

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
ORIGINAL APPLICATION NO. 25 OF 2023**

In the matter of:

Dileep Nevatia

...Applicant

Versus

Union of India & Ors.

...Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NOS. 8 TO 12:**

I, Hasmukhbhai Thakarshibhai Dholakiya, the Authorised Signatory of Respondent Nos. 8 to 12, having my office address at 1701, 'B' Wing, The Capital, Bandra Kurla Complex, Bandra East, Mumbai - 400051, do hereby solemnly state on oath and affirm as under:-

1. I am the Authorised Signatory of Respondent Nos. 8 to 12, having my office address as mentioned above. I have gone through the captioned Original Application and documents filed in the captioned matter. I am familiar with the facts of the case from personal knowledge as well as from office records available with the Respondent Nos. 8 to 12 and I am **competent to depose to the facts in this Additional Affidavit.**
2. I am filing this present Additional Affidavit for the limited purpose of placing on record certain additional facts, circumstances and documents for the consideration of this Tribunal in the captioned matter.

3. On 26<sup>th</sup> February 2026, the Assistant Engineer (BP), City-VI and Executive Engineer (BP), City-VI of Respondent No. 4-MCGM forwarded the proposal of Respondent Nos. 8 to 12 to the Municipal Commissioner of Respondent No. 4-MCGM for approval. Hereto annexed and marked as "Exhibit-A" is a copy of Concession Report.

4. On 27<sup>th</sup> February 2026, 15 days' time was granted by this Hon'ble Tribunal to Respondent No. 4-MCGM to take a decision regarding the proposal of Respondent Nos. 8 to 12.

5. On 26<sup>th</sup> March 2026, the Municipal Commissioner of Respondent No. 4-MCGM has granted approval for the proposal of Respondent Nos. 8 to 12 in compliance with Order dated 27<sup>th</sup> February 2026. Hereto annexed and marked as "Exhibit-B" is a copy of Note sheet of Municipal Commissioner.

6. I say that Respondent Nos. 8 to 12 crave leave to file further affidavit(s) as and when the circumstances so warrant.

For Hari Krishna Exports Pvt. Ltd.

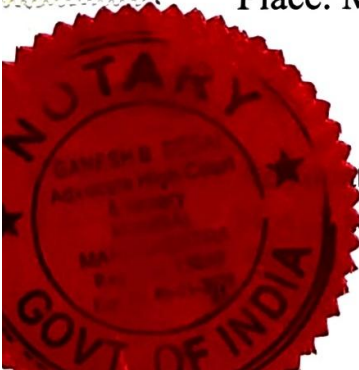
Date: 14-04-2026

Place: Mumbai

*[Signature]*  
Director

**BEFORE ME**  
Respondent Nos. 8 to 12  
*[Signature]*  
**GANESH B. DESAI**  
B.Com., LL.B.  
Advocate High Court & Notary  
NOTARY MUMBAI  
MAHARASHTRA  
GOVT. OF INDIA

*[Signature]*  
Attorneys for Respondent  
No 12  
**NOTARY**  
GANESH B. DESAI  
Advocate High Court  
& Notary  
MUMBAI  
MAHARASHTRA  
Reg. No. 15299  
Exp. Dt. 06-11-2029  
**GOVT. OF INDIA**



Reg. No. 317/26  
14 APR 2026

**BRIHANMUMBAI MUNICIPAL CORPORATION**  
**File No. P-16330/2023/(730)/G/South/WORLI**  
**4C. Concession Report**

**Sub:** Proposed Addition & Alteration of existing building on Plot Bering CTS No. 730, Village Worli, Division at Khan Abdul Gaffar Khan Road, Worli Mumbai – 400 018. G/south Ward.

**Architect:** Shri. Jinish N. Soni of M/s. 3 Dimensional Consultants LLP.

**Owner:** Shri Ghanshyambhai Dholakia, Managing Director of M/s. Hari Krishna Exports Pvt. Ltd.

Draft Plans for concessions approval attached in online system.

Reference is requested to Hon. M.C.'s endorsement in the notesheet dated 29.12.2025, wherein Hon. M.C. has directed as under:

*“Please clarify –*

- 1. Since the plot is CRZ area sr.no.2 is not permissible.*
- 2. Sr.No.6 is to be processed as per the policy.*
- 3. Auto DCR scrutiny is not done.”*

The L.S vide letter 12.02.2026 attached in additional documents has submitted his point wise clarification as follows:

**Regarding Point No.1.**

**Said Property:** Existing Building known as “Aikyam” on Plot bearing C.S. No. 730, Village Worli, Division at Khan Abdul Gaffar Khan Road, Worli, Mumbai-400 018, G/South Ward

- 1.) The said property comprising of basement for parking + stilt for parking + 1 to 6th residential floors + 7th floor (pt.) for utilities was constructed by utilizing plot potential to the tune of 1.33 FSI and staircase, lift & lift lobby free of FSI were approved as per the provisions of DCR 1991 and OCC for the same was granted on 27/09/2001.*
- 2.) Thereafter, the said property was purchased by Shri Ghanshyambhai Dholakia, Managing Director of M/s. Hari Krishna Exports Pvt. Ltd. ("Owner") for his personal use.*
- 3.) The owner of the said property carried out certain repair/renovation/alteration in the existing building (within the existing plinth of the original*

structure) as it stood.

4.) The said property falls in CRZ-II as per CZMP plan and it is on the land ward side of the Existing Road (Khan Abdul Gaffar Khan Road, Worli). Further to state that as per the CRZ Notification 2019, development will be permitted in CRZ -II with the FSI/FAR governed by the local Regulations as on the date of notification i.e. 18/01/2019.

5.) (i) The repair/ renovation/ alteration carried out is differently oriented to the plot than what was earlier existing at site but does not exceed the existing plinth area of the said existing building.

(ii) The existing structure has not been demolished by the Owner, and no new structure has been constructed but only ornamental projections have been added to the existing structure within the meaning of repair/ renovation/ alteration and within the existing plinth area.

(iii) Since the repair/renovation/alteration is within the existing plinth area, change in FSI due to ornamental projections as per applicable DCPR which otherwise do not harm the environment, require no CRZ Clearance from Maharashtra Coastal Zone Management Authority ("MCZMA").

(iv) The same is fortified by the Hon'ble Bombay High Court in Theodore Fernandes & Anr. v. State of Goa & Ors., 2020 (1) Mh. L.J 235 (Para No. 13-18, page 24). EX 'A'

(v) Therefore, the repair/renovation/ alteration of the said Existing Building has not resulted in any change from CRZ point of view and is permissible subject to the approval of the Competent Authority, i.e., MCGM as well as MCZMA in accordance with the applicable laws, including DCPR 2034 and CRZ Notification 2019.

However, in the event any construction was undertaken beyond the approved plan (outside the existing plinth line), such unauthorized construction shall be liable for demolition and may be proposed as a Fresh Proposal for future approval subject to MCGM and MCZMA.

The work has been undertaken within the existing plinth area and within the existing approved building height and now, we are submitting the proposal (within the existing plinth line) to count all the area covered under elevation features, basement part and in the stilt (i.e. ground floor), which were earlier given free of FSI as per the then Regulation, Now requesting the same to be approved under the provisions of 9 (6) (a) of DCPR 2034. (EX 'B')

### **Regarding Point No.2.**

As regarding the clarification required for Sr. No. 2 of Hon. MC's Note sheet, after obtaining in principal approval from MCGM, before issuing amended plans, MCZMA NOC shall be insisted. The FSI in the proposal is in accordance with the provision of CRZ notification of 18/01/2019.

**Regarding Point No.3.**

*Auto DCR Scrutiny Report is carried out and the deviations therein are submitted for concessions.*

**The Gist of the case is as under:**

In this case the plans for the building were approved as per the provisions of DCR 1967 in the year 1993 as the plot was affected by CRZ II.

The Occupation certificate was granted on 27.09.2001 to building comprising of Basement For Parking + silt for parking + 1<sup>st</sup> to 6<sup>th</sup> Residential floors + 7<sup>th</sup> (pt.) for utilities by utilizing plot potential to the tune of 1.33 FSI and staircase, lift & lift lobby are free of FSI.

Since the plot is affected by CRZ II and as per the revised Notification issued by Central Govt. of India dated 18<sup>th</sup> January 2019 wherein it is stated that for the plots affected by CRZ II the development shall be governed by the local town and country planning regulation as applicable from time to time and norms for the floor space index (FSI) or Floor Area Ratio (FAR) prevailing as on date of this notification shall be applicable.

As per the CRZ remarks issued by the Development plan department in consonance with the CZMP sanctioned by the Govt of India dated 18<sup>th</sup> January 2019, the plot under reference falls in CRZ II on the land ward side of the existing road. And thus, as per the provision of the said notification the applicable regulations for development of the said plot are governed by the Provisions of Regulation of DCPR 2034 for Mumbai.

**Complaints and Court proceedings:-**

In this case, the complainant Mr. Dileep Nevatia had filed various complaints in the Municipal ward office as well as other departments as regards to the said addition, alteration and upgradation to the existing building.

On the same, the office of Assistant Commissioner D ward had issued a Notice dated 24.05.2023 to Ghanshyam Dholakia (Director of Hari Krishna Exports Pvt. Ltd. who is the owner of said building) under Section 53(1) r/w Section 52(1)(b) of MRTP Act.

Mr. Dholakia through their Architect replied to the Notice on 26.05.2023 stating that application for proposed addition/alteration was already filed and to not take any coercive action/ steps.

Mr. Dholakia filed Writ Petition (L) No. 18045 of 2023 before Bombay High Court filed by Hari Krishna Exports Pvt. Ltd. against MCGM to quash and set aside Notice dated 24.05.2023 issued by MCGM and process the Application pending before MCGM.

In the said writ petition, on 11.07.2023, the Hon'ble Bombay High Court disposed of the Writ Petition directing MCGM to decide the Application by giving Hari Krishna Exports, an opportunity of hearing and to decide the same on merits. And till the time the said decision is taken, no coercive action is to be taken in this regard. Hari Krishna Exports was also given liberty to submit additional documents, if required for the said application.

The complainant, Mr. Dileep Nevatia filed Original Application No. 25 of 2023 before NGT, Pune against Hari Krishna Exports Pvt. Ltd. challenging the construction carried out in the said building.

Hari Krishna Exports Pvt Ltd. (who are Respondent Nos. 8 to 12 (through the directors) has filed an Interim Application in the matter, IA No. 139 of 2023, to dismiss the Original Application on several grounds of maintainability – this is currently pending for adjudication.

On 03.05.2023, a Joint Committee was constituted by NGT to look into the allegations of Applicant-Mr. Dileep Nevatia. Site Visit Report dated 25.07.2023 filed by Joint Committee.

MCGM has filed Reply dated 26.09.2023 bringing facts regarding the addition/alterations of the building as well as the pending application for proposed addition/ alteration.

MCGM has filed an Affidavit dated 21.03.2025 before NGT stating that the Application for proposed addition/ alteration has been referred back on the ground of want of documents, i.e., NOC from Estate, CRZ NOC, Navy NOC, Tax Clearance Certificate and Stability Certificate of Structural Consultant, etc.

The matter has come up for hearing on 03.05.2023, 02.08.2023 and 29.09.2023, 19.01.2024, 16.08.2024, 04.09.2024, 15.10.2024, 05.02.2025, 08.04.2025 and the matter is kept for final hearing on 25.02.2026.

There are no adverse orders passed in relation to the said matter before any forum.

**Proposal submission and action initiated:-**

L.S vide his representation had submitted the proposal online wherein the gist of the case is as under

As per the provisions of Reg 2034, L.S. has proposed to amend the plans for buildings already constructed with some internal changes with respect to the room sizes and uses as the entire building is now purchased by a single owner. Thus, now the building which was constructed earlier is proposed to be amended as per the permissible FSI and provision of reg 9(6)(A) of DCPR 2034 which is now comprising as tabulated below.

<b>Floor</b>	<b>As per Approved plans</b>	<b>Description Of Changes</b>
<b>Basement</b>	Consisted of parking, Store rooms underground water tanks, lift, lift machine room and pump rooms Separate Staircase from ground floor to Basement	Basement is now counted into FSI and user from Storage to Servant room and other ancillary users are claimed in FSI Existing staircase from ground floor to basement is removed and additional lift from basement to top floor is installed and the same is claimed free of FSI.
<b>Ground</b>	Consisted of lift, staircase, society office, Meter rooms, toilets, driveway, parking and swimming pool in the front	Earlier shown drive way is converted into hall and silt is now turned into ground floor by counting earlier features

	open space	free of FSI into FSI. The swimming pool in the FOS is demolished and now L.S has proposed additional R G area instead of pool over the porch which will be constructed.
<b>First Floor</b>	Consisted of staircase, lift and two nos of flat with balconies and elevation features.	New balconies in place of elevation features are constructed and same are proposed to be counted in FSI. A new gymnasium, pool, salon, steam room and massage room are added replacing the existing components and same are proposed to be counted in FSI.
<b>Second Floor</b>	Consisted of staircase, lift and two nos of flat with balconies and elevation features.	New balconies in place of elevation features are added and counted in FSI
<b>Third Floor</b>	Consisted of staircase, lift and two nos of flat with balconies and elevation features.	New balconies in place of elevation features are added and counted in FSI, steam and shower added.
<b>Fourth Floor</b>	Consisted of staircase, lift and two nos of flat with balconies and elevation features.	New balconies in place of elevation features are added and counted in FSI
<b>Fifth Floor</b>	Consisted of staircase, lift and two nos of flat with	New balconies in place of elevation features are added

	balconies and elevation features.	and counted in FSI and one side is constructed with double height living room by demolishing the existing slab and the same is proposed to be counted 1.5 times into FSI
<b>Sixth Floor</b>	Consisted of staircase, lift and Two no's of flat with balconies and elevation features.	New balconies in place of elevation features are added and counted in FSI, one part is converted into entertainment room
<b>Seventh Floor</b>	Consisted of Overhead Water tank, A/C unit's rooms and other utilities.	Now bedrooms are constructed in place of existing utility rooms and new balconies in place of elevation features and pergola are added and counted in FSI

- a) Some of the earlier approved elevation features within the plinth line and within the approved height, are merged into habitable floors in certain portion of the building, same are now proposed to be claimed by counting in FSI as per (C-13) circular u/no CHE/DP/110/Gen 2019-20.
- b) A double height hall is proposed to be counted 1.5 times into FSI on the fifth floor. The same is constructed by demolishing the part sixth floor slab.
- c) Extension in balcony is proposed and counted in FSI as shown in plans.

All the above changes are incorporated in the residential floors as a single owner owned building by utilizing plot potential + additional FSI on payment of premium + Admissible TDR as per the road width and by

claiming area of staircase, lift, lift lobby free of FSI as per the provisions of DCPR 2034 and as per the circular / policy in force amended up to date.

Further some of the areas which were claimed free of FSI (elevation features / parking area, Entrance lobby areas etc.) as per the then policy are now proposed to be counted in FSI as per the Provision of DCPR 2034 and as per the provision of the circular u/no CHE/DP/110/Gen dated 2019-2020 to be read with earlier circular u/no CHE/23227/DP/Gen 21/11/2017. And also, as per the provisions of Circular u/no DYCHE/3757/(BP) City dated 11/03/2022.

All the internal changes have been incorporated in the plan and accordingly the work is completed on site. However, there are certain encroachments of elevation features in the building which are earlier approved free of FSI and now are merged with the habitable floor. The same needs to be amended under provisions circular u/no. CHE/DP/110/GEN dt. 2019-20 (C-13) by counting the same in FSI and paying premium/penalty as applicable as per policy circular u/no. Ch.E./D.P./004477/Gen. dt. 12.05.2021.

Now, Owner Shri Ghanshyam Bhai Dholakia, Managing Director of M/s. Hari Krishna Exports Pvt. Ltd. has appointed L.S. Shri Jinish Soni of M/s. 3 Dimensional Consultants LLP. as a new L.S for the proposal for additional / alteration and internal changes within the plinth line and within permitted height as per OCC granted and process the file for approval subject to obtaining necessary NOC / Clearance from MCZMA Dept. and Estate Dept. of MCGM.

The proposal is submitted as per Reg. No. 9(6)(a) of DCPR 2034 and Transitional policies in force. Moreover, there is no substantial change in the plinth line and height of the building and planning of the building with respect to earlier approvals. However, the previously approved free of FSI elevation features which are now merged with habitable floor level are proposed to be counted in FSI and charges applicable for work beyond approval by paying the necessary penalty as per policy in light of circular and in consonance with transition policies in force.

**DP Remarks 2034:**

As per DP 2034 Remarks, plot under/ref. falls in Residential Zone and is not reserved for public purpose. It is accessible and abutting 42.50 mts. wide Costal Road on west Side and affected by the R.L of the 13.40 mts width on the East side. Thus, the plot is affected by roads on two sides. The plot under reference is affected by CRZ II.

**MCZMA NOC:**

As per D.P. 2034 remark, the plot is affected by CRZ-II. The NOC from MCZMA will be insisted before approval of plans.

**Access:**

As per A.E. Remarks, the Plot under reference is abutting to 2Nos of Roads that are 42.50 mts. wide Khan Abdul Gaffar Khan Road (West) and affected by the R.L. of the 13.40 mts. width Sir Pochkanwala Road No. 3 on the East side of the plot u/r.

**FSI permissible as per DCPR 2034:**

The FSI for the plot under reference permissible as per regulation 30(A) Table 12 is 1.33 (Plot potential) + 0.83 (TDR as per road width) + 0.84 (Additional FSI by paying premium) totaling to 3.00 + proportionate FCFSI.

**CFO NOC:**

The NOC from CFO was granted for OCC for the entire building u/no. FBM/S/507/190 dated 27.06.2007 and thereafter the final fire NOC (completion) is also obtained. However, the revised CFO remarks with the reference No: FLSA/32/AVK23/May/06 from the consultant has been issued for the building height of less than 32 mts has been submitted and attached herewith.

**Parking Consultant Remarks:**

The remarks of Parking consultant dated 08.07.2021 has been uploaded with regards to parking spaces now proposed with respect to its maneuverability.

**Parking requirement table: -**

**As per Reg. No. 44 Table No. 21 of DCPR 2034.**

<b>Carpet Area (In Sq. Mts.)</b>	<b>Total Flats</b>	<b>Parking Permissible as Per D.C. Rule.</b>	<b>Parking Required</b>
For Residential Tenements			
Below 45.00	00 Nos	1 Parking For 4 Tenements	0.00 Nos.
45.00 To 60.00	00 Nos	1 Parking For 2 Tenements	0.00 Nos.
60.00 To 90.00	00 Nos	1 Parking For 1 Tenements	0.00 Nos
Above 90.00	01 Nos	2 Parking For 1 Tenements	2.00 Nos.
Total			2 Nos.
10 % Additional Parking for Visitors (Resi.)			0.2 Nos.
50% Additional Permissible Free of FSI As Per Reg. 31 (1) (Vi)			1
Total Residential Parking Required			3.20 Nos. Say 4.00 Nos
Total Parking Required			4 Nos.
Total Parking Provided			4 Nos.

**Applicability of Hon'ble Supreme court's order in Kohinoor case:**

The OCC plans were approved on 27/09/2001 i.e. prior to Hon'ble S.C. order i.e. 17/12/2013 in Kohinoor case. Hence, the Hon'ble S.C. order in Kohinoor case is not applicable to the proposal under reference. Moreover, the plot is affected by existing road on the west and east side.

**Applicability of directives of Hon'ble Supreme Court's order dated 15/03/2018 in Dumping ground case:**

The C & D waste generated shall be disposed of as per Hon'ble Supreme Court order as per SLP (Civil no. D23708/2017) dated 15.03.2018 if any shall be incorporated in conditions and will be complied along with the conditions incorporated by MCGM from time to time. The requisite bank guarantee and undertaking to that affect will be submitted before approval of plans.

**Auto DCR Scrutiny:**

For proposal under reference O.C.C. was issued on dtd. 27/09/2001 i.e. prior to 15-05-2015. Therefore, as per Circular u/no.

CHE/DP/27163/Gen Dtd 30-11-2016 Auto D.C.R. scrutiny is carried out. The L.S. has represented that the necessary concessions are sought for the discrepancies.

**Comparison of Concession Points as per DCR 1991 & DCPR 2034.**

<b>Sr. No.</b>	<b>Concession points</b>	<b>DCR 1991 Provision</b>	<b>DCPR 2034 Provision</b>	<b>Remarks</b>
1	To condone the open space deficiency maximum up to the tune of 30.90% for Light and ventilation by charging premium as per policy.	DCR 29 DCR 43(1) DCR 33(7) DCR 64(b).	DCPR 41 DCPR 47 (1) DCPR 6(b)	Submitted for further concessions is required.
2	To allow retaining the common staircase, staircase lobby, lift, and lift lobby area free of FSI for habitable floors as the same has been paid earlier and there are no changes in the orientation and use of the same. As per the earlier approved plan	DCR 35(2)(iii) DCR 35(2)(iv)	DCPR 31(1)(iv)	Only Reg. No. is changed. Hence no further concessions is required.

<b>Sr No</b>	<b>Concession required</b>	<b>Provisions of DCPR 2034</b>	<b>Approval required from,</b>
1.	<b>To condone the deficiencies in Open Space</b>	Reg. 6(b) of DCPR 2034	Ch.Eng.(D.P.)/Hon'ble M.C.
	<b>Justification of Architect</b>		

Tabulation for open space as per DCR 1991

Building is proposed with basement + ground floor + 1st to 7th upper residential floors with total height of 24.85 mtrs.

Since the building under reference is a non-composite building, the open spaces worked out are as per D.C.P.R 2034. Reg. 41 read with Reg. 47(1) as under:

Height of building 24.85 mtrs.

$H/4 = 6.21$  mtrs.

As per table 10-A front open space required = 4.50 mtrs.

As per table 10-B Front open space required:

From Abdul Gaffar Khan Road =  $10.50 - (27.50/2) = \text{Nil}$ .

From Sir Pooch Khan Wall Road =  $10.50 - (13.40/2) = 3.80$  mtrs.

The open spaces are tabulated as below.

Side	Open Space required In mts.	Open Space proposed in mts. W.R.T DCPR 2034	Def. In mts.	Def. In %	Remarks
North	6.21	3.64	2.57	41.38%	Outermost edge of balcony is considered
East	3.00	5.28	Nil	Nil	F.O.S.as per DCPR
West	3.00	3.95	Nil	Nil	F.O.S. as per DCPR 41(5), 42.50 mt. Road.
South	6.21	3.80	2.41	38.80	Outermost edge of balcony is considered

From above table it is observed that there were no deficiency in open spaces for the building under reference as per the provisions of DCR 1991.

However as per DCPR 2034 it can be seen that the outer most face of the building i.e balcony is considered to calculate the deficiency in open spaces which is tabulated in the above table which requires condonation as per reg 6 (b) of DCPR 2034.

As per Reg. 6(b) of DCPR 2034, in specific cases where a clearly demonstrable hardship is caused, the Commissioner may for reasons to be record in writing, by special permission permit any of the dimension prescribed by these regulations to be modified, except those relating to floor space indices unless otherwise permitted under these regulations, provided that the relaxation will not affect the health safety, fire safety, structural safety and public safety of the inhabitant of the building and neighborhood.

Accordingly, I have presented the following demonstrable hardship regarding this deficiency in open spaces and requested to condone the same.

**A) Hardship:**

In this case, the construction of the building is already completed on site as per the C.C. granted in consonance with DCR 1991. However, due to proposing additional FSI the open spaces are taken as per DCPR 2034 from edge of the cantilever.

**B) Health Safety:**

Owner has appointed licensed plumber to supervise and carry out the drainage work. The drainage work will be carried out as per provision of drainage and sanitary code. Further, the completion certificate of drainage arrangement will be submitted before requesting Occupation permissions to the bldg. under reference by verifying that conveyance of foul/waste is achieved speedily and effectively without risk of nuisance to the health of the occupants of the bldg. and neighborhood.

Moreover, effective disposal of rain water will be achieved as per consultant remarks obtained and by providing paving around the bldg. with slope, so that there will not be any water logging S.W.D. completion certificate will be submitted before Occupation certificate.

In view of providing above arrangement, it is felt that due care will be taken towards the health safety of the occupants & neighborhood.

**C) Fire Safety:**

The CFO NOC for the proposed bldg. is submitted online for a building ht. of 24.85mt. The Owner/Developer has to fulfill the requirement of C.F.O. N.O.C. from the safety point of view and Completion Certificate from C.F.O. will be insisted before Occupation permission. Thus, safety of the inhabitable and

neighborhood from fire point of view will take care.

**D) Structural Safety:**

The proposed building under reference has been designed by Licensed Structural Engineer having registration with M.C.G.M. and the work will be carried out under his supervision. Also, a Structural Engineer's letter taking relevant I.S. code into consideration and provision for seismic forces for earthquake resistance is attached in console. The stability Certificate from registered structural Engineer will be taken at Plinth completion and O.C.C. stage. Thus, the structural stability of the building and safety of inhabitants of building and neighborhood is not likely to be affected.

**E) Neighborhood Safety (Plan attached in additional document)**

From the location plan attached in additional documents, it can be seen that the building under reference is abutting 27.45mt Road on West side and Existing 13.40mts wide road on East side of the plot.

Description:	Bldg. Ht. In mts	O.S. for L/V In mts	O.S. for D/W In mts
On East side	Existing 13.40mt wide road	--	--
On West side	Existing 42.50mt wide road	--	--
On South	Existing bldg. with ground + seven upper floors (24 mtr)	6.00	3.60
On North	Existing bldg. with ground + one (7.5 mtr)	3.60	3.60

Side	J.O.S. reqd. in mts.	J.O.S. Prop. in mts.	Def. in mts.	Def. %	Remarks
North	3.60 + 6.21 =9.81	3.60 + 3.87 = 7.47	2.34	23.85	
South	3.60 + 6.21 =9.81	3.60 + 3.80 =7.40	2.41	24.56	

<b>Comments by Asstt.Eng.(B.P.)City</b>			
A condition will be incorporated in IOD to submit reg. undertaking from the owner will not object the development of the adjoining plots in future. By providing this arrangement, the safety of the inhabitant & neighborhood will not be affected.			
<b>Comments by Ex.Eng.(B.P.)City</b>			
In view of above, Ch. E. Eng. (D.P.)/Hon'ble M.C.'s approval is requested to condone deficiency in open space for full FSI to the tune of 41.38% for L/V & to the tune of 24.56% for JOS as per Reg. No. 41 of DCPR 2034 by charging premium as per policy due to hardship, planning constraints and as per Reg. No. 6(b) of DCPR 2034.			
<b>2.</b>	<b>To allow addition and alteration work within the plinth area/building line and within the approved Height of the building as per the OCC granted and by claiming the elevation features already merged to be counted in FSI as per policy.</b>	Reg. 9 (6)(a) and 6(b) of DCPR 2034	Ch.Eng.(D.P.)/Hon'ble M.C.
<b>Justification by Architect</b>			
<p>The work of all the internal changes have been incorporated in the plan and accordingly the work is completed on site. There are changes in the internal layouts of the approved with regards to the OCC granted further there are certain encroachments of elevation features in the building which are earlier approved free of FSI and now are merged with the habitable floor. The same needs to be proposed as per provisions circular u/no. CHE/DP/110/GEN dt. 2019-20 (C-13) by counting the same in FSI and paying premium/ charges as applicable as per policy circular u/no. Ch.E./D.P./004477/Gen. dt. 12.05.2021.</p> <p>Further, the L.S. has represented that,</p> <p>1.) The said property comprising of basement for parking + stilt for parking + 1 to 6th residential floors + 7th floor (pt.) for utilities was constructed by utilizing plot</p>			

potential to the tune of 1.33 FSI and staircase, lift & lift lobby free of FSI were approved as per the provisions of DCR 1991 and OCC for the same was granted on 27/09/2001.

2.) Thereafter, the said property was purchased by Shri Ghanshyambhai Dholakia, Managing Director of M/s. Hari Krishna Exports Pvt. Ltd. ("Owner") for his personal use.

3.) The owner of the said property carried out certain repair/renovation/ alteration in the existing building (within the existing plinth of the original structure) as it stood.

4.) The said property falls in CRZ-II as per CZMP plan and it is on the land ward side of the Existing Road (Khan Abdul Gaffar Khan Road, Worli). Further to state that as per the CRZ Notification 2019, development will be permitted in CRZ -II with the FSI/FAR governed by the local Regulations as on the date of notification i.e. 18/01/2019.

5.) (i) The repair/ renovation/ alteration carried out is differently oriented to the plot than what was earlier existing at site but does not exceed the existing plinth area of the said existing building.

(ii) The existing structure has not been demolished by the Owner, and no new structure has been constructed but only ornamental projections have been added to the existing structure within the meaning of repair/ renovation/alteration and within the existing plinth area.

(iii) Since the repair/renovation/alteration is within the existing plinth area, change in FSI due to ornamental projections as per applicable DCPR which otherwise do not harm the environment, require no CRZ Clearance from Maharashtra Coastal Zone Management Authority ("MCZMA").

(iv) The same is fortified by the Hon'ble Bombay High Court in Theodore Fernandes & Anr. v. State of Goa & Ors., 2020 (1) Mh. L.J 235 (Para No. 13-18, page 24).

(v) Therefore, the repair/renovation/ alteration of the said Existing Building has not resulted in any change from CRZ point of view and is permissible subject to the approval of the Competent Authority, i.e., MCGM as well as MCZMA in accordance with the applicable laws, including DCPR 2034 and CRZ Notification 2019.

However, in the event any construction was undertaken beyond the approved plan (outside the existing plinth line), such unauthorized construction shall be liable for demolition and may be proposed as a Fresh Proposal for future approval subject to MCGM and MCZMA.

The work has been undertaken within the existing plinth area and within the existing approved building height and now, we are submitting the proposal (within the existing plinth line) to count all the area covered under elevation features, basement part and in the stilt (i.e. ground floor), which were earlier given free of FSI as per the then Regulation, Now requesting the same to be approved under the provisions of 9 (6) (a) of DCPR 2034.

<b>Comments by Asstt.Eng.(B.P.)City</b>		
In view of L.S.'s representation and as per provisions in circular u/no. CHE/DP/110/GEN dt. 2019-20 (C-13) Ch.E.(D.P.)/ Hon'ble M.C.'s approval is requested to allow addition and alteration work already carried out within the plinth area/building line and within the approved height of the building as per the OCC granted and by claiming the elevation features already merged to be counted in FSI as per policy and paying premium/charges as applicable as per policy circular u/no. Ch.E./D.P./004477/Gen. dt. 12.05.2021.		
<b>Comments by Ex.Eng.(B.P.)City</b>		
Ch.E.(D.P.)/ Hon'ble M.C.'s approval is requested to allow addition and alteration work already carried out within the plinth area/building line and within the approved height of the building as per the OCC granted and by claiming the elevation features already merged to be counted in FSI as per policy and paying premium/charges as applicable as per policy circular u/no. Ch.E./D.P./004477/Gen. dt. 12.05.2021.		
<b>3.</b>	<b>To condone width of Staircase by charging premium as per Policy.</b>	Ch.Eng.(D.P.)/Hon'ble M.C.
<b>Justification by Architect</b>		
The proposal is to convert the existing building as per the provision of 9(6) A in toto as per the provisions of Regulation of DCPR 2034. The building was granted occupation as per the provisions of Stringent of DCR 1967 & 1991 wherein the width of staircase required was 1.20 mts for a low rise residential building. However, now as per the provisions of DCPR 2034 min width of staircase required is 1.50 mts since the proposal is submitted to convert in toto as per the provision of DCPR 2034. Since the building is already constructed and occupied by the single occupant and by charging premium as per policy.		
<b>Comments by Asstt.Eng.(B.P.)City</b>		
As per the provisions of DCPR 2034 min width of staircase required is 1.50 mts. Since the proposal is submitted to convert in toto as per the provision of DCPR 2034. Since the building is already constructed and occupied by the single occupant and by charging premium as per policy, Ch.E.(D.P.)/ Hon'ble M.C.'s		

	approval is requested to condone the width of the staircase due to the hardship mentioned above, as per the provision of 6 (b) of DCPR 2034 and by charging premium as per policy.	
	<b>Comments by Ex.Eng.(B.P.)City</b>	
	In view of the above, Ch.E.(D.P.)/ Hon'ble M.C. is requested to condone the width of the staircase due to the hardship mentioned above as per the provision of 6 (b) of DCPR 2034 and by charging premium as per policy.	
<b>4.</b>	<b>To condone requirement of Space for Substation.</b>	Ch.Eng.(D.P.)/Hon'ble M.C.
	<b>Justification by Architect</b>	
	<p>The proposal is to convert the existing building as per the provision of 9(6) A in toto as per the provisions of Regulation of DCPR 2034. The building was granted occupation as per the provisions of Stringent of DCR 1967 &amp; 1991. Wherein as per the approved plans no provisions of space for substation were provided and OCC for the same was granted However now as per the provisions of regulation 28 of DCPR 2034 space for substation for a maximum area of 40 sqmts (single transformer of 12.0 X 5.50 mts) is required to be provided for plots above 1000 sqmts up to 2000 sqmts, the plot under reference is 1349.51 sq mts hence the same is required to be provided. Since the proposal is submitted to convert in toto as per the provision of DCPR 2034 and since the building is already constructed and occupied by the single occupant the requirement of the space for substation need to be condoned subject to obtaining necessary NOC from the Electric supply company before amendment of plans.</p>	
	<b>Comments by Asstt.Eng.(B.P.)City</b>	
	Proposal is submitted to convert in toto as per the provision of DCPR 2034 and since the building is already constructed and occupied by the single occupant the requirement of the space for substation need to be condoned subject to obtaining necessary NOC from the Electric supply company before amendment of plans.	
	<b>Comments by Ex.Eng.(B.P.)City</b>	
	In view of the above, Ch.E.(D.P.)/ Hon'ble M.C. is requested to condone the requirement of provision of space for substation subject to obtaining the required NOC from Electric suppliers due to the hardship mention above as per the	

	provision of 6 (b) of DCPR 2034.	
<b>5.</b>	<b>To allow permissible Fungible FSI to the tune of 35% for residential user</b>	Ch.Eng.(D.P.)/Hon'ble M.C.
<b>Justification by Architect</b>		
<p>As per Regulation 31(3) of DCPR 2034, 'Notwithstanding anything contained in the D.C. Regulations 30, 32 &amp; 33, the Commissioner may, by special permission, permit fungible compensatory FSI, not exceeding 35% for residential /Industrial/Commercial development, over and above admissible FSI/BUA, by charging a premium at the rate of 50% for Residential and 60% for Industrial and Commercial development of ASR (for FSI 1)'.</p> <p>In this case, we have submitted proposal for addition and alteration to the existing building by converting the entire proposal in toto as per the provision of 9(6)A of DCPR 2034 by counting the elevation features into FSI as per the balance available FSI as road width as per the provisions of regulation 30 table 12 of DCPR 2034.</p> <p>The Maximum permissible FSI as per the regulation 30 table 12 of DCPR 2034 is 3.00 for the plot under reference.</p> <p>Area of Plot = 1349.51 sqmts  Permissible FSI = 3.00 FSI  Permissible BUA = 1349.51 x 3.00 = 4048.53sqmts.  Permissible fungible FSI= 4048.53 x 35% = 1416.98 sqmts.</p>		
<b>Comments by Asstt.Eng.(B.P.)City</b>		
<p>As per the provision of 9(6)A of DCPR 2034 by counting the elevation features into FSI as per the balance available FSI as road width as per the provisions of regulation 30 table 12 of DCPR 2034.</p> <p>The Maximum permissible FSI as per the regulation 30 table 12 of DCPR 2034 is 3.00 for the plot under reference.</p> <p>Area of Plot = 1349.51 sqmts  Permissible FSI = 3.00 FSI  Permissible BUA = 1349.51 x 3.00 = 4048.53 sqmts.</p>		

	Permissible fungible FSI= 4048.53 x 35% = 1416.98 sqmts.	
	<b>Comments by Ex.Eng.(B.P.)City</b>	
	In view of the above, Ch.E.(D.P.)/ Hon'ble M.C. is requested to allow permissible fungible B.U.A. to the extent of 1416.98 sq.mt. by charging premium as per provisions of Reg.31(3) of DCPR 2034 (i.e. 50% of ready reckoner rate for residential user).	
<b>6.</b>	<b>To allow elevation features in the building.</b>	Ch.Eng.(D.P.)/Hon'ble M.C.
	<b>Justification by LS</b>	
	<p>L.S. has proposed following elevation features as shown on plans for consideration:</p> <ul style="list-style-type: none"> <li>➤ Elevation features in the form of vertical bands of 0.60 Mt. wide on external face of the building maximum upto 1.20 Mt. depth is proposed and is permissible as per recent circular u/no. CHE /D.P./18005/Gen. dtd: 31/10/2023 &amp; as per C - 10 policy circular u/no. ChE/ DP/ 110/ Gen. Dtd. 30.01.2020.</li> <li>➤ We have proposed vertical fins over chajjas upto which is permissible as per Reg. 42(ii)(e)(i) &amp; 42(ii)(e)(ii) of DCPR 2034.</li> <li>➤ We have proposed parapet wall on terrace floor with height up to 1.50 Mt. The same is allowed as per provision of C-10 policy circular u/no. Ch.E./DP/110/Gen. Dtd.30.01.2020.</li> <li>➤ Outdoor unit platforms in service ducts/chajja with vertical fins as per circular C-10 (2)(F).</li> <li>➤ Vertical fins as per 31(1)(xii) read with 42(ii)(e)(i).</li> <li>➤ Elevation features in the form of dry glassing and alcove bonds to enhance the surface the building as per policy circular.</li> </ul> <p>Necessary undertaking for not misusing the elevation features in any manner will be insisted by the owner before asking C.C. to the proposal under reference.</p>	
	<b>Comments by Asstt.Eng.(B.P.)City</b>	
	In view of above justification and request by L.S. in his indicative report, approval of Ch.Eng.(D.P.)/ Hon'ble M.C. is requested to allow elevational features free of FSI in form as per the circular u/no. CHE/DP/30449/GEN/ dtd. 03/01/2017& C/10 of CHE/DP/110/GEN & C-10A CHE /D.P./18005/Gen dated: 31/10/2023 subject	

	to registered undertaking from the owner for not misusing the same as per Reg. no. 6(b) of DCPR 2034.
	<b>Comments by Ex.Eng.(B.P.)City</b>
	As per representation & justification of L.S. & A.E.(B.P.)'s comments as above, submitted for approval of Ch.Eng(D.P.)/Hon'ble M.C. to allow elevational features free of FSI in form as per the circular u/no. CHE/DP/30449/GEN/ dtd. 03/01/2017& C/10 of CHE/DP/110/GEN & C-10A CHE /D.P./18005/Gen dated: 31/10/2023 subject to registered undertaking from the owner for not misusing the same as per Reg. no. 6(b) of DCPR 2034.

**In view of above, CH.Eng.(D.P.)/Hona'ble M.C.'s approval is requested:**

1. To condone Open space deficiency by charging premium as per Reg 6(b) of DCPR 2034.
2. To allow addition and alteration work already carried out within the plinth area/building line and within the approved height of the building as per the OCC granted and by claiming the elevation features already merged to be counted in FSI as per policy and paying premium/charges as applicable as per policy circular u/no. Ch.E./D.P./004477/Gen. dt. 12.05.2021.
3. To condone width of staircase by charging premium as per policy.
4. To condone Requirement of space for Substation.
5. To allow permissible Fungible FSI to the tune of 35% for residential user.
6. To allow elevation features in the building as per policy.

NAKUL  
MANOH  
AR PATIL

**A.E. (BP)City -VI**

RAJESH  
SANTOS  
HKUMAR  
DHOLAY

**Ex.Eng.(BP) City -I**

**Dy. Ch. Eng.(B.P.)City**

**Ch. Eng.(D.P.)**

**Hon'ble M.C.**

Sir,





## BRIHANMUMBAI MUNICIPAL CORPORATION

Notesheet

**Application Number :** P-16330/2023/  
(730)/G/South/WORLI/342/1/Ne  
w

**Ward Name :** G/South

**Zone Name :** City

**Inward Date :** 07 Apr 2023

**Architect/LE/SE Name :** JINISH NARENDRA SONI

**Issued On :** 26 Mar 2026

**Authority Remark:**

Approved as proposed by ChE (DP) except Sr No 2, which shall be decided by EE BP as per the provisions of regulation/ Policies

