

No. EMC/MTG/66.

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

Date : 3rd March, 1982.

The minutes of the sixty-sixth meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 13th January, 1982, are enclosed.

S. V. Asgaonkar 3/3/82
(S. V. ASGAONKAR)
SECRETARY,
EXECUTIVE COMMITTEE.

To:

- The Chief Secretary to the Govt. of Maharashtra, General Administration Department, Mantralaya, Bombay-32. - Chairman.
- The Metropolitan Commissioner, BMRDA. - Vice-Chairman.
- The Chairman, T&C Board, BMRDA. - Member.
- The Chairman, WRM Board, BMRDA. - Member.
- The Chairman, HURE Board, BMRDA. - 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 Senior Planning Officer and Dy. Secretary, HURE Board.

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SIXTY-SIXTH MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

Date : 13th January, 1982 (Wednesday)

Time : 10.00 A.M.

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

MEMBERS PRESENT :

- Shri B.K. Halve, Metropolitan Commissioner, B.M.R.D.A. Vice-Chairman.
- Shri D.N. Capoor, Secretary to Government, Urban Development Department, Mantralaya. Member.
- Shri D.M. Sukthankar, Municipal - Commissioner, Municipal Corporation of Greater Bombay. Member.
- Shri L.C. Gupta, Managing Director, C.I.D.C.O., Bombay. Member.
- Shri B.N. Adarkar, Chairman, T&C Board. Member.

INVITEES :

- The Financial Adviser, 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 Director (Engineering Services and Projects), Municipal Corporation of Greater Bombay.
- The Senior Urban Planner, B.M.R.D.A.
- The Legal Adviser, 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, 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 (65th) Meeting.

The Managing Director, CIDCO observed

that his.....

that his observation in respect of preparation of Detailed Project Report for Bombay Metropolitan Transport Undertaking (on pages 3 and 4 of the minutes) was not properly recorded. As suggested by him, the Committee agreed to record the said observation as under :

"The Managing Director, CIDCO stated that the Committee consisting of a representative of B.M.R.D.A., B.M.T.C. and CIDCO which is preparing a Detailed Project Report for extending the services of the B.M.T.C. to Kalyan Complex is understood to have come to a conclusion that it will require a capital investment of about Rs.17 crores and would entail an annual loss of about Rs.4 crores. In view of this it will be necessary for B.M.R.D.A. to decide whether it would have adequate funds for meeting this obligation, for capital expenditure and losses which will be incurred."

Minutes as amended were then confirmed.

Item No. 2 : Action taken on the minutes of the last (65th) Meeting as well as progressive action on the past decisions (Parts 'a' and 'b').

Action taken report on the minutes of the 65th meeting was noted by the Committee.

In respect of progressive action on the past decisions (annexures 'a' and 'b'), the Metropolitan Commissioner informed the meeting that he reviewed all the pending items. Due to afflux of time, action on some of the items was not required, and it was necessary to delete such items from the annexures. However, before doing that he would discuss the matter with the Chairman, Executive Committee. Agreeing with the Metropolitan Commissioner, the Committee decided that these annexures be placed before the next meeting of the Executive Committee.

Item No. 3 : Applications for permission under Section 13 of the BMRDA Act, 1974.

The applications bearing the following registration

numbers.....

numbers were placed on the Table :

- (1) 353/18/11/81 (4) 356/07/12/81
- (2) 354/03/12/81 (5) 357/15/12/81
- (3) 355/03/12/81 (6) 358/16/12/81

(1) Application No.353/18/11/81 (Mrs. Thrity Percy Vakil).

The Committee considered the application and noted that the proposal was for addition to the existing building at Survey No.234/A, Plot No.516/B, Municipal Number of Building H/W-109 (2-A, B&C) S.V. Road, Bandra(West), in 'H' (West) Municipal Ward, thereby increasing the floor area from 2,249.82 sq.ft. to 13,364.82 sq.ft. and F.S.I. to 1.5. The Committee also noted that as per the Development Plan of 'H' Ward, the land falls into Residential Zone and the permissible F.S.I., as per the Development Control Rules for suburbs, is 1.00. It was also noted that Government in Urban Development Department under No.FSI 1078/1486-UD-5, dated 21.11.1980, has allowed F.S.I. of 1.20 for this sub-divided plot admeasuring 8,910.00 sq.ft. (i.e. 1.33 less excess of 0.13 consumed on Plot 516/A). The Committee was of the view that as per the D.C. Rules, F.S.I. 1.00 only was permissible for this plot as against the F.S.I. 1.5 requested by the party. As per explanation added by the Bombay Metropolitan Region Development Authority's Notification, No.C/RDM/1080/2118(a), dated 7.10.1980, to the original Notification dt. 10.6.1977, the Committee has no powers to grant any permission which may be in excess of or contrary to any provisions of the Development Control Rules in Greater Bombay for the time being in force. The application was, therefore, rejected being ultra-vires of the Committee's powers and, therefore, not maintainable.

(2) Application No.354/03/12/81 (Shri J.M. Tatna, Jamshed House).

The Committee considered the application and noted that the proposal was for change of use
of premises.....

of premises on Plot No.1105 (Municipal Number of Building A-1874/307), Frere Road, in 'A' Municipal Ward of an area of 501.66 square metres for extension of a branch of the Canara Bank (167.22 square metres on ground floor) and for Administrative Office of the Bank (334.44 square metres on the first and second floors). The Committee also noted that branch of the Canara Bank on adjoining plot bearing C.S. No.1104 was proposed to be shifted on the ground floor of this building, in a Commercial Zone where the bank user upto 100.00 square metres only is permissible as per Development Control Rules. Moreover, as per the provisions of modified D.C. Rule No.13(b)(ii), business offices and exchanges are not allowed in the Island City of Bombay. The area proposed to be used for the branch of the bank was found to be much in excess of the area permissible under the Development Control Rules. As per the explanation added by the Bombay Metropolitan Region Development Authority's Notification, No.C/RDM/1080/2118(A), dated 7.10.1980 to the original Notification dated 10.6.1977, the Committee has no powers to grant any permission which may be in excess of or contrary to any provisions of the Development Control Rules in Greater Bombay for the time being in force. The application was, therefore, rejected being ultra-vires of the Committee's powers and, therefore, not maintainable.

(3) Application No.355/03/12/81 (Council of Scientific and Industrial Research).

The Committee considered the application and noted that the proposal was for addition to the existing building on plot bearing Survey No.47 (Municipal Number of Building 89-B), Dr. Annie Besant Road, in 'G' South Municipal Ward, thereby increasing the floor area from 1,230.71 square metres to 2,558.61 square metres and F.S.I. from 0.55 to 1.14 for being used as Research and Development Divisions of various National Laboratories. The applicant had stated that additional construction was required to house their laboratories which were earlier approved but could not be established due to financial constraints.

The Committee after examining the proposal noted that in the past in similar cases, the Committee had decided to refuse the permission. The Committee also noted that already a laboratory exists on the plot which is sufficient to give required services for air pollution

studies.....

studies, etc. and the proposed activity has no direct nexus to the area. Having regard to the precedents and the fact that if the permission were granted in this case, the overall development of the Metropolitan Region is likely to be affected adversely, the application was rejected.

(4) Application No.356/07/12/81 (Bombay Port Trust).

The Committee considered the application and noted that the proposal was for addition to the existing building on land bearing Survey No.1, Muza-warpakhadi Road, Mazagaon, in 'E' Municipal Ward thereby increasing the floor area from 12,421.60 square metres to 19,650.88 square metres and F.S.I. to 0.851 for being used as (1) office of the Fourth Oil Berth, Butcher Island; (2) Training Institute for Dock's staff; (3) additional accommodation for the Controller of Stores; and (4) for future additional requirements. The Committee also noted that the plot in question falls in I-2 Zone wherein office user is not permissible. Moreover, no construction for office user is permissible in the Island City of Bombay as per modified Development Control Rule No.13(b) (ii). The Committee was not satisfied about the need for permitting the proposed office user and was of the view that the various activities for which permission was applied for could be conducted outside Greater Bombay limits. The Committee was of the view that if the permission were granted in this case, the overall development of the Metropolitan Region is likely to be affected adversely. The application was, therefore, rejected.

(5) Application No.357/15/12/81 (The Sangli Zilla Kamgar Co-op. Bank Ltd. Bombay).

The Committee considered the application and noted that the proposal was for change of use of premises on Final Plot No.235, T.P.S. IV, Mahim at Portuguese Church, S.K. Bole Road, in 'G/North' Municipal Ward known as Katrak Building of an area of 40.00 square metres from Laundry to a Co-operative Bank. The Committee also noted that

the premises.....

the premises falls in Residential Zone wherein branch office of the Bank is permissible as per the Development Control Rules. The applicant had stated that they would employ only six employees and the Reserve Bank of India had already granted the required permission. The Committee, therefore, decided to grant the permission.

(6) Application No.358/16/12/81 (Smt. Dorothy C. Pereira).

The Committee considered the application and noted that the proposal was for addition to the existing building on plot No.135A, Scheme 52, Worli Estate (Municipal Number of Building 135-A) in 'G' South Municipal Ward, thereby increasing the floor area from 5,115.75 square metres to 6,797.09 square metres and F.S.I. from 1.22 to 1.62 for being used as office and residence. The Committee also noted that the plot falls into Industrial Zone wherein the permissible F.S.I. is 1.33. The applicant had stated that the Improvements Committee of the Municipal Corporation of Greater Bombay had sanctioned ground and 3 upper floors upto 56'-0" height and as per that sanction, area of 2,243.00 square yards per floor was permissible. The Committee felt that the above statement of the party has no locus standi due to changed circumstances. The Committee found that party had not given any other justification for creating additional office/residential area to the extent of 1,681.34 square metres utilising F.S.I. upto 1.62. Further, as per the explanation added by the BMRDA's Notification No.C/RDM/1080/2118(A), dated 7.10.1980 to the original Notification dated 10.6.77, the 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, being ultra virus of the Committee's powers and, therefore, not maintainable.

Accordingly, the Committee passed the following Resolution :

RESOLUTION NO.211 :

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.....

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 permission on behalf of the Authority under sub-section(3) of Section 13 of the said Act to -

(1) the Council of Scientific and Industrial Research.(Application bearing Registration No.355/3/12/81)

and

(2) the Bombay Port Trust.(Application bearing Registration No.356/7/12/81),

for the reasons recorded in these minutes.

(II) grants permission to the Sangli Zilla Kamgar Co-operative Bank Ltd.(Application bearing Registration No.357/15/12/81) for change of use of premises on Final Plot No.285, T.P.S. IV, Mahim at Portuguese Church, S.K. Bole Road, in 'G'North Municipal Ward.

Resolved further that the following applications being ultra-vires of the powers of the Committee and, therefore, not maintainable are hereby rejected :

(1) Mrs. Thrity Percy Vakil(Application bearing Registration No.353/18/11/81).

(2) Shri J.M. Tatna. (Application bearing Registration No.354/3/12/81).

(3) Smt. Dorothy C. Pereira. (Application bearing Registration No.358/16/12/81).

Item No. 4 : Final Location Survey for Mankhurd-Belapur Section of the East-West Rail Corridor.

The Committee noted the contents of the Item Note.

Item No. 5 :.....

Item No. 5 : Techno-economic Feasibility Study
of a Commuter line from Belapur-
to Nhava-Sheva.

After some discussion, the Committee passed
the following Resolution :

RESOLUTION NO.212 :

Resolved that the Executive Committee, having
considered the agenda item and in exercise of powers
vested in it by Section 7(2)(iv) of the Bombay Metro-
politan Region Development Authority Act, hereby approves
the proposal to keep in abeyance the Techno-economic
Feasibility Study of Belapur-Nhava Sheva Commuter line
entrusted to the Metropolitan Transport Project
(Railways) till the time the agreed land use plan for
that area is finalised and/or when the Metropolitan
Commissioner considers necessary.

Resolved further that the Metropolitan
Commissioner is hereby authorised to take all necessary
actions in this regard.

Item No. 6 : Protection of land required for Mankhurd-
Belapur Railway Line against Proliferation
of unauthorised hutments.

The Committee considered the Item Note.

The Chairman, T&C Board stated that the land
required for Mankhurd-Belapur Railway would have to
be protected against proliferation of hutments at any
cost. It was noticed that hutments were erected on this
land by organised efforts and as such there was a
possibility of dug-up channels being refilled. He,
therefore, suggested that the proposal to excavate
wide shallow channel along the required land be
thoroughly examined.

The Managing Director, CIDCO, suggested that
the feasibility of constructing immediately railway
lines from Mankhurd upto Thane Creek be considered as
an alternative proposal. He further suggested that the
Metropolitan Transport Project (Railways) be asked to
prepare detailed estimate for the purpose.

After.....

After further discussion, it was decided that if Railways would show interest in extending railway services upto Thane Creek, they may be asked to take protective measures. If the Railways would not show any interest, the Metropolitan Commissioner might adopt suitable measures for protecting the land, both by fencing and other means.

Item No. 7 : Reporting cases of exercise of powers delegated by the Executive Committee.

The Committee noted the appointment reported in the statement.

Item No. 8 : Study for the staggering of Office Hours in Bombay.

The Members observed that in the past staggering of office hours was tried and desired that information in that respect be made available to the Committee. It was also suggested that before staggering office hours of Government Offices for facilitating model study for a period of over three months as suggested in the Item Note, the employees' unions and concerned Govt. Departments be consulted. The Committee, therefore, decided to defer the consideration of the item.

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

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