

U/S 346 OF MMC ACT

Intimation of Disapproval upto Plinth under Section 346 of the Mumbai Municipal Corporation Act, as amended upto-date for work upto Plinth

No. CHE / WS / II / 0933 / R/C / 337 (NEW) 28 JUN 2016

THIS I.O.D./O.C. IS ISSUED SUBJECT TO THE PROVISIONS OF URBAN LAND CELING AND REGULATIONS ACT 1978

MEMORANDUM

TO,

M/s. Magathane Teenmurti CHS Ltd,
Building No. 17, MHB Colony,
Jay Maharashtra Nagar,
Borivali (East), Mumbai.

With reference to your Notice u/a 337 of MMC act submitted with letter No. 126 dated 21/03/2016 and delivered on 21/03/2016 and the plans, sections Specifications and Description and further particulars and details of your buildings at **proposed redevelopment of existing building No. 17, known as "Magathane Teenmurti CHSL" on plot bearing C.T.S. No. 197, of Village Magathane, at Magathane, MHADA Layout, at Borivali (East), Mumbai**, furnished to me under your letter dated 21/03/2016, I have to inform you that I cannot approve 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 upto-date, my disapproval by reasons thereof :-

A. BEFORE STARTING THE WORK:

1. The construction area shall be exceeding 20,000 Sq. M. without obtaining NOC from MOEF.
2. The NOC from High rise Committee / MC shall not be obtained before Commencement work beyond plinth.
3. That the Janata Insurance Policy shall not submitted.
4. That the requisitions of clause 45 & 46 of DCR 1991 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.
5. That the bore well shall not be constructed in consultation with H.E.
6. That the work shall not be carried out between sunrise and sunset and the provision of notification issued by Ministry of Environment and Forest department dated 14.02.2000 and Rules framed for noise pollution (Regulation & Control) Rules 2000 shall be duly observed.
7. That the Board shall not be displayed showing details of proposed work, name of owner, developer, architect, R.C.C. consultant etc.
8. That the necessary deposit for hoarding or the flex of size 8' to 10' for the advertisement of proposal shall not be made by you.

{ } 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 27 JUN 2017 day of 200, but not so as to contravene 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.

28 JUN 2016
M. Bhanu
 28-6-16
 Executive Engineer, Building Proposals,
 Zone
 Wards
BUILDING PROPOSAL (W.S.) R-WARD
SPECIAL INSTRUCTIONS.

(1) THIS INTIMATION GIVEN 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 a 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 centre 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. () meters 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 or 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) (a) of the Bombay Municipal Corporation Act.

(7) One more copy of the block plan should be submitted for the Collector, Mumbai Suburban District.

(8) Necessary permission for Non-agricultural use of the land shall be obtained from the Collector of 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 thereunder.

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

9. That the requirements of N.O.C. of following departments shall not be submitted,
 - a) Tree authority
 - b) E.E. (S.W.D.)
 - c) E.E. (SEW) (P & D)
 - d) Hydraulic Engineer (H.E.)
 - e) P.C.O.
 - f) A.E. (Environment) for removal of debris
 - g) A.A. & C. (R/Central)
 - h) Vermiculture Bin
 - i) E.E. (W.W.)
10. That the remarks by following consultants shall not be submitted.
 - a) Internal SWD
 - b) Internal Drainage
 - c) Internal water works and rain water harvesting.
 - d) Horticulture
 - e) Solid waste management plan
11. That the following consultant shall not be appointed for the work and their appointment and acceptance letter alongwith their licensed copy, identification and pan card shall not be submitted.
 - a) Structural Engineer
 - b) Site Supervisor
 - c) Licensed Plumber (SWD, Water, SP)
 - d) Horticulturist
 - e) Rain Water Harvesting
 - f) PCO
 - g) SWM
 - h)
12. That the Registered Comprehensive undertaking from the developer agreeing to the terms and conditions of the IOD shall not be submitted.
13. That the registered Comprehensive Indemnity executed by the Owner / Developer shall not be submitted.
14. That the specification for layout/D.P. road/or access roads/ development of setback land will not be obtained from E.E. Road Construction (W.S.) before starting the construction work and the access and setback land will not be developed accordingly including providing street lights and S.W.D. and the completion certificate will not be obtained from E.E. (R.C.) / E.E. (S.W.D) of W.S. / E.E. (T & C) before submitting B.C.C.
15. That an affidavit from the owner along with the certificate from the advocates who have certified the title of the property shall not be

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submitted stating that the written consent of more than 70% of the tenants/occupants have been obtained for the proposed development.

16. That the structural stability certificate from structural engineer for the carriageway entrance shall not be submitted.
17. That the demarcation of reservation of D.P. reservation of 'P.G.' as per SRDP 1991 & as per re-allocation approved by Hon'ble M.C. U/No. CHE/22038/DPWS/P & R dated 15.03.2012 shall not be obtained.

B. FOR LABOUR CAMP / TEMPORARY SHED:

1. That the exact location of the Temporary Shed / Labour Camp at the premises situated at **building No. 17, known as "Magathane Teenmurti CHS Ltd." On plot bearing C.T.S. No. 197, of Village Magathane, at Magathane, MHADA Layout, at Borivali (East), Mumbai** shall not be shown in the accompanying sketch of the proposed temporary shed / labour camp.
2. That the material for side and top covering used for the Temporary Shed / Labour Camp shall not be either tarpaulin or G.I. sheets.
3. That this temporary shed / labour camp shall not be constructed in such a manner that the same can be easily removed after the expiry of the temporary permission.
4. That you shall do any sort of pucca or permanent construction of any nature on this temporary permission.
5. That the temporary shed shall not be constructed to the approved size and measurement and shall exceed the permitted area.
6. That you shall not pay the sum of Rs. 10000/- (Rupees Ten Thousand Only) as a security deposit which may be forfeited in the extent of your failure to comply with any of the condition mentioned herein.
7. That you shall not pay the sum of Rs. 10000/- (Rupees Ten Thousand Only) as deposit covering the charges for the removal of temporary shed at your risk and cost if you fail to remove the shed on or before the date of expiry of the temporary permission.
8. That the permission shall not be effective upto completion of the project.
9. That you shall not intimate the Municipal authorities in writing immediately after the shed is removed by you on before the expiry date.
10. That in case of your failure to remove the Temporary Shed / Labour Camp on or before the date of expiry, you will not allow Municipal authorities to remove the same at your risk and cost without notice and you will not

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D. GENERAL CONDITIONS BEFORE O.C.

1. That the low lying plot will not be filled up to a reduced level of at least 27.55M Town Hall Datum or 0.15m above adjoining road level whichever is higher with murrum, earth, boulders etc. and will not be leveled, rolled, consolidated and sloped towards road side.
2. That the dust bin will not be provided.
3. That 3.00M wide paved pathway up to staircase will not be provided.
4. That the open spaces as per approval, parking spaces and terrace will not be kept open.
5. That the name plate / board showing Plot No., Name of the Bldg. etc. will not be displayed at a prominent place.
6. That carriage entrance shall not be provided as per design of registered structural engineer and carriage entrance fee shall not be paid.
7. That terraces, sanitary blocks, nahani sink it chin 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 shall not be submitted before occupation.
 - a) S.W.D.
 - b) Parking
 - c) Sewerage
 - d) Water Works
 - e) CFO/Fire Fighting Provisions
 - f) Tree authority
 - g) Hydraulic Engineer
9. That Structural Engineer's laminated final Stability Certificate along with up-to-date License copy and R.C.C. design canvas plan shall not be submitted.
10. 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.
11. That canvas mounted plans shall not be submitted along with Notice of Completion of work u/sec. 353A of M.M.C. Act for work completed on site.
12. That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.

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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 deposited should be obtained for any shed to house and store for constructional 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 a 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 for 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 Asstt. Commissioner 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 at least 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 utilized for their construction works and they will not use any Municipal Water for construction purposes. Failing this, it will be presumed 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 stored 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 Asstt. Commissioner of the area.
- 8] The work should not be started unless the manner in obviating the entire objection is approved by this department.
- 9] No work should be started unless the structural design is given by the structural Engineer.
- 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 or footpath.
- 12] All the terms and conditions of the approved layout/sub-division should be adhered to and complied with.
- 13] No building/Drainage Completion Certificate will be accepted nor water connection granted (except for the construction purposes) unless road is constructed to the satisfaction of the Municipal Commissioner as per the provision of Section 315 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 broken glass pieces at the rate of 125 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] This 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 sanction 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 by negotiations with the tenants, 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 re-housing the existing tenants on hour stating their number and the area 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 construction
- 22] In case of extension to existing building, blocking of existing windows of rooms deriving light and it's from other sides should be done first before starting the work.
- 23] In case of additional floor no work should be started during monsoon which will arise water leakage and consequent nuisance to the tenants staying on the floor below.
- 24] The bottom of the over land storage work above the Finished level of the terrace shall not be more than 1 metre.

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- 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 manholes 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 must 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 tight fitting mosquito proof covers made of wrought iron plates or hinges. The manholes of all latrines 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 screw, on highly setting the purpose of a lock and the warning spires of the rubber-protected with screw or dome shape pieces (like a gardenindari rose) with copper pipes with perforations each not exceeding 1.5 mm. in diameter, the cistern shall be made easily, safely and permanently accessible by 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 and 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] Louvers should be provided as required by Bye-laws No. 5(b)
[b] Lintels or Arches should be provided over Door and Window 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 at your own risk.
- 34) *That the owner/developer and concerned Architect / Licensed Surveyor shall compile and preserve the following documents.
a) Ownership documents.
b) Copies of JOD, C.C. subsequent amendments, O.C.C., B.C.C. and corresponding canvass mounted plans.
c) Copies of Soil investigation reports.
d) RCC details and canvas mounted structural drawings.
e) Structural Stability Certificate from Licensed Structural Engineer.
f) Structural Audit Reports.
g) All details of repairs carried out in the buildings.
h) 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.
k) Fire safety audit carried out as per the requirement of C.F.O.

The above documents / plans shall be handed over to the end user / prospective society within a period of 30 days in case of redevelopment of properties and in other cases, the same should be handed over within a period of 90 days after granting occupation certificate. The prospective society / end user shall preserve and maintain the above said documents / plans and shall preserve and maintain the above said documents / plans and shall also preserve and maintain the subsequent periodical structural audit reports and repair history. Similarly, to check and to carry out fire safety audit time to time as per the requirement of C.F.O. through the authorized agencies of M.C.G.M.

The necessary condition to this effect shall also be incorporated in the sale agreement / supportive agreement so that the end user / prospective society will take over the above said documents from the Developer. End user / prospective society shall carry out necessary repairs / structural audit/fire audits at regular intervals. The registered undertaking and indemnity bond to that effect shall be submitted by the developer and certified copy of the agreement / supportive agreement showing the above conditions shall be submitted to the office of Executive Engineer (Building Proposals).

Bhikhan
28.6.16
28 JUN 2016
EXECUTIVE ENGINEER
BUILDING PROPOSAL (W.S.) R-WARD

COPY TO LICENSED SURVEYOR/OWNER