

Chapter-9 (Manual 8)

PROCEDURE FOLLOWED IN DECISION MAKING
PROCESS

- 9.1 The procedures followed to take a decision for various matters.
- 9.1.1 This office deals with the proposal for development / redevelopment of properties, change of users, additions & alterations in the premises, structural repairs to the structures etc.
- 9.1.2 Any person desirous of undertaking any of the above mentioned works can apply and such person may be
- a. Owner of the property
 - b. Constituted Attorney of owner / authorized signatory
 - c. Tenant or member / occupant with the permission of owner / society
 - d. Association of tenants / N.O.C. holders under MHADA Act for structural repairs / reconstruction of existing building
- 9.1.3 For the proposed work, applicant will have to appoint and submit the proposal through a registered Architect / Licensed Surveyor to undertake the work. Applicant will also appoint Structural Engineer, Licensed Site Supervisor, Licensed Plumber for required professional / skilled work in their fields.
- 9.1.4
- a. For the scrutiny of the proposal, applicant / Architect will submit all the forms / notices / undertakings / affidavits / plans duly signed by applicant.
 - b. He will submit all the pre-requisite documents as attached in Annexure I
 - c. Applicant will pay the requisite fees / charges.
- 9.1.5
- a. The Sub Engineer (Building Proposal) will check the prima-facie feasibility of the proposals and accept the proposal if it is feasible.
 - b. Architect will pay the requisite fees.
 - c. The survey remarks with reference to reservation, road line, zone etc., would be obtained for the property.
- 9.1.6
- a. Sub.Eng. (B.P.) and Asstt.Eng.(B.P.) will scrutinize the proposal with reference to provision of D.C.Reggn., M.R.& T.P. Act, 1966, M.M.C. Act and also with reference to the notifications / policy guidelines issued by Central Govt., State Govt. & M.C.G.M.
 - b. Scrutiny report of the proposal alongwith the required approval / concessions are put up to competent authority with powers as delegated by M.C. for the orders on the approval / concessions.
 - c. Scrutiny reports goes through higher officers upto the competent authority
 - d. Competent authority, if satisfied with the proposal and is convinced about the concessions to be granted while granting approval on the basis of the constraints, approves the proposal with / without amendments / changes OR rejects the proposal.
 - e. The decision of the competent authority is conveyed to the Architect and applicant and approval is issued. In most of the proposals, approval is known as I.O.D. (Intimation of Disapproval).
 - f. Architect / Applicant will comply with the conditions as listed in the I.O.D. to obtain the commencement certificate (C.C.). This is required to commence the work.
 - g. If the new building is proposed in the proposal, then after completion of plinth as per approved plan and complying with further conditions as detailed in I.O.D., C.C. for the superstructure i.e. work above the plinth is issued.
 - h. After completion of work as per approved plan and after complying with the further conditions as detailed in I.O.D.

Occupation Certificate (O.C.) is issued and thereafter Building Completion Certificate (B.C.C.) is issued.

- i. In case if act for conditions of IOD/CC at are complied with except condition of 270A of MMC Act 1888, then the BCC / OCC is issued.
- j. In case of repair proposals, B.C.C. is granted after completion of repairs.

9.2 The documented procedures / laid down procedures / defined criteria / rules to arrive at a particular decision for important matters. Different levels through which a decision process moves.

9.2.1 All the proposals are scrutinized with reference to the Development Control Regulation 1991 (D.C.Reg.1991), Maharashtra Region & Town Planning Act, 1966 (M.R. & T.P. Act), Mumbai Municipal Corporation Act, 1888 (M.M.C. Act) and also notifications / policy guidelines issued by Central Govt., State Govt. & M.C.G.M.

9.2.2 For simplification and smooth functioning, the Building Proposal Manual has been published with co-operation with PEATA (Practicing Engineers' Architects and Town Planners Association) which can be bought from PEATA office situated at premises No.445, Ground Floor, Nagree Terraces, Sonawala Agiary Marg, Off N.M. Chhotani Road, Mahim (West), Mumbai 400 016. The procedure of scrutiny of building proposal is described in detail in this manual.

9.2.3 All the powers of granting approval / concessions are vested in Municipal Commissioner. However, for smooth and quick disposal of the proposals, some of the powers are delegated to various officers from Assistant Engineer to Ch.Eng.(D.P.). Thus the proposal moves upto the competent authority in whom the respective authority is vested in.

9.3 The arrangements to communicate the decision to the public.

Online

9.4 The officers at various levels whose opinions are sought for the process of decision making.

As stated above in 9.2, the orders of the competent authority are obtained. In certain cases, however some times, matters are referred to Urban Development Department, Mantralaya for the opinion / clarification of the rules and regulations as mentioned in 9.2.1.

9.5 The final authority that vests the decision.

All the powers of granting approval / concessions are vested in Municipal Commissioner. However, for smooth and quick disposal of the proposals, some of the powers are delegated to various officers from Assistant Engineer to Ch.Eng.(D.P.)

<u>Sr. No.</u>	
Subject on which the decision is to be taken	Scrutiny of proposals for development / redevelopment of properties, structural repairs to the property, changes / additions & alterations in the property, change of activity, change of user etc.
Guidelines / directions, if any	All the proposals are scrutinized with reference to the provisions of D.C.Regn.1991, M.R.& T.P. Act, 1966 M.M.C. Act 1888, notifications / guidelines issued by Central Govt., State Govt. and M.C.G.M.
Process of execution	Scrutinized proposals are put up for the orders of competent authority as per powers delegated by M.C. After approval, I.O.D. is issued. After compliance of the conditions detailed in I.O.D. and carrying out work as per approved plan, C.C. further C.C., O.C. and B.C.C. is issued.
Contact information of above mentioned Officers	<p style="text-align: center;">Asstt.Eng. (B.P.) City, New Municipal Building, Bhagwan Walmiki Chowk, Vidyalankar Marg, Opp. Hanuman Mandir, Antop hill, Wadala (East), Mumbai – 400 037 Tel : 24143861</p>
If not satisfied by the decision where and how to appeal	<p style="text-align: center;">Ex.Eng. (B.P.) City, New Municipal Building, Bhagwan Walmiki Chowk, Vidyalankar Marg, Opp. Hanuman Mandir, Antop hill, Wadala (East), Mumbai – 400 037 Tel : 24143861</p>

Applicant has to apply in prescribed proforma in writing with his remarks about dissatisfaction alongwith the copies of his application made to Dy.Ch.E.(B.P.) and his reply thereon.

ANNEXURE I

I. Pre-requisite for submission of the proposal in general

- a. Notice form as per Appendix –II of DCPR-2034
- b. Form of supervision as per Appendix –II of DCPR-2034
- c. Architect / Licensed Surveyor's appointment letter
- d. Architect scrutiny form
- e. Index of contents indicating various submission with the proposal
- f. Property Register Cards issued not earlier than one year from the date of submission alongwith C.T.S. / C.S. plans, triangulation calculations, owner's affidavits and Architect's certificate as prescribed in Annexure 3 & 4 of DCPR-2034 at the time of initial submission only
- g. Comprehensive Undertaking / Affidavit / Indemnity Bond for applicable aspects
- h. Attested copy of clearance certificate from A.A. & C. Dept. of Corporation for payment of tax upto date with the submission of proposal.

II. Special requirement

- a. N.O.C. from Commissioner of Police for proposal wherever applicable.
- b. N.O.C. from Director of Industries for Industrial Development wherever required.
- c. N.O.C. from Special Planning Authority such as M.M.R.D.A. wherever applicable.
- d. N.O.C. from MHADA for development of cessed properties in Island City.
- e. N.O.C. from concerned Electric Supply Company regarding substation wherever applicable.
- f. Registered document with plan for right of way
- g. N.O.C. from Highway Authority if access is derived from Highway
- h. Clearance from Heritage Conservation Committee wherever necessary
- i. N.O.C. for the work to be carried out in Coastal Regulation Zone (C.R.Z.) from Maharashtra Coastal Zonal Management Authority (M.C.Z.M.A.) for the project costing less than 5 crores from Ministry of Environment & Forest (M.O.E.F.) for project costing more than 5 crores.
- j. Environment clearance from the authority as appointed by State Govt. or from M.O.E.F. depending upon the prevalent guidelines of M.O.E.F.
- k. N.O.C. from High Rise committee if the height of the proposed building is exceeding 70 M.
- l. N.O.C. from Collector of Mumbai wherever necessary.
- m. NOC from B & P, Collector, MHADA, Estate upto MCGM in case of lease properties of respective Govt. Dept.

III. Additional information required on plans (3.4.12 a to f)

- a. Location plan of septic tanks / soak pits / suction tank / pump house and electric sub station as per norms wherever applicable.
- b. Proposal for clearance of encumbered setback or D.P. Road providing for alternative accommodation for the occupants.
- c. Plans showing all existing structures proposed to be retained / demolished including portion in the reservations, if any.
- d. Detailed plans showing the position of nalla if trained or untrained if plot abuts / affected by nalla.
- e. Plan showing all existing trees on site duly numbered.

- f. If the plot on which building is proposed is a part of layout, then copy of approved layout or reference of layout proposal if submitted separately.

IV. Other documents

- a. Comprehensive undertaking / affidavit / Indemnity for applicable aspects.
- b. Structural stability certificate alongwith structural design calculations from Licensed Structural Engineer in case of proposals for additional floors.
- c. Copy of letter of intent from D.P. Department in case development is permissible on reservation plots.
- d. Authentic documents for structures and user proposed to be retained.