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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. CHE/WSII/3723/P/S/337(NEW)/IOD/1/Amend Dated- 26 December 2022

MEMORANDUM

Municipal Office,

Mumbai

To,

M/s. Shantprabha Co.Op.Hog.Soc.Ltd.

M/s. Shantprabha Co.Op.Hog.Soc.Ltd., CTS no. 286 of village Pahadi Goregaon (E),Mumbai 400 063

With reference to your Notice 337 (New) , letter No. * dated. 4/4/2018 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed Self-redevelopment of existing building Known as Shantprabha CHSL on plot bearing CTS no. 286 of village Pahadi Goregaon (E), Mumbai. CTS/CS/FP No. 286 furnished to me under your letter, dated 4/4/2018. 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 all the objections of this office Intimation of Disapproval under reference shall be applicable and should not be complied with.

2 That all the payments shall not be paid before requesting C.C.

3 That the NOC from H.E. shall not be submitted.

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

5 That the Janata Insurance Policy shall not be submitted before C.C.

6 That A.E.W.W. NOC for extra water charges & Extra sewerage line charges P/South Ward shall not be paid before C.C.

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

8 That the remarks of following department /consultants shall not be submitted before C.C.: a) E.E. (S.W.D.), b) Parking, c) PCO, d) A.E.(Environment) for removal of debris, e) A.A.& C.(P ward), f) H.E., g) E.E.W.W.(P/S), h) Roads, i) E.E.(S.P)(P&D), j) Fire Fighting Provisions, k) Tree authority.

9 That the N.O.C. of Collector (M.S.D) for royalty of excavation/filling of land not be submitted before C.C.

10 That the Regular /sanctioned /proposed lines and reservation will not be got demarcated at site through A.E. (Survey)/E.E. (T&C)/E.E.(D.P) and additional copy of plan shall not be submitted.

11 That the provision from Reliance Energy / Tata Power shall not be submitted.

12 That the provisions of Rain Water Harvesting as per the design prepared by approved consultants in the field shall not be made to the satisfaction of Municipal Commissioner while developing plots having area more than 300 sq.mt.

13 That the Structural Engineer will not be appointed, supervision memo as per Appendix XI (Regulation 5(3) (ix) and RCC drawings will not be submitted by him. Certificate from structural consultants regarding feasibility of proposed vertical extension of Municipal school also shall not be submitted.

14 That the compound wall shall not be constructed on all sides of the plot as per C.T.S. boundary.

15 That the work shall not be carried out between 6.00 a.m. to 10.00 p.m. only in accordance with Rule A (3) of the Noise Pollution (Regulation & Control) Rules, 2000 and the provisions of Notification issued by Ministry of Environment & Forest Dept. from time to time shall not be duly observed.

16 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 resident/occupants of the building in the jurisdiction of MCGM. The necessary condition in the sale agreement to that effect also shall be incorporated by the developer/owner.

17 The self-declaration in respect of installing compositing pit/composite machine/bio mechanized system for processing wet waste generated at project site shall be not submitted by developer/Builder/Owner as per circular no CHE/00024/GEN/dated 02/04/2016.

18 That all the condition in the orders of Hon’ble Supreme Court of India in SLP (Civil) No. D23708/2017 dated 15.03.2018 shall be complied with.

19 That the NOC from “Tree Authority” shall be obtained requirements of the same shall be complied with before C.C.

20 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.

21 That the Registered Undertaking shall not be submitted stating that, the redevelopment proposal will be carried by society only and society will not appoint any Developer of third person for carrying out redevelopment proposal.

22 That the all the consultants as per EODB and the comprehensive Undertaking cum indemnity bond as per EODB shall not be submitted before CC.

23 That the PR card in the Name of Owner shall not be submitted.

24 No main beam in a 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 the PR card in the Name of Owner shall not be submitted.

26 That the registered undertaking from owner stating that they shall not claim any FSI of the encroached portion of the plot at any stage shall not be submitted.

27 That the completion certificate from CFO shall not be submitted

28 That the no dues pending certificate from A.E Water works "P/S" ward shall not be submitted.

29 That the low lying plot will not be filled up to reduced level of at least 92 T.H.D. or 6? above adjoining road level whichever is higher with murum, earth, boulders, etc. and will not be leveled, rolled, consolidated and sloped towards road side before starting the work.

30 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.

31 That the facilities for physically handicapped persons shall not be provided as per the accompaniment in Govt. in U.D. Department notification No. TPB 432001/1829/CR-216/2001/UD-11 dated 2nd December 2003.

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

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

## 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.

5 That the Civil Aviation NOC shall not be submitted.

6 That the Janata Insurance Policy shall not be submitted.

7 That carriage entrance shall not be provided.

8 That the plinth completion from site supervisor, structural Engineer and Architect shall not be submitted.

9 That the structural stability certificate through Regd. Structural Engineer regarding stability of constructed plinth shall not be submitted before asking for C.C. beyond plinth.

10 That in the event setback is not handed over then at FCC, area equivalent to the area of setback shall be restricted till such area is handed over or as per circular issued from time to time

11 That setback land free of compensation and free of any encumbrance shall be handed over to and possession receipt shall be submitted from Assistant Commissioner of the ward.

12 That the construction /development of setback land will be done will be developed accordingly including providing street lights and S.W.D. only if additional FSI is being claimed.

## D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

1 That the dust bin shall not be provided.

2 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 resident/ occupant of the building in the jurisdiction

of MCGM. The necessary conditions in sale agreement to that effect also shall be incorporated by the developer.

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

4 That the surrounding open spaces, parking spaces and terrace as per approved shall not be kept open.

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

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

7 That terraces, sanitary blocks, nahanis in kitchen shall not be made Water proof and same shall 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.

8 That final N.O.C. from concerned authorities / empanelled consultants for a. S.W.D. b. Sewerage c. Water Works d. CFO / Fire Fighting Provisions e. Tree authority f. Hydraulic Engineer g. A.A & C P Ward h. Rain water harvesting completion, i. Roads, shall not be submitted before Occupation.

9 That Structural Engineer’s final Stability Certificate along with upto date License copy and R.C.C. design plan shall not be submitted.

10 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.

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

12 That the low lying plot shall not be filled up to a reduced level of at least 27.55 T.H.D. or 0.15 m above adjoining road level whichever is higher with murum, earth, boulders etc. and will not be levelled, rolled, consolidated and sloped towards road side, before starting the work.

13 That the P.R. Cards in the name of society shall not be submitted before O.C.C.

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

15 That terraces, sanitary blocks, nahanis 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.

16 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 .

17 That the construction of D.P. road and development of setback land will not be done including providing street lights and S.W.D.

18 That the Vermiculture bin shall not be provided and NOC from AE (SWM) for vermiculture bin shall not be obtained

19 That the ownership of the setback land will be transferred in the name of MCGM before OCC.

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

( ) 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 25 December day of 2023 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. CHE/WSII/3723/P/S/337(NEW)/IOD/1/Amend Dated- 26 December 2022

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

## CHE/WSII/3723/P/S/337(NEW)/IOD/1/Amend

Copy To :- 1. MANISH ARVIND KARNIK
B-Wing 401, Oberia Woods, Saibaba complex, Mohan Gokhale Goregaon East Mumbai 4/ SHIVKRUPA, OPP. CANARA BANK, J P NAGAR, GOREGAON (E), MUMBAI

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

Digitally signed by SANTOSH HARISHCHANDRA SANKHE
Date: 26 Dec 2022 18:02:05
Organization :Brihanmumbai Municipal Corporation
Designation :Executive Engineer