



MUNICIPAL CORPORATION OF GREATER MUMBAI

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

No. P-12566/2022/(928 And Other)/P/S Ward/PAHADI
GOREGAON-W/IOD/1/New Dated- 19 April 2023

MEMORANDUM

Municipal Office,
Mumbai

To,

HUSSEIN ABDUL KARIM BALWA & OTHERS

4th Floor, Techniplex-I, Techniplex Complex, Veer Savarkar Flyover, Goregaon (West), Mumbai-400 104.

With reference to your Notice 337 (New) , letter No. 000 dated. 29/8/2022 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed High rise Residential building no. 6 on plot bearing C.T.S. No. 928-A, 928-A/1 to 24 of Village Pahadi Goregaon (W), C.T.S. No. 1390, 1390/A, 1390/1 to 11 of Village Malad (S) and C.T.S. No. 73-A/D of Village Chinchavali, Goregaon (West), Mumbai. CTS/CS/FP No. 928 ,929 furnished to me under your letter, dated 29/8/2022. 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 up to-date, my disapproval by reasons thereof :-

A: CONDITIONS TO BE COMPLIED WITH BEFORE STARTING THE WORK.

- 1 That the Janata Insurance Policy shall not be submitted.
- 2 That the work shall not be carried out between 6.00am to 10.00pm only in accordance with rule 5A(3) of the Noise Pollution (Regulation & Control)Rules,2000 and the provision of notification issued by Ministry of Environment and Forest department from time to time shall not be duly observed.
- 3 That the Board shall not be displayed showing details of proposed work, Name of owner, developer, architect, R.C.C. consultant etc.
- 4 That all the requisite documents / remarks / Designs / NOC from concerned authorities / consultants as per E.O.D.B. shall not be submitted before asking for C.C.
- 5 That the self –declaration in respect of installing compositing pit/ composite machine/ bio methanise system, for processing wet waste generated at project site shall not be submitted by developer/builder/owner as per circular No. CHE/0024/GEN dated 02/04/2016.
- 6 That all the conditions in the orders of Hon'ble Supreme Court of India dated 15.03.2018 in the case of Dumping Ground should not be complied with.

- 7 That the compound wall shall not be constructed on all sides of the plot clear of road widening line with foundation below the 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 Regulation No. 37(24) of DCPR-2034.
- 8 That the valid Bank Guarantee of Rs.25,00,000/- shall not be furnished solely for the purpose of ensuring compliance of the conditions in the Waste Management Plan/ Debris Management Plan approved by SWM department of MCGM, till grant of full Occupation Certificate.
- 9 That the requisitions of Reg. 49 of DCPR 2034 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.
- 10 That the bore well shall not be constructed in consultation with H.E.
- 11 That the comprehensive registered undertaking and comprehensive indemnity bond as per EODB shall not be submitted
- 12 That the N.O.C. from Tree Authority shall not be submitted before asking for plinth C.C.
- 13 That the P.C.O.'s one time charges as per E.O.D.B. policy shall not be paid.
- 14 The registered undertaking cum indemnity shall not be submitted by the Owner or developer, stating that the permission/s granted for proposed development will not be used as tool to vacate the existing tenement/s and the necessary agreement / consent shall not be executed before demolition of the existing vacated building.
- 15 That the existing structure proposed to be demolished shall not be demolished or necessary Phase program will not be submitted and got approved before C.C.
- 16 That the commencement certificate under Sec.44/69(i) (a) of the M.R. & T. P. Act will not be obtained before starting the proposed work.
- 17 That all the payments required to be done shall not be paid.
- 18 Registered undertaking for not misusing the elevation features, part/pocket terrace, stilt, society office, fitness center etc. shall not be submitted before C.C.
- 19 That the NOC from Collector (M.S.D) for Excavation shall not be obtained and the requisitions mentioned therein shall not be complied with.
- 20 That Registered undertaking from the developer shall not be submitted for incorporating the clause in agreement with prospective buyers to make aware them that (a) That Building under reference is constructed with deficient open spaces (b) That Buyers will not object the development of adjoining plot in future with deficient open spaces
- 21 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.
- 22 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.
- 23 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.

- 24 That the NOC from HRC shall not be submitted
- 25 That the NOC from MOEF shall not be submitted and all the conditions of the said NOC shall not be complied with before OCC.
- 26 That the adequate & decent temporary sanitary accommodation will not be provided for construction workers on before starting the work.
- 27 That preferably electric vehicles shall not be used for transport of staff / labour / materials at site during the course of construction.
- 28 That the PR card in the Name of Owner shall not be submitted.

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

- 1 That the plinth/stilt height shall not be got checked by this office staff.
- 2 All the payments as intimated by various departments of MCGM shall not be paid.
- 3 That the structural stability certificate through Regd. Structural engineer regarding stability of constructed plinth shall not be submitted before asking for CC beyond plinth.
- 4 That the quarterly progress report of the work will not be submitted by the LS.
- 5 That the Material testing report shall not be submitted.
- 6 That PCO one time charges as per EoDB shall not be paid
- 7 That the N.O.C. for height clearance from AAI, Civil Aviation Department will not be obtained for the
- 8 That the area under reservation of Garden / Park (ROS 1.5) shall not be handed over and transferred in name of BMC on PR card before availing Zonal basic FSI beyond 75%

D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

- 1 That the low lying plot will not be filled up to a reduced level of at least 31.98MT own Hall Datum or 0.15m above adjoining road level whichever is higher with murum, earth, boulders etc. and will not be leveled, rolled, consolidated and sloped towards road side.
- 2 That 3.00mt.wide paved pathway up to staircase will not be provided.
- 3 That the open spaces as per approval, 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 as per design of registered structural engineer and carriage entrance fee shall not be paid.
- 6 That terraces, sanitary blocks, nahanis in kitchen will not be made Water proof and same will not be provided by method of ponding and all sanitary connections will not be leak proof and smoke test will not be done in presence of licensed plumber.
- 7 That final N.O.C. from concerned authorities / empaneled consultants for a. S.W.D. b. CFO / Fire Fighting Provisions c. Tree authority d. A.A & C (P/S) Ward e. Rain water harvesting completion f. Lift Inspector h. A.E.(Water Works) shall not be submitted before Occupation.
- 8 That Structural Engineer's final Structural Stability Certificate and completion certificate along with

upto date License copy and R.C.C. design plan shall not be submitted.

- 9 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 10 That certificate under Section 270-A of the Bombay Municipal Corporation Act will not be obtained from H.E.'s department regarding adequacy of water supply.
- 11 That the final plans shall not be submitted along with Notice of Completion of work u/sec.353A of MMC-Act 1888 for work completed on site.
- 12 That the vermiculture bins 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 MCGM shall not be provided to the satisfaction of Municipal Commissioner.
- 13 That the separate single PR Card in the name of owner shall not be submitted
- 14 That the area under reservation of Garden / Park (ROS 1.5) shall not be handed over and transferred in name of BMC
- 15 That the dust bin will not be provided.
- 16 That completion certificate from the rainwater harvesting consultant for effective completion and functioning of RWH system shall not be submitted and quantum of rain water harvested from RWH completed scheme on site shall not to be uploaded on RWH tab in online AutoDCR system.
- 17 Certificate from Airport Authority certifying height of proposed building shall not be submitted
- 18 That the RUT shall not be submitted regarding handing over of society office and fitness center to proposed CHS/Apartment owner association without any compensation
- 19 That B.C.C. will not be obtained and I.O.D. and Debris deposit etc. will not be claimed for refund within
- 20 That the up to date Bank Guarantee and SWM NOC shall not be submitted.
- 21 That Agreement in consultation with legal department for handing over of tenement / built up accommodation shall not be executed and final copy of executed agreement shall not be submitted. Advance Possession shall not be handed over with title certificate by advocate.
- 22 That Society Office permissible as per DCR before occupation for the building under reference shall not be constructed.

() 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 18 April day of 2024 but not so as to contrivance 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, 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 Byelaw, No. 8 of 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 center 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. ([!TownHall]) 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.

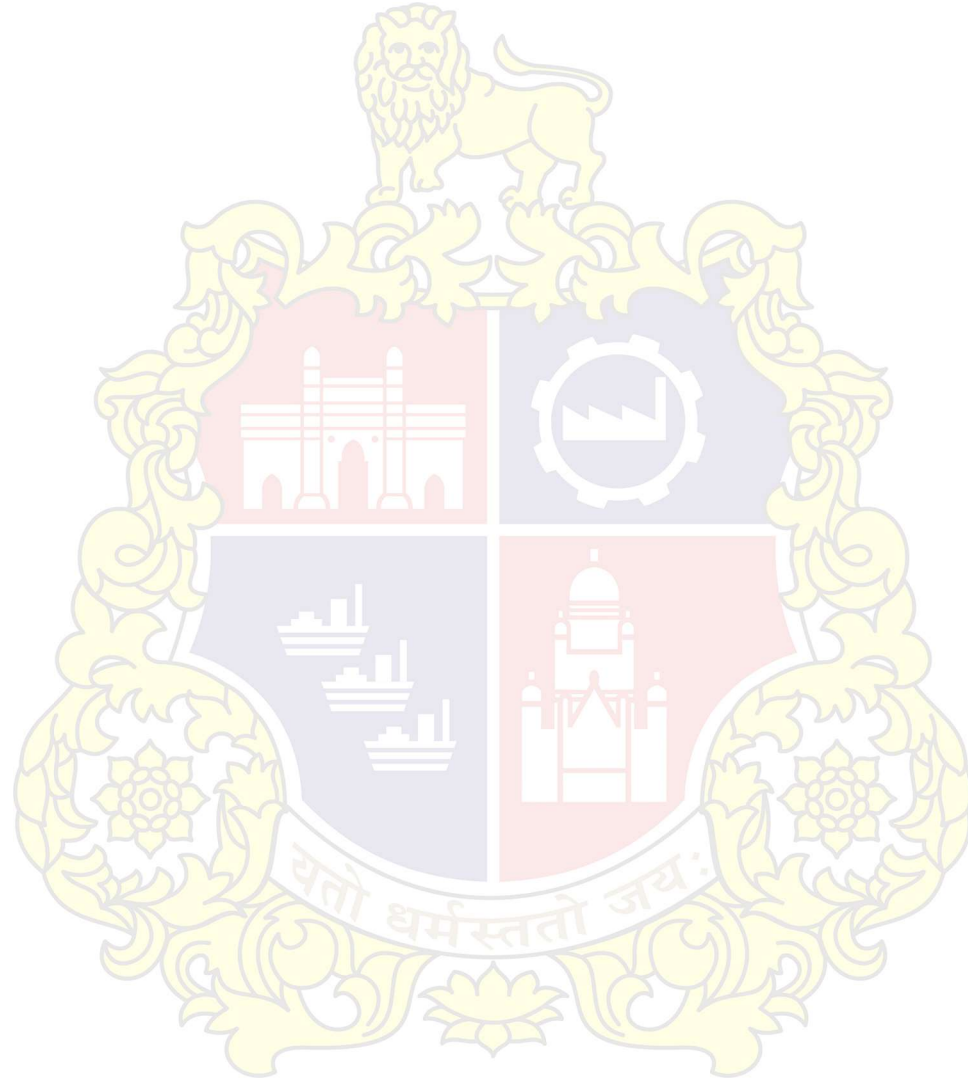
5. Your attention if further drawn to the provision of Section 353-A about the necessary of submitting occupation certificate with a view to enable the Municipal Commissioner for Greater Mumbai to inspect your premises and to grant a permission before occupation and to levy penalty for non-compliance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

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



No. EB/CE/ /BS /A/

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 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 construction 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 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 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 utilised for their construction works and they will not use any Municipal Water for construction purposes. Failing this, it will be presume 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 condition 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 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 broke glass pieces at the rate of 12.5 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) The 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 be negotiations with the tenant, 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 rehousing the existing tenants on hour stating their number and the areas 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 constructions 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 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 head storage work above the finished level of the terrace shall not be less than 1.20 Mt.and not more than 1.80 mt.
- 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 nut 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 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 lock and the warning pipes of the rabbet pretested with screw or dome shape pieces (like a garden mari rose) with copper pipes with perfections each not exceeding 1.5 mm in diameter. The cistern shall be made easily, safely and permanently accessible be 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 as 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 Bye0law No. 5 (b)
b Lintels or Arches should be provided over Door and Windows 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 as your own risk.

**Executive Engineer, Building Proposals
Zones wards.**

P-12566/2022/(928 And Other)/P/S Ward/PAHADI GOREGAON-W/IOD/1/New

- Copy To :-
1. Manojkumar Ashwanikumar Dubal
309, Sangam Arcade, Vallbhhai road opp. Rly. station
 2. Asst. Commissioner P/S Ward.
 3. A.E.W.W. P/S Ward,
 4. Dy.A & C. Western Suburb II
 5. Chief Officer, M.B.R. & R. Board P/S Ward .
 6. Designated Officer, Asstt. Engg. (B. & F.) P/S Ward ,
 7. The Collector of Mumbai

