

346

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

Ex. Eng. Bldg. Porposal (City)
 E' Ward Municipal Offices, 3rd Floor,
 10 S.K. Halizuddin Marg, Byculla,
 Mumbai - 400 008.

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

EEBPC / 9927 /GS/ A
 No. E.B./CE/ BS/A of 2003 - 2004

MEMORANDUM
 Mafatal Industries Ltd.
 Mafatal House,
 Churchgate
 Mumbai.

Municipal Office,
 Mumbai 16/12/2003

With reference to your Notice, letter No. 249 dated 10.5.2003. 200 and delivered on 4.6.2003. 200 and the plans, Sections Specifications and Description and further particulars and detail of your building at C.S.No.166 of Lower Panel Division, Bldg. C.N.M. furnished to me under your letter, dated 17.5.2003. 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 Mumbai 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 structural engineer will not be appointed. Supervision memo as per Appendix-XI [Regulation 5(3) (x)] will not be submitted by him.
3. 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 will not submitted before C.C.
4. 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.D.L.R. before applying for C.C.
5. That the sanitary arrangements shall not be carried out as per Municipal Specifications, and drainage layout will not be submitted before C.C.

Contd....

() 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 15th day of ... December ... 2004 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.

Ugruh
15/12/03
Executive Engineer, Building Proposals,
Zone, city Words. I

SPECIAL INSTRUCTIONS

(1) THIS INTIMATION GIVES NO RIGHT TO BUILD UPON GROUND WHICH IS NOT YOUR PROPERTY.

(2) Under Section 68 of the Mumbai 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 Bylaw No. 8 of the Commissioner has fixed the following levels:

~~"Every person who shall erect a 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 on the street to be built in such street"~~

~~"(b) Not less than 2 feet (60 cms) above every point on the ground within 5 feet (160 cms) of such building"~~

~~"(c) Not less than 2.5 (60 cms) 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 Mumbai Municipal 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.

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 at least 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 utilised 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 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 purpose) unless road is constructed to the satisfaction of the Municipal Commissioner as per the provision of Section 345 of the Mumbai 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 (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 (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 plan 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 or 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 same 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
- (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 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 tightly serving the purpose of a lock and the warning pipes of the ribbet pretessed 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.


 15/11/2013
 Executive Engineer, Building Proposal
 Zones ...City...I.....Wards.

21. That the permission for the utilization of existing building and also the permission for the development / reconstruction of the remaining property of Lower Parcel unit for commercial purposes should not be considered by M.C.G.M. subject to the conditions that the mill shall not recommence their spinning activity of 10000 spindles at Mazgaon unit within 6 months from the date of development permissions for the aforesaid purpose is not granted by M.C.G.M. and they shall not continue the said activities till the said land is either released and/or acquired by appropriate authorities, and in the event, if such land acquired by the appropriate authorities, the mill shall not establish a spinning unit of 10000 spindles within the State of Maharashtra as per the Undertaking submitted by the company to the Govt.

22. That the conditions of the provisions of modified D.C.Regn. 58(8)&(9) shall not be complied with.

(B) THE FOLLOWING CONDITIONS TO BE COMPLIED WITH BEFORE FURTHER C.C. OF SUPER STRUCTURE :

1. That the requirement of N.O.C. from C.A. U.L.C. & R. Act, will not be complied with before starting the work above plinth level.
2. That the plinth dimensions shall not be got checked from this office before asking for further C.C. beyond plinth.
3. That the Structural stability certificate through Regd. Structural Engineer regarding stability of constructed plinth shall not be submitted before asking for C.C. beyond plinth.
4. That the C.C. for 40% of owner share as per modified D.C.Regn. 58(1)(b) shall not be released only after handing over of M.C.G.M. & MHADA's plot as per approved sub-division.

(C) THE FOLLOWING GENERAL CONDITIONS TO BE COMPLIED WITH BEFORE GRANTING O.C.C. TO ANY PART OF THE PROPOSED BUILDING :

1. That the conditions of Govt. order under No. TPB/4303/1798/CR-211/JD-11 dated 4.11.2003 shall not be complied with and that the certificate regarding compliance of conditions mentioned therein will not be submitted before submission of B.C.C.
2. That the conditions mentioned in the clearance under No. C/ULC/D-III/22/4848 dated 10.6.93 obtained from Competent authority under U.L.C. & R. Act, 1976 will not be complied with.
3. That the some of drains will not be laid internally with C.I. Pipes.
4. That the dust-bin will not be provided as per C.E.'s circular No. CE/9297/II of 26-6-1978.
5. That the surface drainage arrangement will not be made in consultation with E.E.(SWD) or as per his remarks and a completion certificate will not be obtained and submitted before applying for occupation certificate/B.C.C.
6. That 10'-0" wide paved pathway upto staircase will not be provided.
7. That the surrounding open spaces, parking spaces and terrace will not be kept open and un-built 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.

9. That carriage entrance shall not be provided.
10. That the parking spaces shall not be provided as per D.C. Regulation No.36.
11. 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.
12. That the N.O.C. from Inspector of Lifts, P.W.D., Maharashtra, will not be obtained and submitted to this office.
13. That the Drainage completion certificate from E.E.(S.P.)(P&D)City for provision of Septic Tank/Soak pit will not be submitted.
14. That final N.O.C. from C.F.O./ Tree Authority shall not be submitted before asking for occupation permission.

(D) THE FOLLOWING CONDITIONS TO BE COMPLIED WITH BEFORE B.C.C.:

1. That certificate under Section 270-A Of M.M.C. Act will not be obtained from H.E.'s Department regarding adequacy of water supply.

- sd -
**Executive Engineer
Building Proposals (City)-I**

No.EB/9927/GS/A of
16/12/2003

- Copy to :-
1. Shri P.C. Parekh
Architects,
338, Rafi Ahmed Kidwai Road
King's Circle, Mumbai - 400 019
 2. Asstt. Commissioner G/South Ward,
 3. A.E.W.W. G/South Ward,
 4. A.A.& C. G/South Ward,
 5. U.D. Department, Govt. of Maharashtra,
Mantralaya, Mumbai

+ **Wpnh**
15/12/03
**Executive Engineer
Building Proposals (City)-I**