



BRIHANMUMBAI MUNICIPAL CORPORATION

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

No. P-16511/2023/(281A/2)/S Ward/BHANDUP-W/IOD/1/New Dated- 17
January 2024

MEMORANDUM

Municipal Office,
Mumbai

To,

Mr. Shashikant G. Badani

202, Classic Corner, 2nd Floor, Hill Road, Above Natural Ice cream, Near Holy Family Hospital,
Bandra (W), Mumbai-400050.

With reference to your Notice 337 (New) , letter No. 0 dated. 24/6/2023 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed Residential building on C.T.S. No. 281A/2 of Village Bhandup(W), Gurudwara Dashmesh Road, Bhandup (W).

281A/2 furnished to me under your letter, dated 24/6/2023. 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 Janata Insurance Policy shall not be submitted.
- 2 That the requisitions of clause 49 & 50 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.
- 3 That the bore well shall not be constructed in consultation with H.E.
- 4 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 be duly observed.
- 5 That the Board shall not be displayed showing details of proposed work, name of owner, developer, architect, R.C.C. consultant etc.
- 6 That the necessary deposit for hoarding or the flex of size 10 m. to 10 m. for the advertisement of proposal shall not be made by you if displayed.
- 7 That the balance prerequisites as per the manual of EODB shall not be complied with.
- 8 That the remarks of concerned authorities / empanelled consultants for the approved plan, shall not be

submitted for: a) S.W.D. b) Sewerage c) Water Works d) Tree authority e) Hydraulic Engineer f) PCO.

- 9 That the work start Notice in form of Appendix XV shall be submitted before starting of work.
- 10 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.
- 11 That the structure/building proposed to be demolished shall not be demolished by the developer/owner, by following the guidelines proposed in the IS code 4130:1991 amended up to date in respect of Demolition of Building-Code of Safety under the supervision of approved structural Engineer duly registered with BMC.
- 12 That the safety precautions as per reg 12(5) of DCPR 2034 shall be taken.
- 13 That the precautionary measures for Control of Air Pollution from Building Construction Activity, shall be taken as per Mumbai Air Pollution Mitigation Plan approved vide No. MGC/A/1386/13.03.2023 and as per circular issued vide no. CHE/DP/214/GEN/dated 15.09.2023 and guideline issued vide Dt. 25.10.2023.

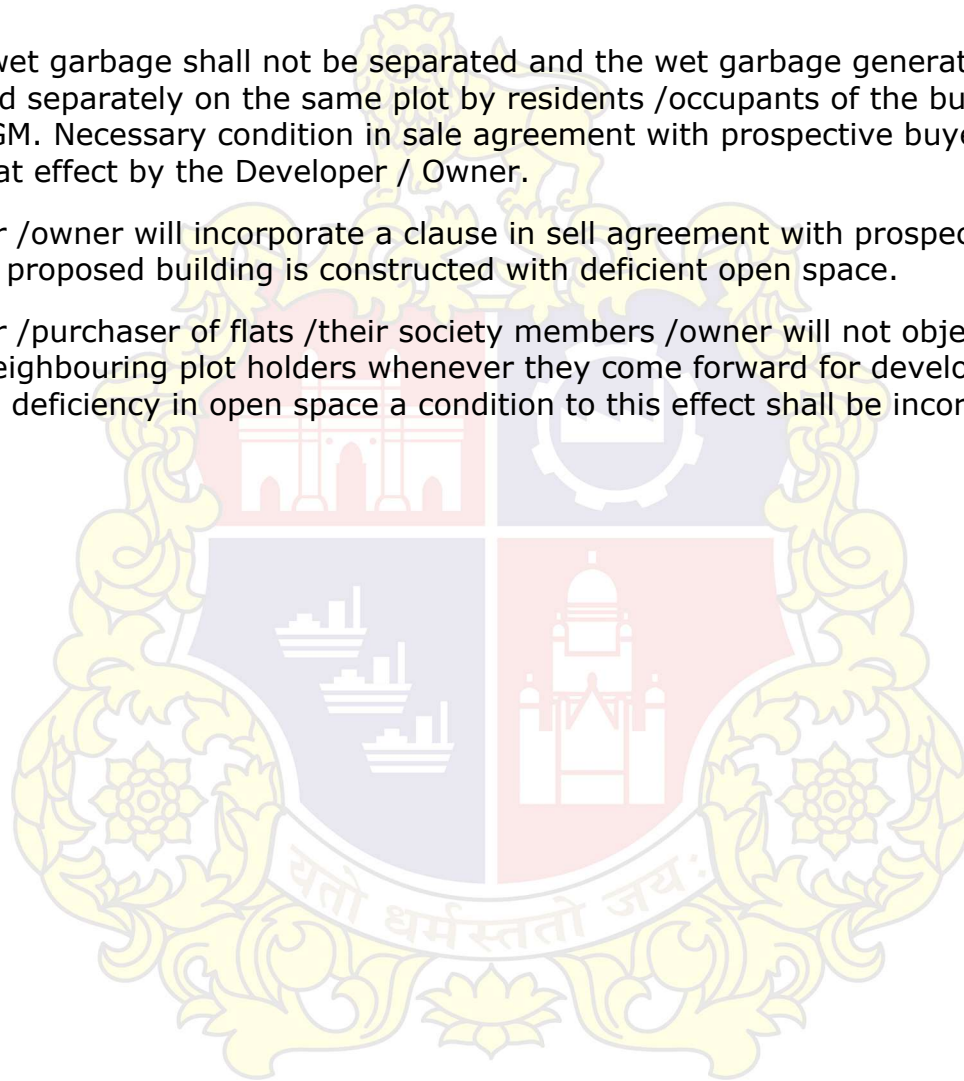
C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

- 1 That the plinth/stilt height shall not be got checked by this office staff.
- 2 That the plinth/stilt height shall not be got checked by this office staff.
- 3 That the remarks of concerned authorities / empanelled consultants for the approved plan, shall not be submitted for: a) S.W.D. b) Sewerage c) Water Works d) Tree authority e) Hydraulic Engineer f) PCO etc.
- 4 That the Material testing report shall not be submitted.
- 5 That the quarterly progress report of the work will not be submitted by the L.S.
- 6 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.
- 7 That the Private Doctor shall not be appointed for treatment of Labour on site.
- 8 That the plinth completion certificate from Site supervisor shall not be submitted.
- 9 That the NOC from Civil Aviation Department will be obtained for the proposed height of the building.

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

- 1 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 Murom, earth, boulders etc. and will not be levelled, rolled, consolidated and sloped towards road side.
- 2 That the dust bin will not be provided.
- 3 That 3.00 mt. wide paved pathway upto staircase will not be provided.
- 4 That the open spaces as per approval, parking spaces and terrace will not be kept open.
- 5 That the name plate/board showing Plot No., Name of the Bldg. etc. will not be displayed at 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 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.
- 8 That final N.O.C. from concerned authorities / empanelled consultants for a) S.W.D. b) CFO c) Tree authority etc. Shall not be submitted before occupation.
- 9 That the completion certificate from Structural Engineer's final Stability Certificate along with upto date License copy and R.C.C. design shall not be submitted.
- 10 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 11 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 residents /occupants of the building in the jurisdiction of MCGM. Necessary condition in sale agreement with prospective buyer shall not be incorporated to that effect by the Developer / Owner.
- 12 That the developer /owner will incorporate a clause in sell agreement with prospective buyer by informing that the proposed building is constructed with deficient open space.
- 13 That the developer /purchaser of flats /their society members /owner will not object to the neighbourhood /neighbouring plot holders whenever they come forward for development of there plots which may involve deficiency in open space a condition to this effect shall be incorporated in sell 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 16 January day of 2025 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.

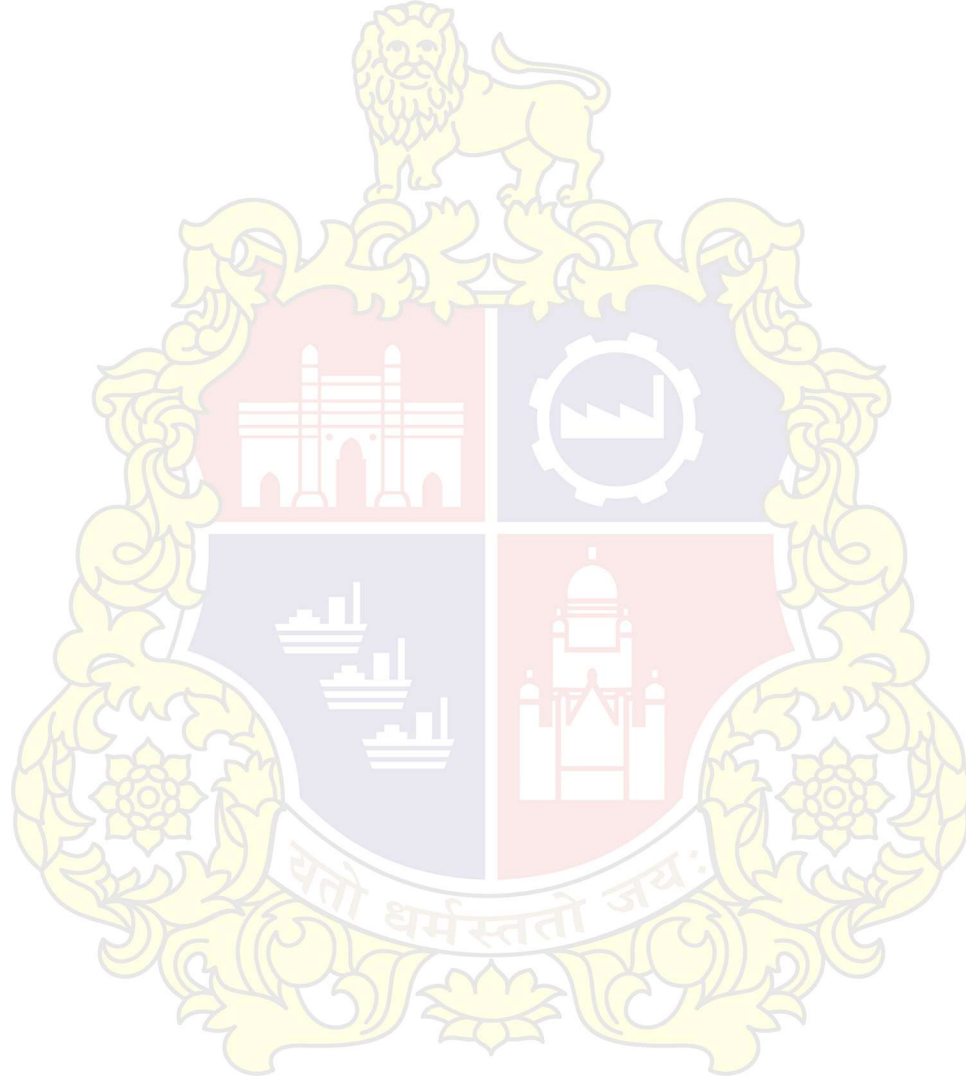
5. Your attention if further drawn to the provision of Section 353-A about the necessary of submitting occupation certificate with a view to enable the Municipal Commissioner for Greater Mumbai to inspect your premises and to grant a permission before occupation and to levy penalty for non-compliance 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-16511/2023/(281A/2)/S Ward/BHANDUP-W/IOD/1/New

- Copy To :-
1. SANJAY BHAILAL SHAH
2a & 3, panchavati 1st floor, s. v. road corner of bajaj road kandivali (w)
 2. Asst. Commissioner S Ward.
 3. A.E.W.W. S Ward,
 4. Dy.A & C. Eastern Suburb
 5. Chief Officer, M.B.R. & R. Board S Ward .
 6. Designated Officer, Asstt. Engg. (B. & F.) S Ward ,
 7. The Collector of Mumbai

