



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/2027/T/337(New)

MEMORANDUM

Municipal Office,
Mumbai

To,
K V BUILDHOME LLP C.A. to owner
322, 3rd Floor, 140 N.M. Road, K.M Vardhan Chowk,
Fort, Kala Ghoda, Mumbai.

With reference to your Notice u/s 337 (New), Application No. MCGM/ES/COD/000764/2022 dated. 20/09/2022 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed Commercial cum Residential building No.1 for sale and building No. 2 for IH Tenements on the subplot M + subplot B1 + subplot B2 & subplot A, on plot bearing CTS No.1289(pt), 1290(pt), 1292(pt),1293(pt), 1294(pt),1295(pt),1296(pt)&1297(pt) in Village Mulund (East), Tal. Kurla, situated at 90'-0" road, Mulund (E) Mumbai., furnished to me under your letter. 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 COMPILED WITH BEFORE STARTING THE WORK.

- 1 That the requisitions of regulation no. 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.
- 2 The commencement certificate under Sec. 45/69 (1) (a) of the M.R. & T.P. Act will not will not obtained will not before starting the proposed work.
- 3 (a)That the bore well shall not be constructed in consultation with H.E. (b) That the Janata Insurance Policy shall not be submitted.
- 4 That the work shall not be carried out between 6.00 a.m. to 10.00 p.m. in accordance with Rule 5A(3)of the Noise Pollution (Regulation& Control) Rules, 2000 and the provision of notification issued by Ministry of Environment and Forest department from time to time shall not be duly observed.
- 5 That the board shall not be displayed showing details of proposed work, name of owner, developer, architect, R.C.C. consultant etc.
- 6 That the 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 hall not be submitted.

- 7 That the mobile toilet shall not be provided on site to keep proper sanitation as per Circular U/No. CHE/DP/27391/Gen dated 07/01/2019.
- 8 That the balance pre-requisites as per EODB shall not be complied with.
- 9 That the construction activity for work of necessary piling shall not be carried out by employing modern techniques such as rotary drilling, micro piling etc. instead of conventional jack and hammer to avoid nuisance damage to adjoining buildings.
- 10 The compound wall is not constructed on all sides of the plot clear of road widening line with foundation will not low the bottom of road side drain without obstructing the flow of rain water from the adjoining holding to prove possession of holding will not before starting the work as per D.C. Regulation no.38(27).
- 11 That the Licensed Structural Engineer will not be appointed. Supervision memo as per appendix XI (Regulation 5(3) (ix) will not be submitted by him.
- 12 The structural design & calculations for the proposed work considering seismic forces as per I.S. Code nos. 1893 & 4326 & for existing building showing adequacy thereof to take up additional load will not will not submitted by him.
- 13 That the qualified registered site supervisor through architect/structural Engineer will not be appointed before applying for C.C. & his name and license No. duly revalidated will not be submitted.
- 14 That the clearance certificate from assessment Department regarding up to date payment of Municipal taxes etc. will not be submitted.
- 15 That the requirement of bye law 4 will not be complied with before, starting the drainage work and in case Municipal sewer is not laid, the drainage work will not be carried on as per the requirement of Executive Engineer (Sewerage Project), Planning & completion certificate from him will not be submitted.
- 16 That the copy of Intimation of Disapproval conditions & other layout or sub division conditions imposed by the Corporation in connection with the developmental site shall not be given to the would be purchaser and also displayed at site.
- 17 That the development charges as per M.R.T.P. (amendment) Act 1992 will not be paid.
- 18 That the documentary evidence regarding ownership, area and boundaries of holding is not produced by way of abstracts form the District Inspector of Land Records, extracts from City Survey Record and Conveyance deed etc.
- 19 That the debris will not be removed before submitting the building completion certificate and requisite deposit will not be paid before starting the work towards faithful compliance thereof.
- 20 That the undertaking for paying additional premium due to increase in land rate as and when demanded shall not be submitted.
- 21 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 Insecticide Officer for inspection of water tanks by providing safe and stable ladder, etc. and requirements as communicated by the Insecticide Officer shall not be complied with.
- 22 That the registered U/T shall not be submitted by the Owner stating that he will not object to the neighbouring plot holder whenever they come forward for development of their plot which may involves open space deficiency.
- 23 That the No dues pending certificate from A.E.W.W.(T ward).

- 24 That the specific NOC from concerned department /S.W.M department shall not be obtained in dumping ground court case order dated 15.03.2018 in Hon'ble Supreme Court of India.(S.L.P CIVIL No :- D23708/2017) before start of work and bank guarantee is not submitted.
- 25 That the Project Proponent shall abide with RUT submitted for availing the facility of concession in premium to the extent of 50% as per Govt. directives u/s 154 of MR & TP Act 1966, issued u/n TPS-1820/SR-27/CR-80/20/UD-13 dtd.14.01.2021
- 26 That the Project proponent shall abide by the upcoming Policy/Circulars as regards the Thane Creek Flamingo Sanctuary, NBWL NOC, if applicable.
- 27 That the advanced possession of Amenity plot shall not be submitted.
- 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 Project proponent shall not submit Registered U/t to abide with the E.P. which is to be sanctioned in further.
- 30 That the revised layout shall not be got approved.
- 31 That the Civil Aviation NOC shall not be submitted.
- 32 That the CFO NOC for proposed work shall not be submitted.
- 33 That the Nalla/SWD remarks of EE(SWD)Plg. Cell shall not be submitted.
- 34 That the MOEF NOC for proposed work shall not be submitted before asking for CC.
- 35 That the u/t as per Reg.59 of DC&PR-2034 shall not be submitted.
- 36 That the advanced possession receipt of Amenity /Reservations on plot u/r shall not be submitted.
- 37 That the NOC from Concerned Electric supply authority shall not be submitted.
- 38 That the registered undertaking from the owner stating that vacant possession of the land admeasuring 4608.10sq.mts reserved for Municipal School & Play Grounds shall be handed over to BMC with clear title by removing the existing structures on reservation land in lieu of development of reserved land under Accommodation Reservation. (AR) and vacant possession of the land admeasuring 1719.60 sq.mts reserved for AOS as per 14 A) shall not be submitted
- 39 That the demarcation of reservations, roads etc from AE (Survey) shall not be submitted.
- 40 That the, IH tenement building shall not be handed over to BMC before asking OC for any building in the layout.
- 41 That the, safety precautions as per Reg. 12(5) of DCPR-2034 shall not be taken.

- 42 That the Amended layout shall not be got approved
- 43 That the HRC NOC shall not be submitted for building height beyond 120.00 Meter.
- 44 That the buildable amenity against RE 1.2 as per AR policy shall not be submitted as single building with Developer of adjoining plot
- 45 That the all conditions of Development permission shall not be complied with.

B. BEFORE FURTHER C.C.

- 1 That the plinth/stilt height shall not be got checked by this office staff.
- 2 That MOEF NOC shall not be submitted even though construction area exceeds 20,000 sq.mt.
- 3 All the payments as intimated by various departments of MCGM shall not be paid.
- 4 That the amended Remarks of concerned authorities / empanelled consultants for the approved plan, if differing from the plans submitted for remarks, shall not be submitted for :
- i. S.W.D.
 - ii. Parking
 - iii. Roads
 - iv. Sewerage
 - v. Water Works
 - vi. Fire Fighting Provisions
 - vii. Mechanical Ventilation
 - viii. Tree authority
 - ix. Hydraulic Engineer
 - x. PCO
 - xi. MMRDA/MHADA
 - xii. MHCC NOC
 - xiii. Jail NOC
 - xiv. CRZ NOC
 - xv. Railway NOC
 - xvi. Highway NOC
 - xvii. High Tension Line
 - xviii. NOC from Electric Supply Company
 - xix. Defense NOC
- 5 The reservations affecting land u/r shall not be handed over to MCGM.
- 6 That in the event setback and /or reservation is not handed over then at FCC area equivalent to the area of Setback and /or reservation shall not be restricted till such area is handed over or as per circular issued from time to time.
- 7 That the extra water charges /sewerage charges shall be paid and submit NO dues certificate from AEWW, T ward.
- 8 That the Material testing report shall not be submitted.
- 9 That the Quarterly progress report of the work will not be submitted by the L.S.
- 10 That the application for separate P.R.C. in the name of M.C.G.M. for road set back / D.P.

- 11 That the Civil Aviation NOC shall not be submitted before exceeding the height of building as mentioned in Table no. 13 of DCR 1991.

C. GENERAL CONDITIONS BEFORE O.C.

- 1 That the low lying plot will not be filled up to a reduced level of at least 27.55 mt. Town Hall Datum or 0.15 mt. above adjoining road level whichever is higher with murum, earth, boulders etc. and will not be leveled, rolled, consolidated and sloped towards road side.
- 2 That Society Office permissible as per DCR before occupation for the building under reference shall not be constructed.
- 3 That Fitness Centre permissible as per DCR before occupation for the building under reference shall not be constructed. (if applicable)
- 4 That the condition mentioned in the Notification No.TPB-4312/CR-45/2012(2)/UD-11 dt.08.11.2013 regarding inclusive housing shall not be complied with before occupation for the building under reference.
- 5 That the dust bin will not be provided.
- 6 That 3.00 mt. wide paved pathway upto staircase will not be provided.
- 7 That the open spaces as per approval, parking spaces and terrace will not be kept open.
- 8 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 including providing street lights and S.W.D. only if additional FSI is being claimed.
- 9 That the name plate/board showing Plot No., Name of the Bldg. etc. will not be displayed at a prominent place.
- 10 That the betterment charges/lucrative premium for town planning plots will not be paid in respective ward office and certificate/receipt will not be submitted before O.C. / BCC.
- 11 That carriage entrance shall not be provided as per design of registered structural engineer and carriage entrance fee shall not be paid.
- 12 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.
- 13 That final N.O.C. from concerned authorities / empanelled consultants for :-
 - i. S.W.D.
 - ii. Parking
 - iii. Roads
 - iv. Sewerage
 - v. Water Works
 - vi. Mechanical Ventilation
 - vii. Tree authority
 - viii. Hydraulic Engineer
 - ix. MMRDA/MHADA

shall not be submitted before occupation.

- 14 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.
- 15 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.
- 16 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 17 That the certificate from Lift Inspector regarding satisfactory installation and operation of lift will not be submitted.
- 18 That the Final N.O.C. from CFO shall be submitted before asking occupation.
- 19 That the clearance certificate from assessment Department regarding up to date payment of Municipal taxes etc. will not be submitted.
- 20 That the certificate to the effect that the Architect / Licensed Surveyor has effectively supervised the work and has carried out tests for checking leakages through sanitary blocks, termites, fixtures, joints in drainage pipes etc. and that the workmanship is found very satisfactory shall not be submitted.
- 21 That the adequate provision for post-mail boxes shall not be made at suitable location on ground floor /stilt.
- 22 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.
- 23 That the suitable registered undertaking from Owner shall not be submitted stating that, they will utilize rainwater harvesting water for toilet & flushing.
- 24 That the requirements of N.O.C. from concerned Electric supply Co. will not be obtained and the requisitions, if any, will not be complied with before occupation certificate/B.C.C.
- 25 The dry and wet garbage shall be separated and the wet garbage generated in the building shall be treated separately on the same plot by residents/occupants of the building in the jurisdiction of M.C.G.M . The necessary condition in Sale Agreement to that effect shall be incorporated by the Developer/Owner.
- 26 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 site shall not be uploaded on RWH Tab in Online Auto DCR system, before applying for O.C.

() 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 day of 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.**

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 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 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.

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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 proceed 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 of 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 withdrawn.
- 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 our 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 Bye law 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
Zoneswards.

CHE/ES/2027/T/337(NEW)

Copy To :- 1. Architect Sunil Ambre

No. CHE/ES/2027/T/337(New)

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

S.E.(B.P.)(T/E)

A.E.(B.P.)(S&T)

E.E.(B.P.)(E.S.-III)