

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE**

Appeal No. 43 of 2022 (WZ)

Balaji Tirupati Cinemas Appellant

Vs.

MCZMA & Anr Respondents

**ADDITIONAL COMPILATION OF DOCUMENTS ON
BEHALF OF RESPONDENT NO. 2 MCGM**

Sr. No.	Particulars	Page No.
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3	MCGM Office Memorandum dated 23/11/2022 stating that circular dated 01/03/2019 is put on hold and taking action to clear all temporary structures	9

Pune

Date: 28/03/2023


Adv. For R-2 MCGM

CIRCULAR

MUNICIPAL CORPORATION OF GREATER MUMBAI
No. SL/29575/Advt. dated 01.03.2019

CIRCULAR

Sub:- Grant of Film Shooting Permission – with and without Construction of temporary/ semi-permanent structures within the MCGM Ward Jurisdiction.

Ref:- M.C.'s approval U/no MGC/F/8325 dt. 10.05.2019

As per Hon'ble M.C.'s approval vide no MGC/F/8325 dt. 10.05.2019, following guidelines and conditions are being laid down for Grant of Film Shooting Permission – with and without construction of temporary/ semi-permanent structures within the MCGM Ward Jurisdiction. The temporary/semi-permanent structures thus constructed shall be used for Shooting cinemas, Tele-serials, drama, advertisement, documentaries and similar activities only.

Shooting for Film/ T.V./ advertisements and processing of cinematograph films is a licensable activity u/s 394 of the M.M.C. Act 1888 and figures in the Part IV of Schedule 'M' which reads as: "Shooting and processing of cinematograph films (in a studio or laboratory) or any other places". Since the temporary permissions are decentralised and issued at ward level, D.M.C. Special would be the reviewing authority for issuance of Film Shooting permissions. Provisions for issuing the permissions are as follows:

1. As per Govt. Resolution under no.गोचिन 2016/प्र.क्र.189/सां.का-1 dt. 22.05.2018, regarding shooting permission for film, TV Serial, advertisement and documentaries, the permissions are being granted without considering land reservation, on similar lines permissions are proposed to be granted by MCGM. As per GR provisions, permissions at government locations would be granted through State Single Window.
2. The MCGM already grants temporary film shooting permission on MCGM, Municipal premises such as open ground, roads, schools, garden, cemeteries, market etc (vide no. अ. अ/ ओडी/ १७०/ आ.जा. दि. 16.10.2015) but not on private premises. Therefore, such shooting permission with temporary, semi-temporary structures are allowed.
3. It is mandatory for premises owner to obtain permanent trade licence under section 394 of MMC Act 1888, where continuous shooting activity is being carried out. Licensed indoor locations need not have to take permission for every shooting, if no extra temporary structure is erected.

4. The Assistant Commissioner (ward) is designated as the Nodal Agency For implementation of this policy in respective ward jurisdiction.

5. The shooting permission at all private venues shall be dealt by A.E. (B & F) office. Maintenance department shall deal the shooting permission at all Municipal venues. All the shooting locations may be categorised under following broad categories:-

I) PRIVATE INDOOR VENUES WITH PERMANENT STRUCTURES

a) Private indoor venues need to have permanent Trade License u/s 394 of MMC Act 1888 from MCGM License department. Licensed indoor venues shall not be required to have permission for every shooting.

b) i) Such locations need to obtain permission for specific cases at ward level wherever there are temporary internal changes and erection of additional temporary structure is involved.

ii) The owner/occupier shall obtain trade licence under section 394 of MMC Act and additionally shall only pay charges of ₹66 per sq.mtr. of BUA upto 50 sq. mtr. and if it is beyond 50 sq. mtr. then proceed as per category IV below.

II) PRIVATE INDOOR VENUES WITH BASIC PERMANENT STRUCTURES AND TEMPORARY STRUCTURES ON PER CASE BASIS.

a. As per I) – b)

III) PRIVATE OUTDOOR LOCATION WITH NO TEMPORARY STRUCTURES (Open to Sky locations)

a. Private outdoor locations need to have permanent Trade License u/s 394 of MMC Act 1888 from MCGM License department.

IV) PRIVATE OUTDOOR LOCATION WITH TEMPORARY STRUCTURES

a. As per III) – a)

b. Proposals may be scrutinized by recovering regular scrutiny fee for commercial user i.e. ₹66/- per Sq.mt. of BUA.

c. The temporary permission may be issued on a half-yearly basis at par with the regular commercial user, by recovering revalidation charges (₹15000/- lump sum), till its demolition.

d. Temporary permissions charges may be accepted at par with labour hutment camp, site office, etc.i.e.at the rate of ₹425/- per Sq.mt.as per circular under no. ChE/23087/DP dt. 20.01.2012.

e. The applicant shall submit the application along with plans showing the

proposed temporary structure for permission/approval to the concerned Asstt. Commissioner through an Architect/Licensed Surveyor only, along with an appointment letter. The Architect/Licensed Surveyor shall sign the plans.

- a. The applicant is required to obtain permission every time, if there is change in structure / set at the same premises.
- f. The film-shooting site shall adhere to guidelines of C.F.O. remarks.

V) MCGM INDOOR & OUTDOOR LOCATION WITHOUT TEMPORARY STRUCTURE

- a. With fix set of fixtures - Permission to be granted through ward one window as per circular issued vide no. अ.अ/ओडी/१७०/आ.जा/ dated 16.10.2015
- b. With additional furniture and fixtures (other than the film shooting equipment's) by the applicant - extra fee/ user charges to be charged @10% of the shooting charges.
- c. Shooting at Municipal Hospitals is not be allowed.

VI) MCGM OUTDOOR LOCATION WITH TEMPORARY STRUCTURE

- a. Permission for temporary structure by Asst. Commissioner ward as per remarks from AE (Maintenance).
 - b. Film shooting permission as per V) a. above
6. The one time permission for the temporary structure shall be for 15 days, 30 days, 60 days, 90 days, 120 days & 180 days and which can be extended for period of 15 days, 30 days, 60 days & 90 days, which must not be more than total 180 days.
 7. If "diesel generator sets"/Power vans area used on the film sets, than necessary permissions from Public Works Dept (PWD) or the competent authority, as the case may be, shall be procured and validated by the applicant.
 8. Architect/Licensed Surveyor to take adequate measures and ensure that fire hazardous materials or materials with low ignition point are not used for construction purpose on open studios.
 9. The Applicant shall provide fire alarms/portable voice alert system i.e. Announcement system along with connectivity by way of hotline with each temporary pitch/semi-permanent structure on the Film Shooting sets with the Central Administrative office as well as nearest fire station in addition to the other safety measures as directed by the C.F.O.

10. The applicant along-with the application indemnifying MCGM and staff from the and responsibilities, if any, arising due to any untoward incident/accidents on the film sets shall submit an "Indemnity Bond".
11. An "Undertaking" on ₹ ____/- stamp paper shall be insisted from the applicant along-with the application duly signed and specifying that the authorised signatory shall be held responsible in case any violations of NOC's /permission conditions are found. The name, contact number, email-id of the applicant shall be mentioned in the said undertaking such that responsibility can be fixed and necessary penalties/fines can be imposed and recovered from the applicants.
12. The permissions shall be issued within two working days from the date of submission of duly completed application, if no temporary structure is involved.
13. Wherever temporary structure is involved, permission for the same shall be issued through ward office as below:
- Such permissions shall be issued within 15 days from the date of application and shall be issued in the form of permission letter and plans. The Ex. Engineer of Ward is technical authority to decide such application. If application found in order then permission letter shall be issued. The permission letter shall incorporate various applicable conditions as per prevailing policies and guidelines under the stamp and signature of Asstt. Commissioner of respective ward.
 - Wherever C.F.O. permission is required, the applicant can submit the Fire Compliance certificate from the registered agency under Maharashtra Fire and Life Safety Act along with the application in line with the fire safety guidelines.
 - Completion Certificate from licensed site supervision and structural stability certificate from licensed structural engineer shall be submitted on completion of the work as per permission, in compliance with the conditions as stipulated in the Fire compliance certificate. Completion Certificate for the temporary work by the Architect/Licensed Surveyor, to be submitted before the shooting.
14. If any conditions of permission are violated, the said permission stands revoke & the temporary, semi temporary structure erected will be demolished at the risk & cost of applicant without any further intimation.

15. Following

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15. Following procedure for shooting permission will be as follows:-

- a. Submission of application along with supporting documents,
- b. Processing of application through Ward One Window,
- c. Intimation of charges/ fee to the applicant, as per current rates,
- d. Issuance of permission/ NOC after payment by the applicant.

16. Provision for 10% increase in the Film Shooting fee/ charges as per circular vide no. प्र.ले /एफआरएम/३० दि. १८.०१.२०१६ to be adopted in the approved fee schedule.

17. The concerned Assistant Commissioner and subordinate staff shall follow the above instructions scrupulously at the time of grant of Film Shooting Permissions with immediate effect.

Sd/- 01.03.2019
Shri. Sharad Bande
Sup. License

Sd/- 25.02.2019
Shashi Bala
Chief – Business Development

Sd/- 05.03.2019
Shri. Sanjog S. Kabre
Asst. Commissioner P/N

Sd/ 14.03.2019
Shri. Vijay Balamwar
D.M.C. Special

Sd/- 25.03.2019
Shri. Kiran Achrekar,
Jt. M.C. (Zone – IV)

Sd/- 03.04.2019
Shri. Vijay Singhal,
A.M.C. (E.S.)

Sd/- 30.04.2019
Dr. Ashwini Joshi,
A.M.C. (W.S.)

- iii. cinema, public concert hall, drama theatre, auditorium, sports complex, sports facility, theatre for cultural activities.
- iv. public hall, welfare centre, exhibition hall, Museum or any other place of assembly.
- v. hospital, maternity home etc. or any other place of medical facility.
- vi. market, shopping centre, departmental store or mall with or without multiplex or any other place of retail and wholesale merchandise.
- vii. railway station, metro/mono rail station, bus station, airport or any other public transport terminal.
- viii. public or private hospital
 - (l) "Residential building" means a building in which sleeping accommodation is provided for normal residential purposes, with or without cooking or dining facilities, and includes one or more family dwellings, lodging or rooming houses, hostels, dormitories, apartment houses, flats, and private garages of such buildings. (m) "Semi-detached building" means a building detached on three sides. (n) "Special building" means-
 - (i) a building solely used for the purpose of a drama or cinema theatre, a drive-in-theatre, an assembly hall or auditorium, an exhibition hall, theatre museum, a stadium, a "Mangal Karyalaya", exceeding built-up area of 1000 sq. m or where the built-up area of such a user exceeds 1000 sq. m in the case of mixed occupancies;
 - (ii) an industrial building;
 - (iii) a hazardous building;
 - (iv) a building of wholesale establishment;
 - (v) Educational, Institutional and residential hotel building or centrally air-conditioned building which exceeds
 - (a) 15m in height, or
 - (b) a total built-up area of 1000 sq. m.
 - (o) "Storage building" means a building or part thereof used primarily for storage or shelter of goods, wares or merchandise, warehouse, cold storage, freight depot, transit shed, store house, public garage hangar, truck terminal, grain elevator and barn.
 - (p) "Temporary Building/structure" means any building/structure of whatever size and of whatever material which the Commissioner has allowed to be built as a temporary measure in accordance with Regulation No 57.
 - (q) "Unsafe building" means a building which-
 - (i) is structurally unsafe,
 - (ii) is insanitary,
 - (iii) is not provided with adequate means of egress,
 - (iv) constitutes a fire hazard,
 - (v) is dangerous to human life,
 - (vi) in relation to its existing use, constitutes a hazard to safety or health or public welfare by reasons of inadequate maintenance, dilapidation or abandonment.

PART XI MISCELLANEOUS PROVISIONS

57. Temporary Constructions

The Commissioner may grant permission for temporary construction of a period not exceeding six month at a time and in the aggregate, not exceeding a period of three years. Such permission may be given by him for the construction of the following, namely:

- (i) Structures for protection from the rain or covering of the terraces during the monsoon only;
- (ii) Pandals for fairs, ceremonies, religious functions, circus, jatra, folk dance etc;
- (iii) Structures for godowns/storage of construction materials within the site;
- (iv) Temporary site offices and watchmen chowkies and labourer hutments with crèche, sales office/sample or show flat within the site only during the phase of construction of the main building;
- (v) Structure for exhibitions/circuses, etc.;
- (vi) For factories in industrial lands, structures within the site for storage of machinery before installation;
- (vii) Structures for ancillary works for quarrying operations in conforming zones;
- (viii) Milk booths and telephone booths;
- (ix) Transit accommodation for persons to be rehabilitated in a new construction;
- (x) Structures for educational and medical facilities within the site of the proposed building during the phase of planning and constructing the said permanent buildings;
- (xi) On site, Ready Mix Concrete (RMC) plant for the use at site under development/construction.
- (xii) Provided that temporary construction for structures, etc. mentioned at (iii), (iv), (vi), (ix), (x) and (xi) maybe permitted to be continued temporarily by the Commissioner but in any case, not beyond completion of construction of the main structure or building, and that structure in (viii) may be continued on annual renewable basis by the Commissioner beyond a period of three years.

BRIHANMUMBAI MUNICIPAL CORPORATION

AMC/City/77/CONF

23 NOV 2022

Sub: To conduct enquiry regarding unauthorized construction of Studios at Madh-Marve, Erangal, Bhati, Malad.

Please refer to the remarks of the Hon'ble Municipal Commissioner at Pg.N-41.
Following are the observations:-

1. The Enquiry Officer has given detailed report of his findings. (Kindly refer to pages N-1 to N-4.
2. The Disciplinary action as recommended by Enquiry Officer against the concerned Officers may be initiated through Ch. Officer (Enquiry).
3. Since, there are some inconsistencies pointed out by Enquiry Officer in Circular dt.01.03.2019, all such permissions issued under said Circular may be put on hold immediately. Further, necessary action may be taken to clear all such temporary structures which are still in existence by following due process of law and no further permission shall be given till further orders.

Sharma

Addl. Municipal Commissioner (City)

AMC/C/62/CONF
12/12/2022

Hon'ble Municipal Commissioner

Sir,

- As proposed.
- DMC (Spl) to monitor the implementation of recommendations.
- Report by 1/1-23

AMC/C/62/CONF