



MUNICIPAL CORPORATION OF GREATER MUMBAI

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

No. EB/1041/FS/A/IOD/1/New

MEMORANDUM

Municipal Office,  
Mumbai

To,

M/s Om Shanti Housing Development Company

Peninsula Business park, B Wing 13 th Floor, Opp. Peninsula Corporate Business park, senapati bapat Marg, Lower parel, West, Mumbai 400013.

With reference to your Notice 337 (New) , letter No. 535 dated. 3/1/2006 and the plans, Sections Specifications and description and further particulars and details of your buildings at Proposed Redevelopment of building on plot bearing C.S. No. 40/26, plot no. 48 K, dadar matunga estate, shm.no.31, off. B.A. Road, F/S ward, Mumbai. CTS/CS/FP No. 40/26 furnished to me under your letter, dated 3/1/2006. 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 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 builder / developer / owner shall not prepare a "debris management plan" showing the prospective quantum of debris likely to be generated, arrangements for its proper storage at the site, transportation plan of the agency appointed for the same, with numbers and registration numbers of vehicles to be deployed and the final destination where the debris would be unloaded by them and submit the same to the Zonal Executive Engineer of S.W.M. Department and the same shall not be got approved before demolition of existing building or commencing any construction activity.
- 3 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 before starting the work as per Regn.37(24) of DCPR 2034.
- 4 That the structural engineer will not be appointed. Supervision memo as per Appendix-XI [Regulation 5(3)(ix)] will not be submitted by him.
- 5 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

alongwith bearing capacity of the soil strata will not be submitted before C.C.

- 6 That the sanitary arrangements shall not be carried out as per Municipal Specifications, and drainage layout will not be submitted before C.C.
- 7 That the existing structure proposed to be demolished will not be demolished or necessary Phase Program with agreement will not be submitted and got approved before C.C.
- 8 That the qualified/Registered Site supervisor through Architect/Structural Engineer will not be appointed before applying for C.C.
- 9 That All Dues Clearance Certificate from A.E.W.W. 'F/S' Ward shall not be submitted before issue of C.C.
- 10 That the premium/deposits as follows will not be paid: (a) Condonation of deficient open spaces (b) Development charges as per M.R.& T.P.(Amendment) Act,1992 (c) Insecticide charges (d) Payment of advance for providing treatment of construction site to prevent epidemic like dengue, malaria etc. to insecticide charges 'F/S' Ward (e) Labour Welfare Cess (f) Additional Development Cess (g) Staircase, lifts, Lifts Lobby Premium
- 11 That the work will not be carried out strictly as per approved plan and in conformity with the DCPR 2034 in force
- 12 That the N.O.C. from Tree authority/Self Certification shall not be submitted before asking for plinth C.C.
- 13 That the Janata Insurance policy or policy to cover the compensation claims arising out of Workmen's Compensation Act,1923 will not be taken out and a copy of the same will not be submitted before asking C.C. and renewed during the construction of work and owner / developer should submit revalidated Janata Insurance Policy from time to time.
- 14 That the fresh Tax Clearance Certificate from A.A. & C 'F/S' Ward shall not be submitted.
- 15 That the remarks from H.E. Department shall not be submitted.
- 16 That the Board shall not be displayed showing details of proposed work, name of owner, developer, Architect, R.C.C. consultant etc.
- 17 That the necessary remarks for construction of SWD will not be obtained from Dy.Ch.Eng.(S.W.D.) City before asking for plinth C.C.
- 18 That the N.O.C. from Dy.Ch.E.(S.P.) P&D for proposed sewer line shall not be submitted before C.C.
- 19 That the plot boundary shall not be got demarcated from C.S.L.R. and demarcation certificate shall not be submitted to this office.
- 20 That the copy of PAN card of the applicant shall not be submitted before C.C.
- 21 That the precautionary measures to avoid dust nuisance such as erection of G.I. sheet screens at plot boundaries up-to reasonable height shall not be provided before demolition of existing structures at site.
- 22 That the N.O.C. from Collector of Mumbai for excavation shall not be submitted before submitting work start notice.
- 23 That the construction activity for work of necessary piling shall not be carried out by employing modern techniques such as rotary drilling, micropiling etc. instead of conventional jack and hammer to avoid nuisance damage to adjoining buildings.

- 24 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.
- 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 Insecticide Officer for Inspection of water tanks by providing safe and stable ladder, etc. and requirements as communicated by the Insecticide Officer shall be complied with.
- 26 No main beam in a 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.
- 27 All the cantilevers (Projections) shall not be designed for five times the load as per IS Code 1993-2002 including the columns projecting beyond the terrace and carrying the overhead water storage tank, etc.
- 28 In R.C.C. framed structures, the external walls shall not be less than 230 mm if in brick masonry or 150 mm. autoclaved cellular concrete block excluding plaster thickness as circulated under No. CE/PD/11945/I of 2.2.2006.
- 29 That the remarks regarding formation level from Road Department shall not be submitted.
- 30 That all the conditions of C.F.O. N.O.C. shall not be complied before full occupation to the building.
- 31 That the services of Safety Officer to take care of all safeties during construction on construction site and around shall not be hired.
- 32 That the Third party insurance shall not be submitted
- 33 That the Extra Water Charges & Extra Sewerage Charges from A.E. W.W. 'F/S' Ward shall not be paid.
- 34 That the Private Doctor shall not appointed for treatment of labour/ staff.
- 35 That the NOC to CC from Estate Department shall not be submitted.
- 36 That the completion certificate from CFO shall not be submitted
- 37 That the undertaking from owner stating that they will not object to the development of the neighbouring building in future shall not be submitted
- 38 That the owner shall not include a clause in the sale agreement with the prospective buyer stating that the proposed building under reference is being constructed with deficient open space.
- 39 That the Registered Undertaking from developer shall not be submitted for following:(a) Indemnifying the BMC against any litigation arising out of hardship to user in case of the failure of mechanized system/pit puzzle parking system /nuisance due to mechanical system. (b) Fitness Centre/Yogalaya shall be handed over to Co-operative Housing Society/Association/Apartment (c) part terrace shall not be misuse (d) indemnifying BMC against any litigation arising out of issue out of the damage due to contravening toilets & also adequate water proofing treatment shall be provided (e) excess parking spaces shall be handed over to BMC in case full F.S.I. is not consumed.
- 40 That the Registered Undertaking from developer shall not be submitted for following:(a) condition shall be incorporated in the sale agreement with prospective buyers that the building under reference is constructed with open spaces deficiency (b) No objection if the neighbouring plot owner come for development with deficiency in open spaces (c) setback land shall be handed over to MCGM before claiming FSI benefit of setback area. (d) Special attendant shall be deployed to control the



manoeuvring & the Movement of car entry/exit gates at the junction and the places where pit puzzle parking system is provided.

- 41 That the Registered Undertaking from developer shall not be submitted for following: (a) agreeing to demolish the excess area if constructed beyond permissible F.S.I (b) agreeing to pay the difference in premium paid and calculated as per revised land rates (c) minimum Nuisance during construction activity (d) To sell the tenements / flats on carpet area basis only and to abide by the provisions of Maharashtra Ownership Flats (Regulation of the promotion of construction, sale management and transfer) Act (MOFA), amended up to date and the Indemnity Bond indemnifying the M.C.G.M. and its Officers from any legal complications arising due to MOFA.
- 42 That the Indemnity Bond from the developer to indemnifying BMC for following: (a) against any litigation arising out of issue out of the damage due to contravening toilets & also adequate water proofing treatment (b) Indemnity Bond, indemnifying the BMC for damages, risks, accidents, to the occupiers (c) indemnifying BMC against disputes, litigations, claims, arising out of ownership of plot and plot boundary. (d) Indemnifying BMC against any litigation arising out of issue out of the damage due to contravening toilets & also adequate water proofing treatment shall be provided.
- 43 That the Registered Undertaking from developer shall not be submitted for following:(a) The area reserved for the pit puzzle parking shall be used/ utilized for the purpose of parking only (b) Structural stability certificate of pit puzzle parking system will be submitted. (c) Indemnifying BMC against any litigation arising out of issue out of the damage due to contravening toilets & also adequate water proofing treatment (d) Indemnity Bond, indemnifying the Corporation for damages, risks, accidents, to the occupiers.

#### **C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C**

- 1 That the plinth/stilt height and dimensions shall not be got checked by this office staff.
- 2 That the amended Remarks of concerned authorities / empanelled consultants for the approved plan, if differing from the plans submitted for remarks, shall not be submitted for:
- 3 That the Material testing report shall not be submitted.
- 4 That the yearly progress report of the work will not be submitted by the Architect.
- 5 That the Structural Stability Certificate along with Plinth Completion certificate through Registered Structural Engineer regarding constructed plinth shall not be submitted before asking for C.C. beyond plinth.
- 6 That the additional development cess shall not be paid before further C.C.
- 7 That every year before onset of the monsoon / revalidation of C.C., structural stability certificate of the work executed on site shall not be submitted by the appointed Registered Structural Engineer / Consultant, appointed by owner / occupier / society.
- 8 That the requisition clause No.49 of DCPR 2034 from Structural Engineer for quality and test report shall not be submitted.
- 9 That the NOC from High Rise Committee for slenderness ratio shall not be submitted.

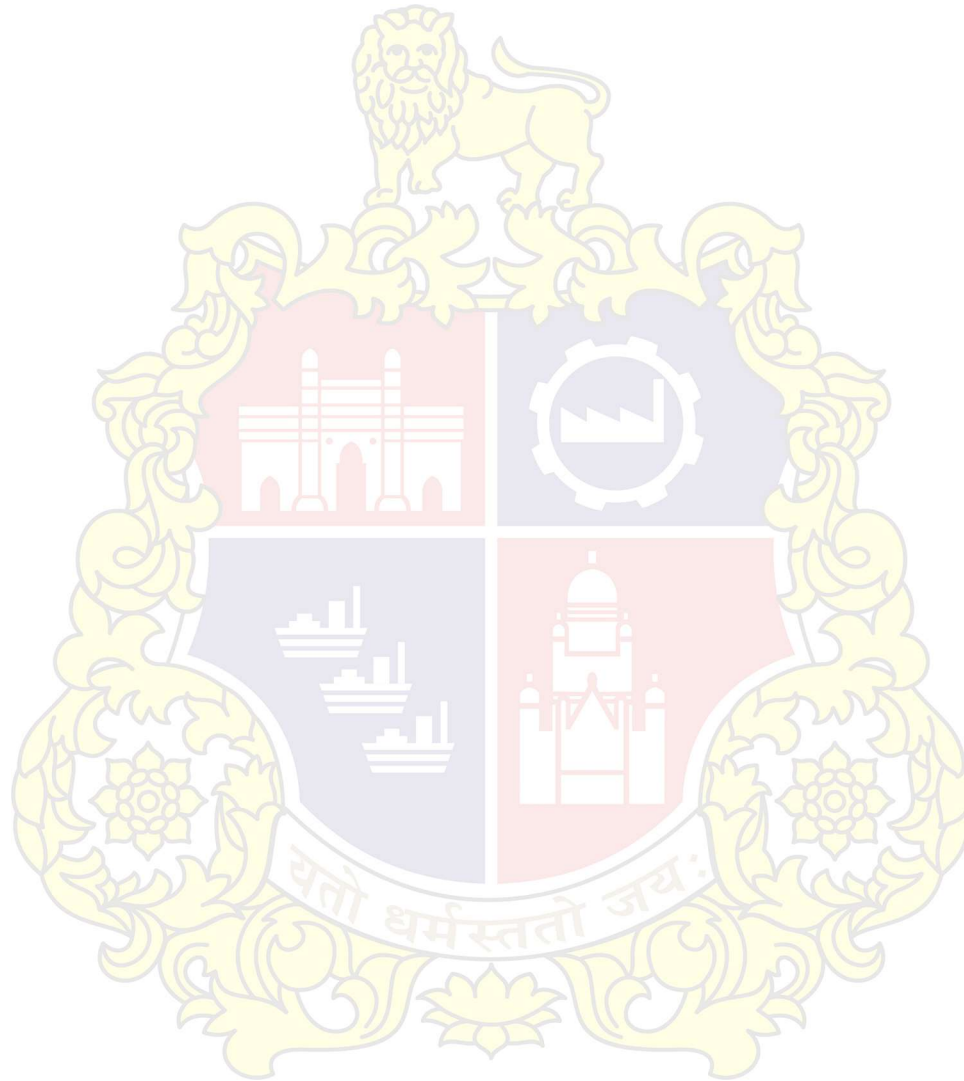
#### **D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C**

- 1 That the dust bin will not be provided on site.
- 2 That the open spaces as per approval, parking spaces and terrace will not be kept open.

- 3 That the name plate/board showing Plot No., Name of the Bldg. etc. will not be displayed at a prominent place.
- 4 That carriage entrance shall not be provided as per design of registered structural engineer and carriage entrance fee shall not be paid and completion certificate shall not be obtained.
- 5 That terraces, sanitary blocks, nahanis 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 licensed plumber.
- 6 That final N.O.C. from concerned authorities / empanelled consultants for:- (a) S.W.D. (b) Sewerage (c) CFO (d) Tree authority (e) Hydraulic Engineer (f) A.A. & C (Tax Clearance Certificate) (g) Drainage (h) Estate NOC shall not be submitted before occupation.
- 7 That the Structural Engineer's laminated final Stability with Work Completion Certificate along with up-to-date License copy and final R.C.C. design plans shall not be submitted.
- 8 That the Site Supervisor Certificate for quality of work and completion of the work shall not be submitted in prescribed format.
- 9 That the parking spaces shall not be provided as per DCPR 2034.
- 10 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.
- 11 That the N.O.C. from Inspector of Lifts, P.W.D., Maharashtra, will not be obtained and submitted to this office.
- 12 That the Fresh property card in the name of the MCGM shall not be submitted for setback area handed over.
- 13 That the vermiculture bins for the disposal of wet waste as per design and specifications of organization or companies specialized in this field as per list furnished by Solid waste Management of M.C.G.M. shall not be provided.
- 14 That the additional development cess shall not be paid before O.C.
- 15 That the following documents shall not be compiled, preserved and 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 by BMC. (a) Ownership documents (b) Copies of I.O.D., C.C., subsequent amendments, O.C.C., B.C.C. and corresponding canvass mounted plans (c) Copies of soil investigation reports (d) R.C.C. details and canvass 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.
- 16 That the certified copy of sale agreement incorporating the following conditions shall not be submitted to this office (a) That the prospective society / end user shall not preserve and maintain the documents / plans received from Owner / Developer / Architect and subsequently carry out necessary repairs / structural audit/ fire audit at regular interval and also present periodical structural audit reports and repair history, similarly to check and to carry out fire safety audit time to time as per requirement of C.F.O. through the authorized agency of BMC.
- 17 The registered undertaking and indemnity bond shall not be submitted stating that the conditions

mentioned at Sr.No.16 will be incorporated in the sale agreement and the same will be informed to the prospective society/ end user.

- 18 That the supervision certificate shall be submitted periodically i.e. every 3 months from the L.S. / Engineer / Structural Engineer / Supervisor or Architect as the case may be as per D.C.Reg.5(3)(ix) regarding satisfactory construction on site.
- 19 That the Sample Agreement with prospective buyers/members shall not be submitted.
- 20 That the NOC from Civil Aviation Department shall not be submitted.
- 21 That the plans shall not be amend in case full F.S.I. is not consumed before occupation permission.





- ( ) 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 29 August day of 2023 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.

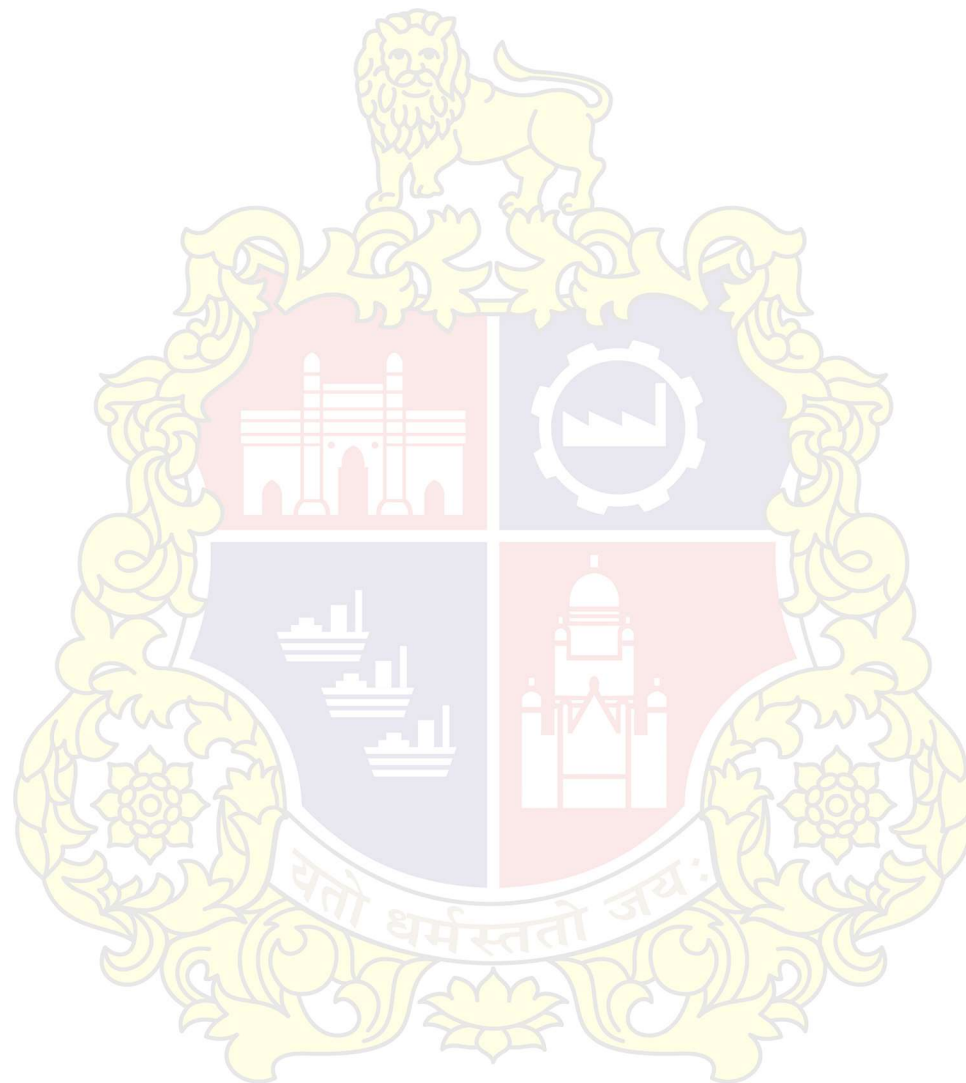
**Executive Engineer, Building Proposals,  
Zone, Wards.**

**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 an 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 proceeds 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 f 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 with drawn.
- 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.**

**EB/1041/FS/A/IOD/1/New**

Copy To :- 1. AMEET G. PAWAR  
SATYANARAYAN PRASAD COMMERCIAL CENTER, GROUND FLOOR, DAYALDAS ROAD, VILE  
PARLE EAST, MUMBAI-400057.

2. Asst. Commissioner F/South.
3. A.E.W.W. F/South,
4. Dy.A & C. City
5. Chief Officer, M.B.R. & R. Board F/South .
6. Designated Officer, Asstt. Engg. (B. & F.) F/South ,
7. The Collector of Mumbai

