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MUNICIPAL CORPORATION OF GREATER MUMBAI
EB / 1182/FN/A

Sub : Proposed internal addition and alterations and change of user in existing building on ground floor bearing C.S.No. 513 A/10 of Matunga Divn. Plot No. 604 of Dadar Matunga Estate Scheme No.5, Mumbai.

Architect:- Shri. H.P. Karanani

Reference is requested to the representation of the Architect Shri. H.P. Karani vide pg. C-65 requesting to revalidate I.O.D. issued under even no dated 11.10.2005.

In this case, Architect / Licensed Surveyor Millind Samel of "199 Architectural Consultant" has submitted a proposal under Section 342 of the M.M.C. Act for proposed change of user on ground floor from residence to bank and one No. of convenience shop in an existing building. This office detailed report may please be seen vide pg. N/1 to N/9. The plan for proposed change of user and additions and alterations were approved on 11.10.2005. I.O.D. is at pg. C/165 to C/173. The proposal could not be processed, since, the Asst. Commissioner (Estates)'s N.O.C. was not submitted. Therefore I.O.D. under even No. has lapsed.

Now, the Architect has submitted the N.O.C. issued by Asst. Commissioner (Estates) vide pg. C/61-C-63 for grant of commencement certificate to carry out the work of change of user and additions and alterations in existing building. The owner has appointed new Architect Shri. H.P. Karani whose supervision memo is accepted as previous Architect has given his resignation. The supervision memo is at Pg.C-67.

There are no change in polices / regulations after approval of the concessions by the M.C. u/No.MCP/8546 dated 5.10.2005 (Pg.N-7). As such, plans approved in the past can be revalidated for further period of one year.

As regards Work Commencement Notice to be given by the owner, following is the provision of M.M.C. Act :-

347 (1) No person shall commence to erect any building or to execute any such work as is described in Section 342-

(a) until he has given notice of his intencion as herainbefore required to erect such building or execute such work and the Commissskner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in section 345 or 346 ;

[(aa)until he has given notice to the Municipal [city engineer] of the proposed date of commencement. Where the commencement does not

take place within seven clear days of the date so notified, the notice shall be deemed not to have been given]

(b) after the expiry of the period of one year prescribed in section 345 and 346, respectively, for proceeding with the same.

(2) If a person, who is entitled under Section 345 or 346 to proceed with any building or work, fails so to do within the period of one year prescribed in the said sections, respectively for proceeding with the same, he may at any subsequent time give a fresh notice of his intention to erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

Thus the proposal under reference envisages fresh notice u/Sec.342 of M.M.C. stipulated in the above section is over. The present proposal will, therefore, be treated as fresh proposal by recovering additional 50% scrutiny fees.

Incidentally it may further be stated that this office comes across number of proposals wherein plans are approved and I.O.D. is issued. However, Architect may be unable to obtain C.C. within one year u/Sec.44/69 of M.R. & T.P. Act, 1966 for the reasons beyond his control. In such cases, where there is no material change in the original approval, not involving additional concessions, such proposals can be considered at the level of Dy.Ch.Eng.(B.P.). If agreed, this will be treated as policy for future. In cases where competent sanction as per present policy is already obtained, for the concessions granted.

In view of above, Ch.Eng.(D.P.) /Dir.(E.S.& P.) /M.C.'s orders are requested to revalidate the I.O.D. for further period of one year by continuing concessions already approved by M.C.

Submitted please.

VRK
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B

By Ch.Eng.(D.P.) 496 Gen. / 100

Ch.Eng.(D.P.) 05/05/07
Dir. (E.S. & P) (infg)
M.C.

Y. R. KOTANN
E.E.B.P. III
03/05/2007
Dy Ch. Eng. (B.P.) City

Submitted for approval to portions sidelined A & B of the report.

Ch Eng (D.P.) 04/06/07

<p>मुम्बई महानगरपालिका प्र. अ. 12. (वि. अ. 12) (मि. अ. 12)</p> <p>7 MAY 2007</p> <p>क्रमांक: 558</p> <p>संचालक अभि. सेवा/प्रकल्प</p> <p>यचे कार्यालय S/FN-1182</p> <p>दि. 5</p> <p>क. स. अ. सं. 1/2</p>	<p>DPBPC</p>
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No. Dir/ES&P/9184

Submitted please.

Director (Engg. Services & Projects) 15/6/2007

Approved: A may be informed all concerned.

Municipal Commissioner.

CHALAM