

No. EXC/MTG/67.

198
BOMBAY METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
Griha Nirman Bhavan, 5th Floor,
Bandra (East), Bombay-400 051.

Date : 20th April, 1982.

The minutes of the sixty-seventh meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 18th March, 1982, 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-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, 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, 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.

!!!!!!!!!!!!!!!!!!!!

ukd:20482.

193

SIXTY-SEVENTH MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

DATE : 18th March, 1982 (Thursday).

TIME : 3.30 P.M.

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

MEMBERS PRESENT :

- Shri P.G. Gavai, Chief Secretary to the Government of Maharashtra. - Chairman.
- 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 L.C. Gupta, Managing Director, C.I.D.C.O., Bombay. - Member.
- Shri B.N. Adarkar, Chairman, T. & C. Board. - Member.
- Shri C.M. Correa, Chairman, H.U.R.E. 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 Director (Engineering Services and Projects),
Municipal Corporation of Greater Bombay.
- The Legal Adviser, B.M.R.D.A.
- The Senior Planning Officer and Deputy Secretary, H.U.R.E. Board, B.M.R.D.A.
- Shri S.V. Asgaonkar, Secretary, Executive Committee, B.M.R.D.A.

Item No. 1 : Confirmation of the minutes of
the last (66th) Meeting.

The minutes were confirmed subject to the modification that the decision taken on Item No.8 (Study for the staggering of Office Hours in Bombay) be only recorded and the points of discussion thereon be omitted as it was informal.

Item No.2 : Action

Item No. 2 : Action taken on the minutes of the last (66th) Meeting as well as progressive action on the past decisions (Parts 'a' and 'b').

Action taken on the minutes of the last (66th) 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 had discussed the matter with the Chairman, Executive Committee who suggested that the items on which no action is required due to afflux of time be deleted. The Committee agreed with the suggestion.

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) 359/20/01/82 | (3) 361/04/02/82 |
| (2) 360/22/01/82 | (4) 362/10/02/82 |
| (5) 363/23/02/82 | |

(1) Application No. 359/20/01/82 (The Managing Director, Shree Ram Mills Ltd., Bombay)

The Committee considered the application and noted that the proposal was for reconstruction of building on C.S. Nos. 288, 289, 1547, 1548, 1549, 1/1540, 2/1540 and 3/1540 of Lower Parel Division at Ganpatrao Kadam Marg, in 'G' South Municipal Ward, which is used as Cotton Waste Godown. The existing floor area of the godown is 196.49 square metres and the proposed area is also the same. The Committee further noted that the land in question falls in Industrial Zone and the proposed construction is within the permissible F.S.I. of 1.33. The area of the reconstructed godown would be exactly the same; however, its orientation is slightly proposed to be changed to facilitate smooth traffic movement. The Committee also noted that the existing facility of godown is required for smooth functioning of the mill. The Committee, therefore, decided to grant the permission.

(2) Application

(2) Application No.360/22/01/82 (The Divisional
Manager, Canara Bank)

The Committee considered the application and noted that the proposal was for change of use of premises on Plot No.14, 'Kshamalaya', Dinshaw Mulla Road, in 'A' Municipal Ward, from shopping to a Branch of Canara Bank. The area involved was 375.00 square metres. The Committee further noted that the applicant intended to develop an area of about 200.00 square metres for the present and the rest of the area was reserved for **future** use. The Committee also noted that in the Development Plan of Greater Bombay, the property is included in Commercial Zone. Amended Development Control Rules, (in particular Rule 13(b)(ii)) do not allow "Business Offices and Exchanges" in the Island City of Bombay. However, the bank user is permissible only upto the limited area of 100.00 square metres. As per explanation added by the BMRDA'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 D.C. 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.361/04/02/82 (S/Shri Mohammed Jamil
Mohammed Ismail Qureshi and Mohammed Aquil Mohammed
Ismail Qureshi)

The Committee considered the application and noted that the proposal was for change of use of premises known as 'Satya Vilas', Municipal Number of Building 16, Manohardas Street, in 'A' Municipal Ward, admeasuring 405.373 square metres (Ground, First, Second and Third floors of the premises), from residence to bank. The Committee further noted that the bank intended to shift their present Central Clearing and allied departments from Appejay House at Shahid Bhagat Singh Road to the premises in question, as the existing premises were stated to be inadequate. The Committee also noted that as per sanctioned Development Plan of 'A' Ward, the property in question is included in Residential Zone. Eventhough,

according

according to D.C. Rule No.7(xv), branch offices of banks are permissible in Residential Zone for providing service to the locality, the proposed use viz., "Central Clearing and allied departments" is not permissible in the Island City of Bombay as per D.C. Rules in force. As per explanation added by the BMRDA'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 D.C. 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.

(4) Application No.362/10/02/82 (M/s. Maryland Construction Co. (P) Ltd., Bombay-400 022)

The Committee considered the application and noted that the proposal was for change of use of premises on Plot No.39, Sion-Matunga Estate, Dr. Ambedkar Road, in 'F' North Municipal Ward, admeasuring 230.050 square metres, from Residential to Branch Office of Indian Bank. The Committee also noted that the existing Branch is located in the proximity, opposite the Rupam Cinema and due to increase in their activities and nearness of the Rupam Cinema, they intend to shift to the premises in question. The Committee also noted that the party had applied in the past in respect of the said premises. Their application was registered under No.315/9/1/81. At that time they had sought permission for the Branch of the Bank of Maharashtra and the Committee had rejected the same, on the ground 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 and that it would give rise to various problems in regard to traffic and transportation due to this peculiar junction where the building under reference is located. The Committee found that the reasons given in the present application were not convincing and there were no valid reasons for changing the decision taken in the past. The Committee was, therefore, of the view 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.

(5) Application

(5) Application No.363/23/02/82 (Bombay Housing and Area Development Board)

The Committee considered the application and noted that the proposal was for reconstruction of buildings on S.Nos. 3111 to 3116, C.P. Tank Road, (Municipal Nos. of Buildings 68-70, 72, 74, 76-78-80, 82-84, 86), in 'C' Municipal Ward. The existing floor area of the buildings is 1,330.65 square metres and the F.S.I. is 2.71. The proposed area is 1,414.04 square metres and the F.S.I. is 2.96. The Committee also noted that in the existing buildings, non-residential area (i.e. shop, dispensary, offices, stores, hotel, etc.) is 383.86 square metres as against which area admeasuring 232.84 square metres is proposed therefor. There are 63 tenants in these buildings (44 residential and 19 commercial). It was recapitulated that at the Special Meetings of the Committee held on 15th and 22nd April 1981, it was decided to allow the existing offices and wholesale establishments in the "Cessed buildings", subject to certain conditions and that the Special Meeting of the Authority had endorsed this view at its meeting held on 17.7.1981. The Committee, therefore, decided to grant the permission for the proposed development, subject to the condition that the Bombay Municipal Corporation certifies that the existing premises in the old buildings were authorisedly used for offices, etc., prior to 10.6.1977 and that the office user does not cause any traffic congestion.

Accordingly, the Committee passed the following Resolution :

RESOLUTION NO.213 :

Resolved that in exercise of the powers conferred on it by clause (v) of the Sub-Section (2) of Section 7 of the EMRDA 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 -

- (1) the Shree Ram Mills Ltd. (Application bearing Registration No.359/20/1/82) for reconstruction of buildings on C.S.Nos.288, 289, 1547, 1548, 1549, 1/1540, 2/1540 and 3/1540 of Lower Parel Division at Ganpatrao

Kadam

Kadam Marg, in 'G/South' Municipal Ward, and

- (2) the Bombay Housing and Area Development Board (Application bearing Registration No.363/23/2/82) for reconstruction of buildings on S.Nos.3111 to 3116 at C.P. Tank Road in 'C' Municipal Ward; and

(II) refuses permission on behalf of the Authority, under Sub-Section (3) of Section 13 of the said Act to M/s. Maryland Construction Co. (P) Ltd. (Application bearing Registration No.362/10/2/82), for the reasons recorded in the minutes.

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

- (1) The Divisional Manager, Canara Bank (Application bearing Registration No.360/22/1/82); and
- (2) S/Shri Mohammed Jamil Mohammed Ismail Qureshi and Mohammed Aquil Mohammed Ismail Qureshi (Application bearing Registration No.361/4/2/82).

Item No. 4 : Reporting cases of exercise of powers delegated by the Executive Committee.

The Committee while noting the appointments reported in the Item Note observed that the vacant posts should be filled in only when there is adequate justification for the same.

Item No. 5 : Section 13 Notification dated 10th June 1977 of BMRDA - Amendment of Section 2(c) of BMRDA Act, 1974.

There was a detailed discussion on the various aspects of the proposal underlying the Item Note. It was thought that the proposed restrictions were regulatory in nature and fraught with numerous difficulties, etc. The concensus of opinion was in favour of BMRDA presently regulating development of areas that would be vacated by shifting of wholesale markets from Bombay. To subserve the above objective, a brief and self contained Act be suggested. Such an Act should empower the State Government and the BMRDA to acquire areas vacated by wholesale markets en bloc for development as per the

predetermined

predetermined land use plan.

The Committee desired that a suitable Bill be prepared and placed before the next Meeting of the Committee for its consideration so that it could be recommended to Government for legislation.

Item No. 6 : Accounts of the Bombay Metropolitan Region Development Fund for the quarter ended 31st December, 1981.

While noting the accounts, the Committee desired that periodical review of various sanctions accorded be taken and it should be ensured that payments are made as contemplated in those sanctions. The Committee also desired that hereafter details of the Head of Account viz. Surveys and Investigations be given.

Item No. 7 : Bombay Urban Transport Project (BUTP) (World Bank Loan No.1335-IN) - Progress Report for the period ended 28th February, 1982.

After some discussion, the progress report was noted by the Committee.

Item No. 8 : Protection of land required for Mankhurd-Belapur Railway line against proliferation of unauthorised hutments - Providing barbed wire fencing for protecting land in Reach No.3 from Ch.1.70 to 3.40 Kms.

The Committee considered the item Note. It was noted that as per the suggestions made at the last (66th) meeting of the Executive Committee the Railway Authorities have already been approached with a request to undertake work of laying tracks upto Thane Creek. The Committee also noted that the Railways have been informed that in case they agree to take up the work an interest free advance of about Rs.2 crores could be made available to them. The Committee, therefore, decided that the matter should be pursued with the Railway Authorities and in the mean-time land be protected with the help of the squad under the control of the Additional Collector and Controller of Encroachments and Unauthorised Structures or by provision of fencing to be decided in consultation with the Chairman.

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