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**MUNICIPAL CORPORATION OF GREATER MUMBAI**

No. CHE/3/2014/DP/HRB dtd. 14.02.19

**Sub.:** Reconstitution of Technical Committee for High Rise Buildings as per regulation 19(3) of DCPR 2034.

**Ref.:** 1) Miscellaneous Appeal no.445 of 2017

In  
Civil Appeal no.11150 of 2013

(arising out of SLP(Civil) no.33402 of 2012

Municipal Corporation of Greater Mumbai.....Petitioner

V/S

Kohinoor CTNL Infrastructure Pvt.Ltd. & Anr... Respondents

2) MCP/2780 dt. 04.02.2019 (N/3)

3) MGC/A/6749 dt. 02.02.2019 (C/15)

4) MGC/A/6750 dt. 02.02.2019 (N/17)

4/1-3  
1) Reference is requested to this office report U/No.CHE/28770/DP/HRB dtd.01.02.2019 to Hon.MC, wherein it was proposed to issue a letter to the Principal Secretary, UD to issue suitable orders for dissolving present Technical Committee constituted as per Government notification issue U/No.TPB/4313/49/CAR-4/2013/UD-11 dtd.09.06.2014.

4/3  
The said file papers were returned to this office by DMC (MCO) for discussion. Accordingly, the matter was discussed with DMC (MCO) on 04.02.2019. As per said discussion, the constitution of new technical committee for High Rise buildings is stipulated in Reg. 19(3) of Development Control and Promotion Regulation 2034 and hence, Municipal Commissioner can constitute Technical Committee as per the provisions of Development Control and Promotion Regulations 2034. Further, the members of the last committee need to be informed that Development Control & Promotion Regulation 2034 have come into force, and accordingly, the new Technical Committee for High Rise Building has been constituted by the Municipal Commissioner and the committee constituted earlier as per Govt. notification u/no. TPB/43/3/49/CAR-4/2013/UD-11 dt.09.06.2014 stands dissolved. X

In this context, reference is also requested to the representation from President, CREDAI-MCHI to Hon.M.C. requesting to appoint PEATA representative as a Member of Technical Committee to be constituted under

c/15  
Regulation 19(3) of DCPR 2034 & Hon.M.C.'s endorsement thereon which reads as, "Please do the needful."

c/17-19  
Further reference is also requested to the similar representation from President, NAREDCO, Maharashtra to Hon.M.C. and Hon.M.C.'s endorsement thereon.

It may be stated that the Regulation 19(3) provides for appointment of one Technical member of the Committee. It is felt that the such Technical member may be from the MCGM Engineering staff itself, who can also function as a Member - Secretary of the Committee. The previous Committee appointed as per Govt. Notification dtd.09.06.2014 had Ch.E.(DP) as a Member Secretary of the said Committee. Considering the said aspect, it is proposed to appoint a Technical member of Committee from MCGM technical staff and said member will also function as Member Secretary of the Committee.

II) **Brief Details:**

The last High Rise Committee as per Govt. Notification dated 09.06.2014 was constituted as per the Hon. Supreme Court orders. In view of said orders, MCGM had filed the miscellaneous appeal no. 445 of 2017 in civil appeal no. 11150 of 2013.

Hon. Supreme Court has passed the following order dated, 07 January 2019 in the above referred matter:

c/15  
*"Mr.Rohatgi learned senior counsel submitted that in view of the promulgation of Draft Development Plan-2034 under M.R. & T.P. Act, 1966, this miscellaneous application has become infructuous.*

*Accordingly miscellaneous application is dismissed as has become infructuous"*

c/1-3  
Law Officer vide note u/no. LCT/548 dtd.15.01.2019 has stated, "In view of the submission made by the Senior Counsel Mukul Rohatgi the Miscellaneous Application is dismissed and become infructuous. The copy of the order 07.01.2019 is enclosed herewith for your perusal and ready reference.

As the DCPR 2034 is already implemented, you are at liberty to follow the said regulation as stated above".

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III) The Govt. of Maharashtra vide notification u/no: TPB 4317/629/CR-118/2017(III)/UD-11 dated 12.11.2018 has sanctioned Development Control & Promotion Regulation – 2034 including excluded part of DCPR-2034 and it has come in force from 13.11.2018. The regulation 19(3) of DCPR 2034 reads as follows:

*“The Municipal Commissioner shall constitute a Technical Committee for High-Rise buildings to advise on issues related to High-Rise building having height more than 120 m. or any building having slenderness ratio 9 or more, irrespective of height of building, in which following persons shall be included:-*

- 1) Retired IAS Officer not below rank of Principal Secretary – Chairman
- 2) Structural Engineering Faculty from IIT/VJTI/SPCE – Member
- 3) Soil Mechanics faculty from IIT/VJTI/SPCE – Member
- 4) Practicing registered Structural Engineer having experience in the field of Structural designing of 10 years or more – Member
- 5) Chief Fire Officer, MCGM – Member
- 6) Or any other Technical member.

*Terms of Reference (TOR) including duration for committee shall be decided by the Municipal Commissioner”*

IV) The previous Technical Committee for High Rise building was constituted as per the notification issued by the Govt. of Maharashtra under No.TPB/4313/CR-41/2013/UD-11 dtd.09.06.2014, pursuant to orders of Hon'ble Supreme Court.

As per the said Govt. notification, the constitution of said committee was as follows:

- 1) *Chairman* : *Mr. Justice P. S. Patankar*  
*Formar Judge of the High Court of Bombay*
- 2) *Member Secretary* : *Chief Engineer (D.P.)*  
*Municipal Corporation of Greater Mumbai*



- 3) Member (Structural Engineering Expert) : Prof. Department of Civil Engineering, IIT Bombay, Pawai. (Presently Professor R.S. Jangid or any other Professor, with the required qualifications, nominated by the Director IIT Pawai)
- 4) Member (Soil Mech) Geo Tech. Expert. : Prof. and Head of the Structural Engineering Department, VJTI Matunga. (Presently Prof. Abhay Bambole or any other professor, with the required qualifications, nominated by the Principal VJTI)
- 5) Member (Environmental expert) : Director Gr. Scientist and Head NEERI Regional Centre (Presently Dr. Rakesh Kumar)
- 6) Ex- Officio Member : Chief Fire Officer, M.C.G.M.
- 7) Member (Architect & Urban Researcher) : Mr. Pankaj Joshi (Architect Urban Researcher and Consultant to the MCGM)".

The terms of reference of the said committee including the additional terms of reference mentioned in the para 57 of order dtd. 17th December 2013 of Hon. Supreme Court were as follows:

- (i) The Committee shall be of advisory nature and it will advise the Municipal Commissioner regarding the feasibility of development proposals that might be referred to it by the Commissioner. All new building proposals where the height of the buildings exceeds 70 m. or where the Slenderness Ratio ((i.e. Ratio of minimum width of the building to its height) is more than 1:9 shall invariably be referred to the Committee. However, it will be open for the Commissioner to overrule the recommendations of the Committee, after giving proper and reasonable justification in writing. Such powers shall not be delegated to any subordinate officer.

- (ii) The Committee will also look into the grievances regarding construction and technical requirements of the development schemes under DCR 33(7), 33(8), 33(9) and 33(10) whenever brought to the notice of the Committee by the concerned persons.
- (iii) The Committee may as well make recommendations to the State Government with respect to the new Development Plan which is under drafting.

V) Now, as per sanctioned DCPR provision 19(3), the Technical Committee for High-Rise building shall advise on issues related to high-rise building having height more than 120 m. or any building having slenderness ratio 9 or more irrespective of height building is to be constituted. In view of the clarification submitted vide foregoing paras, it is proposed to constitute the High-Rise committee consisting of following members.

- 1) Retired IAS Officer not below rank of Principal Secretary- Chairman : Shri. Ramnath Jha, Retired IAS Officer
- 2) Structural Engineering Faculty from IIT/VJTI/SPCE - Member : Professor with required qualifications nominated by Director- I.I.T.Powai
- 3) Soil Mechanics faculty from IIT/VJTI/SPCE - Member : Professor with required qualifications nominated by Principal-V.J.T.I., Mumbai)
- 4) Practicing registered Structural Engineer having experience in the field Structural designing of 10 years or more - Member : Dr.Shashank Mehendale (Practicing Structural Engineer)
- 5) Chief Fire Officer, MCGM - Member : Chief Fire Officer, MCGM
- 6) Any Other Technical Member : Shri V.R.More, Chief Engineer (Vig.)/c. (who shall be Member Secretary of Committee.

As per DCPR 19(3), the Terms of Reference (TOR) including duration of the committee shall be decided by the Municipal Commissioner.

It is proposed that, the tenure of committee shall be for the period of 3 years.

### **The Terms of Reference**

The terms of Reference of the Committee are proposed as follows.

1. The Committee shall be of advisory nature and it will advise the Municipal Commissioner regarding the feasibility of development proposals that might be referred to it by the Commissioner.
2. It will be open for the Commissioner to overrule the recommendations of the Committee, after giving a proper and reasonable justification in writing. Such powers will not be delegated to any subordinate officer.
3. In specific case if Chairman desires any expert from other field may be invited to the Committee for specific case.

### **BUILDING PROPOSALS TO BE REFERRED TO THE COMMITTEE:**

1. All new building proposals where the height of the proposed building, is more than 120 m. or any other building having slenderness ratio (i.e. Ratio of the minimum width of the building to its height) is 9 or more shall invariably be referred to the committee
2. In cases where the Corporation has issued IOD/ are approved amended plan for height more than 120 m. before coming into force of these regulations (DCPR 2034) and where the approval of the Technical Committee for high rise building as per Govt. Notification dtd.09.06.2014 was issued and where there are no changes in the planning and structural requirement then such cases need not be referred to the Committee.

### **Functioning of the Technical Committee shall be as follows:-**

- (1) Office of Chief Engineer (Development Plan) will make available necessary staff and an appropriate room at the Municipal Headquarters for the working of the said Committee.
- (2) The Municipal Corporation will pay an honorarium of Rs.50,000/- per month to the Chairman and the other members will be provided with the conveyance charges and attendance charges for attending the meetings of the said Committee and for site inspections, as may be decided by Municipal Commissioner, except to those members who are serving MCGM.



(3) Municipal Commissioner may charge and recover such scrutiny fee per proposal at the time of submission of the proposal, as he finds necessary.

In view of the above Hon.MC's approval is requested for the constitution of the committee, tenure, terms of reference of the committee and functioning of the Committee as detailed vide para (V) of this report. Further, the members of the previous committee constituted as per Govt. notification dated 09.06.2014 will be informed as per portion sidelined 'X' of this report, as at pg. N/5.

Submitted please.

*R. B. Zope*  
14/02/19.  
(R.B. Zope)  
Chief Engineer  
(Development Plan)

(Shri Ajoy Mehta)  
Hon'ble M.C.  
Sir,

*As proposed*

*Ajoy Mehta*

25/2/19

म.न.पा. आयुक्त

*CHE DP*

बृहन्मुंबई महानगरपालिका  
आयुक्तांचे कार्यालय  
25 FEB 2019  
समय ११, १२, १३, १४,  
१५, १६, १७, १८,  
क्रमांक *mc/DA/6750*  
(Nash)

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प्रमुख अभियंता (विकास नियोजन)  
यांचे कार्यालय  
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साधारण शहर पूर्व. उप प. उप  
मा. अधि. टिडीआर लेखा आस्था

*DyChE(DP)II*  
for urgent n/a

*R. B. Zope*  
26/02/19  
Chief Engineer (DP)