

**MINUTES OF THE 17th MEETING OF THE MONITORING COMMITTEE
HELD ON 27/07/07 @ 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. Bholanath, I.P.S.,
Director of Fire and Rescue Services.
7. Prof. Suresh Kuppaswamy,
School of Architecture and Planning, Anna University.
8. Thiru. Durganand Balsaver,
Architect and Urban Planner
9. Dr. A. Srivatsan,
Architect and Urban Planner

Leave of absence:

1. Thiru. Hansraj Verma, I.A.S.,
Chairman, TNEB.
2. Thiru. Shiv Das Meena, I.A.S.,
Managing Director, CMWSSB.
3. Thiru. P.T. Krishnan,
(Architect)

AGENDA ITEM NO. 17.1 Confirmation of the minutes of the 15th meeting
of the Monitoring Committee

Minutes :

The minutes were confirmed with the following changes:

The minutes of the item No.15.3.7 to be replaced by the following:

"The Monitoring Committee on going through the file resolved to accept that the GF + 5 Floors commercial building at 19, Bazullah Road, T.Nagar, Chennai – 17, has been completed before 28.2.99. The Planning Permission obtained on 8.10.97 for construction of GF + 2 Floors + 3rd Floor part building and the date of CMDA's Reg.application inspection report dated 12.11.99 were considered as evidence as there is every possibility that the building could have been completed prior to 28.2.99. The M.C. also directed to send its recommendations to the Government accordingly."

(ii) In general, the following may be added as item No.3.

" The Monitoring Committee took note that in such of those cases where the applicants, who had applied under Regularisation Schemes have now rectified the defects thereby satisfying the existing DCR, the planning permission for the construction can be considered and approved by CMDA without taking into account the Regularisation application, as per the existing DCR".

AGENDA ITEM NO. 17.2 Action taken on the minutes of the 15th meeting
of the Monitoring Committee

Minutes :

Recorded.

AGENDA ITEM NO. 17.3 Multi-Storied Buildings (Commercial) 146 MSB
Cases – Position Note submitted – Reg.

Minutes :

The Monitoring Committee took note of the Position Note on 146 Multi-Storeyed (Commercial) Buildings and advised to take follow-up enforcement action as per the procedures.

AGENDA ITEM NO. 17.4

Multi-Storied Buildings (Commercial) – Response received from the applicants – Analysis of evidences - Placed for decision.

The Monitoring Committee resolved to regularise the following Commercial MSB's, subject to the condition that

- 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.

Minutes : 17.4.1

The Monitoring Committee, on going through the file resolved to accept that the **BF + GF + MF + 4 Floors of Commercial Building at Door No.2 to 3, Sonex Towers, Plot No.2454-1, Second Avenue Road, Anna Nagar, T.S.No.207 part of Thirumangalam Village**, has been completed before 28.2.1999. The CMDA's Demolition Notice in letter No.EN1/26779/96 dt. 5.5.98 was accepted as credible evidence. The Committee resolved that the 5th floor part, which is a later addition, should be demolished.

Minutes : 17.4.2

The Monitoring Committee, on going through the file resolved to accept that the **GF + 5 Floors + 6th Floor part of Commercial Building (Boarding & Lodging) at Door No.69, Marshalls Road, Egmore, Chennai – 8 in R.S.No.1605/38 and 46, Block No.50 of Egmore Village**, has been completed before 28.2.1999. The CMDA's Demolition Notice in letter No.EC1/16116/94 dt. 16.12.98 was accepted as credible evidence.

Minutes : 17.4.3

The Monitoring Committee, on going through the file resolved to accept that the **BF + GF + 9 Floors of Commercial Building at Door No.180, Kodambakkam High Road, Chennai – 34, in R.S.No.156/6, Block No.22 of Nungambakkam Village**, has been completed before 28.2.1999. The CMDA's Show Cause Notice for the forfeiture of Bank Guarantee in letter No.EC1/2793/98 dt. 2.2.99 was accepted as credible evidence.

Minutes : 17.4.4

The Monitoring Committee, on going through the file resolved that it has reason to believe that the **Commercial Building with BF + GF + 6 Floors of at Door No.78, Sydenhams Road, Periyamet, Vepery, Chennai – 7 in R.S.No.1198/2, Block No.24 of Vepery Division**, has been completed before 28.2.1999. The CMDA's Inspection Report of Reg.File dated 1/9/99 in which it is recorded that BF+GF+6 Floors were completed structurally (6 months before the date of inspection based on oral enquiry) was accepted as circumstantial evidence.

Minutes : 17.4.5

The Monitoring Committee, on going through the file resolved to accept that the **Commercial Building comprising BF + GF + 3 Floors + 4th Floor part of (Hospital) at Door No.35, Conransmith Road, Gopalapuram, Chennai – 86 in R.S.No.67/33, 51 and 59, Block No.4 of Mylapore Village**, has been completed before 28.2.1999. The Property tax assessment order obtained from Chennai Corporation, which proves that the tax was assessed from 2/98-99 along with CMDA's Inspection Report dated 17.11.99 were accepted as evidences.

Minutes : 17.4.6

The Monitoring Committee, on going through the file resolved to accept that the **BF1 + BF2 + GF + 9 Floors of Commercial Building at Door No. 25 & 26, College Road in R.S.No.99/3 & 99/13 of Nungambakkam Village, Chennai – 34**, has been completed before 28.2.1999. The order in G.O.(D) No.283, dated 13.8.98, H&UD Dept., Govt. of Tamil Nadu rejecting the appeal was accepted as credible evidence.

Minutes : 17.4.7

The Monitoring Committee, on going through the file resolved to accept that the **BF + GF + 3 Floors + unauthorised 4th floor part of Commercial Building at Door No.291, Arcot Road, S.No.51, Block No.7 of Kodambakkam Village**, has been completed before 28.2.1999. The Property Tax Return Form-1, dated 9.12.98 and Demand Assessment Order of Chennai Corporation dated 1.3.99 were accepted as credible evidences.

Minutes : 17.4.8

The Monitoring Committee, on going through the file resolved to call for hearing for additional evidences within two weeks from the date of receipt of letter, to prove that the building of **GF + 4 Floors (Commercial) at Door No.103, East Mada St, Royapuram, Chennai – 13 in S.No.259, Block No.8 of Tondiarpet Village**, has been completed before 28.2.1999 as per Court Order dt. 23.8.06.

Minutes : 17.4.9

The Monitoring Committee, on going through the file resolved to accept that the **BF + GF + 4 Floors of Commercial Building at Door No.12/28, Cathedral Garden Road, Nungambakkam, Chennai – 34 in R.S.No.1/9 and 2/36, Block No.1 of Mylapore Village**, has been completed before 28.2.1999. The CMDA's Demolition Notice issued in letter No.EC1/2751/96 dt. 16.12.1998 was accepted as credible evidence.

Minutes : 17.4.10

The Monitoring Committee, on going through the file resolved to accept that the **BF + GF + 3 Floors + 4th Floor (part) + 5th Floor (part) of Commercial Building at Door No.172/1, Arcot Road, Vadapalani, Chennai – 26 in S.No.184/2, T.S.No.15/1, Block No.8 of Saligramam**, has been completed before 28.2.1999. The CMDA's Demolition Notice issued in letter No.EC1/23623/95 dt. 24.11.1998 was accepted as credible evidence.

Minutes : 17.4.11

The Monitoring Committee, on going through the file resolved to accept that the **BF + GF + 3F of Commercial Building at Door No.4, Rajaji Street, Tambaram, Chennai – 45 in R.S.No.320/2A1A1B of Tambaram Village**, has been completed before 28.2.1999. The CMDA's Demolition Notice and Security Deposit forfeiture issued in letter No.ES5/26314/95 dt. 01.07.1996 and Refusal Order issued by CMDA in letter No.B2/25814/96(1) dt. 26.02.97 and notings in the File ES3/4193/2000 dt. 30.05.96 were accepted as credible evidences. The Committee resolved that the 4th floor part, which was a later addition, has to be removed.

AGENDA ITEM NO. 17.5

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 : 17.5.1

The Monitoring Committee, on going through the file resolved to accept that the **GF + 3 Floors commercial building at Door No.290, P.H.Road, Chennai – 29 in T.S.No.2, Block No.26 of Aminjikari Village**, has been completed before 28.2.1999. The CMDA's Show Cause Notice No.115 dt. 22.4.92, Demolition Notice letter no. EC2/9210/92 dt. 29.5.92, Security Deposit forfeiture letter no. EC2/9210/92 dt. 1.3.93 and CMDA's refusal order in letter no. B2/27118/92 dt. 10.3.93 were accepted as credible evidences.

Minutes : 17.5.2

The Monitoring Committee, on going through the file resolved to accept that the **BF + GF + 2 Floors Commercial building at Door No.22, Lady Madhavan Road, Mahalingapuram, Chennai – 34 in T.S.No.622/23, Block No. 36 of Kodambakkam Village**, has been completed before 28.2.1999. The CMDA's Enforcement Cell's Inspection Report dt. 6.5.99 in File No.EC1/9430/99 and the Demolition Notice issued in letter No.EC1/9430/99 dt. 22.10.99 and Regularisation Inspection report dt. 23.8.99 were accepted as reasonably conclusive evidences.

Minutes : 17.5.3

The Monitoring Committee, on going through the file resolved to call for additional evidences within two weeks from the date of receipt of letter, to prove that the building of **GF + 2F + 3rd Floor (part) Commercial-cum-Residential building at Door No.51, Wuthu Cotton St., Periyamet, Vepery, Chennai – 7 in R.S.No.487/1, Block No.12 of Vepery Village**, has been completed before 28.2.1999 as per Court order dt. 23.8.06.

Agenda Items. 15.5.4 to 15.5.11

Minutes : Deferred.

AGENDA ITEM NO. 17.6 Regularisation Scheme – Monitoring Committee - Sub-Committee to suggest on Less Stringent Measures for unauthorised / deviated residential Multi-storeyed and Special Building – Recommendations – Placed before the Monitoring Committee for its decision –Reg.

Minutes :

The recommendations of the Sub-Committee were discussed in detail. The Committee wondered as to why the Municipal Corporation or the Municipalities 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 recommended the proposal to CMDA for taking further action with the following modifications:

- i) In respect of residential buildings for which applications were received upto 30.6.2002 and irrespective of whether the construction had been completed before 28.2.99 or not, the buildings may be regularised and 50% of the 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 no applications were received upto 30.6.2002 and if evidence is furnished that the building had been completed before 28.2.99, all the parameters of Reg. 1999 Scheme may be applied including the fees. In cases where the construction had been completed after 28.2.99, but before 30.6.2002, the penalty may be imposed as detailed below:
- a) the levy of penalty may be based on Rental Value Method.
 - b) it may be 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 suggested in the sub-committee report.
 - ii) For flats / dwelling units above 600 sq.ft (55.76 sq.mtrs.) and up to 1,200 sq.ft. (111.52 sq.mtrs.) - two times of the rate based on Rental value suggested in the sub-committee report.
 - iii) For flats / dwelling units up to 600 sq.ft (55.76 sq.mtrs.) - the actual rate based on Rental value suggested in the sub-committee report.

AGENDA ITEM NO. 17.7 E.C. – Progress Report of Completion Certificate – Engaging Panel of Engineers for Joint Inspection – Substitution by Engineers of Construction Wing, CMDA - Reg.

Minutes :

- (1) The Monitoring Committee took note of the progress in the issue of Completion Certificate and directed to expedite issue of Completion Certificate for the pending cases.

- (2) The Monitoring Committee agreed to the arrangement of Site Inspection and issue of Compliance Certificate by the Engineers of CMDA in the Town Panchayats and Village Panchayats of CMA, instead of the earlier suggested Panel of Engineers by the M.C.

AGENDA ITEM NO. 17.8 E.C. – Fixing of Responsibilities for allowing un-
authorised constructions – Report submitted.

Minutes :

The Committee noted that the reports from Commissioner, Chennai Corporation, Commissioner of Municipal Administration and the Director of Rural Development are awaited. The Committee directed CMDA to get these reports quickly and decided to discuss this issue after their reports are received.

AGENDA ITEM NO. 17.9.1 CMDA - Reg.Unit – Reg. I&I Div. –
Regularisation of Educational Institutional
buildings – Reg.PPA for the construction in
S.No.2 to 20, 23 to 29, 174, 187 and 188 of
Karapakkam Village – Rejected – Appeal to
Govt. – Opinion of the Monitoring Committee –
Requested – Reg.

Minutes :

Deferred.

AGENDA ITEM NO. 17.9.2 CMDA – Reg.Unit – Reg. I&I Div. –
Regularisation of Industrial Building at
Kottivakkam – Reg.PPA No.6455 – Reg.Fee
demand notice was sent on 30.10.01 and
amount remitted – Reg.Plan was released – Due
to non submission of evidences Reg.PPA was
rejected – The applicant filed a Writ Petition in
the Hon'ble High Court in W.P.No.16497 of 2007
– High Court order dated 8.5.07 – Evidences
submitted by the applicant – Subject placed
before the M.C. for decision – Reg.

Minutes :

Deferred.

AGENDA ITEM NO. 17.10 E.C. – Construction of Assembly Hall and 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 Completion Certificate
and Refund of Security Deposit – Subject placed
before the M.C. for decision – Reg.

Minutes :

Deferred.

AGENDA ITEM NO. 17.11 E.C. (C) – Construction of 16 Blocks of GF + 3 Floors Residential Quarters for Police personnel with a total of 120 dwelling units at R.S.No.26, Block No.24 of Kodambakkam Village, Ashok Nagar, Chennai – 83 – Reg.

Minutes:

Subject withdrawn.

AGENDA ITEM NO. 17.12 CMDA – Survey Report of Special and Multi-Storeyed Buildings in Usman Road and Ranganathan St., T.Nagar – Furnished by the Corporation of Chennai – Placed before the Monitoring Committee - Reg.

Minutes :

Deferred.

AGENDA ITEM NO. 17.13 CMDA – Reg.Unit – Rejection orders sent based on the decision of the M.C. – Rejection orders challenged in the Court – Ruling of the Court – Individual opportunity to be given to the applicants – Subject placed before the M.C. for guidelines on the issue of rejection letter – Reg.

Minutes :

The Monitoring Committee took note of the Orders of the High Court in several cases as communicated by the Panel Advocate, Thiru. J. Ravindran in letter dated 25.7.07 and advised the CMDA to give individual opportunity for all Reg. applicants by giving two weeks time from the date of receipt of the said letter, to prove that the building had been constructed and completed prior to 28.2.1999 as per the Hon'ble Court Order dated 23.08.06.

General:

- (1) The Property-tax Assessment Order copy furnished by the Corporation should only be verified and attested / counter-signed by the Revenue Officer, Corporation of Chennai concerned.
- (2) Copies of evidences to be annexed with the respective Agenda items with clear notings.
- (3) Wherever credible evidences available are supported by the Reg. Inspection Report the same should be highlighted. Wherever circumstantial evidences are available it should be got verified and recorded in the Agenda note with explanatory note.
- (4) The 18th Special Monitoring Committee Meeting is fixed on 03.08.07 at 3.00 p.m. for Second Draft Master Plan discussion and 19th M.C Meeting is fixed on 08.08.07 at 3.00 p.m.