

NO. EXC/MTG/138.

428  
BOMBAY METROPOLITAN REGION  
DEVELOPMENT AUTHORITY,  
Plot Nos. C-14 & C-15,  
Bandra-Kurla Complex,  
Bandra (East),  
BOMBAY - 400 051.

Date : 12th May, 1992.

The minutes of the Hundred and Thirty-Eight Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 28th April, 1992 are enclosed.

*S. V. Asgaonkar* 12/5/92  
( S. V. ASGAONKAR )  
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, Data Consultancy Services, 'Nirmal', 9th Floor, Nariman Point, Bombay-400 021. - Member
- The Secretary (I) 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, CIDCO, Bombay. - Member
- The Metropolitan Commissioner, B.M.R.D.A. - Member

INVITEES :

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

Copy to :-

- The Officers of the B.M.R.D.A.
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MINUTES OF THE 138TH MEETING OF THE EXECUTIVE COMMITTEE,  
B.M.R.D.A.

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DATE : 28TH APRIL, 1992 (TUESDAY)  
TIME : 3.00 P.M.  
PLACE : Chief Secretary's Committee Room,  
5th Floor, Mantralaya.

MEMBERS PRESENT :

Shri S. Ramamoorthy, - Chairman  
Chief Secretary to Government

Shri Shirish B. Patel. - Member

Shri D.T. Joseph, - Member  
Secretary (I) to Government,  
Urban Development Department.

Shri Navin Kumar, - Member  
Secretary to Government,  
Housing & Special Assistance  
Department.

Shri P. Subrahmanyam, - Member  
Metropolitan Commissioner,  
BMRDA.

SPECIAL INVITEES :

Shri T. Balaraman,  
Principal Secretary to Government,  
Forests Department.

Shri Anupam Dasgupta,  
Secretary to Government,  
Finance Department (Expenditure).

Dr. S.B. Katole,  
Deputy Secretary to Government,  
Environment Department.

INVITEES :

Shri K.N. Patel,  
Legal Adviser, BMRDA.

Shri A.G. Borkar,  
Chief, T&C Division, BMRDA.

Shri V.K. Phatak,  
Chief, Planning Division, BMRDA.

Shri K.B. Diwadkar,  
Chief, T&CP Division, BMRDA.

Shri V.D. Borkar,  
Chief Engineer, Engineering Division, BMRDA.

Shri P.M. Kale,  
Director (Engineering Services & Projects)  
Municipal Corporation of Greater Bombay.

Shri S.W. Sawant,  
Lands Officer, Land Cell, BMRDA.

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



ITEM NO. 1 : Confirmation of the minutes of the last (137th) meeting of the Committee.

After discussion, the minutes were confirmed.

ITEM NO. 2 : Action taken on the minutes of the last (137th) meeting of the Committee.

The action taken report was noted by the Committee.

ITEM NO. 3 : Scheme for Management and Maintenance of Mahim Nature Park; approval for.

3.1. In the course of the preliminary discussion ensuing from the Item, the Lands Officer disclosed that the State Government had transferred the possession of the land to the Authority and had decided to grant the land in occupancy on terms and conditions to be determined later. He added that the Authority had furnished an undertaking to the State Government to abide by such terms and conditions.

3.2. After discussion, the Committee decided the six questions canvassed in the agenda note as follows :

- i) The proposed body corporate should be a Society registered under the Societies Registration Act, 1860. The memorandum of its objects should be defined widely to pronounce its charitable objects.
- ii) The Authority should promote the Society.
- iii) The Society should be merely charged with the duty of maintaining the Mahim Nature Park developed on an area of 15.20 ha. The Authority should not ~~lease~~ any land to the Society.
- iv) The financial arrangements in force at present should continue.
- v) The Society will have no right and title to the land and will be charged with the management and maintenance of the park.
- vi) The Society will be registered in the name of "NATURE PARK SOCIETY".

.....3/-



ITEM NO. 4 : Additional FSI for (1) educational and medical institutions and institutional buildings, (2) Government, semi-Government and public sector undertakings and (3) Starred category residential hotels.

4.1. The discussion turned on the desirability of the proposed procedure, particularly its effect on the Authority conferred on the Municipal Commissioner by the Development Control Regulations for Greater Bombay, 1991.

4.2. The Secretary, Urban Development Department posed for discussion the fundamental question whether it was appropriate to regulate or control the discretion vested in the Municipal Commissioner. Reciting the antecedents of Regulation 33, clauses (2) to (4), he focussed the futility of monitoring the exercise of discretion by the Municipal Commissioner. He added that the Development Control Regulations for Greater Bombay, 1991 had vested several special discretion in the Municipal Commissioner, it was inexplicable how the Notification had picked up certain of the powers of discretion and excluded others such as grant of FSI for Slum development under Clause (10) of Regulation 33. He urged either for the amendment of the Notification promulgated by the Authority or its repeal. The Legal Adviser explained that the amendments to the Notification for its intended application in the event of the modification of Regulation 33 would be beyond the scope of the terms of Section 13 and that repeal was the only answer.

4.3. After discussion it was felt desirable to recommend to the Authority to repeal the Notification wholly.

ITEM NO. 5 : Application under Section 13 of the BMRDA Act, 1974 from the Senior Architect-I, CPWD(WZ), Bombay.  
Construction of warehouse building for storage of confiscated goods and sales office and essential staff quarters at Suleman Shah Plot, Wadala.

5.1. The Secretary, Urban Development Department stated that the land was not situated in the I-3 Zone designated on the revised Final Development Plan for F/North Ward of Greater Bombay and that while approving such revised Final Development Plan, the State Government changed the zoning to that of "Customs Godown" on Suleman Shah Plot as shown on the Development Plan.

5.2. After examination, the Legal Adviser endorsed the proposition of the Secretary, Urban Development Department



adding that Regulation 57(5)(iv) and 57(5)(ix) of the Development Control Regulations for Greater Bombay, 1991 had no application in the instant case.

5.3. The Committee then turned to the question of the desirability of permitting the intended erection of the warehouses by the Customs Department. The Legal Adviser intervened that the warehouses were intended to be used for the storage of confiscated goods and were not warehouses as defined in the Notification of the Authority. He added that the godowns intended to be erected by the Customs Department were not wholesale establishments as defined in sub-clause (p) of Clause (11) of Regulation 2 of the Development Control Regulations for Greater Bombay, 1991 and the Notification had no application and that the Executive Committee had no jurisdiction to either permit or refuse the development under reference.

5.4. Agreeing with the Legal Adviser's above views, it was decided that the application is not maintainable for the foregoing reasons.

IPEM NO. 6 : Application under Section 13 of the BMRDA Act, 1974 from the Sanskar Sarjan Education Society, Malad (East), Bombay-400 097.

Construction/addition to existing College Building and additional School Building, total additional floor area being 6534.21 sq.mtrs. with FSI 1.38 at S.No.28, CTS No. 473 of village Kurar in P/N Municipal Ward.

6.1. The Committee noted that the application was for permission for construction of building as well as addition to existing building at S.No.28, CTS No.473 of village Kurar in P/North Municipal Ward with additional floor area 6534.21 sq. mtrs. and FSI 1.38 for being used as School/College. It was also noted that Government in Urban Development Department by letter No. FSI-1191/1194/UD-11, dated 26th October, 1990 had granted additional FSI of 0.5 for the net plot area of 4703.57 sq.mtrs. for educational use.

6.2. The Committee considered the matter and decided to grant the permission applied for and accordingly passed the following Resolution :-

.....5/-



RESOLUTION NO. 529 :

"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 Sanskar Sarjan Education Society for construction of a building as well as addition to existing building at S.No. 28, CTS No. 473 of Village Kurar in P/North Municipal Ward thereby adding 6534.21 sq.mtrs. floor area to the existing space with FSI 1.38 for using the said area as School/ College as stated in the application."

ITEM NO. 7 : Application under Section 13 of the BMRDA Act, 1974 from the Malad-Kandivli Education Society, Malad (West), Bombay-400 064.  
Construction/addition to existing building, additional floor area being 8598.60 sq.mtrs. with FSI 1.53, at S.No.134, CTS No. 555, in P/North Municipal Ward.

7.1. The Committee noted that the application was for permission for construction of a building as well as addition to existing building at S.No.134, CTS No.555 in P/North Municipal Ward, thereby adding additional floor area of 8598.60 sq.mtrs. with FSI 1.53, for being used as School/College. It was also noted that Government in Urban Development Department by letter No. FSI-1189/2371/CR-59/90/UD-11, dated 27th July, 1990 had granted additional FSI of 0.53 for the purpose.

7.2. The Committee considered the matter and decided to grant the permission applied for and accordingly passed the following Resolution :-

RESOLUTION NO. 530 :

"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~~ Section 13 of the said Act and all other powers enabling it in this behalf, the Committee hereby grants permission to the Malad-Kandivli Education Society for construction of a building as well as addition to existing building at S.No. 134, CTS No.555, in P/North Municipal Ward thereby adding 8598.60 sq.mtrs. floor area to the existing space with FSI 1.53, for using the said area as School/College as stated in the application.

.....6/-



ITEM NO. 8 : Amendment to the recruitment qualifications for the post of Chief Engineer, BMRDA.

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

RESOLUTION NO. 531 :

"RESOLVED THAT the Executive Committee hereby accords its approval to the revised recruitment qualifications for the post of Chief Engineer, BMRDA as mentioned in Annexure to the Item Note, as proposed."

ITEM NO. 9 : Worli-Bandra Link Feasibility Study - Selection of Consultants.

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

RESOLUTION NO. 532 :

"RESOLVED THAT the Committee hereby accords its approval to the recommendation of the Experts' Committee to select Consulting Engineering Services (India) Pvt. Ltd. (C.E.S.) as the consulting firm for the feasibility study of Worli-Bandra Link.

"RESOLVED FURTHER THAT the action to issue work order to C.E.S. in anticipation of the Executive Committee's approval is also approved.

"RESOLVED FURTHER THAT the Metropolitan Commissioner, BMRDA be authorised to take all necessary steps for successful and timely completion of the feasibility study."

ITEM NO. 10 : Regional Plan for extended Bombay Metropolitan Region (Pen-Alibag) (1981-2001) - Modification to -

After discussion, the Committee recommended for Authority's consideration that the provisions of Regional Plan for extended Bombay Metropolitan Region (Pen-Alibag) be modified so as to bring the same in conformity with the relevant provisions of Bombay Metropolitan Regional Plan for other areas.



ITEM NO. 11 : Appointments/Promotions made under powers delegated by the Executive Committee - Sanction to the -

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

RESOLUTION NO. 533 :

"RESOLVED THAT the Executive Committee hereby accords sanction to the appointments/promotions 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 on 31st March, 1992, as proposed."

ITEM NO. 12 : Techno-economic feasibility study for Bandra-Kurla rail link.

12.1. The proposal of Bandra-Kurla rail link as a part of the Seventh Corridor of RTS Standards and also as a part of the East-West Corridor i.e. Bandra-Kurla-Mankhurd-Belapur-Panvel-Karjat, of suburban standards (EMU) was described with the help of plans. It was stated that if Bandra Kurla rail link is constructed of suburban standards then it will have to be delinked from the Seventh Corridor. The Development Plan of Bombay does not indicate Seventh Corridor. The need of East-West Corridor is obvious, and if Bandra-Kurla rail link is constructed as a part of the East-West Corridor the area earmarked for 'Car-shed area' will not be necessary.

12.2. In the past Bandra-Kurla rail link was studied by the Metropolitan Transport Project (Railways) at the instance of BMRDA. This study was done sometime in 1978. Also this was studied from the point of view of the development of Bandra-Kurla Complex and at a time when Mankhurd-Belapur link was not envisaged. There is a need to update this study for the various developments that have taken place like Mankhurd-Belapur line, some development of Bandra-Kurla Complex etc. and the costs also have gone up. There is also likelihood of BMRDA financing this link if it is possible to convert the area earmarked for car-shed into commercial user.

.....8/-



12.3. The Executive Committee appreciated the priority to be given to this link and approved the proposal of carrying out a fresh Techno-economic Feasibility Study for the rail link as a part of the East-West Corridor through the Metropolitan Transport Project (Railways). The Metropolitan Commissioner, BMRDA was authorised to take further steps to draft the Terms of Reference (TORs) on the lines of the material in the agenda item and approach the Railway Board.

The Committee then passed the following Resolution :-

RESOLUTION NO. 534 :

"RESOLVED THAT the Committee hereby approves the proposal of making Techno-economic Feasibility Study for Bandra-Kurla rail link as a part of East-West Corridor through the Metropolitan Transport Project (Railways), Bombay and hereby authorise the Metropolitan Commissioner to draft the suitable Terms of Reference for the purpose and also to incur necessary expenditure in connection with the feasibility study.

"RESOLVED FURTHER THAT the Metropolitan Commissioner be authorised to take up the matter with the Railway Board."

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

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