



BRIHANMUMBAI MUNICIPAL CORPORATION

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

No. P-14015/2022/(174A/3)/R/S Ward/AKURLI-R/S/IOD/1/New Dated-
27 December 2023

MEMORANDUM

Municipal Office,
Mumbai

To,

Mahindra Lifespace Developers Ltd

Mahindra Tower, 5th Floor, Dr. G.M. Bhosale Marg, Worli, Mumbai - 18

With reference to your Notice 337 (New), letter No. 13.12.2022 dated. 13/12/2022 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed Development of plot bearing C.T.S. No. 174/A/3 of Village Akurli situated at Akurli Road, Kandivali (East), Mumbai- 400101. 174A/3 furnished to me under your letter, dated 13/12/2022. 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 construction area shall not exceed 20,000 sq.mt. Without obtaining NOC from MOEF
- 2 That the Janata Insurance Policy shall not be submitted.
- 3 That the work shall not be carried out between 6.00am to 10.00pm only 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.
- 4 That the Board shall not be displayed showing details of proposed work, Name of Owner, Developer, Architect, R.C.C. consultant etc.
- 5 That the structural design including provision of seismic/wind load & calculations shall not be submitted before C.C.
- 6 That the appointment and acceptance of all consultants as per E.O.D.B shall not be submitted.
- 7 That the commencement certificate under Sec.44/69(1)(a) of the M.R. & T.P. Act shall not be obtained before starting the proposed work.
- 8 That the NOC from Tree Authority shall not be submitted

- 9 That the bore well shall not be constructed in consultation with HE will not be submitted.
- 10 That the NOC from Collector (MSD) for excavation for foundation shall not be submitted.
- 11 That the NOC from AE (Environment) for debris removal shall not be submitted.
- 12 That the SWM NOC shall not be obtained before actual demolition of existing building.
- 13 That the compliance of Hon. Supreme court order dated 15/03/2018 in SPL (Civil)no. D23708 of 2017 shall not be submitted.
- 14 That the adequate safeguard shall not be deployed by developer/ builder for preventing dispersal of particles in air as per Hon. S.C. order in dumping ground matter.
- 15 That the precautionary measures to avoid dust nuisance such as erection of G.I. sheet screens at plot boundaries upto reasonable height shall not be provided before demolition of existing structures at site.
- 16 That the adequate safeguards should not be employed for preventing dispersal of (dust) particles/ particles through the Air (or even otherwise) & adequate record shall not be maintained & uploaded for every single trip for disposal of C&D waste, at the time of loading the C&D waste in vehicle, after loading the C&D waste in the vehicle during the hauling.
- 17 The construction debris generated from this particular site, shall not be transported & deposited in specific site.
- 18 That the construction site & landfill site shall not be inspected by the Licensed Architect/ Licensed Engineer, the compliance report thereof shall not be uploaded, any breach in respect of the same will not entail the cancellation of the building permission or the IOD & the work will not be liable to be stopped immediately.
- 19 That the construction is being permitted with a condition that the debris shall not be deposited on pre-identified site with due consent / NOC of the land Owner.
- 20 That the probable quantity of C&D Waste should not be indicated in advance prior to commencement of work & incase the quantity is within 20 MT for small generators, the C&D Waste shall not be disposed off in accordance with the 'debris on call system', in consultation with AE (Env.) of Ward Concerned & certificate from AE(Env) of the Ward Concerned shall not be submitted to that effect 20 That C&D Waste of large scale above 20 MT shall not be disposed off as per Waste management plan approved by SWM department & as per Construction and Demolition Waste Management Rules 2016.
- 21 That in the event the consent given by the disposal site owner / authority is revoked for any reasons, and/ or in the event the time limit during which disposal site was available gets expired, the relevant construction activity shall not be stopped & show cause notice shall not be given & till such time Waste Management Plan/ Debris Management plan is amended to provide the new site for dumping of C&D Waste and got approved online, construction work shall not be recommenced.
- 22 That the valid Bank Guarantee of Rs. 50,00000/- 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.
- 23 That any officer of MCGM/ Monitoring Committee shall not be entitled to inspect the record of grant of IOD, visit & inspect landfill sites, as well as, MCGM Officers/ Monitoring Committee shall not be entitled to bring to the notice of MCGM any breach in the IOD conditions. The order passed by MCGM on the reported breaches shall not be final & binding.

- 24 That the no dues pending certificate from AE(WW) R/South shall not be submitted.
- 25 That the NOC from A.A & C R/ South ward shall not be submitted. That the remarks form E.E.(SWD), H.E., E.E.(Sewerage), Tree Authority, M&E Consultant shall not be submitted before C.C
- 26 That the developer/owner shall not demolish the structure/Building proposed to be demolished by following the guidelines proposed in the Indian Standard Code no. IS 4130:1991 amended upto date in respect of Demolition of Building-Code of safety under the supervision of approved structural Engineer duly registered with BMC.
- 27 That the Remarks, design, planning etc. from the respective consultant shall not be submitted for following before CC.: a. Internal SWD. b. Rainwater harvesting c. Internal drainage works.
- 28 That the capacity of overhead tank shall not be provided as per 'P' form issued by department of Hydraulic Engineer and structural design to that effect admitted before requesting to grant commencement certificate.
- 29 That the notice under Sec.347 (1)(a) of the Mumbai Municipal Corporation Act shall not be sent for intimating the date of commencement of the work.
- 30 That this office shall not be intimated in prescribed proforma for checking the opens spaces and building dimensions as soon as the work upto plinth is completed.
- 31 That the requisitions as per Reg. 11, 12(4) & 12(5) of DCPR shall not be complied with during tenure of project and Indemnity bond Indemnifying BMC to that effect shall not be submitted.
- 32 That the qualified/ registered Site Supervisor will not be appointed before applying for C.C.
- 33 The registered undertaking regarding following shall not be submitted before asking for the C.C. i. The RUT shall not be submitted by developer/owner for payment of difference in premium paid and calculated as per revised land rates. ii. That RUT for not misusing the part/pocket terraces area and area claimed free of FSI will not be submitted. iii. For compliance of all IOD conditions shall not be submitted. iv. That building u/no. is deficient in open space & BMC will not be held liable for the same in future. v. Agreeing that there is no contiguous holding/ piece of land with land under development. vi. That the area reserved for parking shall not be used/ utilised for the purpose of parking only and excess parking space will not be counted in FSI. 34.
- 34 Indemnity bond indemnifying the Corporation and its officers for following will not be submitted before C.C. a) Against any action pending on existing structure. b) Against any legal dispute of plot, ownership. c) Damages, risk, accidents etc. & nuisance to occupier & neighbourhood during construction. d) Against any litigation, Claims, disputes arising out the proposed inadequate size of rooms if any. e) Against inconvenience caused due to mechanised stack parking.
- 35 That the amenity area shall not be handed over to BMC.
- 36 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 R/south ward.
- 37 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
- 38 That the application for separate P.R.C. in the name of BMC. for road set back /D.P. Road/Amenity space in the layout shall not be submitted.

- 39 That all the directives stated in Air Pollution Mitigation Guideline Circular u/No. MGC/F/1102 dtd 25.10.2023 shall be strictly followed and Compliance report to that effect shall be submitted time to time.

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

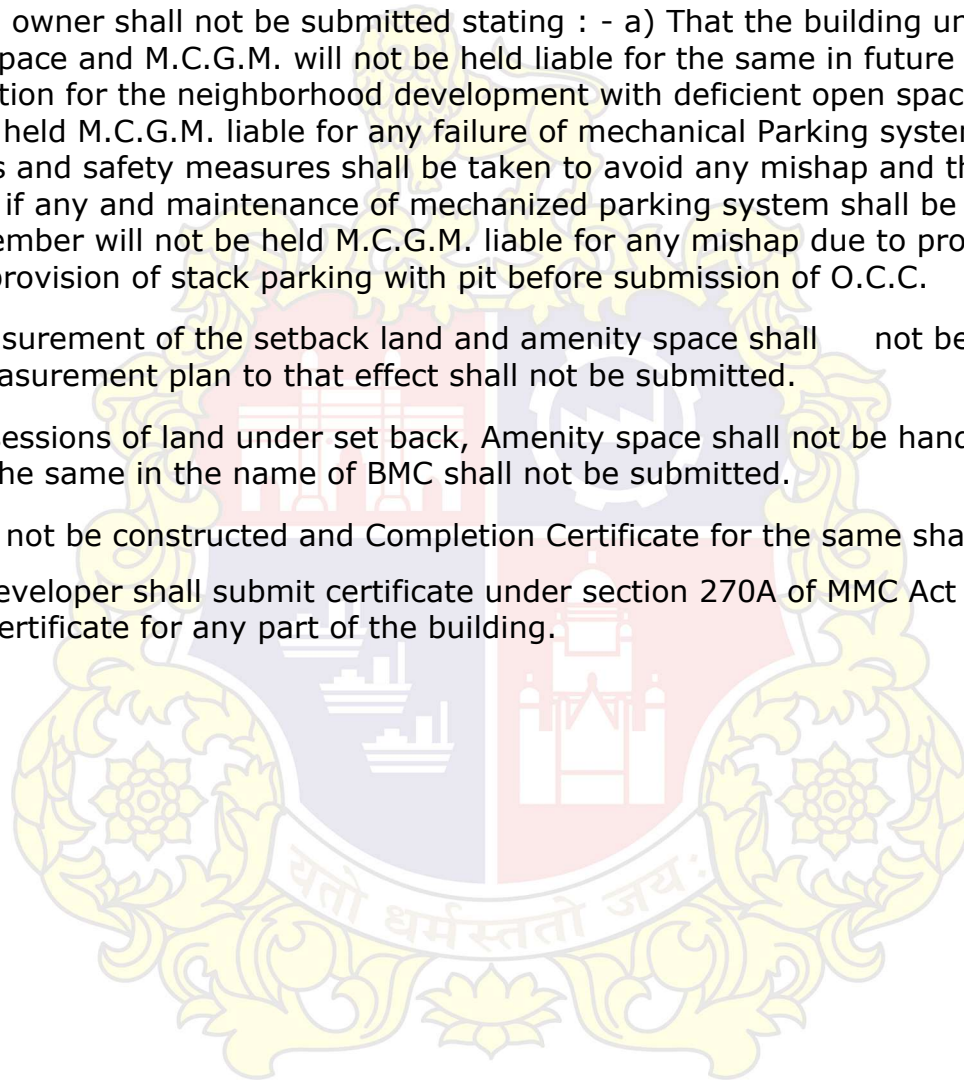
- 1 That the plinth dimensions shall not be got checked from this office before asking for further C.C. beyond plinth.
- 2 That the Structural stability certificate through Regd. Structural Engineer regarding stability of constructed plinth shall not be submitted before asking for C.C. beyond plinth.
- 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 That the N.O.C. from Civil Aviation Department shall not be obtained for the proposed height of the building.

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

- 1 That the Final structural Stability Certificate and Structural Drawings shall not be submitted.
- 2 That B.C.C. will not be obtained and I.O.D. and Debris deposit etc. shall not be claimed for refund within period of 6 years.
- 3 That the open spaces as per approval, parking spaces and terrace shall not be kept open.
- 4 That the name plate/board showing Plot No., Name of the Bldg. etc. shall not be displayed at a prominent place.
- 5 That carriage entrance shall not be provided as per design of registered structural engineer and carriage entrance fee shall not be paid.
- 6 That terraces, sanitary blocks, nahanis in kitchen will not be made Waterproof and same will not be provided by method of pounding and all sanitary connections shall not be leak proof and smoke test shall not be done in presence of licensed plumber.
- 7 That final N.O.C. from concerned authorities / empanelled consultants for a)S.W.D. b)Water Works c)CFO / Fire Fighting Provisions d)Tree authority e)Lift Completion certificate f) A.A & C R/ South shall not be submitted before occupation.
- 8 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 9 That final plans shall not be submitted along with Notice of Completion of work u/sec. 353A of M.M.C.
- 10 That the dust bin shall not be provided.
- 11 That the completion certificate for Rainwater harvesting shall not be submitted.
- 12 Vermiculture NOC shall not be submitted.
- 13 That the completion certificate from RWH consultant for effective completion and functioning of RWH system shall not be submitted and quantum of Rainwater harvested from RWH completed scheme on

site shall not be uploaded on RWH tab in oline autoDCR system.

- 14 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.
- 15 That the Mechanized parking system shall not be equipped with electric sensor devices and also proper precautions & Safety measures shall not be taken to avoid any mishap & the damages occurred due to flooding in pit if any & maintenance of Mechanized parking system shall not be done regularly and registered undertaking & indemnity bond to that effect shall not be submitted.
- 16 That the RUT from owner shall not be submitted 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 owner agree for no objection for the neighborhood development with deficient open space in future. c) That the owner will not held M.C.G.M. liable for any failure of mechanical Parking system in future and proper precautions and safety measures shall be taken to avoid any mishap and the damages occurs due flooding in pit if any and maintenance of mechanized parking system shall be done regularly. d) That the buyer/member will not be held M.C.G.M. liable for any mishap due to provision of additional height of stilt for provision of stack parking with pit before submission of O.C.C.
- 17 That the joint measurement of the setback land and amenity space shall not be carried out through DILR and joint measurement plan to that effect shall not be submitted.
- 18 That the final possessions of land under set back, Amenity space shall not be handed over to BMC and separate PRC for the same in the name of BMC shall not be submitted.
- 19 That the STP shall not be constructed and Completion Certificate for the same shall not be submitted.
- 20 That the Owner/Developer shall submit certificate under section 270A of MMC Act before asking BCC/Occupation Certificate for any part of the building.



- () 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 26 December 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.

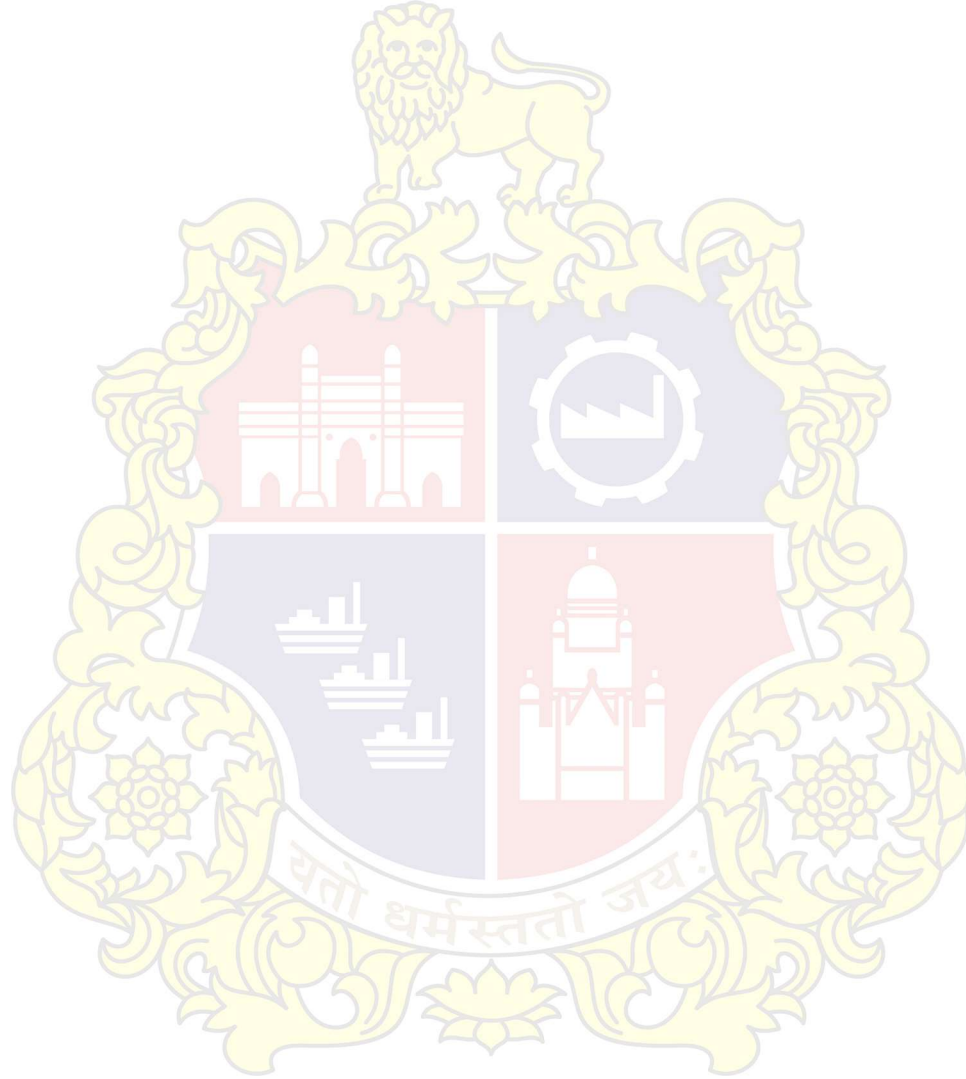
5. Your attention if further drawn to the provision of Section 353-A about the necessary of submitting occupation certificate with a view to enable the Municipal Commissioner for Greater Mumbai to inspect your premises and to grant a permission before occupation and to levy penalty for non-compliance 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.



avoid the excavation of the road and 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 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.

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

P-14015/2022/(174A/3)/R/S Ward/AKURLI-R/S/IOD/1/New

- Copy To :-
1. SHASHIKANT LAXMAN JADHAV
B-106, NATRAJ BLDG., MULUND (W)
 2. Asst. Commissioner R/S Ward.
 3. A.E.W.W. R/S Ward,
 4. Dy.A & C. Western Suburb II
 5. Chief Officer, M.B.R. & R. Board R/S Ward .
 6. Designated Officer, Asstt. Engg. (B. & F.) R/S Ward ,
 7. The Collector of Mumbai

