

July 21, 2014

To,
All Members of MCHI-CREDAI &
MCHI-CREDAI Unit

MCHI's Victory in Doppler Weather Radar case

Dear Members,

We are pleased to inform you that the order of the Hon'ble Lordships of the High Court, Bombay in the case of Doppler Weather Radar, (Copy of order dtd. 14th July 2014 enclosed) has been passed in our favour and our stand is vindicated.

In view of the Affidavit filed by Indian Metrological Department (IMD), before the Hon'ble High Court, it has directed "*that the existing guidelines with respect to tall (High Rise) buildings within the radius of Doppler Weather Radar shall not be insisted upon...*", which ultimately has the effect that NOC from Indian Metrological Department would not be insisted upon by the Municipal Corporation of Greater Mumbai and the additional height restrictions, sought to be imposed by IMD, would not be applicable. In view of the above, Their Lordships directed the Municipal Corporation (MCGM) to process the pending applications and the applications that would be submitted for approval in future, without insisting on obtaining prior NOC from IMD. Hence, our Petition has been disposed off on the aforesaid terms.

It is obviously a very positive and helpful order in the interest of the developers of Mumbai. ***Doppler Weather Radar case Victory is MCHI's Victory.*** It has been a Herculean effort and after spending around 1 Crore towards the legal expenditure, for the process of intervention in High Court. DWR's success is attributed to our Advocate, Mr. Rahul Dwarkadas from Wadia Ghandy & Co., efforts put in by our office bearers Shri Deepak Goradia, Shri Pujit Agarwal and Shri Nainesh Shah. The efforts and persistent follow ups by CEO, Shri S. S. Hussain I.A.S. (Rtd.), Avadhoot Rane, C. P. Goyal and Archana Tibrewal, are recognized.

Following is a step by step enumeration on this rigorous journey;

On 2nd Sept 2013, C.E.O., Shri S. S. Hussain, I.A.S. (Rtd.), wrote a letter to Chief Secretary, Shri Jayant Bantia, detailing IMD's restrictions on Development/Redevelopment of High Rise Buildings and the difficulties faced by our Members. On 29th October 2013, 6th February 2014 and 28th March 2014, DO letters were sent. On MCHI's insistence, the Hon'ble Chief Secretary held meetings on 25th October 2013, 11th March 2014, 22nd April 2014, 18th June 2014 & 1st July 2014. Meetings involved intense discussions on relocation of DWR, between the Senior Officers of IMD Shri K. S. Hosalikar, Dy. Director General of Metrology, Govt. of India, Mr. Sunil Kamble, Director, IMD along with Additional Municipal Commissioner and Chief Engineer from BMC as well as from Nodal Department, Ms. I. A. Kundan, Secretary & Director for Disaster Management Unit. MCHI secretariat with a team IMD, MCGM Officials & State Government officials, went to scout for sites where the new DWR could be set up.

My office communicated with Ministry of Earth Sciences to get the Best Result! Shri Nainesh Shah, Shri Pujit Aggarwal and Shri Deepak Goradia always participated in discussions to lead us in the right direction. IMD officers along with Chief Secretary and MCHI-CREDAI officials, proactively

participated in discussions, and were positive about placing of Secondary DWR outside Mumbai Zone.

Finally, we filed Writ Petition No. 1339 of 2014 in High Court, Bombay. On 3rd July 2014 the matter was submitted to the Hon'ble Court giving brief history of the matter. Government of India through Ministry of Earth Sciences submitted the clarification to the Hon'ble High Court by way of Additional Affidavit that *"the existing policy guidelines for clearance of tall buildings proposed to be constructed in major Metropolitan cities in the close range of ESSO-IMDs, DWRs should now onwards need not become hindrance to the compelling development needs of the mega cities like Mumbai."* **We are grateful to Hon. Prime Minister, and Dept. of Earth Sciences Government of India and the Central Government for an extraordinarily quick and positive response.** On 14th July 2014, after the filing of IMD's Additional Affidavit, the Hon'ble High Court granted relief to MCHI-CREDAI members.

It is great to know that all stake holders acknowledge MCHI-CREDAI's pain staking efforts, to sort out the DWR issue, with persistence, patience and perseverance! We can now just sit relaxed and enjoy the relief for the Developers in Mumbai. HELP MCHI to HELP you Better!

Yours truly,

For MCHI-CREDAI
Vimal Shah | President