



MUNICIPAL CORPORATION OF GREATER MUMBAI

Intimation of Disapproval under Section 346 of the Mumbai Municipal Corporation Act, as amended up to date.

No. CHE/CTY/0508/F/S/337(NEW) dt 24/08/17 24/08/16 16 D.C. 1642-2

Municipal Office,
Mumbai

MEMORANDUM

To,

M/s SAMCON BUILDERS

20, Yashodham shopping centre, Gen A. K. Vaidya Marg, Goregaon (East), Mumbai 400 063

With reference to your Notice 337 (New), letter No. 1673 dated. 17/11/2011 and the plans, Sections Specifications and description and further particulars and details of your buildings at proposed redevelopment on plot bearing c.s. no 351,352,353,354 and 355 of Parel - Sewri Division., CTS NO.351,352,353,354 and 355 furnished to me under your letter, dated 17/11/2011. I have to inform you that, I cannot approve of the building or work proposed to be erected or executed, and I therefore hereby formally intimate to you, under Section 346 of the Mumbai Municipal Corporation Act as amended up to-date, my disapproval by reasons thereof :-

A: CONDITIONS TO BE COMPILED WITH BEFORE STARTING THE WORK.

- 1 That the commencement certificate under Section 44/69(1)(a) of the M.R.T.P. Act will not be obtained before starting the proposed work.
- 2 That the builder / developer / owner shall not prepare a "debris management plan" showing the prospective quantum of debris likely to be generated, arrangements for its proper storage at the site, transportation plan of the agency appointed for the same, with numbers and registration numbers of vehicles to be deployed and the final destination where the debris would be unloaded by them and submit the same to the Zonal Executive Engineer of S.W.M. Department and the same shall not be got approved before demolition of existing building or commencing any construction activity.
- 3 That the compound wall is not constructed on all sides of the plot clear of the road widening line with foundation below level of bottom of road side drain without obstructing the flow of rain water from the adjoining holding to prove possession of holding before starting the work as per D.C. Regulation No. 38(27).
- 4 That the low lying plot will not be filled up to a reduced level of at least 92 T.H.D. or 6" above adjoining road level whichever is higher with murum, earth, boulders, etc. and will not be leveled, rolled, consolidated and sloped towards road side, before starting the work.
- 5 That the specifications for layout/ D.O./or access roads/ development of setback land will not be obtained from E.E. Road (Construction) (City) before starting construction work and the access and setback land will not be developed accordingly including providing street lights and S.W.D., the completion certificate will not be obtained from E.E.(R.C.)/ E.E.(S.W.D.) of City before submitting building completion certificate.
- 6 That the structural engineer will not be appointed. Supervision memo as per Appendix-XI [Regulation 5(3)(ix)] will not be submitted by him.
- 7 That the structural design and calculations for the proposed work accounting for seismic analysis as per relevant I.S. Code and for existing building showing adequacy thereof to take up additional load alongwith bearing capacity of the soil strata will not be submitted before C.C.
- 8 That the regular/sanctioned/proposed lines will not be got demarcated at site through A.E.(Survey)/ E.E.(T&C) before applying for C.C.
- 9 That the sanitary arrangements shall not be carried out as per Municipal Specifications, and drainage layout will not be submitted before C.C.

- 10 That the Registered Undertaking and additional copy of plan shall not be submitted for agreeing to hand over the setback land free of compensation and that the setback handing over certificate will not be obtained from Ward officer before demanding C.C. and that the ownership of the setback land will not be transferred in the name of M.C.G.M. before C.C.
- 11 That the Indemnity Bond, indemnifying the Corporation for damages, risks, accidents, to the occupiers and an Undertaking regarding no nuisance will not be submitted before C.C./starting the work.
- 12 That the existing structure proposed to be demolished will not be demolished or necessary Phase Programme with agreement will not be submitted and got approved before C.C.
- 13 That the qualified/Registered Site supervisor through Architect/Structural Engineer will not be appointed before applying for C.C.
- 14 That All Dues Clearance Certificate from A.E.W.W. 'F/S' Ward shall not be submitted before issue of C.C.
- 15 That the premium/deposits as follows will not be paid -1) Staircase / Lift area benefit.2)Development charges as per M.R.& T.P.(Amendment) Act,1992 .3)Insecticide charges. 4)Payment of advance for providing treatment of construction site to prevent epidemic like dengue, malaria etc. to insecticide charges ' F/S' Ward.5)Labour Welfare Cess. 6) Additional Development Cess.
- 16 That the registered undertaking in prescribed proforma agreeing to demolish the excess area if constructed beyond permissible F.S.I. shall not be submitted before asking for C.C.
- 17 That the work will not be carried out strictly as per approved plan and in conformity with the D.C.Regulations in force.
- 18 That the N.O.C. from Tree authority shall not be submitted before asking for plinth C.C.
- 19 That the Registered Undertaking shall not be submitted for agreeing to pay the difference in premium paid and calculated as per revised land rates.
- 20 That the Janata Insurance policy or policy to cover the compensation claims arising out of Workmen's Compensation Act,1923 will not be taken out and a copy of the same will not be submitted before asking C.C. and renewed during the construction of work and owner / developer should submit revalidated Janata Insurance Policy from time to time.
- 21 That the N.O.C. from B.E.S.T. for substation shall not be submitted.
- 22 That the fresh Tax Clearance Certificate from A.A. & C 'F/S' Ward shall not be submitted.
- 23 That letter from M.B.R.& R. Board confirming the exact surplus area to be surrendered to M.B.R.& R. Board shall not be submitted and amended plans shall not be submitted and got approved accordingly.
- 24 That the Regd. U/T against misuse of slopping terrace / part terrace / stilt shall not be submitted.
- 25 That the footpath in front of plot shall not be repaired / restored once in a year or before occupation whichever is earlier.
- 26 That the Indemnity bond against no nuisance due to contravening toilets shall not be submitted.
- 27 That the Indemnity Bond indemnifying M.C.G.M. against disputes, litigations, claims, arising out of ownership of plot shall not be submitted.
- 28 That the registered Power of Attorney shall not be submitted.
- 29 That the remarks from H.E. Department shall not be submitted.
- 30 That the debris shall not be dumped on the Municipal ground only.
- 31 That the board displaying the details of development of the work shall not be displayed at site.
- 32 That the necessary remarks for training of nalla / construction of SWD will not be obtained from Dy.Ch.Eng.(S.W.D.) City and Central Cell before asking for plinth C.C. .
- 33 That the N.O.C. from Dy.Ch.E.(S.P.) P&D for proposed sewer line shall not be submitted before C.C.
- 34 That the Regd. U/T for apprising the prospective buyers regarding contravening toilets shall not be submitted before C.C.
- 35 That the plot boundary shall not be got demarcated from C.S.L.R. and demarcation certificate shall not be submitted to this office.
- 36 That the copy of PAN card of the applicant shall not be submitted before C.C.
- 37 That the precautionary measures to avoid dust nuisance such as erection of G.I. sheet screens at plot boundaries upto reasonable height shall not be provided before demolition of existing structures at site.

- 38 That the single P.R.Card in the name of single Co.Op.Hsg. Society shall not be submitted before O.C.
- 39 That the construction activity for work of necessary piling shall not be carried out by employing modern techniques such as rotary drilling, micropiling etc. instead of conventional jack and hammer to avoid nuisance damage to adjoining buildings.
- 40 That the N.O.C. from MHADA shall not be submitted before C.C.
- 41 That the N.O.C. from E.E.T.& C. shall not be obtained for the parking before C.C.
- 42 That Regd. U/T for minimum Nuisance during construction activity shall not be submitted before C.C.
- 43 That the built up area shall not be restricted 25% on plot area of C.S.No.354 & 355 till submission of fresh P.R. Card.
- 44 That the work shall not be carried out between 6.00 A.M. to 10.00 P.M. only in accordance with Rule 5A(3) of the Noise Pollution (Regulation & control) Rules, 2000 and the provisions of Notification issued by Ministry of Environment & Forest Department from time to time shall not be duly observed.
- 45 That the G.I.Sheet screens at plot boundaries upto adequate height to avoid dust nuisance shall not be provided before demolition of existing building.
- 46 That the precautionary measures to avoid nuisance due to dust, such as providing G.I. Sheets at plot boundaries up to reasonable height shall not be taken.
- 47 That remarks from E.E.(M.& E.) for ventilation shall not be submitted.
- 48 That the C.C. shall not be asked unless payment of advance for providing treatment at construction site to prevent epidemics like Dengue, Malaria, etc. is made to the Insecticide Officer of the concerned Ward Office and provision shall be made as and when required by Insecticide Officer for inspection of water tanks by providing safe and stable ladder, etc. and requirements as communicated by the Insecticide Officer shall be complied with.
- 49 No main beam in a R.C.C. framed structure shall not be less than 230 mm wide. The size of the columns shall also not be governed as per the applicable I.S. codes.
- 50 All the cantilevers (Projections) shall not be designed for five times the load as per IS Code 1993-2002 including the columns projecting beyond the terrace and carrying the overhead water storage tank, etc.
- 51 In R.C.C. framed structures, the external walls shall not be less than 230 mm if in brick masonry or 150 mm. autoclaved cellular concrete block excluding plaster thickness as circulated under No. CE/PD/11945/I of 2.2.2006.
- 52 That the remarks regarding formation level from Road Department shall not be submitted.
- 53 That the specification & design of Rain Water Harvesting scheme as per the State Govt.'s directives u/No.TPB-4307/396/CR-124/2007/UD-11 dated 6th June 2007 shall not be submitted.
- 54 That the requisition of clause No. 45 and 46 of D.C. Regn. 91 shall not be complied with and records of quality of work, verification of report shall not be kept on site till completion of work.
- 55 That the Regd. Undertaking shall not be submitted by the Owner / Developer / Builder to sell the tenements / flats on carpet area basis only and to abide by the provisions of Maharashtra Ownership Flats (Regulation of the promotion of construction, sale management and transfer) Act (MOFA), amended up to date and the Indemnity Bond indemnifying the M.C.G.M. and its Officers from any legal complications arising due to MOFA will not be submitted.
- 56 That the registered Private Pest Control Agency for providing anti larval treatment at the construction site shall be appointed.
- 57 That all the conditions of E.E.(T.&C.) N.O.C. shall not be complied before plinth C.C.
- 58 That the services of Safety Officer to take care of all safeties during construction on construction site and around shall not be hired.
- 59 The dry and wet garbage shall not be separated and the wet garbage generated in the building shall not be treated separately on the same plant by the residents / occupants of the building in the jurisdiction of M.C.G.M. The necessary condition in sale agreement to that effect shall not be incorporated by the Developer/Owner.
- 60 That the Extra Water Charges & Extra Sewerage Charges shall not be paid.
- 61 That the structural stability of pit type parking tower & registered undertaking in this regard indemnifying M.C.G.M. & its officer against the litigation arising out of hardship to occupants due to mechanized failure shall not be submitted.

- 62 That the N.O.C. holder will have to pay expenditure incurred by board towards structural repairs / propping / demolition etc. & letter to that effect issued by MHADA shall not be submitted.
- 63 That the clarification regarding tenure mentioned in P.R.Card (i.e. tokka) from collector/ superintendent, Mumbai city survey and land record will not be submitted before issue of C.C.
- 64 That the set back area will not be handed over as per policy circular dt: 15.01.2011.
- 65 That the terrace above shop shall not be provided slope 1:5 and the same will not be got verified at the time of granting C.C. beyond the floors above shop.
- 66 That the indemnity bond to indemnify MCGM against any litigation arising out of issue out of the damage due to contravening toilet shall not be submitted before C.C.
- 67 That the contravening toilet shall not be proposed above kitchen and provided the said floor is made imperious with double slab arrangement along with the adequate water proofing treatment and register undertaking regarding same shall not be submitted before issue of C.C.
- 68 That the area reserved for the parking shall not be used for the purpose of parking only and registered undertaking regarding same shall no be submitted before issue of C.C.
- 69 That the mechanized parking system shall be equipped with Electronic sensor Device to avoid any mishap and maintenance of Mechanized parking system shall not be done regularly and registered undertaking in this regards shall not be submitted before C.C.
- 70 That the indemnity bond indemnifying M.C.G.M. against any litigation arising out of hardship to user in case of the failure of Mechanized system shall not be submitted before C.C.
- 71 That the registered undertaking shall not be submitted agreeing to hand over excess parking spaces to M.C.G.M. free of cost in case full permissible F.S.I. is not consumed before C.C.

B: FOR LABOUR CAMP / TEMPORARY SHED

- 1 Not Applicable

C: CONDITIONS TO BE COMPILED BEFORE FURTHER C.C

- 1 That the plinth/stilt height shall not be got checked by this office staff.
- 2 All the payments as intimated by various departments of MCGM shall not be paid.
- 3 That the amended Remarks of concerned authorities/empanelled consultants for the approved plan, if differing from the plans submitted for remarks ,shall not be submitted for : a) S.W.D. b) Parking c) Sewerage d) Water Works e) Mechanical Ventilation f) Tree authority g) Hydraulic Engineer h) PCO
- 4 That in the event setback and /or reservation is not handed over then at FCC , area Equivalent to the area of Setback and /or reservation shall not be restricted till such area is handed over or as per circular issued from time to time.
- 5 That the Material testing report shall not be submitted.
- 6 That the monthly progress report of the work will not be submitted by the Architect.
- 7 That the Structural stability certificate through Regd. Structural Engineer regarding stability of constructed plinth shall not be submitted before asking for C.C. beyond plinth.
- 8 That the additional development cess shall not be paid before further C.C.
- 9 That every year before onset of the monsoon / revalidation of C.C., structural stability certificate of the work executed on site shall not be submitted by the appointed Registered Structural Engineer / Consultant, appointed by owner / occupier / society.
- 10 That all the structural members below the ground shall be designed considering the effect of chlorinated water, sulphar water, seepage water, etc. and any other possible chemical effect and due care while constructing the same will be taken and completion certificate to that effect shall not be submitted before granting further C.C. beyond plinth.
- 11 That the C.C. shall not be asked for R.C.C. frame work only till the amended plans are approved for full consumption of F.S.I. including sale fungible.

D: GENERAL CONDITIONS TO BE COMPILED BEFORE O.C

- 1 That the separate vertical drain pipe, soil pipe with a separate gully trap, water main, O.H. Tank, etc. for Maternity Home/Nursing Home, user will not be provided and the drainage system or the residential part of the building will not be affected.
- 2 That some of the drains will not be laid internally with C.I. Pipes.

- 3 That the dust-bin will not be provided as per C.E.'s circular No.CE/9297/II of 26-6-1978.
- 4 That the surface drainage arrangement will not be made in consultation with E.E.(SWD) or as per his remarks and a completion certificate will not be obtained and submitted before applying for occupation certificate/B.C.C.
- 5 That the surrounding open spaces, parking spaces and terrace will not be kept open and un-built upon and will not be leveled and developed before requesting to grant permission to occupy the building or submitting the B.C.C. whichever is earlier.
- 6 That the name plate/Board showing Plot No., name of the building etc. will not be displayed at a prominent place.
- 7 That the parking spaces shall not be provided as per D.C. Regulation No.36.
- 8 That B.C.C. will not be obtained and I.O.D. and debris deposit etc. will not be claimed for refund within a period of 6 years from the date of its payment.
- 9 That the N.O.C. from Inspector of Lifts, P.W.D., Maharashtra, will not be obtained and submitted to this office.
- 10 That the Drainage completion certificate from (S.P.)(P&D)City for provision of Septic Tank/Soak pit will not be submitted.
- 11 That the Drainage completion Certificate from A.E.(B.P.) City for House drain will not be submitted & got accepted.
- 12 That every part of the building construction and more particularly overhead tank will not be provided as with the proper access for the staff of Insecticide Officer with a provision of temporary but safe and stable ladder etc.
- 13 That final N.O.C. from MHADA/ Tree /CFO Authority shall not be submitted before asking for occupation permission.
- 14 That the compliance of N.O.C. from H.E will not be made and certificate to that effect will not be submitted.
- 15 That the single property card in the name of single Co.Op.Hsg. Society shall not be submitted.
- 16 That the vermiculture bins for the disposal of wet waste as per design and specifications of organization or companies specialized in this field as per list furnished by Solid waste Management of M.C.G.M. shall not be provided.
- 17 That the installation of Rain Water Harvesting scheme as per the State Govt.'s directives U/No.-TPB-4307/396/CR-124/2007/UD-11 dated 6th June 2007 shall not be provided before applying for occupation permission.
- 18 That the completion of footpath, providing central dividers, lane marking and providing steel furniture shall not be completed.
- 19 That the additional development cess shall not be paid before O.C.
- 20 That the following documents shall not be compiled, preserved and handed over to the end user / prospective society within a period of 30 days in case of redevelopment of properties and in other cases, the same should be handed over within a period of 90 days after granting occupation certificate by M.C.G.M. 1)Ownership documents; 2)Copies of I.O.D., C.C., subsequent amendments, O.C.C., B.C.C. and corresponding canvass mounted plans 3) Copies of soil investigation reports. 4)R.C.C. details and canvass mounted structural drawings. 5) Structural Stability Certificate from Licensed Structural Engineer. 6)Supervision certificate issued by the Licensed Site Supervisor. 7)Building Completion Certificate issued by Licensed Surveyor/ Architect. 8)NOC and completion certificate issued by the C.F.O. 9)Fire safety audit carried out as per the requirement of C.F.O.
- 21 That the certified copy of sale agreement incorporating the following conditions shall not be submitted to this office 1) That the prospective society / end user shall not preserve and maintain the documents / plans received from Owner / Developer / Architect and subsequently carry out necessary repairs / structural audit/ fire audit at regular interval and also present periodical structural audit reports and repair history, similarly to check and to carry out fire safety audit time to time as per requirement of C.F.O. through the authorized agency of M.C.G.M.
- 22 The registered undertaking and indemnity bond shall not be submitted stating that the conditions mentioned at Sr.No. 20 will be incorporated in the sale agreement and the same will be informed to the prospective society/ end user.
- 23 That the supervision certificate shall be submitted periodically i.e. every 3 months from the L.S. / Engineer / Structural Engineer / Supervisor or Architect as the case may be as per D.C.Reg.5(3)(ix)