



MUNICIPAL CORPORATION OF GREATER MUMBAI

Intimation of Disapproval under Section 346 of the Mumbai Municipal Corporation Act, as amended up to date.

No. CHE/ES/3092/S/337(NEW)/IOD/1/New

MEMORANDUM

Municipal Office,
Mumbai

To,

Shri S.S. Runwal Director of M/s Evie Real Estate Pvt Ltd C.A. to Owner

4th floor, Runwal & Omkar Esquare, Opp. Sion Chunnabhatti Signal, Sion (East) Mumbai 400 022

With reference to your Notice 337 (New) , letter No. 3718 dated. 17/1/2018 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed Development of Residential building no 2 (i.e.wing I ,J & K, on plot bearing C.T.S. No. 1004, 1005, 1005/1, 1006, 1007 (pt), 1007/3 (pt), 1007/4, 1009 (pt), 1009/5 & 6, 1010 (pt), 1013 (pt), 1014 (pt), 1014/1 to 6, 1017, 1017/1 to 6, 1018, 1018/1 to 9 of village Kanjur, Kanjurmarg (East), Mumbai 1004, 1005, 1005/1, 1006, 1007 (pt), 1007/3 (pt), 1007/4, 1009 (pt), 1009/5 & 6, 1010 (pt), 1013 (pt), 1014 (pt), 1014/1 to 6, 1017, 1017/1 to 6, 1018, 1018/1 to 9 furnished to me under your letter, dated 17/1/2018. 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 the revised M.O.E.F. NOC shall not be submitted,
- 2 That the N.O.C. from competent authority for sub station shall not be submitted.
- 3 That the registered undertaking in prescribed proforma agreeing to demolish the excess area if constructed beyond permissible F.S.I. shall not be submitted before asking for C.C.
- 4 That the work will not be carried out strictly as per approved plan and in conformity with the D.C.Regulations in force.
- 5 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. .
- 6 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.
- 7 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.

- 8 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 and 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.
- 9 That the bore well shall not be constructed in consultation with H.E.and P.C.O. Deptt.
- 10 That remarks from E.E.(M.& E.) for ventilation shall not be submitted.
- 11 That the Janata Insurance Policy shall not be submitted
- 12 That the Pre-requisites as per Ease Of Doing Business circular shall not be submitted before applying for Plinth C.C.
- 13 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.
- 14 That the provision will not be made for making available water for flushing and other non-potable purposes through a system of borewell and pumping that water through a separate overhead tank which will be connected to the drainage system and will not have any chances of mixing with the normal water supply of the Corporation.
- 15 That the registered undertaking agreeing a) To hand over excess parking space to M.C.G.M. free of cost in case full permissible F.S.I. / T.D.R. is not consumed as per circular No. Ch.E. /DP/TAC-01/20279/ Gen dated 20-10-2014 and b) That the Parking floors, voids etc. will not be misused shall not be submitted
- 16 That the status of road certificate, in respect of the road abutting to the property, obtained from A.E. (Maintenance) shall not be submitted.
- 17 That the title clearance certificate shall not be submitted.
- 18 That to comply with Regulation 15 of Dcpr-2034,
- 19 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.
- 20 That the N.O.C. from Tree authority shall not be submitted before asking for plinth C.C.
- 21 That the N.O.C. from Dy.Ch.E.(S.P.) P&D for proposed sewer line shall not be submitted before C.C.
- 22 That the plot boundary shall not be got demarcated from C.S.L.R. and demarcation certificate shall not be submitted to this office.
- 23 That the betterment charges & any other charges will not be paid as per the requirement of A.E.T.P. & his clearance will not be obtained and submitted before C.C.
- 24 That the N.O.C. from M.C.Z.M.A. from C.R.Z. point of view shall not be submitted.
- 25 That the copy of PAN card of the applicant shall not be submitted before C.C.
- 26 That the payment towards Development charges of land component for plot u/r, shall not be paid.
- 27 That the fresh P.R.Card in the name of owner shall not be submitted before C.C.

- 28 That the plot boundary shall not be got demarcated from C.S.L.R. and demarcation certificate shall not be submitted to this office.
- 29 That the Air Quality Monitoring display board as per guidelines of Environmental Deptt. shall not be provided,
- 30 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.
- 31 That the low lying plot will not be filled up to adequate reduced level 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.
- 32 That the conditions of I to R permission u/no. CE/1392/BPES/AS dtd:13.5.2017 shall not be complied with
- 33 That the IH tenements proposed in building no.3 as per reg no 15 of DCPR 2034 shall not be handed over to MCGM
- 34 That the balance 50 % payment of I to R premium not made on or before 09.09.2020, all permission's issued on plot u/r will stand for revoke
- 35 That the all requisite payments , fees not made as per E.O.D.B. manual
- 36 That the C.C. equivalent to 10 % of approved Built Up Area for which installment facility is obtained, shall be restricted.
- 37 That the Registered Undertaking stating that, all the terms and conditions mentioned in the Installment circulars shall be binding on them and the same will be followed scrupulously. The project proponent shall also undertake that they shall make aware to the prospective buyers in the project and the RERA Authorities about the installment payment facility availed by them in the various payments made to MCGM/ Government and the provisions in the circular about initiating action by MCGM against the default in payments on schedule date, before endorsement of CC.
- 38 That the payment as per schedule of installment granted by Dy.Ch.E.(B.P.)E.S. shall be made
- 39 That the project proponent shall also submit Indemnity bond indemnifying MCGM / MCGM staff against the any claims, litigation, disputes, RERA compliances etc. regarding the installment payment facility availed by them , before endorsement of CC

B: FOR LABOUR CAMP / TEMPORARY SHED

- 1 That the work-start notice shall not be submitted.
- 2 That the quality control for building work / for structural work / supervision of the work shall not
- 3 That the work-start notice shall not be submitted.
- 4 That the C.C. shall be got endorsed as per the amended plan.
- 5 That the final N.O.C. from Tree Authority shall be submitted before asking for occupation permission.
- 6 That the work shall be carried out strictly as per approved plan.
- 7 That the final Structural stability certificate shall be submitted before asking for B.C.C.
- 8 That the N.O.C. from inspector of Lifts shall be submitted.
- 9 Registered undertaking to be submitted for demolition and restoration of the area shown as on plan

shall be executed before applying for further C.C

- 10 That all conditions and directions specified in the order of Hon'ble Supreme Court dated 15.03.2018 in Dumping Ground case shall be complied with.
- 11 That the debris shall be managed in accordance with the provisions of construction and demolition waste Management Rules 2016

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

- 1 That the extra water and sewerage charges shall be paid to Asst.Engineer, Water Works, before C.C.
- 2 All the payments as intimated by various departments of MCGM shall not be paid
- 3 That the N.O.C. from Ch.E.(M&E) shall be submitted.
- 4 That the amended remarks of Concerned authorities / empanelled for remark, shall not be submitted for: - a) S.W.D. b) Parking, c) Sewerage d) Water Works e) Fire Fighting Provisions, f) Tree Authority, g) H.E., h) PCO i) NOC from Electric Supply Company.
- 5 That the Drainage completion Certificate from A.E.(B.P.) City for House drain will not be submitted & got accepted.
- 6 That the compliance of N.O.C. from H.E will not be made and certificate to that effect will not be submitted.
- 7 That the material testing report shall not be submitted
- 8 That the quarterly progress report of the work will not be submitted by the Architect
- 9 That the revised CFO NOC & EETC NOC shall not be submitted.
- 10 That the Civil Aviation NOC shall not be submitted before exceeding the height of building as mentioned in Colour Coded Zonal Mapping (C.C.Z.M.)
- 11 That the structural stability certificate shall not be submitted.
- 12 That the plinth dimensions shall not be got checked from this office before asking for further C.C. beyond plinth.
- 13 That the C.C. equivalent to 10 % of approved Built Up Area for which installment facility is obtained, shall be restricted.

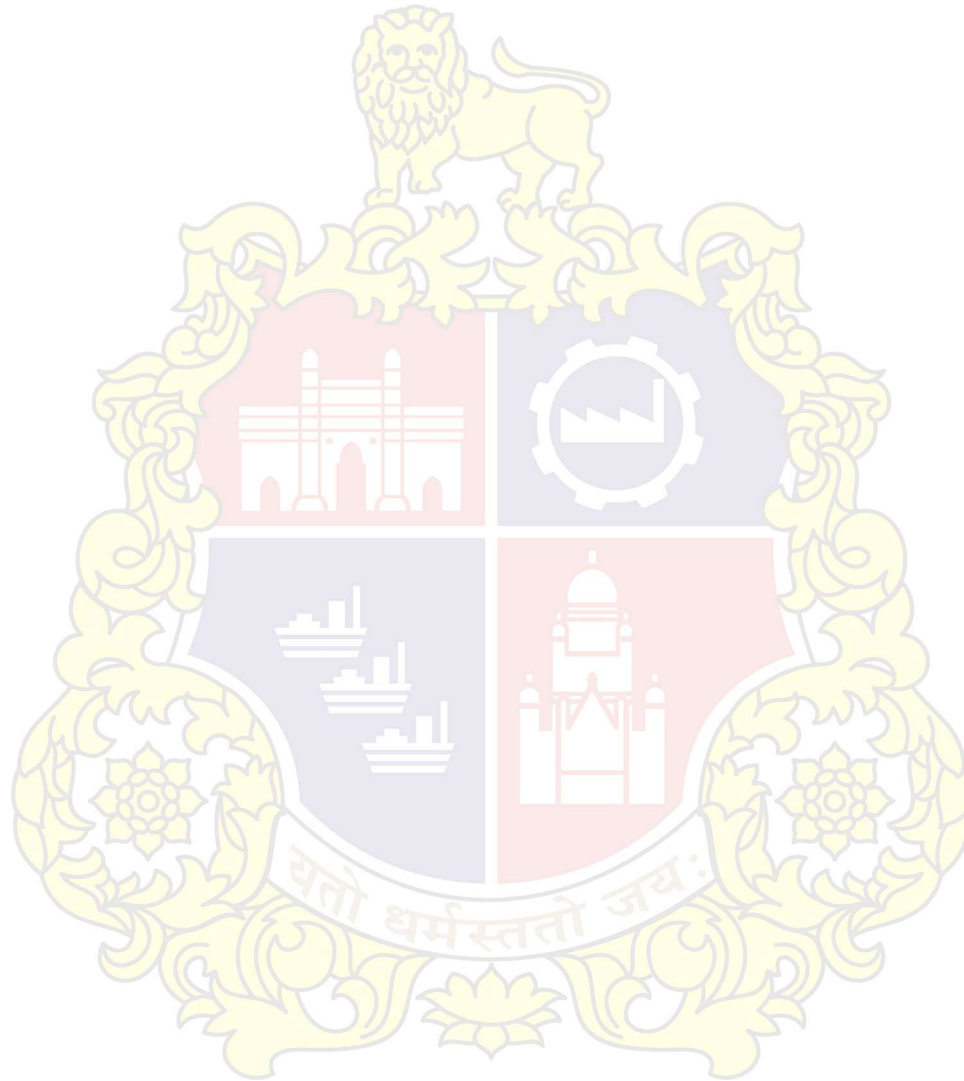
D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

- 1 That the dust bin will not be provided.
- 2 That 3.00 mt. wide paved pathway upto staircase will not be provided.
- 3 That the and Mail Box @ ground floor level etc.shall not be provided,
- 4 That the construction of layout road or access roads/ development of setback land will not be done and the access and setback land will not be developed accordingly,
- 5 That the name plate/board showing Plot No., Name of the Bldg. 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)Parking c)Roads d)Sewerage e)Water Works f)CFO / Fire Fighting Provisions g)Mechanical Ventilation h)Tree authority i)Hydraulic Engineer shall not be submitted before occupation.
- 9 That Structural Engineer's laminated final Stability Certificate along with upto date License copy and R.C.C. design canvas plan shall not be submitted.
- 10 That the construction of D.P. road and development of setback land will not be done including providing street lights and S.W.D.
- 11 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 12 That the fresh P.R. Card in the name of owner shall not be submitted.
- 13 That the Final structural Stability Certificate and Structural Drawings shall not be submitted.
- 14 That the satisfactory completion certificate from lift inspector for installation of escalators shall not be submitted.
- 15 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted.
- 16 That the Vermiculture bins for disposal of wet waste as per the design and specification of Organizations / individuals specialized in this field, as per the list furnished by Solid Waste Management Department of MCGM, shall not be provided to the satisfaction of Municipal Commissioner.
- 17 That the surrounding open spaces, parking spaces and terrace shall not be kept open and unbuilt upon and will be levelled and developed before requesting to grant permission to occupy the building or submitting the B.C.C. whichever is earlier.
- 18 That the minimum area of EWS Tenements as per I to R permission shall not be handover,
- 19 That the provision for rain water harvesting as per design prepared by approved Consultant in the field shall not be made to the satisfaction of Municipal Commissioner and That water available from rain water harvesting shall not be used for toilet flushing.
- 20 That the infrastructural works such as; construction of hand holes /manholes, ducts for underground cables, concealed wiring inside the flats/rooms, rooms/space for telecom installations etc. required for providing telecom services shall not be provided.
- 21 That the final NOC from A.A.&C. , C.F.O. , Insecticide Officer and S.G. shall not be submitted,
- 22 That the parking spaces shall not be provided as per Regulation No.44. of DCPR 2034,
- 23 That the surface drainage arrangement shall not be made in consultation with Executive Engineer (S.W.D.) or as per his remarks and a completion certificate shall not be obtained and submitted before applying for occupation certificate
- 24 That the every part of the building construction and more particularly, overhead tank shall not be provided with a proper access for the staff of Insecticide Officer with a provision of temporary but safe and stable ladder etc.
- 25 That some of the drains shall not be laid internally with C.I. pipe

F : CONDITIONS TO BE COMPLIED WITH OCCUPANCY (PERPETUAL).

- 1 That the work shall be carried out strictly as per approved plan.



- () 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 10 August day of 2021 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 is further drawn to the provision of Section 353-A about the necessity 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 levy penalty for non-compliance under Section 471 if necessary.

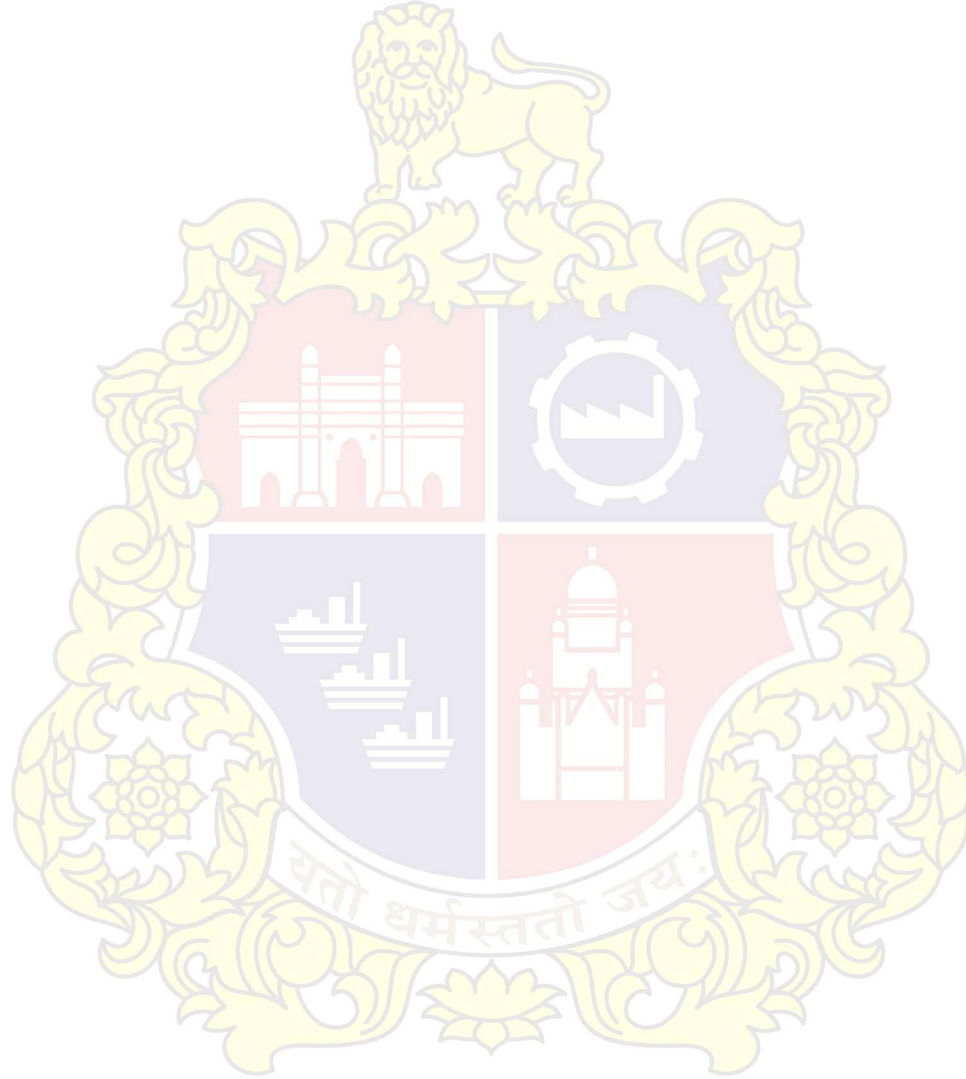
6. Proposed date of commencement of work should be communicated as per requirements of Section 347 (1) (aa) of the Bombay Municipal Corporation Act.

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 asphaltting 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 exceeding 1.5 mm in diameter. The cistern shall be made easily, safely and permanently accessible be providing a firmly fixed iron ladder, the upper ends of the ladder should be earmarked and extended 40 cms above the top where they are to be fixed as its lower ends in cement concrete blocks.
- 31) No broken bottles should be fixed over boundary walls. This prohibition refers only to broken bottles to not to the use of plane glass for coping over compound wall.
- 32) a Louvres should be provided as required by Bye0law No. 5 (b)
b Lintels or Arches should be provided over Door and Windows opening
c The drains should be laid as require under Section 234-1(a)
d The inspection chamber should be plastered inside and outside.
- 33) If the proposed additional is intended to be carried out on old foundations and structures, you will do so as your own risk.

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

CHE/ES/3092/S/337(NEW)/IOD/1/New

- Copy To :-
1. SUNIL GAJANAN AMBRE
Aban House,Ground Floor,25/31, Shri Sai Baba Marg,Behind Rythem House,Kalaghoda,Fort
 2. Asst. Commissioner S Ward.
 3. A.E.W.W. S Ward,
 4. Dy.A & C. Eastern Suburb
 5. Chief Officer, M.B.R. & R. Board S Ward .
 6. Designated Officer, Asstt. Engg. (B. & F.) S Ward ,
 7. The Collector of Mumbai

