in replying please quote No. and date of this letter.



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

No. CHE/CTY/1004/D/337 (NEW)/IOD/1/Amend

MEMORANDUM	Municipal Office
MEMORANDUM	Municipai Offic

To,

M/s. Magnum Landcon LLP

5th Floor, Cutch Castle, Opera House, Mumbai - 400004

With reference to your Notice 337 (New), letter No. 2223 dated. 22/1/2015 and the plans, Sections Specifications and description and further particulars and details of your buildings at Redevelopment of Property Bearing C. S. No. 232, Known as Swami Samarth Nagar, Bandu Ghokale Path & Mugbhat Street, Girgaum Division, Mumbai CTS/CS/FP No. 232 furnished to me under your letter, dated 22/1/2015. 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.

- That the Janata Insurance policy or policy to cover the compensation claims arising out of Workmen's Compensation Act,1923 will not be taken out and a copy of the same will not be submitted before asking C.C. and renewed during the construction of work and owner /developer should submit revalidated Janata Insurance Policy from time to time.
- That the requisitions of clause 49 of DCPR 2034 shall not be complied with and records of quality of work, verification report, etc. shall not be maintained on site till completion of the entire work.
- That the work shall not be carried out between 6.00 am to 10 pm and the provision of notification issued by Ministry of Environment and Forest department dated 14.2.2000 and Rules framed for noise pollution (Regulation & Control) Rules 2000 shall not be duly observed.
- That the Board shall not be displayed showing details of proposed work, name of owner, developer, architect, R.C.C. consultant etc.
- That the commencement certificate under Section 44/69(1)(a) of the M.R.T.P. Act will not be obtained before starting the proposed work.
- 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

Mumbai

adjoining holding to prove possession of holding before starting the work as per D.C. Regulation No. 38(27).

- 7 That the specifications for development of setback will not be obtained from E.E. Road (Construction) (City) before asking for plinth C.C.
- That the existing structure proposed to be demolished will not be demolished or necessary Phase Programme will not be submitted and got approved before C.C.
- 9 That extra water & sewerage charges shall not be paid to A.E.W.W. 'D' Ward and certificate to that effect shall not be submitted before issue of C.C.
- That the structural engineer will not be appointed. Supervision memo as per Appendix-XI [Regulation 5(3)(ix)] will not be submitted by him.
- That the structural design and calculations for the proposed work accounting for seismic analysis as per relevant I.S. Code and for existing building showing adequacy thereof to take up additional load along with bearing capacity of the soil strata will not be submitted before C.C.
- That the sanctioned lines will not be got demarcated at site through A.E.(Survey)/ E.E.(T&C) before applying for C.C.
- That the qualified/Registered Site supervisor through Architect/Structural Engineer will not be appointed before applying for C.C.
- That the premium/deposits as follows will not be paid (a) Condonation of deficient open spaces (b) Development charges as per M.R.& T.P.(Amendment) Act,1992 (c) Labour Welfare Cess (d) Premium for staircase, lift, lift lobby (e) Premium for deficiency in AVS (f) premium for fungible built up area before approving equivalent area (d) Insecticide charges (d) Payment of advance for providing treatment of construction site to prevent epidemic like dengue, malaria etc. to insecticide charges 'D' Ward.
- That the work will not be carried out strictly as per approved plan and in conformity with the Regulations in force.
- That the N.O.C. from electric power supply company for substation shall not be submitted.
- 17 That the specific letter for required area of meter room shall not be submitted before approving equivalent area.
- That the footpath in front of plot shall not be repaired / restored once in a year or before occupation whichever is earlier.
- 19 That the remarks from H.E. Department shall not be submitted.
- That the plot boundary shall not be got demarcated from C.S.L.R. and demarcation certificate shall not be submitted to this office.
- That the precautionary measures to avoid dust nuisance such as erection of G.I. sheet screens at plot boundaries up to reasonable height shall not be provided before demolition of existing structures at site.
- 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.

- 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 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 be complied with.
- 24 That the specification & design of Rain Water Harvesting scheme as per the State Govt.'s directives u/No.TPB-4307/396/CR-124/2007/UD-11 dated 6th June 2007 shall not be submitted.
- 25 That the services of Safety Officer for supervision of safety measures to be carried out on site and submit compliance report regarding safety/ precautionary measures adopted on site shall not be hired.
- That the Third-party insurance shall not be submitted.
- 27 That the registered UT shall not be submitted that the condition shall be incorporated in the sale agreement with prospective buyers that the building under reference is constructed with open spaces deficiency.
- That the Structural stability certificate of mechanical car parking system i.e. parking tower and two level stack parking system shall not be obtained from regd. Structural engineer and stamped undertaking to this effect in respect of structural stability and safety shall not be submitted.
- It is not noted that, if any collapse/ accident/ untoward incident happens regarding the premises under reference, the entire responsibility for the same will rest with the Architect and owner/ developers.
- That the consent from respective tenant and NOC from M.B.R.&.R. Board for splitting of tenancy and allotment of residential tenement to N.R. tenants shall not be submitted.
- That the U.G. tank slab shall not be flush with the ground level and structural stability certificate for U.G. tank slab for manoeuvring of vehicle shall not be submitted.
- That the debris shall not be managed in accordance with the provision of construction and demolition waste Management Rules 2016.
- That the NOC to C.C. from MHADA shall not be submitted.
- That the conditions and directions specified in the order of Hon. Supreme Court dated 15.03.2018 in Dumping Ground case shall not be complied with.
- That adequate safeguards shall not be employed in consultation with SWM Dept. of M.C.G.M. for preventing dispersal of particles through air and the construction debris generated shall be deposited in specific sites inspected and approved by M.C.G.M.
- That the registered Private Pest Control Agency for providing anti larval treatment at the construction site shall be appointed.
- That the necessary remarks for construction of SWD will not be obtained from Dy.Ch.Eng.(S.W.D.) City / consultant before asking for plinth C.C.
- That the N.O.C. from Dy.Ch.E.(S.P.) P&D / consultant for proposed sewer line shall not be submitted before C.C.
- That the sanitary arrangements shall not be carried out as per Municipal Specifications, and drainage layout will not be submitted before C.C.
- That the fresh Tax Clearance Certificate from A.A. & C ' D ' Ward shall not be submitted.

- That the comprehensive Registered undertaking as per EODB shall not be submitted.
- That the comprehensive indemnity bond as per EODB shall not be submitted.
- That the registered undertaking stating that the service duct / chajja / E.D. / F.D. / part terrace / pocket terrace will not be misuse shall not be submitted.
- That the registered undertaking stating that constructed Yogalaya or Fitness Centre shall be handed over to proposed Co-Operative Housing Society/Apartment Owners Association. The centre shall not be used for any purpose other than for fitness centre activities and Reading Room. The Yogalaya or Fitness Centre activities shall be exclusively confined for to the members of the concerned housing society or an Apartment Owners Association. The ownership of the premises of the Yogalaya or Fitness Centre shall vest only with the concerned society or the apartment owner's association as the case may be, shall be submitted.
- That the registered undertaking for handing over Society Office to the Society / Association shall not be submitted.
- That the Indemnity bond against no nuisance due to contravening toilets shall not be submitted.
- That the registered undertaking for apprising the prospective buyers regarding contravening toilets shall not be submitted before C.C.
- That the registered undertaking for not misusing the void / space below ramp shall not be submitted before C.C.
- That the remarks from consultant for mechanical light and ventilation for AVS / basement / toilets in all the N.R. tenement / ventilation of N.R. No. 7, 13 and 32 at ground floor shall not be submitted.
- That the condition shall not be incorporated in agreement with the tenant regarding area of N.R. tenement less than 6.00 sq.mt. being rehab tenant.
- That the NOC from U. D. department for demolition and re-construction of existing temple shall not be submitted before demolition of existing temple.
- That the payment as per schedule of installment granted by Dy.Che.Eng.(B.P.) City under No. CHE/CTY/1004/337 dated 27.05.2022 shall not be made.

#### B: FOR LABOUR CAMP / TEMPORARY SHED

1 Nil

#### C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

- 1 That the dimensions of plinth / stilt and height shall not be got checked by this office staff.
- That set back land free of compensation and free of any encumbrance shall not be handed over to and possession receipt shall not be submitted from Assistant commissioner of the 'D' ward.
- 3 That the Material testing report shall not be submitted.
- That the supervision certificate shall be submitted periodically i.e. every 3 months from the L.S./Engineer/Structural Engineer/Supervisor or Architect as the case may be as per D.C.Reg. 5(3)(ix) regarding satisfactory construction on site.
- That the application for separate P.R.C. in the name of M.C.G.M. for road set back in the layout shall not be submitted.

- 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.
- 7 That every year before onset of the monsoon / revalidation of C.C., structural stability certificate of the work executed on site shall not be submitted.
- That all the structural members below the ground shall be designed considering the effect of chlorinated water, sulphar water, seepage water, etc. and any other possible chemical effect and due care while constructing the same will be taken and completion certificate to that effect shall not be submitted before granting further C.C. beyond plinth.
- 9 That the NOC from MHADA for granting further C.C. shall not be submitted.
- That the NOC from MOEF shall not be submitted before asking C.C. beyond gross built up area of 20,000 sq.mt.

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

- 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 from the date of its payment.
- 2 That some of the drains will not be laid internally with CI Pipes.
- That the dust bin will not be provided as per C.E.'s circular No. CE/9297/II of 26/6/1978.
- That the dry & wet garbage shall not be separated & the wet garbage generated in the bldg. shall not be treated separately on the same plot by the residents/occupants of the bldg. in the jurisdiction of M.C.G.M. The necessary condition in sale agreement to the effect shall not be incorporate by the Developer/Owner.
- That the surface drainage arrangement will not be made in consultation with EE(SWD)/consultant or as per his remarks and a completion certificate will not be obtained and submitted before applying for Occupation Certificate/BCC.
- That the surrounding open spaces, parking spaces and terrace will not be kept upon and un-built upon and will not be levelled and developed before requesting to grant permission to occupy the building or submitting the BCC whichever is earlier.
- 7 That the name plate/Board showing Plot No., Name of the building etc., will not be displayed at a prominent place.
- The carriage entrance shall not be provided as per design of registered structural engineer and carriage entrance permission shall not be submitted (with payment receipt) to this office.
- 9 That the parking spaces shall not be provided as per regulation 44 of DCPR 2034.
- That the NOC from Inspector of Lifts., PWD., Maharashtra, will not be obtained and submitted to this office.
- 11 That the Drainage completion certificate for provision of Internal Drainage line and house drain will not be submitted.
- 12 That the separate P. R. Card in the name of MCGM for road set back and fresh Property card in the name of the owner shall not be submitted.
- 13 That the vermiculture bins for the disposal of wet waste as per design and specification of organization

or companies specialized in this field as per list furnished by Solid Waste Management of MCGM shall not be provided.

- 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.
- That the following documents shall be compiled, preserved and handed over to the end user / prospective society within a period of 30 days in case of redevelopment properties and in other cases, the same should be handed over within a period of 90 days after granting occupation certificate by M.C.G.M. a) Ownership documents b) Copies of I.O.D., C.C., subsequent amendments, O.C.C., B.C.C. and corresponding canvass mounted plans. c) Copies of soil investigation reports. d) R.C.C. details and canvass mounted structural drawings. e) Structural Stability Certificate from Licensed Structural Engineer. e) Structural Audit Reports. f) All details of repairs carried out in the buildings. g) Supervision certificate issued by the Licensed Site Supervisor. i) Building Completion Certificate issued by Licensed Surveyor/Architect. j) NOC and completion certificate issued by the C.F.O. Fire safety audit carried out as per the requirement of CFO.
- That the certified copy of sale agreement incorporating the following conditions shall not be submitted to this office: That the prospective society / end user shall not preserve & maintain the following documents / plans received from Owner/ Developer/Architect and subsequently carry out necessary repairs/structural audit/fire audit at regular interval and also present periodical structural audit reports and repair history, similarly to check and to carry out fire safety audit time to time as per requirement of C.F.O. through the authorized agency of M.C.G.M.
- The registered undertaking and indemnity bond shall not be submitted stating that the conditions mentioned at Sr. No.15 and 16 above will be incorporated it the same agreement and the same will be informed to be prospective society/end user.
- That the supervision ce<mark>rtificate</mark> shall be submitted periodically i.e. every 3 months from the L.S./Engineer/Structural Engineer/Supervisor or Architect as the case may be as per D.C.Reg. 5(3)(ix) regarding satisfactory construction on site.
- 19 That 3.00 M. wide paved pathway up to staircase will not be provided.
- That final N.O.C from concerned authorities / empanelled consultants for a) S.W.D b) Parking c)
  Sewerage d) Water Works e) CFO /Fire Fighting Provisions f) Tree authority g) Hydraulic Engineer h)
  MHADA shall not be submitted before occupation.
- 21 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- That every part of the building construction and more particularly overhead tank will not be provided as with the proper access for the staff of Insecticide Officer with a provision of temporary but safe and stable ladder etc.
- That structural engineer's final stability certificate along with up-to-date licensed copy and drawing shall not be submitted.
- That the NOC from civil aviation for height of building 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 31 May day of 2023 but not so as to contrivance any of the provision of the said Act, as amended as aforesaid or any rule, regulations or bye-law made under that Act at the time In force.

Your attention is drawn to the Special Instructions and Note accompanying this Intimation of Disapproval.

Executive Engineer, Building Proposals, Zone, Wards.

#### SPECIAL INSTRUCTIONS

- 1. THIS INTIMATION GIVES NO RIGHT TO BUILD UPON GROUND WHICH IS NOT YOUR PROPERTY.
- 2. Under Section 68 of the Bombay Municipal Corporation Act, as amended, the Municipal Commissioner for Greater Mumbai has empowered the City Engineer to exercise, perform and discharge the powers, duties and functions conferred and imposed upon and vested in the Commissioner by Section 346 of the said Act.
- 3. Under Byelaw, No. 8 of the Commissioner has fixed the following levels:-

"Every person who shall erect as new domestic building shall cause the same to be built so that every part of the plinth shall be-

- a) Not less than, 2 feet (60 cms.) above the center of the adjoining street at the nearest point at which the drain from such building can be connected with the sewer than existing or thereafter to be- laid in such street
- b) Not less than 2 feet (60 cms.) Above every portion of the ground within 5 feet (160 cms.)-of such building.
- c) Not less than 92 ft. ([!TownHall]) above Town Hall Datum.
- 4. Your attention is invited to the provision of Section 152 of the Act whereby the person liable to pay property taxes is required to give notice of erection of a new building or occupation of building which has been vacant, to the Commissioner, within fifteen days of the completion or of the occupation whichever first occurs. Thus compliance with this provision is punishable under Section 471 of the Act irrespective of the fact that the valuation of the premises will be liable to be revised under Section 167 of the Act, from the earliest possible date in the current year in which the completion on occupation is detected by the Assessor and Collector's Department.
- 5. Your attention if further drawn to the provision of Section 353-A about the necessary of submitting occupation certificate with a view to enable the Municipal Commissioner for Greater Mumbai to inspect your premises and to grant a permission before occupation and to leavy penalty for non-compliance under Section 471 if necessary.
- 6. Proposed date of commencement of work should be communicated as per requirements of Section 347 (1) (aa) of the Bombay Municipal Corporation Act.
- 7. One more copy of the block plan should be submitted for the Collector, Mumbai Suburbs District.

8. Necessary permission for Non-agricultural use of the land shall be obtained from the Collector Mumbai Suburban District before the work is started. The Non-agricultural assessment shall be paid at the site that may be fixed by the Collector, under the Land Revenue Code and Rules there under.

Attention is drawn to the notes Accompanying this Intimation of Disapproval.



No. EB/CE/ /BS /A/

#### **NOTES**

1) The work should not be started unless objections are complied with

- 2) A certified set of latest approved plans shall be displayed on site at the time of commencement the work and during the progress of the construction work.
- 3) Temporary permission on payment of deposit should be obtained any shed to house and store for construction purpose, Residence of workmen shall not be allowed on site. The temporary structures for storing constructional material shall be demolished before submission of building completion certificate and certificate signed by Architect submitted along with the building completion certificate.
- 4) Temporary sanitary accommodation on full flushing system with necessary drainage arrangement should be provided on site workers, before starting the work.
- 5) Water connection for constructional purpose will not be given until the hoarding is constructed and application made to the Ward Officer with the required deposit for the construction of carriage entrance, over the road side drain.
- 6) The owners shall intimate the Hydraulic Engineer or his representative in Wards atleast 15 days prior to the date of which the proposed construction work is taken in hand that the water existing in the compound will be utilised for their construction works and they will not use any Municipal Water for construction purposes. Failing this, it will be presume that Municipal tap water has been consumed on the construction works and bills preferred against them accordingly.
- 7) The hoarding or screen wall for supporting the depots of building materials shall be constructed before starting any work even though no materials may be expected to be stabled in front of the property. The scaffoldings, bricks metal, sand preps debris, etc. should not be deposited over footpaths or public street by the owner/ architect /their contractors, etc without obtaining prior permission from the Ward Officer of the area.
- 8) The work should not be started unless the manner in obviating all the objection is approved by this department.
- 9) No work should be started unless the structural design is approved.
- 10) The work above plinth should not be started before the same is shown to this office Sub-Engineer concerned and acknowledgement obtained from him regarding correctness of the open spaces & dimension.
- 11) The application for sewer street connections, if necessary, should be made simultaneously with commencement of the work as the Municipal Corporation will require time to consider alternative site to

avoid the excavation of the road an footpath.

- 12) All the terms and condition of the approved layout /sub-division under No. of should be adhered to and complied with.
- 13) No Building /Drainage Completion Certificate will be accepted non water connection granted (except for the construction purpose) unless road is constructed to the satisfaction of the Municipal Commissioner as per the provision of Section 345 of the Bombay Municipal Corporation Act and as per the terms and conditions for sanction to the layout.
- 14) Recreation ground or amenity open space should be developed before submission of Building Completion Certificate.
- 15) The access road to the full width shall be constructed in water bound macadam before commencing work and should be complete to the satisfaction of Municipal Commissioner including asphalting lighting and drainage before submission of the Building Completion Certificate.
- 16) Flow of water through adjoining holding or culvert, if any should be maintained unobstructed.
- 17) The surrounding open spaces around the building should be consolidated in Concrete having broke glass pieces at the rate of 12.5 cubic meters per 10 sq. meters below payment.
- 18) The compound wall or fencing should be constructed clear of the road widening line with foundation below level of bottom of road side drain without obstructing flow of rain water from adjoining holding before starting the work to prove the owner's holding.
- 19) No work should be started unless the existing structures proposed to be demolished are demolished.
- 20) The Intimation of Disapproval is given exclusively for the purpose of enabling you to proceeds further with the arrangements of obtaining No Objection Certificate from the Housing Commissioner under Section 13 (h) (H) of the Rent Act and in the event f your proceeding with the work either without an intimation about commencing the work under Section 347(1) (aa) or your starting the work without removing the structures proposed to be removed the act shall be taken as a severe breach of the conditions under which this Intimation of Disapproval is issued and the sanctioned will be revoked and the commencement certificate granted under Section 45 of the Maharashtra Regional and Town Planning Act 1966, (12 of the Town Planning Act), will be with drawn.
- 21) If it is proposed to demolish the existing structures be negotiations with the tenant, under the circumstances, the work as per approved plans should not be taken up in hand unless the City Engineer is satisfied with the following:
  - i. Specific plans in respect of evicting or rehousing the existing tenants on hour stating their number and the areas in occupation of each.
  - ii. Specifically signed agreement between you and the existing tenants that they are willing to avail or the alternative accommodation in the proposed structure at standard rent.
  - iii. Plans showing the phased programme of constructions has to be duly approved by this office before

starting the work so as not to contravene at any stage of construction, the Development control Rules regarding open spaces, light and ventilation of existing structure.

- 22) In case of extension to existing building, blocking of existing windows of rooms deriving light and its from other sides should be done first starting the work.
- 23) In case of additional floor no work should be start or during monsoon which will same arise water leakage and consequent nuisance to the tenants staying on the floor below.
- 24) The bottom of the over head storage work above the finished level of the terrace shall not be less than 1.20 Mt.and not more than 1.80 mt.
- 25) The work should not be started above first floor level unless the No Objection Certificate from the Civil Aviation Authorities, where necessary is obtained.
- 26) It is to be understood that the foundations must be excavated down to hard soil.
- 27) The positions of the nahanis and other appurtenances in the building should be so arranged as not to necessitate the laying of drains inside the building.
- 28) The water arrangement nut be carried out in strict accordance with the Municipal requirements.
- 29) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Municipal Commissioner for Greater Mumbai, as required in Section 381-A of the Municipal Corporation Act.
- 30) All gully traps and open channel drains shall be provided with right fitting mosquito proof made of wrought iron plates or hinges. The manholes of all cisterns shall be covered with a properly fitting mosquito proof hinged cast iron cap over in one piece, with locking arrangement provided with a bolt and huge screwed on highly serving the purpose of lock and the warning pipes of the rabbet pretested with screw or dome shape pieces (like a garden mari rose) with copper pipes with perfections each not 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/CTY/1004/D/337(NEW)/IOD/1/Amend

Copy To :- 1. GURUNATH V. DIVATE Plot No. 124, Room No. 25, Aashirwad Co. Op. Hsg. Soc., Sector-1, Charkop, Kandivali West, Mumbai-400067.

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