

Valid upto 08 MAY 2017

Form 346
88

in replying please quote No.
and date of this letter



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/19/6/N/337(NEW)

09 MAY 2016

MEMORANDUM

Municipal Office,
Mumbai

To,

Shri. Mahendra K. Shah & Shri. Hemendra N. Sheth, C.A. to owners.

142, Shah House, 1st Floor S.V. Road, Khar (w) Mumbai -400052

With reference to your Notice 337 (New), letter No. _____ dated. 4/7/2015 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed redevelopment in Final plot No. 141D, TPS III Ghatkopar, bearing CTS 5859D, Village Ghatkopar Kiroi, Vallabhbaug Lane, Ghatkopar (E), Mumbai 400077., CTS NO.5859 furnished to me under your letter, dated 4/7/2015. 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 commencement certificate 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 Janata Insurance Policy shall not be submitted.
- 3 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.
- 4 That the bore well shall not be constructed in consultation with H.E.
- 5 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 not be duly observed.
- 6 That the Board shall not be displayed showing details of proposed work, name of owner, developer, architect, R.C.C. consultant etc.
- 7 All the payments as intimated by various departments of MCGM shall not be paid.
- 8 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) Roads d) Sewerage e) Water Works f) Fire Fighting Provisions g) Mechanical Ventilation h) Tree authority i) Hydraulic Engineer j) PCO k) MHCC NOC l) NOC from Electric Supply Company for requirement of substation.
- 9 That set back land free of compensation and free of any encumbrance shall not be handed over to and possession receipt shall not be submitted from Assistant commissioner of the ward.
- 10 The reservations affecting land u/r shall not be handed over to MCGM.
- 11 That in the event setback and /or reservation is not handed over then at FCC area equivalent to the area of Setback and /or reservation shall not be restricted till such area is handed over or as per circular issued from time to time.
- 12 That the Material testing report shall not be submitted.
- 13 That the comprehensive undertaking shall not be submitted.
- 14 That the yearly progress report of the work shall not be submitted by the Architect.


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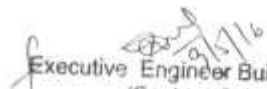
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C: CONDITIONS TO BE COMPILED BEFORE FURTHER C.C

- 1 That the plinth/stilt height shall not be got checked by this office staff.
- 2 That the Civil Aviation NOC shall not be submitted before exceeding the height

D: GENERAL CONDITIONS TO BE COMPILED BEFORE O.C

- 1 That the final N.O.C. from MHADA shall not be submitted and requirements therein shall not be complied with before submission of B.C.C. if applicable.
- 2 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 murrum, earth, boulders etc. and will not be leveled, rolled, consolidated and sloped towards road side.
- 3 That Agreement in consultation with legal department for handing over of tenement / built up accommodation shall not be executed and final copy of executed agreement shall not be submitted. Advance Possession shall not be handed over with title certificate by advocate.
- 4 That Society Office permissible as per DCR before occupation for the building under reference shall not be constructed.
- 5 That the condition mentioned in the Notification No.TPB-4312/CR-45/ 2012(2)/ UD-11 dt.08.11.2013 regarding inclusive housing shall not be complied with before occupation for the building under reference.
- 6 That the dust bin will not be provided.
- 7 That 3.00 mt. wide paved pathway upto staircase will not be provided
- 8 That the open spaces as per approval, parking spaces and terrace will not be kept open.
- 9 That the construction of layout road or access roads/ development of setback land will not be done and the access and setback land will not be developed accordingly including providing street lights and S.W.D. only if additional FSI is being claimed.
- 10 That the name plate/board showing Plot No., Name of the Bldg. etc. will not be displayed at a prominent place.
- 11 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 O.C. / BCC.
- 12 That carriage entrance shall not be provided as per design of registered structural engineer and carriage entrance fee shall not be paid.
- 13 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 licensed plumber.
- 14 That final N.O.C. from concerned authorities / empanelled consultants for a) S.W.D., b) Parking, c) Roads, d) Sewerage, e) Water Works, f) C.F.O. / Fire Fighting Provisions, g) Mechanical Ventilation, h) Tree authority, i) Hydraulic Engineer Shall not be submitted before occupation.
- 15 That Structural Engineer's laminated final Stability Certificate along with upto date License copy and R.C.C. design canvas plan shall not be submitted.
- 16 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.
- 17 That the construction of D.P. road and development of setback land will not be done including providing street lights and S.W.D.
- 18 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.
- 19 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 20 That the P.R.C. in the name of M.C.G.M. for set-back area shall not be submitted.


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- () 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.

Executive Engineer, Building Proposals,
Zone, ES-II -N- 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. (28.05 m) 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 187 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 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.

[Signature]
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(Eastern Suburbs.) -II