

On the plot area excluding area to be handed over to MCGM/Appropriate Authority in lieu of Reservation/ Existing amenity in the DP/ proposed DP roads/prescribed RL under MMC Act.

Conditions:

- (1) 5% of total rooms shall be reserved for total 30 days in a year for Govt. /MCGM free of cost (only room charges) & it may be monitored by the MTDC and Protocol Department. The Municipal Commissioner shall intimate MTDC and Protocol Department regarding grant of building permission / occupation certificate to enable MTDC and Protocol Department to comply with these conditions.
- (2) Development cess at 7% of the Land Rate as per ASR (for FSI 1) of the year of approval for the BUA beyond Zonal (basic) FSI (excluding fungible compensatory area) shall be paid to MCGM. Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.
- (3) Commercial uses up to 20% of Zonal (basic) FSI, in addition to uses permissible in hotel i.e. banquet hall, conference hall and meeting room etc. shall be permissible.
- (4) In respect of star category Hotel, projects classified as Mega/Ultra Mega Project as per Maharashtra Tourism Policy-2016, up to 20% of additional FSI available by charging premium can be used for Tourism support activities on payment premium at the rate decided by Government from time to time for the uses as proposed by Tourism Department from time to time.
- (5) All concessions available to star category Hotel are also applicable to Tourism Units classified under Mega Projects, Ultra mega Projects and Large tourism units.
- (6) No condonation in parking and other requirements as in these Regulations shall be allowed except in the side and rear Marginal open spaces condonation up to 25% may be granted with the special permission of the Commissioner.

Note (I) Out of the additional FSI beyond Zonal (basic) FSI, 50% may be availed by utilizing TDR (without payment of premium), provided that the utilization of such TDR will be allowed only after availing of the remaining additional FSI.

(II) If mixed user other than 3 above along with star category hotel is proposed subject to fulfillment of road width for such mix use, then no additional FSI will be available at concessional rate. Separate entrances, Parking arrangements, lifts/ Lobbies shall be provided to segregate such mix uses.

33(5) Development/Redevelopment of Housing Schemes of Maharashtra Housing & Area Development Authority (MHADA)

1) The FSI for a new scheme of Housing, implemented by MHADA on MHADA lands for Economically Weaker Sections (EWS), Low Income Group (LIG) and Middle Income Group (MIG) categories shall be 3.0 on the gross plot area (exclusive of the Fungible Compensatory Area) and at least 60% BUA in such scheme shall be in the form of tenements under the EWS, LIG and MIG categories, as defined by the Government in Housing Department from time to time.

Provided that the Floor Space Indices above may be permitted to be exceeded up to 4.00 FSI in case of plots, having area of 4000 sq. m or above which front on roads having width of 18.00 m or more with prior approval of Govt.

2) For redevelopment of existing housing schemes of MHADA, containing (i)EWS/LIG and/or(ii)MIG and/or (iii) HIG houses with carpet area less than the maximum carpet area prescribed for MIG, the total permissible FSI shall be 3.0 on the gross plot area (exclusive of the Fungible Compensatory Area).

Provided that the Floor Space Indices above may be permitted to be exceeded up to 4.00 FSI in

case of plots, having area of 4000 sq. m or above which front on roads having width of 18.00 m or more.

2.1 Where redevelopment of buildings in existing housing schemes of MHADA is undertaken by the housing co-operative societies or the occupiers of such buildings or by the lessees of MHADA, the Rehabilitation Area Entitlement, Incentive FSI and sharing of balance FSI shall be as follows:-

A) Rehabilitation Area Entitlement:

i) Under redevelopment of buildings in existing Housing Schemes of MHADA, the entitlement of rehabilitation area for an existing residential tenement shall be equal to sum total of

(a) a basic entitlement equivalent to the carpet area of the existing tenement plus 35% thereof, subject to a minimum carpet area of 35 sq. m, and

(b) an additional entitlement, governed by the size of the plot under redevelopment, in accordance with the Table-A below: -

Table-A

Area of the Plot under Redevelopment	Additional Carpet Area on the Existing Carpet Area of Tenement
Above 4000 sq. m to 2 ha	15%
Above 2 ha to 5 ha	25%
Above 5 ha to 10 ha	35%
Above 10 ha	45%

Explanation: (a) The plot under redevelopment means land demarcated by MHADA for redevelopment.

(b) For the purpose, “existing Carpet area/carpet area” means the net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from floor space index computation as per then/ prevailing Regulation but including the areas of balcony, if allowed free of FSI as per then Regulation.

B) Incentive FSI: Incentive FSI admissible against the FSI required for rehabilitation, as calculated in (A) above, shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR) in Rs/sq. m. of the plot under redevelopment as per the Annual Schedule of Rates (ASR) and Rate of Construction (RC)* in Rs/sq. m applicable to the area as per the ASR of the date of approval of plan and shall be as given in the Table B below:-

Table B

Basic Ratio (LR/RC)	Incentive (As % of Admissible Rehabilitation Area)
Above 6.00	40%
Above 4.00 and up to 6.00	50%
Above 2.00 and up to 4.00	60%
Up to 2.00	70%

Provided that the above incentive will be subject to the availability of the FSI on the Plot under redevelopment and its distribution by MHADA.

Provided further that in case there are more than one land rate applicable to different parts of the plot under redevelopment, a weighted average of all the applicable rates shall be taken for

calculating the Average Land Rate and the Basic Ratio. Provided further that the Land Rate (LR) and the Rate of Construction (RC) for calculation of the Basic Ratio shall be taken for the year in which the redevelopment project is approved by the Competent Authority.

C) Sharing of the Balance FSI:

The FSI remaining in balance after providing for the rehabilitation and the incentive components, calculated as per (A) and (B) above respectively, shall be shared between the Cooperative Housing Society and MHADA in the form of BUA, as given in Table C below and the share of MHADA shall be handed over to MHADA free of cost.

Table C

Basic Ratio (LR/RC)	Sharing of Balance FSI	
	Cooperative Society Share	MHADA Share
Above 6.00	30%	70%
Above 4.00 and up to 6.00	35%	65%
Above 2.00 and up to 4.00	40%	60%
Up to 2.00	45%	55%

Explanation

* RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Schedule of Rates.

Provided that in case of plots up to 4000 sq. m, MHADA without insisting MHADA's Share in the form of BUA, may allow additional BUA over and above existing BUA up to 3.00 FSI by charging premium at the percentage rate of ASR defined in table C1 below:-

Table C1

LR/RC Ratio	EWS/LIG	MIG	HIG
0 to 2	40%	60%	80%
2 to 4	45%	65%	85%
4 to 6	50%	70%	90%
above 6	55%	75%	95%

Provided further that in case of plots having area of 4000 sq. m or above which front on roads having width of 18.00 m or more, the FSI 1.00 over and above 3.00 shall be permissible in the form of Social Housing stock in the ratio of 1 MHADA: 0.5 Cooperative Society and it shall be handed over to MHADA free of cost & without any compensation.

Provided that at the option of or with the approval of MHADA, the tenements coming to the share of MHADA can also be provided by the Promoter/Developer elsewhere within the same or adjoining Municipal Ward. Provided that the BUA area to be handed over to MHADA shall be as per equivalent value of BUA as per the market value (as per ASR of that year)

2.2 Where redevelopment of buildings in the existing Housing Schemes of MHADA is undertaken by MHADA or jointly by MHADA along with the housing societies or along with the occupiers of

such building or along with the lessees of MHADA, the Rehabilitation Area Entitlement, shall be as follows:

Rehabilitation Area Entitlement:

The Rehabilitation Area Entitlement shall be increased by 15% of the existing carpet area, over and above the Rehabilitation Area Entitlement calculated in (A) of 2.1 above.

Note: Fungible compensatory area as applicable on the surplus area to be handed over to MHADA shall not be allowed to be utilized on sale component. No premium shall be charged on the fungible compensatory area, in respect of area to be handed over to MHADA and surplus area to be handed over to MHADA shall be exclusive of the Fungible compensatory BUA if availed

3) For the purpose of calculating the FSI, the entire area of the layout including Development Plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered. Sub-division of plots shall be permissible on the basis of the compulsory open spaces as in these Regulations.

The reservations in the MHADA layout may be developed as per the provisions of Regulation No. 17(3).

Provided that there shall be no restriction on the utilization of the FSI permissible under this Regulation except for the restrictions under any law, rule or regulation.

4) For the purpose of this Regulation, the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.

5) a) For providing the requisite infrastructure for the increased population, Development Cess at the rate of 7% of the Land Rate as per the ASR of the year of approval of the redevelopment project shall be chargeable for the extra FSI (excluding the fungible compensatory area) granted over and above the normal FSI for the redevelopment schemes. 5/7th part of the Development Cess levied and collected by MHADA shall be transferred to the Municipal Corporation of Greater Mumbai for developing necessary offsite infrastructure. Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

b) No premium shall be charged under Regulation No 31(1) and 31(3) (for the fungible compensatory area) for

(i) Construction of EWS/LIG and MIG tenements by MHADA on a MHADA plot or

(ii) in a redevelopment project for the construction of EWS/LIG and MIG tenements towards the share of MHADA, or

6) Notwithstanding anything contained in these Regulations, the other relaxation incorporated in Regulation No. 33(10) of these Regulations except clause 6.11, 6.15, 6.16 & 6.18 shall apply. The payment of premium at the rate of 25% of normal premium or at the rate of 6.25% of the land rates as per ASR (for FSI 1), whichever is more shall apply to the Housing Schemes under this Regulation for construction of tenements under EWS/LIG/MIG categories. However, the front open space shall not be less than 3.0 m.

7) a) In any Redevelopment Scheme where the Registered Co-operative Housing Society/Developer appointed by the Registered Co-operative Housing Society/ Federation/ Association/ Union has obtained NOC from the MHADA/Mumbai Board, thereby sanctioning additional balance FSI with the consent of 51% of its members and where such NOC holder has made provision for alternative permanent accommodation in the proposed building (including transit accommodation/Rent Compensation), then it shall be obligatory for all the

occupiers/members to participate in the Redevelopment Scheme and vacate the existing tenements for the purpose of redevelopment. In case of failure to vacate the existing tenements, the provisions of section 95 A of the MHAD Act. Mutatis mutandis shall apply for the purpose of getting the tenements vacated from the non-co-operative members.

b) For redevelopment of buildings in any existing Housing Scheme of MHADA under clause 2.2 hereinabove, by MHADA, the consent of the Cooperative Housing Society in the form of a valid Resolution as per the Co-operative Societies Act, 1960 will be sufficient. In respect of members not co-operating as per approval of the redevelopment project, action under section 95(A) of the Maharashtra Housing and Area Development Act, 1976 may be taken by MHADA.

8) A corpus fund, as may be decided by MHADA, shall be created by the Developer which shall remain with the Co-operative Housing Societies for the maintenance of the new buildings under the Rehabilitation Component.

9) Convenience Shopping shall be permitted along layout roads with 9m to 18m width.

10(a) In case of layout of MHADA where development is proposed under this Regulation and where such land is observed to be partially occupied by slum, under section 4 of Slum Act existing prior to 1.1.2000 or such other reference date notified by the Govt., then for integrated development of the entire layout area and in order to promote flexibility, MHADA may propose development, including area occupied by the slum, under this regulation.

(b) (i) 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.) and

(ii) Existing or 20.90 sq. m whichever is less in case of non-residential

(c) If such land occupied by slum is observed to be affected by reservation then the development of reservation on land occupied by slum shall be regulated by the Regulation No 17(3)(C)

(d) Corpus fund: An amount of Rs.40000 or as may be decided by SRA as per Regulation No 33(10) shall be deposited with MHADA Authority for each eligible slum dwellers.

33(6) Reconstruction of buildings destroyed by fire or which have collapsed or which have been demolished under lawful order

Reconstruction of buildings that existed on or after 10th June 1977 and have ceased to exist for reasons cited above, shall be allowed to be reconstructed with FSI as per the Regulation No 30(C).

Provided that if the area covered under staircase/lift has not been claimed free of FSI as per then prevailing Regulation as per the occupation plan, the area covered under staircases/ lifts shall be considered while arriving protected BUA in such cases the premium for entire staircase lift area in the proposed building as per these Regulations shall be recovered.

This FSI will be subject to the following conditions: -

1. Reconstruction of the new building on the plot should conform to provisions of DP and these Regulations.
2. Reconstruction will be subject to an agreement executed by at least 70 per cent of the landlord and occupants each in the original building, within the meaning of the Mumbai Rents, Hotel and Lodging House Rates Control Act, 1947, and such agreement shall make a provision for accommodation and re-accommodate the said landlord/all occupants in the new building on agreed terms and a certificate from a practicing advocate having minimum of 10 years' experience, is submitted confirming that on the date of application, reconstruction, agreements are executed by at least 70% of the landlords and occupants each in the original building with