

**BEFORE THE HON' BLE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) PUNE**

Original Application No. 56 of 2019

Mr. Mangesh Mahadev Parab

...Applicant

VERSUS

M/s. New Monarch Builders and Contractors &Ors.

...Respondents

List of Documents

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| 1 | | 474-477 | Rejoinder |
| 2 | F | 478-486 | A copy of Technical Scrutiny Report by Architect dated 28/05/1998 |
| 3 | G | 487-507 | Amended LOI/Layout for S.R Scheme by SRA dated 17/01/2004 |
| 4 | H | 508-511 | Compliance report and Regularization of Work by SRA dated 02/07/2007 |
| 5 | I | 512 | Letter of Approval and Warning by SRA dated 20/07/2007 |

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REJOINDER OF THE APPLICANT

On behalf of the Applicant, it is submitted as under:-

1. The Applicant had recently received some important evidence and document related to the R-1, M/s. New Monarch Builders and Contractors dated 20th May 1998 which shows that the project area related to proposed Slum Rehabilitation scheme on plot bearing CTS No. 706(pt), 706/1 to 10 of Village Marol, Andheri East is situated within 500 metres of Mithi River. It is in CRZ-II Zone as per the Draft Coastal Management Plan. (A copy of the said document dated 20th May 1998 is annexed herewith as Annexure – F)

Mangesh Mahadev Parab



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of the said document dated 02/07/2007 is annexed herewith as Annexure - H

4. The Applicant wishes to submit on the basis of the document dated 20/07/2007 that the warning was issued by Slum Rehabilitation Authority (SRA) to R-1 not to carry out any such construction activity without approval and CC from SRA. (A copy of the said document dated 20/07/2007 is annexed herewith as Annexure - I)
5. In one more official document dated 29th December 2007, the Municipal Corporation of Greater Mumbai (MCGM) has clearly mentioned regarding the said land of R-1 that, 'The land under development is affected by Mithi River and hence, specific remarks from Exec. Engineer (SWD) shall be obtained separately before any development on the land.' (A copy of the said document dated 29/12/2007 is annexed herewith as Annexure - J)
6. It is pertinent to note that on behalf of the R-1, their architect had deposed via a letter to Deputy Chief Engineer of SRA requesting for regularization of construction of Slum Building No. 6. This shows that from the initial stage, the said Building No. 6 has been constructed illegally. (A copy of the said letter is annexed herewith as Annexure - K)

Mumbai,

Dated: 11-09-2023


Advocate for the Applicant

VERIFICATION



28 MAY 1998

478
Annexure-F

SUBJECT : Proposed Conversion from S.R.D Scheme to S.R.
Scheme on plot bearing C.T.S.No.706(pt), 706/1 to 10
of Village Marol, Andheri (E).
CASE NO : SRA / Ch.E / 213 / YE / ML / AP.
PLANS AT PAGE : 177 TO 193
ANNEXURE - I at Page : 197.
ARCHITECT : SHRI. VIKAS V. DATE.

The above referred proposal is submitted by the Architect on behalf of M/s. NEW MONARCH BUILDERS & CONTRACTORS. C.A. to SAGBAUG SNEHA SAGAR C. H. S.(Proposed). On the above referred plot for consideration as per the modified D.C. Reg. No. 33(10) sanctioned on 15/10/97.

TECHNICAL SCRUTINY OF THE PROPOSAL IS AS UNDER:-

1) BRIEF HISTORY OF THE PROPOSAL :

The Architect had submitted the proposal on plot bearing CTS No. 706, 706/1 to 10 of village Marol, as per old SRD Scheme and same was approved in the SRD committee meeting on 14/3/96. The L. O. I. was issued on 5/7/96 as at pages 251 to 257 of SRD report file.

Salient Features of the scheme as per SRD scheme,

| | |
|----------------------------------|------------------|
| Area of the plot | : 28,957.41 SQM. |
| No. of Eligible tenements | : 913 Nos. |
| No. of PAP tenements | : 198 Nos. |
| B.U.A. for Rehab + PAP tenements | : 27556.95 SQM. |
| B.U.A. for sale tenements | : 12910.50 SQM. |
| F.S.I. sanctioned | : 1.618 |
| Percentage of Rehab Component | : 68.12 % |
| Percentage of Sale Component | : 31.88 % |
| Percentage of profit sanctioned | : 24.77% |

| | |
|-----------------------------|----------------------------------|
| Report to the SRD committee | : @ page 179-189 of SRD M.F No-I |
| Annexure - I | : @ page 231-239 of SRD M.F No-I |
| Letter of Intent | : @ page 251-257 of SRD M.F No-I |

Now the Architect has submitted proposal for conversion from old SRD Scheme in to new Slum Rehabilitation Scheme.

2) ELIGIBILITY OF SLUMDWELLERS :

The plot under reference is censused slum. The eligibility of the slum dwellers on plots under the scheme is certified by W.O. (K/E) in the format prescribed under Annexure - II of the Additional Guidelines. The details of which is tabulated below :

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| Annex. II Corrigendum | Tenements on Site | Eligible Tenements | Remarks |
|---|-------------------|--------------------|--|
| Annex. II for plot bearing CTS no. 706, 706/ 1 to 10 of Village Marol .(Page 41-43 of SRD file) | 1115 | 917 | 917 T/S are declared eligible as per old SRD policy. |
| Corrigendum to Annexure. II | 1157 | 1157 | Additional 248 T/S are declared protected by W.O. (K/ E) subject to approval from Additional Collector (SRA). |

Here it may be mentioned that the Annexure II for the plot bearing CTS no. 706,706/ 1 to 10 of Village Marol referred above is as per the old SRD Scheme and The Architect has not submitted revised Annexure II in the format prescribed by the SRA. However, the Architect vide his letter at page 195 has requested not to insist the revised Annexure II as there is no change in the eligibility as per 1995 policy.

(A) The Architect's above request may be accepted if agreed by the CEO (SRA). However, a Registered undertaking will be insisted from the developer of the plot, stating that the amount of contribution towards construction of the tenements taken earlier as per SRD Scheme will be returned and the tenement will be allotted free of cost to the eligible slum dwellers.

(B) The corrigendum issued by W. O. (K/E) Ward at Pg 113-143, is subject to the approval from Additional Collector (SRA). Hence the original corrigendum received from W. O. (K/ E) is forwarded to Add. Collector (SRA) for the certification & till the time the corrigendum issued by W. O. (K/ E) will be accepted for computation of Rehab. Tenements if agreed by the CHE (SRA) / CEO (SRA).

Here it may be mentioned that there is a difference between the no. of structures declared protected by W.O.(K/E) & no. of structures considered by Architect for rehabilitation.

The details of difference is as follows.

The Architect has not considered structure no. 1084, 1083, 1087 of slum plan at page 153 for rehabilitation . He has vide his letter at page 195 explained that in the Annexure – II , the W.O. (K/E) has not allotted the plot falling under motor garage for slum rehabilitation scheme, as the said plot is under dispute , However the structures in the said land are inadvertently included in the Annexure – II.

(C) Hence these three structure will not be considered in the rehabilitation Scheme for which Ch.E (SRA)/ C.E.O (SRA)'s approval is requested please.

Existing W.C. Blocks and Sulabh Sauchalay.

There are 5 no. of the W.C. blocks & 1 no. sulabh sauchalay existing on the plot which are declared protected as amenity structure by W.O. (K/E). The total carpet area of these structures is 151.43 Sqm however the, Architect has

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proposed 1 no. sulabh saunchalaya of area 36.56 Sqm to be used by public as well as commercial shops. The Architect has considered this total area of 36.56 Sqm. In the computation of rehabilitation component.

(D)

~~Ch.E (SRA) / CEO (SFA)~~'S approval is requested for considering the area of Sulabh Sauchalay and toilets for computation of rehabilitation component as per clause no. 3.10.of D.C.R 33 (10)

Existing Religious Structure Certified as Residential User.

There is one existing Masjid on the plot of carpet area 83.61 Sqm. which is declared as protected by the W.O. (K/E) Ward. However the user of the Masjid is shown as 'residential'. The Architect has requested vide his letter at Pg.195, that Masjid has been declared residential inadvertently.

(E)

~~Ch.E (SRA) / C.E.O. (SRA)~~'s approval is requested to consider the said Masjid as a amenity structures.

Provision for Existing Balwadi.

1 no. existing Balwadi of area 81.75 Sqm. Is declared as eligible in the Annexure -II. However the same is not considered for rehabilitation by the Architect as 13 No. of Balwadis are proposed in the scheme as per clause 8.1 of D.C. Regulation 33 (10). The Architect has stated that the proposed Balwadi will be handed over to the institution presently running the Existing Balwadi.

(F)

The ~~Ch.E (SRA) / C.E.O (SRA)~~'s approval is requested for the same.

3) CONSENT :

As per Annexure II at page 41-42 of S.R.D file no. I & corrigendum at page 114 out of total 1154 No. of slum dwellers 1014 Nos have consented for the scheme thus total 87.86% of slum dwellers have consented for the scheme.

4) OWNERSHIP OF THE PLOT :

The plot under refrence is owned by B.M.C as per P.R.C at Page 13 to 33 of SRD M.F I

5) AREA OF THE PLOT :

| | |
|---|----------------|
| 1. (As per Annexure II from W.O. (K/E) Pg 41 of this file and page of SRD file) | : 28957.41 SQM |
| 2. P.R.Cards(Page13 to 33 of SRD M.F I) (Entire CTS No. 706) | : 35895.60 SQM |
| 3. Triangulation Calculation (Page 207) | : 28957.41 SQM |
| 4. Architects Area Certificate (Page9 of SRD M.F-I) | : 28957.41 SQM |
| 5. Owners Area Affidavit (Page 7 of SRD M.F-I) | : 28957.41 SQM |

Hence area of the plot is considered as 28957.41 SQM as slum rehab area as per DCR 33 (10).

T.C. S.R.

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6) ZONE AND RESERVATION :

As per D.P. Remarks at page 5 to 7 of SRD M.F I the plot under reference is in Industrial Zone (I3) and is partly designated as W.S.S.D. pumping station, Municipal Primary School & P&T training center and is slightly reserved for combined reservation of Dispensary, Welfare Center & Library.

However out of the above the W.S.S.D. pumping station & Municipal Primary School are already developed & W.O. (K/E) has not allotted the land under the above designations for slum rehabilitation scheme. In the D.P. Remarks at Pg 5 to 7 SRD M.F I and vide Architects Letter at Pg 195 it can be seen that the Locations & the areas of the said designations developed are different than those in the D.P. Remarks i.e the area of the B.M.C School is increased on site than the D.P. Records & the area of the W.S.S.D pumping station is less than that shown in the D.P as designations. The detailed statement is as below. However since the existing areas of these amenities are being maintained the same will be allowed by Ch.E (SRA)/ C.E.O (SRA) especially since this is a S.R.A Scheme.

(F1)

| Reservations. | Area as per D.P remarks (In Sq Mts.) | Area as per Reservation Developed in Site. (In Sq Mts.) |
|---------------------------|--------------------------------------|---|
| Municipal Primary School. | 1189.51 | 1828.18 |
| W.S.S.D Pumping Station. | 2692.75 | 1746.82 |

The plot allotted for Slum Rehabilitation Scheme is slightly affected by P&T training center having area of 73.13 Sq. Mts. & combined reservation of Dispensary, Welfare center & Library having area of 1.25 Sq. Mts. The Architect has proposed to hand over these plots to MCGM completely as the pockets of the said reservations are too small to be developed. The Architect has not considered this land area in the calculation of plot area for the FSI calculation. Reference is requested to Architects letter at Pg 195 & the D.P. Remarks at pg5- 7 SRD M.F I, the Architect has requested for relocation of the triangular portion of Existing P & T Training Centre which is shown to be to be inside the Land Under reference, Due to constraints in planning the Architect has relocated the said triangular portion as shown in plan at Pg 177. The proposed location is contiguous to the land under the existing Reservation, which is approvable.

A condition will be incorporated in L.O.I. that the slum dwellers existing on the reservation shall be accommodated in proposed scheme and the possession of the reservations shall be handed over to the MCGM free of cost before granting occupation permission to the sale building.

(G)

In view of above Ch.E (SRA) / C.E.O (SRA)'s orders are requested to accept the area and location of the already developed reservations of W.S.S.D Pumping station & municipal Primary School, and Relocation of the portion of P & T Training Centre.

7) COASTAL REGULATION ZONE.

As per the Survey Remarks at Pg 7, the land under reference is situated within 500 mts from the Mithi river. It is in C.R.Z.II as per the draft Coastal zone management plan.

T.G
S.K

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The Architect has represented at Pg 195 that the portion of the Mithi River where the backwater is coming is to be considered for Coastal Zone. The back water of the said river comes maximum up to Kalina area, the length of the river from Kalina up to the land under reference is so much that there are absolutely no chances of the back water coming up to the land under reference, as such the land need not be considered in Coastal Zone. Further he has stated that as per the remarks from E.E (P&D) SWD of M.C.G.M, the width of the river is specified only 30.00 mts instead of insisting for existing width, moreover 7 mts service road is to be maintained along the river. Hence it could be concluded that the said portion of the river is not affected by the backwater. However as a precaution C.C for development within 40 mts from present boundry will not be issued until demarcation of H.T.L for Mithi River/ Mahim Creek is made available.

The site was also seen by the CEO (SRA) alongwith Ch.E (SRA), who opined that the area under reference may not be falling under CRZ-II

(H)

In view of the above the C.E.O (SRA)'s orders are requested to process the proposal on the plot under reference.

8) LAYOUT / PLANNING OF BUILDING :

The Architect has proposed 7 buildings in the layout. Building Nos.1,2,3,4 & ground floor of Building 5 are proposed for rehabilitation of slum dwellers and building Nos.5(pt), 6, 7 are proposed for free sale as shown on the plan at page 177.

9) RELIGIOUS STRUCTURES.

In Annexure II, The W.O. K/E ward has certified the area of religious structures as shown below..

| Sr No | Inventory No. | Description | Carpet Area in Sq Mts. |
|-------|---------------|------------------|------------------------|
| 1. | 556 | Temple. | 13.94 |
| 2. | 100 | Temple. | 23.23 |
| 3. | 101 | Temple. | 34.84 |
| 4. | 789 | Temple. | 5.05 |
| 5. | 913 | Temple. | 1.49 |
| 6 | 936 | Nirankari Sabha. | 38.65 |
| 7. | 935 | Nirankari Sabha | 13.94 |
| 8. | 705 | Masjid. | 83.61 |

The Architect has accommodated these religious structure in the rehab buildings by proposing single story structure as shown on the plan at page177. These religious structures form the part of rehab. Component and free sale component is computed with the area of this religious structure as per clause no. 8.2 of D.C. regulation 33.

As per D.C. Regulation 29 (6)(a) min 6 mtr. Open space is required to be left open for assembly bldgs on all sides from the boundaries of the plot. However here all the religious structures are proposed touching the rehab bldgs.

T.C.

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I

The Ch.E (SRA)/C.E.O (SRA)'s orders are requested to consider the plan without insisting 6.00 mts side Open Spaces all sides of the religious structures.

10) OPEN SPACES :

Rehabilitation Buildings: The open spaces of the Rehabilitation buildings are adequate as per the clause no. 6.11 of Revised DCR33 (10). This clause does not specify regarding the provision of long length factors required as per D.C. regulation No. 29(1) (b) hence the application of long length factor is not taken in the consideration by the Architect. The Architect has proposed building No. 1 & 2 having length 66.25 Mtr and 108.15 mtr. As shown on the plan at pg. 177 for which long length factor is required to be considered. However the Architect vide his letter at Pg 195, has represented that due to the hardships for the consumption of F.S.I, because of the height restriction due to civil Aviation and for the provision of shopping for reaccommodation of existing commercial tenements on the same road, the building was required to be planned with a length more than 40 mts. Hence he has requested to condone the deficiencies created due to the long length factor.

J

In view of the above Ch.E (SRA) /C.E.O (S.R.A.)'s orders are requested for open spaces proposed by the Architect, considering it is a slum project

K

Sale Building : The open spaces of sale building will be checked at the time of approval of the sale building. In the event of concession in open spaces are too much in higher side, Architect will be asked to propose T.D.R. if agreed by C.E.O. (S.R.A.)

11) ACCESS :

The plot under reference abuts 45.70 mtr. wide Municipal Road known as M. V. Road. It is also abutting 18.30 wide existing D.P. road on west side of the plot.

12) RECREATION GARDEN :

- a) Deduction in FSI calculation : The Architect has proposed, 15 % RG deduction in FSI calculation as per regulation.
- b) Physical Provision : The Architect has proposed 25 % physical provision of RG as per DCR23.

L

CHE (SRA)'s approval is requested for the shape and location of the Physical R.G. proposed by the Architect as on plan at page 865.

13) TENEMENT DENSITY / PAP TENEMENTS :

As per clause 3.12 of modified DCR 33 (10), the minimum density of rehabilitation component on plot shall be 500 T/S per net hectare, hence required tenements on net plot will be 1291 Nos. Eligible tenements certified by the W.O. (K/E) are 1154 nos. which are equivalent to 1134 nos. as per clause 3.13 of revised DCR 33 (10) Worked out at page 209-211. Wherein the number of commercial tenements have been calculated by dividing 20.90 to the total of existing commercial carpet area certified by W.O. K/E ward.

T.C.

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Hence 116 PAP tenements are required to be provided if the amenity structure proposed as per clause of DCR 33 (10) are calculated in tenement density calculation. The Architect has proposed 116 Nos. PAP tenements as per requirement.

(M) The Ch.E. (SRA) / CEO (SRA)'s approval is requested for the above provision of 116 No. PAP tenements as proposed by the Architect. In addition to above the Architect has proposed 13 Balwadi, 13 Welfare Center, 13 Society office.

Here it may be mentioned that Architect has proposed 13 no. Society offices as against required 1 No. Society office as per regulation. The Architect vide his letter at page 195, requested that as the No. of slum dwellers proposed to be rehabilitation are large in number. (i.e. more than 1200), one society office will not be sufficient to handle the affairs of the large no. of tenements. Hence, 13 no. of society offices are proposed in the proportion of Balwadi & Welfare Center which appears to be genuine.

(N) Ch.E. (SRA) / CEO (SRA)'s approved is requested for 13 No. of society offices proposed by the Architect subject to formation of 13 societies.

14) COMPUTATION OF REHAB. AND SALE COMPONENT :

| Sr. No | DESCRIPTION | |
|--------|--|---------------|
| 1. | Plot area considered for calculation | 28957.41 SQM |
| 2. | Max. BUA. Permissible on plot (with 2.5 F.S.I.) | 72207.575 SQM |
| 3. | Rehabilitation Component | 33756.640 SQM |
| 4. | Balwadi + Welfare hall + Society office + Common Passage | 3892.30 SQM |
| 5. | Rehab. Component for FSI purpose (3 - 4) | 29864.34 SQM |
| 6. | Sale Component / BUA. Permissible | 33756.64 SQM |
| 7. | Total BUA. permissible for project (5 + 6) | 63620.98 SQM |
| 8. | F.S.I. Permissible for the project (7 / 1) | 2.46 SQM |
| 9. | Sale Component proposed in situ (Plans not submitted) | 33756.64 SQM |
| 10. | Total Built Up Area proposed in situ | 63620.98 SQM |
| 11. | FSI consumed on site (10 / 1) tentative. | 2.46 |
| 12. | Balance Area to be considered for T.D.R. (7 + 10) | Nil |

(O) Ch.E. (SRA) / CEO (SRA)'s approval is requested for the above Built Up Area calculation and to grant FSI of 2.46 for the project.

T.C.

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15) BENEFIT OF STAIRCASE, LIFT AND LOBBY :

The Architect has claimed staircase, lift and lift lobby area admeasuring 1748.696 SQM free of F.S.I. which includes for all Rehab. Buildings.

(P)

✓ CH.E. (SRA)'s approval is requested to consider the plans with above staircase, lift, lift lobby area free of F.S.I. Under D.C. Regulation 35 (2) C without charging premium as per clause 6.23 and 6.24 of DCR 33 (10).

16). CARPET AREA OF REHABILITATION TENEMENTS :

| Sr. No. | USERS OF REHAB. TENEMENTS | CARPET AREA REQUIRED AS PER REGULATION | AREA PROPOSED BY THE ARCHITECT IN SQM | REMARKS |
|---------|---------------------------|--|---------------------------------------|--|
| 1 | Residential | 20.90 SQM | 20.96 SQM | Marginally more than required. |
| 2 | Commercial | As per the statement. | 20.90 SQM Each | The Architect has proposed area as per regulation. |
| 3 | Society Office | Upto 20 SQM | 20.96 SQM | Proposed equivalent to Rehab. T/S to avoid planning difficulties |
| 4 | Balwadi | 20.90 SQM | 20.96 SQM | Marginally more than required. |
| 5 | Welfare Center | 20.90 SQM | 20.96 SQM | Marginally more than req. |

(Q)

CHE (SRA) / CEO (SRA)'s approval is also requested for the carpet area proposed by the Architect for other rehab. T/s (i.e. Residential and amenity structures) to be considered in computation of Rehabilitation Component.

17) 5% AMENITY OPEN SPACE.

The Architect vide his letter at Pg 196 has represented that area of the existing reservations on the plot under reference is more than 5% of the entire plot area, hence same may not be insisted.

Area if the entire plot is 35895.60 Sq. Mts and area under reservations is 3648.5 Sq. Mts which is 10.16% of the entire plot area. Hence the Dir (E.S & P) of M.C.G.M has agreed not to insist 5% Amenity Open Space as at pg 227 of S.R.D file-I.

(R)

CHE (SRA) / CEO (SRA)'s approval is also requested for the above.

18) TRANSIT ACCOMMODATION AND PROJECT PERIOD :-

The arrangement for Transit Accommodation will be made by the developer at his own cost as per SRD approval. And he has estimated the period as 72 months from date of issue of C.C.

T.C
S.P.

19) ISSUE OF LAYOUT / I.O.A. / C.C. :-

The lay-out proposal and the amended plans of the Rehab. Bldg. No. 1 have been scrutinised and they are approvable. The same will be issued along with the L.O.I. However C.C will be issued after complainece of the required C.C conditions as per the policy.

20) APPROVAL OF Ch.E (SRA)/ CEO (SRA) :

In view of above Technical scrutiny report the Ch.E (SRA) / CEO (SRA)'s sanction / orders are requested on following points.

- 1) Approval for Annexure I at pg 197 to 205.
- 2) Approval / orders for side lines marked A to R.
- 3) Sanction for Conversion proposal from Old S.R.D. scheme to new S.R.S Scheme.
- 4) Santion for proposal with F.S.I 2.46 as worked out at pg 237.

Submitted please.

Om
13/5/98
S.E. (SRA)

S.L.
25.58
A.E. (SRA)

H.H.H.
26/5/98
E.E.(SRA) II

[Signature]
28/5/98
Ch.E.

Ch. E. (SRA)/ CEO (SRA)

Scheme approved as proposed along with positions side-lined A to R

[Signature]
1/6/98

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श्रीमदपट्टी पुनर्बाधन प्राधिकरण
मुंबई
01 JUN 1998
मुख्य अभियंता /
(इ.नो.पु.प्रा.) /

[Signature]
1/6/98
Ch.E(SRA)

[Signature]
1/6/98
Ch.E(SRA)

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1/6/98
Ch.E.

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Annexure G
487

SLUM REHABILITATION AUTHORITY

No. SRA/Eng/

Sub: Amended LOI/Layout for S.R. Scheme on plot bearing CTS No. 706.706/1to10, Village Marol, Andheri (E)

Architect : Shri. Bhuta of M/s. Design Concepts.

In this case the Slum Redevelopment Scheme on plot bearing CTS No. 706.706/1 to 10 was initially approved by SRD committee & LOI was issued on 5/8/1996. Subsequently the Slum Redevelopment Scheme was converted into Slum Rehabilitation Scheme & fresh LOI under S.R. Scheme was issued on 9/9/1997. Layout of the scheme was approved on 25/8/1998 vide pages-131 to 145 of layout file kept below.

Thereafter the plans for Rehab. Building No.1 consisting of Gr.+7th floor containing three wings were approved. The work of one of wing is completed for which part occupation permission is issued. Also the TDR admeasuring 1050.00sq.mt. is released on 5/6/2002 against rehab component of completed one wing of 1st Rehab building.

The earlier Architect Shri. Vikas Date has resigned from the job & new architect Shri. Bhuta of M/s. Design Concepts has submitted his supervision memo alongwith requisite documents viz. C.C. form U/s. 44/69 (Page-523), resignation letter of earlier architect (pg-309) fresh layout plan (page-491), Annexure-I etc.

Architect Shri Bhuta has submitted the proposal for amended layout/ LOI with revised planning. The report is as under:-

श्री. भूता द्वारा
सुधारित
प्राधिकरण
- 1 NOV 2007

श्री. भूता द्वारा
सुधारित
प्राधिकरण
11 JAN 2008

Eng.4/raj/April 12k3/LOIrepBhutaSnchalsShah/1

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[Signature]
GRIHA RACHANA
(ARCHITECT)

[Handwritten initials]

1) Eligibility of Slum dwellers :

In this case the plot under reference belongs to Municipal Corporation of Greater Mumbai. Then W.O. (K/East) ward had issued the certified Annexure-II for the S.R. Scheme as below :

- | | | |
|----|--|---|
| a) | Annexure II dated 28/3/95 | Eligible No. of slum dwellers = 917 |
| b) | Annexure II dated 14/2/96 | Eligible 822 + 95 + (2 numbers of Structure as Municipal chowky to be rehabilitated on ground floor) = 919 |
| c) | As per further Annexure II dated 28/3/96 | 240 Nos. |

Total 919 + 240 = 1159 Nos.

As per approved LOI there were 926 residential + 157 R/C + 55 Nos. Commercial + 116 Nos. PAP + 39 Nos. of Amenity tenements (total 1293 Nos.) permitted in the scheme.

Reference is requested to the LOI report vide Pages-227-243 of LOI file (Bunch-II). As mentioned there in the architect has deleted the structure no. 1084, 1083, 1087 from SR scheme as same are being used as motor garage and excluded the plot area under said structures from scheme.

As per revised Annexure-I architect has proposed 926 Nos. residential + 157 Nos. R/C + 55 Nos. Commercial + 163 Nos. of PAP's + 39 Nos. in Amenity structures in the scheme + 8 Nos. religious structures.

Eng.4/raj/April 12k3/LOIrepBhutaSnehalsShah/ 2

T.C.
Raj

Religious Structures :

There are existing religious structure as below -

| Sr. No. | Inventory | Type of structure | Carpet area | Status |
|---------|-----------|-------------------|-------------|----------|
| 1 | 556 | Temple | 13.94 | Eligible |
| 2 | 100 | " " | 23.23 | Eligible |
| 3 | 101 | " " | 34.84 | Eligible |
| 4 | 784 | " " | 5.95 | Eligible |
| 5 | 913 | " " | 1.49 | Eligible |
| 6 | 936 | Nirankari Sabha | 38.65 | Eligible |
| 7 | 935 | " " | 13.94 | Eligible |
| 8 | 705 | Masjid | 83.61 | Eligible |

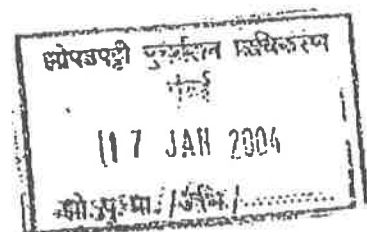
Architect has proposed reconstruction of existing Masjid by retaining 10% portion of the existing "Masjid" structure. The orientation of Masjid structure with partial reconstruction is proposed touching to Wing A, B & C of Rehab. Bldg. No.1 as shown on plan at page-473. The NOC from the concerned authority of "Masjid" will be insisted before actual reconstruction of "Masjid". The architect has proposed single structure for "Nirankari Sabha" touching to Building No.4 instead of existing two structures shown in Annexure-II. Architect has shown 4 Nos. of temples touching to Building No.7. The carpet area of religious structures are maintained as per Annexure-II.

Architect has not submitted documents showing whether these religious structures are registered with charity commissioner or otherwise.

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As such area of religious structure is not counted in rehab components. However these areas are allowed free of FSI as structure are protected.

Reference is requested to the photocopy of report at pages-461-469 (para-I, Pg-466) and then CEO(SRA)'s approval thereon at page-469 for allowing religious structure touching to the rehab as well as free of FSI and same concession will be continued.

3) Existing Balwadi :

There is existing Balwadi structure shown in certified Annexure-II, as protected, having area adm. 89.75sq.mt. However, same is not considered for rehabilitation purpose, as architect has separately proposed 13 No. of Balwadies in the scheme as per clause 8.1 of DCR 33(10) & same concession is allowed in the past by then CEO(SRA).

4) Existing W.C. block and Sulabh Shauchalaya & Municipal Office :

There are 5 No. of W.C. blocks and 1 Sulabh Shauchalaya existing near Municipal Chowky. Both structures are protected in the Annexure-II dated 14/2/90.

Architect has now proposed to retain the Municipal Office, Sulabh Shauchalaya at their existing locations. The existing W.C. blocks are proposed to be demolished in phases since the same will no more required after rehabilitation of slum dwellers.

Architect told that, though, the Sulabh Shauchalaya and Municipal Chowky structures are protected same are not considered for re-location, due to planning constraints and hence are retained at same location. However, Architect has agreed to carry out repair/ renovation to these existing structures. CEO(SRA)'s consideration is requested to include the land under these structures in S. R. Scheme subject to condition that

repair /renovation to these structures shall be done by the developers in consultation with the concerned Municipal Authorities. The condition to that effect is incorporated in revised LOI.

5) Zone & Reservation :

As per D.P. remarks at page-519-521 the plot under reference is partly designated for the W.S.S.D. Pumping Station, Municipal Primary School and partly reserved for public purpose of 'P&T, Dispensary, Welfare Center and Library. The plot is situated in industrial zone (I-3).

6) W.S.S.D. Pumping Station :

The pumping station and Municipal Primary School is already developed. As mentioned in Annexure-II dated 14/2/98 area under these designated reservation is excluded from S.R. scheme. However, it may be seen from D.P. Remarks Plan at page-521 and slum plan at page-307, the location of D.P. reservations existing on site, differs from that shown in D.P. Plan. Architect has submitted areas of developed designated reservations as per actual site conditions and areas of reservation as per D.P. plan worked out by triangulation method. Both the areas are as shown below.

| Reservation | Area as per D.P. plan (in sq.mt.) | Area as per site conditions (in sq.mt.) |
|--------------------------|---------------------------------------|---|
| Municipal Primary School | 1189.51 | 1828.18 |
| WSSD pumping station | 2692.75 | 1746.82 |

The area of designated reservation of school is more than that shown in D.P. Plan and same is maintained. But area of WSSD pumping reservation is less than that shown in D.P. Plan. Thus area of WSSD reservation adm. $(2692.75 - 1746.82) = 945.93$ sq.mt. is encumbered by slum structures.

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 Architect has proposed to carve out the plot equal to 15% of encumbered plot adm.945.93sq.mt. under WSSD Pumping station reservation for constructing 15%-buildable reservation of pumping station as per provisions of Clause 7.5 of Appendix-IV of DCR 33(10). Architect has proposed, to carve out said plot adm. 141.88sq.mt. for constructing said implemented reservation, contiguous to existing designated reservation as shown on plan at page-491. As the reservation of WSSD Pumping Station is already developed on site, construction of 15% buildable reservation will be insisted in consultation with MCGM (user dept.) by insisting remarks from MCGM for the same before allowing dev. on the portion of plot reserved for WSSD Pumping Station.

B
 CEO(SRA)'s approval is requested to allow proposed implemented reservation of WSSD pumping station as explained above vide 'X' of the report, subject to obtaining demarcation of boundaries of reservation before asking CC for bldgs. No. 6 & 7 proposed on East of WSSD Reservation.

7) P & T Training Centre, Dispensary, Welfare Center, Library :

The plot is partly affected by 'P&T' training centre reservation having area 73.13 sq.mt. and combined reservation of Dispensary, Welfare Center and Library having area 1.25sq.mts. Architect has proposed reallocation of the 'P&T' reservation to suit the planning of bldgs. in scheme and the same is approved in past.

As per earlier LOI the above reservations are maintained with equal area at reallocated positions as per then CEO(SRA)'s approval.

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1 Segregating distance :

Shifted Industries :

Reference is requested to the slum plan at page-307 As shown herein, there is a pocket of land within slum boundaries marked P-Q-R-S on plan at pge-491 which is bounded by Andheri Kuria Road on south, 9.15 mts. wide existing roads on East & North Side and 6 mts wide existing road on West Side. It is mentioned in the slum plan that, these are shifted industries. The status of industries existing there on (i.e. heavy /Service/ Light) is not known. As mentioned in Annexure II dated 14/02/1996 this property (A.O., Estate Property) is excluded from S.R. scheme.

Architect told that these are service industries, as such segregating distance from this pocket is not insisted in past and approval to building No.1 was granted

It is to be pointed out that, even if it is considered that these are service industries then also minimum 22 Mts. segregating distance is required from the boundary of scheme plot as per provisions of DCR 29. Table 10-C. However, Architect has proposed segregating distance as below:

| Side | Regd. o.s. mts. | Prop. o.s. mts. | Deficiency mts. |
|-------|--------------------|--------------------|--------------------|
| North | | | |
| A-B | 22.00 | 10.65 | 11.35 |
| West | | | |
| B-C | 22.00 | (10.60+12.20) /2 | |
| | | 11.40 (avg) | 10.60 |

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It is to be stated that, the industrial units in the above mentioned piece of land are small industrial units and are segregated from the residential development in S.P. Scheme by existing road on all sides as stated above.

C₁ In view of above, CEO(SRA)'s approval is requested to condone the deficiency in segregating distance as stated above by charging premium as per policy.

As regard segregating distance to the bldgs. on other sides the report is as under.

East:

There is Mithi river along Eastern Boundary of plot under reference. (On opposite bank of river there is industrial development.) The details of existing industrial activities on the said land beyond Mithi river are not known. Since the plot is in I-3 zone, segregating distance of 52.00mt. is required from Hazardous industries and 22.00mt. from non-hazardous industries. In absence of the details of industrial activity, it is proposed to apply segregating dist. requirement of 52 mts. There is existing access of 7.00 mts. width along bank of Mithi river as shown in layout plan at pg-491. Architect has proposed 1.5 mts. distance upto rehab. bldg. from edge of the said 7.00mt. wide road along bank of Mithi River. If the river is considered at par with road for the purpose of segregating distance the total segregating distance i.e. width of river 30.00 mts. (approx). + width of access 7.00 mts. + 1.50mt. = 38.50mt. could be available from the opposite edge of the river. It is less than 52.00 mts. by 11.5 mts. As such deficiency of 11.50mt. will be created in required segregating distance on this side. As such CEO(SRA)'s approval is

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requested to condone the deficiency of 11.50mt in segregating distance of by charging premium as per policy.

North East:

This side of SR scheme is abutting reservation of 'P&T "Training Center" which is non-industrial user and hence provision of segregating distance on this side may not be insisted. Architect has proposed open space on North side varying from 1.50mt. to 2.5mt. Approval of CEO(SRA) is requested for not to insist segregating distance on this side, where plot is abutting reservation of 'P&T "Training Centre".

North :

There is existing 12.00 mtr. wide D.P. Road on north side, there is holding of regional telecom Training Centre beyond 12.20 mtr wide D.P. Road which is developed in part portion and part portion of plot is vacant. Telecom Training Centre being non industrial user, Segregating distance on this side may not be insisted. Approval of CEO(SRA) is requested for not to insist segregating distance on this side which is abutting Telecom Training Centre beyond 12.20mt. wide road.

West:

On West side there is 18.30 mt. wide D.P. Road which is developed to the width of about 9.00 mt. on site. On West of the D.P. Road there is contiguous slum in part portion and there is commercial development in part portion. (Hyundai Service Station). As per new Industrial location policy new hazardous industries are not permissible in Mumbai and therefore even if industrial user is proposed on said slum plot beyond road. segregating distance required will be 22.00mt. Architect has proposed $18.30 + 4.50 = 22.70$ mt. segregating distance and same is adequate.

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C In view of above, approval of CEO(SRA) is requested to condone deficiency in segregating distance as explained in C1 & C2 above and not to insist segregating distance on North East and North Side as explained in C3 & C4 above.

9) CRZ :

As per survey remarks the plot under reference is situated within 500 mt. distance from Mithi river. It was shown to be situated in CRZ-II as per CZMP which was in force then. Architect had not submitted the remarks from EEDP of MCGM from CRZ point of view. As such while approving last LOI development in 40.00 mt. wide belt along bank of Mithi river was restricted for want of proper remarks from CRZ point of view. Now, Architect has submitted fresh D.P. remarks vide Pg-519-521, wherein nothing is mentioned about CRZ. As such, the restrictions laid down earlier will not be continued and dev. will be allowed without keeping aside any land area open from CRZ point of view if agreed by CEO(SRA).

D 10) Access:

The plot is abutting 45.70 mtrs wide existing Municipal Road known as M.V Road. It is also abutting 18.30 mtrs and 12.20 mt. wide D.P. Roads on West and North side respectively. Also a 9.15 mtrs wide and 6.10 mtrs wide existing roads, originating from 45.70 mtrs M.V. Road are serving to the plot. Thus access of adequate width is available.

11) Tenement Density/ PAP T/s :

The net plot area is 25815.05sq.mt. To achieve the density of 500 tenements as per clause 3.12 of DCR 33 (10), arch will have to provide 1291 No. of tenements in S.R.Scheme under reference. There are 1158 No. of the eligible slum dwellers in S.R.Scheme, which are equivalent to 1128 Nos. of Tenements as per Clause 3.13 of DCR 33(10) as worked out

at pages-483-487 where equivalent no. of commercial tenements have been calculated by dividing 20.90 to total carpet area of commercial shops. Thus 1291 - 1128 = 163 No. of PAP T/s. are generated in the scheme.

As per earlier approved LOI 116 Nos. of PAP T/s. were proposed in the scheme. Now arch has not counted amenity tenements (39 Nos.) towards tenement density, as such PAP tenements are increased from 116 Nos. to 163 Nos.

E CEO (SRA)'s approval is requested to allow 163 No. of PAP tenements in scheme, since the same are less than 33% of the total rehab. tenements in the scheme.

12) Layout:

Arch has now proposed 7 Nos. of Rehab buildings and 2 No. of sale building in the scheme:

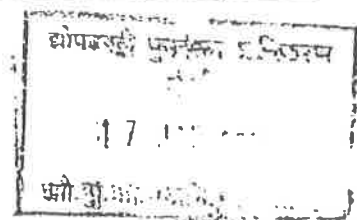
Rehab /amenity tenements proposed in each building are as under;

| Bldg. No. | Wing | R/C | Co m m. | Res. | PAP | Bal - wadi | Soc. Off. | Welfare Centre | Amen. Struc. | Total | total |
|-----------|------|-----|---------|------|-----|------------|-----------|----------------|--------------|-------|-------|
| BLDG NO.1 | 'A' | 4 | 5 | 60 | - | 1 | 1 | 1 | - | 72 | 240 |
| | 'B' | 3 | 6 | 60 | - | 1 | 1 | 1 | - | 72 | |
| | 'C' | 12 | - | 81 | - | 1 | 1 | 1 | - | 96 | |
| BLDG NO.2 | 'A' | 6 | 12 | 81 | - | 1 | 1 | 1 | - | 102 | 301 |
| | 'B' | 6 | 10 | 81 | - | 1 | 1 | 1 | - | 100 | |
| | 'C' | 6 | 9 | 81 | - | 1 | 1 | 1 | - | 99 | |
| BLDG NO.3 | 'A' | 6 | 12 | 81 | - | 1 | 1 | 1 | - | 102 | 294 |
| | 'B' | 12 | - | 81 | - | 1 | 1 | 1 | - | 96 | |
| | 'C' | 12 | - | 81 | - | 1 | 1 | 1 | - | 96 | |
| BLDG NO.4 | | 17 | - | 92 | - | 1 | 1 | 1 | - | 112 | 112 |
| BLDG NO.5 | | 21 | - | 88 | - | 1 | 1 | 1 | - | 112 | 112 |
| BLDG NO.6 | 'A' | 21 | - | - | 72 | 1 | 1 | 1 | - | 96 | 192 |
| | 'B' | 21 | - | - | 75 | - | - | - | - | 96 | |
| BLDG NO.7 | | 10 | - | 59 | 16 | 1 | 1 | 1 | - | 88 | 88 |
| TOTAL | | 157 | 54 | 926 | 163 | 13 | 13 | 13 | - | 1339 | 1339 |

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13) Internal Road: (plan p.593)

Architect has proposed to maintain existing roads marked a-b-c, b-e, d-e, f-g with widening of road marked d-e-f to 9.15 mtr. width.

In addition, Arch has proposed the internal roads of 3.60 mtr width for all rehab. buildings and religious structures as shown on plan at page-49^{p.593} and same are adequate as per clause 6.20 of DCR 33 (10).

14) R.G:1) Deductable RG:

The net plot area is 25815.05 Sq.mt. The existing eligible tenements are 1157. Thus the existing tenements density work out to 448.18 T/s. per net hectare.

Architect has not deducted 15% RG for FSI purpose. Architect has proposed 163 No. of PAP T/s. in the Scheme to achieve density of 500 tenements per net hectare in the scheme and requested for not to insist the deduction of 15% R.G. as tenement density of 500 T/s. per net hectare is achieved with provision of PAP T/s.

'F' | CEO (SRA)'s approval is requested for not to insist 15 % deductable RG for FSI Purpose as per policy followed in SRA.

15) Physical RG:

The net plot is 25815.05 sq.mt. It attracts provision of 25% Physical R.G. as per Clause 23, of D.C.Reg. 1991.

As per Clause 6.22 of DCR 33(10), the Physical R.G. can be reduced to the extent of 8% to make the scheme viable.

Due to planning Constraints, architect has proposed 8% Physical in the scheme as shown on plan at page-491. The Shape & Size of RG is odd.

CEO (SRA)'s approval is requested to allow 8% of Physical R.G. with odd shape and size.

17) Scheme Parameters :

| | | |
|-----|---|-----------------|
| 1. | Area of plot | 28957.40sq.mt. |
| 2. | Deduction of D.P Reservation | |
| (A) | Bulidable reservation (W.C., Dispensary and P&T Training Centre) | 74.38sq.mt. |
| (B) | Set Back/D.P.Roads | 3067.98 sq.mt. |
| (C) | Total (A + B) | 3142.36 sq. mt. |
| 3. | Net Plot (1-2(c)] | 25815.04 sq.mt. |
| 4. | Add fo FSI Purpose (Encumbered road, set back/ D.P.Road) | 487.88 sq.mt. |
| 5. | Total Area | 26302.92 sq.mt. |
| 6. | Max permissible FSI in situ | 2.5 sq.mt |
| 7. | Max permissible BUA | 65757.30 sqmt |
| 8. | Rehab FSI | 30677.86 sq.mt. |
| 9. | Amenity T/s. Area (Balwadi, Welfare Centre. Society Office) | 940.95 sq.mt. |
| 10. | Common passage area | 12906.88 sq.mt |
| 11. | Rehab component (8+9+10) | 44725.69 sq.mt. |
| 12. | Sale Component | 44725.69 sq.mt. |

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| 13. | Total permissible BUA of project (8+12) | 75603.55 sq.mt |
| 14. | FSI of Project (13/5) | 2.374 |
| 15. | Sale in situ (7-13) | 34879.44 sq.mt. |
| 16. | Total BUA in situ | 65757.30 sq.mt. |
| 17. | Spill over TDR (13-16) | 9846.25 sq.mt. |

H' CEO (SRA)'s approval is requested to above scheme parameters and to issue LOI based on above scheme parameters.

Regularisation :

During site inspection it is seen that the work of Wing 'B' of the 1st Rehal. Bldg. is done without obtaining CC. The RCC work is done upto 7th floor and brick work is done on at 1st to 3rd floor only. The remaining work i.e. plastering, flooring, plumbing, electrification, provision of doors and windows and colouring etc is balance. The work of wing is done as per amended plans now submitted vide page-473. It need consideration of CEO(SRA) on following points.

16) **Open Space:**

Architect has proposed 3.00 mts. wide joint open spaces between Wing 'B' under reference and adjacent Wing 'A' of the same bldg. which is already constructed on site. On West Side 1.50mt. open space is proposed from 9.15mt. wide internal layout road. On South Side there exists an existing road having width varying from 7.20 mts. to 8.10mts. including width of SWD constructed along the boundary of road on it's North Side. From the outer edge of SWD upto the bldg. line of Wing 'B' under reference, available open space is varying from 2.10mt. to 2.90mt.

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Reference is requested to the layout plan of scheme showing D.P. Reservations and D.P. Roads therein at page- 541. The existing 9.15mt. wide roads reflected in D.P. and designations of 'WSSD pumping station' and 'Municipal Primary School' are shown in the dotted yellow colour on said plan. The actual location of the developed reservations of 'WSSD pumping station' and 'Municipal Primary School' as developed on site are shown with boundary in red colour.

It may be seen that, the 9.15mt. existing road with their alignment as reflected in D.P. are not existing on site. The alignment of roads shown in D.P. is overlapping on developed reservation of 'WSSD pumping station' and 'MAP' reservation and part of it is encumbered with slum structures. It is to be stated that alignment of the existing 9.15 mtr. wide D.P. Road marked 'X-Y' is shown between reservations of 'WSSD pumping station' and 'MAP'. The said road passing between these two reservations continues beyond point marked 'Y' upto point 'Z' i.e. upto 18.30 mt. wide proposed D.P. Road passing North South along Western Boundary of the slum site. However, on site the existing width of road which is existing between these developed reservations at shifted location is 4.5 mt. (approximately) instead of 9.15mt. for part portion and for part portion road doesn't exist at all. The developed width of this road for portion marked 'Y - Z' varies from 7.20 mt. to 8.1mt. as stated above. Architect has submitted remarks from Asstt. Engg. (Main.) K/E ward of MCGM for status of roads existing in the slum plot u/r vide page- 543. As per said remarks road marked 'Y-Z' u/r is an existing road maintained by MCGM and it's width varies from 7.20 mtr. to 8.10 mtr. as shown on the plan annexed to said remarks at page- 545. It is also mentioned in the said remarks that there are no other existing internal roads. This shows that, the existing roads are existing on site at location 'X-Y-Z' with lesser width as mentioned above, ^{and the roads} ~~disturbance~~ with 9.15 mt. width at location 'X-Y-Z' appears to have been shown in sanctioned D. P. wrongly.

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It is to be stated that, 9.15 mtr. wide roads, reflected in D.P. serve as an access to the reservations of 'WSSD pumping station' and 'MAP' and since these reservations are developed at shifted locations as stated above the location of this 9.15 mtr. wide road may have to be considered along position marked X'-Y-Z'. If the alignment of portion marked Y'-Z' as existing on site is accepted, the available open space on south side for the wing under reference would be less than 1.5mt. by 0.45mt approximately. Further it is to be stated that, in D.P. 9.15 m. road marked X-Y-Z is shown to be in the straight alignment and as per site conditions, the south side boundary of the road for portion X'-Y' & Y'-Z differs. Since the WSSD pumping station is developed if the alignment of this road is to be kept in straight line as per alignment portion X'-Y' then the portion of wing 'B' under reference will be affected by the road..

As may be seen from the plan at page - 541, 9.15mt. wide road reflected in D.P. as existing road touches the constructed Wing 'A' of bldg under reference on its North Side. However, the same can be realigned within slum boundary as per provisions of Clause 7.7 of DCR 33(10) and required open space of 1.5mt. for the bldg. can be made available.

As stated above, the width of existing road marked Y'-Z' abutting rehab wing 'B' u/r is between 7.20 to 8.10 mtrs. and available open space to the rehab wing 'B' u/r from this existing road is more than 1.50 mtrs.

However, the above mentioned roads are reflected in the sanctioned development plan with width of 9.15 mtr. as shown on D. P. remarks plan at page- 521 and they serve as an access to the developed reservations. As such it is felt that remarks from MCGM for final alignment of these 9.15mt. wide roads vis a vis developed reservations are necessary and in consultation with MCGM, these roads can be realigned within developer's holding under reference. The exact available open

space to the bldg. under reference on north and south side can be ascertained only after finalisation of the alignment of these roads.

Architect has however, requested for regularisation of Wing 'B' constructed without approval pending above remarks from MCGM, as access to both the developed reservations is available on site. During discussion, developers has agreed to submit clarification/remarks from MCGM regarding alignment of the above roads.

It is to be stated that if existing width of road marked Y-Z with it's existing alignment is accepted, adequate open space is available to the bldg. under reference. However, if 9.15 mtr. width is insisted in view of '1/2' above, then available open space to the bldg. under reference will be varying between 1.05 to 1.20 mtr. as against required 1.50 mtr. and thereby creating deficiency of 0.30 to 0.45 mtr. to this wing. It is to be stated that, the roads within slum boundary can be realigned by CEO (SRA) as per provisions of clause 7.7 of Appendix IV, DCR 33(10). In the present case, land on South side of this road Y-Z' is under shifted industries, which is not included in the slum plot and hence there is no scope for shifting of this road towards South i.e. away from bldg. under reference. As such it is felt that existing alignment of road as developed on site will have to be accepted and in the event of insisting 9.15 mtr. width of this road, deficiency of 0.30 to 0.45 mtr. will be created for wing 'B' under reference of rehab. bldg.

It is to be stated that if the alignment of road marked X, Y, Z is finally accepted at location X'-Y'-Z' then the road portion marked Y-Y' will not be required since the remaining development within the slum boundary being undertaken under the same scheme where provision for access to the bldgs. in the scheme can be made in the form of internal layout roads.

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Since relaxation in the mandatory open space of 1.50 mtr. for the rehab bldg. is not permissible the matter was discussed with the CEO(SRA), in presence of architect of the scheme. During discussions architect was informed to obtain remarks from MCGM regarding shifting/alignment of the designated reservation existing D.P. roads in the layout, when architect has informed that, it will take time in obtaining remarks from MCGM due to long procedure involved in deciding this issue and he had informed that, he will submit the revised layout proposing realignment of there road within layout, without reducing the width of roads. Accordingly architect has submitted revised layout vide page - 595 proposing realignment of road as under :-

1. Existing road marked a-b-c and b-e are proposed to be continued as it is, as per it's existing alignment and width.
2. Existing road marked d-e-f having width varying from 5.40 mtr. 9.50 mtr. is proposed to be widened to 9.15 mt. uniform width as shown on layout plan at page - 595. He has proposed 9.15 mtr. wide road for further portion marked f-g upto proposed 18.30 mtr. wide D.P. road. Similarly 9.15 mtr. wide road is proposed for portion f-h i.e. upto the plot boundary. This road marked d-e-f-g and f-h is proposed by him as an alternate access to the 9.15 mtr. wide existing road reflected in D.P. as marked p-q-r & q-s on plan at page - 521, since access of 9.15 mtr. wide road to the school reservation is proposed to be provided from both the major roads i.e. 45-70 mtr. wide Andheri Kurla Road as well as 18.30 mtr wide D.P. road and in addition existing road marked a-b-c & b-e is also being maintained and since the existing road reflected in D.P i.e. p-q-r & q-s on plan at page - 521, are not existing on site, an alternate access of 9.15 mtr. width proposed by architect as per alignment marked d-e-f-g & f-h will be accepted if agreed by CEO (SRA) please.

As regard to road portion marked b-c on layout plan at page - 595, if the existing width of 4.50 mtr. of this road is accepted in view of providing alternate road of 9.15 mtr. as per alignment f-h then open space to the rehab wing 'B' u/r is adequate from the said existing road marked 'b-c', as well as 'b-e'. Open space on North side to constructed wing 'A' will be adequate if realignment of road as per f-h is accepted.

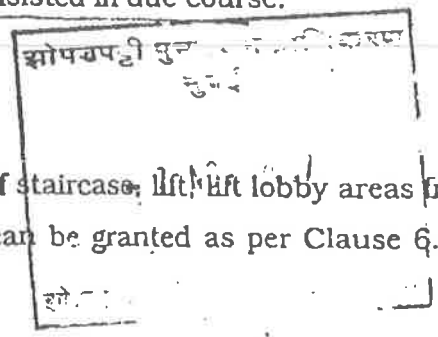
Architect during discussion requested for not to insist road marked f-h. If the existing roads marked X'-Y'-Z' are accepted by M.C.G.M. with its existing width in view of 'I' above, then the 9.15 mt. wide road marked f-h will not be required and that case the request of Architect for not to insist the alternate road marked f-h can be considered favourably after obtaining remarks from M.C.G.M.

In view of above, it is for consideration of CEO(SRA) to regularize the work of wing 'B' u/r, carried out without approval, as adequate open spaces will be available after accepting road alignments as explained above as shown on plan at page - 595.

If 'J' above is approved by CEO(SRA), remarks from MCGM on the issue of alignment of roads and reservations reflected in D.P. will be insisted before granting approval to Bldg. No. 6 (wing 'B') and Bldg. No. 7 in the layout and approval to the amended layout as per final alignment and location of reservation will also be insisted in due course.

Staircase, Lift, Lift Lobby :

Architect has claimed the area of staircase, lift, lift lobby areas free of FSI in all Rehab. bldgs. The same can be granted as per Clause 6.23 without charging premium.



Eng.4/raj/April 12k3/LOIrepBhutaSnchalsShah/ 19

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GRIHA RAJ...

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CEO(SRA)'s approval is requested to allow the area of stairca , lift lobby free of FSI for all Rehab. bldgs. without charging premium.

Release of TDR :

Architect vide his application at page- 453 has requested to release TDR against Rehab. component of Wing B of bldg. under reference.

As per clause 3.90 of DCR 33(10) and policy in SRA, TDR to the extent of 50% Rehab. component of bldg. can be granted when bldg. is ready for occupation and remaining 40% TDR is released after grant of occupation permission.

In this case the work of Wing B of bldg. under reference is completed upto RCC frame work for Gr. + 7 floors and brick work of 1st to 3rd floor is done. Architect has requested to release 50% TDR of Rehab. Component of Wing 'B' under reference so as to raise finance for the scheme. It is for the consideration of CEO(SRA) whether to accept the request of architect for release of 50% TDR against completed work of rehab building. If 'L' Above is agreed by CEO(SRA), the calculation for TDR and dues payable for release of said TDR are as under.

| | |
|----------------------------|---------------------------|
| Rehab. Component of Wing B | = 2199.20 sq.mt. |
| 50% TDR | = 2199.20 x 50% = 1099.60 |
| | Say 1100.00sq.mt. |

Payments :

1) Maintenance Deposit :
 1301 x 2150 x 20,000/-
 ----- = 12,50,359.00
 44,741.55

Say Rs.12,50,500/-

Less paid : Rs.8,80,000/-

Balance : Rs.3,70,500/-

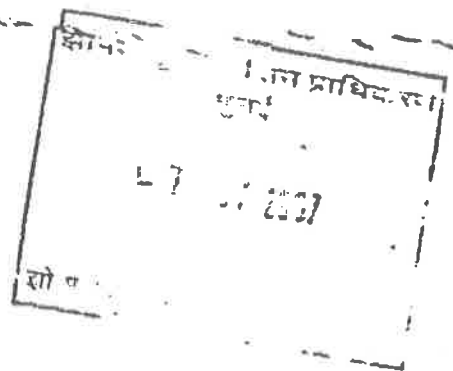
Balance to be paid on issue of TDR recommendation letter = Rs. 3,70,500/-

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2) Infrastructure Charges :
The FSI is within 1.00. Hence, it is not applicable.

3) Penalty for regularisation :
 $1687.74 \times 3987.5 \times 1.10 \times 15\% \times 10\% = 1,11,0427.436$
Say Rs.1,11,500/-

4) Amended Plan Scrutiny fees :
 $5095\text{sq.mt.} \times \text{Rs.}1.5 = \text{Rs.}7,642.50$
 $501\text{sq.mt.} \times 5 = \text{Rs.}2505/-$
Total Rs.10,147/-
Say Rs.10,200/-



CEO(SRA)'s approval is requested to release the TDR adm.
1100.00sq.mt. subject to payments as above and draft letter P-595-548

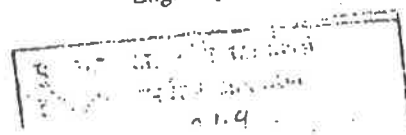
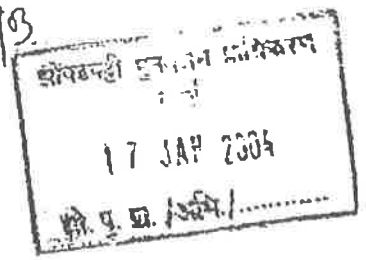
The complete file papers are submitted herewith for CEO (SRA)'s
approval to paras sidelined A to 'M' of the above report please.

Submitted please.

En

CEO(SRA) A to M are
approved as proposed
Eng.4/raj/April 12k3/LOrepBhutaSnehalsShah/21

Handwritten signature and initials: E.E.(SRA) 201/03



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Handwritten signature: GRIHA RAJ...

Handwritten initials: T. S.

SLUM REHABILITATION AUTHORITY

No. SRA/Eng/ 1801/KE/ML/AP

Sub : Approval of plans with regularization of work carried out of Rehab Building No.6 under S.R. Scheme on plot bearing CTS No. 706, 706/1to10 of village Marol at Andheri Kurla Road, K/E Ward, Andheri (E), Mumbai. for: 'Sagbaug Snehsagar SRA CHS Ltd.'

Architect : Shri Jatin Bhuta of M/s Design Concepts.

Developer : M/s. New Monarch Builders and Contractors.

Ref : IOA report vide page 65-68 and observations & approval of A.E.(SRA)-III & E.E. (SRA)III thereon at pg. 67-68.

Reference is please requested to the IOA report vide page:65-68 for approval of plans of Rehab building No. 6 under reference and observations and approval of A.E.(SRA)-III & E.E. (SRA)III thereon.

The compliance report on the observations & queries made by A.E. (SRA)-III & E.E. (SRA)-III, as submitted by the Architect is as under:

| Sr. No. | Conditions | Compliances |
|---------|---|--|
| 1 | CRZ remarks and remarks regarding Mithi river | Architect has submitted the MRPDA rema ^{for} ted ^{ted} Mithi River vide page: 99-103 and further ^{the} that as per the D.P. remarks vide page: 5 ^{the} plot is not affected by CRZ and h ^{rova} undertaking may not be insisted, for which of E.E. (SRA)III is requested. |
| 2 | Personal ID of the developer | Submitted vide page:71 & 127 to 139 |
| 3 | Appointment of Architect /Technical professionals | Submitted vide page:109-113 |
| 4 | Plot area certificate from the Architect | Submitted vide page:93 |
| 5 | Area affidavit from the developer | Submitted vide page:115 |
| 6 | Registration of society | Submitted vide page:97 |

T.C
SA

- 7 Relocation order Submitted at pg:95-95A. Architect has submitted the layout plan which will be scrutinized in due course.
- 8 from MCGM D.P. remarks Submitted vide page:51-53
- 9 Remarks regarding MRTS from MMRDA Architect vide representation at page 117 has stated that the building under reference is at least 35 meters away from the M.V. road and therefore is not within the alignment of MRTS. Hence, the NOC for the MRTS may not be insisted. However, the NOC will be insisted before granting approval, for building within 30 mt. distance from the M.V. Road as per MRTS / MMRDA note, if agreed by EE(SRA)III.
- 10 Remarks regarding shifting of structures along (Andheri-Kurla) M.V. Road by MMRDA On inspection on site it is found that the existing structures along the (Andheri-Kurla) M.V. Road are not shifted by MMRDA.

REGULARIZATION OF WORK:

On inspection of site, it is observed that the Rehab bldg. no.6 u/r s constructed without approval of plans and without obtaining C.C. Architect has presented that the Rehab Bldg. is constructed without approval & C.C. due to sheer pressure from the slum dwellers for alternate accommodation before monsoon, as the plot was badly affected by the flooding during the incessant rains on 26-07-2005 & as the plot is in close proximity to Mithi River. He has further stated that there was lot of pressure from slum dwellers & the society as a whole to construct the Rehab Bldg. No.6 urgently as there is a possibility that the same flood situation will be repeated again & there will be further loss of human life as it happened in past.

Architect has therefore requested to regularize the work carried out of Rehab Bldg. No.6 comprising of Gr.+ 7 floors without the approved plan & without obtaining C.C.

Architect has submitted structural design/ calculations at pg. 79-91 Structural Stability Certificate at pg.77 for the completed Bldg. No.6 up to top of 7th floors i.e. the 8th slab level including overhead water tank

P. C. *[Signature]*

and lift machine room. Site Supervisor completion certificate is at pg.121. Architect has also certified the work carried out ^{at} building under reference and submitted completion certificate at pg. 75. Plinth plan is at pg.123. It is to be mentioned here that the work carried out and completed on site is as per the earlier submitted plans and is approvable in nature.

The usual plinth CC and further CC conditions are complied by the Architect and approval for pending conditions are obtained in the Rehab bldg. file for which full CC / OCC has been granted in the past.

X

In view of the above A.E. (SRA) III/E.E. (SRA) III 's approval is requested to issue the plans of Rehab Bldg.No.6 comprising of Gr.+7 upper floors vide pg.25-27 by incorporating the changes as per MRPDA remarks and to regularize the work carried out of the Rehab bldg. no. 6 and endorse C.C. accordingly, subject to recovery of penalty and regularization charges worked out at page:125.

Submitted for approval of 'X' please.

[Signature]
02/17/07
S.E. (SRA)

~~A.E.(SRA)-III~~
~~E.E.(SRA)-III~~

Reference is please requested to earlier report and approval at pg. 67-68. The approval of Bldg up/s was not issued due to non-compliance of certain conditions / submission as listed out at pg-68.

Now the listed compliance is made. But the Bldg. is found constructed on site and Archi. has requested for it regularisation.

As mentioned by SE(SRA) in his (P.T.O.)

T.C. S.V

above report, the regularisation of the work will be made by charging penalty as per policy, for which approval of EE (SRA)-III / Dy. CHE (SRA) is requested. On approval c.c. will be endorsed please.

Submitted please.

EE (SRA)-III
Dy. CHE (SRA)

Agarwal
3.7.07
AE (SRA)-III
Mishra
S7
EE (SRA) III

EE (SRA) III

- 1) Work of Reinforce bldg No 6 may be regularised if the plans are approved.
- 2) Penalty to be recovered as per rules.
- 3) Issue warning letter to the Architect / Developer allowing to file without IDA/C.C.

H
Dy. (Chief Secy)
SIH07.

27/7/07

T.C
S


Slum Rehabilitation Authority

5th Floor, Griha Nirman Bhavan,
Bandra (East), Mumbai 400 051.

Fax: 022-26590457

Tel: 022-26590519 / 0405 / 1879 / 0993

No. SRA/Eng/1801/KE/ML/AP

Date :

To,

1. Shri. Jatin Bhuta (Architect)
of M/s. Design Concept,
Laxmi palace, 76,
Mathuradas Road,
Kandivali (W),
Mumbai 400067

2. M/s. New Monarch Builders & Contractors (Developer)
Laxmi Palace, 76,
Mathuradas Road,
Kandivali (W),
Mumbai 400067.

Sub: Proposed S.R. Scheme on plot bearing CTS No. 706, 706/1 to 10 of village Marol at Andheri Kurla Road, K/E Ward, Andheri (E), Mumbai. for 'Sagbaug Snehsagar SRA CHS Ltd.'

Ref Your proposal for regularization of work carried out without approval & C.C. of Rehab building No.6 in the S.R. Scheme.

Sir,

With reference to above, it is to inform you that your proposal for regularization of work carried out without approval & C.C. of Rehab bldg. No. 6 is approved.

However, you are hereby warned not to carry out any such construction activity in future without approval & C.C. from SRA, otherwise necessary action as deemed fit will be initiated against you.

Yours faithfully,

Dy. Chief Engineer
(Slum Rehabilitation Authority)

Executive Engineer
(Slum Rehabilitation Authority)

20/07/19
S.E. SRA

OIC

TC

Annexure J
513

MUNICIPAL CORPORATION OF GREATER MUMBAI

NO.CHE/1741/DPWS/H&K of 29 DEC 2007

Office of the
Chief Engineer (Dev. Plan)
4th Floor, Annexe Bldg.,
Municipal Head Office,
Mahapalika Marg, Fort,
Mumbai - 400 001.

To,
Uday Upadhyay,
C-203, Angelina Apts,
Old police Station Road,
Vileparle, (West)
Mumbai-400056.

Sub : Land comprised in C.T.S.No. 706 of village Marol, in K/East Ward.

Ref : i) Your application u/no.22382 dated 24.12.2007

ii) CTS.plan issued by CTSO.Vileparle,u/no.1937 dated 04.12.2007

Gentlemen,

Under the revised Development Plan of 'K/East' Ward, sanctioned by the State Govt., the above land shown bounded black on the accompanying plan, returned herewith, is partly designated for the public purpose of Municipal Primary School (MΔ P) as shown in washed red colour with black hatched lines and for WSSD Pumping Station as shown in washed yellow colour with black hatched lines on the plan. and for the widening, if any, of the existing roads and for the proposed road and their junctions.

The above land is situated in a Special Industrial Zone (I-3)

The land under reference abuts the reservation of Dispensary +Welfare Centre + Library as shown in washed red colour and designation of P & T Training Centre as shown in washed red colour with black hatched lines distinctly on the plan.

It is affected by the proposed 18.30 wide D.P. Road and its junction as shown in coloured burnt sienna on the plan.

As per the directives issued by State Govt. in U.D. Dept. under section 154 of M.R.T.P. Act u/no. TPB-4305/2342/CR-302/05/UD-11 dtd.17.01.2006, No objection from M.M.R.D.A. shall be obtained separately in view of M.R.T.S. before any development on the land.

The widening, if any, of the existing roads and their junctions shall be as per the regular line prescribed by and subject to the actual demarcation on site by the Executive Engineer (Traffic & Co-ordination) / A.E. Survey (WS) H&K Wards.

The zonal line dividing the Residential Zone (R), and Special Industrial Zone (-3) is shown in red line on the plan.

The land under reference is affected by Mithi River and hence, specific remarks from the Ex.Eng.(S.W.D.) of M.C.G.M shall be obtained separately before any development on the land.

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 designation of Municipal Primary School (MΔP) has been relocated from its position shown in red colour to that shown in dotted red lines and designation of WSSD

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RIHA RACHANA
(ARCHITECT)

514

dotted yellow lines on the plan and 9.15 mt.wide existing D.P.Road have been realigned from its position shown in burnt sienna line to that shown in dotted sienna lines

The alignment of the proposed road and boundaries of the reservation and designations are subject to the actual demarcation on site by this office staff alongwith the representative of A.E.Survey (W.S.) H&K Wards.

Remarks are offered only from the zoning point of view without carrying out actual site inspection and without any reference to ownership of land, existence and status of the structures , if any of, the land under reference.

Yours faithfully,

Acc :- 1 plan.

~~Sd/-~~
Assistant Engineer
Development Plan) K/East.

TRUE COPY

ebjope 29/12/07
Assistant Engineer
Development Plan) K/East.

TC.
[Signature]

Annexure K
SIS

Design Concepts Architects and Engineers

Laxmi Palace 76, Mathuradas Road, Kandivli (W) Mumbai-400 057
Tel: 2807 8999/ 5090 8050 / 30914621/22/23 • FAX: 91-22 28085300
E-Mail: design_concepts_1@rediffmail.com
URL: http://www.ravhome.com



To,
The Deputy Chief Engineer
Slum Rehabilitation Authority
5th floor, MHADA bldg,
Bandra (E), Mumbai-400 051.

Date

Sub: Representation regarding regularization of construction of Slum building 6 in the Slum rehabilitation scheme on plot bearing CTS No. 706, 706/1 to 10 of village Marol at Andheri Kurla Road, Andheri (E), Mumbai

for Sagbaug Snehsagar SRA Co-operative Housing Society (Ltd).

Sir,

With reference to the above, we would like to state that the Rehab building No. 6 in the project is constructed without issuing the IOA which is principally approved but not issued subject to non compliance of certain specific conditions mentioned in the IOA report.

The rehab building no. 6 has been constructed due to sheer pressure from the tenants slum dwellers, on site due as they were afraid of the danger to their lives due to the proximity to the Mithi River due to flooding of which they have lost a few lives earlier in 2005. Most of the specific compliances mentioned in the report sue to which the IOA for the Rehab bldg. was not issued are complied and the rest we are submitting herewith for the regularization of the rehab building no. 6 which has been constructed up to the full height of Ground + 7 upper floors as per the earlier plans submitted for approval which were scrutinized earlier. We have nearly completed all the formalities and compliances required for the approval of IOA and CC for all the previous buildings proposed in the project and the same compliances are applicable for the building no.6 under reference, and the remaining compliances will be submitted before obtaining CC to the sale building in the project, which is not yet submitted.

With reference to the above facts we would like to represent as under:

1. The total tenements proposed in the Rehab building 6 is the same as the number of tenants as per the earlier plans that were scrutinized without any change.
2. The building No.1 was already constructed up to the 7th floor and completed to and extent of more than 90 to 95 % and is not yet occupied.
3. There are certain balance LOI compliances in the project, which will be obtained before asking for the CC of the sale building of the project.
4. There is no sewerage line in the D.P. road abutting the plot and hence we have made provision of the septic tank in the project and we will obtain the necessary NOC from the sewerage department before OC of the said building regarding the use of the said tank till the municipal sewer line is installed in the D.P. Road

संशोधन विभाग, मुंबई महानगरपालिका
 १६ जून २००७
 नो.पु.सा./अभि/...

to,
[Signature]

[Signature]

5. The amended layout will be got approved as per the already approved buildings and the future proposed buildings due to the additional burden of the MITHI cover widening program remarks submitted herewith immediately after the building u/r is regularized before asking any further approval to the first sale building in the project.
6. We have the Rehab building no 1 and 2 are constructed today and appear as two separate buildings at present for which layout approval is required due to sheer space constraints and site conditions (high tenement density and height restrictions) whereby it was not possible to construct the sale wing of the composite building at this stage.
7. The rehab building constructed is at least 35 to 40 meters away from the M.V. road and is not within the alignment of MRTS is proposed to be constructed. We will submit the specific remarks from MMRDA regarding the MRTS before asking for approval to the sale building and rehab building falling within 30 meters from the M.V road

Considering the above representation we request you to approve the IOA & CC up to the 7th floor of the Rehab building 6 and regularize the same by charging penalty as applicable at the earliest

The rehab building no.6 has been constructed out of sheer pressure of the slum dwellers so that there is no further loss of human life in future and the sale building has not been submitted as yet and it can be seen that the developer has no bad intentions and is constructing the dwellings for the slum dwellers without considering his financial profitability today

Please do the needful & oblige

Thanking you,

Yours faithfully

(Jatin Bhuta)
(Jatin Bhuta)
Architect

T.C
[Signature]