

346

88

in replying please quote No.  
and date of this letter

Valid upto 06 JAN 2015

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

CE / 6717 / BPES / AN 07 JAN 2015

MEMORANDUM

Municipal Office,

M/s.Ashkay Radha Kishan Const. C.A. to Harish CHS Ltd

Mumbai .....20

With reference to your Notice, letter No. 6945..... dated 18.07.2014..... 20 and delivered on  
..... 20 and the plans, Sections Specifications and Description and further particulars and

Proposed building on plot bearing C.T.S.No. 5984, F.P.No.58, TPS-III  
details of your buildings at ..... of Ghatkopar-Kirol village Ghatkopar (East)..... 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) 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.

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( ) 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 06 JAN 2016, 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.

*[Signature]*  
Executive Engineer, Building Proposals,  
Zone, ES-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 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 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 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 377 (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.

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 existing tenants for proposed additions/alterations in their tenement will not be submitted before C.C.
10. That the Indemnity Bond indemnifying the Corporation for damages, risks, accidents, etc. and to the occupiers and an undertaking regarding no nuisance will not be submitted before C.C./starting the work.
11. 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.
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 'No dues pending' certificate from Assistant Engineer, Water Works 'N' Ward before C.C. shall not be submitted
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 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).
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.

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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 of work.
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 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.
26. That the adequate & decent temporary sanitary accommodation will not be provided for construction workers on site before starting the work.
27. That the documentary evidence regarding ownership, area and boundaries of holding is not produced by way of extracts from the District Inspector of Land Records, extracts from City Survey Record and conveyance deed etc.
28. That separate P.R. Cards for each sub-divided plots, road etc. exhibiting area in words and figures etc. will not be submitted.
29. 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.
30. That the No Objection Certificate from Hydraulic Engineer for the proposed development will not be obtained and his requirements will not be complied with.
31. That the registered undertaking agreeing to form Co-op. Housing society will not be submitted before starting the work.
32. That the society will not be formed & got registered and true copy of the registration of society will not be submitted.
33. That the proposal will contravene the section 251(A)(A) of the Mumbai Municipal Corporation Act.
34. 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.
35. 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.
36. That the phase programme for infrastructure development will not be submitted and got approved and will not be developed as per phase programme.
37. That the undertaking for paying additional premium due to increase in land rate as and when demanded shall not be submitted.
38. That the N.O.C. from Insecticide Officer shall not be submitted.
39. That the board mentioning the name of Architect/Owner shall not be displayed on site.
40. That the requirements as per Circular No. CE/PD/12387 of 17/03/2005 shall not be complied with during the execution of work.

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41. 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.
42. That the debris management plan shall not be submitted to S.W.M. Department.
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 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.
44. That the registered undertaking 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.
45. That the remarks of existing road shall not be submitted from A.E.(Maint.) 'N' Ward.
46. That the works of construction shall not be carried out between 7.00 a.m. to 7.00 p.m.
47. That the architect shall not submit the quarterly progress report of the proposed work.
48. That the debris generated / building material will not be dumped within a periphery of 50.00 mtr from mangroves.
49. That the registered undertaking stating following shall not be submitted:-
  - (a) That the developer / owner will incorporate a clause in the sale agreement with prospective buyers informing that the proposed building is constructed with deficiency in open spaces
  - (b) That the developer / purchaser of flats / their society / owner will not object to the neighbouring plot holder whenever they come forward for development of their plot which may involved open space deficiency and also incorporate a clause in sale agreement stating that the proposed building is constructed with deficiency in open spaces.
50. That the NOC from CFO shall not be submitted before asking for C.C. and compliance of conditions mentioned therein shall not be submitted.
51. That the compliance of various conditions of E.E.(T&C)'s NOC shall not be submitted and the Registered Undertaking to that effect shall not be submitted.
52. That the NOC from M/s.Mahanagar Gas Ltd. shall not be submitted.
53. That the private approved Pest Control agency for providing anti-termite larval treatment on site shall not be appointed.
54. That the Title Clearance Certificate for this property under reference issued by solicitor shall not be submitted.
55. That the approval of Registrar of C.H.S. Ltd. for redevelopment as per Govt. of Maharashtra circular dated 03/01/2009 shall not be submitted.

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56. That as per Circular No.ChE/27921/DP/Gen dated 06/01/2014, the owner / developer and concerned architect / L.S. shall not 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 not 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 not be handed over within a period of 90 days after granting Occupation Certificate.
57. That all the structural members below the ground shall not be designed considering the effect of chlorinated water, sulphar water, seepage water etc. and any other possible chemical effects and due care while constructing the same will be taken and completion certificate to that effect shall be insisted before granting further C.C. beyond plinth from the licensed Structural Engineer.
58. That the Registered Undertaking for maintaining noise levels as per norms shall not be submitted.
59. That the NOC from A.A.& C. 'N' Ward shall not be submitted.

**B) CONDITIONS TO BE COMPLIED WITH BEFORE FURTHER C.C.**

1. That the N.O.C. from Civil Aviation Department will not be obtained for the proposed height of the building.
2. That the copy of lastly paid assessment bill shall not be submitted.

**C) GENERAL CONDITIONS TO BE COMPLIED WITH BEFORE O.C.**

1. That some of the drains will not be laid internally with C.I. pipes of adequate size.
2. That the dust bin will not be provided as per C.E.'s circular No.CE/9296/11 of 26.6.1978.
3. That the surface drainage arrangement will not be made in consultation with Executive Engineer (S.W.D.) or as per his remarks and a completion certificate will not be obtained and submitted before applying for occupation certificate.
4. That 10 ft. wide paved pathway upto staircase will not be provided.
5. That the surrounding open spaces, parking spaces and terrace will not be kept open and unbuilt 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.

  
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6. That the name plate/board showing plot No. name of the building etc. will not be displayed at a prominent place before G.C.C./B.C.C.
7. That the parking spaces shall not be provided as per D.C. Regulation No.36.
8. 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.
9. 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.
10. 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.
11. That one set of plans mounted on canvas will not be submitted.
12. That the certificate from Lift Inspector regarding satisfactory installation and operation of lift will not be submitted.
13. That the federation of flat owners of the sub-division/layout for construction and maintenance of the infrastructure will not be formed.
14. That the adequate provision for post-mail boxes shall not be made at suitable location on ground floor /stilt.
15. 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.
16. That the final NOC from S.G. shall not be submitted.
17. That the infrastructural works such as; construction of handholes/manholes, ducts for underground cables, concealed wiring inside the flats/rooms, rooms/space for telecom installations etc. required for providing telecom services shall not be provided.
18. That the requisitions of clause No.45 & 46 of D.C.R.91 shall not be complied with.
19. That the provision for rain water harvesting as per design prepared by approved consultant in the field shall not be made to the satisfaction of Municipal Commissioner.
20. 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
21. That the final completion certificate from C.F.O. shall not be submitted.
22. That the street connection from A.E.(Maint.) 'N' Ward shall not be submitted.

**23. CONDITIONS TO BE COMPLIED WITH BEFORE B.C.C.**

1. That certificate under Section 270-A of the Bombay Municipal Corporation Act will not be obtained from H.E.'s department regarding adequacy of water supply.

  
Executive Engineer  
(Building Proposals)E.S.-II

## 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 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 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 stored 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 (b) (ii) of the Rent Act and in the event of your proceeding with the work ~~without~~ <sup>in violation of</sup> 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 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 of 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 cause 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 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 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 tightly serving the purpose of a lock and the warning pipes of the ribbet pretressed with screw or dome shape pieces (like a garden mari rose) with copper pipes with perforations 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) Lintels or Arches should be provided over Door and Window 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 at your own risk.

copy to owner  
 M/S. Akshay Radha Kishan  
 Const. C.A. to Harish CHS Ltd.

*[Signature]*  
 Executive Engineer, Building Proposals  
 ES-II (N) Ward