

मुंबई इमारत दुरुस्ती व पुनर्रचना मंडळ  
(महाडाचा घटक)

MUMBAI BUILDING REPAIRS AND  
RECONSTRUCTION BOARD  
(A MHADA UNIT)



No.R/NOC/F-1494/ 2190 /MBRRB-07  
Dated:-

23 MAY 2007

To,  
M/s Tejaswini Homes Pvt. Ltd,  
Taranath Niwas, Gr. Floor,  
Plot No. 52, Ganesh Gully,  
Lalbaug, Mumbai-400 012.

Sub :- Redevelopment of property at C.S.No. 53/74 of Parel  
Sewri Divn, Ward No. FS-545 (4-4A) & (4AA), Bldg. Nos.  
174 & 174AA Dr. B.A. Road, Ganesh Gully, Lalbaug,  
Mumbai -12

Ref :- Your Architect M/s A.M. Associates's letter dated  
05.08.2005 addressed to the Executive Engineer "FS-GS"  
Divn/MBRRB.

With reference to the above subject matter and letter under reference  
"No Objection Certificate" is hereby granted for redevelopment of captioned  
property with FSI 2.5 or the FSI required for rehabilitation of existing  
occupiers plus 50% incentive FSI, whichever is higher, in accordance with the  
modified D.C. Regulation 33(7) and Appendix - III to this Regulation  
sanctioned by the Govt. in Urban Development Department Mantralaya vide  
Notification published in Govt. Gazette dated 25<sup>th</sup> January 1999 - and in  
accordance with the interim order dated 06.02.2007 passed by Hon'ble  
Supreme Court of India in CIVIL APPEAL No. 2970 to 2979 of 2006 on the  
following terms and conditions :

- 1) All the occupants of the old building shall be reaccommodated in the  
redeveloped building. Each occupant shall be rehabilitated and given the  
equivalent carpet area as occupied by him for residential purpose in the  
old building subject to the minimum carpet area of 20.90 sq.mt. (225  
sq.ft.) and/or maximum carpet area 70 sq.mt. (753 sq.ft.) as provided in  
the MH&AD Act, 1976. In case of non-residential occupier, the area to be  
given in the reconstructed building will be equivalent to the area occupied  
in the old building. Accordingly the plans be got approved from M.C.G.M.
- 2) After completion of the new building, the new tenements constructed for  
rehabilitation of the tenants/occupants of the old cessed building as  
certified by the Executive Engineer, "FS-GS" Divn/MBRRB, shall be

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handed over to the Executive Engineer, "FS-GS" Divn/MBRRB & Estate Manager(RT), MBRRB for allotment to respective tenants/occupants.

- 3) In the new building to be constructed, in respect of rehab tenements, area of individual tenement shall not be exceeded 70.00 sq.mtrs. under any circumstances. If any rehab occupier request for more than 70.00 sq.mtrs, area he may be allotted adjoining tenement to met out the additional area required by such occupier at mutually agreed market rate, terms & conditions. There is no discrimination in providing rehab area to all occupant. The minimum & maximum area shall be as per rules & no clubbing of areas is allowed.
- 4) After issue of this NOC & till giving possession of tenements to the original occupiers in the new building, sale/transfer of tenancy rights by any of the original occupiers to any one shall not be allowed under any circumstances. The permission for the same will be granted on application from tenant & owner only after the original occupier take possession of new tenement.
- 5) The NOC holder will have to pay an expenditure, incurred by the Board towards structural repairs/propping/demolition, processing of reconstruction scheme/land acquisition etc. at the office of the Asstt. Accounts Officer (North) /MBRRB & produce certified xerox copy of receipt of payment to this office within one month from the date of intimation by this office.
- 6) The plans of the proposed building shall be submitted to MCGM within Six months from the date of issue of this NOC positively for its approval, failing which the NOC will stand cancelled. As far as possible provision of tenements of 225.00 sq.ft. to 300.00 sq.ft. carpet area shall be made in the proposed building plans for handing over to this office on account of surplus Built Up Area to be surrendered to the Board as per condition No. 11 of this NOC. This shall be clearly shown in the proposed / approved bldg. plans, otherwise permission for obtaining occupation certificate will not be granted.
- 7) The NOC holder will have to communicate the actual date of commencement of work and to submit progress report of the redevelopment scheme in a prescribed proforma by every month till completion of scheme to the Executive Engineer, "FS-GS" Divn/ MBRRB under intimation to this office. The Executive Engineer, "FS-GS" Divn./MBRRB shall supervise the construction work for rehab portion of existing tenants & surplus tenement made available to the Board as per the norms of building bye laws & DCR 33(7). He shall also ensure that the condition No. 6 should be strictly adhered to.
- 8) The NOC holder will have to furnish the certificate from the concerned Officer of MCGM to the effect that the repair cess is paid up-to-date,

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- the plans approved by MCGM & the tenements constructed for rehabilitation of the occupiers of cessed building are as per the areas and amenities as prescribed in the agreement executed with the occupiers.
- c) Certified copies of agreements executed between the occupiers & NOC Holder/Developer.
  - d) Photographs of the newly constructed building taken from various angles.
- 15) NOC for full and final Occupation Certificate for any free sale building/component will be given only after all the old occupants, as certified by the Executive Engineer, "FS-GS" Divn/MBRRB including those who may be staying in the Board's transit camps, have been re-housed in the newly constructed building (s) by complying with the requirements as stated in Sr. No. 14 (a) to (d) above and only after surrendering surplus built-up area as per III Schedule of MH&AD Act, 1976, as stated above.
  - 16) If it is subsequently found that the documents/information submitted with your application for NOC are incorrect or forged, mis-leading then this NOC will be cancelled and NOC holder will be held responsible for the consequences/losses, if any thereof if arises in future. If authenticity of no. of occupants prior to 13.06.1996 as per list found fake or bogus the surplus area will be worked out accordingly & the same will be binding on NOC holder. In such cases the NOC holder have to make good the losses if any to the Board.
  - 17) The Board will not be responsible for certifying the correct area of non-cessed structures if any on the said property, as certified by your licensed architect, as this does not fall within the purview of the Board.
  - 18) Necessary trial pits/Trial bores shall be taken at the captioned property to ascertain the bearing capacity of the soil and foundation shall be designed accordingly. R.C.C. design of the new proposed building shall be prepared taking into account the aspect of Mumbai Seismic Zone and same should be got approved from R.C.C. consultant/structural Engineer, registered with MCGM.
  - 19) As far as possible separate building for rehabilitation of existing tenants & for the purpose of free sale, taking into account the plot area of the captioned property shall be constructed. The NOC holder have to form the independent Co.Op.Hsg. Society for rehab building of tenants as well as for free sale component after giving possession to the existing tenants & prospective buyers.
  - 20) It is made clear that the grant of the NOC would not entitle the NOC holder or any other person claiming through him, any equities on the basis of this NOC, or in respect of any construction made. No third party

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rights are to be granted without the leave of the Honourable Supreme Court of India, as mentioned in the proceedings referred here in above.

- 21) It is lastly made clear that the grant of this NOC would be subject to any further or final orders that may be passed by the Honourable Supreme Court of India in the proceedings referred to herein above.
- 22) Construction up to 4.00 FSI only is allowed if the permissible FSI exceeds 4.00.

Encl.: List of certified tenant.

*Sd/-*  
Chief Officer,  
M.B.R.& R.Board, Mumbai.

Copy forwarded to the Executive Engineer, Building Proposals (City)-III Municipal 'E' Ward Office, 10 Sankli Street, Byculla Mumbai- 400 008 for information.

Full occupation certificate for the free sale building will not be granted to the NOC holder under any circumstances till he rehouses all the occupants of old cessed buildings and surplus area if any/stated above is surrendered to Board. Further bearing capacity of the soil and R.C.C. design shall also be ascertained prior to issue of commencement certificate for the redevelopment work. Further C.C. shall not be granted unless & until necessary provision for compliance of condition No. 6 is shown on approved bldg. plans.

Copy forwarded to the Asstt. Assessor & Collector, "F/South" Ward, MCGM office, Parel T.T., Mumbai 400 012 for information.

He is requested to recover the upto-date repair cess in respect of the captioned property from NOC holder and inform this office accordingly.

*N. K. Kulkarni*  
Chief Officer/MBRRB.