

No. EXC/MTG/22.

Bombay Metropolitan Region
Development Authority,
18th Floor, New Administrative
Building, Madame Cama Road,
Opp. Mantralaya, Bombay-400 032.

Date : 14th February, 1978.

The minutes of the twentysecond meeting of the
Executive Committee of the BMRDA held on the 13th
February, 1978, are enclosed.

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(S. D. Sule),
Secretary,
Executive Committee.

To:

- Shri S.V. Bhave, Chief Secretary to the Govt. of Maharashtra, General Administration Deptt., Mantralaya, Bombay-400 032 - Chairman.
- Shri P.V. Nayak, Metropolitan Commissioner and Vice-Chairman, Executive Committee, BMRDA.
- Shri B.N. Adarkar, Chairman, T. & C. Board BMRDA - Member.
- Shri C.M. Correa, Chairman, HURE Board, BMRDA - Member.
- Shri N.G.K. Murty, Chairman, WRM Board, BMRDA - Member.
- Shri B.G. Deshmukh, Municipal Commissioner, Municipal Corporation of Greater Bombay - Member.
- Shri G.H. Lalwani, Secretary to the Govt. of Maharashtra, Urban Development & Public Health Deptt., Mantralaya, Bombay-400 032.- Member.
- Shri B.S. Dhavle, Managing Director, CIDCO, Bombay - Member.-

INVITEES :

- The Financial Adviser, BMRDA.
- The Deputy Metropolitan Commissioner, BMRDA.
- The Member-Secretary, HURE Board, BMRDA.
- The Member-Secretary, T. & C. Board, BMRDA.
- The Member-Secretary, WRM Board, BMRDA.
- The Legal Adviser, BMRDA.
- The Consultants.

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MINUTES OF THE TWENTY-SECOND MEETING OF
THE EXECUTIVE COMMITTEE, BMRDA.

Date : 13th February, 1978.

Place : Special Committee Room,
5th Floor, Mantralaya.

Member Present :

Shri S.V. Bhawe, Chief Secretary to the Government,
of Maharashtra - Chairman.

Shri P.V. Nayak, Metropolitan Commissioner,
BMRDA - Vice-Chairman.

Shri B.N. Adarkar, Chairman, T. & C. Board,
BMRDA - Member.

Shri G.H. Lalwani, Secretary to Govt. of Maharashtra,
Urban Development - Member.

Shri B.S. Dhavle, Managing Director, CIDCO - Member.
Shri S.D. Sule, Secretary, Executive Committee.

Invitees :

The Financial Adviser, BMRDA.

The Member-Secretary, HURE Board.

The Member-Secretary, WRM Board.

The Deputy Metropolitan Commissioner, BMRDA.

The Legal Adviser, BMRDA.

The Deputy Municipal Commissioner (Eng.), BMC.

Item No. 1 : Confirmation of the minutes of the last
(Twentyfirst) meeting.

The minutes of the twentyfirst meeting of the
Executive Committee held on the 27th January, 1978,
were confirmed.

Item No. 2 : Action taken on the minutes of the last
(twentyfirst) meeting.

Noted.

Item No. 3 : Applications for permission under Section 13
of the BMRDA Act, 1974.

The applications bearing the following registration
numbers were placed on the Table :-

- (1) 80/10/1/78;
- (2) 81/12/1/78;
- (3) 88/7/2/78; and.
- (4) 89/9/2/78.

The....

The Committee considered each application, and decided, as follows :-

Application No.80/10/1/78 (M/s. Shirin Enterprises):

The application was for addition and alterations to the existing building, which is a Cinema Theatre. The proposed addition consisted of a floor area of 143.65 s.m. for a bank on the second floor. The Committee noted that the information regarding the number of employees to be accommodated in the proposed bank premises was not available. The Committee also noted that, according to the Town Planning Scheme-IV-(Mahim) sanctioned by the Government, the bank user is not permissible on the plot. Besides, other banks are available in the vicinity. The Committee felt that, if the desired permission for providing a bank area, as proposed, were granted, the overall development of the Metropolitan Region is likely to be affected adversely. The application was, therefore, rejected.

Application No.84/12/1/78 (Shri Abbas Hussain & Others):

The proposed development consisted of demolition and reconstruction of an existing office building (120 Sq.Ft.) by a new office building (624,00 Sq.Ft.) and an open ground floor having storage space. The business related to trade in scrap material, which was stored on the plot. The Committee noted that, according to the Development Plan of 'E' Ward, this is a residential zone with shop line, which does not permit the proposed development of storage space. It also felt that the proposed development could result in expansion of the trading activity in scrap material in an already congested area. The Committee, therefore, felt that, if the desired permission were granted, the overall development of the Metropolitan Region is likely to be affected adversely. The application was, therefore, rejected.

Application No.88/7/2/78 (Hotel Oberoi Sheraton):

The Committee considered the application, and noted that the proposal is for construction of a building for a residential hotel on plot No.232-233 - Backbay Reclamation Block III, as an extension of the existing Five Star Hotel (Oberoi Sheraton) on the adjacent plot No.234 of BRB III. The existing hotel has consumed FSI of 5.68 on plot No.234, and it was proposed to construct additional floor space

of 30,567.65 s.m.....

of 30,567.65 s.m. corresponding to 4.5 FSI of Plot 232-233 (though this space is to be provided partly in plot 234 as extension of the existing hotel). The Committee also noted the following features of the proposed development :-

- (1) The existing hotel has 1000 beds. After the proposed extension, the capacity will be increased to 1900 beds.
- (2) Of the proposed floor area of the extension, about 66,680 Sq.ft. would be office accommodation for an Air-Line office, in addition to 19,000 Sq. ft. exhibition space.
- (3) The No. of additional employees would be about 700 in the hotel, about 600 in office space and about 100 in the thirty shops planned.

The Committee considered the grounds on which permission was sought, the principal ground being as follows :-

- (i) The Government had allowed FSI of 4.5 when the plot was allotted to the Co., which agreed to pay a very high ground rent only on the basis of utilisation of 4.5 FSI.
- (ii) The proposed development is part of a phased programme of one hotel project, which would be economically viable only if the development is permitted as proposed.
- (iii) Several facilities already provided for the entire hotel complex, e.g., elevator, kitchen, boiler & laundry capacity, water and airconditioning facilities, restaurants and shopping centres, would not be utilised fully and considerable investment of foreign exchange would be wasted, unless the proposed development was permitted.
- (iv) The present occupancy rate (about 90%) of the hotel is very high, and the proposed expansion will relieve pressure.
- (v) The additional hotel accommodation is necessary for catering to tourists traffic, particularly of foreigners, diplomatic personnel and businessmen.
- (vi) The proposed development would create considerable employment.
- (vii) There will be very substantial increase in the revenues of the State Govt. and BMC.

The Committee considered very carefully the various grounds on which the permission was sought for the proposed development. The plea that the Co. had agreed to pay a very high ground rent on the assurance of FSI of 4.5 was not considered relevant and tenable at law. The Committee added that the change in law brought about by the Authority's

Notification, dated the 10th June, 1977, binds all alike, regardless of whether the applicant has a past commitment from the Government or any other person. The Committee observed that similar grounds had been uniformly rejected by it in the past as being not relevant. The plea that the extension was necessary to make the integrated hotel project economically viable was also considered. The Committee noted that the proposed development was not restricted to the utilisation of extra capacities reportedly to the utilisation of extra capacities reportedly available in the existing hotel building, but that additional capacities and uses had been planned in the form of restaurants, shops and Air-line offices, together accounting for more than 25% of the proposed development. In fact, Air-line offices on the scale of over 66,000 Sq.ft. could not be justified as an essential amenity for hotel guests. The Committee expressed a doubt whether higher FSI than the one provided by the D.C. Rules was permissible in case of a luxury hotel when a substantial portion of such hotel was intended to be used for office purposes not directly related to the normal activities of a hotel.

The Committee felt that the pleas made by the applicant and considerations of the need for catering to tourist traffic and the potential for augmenting Government and municipal revenues were not relevant in the context of the manifest effect of the proposal on the overall development of the Bombay Metropolitan Region. Such pleas were also to be seen against the background of the fact that any such development in the B.B.R. Area at the southernmost tip of the city would severely strain the civic services and involve a disproportionately large social cost to the community.

The proposed development would immediately generate a considerable amount of additional traffic, which the existing road net-work in the vicinity of the hotel is not designed to absorb. The resulting congestion will create serious traffic bottle-necks not only in the immediate vicinity of the hotel, but also on the roads surrounding and leading to the hotel. The parking space already provided for and now proposed to be provided is far short of the requirements, and this would further interfere with and slow down traffic.

The.....

The Committee, therefore, concluded that if the desired permission were granted, the overall development of the Metropolitan Region is likely to be affected adversely. The application was, therefore, rejected.

Application No.89/9/2/78 (Maharashtra Rajya Sahakari Sakhar Karkhana Sangh Ltd.):

The Committee considered the application, and noted that the proposal envisaged utilisation of 3.5 FSI of Plot No.230 BBR, Block III, for office purpose.

The Committee noted that, while the Federation and its constituent units (break-up of which is not provided by the applicant) would occupy some 25,000/(or 20,000 according to the Plan) Sq.ft., as against its present accommodation of 3000 Sq.ft. only at Ballard Estate, it would provide to the BEST for its receiving station and offices (on nominal lease rent of Re.1/- per year for land) about 18,000 Sq.ft. and commercially utilise another about 53,000 Sq.ft. area.

The Committee noted that the information regarding the No. of employees to be accommodated in the office area by the Federation (and its constituent units) and by the BEST had not been furnished.

The Committee felt that prima facie (in the absence of the information furnished by the applicant) the proposed office area for the Federation (and its constituent units) was far in excess of their reasonable requirements. Even the minimum essential requirements of the BEST for office space required a closer scrutiny, which was not possible in the absence of any relevant information.

The Committee noted that the plea of the applicant that the Federation should have its offices at Nariman Point was not supported by any reasons, and felt that, there was no reason why the Nariman Point location was considered essential.

The Committee also considered the plea that commercial ~~revel~~ utilisation of the large floor area was necessary to make the project viable, but did not find it relevant.

The Committee observed that the proposal was mainly intended for commercial utilisation of the FSI, a major portion of the floor space being meant for being hired

out to.....

out to other parties. The proposed development in the B.B.R. Area, at the southernmost tip of the City, would severely strain the public transport and other civic services and involve a disproportionately large social cost to the community. These considerations had weighed with the Committee, when similar applications were uniformly rejected, and there was no reason to make any exception in the present case. The Committee, therefore, felt that, if the desired permission were granted, the overall development of the Metropolitan Region is likely to be affected adversely. The application was, therefore, rejected.

The Committee then passed the following Resolution:-

RESOLUTION 85 :- Resolved that, in exercise of the powers conferred on it by clause (v) of sub-section (2) of Section 7 of the BMRDA Act, 1974, read with sub-section (1) of Section 13 of the said Act, and all other powers enabling it in this behalf, the Committee hereby refuses permission, on behalf of the Authority, under sub-section (3) of Section 13 of the said Act, to persons and authorities, who have presented applications, bearing the following registration numbers, for the reasons recorded in the minute :-

- (1) 80/10/1778;
- (2) 81/12/1/78;
- (3) 88/7/2/78; and
- (4) 89/9/2/78.

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