

No. EXC/MTG/118

BOMBAY METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
Griha Nirman Bhavan,
5th Floor, Bandra(East),
Bombay - 400 051.

Date: 21st December, 1988.

The minutes of the Hundred & Eighteenth Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 3rd December, 1988, are enclosed.

S. V. Asgaonkar
21/12/88
(S.V. ASGAONKAR)
SECRETARY
EXECUTIVE COMMITTEE

To :

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|--|------------|
| The Chief Secretary to the Government of Maharashtra, General Administration Department, Mantralaya. | - Chairman |
| The Metropolitan Commissioner, B.M.R.D.A. | - Member |
| The Special Secretary to the Government of Maharashtra, Urban Development Department, Mantralaya. | - Member |
| The Secretary to the Government of Maharashtra, Housing & Special Assistance Department, Mantralaya. | - Member |
| The Municipal Commissioner, Bombay Municipal Corporation. | - Member |
| The Managing Director, C.I.D.C.O., Bombay. | - Member |
| Shri Charles M. Correa, Correa Consultants Pvt. Ltd., 9, Mathew Road, Bombay-400 004. | - Member |
| Shri Shirish B. Patel, SPA Consultants Pvt. Ltd., 41, Nagindas Master Road, Bombay-400 023. | - Member |
| Dr. P.G. Patankar, Director, Central Institute of Road Transport, (Training and Research), Poona-Nasik Road, Pune-411 026. | - Member |

INVITEES :

The Secretary (II), Urban Development Deptt., Mantralaya.
The Financial Adviser, B.M.R.D.A.

Copy to :

The Legal Adviser, B.M.R.D.A.

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MINUTES OF THE 118TH MEETING OF THE EXECUTIVE COMMITTEE,

B.M.R.D.A.

DATE : 3rd December, 1988 (Saturday).
TIME : 10.30 a.m.
PLACE : Chief Secretary's Committee Room,
5th Floor, Mantralaya.

MEMBERS PRESENT :

- Shri D.M. Sukthankar, - Chairman
Chief Secretary to the
Government of Maharashtra.
- Shri S.R. Kakodkar, - Member
Metropolitan Commissioner.
- Shri A.S. Rao, - Member
Secretary to the Govt. of
Maharashtra,
Urban Development Department.
- Shri S.S. Tinaikar, - Member
Municipal Commissioner.
Bombay Municipal Corporation.
- Shri K. Nalinakshan, - Member
Managing Director,
C.I.D.C.O., Bombay.
- Shri Shirish B. Patel. - Member
- Dr. P.G. Patankar. - Member

INVITEES :

- Shri K.R. Shanbhogue, Financial Adviser, BMRDA;
 - Shri S.T. Vaishampayan, Chief Engineer,
Engineering Division, BMRDA;
 - Shri K.B. Diwadkar, Chief, T&CP Division, BMRDA; and
 - Shri K.N. Patel, Legal Adviser, BMRDA.
- Shri S.V. Asgaonkar, Secretary, Executive Committee, B.M.R.D.A.

Item No.1 : Confirmation of the minutes of
the 117th Meeting of the
Executive Committee held on
4th October, 1988.

The minutes were confirmed.

Confirmation of the minutes of the
adjourned meeting of the Executive
Committee, held on 8th October, 1988.

(i) Transfer of Development Rights :

Referring to the recommendations made by the Committee in respect of Transfer of Development Rights (TDRs), Shri Tinaikar observed that it was not enough to merely suggest that TDR may be made available outside Greater Bombay in such selected areas as may be designated by BMRDA from time to time. In order to make it possible for the Development Control Rules to be made applicable in concrete cases, it was necessary to immediately identify specific areas where the development rights could be transferred so that these areas could be specifically mentioned in the Revised Development Control Rules. The Committee approved Shri Tinaikar's suggestion and desired that a specific proposal on the subject should be prepared and placed before the Executive Committee in its next meeting so that the Committee's recommendations in the matter could be made available to the Government before the revised D.C.Rules are finalised.

(ii) Grant of additional F.S.I. for Educational Institutions.

Referring to the recommendation of the Committee that additional FSI may be given to educational institutions only in the Suburbs and Extended Suburbs of Greater Bombay, Shri Tinaikar pointed out that it would be a retrograde measure to deny to educational institutions within the Island City the benefit of additional FSI which they were enjoying so far. He stated that there are several schools in the Island City with outstanding reputation, which attract students from all over Greater Bombay and it would not be fair to deny them the opportunity for expansion not only to increase the intake of students but also to provide better facilities to the students. He further stated that the provision for additional FSI is unlikely to be misused as the educational institutions will not surely take up additional construction merely because additional FSI happens to be available. They will take up additional construction only for bonafide and

genuine purposes. The Executive Committee agreed with Shri Tinaikar's view and decided to make a recommendation that primary and secondary schools even within the Island City should be given the benefit of additional FSI while colleges may be given the benefit of additional FSI only outside the Island City.

(iii) Additional FSI for 4 - 5 Star Hotels :

Referring to the recommendation of the Executive Committee that additional FSI upto 50% may be given to 4 and 5 star hotels anywhere in Greater Bombay by charging premium equivalent to prevailing market value for the additional FSI, Shri Tinaikar and Shri Shirish Patel stated that the Executive Committee had earlier taken a firm decision not to grant additional FSI to 4 and 5 star hotels in the Island City and it would not be desirable to reverse the decision. In view of this, the Committee decided to recommend that additional FSI upto 50% may be given to 4 and 5 star hotels only outside the Island City, by charging premium equivalent to the prevailing market value for the additional FSI.

(iv) Additional FSI for Medical Institutions :

Referring to the Committee's earlier recommendation that suitable additional FSI may be granted to medical institutions anywhere in Greater Bombay, some members felt that such a general provision would not be desirable.

After detailed discussion the Committee decided to recommend that additional FSI upto 50% only may be granted to hospitals run by Government/Public authorities all over Greater Bombay and to hospitals run by public charitable trusts only in Suburbs and Extended Suburbs, subject to the condition that they should have already utilised the normal FSI for hospital use proper and that they would use the additional FSI, if sanctioned, also exclusively for hospital use.

It was finally decided that the above revised recommendations of the Executive Committee should be forwarded to the Special Secretary, Urban Development

Department for incorporating the same in the Cabinet Note being prepared by the Urban Development Department on Development Control Rules for Greater Bombay.

The minutes of the Meeting held on 8th October, 1988 were then confirmed.

Item No.2 : Application under Section 13 of the BMRDA Act, 1974, from the Commissioner of Police, Greater Bombay -

Addition to the Traffic Police Head Quarters Building at Worli Hill Road No.4 in 'G/S' Municipal Ward.

2.1. The Committee considered the application and noted that the proposal was for erection of two additional floors over the existing Ground + 3 storied Traffic Police Head Quarters Building, on Plot Nos.87, 87A and 87B, Worli Hill Road No.4, in 'G-South' Municipal Ward, thereby increasing the floor area from 2511.48 square metres to 3930.68 square metres (increase of 1419.20 square metres) and F.S.I. from 0.82 to 1.28. It was noted that the Police authorities propose to use the additional area for the following purposes :

- i) Office accommodation for additional officers and men sanctioned by the State Govt. during the last two years,
- ii) Installation of Close Circuit T.V. System under Police Modernisation Programme to monitor traffic movement on important corridors,
- iii) Installation of Area Traffic Control System and Master Computer for storage and retrieval of information of drivers, vehicles, etc.
- iv) Mini Motor Workshop for Vehicles of Traffic Branch,
- v) Wireless Workshop and Charging Room,
- vi) Sign Board Workshop.

2.2. It was seen that as per the sanctioned Development Plan of 'G-South' Municipal Ward as well as the

Revised Draft Development Plan proposals, the plot under reference falls in Residential Zone where Government Sub-Offices are permissible.

2.3. After detailed consideration, the Committee decided to grant the permission applied for and passed the following Resolution :

RESOLUTION NO.416 :

"Resolved that in continuation of the permission granted under Committee's Resolution No.219, dated 10.8.1982, and in exercise of the powers conferred by clause (iv) of sub-section (3) of Section 7 of the BMRDA Act, 1974, read with sub-section (3) of Section 13 of the said Act and all other powers enabling it in this behalf, the Committee hereby grants permission to the Police Department (application bearing Registration No.528/13/10/88) for addition of 1419.20 square metres floor area to the existing building on Plot No.87, 87A and 87B, at Worli Hill Road No.4, in 'G-South' Municipal Ward, thereby increasing the floor area to 3930.68 square metres with FSI 1.28, for being used as Head Quarters of Traffic Police Branch, as proposed in the application."

Item No.3 : Application under Section 13 of the BMRDA Act, 1974 from Bharat Petroleum Corporation Ltd., Bombay.

Construction of administrative office building at Dadar-Naigaum Division, Sewree, Bombay.

3.1. The Committee considered the application and noted that the proposal was for construction of an Administrative Office building with floor area of 925.68 square metres and FSI 0.025, on C.S.No.1/358, 1A/358 and 4/358, Dadar-Naigaum Division, Khau-Creek Installation Building, BPT Road, Sewree, in 'F-South' Municipal Ward. The proposed Administrative Office will accommodate 20 BPCL operational staff attached to the proposed tank filling gantry and also provide essential amenities such as toilet, canteen, showers, change room, lockers, etc. for BPCL staff as well as for 500-700 drivers and cleaners of lorries and other visitors to the gantry.

3.2. The Committee also noted that, as per the sanctioned Development Plan as also the Draft Revised Development Plan proposals, the land under reference is in Industrial Zone where F.S.I. permissible is 0.5.

3.3. The detailed users of the proposed space which were incidental to the main activities and can not be separated were also noted by the Committee.

3.4. After detailed discussion, the Committee decided to grant the permission applied for and passed the following Resolution :

RESOLUTION NO.417 :

"Resolved that in exercise of the powers conferred on it by clause (iv) of sub-section (3) of Section 7 of the BMRDA Act, 1974, read with sub-section (3) of Section 13 of the said Act and all other powers enabling it in this behalf, the Committee hereby grants permission to the Bharat Petroleum Corporation Ltd. (application bearing registration No.529/3/11/88) for construction of Administrative Office Building with floor area of 925.68 square metres and F.S.I. 0.025, on C.S.No.1/358, 1A/358 and 4/358, Dadar-Naigaum Division, Khau-Creek Installation Building, BPT Road, Sewree, in 'F-South' Municipal Ward, as detailed in the application."

Item No.4 : Request of Reserve Bank of India for change of user from shops to National Housing Bank on ground floor of RBI Office Building on Plot C-7.

4.1. The Committee noted that in the approved layout plan which was prepared on an integrated basis for 'E' Block of Bandra-Kurla Complex, provision had been made for a pedestrian plaza inter-linking shops, offices, open recreational places, residential areas, etc. Provision for pedestrian plaza had been made specifically with a view to creating a vehicle-free, lively, shopping area in 'E' Block so that the whole complex does not become a drab and deserted place after office hours. With this in view, the approved architectural drawing had stipulated that the 15 commercial plots which were fronting on the pedestrian

plaza shall have shopping use on the ground floor instead of office use. Accordingly, developments on the Reserve Bank of India Plots C-7, C-8 and C-9 were also sanctioned with provision of shops on ground floor and offices on upper floors. These buildings had already been constructed and BMRDA had also issued NOCs for their occupation.

4.2. It was felt that if the request of the RBI to let out the five shops on the ground floor of their building located in Plot No. C-7 to the National Housing Bank for location of their branch office is granted, it will go against the basic concept of the pedestrian shopping plaza and completely alter the basic character of the place. It was also felt that, looking to the spirit of the existing provision, only such users as would provide direct customer service to the people could be allowed on the ground floor of buildings fronting the pedestrian plaza. The branch office of the National Housing Bank, which is basically a refinancing institution not providing direct customer service to the people cannot, for this reason, be allowed on the ground floor of the RBI building. It was further felt that if the RBI was really keen to provide office accommodation to the branch office of the National Housing Bank, it could well do so by giving them some space in any of the upper eight floors of the buildings they have already completed on Plots C-7, C-8 and C-9 in 'E' Block of Bandra-Kurla Complex. The Committee, therefore, did not find it possible to agree to the request of the Reserve Bank of India.

Item No.5 : Tenders for Channelisation of Mithi River from Dharavi Link Road Bridge to Vakola Bridge in Bandra-Kurla Complex - Approval to estimates and award of Contract -

During the course of discussion on the item, some members enquired about the rate analysis of estimates for the work. In view of the fact that lowest tender received for the work was 43.50% below the estimates prepared by BMRDA office, the Committee sanctioned the reduced working estimates on the basis of accepted tender. The Committee also desired that in future the rate analysis be worked out afresh looking to the site conditions at

each work location and experience gained at other sites. After further discussion, the Committee sanctioned the award of work to M/s. Satyam Construction Co. and passed the following Resolution :

RESOLUTION NO.418 :

"Resolved that in exercise of the powers conferred by sub-section 3(iii) of Section 7 of the BMRDA Act, 1974 and all other powers enabling it in this behalf, the Executive Committee hereby accords approval to the award of the work of channel cutting from Dharavi Link Road Bridge to Vakola Bridge (1.15 Kilometres in length) to M/s. Satyam Construction Company, for Rs.63,12,200/- (Rupees sixty three lakhs twelve thousand and two hundred only) as proposed in the Item Note."

Item No.6 : Requirement of additional F.S.I. for Telephone Exchange Buildings by Mahanagar Telephone Nigam Ltd.(MTNL).

The Committee felt that in order to enable the Mahanagar Telephone Nigam Limited to implement its expansion and modernisation plans with a view to providing telephone on demand by the year 2000 A.D., it is quite essential to permit them to maximise the utilisation of Telephone Exchange Building sites by sanctioning additional FSI in the Island City as well as in the Suburbs. It was recognised that there is an urgent need to vastly improve the communication system within Greater Bombay and, therefore, granting additional FSI for this purpose to a vital public utility concern such as the MTNL would be in the overall interest of Bombay, particularly in view of the fact that additional space that will be created with additional FSI will be used essentially for technical purposes such as installation of modern machinery, equipments, etc. and not for additional employment generation. Moreover, it is likely that if the telephone system is improved and expanded, there will be some reduction in city traffic. After detailed discussion, the Committee decided to recommend to Government the MTNL's request for

additional FSI for Telephone Exchange Buildings as proposed by them, subject to the following conditions :

- i) that the additional FSI will not be utilised for creating additional office space and increasing the number of jobs; and
- ii) that the MTNL shall be charged 50% of the market value of the land in respect of extra floor space arising out of additional FSI.

Item No.7 : Appointment to the post of Chief, Transport & Communications Division.

The Committee approved the proposal to secure on deputation the services of Shri A.G. Borkar, Chief Engineer, Public Works Department, for manning the post of Chief, Transport & Communications Division, BMRDA, for a period of two years initially and passed the following Resolution :

RESOLUTION NO.419 :

"Resolved that after careful consideration of the matter and perusal of the Reports, the Executive Committee, in exercise of the powers vested in it under Section 7(3)(i) of the BMRDA Act, 1974, and all other powers enabling it in this respect, hereby approves the proposal to appoint Shri A.G. Borkar, Chief Engineer from Public Works Department, Government of Maharashtra, on deputation as Chief, Transport & Communications Division, BMRDA, for a period of 2 years in the first instance.

"Resolved further that the Metropolitan Commissioner is hereby authorised to take further necessary action in this regard."

Item No.8 : Development of Mahim Nature Park :

8.1. The Metropolitan Commissioner informed the Committee that the work of Mahim Nature Park was nearing completion and it was imperative that an appropriate agency was identified as early as possible to take over and manage the park on a permanent basis. Out of Rs.3 crores sanctioned by the Executive Committee for developing the park, the expenditure incurred so far was to the tune of Rs.2.65 crores. The WWFI had been closely associated with the project right from the conceptual and planning stage. They were particularly

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closely involved in the designing and execution of the education centre building, preparation of internal exhibits, planning of environmental education programme etc. They were also associated with the procurement of different varieties of saplings for planting in the Mahim Nature Park and for developing the medicinal plantation. They had provided the services of a Project Officer and Horticulturist and so far BMRDA had deposited an amount of Rs.11.5 lakhs with the WWFI for executing the various tasks entrusted to them.

8.2. The members appreciated the good work that was done by the BMRDA so far in implementing the nature park project and desired that the remaining work, particularly of the education centre building, should be completed as fast as possible. Members also felt that the BMRDA, because of its organisational and financial limitations, would not be the appropriate agency to manage the nature park when completed.

8.3. The Metropolitan Commissioner pointed out that the WWFI were very keen to manage the park and in their opinion it would be quite possible to undertake different activities and programmes on environmental education, etc., which would in the long run generate enough funds to run the park on a self-sustaining basis. However, the WWFI had neither the organisational strength nor practical experience of managing a park. He pointed out that Government organisations like Parks and Gardens Department and Forests Department were mainly concerned with development and maintenance of parks, gardens, forests, etc. but they had no experience and expertise in managing a complex education centre which is designed to undertake environmental promotion, conservation, nature exploration and other activities mainly for educating school children and the urban inhabitants in nature conservation. As regards the BMRDA, it had neither the resources nor the expertise to manage the nature park with an educational centre and in any case, BMRDA was not expected to undertake the functions which fall within the legitimate domain of other agencies such as the Bombay Municipal Corporation.

8.4. Shri Tinaikar, stated that the best mechanism for managing the park would perhaps be to set up an independent trust with representatives of the Bombay Municipal Corporation, BMRDA, WWFI, Bombay Natural History Society, Private Business Houses, Institutions, etc., which could jointly fund and manage the park including the education centre. Shri Tinaikar further stated that he would shortly be meeting the representatives of ^{the}Tatas and ^{the}Bombay Chamber of Commerce in connection with the Bombay Beautification Project, when he could also explore the possibility of their involvement in funding and managing the nature park.

8.5. The Committee requested Shri Tinaikar to hold a dialogue with organisations active in the field of Bombay Beautification, environment conservation, etc., and suggest a suitable mechanism for funding and managing the nature park.

8.6. The Committee also discussed the question of giving an appropriate name to the nature park. The Committee felt that since the birth centenary of Pandit Jawaharlal Nehru is being celebrated all over the country on a grand scale and since Pandit Nehru had great concern and love for nature and children, it would be highly befitting to name the park as "Jawaharlal Nehru Nature Park." It was, therefore, decided to recommend to BMRDA and Government that the Mahim Nature Park be renamed as "Jawaharlal Nehru Nature Park."

Item No.9 : Writ Petition No.3782 of 1988
Smt. Prerana Namdeo Aher V/S.
Kalyan Municipal Corporation,
BMRDA & State Government of
Maharashtra.

Appointment of Advocate, High
Court to represent BMRDA.

The Committee approved the proposal contained in the agenda note and passed the following Resolution :

RESOLUTION NO.420 :

"Resolved that in exercise of the powers conferred under clause (vi) of sub-section (3) of Section 7 of the BMRDA Act, 1974, and all other powers enabling it in this behalf, the Executive Committee hereby accords its post facto sanction to the appointment of Shri Rajendra Sawant, Advocate, High Court, Bombay, to appear on behalf of BMRDA in the Writ Petition No.3782 of 1988 in the High Court of Bombay and

authorises the Metropolitan Commissioner to incur the expenditure on proceedings, legal fees and other incidentals, as may be necessary."

Item No.10 : Appointments/Promotions made under powers delegated by the Executive Committee - Sanction to the -

The Committee accorded sanction to the appointments made by the Metropolitan Commissioner and passed the following Resolution :

RESOLUTION NO.421 :

"Resolved that the Executive Committee hereby accords sanction to the appointments made by the Metropolitan Commissioner as detailed in Annexure to the Item Note in accordance with the Proviso to Guideline No.5 of the Staff Appointment Guidelines, 1984, during the period ended on 30th September 1988, as proposed."

Item No.11 : Quarterly accounts of the BMRDA for quarter ending 30th September 1988.

After discussion, the Committee sanctioned the Accounts for the quarter ended 30th September, 1988.

The Meeting then terminated with a vote of thanks to the Chair.

Item No.9 : Writ Petition No. 3782 of 1988
Smt. Prerna Nandor Aher V/S.
Kalyan - - - - - Corporation,
BMRDA & State Government of
Maharashtra.

Appointment of Advocate, High
Court to represent BMRDA.

The Committee approved the proposal contained in the agenda note and passed the following Resolution :

RESOLUTION NO.420 :

"Resolved that in exercise of the powers conferred under clause (vi) of sub-section (3) of Section 5 of the BMRDA Act, 1974, and all other powers enabling it in this behalf, the Executive Committee hereby records its best facts to the appointment of Shri Rajendra Sawant, Advocate, High Court, Bombay, to appear on behalf of BMRDA in the Writ Petition No. 3782 of 1988 in the High Court of Bombay and