

In reply please quote No. and date of this letter.

Intimation of Disapproval under Section 316 of the Bombay Municipal Corporation Act, as amended up to date.

MEMORANDUM

No. 5884/RS 17A K. of 197 1976

Municipal Office.

To, Smt. Indiraben K.M. Amin.

22 MAY 1976

With reference to your Notice, letter No. 197 dated 24.4.1976 and delivered on 197 and the Plans, Sections, Specifications and Description and further particulars of the

of your building at Plot No. 15-A of Bhaikesh Co-Operative Housing Society Ltd. V.D.S. Vileparle (West). furnished to me under your letter, dated 2.4.1976. 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 316 of the Bombay Municipal Corporation Act as amended up-to-date, my disapproval thereof by reason:-

- A) That structural design and calculations for proposed work are not submitted.
 - B) That application is not made to Assistant Engineer (Maintenance) K-ward or carriage entrance across road side drain at your cost before starting the work and the carriage entrance will not be provided before submitting Building Completion Certificate or before occupation whichever is earlier.
 - C) That the requirements of bylaw 4(c) will not be complied with before starting the drainage work.
 - D) That the requirements of bylaw 5(b)(c) will not be complied with as the sanitary block lobbies do not abut open spaces.
 - E) That the proposed work will contravene section 251(A) of the Bombay Municipal Corporation Act.
 - F) That some of the passages and lobbies will not be properly lighted and ventilated.
 - G) That the requirements of bylaw 43 will not be complied with.
 - H) That the surrounding open spaces parking spaces and terraces will not be properly consolidated paved with concrete asphalt or Ladi, sloped and drains.
 - I) That one set of plans mounted on canvas and two additional set of plans will not be submitted.
 - J) That Certificate under section 270-A of Bombay Municipal Corporation Act will not be obtained from Hydraulic Engineer regarding sufficiency of water supply.
 - K) That No Objection Certificate from the Civil Aviation Department for the proposed height of the building will not be submitted before carrying out the work.
 - L) That the terms and conditions of sanctioned sub-division under No. CE/203/BSII/LOKMS will not be complied with.
 - M) That the conveyance deed will not be finalised and submitted before starting the work.
 - N) That the compound wall or fencing is not constructed 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 etc.
 - O) That a registered undertaking will not be submitted for restricting the height of the building to 50'-0" or in future.
 - P) That the open garages will not be of R.C.C. Framed construction and will not be paved, channelled and drained properly.
- Note:- 1) That the work should not be started unless objections A, K and M are complied with. (2) That the commencement certificate will not be issued unless (1) No Objection Certificate from the Civil Aviation Dept. is obtained, (3) Condition 'M' of the Intimation of Disapproval is complied with.
- Ask/17.5.1976.

The Charge is to the previous Plan Sanctioned under No. CE.15884/RS-11A, K. Dated 13.8.75

(1) That proper gutters and down pipes are not intended to be put to prevent water dripping from the eaves of the roof on the public street.

(2) That the drainage work tentatively 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 day of 11th May 1972 but not so as to contravene any of the provisions of the said Act, as amended as aforesaid or any rule, regulations or by-law made under that Act at the time in force.

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

Paterson
Executive Engineer, Building Department,
Zones, B. & W. Parks.

SPECIAL INSTRUCTIONS

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

(2) Under Section 63 of the Bombay Municipal Corporation Act, as amended, the Municipal Commissioner or Greater Bombay 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 316 of the said Act.

(3) Under Byelaw No. 8 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 down from such building can be connected with the sewer then 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 (150 cms.) of such building."

"(c) Not less than 92 ft. () metres above Town Hill Datum."

(4) Your attention is invited to the provision of Section 123 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 a building which has been vacated, to the Commissioner, within fifteen days of the completion or of the occupation, whichever first occurs. Non-compliance with this provision is punishable under Section 471 of the Act in respect of the fact that the valuation of the premises will be liable to be revised under Section 187 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 333A about the necessity of submitting completion certificate with a view to enable the Municipal Commissioner for Greater Bombay 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) (a) of the Bombay Municipal Corporation Act.

(7) One more copy of the block plan should be submitted for the Collector, Bombay Suburban District.

(8) Necessary permission for Non-agricultural use of the land shall be obtained from the Collector, Bombay Suburban District before the work is started. The Non-agricultural assessment shall be paid at the rate 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.

- (1) The work should not be started unless objections during the progress of the construction work.
- (2) A certified set of latest approved plans shall be displayed on site at the time of commencing the work and for any other purpose.
- (3) Temporary permission on payment of deposit should be obtained for any kind of hours & time for carrying out the work. Residence of workmen shall not be allowed on site. The temporary permission 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 arrangements should be provided on site for workers, before starting the work.
- (5) Water connection for constructional purposes will not be given until the boarding is completed and application is made to the Ward Officer with the required deposit for the construction of carriage entrance, over the road side drain.
- (6) The owner shall inform the Hydraulic Engineer or his representative in Writing at least 15 days prior to the date on which the proposed construction work is to be started. The Hydraulic Engineer shall issue a permit for the construction work and they will not issue the permit until the Municipal Engineer has been consulted on the construction works and tiller ordered against them accordingly.
- (7) The boarding of screen wall for supporting the depth of building materials shall be constructed before starting any work, even though no material is being deposited in the front of the property. The boarding shall be of a height of 1.25 m and shall not be less than 1.25 m from the street or public street by the owner/architect their contractor, etc., without obtaining prior permission from the Ward Officer of the area.
- (8) The work should not be started unless the objections is approved by the 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 the officer Sub-Engineer concerned and acknowledgement obtained from him regarding correctness of the open space and dimension.
- (11) The application for sewer street connection, 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/plan/division under No. _____ of _____ should be adhered to and complied with.
- (13) No Building/Drainage Completion Certificate will be accepted for water connection granted (except for the construction purposes) unless road is sanctioned 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 material before commencing work and should be completed to the satisfaction of Municipal Commissioner including asphalted light and drainage before submission of the Building Completion Certificate.
- (16) Flow of water through adjoining holding or extent 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 1.25 cubic metres per 10 Sq. metres below pavement.
- (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(6)(f) of the Rent Act and in the event of your proceeding with the work either without an intimation about commencing the work under Section 247(1)(d) or your starting the work without removing the structures proposed to be removed the act shall be taken as a severe breach of the condition under which this Intimation of Disapproval is issued and the sanction will be revoked and the commencing certificate granted under Section 45 of the Maharashtra Regional & Town Planning Act, 1966. (12 of the Town Planning Act), will be withdrawn.
- (21) If it is proposed to demolish the existing structure by negotiation with the tenants, 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 existing or rehousing the existing tenants on your stating their names and the area in occupation of each.
 - (ii) Satisfactorily signed agreement between you and the existing tenants that they are willing to vacate the alternative accommodation in the proposed structure at standard rent.
 - (iii) Plans showing the phased programme of construction has to be duly approved by the officer before starting the work so as not to contravene at any stage of construction, the Development Control Rules regarding open space, light and ventilation of existing structure.
- (22) In case of extension to existing building, blocking of existing windows of room deriving light and air from other sides should be done first before starting the work.
- (23) In case of additional floor no work should be started before or during movement which will cause any water leakage and consequent nuisance to the tenants staying on the floor below.
- (24) The bottom of the over head storage tank 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 mains 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 Bombay, as required in Section 381A of the Municipal Corporation Act.
- (30) All gas by traps and open channel drains shall be provided with tight fitting mosquito proof covers made of wrought iron plates on hinges. The manholes of all cisterns shall be covered with a properly fitting mosquito proof hinged cast iron cap cover in one piece with locking arrangement provided with a bolt and nut screwed on to the hinged cover. The purpose of a lock and the warning pipes of the cisterns shall be protected with screw on to the hinged cover. The cistern shall be made easily, safely and permanently accessible by providing a firmly fixed iron ladder, the upper end of the ladder should be curved and extended 60 cms. above the top where they are to be fixed and the lower ends to cement concrete blocks.
- (31) No broken bottles should be fixed over boundary walls. This prohibition refers only to broken bottles do not to the use of plain glass for coping over compound wall.
- (32) (a) Leaves should be provided as required by Bylaw No. 5 (b).
 (b) Lintels or Arches should be provided under Section 234 (1) (c).
 (c) The drains should be laid as required under Section 234 (1) (d).
 (d) The inspection chamber should be plastered inside and outside.
- (33) If the proposed addition is intended to be carried out on old foundations and structures, you will do so at your own risk.

[Signature]
 Executive Engineer, Building Proposed
 Zone - II, Wards

FORM NO. 135 BRS, of 100 Lvs.
MUNICIPAL CORPORATION OF GREATER BOMBAY

No. CE/5384/BSI/MK

To Shri J.P. Mistry, Architect,
83-A, Suryodeya, Sarojini Road,

Vileparle (West),
Bombay 400 056.

Subject: B.C.C. for the Bungalow on
Plot No. 15-A, Hakresh Co-Op. Hsg.
Sty. Ltd., J.V.P.D. Scheme,
Vileparle (West).

कार्यालयी अधिनियम भारतीय प्रसाधन

(विशेष सूचना) ब.म. न.प. के अधिनियम 1947 के अन्तर्गत
म.म.प. के अधिनियम 1947 के अन्तर्गत
म.म.प. के अधिनियम 1947 के अन्तर्गत

SIR,

Reference: ---

The Completion Certificate submitted by you on 10-3-1978.
for the above work, is hereby accepted.

Yours faithfully,

S.L.

Executive Engineer, Bldg. Proposals,

Zone (Western Suburbs.)
H.S.K. Wards.

No. CR/5384/BSI/MK /of 10 JAN 1984

Copy forwarded for information to—

- (1) W.O. M/V. Ward.
- (2) A.A. & C. K/W. Ward.
- (3) E.E. V. _____
- (4) M.I. K/V. Ward.
- (5) A.E.W. W. K/V. Ward.
- (6) W.O. K/V. Estate.
- (7) Owner _____

C/o Shri J.P. Mistry, Architect. 30/11

Executive Engineer, Bldg. Proposals—,
Zone (W.S.) H.S.K. Wards.

ASK/A.1.84.