

Form 346  
88in replying please quote No.  
and date of this letter.T.S. No. 11.12.14  
TOTAL NO. OF FORMS  
SELLING AND REGULATION ACT 1878**Intimation of Disapproval under Section 346 of the Mumbai  
Municipal Corporation Act, as amended upto date**

CHE/WSH/0538 /R1/337(NEW) of 2015-2016

09 JUL 2015

**MEMORANDUM****Shri Kalpesh Himmatlal Jain, Partner of  
M/s. Shlok Enterprises (Manhar) C.A. to owner.**

With reference to your Notice U/S 337 of MMC act submitted with letter No.5752 dated 15.12.2014 and delivered on 16.12.2014 and the plans, Sections Specifications and Description and further particulars and details of your buildings at **Proposed building on plot bearing C.T.S. No.9 & 10, Village Mandpeshwar at Kandarpada, Dahisar (West), Mumbai**, 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 Mumbai 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 C.C. 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 will not be constructed on all sides of the plot as per CTS boundary 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.Reg.No.38(27).
3. That the low lying plot will not be filled up to a reduced level of at least 27.55 M Town Hall Datum or 0.15 m 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 the drainage work generally is not intended to be executed in accordance with the Municipal requirements.

Your attention is drawn to the Special Instructions and Note accompanying this Intimation of Disapproval.

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Executive Engineer, Building Proposals,  
FALGONG RD, Zone, SEAL WARD WARD Wards  
SPECIAL INSTRUCTIONS.

(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.

"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 then 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 use of the land shall be obtained from the Collector of 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.

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4. That the specification for layout/D.P. road/or access roads/development of setback land will not be obtained from E.E. Road Construction(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. and the completion certificate will not be obtained from E.E.(R.C.)/E.E.(S.W.D.) of W.S./E.E.(T & C) before submitting B.C.C.
5. That the Structural Engineer / site supervisor will not be appointed, and supervision memo as per Appendix XI (Regulation 5(3) (ix) will not be submitted by him.
6.
  - a) That the structural design as per relevant IS codes including provision of seismic/wind load alongwith or calculations for the proposed work and for existing building showing adequacy thereof to take up additional load shall not be submitted before C.C.
  - b) That 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. (included in 6 b)
  - c) That all the cantilevers (projections) shall not be designed for five times the load as per I.S. code 1993-2002. This also includes the columns projecting beyond the terrace and carrying the overhead water storage tank, etc. (included in 6 c)
7. That the sanitary arrangement for workers shall not be carried as per Municipal Specifications and drainage layout will not be submitted before C.C.
8.
  - a) 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.
9. That the Regd. Agreement with the existing tenant along with the plans will not be submitted before completely vacating the existing structure and that the existing structure proposed to be demolished shall not be demolished or necessary Phase Program with Regd. agreement will not be submitted and got approved before C.C.
10. That the registered undertaking regarding following shall not be submitted before asking for the C.C.
  - a) for compliance of all I.O.D. conditions.
  - b) for agreeing to hand over the setback land to MCGM free of compensation, and to hand over the reservations affecting land u/r in lieu of TDR free of any encumbrances. And agreeing not to serve purchase notice.
  - c) Mentioning that meter cabin, Stilt Portion, podium, society office, servants toilet, part/pocket terrace, fitness center, shall not be misused in future
  - d) agreeing to pay the difference in premium paid and calculated as per revised land rates.

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- e) Mentioning that the Workers employed on site shall be covered under workmen compensation policy till completion of the work and abiding the clauses / sections of building and other construction workers (regulation of employment and conditions of service Act 1996 and Rules framed therein time to time and being in force.
- f) agreeing to comply the terms and conditions of notification from Govt. of Maharashtra under No.TPB-4308/776CR-127/2008/UD-11 dtd. 10.04.2008 and new Govt. Notification dtd. 24.10.2013 regarding 0.33 FSI and consent of society/occupants for utilization of 0.33 F.S.I. on prorata basis.
- g) stating that member/prospective buyers shall be made aware about utilization of Fungible F.S.I. and clause to that effect will be incorporated in the flat sale agreement.
- h) Agreeing to comply all the conditions mentioned in the E.E.T & C N.O.C. as under :-
  - i) For the Mechanized Parking system shall be equipped with electric sensor devices and also proper precaution and safety majors shall be taken to avoid any mishap and maintenance of the same shall be done regularly.
  - ii) Mentioning that MCGM will not be held liable for the damages occurred due to flooding in parking stilt if any.
  - iii)Mentioning that the area reserved for parking shall be used / utilized for the purpose of parking only.
- i) Mentioning That the Building material shall not be dumped within 50 m. from the mangroves
- j) Mentioning that the clauses will be incorporated in the sale agreement of prospective buyers/members stating:-
  - a. That the building under reference is deficient in open space and M.C.G.M. will not be held liable for the same in future.
  - b. That the buyer / member agree for no objection for the neighbourhood development with deficient open space in future.
  - c. That the buyer / member will not held M.C.G.M. liable for failure of mechanical Parking system in future.
  - d. That the buyer / member will not held M.C.G.M. liable for the proposed inadequate / sub standard sizes of rooms in future and complaints of whatsoever nature will not be made in future.
  - e. That there is inadequate maneuvering space of car parkings and buyer / member will not make any complaint to M.C.G.M. in this regard in future.
  - f. that the toilet is existing above shop/habitable room and no complaint regarding leakages if any in future shall be made to MCGM
- k) Mentioning that the standby arrangement of generator / alternative electric power supply requisite capacity shall be made in case of failure of electric supply.

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- l) Agreeing that there is no any contiguous holding / piece of land with land under development.
  - m) Mentioning that, relevant & applicable clauses / section of Maharashtra ownership flats (Regulations of promotion of ownership, sale, management and Transfer Act 1963, Maharashtra Co-op society Act 1960/ Bombay tenancy agricultural land Act 1948 / Bombay Tenancy Act/ Transfer of property Act 1862/ U.L.C Act / Environmental protection Act 1986 and other relevant act time being in force shall be duly observed.
  - n) Undertaking as per note 34 shall not be submitted.
  - o) Mentioning that the society office shall not be misused and shall be handed over to the proposed / existing society.
  - p) Mentioning that the additional parking spaces will be surrendered to MCGM free of cost if full FSI including fungible is not utilised by way of submitting amended plans.
11. That the Indemnity Bond indemnifying the Corporation and its officers
- a) against damages, risks accidents etc. to the occupiers and an undertaking regarding no nuisance during construction.
  - b) against any litigation, claims, disputes arising out the proposed inadequate size of rooms
  - c) against nuisance due to leakage from toilets above shops/ habitable rooms.
  - d) against inconvenience caused due to installation of mechanized stack parking
  - e) against any legal complication/matter that may arise due to ownership dispute regarding plot under reference

shall not be submitted before C.C.

12. That the requirements of N.O.C. of
- a) E.E. (S.W.D.)
  - b) E.E. (T&C)
  - c) E.E. (W.W.)
  - d) C.F.O.
  - e) A.A. & C. (R/North) Ward.
  - f) Tree authority
  - g) Hydraulic Engineer
  - h) A.E. (Environment) for removal of debris
  - i) Collector(M.S.D)/N.O.C. for Royalty/filling of land under
  - j) Provision for installation of water heating systems as per DCR 38 (31).

will not be obtained and the requisitions mentioned there in will not be complied with before asking for C.C.

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13. That extra water and sewerage charges will not be paid to A.E.W.W. Ward and No dues Pending Certificate shall be submitted before C.C.
14. That the development charges as per M.R.T.P. Act (Amendment) Act 1992 and premium towards OSI and all other requisite premiums will not be paid before C.C.
15. That the provision from Reliance Energy Ltd/ Tata Power & M.T.N.L. shall not be made.
16. That appointment of private pest control agency for anti larval treatment shall not be made before requesting for C.C.
17. 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.
18. That the Janata Insurance Policy shall not be submitted before C.C.
19. 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.
20. That the soil investigation will not be done and report thereof will not be submitted with structural design before requesting for C.C.
21. That the provisions of Rain Water Harvesting as per the design prepared by approved consultants in the field shall not be made to the satisfaction of Municipal Commissioner while developing plots having area more than 300 sq.m
22. That the use of fly ash bricks and fly ash based building material shall not be used in construction work and test report to that effect will not be submitted to this office.
23. That the requisitions from fire safety point of view as per D.C.R. 1991 shall not be complied with.
24. That the bore well shall not be constructed in consultation with H.E. and certificate from Ground Water Survey Department/ Authority (GSDA) shall not be submitted before requesting for C.C.
25. That all exterior wall shall not be constructed as per circular No.C/PD/12387 dtd. 17.03.2005.
26. 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.
27. That the private doctor shall not be appointed for treatment of Labour/staff on site before requesting for C.C.

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28. That the Board shall not be displayed showing details of proposed work, name of owner, developer, architect, R.C.C. consultant etc.
29. That the water connection for construction purposes will not be taken before C.C.

**B. CONDITIONS TO BE COMPLIED WITH BEFORE FURTHER C.C.:-**

1. That the plinth/stilt height shall not be got checked by this office staff.
2. That the permission for constructing temporary structure of any nature shall not be obtained.
3. That the debris shall not be transported as per remarks of Environment NOC.
4. That the periodical Material testing report shall not be submitted.
5. That the progress report of the work will not be submitted by the Architect.
6. That the separate P.R.C. in the name of M.C.G.M. for road set back / D.P. Road/reservation in the layout shall not be submitted before granting further C.C. beyond 75% of the permissible built up area (excluding T.D.R.) or within a period of one year from the date of issue of C.C. in the holding whichever is earlier.
7. 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 will be taken and completion certificate to that effect shall not be insisted before granting further C.C. beyond plinth from the Lic. Structural Engineer.

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

1. That the dust bin will not be provided as per the direction of A.H.S. R/North ward.
2. That 3.05 mt. wide paved pathway upto staircase will not be provided.
3. That the surrounding open spaces, parking spaces and terrace will not be kept open.
4. That the name plate/board showing Plot No., Name of the Bldg. etc. will not be displayed at a prominent place.
5. That carriage entrance shall not be provided and carriage entrance fee shall not be paid.

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6. That terraces, sanitary blocks, baharis 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 municipal staff.
7. That final N.O.C. from E.E. (S.W.D.) / E.E. (R.C.) / Lift Inspector/ A.A. & C. R/North Ward/C.F.O. shall not be submitted before occupation.
8. That Structural Engineers laminated final Stability Certificate along with upto date Licence copy and R.C.C. design canvas plan shall not be submitted.
9. That the debris shall not be removed before submitting B.C.C.
10. 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.
11. That every part of the building constructed and more particularly O.H. tank will not be provided with proper access for staff of P.C.O. office with a provision of safe and stable ladder.
12. That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
13. That some of the drains shall not be laid internally with C.I. Pipes.
14. That the Vermiculture bias for disposal of Wet Waste as per the design and specifications of organizations/ 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.
15. That the P.R.C. in the name of society/owner shall not be submitted before asking O.C.G.
16. That the ownership of the setback land will not be transferred in the name of M.C.G.M. before O.C.C.
17. That a sample agreement with prospective buyers/members shall not be submitted before O.C. with clauses stating:-
  - a. That the building under reference is deficient in open space and M.C.G.M. will not be held liable for the same in future.
  - b. That the buyer / member agree for no objection for the neighbourhood development with deficient open space in future.
  - c. That the buyer / member will not held M.C.G.M. liable for failure of mechanical Parking system / in future.
  - d. That the buyer / member will not held M.C.G.M. liable for the proposed inadequate / sub standard sizes of rooms in future and complaints of whatsoever nature will not be made in future.
  - e. That there is inadequate maneuvering space of car parkings and buyer / member will not make any complaint to M.C.G.M. in this regard in future.

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- f. That the toilet is existing above shop/habitable room and no complaint regarding leakages if any in future shall be made to MCGM

**D. CONDITIONS TO BE COMPLIED WITH BEFORE B.C.C.:-**

1. That certificate under Sec. 270A of B.M.C. Act will not be obtained from H.E.'s Department regarding adequacy of water supply.
2. That B.C.C. will not be obtained and L.O.D. and Debris deposit etc. will not be claimed for refund within a period of 5 years.

THIS C.O.F.C. IS ISSUED SUBJECT  
TO THE CONDITION THAT THE LAND  
IS NOT USED FOR ANY OTHER PURPOSE

09 JUL 2015

6- *Supra* 09/07/15  
ENGINEER  
BUILDING DEPARTMENT, MCGM

## Notes

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- 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 Deposited should be obtained for any shed to house and store for constructional 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 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 for 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 Asstt. Commissioner 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 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 Asstt. Commissioner 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 given by the structural Engineer.
- 10) The work above plinth should not be started before the same is shown in this office Sub-Engineer concerned and acknowledgement obtained from him regarding correctness of the open spaces & dimension.
- 11) The application for sewer steel 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 or footpath.
- 12) All the terms and conditions of the approved layout/sub-division 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 sqmeters 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(h) (H) of the Rent Act and in the event of your proceeding with the work either without an intimation about commencing the work under Section 347(i) (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 sanction 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 re-housing the existing tenants at 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
- 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 started during monsoon which will arise 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.

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- 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 eadants and other appertences 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 tight fitting mosquito proof covers 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 a lock and the warning stripes of the ribbet pressed with screw or dome shape pieces (like a garden moin rose) with copper pipes with perforations each not exceeding 1.5 mm in diameter, the cistern shall be made easily, safely and permanently accessible by providing a firmly affixed iron ladder, the upper ends of the ladder should be earmarked and extended 40 cms, above the top where they are to be fixed and 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) Louvers should be provided as required by Bye-laws 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.
- 34) "That the owner/developer and concerned Architect / Licensed Surveyor shall compile and preserve the following documents.
  - a) Ownership documents.
  - b) Copies of IOD, C.C. subsequent amendments, G.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 Licensed Surveyor / 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 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 be handed over within a period of 90 days after granting occupation certificate. The prospective society / end user shall preserve and maintain the above said documents / plans and shall preserve and maintain the above said documents / plans and shall also preserve and maintain the subsequent periodical structural audit reports and repair history. Similarly, to check and to carry out fire safety audit time to time as per the requirement of C.F.O. through the authorized agencies of M.C.G.M.

The necessary condition to this effect shall also be incorporated in the sale agreement / supportive agreement so that the end user / prospective society will take over the above said documents from the Developer. End user / prospective society shall carry out necessary repairs / structural audit/fire audits at regular intervals. The registered undertaking and indemnity bond to that effect shall be submitted by the developer and certified copy of the agreement / supportive agreement showing the above conditions shall be submitted to the office of Executive Engineer (Building Proposals)".

09 JUL 2015

COPY TO

FOR

Executive Engineer, Building Proposals  
M.C.G.M. Ward