

No.EXC/MTG/126

BOMBAY METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
Plot Nos.C-14 & C-15,
Bandra-Kurla Complex,
Bandra(East),
BOMBAY-400 051.

Date : 30th October, 1990.

The minutes of the Hundred and Twenty Sixth Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 8th October, 1990, are enclosed.

S.V. Asgaonkar
(S.V.ASGAONKAR) 30/10/90
SECRETARY,
EXECUTIVE COMMITTEE.

To :

The Chief Secretary to the Government - Chairman of Maharashtra, General Administration Department, Mantralaya.

The Metropolitan Commissioner, - Member
B.M.R.D.A.

The 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, - Member
Bombay Municipal Corporation.

The Managing Director, - Member
CIDCO, Bombay.

Shri Charles M. Correa, - Member
Correa Consultants Pvt. Ltd.,
9, Mathew Road, Bombay-400 004.

Shri Shirish B.Patel, - Member
SPA Consultants Pvt.Limited,
41, Nagindas Master Road,
Bombay-400 023.

Dr.P.G.Patankar, - Member
Consulting Advisor,
Tata Consultancy Services,
'Nirmal', 9th floor,
Nariman Point,
Bombay-400 021.

INVITEES : The Secretary(I) to Govt. of Maharashtra, Urban Development Deptt., Manatralaya.

The Legal Adviser, BMRDA

MINUTES OF THE 126TH MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

DATE : 8th October, 1990 (Monday)
TIME : 10.30 A.M.
PLACE : Chief Secretary's Committee Room,
5th Floor, Mantralaya.

MEMBERS PRESENT :

- Shri K.B. Srinivasan, - Chairman
Chief Secretary to the
Government of Maharashtra
- Shri Ajit M. Warty, - Member
Metropolitan Commissioner
- Shri Satish Tripathi, - Member
Secretary to the Government
of Maharashtra,
Urban Development Department
- Shri K. Padmanabhaiah, - Member
Municipal Commissioner,
Bombay Municipal Corporation (BMC)
- Shri Shirish B. Patel - Member
- Dr. P.G. Patankar - Member

INVITEES :

- Shri D.T. Joseph, Secretary (I) to the Govt. of
Maharashtra, Urban Development Department;
- Shri K.N. Patel, Legal Adviser, BMRDA;
- Shri S.T. Vaishampayan, Chief Engineer,
Engineering Division, BMRDA;
- Shri V.K. Phatak, Chief, Planning Division, BMRDA;
- Shri K.B. Diwadkar, Chief, T&CP Division, BMRDA;
- Shri A.G. Borkar, Chief, T&C Division, BMRDA;
- Shri K.R. Shanbhogue, Chief Accounts Officer, BMRDA; and
- Shri S.W. Sawant, Lands Officer & Marketing Manager, BMRDA

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

Item No.1 : Confirmation of the minutes of
the last 125th and Adjourned
125th Meeting of the Executive
Committee.

As some members had points to raise in respect
of modified Industrial Location Policy draft submitted
by Industries Department which was separately circulated
to the members, consideration of the item was deferred.

Item...2/-

Item No.2 : Action taken on the minutes
of the 124th Meeting of the
Executive Committee.

2.1. In respect of shifting of Wholesale Iron & Steel Trade from Bombay City to Kalamboli Market Yard (Item No.9 of the minutes of the 124th Meeting of the Committee), the Committee was of the view that proposed action viz. to launch selective prosecutions against the recalcitrant wholesale traders whose names were registered with the Market Committee and who were allotted plots in the Market Yard at Kalamboli be initiated after Diwali festival.

2.2.1. In respect of finalisation of price of land at Wadala required for Truck Terminal (Item No.11 of the minutes of the 124th Meeting of the Committee), Shri Satish Tripathi confirmed that the tentative cost of land as communicated by him to the BMRDA be treated as final and that finalisation of the sale price may now be based on these rates. He said that he had issued these orders in consultation with the Revenue & Forests Department and the Finance Department and as such there was no need to convene a separate meeting for that purpose.

2.2.2. As regards creation of posts of Project Manager and other staff for Truck Terminal, Shri Tripathi suggested that necessary proposal be submitted for Government's sanction.

2.3. The action taken report was then noted by the Committee.

Item No.3 : Tenders for the works of (A) deepening, widening and stream-lining Mithi Flow from Ch.4250.00 M to Ch.5000.00 M. along L.B.S. Marg; AND
(B) Deepening, widening and stream-lining Mithi and Vakola Flows at 'E' Block & Vakola Bridge near Bharat Nagar.

3.1. During the course of discussion, it was agreed to place before the Committee a comprehensive

note...3/-

note indicating the present status of the channelisation works as also future programme including the need of enlarging the scope of works to be undertaken and the time and funds required for completion of the project.

3.2. The Committee then approved the proposals contained in the Agenda Note subject to the stipulation that the contractor shall be required to complete the proposed works within 8 months from the date the work order is issued to them and passed the following Resolution :

RESOLUTION NO.459 :

"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 approves the tender amounting to Rs.75,69,000/- (Rupees Seventy Five Lakhs and Sixty Nine thousand only) for Work-A : i.e., Deepening, Widening and Stream-lining Mithi Flow from Ch.4250.00 M. to Ch.5000.00 M. and Rs.1,11,64,500/- (Rupees One Crore eleven lakhs sixty four thousand and five hundred only) for Work-B : i.e. Deepening, Widening and Stream-lining Mithi and Vakola flows at E-Block and Vakola Bridge near Bharat Nagar, (excluding the contingencies and work charged establishment charges) in the Bandra-Kurla Complex and authorises the Metropolitan Commissioner to execute the work from the sanctioned funds.

"Resolved further that in exercise of the powers conferred by Sub-section 3 (iii) of Section 7 of the Act, and all other powers enabling it in this behalf, the Executive Committee hereby authorises (i) the Metropolitan Commissioner to negotiate with the lowest agencies to reduce the rates quoted by them, accept their tenders at reduced rates and get executed the works from B.M.R.D. Funds and report the out-come of discussions in the subsequent meeting and (ii) the Chief Engineer to accord the Technical sanction."

Item...4/-

Item No.4 : Hedging of U.S. \$ payable in respect
of Bombay Urban Transport Project
Loan.

4.1. The Metropolitan Commissioner sought the permission of the Committee to withdraw the item.

4.2.1. Shri Shirish Patel mentioned about the information he collected from the HDFC and ICICI about insuring the depreciation of rupee vis-a-vis dollars. He mentioned that in a recent transaction, HDFC had entered into an Agreement with the State Bank of India wherein the SBI invests the Foreign Exchange obtained outside India in dollars whereby there was no effect of fluctuation of dollar rupee rate.

4.2.2. In case of ICICI, they had entered into an Agreement with Reserve Bank of India to the effect that they (ICICI) would pay a fixed amount of Rs.21/- per dollar irrespective of the market rates. In this, any loss or profit due to the fluctuation with reference to this rate would be that of R.B.I.

4.2.3. In view of this, he felt that the hedging of past transactions of BUTP-I as mentioned in the Agenda Note submitted, would be more advantageous to the Bank mentioned and it might not be in the interest of BMRDA.

4.3. The Committee then agreed for the withdrawal of the item.

Item No.5 : BUDP - Revolving Fund :
Grant of Loan to the
Mira-Bhayandar Municipal
Council.

5.1. Shri Tripathi stated that financial position of some of the Municipal Councils in Bombay Metropolitan Region did not permit them to provide infrastructural facilities by entirely depending on loan. As per Government's policy decision, different class of

municipalities...5/-

municipalities get assistance in the form of grant-in-aid as well as loan assistance in certain proportion. BMRDA also gives grant-in-aid to the extent of 75% of project cost to local authorities, particularly Zilla Parishads in BMR for providing infrastructure. Shri Tripathi, therefore, suggested that BMRDA should consider giving assistance to the Municipal Councils by way of grant-in-aid in addition to the loan assistance from Revolving Fund. He further suggested that the funds made available to BMRDA under Section 18(1)(a) of the BMRDA Act, 1974 could be used for that purpose.

5.2. After some discussion, the Chief Secretary ruled that Secretary (UD) should take up the matter separately with BMRDA, which was agreed to.

5.3. The Committee then approved the proposal contained in the Agenda Note and passed the following Resolution :

RESOLUTION NO.460 :

"Resolved that in exercise of the powers under Section 21A of the BMRDA Act, 1974 delegated to the Executive Committee by the Authority vide its Resolution No.422, the Executive Committee hereby sanctions a loan of Rs.172.05 lakhs to the Mira-Bhayandar Municipal Council from the BUDP Revolving Fund, as proposed.

"Resolved further that the Metropolitan Commissioner be and is hereby authorised to advance the loan amount to the Mira-Bhayandar Municipal Council by executing a suitable agreement."

Item No.6 : Comprehensive Urban Transportation Plan for Bombay Metropolitan Region - A Study.

6.1.1. While introducing the item, the Committee was informed that after the BMRDA submitted the revised project profile of BUTP-II to Government, the project was informally reviewed by Mr. Podolske of World Bank. Though Mr. Podolske found the project satisfactory for being admitted for assistance, he suggested among

other...6/-

other things, a comprehensive transportation study for Bombay Metropolitan Region to include all modes of transport. Mr. Podolske assured that the study will not be a precondition for appraising BUTP-II though the World Bank will insist on initiating the study at the earliest. The study even could go on parallel to the appraisal and negotiations and if necessary even implementation of BUTP-II. He also assured that the study will be fully financed from the technical assistance component of the funds of the on-going Bombay Urban Development Project (BUDP).

6.1.2. The Committee was also informed that such a comprehensive transportation study including all modes of transportation was not so far carried out in BMR and also perhaps in the country. The study may cost about Rs.2.0 crores. The past studies were either for planning a road network or for mass transportation. This study will yield an integrated transportation plan and should therefore, be taken up.

6.2. Shri Tripathi, Secretary, UD, supported taking up the study. He said that the Second BUTP will require huge investments of the order of Rs.1300 crores and some of the works could be reassessed while the project is being implemented as the results of the study are likely to be available during the implementation itself. He further informed the Committee that Dr. Patankar had written a letter reporting about a study taken up by the Tata Consultancy Services (TCS) on behalf of the UNCHS in 4 cities in India including Bombay.

6.3. Dr. Patankar clarified that the objective of the study by TCS is to evolve strategic options for public transport improvement in BMR as well as other cities. He, however, made it clear that in that study no fresh data would be collected and that it would not be a comprehensive study as proposed by the World Bank. Dr. Patankar felt that the

TORs of the study need to be modified to take cognizance of the study taken up by TCS. He expressed that implementation of BUTP-II should not be held up or should not wait for the results of the study. He also observed that BUTP-II has a large component of optimisation of railways.

6.4. Shri Padmanabhaiah suggested that the study for optimisation of railways should also be taken up. He enquired as to when the implementation of BUTP-II will start and whether sufficient funds will be provided for in the Five Year Plan.

6.5. Shri Shirish Patel observed that it would be rather premature to take up the study as he felt that the right time for taking up the study is after the implementation of BUTP-II.

6.6. Shri Tripathi replied that the Government of Maharashtra has provided Rs.200 crores for BUTP-II in the VIII Five Year Plan as counterpart funds. He expected the implementation of BUTP-II to start some time late in 1991-92 or early in 1992-93. Regarding BUDP funds he informed that the Housing Department is yet to consider UD's request favourably for obtaining funds for the study. That Department is being pursued.

6.7. Regarding optimisation on railways the Committee was informed that it was not included in BUTP-II, as the same is to be implemented by the Railways from its internal resources. The BUTP-II included two rail projects, viz., additional pair of lines between Bandra and Andheri and commuter line between Belapur and Uran in New Bombay. However, the World Bank will insist on investing substantially on optimisation on suburban railways since the present investments are of extremely low order. Regarding this, the Urban Development Ministry in Government of India is already pursuing the Ministry of Railways and the issue is being taken up also at the level of Chief Minister and the Union Minister for Railways. Modification of TORs to consider the results of

the...8/-

the TCS study was agreed to. As regards Shri Shirish Patel's suggestion, it was clarified that the proposed study will help in reviewing certain works included in BUTP-II during its implementation and starting of BUTP-II will not wait for the study results.

6.8. After the Chief Secretary & Chairman had summed up the discussion, the Committee approved taking up of the proposed study and authorised the Metropolitan Commissioner to take further action.

Item No.7 : Improvement of roads in outer areas of Bombay Metropolitan Region in Thane and Raigad Districts.

7.1. The Committee was informed that the project consisted of four sub-projects out of which the first sub-project was an on-going one and the other three sub-projects were new works. The proposal is to continue assisting Zilla Parishads of Thane and Raigad Districts to the extent of 75% of the cost for sub-projects I and II wherein upgrading of MSRTC roads to all-weather standards is envisaged. For sub-project III where improvement of surfacing of heavily trafficked roads in Thane and Raigad Districts is involved, 50% of the cost is proposed to be met from BMRDA grants to PWD and ZP. In the sub-project IV containing proposal of improving road network in outer areas, 100% cost is to be borne by BMRDA and the execution will be done by PWD.

7.2.1. It was pointed out by the Legal Adviser that as per Section 21A of the BMRDA Act, 1974, the BMRDA is competent to finance projects of only the local authority or the other authority in the Metropolitan Region and since the PWD is not the local authority, giving grant to PWD by BMRDA would not be lawful.

7.2.2. Considering the legal position as also the need to improve the roads included in sub-project IV which are in the jurisdiction of PWD, it was decided that the proposed works be executed if PWD is agreeable to reimburse the expenditure

to...9/-

to be incurred. It was also decided to seek concurrence of the Authority to the above arrangements in respect of PWD roads.

7.3. The Committee accordingly, passed the following Resolution :

RESOLUTION NO.461 :

"Resolved that the Executive Committee hereby approves the sub-projects and the lists of the roads to be taken up under the scheme, "improvement of roads in outer areas of BMR" as given in statements II, III and IV of the agenda note as also the scope of improvement envisaged in each sub-project and the interse-priority of works as indicated in the annexures I, II & III of the agenda note.

"Resolved further that the Executive Committee approves the proposal of providing financial grants to local agency responsible to execute the works upto 75% of the estimated costs for sub-projects I and II; upto 50% of the estimated cost for sub-project III on terms and conditions which may be fixed by Metropolitan Commissioner and subject further to the availability of funds under Section 18(1)(a) of the BMRDA Act.

"Resolved further that subject to the concurrence of the Authority the improvement of roads in statement IV to the agenda note which are in the jurisdiction of Public Works Department be taken up if the Public Works Department is agreeable to reimburse the expenditure to be incurred.

"Resolved further that the Metropolitan Commissioner be and is hereby authorised to take all further necessary actions in this regard."

Item No.8 : Allotment of built-up space on the second floor (left wing) in the BMRDA's Office Building to the Collector, Bombay Suburban District.

RESOLUTION NO.462 :

The Committee approved the proposal to allot

built-up..10/-

built-up space admeasuring 387.51 square metres (4171.16 sq.ft.) on the second floor (left wing) of the BMRDA's building for the Office of the Collector, Bombay Suburban District, as proposed in the Agenda Note and recommended the same for Authority's sanction.

Item No.9 : Engaging the services of Shri K.K. Singhvi, Sr.Counsel or some other Sr.Counsel to represent the BMRDA in Appeal No.649 of 86 in Bombay High Court filed by Mir Faizali Shaheen.

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

RESOLUTION NO.463 :

"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 Shri K.K. Singhvi, Sr.Counsel or in case he is busy, some other Sr.Counsel to appear on behalf of BMRDA in Appeal No.649/86, in the Bombay High Court filed by Shri Mir Faizali Shaheen.

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

Item No.10 : Appointment of Advocates to appear on behalf of BMRDA in the Writ Petition No.2236 of 1990 filed by M/s.M.M.Builders in the High Court of Bombay.

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

RESOLUTION NO.464 :

"Resolved that in exercise of the powers conferred under Clause (vi) of Sub-section (3) of

Section...11/-

Section 7 of the BMRDA Act, 1974, and all other powers enabling it in this behalf, the Executive Committee accords its post-facto sanction to the appointment of advocates Shri R.M. Sawant and Shri C.J. Sawant to appear on behalf of BMRDA in the Writ Petition No.2236 of 1990, in the High Court of Bombay.

"Resolved further that the Metropolitan Commissioner be and is hereby authorised to incur necessary expenditure towards legal fees for this petition."

Item No.11 : Appointment of Advocates to appear on behalf of BMRDA in the Writ Petition No.1177 of 1990 filed by Shri A.B. Shenolikar in the High Court, Bombay.

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

RESOLUTION NO.465 :

"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 R.M. Sawant, Advocate, to appear on behalf of BMRDA in the Writ Petition No.1177 of 1990, in the High Court of Bombay.

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

Item No.12 : Appointment of Advocates to appear on behalf of BMRDA in the First Appeal No.108/1987 converted into a Public Interest Litigation by High Court, Bombay.

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

RESOLUTION NO.466 :

"Resolved that in exercise of the powers

conferred...12/-

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 post facto sanction to the appointment of Shri V.A. Gangal, Advocate to appear on behalf of BMRDA in first appeal No.108/1987 in the High Court of Judicature of Bombay and to his being paid Rs.3,000/- on account of professional fees for his appearance on 4 occasions in the Court.

"Resolved further that the Metropolitan Commissioner be and is hereby authorised to also incur expenditure on proceedings, legal fees and other incidental expenditure in future in this case."

Item No.13 : Appointments/Promotions made under the powers delegated by the Executive Committee - Sanction to the -

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

RESOLUTION NO.467 :

"Resolved that the Executive Committee hereby accords sanction to the appointments detailed in Annexure to the Item Note made by the Metropolitan Commissioner in accordance with the proviso to the Guideline No.5 of the Staff Appointment Guidelines, 1984 during the period ended 30th June, 1990, as proposed."

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