

No. EXC/MTG/123

BOMBAY METROPOLITAN REGION
DEVELOPMENT AUTHORITY;
Plot Nos. C-14 & C-15,
Bandra-Kurla Complex,
'E' Block, Bandra (East),
B O M B A Y - 400 051.

Date : 2nd May, 1990.

The minutes of the Hundred and Twenty Third Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 10th April, 1990, are enclosed.

S. V. Asgaonkar
(S. V. ASGAONKAR) 2/5/90.
SECRETARY,
EXECUTIVE COMMITTEE.

To :

- The Chief Secretary to the Government - Chairman
of Maharashtra, General Administration
Department, Mantralaya.
- The Metropolitan Commissioner, - Member
B.M.R.D.A.
- The Secretary to the Government of - Member
Maharashtra, Urban Development
Department, Mantralaya.
- The Secretary to the Government of - Member
Maharashtra, Housing & Special
Assistance Department, Mantralaya.
- The Municipal Commissioner, - Member
Bombay Municipal Corporation.
- The Managing Director, - Member
CIDCO, Bombay.
- Shri Charles M. Correa. - Member
Correa Consultants Pvt. Ltd.,
9, Mathew Road, Bombay-400 004.
- Shri Shirish B. Patel, - Member
SPA Consultants Pvt. Limited,
41, Nagindas Master Road,
Bombay - 400 023.
- Dr. P. G. Patankar, - Member
Consulting Advisor,
Tata Consultancy Services,
'Nirmal' 9th floor,
Nariman Point,
Bombay - 400 021.

INVITEES : The Principal Secretary to Govt.
of Maharashtra, Urban Development Dept.,
Mantralaya.
Legal Adviser, BMRDA.

MINUTES OF THE 123RD MEETING OF THE EXECUTIVE COMMITTEE
B.M.R.D.A.

DATE : 10th April, 1990 (Tuesday)
TIME : 10.00 A.M.
PLACE : Chief Secretary's Committee Room,
5th Floor, Mantralaya.

MEMBERS PRESENT :

- Shri D.M. Sukthankar, - Chairman
Chief Secretary to the
Government of Maharashtra
- Shri K. Nalinakshan, - Member
Metropolitan Commissioner,
&
Managing Director,
CIDCO, Bombay
- Shri Satish Tripathi, - Member
Secretary to the Government
of Maharashtra,
Urban Development Department
- Shri B.K. Agarwal, - Member
Secretary to the Government
of Maharashtra,
Housing & Special
Assistance Department
- Shri S.S. Tinaikar, - Member
Municipal Commissioner,
Bombay Municipal Corporation (BMC)
- Shri Shirish B. Patel - Member
- Dr. P.G. Patankar - Member

INVITEES :

- Shri D.K. Jain, Principal Secretary to
the Govt. of Maharashtra, Urban
Development Department, and
- Shri K.N. Patel, Legal Adviser, BMRDA

Shri S.V. Asgaonkar, Secretary, Executive Committee, BMRDA

Item No.1 : Confirmation of the minutes
of the last (122nd) Meeting
of the Committee.

1.1. During the course of discussion on Resolution
(No.447) regarding grant of loan of Rs.48.66 lakhs to the

Panvel..2/-

Panvel Municipal Council from the Bombay Urban Development Project - Revolving Fund for distribution of water supply and improvement of roads, the Secretary, Urban Development Department stated that the financial position of most of the Municipal Councils does not permit them to carry out road improvements, water supply schemes etc. by taking loans which carry high rates of interest. Such Councils are not in a position even to service their debts. He further stated that the only remedy in such cases is to give them loan and grant-in-aid in certain proportion. In case of 'B' Class Municipal Councils like Panvel, for plan schemes, there is a loan assistance of 60% and the remaining 40% is given by Govt. as grant-in-aid. The Secretary (UD) therefore, suggested that instead of BMRDA directly granting loan to Municipal Councils, the loan should be routed through the State Govt. so that the concerned Municipal Councils could also get grant-in-aid as per the sanctioned formula. He pointed out that in Tamil Nadu such loans from Revolving Funds are routed through Government.

1.2. The Municipal Commissioner, Bombay Municipal Corporation stated that while there was a case for giving grant-in-aid for infrastructure development such as roads etc., to Municipal Councils, water supply schemes should be self supporting and the present policy of giving grant-in-aid in such cases needs review.

1.3. After further discussion, it was agreed to examine the foregoing suggestions.

The minutes were then confirmed.

Item No.2 : Proposal to invite additionally the Secretary/the Principal Secretary, Urban Development Department as permanent invitee to the Meetings of the Executive Committee.

The Committee approved the proposal contained in the Agenda Note and passed the following Resolution :

RESOLUTION NO.448 :

"Resolved that in exercise of the powers

conferred...3/-

conferred by Section 10A of the BMRDA Act, 1974, the Executive Committee hereby do approve to invite the Secretary/the Principal Secretary, Urban Development Department who is not a member of the Executive Committee to attend its meetings as a permanent invitee, as proposed."

Item No.3 : Request of Tata Housing Development Corporation Ltd. for modifications in architectural control drawing in 'E' Block in respect of Commercial Plot Nos. C-26 and C-27.

3.1. The Committee considered the request of Tata Housing Development Corporation Ltd. (THDC). They had requested to allow them to provide a car park on the first floor of their proposed building which was projecting outside the building line prescribed as per architectural drawings. These architectural drawings had been approved by the erstwhile HURE Board of BMRDA but they had not received the sanction either of the Authority or the State Government. Since the procedure of pre-publication etc. prescribed under the MR&TP Act, 1966 had not been followed in respect of these architectural drawings, as had been, in fact, done in the case of Development Control Rules, the Legal Adviser had opined that the architectural drawings had no legal validity and the parameters as per those drawings could not be legally enforced. In the present case the THDC had proposed to construct a ramp connecting the car park which projected out into the open space of the plot.

3.2. The Committee noted that the cost of construction of basement for providing car park was extremely high and far exceeded that of providing a car park on the first floor. Investment on construction of basement would, therefore, be tantamount to extravagant and wasteful use of scarce resources, especially having regard to the fact that the intended provision of parking spaces could be made by an alternative method which was far less costly. The Committee, therefore, agreed to allow car park on the upper floors. The Committee however, desired that the THDC be informed to construct the ramp within the prescribed building line and, in that process, extend the car park to the 2nd floor, if necessary.

contd...4/-

Item No.4 : Area Development Scheme at Kalyan -
Proposals for amendment of -

4.1. The Committee noted that most of the land proposed to be acquired for area development scheme at Kalyan was encroached upon and only few pockets were open. The Committee further noted that after republication of preliminary notice in Government Gazette on 4-2-1985 for acquisition of lands in the area, the final Notification should have been published before 4-2-1986 and award should have been made before 4-2-1988 which had not been done. The acquisition proceedings were, therefore, not legally tenable. In view of the foregoing difficulties, the Committee decided to make a recommendation to the Authority to withdraw acquisition proceedings in respect of Area Development Scheme at Kalyan.

4.2. Arising out of the discussion on this item, the Principal Secretary, UDD informed the Committee that Govt. had sanctioned the Regional Plan for the Bombay Metropolitan Region in the year 1973. The conceptual plan for the area identified as Kalyan Complex in the Regional Plan was also prepared. The plan proposals made in respect of Kalyan Complex are in respect of the following :

- (1) Development of a new town south of Kalyan (termed as Kalyan Growth Centre.)
- (2) Establishing a Municipal Corporation or a Coordination Authority for the area.
- (3) Preparing a layout for dormitory Townships at Titwala and Badlapur.

The Government, therefore, appointed BMRDA as the Special Planning Authority (SPA) in the year 1976 for the areas lying beyond the Thane Municipal Council and stretching upto Badlapur and Titwala along the rail route. This area was termed as the Kalyan

Complex...5/-

Complex Notified Area. The BMRDA initially concentrated its efforts on the development of projects identified in the Regional Plan, such as the Kalyan Area Development Scheme and the Kalyan Growth Centre and initiated action to acquire the lands required for project implementation, but did not succeed in acquiring the lands. However, in the year 1982, Govt. established a Municipal Corporation for Thane and in the year 1983 Govt. established another Municipal Corporation for Kalyan. With a view to enabling the Thane Municipal Corporation to prepare its Development Plan, the boundaries of the Special Planning Authority were modified and 20 villages included in the Thane Municipal Corporation limits were excluded from the jurisdiction of the SPA. BMRDA as the SPA was expected to implement the proposals of sanctioned Regional Plan for Bombay Metropolitan Region in respect of the Kalyan Complex Notified Area limits. However, for the last 14 years, the BMRDA could not make any progress to implement the Regional Plan proposals. In fact, after the establishment of the Kalyan Municipal Corporation, the BMRDA in 1982 had requested Govt. to terminate its status as the SPA. However, Govt. insisted that the BMRDA should prepare the Development Plan for the entire limits of the SPA. The major portion of the Kalyan Complex Notified Area limits now forms a part of the Kalyan Municipal Corporation and, under the provisions of MR&TP Act, it is obligatory for every Municipal Corporation, as the Planning Authority, to prepare the Development Plan for the area within its own limits. A proposal is under consideration of Govt. to terminate the BMRDA's status as the SPA in respect of Kalyan Complex Notified Area and to allow the Kalyan Municipal Corporation to prepare the Development Plan for the area within its limits.

Item No.5 : Application under Section 13 of the BMRDA Act, 1974 from Mazagon Docks Ltd., Bombay.
Construction of Workshop-cum-Store-cum-Office Building at Kasara Bunder Road.

5.1. The Committee considered the application and noted that, in its 95th Meeting held on 25.2.1985, the Committee had granted permission to Mazagon Docks Ltd. for the construction of an additional floor area of 5,925.05 sq.metres

on...6/-

on the plot of land bearing Survey Nos. 1/249, 1A/249, 1B/249, 2/249 to 4/249, 1/250, 250, 251, 252, 879, 880 of Mazagon Division on Kasara Bunder Road in 'E' Municipal Ward for being used as Workshop-cum-Stores-cum-Office Building on the following conditions :

- (1) It should undertake future development projects outside Greater Bombay area, and
- (2) It should not ask for additional area in future eventhough some F.S.I. remained in balance after grant of the said permission.

5.2. The Committee further noted that, in its 109th Meeting held on 16.4.1987, the Committee had revalidated the said permission for a further period of two years on the same conditions.

5.3. The present application was again for revalidation of the said permission for a further period of 2 years, as the applicant could not commence the work for want of timely clearances from the Superintendent of Land Records and the Fire Brigade Department of the Municipal Corporation of Greater Bombay and due to other commitments of the applicant. The Committee, therefore, decided to revalidate the permission for a further period of two years on the original conditions and, accordingly, passed the following Resolution :

RESOLUTION NO.449 :

"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, read with sub-section (3) of Section 13 of the said Act and all other powers enabling it in this behalf, the Committee hereby grants permission to the Mazagon Dock Ltd. (Application bearing registration No.538/16/2/90) for construction of additional floor area of 5,925.05 square metres on the plot of land bearing Survey Nos.1/249, 1A/249, 1B/249, 2/249 to 4/249, 1/250, 250, 251, 252, 879 and 880 of Mazagon Division on Kasara Bunder Road in 'E' Municipal Ward, for being used as

Workshop...7/-

Workshop-cum-Stores-cum-Office Building, subject to the conditions that (i) it should undertake future development projects outside Greater Bombay area and (ii) it should not ask for additional area in future eventhough some F.S.I. remained in balance after it had undertaken further construction in pursuance of this permission, for the reasons recorded in these minutes."

Item No.6 : Application under Section 13 of the BMRDA Act, 1974 from Fishery Survey of India, Bombay.
Construction of Building at Colaba Division, Bombay.

6.1. The Committee considered the application and noted that, in its 114th Meeting held on 16-3-1988, the Committee had granted permission for construction of a building with floor area of 5050 square metres, with F.S.I. 1.01, on Survey No.1/600, C.S. No.14 of Colaba Division, in 'A' Municipal Ward for being used as Facility Centre, Reference Collection, Lecture Hall, Computer Centre, Laboratory, Museum, Auditorium etc. The applicant, however, could not commence the work within a period of two years from the date of grant of permission. As a result, the permission lapsed. The present application was for revalidation of the said permission for a further period of two years. The Committee, therefore, decided to revalidate the permission for a further period of two years.

Accordingly, the Committee passed the following Resolution :

RESOLUTION NO.450 :

"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, read with sub-section (3) of Section 13 of the said Act and all other powers enabling it in this behalf, the Committee hereby grants permission to the Fishery Survey of India (Application bearing registration No.539/19/2/90) for construction of a building with floor area of 5050 square metres, with F.S.I. 1.01, on Survey No.1/600, C.S.No.14 of Colaba Division, in 'A' Municipal Ward for being used as

Facility...8/-

Facility Centre, Reference Collection, Lecture Hall,
Computer Centre, Laboratory, Museum, Auditorium etc.,
for the reasons recorded in these minutes."

Item No.7 : Appointment of advocates to appear
on behalf of BMRDA in the Writ
Petition No.133 of 1990, filed by
M/s. Neptune Builders (Virar) in
the High Court of Bombay.

The Committee approved the proposal contained
in the Item Note and passed the following Resolution :

RESOLUTION NO.451:

"Resolved that in exercise of the powers
conferred by clause (vi) of the sub-section (3)
of Section 7 of the BMRDA Act, 1974, and all other
powers enabling it in this behalf, the Executive
Committee hereby grants post-facto sanction to the
appointment of Advocates, Shri Atul Setalwad,
Shri Navroj Seervai and Shri A.V. Bandiwadkar, to
defend the BMRDA in the Writ Petition No.133 of 1990,
filed by M/s. Neptune Builders (Virar) in the High
Court of Bombay.

"Resolved further that the Metropolitan
Commissioner be and is hereby authorised to incur
expenditure on the proceedings, legal fees and other
incidental expenditure as may be necessary."

Item No.8 : Appointments/Promotions made
under the powers delegated
by the Executive Committee -
Sanction to the -

The Committee approved the proposal contained
in the Agenda Note and passed the following Resolution :

RESOLUTION NO.452 :

"Resolved that the Executive Committee hereby
accords its sanction to the appointments made by the
Metropolitan Commissioner as detailed in the Annexure
to the Item Note, in accordance with the proviso to
Guideline No.5 of the Staff Appointment Guidelines, 1984,
during the period ended on 31st March, 1990, as proposed."

contd....9/-

Item No.9 : Re-employment of Shri G.K. Kulkarni, Senior Planner after his retirement on contract basis.

9.1. During the course of discussion on this item, the Principal Secretary, Urban Development Department stated that the Govt. in General Administration Department had issued elaborate instructions in respect of re-employment of retired personnel which are binding not only on Govt. Departments but also on Govt. Corporations and Undertakings. He suggested that eventhough the Executive Committee had already sanctioned re-employment of Shri Kulkarni, whether Govt. sanction is necessary for such re-employment, should be examined. He also suggested to examine whether peon allowance is admissible to a person re-employed on contract basis. It was agreed to examine the foregoing suggestions separately.

9.2. In keeping with the decision taken in the Committee's Meeting held on 17th August, 1989, that Shri G.K. Kulkarni be paid a monthly lump sum amount equivalent to his last pay drawn at the time of superannuation (i.e. 31-10-1989) plus monetary value of perquisites he drew at the time of his superannuation, the Committee agreed to substitute Rs.7971/- as the amount of consolidated remuneration of Shri Kulkarni, in lieu of the amount of Rs.7825/-, and also to pay him a peon allowance of Rs.100 per month, for the reasons mentioned in the Item Note.

Item No.10 : List giving details of appeal under Section 13(4) of the BMRDA Act, 1974.

The reported case was noted by the Committee.

Item No.11 : Quarterly Accounts of the BMRDA for quarter ending 31st December, 1989.

The accounts for the quarter ended 31st December, 1989 were approved by the Committee.

Item No.12 : Study of 11 Municipal Councils - Request for an additional fee of Rs.1.40 lakhs by Tata Consultancy Services.

Consideration of this item was deferred.

Item No.13 : Occupancy Certificate to buildings permitted prior to the BMRDA's appointment as the Special Planning Authority for Vasai-Virar Notified Area.

After considerable discussion, the Committee decided as under :

- (a) In respect of buildings permitted by the Collector Thane, and completed prior to 8th December, 1988, the Committee agreed with the recommendations made in para. 5(a) of the Item Note, viz. that where a building was permitted by the Collector, Thane under Section 44 of MLR Code and Section 18 of the MR&TP Act, and such building was completed prior to the 8th December, 1988, the owners should be informed that they do not need any Occupancy Certificate from the BMRDA.
- (b) In respect of buildings so permitted by the Collector, Thane, which were not completed prior to 8th December, 1988, the Committee agreed with the views expressed by the Legal Adviser as enumerated in para.7 of the Item Note. The Committee, therefore, decided that in respect of such cases, Commencement Certificate shall be granted only after the owner has submitted a fresh application for permission and complied with other formalities in that respect and that the Occupancy Certificate shall be granted in such cases in accordance with and subject to the Building Bye-Laws and D.C.Rules for Vasai-Virar Sub-Region.

The Meeting then terminated with a vote of thanks to the Chair.
