

346  
Form -----  
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in replying please quote No.  
and date of this letter.  
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Ex. Eng. Bldg. Proposal (City) III  
E Ward Municipal Offices, 3rd Floor,  
10, S. K. Hafizuddin Marg, Byculla,  
Mumbai - 400 008.

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

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EB/5918/GS/A

No. E.B./CE/

BS/A

of 200 - 200

MEMORANDUM M/s. Indiabulls Infra-Estate Ltd,  
Indiabulls Finance Center  
Tower 1, 14th floor, S.B.Marg,  
Elphinstone, Mumbai 400 013

Municipal Office.  
Mumbai 25/7/2011

With reference to your Notice, letter No. 3406 dated 28.12.2010 200 and delivered on  
200 and the plans, Sections Specifications and Description and further particulars and  
details of your buildings at C.S.No.131, 132 & 1/132 of Lower Parel Division furnished  
to me under your letter, dated 200. 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 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.

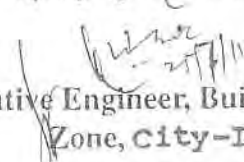


( ) That proper gutters and down pipes are not intended to be put to prevent water dropping from the leaves of the roof on the public street.

( ) 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 24 July day of 2012 200 , 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.

  
Executive Engineer, Building Proposals,  
Zone, City-III Words.

### 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.

~~Under By-law No. 8 of the Commissioner has fixed the following rules :-~~

~~Every person who shall erect a new domestic building shall cause the same to be built so that every part of the drain shall be -~~

~~"At least 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 or drain existing or hereafter to be laid in such street"~~

~~"At least 2 feet (60 cms) above every portion of the ground within 5 feet (60 cms) of such building."~~

~~"Not less than 92 ft 0 in xxx the xxx Town Hall Drain"~~

(4) Your attention is invited to the provision of Section 152 of the Act whereby the person liable to pay property taxes is required to give notice of erection of a new building or occupation of building which has been vacant, to the Commissioner, within fifteen days of the completion or of the occupation whichever first occurs. Thus compliance with this provision is punishable under Section 471 of the Act irrespective of the fact that the valuation of the premises will be liable to be revised under Section 167 of the Act, from the earliest possible date in the current year in which the completion or occupation is detected by the Assessor and Collector's Department.

(5) Your attention is further drawn to the provision of Section 353-A about the necessity of submitting occupation certificate with a view to enable the Municipal Commissioner for Greater Mumbai to inspect your premises and to grant a permission before occupation and to levy penalty for non-compliance under Section 471 if necessary.

(6) Proposed date of commencement of work should be communicated as per requirements of Section 347 (1) (a) of the Bombay Municipal Corporation Act.

(7) One more copy of the block plan should be submitted for the Collector, Mumbai Suburbs District.

(8) Necessary permission for Non-agricultural use of the land shall be obtained from the Collector Mumbai Suburban District before the work is started. The Non-agricultural assessment shall be paid at the site that may be fixed by the Collector, under the Land Revenue Code and Rules thereunder.

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

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 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.
13. 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.
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. G/South Ward shall not be submitted before issue of C.C.



16. That the true copy of the sanctioned last amended layout approved under No.EB/5787/GS/AL dated 4.6.2011 along with the T. & C. thereof will not be submitted before B.C.C.
17. That the premium/deposits as follows will not be paid -
  - a. Development charges as per M.R. & T.P.(Amendment) Act,1992
  - b. Insecticide charges.
  - c. Payment of advance for providing treatment of construction site to prevent epidemic like dengue, malaria etc. to insecticide charges 'G/South' Ward.
18. 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.
19. That the work will not be carried out strictly as per approved plan and in conformity with the D.C.Regulations in force.
20. That the N.O.C. from Tree authority shall not be submitted before asking for plinth C.C.
21. That the Registered Undertaking shall not be submitted for agreeing to pay the difference in premium paid and calculated as per revised land rates.
22. 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.
23. That the N.O.C. from B.E.S.T. for sub station shall not be submitted.
24. That the fresh Tax Clearance Certificate from A.A. & C 'G/South' Ward shall not be submitted.
25. That the Regd. U/T against misuse of pocket terrace / part terrace / stilt shall not be submitted.
26. That the conditions mentioned in the letter from Member Secretary, Environment Department shall not be complied with.
27. That the footpath in front of plot shall not be repaired / restored once in a year or before occupation whichever is earlier.
28. That the Indemnity Bond indemnifying M.C.G.M. against disputes, litigations, claims, arising out of ownership of plot 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 N.O.C. from Dy.Ch.E.(S.P.) P&D for proposed sewer line shall *not be submitted before C.C.*
33. That the plot boundary shall not be got demarcated from C.S.L.R. and demarcation certificate shall not be submitted to this office.
34. That the copy of PAN card of the applicant shall not be submitted before C.C.
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 fresh P.R.Card in the name of owner shall not be submitted before C.C.
37. 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.
38. That the N.O.C. from E.E.T.& C. shall not be obtained for the parking *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 remarks from E E (M & E ) for ventilation shall not be submitted.
44. 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.