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(4 Pages F/B)

Ex. Engineer Bldg. Proposal (W.S.)

H and K - Wards

Municipal Office, R. K. Pathy Marg.

Bandra (West), Mumbai - 400 050

COPY FORWARDED TO WARD

THROUGH SAP ON DT.:- 11/3/2015

346

Form 88

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

M. Y. Dhu
PLAN CLERK (H)

11/3/2015
HCBP (WS) L

EEBP (WS) HW WARD

ISSUED

By..... M. Y. Dhu

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

No. CHE/WS/1331/H/337 (NEW)

11 MAR 2015

MEMORANDUM

Municipal Office,

Mumbai 20

Shri Vivek A. Mohanani, Director of M/s Ekta Housing Pvt. Ltd.,
C.A. to Owner, Neelkamal Co-operative Housing Society Ltd.

With reference to your Notice, letter No. 5740 dated 9/7/2014 and delivered on200.... and the plans, Sections, Specifications and Description and further particulars and details of Proposed Redevelopment of Existing Building on plot bearing CTS No. H/399 of Village Bandra, at Hasnabad Road no.2, Santacruz (West), furnished to me under your letter, dated.....20..... I have to inform you that I cannot approve 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 section 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 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 as per D.C. Regulation No.38(27) before starting the work.
 - 3) That the low lying plot will not be filled upto a reduced level of atleast 28.04 mtr. T.H.D. or 0.15 mtr. above adjoining road level whichever is higher with murum, earth, boulders etc. and will not be levelled, rolled and consolidated and sloped towards road side, before starting the work.
 - 4) That the specifications for layout / D.P. / or access roads / development of setback land will not be obtained from E.E.R.C.(W.S.) before starting the construction work and the access and setback land will not be developed accordingly including providing street lights and S.W.D. from E.E.R.C.(W.S.)/ E.E.S.W.D. of W.S. before submitting B.C.C
 - 5) That the Structural Engineer will not be appointed. Supervision memo as per appendix XI (regulation 5(3)(ix) will not be submitted by him.

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- 6) That the structural design and calculations for the proposed work and for existing building showing adequacy thereof to take up the additional load will not be submitted before C.C.
- 7) That the regular / sanctioned / proposed lines and reservations, C.R.Z. marking 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 sanitary arrangement shall not be carried out as per Municipal specifications and drainage layout will not be submitted before C.C.
- 9) 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 Asst. Commissioner [H/West Ward] that the ownership of the setback land will not be transferred in the name of M.C.G.M. before demolition of existing building.
- 10) That the Registered Agreement with the existing Society members alongwith the list will not be submitted before C.C.
- 11) That the consent letter from the existing Society members for the proposed development will not be submitted before C.C.
- 12) 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.
- 13) 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.
- 14) That the requirements of N.O.C. of (i) Reliance Energy /Tata Power, [ii] S.G. [iii] P.C.O., [iv] A.A. & C.[H/West Ward], [v] S.P. [vi] S.W.D., [vii]M.T.N.L., [viii] H.E. will not be obtained and the requisitions if any will not be complied with before occupation certificate / B.C.C.
- 15) That the basement will not comply with basement rules and regulations and registered undertaking. for not misusing the basement will not be submitted before C.C.
- 16) That the qualified/registered site supervisor through architect/structural Engineer will not be appointed before applying for C.C.
- 17) That "All Dues Clearance Certificate" related to H.E.'s dept. from the concerned A.E.W.W. [H/West Ward] shall not be submitted before applying for C.C.
- 18) That the NOC from Society alongwith certified extract of General Body Resolution for development/additions and alterations will not be submitted before C.C.
- 19) That the development charges as per M.R.T.P. (amendment) Act 1992 will not be paid.

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- 20) That the registered undertaking in prescribed proforma agreeing to demolish the excess area if constructed beyond permissible FSI shall not be submitted before asking for C.C.
- 21) That the requisite premium as intimated will not be paid before applying for C.C.
- 22) That the registered undertaking shall not be submitted for payment of difference in premium paid and calculated as per revised land rates.
- 23) 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 the Insecticide Officer for inspection of water tanks by providing safe but stable ladder, etc. and requirements as communicated by the Insecticide Office shall not be complied with.
- 24) That the Phase programme will not be got approved before asking for C.C.
- 25) That the Janata Insurance Policy in the name of site or policy to cover the compensation claims arising out of workman's compensation Act 1923 will not be taken out before starting the work and also will not be renewed during the construction work.
- 26) That the N.O.C. from Superintendent of Garden for tree authority shall not be submitted.
- 27) That the soil investigation will not be done and report thereof will not be submitted with structural design.
- 28) That the building will not be designed with the requirements of all relevant IS codes including IS code 1893 for earthquake design while granting occupation certificate from Structural Engineer to that effect will be insisted.
- 29) That no main beam in 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.
- 30) That all the cantilevers [projections] shall not be designed for five times the load as per I.S. code 1893-2002. This also includes the columns projecting beyond the terrace and carrying the overhead water storage tank, etc.
- 31) That the R.C.C. framed structures, the external walls shall be less than 230 mm, if in brick masonry or 150 mm autoclaved cellular concrete block excluding plaster thickness as circulated under No.CE/5591 of 15.4.1974.
- 32) That the Vermiculture bins for disposal of wet waste as per the design and specification of Organisations/individuals specialized in this field, as per the list furnished by Solid Waste Management Department of M.C.G.M. shall not be provided to the satisfaction of Municipal Commissioner.
- 33) That the phasewise programme for removal of the debris shall not be submitted and got approved.

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- 34) That the registered undertaking for not misusing the part / pocket terraces and area free of F.S.I. will not be submitted.
- 35) That the registered undertaking for water proofing of terrace and Nahani traps shall not be submitted.
- 36) That the N.O.C. from E.E.[T&C] for parking layout in the basement / podium shall not be submitted.
- 37) That setback area shall not be handed over to M.C.G.M.
- 38) That the Indemnity Bond for compliance of I.O.D. conditions shall not be submitted.
- 39) That the owner/developer shall not display a board at site before starting the work giving the details such as name and address of the owner/developer, architect and structural engineer, approval no. and date of the layout and building proposal, date of issue of C.C., area of the plot, permissible built up area, built up area approved, number of floors etc.
- 40) That the design for Rain Water Harvesting System from Consultant as per Govt. notification under Sec.37[2] of MR&T.P. Act, 1966 under No.TPB-4307/396/CR-24/2007/UD-11 dt.6/6/2007 shall not be submitted.
- 41) That the authorized Pvt .Pest Control Agency to give anti malaria treatment shall not be appointed in consultation with P.C.O.[H/West Ward].
- 42) That the N.O.C. from E.E. Mech. (E.I.) P&D for the provision of artificial light, ventilation for basement shall not be submitted.
- 43) That the sheet piling along with diaphragm wall shall not be constructed taking all the precautionary measures under the strict supervision of registered Structural Engineer before actual work of basement is taken in hand after issue of C.C.
- 44) That the RUT shall not be submitted by the developer to sell the tenements/flats on carpet area basis only and to abide by the provision of MOFA (Act) amended upto date and the I.B. indemnifying the MCGM and its employees from any legal complications arising due to MOFA, will be submitted.
- 45) That the necessary remarks for training of nalla/construction of SWD will not be obtained from Dy. Ch.Eng. (SWD) City and Central Cell before plinth C.C. and compliance of said remarks will not be insisted before granting full C.C. for the building.
- 46) That the debris removal deposit of Rs. 45,000/- or Rs. 22/- per sq.mtr. of the built up area, whichever is less will not be paid before further C.C.
- 47) That the 'Debris Management Plan' shall not be got approved from Executive Engineer [Env.] and the conditions therein shall not be complied with.
- 48) That the N.O.C. from Collector – M.S.D. for excavation of land shall not be submitted.

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- 49) That remarks / specifications regarding formation level and construction of road from the office of Dy.Chief Engineer [Roads]W.S. shall not be obtained before applying for C.C.
- 50) That the labour welfare tax as per circular No. Dy.Ch.Eng/3663/BP (City) Dt. 30.9.2011 shall not be paid before asking for C.C.
- 51) The developer shall not submit the registered undertaking agreeing to comply with & follow all the rules, regulations, circulars, directives related to the safety of construction labors/workers, issued time to time by the department of building & other construction labours, Government of Maharashtra.
- 52) That the developer will not intimate the prospective buyer and existing tenants regarding concessions availed for deficiency in open space, deficient parking space, etc. as well as not objecting neighbourhood development with deficient open spaces etc. and the clause shall not be incorporated in sale agreement so as to make aware prospective buyer/ members about deficient open space/maneuvering spaces.
- 53) That the R.U.T. shall not be submitted by the developer stating that they will not take any objection in future for the development on adjoining plot with deficient open spaces and also condition will be incorporated about deficient open spaces of proposed bldg. in the sale agreement of flats.
- 54) That the Registered Undertaking stating that the conditions of E.E. (T & C) NOC shall not be complied with and to that effect the mechanized parking equipped with safety measures will be maintained permanently in safe condition to avoid any mishap and an indemnity bond indemnifying MCGM and its officers against any litigation, costs, damages, etc. arising out of failure of mechanized system /nuisance due to mechanized system to any person shall not be submitted.
- 55) That the R.U.T. shall not be submitted by the developer stating that fungible compensatory FSI for rehabilitation component shall not be used for sale component.
- 56) That the NOC from the Registrar of Societies under Section 79A shall not be submitted.
- 57) That the registered undertaking shall not be submitted for payment of difference for fungible, open space deficiency or any type of premium retrospectively as & when demanded by M.C.G.M.
- 58) That the RUT shall not be submitted stating that the difference of payment for additional 33% FSI shall be paid and calculated as per the revision of rates by the Government from time to time as per the condition No.5 mentioned in Notification and circular before requesting for C.C.
- 59) That the RUT shall not be submitted regarding any adverse clarification received from Government of Maharashtra in respect of condition No.7 of Govt. notification No.TPB-4308 /776/CR-127/2008/UD-11 dtd. 10.4.2008 and new Govt. notification dtd. 24.10.2011 i.e. regarding consent of society / occupants regarding utilization of 0.33 FSI on prorata basis.

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- 60) That the letter from owner stating that they will accept the refund of additional 33% FSI premium paid, without claiming any interest thereon, if the development proposal is not approved / rejected by M.C.G.M. shall not be submitted.
- 61) That the demarcation of plot boundary carried out by C.S.L.R. and M.R. Plan to that effect shall not be submitted.
- 62) That the work shall not be carried out between sunrise and sunset.
- 63) That the R.U.T. & Indemnity Bond shall not be submitted stating that owner/developer and concerned Architect/Lic. Surveyor shall compile and preserve the following documents.
 - a) Ownership documents.
 - b) Copies of IOD, CC subsequent amendments, OCC, BCC and corresponding canvas mounted plans.
 - c) Copies of Soil Investigation Report.
 - d) RCC details and canvas mounted structural drawings.
 - e) Structural Stability Certificate from Lic. Structural Engineer.
 - f) Structural audit reports.
 - g) All details of repairs carried out in the buildings.
 - h) Supervision certificate issued by Lic. Site Supervisor.
 - i) Building Completion Certificate issued by Lic. Surveyor / Architect.
 - j) NOC and Completion Certificate issued by C.F.O.
 - k) Fire safety audit carried out as per the requirement of C.F.O.

The above documents shall be handed over to the end user/prospective society within a period of 30 days incase of redevelopment of properties and in other cases, within 90 days after granting occupation certificate by the developer. The end user/prospective society shall preserve and maintain the abovesaid documents/plans and subsequent periodical structural audit reports and repair history. Further, the end user/ prospective society shall carry out necessary repairs/structural audit/fire safety audit, etc. at regular intervals as per requirement of C.F.O. A copy of the sample agreement to be executed with the prospective buyers incorporating the above conditions shall not be submitted to this office.

- 64) That all the structural members below the ground shall not be designed considering the effect of chlorinated water, sulphur water, seepage water, etc. and any other possible chemical effect and due care while constructing the same shall not be taken and completion certificate to that effect shall not be submitted from the Licensed Structural Engineer.
- 65) That the R.U.T. shall not be submitted by the owner/developer for maintaining the noise levels as per the norms of Pollution Control Board.
- 66) That the R.U.T. shall not be submitted for not misusing the additional parking proposed for full potential of F.S.I. and will count the same in FSI or will be handed over to M.C.G.M. free of cost, if the building is not constructed for full potential.
- 67) That the R.U.T. from the developer stating that they will incorporate a condition in the sale agreement of prospective buyers as well as existing Society members about deficiency in provision of aisle space of 3.60 mt. at 1st level podium and 4.60mt. at 2nd podium for two way manoeuvring of vehicles instead of 6.00 mt. shall not be submitted.