

No. EXC/MFG/28.

357 357 (287)  
BOMBAY METROPOLITAN REGION  
DEVELOPMENT AUTHORITY,  
18th Floor, New Administrative  
Building, Madane Cama Road,  
Opp. Mantralaya, Bombay-400 032.

Date : July 28, 1978.

The minutes of the twenty-eighth meeting of the Executive Committee of the BMRDA, held on the 21st July, 1978, are enclosed.

Issued 29 JUL 1978

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

To

- The Chief Secretary to the Govt. of Maharashtra,  
General Administration Deptt., Mantralaya - Chairman.
- The Metropolitan Commissioner & Vice-Chairman,  
Executive Committee, BMRDA. *kind*
- The Chairman, T. & C. Board, BMRDA - Member. *plm*
- The Chairman, W. R. M. Board, BMRDA - Member.
- The Chairman, HURE Board, BMRDA - Member.
- The Municipal Commissioner, BMC - Member.
- The Secretary to the Govt. of Maharashtra,  
U.D. & F.H.D., Mantralaya, - Member.
- The Managing Director, CIBCO, Bombay - Member.

INVITEES :

- The Financial Adviser, BMRDA.
- The Dy. Metropolitan Commissioner, BMRDA.
- The Member-Secretary, HURE Board, BMRDA.
- The Member-Secretary, T. & C. Board, BMRDA.
- The Member-Secretary, W. R. M. Board, BMRDA.
- The Legal Adviser, BMRDA.
- The Consultants.

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MINUTES OF THE TWENTY-EIGHTH MEETING  
OF THE EXECUTIVE COMMITTEE, B.M.R.D.A.

Date : 21st July, 1978.

Time : 3.00 P.M.

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

Members present :

Shri L.S. Lulla, Chief Secretary to the  
Govt. of Maharashtra - Chairman.

Shri M.S. Palnitkar, Metropolitan Commissioner,  
BMRDA - Vice-Chairman.

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

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

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

Invitees :

The Financial Adviser, BMRDA

The Dy. Metropolitan Commissioner, BMRDA

Shri N.V. Merani, Member-Secretary, HURE Board.

Shri R.Y. Tambe, Member-Secretary, T&C Board.

Shri W.D. Bhide, Member-Secretary, WRM Board.

The Legal Adviser, BMRDA.

The Dy. Municipal Commissioner (Engg.), BMC.

The Chief Secretary had to leave the meeting after discussion on item No.3. The Metropolitan Commissioner, who is the Vice-Chairman of the Committee, presided in the absence of the Chief Secretary.

Item No. 1 : Confirmation of the minutes of the last  
(Twentyseventh) meeting held on 23-6-78.

The minutes were confirmed.

Item No. 2 : Action taken on the minutes of the last  
(Twentyseventh) meeting held on 23-6-78.

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) 118/29/5/78

(2) 122/30/5/78

(3) 124/9/6/78

(4) 125/12/6/78

(5) 126/15/6/78

(6) 127/19/6/78

Contd....

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| (7) 128/19/6/78  | (8) 129/20/6/78   |
| (9) 130/22/6/78  | (10) 131/27/6/78  |
| (11) 132/27/6/78 | (12) 133/28/6/78. |

(1) Application No.118/29/5/78 (M/s. Vikas Associates).

The Committee considered the application and heard the representatives of the applicant and of the Bank of Maharashtra, who were present by invitation. The representatives of the Bank of Maharashtra informed the Committee that the proposed ground floor and first floor area will be used for banking services and not as an administrative office of the bank. They also assured the Committee that the old premises of the Bank at Danodar Hall and Hindmata Printing Press building will not be used as an administrative office or for any other use not conforming to D.C. Rules. The Committee noted that the bank would serve a congested residential area outside the Central Business District of Bombay. The Committee, therefore, decided that the proposed development should be permitted.

(2) Application No.122/30/5/78 (M/s.Piramal Spg.& Wvg.Mills).

The Committee considered the application and the information furnished by the applicant subsequently in their letters, dated the 18th July, 1978 and the 21st July, 1978 respectively. It was noted that the Directorate of Industries (whose representative was present at the meeting by invitation) had already granted locational clearance for additional built up area to the mills to the extent of 6793 sq.mtrs. for the purposes of replacement, balancing equipments, modernisation and readjustment of machinery, subject to certain conditions regarding pollution control measures and conformation to the Regional Plan, under letter No.LAND/SAC(F)/E1/P-31/77/2661, dated the 12th April, 1978. Earlier, the BMC had observed that as per the approved plans, the existing built up area had already consumed 1.33 FSI. The applicant has represented that this was not correct, and that the area statement, submitted by them, according to which the FSI of the existing built up area is 0.95 and the FSI after the proposed development would be not more than 1.14, is correct. The Committee after taking into account these factors decided that the permission asked for viz. addition to existing building of the Textile Mills, raising the FSI of 1.14 should be permitted on the basis that (a) the FSI will not exceed 1.14 and (b) that there shall be no

increase....

increase in the area used as a 'wa-rehouse' in terms of the BMRDA Notification No.MC/RDM/3285/77; dated the 10th June, 1977.

(3) Application No.124/9/6/78 (Shri D.C. Shah and Others).

The Committee considered the application and noted that the proposal was to reconstruct the building for offices and storage facility connected with retail trade in iron and steel. The Committee considered the contention of the applicant that the plot is governed by the Town Planning Scheme and that there is no restriction on the FSI, and noted that the BMC had reported that the Regulations of the Town Planning Schemes had been suspended since the 25th June, 1973 and that the D.C. Rules were applicable to the proposed development. The proposed FSI is 5.3, which is far in excess of not only the limit of 1.3 under the BMRDA Notification, but even the FSI under the D.C. Rules, which is 1.66. The Committee further observed that the construction of office accommodation would aggravate the congestion in an already congested area of south Bombay. 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.

(4) Application No.125/12/6/78 (Office of the Trustees of the Parsee Panchayat Funds and Properties).

The Committee considered the application for addition to the existing residential building for the purpose of providing a gymnasium. According to the applicant, the existing FSI was 1.654, which was proposed to be increased marginally to 1.66. The Committee, however, noted that, according to the BMC, the total existing built up area is 5,12,228 sq.ft. against the permissible built up area of 5,00,666.80 sq.ft. with 1.66 FSI. The existing built up area is thus already in excess of the FSI under D.C. Rules, viz. 1.66, and any further addition, however marginal, would not be legally feasible. The application was, therefore, rejected.

(5) Application No.126/15/6/78 (Shri L.P. Pujari).

The Committee considered the application and noted that the proposal was for reconstruction of building, raising the existing FSI of 0.58 to 1.90. There were 56 existing residential tenants, who would be accommodated in one building and the applicant proposed to construct one more building to accommodate 44 new tenants. The Committee noted that

according.....

According to the BMC, the FSI proposed cannot be <sup>allowed</sup> as per the rules of Town Planning Schemes or the Development Control Rules, which also prescribed FSI of 1.33 in this area. The Committee felt that the addition of 44 new tenements in this area will increase congestion in an already congested area and that if the desired permission were granted, the overall development of the Metropolitan Region is likely to be affected adversely. The Committee also noted that it was not legally feasible to grant permission for FSI in excess of that prescribed under the D.C. Rules.

(6) Application No.127/19/6/78 (The Banda Nav Bharat Shikshan Prasarak Mandal).

The Committee considered the application, which envisaged change of use of the ground floor from school hall and store room to branch of a bank. The Reserve Bank had issued a licence and the proposed user did not include an administrative office. The bank would serve a residential area outside the Central Business District of Bombay. The Committee, therefore, decided that the proposed development should be permitted.

(7) Application No.128/19/ 6/78 (Premkrishan Mehra and Satyapal Mehra (Astoria Hotel)).

The Committee considered the application and noted that the proposal was to construct a new residential hotel with 3.49 FSI. The FSI in this area is 1.33 under the D.C. Rules for Greater Bombay as well as under the BMRDA Notification issued under Section 13 of the BMRDA Act, 1974. The Committee considered the plea of the applicant that the additional hotel accommodation was necessary to meet the growing tourist traffic and that in the absence of open plots of land for construction of hotel in south Bombay, it was necessary to construct hotels with higher FSI, and further that construction of hotel of a smaller size than the one proposed would be uneconomic. The Committee felt that the justification given in such general terms was not sufficient for grant of permission for the proposed development. A hotel attracts a lot of taxis. In this particular case, the position of the hotel location is extremely inconvenient due to its proximity to the junction of Nepean Sea Road and Mount Pleasant Road. It would be extremely difficult to regulate traffic at this point. The car and bus traffic in this area is already very heavy. Taking all factors into account, the Committee felt that if the desired permission

were granted....

were granted, the overall development of the Metropolitan Region is likely to be affected adversely. The application was, therefore, rejected.

(8) Application No.129/20/6/78 (Shri Zakaria K. Hawa.).

The Committee considered the application and noted that the proposal was to demolish 175.40 sq.mtrs. and add 191.14 sq.mtrs. i.e. a net addition of 15.74 sq.mtrs. only, raising the FSI from 1.64 to 1.66, which is the FSI prescribed under D.C. Rules. The intention was to improve the living space for the owner by effecting a better layout and arrangement of rooms. The Committee also noted that the B.M.C. had given I.O.D. on 19.5.1977 for the proposed development. Hence and in view of the marginal increase proposed for residential purpose, the Committee decided that the proposed development should be permitted.

(9) Application No.130/22/6/78 (Mr. Percy Jal Vakil).

The Committee considered the application for change of user of an area 2766 sq.ft. from a commercial establishment of L.P. Gas Distribution to the branch of a bank. The Reserve Bank of India had issued the licence for location of the bank. The bank will be using the basement area (580 sq.ft.) for safe deposit vault, Mezzanine (546 sq.ft.) for record and stationery, and ground floor (1640 sq.ft.) for normal banking service only. According to the BMC, as per the D.C. Rules as well as the Town Planning Scheme Rules in force in this area, there is no objection to allow the bank user. The bank will serve a residential area away from Central Business District of Bombay. The Committee, therefore, decided that the proposed development should be permitted.

(10) Application No.131/27/6/78 (Dr. G.V. Acharya).

The Committee considered the application for change of use of 183 sq.mtrs. area from Surgical and Nursing Home to branch of a bank. The proposal envisaged shifting of current accounts clearing and bills departments from the existing bank premises at Shivaji Park address, for which no licence from the Reserve Bank of India is necessary. The bank will serve a residential area outside the Central Business District of Bombay. The Committee, therefore, decided that the proposed development should be permitted.

(11)....

(11) Application No.132/27/6/78 (Smt. T.P. Vakil, Blue Flame Gas Service).

The views of the BMC were placed on the Table.

The Committee considered the application and noted that the proposal was to add 1114.52 sq.mtrs. to the existing built up area of 3555.11 sq.mtrs., raising the FSI from 1.5 to 2.0, mainly for residential purpose, with a godown on the ground floor. The Committee considered the contention of the applicant that she was entitled to FSI of 2.0, which had been allowed by Govt. for the reclamation area of the Maharashtra Housing Board in the reclaimed areas at Mahim and Bandra, that the plot in question was within the limit of Bandra Reclamation Scheme West touching S.V. Road and that the applicant had also reclaimed the land and cleared the slum dwellers on the plot. The Committee noted that the plot in question was outside the notified area of the Special Planning Authority for the Bandra-Kurla Complex and that the BMUDA Notification No.MC/RDM/3285/77, dated the 10th June, 1977 applied to the proposed development. In the opinion of the Committee, there is no justification for grant of FSI of 2.0 for the proposed development. The plot also abuts a main road near a busy junction. 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.

(12) Application No.133/28/6/78 (Shri Dhirajlal Magenlal).

The Committee considered the application and noted that the application was for construction of a building for residential purpose with 1.66 FSI. The Committee noted that the BMC had already issued a commencement certificate for construction of building restricting the FSI to 1.33 for ground plus four upper floors. There was no justification for any further construction beyond 1.33 FSI, particularly as the location was in a crowded area. A part of the area viz. 542.6 sq.mtrs. on the ground floor and basement would be used for storage and sale of goods produced in the flour mill at Dahisar. 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.

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The Committee then passed the following resolution :-

RESOLUTION NO. 105 : 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 -

(i) 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 :-

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|-----------------|------------------|
| (1) 124/9/6/78  | (2) 125/12/6/78. |
| (3) 126/15/6/78 | (4) 128/19/6/78  |
| (5) 132/27/6/78 | (6) 133/28/6/78. |

(ii) grants permission, on behalf of the Authority under sub-section (3) of Section 13 of the said Act, to -

(1) M/s. Vikas Associates (Application No.118/29/5/78) for change of user of ground floor and first floor i.e. a total area of 746.92 sq.mtrs. at C.S. No.138-B-2/74 of Parel-Sewree Division, R-577-(4D)ETC, Chamarbaugwala Road, 'F' south Ward, Bombay, from residence to branch of a bank.

(2) M/s. Piramal Spg. & Wvg. Mills Ltd. (No. 122/30/5/78) for addition to 6793 sq.mtrs. to the existing building of the Textile Mills, having an area of 32779.24 sq.mtrs., raising the FSI from 0.95 to 1.14, at C.S. No.71, plot No.2086 (1.3)/(5) Planet Mill street, 'G' south Ward, Bombay subject to the conditions that (a) FSI will not exceed 1.14 and (b) there shall be no increase in the area used as warehouse in terms of the BMRDA Notification No.MC/RDM/3285/77, dated the 10th June, 1977.

(3) The Banda Nav Bharat Saikshan Prasarak Mandal (No. 127/19/6/78) for change of use of ground floor (206.21 sq.mtrs.) from school hall and store room to branch of a bank, in the building on Plot No.100, St. Xavier Street, F/S Wwrđ, Bombay.

(4) Shri Lakaria K. Hawa (No.129/20/6/78) for a net addition of 15.74 sq.mtrs. (demolition of 175.40 sq.mtrs. and addition of 191.14 sq.mtrs.) raising the FSI from 1.64 to 1.66 for residential purpose, at plot No.143, Agripada West, Motlibai Street, 'E' Ward, Bombay.

(5) Mr. Percy....



(5) Mr. Percy Jal Vakil (No.130/22/6/78) for change of use of ground, mezzanine and basement, the total area being 2766 sq.ft., of the building on plot No.28, T.Kataria Marg, 'G' North Ward, Bombay from commercial establishment of L.P. Gas distribution to branch of a bank.

(6) Dr. G.V. Acharya (No.131/27/5/78) for change of use of ground floor (183 sq.mtrs.) of the building on plot No.86 of T.P.S. III, Mahim, Bal Govindas Road, G North Ward, Bombay, from Surgical and Nursing Home to branch of a bank.

Item No. 4 : Consultancy for preparing Feasibility Report for Thane Creek-Ulhas River-Inland Waterway Project.

The Committee considered the Agenda Note. The words and figures "Rs. 5/- crores" appearing in item 2 of the Agenda Note were corrected to "Rs. 5/- lacs". The Financial Adviser indicated his concurrence in the proposal. The Committee then passed the following resolution :-

RESOLUTION NO. 106 :- Resolved that the Executive Committee approves the proposal of the Metropolitan Commissioner to award the work of preparation of a financial and economic feasibility report for the proposed Thane Creek-Ulhas River-Inland Waterway Project, as required by the Government of India, to M/s. Tata Economic Consultancy Services without inviting quotations etc., as a special case, in view of the circumstances explained in the Agenda Note.

Resolved further that the Executive Committee authorises the Metropolitan Commissioner to negotiate the price for the study with the Tata Economic Consultancy Services in consultation with Member-Secretary, Transport and Communications Board and Financial Adviser.

Item No. 5 :- BMRDA Project for Water Supply, Sewerage Disposal Schemes in BMR to be posed to the World Bank for Financial Assistance - entrusting work of compilation of data on the project to M/s. Kirloskar Consultants Ltd.

The Committee considered the Agenda Note. The Member-Secretary asserted that the additional information about the project now proposed to be compiled was necessary. The Committee then passed the following resolution :-

RESOLUTION NO. 107 : Resolved that the Executive Committee approves.....

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approves the proposal to engage M/s. Kirloskar Consultants for the supplementary work of compilation of data on 22 items required in connection with processing the BMR project for Water Supply and Sewerage Schemes for areas in the BMR outside Greater Bombay at a cost of Rs.75,500/- and that the Metropolitan Commissioner is authorised to execute and contract with M/s. Kirloskar Consultants Ltd. for the work on behalf of the Authority in terms of proposals received from the Consultants.

Item No. 6 : BMRDA Project for Water Supply, Sewerage Disposal Schemes in Bombay Metropolitan Region outside Greater Bombay Area, to be posed to the World Bank for financial assistance under I.D.A. II- Appointment of Consultancy Services for Socio-Economic Study.

The Committee considered the Agenda Note. The details of the revised offer from M/s. Tata Institute of Social Services agreeing to complete the survey at a total cost of Rs. 1,50,000 was circulated at the meeting. The Committee then passed the following resolution :-

RESOLUTION NO. 108 : Resolved that the Committee approves the proposal to engage the Tata Institute of Social Sciences, Deonar, Bombay for conducting the Socio-Economic Study of the Bombay Regional Water Supply and Sewerage Project area at a cost of Rs.1,50,000/-.

Resolved further that the Metropolitan Commissioner is authorised to execute the contract, with Tata Institute of Social Sciences for the said work on behalf of the Authority after obtaining detailed terms of proposals from them.

Item No. 7 : Appointment of Senior Urban/Regional Planner.

The Committee deferred the consideration of the Agenda Note.

Item No. 8 : Purchase of one Mini-Bus and One Staff Car.

The Committee deferred the consideration of the Agenda Note.

Item No. 9 : Reporting cases of exercise of powers delegated by the Executive Committee.

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

RESOLUTION NO. 109 : Resolved that the cases of exercise of powers delegated by the Executive Committee, reported in the Agenda Note, are noted.

Item No. 10 : BMRDA Standing Order No. 3.

Noted.