

**MINUTES OF THE 31ST MEETING OF THE MONITORING COMMITTEE
HELD ON 02.05.2008 @ 3.30 P.M. IN THE CONFERENCE HALL OF CMDA**

MEMBERS PRESENT:

1. Thiru T.R. Srinivasan, I.A.S.,
Vice-Chairman, CMDA
2. Thiru. S. Machendranathan, I.A.S.,
Chairman, TNEB.
3. Thiru. Rajesh Lakhoni, I.A.S.,
Commissioner, Chennai Corporation.
4. Dr. K.R. Shyamsundar, I.P.S.,
Director of Fire and Rescue Services.
5. Thiru. M.G. Devasahayam, I.A.S., (Retd.)
6. Prof. Suresh Kuppuswamy,
School of Architecture and Planning, Anna University.
7. Dr. A. Srivathsan,
Architect and Urban Planner
8. Thiru. Durganand Balsaver,
Architect and Urban Planner
9. Thiru T.Anbalagan,
District Collector I/C & DRO, Chennai

Leave of absence:

1. Thiru. Shiv Das Meena, I.A.S.,
Managing Director, CMWSSB.
2. Thiru. Louis Menezes, I.A.S., (Retd.)
3. Thiru. P.T. Krishnan,
(Architect)

Before taking up the Agenda Items listed, the Monitoring Committee discussed on the recent Hon'ble High Court order dated 30.4.2008 in W.P.No.10866 of 2008 filed by one Thiru Komariah (Reg. Applicant) and directed to obtain legal opinion from Advocate General, Government of Tamilnadu with specific reference to the Hon'ble Supreme Court interim order dated 14.12.2007 and place it before the next Monitoring Committee meeting. Thereafter, the agenda items were taken up for discussions.

AGENDA ITEM NO: 31.1 Confirmation of the minutes of the 30th meeting of the Monitoring Committee.

Minutes Confirmed.

AGENDA ITEM NO: 31.2 Action taken on the Minutes of the 30th Meeting of the Monitoring Committee.

Minutes Recorded.

AGENDA ITEM NO.31.3 Multi-Storeyed and Special Buildings – Court Cases – Response received from the applicants – Analysis of evidences – Placed for decision

AGENDA ITEM NO. 31.3.1 CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of BF + GF + 4 Floors Commercial-cum-Residential building at Door No.18/4, Muttukadu Road (New Mahabalipuram Main road), Thiruvannamiyur, Chennai-41 in S.No.205/4A, 5A & 10 of Thiruvannamiyur Village – Placed before the Monitoring Committee – Reg.

Minutes Deferred.

AGENDA ITEM NO. 31.3.2 CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of Office-cum-Lodge building BF + GF + 4F + 5F (Part) Commercial building at Door No.11, Sarangapani Street in S.No.6921/2, Block No.108-B, T.Nagar, Chennai – 17 – Evidences examined and placed before the Monitoring Committee – Reg.

Minutes Deferred.

AGENDA ITEM NO. 31.3.3 CMDA – Reg. Unit – Reg. MSB Dn. – Regularisation of GF + 3 Floors Commercial-cum-Residential building at Door No.92, Pedariyar Koil Street in R.S.No.1903/2, Block No.17 of V.O.C.Nagar, Chennai – Placed before the Monitoring Committee – Reg.

Minutes Deferred.

AGENDA ITEM NO. 31.3.4 CMDA – Reg. Unit – Regularisation of unauthorized / deviated construction of GF + 4 Floors- MSB Commercial building at Door No.22, Vallaba Agraharam Street, Triplicane, Chennai-5 – Subject placed before the Monitoring Committee – Reg.

Minutes Deferred.

AGENDA ITEM NO. 31.3.5 CMDA – Reg. Unit – Reg.III Dn. – Special buildings Commercial – Regularisation of GF + 3 Floors + 4th Floor (Part) (Lodging) building at Door No.284, Pycrofts Road in R.S.No.2659 of Triplicane Village, Chennai-5 – Available evidences examined and placed before the Monitoring Committee – Reg.

Minutes Deferred.

AGENDA ITEM NO. 31.3.6 CMDA – Regularisation Unit – Reg.I Dn. – Regularisation of deviated / unauthorised construction of GF + 2Floor commercial cum residential building at Door No. 7, South Usman Road, T.Nagar, T.S. No.8994, Block No.130 of Mambalam – Guindy Taluk, T.Nagar, Chennai – 17 – Court case – Subject placed before Monitoring Committee – Reg.

Minutes Deferred.

AGENDA ITEM NO. 31.3.7 CMDA – Regularisation Unit – Reg.I Dn. – Regularisation of unauthorized / deviated construction of GF + 2F Residential building Door No.71, Subramaniya Swamy Koil Street, Saidapet, Chennai –15 in T.S. No. 63 Block No.5 of Saidapet Village, Chennai – Subject placed before the Monitoring Committee – Reg.

Minutes Deferred.

AGENDA ITEM NO. 31.3.8 CMDA – Reg. Unit – Reg.II Dn. – Special Building – Regularisation of GF + 2 Floors Commercial building at Door No.1108, Poonamallee High Road, Periamet, Chennai-3 – Writ Petition filed in High Court – Applicant's representation to the Chairman, Monitoring Committee – Examined and placed before the Monitoring Committee – Reg.

Minutes Deferred.

AGENDA ITEM NO. 31.3.9 CMDA – Reg. Unit – Regularisation Scheme – Regularisation of GF + 3 Floors Residential-cum-Commercial building at Plot No.671, East Main Road, Anna Nagar West, Chennai-101 in S.No.144/1Pt. of Villivakkam Village under Reg. 2002 Scheme – Appeal to Govt. – Placed before the Monitoring Committee – Reg.

Minutes	Deferred.
AGENDA ITEM NO. 31.4	Special Buildings (Commercial and Residential) – Response received from the applicants – Analysis of evidences - Placed for decision – Reg.
Minutes 31.4.1 (Deferred Item No.30.4.4)	CMDA – Reg. Unit – Reg. Dvn-I – Regularisation of unauthorized / deviated construction of BF + GF+ 3 Floor Commercial Building at Door No.78 Anna Salai, Guindy, Chennai – 32 T.S.No.6/1, Block No. 5 of Adyar Village – Particulars not received – Placed before the Monitoring Committee – Reg.
Minutes	Deferred.
Minutes 31.4.2 (Deferred Item No.30.4.5)	CMDA – Reg. Unit – Reg. Dvn-I – Regularisation of unauthorized / deviated construction of BF + GF+ 2 F Commercial Building at Door No.4.A B.S.R. Janus, Tank Bund Road, Nungambakkam, Chennai – 34 in S.No.563/98, Block No.33 of Nungambakkam Village – Particulars Examined – Placed before the Monitoring Committee – Reg.
Minutes	Deferred.
Minutes 31.4.3 (Deferred Item No.30.4.6)	CMDA – Reg. Unit – Reg. Dvn-I – Regularisation of unauthorized / deviated construction of BF + GF+ 2 F Commercial Building at Door No.73, Ranganathan Street T.Nagar, Chennai – 17 in R. S.No.5553/1 part, Block No.127 of T.Nagar Village – Particulars examined – Placed before the Monitoring Committee – Reg.
Minutes	Deferred.
Minutes 31.4.4 (Deferred Item No.30.4.7)	CMDA – Regularisation Unit – Reg. Dvn-I – Regularisation of unauthorized / deviated construction of GF+3 rd Floor Commercial Building at Shed No.7, SIDCO Industrial Estate, Guindy, Chennai – 32 in T.S. No.8/4, Block No.6 (Part) Adyar Village - Evidence to prove the building is completed on or before 28.02.1999 – Evidences not furnished Available particulars examined – Subject placed before the Monitoring Committee – Reg.
Minutes	Deferred.
Minutes 31.4.5 (Deferred Item No.30.4.8)	CMDA – Reg. Unit – Reg. Dvn-I – Regularisation of unauthorized /deviated construction of GF+ 2 F Commercial Building at Plot No.PC.50, Razak Garden Street, MMDA Colony, Chennai – 106 in T. S.No.106/2 part Block No.21 of

Arumbakkam Village – Available particulars examined – Subject placed before the Monitoring Committee – Reg.

Minutes

Deferred.

**Minutes 31.4.6
(Deferred Item
No.30.4.9)**

CMDA – Reg. Unit – Reg. Dvn-III – Regularisation of unauthorized /deviated construction of BF + GF + 3 Floors of Commercial Building at Door No.2, Anna Salai, Chennai-2 in R.S.No.911, Block No.1 of Triplicane Village – Additional particulars received – Placed before the Monitoring Committee – Reg.

Minutes

Deferred.

**Minutes 31.4.7
(Deferred Item
No.30.4.10)**

CMDA – Reg. Unit – Reg. Dvn-III – Regularisation of unauthorized /deviated construction of GF + 2 Floors + 3rd Floor (Part) Commercial Building at door No.12, Ramasamy Street, West Tambaram, Chennai-45 – Particulars examined and placed before the Monitoring Committee – Reg.

Minutes

Deferred.

**AGENDA ITEM
NO: 31.5**

CMDA – Enforcement Cell – Completion Certificate for obtaining service connections – Progress Report and the age-wise pendency statement for Completion Certificate Applications – Placed before the Monitoring Committee - For information.

Minutes

- a. The Monitoring Committee perused the Progress and Status Report of the pending Completion Certificate Applications.
- b. Thiru M.G.Devasahayam, IAS (Rtd.) had earlier sent an e-mail dated 1.5.2008 relating to processing of Completion Certificate (copy enclosed), which was taken up for discussion and the following decisions were taken: -
 - i) Regarding the referral of files for clarification on the proposed Metro Rail, Elevated Freight Corridor, Elevated Busway etc., can be done at Planning Permission approval stage and not at the time of issue of Completion Certificate stage. At the time of Completion Certificate, verification of the site under reference whether it is affected by the proposed Metro Rail, Elevated Freight Corridor, Elevated

Busway etc., can be dispensed with. Even if any of the proposed alignment of the Metro Rail, Elevated Freight Corridor, Elevated Busway etc., passes through the site under reference, CMDA shall not deny Completion Certificate if the construction satisfies approved plan and CC norms.

- ii) Already Monitoring Committee has decided that Electricity Board and CMWSSB shall accept the applications for Service Connections well in advance without insisting for completion of the building. This was recommended with a view to avoid delay due to the time taken for processing the applications. But service connections can be effected only after obtaining CC for Special, Public and Multi-storeyed buildings as the case may be. The same is reiterated.
- iii) Airport Authority of India in their letter No.AAI/SR/MMDA/AR dated 02.04.2008 informed that there is no procedure for issuance of Compliance Certificate by AAI. On the other hand, it is the Localbodies, which have to issue the Compliance Certificate stating that the height restrictions imposed in the NOC issued by AAI are met. However, since the Planning Permit issued by CMDA taking into consideration of the height restrictions imposed in the NOC issued by AAI and the same is verified by CMDA after inspection, AAI has no objection for issuance of CC by CMDA/Localbodies. In this regard, the Monitoring Committee decided that AAI may be addressed to confirm whether the height restrictions imposed by AAI alone is to be considered for issuance of Completion Certificate for all MSB cases by CMDA /Localbodies.
- iv) The present system of acceptance of CC applications in CMDA may be continued by adopting the existing guidelines for completion of buildings.

- v) The FSI Tolerance limit and the allowance in setback reduction already extended for issuance of Completion Certificate may be continued.
- vi) Compliance Certificate from DF&RS cannot be dispensed with for MSBs for obtaining Completion Certificate.

**AGENDA ITEM
NO: 31.6**

CMDA – Enforcement Cell - Erring Builders – Subject placed before the Monitoring Committee for suitable decision.

Minutes

A further study can be made for identifying more erring builders from the Regularisation Applications of 1999, 2000, 2001 and 2002 Special and MSBs. This list should be analyzed to identify builders, whose name figures 3 or more times in the list. A close watch should be kept on the projects currently undertaken by the builders in this short list. Penalty to be levied on Erring Builders may be suggested to the Monitoring Committee.

**AGENDA ITEM
NO: 31.7**

CMDA – Enforcement Cell – List of service connections given by TNEB / CMWSSB based on High Court orders – List collected – Placed before the Monitoring Committee for information.

Minutes

Recorded.

**AGENDA ITEM
NO: 31.8**

CMDA – Enforcement Cell – Status of Enforcement action taken on the MSB Buildings constructed after 27.07.2007 by CMDA and Corporation of Chennai – Placed before the Monitoring Committee – For information.

Minutes

The Monitoring Committee is of the opinion that the Demolition of unauthorised constructions made after 27.07.2007 may be taken up. Further, at the time of issue of Stop Work Notice by inspection, the setback measurements and the number of floors to be recorded atleast in future for all buildings during the inspection.

AGENDA ITEM NO: 31.9 CMDA – Enforcement Cell – Officials responsible for unauthorised constructions – Subject placed before the Monitoring Committee for information.

Minutes The Monitoring Committee is of the considered opinion that the official's responsibility may be fixed based on whether a Demolition Notice is not issued by the official on the unauthorised constructions, after issue of Stop Work Notice.

AGENDA ITEM NO: 31.10 CMDA – Enforcement Cell – Tamilnadu Ordinance No.1/2007 – Buildings constructed before 27.07.2007 – Legal opinion to be obtained - Subject Placed before the Monitoring Committee - For information.

Minutes The Monitoring Committee took note of the legal opinion furnished by the Additional Advocate General and decided to act accordingly.

AGENDA ITEM NO: 31.11 CMDA – Enforcement Cell - Survey Report – Kodambakkam Area – Status report for information.

Minutes On receipt of detailed Survey Report from Corporation of Chennai, the report will be placed before the Monitoring Committee.

AGENDA ITEM NO: 31.12 CMDA – APU – Planning Permission for GF+FF – Engineering College at S.No.17/2A of Madavilagam Village and S.No.117/2, 121 to 126, 128/1, 2, 129, 130, 131, 133 to 137, 139 to 142, 146 to 151, 153, 155, 160 to 164 and 167 of Udayavar Koil Village – Placed before the Monitoring Committee for a decision.

Minutes Withdrawn.

GENERAL i) The Monitoring Committee has filed action taken report before the Hon'ble High Court stating that CMDA is basically a planning body and is not configured to perform the enforcement functions, it has been charged with. Urban Local Bodies within Chennai Metropolitan Area lack technical expertise to monitor and enforce building rules and regulations. Combination of this is the cause of the

present condition. What is required is major governance reforms to reconfigure and streamline the institutional mechanism and redefine the duties, responsibilities and functions of CMDA, Chennai Corporation and Urban Local Bodies in Chennai Metropolitan Area. The Monitoring Committee insisted that major governance reforms in this regard should be taken up with Govt. and exact roles of the individual organizations should be decided and also the need for an independent enforcement agency should be examined.

- ii) The Monitoring Committee wanted a report on the delay in the disposal of planning permission applications in the past 18 months. The reasons for pendency may be analyzed and informed to the Monitoring Committee.
- iii) At the time of admitting applications for planning permission, the details of owner, power of attorney, builder and architect to be obtained.

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MGD

From: "MGD" <mgd@airtelmail.in>
To: <vccmda@vsnl.net>; <vccmda@vsnl.com>; <mscmda@vsnl.com>
Cc: "menezes" <louis_menezes@hotmail.com>; <sureshk@annauniv.edu>; <artesindia@gmail.com>;
<ansri@vsnl.com>
Sent: Thursday, May 01, 2008 8:45 AM
Attach: CMDA Completion Certificate.doc
Subject: IMPLEMENTATION OF CC PROCESS

Dear Mr. Srinivasan,

Attached herewith is a note based on representations received by me on the implementation of the CC procedure decided upon by the Monitoring Committee.

I would like this to be discussed at tomorrow's meeting. Will CMDA be kind enough to furnish item wise comments and the factual position?

Regards,

M.G.Devasahayam

5/2/2008

Problems Encountered In Getting Completion Certificates From CMDA

Genuine Builders who follow law seems to be the worst affected after the introduction of the new procedures and guidelines presently being adopted by CMDA for issue of Completion certificates. Contrary to the intentions behind the High Court order the ground realities are that rule followers are put to lot of hardship while violations and continue merrily. Listed are some of the major issues for your consideration:

1. CMDA is referring CC application files to various other divisions in CMDA to clarify if the proposed Metro Rail, Elevated Freight Corridor, Elevated Bus, etc affect the building seeking CC. This results in enormous time delay. It may be justified to refer new bldg proposals for such clearances. How such referrals are justified at CC stage? For what fault is the builder made to suffer such delays? Even if Metro Rail passes thro' the site under reference can CMDA deny CC on that count?
2. Though the Monitoring Committee & CMDA assured the Builders that applications for service connections will be entertained and processed by TNEB & Metrowater and CC will be insisted only before effecting connection. While TNEB is honouring this Metrowater is bluntly refusing to even accept the application without receipt of CC, that too, receipt of their copy of CC directly from CMDA. All these rigid stands by Metrowater only lead to avoidable delay.
3. More recently Airport Authority of India has refused to issue compliance certificate saying it is not their job to issue such certificates. They have even issued a letter to this effect in a builder's case recently. As a result CMDA is not issuing any CC even though Police, Fire and Corporation of Chennai have issued compliance certificate. How long should one wait to get this tangle resolved & get his CC?
4. If issue of CC is going to take a long time why not CMDA admit CC applications early as soon as the structure is completed and brick work done without insisting on Plastering, Paving blocks, Compound wall, etc, etc, In case of commercial buildings CMDA insists on almost entire work to be completed. All this results in legally completed buildings not being able to be put into use. The builder faces severe pressure from lessees, buyers of floor space, as the rentals are very high these days.
5. Even the Madras High Court has, in their Judgment have asked CMDA to be strict with buildings of violators (meaning whose bldgs have in the past been found to be grossly in violation or whose regularization cases have been rejected as non regularisable), but CMDA saying they cannot differentiate between good and bad builders treat all equally badly.
6. Even though Monitoring Committee & CMDA guidelines are allowing reasonable tolerance limits for CC, these are very strangulating due to improper and rigid interpretations. For example:
a. FSI allowance of .03 for non MSB and .015 for MSB: When measuring buildings CMDA includes the outer plastering, cladding, paneling and interprets the building size as more than the approved plan by a few inches. Though building size variation of up to 1 ft is allowed, the CMDA measurement increases the built-up area and the FSI even though the building is built exactly as per the approved plan. See the following case:
 - Approved Building dimension- 24 X80
 - Built-up area per floor- 1920 sq ft
 - Actual bldg. size 24X80;
 - Plaster thickness outside 2"

- CMDA measurement 24'4" X 80'4".
- Built-up area as per CMDA 1954 sft
- Wall cladding / paneling 4"
- CMDA measurement 24'8" X 80'8"
- Built-up area becomes 1990 sft

If there are 4 floors total built-up area becomes 7960 sft instead of 7680 showing an excess area of 280 sft in 7680 meaning an FSI of 1.55, which is not eligible for CC. This is the punishment a builder can get for building exactly as per approved plan. Imagine his plight if it is a multistoried building where it gets even more exaggerated while CC norms allow ironically a lesser margin!

Consider this:

If the above Bldg has 10 floors measured built up area becomes 19900 sft against appd and actually built size of 19200 an excess of 700 sft showing an FSI of 2.59 as against approved 2.5 and allowable 2.52. Even if the bldg is plaster finished with 2" plaster the built-up area is measured as 19540 showing an FSI of 2.544, which is also not eligible for CC.

In fact in these cases if you also measure the actual carpet area of the buildg, it is going to be less than shown in the approved plan!!!

b. Similar is the case with allowable margin of 0.3m in setback spaces. Though without question it is a substantial allowance in reality it can very badly go against law-abiding builders especially in odd shaped plots. The set back in such plots will vary along the length of the bldg. and at some points it may be short by more than 0.3 m. But may be more at other points by larger than 0.3m. As long as the buildg size (dimensions) has not exceeded the permissible this variation shall be condonable subject however to allowable tolerances of Snorkel and Driveway requirement

7. What then needs to be done?

1. No need to refer for clearances from Metro Rail, Elevated bus or freight roads etc at CC stage.
2. Metrowater Board may also be persuaded to accept and process connection applications upto the stage of actual connection pending CC.
3. CC applications may be accepted and processed by CMDA upon completion of structure and brickwork as no major violations can be made thereafter (which in any case if detected later can lead to enforcement action)
4. Plastering, cladding thickness etc. should not be taken into account while assessing building size.
5. Inform Airport Authorities that if no objection is recd. from them within 15 days of CMDA's reference it will be deemed to be in order and CC will be issued.
6. Similar procedure can be adopted even in the case of Corporation, Police and fire which will help the builder who is now running pillar to post as also save a lot of time.
7. Dispense with Fire Compliance Certificate as at this stage it is not possible to put in place all equipments for fire fighting and more importantly there is need to take fire clearance separately after completion of the building before using any MSB!