

No. EXC/MTG/70

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

August 5, 1982

The minutes of the Seventieth Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 6th July, 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., Bombay.	- 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, 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, 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 Deputy Secretary, HURE Board, BMRDA.

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SEVENTIETH MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

DATE : 6th July, 1982. (Tuesday)

TIME : 3.00 P.M.

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

MEMBERS PRESENT :

- Shri P.G. Gavai, Chief Secretary to
the Government of Maharashtra. - 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 L.C. Gupta, Secretary to the
Government of Maharashtra, Urban
Development Department. - Member.

INVITEES :

- The Financial Adviser, B.M.R.D.A.
- 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 Director (Engineering Services & Projects),
Municipal Corporation of Greater Bombay.
- The Sr. Planning Officer and Dy. Secretary,
HURE Board, B.M.R.D.A.
- Shri S.V. Asgaonkar, Secretary, Executive Committee, BMRDA.

ITEM NO. 1 : Confirmation of the minutes of
the last (69th) Meeting.

The minutes were confirmed.

ITEM NO. 2 : Action.....

ITEM NO. 2 : Action taken on the minutes of
the last (69th) Meeting.

After general discussion on the various proposed projects, the action taken report was noted by the Committee.

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 :-

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|------------------|------------------|
| (1) 370/10/05/82 | (5) 374/25/05/82 |
| (2) 371/10/05/82 | (6) 375/26/05/82 |
| (3) 372/11/05/82 | (7) 376/27/05/82 |
| (4) 373/11/05/82 | (8) 377/01/06/82 |
| (9) 379/14/06/82 | |

(1) Application No.370/10/05/82 (Shri N.K. Botre) :

The Committee considered the application and noted that the proposal was for change of use of gala no. 32-A (ground floor) from wooden box manufacturing to warehouse at K.H. Block, Sitaram Building, Palton Road, [Municipal Number of Building 3423(5A)] in 'A' Municipal Ward. The land under reference is included in 'C' (Commercial) Zone and is located near Phule Market. The change of use was sought for on the ground that due to shortage of wood, merchants started using paper boxes. The applicant had not mentioned the commodity for which the proposed use of warehouse was sought for. The Committee noted that the proposed use is not permissible in Commercial Zone under the Development Control Rules for Greater Bombay. 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.....

therefore, not maintainable.

(From the views of the Office of the Transport and Communications Board, on the above application, the Committee noted that the above gala is already being used as a warehouse. The Committee desired that the Municipal Corporation of Greater Bombay should take a suitable action against this unauthorised use.)

(2) Application No.371/10/05/82 (Bombay Port Trust-Superintendent - Electrical) :

The Committee considered the application and noted that the proposal was for construction of a building consisting of ground and three upper storeys, admeasuring 796.636 square metres floor area with F.S.I. of 0.721, on Survey No.1, Muzawarpakhadi Road, Mazgaon, in 'E' Municipal Ward. The proposed building was for providing alternative accommodation for the Office of the Superintendent (Electrical) which is presently situated in the workshop compound as that structure is in a dilapidated condition and unsafe for occupation. The land under reference is included in I-2 Zone and as per the views of the Municipal Corporation of Greater Bombay, the proposed office user is non-conforming to the Zone. However, from the perusal of the plans submitted by the applicant, it was found that activities such as Winding, Material Testing Laboratory, High Voltage Testing Laboratory are also to be located in the proposed building. The existing area occupied by the office was stated to be 500 square metres. In the existing building 52 workers are employed and no increase of workers was proposed in the new building.

The Committee after having thoroughly discussed the proposal, decided to grant the permission for the proposed building with the floor area of 500 square metres only subject to the condition that the existing structure housing the office in question shall be demolished by the Bombay Port Trust. The Committee also decided to reject the proposal for additional area of 296.636 square metres as it was felt that if the desired permission were granted, the overall development of the Bombay Metropolitan Region is likely to be affected adversely.

(3) Applocation.....

(3) Application No.372/11/05/82 (Shri Kashyap O. Thakkar).

The Committee considered the application and noted that the proposal was for construction of building with 2,328.75 square metres floor area with F.S.I. 2.72 at C.S. No.63, British Hotel Lane, in 'A' Municipal Ward. The property in question is included in 'C' (Commercial) Zone and as per the Development Control Rules F.S.I. of 2.45 was available. The applicant had stated that the Municipal Corporation of Greater Bombay had approved a proposal for development of the property in question in 1965 and that the owners had obtained certificate under Section 13HH of Bombay Rent Act and had filed suits against existing tenants in the Court of Small Causes. Since the Court cases were not finalised till June, 1980, owners filed consent terms with tenants whereby area admeasuring 615.47 square metres is to be given to the existing tenants as alternative accommodation. The applicant had requested higher F.S.I. with a view to making the development proposal economically viable. The Committee, however, found that only 615.47 square metres floor area (consuming F.S.I. 0.54) is to be given as ^{an} alternative accommodation and the remaining area viz. 1,713.28 square metres is to be used for offices. Moreover, the applicant had not given convincing justification for allowing more than the restricted F.S.I. of 1.33 in this already congested area of 'A' Ward in South Bombay. The Committee also found that the permission given by the Municipal Corporation of Greater Bombay has since lapsed. 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.373/11/05/82 (Shri J.R. Shrimakar).

The Committee considered the application and noted that the proposal was for reconstruction of a

portion.....

portion of the building consisting of ground and five upper floors (with floor area of 143.5 square metres) on S.No.2318, Municipal number of building 7, K.M. Zaveri Marg, in 'C' Municipal Ward which was demolished in the year 1978 at the instance of the Municipal Corporation of Greater Bombay as it was in a dilapidated condition. The Committee also noted that in 1980, tenants collected the required finance for repairs and applied to the Bombay Housing and Area Development Board to grant them N.O.C. for repairs which was granted under No.12336/3600/C3-4, dated 8.8.1980. The Municipal Corporation of Greater Bombay also granted them permission for repairs excluding the portion in question. The Committee further noted that the proposal is for reaccommodating the then existing residential tenants. The Committee recapitulated that at its fifty-ninth meeting held on 15.5.1981, it had expressed an opinion that reconstruction of collapsed portion of such buildings be allowed subject to certain conditions. The matter was thereafter discussed in Joint Meeting in Urban Development ^{Department} / (with ^{the} Metropolitan Commissioner; the Municipal Commissioner and the Administrator, Maharashtra Housing and Area Development Authority) and it has been decided to give permission for reconstruction of the collapsed/gutted/demolished portion of building subject to certain conditions. The important conditions are that the collapsed portion, etc. is not more than 25% of the whole building; the F.S.I. to be permitted is upto the existing F.S.I. prior to the collapse, etc. or to the extent of 2.4 times the permissible F.S.I. as per D.C. Rules, whichever is lower; and at least 50% of the floor area of the reconstructed portion should be used for residential purpose. The Committee found that in the present proposal the portion to be reconstructed is less than 25% and is to be used for residential purpose. The Committee, therefore, decided to grant the permission applied for, subject to the condition that the F.S.I. with the reconstructed portion should be upto the existing F.S.I. prior to the demolition or to the extent of 2.4 times the permissible F.S.I. as per D.C. Rules, whichever is lower.

(5) Application.....

(5) Application No.374/25/05/82 (Bombay Port Trust - Deputy Manager, Container Monitoring Cell) :

The Committee considered the application and noted that the proposal was for permitting enclosure of second floor level of the existing overhead tank structure on Bombay Port Trust lands near Red Gate, Prince's Dock, in 'A' Municipal Ward thereby creating an additional office area of 250 square metres for the office of the Deputy Manager, Container Monitoring Cell. The Committee also noted that presently the said office is located in the near about area which was not proposed to be demolished. Neither sufficient information nor convincing justification were given by the applicant. The Committee, therefore, felt that if the desired permission were granted, the overall development of the Bombay Metropolitan Region is likely to be affected adversely. The application was, therefore, rejected.

(6) Application No.375/26/05/82(Poonam Hotels Limited).

The Committee considered the application and noted that the proposal was for construction of a building with floor area of 4,900 square metres (consuming F.S.I. of 1.33) on Plot No.276, T.P.S. III, Mahim at Moghul Lane, in 'G North' Municipal Ward. The proposed building was for locating Computer Centre and its ancillary uses of the State Bank of India which are presently conducted in the premises of M/s. Poonam Hotels Ltd. at Shivsagar Estate, Dr.A.B. Road, Worli. The area presently occupied by the above office is 2702.7 square metres as against which an area of 4,900 square metres was proposed to be created. The proposed additional area was sought to be created on the ground of increase in activities. The Committee also noted that the area under reference is included in Industrial Zone and as per modified D.C. Rules, the office use which includes the Computer use, is not permissible in the area of Island City. Besides, proposed use, not being incidental to the industrial use, was ^{also} not permissible thereat. 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.....

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.

(7) Application No. 376/27/05/82 (Hotel Corporation of India Limited's Five Star Hotel at Juhu.

The Committee considered the application and noted that the proposal was for construction of a building for Residential Luxury 5 Star Hotel with floor area of 31,955 square metres (excluding area of 1050.08 square metres for lifts and staircases) at C.T.S. No.859(P), 561/5, Juhu Tara Road, in 'K-West' Municipal Ward. The F.S.I. proposed to be utilised was 1.5. The applicant had stated that the land under reference is suitable for hotel purposes and will attract tourists, etc. due to nearness to the seashore and the airport, and that the plot has been purchased by it 12 years ago. Formalities of funds etc. have been gone through with the Central Government and the Director of Tourism's approval for the proposed hotel has been obtained. The Committee also noted that the land under reference is included in Residential Zone where proposed development is permissible under the D.C. Rules. As per normal D.C. Rules, F.S.I. permissible was 1. However, the State Government has allowed the party to use additional F.S.I. of 0.5 under D.C. Rule 10(2) vide Government letter No.BMRDA 3580/CR.196 UD-4, dated 4th May, 1982. The Committee recapitulated that at its 51st Meeting, held on 14th August, 1980, it had recommended to the Government, a proposal for granting extra F.S.I. of 50% over and above the permissible D.C. Rules F.S.I. in Suburbs only for tourist hotels. The Committee thus found that the present proposal is in conformity with its earlier recommendations. The Committee, therefore, decided to grant the permission applied for.

(8) Application No.377/01/06/82 (Tata Electric Companies).

The Committee considered the application and noted
that the.....

that the proposal was for construction of additional area of 468.84 square metres at the Receiving Station of M/s. Tata Electric Companies at Dharavi, for being used as office premises for Thermal Station. As per the Development Plan, the land under reference is included in Industries Zone and the proposed office use is non-conforming to the zone. The applicant had stated that the existing area is not sufficient and that there is no vacant plot for construction of a separate building. No other details such as existing office area, number of workers, etc. were given in the application. The Committee, therefore, felt that if the desired permission were granted, the overall development of the Bombay Metropolitan Region is likely to be affected adversely. The application was, therefore, rejected.

(9) Application No. 379/14/06/82 (Traffic Control Branch).

The Committee considered the application and noted that the proposal was for construction of office building with floor area of 2,380.16 square metres, in the premises of the Police Commissioner's office, near Phule Market, in 'A' Municipal Ward. As per Development Plan the land under reference is included in 'C' (Commercial) Zone. The Committee also noted that the office of the Traffic Branch which is proposed to be located in the proposed building is presently located in the old barracks near Mantralaya. Some of these barracks are to be demolished shortly for widening of General Jagannath Bhosale Marg. The applicant had stated that these barracks are unsuitable for the existing use. Besides, the available carpet area (13,012 square feet) is very insufficient. Moreover, the Traffic Branch has installed a newly Key-to-Floppy-to-Tape System (a sort of mini-computer) for which large area is required. Further this system is going to be augmented by installing a galaxy system. Closed circuit T.V. system has also been sanctioned by the Government for efficient traffic management of Central Business Area i.e. Fort, Girgaum, Kalbadevi, Opera House, Haji Ali, etc. If the office of the Traffic Branch is located at Phule Market, Rs.22/- lakhs could be saved by Govt. due to shortened length of cables.

After detailed.....

After detailed discussion on the application, the Committee found that the Traffic Control Branch is embarking on various modern schemes as are in vogue in other countries. Eventhough additional space proposed to be created appeared to be sufficient for the time being, soon it may become entirely inadequate and the scope of further expansion of offices in the present Police/Compound at Phule Market is very limited. Moreover, the traffic problems of Bombay are not confined to South Bombay and looking to the growth trend and pattern, the traffic problems are likely to become relatively more severe in the northern parts of the City and Suburbs in future. The Committee also found that the entire compound of the Police Commissioner's Office is included in 'C' (Commercial) Zone and is one of the most congested parts of Bombay which is bound to become even more congested when the large new shopping centre in the G.T. Hospital Complex comes into general use. The Committee, therefore, agreed with the remarks given by the office of the Transport and Communications Board that for locating the head quarters of Traffic Control Branch, another location which would be more exclusive, less congested and has the potential for considerable expansion and be more central to Greater Bombay as a whole was necessary. The Committee, therefore, felt that the Commissioner of Police should re-examine the matter, in consultation with the Home Department and telecommunication/telemetry experts. In the circumstances, the Committee felt that if the desired permission were granted, the overall development of the Bombay Metropolitan Region is likely to be affected adversely. The application was, therefore, rejected.

Accordingly, the Committee passed the following Resolution :-

RESOLUTION NO. 218 :

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.....

it in this behalf, the Committee hereby -

(I) grants permission to :-

- (1) The Chief Engineer, Bombay Port Trust (Application bearing Registration No.371/10/05/82 - partially) for construction of a building with 500 square metres floor area only at Survey No.1, Muzawarpakhadi Road, Mazgaon, in 'E' Municipal Ward.
- (2) Shri J.R. Shrimakar (Application bearing Registration No.373/11/05/82) for reconstruction of the demolished portion of a building bearing Municipal No.7 at S.No.2318 at K.M. Zaveri Marg, in 'C' Municipal Ward and
- (3) Hotel Corporation of India Limited (Application bearing Registration No.376/27/05/82) for construction of a building for Residential Luxury Five Star Hotel, with 31,955 square metres floor area (excluding 1050.08 square metres area under lifts and staircases) at C.T.S. No.859(P), 561/5, Juhu Tara Road, in K-West Municipal Ward and

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

- (1) The Chief Engineer, Bombay Port Trust (Application bearing Registration No.371/10/05/82- partially) so far as it relates to construction of additional floor area of 296.636 square metres at Survey No.1, Muzawarpakhadi Road, Mazgaon, in 'E' Municipal Ward;
- (2) The Chief Engineer, Bombay Port Trust (Application bearing Registration No.374/25/05/82);
- (3) M/s. Tata Electric Companies (Application bearing Registration No,377/01/06/82) and

(4) The.....

(4) The Commissioner of Police (Application bearing Registration No.379/14/06/82),

for the reasons recorded in these minutes.

Resolved further that the following applications 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, are hereby rejected :-

- (1) Shri N.K. Botre (Application bearing registration No.370/10/05/82);
- (2) Shri Kashyap O. Thakkar (Application bearing registration No.372/11/05/82); and
- (3) Poonam Hotels Ltd. (Application bearing registration No.375/26/05/82).

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

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