

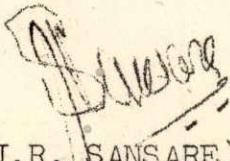
No.EXC/MTG/82

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

Date : 27th September, 1983.

The minutes of the Eighty-second Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 21st September, 1983, are enclosed.


(J.R. SANSARE)
Secretary
EXECUTIVE COMMITTEE

To :

- | | | |
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| The Chief Secretary to the Govt. of Maharashtra, General Administration Department, Mantralaya. | - | Chairman |
| The Metropolitan Commissioner, B.M.R.D.A. | - | Member. |
| The Secretary to the Govt. of Maharashtra, Urban Development Department, Mantralaya. | - | Member. |
| The Secretary to the Govt. of Maharashtra, Housing and Special Assistance Department, Mantralaya. | - | Member. |
| The Municipal Commissioner, Bombay Municipal Corporation. | - | Member. |
| The Managing Director, C.I.D.C.O., Bombay. | - | Member. |
| Shri Charles M. Correa,
9, Mathew Road, Bombay-400 004. | - | Member. |
| Shri Shirish B. Patel,
SPA Consultants Pvt. Ltd.,
41, Nagindas Master Road, Bombay-23. | - | Member. |
| Dr. P.G. Patankar, Director,
Central Institute of Road Transport
(Training and Research),
Poona-Nasik Road, Pune-411 026. | - | Member. |

INVITEES :

- The Financial Adviser, BMRDA.
The Dy. Metropolitan Commissioner, BMRDA.
The Chief, T&C Division, BMRDA.
The Chief, T&CP Division, BMRDA.
The Chief, Planning Division, BMRDA.
The Chief Engineer, Engineering Division, BMRDA.
The Chief Accounts Officer, BMRDA.
The Senior Planner, T&CP Division, BMRDA.
The Legal Adviser, B.M.R.D.A.
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EIGHTY-SECOND MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

DATE : 21st September, 1983 (Wednesday)

TIME : 3.30 P.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
- Shri N.R. Ranganathan, Secretary to the Govt. of Maharashtra, Urban Development Department. - Member
- Shri S.S. Tinaikar, Secretary to the Govt. of Maharashtra, Housing and Special Assistance Department. - 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

INVITEES :

- The Financial Adviser and Chief Accounts Officer, B.M.R.D.A.
- The Chief, T&C Division, B.M.R.D.A.
- The Chief, T&CP Division, B.M.R.D.A.
- The Chief, Planning Division, B.M.R.D.A.
- The Chief Engineer, Engineering Division, B.M.R.D.A.
- The Legal Adviser, B.M.R.D.A.
- The Senior Planner, T&CP Division, B.M.R.D.A.
- Shri J.R. Sansare, Secretary, Executive Committee, B.M.R.D.A.

Item No.1 : Confirmation of the minutes of the last (81st) Meeting.

The minutes were confirmed.

Item No.2 : Action

Item No.2 : Action taken on the minutes of the last (81st) Meeting together with progressive action on the past decisions (part 'a' only).

After discussion, the action taken report was noted by the Committee.

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

The application bearing Registration No.423/02/08/83 (The Trustee, Sir Jacob Sassoon High School, Bombay) which was placed on the Table was considered by the Committee. It was noted that the proposal was for addition to the existing building at C.S.No.246 of Byculla Division in 'E' Municipal Ward, thereby increasing the floor area from 6381.82 square metres to 7334.41 square metres (addition 952.59 square metres) and the F.S.I. from 1.089 to 1.250. Though the proposed addition was well within the limited F.S.I. of 1.33 which by itself does not require permission of the BMRDA, it was intended to use floor area of 342.41 square metres out of the said addition for the expansion of the existing branch of the State Bank of India for which BMRDA's permission was necessary. It was also noted that floor area of 7334.41 square metres is already occupied at the said building by the said Bank. The applicant had not indicated user of the remaining area ~~proposed to be~~ created, presumably because it was not intended to be used for either office or warehousing purpose. It was further noted that as per the provisions of the Development Plan of 'E' Ward, the property falls in Residential Zone with shopline along the road and that under the Development Control Rules for Greater Bombay bank user not exceeding 100 square metres is allowed in Island City. This limit is proposed to be increased upto 200 square metres as per the Draft Revised Development Plan published by the Municipal Corporation of Greater Bombay. As per explanation added by the BMRDA's Notification, No.MC/RDM-1080/2118(A), dated 7th October, 1980 to the Original Notification, dated 10th June 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 so far as it related to grant of permission to allow additional floor area of 342.41 square metres for the expansion of the branch of the State Bank of India was,

therefore,

therefore, rejected being ultra-vires of the Committee's powers and, therefore, not maintainable. Since the proposed user of the remaining area was not indicated, the Committee presumed that the same does not attract the provisions of the BMRDA's Notification.

Briefly discussing the cases of applications which are presented to the BMRDA but are not permissible being ultra vires of the Executive Committee's powers, the Committee again desired that the concerned applicants may be called and explained the correct legal position so that they might perhaps withdraw the same rather than requiring the Committee to formally reject them.

Accordingly, the Committee passed the following Resolution :-

RESOLUTION NO.250 :

"Resolved that the application from the Trustee, Sir Jacob Sassoon High School, Bombay (Application bearing Registration No.423/2/8/83), 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 : Bombay Urban Transport Project (BUTP)-
Progress Report.

The periodical Progress Report was noted by the Committee.

Item No.5 : Repairs to old buildings involving
reconstruction of, collapsed/gutted
in fire, major portion of buildings
in the Island City of Bombay.

While introducing the Item for the orders of the Executive Committee as it deemed fit, the Metropolitan Commissioner explained the circumstances in which the Municipal Commissioner for Greater Bombay was allowed to sanction such proposals in the meantime. He also informed the Committee that subsequent to the circulation of Item Note to the Committee, he received a legal opinion from the Legal Adviser to the BMRDA.

The Committee discussed the Item in detail. Taking into consideration the anxiety of the Bombay Municipal Corporation as also the legal position elucidated by the Legal Adviser, the Committee

decided

decided to exclude the proposed development under Development Control Rule 10(A) from the applicability of part (B) of BMRDA's Notification, dated the 10th June 1977 which is in force, and accordingly passed the following Resolution :-

RESOLUTION NO. 251 :

"Resolved that in view of the facts and circumstances explained in the Agenda Note and having regard to the legal opinion received by the Metropolitan Commissioner as stated by him at the Meeting, it be recommended to the Bombay Metropolitan Region Development Authority that (1) the Notification of the Authority bearing No.MC/RDM/3285/77, dated the 10th June 1977 as continued from time to time and in force at present be amended in its part 'B' to exclude with effect from the 28th June 1983, from its applicability the type or nature of development of land as described in Government letter, Urban Development Department, No.FSI 1181/1930/UD-5, dated the 28th June 1983, to the Municipal Commissioner, directing him under Section 37 of the Maharashtra Regional and Town Planning Act, 1966 to add to the Development Control Rules for Greater Bombay a new Rule viz. 10(A) thereto and (2) the Metropolitan Commissioner be authorised to inform the Government and the Bombay Municipal Corporation suitably in the matter.

Resolved further that the Metropolitan Commissioner be requested to approach the Authority accordingly with the draft amendment of its Notification."

Item No. 6 : Selection of an agency for Architectural and Urban Design Consultancy contract for the wholesale textile markets in Bandra-Kurla Complex.

The Conceptual Designs submitted by three firms which were short listed by the Committee appointed by the erstwhile H.U.R.E. Board were explained to the Committee.

With a view to considering the proposal in detail, it was decided that further consideration of the Item be resumed at the Committee's **Adjourned Meeting.**

At this stage/--....

At this stage the Chairman informed the Committee that the Reserve Bank and other banking authorities have requested Government to revive their old office timings.

It was recollected that some years back office timings of Government and other offices (including bank offices) were changed. However, soon thereafter on the representation of Government employees, old timings of Government Offices were revived. But that time banks had not revived their old timings.

Considering the fact that generally bank offices open earlier than other offices, the Committee had no objection to the banks being allowed to revive their old timings. Committee also requested Government to give their decision on BMRDA's proposal regarding staggering of office hours on experimental basis so that further action therein can be taken.

The Meeting then adjourned after a vote of thanks to the Chair.

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