

346

Form 88

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 in replying please quote No.  
 and date of this letter.  
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**Intimation of Disapproval under Section 346 of the Mumbai  
 Municipal Corporation Act, as amended up to date**

EB/7365/FNA

No. E.B./CE/

BS/A

of 2015

En. Eng. Eida. Pranasal (City) -II  
 New Municipal Eng. C. S. No.355 B,  
 Bhagwan Wadala Circle, Wadalanekar Marg,  
 Opp. Maharashtra Bank,  
 Salt Pan Road, Antopoli, Wadala (East)  
 Mumbai - 400 037.

## MEMORANDUM

The Owner,  
 Shri Deepak Goradia,  
 M/s Dosti Realty Ltd. Lawrence &  
 Mayo House, D.N.Road, Fort,  
 Mumbai - 400 001.

Municipal Office,

Mumbai 24/9/15

With reference to your Notice, letter No. ....005843..... dated 07.11.2014..... 20 and delivered on  
 .....17.11.2014..... 20 and the plans, Sections Specifications and Description and further particulars and  
 details of your buildings at .....4/356 of Matunga Division in F/North Ward, at Wadala, 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) 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.

- 2(a) -

No. EB/7365/FN/A dt 24/9/15

**Contd... (A).**

5. That the specifications for layout/ D.O./or access roads/ 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 submitting building completion certificate.
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)/ E.E.(D.P.)/ D.I.L.R. before applying for C.C.
9. That the sanitary arrangements shall not be carried out as per Municipal Specifications, and drainage layout will not be submitted before C.C.
10. 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.
11. 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.
12. 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.
13. That the conditions mentioned in the release letter of E.E.D.P. under No. CHE/7665/DCP dated 29.09.2014 will not be complied with.
14. That the qualified/Registered Site supervisor through Architect/Structural Engineer will not be appointed before applying for C.C.
15. That All Dues Clearance Certificate from A.E.W.W. F/N Ward shall not be submitted before issue of C.C.
16. That the premium/deposits as follows will not be paid -
  - a. Staircase / Lift area benefit.
  - b. Deposit for basement
  - c. Development charges as per M.R. & T.P.(Amendment) Act,1992

- d. Insecticide charges.
  - e. Payment of advance for providing treatment of construction site to prevent epidemic like dengue, malaria etc. to insecticide charges Ward.
  - f. Labour Welfare Cess.
  - g. Pay difference of PPL to MCGM / UD.
17. 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.
  18. That the work will not be carried out strictly as per approved plan and in conformity with the D.C.Regulations in force.
  19. That the N.O.C. from Tree authority shall not be submitted before asking for plinth C.C.
  20. That the Registered Undertaking shall not be submitted for agreeing to pay the difference in premium paid and calculated as per revised land rates.
  21. 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.
  22. That the N.O.C. from B.E.S.T. for sub station shall not be submitted.
  23. That the fresh Tax Clearance Certificate from A.A. & C 'F/N' Ward shall not be submitted.
  24. 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.
  25. That the Regd. U/T against misuse of part terrace / stilt shall not be submitted.
  26. That the footpath in front of plot shall not be repaired / restored once in a year or before occupation whichever is earlier.
  27. That the Indemnity Bond indemnifying M.C.G.M. against disputes, litigations, claims, arising out of ownership of plot shall not be submitted.
  28. That the registered Power of Attorney shall not be submitted.
  29. That the remarks from H.E. Department shall not be submitted.
  30. That the debris shall not be dumped on the Municipal ground only.
  31. That the board displaying the details of development of the work shall not be displayed at site.

32. That the necessary remarks for construction of SWD will not be obtained from Dy.Ch.Eng.(S.W.D.) City and Central Cell before asking for plinth C.C.
33. That the N.O.C. from Dy.Ch.E.(S.P.) P&D for STP shall not be submitted before C.C.
34. That the plot boundary shall not be got demarcated from C.S.L.R. and demarcation certificate shall not be submitted to this office.
35. 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.
36. That the construction activity for work of necessary piling shall not be carried out by employing modern techniques such as rotary drilling, micropiling etc. instead of conventional jack and hammer to avoid nuisance damage to adjoining buildings.
37. That the requisite Bank Guarantee for faithful Compliance of various conditions shall not be submitted before C.C.
38. That the agreement with M.C.G.M. agreeing so comply the conditions of D.P. permission letter U/No. CHE/7665/DCP dated 29.09.2014 shall not be submitted before C.C.
39. That Regd. U/T for minimum Nuisance during construction activity shall not be submitted before C.C.
40. That the work shall not be carried out between 7.00 A.M. to 7.00 P.M. only.
41. That the G.I. Sheet screens at plot boundaries upto adequate height to avoid dust nuisance shall not be provided before demolition of existing building.
42. That the precautionary measures to avoid nuisance due to dust, such as providing G.I. Sheets at plot boundaries up to reasonable height shall not be taken.
43. 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 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 be complied with.
44. 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.

- 45. 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.
- 46. 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.
- 47. That the remarks regarding formation level from Road Department shall not be submitted.
- 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 6<sup>th</sup> 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 Regd. Undertaking shall not be submitted by the Owner / Developer / Builder to sell the tenements / flats on carpet area basis only and to abide by the provisions of Maharashtra Ownership Flats (Regulation of the promotion of construction, sale management and transfer) Act (MOFA), amended up to date and the Indemnity Bond indemnifying the M.C.G.M. and its Officers from any legal complications arising due to MOFA will not be submitted.
- 52. That the registered Private Pest Control Agency for providing anti larval treatment at the construction site shall be appointed.
- 53. That the amenity plot shall not be handed over to MCGM & separate P.R. Card in name of MCGM is not made till which the C.C. shall not be restricted to 50% of permissible built up area.
- 54. That the revalidation of D.P. Release letter will not be submitted.
- 55. That the C.C. will not be restricted for 50% incentive FSI until PPL is not handed over to MCGM.
- 56. That the NOC from Ch.Eng. (M & E) for Light & Ventilation of basement and W.C. / Bath / Toilet abutting the internal passage shall not be submitted.
- 57. That the Regd. Undertaking from Developer / Owner for handing over Society Office to Society / Association shall not be submitted.
- 58. That specific NOC from H.E. for swimming pool on 5<sup>th</sup> topmost podium level shall not be submitted.

- 59. The C.C. will not be restricted up to covered built up area of 20,000 sq.mt. until submission of M.O.E.F. N.O.C.
- 60. That the Regd. Undertaking from Developer for payment of additional premium for PPL as and when required shall not be submitted.
- 61. That the N.O.C. from Director of Industries shall not be submitted.

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

- 1. That N.O.C. from Civil Aviation Department will not be obtained for the proposed height of the building.
- 2. That the plinth dimensions shall not be got checked from this office before asking for further C.C. beyond plinth.
- 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 design of road crust and construction of roads upto sub base level shall not be submitted.
- 5. That the construction of road including storm water drain and footpath shall not be constructed.
- 6. That the compliance of necessary remarks for training of nalla / construction of SWD will not be submitted before granting full C.C. for the said building.
- 7. That all the structural members below the ground shall be designed considering the effect of chlorinated water, sulphar 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.


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

- 1. That the separate vertical drain pipe, soil pipe with a separate gully trap, water main, O.H. Tank, etc. for Maternity Home/Nursing Home, user will not be provided and the drainage system or the residential part of the building will not be affected.
- 2. That some of the drains will not be laid internally with C.I. Pipes.
- 3. That 10% flats (72 Nos. of), as per release letter from E.E.D.P. under reference No. CHE/800/DPC dated 16.06.2011 shall not be handed over before asking for occupation/B.C.C.
- 4. That the dust-bin will not be provided as per C.E.'s circular No.CE/9297/II of 26-6-1978.

5. 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.
6. That 10'-0" wide paved pathway upto staircase will not be provided.
7. 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.
8. That the name plate/Board showing Plot No., name of the building etc. will not be displayed at a prominent place.
9. That carriage entrance shall not be provided.
10. That the parking spaces shall not be provided as per D.C. Regulation No.36.
11. 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.
12. That the N.O.C. from Inspector of Lifts, P.W.D., Maharashtra, will not be obtained and submitted to this office.
13. That the Drainage completion certificate from (S.P.)(P&D)City for provision of Septic Tank/Soak pit will not be submitted.
14. That the Drainage completion Certificate from A.E.(B.P.) City for House drain will not be submitted & got accepted.
15. 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.
16. That the compliance of N.O.C. from H.E will not be made and certificate to that effect will not be submitted.
17. 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.
18. 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 6<sup>th</sup> June 2007 shall not be provided before applying for occupation permission.
19. That the completion of footpath, providing central dividers, lane marking and providing steel furniture shall not be completed.

**(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.

  
Executive Engineer  
Building Proposals (City)-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 23<sup>rd</sup> day of Sept-2016 200, but not so as to contravance 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.

*sd-*

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 Byelaw, No. 8 of the Commissioner for Greater Mumbai, the following shall apply:

Every person who shall erect or build any building shall cause the same to be built so that every part of the building shall comply with the following conditions to be complied with:

(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 existing or to be created or to be laid in such street.

(b) Not less than 2 feet (60 cms.) above every part of the ground within 5 feet (150 cms.) of such building.

(c) Not less than 9.14 (30 feet) meters above the ground level.

(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.

## 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 of 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 constructional purposes, 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 a 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 at least 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 presumed 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 and footpath.
- (12) All the terms and conditions 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 purposes) 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 broken glass pieces at the rate of 125 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) This 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 of 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 by negotiations with the tenants, 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 area 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 construction 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 before 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 hand storage work above the finished level of the terrace shall not be more than 1 metre.
- (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 naharis 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 must 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 covers made of wrought iron plates or hinges. The manholes of all jisterns 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 a lock and the warning pripes of the ribbet pretressed with screw or dome shape pieces (like a garden mari rose) with copper pipes with perfictions each not exceeding 1.5 mm. in diameter. the cistern shall be made easily, safely and permanently a ceasible by 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 an 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 Bye-law No. 5 (b).~~  
~~(b) Louvres or Arches should be provided over Door and Window opening.~~  
~~(c) The drains should be taken outside under Section 224 (1) (b).~~  
~~(d) The inspection covers should be placed inside and outside.~~
- (33) If the proposed additional is intended to be carried out on old foundations and structures, you will do so at your own risk.

  
 Executive Engineer, Building Proposals  
 Zones .....City-II.....Wards.