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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-11253/2022/(FP No. 18-19-79 to 81 And Other)/H/W
Ward/Santacruz-HW/IOD/1/New Dated- 18 July 2023

MEMORANDUM

Municipal Office,
Mumbai

To,

Shri Vijay P. Mondkar Secretary of Shining Star C.H.S.L (Owner)

FP No. 18-19-79 to 81, of TPS Santacruz No. VI, CTS No. 1610/8, of Village Vile parle (W), at Santacruz (W),

With reference to your Notice 337 (New) , letter No. 337/0435/22 dated. 13/5/2022 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed redevelopment of building on plot bearing FP No.18-19-79 to 81,of TPS Santacruz No. VI,CTS No. 1610/8, of village Vileparle (W), at Santacruz (W), in 'H/W' ward Mumbai. CTS/CS/FP No. FP No. 18-19-79 to 81,of TPS Santacruz No. VI, CTS No. 1610/8 furnished to me under your letter, dated 13/5/2022. I have to inform you that, I cannot approve of the building or work proposed to be erected or executed, and I therefore hereby formally intimate to you, under Section 346 of the Mumbai Municipal Corporation Act as amended up to-date, my disapproval by reasons thereof :-

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

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

2 That the notice in form of Annexure XIII of DCPR-2034 (Work Start Notice) shall not be submitted.

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

4 That the requirements of N.O.C. of i) Reliance Energy/Tata Power ii) S.G. iii) P.C.O. iv) A.A. & C. v) S.P. vi) S.W.D. vii) M.T.N.L. viii) H.E. ix) CFO will not be obtained and the requisitions if any will not be complied with before starting the work.

5 That the requisitions of clause 49(3) & (4) of DCPR 2034 shall not be complied with and records of quality of work, verification report, etc. shall be maintained on site till completion of the entire work

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

7 That the appointment and acceptance of all consultants as per E.O.D.B shall not be submitted.

8 That the Janata Insurance Policy shall not be submitted.

9 That the One time PCO charges shall not be paid before asking for C.C.

10 That the Indemnity bond indemnifying the corporation and its officers and specific clause in the sale agreement for a) Against any action pending on existing structure b) Damages, risk, accidents etc & nuisance to occupier & neighbourhood during construction d) Against any litigation, claims, disputes arising out the proposed inadequate width/sizes of AVS, etc. e) That more height of stilt will not be misused f) Against inconvenience/accident caused due to installation of mechanized stack parking g) Deficient open spaces and future development of neighborhood shall not be submitted before CC.

11 That the registered undertaking and indemnity bond regarding following shall not be submitted before asking for the C.C. a) Agreeing to comply all the conditions mentioned as under: - i) For the Mechanized Parking system shall be equipped with electric sensor devices and also proper precaution and safety measures shall be taken to avoid any mishap/ the damages occurred due to flooding in pit if any and maintenance of the same shall be done regularly. ii) Mentioning that the area reserved for parking shall be used / utilized for the purpose of parking only. iii) Mentioning that the special attendant will be deployed to control the maneuvering and the movement of car between entry and exit gates and at the junctions of mechanized parking system. b) Mentioning that the clauses will be incorporated in the sale agreement of prospective buyers/members stating: - a. That the building under reference is deficient in open space and M.C.G.M. will not be held liable for the same in future. b. That the buyer / member agrees for no objection for the neighbourhood development with deficient open space in future. c. That the buyer / member will not be held M.C.G.M. liable for failure of mechanical Parking system in future. d. That there is inadequate maneuvering space of car parkings and buyer / member will not make any complaint to M.C.G.M. in this regard in future. c) Mentioning that the additional parking spaces will be surrendered to MCGM free of cost if full FSI including fungible is not utilized by way of submitting amended plans.

12 1That all the conditions in the orders of Hon’ble Supreme Court of India dated 15.03.2018 in the case of Dumping Ground should not be complied with.

13 That the valid Bank Guarantee of Rs.12,50,000.00 shall not be furnished solely for the purpose of ensuring compliance of the conditions in the Waste Management Plan/Debris Management Plan approved by SWM department of MCGM, till grant of full Occupation Certificate

14 That all the conditions in the NOC from SWM department obtained online in response to application to transport & deposit /dump / level the C & D Waste at only designated unloading site & validity shall not be complied with.

15 That all the conditions in the orders of Hon’ble Supreme Court of India dated 15.03.2018 in the case of Dumping Ground should not be complied with. 1

16 That the registered undertaking shall not be submitted for payment of difference in premium paid and calculated as per revised land rates

17 The topmost terrace is proposed without parapet wall & even without Over Head Water Tank, & the prospective occupants shall NOT be made aware of it by disclosure in the rehab/Sale agreement

18 The remarks from water department regard the tunnel shall not be submitted

19 That the necessary deposit for hoarding or the flex of size 1) _____ 2)_____ m to for the advertisement of proposal shall not be made by you.

20 That the soil investigation will not be done and report thereof will not be submitted with structural

design

21 That the Janata Insurance Policy in the name of site 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 will not be renewed during the construction work

22 That the building will 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 will be insisted.

23 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

24 That the N.O.C. from E.E.[T&C]/ parking consulatant for parking layout in the stilt shall not be submitted

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

26 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

27 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

28 That the authorized Pvt. Pest Control Agency to give anti malaria treatment shall not be appointed in consultation with P.C.O. [K/West].

29 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.

30 That the NOC from the Registrar of Societies under Section 79A shall not be submitted.

31 That all the conditions and directions specified in the order of Hon’ble Supreme Court dated 15/03/2018 in Dumping Ground case shall not be complied with before starting demolition of structures and/or starting any construction work and NOC from SWM shall not be submitted.

32 That adequate safeguards are 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

33 That the debris shall be managed in accordance with the provisions of Construction and Demolition Waste Management Rules 2016 and requisite Bank Guarantee as demanded by MCGM for faithful compliance of Waste/Debris Management plan shall not be furnished before demolition of structures or construction work

34 That the B.G. submitted as per Hon'ble Supreme Court dircetives shall not be revalidted timely and submitted to this office.

35 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.

36 That the work shall not be carried out between 6.00 am to 10 pm only in accordance with Rule 54(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. (as per circular No.ChE/DP/7749/Gen dtd.07.06.2016

37 That the strcutre shall not be demolished under the supervision of Structural Engineer by experienced/ expert demolition contractor and necessary safety precautions to safegaurd the adjoinng structure shall not be taken

38 That the Developer shall not submitted the registered undertaking agreeing to comply with and follow all the rules, regulations, circulars directives related to the safety construction labors/workers issued time to time by the department of the building and other construction labours, Government of Maharashtra

39 That the C & D waste shall not be handeled and transported to the designated site as approved by EESWM NOC and shall not comply with all conditions mentioned in the said NOC

40 That the C & D waste shall not be handeled and transported to the designated site as approved by EESWM NOC and shall not comply with all conditions mentioned in the said NOC

41 That the debris shall not be dumped on the Municipal ground only

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

43 That the status of road certificate, in respect of the road abutting to the property, obtained from A.E. (Maintenance) shall not be submitted

44 That the undertaking from owner stating that they will not object to the development of the neighbouring building in future shall not be submitted

45 That the remarks regarding formation level from Road Department shall not be submitted

46 That Regd. U/T for handing over setback area for the balance portion of the plot not covered under this proposal as & when required by M.C.G.M. shall not be submitted

47 That the feasibility of providing the basement from Geologist on the plot under reference shall not be submitted

48 That the work will not be carried out strictly as per approved plan and in conformity with the D.C.Regulations in force.

49 That the necessary remarks for training of nalla / construction of SWD will not be obtained from Dy.Ch.Eng.(S.W.D.) City and Central Cell before asking for plinth C.C. .

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

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

52 That the G.I.Sheet screens at plot boundaries upto adequate height to avoid dust nuisance shall not be provided before demolition of existing building.

53 That the precautionary measures to avoid nuisance duct to dust, such as providing G.I. Sheets at plot boundaries up to reasonable height shall not be taken.

54 That remarks from E.E.(M.& E.) for ventilation shall not be submitted

55 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

56 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

57 Disclosure of the rehab /sale agreement and RUT to that effect shall not be submitted

58 RUT from the members of the society for not providing OHT/LMR/ Parapet wall at terrace level shall not be submitted.

59 RUT from the members of the society for using Nomadic hydraulic system shall not be submitted

60 RUT from owner/soc. for no utilizing setback area earlier shall not be submitted.

61 PAAA shall not be submitted.

B: FOR LABOUR CAMP / TEMPORARY SHED

1 That the quality control for building work / for structural work / supervision of the work shall not

2 That the monthly status report shall not be submitted regularly.

3 That the notice in the form of appendix XVI of D.C.R. shall not be submitted on completion of plinth.

4 That the requirement of N.O.C. from C.A., U.L.C. & R. Act will not be complied with before starting the work above plinth level and Affidavit-cum-Indemnity Bond as required u/No. ULC-10 (2008)/CR-1/2008/ULCR-1 dtd. 01-3-2008 shall not be submitted by developer.

5 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.

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

1 That the plinth dimensions shall not be got checked from this office before asking for further C.C. beyond plinth

2 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.

3 That the Material testing report shall not be submitted.

4 That the monthly progress report shall not be submitted.

5 That the notice in the form of Annexure-14 (Intimation of completion of plinth by site supervisor) shall not be submitted

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

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

1 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 incorporated by the Developer/Owner.

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

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

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

5 That the open spaces as per approval, parking spaces and terrace will not be kept open. That the name plate/board showing Plot No., Name of the Bldg. etc. will 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 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

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) Lift Completion certificate g) A.A & C H /west shall not be submitted before occupation

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

10 That the final as built 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 the dust bin will not be provided.

12 That the Vermiclture NOC will not be submitted.

13 That the Completion certificate from the rain water harvesting consultant for effective completion and functioning of RWH system shall not be submitted and quantum of rain water harvested from the RWH completed scheme on the site shall not be uploaded on RWH tab in online AutoDCR system

( ) 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 17 July 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-11253/2022/(FP No. 18-19-79 to 81 And Other)/H/W Ward/Santacruz-HW/IOD/1/New Dated- 18 July 2023

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

P-11253/2022/(FP No. 18-19-79 to 81 And Other)/H/W Ward/Santacruz-HW/IOD/1/New

Copy To :- 1. RASIK PRABHUDAS HINGOO
106, Pagrav, S. V. road, Goregaon (W), Mumbai 400 104

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

Digitally signed by SHIVADAS KRISHNA GURAV
Date: 18 Jul 2023 18:44:53
Organization :Brihanmumbai Municipal Corporation
Designation :Executive Engineer