

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ मध्ये कलम
३७ (१अे)(सी) अन्वये मंजूर फेरबदलाचे अधिसूचना.

महाराष्ट्र शासन
नगर विकास विभाग

क्रमांक :- टिपीबी ४३१२/प्र.क्र.४५/२०१२/(२)/नवि-११
मंत्रालय, मुंबई : ४०० ०२१,
दिनांक - ०८ नोव्हेंबर, २०१३.

शासन निर्णय : सोबतची अधिसूचना शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(संजय बाणाईत)
अवर सचिव, महाराष्ट्र शासन

प्रत,

मा. मुख्यमंत्री महोदयांचे प्रधान सचिव.

मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव.

प्रति,

- (१) प्रधान सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई : ४०० ०३२.
- (२) महानगरपालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई
- (३) उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी, म्हाडा, मुंबई.
- (४) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे
- (५) सह सचिव, तथा संचालक, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
- (६) उपसंचालक, नगर रचना, बृहन्मुंबई, इन्सा हटमेंट, महापालिका मार्ग, मुंबई- ४००००८.
- (७) प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई.
- (८) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करून त्याच्या ५० प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई : ४०० ०३२ व संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे व उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)

- (९) कक्ष अधिकारी, कार्यासन नवि-२९, (त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रसिध्द करण्याबाबत आवश्यक ती कार्यवाही करावी.)
- (१०) निवड नस्ती (नवि-११)

बृहन्मुंबई महानगर पालिका			
प्रमुख अभियंता (विकास नियोजन)			
याचे कार्यालय			
११			१
१२			४
१३	21 NOV 2013		५
२	25453		६
क्रमांक/दिनांक			
साधारण	२०१३	नवि-११	पा. उम
नवि-११	२०१३	नवि-११	अ. उम

५४/२५४३१ विनि.रा.धा-११ २१/११/१३
उप.प्र. आ.जे. (इ.प्र.) पू.उप./प.उप-१०२/शा.ध

उप.प्र. आ.जे. (वि. नि.)-१०२

खरीत अक्षरभंड कार्यवाही करीत.
व दि. २६.११.१३ ला ४.०० वा. चर्चा
करावी.

२१.११
म. शा.जे. (वि. नि.)

MOST URGENT

MUNICIPAL CORPORATION OF GREATER MUMBAI

2003
76

No.MGC/A/6006 dtd.30.11.2013

Minutes of the meeting of Municipal Commissioner to discuss the issue of Dangerous Buildings held in the Works Committee Hall on Wednesday, the 23rd Oct.2013 at 12.30 p.m.

The list of the MCGM officers attended the meeting is at Annexure-A.

At the outset of the meeting, the Hon'ble Municipal Commissioner has reiterated the importance of continuously monitoring the dangerous buildings of all categories so as to avoid major disasters. Municipal Commissioner has also highlighted the need to review the dangerous private buildings to eliminate the possibility of collapse of private buildings. In this connection, following points were discussed:-

Sr No	Issue	Orders of Hon'ble M.C.	Compliance	Time-limit
1.	Implementation of provisions of section 353(B)	<ul style="list-style-type: none">• Instructions regarding structural audit of private bldgs. as enumerated in circular No.CHE /360034/DP dtd. 9th Jan. 2009 should be implemented scrupulously.• The provisions of section 353(B) should be scrupulously followed in case of private buildings as well as Municipal and Govt. buildings should also get structural audits done through Designated Responsible Officers.• The data as regarding buildings more than 30 years old should be procured from the Assessment Deptt. and on receipt of data, notices regarding structural audit should be issued to such buildings.• Designated Officers of wards will be responsible for issuing notices for structural audit of private buildings. Asstt. Engineer (Maint.) of wards will be responsible for issuing notices to Govt. buildings; which are	AMC(City), Zonal DMCS, ChE(P&D), Law Officer ACs & Designated Officer, AE(Maint.)	30 th Nov. 2013.

Sr No	Issue	Orders of Hon'ble M.C.	Compliance	Time-limit
		<p>buildings expeditiously.</p> <ul style="list-style-type: none"> In case of private buildings, if two Structural Auditors submit contradictory reports regarding the structural stability then the matter should be referred to the Technical Advisory Committee and the decision of the Technical Advisory Committee (TAC) should be binding on the concerned party. <p>AMC (WS) should ensure that TAC is formulated by 15th Nov. 2013 as per Hon'ble M.C.'s orders at Point No.(7) of the minutes of the meeting dtd. 29th Sept. 2013.</p>	ACs & Designated Officer Law Officer	
3.	Recovery of expenses from the private buildings for carrying out the repairs.	<ul style="list-style-type: none"> As per sub-section (6) of section 353(B) of the M.M.C. Act, if the owner of the private building fails to carry out the repairs then Municipal Commissioner may undertake the repairs and recover the cost from the owner. <p>The matter shall be referred to the Technical Advisory Committee (TAC) before taking any decision as regards aforesaid provision.</p>	AMC(City), Zonal DMCS, ACs, Designated Officer C.A.(F), Law Officer	--
4.	Repairs to the Municipal buildings	<ul style="list-style-type: none"> User Department will be responsible for – <ul style="list-style-type: none"> (a) Structural Audit of the building, (b) Eviction of the building, (c) Making PAPs available to the occupants in co-ordination with Estates & Markets Deptts. Ward Office will be responsible for- <ul style="list-style-type: none"> (a) Propping up of the building, (b) Providing machinery for eviction of the building, (c) Structural repairs to the building upto the cost of Rs. 30.00 lacs. by Unstarred Tender. (d) Demolition of evicted building through the empanelled Demolition Contractors by inviting spot quotations. 	Zonal DMCS, Dir. (ES&P), Deans, Ch.M.S., All HoDs, ChE(P&D), A.C.(Est.), A.C.(Mkt.), ACs. of Wards, Executive Engineers, Asstt. Engrs. (Maint.)	30 th Nov. 2013

Sr No	Issue	Orders of Hon'ble M.C.	Compliance	Time-limit
		<ul style="list-style-type: none"> • Ch.E.(P.&D.) will be responsible for - <ul style="list-style-type: none"> (a) Repairs to the building of more than Rs. 20.00 lacs., (b) Allocation of funds to the Ward Office and the User Deptt. • Ch.E.(P.& D.) will enroll propping contractors and demolition contractors by 30th Nov. 2013 so that they can be used by Ward Offices as per the requirement based on the report of Structural Auditors or as per the instructions of Ch.E.(P&D) which is normally issued after the visual site inspection as a precautionary step to prevent the deterioration of structural stability of the building. 		
5.	Repairs to the private buildings	<p>(I) Applicability of section 354 of the M.M.C. Act -</p> <ul style="list-style-type: none"> • The provisions of section 354 of the Act should be made applicable only to authorized / tolerated buildings. • As far as possible, the notice under section 352 of the Act, should be issued for securing the building by providing props. However, precaution should be taken to give details of the existing building, i.e. the description of total floors, rough sketch showing plans / sections, location, dimension, etc. • When notice under section 354 is to be given for pulling down the dangerous building - <ul style="list-style-type: none"> (a) The present policy of obtaining zonal Dy.Chief Engineer (BP)'s sanction should be continued. (b) Notice should give details of the existing building, i.e. rough sketch showing plans / section, location and preferably the photographs of the building. • As far as possible, the notice under section 354 of the Act should not be given for carrying out repairs to the building when the repairs attract the provision of Section 342 of the 	<p>All AMCs, Zonal DMCs, Dir(ES&P), ChE(DP), ChE(P&D), Law Officer, Dy.Ch.Es. (BP), AGs. of Wards, Ward E.Es., AEs(B&F) of wards,</p>	

Sr No	Issue	Orders of Hon'ble M.C.	Compliance	Time-limit
		<p>Act.</p> <ul style="list-style-type: none"> • Section 354 of the Act, should also not be given for the portion of the building falling within the regular line of the street, on which the building abuts. <p>(II) Issue of Notice under section 354 for repairs -</p> <ul style="list-style-type: none"> • As far as possible, the notice under section 354 of the Act, should not be given for repairs. However, if the circumstances demand carrying out urgent nature of repairs, the notice under section 354 may be issued for tenable repairs. For the purpose of inspection, inspection report in the form of Appendix 'I' should be prepared and a copy of the list of repairs be got examined from the Executive Engineer, so as to ascertain as to which repairs amount to structural repairs, attracting the provisions of section 342 of the Act. If urgent structural repairs are required then, it should be made clear in the notice that before carrying out the notice requisitions, the sanction from the Building Proposals Section should be obtained. • Before granting repair permission, the authorization of the structure should be obtained by referring to the copies of the approved plans or by making reference to the Survey section of the Building Proposals office. In case, sanctioned plans are not available, then the party may be asked to submit the relevant documentary evidence, such as City Survey Plan, etc. The items included in the notice, should be specifically defined and details of works to be carried out should also be disclosed. • Before granting repair permission, the authorization of the structure should be obtained by referring to the copies of the approved plans or 		

Sr No	Issue	Orders of Hon'ble M.C.	Compliance	Time-limit
		<p>by making reference to the Survey section of the Bldg. Proposal's Office. In case, sanctioned Plans are not available, then the party may be asked to submit the relevant documentary evidence, such as City Survey Plan etc. The Items included in the notice, should be specifically defined and details of works to be carried out should also be disclosed.</p> <ul style="list-style-type: none"> • The notice should give details of the existing building, i.e. rough sketch showing the Plans / Section and preferably the photographs of the building. • After the issuance of the notice under section 354 of the Act, the repairs should be kept under vigilance and observation, so as to detect the work carried out beyond notice requisition and immediate action could be taken for excess and/or unauthorized construction. • After this work is carried out, inspection report should be prepared in the form of Appendix III. • Repair permission should be issued under the signature of the Asstt. Commissioner, after obtaining sanction of E.E. and the D.M.C <p>(III) Service of the notice under section 354 of the Act</p> <ul style="list-style-type: none"> • Notice under section 354 of the Act, should be addressed to the owner of the structure, as well as the tenant / occupier thereof. • The responsibility of carrying out the notice requisitions will be primarily with the owner. If the owner fails to carry out the notice requisitions and the tenant / occupiers come forward to carry out the notice requisitions, the application for grant of authority under section 499 of the Act, should be considered. Section 499 of the Act, is not delegable and 		

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		<p>therefore, the authority in favour of tenant / occupier should be issued under the signature of the Dy. Municipal Commissioner. Whenever the notice is issued to the owner of the structure, a copy thereof should be served upon the tenant / occupier.</p> <p>(IV) Prosecution:</p> <ul style="list-style-type: none"> If the owner fails to carry out the notice requisitions within a stipulated time, the owner of the structure may be prosecuted under the provisions of section 471 of the Act, read with section 354 of the Act. <p>As the notices issued under Section 354 of the Act, is likely to give rise to excess and / or unauthorized construction / reconstruction, it is advisable to keep separate register for the notices under section 354 of the Act. The registers should contain all the information in respect of notice under section 354 of the B.M.C. Act so as to have a proper follow up of the notice.</p>	<p>258750</p>	

1. All HoDs to be vigilant and periodically inspect the buildings under their control. Preventive remedial measures should be taken after due consultation with the technically competent persons. HoDs are directed to keep their Addl.M.Cs. informed in the matter.
2. Ward A.Cs. to extend all possible assistance to HoDs to enable them either to prop or to vacate the structure.
3. Director (E.S.P.) should periodically review all aspects of building safety and provide timely advice to the administration for action in respect of such buildings. He should also review the budget utilization earmarked for repairs to the Municipal buildings and should step in to weed out the problems related to utilization of budget.

The meeting was then concluded with vote of thanks to the Chair.

[Handwritten Signature]

Municipal Commissioner

Copy to - Ch. E. (DP) 7

1ST URGENT

1A/6006
13/11/13

बृहन्मुंबई नगरपालिका			
प्रमुख अभियंता (विकास नियोजन)			
यांचे कार्यालय			
११	14 NOV 2013		१
१२	624822		४
१			५
२			६
म.न.अ.वि.नि./			
साक्षरता	शहर	पूर्व. उप	प. उप
मा. अवि.	टिडी/अर	लेखा	आस्था

CHB/24822/DP/Gen dt 18/11/13

Dy. Ch.E (BP) W.S. / E.S. / W.S. / W.S.D

उपप्रमुख अभियंता:
आस्था प्रभाग प.ड.-२,
पी. व. आर. यांचे कार्यालय
आवि. (पु.), मुंबई-४००१०१.
14 NOV 2013
Mge/321
उपप्रमुख / प.ड.-२पी/आर

E.E. (B.P.) W.S.
 A.E. (B.P.) W.S.
 S.E. (B.P.) W.S.
 O.S.H.C. (B.P.) W.S.
 For Future Necessary action & Report PL

Dy. Ch.E. (BP) W.S. / E.E. (BP) W.S. / A.E. (BP) / OS

16/11
प्रमुख/अभियंता
(विकास नियोजन)

Despatch clerk

circulate

circulate to all

Ms 25/11/13
H.C.I

Sr No	Issue	Orders of Hon'ble M.C.	Compliance	Time-limit
		<p>more than 30 years old. Both the aforesaid Officers are also responsible for its implementation.</p> <p>As the structural stability certificate is required to be submitted within one year from the date of issuance of the notice by the building owners, actual repairs, if required, will commence only thereafter. Since the implementation aspect spread over reasonably long period, some Standard Monitoring Mechanism and Monitoring Software should be developed for effective implementation of this legal provision.</p> <ul style="list-style-type: none"> • The structural audit of Municipal buildings of more than 30 years old shall be carried out by respective Heads of the Departments who control the buildings. <p>As regards the issue of repairs to such buildings, the same should be dealt with as per circular No. ChE/8653/PD/II, dtd. 4.10.2013.</p> <ul style="list-style-type: none"> • All Designated Officers should be instructed by A.M.C.(City) by issuing circular that all complaints related to unauthorized structural changes and tampering with members and columns of the buildings (Pvt. / Govt./ Municipal) should be viewed very seriously and all such complaints should be dealt with on priority and should be followed up regularly so as to redress the complaint to the logical conclusion. If structural elements are tampered with, it will be necessary to conduct structural audit irrespective of the age of the building. 		
2.	Appointment of Structural Auditors	<ul style="list-style-type: none"> • A.M.C.(WS) to ensure that maximum numbers of eligible Structural Auditors should be empanelled so as to carry out the structural audit of various Municipal 	AMC(WS), Dir. (ES&P), ChE.(P&D), Zonal DMCS,	15 th Nov. 2013