

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

Valid upto 26 APR 2017

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

**CE / 6782 / BPES / AM. 27 APR 2016**

**MEMORANDUM**

Municipal Office,  
Mumbai ..... 20

M/s. Kyraa Housing Projects  
C.A. to Subhash Nagar Parnakutir CHS Ltd.

With reference to your Notice, letter No. 11845 dated 19/09/2014 and delivered on ..... 20 and the plans, Sections, and Description and further particulars and details of your buildings at

Proposed re-development of Bldg. No. 48 on plot bearing C.T.S. No. 828 (pt) of village Chembur at Subhash Nagar, Chembur (West), Mumbai-400071 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 you under Section 346 of the Bombay Municipal Corporation Act as amended upto-date, my disapproval by thereof reasons:-

**A. BEFORE STARTING THE WORK**

1. That construction area shall exceed 20,000 sq.mt. without obtaining NOC from MOEF.
2. That NOC from High Rise Committee / M.C. shall not be obtained before commencement work beyond plinth.
3. That the Janata Insurance Policy shall not be submitted.
4. That the requisitions of clause 45 & 46 of DCR 91 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.
5. That the bore well shall not be constructed in consultation with H.E.
6. 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.
7. That the Board shall not be displayed showing details of proposed work, name of owner, developer, architect, R.C.C. consultant etc.
8. That the necessary deposit for hoarding or the flex of size ..... mt. to ..... mt. for the advertisement of proposal shall not be made by you, - -
9. That the consent of the tenants for inadequate size of bed room shall not be submitted.

*Prabhu*  
27/4/16  
Executive Engineer Building Proposal  
(Eastern Suburbs.) -I



( ) That proper gutters and down pipes are not intended to be put to prevent water dropping from the eaves of the roof on the public street.

( ) That the drainage work generally is not intended to be executed in accordance with the Municipal Corporation 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 any time before the day of **26 APR 2017**, but not so as to contravene any of the provision of the said Act, as amended as aforesaid of 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 ES-I m/w 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 & discharge the powers, duties & 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 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) (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 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.



**B. FOR LABOUR CAMP/TEMPORARY SHED**

1. That, the exact location of the Temporary Shed / Labour Camp at the premises situated at Bldg.No.48 on plot bearing C.T.S.No.828(pt) of village Chembur at Subhash Nagar, Chembur (West), Mumbai-400071 shall not be shown in the accompanying sketch of the proposed temporary Shed / Labour Camp.
2. That, the material for side and top covering used for the Temporary Shed / Labour Camp shall not be either tarpaulin or G.I. Sheets.
3. That this Temporary shed / Labour Camp shall not be constructed in such a manner that the same can be easily removed after the expiry of the temporary permission.
4. That you shall do any sort to pucca or permanent construction of any nature on this temporary permission.
5. That the temporary shed shall not be constructed to the approved size and measurement and shall exceed the permitted area.
6. That you shall not pay the sum of Rs.                      /- (Rupees                      ) as a security deposit which may be forfeited in the extent of your failure to comply with any of the condition mentioned herein.
7. That you shall not pay the sum of Rs.                      /- (Rupees                      ) as deposit covering the charges for the removal of temporary shed at your risk and cost if you fail to remove the shed on or before the date of expiry of the temporary permission.
8. That the permission shall not effective upto completion of the project.
9. That you shall not intimate the Municipal authorities in writing immediately after the shed is removed by you on before the expiry date.
10. That in case of your failure to remove the Temporary Shed / Labour Camp on or before the date of expiry, you will not allow Municipal authorities to remove the same at your risk and cost without notice and you will not allow the demolition charges to be recovered from the deposit paid for this purpose and the security deposit paid by you to be forfeited.
11. That you shall not pay fees at the rate of the Rs.                      /-per 10 Sq.Mts. Area for the structure for the entire monsoon period or part thereof.
12. That you shall not pay the fees for the structure for the whole monsoon period or part thereof and so on.

**C. BEFORE FURTHER C.C.:-**

1. That the 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 sq.mt. .
3. All the payments as intimated by various departments of MCGM shall not be paid.

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4. That the amended Remarks of concerned authorities / empanelled consultants for the approved plan, if differing from the plans submitted for remarks, shall not be submitted for :

- a) S.W.D.
- b) Parking
- c) Sewerage
- d) Water Works
- e) Fire Fighting Provisions
- f) Tree authority
- g) Hydraulic Engineer
- h) PCO
- i) MHADA
- j) NOC from Electric Supply Company

5. That the Material testing report shall not be submitted.
6. That the yearly progress report of the work will not be submitted by the Architect.
7. Civil Aviation NOC shall not be submitted before exceeding the height of building as mentioned in Table no. 13 of DCR 1991.

**D. GENERAL CONDITIONS BEFORE O.C.**

1. That the final N.O.C. from MHADA shall not be submitted and requirements therein shall not be complied with before submission of B.C.C. if applicable.
2. That the low lying plot will not be filled up to a reduced level of at least 27.55 mt. Town Hall Datum or 0.15 mt. above adjoining road level whichever is higher with murum, earth, boulders etc. and will not be leveled, rolled, consolidated and sloped towards road side.
3. That Agreement in consultation with legal department for handing over of tenement / built up accommodation shall not be executed and final copy of executed agreement shall not be submitted. Advance Possession shall not be handed over with title certificate by advocate.
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 3.00 mt. wide paved pathway upto staircase will not be provided.
8. That the open spaces as per approval, parking spaces and terrace will not be kept open.
9. That the name plate/board showing Plot No., Name of the Bldg. etc. will not be displayed at a prominent place.

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10. The carriage entrance shall not be provided as per design of registered structural engineer and carriage entrance fee shall not be paid.
11. The terraces, sanitary blocks, nahanis in kitchen will not be made leak 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.
12. The final N.O.C. from concerned authorities / empanelled consultants for -
- a) S.W.D.
  - b) Parking
  - c) Sewerage
  - d) Water Works
  - e) CFO / Fire Fighting Provisions
  - f) Tree authority
  - g) Hydraulic Engineer
  - h) MHADA
- shall not be submitted before occupation.
16. 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.
17. That canvas mounted plans shall not be submitted along with Notice of Completion of work u/sec. 353A of M.M.C. Act for work completed on site.
18. That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.

*P. S. S. S. S.*  
27/4/16  
**Executive Engineer**  
**(Building Proposal) E.S.I**



## 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 work and during the progress of construction work.
- (3) Temporary permission on payment of deposit should be obtained to 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 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 utilized 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 bill preferred against the 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 paper 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 and dimensions.
- (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 on 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 nor 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 condition 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 125 cubic meters per 10 sq.meters below pavement.
- (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 demolished are demolished.



- copy to owner

Revised  
27/4/16

Executive Engineer, Building Proposals  
Zones ES-I to/w Wards