

ANNEXURE - 'D'

करल - १		
१०२२४	२	५
२०२४		

346

346
88

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



BRIHANMUMBAI MUNICIPAL CORPORATION

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

No. P-7473/2021/(1342 And Other)/N Ward/GHATKOPAR
KIROL/337/1/New Dated- 03 April 2024

MEMORANDUM

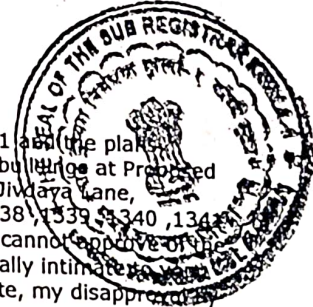
Municipal Office,
Mumbai

To,

VERSATILE HOUSING & INFRASTRUCTURE PVT. LTD.

4, Parul, New Maneklal Mehta Estate, Ghatkopar (West), Mumbai - 400086.

With reference to your Notice 337 (New) , letter No. 8751 dated. 15/5/2021 and the plan for the Redevelopment on plot bearing CTS No. 1332 to 1342 of Village Ghatkopar Kiroli, Jivdaya Lane, Ghatkopar West, Mumbai 400086.1342 ,1332 ,1333 ,1334 ,1335 ,1336 ,1337 ,1338 ,1339 ,1340 ,1341 furnished to me under your letter, dated 15/5/2021. 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 you under Section 346 of the Mumbai Municipal Corporation Act as amended up to-date, my disapproval on the reasons thereof :-



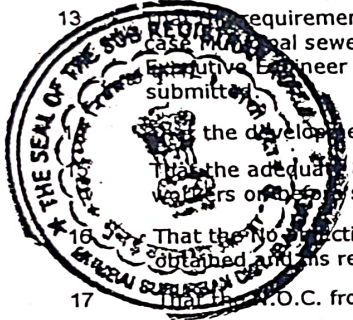
A: CONDITIONS TO BE COMPLIED WITH BEFORE STARTING THE WORK.

- 1 That the requisitions of regulation no. 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
- 2 The commencement certificate under Sec. 45/69 (1) (a) of the M.R. & T.P. Act will not will not obtained will not before starting the proposed work.
- 3 That the Janata Insurance Policy shall not be submitted.
- 4 That the work shall not be carried out between 6.00 a.m. to 10.00 p.m. 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.
- 5 That the board shall not be displayed showing details of proposed work, name of owner, developer, architect, R.C.C. consultant etc.
- 6 That the registered undertaking in prescribed proforma a constructed beyond permissible F.S.I. shall not be submitted before asking for C.C. greening to demolish the excess area if

करला - १		
१०२२२	५०	२५
२०२४		

NO. F-7473/2021/(1342 And Other)/N Ward/GHATKOPAR
KIROL/337/1/New Dated- 03 April 2024

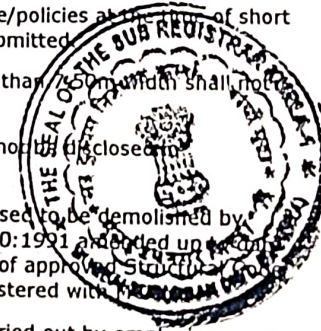
- 7 That the balance pre-requisites as per EODB shall not be complied with.
- 8 That the clearance certificate from assessment Department regarding up to date payment of Municipal taxes etc. will not be submitted.
- 9 That the work will not be carried out strictly as per approved plan and in conformity with the D.C.Regulations in force.
- 10 That the Licensed Structural Engineer will not be appointed. Supervision memo as per appendix XI (Regulation 5(3) (ix) will not be submitted by him
- 11 The structural design & calculations for the proposed work considering seismic forces as per I.S. Code nos. 1893 & 4326 & for existing building showing adequacy thereof to take up additional load will not be submitted by him.
- 12 That the qualified registered site supervisor through architect/structural Engineer will not be appointed before applying for C.C. & his name and license No. duly revalidated will not be submitted.
- 13 That the requirement of bye law 4 will not be complied with before, starting the drainage work and in case main sewer is not laid, the drainage work will not be carried on as per the requirement of Executive Engineer (Sewerage Project), Planning & completion certificate from him will not be submitted.
- 14 That the development charges as per M.R.T.P. (amendment) Act 1992 will not be paid.
- 15 That the adequate & decent temporary sanitary accommodation will not be provided for construction workers on or before starting the work.
- 16 That the No. of Construction Certificate from Hydraulic Engineer for the proposed development will not be obtained and his requirements will not be complied with.
- 17 That the N.O.C. from Insecticide Officer shall not be submitted.
- 18 That the Architect shall not submit the quarterly progress report of the proposed work.
- 19 That the No dues pending certificate from A.E.W.W.(N ward).
- 20 That Architect shall not certify that all rehab tenants are proposed to rehab by providing BUA as per fungible area worked out as per Reg. 31(3) of DCPR2034 and there is no excess deficit as shown in Proforma A of last approved plans and complied all conditions stipulated in Reg. 31(3) of DCPR2034, before asking amended approval / OC
- 21 That the soil investigation will not be done and report thereof will not be submitted with structural design.
- 22 That the registered undertaking shall not be submitted by the Owner stating that he will incorporate necessary condition in the sale agreement stating that the proposed building is constructed with deficient open space
- 23 That the precautionary measures to avoid nuisance duct to dust, such as providing G.I. Sheets at plot boundaries up to reasonable height shall not be taken.
- 24 That the bore well shall not be constructed in consultation with H.E.
- 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



करल - १		
१०२२७	५१	९
२०२४		

No. P-7473/2021/(1342 And Other)/N Ward/GHATKOPAR
KIROL/337/1/New Dated- 03 April 2024

- water tanks by providing safe and stable ladder, etc. and requirements as communicated by the Insecticide Officer shall be complied with.
- 26 That all the conditions stated in Directives issued by State Govt. u/no. TPS-1820/AN27/CA 80/20/UD-13 dated 14.01.2021 and clarification issued dated 12.02.2021 and guidelines issued by MCGM vide policy circulars u/no. CHE/DP/21546/Gen dated 22.02.2021 and 05.03.2021 shall be complied with
- 27 That the NOC from electric supply company shall not be submitted before asking CC
- 28 That all the conditions/observations/remarks in the approval of concession shall not be complied with and if required plan shall not be got amended within ambit of approved concessions before asking CC.
- 29 That project proponent shall abide with forthcoming policies, circulars, to pay short recovery after audit within a month from date of issue or asking any approval etc. RUT to that effect shall not be submitted before asking CC.
- 30 That project proponent shall pay any short Recovery at the prevailing rate/policies at the time of short payment after audit, registered undertaking to that effect shall not be submitted.
- 31 That the remarks & completion from ChEng(M&E) for L&V of rooms more than 7.50m width shall not be submitted at appropriate stage.
- 32 That the mechanical L&V for rooms having depth more than 7.50m shall not be submitted without agreement.
- 33 That the developer/owner shall not demolish the structure/building proposed to be demolished by following the guidelines proposed in the Indian Standard Code no. IS 4130:1991 and as per the provisions in respect of Demolition of Building Code of Safety under the supervision of approved Structural Engineer of Safety under the supervision of approved Structural Engineer duly registered with the State Council of Engineers and Architects.
- That the construction activity for work of necessary piling shall not be carried out by employing modern techniques such as rotary drilling, micro piling etc. instead of conventional jack and hammer to avoid nuisance damage to adjoining buildings.
- That the dry and wet garbage shall not be separated and the wet garbage generated in the building shall not be treated separately on the same plot by the residents/ occupants of the building in the jurisdiction of M.C.G.M. The necessary condition in Sale Agreement to that effect shall not be incorporated by the Developer/ Owner.
- That the registered undertaking shall not be submitted by the owner stating that he will not misuse the refuge floors / part terrace / society office/ Fitness center in future.
- That preferably electric vehicle shall not be used for all the development activities such as transporting material / human resources etc.
- That the demarcation of the curvature shall not be submitted before asking for CC
- That the safety precautions as per Reg 12(5) of DCPR 2034 shall not be scrupulously followed.
- That the precautionary measures for Control of Air Pollution from building Construction Activity, shall not be taken as per Mumbai Air Pollution Mitigation Plan and circular u/no CHE/DP/214/Gen dt. 15.09.2023 in this regards shall not be scrupulously followed. Further, the instructions issued by Hon MC dt. 25.10.2023 shall not be strictly adhered to
- That the plot boundary shall not be got demarcated from C.S.L.R. and demarcation certificate shall not



कोटा = ११		
१०२१२	५२	११
No. P-7473/2021/1342 And Other)/N Ward/GHATKOPAR		
KRO/3374/ New Dated- 03 April 2024		

is submitted to this office.

- 42 That the Copy of an agreement either providing a permanent alternate accommodation in a newly constructed building or a settlement arrived at by and between the tenants and / or occupiers and the landlord in respect of the building demolished by MCGM after following due process of law and where notice action under Section 354 of MMC Act is initiated is not submitted by the owner /developer before requesting for plinth CC

C: CONDITIONS TO BE COMPLIED BEFORE FURTHER C.C

- 1 That the plinth / stilt height shall 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 amended Remarks of concerned authorities / empanelled for remark, shall not be submitted for:- a) S.W.P b) Parking c) Sewerage d)Water Works e) Fire Fighting Provisions f) Tree authority g)Hydrology h)PCO i)NOC from Electric Supply Company.
- 4 That the material testing report shall not be submitted
- 5 That the quarterly progress report of the work will not be submitted by the Architect
- 6 That the Civilian NOC from A.A.I. shall not be submitted.
- 7 That the compliances as per policy circular dt 22.02.2021 & 05.03.2021 for reduced 50% premium advantage shall be abided by the developer as per RUT submitted.
- 8 That the no dues certificate from A.E. Water works "N" Ward shall not be submitted.
- 9 That the compliance N.O.C. from H.E will not be made and certificate to that effect will not be submitted.
- 10 That the extra water and sewerage charges shall be paid to Asst.Engineer, Water Works, before C.C.
- 11 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.
- 12 That the N.O.C. from Ch.E.(M&E) shall be submitted.

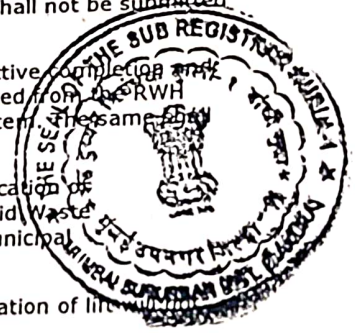
D: GENERAL CONDITIONS TO BE COMPLIED BEFORE O.C

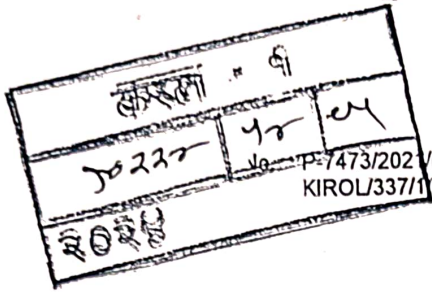
- 1 That Society Office permissible as per DCPR for the building under reference shall not be constructed asking before occupation.
- 2 That Fitness Centre permissible as per DCPR for the building under reference shall not be constructed asking before occupation
- 3 That the dust bin will not be provided.
- 4 That 3.00 mt. wide paved pathway upto staircase will not be provided.
- 5 That the open spaces as per approval, parking spaces and terrace will not be kept open
- 6 That the name plate/board showing Plot No., Name of the Bldg. etc. will not be displayed at a prominent place.
- 7 That carriage entrance shall not be provided as per design of registered structural engineer and carriage entrance fee shall not be paid.

करल - १		
१०२२१	५३	२५
२०२४		

No. P-7473/2021/(1342 And Other)/N Ward/GHATKOPAR
KIROLJ337/1/New Dated- 03 April 2024

- 8 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.
- 9 That final N.O.C. from concerned authorities / empanelled consultants for :- a) S.W.D. b) Sewerage c) Water Works d) CFO / Fire Fighting Provisions e) Tree authority f) Hydraulic Engineer g) Assessment shall not be submitted before occupation.
- 10 That Structural Engineer's laminated final Stability Certificate along with upto date License copy and R.C.C. design canvas plan shall not be submitted.
- 11 That plans shall not be submitted along with Notice of Completion of work u/sec. 353A of M.M.C. Act
- 12 That Site Supervisor certificate for quality of work and completion of the work shall not be submitted.
- 13 That the top most elevation level of the building certified by Airport Authority of India mentioning that the height of the building is within the permissible limits of Civil Aviation N.O.C. shall not be submitted before O.C.C
- 14 That the completion certificate from the rain water harvesting consultant for effective completion and functioning of RWH system shall be submitted and quantum of rain water harvested from the RWH completed scheme on site shall be uploaded on RWH tab in online AUTO DCR system. The same shall be complied before OC.
- 15 That the Vermiculture bins for disposal of wet waste as per the design and specification 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.
- 16 That the certificate from Lift Inspector regarding satisfactory installation and operation of lift shall be submitted.
- 17 That the betterment charges/lucrative premium for town planning plots will not be paid in respective ward office and certificate/receipt will not be submitted before O.C./ BCC, also the Offsite Infrastructure Charges shall not be paid in absence of directives of UD department.
- 18 That the certificate u/sec 270 A from HE department shall not be submitted.





P-7473/2021(1342 And Other)/N Ward/GHATKOPAR
KIROL/337/11 New Dated- 03 April 2024

- () 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 2 April day of 2025 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.

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. 7 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-

- 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
- Not less than 2 feet (60 cms.) Above every portion of the ground within 5 feet (160 cms.)-of such building.
- 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 is 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.

करल - १		
५०२४४	५५	५५
२०२४		

No. P-7473/2021/(1342 And Other)/N Ward/GHATKOPAR
KIROL/337/1/New Dated- 03 April 2024

3. 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.

