



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

No. P-10814/2022/(108 And
Other)/F/South/DADAR-NAIGAON-F/S/IOD/1/New Dated- 02
February 2023

MEMORANDUM

Municipal Office,
Mumbai

To,

M/s. Renaissance Spaces

203-204, 2nd Floor, Orbit Plaza, New Prabhadevi Road, Prabhadevi, Mumbai - 400 025.

With reference to your Notice 337 (New) , letter No. 2374 dated. 12/4/2022 and the plans, Sections Specifications and description and further particulars and details of your buildings at Cluster Development Scheme under DCPR-33(9) on property bearing CS Nos. 108(pt), 111(pt), 112(pt), 255, 256(pt) & 257(pt) of Dadar-Naigaon Division for Abhinav Residency CHS CTS/CS/FP No. 108 ,112 ,111 ,257 ,256 ,255 furnished to me under your letter, dated 12/4/2022. 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 certificate to the effect that the licensed surveyor has effectively supervised the work and has carried out tests for checking leakages through sanitary blocks, termites, fixtures, joints in drainage pipes etc.and that the workmanship is found very satisfactory shall not be submitted.
- 2 That the N.O.C. from B.E.S.T. for sub station shall not be submitted.
- 3 a. That all conditions and directions specified in the order of Hon'ble Supreme Court dated 15.03.2018 in Dumping Ground case shall not be complied with. b. That the adequate safeguards be employed in consultation with SWM Dept. of MCGM for preventing dispersal of particles through air and the construction debris generated shall not be deposited in specific sites inspected and approved by MCGM. C. That the debris shall not be managed in accordance with the provision of construction and demolition waste Management Rules 2016.
- 4 That the necessary remarks for training of nalla / construction of SWD will not be obtained from Dy.Ch.Eng.(S.W.D.) City and Central Cell before asking for plinth C.C. .
- 5 That the status of road certificate, in respect of the road abutting to the property, obtained from A.E.

(Maintenance) shall not be submitted.

- 6 That the no dues pending certificate from A.E Water works "S" ward shall not be submitted.
- 7 That the N.O.C. from Tree authority shall not be submitted before asking for plinth C.C.
- 8 That the N.O.C. from Dy.Ch.E.(S.P.) P&D for proposed sewer line shall not be submitted before C.C.
- 9 That the N.O.C. from Dy.Ch.E.(S.P.) P&D for proposed sewer line shall not be submitted before C.C.
- 10 That the copy of PAN card of the applicant shall not be submitted before C.C.
- 11 That the qualified registered site supervisor through architect/structural engineer will not be appointed before applying for C.C.& his name and licence No.duly revalidated will not be submitted.
- 12 That a Janata Insurance Policy or policy to cover the compensation claims arising out of Workmen` s Compensation Act 1923 will not be taken out before starting the work and will not be renewed during the construction.
- 13 That the development charges as per M.R.T.P.(amendment) Act 1992 will not be paid.
- 14 That the adequate & decent temporary sanitary accommodation will not be provided for construction workers on before starting the work.
- 15 That the remarks from Asst.Engineer, Water Works regarding location, size capacity of the suction tank, overhead storage tank for proposed and existing work willnot be submitted before starting the work and his requirements will not be complied with.
- 16 That the services of Safety Officer to take care of all safeties during construction on construction site and around shall not be hired.
- 17 That the Third party / Public Liability insurance Policy shall not be submitted.
- 18 That the NOC/ Remarks from M & E / MEP consultant for ventilation of Artificial Ventilation Shafts & Mechanical ventilation for NR toilets shall not be submitted.
- 19 That the structural design and calculations for the proposed work considering seismic forces as per I.S.Code Nos.456-2000, 13920 - 1993, 4326 and 1893 - 2002 as per circular u.no.CE/PD/11945/1 dated 2.2.2006 for existing building showing adequacy thereof to take up additional load will not be submitted by him.
- 20 That the N.O.C. from concerned electric power supply company will not be obtained and the requisitions, if any, will not be complied with before occupation certificate/B.C.C.
- 21 That the debris management plan shall not be submitted to S.W.M. Department.
- 22 That the Structural Engineer will not be appointed. Supervision memo as per appendix XI (regulation 5(3)(ix) will not be submitted by him.
- 23 That all the cantilevers [projections] shall not be designed for five times the load as per I.S. code 1893-2002. This also includes the columns projecting beyond the terrace and carrying the overhead water storage tank, etc.
- 24 That the NOC from MOEF, Tree Authority, Electric company NOC for substation, Meter room shall not be submitted.
- 25 That the registered undertaking for followings shall not be submitted before C.C. a). 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. b) Agreeing to demolish the excess area if constructed beyond permissible F.S.I. before asking for C.C. c). To pay the difference in premium paid and calculated as per revised land rates. d). Against misuse of Podium / parking space /part terrace/ sloping terrace/ elevation features/ chajja/ part terraces/ voids/ fire control room/ BMS room/ Amenity/ fitness center/ society office e) Minimum Nuisance during construction activity. f) parking space reserved for parking only, g) Indemnity bond indemnifying MCGM & its officer against any litigation arising due to the mechanical failure, h) Structural stability certificate from registered structural engineer for mechanical car parking tower / Stack Parking. I) set back shall be hand over if any. J) Special attendant shall be appoint to control the maneuvering of cars. k) Handing over excess parking to BMC in case full F.S.I. is not consumed free of cost. L) Building proposed with deficient in open space condition to that effect will be incorporated in sale & rehab agreement. M) Wingwise Separate Society registration to be done & condition to that effect will be incorporated in sale & rehab agreements.

- 26 That the indemnity bond for followings shall not be submitted before C.C. a. Indemnity Bond indemnifying M.C.G.M. against disputes, litigations, claims, arising out of ownership of plot. b. Indemnity bonds indemnify MCGM against any claims/ disputes/ litigation arising out of issue out of the damage against no nuisance due to contravening toilets if any.
- 27 That the all the conditions mentioned in 29th HPC Meeting Dt:- 26.08.2019 shall not be complied.
- 28 That the all the conditions mentioned in LOI Dt:- 28.01.2022 shall not be complied.
- 29 That the all the conditions mentioned in U.D. Letter dt:- 07.04.2021 shall not be complied.
- 30 That the premium of LOS touching to existing & proposed building shall be paid before C.C.
- 31 The inadequate size of room if any shall not be disclosed in the rehab / sale agreement and a RUT to that effect shall not be submitted.
- 32 Layout scrutiny fee as applicable for Amalgamation / Division shall not be Paid before granting C.C.
- 33 That the NOC from Home department before rehabilitation of existing Temple shall not be submitted.

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

- 1 That the plinth dimensions & Stilt Height shall not be got checked from this office before asking for further C.C. beyond plinth.
- 2 That the revised NOC from CFO 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 the NOC from Estate shall not be submitted before asking FCC
- 5 That every year before onset of the monsoon / revalidation of C.C., structural stability certificate of the work executed on site shall not be submitted by the appointed Registered Structural Engineer / Consultant, appointed by owner / occupier / society.
- 6 That the development cess shall not be paid.

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

- 1 That the qualified registered site supervisor through architect/structural engineer shall be appointed

before applying for C.C.& his name and licence No.duly revalidated shall be submitted.

- 2 That the Final structural Stability Certificate and Structural Drawings shall not be submitted.
- 3 That the ownership of the recreation space/swimming pool /Club House shall not vest by provision in a deed of conveyance in all the property owners on account of whose holding the R.G./Swimming Pool Club House is assigned.
- 4 That Society Office permissible as per DCR before occupation for the building under reference shall not be constructed.
- 5 That Fitness Centre permissible as per DCR before occupation for the building under reference shall not be constructed.(if applicable)
- 6 That the dust bin will not be provided.
- 7 That the Final structural Stability Certificate and Structural Drawings shall not be submitted.
- 8 That dry and wet garbage shall not be separated and the wet garbage in the building shall not be treated separately on the same plant 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 the developer / owner.
- 9 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.
- 10 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.
- 11 That the name plate/Board showing Plot No., name of the building etc. will not be displayed at a prominent place.
- 12 That carriage way entrance shall not be provided.
- 13 That the parking spaces shall not be provided as per Regulation No.44 of DCPR 2034.
- 14 That the N.O.C. from Inspector of Lifts, P.W.D., Maharashtra, will not be obtained and submitted to this office.
- 15 That the Drainage completion certificate from (S.P.)(P&D)City will not be submitted.
- 16 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.
- 17 That final N.O.C. from C.F.O. & Estate department shall not be submitted before asking for occupation permission.
- 18 That the compliance of N.O.C. from H.E will not be made and certificate to that effect will not be submitted.
- 19 That the Fresh property card in the name of the owner shall not be submitted.
- 20 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

21 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. Supervision certificate issued by the Licensed Site Supervisor. g. Building Completion Certificate issued by Licensed Surveyor/ Architect. h. NOC and completion certificate issued by the C.F.O.

22 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.

23 The registered undertaking and indemnity bond shall not be submitted stating that the conditions mentioned above will be incorporated in the sale agreement and the same will be informed to the prospective society/ end user.

24 That terraces, sanitary blocks, nahanis in kitchen will not be made water proof and same will not be provided by method pounding and all sanitary connection will not be leak proof and smoke test will not be done in presence of licensed plumber.

25 That structural engineer's final stability certificate along with up to date licensed copy and R.C.C. design plan shall not be submitted.

26 That the development cess shall not be paid.

27 That the final NOC from Dy.M.A. shall not be submitted.

28 That the single property cards of amalgamation plots shall not be obtained and submitted to competent authority before asking O.C. to building

29 That the Vermiculture bins for disposal of wet waste as per the design and specification of Organizations / individuals specialized in this field, as per the list furnished by Solid Waste Management Department of MCGM, shall not be provided to the satisfaction of Municipal Commissioner.

30 That the certificate under Sec.270-A of the BMC Act will not be obtained from H.E.'s Department regarding adequacy of water supply.

31 That the MSQ Wing O.C. not obtained & shall not be handed over before asking OC for Sale Wing.

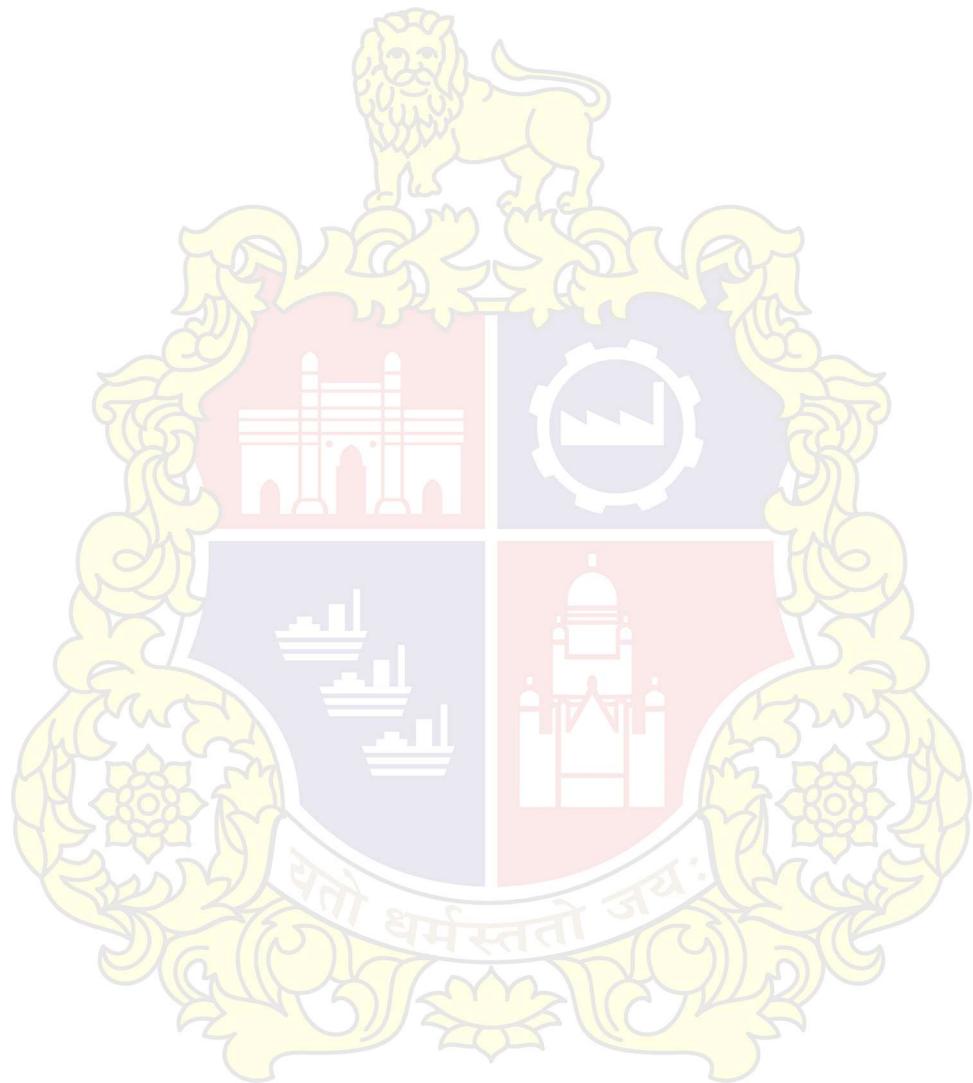
32 That the Project Promoter/Developer shall not comply the condition of raising/ depositing Corpus Fund as per LOI Condition.

33 That the NOC from Tree Authority shall not be submitted before asking OC.

34 That the fresh Tax Clearance Certificate / No dues from A.A. & C 'F/South' Ward shall not be submitted.

35 That the completion certificate of Dy.Ch.E. (S.P.) P&D for sewer line / STP shall not be submitted

before O.C.



() 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 1 February day of 2024 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.

**Executive Engineer, Building Proposals,
Zone, Wards.**

SPECIAL INSTRUCTIONS

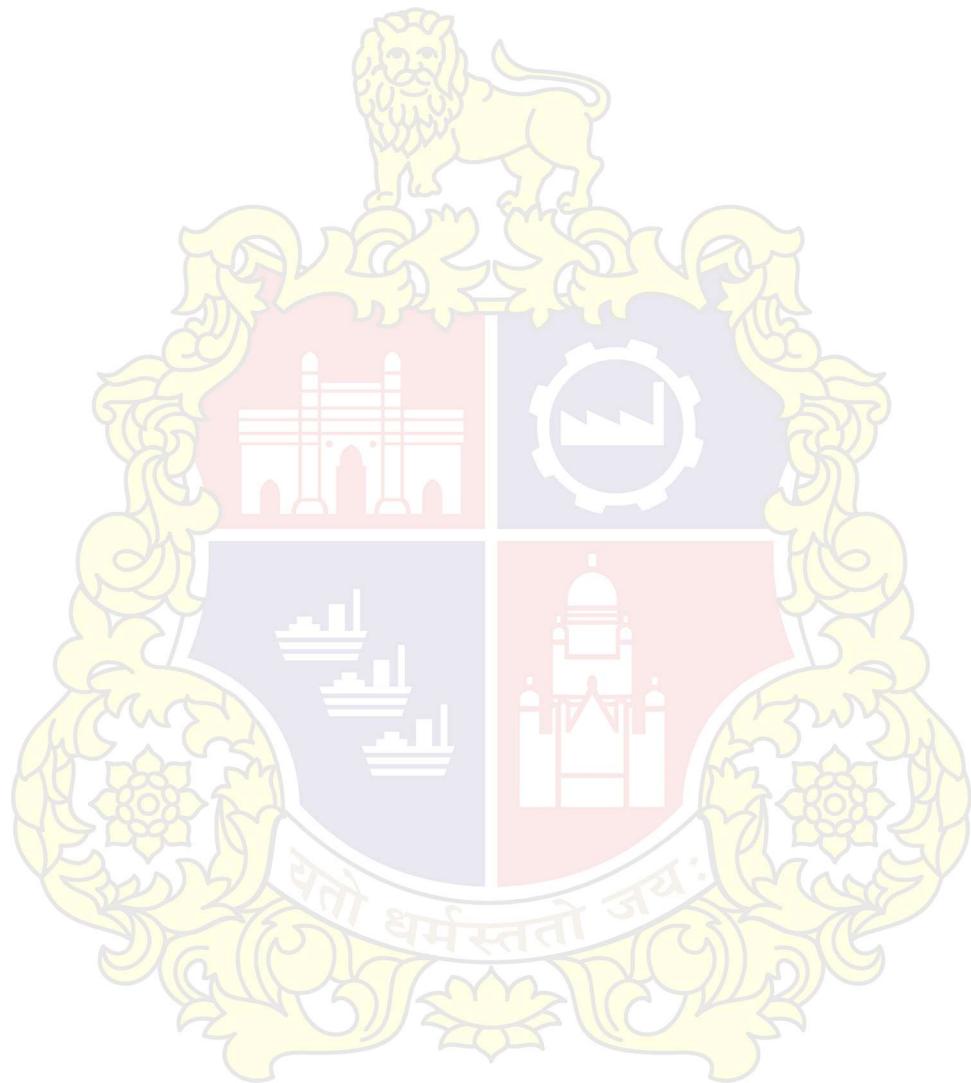
- 1. THIS INTIMATION GIVES NO RIGHT TO BUILD UPON GROUND WHICH IS NOT YOUR PROPERTY.**
2. Under Section 68 of the Bombay Municipal Corporation Act, as amended, the Municipal Commissioner for Greater Mumbai has empowered the City Engineer to exercise, perform and discharge the powers, duties and functions 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 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.



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 asphalt 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 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 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 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.**

P-10814/2022/(108 And Other)/F/South/DADAR-NAIGAON-F/S/IOD/1/New

Copy To :-

- 1. Vilas Paralhadrao Kharche
401, Rushikesh Apartment, Off. Gokhale Road, Mulund (East), Mumbai-400081
- 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

