

Bmpp-3536-2005-15,000 Forms. (4 Pages F/B)

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Form 88

in replying please quote No.
and date of this letter.This L.O.D./C.C. is in subject
to the provision of L.O.D. and
coming and Regulation No. 1976Intimation of Disapproval under Section 346 of the Mumbai
Municipal Corporation Act, as amended up to date.

No. : CHE/WS/1116/H/337 (NEW)

10 DEC 2014

MEMORANDUM

Municipal Office,
Mumbai 20

M/s. Khar Kalpak CHS Ltd.

With reference to your Notice, letter No. 1332 dated 30/10/2013 and delivered on 200.... and the plans, Sections, Specifications and Description and further particulars and details of your residential building on plot bearing CTS No. E/168 of Village Bandra at 15th Road, Khar (W), Mumbai, furnished to me under your letter, dated 20..... I have to inform you that I cannot approve the building or work proposed to be erected or executed, and I therefore hereby formally intimate to you under Section 346 of the Bombay Municipal Corporation Act as amended upto-date, my disapproval by thereof reasons :-

A. CONDITIONS TO BE COMPLIED WITH BEFORE STARTING THE WORK / BEFORE PLINTH C.C.

- 1) That the commencement certificate under section 44/69 (1)(a) of the M.R.T.P. Act will not be obtained before starting the proposed work.
- 2) That the compound wall is not constructed on all sides of the plot clear of the road widening line with foundation below level of bottom of road side drain without obstructing the flow of rain water from the adjoining holding to prove possession of holding as per D.C. Regulation No.38(27) before starting the work.
- 3) That the low lying plot will not be filled upto a reduced level of atleast 92 T.H.D. or 6" above adjoining road level whichever is higher with murum, earth, boulders etc. and will not be levelled, rolled and consolidated and sloped towards road side, before starting the work.
- 4) That the Structural Engineer will not be appointed. Supervision memo as per appendix XI (regulation 5(3)(ix)) will not be submitted by him.
- 5) That the structural design and calculations for the proposed work and for existing building showing adequacy thereof to take up the additional load will not be submitted and got approved by the Ch.Eng.(S.P.).
- 6) That the sanitary arrangement shall not be carried out as per Municipal specifications and drainage layout will not be submitted before C.C.

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Ex. Engineer Bldg. Proposal (1/2)

H and W - Ward

Municipal Office, P. H. Corporation

Bandra (West), Mumbai - 400 055

- 7) That the Registered Agreement with the existing tenant alongwith the list will not be submitted before C.C.
- 8) That the consent letter from the existing tenants for the proposed additions/alterations in their tenement will not be submitted before C.C.
- 9) That the Indemnity Bond indemnifying the Corporation for damages, risks, accidents etc. and to the occupiers and an undertaking regarding no nuisance will not be submitted before C.C./starting the work.
- 10) That the existing structure proposed to be demolished will not be demolished or necessary Phase Programme with agreement will not be submitted and got approved before C.C.
- 11) That the requirements of N.O.C. of (i) Reliance Energy /Tata Power, [ii] S.G. [iii] P.C.O., [iv] A.A. & C. H/West, [v] S.P. [vi] S.W.D., [vii] M.T.N.L., [viii] H.E. will not be obtained and the requisitions if any will not be complied with before occupation certificate / B.C.C.
- 12) That the qualified/registered site supervisor through architect/structural Engineer will not be appointed before applying for C.C.
- 13) That "All Dues Clearance Certificate" related to H.E.'s dept. from the concerned A.E.W.W. [H/West Ward] shall not be submitted before applying for C.C.
- 14) That the NOC from Society alongwith certified extract of General Body Resolution for development/additions and alterations will not be submitted before C.C.
- 15) That the development charges as per M.R.T.P. (amendment) Act 1992 will not be paid.
- 16) That the registered undertaking in prescribed proforma agreeing to demolish the excess area if constructed beyond permissible FSI shall not be submitted before asking for C.C.
- 17) That the requisite premium as intimated will not be paid before applying for C.C.
- 18) That the registered undertaking shall not be submitted for payment of difference in premium paid and calculated as per revised land rates.
- 19) That the C.C. shall not be asked unless payment of advance for providing treatment at construction site to prevent epidemics like Dengue, Malaria, etc. is made to the Insecticide Officer of the concerned Ward Office and provision shall be made as and when required by the Insecticide Officer for inspection of water tanks by providing safe but stable ladder, etc. and requirements as communicated by the Insecticide Office shall not be complied with.
- 20) That the Janata Insurance Policy in the name of site or policy to cover the compensation claims arising out of workman's compensation Act 1923 will not be taken out before starting the work and also will not be renewed during the construction work.
- 21) That the N.O.C. from Superintendent of Garden for tree authority shall not be submitted.

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- () That proper gutters and down pipes are not intended to be put to prevent water dropping from the leaves of the roof on the public street.
- () That the drainage work generally is not intended to be executed in accordance with the Municipal requirements.

Subject to your so modifying your intention as to obviate the before mentioned objections and meet by requirements, but not otherwise you will be at liberty to proceed with the said building or work at anytime before the day of 200 , but not so as to contravene any of the provision of the said Act, as amended as aforesaid or any rule, regulations or bye-law made under that Act at the time and force.

Your attention is drawn to the Special Instructions and Note accompanying this Intimation of Disapproval.

 Executive Engineer, Building Proposals.
Zone H Wards

SPECIAL INSTRUCTIONS.

- (1) THIS INTIMATION GIVES NO RIGHT TO BUILD UPON GROUND WHICH IS NOT YOUR PROPERTY.
- (2) Under Section 68 of the Bombay Municipal Corporation Act, as amended, the Municipal Commissioner for Greater Mumbai has empowered the City Engineer to exercise, perform and discharge the powers, duties and functions conferred and imposed upon and vested in the Commissioner by Section 346 of the said Act.
- (3) Under Bye Law No.8, the Commissioner has fixed the following levels :-
 - "Every person who shall erect as new domestic building shall cause the same to be built so that every part of the plinth shall be -
 - "(a) Not less than 2 feet [60 cms] above the centre of the adjoining street at the nearest point at which the drain from such building can be connected with the sewer than existing or thereafter to be laid in such street."
 - "(b) Not less than 2 feet (60 cms) above every portion of the ground within 5 feet (160 cms) of such building."
 - "(c) Not less than 92 ft. () meters above Town Hall Datum."
- (4) Your attention is invited to the provision of Section 152 of the Act whereby the person liable to pay property taxes is required to give notice of erection of a new building or occupation of building which has been vacant, to the Commissioner, within fifteen days of the completion or of the occupation whichever first occurs. Thus, compliance with this provision is punishable under Section 471 of the Act irrespective of the fact that the valuation of the premises will be liable to be revised under Section 167 of the Act, from the earliest possible date in the current year in which the completion on occupation is detected by the Assessor and Collector's department.
- (5) Your attention is further drawn to the provision of Service 353-A about the necessity of submitting occupation certificate with a view to enable the Municipal Commissioner for Greater Mumbai to inspect your premises and to grant a permission before occupation and to levy penalty for non-compliance under Section 471, if necessary.
- (6) Proposed date of commencement of work should be communicated as per requirements of Section 347(1) (aaa) of the Bombay Municipal Corporation Act.
- (7) One more copy of the block plan should be submitted for the Collector, Mumbai Suburban District.
- (8) Necessary permission for non-agricultural use of the land shall be obtained from the Collector, Mumbai Suburban District before the work is started. The non-agricultural assessment shall be paid at the site that may be fixed by the Collector under the Land Revenue Code and Rules thereunder.

Attention is drawn to the notes accompanying this Intimation of Disapproval.

CHE/WS/1116/H/327 (NEW)

- 22) That the soil investigation will not be done and report thereof will not be submitted with structural design.
- 23) That the building will not be designed with the requirements of all relevant IS codes including IS code 1893 for earthquake design while granting occupation certificate from Structural Engineer to that effect will be insisted.
- 24) That no main beam in R.C.C. framed structure shall not be less than 230 mm. wide. The size of the columns shall also not be governed as per the applicable I.S. Codes.
- 25) That all the cantilevers [projections] shall not be designed for five times the load as per I.S. code 1893-2002. This also includes the columns projecting beyond the terrace and carrying the overhead water storage tank, etc.
- 26) That the R.C.C. framed structures, the external walls shall be less than 230 mm, if in brick masonry or 150 mm autoclaved cellular concrete block excluding plaster thickness as circulated under No.CE/5591 of 15.4.1974.
- 27) That the phasewise programme for removal of the debris shall not be submitted and got approved.
- 28) That the registered undertaking for not misusing the part / pocket terraces area claimed free of F.S.I. will not be submitted.
- 29) That the registered undertaking for water proofing of terrace and Nahani traps shall not be submitted.
- 30) That the N.O.C. from E.E.[T&C] for parking layout in the basement / podium shall not be submitted.
- 31) That the Indemnity Bond for compliance of I.O.D. conditions shall not be submitted.
- 32) That the owner/developer shall not display a board at site before starting the work giving the details such as name and address of the owner/developer, architect and structural engineer, approval no. and date of the layout and building proposal, date of issue of C.C., area of the plot, permissible built up area, built up area approved, number of floors etc.
- 33) That the design for Rain Water Harvesting System from Consultant as per Govt. notification under Sec.37[2] of MR&T.P. Act, 1966 under No.TPB-4307/396/CR-24/2007/UD-11 dt.6/6/2007 shall not be submitted.
- 34) That the authorized Pvt .Pest Control Agency to give anti malaria treatment shall not be appointed in consultation with P.C.O.[H/West].
- 35) That the RUT shall not be submitted by the developer to sell the tenements/flats on carpet area basis only and to abide by the provision of MOFA (Act) amended upto date and the I.B. indemnifying the MCGM and its employees from any legal complications arising due to MOFA, will be submitted.

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CHE/WS/1116/H/337 (NEW)

Ex. Engineer Bldg. Proposal (W.S.)
H and K - Wards
Municipal Office, R. K. Faller Marg.
Bandra (West), Mumbai - 400 050

- 36) That the necessary remarks for training of nalla/construction of SWD will not be obtained from Dy. Ch.Eng. (SWD) City and Central Cell before plinth C.C. and compliance of said remarks will not be insisted before granting full C.C. for the building.
- 37) That the debris removal deposit of Rs. 45,000/- or Rs. 2/- per sq.ft. of the built up area, whichever is less will not be paid before further C.C.
- 38) That the 'Debris Management Plan' shall not be got approved from Executive Engineer [Env.] and the conditions therein shall not be complied with.
- 39) That the N.O.C. from Collector - M.S.D. for excavation of land shall not be submitted.
- 40) That the labour welfare tax as per circular No. Dy.Ch.Eng/3663/BP (City) Dt. 30.9.2011 shall not be paid before asking for C.C.
- 41) The developer shall not submit the registered undertaking agreeing to comply with & follow all the rules, regulations, circulars, directives related to the safety of construction labors/workers, issued time to time by the department of building & other construction labours, Government of Maharashtra.
- 42) That the developer will not intimate the prospective buyer and existing tenants regarding concessions availed for deficiency in open space etc. as well as not objecting neighbourhood development with deficient open spaces etc. and the clause shall not be incorporated in sale agreement so as to make aware prospective buyer/ members about deficient open space/maneuvering spaces.
- 43) That the Registered Undertaking stating that the conditions of E.E. (T & C) NOC shall not be complied with and to that effect the mechanized parking equipped with safety measures will be maintained permanently in safe condition to avoid any mishap and an indemnity bond indemnifying MCGM and its officers against any litigation, costs, damages, etc. arising out of failure of mechanized system /nuisance due to mechanized system to any person shall not be submitted.
- 44) That the R.U.T. shall not be submitted by the developer stating that fungible compensatory FSI for rehabilitation component shall not be used for sale component.
- 45) That the NOC from the Registrar of Societies under Section 79A shall not be submitted.
- 46) That the registered undertaking shall not be submitted for payment of difference for fungible, open space deficiency or any type of premium retrospectively as & when demanded by M.C.G.M.
- 47) That the RUT shall not be submitted regarding any adverse clarification received from Government of Maharashtra in respect of condition No.7 of Govt. notification No.TPB-4308/776/CR-127/2008/UD-11 dtd. 10.4.2008 and new Govt. notification dtd. 24.10.2011 i.e. regarding consent of society / occupants regarding utilization of 0.33 FSI on prorata basis.

- 48) That the letter from owner stating that they will accept the refund of additional 33% FSI premium paid, without claiming any interest thereon, if the development proposal is not approved / rejected by M.C.G.M. shall not be submitted.
- 49) That the work shall not be carried out between sunrise and sunset.
- 50) That the R.U.T. & Indemnity Bond shall not be submitted stating that owner/developer and concerned Architect/Lic. Surveyor shall compile and preserve the following documents.
- a) Ownership documents.
 - b) Copies of IOD, CC subsequent amendments, OCC, BCC and corresponding canvas mounted plans.
 - c) Copies of Soil Investigation Report.
 - d) RCC details and canvas mounted structural drawings.
 - e) Structural Stability Certificate from Lic. Structural Engineer.
 - f) Structural audit reports.
 - g) All details of repairs carried out in the buildings.
 - h) Supervision certificate issued by Lic. Site Supervisor.
 - i) Building Completion Certificate issued by Lic. Surveyor / Architect.
 - j) NOC and Completion Certificate issued by C.F.O.
 - k) Fire safety audit carried out as per the requirement of C.F.O.

The above documents shall be handed over to the end user/prospective society within a period of 30 days incase of redevelopment of properties and in other cases, within 90 days after granting occupation certificate by the developer. The end user/prospective society shall preserve and maintain the abovesaid documents/plans and subsequent periodical structural audit reports and repair history. Further, the end user/ prospective society shall carry out necessary repairs/structural audit/fire safety audit, etc. at regular intervals as per requirement of C.F.O. A copy of the sample agreement to be executed with the prospective buyers incorporating the above conditions shall not be submitted to this office.

- 51) That all the structural members below the ground shall not be designed considering the effect of chlorinated water, sulphur water, seepage water, etc. and any other possible chemical effect and due care while constructing the same shall not be taken and completion certificate to that effect shall not be submitted from the Licensed Structural Engineer.
- 52) That the R.U.T. shall not be submitted by the owner/developer for maintaining the noise levels as per the norms of Pollution Control Board.

B. CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C.

- 1) That the notice in the form of appendix XVI of D.C.R. shall not be submitted on completion of plinth.
- 2) That N.O.C. from Civil Aviation department will not be obtained for the proposed height of the building.
- 3) That the debris shall not be transported to the respective Municipal dumping site and challan to that effect shall not be submitted to this office for record.