

BRIHANMUMBAI  
MAHANAGAR PALIKA

REPAIR POLICIES

AND

SCRUTINY OF REPAIRS PROPOSALS

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# MUNICIPAL CORPORATION OF GREATER MUMBAI

## CHAPTER I

### TENANTABLE REPAIRS:

Tenantable repairs need no permission.

It is notified for the information of the public in general that as per the provisions of Section 342 of M. M. c. Act, 1988 as amended upto date, the following items of work categorised as "Tenantable repairs" can be carried out without obtaining any permission from the Municipal Corporation of Greater Mumbai (M. C. G. M.) provided the structure to which such repairs are to be carried out have been constructed with approval from the Competent Authority or were in existence prior to 1-4-1962 in respect of commercial structures and 17-4-1964 in respect of residential structures. However these structures shall not be declared heritage structures or fall within heritage precincts and N.O.C. from Heritage Conservation Committee is required for carrying out repairs to such structures. The onus to submit documentary proof in respect of the existence of structures prior to 1-4-1962 and 17-4-1964 shall, however, vest with the owner.

- Providing guniting to the structural members or walls;
- Plastering, painting, pointing;
- Changing floor tiles;
- Repairing W. C., bath or washing places;
- Repairing or replacing drainage pipes, taps, manholes and other fittings;
- Repairing or replacing Sanitary, water plumbing or electrical fittings;
- Replacement of the roof with the same material;
- Replacement of existing waterproofing material of the terrace under the strict guidance / supervision of a registered Structural Engineer.

"Tenantable repairs", however shall not include

- Change in horizontal and vertical existing dimensions of the structure;
- Replacing or removal of any structural members of load bearing walls;

- Lowering of plinth, foundations or floors,
- Addition or extension of mezzanine floor or loft;
- Flattening of roof or repairing roof with different materials.
- No merger of tenancies by removal or opening of any walls in between two or more tenancies.

Though tenantable repairs need no permission from M. C. G. M., it is advisable that such repairs are carried out under the guidance / supervision of an Architect and / or a registered Structural Engineer.

Please note that any alteration or repairs to a building involving the removal, alteration or re-erection of any part of the building except "tenantable repairs" needs permission from M. C. G. M.

For any further clarification, Assistant Municipal Commissioners of the Wards should be contacted.

## CHAPTER II

### SCRUTINY OF PROPOSALS FOR REPAIRS

#### (I) Prerequisite while submitting the proposal :-

- (i) Notice under section 342 of B.M.C. Act signed by owner/N.O.C. Holder.
- (ii) N.O.C. from M.B.R. & R. Board (if cessed building).
- (iii) Photographs showing condition of building.
- (iv) Plan showing block plan, location plan and all the details existing on site.
- (v) Tax Clearance Certificate (can be I.O.D Condition for cessed building).
- (vi) No Action pending Certificate. (I.O.D. Condition).
- (vii) List of all the existing tenants/occupants signed by N. O. C. Holder and countersigned by Architect in case of N.O.C. proposals...
- (viii) List of all the existing tenants/occupants signed by Ex. Engineer. M. B. R & R. Board in case of Board's own cases.

#### (II) Scrutiny :-

- (a) Letter to W. O. to be sent by concerned A. E. for No Action pending letter along with copy of plan asking to be replied within 15 days. If no reply is received within 15 days then it will be deemed as if no action is pending.
- (b) Date for site inspection to be given by concerned S. E. and A. E. jointly on receipt of proposal from Survey department.

#### (III) Site Inspection.

After obtaining remarks from S. E. (Survey), concerned Sub-Engineer and Assistant Engineer shall visit the site to check following :-

- (i) Whether all the details on site are reflected on plan.
- (ii) Dimension of existing building on site.
- (iii) Floor heights of each of the floor.
- (iv) Dimension of common House Gully, if any
- (v) Existing users in each of the tenement (whether Residential or Non-residential).

- (vi) Lof/Mezzanine existing in each of the tenement
- (vii) If the property is affected by setback, if the setback of adjoining properties is cleared or not.
- (viii) If the floor height is proposed to be increased, whether light & ventilation of adjoining properties is affected or not.
- (ix) Nature of construction of existing building (material, condition, etc.,).
- (x) Non Tallying portion and it's nature.

(1) Reporting for Approval :-

The proposal shall be broadly categorized in two categories. (i) Partial Repairs (less than 75%), and (ii) Extensive repairs amounting to reconstruction (100% repairs).

Existing F.S.I. allowed with existing plinth.

(a) All partial repair proposals to be approved by Executive Engineer.

(b) Approval to be sent to Ch. E. (D. P.) / Dir. (E.S.& P) for

- (i) Allowing extensive repairs.
- (ii) Condoning deficiency in open space.
- (iii) Any other concessions as the case may be.

Other Aspect :-

(i) C.R.Z. :- If the property is affected by C.R.Z., usual valuation report and indemnity bond to be insisted and if the property is on land-ward side, Dy. Ch. E.B.P.(City)'s orders to be obtained for processing the proposal.

(ii) Authenticity of Non-tallying portion :- Non-tallying portions marked by S. E.(Survey) are the portions not reflected in survey sheets available with this office. If the Architect submits True Extract prior to 1962/64, the non-tallying portions should again be confirmed from S. E. (Survey)

No repairs are allowed to the non-tallying portions except the following :-

(a) If the non-tallying portion is forming part of common amenity, viz., toilets, W. P., W.C., passages, staircase, etc., repairs to the same can be considered after obtaining orders from Dy. Ch. E B.P. (City).

(b) Non-tallying portion other than mentioned in (a) above :-

- (i) Architect has to establish the authenticity of the same by proving it's existence prior to 1962/64. After compliance of the same, repairs can be permitted by obtaining orders from Ch. E. (D. P.).
- (ii) Whenever the authenticity of the non-tallying portion is submitted and accepted by the B. P. department for, after the cut off date as mentioned in (i) above, the same would be noted on the plans by the Architect in the form of a note.

(c) Properties affected by R.L./Reservations :-

- (i) If the plot is affected by R.L., repairs can be considered by insisting twin column arrangement along the R.L. and the usual undertaking as per policy.
- (ii) If the plot is affected by reservation in D. P., remarks from A. E. (Acquisition.) to ensure that acquisition proceedings are not insisted, to be insisted before I.O.D.
- (iii) No R.C.C. work be allowed in setback portion

(d) Changes in Planning:-

No change in planning are allowed under repairs, however in deserving cases, minor modifications may be considered.

Modification such as provision of lift, shifting of toilet block/stair case etc. within the building line may be considered.

- ✓ (e) Open space Deficiency:- For cases of 100% repairs, the deficiency to be condoned by charging premium and by considering 1.5 Mts. open space as adequate.

PREMIUM

- 1) 1% in case of cessed structure.
- 2) 2% in case of non-cessed structure
- 3) 2% if entire building is N. R.

(If shops on Ground Floor and Residential on upper floors, proportionate premium to be charged).

Parking requirements not to be insisted.

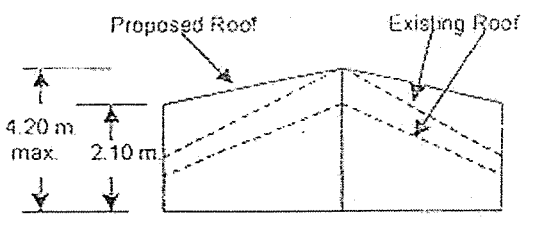
- (f) Change in Roof Profile :- The existing inhabitable height of floor can be allowed to be made habitable as per the sketch attached herewith.



CHAPTER III

GUIDELINES FOR PROPOSALS OF RAISING OF ROOF

<p>I.</p>	<p><u>Tolerated structure with sub-standard floor height of intermediate floors.</u></p> <p>If the floor height is un-habitable the same is allowed to be raised during repairs, so as to meet the minimum habitable standards, provided light and ventilation of adjoining properties is not affected.</p>	
<p>II.</p>	<p><u>Tolerated structures with habitable height.</u></p> <p>The roof profile is allowed to be changed in certain cases without increasing the volumetric contents of the room below &amp; without affecting light and ventilation of adjoining properties.</p>	
<p>III.</p>	<p><u>Attic floors.</u></p> <p>If the authenticity of attic floor is established (existence prior to 63-64), repairs to attic floors are allowed by crating setback terrace at attic level upto a distance where head-room of 6'-0" is obtained.</p>	<p>Portion to be removed shown dotted</p>
<p>IV</p>	<p><u>Flattening of roof (Except Gr. Floor structure)</u></p> <p>The existing pitched roof with habitable floor height can be allowed to be flattened with a slope of 1:10 and minimum height at eaves level (Height at ridge level gets reduced).</p>	

<p>V</p>	<p><u>Pitched Roof of a regular floor (not attic floor).</u></p> <p>Average 2.75m with min. of 2.1 m. at eaves. Maximum height at ridge shall not be more than 4.20 m. (clear height).</p>	 <p>The diagram illustrates a cross-section of a pitched roof. It shows two roof profiles: a solid line for the 'Proposed Roof' and a dashed line for the 'Existing Roof'. The proposed roof has a peak height of 4.20 m (labeled '4.20 m max.') and a height of 2.10 m at the eaves. The existing roof is shown as a lower profile below the proposed one.</p>
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CHAPTER IV

CIRCULARS

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. CHE/3106/DPC/GEN of 20-12-1997

CHE - 3 (DP-3)  
1997-98

C I R C U L A R

Sub.: Policy for grant of repair permission for the existing unauthorised structures of tolerated category by ward Offices. Circular issued under no.

Ref.: CHE/3295/DPC of 1/3/1997

A comprehensive circular in respect of policy for grant or repair permissions for the existing unauthorised structures of tolerated category was issued on 1/3/97 u/No. CHE/3295/DPC wherein guidelines were given to ensure that such proposals are properly scrutinized and do not give rise to excess/unauthorised construction or reconstruction under the guise of repairs. One of the conditions in these guidelines was that repairs. One of the conditions in these guidelines was that repair proposals pertaining to only ground floor structures covered under tolerated at ward Officers level. However, as per another condition in this circular, all the repair permission cases in city area shall be dealt by E.E.B.P. (City) R & R only. As such, the practice of issuing repair permissions at ward level has been stopped totally in City Area.

In view of the inconvenience being caused to the residents of cessed/non-cessed old buildings in city area, in getting the repair permissions from the office of E.E.B.P.(City) R&R, even for tenantable repair such as re-plastering, repairs to flooring tiling, plumbing, replacing roof etc. the above policy has been reviewed.

In partial modification to the aforesaid policy, it has now been decided that the ward Officers may grant permission for tenantable repairs to existing authorized old cessed/non-cessed single as well as multi-storied buildings in city area as was being done in the phase. However, in case of heritage buildings, no objection from Heritage Conservation Committee shall be obtained before granting such repair permissions no plan shall be issued by A. E. (B.F.) while granting permissions for tenantable repairs

"Explanation Tenantable repairs shall mean"

i. Providing guiniting to the structural members or walls and other architectural features :

ii. Plastering, Painting, Pointing.

iii. Changing floor tiles.

iv. Repairing W.C., bath or washing places:

v. Repairing or replacing drainage pipes, traps, manholes & other fittings:

vi. Repairing or replacing sanitary, water plumbing or electrical fittings: and

vii. Replacement of roof with the same material.

"Tenantable repairs shall not include"

i. Change in horizontal and vertical existing dimensions of the structure:

ii. Replacement or removal of any structural members or load bearing walls.

iii. Lowering inn Plinth, foundations or floors.

iv. Additions and / or extension of mezzanine floor or loft and

v. Flattening or roof or repairing of roof with different material:

Similarly, in case of the ground floor structures covered under the tolerated category, (residential structures constructed prior to 17/4/64 and non-residential structures constructed prior to 1/4/62, repair permissions may be considered by the ward officers in city area on similar lines as is being done in suburban wards, subject to the guidelines prescribed under the circular u/No. CHE/3295/DPC Dt. 1/3/97.

The above policy has been approved by the M.C. under No.MCC/F/7468 Dt. 12/12/97.

Sd/- (16/12/97)

DY. CH.E.D.P.(I)

Sd/- (16/12/97)

DIRECTOR (E.S.&P)

NO. CHE/142/DPBPC of 15/5/1996

The revised policy of repairs/reconstruction of old building in Island city of Mumbai was circulated on 23/02/1996 under No. CH.E / 1722 / DP /BP / City.

The problems particularly in repairs proposal of dilapidated building in ruinous condition, affected by road widening and reservation were considered and it has been decided to consider such cases on merits as per the earlier circular dated 12/02/1992 under No. Ch.E/5162/DPC and the modified repairs/reconstruction policy as detailed below for allowing repairs/reconstruction of the dilapidated buildings in Island City of Mumbai be followed henceforth.

Two different categories of buildings for repairs/reconstruction will be as under:-

Category 1:

The building neither affected by the regular line for road widening nor by D.P. Reservations.

- a) The extremely dilapidated and dangerous building covered under provisions of D.C. Regulations 33(6) will be allowed to be reconstructed in R.C.C. Construction on regular basis, subject to provisions of D.C. Reg. 33(6) and N.O.C. from M.B.R. & R. Board/M.C.G.M. as the case may be.
- b) Complete repairs/reconstruction will be permitted either in R.C.C. or in structural steel frame work with R.C.C. slabs and not ladi-coba-ladi flooring.
- c) The reconstruction will be permitted even with existing open space on site by condoning the deficiency in required open spaces considering 1.5 mtr. as adequate open space by charging premium, when it is not feasible to provide 5'-0" open space on any side.

Category 2:

The buildings affected by the regular line for road widening and reservations and where construction vertical extension is feasible.

- a) The reconstruction will be insisted as per the provisions of D. C. Regulation 33(6).
- b) In case of building where reconstruction as per guidelines under (a) of category (1) is not possible due to site constraints etc., concession in marginal open spaces will be considered even upto zero open space.

Where proposed height exceeds 24 mtr. under such reconstruction, building upto height of 30 mtr. (Ground + nine upper floors) will be permitted, if open space of atleast 1.5 mtr. is provided on one side, without insisting N.O.C. from C. F. O. if building abuts the Municipal Road.

- c) Except those buildings affected by setback of important roads from the point of view of their widening, in all other cases repairs in R.S.J./R.C.C./Slab will be allowed inclusive of setbacks, with usual registered undertaking for not claiming any compensation for the structure. Separate columns shall be insisted at the sanctioned R.L. so as to detach the part of the building falling within the setback.
- d) If a road is already widened on either side of the building which is to be taken up for repairs, such building should be taken up for reconstruction in conformity with b) above, if it required extensive repairs amounting to reconstruction.
- e) The buildings affected by important setbacks will not be allowed major extensive repairs. Such buildings will, however be permitted to be reconstructed either under D.C. Rule 33(6)/(7) or under the reconstruction scheme undertaken by the M.B.R. & R. Board for individual plots or group of plots as urban renewal schemes.
- f) Repairs in R.S.J. and R.C.C. slab will be allowed on sites under reservation, if the same is not under acquisition subject to submission of registered undertaking by the owner stating that no compensation will be claimed for the structure as and when the property is acquired.
- g) The repairs in R.S.J. and R.C.C. slab, though amounting to reconstruction, will be permitted and it will not be considered as reconstruction of the buildings, as covered under D.C. Regulation 33(6)

Notes :

1. In case of repairs amounting to reconstruction in category (1) and category (2), premium for condoning the deficiency in open space will be charged at 10% of normal premium for residential buildings, taking it as reconstruction/repairs amounting to reconstruction. For the purpose of working out premium, 1.5 Mt. open space will be considered adequate as provided under D.C. Regulation No. 33(6).
2. The repairs to the non-tallying portion which forms part of common amenities such as toilet block, washing places, common passage, staircase can be considered at Dy. C. E's level.
3. In case applicant submits the documentary evidence such as electoral roll, electricity bills, ration card etc. to prove the existence of non-tallying portion prior to 1/4/1962 for non-residential and 17/4/1964 for residential.

the case has to be recommended to Ch. E.(D. P.) as these documents do not indicate the size of the tenement.

4. (a) Repairs proposal in case of building declared as dangerous where essential repairs are urgently required and the area of the upper floor/mezzanine floor/attic floor is non-tallying with the 1962-1964 Survey Sheet, such case may be recommended on merits of each case, to Ch. E.(D. P.) Dir. (ES&P). Non-tallying portion shall be permitted to be repaired only if the occupant show some documentary evidence as in (3) above, the area permitted shall not be more than the average area of one tenement/unit on top floor of the tallying portion.
  - (b) The repairs upto non-tallying portion allowed in 4(a) to be recommended in the existing type of material only.
  - (c) Reference has to be made to the concerned Ward Office to take action with due process of law if it is established that the non-tallying portion shown in the plan is unauthorized.
5. No repairs amounting to reconstruction will be permitted where unauthorised lofts or mezzanine floor or attic floor is found or observed. Such mezzanine floor and attic floor can be regularized only subject to available F.S.I.
6. In case of repairs to loft mezzanine floor/attic floor, no reconstruction of the same will be permitted unless the documentary evidence to prove the authorization of the same is submitted by the Architect/N.O.C. Holder.
7. (a) In reconstruction proposal covered under category (1) and (2) above, request for additions/alterations including the change in position of the toilet block, staircase and provision of lift etc. in multistory buildings will be considered within the permissible F.S.I.
  - (b) However, such request for additions/alterations and change of location of toilet block, staircase and request for provision of lift in the proposal for repairs amounting to reconstruction will not be permitted.
8. The reconstruction proposals under the provisions of D.C.R.33(5) will be considered only on the strength of the N.O.C. issued by M.B.R. & R. Board and the person in whose name the N.O.C. is issued, will be eligible to submit the proposal for proposed reconstruction, subject to giving indemnity bond regarding litigation on account of disputes regarding ownership etc.
9. In case of repairs/reconstruction of the building affected by regulations pertaining to heritage conservation, the clearance from Urban Heritage Conservation Committee shall be obtained.

✓ 10. Repairs Policy mentioned above will not be applicable to industrial buildings.

This Circular will supersede the provisions in Circular issued in the past in respect of grant of repairs to old dilapidated buildings in Island City of Mumbai.

All concerned are requested to take note of the above Circular and deal accordingly with the repairs/reconstruction proposal of old dilapidated buildings in Island City of Mumbai.

Chief Engineer  
(Development Plan).

Sd/- 17/4/1996  
Director  
(E.S. & P).

Sd/- 22/4/1996  
Municipal Commissioner