. CDS under conversion:

The surcharge on development leviable on such CDS after its conversion under this regulation, shall be calculated in accordance with the date on which the development cess had been paid and shall be recovered before issuing CC after the conversion of the Scheme. Any excess amount paid towards Development Cess shall be adjusted against any other charges due, but shall not be refunded.

ix. High Power Committee (HPC):

High power committee (HPC) as appointed by the Govt will be competent to approve the Scheme, with the previous sanction of the govt in UD department. The guidelines Issued by the Govt. U/No. TPB / 2346 / CR 106 / 2008 / Part-2 / UD-11 of 02.03.2009 and of 10.12.2009 with modification in clause no. 3(3), 3(4), 3(5) will be applicable. In the clause no. 3(3), 3(4), 3(5), the words of consent of 70 % occupants / tenants shall be replaced by 51 % of the occupants / tenants of each building or 60% of occupants / tenants of the entire scheme.

As per newly inserted clause 23 of the regulation 33(9) as modified on 8th July 2021, any ongoing Cluster Development Scheme (CDS) sanctioned under Regulation 33(9) of DCR 1991 or DCPR 2034 prior to coming in to force of this regulation as modified on 8th July 2021, including partly completed scheme can be allowed to be converted as per this modified regulation at the request of the Promoter / Developer, with the prior approval of High Power Committee (HPC), subject to compliance of provisions of this modified regulation including rehab area as per this regulation.

In cases where proposals are converted in accordance with this modified regulation, on the buildings constructed or being constructed above plinth, the policy for fire safety measures will be as per circular issued under no. Mumbai Fire Brigade circular 100 dated 31/12/2021



C) Procedure guidelines for processing proposals received under Regulation 33(9) :-

The State Govt in UDD have sanctioned DOPR 2034 which includes Regulation 33(9) for processing proposals received under Cluster Development Schemes (CDS).

The clause 21 stipulates that a High Power Committee (HPC) headed by Municipal Commissioner and constituted by the Govt. shall be competent to approve the CDS with the previous sanction of the Govt. under DOR 33(9). On approval by HPC, the proposal is required to be submitted to Municipal Commissioner for approval of plans.

The State Govt in the UDD by the Order Under No. TP5 43072545/DK-106/2008 / Part 2/UD-11 Dated 2nd March, 2009 and modified order dt. 10th December 2009 has defined the constitution, duties and responsibilities of the HPC. The aforesaid order also stipulates the procedure to be adopted for processing CDS.

For the efficient functioning of the committee, following guidelines may be followed:

- (1) The Developer/Implementing Agency / Licensed Surveyor is required to submit proposal to the Zonal Dy CHE (SP) which shall include the following:
 - (i) The details of the individual land parcel proposed under the CDS (area, C.S./CTS No. division Village, P.R. cards, True extract, D.P. remarks, traffic remark, AE(Survey) remarks etc.)
 - (ii) Consent of the landlords of 70% area of the proposed Cluster & consent of eligible tenants / occupiers of all authorized buildings not less than 51 percent of each building or 60 percent overall of the scheme involved in the CDS.
 - (iii) Statements showing details of the existing conditions under cluster indicating therein
 - a) Total area proposed under cluster redevelopment, the different C.S./CTS No. and their plot area covered under the scheme.
 - b) D.P. reservations if any, with in the cluster area and their status.
 - c) Details of the eligible buildings proposed to be redeveloped with CS / CTS nos., number of tentative eligible tenants / occupants in the buildings; area occupied by existing tenants/ occupant in these buildings, approximate rehab built up area etc.
 - d) Area of land under slum; status of slum; number of occupants, percentage of slum area as compared to total area etc.
 - e) Area of land belonging to MHADA, MCGM or any Govt Organisation, Status of the buildings on these lands and date of construction, total built up area of these bldgs., details of permission obtained if any.
 - f) Details of any other buildings erected other than prior to 30 years fulfilling criteria mentioned in clause 1.2 of Reg 33(9).



- (iv) A plan showing the entire area under cluster, the ownership details of the land covered under cluster along with the details of the existing infrastructure, the details of existing roads, the existing physical boundaries, D.P. reservations, details of existing eligible building proposed to be redeveloped and details of phase wise coverage if any.
 - (v) A Tentative layout plan shall also be submitted showing the details of the proposed redevelopment along with the details of roads and reservations proposed to be provided, any other public amenity, open spaces, details of the infrastructure facility proposed, etc.
 - (vi) EIA study report
 - (vii) Traffic stimulation study report
- (2) The Zonal Dy Ch.E. (BP) shall be the nodal officer for co-ordination and shall assist the HPC in compiling the required data / information, preparation of briefs, project report, minutes, agenda as well as organizing the meeting of the HPC.
- (3) The Zonal Dy Ch.E. (BP) shall in consultation with the office of Ch.E.(D.P.) / M.C. arrange the HPC meeting on any suitable date periodically, preferably once every month for taking a decision of the proposals received before the HPC.
- (4) The Zonal Dy Ch.E. (BP) shall after examining the details and verifying the eligibility of proposal prepare technical report and submit for approval of Ch.E.(D.P.)/ Dir. (E.S.&P.)/MC for arranging the HPC Meeting. The Concerned Developer/ Implementing Agency shall be informed to remain present for the meeting with all the relevant details.
- (5) The Developer shall submit a detailed presentation before the HPC and explain in detail the various salient feature of the proposed scheme.
- (6) The HPC to examine the proposal placed before it during the meeting and take decision by verifying the criteria, some of it may be as under :-
- a) Finalising the boundaries of the cluster after examining the agency. The Developer/ Implementing Agency shall if directed, modify the boundaries of the cluster and resubmit the proposal with revised plans/documents/calculations in the next meeting.
 - b) Fulfilment of criteria of obtaining consent in the form of development rights of land owners owning at least 70% of the area under the cluster & consent of eligible tenants / occupiers of all authorized buildings not less than 51 percent of each building or 60 percent overall of the scheme involved in the CDS.
 - c) Fulfilment of the relevant provisions of Reg. 33(9) for in principle approval and if the same is considered approvable, take a decision to recommend the proposal to the state Govt for granting in principle approval.
- (7) The Concerned Dy Ch.E. (BP) shall finalise the minutes of the meeting & prepare draft letter forwarding the recommendation of the Committee to the State Government, UDD and get the approval of CH.E.(D.P.)/Dir(E.S.P.)/M.C. Dy.Ch.E.(B.P.) city shall send letter under his signature to Under Secretary, UDD along with the approved minutes, one set of
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- all documents / plans etc. seeking the in principle approval of UDD to the Cluster development proposal.
- (8) On receipt of approval of the State Govt in UDD to the proposal, the Zonal Dy Ch.E. (BP) shall submit the Draft Letter of Intent (LOI) with relevant terms and conditions for the approval of Ch.E. (D.P)/M.C.
 - (9) The LOI shall be issued to the developer/ Implementing Agency on behalf of HPC by the Zonal Dy. Ch. E. (BP) MCGM. The letter of intent shall be valid for a period of one year and can be revalidated further considering hardship with the approval of HPC.
 - (10) On issuance of LOI, it shall be directed to MHADA not to grant NOC for any piece meal development under D.C.R. 33(7) or any other regulation in the cluster area which has been sanctioned by the Govt. The said condition shall be mentioned in the copy of LOI to be sent to MHADA.
 - (11) Revised NOC from MHADA, in all cases of ongoing redevelopment proposals submitted to MCGM where CC has not yet been issued within the identified cluster (for which proposals have been received by the committee), before granting CC to any these redevelopment proposals shall be insisted as LOI Condition.
 - (12) The developer/ Implementing Agency shall within the validity period of one year, resubmit a concrete proposal with layout to the Zonal Dy Ch.E. (BP) for final approval, after fulfilment of the applicable LOI conditions.
 - (13) The Zonal Dy. Ch.E. (BP) on verifying the compliance of LOI and Layout Plans as per relevant provisions of DCPR 2034 shall approve the Layout by obtaining sanction of Ch.E.(D.P.)/ M C for the concessions, if any.
 - (14) In case the developer/ Implementing Agency is unable to submit a concrete proposal within period of one year from the date of issue of LOI, the same shall automatically stand cancelled unless revalidated by HPC considering the hardship.
 - (15) The HPC shall be empowered to take appropriate decision in respect of changing the boundaries of the cluster, after examining the merits of the proposal as per the provisions of Reg 33(9).
 - (16) The HPC shall also take a decision on the Corpus fund to be created by recovering requisite amount from the developer as provided under clause 17 of Reg 33(9).
 - (17) The HPC shall take necessary action in accordance with the directions received from the Govt from time to time in order to ensure the successful implementation of the CDS.
 - (18) A scrutiny fee shall be payable @ Rs 25 per sq.mt. or as applicable on the date of scrutiny of the proposal the plot area which shall be payable in two stages. i.e. at the time of submission of proposal to the Zonal Dy.Ch.E.(BP)'s office for HPC's consideration at Rs. 10 per Sq.mt. and at the time of issue of L.O.I at Rs. 15 per sq.mt. of plot area under CDS.

The above guidelines are issued for efficient and smooth implementation of redevelopment schemes and the provision of regulations shall prevail, if there is any conflict.

All the concerned staff in BP /DP department are requested to take note of the above guidelines.


CH.E.(D.P.) 14/06/22

16/6/22
Dy. Ch. E. BP city


MUNICIPAL COMMISSIONER