BMPP-424-2001-10,000 Forms. EC-48

Form 346 / 88

in replying please quote No. and date of this letter.

Ex. Eng. Bldg. Perposal (City)
'E' Ward Municipal Offices, 3rd Floor
10 S.K. Hafizuddin Marg, Byculla,
Mumbai - 400 008.

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

No.EB/1258/GS/A

No. E.B./CE/ BS/A of 2005 - 2006

MEMORANDUM
Indiabulls Properties Pvt.Ltd.
64,6th Floor,Free Press House,
Nariman Point, Mumbai-400 021.

Municipal Office,
Mumbai 22/8/2005

With reference to your Notice, letter No. 3307 dated 22.07.2005 and delivered on 22.07.2005 and the plans, Sections Specifications and Description and further particulars and detail of your building at Plot bearing C.S.No.841 of Lower Parel Division. furnished to me under your letter, dated 22.07.2005 I have to inform you that I cannot approve of the building or work proposed to be erected or excecuted, and I therefore hereby formally intimate to you, under Section 346 of the Mumbai Municipal Corporation Act as amended upto-date; my disapproval by thereof reasons :-

A) THAT THE FOLLOWING CONDITIONS TO BE COMPLIED WITH BEFORE COMMENCEMENT OF THE WORK UPTO PLINTH LEVEL.

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 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).

3. 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 levelled, rolled, consolidated and sloped towards road side, before starting the work.

4. 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 the construction work and the access and set back 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.

5. That the structural engineer will not be appointed. Supervision memo as per Appendix-XI [Regulation 5(3) (ix)] will not be submitted by him.

Contd...- 2(a) -

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Contd... (A).

6. 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 will not be submitted before C.C.

7. That the regular /sanctioned /proposed lines and reservations will not be got demarcated at site through A.E.(Survey)/ E.E.(T&C.)/ E.E.(D.P.)/ D.D.L.R. before applying for C.C.

8. That the sanitary arrangements shall not be carried out as per Municipal Specifications, and drainage layout will not be submitted before C.C.

9. 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 and that the ownership of the setback land will not be transferred in the name of M.C.G.M. before C.C.

10. 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.

11. 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.

12. That the requirements of N.O.C. of C.F.O. will not be obtained & the requisitions, if any, will not be complied with before occupation certificate/ B.C.C.

13. That the basement will not comply with the Basement Rules and Regulations and Registered Undertaking for not misusing the basement will not be submitted before C.C.

14. That the qualified/Registered Site supervisor through Architect/Structural Engineer will not be appointed before applying for C.C.

15. That extra water and sewerage charges will not be paid to A.E.W.W. 'G/South' Ward before C.C.

16. That the Regd. Undertaking from the owners i.e. N.T.C. as well as indiabulls properties Pvt. Ltd. for faithful compliance of the orders that will be passed by Hon'ble High Court in PIL bearing No. 482 of 2005 and orders passed by Hon'ble Supreme Court dated 11.5.2005 in SLP.

17. That the premium/deposits as follows will not be paid -
    a. Staircase/Lift area benefit
    b. Lucrative premium
    c. Development charges as per M.R.& T.P. (Amendment) Act, 1992
    d. Insecticide charges.
    e. Payment of advance for providing treatment of constriction site to prevent epidemic like dengue, malaria etc. to insecticide charges to G/South Ward

18. 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.

19. That the work will not be carried out strictly as per approved plan and in conformity with the D.C.Regulations in force.

20. That the N.O.C. from Tree authority shall not be submitted before asking for plinth C.C.

21. That the Registered Undertaking shall not be submitted for agreeing to pay the difference in premium paid and calculated as per revised land rates.

22. 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.

23. That the N.O.C. from B.E.S.T. for sub station shall not be submitted.

24. That the fresh Tax Clearance Certificate from A.A. & C 'G/South' Ward shall not be submitted.

25. That the Regd. U/T against misuse of pocket terrace / part terrace / stilt shall not be submitted.

26. That the footpath in front of plot shall not be repaired / restored once in a year or before occupation whichever is earlier.

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 U.L.C. affidavit and regd. U/T for U.L.C. 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 remarks from E.E.(S.W.D.) for proposed SWD shall not be submitted before 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 plot boundary shall not be got demarcated from C.S.L.R. and demarcation certificate shall not be submitted to this office.

35. 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.

36. That the copy of PAN card of the applicant shall not be submitted with requisite U/T.

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Contd... (A).

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 fresh P.R. Card in the name of owner shall not be submitted before C.C.

39. That the revalidation of U.L.C. N.O.C. shall not be submitted before C.C.

40. 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.

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 N.O.C. from the adjoining residence to minimum Nuisance during construction activity shall not be submitted before C.C.

44. That the work shall not be carried out between 7.00 A.M. to 7.00 P.M. only.

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 duct to dust, such as providing G.I. Sheets at plot boundaries up to reasonable height shall not be taken.

47. That remarks from Ch.Eng.(M.& E.) for ventilation of basement and forced ventilation of staircase and toilet 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. Ch. Eng.(D.P.)/5691 of 15.4.1974.

52. That the facilities for physically handicapped persons shall not be provided as per the accompaniment in Govt. in U.D. Department notification No.TPB 432001/1829/CR-216/2001/UD-11 dated 2nd December 2003.

53. That the Registered Undertaking for faithful compliance of the directives, if any, of the Railway authorities shall not be submitted.

54. That the U.L.C. N.O.C. for India United Mill No.2 & 3 and New Hind Textile Mill (proposed to be handed over to M.C.G.M. & MHADA) shall not be submitted.

55. That the land proposed to be handed over to M.C.G.M. and MHADA which is earmarked at India United Mill No.2 & 3, New Hind Textile Mill. As per the approved layout of integrated development scheme of 7 NTC Mills in Mumbai vide No. Dy.Ch.E.B.P.(C)/3329/Gen/Estt dated 27.10.04 shall not be handed over before asking C.C.

56. That the land/plot admeasuring 25% of the sub divided/layout area admeasuring 9771.61 SqM as shown by green colour shall not be kept open and shall not be developed as R.G. / open space by planting trees on same ground or periphery and shall not be properly maintained by plot holders.

57. That the mezzanine floor etc. shall not be constructed in between in future in existing retained structure of mill.

58. That the layout shall not be got amended as per modified D.C.Regn.58(1)(b) if the area of the plot in actual possession differs from the area in the layout approved under No. Dy.Ch.E.B.P.(C)/3329/Gen/Estt dated 27.10.04 for integrated development scheme of 7 NTC Mills in Mumbai after survey carried out by City Survey Department.

59. That the clearance of outstanding dues of India United Mill No.2 & 3 and New Hind Textile Mill which are proposed to be handed over to M.C.G.M. and MHADA shall not be done.

60. That the Registered Terms & Conditions of approved layout of integrated development scheme of 7 NTC Mills in Mumbai vide No. Dy.Ch.E.B.P.(C)/3329/Gen/Estt dated 27.10.04 by NTC shall not be submitted.

61. That the specific clearance from Secretary, Labour Department, Govt. of Maharashtra about clearance of all statutory dues shall not be submitted.

62. That the compliance of the opening of an escrow account and deposit the sale proceeds into the said escrow account and following directives of Monitoring Committee as per provision of D.C.Regn. 58(8)&(9) to Jupiter Mill shall not be submitted.

63. That the compliance of layout condition i.e. submission of proposal for redevelopment belonging to Elphinston Mill & Mumbai Mill strictly in consonance with notification issued by Govt. of Maharashtra vide No.TPB 4302/830/CR/2003/UD-11 dated 29.9.2004 shall not be complied with.

64. That the Registered Undertaking from NTC/Indiabulls Properties Pvt. Ltd. shall not be submitted for faithful compliance of sanctioned scheme of rehabilitation of NTC Mills by BIFR dated 25.7.2002

(B) THE FOLLOWING CONDITIONS TO BE COMPLIED WITH BEFORE FURTHER C.C. OF SUPER STRUCTURE :

1. That the requirement of N.O.C. from C.A., U.L.C.& R. Act, will not complied with before starting the work above plinth level.

2. That the plinth dimensions shall not be got checked from this office before asking for further C.C. beyond plinth.

3. 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.

4. That the elevation treatment plan shall not be submitted & got approved.

5. That the fresh P.R. Card in the name of M.C.G.M. & MHADA for the plots to be handed over to M.C.G.M. / MHADA before granting further C.C. of the equivalent share of M.C.G.M. & Owners share as per provision of modified D.C.Regn. 58.

(C) THE FOLLOWING GENERAL CONDITIONS TO BE COMPLIED WITH BEFORE GRANTING O.C.C. TO ANY PART OF THE PROPOSED BUILDING :

1. That the conditions mentioned in the clearance under No.C/ULC/D-III/22 dated 11.8.2005 obtained from Competent authority under U.L.C.& R. Act, 1976 will not be complied with.

2. 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.

3. That some of the drains will not be laid internally with C.I. Pipes.

4. That the dust-bin will not be provided as per C.E.'s circular No.CE/9297/II of 26-6-1978.

5. 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.

6. That the existing well will not be covered with R.C.C. slab.

7. That 10'-0" wide paved pathway upto staircase will not be provided.

8. 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.

9. That the name plate/Board showing Plot No., name of the building etc. will not be displayed at a prominent place.

10. That carriage entrance shall not be provided.

11. That the parking spaces shall not be provided as per D.C. Regulation No.36.

12. 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.

13. That the N.O.C. from Inspector of Lifts, P.W.D., Maharashtra, will not be obtained and submitted to this office.

14. That the Drainage completion certificate from (S.P.)(P&D)City for provision of Septic Tank/Soak pit will not be submitted.

15. That the Drainage completion Certificate from A.E.(B.P.) City for House drain will not be submitted & got accepted.

16. 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.

17. That final N.O.C. from C.F.O./ Tree Authority shall not be submitted before asking for occupation permission.

18. That the compliance of N.O.C. from H.E will not be made and certificate to that effect will not be submitted.

19. That the Fresh property card in the name of the owner shall not be submitted.

20. 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.

21. That the provision of Rain Water Harvesting as per the diagram proposed by approved consultant in the field shall not be made to the satisfaction of Municipal Commissioner and shall not be provided.

22. That the recycling plant for waste water shall not be provided.

(D) THE FOLLOWING CONDITIONS TO BE COMPLIED WITH BEFORE B.C.C.:

1. That certificate under Section 270-A Of M.M.C. Act will not be obtained from H.E.'s Department regarding adequacy of water supply.

27/8/05

Executive Engineer
Building Proposals (City)- I

( ) That proper gutters and down pipes are not intended to be put to prevent water dropping from the eves of the roof on the public street.

( ) That the drainage work generally is not intended to be executed in accordance with the Municipal requirements.

Subject to your so modifying your intention as to obviate the before mentioned objections and meet by requirements, but not otherwise you will be at liberty to proceed with the said building or work at anytime before the .....21st..... day of .....August..... 200 6 but not so as to contravance any of the provision of the said Act, as amended as aforesaid or any rule, regulations or bye-law made under that Act at the time In force.

Your attention is drawn to the Special Instructions and Note accompanying this Intimation of Disapproval.

Executive Engineer, Building Proposals,
[illegible], City-I [illegible]

SPECIAL INSTRUCTIONS

(1) THIS INTIMATION GIVES NO RIGHT TO BUILD UPON GROUND WHICH IS NOT YOUR PROPERTY.

(2) Under Section 68 of the Mumbai Municipal Corporation Act, as amended, the Municipal Commissioneer for Greater Mumbai has empowred the City Engineer to exercise, perform and discharge the powers, duties and functions conferred and imposed upon and vested in the Commissioner by Section 346 of the said Act.

(3) [illegible]

(4) Your attention is invited to the provision of Section 152 of the Act wherby the person liable to pay property taxes is required to give notice of erection of a new building or occupation of building which has been vacant, to the Commissioner, within fifteen days of the completion or of the occupation whichever first occurs. Thus compliance with this provision is punishabe under Section 471 of the Act irrescpective of the fact that the valuation of the premises will be liable to be revised under Section 167 of the Act, from the earliest possible date in the current year in which the completion on occupation is detected by the Assessor and Collector's Department.

(5) Your attention if further drawn to the provision of Section 353-A about the necessary of submitting occupation certificate with a view to enable the Municipal Commissioner for Greater Mumbai to inspect your permises and to grant a permission before occupation and to leavy penelty for non-compliance under Section 471 if necessary.

(6) Proposed date of commencement of work should be communicated as per requirements of Section 347 (1) (*aa*) of the Mumbai Municipal Act.

(7) One more copy of the block plan should be submitted for the Collector, Mumbai Suburbs District.

(8) Necessary permission for Non-agricultural use of the land shall be obtained from the Collector Mumbai Suburban District before the work is started. The Non-agricaltural assessment shall be paid at the site that may be fixed by the Collector, under the Land Revenue Code and Rules thereunder.

Attention is drawn to the notes Accompanying this Intimation of Disapproval.

No.EB/1258/GS/A

No. EB/CE/ 2248/BS/2005 /A/

NOTES

(1) The work should not be started unless objections are complied with

(2) A certified set of latest approved plans shall be displyed on site at the time of commencement the work and during the progress of the construction work.

(3) Temporary permission on payment of deposite should be obtained any shed to house and store for constructional purposes, Residence of workmen shall not be allowed on site. The temporary structures for storing constructional meterial shall be demolished before submission of building completion certifieate and a certificate signed by Architect submitted along with the building completion certificate.

(4) Temporary sanitary accommodation on full flusing system with necessary drainage arrangement should be provided on site workers, before starting the work.

(5) Water connection for constructional purpose will not be given until the hoarding is constructed and application made to the Ward Officer with the required deposite for the construction of carriage entrance, over the road side drain.

(6) The owners shall intimate the Hydraulic Engineer or his representative in Wards atleast 15 days prior to the date of which the proposed construction work is taken in hand that the water exsting in the compound will be utilised for their construction works and they will not use any Municipal Water for construction purposes. Failing this, it will be presume tha t Municipal tap water has been consumed on the construction works and bills preferred against them accordingly.

(7) The hoarding or screen wall for supporting the depots of building materials shall be constructed before starting any work even though no materials may be expected to be stabled in front of the property. The scaffoldings, bricks metal, sand preps debrics, etc. should not be deposited over footpaths or public street bythe owner/ architect/their contractors, etc. without obtaining prior permission from the Ward Officer of the area.

(8) The work should not be started unless the manner in obviating all the objection is approved by this department.

(9) No work should be started unless the structural design is approved.

(10) The work above plinth should not be started before the same is shown to this office Sub-Engineer concerned and acknowledgement obtained from him regarding correctness of the open spaces & dimension.

(11) The application for sewer streer connections, if necessary, should be made simultaneously with commencement of the work as the Municipal Corporation will require time to consider alternative site to avoid the excavation of the road an footpath.

(12) All the terms and conditions of the approved layout/sub-division under No. of should be adhered to and complied with.

(13) No Building/Drainage Completion Certificate will be accepted non water connection granted (except for the construction purpose) unless road is constructed to the satisfaction of the Municipal Commissioner as per the provision of Section 345 of the Mumbai Municipal Corporation Act and as per the terms and conditions for sanction to the layout.

(14) Recreation ground or amenity open space should be developed before submission of Building Completion Certificate.

(15) The aces road to the full width shall be constructed in water bound macadam before commencing work and should be complete to the satisfaction of Municipal Commissioner including asphalting lighting and drainage before submition of the Building Completion Certificate.

(16) Flow of water through adjoining holding or culvert, if any should be maintained unobstructed.

(17) The surrounding open spaces around the building should be consolidated in Concrete having broke glace pieces at the rate of 125 cubic meters per 10 sq. meters below payment.

(18) The compound wall or fencing should be constructed clear of the road widening line with foundation below level of bottom of road side drain without obstructing flow of rain water from abjoining holding before starting the work to prove the owner's holding.

(19) No work should be started unless the existing structures proposed to be demolished are demolished.

(20) This Intimation of Disapproval is given exclusively for the purpose of enabling you to proceed further with the arrangements of obtaining No Objection Certificate from the Housing commissioner under Section 13 (1-A) of the Rent Act and in the event of your proceeding with the work either without an inimation about commencing the work under Section 347 (1) (*aa*) or your starting the work without removing the structures proposed to be removed the act shall be taken as a severe breach of the conditions under which this Intimation of Disapproval is issued and the sanctioned will be revoked and the commencement certificate granted under Section 45 of the Maharashtra Regional and Town Planning Act, 1966, (12 of the Town Planning Act), will be with drawn.

(21) If it is proposed to demolish the existing structures by negotiations with the tenants, under the circumstances, the work as per approved plane should not be taken up in hand unless the City Engineer is satisfied with the following :-

(*i*) Specific plans in respect of eviciting or rehousing the existing tenants on hour stating their number and the area in occupation of each,

(*ii*) Specifically signed agreement between you and the existing tenants that they are willing to avail or the alternative accommodation in the proposed structure at standard rent.

(*iii*) Plans showing the phased programme of construction has to be duly approved by this office before starting the work so as not to contravene at any stage of construction, the Development control Rules regarding open spaces, light and ventilation of existing structure.

(22) In case of extension to existing building, blocking of existing windows of rooms deriving light and its from other sides should be done first before starting the work.

(23) In case of additional floor no work should be start or during monsoon which will same arise water leakage and consequent nuisance to the tenants staying on the floor below.

(24) the bottom of the over hand storage work above the finished level of the terrace shall not be more than 1 metre.

(25) The work should not be started above first floor level unless the No Objection Certificate from the Civil Aviation Authorities, where necessary is obtained.

(26) It is to be understood that the foundations must be excavated down to hard soil.

(27) The positions of the nahanis and other appurtenances in the building should be so arranged as not to necessitate the laying of drains inside the building.

(28) The water arrangement must be carried out in strict accordance with the Municipal requirements.

(29) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Municipal Commissioner for Greater Mumbai, as required in Section 381-A of the Municipal Corporation Act.

(30) All gully traps and open channel drains shall be provided with right fiting mosquito proof covers made of wrought iron plates or hinges. The manholes of all jisterns shall be covered with a properly fitting mosquito proof hinged cast iron cap over in one piece, with locking arrangement provided with a bolt and huge screwed on hightly serving the purpose of a lock and the warning pripes of the ribbet pretessed with screw or dome shape pieces (like a garden mari rose) with copper pipes with perfictions each not exceeding 1.5 mm. in diameter. the cistern shall be made easily, safely and permanently a ceasible by providing a firmly fixed iron ladder. the upper ends of the ladder should be earmarked and extended 40 cms. above the top where they are to be fixed an its lower ends in cement concrete blocks.

(31) No broken bottles should be fixed over boundary walls. This prohibition refers only to broken bottles to not to the use of plane glass for coping over compound wall.

(32) (illegible)

(33) If the proposed aditional is intended to be carried out on old foundations and structures, you will do so at your own risk.

21/8/07

Executive Engineer, Building Proposals

City-I