

No. EXC/MTG/84(ADJ)

369

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

March 26, 1984.

The minutes of the Adjourned Eighty-Fourth Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 15th March, 1984, are enclosed.

S. V. ASGAONKAR
(S.V. ASGAONKAR) 26/3/84
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-400 023.	-	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 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, B.M.R.D.A..
The Legal Adviser, B.M.R.D.A.

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369

ADJOURNED EIGHTY-FOURTH MEETING OF THE EXECUTIVE
COMMITTEE, B.M.R.D.A.

DATE : 15th March, 1984 (Thursday)
TIME : 9.30 A.M.
PLACE : Conference Room, 6th Floor,
Bombay Municipal Corporation
Head Office Annexe Building,
Bombay - 400 001.

MEMBERS PRESENT :

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

Shri A.N. Batabyal, - Member
Metropolitan Commissioner.

Shri N.R. Ranganathan, - Member
Secretary to the Govt. of
Maharashtra, Urban Development
Department.

Shri S.S. Tinaikar, - Member
Secretary to the Govt. of
Maharashtra, Housing and
Special Assistance Department.

Shri D.M. Sukthankar, - Member
Municipal Commissioner,
Bombay Municipal Corporation.

Shri L.C. Gupta, - Member
Managing Director, CIDCO,
Bombay.

Shri Charles M. Correa, - Member

Shri Shirish B. Patel. - Member

Dr. P.G. Patankar, - Member
Director,
Central Institute of Road
Transport (Training and
Research).

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

The Legal Adviser, B.M.R.D.A.
The Senior Planner, B.M.R.D.A.
Shri S.V. Asgaonkar, Secretary, Executive Committee, B.M.R.D.A.

Prior to the business before the Meeting was taken up for consideration, the Managing Director, CIDCO drew attention of the Committee to Sr.No.2 viz. "Techno-Economic Feasibility Study of a Commuter Line from Belapur to Nhava-Sheva", in part (a) of the Annexure (progressive action taken on the past decisions of the Executive Committee) to Item No.2, which was discussed and disposed of in the meeting of the Committee held on 14th February, 1984. Shri Gupta stated that the position given in this statement was not correct as the land-use plan was finalised. The Chairman denied the suggestion and stated that the entire land-use plan was undergoing change in view of the latest decision of Government regarding payment of compensation to landholders and final land-use plan for that area would emerge only after some time. Till then, it could not be said that the land-use plan had been finalised. The Chairman further instructed Administration to keep in touch with Nhava-Sheva Port Trust and obtain from them the final land-use plan for purposes of finalising the alignment of Belapur Nhava-Sheva Railway line.

The Committee then proceeded with the consideration of undisposed items before the meeting.

Item No.5 : Planning Proposals for Oshiwara District Centre.

During the course of detailed discussion on this item, it was noted that major portion of the land required for the project in Phase-I was acquired by the Maharashtra Housing and Area Development Authority. The Committee was informed that though the above land was acquired, in some cases the possession continues to be with private persons who are contesting that no acquisition notices were served on them and thus their lands did not stand to have been acquired. In these cases there were many occupants running scrap godowns, furniture shops, hotel, motor stores, etc. Besides the above on some portion of the acquired lands about 3,000 hutments had come up which were mostly used for residential purpose. There were some workshops also. The Committee desired that the matter be reconsidered as follows :-

- (1) The possibility of re-accommodating the hutment dwellers on a portion of land of the project be considered. There are two alternatives open for implementing this suggestion viz. (1) Authority/ Maharashtra Housing and Area Development Authority preparing a scheme with the loan assistance from the HUDCO and implementation of the scheme or (2) inviting offers from builders for developing a determined portion of land, with a condition to rehabilitate all hutment dwellers at their own cost. In that case, the Committee be apprised of the area of land which would be used for rehabilitation and the area of the land that would become available to the Authority for development of the project.
- (2) It was noted that the industrial units had come up on the land after the same was acquired by the Maharashtra Housing and Area Development Authority and as such they were in the nature of encroachment. The possibility of evicting them through the Additional Collector and Controller of Unauthorised Structures should be examined. The Secretary, Housing and Special Assistance Department assured the Committee to extend all possible help in this respect.
- (3) The possibility of giving a minimum space of say 500 square metres for industrial units at reasonable price on a portion of land of the project which would not hamper the process of future development be also examined. However, this should not be a condition ~~precedent~~ for the eviction of unauthorised industrial units. The Committee was not in favour of giving alternative sites free as also equal area where the area of the unit is more than the minimum required area.
- (4) The over-all F.S.I. for the residential use in the project should be 1.00 with the net F.S.I. of 1.5 in respect of individual plots for housing purposes.
- (5) It was pointed out that in the project, sufficient space for bus termini and bus station should be provided considering the possibility that a

railway station might not be established in between the existing Jogeshwari and Goregaon Railway Stations.

The Committee desired that the proposal be worked out on the above basis and placed before the Committee for further consideration.

Item No.6 : Inviting offers for development of land in 'H' Block of Bandra-Kurla Complex for shifting of Hanuman Nagar, occupying road area -

The Committee considered the Item Note. It was noted that the land required on priority for a 45 metre wide road, to provide an access to the office blocks in 'E' Block, had been encroached upon by hutments numbering 538 and was known as Hanuman Nagar. Out of these, 191 were censused and balance 347 hutments were non-censused. The Committee also noted that the plot of land suggested as alternative site for rehabilitation of these hutments was partly in Residential Zone and partly in Commercial Zone and it was situated in important location. The Secretary, Housing and Special Assistance Department informed the Committee that according to the recent views of the Supreme Court, if these hutment dwellers were provided with an alternative accommodation at reasonable site in Greater Bombay, there was no difficulty in getting the land under 45 metre road vacated. At the suggestion of the Committee, he agreed to initiate the proceedings for removal of the hutments in question. The Committee also suggested that the plot of land be developed as per the planning proposal of the Bandra-Kurla Complex and the Metropolitan Commissioner should invite offers and approach the Authority for disposing of the plot.

Item No.7 : Quarterly Accounts of the BMRDA for the quarter ending 31st December, 1983.

The Committee noted the Quarterly Accounts.

Item No.8 : Shri C.M. Correa's letter regarding certain pending items before the Executive Committee.

The Committee considered the various items mentioned in Shri Correa's letter in detail.

(1) The Water Front at Backbay :

The Committee noted the action taken by the BMRDA in this respect. It was suggested that pending finalisation of the scheme (after hearing the suggestions and objections received within the statutory time limit), the possibility of improving the existing condition thereat with the help of the public institutions such as Life Insurance Corporation of India Ltd., etc., whose offices were situated in the area be considered. It was noticed that eventhough many offices had come up in the area, no canteen facilities were available for the staff. Besides the existing restaurants in the area were costly. As a result of this, the office goers were perforced to eat unwholesome food supplied by handcart vendors and mobile canteens.

(2) Incentives for New Bombay :

The item was discussed at great length. Summing up the discussion, the Chairman stated that even Government was seized of the problem and he proposed that further discussions in this regard would be held in the Study Group for examining problems of Bombay which has been separately set up.

(3) Shifting of Mantralaya :

It was noted that the State Government was seized of the matter.

(4) Mankhurd-Panvel Railway Line :

It was noted that one of the major bottlenecks in the acceleration of process of development of New Bombay was transport. The Chairman pointed out that total outlay anticipated for the Mankhurd-Belapur Railway line including rail-cum-road bridge on the Thane Creek was about Rs.126/- crores. The Railway Board was not in a position to provide sufficient funds due to general financial constraints. The Railway Board was, therefore, prepared to execute the project within 3-4 years provided, the required funds were made available to them by the State Government and/or other semi-Government Bodies. Several proposals were discussed. The members were requested to come up with specific proposals after which those could be discussed either before the Executive Committee or some other suitable forum.

(5) Water Transport :

The Committee noted the necessity of providing water transport as also the present constraints in providing such a water transport. It was noted that the Committee appointed under the Chairmanship of Admiral Datta had made various suggestions in the matter and Government had implemented some of them. The Committee desired that the Secretary, Home(Transport) be requested to remain present at the next meeting of the Executive Committee to appraise it of the measures taken by Government in this respect.

In respect of the remaining three points, the comments made in the office note were noted by the Committee.

Item No.9 : 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) 434/18/01/84 | (3) 436/10/02/84 |
| (2) 435/08/02/84 | (4) 437/17/02/84 |

(1) Application No.434/18/01/84(The Paramount Hotels Pvt. Ltd.):

The Committee considered the application and noted that the proposal was for construction of a building for residential luxury hotel with floor area of 3,529.65 square metres and F.S.I. 0.75, at S.No.11(Pt.),C.T.S.Nos.86,87,87/1 to 4, 98B of Akse Village, Madh-Marve Road, in 'P-North' Municipal Ward. The property under reference was in Residential Zone and the F.S.I. permissible under the Development Control Rules was 0.50. It was also noted that the Govt. in Urban Development Department under No.FSI 1183/3433/CR-583-83/UD-5, dated 2.12.1983 had permitted additional FSI of 0.25 in respect of this hotel under Development Control Rule No.10(2) under certain conditions and that Government under its letter No.FSI 1183/3433/UD-5, dated 16.2.1984, corrected the discrepancy as regards area of the plot. It was further noted that this was an on-going

project which was initially approved by the Municipal Corporation of Greater Bombay on 21st July, 1980. The Committee, therefore, decided to grant permission as applied for.

The Committee then considered the propriety of such applications being placed before the Executive Committee. It was contended that the discretion had been vested in Govt. under Rule 10(2) of the Development Control Rules for Greater Bombay to allow additional FSI in respect of luxury hotels, etc. Once the Government granted the extra FSI, the same legally became the FSI mentioned in the Development Control Rules. The BMRDA's Notification dated 10.6.1977, was inter alia applicable for construction or reconstruction of any building including addition to the existing building, so as to have a floor space index as defined in Rule No.51 of the Development Control Rules for Greater Bombay exceeding 1.33 or that provided in the said Development Control Rules whichever is lower. It was, therefore, thought that in such cases there would not lie an application under Section 13 of the BMRDA Act, 1974. The Committee, therefore, directed that the Secretary, Urban Development Department be requested to consider the feasibility of issuing ^{suitable instructions to BMRDA} to the effect that in future where Govt. grants additional F.S.I. to luxury hotels in suburbs in accordance with BMRDA's recommendations, such applications need not be placed before Executive Committee and Metropolitan Commissioner may finally dispose of such applications after scrutinising the proposals in detail.

(2) Application No.435/8/2/84(M/s.All India Radio,Bombay):

The Committee considered the application and noted that the proposal was for construction of a new building at the property known as Films Division Complex at C.S. Nos.702,703 and 705 of Malbar Hill Division at Dr.Gopalrao Deshmukh Marg, Bombay, which was situated in a Residential Zone. It was noted that applicant's proposal to demolish about 17 structures located in their property and to construct one new structure having 9 stories with total built up area of 5667.84 sq.yards(4738.9 square metres). The proposed building was meant to accommodate the

activities related with production of films. Since the proposal did not create any additional office space or wholesale establishment and was well within the restricted FSI of 1.33 it did not attract the provisions of BMRDA Notification under Section 13 of the BMRDA Act and that legally no application under that Section could lie to the Executive Committee. It was, however, noted that the users in the proposed building were non-conforming to the Residential Zone. They were allowed to perpetuate because they were in existence prior to the Development Plan of Bombay coming into force. If the new building was constructed those non-conforming users would not be permissible. The Committee desired that the applicant be advised to approach the Municipal Corporation of Greater Bombay in this respect.

(3) Application No.436/10/2/84(The National Bicycle Corporation of India Limited).

The Committee considered the application and noted that the proposal was for change of use of floor area admeasuring 3,300 square metres at New S.Nos.3/3029, 3030 and 3031 (C.S.No.3/1629 Lower Parel, Municipal No. of building 250, Worli Street); Sudam Kalu Ahirey Marg in 'G-South' Municipal Ward, from manufacturing/assembly/stores/offices to the office of Shipping Corporation of India. The property under reference fell in Industrial Zone. It was proposed to let out about 3,300 square metres space from the existing building to the Shipping Corporation of India for shifting 350 staff members from their existing office viz. Shipping House at Madam Cama Road. It was noted that the proposed change of user was not incidental to the existing industrial user of the plot. Besides, proposal amounted to creation of additional office area in the Island City of Bombay which was not permissible under the provisions of Development Control Rules in force. 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.

(4) Application No.437/17/2/84(Shri Pramod Gopalrao Moghe):

The Committee considered the application and noted that the proposal was for addition to the existing floor (creation of a mezzanine floor) thereby increasing the existing floor area from 119.22 square metres to 133.04 sq. metres, (addition 13.82 square metres) at C.T.S.No.3814, Municipal No. of building 175, Kumbhar Wada Road, in 'C' Municipal Ward. The additional space was intended to be used for office of the landlord, details of which were not given. As per Development Plan, the property fell in Residential Zone. Besides, the creation of new office space was not permissible in the Island City of Bombay under the Development Control Rules in force. 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 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.258 :

"Resolved that in exercise of the powers conferred on it by clause (iv) of sub-section(3) of Section 7 of the BMRDA 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 the Paramount Hotels Private Limited (Application bearing Registration No.434/18/1/84) for construction of a building of a residential luxury hotel with floor area of 3529.65 square metres and F.S.I. 0.75, at S.No.11(Pt.), C.T.S. Nos.86,87,87/1 to 4, 98B of Akse Village, Madh-Marve Road in 'P-North' Municipal Ward, for the reasons recorded in these minutes.

...10/-

"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) M/s. All India Radio (Application bearing Registration No.435/18/2/84);
- (2) The National Bicycle Corporation of India (Application bearing Registration No.436/10/2/84); and
- (3) Shri Pramod Gopalrao Moghe (Application bearing Registration No.437/17/2/84)."

The following item was then considered as a Table Item with the permission of the Chair :-

Table Item : Selection of an Agency for Architectural and Urban Design Consultancy Contract for the proposed Wholesale Textile Market in Block 'G' of the Bandra-Kurla Complex.

The Committee then passed the following Resolution:-

RESOLUTION NO.259 :

"Resolved that M/s. CONSOL be approved as a Consultant for the preparation of the lay-out plan for the Wholesale Textile Market in Block 'G' of the Bandra Kurla Complex on a lumpsum fee of Rs.1/- lakh (Rupees one lakh only). The mode of payment shall be :

Rs.20,000/- be paid with the work order.

Rs.30,000/- after approval of the draft scheme by the BMRDA and the balance

Rs.50,000/- to be paid after submission of the final scheme and the details as required.

Further resolved that the Metropolitan Commissioner be authorised to execute the Agreement with M/s.CONSOLE.

Further resolved that the Metropolitan Commissioner be authorised to pay Rs.20,000/- to each of the three short-listed firms i.e. Shri Suryakant Pawar, Shri Suryakant Patel and M/s.CONSOLE as out of pocket expenses for the preparation of proposal."

The meeting then terminated with a vote of thanks to the Chair.

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