

No. EXC/MTG/79.

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BOMBAY METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
Griha Nirman Bhavan,
5th Floor, Bandra (East),
B O M B A Y - 4 0 0 0 5 1.

Date : June 16, 1983.

The minutes of the Seventy Ninth Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 9th June, 1983, are enclosed.

S. V. Asgaonkar
(S. V. ASGAONKAR) 16/6/83.
SECRETARY,
EXECUTIVE COMMITTEE.

To

- The Chief Secretary to the Govt. of Maharashtra, General Administration Department, Mantralaya. - Chairman
- The Metropolitan Commissioner, BMRDA. - Member
- The Secretary to the Government of Maharashtra, Urban Development Department, Mantralaya. - Member
- The Secretary to the Government of Maharashtra, Housing Department, Mantralaya. - Member
- The Municipal Commissioner, Bombay Municipal Corporation. - Member
- The Managing Director, CIDCO, Bombay. - Member

INVITEES :

- The Financial Adviser, BMRDA.
- The Dy. Metropolitan Commissioner, BMRDA.
- Shri R.Y. Tambe, B.M.R.D.A.
- Shri K.S. Keswani, B.M.R.D.A.
- Shri P.B. Kanyalkar, B.M.R.D.A.
- The Chief Accounts Officer, B.M.R.D.A.
- The Chief Engineer, Execution Wing, B.M.R.D.A.
- The Senior Urban Planner, B.M.R.D.A.
- The Senior Planning Officer, B.M.R.D.A.
- The Legal Adviser, B.M.R.D.A.

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79TH MEETING OF THE EXECUTIVE COMMITTEE, BMRDA

DATE : 9th June, 1983(Thursday)

TIME : 11.00 A.M.

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

MEMBERS PRESENT :

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

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

INVITEES :

The Financial Adviser, B.M.R.D.A.

Shri R.Y. Tambe, T&C Wing, BMRDA.

Shri K.S. Keswani, HURE Wing, BMRDA.

Shri P.B. Kanyalkar, WRM Wing, 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 Senior Planning Officer, HURE Wing, BMRDA.

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

Item No.1 : Confirmation of the minutes of the last (78th) Meeting of the Executive Committee.

The minutes were confirmed.

Item No.2 : Action taken on the minutes of the last (78th) Meeting of the Executive Committee - together with progressive action on the past decisions(part 'a' only).

The action taken report together with the progressive action on the past decisions 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.

1. 415/12/4/83

2. 416/3/5/83

3. 417/5/5/83

(1) Application No.415/12/4/83(The Chief Engineer,

Bombay Port Trust) :

The Committee considered the application and noted that the proposal was for addition of 113.930 sq.mtrs. floor area to the existing shed on part of C.S.No.1 of Mazagaon Division, (Coastal Traffic Shed) at Malet Bunder, in 'B' Municipal Ward for storage of cargo in traffic and sitting arrangement for operational staff, thereby increasing its floor area from 205.870 sq.mtrs. to 319.800 sq.mtrs. It was stated that around the shed under reference there are three small buildings viz. Dock's Office Building, Octroi Chowki and Dock Manager's Chowki with a total plinth area of 72.89 sq.mtrs. It was also stated that these three buildings would be demolished and activities therein would be integrated in the part of the proposed extension. It was noted that increase in the cargo area per se being only 28.482 sq.mtrs. there was no likelihood of either additional employment or significant traffic generation. The Committee, therefore, decided to grant the permission as applied for.

2) Application No.416/3/5/83(Shri S.D. Calagopi):

The Committee considered the application and noted that the proposal was for change of use of room No.9/A on the ground floor in building No.7, 7A and 7B, Chandanwadi, Girgaum, in 'C' Municipal Ward, from residential to storage of Homeopathic medicines. The area involved was only 22.44 sq.mtrs. It was, however, noted that the building under reference falls in Purely Residential Zone and the change of use sought for was not permissible as per the provisions of the Development Control Rules for Greater Bombay. As per explanation added by BMRDA Notification No.MC/RDM-1082/2118(A), dated 7.10.80 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. The Committee also desired that BMC should take necessary action against the applicant for unauthorised change of use of premises.

(3) Application No.417/5/5/83 (The Secretary, Mukund Nagar Co-op. Housing Society):

The Committee considered the application and

noted that the proposal was for construction of ground plus four upper storeyed building on C.S.Nos.181,521 and 522(part) Dharavi Division, in 'E North' Municipal Ward for re-housing 120 existing slum dwellers on the site. The land under reference was Municipal land which has been leased out to the Society. The application was stated to be for grant for FSI of 1.66, (which is permissible as per Development Control Rules of Greater Bombay). However, on scrutiny thereof, it was found that the permission was sought for FSI of 1.97 as the party had taken into consideration the area of road setback which has not been leased out to the society by the Bombay Municipal Corporation.

The Committee considered the proposal in detail. It was felt that since the existing slum dwellers have come forward for construction of a building on their own and their request is for allowing tenaments of a bigger size as against 13.9 sq.mtrs. permitted by the lessor, there was a justification for allowing the permissible FSI of 1.66. The Committee therefore, decided to permit, construction of building consuming FSI of 1.66 (excluding the area of road-setback) for rehousing all the existing slum dwellers only. The Committee also desired that if any such proposals are submitted by the slum dwellers in Dharavi area their request should be considered, likewise.

Accordingly, the Committee passed the following Resolution :-

RESOLUTION NO.242 :

" 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 grants permission to -

(1) the Chief Engineer, Bombay Port Trust (Application bearing Registration No.415/12/4/1983) for addition of a floor area of 113.930 to the existing shed on part

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of C.S.No.1 of Mazagaon Division, (Coastal Traffic Shed) at Malet Bunder in 'B' Municipal Ward) and

(2) the Secretary, Mukund Nagar Co-operative Housing Society (Application bearing Registration No.417/5/5/83) for construction of a building on C.S.Nos.181,521 and 522 (part) of Dharavi Division in 'G-North' Municipal Ward with F.S.I. 1.66 (and not 1.97 as worked out from the plans received along with the application); for the reasons recorded in these minutes.

"Resolved further that the application from Shri S.D. Calagopi, (bearing Registration No.416/3/5/83) 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, is hereby rejected."

Item No.4 : Framing of Rules for Marathi Language Examination.

The Committee noted that even though the proposed rules were generally on the lines of relevant Government Rules, some modifications such as grant of cash award of Rs.500/-, etc. were proposed therein. The Committee was of the view that there should be uniformity in the rules framed by Government and similar rules of other local bodies, including BMRDA. The Committee, therefore, decided that relevant Government rules be made applicable to the employees of the BMRDA mutatis-mutandis and for that purpose the proposed rules be suitably amended.

The Committee then passed the following Resolution:-

RESOLUTION NO.243 :

"Resolved that the Executive Committee in exercise of the powers conferred upon it by clause (i) of sub-section (3) of Section 7 of the BMRDA Act, 1974 as amended upto date and all other powers enabling it in this behalf hereby approves (i) the BMRDA (Officers) Marathi Language Examination Rules, 1983 and (ii) the BMRDA (Employees) Marathi Language Examination Rules, 1983 as detailed in Annexures I and II appended to these minutes.

Resolved further that the aforesaid rules be brought into force with immediate effect."

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Item No.5 : Reporting Cases of exercise of powers delegated by the Executive Committee.

The reported cases were noted by the Committee.

Item No.6 : Office Location Policy in Bombay Metropolitan Region - Report of the Operations Research Group, Baroda.

The consideration of the item was again deferred.

Item No.7 : Extension of period of appointment of Shri S.V. Thakar, Deputy Task Force Leader.

The Committee considered the item note and passed the following Resolution :-

RESOLUTION NO.244 :

"Resolved that, in exercise of the powers vested in it under clause (i) read with clause (iii) of sub-section (3) of Section 7 of the BMRDA Act, 1974, (as amended upto date), the Executive Committee approves the proposal to continue Shri S.V.Thakar, retired Joint Registrar of Co-operative Societies, in the post of the Deputy Task Force Leader, on contract basis, for a further period from 10.5.1983 to 31.3.1984 on consolidated remuneration of Rs.2000/- per month with benefits of leave T.A. and medical facilities."

Item No.8 : Prevention of encroachments in Bandra-Kurla Complex. Constructing Boundary Walls along the boundary between (a) GN Block and M.H.B. Transit Camp and (ii) on GN Block and University Campus.

After some discussion, further consideration of the item was deferred.

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

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Annexure.....

ANNEXURE-I

The BMRDA (Officers) Marathi Language Examination Rules.

- (1) These Rules may be called the BMRDA (Officers) Marathi Language Examination Rules.
- (2) They shall come into force with immediate effect.
- (3) They shall apply to all officers in the different units of the BMRDA drawing pay in the pay-scale the minimum of which is Rs.600/- and above.

Note : For the purpose of these Rules, Higher Grade Stenographers drawing pay in the pay-scale of Rs.600-950 shall not be treated as Officers.

- (4) Every officer to whom these rules apply shall be required to pass lower standard examination in Marathi as may be prescribed by Government for their Gazetted Officers before the expiry of 2 years from the date of coming into operation of these rules or from the date of his appointment to officer's post, whichever is later. He shall also be required to pass a Higher Standard Examination in Marathi as may be prescribed by Government for their gazetted officers before the expiry of two years from the date of his passing the lower standard examination.
 - (a) The officer shall have to pass the lower standard examination in the first instance. He shall be allowed to appear for the higher standard examination only after he passes the lower standard examination, provided that the Metropolitan Commissioner may, for special reasons, extend the period for passing the lower standard and higher standard examinations.
 - (b) Notwithstanding anything contained in the foregoing provisions, an officer
 - (i) whose mother tongue is Marathi, or
 - (ii) who has attained the age of 45 years on the date of promulgation of these Rules;
 shall not be required to pass the Marathi examinations prescribed under these Rules.
- (5) a)(i) If an officer fails to pass the lower standard examination within the prescribed period shall, after the expiry of the said period,

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The BMRDA (Employees) Marathi Language Examination Rules.

- (1) These Rules may be called the BMRDA (Employees) Marathi Language Examination Rules.
- (2) They shall come into force with immediate effect.
- (3) They shall apply to all employees in the different units of the BMRDA drawing pay in the pay-scales the minimum of which is less than Rs.600/-.

Note : Higher Grade Stenographers are covered by these rules.

- (4) Every employee to whom these rules apply shall be required to pass lower standard examination in Marathi as may be prescribed by Government for their non-gazetted employees before the expiry of 2 years from the date of coming into operation of these rules or from the date of his appointment to such post whichever is later. He shall also be required to pass a higher standard examination in Marathi as may be prescribed by Government for their non-gazetted employees before the expiry of two years from the date of his passing the lower standard examination.

(a) The employee shall have to pass the lower standard examination in the first instance. He shall be allowed to appear for the higher standard examination only after he passes the lower standard examination provided that the Metropolitan Commissioner may for special reasons, extend the period for passing the lower standard and higher standard examinations.

(b) Notwithstanding anything contained in the foregoing provisions, an employee

- (i) whose mother tongue is Marathi, or
- (ii) who has attained the age of 45 years on the date of promulgation of these rules;

shall not be required to pass the Marathi exams prescribed under these Rules.

- (5) a)(i) If an employee fails to pass the lower standard examination within the prescribed period shall after the expiry of the said period, be liable to have his increments withheld until he passes the examination or until the necessity for his passing the same is

terminated

terminated by an order of the Metropolitan Commissioner.

(ii) Similarly, an employee who fails to pass the higher standard examination within the prescribed period, shall, after the expiry of the said period, be liable to have his increments withheld until he passes the examination or until the necessity of his passing the same is terminated by an order by the Metropolitan Commissioner.

b)(i) Increment withheld under clause (a)(i) shall become payable to the said employee with effect from the date on which he passes the lower standard examination or becomes exempt from passing it.

(ii) An increment withheld under clause (a)(ii) shall become payable to the said employee with effect from the date on which he passes the higher standard examination or becomes exempt from passing it and all future increments shall accrue to him as if no increment has been withheld. Provided,

(i) that the date of passing the examination shall be deemed to be the date following the date which the examination ends; "

(ii) that such an employee shall not be entitled to a refund of the actual pay which he has lost owing to the withholding of one or more of his increments.

(6) The papers and syllabus, standard of passing and the syllabus for these examination shall be the same as may be prescribed by Government for their non-gazetted employees from time to time.

(7) No training facility will be provided by BMRDA. The employee concerned will have to make his own arrangements for training if necessary.

(8) Notwithstanding anything contained in these rules, the Metropolitan Commissioner is authorised to treat special cases in such manner as shall appear to him to be just and reasonable.