

346

Form

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

Valid upto .03 FEB 2016

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

No. E.B./CE/ BS/A of 20 20

MEMORANDUM

CE / 1381 / BPES / AS .04 FEB 2015

Municipal Office,

Mumbai .....20

**Mr.Amit M. Jain of M/s.Arkade Developers Pvt.Ltd.**

With reference to your Notice, letter No. 1239 dated 25.06.2014 20 and delivered on  
20 and the plans, Sections Specifications and Description and further particulars and  
Proposed Residential Building on plot bearing C.T.S.  
details of your buildings at No. 1019 of village Kanjur, Kanjur (E), 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 your, under Section 346 of  
the Bombay Municipal Corporation Act as amended upto-date, my disapproval by thereof reasons :-

**(A) CONDITIONS TO BE COMPLIED WITH BEFORE STARTING THE WORK  
BEFORE PLINTH C.C.**

1. That the commencement certificate under Sec.44/69(1)(a) of the M.R.& T.P. Act will not be obtained before starting the proposed work.
2. That the compound wall is not constructed on all sides of the plot clear of road widening line with foundation below the 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).
3. That the low lying plot will not be filled up to 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.
4. That the specification for layout/D.P./or access roads/development of setback land will not be obtained from Executive Engineer (Road Construction) before starting the 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 Executive Engineer (R.C.)/Executive Engineer (S.W.D.) E.S. before submitting building completion certificate.

for *Reg. Suburban*  
Executive Engineer Building Proposal  
(Eastern Suburbs.) - II



( ) 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 ..... day of **03 FEB 2016** 00, 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.

*for right hand*  
Executive Engineer, Building Proposals,  
Zone, **ES-T 3** 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 a 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 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 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 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) (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.

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



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5. That the Licensed 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 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.
7. That the regular/sanctioned/ proposed lines and reservations will not be got demarcated at site through A.E.(Survey)/E.E.(T&C)/E.E.(D.P.)/D.I.L.R. before applying for C.C.
8. That the agreement with existing tenants along with the plans for demolition of their tenements for acceptance of alternate accommodation will not be submitted before C.C.
9. That the consent letter from tenants for proposed additions/alterations in their tenement will not be submitted before C.C.
10. That the existing structure proposed to be demolished will not be demolished or necessary phase programme with agreement will not be submitted and got approved before C.C.
11. That the requirements of N.O.C. of M.S.E.B. Inspector of Factories/ Inspector of Explosives / Dy.C.E.(Air Pollution Prevention) / Prevent Board & Water Supply / Dept. of Govt. of Maharashtra / B.S.E.S. Ltd. / Tata Hydro Electric Co. / Andhra Valley Power Supply & Co./C.F.O. will not be obtained and the requisition, if any, will not be complied with before occupation certificate / B.C.C.
12. 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.
13. That the no dues pending certificate from Asst.Engineer, Water Works, 'T' Ward shall not be submitted before C.C.
14. That adequate care in planning, designing and carrying out construction will not be taken in the proposed building to provide for the consequence of settlement of floors and plinth filling etc.
15. That adequate care will not be taken to safeguard the trees existing on the plot while carrying out construction work & remarks from S.G. shall not be submitted.
16. That the notice under Sec.347 (1)(a) of the Mumbai Municipal Corporation Act will not be sent for intimating the date of commencement of the work.
17. That this office will not be intimated in prescribed proforma for checking the opens spaces and building dimensions as soon as the work upto plinth is completed.
18. That the clearance certificate from assessment Department regarding upto date payment of Municipal taxes etc. will not be submitted.
19. That the requirement of bye law 4(C) will not be complied with before starting the drainage work and in case Municipal sewer is not laid, the drainage work will not be carried on as per the requirement of Executive Engineer (Sewerage Project), Planning & completion certificate from him will not be submitted.

*Dr. R. S. D. D. D.*  
Executive Engineer Building Proposal



BRIHANMUMBAI MAHANAGARPALIKA

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20. That the copy of Intimation of Disapproval conditions & other layout or sub division conditions imposed by the Corporation in connection with the developmental site shall not be given to the would be purchaser and also displayed at site.
21. That the N.A. permission from the Collector of Mumbai shall not be submitted.
22. 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.
23. That the development charges as per M.R.T.P.(amendment) Act 1992 will not be paid.
24. That the carriage entrance shall not be provided before starting the work.
25. That the adequate & decent temporary sanitary accommodation will not be provided for construction workers on before starting the work.
26. That the documentary evidence regarding ownership, area and boundaries of holding is not produced by way of abstracts form the District Inspector of Land Records, extracts from City Survey Record and conveyance deed etc.
27. That the separate P.R.Cards for each sub-divided plots, road, etc. exhibiting area in words & figures will not be submitted.
28. That the debris will not be removed before submitting the building completion certificate and requisite deposit will not be paid before starting the work towards faithful compliance thereof.
29. That the No Objection Certificate from Hydraulic Engineer for the proposed development will not be obtained and his requirements will not be complied with.
30. That the society will not be formed & got registered and true copy of the registration of society will not be submitted.
31. That the proposal for amended layout / sub-station shall not be submitted and get approved before starting the work and terms and conditions thereof will not complied with.
32. That the proposal will contravene the section 251(A)(A) of the Mumbai Municipal Corporation Act.
33. That the remarks from Asst. Engineer, Water Works regarding location, size capacity of the suction tank, overhead storage tank for proposed and existing work will not be submitted before starting the work and his requirements will not be complied with.
34. That the capacity of overhead tank will not be provided as per 'P' form issued by department of Hydraulic Engineer and structural design to that effect admitted before requesting to grant commencement certificate.
35. That the phase programme for infrastructure development will not be submitted and got approved and will not be developed as per phase programme.
36. That the N.O.C. from Insecticide Officer shall not be submitted.
37. That the board mentioning the name of Architect/Owner shall not be displayed on site.
38. That the requirements as per Circular No.CE/PD/12387 of 17/03/2005 shall not be complied with during the execution of work.
39. That the necessary remarks for training of nalla/construction of S.W.D. will not be obtained from Dy.Ch.E.(S.W.D.)City & Central cell, before plinth C.C. and compliance of said remarks will not be insisted before granting full C.C. for the building.

for file  
Executives Engineer - Building Proposal  
(Eastern suburbs.) - II



40. That the debris management plan shall not be submitted to S.W.M. Department.
41. That the C.C. shall not be asked unless payment of advance for providing treatment at construction site to prevent epidemics like Dengue, Malaria etc. is made to the Insecticide Officer of the concerned ward office and provision shall not be made as and when required by Insecticide Officer for inspection of water tanks by providing safe and stable ladder, etc. and requirements as communicated by the Insecticide Officer shall not be complied with.
42. That the register U/T shall not be submitted by Owner / Developer / Builder to sell the tenements / flats on carpet area basis only and abide by the provisions of Maharashtra Ownership flats ((Regulation of the promotion of construction, sale, Management & Transfer) Act; (MOFA) amended upto date Indemnity Bond indemnifying MCGM & its officers from any legal complications arising due to MOFA shall not be submitted.
43. That the remarks from the existing road shall not be submitted from A.E.(Maint.) T Ward.
44. That the relaxations / concessions required for consumption of full FSI permissible i.e. maximum potential permissible on the plot shall not be got approved from competent authority.
45. That the works shall not be carried out between 7.00 a.m. to 7.00 p.m.
46. That the Architect shall not submit the quarterly progress report of the proposed work.
47. That the debris generated / building material is dumped within a periphery of 50.00 mtr. from mangroves.
48. That the NOC from Registrar/ Dy.Registrar of CHS shall not be submitted before demolition of the existing structure.
49. That the register U/T from Owner indemnifying from owner indemnifying the MCGM against any litigation arising out of hardship to user in case of the failure of mechanized system / nuisance due to mechanical system / to the building under reference to the adjoining wing / adjoining building shall not be submitted.
50. That the register U/T from Owner stating that the mechanized parking system will be equipped with electric sensor devices and also proper precaution and safety measure will be taken to avoid any mishap and maintenance of mechanized parking system will be done regularly shall not be submitted.
51. That as per Circular No.ChE/27921/DP/Gen dated 06/01/2014, the owner / developer and concerned architect / L.S. shall compile and preserve the following documents :-
  - a)Ownership document, b)Copies of IOD, CC subsequent amendments, O.C.C., B.C.C. and corresponding canvass mounted plans, c) copies of Soil Investigation Reports, d)RCC details and canvas 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 L.S. / 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.The above documents / plans shall be 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.