

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

ORIGINAL APPLICATION NO. 31/2015(WZ)

Chetak Co-operative Housing Society Ltd.Applicant

Versus

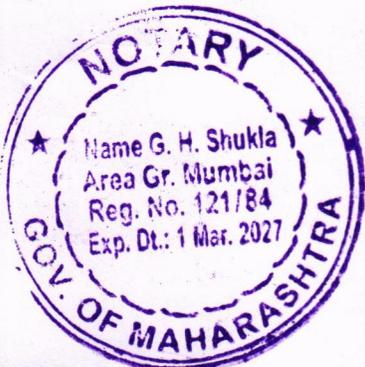
State of Maharashtra & Ors.Respondent(s)

Sr. No.	Particulars	Page No.
1.	Affidavit in Reply	
2.	<u>Exhibit A (Colly)</u> Copy of application of M/s. of ARS Consultants.	
3.	<u>Exhibit B(Colly)</u> Copy of Consent Terms filed before the Hon'ble Bombay High Court	
4.	<u>Exhibit - C(Colly)</u> Copy of of approval of concessions.	
5.	<u>Exhibit D</u> Copy of copy of Commencement Certificate.	
6.	<u>Exhibit E</u> Copy of letter dated 15.11.2017 of MoEF.	
	<u>Last Page</u>	

Date: 15/4/24

Place: Mumbai


Advocate Respondent No. 12



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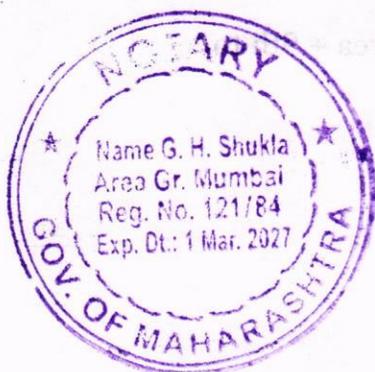
Chetak Co-operative Housing Society Ltd.Applicant

Versus

State of Maharashtra & Ors.Respondent(s)

**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.12
- BMC IS AS UNDER:**

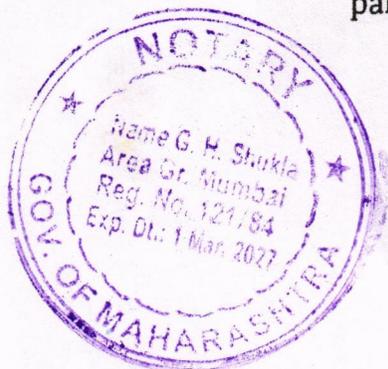
I, Shri Suresh M. Ahuja; Occupation - Service working as Assistant Engineer with Brihanmumbai Municipal Corporation - BMC, the Respondent No. 12, having office at Dy. Chief Engineer, (Building Proposal), Western Suburbs-I, Hindurhidaya Samrat Balasaheb Thackrey Municipal Market Building, 7th Floor, Vrindavan- 3, MMRDA Colony, Poonam Nagar, Off JVLR, Jogeshwari (E), Mumbai-



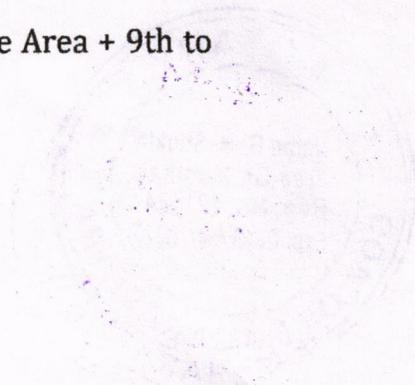
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400 093; do hereby state on solemn affirmation as under as per available records with the office:-

1. I say that, I have perused the copy of the application and compilation filed by the applicant and I have also perused the office records. I have made myself conversant with the facts of the case and am able to depose on behalf of the Respondent No.12. I am filing this affidavit in reply thereto as per available document.
2. At the outset, I deny each and every contention, averment, submission which is contrary to what is stated herein below and the averments, contentions, submissions which are not specifically denied shall not be deemed to be admitted by reason of non-traverse.
3. I say and submit that; In this case, a proposal was submitted by licensed surveyor Shri. Sailesh Upshyam of M/s. of ARS Consultants on 06.02.2006 on behalf of his client i.e. M/s. Sandhu Developers.
4. The said proposal was scrutinized and the IOD was granted on 24.02.2006 for proposed building comprising of Basement for car parking + Stilt + 7 upper floors + 8th Floor as Refuge Area + 9th to



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13th Floor in lieu of balance plot potential + admissible TDR by counting Staircase + Lift Lobby area into FSI and by demolishing two number of structures namely Poonam Bungalow (Ground Floor) and NGA Bungalow (Ground + 1 upper storied) thereby retaining the remaining structures on the plot under reference in the said application. **Hereto annexed and marked as Exhibit 'A' is the copy of application.**

5. The I.O.D. was granted in favour of M/s. Sandhu Builders, C.A. (Constitution Authority) to Chetak CHS Ltd.; during the said I.O.D. report, another document mainly the consent terms and the power of attorney granted by the members of the Chetak CHS Ltd. in favour of M/s. Sandhu Builder; it was pointed out to arrive at a permissible built-up area.
6. Further it was informed by the developer to office Respondent No. 12 i.e. BMC; that ownership of the entire plot is vested with Chetak CHS Ltd.

As per the said letter, the developer has stated on Stamp Paper of Rs.300/- that the



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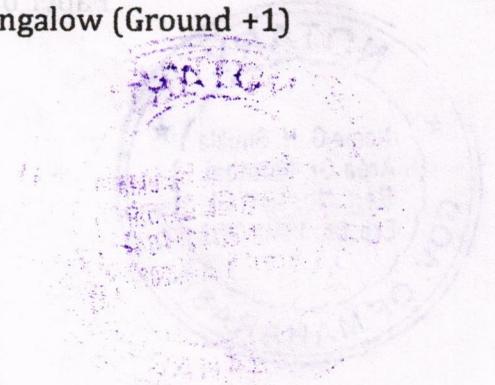
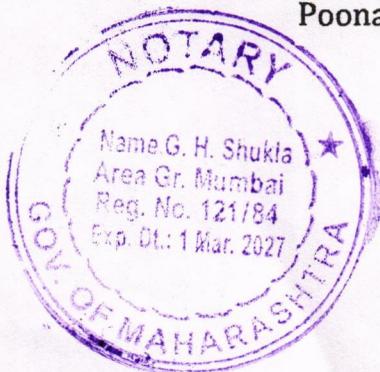
a) NGA and Poonam (i.e. existing bungalows on plot under reference) are allowed to demolish original bungalows and load TDR available on the entire plot owned by Chetak CHS.

b) Chetak CHS granted NOC to M/s. Sandhu Builders to load TDR available on the entire plot owned by Chetak.

c) NGA and Poonam have granted development Rights to Sandhu Builders.

d) The above compromise was reached after filling the Writ Petition and Consent Terms before the Hon'ble Bombay High Court. **Hereto annexed and marked as Exhibit 'B' is the copy of letter.**

7. On perusing the consent terms and registered POA and the Deed of Rectification which was subsequently executed, the IOD was granted on 24.2.2006 for proposed area 10439.53 sqm. and existing area admeasuring to 9222.88 sqm. for building comprising of basement for car parking + Stilt + 7 upper floors + 8th Floor Refuge Area + 9th to 13th floor in lieu of balance plot potential + admissible TDR by counting Staircase + Lift + Lift Lobby area into FSI and by demolishing two number of structures namely Poonam Bungalow (Ground Floor) and NGA Bungalow (Ground +1)

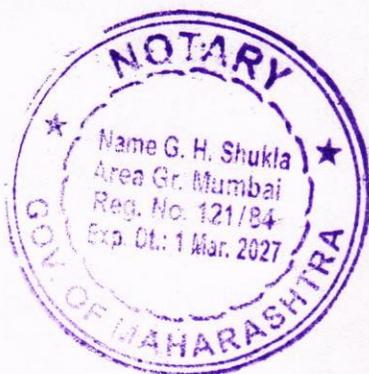


thereby retaining the remaining structures on the Plot under reference. The plans were restricted to 0.75 FSI as the PR cards in words were not submitted then.

8. The plinth C.C. was granted on 22.06.2006 up to top of basement as per I.O.D. Plans dated 24.02.2006 also various concessions involved in the proposal are already approved by the Competent authorities i.e. MCGM vide MCP/9158 dated 06.09.2008. **Hereto annexed and marked as Exhibit 'C' is the copy of approval of concessions.**

9. Further the amended Plans were approved on 03.10.2008 for proposed area 13571.51 sqm. By retaining existing BUA 9222.88 sqm. consisting of two level common Basement for car parking & Stilt for both wings + Wing A comprised of 1st to 19th upper floor + Wing B comprised of 1st to 5th upper floor in lieu of balance plot potential + admissible TDR by claiming Staircase + Lift + Lift Lobby area free of FSI.

10. Thereafter further CC was re-endorsed on 06.10.2008 upto top of basement as per amended plan dated 03.10.2008. Further CC was

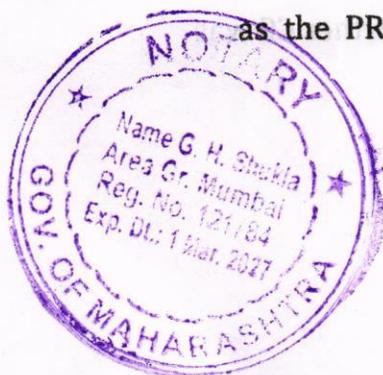


granted on 24.10.2008 up to the top of 3rd floor of Wing A as per amended plan dated 03.10.2008. Further CC was granted on 19.01.2009 up to the top of 6th floor of Wing A as per amended plan. dated 03.10.2008. Further CC was granted on 20.06.2009 up to the top of 14th floor of Wing A+ up to the top of 5th floor of Wing B as per amended plan dated 03.10.2008. **Hereto annexed and marked as Exhibit 'D' is the copy of Commencement Certificate.**

11. Meanwhile, the developer has appointed new architect Shri Vasant Thakur of M/s. Gajjar & Associates and he has submitted his supervision memo in the said proposal. Thereafter further CC was later granted on 15.10.2009 up to top of 15th floor of Wing A + up to top of 5th floor of Wing B as per A.P. dated 03.10.2008.

12. On resignation of earlier architect, another Architect Shri V. K. Chari of M/s. Chari Consultants has subsequently submitted his supervision memo in the said proposal on 19.01.2010.

13. I say and submit that; earlier, the plans were restricted to 0.75 FSI as the PR card in words was not submitted. Later, the architect



submitted a PR Card in words bearing CTS No.C/1382 with area correction on the higher side. The Architect has also submitted the Collector's order for area correction. Hereto annexed and marked as Exhibit 'E' is the copy of Collector's order.

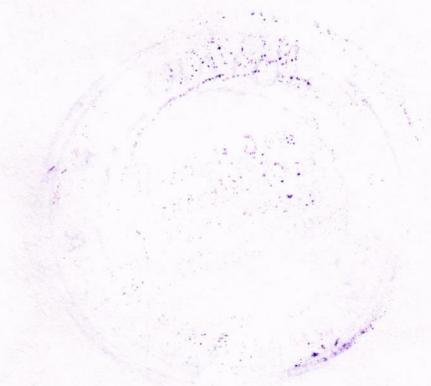
14. Later, amended plans were issued on 21.01.2010 for proposed area 13571.51 sqm. and existing area 9222.88 sqm. consisting of two level common Basement for car parking & stilt for both wings + Wing A comprised of 1st to 19th upper Floors + Wing B comprised of 1st to 5th upper Floors in lieu of plot potential + admissible TDR by claiming Staircase + Lift+ Lift Lobby area free of FSI for revised plot potential (i.e. For a total BUA of 22794.39 sqm).

15. I say and submit that full CC was granted on 22.01.2010 up to the top of the 19th floor of Wing A+ up to the top of 5th floor of wing B as per approved plan dated 21.01.2010.

16. I say and submit; further concessions involved in the proposal are approved by the competent authorities vide MCP/9585 dated 31.03.2010.



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17. Later, the amended plans were issued on 04.05.2010 for proposed area 13571.51 sqm. and existing area 9222.88 sqm. Consisting of two level common Basement for car parking & stilt for both wings wing A comprised of 1st to 19th upper floors Wing B comprised of 1st to 5th upper floors in lieu of plot potential admissible TDR by claiming staircase + Lift Lobby area free of FSI for revised plot potential.

18. Further full CC is now granted on 07.05.2010 up to the top of the 19th floor of Wing A + up to the top of the 5th floor of Wing B as per A.P. dated 04.05.2010. Hereto annexed and marked as Exhibit 'F' is the copy of approval of concessions.

19. Finally, the amended plans are issued on 11.05.2011 for proposed building consisting of two level common Basement for car parking & Stilt for both wings + Wing A comprised of 1st to 19th upper floors + Wing B comprised of 1st to 5th upper Floors in lieu of plot potential + admissible TDR by claiming Staircase + Lift+ Lift Lobby area free of FSI for revised plot potential. (i.e. For total BUA of 22794.39 sqm)



20. Accordingly, full C.C. up to top of 19th floor for Wing 'A' was re-
endorsed by the office of the present Respondent No. 12 on
18.05.2012. Further the Architect of developer has applied for
Occupation Permission on 23.03.2016. On receipt of application
from Architect, the office of the present Respondent No. 12 has
requested concerned Architect vide Building Completion Certificate
(B.C.C.) refusal letter dated 21.04.2016 to submit NOC from MOEF
for environment clearance. Hereto annexed and marked as Exhibit
'F' is the copy Building Completion Certificate (B.C.C.) refusal letter.

21. As per the notification of MOEF dated April 2011 the clarification
was sought by the applicant for the requirement of MOEF clearance
for BUA area larger than 20,000 sq.mt. L.S. has submitted copy of
letter from MOEF dated 15.11.2017 addressed to Hon'ble MC under
copy to M/s Sandhu Builders regarding applicability of MOEF
Notification SO (E) 695 dated 4.4.2011 clarifying the date of
applicability of MOEF clearance and further clarified that definition
of BUA area to be taken as per Building By-laws of DCR by the local
Authority for projects approved and sanctioned prior to 4.4.2011.



This has further been clarified by MOEF office memorandum dated 7.7.2017 and as in this case full CC up to full height is granted on 22.01.2010 for BUA of 13178.65 Sq. Mt. which is less than 20000 sq. Mt. Hereto annexed and marked as Exhibit 'E' is the copy of letter from MOEF dated 15.11.2017.

22. Accordingly, the concession was approved by the Hon'ble MC dated 09.08.2018 for relaxing the MOEF clearance for the project being BUA less than 20,000 sq.mt. Exhibit

23. On the submission of the environment clearance certificate dated 15.11.2017; a Part OCC issued on 09.10.2018 for Comprising of 1st & 2nd Basement for parking + Stilt and 1st floor to 18th floor for wing 'A' for residential floors. Chetak CHS Ltd challenged this part O.C.C. in Bombay high court. M/s Sandhu Builders also approached High Court apposing this for not taking any action against grant of O.C.C.

24. That Dy. Che (BP) WS-1 has also given hearing to the Chetak Society for their objections towards part OCC granted. Accordingly Dy. Che. (BP)WS-1 has given order dated 17/11/2018 as follows -



In this case, both the parties i.e. Chetak CHS Ltd. & M/s. Sandhu Builders have filed Writ petition in Bombay High Court challenging of grant of part OCC and restraining corporation from taking any action against grant of OCC respectively. Since the matter is subjudiced, Course the final course of action in this matter shall be decided by this office as per final court order in both the above mentioned writ petitions

25. The Respondent submits that the present respondent will abide by any directions of this Hon'ble Tribunal.

26. This Respondent craves leave to add, alter or amend the aforesaid averments as and when necessary.

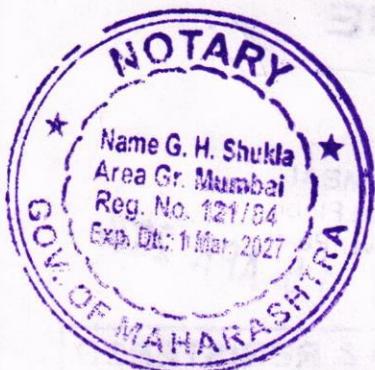
Date: 15/4/24

Place: Mumbai


Respondent No. 12

(MCGM)

VERIFICATION



I, Shri Suresh M. Ahuja; Occupation - Service working as Assistant Engineer with Brihanmumbai Municipal Corporation - BMC, the Respondent No. 12, having office at Dy. Chief Engineer, (Building Proposal), Western Suburbs-I, Hindurhidaya Samrat Balasaheb Thackrey Municipal Market Building, 7th Floor, Vrindavan- 3, MMRDA Colony, Poonam Nagar, Off JVLR, Jogeshwari (E), Mumbai- 400 093; do hereby take oath and state on solemn affirmation that what has been stated in the forgoing paragraphs is true to the best of my knowledge and I believe the same to be true.

Solemnly Affirmed at Mumbai)

SURESH M AHUJA
R: ECB.P.H/W

Dated this 15th Day of April, 2024)

Deponent

Deponent

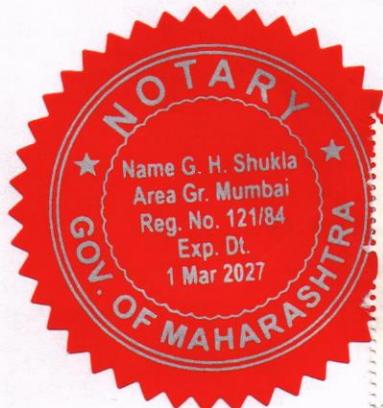
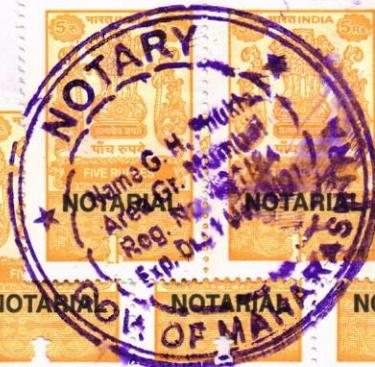
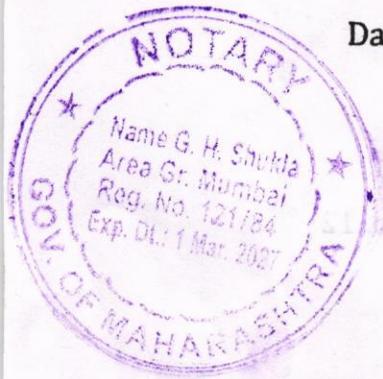
I know and identify the Deponent

BEFORE ME

G. H. SHUKLA
NOTARY GREATER MUMBAI
Jagdamba Bhavan, Ground Floor,
Ganpatrao Kadam Marg, Lower Parel
MUMBAI - 400 013.

15 APR 2024

NOTED & REGISTERED
Sr. No. 62699 Page No. 62
Book No. 22 Date 5 APR 2024



1737

A.R.S. Consultants

Architects & Engineers

3rd Floor, Tushar, 19th Road, Khar (West.), Mumbai-400 052

EXHIBIT - A

3 February, 2006

To
The Executive Engineer (BPWS)
MCGM
BANDRA.
Mumbai - 400 050.

Dear Sir,

CE/2157 / WSAH
6/2/2006

Sub: Proposed Residential Building on plot bearing CTS No.
1381,1382/C,1378/A At Bates Hill, Palli Hill Road Bandra (West).

Ref.: New Proposal

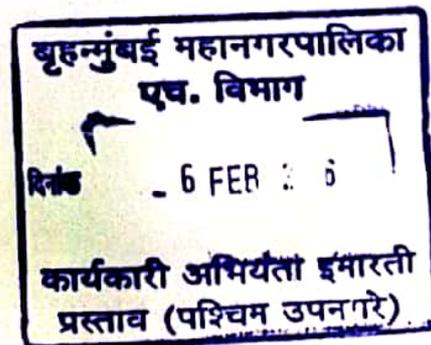
With reference to above referred proposal we are enclosing herewith following documents for your reference: -

1. Notice under section 337 of MCGM.
2. Application for Commencement Certificate u/s 44/69 of M.R.T.P.. ACT 1966.
3. Copy of P. R. Card & C. T. S. Plan.
4. Copy of Power of Attorney/Ownership document.
5. Copy of approved Plans for Existing Building
6. Plan showing proposed development.
7. NOC from AA & C.
8. Copy of D.P. Remarks.
9. Copy of Area Certificate from Architect.
10. Copy of Area Affidavite from Owner.
11. Copy of EETC Remarks.

You are requested to scrutinise the same & issue approval at your earliest.

Thanking you,
Yours faithfully,
For A.R.S. CONSULTANTS.

SHAILESH A. UPASHAM.
LS/U-19.



A.C

With out required
PI accept as two ~~only~~
as a security fee

5/2/06
SEBPHK

Secur. fees Rs. 200000/-

Fee / ~~premium~~ / Deposit

Rs. 200000/-

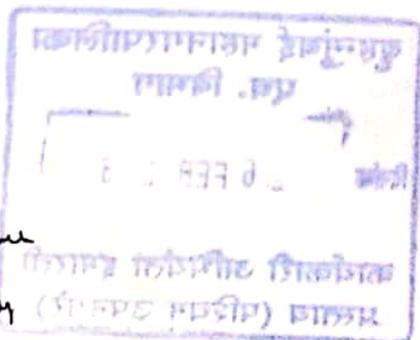
S. No. 231 Date 7/2/2006

Receipt No. 561178 Date

D.D. Cash ✓

Shakya
Fee Clerk

H.G./O.S.



OPRE in hand
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D Demerent
Authentified by
G.R.R.
File dem
No with paid

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No 195
15-24

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नमुना

सी ८८

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मुंबई महानगरपालिका अधिनियम कलम ३३७ अन्वये नोटीस

क्र.

मुंबई २००

महानगरपालिका कार्यालयात सादर केल्याचा दिनांक

प्रति,

नगर अभियंता,

वृहमुंबई महानगरपालिका.

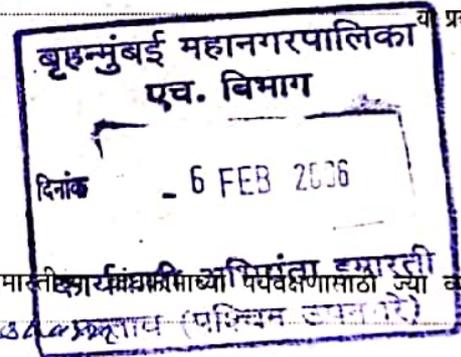
महोदय,

टीप : लागू न होणारा भाग खोडून टाकावा. जमीन खाजगी मालकीची असल्यास, "खाजगी विमुक्त जमीन आणि/किंवा खाजगी भाडेपट्टी असलेली जमीन" ठरल्याप्रमाणे असलेल्या प्रमाणे सर्व भाग पूर्णपणे खोडून कृपया योग्य ते लिहावे.

मुंबई महानगरपालिका अधिनियम कलम ३३७ च्या तरतुदीनुसार मी आपणास ही नोटीस देत आहे की, ह्या कलमाच्या अर्थानुसार C.T.S. No: 1381, 1382/C, 1378/A at BURS Hill, Pali Hill Road, Bandra (W) येथे इमारत बांधण्याचा माझा मनोदय आहे.

ज्या जमिनीवर इमारतीचे बांधकाम करण्याचे योजिले आहे ती जमीन महानगरपालिका विमुक्त/भाडेपट्ट्याची जमीन आहे व विक्री किंवा भाडेपट्ट्यांच्या करारातील विहित अटीस अनुलक्षून आराखडे सादर केले आहेत. सदर इमारत खालील वर्णनानुसार असले :-

ती Residential प्रयोजनासाठी आहे.



त्यांची परिमाण खालीलप्रमाणे असतील.

मी आपणास आणखी असे कळवितो की सदर इमारतीच्या बांधकामाच्या पर्यवेक्षणासाठी ज्या व्यक्तीला मी नेमू इच्छितो त्याचे नाव Shantesh Opas... आहे.

मुंबई महानगरपालिका अधिनियम कलम ४६१ कंडिका (ए) (सी) (डी) आणि (डीसी) अन्वये तयार केलेले पॉटनियम आणि मुंबई महानगरपालिका अधिनियमांमधील उतारे समाविष्ट असलेली नमुना ३४४-ए ची छापील प्रत मी अनुपालनासाठी वाचली आहे असे मी याद्वारे कवूल करतो.

आपला विश्वासू,

मालकाची सही SANDHU/s. SANDHU BUILDERS

मालकाचा पत्ता Kamurjee P.M. Partner

C.A. TO OWNER

टीप : अशी विनंती करण्यात येत आहे की, इमारतीबांधणी दिलेल्या नॉटीस आणि आराखडे, इमारत आराखडा निष्पिक यांजकडे सादर करावेन न्याच्याकडून आपल्याला पावती मिळेल.

टीप : या नमुन्याच्या प्रती नगर अभियंता यांच्या कार्यालयात प्रत्येकी ५० पैसे या दराने मिळतील. महानगरपालिका आयुक्तांनी मुंबई महानगरपालिका अधिनियम कलम ६८ अन्वये सदर अधिनियमान्वये कलम ३४२, ३४३, ३४४, ३४५, ३४६(१), ३४७(१) (ए), ३४८(१) (ए), (बी) आणि (सी), ३४९, ३५०, ३५३, ३५३ए, ३५४, ३५४ए आणि ३५५ अन्वये नगर अभियंता यांना महानगरपालिका आयुक्तांनी कर्तव्ये पार पाडण्याकरिता अधिकार दिले आहेत.

इमारतीच्या बांधकामाच्या पर्यवेक्षणासाठी ज्या व्यक्तीची नेमणूक झाली आहे त्या व्यक्तीचे महानगरपालिकेचे नगर अभियंता यांना अधिनियम कलम ३३७ खाली असलेल्या नोटीशीबरोबर खालील प्रतिज्ञापत्र सादर केले पाहिजे.

प्रति,

नगर अभियंता,

वृहन्मुंबई महानगरपालिका

महोदय,

श्री. M/S Sander Builders

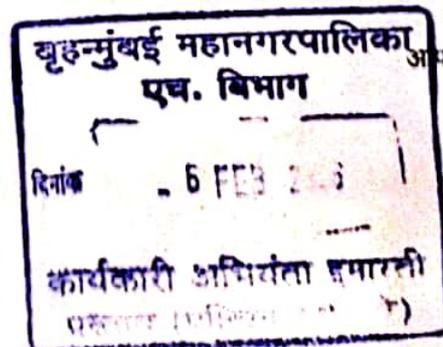
यांनी

C/S No. 1351, 1382/K, 1378/A @ 1 Bate Hill,
Radi Hill, Road, Bundera (M)

येथील इमारतीसाठी मुंबई महानगरपालिका अधिनियम

कलम ३३७ अन्वये, आपणास पाठविलेल्या नोटीशीच्या संदर्भात मी आपणास असे कळवित आहे की, त्यात नमूद केलेल्या इमारतीच्या बांधकामाचे पर्यवेक्षण करण्याचे मी मान्य केले आहे.

सांबत जाडलेल्या नोटीशीच्या नमुन्यात मालकाने पुरविलेली माहिती माझ्या माहितीप्रमाणे खरी आहे.



अमला विधासू

1741

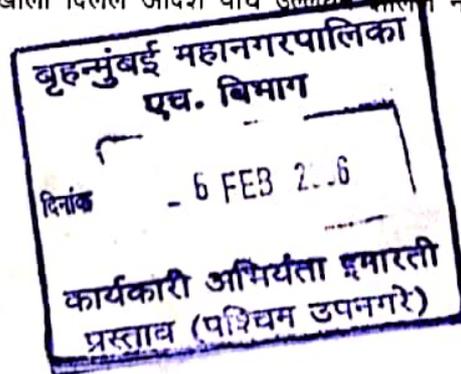
(कलम २५३-ए पोट कलम (१))

प्र. ले. (म.) ९

इमारत पूर्ण झाल्याचे प्रमाणपत्र

मी, यान्वये असे प्रमाणित करतो की, खाली नमूद केलेले इमारतीचे बांधकाम (रिकाम्या जागेत बांधकामाची संपूर्ण माहिती देणे).

माझ्या पर्यवेक्षणाखाली झाले असून ते माझ्या मते समाधानकारक असे पूर्ण झाले आहे. बांधकामाची कारागिरी व यासाठी वापरलेली सर्व सामग्री चांगल्या दर्जाची आहे. वरील काम चालू असताना अधिनियमाच्या तरतुदी वा पोटनियम तरतुदीविहित केलेल्या गोष्टी विहित केलेल्या अटी वा त्याखाली दिलेले आदेश यांचे उल्लंघन झालेले नाही.



(सही)

(दिनांक)

MUNICIPAL CORPORATION OF GREATER MUMBAI
बृहन्मुंबई महानगरपालिका

Application for Commencement Certificate under Section 44/69 of the Maharashtra Regional & Town Planning Act, 1966.

महाराष्ट्र प्रादेशिक आणि नगर रचना अधिनियम १९६६ कलम ४४-६९ अन्वये बांधकाम प्रारंभ करण्यासाठी प्रमाणपत्र देण्यासाठी आवेदन.

I/We hereby apply for a Commencement Certificate under Section 44/69 of the Maharashtra Regional & Town Planning Act, 1966.

महाराष्ट्र प्रादेशिक आणि नगर रचना अधिनियम १९६६ कलम ४४-६९ अनुसार बांधकाम प्रारंभ प्रमाणपत्रासाठी मी/आम्ही आवेदन करित आहे/आहोत.

Full particulars and details are submitted herewith in the accompanying form.

संपूर्ण तपशीलवार माहिती जोडली आहे.

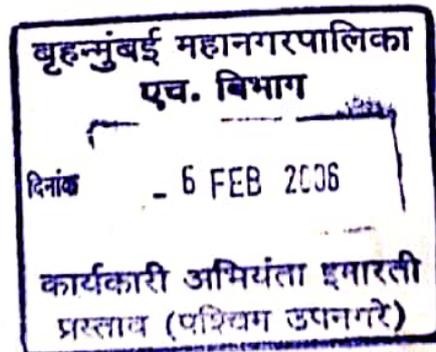
For M/s. SANDHU BUILDERS

Kanwarjeet Singh

Partner

Price Re. 1.00 + S. T.

मूल्य : १.०० + विक्रीकर



Signature of the owner.

मालकाची सही

NOTICE FORM

APPENDIX - X

[Regulation 5(1), 5(3)(iii), (iv)]

From of notice and first application for development under section 44,45,58,69 of M.R. & T.P. Act 1966 and to erect a building under section 337 of MMC Act, 1888.

To,

E. E. B. P.

The Municipal Corporation of Greater Mumbai.

Sir,

I intend to carry out development in the site/to erect/to reerect/to make material alteration in the building on/In plot No./C.S. No./C.T.S. No. ^{1381, 1382/C, 1378/A} of Division/ Village/Town Planning Scheme No. situated at Road/Street Pale Hill Road Ward 21 West and in accordance with section 44,45,58,69 of the Maharashtra Regional and Town planning Act, 1966/section 337, 342 of the Mumbai Municipal Corporation Act, 1888 and the Maharashtra Development Plan Rules, 1970.

I enclose the following plans and statements (items 1 to 6) wherever applicable in quadruplicate, signed by (Name in Block letters) SHALLES A. UPASHAM licensed surveyor/ engineer/structural-engineer/supervisor, license No. LS/019 or architect who has prepared the plan and designs on my behalf and a copies of other statements/documents as applicable (item 7 to 12)

1. Key Plan (Location plan)
2. Site Plan
3. Sub-division/layout plan.
4. Building Plan.
5. Particulars of development in the form of Annexure-I
6. Ownership Title.
7. Attested copy of receipt for payment of building permit fee.
8. Clearance certificate of Municipal tax arrears.
9. No objection certificate where required.
10. Appointment letter in favour of licensed technical person or Architect.
11. Supervision memorandum of licensed technical personnel or Architect.
12. Property register card, and city survey plan for plot in original signed by the Competent City Survey Authority, Owner's affidavit regarding area of plot and Architect's certificate for plot area alongwith area calculation by triangulation method.
13. Technical Security Report. / Please approve the proposed development/construction and permit me to execute the work.

बुधनाथ महानगरपालिका
एच. विभाग

दिनांक - 6 FEB 2016

कार्यकारी अभियंता भारतीय प्रस्ताव (पश्चिम उपनगरे)

Yours faithfully,

Date : Signature of the Owner For M/s. SANDHU BUILDERS

Name of the Owner Kanwarjeeth M.

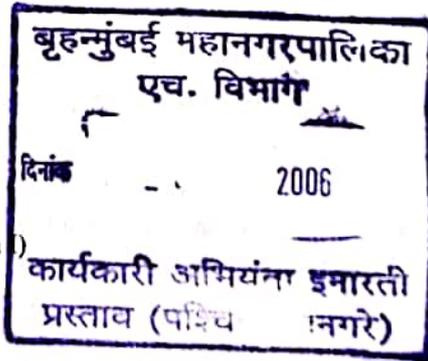
(In Block Letters) **Partner**

Address of Owner :

1744
PARTICULARS OF DEVELOPMENT
ANNEXURE I

(Part of Appendix - X -Item 5)

- (1) (a) (i) Applicant's Full Name (In block Letter) : *M/S Sandhu Builders*
- (ii) Applicant's Address :
- (b) Name and address of Architect / licensed Surveyor/Engineer/Structural Engineer or Supervisor or Architect employed : *SJAILESH A. UPMSHAM,
3rd FLOOR, Tashan 19th Road,
Khar (W), Mumbai*
- (c) Number and date of issue of the licence.....*LS/0-19*..... valid upto.....
- (2) Is the plot affected by any reservations or road lines ? If so, are these correctly and clearly marked on the block plan ? *NO*
- (3) *(a) What is the total area of the plot according to the document ? *13163.20 Smt*
- * (b) Does it tally with the Collector's Record ? *yes*
- * (c) What is the actual area available on site measured by Licenced surveyor/architect/engineer structural engineer/supervisor or architect. *13163.20 Smt*
- (d) If there is any deduction in the Original area of the plot on account of road lines or reservation ? Please state the total area of such deductions. *NO*
- (e) If so what is the net area ? *13163.20 Smt*
- (f) Is the clearance under Urban Land (Ceiling and Regulation) Act, 1976 obtained. If so, what is the area allowed for development ?
- * Permission will be based on the minimum of areas in (a), (c) or (f) above.
- (Note : Indicate details on the Site Building PLAN as in Form)
- (4) Are all plans as required under Regulation 5(3) enclosed ?
- (5) (a) Is the plot part of Triangulation Survey number, or Revenue Survey number or hissa number or a Final Plot number/(City Survey Number) of a Town Planning Scheme or a part of an approved layout ? *NO*
- (b) Please state sanction number and date of sub-division/layout.
- (6) (a) In what Zone does the plot fall ? *Residential*
- (b) What is the permissible Floor Space Index of the Zone ? *ONE*



1745 450/section

(c) What is the number of Tenements per net hectare permissible in the zone ?

(7)(a) Is the use of every room in the proposed work marked on the plans ?

YES.

(b) Is it in accordance with the regulations ?

YES.

(c) Does the building fall in the category of :-

(i) Special building as defined in Regulation 2(3) (11) (m) ?

(ii) Multi-storeyed building or high rise building as defined in regulation 3(3) (11) (i) ?

NO.

(8) If the work is in connection with an Industry :-

(a) Please briefly describe the main and accessory process,

(b) Please state the maximum number of workmen and the totalKW likely to be employed per shift in the factory.

(c) Under what Industrial classification does it fall ? (Reference to relevant Regulation should be given)

(d) Is the proposal for relocation of an existing industry ? If so, give the name and address of the existing industry.

Note : The permission will be based on the area which is minimum

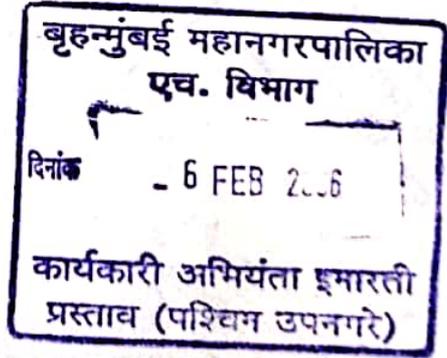
(e) If the proposal is for the establishment of a new industry or for the expansion of an existing industry, is a copy of the "No Objection Certificate" from the Department of industries enclosed [See Regulation No.16(m)] wherever applicable :

(f) Will the building be away from the boundary of a residential or commercial zone or as per Table 10(c) in regulation 29(5) ?

(g) Is the proposal for a service industrial estate on a plot reserved for service industries or in a General or Special Industrial zone ?

(h) Nature and quantum of industrial waste/effluents and methods of disposal be stated.

N.A.



(9) (a) What is the average

(i) Prescribed width ? and

(ii) Existing width of the street ? (If the plot abuts Two or more Sheets, information for all streets should be given)

13.40m wide D.P. Road.

(b) What is the height of the building ?

(i) above the centre of the street

(ii) above the average ground level of the plot

(c) Does it comply with regulation 31

1746

YES

(10) (a) If there are existing structures on the plot :

YES

(i) Are they correctly marked and numbered on the site plan ?

YES

(ii) Are those proposed to be demolished immediately coloured yellow ?

NO

(iii) What is the plinth area and total floor area of all existing structures to be retained ? (Please indicate in the appended Statement with details)

(iv) What is the number of existing tenements in the structure(s) to be retained ?

(b) What is the plinth area and total floor area of the Proposed work or building ? (Please indicate in the appended Statement 'B' with details).

(c) What is the number of tenements proposed ?

Note : Indicate Details of THE Building plan as in Form-1

(11) (a) Please state the plinth area and total floor area, existing and proposed (i.e. totals of items 10(a)(iii) and 10(b)

EXIST. 9222.58 sq
PROP : 14138.88 sq

(b) Please state the Development Rights, if any, proposed to be used and the floor space index credit available thereunder.

(c) Please state the overall Floor Space Index [(Item 11 (a) divided by Item 3 (e)] plus the floor space index available due to Development Rights.

(d) Does the work consume the full Floor Space Index of the plot, as given in item 6(b) ? If not, why not ?

YES

(e) Is the building proposed with Set-backs on upper floors ?

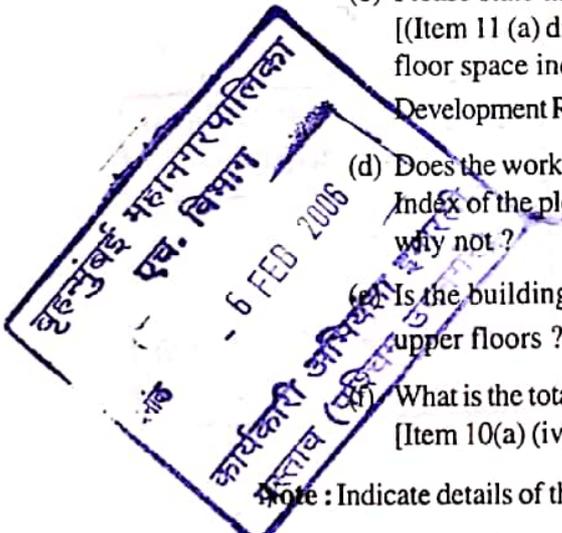
NO

(f) What is the total number of tenements [Item 10(a) (iv) plus item 10(c)] ?

Note : Indicate details of the building plan as in Form-1

(12) (a) What is the width of the front open space ? If the building abuts two or more streets, does the front open space comply with Regulation 28(a) ?

(b) Please state which of the sub-regulation of Regulation 29 and/or any other regulation is applicable for the open space ? Does the front open space comply with the regulation ?



1747

(13) What is the distance from the centre line of the street? Does it comply with the Table 10(B) to Regulation 29 (5)

(14) (a) What is :-

- (i) the width of side open space (s) ? 6.00 m
 (ii) the width of rear open space (s) ? 6.00 m
 (iii) the distance between buildings ? —

(b) Do they comply with Regulation 29 (1)(a) ?
 Regulation 29 (1) (b) ?
 Regulation 29 (6) ?

(c) Are there two or more wings to the building ?
 If so, are the open spaces separate or distinct for each wing as required by regulation 28 (b)?

yes.

(15) If the plot is narrow, which clause under Regulation 29 (7) (a) or regulation 29 (7) (b) do you propose to take advantage of (whatever applicable) ?

N.A

(16) (a) What are the dimensions of the inner or outer chowk ?

3.00m.

(b) (i) Does any room depend for its and ventilation on the chowk? If so, are the dimensions as required for each wing of the buildings ?

(ii) If not, is the area is at least equal to square of one fifth of the height as per Regulation 29 (9) ?

(17) If the height of the building is greater than 16 m. above the average ground level, is provision for lift (s) made? If so, give the following details of the lifts (s).

yes.

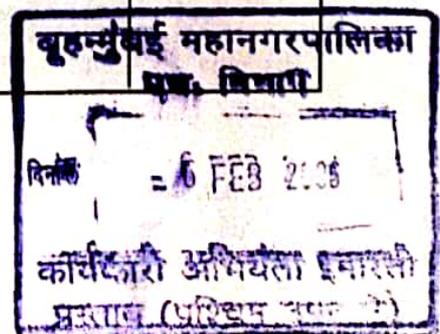
(a) Detail of lift

Type	Passenger Capacity	No. of lifts	Type of doors
	per wing 2 nos.		

(b) Detail of fire lift.

Type	Passenger Capacity	No. of lifts	Type of doors

(18) (a) Does the building fall under the purview of clause (i) or (m) of sub regulation (2) Regulation 3 ?



(b) If so, do the proposed fire protection requirements conform to those in Appendix VIII ?

yes.

(c) If not, so give reasons

(19) (a) (i) What is the requirement of parking spaces under Regulation 36 (2) and (3) ?

- Provided as per DCR

(ii) How many are proposed ?

- 302 Nos.

(iii) How many lock-up garages are proposed ?

- Nil

(b) (i) Are parking spaces for transport vehicles provided [regulation 36 (4)] ?

N.A.

(ii) If so, what is the requirement ?

(iii) How many are proposed ?

Note : Indicate details on the building plan as in Form-1

(20) (a) (i) What are the maximum width of balconies ?

(ii) Will they reduce the required open space to less than the provisions of the Regulation ?

(iii) Do they serve as a passage to any part of the building ?

(iv) What is their total area ?

As shown on plan same as per DCR - 1997

(b) What is the maximum width of weather frames, sun shades (chajja), sun breakers cornices, eaves, or other projections ?

(c) (i) Are any Porches/Canopies proposed ?

(ii) Do they comply with requirements of regulation 30 ?

(21) (a) What is the width of the Means of Access ?

- 18.30 m wide D.P. Rd.

(b) What is its clear height ?

(c) Will it be paved, drained and kept free of encroachment ?

- Yes

(22) Is the recreational or amenity open space provided as required under Regulation 23 (1) 23 (2) ?

- R.G. Provided

(23) (a) Are any Accessory Buildings proposed ? If so, for what purpose ?

(b) What are their heights ?

N.A.

(c) Are they 7.5 mtrs away from the street or front plot boundary and if located within the open spaces, 1.5 meters from any other boundary ?

(d) Is their area calculated in Floor Space Index ?

1749

- (24) (a) What is the proposed height of the Compound wall ? Is it at a junction ? 5 mt .
- (b) Does it comply with Regulation 38(27) ? yes .
- (25) (a)(i) Is the proposal in the Airport Zone ? No .
- (b)(ii) Is a "No Objection Certificate" for the height and character of smoke from chimneys obtained from Civil Aviation Authorities (Attach Copy) - N.A .
- (c) Does the proposal fall in the category of lower like Structure vide Regulation 2(2)(93) and 29 (1)(e) ? If so, does it comply with requirements thereof ? - NO
- (26) Indicate provision for common conventional antenna for receipt of television transmission in residential building with more than ten tenements (Regulation 30) - NO
- (27) Does the proposal fall in any of the areas/zones such as those of the Mumbai Metropolitan Region Development Authority/Maharashtra Housing and Area Development Authority/ Railway/Highway/Slum Authorities/Power Transmission line/Coastal Area/No Development Zone/Tourism Development Zone/ Communication Authorities etc. ? N.A .
- (28) (a) Does any natural water course pass through the land under development ? - NO
- (b) Is the necessary set back provided according to Regulation 16(b) ? - N.A .
- (29) (a) Is the plinth level proposed to be above the level of surrounding ground level ? - yes
- (b) Will the proposed plinth level be above 27.55 meters Town Hall Datum ? - yes
- (c) Is the plot proposed to be filled upto the level of the abutting road or reduced level (R. L.) 27.43 meters Town Hall Datum, whichever is more ? - yes
- (30) The details of the materials to be used in construction with specifications are as follows :
- Roofs :
- Floors :
- Walls :
- Columns : AS per plan
- Beams :
- Any other material :

1750

(31) The number of water closets, urinals, kitchens, etc. to be provided are as follows :-

Water closets	Baths	Urinals	Kitchens
Existing			
Proposed	AS	PER PLAN	

- (32) Details of the source of water to be used in the construction.
- (33) Distance from the sewer.
- (34) How much Municipal Land, if any, will be used for stacking building material ?
- (35) Please explain, in does it, in what respect the proposal does not comply with these regulations and the reasons therefore, attaching separate sheets for this information, if necessary,

I am the owner-lessee/mortgagee in possession/.....^{CTD no. 1378/A, 1382/C, 1381, 1629A/1-70 of} ~~paid~~ ^{rent}.....of the plot on which the work is proposed and that the statements made in this Form are true and correct.

For M/s. SANDHU BUILDERS
Kamrajeepr...
 Signature of the applicant
 Father

Date :

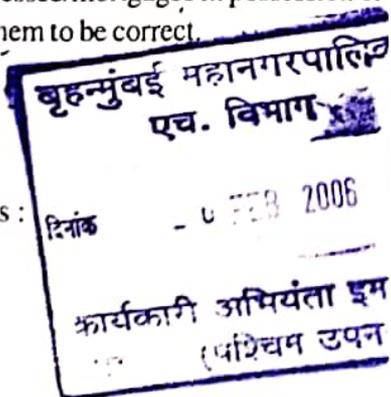
Address :

Form of certificate be signed by the Licensed Surveyor/Engineer/Structural Engineer/Supervisor or Architect employed by the Applicant.

I (Name) Shri A. UPASHAM..... have been employed by the applicant as his Elcensed Surveyor/Engineer/Structural Engineer/Supervisor or Architect. I have carefully persued his covenant or conveyance in respect of this plot and have examined the boundaries and the area of the plot and I certify that I have personally verified all the statements made by the applicant who is the owner/lessee/mortgagee in possession of the plot as in the above Form and the attached statements A and B and found them to be correct.

Date :

Address :



[Signature]
 Signature of Licensed Surveyor/
 Engineer/Structural Engineer/Supervisor
 or Architect.

Note: Indicate In Building Plan as in Form-II

1751
STATEMENT 'A'

(Sr. No. 10(a)(iii) in ANNEXURE 'A')

Existing Building in be Retained

Existing Building 1	Floor No. 2	Plinth Area 3	Total floor area of the existing Bldg. 4	Use or Occupancy of floors 5
Bldg B	Gr	2734.00 FT ²	-	Residential
Bldg. C	Row House	14972.83	-	Residential
Bldg. e	Manju Mahal	72378.26	-	-
	Gr + G	9190.00	-	-
	7 th & 8 th			

STATEMENT 'B'

(Sr. No. 10(b) in ANNEXURE 'A')

Proposed Work/Building.

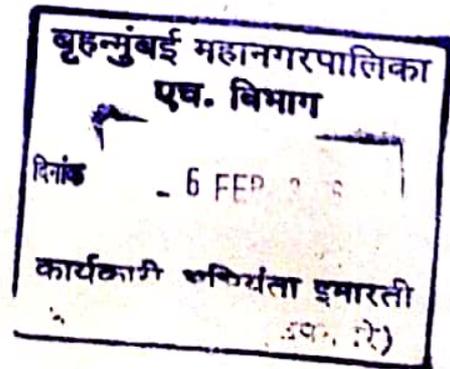
Building No. 1	Floor No. 2	Area 3	Total floor area of proposed work 4	User or Occupancy of floors 5
		11,711.90 sq mt.		

For M/s. SANDHU BUILDERS

Kanwarjeet M.

Partner

Signature of the Applicant's



1752

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. OF 2006
(UNDER 226 AND 227 OF THE CONSTITUTION INDIA)

DISTRICT-MUMBAI



In the matter of Section 9 of the Maharashtra
Cooperative Societies Act, 1960;

And

In the matter of Section 18 of the Maharashtra
Cooperative Societies Act, 1960 and Rule 17 of the
Maharashtra Cooperative Societies Rules 1961;

And

In the matter of the Order dated 27th March, 1992,
passed by the Assistant Registrar of Cooperative
Societies (H.W.) Ward, Bandra (W), Bombay
400050;

And

In the matter of the Order dated 29th April, 1997
passed the Divisional Joint, Registrar, Co-operative
Societies, Mumbai Division.

And

In the matter of pending Revision Application No.
_____ of 1997 before the Hon'ble Cabinet Minister
for Co-operation.

And

In the matter of Chetak Cooperative Housing
Society Limited, 35, Pali Hill, Bandra (W), Bombay
400 050.

- (1) Chetak Cooperative Housing Society Limited,)
35, Pali Hill, Bandra (West), Mumbai - 400 050)
(and/or now deemed to be Manju Mahal Chetak)
Cooperative Housing Society Limited as per impugned)
orders dated 27th March, 1992 and 29th April, 1997)
Mr. Ashok T. Hemdev)
Flat No.503, 'A' Wing, Manju Mahal, 35, Pali Hill,)
Bandra (West), Mumbai - 400 050)...Petitioners

VERSUS

U. No. 1857/06

Pages :-
Compared by: 20.1.06

Rs. 55.00/-
Ps.

Xeroxing and
Comparing Charges

Fifty Five
and
Total Rupees and Paise

Verified and Examined by

PP Mamsack

for Section Officer

Certified Copy Branch, High Court
Appellate Side, Bombay.

2) Date on which Office object removed. 2571106

3) Date on which Application was filed.

4) Date on which copy was delivered to the party for copy. 30/1/06

5) The date on which copy was delivered. 30/1/06

6) The date on which copy was delivered. 30/1/06

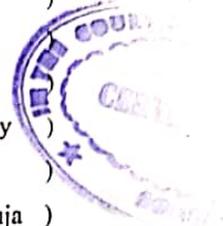
Certified Copy
High Court, Appellate Side

1. Shri. Patangrao Kadam, Hon'ble
Cabinet Minister for Co.operation, Mantralaya)
Mumbai-400 032.)
2. The Divisional Joint, Registrar, Co.operative)
Societies, Mumbai Division, Malhotra House,)
Opp G.P.O, Fort, Mumbai-400 001.)
3. Dr. V. S. Phad,)
Assistant Registrar,)
Cooperative Societies (H.W.) Ward,)
Bandra (West), Bombay 400 050.)
4. Farida P. Raja)
Roshan P. Raja,)
R. H-1, Chetak Cooperative Housing)
Society Ltd., Bombay 400 050 also Known)
as Row House Co-operative Housing Society)
Ltd.)
5. Neetusingh,)
Rajcesingh)
R.H-2, Chetak Cooperative Housing)
Society Ltd. also known as Row Houses Co.op)
Hsg.Soc.Ltd. , 35/41, Pali Hill Road,)
Bandra(West),Mumbai 400 050.)
6. Raja Trading Company (successor in title of)
Laljee Dodhia)
Proprietary Concern through its Sole)
Proprietary Z.D.Raja residing at R.H.-3,)
Chetak Cooperative Housing Society Ltd.,)
Bombay 400 050 also known.)
as Row House Co-operative Housing Society)
Ltd.)
7. Mr.Jawarharlal J. Punjabi)
Mrs. Vandana J. Punjabi)
(successors in title of R. G. Bangera & Ors.))
R.H-4, Chetak Cooperative Housing)
Society Ltd., Bombay 400 050 also known)
as Row House Co-operative Housing Society)
Ltd.)
8. Kangaroo Kids Education Ltd.)
(successors in title of S.S. Shah and Maya Shah))
R.H-5, Chetak Cooperative Housing)
Society Ltd., Bombay 400 050 also known)

1754

3 345

- as Row House Co-operative Housing Society)
Ltd.)
9. Manish Malohtra (successor in title of)
Ishabai Khubhchand Hamdev)
R.H-6, Chetak Cooperative Housing)
Society Ltd., Bombay 400 050 also known)
as Row House Co-operative Housing Society)
Ltd.)
10. Smt. Anjali S. Firasta and Mrs. Anit G. Anuja)
(successors in title of Anshi J. Gursahani & Ors))
Shop. No. 1, Chetak Cooperative Housing)
Society Ltd., Bombay 400 050. also known)
as Row House Co-operative Housing Society)
11. Harish K. Chandani)
Shop No.2, Chetak Cooperative Housing)
Society Ltd., Bombay 400 050. also known)
as Row House Co-operative Housing Society)
12. Padma Mehra)
Shop No. 3, Chetak Cooperative Housing)
Society Ltd., Bombay 400 050 also known)
as Row House Co-operative Housing Society)
Ltd.)
13. Poonam Housing & Finance (Pvt) Ltd.,)
Bungalow known as "Poonam Palace" now)
known as Sandhu Palace situate at 35/41)
Pali Hill Road, Bandra (West) Mumibai)
400 050.)
14. Dilersingh Estates Pvt. Ltd.)
being successor of M/s. Indo French Time)
Industries Ltd., name changed to Time Star Ltd)
Ground Floor of Bungalow known as)
Poonam Palace now known as Sandhu)
Palace situate at 35/41 Pali Hill Road,)
Bandra (West), Bombay 400 050.)
15. National General Agencies Pvt. Ltd.,)
Bungalow known as Bhalla House now)
known as Sandhu Palace, Row Houses)
Chetak Cooperative Housing Society Ltd.,)
Bombay 400 050.)
16. Row Houses Chetak Co-operative Hsg.)
Soc. Ltd., Bandra (West), Bombay 50)
17. K.V. Shah)



CONSENT TERMS

1. Agreed, declared and confirmed by the parties hereto that the impugned order dated 27th March, 1992 ordering cancellation of the registration of original Society the Chetak Cooperative Housing Society Limited and directing bifurcation of the original society into two separate Cooperative Housing Societies viz. Manju Mahal Chetak Co-operative Housing Society Ltd. and Row House Chetak Co-operative Housing Society Ltd. be hereby by consent set aside and original name and registration number be restored.

2. Agreed, declared and confirmed that as a result of setting aside of the order dated 27th March, 1992, the accounts of the two Societies shall stand merged with separate identification showing ledger account of Row Houses. Deposits including bank balances and bank FD and will be held and retained by respective parties respectively and amounts due from each other shall be appropriated.

3. Agreed, declared and confirmed that both the plots particulars of which are annexed hereto as Annexure "1" conveyed to original Chetak Cooperative Housing Society Limited shall be treated as property of the original Chetak Cooperative Housing Society Limited exclusively.

4. Agreed, declared and confirmed that after bifurcation order Poonam Housing & Finance have paid lease rent to 'Row House Chetak Cooperative Housing Society Ltd. which will be made available to the original Society and hence there will be no arrears on that account. Agreed, declared and confirmed that there are no arrears of lease rent due and payable by the Lessees National General Agencies Pvt.Ltd. and Poonam Housing & Finance Pvt.ltd.. It is hereby further declared and confirmed that upon receipt of deposit of Rs.5,00,000/- from National Genral Agencies Pvt.Ltd. and deposit of sum of Rs.3,00,000/- from Poonam Housing & Finance Pvt.Ltd. to be held by the Society during the tenure of the lease period and extended period thereof the interest earned at Bank rates there from shall be appropriated towards the lease rent from time to time. The Appellant ^{Petitioner No.1} Society herein shall not claim any future lease rent from Lessees for the term granted including renewals thereof under the Indenture of Leases dated 19.2.1974 and 11.12.1975.

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5. Agreed, declared and confirmed that on passing of the order in terms of these Consent Terms, the Society and its members occupying various premises in Manju Mahal Building, Row Houses and Shops and Bungalow Tejal have inter alia agreed for transfer their respective benefit of TDR/FSI they are entitled to, under the D.C. Rules and Regulations and grant No Objection Certificate for redevelopment of part of the Plot owned by the Society to Sandhu Builders the developers appointed by National General Agency Pvt. Ltd. and Poonam Housing and Finance Pvt. Ltd. and Dilersingh Estates Pvt. Ltd. and shown in red colour wash on the plan annexed hereto as Annexure - II and demised in favour of National General Agencies Pvt. Ltd. and Poonam Housing & Finance Pvt. Ltd. and shall allow complete exploitation of TDR/FSI entitlement as per Annexure ~~IV~~ to Society's members and the nominee of National General Agencies Pvt. Ltd. and Poonam Housing & Finance Pvt. Ltd. through Builders (Sandhu Builders) inducted by them.

6. Agreed, declared and confirmed that Sandhu Builders with whom National General Agencies Pvt. Ltd., Poonam Housing & Finance Pvt. Ltd. and Dilersingh Estates Pvt. Ltd. have entered into a Development Agreement shall be entitled to form and register a Society by the name 'Sandhu Palace Co-operative Housing Society (Proposed) for the Flat Purchasers of new Building constructed by them on the land demised in favour of National General Agencies Pvt. Ltd. and Poonam Housing & Finance Pvt. Ltd. and the said National General Agencies Pvt. Ltd. and Poonam Housing & Finance Pvt. Ltd. shall be entitled to assign their respective lease in favour of the said 'Sandhu Palace Co-operative Housing Society (Proposed) without the said Sandhu Builders and/or the said National General Agencies Pvt. Ltd. and Poonam Housing & Finance Pvt. Ltd. and/or such new society to be formed being liable to pay any premium and/or consideration and/or transfer charges for the same.

7. The Owners of flats in the building Manju Mahal, Row Houses and three Shops being the part of six Row Houses and Kantilal V. Shah and Sunila Shah (though not a party to the bifurcation application) do hereby agree and confirm that the terms for development of the demised property of National General Agencies Pvt. Ltd., Poonam Housing & Finance Pvt. Ltd. as agreed by and between National General Agencies Pvt. Ltd., Poonam Housing & Finance Pvt. Ltd. and Dilersingh Estates Pvt. Ltd. and 'Sandhu Builders' and NOC given by the Chetak Co-op. Hsg. Sety. Ltd. to exploit entire TDR/FSI entitlement in respect of the entire property more particularly described in Annexure "III" hereto shall be honoured by each of them and they will not claim any additional commo-

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from what is agreed to be paid to them under their respective agreements or any share in the amounts to be paid to others for their respective FSI/TDR entitlement or raise any demand for fulfillment on completion of the Project against each other and/or any one of them.

8. Agreed declared and confirmed by Appellant i.e. The Chetak Cooperative Housing Society Ltd. that immediately upon passing of order in terms of these consent terms and restoration of registration of the original Society the Owners of the Row Houses and three shops being the part of sixth Row Houses will merge the hitherto existing separate accounts in the name of 'Row House Chetak Cooperative Housing Society Ltd. and Manju Mahal Chetak C.H.S. Ltd. with the original Chetak Cooperative Housing Society Ltd. and after appropriation and settlement of the account. ~~The occupiers of Row Houses & Shops if so desired shall enjoy~~ full and unrestricted administrative management of their day to day affairs maintenance and administration without any interference by the parent Society including right to transfer their premises without any no objection from the parent Society or without being liable to pay any transfer charges to parent Society and will have separate account. Agreed, declared and confirmed by the Owners of Row Houses and three Shops that they shall not interfere in any matters pertaining to the parent society. Further agreed, declared and confirmed that neither the said Owners of Row Houses and three shops, National General Agency Pvt. Ltd., Poonam Housing and Finance Pvt. Ltd., Dilersingh Estates Pvt. Ltd. and their respective Administrative Body nor the Society and its members shall permit/transfer any financial liabilities to each other.

9. K. V. Shah and S. K. Shah agree and confirm that they will not claim any future TDR and/or FSI for the area beyond the existing structure as their rights in the capacity as a Lessee of the Society are limited and they will not be entitled to enjoy any benefits which are available to the other members.

Dated this ²⁴ day of January, 2006.

For Chetak Cooperative Housing Society Limited

(Petitioner No1. abovementioned)

Mr. [Signature]
(Petitioner No2. abovementioned)

[Signature]



[Signature]
Nectusingh
Rajeesingh
(Respondent No. 5)

RAJA TRADING CO.

For Raja Trading Company
(Respondent No.6)

Jawarharl
Mr. Jawarharlal J. Punjabi

Janki
for Mrs. Vandana J. Punjabi
(Respondent No.7)

Dasha
For Kangaroo Kids Education Ltd
(Respondent No.8)

M/
Manish Malohtra
(Respondent No.9)

Smt. Anjali S. Firasta and

Mrs. Anit G. Anuja
(Respondent No.10)

Harish K. Chandani
(Respondent No.11)

Padma Mehra
(Respondent No.12)

For Poonam Housing & Finance
(Pvt) Ltd
(Respondent No.13)

For Dilersingh Estates Pvt. Ltd
(Respondent No.14)

For National General Agencies
Pvt. Ltd.,
(Respondent No.15)

Kanwarjeet
Row Houses Chetak
Co-operative Hsg. Soc. Ltd.,
(Respondent No.16)

K. V. Shah
K.V. Shah
(Respondent No.17)

Sunila K. Shah
& Shah
Sunila K. Shah
(Respondent No.18)

M/s Dwyer Shah Associates

Advocate for Respondents No 13 to 15

Advocates for Respondent No. 4 to 12 and 16

N. D. Swamy
Advocates for the Petitioners

Advocates for Respondents No 14-15

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. OF 2006

Chetak Cooperative Housing Society Limited
...Petitioners

Versus

Shri. Patangrao Kadam & Ors. ...Respondents.



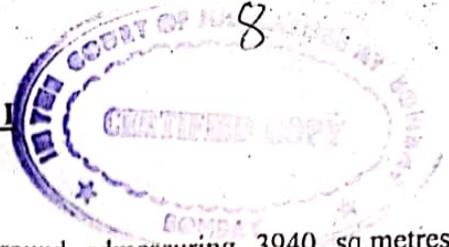
CONSENT TERMS

DATED THIS ____ DAY OF ____, 2006.

Advocates & Solicitors

DEF 2006
 SECTION
 AT BOMBAY

ANNEXURE - I



Firstly:

ALL that piece or parcel of land or ground admeasuring 3940 sq.metres equivalent to 4712 sq.yards or thereabouts, situate lying and being at Pali Hill, Bandra in the registration Sub-District and District of Bombay City and Bombay Suburban in Greater Bombay bearing R.S. No. 318 (part) C.T.S. No. C-1629-A-1/10(part) of (village Danda) now Bandra (C) with the building and structures standing thereon assessed by the Municipal Corporation of Greater Bombay under "H" Ward Nos. 2120(3) and 2120(4) 36B and 36C, Pali Hill bounded as follows: that is to say: On or towards the North partly by property bearing C.T.S. No. 1632 partly by property bearing C.T.S. No. C-1629-A-1/6 and partly by a Private Road, on or towards the South partly by Pali Hill Road and partly by property bearing R.S. No. 318(part) and C.T.S.No. 138, on or towards the East by the property bearing C.T.S.No. 1636 and 1383 and on or towards the West by property bearing C.T.S.No. 1629-A-1(part).

Secondly:

ALL that piece or parcel of land or ground situate at Pali Hill Road, Mouje Danda, Bandra in the Registration Sub-District of Bandra, Taluka South Salsette, Bombay Suburban District and now in Greater Bombay containing by admeasurement 10356 sq.yards, i.e. 8659.12 sq. meters or thereabouts together with the bungalow, messuauages, tenements and other structures standing thereon and being part of Non Agricultural Survey No. 110 of Danda now Bandra C and part of C.T.No. C-1381 and C-1382 (part) and which property admeasuring 10356 sq. yards i.e. 8659.12 sq. mtrs.or thereabouts is delineated on the plan hereto annexed and thereon surrounded by a red coloured boundary line and bounded as follows: that is to say on or towards the North partly by road and partly by R.S.No. 318A and partly by N.A. No. 111, on or towards the South by the remaining property of National General Agencies Pvt.Ltd. which is under acquisition, on or towards the East partly by Survey No. 3158/1A partly by N.A.No.111 and partly by the remaining property of National General Agencies Pvt.Ltd. under acquisition and on or towards the West by Pali Hill Road being the whole property mentioned in Municipal Corporation of Greater Mumbai plan under No CE/4349/BSD/AH dated 22/4/1974

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HIGH COURT, BOMBAY

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (Stamp) NO.1416 OF 2006

Chetak Co-op.Housing Society
Ltd., Bombay & Anr. ..Petitioners

Versus

Patangrao Kadam & Ors. ...Respondents

Shri D.H.Mehta with Sharan Jagtiani i/b Neeta
Madhvani for the Petitioners.

Shri Chirag Balsara with Chirag Mody i/b RMG Law
for respondent Nos. 4 to 12 & 16.

Shri Rajendra Desai i/b shri Ashok Bhogani & Co.
for respondent Nos.17 to 18.

Shri Naushad Engineer with Mrs.Seema Bhosale i/b
Divya Shah Associates for respondent Nos.13 to
15.

Shri C.R.Sonwane, A.G.P for respondent Nos.2 & 3.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 24th JANUARY, 2006.

P.C.

1. Mentioned. Not on board. Shri Mehta
appearing for the petitioners and Shri Balsara
appearing for respondent Nos.4 to 12 & 16, Shri
Engineer appearing for respondent Nos.13,14 & 15,

Verified and Examined by

pp Manjivade
30/1/06

Section Officer

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. OF 2006

Stamp No 1416 of 2006
Chetak Cooperative Housing Society Limited
...Petitioners

Versus

Shri. Patangrao Kadam & Ors. ...Respondents.



CONSENT TERMS

DATED THIS 24 DAY OF January, 2006.



NEETA MADHWANI
Advocate for Petitioners

TRUE COPY
Rly 30/1/06
Assistant Registrar
High Court, Appellate Side
Bombay 400 032

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Ltd. Bandra
(w) Mumbai.
D-5, STP/WC, R.6/2004/11
61-43104.



MAHARASHTRA
The Bank of Rajasthan Ltd.
Authorized Signatory
Bandra (W), Mumbai.

Executive Engineer (B.P.)
West Ward,
Bandra.

Dt. : 16.02.2006

Sub. : Redevelopment of property bearing
CTS No. 1629A1/10, 1378-A, 1382-C,
1381 of Bandra Pali Hill.

Re. : CE/2157/H/

With reference to discussion held with you
please find the detailed reply as under :-

1. The description of the property is as follows:-

	<u>P.R. Card / C.T.S. No.</u>	<u>Area</u>	<u>Name of Owner</u>
a)	1629-A/1/10	4828.60	Chetak Co-Operative Housing Society Ltd. P 1/15
b)	1382-C	6032.70	National General Agencies Pvt. Ltd. P 1/15
c)	1378-A	1775.10	National General Agencies Pvt. Ltd. P 1/15
d)	1381	526.80	National General Agencies Pvt. Ltd. P 1/15

2) As it can be seen from Sr. (a) above this
P R Card is in name of Chetak Co-Operative Housing Society
Ltd. & balance 3 P R Cards are in the name of National
General Agencies Pvt. Ltd. P 1/15

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3) However, as per the conveyance deed dt. 31.07.1972, 3 C.T.S. Nos. i. e. 1382-C, 1378-A & 1381 are already conveyed to the society on 31.07.72, hence only Chetak Co-Operative Housing Society Ltd. is sole owner of the land. Copy of conveyance deed is enclosed herewith.

C/153
IN PASTEL

4) Originally there was only one society known as Chetak Co-Op. Housing Society Ltd.. The said society consisted of following buildings :-

19/337
+ 351

4.01 Bungalow owned by National General Agencies Pvt. Ltd. (hereinafter referred to as NGA).

4.02 Bungalow owned by Poonam Housing & Finance Pvt. Ltd. (herein after referred to as Poonam). Part of the bungalow is leased to sister concern.

4.03 Six Row houses.

4.04

4.05 Building known as Manju Mahal. (Gr. + 8 upper floors)

4.05 Bungalow known as Tejal.

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5) There was dispute among owners of NGA, Poonam & Six row houses on one side & on other side Manju Mahal & Tejal.

6) Case was filed before Sub-registrar of Co-operative society. Order was passed wherein 2 societies were formed. One comprising of NGA, Poonam & Row houses known as Row House Chetak Co-Operative Society Ltd. & other society known as Manju Mahal Chetak Co-Operative Society Housing Ltd. (Name of Chetak Society was changed to Manju Mahal Chetak Co-Operative Society Ltd.) comprising of Manju Mahal & Tejal.

7) The land on which bungalows are constructed by NGA & Poonam is leased by Original Chetak Society Ltd.

8) Compromise was reached between all the parties as under :-

8.01 There will be only one society comprising of all buildings.

8.02 Original name of Chetak Co-Operative Housing Society Ltd. will be restored.

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195 : 4 : 191
8.03 NGA & Poonam are allowed to demolish original bungalows & load TDR available on entire plot owed by Chetak Co-Operative Housing Society Ltd.

8.04 Chetak Co-Operative Housing Society granted NOC to Sandhu Builders to load TDR available on entire plot owned by Chetak.

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8.05 NGA & Poonam had granted development rights to Sandhu Builders.

9) The above compromise was reached after filing write petition & Consent term before Hon'ble Bombay High Court. Copy of the consent term is enclosed herewith.

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Page 19/175
POA 19/239

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10) As explained above, now the entire land is owned by Chetak Co-Operative Housing Society Ltd. They have granted registered power of attorney & registered development agreement to load TDR to M/s. Sandhu Builders to develop the balance potential FSI by demolishing 2 bungalows i. e. owned by NGA & Poonam & also to load & utilize the entire TDR potential the plot.

11) We further also state that any addition alterations carried out by the members of the society of the building known as Manju Mahal & Row houses will be regularized / got approved by us as & when demanded MCGM.

12) The above is for your record & necessary action.

Thanking You,

For M/s. SANDHU BUILDERS

Kamunaryee R. M.

Partner

Yours faithfully,

✓

5/9/8

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Sub : Proposed bldg. on plot bearing CTS Nos. 1381,
1382/C, 1378/A & 1629/A/1-10 at Pali Hill, Pali
Hill road, Bandra [West].

Architect : M/s. A.R.S. Consultants

Ref: Plans for consideration at pg. C/59 - 77

Reference is please requested to the Architect M/s.A.R.S. Consultants dtd. 30.8.2008 to DIR.(ES&P) at Pg.C/ 1 to C/ 3 submitting therewith plans for the proposed bldg. and DIR.(ES&P)'s endt. Thereon (Pl. examine & put up).

Architect vide his representation has requested to grant various concessions for approval of the plans.

In this case, earlier plans for redevelopment of a residential bldg. by demolishing the existing bungalow were approved firstly on 22.4.1994 vide I.O.D. The plans comprising of Basement + Ground + 1 upper floor were approved for plot potential only. Thereafter, the amended plans were submitted comprising of Basement for car parking + stilt + 1st to 7th floor + 8th floor as refused floor + 9th to 13th upper floors in lieu of plot potential admissible TDR by demolishing 2 nos. of structures were proposed on 22.2.2006 and C.C. was also issued upto top of basement on 22.6.2006.

The brief history of the proposal is as under :

The proposed bldg. is one of the bldg. in the layout of the land bearing CTS Nos. 1381, 1382/C, 1382/C, 1378/A and 1629/A/1 to 10 at Pali Hill situated at Pali Hill Road, Bandra (W). It can be seen from the block plan at Pg. C/59 the entire plot consists of 3 Nos. buildings.

- [1] Bldg. 'B' - Patucks Bungalow
- [2] Bldg. 'C' - Row House - CE/4349/BSII/AH
- [3] Bldg. 'E' - Manju Mahal - CE/4262/BSII/AH
- [4] Additional floor of Manju Mahal - CE/4262/BSII/AH

It can be seen from the block plan at Pg.C/ 59 that the existing bldgs. are shown in blue line and proposed bldg. is shown in washed red colours. The existing bldgs. are old for which occupation permission has been granted in the years 1978 and as can be seen from the plan at Pg. 9/59 wherein it is clearly shown that the setback has already been added long back for which the FSI advantage have already been given. The open spaces are also reflected on the same plan. The same are continued in the new proposal as shown in the

block plan at Pg. C/59. Plot w/r is abutting to Pali Hill reservoir. Remarks from E. deptt. are also obtained. A retaining wall at a distance of 6.00mt. from Reservoir boundary has been constructed. A report to that effect was submitted for C.I.E.(D.P.) / DIR.(ES&P)/M.C.'s perusal as per copy at Pg.C/85-87 which may please be seen.

(113)

Details of the proposal are as under :-

1] D.P. remarks :-

As per D.P. remarks vide pg. 2/5, the plot under reference falls in residential zone and is not reserved for any public purpose, except if any widening of existing road. The plot under reference abuts reservation of P.G., R.G. & reservoir.

2] Survey remarks :-

As per Survey remarks at pg. , the plot under reference abuts existing Pali Hill road and is affected by widening of 13.40 mtrs. wide sanctioned R.L. Hence, P.R.Card in the name of M.C.G.M. for setback area will be insisted before occupation.

3] Ownership details :-

As per the P.R. Card submitted by the architect at pg. 2/3-15, the property is owned by Chetak C.H.S. Ltd. & M/s. N.G.A. Pvt. Ltd. The details of property register cards are as under :-

C.T.S. No.	Area as per P.R.C.	Name of owner	Remarks
1629-A/1-10	4828.60 sq.mtrs.	Chetak C.H.S. Ltd.	
1382-C	6032.70 sq.mtrs.	National General Agencies Pvt. Ltd.	P.O.A. granted to M/s. Sandhu Builders by Chetak C.H.S. Ltd.
1378-A	1775.10	- do -	
1381	526.80 sq.mtrs.	- do -	

It can be seen from the above details of P.R.Cards of Sr. No.1 bearing CTS No.1629-A/10 is in the name of Chetak C.H.S. Ltd., Sr. Nos.2 to 4 are in the name of National General Agencies Pvt. Ltd. However, as per the registered conveyance already submitted, National General Agencies Pvt. Ltd. have already conveyed the above property at Sr. Nos.2 & 4 to Chetak C.H.S. Ltd. on 31st July, 1972. The area mentioned in P.R.Card is less than the conveyance. However, the name of Chetak C.H.S. Ltd. does not appear in the said P.R.C. The entire P.R.Card standing in the name of Chetak C.H.S. Ltd. will be insisted before granting occupation.

Further, it is to be mentioned that as per the Court order / consent terms submitted by architect, even though there are 5 bldgs on site viz: Manju Mahal [Gr. + 8], Tejal bungalow [Gr. Floor], row houses [4 Nos.], N.G.A. bungalow & Poonam bungalow. The entire plot has to be treated as Chetak C.H.S. Ltd.

Considering the above, Chetak C.H.S. Ltd. has signed a registered P.O.A. with M/s. Sandhu Builders, wherein; the society has given consent to develop the entire plot by demolishing N.G.A. & Poonam bungalow and further to utilise the entire admissible T.D.R. by constructing the proposed bldg. As per the same, M/s. Sandhu Builders has signed notice under Sec.337 of M.M.C. Act & C.C. application under Sec.44/69 of M.R. & T.P. Act & submitted the proposal through their architect to this office.

Title clearance certificate from Solicitor M/s. Divya Shah Associates have already been submitted vide letter dated 22.2.2006. Accordingly, the title is in the name of M/s. Sandhu Builders and it is clear & marketable.

Proposed Details

Now, architect has submitted amended plans vide pg. 59-77, wherein; he has proposed residential bldg consisting of wings 'A & B' comprising of common lower basement [for car parking] + upper basement [partly for car parking + partly for services & utilities] + stilt [for car parking] + wing 'A' 1st to 19th upper floors & wing 'B' 1st to 5th upper floors partly for residential user & partly for covered elevated parking in lieu of plot potential + admissible T.D.R. + staircase, lift, lift lobby area benefit, thereby retaining existing Gr. + one storied row house.

The floor-wise planning details are given below :-

1] Lower basement & upper basement :-

Architect has proposed two level common lower & upper basement for wings 'A & B' leaving 1.50 mtrs. [min.] in rear & side, except 6.00 mtrs. in side towards Municipal Reservoir & 4.50 mtrs. [min.] in F.O.S. Lower basement is proposed for car parking, meter room, sub-station for electricity, control panel room & upper basement is proposed for car parking, underground water tank, utilities and pump room. Other details regarding basement is as given below :-

i] Area :- Area of lower & upper basement proposed 10005.70 sq.mtrs., which is more than twice the plinth area 1748.38 sq.mtrs., but less than 13163.20 sq.mtrs. plot area and same exceeds permissible limit of Reg.38[9][i] of D.C.R.91 and area of entire basement is claimed free of F.S.I.

[ii] Height :- Height of lower basement & upper basement is proposed 3.05 mtrs. on each level without proposing cross beam.

[iii] User :- Lower basement & upper basement are proposed for car parking as per Reg.38[9][iv][d] of D.C.R.91.

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(iv) Other user :- Architect has proposed separate room & space for meter room, electrical sub-station & control panel in lower basement & U.G. water tank, utilities and pump room in upper basement as per Reg.38[2][iv][c] of D.C.R.91.

(v) Basement top :- Basement top is proposed flush with ground level within bldg line & also in extended portion beyond bldg line as against required 0.90 mtr. as per Reg.38[9][v][a] of D.C.R.91.

(vi) Access :- Architect has proposed 7.35 mtrs. [min] width of two ramps from ground to lower basement from ground touching to the compound wall towards North side of the plot & the site under reference is situated on undulated plot, due to said topography of plot & same ramp is also continued from lower basement to upper basement, architect has proposed separate 6.00 mtrs. wide two way ramp as an access to the upper basement from ground towards West side of the plot. Architect has proposed 3 nos. of common staircases & 3 Nos. of lifts in wing 'A' and single staircase & 2 Nos. of lifts in wing 'B' for pedestrian. Area of all staircases, lifts are claimed free of F.S.I.

2) Stilt :-

Architect has proposed common stilt for wings 'A & B' with covered parking between both wings for car parking purpose. Area of entire stilt is claimed free of F.S.I. Height of stilt is proposed 6.10 mtrs. above ground level without proposing cross beam & floor level of the said stilt is proposed flush with ground level as against required 0.15 mtr. A.G.L.

3) Wing 'A' - 1st to 19th upper floors & wing 'B' 1st to 5th upper floors partly for residential & partly for elevated parking :-

Architect has proposed wing 'A' with typical floors 1st to 6th, 8th to 13th, 7th & 14th and 15th to 19th upper floors partly for residential user. Architect has proposed two separate portions on each floor as a covered elevated parking towards North & South side of the plot under reference with entire floor height 3.35 mtrs. without proposing cross beam above 2.40 mtrs. at elevated parking area on each floor & area of elevated parking claimed free of F.S.I. on each floor.

Wing 'B' is proposed for partly residential user with partly for covered elevated parking from 1st to 5th typical upper floors with common covered elevated parking between wings 'A & B' with entire floor height 3.35 mtrs. on each floor without proposing cross beam above 2.40 mtrs. at elevated parking area on each floor.

Single car lift is proposed in each covered elevated parking on each floor in wings 'A & B' as an access to the same from ground in side open space & area of same is claimed free of F.S.I.

4) Refuge area :-

Refuge area is proposed on 7th & 14th upper floors in wing 'A'. 7th floor level is proposed 26.20 mtrs. A.G.L. Refuge area is proposed on immediate floor above 24.00 mtrs. as per Reg.44[7] of D.C.R.91 & refuge area of 7th & 14th upper floors is claimed free of F.S.I. as per Reg.44[7][d] of D.C.R.91.

5] Balcony :-

Architect has proposed total balcony within limit of 20% of net B.U.A. proposed on each habitable floor as per Reg.38[22] of D.C.R.91. The area above 10% of net B.U.A. on each floor is counted into F.S.I. as per the same.

(A)9

6] Tenement density :-

As per D.C.R.91, the total tenements permissible is 592 Nos. Architect has proposed 24 Nos. of tenements in wings 'A & B' with single tenement on each floor in each wing, except existing bungalow proposed to be retained [5.00 Nos.].

7] Parking :-

As per Reg.36 of D.C.R.91, required parking is 108 Nos., architect has proposed 309 Nos. of parking in the basement, stilt & covered elevated parking in wings 'A' from 1st to 19th upper floors & wing 'B' from 1st to 5th upper floors.

8] R.G. :-

Architect has proposed 15% deductible R.G. in odd shape partly on basement top of upper basement & partly on ground in one place open to sky, as shown on plan at pg. , leaving 3.00 mtrs. from bldg line. Architect has proposed swimming pool in R.G. area which is in extended portion of basement i.e. on ground permissible as per Reg.23[ii] of D.C.R.91.

9] Staircase, lift, lift lobby area :-

Architect has claimed area of common staircase, fire escape staircase, lift, lift lobby passage thereto, cut off passage free of F.S.I. on all non-habitable floors i.e. lower basement, upper basement, stilt & topmost storey of terrace & also on habitable floors of wing 'A' i.e. 1st to 19th upper floors & wing 'B' 1st to 5th upper floors.

10] Servant toilet on each floor in Wing A on either side on floor level with entry from staircase are proposed having a total area including passage more than 2.20 sq.mt. Since the same are counted in FSI, the same will be permitted.

11] Elevation treatment :-

Architect has proposed flower planters with 1.20 mtrs. from bldg line & 0.75 mtr. from balcony line in wing 'A' comprising of 1st to 19th upper floors & in wing 'B' from 1st to 5th upper floors towards L/V portion. Additional tie beams are proposed beyond flower planter by keeping voids with max. 2.64 mtrs. in wing 'A' & max. 2.40 mtrs. in wing 'B' on all floors. Vertical columns are proposed on 1st & 10th to 19th floors in wing 'A'. Voids of flower planter between tie beam & outer edge of tie beam in square & circular shapes, 2 Nos.

canopies also proposed in the form of tie beams & voids towards North & South side in the open space. The details of elevation features may please be seen at pg.

(1/11)

To approve the plans, the proposal needs relaxation in D.C.R.91 on following points :-

1) To condone deficiency in open space by charging premium as per policy :-

F.S.I. 1.00 planning :-

Architect has submitted plans for F.S.I. 1.00 vide pg. 2/45-55, wherein; he has proposed common two level basement for wings 'A & B' i.e. lower basement & upper basement + common stilt for wings 'A & B' + wing 'A' consisting of 1st to 3rd upper floors + wing 'B' consisting of 1st [st] upper floor partly for residential user & partly for elevated parking area for wings 'A & B' in lieu of plot potential + staircase, lift, lift lobby area benefit by proposing retaining of existing row house.

The details of open space deficiency calculations are as tabulated below :-

Wing 'A' - Ht. of bldg = 16.15 mtrs.

L/V = 5.38 mtrs. considering L.L.F. - Length of wing 'A' = 68.96 mtrs.

$[68.96 - 40.00] \times 10\% = 2.89$ mtrs. - L/V = $5.38 + 2.89 = 8.27$ mtrs.

D/W = 3.23 mtrs., but 3.60 mtrs. min. as per Reg.29 of D.C.R.91.

Wing 'B' - Ht. of bldg = 9.45 mtrs.

L/V = 3.15 mtrs., but 3.60 mtrs. min. as per Reg.29 of D.C.R.91

D/W = 3.60 mtrs. min. as per Reg.29 of D.C.R.91.

FOS as per Reg 31[1] = $9.45 / 1.5 \times 13.70 = 0.47$ mtrs., but 4.50 mtrs. [min]. as per Reg.29, table 10

Ht. of existing row house = 10.37 mtrs. L/V & D/W = 3.60 mtrs. for residential user & 4.50 mtrs. for shopping user.

Side of bldg	O.S. required in mtrs.	O.S. proposed in mtrs.	Def	% Def	Remarks
Wing 'A' East A-B, B-C D-E, F-G G-H, H-I I-J, J-K L-M, N-O, O-P C-D, E-F, K-L M-N	3.60 8.30	6.76 [min] 11.38 [min]	Nil Nil	-- --	D/W L/V
Wing 'A' South - P-Q	3.60	13.36	Nil	--	D/W
Wing 'B' B'-C, D'-E	3.60	6.07	Nil	--	L/V

E-F G-D, F-G H-I	3.60	6.00	Nil	--	D/W
Wing 'B' West A'-B'	4.50	5.85	Nil	--	FOS as per Reg 29[5] & 31[1]
Wing 'A' North A-AA	3.60	9.00 [min]	Nil	--	D/W
Wing 'B' I-J, J-K, K-L L-M	3.60	More than 3.60	Nil	--	L/V & D/W

Joint Open space

Side of bldg	O.S. required in mtrs.	O.S. proposed in mtrs.	Def	% Def	Remarks
Wings 'A & B' Q-Q' & H-I	3.60+3.60=7.20	12.00 [min]	Nil	--	D/W - D/W
Wing 'B' & existing row house					
A-N' & XX-YY	3.60+4.50=8.10	9.00+8.00/2=8.50	Nil	--	D/W - D/W [shop]
M-N' & YY-ZZ	3.60+4.50=8.10	8.10 [min.]	Nil	--	D/W - D/W [shop]
Wing 'A' & exist. row house					
Z-N, X-W, V-U	8.30+3.60=11.90	36.20 [min]	Nil	--	L/V - D/W
T-S, R-Q		34.93 [min]	Nil	--	D/W - D/W
X-Y, U-T, S-R	3.60+3.60=7.20				

From the above table, it is observed that architect has proposed adequate open space for L/V, D/W & F.O.S. as per Reg.29[5] & 31[1] and joint open space between wings 'A & B', wing 'A' & exiting row house and wing 'B' & existing row house.

F.S.I. 2.00 planning :-

Architect has submitted plans for F.S.I. 2.00 vide pg. ^{e/59}/₇₇, wherein; he has proposed residential bldg comprising of wings 'A & B' with two level common basement i.e. lower basement & upper basement [for car parking, services & utilities] + common stilt [for car parking] + wing 'A' consisting of 1st to 19th upper floors partly for residential user & partly for covered elevated parking + wing 'B' consisting of 1st to 5th upper floors partly for residential user and partly for elevated covered parking in lieu of plot potential + admissible T.D.R. + staircase, lift, lift lobby area benefit by demolishing existing bldg & proposing retaining of existing row houses on the same plot.

The details of the open space deficiency calculation is as given below :-

Wing 'A' - Ht. of bldg = 69.75 mtrs.

L/V = 23.25 mtrs. considering L.L.F. = Length of wing 'A' = 68.96 mtrs.

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$[68.96 - 40.00] \times 10\% = 2.89$ mtr. L/V = $23.25 + 2.89 = 26.14$ mtrs., but 20 as per 29[1]

D/W = 13.95 mtrs., but 6.00 as per C.F.O. NOC as mentioned in Reg. 29[F] of D.C.R.91 as given in other cases.

Wing 'B' - Ht. of bldg = 22.85 mtrs.

L/V = 7.61 mtrs., say 7.65 mtrs.

D/W = 4.57 mtrs., say 4.60 mtrs.

F.O.S. as per Reg. 31[1] of D.C.R.91 = $22.85 / 1.5 = 15.23$ mtrs., but 4.50 mtrs. min. as per Reg. 29, table 10 of D.C.R.91.

Ht. of existing row house = 10.37 mtrs., L/V & D/W = 3.60 mtrs. for residential user & 4.50 mtrs. for shop user.

Side of bldg	O.S. required in mtrs.	O.S. proposed in mtrs.	Def	% Def	Remarks
Wing 'A' East A-B, B-C D-E, F-G G-H, H-I I-J, J-K L-M, N-O, O-P C-D, E-F, K-L M-N	6.00 20.00	6.76 [min] 11.38 [min]	Nil 8.62	-- 43%	D/W L/V
Wing 'A' South - P-Q	6.00	13.36	Nil	--	D/W
Wing 'B' B'-C', D'-E E'-F'	7.65	6.07	1.58	20.65%	L/V
C'-D', F'-G' G'-H'	4.60	6.00	Nil	--	D/W
Wing 'B' West A' - B'	4.50	5.85	Nil	--	FOS as per Reg. 29[5] & 31[1]
Wing 'A' North A-AA	6.00	9.00 [min]	Nil	--	D/W
Wing 'B' I'-J', J'-K', K'-L L'-M'	7.65	More than 7.65	Nil	--	L/V & D/W

Joint Open space

Side of bldg	O.S. required in mtrs.	O.S. proposed in mtrs.	Def	% Def	Remarks
Wings 'A&B' Q-Q' & H'-I'	$36.00 + 4.60 = 40.60$	12.00 [min]	Nil	--	D/W + D/W
Wing 'B' & existing row house					
A'-N' & XX-YY	$4.60 + 4.50 = 9.10$	$9.00 + 8.00 = 17.00$	0.60	6.59%	D/W - D/W [shop]
M'-N' & YY-ZZ	$4.60 + 4.50 = 9.10$	8.10 [min.]	1.00	10.98%	D/W - D/W [shop]

Wing 'A' & exist. row house					
Z-Y, X-W, V-V	20+3.60=23.60	36.20 [min]	Nil	--	L/V + D/W
T-S, R-Q					
X-Y, U-T, S-R	6.00+3.60=9.60	34.93 [min]	Nil	--	D/W + D/W

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From the above table, it is observed that architect has proposed adequate open space for D/W. F.O.S. as per Reg.29[5] & 31[1] for wing 'B' & joint open space between wing 'A' & existing row house. Due to additional floor on wings 'A & B', maximum deficiency is created i.e. 43% for L/V towards East of wing 'A' & for joint open space between wing 'B' & existing row house upto 10.98% max.

Architect has elaborated the following hardship :-

Hardship :-

There is an existing structure on plot under reference. The existing structure is proposed to be demolished for redevelopment. Due to re-accommodation of existing tenants and planning constraints, there is a deficiency in open space. The plot under reference is situated on the 13.70 mtrs wide existing road with topographically stiff sloping, due to which there is a limitation for planning of proposed bldg. therefore, it is not possible to minimize the deficiency in open space.

The specific space is required for the provision of R.G. in one place on ground floor, hence there is limitation in planning from expanding of plinth point of view.

Architect vide his letter at pgs 1-3, has expressed his hardship in providing required open spaces for development of plot for F.S.I. 2.00. Architect has pleaded that the applicant is C.A. to owner for Co-op Hsg. Society, wherein, required existing members are to be accommodated in the new bldg. as per their area requirement. Hence, it is not possible to reduce the plinth dimension due to planning constraints. Also, the architect has pleaded that the plot under reference is in odd shape. Hence, it is not possible to provide adequate open spaces as per D.C.R.91 for F.S.I. 2.00. The deficiency of side open spaces upto max 43.00% is created.

In specific cases where a clearly demonstrable hardship is caused, the Commissioner may for reasons to be recorded in writing, by special permission permit any of the dimensions prescribed 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 inhabitants of the building and the neighborhood.

Neighbourhood safety :-

From the location plan at pg. 5/57, it is observed that the plot under reference is situated at the junction of 13.70 mtrs. wide existing road towards North & West side of the plot. Hence, there is no need of neighbourhood N.A.C. Towards East side, there is existing bldg comprising of stilt + 8 upper floors constructed on adjoining plot & towards South side of plot, there is Municipal reservoir known as Pali Hill reservoir. Hence, there is no need of joint open space between plot under reference & neighbourhood plot as tabulated below :-

1] Details of proposed bldg :-a] Wing 'A' - ht. of bldg = 69.75 mtrs.

L/V = 23.25 mtrs. considering L.L.F. = Length of wing 'A' = 68.96 mtrs.

 $[68.96 - 40.00] \times 10\% = 2.89$ mtrs. - L/V = 23.25 + 2.89 = 26.14 mtrs. but, max. 20.00 mtrs. as per Reg.29[1] of D.C.R.91.

D/W = 13.95 mtrs., but 6.00 mtrs. as per C.F.O. NOC as mentioned in Reg.29[F] of D.C.R.91.

b] Wing 'B' - Ht. of bldg = 22.85 mtrs.

L/V = 7.61 mtrs., say 7.65 mtrs. D/W = 4.57 mtrs., say 4.60 mtrs.

F.O.S. as per Reg.31[1] = $22.85/1.5 - 13.70 = 1.53$, but 4.50 mtrs. [min] as per Reg.29, table 10 of D.C.R.91.

Ht. of existing row house = 10.37 mtrs.

L/V & D/W = 3.60 mtrs. for residential user & 4.50 mtrs. for shop user.

2] Details of adjoining plot :-

[i] North side - Plot under reference abuts 13.70 mtrs. wide existing road

[ii] East side - existing bldg comprising of stilt + 8 upper floors

Ht. of bldg = 26.25 mtrs., L/V = 8.75 mtrs., D/W = 5.25 mtrs., say 6.00 mtrs.

[iii] West side - Plot under reference abuts 13.70 mtrs. wide existing road

[iv] South side - Plot under reference abuts Municipal reservoir.

Side of bldg	J.O.S. reqd in mtrs.	J.O.S. prop in mtrs.	Def	% def	Remarks
South	--	--	--	--	Plot u/r abuts Municipal reservoir
North/West	--	--	--	--	Plot u/r abuts existing 13.70 mtrs. wide existing roads
East	$6.00+8.75=14.75$	$6.76+10.22=16.98$	Nil	--	Adequate J.O.S. proposed.

From the above table, it is observed that architect has proposed adequate joint open space between existing bldg and proposed bldg towards East side. Hence, there is no need of

neighbourhood N.O.C. for proposed development. There is Municipal reservoir and existing road abutting to plot under reference towards South, North & West sides. Hence, there is no need of neighbourhood NOC.

b) **Structural safety :**

Owner has appointed Structural Engineer having registration with M.C.G.M for the supervision of R.C.C. work, who has prepared the structural design for the proposed work by taking into consideration the seismic load (I.S. Code 1893) and relevant I.S. codes and factor of safety. As per the Structural Engineer's letter at pg... the bldg is originally designed for common two level basement for wings 'A & B' + wing 'A' comprising of stilt + 1st to 19th upper floors & wing 'B' comprising of stilt + 1st to 5th floors residential bldg by considering T.D.R. potential. Therefore, it appears that due consideration is given to the structural safety of the bldg and neighborhood by designing the bldg as per relevant I.S. Code. The structural safety certificate for the completed work will be insisted before granting occupation certificate to the bldg.

c) **Fire safety :**

Since, the architect has proposed the residential bldg of ht 69.75 mtrs for wing 'A' & 22.85 mtrs. for wing 'A', architect has submitted N.O.C. from C.F.O. vide pgs. C/ 25 - C/43 Architect has proposed required open space of 6.00 mtrs. [min]. C.F.O. NOC has been already issued for the same. The maneuverability of fire engines on an average rescue operation and fire ladders in the even of emergency will not be hampered as per the same. Architect has also proposed the staircase of adequate width and 2 Nos [min] of lifts for each wing as per D.C.R.91. The refuge area is proposed on the part portion of 7th & 14th floors in wing 'A'.

It appears from above that the fire safety factors are considered for the proposed development.

d) **Health:**

Owner has appointed the licensed plumber for execution of drainage work as per by law 4(c).

All the surrounding open spaces around the bldg are proposed to be paved and thus, there will not be water logging in the plot. Further, the bldg is proposed for residential user and therefore, L/V of the persons living in the bldg under reference will not be practically affected. All the joint open spaces of the bldg under reference and surrounding bldgs are adequate, hence health of the occupants of the bldg and neighborhood will not be affected.

e) Public safety :-

The plot under reference is situated in developed infrastructure / locality. Hence, S.W.D. & S.P. remarks will be insisted before C.C. & completion certificate for S.W.D. will be insisted before occupation & Janata Insurance Policy is already submitted by architect, hence indemnity bond for damage, risk & accident is already submitted by C.A. to owner & revalidation for the Janata Insurance Policy will be insisted upto B.C.C. submission.

Under the circumstances and in view of architect's representation for demonstrated hardship, if the justification is agreed, then Ch.E.(D.P) / Dir(E.S. & P) / M.C.'s consideration is requested to condone the deficient open space for the bldg to the tune of 43% for L/V & 10.98% for J.O.S. between wing 'B' & existing row house under reference by charging premium as per the policy under the provision of D.C.R. 64(b).

The proposal under reference is in order with respect to car parking and tenement density.

2) To allow basement area more than twice the plinth area & less than plot area with basement top flush with ground level :-

Architect has proposed two level common lower & upper basement for wings 'A & B' leaving 1.50 mtr. [min] in rear & side of the plot, except South side he has proposed 6.00 mtrs. towards Municipal reservoir & 4.50 mtrs. [min] in front open space.

[1] Lower basement is proposed for car parking, D.G. room, separate meter room for wings 'A & B', electric sub-station, control panel room

[2] Upper basement is proposed for car parking, U.G. water tank, utilities & pump room.

Area of the lower & upper basement is proposed 10005.70 sq.mtrs., which is more than twice plinth area of wings 'A & B' i.e. 1748.38 sq.mtrs. but, less than plot area i.e. 13163.20 sq.mtrs. & area of entire basement claimed free of F.S.I. Height of lower & upper basements is proposed 3.05 mtrs. without proposing cross beam. Entire basement top is proposed flush with ground level as against required 0.90 mtr. [min] as per D.C.R.91. Architect has proposed 7.30 mtrs. wide single two way ramp from ground to lower basement for vehicle, touching to the compound wall towards North side which is also continued from lower to upper basement & separate 6.00 mtrs. wide ramp also proposed touching to the compound wall towards North side as a 2nd access to the upper basement from ground. Architect has also proposed two car lifts as an access to the two level basement from ground. Architect has also proposed 3 Nos. of common staircase & 3 Nos. of lifts in wing 'A' & single staircase and 2 Nos. of lifts in wing 'B' for pedestrian area of all staircase & lifts are claimed free of F.S.I. N.O.C. from C.F.O. from services point of view, which are proposed in the basement may please be seen at pg.

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Architect has stated the following hardship vide pg.

- 1] The two level basement is proposed to accommodate car parking required as per D.C.R.91 as well as per demand of prospective buyer, due to which it is not possible to reduce basement area.
- 2] To provide recreation garden in one place without level difference & to make easy maneuverability of cars in stilt, it is not possible to propose basement top as per D.C.R.91 within bldg line.
- 3] To provide healthy cross ventilation in basements and to provide required floor height for other services proposed in basement, it is not possible to reduce floor height of basement.
- 4] Due to topography of plot, the separate ramps proposed touching to compound wall, hence there is no need of neighbourhood NOC & same compound wall will be demolished before granting occupation.

As per the provisions of D.C.R., the total no. of car parking required are 108 nos., architect has proposed 190 no. of parking as per the details given below :

	<u>Proposed</u>
[1] Lower Basement	60
[2] Upper Basement	43
[3] Elevated Parking	73
[4] Stilt Parking	14
Total	190

Architect in his representation has requested to allow the parking as proposed being a bldg. is situated in the posh locality of Mumbai i.e. Pali Hill and the plot is on the top of the Pali Hill where the minimum requirement for tenement will be about 3 nos. parking. The total no. of 36 tenements are proposed. Accordingly, if architect's contention is accepted, total 190 no. of parkings will be allowed. He has stated that considering the visitor's parking etc., he has proposed more parking and requested to allow the same. EE(T&C)'s NOC for the said parking arrangements are yet to be submitted. Architect M's.ARS Consultants vide their representation to DIR.(ES&P) at Pg. c/1 informed that they have approached the EE(T&C) for NOC and the said NOC will be submitted within 8 days and further requested to allow the same.

Architect has informed that he will submit a registered undertaking for not misusing the basement area before approval of the plans.

In view of above, Ch.E.[D.P.] / Dir.[E.S.& P.] / M.C.'s approval is requested for the following points :-

- a] To allow two level basement with area more than twice the plinth area, but less than plot area with height 3.05 mtrs. on each level, free of U.S.I.
 - b] To allow basement top flush with ground level within bldg line
 - c] To allow separate two way ramps touching to compound wall within the plot.
- 3] To allow excess height of stilt with plinth level flush with ground level :-

Architect has proposed stilt in wings 'A & B' with floor height 6.10 mtrs. without cross beam with plinth level flush with ground level & area of the same is claimed free of F.S.I. Architect has also proposed elevated covered parking with two separate spaces, one is proposed in wing 'A' towards North side & other is proposed in side open space as shown in 'X' & 'Y' on plan at pg. 9/57, due to which these two portions create covered parking on ground level & the said covered parking is proposed with 6.10 mtrs. floor height without proposing cross beam and area of same is claimed free of F.S.I.

Architect has stated the following hardship in his letter at pg. 9/1-3.

- a] The excess height of stilt is proposed from aesthetical point of view and to maintain healthy cross ventilation in stilt.
- b] Due to planning constraints and as per requirement of Structural Engineer, it is not possible to propose proposed floor level of stilt 0.15 mtr. above ground level.
- c] Due to elevated parking proposed from 1st floor onwards, 2 Nos. of covered parking on ground level in side open space & to maintain unique floor level on 1st floor, height of covered parking creates 6.10 mtrs. A.G.L.

Registered undertaking for not misusing the stilt & covered parking in side open space will be insisted before C.C. & bye law 4[c] in effect will be insisted before C.C., if agreed.

In view of above, Ch.E.[D.P.] / Dir.[E.S. & P.]'s approval is requested on the following points :-

- 1] To allow excess height of stilt i.e. 6.10 mtrs. without cross beam free of F.S.I. with plinth level flush with ground level.
- 2] To allow covered parking in side open space with height 6.10 mtrs. without cross beam free of F.S.I. with plinth level flush with ground level as marked 'X & Y' on plan at pg. 9/59-77.
- 4] To allow covered elevated parking with single car lift :-

Architect has proposed covered elevated parking from 1st to 19th floors in wing 'A' & 1st to 5th upper floor in wing 'B' with floor height 3.35 mtrs. without cross beam. Architect has proposed covered elevated parking in two separate portions with 0.30 mtr. below from related floor level so as to avoid misuse of the same. The Section through car lift will be insisted.

One is proposed in wing 'A' towards North side from 1st to 19th floors & the other is proposed in common portion between wing 'A' with 1st to 19th upper floors as marked 'A' on plan at pg. 9/77 & wing 'B' with 1st to 5th upper floors by leaving 6.00 mtrs. from compound wall in side open space as marked 'B' on plan at pg. 9/59 & area of the same is claimed free of F.S.I. Architect has proposed single car lift in side open space as an access to each covered

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parking in wings 'A & B' from ground as agreed. Required two & area of the car lift is covered free of F.S.I. 1.0 mt. R.C.C. parapet wall + Glass above is proposed around the car lift rooms.

NI 29

Architect has stated the following hardship in his hardship letter vide pg 9/1-3.

- [i] The proposed bldg is one of the landmark bldgs in Bandra area and the same is designed as per the international trend from interior as well as exterior point of view.
- [ii] The parking demand is on higher side than prescribed in D.C.R.91. Due to proposed R.G. on basement and due to planning constraints, it is not possible to provide the same in basement or in still.
- [iii] To maintain unique floor level on each floor, it is not possible to reduce floor height & to avoid misuse of elevated parking area, same is proposed 0.30 mtr. below related floor level
- [iv] Due to planning constraints, it is not possible to provide two lifts on each covered elevated parking area.

C.F.O. has also agreed for the same covered elevated parking from planning & open space point of view as per their N.O.C. vide pg.

EE(T&C)'s NOC for the said parking arrangements are yet to be submitted. Architect M/s.ARS Consultants vide their representation to DIR.(ES&P) at Pg. 9/1-3 informed that they have approached the EE(T&C) for NOC and the said NOC will be submitted within 8 days and further requested to allow the same.

It is pertinent to note here that as per the provisions of D.C.R. 36 (1) (I), parking spaces in basement area on plot supported by stillt or on upper floors covered and uncovered space in the plot are permissible. As mentioned earlier in Sr.No. 2, Architect has proposed more parking considering the locality and the requirement of the prospective purchasers of the flats and requested to allow the same.

Registered undertaking for not misusing covered elevated parking will be insisted before C.C. & owner / applicant of the proposal will be asked to submit registered undertaking before C.C., stating the facts of the single car lift will be informed to prospective buyers, incorporating the same in their safe agreement.

In view of above. Ch.E.[D.P.] / Dir.[E.S.& P.] / M.C.'s approval is requested on the following points :-

- [i] To allow covered elevated parking in wing 'A' from 1st to 19th upper floors & wing 'B' from 1st to 5th upper floor in side open space below 0.30 mtr. on related floor level with floor height 3.35 mtrs. without cross beam free of F.S.I., as explained in above report.
- [ii] To allow single car lift in each elevated parking area in side open space free of F.S.I. from ground & 1st to 19th upper floors in wing 'A' without insisting additional 2 Nos. car lifts by charging premium.

5] To allow meter room, U.G. tank, pump room in upper basement free of FSI

Architect has proposed the utilities i.e. Meter Room, Underground Tank, Pump Room etc., on upper basement as shown on the plan at Pg. C/ 63. As per the provisions of D.C.R. 35 (2) (I) (ii), meter room upto area 20.00 sq.mt. are allowed free of FSI. The same can be allowed.

N/31

As regards underground tank for fire fighting suction tank proposed in basement, H.E.'s NOC will be insisted.

In view of the above, CH.E.(D.P.)/DIR.(ES&P)'s approval to allow proposed user in basement is requested.

6] To allow odd shape R.G. partly on basement :-

Architect has proposed 15% R.G. i.e. 2252.27 sq.mtrs. partly 1931.94 sq.mtrs. on basement & partly 320.33 sq.mtrs. on ground at the top of upper basement level permanent open to sky leaving 3.00 mtrs. min. from bldg line in odd shape. Architect has proposed swimming pool in the said R.G. as per Reg.23(ii) of D.C.R.91 on ground portion & area of the same is claimed free of F.S.I. Architect has also proposed separate circular enclosed staircase near swimming pool with leaving 3.00 mtrs. open space from R.G. all around the staircase which is proposed as an access to upper basement from ground and area of the same claimed free of F.S.I.

Architect has stated the hardship as elaborated below :-

[i] Due to topography of plot, it is not possible to provide the R.G. area on entire ground with unique ground level

[ii] Swimming pool is proposed as per demand of prospective buyer within limit of D.C.R.91.

[iii] The plot under reference is in odd shape, hence, it is not possible to provide R.G. area in shape as per D.C.R.91.

[iv] Separate staircase is proposed as per the demand of service consultant.

Registered undertaking for water proofing of R.G. area on basement portion & N.O.C. from H.E. for swimming pool will be insisted before C.C.

In view of above, Ch.E.[D.P.] / Dir.[E.S.&P.] / M.C.'s approval is requested to allow odd shape R.G. partly on basement by charging Rs.50 - per sq.mtr. as per procedure & partly on ground as mentioned above.

7] To allow common staircase, separate staircase, lift, lift lobby, passage, thereto / common passage, cut off passage free of F.S.I. by charging premium :

H/33

Architect intends to claim staircase, common as well as internal lift, lift lobby free of F.S.I. for the plans under reference. Exemption to this from F.S.I. computation is permitted as per Reg. 35(2)(C) of D.C.R. 91 with the special permission of the Municipal Commissioner & same is shown hatched green on plan at pg.C/281. The architect has also claimed to common passage as shown hatched orange free of FSI & cut off passage is claimed free of F.S.I. as shown hatched black on plan at pg. 9/59 as per Reg.35[2][d] of D.C.R.91.

- a] To allow common staircase, lift, lift lobby, passage thereto, common passage & cut off passage, area on habitable floors free of F.S.I. by charging premium in wings 'A & B'.
- b] To allow fire escape staircase, common passage, cut off passage area free of F.S.I. on all habitable & non-habitable floors as marked wash green on plan at pg. 9/59-77, in wing 'A' without charging premium.
- c] To allow separate staircase area free of F.S.I. from ground to upper basement as marked wash orange on plan at pg. 9/59-77 by charging premium.
- d] To allow staircase, lift, lift lobby area free of F.S.I. in stilt & basement of wings 'A & B' without charging premium as shown hatched black on plan at pg. 9/59-77
- e] To allow lift free of F.S.I. in lower & upper-basement as marked wash blue on plan at pg. 9/59-77 by charging premium.
- f] To allow area of elevated water tank & non-habitable area below water tank in wings 'A & B' free of F.S.I. without charging premium.
- g] To allow area of staircase from topmost floor to terrace free of F.S.I. wings 'A & B' without charging premium.
- h] To allow lift machine room above terrace floor free of F.S.I. wings 'A & B' without charging premium.
- g] To allow 2 Nos. of car lifts free of F.S.I. on all habitable & non-habitable floors without charging premium.

8] To allow elevation features :-

As per Reg.30[e] of D.C.R.91, a chajja, cornice, weather shade, sun breaker & other ornamental projections projecting not more than 1.20 mtrs. from the face of the bldg. No chajja, cornice, weather shade, sun breaker over a balcony or gallery face with level difference of 0.30 mtr. in relation to the floor level. However, an / or ornamental projection over a balcony or gallery may be allowed to project upto 0.75 mtr.

Architect has proposed :-

a] Planters are proposed having width 1.20mt. beyond bldg. line & 0.75 mt. beyond balcony line for Light & Ventilation in Wing A from 1st to 19th upper floors towards east and west side.

In Wing B, from 1st to 5th upper floors towards north & south as also on west side as indicated 'X' on the plan at Pg.C/ 59-77.

All the planters are proposed 0.30 mt. below the elevated floor level as shown in Section 9/77 on plan at Pg. 9/77

b] R.C.C. bands are proposed beyond the planters all along the periphery of the bldg. as shown on the plan at Pg.C/ 59/77 keeping void inbetween planters and R.C.C. band varying from 0.79 mt. to 2.64 mt.

In Wing B, the additional R.C.C. band projection beyond planters with 1.2 mt. width to 2.44 mt. in width with void inbetween planters or dead walls as shown on the plan from aesthetic point of view.

c] The ducts are proposed to toilet with a service slab of 60 c.m. below floor level and keeping the void between toilet and service slab for maintenance purpose. Beyond the slab, the void is proposed inbetween R.C.C. bands as shown on the plan as indicated 'M' at Pg. ___

d] 2 nos. of cantilever canopies are proposed having a size of 3.00 mtrs. x 18.32 mtrs. at a height of 5.49 mt. above G.L. and leaving more than 1.5 mt. from plot boundary. The details of the same are shown in Section 'A' at Pg. 9/59-77.

As per the policy circular under No. CHE/1078/DPC/GEN. dtd. 15/10/07. R.C.C. band are allowed within the bldg. line with the projection. However, in this case, the R.C.C. bands are proposed along the bldg. line as shown on the plan from the aesthetic point of view. However, architect has stated in his hardship vide letter at Pg. 9/1 and R.C.C. bands are proposed to give unique look to the proposed bldg. and to avoid offset of the bldg. in elevation as the bldg. is situated in high profile locality. During the discussion, he has stated that he will submit a certificate from registered Structural Engineer.

CH.E.(D.P.)/DIR.(ES&P)'s approval is therefore requested to allow the elevation features as proposed.

In view of above, Ch.E.[D.P.] / Dir.[E.S. & P.] / M.C.'s approval is requested on the following points:-

- 1] To condone open space by charging premium as per policy
- 2] To allow basement area more than twice the plinth area but, less than plot area with basement top flush with ground level.

M/35

- 4] To allow excess height of stilt with plinth flush with ground level
 - 5] To allow covered elevated parking with single car lift by charging premium.
 - 5] To allow electric sub-station, control panel room, meter room, U.G. tank, utility room, pump room free of F.S.I.
 - 6] To allow odd shape R.G. partly on basement
 - 7] To allow common staircase, separate staircase, lift, lift lobby, passage thereto, cut off passage free of F.S.I. by charging premium.
 - 8] To allow elevation features.
- Submitted please.

1137

10/9/08
 F.E. BR(H&K) W.S.
 DY. CH.E. B.P. (W.S.) I

Ch.E./D.P.]

Dir. [E.S.&P.]
sir,

M.C.
sir,

बृहन्महानगरपालिका
 प्र. अभि. (विकास नियोजन)
 यांचे कार्यालय
 - 6 SEP 2008
 1514

No. Dir/ES&P/2033/I
6/9/08

06/09/08
 CHECDP
 EE (T&C) & NOC now submitted (P-C-9)
 As per NOC, subject to proposing two car
 lifts on either side of wing A from stilt to
 19th floors, however one lift is proposed
 submitted please

MCP/9/156
10/9/2008

Approved.
F. H. q-a.

Municipal Commissioner,
Ch.E. (D.P.)

6/9/2008
 Director (ES&P)
 B-819

06.09.08
mark.

बृ. मुं. म. पालिका
 (संचालक अभि. सेवा व प्रकल्प)
 यांचे कार्यालय
 दि. - 6 SEP 2008
 क्र. स/अ. से. प्र./ 2033/08

क्रमांक
 ११, १२, १३, १४,
 १५, १६, १७, १८
 १९, २०, २१, २२, २३, २४
 २५, २६, २७, २८
 - 6 SEP - 2008
 आयुक्तांचे कार्यालय,
 बुलढुंबई महानगरपालिका

बुलढुंबई महानगरपालिका
 आयुक्तांचे कार्यालय,
 6 SEP. 2008
 समय ११, १२, १३, १४,
 १५, १६, १७, १८,
 १९, २०, २१, २२,
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 क्रमांक MCP/9158

69

Ref: MCP/9158 dtd. 9/9/08

Forwarded please.

बुलढुंबई महानगरपालिका
 प्र. शा. (विद्यार्थी विभाग)
 कोष कार्यालय
 11 SEP 2008
 1572

Dy. Ch. E. [B.P.] W.S.-I

check 11/9/08

11-09-08
Nash

उप प्रमुख कार्यालय (र.म.)
 परिवहन उपखंड - ३ कोष कार्यालय
 दिनांक 11 SEP 2008
 क्रमांक - 5933

E.E.B.P [H/E & HW/K/E/K/M]
 For further necessary action & Report /
 Bring up before due date

Dy. Ch. E. [B.P.] W.S.-I

A.E.B.P H -
 For further necessary action & report
 on per Hon. M. C. approval
 E.E.B.P H 11/9/08

SEER H/C

1789

MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. CE/2157/WS/AII of

4 NOV 2009

To

Mr. Vasant Thakur
M/s. Gajjar & Associates
Consultants Pvt. Ltd.,
42, Bazar Gate Street,
7/8, 1st floor,
C.S.T.,
MUMBAI - 400 001

ex. Engineer Bldg. Proposal (W.S.)
H and K - Wards,
Municipal Office, R. K. Patkar Marg
Bandra (West), Mumbai-400 050



SUB : Proposed bldg. on plot bearing CTS No.1381,
1382/C, 1378/A & 1629A/1-10 at Bates Hill, Pali
Hill road, Bandra [West].

Sir,

With reference to above, this is to inform you that your above said development proposal is scrutinized & it is found that the P.R.Card stating area of the plot in words is not submitted by you.

You are therefore requested to submit the fresh P.R.Card stating area of the, plot in words immediately to this office.

Yours faithfully,


4.11.09
Assistant Engineer,
Bldg. Proposal (W.S.) II Ward.

*Received
Jagm
04/11/09*

*o/c
[Signature]
04.11.09
SE BPH/C*

1790
C-3

This I.O.D./C.C. is issued subject to the provision of Urban Land Ceiling and Regulation Act, 1976

BMPP-1649-2002-10,000 Forms.

MUNICIPAL CORPORATION OF GREATER MUMBAI
FORM 'A'

ISSUED

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

No. CE/2157/BSH/WS/AH/AK of
COMMENCEMENT CERTIFICATE

Ex. Engineer Bldg. Proposal (W.S.)
H and K Wards
Municipal Corporation of Greater Mumbai
Bandra (West), Mumbai-400 050.

122 JUN 2006

To, Somesh Builders
Chetak C.H.S. Ltd

Sir,

With reference to your application No. 333 dated 6.2.2006 for Development Permission and grant of Commencement Certificate under Section 44 & 69 of the Maharashtra Regional and Town Planning Act 1966, to carry out development and building permission under Section 346 of the Mumbai Municipal Corporation Act 1888 to erect a building.

To the development work of prop. resi. bldg CTS No. 1381, 1382/1, 1383 A
at premises at Street Pali Hill village..... plot
No..... situated at Bandra (W) Ward H/W

The Commencement Certificate/Building Permit is granted on the following conditions :-

1. The land vacated in consequence of the endorsement of the setback line/road widening line shall form part of the public street.
2. That no new building or part there of shall be occupied or allowed to be occupied or used or permitted to be used by any person until occupancy permission has been granted.
3. The Commencement Certificate/Development permission shall remain valid for one year commencing from the date of its issue.
4. This permission does not entitle you to develop land which does not vest in you.
5. This Commencement Certificate is renewable every year but such extended period shall be in no case exceed three years provided further that such lapse shall not bar any subsequent application for fresh permission under section 44 of the Maharashtra Regional & Town Planning Act, 1966.
6. This Certificate is liable to be revoked by the Municipal Commissioner for Greater Mumbai if :-
 - (a) The Development work in respect of which permission is granted under this certificate is not carried out or the use thereof is not in accordance with the sanctioned plans.
 - (b) Any of the conditions subject to which the same is granted or any of the restrictions imposed by the Municipal Commissioner for Greater Mumbai is contravened or not complied with.
 - (c) The Municipal Commissioner of Greater Mumbai is satisfied that the same is obtained by the applicant through fraud or misrepresentation and the applicant and every person deriving title through or under him in such an event shall be deemed to have carried out the development work in contravention of Section 42 of 45 of the Maharashtra Regional and Town Planning Act, 1966.
7. The conditions of this certificate shall be binding not only on the applicant but on his heirs, executors, assignees, administrators and successors and every person deriving title through or under him.

The Municipal Commissioner has appointed Shri. S.Y. Chade
Executive Assistant Engineer to exercise his powers and functions of the Planning Authority under Section 45 of the said Act

This CC is valid upto 21 JUN 2007

The Commencement Certificate is
for carrying out the work up to top of
basement as per approved
plan dt 24.2.2006

For and on behalf of Local Authority
The Municipal Corporation of Greater Mumbai

Shri 22/6/06
Executive Assistant-Eng. Building Proposals
(Western Subs.) 'H & K' Wards 'K/East & P' Wards'
FOR
MUNICIPAL CORPORATION OF GREATER MUMBAI

22/6/06
SECRETARY

Received
DB
22/6/06

1791

valid up to 21/6/08
CE/2157 /BSH/WS/AH = 6 OCT 2008

Further C.C. is now extended up to reendorsed
up to top at upper basement
For.....height as per approved plan dated 3.10.08

ISSUED

6/11/08
E.E.B.P. (W.S.) II & K Ward
SECRETARY

EE (BP) W.S. H Ward
ISSUED
By.....

9C
valid up to 21/6/2009
CE/2157 /BSH/WS/AH = 24 OCT 2008

Further C.C. is now extended up to cup to
3rd floor for EST 1 (one) i.e. 15.84m
For.....height as per approved plan dated 3.10.08

ISSUED
EE (BP) W.S. H Ward
By.....

valid up to 21/6/2010
CE/2157 /BSH/WS/AH = 22 JAN 2010
Further C.C. is now extended up to Full CC
For Wing A up to top at 19th floor 69.10m
excluding LMR ROHT
For.....height as per approved plan dated 21.1.10

22/10/08
E.E.B.P. (W.S.) II & K Ward
SECRETARY

Received by.....
valid up to 21/10/08

ISSUED
E.E.B.P. (W.S.) II & K Ward
By.....

valid up to 21/6/2009
CE/2157 /BSH/WS/AH = 19 JAN 2009
Further C.C. is now extended up to top at
6th floor i.e. 25.59m at A & L For Wing A
For.....height as per approved plan dated 3.10.08

valid up to 21/10/08
CE/2157 /BSH/WS/AH = 7 MAY 2010
Further C.C. is now extended up to Full CC is now
reendorsed up to top of
13th floor excluding LMR ROHT
amended 04/05/10
For.....height as per approved plan dated.....

16/11/09
E.E.B.P. (W.S.) II & K Ward
SECRETARY

ISSUED
EE (BP) W.S. H Ward
By.....

valid up to 21/6/09
CE/2157 /BSH/WS/AH = 20 JUN 2009
Further C.C. is now extended up to top at 14th floor
For Wing A & top at 5th floor For Wing B
For — height as per approved plan dated 3.10.08

ISSUED
E.E.B.P. (W.S.) II & K Ward
By.....

valid up to 21/6/09
CE/2157 /BSH/WS/AH = 15 OCT 2009
Further C.C. is now extended up to top at
15th floor For Wing A i.e.
For.....height as per approved plan dated 3.10.08

ISSUED
EE (BP) W.S. H Ward
By.....

valid up to 21/6/09
CE/2157 /BSH/WS/AH = 15 OCT 2009
Further C.C. is now extended up to top at
15th floor For Wing A i.e.
For.....height as per approved plan dated 3.10.08

valid up to 21/6/2012
CE/2157 /BSH/WS/AH
Further C.C. is now extended up to Full CC
For Wing A up to top of 19th floor
For.....height as per approved plan dated 11.5.2011

SECRETARY

G

SPEED POST

F. No. 2-38/2017-IA-III
 Government of India
 Ministry of Environment, Forests and Climate Change
 (I.A. Division)

Indira Paryavaran Bhavan
 Jor Bagh Road, Aliganj
 New Delhi-110 003

Date: 15th November, 2017

**Subject: Applicability of MoEF&CC Notification S.O. (E) 695 dated 04.04.2011
 etc. - reg.**

This has reference to the representations received in the Ministry on applicability of Notification S.O. (E) 695 dated 04.04.2011 regarding the above mentioned subject.

2. In this regard, the undersigned is directed to say that the Ministry has made amendment to the S.O. 1533(E) dated 14th September, 2006 and issued notification S.O. 695(E) dated 4th April, 2011 and further clarified the applicability of notification S.O. 695(E) dated 4th April, 2011 vide its OM No. 22-35/2017-IA-III dated 7th July, 2017. The copy of the notifications and OM are available on the Ministry's website. However the same are enclosed for your reference.

3. This issues with the approval of Competent Authority.

Encls: As above


 Kushal Vashist
 Director

Tel: 011- 24695382

E Mail: kushal.vashist@gov.in

To,

The Municipal Commissioner
 Municipal Corporation of Greater Mumbai,
 Municipal Extension Building,
 Mahapalika Marg, Esplande Road, GPO,
 Mumbai - 400001, Maharashtra.

Copy to,

- (i) The Additional Chief Secretary & Member-Secretary, SEIAA, Maharashtra, Environment Department, Government of Maharashtra, 15th floor, New Administration Building Mantralaya, Mumbai - 400 032.
- (ii) Shri Kanwarjeet Singh Sandhu, M/s Sandhu Builders, Sandhu Palace, 41, Pali Hill Road, Bandra (W), Mumbai- 400050, Maharashtra.

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Surveyor