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No. EXC/MTG/38.

BOMBAY METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
Griha Nirman Bhavan,
5th Floor, Bandra (East),
Bombay - 400 051.

Date : 24th July, 1979.

The minutes of the thirty-eighth meeting of the
Executive Committee of the Bombay Metropolitan Region
Development Authority, held on the 13th July, 1979, are enclosed.


(S. D. Sule)
Secretary,
EXECUTIVE COMMITTEE.

To:

- The Chief Secretary to the Govt. of Maharashtra
General Administration Deptt., Mantralaya. - Chairman.
- The Metropolitan Commissioner, B.M.R.D.A. - Vice-Chairman.
- The Chairman, T. & C. Board, B.M.R.D.A. - Member.
- The Chairman, W. R. M. Board, B.M.R.D.A. - Member.
- The Chairman, H.U.R.E. Board, B.M.R.D.A. - Member.
- The Municipal Commissioner, B.M.C. - Member.
- The Secretary to the Govt. of Maharashtra,
Urban Development Department,
Mantralaya, Bombay. - Member.
- The Managing Director, C.I.D.C.O. - Member.

INVITEES :

- The Financial Adviser, B.M.R.D.A.
- The Dy. Metropolitan Commissioner, B.M.R.D.A.
- The Member- Secretary, T. & C. Board, B.M.R.D.A.
- The Member-Secretary, W.R.M. Board, B.M.R.D.A.
- The Member-Secretary, H.U.R.E. Board, B.M.R.D.A.
- The Legal Adviser, B.M.R.D.A.

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MINUTES OF THE THIRTY-EIGHTH MEETING OF THE
EXECUTIVE COMMITTEE. BMRDA.

Date : 13th July, 1979.

Time : 3.00 P.M.

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

Members present :

Shri P.D. Kasbekar, Chief Secretary
to the Govt. of Maharashtra. **Chairman.**

Shri M. S. Palnitkar, Metropolitan
Commissioner, B.M.R.D.A. **Vice-Chairman.**

Shri B. N. Adarkar, Chairman,
T. & C. Board, B.M.R.D.A. **Member.**

Shri N.G.K. Murti, Chairman,
W. R. M. Board, B.M.R.D.A. **Member.**

Shri K. G. Paranjpe, Secretary to
the Government of Maharashtra,
Urban Development and Public
Health Department, Mantralaya,
Bombay. **Member.**

Shri L. C. Gupta, Managing Director,
C.I.D.C.O., Bombay - 400 021. **Member.**

Shri S. D. Sule, Secretary, Executive Committee, B.M.R.D.A.

Invitees

The Financial Adviser, B.M.R.D.A.

The Dy. Metropolitan Commissioner, B.M.R.D.A.

The Member-Secretary, HURE Board, B.M.R.D.A.

The Member-Secretary, T. & C. Board, B.M.R.D.A.

The Member-Secretary, W.R.M. Board, B.M.R.D.A.

The Dy. Municipal Commissioner (Engg.),
Bombay Municipal Corporation.

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

Item No. 1 : Confirmation of the Minutes of the last
(37th) meeting of the Executive Committee.

The minutes were confirmed.

Item No. 2 : Action

Item No. 2 : Action taken on the Minutes of the last (37th) meeting of the Executive Committee including statement of present status of action on past decisions.

The action taken on the minutes of the last (37th) meeting as well as present status of action on the past decisions reported in the annexure were noted.

Item No. 3 : Draft guide-lines for Section 13 applications.

The Committee considered the Agenda Note. After discussion, the draft guide-lines set out in para 9 of the Agenda Note, except the one at S.no.3 under "(II) office user", were accepted. It was agreed that the guide-lines in the Annexure to the Minutes should be adopted for examination of the applications under Section 13 of the BMRDA Act, 1974 by the offices of the BMRDA and the B.M.C. The individual applications will be considered by the Committee on merits.

With reference to the comments of the Legal Adviser, incorporated in para 10 of the Agenda Note, the Chairman felt that it would be desirable if the number of No Objection Certificates, particularly those where no policy consideration were involved, could be issued by any one suitable agency. It was agreed that this question would be considered further by the Secretary, Urban Development and Housing, in consultation with the Metropolitan Commissioner and Shri Venkatesan, Secretary to the Government. The Metropolitan Commissioner referred to the Government Notification, Urban Development No.DCR-1078/1785-UD-5, dated the 19th March, 1979, amending the Development Control Rules, which have a bearing on the provisions of the BMRDA Notification, issued under Section 13 of the B.M.R.D.A. Act, 1974, and which appear to call for a re-examination of the provisions of the BMRDA Notification. It was agreed that a note on this subject would be placed before the Executive Committee in due course.

Item No. 4 : Applications under Section 13 of the B.M.R.D.A. Act, 1974.

The applications bearing the following registration

numbers,.....

numbers were placed on the Table :

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|-----------------|------------------|
| (1) 199/18/5/79 | (2) 200/19/5/79 |
| (3) 201/19/5/79 | (4) 202/28/5/79 |
| (5) 203/30/5/79 | (6) 204/31/5/79 |
| (7) 205/05/6/79 | (8) 206/5/6/79 |
| (9) 207/13/6/79 | (10) 208/26/6/79 |

(1) Application No.199/18/5/79 (Shri S.D. Gogate) :

The Committee considered the application and noted that the proposal was for addition of 24 sq.mtrs. to the existing floor area of 1336.75 sq.mtrs. of a residential building. The Committee considered the plea of the applicant that the marginal increase in the floor area was required for the use of his own family. It was noted that the existing F.S.I. was 1.328, which would be increased to 1.352 after the proposed addition. The F.S.I. under the Development Control Rules in this area is 1.33. There is no provision in the D.C. Rules to grant F.S.I. exceeding the permissible F.S.I. for residential user. It would not, therefore, be legally feasible to grant the permission applied for. The application was, therefore, rejected.

(2) Application No.200/19/5/79 (Bhabha Atomic Energy) :

The application had since been withdrawn, It was not, therefore, considered.

(3) Application No. 201/19/5/79 (Mrs. A.G. Raut) :

The Committee considered the application and noted that the proposal was to add 254.98 sq.mtrs. to the existing factory building having a floor area of 1108.26 sq.mtrs., raising the F.S.I. from 1.75 to 2.15. As the factory has already consumed F.S.I. in excess of 1.33, there was no case for further exceeding the F.S.I. 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.202/28/5/79 (Shri Krishani Chandiram K.)

The Committee considered the application and noted that the proposal was to increase the residential accommodation in the building by making certain additions and alterations, which

would,.....

would add 70.35 sq.mtrs. residential area; though after demolition of the part ground floor (converting to stilt), the net total floor area would be reduced from 868.29 sq.mtrs, to 847.64 sq.mtrs. and the F.S.I. would be reduced from 1.46 to 1.424. The Committee noted that the proposed development required permission under Section 13 of the BMRDA Act, 1974 as the existing F.S.I. as well as the proposed F.S.I. exceeded 1.33. Though the F.S.I. would be reduced marginally, the net residential area, which already consumed F.S.I. in excess of 1.33 would be further increased. The Committee considered that under the circumstances, there was no justification for the proposed development.

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.

(5) Application No.203/30/5/79 (Shri C.M. Vashani) :

The Committee considered the application and noted that the proposal was to add 399.88 sq.mtrs. to the existing built-up area of 2880.00 sq.mtrs. raising the F.S.I. from 2.15 to 2.44. It also involved change of use from residential to office in respect of 563.79 sq.mtrs. on the 4th and the 5th floors of the building. The Committee considered the plea of the applicant that they had applied to the B.M.C. for consumption of F.S.I. of 2.45 with change of user from residential to commercial on the 7th October, 1974, and that but for the delay in processing the proposal, they would not have had to seek the permission of the BMRDA under Section 13 of the BMRDA Act, 1974. The B.M.C. had by its Resolution, dated the 23rd June, 1978, approved the proposal. The Committee, however, did not consider this to be a sufficient justification for increasing the F.S.I. for office user in south Bombay, where the traffic congestion is considerable.

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.

(6) Application No.204/31/5/79 (Chowki Mohalla Masjid) :

The Committee considered the application and

noted.

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noted that the proposal was for addition of 422.29 sq.mtrs. to the existing floor area of 717.31 sq.mtrs. of the mosque, raising the F.S.I. from 1.04 to 1.66, for extension of the prayer hall and additional class room of the school. The Committee considered the plea of the applicant that the present area of the mosque is insufficient to serve the masses gathering for the prayers and further that it is a building of charitable trust for the benefit of the public. The Committee, however, noted that there was scope for expansion of the existing floor area from 1.04 F.S.I. to 1.33 and felt that there was not sufficient justification for exceeding the F.S.I. of 1.33 in an area already congested.

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.

(7) Application No.205/5/6/79 (Shri Narayan Building Tenants Association.)

The Committee considered the application and noted that the proposal was to reconstruct the rear portion of the building which had collapsed in 1975. The existing F.S.I. of the building is 2.79 (after collapse). The proposal is to construct additional floor area of 122.47 sq.mtrs. increasing the F.S.I. to 3.35. The additional built-up area will be used for shops (30.61/ sq.mtrs.) and storage of office record (91.86 sq.mtrs.). The building being commercial did not fall within the purview of the Repairs Board. The Committee considered the plea of the applicant that the work of reconstruction is to be done for rehousing the original tenants on the premises. The proposed F.S.I. of 3.35 exceeds not only 1.33 but F.S.I. of 1.66 which was permissible under D.C. Rules. The Committee felt that there was no justification for construction of additional area for offices. Besides the Committee has no power to sanction F.S.I. in excess of that permissible under the D.C. Rules. 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.

(8) Application No.206/5/6/79(Bhabha Atomic Research Centre).

The Committee considered the application and noted that the proposal was to add 1146.06 sq.mtrs. to the existing floor area of 9173.07 sq.mtrs. in the Military Land Block No, VIII,

Colaba

Colaba, 'A' Ward for accommodating the office staff of the Power Projects Engineering Division of the Bhabha Atomic Research Centre, which were housed in the old Yacht Club Building. The Committee noted that the applicant had been allowed by the State Government to construct a building having floor area of 5313 sq.mtrs. in the Yacht Club premises for its offices. The Committee considered the plea of the applicant that the built-up area in the Yacht Club Building was not sufficient to house all the staff in the old Yacht Club Building, that the personnel of the P.P.E.D. working in the old Yacht Club Building were proposed to be accommodated in the new premises where major portion of the entire offices of the P.P.E.D. were already located. The Committee also considered the plea of the applicant that the proposed construction is temporary as a new permanent bldg. for the entire P.P.E.D. offices was under consideration. The Committee, however, felt that there was no justification for a net addition to the office space occupied by the B.A.R.C. Department in South Bombay, particularly as the State Government had already allowed them the total floor space more than that applied for by them at the Yacht Club premises. The Committee noted that the P.P.E.D. offices had to deal with a number of offices of the Atomic Energy Department, which were located outside Bombay. The Committee, therefore, felt that the entire P.P.E.D. offices should be located at a suitable place outside Bombay City.

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.

(9) Application No.207/13/6/79 (M/s. Pankhibai Hirachand & Others.)

The Committee considered the application and noted that the proposal was to locate the branch of the United Western Bank Ltd. in an area of 550 sq.ft. by converting the change of user from residential to branch of a bank. The proposal is in the nature of a purely temporary arrangement until the dilapidated building in which the branch of the Bank is at present located is reconstructed by the Repairs Board. The Bank had already received

notice.....

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notice from the BHADB for vacating the premises which had been declared as "beyond repairs". The Committee, therefore, felt that the proposed development should be permitted subject to the conditions that (a) the user of the accommodation in the building in question should revert to residential as soon as suitable alternate accommodation is available for the bank elsewhere, or in the reconstructed Laxmy Sadan Building and (b) that on occupation of the new premises in the Hira Bhavan building temporarily, the existing premises in the Laxmy Sadan should be vacated by the Bank.

(10) Application No.208/26/6/79 (Indian Cancer Society).

The Committee considered the application and noted that the Society proposed to construct a building for housing Research Laboratory, Doctors' Clinic and residential quarters for doctors and nursing staff, having a total floor area of 4602.60 sq. mtrs. with F.S.I. of 2.41. The Committee noted that the land under reference had been granted to the Society by Government in R. & F. D. under its letter, R. & F. D. No.LBL 2576/247301 G8, dated the 27th February, 1978. The State Government had prescribed percentages for utilisation of accommodation for specified purposes. The area proposed to be utilised by the Society for various purposes, differed considerably from the percentage areas prescribed by Government for such purposes. The Committee, therefore, decided that the application should be rejected. The Society should be advised to get the prescribed percentage of utilisation of area amended by the State Government to conform with their proposal. It may then approach the BMRDA again in the matter.

The Committee then passed the following resolution :

RESOLUTION NO. 135 :

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

these minutes :

- | | |
|-----------------|-----------------|
| (1) 199/18/5/79 | (2) 201/19/5/79 |
| (3) 202/28/5/79 | (4) 203/30/5/79 |
| (5) 204/31/5/79 | (6) 205/5/6/79 |
| (7) 206/5/6/79 | (8) 208/26/6/79 |

(II) grants permission, on behalf of the Authority under sub-section (3) of Section 13 of the said Act, to M/s. Pankhibai Hirachand & Others (Application No. 207/13/6/79) for change of use of 550 sq.ft. floor area on the 1st floor of Hira Bhavan, 3A/7399, Plot No. 594, 234/238, V.P. Road, 'D' Ward, Bombay, from residential to branch of United Western Bank Ltd. on the conditions that (a) the user of the accommodation in the building in question should revert to residential as soon as a suitable alternate accommodation is available for the Bank elsewhere, or in the reconstructed Laxmy Sadan Building and (b) that on occupation of the new premises in the Hira Bhavan building temporarily, the existing premises in the Laxmy Sadan should be vacated by the Bank.

Item No. 5 : Distribution of the cost of the channelisation over the disposable lands in the Bandra-Kurla Complex on Prorata basis.

The Agenda item was withdrawn with the permission of the Committee.

✓ Item No. 6 : BMRDA Project for water supply, sewerage and disposal schemes in BMR to be posed to World Bank for financial assistance entrusting work of compilation of data on the work of M/s. Kirloskar Consultants Limited - Supplementary Agreement for the.

The Committee considered the application and passed the following Resolution :

RESOLUTION NO. 136 :

Resolved that the Executive Committee sanctions the extension of time from 15.10.1978 to 12.4.1979 for the supplementary agreement entered into with M/s. Kirloskar Consultants for compliance of information on 22 items in connection with feasibility report for India-Maharashtra Water Supply and Sewerage Project (BMRDA).

Resolved.....

Resolved further that the action taken in making payment of two bills of Rs.23,400/- each on 27.10.1978 and 14.12.1978, in anticipation of the Executive Committee's sanction to the extension of the period of contract, is also ratified.

Item No. 7 : Application for recognition to the BMRDA Employees Union.

The Committee considered the Agenda Note. It was noted that the conditions proposed for granting recognition were on the lines of the rules prescribed by Government under the Bombay Civil Services (Conduct, Discipline & Appeal) Rules. The Committee then passed the following Resolution :

RESOLUTION NO. 137 :

Resolved that the BMRDA Employees Union should be granted recognition, subject to the conditions specified in para 5 of the Agenda Note.

Item No. 8 : Five day week for BMRDA Office.

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

RESOLUTION NO. 138 :

Resolved that the Committee hereby approves the proposal that the offices of the BMRDA should work a five days week, subject to the condition that the total working hours in a month are not less than 168½ hours.

Item No. 9 : Consultants' Report on Funds Management and Loans Fund Operations.

Noted.

Item No.10 : Design of the office building in 'E' Block in Bandra-Kurla Complex.

A note was circulated at the meeting. It was noted.

(Annexure).....

ANNEXURE (Item No. 3)

GUIDE-LINES FOR EXAMINATION OF APPLICATIONS UNDER SECTION 13 OF THE B.M.R.D.A. ACT, 1974

(I) Residential user :

Reconstruction/re-development of predominantly residential property may be considered favourably in suitable cases to the extent mentioned below, subject to the condition that all the existing residents are rehoused in the same premises after reconstruction/re-development :

- (i) Where the actual used up F.S.I. prior to reconstruction/re-development is not more than 1.33, reconstruction/redevelopment may be allowed upto 1.33 or the F.S.I. prescribed under the D.C. Rules, whichever is less.
- (ii) Where such actual used up F.S.I. is more than 1.33, but less than the F.S.I. prescribed under the D.C. Rules, reconstruction/redevelopment may be permitted upto the actual used up F.S.I. prior to reconstruction/redevelopment.
- (iii) Where such actual used up F.S.I. is more than both 1.33 and the F.S.I. prescribed under the D.C. Rules, reconstruction/redevelopment may be permitted upto the F.S.I. prescribed under the D.C. Rules.
- (iv) A property would be considered to be predominantly residential, if the residential user occupies about 66% of the floor area. In such cases the area proposed for non-residential user in the new building should not ordinarily exceed the area of such user prior to the proposed reconstruction/redevelopment. The F.S.I. should be computed in accordance with the Development Control Rules in force. The credit for area surrendered for roads and reservation for public amenities should also be granted as per the D.C. Rules.

(II) Office user :

Construction, reconstruction, addition or change of user for office purpose may be considered favourably in the following cases :

- 1. Where the office in question has a demonstrable nexus with Bombay City, e.g. Bombay Telephones,

Mazgaon.....

Mazgaon Dock, etc.

- 2. Location of branches of banks where the Reserve Bank of India has issued licence for location of the bank in the particular area.

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where the actual used up F.S.I. prior to reconstruction is not more than 1.33, reconstruction/redevelopment may be allowed upto 1.33 of the F.S.I. prescribed under the D.C. Rules, whichever is less.

(ii) Where such actual used up F.S.I. is more than 1.33 but less than the F.S.I. prescribed under the D.C. Rules, reconstruction/redevelopment may be permitted upto the actual used up F.S.I. prior to reconstruction/redevelopment.

(iii) Where such actual used up F.S.I. is more than both 1.33 and the F.S.I. prescribed under the D.C. Rules, reconstruction/redevelopment may be permitted upto the F.S.I. prescribed under the D.C. Rules.

(iv) A property would be considered to be predominantly residential, if the residential user occupies more than 50% of the floor area. In such cases the area proposed for non-residential user in the new building should not exceed the area of such user prior to the proposed reconstruction/redevelopment. The F.S.I. should be computed in accordance with the Development Control Rules in force. The credit for area surrendered for roads and reservation for public amenities should also be granted as per the D.C. Rules.

(ii) Office user

Construction, reconstruction, addition or change of user for office purpose may be considered favourably in the following cases:

1. Where the office in question has a demonstrable nexus with Bombay City, e.g. Bombay Telephone, Mazgaon...