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Item No.	25
Board Meeting No.	599
Date of Meeting	17.01.2017
Sponsoring HOD	Chief Planner

e/447

**A. Subject: - Policy guidelines for - Amalgamation / Sub-division of Plots**

**B. Issue for Consideration**

As per the General Development Control Regulations (GDCRs) of CIDCO, the scale of Scrutiny fees to be charged for amalgamation / sub-division proposals is provided under Regulation No. 16.1 (3). However, process / criteria for amalgamation / sub-division of plots is not specified. As per prevailing practice, amalgamation is permitted for the properties comprising of two or more different holdings belonging to the same owner and abutting each other, with remarks from Planning Dept., and Estate Section. In GDCRs or outside, there is no comprehensive policy towards amalgamation / sub-division.

Amalgamation has implications on various issues pertaining to Estate Section as well as Planning Department e.g.- charging Additional Premium; computation of lease, period; change of use after amalgamation, access road width, orientation of adjoining plots (i.e. amalgamation along lengthwise or back to back plots) etc. Hence, it is necessary to frame policy guidelines for amalgamation of plots with specific conditions. Accordingly a proposal has been prepared jointly for consideration of the Board.

**C. Nature of Approval**

Appraisal	Allotment	Administrative approval	Financial approval	Policy	Others
				✓	

**D. Details about the proposal**

**1. Background**

Based on the GDCR provisions, layouts are prepared within a given landuse zone of NMDP, falling in Nodal areas or outside nodes. In these layouts, at plot level a host of landuses including Industrial, Storage, Information Technology, Bio-technology, Assembly, Education, Medical, Religious and Social including the benefit of the larger community are permitted. The FSI varies across the landuses and in case of storage landuse, VPR is permitted. Further, there are sub-groups within landuses e.g.- Bungalows / Row houses which are residential in landuse, are advertised as exclusive residential schemes and are smaller in plot size than general residential plot which are allotted as Society plots or through Tender. Within a given block or layout given its character, compatible landuses are planned.

**2. Prevailing Practice.**

Sometimes, the plots abutting each other or plots in series are agreed to be leased to the same Licensee/s. In such cases, the Licensee/s often request for amalgamation of plots, in order to have better planning and utilization of the combined area allotted to them.

As per the present practice followed for amalgamation, if two plots (next to each other) are to be amalgamated, then such plots have to fulfill the following conditions.

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- i) The Plots should belong to the same owner.
  - ii) The permitted landuse of both the plots should be the same.
  - iii) The FSI permitted for both the plots should be the same.
  - iv) Once the plots are amalgamated, no sub-division of such amalgamated plots would be permitted.
  - v) Estate Section should examine the transfer charges, date of Agreement to Lease of such amalgamated plots.
  - vi) The record date of amalgamated plots should be taken as the date of Agreement to Lease that of the earlier / older executed Agreement for charging of Additional Lease Premium (ALP).

### 3. The need for framing guidelines:

The GDCR for Navi Mumbai has a provision for charging scrutiny fees for amalgamation / sub-division of plots under Regulation No.16.1 (3), presently recovered by Estate Section. However, there is no comprehensive policy guidelines for amalgamation / sub-division of plots.

As mentioned above, the Corporation has been practicing such amalgamation, in absence of comprehensive policy guidelines. While many a times, it is observed that, amalgamation of bigger plots do not have an impact on the surrounding, built-up environment, though there is a possibility of change of use after amalgamation and avail higher FSI. However, amalgamation of smaller plots, especially in case of bungalow plots / row house plots, leads to construction of taller apartment type buildings, which may change the intended character of the scheme / area.

Also in case of core units / LIG / EWS Plots allotted under BUDP and other schemes of CIDCO and plots situated on 6.00 M., or lesser wide roads. Amalgamation in such case is not desirable, from fire and provision of other infrastructure point of view.

Having regard to the above, it is necessary to frame policy guidelines to regulate the development and also to process proposals for amalgamation / sub-division.

### 4. Legal Opinion

Legal opinion on the proposed policy is obtained, **(Annexure-II)**. The advice of Senior Law Officer of maintaining the scheme / category and sub-category of amalgamated plots and levying charges on additional payment proposed is duly complied in the proposal. Also, the suggestion of Sr. Law Officer to obtain opinion of Estate Section and Sr. Economist is also complied with. Further, the opinion / suggestions of Estate Section and Sr. Economist are duly incorporated in the proposal.

### 5. Proposal

For amalgamation / sub-division of plots, allotted for various uses, proposed guidelines are placed at **Annexure-I**. Certain landuses are excluded from the purview of amalgamation / sub-division.

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Road-width criteria in case of amalgamation / sub-division of plots are generally not specified, as the FSI of plots and the use are not expected to change. However, in case of bigger plots, change of use if permitted, is regulated by corresponding provision in the GDCRs which specify the road-width and plot area criteria. For Bungalow / Row-house plot schemes, upon amalgamation the resultant plot may become eligible for change of landuse as per 16.3(1a) of the CIDCO GDCRs. To retain the character of the scheme area it is proposed that, this particular clause may not be allowed to apply on amalgamated plots of such schemes. Besides this, it is proposed that no relaxation of any kind in terms of GDCRs shall be given towards resultant plots after amalgamation / sub-division.

It is proposed to exclude core units / LIG / EWS Plots allotted under BUDP or other schemes of CIDCO and plots situated on 6.00 M., or lesser width roads, from the scope of this proposal.

Besides this, the guidelines prescribed by the Estate Section and the Law Section, for fixing date of Lease agreement for amalgamated plots, premium / ALP to be collected, penalties to be levied, period for completion of construction in amalgamated plots / reconstruction of building in amalgamated plots, etc., are also included in the present proposal.

Details of policy guidelines framed, based on the above, are placed at **Annexure-I**.

**E. Financial implications. No**

**F. Legal implications**

Guidelines are framed herewith for processing the cases related to amalgamation / sub-division of plots, to streamline the process. No legal implications are foreseen in this proposal.

**G. Date of Approval of the Agenda Note by VC & MD / JMD: 06.01.2017**

**H. Whether continuation of deferred Item/ or Fresh Item: Deferred Item**

**I. Whether Information can be provided under the RTI Act: YES**

The Board may pass the following Resolutions with or without modifications:

DRAFT RESOLUTION No.

"RESOLVED FURTHER THAT, the Board do take note of the need to frame guidelines for amalgamation / sub-division of plots and hereby approves the Policy Guidelines as enclosed in **Annexure - I** to permit and regulate such proposals".

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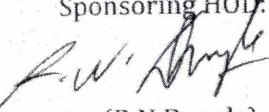
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"RESOLVED FURTHER THAT, VC&MD be and is hereby empowered to make suitable amendments to the guidelines as may be required for hardship cases and smooth implementation of this policy".

"RESOLVED FURTHER THAT, VC&MD / Jt. MD-I be and are hereby authorized to implement the above Resolutions".



Sponsoring HOD:  
  
(R N Dingle)  
(Chief Architect & Planner)

CIN-U99999MH1970SGC014574

  
06/11/17



**Item No.25/599 BM :** Policy guidelines for Amalgamation/sub-division of Plots.



During discussions, the Board noted that as per the proposed guidelines is to allow amalgamation/ sub-division/s plots for cases covering of (i) same land use, (ii) same ownership and (iii) same F.S.I.

After discussions, the Board unanimously passed the following Resolution:

**RESOLUTION NO: 11774**

"RESOLVED THAT the Board do take note of the need to frame guidelines for amalgamation / sub-division of plots and hereby approve the Policy Guidelines as enclosed in Annexure-I to permit and regulate such proposals."



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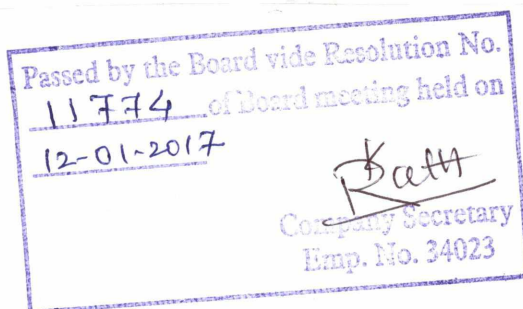
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**"RESOLVED FURTHER THAT** the VC&MD be and is hereby empowered to make suitable amendments to the guidelines, as may be required for hardship cases and smooth implementation of this policy."



**"RESOLVED FURTHER THAT** the Board do and hereby authorize the VC&MD/ Jt.MD-I to implement the above Resolutions."



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## Annexure-I

## POLICY GUIDELINES FOR AMALGAMATION / SUB-DIVISION OF PLOTS

## Processing of the Proposal for Amalgamation / Sub-division

## I. Conditions related to Estate Section

The following conditions shall be applicable to all the cases:

1. Plots, which are adjoining to each other, owned by the same person / legal entity / a Single Owner; have same Landuse, category and sub-category of allotment and FSI; may be permitted amalgamation subject to adherence of GDCR provisions.
2. Any existing provision prohibiting amalgamation or sub-division in any scheme policy, marketing booklet or Agreement to lease shall prevail. Amalgamation / sub-division shall not be permitted for such cases.
3. Modified Agreement to Lease will be executed, with revised plot boundaries and the special conditions applicable to the sub-divided plot/s for Amalgamation / Sub-division with prior consent / approval from Planning Dept.
4. On amalgamation / sub-division, the record date of the amalgamated / sub-divided plots for computation of the lease period shall be the date of the Agreement to lease of the plot for which the agreement is executed earlier. The computation of the Additional Lease Premium (ALP) for grant of an extension in construction period, after amalgamation / sub-division shall be governed by the prevailing policy guidelines, framed in this regard.
5. Prior to amalgamation, the owner has to pay ALP and clear all other Estate services dues for each plot separately.
6. Once the plots are amalgamated / sub-divided and the Modified Agreement is executed, then the subsequent Transfer charges shall be calculated as per the area of the amalgamated / sub-divided plot.
7. For plot upto 300 Sq.mtr., Rs.50,000/- shall be recovered as Amalgamation / Sub-division charges, further for all other plots the charges to be recovered shall be Rs.1,00,000/-. (i.e. The Amalgamation / Sub-division charges for multiple plots shall be calculated by the formula of " $(n-1) \times \text{charges}$ ", where 'n' is the number of plots amalgamated or sub-divided).
8. For constructed premises Administrative charges of Rs.10,000/- for Amalgamation / Sub-division shall be levied, irrespective of constructed area. (i.e. The Amalgamation / Sub-division charges for constructed premises shall be calculated by the formula of " $(n-1) \times \text{charges}$ ", where 'n' is the number of units amalgamated or sub-divided).
9. The Plots / Units allotted with concessional rates under schemes, such as EWS / LIG / sites and services plots under BUDP or other such schemes of CIDCO, amalgamation / sub-division will not be permitted.
10. In case of plots with land use of educational, medical, religious, institutional and social including landuses for benefit of the larger community i.e. the group of landuses commonly known as Social Facility plots, amalgamation / sub-division will not be permitted.

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## II. Conditions related to Planning Department:

### A. AMALGAMATION:-

#### 1. General Conditions for Amalgamation:

- i) Plots, which are adjoining to each other and have the same maximum permissible FSI and have the same Land use category and sub-category may be permitted amalgamation subject to adherence of GDCR provisions. However, Bungalow plot & large Residential plot next to each other may not be allowed to amalgamate, similarly R+C plot and 12.5% plot may not be allowed to amalgamate.
- ii) Upon amalgamation, any change of use or increase of FSI will be governed by the relevant provisions of the prevailing GDCRs.
- iii) For development on the resultant plot, all provisions of GDCR shall prevail. No relaxation of any kind will be granted due to resultant shape and size of plot. Remarks from Planning Department with regard to prevailing GDCRs provisions regarding road-length, road-width, and such others to be obtained by Estate Section.
- iv) In case Urban Design Guidelines are applicable to a scheme / block / sector / area, clearance to be obtained prior to Amalgamation of plots, from Planning Department.

#### 2. Specific conditions for Bungalow / Semi-detached Row House Plots

When plots are amalgamated in originally Bungalow scheme or Row House scheme, even if the conditions of GDCR Regulation no.- 16.3(1a)I are fulfilled upon amalgamation, change of use or increase of FSI will not be permitted.

### B. SUB-DIVISION

In case of Sub-division of plots,

- a) Before sub-division of plots, the clearances / remarks shall be obtained from Engineering Department for suitability of provision of Infrastructure i.e. Water supply, Sewerage system, etc.
- b) Clearance from Planning Dept., to be obtained prior to sub-division on the shape / proportions of the resultant individual plot/s to check for suitability of permissible FSI consumption and other prevailing rules / regulations / policy etc.
- c) In case Urban Design Guidelines are applicable to a scheme / block / sector / area / plot, clearance to be obtained prior to Sub-division of plot/s, from Planning Department.
- d) The sub-division of plot/s shall be subject to the DCRs provision inter-alia regarding plot access, road-width, road-length, 16.3(1a)I, etc.
- e) Post sub-division, change of use, if any on individual plot/s shall be subject to provisions of CIDCO GDCR regulation no.- 16.3(1a) I.

## III. Procedure

Estate Section shall upon receipt of Amalgamation / Sub-division applications, initiate proposals, procure due approvals and implement the policy.

In case of any discrepancy in above clauses, the decision of VC&MD, CIDCO shall be final and binding on the Lessee.

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No.CIDCO/Law/In.789/

18.10.2016

The Agenda of the Board Note placed in the Board Meeting no. 595 dated 26/8/2016 and the Board Resolution passed in respect of the said note have been perused where directions have been given to give legal opinion on the proposed policy guidelines on amalgamation/ sub-division of plots as brought out at Annexure -I of the said Board Note. The proposed policy guidelines on amalgamation/ sub-division of plots as brought out at Annexure -I of the said Board Note has been carefully examined from the legal point of view and the suggestions made by this department in nutshell are as under :-

I. Firstly, the decision of Amalgamation of Plots is required to be comprehensively for all categories of allotments made by the Corporation mentioned here in below:

a. Residential Plots :

(i) disposed by inviting tender

(ii) disposed in favour of Co-operative Housing Societies under Lease of Land to

Co-operative Housing Society (Amendment) Regulations, 2008 in accordance

with the reservations stipulated in the Appendix to the said Regulation which is

at Page 337.

b. Residential cum Commercial

c. Commercial

d. Plots allotted under 12.5% scheme

and such other categories as may be considered fit.

In the above categories, amalgamation of plots allotted under the same category should only be allowed. For eg., a Plot allotted to a Cooperative Society formed by Freedom fighters cannot be allowed to be amalgamated with a Plot allotted to a Cooperative Society formed by officers working in State govt/ Local Govt Bodies.

S.V. Janbe



II. Earlier a decision for amalgamation has been taken in respect of the allotment of lands under 12.5% scheme to various land holders being in Blood relationship (Mother, father, brother and sister, wife and children) from whom lands have been acquired under different awards. The circular issued by the then MD dated 18.1.2011 in respect of the said cumulative allotments to such persons is enclosed at page C/ 339. The said decision may be perused although the same is not directly related to the present issue.

III. The above policy may be modified to the following extent:

1) The condition stipulated in Clause 2 (II) which includes the plot owner by immediate "blood relations" may be modified to remove the said words as the said terminology 'immediate blood relations' is a wide term in which several blood relations may be included. Instead of specifying the combinations of the relations as stated in the said clause, the said clause may be modified stating that the said amalgamation can be considered if the plots are owned by persons falling within the relations of father, mother, husband, wife, brother, sister and children.

2) Amalgamations should be considered subject to fulfilment of the following conditions:

a) Where the users specified in the Agreement to Lease of both the plots are the same and FSI allowed in case of both the allotments is the same.

b) The scheme and category under which the plots have been allotted, is the same. It is specifically mentioned herein that amalgamation of plots allotted in different schemes and categories laying down different conditions of eligibility cannot be considered. For example- a plot allotted under 12.5% scheme and a plot allotted by inviting tender cannot be amalgamated. Similarly the plots allotted to Co-operative Housing Society and the plot allotted by inviting tenders cannot be amalgamated.

*S.V. Janke*

CIDCO / CA & P
Inward No.: 12397
Date: 20/10/16

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IV) After the decision of amalgamation of the plots is taken a Modified Agreement is required to be executed with the Applicants/Allottees. In the said agreement, apart from the other terms and conditions of amalgamation and construction of buildings on the said plots, it should be specifically mentioned that period of lease for the amalgamated plot under the said Modified Agreement shall be considered to have commenced from the date of execution of the Agreement to Lease of the plot which had been allotted earlier in time and that the licensee under the said Agreement does not have any grievance against the same.

V) While taking the decision of amalgamation of the plots, due consideration should be given to aspects of availability of various infrastructure including open spaces, transport facilities, requirements for construction against fire, water supply, sewerage and electricity which has been considered as a serious issue in various matters before High Court and Supreme Court. In SLP(C) No. 33402 of 2012 Municipal Corporation of Greater Mumbai V/s.. Kohinoor CTNL Infrastructure Company (P) Ltd and another, the Hon'ble Supreme Court has considered these issues and passed a detailed order dated 17.12.2013. The said order is annexed at Page 341 to 365. The said order may be perused and considered for the purpose of taking decision in the above individual cases.

VI) While perusing the file of Mayuresh Developers who had also made an application for amalgamation of his Plot nos. 75 and 76, Sector 15 situated at CBD Belapur, it was observed that the then Chief Planner had opined that in cases where amalgamation of plots leads to increase in the number of tenements that shall be constructed on the amalgamated plot, a policy should be made for the purpose of levying some charges in such cases to generate revenue for the Corporation. This may be taken into consideration.

VII) This policy should be formulated after taking the opinion of the Estate Department and Sr. Economist.

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CIDCO/7  
Inward No.  
Date

M(TS)/CIDCO/O.D.  
1112  
21/10/16  
DATE

SP (BP)

M(TS-I)

Sr Eco

For your opinion, Mr.

21/10/16

S.V. Jambh  
Sr. Law Officer (i/c) 19/10/16

CIDCO / E.E. (B.P.) TPO  
Inward No. 6093  
Date: 21/10/16



Continued by N/31 \*

With reference to the noting of I/c Sr. Law Officer in the para VI) on N/31, it is submitted that the plots are sold on the basis of FSI and the number of of tenements permitted to be constructed is not specified; hence there is no question of increase in number of tenements due to amalgamation. Accordingly it will not be advisable to levy additional charges other than the charges proposed for amalgamation.

In addition to the points brought out on pre pages, the observations of Estate Dept. as follows:

- The Board vide BR No 11496 dated 01.12.2015 resolved ***to inquire into the reasons of permitting multi-dwelling units in the absence of existence of any policy in the past and fix responsibility for the same.***

In this connection it is submitted that in the past, the Building Permission Depts of both CIDCO as well as NMMC has granted development permission to bungalow/ row house plots to construct multi-family dwellings and OC has also been granted. Further the Estate Dept. has granted the Lease Deed and transfers were also permitted till December 2009, when the then MD issued a circular dated 23.12.2009 restricting multifamily dwellings in bungalow/rowhouse plots.

It is further submitted that even today, in NMMC area, the NMMC being Planning Authority is granting development permission for constructing multifamily dwelling units in bungalow/rowhouse plots, inspite of letters from the Estate Dept. that the Agreement to Lease / Special conditions of Marketing booklet/ CIDCO policy does not permit the same.

This aspect needs to be viewed from the point of view of the buyers of such tenements who are adversely affected as today Estate Dept of CIDCO considers such apartments as unauthorised and no Estate services are provided to them inspite of possessing all necessary legal approvals and permissions from the Competent Authorities.

In many such cases, although the plot owners have a valid Commencement Certificate, the Estate Dept is not issuing the No Dues certificate to such plots for obtaining the Occupancy Certificate and as a result the ALP payable toward extension in time is increasing without any relief to such plot holders. Many such

cases are unresolved and these apartment owners are continuously following up with the Estate Dept seeking relief.

In view of the above, it is recommended that in Para 4 of the Board Note the following additional para needs to be added pertaining to multifamily dwellings –

***In all cases of Bungalow/Row House plots of area upto 500 sqm, wherein the construction is completed and Occupancy Certificate is granted by the concerned Planning Authority i.e. CIDCO or NMMC, permitting multi-dwellings, then the apartments so constructed shall be permitted irrespective of carpet area of the individual tenements so constructed and permissions for transfer, mortgage, lease etc. shall be granted in all such cases prior to the passing of this Board Resolution. However after passing of this Board Resolution, no such relaxation shall be granted***

Further these apartments may be regularized on payment of penalty of one additional transfer charge based on carpet area of the tenement.

- Annexure – I , I(5) - It is submitted that once the plot is amalgamated and the modified agreement is executed then transfer charges shall be calculated as per the area of the amalgamated plot.
- Annexure – I (II) 2(b) - this restriction should be only for Bungalow/row house plot and not for other residential plots.

Submitted

  
Estate Officer (HQ)


Manager (Town Services-1)

Sr. Economist may give her opinion pls

Sr. Economist. Please examine and discuss.

Economist

Please see N/35

  
21/10/16. 21/10/16.

Insured No. 240  
Date 24/10/2016



CIDCO/Eco/2016

November 4, 2016

**Sub: Board Note on Amalgamation/sub-division of plots.**

The Board Note pertaining to the Amalgamation/sub-division of plots and the annexure listing the proposed policy guidelines placed at C/293 to C/315 have been perused from the point of view of Economics Section.

The Land Pricing and Land Disposal policy approved by CIDCO Board vide BR No 11375 dated 23.06.2015 has prescribed various Base Rates taking into account the characteristics of plots like Land Use, FSI, etc. As long as these characteristics like Land Use, FSI remain same while Amalgamation/sub-division of plots, the Base Rate prescribed by the said policy is not likely to change. Therefore it is felt that the Board Note as well as annexure, which have listed the proposed guidelines, should only recommend amalgamating / sub-dividing the adjoining plots which have similar characteristics in terms of Land Use, FSI etc.

However, it will be important to examine whether the ratio of required marginal space and Built up area varies after the amalgamation/subdivision and whether the built up area would increase/decrease accordingly. If in case, the built up area increases and which in turn permit to construct additional number of dwelling units/tenements, the policy should make provision for levying some charges in order to generate some revenue for the Corporation. 'X'

Submitted Please



Economist

(EN 34028)

Sr Economist

As long as FSI remains same after amalgamation/subdivision, the last point above 'X' does not arise.

Amalgamation/subdivision charges and Administrative charges for Amalgamation/subdivision (Pt. No. 6 & 7 on C/305) proposed in Annexure I (C/305) may be decided by

Management / Board.

S. Byr  
7/11/2016.

S. P. BP)

(P.T.O.)