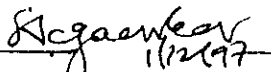


No.EXC/MTG/176

MUMBAI METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
Bandra-Kurla Complex,
Bandra(East), Mumbai-400051.

Date : 1st December, 1997

The minutes of the Hundred and Seventy-Sixth Meeting of the Executive Committee of the Mumbai Metropolitan Region Development Authority, held on 13th November, 1997 are enclosed.


(S.V. ASGAONKAR)
Secretary
Executive Committee

To

- The Chief Secretary to the Government,
of Maharashtra, General Administration
Department, Mantralaya. - Chairman
- Shri D.M. Sukthankar,
'Priya', Worli Sea-Face,
Worli, Mumbai-400018. - Member
- Shri R.Y. Tambe,
A/600, Shivam Apartments,
R.P.T.S. Road, Surendranagar,
Nagpur - 440 015. - Member
- Shri Deepak Parekh
Chairman, H.D.F.C. Ltd.,
Ramon House, Churchgate,
Mumbai - 400 020. - 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,
Municipal Corporation of
Brihan Mumbai. - Member
- The Managing Director
C.I.D.CO. - Member
- The Metropolitan Commissioner
M.M.R.D.A. - Member

INVITEES :

- The Principal Secretary to Government of Maharashtra,
Environment Department, Mantralaya.
- The Secretary to Government of Maharashtra,
Urban Development Department, Mantralaya.
- The Secretary to Government of Maharashtra,
Industries Department, Mantralaya.

Copy to :-

The Legal Adviser, MMRDA
The Officers of the MMRDA.

**MINUTES OF THE 176TH MEETING OF THE EXECUTIVE
COMMITTEE, MMRDA.**

DATE : 13TH NOVEMBER, 1997 (THURSDAY)
TIME : 3.00 P.M.
**PLACE : CHIEF SECRETARY'S COMMITTEE
ROOM, 5TH FLOOR, MANTRALAYA.**

MEMBERS PRESENT :

| | | |
|--|---|----------|
| Shri P. Subrahmanyam Chief Secretary to Government | : | Chairman |
| Shri R.Y.Tambe | : | Member |
| Shri K. Nalinakshan Principal Secretary to Government, Urban Development Department and Managing Director, CIDCO | : | Member |
| Shri V.P. Raja Secretary to the Government Housing & Special Assistance Department | : | Member |
| Shri K.C. Srivastava Metropolitan Commissioner | : | Member |

INVITEES :

Shri Nand Lal
Secretary to Government
Urban Development Department

Shri Yashwant Bhave
Secretary to Government
Industries Department

Shri K.N. Patel
Legal Adviser, MMRDA

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

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

Shri S.B. Pardeshi
Chief Accounts Officer & Financial Adviser, F. & A. Division,
MMRDA

Shri A.V. Deshingkar
Chief Engineer, Engineering Division, MMRDA

Shri A.V. Ghangurde
Chief, Transport & Communications Division, MMRDA

Shri Dayanand Shrivardhankar
Lands Officer, MMRDA

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

Item No.1 : *Confirmation of the minutes of the last (175th) Meeting of the Executive Committee held on the 6th August, 1997.*

The minutes were confirmed.

Item No.2 : *Action taken on the minutes of the last (175th) Meeting of the Executive Committee held on the 6th August, 1997.*

2.1 During the course of discussion on the action taken report the Executive Committee observed as follows :-

(1) While developing the plot abutting the compound wall of BEST Bus Depot, near Kamraj Nagar, Dharavi in 'II' Block of B.K.C. (Item No.4), the

Committee suggested that priority should be given for development of Children's Park.

(2) The Chairman, Executive Committee desired to know the progress made on the construction of Bridges undertaken for joining Western Express Highway with Bandra-Kurla Complex and Mithi Bridge for connecting BKL.R to L.B.S. Marg. It was informed that the construction of both the bridges had since been completed including the approaches on one side. It was further informed that due to the non-availability of land for construction of other side approach, it had not become possible to put both these bridges to use. It was then added that in case of new Mithi Bridge (joining BKL.R to L.B.S. Marg), an acquisition proposal for land required for construction of Kurla side approach is in an advanced stage. Simultaneously efforts are also being made to rehabilitate the concerned to a suitable location in T.T. Wadala for getting the approach land vacated. As regards the Vakola Bridge it was informed that the land required for construction of Kurla side approach to this bridge belonged to Mumbai University and despite great pursuance, it had not become possible to get this land from them. The Secretary, Technical & Higher Education Department has been requested to convene a meeting of all concerned for sorting out the difficulties.

On this the Chairman, Executive Committee observed that as per his knowledge both these bridges have been completed some time in 1995 and putting them to use is very much necessary for easing traffic congestion on arteries like Western Express Highway and L.B.S. Marg. He therefore, suggested that very prompt actions in this regard be initiated and if necessary, a joint meeting of the Metropolitan Commissioner, MMRDA; Principal Secretary, Urban Development Department (UDD), the Secretary, Housing Department, the Secretary, Technical & Higher Education Department and

the Vice Chancellor of Mumbai University be held. The Chairman, Executive Committee desired that a report of actions taken in this regard be put up to the Executive Committee in its next meeting.

(3) While noting the detailed progress on Automation & Modernisation of MMRDA office (Item No.12) the Chairman, Executive Committee suggested that the facilities of automation should be used extensively for speeding MMRDA's work particularly in respect of issuing development permissions and for that matter, the permission procedure should be streamlined and formatted.

(5) Shri R.Y. Tambe suggested that Members should be supplied with agenda and minutes on floppy so that the Members if they choose could access the required information without requiring to preserve bulky agenda and minutes papers.

It was agreed to supply floppies to such members, who make specific request to that effect.

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

Item No.3 : *Approval to the tender for the work of providing and laying Internal Water Distribution System in IFBC, Bandra-Kurla Complex (Phase-I).*

After discussion, the Committee approved the proposal contained in the Item Note and passed the following Resolution :-

RESOLUTION NO.726 :

“RESOLVED THAT in exercise of the powers conferred under clause (iii), of sub-section(3) of Section 7 of MMRDA Act, 1974 and all other powers enabling it in this behalf, the Executive Committee hereby accords its approval to accept the lowest tender of M/s.R.P. Shah amounting to

Rs. 2,46,92,376.43 (Rupees Two Crores Forty Six Lakhs Ninety Two Thousand Three Hundred Seventy Six And Paise Forty Three Only) which is 14.14% below the cost put to tender, viz. Rs. 2,88,75,585 (Rupees Two Crores Eighty Eight Lakhs Seventy Five Thousand Five Hundred Eighty Five Only), for the work of providing and laying Internal Water Distribution System in IFBC at Bandra-Kurla Complex, with a time limit of 15 Calendar months including monsoon, as proposed.

“RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby authorised to issue Letter of Intent and complete other tender formalities without waiting for the confirmation of the minutes.

“RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby authorised to take suitable actions to quickly select and appoint a supervision consultant, for ensuring expected supervision and quality in the construction, as proposed.”

Item No.4 : Approval to the tender for the work of construction of Sewage Pumping Station in 'G' Block of Bandra-Kurla Complex.

4.1 While presenting the Item for consideration before the Meeting, it was stated that the offer of the 4th lowest tenderers, viz. M/s. Vichare & Co. at the reduced amount (after negotiations) of Rs. 5,18,53,648.89 was recommended for the Executive Committee's sanction for the reasons stated in para. 8.1, 8.2 and 8.3 of the Item Note. It was further stated that the proposal was in conformity with the recommendations of (i) the concerned officers of the Brihan Mumbai Municipal Corporation who were to provide Project Management Consultancy for this work as approved by the Executive Committee;

(ii) M/s. Shah Technical Consultants who had prepared the Project and (iii) the Committee of officers of MMRDA appointed by the Metropolitan Commissioner similar to the Tender Committee of Public Works Department.

4.2 There was a discussion on this Item during the course of which the following points were made out and the suggestion made :-

Instead of declaring the offers of the First, Second & the Third lowest tenderers as non-responsive after opening of their Financial offers the same should have been done before opening of their envelope 2 containing Financial offers. This should have been the right course as the tenders were invited in two envelope system and a pre-bid meeting was also held.

While requesting the kind attention to para 5.2 of the Item Note, it was submitted that disqualification of above tenderers, (their offers being responsive) before the opening of 2nd envelope did not become possible due to-

- (a) tender stipulations about preferred makes, etc., and
- (b) tenderers were to design the equipments suiting specified requirements.

Since both the above requirements were expected to be given in the Financial offers, it was not possible to ascertain the responsiveness of offers before opening Envelope No.2.

The Committee, however, desired to ensure proper procedures maintaining tender sanctity.

4.3 The Committee thereafter noted that (i) it was necessary to complete the work of Sewage Pumping Station within a period of 18 months to make available required services for the buildings under construction in Bandra-Kurla Complex; (ii) the work involved was not only the civil construction but also had mechanical and electrical components and (iii) the 4th lowest tenderer

had executed similar works for BMC satisfactorily. In view of the foregoing the Committee approved the proposal contained in the Item Note and accordingly passed the following Resolution :-

RESOLUTION NO. 727 :

"RESOLVED THAT in exercise of the powers conferred under clause (iii) of sub-section (3) of Section 7 of MMRDA Act, 1974, and all other powers enabling it in this behalf, the Executive Committee hereby accords its approval to accept the tender of M/s.Vichare & Co. at negotiated amount of Rs.5,18,53,648.89 (Rupees Five crores eighteen lakhs fifty three thousand six hundred forty eight and paise eighty nine only), which was at 13.79% above the cost put to tender viz. Rs.4,55,69,855 (Rupees Four crores fifty five lakhs sixty nine thousand eight hundred fifty five only) for the work of construction of Sewage Pumping Station in 'G' Block, with a time limit of 18 calendar months including monsoon, as proposed.

"RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby authorised to issue Letter of Intent and complete other tender formalities without waiting for the confirmation of the minutes.

"RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby also authorised to quickly select and appoint a supervision consultant for ensuring expected supervision and quality in the construction."

Item No.5 : *Development of IFBC in G Block of BKC-
Approval to the block estimates for infrastructural works.*

While introducing the Item, the Metropolitan Commissioner requested the Executive Committee to accord administrative approval to the block estimates amounting to Rs.195 crores for various infrastructural works in IFBC and stated that the tenders for the execution of individual works would

be submitted for the Executive Committee's approval in due course as per provisions of the MMRDA Act. The Committee accordingly, accorded approval to the block estimates and passed the following Resolution :-

RESOLUTION NO. 728 :

"RESOLVED THAT in exercise of the powers conferred under clause (ii) of sub-section (3) of Section 7 of the MMRDA Act, 1974, the Executive Committee hereby accords the administrative approval to the block estimates for the infrastructural works of IFBC, in G Block of Bandra-Kurla Complex, amounting to Rs.195 crores, as detailed in Annexure-I to the Item Note, as proposed."

Item No.6: Grant of loan to Public Works Department from MMRDA Reserve Fund -ex-post facto approval.

After discussion, the Committee accorded ex-post facto approval to the loan released to the Public Works Department and passed the following Resolution :-

RESOLUTION NO.729:

"RESOLVED THAT in exercise of the powers conferred under Regulation No.7.1 of the MMRDA (Grant of loan from Reserve Fund) Regulations, 1992, the Executive Committee hereby accords ex-post facto sanction for release of (i) further loan of Rs.5.0 crores at the rate of 14% interest p.a. for Second Thane Creek Bridge and (ii) Rs.4.5 crores for on going works of Mahim flyover which is interest free, to the Public Works Department as proposed."

Item No.7: *Financial Assistance to Thane Municipal Transport (TMT), an undertaking of Thane Municipal Corporation for bus fleet augmentation.*

7.1 During the course of discussion on this Item, the following suggestions were made :-

1. MMRDA should ensure the perfect system for monitoring its all funds (similar with H.D.F.C.) from which loan assistance was granted, so as to ensure timely recovery of the principal and the interest and in case of default to have a timely recourse to penal action.

2. Taking into consideration that MMRDA's major source of revenue is land disposal in Bandra Kurla Complex and further taking into consideration the declining trend in property market, MMRDA should prepare 5 to 7 years Fund Plan/Income & Expenditure statement, if necessary by taking professional advice.

7.2 The proposal contained in the Item Note was then approved by the Committee and the following Resolution was passed :-

RESOLUTION NO.730 :

"RESOLVED THAT in exercise of the powers conferred under Regulation 7.1 of the MMRDA (Grant of loan from Reserve Fund) Regulations, 1992 the Executive Committee hereby accords its approval to grant to the Thane Municipal Transport (TMT) of Thane Municipal Corporation, a loan of Rs.320 lakhs for purchase of 30 new buses at the interest rate of 12% per annum. to be repaid within seven years with interest on the following conditions :-

(I) Prior approval of General Body of the Thane Municipal Corporation be obtained and submitted to MMRDA;

- (2) Government in Urban Development Department (UDD)'s sanction to borrow loan from MMRDA be obtained and submitted to MMRDA; and
- (3) Thane Municipal Transport (TMT) Undertaking will enter into necessary contract agreement with MMRDA.

"RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby authorised to take further necessary action to implement the resolution."

Item No.8 : Financial Assistance to Mira-Bhayandar Municipal Council (MBMC) for 50 mld Water Supply Scheme by MMRDA under MUDP-Revolving Fund.

8.1 During the course of discussion on this Item, it was stated that while MMRDA was making available loan assistance to Mira-Bhayandar Municipal Council (MBMC) for enabling them to augment their water supply, which was a dire necessity, MMRDA should secure repayment of amount lent together with interest. With that aim in view, it was suggested that in addition to the conditions proposed in the appraisal report all possible precautions such as having a first charge on the revenue of the Mira Bhayandar Municipal Council (MBMC) as permissible under the Maharashtra Municipal Councils, Nagar Panchayats and the Industrial Townships Act, 1965, should be thought of and brought into effect.

8.2 Taking into consideration the dire need of water of the MBMC the Committee also agreed with the suggestion to charge interest at reduced rate viz. 11% (instead of 12% as suggested in the Appraisal Report) and also making available a loan of Rs. 57.44 crores to the State Government to enable it to make available that amount as grant-in-aid to the MBMC in case the required funds could not be provided in State Government Budget. The

Committee further suggested that in order to ensure that this work is executed speedily and with good quality the Maharashtra Jeevan Pradhikaran (MJP) who is to execute this work should be requested to package the works in large tenders instead of splitting the works in a number of small tenders as per its usual practice. MJP may also be requested to associate the Chief, Planning Division, MMRDA at all stages of execution of work. The Committee accordingly passed the following Resolution:-

RESOLUTION NO. 731 :

"RESOLVED THAT in exercise of the powers conferred under Section 21A of MMRDA Act, 1974 delegated to the Executive Committee by the Authority vide Resolution No.422, dated 31.03.1990, the Executive Committee hereby sanctions a loan of an amount not exceeding Rs.75.44 crores for the 50 mld Mira-Bhayandar Water Supply Scheme to the Mira Bhayandar Municipal Council (MBMC) from the MUDP Revolving Fund, as proposed in the Appraisal Report except that the interest rate shall be 11 per cent. per annum.

"RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby authorised to make available a loan of an amount not exceeding Rs.57.44 crores to the Government of Maharashtra at the rate of interest of 11% p.a., in case Government is unable to make available the grant-in-aid to the MBMC from its own resources so as to enable the Government to pass on the requisite amount as grant-in-aid to the MBMC.

"RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby authorised to execute the Tripartite Legal Agreement with the MBMC and the Maharashtra Jeevan Pradhikaran (MJP) and in addition to the conditions proposed in the Appraisal Report providing therein (i) the necessary

conditions for securing repayment by the MBMC of principal amount of loan and interest accruing thereon; (ii) speedy and quality execution of the works of the scheme for augmentation of water to the MBMC water supply scheme and (iii) for associating the Chief, Planning Division, in MMRDA, in the execution of the said scheme.

"RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby also authorised to advance the loan amount to the MJP on behalf of the MBMC and carry out all the necessary tasks related to the administration of this loan."

Item No.9 : *Enlargement of scope of the work of delineation of High Tide Line for Mumbai Metropolitan Region.*

After discussion, the Committee approved the proposal contained in the Item Note and passed the following Resolution :-

RESOLUTION NO.732 :

"RESOLVED THAT in exercise of the powers conferred under subsection 3(iii) of Section 7 of the MMRDA Act, 1974 and all other powers enabling it in this behalf, the Executive Committee hereby approves the enlargement of scope of the work of delineation of High Tide Line for the Brihan Mumbai area so as to include the delineation of Low Tide Line, mud flats and mangroves, as proposed, through the agency of Chief Hydrographer to Government of India, at an additional estimated cost of Rs.34.5 lakhs (Rupees Thirty four lakh fifty thousand), subject to the actual cost as per final bill.

"RESOLVED FURTHER THAT the Executive Committee hereby authorises the Metropolitan Commissioner, to request the Municipal Corporation of Brihan Mumabi to share the cost of this work proportionate to the length of Low Tide Line and cost proportionate to the areas of mud flats

and mangroves within the jurisdiction of Municipal Corporation of Brihan Mumbai.

"RESOLVED FURTHER THAT the Executive Committee hereby authorises the Metropolitan Commissioner to enter into an agreement with the Chief Hydrographer to Government of India and take all other necessary actions including payment, for accomplishing the work of delineation of Low Tide Line, mud flats and mangroves for Brihan Mumabi along with the work of delineation of High Tide Line."

Item No.10 : Construction of Mumbai-Pune Express Way
 -Financial Assistance by MMRDA.

10.1 In connection with this Item, Shri R.C. Sinha, Chairman, Maharashtra State Road Development Corporation (MSRDC) was present by invitation.

10.2 The opinion given by the Legal Adviser, MMRDA was placed before the Meeting. It was stated in the legal opinion that as the MSRDC was reportedly exercising the powers and performing the duties of the State Government as an agency or instrumentality and as it was being engaged in the establishment of the Express Way, which conduced to the development of the MMR, the MSRDC was eligible for a loan under Section 21A of the MMRDA Act, 1974..

10.3 While giving the details of the project cost, the Chairman, MSRDC requested the Executive Committee to agree to recover its loan together with accumulated interest after other financial institutions were repaid the loan amount made available by them together with interest. He stated that such an action would help in creating confidence among the non-governmental financial institutions in investing their amount in the project. He also requested that the rate of interest be reduced to 12% (instead of 14% suggested in the Item Note).

10.4 After discussion, the Committee was of the view that the MMRDA was making available enormous funds to Government and Government bodies for development of infrastructure in MMR. In the interest of the MMRDA's role as development financier, it was necessary that MMRDA should get its money back in time when the project would be completed and the toll amount start accruing. With that aim in view, the Committee recommended to the Authority that :-

(i) A loan of Rs.300 crores or equivalent cost of S1 within the MMR area including 72 crores to be given to P.W.D. for acquisition of land be paid to the PWD/MSRDC as per their requirement/reimbursement of expenditure etc. as well as availability of funds with MMRDA. The period of loan shall be 14 years including the grace period of four years after which repayment shall start.

(ii) From the escrow account, which the MSRDC would be required to open as a condition of loan, the MMRDA should get repayment proportionate to its loan along with other financial institutions who would be making available loan for the project;

(iii) the MSRDC should be required to make available Government guarantee for the repayment of loan and interest thereon;

(iv) The rate of interest to be charged be reduced to 12% instead of 14% recommended in the Item Note; and

(v) The MMRDA should not invest in the Share Capital of the proposed company.

10.5 The Committee then authorised the Metropolitan Commissioner to convey its recommendation to the Authority without waiting for the confirmation of the minutes of the meeting.

Item No.11 : MUTP-II -Non-Rail Component Study -Phase-II
-detailed engineering and design -meeting initially
the additional expenditure on study.

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

RESOLUTION NO.733 :

"RESOLVED THAT the Executive Committee hereby accords its approval for incurring additional expenditure of Rs.4.7 crores initially in excess of PHRD Grant towards the cost of Phase II study for detailed engineering and design of selected Non-Rail components, as proposed.

"RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby authorised to take all necessary action for successful completion of Phase II study."

Item No.12 : Status Report on Development of Passenger Water
Transport in and around Mumbai.

12.1 At the outset Shri B.P. Pandey, Chief Executive Officer, Maharashtra Maritime Board (MMB) who was present at the meeting by invitation urged the necessity of developing landing points and terminal facilities as well as dredging of channel for operations of high speed and large vessels for passenger water transport.

12.2 The Executive Committee after deliberations approved, in principle, formation of Joint Venture Company with participation of private and public sectors and desired to explore possibility of such a venture being formed. The Committee also approved, in principle to take up comprehensive study for the development of an Integrated Water Transport System in Mumbai

Metropolitan Region. The Committee desired that detailed proposals in both the abovementioned respects be submitted for its approval at an early date.

Item No.16: Contracting of services of a retired Dy.Chief Engineer of Municipal Corporation of Brihan Mumbai for proof checking of implementation of infrastructure works.

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

RESOLUTION NO.734 :

"RESOLVED THAT in exercise of powers conferred under Section 7(3)(iii) of the MMRDA Act, 1974 the Executive Committee approves the proposal of appointment of Shri G.S. Mule, retired Dy. Chief Engineer, Municipal Corporation of Brihan Mumbai as a professional consultant, in Engineering Division, MMRDA, on contract basis, to assist the Chief Engineer in implementing various infrastructure construction works in IFBC and to advise on infrastructure proposals posed by various public bodies in the Mumbai Metropolitan Region for sanction of grant in aid or loans, for a period of one year in the first instance, on the terms and conditions mentioned in Annexure-IV to the Item Note, as proposed.

"RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby authorised to take all necessary steps for implementation of this Resolution."

For want of time, the Committee deferred consideration of Item Nos.13 to 15 and 17 to 19.

The Meeting concluded with a vote of thanks to the Chair.
