

दूरभाष : 22751210

परिपत्रक क्र. प्र.अ/वि.नि/१३/श.वा.व. (२०१९-२०)

मुख्यालय, पश्चिम नौसेना कमान
बलार्ड पियर, नजदीक टाइगर गेट
नौसेना गोदीबाडा, मुम्बई
महाराष्ट्र ४००००१

WK/3031/NOC/28/104

30 October 2019

The Principal Secretary
Urban Development Department
Government of Maharashtra
Mantralaya, Mumbai 400032

**GUIDELINES FOR ISSUE OF NO OBJECTION CERTIFICATE (NOC)
FOR BUILDING CONSTRUCTION**

Sir,

1. Refer to the following:-

- (a) Meeting between Municipal Commissioner, MCGM and undersigned on 29 August 2019.
- (b) Bombay High Court Order of 27 February 2019 in WP No.3013/2018.
- (c) HQWNC letter WK/3050/Policy-II/97 dated 30 November 2016.
- (d) Govt of Maharashtra, UDD Circular No. CRZ-1215/1093/Circular No.40/15/City Development -12 dated 07 November 2016.
- (e) Gol, MoD letter F.11026/2/2011/D(Lands) dated 21 October 2016.

2. **Background.** Consequent to issue of Gol, MoD Circular dated 21 October 2016 (referred at Para 1(e) above), GoM vide Circular dated 07 November 2016 (referred at Para 1(d) above) had issued instructions to all Planning Authorities in Maharashtra relaxing the requirement of obtaining NOC from Defence Establishments upto 10 m. Then HQWNC vide letter dated 30 November 2016 (referred at Para 1(c) above) had apprised GoM, UDD that the Circular issued by Gol, MoD dated 21 October 2016 is not applicable to the Indian Navy and is only for Units/ Establishments of the Indian Army which are listed in Annexure A and B of the Circular. However, no amendment or clarification was issued by GoM, UDD on the subject.

3. **Present Status.** During the meeting with Shri Praveen Pardeshi, Municipal Commissioner MCGM it was intimated that GoM, UDD has reiterated/ clarified (in writing) to MCGM and Planning Authorities, that restrictions around Defence Establishments in Mumbai have been reduced to 10 m in accordance with Gol, MoD Circular dated 21 October 2016. Accordingly, the Circular issued by GoM, UDD on 07 November 2016 is still valid and applicable.

4. **High Court of Bombay Judgment.** The Hon'ble HC of Bombay in its Order dated 27 February 2019 (referred at Para 1(b) above) at Para 18 has settled the issue regarding applicability of Gol, MoD Circular dated 21 October 2016 with

respect to Navy Establishments. The relevant extract from the judgment is reproduced below:-

"18. In the aforesaid circumstances, when the Ministry of Defence has made it clear that the Naval Head Quarter should notify the restriction as recommended by them vide their ID Note dated 9th March 2017 under the Works of Defence Act, 1903, the restrictions imposed in the circular dated 21st October 2016 are not applicable to the Navy. Therefore, the clarification issued by the State Government by the circular dated 7th November 2016 through the Urban Development Department, in any case, do not apply to Naval establishment. Perusal of Annexure A and B of the circular dated 21st October 2016 also contains list of Army Establishments and hence, it cannot be said that the circular of 21st October 2016 which relaxes the condition imposed vide earlier circular dated 18th May 2011 is applicable to Naval establishment."

5. **Recommendation.** In view of the above stated facts, it is evidently clear that Gol, MoD Circular dated 21 October 2016 is not applicable to the Indian Navy. Accordingly, Hon'ble HC of Bombay has also stated that GoM, UDD Circular dated 07 November 2016 is not applicable to Naval Establishments. It is therefore, requested, that GoM, UDD Circular dated 07 November 2016 and subsequent clarification issued on the subject to MCGM in August 2019 be amended and fresh instructions may be issued to all the Planning Authorities in Maharashtra to follow Gol, MoD Guidelines dated 18 May 2011, 18 March 2015 and 17 November 2015 in respect of Indian Navy Units/ Establishments.



(Handwritten signature)

(कुलदीप डडवाल)

कमांडर

वरिष्ठ स्टाफ अधिकारी (भूमि एवं निर्माण)

कृते फ्लैग अफसर कमांडिंग-इन-चीफ

Copy to:-

The Chief of Naval Staff
(for Commodore (Works))
IHQ MoD (Navy)
New Delhi 110011

The Municipal Commissioner
Municipal Head Office
Mahapalika Marg
Mumbai 400001

The Flag Officer Commanding
(for Cmde (Infrastructure))
Headquarters Maharashtra Naval Area
Mumbai 400023

- with a request to continue forwarding building proposals for NOC to HQWNC as hitherto

- with a request to include the subject issue in next CMLC meet

Internal. NA/ CinC SO/ COS SO/ CSO(P&A)