346

Form ----------

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in replying please quote No.
and date of this letter.

MUNICIPAL CORPORATION OF GREATER MUMBAI

Intimation of Disapproval under Section 346 of the Mumbai Municipal Corporation Act, as amended up to date.

No. P-11227/2022/(18 And Other)/R/C Ward/FP/IOD/1/New Dated- 16 February 2023

MEMORANDUM

Municipal Office,

Mumbai

To,

Kishor pater (Partner), M/s Shri Neelkanth Builders and Developers

101, Navkar vatlantis, Daulat naggar, Borivali east, Mumbai

With reference to your Notice 337 (New) , letter No. 000 dated. 10/5/2022 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed Joint Redevelopment of Society known as Kasturpark Mahavir CHSL on Plot No.18 and Society Known as Shimpoli Gurukripa CHSL on Plot No.19, Located at old FP No.324 and New FP No.275 of TPS III at Borivali Kasturpark Shimpoli road, Borivali (W), Mumbai-92. CTS/CS/FP No. 18 ,19 furnished to me under your letter, dated 10/5/2022. I have to inform you that, I cannot approve of the building or work proposed to be erected or executed, and I therefore hereby formally intimate to you, under Section 346 of the Mumbai Municipal Corporation Act as amended up to-date, my disapproval by reasons thereof :-

A: CONDITIONS TO BE COMPLIED WITH BEFORE STARTING THE WORK.

1 That the Janata Insurance Policy shall not be submitted.

2 That the work shall not be carried out between 6.00am to 10.00pm only in accordance with rule 5A(3) of the Noise Pollution (Regulation & Control) Rules, 2000 and the provision of notification issued by Ministry of Environment and Forest department from time to time shall not be duly observed.

3 That this IOD shall not be used as an instrument for existing the occupants without following due process of law.

4 That the work shall not be carried out between 7.00a.m. to 7.00p.m.

5 That all the requisite document / remark from consultants as per E.O.D.B. shall not be submitted before asking for C.C.

6 That the Notice in the form of Appendix XV (Work Start Notice) shall not be submitted.

7 That the requisitions of Reg. 49 of DCPR 2034 shall not be complied with and records of quality of work, verification report, etc. shall not be maintained on site till completion of the entire work.

8 The Commencement certificate under section 44/69(i) a of MR & TP act will not be obtained before

starting proposed work.

9 That the NOC from collector (MSD) for excavation for foundation will not be submitted.

10 That the debris shall not be dumped on the Municipal ground only.

11 That the board displaying the details of development of the work shall not be displayed at site.

12 That the self – declaration in respect of installing compositing pit/ composite machine/ biometanise system, for processing wet waste generated at project site shall not be submitted by developer/builder/owner as per circular No. CHE/0024/GEN dated 02/04/2016.

13 That the adequate safeguards should not be employed for preventing dispersal of (dust) particles/particles through the Air (or even otherwise) & adequate record shall not be maintained & uploaded for every single trip for disposal of C&D waste, at the time of loading the C&D waste in vehicle, after loading the C&D waste in the vehicle during the hauling.

14 That the SWM NOC shall not be submitted before start of demolition of existing building.

15 That the construction site & landfill site shall not be inspected by the Licensed Architect/ Licensed Engineer, the compliance report thereof shall not be uploaded, any breach in respect of the same will not entail the cancellation of the building permission or the IOD & the work will not be liable to be stopped immediately.

16 That any officer of MCGM/ Monitoring Committee shall not be entitled to inspect the record of grant of IOD, visit & inspect landfill sites, as well as, MCGM Officers/ Monitoring Committee shall not be entitled to bring to the notice of MCGM any breach in the IOD conditions. The order passed by MCGM on the reported breaches shall not be final & binding.

17 That the existing tenants with their user as approved by M.B.R&R. Board will not be submitted before asking for C.C.

18 That the valid Bank Guarantee of Rs.5,00,000/- or as per policy circular shall not be furnished solely for the purpose of ensuring compliance of the conditions in the Waste Management Plan/ Debris Management Plan approved by SWM department of MCGM, till grant of full Occupation Certificate.

19 The RUT regarding following shall not be submitted before asking for the C.C for: i) for payment of difference in premium paid and calculated as per revised land rates. ii) for not misusing the part/pocket terraces area and area claimed free of FSI will not be submitted, iii) for compliance of all IOD conditions shall not be submitted, iv) That building u/no. is deficient in open space & MCGM will not be held liable for the name in future, v) As regards neighbourhood Safety, the owner/developer will make aware to all the prospective buyers regarding the deficient open space of the proposed bldg. by incorporating a clause to that effect in the sale agreement, further a condition for submitting undertaking that the owner/developer will not object the development of the adjoining plots in future. By providing this arrangement, the safety of the inhabitant & neighbourhood will not be affected, vii. agreeing that there is no contiguous holding/ piece of land with land under development, viii. that the area reserved for parking shall be used/ utilised for the purpose of parking only, ix. for not misusing the lift machine room x. for abiding the condition imposed in CFO NOC

20 Indemnity bond indemnifying to the MCGM and its officers against any litigation / claims / disputes arising out of Mechanized parking system/car lift arrangement.

21 That the bore well shall not be constructed in consultation with H.E.

22 The NOC from Tree authority will not be submitted.

23 That setback land free of compensation and free of any encumbrance shall not be handed over to and possession receipt shall not be submitted from Assistant Commissioner of the ward.

24 That the P.C.O.'s one time charges as per E.O.D.B. policy shall be paid before F.C.C.

25 That the following consultant shall not be appointed for the work and their appointment and acceptance letter along with their licensed copy, identification and pan card shall not be submitted before C.C: a. Structural Engineer, b. Site Supervisor, c. Licensed Plumber (SWD, Water ,SP), d. Public Health consultant (RWH/PCO/SWM), e. Horticulturist

26 That the provision of Rain water harvesting as per design prepared by approved consultant in the field shall not be submitted before C.C. & completion to the same shall not submitted before O.C.C.

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

1 That the plinth/stilt height completion certificate from Architect/ Str. Engineer/ Site Supervisor shall not be submitted & Plinth shall not be got checked by this office staff.

2 All the requisite payments as intimated by various departments of MCGM shall not be paid.

3 That the C.C. shall not be re-endorsed.

4 That the Material testing report shall not be submitted

5 That the monthly progress report of the work will not be submitted by the Architect.

6 Valid Janata Insurance policy shall not be submitted.

7 The Extra water & sewerage charges will not be paid to A.E.W.W. of concerned Ward before C.C.

8 That no dues pending certificate from A.E.(W.W.) shall be submitted before C.C.

9 That the P.C.O.'s one time charges as per E.O.D.B. policy shall not be paid before F.C.C.

10 That NOC from AAI for height clearance shall not be submitted

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

1 That the low lying plot will not be filled up to a reduced level of at least 27.55 M Town Hall Datum or 0.15 m above adjoining road level whichever is higher with murum, earth, boulders etc. and will not be leveled, rolled, consolidated and sloped towards road side

2 That the qualified registered site supervisor through architect/structural engineer shall be appointed before applying for C.C.& his name and licence No.duly revalidated shall be submitted.

3 That the true copy of sanctioned layout sub-division /amalgamation approved under No CE/17/Govt./BPES/LOS dtd 10.9.93 alongwith the terms and conditions shall be submitted before C.C. and compliance thereof will not be done before submission of B.C.C.

4 That the existing well will not be covered with R.C.C. slab

5 That 10 ft.wide paved pathway upto staircase will not be provided.

6 That Preferably electric vehicle shall be used for all the development activities such as transporting material/Human Resources etc.

7 That the requirements of N.O.C. of Reliance Energy shall be obtained and the requisitions, if any, shall be complied with before occupation certificate/B.C.C.

8 That the conditions mentioned in release letter of Executive Engineer (D.P.) under no. ChE/1402/DPES dt.31.7.92 & Ch.E./1678/DPES dt.6.892 shall be complied with.

9 That all the conditions of Zero FSI I.O.D. under even No. dated 06.10.2016 shall be complied with

10 That the surrounding open spaces, parking spaces and terrace will not be kept open and unbuilt upon and will not be levelled and developed before requesting to grant permission to occupy the building or submitting the B.C.C.whichever is earlier.

11 That the certificate under Sec.270-A of the B.M.C. Act will not be obtained from H.E.'s department regarding adequacy of water supply.

12 That the certificate under Sec.270-A of the B.M.C. Act will not be obtained from H.E.'s department regarding adequacy of water supply.

13 That the Final structural Stability Certificate and Structural Drawings shall not be submitted.

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15 That the structure constructed in recreation space for the user of shall not be used only for recreational activity for which it is approved for the bonafide society members.

16 That the structure constructed in recreation space for the user of shall not be used only for recreational activity for which it is approved for the bonafide society members.

17 That the satisfactory completion certificate from the I.S.I. mark company for installation of escalators shall not be submitted.

18 1. That certificate under Sec. 270A of B.M.C. Act will not be obtained from H.E.'s Department regarding adequacy of water supply.

19 2. That B.C.C. will not be obtained and I.O.D. and Debris deposit etc. will not be claimed for refund within a period of 6 years.

20 That the final N.O.C. from MHADA shall not be submitted and requirements therein shall not be complied with before submission of B.C.C. if applicable.

21 That Agreement in consultation with legal department for handing over of tenement / built up accommodation shall not be executed and final copy of executed agreement shall not be submitted. Advance Possession shall not be handed over with title certificate by advocate.

22 That the Mechanized parking system shall not be equipped with electric sensor devices and also proper precautions & Safety measures shall not be taken to avoid any mishap & the damages occurred due to flooding in pit if any & maintenance of Mechanized parking system shall not be done regularly and registered undertaking & indemnity bond to that effect shall not be submitted

( ) 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 15 February day of 2024 but not so as to contrivance 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 In force.
Your attention is drawn to the Special Instructions and Note accompanying this Intimation of Disapproval.

Executive Engineer, Building Proposals,
Zone, 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 Byelaw, No. 8 of 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 center 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. ([!TownHall]) 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 if further drawn to the provision of Section 353-A about the necessary 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 leavy 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) (aa) of the Bombay Municipal Corporation Act.

7. One more copy of the block plan should be submitted for the Collector, Mumbai Suburbs 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 there under.

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

No. EB/CE/ /BS /A/

NOTES

1) The work should not be started unless objections are complied with

2) A certified set of latest approved plans shall be displayed on site at the time of commencement the work and during the progress of the construction work.

3) Temporary permission on payment of deposit should be obtained any shed to house and store for construction purpose, Residence of workmen shall not be allowed on site. The temporary structures for storing constructional material shall be demolished before submission of building completion certificate and certificate signed by Architect submitted along with the building completion certificate.

4) Temporary sanitary accommodation on full flushing system with necessary drainage arrangement should be provided on site workers, before starting the work.

5) Water connection for constructional purpose will not be given until the hoarding is constructed and application made to the Ward Officer with the required deposit for the construction of carriage entrance, over the road side drain.

6) The owners shall intimate the Hydraulic Engineer or his representative in Wards atleast 15 days prior to the date of which the proposed construction work is taken in hand that the water existing in the compound will be utilised for their construction works and they will not use any Municipal Water for construction purposes. Failing this, it will be presume that Municipal tap water has been consumed on the construction works and bills preferred against them accordingly.

7) The hoarding or screen wall for supporting the depots of building materials shall be constructed before starting any work even though no materials may be expected to be stabled in front of the property. The scaffoldings, bricks metal, sand preps debris, etc. should not be deposited over footpaths or public street by the owner/ architect /their contractors, etc without obtaining prior permission from the Ward Officer of the area.

8) The work should not be started unless the manner in obviating all the objection is approved by this department.

9) No work should be started unless the structural design is approved.

10) The work above plinth should not be started before the same is shown to this office Sub-Engineer concerned and acknowledgement obtained from him regarding correctness of the open spaces & dimension.

11) The application for sewer street connections, if necessary, should be made simultaneously with commencement of the work as the Municipal Corporation will require time to consider alternative site to

avoid the excavation of the road an footpath.

12) All the terms and condition of the approved layout /sub-division under No. of should be adhered to and complied with.

13) No Building /Drainage Completion Certificate will be accepted non water connection granted (except for the construction purpose) unless road is constructed to the satisfaction of the Municipal Commissioner as per the provision of Section 345 of the Bombay Municipal Corporation Act and as per the terms and conditions for sanction to the layout.

14) Recreation ground or amenity open space should be developed before submission of Building Completion Certificate.

15) The access road to the full width shall be constructed in water bound macadam before commencing work and should be complete to the satisfaction of Municipal Commissioner including asphalting lighting and drainage before submission of the Building Completion Certificate.

16) Flow of water through adjoining holding or culvert, if any should be maintained unobstructed.

17) The surrounding open spaces around the building should be consolidated in Concrete having broke glass pieces at the rate of 12.5 cubic meters per 10 sq. meters below payment.

18) The compound wall or fencing should be constructed clear of the road widening line with foundation below level of bottom of road side drain without obstructing flow of rain water from adjoining holding before starting the work to prove the owner’s holding.

19) No work should be started unless the existing structures proposed to be demolished are demolished.

20) The Intimation of Disapproval is given exclusively for the purpose of enabling you to proceeds further with the arrangements of obtaining No Objection Certificate from the Housing Commissioner under Section 13 (h) (H) of the Rent Act and in the event f your proceeding with the work either without an intimation about commencing the work under Section 347(1) (aa) or your starting the work without removing the structures proposed to be removed the act shall be taken as a severe breach of the conditions under which this Intimation of Disapproval is issued and the sanctioned will be revoked and the commencement certificate granted under Section 45 of the Maharashtra Regional and Town Planning Act 1966, (12 of the Town Planning Act), will be with drawn.

21) If it is proposed to demolish the existing structures be negotiations with the tenant, under the circumstances, the work as per approved plans should not be taken up in hand unless the City Engineer is satisfied with the following:-

i. Specific plans in respect of evicting or rehousing the existing tenants on hour stating their number and the areas in occupation of each.
ii. Specifically signed agreement between you and the existing tenants that they are willing to avail or the alternative accommodation in the proposed structure at standard rent.
iii. Plans showing the phased programme of constructions has to be duly approved by this office before

starting the work so as not to contravene at any stage of construction, the Development control Rules regarding open spaces, light and ventilation of existing structure.

22) In case of extension to existing building, blocking of existing windows of rooms deriving light and its from other sides should be done first starting the work.

23) In case of additional floor no work should be start or during monsoon which will same arise water leakage and consequent nuisance to the tenants staying on the floor below.

24) The bottom of the over head storage work above the finished level of the terrace shall not be less than 1.20 Mt.and not more than 1.80 mt.

25) The work should not be started above first floor level unless the No Objection Certificate from the Civil Aviation Authorities, where necessary is obtained.

26) It is to be understood that the foundations must be excavated down to hard soil.

27) The positions of the nahanis and other appurtenances in the building should be so arranged as not to necessitate the laying of drains inside the building.

28) The water arrangement nut be carried out in strict accordance with the Municipal requirements.

29) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Municipal Commissioner for Greater Mumbai, as required in Section 381-A of the Municipal Corporation Act.

30) All gully traps and open channel drains shall be provided with right fitting mosquito proof made of wrought iron plates or hinges. The manholes of all cisterns shall be covered with a properly fitting mosquito proof hinged cast iron cap over in one piece, with locking arrangement provided with a bolt and huge screwed on highly serving the purpose of lock and the warning pipes of the rabbet pretested with screw or dome shape pieces (like a garden mari rose) with copper pipes with perfections each not exceeding1.5 mm in diameter. The cistern shall be made easily, safely and permanently accessible be providing a firmly fixed iron ladder, the upper ends of the ladder should be earmarked and extended 40 cms above the top where they are to be fixed as its lower ends in cement concrete blocks.

31) No broken bottles should be fixed over boundary walls. This prohibition refers only to broken bottles to not to the use of plane glass for coping over compound wall.

32) a Louvres should be provided as required by Bye0law No. 5 (b)
b Lintels or Arches should be provided over Door and Windows opening
c The drains should be laid as require under Section 234-1(a)
d The inspection chamber should be plastered inside and outside.

33) If the proposed additional is intended to be carried out on old foundations and structures, you will do so as your own risk.

No. P-11227/2022/(18 And Other)/R/C Ward/FP/IOD/1/New Dated- 16 February 2023

Executive Engineer, Building Proposals
Zones …….…….. wards.

P-11227/2022/(18 And Other)/R/C Ward/FP/IOD/1/New

Copy To :- 1. Pratik Bhave
19/Bhave Niwas, Vazira Naka, L.T. Rd, Borivali West, Mumbai

2. Asst. Commissioner R/C Ward.
3. A.E.W.W. R/C Ward,
4. Dy.A & C. Western Suburb II
5. Chief Officer, M.B.R. & R. Board R/C Ward .
6. Designated Officer, Asstt. Engg. (B. & F.) R/C Ward ,
7. The Collector of Mumbai

Digitally signed by HANUMANT SADASHIVRAO BURE
Date: 16 Feb 2023 19:58:29
Organization :Brihanmumbai Municipal Corporation
Designation :Executive Engineer