

**MINUTES OF THE 13th MEETING OF THE MONITORING COMMITTEE
HELD ON 22/06/07 @ 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. Thiru. Shiv Das Meena, I.A.S.,
Managing Director, CMWSSB.
5. Tmt. R. Jaya, I.A.S.,
District Collector, Chennai.
6. Thiru. Bholanath, I.P.S.,
Director of Fire and Rescue Services.
7. Prof. Suresh Kuppuswamy,
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. Rajesh Lakhoni, I.A.S.,
Commissioner, Chennai Corporation.
3. Thiru. P.T. Krishnan,
(Architect)

AGENDA ITEM NO: 13.1 Confirmation of the Minutes of the 12th Meeting of the Monitoring Committee held on 08.06.2007.

Minutes Confirmed.

AGENDA ITEM NO: 13.2 Action taken report on the Minutes of the 12th Monitoring Committee Meeting.

Minutes Recorded.

AGENDA ITEM NO: 13.3 Review of action taken on 138 Commercial MSB's – Placed for information.

Minutes Recorded.

The MC appreciated the difficulties being faced by CMDA in verifying the various kinds of documentary evidences being furnished by the applicants. In many cases, documents like property tax receipts, metro water card and EB consumption card need to be verified with the help of these concerned departments. After discussions it was resolved that CMDA would furnish a list of such pending MSB cases to these departments and they in turn would furnish all the relevant records to CMDA within a week for examination.

AGENDA ITEM NO: 13.4 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 (except item nos. 13.4.5 and 13.4.7) 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 13.4.1

The Monitoring Committee, on going through the file resolved to accept that the BF+GF+8F+9th Floor (part) Commercial building at **Door No.10, Stringer Street, Park Town** had been completed before 28-2-1999. The orders passed by the Taxation Appeal Committee and the inauguration details were accepted as credible evidence. MC directed CMDA to take further action, subject to the conditions given in Item No.13.4.

Minutes 13.4.2

The Monitoring Committee, on going through the file resolved to accept that the BF+GF+MF+FF to 5th Floor + 6th Floor (part) Commercial building at **Door No.11, L.B.Road, Adyar, Chennai – 20**, had been completed before 28-2-1999. The property tax demand notices and receipts and the stage of the building at the time of CMDA's inspection on 2.7.99 were accepted as credible evidence. MC directed CMDA to take further action, subject to the conditions given in Item No.13.4.

Minutes 13.4.3

The Monitoring Committee, on going through the file resolved to accept that the BF+GF+7F Commercial building at **Door No.12-A, Nageswara Road, Nungambakkam, Chennai – 34**, had been completed before 28-2-1999. The G.O.(D) No.104, dated 19.2..97 issued by the Government was accepted as evidence. MC directed CMDA to take further action, subject to the conditions given in Item No.13.4.

Minutes 13.4.4

The Monitoring Committee, on going through the file resolved to accept that the GF+4F Commercial building at **Door No.C-41, 2nd Avenue, Anna Nagar, Chennai – 40,** had been completed before 28-2-1999. The stage of the building at the time of CMDA's inspection on 27.5.99, the temporary tax demand notice dated 28.9.99 and G.O.(D) No.306, dated 27.8.98 were accepted as evidence. MC directed CMDA to take further action, subject to the conditions given in Item No.13.4.

Minutes 13.4.5

As regards GF+4 Floors commercial building at **Door No.1, Brindavan Street, Mylapore, Chennai – 4,** the Monitoring Committee resolved that the applicant be called for by CMDA for personal hearing to bring conclusive evidences to take a decision by giving two weeks' time.

Minutes 13.4.6

The Monitoring Committee, on going through the file resolved to accept that the GF+4F + 5th Floor (part) commercial building for regularization at **Door No. 144, Govindappa Naicken St., Chennai – 78,** had been completed before 28-2-1999. The various notices issued from the Enforcement Cell since May, 1991 and the G.O.(D) No.107, H&UD, dated 19.2.97 were accepted as evidence. MC directed CMDA to take further action, subject to the conditions given in Item No.13.4. and removal of aerial encroachment.

Minutes 13.4.7

The Monitoring Committee, on going through the file resolved to consider the Reg. PPA of GF+4 Floors commercial (Office / Shop) building for regularization at

Door No. 102, L.B. Road, Adyar, Chennai - 20 subject to the condition that all the 16 flat owners should jointly sign and come up with credible evidences for regularization and after analysis of evidences the case may be placed before the Monitoring Committee for decision.

Minutes 13.4.8

The Monitoring Committee, on going through the file resolved to accept that the BF+GF+4 Floors commercial building at **Door No.37, Kavignar Bharathidasan Road, Teynampet, Chennai – 18**, had been completed before 28-2-1999. The stage at the time of CMDA's inspection on 30.9.99 and the property tax receipts were together taken as credible evidence. MC directed CMDA to take further action, subject to the conditions given in Item No.13.4.

Minutes 13.4.9

The Monitoring Committee, on going through the file resolved to accept that the BF+GF+3F + 4th floor (part) commercial building at **Door No.124, Nelson Manickam Road, Choolaimedu, Chennai - 94**, had been completed before 28-2-1999 based on the E.B.Service receipt and Water & Sewerage charges receipts. MC directed CMDA to take further action subject to the conditions given in Item No.13.4.

The MC also suggested that the words "vacant land" be substituted by the term "undivided share" in the 4th point of Parawar Remarks.

Minutes 13.4.10

The Monitoring Committee on going through the file resolved to accept that the GF+4F+5 floor (part) commercial building at **Door No.9/1, Kodambakkam**

High Road, Nungambakkam, Chennai – 34, had been completed before 28-2-1999 considering the property tax receipts and CMDA's inspection report dated 25.10.99 as evidence. MC also directed that the building should be treated as MSB only and further action taken subject to the conditions given in Item No.13.4.

Minutes 13.4.11

The Monitoring Committee, on going through the file resolved to accept that the BF+GF+4 Floors commercial building at **Plot No. 1652-G, Door No. Z-297, 2nd Avenue, Anna Nagar, Chennai – 40,** had been completed before 28-2-1999 based on the evidences produced such as Un-registered Rental Agreement Deed, Income-tax Assessment Form 16-A, and CMDA's Inspection Report. MC directed CMDA to take further action, subject to the conditions given in Item No.13.4.

AGENDA ITEM NO: 13.5

Fixing of Responsibilities for allowing un-authorised constructions – Details furnished.

Minutes

The Monitoring Committee suggested that instead of giving a list of officials who worked in Enforcement Cell, the details can be given in a note form stating whether the construction in question is totally unauthorized or in deviation to the approved plan; and actions taken / not taken by the CMDA / Corporation of Chennai / Local Bodies officials as per responsibility assigned to them. If action has not been taken as per responsibility, the reasons for the same may be brought out and in case of lapse on the part of the officials, responsibility may be fixed. Analysis on the above lines may be done and findings placed before

the Monitoring Committee.

The Committee noted that the Corporation of Chennai has not provided any report in this regard. Corporation of Chennai has already been requested to make a study in at least two zones and give report in the above said manner, but the same has not been put up. MC directed, Commissioner, Chennai Corporation to place his report in the ensuing meeting.

AGENDA ITEM NO: 13.6 Issues relating to Compliance Certificate – Subject placed before the Monitoring Committee for decision.

Minutes

The Monitoring Committee noted that there has been some reports of delay in the issue of Completion Certificate. It was clarified that in many cases the delay is on account of non-completion of the building. The Monitoring Committee reviewed the system of joint inspection followed in CMDA, under which the representatives of Corporation of Chennai, DF&RS, Police (Traffic) attend the Co-ordination Committee meeting and take up the joint inspections. For the cases outside city area DF&RS and Police (Traffic) are invited. However, as there are several local bodies involved, at present they are not invited for the Co-ordination Committee meetings and CMDA is writing to them separately for Compliance Certificate. Accordingly, they are issuing the Compliance Certificate without any joint inspection.

The Committee suggested that as far as the Chennai Corporation area is concerned, the existing system of Co-ordination Committee meeting and joint inspection with Corporation of Chennai and other departments as

mentioned above should continue. In rest of CMA, in case of Municipalities, Municipal Engineers may be invited and for other local bodies, which do not have qualified engineers, MC suggested to engage the services of an engineer from the following Panel of Engineers.

1. Dr A.Santhakumar
Dean, Faculty of Civil Engineering (Retd.)
Anna University
(Now working in IIT)
2. Dr Nagabooshna Rao
Director, Academic Courses (Retd.)
Anna University
Former Head, Dept. of Structural Engg.
3. Mr. Kumaresan
Retd. CE from TNHB or CE from PWD (Retd.)

Subject to acceptance by the individuals, one of the panel members will participate in the joint inspection and check the norms for Compliance and issue Compliance Certificate on behalf of the local bodies (other than municipalities). For the services rendered by the panel members, suitable remuneration may be fixed. The main objective of getting Compliance Certificate from the Local Body is to ascertain the structural stability of the building. As local bodies other than Corporation and Municipalities do not have qualified engineers with expertise to verify the structural stability certificate furnished by the builder from a certified engineer, the Compliance Certificate from them is not necessary; rather the structural stability certificate given may be verified by the above panel of engineers and that would be a substitute for Compliance Certificate from the Local Body.

The Monitoring Committee also resolved that report shall be submitted by all the departments / panel members within 3 days from the date of joint inspection to CMDA. If any rectification / modification is to be attended, a letter may be sent to the applicant giving 15 days' time.

Monitoring Committee also resolved that if MSB construction is as per the approved plan, Compliance Certificate from Traffic Police is not necessary. In case of changes from the approved plan in the car parking arrangements only, Compliance Certificate from Traffic Police may be insisted for Multi-storeyed buildings.

It was also decided that the list of applications received for Compliance Certificate (CC) and so far issued may be hosted in the Website of CMDA. The same may be updated periodically.

AGENDA ITEM NO: 13.7

Regularisation Schemes – Sending of Rejection letters – Orders passed on the Writ Petition filed against refusal order of CMDA – Action to be taken.

Minutes

The MC observed that the rejection letters may be continued to be sent and pointed out that first all the applications of Reg. 2002 Scheme be completed and then the Reg. 2001 & 2000 Schemes be taken up.

AGENDA ITEM NO: 13.8

CMDA – Regularisation Scheme – Erring Builders – Planning Permission Application cases – List placed before the Monitoring Committee – For suitable decision.

Minutes

The Monitoring Committee noted that the list given is not exhaustive and more builders need to be listed out. The MC also took note of several complex issues involved in identifying the actual builder in order to fix responsibility.

The Monitoring Committee observed that the erring builders may be the builders, who have applied and those who have not applied under regularization scheme. For the methodology to be applied for identifying the erring builders, all the Commercial special and MSB constructions applied under Reg. Scheme may be taken up first for analysis. Even if the building is considered for regularization under Reg. Scheme, the builders / GPA can be considered for penalty. Penalty to be imposed on the erring builders will be discussed in subsequent meetings.

General

1. The Monitoring Committee directed the Commissioner, Chennai Corporation to submit report on the survey of commercial buildings in T.Nagar area in the ensuing MC meeting without fail, as the same has already been delayed.
2. The next 14th M.C. special meeting will be held on 29.6.07 @ 3 p.m. to discuss Draft Second Master Plan and the 15th M.C. will meet on 6.7.07 @ 3 p.m.