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and date of this letter

अप्रमूर्त अविचलता आम्हात प्रस्ताव प.ड. रोज
महापालिका हजेरात, सी. विंग, संस्कृती कॉम्प्लेक्स
* * * * * प्लॉट डी.पी रोज, सेंट लॉरेन्स हॉस्पिटल
बोरीवली (पू. मध्य) - 400 01



MUNICIPAL CORPORATION OF GREATER MUMBAI

THIS I.O.D./C.G. IS ISSUED SUBJECT
TO THE PROVISIONS OF URBAN LAND
CEILING AND REGULATIONS ACT 1976

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

No. CHE/7938/BP(WS)/AR

16 AUG 2016

MEMORANDUM

Municipal Office,
Mumbai

To,

SHRI. AJIT.G. THAKKAR OF M/S THAKKAR BUILDERS & DEVELOPERS C.A TO OWNER
GOKUL BUILDING, HARIDAS NAGAR, SHIMOLI ROAD, BORIVALI (WEST) MUMBAI.

With reference to your Notice **337** (New), letter No. **844** dated. **11.04.2008** and the plans, Sections Specifications and description and further particulars and details of your buildings at **PROPOSED BUILDING ON PLOT BEARING F.P.NO 705, 706 OF T.P.S BORIVALI NO -III, VILLAGE BORIVALI, AT BORIVALI (WEST) MUMBAI, *** furnished to me under your letter, dated **11.04.2008**. 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 C.C. under Sec. 44\69 (1) (a) of the M.R.T.P. Act will not be obtained before starting the proposed work.
- 2 That the compound wall will not be constructed on all sides of the plot as per CTS boundary 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 adjoining holding to prove possession of holding before starting the work as per D.C.Reg.No.38(27).
- 3 That the low lying plot will not be filled up to a reduced level of at least 27.55 M Town Hall Datum or 0.15 m above adjoining road level whichever is higher with murum, earth, boulders etc. and will not be leveled, rolled, consolidated and sloped towards road side, before starting the work.
- 4 That the owner/developer shall not submit an affidavit to the effect that there is no rehab on site and its FC FSI is not used for sale by charging premium
- 5 That the Structural Engineer / site supervisor will not be appointed, and supervision memo as per Appendix XI (Regulation 5(3) (ix) will not be submitted by him.
- 6 a) That the structural design as per relevant IS codes including provision of seismic/wind load alongwith or calculations for the proposed work and for existing building showing adequacy thereof to take up additional load shall not be submitted before C.C.
- 7 b) That main beams in R.C.C. framed structure shall not be less than 230 mm wide. The size of the columns shall also not be governed as per the applicable I.S. Codes. (Included in 6 b)
- 8 c) That all the cantilevers (projections) shall not be designed for five times the load as per I.S. code 1993-2002. This also includes the columns projecting beyond the terrace and carrying the overhead water storage tank, etc. (Included in 6 c)
- 9 That the sanitary arrangement for workers shall not be carried as per Municipal Specifications and drainage layout will not be submitted before C.C.
- 10 That the registered undertaking regarding following shall not be submitted before asking for the C.C.
- 11 a) for compliance of all I.O.D. conditions.
- 12 b) Mentioning that meter cabin, Stilt Portion, podium, society office, servants toilet, part/pocket terrace, fitness center, shall not be misused in future

- () 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 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.

THIS L.O.D.A.C. IS ISSUED SUBJECT
TO THE PROVISIONS OF URBAN LAND
SEELING AND REGULATIONS ACT 1978

15 AUG 2017
16 AUG 2016

EXECUTIVE ENGINEER
BUILDING PROPOSAL (W.S.T.R. WARD)

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 82 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 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 necessary of submitting occupation certificate with a view to enable the Municipal Commissioner for Greater Mumbai to inspect your premises and to grant 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.

- 13 c) agreeing to pay the difference in premium paid and calculated as per revised land rates
- 14 d) Mentioning that the Workers employed on site shall be covered under workmen compensation policy till completion of the work and abiding the clauses / sections of building and other construction workers (regulation of employment and conditions of service Act 1996 and Rules framed therein time to time and being in force.
- 15 e) stating that member/prospective buyers shall be made aware about utilization of Fungible F.S.I. and clause to that effect will be incorporated in the flat sale agreement.
- 16 f) Agreeing to comply all the conditions mentioned in the E.E.T & C N.O.C. as under :-
- 17 i) For the Mechanized Parking system / Car Lift shall be equipped with electric sensor devices and also proper precaution and safety majors shall be taken to avoid any mishap and maintenance of the same shall be done regularly.
- 18 ii) Mentioning that MCGM will not be held liable for the damages occurred due to flooding in parking pit if any.
- 19 iii) Mentioning that the area reserved for parking shall be used / utilized for the purpose of parking only.
- 20 g) Mentioning that the clauses will be incorporated in the sale agreement of prospective buyers/members stating:-
- 21 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.
- 22 b. That the buyer / member agree for no objection for the neighbourhood development with deficient open space in future
- 23 c. That the buyer / member will not held M.C.G.M. liable for failure of mechanical Parking system / car lift in future.
- 24 d. That there is inadequate maneuvering space of car parkings and buyer / member will not make any complaint to M.C.G.M. in this regard in future.
- 25 h) Mentioning that the standby arrangement of generator / alternative electric power supply requisite capacity shall be made in case of failure of electric supply.
- 26 i) Undertaking as per note 34 shall not be submitted.
- 27 That the Indemnity Bond indemnifying the Corporation and its officers
- 28 a) against damages, risks accidents etc. to the occupiers and an undertaking regarding no nuisance during construction.
- 29 b) against any litigation, claims, disputes arising out the proposed inadequate size of rooms
- 30 c) against nuisance due to leakage from toilets above shops/ habitable rooms.
- 31 d) against Inconvenience caused due to installation of mechanized stack parking
- 32 e) against any legal complication/matter that may arise due to ownership dispute regarding plot under reference shall not be submitted before C.C.
- 33 That the requirements of N.O.C. of
- 34 a) E.E. (S.W.D.)
- 35 b) E.E. (SEW)
- 36 c) E.E. (W.W.)
- 37 d) E.E.(S.P)
- 38 e) C.F.O.
- 39 f) A.A. & C. (R/Central)
- 40 g) Tree authority
- 41 h) Hydraulic Engineer
- 42 i) A.E. (Environment) for removal of debris
- 43 j) Collector(M.S.D)/N.O.C. for Royalty/filling of land under
- 44 will not be obtained and the requisitions mentioned there in will not be complied with before asking for C.C.

- 45 That extra water and sewerage charges will not be paid to A.E.W.W. R/Central Ward and No dues Pending Certificate shall be submitted before C.C.
- 46 That the development charges as per M.R.T.P. Act (Amendment) Act 1992 and premium towards OSD and all other requisite premiums will not be paid before C.C.
- 47 That the C.T.S. Plan and P.R. Card with area written in words by City Survey department shall not be submitted before C.C. for claiming full plot potential.
- 48 That the provision from Reliance Energy Ltd/ Tata Power / & M.T.N.L. shall not be made.
- 49 That appointment of private pest control agency for anti larval treatment shall not be made before requesting for C.C.
- 50 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.
- 51 That the Janata Insurance Policy shall not be submitted before C.C.
- 52 That the true copy of the sanctioned layout of two plot amalgamation submitted under No. CE/1367/LOR, dated 14.09.1989 along with the Terms and Conditions thereof will not be submitted before requesting for O.C. and compliances thereof will not be done before submission of B.C.C.
- 53 That the requisitions of clause 45 & 46 of DCR 91 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.
- 54 That the soil investigation will not be done and report thereof will not be submitted with structural design before requesting for C.C.
- 55 That the requirement of regulation 40 for educational building & regulation 41 D.C.R. 1991 shall not be incorporated in proposed plan and requirements shall not be complied with before submitting B.C.C.
- 56 That the provisions of Rain Water Harvesting as per the design prepared by approved consultants in the field shall not be made to the satisfaction of Municipal Commissioner while developing plots having area more than 300 sq.m
- 57 That the bore well shall not be constructed in consultation with H.E. and certificate from Ground Water Survey Department/ Authority (GSDA) shall not be submitted before requesting for C.C.
- 58 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 C.C.
- 59 That the additional conditions as per specific remarks for E.E.(T.P.) to avail the length of 10 (2) advantage bearing no EETP/V/BORIVALI-III/703/TPS dtd. 10.05.2016 shall not be complied with before C.C.
- 60 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 14.2.2000 and Rules framed for noise pollution (Regulation & Control) Rules 2000 shall be duly observed.
- 61 That the private doctor shall not be appointed for treatment of Labour/staff on site before requesting for C.C.
- 62 That the Board shall not be displayed showing details of proposed work, name of owner, developer, architect, R.C.C. consultant etc.
- 63 That the water connection for construction purposes will not be taken before C.C.

B: CONDITIONS TO BE COMPILED BEFORE FURTHER C.C

- 1 That the plinth/stilt height shall not be got checked by this office staff.
- 2 That the permission for constructing temporary structure of any nature shall not be obtained.
- 3 That the periodical Material testing report shall not be submitted.
- 4 That the progress report of the work will not be submitted by the Architect.
- 5 That all the structural members below the ground shall not be designed considering the effect of chlorinated water, sulphur 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 insisted before granting further C.C. beyond plinth from the Lic. Structural Engineer.

C: GENERAL CONDITIONS TO BE COMPILED BEFORE O.C

- 1 That 3.05 mt. wide paved pathway upto staircase will not be provided.
- 2 That the surrounding open spaces, parking spaces and terrace will not be kept open.
- 3 That the name plate/board showing Plot No., Name of the Bldg. etc. will not be displayed at a prominent place.
- 4 That carriage entrance shall not be provided and carriage entrance fee shall not be paid.
- 5 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 municipal staff.
- 6 That final N.O.C. from E.E. (S.W.D.). / Lift Inspector/ A.A. & C. R/Central Ward/C.F.O. shall not be submitted before occupation.
- 7 That Structural Engineers laminated final Stability Certificate along with upto date Licence copy and R.C.C. design canvas plan shall not be submitted
- 8 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.
- 9 That the debris shall not be removed before submitting B.C.C
- 10 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.
- 11 That every part of the building constructed and more particularly O.H. tank will not be provided with proper access for staff of P.C.O. office with a provision of safe and stable ladder.
- 12 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 13 That some of the drains shall not be laid internally with C.I. Pipes.
- 14 That the Vermiculture bins for disposal of Wet Waste as per the design and specifications of organizations/ individuals specialized in this field, as per the list furnished by Solid Waste Management Department of M.C.G.M., shall not be provided to the satisfaction of Municipal Commissioner.
- 15 That a sample agreement with prospective buyers/members shall not be submitted before O.C. with clauses stating:-
- 16 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.
- 17 b. That the buyer / member agree for no objection for the neighbourhood development with deficient open space in future.
- 18 c. That the buyer / member will not held M.C.G.M. liable for failure of mechanical Parking system / car lift in future.
- 19 d. That the buyer / member will not held M.C.G.M. liable for the proposed inadequate / sub standard sizes of rooms in future and complaints of whatsoever nature will not be made in future.
- 20 e. That there is inadequate maneuvering space of car parkings and buyer / member will not make any complaint to M.C.G.M. in this regard in future.
- 21 f. That the toilet is existing above shop/habitable room and no complaint regarding leakages if any in future shall be made to MCGM
- 22 That certificate under Sec. 270A of B.M.C. Act will not be obtained from H.E.'s Department regarding adequacy of water supply.
- 23 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.

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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 boarding 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) 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 by 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 hand storage work above the finished level of the terrace shall not be more than 1 metre.
- 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 not 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 rabbit 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 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 as its lower ends in cement concrete blocks;

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EXECUTIVE ENGINEER,
BUILDING PROPOSAL (W.S.) R-WARD

- 31) No broken bottles should be fixed over boundary walls. This prohibition refers only to broken bottles to not to the use of plain glass for coping over compound wall.
- 32) a Louvres should be provided as required by ByeLaw 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.

d. M. W. ...
~~EXECUTIVE ENGINEER~~ Proposals
BUILDING PROPOSAL (WS) II WARD

Copy forwarded for

- 1) Lic. Surveyor
- 2) Owner
- 3) Asstt. Municipal R/S R/C/ R/N ward
- 4) E.W.W. (R/C) (R/N) (R/S)
- 5) E. A. A & C (WS)

d. M. W. ...
Office
~~EXECUTIVE ENGINEER~~
Executive Engineers
Bldg. Proposal (WS) II ward

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