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Form
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In reply please quote No
and date of this letter
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Ex. Eng. Bldg. Proposal (City) - 1
E' Ward, Municipal Office 3rd Flr:
10, S. K. Hafizuddin Marg, Byculla
Mumbai - 400 068

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

No. E.B./CE/

BS/A

of 200 - 200

MEMORANDUM

To: The Municipal Engineer, Mumbai
From: The Municipal Corporation, Mumbai
Subject: Disapproval of Building Proposal No. 346 of 2004-15
Date: 29/5/2013

Municipal Office,
Mumbai 200

With reference to your Notice, letter No. 346 of 2004-15 dated 29/5/2013 and delivered on 29/5/2013, 200 and the plans, Sections Specifications and Description and further particulars and details of your buildings at C.S.No. 764 of 1st Ward, Div. 1, S.K. Hafizuddin Marg, Byculla, Mumbai - 400 068, furnished to me under your letter, dated 29/5/2013, 200, 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 Bombay Municipal Corporation Act as amended upto-date, my disapproval by thereof reasons:-

**A) THAT THE FOLLOWING CONDITIONS TO BE COMPLIED WITH
BEFORE COMMENCEMENT OF THE WORK UPTO PLINTH LEVEL.**

1. That the commencement certificate under Section 44/69(1)(a) of the M.R.T.P. Act will not be obtained before starting the proposed work.
2. That the builder / developer / owner shall not prepare a "debris management plan" showing the prospective quantum of debris likely to be generated, arrangements for its proper storage at the site, transportation plan of the agency appointed for the same, with numbers and registration numbers of vehicles to be deployed and the final destination where the debris would be unloaded by them and submit the same to the Zonal Executive Engineer of S.W.M. Department and the same shall not be got approved before demolition of existing building or commencing any construction activity.
3. 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 before starting the work as per Regulation No.39(27).
4. That the low lying plot will not be filled up to a reduced level of at least 82 T.H.D. or 8" above adjoining road level whichever is higher with murrum, earth, boulders, etc. and will not be leveled, rolled, consolidated and sloped towards road side, before starting the work.

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() That proper gutters and down pipes are not intended to be put up prevent water dripping from the leaves of the roof on the public street.

() That the drainage work generally is not intended to be done in accordance with the Municipal requirements.

Subject to your so modifying your opinion as to obviate the before mentioned objections and meeting the same, but not otherwise you will be at liberty to proceed with the said building work at anytime before the 23rd day of May 2014 but not so as to contravene any of the provision of the said Act as amended as aforesaid or any rules, 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.

—54—
Executive Engineer, Building Proposals,
Zone, City-1 Words.

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 centre of the adjoining street at the nearest point at which the drain from such building can be connected with the sewer then 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. () meters 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 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) (a) 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 thereunder.

Contd... (A).

5. That the structural engineer will not be appointed. Supervision memo as per Appendix-XI (Regulation 3(2) (ix)) will not be submitted by him.
6. That the structural design and calculations for the proposed work accounting for seismic analysis as per relevant I.S. Code and for existing building showing adequacy thereof to take up additional load alongwith bearing capacity of the soil strata will not be submitted before C.C.
7. That the regular/sanctioned/proposed lines and reservation will not be got demarcated at site through A.E. (Survey) before applying for C.C.
8. That the sanitary arrangements shall not be carried out as per Municipal Specifications, and drainage layout will not be submitted before C.C.
9. That the Registered Undertaking and additional copy of plan shall not be submitted for agreeing to hand over the setback land free of compensation and that the setback handing over certificate will not be obtained from Ward officer before demanding C.C. and that the ownership of the setback land will not be transferred in the name of M.C.G.M. before C.C.
10. That the Indemnity Bond indemnifying the Corporation for damages, risks, accidents, to the occupiers and an Undertaking regarding no nuisance will not be submitted before C.C. starting the work.
11. That the existing structure proposed to be demolished will not be demolished on necessary Phase Programme with agreement will not be submitted and got approved before C.C.
12. That the revised N.O.C. of C.F.O. will not be obtained & the requisitions, if any, will not be complied with before C.C.
13. That the qualified/Registered Site supervisor through Architect/Structural Engineer will not be appointed before applying for C.C.
14. That All Dues Clearance Certificate from A.E.W.W. D Ward shall not be submitted before issue of C.C.
15. That the premium/deposits as follows will not be paid -
 - a. Condonation of deficient open spaces.
 - b. Development charges as per M.R. & T.P. (Amendment) Act, 1982
 - c. Insecticide charges.
 - d. Payment of advance for providing treatment of construction site to prevent epidemic like dengue, malaria etc. to insecticide charges Ward.
 - e. Labour Welfare cess
16. That the registered undertaking in prescribed proforma agreeing to demolish the excess area if constructed beyond permissible F.S.I. shall not be submitted before asking for C.C.

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17. That the work shall not be carried out strictly as per approved plan and in conformity with the C.C. Regulations in force.
18. That the A.O.C. from Tree authority shall not be submitted before asking for plan C.C.
19. That the Registered Undertaking shall not be submitted for agreeing to pay the difference in premium paid and calculated as per revised land rates.
20. That the Janata Insurance policy or policy to cover the compensation claims arising out of Workmen's Compensation Act, 1923 will not be taken out and a copy of the same will not be submitted before asking C.C. and renewed during the construction of work.
21. That the N.O.C. from B.E.S.T. for sub station shall not be submitted.
22. That the fresh Tax Clearance Certificate from A.A. & C 'D' Ward shall not be submitted.
23. That letter from M.B.R.&R. Board confirming the exact surplus area to be surrendered to M.B.R.&R. Board shall not be submitted and amended plans shall not be submitted and got approved accordingly.
24. That the Regd. U.T. against misuse of pocket terrace / part terrace / stilt shall not be submitted.
25. That the footpath in front of plot shall not be repaired / restored once in a year or before occupation whichever is earlier.
26. That the indemnity Bond indemnifying M.C.G.M. against disputes, litigations, claims, arising out of ownership of plot shall not be submitted.
27. That the remarks from H.E. Department shall not be submitted.
28. That the debris shall not be dumped on the Municipal ground only.
29. That the board displaying the details of development of the work shall not be displayed at site.
30. That the necessary remarks for construction of SWD will not be obtained from Dy.Ch.Eng.(S.W.D.) City before asking for plinth C.C.
31. That the N.O.C. from Dy.Ch.Eng.(S.P.) P&D for proposed sewer line shall not be submitted before C.C.
32. That the copy of PAN card of the applicant shall not be submitted before C.C.
33. That the precautionary measures to avoid dust nuisance such as erection of G.I. sheet screens at plot boundaries upto reasonable height shall not be provided before demolition of existing structures at site.

45. That the N.O.C. from M.B.R. & R. Board for splitting of tenancy shall not be submitted.
47. That the Contractor's All Risk Policy for insurance including third party shall not be submitted.
48. That the Regd. Undertaking shall not be submitted by the Owner/Developer. Builder to sell the tenants / flats on carpet area basis only and to adhere to the provisions of Maharashtra Ownership Flats (Regulation of the Promotion of construction, sale management and transfer) Act (MOPFA), amended up to date and the Indemnity Bond indemnifying the M.C.G.M. and its Officers from any legal complications arising due to MOPFA will not be submitted.
49. That the registered Private Pest Control Agency for providing anti larval treatment at the construction site shall be appointed.
50. That the services of Safety Officer shall not be availed to take care of all types of safety during construction on all around.

(B) THE FOLLOWING CONDITIONS TO BE COMPLIED WITH BEFORE FURTHER C.C. OF SUPER STRUCTURE :

1. That the plinth dimensions shall not be got checked from this office before asking for further C.C. beyond plinth.
2. 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.
3. That the N.O.C. / letter from MHADA regarding compliance of condition No.6 as per MHADA N.O.C. W/No.RA/NOCC/F-1529/643/MBRRB-09 dated 4.2.2009 shall not be submitted before asking for C.C. beyond plinth.

(C) FOLLOWING GENERAL CONDITIONS TO BE COMPLIED WITH BEFORE GRANTING C.C. TO ANY PART OF PROPOSED BUILDING

1. That some of the drains will not be laid internally with C.I. Pipes.
2. That the dust bin will not be provided as per C.E.'s circular No.CE/9287/11 of 26-6-1978.
3. That the surface drainage arrangement will not be made in consultation with S.E.(SWD) or as per his remarks and a completion certificate will not be obtained and submitted before applying for occupation certificate/B.C.C.
4. That the surrounding open spaces, parking spaces and terrace will not be kept open and un-built upon and will not be leveled and developed before requesting to grant permission to occupy the building or submitting the B.C.C. whichever is earlier.
5. That the name plate/Board showing Plot No., name of the building etc. will not be displayed at a prominent place.
6. That carriage entrance shall not be provided.

45. That the N.O.C. from M.B.R. & R. Board for splitting of tenancy shall not be submitted.
47. That the Contractor's All Risk Policy for insurance including third party shall not be submitted.
48. That the Regd. Undertaking shall not be submitted by the Owner/Developer. Builder to sell the tenants / flats on carpet area basis only and to adhere to the provisions of Maharashtra Ownership Flats (Regulation of the Promotion of construction, sale management and transfer) Act (MOPFA), amended up to date and the Indemnity Bond indemnifying the M.C.G.M. and its Officers from any legal complications arising due to MOPFA will not be submitted.
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2. That the dust bin will not be provided as per C.E.'s circular No.CE/9287/11 of 26-6-1978.
3. That the surface drainage arrangement will not be made in consultation with E.E.(SWD) or as per his remarks and a completion certificate will not be obtained and submitted before applying for occupation certificate/B.C.C.
4. That the surrounding open spaces, parking spaces and terrace will not be kept open and un-built upon and will not be leveled and developed before requesting to grant permission to occupy the building or submitting the B.C.C. whichever is earlier.
5. That the name plate/Board showing Plot No., name of the building etc. will not be displayed at a prominent place.
6. That carriage entrance shall not be provided.

7. That the parking spaces shall not be provided as per D.C. Regulation No.36.
8. That B.C.C will not be obtained and I.O.D and debris deposit etc. will not be claimed for refund within a period of 3 years from the date of its payment.
9. That the N.O.C. from Inspector of Lrts. P.W.D., Maharashtra, will not be obtained and submitted to this office.
10. That the Drainage completion certificate from (S.P.)(P&D)City will not be submitted.
11. That the Drainage completion Certificate from A.E.(B.P.) City for House drain will not be submitted & got accepted.
12. That every part of the building construction and more particularly overhead tank will not be provided as with the proper access for the staff of Insecticide Officer with provision of temporary but safe & stable ladder etc.
13. That final N.O.C. from MHADA/ C.F.O./ Tree Authority shall not be submitted before asking for occupation permission.
14. That the compliance of N.O.C. from H.E. will not be made and certificate to that effect will not be submitted.
15. That the Fresh property card in the name of the owner shall not be submitted.
16. That the vermiculture bins for the disposal of wet waste as per design and specifications of organization or companies specialized in this field as per list furnished by, Solid waste Management of M.C.G.M. shall not be provided.

(D) THE FOLLOWING CONDITIONS TO BE COMPLIED WITH BEFORE B.C.C.

1. That certificate under Section 270-A Of M.M.C. Act will not be obtained from H.E.'s Department regarding adequacy of water supply.

[Signature]
24/5/13
Executive Engineer
Building Proposals (City)-I

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