


No.EXC/MTG/85

(379)

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

Date : April 27, 1984.

The minutes of the Eighty-Fifth Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 16th April, 1984; are enclosed.

  
Secretary  
EXECUTIVE COMMITTEE

To :

- ✓ The Chief Secretary to the Govt. of Maharashtra, General Administration Department, Mantralaya. - Chairman
- ✓ The Metropolitan Commissioner, B.M.R.D.A. - Member
- ✓ The Secretary to the Govt. of Maharashtra, Urban Development Department, Mantralaya. - Member
- ✓ The Secretary to the Govt. of Maharashtra, Housing and Special Assistance Department, Mantralaya. - Member
- ✓ The Municipal Commissioner, Bombay Municipal Corporation. - Member
- ✓ The Managing Director, CIDCO, Bombay. - Member
- ✓ Shri Charles M. Correa, Correa Consultants, 9, Mathew Road, Bombay-400 004. - Member
- ✓ Shri Shirish B. Patel, SPA Consultants Pvt. Ltd., 41, Nagindas Master Road, Bombay-400 024. - Member
- ✓ Dr. P.G. Patankar, Director, Central Institute of Road Transport, (Training and Research), Poona-Nasik Road, Pune-411 026. - Member

INVITEES :

- ✓ The Financial Adviser, BMRDA.
- ✓ The Chief, T&C Division, BMRDA.
- ✓ The Chief, T&CP Division, BMRDA.
- ✓ The Chief, Planning Division, BMRDA.
- ✓ The Chief Engineer, Engineering Division, BMRDA.
- ✓ The Senior Planner, T&CP Division, BMRDA.
- ✓ The Legal Adviser, B.M.R.D.A.



ITEM NO.1 :

EIGHTY-FIFTH MEETING OF THE EXECUTIVE COMMITTEE

B.M.R.D.A.

DATE : 16th April, 1984 (Monday)

TIME : 10.30 A.M.

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

MEMBERS PRESENT :

Shri R.D. Pradhan, - Chairman  
Chief Secretary to the Govt.  
of Maharashtra, General  
Administration Department.

Shri A.N. Batabyal, - Member  
Metropolitan Commissioner.

Shri N.R. Ranganathan, - Member  
Secretary to the Govt. of  
Maharashtra, Urban Develop-  
ment Department.

Shri S.S. Tinaikar, - Member  
Secretary to the Govt. of  
Maharashtra, Housing and  
Special Assistance Department.

Shri D.M. Sukthankar, - Member  
Municipal Commissioner,  
Bombay Municipal Corporation

Shri Shirish B. Patel, - Member

INVITEES :

The Financial Adviser, B.M.R.D.A.

The Chief, T&C Division, B.M.R.D.A.

The Chief, T&CP Division, B.M.R.D.A..

The Chief, Planning Division, B.M.R.D.A.

The Chief Engineer, Engineering Division, BMRDA

The Director (Engineering Services and Projects),  
Municipal Corporation of Greater Bombay.

The Legal Adviser, B.M.R.D.A.

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

Shri A.D. Samant, Secretary, Home (Transport)  
Department was present as a special invitee during the  
discussion on Item No.4.

Item No.1 : Confirmation of the minutes of (1) the  
84th Meeting and (2) the Adjourned -  
84th Meeting of the Executive Committee.

The minutes were confirmed.

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Item No.2 : Action taken on the minutes of (1) the 84th Meeting and (2) the Adjourned 84th Meeting - together with progressive action on the past decisions (part 'a' only).

The action taken report was noted by the Committee.

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

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

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|------------------|------------------|
| (1) 438/22/02/84 | (4) 441/27/02/84 |
| (2) 439/22/02/84 | (5) 442/09/03/84 |
| (3) 440/24/02/84 | (6) 443/15/03/84 |

(1) Application No.438/22/2/84 (Shri Hasmukhbhai Jariwala):

The Committee considered the application and noted that the proposal was for reconstruction of the existing building at S.No.167, C.S.No.675, Vanka Mohalla, Dr. M.V. Velkar Street, in 'C' Municipal Ward thereby retaining the existing floor area of 536.91 square metres and F.S.I. 2.74. The ground floor of the building was used as godown and its first and second floors are used for Cloth Packing Departments. The Municipal Corporation of Greater Bombay had stated that the building was affected to the extent of about 10 feet by the sanctioned regular line of the road; that it envisaged reconstruction and should, therefore, be submitted under Section 337 of the Bombay Municipal Corporation Act in conformity with the present Development Control Rules and that for continuing the existing commercial user in the new building, permission from the BMRDA was necessary. It was also noted that <sup>the</sup> property under reference was located in Residential Zone and existing users i.e. godowns, packing departments, offices, etc. were not permissible in the reconstructed buildings under Development Control Rules. It was further noted that the application was also not covered by BMRDA's Notification, No.A/RDM 1082/910, dated the 19th December, 1983 since the building was neither

collapsed nor fire gutted. It was also noted that the present Development Control Rules did not permit such a proposal. As per explanation added by the BMRDA's Notification, No.MC/RDM/1080/2118(A), dated the 7th October, 1980 to the Original Notification, dated the 10th June, 1977, the Committee has no powers to grant any permission which may be in excess of or contrary to the Development Control Rules in Greater Bombay for the time being in force. The application was, therefore, rejected being ultra vires of the Committee's powers, and, therefore, not maintainable.

The Committee noted that this was a marginal case inasmuch as the building under reference was in a dilapidated condition. If such a building would have been either gutted by fire or collapsed, the reconstruction thereof was possible. However, since the building was standing, reconstruction was not possible as per the provisions of the Development Control Rules in force. The Committee was of the view that when permission for repairs/reconstruction of such buildings was sought for, it should normally be granted. However, as a pre-requisite to enable consideration of such cases, the present Development Control Rules and BMRDA's Notification under section 13 would have to be suitably amended. The Committee, therefore, desired that this anomalous position be brought to the notice of Government and the Authority for necessary action.

(2) Application No.439/22/2/84(Royal Industrial Estate Co-Operative Society Ltd.).

The Committee considered the application and noted that the proposal was for addition to the existing building situated at S.E.No.57, Plot No.5-B, Royal Industrial Estate, Naigaon Cross Road, Wadala, in 'F-South' Municipal Ward thereby increasing its floor area from 13,545.29 square metres to 13,581.29 square metres (addition 36.00 square metres) and the F.S.I. from 2.49 to 2.50. It was intended to use the newly created space for accommodating the Society's Office. As per sanctioned Development Plan, the land under reference was included in I<sub>1</sub> Zone and the F.S.I. permissible as per Development Control Rules was 2.00. It was also noted that the proposed space was for the use of 25 staff members of the Society. The building under reference was constructed in 1972 and it was not known as to how the F.S.I. of 2.49 was allowed when the permissible Development Control Rule F.S.I. was 2.00.

As per explanation added by the BMRDA's Notification, No. MC/RDM/1080/2118(A), dated 7th October, 1980 to the Original Notification, dated 10th June, 1977, the Committee has no powers to grant any permission which may be in excess of or contrary to the Development Control Rules in Greater Bombay for the time being in force. The application was, therefore, rejected being ultra vires of the Committee's powers and, therefore, not maintainable.

(3) Application No.440/24/2/84(The State Trading Corporation of India Ltd.)

The Committee considered the application and noted that the proposal was for construction of the following, on Plot No.159/159-A, Muzhavar Pakhadi Road, Elphinstone Estate, in 'B' Municipal Ward :-

(a) Administrative Building	-	241.00 Sq.mtrs.
(b) BEST Sub-Station	-	45.00 sq.mtrs.
(c) Pump-House-cum-Electric Service Station.	-	170.00 sq.mtrs.
(d) Boiler House	-	60.00 sq.mtrs.

TOTAL : 516.00 sq.mtrs.

The land under reference fell in I<sub>2</sub> Zone and the F.S.I.(including the proposed construction) was well within the restricted F.S.I. of 1.33. It was being used by the State Trading Corporation for receiving, storing and distribution of edible oil imported by them in keeping with the policies of the Government of India. The proposed office building was meant for the operational staff who were presently housed in the pump house. It also noted that permission for the proposed development was granted by the Committee at its meetings held on 15th May, 1981 and 3rd November, 1981. Since, the permitted construction was not started within the stipulated period of two years, the applicant had submitted a fresh application for permission. It was noted that in the present application, location and orientation of the proposed administrative building were changed and as against previously permitted office area 246.51 square metres, the proposed

area was 241.00 square metres. The other development such as BEST Sub-station, Pump-House-cum-Electric Service Station and the Boiler House did not require permission from the BMRDA. Since this was a case of renewal of the permission already granted, the Committee decided to grant the permission to the construction of administrative building admeasuring 241.00 square metres floor area.

(4) Application No.441/27/2/84(Allahabad Bank):

The Committee considered the application and noted that the proposal was for construction of a mezzanine floor in the existing building at C.S.No.98, (Allahabad Bank Building), at Bombay Samachar Marg, in 'A' Municipal Ward, thereby increasing the existing floor area from 2,769.10 square metres to 2,824.98 square metres (increase 55.88 sq. mtrs.) and F.S.I. from 3.142 to 3.205. The property under reference fell in Commercial Zone and the F.S.I. permissible as per Development Control Rules was 2.45 as against 3.142 already consumed. The applicant had sought permission on the grounds to improve the working condition of the staff members and to render better service to the public. As per explanation added by the BMRDA's Notification, No.MC/RDM/10 80/2118(A), dated 7th October, 1980 to the Original Notification, dated 10th June, 1977, the Committee has no powers to grant any permission which may be in excess of or contrary to the Development Control Rules in Greater Bombay for the time being in force. The application was, therefore, rejected being ultra vires of the Committee's powers and, therefore, not maintainable.

(5) Application No.442/9/3/84(Municipal Corporation of Greater Bombay).

The Committee considered the application and noted that the proposal was for construction of building at C.S.No.47, Love Grove Yard, Dr.E.Moses Road, Worli, in 'G-South' Municipal Ward. The proposed floor area of the buildings and shed was 14,520.85 square metres which was to be used for warehousing and testing laboratory. The F.S.I. was well within the restricted F.S.I. of 1.33. As per sanctioned Development Plan, the land under reference was reserved for "Sewage Purification Works"

.....6/-

while in the published Revised Development Plan, it was shown as existing Water Supply Sewerage Department Stores. Taking into consideration the proposals of the Revised Development Plan, the development applied for was permissible. The proposed stores building was to accommodate the existing Centralised Store at Garlic Compound, Byculla which site was reserved for 'Public Garden.' It was also noted that permission for the proposed development was already granted by the Committee at its meeting held on 16th June, 1981. Since the applicant could not start construction within the stipulated period of two years, it had resubmitted the application for renewal of the permission. The Committee, therefore, decided to grant the permission as applied for.

(6) Application No.443/15/3/84(M/s. Shrinath Copy Centre):

The Committee considered the application and noted that the proposal was for change of use of basement of floor area of 2,737.50 sq.ft. in Final Plot No.80A, Gokul Building, Baroda Street, in 'B' Municipal Ward, to Warehouse. The plot under reference fell in Town Planning Scheme and as per the Rules of Town Planning Scheme, building consisting of basement, ground mezzanine and five upper floors were approved by the Municipal Corporation of Greater Bombay in the year 1974. The F.S.I. consumed was about 4.00. The Municipal Corporation of Greater Bombay had stated that the basement was allowed as an ancillary store space to the main activity on the upper floors. While the basement was used for storing chemicals, iron and steel and carpets, the Ground floor was used for business in the iron and steel goods and the upper floors were used for offices. The applicant had stated that the warehousing use in the basement existed since 1974 and as such the BMRDA's Notification was not applicable. Since the Municipal Corporation did not issue licence for warehouse use, the applicant had submitted application to the BMRDA. On the contrary the Municipal Corporation of Greater Bombay had stated that the space under reference was being used as warehouse without proper licence for which the party was convicted in the Court of Law. The

Bombay Municipal Corporation's contention was that the proposed use was different from the use it had already sanctioned and, therefore, it required permission of the BMRDA. It was also noted that the building was situated in extremely congested locality and it was not desirable to permit warehousing use thereat as it would add to the congestion in the area. The permission was, therefore, rejected. The Committee felt that the basement could be used for purposes incidental to the users on upper floors such as storage of records etc.

Accordingly, the Committee passed the following Resolution :-

RESOLUTION NO.260 :

"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, (as amended upto date) read with sub-section (1) of Section 13 of the said Act and all other powers enabling it in this behalf, the Committee hereby -

(I) grants permission to :-

(1) The State Trading Corporation of India Ltd.

(Application bearing Registration No.440/24/2/84) for construction of an Administrative

Building with floor area of 241.00 square metres on plot No.159/159-A, Muzhavar Pakhadi Road, Elphinstone Estate, in 'B' Municipal Ward; and

(2) The Municipal Corporation of Greater Bombay

(Application bearing Registration No.442/9/3/84) for construction of a building with

floor area of 14,520.85 square metres (out of which 13,491.55 square metres for warehousing purposes) at C.S.No.47, Love Grove Yard, Dr. E.Moses Road, Worli, in 'G-South' Municipal Ward.

(II) refuses permission, on behalf of the Authority, under sub-section (3) of Section 13 of the said Act to M/s. Shrinath Copy Centre (Application bearing Registration No.443/15/3/84) for the reasons recorded in these minutes.

....8/-



"Resolved further that the following applications received in terms of Section 13(2) of the BMRDA Act, 1974, being ultra-vires of the powers of the Committee, and, therefore, not maintainable, are hereby rejected :-

- (1) Shri Hasmukhbhai Jariwala  
(Application bearing Registration No.438/22/2/84);
- (2) Royal Industrial Estate Co-operative Society Ltd. (Application bearing Registration No.439/22/2/84); and
- (3) Allahabad Bank (Application bearing Registration No.441/27/2/84)."

Item No.4 : Water Transport in B.M.R.

In connection with this Item, the Secretary, Home(Transport) apprised the Committee of the action taken by Government on various recommendations made by the Expert Group appointed by Government for the Study of Development of Waterways Around Bombay Harbour for Commuter Traffic(Adm. Datta Committee). While giving details about action taken on the recommendation about RO-RO-cum-PWT service from New Ferry Wharf (NFW) to Mandwa/Rewas, Dist. Raigad, he stated that according to Government, the BMRDA was to construct a jetty at Vashi. Clarifying the above point, it was explained that BMRDA had in fact recommended that the Vashi jetty be built as a Pilot project by the State Government. Further it had prepared a Detailed Project Report for the Vashi Jetty IWT Project at the instance of the State Govt. and the said project was submitted for Government's approval and provision of funds under Section 18 of the BMRDA Act, 1974. The Secretary, Urban Development Department thereupon stated that the aforesaid proposal was submitted to the Finance Department which was of the view that the project was within the jurisdiction of the Home(Transport) Department and as such it should be executed out of the funds made available to that Department by deciding the priority of the project.

The consensus of the opinion was that since construction of Vashi Jetty is of vital importance from the point of view of development of New Bombay and dispersal of population, Government should give priority to the construction of this project.

Item No.5 : Revision of Recruitment Rules.

The Committee considered the Item Note and passed the following Resolution :-

RESOLUTION NO.261 :

"Resolved that the Executive Committee hereby approves the Revised Recruitment Rules for various posts in BMRDA as detailed in column No.5 of Annexures I and II to the Item Note placed before this (85th meeting of the Executive Committee), subject to the following being incorporated therein :-

- (1) The various age limits prescribed in the recruitment rules be relaxed in case of candidates belonging to the backward classes as per orders of Government in the matter;
- (2) The age limits will not be made applicable to BMRDA employees in case of promotion as well in case such employees apply for appointment by direct recruitment alongwith outside applicants; and
- (3) Wherever the recruitment rules provide for appointment by selection through advertisement or by deputation, the Metropolitan Commissioner shall decide the particular method of recruitment to be followed."

Item No.6 : Appointment of staff.

The Metropolitan Commissioner explained the background of the Item Note and the difficulties experienced due to deletion of provision regarding delegation of powers from the statute. The Committee desired that all appointments need not directly be made by the Committee itself. The Metropolitan Commissioner was, therefore, requested to come forward with a detailed proposal about partial delegation of powers on the lines of the advice of the Legal Adviser.

Item No.7 : Fixation of pay of re-employed persons.

The Item Note was explained by the Metropolitan Commissioner, The Secretary, Urban Development Department observed that though Govt. of India had taken a decision in this respect, the State Govt. had not taken any decision.

The Financial Adviser informed the meeting that Section 7 of the BMRDA Act, 1974 was inter alia amended by Maharashtra Ordinance No.X of 1983 (which subsequently became Maharashtra Act No.XXX of 1983). Prior to amendment clause (iii) of sub-section (2) of Section 7 of the Act had vested power of 'promulgation of internal procedures for management of the Authority' in the Executive Committee. This power was deleted by the amended provisions. The Chairman, Executive Committee stated that the Metropolitan Commissioner being the Chief Executive Officer of the Authority would ipso facto have such a power in the changed set up.

It was then decided that the proposal regarding fixation of pay be submitted to Govt. for consideration.

Item No.8 : Continuation of appointment of Shri S.V. Thakar as Project Officer(Marketing):

The Committee considered the Item Note and passed the following Resolution :-

RESOLUTION NO.262 :

"In exercise of the powers vested in it under clause (i) of sub-section (3) of Section 7 of the BMRDA Act, 1974 (as amended upto date), the Executive Committee approves the proposal to extend the term of appointment of Shri S.V.Thakar, as Project Officer (Marketing) on contract basis for a further period of one year with effect from 1.4.1984 on consolidated remuneration of Rs.2,000/- per month on the existing terms and conditions."

Item No.9 : Appointment of Senior Telecommunication Officer for Telecommunication Cell.

The Committee considered the Item Note and passed the following Resolution :

RESOLUTION NO.263 :

"Resolved that the Executive Committee approves the proposal to appoint Shri S.S.Mony as Senior Telecommunication Planner on the terms and conditions mentioned in the Agenda Note."

Item No.10 : Reimbursement of 50% of Annual Subscription fee by BMRDA towards Membership of Professional Associations.

The Committee considered the Item Note and passed the following Resolution :-

RESOLUTION NO.264:

"The Executive Committee hereby approves the proposal made in the Item Note, as proposed."

Item No.11 : Disciplinary action against an employee(Confidential).

The Committee considered the Item Note and passed the following Resolution :-

RESOLUTION NO.265 :

"Resolved that the Executive Committee has carefully considered the facts of the case contained in the Agenda Note and the records of evidence accompanying therewith. The Executive Committee hereby approves the proposal to impose upon Shri A.D. Katare, Assistant, the penalty of reduction to lower stage etc. as proposed in the Agenda Note."

Item No.12 ; Development Programme of Mahim Nature Park in Bandra-Kurla Complex during the year 1984-85 - Tender of Tree Plantation in Mahim Nature Park.

The Committee considered the Item Note and passed the following Resolution :-

RESOLUTION NO.266 :

"Resolved that in exercise of powers vested under clause (i) read with clause (iii) of Section 7 of the BMRDA Act, 1974 (as amended upto date) and all other powers enabling it in this behalf, the Executive Committee hereby approves that the work of Tree Plantation in Mahim Nature Park be awarded as recommended in the Agenda Note.

"Resolved further that the Metropolitan Commissioner be authorised to take suitable measures, as proposed."

Item No.13 : Programme for construction of Truck Terminal:Decision on further filling.

The Committee considered the Item Note and passed the following Resolution :-

RESOLUTION NO.267:

"Resolved that the Executive Committee hereby generally accord approval to the expenditure of Rs.209/- lakhs on the lines indicated in the Item Note and recommends the State Govt. to finance the scheme under Section 18(1)(a) of the BMRDA Act by including the said scheme in the State Plan or by making appropriate contribution to the Authority's Revolving Fund under Section 18(1)(b)

of the Act and for that purpose make available funds of the order of Rs.5/- crores each for the financial years 1985-86 and 1986-87 as proposed.

"Resolved further that the Metropolitan Commissioner be authorised to approach the State Government in the matter."

Item No.14 : Review of Bombay Urban Development Project-I (BUDP-I).

The Committee noted the uncertainty about the date by which IDA credit would be effective for the project as the negotiations for the project are considerably delayed. The Committee, however, approved that expenditure on civil works identified for retroactive finance may proceed within the finance earmarked for the project in the State Budget for 1984-85. However, the Committee directed that the consultancy services, though eligible for retroactive finance, should not be obtained till the negotiations for the project with IDA are successfully completed.

Item No.15 : Road Links to Wadala Truck Terminal Improvement of Northern Connector Road and Sion-Panvel Road Inter-Section.

The Committee considered the Item Note and passed the following Resolution :-

RESOLUTION NO.268 :

"Resolved that the Executive Committee approves the proposal of construction of a grade-separated intersection as soon as possible between the Northern Connector Road (NCR) and the Eastern Express Highway (EEH) in the vicinity of Everard Nagar as a part of the Truck Terminal Project.

"Resolved further that it approves the two-phased design proposal which, it understands, has been evolved by consensus between Bombay Municipal Corporation, Public Works Department, Traffic Police and Bombay Metropolitan Region Development Authority.

"Resolved further that it approves the proposal to entrust the work of preparation of detailed plans and estimates and tender papers to the Designs Circle, Public Works Department, with the request that the same be completed on a priority basis."

Item No.16 : Development of Block 'D' of  
Bandra Kurla Complex.

The Committee considered the Item in detail. The Secretary, Housing and Special Assistance Department was of the view that the present access road could serve the purpose by making some changes. It was however, explained that after the proposed works are carried out, the present access would be closed. It was also explained that all the concerned parties including Bombay Housing and Area Development Board had considered the technicalities of the proposal and they had agreed to the works being carried out, question being only as to who should bear the cost of the proposed culvert. The Secretary(Housing) then observed that the policy of Maharashtra Housing and Area Development Authority was not to incur any expenditure on off-site infrastructure development. Since the culvert was to be constructed on the Government land, he was of the view that Public Works Department should bear the cost of the proposed work.

After further discussion, it was agreed, that Maharashtra Housing and Area Development Authority, Bombay Metropolitan Region Development Authority, Bombay Municipal Corporation and the Public Works Department should equally bear the cost of the construction of the proposed culvert.

Item No.17 : Floor area requirements of Branch of  
a Bank in the Island City of Bombay.

After discussion it was agreed that maximum area to be allowed to the branch of the Bank in Residential Zone should be 400.00 square metres.

Item No.18 : Tenders (Minor) for ex-post  
facto sanction.

This Item was withdrawn, with the permission of the **Chairman.**

The meeting then concluded after a vote of thanks to the Chair.

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