

HUNDRED & SECOND MEETING OF THE EXECUTIVE COMMITTEE
B.M.R.D.A.

DATE : 28th February, 1986 (Friday)
TIME : 4.30 P.M.
PLACE : Committee Room, 5th Floor,
Mantralaya.

MEMBERS PRESENT :

- Shri B.G. Deshmukh, Chief Secretary to the Govt. of Maharashtra. - Chairman
- Shri S.R. Kakodkar, Metropolitan Commissioner - Member
- Shri D.K. Jain, Secretary to the Government of Maharashtra, Urban Development Department. - Member
- Shri J.G. Kanga, Municipal Commissioner, Bombay Municipal Corporation. - Member
- Shri Charles M. Correa - Member
- Shri Shirish B. Patel - Member
- Dr. P.G. Patankar - Member

INVITEES

- Shri B.K. Chougule, Addl. Chief Secretary & Secretary Industries, Government of Maharashtra.
- Shri R.T. Atre, Secretary (I) to Govt. of Maharashtra, Public Works Department.
- Shri P.S.A. Sundaram, Vice-President & Chief Executive Officer, Maharashtra Housing & Area Development Authority.
- Shri K.S. Faroi, Joint Secretary, Housing & Special Assistance Department.
- The Financial Adviser, BMRDA.
- The Chief, Planning Division and I&CP Division, BMRDA.
- The Chief, T&C Division, BMRDA.
- The Chief Engineer, Engineering Division, BMRDA.
- The Legal Adviser, BMRDA.
- Shri S.V. Asgaonkar, Secretary, Executive Committee, BMRDA.

Item No.1(a) : Confirmation of the minutes of the last (101st) Meeting.

The minutes were confirmed.

Item No.1(b) : Action taken on the minutes of the last (101st) Meeting - together with progressive action on the past decisions. (Parts 'a' and 'b').

1.1. Referring to para 1.2 of the minutes, the Joint Secretary, Housing & Special Assistance Department confirmed that the Ordinance effecting amendments to the Maharashtra Housing & Area Development Act has been recently promulgated for facilitating reconstruction of Old and Dilapidated Cessed Buildings in the Island City. In the said amendments, the suggestions made by the Executive Committee regarding allowing either F.S.I. of 2.0 or consumed F.S.I. whichever is higher to tenant Cooperative Housing Societies as well as conditions which were earlier prescribed by executive order have been duly incorporated.

1.2. Referring to the issue regarding identification for shifting of Iron & Steel Market to Kalamboli, the Metropolitan Commissioner informed that he alongwith the Managing Director, CIDCO, had visited the Kalamboli Market Yard site on 4-2-1986 and taken a detailed review of the progress achieved. He mentioned that the following critical items remained to be completed:-

- (i) 60 Ton weighbridge ordered by Steel Authority of India Ltd. (SAIL) is yet to be delivered and installed;
- (ii) Internal lighting of Steel Authority of India Ltd. and Tata Iron & Steel Co. Ltd. (TISCO) Yards is yet to be completed.

1.3. Metropolitan Commissioner pointed out that as per assurance given by Steel Authority of India Ltd., in the meeting on 4-2-1986, these items of work would be completed by end of April, 1986.

Item No.2 : Application for permission under
Section 13 of the BIRDA Act, 1974.

The applications bearing the following registration numbers were placed on the Table :

- | | |
|-----------------|-----------------|
| (1) 492/02/1/86 | (2) 493/20/1/86 |
| (3) 494/11/2/86 | (4) 495/11/2/86 |
- (1) Application No.492/2/1/86 (Shri Kusumkar Shivram Salgaonkar).

The Committee considered the application and noted that the proposal was for change of user from residence to office. The plot under reference falls in 'I' Zone as per sanctioned Development Plan and as per Draft Revised Development Plan proposals it falls in 'R' Zone. The Committee noted that Development Control Rule No.7(XV) permits Government and Municipal Sub Offices and branch offices of banks in Residential Zone, but since the Office of the Oriental Insurance Co.Ltd. is neither Government or Municipal Sub Office nor a branch of a bank, it is not permissible in a Residential Zone. The application was, therefore, rejected.

The following three applications under Section 13 were then considered by the Committee together :

(2) Application No.493/20/1/86 (Antop Hill Warehousing Co.Ltd.) for construction of warehouses with floor area of 92,788.53 square metres at C.S. No.254 of Salt Pan Division, Wadali in 'F-North' Municipal Ward, for shifting of extra hazardous and hazardous chemical godowns from congested area of the City of Bombay, etc.

(3) Application No.494/11/2/86 (Mazagon Dock Ltd.) for reconstruction of stores building with floor area of 1,16,760.95 square metres at C.S.No.185, Dockyard Road, in 'E' Municipal Ward for vital defence project.

(4) Application No.495/11/2/86 (Mazagon Dock Ltd.) for reconstruction of stores building with floor area of 1,21,188.45 square metres at C.S. No.185, Dockyard Road, in 'E' Municipal Ward for heavy material stores, etc. in connection with building of warships, coast guards ships and ships for Oil & Natural Gas Commission, etc.

.....4/-

The Committee noted that in all these three Cases, the Committee had earlier granted permissions vide their Resolutions No.254, dated 19.1.1984 (in respect of Antop Hill Warehousing Co.Ltd.); and No.257, dated 14.2.1984 (in respect of Mazagon Dock Ltd.). However, since the parties could not commence the work within the prescribed period of two years, they had applied for revalidation of permissions already granted. The Committee decided to revalidate the permissions already granted for a further period of two years on the same terms and conditions.

Accordingly, the Committee passed the following Resolution :

RESOLUTION NO. 330 :

"Resolved that in exercise of the powers conferred on it by clause (iv) of the sub-section (3) of Section 7 of the Bombay Metropolitan Region Development Authority Act, 1974, (as amended upto-date) read with sub-section (1) of Section 13 of the said Act and all other powers enabling it in this behalf, the Committee hereby grants permissions to -

- (1) Antop Hill Warehousing Co.Ltd. (Application bearing Registration No.493/20/1/86) for construction of warehouses with floor area of 92,788.53 square metres at C.S.No.254 of Salt Pan Division, Wadala in 'F-North' Municipal Ward;
 - (2) Mazagon Dock Ltd. (Application bearing Registration No.494/11/2/86) for reconstruction of stores building with floor area of 1,18,760.95 square metres at C.S. No.185, Dockyard Road in 'E' Municipal Ward; and
 - (3) Mazagon Dock Ltd. (Application bearing Registration No.495/11/2/86) for reconstruction of stores building with floor area of 1,21,188.45 square metres at C.S. No.185, Dockyard Road, in 'E' Municipal Ward,
- for the reasons recorded in these minutes.

"Resolved further that the application from Shri Kusumkar Shivram Salgaonkar (bearing Registration No.492/2/1/86), received in terms of Section 13(2) of the BMRDA Act, 1974, being not maintainable is hereby rejected."

Item No.3 : Development of lands from villages lodhivali, Taluka Khalapur for Intermediate Storage and Transport Terminal by Reliance Industries Ltd.

During the course of discussion on this item, it was suggested that while granting permission to such industries, BMRDA should levy betterment charges/betterment tax. It was however, clarified that such charges could only be levied under appropriate enabling provision. It was desired that the suggestion be examined in detail. After further discussion, the Committee decided that BMRDA may issue No Objection Certificate to M/s. Reliance Industries Ltd. for purchase of approximately 90 acres of land comprising S.Nos. 31 to 35 and 38 to 47 of Village Lodhivali, Taluka Khalapur, Raigad District for the purpose of constructing the proposed intermediate storage terminal on the following conditions :

- (i) That before commencing the work of construction of the Storage Terminal, Reliance Industries Ltd. shall obtain necessary NOCs/Permissions from Environment Department of Govt. of Maharashtra and other concerned Authorities as may be required under Law; and
- (ii) Reliance Industries Ltd. shall pay to BMRDA any betterment levy/betterment tax as may be fixed by BMRDA or Government of Maharashtra under appropriate legal provisions.

Item No.4 : Pilot Project on Medicinal Plantation in collaboration with World Wildlife Fund India.

The Committee considered the Item Note and approved the proposal in para.5 of the Item Note for taking up, in collaboration with World Wildlife Fund of India (WWF), the pilot project on medicinal plants as part of the Mahim Nature Park within the sanctioned cost of Mahim Nature Park and to place an amount of Rs.1.4 lakhs at the disposal of World Wildlife Fund of India for that purpose. The Committee is desired that it should be informed of the steps taken/being taken to keep the Mahim Creek clean as also environmental improvements in the area.

Item No.5 : Consultancy for Storm Water Drainage System for Dharavi.

The Committee considered the Item Note and passed the following Resolution :

RESOLUTION NO.331 :

"Resolved that the Executive Committee do hereby approve the proposal to award the consultancy assignment for the design of the Storm Water Drainage System for Dharavi, as elaborated in the Terms of Reference, to M/s. Shah Technical Consultants (Pvt.) Ltd., at a cost not exceeding Rs.2.14 lakhs.

"Resolved further that the Committee empowers the Metropolitan Commissioner to sign an appropriate agreement with the Consultants."

Item No.6 : Proposed MLA's Quarters at Backbay- Request for relaxation in D.C.Rules and issue of Commencement Certificate.

6.1. Shri R.T.Atre, Secretary(I), Public Works Department informed the Committee that eventhough it may be technically possible to revise the plans for construction of the proposed MLA's quarters, it was not possible from the administrative angle in view of the fact that the plans prepared by Shri Kadri, Honorary Architect to Government had been already approved by a Committee under the Chairmanship of the Chief Minister. He also pointed out that Govt. had given assurance on the Floor of the Legislative Assembly that work of construction would be started soon. He, therefore, requested the Committee to allow construction as per the existing plan by relaxing the Development Control Rules and in the meanwhile allow commencement of work upto plinth level as the contract for pile foundation was already awarded by Govt. and the contractors had brought machinery on the site.

6.2. On enquiries from members, the Secretary(I), Public Works Department clarified that various short-comings in the building proposal were not brought to the notice of the aforesaid Committee under the Chief Minister's Chairmanship which had approved the plans prepared by Shri Kadri. Shri Charles Correa pointed out that it would not be prudent or

-----7/-

advisable for BMRDA to permit construction of a Government Building Complex in violation of Development Control Rules. He observed that the fact that the building plan was approved by a Committee under Chief Minister's Chairmanship ought not to be taken as a compelling factor for permitting such construction. He felt that the deficiencies in the plan could be pointed out to the Chief Minister to enable him to have a correct appreciation of the situation. After further discussion on individual deficiencies in the plan submitted by Public Works Department, the Committee took the following decisions :

- (i) The committee decided that the benefit of claiming F.S.I. on 15% recreation ground should be allowed to the MLA's Hostel Building as such benefit had been granted in the past in respect of construction on plots in Backbay Reclamation area exceeding 3,000 square metres;
- (ii) The Committee decided to allow six large size porches as proposed in the plan;
- (iii) The Committee felt that the proposed building complex can neither be equated fully to a residential building proper nor to a starred hotel, particularly in view of the fact that size of the proposed tenements was only 332 square feet each. The Committee, therefore, decided that even though there will be as many as 336 suits in the proposed MLA's Hostel, atleast 165 parking spaces may be provided on the plot instead of only 81 proposed in the Plan. The Committee felt that if necessary shopping area on the ground floor could be curtailed to provide for the requisite number of parking spaces
- (iv) The Committee found it difficult to accept the request made by Public Works Department not to include F.S.I. on the stilted area on the first floor while computing consumed F.S.I. in view of the fact that the permissible F.S.I. in Backbay Reclamation area is restricted to 1.33 and if the area on the stilted portion on the first floor is taken into account as required under Development Control

-----8/-

Rules the total F.S.I. would go up to 1.41 which is not permissible.

- (v) The Committee also did not find it possible to permit side margin on the Southern side of only 30 feet as against 42 feet required as per Development Control Rules. The Committee advised that the height of two towers may be so adjusted that 30 feet margin on South side would be adequate.

6.3. The Committee finally decided that subject to the foregoing, BMRDA may grant Commencement Certificate for the work upto plinth level and request Public Works Department to resubmit the plans incorporating the above modifications.

Item No.7 : Payment of Rs.1/- lakh to the Association of Metropolitan Development Authorities by BMRDA by way of contribution for purchase of land for the Association's building.

The Committee considered the Item Note and passed the following Resolution :

RESOLUTION NO.332 :

"Resolved that after due consideration of the request of Chairman, Association of Metropolitan Development Authorities, the Executive Committee approves the proposal to contribute Rs.1/- lakh towards purchase of a plot of land in New Delhi for constructing Association of Metropolitan Development Authorities' own building."

Item No.8 : Post of Chief, Town & Country Planning Division - Appointment to the -

The Committee considered the Item Note and passed the following Resolution :

RESOLUTION NO.333

"Resolved that in exercise of the powers vested in it under Section 7(3)(i) of the BMRDA Act, 1974, the Executive Committee hereby accords its sanction to Shri K.B.Diwadkar being appointed as Chief, Town & Country Planning Division, in the pay scale of Rs.2000-125/2-2500, as proposed in the Item Note."

Item No.9 : Post of Chief Accounts Officer in BMRDA - Appointment to the -

The Committee considered the Item Note and also noted that Government in Urban Development Department had already accorded sanction to entrust additional charge of the post of Financial Adviser to Shri K.R. Shanbhogue, Chief Accounts Officer with effect from 23rd April, 1985, till the post is filled in substantively. The Committee then passed the following Resolution :

RESOLUTION NO.334 :

"Resolved that in partial modification of the orders passed under its Resolution No.303, dated 23rd April, 1985, the Executive Committee hereby accords sanction under Section 7(3) (i) of the BMRDA Act, 1974 to the appointment of Shri K.R. Shanbhogue as Chief Accounts Officer, on the pay of Rs.2000/-, in the payscale of Rs.1500-2250/- with effect from 23rd April, 1985, as proposed."

Item No.10 : Report of appointments made under powers delegated by the Executive Committee.

The Committee considered the Item Note and passed the following Resolution :

RESOLUTION NO.335 :

"Resolved that the Executive Committee hereby accords sanction to the appointment mentioned in Annexure to Item Note made under powers delegated under proviso to Guideline No.5 of the Staff Appointment Guidelines, during the quarter ended on 31st December, 1985, as proposed."

Item No.11 : Disposal and determination of premium of Commercial Plots viz. C-18, C-19, C-20, C-21 and C-22 in 'E' Block of Bandra-Kurla Complex.

11.1. After discussing the Item Note, the Committee approved the proposal regarding allotment of Plot C-18 to C-22 in 'E' Block of Bandra-Kurla Complex to the following Government Departments/Public Sector Undertakings at the rate of Rs.4,550/- per F.S.I. square metre :

Sr.No.	Name of the Organisation	Plot No.	Approximate Value Rs.
1.	Maharashtra State Co-Operative Marketing Federation.	C-21	2,21,33,750
2.	Maharashtra State Co-Operative Bank Ltd.	C-19	2,30,23,000
3.	Minerals and Metal Trading Corporation(MMTC)	C-22	2,01,33,750
4.	Commissioner of Labour, Govt. of Maharashtra.	C-20	2,20,22,000
5.	Computer Maintenance Corporation of India.	C-18	2,01,33,750

11.2. The Committee also concurred with the proposal that in case the Commissioner of Labour is unable to accept the plot within one month from the date of offer, the same plot should be offered to the Company Law Board, Government of India.

11.3 The Committee further decided that apart from offering the plots to the Public Sector Undertakings at the above rates, they should also be given an option to quote a lower rate in case they are willing to surrender 1/10th of the built-up space to the Government of Maharashtra at a rent to be fixed by the State Public Works Department.

Item No.12 : Industrial Location Policy in B.M.R.
- Modification to -

12.1. Shri B.K.Chougule, Additional Chief Secretary(Industries) apprised the Committee of the background of the proposed amendments to the existing Industrial Location Policy in Bombay Metropolitan Region. He stated that the proposed amendments need to be appreciated in the context of the need for modernisation of the plant and machinery, the general increase in investment limits made by the Government of India in respect of Small Scale Industries and also facilitating shifting of industries from one Zone to another or within the same Zone in the approved industrial estates. He observed that unless action on the proposed lines is taken, the industries will find it

difficult to adjust to the changing economic and technological situation and would suffer losses and decay.

22

12.2. Shri Shirish Patel was in favour of allowing modernisation to the existing industries without increase in labour, electricity and water on the condition that a differential levy/tax is imposed by Government/Local Authority to compensate it for the huge expenditure it is required to incur for improving/modernising the industrial and social infrastructure and the tremendous social cost the Govt. as well as the public are required to bear on account of increasing investment in industry etc. which benefits the industrial units. It was decided to study this in further detail.

12.3. The Committee felt that the doors of modernisation and technological upgradation must be kept open in a dynamic context and the industrial location policy must be re-oriented to allow continuous modernisation and upgradation without at the same time straining the Civic infrastructure further and also ensuring that the concerned industries are not of a polluting nature.

12.4. The Committee finally decided that in respect of altogether new Small Scale Units in approved industrial estates the investment limit should be raised from Rs.20/- lakhs to Rs.35/- lakhs while in respect of existing Small Scale Industrial Units in approved industrial estates, total investment upto Rs.35/- lakhs may be permitted only on one-to-one replacement basis. The Committee clarified that even existing Small Scale Units in approved industrial estate should not be allowed to make net additions to plant and machinery beyond Rs.20/- lakhs if it is not strictly required for purposes of modernisation and/or replacement of obsolete plant and machinery. The above relaxation is to be granted only in the interest of modernisation/technological upgradation and may be sanctioned by Industries Department only if the concerned unit will not need additional water supply and will not in any way contribute to pollution.

12.5 As regards the proposal for permitting industries in Zone I to relocate on their own land in approved industrial areas in Zone-II or in Zone-III or Zone-IV of Bombay Metropolitan Region or any other backward part of the State, it was decided that such relocation may be permitted subject to the following conditions :

- (i) The vacated premises in Zone-I will not be used for any industrial activity whatsoever;
- (ii) Facilities of water and power in Zone-I shall be entirely surrendered.
- (iii) Necessary permission under the Labour Laws shall be obtained; and
- (iv) Land becoming available at the existing premises due to relocation to a new place should be left open. If that is not possible such land should be made available only to public agencies providing infrastructural services such as Government Departments, posts, Telephones, Banks, etc.

12.6. It was decided that such permission for relocating industrial units from Zone-I to Zone-II should not be granted till the Revised Development Plan of Bombay is finally sanctioned.

12.7. It was further decided that shifting of Small Scale Units in approved Industrial estates from Zone-I to another approved industrial estate in Zone-II, III and IV may be allowed provided-

- (i) the vacated premises in Zone-I are not put to any industrial use and there is no increase in built-up area, labour and power in Zone-I, Zone-II or Zone-III as a result of this shifting.
- (ii) Small Scale Industries from non-confirming areas in Zone-I may be allowed to shift to an approved industrial estate in Zone-I provided the area vacated in Zone-I is not used for any industrial

purposes and there is no increase in built-up area, labour, power, etc. in the new location.

(iii) Small Scale Industrial units located in conforming area in Zone-II may be allowed to be shifted to approved industrial estates in Zone-II provided the vacated premises are not used for any industrial purposes and there is no increase in built-up area, labour, power, etc.

Item No.13 : Modifications to industrial policy for relocation of industrial unit from Zone-I, particularly Textile Mills.

The Committee considered the Item Note and decided to appoint a Study Group consisting of the following members to study the problems in all its aspects and submit a report within a period of 3 months:

- (1) Shri B.K.Chougule, - Chairman
Addl. Chief Secretary & Secretary to Government of Maharashtra, Industries Department.
- (2) Municipal Commissioner, - Member
Bombay Municipal Corporation
- (3) Secretary to Government - Member
of Maharashtra, Urban Development Department
- (4) Metropolitan Commissioner - Member
B.M.R.D.A.
- (5) Textile Commissioner, - Member
Govt. of India.
- (6) Commissioner of Labour - Member
Govt. of Maharashtra
- (7) Development Commissioner - Member
(Industries) Secretary

Item No.14 : Industrial Location Policy in Bombay Metropolitan Region - N.O.Cs. to Individual Cases.

The Committee observed that the individual cases requiring No Objection Certificates need not be placed before the Executive Committee and the same may be dealt with by Government as per the existing practice. Subject to above, the Committee took note of the cases placed before it.

The meeting then concluded with a vote of thanks to the Chair.
