

MINUTES OF THE TWENTYFIFTH MEETING
OF THE EXECUTIVE COMMITTEE, BMRDA.

Date : April 28, 1978.

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

Members Present :

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

Shri B.N. Adarkar, Chairman, Transport and
Communications Board, BMRDA - Member.

Shri G.H. Lalwani, Secretary to the Govt. of
Maharashtra, Urban Development & Public
Health Department, Mantralaya, Bombay - Member.

Shri B.S. Dhavle, Managing Director, CIDCO,
Bombay - Member.

Shri S.D. Sule, Secretary, Executive Committee, BMRDA.

Invitees :

The Financial Adviser, BMRDA.

The Member-Secretary, Housing, Urban Renewal
& Ecology Board, BMRDA.

The Member-Secretary, Transport & Communications
Board, BMRDA.

The Member-Secretary, Water Resources Management
Board, BMRDA.

The Legal Adviser, BMRDA.

Shri S.V. Patel of the Consultants.

In the absence of the Chief Secretary, the Metropolitan
Commissioner and Vice-Chairman of the Executive Committee,
presided at the meeting.

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

The minutes were confirmed.

Item No. 2 : Action taken on the minutes of the last
(Twentyfourth) meeting, held on 27-3-78.

Noted.

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

The applications bearing the following registration

numbers....

numbers were placed on the Table :-

- | | |
|-----------------|------------------|
| (1) 96/9/3/78 | (2) 97/15/3/78 |
| (3) 98/16/3/78 | (4) 99/16/3/78 |
| (5) 100/18/3/78 | (6) 101/28/3/78. |

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

- (1) Application No. 96/9/3/78 (Shri Jethalal L. Maniar and Others.)

The Committee considered the application, and noted that the additional information required for the consideration of the application, which was called for under the BMRDA letter, dated the 13th April, 1978, had not been furnished by the applicant. The application was, therefore, rejected. The Committee added that the applicant may make a fresh application with the relevant information, if he so desired.

- (2) Application No. 97/15/3/78 (Shri Sushilkumar C. Loyalka).

The Committee considered the application, and noted that the proposal was for construction of residential building with shops, having a floor area of 2590.21 sq.mtrs. (FSI 1.66). The existing tenants are only 3 in number, and occupy a floor area of 271 sq.mtrs. only. The number of tenements now proposed is 26, including 3 for the existing residential tenants. The Committee considered the plea of the applicant that the plans of the work had been approved in March, 1975, and that the revalidation of the I.O.D. had been refused only on the ground that N.O.C. under the Urban Land (Ceiling & Regulation) Act had not been submitted. The Committee considered that the plea was not relevant, and that, on merit, there was no justification for construction of a building having more than 1.33 F.S.I. The Committee 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.

- (3) Application No. 98/16/3/78 (Shri Ratilal Mistry).

The Committee considered the application, and noted that the proposal was for construction of a Service Industrial Estate with the floor area of 3070 sq.m. and FSI of 2. The plot in question is reserved for Industrial

Estate....

Estate as per the Development Plan of 'E' Ward. The BMC had approved the plans for the Service Industrial Estate with only 1.33 F.S.I. The Committee noted that the permissible F.S.I. under the Development Control Rules is only 1.66. One of the conditions on which the Corporation has granted the permission for construction upto 1.33 F.S.I. is that 25% of the galas on each floor of the building will be reserved for the Municipal Corporation for shifting of industries from non-conforming zones to conforming zones. According to the Industrial Location Policy in the BMR, as laid down in the State Government GR, IE & LD No.ILP 1976/103245, dated the 27th August, 1977, none of the industries located in non-conforming areas will be compelled to shift from their existing location, except those industries which are obnoxious or pose a danger to public health. The number of shifting industries has thus been reduced very considerably. Apart from this, the fact that a percentage of the galas is reserved for shifting industries cannot be a sufficient ground for the construction of a Service Industrial Estate in the City with an F.S.I. exceeding 1.33, particularly in the 'E' Ward, which is already extremely congested. The Committee 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.

(4) Application No.99/16/3/78 (Shri Brihad Bharatiya Samaj).

The Committee considered the application, and noted that the proposal envisages provision of a canteen by adding 113.09 sq.mtrs. to the existing area of 4894.79 sq.mtrs., raising the F.S.I. from 2.89 to 2.96. The permissible F.S.I. in the area, according to the D.C. Rules for Greater Bombay, is 2.45, which has already been exceeded with the permission of the State Government under Rule 10(2) of the D.C. Rules. The present proposal envisages additional construction to the extent of 0.07 F.S.I., which was permitted by Government by its letter, dated the 13th August, 1971. This permission was subject to the condition that the other requirements of the Development Control Rules are strictly fulfilled. The Architect to Govt. has taken objection to the proposed construction in the 20 feet rear compulsory open space, which cannot be permitted as per the Building Regulations and the General Estate Regulations in respect of Blocks I and II of the Backbay Reclamation scheme. The proposal

thus....

thus contravenes the condition in the Government letter regarding strict adherence to the other requirements of the D.C. Rules. The Committee also considered the plea of the applicant that the proposed canteen facility was essential from the point^{of}/view of the convenience of the distinguished persons, who attend the performances in the Bhulabhai Desai Auditorium, but felt that this could not justify the violation of the important provisions/of the D.C. Rules, as pointed out by the Architect to the Government. The Committee also took note of the fact that the existing canteen space was proposed to be utilised for storage, godown and office purposes. Having regard to the facts that the building had already consumed F.S.I. in excess of the D.C. Rules F.S.I. of 2.45, that the present proposal would violate the other requirements of the D.C. Rules and that there was an imperative need to restrict the tendency to utilise high F.S.I. in the 'A' Ward, with its over-concentration of economic activities, the Committee 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.

(5) Application No.100/18/3/78 (M/s.Haridas Vishram & Co.).

The Committee considered the application, and noted that the proposal was for a redevelopment involving the construction of two oil storage tanks covering an area of about 25 sq.m. and having a capacity of 50 tonnes each. The Committee considered the plea of the applicant that the proposed storage was intended to store edible oil, which was being imported in sizable quantity, and that the storage facilities should preferably be located in or around the dock area "so as to accelerate decantation movement of oil from steamers to save heavy demur age." The Committee noted that the proposed storage tanks were to be located in the already congested Sewri area, and that it was possible to speed up the movement of oil by pressing into service more oil tankers instead of by adding to the warehouse establishments in the city. There was thus no compelling reason for the location of the oil storage tanks in the vicinity of the docks. The Committee also took into account the fact that the entire plot in question fell within the alignment of the proposed widening of B.P.T. Road and the

Sewri.....

Sewri Bunder Road, and that the B.M.C. had expressed a view that it would not be advisable to allow further construction in the plot. The Committee 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.

(6) Application No.101/28/3/78 (Mr.Ivan Khan).

The Committee considered the application, and noted that the proposal was to provide an enclosure of the terrace portion of the building by covering the open terrace with A.C. sheets and enclosing it with glazed sliding shutters. The purpose was to provide sitting arrangement on the terrace. The Committee considered the plea of the applicant that the ajex roof, which had been provided previously, had been damaged by wind and rain, and noted that the present proposal (as also the previous arrangement) was in contravention of D.C. Rules No. 9(1) and 11(iv)(b). The Committee also observed that there was no justification to exceed the F.S.I. limit of 1.33. 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 No.95 : 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 these minutes :-

- (1) 96/9/3/78 (2) 97/15/3/78
- (3) 98/16/3/78 (4) 99/16/3/78
- (5) 100/18/3/78 (6) 101/28/3/78.

Item No. 4 : Relaxation of F.S.I. limit for hotel industry in Bombay.

The Secretary, Urban Development, read out, for the information of the members, a letter, dated the 31st January, 1978, addressed by the Union Minister for Works

& Housing....

& Housing to the Chief Minister, urging the State Govt. strongly to adopt a policy of dispersal of industries and other economic activities to smaller growth centres. He also informed the meeting the gist of the discussion between the Director (U.D.), Govt. of India, Ministry of Works & Housing, and himself on the same subject. During the discussion, the Secretary, U.D., had assured the Govt. of India representative that he would move the State Govt. to take expeditious action to implement the policy advocated by the Govt. of India in this matter. The Committee noted the contradiction in the policy advocated by the Ministry of Works & Housing, and the suggestions made by the Director, Government of India Tourist Office, for relaxation of FSI limit for hotels in Bombay. After discussing the Agenda Note in some detail, it was decided that the Director, Government of India Tourist Office, Bombay, should be invited to the next meeting of the Executive Committee so that the issues arising from her suggestion might be discussed with her fully. The consideration of the question was deferred to the next meeting.

Item No. 5 : Core staff requirements for Investment, Programming, Project Formulation etc.

The Committee considered the Agenda Note. While agreeing to the qualifications of the post, as advertised, and to the composition of the Selection Committee, it was felt that association of some more expert members might be desirable. The Committee then passed the following resolution :-

RESOLUTION No. 96 : In exercise of the powers conferred by Rules 7 and 8 of the Appointment of the staff (Procedure) Rules, 1977, the Executive Committee approves -

- (i) the qualifications of the post of Senior Urban/ Regional Planner, as shown in the Annexure to the Agenda Note; and
- (ii) the proposal to fill up the post by inviting applications for selection through public advertisement.

Resolved further that the Committee approves post facto the action taken by the Metropolitan Commissioner in adopting the job description and qualifications, as in the Annexure to the Agenda Note, while advertising the post.

Resolved....

Resolved further that the Executive Committee do and hereby set up the following Selection Committee to make a selection from the applications, that may be received for the post :-

- (1) Metropolitan Commissioner.
- (2) Chairman, HURE Board.
- (3) Secretary, Urban Development Department, Government of Maharashtra.
- (4) Director of Town Planning, Government of Maharashtra.

Resolved further that the above Selection Committee may co-opt one or two more member(s) as it may consider necessary.

Item No. 6 : Proposed reclamation at Jamshedji Bunder by the Bombay Port Trust.

The Chief Engineer, B.P.T., who was present on special invitation, explained the proposal for the benefit of the members. The Committee then considered the pros and cons of the proposal set out in the Agenda Note. The Committee noted that the C.W.P.R.S. had given a qualified clearance to the effect that the proposed reclamation would have no significant adverse effect on the harbour regime. The B.P.T. had sought to overcome the objection raised by the Fishermen's Society by reducing the area of the land to be reclaimed. The objections raised by the Strand Marg Association regarding inadequate civic amenities, narrow access, traffic bottle-necks and the loss of the promenade had not been fully met. The Committee felt that, it would not be in the overall interests of the metropolitan region to allow further reclamation in South Bombay even for the purpose of construction of residential quarters of a public sector organisation. If the permission were granted in this case, it would form a precedent, which should open a flood gate for similar demands by other organisations. Any such proposal for reclamation of land in South Bombay, even for residential purpose, is bound to put a further strain on the civic services, which were already over-stretched. The Committee, therefore, decided that the B.M.C. and the State Govt. should be advised that the proposal is not recommended by the BMPDA. The Committee then passed the following resolution :-

RESOLUTION No. 97 : Resolved that the B.M.C. and the State

Govt....

Govt. be advised that the Committee does not recommend the proposed reclamation at Jamshedji Bunder by the B.P.T.

Item No. 7 : Disposal of 'Matador' Mini bus.

The Committee considered the Agenda Note, and passed the following resolution :-

RESOLUTION No.98 : Resolved that the Committee, in exercise of the powers conferred by clause (vi) of sub-section (2) of Section 7 of the BMRDA Act, 1974, approves the sale of the 'Matador' Mini-Bus to the CIDCO at the depreciated value of Rs.48,000/-.

Item No. 8 : Providing Soft Boards for exhibition of plans, etc. in the office of the T. & C. Board.

The Committee considered the Agenda Note, and passed the following resolution :-

RESOLUTION No.99 : Resolved that the Executive Committee, in exercise of powers conferred by section 7(2)(vi) of BMRDA Act, 1974, and all other powers enabling it in this behalf, accords post facto approval to the work of providing and fixing to wall or partition $\frac{3}{4}$ " decorative display boards in the west wing of the 19th Floor of the New Administration Building occupied by the T. & C. Board at a cost of Rs.3,456.00.

Item No. 9 : Bombay Urban Transport Project - (BUTP) Periodical Progress Report.

The Committee noted the Progress Report.

Item No. 10 : Reporting cases of exercise of powers delegated by the Executive Committee.

The Executive Committee considered the Agenda Note, and passed the following resolution :-

RESOLUTION No.100 : Resolved that the cases of exercise of powers delegated by the Executive Committee reported in the Agenda Note, are noted.

Item No. 11 : Development of outlying areas of BMR and BMRDA's fund structure.

The Metropolitan Commissioner explained the issues posed in the Agenda Note for the consideration of the Committee. The Committee concurred in the proposal to move the State Govt. to make an annual contribution of not less than Rs. 5 crores to the BMRDA to enable it to promote projects and schemes in the outlying areas. The Committee also felt that BMRDA should be allowed to recoup its annual revenue

deficit,....

deficit, if any, attributable to its statutory and obligatory functions of planning, coordinating, monitoring, undertaking of surveys and studies, etc. from the annual contribution of not less than Rs. 5 crores under Section 18(1)(a) of the Act. The amount of such deficit, if any, is likely to be only a very small part of the said statutory contribution. The Committee also agreed that it was necessary to move the Government to make an appropriate one time capital grant in one or more instalments for meeting essential fixed capital expenditure of the Authority.

It was decided that the proposal should be amended accordingly and placed before the Standing Committee for its consideration.

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