

MUNICIPAL CORPORATION OF GREATER MUMBAI

AC/Estates/ 0120 /AE/I-II dtd. 08/05/2020

Circular No. 07/2020-21 dtd. 08/05/2020

Sub:- Fixing of size of rehab tenement to be offered to the eligible municipal tenant of Estates department while carrying out the redevelopment of municipal tenanted property by MCGM at its own.

Ref:- 1) AC/Estates/ 29317 /AE/I-II dtd. 09/04/2020 & 23/04/2020.
2) MGC/ VIP/776 dtd. 27/04/2020.

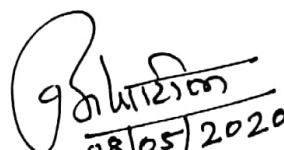
The subject proposal was submitted to Hon'ble. M.C. vide notes under reference dtd. 09/04/2020 and 23/04/2020. The Hon'ble. Mun. Commissioner has accorded sanction to the said proposal which is as under:

A) In case of redevelopment of Municipal tenanted plots by MCGM at its own, under Regulation 33(20) of DCPR-2034, then

- To fix the size of Rehab Tenement to 37.638 Sq. Mtr. (405 Sq. Ft.) or equal to carpet area in old building whichever is more and to be offered to Eligible Municipal Tenants of Estates Department. The said area is inclusive of 35% fungible area.
- The variation up to 5% in the carpet area shall be allowed on lower side due to planning constraint, if any.
- To consider the carpet area of eligible non-residential Municipal tenements only equal to the area occupied by the occupants in the old building. However MCGM shall reserve the right to provide the alternate accommodation outside the plot / to offer Monetary compensation, as per the policy of Market Dept, MCGM, to such non-residential tenements.
- To consider the carpet area of 27.88 sq. mtr. (300 sq. ft.) for residential PAP tenements for eligible protected structures (as on 01.01.2000) under Govt. Resolution u/no. झोपुघो-१००१/प्र.क्र.१२५/१४/झोपसु.-१ दि. २२/०७/२०१४.

The said circular will be available on MCGM portal on <https://portal.mcgmm.gov.in/irj/portal/anonymous/qlestate> link.

Encl: 1. Notes u/r.
2. Copy of approval


08/05/2020
(Vijay Patil)
E.E. (Estates)


09/05/2020
(Keshav Ubale)
A.C. (Estates)

Copy to:

C.E. / Ch. E. (D.P.) / Ch. E. (SWM) / Ch.E. (S.P.) / Ch.E. (Roads) /
Ch.E. (Bridges) / Ch.E. (WSP) / Ch.E. (B.M.) / H.E. /
Ch.E. (SWD) / M.A. / Ch.E. (Vig.) / Ch.E. (M&E) /
C.A. (Fin) / E.O. / E.H.O.

A.C. (A to T ward) / A.C. (Planning) / A.C. (Market)

A.E. (Imp) I / II / III, All S.E. (Estates)

Jt. M.C. (Imp.) / Jt. M.C. (P.H.) / Jt. M.C. (Z-III / Z-IV / Z-V) /
Dir. (E.S.&P.) / D.M.C. (Infra) / D.M.C. (E) / D.M.C. (Env.) /
D.M.C. (Z-I / Z-II / Z-VI / Z-VII) / D.M.C. (Edu.)

MUNICIPAL CORPORATION OF GREATER MUMBAI

AC/Estates/AE/I-II/

dt. 09.04.2020.

29317

Sub:- Fixing of size of rehab tenement to be offered to the eligible municipal tenant of Estates department while carrying out the redevelopment of municipal tenanted property by MCGM at its own.

Ref:- 1) MDD/8152 dt.18.03.2020(C- 1 to C- 2)

2) Letter from Hon'ble M.P. Shri. Manoj Kotak dt -16.03.2020 (C- 1 to C- 2)

A) PREAMBLE

Reference is requested to the letter from Hon'ble M.P. Shri. Manoj Kotak dt-16.03.2020, addressed to Hon'ble MC& DMC(I) requesting therein to provide 405 sq. ft. size of rehab tenement to the municipal tenants of Estates department residing at Vikhroli Park Site, N-ward during the redevelopment project & DMC(I)'s endorsement thereon as 'Pl. put up quickly as discussed'. (C- 1 to C- 2)

There are 788 buildings of G+1 & above construction and most of them are old and in dilapidated condition, unfit for human habitation. MCGM has already offered alternate accommodation to these tenants, however the residents are litigating continuously, and causing hindrances. Therefore, redevelopment of this municipal property is being delayed.

MCGM is in dire need of PAP tenements for shifting of Project Affected Persons in various ongoing Infrastructure projects of MCGM. Such PAP tenements were usually available from Govt. authorities, such as SRA & MMRDA, especially under provision 3.11 of Regulation 33(10) of DCR-1991. Now there is acute shortage of PAP tenements as compared with requirement of PAP tenements in the near future. Therefore, in order to generate the PAP tenements, MCGM has planned to construct the PAP tenements on MCGM owned land by considering the feasibility as per DCPR-2034 & DP-2034.

The land bearing CTS.No.16, 17, 18, 19, 20 (Part), 21, 36, 40, 41, 42, 43, 44, 45 & 46 of village Vikhroli, admeasuring about 1.47 lakh sq. mtr., known as Vikhroli Park Site, is owned by MCGM. Out of the same, the portion of land admeasuring about 67,000 Sq. mtr. can be redeveloped easily and at earliest at present for generation of PAP tenements.

MCGM has already commenced the redevelopment of the said plot (67,000 sq. mt.) in phase manner and the construction of Transit camp having 129 tenements is already in progress. C.E. has also appointed M/S. Shashank Mehandale & Associates as Project Management Consultant (PMC) for the said work. The planning of layout and preparation of standard building plans for Municipal tenements & PAP tenements are under finalization and

shortly being submitted through Municipal Architect (MA) to Dy. Ch. E. (B. P.) Special Cell for approval.

As per DCPR-2034 the minimum size of tenement is stated as 27.88 sq. mt. carpet area & hence the same size of tenements for PAP as well as for Municipal tenement has been considered in the planning.

Recently in December 2019, Hon'ble M.C had visited the N-ward, when the site under reference was also visited by Hon'ble M.C. During the said site visit, the residents of Vikhroli Park site informed Hon'ble M.C. that, the existing tenants will get minimum 405 sq. ft. size of tenement by including 35% fungible FSI, available as per DCPR-2034, in case of redevelopment by the society residents at their own, hence, if MCGM is carrying out redevelopment project, MCGM should offer them rehab tenement of min. 405 sq. ft. carpet area. Hon'ble M.C. thereon directed the then DMC(I) to consider the possibility of providing 405 sq. ft. to these residents.

The meeting was held with Hon'ble MP, in the chamber of Hon'ble MC on 09.03.2020, when Hon'ble MC verbally instructed to consider the request of residents to provide 405 sq. ft. tenement size for Municipal tenants, by adding 35% fungible FSI available free as per DCPR-2034.

Shri. Manoj Kotak, Hon'ble MP, vide letter dt.16.03.2020 has now requested to provide 405 sq. ft. tenements to the residents of Vikhroli Park site, by considering the 35% fungible FSI. (C- 1 to C- 3).

B) **DCPR-2034 RELEVANT PROVISIONS**

a) **Fungible FSI**

As per regulation 31(3) of DCPR-2034 the Commissioner may by special permission, permit fungible compensatory area, up to 35% for residential / industrial / commercial development over and above admissible FSI/BUA.

In case of redevelopment under Regulations 33(7), 33(7)(A), 33(8), 33(9), 33(9)(B), 33(20) and 33(10) excluding clause No. 3.11 of the Regulation, the fungible compensatory area admissible on AH/R&R component has to be granted without charging premium.

Similarly, in case of redevelopment under Regulations 33(5), 33(6) & 33(7)(B) of the Regulation the fungible compensatory FSI area admissible on existing BUA has to be granted without charging premium.

b) **33(7) provision in respect of tenement size.**

As per regulation 33(7)(2) of DCPR-2034 Each occupant shall be rehabilitated and given the carpet area occupied by him for residential or residential cum commercial purpose in the old building subject to minimum fixed carpet area of 27.88 sq. mtr. (300 sq. ft.) In case of non-residential occupier, the area to be given in the reconstructed building will be equivalent to the area occupied in the old building.

c) **ESTATES DEPARTMENT REMARKS**

1. There are about 45,000 tenants in municipal tenanted properties of Estates Dept.
2. The Municipal tenanted properties can be redeveloped by the society of tenants on respective municipal plots under 33(7), or 33(9) of DCPR-2034. Alternatively, MCGM can also develop such municipal tenanted plots at our own by re-accommodating existing tenants on the same place or shifting them out, if there are constraints to carry out redevelopment in-situ.
3. The minimum carpet area of tenement has been considered for constructing more number of tenements for tenants and PAPs at lesser cost, in case the redevelopment is proposed by MCGM.
4. Presently, the minimum carpet area of tenements 27.88 sq. mt. (300 sq. ft.) as per DCPR-2034 is being considered for municipal tenants.
5. The redevelopment proposals submitted by proposed Co-operative Housing Societies of tenants on 94 Municipal tenanted plots are approved by the MCGM under the provisions of regulation 33(7) of DCR-1991 & same are at various stages.
6. During the redevelopment generally, carpet area allotted to existing tenants is about 400 sq. ft. or more, as against 300 sq. ft. now proposed in DCPR. If it is decided to develop the plot by the MCGM at its own it becomes necessary to maintain the rehab area, what otherwise the tenants are getting.
7. If this aspect is ignored by MCGM, there is a possibility of protest, non-co-operation, resistance and litigation by the MCGM tenants, which may lead to non-occupation of 300 sq. ft. rehab tenements by the municipal tenants.
8. In the redevelopment project at Vikhroli Park Site, there are about 614 municipal tenements and remaining 130 tenements are Municipal Staff Quarters.

9. Most of the existing buildings on said plot are old and in dilapidated condition. MCGM has already offered alternate accommodation to these tenants, however the residents are litigating continuously, and causing hindrances. Therefore, redevelopment of this municipal property is being delayed.
10. As local MP has put the grievance of municipal tenants at Vikhroli Park site before Hon. MC and as the provision of granting fungible FSI is newly introduced in year 2012 in DCR-1991 & is continued in DCPR-2034 fungible compensatory area of 35% over & above the basic FSI is permissible to the rehab component free of cost, MCGM may consider the request of local MP Sh. Manoj Kotak.
11. If the request of Hon. MP is accepted, total development potential of the plot doesn't get reduced but cost of construction, which is borne by MCGM in such cases, increases.
12. The Municipal plot known as Martha Compound in E ward is under redevelopment and construction of transit building as part of redevelopment is in progress & in the said project the tenement size is proposed as 300 sq. ft. If above proposal to offer 405 sq. ft. carpet rehab tenement at Vikhroli Park site is accepted, the Plans for the proposed buildings for tenants are therefore required to be revised suitably, to be in line with Vikhroli Park site.
13. Some approved / tolerated (i.e. existing prior to 01.04.1962 (commercial) or 17.04.1964 (Residential)) structures are affected by the projects and if they are having carpet area more than 27.88 sq. mtr. (300 sq. ft), then tenements of bigger size as per requirements are also needed to be planned in the redevelopment projects to accommodate such tenements.

D) Proposal

In view of above and if agreed upon then, DMC(I)/AMC(City) & Hon'ble M.C.'s approval is requested to the followings:-

- i) In case of redevelopment of Municipal tenanted Plots by MCGM at its own, under Regulation 33(20) of DCPR-2034, then
 - a) To consider the carpet area of eligible residential Municipal tenements, as 37.638 sq. mtr. (about 405 sq. ft.) or equal to existing carpet area in the old building, whichever is more and the same shall be inclusive of 35% fungible Compensatory area (27.88 + 0.35X27.88).
 - b) The variation up to 5% in the carpet area shall be allowed on lower side due to planning constraint, if any.

- c) To consider the carpet area of eligible non-residential Municipal tenements only equal to the area occupied by the occupants in the old building. However MCGM shall reserve the right to provide the alternate accommodation/ monetary compensation, as per the policy of Market Dept, MCGM, to such non-residential tenements, outside the plot.
- d) To consider the carpet area of 27.88 sq. mtr. (300 sq. ft.) for residential PAP tenements for eligible protected structures (as on 01.01.2000) under Govt. Resolution u/no. झोपुघो-१००१/प्र.क्र.१२५/१४/झोपसु.-१ दि. २२/०७/२०१४ .

c/3-5

Submitted please.

(Signature)
 09/04/2020
 (Vijay Patil)
 E.E.(Estates)

(Signature)
 09/04/2020
 (Keshav Ubale)
 A.C.(Estates)

(Signature)
 (Ramesh Pawar)
 DMC (I)
 D.M.C. (Imp.)

(A. L. Jarhad)
 AMC(CITY)

(Signature) 15/4/2020
 A.M.C. (City)

(Praveen Pardeshi)
 Hon.M.C.
 Sir,

वृहन्मुंबई महानगरपालिका
 उप आयुक्त (सुधार) चचे कार्यालय
 मुंबई
 दि. 13 APR 2020
 वेळ : ११, १२, १३, १४, १५,
 १६, १७, १८
 क्रमांक : MDD/ 8263

13/04/2020

~~वृहन्मुंबई महानगरपालिका
 आयुक्तांचे कार्यालय
 23 APR 2020
 समय ११, १२, १३, १४
 १५, १६, १७, १८~~

बृहन्मुंबई महानगरपालिका
अतिरिक्त आयुक्त (शहर)
यांचे कार्यालय
13 APR 2020
क. अति. आ. शहर/डी.यु.ए.६२

15/4/2020

बृहन्मुंबई महानगरपालिका
वायुक्तांचे कार्यालय
16 APR 2020
समब २४.२२.२४
२५.२२.२८
MCC/VIP/776

(176)

MUNICIPAL CORPORATION OF GREATER MUMBAI

AC/Estates/ 29317/AE/I-II dt. 23.04.2020

Sub:- Fixing of size of rehab tenement to be offered to the eligible municipal tenant of Estates department while carrying out the redevelopment of municipal tenanted property by MCGM at its own.

- Ref:- 1) MDD/8152 dt.18.03.2020(C- 1 to C- 2)
- 2) Letter from Hon'ble M.P. Shri. Manoj Kotak dt -16.03.2020 (C- 1 to C- 2)
- 3) MGC/VIP/7761 dated 16.04.2020 (Pg. No. N-5)

The subject matter was discussed with DMC(MCO) sir on 23.02.2020. Accordingly the remarks are submitted as under.

- 1) The size of Rehab Tenement to be offered to Eligible Municipal Tenants of Estates Department while carrying out the redevelopment of Municipal tenanted property by MCGM at its own under regulation 33(20) of DCPR 2034 shall be 37.638 Sq. Mtr (405 Sq. Ft.) or equal to carpet area in old building whichever is more. The said area is inclusive of 35% fungible area.
- 2) Considering the present demand of tenants and involvement of Local MP's, if we continue our plan to construct 300 Sq. Ft. carpet area tenements for Municipal tenants, there is greater possibility that the tenements will not be occupied and it will give rise to unnecessary, avoidable litigations and also the expenditure incurred by MCGM may go waste.
- 3) The increase in size of tenement to about 405 Sq.Ft will avoid possibility of protest, Non Co operation, resistance and litigation by the municipal tenants which will help to speed up the redevelopment of old dilapidated Municipal Tenanted Properties.

In view of above, Hon'ble MC's approval is requested to,

- A) In case of redevelopment of Municipal tenanted plots by MCGM at its own, under Regulation 33(20) of DCPR-2034, then
 - a) To fix the size of Rehab Tenement to 37.638 Sq. Mtr (405 Sq. Ft.) or equal to carpet area in old building whichever is more and to be offered to Eligible Municipal Tenants of Estates Department. The said area is inclusive of 35% fungible area.

- b) The variation up to 5% in the carpet area shall be allowed on lower side due to planning constraint, if any.
- c) To consider the carpet area of eligible non-residential Municipal tenements only equal to the area occupied by the occupants in the old building. However MCGM shall reserve the right to provide the alternate accommodation outside the plot / to offer Monetary compensation, as per the policy of Market Dept, MCGM, to such non-residential tenements.
- d) To consider the carpet area of 27.88 sq. mtr. (300 sq. ft.) for residential PAP tenements for eligible protected structures (as on 01.01.2000) under Govt. Resolution u/no. झोपुघो-१००१/प्र.क्र.१२५/१४/झोपसु.-१ दि. २२/०७/२०१४ .

Submitted please.

[Signature]
 23/04/2020
 (Keshav Ubale)
 A.C.(Estates)

(Chandrashekhar Chore)
 DMC (MCO)

(Praveen Pardeshi)
 Hon.M.C.
 Sir

[Signature: Praveen Pardeshi]
 13/4
 महानगरपालिका आयुक्त
 A.C.(Estate)

बृहन्मुंबई महानगरपालिका
 आयुक्तांचे कार्यालय
 23 APR 2020
 समय ११, १२, १३, १४
 १५, १६, १७, १८
 क्रमांक MGC/VPP/7761

27/04/2020

बृहन्मुंबई महानगरपालिका
 आयुक्त कार्यालय (मालमत्ता)
 04 MAY 2020
 0/20
 क्रमांक
 वेळ-११,१२,१३,१४,१५,१६,१७

कार्य. अधि./स.अ.(सु-१)/स.अ.(सु-२)/स.अ.(सु-३)
 प्रशा. अधि.(म.-१)/प्रशा.अधि.(म.-२)/वरिष्ठ लघुलेखक
 प्रशा. अधि.(स.ग.सं.)/व.प्र.अ.(पीपी/झोपुप्रा./म्यु.सोसा.)
 प्रशा. अधि.(वाटप)/प्रशा.अधि.(लेखा)/प्रशा.अधि.(संगणक)
 प्रशा. अधि.(स.सा.)/मु.सि.(अभिलेख)
 अतिमहत्वाकें तालकाळ/व्ही. आय. पी.
 अध्यासून योग्य कार्यवाही करावी आणि
 सहा.अधि.(मालमत्ता) यांना.....दिहसांत अहवाल सादर करावे
 सहा. आयु.(मालमत्ता)/कार्य.अधि.(मालमत्ता)/प्रशा.अधि.(मालमत्ता)

[Signature]
 04/04/2020
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