



MUNICIPAL CORPORATION OF GREATER MUMBAI

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

No. P-9499/2021/(68/C/3/A And Other)/P/N Ward/VALNAI/IOD/1/New  
Dated- 11 July 2023

MEMORANDUM

Municipal Office,  
Mumbai

To,

G.K.NAGAR No.2 CHSL

G.K. NAGAR No.2 CHSL, Shankar Lane, Kandivali (West), Mumbai.

With reference to your Notice 337 (New) , letter No. 0000706 dated. 25/11/2021 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed redevelopment of building known as G. K. Nagar No.2 CHSL on plot bearing C.T.S. No. 68/C/3/A, 68/C/3/B, 68/C/2 & 92/C of village Valnai situated at Shankar Lane, Kandivali (West), Mumbai. CTS/CS/FP No. 68/C/3/A,68/C/3B,68/C/2 & 92/C furnished to me under your letter, dated 25/11/2021. 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 valid Janata Insurance Policy shall not be submitted.
- 2 That Existing structure/s proposed to be demolished shall not be demolished or necessary Phase Programme shall not be submitted & got approved before C.C.
- 3 That the work shall not be carried out between 6.00am 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.
- 4 That the GI Sheet screens/fencing of adequate height at the plot boundaries shall not be provided before demolition of existing building.
- 5 That this provisional I.O.D. shall be used as an instrument to vacant the existing occupants of the building, without following due process of law.
- 6 That the Board shall not be displayed showing details of proposed work, Name of owner, developer, architect, R.C.C. consultant etc.
- 7 That the following consultant shall not be appointed for the work and their appointment and

acceptance letter along with their licensed copy, identification and pan card shall not be submitted before C.C: a. Structural Engineer, b. Site Supervisor, c. Licensed Plumber (SWD, Water, Drainage), d. Public Health consultant (RWH/PCO/SWM), e. Horticulturist e) Geotechnical Consultant f) Empanelled Fire Safety Consultant and g) other Consultant as per requirement.

- 8 That the Remarks/Design/NOC/No due Pending Certificate of concerned authorities / empanelled consultants for proposed building shall not be submitted for : 1) S.W.D. 2) REVISED Parking Remarks 3) Sewerage 4) A.E. (Water works) 5) Fire Fighting Provision 6) Tree Authority 7) Hydraulic Engineer 8) P.C.O. 9) NOC from Electric supply company 10) Rain Water Harvesting 11) Structural design & plan showing the structural details for the proposed Building 12 )CFO NOC as per proposed plans and 13) Any other Consultant as per EODB Manual (I-pre-application stage Table 1).
- 9 That the Notice in the form of Appendix XV (Work Start Notice) shall not be submitted.
- 10 That the requisitions of Reg. 49 of DCPR 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.
- 11 The Commencement certificate under section 44/69(i) a of MR & TP act will not be obtained before starting proposed work.
- 12 That the SWM NOC shall not be submitted before start of demolition of existing building.
- 13 That the NOC from collector (MSD) for excavation for foundation will not be submitted.
- 14 The NOC from Tree authority will not be submitted.
- 15 That in case of no cutting of trees, Self-certification by Consultant & developer for the same along with plan showing the details of tree on plot duly certified by both Licensed Surveyor & Developer shall not be submitted.
- 16 That the remarks of M&E consultant for AVS shall not be submitted.
- 17 That the dry and wet garbage shall be separate and the wet garbage generated in the same 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 developer / Owner.
- 18 That the self – declaration in respect of installing composting pit/ composite machine/ biometanise system, for processing wet waste generated at project site shall not be submitted by developer/builder/owner as per circular No. CHE/0024/GEN dated 02/04/2016.
- 19 That the adequate safeguards should not be employed for preventing dispersal of (dust) particles/particles through the Air (or even otherwise) & adequate record shall not be maintained & uploaded for every single trip for disposal of C&D waste, at the time of loading the C&D waste in vehicle, after loading the C&D waste in the vehicle during the hauling.
- 20 That the construction site & landfill site shall not be inspected by the Licensed Architect/ Licensed Engineer, the compliance report thereof shall not be uploaded, any breach in respect of the same will not entail the cancellation of the building permission or the IOD & the work will not be liable to be stopped immediately.
- 21 That the construction is being permitted with a condition that the debris shall not be deposited on pre-identified site with due consent / NOC of the land Owner.
- 22 That the probable quantity of C&D Waste should not be indicated in advance prior to commencement of work. That C&D Waste of large scale above 20 MT shall not be disposed off as per Waste

management plan approved online & as per Construction and Demolition Waste Management Rules 2016. In case the quantity is within 20 MT for small generators, the C&D Waste shall not be disposed off in accordance with the 'debris on call system'; details thereof shall not be submitted to that effect.

- 23 That in the event the consent given by the disposal site owner / authority is revoked for any reasons, and/ or in the event the time limit during which disposal site was available gets expired, the relevant construction activity shall not be stopped & show cause notice shall not be given & till such time Waste Management Plan/ Debris Management plan is amended to provide the new site for dumping of C&D Waste and got approved online, construction work shall be recommenced.
- 24 That any officer of MCGM/ Monitoring Committee shall not be entitled to inspect the record of grant of IOD, visit & inspect landfill sites, as well as, MCGM Officers/ Monitoring Committee shall not be entitled to bring to the notice of MCGM any breach in the IOD conditions. The order passed by MCGM on the reported breaches shall not be final & binding.
- 25 That all the conditions in the orders of Hon'ble Supreme Court of India dated 15.03.2018 in the case of Dumping Ground should not be complied with.
- 26 That the valid Bank Guarantee as per policy circular 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.
- 27 The RUT regarding following shall not be submitted before asking for the C.C for: i) for payment of difference in premium paid and calculated as per revised land rates. ii) for not misusing the part/pocket terraces area and area claimed free of FSI if any will not be submitted, iii) for compliance of all IOD conditions shall not be submitted, iv) That building u/r is deficient in open space if any & BMC will not be held liable for the same in future, ,v) As regards neighborhood Safety, the owner/developer will make aware to all the prospective buyers regarding the proposed bldg is deficient open space & room sizes by incorporating a clause to that effect in the sale agreement, further a condition for submitting undertaking that the owner/developer will not object the development of the adjoining plots in future. By providing this arrangement, the safety of the inhabitant & neighbourhood will not be affected, vi) agreeing that there is no contiguous holding/ piece of land with land under development viii. that the area reserved for parking shall be used/ utilized for the purpose of parking only, vii.) For not misusing the lift machine room viii.) for abiding the condition imposed in CFO NOC ix) OWNER/DEVELOPER/SOCIETY SHALL NOT OBJECT TO THE AMENDED LAYOUT SUBMITTED BY THE OTHER EXISTING BUILDINGS IN FUTURE AND ALSO SHALL NOT OBJECT THE EXISTING BUILDINGS TO BE DEVELOP AS PER THEIR PROPORTIONATE PLOT AREA AS MENTIONED IN DRAWING x) Fitness Centre & Society Office shall be handed over to Society.
- 28 The RUT regarding Mechanized parking system/car lift if any provided for the following shall not be submitted before asking for the C.C for: i. for Mechanized parking system/car lift shall be equipped with electric sensor floor devices and also proper precautions and safety measure shall be taken to avoid any mishap and maintenance of the same shall be done regularly, ii. For incorporating specific clause in the sale agreement to make aware prospective buyers that no complaints of whatsoever nature from prospective occupants/buyers as regards inadequate room sizes, parking spaces arrangement and inadequate aisle space will be entertained and a sample copy of agreement to that effect will be submitted to M.C.G.M before O.C.C.
- 29 " RUT for excess parking to be handed over to MCGM if full FSI is not consumed will not be submitted before CC."
- 30 That the requisitions of Reg. 11, 12(4), 12(5) of DCPR shall not be taken and RUT for safety precautions at Site & Neighbourhood as per 12(5) of DCPR-2034 & N.B.C-2016 shall not be submitted.

- 31 That undertaking cum indemnity bond from owner stating that they have not received any notice from ULC Authority for handing over / acquiring the land under reference is not affected under ULC Act or ULC authority under any section of ULC&R Act shall not be submitted.
- 32 That the Comprehensive Registered Undertaking as per EODB shall not be submitted.
- 33 That the Comprehensive Indemnity Bond as per EODB shall not be submitted.
- 34 Indemnity bond indemnifying the MCGM and its officers for following will not be submitted before C.C. for: a) against any action pending on existing b) Against any legal dispute of plot, c) Damages, risk, accidents etc. & nuisance to occupier & neighbourhood during construction d) Against any litigation, Claims, disputes arising out the proposed inadequate size of rooms if any.
- 35 That the permission from PCO dept for digging Borewell shall not be submitted.
- 36 That the NOC/permission for covering of WELL with RCC slab from PCO department for existing well as shown in CTS plan shall not be submitted
- 37 That the D.P. Road/Reservations shall not be got demarcated on site from the office of A.E. survey/appropriate authority.
- 38 That the payment of Development Cess as per Time Schedule stipulated in Circular C-3 U/no. CHE/DP/110/Gen dated 2019-20 and payment sheet shall not be made.
- 39 That the payment of Labour Welfare Cess shall not be paid as per Hon. MC's approval u/o. MCP/7408 dtd. 05.07.2023.

**C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C**

- 1 That the plinth / stilt height completion certificate from Architect / str. Engineer / Site Supervisor shall not be submitted & plinth shall not be got checked by this office staff before asking for further C.C. beyond plinth
- 2 All the requisite payment as intimated by various department of MCGM shall not be paid.
- 3 That the C.C. shall not be re-endorsed.
- 4 That the Material testing report shall not be submitted.
- 5 That the monthly progress report of the work will not be submitted by the Architect.
- 6 That the Valid Janata Insurance/Workman Compensation policy shall not be submitted.
- 7 The Extra water & sewerage charges will not be paid to A.E.W.W. P/North Ward before C.C.
- 8 That no dues pending certificate from A.E.(W.W.) shall not be submitted before C.C.
- 9 That the P.C.O.'s one time charges as per E.O.D.B. policy shall not be paid before F.C.C.
- 10 That the Valid Civil Aviation NOC for height clearance shall not be submitted before requesting CC beyond plinth. Further all conditions mentioned therein in Civil Aviation NOC shall not be complied with.
- 11 That Valid Bank Guarantee for Faithfull compliance of disposal of debris as per circular u/no. CHE/DP/3618/Gen dtd. 10.05.2018 shall not be submitted.
- 12 That Road setback land/DP Road/Reservations free of compensation and free of any encumbrance if any shall not be handed over to MCGM and possession receipt shall not be submitted from Assistant

Engineer (Maintenance) the local ward//AE(BP) .

- 13 That the payment of Development Cess as per Time Schedule stipulated in Circular C-3 U/no. CHE/DP/110/Gen dated 2019-20 and payment sheet shall not be made
- 14 The CC equivalent to 25% of permissible BUA shall not restricted till submssion of corrected Property card as per old approved layout plan.

**D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C**

- 1 That the open spaces as per approval, parking space and terrace will not be kept open.
- 2 That the name plate/board showing Plot No., Name of bldg. etc will not be displayed at a prominent place.
- 3 That carriage entrance shall not be provided as per design of registered Structural Engineer and carriage entrance fee shall not be paid.
- 4 That terraces, sanitary blocks, nahanis in kitchen will not be made Water proof and same will not be provided by method of ponding and all sanitary connections will not be leak proof and smoke test will not be done in presence of licensed plumber.
- 5 That adequately wide paved pathway upto staircase will not be provided.
- 6 That the final plans shall not be submitted alongwith Notice of Completion of work u / sec. 353A of MMC-Act 1888 for work completed on site.
- 7 That Structural Engineer's final Structural Stability/Completion Certificate along with upto date License copy and R.C.C. design plan shall not be submitted.
- 8 That Site Supervisor certificate for quality of work along with upto date License copy and completion of the work shall not be submitted in prescribed format.
- 9 That the low lying plot will not be filled up to a reduced level of at least 31.98 M Town Hall Datum or 0.15 m above adjoining road level whichever is higher with murum, earth, boulders etc. and will not be leveled , rolled, consolidated and sloped towards road side.
- 10 That carriage entrance shall not be provided as per design of registered structural engineer and Carriageway entrance permission issued by AE(Maint.) of Ward shall not be submitted.
- 11 That final N.O.C./Completion certificate/No due pending certificate from concern authority/empanelled consultants for 1) S.W.D. Completion certificate 2) Parking Completion certificate 3) AE (Water works) of Local Ward's No due pending Certificate 4) Fire Fighting Provision Final NOC (CFO NOC) 5) Tree Authority Completion certificate 6) P.C.O. dept. Final NOC 7) A.A. & C's No due pending Certificate 8) Rain water harvesting Completion certificate 9) Lift completion certificate from lift inspector 10) Drainage/Sewerage Completion certificate 11) Stack/Mechanized Parking Completion shall not be submitted before occupation
- 12 That the dry and wet garbage shall be separate and the wet garbage generated in the same 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 developer / Owner.
- 13 That the NOC from EE(SWM) for Vermiculture bins for disposal of Wet Waste as per the design and specification of organization / individuals specialized in this field shall not be submitted..

- 14 That terrace shall not be designed and made impevoius for purpose of terrace gardeing/additional LOS and certificate to that effect shall not be submitted from licensed plumber and Structural Engineer.
- 15 That every part of the building constructed and more particularly O.H tank will not be provided with a provision of safe and stable ladder for inspection by staff of P.C.O. dept.
- 16 That P.R. Card in the name BMC for road set back/DP Road/Reservation area handing over shall not be submitted.
- 17 That all the pending/recovery payments as per the Audit report by Account Officer (Rev-III) of BMC shall not be paid.
- 18 That the all payment & payment of Development Cess as per Time Schedule stipulated in Circular C-3 U/no. CHE/DP/110/Gen dated 2019-20 and payment sheet shall not be made.
- 19 That the Sample agreement with prospective buyers/members shall not be submitted with clauses stating:- a) That the building under reference is deficient in open space & Room sizes and M.C.G.M. will not be held liable for the same in future, b) That the buyer /member agree for no objection for the neighbourhood development with deficient open space in future, c) That the buyer / members will not held M.C.G.M. liable for any failure of mechanical Parking system in future and proper precautions and safety measures shall be taken to avoid any mishap and the damages occurs due flooding in pit if any and maintenance of mechanized parking system shall be done regularly, d) That the buyer/member will not be held M.C.G.M. liable for any mishap due to provision of additional height of stilt for provision of parking/parking tower, e) That there is inadequate manoeuvring space of car parking and buyer/member will not make any complaint to M.C.G.M. in this regard in future before submission of OCC/BCC.
- 20 That the members / prospective buyers shall not be made aware of utilization of fungible FSI and clause to that effect will not be incorporated in the flat sale agreement.
- 21 That Valid Bank Guarantee for Faithfull compliance of disposal of debris as per Dumping Ground Supreme Court case shall not be submitted.
- 22 That the Certificate u/s 270A of MMC Act issued by AE(Water Works) of Local ward shall not be submitted.
- 23 That the Electric Meter Room/Ducts shall not be adequately safeguarded with danger caution board/Warning Signs.
- 24 That the completion certificate from MEP consultant for the provision of artificial ventilation shaft and or AHU shall not be submitted.
- 25 That the Corrected PRC as per proportionate plot area as per old approved layout 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 10 July day of 2024 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.

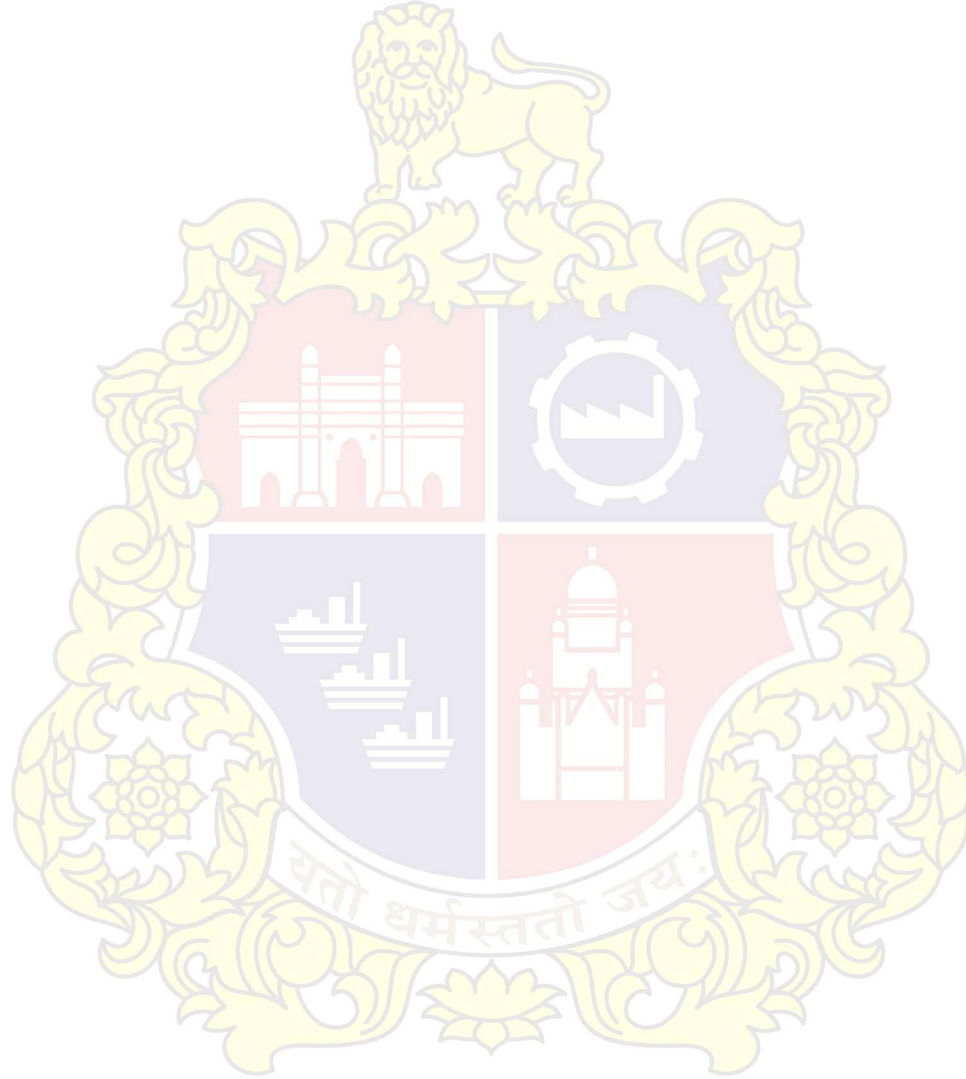
5. Your attention if further drawn to the provision of Section 353-A about the necessary of submitting occupation certificate with a view to enable the Municipal Commissioner for Greater Mumbai to inspect your premises and to grant a permission before occupation and to levy penalty for non-compliance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





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-9499/2021/(68/C/3/A And Other)/P/N Ward/VALNAI/IOD/1/New**

Copy To :- 1. BHAVIN ARVIND MODI  
1004, 10th Floor, B-wing, western Edge-II, Behind Metro, Off. Western Exp Highway, Borivali east Mumbai

-400066

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

