N-1

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. DyChE/BP/ 11213 /ES dated 9/03/2020

Sub.: Issuance of approvals for various developments within the vicinity of Naval Civilian Colony at Kanjur (West) in 'S' Ward of Eastern Suburbs.

Ref: Detailed note submitted to Hon'ble M.C. at page N/9 to N/17.

(1) Ministry of Defence's circular u/no. 11026/2/2011/D(Lands) dt. 18.05.2011
(2) Ministry of Defence's circular u/no. 11026/2/2011/D(Lands) dt. 18.03.2015
(3) Ministry of Defence's circular u/no. 11026/2/2011/D(Lands) dt. 17.11.2015
(4) Ministry of Defence's circular u/no. 11026/2/2011/D(Lands) dt. 21.10.2016
(5) Govt. of Maharashtra's Circular u/no. CRZ-2012/C.N. 2/12/UD-12 dtd 21.02.2015.
(6) Govt. of Maharashtra's Circular u/no. CRZ/1215/1093/PK 40/15/Navi-12 dt. 07.11.2016.
(7) Govt. of Maharashtra's Circular u/no. CRZ-1215/1093/CN 40/15/UD-12 dtd 20.04.2016.
(8) Hon. High Court order W.P. No.3013 of 2018 dt.27.02.2019 (Pg.C/207 to C/281)
(9) Letter from UD department u/no.TPB-4319/676/C.R.148/2019/UD-11 dt.20.09.2019.
(10) Order of Notice of Motion (LD) 476 of 2019 in the Writ Petition u/no.3013 of 2018.

Reference is please requested to the representation From M/s. SanjeevaniVyapar LLP as at pg C-1 requesting this office to intimate AE (B & F) S ward to revoke the stop work notice issued for want of NOC from Navy authorities. Further various proposals are submitted to this office through online system thereby requesting to process the proposals for grant of OCC, CC/ IOD without insistence of NOC from Navy.

The list of the various applications/ proposals already submitted for NOC from Naval authority is enclosed herewith at pg C- 125 to C-129.

Ref. is further requested to the reports submitted on representation of M/s. Kanakia Spaces Reality Pvt Ltdto Ch. E. (DP)/ Dir. (E. S. & P.) at Pg. No.C-95to C-115 & order of Hon'ble M.C. thereon dtd. 23.01.2020 as at pg C- 112 and dtd30.01.2020 at Pg.No. C-115 please.

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The gist of the matter is reproduced as under:

1) As per the circular issued by Chief Secretary (UD-1) u/no. CRZ-2012/C.N. 2/12/UD-12 dtd 21.02.2015 & Joint Secretary u/no. CRZ-1215/1093/CN 40/15/UD-12 dtd 20.04.2016, NOC from the Local defence Authority is being sought for allowing any development within 500 Mtrs any Defence establishment wherein development permissions are issued after **18.05.2011.**
2) Modified guidelines are issued byDy.Dir.(Lands) of MoD on **21.10.2016.**However, these guidelines are not applicable to Naval Establishment.
3) In W.P. no. 3013 of 2018, order was passed by Hon'ble High-Court on **27.02.2019** wherein Hon'ble High-court has given relief for the development of proposal submitted by ShubhNiketan CHS vide no. CHE/ES/1663/S/337(NEW);which was falling within 500 Mtrs. From Naval Civilian Colony at Kanjurmarg (w).
4) Hon'ble High-Court has passed another order on **27.09.2019** in N.M.(L) no. 476/2019 in W.P. 3013/2018 that the judgement dtd. 27.02.2019 in W.P. no.3013 of 2018 is binding on similarly placed projects in the same vicinity.
5) Meanwhile, the above sited order dt. 27.02.2019 of Hon'ble High-Court was challenged by Navy Union of India in Hon'ble Supreme Court vide SLP (civil) diary no 36126 of 2019 and the same was dismissed on the ground of delay on **25.10.2019.**
6) A letter is received in this office addressed by Shri. KuldeepDadwal,Commander,- Senior staff officer (Land & Construction) for Flag Officer-Commanding- in- Chief to The Principal Secretory, Urban Development Dept, GoM vide no. WK/3031/NOC/28/104 dtd. **30.10.2019** as pg C-581 recommending thereat

"GoM,UDD Circular dated 07 November 2016 and subsequent clarification issued on the subject to MCGM in August 2019 be amended & fresh instructions may be issued to all the planning authorities in Maharashtra to follow GoI, MoD guidelines dated 18 may 2011, 18 march 2015and 17 November 2015 in respect of Indian Navy Units/Establishment".

The Copy of said letter is forwarded to the Municipal Commissioner, MCGM with a request to continue forwarding building proposals for NOC to HQWNC as hitherto.

7) Further, the matter was referred to Hon'ble A.G. & accordingly Hon'ble A.G. has opined on **18.12.2019** that the judgement dtd. 27.02.2019 and order dtd. 27.09.2019 passed by Hon'ble High-Court in W.P. no. 3013 of 2018 is applicable to all project in the vicinity of Naval Civilian Colony.

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8) After perusing all the facts, a detailed report was submitted to Hon'ble M.C. sir in one of the case situated in KanjurMarg area stating that "in view of the order of Hon'ble High Court dtd.27.02.2019 and in view of the opinion of Adv. General, it is felt that all proposals situated in the vicinity of Naval Civilian Housing Colony, Kanjurmarg, Mumbai, may be processed treating the identical & similarly placed project and NOC from the Navy will not be insisted."
Hon'ble M.C. sir vide MCP/671 dtd. **31/01/2020**(copy at pg. C-155)approved the same. Hon'ble M.C. sir has accepted the proposal that all the development projects situated in the vicinity of Naval Civilian Hsg. Colony will be processed treating as identical & similarly placed projects at Kanjurmarg.

9) However, it is observed that, Navy is still fixed on their views as per recent remarks as below.

i) Lieutenant Commander, Staff Officer, (Lands), Head Office, Western Naval Command, Mumbai vide letter dtd**11-11-2019** under no WK/3031/NOC/40/NM/12 (copy at pg. C-121)had issued clarification on order of Hon'ble High Court dtd 27-09-2019, in Notice of Motion (NOM) No 476 of 2019 filed by NarrotamChittranjan Sharma. The same is attached herewith. Para 2 and 4 are reproduced here:

Para 2: Hon'ble Bombay High Court has vide para6 of ibid order upheld the process of grant of NOC and stated that "....the court has not granted any relaxation from conditions imposed by the planning authority in terms of its regulation and it goes without saying that the judgement is binding on all similarly placed projects in the same vicinity."

Para 4. In view of the above, it is requested that all proposals, pertaining to the construction within the vicinity of NCHC (Powai), be forwarded to IN as hitherto keeping in mind the extant MoD guidelines on the subject."

ii) Vide latest communication u/no. WK/3031/NOC/96 dtd**06.02.2020**(copy at pg. C- 123)in one of the similar proposal for proposed residential building on plot bearing C.T.S. No. 115-A of Village Hariyali at L.B.S. Marg, Kanjur (West) in 'S' Ward, with respect to earlier sent request letter for grant of NOC from

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Navy u/no. CE/996/BPES/AS dtd. 29.05.2019 & on 20.01.2020.

In this case the Rear Admiral Chief Staff Officer (P&A) for Flag Officer Commanding-in-Chief vide letter u/no. WK/3031/NOC/96 dtd 06.02.2020 has stated vide point no 3 that N.O.C. cannot be issued for above construction in accordance with extant guidelines issued by GoI, MoD.

In view of the recent communications by Naval authority, approval of Ch.E. (D.P.) & Dir. (ES & P) / Hon'ble M.C.'s approval is requested:

1) To set aside the refusal / rejection letters communicated by Indian Navy wrt correspondence made in several cases prior to the order of Honb'le High court for development projects in the vicinity of Naval Civilian Housing Colony, Kanjurmarg(W).

'B' 2) To revoke the Stop work orders issued to the similar proposals i.e. in the vicinity of Naval Civilian Housing Colony, Kanjurmarg, for want of NOC from Indian Navy & issue further approvals wrt provisions under DCR – 1991 / DCPR – 2034, as applicable.

Submitted please.

Pe/03/20

(Shri. N.R. Khanolkar)
Dy.Ch.E.(B.P.)E.S.

CHE/31585/DPES dt. 12.03.2020

(Shri. V.R. Chithore)
Ch.E.(D.P.)/ (Dir. ES & P)

(Shri. Praveen Pardeshi)
Hon'ble M.C.

Sir,

The reference is requested to similar case in the vicinity @ Kanjur mrgt which was submitted for Hon'ble M.C.'s consideration. The N.O.C. from Naval authorities is not required as per H'ble H.C.'s orders if the case is identical/similar and if the same is in Kanjur area which is decided by H'ble H.C. The appeal was also made by Navy challenging the H'ble H.C. order (details at 'x' on PN2) which is dismissed on 25/10/19.

In view of above all the identical cases which are pending for NOC from Navy can be now decided as per AG's opinion sighted at 'y' on PN2.

बृहन्मुंबई महानगर पालिका
प्रमुख अभियंता (विकास नियोजन)
यांचे कार्यालय
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'A' Accordingly Dy.Ch.E(DP) ES to see the merits of individual cases while deciding in the vicinity to Kanjur as referred by H'ble H.C. in the order and which are identical and process accordingly where H'ble court has exempted NOC. from Navy.

If agreed by Hon. M.C., 'A' above & 'B' on PN/4 is submitted for approval please.

Submitted please.

11/03/2020
Ch. Engineer (D.P)
& Dir. (E.S.&P)

Hon M.C.

Sir,

बृहन्मुंबई महानगरपालिका
आयुक्तांचे कार्यालय
12 MAR 2020
समय ११, १२, १३, १४, १५, १६, १७, १८
क्रमांक MCP/2084
15.04.2020.

(1) In view of the letter of Navy we will withhold or stay any CC granted in light of Hon H.C. order.

(2) We will bring to notice of Navy the HC order & AG opinion that "judgement applies to similar placed projects in vicinity" hence projects in vicinity would be similarly dealt with.

(3) Further Navy's appeal is dismissed in Hon SC.

(4) Further we may bring matter to notice to UDD for clarification

Pravin Pardeshi
10/4

M.C.

ChE(D.P)&
Dir.(ES&P)

N-6

बृहन्मुंबई महानगर पालिका
प्रमुख अभियंता (विकास नियोजन)
यांचे कार्यालय

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15 APR 2020

क.प्र.अ./वि.नि./ 00192

साधारण	शहर	पूर्व उप	प. उप
ना.वाचि.	डिडीआर	लेखा	आस्था

Reference is requested to note from Dy.CE(DP) FS, recommendation by the undersigned and Hon.m.c.'s ~~appro~~ directions at PN-4.

The issue is further discussed with Hon.m.c on phone and accordingly now the letter is issued by Fort Forge (DP) FS II to "Navy" vide PC-129 to C-131. This was one of the directions at PN-4, Sr.No. 2.

In view of above, it is felt that we can wait for responce from "Navy" for the letter dt: 21/04/2020 (at PC-129-C-131). Once the responce is received from Navy further course of action will be initiated if agreed by Hon.m.c.. At present Dy.CE(DP) FS will be asked to wait for with respect to other directions given by Hon.m.c. at PN/4.

Submitted please.

23/04/2020

Ch. Engr. (D.P) & Dir. (E.S.&P)

Hon. M.C.
Sir,

Municipal Commissioner

Ch.E(D.P) & Dir.(E.S&P)
MCP/2451
11.05.2020

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N-7

बृहन्मुंबई महानगरपालिका
आयुक्तांचे कार्यालय

28 APR 2020

समय ११, १२, १३, १४,
१५, १६, १७, १८,

क्रमांक MCP/245/
11.05.2020

CHE/DP/5091/ES dt 14/5/2020

DY(CE(BP)ES.

1. Please submit status/reply if received from Navy for our letter 21/4/2020
2. further course of action will be taken after 15 days depending upon any reply if receive
3. Also submit draft to bring this fact to the notice of U.D.D.

Ch. Engineer (D.P.)
& Dir. (E.S. & P.)

बृहन्मुंबई महानगर पालिका
प्रमुख अभियंता (विकास नियोजन)
यांचे कार्यालय

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11 MAY 2020

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क्र.प्र.अ/वि.नि/

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मा. अधि.	टिडीआर	लेखा	आस्था

बृहन्मुंबई महानगर पालिका
उप प्रमुख अभियंता झोपडपट्टी पुनर्वसन प्रस्ताव
(पूर्व उपनगरे) यांचे कार्यालय

18 MAY 2020

92: Nasik.

वेळ:-
११, १, १३, १४, १५, १६, १७

कार्य. अभि. (झो.पु.प्र.) पू.उप. III

See urgent necessary action please

उप प्रमुख अभि. (झो.पु.प्र.) पू.उप.

१) साहा. अभि (झो. पु. प्र.) एल/एन-
२) साहा. अभि (झो. पु. प्र.) एस/टी-
३) साहा. अभि (झो. पु. प्र.) एम/पू. प्र-
४) मु. लि. (झो. पु. प्र.) पू. उप -
५) मु. लि. (झोपु प्र.) प. उप -

कार्य. अभि. (झो. पु. प्र.) पू. उपनगरे I, II

बृहन्मुंबई महानगरपालिका
आयुक्तांचे कार्यालय

22 JUN 2020

समय ११, १२, १३, १४,
१५, १६, १७, १८,

क्रमांक

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N/9

MUNICIPAL CORPORATION OF GREATER MUMBAI

No. Dh. Ch. E./B.P./ 92 /E.S. 17.6.2020

Subject: - Issuance of approvals for various developments within the vicinity of Naval Civilian Colony at Kanjur (West) in 'S' Ward of Eastern Suburbs.

Reference: 1.Directives of Hon'ble M. C u/no. MCP/2084 dated 15.04.2020

2. Directions by Ch.E.(D.P.) & Dir(E.S.&P.) vide 11.03.2020 &23.04.2020 (N- 4/5 & N-6)

3. Letter addressed to Navy u/no. DyChE/BP/11821/ES dated 21.04.2020

4. S.L.P. vide Diary No. 8474/ 2020 (Union of India Vs NarottamChittranjan Sharma & Others) (C-133 to C-159)

Reference is requested to this office note submitted to Ch.E.(D.P.) & Dir(E.S.P.)/ Hon'ble M.C. at pg. N-1 to N-4& endorsement of the then Hon. M.C.thereon at pg. N-5 please. Vide this endorsement dated 15.04.2020, the then Hon. M.C. had directed this office as under:

"1. In view of the letter of Navy we will withhold or stay any CC granted in light of Hon. H.C. order.

2. We will bring to notice of Navy the H.C. order + A.G. opinion that "judgment applies to similar placed projects in vicinity" hence projects in vicinity would be similarly dealt with.

3. Further Navy's appeal is dismissed in Hon. S.C.

4. Further we may bring matter to notice to UD-I for clarification."

Reference is further requested to the endorsement of Ch.E.(D.P.) & Dir(E.S.&P.) dated 11.03.2020 at pg. N-6which has been duly endorsed by Hon. M.C. The endorsement of Ch.E.(D.P.) & Dir(E.S.&P.) is reproduced as under:

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"The issue is further discussed with Hon' ble M.C. on phone and accordingly now the letter is issued by Ex. Eng (BP) ES –II to "Navy" vide Pg. C-129 to C- 131. This was one of the directions at P N-4, Sr. No. 2.

In view of above, it is felt that we can wait for response from" Navy" for the letter dts 21.04.2020(at p C-129 to C 131). Once the response is received from Navy, further course of action will be initiated, if agreed by Hon. M.C. At present DyCE(BP)ES will be asked to wait with respect to other directions given by Hon' ble M.C. at P N/4.

Further, Ch. E. (DP) vide no. CHE/DP/509/ES dated 14.05.2020 directed as under:

"1. Please submit status/ reply if received from Navy for the letter 21.04.2020.

2. Further course of action will be taken after 15 days depending upon any reply received.

3. Also submit draft to bring this fact to the notice of UDD."

'B' It is to submit that being the urgent & critical matter, Shri JayeshDusane, A.E.(B.P.)S&T personally went to the concerned Naval office on 22.04.2020 to deliver the letter u/no. DyChE/BP/11821/ES dated 21.04.2020. However, the concerned Naval Office had refused to accept the said letter stating the reason of pandemic situation as such the said letter could not delivered to Navy till today.

'A' Reference is further requested to the document received from Legal Department through e-mail on 12.06.2020 that theNavy has once again preferred an appeal in Hon. Supreme Court by way of Special Leave Petition vide Diary No. 8474/ 2020 against order of Hon. High Court dated 27.09.2019 in NM (LD) 476/2019 in WP 3013/2018. (Union of India Vs NarottamChittranjan Sharma & Others) (C-133 to C-159).

As the decision of M.C.G.M. is based on opinion of Hon. A.G. dated 18.12.2019 which in turn is entirely based on above cited order of the Hon. High Court dated 27.09.2019 in NM (LD) 476/2019 in WP 3013/2018 (Union of India Vs NarottamChittranjan Sharma & Others) and as the said order of the Hon. High Court has been challenged in the Supreme Court, it is felt that

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it will be prudent to await for the order of the Hon. Supreme Court in above mentioned SLP please.

Submitted for perusal and further orders please.

Chief Engineer (Development Plan) & Deputy Mun. Comm. (Spl. Engg.)

CHE/1329/DPES
22/6/2020

(Shri. N.R. Khanolkar)
Dy.Ch.E.(B.P.)E.S.

(Shri. V.R. Chithore)
Ch.E.(D.P.) & Dir(E.S.&P.)

(Shri. I. S. Chahal)
Hon. M.C.
Sir,

Reference is requested to detail report at P N 1 to N 5 & Hon. MC's orders at P N 5. Reference is further requested to note as per orders of Hon. M.C. to undersigned & subsequent orders at P N-6. Now vide para 'A' on P-N-10, Nevy has once again made appeal in Hon. S.C. Also letter at P C-129-C-131 is yet to be delivered to Nevy due to locks down as they are not accepting letter as mentioned at Para 'B' on P/N-10.

In view to above it is felt that since there are no restraining orders from Hble H.C or S.C, A.G. has given opinion as mentioned in Para 'X' on P N-2 & hence the project in the vicinity will be allowed to progress.

Submitted for orders on 'c' above please.

22/6/2020.

Ch. Engineer (D.P.)
& Dir. (E.S. & P.)

बृहन्मुंबई महानगर पालिका
प्रमुख अभियंता (विकास नियोजन)
यांचे कार्यालय

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१	18 JUN 2020		५
२	1329		६

क.प्र.अ./वि.नि./

साधारण	शहर	पूर्व उप	प. उप
मा. अधि.	टिडीआर	लेखा	आस्था

22/6/2020. C

बृहन्मुंबई महानगरपालिका
आयुक्तांचे कार्यालय

22 JUN 2020

समय ११, १२, १३, १४, १५, १६, १७, १८,
क्रमांक MCP/2655
20.07.2020

22/6/20.

Municipal Commissioner

Ch.E(D.P)&
Dir(E.S&P)

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CHE/2629/DPES
22.07.2020

बृहन्मुंबई महानगर पालिका
प्रमुख अभियंता (विकास नियोजन)
यांचे कार्यालय

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क.प्र.अ./वि.नि./02629

साधारण	शहर	पूर्व उप	प. उप
मा. अधि.	टिडीआर	लेखा	आरथा

22/7/2020

Dy.Ch.E(BP)ES

for n.a. please.

21/07/2020.

Chief Engineer
(Development Plan)
& Deputy Mun. Comm.
(Spl.Engg.)

बृहन्मुंबई महानगर पालिका
उप प्रमुख अभियंता इमारत व प्रस्ताव
(पूर्व उपनगरे) यांचे कार्यालय

23 JUL 2020

वेळः-
११, १, १३, १४, १५, १६, १७

कार्य. अभि. (इ.प्र.) पू.उप.

सोबतचे पृष्ठाकरीता प्र.आ.अ.(विनि) यांचा नोंदी प्रमाणे व मनपा आयुक्तांचा मंजुरी प्रमाणे पुढील कार्यवाहीकरीता.

23/07/2020.

उप प्रमुख अभि. (इ.प्र.) पू.उप

23/7

१) सहा. अभि (इ.प्र.) एल/एन.
२) सहा. अभि (इ.प्र.) एस/टी.
३) सहा. अभि (इ.प्र.) एम/पू.प्र.
४) मु.लि. (इ.प्र.) पू.उप.
५) मु.लि. (आस्था) पू.उप.

for n/a pl. as direction by Hon'ble M.C. pl keep this file with relevant pps.

कार्य अभि (इ.प्र.) पू. उपनगरे १/२

SEBP - T/W
SEBP - S/W
SEBP - T/E S/E - I
SEBP - T/E S/E - II

For n/a as per Hon'ble M.C's directions. Pl. preserve this. Scan complete file for reference.

23/07/2020.

AE(BP) S & T

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