

No. SEC/MTG/4552/77.

Bombay Metropolitan Region
Development Authority,
18th floor, New Administrative
Building, Madame Cama Road,
Opp. Mantralaya, Bombay-400 021.

Date : 5th August, 1977.

(Below the minutes of the Fifteenth meeting of the
Executive Committee of the Bombay Metropolitan Region
Development Authority, held on the 28th July, 1977).

Forwarded with compliments to :

Shri S.V. Bhave, Chief Secretary to the Govt of
Maharashtra, General Administration Department,
Mantralaya, Bombay-400 032. - Chairman.

Shri B.N. Adarkar, Chairman, Transport and Communications
Board, BMRDA - Member.

Shri C.M. Correa, Chairman, Housing, Urban Renewal
& Ecology Board, BMRDA- Member.

Shri N.G.K. Murti, Chairman, Water Resources
Management Board - Member.

Shri B.G. Deshmukh, Municipal Commissioner, Municipal
Corporation of Greater Bombay. - Member.

Shri P.V. Nayak, Metropolitan Commissioner and Vice-
Chairman, Executive Committee, BMRDA.

Shri R.S. Pal, Secretary to the Govt. of Maharashtra,
Urban Development and Public Health Department,
Mantralaya, Bombay-32. Member.

The Managing Director, CIDCO, Bombay. - Member.

Invitees :

The Financial Adviser, BMRDA.

The Member-Secretary, Housing, Urban Renewal and
Ecology Board, BMRDA.

The Member-Secretary, Transport and Communications
Board, BMRDA.

The Member-Secretary, Water Resources Management Board,

The Chief Planning Officer, Kalyan Complex, Kalyan.



(S. D. SULE),
Secretary, Executive Committee,
BMRDA.

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NOTES OF DISCUSSION

FIFTEENTH MEETING OF THE EXECUTIVE COMMITTEE OF THE BOMBAY METROPOLITAN REGION DEVELOPMENT AUTHORITY.

held on the 28th July, 1977.

Place : Special Committee Room, Fifth Floor, Mantralaya, Bombay-400 032.

Members Present :

- Shri S.V. Bhawe, Chief Secretary to the Government of Maharashtra, General Administration Department, Mantralaya, Bombay-400 032, - Chairman.
- Shri P.V. Nayak, Metropolitan Commissioner and Vice-Chairman, Executive Committee, BMRDA.
- Shri R.S. Pal, Secretary, Urban Development & Public Health Department, - Member.
- Shri B.G. Deshmukh, Municipal Commissioner, Bombay Municipal Corporation - Member.
- Shri C.M. Correa, Chairman, Housing, Urban Renewal and Ecology Board, BMRDA - Member.
- Shri N.G.K. Murti, Chairman, Water Resources Management Board, BMRDA - Member.
- Shri S.D. Sule, Secretary, Executive Committee, BMRDA.

Invitees :

- The Financial Adviser, BMRDA.
- The Member-Secretary, Housing, Urban Renewal and Ecology Board, BMRDA.
- The Member-Secretary, Transport & Communications Board, BMRDA.
- The Member-Secretary, Water Resources Management Board, BMRDA.
- Shri V.D. Desai, Deputy Municipal Commissioner, Bombay Municipal Corporation, Bombay.
- Shri J.R. Patwardhan, Deputy Municipal Commissioner, Bombay Municipal Corporation, Bombay.

(Leave of Absence was granted to Shri B.N. Adarkar, Chairman, T. & C. Board, BMRDA, Member; and Shri B.K. Halve, Managing Director, CIDCO, who had intimated inability to attend the meeting).

Item No. 1 : Confirmation of the minutes of the last (fourteenth) meeting.

Minutes of the fourteenth meeting of the Executive Committee held on the 24th June, 1977, were confirmed.

Item No. 2 : Action taken on the minutes of the last (fourteenth) meeting.

Action taken on the minutes of the fourteenth meeting of the Executive Committee held on the 24th June, 1977, was noted.

Item No. 3 : Applications for permission under Section 13 of the BMRDA Act, 1974.

The applications bearing following Registration Nos. were placed on the Table :-

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| (1) 03/28/6/77. | (2) 04/29/6/77. |
| (3) 05/30/6/77, | (4) 06/1/7/77. |
| (5) 07/2/7/77. | (6) 09/6/7/77. |
| (7) 10/6/7/77. | (8) 11/7/7/77. |
| (9) 12/8/7/77. | (10) 13/12/7/77. |
| (11) 14/12/7/77. | (12) 17/15/7/77. |

The Committee considered each application and decided as follows :-

(1) The Committee, having considered the application, bearing No.03/28/6/77, found no merit in the justification given by the applicant and did not consider his application fit for the grant of permission. The plea of the applicant that, in the absence of desired permission, he was liable to incur liability of litigation on account of the breach of the agreements for sale purported to have been entered into by him was of no relevance. The Committee added that the purported plea that the applicant had agreed to sell

contd....tenenements...

tenements was equally irrelevant. The Committee felt that if the desired permission were granted, the overall development of Metropolitan Region was likely to be affected adversely. The application was, therefore, rejected.

(2) The Committee, having considered the application, bearing No.04/29/6/77, found no merit in the justification given by the applicant and did not consider her application fit for the grant of permission.

The plea of the applicant that she had already entered into commitments for providing residential accommodation on the basis of the F.S.I. of 1.66 was of no relevance. The Committee added that the purported plea of the applicant that she had to honour past commitments was also not relevant. The Committee felt that if the desired permission were granted, the overall development of Metropolitan Region was likely to be affected adversely. The application was, therefore, rejected.

(3) The Committee, having considered the application, bearing No.05/30/6/77, desired to have additional information in respect of the proposed development in the light of the discussion that took place in the meeting. Further consideration of the application was deferred.

(4) The Committee, having considered the application, bearing No.06/1/7/77, found that the proposed development for office being in a purely residential Zone, according to the Development Plan of Greater Bombay of the Bombay Municipal Corporation 'D' Ward, the office user was not permissible. The application was, therefore, rejected. The Committee added that the applicant was at liberty to move the appropriate authority for the modification of the relevant

plan to permit an office in the residential zone as desired, and to reapproach the Authority, if so advised, after any such modification.

(5) The Committee, having considered the application, bearing No.07/2/7/77, found no merit in the justification given by the applicant, and did not consider her application fit for the grant of permission. The plea of the applicant that in the absence of the desired permission she would be put to personal hardship and inconvenience was of no relevance. The Committee felt that if the desired permission were granted, the overall development of the Metropolitan Region was likely to be affected adversely. The application was, therefore, rejected.

(6) The Committee, having considered the application, bearing No.09/6/7/77, desired to have additional information in respect of the proposed development in the light of the discussion that took place in the meeting. Further consideration of the application was deferred.

(7) The Committee, having considered the application, bearing No.10/6/7/77, found no merit in the justification given by the applicant and did not consider the application fit for the grant of permission. The plea of the applicant that he was entitled to consumption of extra F.S.I. on the ground that the hotel would cater to the tourist traffic, especially from the Gulf, could not be accepted. The Committee added that, if the expansion of the existing hotel on the proposed scale were permitted, the object of the Authority's notification to prevent further congestion in the South of Bombay would be defeated. The Committee felt that, if the desired permission were granted the overall development of the Metropolitan Region was likely to be affected adversely. The application was, therefore, rejected.

(8) The Committee, having considered the application, bearing No.11/7/7/77, found no merit in the justification given by the applicant and did not consider his application for reconstruction of the building so as to utilise the F.S.I. of 1.66, fit for the grant of permission. The solitary plea of the applicant that the permission should be granted because it was intended for residential use could not be accepted. The Committee felt that, if the desired permission were granted the overall development of Metropolitan Region was likely to be affected adversely. The application for reconstruction of the building was, therefore, rejected.

(9) The Committee, having considered the application, bearing No.12/8/7/77, found no merit in the justification given by the applicant and did not consider his application fit for the grant of permission. The plea of the applicant that, in the absence of the desired permission, he was liable to incur financial losses and litigation on account of breach of agreements purported to have been entered into by him was of no relevance. The Committee added that the purported plea of the applicant that refusal of permission would lead to litigation as a result of breach of contract entered into by him, was equally irrelevant and that he was not entitled to the the increased F.S.I. on this ground. The Committee felt that if the desired permission were granted, the overall development of the Metropolitan Region was likely to be affected adversely. The application was, therefore, rejected.

(10) The Committee, having considered application, bearing No.13/12/7/77, found no merit in the justification given by the applicant and did not consider his application fit for grant of permission. The pleas of the applicant that the proce-

office building was necessary for (i) liaison with the Central Government, State Government and other public authorities; (ii) convenience of holding technical discussions with international dignitaries staying in hotels in South Bombay; and (iii) avoiding resentment of the staff, had hardly any relevance to the grant of the requested permission. The Committee added that the development of the proposed office building was likely to affect adversely the overall development of the Metropolitan Region, and that personal hardships or inconvenience should yield to the wider interest of the balanced development of the Region. The application was, therefore, rejected.

(11) The Committee considered the application, bearing No.14/12/7/77. It was noted that the figures mentioned in Item IV of the abstract were required to be amended as follows:-

<u>Nature of development</u>	<u>Use</u>	<u>Floor Area</u>	<u>Proposed F. S. I.</u>
Construction of building.	Ground floor shops, parking.	4000 sq. ft. (372.10 Sq. M.)	2.45
	1st to 8th floor residence.	32200 sq. ft. (2995.34 Sq. m.)	
		<u>Total : 36200 Sq. Ft.</u> <u>(3367.44 Sq. Meters).</u>	

The Committee found no merit in the justification given by the applicant and did not consider his application fit for grant of permission. The plea of the applicant that, in the absence of the desired permission, he was liable to incur financial losses and to involve himself in breach of past commitments was of no relevance. The Committee felt that, if the desired permission were granted, the overall development of the Metropolitan Region is likely to be affected adversely. The application was, therefore, rejected.

(12) The Committee, having considered the application, bearing No.17/15/7/77, found no merit in the justification given by the applicant and did not consider his application fit for grant of permission. The Committee added that the plea of the applicant for the proposed addition of office premises to relieve congestion of South Bombay area was patently contrary to the letter and spirit of the Authority's Notification, which is intended to prevent further growth of office premises in the City of Bombay as defined therein. The Committee felt that, if the desired permission were granted, the overall development of the Metropolitan Region is likely to be affected adversely. The application was, therefore, rejected.

The Committee then passed the following Resolution :-

Resolution No. 55 :

Resolved that, in exercise of the powers conferred on it by clause (v) of Sub-Section (2) of Section 7 of the BMRDA Act, 1974, 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 permissions on behalf of the Authority under Sub-Section (3) of Section 13 of the said Act, to persons or authorities who have presented applications, bearing the following Registration numbers, for the reasons recorded in these minutes :-

- (1) 03/28/6/77.
- (2) 04/29/6/77.
- (3) 06/1/7/77.
- (4) 07/2/7/77.
- (5) 10/6/7/77.
- (6) 11/7/7/77.
- (7) 12/8/7/77.
- (8) 13/12/7/77.
- (9) 14/12/7/77.
- (10) 17/15/7/77.

Item No. 4 : Accounts of the BMRDA for the quarter ending 30-6-1977.

Accounts of the BMRDA for the quarter ending 30-6-1977 were noted. It was decided that interest payable on Govt. loan should be shown in the Statement of Income and Expenditure Account on accrual basis.

Item No. 5 : Water Supply/Sewage/Sullage Disposal Schemes in Bombay Metropolitan Region to be posed to World Bank for Assistance under IDA-II- Appointment of Consulting Service for preparation of a feasibility report.

The Committee considered the Agenda Item. It was decided that the BMRDA should go ahead with the preparation of the feasibility report for the composite project, including the component for the areas outside B.M.C., and that, if during the discussions with the World Bank, there was any indication of such a composite project being delayed on account of the inclusion of the schemes relating to the areas outside the B.M.C. limits, the B.M.C. would go ahead with its component of the project. It was agreed that, even in such a contingency, it would be necessary and desirable to engage the Consultants for preparing a feasibility report for the entire composite project.

The Committee approved the selection of M/s. Kirloskar Consultants Ltd., Pune, for the preparation of the feasibility report. While the BMRDA would incur consultancy charges initially, they would be debited to the project cost of the various components on the basis of the time spent by the Consultants on the respective components, which should be determined by the Negotiating Team in consultation with the Consultants.

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It was also decided that the negotiating team/should include the representatives of the 3 components of the composite project.

The Committee then passed the following Resolution :-

Resolution No. 56 :

Resolved that the Committee approves the proposal to engage Consultancy Services for the preparation of a feasibility report for Water Supply and Sewage/Sullage Disposal Schemes in Bombay Metropolitan Region for presentation to the World Bank for financial assistance under I.D.A. - II.

Resolved further that the action taken for inviting proposals for preparation of a feasibility report from the following four firms is approved :-

- (1) Tata Economic Consultancy Services, Bombay.
- (2) A.F. Ferguson & Company, Bombay.
- (3) Kirloskar Consultancy Ltd., Pune.
- (4) Jammalal Bajaj Institute of Management Studies, Bombay.

Resolved further that the consultancy charges should be borne by the BMRDA initially and eventually debited to the various components of the project in proportion to the time spent by the consultants on the respective components, which should be determined by the Negotiating Team in consultation with the Consultants.

Resolved further that the Committee approves of the proposal to select M/s. Kirloskar Consultancy Ltd., Pune, to be the consultant, with whom a Negotiating Team shall negotiate the modifications necessary in

the terms of reference, having regard to the suggestions, if any, that might be received from the World Bank or otherwise, and the financial and other terms and conditions of the proposed contract.

Resolved further that the Negotiating Team for conducting negotiations with M/s. Kirloskar Consultancy Ltd., Pune, shall consist of -

The Metropolitan Commissioner, BMRDA.

The Financial Adviser, BMRDA.

The Member-Secretary, WRM Board, BMRDA.

Shri M.A. Chitale, Additional Chief Engineer, Irrigation Department.

Shri S.T. Khare, Chief Engineer & Joint Secretary, Public Health Department, Mantralaya, Bombay.

Shri V.D. Desai, Deputy Municipal Commissioner, Municipal Corporation of Greater Bombay.

Resolved further that the Metropolitan Commissioner be and is hereby authorised to execute a contract on behalf of the Authority in terms of the proposals received from M/s. Kirloskar Consultancy Ltd., Pune, subject to such modifications as may be made by the Negotiating Team.

Item No. 6 : Method of execution of Works Programme of HURE Board.

It was noted that the views of the Housing, Urban Renewal & Ecology Board were already known, and that they had been taken into account while drawing up the modified proposals. The Committee then passed the following Resolution :-

Resolution No. 57 :-

Resolved that, in supersession of Executive Committee's Resolution No.38, dated 22.4.1977, the method of execution of works in the HURE Board should be as per the general guidelines given below, until further orders :

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- (a) Survey works of a definite nature should be carried out through private agency. In addition, a small core unit may be provided in the Board for carrying out miscellaneous surveys. Survey work should be entrusted to outside agencies only after ascertaining that departmental survey unit is fully busy.
- (b) The work of engineering designs and preparation of cost estimates should be carried out departmentally, except in special cases. Such designs and estimates should be obtained from other (public or private) agencies till the departmental unit develops adequately.
- (c) The execution of works should, as far as possible, be carried out through public organisations on agency basis, who may be approached to reduce their normal agency charges, if possible. In addition, a core field unit for execution of works should be provided in the Board for execution of certain works of the type referred to in para 4.4 (iv) of the agenda note. Works should not, however, be entrusted to other agencies for execution on agency basis, unless it is ascertained that this core unit is fully busy.
The works may be entrusted to private agencies for execution in special cases only, when it is not considered possible to execute them through public organisations or through departmental staff.

Item No. 7 : Actual work output of the post of Technical Assistant to Member-Secretary, T. & C. Board.

The Committee considered the agenda item and noted the position stated therein.

Item No. 8 : Additions and alterations to cubicles on 19th floor (West-Wing) (T. & C. Board.)

The Committee considered the agenda note and passed the following Resolution :-

Resolution No. 58 :

Resolved that the Executive Committee, in exercise of the powers conferred by Section 7 (2) (vi) of

Bombay Metropolitan Region Development Authority Act, 1974, and all other powers enabling it in this behalf, accords post facto approval to the works of construction of the cabins and associated fittings to house the officers and staff of the Transport and Communications Board in the West wing of the New Administrative Building's 19th floor, carried out through the Executive Engineer, Presidency Division, Public Works and Housing Department, Bombay, and estimated to cost Rs.17, 424/-.

Item No. 9 : Report of Exercise of delegated powers.

The Committee considered the agenda note and passed the following Resolution :-

Resolution No. 59 :-

Resolved that the cases of exercise of powers delegated by the Executive Committee, which are reported in the statement attached to the agenda item, are noted.

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