

346
Form 88

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

Intimation of Disapproval under Section 346 of the Mumbai
Municipal Corporation Act, as amended up to date **This I.O.D./C.C. is issued subject
to the provision of Urban Land
celling and Regulation Act. 1976**

No. CHE/WS/0477/H/337 (NEW) of 20

MEMORANDUM

23 SEP 2013

Municipal Office,
Mumbai 20

M/s.D.B. MIG Realtors and Builders Pvt. Ltd.

With reference to your Notice, letter No. ³³⁷ 3402 dated 14/3/2012 and delivered on
.....200..... and the plans, Sections, Specifications and Description and further particulars
and details of your building at proposed redevelopment of existing buildings of Middle Income Group No.1
Co-op. Hsg. Soc. Ltd. on plot bearing CTS Nos.649, 649/1 to 649/48 of village **Bandra at Gandhi Nagar,
Bandra (East), 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 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 92 T.H.D. or 6" 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.
- 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.

- () 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 22/9/2014 day of 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 and force.

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

[Signature]
Executive Engineer, Building Proposals.
Zone H 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 Bye Law No.8, 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 Service 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) (aaa) of the Bombay Municipal Corporation Act.
- (7) One more copy of the block plan should be submitted for the Collector, Mumbai Suburban 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.

- 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/East 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 tenant alongwith the list will not be submitted before C.C.
- 11) That the consent letter from the existing tenants for the proposed additions/alterations in their tenement 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/East 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/East Ward] shall not be submitted before applying for C.C.
- 18) That the true copy of the sanctioned layout/sub-division/amalgamation approved under the terms and conditions thereof will not be submitted before C.C. and compliance thereof will not be done before submission of B.C.C
- 19) That the NOC from Society alongwith certified extract of General Body Resolution for development/additions and alterations will not be submitted before C.C.

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- 20) That the N.O.C. from Railway Authorities, M.M.R.D.A., Highway Authority, M.O.E.F., U.D. dept., C.R.Z. clearance will not be submitted before asking for C.C.
- 21) That the development charges as per M.R.T.P. (amendment) Act 1992 will not be paid.
- 22) 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.
- 23) That the requisite premium as intimated will not be paid before applying for C.C.
- 24) That the registered undertaking shall not be submitted for payment of difference in premium paid and calculated as per revised land rates.
- 25) 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.
- 26) That the Phase programme will not be got approved before asking for C.C.
- 27) That the Janata Insurance Policy 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.
- 28) That the N.O.C. from Superintendent of Garden for tree authority shall not be submitted.
- 29) That the soil investigation will not be done and report thereof will not be submitted with structural design.
- 30) 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.
- 31) 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.
- 32) 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.
- 33) 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.
- 34) 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