

BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL  
BENCH AT PUNE

Appeal No. 21/2023 (WZ)



Santosh Daundkar

.....Applicant

V/s

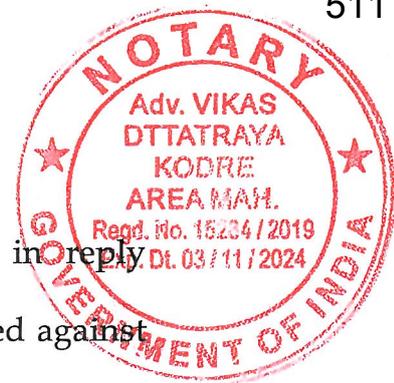
The Secretary MOEF & Ors.

.....Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT**  
**NO. 5 – BRIHANMUMBAI MUNICIPAL CORPORATION**  
**(BMC)**

I, Suraj P. Aambre an Inhabitant, working as Assistant Engineer with Respondent No. 5 - Brihanmumbai Municipal Corporation, having office at, Building Proposal Department, G- 112, Dosti Venus, Off. S. M. Road, Opp. Dosti Estate, Near Vidyalankar College, Walmiki Chowk, Wadala (East), Mumbai - 400037; hereby state on solemn affirmation as under:-

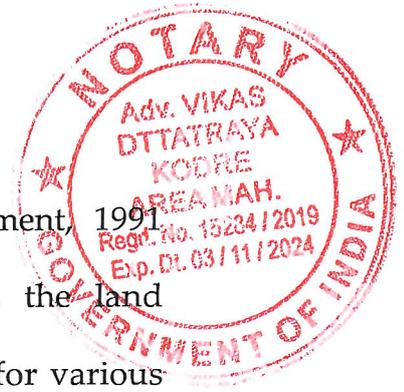
1. I say that I have perused the copy of the appeal and compilation filed by the Appellant and I have also perused the office records. I have made myself conversant with the facts of the case and am able to depose on behalf of the



Respondent No 5. I am filing this affidavit in reply thereto. At the outset I submit that the appeal filed against

Respondent No. 5 - Brihanmumbai Municipal Corporation (hereinafter referred as BMC) is not maintainable in view of Section 5 (2) of Mumbai Municipal Corporation Act 1888. The BMC is a Body Corporate duly constituted under the provisions of Mumbai Municipal Corporation Act, 1888 (hereinafter referred to as the MMC Act, 1888).

2. This appeal has been filed with the prayer challenging the Environment Clearance dated 11/04/2023 issued to Safal Developers Pvt. Ltd /Respondent No. 9 for proposed redevelopment of Municipal Property known as Barracks No.T/57,T/58,T/59 on plot bearing S C No.6(Pt)of F/North Ward, Sion Diviston ,situated at Vishramwadi, Bhaudaji Road, Sion, Mumbai.
3. At the outset, I deny each and every contention, averment, submission which is contrary to what is stated herein below and the averments, contentions, submission which are not specifically denied shall not be deemed to be admitted by reason of non-traverse.



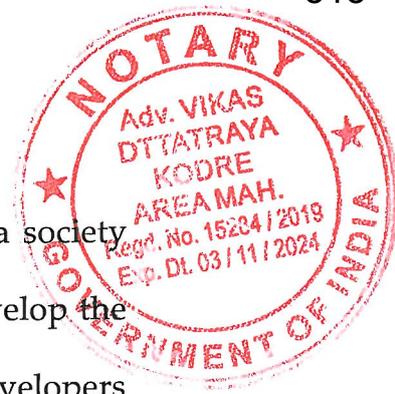
4. That under the Sanctioned Revised Development, 1991 ("SRDP 1991") of F/North -Ward, Mumbai, the land bearing C.S. No.6 of Sion Division is reserved for various purposes. The subject plot under reference of this present appeal was entirely reserved for a **Recreation Ground** as shown distinctly on the plan, and for the widening of existing road, if any. Thus, **no part of the subject plot was ever reserved for "Garden only"**. It is pertinent to note that the development of any plot reserved for Recreation Ground (including the subject plot) is permitted to be developed under Regulation 33(7) of DCR 1991.
5. With reference to the above subject matter, it is submitted that the subject plot is part of the total land is existing Municipal tenanted property known as "Barracks No. T/57, T/58, T/59," under modified regulation 33(7) of D.C. Regn.1991 which was approved by the Improvement Committee, vide Resolution No. MS/6524/BMC of 27.08.2014 and Corporation vide Resolution No. MS/6525/BMC of 27.08.2014 admeasuring area 26,541 sq. mtrs.; owned by present Respondent No. 5- BMC.



6. The tenants of Respondent No. 5 - BMC formed a society called *Rahat Plaza Co-operative Society* to redevelop the plot and appointed Respondent No. 9, Safal Developers Pvt. Ltd. to redevelop the property under Regulation 33(7) of DCR 1991.

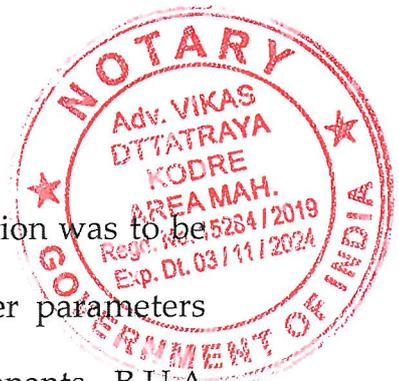
7. All the aspects of the redevelopment had been taken into consideration in the technical committee through P.I. Cell and same is submitted to Improvement committee/ Corporation. The Respondent No. 5 considered the proposal and scheme was duly approved by Improvement committee vide Resolution No. 67 dated 22.08.2014 & Resolution No. 549 dated 25.08.2014. Accordingly, Asstt. Commissioner (Estate) of Respondent No. 5 had issued Letter of Intent (LOI) to the Chief Promoter of Rahat Plaza Co. Op. Hsg. Societies (Proposed) & Architect M/s. B.N. Shah & Associates as attached in additional document under No. AC/Estates/19237/AO (Soc) of 29.08.2015 as per Approved Layout Report.

8. The Corporation granted development permission vide no. CHE/0315041 DP City dated 06.11.2015 to Safal Developers to redevelop the said plot out of which 10,531.98 sq. mtrs.

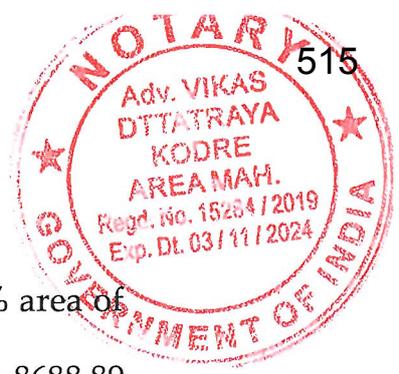




which is 40% of the total area of RG reservation was to be handed over to BMC free of cost also other parameters such as Plot area, occupied by existing tenants, B.U.A required for rehabilitation, permissible built-up area, reservation, B.U.A. is handed over to BMC free of cost etc. Hereto annexed and marked as Exhibit 'A'(Colly) is a copy of Development Permission dated 06/11/2015.

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9. As per Clause 7 of Appendix III of Notification dated 25th January 1999, the "construction or reconstruction of old building falling under reservation contemplated in the D.P. shall be permitted in accordance with the provisions of Notification No. TPB/4391/4680/AiRD/UD-11 dated 3<sup>rd</sup> June 1992 issued under Section 31 of the M.R. & T.P. Act. The reservation of Recreation Ground is placed in category- II of Notification dated 03.06.92. Further, as per the modified appendix III for regulation 33(7) dt. 25/01/1999, the clause 7 (b & c) stated as "any plot under non buildable reservation admeasuring only up to 500 Sq.mt. may be cleared by shifting the existing tenants from that site." & "the stipulation of 33% of area under non buildable reservation may be reduced by the Govt. / Commissioner to the extent necessary where there is

height & such other restriction. In view of this 33% area of the RG reservation works out to  $26329.97 \times 0.33 = 8688.89$  sqmt. However, as per the LOI issued by A.C.(Estate), it is proposed that developed R.G. adm. 10535 sq.mt which is 40% of total area of RG be handed over to BMC. The condition to that effect is incorporated in the Terms & Conditions. As per Development plan 2034 of F/N ward, the scheme plot under reference is shown partly designated for "Municipal Staff Quarters' (DR1.1) and 12.20 mt. proposed road widening and 12.20 mt. wide proposed DP road. The scheme plot under reference falls in Commercial Residential (CR) zone. As per the relevant clause (D) (c)(d) of the policy circular date 10.03.2015, it is provided that "In case the plot is partially/partly under Non-Buildable Reservations under SRDP1991 or DP 2034, then the larger area of such Non-Buildable Reservations shall be carved out and kept aside and the proposal for balance area of the plot shall be processed further for Concessions/layout/IOD/CC/OC as per DCR 1991." However, as the circular no. CHE/26063/DP/GEN dtd 20.08.2015, the following provision is added below Clause (D), Sub Clause (d) to the earlier circular dt. 10.03.2015,



“those cases of development/ redevelopment under Regulation No. 33(7) shall be excluded from operation of Guidelines in Clause 0, Sub Clause c) & d)”. Since reservation of 1991 being more stringent same is continued i.e. R.G. reservation on entire plot. The 9.0m is part of layout road and 12.0 m wide DP was shown in 1991 and 2034 DP and layout approval earlier approved.

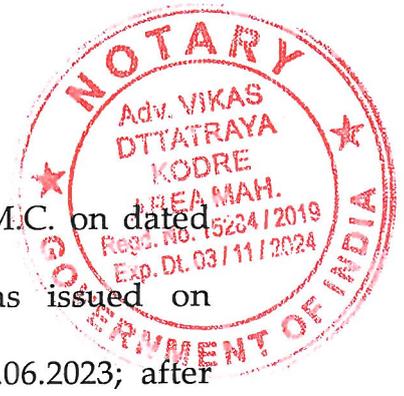
10. A detailed report was submitted to Chief Engineer (D.P.)/M.C. online and M.C.'s approval thereon and thereafter I.O.D. was issued on 08.03.2017. Further IOD was revalidated upto 07.03.2019. Further, again IOD was revalidated upto 07.03.2020.
11. Thereafter, Architect has submitted plans for Re-issue IOD, without change in planning and the only regulation numbers / clauses have changed as per DCPR 2034 IOD was issued on 12/01/2023 for building no. R2 (Slum & Municipal Tenant) & CC for the same was issued on 31/01/2023., The Plinth CC under 20000 sq.m was issued as per EODB circular of BMC to allow CC upto 20,000 sq.m. Thereafter, detailed report was submitted to Ch.Eng. (D.P.)/ M.C. for approval of various concession & same



was approved by Ch. Eng.(D.P.)/ Hon'ble M.C. on dated 11.05.2023 and same amended plans was issued on 24.05.2023 and CC was re-endorsed on 06.06.2023; after obtaining MOEF NOC on 11.04.2023 vide no SIA/MH/INFRA2/408565/2022. Further no work was carried out as per earlier CC as plans were amended. Hereto annexed and marked as Exhibit 'B' is a copy of Google plans with time line.

12. Pursuant to this, IODs dated 06/03/2017, 08/03/2017 and 10/03/2017 were issued to Safal Developers for construction of the redevelopment project which was amended from time to time. A Tripartite Agreement was executed between BMC, Society and Safal Developers Pvt. Ltd. on 29/06/2019 forth execution of the subject redevelopment project.

13. This Respondent submits that the appellant has incorrectly stated that the project plot is reserved for garden or that there is reservation of central park for Dharavi area of 10,531.98 sq. mtrs. of the total area is marked as recreational ground (RG) area as per approved layout plan and the DP Remarks of the subject plot and

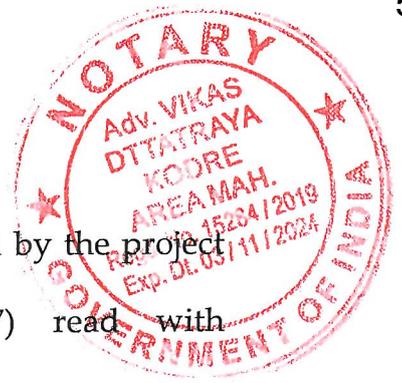


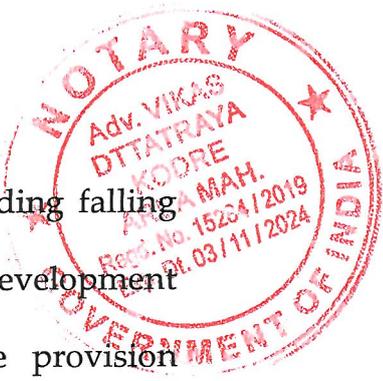
balance area of the plot is to be constructed by the project proponent according to Regulation 33(7) read with Appendix-III of DCR, 1991.

Regulation 33(7) – Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation.

“For reconstruction/redevelopment to be undertaken by Co-operative Housing Societies of existing tenants or by Co-op. Housing Societies of landlords and/or occupiers of cessed buildings existing prior to 30<sup>th</sup> September 1969 in Island City which attract the provisions of MHADA Act, 1976 and for reconstruction/ redevelopment of the buildings of Corporation, the Floor Space Index shall be 3.00 on the gross plot area or the FSI required for rehabilitation of existing tenants plus incentive FSI as specified in Appendix-III whichever is more.”

Appendix-III – Regulation for reconstruction or redevelopment of cessed building in Island City by the land lord and/or cooperative housing societies.





"7. Construction or reconstruction of old building falling under reservation/zones contemplated in the Development Plan shall be permitted in accordance with the provision of notification No.TPB4392/4080A/RDP / UD-11, dated 3rd June 1992 issued under Section 31 of the MR&TP Act.

(a) Redevelopment/reconstruction in any zone shall be allowed to be taken in site without going through the process of change of zone. For the Industrial user the existing segregating distance shall be maintained from the existing industrial unit.

(b) Any plot under non-buildable reservations measuring only upto 500 sq. mts. May be cleared by shifting the existing tenants from that site.

(c) The stipulation of 33 per cent of area under non-buildable reservation may be reduced by the Government/Commissioner to the extent necessary where there are height and such other restrictions.

(d) For other buildable reservations on lands where guidelines approved by Government under Section 31 of the Maharashtra Regional and Town planning Act are not available, built-up area equal to not more than 15 percent



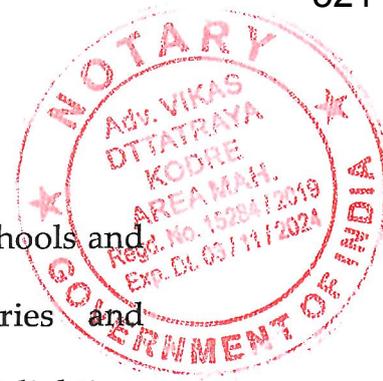
area of the entire plot or 25 percent of the area under reservation in that plot, whichever is less, shall be made available free of cost for the Brihanmumbai Municipal Corporation or for any other appropriate Authority.

(e) Where a Development Plan passes through redevelopment scheme area, the entire FSI admissible under this regulation for the area of the road may be given in the same site on the remainder of the plot.

(f) Contravening structures in town planning scheme regulations shall be included in the redevelopment scheme FSI for the same will be as under Development Control Regulations 33(15) or as provided in this regulation whichever is more."

Hereto annexed and marked as Exhibit 'C'(Colly) is a copy of the Development Plan Remarks of the subject plot.

14. Reservations for recreational ground and garden are different and are separately stated under the definition of amenity under MRTP Act. As per the Section 2(2) of the MRTP Act, 1966, amenity is defined as -"amenity means roads, streets, open spaces, parks, recreational grounds, playgrounds, sports complex, parade grounds, gardens,



markets, parking lots, primary and secondary schools and colleges and polytechnics, clinics, dispensaries and hospitals, water supply, electricity supply, street lighting, sewerage, drainage, public works and includes other utilities, services and conveniences". The subject plot is to be redeveloped after earmarking 10,531.98 sq. mtrs. area of RG area which is in accordance with the DCR.

15. As per MOEF Notification vide no. ENV/2013/CR 39/TC-1 dated 21/04/2015 which states as below, "This department vide circular no. ENV/2013/CR 39/TC-1 dated 17/01/2014 had issued guidelines indicating procedure for consideration violation of EIA Notification. Vide this circular it was decided that in view of orders of Hon'ble High Court in the matter of redevelopment project wherein rehabilitation of tenants in SRA/Dilapidated/CESS building was involved, construction of rehab component below 20,000 m<sup>2</sup> was not to be considered as a violation of EIA Notification read with OM of MoEF dated 12/02/2012 and 27/06/2013". Further, Notification also states as below, "Order of Hon'ble High Court, Mumbai, proposed construction project wherein project proponent has undertaken total construction below 20000 Square meter

may not be considered as a violation of EIA Notification of 2006 (Amended time to time) and read with OM of MoEF dated 12/12/2012 and 27/06/2013"

16. The present Respondent No. 5 - BMC has issued C.C. for 5755.46 sq.mt. which is less than 20000 sq.mt. before 11/04/2023. The MoEF has granted NOC vide no. SIA/MH/INFRA2/408565/2022 on 11/04/2023. Further no work had been started on site by PP before issue of MoEF NOC which can be seen from google plan submitted by Project Proponent.

17. The present Respondent submits that the project proponent has obtained all statutory permissions from the BMC for the said redevelopment project in accordance with law.

18. I say that in view of the above there is no cause of action against this Respondent. In these circumstances, it is respectfully submitted that the Appeal of appellant is misconceived, devoid of merits and the Appeal is not entitled to any relief claimed and therefore this Respondent; prays that appeal be dismissed against this Respondent



19. I say that the present respondent will abide by any directions of this Hon'ble Tribunal.

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

Respondent No.5

Advocate for Respondent No. 5



### VERIFICATION

I, Suraj P. Aambre an Inhabitant, working as Assistant Engineer with Respondent No. 5 - Brihnmumbai Municipal Corporation, having office at, Building Proposal Department, G- 112, Dosti Venus, Off. S. M. Road, Opp. Dosti Estate, Near Vidyalankar College, Walmiki Chowk, Wadala (East), Mumbai - 400037; 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 / Pune )

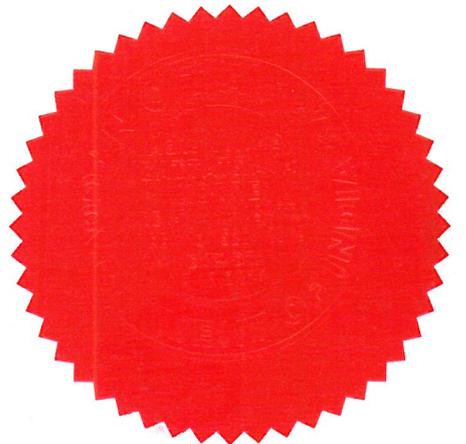
Dated this 22 Day of January, 2024 )

*[Signature]*  
Deponent

I know and identify the Deponent

*[Signature]*

Adv. P. D. Shejal.

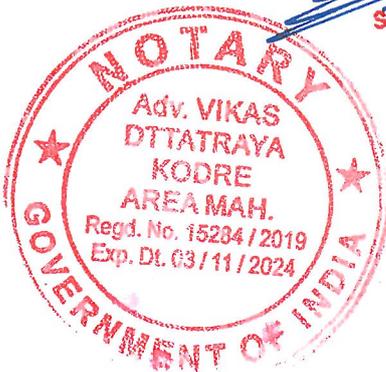


**BEFORE ME**

~~**Adv. VIKAS D. KODRE**  
**NOTARY GOVT. OF INDIA**  
S.No. 51/4, Shri Swami Samarth Kunj,  
Kirtano Baug, Mundhwa, Pune-36.~~

**NOTED AND REGISTERED**  
**AT SERIAL NUMBER 487/2024**

**22 JAN 2024**



**EXHIBIT - A ( COLLY )****MUNICIPAL CORPORATION OF GREATER MUMBAI**No: CHE/031504/DPCity of **06 NOV 2015**OFFICE OF THE  
Chief Engineer (Development Plan)  
Brihanmumbai Mahanagarpalika,  
Municipal Head Office, 4<sup>th</sup> Floor,  
Annex Building, Mahapalika Marg,  
Fort, Mumbai-400 001✓  
To,  
**M/s. B.N. Shah & Associates,**  
315, Wadala Udyog Bhavan,  
Plot No 8, Naigaon Cross Road,  
Wadala (E), Mumbai 400 031

Sub: Development Permission for handing over RG reservation, redevelopment of Municipal Plot bearing C.S.No. 6(pt) of Sion Division situated at back of Manav Seva Sangh near Lokmanya Tilak Hospital, in F/N ward, Bhau Daji Road, Sion, Mumbai 400 022

Ref: Your application letter dtd 14/08/2013

Sir,

With reference to your above referred application and documents subsequently submitted into this office, I have by direction to inform you that, your request for allowing permission for development of the above property C.S.No. 6(pt) of Sion Division entirely reserved for the public purpose of Recreation Ground (part of larger reservation) in 'F/N' Ward has been considered, subject to the following terms & conditions:-

1. That the Architect/Developer/Society shall comply all the conditions stipulated in the A.C.(Estate)'s LOI under No. AC/Estates/19237/AO (Soc) of 27.08.2015.
2. That developed R.G. adm. 10535 sqm. as shown in accompanying plan which is 40% of total area of R.G. reservation shall be handed over to Municipal Corporation of Greater Mumbai free of cost/charge and free of encumbrances as per the policy without claiming FSI/TDR/Monetary benefits.
3. That Architect shall obtain demarcation from this office separately. The area of the reservation to be considered for the scheme will be finalized only after actual Joint Measurement carried out by the S.L.R. Architect shall reconcile the entire proposal as per areas finalized accordingly, if required to maintain 40% area of the plot s R.G. reservation.
4. This letter is valid for a period of 2(two) years from the date of issue of letter. However, the Ch.Eng.(D.P.) may extend the time period for valid reasons.
5. That the developer shall pay a scrutiny fee of Rs.10.00 per sq.mt. of plot area as per circular No.CHE/GEN-207/DPC of 20.1.2010.
6. That the work of construction shall be completed within a period of two years from the date of issue of development permission. However, Ch.Eng.(D.P.), for valid reasons may give extensions from time-to-time.

7. That the Recreation ground reservation shall be properly lighted and drained as may be approved which are to be handed over free of cost & free of encumbrances for exclusive use of M.C.G.M.
8. That while carrying out the development on the land under reference a board shall be displayed on the site indicating the proposed development of Recreation Ground of M.C.G.M.
9. That the development permission under reference shall not be used as a tool for eviction of tenants existing on land under reference.
10. That the developer shall indemnify the Corporation and its officers against any loss, damages, claims, or suit arising out of grant of release letter.
11. E.E.(B.P.)City shall scrutinize the area and ownership aspect before building plans approvals.
12. That the Municipal Corporation of Greater Mumbai reserves the rights to include / add/alter any conditions found necessary subsequently.
13. That the development permission is issued on the basis of documents submitted by the owner. If subsequently the documents are found to be false/forged/fraudulent, then this permission shall stand revoked.
14. As per the circular u/no. CHE/6709/DPES dtd 23/09/2011, the CC for the proposal will be restricted to 50% of normally permissible BUA till the D.P. reservation of RG 10535 sqm as shown on plan is duly handed over to M.C.G.M.
15. The authenticity of existing structures and their users etc. is in the purview of E.E.(B.P.)City hence shall be verified by E.E.(B.P.)City so also permissible F.S.I. as per provisions of Regulation 33(7) as amended up to date is in purview of E.E.(B.P.)City hence shall be computed by E.E.(B.P.)City.
16. That the setback land shall be got demarcated through the offices of the E.E.(Traffic Planning) and A.E.(Survey)City and the same shall be handed over to M.C.G.M.
17. That the development of the land under reference will be in accordance with the provisions of the sanctioned D.C. Regulations, 1991 and as per the Regulation No.33(7) of DCR,1991 as amended upto date.
18. As per Draft D.P. 2034 remarks the plot is affected by proposed road widening and sanctioned R.L. hence E.E.(B.P.)City ward shall verify the same and take the cognizance of the policy circular issued under no. CHE/34194/DP/Gen dtd 10.03.2015 and CHE/002456/DP/Gen dtd 06.04.2015 for the provision of draft development plan (2014-2034) before approval of plans.
19. NOC from user department may be insisted by E.E.(R.P.)City, as there are existing staff quarters on site.
20. The aspect related to applicability & compliance of provisions stipulated in Category-II of notification dtd 03.06.1992 shall be verified by E.E.(B.P.)City.

21. That the Recreation ground reservation will be protected by the developer till the same is handed over to M.C.G.M. or the organization to which it is allotted by M.C.G.M.
22. That any defect that may occur in the works of R.G. reservation within one year from the date of handing over the possession will be rectified by the developer at his risk and cost.
23. That the requisite Bank Guarantee as may be insisted by the concerned E.E.(B.P.) for faithful compliance of conditions, shall be deposited in the office of E.E.(B.P.). The said Bank Guarantee shall be released only after the satisfactory compliance of various terms and conditions of completing various formalities, specified to satisfaction of Ch.E. (D.P.).
24. That the Developer will enter into an agreement with Municipal Corporation before issue of commencement certificate agreeing to all conditions hereof as per the agreement deed prepared by the Law Officer of the Municipal Corporation of Greater Mumbai. The entire cost of the execution of the agreement shall have to be borne by the Developer and the said agreement should be executed before requesting for occupation permission.

If your client is agreeable to the above conditions, you may approach EEBP(CITY)I, who is being informed separately.

Yours faithfully,

  
Executive Engineer  
(Development Plan)City  
6.11.2011

N/1

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

No. CHE/025625 /DP(City)

130 SEP 2015

**Sub:** Development Permission for handing over RG reservation, redevelopment of Municipal Plot bearing C.S. No. 6(pt) of Sion Division situated at back of Manav Seva Sangh near Lokmanya Tilak Hospital, in F/N ward, Bhau Daji Road, Sion, Mumbai 400 022

**Ref:** Ar. Milind Changani of B. N. Shah & Associates letter dtd 14/08/2013 Plan for reference at pg. C/235

Reference is requested to the application received from Ar. Milind Changani of B. N. Shah & Associates vide letter at pg. C/1 to C/3 requesting therein to issue development permission for Recreation Ground reservation in the redevelopment of Municipal Plot bearing C.S.No. 6(pt) of Sion Division situated at back of Manav Seva Sangh near Lokmanya Tilak Hospital, in F/N ward, Bhau Daji Road, Sion, Mumbai 400 022. C/1 to 3

The detail report is as follows:

**Preamble:**

This is the proposal for Redevelopment Scheme of existing Municipal tenanted property known as "Barracks No.T/57, T/58, T/59," under Modified Regulation 33(7) of D.C.R. 1991 which was approved by the Improvement Committee, vide Resolution No. 67 of 22.08.2014 (Pg.C/33) and Corporation vide Resolution No. 549 of 25.08.2014 (Pg.C/31), Asst. Commissioner (Estates) has issued the Letter of Intent (L.O.I.) in favour of the Chief Promoter of "Rahat Plaza Co.Op. Housing Society (Proposed)" & Architect M/s B. N. Shah & Associates as at Pg. C/131 to C/154 under No. AC/Estates/19237/AO (Soc) of 21.08.2015 and is valid for 1 year from the date of issue of LOI. C/31  
C/33  
C/131  
-154

The architect has submitted the document as listed in Annexure-I at Pg.C/341. C/341

**D.P. remarks (SRDP1991):**

Under the sanctioned Revised Development Plan of F/N-Ward, the land bearing C.S. No.6 of Sion Division is very big and reserved for various purposes. However, the scheme plot under reference is entirely reserved for public purpose of Recreation Ground as shown distinctly on the plan at Page- C/15 and for the widening, if any, of existing road. The same is situated in Residential Zone. C/15

The land under reference falls under Sion Matunga Estate scheme no. 6, hence specific remarks from A.C.(Estates) are necessary before taking up any development on this land.

Detail D.P. Remarks for the lands under reference may please be seen at pg. C/13 to C/15 C/13-15

**D.P. remarks (DDP2034):**

As per DDP 2034, the plot under reference i.e., C.S.No.6(pt) is affected by designation of Municipal Staff Quarters (DR1.1), 12.20 mt proposed road widening & 9.15mt., 12.20mt. wide proposed DP roads, 3 nos. existing roads & 18.30mt. Sanctioned R.L.

The plot under reference falls in Commercial Residential (CR) zone. Detail D.P. Remarks for the lands under reference may please be seen at pg. C/237 to C/239. C/237-239

**Ownership / Plot Area:**

As per the copy of Property Card as at Pg.C/19, the land bearing C.S. No. 6 of Sion Division is admeasuring 1036344.95 Sq.Mt. is in the name of "The Trustees for the C/19

C/19 Improvement of the City of Mumbai". Asst. Commissioner (Estates) has issued the Letter of Intent (L.O.I.) in favour of the Chief Promoter of "Rahat Plaza Co.Op. Housing Society (Proposed)" for 26329.97 sqm. The society has appointed M/s Safal Developer Pvt. Ltd as their developer & M/s B. N. Shah & Associates as their Architect. Architect M/s. Milind Changani of B.N.Shah & Associates has submitted the proposal on behalf of M/s Safal Developer Pvt. Ltd. Appointment letter of M/s. Milind D. Changani of B.N.Shah & Associates may please be seen (Pg.C/5).

However, E.E.(B.P.)City will scrutinize the ownership aspect.

**Area**

C/19-11 As per the copy of P.R. Card, the area of the land bearing C.S. no 6 admeasures 1036344.95 Sq.Mt., however, as per the LOI issued by A.C.(Estate) plot under reference admeasures 26329.97 sq.mt. is included in proposed 33(7) scheme. Architect has workout area by triangulation method which works out to 26337.60 Sq.mt. which is subject to demarcation and J.M. on site. E.E.(B.P.) City shall verify the same.

**Site Inspection**

The site is inspected along with the Architect's representative. The site under reference consists of Municipal Tenants, Staff Quarters, Slums. The authenticity of these structures, their users etc. will be verified by E.E.B.P. (CITY).

The above property is accessible from Bhau Daji Road.

**Access**

C/17-19 The land under reference draws access from the existing Bhau Daji Road. Further as per remarks of A.E.(Traffic) (Pg.No.C/17 to C/19) there is 60' wide sanctioned R.L. to Bhau daji Rd at the plot under reference. As per A.E.(Survey)City's remarks, the plot of land is affected by 50 ft. wide sanctioned RL at Bhau Daji Road. The Developer shall hand over the land affected by RL to the Municipal Corporation; a condition to that effect is incorporated in Terms & Conditions.

**Scrutiny report:**

C/189 The land bearing C.S. No.6 of Sion Division is very large and reserved for various purposes. However, the scheme plot shown on the Estate plan as at page C/189 is entirely reserved for public purpose of Recreation Ground having approximate area of 26329.97 sqm. As per plan submitted by the Architects, the area of this plot is about 26337.60 sqm. The area is subject to the actual demarcation of reservation of R.G. by this office staff along with the representative of S.E. Survey (City), E.E. (Tr.Pl.) and actual measurements on site by S.L.R. The demarcation of the reservation on the plots under reference is not yet done and boundaries are not finalized by S.L.R. Further, the list of existing tenants/occupants and area occupied by them is certified by A.C.(Estate). The copy of Annexure-II at page C/37 to C/129 may please be seen. The Improvement Committee & Corporation vide their resolution no. 67 of 22.08.2014 and No. 549 of 25.08.2014 respectively have accorded their approval/ sanction to the proposal for redevelopment of above municipal property under the provisions of Regulation 33(7) of DCR 1991 subject to terms and conditions stated therein.

**Provisions of modified reg. 33(7) of DCR 1991**

As per the modified DCR 1991, regulation no. 33(7), for reconstruction/ redevelopment of the buildings of Corporation, the Floor Space Index shall be 3.00 on the

N/3

gross plot area or the FSI required for rehabilitation of existing tenants plus incentive FSI as specified in Appendix-III whichever is more.

Further, the DCR 33(7) has been earlier modified vide Government Notification under no.TPB/4391/16681/CR-188/91/UD-11 of 25.1.1999 and the Govt. In U.D. Dept has further modified provisions of Reg. No. 33(7) of D.C.R., 1991, vide Notification No. TPB 4308/3224/CR-268/08/UD-11 Dated 02.03.2009 and recently modified on 21.05.2011. C  
207-  
221

Further, as per the modified Appendix III for Regulation 33(7) dtd. 25/01/1999, the clause (19) states that *"Non Deduction of non-cessed Structure area in the scheme of 33(7) for FSI purpose. In case of mix of the structure i.e. cessed & non cessed Structure and if the area of non cessed structure existing prior to 30/9/69, area of land component under non-cessed structure works out upto a limit of 25% of plot area, then FSI Shall be considered on total plot area. If this area exceeds 25% of the total area, then area above 25% shall be deducted from plot area. FSI for deducted area shall be as per regulation 32 and the remaining plot area shall be as per 33(7)"*

Architect has submitted the plan showing existing structures on site which consists of structures of Municipal tenants, slums, staff quarters IV class and Dr. Staff Quarters, etc, the same may please be seen at Pg. C/191. The authenticity of all these existing structures and their users etc. is in the purview of E.E.(B.P.)City hence shall be verified by E.E. (B.P.)City. So also permissible F.S.I. as per provisions of Regulation 33 (7) as amended up to date is in the purview of E.E.(B.P.)City hence shall be computed by E.E.(B.P.) City.

Further, as per the modified Appendix III for regulation 33(7) dtd. 25/01/1999, the clause 7 states that *"construction or reconstruction of old building falling under reservation contemplated in the D.P. shall be permitted in accordance with the provisions of Notification No. TPB/4391/4680/A/RD/UD-11 dated 3rd June 1992 issued under Section 31 of the M.R. & T.P. Act. The reservation of Recreation Ground is placed in category II of Notification dated 3.6.92"*.

In the notification dtd. 03/06/1992, reservation of R.G. is placed in Category-II and sub clause (b) of category-II stipulates that, where the area of the existing slum is less than 25% of the area of the site, no redevelopment scheme on the site shall be undertaken and slum dwellers from such areas shall be shifted & sites occupied by them cleared for the designated/reserved amenity. Further, it is stated that, such site may be allowed to be developed/ redeveloped subject to the condition that the ground area of the land so used (for redevelopment) shall not be more than 67% of the reservation and leaving 33% rendered clear there after for the reservation. C/193-  
200

Further, as per the modified Appendix III for regulation 33(7) dtd. 25/01/1999, the clause 7 (b) states that *"any plot under non buildable reservation admeasuring only up to 500sqm. may be cleared by shifting the existing tenants from that site." & "the stipulation of 33 per cent of area under non buildable reservation may be reduced by the Govt. / Commissioner to the extent necessary where there are height & such other restriction."* C/201  
205

In view of this 33% area of the R.G. reservation works out to 26329.97X0.33=8688.89 sqm. However, as per the LOI issued by A.C.(Estate), it is proposed to that developed R.G. adm. 10535 sqm which is 40% of total area of R.G. be handed over to MCGM. The same may verified by B.P. Department before approval of plans. The condition to that effect is incorporated in the Terms & Conditions.

It is to mention that in light of writ petition No 1152 of 2002 filed by N.G.O. City Space & Others in respect of lands encumbered with slums and reserved for open space

such as R.G./P.G./Parks etc. the Hon'ble High Court clarified about the applicability of the interim order dated 31.07.2002, that *"the order dated 31st July 2002 cannot be held out against the applicant when the applicants are merely redeveloping the existing property by demolishing the old building and constructing a new building which would be occupied by the tenant by reconstructing a new building in which those tenants will be granted permanent alternative accommodation, apart from others, free sale tenements. It is submitted that in any case the applicants are complying with the condition of redevelopment that the applicants have to keep 33% of the total plot area for recreational purpose."*

In view of above High Court decision, in one of the similar case the Law Officer remarks are obtained. As per the Joint Law Officer (High Court)'s remarks, the opinion given by the Advocate General and Senior Counsel and the orders of the Hon'ble High Court, *"the proposal for redevelopment under DCR 33(7) under reference can be considered in accordance with the rules, regulations and policies of the Corporation"*.

In view of this, High court Order & Law Officer remarks can be considered for the proposal under reference which is under regulation 33(7) of DCR 1991. However, the aspect related to applicability & compliance of provisions stipulated in Category -II of notification dtd. 03/06/1992 shall be verified by Ex. Eng. (B.P.) City. Condition to that effect is incorporated in the Annexure-II.

In the instant scheme there are number of existing staff quarters on site hence fresh NOC from user department is necessary.

**Transitional Provisions:**

It is to mention here that now, the Draft DP 2034 was published on 25.02.2015. As per Draft Development plan 2034 of F/N ward, the scheme plot under reference is shown partly designated for "Municipal Staff Quarters" (DR1.1) and 12.20 mt proposed road widening and 9.15 mt., 12.20 mt. wide proposed DP roads, 3 nos. existing roads and 18.30 mt. Sanctioned R.L. The scheme plot under reference falls in Commercial Residential (CR) zone.

As per the relevant clause (D)(c) of the policy circular date 10.03.2015, it is provided that

*"In cases, where the plot is fully reserved for Non-Buildable reservations as per SRDP1991 or Draft DP 2034, then such proposals shall not be processed further for concessions/IOD/CC."*

As per the relevant clause (D)(d) of the policy circular date 10.03.2015, it is provided that

*"In case the plot is partially/partly under Non-Buildable Reservations under SRDP1991 or Draft DP 2034, then the larger area of such Non-Buildable Reservations shall be carved out and kept aside and the proposal for balance area of the plot shall be processed further for Concessions/layout/IOD/CC/OC as per DCR 1991."*

However, as the circular no. CHE/26063/DP/GEN dtd 20.08.2015, the following proviso is added below Clause (D), Sub Clause (d) to the earlier circular dtd 10.03.2015, *"that cases of development/redevelopment under Regulation No. 33(7) shall be excluded from operation of Guidelines in Clause D, Sub Clause c) & d)".*

Hence, the entire plot area reserved for R.G. is considered for the scheme.

c/237-  
239

c/213-  
231

c/233-  
234

N/5

Table showing provisions in DDP2034 & SRDP1991 for the scheme plot on land bearing C.S.No.6 (pt) of Sion Division is given below:

D.P	Designation	Non Buildable Reservation	Area proposed to be handed over to M.C.G.M. under the scheme
S.R.D.P. 1991	NIL	Recreation Ground having area 26337.60 SQM.	Architect has proposed to hand over 40% of the total reservation i.e., 10535 sqm of R.G.
D.D.P. 2034	Part Municipal Staff Quarters & part No reservation	NIL	Architect has proposed to accommodate the existing staff quarters

C/235

C/247

Hence, the proposal under reference is considered as per the provisions of SRDP 1991.

Further, as per D.D.P. 2034 only part plot is designation for Municipal Staff Quarters as shown on at Page C/239 and remaining plot has no reservation or designation. Also, as per DCR 33(7) of 1991, in case of buildable reservation, only area equal to 15% of area of plot or 25% of area under reservation, whichever is less is to be handed over to MCGM. In this case, Architect is already constructing and handing over Municipal Staff Quarters as mentioned in ICR/CR & L.O.I. dtd 21.08.2015. Further, as per L.O.I., 40% R.G. of the entire scheme plot is insisted instead of 33% provision as per DCR33(7), Appendix III (7) (c) which will be used for public purpose. Therefore, in the case 40% R.G. reservation of entire scheme plot area will be stringent of S.R.D.P. 1991 & D.D.P. 2034.

C/239

Also, as per Draft D.P. 2034, the scheme plot is affected by proposed road widening and sanctioned R.L. hence E.E. (B.P.) City ward shall verify the same and take the cognizance of the policy circular issued under no. CHE/34194/DP/Gen dtd 10.03.2015 and CHE/002456/DP/Gen dtd 06.04.2015 for the provision of draft development plan (2014-2034) before approval of plans. Architect has proposed the roads as proposed in D.D.P. 2034.

#### Scrutiny Fees

The scrutiny fee at the rate of Rs.10/- per Sq.Mt. will be recovered for the area under development permission agm. 26337.60 Sq.Mt. from the Architect before issue of approval letter.

#### Approval

In view of the above, it is proposed to consider granting of the permission for redevelopment on land bearing C.S.No.6 (pt) of Sion Division reserved for the public purpose of Recreation Ground (part of larger reservation) under the provision of Reg.33(7) of DCR 1991 and in accordance with the provision of Notification No.TPB/4392/4080A/RDP/UD-11 dated 3rd June, 1992 subject to the terms and conditions as mentioned in the Terms & Conditions as at Pg.C/365 to C/366.

X

Dy.Ch.Eng.(D.P.)-I/Hon'ble M.C.'s approval is requested to portion sidelined 'A' above.

Submitted please.

Dy.Ch.Eng.(DP)-I  
Hon'ble M.C.  
Sir,

30/9/15  
CHE/DP

E.E. (D.P.) City  
27.09.2015

Approved as proposed.

Ch. E. DP

Municipal Commissioner.

बृहन्मुंबई महानगर पालिका  
आयुधसाधे कार्यालय

21 OCT 2015

समय ११, १२, १३, १४  
१५, १६, १७, १८

क्रमांक M/17786

21/10/15

बृहन्मुंबई महानगर पालिका  
प्रमुख अभियंता (विकास नियोजन)  
यांचे कार्यालय

११	३
१२	४
१	५
२	६

8 OCT 2015

031504

क्र.अ.दि.नि.	क्र.अ.दि.नि.
साधारण	पूर्व उप
मा. अभि.	प. उप
टिडीआर	लेखा
	आस्था

कार्यकारी अभियंता (विकास नियोजन) 21/10/15  
आवश्यक त्या कार्यवाहीकरीता

5/10/15  
5/10/15  
प्रमुख अभियंता  
(विकास नियोजन)

A.E. (D.P.) City

12/10/15  
3-10-2015

SE (D.P.) City

12-10-15

A.E. (D.P.) City

H.C. (D.P.) City

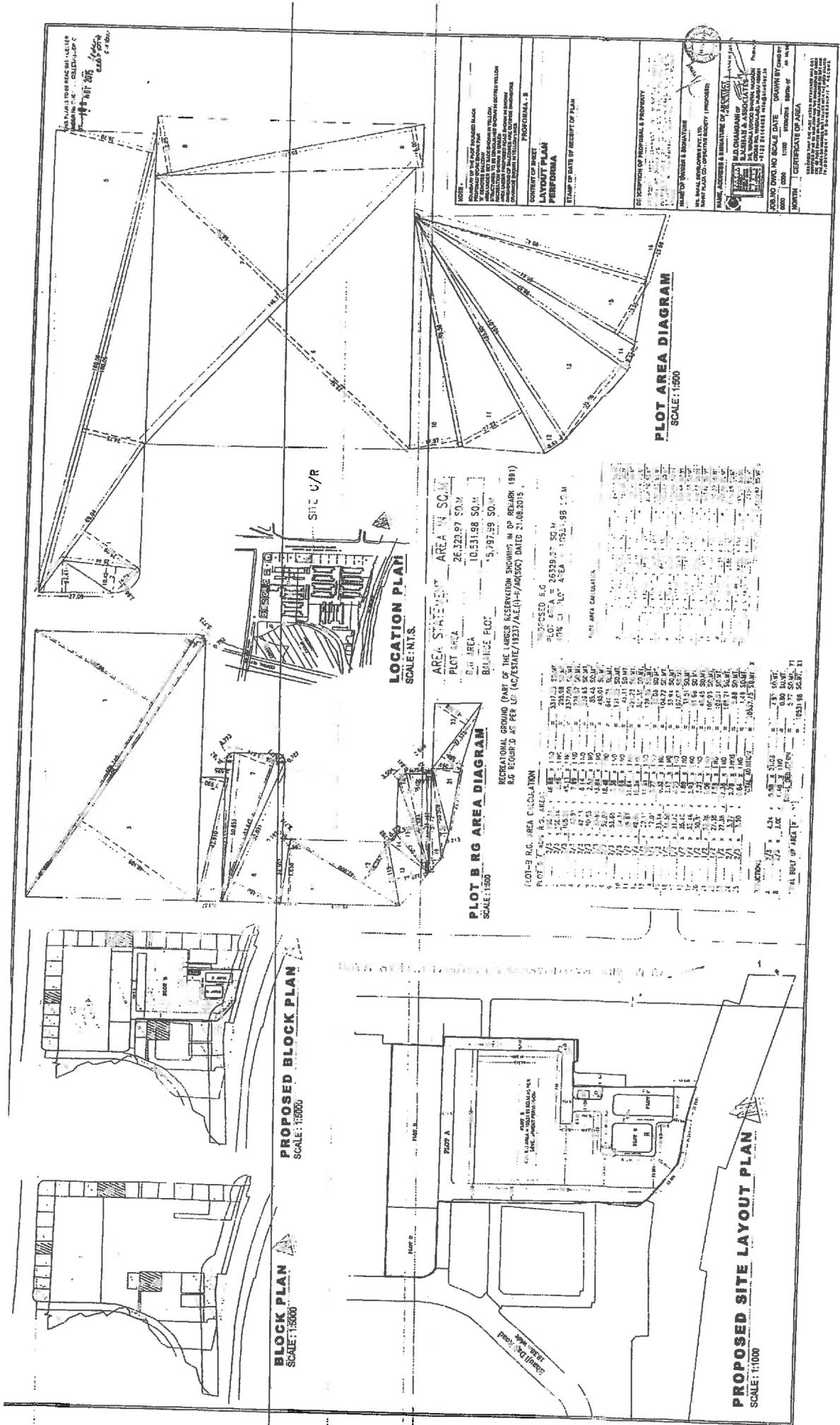
Please allow the party to pay the scrutiny  
fees of Rs. 2,63,400/- as calculated below -

Area: 26337.60 sqm

X Rs. 10 per sqm.

Rs. 263376/- ≈ Rs. 2,63,400/-

Shruti N  
12-10-2015  
SE (D.P.) City



**PROPOSED BLOCK PLAN**  
SCALE: 1:5000

**BLOCK PLAN**  
SCALE: 1:5000

**LOCATION PLAN**  
SCALE: 1:1500

**PLOT B RG AREA DIAGRAM**  
SCALE: 1:500

**PLOT AREA DIAGRAM**  
SCALE: 1:500

**PROPOSED SITE LAYOUT PLAN**  
SCALE: 1:1000

**AREA STATEMENT**  
 AREA IN SQ.M  
 PLOT AREA 26,320.97 SQ.M  
 B.L. AREA 10,531.98 SQ.M  
 BALANCE PLOT 15,787.99 SQ.M

RECREATIONAL GROUNDS (PART OF THE LARGER RESERVATION SHOWING IN OP REMARK 1981)  
 B.L. RECORD OF PER U/P (AC/TSHIRE/1937/A.E.(H)/A/OSBY) DATED 21.08.2015

**RECREATIONAL GROUNDS (PART OF THE LARGER RESERVATION SHOWING IN OP REMARK 1981)**  
 B.L. RECORD OF PER U/P (AC/TSHIRE/1937/A.E.(H)/A/OSBY) DATED 21.08.2015

PLOT NO.	PLOT AREA	PLOT PERCENTAGE	TOTAL AREA
1	1000	3.79	26320.97
2	1000	3.79	26320.97
3	1000	3.79	26320.97
4	1000	3.79	26320.97
5	1000	3.79	26320.97
6	1000	3.79	26320.97
7	1000	3.79	26320.97
8	1000	3.79	26320.97
9	1000	3.79	26320.97
10	1000	3.79	26320.97
11	1000	3.79	26320.97
12	1000	3.79	26320.97
13	1000	3.79	26320.97
14	1000	3.79	26320.97
15	1000	3.79	26320.97
16	1000	3.79	26320.97
17	1000	3.79	26320.97
18	1000	3.79	26320.97
19	1000	3.79	26320.97
20	1000	3.79	26320.97
21	1000	3.79	26320.97
22	1000	3.79	26320.97
23	1000	3.79	26320.97
24	1000	3.79	26320.97
25	1000	3.79	26320.97
<b>TOTAL</b>	<b>26320.97</b>	<b>100.00</b>	<b>26320.97</b>



4/2023

Tata Power Dharavi Receiving Station

MS

Jan Aushadhi Store

Tewari Brothers Mitha

Lodha Divino, Matunga

Hotel Lijesh

North Indian Association

Shree Manav Seva Sangh

Little Angels' International School

Wine Shop

MEEMEE'S MATUNGA

Champan mull...

Smt SR Mehta & Sir KP Cardiac Institute...

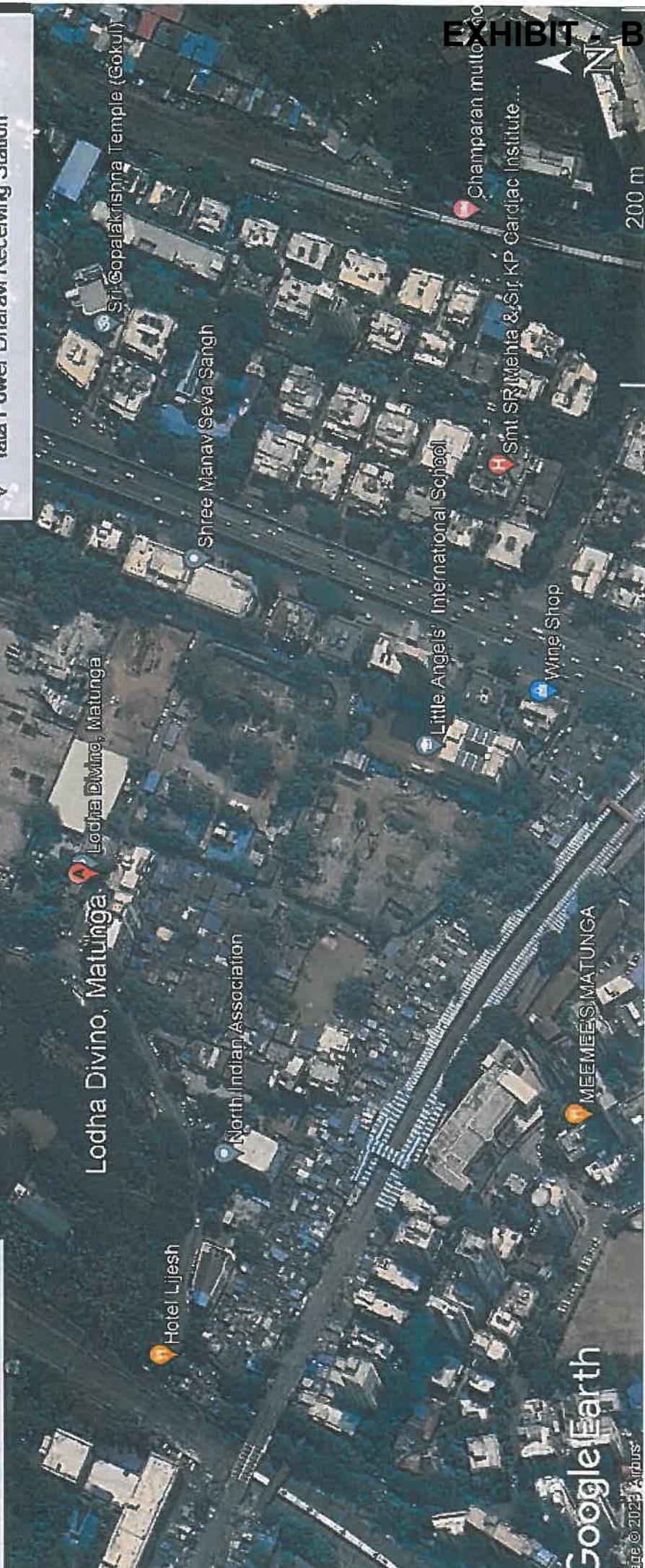
Sri Copal Krishna Temple (Gokul)

Jagdish Jain Temple

**Legend**

- Feature 1
- Feature 2
- Feature 3
- Lodha Divino, Matunga
- Sri Shanmukhananda Fine Arts & Sangeetha?
- Tata Power Dharavi Receiving Station

**Untitled Map**  
Write a description for your map.



# EXHIBIT - C (COLLY)



## MUNICIPAL CORPORATION OF GREATER MUMBAI

NO. Ch.E./DP34201903111212191 D.P. Rev. dt. Refer Inward Number: F/N/2019/111212205 Payment Dated 27/03/2019

Office of the Chief Engineer (Development Plan)  
Municipal Head Office, 5th Floor,  
Annex Building, Fort,  
Mumbai - 400 001

# DP 2034 Remarks

To,

Mr./Mrs. sahana group architect  
4th floor , 54-B, Sagar avenue, Andheri (W), Mumbai

Sub: Development Plan 2034 remarks in respect to Land Bearing C.S. No(s) 6(PT),7,1/6,1A/6,41,259/6 and 258/6 of SION Division situated in F/N Ward, Mumbai.

Ref : Application u/no. F/N/2019/111212205 Payment Challan No. DP34201903111212191 Dated 27/03/2019 certifying payment of charges made under Receipt no. 18200036433 Dated 27/03/2019

Gentleman/Madam,

With reference to above, Development Plan 2034 remarks sanctioned by GoM in respect of subject land boundaries, shown in blue color boundary on the accompanied plan, are as follows.

Description	Nomenclature	Remarks
CS No.	6(PT),7,1/6,1A/6,41,259/6 and 258/6	
Division	SION	
Development Plan 2034 referred to Ward	F/N	
Zone [as shown on plan]	Residential(R) and Industrial(I)	
Roads affecting the Land [as shown on plan]	Existing Road	Present
	Proposed Road	ROAD UNDER BRIDGE 12.2 m, Proposed Road 12.2 m and Proposed Road 9.15 m
	Proposed Road Widening	Proposed Road 17.06 m
Reservation affecting the Land [as shown on plan]	RT1.6(Parking Lot)(6(PT): 686.99 sqm), ROS1.5(Garden/ Park )(6(PT): 3841.10 sqm), RMS3.1(Solid Waste Management Facilities)(Part of larger reservation)(6(PT): 326.02 sqm), ROS1.5(Garden/ Park )(6(PT): 3656.70 sqm), RSA2.1(Multipurpose Community Centre)(6(PT): 1241.95 sqm), ROS1.5(Garden/ Park )(6(PT): 3946.74 sqm), ROS1.5(Garden/ Park )(6(PT): 7603.01 sqm, 7: 2558.81 sqm, 1/6: 872.37 sqm, 1A/6: 714.10 sqm, 41: 158.93 sqm), RH1.2(Hospital)(6(PT): 17504.68 sqm), RE1.2(Primary/ Secondary School)(6(PT): 878.60 sqm), RSA1.1(Municipal Market With Vending Zone)(6(PT): 5401.36 sqm), RT1.6(Parking Lot)(Part of larger reservation)(6(PT): 37.62 sqm), ROS1.5(Garden/ Park )(6(PT): 2414.09 sqm, 7: 7985.94 sqm) and RR2.1(Rehabilitation & Resettlement)(6(PT): 7572.97 sqm)	
Reservation affecting the Land [Sanctioned Modification]	EP NO: EP-FN69 EP NO: EP-FN32, EP-FN69 EP NO: EP-FN32, EP-FN69 EP NO: EP-FN69 EP NO: EP-FN32 EP NO: EP-FN32, EP-FN69	SM NO: SM-FN28 Affected Area - 6(PT) :558.660 sqm Affected Area - 6(PT) :2364.733 sqm, 7 :1924.162 sqm Affected Area - 6(PT) :159.871 sqm Affected Area - 7 :2505.259 sqm, 1/6 :192.859 sqm, 1A/6 :111.039 sqm, 41 :115.575 sqm Affected Area - 6(PT) :39.971 sqm, 7 :6075.735 sqm Affected Area - 6(PT) :7570.019 sqm Affected Area - 6(PT) :7445.972 sqm, 7 :53.745

This is electronically generated report. Hence personal signature is not required.

CHE/DP34201903111212191/DP/F/N

sqm, 1/6 :680.793 sqm,  
1A/6 :602.904 sqm, 41  
:43.612 sqm

For description of Excuded Portion/Sanctioned Modification, please refer to the published plan on MCGM portal.

Reservation abutting the Land [as shown on plan]	RSA1.2(Retail Market With Vending Zone),ROS1.4(Play Ground),RR2.1(Rehabilitation & Resettlement),RR1.5(Municipal Housing) and RT1.4(Best Bus Facilities)		
Reservation abutting the Land [Sanctioned Modification]	EP NO: EP-FN70 EP NO: EP-FN69 EP NO: EP-FN32,EP-FN69 EP NO: EP-FN32,EP-FN69 EP NO: EP-FN69 EP NO: EP-FN32 EP NO: EP-FN32,EP-FN69	SM NO: SM-FN33 SM NO: SM-FN28	Plots - 6(PT), 7, 1/6, 1A/6, 41, 259/6, 258/6 Plots - 7, 1/6, 1A/6, 41, 259/6, 258/6 Plots - 6(PT), 7, 1/6, 1A/6, 41, 259/6, 258/6 Plots - 1/6, 1A/6, 41, 259/6, 258/6 Plots - 7, 1/6, 1A/6, 41, 259/6, 258/6 Plots - 6(PT), 259/6, 258/6 Plots - 1/6, 1A/6, 41, 259/6, 258/6 Plots - 7, 1/6, 1A/6, 41, 259/6, 258/6 Plots - 259/6, 258/6
	For description of Excuded Portion/Sanctioned Modification, please refer to the published plan on MCGM portal.		
Existing amenities affecting the Land [as shown on plan]	ER1.1(Municipal Staff Quarters)(6(PT): 7879.82 sqm),EOS1.4(Play Ground)(6(PT): 524.73 sqm),ET4.3(Railway Facilities Including Tracks)(Part of larger existing amenities)(6(PT): 2081.45 sqm),EOS1.5(Garden/Park)(Part of larger existing amenities)(6(PT): 9071.56 sqm),EMS4.3(Sewage Pumping Station)(Part of larger existing amenities)(6(PT): 80.67 sqm),EE1.1(Municipal School )(Part of larger existing amenities)(6(PT): 371.95 sqm),EH3.2(Private Hospital)(6(PT): 501.30 sqm),EE1.2(Primary & Secondary School)(6(PT): 1711.77 sqm),EH1.2(Municipal Hospital)(6(PT): 54190.28 sqm),EE1.1(Municipal School )(6(PT): 1343.10 sqm),EOS2.6(Recreation Ground)(6(PT): 3067.01 sqm),ER1.3(Government Staff Quarters)(Part of larger existing amenities)(6(PT): 1542.70 sqm),ESA4.1(Hindu Traditional / Electric Cemetery)(Part of larger existing amenities)(6(PT): 6285.94 sqm),EOS2.6(Recreation Ground)(6(PT): 2975.04 sqm),EE1.2(Primary & Secondary School)(6(PT): 1168.10 sqm),ET4.3(Railway Facilities Including Tracks)(Part of larger existing amenities)(7: 2397.25 sqm),ET4.1(Railway Station)(Part of larger existing amenities)(6(PT): 667.39 sqm),ESA4.3(Christian Cemetery)(Part of larger existing amenities)(6(PT): 327.38 sqm),EMS1.2(Municipal Chowky)(6(PT): 247.50 sqm),ER1.1(Municipal Staff Quarters)(6(PT): 9072.84 sqm),ET4.3(Railway Facilities Including Tracks)(Part of larger existing amenities)(7: 2/15.40 sqm),ET4.1(Railway Station)(Part of larger existing amenities)(7: 2628.47 sqm),EOS1.5(Garden/Park)(6(PT): 3956.43 sqm),EOS1.5(Garden/Park)(6(PT): 21520 sqm),EOS1.4(Play Ground)(Part of larger existing amenities)(6(PT): 1232.20 sqm),EO2.1(Government Office)(Part of larger existing amenities)(6(PT): 95.30 sqm) and EOS2.6(Recreation Ground)(6(PT): 1779.78 sqm)		

Existing amenities affecting the Land [Sanctioned Modification]	EP NO: EP-FN32 EP NO: EP-FN32	SM NO: SM-FN27 SM NO: SM-FN28 SM NO: SM-FN53	Affected Area - 6(PT) :326.016 sqm Affected Area - 6(PT) :5728.016 sqm Affected Area - 6(PT) :523.793 sqm Affected Area - 6(PT) :260.985 sqm Affected Area - 6(PT) :8816.314 sqm
	For description of Excuded Portion/Sanctioned Modification, please refer to the published plan on MCGM portal.		

Existing amenities abutting the Land [as shown on plan]	ER1.3(Government Staff Quarters) (3 nos) ,EPU4.1(Post & Telegraph),EPU2.1(Fuel Station) (2 nos) ,ET1.4(BEST Bus Facilities),EOS1.4(Play Ground) (2 nos) ,ESA3.2(Cinema Theatre),EOS2.6(Recreation Ground) (3 nos) ,EPU4.2(Telephone Exchange ),ET4.1(Railway Station) (2 nos) ,ESA4.3(Christian Cemetery),ET1.6(PT)(Public Parking Loc),EE1.2(Primary & Secondary School) (8 nos) ,EE2.1+ESA2.4(College + Old Age Home),ESA3.8(Public Hall),EE1.1(Municipal School ) (3 nos) ,EOS1.1(Tank/Pond/Lake),EAM(Amenity Plot),ESA2.5(Welfare Center),ESA1.1+RSA1.1(Municipal Retail Market + Municipal Market With Vending Zone),EE2.1(College) (2 nos) ,EMS1.2(Municipal Chowky),EH1.1(Municipal Dispensary/ Health Post ),EOS1.5(Garden/Park) (2 nos) ,ER1.1(Municipal Staff Quarters) and ER1.4(BEST Staff Quarters)		
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Existing amenities abutting the Land [Sanctioned Modification]	EP NO: EP-FN32 EP NO: EP-FN59 EP NO: EP-FN32	SM NO: SM-FN27 SM NO: SM-FN50 SM NO: SM-FN28 SM NO: SM-FN53	Plots - 7, 1/6, 1A/6, 41, 259/6, 258/6 Plots - 6(PT), 7, 1/6, 1A/6, 41, 259/6, 258/6 Plots - 6(PT), 7, 1/6,
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		1A/6, 41, 259/6, 258/6 Plots - 7, 1/6, 1A/6, 41, 259/6, 258/6
For description of Excluded Portion/Sanctioned Modification, please refer to the published plan on MCGM portal.		
ROAD ROAD RAILWAY BUFFER ROAD RAILWAY BUFFER ROAD ROAD ROAD	SM NO: SM-FN53 SM NO: SM-FN25 EP NO: EP-T91 EP NO: EP-FN58 EP NO: EP-MB14,EP-D05,EP-D06,EP-GS05,EP-L12,EP-RC13 EP NO: EP-FN57 EP NO: EP-FN32 EP NO: EP-FN58	Affected Area - 6(PT) :523.793 sqm, 7 (Abutting), 1/6 (Abutting), 1A/6 (Abutting), 41 (Abutting), 259/6 (Abutting), 258/6 (Abutting) Affected Area - 6(PT) (Abutting), 7 (Abutting), 1/6 (Abutting), 1A/6 (Abutting), 41 (Abutting), 259/6 (Abutting), 258/6 (Abutting) Affected Area - 6(PT) :56273.911 sqm, 7 :19797.776 sqm, 1/6 :968.382 sqm, 1A/6 :854.815 sqm, 41 :257.708 sqm Affected Area - 6(PT) :37.687 sqm, 7 (Abutting), 1/6 (Abutting), 1A/6 (Abutting), 41 (Abutting), 259/6 (Abutting), 258/6 (Abutting) Affected Area - 6(PT) :31221.734 sqm, 7 :17803.359 sqm, 1/6 :205.117 sqm, 1A/6 :111.039 sqm, 41 :187.493 sqm Affected Area - 6(PT) (Abutting), 7 (Abutting), 1/6 (Abutting), 1A/6 (Abutting), 41 (Abutting), 259/6 (Abutting), 258/6 (Abutting) Affected Area - 6(PT) :457.705 sqm, 7 (Abutting), 1/6 (Abutting), 1A/6 (Abutting), 41 (Abutting), 259/6 (Abutting), 258/6 (Abutting) Affected Area - 6(PT) (Abutting), 7 (Abutting), 1/6 (Abutting), 1A/6 (Abutting), 41 (Abutting), 259/6 (Abutting), 258/6 (Abutting)
For description of Excluded Portion/Sanctioned Modification, please refer to the published plan on MCGM portal.		
Whether a listed Heritage building/ site:	Yes / No	Sr. No. - 3/549 (Grade - I) Name - SION FORT
Whether situated in a Heritage Precinct:	Yes / No	

Buffer line of Railway	The plan shows the proposed Railway track alignment or within influence Zone of stations areas thereof. Remarks from concerned Railway Authority shall be obtained before commencing any development.
ASI Monuments: NOC from Archaeological Survey of India Monument shall be obtained before commencing any development.	
Note: The remarks are offered based on the records of CS/CTS boundaries/CS/CTS Nos available with this office. However the boundaries shown in the records of City Survey Office shall supersede those shown on the DP Remarks Plan.	
Demarcation: The Alignment of the proposed road/R.L. and boundaries of reservations and their area are subject to the actual demarcation on site by E.E.E&C./A.E.(Survey) as case may be.	
Remarks are offered only from the zoning point of view without reference to ownership and without carrying out actual site inspection and without verification of the status of the structures if any on the land under reference. Status of the existing road, if any, shall be confirmed from the concerned Ward Office.	
The DP Remarks and Plan shall be read with notification no. TPB.4317/629/CR-118/2017/UD-11 dt. 8.11.2017, TPB.4317/778/CR-267/2017/UD-11 dt. 7.2.2018, TPB.4317/629/CR-118/2017/DP/UD-11 dt 8.5.2018 & TPB.4317/629/CR-118/2017/EP/UD-11 dt.8.5.2018 before granting any development permission on the land/s. (For the Sanctioned Modification & Excluded Portion the link for notification is as under:-	
Notifications: MCGM Home Page (portal.mcg.gov.in)> Related Link> More> Draft Development Plan (2014-34)	
Plans: EP Sheets:- MCGM Home Page (portal.mcg.gov.in)> Related Link> More> Draft Development Plan (2014-34)> Development Plan 2034 (Excluded Part) EP Sheets, 8th May 2018 SM Sheets:- MCGM Home Page (portal.mcg.gov.in)> Related Link> More> Draft Development Plan (2014-34)> Development Plan 2034(sanctioned part) SM sheets, 8th May 2018	

Additional Information

<p><b>Water pipeline Remark:</b> Water pipeline near the plot (0.00 meters far) has NA mm pipe diameter.</p>
<p><b>Sewerline Remark:</b> Sewer Manhole near the plot (Node No. 17175506, 0.00 meters far) has invert level 27.15 meters with reference to Town Hall Datum (THD).</p>
<p><b>Drainage Remark:</b> Drain Manhole near the plot (Node ID 2174052901, 0.00 meters far) has invert level 26.34 meters with reference to Town Hall Datum (THD).</p>
<p><b>Ground level:</b> The plot has minimum 27.80 meters and maximum 45.20 meters ground level with reference to Town Hall Datum (THD)</p>
<p><b>RL Remark:</b> <b>REGULAR LINE REMARKS (Traffic):</b> Regular line remarks for the land under reference are as given below: Land bearing C.S. No.(s) 6(PT),7,1/6,1A/6,41,259/6 and 258/6 of Village/Division SION in F/N ward of M.C.G.M. as shown bounded blue on accompanying plan is affected by the sanctioned Regular line of 18.30mts. i.e. (60.0' approx.) wide Road No.6,8,32, Scheme No.6 marked in violet colour on the block plan submitted by you. These remarks are issued without site inspection, without prejudice to the ownership, status of structure, plot boundaries and same will supersede earlier remarks issued if any. These remarks are subject to changes/revision of sanctioned Regular line and shall be valid for One year from date of its issue. This remarks are offered subject to actual joint demarcation with A.E survey on site. This remarks should be verified by corresponding Asst. Engineer (Survey) F/N Ward. You may approach to that office for actual demarcation of sanctioned Regular Line on site. It may please be noted that this remarks are offered as per the plot boundaries shown by Architect/Owner on plan and the plot boundaries shall be verified and confirmed on site through the competent authority. This permission shall not be used as a tool for evicting the existing tenants/occupants if any. This permission is granted based on documents submitted by the arch and if any are found fake/fraud the permission issued shall be revoked/cancelled.</p>
<p><b>Heritage:</b> the plot under reference falls within 300 mt. from the protected monument of Whole Hill Fort of Sion together with all ancient Portuguese remains of building situated to the north, east and south east sides of the hill as listed in the List of Building of National Importance/ monuments issued by the Department of Archeological Survey of India, the NOC from Archeological Survey of India in respect of the development of the plot under reference is required to be obtain as per circular issued by this office u/NO. CHE/550/DPC/Gen dtd. 25/7/2005.</p>
<p><b>Pipeline/Nalla:</b> The land under reference abuts the Pipe-line/Nalla and hence, specific remarks from the H.E. (Dept.) &amp; Executive Engineer (S.W.D.) Authority should be obtained separately.</p>
<p><b>Estates Layout:</b> The land under reference falls under SION MATUNGA ESTATE hence specific remarks should be obtained separately from the concerned authority i.e. A.C. (Estates) before taking up any development on the land</p>
<p><b>Acc: As Plan</b></p>
<p><b>Note:</b> The above information is as per the data received from concerned MCGM Departments.</p>


**MUNICIPAL CORPORATION OF GREATER MUMBAI**

Office of the  
**Chief Engineer (Development Plan)**  
**Municipal Head Office**  
**4th Floor, Extn. Building**  
**Mahapalika Marg, Fort**  
**Mumbai - 400 001**

To  
**B. N. SHAH & ASSOCIATES,**  
**ARCHITECTURAL DESIGN & LIASON**  
**CONSULTANTS, 315-WADALA UDYOG BHAVAN,**  
**PLOT NO 8, NAIGAON CROSS ROAD,**  
**WADALA (E). MUMBAI-400 031.**

No: CHE/953/DPCity/F/N

Date:

**107 APR 2015**

**Sub:** Sanctioned Revised Development Plan Remarks for the land bearing C. S. No 6PT, 1/6 and 1A/6 of SION Division

**Ref:** 1) Your Application u/no. 0001396 and payment of certifying charges made under Receipt no. 1001974637 dated 03/01/15.  
 2) Dir. (E.S.&P.)'S approval under no. Dir./E.S.&P./3900/I dtd. 31/01/2009.  
 3) Additional payment of certifying charges made under Receipt no. 1002039417 dated 25/02/15.

**Si:-/Madam,**

Sanctioned Revised Development Plan Remarks for the land shown bounded blue on the accompanying plan are as under:-

Description of the Land	:	C. S. 6PT, 1/6 and 1A/6 of SION Division
Sanctioned Revised Development Plan referred to Ward	:	F/N
Reservations affecting the land [as shown on plan]	:	RECREATION GROUND (part of larger reservation) HOUSING FOR DISHOUSED (2nos) EXT. TO L.T.M.G. HOSPITAL and PRIVATE PRIMARY SCHOOL.
Reservations Abutting the land [as shown on plan]	:	PUBLIC HOUSING (2Nos)
Designations affecting the land [as shown on plan]	:	CEMETERY/CREMATION GROUND (part of larger reservation),
Designations Abutting the land [as shown on plan]	:	SECONDARY SCHOOL and WELFARE CENTRE
D.P. Roads affecting the land [as shown on plan]	:	NIL
Existing Roads [as shown on plan]	:	Present
Status of the existing road, if any and its widening shall be got confirmed from the Assistant Commissioner F/N Ward/Assistant Engineer (Survey City)/Executive Engineer (Traffic & Planning).		
Zone [as shown on plan]	:	RESIDENTIAL ZONE (R)

**Remarks from other Departments/Offices:**

The Separate remarks as per Draft Development Plan (2034) shall be obtained from the office of Town Planning Officer, Greater Mumbai whose office is situated at Kalpataru Residency, opp.Rupam Cinema,F/North Municipal Ward Chowky, 1st Floor, Sion (E), Mumbai - 400 022.

Railway 30m buffer

: CENTRAL RAILWAY HARBOUR BRANCH  
LINE and CENTRAL RAILWAY HARBOUR  
BRANCH LINE - BUFFER

As per Govt. directive u/S.37 (2) of M.R. & T.P. Act, 1966 issued u/no.TPB/4302/1318/CR-23/03/UD-11 dtd.05.07.2005. Railway NOC shall be obtained for the plots falling within in 30 mt. from Railway Boundary. Therefore, Railway NOC shall be obtained before initiating any development on the land under reference.

The land under reference affected by the East Island free Way and Central Island free Way hence, specific remarks from the Mumbai Road Development Design Authority should be obtained separately before taking up any development on the land

The alignment of proposed East Island free Way and Central Island free Way is subject to the actual demarcation on site by this office staff along with the representative of A. E. Survey (City) F/North Ward, E.E. (Tr. Pl.) S.L.R., Mumbai Road Development Design Authority & A.C. (Estate).

The land under reference falls under SION MATUNGA ESTATE LAYOUT scheme No. 6, hence specific remarks should be obtained separately from the concerned authority i.e. A.C. (Estates) before taking up any development on the land.

Demarcation: The boundaries of the reservations/designations are subject to the actual demarcation on site by this office staff along with the representative of A. E. Survey.

Reservation if Relocated

: PRIVATE PRIMARY SCHOOL, HOUSING  
FOR DISHOUSED (2nos) and  
RECREATION GROUND (3Nos)

Consequent upon the representation made in the past by the owner/developer of the land under reference and in consonance with the existing site conditions and by direction, the reservation/designation as stated above has been shifted from its position shown washed colour to that shown dotted colour lines on the plan as per sanctioned u/no CHE/633/F/DPC 23/06/1998.

If, the land under reference is affected by Nalla, Well, Pipe Line & Transmission lines specific remarks shall be obtained from the concerned Authority.

**Note:**

If the land under reference is a part of amalgamation/sub-division/layout, then specific remarks shall be obtained from the concerned Building Proposal office and development thereof shall be as per the terms and conditions of the approved amalgamation/sub-division/layout.

Remarks are offered only from the zoning point of view without reference to ownership and without carrying out actual site inspection and without verification of the status of the structures if any on the land under reference. Status of the existing road, if any, shall be confirmed from the concerned Ward Office.

The boundaries shown in the accompanying plan are as per the available records with this office. However the boundaries shown in the records of City Survey Office shall supercede those shown in the D. P. Remarks Plan.

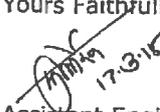
Since true Extract is not submitted of the property, the boundaries of the plot under reference shall be got verified separately from S.L.R. / & approval to amalgamation /subdivision, shall be obtained from concerned authority, if necessary.

This remarks is valid for one year from the date of issue.

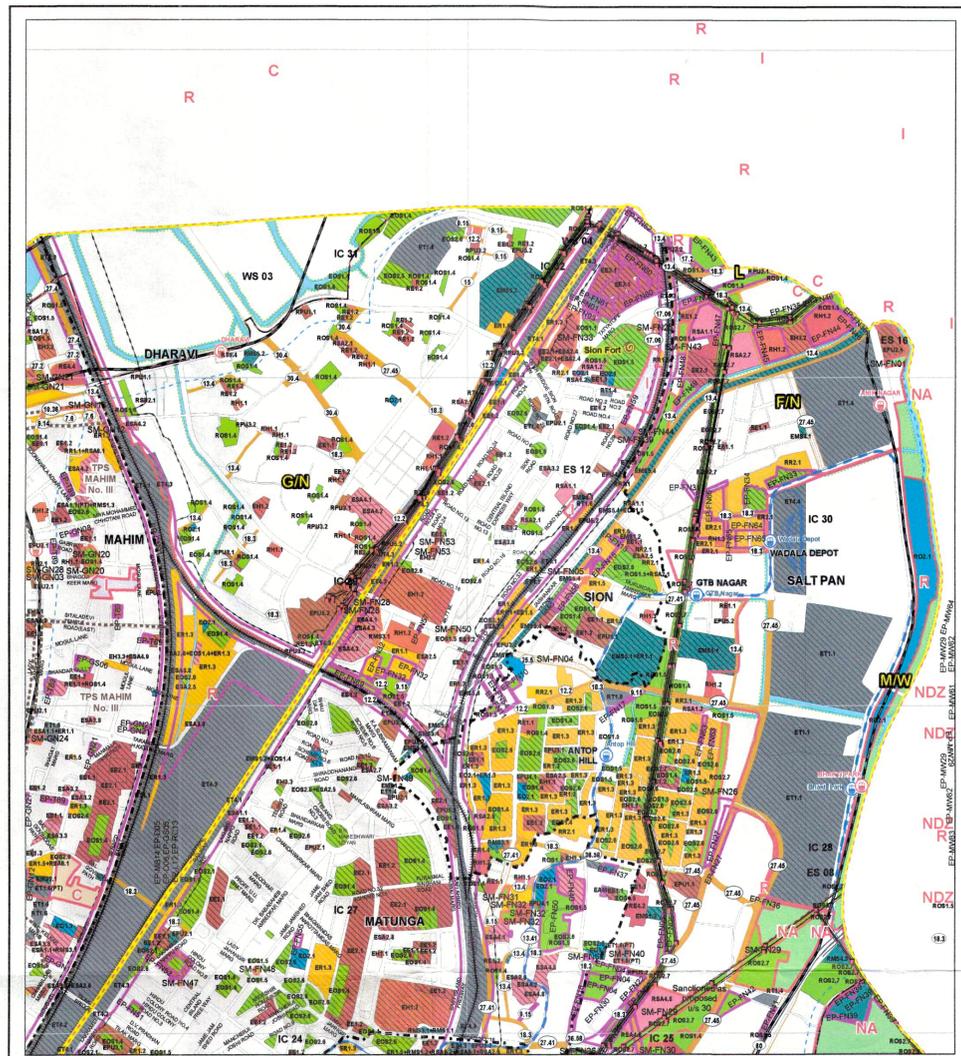
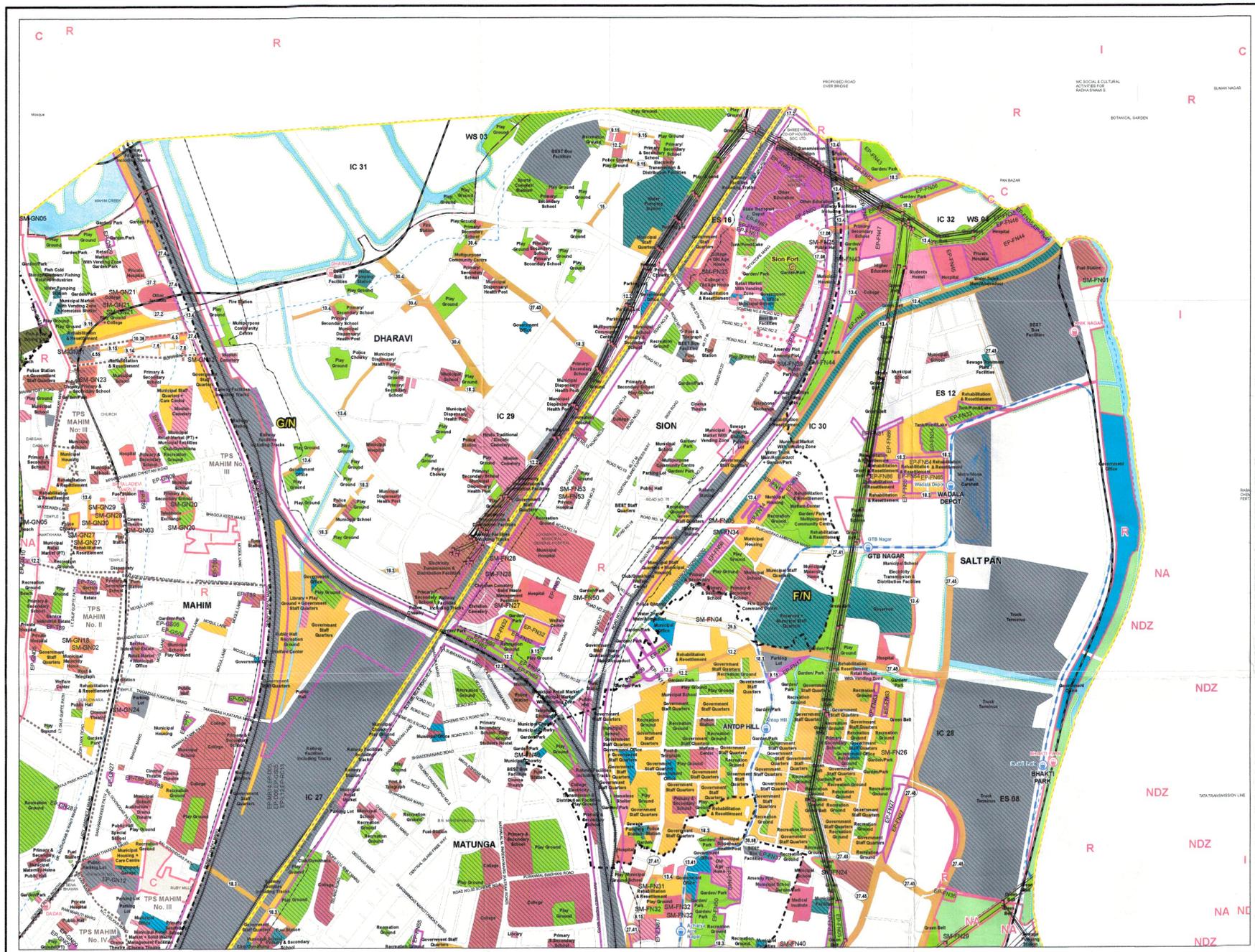
Acc~1 plan

C. S. No 6PT, 1/6 and 1A/6 of SION  
Division

Yours Faithfully

  
17.3.14  
Assistant Engineer,  
Development Plan

(F/N Ward)



LOCATION PLAN

Scale 1:11000

Note:

DP Remarks have been offered only from Zoning point of view without any reference to the existing and status of the structures on the land under reference etc. This plan is to be read with letter under

CHE/DP34201903111212191/DP/City/F/N

This is an electronically generated document. Hence NO signature required. Assistant Engineer (DP), F/N Ward. Dated: 27/03/2019



BLOCK PLAN

Scale 1:7000

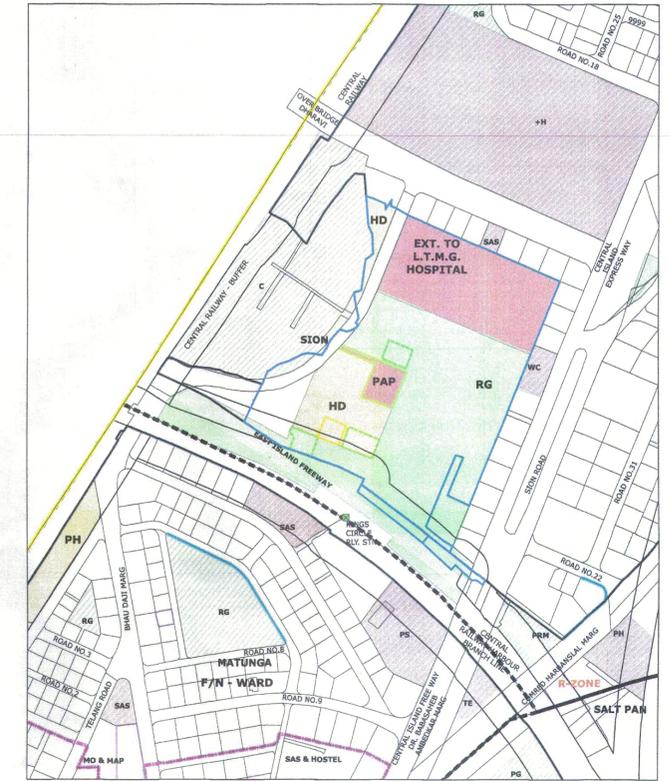
Land Bearing C.S.No(s) 6(PT),7,1/6,1A/6,41,259/6 and 258/6 of SION Division in F/N Ward



**MUNICIPAL CORPORATION OF GREATER MUMBAI**  
**(Development Plan Department)**

Development Plan 2034

Office of the Chief Engineer (Development Plan),  
5th Floor, Annexe Building,  
Municipal Head Office,  
Mahapalika Marg, Fort, MUMBAI - 400 001.



**LOCATION PLAN**  
Scale 1:2500

**NOTE:**  
D.P. Remarks have been offered only from the zoning point of view without any reference to the existing and status of the structures on the land under reference etc. This plan is to be read with letter under  
No.CHE/953/DPCity/F/N Dated: 07 APR 2015

**BLOCK PLAN**  
Scale 1:1000  
Land Bearing C.S.No(s) 6(PT), 1/6 and 1A/6 of SION Division in F/N Ward

*[Signature]*  
Assistant Engineer (DP) F/N Ward



**MUNICIPAL CORPORATION OF GREATER MUMBAI (Development Plan Department)**

Office of the Chief Engineer (Development Plan),  
4th Floor, Annexe Building,  
Municipal Head Office,  
Mahapalika Marg, Fort, MUMBAI - 400 001.