

7
MUNICIPAL CORPORATION OF GREATER MUMBAI
Chief Engineer (Development Plan) Department

No.CHE/DP/ 3618 / Gen dtd. 10/5/18
11 MAY 2018

Sub: EODB- Integration of application for
Generating the auto remarks for the
SWM Department as SWCs.

Reg: Bank Guarantee amount to be recovered
as per Supreme Court's order in SLP (Civil)
no.D 23708/2017

Ref: 1) This office report u/no.CHE/DP/2373/Gen
Dtd.25.04.2018.

2) Hon.M.C.'s approval u/no.MCP/6494 dtd.8.5.2018

Reference is requested to this office detailed note u/no.CHE/DP/2373/Gen
dtd.25.04.2018 as regard Bank Guarantee amount to be recovered as per Supreme
Court's order in SLP (Civil) no.D 23708/2017 submitted to Hon.M.C. based on
various representations received from NAREDCO, MCHI, PEATA .

Hon.M.C.'s approval is obtained u/no.MCP/6494 dtd.8.5.2018 which is
annexed herewith.

All concern Department to note and process the proposal accordingly with
immediate effect.

Encl: As above.

Sd/
(S.P. Darade)
Ch.E.(DP)

Dy.Ch.E.(BP) City/ ES/ WS I/ WS II/ Spl.Cell

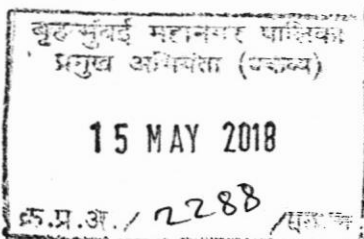
Dy.Ch.E.(SWM)

C.C. to : Ch.E.(SWM)
For information & necessary action please.

Sd/
(S.P. Darade)
Ch.E.(DP)

C.C. to ; DMC (SWM)
For information please.

Sd/
(S.P. Darade)
Ch.E.(DP)



Dy.Ch.E. SWM OP
7 Apr
Chief Engineer
(Solid Waste Management)

बृहन्मुंबई महानगरपालिका
उप प्रमुख अभियंता (घ.क.व्य.)
प्रचालन यांचे कार्यालय **PB**
19 MAY 2018
वेळ **11** 12, 13, 14, 15, 16, 17
क्र. उप प्र. अभि./घ.क.व्य./1167/प्रचा.

No. Dy. Ch. Eng./SWM/1167/OP.
21-5-2018

कार्यकारी अभियंता (घ.क.व्य.) परिच्छेद - I/III/
III/IV/V/VI/VII ~~VI to VII~~
कार्यकारी अभियंता (घ.क.व्य.) प्रचालन
प्रशासकीय अधिकारी (घ.क.व्य.) प्रचालन
माहिती व योग्य त्या कार्यवाहीकरीता
माहिती व प्रतिक्रिया
उप प्रमुख अभियंता (घ.क.व्य.) प्रचालन
21/5/18

बृहन्मुंबई महानगरपालिका
कार्यकारी अभियंता (घ.क.व्य.)
परिच्छेद - 5, कार्यालय
22 MAY 2018
281
क्र. कार्य. अभि./घ.क.व्य./परि 5/6

प्रशासकीय अधिकारी (घ.क.व्य.) परि-5/6
दुय्यम आचार्य (घ.क.व्य.) प्रचालन
सहाय्यक (घ.क.व्य.) प्रचालन
श्री/श्रीमती
पुढील कार्यालयी.

कार्यकारी अभियंता
(घ.क.व्य.) परि-5/6

MUNICIPAL CORPORATION OF GREATER MUMBAI

N-5

No. CHE/DP/ 2373 /GEN Dtd. 25.4.18

SUB- Bank guarantee amount to be recovered as per Supreme Court 's. order in SLP (Civil) No. D 23708/2017.

Ref -1) This office report u/no. CHE/DP/674/Gen dtd. 06.04.2018.
2) MCP/6090 of 07.04.2018.

Reference is please requested to this office detailed reports as regards the order of Supreme Court dtd. 15.03.2018 for disposal of construction debris & solid waste generated by the activity of construction of buildings at designated site and integration of application for generating the auto remarks of SWM deptt as SWCS. Hon'ble M.C.'s approval thereon may please be seen. Accordingly, the same was circulated to the concerned deptt & uploaded on the MCGM website u/no. CHE/DP/04/Gen/18-19 for taking the cognizance & implementing the same by SWM deptt. & Building Proposal deptt. So far in respect of 62 of nos of file auto remarks of SWM deptt. as SWCS have been generated & bank guarantee have been deposited.

The SWM deptt. has also circulated the circular in view of the Supreme Court of India order dtd. 15.03.2018 (copy attached).

The Supreme Court has directed to take the cognizance of various major issues which are elaborated in earlier note dtd. 06.04.2018. As per one of the directive "*the applicant for development permission shall give the bank guarantee to tune of 5 Lakh to 50 Lakh depending upon the size project & mode of development, which bank guarantee shall remain enforce solely for the purpose of ensuing compliance of the Waste Management Plan/Debris Management Plan approved by the Municipal Corporation from time to time, till the grant /issuance of the occupation certificate*".

As per the earlier circular dtd. 06.04.2018, it was proposed to insist the BG of amount from 5 Lakh to 50 Lakh based on gross plot area adm. upto 750 sq.mtr. to more than 5000 sq.mtr. (copy attached). It was proposed that, for miscellaneous category proposals involving total generation of debris below 20 M.T. in quantity, the concern applicant shall avail the facility of "debris on call" initiated by the MCGM.

Meeting was held on 13/4/18 under the chairmanship of Hon. M.C; when DMC (SWM), Ch E (DP); Law Officer and representatives of MCHI, NAREDCO, PEATA were present.

This office is in receipt of written suggestions/objections from PEATA and NAREDCO on submission of BG. The suggestions/objections are follows:'

C) Representation of NAREDCO:

In respect of B.G. It is proposed to fix the BG amount based on the unconsumed built up area of gross plot area. Tabulation is as follows:'

SR. NO.	Balance Built up potential for which C.C is yet to be issued out of total permissible BUA OR Net Plot Area whichever is min.	Min.B.G. amount to be insisted in Rs. (Lakhs).
1	Upto10% or NPA upto 1000 sq.mt.	05.0
2	More than 10% upto 25% or NPA between 1001 to 2500 sq.mt.	12.50
3	More than 25% upto 50% or NPA between 2501 to 5000 sq.mt.	25.0
4	More than 50% upto 70% or NPA between 5001 to 7500 sq.mt	35.0
5	More than 70% upto 90% or NPA between 7501 to 10,000 sq.mt.	45.0
6	100% or NPA more than 10,000 sq.mt.	50.0

Sr.no	Description of Representation	This office Remarks
1	The Bank Guarantee shall be on the Net Plot Area and/or proportionate to the work.	A table is prepared based on balance built up potential for which CC is yet to be issued out of total permissible BUA or net plot area whichever is minimum. Suggestion is partially acceptable.
2	The above Bank Guarantee shall be reduced for Educational and Medical Institutes.	There is no mention of exemption for educational and medical institutions in the order of Hon. Supreme Court. This is also discussed in the meeting held under the Chairmanship of Hon. M.C. on 13-04-2018. Suggestion is not acceptable.
3	The minimum B.G shall be Rs.5.0 Lakhs and the maximum B.G shall be Rs.50.0 Lakhs.	As per the Hon. Supreme Court order dtd. 15-03-2018, the BG shall be to the tune of Rs. 5lakh to 50 lakh depending upon the size of project and mode of development. Suggestion is acceptable.
4	For all miscellaneous proposals, change of user, compound wall, substation, temporary shed, clubhouse, etc, the deposit of B.G shall not be applicable (No I.O.D)	There is no mention of exemption for miscellaneous proposals, proposal of change of user, compound wall, substation, temporary shed, clubhouse, etc in the order of Hon. Supreme Court. This was also discussed in the meeting held under the Chairmanship of Hon. M.C. on 13-04-2018. As in such cases also I.O.D/ L.O.A is required to be issued. Hence cognizance of the Hon. Supreme Court Order needs to be taken. Suggestion is not acceptable.
5	In case of larger layout where more than 1 building is proposed and the Developer has obtained Occupation Certificate for 1 building, the Bank Guarantee pertaining to the balance potential shall be held on releasing the amount proportionate to the work completed.	As per Hon. M.C's approval circular is issued u/no. Ch.E/DP/04/Gen/18-19 dtd. 06-04-2018. As per the said circular, in case of layout if more than one building, the B.G amount shall be equally distributed on all the ongoing building. The B.G amount shall be minimum 5 lakhs per building.
6	If Occupation Certificate is received by the Developer, then B.G. shall be released within 7 days from the date of receipt of Occupation Certificate.	In case of single building where B.G is submitted, the same shall be released within 15 days from the receipt of OC.
7	If there is zero debris (debris generated from construction work to be used in site itself) and only dust Pollution, then in such cases, Bank Guarantee for purpose of ensuing compliance of the Waste Management Plan/Debris Management Plan should be minimum of Rs.	The B.G table is self explanatory. As per the said tabulation in case of balanced CC is upto 10% of the total permissible built up area then the minimum B.G amount is 5 lakh.

	5Lacs.	
8	The Proposals which are at Part O.C/Full O.C stage should not require NOC from SWM Dept with minor changes in plan.	In such cases, it appears that IOD's and CCs are already issued with valid SWM remarks. However, as per the Hon. Supreme Court order dtd. 15-03-2018, the BG needs to be deposited to the tune of Rs. 5lakh to 50 lakh depending upon the size of project and mode of development. Suggestion is not acceptable.
9	The C&D Debris produced during construction which is to be used within the Layout, in that case, B.G shall not be applicable.	As per the C & D waste Management regulation 2016, a C & D management plan needs to be submitted. Since C & D debris produced during construction is disposed within the layout it should be done as per the approved C & D management plan. Hence as per the Hon. Supreme Court order dtd. 15-03-2018, the BG needs to be deposited to the tune of Rs. 5lakh to 50 lakh depending upon the size of project and mode of development, for the purpose of ensuring the compliance of C & D Management Plan. Suggestion not accepted.
10	For all small works, miscellaneous works, etc. where debris is not going to cross more than 20 tonnes, in that case SWM NOC/B.G. will not be required. Only Undertaking to be taken from the applicant to the effect to remove the debris through "DEBRIS ON CALL".	As per the Hon. Supreme Court directives so far as the small generators of C & D Waste are concerned the same shall be disposed of in accordance with the "DEBRIS ON CALL" scheme of SWM department. However B.G of minimum 5lakh needs to be insisted.

D) Representation of PEATA:

TABLE

WHERE C.C. IS REQUIRED UPTO PLINTH/BUILDING / REMAINING WORK

Sr. No.	Plot potential (Balance FSI of Building/Layout for which application is made)	Rate per sq.mt.	Bank Guarantee amount	Remarks
1.	Upto 2500 sq. mts.	@ Rs.200/-	Rs. 5.0 lakhs	In case of Layout with more than one Building, the B.G. amount shall be equally distributed on all the on-going Buildings
2.	Upto 4000 sq. mts.	@ Rs.200/-	Rs. 8.0 lakhs	
3.	Upto 10000 sq. mts.	@ Rs.200/-	Rs. 20.0 lakhs	
4.	Upto 20000 sq. mts.	@ Rs.200/-	Rs. 40.0 lakhs	
5.	Upto 25000 sq. mts. & above	@ Rs.200/-	Max. Rs.50lakhs	

Sr.no	Description of Representation	This office Remarks
(i)	The Bank Guarantee shall be on actual area multiplied by the above rate proportionately.	As per sr.no. 1 of table A of NAREDCO. Suggestion of PEATA is not acceptable.
(ii)	The above Bank Guarantee shall be reduced for Education & Medical Institutes: (a) For Private Ownership – 50% of total (b) For Regd. Charitable Institute – 10% of total (c) For Hotel / I.T. – ITES/I.T. Park – 50% of total.	As per sr.no.2 of representation of NAREDCO. Suggestion is not acceptable.
(iii)	The minimum B.G. shall be Rs. 5.0 lakhs and The maximum B.G. shall be Rs.50.0 lakhs.	As per sr.no.3 of representation of NAREDCO. Suggestion is acceptable.
(iv)	For all Miscellaneous proposals, change of user, compound wall, sub-station, temporary shed, Club House, etc., the deposit of B.G. shall not be applicable (No I.O.D.).	As per Sr. No. 4 of representation of NAREDCO.
1	As per High Court Order dt. 04.05.2017, applications made prior to 11.03.2016 are excluded from getting this permission. Since the High Court Order is not modified/not quashed, hence it becomes operative in toto. The cases where N.O.C. from S.W.M. Dept. is not required are mentioned in the High Court Order dt. 04.05.2017 need to be followed.	The directive of Hon. Supreme court is applicable in respect of pre-existing IOD or fresh IOD. Suggestion is not acceptable.
2	The proposals which are at Part O.C./Full O.C. stage should not require N.O.C. from S.W.M. Dept. with minor changes in plan.	As per sr.no.8 of Representation of NAREDCO. Suggestion is not acceptable.
3	For on-going Project, the permission issued in the past by Ward Office/ S.W.M. Dept. / Collector is valid, and such proposals are to be cleared by the E.E.B.P. at their level and with the required Undertaking to comply the remaining aspects as mentioned in the Supreme Court Order dt. 15.03.2018, if applicable, if any.	As per sr.no.8 of representation of NAREDCO. Suggestion is not acceptable
4	C&D debris produced during construction which is to be used within the layout; in that case, B.G. shall not be applicable.	As per sr.no.9 of representation of NAREDCO. Suggestion is not acceptable.
5	For all small works, miscellaneous work, etc. where debris is not going to cross more than 20 tonnes, in that case, SWM NOC/and B.G. will not be required. Only Undertaking to be taken from applicant to the effect to remove the debris through "Debris on call".	As per sr.no. 10 of representation of NAREDCO.
6	Procedure of giving Bank Guarantee should be simplified in 7 days	As per sr.no.6 of representation of NAREDCO.

Considering all about aspects the following line of action is proposed.

- 2) In respect of BG it is proposed to fix the BG amount based on the balance built up potential for which C.C. is yet to be issued out of total permissible BUA OR Net Plot Area whichever is min. Tabulation is as follows:

Sr. No.	Balance built up potential for which C.C. is yet to be issued out of total permissible BUA OR Net Plot Area whichever is min.	Min. BG amount to be insisted in Rs. (Lakhs)
1	Upto 10% Or NPA upto 1000 sq.mt.	05.0
2	More than 10% upto 25% Or NPA between 1001 to 2500 sq.mt.	12.50
3	More than 25% upto 50% Or NPA between 2501 to 5000 sq.mt.	25.0
4	More than 50% upto 70% Or NPA between 5001 to 7500 sq.mt.	35.0
5	More than 70% upto 90% Or NPA between 7501 to 10,000 sq.mt.	45.0
6	100% Or NPA more than 10,000 sq.mt.	50.0

In case of layout with more than one building, the B.G. amount shall be distributed equally on all ongoing buildings. The B.G amount shall be minimum 5lakhs per bldg. or actual which ever is maximum.

Note:

1. In case of buildings where full C.C. is issued and buildings are completed in all respect as certified by L.S. and BCC is submitted & only O.C. is to be issued the BG of 5 Lakh shall be insisted. U/T from owner/developer/arch about zero generation of C & D waste shall be insisted.
2. For Educational /Institutional/ Hospitals building being developed by a Charitable Trust, the amount of BG shall be as per above table only.
3. The BG shall be accepted by the office of Zonal Building Proposal Deptt. & proper register shall be maintained with respect to name of developer/Architect, CTS No., Village, Ward, name of bank, amount, date of expiry, date of renewal etc.
4. The B.P. deptt shall deposit the BG in the safe custody of C.A (Finance) deptt.
5. The format of the BG is attached.
6. The B.P/SWM/C.A(Finance) deptt shall ensure the renewal of BG well in advance till the O.C. is issued by the Building Proposal deptt.
7. For small generators/misellaneous category proposals such as change of user, compound wall, substation, temporary shed, clubhouse, addition/alternations without involving FSI component etc, involving total generation of debris below 20 M.T. in quantity, the concerned applicant shall avail the facility of "debris on call" initiated by the MCGM subject to compliance of Supreme Court order. However B.G of minimum 5lakh needs to be insisted.
8. Where valid permission for handling & transportation of waste generated under C&D Management plan is issued prior to Supreme court order dated 15.03.2018, fulfilling the requirements of Supreme Court order, in such cases required BG shall be insisted without insisting fresh SWM remarks.
9. As per the C & D waste Management regulation 2016, a C & D management plan needs to be submitted. Since C & D debris produced during construction is disposed within the layout it should be done as per the approved C & D management plan. Hence as per the Hon. Supreme Court order dtd. 15-03-2018, the BG needs to be deposited as per the above table.
10. If Occupation Certificate is received by the Developer, then B.G. shall be released within 15 days from the date of receipt of Occupation Certificate.

11. It is to be stated that the above referred methodology/table for bank guarantee will be made applicable from the date of sanction of above report & where the bank guarantee as per earlier approved report is not deposited. Further the bank guarantee deposited as per earlier circular will not be adjusted as per above table/or will not be refunded for accepting new bank guarantee.

On receipt of approval, this report will be uploaded on MCGM website as well as circulated to the Building Proposal, SWM deptt for taking the cognizance.

DMC (SWM) is requested to submit the report for approval of Hon'ble M.C.


(S.P. Darade)

Chief Engineer (D.P.)

(Shri. Vishwash Shankarwar)

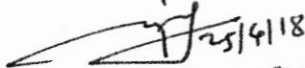
DMC (SWM)

(Shri. Ajoy Mehta)

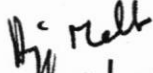
Hon'ble M.C.

Sir,

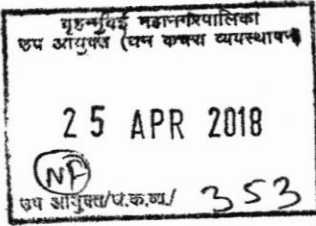
Submitted for approval pl.


D.M.C. (SWM)
Vishvas V. Shankarwar
D. M. C. (S. W. M.)

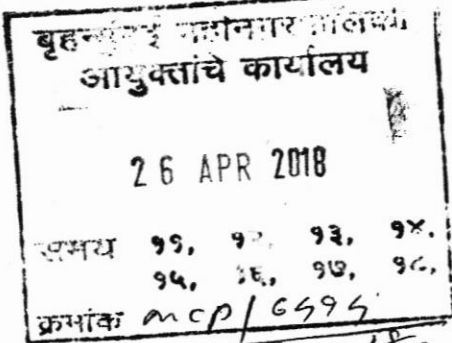
Approved as per referred


7/5/18

Municipal Commissioner



25/4/18



Ch.E (D.P.)

EEDPJP&R


8/5/18
प्रमुख अभियंता
विकास नियोजन

