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No. EXC/MTG/49.

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

June 13, 1980.

The minutes of the forty-ninth meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 7th June, 1980, are enclosed.

*B. S. Pradhan*

( B. S. PRADHAN )  
Secretary,  
EXECUTIVE COMMITTEE.

To

- The Chief Secretary to the Govt. of Maharashtra,  
General Administration Department, 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., Bombay. - Member.
- The Managing Director, C.I.D.C.O. - Member.
- The Secretary to the Govt. of Maharashtra,  
Urban Development Department, Mantralaya,  
Bombay. - 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.
- The Urban Planner, B.M.R.D.A.

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(49)

MINUTES OF THE FORTY-NINTH MEETING OF  
THE EXECUTIVE COMMITTEE, BMRDA.

Date : 7th June, 1980.

Time : 3.00 P.M.

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

MEMBERS PRESENT :

|                                                                     |                |
|---------------------------------------------------------------------|----------------|
| Shri P.G. Gavai,<br>Chief Secretary to the<br>Govt. of Maharashtra. | Chairman.      |
| Shri M.S. Palnitkar,<br>Metropolitan Commissioner,<br>B.M.R.D.A.    | Vice-Chairman. |
| Shri N.G.K. Murti,<br>Chairman, W.R.M. Board,<br>B.M.R.D.A.         | Member.        |
| Shri B.N. Adarkar,<br>Chairman, T. & C. Board,<br>B.M.R.D.A.        | Member.        |
| Shri C.M. Correa,<br>Chairman, H.U.R.E. Board,<br>B.M.R.D.A.        | Member.        |
| Shri L.C. Gupta,<br>Managing Director,<br>C.I.D.C.O., Bombay-21.    | Member.        |
| Shri S. Ramamoorthi,<br>Secretary, U.D. & P.H.D.,<br>Mantralaya.    | Member.        |

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

INVITEES :

The Financial Adviser, B.M.R.D.A.  
The Ex-Member Secretary, H.U.R.E. Board, BMRDA.  
The Member Secretary, T. & C. Board, BMRDA.  
The Member Secretary, WRM/HURE Board, BMRDA.  
The Dy. Municipal Commissioner (Shri Parikh),  
Bombay Municipal Corporation, Bombay.  
The Legal Adviser, B.M.R.D.A.

Item No. 1 : Confirmation of the minutes of the  
last (48th) meeting.

The minutes were confirmed.

Item.... :

Item No. 2 : Action taken on the minutes of the last (48th) meeting as well as progressive action on the past decisions.

The action taken on the minutes of the last (48th) meeting as well as progressive action on the past decisions reported in the annexure were noted. The Chairman directed that further action on Office Location Policy should be expedited. The Chairman also directed that a dialogue should be opened with ONGC Authorities by the Metropolitan Commissioner on the issue of location of their staff residential colony by providing necessary attractions. The CIDCO should prepare plans for providing necessary infrastructural facilities including hire-purchase housing schemes.

Item No. 3 : Applications for permission for developments under Section 13 of the B.M.R.D.A. Act, 1974.

Before the applications under Section 13 placed on the Table were taken up for consideration, an issue was raised regarding the treatment of applications in which FSI proposed was higher than that admissible under the D.C.Rules. The Chairman felt that the procedure as now followed was rather cumbersome and we should try to simplify it in public interest. It was felt that since the BMRDA is a Regulatory Authority for the B.M.R. area, the powers of sanctioning higher FSI under D.C.Rule 10(2) should really vest in the Metropolitan Authority. With the Govt. retaining the appellate powers, it was decided that the Metropolitan Commissioner may place the matter before the Authority and if the Authority so decides, make a proposal to Govt. for necessary delegation of powers. The applications bearing the following registration numbers which were placed on the Table were then taken up for consideration :-

- |                 |                 |
|-----------------|-----------------|
| (1) 273/11/4/80 | (5) 277/24/4/80 |
| (2) 274/14/4/80 | (6) 278/29/4/80 |
| (3) 275/18/4/80 | (7) 279/09/5/80 |
| (4) 276/22/4/80 | (8) 280/16/5/80 |

(1) Application No.273/11/4/80 (Shri V.S. Palshetkar, Trustee Treasurer of "Daivadnya Hitwardhak Samaj-Dadar").

The Committee considered the application and noted that the proposal was for addition of an area of 200.84 sq.mtrs. to an existing building belonging to the Daivadnya Hitwardhak Samaj- Dadar, increasing the F.S.I. from 1.504 to 2.032.

The.....

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The Committee noted that the applicants are registered as Public Charitable Trust, but did not consider that the purpose for which the proposed construction was intended to be used was wholly educational. The application could not, therefore, be considered as falling under the saving clause in part (B) of the BMRDA Notification. The F.S.I. asked for by the applicant was higher than the F.S.I. permissible under the D.C.Rules. The application was, therefore, rejected as it was not permissible under the BMRDA Act.

(2) Application No.274/14/4/80 (Sister Paulina Altozano, St.Anthony's Home, Bombay - 8).

The Committee considered the application and noted that the proposal was for reconstruction of a building used as residential home for orphaned children some of whom are mentally retarded and physically handicapped, after demolition of the existing building which is in a dilapidated condition. The Committee noted that the property belongs to a Charitable Trust and that the St.Anthony's Home was also registered as Public Charitable Trust. It was also noted that the F.S.I. of the existing building is 1.77 and that the F.S.I. of the reconstructed building would be 1.5 which is lower than the F.S.I. admissible under the D.C.Rules. Taking into consideration the laudable Charitable purpose for which the proposed development would be used, the Committee decided to grant the desired permission, without prejudice to any other permission required under any Law, Bye-law or Regulations in force.

(3) Application No.275/18/4/80 (M/s. Palmgrove Beach Hotel Pvt. Ltd.).

The consideration of the application was postponed.

(4) Application No.276/22/4/80 (Shri M.M. Bilaney) :

The Committee considered the application and noted that the proposal was for addition to the existing residential building on Plot No.137, Maharshi Karve Road in 'A' Ward, for a guest house, enhancing the existing floor area from 3098.42 M<sup>2</sup> to 4157.91 M<sup>2</sup> and thereby increasing the FSI from 2.11 to 2.48. The Committee noted that the F.S.I. of the existing building was already higher than the F.S.I. permitted under the BMRDA Notification and that the FSI of 2.84 as asked for by the applicant was higher than the FSI permissible under the D.C. Rules, viz. 2.45. The Committee, therefore, felt that if the....

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.277/24/4/80 (The Transport Commissioner).

The Committee considered the application and noted that the proposal was for construction of temporary sheds to be used for Regional Offices of the Transport Commissioner on Plot Nos.45 to 48, Scheme No.52, Worli in 'G' South Ward. The floor area of the proposed building is 561.00 M<sup>2</sup> and the FSI 1.33. The Committee noted that the proposal would result in net addition to office area in the already congested island city of Bombay. Moreover, in accordance with D.C.Rules as amended by Govt. by Notification, dated the 19th March, 1979 issued under Section 37(2) of the MRTP Act, 1966, the office user is no longer permissible in 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.

(TO BE COMMUNICATED SEPARATELY:)

(It was suggested that the applicant may be informed separately that efforts be made to get possession of the Govt. lands at Ghatkopar through the R&FD where the proposed offices can be constructed and for which permission of BMRDA will be necessary only if the FSI exceeds 1.00).

(6) Application No.278/29/4/80 (M/s. Bhavanani & Co.)

The Committee considered the application and noted that the proposal was for change of user from Restaurant to Branch of the Emirates Commercial Bank Ltd.(Abu Dhabi) at 202/A, Churchgate Reclamation, Veer Nariman Road in 'A' Municipal Ward. The Committee noted that the applicant has also proposed that 162.26 sq.mtrs. may be added to the already built-up area, by lowering the plinth level of the existing ground floor. The building already consumes an FSI of 2.56 which is higher than the FSI admissible under the D.C.Rules. Any further increase in the built-up area would not, therefore, be permissible. 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...

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(7) Application No.279/9/5/80 (Restrite Engg.Co. Pvt. Ltd.).

The Committee considered the application and noted that the proposal was for change of user from Show Room to a branch of the Bank of Maharashtra without any increase in the existing FSI at 228 Block III BBR, Mittal Chambers, Nariman Point in 'A' Municipal Ward. The Committee noted that provisional permission was granted by the Chairman of the Executive Committee subject to ratification by the Executive Committee in view of the special circumstances then obtaining, on a request made by the Bank authorities. The Committee approved the anticipatory action taken by the Chairman. The Committee also decided to approve the proposal as it was permissible under the D.C.Rules.

(8) Application No.280/16/5/80 (Indian Cancer Society.).

The Committee considered the application and noted that the proposal was for construction of a building with the floor area of 4722.12 sq.mtrs., consuming an FSI of 2.43 at 'E' Queens Barracks/Area, Foreshore Road in 'A' Ward for the use of Cancer Research Institute for its research activity, clinics, laboratories, residential quarters etc. The Committee noted that the FSI asked for was less than the FSI permissible under the D.C.Rules. Taking into consideration the nature of work being done by the Society which is in the interest of the welfare of mankind, the Committee decided to grant the permission asked for, subject to the following conditions :-

(1) The Honorary Doctors who are doing research work for the Society should only be allotted clinics in the proposed building,

and

(2) residential accommodation is provided also for the menial staff employed by the Society.

The Committee then passed the following Resolution :-

RESOLUTION NO. 170 :

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....

(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 :

- |                 |                 |
|-----------------|-----------------|
| (1) 273/11/4/80 | (3) 277/24/4/80 |
| (2) 276/22/4/80 | (4) 278/29/4/80 |

(II) grants permission to the applicants viz. (i) Sister Paulina Altozano, St. Anthony's Home (Application No.274/14/4/80) for reconstruction of a building upto the F.S.I. of 1.5, used as residential home for orphaned children; (ii) the Restrite Engineering Co. Pvt. Ltd. (Application No.279/9/5/80) for change of user from Show Room to a Branch of the Bank of Maharashtra without any increase in the floor area, and (iii) the Indian Cancer Society (Application No.280/16/5/80) for construction of building which is to be used for Cancer Research Institute with the F.S.I. of 2.43 with certain conditions as mentioned in the minutes;

(III) decides to postpone consideration of the application from M/s. Palmgrove Beach Hotel Pvt. Ltd. (registered under No.275/18/4/80).

Item No. 4 : Funds Management of the BMRDA.

The item was approved subject to the acceptance of the suggestions made by Shri B.N. Adarkar, Chairman, T. & C. Board emphasizing the need for providing adequate funds for infrastructural works which are of a non-remunerative nature.

Item No. 5 : Purchase of Jeep for the Nhava-Sheva Project Group.

The Committee considered the Agenda Item and passed the following Resolution :-

RESOLUTION NO.171 :

Resolved that in exercise of powers conferred by clause (vi) of sub-section (2) of Section 7 of the Bombay Metropolitan Region Development Authority Act, 1974, the Executive Committee hereby approves the proposal to purchase a Jeep (run on diesel) from the Manufacturers/authorised dealers at the current market price and make payment at the accepted rate.

Item ....

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Item No. 6 : Bombay Urban Transport Project (BUTP)  
(World Bank Loan No.1335 - IN)  
Periodical Progress Report.

The Committee considered the Agenda Note. The Committee noted that the overall progress of the project was slow. The Metropolitan Commissioner directed that M.S.(T&C) should prepare a draft letter to B.M.C. in this connection and submit it to Chairman for his approval and issue under his signature.

Item No. 7 : Applications under Section 13 of the B.M.R.D.A. Act, for professional offices in Island City of Bombay - Framing Policy in respect of -

The Committee considered the Agenda Item and decided that the applications for professional offices in the Island City of Bombay should be considered and decided on the merits of each case.

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