

BEFORE HON'BLE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE, BENCH AT PUNE

ORIGINAL APPLICATION NO. 39 OF 2023 (WZ)

Yogesh Pratap Singh

.... Applicant

Versus



Secretary, MoEF&CC & Ors.

.... Respondents

AFFIDAVIT IN REPLY BEHALF OF RESPONDENT NO. 4

I, Sachin B. Shinde, Age: 42 years, Occupation - Service; working as Assistant Engineer (Development Plan) NST, of Brihanmumbai Municipal Corporation (BMC), the authorized signatory for BMC; do hereby state on solemn affirmation on behalf of Respondent No. 4 - Brihanmumbai Municipal Corporation (BMC) is as under:-

1. I say that, I have perused the copy of the application and compilation filed by the applicant and I have also perused the office

records. I have made myself conversant with the facts of the case and am able to depose on behalf of the Respondent No.4. I am filing this affidavit in reply thereto.

2. This application has been filed with the prayer that Regulation 37 Sub-Clause (7) of Development Control and Promotion Regulations for Greater Mumbai, 2034, which is a part of Mumbai Development Plan, 2034, be quashed because it permits unlimited basements to be made, which is detrimental to the environment and would make the city of Mumbai vulnerable to heavy air pollution, traffic congestion, man-made disasters and geological disturbances and would expose the city to cyclones and coastal flooding in the face of rising sea-levels; all the basements which have been constructed after 27.02.2012 in violation of the directions of the Hon'ble Supreme Court, in Deepak Kumar's case, be ordered be removed/demolished and be directed to be restored to its previous status; all the basements which have been constructed without prior permission of the Central Ground Water Authority, after 15.11.2012 be ordered to be removed/demolished; all the basements, constructions of which are going on without prior Environment Clearance be halted forthwith.

3. At the outset, I deny each and every contention, averment, submission which is contrary to what is stated herein below and the



averments, contentions, submissions which are not specifically denied shall not be deemed to be admitted by reason of non-traverse.

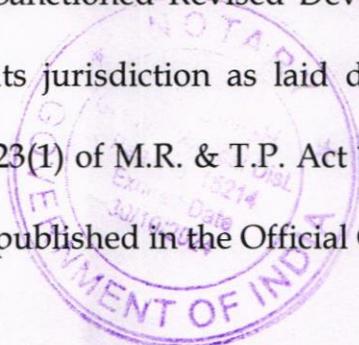
4. The relevant portion of Regulation No. 37(7) of DCPR-2034 is reproduced as under:

"(7) Basement:

(i) The basement may be allowed to be constructed beyond building line in the required front open space under the provision of these regulations provided clear distance of 3.0 m between plot boundary/edge of road and basement line is maintained. The open spaces from the other boundaries of the plot except front open space shall not be less than 1.5 m. Basement may be at one level or more.

Provided further that if total depth of basements exceed beyond 8.4 m then the open spaces from the boundaries of the plot shall be increased by 1.5 m for every 8.4 m or fraction thereof beyond the open spaces as described above".

5. The Respondent - Brihanmumbai Municipal Corporation vide its Resolution No. 767 dated 20.10.2008 declared its intention to revise Sanctioned Revised Development Plan of Greater Mumbai within its jurisdiction as laid down under Section 38 read with Section 23(1) of M.R. & T.P. Act 1966. Accordingly, notice to that effect was published in the Official Government Gazette on 01.07.2009.



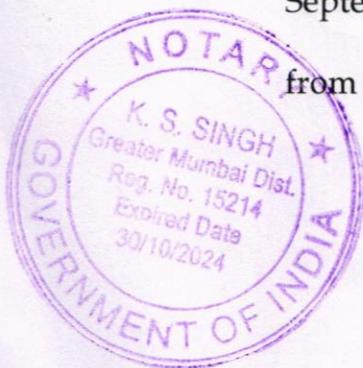
6. That pursuant to survey of existing land use, Respondent - Brihanmumbai Municipal Corporation has prepared the Draft Revised Development Plan - 2034 along with Draft Development Control Regulation 2034 and after obtaining sanction from General Body vide Resolution No. 1195 dated 23.02.2015, Respondent - Brihanmumbai Municipal Corporation published a Notice in Maharashtra Govt Gazette dated 25.02.2015, under sub section (1) of Section 26 of the said act for inviting suggestions/objections from general public on the said Draft Revised Development Plan-2034.
7. That as per the directions of the State Govt., Draft Revised Development Plan 2034 along with Draft Development Control Regulation 2034 were prepared by Respondent - Brihanmumbai Municipal Corporation and after obtaining sanction from General Body vide Resolution No. 307 dt. 27.05.2016 a notice inviting suggestions/objections from general public was published u/s 26 of M.R. & T.P. Act 1966 in Govt. Gazette on 27.05.2016.
8. The Planning Committee constituted under Section 28(2) considered the objections and/or suggestions to the said Draft Development Plan and it's submitted report along with recommendations to the Respondent - Brihanmumbai Municipal Corporation under Section 28(3) of M.R. & T.P. Act 1966, on 06.03.2017.



9. After considering the report of Planning Committee, the Corporation vide its Resolution No. 393 dated 31.07.2017 sanctioned Draft Development Plan with modifications or changes carried out by Planning Committee subject to the modifications suggested by the said Corporation, which were published under Section 28(4) of the said Act and submitted the Draft Development Plan-2034 along with Development Control and Promotion Regulations-2034 in accordance with the provisions of sub-section (1) of Section 30 of the said Act, to the State Government for sanction vide letter dated 02.08.2017.

10. That State Government, in exercise of the powers conferred by sub section (1) of section 31 of the MR&TP Act 1966 and of all other powers enabling it on that behalf, has accorded sanction to the Draft Development Plan 2034 of Greater Mumbai with modification shown in SCHEDULE-A appended to the Notification No. TPB4317/629/CR-118/2017/DP/UD-11 dated 8 May 2018 excluding the substantial modification as shown in SCHEDULE-B appended thereto.

11. That Sanctioned D.P. 2034 and Provisions of Development Control and Promotion Regulation 2034 came into force with effect from 01 September 2018 and Excluded Parts as described in Schedule-A from 13th November 2018 as per Notification dt. 23 October 2018.



12. That Considering the provisions of Section 22(m) of the M.R. & T.P. Act 1966 Development Control Regulations are part of a Development Plan. The said sanctioned DCPR came into force by following all due procedure as laid down in MR & TP Act 1966 as stated above.

13. The relevant portion of Regulation No. 38(9) of DCR-1991, is reproduced as under:

"38(9) Basement (i) Area and Extent. The total area of any basement shall not exceed twice the plinth area of the building or the area of the plot, whichever is less. It may be in one level or two."

The said provision was subsequently modified by State Govt vide Notification under section 37(1)(AA)(C) of M.R. & T.P. Act 1966 dated 06.01.2012 which is reproduced as under:

"(9) Basement (i) The basement shall not be constructed in the required front open space under DCR 29. The open space from the other boundaries of the plot shall not be less than 1.5 Mtr. It may be at one level or more."

The said provision was also modified by following due procedure laid down in M.R. & T.P. Act 1966. Hereto annexed and marked as **Exhibit "A"** is the copy of Notification regarding sanction to modification to the DCR for Greater under section 37(1AA) (C) of M.R. & T.P. Act 1966.

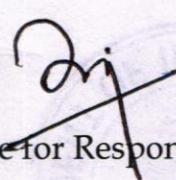


14. Further the Respondent submits that; BMC vide circular u/no. MGC/F/1102 dated 25.10.2023 had issued policy guidelines in respect of air pollution mitigation for construction activities. Hereto annexed and marked as Exhibit "B". is the copy of Guidelines for Air Pollution Mitigation.
15. The Respondent submits that the present respondent will abide by any directions of this Hon'ble Tribunal.
16. This Respondent craves leave to add, alter or amend the aforesaid averments as and when necessary.

20.06.2024

Mumbai


Respondent No. 4


Advocate for Respondent No. 4

VERIFICATION



I, Sachin B. Shinde, Age: 42 years, Occupation - Service; working as Assistant Engineer (Development Plan) NST, of Brihanmumbai Municipal Corporation (BMC), the authorized signatory for BMC; do hereby state on oath on behalf of Respondent No. 4 that, the contents of this Affidavit in Reply are true and correct and

explained it to me in vernacular language and same is true and correct to the best of my own knowledge and belief.

Solemnly affirmed at Mumbai)

This day of July 2024)

[Signature]
Deponent

Identified & Explained By

[Signature]
Advocate
P.D. shejar



BEFORE ME
[Signature]
K. S. SINGH
NOTARY
Government of India
Greater Mumbai Dist
10 JUL 2024

NOTED & REGISTERED
Sr. No. 1484 Page No. 28
Book No. Date

[Signature] 10 JUL 2024



महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
कलम ३७ (१अे) (सी) अन्वये बृहन्मुंबई विकास
नियंत्रण नियमावली मधील मंजूरीबाबतची अधिसूचना.

महाराष्ट्र शासन

नगर विकास विभाग,

शासन क्रमांक : सिएमएस/टिपीबी -४३११/४५२/प्र.क्र.५८/२०११/नवि-११,
मंत्रालय, मुंबई : ४०० ०३२,
दिनांक : ६ जानेवारी, २०१२.

शासन निर्णय :- सोबतची अधिसूचना शासन असाधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने.

सं. २०१२०१०४१०३१३०३३००१

(नो. र. शेंडे)

सह सचिव, महाराष्ट्र शासन,
नगर विकास विभाग.

प्रति,

महापालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.

महानगर आयुक्त, मुंबई महानगर व प्रदेश विकास प्राधिकरण, मुंबई.

प्रधान सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई.

मुख्य कार्यकारी अधिकारी, म्हाडा, गृह निर्माण भवन, वांद्रे (पूर्व), मुंबई : ४०० ०५१.

मुख्य अधिकारी, मुंबई इमारत दुरुस्ती व पुनर्रचना मंडळ, गृह निर्माण भवन, वांद्रे (पूर्व),
मुंबई : ४०० ०५१.

मुख्य अधिकारी, झोपडपट्टी पुनर्वसन प्राधिकरण, प्रशासकिय इमारत, अनंत काणेकर मार्ग, वांद्रे (पूर्व)
संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.

सह सचिव, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.

प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई.

व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(त्यांना विनंती करण्यांत येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे असाधारण राजपत्रात भाग-१

मध्ये प्रसिध्द करण्यात येऊन त्याच्या प्रत्येकी ३५ प्रती नगर विकास विभाग, (नवि-११), मंत्रालय,

मुंबई : ४०० ०३२ व उप संचालक, नगर रचना, बृहन्मुंबई, मुंबई यांना पाठविण्यात याव्यात.)

कक्ष अधिकारी (संगणक कक्ष)(नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई : ४०० ०३२,

(त्यांना विनंती करण्यांत येते की, सोबतची सूचना विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत
आवश्यक ती कार्यवाही करावी.)

निवडनस्ती (नवि-११).



**Maharashtra Regional & Town
Planning Act, 1966.**

- Sanction to modification to the Development Control Regulation for Greater Mumbai 1991 Under Section 37(1AA)(C) of the said Act.

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated: 6th January, 2012.

NOTIFICATION

No. CMS 4311/452/CR-58/2011/UD-11:

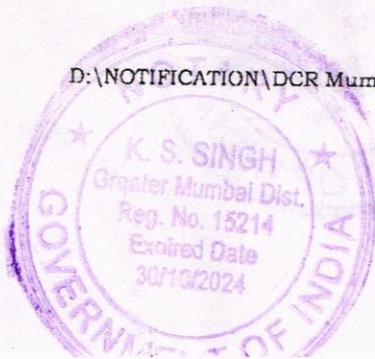
Whereas, the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") have been sanctioned by Government in Urban Development Department, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide Notification No. DCR -1090/RDP/UD-11, dated the 20th February, 1991 to come into force with effect from the 25th March, 1991.

And whereas, it is noticed that, in the last twenty years, the Municipal Corporation of Gr. Mumbai (hereinafter referred to as the "the said Corporation") as well as Govt. have carried out numbers of modifications to various provisions of the said regulations and have also added number of regulations. These modifications were carried out to implement various policies of the Govt./the said Corporation formulated from time to time. Some of the provisions were amended as a result of recommendations made by the various committees, appointed by the State Government. Some amendments were made due to the court decisions. The amendments were done with a view to have effective implementation of the provisions of the said regulations for the benefit of the public at large. (hereinafter referred to as "the said modified Regulation"). Amendments to the said Regulation Nos. 33(5),33(7),33(9) and 33(10) fall in such categories of amendments. Govt. has carried out amendments to the said Regulation by adding few more regulations, so as to meet with requirements of various departments of Govt., Corporation and other users so as to make the said Regulation more user friendly.

And whereas, it is seen that no major or for that matter even minor modifications have been done to the provisions of the said Regulation No.35, which deals with exemption of some structures/features from FSI computations. Similarly provisions of the said Regulation Nos. 43 and 44, which deal with the fire prevention/protection measures have also remained untouched.

And whereas, the said Corporation has submitted its detailed report vide its letter No. Misc/A/8279 dated the 13/7/2011 to the Government for modification to provisions of the said Regulations specifically dealing with exemption from FSI computation and fire protection measures (hereinafter referred to as "the said proposed modifications").

D:\NOTIFICATION\DCR Mumbai Modification\noticeDCRmodification.-1doc.doc



And whereas, amendments are required to be implemented expeditiously, the Municipal Commissioner of the said Corporation has requested vide letter No. Misc/A/8279 dated the 13/7/2011 that the Govt. may issue the suitable directives so as to give effect to the above amendments and to take expeditious action in public interest under section 37 of the said Act and also requested Govt. vide his letter dated the 21/7/2011 to invoke the provisions of Section 37(1AA) of the said Act.

And whereas, the Govt. is satisfied that in the public interest it is necessary to carry out urgently the said proposed modification and the said proposed modification will not change the character of the Development Plan of the said Corporation.

And whereas, the Government had issued notice No.CMS-4311/452/CR-58/2011/ UD-11, dated the 25 July 2011 (hereinafter refer to as "the said notice") for inviting suggestion/ objection from any person with respect to the said modification and appointed Deputy Director of Town Planning, Brihanmumbai as an officer under section 162 of the said Act (hereinafter referred to as " the said officer") to submit the report to Govt after scrutinizing the suggestion / objections on the said proposed modifications and say of the said Municipal Corporation.

And whereas, the said notice was published in the Maharashtra Government Gazette (Extraordinary) dt. the 01/08/2011 and the corrigendum to it, published in Maharashtra Government Gazette (Extraordinary) dt. the 28/09/2011. The said notice was also published in news paper, daily namely " Mid day" dt. the 03/08/2011.

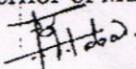
And whereas, the said officer has submitted his report to the Government through the Director of Town Planning, Maharashtra State, vide letter No. 2368, dt. the 31/10/2011

And whereas , after considering the report of the said officer, suggestions /objections received from general public, say of the said Corporation and after consultation of the Director of Town Planning, Maharashtra State thereon, the Government is of the opinion that the said modification shall be sanctioned with some changes.

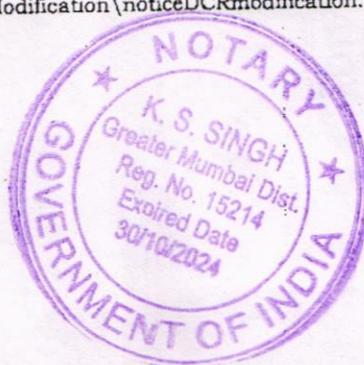
Now, therefore, in exercise of the powers conferred under section 37(1AA)(C) of the said Act, the Government hereby :-

- A) Sanctions the said modification to Development Control Regulation of Greater Mumbai 1991 (more specifically described in the schedule attached herewith).
- B) Fixes the date of publication of this Notification in the Government Gazette as the date of coming into force of this Notification.
- C) Directs the said Corporation that, in the schedule of modification sanctioning the said Regulation, after the last entry, the schedule referred to as (A) above shall be added.

By order and in the name of Governor of Maharashtra,


(Rajendra Habde)
Under Secretary to Government.

D:\NOTIFICATION\DCR Mumbai Modification\noticeDCRmodification.-1doc.doc



SCHEDULE

(Accompaniment to notification no. CMS 4311/452/CR-58/2011/UD11,
Dated : 6th January, 2012)

Modification to D.C. Regulation No.29(1)(f)

Regulation no.	Existing provision	Sanctioned provision
29(1)(f)	Where a room does not derive light and ventilation from an exterior open space; the width of the exterior open space as given in this Regulations may be reduced to one-fifth of the height of the building subject to a minimum of 3.6 m. in respect of residential building and 4.5 m. for a commercial building subject to a maximum of 12 m. For a building with height of 24 m. or more, such exterior open space shall be 6 mt. subject to the requirements of the Fire Brigade Authorities.	<i>Where a room does not derive light and ventilation from an exterior open space; the width of the exterior open space as given in these Regulations may be reduced to a minimum of 3.6 m. in respect of residential building and 4.5 m. for a commercial building upto a height of 24 mt. For a building with height of 24 m or more such exterior open space shall be minimum 6 m or more, subject to the requirements of the Fire Brigade Authorities.</i>

Add the following new clause in D.C.Regulation No.29

29(6) (c)

For multi-storeyed, high rise and special buildings, the provisions as stipulated in Regulation No. 43(1) shall apply.



D.C.Regulation No.30

The modifications proposed in the D.C.Regulation No.30 are as under:-

30. Features permitted in open spaces:-

Certain features may be permitted in the prescribed open spaces as enumerated below:-

Existing Reg. no.	Existing provisions	Prop posed Reg.no	Sanctioned provisions
30(i)(b)	Covered parking spaces at least 7.5 m. away from any access road, subject to Regulations 36.	30(i)(b)	<i>Covered parking spaces at least 7.5 m. away from any access road, subject to Regulation no. 36 (5)(d)</i>
30(ii)(b)	A cantilevered and unenclosed canopy over common entrance and each common staircase not more than 5.5 m long and at least 2.2 m. above ground level. The outer edge of the canopy shall be at least 1.5 m. from the plot boundary. The Commissioner may permit canopies of larger size in public multistoreyed or high rise or special buildings;	30(ii)(b)	<i>A cantilevered and unenclosed canopy over common entrance and each common staircase not more than 5.5 m long and at least 2.2 m. above ground level with level difference of 0.3 m. in relation to the floor level. The outer edge of the canopy shall be at least 1.5 m. from the plot boundary. The Commissioner may permit canopies of larger size in public, multistoreyed or high rise or special buildings.</i>
30(ii)(c)	An unenclosed porch open on three sides, not more than 5.5 m. in length parallel to the main building in front of common entrance only and except rear open space. No part of such porch shall be less than 1.5 m. from the boundary.	30(ii)(c)	<i>An unenclosed porch open on three sides, not more than 5.5 m. in length parallel to the main building in front of common entrance only and except rear open space with level difference of 0.3 m. in relation to the floor level. No part of such porch shall be less than 1.5 m. from the plot boundary.</i>



30(ii)(e)	A chajja, cornice, weather shade, sun-breaker and other ornamental projection projecting not more than 1.2 m. from the face of the building. No chajja, cornice, weather shade, sun-breaker or other ornamental projection etc. shall be permissible, which will reduce the width of the required open space, to less than 2.5 m. Further, Chajja, Cornice, Weather Shade, sun breaker or other ornamental projections etc. shall be permissible upto 0.3 mt. in Gaothan areas for the plots adm. Upto 250 sq.mts.	30(ii)(e) (i)	A chajja, cornice, weather shade, sun-breaker; at lintel level only projecting not more than 1.2 m. from the face of the building. No chajja, cornice, weather shade, sun-breaker etc. shall reduce the width of the required open space to less than 2.5 m. Further Chajja, Cornice, Weather Shade, sun breaker or other ornamental projections etc. shall be permissible upto 0.3 mt. in Gaothan area for the plots adm. upto 250 sq.mts. However in case of redevelopment of cessed building, where marginal distances are less, chajja projection maximum up to 0.45 m. may be allowed.
		30(ii)(e) (ii)	The ornamental projection, flower beds etc. projecting not more than 1.2 m. from the face of the building. No ornamental projection, flower beds etc. shall be permissible, which will reduce the width of the required open space to less than 2.5 m.
30(ii)(f)	A chajja, cornice, weather shade and sun-breaker over a balcony or gallery, its projection not exceeding from the balcony or gallery face with level difference of 0.3 m. in relation to the floor level. However and/or ornamental projection over a balcony or gallery may be allowed to project upto 0.75mt.	30(ii)(f) (i)	A chajja, cornice, weather shade, sun-breaker over a balcony or gallery, its projection not exceeding 0.75 mt from the balcony or gallery face with a level difference of 0.3 m. in relation to the floor level. However in case of redevelopment of cessed building, where marginal distances are less, chajja projection maximum up to



			<i>0.45 m. may be allowed.</i>
		30(II)(f) (ii)	<i>The Ornamental projection, flower bed etc. over a balcony or gallery, its projection not exceeding 0.75 mt. from the balcony or gallery .</i>



35 (2). *This regulation shall be substituted by regulation 35(2) and 35(3) as stated below:-*

35(2) *The following shall not be counted in FSI*

- i) *Areas of structures permitted in recreational open space under clause (g) of sub-Regulation (1) of Regulations 23.*
- ii) *Areas covered by features permitted in open spaces as listed in Regulation 30 except for regulation 30(i) (b), 30(ii) (e) (ii) and 30(ii) (f) (ii).*
- iii) *Areas covered by staircase rooms, lift rooms above topmost storey, staircase/ lift wells and passages in stilt, basement and floors exclusively used for parking and other ancillary users as permitted in this regulation No.35(2)*
- iv) *Areas covered by staircases/ lift wells including lobbies as specified, excluding those covered under D.C.Regulation No.35 (2) (iii) with special written permission of the Commissioner subject to payment of premium.*

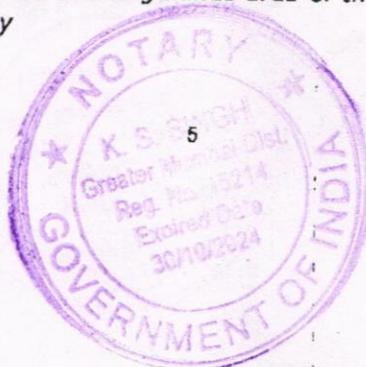
Provided that in the wards of the Island City such exclusion from FSI computation will be available in respect of buildings to be constructed or reconstructed only, the same being not available for existing buildings or proposals decided by the Corporation prior to coming into force of these Regulations,

Provided further that where the permissible FSI has not been exhausted in the case of existing buildings and cases decided by the Corporation prior to coming into force of these Regulations, the exclusion from FSI computation as in these Regulations will be available for construction of balance potential,

Provided further that the reconstruction scheme under Development Control Regulations No. 33(6) such exclusion will be permissible as per guidelines here under: -

i. While working out total existing built up area, the built-up area of existing staircase will not be taken into account.

ii. The premium for the area of the staircase and lift-well will be recovered after working out the area of the staircase and lift-well in the proposed building minus area of the existing staircase, lift-well etc., if any



- v) Area of the basement used exclusively for parking and other ancillary uses as permitted in regulation No. 38(9) (iv) (b ,c ,d,& e).
- vi) Area of covered parking spaces as provided in sub-Regulation (5) (a) of Regulation No.36.

Provided, however, the additional parking to the extent of 25% of the required parking may be permitted with permission of the Commissioner without payment of premium.

Provided further in non-residential building, where entire parking is proposed by mechanical / automatic means, additional parking to the extent of 10% of the required parking shall be permitted free of FSI as vehicle holding area.

- vii) Area of one office room of a co-operative housing society or apartment owners association as provided in sub-Regulation (11) of Regulation 38.
- viii) Lofts [vide sub-Regulation (5) of Regulation 38.]
- ix) Porches [vide sub-Regulation (20) of Regulation 38].
- x) Canopy [vide sub-Regulation (21) of Regulation 38].
- xi) Area of structures for an effluent treatment plant as required to be provided, as per the requirements of the Maharashtra Pollution Control Board or other relevant authorities:

Provided, however, in the case of an existing industry, if no vacant land is available the Commissioner may permit the structures with dimensions to be approved by him for such effluent treatment plant on 10 per cent amenity open space.

- xii) A chajja, cornice, weather shade, sun-breaker; at lintel level only; projecting not more than 1.2 m. from the face of the building as provided in sub regulation no. 30 (ii) (e)(i).

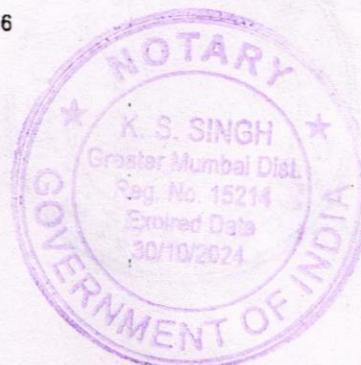
Further Chajja, Cornice, Weather Shade, sun breaker or other ornamental projections etc. shall be permissible upto 0.3 mt. in Gaothan area for the plots adm. upto 250 sq.mts

- xiii) A chajja, cornice, weather shade, sun-breaker over a balcony or gallery, as provided in sub regulation no. 30 (ii)(f)(i)

- xiv) Area covered by pump rooms, electric substations.

- xv) Area covered by new lift and passage thereto in an existing building with a height upto 16m. in the Island City [vide clause (iv) of sub-Regulation (19) of Regulations 38]

- xvi) Area of a covered passage of clear width not more than 1.52m (5ft.) leading from a lift exit at terrace level to the existing staircase



so as to enable descend to lower floor in a building to reach tenements not having direct access to a new lift in a building without an existing lift.

- xvii) Area of one fitness centre for a Co-Op. Housing Society or Apartment Owners Association as provided in sub-regulation 38(32).
- xviii) The fire chutes as provided under D.C.Regulation no. 44(8)
- xix) The refuge areas subject to D.C.Reg. 44(7)
- xx) Fire Check floor / Service Floor of height not exceeding 1.8 mt.
- xxi) Entrance lobbies in stilted portion, height not exceeding 7.2 mt..
- xxii) Open to sky swimming pool at the terrace above the top most storey or on the top most podium only.
- xxiii) Area of the service ducts abutting Sanitary Block not exceeding 1.2 Mtr. in width. In case of high rise buildings higher width/size as per requirement and design approved by Commissioner but not exceeding 2.0 mts.
- xxiv) Ornamental projection of glass façade/glazing not exceeding 0.30m from building line for non-residential building.
- xxv) Area covered by chimney, elevated tanks (provided its height below the tank from the floor does not exceed 1.5 m)
- xxvi) Area of sanitary block for use of domestic servants engaged in the premises, not exceeding 2.2 sq.mts at staircase mid-landing level and at stilt, parking floor level.

Note :

- i. Areas covered by the projections exceeding those specified in clauses xii, xiii, xxiii and xxiv above shall be counted in FSI.
- ii. Open to sky swimming pool at any level other than (xxii) above, excluding at ground level as provided in D.C.regulation 30 (ii), shall be counted in FSI.
- iii. Any passage by whatever name not covered under D.C.R. 35(2) shall be counted in FSI.



35(3) The following shall be counted in FSI.

- i) Covered parking spaces as provided under Regulation no. 36 (5)(d)
- ii) Area of fire escape balcony as provided in regulation 44(5)
- iii) Area of Sanitary block for the use of domestic servants engaged in the premises, other than at staircase mid-landing level, Stilt level, parking level.
- iv) Part / Pocket / Covered terraces, for whatever purpose, except open terrace above the top most storey and the part terrace at top most storey due to planning constraints but accessible from common staircase.
- v) Area below open to sky swimming pool, clearance exceeding 1.5 Mtr. from floor level.
- vi) Air condition plant room / Air handling unit room, meter room, D.G.set room except provided in basement.
- vii) Fire check floor / service floor of height exceeding 1.8 mt.
- viii) Area of balconies as provided in sub regulation 22 of Regulation 38.
- ix) Niches below window sill.
- x) Area of one public telephone booth and one telephone exchange (PBX) room per building.
- xi) The ornamental projection, including the voids, flower beds, etc. projecting from the face of the building except at the terrace level.
- xii) Ornamental projection, flower bed etc. over a balcony or gallery
- xiii) Area of one room for installation of telephone concentrators as per requirements of Mahanagar Telephone Nigam limited.
- xiv) Area of a separate letter box room on the ground floor of residential and commercial buildings.
- xv) Covered areas required on top terrace for antenna / dish antenna / communication tower used for Telecom (basic cellular or satellite telephone) or ITE purposes, V-Sat, Routes, Transponders or similar IT related structure or equipment , in excess of 20.00 sq.mts.
- xvi) The parking floor in excess of required parking under these regulations [35(2)(vi)]. Deck parking inclusive of Car lifts and passages thereto on habitable floors.
- xvii) Driver's room / sanitary block on podium and or parking floor.
- xviii) Covered swimming pool.



Add the following new regulation

D.C.Regulation 35(4)

Compensatory Floor Space Index (FSI):-

Notwithstanding anything contained in the D.C.Regulations 32, 33 & 34, the Commissioner may, by special permission, permit fungible compensatory Floor Space Index, not exceeding 35% for residential development and 20% for Industrial/Commercial development, over and above admissible Floor Space Index, by charging a premium at the rate of 60%, 80% and 100% of the Stamp Duty Ready Recknor Rate, for Residential, Industrial and Commercial development respectively.

Provided in case of redevelopment under regulation 33(7),33(9) & 33(10) excluding clause no.3.11 of Appendix-IV of Development Control Regulation 1991, the fungible compensatory F.S.I. admissible on rehabilitation component shall be granted without charging premium.

Provided further that redevelopment under D.C.regulations no. 33(5) and redevelopment proposal of existing buildings in suburbs and extended suburbs by availing TDR, the fungible compensatory F.S.I. admissible on F.S.I. consumed in existing structure shall be granted without charging premium.

Provided further that such fungible compensatory FSI for rehabilitation component shall not be used for free sale component and shall be used to give additional area over and above eligible area to the existing tenants / occupants.

Provided, that this regulation shall be applicable in respect of the buildings to be constructed or reconstructed only.

Explanatory Note:-

- i) Where IOD/IOA has been granted but building is not completed, this regulation shall apply only at the option of owner /developer,
- ii) For plots/ layouts, where IOD is granted for partial development, this Regulation will apply for the balance potential of the plot,
- iii) The fungible FSI is useable as regular FSI,

Provided, further, the development in Coastal Regulation Zone (CRZ) areas shall be governed by the Ministry of Environment & Forests Notification issued from time to time.

Note: The premium amount collected shall be kept in a separate Account to be utilized for infrastructure development.



Modification to D.C.Regulation 36

Reg.No.	Existing provision	Sanctioned provision
36(5)(a)	(5) Parking Spaces. - Where to be accommodated-The parking spaces may be provided,- (a) underneath the building, in basements within its stilted portion, or on upper floors;	<i>Parking Spaces: Where to be accommodated-The parking spaces may be provided,-</i> (a) underneath the building, in basements, podiums, within its stilted portion, or on upper floors if exclusively used for mandatory parking. <i>Note: (i) The deck parking inclusive of car lifts & passages thereto shall be counted in FSI.</i> <i>(ii) Additional parking floor in excess of required parking shall be counted in FSI subject to the provision of D.C.R.35(2)(vi).</i> <i>(iii) In non-residential building, where entire parking is proposed by mechanical / automatic means, additional parking to the extent of 10% of the required parking shall be permitted free of FSI as vehicle holding area.</i>

10

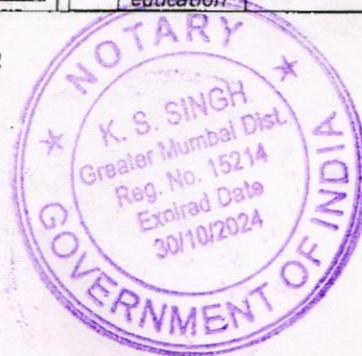


Proposed modification to D.C.Regulation No.38

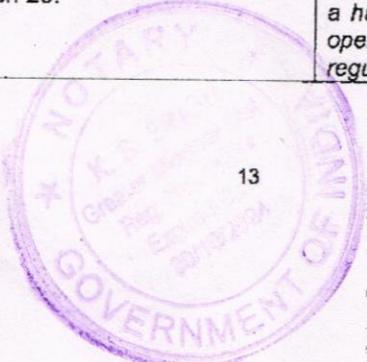
Reg.No	Existing Provisions	Sanctioned Provisions																					
38(5)	<p>(5) Loft- (1) Location and extent :-Lofts may be provided over kitchens, habitable rooms, bath-rooms, water closets, and corridors within a tenement in residential buildings, over shops, and in industrial buildings, subject to the following restrictions: -</p> <table border="1" data-bbox="416 757 815 1323"> <thead> <tr> <th data-bbox="416 757 523 891">Serial no.</th> <th data-bbox="528 757 667 891">Rooms over which permitted</th> <th data-bbox="671 757 815 891">Coverage (percentage to area of room below)</th> </tr> <tr> <th data-bbox="416 891 523 920">(1)</th> <th data-bbox="528 891 667 920">(2)</th> <th data-bbox="671 891 815 920">(3)</th> </tr> </thead> <tbody> <tr> <td data-bbox="416 920 523 994">1</td> <td data-bbox="528 920 667 994">Kitchen / habitable room</td> <td data-bbox="671 920 815 994">25</td> </tr> <tr> <td data-bbox="416 994 523 1099">2</td> <td data-bbox="528 994 667 1099">Bathroom, water closet, corridor</td> <td data-bbox="671 994 815 1099">100</td> </tr> <tr> <td data-bbox="416 1099 523 1173">3</td> <td data-bbox="528 1099 667 1173">Shops with width upto 3m</td> <td data-bbox="671 1099 815 1173">33 1/3</td> </tr> <tr> <td data-bbox="416 1173 523 1279">4</td> <td data-bbox="528 1173 667 1279">Shops with width exceeding 3m</td> <td data-bbox="671 1173 815 1279">50</td> </tr> <tr> <td data-bbox="416 1279 523 1323">5</td> <td data-bbox="528 1279 667 1323">Industrial</td> <td data-bbox="671 1279 815 1323">33 1/3</td> </tr> </tbody> </table> <p>Provided that (a) lofts in commercial or industrial buildings shall be located at least 2 m. away from the entrance; and (b) loft area shall not be counted towards F.S.I. subject to (ii) below.</p> <p>(ii) Height.-The clear head-room under a loft shall not be less than 2.2 m. and that above it shall not be more than 1.5 m. if exceeds 1.5 m. it shall be counted towards F.S.I.</p>	Serial no.	Rooms over which permitted	Coverage (percentage to area of room below)	(1)	(2)	(3)	1	Kitchen / habitable room	25	2	Bathroom, water closet, corridor	100	3	Shops with width upto 3m	33 1/3	4	Shops with width exceeding 3m	50	5	Industrial	33 1/3	<p>Loft :</p> <p>i) Location : Lofts may be provided over kitchens, habitable rooms, bathrooms, water closets and corridors within a tenement in residential building, in shops and in industrial buildings.</p> <p>ii) Height :The height of the loft shall not be more than 1.5 Mtr. If it exceeds 1.5 Mtr. shall be counted towards F.S.I.</p> <p>iii) The lofts in non-residential buildings shall be located at least 2 mts. away from the entrance.</p>
Serial no.	Rooms over which permitted	Coverage (percentage to area of room below)																					
(1)	(2)	(3)																					
1	Kitchen / habitable room	25																					
2	Bathroom, water closet, corridor	100																					
3	Shops with width upto 3m	33 1/3																					
4	Shops with width exceeding 3m	50																					
5	Industrial	33 1/3																					



38(2) (ii)	<p>(ii) Height.- (i)The minimum and maximum height of a habitable room shall be as given in Table 19 hereunder:-</p> <p>(ii) Notwithstanding the above restriction as stated in Table 19, any telematic equipment storage erection facility can have a height as required for effective functioning of that system</p> <p>Notwithstanding the above restrictions as stated in Table 19, for cinema/TV films production, shooting, editing, recording studios, more height as required for their effective functioning shall be permitted</p>	<p>(ii) Height.- (i)The minimum and maximum height of a habitable room shall be as given in Table 19 hereunder:-</p> <p>(ii) Notwithstanding the above restriction as stated in Table 19, any telematic equipment storage erection facility can have a height as required for effective functioning of that system</p> <p>Notwithstanding the above restrictions as stated in Table 19, for cinema/TV films production, shooting, editing, recording studios, more height as required for their effective functioning shall be permitted</p>					
<p>TABLE 19 Height of Habitable Room</p>		<p>TABLE 19 Height of Habitable Room</p>					
Sr No.	Occupancy	Minimum height (in meters)	Maximum height (in meters)	Sr No.	Occupancy	Minimum height (in meters)	Maximum height (in meters)
(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
1.	Flat roof. (a) Any habitable room (b) Habitable room in High Density Housing (c) Airconditioned habitable room. (d) Assembly halls, residential hotels of 3 Star category and above, institutional, education	2.75 2.6 2.4 3.6	4.2 4.2 4.2 4.2 subject to the written permission of the Commissioner greater height may be permitted.	1.	Flat roof. (a) Any habitable room (b) Habitable room in High Density Housing (c) Airconditioned habitable room. (d) Assembly halls, residential hotels of 3 Star category and above, institutional, education	2.75 2.6 2.4 3.6	3.9 3.9 3.9 4.2 subject to the written permission of the Commissioner greater height may be permitted.



	al, industrial, hazardous or storage occupancies, departmental stores, malls, I.T. buildings, entrance halls and lobbies to department stores and assembly halls.				al, industrial, hazardous or storage occupancies, departmental stores, malls, I.T. buildings, office buildings, entrance halls and lobbies to department stores and assembly halls.			
2.	Pitched roof - (a) Any habitable room	2.75 (average with 2.1 M at the lowest point)	4.2 (average with 3.2 M at the lowest point).		e) Shops.	3.0	3.9	
	(b) Habitable room in High Density Housing.	2.6 (average with 2.0 M at the lowest point).	4.2 (average with 3.2 M at the lowest point).					
	<p>Provided that- (i) the minimum clear head-way under any beam shall be 2.4 m.</p> <p>(ii) in all occupancies, except those included in Serial No. 1(d) in the Table above, any height in excess of 4.2 m. shall be deemed to have consumed an additional FSI of 50 per cent of the relevant floor area.</p> <p>(iii) other requirements.- One full side of a habitable room must abut an exterior open space same as provided in sub-regulation (9) of Regulation 29.</p>				<p>Provided that- (i) the minimum clear head-way under any beam shall be 2.4 m.</p> <p>ii) In all occupancies except those included in Sr. No. 1 (d) in the table above, any height in excess of 3.9 Mtr. shall be deemed to have consumed an additional F.S.I. of 50% of the relevant floor area.</p> <p>(iii) other requirements.- One full side of a habitable room must abut an exterior open space same as provided in sub-regulation (9) of Regulation 29.</p>			



38(9)(i)	(9)Basement-(i) <i>Area and Extent.</i> - The total area of any basement shall not exceed twice the plinth area of the building or the area of the plot, whichever is less. It may be in one level or two.	(9)Basement-(i) <i>The basement shall not be constructed in the required front open space under DCR 29. The open space from the other boundaries of the plot shall not be less than 1.5 Mtr. It may be at one level or more.</i>
38(9)(iv)	(iv)Uses Permitted.- A basement may be put to the following uses only:- (a) storage of household or other non-hazardous goods; (b) store rooms, bank lockers or safe-deposit vaults; (c) air-conditioning equipment and other machines used for services and utilities of the building; (d) Parking spaces; (e) Electric sub-station (which will conform to required safety requirements); Provided that user strictly ancillary to the principal user may also be permitted in a basement.	(iv) <i>Uses permitted - A basement may be put to the following uses only :</i> (a) (i) <i>Storage of household or other non hazardous goods;</i> (ii) <i>Store rooms, bank lockers or safe deposit vaults;</i> (b) <i>Air conditioning equipment /AHU and other machines used for services and utilities of the building;</i> (c) <i>Parking spaces;</i> (d) <i>D.G. set room, meter room and Electric sub station (which will conform to required safety requirements);</i> (e) <i>Effluent Treatment Plant, suction tank, pump room</i> <i>Provided that the users mentioned at (a) above shall be permitted in the 1st basement only by counting in F.S.I. subject to the following conditions :</i> i) <i>All requirements regarding access, safety (including fire safety), ventilations etc. shall be complied with.</i> ii) <i>All the planning standards (particularly as regarding parking) should be strictly adhered to.</i>
38(12)	(12) <i>Letter Box:</i> - A letter box of appropriate dimensions shall be provided on the ground floor of residential and commercial buildings with five and more storeys to the satisfaction of the Commissioner.	(12) <i>Letter Box Room:</i> - A separate letter box room or otherwise of appropriate dimensions shall be provided on the ground floor of residential and commercial building.
38(20)	(20) <i>Porch.</i> - A porch, if any, shall be at least 1.5 m clear of the plot boundary; the area of a porch upto 5.5m. in length (parallel to the main building) shall not be counted towards	(20) <i>Porch.</i> - A porch, if any, shall be at least 1.5 m clear of the plot boundary, shall have a level difference of 0.3 m. in relation to the level of the floor; the area of a porch upto 5.5m. in length (parallel



	FSI. A parapet wall 0.23m. in height is permissible over a porch. The Commissioner may permit larger porches for mercantile, hotel and public buildings.	to the main building) shall not be counted towards FSI. A parapet wall 0.23m. in height is permissible over a porch. The Commissioner may permit larger porches for mercantile, hotel and public buildings.
38(21)	(21) <i>Canopy</i> :- A cantilevered and un-enclosed canopy may be permitted over each entrance and staircase, if a clear distance of at least 1.5 m is maintained between the plot boundary and the outer edge of the canopy. The minimum clear height of the canopy shall be 2.2 m.	(21) <i>Canopy</i> :- A cantilevered and un-enclosed canopy with level difference of 0.3 m. in relation to the floor level; may be permitted over each entrance and staircase, if a clear distance of at least 1.5 m is maintained between the plot boundary and the outer edge of the canopy. The minimum clear height of the canopy shall be 2.2 m. The Commissioner may permit larger canopies for mercantile, hotel and public buildings.
38(22)	(22) <i>Balcony</i> :- In any residential zone (R-1) and residential zone with shop line (R-2), or in a purely residential building in any other zone, balconies may be permitted free of FSI at each floor, excluding the ground and terrace floors, of an area not more than 10 per cent of the area of the floor from which such balcony projects subject to the following conditions :- (i) No balcony shall reduce the minimum marginal open space to less than 3 mt. at the rear and sides and 1.5m in the front. The width of the balcony will be measured perpendicular to the building line and reckoned from that line to the balcony's outermost edge. (ii) Balconies may be allowed to be enclosed with written permission of the Commissioner. When balconies are enclosed, one-third of the area of their faces shall have louvers glass shutters or grills on the top and the rest of the area except the parapet shall have glazed shutters.	(22) <i>Balcony</i> :- In any residential zone (R-1) and residential zone with shop line (R-2), or in a purely residential building in any other zone, balconies may be permitted at each floor, excluding the ground and terrace floors, of an area not more than 10 per cent of the area of the floor from which such balcony projects subject to the conditions that :- (i) No balcony shall reduce the minimum marginal open space to less than 3 mt. at the rear and sides and 1.5m in the front. The width of the balcony will be measured perpendicular to the building line and reckoned from that line to the balcony's outermost edge. (ii) The balcony may be enclosed.

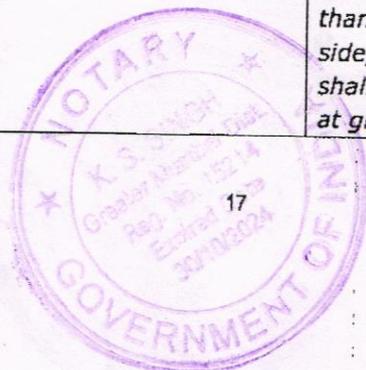


New Regulation		<p>38 (34):- Podium</p> <ol style="list-style-type: none"> i. A podium may be permitted in plot admeasuring 1500 sq.mt or more. ii. The podium provided with ramp may be permitted in one or more level, total height not exceeding 24 m above ground level. However, podium not provided with ramp but provided with two car lifts may be permitted in one or more level, total height not exceeding 9 mt above ground level. iii. The podium shall be used for the parking of vehicles. iv. The recreational space prescribed in D.C.Regulation 23 may be provided either at ground level or on open to sky podium. v. Podium shall not be permitted in required front open space. vi. Such podium may be extended beyond the building line in consonance with provision of D.C.Regulation 43(1) on one side whereas on other side and rear side it shall not be less than 1.5 m from the plot boundary. vii. Ramps may be provided in accordance with D.C.Regulation 38(18). viii. Adequate area for Drivers rest rooms and sanitary block may be permitted on podiums by counting in FSI.
-------------------	--	--



Proposed amendment in relevant regulations applicable to Fire Fighting Requirements

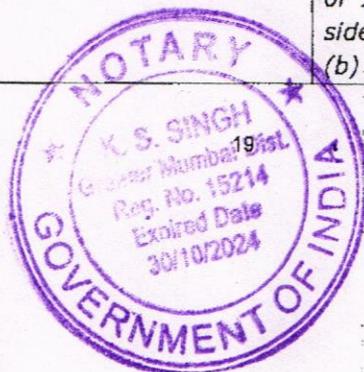
Reg. no.	Existing provisions	Sanctioned provisions
43 (1)	<p>General – The planning design and construction of any building shall be such as to ensure safety from fire. For this purpose, unless otherwise specified in these Regulations, the provisions of part IV : Fire Protection Chapter, National Building Code, shall apply. For multistoried, high rise and special buildings, additional provisions relating to fire protection contained in Appendix VIII shall also apply. The approach to the building and open spaces on all sides up to 6 m width and their layout shall conform to the requirements of the Chief Fire Officer. They shall be capable of taking weight of a fire engine weighing up to 18 tonnes. These open spaces shall be free of any obstruction and shall be motorable.</p>	<p><i>43(1) General:- The planning design and construction of any building shall be such as to ensure safety from fire. For this purpose, unless otherwise specified in these Regulations, the provisions of part IV: Fire Protection Chapter, National Building Code, shall apply. For multistoried, high rise and special buildings, additional provisions relating to fire protection contained in Appendix VIII shall also apply,</i></p> <p><i>(A) For proposal under regulations 33(7) and 33(10), In case of rehabilitation / composite buildings on plots exceeding 600 Sq.Mts. and having height more than 24 m, at least, one side other than road side, shall have clear open space of 6 m at ground level, accessible from road side. Provided, if the building abuts another road of 6m or more this condition shall not be insisted. Provided further that in case of redevelopment proposals under DCR 33(7) , for plot size upto 600 sq.mt. , 1.5mt open space will be deemed to be adequate.</i></p> <p><i>(B) For the proposals other than (A) above (a): Buildings having height more than 24 m upto 70 m, at least one side, accessible from road side, shall have clear open space of 9 m at ground level.</i></p>



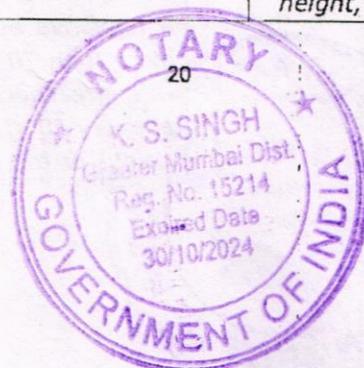
		<p><i>Provided, however, if podium is proposed it shall not extend 3m beyond building line so as to have clear open space of 6m beyond podium.</i></p> <p><i>Provided, further, where podium is accessible to fire appliances by a ramp, then above restriction shall not apply.</i></p> <p><i>(b) Buildings having height more than 70 m, at least two sides, accessible from road side, shall have clear open space of 9 m at ground level.</i></p> <p><i>Provided, however, if podium is proposed it shall not extend 3m beyond building line so as to have clear open space 6m beyond podium. No ramps for the podium shall be provided in these side open spaces.</i></p> <p><i>Provided, further, where podium is accessible to fire appliances by a ramp then above restriction shall not apply.</i></p> <p><i>(c). Courtyard / ramp / podium accessible to fire appliances shall be capable of taking the load up to 48 tonnes.</i></p> <p><i>(d) These open spaces shall be free from any obstruction & shall be motorable.</i></p>
<p>43(2) (i) (ii)</p>	<p>Assembly, business, mercantile, industrial and storage buildings : 30 m. Note.- The travel distance to an exit from the dead end of a corridor shall not exceed half the distance specified above. When more than one exit is required on a floor, the exits shall be as remote from each other as possible: Provided that for all multi-storeyed high rise and special buildings, a minimum of two enclosed type staircases shall be provided, at least one</p>	<p>Assembly, business, mercantile, industrial and storage buildings : 30 m.</p> <p>Note.- The travel distance to an exit from the dead end of a corridor shall not exceed half the distance specified above. When more than one exit is required on a floor, the exits shall be as remote from each other as possible: Provided that, subject to the provision under D.C. Regulation 44(5)(a) for all multi-storeyed high</p>



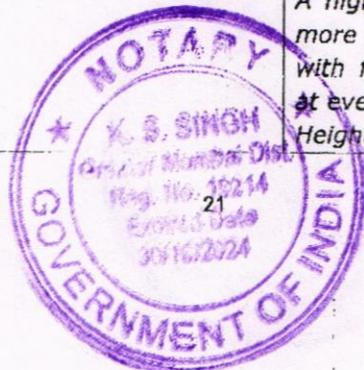
	of them opening directly to the exterior, to an interior, open space or to any open place of safety.	rise and special buildings, a minimum of two enclosed type staircases shall be provided, at least one of them opening directly to the exterior, to an interior, open space or to any open place of safety.
44(5)	<p>Fire Escape or external stair: Multistoreyed, high rise and special buildings shall be provided with fire escape stairs, which will be free of F.S.I., and they should conform to the following:</p> <p>(a) They shall be taken into account in calculating the evacuation time of a building.</p> <p>(b) All of them shall be directly connected to the ground.</p> <p>(c) Entrance to them shall be separate and remote from the internal staircase.</p> <p>(d) Routes to the fire escape shall be free of obstruction at all times, except for a door way leading to the fire escape, which shall have the required fire resistance.</p> <p>(e) They shall be constructed of non-combustible materials.</p> <p>(f) They shall have a straight flight not less than 75 cm wide with 15 cms treads and risers not more than 19 cms. The number of risers shall be limited to 16 per flight.</p> <p>(g) They shall be provided with handrails at a height not less than 90 cms above the tread.</p>	<p>44(5) (A) Additional Staircase-</p> <p>(a) In case of multistoreyed residential buildings having height more than 24 m, and less than 70 m additional staircase shall be necessary, Provided, however, it will not be necessary, if,</p> <p>(i) Travel distance does not exceed as mentioned in sub regulation (2)(ii)(i) & (ii) of regulation 43 and;</p> <p>(ii) If floor area on any floor does not exceeds 500 sq mtrs</p> <p>Note: These staircases shall be of enclosed type having minimum width of 1.5 mt.</p> <p>(b) Buildings having height 70 m or more, shall be provided with two enclosed type staircases, each having width not less than 2.0 m.</p> <p>(c) Whenever two staircases are necessary, both the staircases shall open & terminate at ground floor or to any other place of safety. The staircase shall be as remote as possible.</p> <p>(B) Fire Escape balcony:</p> <p>(a) For industrial buildings, a fire escape balcony not exceeding 1.5 meters width shall be provided at the periphery of every floor level and shall be connected to staircase and shall have a railing / parapet of 1.10 meters height on external sides.</p> <p>(b) Fire escape balcony to the</p>



		<p>buildings other than residential occupancy shall be decided by Chief Fire Officer.</p> <p>(c) Requirement of Fire Escape Balcony</p> <p>(i) It shall always be kept free from obstructions & no partitions shall be erected.</p> <p>(ii) It shall be provided with wall type sprinklers at every floor level.</p> <p>Note: - Fire Escape balcony shall be counted in FSI.</p>
44(7)	<p>Refuge area:</p> <p>a) In multi storyed and high rise buildings, at least one refuge area shall be provided on the floor immediately above 24 m.</p> <p>b) It shall be on the external walls as a cantilevered projection or in any other manner.</p> <p>c) It shall have a minimum area of 15 sq m and minimum width of 3.0 m.</p> <p>d) It shall not be counted in FSI.</p>	<p>Refuge area:</p> <p>(a) (i) The refuge area shall be provided within building line at floor level.</p> <p>(ii) In case of multistoreyed & high rise buildings having height more than 30 mts., first refuge area shall be provided at 24 mt. or 1st habitable floor, whichever is higher. Thereafter, the refuge area shall be provided at every 7th habitable floor. The refuge area shall be 4% of the habitable floor area it serves, and will be free of FSI. If it exceeds 4%, the excess area shall be counted in FSI.</p> <p>(b) Notwithstanding clause (a) for buildings having height upto 70 mts, as an alternate, Refuge areas can be provided as R.C.C. cantilever projections at the alternate mid-landing level of staircase, free of FSI.</p> <p>Each refuge area at mid-landing shall have a minimum width of 3.0 mts and minimum area of 10.0 sq.mts for residential and 15 sq.mts for non-residential buildings.</p> <p>(c) In case of multistoreyed & high rise buildings upto 30 mts. height, the terrace floor of the</p>



		building shall be treated as the refuge area.
New Reg. 44(8)		<p>44(8) Fire Escape Chutes/ Controlled Lowering Device for evacuation :-</p> <p>(A)(i) High rise building having height more than 70 mt., shall necessarily be provided with fire escape chute shaft/s for every wing adjacent to staircase.</p> <p>(ii) Walls of the shaft shall have 4 hours fire resistance.</p> <p>(iii) One side of the shaft shall be at external face of the building with proper ventilation.</p> <p>(iv) The dimension of the shaft shall not be less than 2.5 m X 1.5m.</p> <p>(v) The access to the fire escape chute's shaft shall be made at alternate floor level from staircase mid-landing with self-closing door having fire resistance of at least one hour.</p> <p>(vi) The fire chute shall be of staggered type with landing of each section at the vertical height of not more than 21 m.</p> <p>Alternatively,</p> <p>(B) For High rise building having height more than 70 mt., "Controlled Lowering Device for evacuation" or "External Evacuation System" as approved by CFO shall be provided.</p>
New Reg. 44(9)		<p>44 (9) Fire Check Floor</p> <p>A high rise building having height more than 70 m, shall be provided with fire check floor (entire floor) at every 70 m level.</p> <p>Height of the fire check floor shall</p>



	<p><i>not be more than 1.8 mts. The fire check floor shall not be used for any purpose and it shall be the responsibility of the owner/occupier to maintain the same clean and free of encumbrances and encroachments at all times. Periphery of the Fire Check floor shall not be enclosed. Fire Drenchers shall be provided at the periphery of the each fire check floor externally.</i></p>
--	---

22

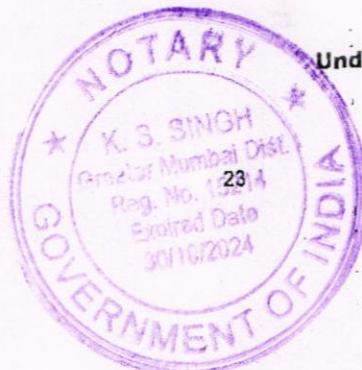


The following additional clause no.19 to be added to Appendix VIII
(Regulation 43)

Appendix VIII
(19)

- i) Manner of providing refuge area :
- a) The refuge area shall be so located that it shall preferably face the access road/s or otherwise face the wider open space on the side of the building perpendicular to the main access road.
 - b) The cantilevered Refuge area on cantilever will be permissible at the mid-landing of the staircase only. All other refuge areas shall be within the building line only.
 - c) The cantilevered refuge area shall necessarily be of RCC Type .
 - d) The refuge area shall be provided with railing / parapet of 1.20 mt.
 - e) R.C.C. covering shall be provided above the topmost cantilever refuge area.
 - f) The refuge area shall have a door which shall be painted or fixed with a sign in luminous paint mentioning "REFUGE AREA"
 - g) The lift/s shall not be permitted to open into the refuge areas.
 - h) The refuge area provided within building line shall be accessible from common passage/ staircase.
- ii) Use of refuge area :
- a) The refuge area shall be earmarked exclusively for the use of occupants as temporary sheiter and for the use of Fire Brigade Department or any other organization dealing with fire or other emergencies when occur in the building and also for exercises/drills if conducted by the Fire Brigade Department.
 - b) The refuge areas shall not be allowed to be used for any other purpose and it shall be the responsibility of the owner/occupier to maintain the same clean and free of encumbrances and encroachments at all times.
- iii) Facilities to be provided at refuge area
- a) Adequate emergency lighting facility shall be provided.
- iv) Terrace floor as a refuge floor:
- a) The necessary facilities such as emergency lighting, drinking water etc shall be provided.
 - b) The access door/s from the enclosed staircase/s to the terrace floor shall have louvers at top half portion of the door. The entrance doors to the terrace shall be painted or fixed with sign painted in luminous paint mentioning "REFUGE AREA ".

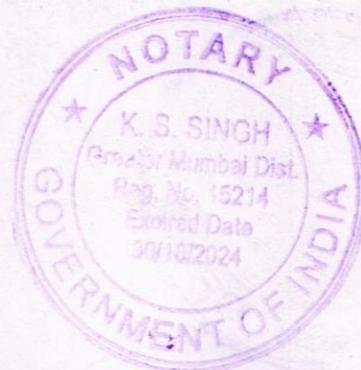
(Rajendra Habde)
Under Secretary to Government.



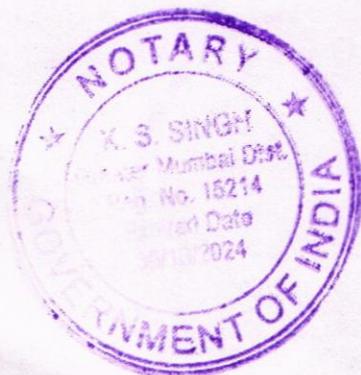
BRIHANMUMBAI MUNICIPAL CORPORATION

Subject : Guidelines for Air Pollution Mitigation.

- (1) All the project proponents to ensure that at least 35 feet high tin / metal sheets shall be erected around the periphery of construction projects having height more than 70 mtr.
- (2) All construction layouts having area more than 1(one) acre shall have tin / metal sheet erected of height 35 feet at least around periphery of the construction project sites and for construction sites, less than 1 (one) acre, the tin / metal sheet height shall be 25 feet at least.
- (3) All the buildings under construction shall be compulsorily enclosed by green cloth / jute sheet / tarpaulin from all sides.
- (4) All the structures under demolition shall be covered with tarpaulin / green cloth / jute sheet from top to bottom. There shall be continuous sprinkling / spraying of water during the process of demolishing of the structure.
- (5) It shall be ensured that water fogging shall be carried out during loading and unloading of materials at the construction sites (use of stationary/ mobile anti-smog guns).
- (6) The water sprinkling shall be done on debris / earth material etc. which are prone to generate air borne particulate matters at all construction sites without fail.
- (7) All vehicles carrying construction materials shall be fully covered (i.e. from top and all sides) so that construction material or debris does not become airborne during transportation and the vehicle shall not be overloaded to avoid any spillage from the vehicle.
- (8) All construction sites shall install CCTV cameras along the periphery of their work sites to ensure that vehicles are plying after cleaning tyres and are not overloaded .



- (9) All construction sites to deploy sensor based air pollution monitors at work sites and act immediately on observing pollution levels exceeding the limit. This monitoring shall be made available for inspection to BMC authorities as and when demanded.
- (10) All the work sites shall ensure that the grinding, cutting, drilling, sawing and trimming work is carried out in enclosed area and water sprinkler / water fogging is continuously done while working to avoid escape of fugitive air.
- (11) All the construction sites shall ensure that C & D (Construction and Demolition) waste generated within the premises / site of work is transported to designated unloading site strictly as per BMC's C & D Waste Management Plan. After unloading the debris, the vehicle shall be washed and cleaned thoroughly.
- (12) All vehicles carrying materials shall have valid PUC certificates and the same shall be produced as and when asked for by competent authorities.
- (13) All the construction personnel / managers shall mandatorily wear personal protective equipment such as masks, goggles, helmets, etc.
- (14) All the BMC worksites like bridges and flyovers shall have barricading of 25 feet.
- (15) All the metro works above ground shall be covered with barricading of 25 feet height. The construction site shall be covered with tarpaulin / green cloth / jute sheet. The smog guns / water sprinklers shall be used during the construction work.
- (16) The mitigation measures suggested as above shall be mandatorily observed by other agencies like SRA, MHADA, MIDC, MSRDC, MMRDA, BPT, Airport Authority of India, Railways, Govt. or Semi Govt. authorities and private construction sites.
- (17) All Asstt. Commissioners in charge of Wards shall arrange to deploy special squads to prevent illegal C & D dumping at late night.



(18) All Asstt. Commissioners in charge of Wards shall deploy squads for air pollution mitigation enforcement comprising of :-

- i) Two (Ward) engineers
- ii) One Policeman
- iii) One marshall
- iv) Vehicle

Each squad shall be headed by one senior officer from the Ward.

The formation and deployment of these squads at Ward level shall be done immediately.

The number of squads Ward-wise shall be as follows :-

- a) Smaller wards – 2 squads each ward
- b) Middle size wards – 4 squads each ward
- c) Larger size wards – 6 squads each ward.

(19) The enforcement squad shall visit the premises and videograph the worksite. If it is observed that the worksite is not adhering to above stated provisions, stringent action such as issue of Stop Work notice and/or sealing of worksite shall be taken immediately.

(20) The timeline for procurement of sprinklers shall be 15 days and for procurement of smog guns shall be 30 days from issuance of this circular. All the project proponent / contractors shall abide by the above timelines without fail.

(21) The vehicles carrying construction material or C & D material, if found not adhering to above stated provisions, shall be seized and impounded.

(22) The Transport Commissioner shall take action against overloading of vehicle, uncovered vehicles, vehicles spilling construction materials on roads and the heavy duty diesel vehicles which are more than 8 years old shall be strictly prohibited in Mumbai jurisdiction.

(23) MPCB shall monitor the air pollution emitted from the industries such as BPCL, HPCL, RCF, Tata Power, industries in nearby MIDC area etc. daily for next one month and take appropriate action. The daily monitoring data shall be shared with AMC (City) and A.M.C.(W.S.).



- (24) All builders / Developers shall engage only those vehicles which possess vehicles tracking system installed on them.
- (25) The loose soil, sand, construction materials and debris of any kind and quantity shall be stored in demarcated / dedicated area and properly barricaded, fully covered / enclosed / protected with tarpaulins. It shall be ensured that there is no dumping of construction material and debris on public roads, footpaths, pavements and open area.
- (26) Vehicle tyre washing facility shall be provided at all exit points of construction sites. It shall be ensured that daily cleaning is carried out of major roads for removal of dust by using vacuum sweeping or water sprinkling, brushing, brooming and sweeping. This work may be outsourced to ensure wide and fast coverage of all major roads in one month's time.
- (27) There shall be complete ban on open burning anywhere in the geographical area under BMC, especially urban dumping grounds and possible sites of trash burning.



(Dr. I.S. Chahal) 20/10-23.
Municipal Commissioner