

No. EXC/MTG/60.

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

Date : 1st July, 1981.

The minutes of the sixtieth meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 16th June, 1981, are enclosed.

S. V. Asgaonkar
(S. V. ASGAONKAR)
SECRETARY,
EXECUTIVE COMMITTEE.

To:

The Chief Secretary to the Govt. of Maharashtra, General Administration Department, Mantralaya, Bombay-400 032. - Chairman.

The Metropolitan Commissioner, B.M.R.D.A. - Vice-Chairman.

The Chairman, T&C Board, BMRDA. - Member.

The Chairman, WRM Board, BMRDA. - Member.

The Chairman, HURE Board, BMRDA. - Member.

The Municipal Commissioner, BMC, Bombay. - Member.

The Managing Director, CIDCO. - Member.

The Secretary to the Govt. of Maharashtra, Urban Development Department, Mantralaya, Bombay. - Member.

INVITEES :

The Financial Adviser, BMRDA.

The Dy. Metropolitan Commissioner, BMRDA.

The Member-Secretary, T&C Board, BMRDA.

The Member-Secretary, WRM Board, BMRDA.

The Member-Secretary, HURE Board, BMRDA.

The Chief Engineer, Execution Wing, BMRDA.

The Legal Adviser, BMRDA.

The Senior Urban Planner, BMRDA.

The Senior Planning Officer and Dy. Secretary, HURE Board.

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SIXTIETH MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

Date : 16th June, 1981.

Time : 3.30 P.M.

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

MEMBERS PRESENT :

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| Shri P.G. Gavai, Chief Secretary
to the Govt. of Maharashtra. | - Chairman. |
| Shri A.V. Gokak, Metropolitan
Commissioner, BMRDA. | - Vice-Chairman. |
| Shri B.N. Adarkar, Chairman,
T.&C. Board. | - Member. |
| Shri C.M. Correa, Chairman,
HURE Board, BMRDA. | - Member. |
| Shri N.G.K. Murti, Chairman,
WRM Board, BMRDA. | - Member. |
| Shri L.C. Gupta, Managing
Director, CIDCO. | - Member. |

INVITEES :

- The Financial Adviser, BMRDA.
 - The Dy. Metropolitan Commissioner, BMRDA.
 - The Member-Secretary, T&C Board, BMRDA.
 - The Member-Secretary, HURE Board, BMRDA.
 - The Member-Secretary, WRM Board, BMRDA.
 - The Dy. Municipal Commissioner(Engineering),
Bombay Municipal Corporation.
 - The Legal Adviser, BMRDA.
 - The Chief Engineer, Execution Wing, BMRDA.
 - The Senior Urban Planner, Central Planning
Cell, BMRDA.
 - The Sr. Planning Officer and Deputy Secretary,
H.U.R.E. Board, B.M.R.D.A.
- Shri S.V. Asgaonkar, Secretary, Executive Committee, BMRDA.

Item No. 1 : Confirmation of the minutes of the
last (59th) Meeting.

The Minutes were confirmed.

Item No. 2 :

Item No. 2 : Action taken on the minutes of the last (59th) Meeting as well as progressive action on the past decisions. (Part 'a' only).

The Chairman, Executive Committee enquired as to the further action taken on augmentation of water supply at Matheran.

The Chairman, WRM Board stated that it was necessary that some senior Government officers should visit the dam during the monsoons and study the problem of leakage below foundation before taking up any major repairs work. Officials of the WRM Board have proposed to observe this phenomenon of leakage during or immediately after this monsoon when the lake is **at full reservoir level**. He further stated that the Maharashtra Tourism Development Corporation **did** not agree to bear the expenditure in connection with the scheme for augmentation of water supply. He suggested that instead of the present method of charging at equal rates for residential and commercial water supply, higher rate should be charged for commercial user, as is done by the Municipal Corporation of Greater Bombay. The additional revenue so derived could be used for recouping the expenditure on the scheme for augmentation of water supply.

The Member-Secretary, WRM Board stated that plans and estimates in connection with ^{the} proposed short term measures for augmentation of water supply thereat are under preparation of ^{the} Maharashtra Water Supply and Sewerage Board.

The Chairman, Executive Committee desired that short term measures should be implemented at the earliest.

The action taken on other items and the 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) 331/24/4/81 (2) 334/13/5/81
(3) 335/13/5/81.

(1) Application.....

- (1) Application No. 331/24/4/81 (The Deputy Chief Engineer (Water Supply & Sewerage Projects), (Planning & Design), Municipal Corporation of Greater Bombay.

The Committee considered the application and noted that the proposal was for construction of a building (consisting of ground + 3 upper storeys) on C.S.No.47, Dr. E Moses Road, Worli, in G/South Municipal Ward, known as Love Grove Yard. The additional floor area proposed to be constructed is 15,097.19 sq.mtrs. (Stores Building 13,341.03 sq. mtrs.; Residential 1,223.16 sq.mtrs. and Oil and Timber Godown 533 sq.mtrs.). The same is proposed to be used for shifting their existing Central Stores at Garlic Compound, Sant Gadge Maharaj Chowk as the latter site has been reserved for public garden in the Development Plan. The land on which construction is proposed is in Residential Zone designated for sewage purification works. The permissible F.S.I. in the area is 1.33 and the F.S.I. that would be consumed after the desired development is 0.393.

The applicant had not furnished details about the existing area of the Stores to be shifted. Besides, as to why the applicant initiated proposal for modification of ~~the~~ Development Plan in respect of the plot under reference was not made clear to the Committee. The Deputy Municipal Commissioner (Engineering), (M.C.G.B.), however, informed the Committee that the existing and proposed area of the Stores is more or less the same. Regarding the proposed modification of the Development Plan, he stated that it was for permitting combined user of the plot by the Water Supply and Sewerage Department of the Municipal Corporation of Greater Bombay and the development presently desired is incidental only to the sewage purification works.

The Committee also noted that the proposed development viz. shifting of stores would not add up new jobs, as only the existing staff (282) would be shifted to the proposed location which is not a congested area at present. On the contrary, the same would relieve congestion to some extent

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at the existing location viz. Garlic Compound. Moreover, the area of the existing stores to be shifted and of the proposed stores is more or less the same. The Committee, therefore, decided to grant the permission applied for.

(2) Application No.334/13/5/81 (Bombay Port Trust- Reconstruction of sheds at Haji Bunder.)

The Committee considered the application and noted that the proposal was for reconstruction of three sheds on **Plot** bearing S.No.145(Part), Haji Bunder, Mazgaon-Sewree Reclamation, in 'F' South Municipal Ward. These sheds are constructed in the year 1942-45 and their life was over. They are presently used for storage of hazardous and non-hazardous imported cargo in transit. The plot falls under the Industrial Zone (I-2) as per ^{the} sanctioned Development Plan where the permissible FSI as per D.C. Rules is 2.00 and the user of storage can be permitted on the plot under the D.C. Rules. The Committee further noted that the existing floor area is 7,651.907 sq.mtrs. consuming an F.S.I. of 0.328 and the proposed floor area is 9,726.428, consuming F.S.I. of 0.417. The Committee also noted that the proposed development includes office block of 603,120 sq.mtrs. which is meant for accommodation of the staff connected with the day to day operations of the loading and unloading of the goods in sheds and also for accommodation of the customs staff. The existing sheds also have similar office accommodation. While reconstructing the sheds, the applicant intends to segregate the hazardous and non-hazardous cargo for safety and efficient working. Applicant has clearly stated that it does not intend to handle additional cargo thereat. Since the proposed development is necessary for the proper functioning of the port activity, the Committee decided to grant the permission applied for.

(3) Application No.335/13/5/81 (M/s. Nanubhai Jewellers).

The Committee considered the application and noted that the proposal was for change of user from Jewellery Shop and Departmental Store to a Regional Branch of Banque de I' Indochine et de Suez (Indosuez) Paris, France, on Plot bearing C.S.No.98, 113-115, Mahatma Gandhi Road, in 'A' Municipal Ward and the floor area involved is 975.83 sq.mtrs. The branch of
the bank.....

the bank is proposed on the ground and mezzanine floors of the premises and some of the portion of the mezzanine floor is proposed to be demolished. The Committee further noted that the Plot falls under the Commercial Zone, wherein change of user from jeweller's shop to a branch of the bank is normally permissible. However, as per the amended provisions of the Development Control Rule 13(b) (which is effective from the 19th March, 1979), the same should not exceed 100 sq.mtrs. in case of the City Wards comprising of A to F (North) and G (North) Wards. Taking into consideration the number of workers proposed to be employed, the applicant's statement that the space would be used as "regional branch" of the bank doing only cash transaction is not at all convincing. Besides the area of the desired development is much in excess of what is permissible under the D.C.Rules. As per the explanation added to the Bombay Metropolitan Region Development Authority's Notification, No.MC/RDM 1080/2118(A), dated the 7th October, 1980, the Executive Committee has no powers to grant any permission which may be in excess of or contrary to any provisions of the D.C.Rules in Greater Bombay for the time being in force. The application was, therefore, rejected as ultra vires of the Committee's powers and, therefore, not maintainable.

Accordingly, the Committee passed the following Resolution :

RESOLUTION NO.202 :

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 grants permission -

- (1) to the Deputy Chief Engineer (Water Supply and Sewerage Projects) (Planning and Design), Municipal Corporation of Greater Bombay (Application bearing Registration No. 331/24/4/81), for construction of a building for storage and residential, with the floor area of 15,097.19 sq.mtrs. for

shifting....

shifting of their existing Stores at Garlic Compound,
in 'E' Municipal Ward,

and.

- (2) to the Chief Engineer, Bombay Port Trust
(Application bearing Registration No.334/13/05/81),
for the reconstruction of three sheds on plot
bearing S.No.145(Part) at Haji Bunder, Mazgaon-
Sewree Reclamation, in F/South Municipal Ward,
with floor area of 9,726.428 sq.mtrs. for storage
of hazardous and non-hazardous cargo.

Resolved further that application from Shri M. J.
Merchant, Partner, M/s. Manubhai Jewellers (Application
bearing Registration No.335/13/5/81) for change of user
of floor area of 975.83 sq.mtrs. at C.S. No.98, 113-115,
Mahatma Gandhi Road, in 'A' Municipal Ward, received in
terms of Section 13(2) of the BMRDA Act, 1974, being
ultra vires of the powers of the Committee, and, therefore,
not maintainable, is hereby rejected.

Item No. 4 : Scheme for Backbay Reclamation Area.

The Committee considered the Item Note in details.

The contents of the D.C. letter, dated 6.5.1981,
from Shri D.N. Capoor, Secretary(UD), addressed to Shri K.S.
Keswani, Member Secretary, HURE Board in which a reference
was made to Government's policy to freeze reclamation in
Backbay Area at its existing level, was brought to the notice
of the Committee.

The Committee noted that alternative II gave a self-
supporting scheme. The Committee noted the importance of
reservation of certain lands for "public housing". The need
for constructing transit camps for persons staying in South
Bombay in old and dilapidated buildings, in South Bombay
itself was appreciated. It was pointed out that transit
tenements in South Bombay could be utilised for implementing
Urban Renewal Schemes. The Kamathipura Urban Renewal Scheme
prepared by ^{the} Maharashtra Housing and Area Development Authority
envisages construction of transit tenements in Backbay Recla-
mation by relaxing the ban on further reclamation.

The Committee took the view that the scheme envisaged
in alternative II be recommended for the consideration of
Government after incorporating therein various details

suggested.....

suggested during the course of discussion.
The following were the main points of discussion :

- (1) "Retail Shopping" should allow only community shopping such as grocery shops, tea shops, chemist shops, book shops, etc. and not shops trading in luxury goods.
- (2) In the space proposed to be used as garden, and play ground, recreational amenities be provided which can be availed of by the people in general.
- (3) Govt. should be requested to incorporate the land proposed to be reclaimed, in the Development Plan of the area and ensure that the same is used only for the users suggested in the scheme.
- (4) Width of proposed roads in the scheme should be 40'.
- (5) With a view to effectively controlling the development, the BMRDA itself should execute the proposed scheme.

The Committee thereafter decided that the modified scheme be submitted for its consideration at its subsequent meeting.

Item No. 5 : Bombay Urban Transport Project(BUTP)
(World Bank Loan No.1335-IN)-Periodical
Progress Report.

The Committee considered the Agenda Item.

The Chairman, T&C Board invited the attention of the Committee to the observations made at pages 8 and 9 of the Item Note and pointed out that as against the fixed disbursement target of \$ 4.65 M for the World Bank Year 1981 (1.7.1980 to 30.6.1981), the likely disbursement would be \$ 2.00 M only. He also pointed out that during the remaining 18 months of the extended project period (ending 31.12.1982) balance loan funds of \$ 7.63 M would have to be spent and for that purpose the tempo of the project works would have to be stepped up considerably.

After some discussion, the Committee decided that a Group consisting of the Metropolitan

Commissioner.....

Commissioner, BMRDA; the Municipal Commissioner, Municipal Corporation of Greater Bombay; the Chairman, T&C Board, BMRDA; the Financial Adviser, BMRDA; the General Manager, B.E.S. & T. Undertaking and the Member Secretary, T&C Board, BMRDA, be appointed to go into the problem and to suggest immediately for the consideration of the Executive Committee ways and means for increasing the tempo of project works to the required extent. The Member Secretary, T&C Board will be the convener of the meetings of the Group.

At this stage, letter to the Municipal Commissioner, Municipal Corporation of Greater Bombay, No.FSI/1181/2174/UD-5, dated the 5th June, 1981, from the Under Secretary to Govt. of Maharashtra, a copy of which was endorsed to the Metropolitan Commissioner, BMRDA was placed before the Meeting. By this letter, the Municipal Commissioner was informed that Govt. has sanctioned construction of additional floor space of about 223 sq.mtrs. on the 6th floor of the Mantralaya Main Building for the Chief Minister's Secretariat within the total F.S.I. of 2.064 on gross plot area of 27,438.94 sq.mtrs.

The Committee noted that the Govt. had applied for permission for the above development under Section 13 of the BMRDA Act, 1974 vide application registered under No.214/19/7/79 and the Committee had rejected the application at its Meeting held on 23rd August, 1979 as the amended provisions of the D.C. Rules, does not permit office user in Commercial Zone in the Island City of Bombay. There is no indication of an appeal having been filed against the Committee's above decision.

The Committee, therefore, desired that the Municipal Commissioner, Bombay Municipal Corporation should be requested to get a clarification regarding the provisions of law under which the Govt.'s communication was issued. From the wording of the communication, it was not clear as to whether it could be treated as a Govt. directive. The Municipal Commissioner, Bombay Municipal Corporation was requested to report the facts to the Committee at its next meeting.

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

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