

No. EXC/MTG/170.

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

Date : 8th November, 1996.

The minutes of the Hundred and Seventieth Meeting of the Executive Committee of the Mumbai Metropolitan Region Development Authority, held on 4th October, 1996 are enclosed.

*S. V. Asgaonkar*  
8/11/96.  
(S. V. ASGAONKAR)  
SECRETARY,  
EXECUTIVE COMMITTEE

To :

- The Chief Secretary to the Government of Maharashtra, General Administration Department, Mantralaya, - Chairman
- Shri D.M. Sukthankar - Member  
'Priya', Worli Sea-Face,  
Worli, Mumbai-400 018.
- Shri R.Y. Tambe - Member  
A/600, Shivam Apartments,  
R.P.T.S. Road, Surendranagar,  
NAGPUR-400 015.
- Shri Deepak Parekh - Member  
Chairman, H.D.F.C. Ltd.  
Ramon House, Churchgate,  
Mumbai-400 020
- The Additional Chief Secretary to the Government of Maharashtra, Urban Development Department, Mantralaya. - Member
- The ~~Secretary~~ Secretary to the Government of Maharashtra, Housing & Special Assistance Department, Mantralaya. - Member
- The Municipal Commissioner Municipal Corporation of Brihan Mumbai. - Member
- The Managing Director C.I.D.C.O. - Member
- The Metropolitan Commissioner M.M.R.D.A. - Member

P. T. O.

INVITEES :

The Principal Secretary (ULB) to Government of Maharashtra, Urban Development Department, Mantralaya.

The Secretary to Government of Maharashtra, Industries Department, Mantralaya.

The Secretary to Government of Maharashtra, Environment Department, Mantralaya.

Copy to :-

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

The Officers of the M.M.R.D.A.

\*\*\*\*\*

MINUTES OF THE 170TH MEETING OF THE EXECUTIVE COMMITTEE

M.M.R. D.A.

DATE : 4th October, 1996 ( Friday )  
TIME : 3.00 P.M.  
PLACE : Chief Secretary's Committee Room,  
5th Floor, Mantralaya.

MEMBERS PRESENT :

Shri Dinesh Afzulpurkar - Chairman  
Chief Secretary to Government

Shri D.M. Sukthankar - Member

Shri R.Y. Tambe - Member

Shri Deepak Parekh - Member

Shri Jayant Deshpande - Member  
Secretary to the Government  
Housing & Special Assistance  
Department

Shri Girish Gokhale - Member  
Municipal Commissioner  
Municipal Corporation  
of Brihan Mumbai

Shri K. Nalinakshan - Member  
Managing Director  
C.I.D.C.O. and  
Principal Secretary (ULB) to Govt.  
Urban Development Department

Shri D. Mehta - Member  
Metropolitan Commissioner

INVITEES

Shri Vinay Bansal  
Secretary to Government  
Industries Department

Shri K.N. Patel  
Legal Adviser, MMRDA.

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

Shri S.P. Pendharker  
Chief, Town & Country Planning Division, MMRDA

Shri M.B. Salvi  
Lands Officer, MMRDA

SPECIAL INVITEES :

(for Item No.1)

Shri V. Ranganathan  
Principal Secretary to Government  
Water Supply & Sanitation Department

Shri Vishwas Dhmal  
Chief Executive Officer,  
Maharashtra Industrial Development Corporation

Shri S.D. Armal  
Chief Engineer (Project)  
Maharashtra Water Supply & Sewerage Board

Shri J.P. Dange  
Municipal Commissioner  
Thane Municipal Corporation

(for Item No.3)

Shri B.G. More  
Principal Secretary to Government and RLA,  
Law & Judiciary Department

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

At the outset, the Committee took up for consideration the following Item No.4 on the Agenda.

Item No.4 : Confirmation of the minutes of the 169th Meeting of the Executive Committee held on 17th September, 1996.

The Mira-Bhayander Municipal Council had proposed to delete the work of construction of Road Over Bridge (ROB) at Bhayander to replace the level crossing from Mumbai Urban Transport Project (MUTP-II) and execute it on priority basis through Public Works Department (PWD) because of urgency. The reasons were detailed in paras.2 and 3 of the Item Note underlying Resolution No. 675. The minutes were therefore confirmed after inserting words " as stated in paras. 2 and 3 of the Item Note " in para. 1 of the said Resolution.

Item No. 1 : Water Resources Planning and Development in Mumbai Metropolitan Region.

4.1... During the course of discussion on this Item,

...3/-

the following points emerged :-

- (1) While making the survey of proposed multi-purpose reservoirs in Gadhi, Kasadi and Ulwe river valleys near Panvel, whether CWPRS had taken into consideration its effect on siltation in Mumbai harbour?
- (2) In view of the fact that the survey of the Ulwe project was completed by the Irrigation Department, it was suggested that the approval for executing the same might be obtained from the Board of Directors of CIDCO.
- (3) Due to resistance from the villagers, the Irrigation Department could not complete the survey of proposed reservoirs in Gadhi and Kasadi river valleys. It was, therefore, suggested that the Managing Director, CIDCO and the Divisional Commissioner, Konkan might discuss the issue with the representatives of local people and try to enlist the co-operation of the residents.
- (4) It was pointed out that gorge filling work of Hetawane project was delayed. It was also pointed out that the Irrigation Department and the CIDCO had offered about 100 ha. & 65 ha. of land, respectively, to the Forest Department as replacement for the land of Forest Department utilised for the project; but the formalities of accepting the land to be replaced were not completed. In view of the urgency of this project which would make available 100 mld. of water to CIDCO and 50 mld. of water to MIDC, it was suggested that the process of accepting this land offered to the Forest Department by the Irrigation

Department & CIDCO be expedited so that work could commence by 15th November, 1996.

- (5) In view of State Government's recent policy to give priority for drinking water, the projects already finalised would be required to be reviewed. This suggestion was agreed to be considered.

1.2 At the conclusion of the discussion, it was decided that as suggested earlier the CIDCO might process further the Ulwe project and also have discussion with local representatives in respect of Gadhi and Kasadi reservoirs. It was also decided to consider rest of the issues later on.

Item No.2 : Appointment to the post of Chief Accounts Officer and Financial Adviser, MMRDA.

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

RESOLUTION NO.686 :

"RESOLVED THAT in exercise of the powers conferred under clause (1) of sub-section (3) of Section 7 of the MMRDA Act, 1974, the Executive Committee hereby appoints Shri S.B.Pardeshi as the Chief Accounts Officer and Financial Adviser, on pay of Rs. 5100/- in the pay-scale of Rs. 5100-6300, with admissible allowances and other perquisites with effect from 1st December, 1996 as proposed.

"RESOLVED FURTHER THAT the Executive Committee hereby approves that the waiting list of the remaining 5 candidates selected by the Selection Committee shall remain valid for a period of 2 years from the date of the meeting."

...5/-

Item No.3 : Powai Area Development Scheme

3.1 All the connected papers with this issue including the representations submitted by the representatives of Mukand Ltd. and Shri Ajay Mohan at the last meeting of the Executive Committee held on 17th September, 1996 were circulated to the members of the Committee. The Committee considered these papers in detail and noted and decided as follows :-

3.2.1 Lands of Mukand Ltd. :

- (1) Even though, notice was served on Mukand Ltd. on 29th June, 1977 as per proviso to Section 32 (1) of the MMRDA Act, 1974 to show cause why its land admeasuring 68,559 sq. mtrs, should not be acquired for the purpose of executing the Powai Area Development Scheme, the said land was not included in the Notification dated 12th May, 1983 issued under Section 32(1) of the said Act, under which certain other lands were acquired for the said scheme. This was because of the Writ Petition No, 2093 filed by Mukand Ltd. in 1982 and the Mumbai High Court's interim order thereon which restrained Government from acquiring or causing to be acquired the said land.
- (2) On 10th May, 1985 the then Metropolitan Commissioner addressed a letter to Mukand Ltd. merely suggesting a scheme and soliciting a proposal from it. On 21st January, 1987 the then Metropolitan Commissioner again addressed another letter eliciting a firm reaction from them to enable him to approach the Authority. This letter was so addressed by the Metropolitan Commissioner on his own initiative and

without seeking the approval of the Authority. By its letter dated 31st January, 1987 Mukand Ltd. signified that it was interested in the Scheme.

- (3) By its letter dated 26th December, 1991, the State Government accorded sanction to the land of Mukand Ltd. being used for housing purposes on the similar terms and conditions as applied in the case of land formerly held by Varma & Sharma families. The letter further stated that Mukand Ltd. would offer 53% of the land to the Central Government/State Government/Public Sector Undertakings and in case the offer was not accepted by them within a period of six months, it would lapse.
- (4) At the meeting held on 30th May, 1992, the Metropolitan Authority considered the item and resolved to enter into a tripartite agreement with Mukand Ltd. At its next meeting held on 11th August, 1992 in the course of confirming minutes, the Authority did not confirm the said resolution, but appointed a Committee to examine and report on the issue. The Authority later on decided to reconsider the issue without the report of the Committee. However, the consideration thereof was still pending.

3.2.2 In view of the foregoing position, the Committee was of the view that the lands of Mukand Ltd. were to be dealt with as per Government Resolution in Housing Department No. SSS-1086/2340/XIII, dated 22nd August, 1986. The Committee was of the considered view that having regard to twin circumstances, firstly the resistance of Mukand to the scheme and its judicial contest for the



acquisition of its land for the furtherance of the Scheme and secondly the letters relied by them having been addressed by the then Metropolitan Commissioner without the approval of the Authority, Mukand Ltd. is disentitled to avail of the scheme. Since their land was excluded from the final notification, it was not considered under Powai Scheme and as such no tripartite agreement can be signed as requested by Mukand Ltd.

3.3.1 Lands of Shri Ajay Mohan :

(1) On 29th June, 1977 in exercise of its powers under proviso to Section 32 (1) of the MMRDA Act, 1974 the State Government served a notice on Shri Ajay Mohan enquiring why his land admeasuring 85,385 Sq.mtrs. should not be acquired for the execution of the Powai Area Development Scheme. On 12th May, 1983 in exercise of the powers under Section 32(1) of the said Act, the Government issued a Notification declaring that land admeasuring 79,917 sq.mtrs. of Shri Ajay Mohan was acquired for the scheme.

(2) On scrutiny of the statement or return filed by Shri Ajay Mohan under Section 6 of the Urban Land Ceiling & Regulation Act, the Competent Authority declared the draft statement and the final statement and promulgated eventually on 18th September, 1978 Notification under Section 10 (3) of ULCR Act, vesting absolutely excess vacant land of 80,755 sq. mtrs., of Shri Ajay Mohan in the State Government.

(3) On 20th December, 1978 the Competent Authority directed Shri Ajay Mohan to surrender such vacant land.

- (4) Shri Ajay Mohan filed Writ Petition 1873 in the Mumbai High Court in 1978 and the High Court stayed or restrained further proceedings.
- (5) Shri Ajay Mohan withdrew the said Writ Petition on 8th June, 1987.
- (6) On 30th June, 1987 the Secretary to the State Government in Housing Department set aside the Notification issued by the Competent Authority and remanded the case under Section 34 of the ULCR Act, 1976 to the Additional Collector and Competent Authority, Mumbai for necessary inquiry as per law, which was still pending.
- (7) On 25th March, 1991 the final Revised Development Plan of Brihan Mumbai came into force under Section 31 of the Maharashtra Regional & Town Planning Act, 1966. In the said development Plan the land of Shri Ajay Mohan was shown reserved wholly for the purpose of Regional Telecommunication Training Centre at the instance of the Central Government.

3.3.2 In view of the foregoing position, the Committee was of the view that in case of land of Shri Ajay Mohan, the Additional Collector & Competent Authority, Mumbai has to make necessary inquiry as per law and decide. The Committee was also of the view that in view of reservation of the entire land for public purpose of Regional Telecommunication Training Centre at the instance of the Central Government, further action would be taken after Additional Collector & Competent Authority Mumbai takes a decision in the matter and that there was no justification for entering into any tripartite agreement as requested by Shri Ajay Mohan in view of their entire

land having been reserved for a public sector undertaking.

34 The Executive Committee then decided that both the cases were not fit to enter into compromise with them.

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

---