

SIXTY-FOURTH MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

Date : 3rd November, 1981 (Tuesday)

Time : 3 30 P.M.

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

MEMBERS PRESENT :

Shri B. K. Halve, Vice Chairman.
Metropolitan Commissioner.
B. M. R. D. A.

Shri D. M. Sukthankar, Member.
Municipal Commissioner,
Bombay Municipal
Corporation, Bombay.

INVITEES :

- The Financial Adviser, B.M.R.D.A.
- 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 Director of Engineering,
Municipal Corporation of Gr. Bombay.
- The Hydraulic Engineer,
Municipal Corporation of Gr. Bombay.
- The Legal Adviser, B.M.R.D.A.
- The Senior Urban Planner, B.M.R.D.A.
- The Senior Planning Officer and Deputy
Secretary, HURE Board, B.M.R.D.A.

Shri S. V. Asgaonkar, Secretary, Executive Committee, BMRDA.

As the Chairman of the Executive Committee was not present, Shri B.K. Halve, Metropolitan Commissioner and Vice-Chairman, Executive Committee presided over the meeting.

Item No. 1 : Confirmation of the Minutes of the
last (63rd) Meeting.

The minutes were confirmed.

Item No. 2 :

Item No. 2 : Action taken on the Minutes of the last (63rd) Meeting as well as progressive action on the past decisions (Parts 'a' and 'b')

The Municipal Commissioner enquired about the status report of the Wadala Truck Terminal Project.

The Member-Secretary, Transport and Communications Board stated that out of 94 hectares land required for Truck Terminal, approximately 52.67 hectares land belongs to the Government of Maharashtra, possession of which could be taken shortly. However, on a portion comprising of approximately 17 hectares, there are hutments. It is under consideration whether to leave that portion and request the Government to allot compensating unencumbered land to the north. The Detailed Project Report Committee, appointed by the Executive Committee at its 53rd meeting, under the Chairmanship of Dr. P.G. Patankar, has after deliberations, suggested that the first phase of the Project comprising a parcel of unencumbered land admeasuring about 24 hectares be taken up for immediate execution. The Standing Committee of the Authority has already given its approval for the execution of the first phase of the Project through Bombay Municipal Corporation, on agency basis. The Bombay Municipal Corporation has already been requested to call for tenders, etc. for starting the work. The land is fenced wherever possible and guarding of the land has been entrusted to a private agency. There are no new encroachments on the land required for the project.

The Member-Secretary, Transport and Communications Board further stated that approximately 40.62 hectares land is under the Salt Pans. Acquisition proceedings in respect of a portion of that land comprising of 15.53 hectares were completed by Government some years ago upto the declaration of award and legal opinion indicates no difficulty in extinguishing the rights of the Salt Pan Operators. The possession of this land has, however, not been taken on the advice of the Salt Commissioner to obtain clearance from the Government of India for transfer of land.

The Legal.....

-: 3 :-

The Legal Adviser, BMRDA then stated that there was a joint meeting of the concerned senior officers of Government of India, and Government of Maharashtra in this case. Government of India is prepared to give required clearance provided BMRDA gives undertaking in unequivocal terms acknowledging the ownership rights of Government of India on this land and also agrees to pay compensation in future when the same would be fixed by Government of India. The claim of Government of India as regards ownership of Salt Pan lands is not acceptable in all cases and as such, it is thought improper to give such an undertaking, at this stage.

Government of India has, however, been requested to reconsider the matter and a detailed paper on this is being sent by Government of Maharashtra to Government of India.

The action taken report and the progressive action on the past decisions reported in the annexures were then 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) 344/10/9/81 | (3) 346/25/9/81 |
| (2) 345/15/9/81 | (4) 347/29/9/81 |

(1) Application No. 344/10/9/81 (The Marketing Manager, State Trading Corporation of India Ltd., Bombay)

The Committee considered the application and noted that the proposal was for construction of administrative office building consisting of ground and one upper floor, with floor area of 246.51 square metres at Survey No. 159/159-A, Muzawar Pakhadi Road, Elphinstone Estate, in 'B' Municipal Ward. The Committee also noted that the applicant had earlier submitted a proposal for construction of electric sub-station, pump house-cum-electric service station, foundation for weigh bridge and the administrative office building at the above-mentioned site. This

application.....

application was considered by the Executive Committee at its 59th Meeting held on 15.5.1981, and it was decided to grant permission for the above proposal except ^{for} the construction of administrative office building. By this application the State Trading Corporation has again submitted a proposal for construction of administrative office building, after giving the required details. The Committee further noted that the abovementioned office block is necessary at the site for the staff managing the operations of receiving and distribution from the tanks of the edible oil and also for the staff looking after the maintenance of various fittings like, pumps, etc. Clarification given in the applicant's subsequent letter, dated 22.10.1981 that the space of the pump house which is presently used as administrative block, will be utilised for new electric pumps which will be required in connection with storage of edible oil and some space therefrom will also be used as store for spare parts required for maintenance of tanks, etc. was also noted. As the proposed administrative block is small in area and is essential for the efficient operations of the edible oil tanks existing on the plots, the Committee, decided to grant the permission for the same.

(2) Application No.345/15/09/81 (Directorate of Marine Engineering Training, Bombay).

The Committee considered the application and noted that the proposal was for construction of building purported to be used for "Educational Institution for Marine Engineering and Central Government Office" on land in Survey No.331/145, L.B.S. College Building and Hostel Building and D.M.E.T. Hostel Building, Hay Bunder Road, in 'F' Municipal Ward, with the floor area of 7,960 square metres and the F.S.I. of 1.07. The land in question falls in I2 Zone. The proposed construction consisted of 8 storeyed building containing ^{Examination rooms,} class rooms, laboratory, library, Director's room, officers rooms and 4 storeyed Hostel Building in the same compound. This user is purely for educational purposes and there are no Central Government Offices proposed in the building as seen from the plans submitted by the applicant. The F.S.I. proposed to be utilised is well within the restricted F.S.I. of 1.33. The Committee also noted that on both the above accounts,

the.....

the proposed development is not covered by the Bombay Metropolitan Region Development Authority's Notification, dated 10.6.1977 and as such the Executive Committee's sanction thereto is not necessary. The Committee, therefore, decided to reject the application as not maintainable.

- (3) Application No.346/25/9/81 (the Executive Engineer, Reconstruction Unit I, Bombay Housing and Area Development Board, Bombay.)

The Committee considered the application and noted that the proposal was for reconstruction of dilapidated buildings in Survey No.873 at Kalbadevi Road, bearing Municipal Property Nos, 407, 407-A and 407-B in 'C' Municipal Ward with the floor area of 1873.39 square metres and the F.S.I. 2.76. The area in question falls in Commercial Zone and the permissible F.S.I. is 1.66 where the users such as professional offices, shops and residence are permissible. The Committee also noted that the existing office user in the property is 181.96 square metres as against which, an area of 164.35 square metres is proposed to be provided as office in the new building. Besides, the existing shop user consisted of 150.49 square metres as against which an area of 149.13 square metres was proposed to be provided ^{therefor} in the new building. At the Special Meetings of the Executive Committee held on the 15th and 22nd April, 1981 to consider the problem of reconstruction of dilapidated buildings, the Committee had decided to allow existing offices and wholesale establishments in the "cessed" buildings, subject to certain conditions. The Special Meeting of the Authority endorsed this view at the meeting held on 17.7.1981. The Committee, therefore, decided to grant permission for the proposed development, subject to the condition that Bombay Municipal Corporation certifies that the existing premises in the old building were authorisedly used for offices prior to 10.6.1977 and that the office user does not cause any traffic congestion.

- (4) Application No.347.....

(4) Application No.347/29/9/81(Bank of Baroda).

The Committee considered the application and noted that the proposal was for construction of a mezzanine floor at Survey No.1848, Laxmi Building, Fort, in 'A' Municipal Ward used as Branch of Bank of Baroda. The existing area of the mezzanine floor is 23.79 square metres and the proposed addition of messanins is 43.12 square metres. The Committee noted that the proposed addition is to be used as store of stationery and documents. The Committee further noted that the existing area of the Bank including existing mezzanine was 2,160 sq.ft. which is more than 100 square metres allowed under the Development Control Rules and that the applicant had not given the details of the F.S.I. - existing and proposed. As per the plans submitted by the applicant, it appeared that the building had already consumed the F.S.I. of more than 1.33, For want of the required details, the Committee decided to reject the application.

Accordingly, the Committee passed the following Resolution :-

RESOLUTION NO. 208 :

Resolved that in exercise of the powers conferred on it by clause (v) of the sub-section (2) of Section 7 of the Bombay Metropolitan Region Development Authority 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 -

(1) grants permission to -

(i) the State Trading Corporation of India Ltd.
(Application bearing Registration No.344/10/9/81)
for construction of administrative office building consisting of ground and one upper floor with floor area of 246.51 square metres at Survey No.159/159-A, Muzawar Pakhadi Road, Elphinstone Estate, 'B' Municipal Ward,

(ii) the Bombay Housing and Area Development Board
(Application bearing Registration No.346/25/9/81)
for reconstruction of buildings on Survey No.873

at.....

-: 7 :-

at Kalbadevi Road bearing Municipal Property Nos.407, 407-A and 407-B in 'C' Municipal Ward, with floor area of 1873.39 square metres, subject to the condition that the Bombay Municipal Corporation certifies that the existing premises in the old building were authorisedly used for offices prior to 10.6.1977 and that the office user does not cause any traffic congestion; and

- (2) refuses permission, on behalf of the Authority, under sub-section (3) of Section 13 of the said Act to the Bank of Baroda (Application bearing Registration No.347/29/9/81).

Resolved further that application from the Deputy Director, Directorate of Marine Engineering Training (Application bearing Registration No.345/15/9/81) for construction of building for educational purposes, laboratories class rooms, examination rooms, etc. received in terms of Section 13(2) of the Bombay Metropolitan Region Development Authority Act, 1974, being not maintainable is hereby rejected.

Item No. 4 : List giving details of appeals under Section 13(4) of the BMRDA Act, 1974.

The Committee noted the information contained in the annexure.

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

The Member-Secretary, T&C Board stated that BEST's estimates of construction cost of new work shop at Wadala Anik have been fluctuating rather widely. Plans and designs for shed Nos.1,2,7A and 7B have been prepared. Plans and designs of other sheds are yet to be prepared. Even though BEST has promised to complete the entire work within two years after the present project completion date, it may be difficult to complete

the work.....

the work, even within that time, unless to the tempo of work in this sub-project is accelerated. Already project period has been extended once, by 3 years upto 31st December, 1982. Before requesting for further extension, the BEST should give definite and firm programme for completion of this project and work should be executed as per the schedule. If the BEST would not be able to complete the work in a fixed period, the loan amount would be required to be surrendered. It is pertinent to note that already the period has been got extended and commitment charges have **been paid for several** years. If the loan amount is required to be surrendered even after a further 3 years extension, there may be advantage in doing so now itself to avoid commitment charges being unnecessarily paid. Due to the delay in executing this project, the maintenance of buses may also suffer.

After further discussion, it was decided that these issues should be considered in an informal meeting of the officials of the BMRDA and the BEST to be called early. It was pointed out that the Secretary, Urban Development is seized of the matter and is expected to call such a meeting shortly.

Subject to the above, the Committee noted the progress Report.

The following two items were considered as Table Items, with the approval of the Chairman of the meeting :-

Table Item No. 1 : Reporting cases of exercise of powers delegated by the Executive Committee.

The appointment of a Jr. Planner in the Central Planning Cell was noted by the Committee.

Table Item No. 2 : Appointing Municipal Corporation of Greater Bombay as Agency for execution of works for Strengthening of Tansa and Vaitarna Pipeline Bridges for channelisation of Mahim Creek in the Bandra-Kurla Complex.

During the course of discussion on this item, it was pointed out that the Tender Committee of the Bombay Municipal Corporation has recommended the second lowest tenderer for awarding the contract who was above the lowest by about Rs.13/- lacs and that the revised cost of the work

had.....

had doubled. It was also pointed out that while forwarding the revised estimates of the work, the Bombay Municipal Corporation stipulated a condition to the effect that the Bombay Municipal Corporation would not be responsible for any expenses of any dues or claims arising out of the failure due to natural calamities or the failures of the contractor or the failures of the scheme etc. and the BMRDA has been asked to confirm the same.

As regards recommendation of the second lowest tenderer and the revised estimates, the Hydraulic Engineer of the Bombay Municipal Corporation explained that it was due to difficult and unusual site condition ^{also for the reason that} and the work would be required to be carried out with great care so as not to endanger the pipe lines which carry major water supply of South Bombay.

As regards the new condition stipulated by the Bombay Municipal Corporation, the Municipal Commissioner clarified that any losses which occur during the currency of contract for reasons beyond the control of the contractor, the owner is liable to bear the entire cost on that account. Besides, in case of failure of the contractor, inspite of all the precautions taken by him, the resulting financial loss is required to be borne by the owner. In this case, though the owner is the BMC, the work would be carried out, on behalf of the BMRDA and as such a liability, if any, on that account should be borne by the BMRDA.

After further discussion, the Committee decided that the wording of the condition be modified in the light of the clarification given by the Municipal Commissioner and passed the following Resolution :-

RESOLUTION NO. 209 :

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 recommends to the Standing Committee for confirmation of the

appointment.....

appointment of the Municipal Corporation of Greater Bombay as the agency for execution of works for strengthening of Tansa and Vaitarna pipeline Bridges estimated at revised rates to cost Rs.110.70 lakhs and Rs.101.00 lakhs, respectively, for the project of channelisation of Mahim Creek in the Bandra-Kurla Complex at the agreed (reduced) centage charges of $6\frac{1}{4}\%$.

Further resolved that the Executive Committee recommends to Standing Committee for approval the excess over the sanctioned sub-estimates of the above works from Rs.57.98 lakhs and 40.18 lakhs to Rs.110.70 lakhs and Rs.101.00 lakhs for the Tansa and Vaitarna pipeline bridges, respectively, due to revision of estimates.

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

oooooooooooooooooooo

VP:91281.