

(48)

MINUTES OF THE FORTY-EIGHTH MEETING OF EXECUTIVE COMMITTEE

B.M.R.D.A.

Date : 28th April, 1980.

Time : 11.30 A.M.

Place : Committee Room, BMRDA, Bandra.

MEMBERS PRESENT :

Shri P.G. Gavai, Chief Secretary to Govt of Maharashtra, General Administration Department, Mantralaya.	Chairman.
Shri M.S. Palnithar, Metropolitan Commissioner, B.M.R.D.A.	Vice-Chairman.
Shri B.N. Adarkar, Chairman, Transport & Communications Board.	Member.
Shri N.G.K. Murti, Chairman, Water Resources Management Board.	Member.
Shri L.C. Gupta, Managing Director, C.I.D.C.O., Bombay 400 021.	Member.
Shri S. Ramamoorthi, Secretary, U.D. & P.H. Department.	Member.

Shri B.S. Pradhan, Secretary, Executive Committee, BMRDA.

INVITEES :

The Financial Adviser, BMRDA.  
The Member Secretary, H.U.R.E. Board, BMRDA.  
The Member Secretary, T. & C. Board, BMRDA.  
The Member Secretary, W.R.M. Board, BMRDA.  
The Dy. Metropolitan Commissioner, BMRDA.  
The Dy. Municipal Commissioner (Shri Patwardhan).  
The Legal Adviser, BMRDA.

Item No. 1 : Confirmation of the minutes of the last  
(47th) Meeting.

The minutes were confirmed.

Item No. 2 : Action taken on the minutes of the last  
(47th) meeting as well as progressive  
action on the past decisions.

The action taken was noted.

Item No. 3 .....

Item No. 3 : Revision of form in which action on past decisions is reported to Executive Committee so as to avoid repetitive reports on some items taking longer time for action.

The Committee considered the agenda item and decided that the statement of action on past decisions of the Executive Committee may be split up in two parts, viz :

(a) items on which action can be taken in a short period, and (b) items on which only a long term action is feasible. The statement in respect of (a) should be submitted to the Executive Committee as per the practice followed so far, and the statement in respect of (b) should be submitted once in a quarter. It was suggested that quarterly submission of statement in respect of (b) may be made at the first meeting held in January, April, July and October every year.

The Metropolitan Commissioner directed that a register of all the decisions of the Executive Committee should be maintained and at the end of the calendar year, a review statement should be submitted to the committee. This review statement should contain remarks of the heads of the functional units, explaining causes for delay/slow progress etc.

Item No.4 : Applications for permission under Section 13 of the BMRDA Act, 1974.

Before the applications (placed before the Committee) were taken up for consideration, a general issue regarding how the BMRDA notification stands vis-a-vis the Development Control Rules was considered by the Committee. The Metropolitan Commissioner said that he would soon be preparing a paper on how the applications for various types of developments may be treated, since some developments like the hotels catering to the tourists, need to be encouraged in suburban areas so as to channelise the increasing flow of tourist traffic to the suburbs, whereas certain other developments such as banks, hospitals, schools etc. which were in the public interest would need special consideration. This paper would be forwarded to Govt. with a request to give consideration to the proposals made therein and return the same to BMRDA to serve as guidelines to the Executive Committee for considering similar applications received thereafter. The Committee endorsed the Metropolitan Commissioner's views

and.....

and further decided that until such guidelines become available, the applications which are received by the BMRDA under section 13 of the Act for developments in excess of the provisions of the Development Control Rules and which are not acceptable for that reason, may be rejected on the ground that they are not permissible under the BMRDA Act.

The applications bearing the following Registration Nos. were then taken up for consideration :-

- |                 |                 |
|-----------------|-----------------|
| (1) 265/3/3/80  | (5) 269/20/3/80 |
| (2) 266/6/3/80  | (6) 270/24/3/80 |
| (3) 267/10/3/80 | (7) 271/28/3/80 |
| (4) 268/18/3/80 | (8) 272/28/3/80 |

- (1) Application No.265/3/3/80 (The Controller of Projects, Hotel Corporation of India Limited, Centaur Hotel).

The Committee considered the application and noted that the proposal was for addition to a hotel building known as Centaur Hotel at Nehru Road, in "K" Municipal Ward, enhancing the floor area from 26,178.85 m<sup>2</sup> to 35,584 m<sup>2</sup> and F.S.I. from 1.00 to 1.39. The Committee noted that the existing building has already consumed the F.S.I. permissible under the D.C. Rules and that the F.S.I. asked for was higher than what is permissible under the D.C. Rules. The application was rejected, as it was not permissible under the BMRDA Act.

- (2) Application No.266/6/3/80 (The Chief Trustee, Tulsi Niwas Trust, Churchgate, Bombay 20.).

The Committee considered the application and noted that the proposal was for addition of floor area of 264.31 m<sup>2</sup> to an existing building known as "Tulsi Niwas" at "D" Road Churchgate, thereby enhancing the F.S.I. from 2.99 to 3.15. The Committee also noted the contention of the applicant that the additional construction was proposed to compensate for an equal area in the building used for religious purposes. The Committee did not consider this as an adequate reason for additional construction in the already

congested....

congested areas of South Bombay. Moreover, the F.S.I. asked for was more than the F.S.I. admissible 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 adversely affected. The application was, therefore, rejected.

- (3) Application No.267/10/3/80 (Mr. P. Zaveri and Others, M/s. United Builders, 192, Zaveri Bazar, 3rd floor, Bombay 400 002).

The Committee considered the application and noted that the proposal was for change of user of premises with a floor area of 521.73 m<sup>2</sup> on the ground floor of Manisha Apartment, Sayani Road, G/South Municipal Ward from shop to regional office and Branch of Indian Bank. The Committee noted that the proposal would result in net addition to office area in the already congested areas of the island city of Bombay. The Committee, therefore, felt that if the desired permission were granted, the overall development of the Metropolitan Region is likely to be adversely affected. The application, was, therefore, rejected.

- (4) Application No.268/18/3/80 (The Managing Director, Hotel Transit Pvt. Ltd., Off Nehru Road, Vile-Parle (East), Bombay 400 057).

The Committee considered the application and noted that the proposal was for addition of an area of 443.32 m<sup>2</sup> to hotel building known as Hotel Transit Pvt. Ltd., Off Nehru Road, Vile-Parle (East) in 'K' East Ward of Greater Bombay, thereby enhancing the F.S.I. from 1.00 to 1.50. The Committee noted that the existing building has already consumed the F.S.I. permissible under the D.C.Rules and that the F.S.I. asked for was higher than what is permissible under the D.C.Rules. The application was rejected as it was not permissible under the BMRDA Act.

- (5) Application No.269/20/3/80 (Secretary, Pioneer Public School Association Trust, Gokhale Road, Dadar).

The Committee considered the application and noted that the proposal was for change of use of an area of 265.00 m<sup>2</sup> at Pioneer High School, Matunga Estate. (North), Bombay 28,

from.....

484

from school to head office of South Indian Co-operative Bank Ltd. The Committee noted that the proposal would result in net addition to office area in the already congested areas of the island city of 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.

- (6) Application No.270/24/3/80 (Shri P.B. Cooper, Atlanta, Nariman Point, Bombay 21.)

The Committee considered the application and noted that the proposal was for change of use of an area of 383.54 m<sup>2</sup>, plot No.14, Harbour Crest, Mazgaon Road, in 'F' Municipal Ward from residence to head office of Konkan Mercantile Co-operative Bank Ltd. The Committee noted that the proposal would result in addition to net office area in the already congested areas of the island city of 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.

- (7) Application No.271/28/3/80 (Director, Vijay Deep Hotels Private Ltd., 244, Waterfield Road, Bombay-50)

The Committee considered the application and noted that the proposal <sup>was</sup> for an additional F.S.I. of 1.19, over and above the F.S.I. of 1.00 as per the sanctioned plan for construction of residential tourist hotel at Plot No.100, Nehru Road Extn., Vile-Parle(East). The Committee noted that the F.S.I. asked for was not permissible under the D.C.Rules. Moreover, the proposal would generate traffic of high intensity very near the signalised Western Express Highway junction. The application was rejected, as it was not permissible under the BMRDA Act.

- (8) Application No.272/28/3/80 (The Controller of Projects, Hotel Corporation of India Limited, Centaur Hotel, Santacruz.)

The Committee considered the application and noted that the proposal was for construction of a 5-Star Hotel building at Plot.No.CTS 859 & 561/5, on junction of Juhu....

of Juhu Tara Road and Birla Lane, in 'K' (West) Municipal Ward with an F.S.I. of 1.5. The Committee noted that the F.S.I. asked for was higher than what is permissible under the D.C. Rules. The application was rejected as it was not permissible under the EMRDA Act.

The Committee then passed the following Resolution :

RESOLUTION NO. 165 :

Resolved that, in exercise of the powers conferred on it by clause (v) of Section (7) of the EMRDA 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 the permission on behalf the Authority under sub-section (3) of Section 13 of the said Act, to persons and authorities, who have presented the applications bearing the following registration numbers, for the reasons recorded in these minutes :

- |                 |                 |
|-----------------|-----------------|
| (1) 265/3/3/80  | (5) 269/20/3/80 |
| (2) 266/6/3/80  | (6) 270/24/3/80 |
| (3) 267/10/3/80 | (7) 271/28/3/80 |
| (4) 268/18/3/80 | (8) 272/28/3/80 |

Item No. 5 : Communication of decisions of the Executive Committee on the applications received under Section 13 of the E.M.R.D.A. Act, 1974.

In view of the discussion held and decision taken before considering the applications under Section 13 tabled before the Committee, vide agenda item No. 4 above, it was decided that the applicants may be given a brief reply as proposed in Annexure to the agenda item subject to the decision recorded in item No. 4.

Item No. 6 : EMRDA Notification under Section 13 of EMRDA Act, 1974. Delegation of powers to the Metropolitan Commissioner.

The Committee reconsidered the issue of delegation of powers to M.C. for deciding some of the applications received under Section 13. After some discussion there was a consensus of opinion of the Committee that a delegation to the Metropolitan Commissioner for considering some of the applications received under Section 13 was not necessary. The Committee decided to withdraw its Resolution No. 154 passed at the 44th meeting held on 22nd January, 1980. The Committee then passed the following Resolution :

RESOLUTION NO. 166 :

Resolved that the Resolution No. 154 passed by the Executive...

491

Executive Committee at its meeting held on 22nd January, 1980 should be withdrawn.

Item No. 7 : Revision of Water Resources Study of B.M.R. and the Bombay Hydrometric Area.

The Committee considered the agenda item and passed the following Resolution :

RESOLUTION NO. 167 :

RESOLVED THAT the Committee approves the proposal to engage Shri B.C. Kabre, retired Chief Engineer and Joint Secretary of the Irrigation Department as an expert Engineer for the revision of water resources study in BMR/HMA at a cost of Rs. 18,200/- and as per terms and conditions mentioned in his letter dated 29th December, 1979, with the TERMS OF REFERENCE enclosed with the item .

Item No. 8 : Techno-Economic Feasibility Surveys for Railway siding from Kalwa-Turbhe.

The Committee considered the agenda item and passed the following Resolution :

RESOLUTION NO. 168 :

Resolved that in exercise of powers conferred by sub-section 2(vi) of section 7 of the Bombay Metropolitan Region Development Authority Act 1974, and all other powers enabling it in this behalf, the Executive Committee hereby ex-post-facto sanctions the payment of an amount of Rs. 2.93 lakhs to the Rail India Techno-Economic Services, for carrying out the techno-economic feasibility survey for the proposed railway siding from Kalwa to Turbhe along with the Thane Creek foreshore area.

RESOLVED further that the Member-Secretary, Transport and Communications Board is hereby authorised to execute the contract with M/s. Rail India Technical and Economic Services and also to consider and permit such minor changes in the work programme or details of study as may be necessary provided that the cost does not exceed beyond Rs.2.93 lakhs as mentioned above.

Item No. 9 : Upgrading the post of Statistician in the Transport & Communications Board.

The consideration of the agenda item was postponed.

Item No.10 : Creation of a post of Superintending Engineer, one post of Executive Engineer and one post of Stenographer.

The Agenda item was withdrawn.

Item No.11.....

Item No.11 : To consider creation of shadow posts.

The agenda item was considered by the Executive Committee. It was decided that supernumerary posts may be created for a period of one month only, prior to transfer of the persons holding the following posts :-

<u>Sr.No.</u>	<u>Posts</u>
1.	Member-Secretary, H.U.R.E. Board.
2.	Member-Secretary, T. & C. Board.
3.	Member-Secretary, W.R.M. Board.
4.	Lands Officer.
5.	Head of the Traffic Planning & Evaluator Sub-Committee.

The Committee passed the following Resolution .

RESOLUTION NO.169 :

RESOLVED THAT in pursuance of the powers delegated in the Resolution No.38 of the Standing Committee, Executive Committee hereby sanctions creation of supernumerary posts for the duration of one month at a time so that any new person appointed against any of the following posts can work as under-study and familiarise himself with the work.

<u>Sr.No.</u>	<u>Posts</u>
1.	Member-Secretary, H.U.R.E. Board.
2.	Member-Secretary, T. & C. Board.
3.	Member-Secretary, W.R.M. Board.
4.	Lands Officer.
5.	Head of the Traffic Planning & Evaluation Sub-Committee.

Item No.12 : Creation of Posts of Economist and Dy.Engineer for Project Leader's Unit for preparation of a Report about the infrastructure for Nhava-Sheva Port.

The appointments and the purchases reported were noted by the Committee.

The Chairman welcomed Shri S. Ramamoorthi who had taken over as Secretary, Urban Development, as a new member of the Committee.

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

~~~~~