

No. EXC/MTG/89.

2125  
BOMBAY METROPOLITAN REGION  
DEVELOPMENT AUTHORITY,  
Griha Nirman Bhavan,  
5th floor, Bandra (E),  
BOMBAY-400 051.

Date : September 17, 1984.

The minutes of the Eighty-Ninth Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 24th August, 1984, are enclosed.

*S. V. ASGAONKAR*  
(S.V. ASGAONKAR) 17/9/84  
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 & 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, 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.
- 

LP:840917:

429

EIGHTY-NINTH MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

DATE : 24th August 1984 (Friday)

TIME : 10.00 A.M.

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

MEMBERS PRESENT :

- |   |            |
|---|------------|
| Shri B.K. Halve,<br>Chief Secretary to the Govt.<br>of Maharashtra, General<br>Administration Department.         | - Chairman |
| Shri A.N. Batabyal,<br>Metropolitan Commissioner.   | - Member   |
| Shri N.R.Ranganathan,<br>Secretary to the Government<br>of Maharashtra, Urban<br>Development Department.          | - Member   |
| Shri Lalit Doshi,<br>Secretary to the Government<br>of Maharashtra, Housing and<br>Special Assistance Department. | - Member   |
| Shri L.C. Gupta<br>Managing Director, CIDCO   | - Member   |
| Shri Charles M. Correa.   | - Member   |
| Shri Shirish B. Patel.  | - Member   |
| Dr. P.G. Patankar   | - Member   |

INVITEES :

- The Financial Adviser, B.M.R.D.A.
  - The Chief, Transport & Communications Division, BMRDA
  - The Chief, Town & Country Planning 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, Town & Country Planning Division,  
B.M.R.D.A.
- Shri S.V. Asgaonkar, Secretary, Executive Committee, B.M.R.D.A.

Item No.1 : Confirmation of the minutes of the  
last(88th) Meeting of the Executive  
Committee.

After discussion on the minutes as recorded in  
respect of Item No.4 - Application under Section 13 of  
the BMRDA Act, 1974, from M/s. Gokak Patel Volkart Ltd.,  
it was decided that the minutes thereof be recorded

instead as.....

instead as under :-

"After discussion, the Committee desired that the applicant be informed that it is not the practice of the Committee to give personal hearing in respect of applications under Section 13 of the BMRDA Act, 1974 and that they should be asked to make further submissions, if any, within a period of fortnight. Accordingly, further consideration of the item was deferred to the next meeting of the Committee."

The minutes as modified were then confirmed by the Committee.

Item No.2 : Action taken on the minutes of the last (88th) 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 applications bearing the following registration numbers were placed on the Table :-

- (1) 452/11/07/84
- (2) 453/26/07/84
- (3) 454/31/07/84

(1) Application No.452/11/07/84(M/s.Hindustan Petroleum Corporation Ltd.)

The Committee considered the application and noted that the proposal was for construction of a warehouse with floor area of 557.62 square metres at C.S. No. <sup>16</sup>/<sub>358</sub>, Part of Dadar Naigaum Division, Antop Hill Road for being used as storage of petroleum products (L.P.G. Cylinders). The property under reference was included in I2 Zone and the desired activity is in conformity with Development Control Rules in force. The existing use of the property was storage of HSD and motor spirit tanks of H.P.C. and also for storage of drums. Supply of domestic gas cylinders to the city area of Bombay is done by the applicants from their plant at Mahul which leads to delays in supply and also cause

unnecessary.....

unnecessary traffic all the way from Mahul to Central and Southern parts of the City. The proposed warehouse would store the L.P.G. Cylinders for being supplied to the end users to the City area of Bombay and would not attract much work-force as also the traffic generated would be insignificant. It was further noted that the proposal would reduce delay in supply of Liquid Petroleum Gas cylinders to the end users and thus was in the public interest. Besides, the F.S.I. with the desired construction would be only 0.053. The Committee, therefore, decided to grant the permission as applied for.

(2) Application No.453/26/07/84(M/s.Hindustan Petroleum Corporation Ltd.)

The Committee considered the application and noted that the proposal was for creation of additional floor area of 21.13 square metres for being used as Office at S.No.6/358, Dadar Naigaum Division, B.P.T.Road, (Nadkarni Marg), in 'F-North' Municipal Ward, thereby increasing the existing floor area of 115.92 square metres to 137.05 square metres and the F.S.I. to 0.091. The property under reference was situated in B.P.T. area and fell in I2 Zone. The present area of 115.92 square metres accommodates 15 employees i.e. 83.15 sq.ft. per person on an average as also the visitors. The applicant desired to reduce the present congestion so as to improve the efficiency of work. It was noted that the premises under reference contain installations for storage and supply of various petroleum products and the staff was required to be on site for supervision of day-to-day operations of distribution of petroleum products. Due to large number of visitors, the present area was found to be inadequate. The Committee further noted that the user is service oriented; the additional area for which permission was sought was marginal and the total F.S.I. was only 0.091. The Committee, therefore, decided to grant the permission as applied for.

The Committee desired that a separate Item Note proposing broad parameters to allow office area in the Island City be submitted for the consideration of the Executive Committee in their subsequent meeting.

(3) Application.....

(3) Application No.454/31/07/84(Smt.Rehana I.Nensey):

The Committee considered the application and noted that the proposal was for change of use of premises from Office of the carpet trade to the Branch Office of the District Central Co-Operative Bank Ltd. in respect of floor area of 217.00 square metres at Survey No.419, Babulnath View, 7, Babulnath Road, in 'D' Municipal Ward. As per the sanctioned Development Plan as well as the recently published Revised Draft Development Plan, the premises under reference were included in the Residential Zone and were directly fronting on the Babulnath Road which is a main traffic artery. The premises under reference were purchased by the applicant of carpets in wholesale, with the permission of the about 2 1/2 years ago and were used for the sale/society, on payment of additional charges to the society towards payment of taxes. The applicant had sought for change of use on the ground that the premises were not found suitable for carpet trade. It was also noted that branch of a bank was permissible in the Residential Zone as per the Development Control Rules for Greater Bombay.

The Committee recapitulated that this proposal was considered by it at its 87th meeting held on the 21st June, 1984 and was rejected on the ground that the party had neither produced permission from the Reserve Bank of India nor a proof to the contrary. It was noted that with the present application, the applicant had attached an extract from the Banking Regulation Act 1949 (Part V 56 20(p) sub-section(1) of Section 23) which inter alia stated that for opening or changing the location of branches by a Central Co-operative Bank within the area of its operation, permission of the Reserve Bank of India was not necessary. As per Govt. directive, dated 19th June 1984 to the Municipal Corporation of Greater Bombay for minor modification to the Development Control Rules, the permissible area for a branch of bank within the City area of Bombay was raised to 400.00 square metres. In view of the above directive, the Committee decided to grant the permission for change of user.

The Secretary, Urban Development Department stated that in view of the fact that the maximum permissible area for opening branch of the bank having

been raised.....

been raised to 400 square metres, such proposals need not be required to seek BMRDA's approval. It was decided that the point raised by the Secretary, Urban Development Department should be examined and report thereon be made to the subsequent meeting of the Executive Committee.

Accordingly, the Committee passed the following Resolution :-

RESOLUTION NO.276 :

"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) M/s. Hindustan Petroleum Corporation Ltd.  
(Application bearing Registration No.452/11/7/84) for construction of a warehouse with floor area of 557.62 square metres at C.S.No.16/358, Part of Dadar Naigaum Division, Antop Hill Road for storage of Petroleum Products(L.P.G. Cylinders);
  - (2) M/s. Hindustan Petroleum Corporation Ltd.,  
(Application bearing Registration No.453/26/7/84) for addition of a floor area of 21.13 square metres, to the existing building at S.No.6/358, Dadar Naigaum Division, B.P.T. Road (Nadkarni Marg), in 'F-North' Municipal ward, for being used as office area; and
  - (3) Smt.Rehana I. Nensey(Application bearing Registration No.454/31/7/84) for change of use of premises on the ground floor, admeasuring 217 square metres (floor area), at S.No.419, Babulnath View, 7, Babulnath Road, in 'D' Municipal Ward for being used as branch of the District Central Co-Operative Bank Ltd.,
- for the reasons recorded in these minutes."

Item No. .....

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

After prolonged discussion, the Committee approved the Order to be communicated to the applicant and accordingly passed the following Resolution :-

RESOLUTION NO.277 :

"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 up-to-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 refuses permission on behalf of the Authority, under sub-section (3) of Section 13 of the said Act to M/s. Gokak Patel Volkart Ltd. (Application bearing Registration No. 18/15/7/77) for the reasons recorded in the Order attached to the minutes as Annexure.

Arising out of the aforementioned item, the Committee expressed an opinion that in future BMRDA should be represented in the Court of Law even where it is a Proforma Respondent and in case it is felt not necessary to do so, the matter may be reported to the Executive Committee."

Item No.5 : Tender for reclamation in the area  
of 26 Hectares of land from C.S.  
Nos. 8, 6, and 5 of Truck Terminal  
at Wadala (Approval for)  
-----

The Committee considered the Item Note and passed the following Resolution :

RESOLUTION NO.278 :

"RESOLVED THAT the Executive Committee having considered the agenda note, hereby approves the proposal of accepting the lowest tender (3/16) viz. Bharat Constructions at the rate quoted by the firm Thirty three point thirty three percent below (-33.33%), as per B1 Tender Agreement to be executed between this firm and B.M.R.D.A. The Executive Committee hereby authorises the Metropolitan Commissioner to accept the lowest tender involving

saving of.....

saving of Rs.70,81,431/- over the amount put to tender of Rs.2,12,46,420/-, Thus the amount of accepted tender will be Rs.1,41,64,989/- (Rupees one crore forty one lakhs sixty four thousand nine hundred eighty-nine only)."

Item No.6 : Rehabilitation proposal for Oshiwara District Centre.

The Committee was in favour of Option No.I stated in the Item Note i.e. Rehabilitation of residential, commercial and industrial structures by BMRDA with HUDCO finance. During the course of discussion on this Item, the Managing Director, CIDCO informed the Committee that he understood that the Bank of Maharashtra had agreed to make a recovery of instalments in respect of tenements constructed at Poona with HUDCO loan. He desired that the details thereof be obtained from Bank of Maharashtra and in case they agree to undertake recovery in respect of the proposal under reference, the same might be entrusted to them. In case they were not interested in the proposal, the recovery should be made departmentally by augmenting the staff.

Accordingly, the Committee passed the following Resolution :-

RESOLUTION NO.279 :

"RESOLVED THAT the Committee hereby approves Option No.I in the Item Note i.e. Rehabilitation of Residential, Commercial and Industrial structures by BMRDA with HUDCO finance on the lines stated above and authorises the Metropolitan Commissioner to settle and decide the details thereof.

"RESOLVED FURTHER THAT the Committee hereby recommends to the Authority that the planning proposals in respect of Oshiwara District Centre be published for inviting objections and suggestions and also authorises the Metropolitan Commissioner to make necessary modifications while putting up the same before the Authority in view of para.1 above."

Item No.7 : Exemption from Notification under Section 13 of the BMRDA Act - Reconstruction of buildings -

During the course of discussion on this Item, the

Committee.....

Committee noted that the directives issued by Government in Urban Development Department allowed reconstruction of buildings (1) wholly occupied for office use; and (2) likely to be demolished for reasons of the same having been declared unsafe by or under lawful order of the Municipal Corporation of Greater Bombay or the Bombay Housing and Area Development Board, to consume the Original Floor Space Index or 2.4 times Floor Space Index whichever is less. It was also noted that these directives would defeat the main purpose for which Notification, under Section 13 of the BMRDA Act, was promulgated, viz. to achieve decongestion of Bombay in respect of residential population as well as in respect of office and wholesale establishment jobs. The Committee, therefore, authorised the Metropolitan Commissioner to place the matter before the Authority with the Executive Committee's recommendation that Section 13 Notification need not be modified to provide for exemption of cases falling within the aforesaid directives. The Committee also recommended to the Authority that the Floor Space Index in respect of reconstruction of buildings falling within the abovementioned categories be restricted to 1.33.

Item No.8 : "Instant Flyovers" - Quick erection of in Bombay.

After discussion, the Committee decided that a Committee consisting of Shri Shirish B. Patel as the Chairman, and Dr. P. G. Patankar and Shri J. R. Patwardhan, Director (Engineering Services and Projects), Municipal Corporation of Greater Bombay, as members and Shri R. Y. Tambe, Chief, Transport & Communications Division as Member-Secretary, be appointed to consider the pros and cons and give its recommendations about the use of technology detailed in the Item Note and the steps to be taken therefor. The Committee was also requested to consider and report on the indigenous know-how and capacity to construct such flyovers.

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

hhhhhhhhhhhhhh  
1010101010101010

ANNEXURE

435

ANNEXURE

BY HAND DELIVERY/BY R.P.A.D.

No.A/RDM-18/5642/4571/77.

To

M/s.Gokak Patel Volkart Ltd.,

Forbes Building,  
Charanjit Rai Marg,  
Post Box No.580,  
Bombay-400 001.

Sub : Permission for development under  
Section 13 of the BMRDA Act, 1974.

Ref : Your application registered under  
No.18/15/7/77, dated 15.07.1977.

-----  
Gentlemen,

I am directed to state that in pursuance of the Judgement, dated 5th April 1984 of the High Court of Judicature at Bombay, Ordinary Original Civil Jurisdiction, in the matter of Writ Petition No.989 of 1980 (Cyrus Guzder and others - Petitioners; and the State of Maharashtra and others - Respondents), the Executive Committee of the Bombay Metropolitan Region Development Authority has considered afresh your application under reference. In your application, you have sought permission from BMRDA for Floor Space Index in excess of 1.33, which is the permissible ceiling imposed by the BMRDA vide Notification No.MC/RDM/3285/77, dated 10th June,1977. After carefully considering your application, the Executive Committee has decided to refuse the permission sought by you under Section 13(3), read with Section 7(2)(v) of the Bombay Metropolitan Region Development Authority Act, 1974( as amended upto date) since the Committee sees no reason to relax the ceiling prescribed under the aforementioned Notification. The Executive Committee has arrived at the foregoing decision for the following reasons :-

- (a) While justifying the request for increased Floor Space Index you have stated that if your request is granted, it would be possible to accommodate 60 families in the

building.....

building proposed to be constructed by you. The Executive Committee feels that the objective could be achieved within the existing Floor Space Index ceiling of 1.33.

(b) In your application, you have urged that shifting of about 60 families from Western and Eastern suburbs and North Bombay to the Building under reference would substantially reduce the traffic, as these persons would be much closer to their places of work. The Executive Committee does not agree with this contention since the accommodation presently occupied by the 60 families would be occupied by other families who would in all probability be commuting to the Island City of Bombay.

(c) Your proposal contemplates a provision for parking 160 vehicles. Recent studies in Bombay show that vehicular trips are directly related to the area of floor space in high income-group housing. Thus, with a floor space index of 2.45, the number of vehicular trips will be much more than if the Floor Space Index is kept at the permissible ceiling of 1.33. Your proposal will considerably add to the vehicular traffic in a greatly overcrowded area in South Bombay.

2. While in terms of the order of the High Court the Executive Committee is required to reconsider only your application dated 14th July 1977, the Committee has also taken into consideration the submissions contained in your letters, dated 24th May 1984 and 26th July 1984 but regrets its inability to agree with the submissions. By these submissions you have contended that you are at liberty to build 195 tenements with the Floor Space Index of 1.33 and that such number of tenements will not reduce the congestion as desired. In this connection, the Committee would like to invite your attention to the

note.....

: 3 :

note appended at the foot of Rule No.10(1) of the Development Control Rules for Greater Bombay,(text reproduced below ):-

"Note : The number of tenements per net acre shall be increased or decreased in proportion to the Floor Space Index."

3. Your application is accordingly rejected by the Committee.

Yours faithfully,

(S.V. ASGAONKAR)  
SECRETARY,  
EXECUTIVE COMMITTEE.

-----

LP:840917: