



MUNICIPAL CORPORATION OF GREATER MUMBAI

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

No. CHE/9712/BP(WS)AP/IOD/1/New

MEMORANDUM

Municipal Office,
Mumbai

To,

Mr.Suresh Satra of Rachaita Developer

Green lawn Apts, C wing, Office no 2, behind, ICICI bank, Arrey road , goregaon east, Mumbai
400063

With reference to your Notice 337 (New) , letter No. 5640 dated. 31/7/2018 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed redevelopment on plot bearing CTS No. 337, 337/1 to 15 of Village Pahadi Goregaon(East), located at Aarey Road, Goregaon (E), Mumbai- 400063 CTS No. 337, 337/1 to 15 furnished to me under your letter, dated 31/7/2018. 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 C.C. under Sec. 44\69 (1) (a) of the M.R.T.P. Act will not be obtained before starting the
- 2 That the compound wall is not constructed on all sides of the plot 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 as per D.C. Regulation No.38(27) before starting the work.
- 3 That the low lying plot will not be filled upto a reduced level of atleast 28.04 mtr. T.H.D. or 0.15 mtr. above adjoining road level whichever is higher with murum, earth, boulders etc. and will not be levelled, rolled and consolidated and sloped towards road side, before starting the work.
- 4 That the registered Structural Engineer will not be appointed. Supervision memo as per appendix XI (regulation 5(3)(ix) will not be submitted by him.
- 5 That the structural design and calculations for the proposed work as per last approved plan will not be submitted before asking for C.C.
- 6 That the sanitary arrangement shall not be carried out as per Municipal specifications and drainage layout will not be submitted before C.C.
- 7 That the Indemnity Bond indemnifying the Corporation for damages, risks, accidents etc. and to the

occupiers and an undertaking regarding no nuisance will not be submitted before C.C./starting the work.

- 8 That the requirements of N.O.C. of (i) Reliance Energy, [ii] Tree Authority [iii] P.C.O., [iv] A.A. & C. (P/South), [v] EE (S.P.) [vi]EE(S.W.D.), [vii] H.E.[viii]EE(Roads) will not be obtained and the requisitions if any will not be complied with before occupation certificate / B.C.C.
- 9 That the qualified/registered site supervisor through architect/structural Engineer will not be appointed before applying for C.C.
- 10 That "All Dues Clearance Certificate" related to H.E.'s dept. from the concerned A.E.W.W. [P/S Ward] shall not be submitted before applying for C.C.
- 11 That the development charges as per M.R.T.P. (amendment) Act 1992 will not be paid.
- 12 That the registered undertaking in prescribed proforma agreeing to demolish the excess area if constructed beyond permissible FSI shall not be submitted before asking for C.C.
- 13 That the requisite premium as intimated will not be paid before applying for C.C.
- 14 That the registered undertaking shall not be submitted for payment of difference in premium paid and calculated as per revised land rates.
- 15 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 be made as and when required by the Insecticide Officer for inspection of water tanks by providing safe but stable ladder, etc. and requirements as communicated by the Insecticide Office shall not be complied with.
- 16 That the Janata Insurance Policy in the name of site or policy to cover the compensation claims arising out of workman's compensation Act 1923 will not be taken out before starting the work and also will not be renewed during the construction work.
- 17 That the N.O.C. from Superintendent of Garden for tree authority shall not be submitted.
- 18 That the soil investigation will not be done and report thereof will not be submitted with structural design.
- 19 That the building will not be designed with the requirements of all relevant IS codes including IS code 1893 for earthquake design while granting occupation certificate from Structural Engineer to that effect will be insisted.
- 20 That no main beam 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.
- 21 That all the cantilevers [projections] shall not be designed for five times the load as per I.S. code 1893-2002. This also includes the columns projecting beyond the terrace and carrying the overhead water storage tank, etc.
- 22 That the R.C.C. framed structures, the external walls shall be less than 230 mm, if in brick masonry or 150 mm autoclaved cellular concrete block excluding plaster thickness as circulated under No.CE/5591 of 15.4.1974.
- 23 That the Vermiculture bins for disposal of wet waste as per the design and specification of Organisations/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.

- 24 That the phasewise programme for removal of the debris shall not be submitted and got approved.
- 25 That the registered undertaking for not misusing the part / pocket terraces / A.H.U.s. and area claimed free of F.S.I. will not be submitted
- 26 That the registered undertaking for water proofing of terrace and Nahani traps shall not be submitted.
- 27 That the Indemnity Bond for compliance of I.O.D. conditions shall not be submitted.
- 28 That the owner/developer shall not display a board at site before starting the work giving the details such as name and address of the owner/developer, architect and structural engineer, approval no. and date of the layout and building proposal, date of issue of C.C., area of the plot, permissible built up area, built up area approved, number of floors etc.
- 29 That the design for Rain Water Harvesting System from Consultant as per Govt. notification under Sec.37[2] of MR&T.P. Act, 1966 under No.TPB-4307/396/CR-24/2007/UD-11 dt.6/6/2007 shall not be submitted.
- 30 That the authorized Pvt .Pest Control Agency to give anti malaria treatment shall not be appointed in consultation with P.C.O.[P/South].
- 31 That the sheet piling along with diaphragm wall shall not be constructed taking all the precautionary measures under the strict supervision of registered Structural Engineer before actual work of basement is taken in hand after issue of C.C.
- 32 That the RUT shall not be submitted by the developer to sell the tenements/flats on carpet area basis only and to abide by the provision of MOFA (Act) amended upto date and the I.B. indemnifying the MCGM and its employees from any legal complications arising due to MOFA, will be submitted.
- 33 That the debris removal deposit of Rs. 45,000/- or Rs. 22/- per sq.mtr. of the built up area, whichever is less will not be paid before further C.C.
- 34 That the N.O.C. from Collector – M.S.D. for excavation of land shall not be submitted.
- 35 That the labour welfare tax as per circular No. Dy.Ch.Eng/3663/BP (City) Dt. 30.9.2011 shall not be paid before asking for C.C.
- 36 The developer shall not submit the registered undertaking agreeing to comply with & follow all the rules, regulations, circulars, directives related to the safety of construction labors/workers, issued time to time by the department of building & other construction labours, Government of Maharashtra.
- 37 That the R.U.T. shall not be submitted by the developer stating that they will not take any objection in future for the development on adjoining plot with deficient open spaces and also condition will be incorporated about deficient open spaces of proposed bldg. in the sale agreement of flats.
- 38 That the Registered Undertaking stating that the conditions of E.E. (T & C) NOC shall not be complied with and to that effect the mechanized parking equipped with safety measures will be maintained permanently in safe condition to avoid any mishap and an indemnity bond indemnifying MCGM and its officers against any litigation, costs, damages, etc. arising out of failure of mechanized system /nuisance due to mechanized system to any person shall not be submitted.
- 39 That the registered undertaking shall not be submitted for payment of difference for fungible, open space deficiency or any type of premium retrospectively as & when demanded by M.C.G.M.
- 40 That the work shall not be carried out between sunrise and sunset between 6.00 am to 10.0 pm only in accordance with Rule 54(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. (as per circular No.ChE/DP/7749/Gen dtd.07.06.2016.

- 41 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 shall not be taken and completion certificate to that effect shall not be submitted from the Licensed Structural Engineer.
- 42 That the R.U.T. shall not be submitted for not misusing the additional parking proposed for full potential of F.S.I. and will count the same in FSI or will be handed over to M.C.G.M. free of cost, if the building is not constructed for full potential.
- 43 That the R.U.T. from the developer stating that they will incorporate a condition in the sale agreement of prospective buyers as well as existing tenants about deficiency in provision of aisle space of 3.50 mt. for two way maneuvering of vehicles instead of 6.00 mt. shall not be submitted.
- 44 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, as per the circular No.CHE/DP/00024/GEN dt.02.04.2016.
- 45 That the road line demarcation from A.E.(Survey) W.S. shall not be submitted.
- 46 That all the conditions and directions specified in the Hon'ble Supreme Court order i.e. as per SLP (civil) No. D23708/2017 dtd. 15/03/2018 in the case of dumping ground shall be complied with before starting demolition of structures and/or starting any construction work.
- 47 That adequate safeguards shall be employed in consultation with SWM dept. of MCGM for preventing dispersal of particles through air.
- 48 That the work will not be carried out strictly as per approved plan and in conformity with the D.C.P.Regulations 2034 in force.
- 49 That the Debries Management Plan shall not be got approved from EXecutive Engineer (ENV.) and the conditions therein shall not be complied with
- 50 That the Registered Undertaking shall not be submitted stating that the business office will be handed over to rehab component
- 51 That the RUT shall not be submitted sating that the a condition will be incorporated in the sale agreement of prospective buyers as well as existing tenants about the inadequate area/size/width of habitable room
- 52 That in the event setback is not handed over then at FCC, area equivalent to the area of setback shall be restricted till such area is handed over or as per circular issued from time to time.
- 53 That setback land free of compensation and free of any encumbrance shall be handed over to and possession receipt shall be submitted from Assistant Commissioner of the ward.
- 54 The payment as per scheduled installment granted by Dy.Ch.E.(BP) shall be made.
- 55 That the Indemnity Bond & Registered undertaking as per the installment facility circular shall be obtained before asking for C.C
- 56 That the Post-dated cheque for all the remaining installment as per the installment facility granted by Dy.Ch.E.(BP) shall be submitted to MCGM.
- 57 That the agreement of all existing tenants for alternate accomodation and consent for redevelopment

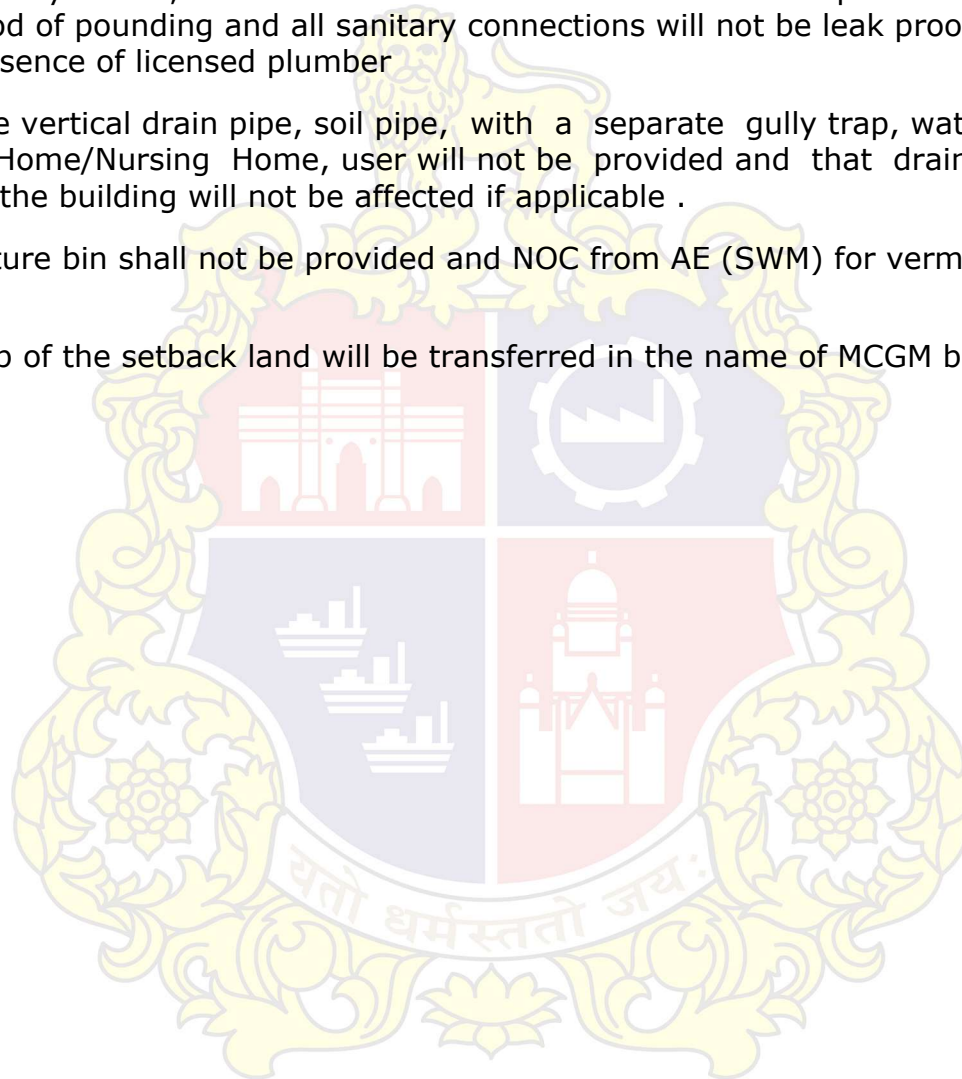
C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

- 1 That the Structural stability certificate through Regd. Structural Engineer regarding stability of constructed plinth shall not be submitted before asking for C.C. beyond plinth.
- 2 That the elevation treatment plan shall not be submitted & got approved.
- 3 That the plinth dimensions shall not be got checked from this office before asking for further C.C. beyond plinth.
- 4 All the payments as intimated by various departments of MCGM shall not be paid
- 5 That the Site Supervisor's completion certificate shall not be submitted.
- 6 That the Monthly progress report of work will not be submitted by the Architect
- 7 That the Material testing report shall not submitted
- 8 That the regulation No.49 of D.C.P. Reg. 2034 shall not be complied with.
- 9 That the necessary arrangement of borewell shall not be made/provided and necessary certificate to that effect from the competent authority shall not be obtained before C.C.
- 10 That the plinth completion from site supervisor, structural Engineer and Architect shall not be submitted.
- 11 That the Janata Insurance Policy Shall not be submitted

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

- 1 That the dust bin shall not be provided.
- 2 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 resident/ occupant of the building in the jurisdiction of MCGM. The necessary conditions in sale agreement to that effect also shall be incorporated by the developer.
- 3 That 3.00 mt. wide paved pathway upto staircase shall not be provided.
- 4 That the surrounding open spaces, parking spaces and terrace as per approved shall not be kept open.
- 5 That the name plate/board showing Plot No., Name of the Bldg. etc. shall 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, nahanis in kitchen shall not be made Water proof and same shall 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 a. S.W.D. b. Sewerage c. Water Works d. CFO / Fire Fighting Provisions e. Tree authority f. Hydraulic Engineer g. A.A & C P Ward h. Rain water harvesting completion, i. Roads, j. Lift Completion shall not be submitted before Occupation.
- 9 That Structural Engineer's final Stability Certificate along with upto date License copy and R.C.C. design plan shall not be submitted.

- 10 That 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 Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 12 That the low lying plot shall not be filled up to a reduced level of at least 27.55 T.H.D. or 0.15 m above adjoining road level whichever is higher with murum, earth, boulders etc. and will not be levelled, rolled, consolidated and sloped towards road side, before starting the work.
- 13 That the open spaces as per approval, parking spaces and terrace will not be kept open.
- 14 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
- 15 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 .
- 16 That the Vermiculture bin shall not be provided and NOC from AE (SWM) for vermiculture binm shall not be obtained
- 17 That the ownership of the setback land will be transferred in the name of MCGM before OCC.



- () 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 4 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.

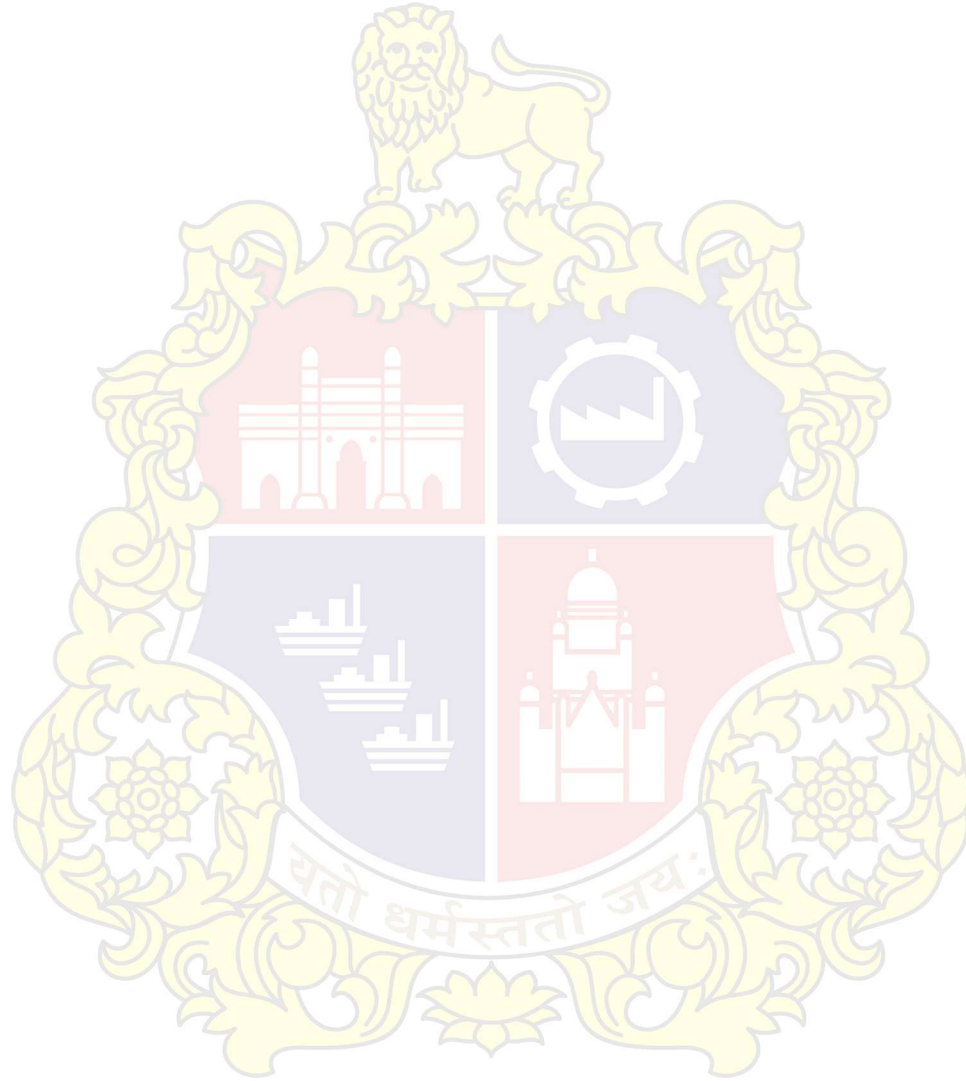
**Executive Engineer, Building Proposals,
Zone, Wards.**

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 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 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 proceeds 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 f 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 with drawn.
- 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 exceeding 1.5 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/9712/BP(WS)AP/IOD/1/New

- Copy To :-
1. BHUSHAN D GHARAT
B-2,Shri Siddhi Complex,Near Udpi Hotel,Goregaon East Mumbai-400063
 2. Asst. Commissioner P/S Ward.
 3. A.E.W.W. P/S Ward,
 4. Dy.A & C. Western Suburb II
 5. Chief Officer, M.B.R. & R. Board P/S Ward .
 6. Designated Officer, Asstt. Engg. (B. & F.) P/S Ward ,
 7. The Collector of Mumbai

