

No. EXC/MTG/119

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

Date : 31st March, 1989.

The minutes of the Hundred and Nineteenth Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 14th March, 1989, are enclosed.

*S.V. Asgaonkar*  
(S.V. ASGAONKAR) 31/3/89.  
SECRETARY  
EXECUTIVE COMMITTEE

To

- The Chief Secretary to the Government of Maharashtra, General Administration Department, Mantralaya - Chairman
- The Metropolitan Commissioner, BMRDA - Member
- The Principal 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), Pune-Nasik Road, PUNE - 411 026 - Member

INVITEES:

The Secretary (II), Urban Development Department, Mantralaya,  
The Financial Adviser, BMRDA

Copy to :

The Legal Adviser, BMRDA

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MINUTES OF THE 119TH MEETING OF THE EXECUTIVE COMMITTEE, B.M.R.D.A.

DATE : 14th March, 1989 (Tuesday)  
TIME : 3.30 P.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 D.K. Jain, - Member  
Principal Secretary to  
the Govt. of Maharashtra,  
Urban Development Department
- Shri D.K. Afzulpurkar, - Member  
Secretary to the Govt. of  
Maharashtra,  
Housing & Special  
Assistance Department
- Shri K. Nalinakshan, - Member  
Managing Director,  
C.I.D.C.O., Bombay
- Shri Charles M. Correa - Member
- Shri Shirish B. Patel - Member

INVITEES :

- Shri K.R. Shanbhogue, Financial Adviser, BMRDA,
- Shri V.K. Phatak, Chief, Planning Division, BMRDA,
- Shri K.B. Diwadkar, Chief, T&CP Division, BMRDA,
- Shri N. Dhar, Chief, T&C Division, BMRDA; and
- Shri K.N. Patel, Legal Adviser, BMRDA.

Shri S.V. Asgaonkar, Secretary, Executive Committee, BMRDA.

Item No.1...

Item No.1 : Confirmation of the minutes of the last (118th) Meeting of the Committee.

The minutes were confirmed.

Item No.2 : Proposed office building (Audit Bhavan) for Accountant General (Maharashtra) on Plot No. C-25 in 'E' Block of Bandra-Kurla Complex - Condonation of 26 car parking spaces for ...

2.1. The Committee noted that for the proposed office building (Audit Bhavan) on Plot No.C-25 in 'E' Block of the Bandra-Kurla Complex (BKC), in all 44 car parking spaces were required to be provided as per the Development Control Rules as against which there was provision for only 18 parking spaces in the building proposal submitted by the Accountant General.

2.2. It was further noted that the Accountant General of Maharashtra had requested for relaxation of the condition relating to parking on the ground that the proposed building would not house an office dealing with members of the public who would be coming in vehicles. The Accountant General had stated that parking space for only about 6-8 staff cars and departmental vehicles would meet their requirement.

2.3. The Committee did not favour any relaxation in the car parking provision in individual cases, including those relating to Govt. buildings. The Committee felt that it would create a very unhealthy precedent if D.C.Rules which have been framed after very careful consideration are allowed to be diluted. The Committee, therefore, did not find it possible to accede to the request of the Accountant General to relax car parking provision for the proposed Audit Bhavan.

Item No.3 : Allotment of land in Bandra-Kurla Complex for setting up of a full-fledged Diamond Bourse.

3.1. The Committee considered the Item Note and

recommended..

recommended that about 12 to 15 acres of land in 'G' Block of Bandra-Kurla Complex (BKC) be offered to M/s. Bharat Diamond Bourse for setting up the proposed full-fledged Diamond Bourse. The Committee desired that it should be ascertained from M/s. Bharat Diamond Bourse as to whether they would prefer to have plots Nos. M-14 and M-15 (area approximately 12 acres) or Plots Nos. M-6 and M-7 (area approximately 15 acres).

3.2. As regards premium to be charged for the land, the Committee felt that since Plots C-26 and C-27 in 'E' Block of the BKC had attracted the highest bid of Rs.12,927 per FSI square metre recently and since 'G' Block of BKC is located about 1.5 kilometres away from the more advantageously located 'E' Block, the lease premium to be charged for the plots in 'G' Block which M/s. Bharat Diamond Bourse may like to have should be Rs.12,000/- per FSI square metre.

3.3. However, since the Bombay Metropolitan Region Development Authority (Disposal of Lands) Regulations, 1977 did not contain any provision under which land could be offered to private parties or private trading or commercial organisations such as M/s. Bharat Diamond Bourse at a predetermined premium, the Committee recommended that considering the fact that diamond trade contributed handsomely to the economy of the country and the State, in terms of sizeable foreign exchange earning and employment generation, the Authority should be requested to consider allotting land in 'G' Block of Bandra-Kurla Complex to M/s. Bharat Diamond Bourse at a fixed premium of Rs.12,000 per FSI square metre by relaxing the Land Disposal Regulations suitably in this particular case.

Item No.4 : Disposal of twin Plot No. C-26  
and C-27 in 'E' Block, Bandra-  
Kurla Complex.

4.1. The Committee noted that two alternative sets of offers were invited by public advertisement for the disposal of the above mentioned plot of land. In the first alternative, the tenders were to be on the condition that the tenderer would undertake to shift his existing office/s in the island city of Bombay to the building/s that would be constructed on the above mentioned plot. The second alternative was for submission of tenders without any such condition of shifting

existing...

existing offices from the island city of Bombay.

4.2. Out of the 2 tenders received as per alternative-I, M/s. Unit Trust of India (UTI)'s offer at Rs.8,50,11,111 (i.e. Rs.9,606 approx. per FSI square metre) was higher. However, vide their letters dated 9th February, 1989 and 13th March, 1989, they had clarified that they were willing to shift their offices from the island city only partially. Moreover, the space that would be vacated by them in the island city was proposed to be used by them for new offices in view of their growing business. This was not permissible under law. The Committee decided that since UTI was not willing to adhere to the stipulation of alternative-I, this offer could not be considered.

4.3. Of the three tenders that were received as per alternative-II, it was seen that the offer of M/s. Tata Housing Development Co. Ltd. at Rs.11,44,00,000/- was the highest (i.e. Rs.12,927 approx. per FSI square metre) while the UTI's offer at Rs.10,00,11,111 (i.e. Rs.11,300 approx. per FSI square metre) was the third highest. The Committee noted that the UTI had subsequently indicated that, if permitted, they would be pleased to increase their offer by upto Rs.1 crore or so. In this connection, it was seen that the Legal Adviser, BMRDA had clearly opined that UTI alone could not be allowed to increase their bid amount, but then all tenderers would have to be given an opportunity to increase their bids. It was also seen that even if UTI were to be allowed to increase their bid amount by Rs.1 crore, they would still not be able to match the existing offer of M/s. Tata Housing Development Co.Ltd.

4.4. In view of the foregoing, the Committee decided to recommend to the Authority that the offer of M/s. Tata Housing Development Co. Ltd., being the highest offer, be accepted.

Item No.5 : Disposal of the residential portion of plot in 'H' Block of the Bandra-Kurla Complex near Kamraj Nagar, Dharavi.

5.1. The Committee noted that the Maharashtra

Housing....

Housing & Area Development Authority (MHADA) to whom the offer of residential portion of the above mentioned plot was made at a specially low premium of only Rs.3,000 per FSI square metre had not accepted the offer and had informally indicated that they would be interested in the said land if lease premium was brought down to an insignificant amount of Rs.15/- per square metre.

5.2. During discussions on this item, Secretary, Housing & Special Assistance Department, expressed the view that MHADA should have accepted the reasonable offer made by BMRDA. He stated that he would prevail upon MHADA to accept the offer and requested that the offer, which had lapsed, should be revalidated. Metropolitan Commissioner stated that Secretary, Housing & Special Assistance Department should, in consultation with MHADA, inform BMRDA conclusively that the offer already made was acceptable to MHADA at the earliest.

5.3. After further discussions, the Committee decided that if MHADA is willing to accept the plot at Rs.3,000 per FSI square metre, the Authority should be requested to revalidate the offer to MHADA and allot the plot to them. Alternatively, the plot may be given to MHADA by charging them lease rent at the rate of 8% of the value of the plot computed at the rate of Rs.3,000/- per FSI square metre.

5.4. If, however, MHADA did not accept the plot on any of the above alternative conditions within a reasonable period and make the necessary payment within 3 months, the Authority should be requested to offer the plot to Oil & Natural Gas Commission at a premium of Rs.11,500 per FSI square metre.

Item No.6 : Study of Geological Survey and  
Prospecting of BMR for Locating  
Construction Materials and  
Identifying Future Area for  
Quarrying.

The Committee approved the proposal contained in the Item Note and passed the following Resolution :

RESOLUTION NO.422 :

"Resolved that, in exercise of the powers conferred under Section 7(3)(iii) of the BMRDA Act, 1974, the Executive

Committee....

Committee hereby approves that the study of Geological Survey for locating construction materials and identifying future areas for quarrying upto 2011, in the Bombay Metropolitan Region (barring New Bombay) be entrusted to M/s. Kirloskar Consultants at a cost not exceeding Rs. 16 lakhs, as proposed in para.5 of the Item Note.

"Resolved further that the Executive Committee hereby empowers the Metropolitan Commissioner to enter into a suitable agreement with M/s. Kirloskar Consultants for undertaking the proposed study."

Item No.7 : Guided Land Development at Kalyan Growth Centre.

The scheme proposed for Guided Land Development at Kalyan Growth Centre was generally approved. The proposal to eliminate the distinction between the land-owners subjected to Urban Land Ceiling and those subjected to BMRDA's acquisition alone, was also agreed. However, for this purpose, it was decided that the condition of providing 80 serviced sites per gross hectare of land developed, should have a proviso that at least 50% of the net residential land is used for such low income plots. With these changes, the Metropolitan Commissioner was authorised to take further necessary steps for implementation of Guided Land Development in Kalyan Growth Centre.

Item No.8 : Scheme for Guided Development of Land by Land Owner's participation in Oshiware District Centre.

8.1. The scheme proposed for Guided Development of Land by Land Owners' participation in Oshiware District Centre was considered and approved, subject to the following modification :

With a view to eliminating the possibility of fictitious claims of encroachment on land, the lease premium should be at the uniform rate of Rs.750/- per FSI square metre irrespective of the extent of encroachment.

8.2. The Metropolitan Commissioner was authorised to take further necessary steps for implementation of

Scheme....

Scheme for Guided Development of Land by Land Owner's participation in Oshiware District Centre.

Item No.9(a) : Report on Textile Market (1st Phase) in Bandra-Kurla Complex - Status and Problems.

Item No.9(b) : Staffing proposal for the proposed project organisation for the Textile Market.

Consideration of the item was deferred.

Item No.10 : Truck Terminal Wadala - Status Report and Problems.

Consideration of the item was deferred.

Item No.11 : Truck Terminal at Wadala - Appointment of Solicitors to defend suit No.3205 of 1988 filed by M/s. Alen Co-operative Bank Ltd. against allotment of premises.

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

RESOLUTION NO.423 :

"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 sanction to the appointment of M/s. Purnanand & Co., Solicitors, Bombay, to appear on behalf of BMRDA in Suit No.3205 of 1988 in the High Court of Bombay.

"Resolved further that the Metropolitan Commissioner be and is hereby authorised to incur the expenditure on proceedings, legal fees and other incidentals, as may be necessary."

Item No.12 : Re-employment on contract basis of S/Shri S.U. Dohole and M.S. Hire as Assistant Lands Officers in the Lands Cell, B.M.R.D.A.

The Committee approved the proposal contained in the agenda note subject to the condition that no extension beyond 60 years of age should be given to any officer.

The...

The following Resolution was passed :

RESOLUTION NO.424 :

"Resolved that in exercise of the powers conferred under clause (i) of sub-section (3) of Section 7 of the BMRDA Act, 1974, the Executive Committee hereby accords sanction (1) to extend the re-employment of Shri S.U. Dohole as Assistant Lands Officer (Survey & Measurement) in BMRDA on contract basis for a period of one year with effect from 1.3.1989 or till Shri Dohole attains the age of 60 years, whichever is earlier, on the terms and conditions as prescribed vide Committee's Resolution No.395, dated 16.3.1988 and (2) to re-employ Shri M.S. Hire as Assistant Lands Officer in BMRDA, on contract basis, for a period of one year, on the terms and conditions prescribed in the Annexure to the item note, as proposed."

Item No.13 : Quarterly Accounts of the BMRDA for quarter ending 31st December, 1988.

The Accounts for the quarter ended 31st December, 1988 were approved by the Committee.

Item No.14 : Writ Petition Nos.3464 and 3465 of 1987 in the High Court of Bombay - Appointment of Advocates to appear on behalf of B.M.R.D.A.

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

RESOLUTION NO.425 :

"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 sanction to the appointments of Shri K.K. Singhvi and Shri Rajendra Sawant, Advocates, to defend Bombay Metropolitan Region Development Authority, in Writ Petition Nos.3464 and 3465 of 1987 in the High Court of Bombay.

"Resolved further that the Metropolitan Commissioner be and is hereby authorised to incur

expenditure....

expenditure on proceedings, legal fees and other incidentals as may be necessary."

Item No.15 : BMRDA's role as a Special Planning Authority for Vasai-Virar Notified Area.

Consideration of the item was deferred.

Item No.16 : Payment of Grant for Photo Documentation of listed buildings in Greater Bombay.

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

RESOLUTION NO.426 :

"Resolved that approval is hereby accorded for payment of grant, not exceeding Rs.35,000/-, to the Director, Prince of Wales Museum, towards the cost of photo-documentation of the listed buildings identified for conservation in Greater Bombay.

"Resolved further that the Metropolitan Commissioner be and is hereby authorised to release payment of this grant in such instalments as may be necessary to meet the cost of the proposed photo-documentation project."

Item No.17 : Termination of services of Shri A.B. Dave, Deputy Accountant, Finance & Accounts Division of B.M.R.D.A.

The Committee considered the Item Note and approved the action taken by the Financial Adviser in terminating services of Shri A.B. Dave, Deputy Accountant, Finance & Accounts Division, with effect from 7-12-1988 (F.N.), as provided under Regulation 4(i) of the BMRDA (Conditions of Service) Regulations, 1977.

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

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