

No. EXC/MTG/88.

211
BOMBAY METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
Griha Nirman Bhavan, 5th Floor,
Bandra(East), Bombay-400 051.

Date : 1st August, 1984.

The minutes of the Eighty-Eighth Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 18th June, 1984, are enclosed.

S. V. ASGAONKAR
(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, CIDCO, Bombay. - Member
- The Charles M. Correa, Correa Consultants, 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, BMRDA.
The Legal Adviser, B.M.R.D.A.

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THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

LABORATORY OF PHYSICAL CHEMISTRY

CHICAGO, ILLINOIS

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APR 10 1900

FROM

DR. J. H. VAN VLECK

TO

DR. J. H. VAN VLECK

CHICAGO, ILLINOIS

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EIGHTY-EIGHTH MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

DATE : 18th July, 1984 (Wednesday).

TIME : 10.00 A.M.

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

MEMBERS PRESENT :

- Shri R.D. Pradhan, - Chairman
Chief Secretary to the Government
of Maharashtra, General
Administration Department.
- Shri A.N. Batabyal, - Member
Metropolitan Commissioner.
- Shri Lalit Doshi, - Member
Secretary to the Government of
Maharashtra, Housing and Special
Assistance Department.
- Shri L.C. Gupta, - Member
Managing Director, C.I.D.C.O.
- Shri Shirish B. Patel. - Member

INVITEES :

- The Financial Adviser, B.M.R.D.A.
The Chief, Town & Country Planning Division, BMRDA.
The Chief, Planning Division, BMRDA.
The Chief Engineer, Engineering Division, BMRDA.
The Director (Engineering Services & Projects),
Municipal Corporation of Greater Bombay.
The Legal Adviser, B.M.R.D.A.
The Senior Planner, T&CP Division, BMRDA.
The Senior Transportation Planner, T&C Division, BMRDA.
Shri S.V. Asgaonkar, Secretary, Executive Committee, BMRDA.

Item No.1 : Confirmation of the minutes
of the last (87th) Meeting of
the Executive Committee.

The minutes were confirmed.

Item No.2 : Action taken on the minutes of
the last (87th) Meeting -
together with progressive action
on the past decisions (parts 'a'
and 'b').

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

Item No.3 :

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) 447/01/06/84 | (3) 449/13/06/84 |
| (2) 448/11/06/84 | (4) 450/15/06/84 |
| (5) 451/19/06/84 | |

(1) Application No.447/01/06/84 (The Bombay Dock Labour Board.)

The Committee considered the application and noted that the proposal was for change of use of premises admeasuring floor area of 390.75 square metres at Godown No.1555, Rice Gully, Off Gamadia Road, Carnac Bunder, in 'A' Municipal Ward from godown to booking office of the Bombay Dock Labour Board and for construction of mezzanine floor with floor area 390.75 square metres in the said premises. The circumstances under which the change of user is already effected as also the necessity of having mezzanine floor as stated by the applicant was noted by the Committee. It was also noted that as per Development Plan, the land under reference is situated in I2 Zone which is now shown in I3 Zone as per draft Development Plan (Revised) published by the Bombay Municipal Corporation. The proposed office user is actually incidental to the principal activity in the area. The Committee, however, found that the applicant had not given the details of the proposed mezzanine floor as also the existing F.S.I., and the F.S.I. if the proposed mezzanine floor was allowed. The Committee, therefore, decided to reject the application for want of details.

(2) Application No.448/11/06/84 (The Ritz Hotel) :

The Committee considered the application and noted that the proposal was for addition of 7.20 square metres floor area to the existing Residential Hotel, thereby increasing the same to 4,876.85 square metres and F.S.I. from 2.71 to 2.72 at Plot No.116 BBR, Ritz Hotel, Municipal No. of Building 5, Jamshedji Tata Road, in 'A' Municipal Ward. The proposed development was for the purpose of extension of the existing lift from the 5th floor to the 6th floor and for construction

of Lift

of Lift Machine Room at Terrace floor at 6th floor for which required additional F.S.I. was granted by Government in Urban Development Department under No.FSI 1183/4106/UD-5, dated the 21st May, 1984. The property under reference fell in Commercial Zone as per Development Plan and the existing Hotel user was permissible. Since the proposed development was for the purpose of providing lift facility at the 6th floor, the Committee decided to grant the permission applied for.

(3) Application No.449/13/06/84 (Shri M.V. Motiani) :

The Committee considered the application and noted that the proposal was for addition of floor area of 38.22 square metres thereby increasing the same from 548.21 square metres to 586.43 square metres with F.S.I. 3.20 at S.No.159, Katrak House, Municipal No. of Building 36-38, Anandilal Podar Marg, in 'C' Municipal Ward. The applicant had stated that the land under reference was a vacant land touching the rear side boundary of property bearing C.S.No.171 of Bhuleshwar Division abutting on Anandilal Podar Marg. On Plot bearing C.S.No.171 there is an existing building with Ground and 4 upper floors which is used as Residential Hotel. On Plot No.171, there is no open space available for installation of lift which according to the applicant was badly required for the visiting guests as an amenity for the present Hotel user. The Committee also noted that with a view to providing one lift and small servants room, a small piece of land having 63.54 square metres bearing S.No.159 was recently taken by the applicant. The Committee further noted that as per sanctioned Development Plan, the land under reference was included in Commercial Zone and according to the revised Development Plan published by the Bombay Municipal Corporation, it formed part of the reservation for "Housing the Dishoused". The existing building was found to have consumed F.S.I. of 3.24 which was much in excess of permissible Development Control Rule F.S.I. of 1.66. The Committee also noted the views of the Bombay Municipal Corporation to the effect that plots bearing C.S.No.171 and 159 could not be amalgamated as they were, respectively, freehold and leasehold and the proposed development was entirely affected by

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sanctioned Road Line. Besides, height of the building being less than 52 feet, provision of lift was not essential under Development Control Rules for Greater Bombay. As per explanation added by BMRDA Notification No.MC/RDM-1082/2118(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.450/15/06/84 (The Hindustan Petroleum Corporation Ltd.) :

The Committee considered the application and noted that the proposal was for addition of floor area of 557.6 square metres, thereby increasing the same from 7,412.4 square metres to 7,970.00 square metres and the F.S.I. 0.313 at S.No.325/145 and 354/145, Mazgaon L.P.No.2, Haybunder Road, in 'F-South' Municipal Ward. The proposed development was for the purpose of storage of diesel furnace oil and lubricating oil etc. Out of this area of 435.00 square metres was proposed to be used as godowns and the remaining area of about 111.3 square metres was proposed to be used as office. The need for additional storage was felt by the applicant in view of erratic availability of raw material and with a view to supplying lubricating oil to their dealers in the Bombay City. As regards office area, the applicant had stated that the staff consisting of one Terminal Manager, 8 Officers and 12 Clerks were occupying same area in the existing godowns. In the present proposal, they were proposed to be accommodated at one place for convenience and proper function. The Committee found that the office user was incidental to the main activity. The Committee, therefore, decided to grant the permission applied for.

(5) Application No.451/19/06/84 (M/s. Jeejaee Estate):

The Committee considered the application and noted that the proposal was to use floor area of 550.00 square metres at S.No.267 and 2/267, C.S.No.2086;

Jeejaee.....

Jeejaee Estate Building No.2, Municipal No. of Building 245, Jagannath Shankar Sheth Road, in 'C' Municipal Ward as the office of the Maharashtra State Co-operative Bank Ltd. which was previously used as Administrative Office of New India Assurance Company Ltd. The Committee found that this was the case of change of tenancy which did not attract the provisions of Notification under Section 13 of the BMRDA Act, 1974. The Committee desired that the applicant be informed suitably in the matter.

Accordingly, the Committee passed the following Resolution :

RESOLUTION NO.275 :

"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) The Ritz Hotel (Application bearing Registration No.448/11/06/84) for addition of floor area of 7.20 square metres to the existing building on Plot No.116 BBR, Ritz Hotel, Municipal No. of Building 5, Jamshedji Tata Road, in 'A' Municipal Ward for the purpose of extension of existing lift from the 5th floor to the 6th floor and construction of the Lift Machine Room at Terrace floor at the 6th floor; and
- (2) The Hindustan Petroleum Corporation Ltd. (Application bearing Registration No.450/15/06/84) for addition of floor area of 557.6 square metres to the existing building on S.No. $\frac{325}{145}$ and $\frac{354}{145}$, Mazgaon L.P.No.2, Haybunder Road for godown and office area, for the reasons recorded in these minutes.

"Resolved further that the application from Shri M.V. Motiani (Registration No.449/13/06/84), received in terms of Section 13(2) of the BMRDA Act, 1974, being

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ultra-vires of the powers of the Committee, and, therefore, not maintainable, is hereby rejected.

"Resolved further that the application from the Secretary, Bombay Dock Labour Board, (Registration No.447/01/06/84) also received in terms of Section 13(2) of the BMRDA Act, 1974, is hereby rejected for want of details.

"Resolved further that M/s. Jeejaee Estate (Application bearing Registration No.451/19/06/84) be informed that the proposal submitted by them does not attract the provisions of the Notification under Section 13 of the BMRDA Act, 1974."

Item No.4 : Application under Section 13 of the BMRDA Act, 1974, from M/s. Gokak Patel Volkart Ltd.

The Committee noted that this application which was registered under No.18/15/7/77, was considered and decided at the 16th meeting of the Executive Committee held on 26th August, 1977. It was placed before this meeting of the Committee in view of the orders of the Bombay High Court, dated the 5th April, 1984 which inter alia required the Committee to consider the application afresh and pass appropriate orders giving sufficiently clear and explicit reasons. It was recapitulated that the Executive Committee had earlier rejected the application under reference which was seeking permission for construction of building/reconstruction of building with floor area of 10,974.613 square metres with F.S.I. 2.43 for residential use. The proposed development consisted of erection of a building with 30 storeys having 60 residential flats, each flat having area of about 205.00 square metres. It was also noted that there were in all 3 buildings on the plot, out of which one named 'Gulistan' with area of 3,518.00 square metres is retained and other two buildings had already been demolished. The plot abuts on Cuffe Parade Road on the West and Wodehouse Road on the East. The proposed 30 storeyed building is nearer to the Wodehouse Road. It was also noted that the adjoining development on Wodehouse Road is of the buildings of height of Ground

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and 5 upper storeys or Ground plus 6 upper storeys. The Committee recapitulated that after the formation of the Bombay Metropolitan Region Development Authority in 1975, the Authority had generally considered the Development Plan of Greater Bombay in relation to the objectives of the Regional Plan for Bombay Metropolitan Region which was sanctioned in 1973 by the State Government and which formed the main basis for the functioning of the Authority. The Regional Plan makes it clear that thinning out the population in Bombay Island City which is oppressively congested must be a primary goal. The Authority had further noted that since the availability of sufficient road space and public amenities in the Bombay Island area is very limited, it would be necessary to review the F.S.I. under the Development Plan. The Authority had also further noted that the provision of amenities had not been adequate and was out of proportion in certain localities where the density of residential population had grown considerably owing to construction of high rise buildings utilising the permissible Floor Space Index (FSI) under the Development Plan. The Bombay Metropolitan Region Development Authority Act, 1974, was a special legislation. Section 13 of the Act as amended by Maharashtra Act, No. XXIX of 1976 empowers the BMRDA to publish a Notification directing that no authority or a person shall undertake any development within the Metropolitan Region as the Metropolitan Authority may from time to time specify by Notification which is likely to adversely affect the overall development of the Metropolitan Region. At its 2nd meeting held on 3rd August, 1975, 4th meeting held on 14th February, 1976, 5th meeting held on 26th March, 1976, 7th meeting held on 2nd August, 1976 and the 11th meeting held on 9th June, 1977, the Authority considered in consultation with the Bombay Municipal Corporation, the matters pertaining to land use planning in Greater Bombay and after they came to the conclusion that provisions of Section 13 should be invoked for certain types of developments in the Island City and Greater Bombay limits, the Notification, No. MC/RDM/3285/77, dated 10th June, 1977, was issued. The Committee also referred to the preamble of the Notification which states that the

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development of any land for the purposes of having office premises or wholesale establishments within the area of the City of Bombay or for the purposes of constructing or reconstructing any building including an addition to or alteration of any existing building with FSI of more than 1.33 within the area of Municipal Corporation of Greater Bombay is likely to adversely affect the overall development of the Bombay Metropolitan Region.

The Committee further noted that the Island City of Bombay is highly congested with net residential density in Wards in South Bombay as high as 9,000 to 11,000 persons per hectare. There is paucity of availability of lands in A, B and C Wards to be reserved for public purposes and social amenities to cater to the needs of even existing residential population. The Committee was, therefore, of the view that if the population is allowed to increase by permitting higher FSI than 1.33 the position would still worsen. The infrastructure in the form of water supply, drainage, electricity, telephones and road net-work was also found overloaded in the above Wards. The Committee was further of the view that the population in this particular case will increase with FSI of 2.43 as compared to FSI of 1.33, and relaxation of FSI beyond 1.33 was not going to serve any public interest.

Referring to the contention of the applicant that the flats in the proposed building will principally be given to the Executives of the Companies who were residents in the western and eastern suburbs and North Bombay and by giving them accommodation in the proposed building, the strain on traffic would substantially reduce as their place of work from residence would be from the radius of two miles from the proposed building, the Committee felt that this would not have any substantial effect on the traffic. Besides, the accommodation vacated by 60 Executives would be occupied by some other families who might commute to Bombay Island. The Committee also noted applicant's letter, dated the 24th May, 1984. In this letter, the applicant has stated that while

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considering their application for grant of F.S.I. of 2.45 instead of restricting it to the F.S.I. of 1.33, the impact of the development, on the capacity of the Bombay Municipal Corporation to supply water, electricity, problems of transport and communication and the traffic situation on congested roads of the City, ecological factors and the density of population in the area be considered. To elaborate this point, they had also compared the proposed development with a hypothetical model of 195 tenements of 245 sq.ft. each, as were permissible on the plot with F.S.I. 1.33 after observing Development Control Rules provisions. The applicant had contended that comparing the above model, the proposed development would have a much smaller or reduced burden on the Bombay Municipal Corporation both as regards water supply and electric supply and also a lower density of population. After considering these points, the Committee felt that as stated in the earlier part of these minutes, the Island City was already having high density of population and the civic amenities such as water, roads, etc. were overloaded and it was necessary to minimise further pressure on it. At the same time the applicant would be free to develop the property as per hypothetical model for which they would not be required to seek the permission of the Committee. In the opinion of the Committee comparison with this hypothetical model in regard to requirement of water supply, density and car parking, etc. is unnecessary and misleading. It had been stated by the applicant that the proposed building was planned and designed with an entry from Cuffe Parade Road and would thus eliminate traffic congestion on Wodehouse Road. The applicant had also claimed that their building was very well planned with full consciousness of ecological aesthetics and the development would not result in any haphazard growth. As regards the contention of the applicant regarding traffic and transportation, the Committee was of the view that while the impact of a given volume of traffic on a local area might depend, in the short term, on the road infrastructure and management thereat, it was self-evident that traffic congestion would increase with the increase in the number of vehicular trips. Thus, traffic problems would be substantially more if

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the proposed development was permitted. In this connection, the Committee had the benefit of realistic projections of traffic based on empirical scientific studies recently done by M/s. A.M. Voorhees in Bombay which brought out that for the higher income group housing such as proposed by the applicant, a trip generation rate per 100 square metres of residential floor space is 1.6 one-way vehicular (cars, taxis and delivery vans, etc.) trips per day. On this basis for an FSI of 2.45 (i.e. floor space of 14,690.86 square metres) one-way vehicular trips (all vehicles) would be 265 per day and for F.S.I. 1.33, i.e. floor space of 7,975.04 square metres, the comparable trips would be just 143. This brought out the true comparative picture. The Committee also felt that the traffic congestion on Cuffe Parade Road was already on increase. As regards aesthetic considerations, the Committee felt that in the midst of 5/6 storeyed building in the area, the building with podium plus 30 upper floors would certainly be not befitting the aesthetic considerations. In the aforesaid letter, dated 24th May, 1984, the applicant had requested the Committee to give personal hearing to them for giving further details and submissions. Since the practice of the Committee was not to give personal hearing in such cases, the Committee desired that the applicant be informed of the practice and be asked to make further submissions, if any, within a period of fortnight. Awaiting further submissions, the Committee deferred further consideration of the application to the next meeting of the Committee.

Item No.5 : List giving details of Appeal under Section 13(4) of the BMRDA Act, 1974.

After discussion, reported cases were noted by the Committee.

Item No.6 : Critical Investment Needs of Bombay Metropolitan Region - 1985-90.

As decided in the 87th meeting of the Executive Committee, a note on Critical Investment Needs of Bombay Metropolitan Region - 1985-90, was presented. After some discussion about prioritisation and the

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question of raising resources, it was decided that the discussion could be resumed later. The Chairman requested the members to send their views in writing on the "Regional Investment Plan for Bombay Metropolitan Region - 1985-90" as well as the "Critical Investment Needs of Bombay Metropolitan Region - 1985-90", to B.M.R.D.A.

Item No.7 : Construction of Sion-Koliwada Connector Road.

The Metropolitan Commissioner introduced the Item and explained details thereof with map. After some discussion, the Committee approved the proposal subject to the following conditions :

- (1) It should be ensured that the proposed alignment of the road is the best feasible one considering the number of huts affected as well as functional efficiency of the road.
- (2) A dialogue should be held with the representatives of the hutment dwellers regarding shifting.
- (3) Number of huts - (1) prior to 1976 i.e. censused huts and (2) prior to 1980 should be ascertained and the question of giving alternate accommodation should be settled by the Metropolitan Commissioner in consultation with the Secretary, Housing and Special Assistance Department.
- (4) The cost on account of shifting and relocation of hutments be required to be borne by the Truck Terminal Project.

Item No.8 : Quarterly Accounts of the BMRDA for the quarter ending 30th June, 1984.

The Committee noted the quarterly accounts.

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

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