

MINUTES OF THE 172ND MEETING OF THE EXECUTIVE COMMITTEE,
M.M.R.D.A

DATE : 5TH MARCH, 1997 (WEDNESDAY)
TIME : 10.30 A.M.
PLACE : Chief Secretary's Committee Room,
5th Floor, Mantralaya.

MEMBERS PRESENT :

Shri D.K. Afzulpurkar - Chairman
Chief Secretary to Government

Shri D.M. Sukthankar - Member

Shri R.Y. Tambe - Member

Shri K. Nalinakshan - Member
Principal Secretary to Government,
Urban Development Department

Shri Girish Gokhale - Member
Municipal Commissioner,
Municipal Corporation of Brihan
Mumbai

Shri V.S. Dhumal - Member
Managing Director,
CIDCO

Shri K.C. Srivastava - Member
Metropolitan Commissioner

INVITEES :

Shri Nand Lal
Secretary to Government,
Urban Development Department

Shri Vinay Bansal
Secretary to Government,
Industries Department

Shri K.N. Patel
Legal Adviser, MMRDA

Shri V.K. Phatak
Chief, Planning Division, MMRDA

Shri S.P. Pendharkar
Chief, Town & Country Planning Division, MMRDA

Shri S.B. Pardeshi
Chief Accounts Officer & Financial Adviser,
F&A Division, MMRDA

Shri A.V. Ghangurde
Chief, Transport & Communications Division, MMRDA

Shri A.V. Deshingkar
Chief Engineer, Engineering Division, MMRDA

Shri M.B. Salvi
Lands Officer, MMRDA

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

ITEM NO.1 : Confirmation of the minutes of the last (171st)
Meeting of the Executive Committee held on
27th December, 1996.

The minutes were confirmed.

ITEM NO.2 : Action taken on the minutes of the last (171st)
Meeting of the Executive Committee held on
27th December, 1996.

After discussion, the action taken report was noted by the
Committee.

ITEM NO.3 : Approval to the tender for the work of construction
of peripheral road in the G-Block of Bandra-Kurla-
Complex (Ch.0.00 m. to Ch. 2650.00m).

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

RESOLUTION NO. 692:

"RESOLVED THAT in exercise of the powers conferred under
clause (iii), sub-section (3) of Section 7 of the MMRDA Act, 1974

and all other powers enabling it in this behalf, the Executive Committee hereby accords its approval to accept the lowest tender of M/s. Amar Construction Corporation at par with the cost put to tender amounting to Rs. 2,76,52,646/- (Rupees Two crores, seventy six lakhs, fifty two thousand, six hundred and forty six only) for the above work with a time limit of 12 calendar months including monsoon, as proposed."

ITEM NO.4 : Approval to the tender for the work of construction of Internal Roads in the G-Block of Bandra-Kurla-Complex.

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

RESOLUTION NO. 693:

"RESOLVED THAT in exercise of the powers conferred under clause (iii), sub-section (3) of Section 7 of the MMRDA Act, 1974 and all other powers enabling it in this behalf, the Executive Committee hereby accords its approval to accept the lowest tender of M/s. Ashwini Constructions at 3.96% above the cost put to tender amounting to Rs.4,24,42,894/- (Rupees Four crores, twenty four lakhs, forty two thousand, eight hundred and ninety four only) for the above work with a time limit of 15 calendar months including monsoon, as proposed."

ITEM NO. 5 : Development of Convention Centre-cum-Hotel and Service (Hotel) Apartments, in the International Finance & Business Centre (IFBC) in Bandra Kurla Complex.

While placing the Item before the Committee, the Metropolitan Commissioner informed the Committee as follows :-

- 1) The tenders were re-invited for this Project, in response to which only 3 tenders were received as against 9, the last time;
- 2) The lowest tenderer M/s. EIH Limited (formerly East India Hotels Limited) had submitted conditional offer. They subsequently requested for refund of their Earnest Money Deposit. Being the lowest and having submitted the conditional offer, their Earnest Money Deposit of Rs. 5 (five) crores, was refunded to them;

- 3) M/s. Raiji & Horwath Consultancy Services Pvt. Ltd., who were appointed Consultants to evaluate the tenders received last time, were also entrusted the work of evaluating the remaining two tenders, this time, with Professional fees of Rs. 8 lakhs.
- 4) The consultants in their Report recommended that the higher offer of the Indian Hotels Company Limited of Rs. 725.22 crores be accepted, by MMRDA.

5.2. Shri Vijay Thakkar, representative of the Consultants, who was present in the Meeting by invitation, then apprised the Committee about the evaluation of tenders and recommended that the higher offer of the Indian Hotels Company Ltd., be accepted by the MMRDA. Further, he stated that as per the terms and conditions of tender, MMRDA shall have the option to subscribe upto Rs. 50 crore to the equity capital of the Company undertaking the project. Subscribing to the equity capital, to the extent of Rs. 50 crore would attract an obligation of being the Chief Promoter and requiring various types of disclosures, as per Companies Act and Security and the Exchange Board of India. The Indian Hotels Company Ltd. proposes to mobilise funds by way of "Quasi Equity". The Quasi Equity is contributed by the Promoters and their associates or by outside parties who will seek refund of their investment within a period of three to eight years time depending upon terms and conditions. In his view, it would be more profitable to MMRDA to explore the possibility of participating in the "Quasi Equity" to the extent of Rs.25-30 crores and restrict the normal equity to only Rs. 20 crores or so.

5.3. The Committee, after discussion, recommended to the Authority the higher offer of M/s. Indian Hotels Co. Ltd. and passed the following Resolution :-

RESOLUTION NO. 694 :

"RESOLVED THAT the Executive Committee, hereby recommends to the Authority, that in exercise of the powers conferred under sub-section (2) of Section 3 of the MMRDA Act, 1974 and in relaxation of conditions 9, 10 and 11 of the MMRDA (Disposal of Land) Regulations, 1977 accept the higher offer of the Indian Hotels Company Limited offering premium of Rs. 725.22 crores (Rupees Seven hundred twenty five crores and twenty two lakhs only), on the terms and conditions stipulated and represented in the tender booklet including the obligation of designing, constructing, equipping and managing at his cost a Convention Centre with a built up area of at least 55,000 sq. mtrs. adjacent to Hotel area within stipulated period of 4.1/2 years as per the design and specifications to be approved by the MMRDA and allots to the Company, the following land in "G" Block of Bandra-Kurla-Complex:-

User of the Land	Permissible Built up Area (apprx.) Sq.Mtrs.	Area of the Land Sq.Mtrs.	Tenure of the lessee
Hotel/ Service (Hotel) Apartment.	70,000)	42,500	80 years
Office & Shopping	15,000)		
	----- 85,000		

"RESOLVED further that the Executive Committee also recommends to the Authority to approve the Lease Deed and other legal documents prepared in consultation with M/s. Kanga & Company, Solicitors for the allotment of the land referred to in para.1 of the Resolution.

"Resolved further that the Executive Committee also recommends to the Authority to authorise the Metropolitan Commissioner to take all necessary steps for implementation of this Resolution."

ITEM NO. 6 : Area Traffic Control Study for Mumbai - Status Report.

The Status Report was noted by the Executive Committee.

ITEM NO. 7 : Status Report on Non Rail Component Study for Second Mumbai Urban Transport Project (MUTP-II).

The Status Report was noted by the Executive Committee.

ITEM NO. 8 : Redevelopment of Bandra and Kurla Stations and the adjacent areas.

8.1 During the course of discussion on this Item, the need to obtain Railway's commitment for implimenting the proposals emerging out of the study was emphasised. The past incident of the development of two long distance terminals at Bandra & Kurla wherein the link between the suburban system and long distance

trains is not established inspite of the assurance given by the Railway authorities was pointed out in this connection. The necessity of having adequate road access to these terminals was also mentioned. It was further suggested that the TOR of the proposed study should include these aspects prominently. This was agreed.

8.2 To a query from Legal Adviser, it was informed that the study includes redevelopment proposal of large and adjacent areas of both Bandra and Kurla including area outside the railway lines.

8.3 After further discussion, the Committee approved the proposal contained in the Item Note and passed the following Resolution :-

RESOLUTION NO. 695 :

"RESOLVED THAT in exercise of the powers conferred under section 7(3) (ii) of the MMRDA Act, 1974, the Executive Committee accords its sanction to take up the study of Redevelopment of Bandra and Kurla station areas as detailed in the item note.

"Resolved further that in exercise of the powers conferred under Section 7(3) (iii) and 7(5) of the MMRDA Act, 1974, the Executive Committee hereby authorises the Metropolitan Commissioner to take further necessary action for successful completion of the study mentioned in para. 1, of the Resolution, including;

- i) finalisation of the short list of suitable consultants;
- ii) inviting proposals from the short listed consultants and
- iii) evaluating and recommending the selection of consultants for approval of Executive Committee, as proposed."

ITEM NO. 9 : Investment of surplus funds.

After discussion, the Committee generally agreed with the proposals contained in the Item Note and suggested that on the basis of security and greater return, Metropolitan Commissioner should decide the investment of funds in the Nationalised Banks rather than keeping up to 2% of the total

investment in such banks, as proposed in the Item Note. Subject to the above change, the Committee passed the following Resolution :-

RESOLUTION NO. 696 :

"RESOLVED THAT the Metropolitan Commissioner be and is hereby authorised to invest the surplus funds to the extent of lease premium received on account of lease of land or up to Rs. 50 crores in a single transaction with Public Sector Undertakings / Financial Institutions as per Govt. guidelines, as proposed.

"Resolved further that the Metropolitan Commissioner be and is also hereby authorised to invest surplus funds in Nationalised Banks in short term deposit to have safety/flexibility and liquidity for arranging urgent statutory payments and commitments made by the Authority."

ITEM NO. 10 : MUDP - Revolving Fund
Quarterly Management Report :
1st October, 1996 to 31st December, 1996.

Management Report of MUDP - Revolving Fund for the quarter ended on the 31st December, 1996 was noted by the Committee.

ITEM NO. 11 : Quarterly Accounts of the MMRDA for
quarter ended on 31.12.1996.

The Accounts of the MMRDA for the quarter ended on the 31st December, 1996 were noted by the Committee.

ITEM NO. 12 : Continuation of Shri A.G. Borkar as Technical
Adviser to the Metropolitan Commissioner, MMRDA.

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

RESOLUTION NO. 697 :

"RESOLVED THAT in continuation of its Resolution No.628, dated the 10th March, 1995, the Executive Committee hereby

approves the proposal of continuation of Shri A.G. Borkar as Technical Adviser to the Metropolitan Commissioner, MMRDA for a further period of one year from 1st April, 1997, on a consolidated consultation charges of Rs. 11,000/- per month, as proposed."

ITEM NO. 13 : Continuation of Shri Krishan Lal as Adviser for coordinating the suburban railway component for Mumbai Urban Transport Project-II(MUTP-II).

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

RESOLUTION NO. 698 :

"RESOLVED THAT in continuation of its Resolution No. 626, dated the 10th March, 1995, the Executive Committee hereby approves the proposal of continuation of Shri Krishan Lal as Adviser for coordinating the suburban railway component of MUTP-II, for a further period of one year, from 1st April, 1997, on a monthly remuneration of Rs. 15,400/- per month with residential accommodation, along with telephone, at 10% of the gross remuneration; medical and other benefits according to MMRDA Rules, as well as with the following facilities as admissible to the Chiefs of Divisions of MMRDA - (a) staff car for travelling between office and residence, as well as for private use upto 250 kms. per month on payment of prescribed charges; and (b) cash allowance in lieu of residential peon at admissible rate, as proposed.

"RESOLVED further that the Metropolitan Commissioner be and is hereby authorised to take all necessary steps for implementation of this Resolution."

ITEM NO. 14 : Extension of time limit for completion of the development being carried out by Powai Housing Development Pvt. Ltd. for Viren J. Shah and others under the tripartite agreement at Powai.

14.1 As desired by the Executive Committee at its last Meeting, held on the 27th December, 1996, opinion of the Legal Adviser, MMRDA as to the best course of action MMRDA should take in the matter was obtained and circulated (vide Annexure-II to the Item Note).

14.2 The Committee, after consideration of the said legal opinion, concurred with the views of the Legal Adviser and decided that The Powai Area Development Company Pvt. Ltd., assignee of Shri Viren J. Shah and others, be informed to enter into an arrangement or settlement with the Plaintiffs and procure either withdrawal or disposal of the suit within a period of six months and thereafter apply to the MMRDA to extend the period for the performance of the obligations under the Tripartite Agreement.

ITEM NO. 15 : Report on the development carried out by the developers in Powai Area Development Scheme(ADS) under the Tripartite Agreement.

15.1 During the course of discussion on this Item, the following suggestions were made and points raised :-

- 1) It was necessary to examine whether the Urban Land (Ceiling and Regulation) Act applies to 42 ha. land reverted to the original land owner due to Central Government and their agencies not accepting them within the stipulated time?
- 2) Copy of Tripartite Agreement, dated 19th November, 1986 between the Government of Maharashtra, MMRDA and the owners of the land along with its schedules be circulated to Members of the Executive Committee.
- 3) It was also necessary to examine whether the MMRDA and Government in Housing Department were aware of the fact that 42 ha. land was to be reverted to the original owner having not been accepted by the Central Government and their agencies, when they confirmed the built up area to be made available to Government as per the Tripartite Agreement.

15.2 It was reported in para.19-I(d) of the Item Note that the MMRDA had requested the BMC not to issue Commencement Certificate / Occupation Certificate till the MMRDA is satisfied about the compliance by the land holders of the obligations under the Tripartite Agreement. The Executive Committee was of the view that the MMRDA should give NOC for Occupation Certificate / Completion Certificate from BMC to the extent of 85% of the total buildable area pending further consideration of the issue.

15.3 Accordingly, consideration of item was deferred.

ITEM NO. 16 : Grant of loan to Public Works Department (PWD) from MMRDA's Reserve Fund for the ongoing works of Second Thane Creek Bridge.

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

RESOLUTION NO. 699 :

"RESOLVED THAT in exercise of the powers conferred under Regulation No. 7.1 of the MMRDA (Grant of loans from Reserve Fund) Regulations, 1992, the Executive Committee hereby accords its approval to grant to the Public Works Department of the State Government a further loan of Rs. 5 (five) crore for ongoing works of construction of Second Thane Creek Bridge at interest rate of 14% per annum and further subject to all other terms and conditions as per contract agreement executed earlier, as proposed.

"Resolved further that the Metropolitan Commissioner be and is hereby authorised to take further necessary action in this regard."

ITEM NO. 17 : Damages to Sea-Wall between Girgaum Chowpaty & Nariman Point - Arranging funds for strengthening of -

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

RESOLUTION NO. 700 :

"RESOLVED THAT the Executive Committee hereby recommends to the Authority to approve under section 21-A of the MMRDA Act, 1974 the proposal to share 1/3 of the total cost for providing repairs to the sea wall between Girgaum Chowpaty and Nariman Point, along with State Government and Brihan Mumbai Municipal Corporation, as proposed.

"RESOLVED further that the Executive Committee further recommends to the Authority to authorise the Metropolitan Commissioner to make payment of the above said sum to the Government in the Public Works Department as and when the demand is raised by that Department."

ITEM NO. 18 : Appointment of consultants for evaluating bids for lease of hotel plot in "G" Block of Bandra-Kurla Complex.

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

RESOLUTION NO. 701 :

"RESOLVED THAT in exercise of the powers conferred under section 7(3) (iii) of the MMRDA Act, 1974, the Executive Committee hereby approves the proposal to entrust work of evaluation of two tenders received for Lease of Hotel Plot in G Block of Bandra-Kurla Complex to M/s. Raiji Horwath Consultancy Services Pvt. Ltd., at the total professional fees of Rs. 8 lakh, as proposed."

ITEM NO. 19 : Appointments/promotions made under powers delegated by the Executive Committee, MMRDA.

The Executive Committee noted the appointment of Shri A.V. Deshingkar as Chief Engineer, on deputation from the State Public Works Department and passed the following Resolution :-

RESOLUTION NO. 702 :

"RESOLVED THAT in exercise of the powers conferred under Section 7(3)(i) of the MMRDA Act, 1974, the Executive Committee hereby accords sanction to the appointment of Shri A.V. Deshingkar as Chief Engineer on deputation from the State Public Works Department with effect from 1st November, 1996 till the time Government in P.W.D. continues his deputation, as proposed."

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

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