a)Requirements of open spaces shall be as per Regulation nos. 41(1) and 41(2) & 43

b) Premium at the as applicable for area covered under Regulation No. 31(1) &31(3) beyond the existing FSI/BUA shall be paid.

10. . Provision of Inclusive Housing as per Regulation No.15 shall have to be made in case of 9 above, if applicable.

33(7) *Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation:*(1) For reconstruction/redevelopment to be undertaken by same or different landlords or Co-operative societies of landlords and Cooperative Housing Societies (existing or proposed) of existing tenants or by Co-op. Housing Societies of landlords and/or occupiers of a cessed building existing prior to 30/9/1969 in Island City, which attracts the provisions of MHAD Act, 1976 and for reconstruction/redevelopment of the buildings of Corporation existing prior to 30.09.1969, FSI shall be 3.00 on the gross plot area or FSI required for rehabilitation of existing tenants plus incentive FSI as specified in sr. no 5(a) below whichever is more.

Provided further that reconstruction/redevelopment undertaken by proposed Co-operative Housing Society of occupiers of buildings existing prior to 30.09.1969, which were earlier cessed buildings and were attracting the provisions of MHAD Act, 1976but thereafter due to purchase/acquisition of the same by Co-operative Housing Society of Occupiers, such buildings are exempted from payment of cess, the FSI required for rehabilitation of existing occupier plus incentive FSI as specified in Sr. no 5(c)below will be available.

(2)1. (a) The new building may be permitted to be constructed in pursuance of an irrevocable written consent by not less than 51% of the occupiers of the old building.

(b) All the eligible occupants of cessed and non-cessed building/structures (existing prior to 30.09.1969) certified by MBRRB, existing on the plot having cessed building only, shall be re-accommodated in the redeveloped building.

2. Each 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/or maximum carpet area up to 120 sq. m (1292sq. ft.) as provided in the MHAD Act, 1976. In case of non-residential occupier, the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. Provided that if carpet area for residential purpose exceeds 120 sq. m (1292sq. ft.) the cost of construction for the area over and above 120sq. m shall be paid by tenant /occupant to the developer. The cost of construction shall be as per ASR of that year. However, the carpet area exceeding 120sq. m (1292sq. ft.) shall be considered for rehab FSI but shall not be considered for incentive FSI. Provided further that each eligible residential cum commercial occupant shall be entitled to a tenement of minimum carpet area of 27.88 sq. m (300 sq. ft.).

For purpose of rehabilitation 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.

.The list of eligible occupants and area occupied by each of them of cessed and non-cessed building/structures (existing prior to 30.09.1969) shall be certified by the Mumbai Repairs and Reconstruction Board and the irrevocable written consent as specified in 1 (a) above shall be verified by the Board.

4. Tenements in the reconstructed building shall be allotted by the landlord/occupants' co-operative housing society to the occupiers as per the list certified by the Mumbai Repairs and Reconstruction Board. The prescribed percentage of the surplus BUA as provided in the Table in the Third Schedule of the MHAD Act, 1976, shall be made available to the Mumbai Repairs and Reconstruction Board for accommodating the occupants in transit camps or cessed buildings which cannot be reconstructed, on payment of an amount as may be prescribed under MHAD Act, 1976.

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.

Fungible Compensatory Area as applicable on the surplus area to be handed over to MHADA/MCGM 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/MCGM and surplus area to be handed over to MHADA/MCGM shall be exclusive of the Fungible compensatory BUA if availed.

Provided that the area equivalent to the market value (as per ASR of that year) of area admissible as per the prescribed percentage of BUA to MHADA can be made available within the same or adjoining municipal ward of MCGM.

5. The FSI for rehabilitation of existing tenants/occupiers in a reconstructed building and incentive FSI that will be available shall be as under:

(a) In the case of redevelopment of cessed building existing prior to 30/9/1969 undertaken by landlord or Co-operative societies of landlord and Co-operative Housing Societies of landlord/occupiers, the total FSI shall be 3.00 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI whichever is more and the occupier shall be eligible for 5% additional rehab Carpet Area as per serial no 2 subject to maximum limit.

(b) In case of composite redevelopment undertaken by landlord or Co-operative societies of landlords and Co-operative Housing Societies of landlord/occupiers jointly of 2 or more plots but not more than 5 plots with cessed buildings existing prior to 30/9/1969, the FSI permissible will be 3.00 or FSI required for rehabilitation to exiting occupiers plus 60%incentive FSI, whichever is more and the occupier shall be eligible for 8% additional rehab Carpet Area as per serial no 2 above subject to maximum limit.

Provided further, that if the number of plots jointly undertaken for redevelopment of six or more with cessed buildings existing prior to 30/9/1969 or in case of redevelopment of municipal properties under this regulation having eligible tenements density more than 650/ ha,, FSI available will be 3.00 or FSI required of rehabilitation for occupiers plus 70% incentive FSI whichever is more and the occupier shall be eligible for 15% additional rehab Carpet Area as per serial no 2) above subject to maximum limit.

Provided further that, the above provision 5(b) shall also be applicable to municipal plots under redevelopment under this Regulation having different residential societies on different plots.

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 a) & b) above, as the case may be.(c), Provided further that reconstruction/redevelopment undertaken by proposed Cooperative Housing Society of occupiers of buildings existing prior to 30/9/1969 in Island City, which were earlier cessed building and were attracting the provisions of MHAD Act, 1976 but thereafter due to purchase/acquisition of the same by Cooperative Housing Society of Occupiers, such buildings are exempted from payment of cess, the total FSI shall be 2.5 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI whichever is more.

6. The entire FSI available under clause 5 shall be allowed to be utilised on plot/plots under redevelopment scheme. However, if the owner/society so desire, they can avail the incentive FSI on the same plot or can avail the benefit of TDRs to be used in accordance with the Regulations no. 32.

7. Construction or reconstruction of old cessed building falling under reservation/zones contemplated in the DP shall be permitted as specified in Regulation No.17(3)(B).

Contravening structures in TP Scheme and structures on the road shall also be included in the redevelopment scheme. FSI for the same will be as under DCR33(12) or as provided in these Regulations whichever is more.

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, , 6.16 & 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.

Even if the amenity open space (LOS) is reduced to make the project viable a minimum of at least 10% of open space shall be maintained. 9. 20% of the incentive FSI can be used for non-residential purposes otherwise permissible in the DCPR.

11. FSI under these Regulations should be allowed by the Commissioner only after Mumbai Repairs and Reconstruction Board is satisfied that the said redevelopment proposal fulfills all conditions to be eligible for the benefits under these regulations.

12. In case of the redevelopment of cessed buildings, the concessions regarding exclusion of areas from computation of FSI for general buildings stipulated in Regulation No. 31(1) shall apply.

13. 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 13.6.1996to time shall be considered. Further unauthorized constructions made in the cessed buildings shall not be considered while computation of existing FSI.

14. For smooth implementation of the redevelopment scheme undertaken by owners and/or Co-operative Housing Society of the occupiers, temporary transit camps may be permitted on the same land or land situated elsewhere belonging to the same owner/developer with the concessions permissible under SRS project under Regulations 33(10) of these Regulations. Such transit camps should be demolished within one month from the date of occupation certificate granted by the Corporation for the reconstructed buildings for the existing tenants/occupants.

15.Additional development cess equivalent to100%of Development charges on BUA (excluding the fungible compensatory area/BUA), or Rs5,000 per sq. m whichever is more for BUA over and above the existing BUA shall be paid by the owner/developer/society, for the rehabilitation and free sale components. This amount shall be paid to the Corporation in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM provided the payment of installments shall not go beyond the completion of construction. This amount shall be used for Scheme to be prepared for the improvement of off-site infrastructure in the area around the development. Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act 1966.

16.As per the provision of clause 2above, each residential/non-residential occupant shall be rehabilitated only for carpet area mentioned in the said clause No.2above and such areas shall be clearly shown on the building plan submitted to the Corporation/MHADA.

17. A corpus fund shall be created as prescribed by MHADA.

18. Restriction on transfer of tenements shall be governed by provision of Rent Control Act till Co.Op. Society is formed and after that the same shall be governed by the provision of Maharashtra Co-op. Society's Act.

19. Non-Deduction of non-cessed Structure area in the scheme of 33(7) for FSI purpose: In case of mix of the structure i.e. cessed & non cessed structure and if the area of non cessed structure existing prior to 30/9/69, area of land component under non-cessed structure works out up to a limit of 25% of plot area, then FSI shall be considered on total plot area. If this area exceeds 25% of the total area, then area above 25% shall be deducted from plot area. FSI for deducted area shall be as per Regulation No 30 and the FSI for the remaining plot area shall be

as per 33(7). Provision of clause no 2 above shall be made applicable to non-cessed occupier.

Provided that the 25% land component of non-cessed structures will be eligible for FSI as per Regulation 33(7) only

20. (a) In case of layout of MCGM owned plots/ Municipal plot 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, MCGM may propose development, including area occupied by the slum, under this regulation.

MCGM shall be the Planning Authority for the areas declared as slum under section 4 of Maharashtra Slum Area (Improvement) Act, 1971 on Municipal land existing prior to 01.01.2000 or date as notified by Govt., wherein 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.

(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 max 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)(D)

(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 MCGM for each eligible slum dwellers

21) Notwithstanding anything contained in these Regulations existing 9m. width of road shall be essential for any height of building above 32 m. height.

33(7)(A) Reconstruction or redevelopment of dilapidated/unsafe existing authorized tenant occupied building in Suburbs and extended Suburbs and existing authorized non-cessed tenant occupied buildings in Mumbai City.