

No.EXC/MTG/131.

360

BOMBAY METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
Plot Nos.C-14 & C-15,
Bandra-Kurla Complex,
Bandra(East), Bombay-400 051.

Date : 2nd September, 1991.

The minutes of the Hundred and Thirty-First Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 20th August, 1991, are enclosed.

S. V. ASGAONKAR
(S. V. ASGAONKAR) 21/9/91
SECRETARY,
EXECUTIVE COMMITTEE.

To:

- | | |
|--|------------|
| The Chief Secretary to the Government of Maharashtra, General Administration Department, Mantralaya. | - Chairman |
| Shri Charles M. Correa, Correa Consultants Pvt. Ltd., 9, Mathew Road, <u>Bombay-400 004.</u> | - Member |
| Shri Shirish B. Patel, SPA Consultants Pvt. Ltd., 41, Nagindas Master Road, <u>Bombay-400 023.</u> | - Member |
| Dr. P.G. Patankar, Consulting Adviser, Tata Consultancy Services, 'Nirmal', 9th Floor, Nariman Point, <u>Bombay-400 021.</u> | - Member |
| The Secretary (I) to the Government of Maharashtra, Urban Development Department, Mantralaya. | - Member |
| The Secretary to the Government 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 |
| The Metropolitan Commissioner, B.M.R.D.A. | - Member |

INVITEES :

- The Secretary (II) to Government of Maharashtra, Urban Development Department, Mantralaya.
- The Legal Adviser, B.M.R.D.A.

Copy to :

- The Officers of the B.M.R.D.A.

MINUTES OF THE 131ST MEETING OF THE EXECUTIVE COMMITTEE
B.M.R.D.A.

DATE : 20th August, 1991 (Tuesday)

TIME : 10.30 A.M.

PLACE : Chief Secretary's Committee
Room, 5th Floor, Mantralaya.

MEMBERS PRESENT :

- Shri K.B. Srinivasan, - Chairman
Chief Secretary to Government.
- Shri Shirish B. Patel. - Member
- Dr. P.G. Patankar. - Member
- Shri D.T. Joseph, - Member
Secretary (I) to Government,
Urban Development Department.
- Shri K. Padmanabhaiah, - Member
Municipal Commissioner,
Bombay Municipal Corporation.
- Shri R.C. Sinha, - Member
Managing Director,
C.I.D.C.O.
- Shri P. Subrahmanyam, - Member
Metropolitan Commissioner.

INVITEES :

- Shri Satish Tripathi,
Secretary (II) to Government,
Urban Development Department.
- Shri A.G. Borkar,
Chief, T&C Division, BMRDA.
- Shri K.N. Patel,
Legal Adviser, BMRDA.
- Shri S.T. Vaishampayan,
Chief Engineer, Engineering Division, BMRDA.
- Shri V.K. Phatak,
Chief, Planning Division, BMRDA.
- Shri K.B. Diwadkar,
Chief, T&CP Division, BMRDA.
- Shri K.R. Shanbhogue,
Chief Accounts Officer, BMRDA.
- Shri S.W. Sawant,
Lands Officer, BMRDA.
- Shri S.V. Asgaonkar, Secretary, Executive Committee.

ITEM NO. 1 : Confirmation of the minutes of the last
(130th) meeting of the Committee.

The Minutes were confirmed.

ITEM NO.2 :

ITEM NO. 2 : Action taken on the minutes of the last (130th) meeting of the Committee.

Referring to para. 3.4 of the Minutes in which it was stated that Truck Terminal Bill was sent for the assent of the President of India, the Chairman enquired of the latest position. Secretary (I), U.D. stated that Government of India had sought some clarification and the same would be furnished very soon.

The action taken report was then noted by the Committee.

ITEM NO. 3 : Environmental Management Strategy and Action Plans in Bombay Metropolitan Region - A study under MEIP.

In connection with this item (1) Shri U.K. Mukhopadhyaya, Secretary to Government of Maharashtra, Environment Department; (2) Dr. D.R. Shankaran, Municipal Commissioner, Thane Municipal Corporation; (3) Shri U.P.S. Madan, Municipal Commissioner, Kalyan Municipal Corporation; (4) Shri S.K. Jambawadekar, Jt. Chief Executive Officer, MIDC; (5) Shri D.R. Rasal, Member Secretary, Maharashtra Pollution Control Board; (6) Dr. J.A. Barve, General Manager, Bayer India Ltd.; and (7) Shri T.N.M. Mahadevan of Society for Clean Environment were present as invitees.

Consideration of the item was deferred.

ITEM NO. 4 : Notification under Section 13 of the B.M.R.D.A. Act, 1974 -
Question of continuation of the -

4.1 There was a discussion on the issue of continuance of Notification or otherwise. Some Members observed that initially the Notification was promulgated for the purpose of decentralisation of offices and warehouses from the Island City and for controlling FSI beyond 1.33 in the Island City or FSI permissible under Development Control Rules in Suburbs and Extended Suburbs. The Revised Development Control Regulations for Greater Bombay which came into force from 25th March, 1991 have taken care of the aforesaid provisions with the effect that offices and warehouses are not permissible in the Island City and similarly FSI has been brought down to 1.33 in the Island City and upto 1 in Suburbs and Extended Suburbs. They

were,.....

were, therefore, of the view that the Notification need not be continued further beyond 10th October, 1991.

4.2 The Chairman and some other Members were, on the other hand, of the view that the Notification under reference was issued under Section 13 of the BMRDA Act, 1974 which contains a nonobstante clause viz. "notwithstanding anything contained in any law for the time being in force, X--X--X--X." As against this, D.C. Regulations themselves could be diluted by resorting to minor modifications under Section 37 of the M.R. & T.P. Act. In such an event, the Notification of the B.M.R.D.A. having an independent status makes available an opportunity to the Executive Committee to examine the applications submitted to it case by case. They were, therefore, of the view that the Notification should continue.

4.3 After further discussion, it was unanimously agreed to recommend to the Authority to continue the Notification for a further period of 5 years by modifying suitably the text of the notification and deleting the portion of the present notification which are incorporated in the Revised Development Control Regulations for Greater Bombay.

ITEM NO. 5 : Truck Terminal at Wadala - Construction of a flyover at Everard Nagar at the junction of the Eastern Express Highway on the road between the Northern Connector Road and Eastern Express Highway in the vicinity of Everard Nagar.

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

RESOLUTION NO.485 :

"RESOLVED THAT the Executive Committee approves the proposal that the Public Works Department, (PWD), Government of Maharashtra be an agency for construction of a flyover at Everard Nagar at the junction of the Northern Connector Road and Eastern Express Highway, as a part of Truck Terminal Project and that the usual agency charges as admissible be paid to the PWD.

"RESOLVED FURTHER THAT the Executive Committee hereby authorises the Metropolitan Commissioner to take further action in the matter to get the work executed through the PWD."

ITEM NO.6 :

ITEM NO. 6 : Tender for the work of Scraping in 'H' Block of Bandra Kurla Complex for Channelisation Project.

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

RESOLUTION NO.486 :

"RESOLVED THAT in exercise of the powers conferred under clause (iii) of sub-section (3) of Section 7 of the BMRDA Act, 1974 and all other powers enabling it in that behalf, the Executive Committee hereby approves the lowest tender of M/s. Zakir Hussain Faruqi & Co., at the rates quoted by them at the total tendered amount of Rs.4,21,91,400/- (Rupees Four Crores Twenty one lakhs ninety one thousand four hundred only) which is (-) 45.12% below the amount of Rs.7,68,75,985/- (Rupees Seven Crores sixty eight lakhs seventy five thousand nine hundred eighty five only) put to tender as proposed in the Item Note."

ITEM NO. 7 : Bombay Urban Infrastructure Project.

Consideration of the Item was deferred.

ITEM NO. 8 : Cadastral Correlation work for Kalyan Complex Notified Area (KCNA) and Vasai-Virar Notified Area (VVNA) as a part of Aerial Photography and Mapping for Bombay Metropolitan Region (BMR).

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

RESOLUTION NO.487 :

"RESOLVED THAT the proposal to undertake cadastral correlation work for Kalyan Complex Notified Area and to assign the task to the National Remote Sensing Agency, Department of Space, Government of India, Hyderabad, at a cost of Rs.10.2 lakhs is hereby approved.

"RESOLVED FURTHER THAT the proposal to undertake cadastral correlation work for Vasai-Virar Notified Area, on behalf of CIDCO, and to assign the task to the National Remote Sensing Agency, Department of Space, Government of India, Hyderabad, at a cost of Rs.6.37 lakhs is hereby approved, subject to CIDCO's confirmation to bear the cost.

"RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby authorised to decide the schedule of

payment.....

payment to the National Remote Sensing Agency and take all other necessary actions to entrust the work to National Remote Sensing Agency, Hyderabad."

ITEM NO. 9 : Substitution of works approved under BUDP Revolving Fund Loan Agreement of Mira-Bhayander Municipal Council.

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

RESOLUTION NO.488 :

"RESOLVED THAT in partial modification of its Resolution No.476, adopted in its 126th meeting held on 8th October, 1990, regarding grant of loan of Rs.172.05 lakhs to the Mira-Bhayandar Municipal Council from the BUDP Revolving Fund, the Executive Committee hereby approves the substitution of works mentioned at Sr.Nos.8 and 9 of Annexure to Item Note underlying the said Resolution by the following works viz. :

8. Filling for the existing Mira Road, Z.P. Road from Shanti Nagar Gate to Kashimira Road in Mira Municipal Council.
9. Filling for the existing Mira Road, Z.P. Road from Shanti Nagar Gate to Mira Road Station in Mira Bhayandar Municipal Council."

ITEM NO.10 : Association of Metropolitan Development Authorities (AMDA) - Payment of Rs.20,000/- being BMRDA's contribution to AMDA for purchase of vehicles.

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

RESOLUTION NO.489 :

"RESOLVED THAT the Executive Committee hereby accords its approval to the payment of Rs.20,000/- (Rupees Twenty thousand only) to AMDA towards BMRDA's contribution for purchase of car by AMDA, as proposed.

"RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby authorised to make payment of Rs.20,000/- (Rupees Twenty thousand only) to AMDA."

ITEM NO.11 :

ITEM NO.11 : Allotment of land admeasuring about
14.33 acres in 'G' Block of the Bandra-
Kurla Complex to Bharat Diamond Bourse.

11.1 On enquiry by Secretary (I), U.D., it was clarified that the land proposed to be offered to the Bharat Diamond Bourse was as per present layout earmarked for recreation ground, commercial building, hotel and auditorium and that in case the proposal was accepted by the Authority the recreation ground reservation could be suitably relocated.

11.2 Subject to the condition that the revised layout of G-Block will be prepared by BMRDA in which recreation ground, housing, etc. reservations would be proportionately maintained, the Committee recommended the following for the approval of the Authority :-

- (i) the proposal to allot 14.33 acres, (57993 sq.mtrs. with FSI 2) land in 'G' Block of the Bandra Kurla Complex (BKC) as shown on the plan accompanying the Item Note, to the Bharat Diamond Bourse by relaxation of Regulation No.4 of the BMRDA (Disposal of Land) Regulations, 1977.
- (ii) as the rate of lease premium of Rs.12,000/- for the land in G-Block of Bandra Kurla Complex was not offered after getting approval, the land mentioned at (i) above may be offered to Bharat Diamond Bourse at the rate of Rs.16,000/- per FSI Sq.Mtr.
- (iii) the proposal to allow the Bharat Diamond Bourse to pay the lease premium in 3 instalments as follows, in relaxation of Regulation No.9 of the above mentioned Regulations :
 - (i) 50% within 15 days from the receipt of acceptance of the offer by BMRDA;
 - (ii) further 25% within 1 year from the date stated in (i) above; and
 - (iii) the remaining 25% within 1 year from the dates stated in (ii) above.

In case of default in payment of the lease premium, penal interest will be charged to Bharat Diamond Bourse @ 21% per annum. The Committee suggested that if payment of lease premium along with the penal interest is not paid within the extended period, if any, subject to BMRDA (Disposal of Land) Regulations, 1977, the grant of land will be cancelled.

ITEM NO.12 :

ITEM NO.12 : Lands transferred to BMRDA for Wadala Truck Terminal and for the purposes ancillary to the Truck Terminal.

After discussion the proposals contained in the Item Note were approved by the Committee as follows :-

(1) The Committee endorsed the proposal to request the State Government to suitably modify the terms and conditions indicated for lease of land so as to delete the condition regarding revision of rate of land after every 10 years. As per modification requested, the BMRDA would pay to Government only the ground rent calculated on the basis of valuation of land as initially indicated by the Government instead of its revision after every 10 years.

(2)(a) As regards land required for the Receiving Station of the BEST Undertaking, since the land was proposed to be leased at a nominal rent of Re.1/- per annum, the Committee was of the view that BEST be informed that the lease would be for 30 years in the first instance which is renewable for like periods.

(b) Land for other public purposes such as Fire Station, D.P. Roads, Police Station, Post & Telegraphs offices etc.

As in the case of the BEST, the Committee also recommended the lease initially for a period of 30 years subject to renewal for the above mentioned public purposes.

(c) Land required by PMGP/MHADA for relocation of hutments :

The Committee endorsed the request made to Government in Urban Development and R. & F. D. to allot about 3.58 Ha. land at a nominal rent of Re.1/- per annum to PMGP/MHADA for relocation of hutments near Sion-Koliwada which are coming in the alignment of 27.41 mtrs. wide D.P. Road.

The Committee was however, of the view that the feasibility of availing incentive in the form of 2.5 FSI which is available as per revised Development Control Regulations for Greater Bombay should be examined if it will not affect the construction of proposed road as per schedule.

(3) The Committee also endorsed the request made to the State Government to expedite transfer of land in C.S.No.7, Wadala-Anik to the BMRDA, as it is required for Phase-IV of

Truck Terminal for being used as Inter-State Bus Terminal, D.P. Road, Green Strip, Play Ground, Public Housing, School etc. The Committee also recommended to the Authority that the said land be allotted by BMRDA to respective/concerned organisations for development as per proposals of approved Development Plan.

(4) Noting the injunction issued by the High Court which directed the Collector, Bombay not to take possession of land admeasuring 23.14 ha. required for Truck Terminal unless compensation is determined under Section 35 of the BMRDA Act, the Committee recommended that the State Government in Urban Development be requested to expedite the Director of Town Planning for immediate determination of rate of compensation.

ITEM NO.13 : Wadala Truck Terminal -
Implementation strategy.

13.1 After discussion the Committee approved in principle the proposals contained in the Item Note as follows :-

- (1) The Committee approved in principle that buildings C-1, C-3, D-1 and E-1 in Phase-I of Truck Terminal be constructed through private developers who would invest, construct and market the built-up space and handover the space to the eligible beneficiaries as proposed in para.4.2.6 of the Item Note.
- (2) The Committee also approved in principle the proposal to appoint Estate Agent to market surplus built-up space of about 14,000 sq.mtrs. in buildings B-1, B-2, A-1 & D-2 which are being constructed by BMRDA through the contractors, as proposed in para.6 of the Item Note.

13.2 The Committee requested the Metropolitan Commissioner to submit for Committee's consideration the detailed proposal at its subsequent meeting.

ITEM NO.14 : Investment of surplus funds.

During the discussion, Managing Director, CIDCO suggested that whenever there is occasion for investment by the BMRDA, such deposit may be offered to the Development Authorities like CIDCO and in case they are ready to give same rate of interest as HDFC, such organisation should be given first preference. The Secretary, U.D. and Metropolitan Commissioner then observed that there should no default by these bodies while repayment and also there should be

flexibility

flexibility for premature withdrawal of deposit by BMRDA in case need arises.

Subject to the said suggestion the Committee approved the proposal contained in the Item Note and accordingly passed the following Resolution :

RESOLUTION NO.490 :

"RESOLVED THAT in exercise of power conferred under Clause (v) of sub-section (3) of Section 7 of the BMRDA Act, 1974 and all other powers enabling it in this behalf, the Executive Committee hereby approves the proposal of investment of surplus fund from BMRDA Fund with Housing Development Finance Corporation Ltd. (HDFC).

"RESOLVED FURTHER THAT the Metropolitan Commissioner be and is hereby authorised to invest the surplus fund with the HDFC as and when occasion arises, subject to the suggestions made and recorded in the minutes recording this Resolution."

ITEM NO.15 : Status Report of Mahim Nature Park.

Consideration of the Item was deferred.

ITEM NO.16 : Change of designation of posts in Transport & Communications Division, BMRDA.

On enquiry from Members it was clarified that the Transport & Communications Division of BMRDA would need the services of an Economist and that while making selection of a Senior Transportation Planner the need would be kept in view.

Subject to the above clarification, the Committee approved the proposal contained in the Item Note and accordingly passed the following Resolution :-

RESOLUTION NO.491 :

"RESOLVED THAT the Executive Committee, hereby approves the proposal to change the designations of the 6 posts as indicated in Annexure-I to this Item Note, as proposed."

The

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

The Committee decided to meet on Tuesday, the 3rd September, 1991 to consider deferred items 3, 7 and 15 at 10.30 A.M.

RESOLVED THAT in exercise of power conferred under clause (v) of sub-section (3) of Section 5 of the BMDA Act, 1974 and all other powers enabling it in this behalf, the Executive Committee hereby approve the proposal of investment of surplus funds of BMDA with Housing Development Finance Corporation Ltd. (HDFC).

ITEM NO. 15 : Status Report of Mahin Nature Park

Consideration of the item was deferred.

ITEM NO. 16 : Change of designation of posts in Transport & Communications Division, BMDA.

On enquiry from Members it was clarified that the Transport & Communications Division of BMDA would need the services of an Economist and that while making selection of a Senior Transport Planner the need would be kept in view.

Subject to the above clarification, the Committee approved the proposal contained in the Item Note and accordingly passed the following Resolution :-

RESOLUTION NO. 16 :

RESOLVED THAT the Executive Committee, hereby approve the proposal to change the designation of the 3 posts as indicated in Annexure-I to this Item Note, as proposed.