

Presentation for
The Institute of Chartered
Accountants of India



Part-VI

Additional Floor Space Index (FSI)
IMPACT OF DCPR 33(5) , 33 (7), 33(9)

By – Ar.Milind Changani

Date : 16.02.2019



DCPR 33(5) :- Development or redevelopment of Housing schemes of MHADA



- **33(5) -1 – Development by MHADA**
- **33(5) (2) – FSI 3.00 on GROSS plot upto 4000 sq.m for** 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 forMIG,MIG
- **FSI 4.00 if plot area more than 4000 sq.m and abutting 18.0m wide road**
- **Consent -51% (Valid resolution and add Dev cess 7% , premium 6.25% of normal premium**
- **Rehab entitlement : a) Basic existing area + 35% (fungible additional) subject to min 35sq.m**
- **B) Additional entitlement –**
- **as per area of plot – 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%



- For purpose of existing Carpet Area – net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from FSI computation as per then prevailing regulation but including area of balcony if allowed free of FSI as per then regulation (21.09.18)
- For commercial entity – shall be existing carpet area + 20%

Table B

- Incentive FSI-as per Table B

LR – land rate

CR – Construction rate

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%



- For plots above 4000sq.m abutting 18.0m wide road has to share the balance FSI – out of total permissible – less existing less incentive as per table B
- *As per Table C*

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%



- For plots upto 4000sq.m , with FSI 3.00 – surplus FSI – i.e- Total permissible FSI - existing area – incentive area as per Table B , shall be available to project proponent on premium as per table C1

Table C1

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

- For plots upto 4000sq.m , with 18.0m wide road , the FSI 1.00 above 3.00 , shall be permissible in form of social housing with MHADA (1.00) and Society (0.5) – to be handed over free of cost.
- Combination of schemes of 33(10) with 33(5) now permissible



DCPR 33(7) :- Reconstruction or Redevelopment of cessed buildings in island city by CHS or old buildings belonging to corporation



- **Carpet Area existing and rehab – net usable floor area within a tenement** excluding that covered by the walls or any other areas specifically exempted from FSI computation as per then prevailing regulation *but including area of balcony if allowed free of FSI as per then regulation (21.09.18)*
- *Carpet area for sale or any other than REHAB will be as per RERA definition of carpet area*



DCPR 33(7) – Redevelopment of cessed building in island city

DCPR 2034 SANCTIONED			
Sr.no	No of plots	FSI	Add Benefit to tenants
1	Single	3.00 +(5% ADD BUA TO REHAB TO BE ADDED) OR INCENTIVE 50%	REHAB AREA INCL OF BALC +5% , subject to max cap as per Sr.no2
2	2-5 plots	3.00 +(8 % ADD BUA TO REHAB TO BE ADDED) OR INCENTIVE 60%	REHAB AREA INCL OF BALC + 8% subject to max cap as per Sr.no2
3	More than 5 plots	3.00 +(15% ADD BUA TO REHAB TO BE ADDED) OR INCENTIVE 70%	REHAB AREA INCL OF BALC +15% subject to max cap as per Sr.no2



- Note- Notwithstanding anything contained in this regulation, in case of redevelopment scheme where permissible FSI is 3.0, then the permissible FSI shall be allowed to be **exceeded by BUA required for 5%, 8%, 15% additional rehab carpet area provided as per clause 5 . a) & b)**
- Min carpet area to rehab 300 sqft and max as per existing area , however **incentive** will be given over ~~70 sq.m~~ 120 sq.m Max (add 5/8/15% will not be available to area of flats larger than 120 sq.mts) . **In case R/NR max 300 sqft (earlier 350 sqft) .**
- **The cost of construction of area over and above 120 sq.m shall be paid by tenant /occupant to developer.**
- **MHADA surplus if ANY – shall be in same ward or adjoining ward**



DCPR 33(7) – Redevelopment of cessed building in island city

- Deceased building **prior to 30.09.1969**, which were ~~earlier A category~~ cessed building and were attracting the provision of MHAD act 1976 **with FSI 2.5 . NO benefit of 5%/8%/15% for deceased building tenants**
- All eligible tenants **cessed and non cessed** existing in buildings prior to 30.09.1969 to be ~~certified-Verified-~~ by MBRRB (**tenancy as per 13.06.1996 or as decided by GOM from time to time**)
- Consent ~~70%~~ , **51%** , 20% can be used as NR otherwise permissible in DCPR.
- Since the permissible FSI in clause 5 above is dependent upon the number of occupiers and the actual area occupied by them, no new tenancy created after 13.6.1996 ~~or date as decided by GoM from time to time shall be considered.~~

Further unauthorized constructions made in the cessed buildings shall not be considered while computation of existing FSI.



DCPR 33(7) – Redevelopment of cessed building single plot - FSI 3.00

DCR 1991 - Reg 33(7)			DCPR 2034 - Reg 33(7)		
Sr.no	Description	Area in sq.mts	Sr.no	Description	Area in sq.mts
1	plot	1000	1	plot	1000
2	rehab Area assumed 1.33	1330	2	rehab Area assumed 1.33+ 10% Balcony +5% add area	1536.15
3	FSI	3	3	FSI 3.00 +5% add BUA	3
4	Total permissible BUA	3000	4	Total permissible BUA as per FSI 3.00 + add BUA of 5% give nto rehab (1330 +10% Balcony) X 5%	3073.15
5	MHADA surplus %	56%	5	MHADA surplus %	50.01%
6	MHADA surplus	167	6	MHADA surplus	76.85
Balance Sale FSI			Balance Sale FSI (4) -(2)-		
7	(4) -(2)-(5)	1503	7	(5)	1460.15
			8	Sale difference from 1991 dcr	-42.85
			9	MHADA surplus defecit	90.15
			10	% sale INCREASE /DECREASE	-3%

Remarks :

Due to loading of Area of Balcony and 5% add in rehab area , MHADA surplus area reduced and sale reduced by 3% approx. Which was otherwise available in DCR 1991



DCPR 33(7) – Redevelopment of cessed building amalgamation 2 plots FSI 3.00

DCR 1991 - Reg 33(7)			DCPR 2034 - Reg 33(7)		
Sr.no	Description	Area in sq.mts	Sr.no	Description	Area in sq.m
1	plot	1000	1	plot	1000
2	rehab Area assumed 1.33	1330	2	rehab Area assumed 1.33+ 10% Balcony + 8 % add area	1580.04
3	FSI	3	3	FSI 3.00 +5% add BUA	3
4	Total permissible BUA	3000	4	Total permissible BUA as per FSI 3.00 + add BUA of 5% give nto rehab (1330 +10% Balcony) X 5%	3117.04
5	MHADA surplus %	56%	5	MHADA surplus %	49.31%
6	MHADA surplus	167	6	MHADA surplus	0
Balance Sale FSI (4) -			Balance Sale FSI (4) -(2)-		
7 (2)-(5)		1503	7 (5)		1537
			8 Sale difference from 1991 dcr		34
			9 MHADA surplus defecit		167
			10 % sale INCREASE /DECREASE		2%

Remarks :

Due to loading of Area of Balcony and 5% add in rehab area , MHADA surplus area is now NIL and sale improved from DCR 1991 Marginally



DCPR 33(7) – Redevelopment of cessed building Single plot Incentive Scheme

DCR 1991 - Reg 33(7)			DCPR 2034 - Reg 33(7)		
Sr.no	Description	Area in sq.mts	Sr.no	Description	Area in sq.mts
1	plot	1000	1	plot	1000
	rehab Area assumed			rehab Area assumed 2.0+	
2	2.0	2000	2	10% Balcony +5% add area	2310
3	FSI	50%	3	FSI - incentive 50%	50%
4	Total permissible BUA	3000	4	Total permissible BUA as per incentive	3465
5	MHADA surplus %	33%	5	MHADA surplus %	33.33%
6	MHADA surplus	0	6	MHADA surplus	0
Balance Sale FSI			Balance Sale FSI (4) -		
7	(4) -(2)-(5)	1000	7	(2)-(5)	1155
			8	Sale difference from 1991 dcr	155
			9	MHADA surplus defecit	0
			10	% sale INCREASE /DECREASE	16%

Remarks :

Incentive Schemes sale improved , however since benefit of 6.16 not availed to sale component of 33(7) cost of FSI increases



DCPR 33(7) – Redevelopment of cessed building Amalgamation – incentive Scheme

DCR 1991 - Reg 33(7) (2-5) plots Incentive			DCPR 2034 - Reg 33(7) (2-5)Plots incentive scheme		
Sr.no	Description	Area in sq.mts	Sr.no	Description	Area in sq.mts
1	plot	1000	1	plot	1000
2	rehab Area assumed 2	2000	2	rehab Area assumed 2 + 10% Balcony + 8 % add area	2376
3	FSI	60%	3	FSI - incentive 50%	60%
4	Total permissible BUA	3200	4	Total permissible BUA as per incentive	3801.6
5	MHADA surplus %	38%	5	MHADA surplus %	37.50%
6	MHADA surplus	0	6	MHADA surplus	0
Balance Sale FSI			Balance Sale FSI (4) -		
7	(4) -(2)-(5)	1200	7	(2)-(5)	1425.6
				Sale difference from 1991	
			8	dcr	225.6
			9	MHADA surplus deficit	0
				% sale INCREASE	
			10	/DECREASE	19%

Remarks :

Incentive Schemes sale improved , however since benefit and 6.16 not availed to sale component of 33(7) cost of FSI increases



8. Relaxation in building and other requirements for rehabilitation:

Notwithstanding anything contained in these Regulations, the relaxations incorporated in sub Regulation No. 6 of 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%~~ 10% of normal premium or at the rate of ~~6.25%~~ 2.5% of the land rates as per ASR (for FSI 1), whichever is more shall apply.

APPLICABLE -6.15 All relaxations outlined hereinabove shall be given to the rehabilitation component, and also to the composite buildings in the project.

Premium shall not be charged for all or any of the relaxations given for rehabilitation and composite buildings herein above. Provided that if any further relaxation in open spaces is granted by Chief Executive Officer then the same shall be subject to compliance of CFO requirement and recovery of premium at the rate 2.5% of ASR.



NOT APPLICABLE - 6.16 = Relaxations for the free sale component – Relaxation contained in sub regulation No. 6.9 above, as well as other necessary relaxation shall be given to the free sale components on payment of premium at the rate of 2.5% of Ready Reckoner Rate ***or 10% of normal premium whichever is more.*** **So will it be at 25% of normal premium i.e 6.25% for sale or 100% ??**



Combination of schemes possible with 33(7)

- **33(7)** can be combined with **33(12)** which includes both T.P. Schemes and structures in alignment of road with Max FSI of 4.00
- **Non cessed** buildings in same plot upto 25% of land component will get FSI 3.00
- Municipal tenanted properties under **33(7)** , has any slum pockets , can be combined with provision of **33(10)** subject to slum pocket not being larger than 50% of plot area and mcgm being planning authority if larger can be done with SRA and incase , municipal commissioner can decide the planning authority
- Can also be combined with any other scheme with FSI of higher scheme being the limit. **Like PPL**



DCPR 33(7) – Redevelopment of cessed building in island city

DCR 14(A) – CONCESSION IN 33(7) AS BELOW ADDED ON 13.11.2018

Note: (ii) **In case of redevelopment under 33(7), 33(7)(A), 33(10) amenity as per this Regulation shall be reduced to 35%.**

DCPR 19 (2) – NEW CLAUSE ADDED ON 13.11.2018

Provided further that, in case of redevelopment schemes under Regulation 33(7), 33(7)(A), 33(7)(B), 33(10) and 33(10)A, the road width **of 9m for building height up to 120m** and **13m for building height above 120m, shall be adequate.** This shall be subject to CFO's NOC.

DCPR 33(7) (21) – reads as below AS PER 21.09.18– which is not deleted – CONTRADICTION TO DCPR 2034 -19(2) Notwithstanding anything contained in these Regulations existing **9m.** width of road shall be essential for **any height of building above 32 m. height.**



DCPR 33(7) – Open space requirement

Sr.no	Height of Building (composite /rehab building only) /Road width	Open space as per DCPR -41(5)	Open space as per DCPR -47(A) Fire requirements
1	Up to 32m/ road width 6m	3.0m FOS/ Side/Rear	Nil
2	32m to 70m/road width 9.0m	6.0m Side and Rear	Min one side 6.0m , NOT required if 2 sides road 6.0m
3	70m to 120m /road width 9.0m	9.0m side and Rear	Min one side 9.0m at ground level other than road side NOT required if 2 sides road
4	More than 120/road width 13.0m	12.0m Side and Rear	Min one side 9.0m at ground level other than road side NOT required if 2 sides road



DCPR 33(7) – Redevelopment of cessed building in island city- Municipal plots - **FSI 3.00 or incentive .**

- Further in case of **reconstruction/redevelopment of the buildings of Corporation existing prior to 30.09.1969** as per this Regulation, the BUA beyond area required for re-accommodation of existing occupants and incentive thereon of such rehab area if any shall have to be shared between MCGM and Society of occupants in the ratio of 1(MCGM): 0.5(Society of occupants), **or compensation for MCGM share shall be paid to MCGM, as per policy of Municipal corporation.**
- Provided further that, the above **provision 5(b)** shall also be applicable to municipal plots (i.e **5%/8%/15%**) under redevelopment under this Regulation having **different residential societies on different plots.**
- In case of **tenement density more than 650/HA – FSI will be 3.00 or 70%** incentive and tenant to get 15% add. Carpet area as per Sr. no 2 of regn subject to maximum limit.



DCPR 33(7) – Redevelopment of cessed building in island city- Municipal plots

- **20. (a) In case of layout of MCGM owned plots/ Municipal plot where there *are slums on same plot* , scheme can be clubbed and planning authority will be MCGM .**
- In cases where **slum area do not constitute more than 50% of the plot area** under redevelopment, in such cases the **Planning Authority shall be as decided by Municipal Commissioner**

Reservation in Municipal plots :

- **In case of Municipal plots reserved or unreserved , BUA equal to 25% of plot Area as per zonal FSI in form of tenements or premium shall be handed over to MCGM in lieu shall get add BUA for construction cost of amenity as per note d of clause 17(1) . And for non buildable reservation – 35% POS and 65% developable land thereafter.**



- **However clause iii. To V there after are deleted which dealt with buildable reservation in Municipal plots is deleted so it is assumed will be developed as per policy of AR ? (no benefit for plot , construction TDR can be availed)**
- ~~V. Existing structures on lands reserved for **Rehabilitation & Resettlement (RR 2.1)** shall be treated as sites for **development** of such structures and shall be allowed for redevelopment according to this Regulation. For other buildable reservation 25%~~
- 17(3)B for cessed plots
- **Notwithstanding anything contained in these regulations, 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.**



DCPR 33(9) :- Reconstruction or redevelopment of clusters of buildings under cluster redevelopment scheme(s) (CDS)



-
- Permissible FSI for Reg 33(9) :
 - The total permissible FSI for an CDS shall be 4.00 on gross plot area, but excluding the reservations/designations existing amenity, road set back, area under existing Municipal Roads but including the BUA under reservation/designation existing amenity, road set back or sum total of the Rehabilitation FSI + Incentive FSI, whichever is more.
 - It is made applicable in **Mumbai Suburbs & extended suburbs** for cluster of buildings over a minimum area of 6000 sq. m. and **Mumbai city** min plot area **4000sq.mts**
 - The requirement of access to CDS by existing or proposed D.P. road of width ~~12m~~ **18m**. (existing or proposed) Or HPC MAY consider access from existing min 12.0m wide dead end road originating from 18.0m public road (13.11.18)
 - Consent **51% of each**
 - **building and 60% 70% of overall scheme** (13.11.18)
 - Identified clusters for urban renewal can be as under D.P., where DP contains such well defined cluster. (NO identified cluster yet found in DP)
 - Impact Assessment study regarding impact on city and sector level infrastructure is essential.



- Carpet Area existing and rehab – net usable floor area within a tenement excluding that covered by the walls or any other areas specifically exempted from FSI computation as per then prevailing regulation **but including area of balcony if allowed free of FSI as per then regulation (13.11.18.)**
- Any building of age **30 years can be part of cluster** . Which include buildings of MCGM/MHADA/Govt and slums but not more than 50% of CDS . Tenancy cut off 13.06.1996 except for slum 01.01.2000.
- , Min area to tenant **27.88 sq.m and add area as per Table A below** 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 where as (in 33(7) /33(7)A limit has been increased to 120 sq.m**

Table-A

Area of the <i>Cluster Development</i>	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%

Remark : In 33(9) if existing authorized area more than 100 sq.m same is not considered for rehab and incentive



- 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 – refer **Table B of DCPR 2034**
- **Surplus 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**
- MHADA/MCGM share can be given in same or adjoining ward as per formula
- 30% of the incentive FSI can be used for non-residential purposes
- 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.**
- Conversion of such CDS, **which has not been sanctioned by the Govt.** earlier, shall require Govt. approval.
- Amenity as per DCR 14 needs to be handed over no concession as given to 33(5), 33(7) being redevelopment schemes of similar nature
- Municipal commissioner may relax open space requirement except front open space in sale component subject to CFO requirement and payment of premium at 2.5% of ASR



-
- The scheme can be implemented in phases.
 - Ongoing Scheme under 33(7) of DCR 1991 can be converted into CDS under this regulation 33(9) of DCPR 2034 Development cess at the rate of 100% of development charge, subject to minimum of Rs. 5000/- for BUA over & above [existing BUA \(excluding fungible compensatory area\)](#).
 - It will not be applicable to BUA to be handed over to MCGM or any public authority.
 - High Rise building permissible as per Regulation 19, whereby for height of the building will be permissible as per road width.
 - For building with height more than 120 m road width required is 18 m.
 - An amount of minimum Rs. 50000/- per tenement or as directed by HPC shall be created by developer as a corpus fund.



THANK YOU