

No. EXC/MTG/46.

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BOMBAY METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
Griha Nirman Bhavan, (5th Floor),
Bandra (East), Bombay-400 051.

Date: 11th March, 1980.

The minutes of the forty-sixth meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 5th March, 1980, are enclosed.

B. S. Pradhan
(B. S. Pradhan)
Secretary,
EXECUTIVE COMMITTEE.

To:

- The Chief Secretary to the Govt. of Maharashtra, - Chairman.
General Administration Department, Mantralaya.
- The Metropolitan Commissioner, B.M.R.D.A. - Vice-Chairman
- The Chairman, T. & C. Board, B.M.R.D.A. - Member.
- The Chairman, W. R. M. Board, B.M.R.D.A. - Member.
- The Chairman, H.U.R.E. Board, B.M.R.D.A. - Member.
- The Municipal Commissioner, B.M.C., Bombay. - Member.
- The Managing Director, C.I.D.C.O. - Member.
- The Secretary to the Govt. of Maharashtra, - Member.
Urban Development Department, Mantralaya,
Bombay.

INVITEES :

- The Financial Adviser, B.M.R.D.A.
- The Dy. Metropolitan Commissioner, B.M.R.D.A.
- The Member-Secretary, T. & C. Board, B.M.R.D.A.
- The Member-Secretary, W.R.M. Board, B.M.R.D.A.
- The Member-Secretary, H.U.R.E. Board, B.M.R.D.A.
- The Legal Adviser, B.M.R.D.A.
- The Urban Planner, B.M.R.D.A.

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MINUTES OF THE FORTY-SIXTH MEETING OF
THE EXECUTIVE COMMITTEE, BMRDA

Date : 5th March, 1980.

Time : 4.30 P.M.

Place : Special Committee Room,
Mantralaya (5th Floor).

MEMBERS PRESENT :

- Shri P.G. Gavai, Chief Secretary
to the Govt. of Maharashtra. Chairman.
- Shri M.S. Palnitkar, Metropolitan
Commissioner, B.M.R.D.A. Vice-Chairman.
- Shri B.N. Adarkar, Chairman, T. & C Board. Member.
- Shri C.M. Correa, Chairman, HURE Board. Member.
- Shri N.G.K. Murti, Chairman, WRM Board. Member.
- Shri L.C. Gupta, Managing Director,
C.I.D.C.O., Bombay-21. Member.
- Shri V. Nair, Secretary, UD&PED. Member.

Shri B.S. Pradhan, Secretary, Executive Committee, BMRDA.

INVITEES :

- The Member-Secretary, HURE Board, B.M.R.D.A.
- The Member-Secretary, T.&C.Board, B.M.R.D.A.
- The Member-Secretary, W.R.M. Board, B.M.R.D.A.
- The Dy. Metropolitan Commissioner, B.M.R.D.A.
- The Dy. Municipal Commissioner (Shri Patwardhan).
- The Legal Adviser, B.M.R.D.A.

Item No. 1 : Confirmation of Minutes of the
last (45th) Meeting.

The minutes of the last (45th) meeting were considered. It was decided to add the following words after the words "development purposes" appearing in item No. 4 viz. Review of cases pending with State Government :

"after the BMRDA gives an undertaking to pay price as may be decided by the Government".

With the above correction the minutes were confirmed.

Item No. 2 : Action.....

Item No. 2 : Action taken on the minutes of the last (45th) meeting as well as progressive action on past decisions

The minutes were noted. Metropolitan Commissioner stated that the papers underlying the item regarding delegation of powers to the Metropolitan Commissioner under Section 13 of the B.M.R.D.A. Act, 1974 were under submission to the Chairman and the item will be brought up before the Executive Committee after the Chairman approves the proposal. He also informed the Chairman that Shri B.A. Kulkarni had taken over as Project Leader for the preparation of a Report on the infrastructure for Nhava Sheva Port with effect from the 4th March, 1980.

Item No. 3 : Application No.254/10/1/80 under Section 13 of the B.M.R.D.A. Act, 1974 (deferred application of GPO)

The application No. 254/10/1/80 (Post Master General) was considered by the Committee. The Committee noted that the proposal was for reconstruction of a part of the G.P.O. Building with an existing floor area of 23527 sq.mtrs. and for the addition of a floor area of 9239 M² thereby increasing the total built-up area to 32766 M² and the F.S.I. to 2.03. The Committee also noted that the proposal would result in net addition to office area in South Bombay which is already congested. The Committee, therefore, 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.

(Not to be communicated.)

(The Committee felt that a dialogue should be opened with the top level authorities of the postal Department in order to ascertain whether some of the departments of the G.P.O. presently located in South Bombay could be shifted outside the Island City of Bombay and what would be the precise requirement of office space for the essential services which must remain at the present location. The Metropolitan Commissioner agreed to take up the issue with the top level authorities of the postal Department.)

The Committee then passed the following Resolution :

RESOLUTION NO. 159 :

Resolved that, in exercise of the powers conferred on it by clause (v) of sub-section (2) of Section 7 of the

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A Act, 1974, read with sub-section (1) of Section 13 of the Act, and all other powers enabling it in this behalf, the Committee hereby refuses permission on behalf of the Authority under sub-section (3) of Section 13 of the said Act, to the Post Master General, Maharashtra Circle, Bombay-400 001 (application No.254/10/1/80), for the reasons recorded in these minutes.

Item No. 4 : Report of the Metropolitan Commissioner on a case of prima facie mis-carriage of justice.

The report submitted by the Metropolitan Commissioner was considered by the Executive Committee.

It was the unanimous view of the Executive Committee that the order of Government in U.D. No. BMRDA 3580/368/JD-4, dated 21.2.1980 is totally ultra-vires of the law because (a) the order cannot be treated as an appeal under Section 13(a) of the BMRDA Act since there was no previous appealable order from the Executive Committee in the matter from which such an appeal could have flown; and (b) the order is also a nullity because of the various other reasons mentioned in the report submitted by the Metropolitan Commissioner to the Executive Committee.

The Executive Committee also considered the replies received from the Municipal Commissioner, B.M.C. and the Secretary to Govt. in U.D. to the Metropolitan Commissioner's D.O. letter No.HP-1/GB-GP/623, dated 26.2.1980 addressed to the Municipal Commissioner, Bombay, where it was requested that the Municipal Commissioner may issue instructions for withdrawal of the construction permission. The Executive Committee held that both these replies are not satisfactory. The Executive Committee further held that the matter being grave, it required to be fully gone into and as a first measure the construction is required to be stopped forthwith. The Executive Committee considered in this behalf whether sub-section (5) of Section 13 could be availed of. However, the Legal Adviser to BMRDA pointed out that recourse to sub-section (5) would not be advisable at the present moment because such recourse is available only in case of contravention of the order made by Government under Section 13, sub-section(4). In the instant matter, as the case stands today, it is in complete contravention of the provisions of the Notification No. MC/RDM/3285/77, dated the 10th June, 1977 read with Notification No. C/RDM/1079/2695, dated 5.4.1979 issued by the BMRDA under Section 13, and not a contravention of any.....

any appellate order.

The Executive Committee, therefore, passed the following Resolution :

RESOLUTION NO. 160 :

Resolved that the Government Order No. BMRDA 3580/368/UD-4, dated 21.2.1980 being ultra-vires, the Chairman of the Executive Committee may request the Chief Secretary to take a formal cognisance of this matter with a view to correction of the situation even by getting the Government's order under question set aside by review suo-moto or in any other suitable manner. The Executive Committee further felt that such a setting aside by Government of its order No. BMRDA 3580/368/UD-4, dated 21.2.1980 would then enable Government to secure through the Municipal Commissioner, Bombay Municipal Corporation, immediate revocation of any commencement certificate or construction permission, as the case may be, which may have been granted by the Bombay Municipal Corporation to the party.

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