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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-10256/2022/(353-21)/N Ward/FP/IOD/1/New Dated- 30 January 2023

MEMORANDUM

Municipal Office,

Mumbai

To,

M/S RDK CONSTRUCTIONS C A TO JAYANTHI CHS LTD

Unit No. 1, Gr. Floor, Plot No. 32-33, TPS-I, Kamdar Shopping Arcade, Velji Shivji Wadi, Junction of Tilak Road and Hingwala Lane, Ghatkopar East, Mumbai-400077.

With reference to your Notice 337 (New) , letter No. 0000949 dated. 9/2/2022 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed redevelopment on the plot bearing CTS No. F.P. No. 353/21 TPS III Village Ghatkopar Kirol, F.P. No. 353/21 of TPS Ghatkopar No. III off R B Mehta Marg, in 'N' Ward, Mumbai.

CTS/CS/FP No. 353-21 furnished to me under your letter, dated 9/2/2022. 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 requisitions of clause 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.

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

4 That the work shall not be carried out between 6.00 a.m. to 10.00 p.m. 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.

5 That the Board shall not be displayed showing details of proposed work, name of owner, developer, architect, R.C.C. consultant etc.

6 That the pre-requisites as per Ease of Doing Business circular shall not be submitted before applying for Plinth C.C.

7 That the extra water & sewerage charges will not be paid to the assistant engineer water works before C.C.

8 That adequate care will not be taken to safeguard the trees existing on the plot while carrying out construction work & remarks from S.G. shall not be submitted.

9 That the development charges as per M.R.T.P. (amendment) Act 1992 will not be paid.

10 That the NOC from A A & C (N ward) shall not be submitted.

11 That the specific NOC from SWM Department shall not be submitted as per Dumping Ground Court Case Order dated 15/3/2018 of Supreme Court of India in SLP Civil No. D 23708 / 2017.

12 That the construction activity for work of necessary piling shall not be carried out by employing modern techniques such as rotary drilling, micro piling etc. instead of conventional jack and hammer to avoid nuisance damage to adjoining buildings.

13 That the Soil Investigation Report from Geologist shall not be submitted.

14 That the mobile toilet shall not be provided on site to keep proper sanitation as per Circular U/No. CHE/DP/27391/Gen dated 07/01/2019.

15 That the commencement certificate under Sec.45/69(1)(a) of the M.R.& T.P. Act will not be obtained before starting the proposed work.

16 That the developer/owner shall not demolish the structure/building proposed to be demolished by following the guidelines proposed in the Indian Standard Code no. IS 4130:1991 amended up to date in respect of Demolition of Building Code of Safety under the supervision of approved Structural

17 That the R.C.C. designs & calculations as per the amended plans should not be submitted through the registered structural engineer before starting the work.

18 That the N.O.C. from Insecticide Officer shall not be submitted. 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

19 That the dry and wet garbage shall not be separated and the wet garbage generated in the building shall not be treated separately on the same plot by the residents/ occupants of the building in the jurisdiction of M.C.G.M. The necessary condition in Sale Agreement to that effect shall not be

20 The structure design and calculation for the proposed work considering seismic forces as per I.S code nos. 1893 and 4326 and for existing building showing adequacy there of take up additional load will not be submitted.

21 That the qualified registered site supervisor through architect/structural Engineer will not be appointed before applying for C.C. & his name and license No. duly revalidated will not be submitted.

22 That the Licensed Structural Engineer will not be appointed & Supervision memo as per appendix XI (Regulation 5(3) (ix) will not be submitted by him.

23 That the registered undertaking shall not be submitted by the owner stating that he will not misuse the refuge floors / part terrace / society office/ Fitness center in future.

24 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 Insecticide Officer for Inspection of

water tanks by providing safe and stable ladder, etc. and requirements as communicated by the Insecticide Officer shall be complied with.

25 That preferably electric vehicle shall not be used for all the development activities such as transporting material / human resources etc.

26 That all the conditions/observations/remarks in the approval of concession shall not be complied with and if required plan shall be not be get amended within ambit of approved concessions before asking CC

27 That project proponent shall abide with forth coming policies, circulars etc. RUT to that effect shall not be submitted before asking CC before asking any approval or within a month, whichever is earlier.

28 That project proponent shall not pay any short Recovery at the prevailing rate/policies at the time of short payment after audit, registered undertaking to that effect shall not be submitted before asking any approval or within a month, whichever is earlier.

29 That the additional payment for any Deficiency/premium shall not be abided by the upcoming circular/policies in future, if any.

30 That the Owner / L S certified Rehab fungible statement shall not be submitted before asking for CC

31 That the NOC from electric supply company shall not be submitted before asking CC

32 That, if the documents submitted for claiming incentive FSI as per Reg. 33(7)(B) of DCPR 2034, Fungible Compensatory Area for Rehab Component and BUA/user/requirements of part of building are not as per the provisions of DCPR 2034,Circulars, prevailing/forthcoming policies of MCGM, then the plans shall not be get amended before asking for CC; with recovery as per prevailing policies effective at the time of amended plans.

33 That the any discrepancy is observed in built up area, payments of premiums/fees, noncompliance of various observations observed in Concession note sheet, then same shall not be complied by amending plans with revised recovery sheet as per prevailing rates/circulars effective, before asking for any approval hereafter.

34 That the compliance of remarks of Scrutiny officers/approving authority shall not be complied with before applying for CC.

35 That the NOC from electric supply company shall not be submitted before asking CC

36 That the betterment charges/lucrative premium for town planning plots will not be paid in respective ward office and certificate/receipt will not be submitted before O.C./ BCC.

37 That the safety precautions as per Reg 12(5) of DCPR 2034 shall not be scrupulously followed.

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

1 That the plinth/stilt height shall not be got checked by this office staff.

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

3 That the Material testing report shall not be submitted.

4 That the quarterly progress report of the work will not be submitted by the L.S.

5 Civil Aviation NOC shall not be submitted before exceeding the height of building as mentioned in Table no. of DCPR 2034.

6 That the amended remarks of concerned authorities/empanelled consultants for the approved plan (if different from the plans submitted for remarks, shall not be submitted for: a) S.W.D. b) Parking c) Roads d) Sewerage e) Water Works f) Fire Fighting Provisions g) Tree authority h) Hydraulic Engineer i) PCO j) NOC from electric supply company.

7 That the no dues pending certificate from A.E. Water Works "N" ward shall not be submitted.

8 That the payment as per schedule of installment granted by Dy. Ch.E.(B.P.) E.S. shall be made if applicable.

9 That Architect shall not certify that all rehab tenants are proposed to rehab by providing BUA as per fungible area worked out as per Reg. 31(3) of DCPR2034 and there is no excess deficit as shown in Proforma A of last approved plans and complied all conditions stipulated in Reg. 31(3) of DCPR-2034, before asking amended approval /OC.

10 That the 10% CC shall not be restricted due to availing Installment facility

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 Society Office permissible as per DCR before occupation for the building under reference shall not be constructed.

3 That Fitness Centre permissible as per DCR before occupation for the building under reference shall not be constructed. (if applicable)

4 That the dust bin will not be provided.

5 That 3.00 mt. wide paved pathway up to staircase will not be provided.

6 That the open spaces as per approval, parking spaces and terrace will not be kept open.

7 That the name plate/board showing Plot No., Name of the Bldg. etc. Will not be displayed at a prominent place.

8 That carriage entrance shall not be provided as per design of registered structural engineer and carriage entrance fee shall not be paid.

9 That terraces, sanitary blocks, nahani trap is in kitchen will not be made Water proof and same will not be provided by method of pounding and all sanitary connections will not be leak proof and smoke test will not be done in presence of licensed plumber. The certificate of the water proofing from the Agency will not be done in presence of licensed plumber. The certificate of the water proofing from the Agency shall not be submitted.

10 That final N.O.C. from concerned authorities / empanelled consultants for a) S.W.D., b) Parking, c) Roads, d) Sewerage, e) Water Works, f) CFO/Fire Fighting Provisions, g) Tree authority, shall not be submitted before occupation.

11 That Structural Engineer's laminated final Stability Certificate along with up to date License copy and R.C.C. design canvas plan shall not be submitted.

12 That the separate vertical drain pipe, soil pipe, with a separate gully trap, water main, O.H. Tank, etc. for Maternity Home/Nursing Home, user will not be provided and that drainage system or the

residential part of the building will not be affected if applicable.

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

14 That the Vermiculture bin for disposal of wet waste as per the design and specification of organization / individual specialized in this field, as per the list furnished by Solid Waste Management Department of M.C.G.M.

15 That the completion certificate from the rain water harvesting consultant for effective completion and functioning of RWH system shall be submitted and quantum of rain water harvested from the R.W.H completed scheme on site shall not be uploaded on RWH tab in online AUTO DCR system. The same shall not be complied before OC.

16 That the undertaking stating that, the premium as per Reg. no. 31 (1)(vi) for excess parking than permitted under Reg. no. 44 of DCPR 2304, if any, at final stage of development be paid before OCC to last building shall be submitted.

17 That the Lift Inspector Completion Certificate shall not be submitted before occupation.

18 That plans shall not be submitted along with Notice of Completion of work u/sec. 353A of M.M.C. Act for work completed on site.

19 That the N.O.C. from A.A. & C (‘N’ Ward) shall not be submitted.

20 That the list of documents required to be scanned and legible scanned image shall not be submitted.

21 That the dry and wet garbage shall not be separated and the wet garbage generated in building shall not be treated separately on the same plot by the residents/occupants of the building in the jurisdiction of MCGM. The necessary conditions in Sale Agreement to that effect shall not be incorporated by the Developers /Owner. (Sample Sale Agreement shall be annexed).

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

23 That the topmost elevation level of the building certified by Airport Authority of India mentioning that the height of the building is within the permissible limits of Civil Aviation N.O.C. shall not be submitted before O.C.C.

24 That the adequate provision for post-mail boxes shall not be made at suitable location on ground floor /stilt.

25 That the parking spaces shall not be provided as per D.C. P. Regulation No. 44.

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

27 That the requirements of N.O.C. from concerned Electric supply Co. will not be obtained and the requisitions, if any, will not be complied with before occupation certificate/B.C.C.

28 That the Architect certified final rehab fungible statement shall not be submitted before asking for OC.

( ) 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 29 January 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-10256/2022/(353-21)/N Ward/FP/IOD/1/New Dated- 30 January 2023

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

P-10256/2022/(353-21)/N Ward/FP/IOD/1/New

Copy To :- 1. NITIN BHASKAR TIWASKAR
503 EXIMLINK OPP.INDIRA CONTAINER,M.G.LINK ROAD NAHUR,MUMBAI-78

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

Digitally signed by SUHAS VASANT NEMANE
Date: 30 Jan 2023 19:31:28
Organization :Brihanmumbai Municipal Corporation
Designation :Executive Engineer