

SLUM REHABILITATION AUTHORITY

Circular No: 179

No. SRA/ENG/04/10531/Gen

Date: 31 MAY 2017

C I R C U L A R

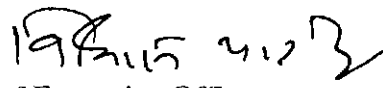
- Subject:** Handing over of PAP tenements after expiry of 24 months post OC
- Reference:** Notification No. TPB 4316/46/CR-106/2016/UD-11 dated 01/10/2016, issued by Urban Development Department, Govt of Maharashtra

Government of Maharashtra in Urban Development Department vide notification referred to above at (1) above amended the clause 3.12 of Appendix IV to D.C.R 33(10) to insert clauses 3.12 A, B, C and D pertaining to tenement density, PAP tenements and FSI permissibility of SRA Schemes.

The gist of the above amendments is to ensure rehabilitation of all the existing slum dwellers in a scheme and create Housing stock for Affordable Housing under Housing for All Mandate of Government of India. The amendments allow provision of Rehab tenements (as PAP tenements) for all the enumerated slum dwellers in Annexure II issued by the Competent Authorities. In the event of initially held "Non-Eligible" slum dwellers amongst the enumerated slum dwellers being finally held as "Non-Eligible" after appeals the Rehab tenements (PAP tenements) in lieu of such slum dwellers shall be taken over by SRA for Affordable Housing under Housing for All program of Government of India.

It is generally found that decision regarding eligibility of slum dwellers takes time since it involves thorough scrutiny of documents at third party levels as well. Hence it is hereby directed to insist handing over of PAP tenements in lieu of finally held Non-Eligible slum dwellers only after expiry of 24 months from OC of such tenements or before Full OCC of Sale component. This would serve the dual purpose of enabling security of PAP tenements by the Developer concerned.

The above direction shall come into force with immediate effect.


Chief Executive Officer
Slum Rehabilitation Authority

Copy :-

1. P.A. to Hon'ble CEO/SRA, Mumbai.
2. Secretary/SRA, Mumbai.
3. Dy. Chief Engineer/SRA, Mumbai.
4. E.E. All/SRA, Mumbai.
5. File.

Shivaji-12

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
बृहन्मुंबई विकास नियंत्रण नियमावली विनियम ३३(१०)
मधील फेरबदलाबाबत कलम ३७ (२) खालील
अधिसूचना.

महाराष्ट्र शासन

नगर विकास विभाग

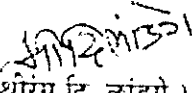
क्रमांक :- टिपोवी - ४३१६ / प्र.क्र. १०६ / २०१६ / नवि-११

मंत्रालय, मुंबई : ४०० ०२१,

दिनांक - १ ऑक्टोबर, २०१६.

शासन निर्णय : सांबतची अधिसूचना शासनाच्या असाधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.


(श्रीरंग दि. लांडगे)

सह सचिव, महाराष्ट्र शासन

प्रत.

मा. मुख्यमंत्री महोदयांचे प्रधान सचिव.

मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव.

प्रति.

- (१) प्रभाम सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई-३२.
 - (२) महानगरपालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
 - (३) मुख्य कार्यकारी अधिकारी, झोपडपट्टी पुनर्वसन प्राधिकरण, प्रशासकीय इमारत, अनंत काणकर मार्ग, वांद्रे (पुर्व), मुंबई.
 - (४) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
 - (५) सह सचिव, तथा संचालक, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई
 - (६) उपसंचालक, नगर रचना, बृहन्मुंबई, इन्सा इटमंट, महापालिका मार्ग, मुंबई- ४००००१.
 - (७) प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई.
 - (८) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीगाड, मुंबई.
- त्यांना विनंती करण्यात येते की, सांबतची शासकीय अधिसूचना महाराष्ट्र शासनाचे असाधारण राजपत्रात भाग-२ मध्ये प्रसिध्द करून त्याच्या १० प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई : ४०० ०३२ व संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे व उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)
- (९) कृ.अ.अधिकारी, वजयांसम नवि-२१, (त्यांना विनंती करण्यात येते की, सांबतची सूचना विभागाच्या वेबसाईटवर प्रसिध्द करण्याबाबत आवश्यक ती कार्यवाही करावी.)
- (१०) निवड नरती

Maharashtra Regional & Town Planning
Act, 1966.

- Notification under section 37 (2) of the said Act.
- Sanctioned modification to Regulation 33(10) of DCR for Gr. Mumbai.

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated :- 1st October, 2016

NOTIFICATION

No. TPB -4316/46/CR-106/2016/UD-11:

Whereas, the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Development Control Regulations") have been sanctioned by the Government in the Urban Development Department, under section 37(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide Notification No. DCR 1090/RDP/UD-11, dated the 20th February, 1991, so as to come into force with effect from the 25th March, 1991.

And whereas, the Government of Maharashtra vide Notification of Housing and Special Assistance Department No. SRP 1095/CR-37/Housing Cell, dated the 16th December, 1995 has appointed the "Slum Rehabilitation Authority" (hereinafter referred to as "the said Authority") under the Maharashtra Slum Areas (Improvement, Clearance & Redevelopment) Act, 1971, for the purpose of slum rehabilitation in Brihan Mumbai.

And whereas, according to the provision of the clause (19) of Section 2 of the said Act, the said Authority is the Planning Authority in respect of slum rehabilitation areas for the purpose of implementation of Slum Rehabilitation Schemes in Brihan Mumbai.

And whereas, the Government of Maharashtra in the Urban Development Department vide Notification No. DCR 1095/1209/CR-273/95/UD-11, Dated the 05th October 1997, which is published in the Government of Maharashtra Official Gazette, dated the 15th October 1997 at Page Nos. 104 to 133-A, has sanctioned modification to Regulations 33 (10) and 33(14) of the said Development Control Regulations for effective implementation of Slum Rehabilitation Schemes, which has come into force with effect from 15th October 1997.

And whereas, the Government of Maharashtra in the Urban Development Department vide Notification No. DCR 1095/1209/CR-273/95/UD-11, dated the 30th November, 2016, has further modified Regulation 33(10) under section 37(2) of the said Act (hereinafter referred to as "the said modified Regulation");



And whereas, the said Authority felt to give impetus to slum rehab Scheme under Regulation 33(10) and to motivate the developers to implement the program of the State Govt. to create more housing stock in the market, the said Authority in its 14th meeting have resolved to initiate the modification proposal under section 37(1B) of the said Act:

And whereas, vide resolution No. 564, dated 28th August, 1997 the said Authority has empowered and authorized the Chief Executive Officer Slum Rehabilitation Authority (hereinafter referred to as "the said Officer") to call for objections and suggestions as stipulated under section 37(1B) of the said Act:

And whereas, the said Authority in exercise of the powers conferred under sub-section (1B) of Section 37 had issued Notice No.SRA-DDTP CEO.33(10)DCR 2015, dated 21st September, 2015 for inviting suggestions-objections from the general public with regard to the modification in Clause 3.12, Regulation 33(10) Appendix - IV of said Regulations (hereinafter referred to as the proposed modification) proposed in the Schedule appended to the said Notice:

And whereas, the said Notice No SRA DDTP CEO 33(10)DCR 2015, dated 21st September, 2015 was published in the Maharashtra Government Gazette dated 24-30 September, 2015 (hereinafter referred to as "the Official Gazette") and the said Officer has submitted his Report vide letter dt. 2nd December 2015, after completing the legal procedure stipulated under Section 37(1B) of the said Act:

And whereas, after considering the Report of the said Officer and after consulting the Director of Town Planning, Maharashtra State, the Government has sanctioned the proposed modification in respect of Sub Clause-A, B, E vide Notification of even no. Jated 20th May, 2016 and kept in abeyance the proposed modification in respect of clause (C) & (D).

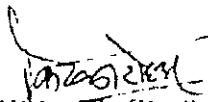
Now, therefore, in exercise of the powers conferred upon it under section 37(2) of the said Act, the Government hereby:-

- A) Sanctions the proposed modification in respect of Sub Clause (D) and refuses to accord sanction in respect of Sub Clause (C) as described more specifically in the Schedule appended hereto.
- B) Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this modification
- C) Directs the Municipal Corporation of Greater Mumbai and the Slum Rehabilitation Authority that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule appended hereto shall be added.

The said modification shall be kept open for inspection by the general public during the office hours on all working days in the office of the Municipal Commissioner, Municipal Corporation of Greater Mumbai and Chief Executive Officer, Slum Rehabilitation Authority.

This Notification shall also be made available on the Govt website- www.maharashtra.gov.in

By order and in the name of the Governor of Maharashtra,



(Kishor D. Girolla)

Under Secretary to Government

SCHEDULE

(Accompaniment to Government Notification No. TPB-4316/46/CR-106/2016/UD-11, dated 1st October, 2016.)

SANCTIONED MODIFICATION

Sr. No.	Regulation No.33(10) (Appendix-IV)	Original Provision	Sanctioned Provision Vide Notification of even No. dated 20 th May 2016	Sanctioned Modification vide this Notification.
(1)	(2)	(3)	(4)	(5)
1	Clause 3.12	3.12 Minimum Density On The Plot Including Non-Residential Units : The minimum density of rehabilitation component on plot shall be 500 tenements per net hectare, that is, after deducting all reservations actually implemented on site including the land appurtenant thereto, but not deducting the recreational / amenity open space on the remaining area. If the number of tenements to be provided to the hutment dwellers is less than the minimum, the balance shall be handed over free of cost to the Slum Rehabilitation Authority.	3.12 (A) Minimum Density On The Plot Including Non-Residential Units : The minimum density of rehabilitation component on plot shall be 500 tenements per net hectare, that is, after deducting all reservations actually implemented on site including the land appurtenant thereto, but not deducting the recreational/amenity open space on the remaining area. If the number of tenements to be provided to the hutment dwellers is less than the minimum, the balance shall be handed over free of cost to the Slum Rehabilitation Authority. The Authority shall use them for the purpose of transit in Project	<p><u>3.12(C)</u> The published provision of clause (C) as per Notice No. SRA DDTP/CEO:33(10)/DCR/2015, dated 21st September, 2015 by the Slum Rehabilitation Authority is rejected.</p> <p><u>3.12(D)</u> Notwithstanding anything contained in clause 3.8, whenever total No. of slum dwellers in a Scheme are less than 650 per hectare, Scheme will be sanctioned with taking all the slum dwellers in account and if final eligibility is less than constructed tenements then remaining tenements shall be treated as PAPs Affordable housing, rental housing, staff quarters etc. In case of tenement density between 650 to 800, all slum dwellers shall be counted for construction of tenements but in situ FSI sanctioned will be 3.00. Only after finalization of eligibility if eligible tenements density comes out to be more than 650 per hectare, FSI of 4.00 as per</p>

<p>Authority. The Authority shall use them for the purpose of transit or Project-affected persons or pavement-dwellers or slum dwellers from other slums. Provided if rehabilitation scheme is undertaken by a Federation, Co-Op. Housing society consisting of members who are serving or retired State Govt. Employees Employees of the State Govt. Undertakings Employees of local bodies of State Government for providing housing to its members, such tenements which are generated over and above the tenements to be provided to the existing eligible hutment dwellers, shall be handed over back to the said Federation / Co-operative Housing Society for providing housing to its above mentioned</p>	<p>affected persons or affordable housing, rental housing, staff quarters etc.</p> <p>(B) If there is balance FSI available in a slum scheme, after in situ development of rehab as well as sale component, development of additional PAPs, affordable housing, rental housing, staff quarters etc. as decided by Chief Executive Officer (SRA) may be allowed in the Scheme up to an extent such that the development and corresponding sale component development remains within the limit of maximum permissible FSI in the said Scheme.</p> <p>(E) If slum rehabilitation scheme is undertaken by a Federation, Co-Op. Housing society consisting of members who are serving or retired State Govt. Employees Employees of the State Govt. Undertakings/Employees of local public bodies for providing housing to its members, such</p>	<p>rules shall be sanctioned. If total No. of slum dwellers is more than 800 per hectare, Scheme shall be sanctioned with taking all slum dwellers with core and/or SI of 400 and in case of tenements remaining after allotment of eligible slum dwellers, these would be converted into PAPs Affordable Housing Rental Housing Staff quarters etc. However, in case of ongoing schemes where the tenement density is more than 650, considering the total number of slum dwellers listed in certificate Ann-11 and the appeals for amenability are pending, such schemes will be considered for grant of FSI at 400% regarding the tenements. Finalization of appeals will be treated as PAPs Affordable Housing Rental Housing Staff quarters etc.</p>
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<p>members and subject to further additional terms and conditions as would be imposed by the Chief Executive Officer, Slum Rehabilitation Authority to ensure adequate membership of class III and class IV employees.</p>	<p>tenements which are generated over and above the tenements to be provided to the existing eligible hutment dwellers. shall be handed over back to the said Federation/Co-operative Housing Society for providing housing to its above mentioned members and subject to further additional terms and conditions as would be imposed by the Chief Executive Officer, Slum Rehabilitation Authority to ensure adequate membership of class III and class IV employees.</p>
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By order and in the name of the Governor of Maharashtra,



(Handwritten Signature)
 (Kishor D. Girolla)

Under Secretary to Government