



MUNICIPAL CORPORATION OF GREATER MUMBAI

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

No. CHE/ES/0170/S-T/337
(NEW)/IOD/1/New

MEMORANDUM

Municipal Office,
Mumbai

To,

Shri Ashwin P. Gada, partner of M/s. Ashwin Enterprises

2, Rohini, R.R.T. road, Mulund (w), Mumbai 400080

With reference to your Notice 337 (New) , letter No. 8419 dated. 20/9/2018 and the plans, Sections Specifications and description and further particulars and details of your buildings at proposed building on plot bearing C.T.S. no. 1438, 1438/ 1to 13 of village Mulund (W)1438, 1438/1 to 13 furnished to me under your letter, dated 20/9/2018. 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 commencement certificate under Section 44/69(1)(a) of the M.R.T.P. Act shall not be obtained before starting the proposed work.
- 2 That the compound wall shall not be 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 for holding before starting the work.
- 3 That the low lying plot will be filled up to reduced level of at least 92 T.H.D. or 6" above adjoining road level whichever is higher with murum, earth, boulders, etc. and shall not be levelled, rolled, consolidated and sloped towards road side before starting the work.
- 4 That the specification for layout / D.P. /or access roads/development of setback land shall not be obtained from Executive Engineer (Road Construction) before starting the construction work and the access and setback land shall not be developed accordingly including providing street lights and SWD. The completion certificate shall not be obtained from Executive Engineer (R.C.) /Executive Engineer (SWD) W.S. before submitting building completion certificate.
- 5 That the licensed Structural Engineer shall not be appointed and his supervision memo as per Regulation shall not be submitted by him.

- 6 That the structural design and calculations for the proposed building considering seismic and wind forces as per relevant I.S. Code Nos. 1893 and 4326 etc. shall not be got carried out and accordingly, the structural work shall not be carried out under supervision of Structural Engineer.
- 7 That the regular / sanctioned / proposed lines and reservation shall not be got demarcated at site through A.E. (Survey)/ E.E. (T&C) / E.E. (D.P.)/ D.I.L.R. before applying for C.C.
- 8 That the Indemnity Bond, indemnifying the Corporation for damages, risks, accidents, to the occupiers and an Undertaking regarding no nuisance shall not be submitted before C.C./starting the work.
- 9 That the specific NOC from Electric supply co. for meter room and substation shall not be obtained and the requisitions, if any, shall not be obtained with before occupation certificate/BCC.
- 10 That the adequate care in planning, designing and carrying out construction shall not be taken in the proposed building to provide for the consequence of settlement of floors and plinth filling etc.
- 11 That adequate care shall not be taken to safeguard the trees existing on the plot while carrying out construction work and remarks from S.G. shall not be submitted.
- 12 That the qualified registered Site supervisor through Architect / Structural Engineer shall not be appointed before applying for C.C. & his name and license no. duly revalidated shall not be submitted.
- 13 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.
- 14 That this office shall not be intimated in prescribed proforma for checking the open spaces & building dimensions as soon as the work up to plinth is completed.
- 15 That the clearance Certificate from Assessment Department ('T' Ward) regarding up to date payment of Municipal taxes etc. shall not be submitted.
- 16 That the copy of Intimation of Disapproval conditions imposed by the Corporation in connection with the development at site shall not be given to the would be purchaser and also shall not be displayed at site.
- 17 That the Janata Insurance policy shall not be submitted before asking C.C. and renewed during the construction of work and owner developer should submit revalidated Janata Insurance Policy from time to time.
- 18 That the development charges as per M.R.T.P (Amendment) Act 1992 shall not be paid.
- 19 That the carriage entrance shall not be provided before starting the work.
- 20 That the undertaking in prescribed proforma agreeing to demolish the excess area if constructed beyond permissible FSI shall not be submitted.
- 21 That the adequate and decent temporary sanitary accommodation shall not be provided for construction workers on before starting the work.
- 22 That the documentary evidence regarding ownership, area & boundaries of holding shall not be produced by way of extracts from District Inspector of Land Records, extracts from City Survey Record and Conveyance Deed etc.
- 23 That the NOC from S.W.M. Department shall not be obtained in view of order of Hon'ble Supreme Court of India dated 15/03/2018(SLP Civil NoD-23708 of 2017), for disposal of C & D waste.

- 24 That the No Objection Certificate from Hydraulic Engineer for the proposed development shall not be obtained and his requirements shall not be complied with.
- 25 That the remarks from Asst. Engineer, Water Works regarding location, size, capacity of the suction tank and overhead storage tank for proposed existing work shall not be submitted before starting the work and his requirements shall not be complied with.
- 26 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 submitted before requesting to grant commencement certificate.
- 27 That the Undertaking for paying additional premium due to increase in land rate as and when demanded and registered undertaking for handing over of excess parking in case full FSI is not consumed shall not be submitted.
- 28 That the N.O.C. from Insecticide officer shall not be obtained.
- 29 That the board mentioning the name of Architect / Owner shall not be displayed on site.
- 30 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 requirement as communicated by the insecticide officer shall not be complied with.
- 31 That the bore well shall not be constructed in consultation with H.E.
- 32 That the work shall not be carried out only between 6.00 am to 10.00 pm as per circular u/no ChE/DP/7749/Gen dt 07.06.2016.
- 33 That the requisitions of clause 49 of DCPR- 2034 shall not be complied with and records of quality of work, verification report, etc. shall be maintained on site till completion of the entire work.
- 34 That the soil investigation of site shall not be got carried out from the empanelled soil investigation consultant and accordingly the structural design of foundation and superstructure shall not be carried out.
- 35 That the necessary remarks for training of nalla/ construction of S.W.D. will be obtained from Dy.Ch. E. (S.W.D.) E.S. & Central cell, before plinth C.C. and compliance of said remarks shall not be insisted before granting full C.C. for the building.
- 36 That remarks from various consultants for internal services shall not be submitted.
- 37 That the requirement of bye law 4(c) shall not be complied with before starting the drainage work and in case Municipal sewer is laid, the drainage work shall not be carried on as per the requirement of Executive Engineer (Sewerage Project), Planning & Completion certificate from him shall not be submitted.
- 38 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 in Sale Agreement to that effect shall not be incorporated by the Developer/ Owner.
- 39 That the existing structure shall not be demolished on site.
- 40 That the inadequate sizes of living room and kitchen shall not be intimated to respective buyers by

disclosing in agreement.

- 41 That the regd. Undertaking stating that the premium as per reg. 31(1) (vi) for excess parking than permitted under reg. no. 44 of DCPR 2034, if any, at final stage of development be paid before OCC to building shall not be submitted
- 42 That Architect shall not certify that all rehab tenants are proposed to rehab by providing BUA as per fungible area worked out as per Reg. 31(3) of DCPR2034 and there is no excess deficit as shown in Proforma A of last approved plans and complied all conditions stipulated in Reg. 31(3) of DCPR2034, before asking amended approval / OC
- 43 That the payment shall not be made as per the installment facility approved by Dy.Ch.E.(B.P.)ES.
- 44 That the registered undertaking stating that all the terms & conditions in the circular u/no. CHE/DP/14770/Gen dt 17.09.2019 binding on you and the same will be followed scrupulously shall not be submitted.

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

- 1 That the plinth/stilt height 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 Material testing report shall not be submitted.
- 4 That the yearly progress report of the work shall not be submitted by the Architect.
- 5 Civil Aviation NOC shall not be submitted.
- 6 That revised remarks from E.E. (S.W.D.) / E.E. (R.C). / A.A. & C.T Ward/C.F.O. shall not be submitted.
- 7 That the CC equivalent to 10% of approved Built up area shall not be restricted as per circular u/no. CHE/DP/14770/Gen dt 17.09.2019.

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

- 1 That some of the drains shall not be laid internally with C.I. pipes.
- 2 That the dust bin shall not be provided.
- 3 That the surface drainage arrangement shall not be made in consultation with Executive Engineer (S.W.D.) or as per his remarks and a completion certificate shall not be obtained and submitted before applying for occupation certificate.
- 4 That 3.00 mt. wide paved pathway upto staircase shall not be provided.
- 5 That the surrounding open spaces, parking spaces and terrace shall not be kept open and unbuilt upon and shall not be levelled and developed before requesting to grant permission to occupy the building or submitting the B.C.C. whichever is earlier.
- 6 That the name plate/board showing Plot No., Name of the Bldg. etc. shall not be displayed at a prominent place.
- 7 That the parking spaces shall not be provided as per Regulation No.44. of DCPR 2034.
- 8 That B.C.C. shall not be obtained and I.O.D. and debris deposit etc. shall not be claimed for refund within a period of 6 years from the date of its payment.

- 9 That the certificate to the effect that the licensed surveyor has effectively supervised the work and has carried out tests for checking leakages through sanitary blocks, termites, fixtures, joints in drainage pipes etc. and that the workmanship is found very satisfactory shall not be submitted.
- 10 That the certificate from Lift Inspector regarding satisfactory installation and operation of lift shall not be submitted.
- 11 That the adequate provision for post-mail boxes shall not be made suitable location on ground floor / stilt.
- 12 That the every part of the building construction and more particularly, overhead tank shall not be provided with a proper access for the staff of Insecticide Officer with a provision of temporary but safe and stable ladder etc.
- 13 That Structural Engineer's final Stability Certificate along with upto date License copy and R.C.C. design plan shall not be submitted.
- 14 That the the infrastructural works such as; construction of hand holes /manholes, ducts for underground cables, concealed wiring inside the flats/rooms, rooms/space for telecom installations etc. required for providing telecom services shall not be provided.
- 15 That the provision for rain water harvesting as per design prepared by approved consultant in the field shall not be made to the satisfaction of Municipal Commissioner.
- 16 That the Vermiculture bins for disposal of wet waste as per the design and specification of Organizations / individuals specialized in this field, as per the list furnished by Solid Waste Management Department of MCGM, shall not be provided to the satisfaction of Municipal Commissioner.
- 17 That terraces, sanitary blocks, nahanis in kitchen shall not be made Water proof and same shall not be provided by method of pounding and all sanitary connections will be leak proof and smoke test shall not be done in presence of licensed plumber.
- 18 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 19 That carriage entrance shall not be provided as per design of registered structural engineer and carriage entrance fee shall not be paid.
- 20 That terraces shall not be made Water proof and same shall not be provided by method of pounding and all sanitary connections shall not be leak proof and smoke test shall not e done in presence of licensed plumber.
- 21 That the suitable Registered undertaking from Owner shall not be submitted stating that they will disclose the inadequate size of living room & Kitchen to the the prospective buyers and also include the same in the sale agreement.

() 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 17 March day of 2021 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.

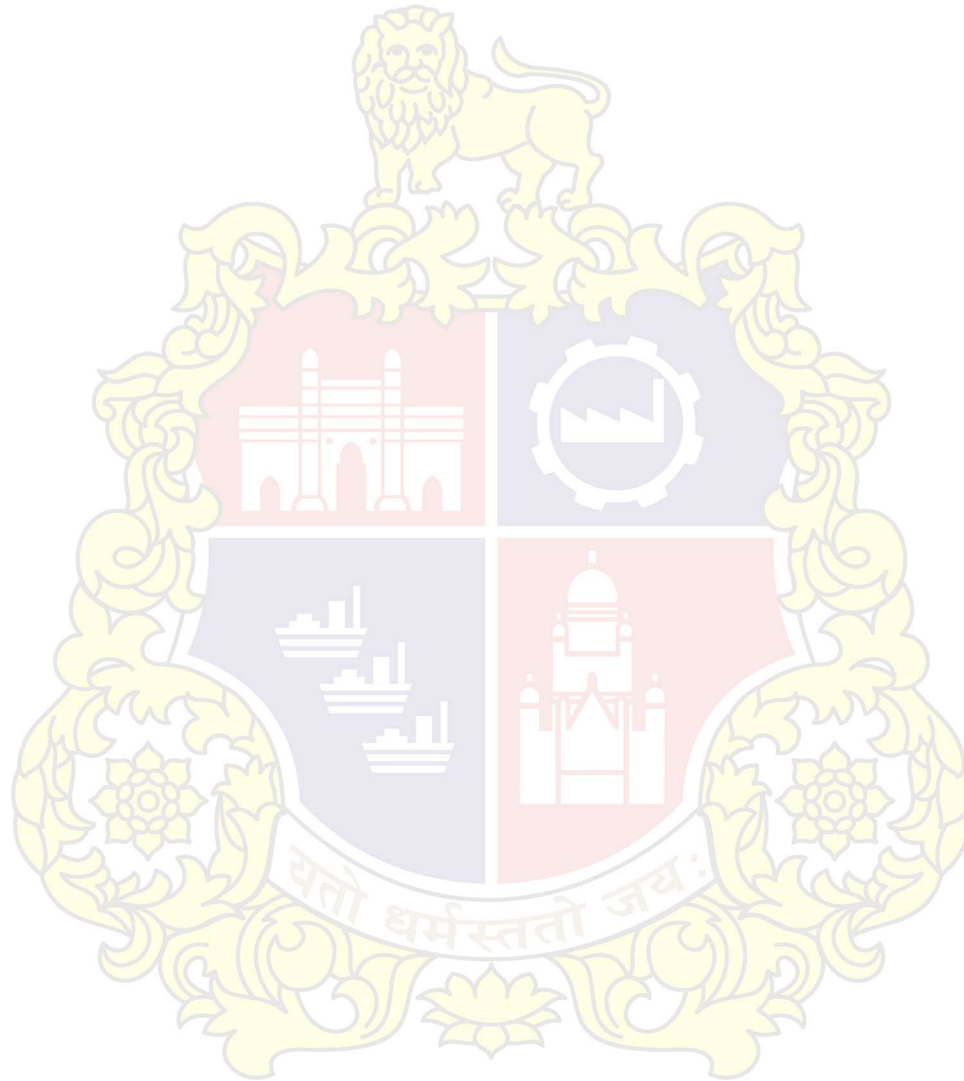
5. Your attention if further drawn to the provision of Section 353-A about the necessary of submitting occupation certificate with a view to enable the Municipal Commissioner for Greater Mumbai to inspect your premises and to grant a permission before occupation and to levy penalty for non-compliance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



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.**

CHE/ES/0170/S-T/337(NEW)/IOD/1/New

Copy To :- 1. MANOJ VALJIBHAI DAISARIA
801 Skyline Epitome, Kiroli Road, Near Jolly Gymkhana,
Vidyavihar West, Mumbai - 400086

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

