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-13177/2022/(262 And Other)/K/E Ward/MOGRA/337/1/New
Dated- 28 February 2023

MEMORANDUM

Municipal Office,

Mumbai

To,

Shri Yash Dinesh Poddar Director of M/s. Poddar Realty India Pvt.Ltd. C.A. to Owner

Plot no.26, Shah Industrial Estate, Opp Anna Temple, New Link Road, Andheri (West), Mumbai. 400053

With reference to your Notice 337 (New) , letter No. 1691 dated. 18/10/2022 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed Redevelopment of Existing Building Known as Venus CHSL., situated on plot bearing CTS no.260/A/2 of village Mogra, Natwar Nagar Road No.5, Jogeshwari (E), Mumbai-400 060. CTS/CS/FP No. 262 ,260 A furnished to me under your letter, dated 18/10/2022. 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 commencement certificate under section 44/69 (1) (a) of the M.R.T.P. Act shall 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.P.R. Regulation No. 37 (24) before starting the work.

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

4 That the Structural Engineer shall not be appointed. Supervision memo as per Annexure 2 of DCPR 2034 shall not be submitted by him.

5 That the Structural design and calculations for the proposed work and for exiting building showing adequacy thereof to take up the additional load shall not be submitted before C.C.

6 That the soil investigation shall not be done and report thereof shall not be submitted with structural design.

7 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.

8 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 not be insisted.

9 That no main beam in R.C.C. framed structure shall not be less than 230 mm. wide. The size of the column shall also not be governed as per the applicable I.S. Codes.

10 That all the cantilevers [projections] shall not be designed for five times the load as per I.S. code 1993-2002. This also includes the column projecting beyond the terrace and carrying the overhead water storage tank, etc.

11 That the R.C.C. framed structures, the external walls shall not be less than 230 mm, if in brick masonry or 150 mm autoclaved cellular concrete block excluding plaster thickness as circulated under No. CE/5591 of 15.4.1974.

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

13 That the owner/developer shall not display a board at site before starting the work giving the details such as name and address of the owner/developer, architect and structural engineer, approval no. and date of the layout and building proposal, date of issue of C.C. area of the plot, permissible built up area, built up area approved, number of floors etc.

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

15 That the licensed plumber shall not be appointed to supervise and carry out the drainage work.

16 The drainage work shall not be not carried out as per the provision of drainage and sanitary code.

17 That if the plans are not approved for full consumption of FSI the premium for additional parking shall not be paid as per reg. 44 of DCPR 2034.

18 That the requirements of NOC of (i) Adani Power/ Tata Power, (ii) S.G., (iii) P.C.O. (iv) A.A. & C. K/East, (v) S.P., (vi) S.W.D., (vii) H.E. shall not be obtained and the requisitions if any shall not be complied with before O.C.C. / B.C.C.

19 That the qualified/registered site supervisor through architect/ structural Engineer shall not be appointed before applying for C.C. and Supervision Annexure -2 of DCPR 2034 shall not be submitted.

20 That "All Dues Clearance Certificate" related to H.E.'s dept. from the concerned A.E.W.W. [K/East ward] shall not be submitted before applying for C.C.

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

22 That the requisite premium as intimated shall not be paid before applying for C.C.

23 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 not be made as and when required by the Insecticide Officer for inspection of water tanks by providing safe but stable ladder etc. and requirements as communicated by the Insecticide Officer shall not be complied with.

24 That the Janata Insurance Policy or policy to cover the compensation claims arising out of workman's compensation Act 1923 shall not be taken out before starting the work and also shall not be renewed during the construction work.

25 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.

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

27 That the developer shall not intimate the prospective buyer and existing tenants regarding concessions availed for deficiency in open space, as well as not objecting neighbourhood development with deficient open spaces etc. and the clause shall not be incorporated in sale agreement so as to make aware prospective buyer/ members about deficient open space.

28 That the work shall not be carried out between 10pm to 6am and the provision of notification issued by Ministry of Environment and Forest department dated 14.02.2000 and Rules framed for noise pollution (Regulation & Control) Rules 2000 shall not be duly observed.

29 That the developer shall not intimate the prospective buyers and existing tenants regarding Use of water from the Rain Water Harvesting for toilet purpose and the clause shall not be incorporated in sale agreement so as to make aware prospective buyer/ members about the same.

30 That the RUT shall not be submitted before C.C. stating that the project proponent shall not be abide by the provision of upcoming policies as per DCPR 2034 and the conditions to that effect shall not be incorporated in future.

31 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 not 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 shall not take any objection in future for the development on adjoining plot with deficient open spaces and also condition shall not 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.

32 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 shall count the same in FSI or shall not 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 not 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

33 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 shall count the same in FSI or shall not 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 not 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 developer stating that they shall incorporate a condition in the sale agreement of prospective buyers as well as existing tenants about deficiency in provision of aisle space maneuvering of vehicles shall not be submitted.

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

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

1 That the notice in the form of annexure 14 Reg. 11(4) of DCPR 2034 shall not be submitted on completion of plinth.

2 That N.O.C. from Civil Aviation department shall not be obtained for the proposed height of the building.

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

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

5 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.

6 That the building/plinth top AMSL verification from Competent Authority/M/s. MIAL/Adani shall not be submitted.

7 That the adequate safeguards shall not be employed in consultation with SWM dept. of MCGM for preventing dispersal of particles through air during construction.

8 The construction and demolition waste shall not be not handled and transported to the designated unloading site as per SWM NOC and all the conditions mentioned in the said SWM NOC shall not be complied.

9 That the record of C & D generated shall not be maintained on site and shall not be uploaded on Auto DCR System.

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

1 That the regulation no 49 of DCPR 2034 shall not be complied with

2 That the L.S./Architect’s completion certificate as per reg. 11(6) & (7) Annexure 16 of DCPR 2034 and

B.C.C. as per section (I) of section 353-A of the M.M.C. Act 1888 (reg. 11(6) Annexure 18 shall not be submitted.

3 That some of drain shall not be laid internally with C.I. pipes.

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

5 That the surrounding open spaces, parking spaces and terrace shall not be kept open and un built upon; and shall not be levelled and developed before requesting to grant permission to occupy the bldg. or submitting the B.C.C. whichever is earlier.

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

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

8 That the owner/ developer shall not hand over the possession to the prospective buyer before obtained occupation permission.

9 That the infrastructural works such as construction of hand-holes/manholes, ducts for underground cables, concealed wiring inside the flats/rooms, room/space for telecom installations etc. required for providing telecom services shall not be provided.

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

11 That the Vermiculture bins for disposal of wet waste as per the design and specification of Organization/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.

12 That the AMSL verification of top most part of building from Competent Authority M/s. Adani/MIAL shall not be submitted.

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

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

15 That the Lift Inspector's completion certificate shall not be submitted.

16 That the structural stability certificate as per reg. 11(6) & (7) Annexure 16 of DCPR 2034 shall not be submitted.

17 That the Site Supervisor's completion certificate as per reg. 11(6) & (7) Annexure 16 of DCPR 2034 shall not be submitted.

18 That the smoke test certificate shall not be submitted.

19 That the water proofing certificate shall not be submitted.

20 That the final completion certificate from C.F.O. shall not be submitted.

21 That the N.O.C. from A.A. & C. [K/East] shall not be submitted.

22 That the necessary arrangement of borewell shall not be made/provided and necessary certificate

tothat effect from the competent authority shall not be obtained before C.C

23 That the requisitions if any of the remarks/NOC issued by Superintendent of garden or Tree Consultant shall not be complied with before O.C.C. / B.C.C.

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

25 That the 270A Certificate from A.E.W.W.(K/East) regarding permanent Water connection 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 27 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-13177/2022/(262 And Other)/K/E Ward/MOGRA/337/1/New
Dated- 28 February 2023

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

P-13177/2022/(262 And Other)/K/E Ward/MOGRA/337/1/New

Copy To :- 1. KALPESH SHANTILAL JAIN
Shop no.4, Dhanalaxmi Mahal CHS., Nandapatkar Road, Vile-Parle (East), Mumbai. 400057.

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

Digitally signed by UDAY MANOHARRAO MAHAJAN
Date: 28 Feb 2023 18:17:07
Organization :Brihanmumbai Municipal Corporation
Designation :Executive Engineer