



MUNICIPAL CORPORATION OF GREATER MUMBAI

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

No. CHE/ES/1674/S/337(NEW)/IOD/1/NEW

MEMORANDUM

Municipal Office,
Mumbai

To,

LUCEAT REALTORS PRIVATE LIMITED

F-1002, Sterling Court, Maheshwari Nagar, Near Akruiti Trade Center, Andheri (East), Mumbai-40009.

With reference to your Notice 337 (New) , letter No. 2078 dated. 7/11/2014 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed redevelopment on plot bearing CTS no. 279, 280, 280/1, 281A/1/1 (pt), 282A & 282C of Village Bhandup, Mumbai.279, 280, 280/1, 281A/1/1 (pt), 282A & 282C furnished to me under your letter, dated 7/11/2014. 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 construction area shall exceed 20,000 smt. Without obtaining NOC from MOEF.
- 2 That the Janata Insurance Policy shall not be submitted.
- 3 That the requisitions of clause 49 of DCPR 2034 shall not be complied with and records of quality of work, verification report, etc. shall not be maintained on site till completion of the entire work.
- 4 That the bore well shall not be constructed in consultation with H.E.
- 5 That the work shall not be carried out between sunrise and sunset. and the provision of notification issued by Ministry of Environment and Forest department dated 14.2.2000 and Rules framed for noise pollution (Regulation & Control) Rules 2000 shall be duly observed.
- 6 That the Board shall not be displayed showing details of proposed work, name of owner, developer, architect, R.C.C. consultant etc.
- 7 That the balance pre-requisite such as remarks from various consultants/ MCGM Dept/ Govt. Dept etc. as per EODB shall not be submitted .
- 8 That the Indemnity bond indemnified the Corporation & its officer and servant from any action, claims, charges, suits, cost and charges, arising out of disputes, litigations, of ownership of plot, and if there is

any complaint, claims shall not be submitted,

- 9 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.
- 10 That the every part of the building construction and more particularly, overhead tank will not be provided with a proper access for the staff of Insecticide Officer with a provision of temporary but safe and stable ladder etc.
- 11 That the undertaking from owner stating that they will not object to the development of the neighbouring building in future shall not be submitted.
- 12 That the no dues pending certificate from A.E Water works "S" ward shall not be submitted.
- 13 That the low lying plot will not be filled up to reduced level of atleast 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.
- 14 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.
- 15 That the N.O.C. from Tree authority shall not be submitted before asking for plinth C.C.
- 16 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.
- 17 That Regd. U/T for minimum Nuisance during construction activity shall not be submitted before C.C.
- 18 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.
- 19 That the regular /sanctioned/proposed lines will not be got demarcated at site through A.E. (Survey) / E.E. (T&C) before applying for C.C.
- 20 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.
- 21 That the clearance certificate from assessment Department regarding upto date payment of Municipal taxes etc. will not be submitted
- 22 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.
- 23 That the commencement certificate under Sec.45/69(1)(a) of the M.R.& T.P.Act will not be obtained before starting the proposed work.
- 24 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. 37(24) of DCPR 2034.

- 25 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.
- 26 That the RUT stating that the excess parking spaces beyond max permissible will be paid for or will be surrendered to MCGM in case of unutilized FSI in future.
- 27 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.
- 28 That the conditions mentioned in I to R Dy.Ch.E/374/ES dated 17.06.2020 Shall not be complied.
- 29 That the N.O.C. from Chief Eng (M&E) shall not be obtained.
- 30 That the structures proposed to be demolished shall not be demolished with due care & site shall not be got cleared off the debris and Indemnity bond to protect interest of MCGM shall not be submitted.
- 31 That the setback / AOS towards I to R conversion shall not be handed over to MCGM before claiming benefit.
- 32 That the provision will not be made for making available water for flushing and other non-potable purposes through a system of borewell and pumping that water through a separate overhead tank which will be connected to the drainage system and will not have any chances of mixing with the normal water supply of the Corporation.
- 33 That the funds to be utilised under CER/ CSR as per directives of MOEF NOC shall not be utilised/ deposited with MCGM.
- 34 That the Air Quality Monitoring installations as per norms of MPCB guidelines/ MOEF NOC shall not be installed & displayed on site at suitable location.
- 35 That the work shall not be carried out between 6.00 am to 10.00 pm only in accordance with rule 5A(3) of the Noise Pollution (regulation & control) Rules, 2000 & the provision of notification issued by Ministry of Environment & Forest Dept. from time to time shall be duly observed.
- 36 That the Registered Undertaking towards following shall not be submitted before CC : a) 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. (b) For not misusing the basement will not be submitted before C.C (c) In prescribed pro-forma agreeing to demolish the excess area if constructed beyond permissible FSI shall not be submitted before asking for C.C. (d) For agreeing to pay difference in premium paid and calculated as per revised land rates. (e) Registered Undertaking against misuse of pocket terrace / part terrace / stilt (f) For minimum Nuisance during construction activity.
- 37 That the debris management plan shall not be submitted from S.W.M. Department and NOC to that effect shall not be submitted.
- 38 That the Board shall not be displayed showing details of proposed work, name of owner, Developer, Architect, RCC Consultant etc.
- 39 That the Bank Gurantee towards faithful compliances of debris management plan shall not be deposited with MCGM & same shall not be got revalidated till grant of occupation permission.
- 40 That a doctor for regular check-up of labourers working on site shall not be appointed.

- 41 That the work shall not be carried out between 7.00a.m. to 7.00p.m.
- 42 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.
- 43 That the RUT shall not be submitted agreeing to provide balance amenity as per Reg.14(B) which is required to be surrendered to MCGM against the plot kept in abeyance due to pending litigation in Hon. Court, touching to the existing Amenity proposed, for which additional OSD to be created is already approved by HON. MC.
- 44 That the premium towards conversion of zone from I to R/C shall not be paid before requesting CC.
- 45 That the RUT as per policy circular dtd 22.02.2021 shall not be submitted along with other requisitions stipulated in said circular shall not be complied with as and when the advantage of reduced premium to 50% being availed.
- 46 That the PRC in the name of Owner shall not be submitted before asking CC
- 47 R.U.T. for Copies of Soil Investigation Report

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

- 1 That the open spaces & plinth/stilt height shall not be got checked by this office staff.
- 2 That MoEF NOC shall not be submitted even though construction area exceeds 20,000 sqm.
- 3 All the payments as intimated by various departments of MCGM shall not be paid.
- 4 That the amended remarks of concerned authorities/ empanelled consultants for the approved plans, if differing from the plans submitted for remarks, shall not be submitted for a) parking, b) SWD, c) Sewerage, d) water works, e) CFO, f) Tree and g) HE, h) NOC from electric supply company.
- 5 That set back land free of compensation and free of any encumbrance shall not be handed over to and possession receipt shall not be submitted from Assistant commissioner of the ward.
- 6 That in the event setback and /or Amenity Open Space is not handed over then at FCC , area equivalent to the area of Setback and /or Amenity Open Space shall not be restricted till such area is handed over or as per circular issued from time to time.
- 7 That the Material testing report shall not be maintained on site.
- 8 That the quarterly progress report of the work will not be submitted by the Architect.
- 9 That the separate P.R.C. in the name of M.C.G.M. for road set back / D.P. Road/Amenity Open Space in the layout shall not be submitted before requesting equivalent CC.
- 10 Civil Aviation NOC shall not be submitted before exceeding the height of building as mentioned in Reg. 45(B) of DCPR 2034.
- 11 That the structural stability certificate shall not be submitted.
- 12 That the no dues pending certificate from A.A.C "S" Ward shall not be submitted.

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

- 1 That the dust bin will not be provided.
- 2 That the open spaces as per approval, parking spaces and terrace will not be kept open.

- 3 That the construction of layout road or access roads/ development of setback land will not be done and the access and setback land will not be developed accordingly including providing street lights and S.W.D. only if additional FSI is being claimed.
- 4 That the name plate/board showing Plot No., Name of the Bldg. etc. will not be displayed at a prominent place.
- 5 That terraces, sanitary blocks, nahanis in kitchen will not be made Water proof and same will not be provided by method of pounding and all sanitary connections will not be leak proof and smoke test will not be done in presence of licensed plumber.
- 6 That final N.O.C. from concerned authorities / empanelled consultants for a)S.W.D. b)Parking c)Roads d)Sewerage e)Water Works f)CFO / Fire Fighting Provisions g)Tree authority h)Hydraulic Engineer shall not be submitted before occupation.
- 7 That Structural Engineer's laminated final Stability Certificate along with upto date License copy and R.C.C. design canvas plan shall not be submitted.
- 8 That the construction of D.P. road and development of setback land will not be done including providing street lights and S.W.D.
- 9 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 10 That the Vermiculture bin for disposal of wet waste as per the design and specification of organization / individual specialized in this field, as per the list furnished by Solid Waste Management Department of M.C.G.M.
- 11 That completion certificate from the rain water harvesting consultant for effective completion and functioning of RWH system shall not be submitted and quantum of rain water harvested from the RWH completed scheme on site shall be uploaded on RWH tab in online AUtoDCR system.
- 12 That the Final structural Stability Certificate and Structural Drawings shall not be submitted.
- 13 That the parking spaces shall not be provided as per DC Regulation No.44 & as per approved plans.
- 14 That the surrounding open spaces, parking spaces and terrace will not be kept open and unbuilt 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.
- 15 That the provision will not be made for making available water for flushing and other non-potable purposes through a system of borewell and pumping that water through a separate overhead tank which will be connected to the drainage system and will not have any chances of mixing with the normal water supply of the Corporation.
- 16 That the every part of the building construction and more particularly, overhead tank will not be provided with a proper access for the staff of Insecticide Officer with a provision of temporary but safe and stable ladder etc.
- 17 That the NOC from Inspector of Lifts, PWD, Maharashtra will not be obtained and submitted to this office.
- 18 That the temporary structures shall not be demolished.

- () 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 17 March day of 2022 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.

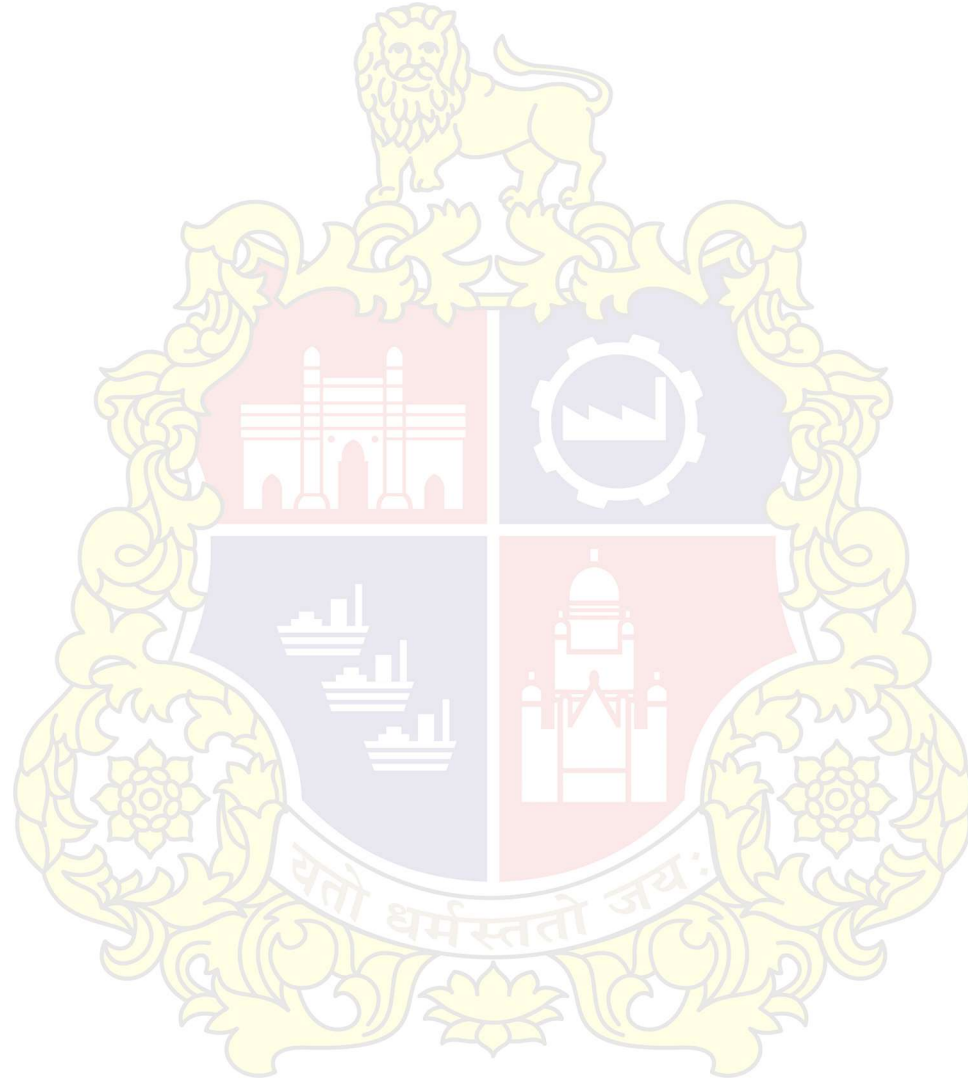
**Executive Engineer, Building Proposals,
Zone, Wards.**

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 if 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 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.**

CHE/ES/1674/S/337(NEW)/IOD/1/NEW

Copy To :- 1. AMIT GANPATRAO PAWAR
SATYANARAYAN PRASAD COMMERCIAL CENTER, GROUND FLOOR, DAYALDAS ROAD, VILE
PARLE EAST, MUMBAI-400057.

2. Asst. Commissioner S Ward.
3. A.E.W.W. S Ward,
4. Dy.A & C. Eastern Suburb
5. Chief Officer, M.B.R. & R. Board S Ward .
6. Designated Officer, Asstt. Engg. (B. & F.) S Ward ,
7. The Collector of Mumbai

