

No. EXC/MTG/127

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

Date : 6th December, 1990.

The minutes of the Hundred and Twenty Seventh Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 26th October, 1990, are enclosed.

*S. V. Asgaonkar*  
( S.V. ASGAONKAR ) 6/12/90.  
SECRETARY,  
EXECUTIVE COMMITTEE.

To:

- The Chief Secretary to the Government of Maharashtra, General Administration Department, Mantralaya. - Chairman
- 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, Consulting Adviser, Tata Consultancy Services, 'Nirmal', 9th Floor, Nariman Point, Bombay-400 021. - Member
- 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, Bombay Municipal Corporation. - Member
- The Managing Director, C.I.D.C.O., Bombay.
- The Metropolitan Commissioner, B.M.R.D.A. - Member

INVITEES :

- The Secretary (I) to Government of Maharashtra, Urban Development Department, Mantralaya.
- The Legal Adviser, B.M.R.D.A.

MINUTES OF THE 127TH MEETING OF THE EXECUTIVE COMMITTEE, BMRDA

DATE : 26TH OCTOBER, 1990 (Friday)

TIME : 3.30 P.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 Shirish B. Patel - Member
- Dr. P.G. Patankar - Member
- Shri Satish Tripathi, - Member  
Secretary to the Government  
of Maharashtra,  
Urban Development Department.
- Shri K. Padmanabhaiah, - Member  
Municipal Commissioner,  
Bombay Municipal Corporation  
(BMC)
- Shri R.L. Pardeep, - Member  
Metropolitan Commissioner.

INVITEES

- Shri D.T. Joseph, Secretary (I) to the Government  
of Maharashtra, Urban Development Department;
- Shri K.N. Patel, Legal Adviser, 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; and
- Shri K.R. Shanbhogue, Chief Accounts Officer, BMRDA.

SPECIAL INVITEES :

- Shri A.W. Bhadkamkar, Secretary to the Government  
of Maharashtra, Industries, Energy & Labour  
Department; and
- Shri Vinay Bansal, Development Commissioner (Industries),  
Directorate of Industries.
- Shri S.V. Asgaonkar, Secretary, Executive Committee, B.M.R.D.A.

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

The minutes were confirmed. As some members had points to raise in regard to modified ILP draft circulated, the same was further discussed by the Committee vide Item No.2 herein below.

Item No.2 : Modified draft to the Industrial Location Policy in BMR - Further consideration of -

2.1 As decided in the 126th Meeting held on 26-10-1990 the proposed amendment to Industrial Location Policy (ILP) as redrafted by the Industries Department was re-circulated amongst members of the Committee. The comments were received from Shri K. Padmanabhaiah, Municipal Commissioner, Bombay Municipal Corporation; Shri D.T. Joseph, Secretary (I), Urban Development Department; Dr. P.G. Patankar; and Shri S.B. Patel. In light of these comments, the Committee discussed in detail each point of the redrafted amendments to the existing ILP.

ZONE-I

2.2 Amendment (i) - Shri D.T. Joseph, Secretary, Urban Development Department, wanted to know the provisions which compel manufacturers to implement the Good Manufacturing Practices (GMP). He said that according to his information, there was no Food and Drugs Act as stated in the proposal. Shri Bhadkamkar, Secretary, Industries Department, produced a copy of the Drugs and Cosmetics Act, 1940, and the rules thereunder and pointed out relevant provisions. Shri D.T. Joseph suggested that there should

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be some limit within which relaxations could be granted for allowing additional water, power, labour or built-up area for implementing GMP. Shri Padmanabhaiah, Municipal Commissioner, BMC, suggested that implementation of GMP should not result in capacity expansion and crossing of SSI units into medium and large scale category. Shri Bhadkamkar, Secretary, Industries Department, clarified that no change in the basic policy of "not allowing any expansion in Zone-I" was envisaged. He also pointed out that since each case was to be decided on merit by the Executive Committee of BMEDA, it would be possible to ensure that the additional water, power, built-up area, etc. are within reasonable limits.

2.3 The following modification to the ILP was then approved by the Executive Committee. The amendment (i) will be as follows :-

Additional built-up area, labour, water and power shall be permitted for implementing the GMP as required by the provisions of Schedule-M of the Rules framed under Drugs and Cosmetics Act, 1940, provided that it does not result in expansion of existing capacity. Such permissions, however, should be given on a case-by-case basis with the prior approval of the Executive Committee of BMEDA.

2.4 Amendment (ii) - In the context of the proposed amendment to permit re-use of land presently occupied by sick, obsolescent or closed industrial units, the Metropolitan Commissioner, BMEDA questioned the very premises of considering relaxations which indirectly seek to set up new SSI Industrial Units in Zone-I

so far totally prohibited, more particularly because the proposal has been brought without proper examination of the implications and details of ground position such as number of these units, the areas occupied by them, etc. and the number of likely SSI Units to come. He was of the opinion that if it was agreed to in the form presented, this may lead to unintended results and prove an unbearable burden on already extra burdened infrastructure. He thought that the Committee should have the details of the number of sick and closed units etc., new SSI units likely to come, the land area, etc. before the scheme was considered. He pleaded that the Committee should not compromise with the open areas incidentally available for public use. He was of similar views regarding expansion of industrial units in Zone-II.

Shri Padmanabhaiah, Municipal Commissioner, BMC, supported the Urban Development Department's suggestion which envisaged utilising 1/3rd of the land for housing, 1/3rd for common civic amenities and 1/3rd for setting up SSI units. Shri Shirish Patel did not favour replacement of old, large scale industries with SSI units as suggested in the proposed amendment. He said that SSI units were more employment intensive and would result in the generation of additional jobs and consequent increase in the congestion of the Island City. He also did not approve of the list of industries to be permitted in place of old units. He felt that for most of them Bombay was not an essential location. Dr. Patankar also did not

favour using more than 10% of the land for SSI units.

2.5 The Executive Committee, after further discussion, decided that the Industries Department would adopt the following principle in formulating schemes for re-use of land belonging to sick, obsolescent and closed units :- 1/3rd of the land should be used for providing common amenities, not more than 1/3rd for SSI units as listed in the proposed amendment and the rest for housing. The scheme for reuse of land in accordance with this approved principle will be implemented by the Industries Department.

ZONE-II

2.6 Amendment (i) - Shri Shirish Patel favoured the proposal to allow expansion, diversification and modernisation of new articles by the medium and large... scale units which are under reference to BIFR, but suggested that the use of labour, water, power or built-up area by these units should be limited to their existing levels. The Chairman felt that it would not be desirable to permit any expansion, but modernisation, diversification, etc. could be permitted. He also felt that in view of the infrastructure constraints, additional water may be ~~Limited~~ to 25%, but there should be no restrictions on use of additional power.

2.7 In accordance with the foregoing, the Committee approved that the word "expansion" will be replaced by the word "modernisation" and that such modernisation should be permitted only if the additional water requirement is limited to 25% of the existing level and necessary pollution control measures are taken.

The approved amendment would read as follows :-

Modernisation/Diversification/Manufacture of New Art-icles may be permitted in cases of medium/large scale units which are under reference to the BIFR and where such a dispensation is recommended by the Banks/ Financial Institutions or Operating Agencies as being necessary for the revival/rehabilitation of such units. However, the additional water requirements shall be limited to 25% of the existing level and necessary pollution control measures should be taken. Facilities beyond this should be left to be decided by the Committee of Secretaries specially constituted for this purpose.

2.8 Amendment (ii) - As regards the proposal to permit medium and large-scale units to expand to minimum economic scale (MES), Shri Padmanabhaiah, Municipal Commissioner, BMC, felt that the capacity stipulated under the MES were at times too high to permit blanket permission for expansion. Referring to the water supply conditions in Bombay, he indicated that the city would not be able to meet any additional demand if unbridled expansion is allowed in the name of MES. Supporting the view, Shri Patel observed that had the restrictions under the Industrial Location Policy not been there, no industries would have moved to less developed areas of the State.

2.9 Explaining the problems faced by the industries, Shri Bhadkamkar, Secretary, Industries Department, said that there was a basic contradiction between the BMR's Industrial Location Policy and that of the Government of India's Policy on MES. While the BMR ILP

does not permit any expansion of capacities for industries located in Zones I & II, the Government of India's policy insists that any expansion to MES could take place in situ at the present locations only. He suggested that either the ILP is relaxed to permit expansion of MES or special exemption is granted for relaxing MES policy for units located in Zones I & II. Supporting Shri Bhadkamkar's arguments, Shri D.T. Joseph, Secretary, UD, felt that it was necessary to rationalise the conflicting policies.

2.10 The Chairman felt that the Committee would not be able to take any view on the subject unless it had adequate information about the number of industries affected and the range of expansion necessary to reach MES levels. The Committee, therefore, requested Shri Bhadkamkar, Secretary, Industries Department, to supply the necessary information and the item was deferred.

2.11 Amendments (iii) & (iv) :

The Committee noted that the proposed amendments (iii) and (iv) were identical to the amendment (i) and amendment (ii) for Zone-I. The Committee, therefore, decided that the proposal should be modified in accordance with the Committee's decision contained in para. 3 and para. 5 of the foregoing.

2.12 Amendment (iv) :

After discussion, it was decided to approve the following :

The Executive Committee approved the proposal that SSI units in Zone II be permitted to cross the



existing limit of Rs.35 lakhs upto the limit for SSI units set by the Government of India provided the units were non-hazardous and non-polluting.

Item No.3 : Application under Section 13 of the BMRDA Act, 1974 from Commissioner of Police, Greater Bombay.  
Addition to the Traffic Police Head Quarters Building at Worli Hill Road No.4 in G/S Municipal Ward.

3.1 The Committee considered the application and noted that in its 118th Meeting held on 3-12-1988, the Committee had granted permission 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 sq.metres) and FSI within 1.33. The applicant however, could not commence the work within a period of 2 years from the date of grant of permission. As a result, the permission granted was about to lapse. The present application was for revalidation of the said permission. The Committee decided to revalidate the permission for a further period of two years, and accordingly, passed the following Resolution :

RESOLUTION NO. 468 :

"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, read with sub-section(3) of Section 13 of the said Act and all other powers enabling it in this behalf, the Committee hereby

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grants permission to the Police Department (Application bearing registration No. 546/14/9/90) for addition of 1419.20 square metres floor area to the existing 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, for being used as office of the Traffic Control Branch, for the reasons recorded in these minutes."

Item No.4 : Status Note on revision of Regional Plan in B.M.R.

The Status Report was noted by the Committee.

Item No.5 : Delegation of powers in respect of appointment of Advocates for defending BMRDA in various litigations.

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

RESOLUTION NO. 469 :

"Resolved that in exercise of the powers conferred on it by Clause (vii) of sub-section (2) of Section 7 of the BMRDA Act, 1974 and all other powers enabling it in this behalf, the Executive Committee hereby delegates its powers to appoint Advocates to defend BMRDA in legal proceedings filed against the BMRDA, including incurring necessary expenditure on such court proceedings to the Metropolitan Commissioner, as proposed."

Item No.6 : Engaging the services of Shri Mohan R. Patil, Advocate, High Court to represent the BMRDA in Writ Petition No.3895 of 1990 filed by Smt. Vandana Joseph Vaity, Clerk-Typist, B.M.R.D.A

The Committee approved the proposal contained

in the Agenda Note and passed the following Resolution :

RESOLUTION NO. 470 :

"Resolved that in exercise of the powers conferred by 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 engage services of Shri Mohan R. Patil, Advocate, High Court till the case is finally decided by the High Court, Bombay in Writ Petition No.3895 of 1990.

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

Item No.7 : Quarterly Accounts of the BMRDA for quarter ending 30.6.1990.

7.1 Referring to Statement-A - Details of Administrative Expenses, Dr. Patankar sought clarification of Rs.9.32 lakhs on Surveys & Studies shown as expenses under Planning Division as administrative expenditure instead of apportioning them to the projects for which those surveys and studies were carried out. It was clarified that when the studies could be directly linked with a project the expenses are debited to the project but in the present case surveys and studies were of general nature, which could not be debited to any particular project. It was further clarified that these studies were out of the grants received from the State Government. Dr. Patankar had also observed that in the Balance Sheet only Rs.14.01 lakhs were shown

as expenditure on "Building" whereas Rs.3,04,42,000 were shown as deposit to Government (PWD) for BMRDA building.

It was clarified that as per the sanction of the Executive Committee, PWD was appointed agency for construction of BMRDA's office building and the money advanced was shown in the Balance Sheet as deposits with PWD. As soon as details of expenditure are received duly certified from PWD, the deposit will be adjusted as expenditure on BMRDA's building.

7.2 The quarterly accounts were then noted by the Committee.

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

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