

**MINUTES OF THE 19th MEETING OF THE MONITORING COMMITTEE
HELD ON 08/08/07 @ 3.00 P.M. IN THE CONFERENCE HALL OF CMDA**

MEMBERS PRESENT:

1. Thiru. R. Santhanam, I.A.S.,
Vice-Chairman, CMDA.
2. Thiru. Louis Menezes, I.A.S., (Retd.)
3. Thiru. M.G. Devasahayam, I.A.S., (Retd.)
4. Tmt. R. Jaya, I.A.S.,
District Collector, Chennai.
5. Thiru. Rajesh Lakhoni, I.A.S.,
Commissioner, Chennai Corporation.
6. Thiru. Hansraj Verma, I.A.S.,
Chairman, TNEB.
7. Thiru. Shiv Das Meena, I.A.S.,
Managing Director, CMWSSB.
8. Thiru. Bholanath, I.P.S.,
Director of Fire and Rescue Services.
9. Prof. Suresh Kuppuswamy,
School of Architecture and Planning, Anna University.
10. Thiru. Durganand Balsaver,
Architect and Urban Planner

Leave of absence:

1. Dr. A. Srivatsan,
Architect and Urban Planner
2. Thiru. P.T. Krishnan,
(Architect)

AGENDA ITEM NO. 19.1 : Confirmation of the minutes of the 17th meeting of the Monitoring Committee.

Minutes :

The minutes were confirmed with the following modifications:- Minutes of Agenda Item No.17.6 may be replaced by the following:

“The recommendations of the Sub-Committee were discussed in detail. At the outset, the Committee decided to restrict the scope of the recommendations of the Sub-Committee to buildings constructed before 30.6.2002. The Committee wondered as to why the Chennai Municipal Corporation or the Municipalities in CMA have not applied the continuous penalty clause for unauthorised developments already existing in the C.C.M.C. Act / District Municipalities Act. The Monitoring Committee decided to accept the recommendations of the Sub-Committee with the following modifications and recommended the proposal to CMDA for taking further action.

- i) In respect of residential buildings for which applications were received upto 30.6.2002 and if credible evidence is furnished that the building had been completed before 28.2.1999, the building may be regularised and 50% of fees of Reg. 1999 Scheme may be charged. Alternative fire safety norms for MSBs should be insisted upon.
- ii) In respect of residential buildings for which applications were received upto 30.6.2002 and if evidence is furnished that the building had been completed before 30.6.2002, penalty may be imposed as detailed below:
 - a) the levy of penalty may be based on Rental Value Method, at the following rates:

- i) For flats / dwelling units above 1,200 sq.ft. (111.52 sq.mtrs)
 - three times the rate based on Rental Value Method suggested in the Sub-Committee report.
- ii) For flats / dwelling units above 600 sq.ft. (55.76 sq.mtrs) and upto 1,200 sq.ft. (111.52 sq.mtrs)
 - two times the rate based on Rental Value Method suggested in the Sub-Committee report.
- iii) For flats / dwelling units up to 600 sq.ft. (55.76 sq.mtrs)
 - The rate arrived at based on Rental value Method as suggested in the Sub-Committee report. "

AGENDA ITEM NO. 19.2: Action taken on the minutes of the 17th meeting of the Monitoring Committee.

Minutes :

Recorded.

AGENDA ITEM NO. 19.3 : Tamil Nadu Ordinance No. 1 of 2007 – Copy placed for information.

Minutes :

Recorded.

AGENDA ITEM NO. 19.4 : Discussion on draft Action Taken Report (ATR) – To be filed in the High Court.

Minutes :

- 1) The Monitoring Committee decided to request for three week's time from the Hon'ble High Court for filing of Action Taken Report (ATR), as the orders of the Court were received by the members of the MC only couple of days ago. The members also requested VC/CMDA to circulate the draft ATR through, email well in advance so, that the same could be finalised in MC's next meeting on 24th August.

- 2) The MC, suggested to modify the ATR and include the details of deliberations of the following Sub- Committee as well.
- Sub-Committee to look into DCR amendment
 - Sub-Committee on Less Stringent Measures
 - Sub- Committee on the issue of Completion Certificate, etc.

The MC also desired that the responsibility of CMDA / Corporation of Chennai may also be explained in the ATR, specially on the enforcement aspects

- 3) The MC also suggested that mention may be made of the survey carried out in respect of the buildings on Usman Road and Ranganathan Street in T.Nagar at the instance of MC.

AGENDA ITEM NO. 19.5 Multi-Storied Buildings (Commercial) –
Response received from the applicants –
Analysis of evidences - Placed for decision.

Minutes :

The Monitoring Committee on going through the file resolved to accept that the **Commercial (Hospital) Building comprising BF + GF+ 4 Floors of at Door No.11 & 12, Jaffer Sherang St., Chennai – 1 in S.No. 4201 of G.T. area** has been completed before 28.2.1999. The CMDA's Demolition Notice in letter No.EN2/16795/94 dt. 18.12.96 was accepted as credible evidence. The MC resolved to regularise said MSB commercial building, subject to the following conditions:

- a) Alternative fire safety measures are provided as per the norms of DF&RS
- b) The buildings are inspected by CMDA Officials before raising reg.fee demand.
- c) Reg.fee under Reg.1999 Scheme rate is collected and
- d) There shall be no additional construction over and above what is reported already.

AGENDA ITEM NO. 19.6 Special Buildings (Commercial) – Response received from the applicants – Analysis of evidences - Placed for decision.

The Monitoring Committee resolved to regularise the following Commercial Special Buildings, subject to the condition that

- a) The buildings are inspected by CMDA Officials before raising reg.fee demand.
- b) Reg.fee under Reg.1999 Scheme rate is collected and
- c) There shall be no additional construction over and above what is reported already.

Minutes : 19.6.1 :

The Monitoring Committee, on going through the file resolved to accept that the **commercial-cum-residential building comprising BF + GF + 3 Floors at Door No.7, Vinayaga Mudali St., George Town, Chennai - 79, in R.S.No.8161, Block No.70 of George Town Village**, has been completed before 28.2.1999. The M.C noted that planning permission was obtained for BF+GF+FF in the year 1989 itself. The Regularisation Inspection Report dated 29.10.99 was accepted as evidence.

Minutes : 19.6.2 :

The Monitoring Committee, on going through the file resolved to accept that the **commercial-cum-residential building comprising GF + MF + 2F + 3 Floor (part) at Door No.63/1, Perianna Maistry St., Periamet, Chennai – 3 in R.S.No.441/1, Block No.11 of Vepery Village**, has been completed before 28.2.1999. The orders and receipts for payment of three electricity service connections dated 26.2.1999 and the Regularisation Inspection Report dated 17.11.99 were accepted as reasonably conclusive evidences. The MC also resolved that the aerial encroachment has to be removed before building is regularised.

Minutes : 19.6.3 :

The Monitoring Committee, on going through the file resolved to accept that the **commercial building comprising BF + GF + 2 Floors at Door No.18, Raja Annamalai Road, Purasawalkam, Chennai – 84 in S.No.18 of Purasawalkam Village**, has been completed before 28.2.1999. The un-registered agreement of lease dated 15.9.98 executed between Muthu Kumarasamy Chit Funds Pvt. Ltd., and Vikash Distributors read with the bank statements and Reg. Inspection Report dated 6.12.99 were taken as reasonably acceptable evidences.

Minutes : 19.6.4

The Monitoring Committee, on going through the file resolved to accept that the **commercial building comprising GF + 2 Floors + 3rd Floor (part) at Door No.15, Srinivasaperumal 2nd St., Mylapore, Chennai – 14 in S.No.99/51 of Mylapore Village**, has been completed before 28.2.1999. The Regularisation Inspection Report dated 9.7.99 was accepted as reasonably conclusive evidence.

Minutes : 19.6.5 :

The Monitoring Committee, on going through the file resolved to accept that the **commercial building (Kalyanamandapam) comprising GF + First Floor at Door No.142, L.B.Road, Thiruvanmiyur, Chennai – 41 in S.No.41/1B/4 of Thiruvanmiyur Village**, has been completed before 28.2.1999. The approved plan in the year 1990, Property Tax, EB Charges remittance receipts and Regularisation Plan Inspection report dated 3.12.99 were accepted as reasonably conclusive evidences.

Minutes : 19.6.6 :

The Monitoring Committee, on going through the file resolved to reject the Reg. application pertaining to the **commercial building comprising GF + 2 Floors at Door No.E/33, Second Avenue, Besant Nagar, Chennai in S.NO.153 part of Thiruvanmiyur Village**, as it is not established that the building was completed before 28.2.1999.

Minutes : 19.6.7 :

The Monitoring Committee, on going through the file resolved to accept that the **commercial building comprising GF + MF + 2 Floors at Door No.7, Ist St., North Gopalapuram, Chennai – 86 in R.S.No.67/1, 87/1 of Mylapore Village**, has been completed before 28.2.1999. The CMDA's Refusal order in letter No. C2/30339/97 dated 4.6.98 and Government letter No. 25478/UD VI / 98 dated 30.10.98 were accepted as credible evidences.

Minutes : 19.6.8 :

The Monitoring Committee, on going through the file resolved to accept that the **commercial building comprising GF + First Floor at Door 126, A&B, P.H.Road, Velappan Chavadi, Chennai – 77 in S.No.69/4 part of Noombal Village**, has been completed before 28.2.1999. The Regularisation Inspection report dated 7/9/99 was accepted as reasonably conclusive evidence.

AGENDA ITEM NO. 19.7 E.C. – Completion Certificate for obtaining service connections – Progress Report placed before the M.C.- for information – Reg.

Minutes:

The Monitoring Committee noted the progress of issue of Completion Certificate and requested to expedite the same. Further, the MC also requested that the grounds for rejection of Completion Certificate including violations of FSI, built up area and parking requirements may be placed before the next MC.

AGENDA ITEM NO. 19.8 E.C. – Fixing of Responsibilities for allowing unauthorised constructions – Reg.

Minutes:

The MC noted that only about 10% of the cases Planning Permissions are issued by the CMDA whereas about 90% of the Planning Permissions and 100% of the Building Permissions are sanctioned by the Local Bodies. However it also noted that the large developments are approved (other than the unauthorised) by CMDA. Further, MC also noted that the enforcement action in other cities such as Mumbai, Hyderabad and Bangaluru is carried out only by the respective Municipal Corporations.

MC also went through the three case studies relating to CMDA in detail and noted that it was extremely difficult to fix any specific responsibility on any official for the unauthorised construction in these cases as the builder had resorted to all the tricks available and used the various avenues of legal relief including the courts to their advantage.

On going through the reports furnished by the respective Departments like CMA and DRD, the MC observed that the reports are not in complete shape. It was informed that these Departments have

already been addressed on 6-8-2007 in this regard for giving a more specific report. MC directed that the report in the complete form may be placed in the next MC.

AGENDA ITEM NO. 19.9 Industries & Institution Buildings – Response received from the applicants – Analysis of evidences - Placed for decision.

The Monitoring Committee resolved to regularise the following Industries & Institution Buildings, subject to the condition that

- a) The buildings are inspected by CMDA Officials before raising reg.fee demand.
- b) Reg.fee under Reg.1999 Scheme rate is collected and
- c) There shall be no additional construction over and above what is reported already.

Minutes : 19.9.1 :

The Monitoring Committee, on going through the file resolved to reject that the **Institutional (Educational) building comprising GF + 3 Floors at S.No. 2 to 20, 23 – 29, 174, 187 & 188 of Karappakkam Village**, since as per the report sent by the Local Body in their letter no. L.Dis/1159/99 dated 24.3.99, the site was a vacant one and it is evident that the building was not completed before 28.2.1999. The MC also resolved to inform the Government accordingly.

Minutes : 19.9.2 :

The Monitoring Committee, on going through the file resolved to accept that the **Industrial building comprising of 2 blocks (one block with GF + First Floor and another block with GF + 2**

Floors) and Storage Yard, Shed, Temple, etc. at S.No.296/1B, 297/1&5 and 300/1 in Kottivakkam Village, Chennai – 41, has been completed before 28.2.1999. The letter No.L.Dis/4626/A4/99 dated 12.2.99 of Commissioner of Panchayat Union, St.Thomas Mount was accepted as reasonably conclusive evidence.

AGENDA ITEM NO. 19.10 E.C. – Construction of Assembly Hall & Toilet Block within the Campus of R.B.I. Staff Training College at R.S.No.1397/1, Block No.2B of Mylapore Village, Anna Salai, Teynampet, Chennai – 18. Issue of CC and Refund of S.D. – Subject placed before Monitoring Committee for a decision.

Minutes :

In partial modification of the Completion Certificate Norms, the MC suggested that Compliance Certificate from DF&RS can be insisted only for public MSB buildings and not for public Special Buildings.

AGENDA ITEM NO. 19.11 E.C. (C) – Survey Report of of Special & MSB in Usman Road & Ranganathan Street, T.Nagar, Chennai – 17 – subject placed before the M.C.– Reg.

Minutes :

On perusal of the reports relating to T.Nagar survey, the MC commended the work done by Corporation of Chennai and CMDA in bringing out the details of the survey and analysis report. The MC felt that the survey is quite revealing with regard to the nature and extent of violations prevailing in the city.

AGENDA ITEM NO. 19.12 CMDA – Reg.Unit – Copy of Court order –
Placed before the MC for information.

Minutes :

Recorded.

AGENDA ITEM NO. 19.13 CMDA – Erring Builders - Subject placed before
the Monitoring Committee-Reg.

Minutes :

On perusal of the list of 22 builders identified, out of 131 Reg.MSB Commercial buildings, the MC noted that this list is not exhaustive, and that further identification of builders would be possible only when the Reg.Scheme 2000, 2001 & 2002 cases are taken up for review by the MC. Penalty to be imposed and mode of recovery will be discussed in the subsequent MC meetings.

General :

The 20th Monitoring Committee meeting is fixed on 24.08.07 at 3.00 p.m. in the Conference Hall of CMDA.