



BRIHANMUMBAI MUNICIPAL CORPORATION

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

No. EB/5759/FS/A/IOD/1/New Dated- 17 October 2023

MEMORANDUM

Municipal Office,
Mumbai

To,

Mr. Ibrahim Jasub Sopariwala & Others

Girgaon Palace, 47-F , Khotachiwadi Opp. Golden Wheel Restaurant, Girgaon, Mumbai- 400 004

With reference to your Notice 337 (New) , letter No. 337 dated. 19/4/2023 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed redevelopment of property bearing C. S. no. 217/74 of Parel Sewree Division, Situated at Jerbai Wadia Road, F/S- Ward, Mumbai, Ward no. FS- 964(2) known as " Hussaini House".217/74 furnished to me under your letter, dated 19/4/2023. 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 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.
- 5 That the structural engineer will not be appointed. Supervision memo as per Appendix-XI [Regulation

5(3)(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 sanitary arrangements shall not be carried out as per Municipal Specifications, and drainage layout will not be submitted before C.C.
- 8 That the Comprehensive Regd. Undertaking as per EODB shall not be submitted.
- 9 That the Comprehensive Indemnity Bond as per EODB shall not be submitted
- 10 That the Undertaking, indemnifying the Corporation against any risk, damages, claims and liability regarding the issue of leakages arising thereof and owner shall make aware the prospective buyer will not be submitted before C.C./starting the work
- 11 That the NOC from MHADA for Splitting Tenements shall not be submitted before asking for C.C.
- 12 That the registered undertaking indemnifying the M.C.G.M. against any litigation arising out of hardship to user in case of the failure of automatic car tower parking system /stacked parking system/car lift/ nuisance due to mechanical/stacked parking system / puzzle car parking and car lift to the building under reference will not be submitted before C.C.
- 13 That the registered undertaking and indemnity bond for The mechanical/ automatic car tower parking system /stacked parking system / Puzzle car parking system shall be equipped with electric sensor devices and also proper precautions & safety measures shall be taken to avoid any mishap & the damages occurred due to flooding in pit if any & maintenance of mechanical/ automatic car tower parking system /stacked Parking system shall be done regularly shall be done regularly will not be submitted before C.C.
- 14 That the registered undertaking for Area reserved for the parking shall be used for the purpose of parking only shall not be submitted before asking for C.C.
- 15 That the Structural stability certificate of mechanical tower car parking/ Puzzle car parking/stacked parking system shall not be submitted before asking for C.C.
- 16 That the qualified/ Registered Site supervisor through Architect/Structural Engineer will not be appointed before applying for C.C.
- 17 That All Dues Clearance Certificate from A.E.W.W. 'F/S' Ward shall not be submitted before issue of C.C.
- 18 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,1992, c) Payment of advance for providing treatment of construction site to prevent epidemic like dengue, malaria etc. to insecticide charges F/S 'Ward, e) Labour Welfare Cess f) Extra Sewerage Charges. i) Development Cess.
- 19 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.
- 20 That the work will not be carried out strictly as per approved plan and in conformity with the D. C. P.R. in force
- 21 That the N.O.C. from Tree authority shall not be submitted before asking for plinth C.C.
- 22 That the necessary NOC / Remarks from Consultant for M&E point of view shall not be submitted.

- 23 That the Registered Undertaking shall not be submitted for agreeing to pay the difference in premium paid and calculated as per revised land rates.
- 24 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 and owner / developer should submit revalidated Janata Insurance Policy from time to time.
- 25 That the fresh Tax Clearance Certificate from A.A. & C 'F/S' Ward shall not be submitted.
- 26 That the Regd. U/T against misuse of elevation features lobby shall not be submitted.
- 27 That the Regd. U/T against misuse of Fitness Centre shall not be submitted.
- 28 That the Regd. U/T against misuse of Beam at Mid Lading Level shall not be submitted.
- 29 That the Regd. U/T against misuse of Society office shall not be submitted.
- 30 That the Regd. U/T against misuse of Void shall not be submitted.
- 31 That the Indemnity Bond indemnifying M.C.G.M. against disputes, litigations, claims, arising out of ownership of plot shall not be submitted.
- 32 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.
- 33 That the Third party insurance shall not be submitted
- 34 That the remarks from H.E. Department shall not be submitted.
- 35 That the debris shall not be dumped as per Approved Dumping Site as per SWM NOC
- 36 That the board displaying the details of development of the work shall not be displayed at site.
- 37 That the necessary remarks construction of SWD will not be obtained from Dy.Ch.Eng.(S.W.D.) City before asking for plinth C.C.
- 38 That the N.O.C. from Dy.Ch.E.(S.P.) P&D for proposed sewer line shall not be submitted before C.C.
- 39 That the copy of PAN Card of the applicant shall not be submitted before C.C.
- 40 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.
- 41 That the extra ground rent / penalty, premises for breaches in lease, if any will not be paid to Asstt. Commissioner (Estate) office and NOC from A.C. (Estate) thereof will not be submitted before asking C.C.
- 42 That Regd. U/T for minimum Nuisance during construction activity shall not be submitted before C.C.
- 43 That the work shall not be carried out between 6.00 A.M. to 10.00 P.M. or as per Policy guidelines only.
- 44 That remarks from E.E. (M & E) for ventilation shall not be submitted.
- 45 No main beam in a 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.
- 46 All the cantilevers (Projections) shall not be designed for five times the load as per IS Code 1993-2002

including the columns projecting beyond the terrace and carrying the overhead water storage tank, etc.

- 47 In R.C.C. framed structures, the external walls shall not be less than 230 mm if in brick masonry or 150 mm. autoclaved cellular concrete block excluding plaster thickness as circulated under No. CE/PD/11945/I of 2.2.2006.
- 48 That the specification & design of Rain Water Harvesting scheme as per the State Govt.'s directives u/No.TPB-4307/396/CR-124/2007/UD-11 dated 6th June 2007 shall not be submitted.
- 49 That the requisition of clause No. 45 and 46 of D.C. Regn. 91 shall not be complied with and records of quality of work, verification of report shall not be kept on site till completion of work.
- 50 That the feasibility of providing the basement from geologist on the plot under reference shall not be submitted.
- 51 That the services of Safety Officer to take care of all safeties during construction on construction site and around shall not be hired.
- 52 That the N.O.C. from Collector of Mumbai from excavation point of view shall not be submitted before C.C.
- 53 That all the conditions and directions specified in the order of Hon. Supreme Court dtd 15.03.2018 in Dumping Ground case shall be complied with before endorsement of CC and/or before starting of any construction/demolition work.
- 54 That adequate safeguards shall be employed in consultation with SWM dept. of MCGM for preventing dispersal of particles through air and the construction debris generated shall be deposited in specific sites inspected and approved by MCGM.
- 55 That the debris shall be managed in accordance with the provisions of Construction and Demolition Waste Management Rules 2016 and requisite Bank Guarantee as demanded by MCGM for faithful Compliance of Waste / debris Management plan shall be furnished before demolition of structure or construction of work.
- 56 That the NOC from Consultant for Mechanical Ventilation shall not be submitted before issue of the C.C
- 57 That the plot boundary shall not be got demarcated from C.S.L.R. and demarcation certificate shall not be submitted to this office.

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

- 1 That the plinth dimension / plinth height shall not be got checked by this office staff.
- 2 That the Material testing report shall not be submitted.
- 3 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.
- 4 That all the structural members below the ground shall 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 will be taken and completion certificate to that effect shall not be submitted before granting further C.C. beyond plinth.
- 5 That all the Estate & MHADA NOC shall not be submitted before asking for further C.C.

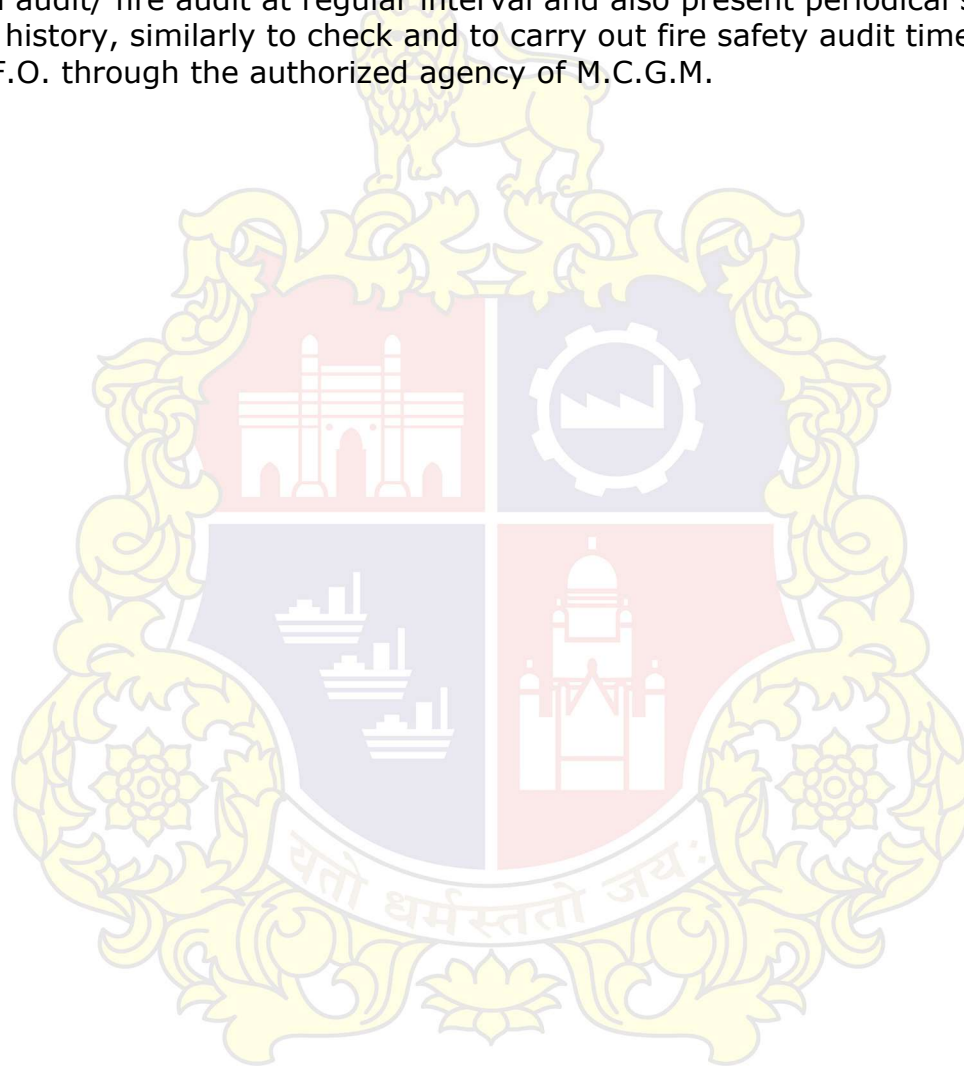
- 6 That the Civil aviation NOC shall not be submitted beyond height as per approved colour code map by civil aviation authority.
- 7 That the Mhada NOC shall be submitted for N.R. to R allocation.

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

- 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/9297/II 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 10'-0" wide paved pathway upto staircase will not be provided
- 5 That the surrounding open spaces, parking spaces and terrace will not be kept open and un-built upon and will not be levelled and developed before requesting to grant permission to occupy the building or submitting the B.C.C. whichever is earlier.
- 6 That the name plate/Board showing Plot No., name of the building etc. will not be displayed at a prominent place.
- 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 6 years from the date of its payment.
- 9 That the N.O.C. from Inspector of Lifts, 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 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 a provision of temporary but safe and stable ladder etc.
- 13 That final N.O.C. from MHADA/ C.F.O. / Tree Authority/ Estate 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.
- 17 That the installation of Rain Water Harvesting scheme as per the State Govt.'s directives U/No. -TPB-4307/396/CR-124/2007/UD-11 dated 6th June 2007 shall not be provided before applying for occupation permission.
- 18 That the following documents shall not be compiled, preserved and handed over to the end user /prospective society within a period of 30 days in case of redevelopment of properties and in

other cases, the same should be handed over within a period of 90 days after granting occupation certificate by M.C.G.M. a) Ownership documents; b) Copies of I.O.D., C.C., subsequent amendments, O.C.C., B.C.C. and corresponding canvass mounted plans, c) Copies of soil investigation reports, d) R.C.C. details and canvass mounted structural drawings, e) Structural Stability Certificate from Licensed Structural Engineer, f) Structural Audit Reports, g) All details of repairs carried out in the buildings, h) Supervision certificate issued by the Licensed Site Supervisor, i) Building Completion Certificate issued by Licensed Surveyor/ Architect, j) NOC and completion certificate issued by the C.F.O., k) Fire safety audit carried out as per the requirement of C.F.O.

- 19 That the certified copy of sale agreement incorporating the following conditions shall not be submitted to this office (a). That the prospective society / end user shall not preserve and maintain the documents / plans received from Owner / Developer / Architect and subsequently carry out necessary repairs / structural audit/ fire audit at regular interval and also present periodical structural audit reports and repair history, similarly to check and to carry out fire safety audit time to time as per requirement of C.F.O. through the authorized agency of M.C.G.M.



- () 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 October 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 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.

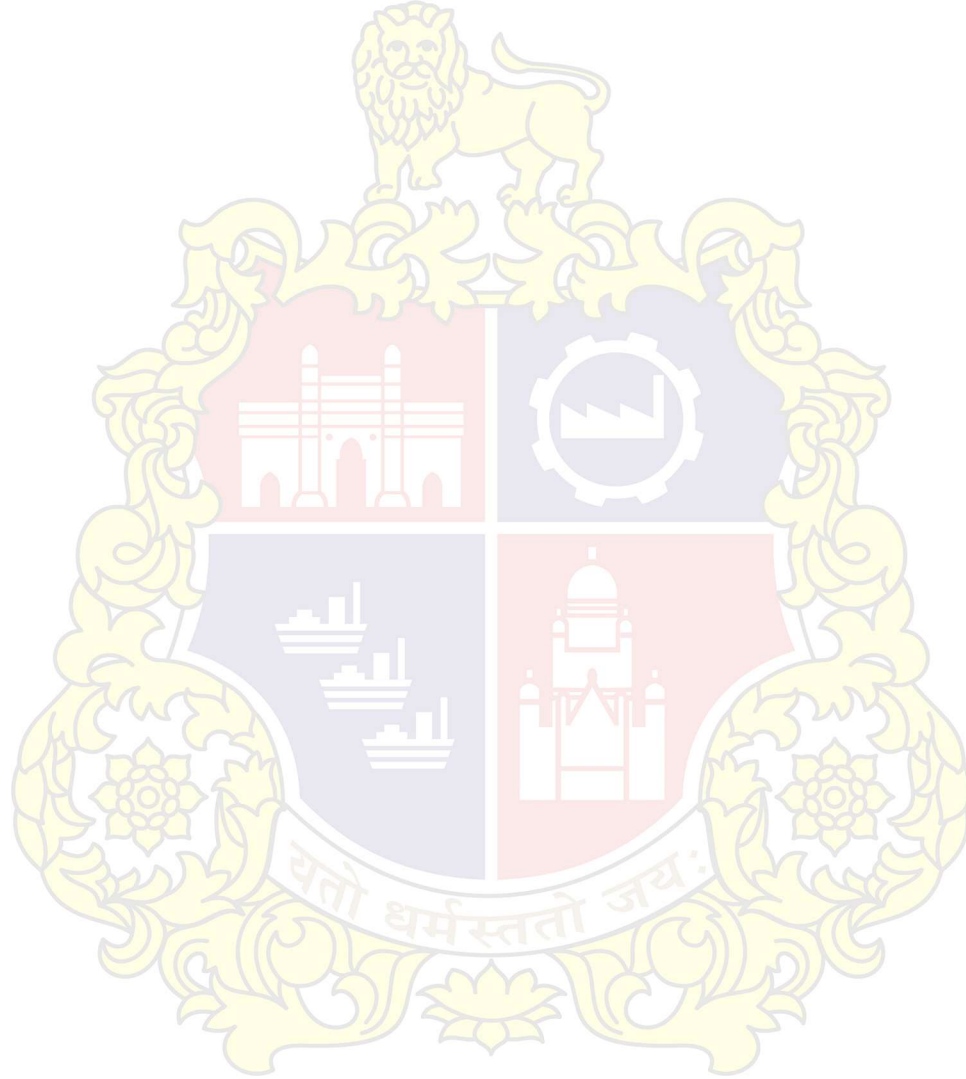
6. Proposed date of commencement of work should be communicated as per requirements of Section 347 (1) (aa) of the Bombay Municipal Corporation Act.

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.**

EB/5759/FS/A/IOD/1/New

- Copy To :-
1. ANKIT PRAKASH DHARIA, Licensed Surveyor.
Office No.1&2, Ground Flr, Patel Building, Bldg. no. 146B, Opp. Fish Market, N. M. Joshi Marg.
 2. Asst. Commissioner F/South.
 3. A.E.W.W. F/South,
 4. Dy.A & C. City
 5. Chief Officer, M.B.R. & R. Board F/South .
 6. Designated Officer, Asstt. Engg. (B. & F.) F/South ,
 7. The Collector of Mumbai

