

EB/ 6390/E/A

346
Form
88

in replying please quote No.
and date of this letter.

Ex. Eng. Bldg. Proposal (City)-II
'E' Ward, Municipa Office, 1st Floor,
10, S. K. Hafizuddin Marg, Byculla,
Mumbai - 400 008.

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

--EB/6390/E/A--

No. E.B./CE/

BS/A

of 20 - 20

Municipal Office,

Mumbai 17/10/13

MEMORANDUM

M/s. Nirban Infrastructure Pvt. Ltd.,
10, Ganeshwadi, M. J. Market,
Zaveri Bazar, Mumbai-400002.

With reference to your Notice, letter No.191..... dated 4.10.2011..... 20 and delivered on
.....17.11.2011..... 20 and the plans, Sections Specifications and Description and further particulars and
details of your buildings at C.S.No.1329 & 1330 of Byculla Division, at Sir J.J. Road (Victoria
GARDA ROAD, 'E' WARD, MUMBAI..... furnished
to me under your letter, dated 20..... I have to inform you that I cannot approval 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 D.C. Regulation No.38(27).
4. That the low lying plot will not be filled up to a reduced level of at least 92 T.H.D. or 6" above adjoining road level whichever is higher with murum, earth, boulders, etc. and will not be leveled, rolled, consolidated and sloped towards road side, before starting the work.

() That proper gutters and down pipes are not intended to be put to prevent water dropping from the eaves 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 16th day of Oct-2014 20, 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.

13/10/13
Executive Engineer, Building Proposals,
Zone, City-II 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 ~~Bylaw 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 plain 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 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. () 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 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 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 thereunder.

Attention is drawn to the notes Accompanying this Intimation of Disapproval.

-2(a)-Contd... (A)

5. That the specifications for development of setback land will not be obtained from E.E. Road (Construction) (City) before starting construction work and the access and setback land will not be developed accordingly including providing street lights and S.W.D., the completion certificate will not be obtained from E.E.(R.C.)/ E.E.(S.W.D.) of City before asking C.C. beyond 50% of permissible B.U.A. as per prevailing policy.
6. That the structural engineer will not be appointed. Supervision memo as per Appendix-XI [Regulation 5(3) (ix)] will not be submitted by him.
7. 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.
8. That the regular/sanctioned/proposed lines and reservation will not be got demarcated at site through A.E.(Survey)/ E.E.(T&C) before applying for C.C.
9. That the existing structure is not maintained in habitable condition and structurally stable till it demolished completely.
10. That the consents of all N.R. tenants stating to agree user of confirming in residential zone not submitted before C.C.
11. That the sanitary arrangements shall not be carried out as per Municipal Specifications, and drainage layout will not be submitted before C.C.
12. That the ownership of the setback land will not be transferred in the name of M.C.G.M. before asking C.C. beyond 75% of permissible B.U.A. as per prevailing policy.
13. That the Agreement with the existing non cessed tenant for area & user will not be submitted before demolition of non cessed structure.
14. 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.
15. That the existing structure proposed to be demolished will not be demolished after eviction of all tenants with due process of law or necessary Phase Programme with agreement will not be submitted and got approved before C.C.
16. That the requirements of N.O.C. of C.F.O. will not be obtained & the requisitions, if any, will not be complied with before occupation certificate / B.C.C.
17. That the basement will not comply with the Basement Rules and Regulation and Registered Undertaking for not misusing the basement will not be submitted before C.C.