

No. EXC/MTG/96.

405
BOMBAY METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
Griha Nirman Bhavan, 5th Floor,
Bandra (East), Bombay-400 051.

Date : 29th April, 1985.

The minutes of the Ninety-Sixth Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 23rd April, 1985 are enclosed.

S. V. Asgaonkar
29/4/85
(S. V. ASGAONKAR)
SECRETARY
EXECUTIVE COMMITTEE

To:

- The Chief Secretary to the Government of Maharashtra, General Administration Department, Mantralaya. - Chairman
- The Metropolitan Commissioner, BMRDA. - Member
- The Secretary to the Government of Maharashtra, Urban Development Department, Mantralaya. - Member
- The Secretary to the Government of Maharashtra, Housing and Special Assistance Department, Mantralaya. - Member
- The Municipal Commissioner, Bombay Municipal Corporation. - Member
- The Managing Director, CIDCO, Bombay. - Member
- Shri Charles M. Correa, Correa Consultants Pvt. Ltd., 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, Punc-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, BMRDA.

ITEM NO. 1:

NINETY-SIXTH MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

DATE : 23rd April, 1985 (Tuesday)

TIME : 10.30 A.M.

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

MEMBERS PRESENT :

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| Shri B.G. Deshmukh,
Chief Secretary to the
Government of Maharashtra. | - Chairman |
| Shri A.N. Batabyal,
Metropolitan Commissioner. | - Member |
| Shri N.R. Ranganathan,
Secretary to the Government of
Maharashtra, Urban Development
Department. | - Member |
| Shri J.G. Kanga,
Municipal Commissioner,
Bombay Municipal Corporation. | - Member |
| Shri L.C. Gupta,
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, T&CP Division, B.M.R.D.A.
 - The Chief, T&C 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 Director (Engineering Services & Projects),
Municipal Corporation of Greater Bombay.
 - The Senior Planner, T&CP Division, B.M.R.D.A.
 - The Legal Adviser, B.M.R.D.A.
- Shri S.V. Asgaonkar, Secretary, Executive Committee, BMRDA.

Presiding over the first meeting of the Executive Committee after his appointment as Chief Secretary, the Chairman observed that in his opinion BMRDA was not very effective and as such, it was necessary to examine how more teeth could be put in BMRDA. He requested all the members to apply their minds to this issue and also

asked,.....

asked Metropolitan Commissioner to submit his views before the Committee on this matter. He clarified that he was not **blaming** any person or persons for the existing situation but he felt that time has now come for looking at a problem not only within the confines of procedure but also adopt unorthodox means as may be necessary to fulfil the desired objectives.

Members of the Executive Committee were requested to communicate their views on what they considered to be the major issues, to the Metropolitan Commissioner by 5th May, 1985, and the Metropolitan Commissioner was requested to bring all these issues before the next meeting so that Committee may decide the priorities as also strategies to be adopted for attaining those priorities.

Views were also expressed stating that since BMRDA was supposed to take an overview of development of Bombay Metropolitan Region, the Executive Committee should not only deal with routine matters which in any case they have to under the existing law, but further that after the important issues are identified, as far as possible in every meeting, one or two such issues should be discussed threadbare.

In course of general discussion, thereafter, the following points emerged :-

- (1) In future whenever Central Government or any undertaking of the Central Government desires to submit application under Section 13 of the Bombay Metropolitan Region Development Authority Act, 1974, they should be asked to first obtain N.O.C. from the Department of Environment, Government of India and the application should be received only after such a N.O.C. is produced.
- (2) In case of applications, under Section 13 of the Act the parties should be asked to explain the proposals to the concerned officer of the BMRDA. This should invariably be done before the applications are presented to the Executive Committee.

(3) The.....

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- (3) The Metropolitan Commissioner was requested to examine as to whether, with the publication of the Draft Revised Development Plan for Greater Bombay and modification of the existing Development Control Rules for Greater Bombay, it was necessary to continue the Notification under Section 13 of the BMRDA Act, 1974.
- (4) It was complained that applicants, after securing permission from the Executive Committee for a particular development, change the nature of development on site thereby defeating the purpose of permission. It was, therefore, suggested that the officers of the BMRDA and the Bombay Municipal Corporation should jointly verify periodically whether the development conforms the permission granted.
- (5) It was desired that at the time of hearing of appeals by State Government under section 13(4) of the BMRDA Act, 1974, the Legal Adviser should invariably accompany the Metropolitan Commissioner or an officer authorised by him.

The Committee then proceeded with the business before the Meeting.

Item No.1 : Applications for permission under Section 13 of the BMRDA Act, 1974.

The applications bearing the following registration numbers were placed on the Table :

- (1) 475/14/3/85 (2) 476/18/3/85

- (1) Application No.475/14/3/85(M/s. Balmer Lawrie & Co. Ltd.)

The Committee considered the application and noted that the proposal was for addition of floor area of 404.25 square metres to the existing building at Survey No.172, Factory Building, 149, Jackeria Bunder Road, in 'F-South' Municipal Ward, thereby increasing the existing area of 6,211.09 square metres to 6,615.34 square metres

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and F.S.I. to 0.652. The land under reference have been zoned for I₁ purposes in sanctioned Development Plan and in the Draft Development Plan it is proposed to be included in I₂ Zone. The additional area in respect of which permission was sought for was proposed to be utilised for accommodating - (1) Project Division, (2) Testing Laboratory facilities, (3) Drawing Office, and (4) Accounts and Finance (Part). Activities mentioned at Sr.Nos. (1) and (4) are presently conducted at Company's Office at Ballard Estate. No sufficient justification for shifting them to the new premises was given in the application. The activities (2) and (3) were new activities which would add 27 new jobs. It was also noted that the space vacated at Ballard Estate was not likely to be utilised for any other purposes except for office use. Though the Testing Laboratory facility did not create any major office job, the same was **governed** by the industrial location policy. The land was in Industrial Zone and activities other than Testing Laboratory had no nexus to the main activity and were, therefore, not permissible as per the provisions of Development Control Rules for Greater Bombay. With the publication of Draft Revised Development Plan for Greater Bombay, the F.S.I. in Industrial Zone has been reduced to 0.5 as against 0.652 proposed to be utilised by the Applicant. 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 for 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.

(2) Application No.476/18/3/85 (Mukund Nagar Co-operative Housing Society Ltd.)

The Committee considered the application and noted that the proposal was for construction of a building with floor area of 3,249.94 square metres

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and F.S.I. 1.66 at Survey Nos. 181, 521 and 522 (parts) of Dharavi Division, Dharavi Mahim Road, in 'G-North' Municipal Ward, for providing tenements to the existing slum dwellers on the plot. It was also noted that in the past the applicant had submitted an application for similar development and the same was rejected by the Executive Committee on the ground that - (1) the applicant had taken into consideration the area of road set-back which was not leased out by the Bombay Municipal Corporation to the applicant and by excluding the area of road set-back, the F.S.I. proposed to be utilised was 1.97 and not 1.66, and (2) the State Government was expected to take a policy decision in respect of F.S.I. to be allowed in such cases. It was further noted that after the Executive Committee's decision the applicant had preferred an appeal to the State Government, under sub-section (4) of section 13 of the BMRDA Act, 1974 and the same was pending consideration with the State Government. In the case of present application, the Society had approached BMRDA, after Government in Housing and Special Assistance Department had granted them an additional F.S.I. upto 1.66 (vide Government letter, No.SCS:284/(C.R.783)/VII.A, dated 14th February, 1985). The Committee had also before it letter addressed to the Metropolitan Commissioner of even number, dated 10th April, 1985, from the Secretary to Government, Housing and Special Assistance Department. The applicant had proposed bigger tenements of 215 square feet carpet area. If the size of the tenements was restricted, it was possible for the applicant to accommodate all the existing slum dwellers with F.S.I. 1.33 (which is prescribed under the Revised Draft Development Plan Development Control Rules). The Committee, therefore, was of the view that there was no need to permit use of additional F.S.I. granted by Government in this case and, therefore, decided to reject the application.

Accordingly, the Committee passed the following Resolution :-

RESOLUTION NO.298 :

"Resolved that in exercise of the powers conferred on it by clause (iv) of the sub-section (3) of section 7

of the.....

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 refuses permission, on behalf of the Authority, under sub-section (3) of Section 13 of the said Act to Mukund Nagar Co-operative Housing Society Limited (Application bearing Registration No.476/18/3/85) for the reasons recorded in the minutes.

"Resolved further that the application from M/s. Balmer Lawrie & Co. Ltd. (bearing Registration No.475/14/3/85), 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.2 : Application under Section 13 of the BMRDA Act, 1974 from M/s. Gokak Patel Volkart Ltd.

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

RESOLUTION NO.299 :

"Resolved that the Executive Committee has noted the contents of the Item Note and hereby authorises the Metropolitan Commissioner to engage the services of the Advocate General for contesting the Writ Petition for and on behalf of the BMRDA and also to engage the services of M/s. Singanporia and Dalvi, Solicitors and Advocates for drawing up a counter affidavit of the Authority, etc., as proposed in the Item Note.

"Resolved further that the Metropolitan Commissioner be authorised to take further necessary and incidental action in the matter."

Item No.3 : Broad

Item No.3 : Broad parameters to allow office area in the Island City of Bombay under Section 13 of the BMRDA Act and exemption of branches of Bank.

The Chairman, Executive Committee, was of the view that this should be considered as a major issue and desired that the same be considered at the next meeting of the Executive Committee for which a more elaborate note should be submitted.

Item No.4 : Appointment of Consultants for Architectural and Structural Design of Buildings in Wholesale Textile Market, in Block 'G' of Bandra-Kurla Complex.

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

RESOLUTION NO.300 :

"Resolved that after due consideration of the Item Note, the Executive Committee hereby approves the action taken by the Metropolitan Commissioner in awarding the work of consultancy for Phase-I work of Wholesale Textile Market, in 'G' Block of Bandra-Kurla Complex to the following three Consultants at the lumpsum fees mentioned against each of them, for work allotted to each as mentioned in the agenda note :

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| (i) CONSOL | ... Rs.17.50 lakhs. |
| (ii) M/s.Shashi Pradhu & Associates. | ... Rs. 9.00 lakhs. |
| (iii) M/s.Pheroze Kudianvala Consultants Engineers Pvt. Ltd." | ... Rs. 8.50 lakhs. |

Item No.5 : Extension of period of appointment of Shri S.V. Thakar, Project Officer (Marketing).

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

RESOLUTION NO.301 :

"In exercise of the powers vested in it under clause (i) of sub-section (3) of section 7 of the BMRDA Act, 1974, as amended upto date, the Executive Committee approves the proposal to extend the term of appointment

of Shri S.V. Thakar as Project Officer (Marketing), on contract basis, for a further period of one year, with effect from 1st April, 1985, on a consolidated remuneration of Rs.2,000/- per month on the existing terms and conditions, as proposed."

Item No.6 : Report of appointments made under the powers delegated by the Executive Committee.

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

RESOLUTION NO.302 :

"Resolved that the Executive Committee has considered the appointments and a promotion made by the Metropolitan Commissioner under the powers delegated to him vide proviso to Guideline No.5 of the Staff Appointment Guidelines, during the period from 1st January, 1985 to 31st March, 1985 and hereby accords its sanction to the appointments and a promotion mentioned in the Annexure to the Item Note, as proposed."

Item No.7 : List giving details of appeals under Section 13(4) of the BMRDA Act, 1974.

After conclusion of discussion on this item, the Chairman, Executive Committee suggested that in future whenever such cases of appeals would be reported to the Executive Committee, copies of Government's detailed orders, if received by the Metropolitan Commissioner should be circulated to the Members of the Executive Committee for their information and views. The Chairman, Executive Committee also desired the Secretary, Urban Development Department to send copies of detailed orders given by the Appellate Authority to the Metropolitan Commissioner in future so as to enable him to circulate the same to the Members of the Executive Committee.

Item No.8 : Post.....

