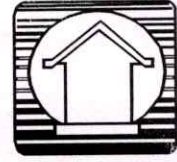


Re-issuance

**MUMBAI BUILDING REPAIRS AND
RECONSTRUCTION BOARD, MUMBAI**
[A MHADA UNIT]

म्हाडा
MHADA



No: EE/FS Div/DE-III/ **3843** /2024
Office of the Executive Engineer,
FS Division, M.B.R. & R. Board,
"Annex Bldg", BMC Bldg, 3rd Floor,
Above Kirti Mahal Hotel, Parel,
Mumbai - 400 012.
Date: **22/08/2024**

R.P.A.D.

**Notice under Section 79-A
of Maharashtra Housing & Area
Development Act 1976
(Amended dated 02.12.2022)**

To

Hon. District Collector
Collector office Surat,
New Jilla Seva Sadan,
Block B, 5th Floor, Athwalines, Surat,
Gujrat-395 001.

**The Trustees of the Dabhel
Simlak Madressa Trust**
Jamalyah Islamiyyah Talimuddin Dabhel-
Simlak, Village-Dhabel,
Dist- Navsari, State of Gujrat-396 415.

Sub: - Dangerous condition of Bldg. 92-92D, Sudam Bhavan,
bearing Cess No. F S-73 (1-2) situated
at Dr.B.A. Road, L. Baug, Mumbai- 400 012.

Ref.: 1. Maharashtra Act No XLVIII of 2022 dated 02.12.2022.

2. Chief Officer/MBRRB Letter No. REE/File No/GEN 79-
A/3891/MBRRE-2023 dated 15/05/2023.

3. Site inspection by this office on 11/09/2023.

4. This office letter no.5131, dt.21/09/2023 - **21/09/2023**

5. Letter of Advocate Nisar A Ghatte dt.18/03/2024 on
behalf of clients Dabhel Simlak Madressa Trust.

5. Hearing dated 19/08/2024 in the office of Hon.
Deputy Chief Engineer/(Zone-IV), M.B. R & R Board,
Sonawala Bldg, S.A.Palav Marg, Shindewadi, Dadar
(East), Mumbai- 014.

Sir/Madam,

Vide letter under reference no.4, this office had issued Notice under
Section 79-A Maharashtra Housing & Area Development Act 1976 (Amended dated

02.12.2022), to Shri. Ibrahim Yusuf Gardee, (Owner /Landlord), as per the record of MCGM (Ownership register of cess building) available in this office. Vide letter under reference no.5. Advocate Nisar A Ghatte on behalf of clients Dabhel Simlak Madressa Trust submitted letter to this office along with PR card showing name of person bonfied ownership in the name of Collector Surat, Trustees of the Dabhel Simlak Madressa Trust. Accordingly Mr. Farook M.Patel, authorised representative of Dabhel Simlak Madressa Trust requested in hearing to issue the notice under Section 79-A Maharashtra Housing & Area Development Act 1976 (Amended dated 02.12.2022) in the name of Trustee Dabhel Simlak Madressa Trust. During the hearing dated 19/08/2024 Hon. Deputy Chief Engineer/(Zone-IV), M.B. R & R Board, instructed this office to issue notice under Section 79-A Maharashtra Housing & Area Development Act 1976 (Amended dated 02.12.2022) to Trustee Dabhel Simlak Madressa Trust. In view of above circumstances a notice is being issued therefore this office is issuing notice under Section 79-A Maharashtra Housing & Area Development Act 1976 (Amended dated 02.12.2022) to Trustee Dabhel Simlak Madressa Trust as under:-

Whereas the Mumbai Building Repairs and Reconstruction Board, Statutory Body constituted under MHAD Act 1976 (hereinafter referred to the "said Board" and "said Act" respectively) is entrusted with the responsibility of carrying out structural repairs & reconstruction of the old cessed buildings in the Island City of Brihan Mumbai in the interest of the tenants/occupants as per the Provisions of Chapter VIII of MHAD Act 1976

And whereas the State Government, for speedy redevelopment of old & dilapidated cess buildings in Island City of Mumbai has already sanctioned modifications to Development Control Regulation 33(7) & 33(9) by providing additional/incentive FSI for redevelopment to the owners of cess properties. However, it is noticed that even after the cess building is declared dangerous by MCGM or by MHADA/MBRRB, the owners of the cess buildings do not come forward for redevelopment even though the tenants/occupants are willing to co-operate for redevelopment.

And whereas the State Government considering the above said circumstances and difficulties faced by the tenants/occupants decided to bring certain corrective measures and therefore has amended Section 79 of MHAD Act 1976 by inserting new Section 79-A vide Maharashtra Act No. XLVIII of 2022 published in the Maharashtra Government Gazette dated 02.12.2022.

And whereas the new section 79-A of amended MHAD Act dated 02.12.2022 provides that, in case of the old cessed building which is declared dangerous by MCGM or by Competent Authority i.e. MHADA / MBRRB & redevelopment of such building is not taken up by the owner/landlord then Board shall adopt the following procedure:-

- a) To issue Notice to the Owner/Landlord of the cess building to submit the proposal for redevelopment within 06 months along with the consents of 51% of the tenants/occupants.
- b) If the Owner/Landlord fails to submit the proposal within the period, the proposed Co operative Housing Society of the tenants/occupants may submit the proposal to the Board for redevelopment along with 51% consents under the relevant provisions of DCPR 2034 within 06 months from the date of communication received from the Board.
- c) If the redevelopment is not initiated by Owners/Landlord or by the proposed Co-operative Housing Society of the tenants/occupants then Board shall acquire such building & reconstruct the building without insisting 51% consents of the tenants/occupants
- d) When the building is redeveloped under the provisions of the clauses and above the compensation shall be paid to the owner/landlord, at the rate of 25% of the amount of Ready Reckoner Rate, determined under the Maharashtra Stamp (Determination of True Market Value of Property) Rules 1995 of the open land of such building or fifteen percent of the built up area of sale component determined as per the Ready Reckoner Rate, whichever is higher the sale component means the built up area remaining after deducting rehab built up area from the permissible built up area admissible as per the relevant provisions of Development Control and Promotion Regulations-2034 for Greater Mumbai).

The tenants/occupants of your building vide letter dated **17/08/2023** has informed this office that, condition of the building is dangerous & requires redevelopment.

This office has inspected the building on **11/09/2023** & observed that the building is almost more than **86 years** old & is in dilapidated condition; hence beyond repairs and requires to be demolished & redeveloped.


Now, therefore in pursuance of the Provisions of the Section 79-A of the said amended Act, Notice is hereby given to you being the Owner/Landlord of the subjected cess building to submit the proposal for redevelopment along with Irrevocable Consents of 51% tenants/occupants to the Chief Officer/MBRRB within period of 06 months from the date of issue of this Notice.

If you fail to submit the proposal for redevelopment within stipulated time then MBRRB shall initiate further action as per the provisions of amended Section 79-A of MHAD Act 1976 & inform the tenants/occupants proposed co-operative Housing Society to submit the proposal for redevelopment to MBRRB.

Particulars of the Cess Building No. 92-92D, Sudam Bhavan, bearing Cess No. F-S-73 (1-2) situated at Dr.B.A. Road, Lalbaug, Mumbai- 400 012.

The date from which MBRRB intends: 06 months from the date of issue of Notice to initiate further action.

Yours Faithfully,


Executive Engineer
(F/South Div.)
M.B.R. & R. Board

Copy submitted to CO/MBRRB For information please.

Copy submitted to the Dy. Chief Engineer, (Zone-/MBRRB for information & further necessary action.

Copy to the Asst. Commissioner F-South Ward/MCGM for information.

Copy for pasting at the entrance of the building.


Executive Engineer F-South Div.)
M.B.R. & R. Board