



- f) Notwithstanding anything contained in these Regulations, residential/commercial uses otherwise permissible, independent of road width to which it abuts shall be permissible on the Govt./Semi-Govt./Appropriate Authority's share of land, 15% of admissible FSI on AH plot shall be exclusively used for the purpose of convenient shops for use of residential occupants of layout
- g) Development cess at 7% of the Land Rate (for FSI 1) for the BUA (excluding fungible compensatory area) to be constructed on Govt./Semi-Govt./Appropriate Authority's share of land as per ASR of the year of approval shall be paid to MCGM.

33(9) Reconstruction or redevelopment of Cluster(s) of Buildings under Cluster Development Scheme(s)(CDS):

For reconstruction or redevelopment of Cluster(s) of buildings under Cluster Development Scheme(s)(CDS) in the Island City of Mumbai undertaken by (a) the MHADA or the MCGM either departmentally or through any suitable agency or (b) MHADA/MCGM, jointly with land owners and/or Co-op. Housing Societies of tenants/occupiers of buildings and/or Co-op. Housing Society of hutment dwellers therein, or (c) land owners and/or Co-op. Housing Society of tenants/occupiers of buildings and/or Co-op Housing Society of hutment dwellers, independently or through a Promoter /Developer, the FSI shall be 4.00 or the FSI required for rehabilitation of existing tenants/occupiers plus incentive FSI whichever is more as per the provisions of this Regulation as follows.

1.1 Cluster Development Scheme(CDS) means any scheme for redevelopment of a cluster of buildings and structures over a minimum area of 4000 sq. m in the Island City of Mumbai and 6000 sq. m in the Mumbai Suburbs & Extended Suburbs, bounded by existing distinguishing physical boundaries such as roads, nallas and railway lines etc. and accessible by an existing or proposed D.P. road which is at least 18 m wide whether existing or proposed in the D.P. or URP or a road for which Sanctioned Regular line of street has been prescribed by the MCGM under MMC Act, 1888. Such cluster of buildings (hereinafter referred to as Cluster Development(CD) shall be a cluster or a group of clusters identified for urban renewal:

Provided further that HPC may consider after verifying trafficking simulation study to allow CDS on a plot having access from existing minimum 12m. wide dead end road originating from 18 m. wide public road.

- 1) Under the Cluster Development Plan (CDP) for the concerned area, to be prepared by the Commissioner, who may revise the same as and when required; or

Under the Development Plan (DP), where the DP contains such well defined cluster



2) By the Promoter of the CDS,

Provided that no cluster or clusters shall be identified for redevelopment or implementation of CDS by the Municipal Commissioner without carrying out an Impact Assessment Study regarding the impact on the city and sectorlevel infrastructure and amenities as well as traffic and environment of the implementation of CDS on such cluster or clusters.

Explanation:

1. The land under CDS, irrespective of the tenure of the plots comprised therein, shall be treated as one plot for the purpose of FSI and computation of marginal distances.

Amalgamation/ Subdivision of plots: On approval of CDS, any land proposed / considered under CDS on various C.S. Nos. or CTS Nos. and/or F.P.Nos. shall be treated as natural amalgamation for the purpose of CDS. for which no separate approval for amalgamation of lands would be necessary.

Boundaries and Area of Proposed CDS shall be decided as per the approved layout and be confirmed by City Survey Officer after actual measurement of CDS on site and the same shall be adopted for planning purpose. However wherever necessary, the area may be further subdivided to earmark separate plots/Sectors for the planning purpose, handing over of Reservations, amenities, realigned roads, etc. to MCGM/ Appropriate Authority. The Plot area and the BUA in terms of sq. m of the said subdivided plots/Sectors shall be separately mentioned in the Conveyance Deed or lease deed. In case of land of different tenures, single PRC shall not be insisted. However, necessary entries about CDS shall be made in respective PRC.

In specific cases where CDS is not bounded by roads, nallas and railway lines, the boundary of the Cluster may be decided by the Municipal Commissioner.

1.2 The CD may consist of a mix of structures of different characteristics such as

- (i) Cessed buildings in Island City, which attract the provisions of MHAD Act, 1976.
- (ii) (a) Buildings at least 30 years of age and acquired by MHADA under MHAD Act, 1976.
- (b) Authorized buildings at least 30 years of age



Explanation: Age of a building shall be as on the 1st of January of the year in which redevelopment proposal for CDS is submitted to the Commissioner and shall be calculated from the date of occupation certificate or where such occupation certificate is not available, from the first date of assessment as per the property tax record in respect of such building, available with the Municipal Corporation.

(iii) (a) Buildings belonging to the Central Govt, the State Govt, Semi-Govt Organizations and the MCGM, as well as institutional buildings, office buildings, tenanted municipal buildings and buildings constructed by MHADA, that are at least 30 years of age.

(b) Any land belonging to the State Govt, any semi-Govt Organization, MCGM and MHADA (either vacant or built upon) which falls within the area of the proposed CDS including that which has been given on lease or granted on the tenure of Occupant Class II.

Provided that in case of buildings or lands belonging to the Central Govt, the State Govt, Semi-Govt Organizations, MCGM or MHADA, prior consent of the concerned Department shall be obtained for including such buildings or lands in any proposal of CDS.

(iv) Other buildings which by reasons of dis-repair or because of structural/sanitary defects, are unfit for human habitation or by reasons of their bad configuration or the narrowness of streets are dangerous or injurious to the health or safety of the inhabitants of the area, as certified by the Officer or the Agency designated for this purpose by MHADA/MCGM or Mumbai Repair & Reconstruction Board.

(v) Slum areas declared as slums under section 4 of Slum Act or slums on Public lands existing prior to 1.1.2000 or such other reference date notified by the Govt, provided such slum areas do not constitute more than 50% of the area of CD.

Explanation: If some areas are previously developed/or are in the process of development under different provisions of the DCPR, such areas can be included in the CDS only for planning purposes. However, such areas shall be excluded for calculation of FSI under this Regulation and the admissible FSI shall be calculated as per the relevant provisions of the DCPR under which such areas are developed or are being developed. However, it shall be necessary to obtain consent of owner/owners of such areas for becoming part of the CDS.

2. Eligibility of Occupants for Rehabilitation under *Cluster Development Scheme* (CDS).

(A) For Buildings:

i. No new tenancy created after 13/6/96 shall be considered. Further, unauthorized construction made in buildings for creating new tenancy in



the existing tenancies shall not be considered while doing computation of existing FSI. A certified inspection extract of the Municipal Corporation for the year 1995-96 or Court Order proving the existence of tenements prior to 13/6/96 shall be considered adequate evidence to establish the number of tenements. However, the Govt. may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.

ii. The list of occupants and the area occupied by each of them in municipal buildings and their irrevocable written consents shall be certified by the MCGM. The list of occupants in other buildings excluding slums and the area occupied by each of them and their irrevocable written consents as specified in clause 4(a) shall be certified by the MBRRB.

iii. Notwithstanding anything contained in these regulations, mezzanine floors having clear height of 1.8 m. and above constructed prior to 13/06/1996 and regularized subsequently shall be eligible for rehabilitation and incentive FSI.

(B) For Slum Areas:

- i. All the protected Occupiers as defined in Chapter IE of Slum Act and orders issued thereunder and certified by competent authority thereof.
- ii. A structure shall mean all the dwelling areas of all persons who are enumerated as living in one numbered house in the electoral roll of the latest date, upto 1st January 2000 or such other reference date Notified by the Govt. and regardless of the number of persons, or location of rooms or access.

3. Land pooling for the CDS:

The Promoter of CDS shall try to pool lands belonging to various categories of land holders including Public lands by obtaining their consent for including their lands in the proposed CDS, by resorting to any of the following methods of land pooling:

- 1) Purchase of lands, including buildings, if any, standing thereupon,

Provided that if the Promoter wishes to include any building or land belonging to the State Govt. or MCGM or MHADA or any Agency under the control of State Govt. (hereinafter collectively referred as "Public Authority"), then he shall make a written request in this regard through the Municipal Commissioner to an Empowered Committee (EC) headed by the Chief Secretary. This EC shall be as formulated by GoM.

The EC shall examine the request made by the Promoter in terms of the desirability of making the land belonging to a Public Authority available



for CDS and would decide the terms of transfer of such land to the Promoter for the purpose of implementing CDS. In case the land sought by the Promoter belongs to an Authority created by or under a statute, the decision of the EC shall be subject to ratification/approval by such Authority.

2) Exchange of such land with a suitable land of at least equivalent value as per ASR land rates.

3) Procurement of DRs over such land, by way of registered document by the Promoter, provided that the area over which the Promoter holds DRs shall be regarded as one plot for all the purposes of the DCPR; or

4) Transfer of all lands included in the CDS to a legal entity (e.g: Registered Society or Company, Co-operative Housing Society, Charitable Trust, etc.) to be created by the Promoter for implementing the CDS where different landholders have taken proportionate to their share in the total land under CDS; or

5) Acquisition of lands, provided the Promoter has purchased or procured DRs over at least 70% land comprised in the CD and there are dangerous buildings, declared as such by the Competent Authority, on the balance lands contained in the CD. In such a situation, the Promoter may approach the HPC for recommending the proposal to the Govt. for acquisition of such balance lands. Upon receipt of such request, the HPC may, after due examination, recommend to the Govt. as to which lands are required to be acquired for the purposes of CDS. The Govt., thereafter, shall take necessary steps to acquire such balance lands under the provisions of the relevant law and transfer the same to the Promoter only for the purpose of implementing CDS after executing an agreement with him in this regard, subject to the Promoter depositing with the Govt. necessary amount of money for the land acquisition. For the purpose of land acquisition, CDS shall be regarded as public purpose.

4. a) Redevelopment or Reconstruction under CDS may be permitted in pursuance of an irrevocable registered written consent by eligible tenants/occupiers of all authorized buildings not less than 51 % of each building or 60% overall of the scheme involved in the CDS Consent as aforesaid of tenants/occupiers for reconstruction or redevelopment shall not be required, if MHADA/MCGM undertakes redevelopment, on its own land, directly without any developer.

The Developer shall be required to submit along with the CDS proposal, proof of ownership or procurement of DRs in respect of at least 70% of the land under the proposed CDS (excluding Municipal Roads if maintained as existing in proposed CDS) and it shall be mandatory for him to submit such proof of ownership or procurement of development



rights in respect of the balance area within one year from the date of issue of the LOI.

b) All the eligible occupants/tenants of the building(s) undergoing redevelopment shall be rehabilitated in the redeveloped building(s).

5. Conditions of Rehabilitation:

(i) Each occupant/tenant shall be rehabilitated and given on ownership basis, carpet area equivalent to the area occupied by such occupant/tenant in the old building. However, in case of residential/residential cum commercial occupants, such carpet area shall not be less than 27.88 sq. m. This shall be the "basic area".

(ii) In addition to (i) above, there shall be "additional area" for the rehabilitation of residential/residential cum commercial Occupants governed by the size of the CD in accordance with the Table-A below

Table-A

Area of the 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%

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

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.

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.) and

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



(c) For purpose of existing "Carpet area"/ rehabilitation "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

6. Total Permissible FSI for CDS:

a) The total permissible FSI for an CDS shall be 4.00 on gross plot area, but excluding the reservations/ existing amenity, road set back, area under existing Municipal Roads but including the BUA under reservation/existing amenity, road set back or sum total of the Rehabilitation FSI + Incentive FSI, whichever is more.

Provided that the aforesaid FSI shall be exclusive of the Fungible Compensatory area admissible under the provision of DCR31(3).

b) The incentive FSI admissible against the FSI required for rehabilitation shall be based on the ratio (hereinafter referred to as Basic Ratio) of Land Rate (LR), in Rs/sq. m., of the lands included in the URC; as per the ASR and Rate of Construction (RC)* in Rs/sq. m, applicable to the area as per the ASR and shall be given as per the Table-B below:

Table-B

Basic Ratio (LR/RC)*	Incentive (As % of Admissible Rehabilitation Area)			
	For 0.4ha up to 1 ha	More than 1 ha up to 5ha	More than 5 ha up to 10 ha.	For more than 10ha
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%

Explanation: -

(i) *RC is rate of construction in respect of RCC Construction and Land Rate (LR) is the rate of Open Land for FSI 1.

Provided further that in case there is more than one land rate applicable to different parts of the plot under the CDS, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in



which the Cluster Development Project is approved and LOI is issued by the Authority competent to approve it and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

Provided further that if any new area is allowed to be added to or deleted from the CDS after such Scheme has been approved and if there is change in the slab prescribed above, the incentive FSI for the total area of the revised Scheme shall be determined as per the new slab. Provided further that any new area being added to a CDS shall not be less than 75% of the minimum area required for CDS.

Provided further that augmentation of area of CD shall not be allowed after further CC has been issued in respect of more than 75% of the total permissible BUA sanctioned under the original Scheme and there shall be no revision of individual areas as a result of such amalgamation of area. However, deletion of area from a sanctioned scheme will be permissible, provided the construction of rehabilitation component has not commenced and such deletion does not break the contiguity of the area under CDS.

c) If the total of rehabilitation FSI + incentive FSI is less than 4.00, then the Balance FSI over and above total of "rehabilitation FSI + incentive FSI" as per (b) above upto the limit of 4.00 shall be shared in terms of BUA between MHADA and the Promoter/Developer in accordance with Table-C below:

Table-C

Basic Ratio (LR / RC)*	Sharing of Balance FSI	
	Promoter/Developer 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%
Upto 2.00	45%	55%

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 else where within the same or adjoining Municipal Ward as per the following formula:

Area of tenements coming to MHADA's share at location 'B' in CDS = Area of tenements coming to MHADA's share at location 'A' in CDS X land rate as per ASR value of location 'A' / land rate as per ASR value of location 'B'



Where location 'A' refers to the location where tenements coming to MHADA's share under the Scheme are required to be given.

Location 'B' is the new location where such tenements are allowed to be given.

Provided further that the tenements so received by MHADA under its share shall first be offered free of cost to the MCGM and MMRDA for use as PAP tenements or as transit accommodation. If the MCGM and MMRDA do not require such tenements for PAP's or as transit accommodation, then the tenements received under its share shall be used by MHADA for PAPs or Transit Accommodation or shall be sold as AH with prior permission of the Govt.

d)"tolerated structures" encroaching upon roads in nearby vicinity shall be allowed to be included in the CDS and its BUA shall be included in rehabilitation area, provided such structures are permanently removed.

Explanation: The term "tolerated structure" means structure used for residential or non-residential purpose and existing prior to 17th April 1964 or 1st April 1962 respectively or date as decided by Govt.

e)It shall be permissible to implement the sanctioned CDS in phases provided the area of CD is more than 8000 sq. m in Island City and 12000 sq. m. in Suburbs and Extended Suburbs and the development in each phase is strictly in conformity with the Master Plan/Layout Plan approved for the entire CDS.

Subject to the master plan for the whole cluster being followed, phase wise implementation of CDS may be allowed, with pro rata utilization of the total admissible FSI.

Provided further that, while giving permission for phased implementation of the CDS, the time frame for implementation of each phase shall also be given.

The minimum area for each phase shall be 4000 sq. m. in Island City and 6000 sq. m. in Suburbs and Extended Suburbs.

Provided further that, while giving permission for phased implementation of CDS, the incentive FSI as per Table-B shall be first released as per the area of the plot under a given phase and the balance incentive FSI shall be released while giving approval to the last phase.

7. From the total FSI available under Clause 6, entire FSI towards rehabilitation component and MHADA's share shall have to be utilized on plot/plots under the Scheme. In case a part of incentive FSI is not proposed to be utilized on the same plot, the benefit of TDR as per Regulation No 32 shall be given. However, the quantum of TDR shall be governed by the following formula.



Incentive FSI at location 'B' in CDS

= Incentive FSI at location 'A' in CDS X ASR value of Land at location 'A' / ASR value of Land at location 'B'

Where, location 'A' refers to the location where incentive FSI in CDS is generated.

Location 'B' is the new location where such incentive FSI is to be utilized.

8. Development of DP Reservations:

Construction or reconstruction of slums/buildings falling under Reservations contemplated in the DP shall be permissible as stipulated in the Regulation No. 17(3)(C)(I)

a. Where a proposed DP Road or Regular line of street passes through the CDS area, the entire FSI admissible under this Regulation for the area of the road may be given in the same Scheme.

The location of and the area under DP road/ existing roads falling in the CDS may be allowed to rearranged based on the comprehensive traffic study without affecting the continuity of the existing traffic movement and without reducing the total area of the existing road & DP Road. The existing roads may be realigned or relocated as per provisions of MMC Act.

b. No premium shall be charged for the fungible compensatory area admissible as per Regulation 31(3) for rehabilitation component of CDS as sanctioned by HPC and for the tenements to be handed over to MHADA and for the areas of reservation to be handed over to MCGM/Appropriate Authority. This fungible compensatory area admissible to the rehabilitation tenements shall be utilized for rehabilitation component only. Its utilization for Sale Component under the URS shall not be permissible.

9. 30% of the incentive FSI can be used for non-residential purposes as otherwise permissible under the DCR.

10. Development cess at the rate of 100% of Development Charge, subject to a minimum of Rs 5000 per sq. m. for BUA over and above the existing BUA (excluding fungible compensatory area/BUA), for the rehabilitation and free sale component, shall be leviable in respect of any CDS by the MCGM and in accordance with the time schedule for such payment as may be laid down by the Commissioner. Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

This development cess shall not be applicable to the BUA to be handed over to the MCGM or any Public Authority in lieu of reservation or to the



amenity areas to be handed over to the MCGM as per the requirement indicated by the MCGM or the HPC.

11. Temporary transit camps may be permitted in the same CD or elsewhere in MCGM limits on land belonging to the Promoter/Developer up to 4.00 FSI with the concessions permissible under SRA Scheme under Regulation 33(10). Such transit camps shall have to be demolished after full occupation certificate is granted to the Rehabilitation Component by the Corporation for the reconstructed building. Till the transit camps are fully demolished, the Commissioner shall not release FSI for the free sale area under the CDS in excess of 75% of the total admissible Incentive FSI.

12. Non-conforming Activities: All activities which are existing shall be allowed to be re-accommodated regardless of the non-conforming nature of such activities excepting those that are hazardous and highly polluting and those where alternative accommodation has to be provided elsewhere by the Promoter/Developer/MCGM.

13. Relaxation in Building and other requirements:

In case of tenements of 27.88 sq. m Carpet area for rehabilitation or tenements to be given to MHADA, towards its share and the BUA to be handed over to the Planning Authority/Appropriate Authority, the following shall be applicable.

13.1 Calculation of FSI for all purposes shall be on gross area of the CDS. Provision of LOS, to be kept on the site as per prevailing D.C.Regulations.

13.2 Notwithstanding anything contained in Regulation No.31(1), areas of common passages not exceeding 2.00 m in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and MHADA component shall not be counted towards FSI.

13.3 Front and marginal open spaces, for a building having height up to 32.0 m. in the rehabilitation component ora composite building, shall be 3.0 and 4.5 m respectively.

Provided that for a building having height more than 32.0 m and up to 70 m, open space of the width of 6 m at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the maneuverability of a fire engine, unless the building abuts two roads of 6 m or more on two sides, or another access of 6 m to the building is available, apart from the road abutting the building.

13.4 Notwithstanding the provisions in Regulation No 41 (Table No 18)



where the location of the CD plot abuts a DP Road having width of 18.3 m and above. The front marginal open space shall not be insisted upon beyond 3.0 m provided such road is not an Express Highway or a road wider than 52m.

13.5 Where the location of the CD plot abuts a trained nallah, the marginal open space along the nallah shall be 6.0 m from the edge of the trained nallah,

13.6 The distance between any two rehabilitation buildings up to 32 m height shall not be less than 6.00 m

13.7 If the height of any building constructed under CDS is more than 32.0 m, marginal open space shall be as per the Regulation No 41(5).

13.8 A composite building under CDS shall have at least 50 percent of BUA as rehabilitation component.

13.9 Wherever more than minimum front and marginal spaces have been provided, such additional area provided may be considered wherever necessary, as part of the AOS under the CDS comprising both rehabilitation and free sale components, without charging any premium, in relaxation of the stipulation in Regulation No. 27.

13.10 The means of access shall be normally governed by the provisions of Regulation No. 23. However, in the CDS, wherever the design of the buildings up to 32.0 m height requires relaxation in the width of access, the same may be given. However, high rise buildings shall be permissible as per Regulation No 19.

13.11 Even if the LOS is reduced to make the project CDS viable, at least 10 percent of CD plot area shall be provided as LOS. In addition, 10 percent of CD plot area shall be earmarked for LOS which can be adjusted against the DP reservation/land component of built up amenity, to be handed over to MCGM, if any, existing on such plot.

13.12 Premium shall not be charged for exclusion of staircase and lift well etc. as covered under the provisions of Regulation 31(1)

13.13 In order to make the CDS viable, the Municipal Commissioner shall be competent to sanction any relaxation in marginal open spaces except front marginal open space and parking requirements wherever necessary due to bonafide hardship, for reasons to be recorded in writing which shall not affect general health, fire and safety requirements. However, the Govt. shall have the power to relax any of the provisions in these Regulations.

13.14 All relaxations outlined hereinabove shall be admissible only in respect of the rehabilitation component and the composite buildings under the CDS. Premium shall not be charged for all or any of the



relaxations given hereinabove or for any other relaxations mentioned in Regulation No 31(1). Provided that if any further relaxation in open spaces is granted by Municipal Commissioner then the same shall be subject to compliance of CFO requirement and recovery of premium at the rate 2.5% of ASR.

If any relaxation in open spaces except front open space in sale component is granted by Municipal Commissioner, then the same shall be subject to compliance of CFO requirement and recovery of premium at the rate 2.5% of ASR.

14. The approving/sanctioning authority for the building plans under the CDS shall be the Municipal Commissioner as per the MMC Act and MRTTP Act, 1966 even if the CDS partly consists of declared slums/slums on Municipal/ Govt. lands existing prior to 1st January 2000 or such/other reference date notified by the Government.

15. Religious structures existing on the site of CDS prior to redevelopment, if allowed to be redeveloped in accordance with the guidelines issued by the Govt from time to time, shall not, following such redevelopment, have area exceeding their area prior to redevelopment.

16. Restriction on transfer of tenements shall be governed by provisions of Maharashtra Rent Control Act, till such time that a Co-op. Housing Society is formed and thereafter the same shall be governed by the provision of Maharashtra Co-op. Societies Act. However, tenements constructed for slum rehabilitation shall not be transferable for a period of 10 years.

17. Corpus Fund: An amount of minimum Rs 50,000/- per tenementor as directed by the HPC shall be created by the Promoter/Developer as a Corpus fund, which will be utilised for maintenance of the rehabilitation buildings for a period of 10 years.

18. Any ongoing scheme under Regulation 33(7) which fulfills the criteria under this Regulation can be included in the proposal under Regulation 33 (9) for approval or converted into a CDS under this Regulation 33(9). However, all dilutions of reservations under Regulation 33(7) shall have to be restored as per this Regulation.

19. Heritage buildings of Grade-I and II as well as authorized and structurally sound retainable buildings may be included in the CD, but shall have to be kept as they are, alongwith land appurtenant, and this area shall be counted towards the slab of Incentive FSI, but shall not be considered for FSI under this Regulation. As regards such Heritage Structures, the Promoter/Developer shall have to contribute Heritage Cess at 5% of ASR on the basis of BUA of the Heritage structure. Existing provisions under the DCPR shall apply to Heritage Buildings of Grade-III



and buildings in heritage precincts. However, if the URS contains Grade I structure, the HPC shall consult the MHCC before granting approval.

20. If HPC approves areas for amenities such as Fire Stations/Hospitals/Police Stations/Schools, etc. 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.

21. 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 this Regulation. On approval by HPC, the proposal shall be submitted to the Municipal Commissioner, MCGM for approval of plans. The decision of HPC shall be appealable as if it is an appeal under section 47 of the MR&TP Act, 1966.

Provided that no CDS shall be sanctioned by the Govt without giving due regard to the Impact Assessment study referred to in clause 1.1 above.

22. Regardless of its area, any Cluster Renewal Scheme (CRS) for which LOI has been issued under Regulation 33(9) of DCR 1991 prior to the date of coming into force of this Regulation can be allowed to be converted as per this Regulation at the request of the Promoter/Developer, with the prior approval of the State Govt.

Provided that:

a) For the purpose of calculation of Basic Ratio, as specified in Clause 6(b) above, the land rate (LC) and the Rate of construction (RC) shall be taken for the year in which such CDS was approved and LOI was issued by the competent authority.

b) 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.

c) Conversion of such CDS, which has not been sanctioned by the Govt. earlier, shall require Govt. approval.

Provided further that after the coming into force of this Regulation, land pooling and the development of buildable reservations and construction of Transit Camps in the CDS approved prior to the coming into force of this Regulation may be done as per the provisions of this Regulation, if the same has not been completed so far, even where such CDS has not been converted to be developed as per this Regulation.



33 (9) (A) Regulations for Dharavi Notified Area (DNA)

Urban Renewal Scheme under Dharavi Redevelopment Project (DRP):

Areas undertaken by SRA under DRP for renewal and redevelopment of buildings/chawls including cessed buildings situated on non-slum areas within DNA, shall be a part of the entire DRP Area which shall have an overall FSI of 4.00. The entitlement of FSI on that particular plot shall be 4.00 or the FSI required for rehabilitation of existing tenants/occupiers plus incentive FSI and would be in accordance with the guidelines laid down below.

1) Applicability of the provisions:

For achieving comprehensive planning and development of non-slum areas of DNA through sectoral layouts of DRP, the provisions in this Regulation shall apply to the renewal and redevelopment of buildings/chawls including cessed properties and such schemes on areas which are part of DRP Area undertaken by DRP (SRA) by following competitive bidding process for DRP (SRA) through the developer or through Public Authority or any manner as may be decided by Government from time to time. The properties which are not part of DRP Area as defined above shall be developed in accordance with DCR 30.

- 2) Renewal & Redevelopment project formulated by SRA for buildings/chawls including cessed properties shall be with FSI of 1.72 or the FSI required for rehabilitation of existing eligible occupants, whichever is more. This shall exclusively be used for rehousing existing eligible occupants and for generating additional tenements/units. The BUA of such construction with 1.72 FSI or more shall be termed as RRC
- 3) (a) If areas redeveloped earlier under SRD/SRA schemes are included in the DRP Area for renewal and redevelopment under DRP, the TDR generated from the plot in the said SRD/SRA scheme would be deducted from over all calculation of FSI 4.00.

(b) For private unencumbered plot/s situated within DNA but presently excluded, the FSI shall be 4.00 on their inclusion in DRP. The developer however, shall have to pay premium as decided by DRP on BUA equivalent to 2.67 FSI of that plot upon which he could go up to BUA equivalent to 4.00 FSI in his free sale component.
- 4) The construction of RRC will be carried out by the developer so appointed under DRP at his cost as per the specifications, planning and requirements of DRP (SRA). Each eligible occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 sq. m (300 sq. ft.) and maximum area equivalent to the area occupied in the old building. The carpet area upto 70 sq. m shall be part of RRC and shall be provided free of cost. However, area above 70 sq. m will be at construction cost to be determined by OSD, DRP (SRA) and the said cost

