



**Mumbai Building Repair &
Reconstruction Board**
(Unit of MHADA)
Executive Engineer, E-2 Division
M.B.R. & R. Board. Ground floor, Bldg.
No.34, Abhyudayanagar, Mumbai - 400 033.

R.P.A.D.

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

No. Ex.Eng./E-2 Div//13900/2023
E-2 Division / M.B.R.&R. Board. Ground
floor, Bldg. No.34, Abhyudayanagar
Mumbai - 400 033
Date :- 29/12/23

To,
M/s. Trustees of Fatmabai Binte
Nakhoda Mohmed
94/98, Kazi Street,
Mumbai-400 003.

**Sub :- Dangerous condition of Bldg. No. 29-31 bearing Cess
No. E-4428 (3), situated at Maulana Azad Road**

Ref.: 1. Maharashtra Act No.XLVIII of 2022 dated 02.12.2022.
2. This office has inspected the building on Date 04/12/2023.

Sir,

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 on 02.12.2022 after having received the assent of the Hon. President of India.

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:-

- 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.
- 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

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 (b) and (c) 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*).

This office has inspected the building on Date 04/12/2023. & observed that the building is more than 80 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 failed 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. : Bldg. No. **29-31** bearing
Cess No. **E-4428 (3)**,
situated at **Maulana Azad Road**

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

Yours Faithfully,

sd/-
Executive Engineer, (E-2) Divn.
M.B.R.& R. Board, Mumbai.

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

Copy to the **Asst. Commissioner E Ward/MCGM** for information.

Yours Faithfully,

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Executive Engineer, (E-2) Divn.
M.B.R.& R. Board, Mumbai.