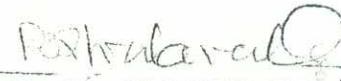


No. EXC/MTG/57.

55  
BOMBAY METROPOLITAN REGION  
DEVELOPMENT AUTHORITY,  
Griha Nirman Bhavan, 5th Floor,  
Bandra(East), Bombay-400 051.

Date : 26th March, 1981.

The minutes of the fifty-seventh meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 25th February, 1981, are enclosed.

  
( P. R. WALAVALKAR )  
Secretary,  
EXECUTIVE COMMITTEE.

To:

The Chief Secretary to the Govt. of Maharashtra, General Administration Department, Mantralaya, <u>Bombay - 400 032.</u>	- Chairman.
The Metropolitan Commissioner, B.M.R.D.A.	- Vice-Chairman.
The Chairman, T&C Board, B.M.R.D.A.	- Member.
The Chairman, WRM Board, B.M.R.D.A.	- Member.
The Chairman, HURE Board, B.M.R.D.A.	- Member.
The Municipal Commissioner, B.M.C., Bombay.	- Member.
The Managing Director, CIDCO.	- 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, WRM Board, B.M.R.D.A.  
The Member-Secretary, HURE Board, B.M.R.D.A.  
The Chief Engineer, Execution Wing, B.M.R.D.A.  
The Legal Adviser, B.M.R.D.A.  
The Senior Urban Planner, B.M.R.D.A.  
The Sr. Planning Officer & Dy. Secretary, HURE Board.

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VP:26381.

59

MINUTES OF THE FIFTY-SEVENTH MEETING OF  
THE EXECUTIVE COMMITTEE, B.M.R.D.A.

Date : 25th February, 1981.  
Time : 11.00 A.M.  
Place : Special Committee Room,  
5th Floor, Mantralaya.

MEMBERS PRESENT :

Shri A.V.Gokak, 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, WRM Board, B.M.R.D.A.	Member
Shri B.K.Chougule, Municipal Commissioner, Bombay.	Member
Shri L.C.Gupta, Managing Director, C.I.D.C.O., Bombay-400 021.	Member
Shri D.N.Capoor, Secretary, UD&PHD, Mantralaya, Bombay.	Member

In the absence of the Chairman, the Vice-Chairman  
Shri Gokak presided over the meeting.

Shri D.M.Sukthankar, Metropolitan Commissioner  
(on leave) was present on special invitation .

INVITEES :

The Financial Adviser, B.M.R.D.A.  
The Officer on Special Duty, B.M.R.D.A.  
The Member-Secretary, T&C Board, B.M.R.D.A.  
The Member-Secretary, HURE Board, B.M.R.D.A.  
The Member-Secretary, WRM Board, B.M.R.D.A.  
The Chief Engineer, Execution Wing, B.M.R.D.A.  
The Legal Adviser, B.M.R.D.A.  
The Sr.Planning Officer and Deputy  
Secretary, HURE Board, B.M.R.D.A.  
Shri P.R.Walawalkar; Secretary, Executive Committee, B.M.R.D.A.

Item No.1 : Confirmation of the minutes of  
the last (56th) Meeting.

The minutes were confirmed.

Item No.2 : Action taken on the minutes of the  
last (56th) Meeting as well as progressive  
action on the past decisions.  
(Parts 'a' and 'b'.)

The Note submitted by the B.M.R.D.A. regarding  
discussion ...

discussion with the Railway Authorities at Delhi about Mankhurd-Panvel Railway Line shows that at least at the official level, the Ministry of Railways is lukewarm towards the proposal to construct this railway line. The prospects, therefore, of this scheme getting priority for inclusion in the Plan are rather dim. The Committee was, therefore, of the view that this matter should be taken up by the State Government at the highest level with the Deputy Chairman of the Planning Commission and the Ministry of Railways.

The action taken on other items and progressive action on the past decisions reported in the annexure was 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) 312/31/12/80

(2) 313/01/01/81

(3) 315/09/01/81

(1) Application No.312/31/12/80 (Zenith Tin Works Private Limited.)

The Committee considered the application and noted that the proposal was for change of user from factory Office (Ground + 3 Floors) to an office of the Income Tax Department on Plot No.3 and 1C (Part), Mahalaxmi Flats Estate, Clerk Road, Bombay-34 in 'D' Municipal Ward, having a floor area of 3567.57 sq. Mtrs. to accommodate some of the existing offices having 7002 personnel of Income Tax Department presently situated at Piramal Chambers, Lalbaug, temporarily till their office buildings on 4 plots allotted to them in Bandra-Kurla Complex are ready within about 3 years.

After some discussion, it was 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.

..(2)Application ....

(2) Application No.313/01/01/81(Asha Builders):

The Committee considered the application and noted that the proposal was for reconstruction of a building on a plot bearing C.S.No.330, Gilder Lane, Grant Road in 'E' Municipal Ward, by demolishing the industrial and residential structures and constructing a building (with ground + 5 upper floors) for residential use only, enhancing the floor area from 1114.80 sq.mtrs. to 1616.10 sq.mtrs. and thereby raising the F.S.I. from 1.15 to 1.66. The Committee noted that as per sanctioned Development Plan, the plot is included in the residential zone where the permissible F.S.I. as per D.C.Rules, is 1.66.

The Committee noted the applicant's plea that **restricting** the F.S.I. to 1.33, will make the entire proposal uneconomical. The Committee also noted that there are only 2 tenants to be reaccommodated whereas 24 spacious tenements are proposed to be constructed. The Committee, therefore, felt that the justification given by the applicant was not convincing and 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.315/09/01/81 (Maryland Construction Company Private Limited).

The Committee considered the application and noted that the proposal was for change of user from "residential" to a Branch of Bank of Maharashtra on Plot No,39, Maryland Corner Building, Sion-Matunga Estate, Dr.Ambedkar Road in F(N) Municipal Ward, having a floor area of 230.00 sq.mtrs. on first floor. The Committee noted that even after the shifting of the Branch, the space where the **Branch** is at present located will still be utilised by the applicant as office accommodation. The Committee also noted that the building is located facing a very important and congested junction of the main road flowing into Eastern Express Highway and the Sion Station Road. Banking operations attract considerable public clientele and vehicular traffic. In this particular location, the turning traffic of the vehicles attracted by the branch of the Bank will worsen the congestion and affect

the signal....

the signal cycle. Also, the vehicles parked by the bank users will spill over on the main road, adding to the traffic hazards. 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.

Accordingly, the Committee passed the following Resolution :

RESOLUTION NO.191 :

RESOLVED THAT in exercise of the powers conferred on it by clause(v) of the 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 (1) M/s.Zenith Tin Works Private Limited(application No.312/31/12/80); (2) M/s.Asha Builders(application No.31 3/01/01/81) and (3) M/s.Maryland Construction Company Private Limited who have presented applications for the reasons recorded in these minutes.

Item No.4 : Ratification of tender for execution of the work of "strengthening of Mahin Causeway bridge for channelisation in Bandra-Kurla Complex."

The Committee considered the agenda item. Regarding the tender condition of accidental damages to the bridge or the properties, the members enquired whether the contractor will be liable to be held responsible. It was pointed out that in the tender of M/s.R.N.Ghanekar and Company, there is a condition which stipulates that any accidental damage to the existing structure and property of persons near the site shall not be the responsibility of the contractor. During the negotiations held with Shri Ghanekar on 29.10.1980 in the BMC office, it was ascertained that this condition was in respect of damage to the bridge proper and as per the general conditions of the Tender, the tenderer had agreed to cover third party risk for any accidental damages caused by him to life or property of third parties. The tenderer promised to get this stipulation clarified from the Insurance Company.

It was further ...

It was further explained that in the case of any damage occurring to the bridge due to unforeseen reasons other than the contractor's fault, (say, by an Act of God), the contractor will not be held responsible for the accidental damages. The members desired to know as to how the responsibility for the accidental damage to the bridge can in such a situation be fixed and if the contractor was not found responsible, whether the structure should be insured by the BMRDA at its own cost. The Municipal Commissioner explained that <sup>in</sup> the BMC Tenders, there are provisions like arbitration to decide such matters. He further said that there is no practice in vogue for insurance of BMC works and he did not consider it practicable to go in for such insurance.

Shri Sukthankar explained that considering isolated location of the causeway structure, any accidental damage to the bridge is not likely to result in a damage to the properties of third parties which are situated comparatively, quite at a distance. The final consensus of opinion was that as the tender evaluation had been done by a Committee on which senior level officers of the BMC and BMRDA were represented, the Committee's recommendations may be approved. The Municipal Commissioner said that Shri Ghanekar who is the lowest Tenderer for the work is a competent contractor and has been executing works for the BMC, satisfactorily.

It was noted that as the present working season was coming to a close, it may not be possible to start construction of Cofferdam and do any substantial work within the Cofferdam during this season and, therefore, the BMC, may re-draw the work programme and instruct the contractor to begin the work in accordance therewith.

The Committee then approved the recommendations of the Tender Committee of the BMC.

Shri Murti, Chairman, WRM Board, suggested that for removing the rock below the bridges by non-blasting method, procurement of some special type of equipment available for splitting the rock without blasting may be considered, as such equipment had been used by

Government in its own works in the past. The equipment is manufactured abroad but if it is found to be time-saving and comparatively cheap for excavation of rock, it would be worthwhile importing it specially for this work.

The Committee then passed the following Resolution :

RESOLUTION NO.192 :

RESOLVED THAT the Executive Committee, in exercise of powers conferred by Resolution No.74 of the Standing Committee and all other powers enabling it in this behalf, hereby approves the recommendation of the Municipal Corporation of Greater Bombay to accept the tender of M/s.R.N.Ghanekar & Co., as the lowest, as reported under Municipal Corporation of Greater Bombay's letter No.CE/11945/Rd.V dated 8.12.1980, along with subsequent clarifications received thereon, for awarding the work of execution of "strengthening of Mahin Causeway due to channelisation of Mahin Creek in Bandra-Kurla Complex" to the above said agency(contractor).

RESOLVED FURTHER THAT the appointment of the Municipal Corporation of Greater Bombay as an agent of the BMRDA for execution of the above work is confirmed.

Item No.5 : Agreement between BMRDA and Western Railway for appointing Western Railway as agency for executing the work of providing strengthening measures to the Western Railway Bridge No.20 across Mithi River for channelisation in Bandra-Kurla Complex.

The Committee considered the agenda note. There was prolonged discussion about finalising the conditions of the agreement. It was explained to the Executive Committee that the stipulations proposed by the Railways in the draft agreement under consideration were either identical or comparable with the provisions made in similar agreements and/or standard agreement forms of the Railways, and hence these may be accepted. It was, however, decided that the Metropolitan Commissioner and the Chairman, WRM Board, BMRDA ( Shri Murti) should go into the details of the parameters of the agreement and hold discussions with the Railway Authorities, if necessary. The Executive Committee authorised the Metropolitan Commissioner to finalise the matter and report the result to the Executive Committee in due course.

..Item No.6 ....

Item No.6 : B.M.R.D.A.(Amendment) Bill 1979.

The Committee's view was that no specific action on our part was necessary. The consensus which emerged was that the BMRDA would, no doubt, protect the legitimate interests of the Bombay Port Trust. It was also felt that when the main Act had already received the assent of the President, we should not, for the purposes of securing the President's assent to a subsequent amendment, compromise the basic position of the BMRDA as the planning authority for the Bombay Metropolitan Region by agreeing to exclude Bombay Port area and the properties of the Bombay Port Trust from the purview of the BMRDA Act; in the process, even if the Amendment Bill does not become a law(owing to withholding of the President's assent thereto) it should not matter and we should reconcile ourselves to that position.

Item No.7 : Appointment of Committee for preparation of detailed project report for Bombay Metropolitan Transport Undertaking(BMTU).

There was some discussion as to whether it would be proper to go ahead with the preparation of a Detailed Project Report in the absence of any guarantee about the resources required for this project. The general feeling was that this matter needs to be looked into again and the viability of the Project reassessed with reference to the latest position regarding costs, realistic staff ratio etc. The Metropolitan Commissioner and the Managing Director, CIDCO, will discuss this matter and revert to the Executive Committee, if need be, in due course.

Item No. 8 : Feasibility Study for staggering of Work hours in Greater Bombay-Ratification of Metropolitan Commissioner's action of awarding additional work and payment thereof to M/s.Tata Consultancy Services.

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

RESOLUTION NO.194 :

RESOLVED THAT in modification of the Resolution No. 143, passed by the Executive Committee in its 40th meeting held on 24th September, 1979, and in exercise of the powers conferred by clause(vi) of sub-section (2) of Section 7 of the Bombay Metropolitan Region Development

Authority Act ...

Authority Act 1974, and all other powers enabling it in this behalf, the Executive Committee approves post facto the anticipatory action of the Metropolitan Commissioner in entrusting the additional work to the Consultants, M/s.Tata Consultancy Services, and further approves of the payment not exceeding Es.5,000/-thereof.

ITEM No.9 : Bombay Urban Transport Project(BUTP)  
(World Bank Loan No.1335-IN)-Periodical  
Progress Report.

The Committee considered the periodical Progress Report on B.U.T.P.and noted the contents.

Item No.10 : Final Location Survey of Kalwa-Turbhe  
Goods Siding.

A note regarding Final Location Survey of Kalwa-Turbhe Goods Siding was circulated by the T&C Board for information of the Committee Members. The contents of the Note were noted.

The meeting concluded with a vote of thanks to the Chair.