

**MUNICIPAL CORPORATION OF GREATER MUMBAI**  
**CHE / WS /0786/K/337(NEW)**  
**Form : 4C. Report on Various Concession Sought**

**Sub :** Proposed residential building on plot bearing, CTS No.239 & 242 of Village Andheri at J.P. Road, Andheri (W).

**Owner :** Shri, Prashant Doshi of M/s. Jiraj Developer C.A. to Hill View CHS.  
**Architect:- Shri. Manish Shah**

**Reference :** Plans for consideration as uploaded in Auto D.C.R. console.

In this case, Ch.Eng. (D.P)/Hon'ble M.C. has approved various concessions (copy of the same is attached in console) u/no. MCP/3340 dated 27.09.2012 which are as under:

1. To allow fungible FSI as per Reg No 35(4) of modified DCR by charging premium for sale component 868.91 sq.mt.
2. To condone deficiency in open space to the tune of 9.67 % to 50.93 % for full consumption of FSI by charging telescopic premium deficiency as per Reg No. 43(1)(B)(a) upto 50.00%, by charging telescopic premium at ground level only and to allow development with joint open deficiency to the tune of min. 19.92 % to max 32.33 % without charging premium due to planning constraints, hardship and as per Reg. No 64(b).
3. To allow staircase, staircase passage, lift, lifts lobbies, free of FSI by charging premium excluding areas covered Reg No. 35(2)(iii) as per Reg. No. 35(2)(iv).
4. To allow the artificial ventilation shaft of area 5.63 sq.mt instead of 8.00 sq.mt for toilet block in Wing-B, subject to Ch.Eng.[M&E]'S NOC.
5. To condone deficiency of 31 nos. (size 5.50 x 2.50 each) of parking spaces by charging premium at 10% as per policy.
6. To allow maneuvering of vehicles with 4.69 mt maneuvering space for this entire development due to planning constraint and hardship as per Reg. No. 64(b).
7. To allow paved physical R.G. touching building line with lesser dimensions due to hardship as per Reg. No. 64(b).
8. To allow single lift by condoning 2<sup>nd</sup> lift by charging premium and to allow 1.20 mt wide staircase in Wing-B with ht 24.65 mt as per table 20/21 due to hardship and as per Reg.No.64(b).

Thereafter, due to plot area correction, Ch.Eng. (D.P)/Hon'ble M.C.'s approval was obtained u/no. MCP/8308. dtd 14/07/2014 for various concessions required for proposed residential building comprising of Wing 'A' (Stilt Floor + 1<sup>st</sup> to 9<sup>th</sup> + (pt) 10<sup>th</sup> upper floors) & Wing "B" (Stilt + 1<sup>st</sup> to 7<sup>th</sup> upper floor ) in lieu of revised area of PRC (i.e 1322.80 Sq.M.),

admissible TDR & 33% additional FSI with benefit of staircase, lift, lift lobby area free of FSI, compensatory fungible FSI under clause 35 (4) of modified DCR 1991, which are as under:

1. To condone deficiency in open spaces to the tune of 21.00% to 59.53% for D/W & L/V for full consumption of FSI by charging premium as per telescopic basis and also condone open space deficiency to the tune of 48.44% as per Reg. No.43(1)(B) of modified D.C.R. 2011 and to allow development with joint open deficiency to the tune of min.30.29% to max. 32.26 % without charging premium.
2. To allow total 925.60 sq.m Fungible comp. FSI in continuation as per D.C.R. 35(4), by charging premium, as per policy.
3. To continue the condonation of 31 Nos of parking requirement by charging premium, and allow 4 nos of cantilever parking in side open spaces and 18 nos of parking spaces of size 2.50m x 5.50m and 24nos of parking space size 2.30m x 4.50m due to hardship, planning constraints and as per Reg No. 64(b).
4. To allow additional staircase, lifts, & lift lobby on all habitable floors as shown in plan free of FSI by charging premium as per modified DCR 35(2)(iv) excluding area covered under DCR 35(2)(iii).

In this case, lastly plans for building comprising of Wing-A having stilt (for parking, entrance lobby, pit type stack parking) + 1<sup>st</sup> to 6<sup>th</sup> upper floors with height of 21.75mts & Wing-B having stilt (for parking, entrance lobby, servant toilet & space for electric substation) + 1<sup>st</sup> to 5<sup>th</sup> + (pt) 6<sup>th</sup> upper floors for residential use with height of 21.75mts. have been approved on 21-10-2014 & C.C. for entire work is issued on 27-11-2014.

Now, Architect has submitted amended plans for proposed residential building on the plot under reference comprising of Wing "A" having stilt ( for parking, entrance lobby, pit type stack parking) + 1<sup>st</sup> to 13<sup>th</sup> upper floors with height of 42.05mts & Wing "B" having (stilt for parking, entrance lobby, servant toilet & space for electric sub-station) + 1<sup>st</sup> to 7<sup>th</sup> upper floors with height of 24.65 mts. for residential use in lieu of plot potential +addl. FSI+ admissible TDR + FCFSI as per Reg. No. 35(4) of modified DCR.

• **N.O.C of C.F.O :**

In this case, CFO has issued NOC u/no. FB/HR-III/408 dtd. 21-10-2013 for building comprising of Wing-A (Stilt + 1<sup>st</sup> to 9<sup>th</sup> + (pt) 10<sup>th</sup> upper floor having height of 33.35mt) and Wing-B (Stilt + 1<sup>st</sup> to 7<sup>th</sup> upper floors having height of 24.65mts.) (uploaded in console).

Now, Architect has proposed building comprising Wing-A having Stilt + 1<sup>st</sup> to 13<sup>th</sup> upper floor having height of 42.05mts and Plans for Wing-B remains unchanged. The revised CFO NOC is not required as per circular of streamlining CFO building approval procedure from CFO u/no. FB/P/2254 dtd. 30-03- 2017, since change in height of building is in the range of 24.00mt. to 45.00mt i.e. increased from 33.35mts to 42.05mts. However, Final NOC for O.C.C. will be insisted before O.C.C. The refuge area as per D.C.Reg.38(44)7 is provided.

- **N.O.C. of Parking:**

The parking NOC u/no. Dy.Ch.E./PW-469/Traffic of 08- 11-2013 was submitted from E.E.(T.&C.) for 42 Nos. (uploaded in console). Now, parking NOC from consultant for 16 Nos of Big cars and 26 Nos of small car (i.e 42 Nos. ) is submitted and uploaded in console.

- **Road Status:**

The plot u/r is abutting to J.P. Road having 27.45 mtr wide sanctioned R.L. & Architect has stated that, the road is more than 18.30 mts. wide upto nearest junction. (Total station plan is attached in addl. Doc.).

- **Provision of Revised Draft D.P. 2034 (May 2016) :**

The plot under reference is not reserved for any public purpose and not affected by any road widening as per draft development plan 2034 published by M.C.G.M. The plot u/r is abutting designated reservation of DSA 3.2 on East Side.

- **Cognizance of Hon'ble High Court Order for Dumping Ground :**

The proposal under reference is submitted on dt. 13-07-2012 i.e before 01-03-2016 therefore, Hon'ble High Court Order regarding Dumping ground under PIL No. 217 of 2009 dtd. 29-02-2016 is not applicable.

- **Cognizance of Hon'ble Supreme Court order in Kohinoor case:**

In this case, C.C. upto top of stilt is issued on 23-07- 2013 and as such, the proposal does not attract the provisions of Supreme Court judgement in Civil Appeal No.11150/2013 @ SLP (C) No. 33402/2012.

- **Proposed Amendment:-**

- Stilt with ht. 4.75mt for Entrance Lobby, Electric Substation, Space for Electric Meter, Stilt for 13 Nos of surface parking, 5 Nos of Cantilever parking, 2 Nos of Triple stack parking, 9 Nos of double stack parking.
- (Wing-A) 1<sup>st</sup> to 13<sup>th</sup> upper floor & Wing-B, 1<sup>st</sup> to 7<sup>th</sup> upper floor.
- Elevation features such as Pergola at terrace floor slab level up to 2.00mts beyond the building line and R.C.C. chajja of 0.75mt. (max.) are proposed with

0.60mt. below floor level as shown on the plan along with cornices are proposed permissible per circular U/no.CHE/DP/30449/Gen.dt. 03-01-2017. All elevation features are claimed free of FSI

iv. As per Reg. 36 , Nos. of parking is required for proposal under reference are 82 nos. However, 41 Nos. of parking spaces are provided against 82 Nos. of parking. The parking requirement as per Modification forwarded to U.D is 41 Nos. As per previous approval, 31 Nos of parking were condoned. Therefore, additional 09 Nos of parking are required to be condoned. The NOC from parking consultant is attached in additional document tab.

The detail report as mentioned below:

<b>Sr. No.</b>	<b>Concession Required</b>	<b>Provisions of DCR</b>	<b>Approval required from CHE(DP)/ Hon.M.C.</b>
1.	To condone open space deficiency to the tune of 67.90 (max.) for L/V & 48.44% as per Reg. 43(1) (B) a by charging premium and to allow development with joint open space deficiency to the tune of max 41.86 % without charging premium due to hardship & planning constraints as mentioned at sr. no. 1 of list of indicative concessions & as per Reg. 64(b).	Reg. 64(b) of DCR 1991.	Ch. Eng. (D.P.)/ Hon. M.C.
<b>Justification by Architect</b>			
<p>Architect has stated that the deficiency in open space is created to the tune of 67.90 % (max.) on East side for L/V Portion &amp; 48.44 % as per DCR 43(1)(B). This is because in revised plans the height of the building has increased from 33.35 mts to 42.05 mts in Wing-A.</p> <p>Architect has stated the as under:-</p> <p><b>a) Hardship :-</b></p> <ul style="list-style-type: none"> <li>• The plot is odd in shape with tapering Front side, like an arrow head.</li> <li>• The existing building is constructed before thirty years. Over period of time, the structure has become very old and needs reconstruction.</li> <li>• All the existing society member's are proposed to be re-accommodated in the proposed building with desired area as per registered development agreement.</li> <li>• In order to make the proposal feasible and financially viable, it is required to consume the admissible TDR + Fung. Comp. FSI, on the plot.</li> </ul>			

- Stilt is proposed to accommodate the required parking spaces, thereby causing increase in building height.

**b) Health Safety:-**

- The owner will appoint licensed plumber to carry out drainage work of the proposed building under reference.
- The sanitary arrangement for the same will be carried out under the supervision of licensed plumber.
- The drainage work will be carried out as per Byelaw 4-C and sanitary code.
- The completion certificate for the drainage work carried out will be insisted before asking for the occupation permission to the building under reference by verifying that the conveyance of foul waste is achieved speedily and effectively without risk of nuisance and hazard to the health of the occupants of the building under reference and neighbourhood.
- The surrounding open spaces of the building will be paved so as to maintain the clean environment surrounding to the building.

Hence the health safety of the prospective buyers and inhabitants and neighbourhood will be ensured by carrying better planning of the drainage and other facilities, which will be provided on site under the supervision of licensed plumber.

**c) Fire Safety:-**

- Architect has already submitted the CFO NOC u/no. FB/HR-III/408 dtd. 21-10-2013. for the proposed residential building so as to ensure the fire safety of the inhabitants and also neighbourhood.
- Revised CFO NOC is not required as per streamlining CFO Building approval as explained in preamble.
- The necessary compliance of CFO's NOC i.e Final CFO NOC will also be insisted upon before granting occupation certificate to the building. Thus the safety of inhabitants, prospective buyers and also neighbourhood will be ensured.

**d) Structural Safety :-**

- The owner developer has appointed a registered Structural Engineer for the proposed building who will design the building as per the provision of latest

	<p>I.S. Code considering the earthquake resistance factor.</p> <ul style="list-style-type: none"> <li>• The work will be supervised by licensed site supervisor, licensed by MCGM.</li> <li>• The structural design and calculation will be submitted by the licensed structural engineer and its structural stability will be insisted upon before considering occupation permission for the building.</li> <li>• The fresh stability certificate is uploaded in console.</li> <li>• The completion certificates from Structural Engineer and Site Supervisor will be obtained before granting occupation permission to the building under reference. Thus the structural safety of the building will be ensured.</li> </ul> <p><b>e) Public Safety:-</b></p> <ul style="list-style-type: none"> <li>• As the health and Structural safety of the inhabitants will be ensured as explained above, the aspect of public safety will also be taken care of while redevelopment of the property. The necessary undertaking from Owner will be insisted upon stating that no nuisance to the public and inhabitants of the neighbourhood shall be caused due to the proposed construction of building under reference. The necessary Janata Insurance/workers compensation policy will be insisted upon so as to ensure the public safety/ labour safety.</li> </ul> <p>The necessary registered undertaking (RUT) will be insisted upon from the owner/developer of plot under reference that he will not object to any development on the adjacent/neighborhood plot in future with deficient open spaces.</p> <p>In view of above, Ch.Eng.(DP)/Hon'ble M.C.'s approval is requested to condone deficiency in open space to the tune of 67.90 % (max), 48.44% as per Reg. No.43(1)(b)(a) by charging premium as per telescopic basis joint open space deficiency to the tune of max 41.86 % without charging premium due to hardship &amp; planning constraint as explained at sr. no. 1 of list of indicative concessions and as per Reg. 64(b).</p>
	<p><b>Comments by AEBP</b></p>
	<p>Site is inspected and found to be in accordance with justification provided and as mentioned in Fact Sheet 4A and 4B and Form 3 of List of Indicative Concessions. The hardship and neighborhood safety, structural safety, health safety as stated above in respect of building under reference are justifiable. Neighborhood safety structural safety &amp; health safety is taken care of by appointing Structural Engineer, Site Supervisor and License plumber as stated above. There is deficiency in open spaces which needs approval of Ch. Eng. (DP)/ Hon'ble M.C. as per Reg.64(b).</p>

	<b>Comments by EE</b>		
	<p>In view of Architect's justification and A.E.(BP)'s comments, Ch.E.D.P./Hon'ble M.C's approval is requested to condone open space deficiency to the tune of 67.90 (max.) for L/V &amp; 48.44% as per Reg. 43(1) (B)( a) by charging premium and joint open space deficiency to the tune of max 41.86 % without charging premium due to hardship &amp; planning constraints as mentioned at sr. no. 1 of list of indicative concessions &amp; as per Reg. 64(b).</p>		
2.	To allow staircase, lift and lift lobby area free of FSI by charging premium, as per modified Reg. 35(2)(iv) excluding area covered under Reg. 35(2) (iii) as mentioned in point no. 2 in list of indicative concessions.	Reg. 35(2)(iv) Reg. 35(2) (iii)	Ch. Eng. (D.P.)/ Hon. M.C.
	<b>Justification by Architect</b>		
	<p>Architect has stated that, Hon'ble M.C. has accorded sanction for area of staircase, lift, lift lobby of proposed building free of FSI as per Reg. 35(2)(vi) of modified DCR-1991 by charging premium.</p> <p>Now due to increase in FSI with respect to road width policy notification dtd. 16-11-2016, additional (pt) 10th to 13th floor is proposed in Wing "A".</p> <p>It is requested to allow staircase, lift &amp; lift lobby as shown on the plan free of FSI by charging premium for the additional habitable floors i.e (pt) 10th + 13th floor proposed in Wing "A" as per provision of DCR 35(2)(iv) and without charging premium for non-habitable floor as per Reg. 35(2) (iii).</p>		
	<b>Comments by AEBP</b>		
	<p>Area of staircase, staircase passage, lift &amp; lift lobby as shown in plan for consideration is attached in console are verified and are as per regulation. The same can be allowed free of FSI as per reg. 35 (2)(iv) by charging premium on all habitable floors and staircase in stilt &amp; staircase leading to terrace free of FSI without charging premium as per Reg. 35(2)(iii) which needs approval of Ch. Eng. (DP)/ Hon'ble M.C.</p>		
	<b>Comments by EEBP</b>		
	<p>In the view of above justification and comments by AEBP, Ch. Eng. (DP)/ Hon. M. C.'s approval is requested to allow staircase, lift and lift lobby free of FSI by charging premium on habitable floors as per modified DCR 35(2)(iv) &amp; free of FSI without charging premium on non habitable floors for area covered under Reg. no. 35(2) (iii) as mentioned in point no. 2 in Form 3.</p>		
3.	To allow additional 184.91 sq. mts. FCFSI for	As per	Ch. Eng.

	residential sale component by charging premium at rate of 60% SDRR as per modified DCR 35 (4) in addition to earlier approved 925.60 sq. mts. for residential sale component as explained at sr. no.3 in list of indicative concessions.	Reg. 35(4) of DCR 1991.	(D.P.)/ Hon. M.C.
	<b>Justification by Architect</b>		
	Architect has proposed to claim 35% fungible FSI on additional B.U.A. available due to increase in FSI as per road width policy notification dtd. 16-11-2016, permissible as per DCR 35(4) for residential development. i.e. additional 184.91 sq.mt by charging premium in addition to earlier approved 925.60 sq.mt. by charging premium at 60% of the SDRR for residential development as per policy		
	<b>Comments by AEBP</b>		
	Architect has proposed to claim 35% fungible FSI on additional B.U.A. available due to increase in FSI as per road width policy notification dtd. 16-11-2016 & same is permissible as per DCR 35(4) for residential development. Ch.Eng.(DP)/Hon'ble M.C.'s approval is requested for the same as per Reg. 35(4).		
	<b>Comments by EE</b>		
	In view of Architect's justification and A.E.(B.P)'S comments, Ch.E.D.P./Hon'ble M.C's approval is requested to allow additional 184.91 sq. mts. FCFSI for residential sale component by charging premium at rate of 60% SDRR as per modified DCR 35 (4) in addition to earlier approved 925.60 sq. mts. for residential sale component as explained at sr. no.3 in list of indicative concessions.		
4.	To condone 10 nos. of parking spaces in addition to earlier condoned 31 nos. by charging premium as per policy & to allow small size parking 25 nos. and big size parking 16 nos as against ratio of 50:50 due to hardship & planning constraints as mentioned at sr. no. 4 of list of indicative concessions & as per Reg. 64(b).	As per Reg. 36	Ch. Eng. (D.P.)/ Hon. M.C.
	<b>Justification by Architect</b>		
	In this case, 31 Nos. of parking spaces are already condoned in previous concession approved by Hon'ble M.C. As per road width policy notification dt. 16-11-2016, additional FSI is increased therefore, additional floors have been proposed over earlier approved building comprising Wing 'A' Stilt + 1st to 9th + (pt) 10th upper floor, Wing		



	<p>'B' Stilt + 1st to 7th upper floors and accordingly C.C was obtained. Work on site is completed as per C.C.</p> <p>Now proposed building comprises of Wing-A Stilt + 1st to 13th upper floor, and plans of Wing 'B' remains unchanged. As per Reg. 36, the required no of parking spaces are 82 and 41 Nos. of parking required as per proposed modification submitted to U.D . However, total 41 Nos of parking is proposed. Therefore, 10 Nos. of additional parking condonation is required by charging premium.</p> <p>Further, due to planning constraints, it is difficult to accommodate small and big parking in the ratio of 50:50 as per Sub Reg. 36(1)(ii) of DCR 1991. Now, proposed big parking 16 Nos. and small parking 25 nos. &amp; requested to consider relaxation for the same in light of hardship mentioned in list of indicative concessions.</p>		
	<b>Comments by AEBP</b>		
	<p>Architect has proposed 41 parking spaces as against required 82 nos as per Reg. 36 due to hardship &amp; planning constraints as the work upto 6<sup>th</sup> floor is already completed. The required parking spaces as per proposed modification submitted to U.D. are 41. Hence, 10 Nos. of parking spaces condonation in addition to earlier 31 nos is required by charging premium. Also, due to planning constrain it is difficult to accommodate small and big parking in the ratio of 50:50 as per Sub Reg. 36(1)(ii) of DCR 1991 &amp; hence proposed big parking 16 Nos. and small parking 25 nos. which needs Ch.E.D.P./Hon'ble M.C's approval.</p>		
	<b>Comments by EE</b>		
	<p>In view of Architect's justification and A.E.(B.P)'S comments, Ch.E.D.P./Hon'ble M.C's approval is requested to condone 10 nos. of 1 parking spaces in addition to earlier condoned 31 nos. by charging premium as per policy &amp; to allow small size parking 25 nos. and big size parking 16 nos as against ratio of 50:50 due to hardship &amp; planning constraints due to hardship &amp; planning constraints as mentioned at sr. no. 4 of list of indicative concessions &amp; as per Reg. 64(b).</p>		
5	To allow Elevation Features Free of FSI	As per Circular U/no. CHE/DP/30449/Gen. dt. 03.01.2017.	Ch. Eng. D.P./Hon'ble M.C.
	<b>Justification by Architect</b>		
	<p>Architect has proposed elevational features as mentioned below as per circular u/no. CHE/DP/30449/Gen. dt. 03.01.2017</p> <ul style="list-style-type: none"> <li>• Pergola at terrace floor slab level up to 2.00mts beyond the building line -</li> </ul>		

	<p>Permissible as per Sr.no. 3 of the circular.</p> <ul style="list-style-type: none"> <li>Ledges/Cornices of max 0.15mts x 0.15mts are provided below the window glazing and end of chajja - Permissible as per Sr. no.(8) sketch no. 1 &amp; 4 of circular.</li> </ul>		
	<b>Comments by AEBP</b>		
	The above elevational features are permissible as per circular u/no.CHE/DP/30449/Gen.dt. 03-01-2017.		
	<b>Comments by EE</b>		
	In view of Architect's justification and A.E.(B.P)'S comments, Ch.E.D.P./Hon'ble M.C's approval is requested to allow elevational features in the form of i) Pergola at terrace floor slab level up to 2.00mts beyond the building line & ii) Cornices to windows and chajja projecting max. 0.15mts as per circular U/no. CHE/DP/30449/Gen. dt. 03.01.2017.		
6	To allow 79 tenements as against maximum permissible 60 tenements as the tenement density at 450 tenements/hector as per Reg.32 due to hardship & planning constraints and as per Reg. 64(b).	Reg. 64 (b) of DCR 1991	Ch. Eng. D.P.)/ Hon'ble M.C.
	<b>Justification by Architect</b>		
	The plot under reference is situated in Residential Zone. As per DCR 32 table 14(B)(iii), the tenement density is considered to be 450/hectare. In this case the plot Area is 1322.80sq.mt the permissible tenement is 60nos. Architect has stated that, the proposal is for development of residential building & to make project financially viable, he has proposed more tenements.		
	<b>Comments by AEBP</b>		
	Architect has stated that required tenement density as per policy is 60 nos. whereas, to make the project financially viable & utilization of the benefit of TDR available as per road width, the proposed no. of tenements have increased to 79 which are more than permissible as Reg. 32 which needs approval of Ch.E.D.P./Hon'ble M.C's .		
	<b>Comments by EE</b>		
	In view of Architect's justification and A.E.(B.P)'S comments, Ch.E.D.P./Hon'ble M.C's approval is requested to allow 79 tenements as against maximum permissible 60 tenements as the tenement density at 450 tenements/hector as per Reg.32 due to hardship & planning constraints and as per Reg. 64(b).		
7.	To grant the payment facility in installments in accordance with policy circular u/no CHE/DP/15755/GEN dtd. 06.09.2017, for	As per circular u/No CHE/DP/15755/GE N dated 06.09.2017	Ch. Eng. (D.P.)/

the proposal under reference. ( Detailed report is attached with notesheet).		Hon. M.C.
<b>Justification by Architect</b>		
The gross area of the plot under reference is 1322.80 sq.mt. which is more than minimum required 400.00 sq.mt. The minimum amount payable to MCGM for grant of further approval for the proposal under reference is Rs.5,89,20,600/-, as per prevailing R.R. Rate, which is more than required amount of Rs.50,00,000/-.		
<b>Comments by AEBP</b>		
The plot area under reference is 1322.80 Sq.mt. which is more than minimum required 400.00 Sq.mt. The amount payable to MCGM for proposal under reference is Rs. 5,89,20,600/- which is more than required amount of Rs.50,00,000/- Hence payment facility in installments is permissible as policy circular u/no. CHE/DP/15755/GEN dtd. 06.09.2017		
<b>Comments by EE</b>		
In view of Architect's justification and A.E.(B.P)'S comments, Ch.E.D.P./Hon'ble M.C's approval is requested to grant the payment facility in installments in accordance with policy circular u/no CHE/DP/15755/GEN dtd. 06-09-2017 for the proposal under reference.		

Submitted please

**A.E.B.P.K/W(S)**

**E.E.B.P.(WS) 'K' ward**

**Dy.Ch.E.B.P.(WS)-I**