

No. EXC/MTG/73.

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

Date : 8th November, 1982.

The minutes of the Seventy-third Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 21st October, 1982 are enclosed.

S. V. Asgaonkar
(S. V. ASGAONKAR) 8/11/82
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, 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, BMRDA.
- The Legal Adviser, B.M.R.D.A.
- The Senior Urban Planner, B.M.R.D.A.
- The Sr. Planning Officer and Deputy Secretary, HURE Board, B.M.R.D.A.
- The Chief Accounts Officer, B.M.R.D.A.

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SEVENTY-THIRD MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

DATE : 21st October, 1982 (Thursday)

TIME : 4.30 P.M.

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

MEMBERS PRESENT :

Shri R.D. Pradhan, Chief Secretary to the Government of Maharashtra. - Chairman.

Shri A.N. Batabyal, Metropolitan Commissioner, B.M.R.D.A. - Vice-Chairman.

Shri C.M. Correa, Chairman, HURE Board, B.M.R.D.A. - Member.

Shri S.F. Mehoni, Managing Director, C.I.D.C.O., Bombay. - Member.

Shri L.C. Gupta, Secretary to the Government of Maharashtra, Urban Development Department, Mantralaya. - Member.

INVITEES :

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

The Member-Secretary, WRM Board, BMRDA.

The Member-Secretary, HURE Board, BMRDA.

The Chief Accounts Officer, B.M.R.D.A.

The Chief Engineer, Execution Wing, BMRDA.

The Director (Engineering Services and Projects), Municipal Corporation of Greater 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.

Item No. 1 : Confirmation of the minutes of the last (72nd) Meeting.

The minutes were confirmed.

Item No. 2 : Action

Item No. 2 : Action taken on the minutes of
the last (72nd) Meeting.

The Metropolitan Commissioner informed the meeting that as per the decision taken by the Executive Committee at its 48th meeting held on 28th April, 1980, statements (a) and (b) containing action taken report on the past decisions of the Executive Committee are to be circulated to the Executive Committee every month and quarterly, respectively. At the 67th meeting of the Executive Committee held on 18th March, 1982, the then Metropolitan Commissioner had informed the meeting that action on some of the items in those statements was not required to be taken due to changed circumstances. The Committee had agreed that such of the items be deleted and the revised statements be circulated to the Committee. The Metropolitan Commissioner further informed the Committee that the revised statements would be submitted at the next meeting of the Executive Committee.

The Chairman, Executive Committee suggested that the Metropolitan Commissioner should take a review of all the past decisions included in those statements (a) and (b) and report to the Committee items which are required to be retained and which are required to be deleted. The Committee agreed with the suggestion.

Arising out of the action taken report on Table Item (Development of Mahim Nature Park in Block 'H' of Bandra-Kurla Complex), issue regarding unauthorised encroachment and filling of a portion of land reserved for bird sanctuary in Bandra-Kurla Complex was discussed. The lessee of the land viz. Society for Clean Cities had brought to the notice of the Chief Secretary that the Collector of Bombay had served a notice on them threatening to forfeit the lease on the ground of unauthorised reclamation of land thereat. As it appeared that the reclamation was being done by some unauthorised persons and not by the lessee, the Chairman, Executive Committee desired the Metropolitan Commissioner, BMRDA to look into the matter and take necessary action.

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The action taken report was then 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 :

- (1) 391/27/08/82 (2) 392/21/09/82
(3) 393/27/09/82.

(1) Application No.391/27/08/82 (Dairy Development Commissioner, Bombay.)

The Committee considered the application and noted that the proposal was for construction of a building with ground and five upper floors, with floor area of 7,747.34 square metres and F.S.I. 0.94, for accommodating administrative offices, etc. of the Greater Bombay Milk Scheme and Dairy Development Department, in the premises of Worli Dairy, on land bearing C.S.No. 866, Plot No.7(5) to 7(14) at A.G. Khan Road, Worli Seaface in 'G-South' Municipal Ward. The applicant had stated that the Dairy Development Department has taken a decision to segregate the factory and administration by constructing a separate building for administrative office premises for smooth, efficient and channelised functioning of Greater Bombay Milk Scheme and for that purpose separate Administrative Building has been proposed. The list of offices to be accommodated in the proposed building was also given by the applicant. On perusal of the said list it was noted that some of the departments were proposed to be shifted from within the Worli Dairy and some from outside. Besides activities such as suites for visitors, rest rooms/retiring rooms were to be started a new in the proposed building. The Committee noted that these new activities mentioned above do not attract the restrictions imposed by BMRDA's Notification (since the proposed F.S.I. was well within the restricted F.S.I. of 1.33). It was further noted that some of the departments proposed to be accommodated in the new building have jurisdiction over Greater Bombay,

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while one department has a statewide jurisdiction. It was also noted that ground and two upper floors of the building (4,004.00 square metres) were already constructed without either obtaining the required permission from the EMRDA or lodging the plans of the proposed building with the Municipal Corporation of Greater Bombay in time. After discussing the issue at length, the Committee decided to grant permission for ground and one upper floor admeasuring 2,755.86 square metres floor area only for being used for offices which are connected with the Worli Dairy and for providing suites for visitors and rest/retiring rooms and rejected the application so far as it relates to the additional area as the overall development of the Bombay Metropolitan Region is likely to be affected adversely thereby.

The Committee also decided that action for undertaking the work without obtaining the prior permission from the EMRDA be initiated. The Committee further desired that Government be requested to investigate as to how the construction was made unauthorisedly in this case.

(2) Application No.392/21/09/82 (Key Kay Holdings Pvt. Ltd.)

The Committee considered the application and noted that the proposal was for change of use of a flat admeasuring 2,200.00 square feet in Block-1, known as Manek Mahal at Survey No.1686, Plot No.8 at Veer Nariman Road in 'A' Municipal Ward, from residential to office. The applicant had stated that during the last decade, the entire building premises have been converted into commercial use i.e. for administrative offices, etc. except the flat under reference and that it was no longer suitable for residential use. The applicant desired to shift their existing office located in the factory premises at Saki Naka on Andheri-Kurla Road to the flat under reference and 23 workers were to be accommodated therein (as against existing 13 workers). The Committee further noted that as per the Development Control Rules, the proposed change of use was not permissible. As per explanation added by the EMRDA's Notification No.C/RDM 1060/2118(A), dated 7.10.1980 to the Original Notification,

dated

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.

Apropos Applicant's ~~above~~ mentioned statement that almost all the flats in the said building have been converted into administrative offices, etc., the Committee desired that detailed report as to how the change of use took place, be made to the Committee.

(3) Application No.393/27/09/82 (Bombay Port Trust)

The Committee considered the application and noted that the proposal was for construction of a transit shed containing 9,173.00 square metres floor area at Berth No.13-A, Indira Dock, in 'A' Municipal Ward. The applicant had stated that the containers arriving at Bombay Port are proposed to be off-loaded partly at Ballard Pier (which would be known as Marine Terminal No.1) and partly at Berths Nos. 1, 2 and 3, Indira Dock (which would be known as Marine Terminal No.2). With a view to providing various facilities to handle these containers, 5 sheds containing floor area 42,500 square metres were either demolished or would be demolished. In view of the demolition of the above sheds, it was necessary to provide a part of the covered area already lost or likely to be lost. For this purpose, the applicant proposes to construct, in the first instance, a transit shed under reference. The Committee noted that one shed admeasuring 9,400.00 square metres floor area was already demolished. The Committee, therefore, decided to grant the permission applied for.

Accordingly, the Committee passed the following Resolution :-

RESOLUTION NO.224 :

Resolved that in exercise of the powers conferred on it by clause (v) of the sub-section (2) of section 7

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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 -

(I) grants permission to -

- (1) The Dairy Development Commissioner, Maharashtra State (Application bearing Registration No.391/27/8/82 - partially) for construction of a building with floor area of 2,755.86 square metres only at C.S. No.866, Plot Nos. 7(5) to 7(14), A.G. Khan Road, Worli Seaface in 'G-South' Municipal Ward; and
- (2) The Chief Engineer, Bombay Port Trust, (Application bearing Registration No.393/27/9/82) for construction of a transit shed with floor area of 9,173.00 square metres at Berth No.13-A, Indira Dock in 'A' Municipal Ward; and

(II) refuses permission, on behalf of the Authority, under sub-section (3) of Section 13 of the said Act to the Dairy Development Commissioner, Maharashtra State, (Application bearing Registration No.391/27/8/82 - partially) so far as it relates to construction of additional floor area of 4991.48 square metres (out of proposed area of 7,747.34 square metres) at C.S.No. 866, Plot Nos. 7(5) to 7(14), A.G. Khan Road, Worli Seaface in 'G-South' Municipal Ward, for the reasons recorded in these minutes.

Resolved further that the application received in terms of Section 13(2) of the BMRDA Act, 1974, from M/s. Kay Kay Holdings Pvt. Ltd. (Application bearing Registration No.392/21/9/82), being ultra vires of the powers of the Committee, and, therefore, not maintainable, is hereby rejected.

Item No. 4 : Bombay

Item No. 4 : Bombay Urban Transport Project (BUTP)
(World Bank Loan No.1335-IN) -
Periodical Progress Report.

The Periodical Progress Report was noted by the Committee.

Item No. 5 : Accounts of the Bombay Metropolitan
Region Development Fund for the
quarter ended on the 30th September,
1982.

Quarterly accounts were noted by the Committee.

Item No. 6 : Report regarding cases of exercise
of powers delegated by the Executive
Committee.

The Committee noted the appointments reported in the statement.

Item No. 7 : List giving details of appeals under
Section 13(4) of the EMRDA Act, 1974.

Noted.

Item No. 8 : Consultancy for preparing report on
the approach to housing schemes in the
B.M.R. - Termination of contract, etc.

The Committee considered the Item Note and passed the following Resolution :-

RESOLUTION NO.225 :

Resolved that the Executive Committee in exercise of the powers conferred under Section 7(2)(vi) of the EMRDA Act, 1974 and all other powers enabling it in that behalf approves the proposal to terminate the consultancy for preparation of a paper on various alternative schemes for housing at cost of Rs.2,500/- awarded to M/s. Rachana Architects of Nagpur without making any payment to them in view of breach of contract by them and further resolved that no claims for damages be made against the said consultants.

Item No. 9 : Draft

Item No. 9 : Draft Regional Plan for the extended
Bombay Metropolitan Region (Pen -
Alibag) - Sanction of the cost of
preparation.

The Committee considered the Item Note and passed
the following Resolution :

RESOLUTION NO.226 :

Resolved that the Executive Committee approves the
proposal of paying Rs. one lakh towards the payment of
agency charges to the Directorate of Town Planning,
Maharashtra State, Pune for the preparation of the draft
Regional Plan for the extended Bombay Metropolitan Area
(Pen-Alibag), on behalf of the BMRDA.

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

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