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-5816/2020/(411 And Other)/H/W
Ward/BANDRA-G/IOD/1/New

MEMORANDUM

Municipal Office,

Mumbai

To,

Shri. Kalpesh Patel of M/s. SEASONS AVENUES PROPERTIES C.A to Owner

701, Seasons Avenue, Linking Road, Near Ramkrishna Mission Math, Khar(W), Mumbai 400052

With reference to your Notice 337 (New) , letter No. 4969 dated. 26/10/2020 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed redevelopment on plot bearing CTS No. 411/A to B and 419 of Village Bandra-G, at junction of existing 12.20 mtr. wide North Avenue Road and 12.20 mtr. wide Sarojini Road, Bandra(W), Mumbai, H/W Ward.411 ,419 furnished to me under your letter, dated 26/10/2020. 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 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 at least 28.04 mtr. T.H.D. or 0.15 mtr. 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’s appointment, acceptance and structural design and calculations for the proposed work will not be submitted before C.C.

5 That the sanitary arrangement shall not be carried out as per Municipal specifications and drainage layout will not be submitted before C.C.

6 That the Registered Agreement with the existing tenant/members along with the list will not be submitted before C.C

7 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.

8 That the existing structure proposed to be demolished will not be demolished or necessary Phase Programme with agreement shall not be submitted and got approved before C.C.

9 That the remarks/N.O.C. from [i] P.C.O., [ii] S.G. [iii] E.E. (S.W.D.) Zonal or consultant remarks for internal SWD, [iv] H.E. [v] E.E.(Sewerage)P&D [vi] Adani Energy shall not be obtained and the requisitions if any shall not be complied with before occupation certificate / B.C.C.

10 That the qualified/registered site supervisor through Architect/L.S./structural Engineer shall not be appointed before applying for C.C.

11 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.

12 That the NOC from A.A. & C. [H/West Ward] shall not be submitted.

13 That the development charges as per M.R.T.P. (amendment) Act 1992 and requisite premium as intimated shall not be paid before applying for C.C.

14 That the Janata Insurance Policy 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 shall not be renewed during the construction work.

15 That the soil investigation will not be done and report thereof will not be submitted with structural design.

16 That the building shall 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 shall be insisted.

17 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.

18 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.

19 That the R.C.C. framed structures, the external walls shall be less than 230 mm, if in brick masonary or 150 mm autoclaved cellular concrete block excluding plaster thickness as circulated under No. CE/5591 of 15.4.1974.

20 That the Board shall not be displayed showing details of proposed work, name of owner, developer, Architect/L.S., R.C.C. consultant etc.

21 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.

22 That the authorized Pvt. Pest Control Agency to give anti malaria treatment shall not be appointed in

consultation with P.C.O. [H/West Ward].

23 That the 'Debris Management Plan' shall not be got approved from Executive Engineer [Env.] and the conditions therein shall not be complied with.

24 That the N.O.C. from Collector – M.S.D. for excavation of land shall not be submitted.

25 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.

26 That the sheet piling along with diaphragm wall shall not be constructed taking all the precautionary measures under the strict supervision of registered Structural Engineer before actual work of basement is taken in hand after issue of C.C.

27 That the Remarks from consultants for E.E. Mech. (E.I.) P&D for the provision of artificial light, ventilation and / or A.H.U. shall not be submitted.

28 That the developer will not intimate the prospective buyer and existing tenants and the clause to that effect shall not be incorporated in the Regd. Sale agreement regarding concessions availed for deficiency in open space, inadequate height of habitable room, inadequate maneuvering space etc. as well as not objecting neighbourhood development with deficiency etc.

29 That the R.U.T. shall not be submitted by the developer stating: a) Fungible compensatory FSI for rehabilitation component shall not be used for sale component. b) For payment of difference for fungible, open space deficiency or any type of premium retrospectively as & when demanded by M.C.G.M. c) The difference of payment for additional 50% FSI shall be paid and calculated as per the revision of rates by the Government from time to time as per the condition No.5 mentioned in Notification and circular before requesting for C.C. d) The owner/developer stating that they will not take any objection in future for the development on adjoining plot with deficient open spaces and also condition will be incorporated about deficient open spaces of proposed building in the sale agreement of flats. e) The owner/developer to not to misuse the pocket/part terraces and elevation features etc. f) The owner/developer for maintaining the noise levels as per the norms of Pollution Control Board.

30 That the R.U.T. shall not be submitted by the developer stating: g) For not misusing the additional parking proposed for full potential of F.S.I. and will count the same in FSI or will be handed over to M.C.G.M. free of cost, if the building is not constructed for full potential. h) The conditions of E.E.(T&C) NOC shall not be complied with and to that effect the mechanized parking equipped with safety measures shall be maintained permanently in safe condition to avoid any mishap and an indemnity bond indemnifying MCGM and is 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. i) 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 shall not be submitted. j) 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, shall not be submitted. k) For not misusing the part terrace and area claimed free of F.S.I. shall not be submitted. l) For basement will not comply with basement rules and regulations and registered undertaking. for not misusing the basement will not be submitted before C.C.

31 That the work shall not be carried out between 6 a.m. to 10 p.m. 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 & Forest Department from time to time shall be duly observed.

32 That all the conditions and directions specified in the Hon'ble Supreme Court order i.e. as per SLP

(civil) No. D23708/2017 dtd. 15/03/2018 in the case of dumping ground shall not be complied with before starting demolition of structures and/or starting any construction work.

33 That adequate safeguards shall not be employed in consultation with SWM dept. of MCGM for preventing dispersal of particles through air and the construction debris generated shall not be deposited in specific sites inspected and approved by MCGM.

34 That the construction and demolition waste shall not be handled and transported to the designated unloading site as per NOC issued by E.E. (SWM) NOC and comply with the conditions mentioned in the said NOC and as per the Hon'ble Supreme Court directives dated 15.03.2018.

35 That the B.G. submitted as per Hon'ble Supreme Court directives shall not be revalidated timely & submitted to this office.

36 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 office 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.

37 That the Indemnity Bond for compliance of I.O.D. conditions shall not be submitted.

38 That the debris removal deposit of Rs. 45,000/- or Rs. 22/- per sq.mtr. of the built up area, whichever is less will not be paid before further C.C.

39 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.

40 That the builder developer shall not keep record (at construction site) of C & D waste generated, transported and unloaded at designated unloading site. The builder/developer shall not submit record monthly on MCGM Auto DCR system.

41 Any breach of condition regarding debris disposal will not entail the cancellation of the building permission or IOD & the work will not be liable to be stopped immediately.

42 This IOD is issued without prejudice to Legal matters pending in Court of Law if any.

43 That the RUT for adhering to terms and conditions laid down in the govt. notification under no. TPS-1820/AN-27/P.K. 80/20/UD-13 Dt. 14/01/2021 being opted to avail the benefit of the said notification of 50% premium payment rebate on premiums payable (for the proposed development as per DCPR 2034 on plot under reference with proposed amended plans additional built-up area proposed) shall not be submitted.

44 That the NOC from Power Company Shall not be submitted before asking plinth C.C.

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

1 That the notice in the form of ANNEXURE-14 [Regulations No. 11(4)] of DCPR 2034 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 verification of AMSL of completed work upto top of stilt/plinth level shall not be submitted.

4 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.

5 That the latest paid bill with receipt from A.A. & C. [H/West Ward] shall not be submitted.

6 That the plinth stability certificate from R.C.C. consultant shall not be submitted.

7 That the work-start notice shall not be submitted.

8 That all the payments as intimated by various departments of MCGM shall not be paid.

9 That the testing of building material to be used on the subject work shall not be done and results of the same will not be submitted periodically.

10 That the quality control for building work / for structural work / supervision of the work shall not be done and certificate to that effect shall not be submitted periodically in proforma.

11 That the yearly progress report of the work shall not be submitted.

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

1 That the dust bin will not be provided as per C.E.'s circular No. CE/9297/II dated 26.6.1978.

2 That the surface drainage arrangement will not be made in consultation with E.E.(S.W.D.) or as per his remarks and a completion certificate will not be obtained and submitted before applying for occupation certificate/B.C.C.

3 That the 3.00 mt. wide paved pathway upto staircase will not be provided.

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

5 That the name plate/board showing plot number, name of the building etc. shall not be displayed at a prominent place before O.C.C./B.C.C.

6 That the carriage entrance will not be provided before starting the work and carriage entrance fee shall not be paid.

7 That B.C.C. will not be obtained and IOD and debris deposit etc. will not be claimed for refund within a period of six years from the date of occupation.

8 That every part of the building constructed and more particularly overhead water tank will not be provided with the proper access for the staff of Insecticide Officer with a provision of temporary but safe and stable ladder.

9 That the owner/developer will not hand over the possession to the prospective buyer before obtaining occupation permission.

10 That the letter box of appropriate size shall not be provided for all the tenements at the ground floor.

11 That the regulation No. 49 of D.C.P.R. 2034 shall not be complied with.

12 That the necessary arrangement of borewell shall not be made/provided and necessary certificate to that effect from the competent authority shall not be obtained before C.C.

13 That the Vermiculture bins for disposal of wet waste as per the design and specification of Organisations/individuals specialized in this field, as per the list furnished by Solid Waste Management

Department of M.C.G.M. shall not be provided to the satisfaction of Municipal Commissioner.

14 That the Drainage Completion Certificate shall not be submitted.

15 That the S.W.D. Completion Certificate shall be submitted.

16 That the Superintendent of Garden for tree authority Completion Certificate shall be submitted.

17 That the Lift Inspector’s completion certificate shall not be submitted.

18 That the Final structural stability certificate and structural drawings shall not be submitted.

19 That the smoke test certificate shall not be submitted.

20 That the water proofing certificate shall not be submitted.

21 That the final completion certificate from C.F.O. & S.G./Tree authority shall not be submitted.

22 That the N.O.C. from A.A. & C. [H/West Ward] shall not be submitted.

23 That the completion certificate for Rain Water Harvesting System from Consultant shall not be submitted.

24 That the Site Supervisor’s certificate for quality of work and completion of the work shall not be submitted in prescribed format.

25 That the Energy Conservation Systems as stipulated vide circular under No. ChE/M&E/1063 dt.16/06/2008 shall not be complied with.

26 That the A.M.S.L. of completed work (top of building) shall not be verified and 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 28 February day of 2022 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.

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

P-5816/2020/(411 And Other)/H/W Ward/BANDRA-G/IOD/1/New

Copy To :- 1. YOMESH NARAYAN RAO
202, Shree Prasad House, Plot No. 517, 35th Road, TPS-III, Off Linking Road, Bandra (West), Mumbai 400050. -

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

Name : Vijay Shankarrao Tawde
Designation : Executive Engineer
Organization : Municipal Corporation of Greater Mumbai
Date : 01-Mar-2021 15: 08:53