



MUNICIPAL CORPORATION OF GREATER MUMBAI

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

No. P-6166/2020/(275)/R/C
Ward/FP/IOD/1/New

MEMORANDUM

Municipal Office,
Mumbai

To,

Shailesh Ajaypal Rawal partner of M/S Aadhunik developers C.A to Somnath Darshan CHS Ltd ,
Owner.

A/101, Abhay CHS Ltd, Near Don Bosco High School, Link Road, Borivali(W), Mumbai 400091.

With reference to your Notice 337 (New) , letter No. 6912 dated. 17/12/2020 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed redevelopment of building on sub plot no 16 bearing C.T.S No 275/9 of village Borivali bearing corresponding F.P.No 275 (old F.P.No 324) of T.P.S III Borivali at 18.30 mtrs wide 17th T.P.Road Borivali(W), Mumbai 400092. CTS/CS/FP No. 275 furnished to me under your letter, dated 17/12/2020. 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 the Board shall not be displayed showing details of proposed work such as Name of Owner, Developer, Architect/Licensed Surveyor, R.C.C Consultant etc.
- 2 That this IOD shall be used as an instrument to vacate the existing occupants of the building without following due process of law.
- 3 That the Structural Engineer shall not be appointed, supervision memo as per Annexure-V as per DCPR 2034 and RCC design drawings will not be submitted by him.
- 4 That the work shall not be carried out between 6.00 am 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.
- 5 That the requisitions of clause 49 of D.C. P. R. 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.
- 6 That all the payment shall not be paid before requesting C.C.

- 7 That the Bore well shall not be constructed in consultation with H.E.
- 8 That the existing structure proposed to be demolished shall not be demolished or necessary Phase programme will not be submitted and got approved before C.C.
- 9 That the Janata Insurance Policy shall not be submitted.
- 10 That an affidavit from the owner along with the certificate from the advocates who have certified the title of the property shall not be submitted stating that the written consent of more than 70% of the occupants/tenants have been obtained for the proposed development.
- 11 That the Indemnity Bond indemnifying the corporation and its officers against any claims that may arise in future on title of the land shall not be submitted
- 12 That the NOC from Collector (M.S.D)/N.O.C. for Royalty/filling of land shall not be obtained and the requisitions mentioned therein shall not be complied with.
- 13 That the following consultant shall not be appointed for the work and their appointment and acceptance letter alongwith their valid licensed copy, identification and pan card details shall not be submitted before C.C: a) Structural Engineer, b) Site Supervisor, c) Licensed Plumber (SWD, Water, SP), d) Public Health consultant (RWH/PCO/SWM), e) Horticulturist, f) Fire consultant, g) Parking consultant, h) M&E consultant etc.
- 14 That all the conditions in the NOC u/no. 007436/2021/R/C/WSII Dated 23 Apr 2021 from SWM department obtained online in response to application under no. P-6166/2020/(275)/R/C Ward/FP-SWM/1/New, dated 15 Apr 2021 to transport & deposit / dump / level the C & D Waste at only designated unloading site Survey No.30/1/K,30/3,30/5,33/1,33/2,33/3,34/1,34/2,35/4/A,35/1,35/2,35/3/A,35/3B,35/5,35/6,36/1,36/2,36/3,36/4,37/2/B of village Alkunda,Taluka Bhiwandi,Dist.Thane and validity 18 Apr 2022 shall not be complied with.
- 15 That all the conditions in the order of Hon'ble Supreme court of India dated 15.03.2018 in SLP(C) No D23708/2017 shall not be complied with.
- 16 That the valid Bank Guarantee of Rs. 5,00,000/- 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.
- 17 That the Remarks / NOC / Design /document of concerned authorities / empanelled consultants for the approved plan, shall not be submitted for : A) S.W.D. B) Parking C) Sewerage D) Water Works E) Hydraulic Engineer F) PCO G) NOC from Tree Authority, H) Drainage layout from Licensed plumber, I) CFO, J) Structural Design Drawing, K) A.A. & C. (R/Central), L) Electric Supply Company, M) RWH and any other consultants if any required.
- 18 That Extra Water and Sewerage line charges shall not be paid and No dues pending certificate from A.E.W.W (R/C) ward shall not be submitted before C.C.
- 19 Registered undertaking for the following shall not be submitted before asking CC a) not misusing the part/pocket terrace, b) not misusing the elevation features, c) c) agreeing to handover excess parking spaces to M.C.G.M. free of cost in case full permissible F.S.I. / T.D.R. is not consumed.
- 20 That One Time PCO charges shall not be paid before C.C.
- 21 That self-declaration in respect of installing composting pit/composite machine/bio mechanized system for processing wet waste generated at project site shall not be submitted by developer/Builder/Owner

as per circular no CHE/00024/GEN/dated 02/04/2016.

- 22 That the commencement certificate under section 44/69(i)a of MR & TP act will not be obtained before starting proposed work.
- 23 That the Notice in the form of Appendix XV (Work Start Notice) shall not be submitted.
- 24 That the compound wall is not constructed on all sides of the plot clear of road widening line with foundation below the 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 Regulation No. 37(24) of DCPR-2034.
- 25 That the G.I. Sheet screens at plot boundaries upto adequate height to avoid dust nuisance shall not be provided before demolition of existing building.
- 26 That the comprehensive registered undertaking as per EODB shall not be submitted.
- 27 Registered undertaking from the developer and specific clause in the sale agreement with prospective buyers/members that (a) 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) the buyers/members agree for no objection for the neighbourhood development with deficient open space in future, c) That the area reserved for parking shall be used/ utilised for the purpose of parking only.
- 28 That the Indemnity bond indemnifying the corporation and its officers and specific clause in the sale agreement for a) Damages, risk, accidents etc & nuisance to neighbourhood during construction b) Against any litigation, claims, disputes c) Against inconvenience caused due to mechanised stack parking d) Deficient open spaces and future development of neighbourhood shall not be submitted before CC.

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

- 1 That the plinth/stilt height completion certificate in prescribed format as per Regulation 11 (4) and Annexure 14 of DCPR 2034 from Architect /Structural Engineer/Site Supervisor shall not be submitted and plinth shall not be got checked by this office staff.
- 2 All the payments as intimated by various departments of MCGM shall not be paid.
- 3 That the amended Remarks of concerned authorities/empanelled consultants for the approved plan, if differing from the plans submitted for remarks, shall not be submitted for a) S.W.D. b) Parking c) Sewerage d) Water Works e) Fire Fighting Provisions f) Tree authority h) Hydraulic Engineer i) PCO j) NOC from Electric Supply Company k) A.A. & C. (R/Central) l) M&E m) RCC Design Drawings, etc.
- 4 That the structural stability certificate through Regd. Structural engineer regarding stability of constructed plinth shall not be submitted before asking for CC beyond plinth.
- 5 That the revalidated janta insurance policy shall not be submitted before further C.C.
- 6 That the Material testing report shall not be submitted.
- 7 That the monthly progress report of the work shall not be submitted by the L.S. /Architect.
- 8 That the application for PRC in the name of owner shall not be submitted to concern authority.

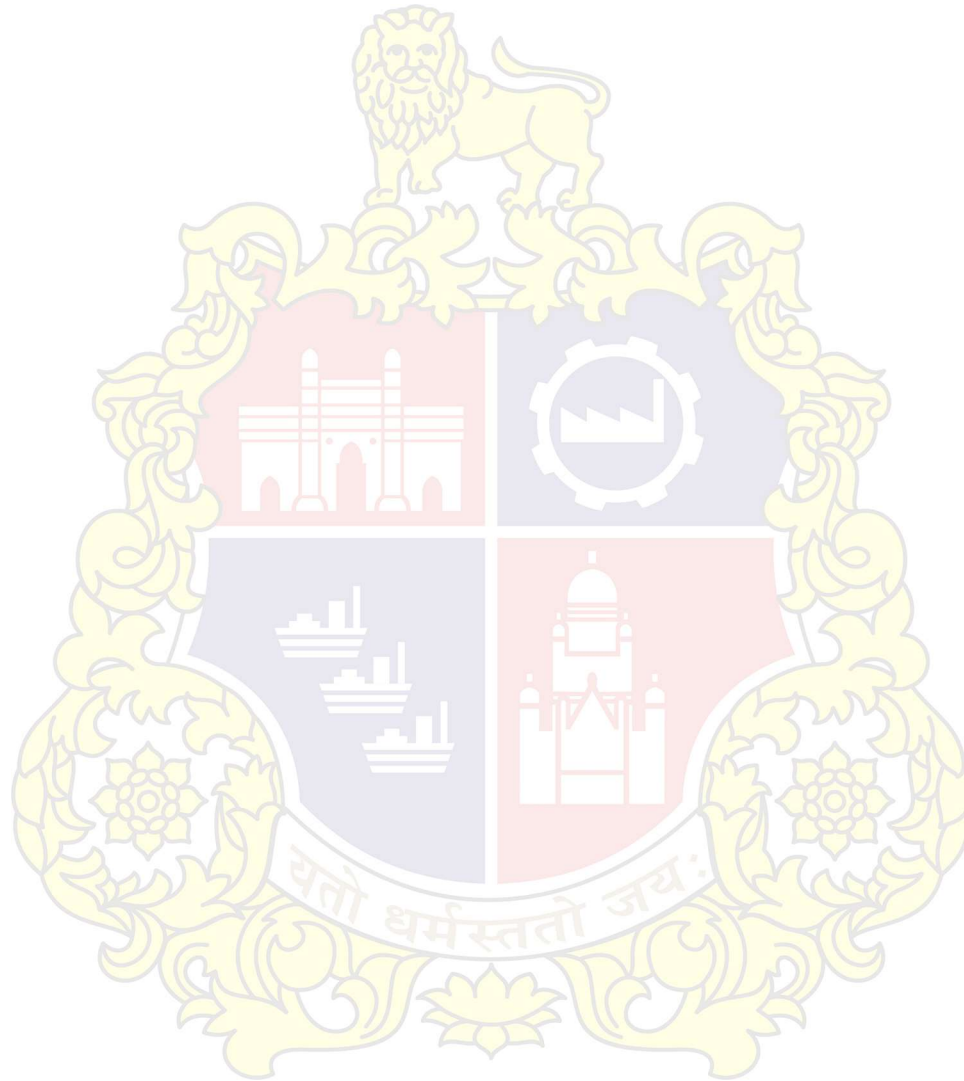
D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

- 1 That the low lying plot shall 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 murum, earth, boulders etc. and will be

levelled, rolled, consolidated and sloped towards roadside.

- 2 That 3.00mt. wide paved pathway upto staircase shall not be provided.
- 3 That the surrounding open spaces, parking spaces and terrace as per approved plans 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 shall not be made Water proof and same shall not be provided by method of ponding and all sanitary connections will not be made leak proof and smoke test will not be done in presence of licensed plumber.
- 7 That the dust bin shall not be provided.
- 8 That final NOC from concerned authorities/empaneled consultants for (a) SWD (b) CFO (c) Tree authority (d) Hydraulic Engineer (e) A.A & C. (R/C) Ward (f) Lift completion certificate (g) Rain water harvesting (h) Drainage completion certificate shall not be submitted before occupation.
- 9 That the Structural Engineer final structural stability certificate alongwith upto date license copy and final R.C.C design drawings shall not be submitted.
- 10 That final plans shall not be submitted alongwith Notice of completion of work u/sec. 353A of M.M.C act for work completed on site.
- 11 That site supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 12 That 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 to that effect in the sale agreement shall not be incorporated by the Developer/Owner.
- 13 That the sample sale agreement with prospective buyers/members shall not be submitted incorporating the clauses as mentioned in RUT as per EODB submitted at the time of CC and with clauses stating (a) That the building under reference is deficient in open space and M.C.G.M will not be liable for the same in future (b) That the buyers/members agree for no objection for the neighbourhood development with deficient open space in future, c) That the area reserved for parking shall be used/ utilised for the purpose of parking only.
- 14 That the vermiculture bins for disposal of wet waste as per the design and specification of orgnisation /individuals specialised in this field as per the list furnished by solid watse management department of MCGM shall not be provided to the satisfaction of Municipal Commissioner.
- 15 That the PRC in the name of Owner shall not be submitted before Occupation.
- 16 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.
- 17 That 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 to be uploaded on RWH tab in online Auto DCR system.

- 18 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.
- 19 That the Structural stability of the Mechanized parking tower system in open space shall not be obtained from Regd. Structural Engineer and registered undertaking to this effect in respect of structural stability and safety 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 16 June day of 2022 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.

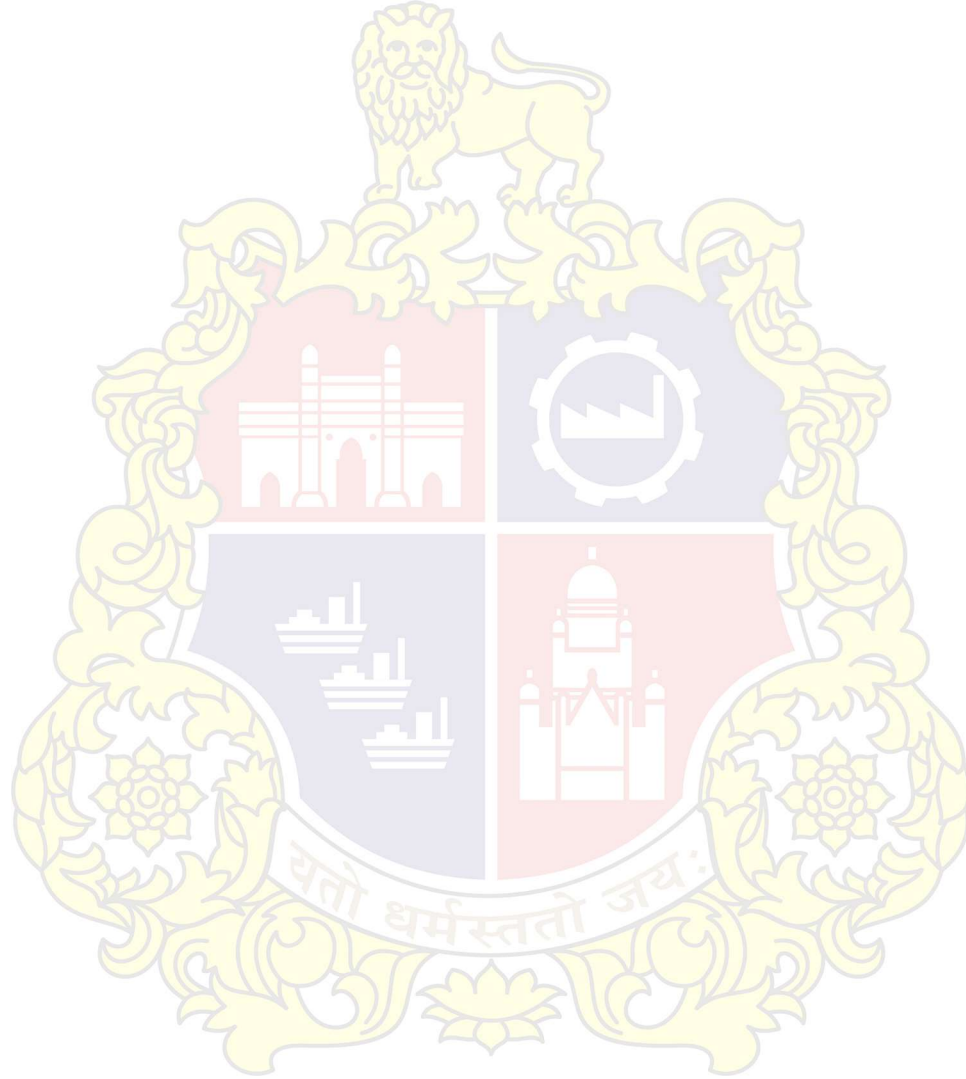
5. Your attention is further drawn to the provision of Section 353-A about the necessity of submitting occupation certificate with a view to enable the Municipal Commissioner for Greater Mumbai to inspect your premises and to grant a permission before occupation and to levy penalty for non-compliance under Section 471 if necessary.

6. Proposed date of commencement of work should be communicated as per requirements of Section 347 (1) (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 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-6166/2020/(275)/R/C Ward/FP/IOD/1/New

- Copy To :- 1. NILESH H MAKWANA
102,1st floor shreenathji chsl 56 road TPS III ,Borivali West Mumbai-400092 0
2. Asst. Commissioner R/C Ward.
 3. A.E.W.W. R/C Ward,
 4. Dy.A & C. Western Suburb II
 5. Chief Officer, M.B.R. & R. Board R/C Ward .
 6. Designated Officer, Asstt. Engg. (B. & F.) R/C Ward ,
 7. The Collector of Mumbai

