

No. EXC/MTG/83.

B 39

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

Date : 9th November, 1983.

The minutes of the Eighty-Third Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 27th October, 1983, are enclosed.

*S. V. Asgaonkar 9/11/83*  
( S.V. ASGAONKAR )  
SECRETARY,  
EXECUTIVE COMMITTEE.

To:

- 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-24. - 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 Senior Planner, T&CP Division, BMRDA.  
The Legal Adviser, B.M.R.D.A.

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LP:831108:

EIGHTY-THIRD MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

DATE : 27th October, 1983(Thursday).

TIME : 10.30 A.M.

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

MEMBERS PRESENT :

- Shri R.D. Pradhan, Chief Secretary to the- Chairman  
Government of Maharashtra.
- Shri A.N. Batabyal, Metropolitan - Member.  
Commissioner, B.M.R.D.A.
- Shri N.R. Ranganathan, Secretary to - Member.  
the Government of Maharashtra  
Urban Development Department.
- Shri S.S. Tinaikar, Secretary to - Member.  
the Govt. of Maharashtra,  
Housing & Special Assistance  
Department, Mantralaya.
- Shri D.M. Sukthankar, Municipal - Member.  
Commissioner, Municipal  
Corporation of Gr.Bombay.
- Shri L.C. Gupta, Managing Director, - Member.  
C.I.D.C.O., Bombay.
- Shri Shirish B. Patel. - Member.
- Dr. P.G. Patankar. - Member.

INVITEES :

- The Financial Adviser, 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, BMRDA.
- The Legal Adviser, B.M.R.D.A.
- The Senior Planner, T&CP Division, B.M.R.D.A.
- Shri S.V. Asgaonkar, Secretary, Executive Committee, B.M.R.D.A.

SPECIAL INVITEE :

- Shri S.S. Sohoni,  
Municipal Commissioner,  
Thane Municipal Corporation, Thane.
- Shri Jasbir Sawhney, Architect(Consultant) and  
Shri M.C. Tondon, Technical Director, M/s. STUP  
Consultants Ltd. were present as Special Invitees  
during the discussion on Item No.8 on the Agenda.

Item No.1 : .....

Item No.1 : Confirmation of the minutes of the last(82nd) Meeting of the Executive Committee held on the 21st Sept.,1983.

The minutes were confirmed.

Item No.2 : Action taken on the minutes of the last (82nd) Meeting - together with progressive action on the past decisions(part 'a' only).

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) 424/07/09/83 | (3) 426/16/09/83 |
| (2) 425/08/09/83 | (4) 428/07/10/83 |

(1) Application No.424/07/09/83(Shri Surji Shivji Shah):

The Committee considered the application and noted that the proposal was for change of use of shops Nos.101 to 106 and 108 to 120, admeasuring 364.767 square metres, at Survey No.919, Mandvi Division (Final Plot No.42, Mandvi Town Planning Scheme) known as Veermani Market at Narsi Natha Street in 'B' Municipal Ward, from shops to the branch of the State Bank of Hyderabad. It was noted that the State Bank of Hyderabad is presently having their branch at 262, Narsi Natha Street i.e. opposite the premises under reference. The space presently occupied by the Bank is 191.00 square metres. The present space, apart from being in unhygienic conditions, is also inadequate for conducting the business of the bank. In case the permission is granted, the Bank will use the present premises for lunch room, recreation activities and few Departments of the bank as also for storing records and stationery. At present 80 employees are working in the branch, out of which 73 will be shifted to the new premises and no new employment will be created.

The Committee also noted the applicant's contention that the land under reference is in the Mandvi Town Planning Scheme and the Regulations of

the Scheme.....

the Scheme permit the bank user without any restrictions on the area, unlike the restrictions under the Development Control Rules of Greater Bombay. The Committee was however, of the opinion that when the Development Control Rules has already prescribed a limit of 200.00 square metres in this respect, it is not desirable to allow more space in case of a plot in the Town Planning Scheme. This they thought is an equitable proposition. The Committee, therefore, decided that change of use of shops as branch of the bank be allowed for an area not exceeding 200.00 square metres only and the remaining area should not be allowed to be used for bank.

(The general question of maximum area to be allowed for the branch of the bank was discussed by the Committee. It was noted that the revised maximum limit of 200.00 square metres laid down in the Development Control Rules has been prescribed in consultation with the Reserve Bank of India. However, generally bank authorities ask for more space. The Committee, therefore, desired that this issue be discussed by the Bombay Municipal Corporation with the representatives of the Association of the Indian Banks for ascertaining their views in the matter and, if necessary, further relaxation in that respect be made).

(2) Application No.425/08/09/83(Shri Rameshchand Maheshwari, Bombay).

The Committee considered the application and noted that the proposal was for replacing the existing brick masonry walls of 18" thick by new R.C.C. wall of 6" thick in respect of property consisting of basement, ground and 3 upper floors at Survey No.1109 (Municipal No. of Building C-251(1)), Shaikh Memon Street, in 'C' Municipal Ward, thereby increasing the existing floor area from 30.51 square metres to 41.80 square metres. As per the Revised Development Plan published by the Municipal Corporation of Greater Bombay, the property under reference falls in the reservation of 'municipal retail market and public housing.' It was also noted that eventhough the applicant had described the proposed development as repair work, considering the type of work which is in the nature of changing the load

bearing.....

bearing member from brick masonry walls to RCC Walls. the proposed development cannot be classified as repair but can be classified as reconstruction. Besides the F.S.I. involved was more than the sanctioned Development Control Rule F.S.I. of 1.66 and the Draft Revised Development Control Rules F.S.I. of 1.33. As per the Development Control Rules, the office user is not permissible in South 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 was, therefore, rejected being ultra vires of the Committee's powers and, therefore, not maintainable.

(3) Application No.426/16/09/83 (M/s.Tulsiani Builders Pvt.Ltd., Bombay).

The Committee considered the application and noted that the proposal was for addition to existing building at Plot No.212, Block III, Backbay Reclamation Schemes, Nariman Point, in 'A' Municipal Ward, thereby increasing the floor area from 17,045.36 square metres to 17,064.45 square metres (increase of 19.09 square metres) and the F.S.I. from 3.490 to 3.493. It was noted that due to modification of the duct sizes, there is a balance F.S.I. to the extent of 205.50 sq.ft.(19.09 square metres). This balance F.S.I. is proposed to be utilised by creating a small office space on the 11th floor. It was also noted that in 1978 the applicant had submitted revised plan for ground plus 11 floors and the same was approved by the Bombay Municipal Corporation by issuing fresh I.O.D. on 18.5.1978 e.i.e. prior to the issue of BMRDA's Notification. Since one of the objectives of the office space in South Bombay, the Committee decided that permission be granted for the proposed development, subject to the condition that the space thus created is used for residential purpose and not for the office.

(4) Application No.428/07/10/83(The Chief Commissioner of Income Tax (Adm.), Bombay-400 020.

The Committee considered the application and

noted.....

noted that the proposal was for construction of a building for accommodating offices of the Income Tax Department on Plot No.196, B.B.R.S.III, in 'A' Municipal Ward. It was intended to construct a building with floor area of 9,754.85 square metres and the F.S.I. 3.5, as against the restricted F.S.I. of 1.33 as per draft Development Control Rules. The applicant had stated that the Income Tax Department has expanded considerably in the last decade and the Department has purchased the plot under reference in 1973 from State Government for Rs.1/- crore. The F.S.I. prevailing at that time was 3.5. The Income Tax Offices are at present situated at 9 different locations and the present aggregate floor area in all these offices is 40,929.00 square metres, as against the required area of 51,115.00 square metres, as per the norms laid down by the Ministry of Works and Housing. The applicant had also stated that out of the available area, area admeasuring 9,664.00 square metres has been committed to be vacated by 1984-87. It was further noted that in Bandra-Kurla Complex, Income Tax Department has been granted permissible floor area of about 18,000.00 square metres and it was thus possible for them to tide over the deficiency. As per the Revised Development Plan published by the Municipal Corporation of Greater Bombay, the plot under reference is reserved for 'BEST Bus Station' and as per the Development Control Rules and the Draft Revised Development Plan, the business offices are not permissible in the Island City of 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 was, therefore, rejected being ultra vires of the Committee's powers and, therefore, not maintainable.

Accordingly, the Committee passed the following Resolution :

RESOLUTION NO.252:.....

RESOLUTION NO.252:

"Resolved that in exercise of the powers conferred on it by clause (iv) of the sub-section (3) of Section 7 of the Bombay Metropolitan Region Development Authority Act, 1974, (as amended upto date) 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) Shri Surji Shivji Shah (Application bearing Registration No.424/7/9/83) for change of use of space on the 1st floor of the building on Survey No.919, Mandvi Division, Final Plot No.42, Mandvi Town Planning Scheme at Narsi Natha Street, in 'B' Municipal Ward from shopping to the Branch of the State Bank of Hyderabad for an area not exceeding 200.00 square metres (and not 300.00 square metres as applied for); and
- (2) M/s. Tulsiani Builders Pvt.Ltd. (Application bearing Registration No.426/16/9/83) for addition of floor area of 19.09 square metres at Plot No.212, Block III, Backbay Reclamation Scheme, Nariman Point in 'A' Municipal Ward for residential use only (and not for office use as applied for),

for the reasons stated 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 Rameshchand Maheshwari (Application bearing Registration No.425/8/9/83); and
- (2) The Chief Commissioner of Income Tax (Adm.) (Application bearing Registration No.428/7/10/83)."

Item No.4 : Quarterly Accounts of the BMRDA for the quarter ending 30th Sept.1983.

The quarterly accounts were noted by the Committee.

The Committee then took up for consideration the following Item No.8 on the Agenda :-

Item No.8:.....

Item No.8 : Architectural and Urban Design  
Consultancy for Truck Terminal  
at Wadala.

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Shri Jasbir Sawhney explained the final Conceptual Plan of the Truck Terminal with the help of the drawings prepared by the Consultants.

After discussion, the Committee noted the final Conceptual Plan.

At this stage, the meeting adjourned with a vote of thanks to the Chair.

