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**ADARSH CO-OPERATIVE HOUSING  
SOCIETY, MUMBAI**

**MINISTRY OF DEFENCE**

**PUBLIC ACCOUNTS  
COMMITTEE 2013-2014**

**NINETY-FIRST REPORT**

**FIFTEENTH LOK SABHA**



**LOK SABHA SECRETARIAT  
NEW DELHI**

NINETY-FIRST REPORT  
PUBLIC ACCOUNTS COMMITTEE  
(2013-2014)

(FIFTEENTH LOK SABHA)

ADARSH CO-OPERATIVE  
HOUSING SOCIETY,  
MUMBAI

MINISTRY OF DEFENCE

*Presented to Lok Sabha on 9 December, 2013  
Laid in Rajya Sabha on 9 December, 2013*



LOK SABHA SECRETARIAT  
NEW DELHI

*December, 2013/Agrahayana, 1935 (Saka)*

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COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE

(2013-2014)

Dr. Murli Manohar Joshi — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Anandrao Adsul
3. Dr. Baliram
4. Shri Ramen Deka
5. Shri Sandeep Dikshit
6. Dr. M. Thambidurai
7. Shri T.K.S. Elangovan
8. Shri Jayaprakash Hegde
9. Dr. Sanjay Jaiswal
10. Shri Bhartruhari Mahtab
11. Shri Abhijit Mukherjee
12. Shri Sanjay Brijkishorlal Nirupam
13. Shri Ashok Tanwar
- †14. Shri Ajay Maken
15. Shri Dharmendra Yadav

*Rajya Sabha*

16. Shri Prasanta Chatterjee
17. Shri Prakash Javadekar
- ‡18. Shri Ashwani Kumar
19. Shri Satish Chandra Misra
- §20. Dr. V. Maitreyan
21. Shri N.K. Singh
22. Smt. Ambika Soni

SECRETARIAT

1. Shri Devender Singh — *Joint Secretary*
2. Shri Abhijit Kumar — *Director*
3. Smt. A. Jyothirmayi — *Deputy Secretary*

† Elected *w.e.f.* 14th August, 2013 *vice* Dr. Girija Vyas appointed as Minister of Housing, Urban Development & Poverty Alleviation *w.e.f.* 17th June, 2013.

‡ Elected *w.e.f.* 3rd September, 2013 *vice* Dr. V. Maitreyan ceased to be a Member upon his retirement as a Member of Rajya Sabha *w.e.f.* 24th July, 2013.

§ Elected *w.e.f.* 3rd September, 2013 *vice* Dr. E.M. Sudarsana Natchiappan appointed as Minister of State for Commerce and Industry *w.e.f.* 17th June, 2013.

COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE  
(2012-2013)

Dr. Murli Manohar Joshi — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Anandrao Vithoba Adsul
3. Dr. Baliram
4. Shri Sandeep Dikshit
5. Dr. M. Thambidurai
6. Shri T.K.S. Elangovan
7. Shri Anant Kumar Hegde
8. Shri Bhartruhari Mahtab
9. Shri Sanjay Nirupam
10. Shri Shripad Yesso Naik
- \*\*11. Shri Abhijit Mukherjee
12. Shri Ashok Tanwar
- ††13. Shri Takam Sanjoy
14. Dr. Girija Vyas
15. Shri Dharmendra Yadav

*Rajya Sabha*

16. Shri Prasanta Chatterjee
17. Shri Prakash Javadekar
18. Shri Satish Chandra Misra
19. Shri Sukhendu Sekhar Roy
20. Shri J.D. Seelam
21. Shri N.K. Singh
22. Prof. Saif-ud-Din Soz

SECRETARIAT

1. Shri Devender Singh — *Joint Secretary*
2. Shri Abhijit Kumar — *Director*
3. Smt. A. Jyothirmayi — *Deputy Secretary*

---

\*\* Elected *w.e.f.* 6th December, 2012 *vice* Shri Sarvey Sathyanarayana appointed as Minister on 28th October, 2012.

†† Elected *w.e.f.* 6th December, 2012 *vice* Dr. Shashi Tharoor appointed as Minister on 28th October, 2012.

COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE  
(2011-2012)

Dr. Murli Manohar Joshi — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Anandrao Vithoba Adsul
3. Dr. Baliram
4. Shri Sandeep Dikshit
5. Shri Anant Kumar Hegde
6. Shri Bhartruhari Mahtab
7. Shri Shripad Yesso Naik
8. Shri Sanjay Nirupam
9. Shri Jagdambika Pal
10. Dr. Kavuru Sambasiva Rao
11. Shri Adhi Sankar
12. Kunwar Rewati Raman Singh
13. Shri K. Sudhakaran
14. Dr. M. Thambidurai
15. Dr. Girija Vyas

*Rajya Sabha*

16. Shri Tariq Anwar
17. Shri Prasanta Chatterjee
18. Shri Naresh Gujral
19. Shri Prakash Javadekar
20. Shri Satish Chandra Misra
- \*21. Shri J.D. Seelam
22. Prof. Saif-ud-Din Soz

SECRETARIAT

1. Shri Devender Singh — *Joint Secretary*
2. Shri Abhijit Kumar — *Director*
3. Smt. A. Jyothirmayi — *Deputy Secretary*

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\* Elected *w.e.f.* 29th August, 2011 *vide* the vacancy occurred *vice* Smt. Jayanti Natarajan appointed Minister *w.e.f.* 12th July, 2011.



## INTRODUCTION

I, the Chairman, Public Accounts Committee (2013-14), having been authorised by the Committee, do present this Ninety-first Report (Fifteenth Lok Sabha) on '**Adarsh Co-operative Housing Society, Mumbai**' based on C&AG Report No. 11 of 2011-12, Union Government (Defence Services) relating to the Ministry of Defence.

2. The Report of Comptroller and Auditor General of India was laid on the Table of the House on 9th August, 2011.

3. The Committee took evidence of the representatives of the Ministry of Defence and Ministry of Environment & Forests on the subject at their sitting held on 10th October, 2011. The Government of Maharashtra through Ministry of Defence took the plea that a Commission of Enquiry had been ordered to look into the matter including the title of the land allotted to Adarsh Co-operative Housing Society. The CBI was handed over the matter for thorough investigation including allegations of Benami Transaction/Benami holding of flats in the Adarsh Society. The order of Ministry of Environment and Forests to demolish the land is rendered *sub-judice* with the ACHS challenging the order in the High Court of Bombay. The Committee considered and adopted this Report at their sitting held on 17th October, 2013. Minutes of the Sittings form Appendices I & II of the Report.

4. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in thick type in the body of the Report.

5. The Committee would like to express their thanks to the representatives of the Ministry of Defence and the Ministry of Environment & Forests for tendering evidence before them and furnishing the requisite information to the Committee in connection with the examination of the subject.

6. The Committee place on record their appreciation of the assistance rendered to them in the matter by the office of the Comptroller and Auditor General of India.

NEW DELHI;  
04 November, 2013  
13 Kartika, 1935 (Saka)

DR. MURLIMANO HAR JOSHI  
Chairman,  
Public Accounts Committee.

## REPORT

### PART I

#### I. INTRODUCTORY

As per the agreement in 1958, between the Ministry of Defence (MoD) and the then Government of Bombay, 41 Acres and 8 Guntas of Defence Land from Santacruz Rifle Range was transferred to the Government of Bombay for construction of Western Express Highway, on the condition that the State Government *in lieu* shall give land, in Block VI, Colaba, Bombay, failing which the State Government shall pay the market value of the land. A piece of land measuring approx. 3837.57 sq. meters in Block VI, Colaba was part of the land which was under consideration for exchange with the State Government *in lieu* of the aforesaid Santacruz land. This piece of land (which was later transferred by the State Government to the Adarsh Cooperative Housing Society) had been under occupation of the Army. The land in Block VI, Colaba was not transferred in favour of MoD. The claim for payment *in lieu* of Defence Land already transferred to the State Government was also not finalized.

2. The old records indicated that some Defence properties were constructed way back in 1940-41. A wall was constructed by Military Engineering Service (MES) around the plot. This plot of land had been converted into “Kukri Park” and was inaugurated by Maj. General B.A. Cariappa, General Officer Commanding (GOC), Mumbai Area on 27.10.1996.

3. In February 2000, Shri Ramchandra Sonelal Thakur, a serving Sub-Divisional Officer in the Defence Estates Office (DEO), Mumbai in his capacity as Chief Promoter of Adarsh Co-operative Housing Society had addressed a letter to the then Chief Minister of Maharashtra for allotment of 38542 square metres of land in Block No. VI of Back Bay Reclamation Scheme (BBR), Colaba, Mumbai for construction of residential building for the welfare of serving and retired personnel of Defence Services. It was found that the Chief Minister had recorded on the letter on 19 February, 2000 as:—

“Pr. Sec. (Rev.) Pl. call for the proposal and put up. Sd.”.

4. Audit undertook a review of the performance of the Defence Estates Management during the period from June 2009 to September 2010. It was during the course of this audit, the case of issue of ‘No Objection Certificate’ (NOC) in favour of Adarsh Co-operative Housing Society was noticed. The Audit scrutiny of management of Defence land indicated dismal performance on all aspects of land management. Apart from poor record keeping, lack of mutation of the land already in possession of the Armed Forces contributed to the mismanagement of Defence land. Many cases were noticed, where, though the land was in possession of the Armed Forces for long, adequate efforts had not been made to get such land mutated in favour of the Ministry of Defence. There was rampant encroachment on Defence land. Multiplicity of agencies

managing Defence land had further contributed to the mismanagement. The lines of responsibility and consequently of accountability were blurred and on many aspects of land management, no agency accepted responsibility. Audit had further pointed out that questionable decisions were taken by various Departments and Agencies of the Government of Maharashtra. Thus, Audit had expanded its examination to cover the concerned Departments and Agencies of the Government of Maharashtra dealing with the issue. In most cases it was found that decisions that were taken resulted in undue favour to the Society. Many of the officials who were involved in such decisions were direct beneficiaries. Either they or their relations already were or later became members of the Society.

5. Audit pointed out that the stand taken by the Local Military Authorities (LMA) was contrary to the facts, thereby allowing the select few—the members of the Society—to get the piece of prime land which was in possession of the Army for decades though it was not formally transferred and mutated to the Ministry of Defence. It allowed in October 2004 the transfer of the plot of land measuring 3824.43 square metres in Colaba, to the Society for ₹ 10.19 crore in the name of welfare of servicemen, ex-servicemen and their widows.

6. Audit further found that in various correspondence from the Society, the Defence Authorities and Government of Maharashtra at different points of time had stated that the prime reason for allotment of the land was for welfare of service personnel and ex-servicemen. The grounds used for seeking relaxations in favour of the Society at different points of time were “Girls” hostel for wards of army officers posted in far flung areas”, “welfare of Kargil war heroes”, “welfare of widows of servicemen”, “welfare of soldiers who have served their motherland”.

7. The chronology of the events (**Annexure – I**) indicates the alacrity with which the varied requests of the Society were attended to. It also illustrates how permissions were sought, and granted, on grounds which did not stand to public scrutiny. It was also indicative of how vague clearances, susceptible to multiple interpretations, were provided so as to facilitate the rather dubious intentions of the members and promoters of the Society. The complicity, as was evident from the Audit scrutiny, was from the organs of the State Government, the Armed forces, the Central Government as well as Local Bodies.

8. The Committee selected the Subject with the above backdrop for detailed examination and report. In the process, the Committee obtained background notes and written replies from the Ministries of Defence and Environment and Forests. The Committee took oral evidence of the Ministries and obtained post-evidence clarifications too. Despite several requests/reminders, the State Government of Maharashtra did not come out with their responses to the questionnaire sent to them. Based on the written and oral submissions, the Committee examined the subject in detail as discussed in the succeeding paragraphs.

## II. DENIAL OF RECORDS TO AUDIT

9. Audit sought to examine records relating to the case in April-May 2010. However, the related records were denied to them by the Headquarters Maharashtra,

Gujarat and Goa Area, Mumbai (HQ MG&G) and Headquarters Southern Command, Pune. Subsequently, access to the records at HQ MG&G Area was given during September - October 2010.

10. When the Committee sought to know the reasons for Audit not being given access to the records at HQ MG&G Area, Mumbai in April-May, 2010, the Army Head Quarter (AHQ) submitted as under:—

“Access was not denied to the audit authorities for records related to NOC in favour of Adarsh Housing Society, Mumbai. The requirement of audit related to Adarsh, Sukna and Agra was received by QMG Branch *vide* Dir. Gen. Audit, Defence Service DO letter No. 56/ECPA/012009-10/PA-DLM dated 07 June 2010. The audit authorities were requested by QMG Branch *vide* DO letter No. B/89915/Audit Obj/Plg(Lands) dated 30 June 2010 to intimate dates and stations so as to enable it to coordinate the same with the concerned Military Authorities. The visits were coordinated where intimation was received. The Audit for NOC at Sukna was carried out on 10 Aug. 2010 in Eastern Command and for Adarsh Housing Society between 14 Sep. to 14 Oct. 2010 at Station HQ Mumbai with necessary cooperation and assistance by Local Military Authority (LMA). MG-IC-Adm., HQ Southern Command was nominated as the nodal officer to facilitate the further requirements of Audit for Adarsh Society.

Audit Authorities were not denied any access to any records. However it may be appreciated that Army being hierarchical organisation, the visits/inspection by outside Government agencies are coordinated at appropriate level.”

### III. GENESIS OF THE LAND SOUGHT BY ACHS AND ITS PHYSICAL SURVEY AND INSPECTION

11. Detailing the genesis of the land that was sought by ACHS, the MoD informed the Committee as under:—

“Sometime between 1997 and 1999, Shri R.C. Thakur, SDO, Defence Estates Office (DEO), Mumbai Circle floated the said Society (ACHS). He took up for allotment of land with the Government of Maharashtra in 2000. Site inspection by Collector, Mumbai City indicated that the land was enclosed by a boundary wall constructed by the Military Department.”

12. The Ministry of Defence also submitted that:—

“On 29.03.2000, Collector Mumbai had written to the GOC, Hqrs., Maharashtra & Gujarat (M&G) Area Colaba, Mumbai regarding the proposal of the ACHS. The Collector had requested to confirm whether there was any objection to allot the said piece of land to the proposed society of the service personnel by the Government of Maharashtra. The GOC, Hqrs. Maharashtra, Gujarat & Goa (MG&G) Area in turn asked the DEO, Mumbai circle on 30.3.2000 to confirm the status of the said land. The DEO, Mumbai Circle on 30.3.2000 informed the GOC, Hqrs., MG&G Area that the said land forms part of Block VI of Colaba Division (Back Bay Reclamation Scheme) which belongs to the Government of Maharashtra and falls outside the Defence Boundary. On 05.04.2000, HQ M&G

Area informed the Collector that the land fell outside the Defence boundary and necessary action as deemed fit may be taken for the welfare of Service regarding allotment of the plot of land. On 16.6.2003, DEO wrote a letter to the District Collector, Mumbai conveying certain facts including security concerns against the proposal to allot land for at Block VI/VII in Colaba adjacent to the Army POL Depot. The DEO, Mumbai further wrote to HQ, MG&G Area *vide* his letter dated 14.07.2003 to withdraw the No Objection Certificate (NOC) issued by them to the State Government.”

13. The Committee sought to know if any physical survey/inspection was carried out by the DEO, Mumbai and HQs Maharashtra and Gujarat Area in respect of the land sought by ACHS before certifying that the land was outside the Defence boundary. In reply, it was stated as under:—

“The said piece of land was under the possession of Army/HQ MG&G Area Mumbai before certifying that the land fell outside Defence boundary and hence it is assumed that they were well aware of this fact and as such there was no requirement of carrying out any physical survey/inspection of land.”

#### IV. POSSESSION OF THE LAND BY ARMY

14. According to Audit, facts of the case as gathered from various correspondence available in Government of Maharashtra as also from records of DEO, Mumbai had proved that the land was in possession of Army, a fact that the officials of Government of Maharashtra, HQ M&G area and Defence Estates Office had not taken cognizance of at the time of issuing NOC. Audit also found that the title to the land was never formally transferred to the Ministry of Defence (MoD).

15. With regard to the above, the Committee sought the views of the MoD and they stated as under:—

“Title of the Adarsh land

- (i) According to Section 172 of the Government of India Act, 1935, with effect from 01 Apr. 1937, all Government lands in a province which were at the time under use for the purposes of the Federal Government or lands and buildings formerly used for Federal purposes or intended to be used for the Federal purposes shall vest in His Majesty for the purposes of the Federal Government. Thus if the ‘Adarsh Land’ existed prior to 01 Apr. 1937, its title would vest in MoD. As per Governor General Order (GGO) dated 25th August 1821 the whole Island of Colaba was declared to be a Military Cantonment (**Appx. ‘A’**).
- (ii) As per 1897 Map of the Island of Bombay (**Appx. ‘B’**), Colaba Road or today’s Nana Bhai Moos Road running from North to South is visible. To the West of this road there is another smaller parallel road which appears to be Duxbury Lane. To the West of this road there is a strip of land towards the sea and to the West of this strip of land is considerable portion of rocky outcrop extending into the sea. Adarsh Land was part

of this rocky outcrop. After Independence, no land reclamations took place in Block VI, Colaba on which Adarsh land is situated, except for BEST which reclaimed land for its depot.

- (iii) Land in Block VIII was sold to the Military consequent to arbitration between the Government of Bombay and the Government of India *vide* 'The Bombay Government Gazette' dated 19 June 1930. Block VII was leased to the Military and later sold to it in 1957. After lease of Block VII land, the entire island of Colaba including the now reclaimed land which also included the subject land of Adarsh was military land. The Block Boundaries were drawn subsequent to reclamation as straight lines (**Appx.'C'**). Adjoining the 'Adarsh Land', the 'SHO Complex land' has military buildings constructed in 1941 and has been in possession of the Army much before that. The record of construction of these buildings exists with Military Engineering Services(MES) and is attached as (**Appx. 'F'**). This proves that Adarsh land also existed well before 1941.
- (iv) Boundary Pillars in this area have been checked on ground and photographed. (**Appx. 'D'**). The location of Boundary Pillars has been roughly marked on Google Image (**Appx. 'E'**), which indicates that the subject land along with the adjoining SHO Complex land which has buildings constructed in 1941, is with the Defence."

16. With regard to their claim on the land under the possession of the Army, the MoD submitted as under:—

"The subject land has been under the possession of the Army is borne out by the following:—

- (a) A boundary wall existed around the land which was constructed by the MES. However MES has no record of construction available with them now.
- (b) A letter from Collector Mumbai dated 30 Dec. 1983 stated that the subject land was required for the widening of the Cuffe Parade Road, however, it was fenced with barbed wire and in possession of Defence. (**Appx. 'G'**). In reply, *vide* letter dated 13 Jan. 1984, Station HQ stated that the subject land was in possession of Defence since long and was Defence Land. (**Appx. 'H'**).
- (c) A letter pertaining to allotment of subject land to City Sainik Welfare Board, dated 12 Dec. 1989 Collector Mumbai stated 'it has been decided to refer this matter to the Revenue and Forest Department as the land is in possession of the Military Department since 1940 and Military area/ jurisdiction begins from this demanded land'. The Collector Mumbai has himself admitted that the subject land is in possession of the Army since 1940. (**Appx. 'I'**). Minutes of the meeting convened by Chief Secretary on 22 Dec. 1989 stated 'it was clarified that the said land belongs to the State Government but is in physical possession of Military authorities since 1942'. (**Appx. 'J'**). Both these documents of the State Government show

that the subject land existed in early 1940s and was in physical possession of the Military.

- (d) It was inaugurated as 'Eco Park' by Maj. Gen. B.A. Cariappa in 1996. It was called 'Khukri Park'. Photos of Khukri Park taken in 1996 indicate that the trees on land are at least 25 to 30 years old. It was maintained by the Garrison Battalions.
- (e) Adarsh Society wrote to Chief Minister on 21 Sep. 1999, to Revenue Minister on 13 Jan. 2000 and again on 07 Feb. 2000 to the Chief Minister for allotment of the present land. (**Appx. K, L and M** respectively). In all these letters Adarsh Society repeatedly assert that the land is fully fenced with a compound wall and is in physical possession of Local Military Authority (LMA). In yet another letter dated 02 June 2000, addressed to the Chief Minister the Adarsh Society states that 'this piece of land' is already with Army for the last 25-30 years (**Appx. N**).
- (f) The Revenue Deptt. allotment letter dated 18 Jan. 2003 addressed to Adarsh Coop. Housing Society (**Appx. O**) and even No. dated 09 July 2004 addressed to Collector Mumbai (**Appx. P**) state that the land is under possession of the Army."

17. Regarding the 'Title of the land' not being vested with the State Government, the MoD made the following submission:—

"In mid 1980s, there was a proposal to allot the subject land to Bombay City Sainik Welfare Office for construction of Rest House for ex-servicemen. Collector's office *vide* letter dated 21 Nov. 1986, enquired from the Deputy Engineer, South Sub-Division about the ownership of the land. In reply *vide* his letter dated 21 Nov. 1986 he informed that information about the ownership of subject land was not readily available with his office. (**Appx. 'Q'**) Supdt. City Survey and Land Record, also confirmed *vide* letter dated 11 Dec. 1986 that there was no information available regarding the ownership of the subject land. (**Appx. 'R'**).

- (ii) A letter by Minister of State for General Administration, Law, Judiciary and Tourism, Govt. of Maharashtra dated 13 Oct. 1988 addressed to Commander Mumbai Sub Area(MSA) states that the subject land was military land. The letter by the Minister and reply by Station Commander are at **Appx. 'S'** and **'T'** respectively. The letters mentioned at Para (v)(e) above *i.e.* **Appx. 'K'** to **'N'** state that Adarsh had negotiated with the Local Military Authority, who had given them 'Go Ahead' for the project. There was no need for State Govt. to negotiate with LMA for their own land.
- (iii) Collector Mumbai sought NOC from Army in Mar. 2000 (**Appx. 'U'**) which indicates that this was not State Govt. land.
- (iv) All State Govt. lands have Survey No.; however the subject land had no Survey No.. The Revenue Deptt. allotment letter No. dated 18 Jan. 2003 addressed to Adarsh Co-op. Housing Society (**Appx. 'O'**)

and dated 09 July, 2004 addressed to Collector Mumbai (**Appx. 'P'**) refers to a land measuring about 3758.82 sq. mtrs. near plot No. 87C in BBR Block 6. It does not give any Survey Number.

- (v) The survey Register for the Town and Island of Bombay (Property Card) and Collector of Mumbai letter dated 09 June, 2009 addressed to Capt. A. Batra clearly indicate that the subject land was not in the records of the State Government till 07 July, 2004 when it was shown in the Revenue records for the first time. Adarsh land was given CS No. 652 on 22 November, 2004, whereas the land was allotted to Adarsh Society on 09 July, 2004 and physical possession was handed over on 04 October, 2004. These facts have come out before the Commission of Inquiry ordered by the Government of Maharashtra.”

18. Elaborating on this issue, the MoD further stated:—

“The said land has not been mutated in favour of Defence either in Military Land Records (MLR) or the State Government revenue records as is the case with other pieces of land including the adjacent SHO complex land in Block VI Colaba. The land on which Adarsh CHS is located has been in possession of Army since it was reclaimed between 1917-1929 till it was fraudulently made over to the Society. Hence it is Defence land as per Government of India Act, 1935.

19. During evidence, the Committee sought to know whether the land had been recorded as State land in the State Government revenue records. In response, MoD emphatically replied in the negative. The Committee then sought the basis on which the Defence was claiming that the land belonged to them in the absence of any mention of the same in the Military land records. In reply, the Secretary, MoD stated :—

“..... if it is not recorded in military land records, that is not a proof that it is not a Defence land because there are umpteen number of examples where the land, though transferred to military or Defence, the State Governments have not mutated in their record as well as it is not entered into our record. So, this is not a conclusive proof. So, apparently, as far as the possession is concerned, there is no doubt about it. So, if we are discussing the matter of title, it will be a very legalistic view which, probably, it is for the Committee to see whether such a legalistic view has to be taken, whether a title suit is to be decided here because the possession is ours, and on the basis of the possession we claim ownership also.”

20. On being asked to indicate the legal title holder of the plot of land at Block VI, Colaba, Mumbai, the MoD replied:—

“As per the details available with Army, it is quite evident, that the documents/CS No. of Adarsh land were created only after its allotment to Adarsh Society in 2004. Also the said land was not reclaimed in 1970s by BEST and there was no reclamation for said land between 1930 and 1970. This only proves that the land existed prior to 01 April, 1937 and it was in possession of Defence/Army at least since 1941 when SHO Complex buildings were constructed on the adjoining and contiguous piece of land. Thereafter it is quite evident that the said piece of land (Adarsh) is Defence land under the provisions of Government of India Act 1937.”



21. Extending their arguments that Adarsh land was not reclaimed in 1970s by BEST, the MoD submitted as under :—

“Contrary to the claims by State Government and Adarsh Society, the subject land was not reclaimed in 1970s or by BEST. This is evident from the following:—

- (a) A sketch forwarded by Office of the Executive Engineer Reclamation Project Division *vide* letter dated 12 February, 1973 shows the line of filling work was to be undertaken. Though not to scale, the sketch clearly shows that the land occupied by Adarsh Society existed prior to reclamation.
- (b) In response to HQ MSA letter dated 16 April, 2010 (**Appx. ‘V’**) BEST *vide* letter dated 30 April, 2010 replied that the land occupied by Adarsh Society does not belong to the undertaking, therefore question of reclamation of said land by BEST and demanding said land by Municipal Corporation of Greater Mumbai (MCGM) for road widening does not arise. (**Appx. ‘W’**). In a similar reply to an RTI query by Major S.K. Lamba, BEST stated that the land allotted to Adarsh Society was not reclaimed by BEST and BEST has not allotted any land to Adarsh Society. (**Appx. ‘X’**).
- (c) Reclamation of land requires substantial expenditure. State Government has not been able to produce any record regarding expenditure, contract, tender, etc. in this regard.
- (d) The facts brought out above show that the said land existed in 1940s and it was not reclaimed in 1970s. Since there have been no reclamations in Block VI of Back Bay after 1929 till 1973 when BEST reclaimed land for their Bus Depot, it is clear that the subject land was reclaimed as part of reclamation scheme of 1917-1929. Thus, in terms of Government of India Act, 1935, subject land is Defence land.”

22. While apprising the Committee about the facts of the case, the Defence Secretary deposed as under:—

“As to the issue of land, there is no doubt with us that the land was in possession of Army. The arrangement was being worked out to exchange this land in lieu of the land which we had given to the State Government for the Western Express Highway.”

23. Asked to elaborate on the exchange deal of Santa Cruz land, between the MoD and the State Government, the Ministry stated as under :—

“As per MoD’s letter dated 31 December, 1958 pertaining to exchange of Santa Cruz Land, 41 Acres and 8 Guntas of Defence Land from Santra Cruz Rifle Range was transferred to the Government of Bombay for construction of Western Express Highway, on the condition that State Government in lieu shall give land, in Block VI, Colaba, Bombay, failing which the State Government shall pay the market value of the land. The subject land measuring approx. 3837.57 sq.meters in Block VI, Colaba was part of the land which was under consideration for

exchange with State Government in lieu of the aforesaid Santa Cruz land. This piece of land (which was later transferred by the State Government to the ACHS) had been under occupation of the Army. The land in Block VI Colaba was not transferred in favour of MoD. The claim for payment in lieu of defence land already transferred to State Government has also not been finalized.”

24. On being asked whether the land was originally Defence land, the Secretary, MoD submitted as under:—

“It was a reclaimed land and the State Government was expected to transfer this land formally also to the Ministry of Defence in lieu of the land which we had given for construction of Western Express Highway.”

25. On being asked if the land that had been given for construction of Western Express Highway was under full occupational possession of the Army, the Defence Secretary replied:—

“..... I find from the papers that there was an understanding that this land will be given in lieu of the land which we had given. But we had full occupation/possession. A boundary wall was there. A park was also made there which was formally inaugurated by the local Commander there. So, there is no doubt about this. That land was in occupation and possession of local military authority.”

26. To a specific query as to how long the Defence had this land in their occupation, the Defence Secretary deposed as under:—

“We are aware that, at least, since 1980s, it was in our possession.”

He further added:—

“...this was to be given to us in lieu of the land which we had already given.”

27. When asked to state categorically if there was any objection or claim from the Government of Maharashtra or notice to the Ministry of Defence to vacate the land, the witness replied in the negative. He added:—

“It appears that there have been obvious irregularities and some serious issues of concern in this regard including issuing of NOC by the Army alienating the land in its possession in favour of Adarsh Co-operative Housing Society.”

28. On being asked to say in no uncertain terms as to whether the MoD were the real owners of the land, the witness deposed:—

“We are the owners and the land was in our possession.”

29. Dwelling on the issue of existence and ownership of the land in Colaba Block VI, the witness submitted that:—

“the first thing that I would like to submit is that in 1958 when the exchange was agreed to between the State Government and the Ministry of Defence, it was categorically mentioned that the exchange land would be in Colaba Block-VI, Specific land was not identified. But it only said Colaba Block-VI. There was a logic to identifying that land because it was next to the other areas, which were

in the possession of Services. And, whether the land existed or did not exist, I do not know. But the agreement did say that it would be in Block-VI, Colaba.”

30. When the Committee wanted to know the reasons for not mutating the land in the name of MoD, the representative of the Ministry of Defence deposing before the Committee replied:—

“Insofar as, this particular piece of land is concerned, it is not recorded in our Military Land Register. However, as Defence Secretary has pointed out, subsequent to the event of Adarsh Housing Society we have taken a number of remedial steps. First is the computerization of Defence Land records. All Defence land records in all the offices have been computerized. Secondly, we have started a project of survey and demarcation of defence land. Survey work has already started at many places.”

31. Asked to furnish the reasons for not having the title transferred and mutated in favour of the MoD when the land under reference was in possession of the Army, the MoD submitted as under:—

“The Defence Estate Office (DEO) and Local Military Authorities (LMAs) have taken up the matter of transfer of same acreage of State Government land from Block VI in Colaba, an area adjacent to the site where defence installations are already there, to the Ministry of Defence (MoD) in lieu of Defence land admeasuring 40.376 Acres handed over to the State Government at Santa Cruz for road widening of Western Express Highway with the State Revenue Authorities from time to time. However, no land from Block VI was transferred by the State Government. In fact, the Collector, Mumbai had intimated in 1964 that land from Block VI could not be transferred. *Prima facie*, there have been irregularities and some issues of concern in this regard including issue of ‘NOC’ by the Army to *inter-alia* alienate the land in its possession, in favour of ACHS. The Government has entrusted enquiry to CBI with a view to get the matter thoroughly investigated and fix responsibilities.”

32. The Committee then sought to know if it was not a malafide intention and design on the part of HQ, MG&G Area/DEO Mumbai, is not taking any action to mutate the land in favour of MoD which had inturn facilitated its transfer to the Society. To this, the Ministry reiterating the above facts responded by stating that:—

“.....no land from Block VI was transferred by the State Government. In fact, the Collector, Mumbai had intimated in 1964 that land from Block VI could not be transferred. Therefore, there was no request made for mutation and hence no malafide intention and design on the part of DEO Mumbai in this regard can be attributed.

*Prima facie*, there have been irregularities and some issues of concern in this regard including issue of ‘NOC’ by the Army to *inter-alia* alienate the land in its possession, in favour of ACHS. The Government has entrusted enquiry to CBI with a view to get the matter thoroughly investigated and fix responsibilities.”

33. When it was enquired whether the MoD had reached any agreement by way of Memorandum of Understanding (MoU) with the State Government of Maharashtra for transfer of the land at Block VI, Colaba in their favour, the DGDE replied as under:—

“The Government of India, Ministry of Defence letter No.10/25/L/L&C/54 dated 31.12.1958 gives the terms and conditions for transfer of defence land from the Santa Cruz Rifle Range to the Government of Bombay for construction of the Western Express Highway and for Slum Clearance Scheme as under:—

- (i) That the Government of Bombay would in terms of para 7 of the official letter No.61-DMC/58 dated 21st May, 1958, from the Defence Minister to the Chief Minister, Bombay agree in advance to accept the market value fixed by it.
- (ii) In case the proposal for exchange of Bombay Government land in Block-VI Colaba with the Santa Cruz land materializes, the valuation of the Colaba land would also be made. Difference between the two valuations would be paid by the Government concerned.
- (iii) In case the proposal mentioned in (ii) above does materialize by the time Committee has reported on the market value, or soon thereafter, the Government of Bombay pay to the Government of India the market value fixed by the Committee.

There is no record to substantiate that Memorandum of Understanding has been signed between the Ministry of Defence and the State Government for transfer of land at Block VI, Colaba, Mumbai.”

34. Asked to state in detail the procedure followed in the Ministry for record keeping, mutation and management of Defence land, the Ministry submitted the following:—

“The Defence Estates Officers maintain Military Land Registers (MLRs) for Defence lands situated outside notified cantonments and General Land Register (GLRs) for defence land situated inside notified cantonments. These registers contain details about the location, survey/khasra numbers, area, classification etc., of Defence land. For land placed under management of Cantonment Boards, records are maintained by them and the Cantonment Boards maintain general land Register(GLR) for the purpose. Both these registers have now been fully computerized.

Mutation of land in favour of Ministry of Defence in State Government records is carried out by the State Government authorities at the request of Defence Estates Officers.

Management of Defence lands is generally entrusted to the user agencies like Army, Navy, Air force, DRDO, etc. The users are responsible for planning, usage, preventions and removal of encroachments for the land placed under their management. However, if any land-title related dispute arises, it is defended by the Directorate General of Defence Estates.”

35. On being asked if lack of mutation and poor maintenance of records were the main reasons for mismanagement of Defence land, the Defence Secretary replied as follows:—

“...Poor record keeping and lack of mutation of the land already in possession of the armed forces were among the major reasons that contributed to mismanagement of Defence land. Impetus has been given to the computerization of Defence land records. We have taken some remedial steps and some have already been completed.”

36. When asked whether the computerization was being done for the whole country or only in Maharashtra, the Defence Secretary submitted:—

“This is done for the whole of the estates. There are two registers. One is Military Land Register and the other is General Land Register. Those registers have been computerized. Two more projects have been initiated on physical verification and demarcation of defence land on ground and digitalization, microfilming of all land records for their preservation. Mutation of Defence land in civil revenue records has to be carried out by the State Governments and it has also been pursued with different State Governments.”

#### V. ISSUE OF NOC

37. The Committee’s examination of the subject revealed that the City Survey and Land Records Branch, Collectorate Bombay City and Bombay Suburban District had *vide* letter dated 12th December, 1989 addressed Additional Chief Secretary, Revenue and Forest Department, Government of Maharashtra regarding the proposal for construction of Rest House for ex-Servicemen. Excerpts from Collector Bombay’s letter no. cslr/rev-ii/t-2/misc. 1989-90/3368 dated 12 December, 1989 are:—

“...The land demanded by the City Sainik Board is Government land between the Back Bay Bus Depot and Prakash Pethe Marg in BBR Block VI. This land bears no C.S No. and it is reclaimed land.....The land in question is in possession of the Military Department since 1940 and Military area/ jurisdiction begins from this demanded land.”

38. The excerpts of the letter dated 7 February, 2000 from Chief Promoter of the Society to the Chief Minister states:—

“... Presently this land is duly fenced with a compound wall and in physical possession of the local military authorities... We have negotiated with the local military authorities who have expressed their willingness to allow the Society to go-ahead with the project if certain amount of accommodation is also provided for Army Welfare i.e. for Girls Hostel, who will be female children of Army Officers serving in the far flung, remote and field areas.”

39. Further, even the site inspection of the Collector on 27 March, 2000 indicated that the land was in possession of Army. Records revealed that the Collector, Mumbai City had requested General Officer Commanding (GOC) M&G Area, Mumbai on 29 March, 2000 to confirm that Army had no objection for allotting the said plot to the

Chief Promoter of the Society. The Collector's above said letter revealed that based on a site inspection on 27 March, 2000 it was found that military department had constructed the wall to the above plot and hence the Government land was protected from encroachment.

40. The Collector's letter was dated 29 March, 2000 and on the very next day the HQ M&G Area had written to the DEO, Mumbai and HQ Mumbai Sub Area for confirmation by 01 April, 2000 of the status of land in Plot No.6. Block VI. Further, it was found that, the DEO too on the same day, *i.e.* 30 March, 2000 confirmed that the land in question forming part of Block VI fell outside the Defence Boundary and belonged to the Government of Maharashtra.

41. Although the said land was in occupation by LMA, the Colonel (Q) signing the letter for GOC, HQ M&G Area concealed the fact and informed the Collector on 5 April, 2000 that the land "falls outside the Defence Boundary" and exhorted the Collector to take action as deemed fit for the welfare of Service Personnel/Ex-Servicemen/their widows. The excerpts from letter of Col(Q) for GOC, HQ M&G Area dated 05 April, 2000 addressed to the Collector, Mumbai City is as under:—

"Subject: Lands—Mumbai City

Please refer to your office letter No. CSLR/ REV/ I/ BBR VI Branch Revenue I dated 29 March, 2000. The said land falls in Block No. VI of Colaba Division (Back Bay Reclamation Scheme-VI), which falls outside the Defence Boundary. Necessary action at your end may be taken as deemed fit for the welfare of Service personnel/Ex- Servicemen/their widows."

42. Taking cognizance of all the above cited developments, the Committee desired to know the basis on which the MoD had issued 'No Objection Certificate' for construction of residential building for a proposed Private Society when the Army was in physical possession of the land. In reply, the Ministry of Defence stated as under:—

"MoD has not issued any NOC for construction of residential building by a Private Society as per the available records. The said NOC was issued by LMA and DEO."

43. On being asked to state at which level of authority the decision was taken by the Army to issue NOC to the Housing Society, it was replied:—

"From the records available on file, it is apparent that the NOC of the Housing Society was granted at the level of MG&G Area."

44. The Committee then sought to know if the issue had been brought to the notice of higher level functionaries at the Army HQs. In reply, the Ministry stated:—

"The issue was not brought to prior notice of higher level functionaries at Army HQs for issue of said NOC."

45. While examining the witnesses, the Committee asked the Ministry if it was aware of the purpose, aims and objectives of the Housing Society when they were

ready to allot the land to the society. In reply, the representative of the Ministry submitted:—

“Actually, the NOC was not given by the Ministry. It was given by the local authority.”

46. The representative of MoD also added:—

“...about the NOC, which was being asked for by the District Collector, the Defence Estate Department is competent only to say this much that : ‘Yes, in our records, it is not recorded as the State Government land’. So, whether it is Maharashtra Government or whether this land should be given to somebody else or not, is not the purpose of the NOC. The NOC was being asked, as if it is our possession; may be it is my ownership, we do not know. The reason for asking the NOC was never explained. It is said that : ‘We need NOC so that we can give it to somebody else or not’. Our Defence Estate Department has said: ‘This land is not recorded in our name’ That is all.”

47. When the Committee sought to know the action taken on the Officer in the HQs who had given the NOC citing that the land did not belong to Defence, the witness submitted that the Defence Estate Officer, who gave the status of land on 30th March had expired.

48. Asked to furnish the name of the DEO who had given the status of land, the MoD replied that the DEO was Shri M. Guruswami and he had expired on 29.05.2009.

49. On being asked if the nefarious collusion came to an end when the wrongdoers retired or expired, the representatives of the MoD submitted:—“...there has been repeated collusion at the local level. It means any subsequent officer who came in there, they were also offered certain inducements perhaps in terms of flats. So, that is how this kept on dragging at the local level. It never became a major issue. It became a major issue only in 2010 when it was suddenly highlighted at the Ministry level through variety of means. The fact is from the time land was handed over, in the next five to seven years, there were regular collusions which did not allow the problem to come up to a bigger level.”

50. To the Committee’s query that the action on the part of Army clearly indicated that the higher-ups in the Army were in the know of the things that were happening, the representatives deposed as under:—

“The officers, who were involved at that time, have more or less retired — Army as well as civilian officers. That is why, this CBI inquiry was ordered and the MoD is of the view that there is this criminality involved *prima facie*. So, let this investigation be complete and action will be taken as per the law.”

51. Asked to spell out the measures taken/proposed to stop recurrence of the irregularities, the Defence Secretary in his deposition stated:—

“From the point of view of Ministry of Defence, there have been irregularities in the issue of NOCs and possession of land. On both these counts, guidelines have been issued as to prevent recurrence of such incidences.”

52. When asked to elaborate the penalty provisions in the Army Rules in those cases where officers had connived in the wrong-doings and retired subsequently, the Vice Chief of Army Staff (VCOAS) stated:—

“The rules are that even if he is retired and the offence is established, then he can still be prosecuted against. The old limitation of one or two years, which used to be there, has been removed wherever there is financial irregularity. Today, the Army is empowered to take action up to any extent to deal with the six officers whose names have been enunciated by the CBI. So, the rules very well enable us to take action, and we will not hesitate to go to any length to prosecute.”

#### VI. KHUKRIECO PARK

53. According to Audit, the site inspection indicated that the land had a boundary wall put up by the military authorities. On the land in Plot No.6 of Block VI, Army had created an ‘Ecological Park’ named Khukri Eco Park which was inaugurated in October, 1996 by Major General B.A. Cariappa, the then GOC, M&G Area. This ‘Ecological Park’ was fenced by a boundary wall with a gate constructed by the Military Engineer Services.

54. When asked to furnish the details of the establishment of the Ecological Park, the construction of the boundary wall etc. the MoD submitted the following details:—

“The Eco park was established in 1996 by the Army. The boundary wall was constructed prior to its inauguration in 1996. The boundary pillars and a fence were existing prior to construction of boundary wall. The records about the cost of construction of boundary wall of Eco Park are not available.

As per records available with the Defence Estates Office (DEO), Mumbai the ‘Ecological Park’ was inaugurated on 27 October, 1996. It does not have any information on the date of construction, cost approval etc. of the boundary wall and the park.”

55. On being asked about the source of funds for the establishment of the Eco Park, construction of the boundary wall as well as maintenance of the Park, the Ministry replied as under:—

“No records are available regarding availability of funds for maintenance of Eco Park. However, it is quite likely that the maintenance was being carried out from the Regimental Fund Accounts of Garrison Battalions stationed at Mumbai at different points of time.

The Defence Estates Office (DEO), Mumbai does not have any information about expenditure on maintenance of the park.

The Ecological Park was being maintained by LMA. However, no records are available regarding availability of funds for its maintenance.”

56. The Committee asked whether the existence of the Eco Park and the boundary wall had been communicated to the State Government, either by the DEO or by the



LMA more so when it was apparent at the time of granting NOC to the Society. To this, the AHQ in response has submitted:—

“As per available records, the matter was not communicated to State Government by LMA or DEO. It is now apparent that those functionaries responsible for the said task were the beneficiary and interested party in the case. Their culpability will be established in due course of law as the matter is being investigated by CBI and Commission of Inquiry ordered by Government of Maharashtra.”

57. The Committee then desired to know if the Maharashtra Government had, at any point of time, directly interacted with the DEO on the matter. In reply the DGDE submitted:—

“The Defence Estates Office(DEO), Mumbai was not asked anything directly by the State Government hence did not reply to the State Government. In any case the entire matter has been referred by the Ministry of Defence to the Central Bureau of Investigation (CBI) for an inquiry.”

#### VII. OBJECTIVES OF THE SOCIETY

58. While examining the Subject, the Committee were apprised that the Army Authorities had given the NOC on the rationale that the Housing Society was meant for the ‘Welfare of servicemen, ex-servicemen and their widows’. However, later on, the membership was expanded to accommodate public servants, politicians and their relatives. When the Committee wanted to know the reasons for not rescinding the NOC after the change in the membership of the Society was noticed, the DGDE stated:—

“*Vide* letter No. 250/2/III/14 dated 30.03.2000, DEO, Mumbai issued a letter to HQrs M&G Area intimating the status of the subject plot of land. Subsequently, DEO, Mumbai Circle *vide* another letter dated 16.06.2003 requested the Collector, Mumbai not to allot the subject land to Adarsh Co-operative Housing Society. The DEO, Mumbai further wrote to HQ, MG&G Area *vide* his letter No.BOM/ADM/CONF/Khukri Park dated 14.07.2003 to withdraw the NOC issued by them to the State Government.”

59. The DGDE further submitted:—

“The DEO, Mumbai had intimated the factual position about status of the subject plot of land to the Local Military authorities as per the records available.”

60. The Committee called for reasons for not withdrawing the NOC even after the DEO recommended such a measure twice in 2003. In reply, the AHQ submitted:—

“The NOC was not rescinded after change of membership of the society probably because all the decision making functionaries at HQ MG&G Area, DEO Mumbai and officers of State Government were beneficiaries. Their exact involvement and culpability will be established once the investigations are completed.”

61. When asked about the reluctance on the part of the Defence authorities to press their earlier demand for providing accommodation for the Girls’ Hostel for wards

of Army officers posted in far flung areas, welfare of Kargil war heroes, welfare of widows of servicemen for which the Chief Promoter had initially approached the Chief Minister for allotment of the land in question, the AHQ has replied as:—

“The Defence Authorities (LMA) did not press their earlier demand for provision of accommodation for girls hostel because in all probability the decision making authorities from inception till 2010 were interested parties.”

62. On being asked whether the MoD/LMA had at any point of time insisted that membership of the Society was to be provided only to those for whom the project was envisaged to be executed initially, the AHQ replied:—

“There is nothing to suggest that LMA at any point of time insisted that the membership of the housing society was to be provided to the eligible persons for whom the project was envisaged.”

63. Asked to state specifically as to whether there was any conflict of interest between the LMA and DEO, Mumbai, the Army Head Quarter (AHQ) replied:—

“*Prima-facie* it appears a clear case of conflict of interest of LMA, DEO Mumbai, State Government officials and certain other persons as they have placed their own interest before those of Government Services. Exact culpability will be established through due process of case once the investigations being conducted by CBI and Commission of Inquiry ordered by Government of Maharashtra are facilitated.”

64. When the Committee desired to have the details of the nature of negotiations between the Chief Promoter of the Society and the LMA, the AHQ responded:—

“There is nothing on record available regarding negotiations conducted by chief promoter of the society with LMA except the correspondence related to issue to NOC. However, there may have been verbal/personal communication, the details of which may come out once the investigations are finalized.”

65. On being asked whether the LMA was aware that the Chief Promoter of the Society was an employee of the DEO, Mumbai which was against the Service/Conduct Rules to negotiate the transfer of the Defence land – a Government property which they were supposed to safeguard, the Army Head Quarter (AHQ) replied:—

“The fact that chief promoter of Adarsh Housing Society was employee of DEO office would have come to the notice of then LMA *i.e.* GOC MG&G Area or not, can only be ascertained from the individual concerned.”

66. Asked to state the action taken/proposed against the officers who colluded for their personal benefit, by becoming the beneficiaries of the Society, the AHQ in its reply stated :—

“Stringent actions will be taken against the officers found guilty as per provisions of law once the investigation is completed.”

67. The DGDE supplemented:—

“The matter has been referred by the MoD to the CBI for an inquiry. Further action will be taken on its completion.”

#### VIII. MEMBERSHIP OF THE SOCIETY AND ITS EXPANSION

68. The Adarsh Society was originally formed to help the “Servicemen, ex-servicemen and their widows”. Its membership was expanded considerably and questionably to include civilian officers belonging to Indian Administrative Service, politicians and their relations and other Senior Service Officers. The changing composition of the list of the members of the Society as on various dates upto the final list of 102 members is at (**Annexure-II**).

69. The following table depicts the changing composition of members of the Society:—

Year	Defence	Other than Defence	Total Members
2000	40	0	40
2002	38	33	71
2003	45	50	95
2010	37	65	102

70. The list of the members (**Annexure-II**) as intimated by the Society to the Collector, Mumbai City initially on 10 April, 2000 indicated that the Society largely comprised of members belonging to Defence Services and civilian organisations related to Defence. Out of the 40 members, then, 30 were serving and retired Service officers, eight belonged to Defence Estates Organisation, one officer belonged to the Military Engineer Services (MES) and one was a widow of a retired MES employee. The final list of 102 members as of 2010 included 37 Defence officers including civilians, 15 retired Government servants, 8 Members of Parliament or State Legislatures and 42 individuals, who were mostly relatives of Government officers and politicians.

71. Though letters to the State Government by the Society mentioned welfare measures like “Girls hostel” and “to reward Kargil heroes”, the membership was extended from time to time to accommodate more senior officers of Services, State Government and private individuals.

72. The Committee were informed that the pace with which the case was processed by HQ M&G Area and the Defence Estates Office was of significance as most of the initial members were officials from the Local Military Authorities and Defence Estates Office. The son of the then GOC HQ M&G Area was a member of the Society. Shri M. Gurusamy, then DEO, Mumbai, who certified that the said land was outside the Defence area was a member of the Society as per the list of members issued by the said Society on 23 August, 2002.

73. All Service Officers except one, who held charge as General Officers Commanding MG&G Area from February, 1998 to July, 2010, became beneficiaries as

per the lists of members of the Society given by Collector, Mumbai City. While Lieutenant A. P. Kumar, a member, was the son of Major General A.R. Kumar, the other officials were themselves members of the Society. These Officers, and the Defence Estates Officers, were individually and collectively in their official capacity responsible for the custody and protection of the said Defence land at different points of time. The Officers holding the post of the General Officer Commanding-in-Chief Southern Command from October, 2000 to September, 2001 and from October, 2001 to February, 2004 also became members of the Housing Society.

74. By 2002, Admiral Madhvendra Singh, former Chief of Naval Staff and Lt. Gen. G.S. Sihota had become members of the Society, apart from many other officers from Army and Navy. Eventually General N.C. Vij and General Deepak Kapoor, former Chiefs of Army Staff also became members of the Society.

75. While the membership kept expanding, even junior Service and civilian officers went out of the Society and many senior Service officers and public servants became members. Notable among the Service Officers who became members of the Society at a later date were two former Chiefs of Army Staff, General NC Vij and General Deepak Kapoor as mentioned above. Both of them were allowed to be members of the Society as "one time special case" keeping in view their noteworthy Service in Indian Army and their social status.

76. Audit pointed out that in terms of Collector, Mumbai City letter No. CSLR/REV-1/ACHS/2011 dated 11.06.2011, General (Retd.) N.C. Vij in his letter dated 30.10.2010 had requested the Honorary Secretary of the Society to communicate the necessary formalities to enable him to return his flat to the Society. He had also requested that the returned flat may be allotted to a war widow. But no decision had been taken on the matter either by the Society or by the Collector's office.

77. When the Committee called for the list of the members of the ACHS at the time of Registration of the Society alongwith the details of members and the subsequent inclusions in the list of members of the Society (including the particulars of members) till the matter became sub judice, the Ministry *vide* their communication dated 18.7.2013 forwarded a copy of the DO letter No. LND 2512/176/C.R.85/J-2 dated nil from Additional Chief Secretary (Revenue), Government of Maharashtra (**Annexure-III**).

#### IX. CONCESSIONS GRANTED BY THE GOVERNMENT OF MAHARASHTRA

78. While examining the issue of 'Concessions granted by the Government of Maharashtra', the Committee wanted to elicit the views of the Maharashtra Government on the various points that had a bearing on the role and responsibility of the State Government in the alleged Adarsh Housing Society scam. However, the Government of Maharashtra refused to submit their responses to the various queries raised by the Committee on the plea that the enquiry of ACHS, Colaba was entrusted to a Commission of Inquiry under the Commission of Inquiry Act, 1952. The Commission of Inquiry was constituted under the Chairmanship of Justice Shri J.A. Patil, Retired High Court Judge and Shri P. Subrahmanyam, Retired Chief Secretary, Government of Maharashtra. It was stated that this Commission of Inquiry was constituted *vide* Notification

dated 8.1.2011 and the Commission had started conducting its business from April, 2011. It was also stated that all the concerned departments of the State Government were directed to submit the original files/papers related to the ACHS before the Commission of Inquiry and accordingly the related original files/papers were submitted. It was added that since the matter was before the Commission, it was not possible to make any comments. Even suggestion of the Committee that the various Departments would have maintained photocopies before submitting the original files/papers and copies of those be made available to the Committee, went unheeded. While forwarding the above reply, the Government of Maharashtra made a suggestion that since the Ministry of Defence was being represented before the said Commission through their advocate, the MoD could obtain the affidavits/papers filed by various departments of the Government of Maharashtra from the Commission through their advocate. However, when the same was called for in December 2011, the Ministry of Defence failed to furnish them.

In such a scenario, the Committee examined the issue and drew their conclusions based on the various findings brought out in the Audit Report and the other material evidence and documents made available to them by the MoD.

79. Audit scrutiny revealed that almost at every stage, significant concessions were extended by the Government of Maharashtra in favour of the Society. Many officers, both civilian and services, who were dealing with the case and were instrumental in taking those decisions eventually became members of the Society. In some cases, relatives of these officers became members.

80. The following were the concessions made by the Government of Maharashtra in respect of the Housing Society:—

- (i) Modification of Mumbai Metropolitan Region Development Authority's Development Plan for the Area to accommodate the Society;
- (ii) Granting of Additional Floor Space Index;
- (iii) Further relaxation to grant additional FSI *in lieu* of Recreation Ground;
- (iv) Allowing height of the building to be raised beyond the approval of the High Rise Committee; and
- (v) Relaxation of eligibility conditions in favour of the members.

#### X. MODIFICATION OF THE MMRDA DEVELOPMENT PLAN FOR THE AREA TO ACCOMMODATE THE SOCIETY

81. According to Audit, on 12 May 2000, the Collector, Mumbai City reported to the Government of Maharashtra, Revenue and Forest Department (RFD) that the land sought by the Society was reserved for road widening as per Mumbai Metropolitan Region Development Authority's (MMRDA) development plan and therefore NOC from Municipal Corporation of Greater Mumbai (MCGM) and approval of MMRDA was to be taken. Further, it was stated that the membership was to be approved by the Government.

82. On 02 June, 2000 the Society addressed another letter to the Minister of Revenue signed by Shri R. C. Thakur as Chief Promoter and Brigadier (Retd.) MM Wanchu as Secretary of the Society. The letter referred to a meeting that had taken place with the Minister on the same day. The Society conveyed in the letter its consent to accommodate 40 per cent civilian members—19 members against 31 from the Defence Services as stated in the letter. It stated that they would be willing to leave an area of 10 to 15 feet for further widening of the road, though basically the area falls in the vicinity of Military area and there appears to be no proposal of widening of road by Defence Department.

83. The Society in the same letter sought the help of the Minister with the following reasoning:—

“to accommodate and reward our Heroes of Kargil operation who bravely fought at Kargil to protect our Motherland.”

84. The Society putforth its request as follows:—

“kindly allot this piece of land which is already in the physical custody of Local Military Authorities, who have been protecting the land from encroachment since last 25-30 years.”

85. After calling for objections/suggestions from the public in October 2001, the Urban Development Department (UDD) approved the modifications to the MMRDA Development Plan in April 2002 by deleting 60.97 metres wide road leading to South Colaba Harbour link and changing the width of the Captain Prakash Pethe Marg from 60.97 metres to 18.40 metres and including the deleted area in Residential Zone, Parade Ground, Helipad, Garden and BEST Depot. Audit observed that the request of the Bombay City Sainik Welfare Office for allotment of land for construction of a rest house had been refused in March 1986 and again in December, 1989 by the Collector, Mumbai City. The Government of Maharashtra had decided against allotment of the land for genuine welfare of ex-servicemen on the grounds that the land was earmarked for widening of the very same road. However, later, the Development Plan of the area was amended and the area reserved for roads was converted into residential area.

#### XI. GRANT OF ADDITIONAL FLOOR SPACE INDEX

86. Meanwhile, the membership list of the Society kept on expanding much beyond the 19 civilian members as earlier agreed, by the Chief Promoter in June, 2000. On 15 March 2003, the Chief Promoter of the Society had furnished the information required in the Letter of Intent alongwith a list of 95 members comprising 45 Defence personnel (including eight Defence Estates Officers and one MES officer) and the remaining either MLAs/MLCs, or officers of the Government of Maharashtra or their relations and private persons. In order to accommodate the additional members, the Society had requested the Urban Development Department (UDD) on 17 March, 2003 for allotment of additional Floor Space Index (FSI) of an adjoining plot of 2669.68 sq. metres used by BEST as approach road to its depot on payment of reasonable charges. But, in his letter, the Chief Promoter had termed the use of the land by BEST as “unauthorized” and also stated that BEST could not use the FSI of this land for

expansion of Depot due to CRZ restrictions. The following are the excerpts from the letter of the Chief Promoter:—

“In view of its unauthorised use by BEST for approach road the said area is not likely to be used for any Construction/Development activity which will remain open to sky forever. The BEST cannot use its FSI for expansion of their Depot, there being restrictions of CRZ in their open plot. We also do not want hindrances to the BEST for its use as approach road to their depot. While granting the subject land to our society, the Govt. of Maharashtra has imposed specific condition that the society will obtain NOC from Department of Environment and Forest, Govt. of India, since it falls in CRZ-II Zone.”

87. Shri Kanhaiyalal Gidwani, MLC and a member of the Society also addressed a letter on 21 March, 2003 to the Chief Minister of Maharashtra enclosing the letter of the Society and requesting to “adopt a supporting and positive approach to their request”. He had mentioned in the letter that the Society was “mainly of persons from the Armed Forces (Army, Air Force, Navy and other Service), who have dedicated their lives to the safety of our Motherland”. By that time, however, a majority of the members inducted were civilians.

88. The request for transfer of developmental rights was rejected by the Chief Minister in November 2003 and Shri Gidwani was informed of the same by Shri Sunil Tatkare, Minister of State for Urban Development in his letter dated 6 January, 2004.

89. However, the Society had again addressed letters to the Chief Minister and the Minister of State for Urban Development on 12 July, 2004 requesting allotment of additional FSI to accommodate the members as per the entitlement. Reiterating its request for allotment of the FSI of the adjacent land used by BEST as approach road to the Back Bay Depot, the Society pointed out in its letter that while the proposed action would benefit BEST as they would continue to use the land as approach road since the Society had undertaken to keep the land “open and free from any construction”, “at the same time,” the letter mentioned that “it will benefit some of our members, who are mostly from the Armed Forces and are serving the Mother Land”.

90. The Minister of State for Urban Development had convened a meeting on 14 July, 2004 for considering the proposal of the Society for allotment of additional FSI. In the said meeting the Commissioner MMRDA, the Collector Mumbai City, Shri Kanhaiyalal Gidwani, Member of the Legislative Council (MLC), Shri Ramanand Tiwari, Principal Secretary, UDD and the representatives of BEST were present. Shri Gidwani informed that the Government of Maharashtra had allotted 3758.82 square metres of land for construction of residential building and as per the directives, 71 members were to be accommodated. Since the FSI was not sufficient, Shri Gidwani indicated the requirement of additional FSI of adjoining land being used by BEST. Shri Ramanand Tiwari, Principal Secretary, UDD informed that as the land was reserved for BEST Depot and was in use as an access to the BEST bus depot, it would not be feasible to allot the FSI of this reserved land to the Society. He further stated that “in order to sort out the issue”, the Society would have to approach the Government of Maharashtra for allotment of the said land by deleting reservation of BEST bus depot by following the due process of law, which would take at least six months.

91. Subsequently, in October, 2004, the UDD called for the specific comments of BEST to consider the request of the Society for grant of additional FSI. In a meeting held on 15 December, 2004 at the official residence of Shri Rajesh Tope, Minister of State (UD) in Nagpur in which S/Shri Kanhaiyalal Gidwani and RC Thakur were present, the Assistant General Manager (Civil) of BEST informed that it would not grant NOC for de-reservation of land as suggested by Shri Ramanand Tiwari, Principal Secretary UDD in the earlier meeting. He further informed that if the Government of Maharashtra decided to transfer FSI of this plot to the Society with certain conditions, BEST would examine the proposal as and when received.

92. In the subsequent meeting convened by the Minister on 05 January, 2005, Shri Ramanand Tiwari, Principal Secretary (UDD), informed that the land belonged to the State Government and that BEST would be required to pay the cost of land at the then market rate if allotted to them. The Minister of State directed BEST to send their comments to UDD.

93. In response, BEST informed UDD on 12 January, 2005 that it was using the land as an access to Back Bay Depot since 1976 though the land was not in the possession of BEST and that the Government may decide on the request of Society. However, while allowing use of land as per the Society's request, BEST's interest should be fully protected by maintaining the *status quo* with regard to the access. Accordingly, the Revenue and Forest Department allowed the additional FSI of the adjoining land of BEST to the Society on 05 August 2005. While BEST was asked to pay the cost of the land at the market rate, the Society had paid only ₹ 6.14 crore.

94. Audit further pointed out the fact that the proposal was once rejected by the earlier Chief Minister did not figure in any discussions and also did not come across any correspondence/documents which suggested that Shri Ramanand Tiwari, Principal Secretary UDD had brought this issue on record. Further, Shri Onkar Tiwari, son of Shri Ramanand Tiwari eventually became a member of the Society.

## XII. FURTHER RELAXATION TO GRANT ADDITIONAL FSI IN LIEU OF RECREATION GROUND

95. The MMRDA, while approving the plan of the Society building in September, 2005 and January, 2008, had deducted 15 per cent FSI for 'Recreation Ground' (RG) under Regulation 35 of DCR 1991. A proposal to release this FSI to the Society was earlier rejected by the Government of Maharashtra in June, 2006.

96. The architect of the Society again proposed to MMRDA on 02 January, 2009 to grant additional FSI *in lieu* of RG area on the grounds that in Back Bay Reclamation Scheme as blockwise RG was already provided and therefore FSI on account of RG was not to be deducted from individual plots. Later, on 26 May, 2009, the Society also forwarded to the Collector eight names "to be accommodated in Adarsh Co-operative Housing Society if the additional FSI is sanctioned by the Government."

97. In the same letter, the Society had also intimated the approval of the membership of Shri Mukundrao Govindrao Mankar and Smt. I. A. Kundan. Smt. Kundan was as on that date Collector, Mumbai City and was directly dealing with the matters relating to the Society.



98. Meanwhile, Shri Ratnakar Gaikwad, Commissioner MMRDA had addressed a letter on 24 March, 2009 to Shri T.C. Benjamin Principal Secretary Urban Development Department enclosing the letter of the architect and conveying that there was no need for deduction of 15 *per cent* of FSI towards RG. He had requested for a decision in the matter.

99. On a note of the Urban Development Department dated 4 April 2009 on the letter from Commissioner, MMRDA, the Principal Secretary on 8 April, 2009, rejected the proposal for relaxation of FSI on account of RG. However, in another note dated 2 June, 2009, the same Principal Secretary proposed to the Chief Minister that “if 15 *per cent* RG area is available in the Scheme, we may agree with the Metropolitan Commissioner to allow the developer not to exclude 15 *per cent* RG area from FSI computation”. The Chief Minister approved the proposal and the Principal Secretary received the file back on 20 July, 2009. On the same day, approval was communicated to the Commissioner, MMRDA.

100. A subsequent note of the same Principal Secretary on 15 November, 2010 indicated that:—

“It was expected that while issuing orders, after this note (note dated 2 June, 2009) was approved, required verification about the availability of the 15 *per cent* RG area in the Scheme would be done. This does not seem to have been done. From what I gather, large tracts of land otherwise reserved for RG, is presently occupied by slums, thereby creating a possibility that RG area may not be to the extent of 15 *per cent*. This indeed will vitiate the decision of the Government.”

101. According to Audit, in the note put up to the Chief Minister, there had been no mention of any verification of availability of RG area on the ground.

### XIII. RAISING THE HEIGHT OF THE BUILDING BEYOND APPROVAL

102. The CRZ Notification of the Ministry of Environment and Forests, Government of India (MoEF) came into effect on 19 February, 1991. As per that Notification, the plot in question fell in CRZ-II. Buildings permitted in the area were subject to the existing local Town and Country Planning Regulations. As on that date, for Back Bay Reclamation Area, the Development Control Rules (DCR), 1967 were applicable. As per the minutes of the meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 3-11-2010, Audit pointed out that the site under reference fell in CRZ-III. As per the clarifications given by MoEF *vide* letters dated 8-9-1998 and 18-6-2006 as well as the order of the Supreme Court dated 14-12-2007 in SLP (C) No. 14578 regarding M/s. Suresh Estate v/s Govt. of Maharashtra, the approved Development Control Rules, 1967 (*i.e.* the Development Control Rules under implementation and in force as on 19-2-1991) were applicable for building construction activities proposed in CRZ-II areas of Mumbai.

103. According to the DCR 1967, no building was to be erected or raised to a height greater than one-and-a-half times the sum of the width of the streets on which it abuts and the width of the open space between the street and the building as measured from the level of the centre of the street in front. The maximum height of the

Society building permissible as per the DCR 1967, according to MCZMA was 45.6 metres.

104. The DCR, 1991 had no height restriction but brought down the FSI for BBR Block VI to 1.33 from 3.5 as per the DCR, 1967. The Society, as also the Government of Maharashtra, used DCR, 1991 to avoid the applicable height restriction (45.6 metres) of DCR, 1967. The loss of FSI (from 3.5 to 1.33) was offset by transferring the developmental rights of the BEST plot and relaxation of 15 *per cent* on account of RG as and when required. The Society was thus allowed to circumvent both DCR, 1967 and DCR, 1991.

105. The Government of Maharashtra set up a High Rise Committee chaired by a retired Chief Justice of Tamil Nadu High Court on 28 July, 2004 to scrutinize the development proposals of all the buildings with height of more than 70 metres and to advise the Municipal Commissioner on the feasibility of development proposals. The proposal of the Society for the construction of the building upto 27 floors (stilt + 2 level podium + 27 upper floors) a height of 97.60 metres was accepted by the High Rise Committee. This was after MMRDA informed that the marginal open spaces and parking proposed were in accordance with DCR, 1991 sanctioned by the Government. The NOC was issued by the Chief Engineer (Development Plan) of MCGM on 01 September, 2007 based on this approval.

106. Audit however pointed out that, against the approval for 27 floors issued by MCGM, the Society constructed 28 floors. In a meeting held in MCGM on 14 October, 2009 for considering the proposal of the Society for one additional floor which was already constructed by increasing the height to 100.70 metres (stilt + 2 level podium + 28 upper floors), the Managing Committee members of Adarsh Cooperative Housing Society and its architect explained that NOC was issued for 97.6 metres on 01 September, 2007. They further stated that at the time the structural design of the building was submitted, it was for the height of 103.40 metres, thereby the High Rise Committee had already scrutinized the proposal for the height of the building of 103.40 metres. But as the Architectural Plans were submitted for the height of building as 97.6 metres, the NOC dated 01 September, 2007 was accordingly issued. Further as the CFO, NOC and environmental submission had also been submitted at that time as per the requirements, the Managing Committee members of the Society requested grant of permission to regularize the constructed floor without insisting on the clearance from the High Rise Committee.

107. The Deputy Chief Engineer (BP) City submitted a note on 20-10-2009 to the Municipal Commissioner (MC) on which the MC 'ordered' 'Yes'. The note read as follows:—

“This has reference to the discussion with OSD to MC on 20-1-2009. The information in respect of Adarsh Co-op. Hsg. Society is as follows:— The plans are approved for stilt +2 level podium +27 upper floors for the said building with the proposed built up area upto 27th floor is 7692.64 Sq. mt. As per the letter of MMRDA dated 22-1-2008, the Commencement Certificate (CC) is also granted for stilt + 2 level podium + 27 upper floors. It may be mentioned that as per the approved plan, the total floor height of the building is 97.60 mt. and height upto

top of lift machine room is 102.80 mt. and upto top of overhead tank is 104.60 mt. The High Rise Committee u/no. CHE/HRB=57/DPWS dated 1-9-2007 has issued N.O.C. upto 97.60 mt. upto terrace floor level as per the approved plan and C.C. As such there is no necessity to obtain fresh N.O.C. from High Rise Committee.”

108. Shri Jairaj Phatak, Municipal Commissioner, MCGM accepted the contention of the Society on 21 October, 2009 stating that:—

“there is no need to obtain fresh NOC from High Rise Committee. However the appropriate authority *i.e.* MMRDA’s approval may be obtained.”

109. The MMRDA then issued the NOC for the 28th floor on 04 August, 2010. The son of Shri Jairaj Phatak eventually became a member of the Society.

110. The NOC issued upto the 27th floor for the total height of the building included machine room and overhead water tank and was for 104.45 metres (97.60 meters + 6.85 meters). But after the construction of the 28th floor the total height of the building increased to 107.55 metres (100.70 meters + 6.85 meters) without prior approval of MCGM/MMRDA.

#### XIV. RELAXATION OF ELIGIBILITY CONDITIONS IN FAVOUR OF THE MEMBERS

111. The conditions envisaged in the Government Resolution (GR) dated 9th July, 1999 included a minimum of 15 years’ domicile in the State of Maharashtra and stringent income limit. For example, the income limit for a 650 square feet carpet area was ₹ 12,500 per month. There was no income limit for carpet area of 1076 square feet. The Revenue and Forest Department, Government of Maharashtra issued a Letter of Intent on 18 January, 2003 conveying the intention of the Government to allot the plot of land to the Society subject to *inter alia* verification of eligibility of the proposed members by the Collector in terms of the GR dated 9 July, 1999. The letter enclosed a list of 71 members to the Collector with the direction to verify the eligibility of the proposed members in terms of the above-mentioned GR.

112. It is pertinent to mention here that initially, the Society had submitted details of 41 members, which had been scrutinized by the Collector, Mumbai City with respect to the criteria of income, domicile and caste. On the basis of such scrutiny, only 30 members were found eligible. This had been communicated by the Collector, Mumbai City to the RFD on 8 October, 2003.

113. At the instance of the RFD, the Collector re-checked the eligibility after obtaining additional details from the Society and intimated the RFD on 18 March, 2004 that out of the 41 members, only 19 were eligible, four ineligible and for the remaining 18 members, decisions were required to be taken at Government level. Out of the 18 members, the Government decision regarding cut off length of service in Maharashtra for domicile certificate was required in the case of 16 members while in two cases, Government decision was required on both the domicile as well as income criteria as their income exceeded the prescribed limit of ₹ 12,500. On 11 March, 2004, the Society furnished the details of the balance 30 members which included a proposal to replace 16 members from the earlier list. It also forwarded another list of 22 members on ‘waiting list’.

114. The excerpts from the Collector's letter dated 18 March, 2004 are as under:—

“1st issue raised by Government was that requirement of domicile in Maharashtra is not relaxable on blanket basis in respect of serving defence personnel as well as ex-servicemen. It was mentioned that based on their duration of stay/service in Maharashtra, if the length of service is less than 15 years then the condition of domicile in Maharashtra for membership in co-operative housing societies could be relaxed in case of serving as well as ex-servicemen. Out of 41 members list given by Society, domicile certificate of Maharashtra is available in case of 18 members while in case of 23 members (1 MLC & 22 serving/ex-servicemen), domicile certificates of Maharashtra is not available. The duration of service in Maharashtra in these cases of ex-servicemen as well as serving defence personnel varies from 2 years 3 months to 21 years but generally it is in the range of 4-8 years. Since the Government Resolution of 9.7.1999 does not prescribe minimum length of service or minimum duration of residence for relaxation of domicile requirement, this office is not in a position to take view on eligibility of such proposed members and State Government would need to decide on some cut-off duration of service and decide on the eligibility of proposed members accordingly. Out of these 22 service/ex-servicemen members, one member has no service in Maharashtra (but was born in Maharashtra and some education is in Maharashtra), another member is reported to be posted at forward location and details of service in Maharashtra are not made available by the Society and the Society Promoter informs that the details could be made available by the end of this month...”

115. In the mean time, Shri Kanhaiyalal Gidwani, MLC, approached the Revenue Minister on 10 May, 2003 to increase the income limit prescribed in the GR of 09 July, 1999 in respect of ex-servicemen beyond the income ceiling of ₹12,500 as a good gesture to the brave soldiers who served the Motherland.

116. The Government of Maharashtra on 15 February, 2005 amended the provisions of the Government Resolution of July, 1999 by raising the income limit of all and waiving the requirement of domicile in respect of the retired State Government employees and serving and retired service personnel from Maharashtra.

117. The Government of Maharashtra's relaxation of domicile requirement and income limit on 15 February, 2005 enabled many to become the members of the Society. The relaxation of domicile condition enabled many serving or retired Service Officers to become members. As illustrated by Audit, in one case of a Lieutenant General, his serving period at a training centre in Maharashtra from January, 1968 to July, 1971 made him eligible. There were other officers also whose serving periods were for a few years in Maharashtra in the late sixties and seventies.

118. In July 2004, the RFD (Revenue & Forest Department) Government of Maharashtra accorded sanction for allotment of 3758.82 square metres of land to the Society for construction of residential tenements on levying tentative occupancy charges of ₹10.19 crore alongwith the approved list of 20 members. On 24 August, 2004, the RFD accorded approval for another 51 members and thus a total number of

71 members were approved which included 33 members in the earlier list of 71 in the LOI of January, 2003.

119. In August, 2004, the RFD informed the Collector that as 71 members were approved by the Government, there was no objection to hand over the land to the Society. The RFD issued corrigendum on 21 February, 2005, correcting the area as 3824.43 square metres as per actual measurement. The Society was registered as a Co-operative Society on 28 September, 2004 before the land was handed over to it on 04 October, 2004. The Society went on adding new members and the final list consisted of 102 members which included only 37 Defence Personnel, even though its Chief Promoter had initially approached the Chief Minister for allotment of the land for residential development for its members belonging to the Defence Services. The Society also did not provide any accommodation for girls' hostel or for the children of serving/retired Defence Personnel as requested by the Defence Authorities while giving the 'go ahead' for the project.

#### XV. ENVIRONMENTAL CLEARANCE UNDER COASTAL REGULATION ZONE NOTIFICATION

120. The Committee were informed that the Ministry of Environment and Forests had constituted the State/Union Territory level Coastal Zone Management Authority including the Maharashtra Coastal Zone Management Authority for monitoring and enforcing the Coastal Regulation Zone (CRZ) Notification, 1991 and the CRZ Notification, 2011. These authorities were delegated the necessary powers under the Environment (Protection) Act, 1986 for taking punitive action against violations of the CRZ Notification including those taking place in CRZ-II areas. Further, at the National level, the National Coastal Zone Management Authority had been constituted. The State/Union Territory Coastal Zone Management Authorities reported to the National Coastal Zone Management Authority. The MoEF added that apart from the State/Union Territory Coastal Zone Management Authorities including the National Coastal Zone Management Authority, the MoEF had five regional offices of which three namely, Bhopal, Bengaluru and Bhubaneswar also monitored the projects cleared under the Coastal Regulation Zone Notifications, 1991 and 2011.

121. The Ministry of Environment and Forests, Government of India had notified the Coastal Regulation Zone with effect from 19 February, 1991. The land transferred to the Adarsh Housing Cooperative Society was in the Coastal Regulation Zone (CRZ)-II. The Ministry in a notification dated 21 May, 2002 amended the said notification incorporating a new clause (iii)(a) under Paragraph 3(2) which required environmental clearance from the Ministry for housing schemes in the CRZ areas as specified in Paragraph 6(2) of the said notification.

122. In a submission made to the Committee, the MoEF stated as under :—

“The Ministry of Environment and Forests had issued the Coastal Regulation Zone (CRZ) Notification on 19th February, 1991 under the Environment (Protection) Act, 1986. The CRZ Notification, 1991 regulates the developmental activities in coastal areas including Housing Projects in the said zone.”

123. Audit pointed out that Shri P.V. Deshmukh, Deputy Secretary, Urban Development Department, Government of Maharashtra and also a Member of the Society had addressed a letter on 5 October, 2002 to the Ministry of Environment and Forests, Government of India (MoEF) wherein he had requested for No Objection Certificate for the development of plot under reference. In this letter, Shri Deshmukh had also intimated that the State Government had decided to allot plot under reference to the Adarsh Housing Society for residential development. He referred to the letter of the Chief Promoter of the Society requesting grant of Government land for construction of welfare and housing facility to serving and ex-servicemen of Defence Services.

124. According to Audit, the above letter was issued by the Urban Development Department without the knowledge of the Environment Department and Maharashtra Coastal Zone Management Authority of the Government of Maharashtra, which were the nodal departments/agencies for processing the environmental clearances. The letter also highlighted the fact that the proposal was for the welfare and housing facility to serving and ex-servicemen of the Defence Services.

125. According to Audit, Shri A. Senthil Vel, Joint Director in the Ministry of Environment and Forests, Government of India in his letter dated 2 December, 2002 asked for some more documents. The correspondence was receiving attention at the highest level and the letter by the Joint Director in the Government of India to the Deputy Secretary, Government of Maharashtra was seen by the Chief Minister and Principal Secretary to the Chief Minister at the dak stage itself. It was diarised in the CM's Secretariat on 7 December, 2002. The documents were handed over personally in Delhi by Shri Deshmukh on 6 January, 2003.

126. After obtaining the documents, Shri A. Senthil Vel in his letter dated 11 March, 2003 to Shri Deshmukh stated as under:

“As per the information provided in the above letter and the revised Coastal Zone Management Plan of Greater Mumbai, it is noted that the proposed residential complex falls within the Coastal Regulation Zone-II area. This Ministry has already delegated the powers to the concerned State Governments for undertaking development in Coastal Regulation Zone-II. Accordingly, the proposed construction may be taken up as per the Coastal Regulation Zone Notification, 1991 (as amended from time to time) and the approved revised Coastal Zone Management Plan of Greater Mumbai.”

127. In compliance, Shri P.V. Deshmukh in his letter dated 15 March, 2003 to the Chief Engineer (Development Plan), Brihatmumbai Municipal Corporation *inter alia* stated that:—

“The Ministry of Environment and Forests have communicated their no objection to allow the said residential development since it falls within the Coastal Regulation Zone-II area which satisfies the norms of Notification dated 19 February, 1991 and amendments therein made upto 21 May, 2002. Now, there appears therefore, no objection to allow the residential development to the Adarsh Co-op. Housing Society on the land included in the residential zone as per the Notifications sanctioned by the Government.”

128. Audit pointed out that as per the laid down procedures, the project proponent was required to submit the project proposal to the concerned Coastal Zone Management Authority, which in this case was not done.

129. In March 2003, the Chief Promoter in his letter addressed to the Chief Minister and separately to the Minister of State for Urban Development wrote that:

“It is submitted that the Department of Environment and Forests, Government of India have considered our case on priority as a goodwill gesture to serving and ex-serviceman looking to their service towards the motherland and have accorded their NOC. They have also directed the Urban Development Department of Govt. of Maharashtra that such cases of permission for construction in CRZ-II Zone need not be referred to them and same can be decided by Mantralaya in Mumbai. Thus it can be seen that our efforts have brought positive result for all such cases pending in Mantralaya in CRZ-II Zone. In this connection a copy of letter of Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, C.G.O. Complex, Lodhi Road, New Delhi – 110003, No. J. 17011/46/2002-IA-III dated 11th March, 2003 is enclosed herewith. Based on above clearance the Urban Development Department of Government of Maharashtra have already directed the Chief Engineer, (Development Plan), Brihanmumbai Municipal Corporation, Fort, Mumbai, to sanction building construction *vide* their letter No. TPB 2099/1095/CR-154/99/UD-12 dated 15th March, 2003.”

130. Taking into account the above-cited developments, the Committee sought to know from the MoEF the authority under which the powers for undertaking development in CRZ-II area was delegated to the State Government. In reply, the MoEF made the following submission:—

“As per the clarification letter of MoEF *vide* its letter No. J-17011/21/1996-IA-III dated 27th December, 1996 titled ‘Clarification regarding permission to be given for construction activities in CRZ-II areas approved in the Coastal Zone Management Plans of States/UTs’, it was clarified that, ‘The undersigned is directed to inform that clarification has been sought from this Ministry regarding Environmental Clearance for construction activities in CRZ-II with investment cost exceeding ₹5 crore. In this regard, it is clarified that the concerned authorities at the State/UT level can accord clearance for construction activities on the CRZ-II areas approved in the Coastal Zone Management Plans, in accordance with the provisions under Clause 6(2) of CRZ Notification, 1991, even though the investment cost exceeds ₹5 crore’.

Further with regard to a specific query from Municipal Commissioner, Mumbai Municipal Corporation *vide* their letter No. MCP/2837, dated 12th March, 1997, it was clarified once again, ‘The Ministry has already clarified *vide* letter No. J-17011/21/98-IA-III, dated 27th December, 1998 that the concerned authorities at the State level can accord clearance for construction activities in CRZ-II areas approved in the Coastal Zone Management Plan of Maharashtra State, in accordance with the provisions under Clause 6(2) of the CRZ Notification, 1991, even if the investment exceeds ₹5 crore. The above clarification

as notified *vide* S.O.No. 494(E), dated 9th July, 1997 under which all activities with investment exceeding ₹5 crore are to be regulated by the concerned Authorities at the State/Union Territory level in accordance with the provisions of paragraph 6, sub-paragraph (2) of Annexure-I of the Notification.”

131. When the Committee asked the MoEF to explain the reasons for it not having given clear-cut directions in its letter dated 11 March, 2003 to the authorities of the Government of Maharashtra to abide by the Coastal Regulation Zone Notification, the Ministry replied that:—

“The Ministry of Environment and Forests had issued the Coastal Regulation Zone (CRZ) Notification, 1991 under the Environment (Protection) Act, 1986. The CRZ Notification classifies the coastal stretch into CRZ-I (Ecological Sensitive areas), CRZ-II(Built up Municipal limits), CRZ-III(Rural Areas), CRZ-IV(Islands of Andaman & Nicobar). The Notification contains the entire mechanisms describing the authorities to be approached, submission of proposals, the documents to be annexed etc. This notification has undergone about 25 amendments from time to time for further streamlining the process and to address the local issues in CRZ areas. The Ministry had received a reference from Urban Development Department (UDD), Government of Maharashtra (GoM) through Shri P. V. Deshmukh, Deputy Secretary, UDD, GoM dated 5th October, 2002 addressed to Secretary, MoEF seeking NOC for development of land by reducing the width of the adjoining road from 60.96 meters to 18.40 meters for residential purpose in BBR Block from III to VI to Adarsh Cooperative Housing Society (ACHS). As per this letter, the proposed Cooperative Society named Adarsh was meant for construction of Welfare and Housing Facility to serving and ex-servicemen of Defence Services. It was further indicated in the letter the land under reference is in CRZ-II and the development was permissible under prevailing DCR Rules as on 19th February, 1991.

It may be mentioned that Shri P.V. Deshmukh, Deputy Secretary, UDD, GoM was aware of the provisions of the CRZ Notification, 1991. It may also be indicated that the letter referred to the change in land use with respect to some area arising out of reduction in the road width. The CRZ Notification, however, does not make any reference to change in land use.

As the information provided by Shri Deshmukh to consider the request was inadequate, Ministry sought additional clarification on 2nd December, 2002. The information sought was relating to the approved CZMP Map of the area superimposed on the proposed layout to ascertain the location of the area in CRZ-II and is in conformity with the approved CZMP. After receipt of the relevant documents from the State Government in January, 2003, the response was sent on 11th March, 2003, which is reproduced below:—

“This has reference to your letter No. TPB 2009/1095/CR-154/99/UD 12, dated 4th January, 2003 regarding the subject mentioned above. As per the information provided in the above letter and the revised Coastal Zone Management Plan of Greater Mumbai, it is noted that the proposed residential



complex falls within the Coastal Regulation Zone-II area. This Ministry has already delegated the powers to the concerned State Government for undertaking development in Coastal Regulation Zone-II. Accordingly, the proposed construction may be taken up as per the Coastal Regulation Zone Notification, 1991(as amended from time to time) and the approved revised Coastal Zone Management Plan of Greater Mumbai.”

It could be seen that the letter of 11th March, 2003 was only a clarificatory response and in no way it could have been construed as a NOC or a clearance under CRZ Notification, 1991. Such clarifications are provided by the Ministry on queries from various Central and State Government Agencies. Even the subject matter of the letter is the same as was received from the Deputy Secretary, UDD, Government of Maharashtra. It also need to be mentioned that the MoEF reference was a correspondence between the Ministry and UDD and not with ACHS. The Ministry had issued this clarificatory letter to UDD, where officers expected to be well conversant with the Environmental laws and Regulation including their appropriate interpretation, keeping in view the main CRZ Notification, 1991, the amendments made from time to time, conformity with the approved CRZ plan etc.”

132. On being asked if the MoEF had taken cognizance of the notification dated 21.5.2002 under which environmental clearance of the MoEF was required for housing schemes in the CRZ Area, in response the MoEF stated as under:—

“As per paragraph 6, sub-paragraph (2) in clause (i) ‘provided further that the above restriction on construction, based on existing roads/authorized structures, roads proposed in the approved Coastal Zone Management Plans, new roads shall not apply to the housing scheme of State Urban Development Authorities implemented in phases for which construction activity was commenced prior to 19th February, 1991 in at least one phase and all relevant approvals from State/local authorities were obtained prior to 19th February, 1991; in all such cases specific approval of the Ministry of Environment and Forests would be necessary on a case to case basis’.

This provision does not apply to M/s. ACHS constructions for the following reasons:—

- (a) The Adarsh building was proposed to be located on the landward side of an authorized road which existed prior to 1991.
- (b) The said housing scheme was not undertaken by the State Urban Development Authority, such as MHADA.
- (c) None of the phases of the constructions for the Adarsh Cooperative Housing Society was commenced prior to 19th February, 1991.
- (d) No approvals from State/local authorities were obtained prior to 19th February, 1991 for the Adarsh Cooperative Housing Society.

- (e) This provision was included as an amendment to the CRZ Notification, 1991 keeping in view the World Bank assisted MHADA Housing Development Project which was meant for economically weaker section, who were allotted plots much earlier to 1991, sometime in 1986. The constructions could not be completed by these sections of people prior to 1991. After the issue of the CRZ Notification, 1991 such constructions which were falling on the seaward side of the road were not permissible in CRZ-II area. The MoEF had received many representations from these poor sections of people and from the Government of Maharashtra. Hence, this amendment was introduced in the CRZ Notification, 1991. The Adarsh Housing does not attract the above amendment in any way.”

133. According to the Press Note issued on 28 October, 2010, by the Ministry of Environment and Forests, the Ministry had never issued CRZ clearance or NOC. The Maharashtra Coastal Zone Management Authority, (one of whose functions was to ensure compliance to all specific conditions that were stipulated and laid down in the approved Coastal Zone Management Plan of Maharashtra) and also the Environment Department of Government of Maharashtra confirmed in 2010 that no environment clearance was obtained.

134. When the MoEF was asked to defend the inference that the letter of 11.03.2003 was a wilful act in view of the fact that the MoEF in their Press Note above cited had clarified that the CRZ clearance or the NOC had never been issued, the Ministry submitted as under:—

“The Ministry at that time could only issue the clarificatory letter as no proposal for CRZ clearance of the proposed ACHS or UDD, Government of Maharashtra was before it. It is therefore submitted that the letter of 11th March, 2003 was factually and legally correct and does not amount to any willful act on the part of the MoEF.”

135. On being asked to confirm whether the land in question was in CRZ-II as per the MoEF Notification effective from 19 February, 1991, the Ministry replied as follows:—

“As indicated CRZ Notification was issued by the Ministry on 19th February, 1991. Under the Notification, the States had to prepare the CZMPs. The CZMPs were approved by the Ministry on 27th September, 1996 with certain specific conditions and modifications. The GoM submitted the revised CZMPs of Greater Mumbai, which was approved by the Ministry on 19th January, 2000. As per the revised CZMPs, the proposed site area at BBR Block III to VI, Colaba, Mumbai is located in CRZ-II.”

136. Further, when asked whether the DCR, 1967 was applicable for land in Colaba falling under CRZ II area, the MoEF in its reply stated as under:—

“The provisions of clause 6(2) regarding CRZ II stipulates that ‘Buildings permitted on the landward side of the **existing** and proposed roads/existing authorized structures shall be subject to the **existing** local Town and Country Planning Regulations including the **existing** norms of Floor Space Index/Floor Area Ratio.’”

The word **existing** has been interpreted by the Ministry *vide* a letter dated 8th September, 1998 addressed to the Chief Secretary, GoM, as prevailed on 19.2.1991.

In view of the above clarifications, the DCR Regulations which was under implementation on 19.2.1991 *i.e.* approved DCR of 1967 shall be considered and not the draft of 1989 which came into force on 20th February, 1991 as it was still in a draft stage on 19.2.1991.

The above clarification with regard to the applicability of the DCR of 1967 was issued *vide* MoEF letter No.11-61/2006-IA-III, dated 18th August, 2006 based on a clarification sought from Government of Maharashtra.

As per the provisions of the CRZ Notification, 1991 as amended in CRZ-II area, any construction can be taken up only with the Floor Space Index and Floor Area Ratio regulations as existed on 19th February, 1991. In Mumbai at the proposed site of the Society the Floor Space Index as on 19th February, 1991 was 1.33. There were no exceptions and relaxations to this dispensation. These norms are applicable even today inspite of the CRZ Notification, 1991 having been superseded and a new CRZ Notification issued on 6th January, 2011.

The additional Floor Space Index, therefore, used by the Society is not in conformity with the CRZ Notification, 1991. The Ministry therefore had indicated in its letter of 11th March, 2002 that the proposed construction should be as per CRZ, 1991 (as amended from time to time) and the approved CZM plan at Greater Mumbai.”

137. In response to a query as to the maximum permissible height of the building on the said land as per the DCR, 1967, the MoEF clarified as follows:—

“Construction activities in CRZ-II were governed by CRZ Notification, 1991 MoEF does not regulate height of building under the CRZ Notification, 1991 in CRZ-II areas. The height of a building in CRZ-II is governed by the Floor Space Index as applicable under the local town and country planning regulations applicable as on 19.2.1991. There is no provision in the Notification to stipulate height of a building in CRZ-II.”

138. The Committee then sought to know the reasons for the failure on the part of the Ministry of Environment and Forests in preventing a building of such a height in that area being erected. To this the Ministry of Environment and Forests replied as under:—

“The Ministry had not received any proposal seeking CRZ clearance from UDD, Government of Maharashtra for the construction of building of M/s. ACHS. MoEF was not informed of such construction activity undertaken by ACHS.

The MoEF promulgated the CRZ Notification, 1991 to regulate activities in coastal areas and the coastal area falling in the jurisdiction of Municipal Corporation of Greater Mumbai (MCGM) mostly fell in CRZ-II category. By the order of 4th January, 2002, MoEF directed all the Coastal States to obtain recommendations of CZMA before according final permission to the projects in CRZ areas. Till April, 2003, the housing projects proposed in coastal areas in Mumbai were to be regulated by concerned authorities at the State ensuring compliance to CRZ, Notification, 1991.

For the purpose of monitoring and enforcing, the provisions of the CRZ Notification, 1991, the Ministry has constituted the State/UT level Coastal Zone Management Authorities including Maharashtra. To identify and to take punitive action under Environment (Protection) Act, 1986, necessary powers have been delegated to these authorities. Such violations have to be dealt by the MCZMA under the circumstances, the BMC is the first line of defence to detect such violations followed by the other local authorities.

In the present case, the matter was never referred to the State Environment Department or MCZMA for obtaining prior recommendation to the said building. The Planning Authorities apparently overlooked the fact of ensuring proper CRZ clearance before issuing commencement certificate and various other clearances by the Revenue Authorities. The building permissions were given in different stages by the Planning Authorities but the CRZ clearance was not verified. The CZMP of Mumbai was available with the Planning Authorities and it was clear position that the building is in CRZ-II and they should have in the first place taken appropriate action against the unauthorized structures.

The Regional Office of Ministry of Environment and Forests at Bhopal which covers the Maharashtra region undertakes monitoring of such projects which have been accorded environmental and CRZ Clearances by the Ministry or by the State Level Environment Impact Assessment Authorities constituted under the provisions of EIA Notification, 2006. The responsibility, therefore, to detect the construction of 100 mts. high rise building was with the local authorities and not with MoEF.”

139. The Committee desired to know the rationale behind the letter dated 11 March, 2003 from Ministry of Environment and Forests to Shri Deshmukh, DS, UDD, Government of Maharashtra which had stated that:—

“As per the information provided in the above letter and the revised Coastal Zone Management Plan of Greater Mumbai, it is noted that the proposed residential complex falls within the Coastal Regulation Zone-II area. This Ministry has already delegated the powers to the concerned State Governments for undertaking development in Coastal Regulation Zone-II. Accordingly, the proposed construction may be taken up as per the Coastal Regulation Zone Notification, 1991 (as amended from time to time) and the approved revised Coastal Zone Management Plan of Greater Mumbai.”

140. In reply, the MoEF submitted as under:—

“The reference was received in October, 2002 from Shri Deshmukh, DS, UDD, GOM for seeking NOC for development of plot which would be available due to reduction in the road width in BBR Block-III to VI for allocating to the proposed residential development of ACHS. Based on the information, clarification and keeping in view the conformity to approve CZMP, the response was sent on 11th March, 2003. The response dated 11th March, 2003 from MoEF primarily covers the reference received from the State Government, the need to comply with the approved revised CZMP. The reference on delegation of power has been made in the letter as Ministry *vide* its notification of 9th July, 1997 had delegated powers for construction activities in CRZ-II areas with investments exceeding ₹5 crore. It was also stressed that the construction may be taken up as per CRZ Notification, 1991 to convey the requirement of the existing rules, procedures and clearances, etc.

It is reiterated that the correspondence was between MoEF and the State Government *i.e.*, Urban Development Department who is expectedly well conversant with the regulations in vogue.

MoEF in its letter dated 27th December, 1996 had delegated powers to give CRZ clearances for investment more than ₹5 crore.”

141. Asked to spell out the exact procedure followed in the Ministry to accord necessary environment clearance and the circumstances under which the MoEF had to interact with the State Government Departments, the Ministry replied as under:—

“The environment clearance is accorded under the provision of EIA Notification, 2006 in which the project proponent directly submits the application to the MoEF if the project is of category-A and in case of category-B projects, the application is submitted to the State Level Impact Assessment Authority (SL/AA) which is constituted under EIA Notification, 2006. In case of CRZ clearance, the procedure is laid down in the CRZ Notification, 1991. This notification contains clear directions and procedures for undertaking various developmental activities in CRZ area. It is the responsibility of the project proponent to obtain necessary recommendations from the respective State Coastal Zone Management Authority constituted by the MoEF under Section 3(3) of EP Act and send it to MoEF/State Environment Department with all relevant documents prescribed in the CRZ Notification, 1991 seeking clearance under the Notification. When the CRZ proposal submitted to the MoEF is inadequate and in case of any lack of information, the Ministry corresponds with the concerned applicant to seek the necessary information for its completeness.”

142. The Committee then queried if the Urban Development Department in the Government of Maharashtra was the designated department to deal with environment clearance under the CRZ norms. In reply, the MoEF submitted as under:—

“MoEF has not designated any authority to deal with CRZ clearance matters. At that time the approval Authority was meant to be the State Government.

However as per the affidavit filed by MCZMA in the W.P.No. 369 of 2011 in the Hon'ble High Court of Bombay, in the matter of Adarsh Co-operative Housing Society Ltd. Vs. UOI & others it was stated:—

I say that between the period 4.1.2002 to 22.4.2003 construction activities in CRZ area had to be regulated as per 3(2)(iv) read with paragraph (6) of CRZ Notification by the State level planning authority applicable for the concerned area. However, this could be done only after the MCZMA gave its recommendation. The appropriate agency to regulate the activities in CRZ area was at the State level, this meant that CRZ proposals of the concerned planning authority was to be placed before the MCZMA through the Urban Development Department of Government of Maharashtra.' ”

143. On being asked to explain why Shri Senthil Vel, Joint Director, MoEF entered into a correspondence on 11th March, 2003 with Shri P.V. Deshmukh, DS, UDD, Government of Maharashtra when the MCZMA was in existence from 1998, the MoEF defended its stand as follows:—

“The letter of 5th October, 2002 from Shri P.V. Deshmukh, DS, UDD, GoM was addressed to Secretary, MoEF was regarding change in land use for the planning purposes through reduction in the width of the road. The UDD is the nodal department for planning purposes and since the change in land use has not been referred in CRZ Notification, 1991, it was indicated that the construction with regard to the strip of land that gets deleted by reducing the road may be taken up as per the CRZ Notification, 1991 and approved CZMP. Since, this was not a proposal for construction of ACHS, as it is reported that the land is allocated to the ACHS only in 2004. Since, the proposal was not for specific proposal from UDD, GoM a routine clarification was given to UDD to comply with CRZ Notification, 1991. Hence, the UDD was required to refer the matter to MCZMA/ State Environment Department for CRZ clearance for ACHS after the allocation of land.”

144. When asked to explain the circumstances under which Shri Senthil Vel had conveyed to the Deputy Secretary, UDD, Government of Maharashtra about the delegation of powers regarding development in CRZ-II instead of directing the Government of Maharashtra to approach the designated authority *i.e.* MCZMA for clearance for development, the MoEF put forth as under:—

“The proposal in 2002 from the UDD, GoM was for change in land use for planning purposes and was not concerning clearance of a specific project in which case the correspondence could have been with the project proponents.”

145. To a pointed query as to whether it would be correct to construe that the ambiguous communication by Shri Senthil Vel, JD, MoEF stating that the ‘proposed construction could be taken up as per the CRZ Notification, 1991’ had created adequate context to allow the Government of Maharashtra to interpret it as a ‘No Objection

Certificate' to the proposed residential development by the Society and requisite 'environmental clearance' from the MoEF, the Ministry replied as under:—

“No, there is no ambiguity in MoEFs communication dated 11.3.2003 for Government of Maharashtra to interpret it as a 'No Objection'.

This letter dt. 11th March, 2003 of MoEF was a routine clarification and the sinister use it was put to by Sh. P.V. Deshmukh, DS, GoM couldn't have been anticipated. It also needs to be noted that there is no provision at all in the CRZ Notification, 1991 for issuing any NOC and hence any interpretation of the letter of the MoEF of March, 2003 as NOC is legally and fundamentally misconceived and incorrect. Such misinterpretation is inexplicable and strange as the person construing in that manner Sh. P.V. Deshmukh, was very well aware of the CRZ Notification, 1991 and the amendments thereof and the procedure required for CRZ clearances as he as the representative of his Department had himself attended meetings of NCZMA on behalf of GoM with respect to various CRZ matters and had also referred to the CRZ Notification, 1991 in his first letter dt. 5th October, 2002 itself. Thus, the letter of MoEF issued as a clarification to his query could have neither been interpreted as NOC or CRZ clearance nor created any context to allow anyone including GoM to interpret it as a No Objection or misuse the same in any manner.”

146. When asked to state the measures taken/proposed to plug the lacunae in the existing monitoring mechanism for the environmental clearances, the Ministry submitted the following:—

“Keeping in view the violations and the non-effectiveness of the Coastal Zone Management Authorities the Ministry had issued an Office Memorandum on 7th November, 2008. The relevant extract is as follows:—

- (ii) In case the CZMAs are not in operation due to the Coastal Zone Management Authority being reconstituted or Chairman/Member Secretary not having been appointed etc., then it is the responsibility of the State Department of Environment who is the custodian of the Coastal Zone Management Plans of respective State/Union Territory to provide the comments and recommend the projects as per CRZ Notification to the Ministry of Environment and Forests. This approach is in accordance with para 3(ii) of the CRZ Notification, 1991.
- (iv) For ensuring transparency, it would be essential to post the list of projects received under CRZ Notification and their status on the website of both State Environment Department and the State Coastal Zone Management Authority, which would be updated regularly atleast weekly. Similarly, the agenda of State Coastal Zone Management Authority and the minutes shall be put on the website. This is all the more necessary because the CRZ clearances are already put on the Ministry of Environment and Forests website. It should also be ensured that projects are taken up for consideration on the chronological priority. In case of deviation from this priority, it may be undertaken with adequate justification and with prior approval of Chairman of State Coastal Zone

Management Authority or Secretary of the State Environment Department. Similar procedure is already adopted in MOEF for projects considered under EIA Notification of 2006.

- (v) The CZMAs main responsibility is to enforce and implement the Notification, 1991. It is observed that the Authorities are not taking adequate steps in controlling violations. In several instances, the Ministry has had to intervene and issue directions to the violators, in some cases to the State Government, even though the powers under Environment (Protection) Act, 1986 have been delegated to the CZMAs to take action against the violation. It is also noticed that the Coastal Zone Management Authorities are not implementing timely and completely the directions of Ministry of Environment and Forests. Therefore, high priority will be accorded to enforcing and monitoring of Coastal Regulation Zone Notification, 1991 by all the State/UT CZMAs’.

Further, in accordance with the Coastal Regulation Zone Notification of 6th January, 2011, a direction under Section 5 has been issued to all coastal States and Union territories to,—

- (a) ‘identify the violations of the Coastal Regulation Zone Notification, 1991 and the approved Coastal Zone Management Plan thereunder within their respective jurisdiction in a period of four months from the receipt of this directions;
- (b) Initiate action under the Environment (Protection) Act, 1986 upon the identified violations within four months thereafter;
- (c) Upload the relevant details of the identified violations, including the action taken on the violations, as per para (a) and (b) above on their respective website, every fortnight.

Further, the NCZMA will review the action taken by the respective State and UT CZMAs as directed above and apprise the MoEF periodically’.

The National Coastal Zone Management Authority periodically monitors the implementation of the directions. All Coastal Zone Management Authorities have developed their website and are hosting the violations on the website including the status.”

147. The Ministry further stated as follows:—

“From the above factual matrix, it could be seen that the MoEF has followed the provisions of CRZ Notification, 1991 and its amendments in advising the UDD, GoM in the letter dated 11th March, 2003. The correspondence was primarily with the State UDD, which was fully conversant with the requirements of CRZ Notification, 1991 and should have complied with the contents of the letter. The MoEF does not issue NOC under CRZ Notification, 1991 neither it entertains proposal for change in land use which is in the ambit of the State Government.



Further, the first level of monitoring of erection of such illegal buildings lies with the local planning authorities as per the approved plans and in conformity with existing legislations. Since, MoEF has not accorded CRZ clearance to ACHS, the monitoring of the project was not within the purview of MoEF.

As soon as the matter was brought to the notice of the MoEF through media in October, 2010 appropriate action in terms of Show Cause Notice (SCN) was immediately issued and necessary and final order directing the State Government that why the unauthorized structure should not be removed due to violation of CRZ Notification, 1991.

To minimize the violation of CRZ Notification, 1991 various directions has been issued from time to time to the State Government and a SCN has also been issued under Section 5 to all coastal States in February, 2011 and this would be further streamlined as and when the report will be received from the State Government. It may also be noted that the matter is under scrutiny by the Hon'ble two-member Commission of Inquiry set up by the Government of Maharashtra and the CBI is also inquiring into the matter. Further, the matter regarding final orders of MoEF is *sub-judice* in the Hon'ble High Court of Bombay.”

148. Asked to state in no uncertain terms as to whether the construction of ACHS was in violation of the CZ Regulation, 1991, the Ministry of Environment and Forests submitted as under:—

“Based on the Reports in media about the construction of a residential building in violation of CRZ Regulation by the ACHS in Block 6, Back bay reclamation area adjacent to Bus depot on Captain Prakash Pethe Marg, Colaba, Mumbai and also the reference from Maharashtra State Coastal Zone Management Authority where the project was discussed in November, 2010, was clearly observed by MCZMA the building construction undertaken by ACHS is in violation of CRZ, Notification, 1991 as no CRZ clearance/permission was obtained by the Society either from MCZMA or from MoEF. The Report of the MCZMA was further discussed in the meeting of the National Coastal Zone Management Authority held on 11th November, 2010 under the chairmanship of Secretary, Ministry of Environment and Forests. In this meeting, Principal Secretary, UDD, Government of Maharashtra and Principal Secretary, Revenue Department also confirmed the violation of CRZ, 1991.”

149. When asked about the specific action taken by the MoEF against the Housing Society in view of their own admission that the construction of the ACHS violated the CRZ, 1991, the representative of MoEF deposed as:—

“Based on the recommendations of the MCZMA, MoEF issued a Show Cause Notice under Section 5 of Environment (Protection) Act, 1986. After following due procedure, a final order was issued on 11th January, 2011 directing ACHS to remove the unauthorized construction in its entirety and the area be restored to its original condition.

The order of 11th January, 2011 of MoEF has been challenged by ACHS in the Hon'ble High Court of Bombay and the case is being heard on a regular basis in the Hon'ble High Court. The matter is *sub-judice*."

150. When the MoEF was specifically asked (April, 2013) to furnish the information as to when the 'Final order' of the Ministry regarding demolition of the building of Adarsh Co-operative Housing Society, Mumbai was rendered *sub-judice*, the Ministry replied (May, 2013) as:—

"It is informed that the final order for removal of the unauthorized building of M/s. Adarsh Co-operative Housing Society, Mumbai was issued by the Ministry on 14.01.2011. As per the information available on the website of Hon'ble High Court of Bombay, M/s. Adarsh Co-operative Housing Society filed writ Petition No. 369 of 2011 on 14.02.2011 challenging the above final order."

Further, a copy of the webpage was also enclosed.

#### XVI. STATUS

151. While submitting the latest position of the case, the Ministry of Defence furnished the following details:—

"On 9.11.2010, Ministry of Defence handed over the case to Central Bureau of Investigation (CBI) with a view to get the matter thoroughly investigated and fix responsibility. During the Preliminary Enquiry (PE), *prima facie* serious omissions and commissions on the part of defence officials/State Government officials and others were detected.

On the basis of PE, a regular case RC 6(A)/2011, was registered by CBI, ACB, Mumbai on 29.1.2011 against 13 persons including officers from Army, Navy, DGDE and others. It is alleged in the FIR filed by CBI that Shri R.C. Thakur in conspiracy with members of Defence Services, officials of Government of Maharashtra and others got allotted a plot of land in favour of ACHS which was in the possession of Army since long. The concerned public servants abused their official position, manipulated and fabricated the records to achieve their objective of getting plot, which was in possession of Army since long, allotted in favour of ACHS and also got various clearances from the Municipal authorities and other State Government authorities in an illegal manner. In lieu of this, they got allotment of flats for themselves and for their close relations at a very low cost compared to the market value. It is further alleged in the FIR filed by CBI that ACHS is located in one of the posh areas of Mumbai and market value of the flat of the size of 1076 sq. ft. carpet area is to the tune of ₹8.00 to ₹10.00 crore approx.

During course of investigation, the relevant documents from the office of Army, Mumbai Metropolitan Region Development Authority (MMRDA), Collector, Urban Development Department (UDD), Bombay Electricity & Suburban Transport (BEST), Revenue, Ministry of Environment & Forests (MoEF) have been collected and scrutinized. Till now 107 witnesses have been examined and

recorded their statement. The investigation of this case is nearing completion and thereafter a report under section 173 Cr. PC shall be filed in the court of law. The progress of the case is being monitored by the Hon'ble Bombay High court, Mumbai.”

152. Depositing before the Committee, the Defence Secretary submitted:

“..... a Commission of Enquiry has also been ordered by the Government of Maharashtra to look into the matter including the title of the land allotted to Adarsh Co-operative Housing Society. Steps need to be taken to avoid such incidence in future and culpability fixed on the part of any person or public servant or authority.”

153. The terms of reference of Commission of Inquiry are as follows:—

- (a) Whether land allotted to Adarsh Co-operative Housing Society Ltd., Plot No. 87-C BBR Block No. 6, Captain Prakash Pethe Marg, Near Backbay Bus Depot, Colaba, Mumbai (hereinafter referred to as “the Society”) belonged to the State Government or any other person, or organization.
- (b) Whether the land in question or membership of the Society was reserved for housing defence personnel or Kargil War heroes.
- (c) Whether the reduction of the width and the changes of the reservation from road to residential in respect of Captain Prakash Pethe Marg was in accordance with law.
- (d) Whether the deletion of the reservation of plot reserved for BEST and its conversion to residential purpose for allotment to the Society was in accordance with law.
- (e) Whether provisions of Maharashtra Regional and Town Planning Act, 1966 and Development Control Rules and Regulations framed thereunder have been contravened in utilization of FSI for items like staircase, lift, lobby etc. and raising the height of the Society’s building.
- (f) Whether any person who was not eligible to become member of the Society, was approved to be made a member of the Society, if so, who.
- (g) Whether any public servant had given permissions or clearances as a *quid pro quo* to the Society, or which would attract the provisions of the Prevention of Corruption Act, 1988.
- (h) Whether the land allotted to the Society, falls under the Coastal Regulation Zone (CRZ) and, if so, in which category.
- (i) Whether requisite environmental permissions and clearances had been obtained by the Society from the State Government, Central Government or prescribed authorities under Environment (Protection) Act, 1986 and Rules framed under the Act as well as Notifications issued thereunder.

- (j) Whether public servants, who themselves or their relatives are members of the Society, have violated any provisions of law including the All India Service (Conduct) Rules, or Maharashtra Civil Services (Conduct) Rules.
- (k) To enquire into any other matter which is connected with or incidental thereto.
- (l) To fix the responsibility on any person or public servant or authority and action to be taken on the basis of inquiry conducted in the matter.
- (m) To make suggestions or recommendations to bring in transparency and eliminate discretion in the matter of allotment of Government land to the housing societies, as well as admission of members to such societies, and such remedial measures, as the Commission may deem fit, which the State Government may follow in future.

154. The representatives of the Ministry of Defence, further apprised as follows:—

“in 2003 and 2004, there are two letters again written by the Defence Estate Department : ‘While it is correct this land is not recorded in our name but please allot this land to the Army or the Navy as the case may be for two-three reasons’.

The first reason is that there is a security imperative. We would not like the land to go to anybody else other than the Services. The second imperative was that we have shortage of land. There are several projects in progress for which even today the Services are short of land.

One of the major projects, for example, is for building accommodation. This is the government’s avowed policy that we must give much higher levels of satisfaction in terms of accommodation.”

155. When asked if the multi-storied building had any security implication, the representative of the MoD submitted:—

“Yes, security implications are there.”

156. On being asked to substantiate their claim that the multi-storied building posed security hazard, the representative of the MoD stated:—

“If you permit me, I can read out the aspect which has been mentioned in the affidavit filed before the hon. High Court. The location and height of the Adarsh building makes it a security risk:—

- a. The Adarsh Co-operative Housing Society is a private housing society at the entrance to the Colaba Military Station and is located on the road leading into the Colaba Military Station.
- b. Further, Adarsh building is the tallest building consisting of 31 floors on the main road and at one of the two entrances to the Colaba Military Station, which can facilitate observations of military vehicles and personnel moving into and out of the area.
- c. The Adarsh building directly overlooks and is in the immediate proximity of existing military establishment units. The units are: (i) Headquarters—

Maharashtra, Gujarat and Goa areas. Headquarters of Mumbai sub-area are located in close proximity; (ii) Installations include the EME workshop, storage and disbursal depot for POL, Army supply depot and Navy supply depot.

In times of enhanced tension and hostilities, these facilities assume greater criticality and sensitivity. It may be possible for the residents of this building to observe the number and type of specialized and general performance vehicles, that may be parked in the EME workshop from which their availability and serviceability can be analyzed.

- d. Security concerns also arise because the potential residents of the Adarsh building and their guests, who could be foreign nationals, will not be under the jurisdiction of the Indian Navy or Indian Army authorities and hence not amenable to security checks.

These are some of the issues which have been submitted on affidavit to the Hon. High Court. This affidavit is the latest one filed on 24th January, 2011."

157. When the Ministry was asked to furnish the reasons for their inaction on the security concerns arising out of the construction of building by ACHS especially when seven years had passed since the security concerns were brought to the notice of the State Government by the DEO (in June 2003), the AHQ replied as under:—

"All the decision making functionary at HQ MG&G Area involved in Adarsh case had vested interests.

It is intimated that issues related to construction of the Adarsh Building at Mumbai were being addressed by HQ M&G Area and DEO, Mumbai as the land on which 'Adarsh Co-operating Housing Society, Mumbai' stands, is not under the management of the Navy. However, consequent upon the terrorist attacks in Mumbai between 26 and 29 November 2008, the security environment in Mumbai has been irrevocably changed. In recognition of the changed security situation, the Flag Officer Commanding-in-Chief, Western Naval Command was vested with the added responsibility of ensuring coastal security on the western seaboard. Towards this end, he was additionally designated Commander-in-Chief Coastal Defence. As a result, security review of all structures in the vicinity of Naval establishments/areas was undertaken which included the Colaba Defence Station, where the Adarsh Building is located. The following actions were initiated by HQ Western Naval Command (HQWNC) with regard to Adarsh Building:—

- (a) Details of the members of the 'Adarsh Co-operative Housing Society Ltd.' were sought from the Deputy Registrar, 'A'-Ward, Registrar of Societies, Mumbai, *vide* HQWNC letter dated 27 Aug., 09. However, the Deputy Registrar *vide* letter dated 02.02.2010 intimated that the information was not available in the format forwarded by HQWNC and HQWNC was accordingly requested to approach the 'Adarsh Co-operative Housing Society Ltd.' directly, to obtain the requisite information.

- (b) Thereafter, HQWNC, *vide* its letters dated 15.03.2010, 15 Apr. and 14 May, 2010 sought details of members of the 'Adarsh Co-operative Housing Society Ltd.' from the society. However, instead of furnishing the names, the Society on 25.05.2010, replied to say that the list of members was not yet complete as some names were still pending approval of the Government of Maharashtra.
- (c) A letter was thereafter addressed to the Chief Secretary, Government of Maharashtra on 08.06.2010, requesting him to issue necessary instructions to the Deputy Registrar, 'A' Ward, to obtain the list of allottees of the 'Adarsh Co-operative Housing Society Ltd.', as per the specified format, to be forwarded to HQWNC by 21.06.2010. It was further requested that under no circumstances should an Occupation Certificate – partial or otherwise—be issued by the State Government authorities to the society, pending the issue of a security-clearance from this Headquarters.
- (d) The matter was reported to IHQ MoD (Navy) by HQWNC on 05.07.2010. The issue was forwarded by IHQ MoD (Navy) to ADGLWE/IHQ MoD (Army) for further necessary action as the issues were being addressed by Army Headquarters.”

158. Expressing anguish, the Committee asked whether the disregard to the security concerns did not imply the lackadaisical attitude of the Ministry towards matters of national security. In reply, the AHQ stated as under:—

“The disregard to security concerns has taken place primarily at the level of LMA. Due cognisance has been taken by MoD now and remedial action is being undertaken.”

159. Admitting that there had been lapse on the part of the officers, the witness in his deposition before the Committee stated:—

“The other question is : Is there any fault of officers? I would say that yes, in the sense that if I have a land in possession with me from 1980 onwards, I am using it. I have constructed a boundary wall around the plot. I am using it for certain kind of exercise by the Forces. I am doing all these things. Normally speaking, in such a situation when I am also trying to get that land from the Maharashtra Government: I am in possession of that land; I am using that land; even if it is not recorded as my land, I would generally try to see that I do not voluntarily part with that land but I will continue my efforts to get the land allotted/recorded in my name. Now, failure of an officer would be that instead of continuing that effort, if despite his effort the State Government had given that land, it is a different matter. But we would expect our own officers to make efforts to ensure that this land is actually not transferred to someone else.”

160. While replying to an unstarred question in Rajya Sabha as to 'whether some important files/documents pertaining to Adarsh Housing Society had gone missing', the Defence Minister informed the House as under:—

“During investigation, CBI found that file of Ministry of Environment & Forests (MoEF) related to grant of clearance is reportedly not traceable. CBI is also

investigating the case of missing/stolen documents of file of Department of Urban Development of the Maharashtra Government related to ACHS.”

161. According to the Report of Commission of Inquiry ADARSH CHS Ltd., Colaba, Mumbai on the terms of reference Nos. 1 and 2, the conclusion on the issue of Title to the land in question was:—

“To conclude the foregoing discussion, it may be said that the MoD have failed to establish their claim of title to the land in question. However, this is not so with the claim of GoM. Their claim stands established in view of the provisions of section 294 of the MLRC, 1966. As pointed out earlier, the MLRC, 1966 came into force on 15-8-1967 and there is no evidence to show that on that date the land in question was occupied by anybody. Moreover, the same has been corroborated by other factors viz. admissions on the part of the MoD, absence of entry in respect of the land in question in the MLR maintained by the DEO and the inaction on the part of the Army/MoD to assert their alleged right. The Commission therefore, holds that the land in question belongs to the GoM and accordingly records its finding on term No. 1 of the reference.”

162. Term No. 2 of Reference was ‘Whether the land in question or the membership of the Society was reserved for housing defence personnel or Kargil War Heroes’. To this, the conclusion drawn was:—

“The LOI Exh. GoM-4-A dated 21.1.2003 as well as the LOA Exh. GoM-5-A dt. 09.07.2004 contained terms and conditions subject to which the land in question was proposed to be allotted/allotted to the Adarsh CHS. But they do not contain any term of condition requiring the said society providing reservation for housing Defence Personnel or Kargil War heroes. Similarly, there is no G.R. or notification issued by the GoM providing reservation of the land in question for the defence personnel or Kargil War heroes. In fact at the time of the arguments the Id. Counsel for the MoD, GoM or even Adarsh CHS uniformly submitted that there was no such reservation. In view of this position, there is no difficulty in recording a negative finding on term No. 2 of the reference.”

163. When the Ministry was asked about the action taken/proposed to be taken on the conclusions made by the Commission of Inquiry on the issue of ‘title of the Adarsh land’ it was submitted that:—

“A mandatory two month Notice under section 80(1) of 1908 of CPC has been served on both the Government of Maharashtra and Adarsh Cooperative Housing Society on 28.5.2012 to reconsider their legal position in respect of:

- (a) said land (plot);
- (b) acknowledge the Title of UoI on the same; and

(c) handover possession of the property to the UoI/MoD within two months.

Further, it was also submitted:—

“Further action to file Title Suit before the High Court of Bombay in regard to ownership of said land (plot) will be taken on expiry of notice period of 2 months.”

164. In their latest submission made to the Committee, the MoD have stated as under:—

“So far as filing of Title suit in respect of Adarsh Land is concerned, Army HQs have informed that the Title Suit, duly vetted by MoD, has been filed before Hon’ble High Court of Bombay, by Headquarter, MG & G Area on 14.12.2012.”

165. A copy of the Title Suit as filed before the Court, was forwarded *vide* MoD letter No. C-13019/8/2010/D(vig.) dated 22.04.2013. The points urged are:—

- (i) (a) MoD is the lawful owner of the Suit Property.
- (b) Mandatory order and direction to the State Government of Maharashtra to enter the name of MoD in the Survey Register prepared under Section 282 of the Maharashtra Land Revenue Act 1966.
- (c) Delete the name of the State Government of Maharashtra and society registered under Maharashtra Co-operative Societies Act, 1960 from the said Survey Register/Revenue Records.
- (ii) Direction to demolish or cause to be demolished the Adarsh Building and all other structures erected on the Suit Property and handover vacant possession of the Suit Property to the MoD.

166. CBI while furnishing the latest information on the investigation submitted:—

“CBI, ACB, Mumbai registered an offence on 29.01.2011 *vide* RC. No. 6(A)/2011 against Shri R.C. Thakur (A-1) and other accused persons U/s 120-B, 420, 468, 471 IPC and sec. 13(2)r/w 13(1)(d) of PC Act 1988. Subsequently section 3 of Benami Transactions Act was also added in the case as per the orders dated 17.02.2011 of Hon’ble Bombay High Court.

On completion of investigation the CBI has filed a Charge Sheet against Shri R.C. Thakur (A-1), Brig. M.M. Wanchu (A-2), Shri K.L. Gidwani (A-3), Maj. Gen. A.R. Kumar (A-4), Maj. Gen. T.K. Kaul (A-5), Brig. T.K. Sinha (A-6), Shri P.V. Deshmukh (A-7), Shri Ramanand Tiwari (A-8), Shri Subhash Lalla (A-9), Dr. Pradeep Vyas (A-10), Shri Ashok Shankarrao Chavan (A-11), Dr. M. Jairaj Phatak (A-12), Col. (Retd.) R.K. Bakshi (A-13) and Late M. Gurusamy (A-14) (not sent for trial) constitute offences U/s 120(B), 420 IPC & Section 13(2) r/w 13 (1) (d) (iii) of PC Act, 1988 on 04.07.2012.

It is also informed that the investigation with respect to allegations of Benami Transaction/Benami holding of flats in the Adarsh Society is in progress as directed by the Hon’ble Bombay High Court. On completion of the same a Final Report U/Sec.173 Cr. P.C. will be filed before the competent Court.”



## PART II

### OBSERVATIONS AND RECOMMENDATIONS

**Introductory:** The C&AG Report No. 11 of 2011-12 on 'Adarsh Co-operative Housing Society (ACHS), Mumbai' presented to Parliament on 9th August, 2011 was selected for in-depth examination by the Committee at their sitting held on 23rd August 2011. The Ministry of Defence (MoD) handed over the case to the Central Bureau of Investigation on 9.11.2010 to get the matter thoroughly investigated and fix responsibility. The Ministry of Environment and Forests (MoEF) on 11th January, 2011, after following due procedure, issued a final order directing the ACHS to remove the unauthorized construction in its entirety and restore the area to its original condition. This order of MoEF on being challenged by ACHS in the High Court of Bombay rendered the matter *sub-judice*. The other developments in the case were that Bombay Electricity Supply and Transport Undertaking *i.e.* BEST disconnected the electricity of the ACHS on 2.10.2011 and the Mumbai Municipal Corporation discontinued the water supply on 3.10.2011. When the names of owners of the flats of ACHS, along with the relevant details were sought by the Committee, the Ministry of Defence stated that a site visit of the premises of ACHS, was conducted on 20.1.2012 by officers from Mumbai Metropolitan Region Development Authority. Statedly, the Secretary of ACHS and the Manager of the Society were present who handed over a list of Members mentioning the status of the possession given to the individual flat owners. A Commission of Enquiry was also constituted by the Maharashtra Government under the Commission of Enquiry Act, 1952 *vide* a Notification dated 8.1.2011 under the Chairmanship of Hon'ble Justice Shri J.A. Patil, Retired High Court Judge and Shri P. Subrahmanyam, Retired Chief Secretary, Government of Maharashtra. The Commission of Enquiry commenced its proceedings from April 2011. When the Committee started their examination and called for information relating to Adarsh Co-operative Housing Society through the Ministry of Defence, Government of India, the Government of Maharashtra submitted that all the concerned departments of the State Government were directed to submit the original files/papers relating to ACHS before the Commission of Enquiry. The Government of Maharashtra also submitted that the Ministry of Defence was represented before the said Commission through their advocate and therefore, Ministry of Defence (MoD) could obtain the papers filed by various departments of Government of Maharashtra from the Commission through their advocate. Further, the Committee in December 2011, had asked the MoD to obtain photocopies of all the relevant documents from the State Government of Maharashtra. However, the MoD could not furnish the said documents to the Committee.

**2. Various Irregularities committed:** Audit scrutiny revealed how a group of select officials holding key posts subverted rules and regulations, suppressed facts and took the ruse of welfare of servicemen and war widows and children. The Committee's scrutiny corroborated the irregularities in the entire process right from allocation of land to the Society, obtaining 'No Objection' from the Army, extension

of various concessions by Government of Maharashtra, getting 'No Objection Certificate (NOC)' from BEST for transfer of developmental rights of the adjoining land, obtaining clearance for residential development in Coastal Regulation Zone by certain officials who abused their official position for personal gain. Asked how the NOC was given to the Society, the MoD stated that the NOC was issued by the local Defence authorities because of mismanagement of Defence land, poor record keeping and lack of mutation of land already in possession of the Armed Forces. Further, the multiplicity of agencies managing Defence land had contributed to the maladministration with no centralised information being available on land holdings. With the lines of responsibility and consequently of accountability being blurred, no agency has accepted responsibility on many aspects of land management. The Committee consider this a monumental failure at all levels of governance. Apparently, the Public Servants entrusted with the responsibilities of safeguarding the Public trust brazenly betrayed the fiduciary trust by acting against all norms of Public interest and probity.

3. Non-cooperation with Audit: The Committee are deeply concerned to note the fact that the Audit officials who sought records relating to the case of issue of 'No Objection Certificate' in favour of Adarsh Co-operative Housing Society, were initially denied the same by the Headquarters, Maharashtra, Gujarat and Goa Area (HQ MG&G) and Headquarters Southern Command, Pune in April-May 2010 and subsequently given access in September-October 2010. Asked to explain such an attitude of non-cooperation with the Audit, the Ministry of Defence submitted that Army being a hierarchical organisation, the visits/inspection by outside Government agencies are co-ordinated at appropriate level. The Committee deplore the attitude of dilly-dallying and non-cooperation with the Audit with a view to blocking Parliamentary scrutiny. The Committee need to be explained such an attitude of non-cooperation and the measures taken to prevent such recurrences.

4. Lack of proper mechanism to secure ownership of properties: According to the Agreement in 1958, between Ministry of Defence and the then Government of Bombay, 41 Acres and 8 Guntas of Defence Land from Santacruz Rifle Range was transferred to the Government of Bombay for construction of Western Express Highway on the condition that the State Government *in lieu* shall give land, in Block VI, Colaba, Bombay failing which the State Government was to pay the market value of the land. Out of this, a piece of land measuring 3854 square metres in Block VI, Colaba was under consideration for exchange with State Government *in lieu* of the aforesaid Santacruz land. Though this land had been under the occupation of the Army, its ownership was not transferred in favour of Ministry of Defence. Further, the claim for payment *in lieu* of Defence land already transferred to State Government was also not finalised. This clearly indicated that the Ministry of Defence did not have a proper mechanism to secure ownership of its properties. Obviously, the Ministry of Defence failed to get the land transferred from the State Government when it had surrendered its land for the construction of Western Express Highway. It is also not clear as to why the Ministry did not seek the market value of the land which it had surrendered. The Committee seek reasons from the MoD for the same within 3 months of the presentation of this Report.

**5. Inadequate management of Defence Estates:** The Committee are shocked to note the laggardly approach of the Ministry of Defence (MoD) to manage its Estates. When asked if MoD had reached any agreement with the State Government by way of Memorandum of Understanding for transferring the land at Block VI, Colaba in their favour, the Ministry submitted that Government of India, MoD letter dated 31.12.1958 had brought out the terms and conditions for transfer of Defence land from the Santa Cruz Rifle Range to Government of Bombay for construction of the Western Express Highway and for Slum Clearance Scheme. According to the agreement, once the proposal for exchange materialized, the Colaba land was to be valued and the difference between the valuation of Santa Cruz land and Colaba land was to be paid by the concerned Government. The Committee find that the MoD failed to pursue the matter to its logical end once they had transferred the land for construction of the Western Express Highway. Though the findings of the investigation by the CBI in the matter are awaited, the Committee recommend that MoD initiate urgent measures for efficient management of the Defence Lands and keep the Committee apprised, as recommended by them in their report on management of defence estates.

**6.** The Committee were apprised that the land in question which was under the possession of the Army had a boundary wall constructed by the MES though MES had no records available to show about the said construction. The Collector, City of Bombay in his letter dated 11 December, 1989, while addressing the issue of 'Grant of Land admeasuring 1000.00 sq. metre between Back Bay BEST Bus Depot and Prakash Pethe Marg at Cuffe Parade, Colaba' for the construction of Rest House for Ex-Servicemen had stated that 'the land in question falls in the Block VI, B.B.R. Estate'. The letter also stated that after the issue was discussed in the meetings held by the Minister of State for General Administration and Metropolitan Commissioner, BMRDA with the top officials, it was decided that the matter be referred to the Revenue and Forests Department as the 'land in question is in possession of the Military Department since 1940 and Military area/jurisdiction begins from this demanded land'. The Ministry also submitted that the subject land was inaugurated as 'Eco Park' by Major General B.A. Cariappa in 1996 and was called as 'Khukri Park'. It was also submitted that this Park was maintained by the Garrison Battalions. The Committee are appalled to note that this very land in possession of the Military Authorities was handed over to the Society by issuing a 'No Objection Certificate' stating "the said land falls in Block No. VI of Colaba Division (Backbay Reclamation Scheme-VI) which falls outside the Defence Boundary. Necessary action at your end may be taken as deemed fit for the welfare of service personnel/Ex-servicemen/their widows". Furthermore, the Committee found that the ostensibly pious intention of the Society to look into the 'Welfare of service personnel/ex-servicemen/their widows' was lost sight of, as seen from the membership of the Society which kept expanding to accommodate senior Service Officers, senior civilian public servants and private individuals, most of whom were relatives of politicians and public servants. The Committee would like the CBI to expedite its investigation so that the law takes its course expeditiously and the guilty are brought to justice.

**7. Non-mutation of land:** The Committee find that the said particular piece of land was not recorded in Military Land Register. Asked to explain the reason for the

land not being mutated in the name of MoD, it was submitted that the Collector, Mumbai had intimated in 1964 that land from Block VI could not be transferred. Admitting before the Committee, the Secretary stated 'poor record keeping and lack of mutation of the land already in possession of the Armed Forces' were among the major reasons that contributed to mismanagement of Defence Land. He added that an impetus had been given to the computerisation of Defence Land records. It was also added that subsequent to the event of Adarsh Housing Society a number of remedial steps have been taken by the Ministry. These included computerisation of all Defence Land records and a project of survey and demarcation of Defence Land. The Committee were also informed that computerisation was being done for the whole country and as on date two registers namely Military Land Register and General Land Register were being computerised. In addition, two more projects had been initiated for physical verification and demarcation of Defence Land on ground and digitalisation and also microfilming of all land records for their preservation. The Committee would like to be apprised of the outcome of such initiatives within three months of the presentation of this report.

8. NOC issued by LMA : It is intriguing as to how the MoD issued a 'No Objection' for construction of residential building for the proposed private Society when the Army was in physical possession of the land. On being enquired, the Committee were apprised that MoD had not issued any NOC for construction of residential building by a private Society but it was issued by Local Military Authority (LMA) and Defence Estates Office (DEO) as though these entities were outside the central command. On being probed further, the Ministry submitted that the Officers involved at that time, Army as well as civilian officers, more or less have retired. The Ministry however conceded that *prima facie* it was a case involving criminality, and therefore the Government had ordered CBI inquiry. The Committee therefore expect that the CBI would complete their investigation at the earliest in order to ensure that officers responsible for their questionable acts of omission and commission are brought to justice without further delay.

9. Violation of the terms of NOC : The Committee note that the Army Authorities issued NOC to the Housing Society for the 'Welfare of servicemen, ex-servicemen and their widows'. The Committee find that the membership of the Society continued to expand to accommodate public servants, politicians and their relatives. Asked as to why NOC was not rescinded once the change in membership of the Society was noticed by the MoD, it was tacitly admitted that 'probably because all the decision making functionaries at HQ MG&G Area, Defence Estates Office (DEO) Mumbai and Officers of State government were beneficiaries'. It was further submitted that, DEO Mumbai Circle *vide* letter dated 16.06.2003 had requested the Collector, Mumbai not to allot the subject land to Adarsh Cooperative Housing Society (ACHS) and DEO Mumbai had written to HQ, MG&G Area *vide* letter dated 14.7.2003 to withdraw the NOC issued by them to the State Government. However, to the dismay of the Committee, no action was taken by the concerned authorities. Furthermore, the Committee found that the Defence authorities did not press their earlier demand of providing accommodation for the Girls' Hostel for wards of Army Officers posted in far flung areas, welfare of Kargil war heroes, welfare of widows of Servicemen for which the

Chief Promoter had initially approached the Chief Minister for allotment of land in question. The Ministry submitted that ‘the Defence Authorities did not press their earlier demand because in all probability the decision making authorities from inception till 2010 were interested parties’. The Committee are appalled by the temerity with which the ruse of welfare of servicemen and ex-servicemen was used by the select elite belonging to the Services and civilian administration, politicians and well-heeled individuals connected with them for private profit. Since the Government have ordered investigation in the matter, the Committee hope the CBI would spill the beans and help fix individual responsibility with respect to individual cases referred to in this Audit report who are found to have prevaricated in the matter. The Committee should like to be apprised of the action taken in the matter in due course.

**10. Expansion in membership of the Adarsh Society:** The Committee are distressed to note that the much acclaimed pious avowal of — ‘Welfare of service personnel, ex-servicemen and their widows’ was used as a smoke screen to corner prime piece of land by Senior Service Officers, Senior Civilian public servants and private individuals, most of whom were relatives of politicians and public servants. The Committee note that the initial list of 40 members of the Society submitted to the Collector, Mumbai City, largely comprised of individuals belonging to Defence services and Civilian organisations related to Defence. However, as the case moved in the corridors of the Mantralaya seeking odd clearances and no objections from various authorities, the list of membership swelled from time to time as more senior officers of Services, State Government and private individuals were accommodated. The MoD however failed to furnish the names of add-on membership in chronological order and the dates on which successive clearances and objections were taken. The Committee would like the list of membership on the indicated lines to be prepared and furnished to the Committee in due course.

**11. Modification of MMRDA development plan:** The Committee find that flouting of norms in the case was not restricted only to wrongful appropriation of Government land to benefit some influential members of the Armed Forces and Civilian officers, politicians and their relatives. When the Committee sought information from the Government of Maharashtra, they submitted that a Commission of Enquiry has been ordered by them to look into the matter holistically including the title of the land allotted to Adarsh Cooperative Housing Society (ACHS). The Ministry of Defence while submitting the replies to the Committee stated that the replies to questions concerning Government of Maharashtra are awaited as the State Government has said (i) the original files/papers related to ACHS matter have been submitted to the Commission of Enquiry, (ii) the terms of reference provided to the Commission cover almost all the questions referred to them, and (iii) the Commission will be submitting its report to the State Government after recording the evidence of all the concerned parties. It also stated that it would not be possible to make any comments at this stage. A perusal of records made available to the Committee reveals that amongst the various concessions made by the Government of Maharashtra was the modification of Mumbai Metropolitan Region Development Authority’s Development Plan for the Area to accommodate the Society. Since the land sought by the Society was reserved for road widening as per Mumbai Metropolitan Region Development Authority’s (MMRDA)

development plan, the Collector, Mumbai City had reported to Revenue and Forest Department, Government of Maharashtra that NOC from Municipal Corporation of Greater Mumbai and approval of MMRDA were to be taken. Further, the membership was to be approved by the Government. The Committee find that the Society while consenting to accommodate 40 per cent civilian members had given their willingness to leave an area of 10 to 15 feet for further widening of the road. In this very letter, the Society had also requested the Revenue Minister to allot land, which was in the physical custody of Military Authority (MA) 'to accommodate and reward the Heroes of Kargil operation who had bravely fought at Kargil to protect our Motherland'. Notably, an earlier request of Bombay City Sainik Welfare Office for allotment of land for construction of a rest house had been refused in March 1986 and again in December 1989 on the ground that the land was earmarked for widening of the road. Surprisingly, later, *i.e.* in April, 2002, the Urban Development Department considering the Society's request for allotment of land, approved the modifications to the MMRDA Development Plan. The modifications were deletion of 60.97 metres wide road leading to South Colaba Harbour link and changing width of Captain Prakash Pethe Marg from 60.97 metres to 18.40 metres and inclusion of the deleted area in Residential Zone, Parade Ground, Helipad, Garden and BEST Depot. Thus the area reserved for roads were converted into residential area paving the way for allotment of the land to the Society. The Committee hope that appropriate action would be taken by the State Government of Maharashtra on the report of the Enquiry instituted by them. The Committee further recommend that Ministry of Defence may keep the Committee apprised in the matter.

12. Relaxation *w.r.t.* DCR 1967 and DCR 1991: The Committee observe that the Society was allowed to circumvent both the Development Control Rules (DCR) 1967 and the DCR 1991. In accordance with DCR 1967, no building could be erected or raised to a height greater than one and a half times the sum of the width of the streets on which it abuts and the width of the open space between the street and the building as measured from the level of the centre of the street in front. Thus, the maximum height of the Society building permissible as per DCR 1967 was 45.6 metres. The DCR 1991 had no height restriction but brought down the Floor Space Index (FSI) for Back Bay Reclamation Scheme (BBR) Block VI to 1.33 from 3.5 as per the DCR 1967. The plot in question was categorised as Coastal Regulation Zone (CRZ) II and for the buildings permitted in that Area, DCR 1967 were applicable. Though DCR 1967 were to be adhered to for building construction activities proposed in CRZ II areas of Mumbai, the Society was allowed to apply DCR 1991 in this aspect as height restriction was not stipulated by DCR 1991. Further, loss of FSI was offset by transferring the developmental rights of the BEST plot and relaxation of 15 per cent on account of RG as and when required. Further, against the approval for 27 floors, the Society constructed 28 floors which raised the height to 100.70 metres. The Municipal Commissioner accepting (21 October 2009) the contention of the Society that there was no need to obtain fresh NOC from High Rise Committee stated that Mumbai Metropolitan Region Development Authority's (MMRDA) approval may be obtained. The NoC for 28th Floor was issued on 4 August, 2010 when the son of the Municipal Commissioner became a member of the Society. Also, many relaxations

were made in grant of membership and environmental clearances for ineligible persons, obviously under a certain *quid-pro-quo*. The Committee do not wish to make any comment at this stage as the Government of Maharashtra have set up an Enquiry Commission, to enquire into all specified, connected and individual issues, fix responsibility on public servants for the lapses on the basis of enquiry conducted and make recommendation for transparency in Government in land allotment and to eliminate unwarranted discretion. The Committee would like the Ministry of Defence to apprise the Committee about the final outcome of the Enquiry Report in due course.

**13. Violation of height restriction:** The Committee find that the DCR 1967 and 1991 were applied selectively and the Society allowed to construct the building beyond the permissible height. The maximum height of the Society building permissible as per DCR 1967 was 45.6 metres and DCR 1991 had no height restriction for buildings in CRZ-II. The Committee find that the MoEF had failed to prevent construction of a building of such a height coming up in that area. When the Ministry was asked to explain their failure, their reply was that no proposal was received from UDD, Government of Maharashtra seeking CRZ clearance for the construction of building of M/s ACHS. This is far from convincing and not acceptable to the Committee. The Committee would like to be apprised about the action taken by the MoEF against those officials in MCZMA who failed to detect grave environmental violations in their jurisdiction. The Committee would also like to be apprised about how the MoEF envisages to ensure that the delegated authorities carried out their duties conscientiously, without any fear or favour.

**14. Lacunae in Acts/Rules/Notifications for environmental protection:** The Committee were apprised by the Ministry of Environment & Forests that detection of violation of the provisions of the CRZ Notification 1991, is the first duty of the 'BMC and the other local authorities'. Notably, in the event of local authorities conniving with vested interests, as happened in the instant case, the MoEF has no other means of detecting the violations and taking action against the law violators. The MoEF also stated that the Regional office of MoEF at Bhopal monitors projects in Maharashtra region which have been accorded environmental and CRZ clearances by the Ministry or by the State Level Environment Impact Assessment Authorities. Obviously, in cases of projects undertaken without environmental clearance, the regional office at Bhopal had no mechanism to know of such projects much less of taking action against such projects. The Committee are perturbed to note that the Regional offices so created across the Country have no proactive role to play and that they act only after the local authorities detect violation or in cases where project proposals are submitted to them for necessary environmental clearances. The Committee therefore recommend that the MoEF plug loopholes in the Acts/Rules/Notification for ensuring proper forest conservation and environmental protection. The Committee would like to be apprised of the measures contemplated by the Ministry in this behalf.

**15. Tardy pace of CBI investigation:** The Preliminary Enquiry conducted by CBI had detected *prima facie* serious omissions and commissions on the part of Defence Officials/State Government officials and based on this a case was registered by CBI, ACB, Mumbai on 29.1.2011 against 13 persons including officers from

Army, Navy, DGDE and others. Further, on completion of investigation the CBI has filed a chargesheet against the 13 persons on 4.7.2012. CBI has submitted that investigation with respect to allegations of Benami Transaction/Benami holding of flats in the Adarsh Society was in progress and on completion the Final Report under Section 173 Cr. PC will be filed before the Competent Court. The Committee deplore the tardy pace of investigation. Considering the fact that glaring irregularities were committed by men in governance, the Committee exhort CBI to expedite its investigation. The Committee are appalled to note that the Defence Minister while replying to a Parliamentary question stated that 'during investigation CBI found that the file of MoEF relating to grant of clearance is reportedly not traceable'. It was also added that CBI is also investigating the case of missing/stolen documents/files of the Department of UDD of the Maharashtra Government related to ACHS. The Committee would like to be apprised of the files/documents reported missing/untraceable, the particulars of the Department(s) from where the documents were required to be kept in safe custody and the efforts made to retrieve the missing documents.

**16. Security concerns ignored:** In the course of examination, the MoD pleaded before the Committee that though the land was not recorded in their name, it be allotted to the Services. Justifying the plea, the Ministry stated that 'there is a security imperative'. The Ministry admitted that 'Adarsh Building is the tallest building consisting of 31 floors and facilitated observations of military vehicles and personnel moving into and out of the Colaba Military Station. The building directly overlooked and was in the immediate proximity of existing military establishment units'. The apprehension expressed was that in times of enhanced tension and hostilities, it enabled the residents to observe the number and type of specialized and general performance vehicles, that are parked in Electronics and Mechanical Engineers (EME) workshop from which their availability and serviceability could be analysed. The security concerns arose also because the potential residents of the Adarsh building could be foreign nationals who would not be under the jurisdiction of the Indian Navy or Indian Army authorities and thus not amenable to security checks. The representative of the Ministry conceded before the Committee the security risk involved in view of the location and the height of the Adarsh building. Surprisingly, the Ministry of Defence/Military authorities chose to ignore these aspects when the building was coming up. On being asked as to why the Ministry had not taken seriously the security concerns arising out of the construction of building by ACHS, the Ministry of Defence replied that consequent to terrorist attacks in Mumbai between 26 and 29 November, 2008, the security environment in Mumbai had irrevocably changed. In the changed scenario, the Flag Officer Commanding-in-Chief, Western Naval Command was vested with the responsibility of ensuring Coastal security on the Western Seaboard and was also designated Commander-in-Chief Coastal Defence. On their part, the HQ WNC had made several attempts from 27 August 2009 to get the details of the members of the 'ACHS Ltd.' which had gone in vain and finally on 5.7.2010 the issue was forwarded to MoD (Army) for further necessary action. The Committee deplore the cavalier manner in which a serious issue of security was overlooked to the detriment of security installation.



**17. Conclusion:** Thus, in conclusion, the Committee find that a group of select officials holding key posts had subverted rules and regulations, suppressed facts and took the ruse of welfare of servicemen and war widows and children in cornering the prime piece of public land in Mumbai. Irregularities were committed in the entire process right from allocation of land to the Adarsh Co-operative Housing Society, obtaining 'No Objection' from the Army, extension of various concessions by Government of Maharashtra, procuring 'No Objection Certificate (NOC)' from BEST for transfer of developmental rights of the adjoining land and obtaining clearance for residential development in Coastal Regulation Zone by certain officials who abused their official position for personal gains. The Committee hope the Government would take appropriate remedial action to ward off such incidents in the light of their recommendation in the preceding paragraphs. The Committee refrain from making further comments as the matter is still *sub judice* with respect to the title of the land and other allied/connected issues.

NEW DELHI;  
4 November, 2013  
13 Kartika, 1935 (Saka)

DR. MURLIMANO HAR JOSHI  
Chairman,  
Public Accounts Committee.

## CHRONOLOGY OF EVENTS

Date	Event
1	2
7 February 2000	Society submits proposal to the Chief Minister of Maharashtra for allotment of 3854 square metres of land in Block VI Back Bay Reclamation for construction of residential building.
19 February 2000	Chief Minister marked the Society's proposal to Principal Secretary (Revenue), Revenue and Forest Department (RFD), Government of Maharashtra with instructions to call for the proposal and put up.
06 March 2000	RFD, Government of Maharashtra forwarded the Society's proposal to the Collector, Mumbai City for self-explanatory report.
27 March 2000	Site inspection by Collector indicated that the land was enclosed by a boundary wall constructed by the 'Military Department'.
29 March 2000	Collector approached the HQ M&G Area for NOC.
05 April 2000	HQ M&G Area informed the Collector that the land fell "outside the Defence boundary". It was further requested that "necessary action at your end may be taken as deemed fit for the welfare of Service personnel/ex-Servicemen/their widows".
12 May 2000	Collector informed RFD that <ul style="list-style-type: none"> <li>* the land is reserved for road widening as per MMRDA's<sup>4</sup> development plan, therefore NOC from MCGM<sup>5</sup> and approval of MMRDA should be taken;</li> <li>* membership should be approved by the Government; and</li> <li>* Occupancy charges at 20 <i>per cent</i> of market rate as on 1st January of the year in which the allotment is made is leviable.</li> </ul>
02 June 2000	Society in its letter dated 2 June, 2000 accepts in writing to accommodate 40 <i>per cent</i> civilians as discussed in a meeting on the same day with Shri Ashok Chavan, Revenue Minister. The Society requested his help to reward and accommodate the Kargil heroes. The Minister marked the Society's request to Secretary RFD.
10 April 2002	Urban Development Department (UDD) approved modifications by deletion of 60.97 metres wide road leading to South Colaba Harbour link and changing width of Captain Prakash Pethe Marg from 60.97 metres to 18.40 metres.

<sup>4</sup> Mumbai Metropolitan Region Development Authority.

<sup>5</sup> Municipal Corporation of Greater Mumbai.

1	2
18 January 2003	Revenue and Forest Department Government of Maharashtra issued 'Letter of Intent' to the Society regarding allotment of the plot of land.
17 March 2003	The Society wrote to Shri Sunil Tatkare, Minister of State for Urban Development, Government of Maharashtra for allotment of additional FSI of the adjoining plot used by Brilian-Mumbai Electric Supply and Transport Undertaking (BEST) as approach road, as it was finding it difficult to accommodate all the 71 members already approved by the Government.
10 May 2003	Shri Kanhaiyalal Gidwani MLC and a member of the Society approached Shri Shivajirao Nilangekar, Revenue Minister Government of Maharashtra for exemption of the income level beyond Rs. 12,500 in the case of ex-servicemen as a 'good gesture to our brave soldiers'.
16 June 2003	Shri Saurav Ray, Defence Estate Officer's letter to District Collector, Mumbai conveying certain facts against the proposal to allot land for ACHS for construction of multi storeyed residential building at Block VI/VII in Colaba adjacent to the Backbay. Bus Stand/Army POL Depot.
08 October 2003	Out of the 71 members, the Collector scrutinized the eligibility of 41 members with reference to income, domicile in Maharashtra and caste category and only 30 were found eligible.
09 July 2004	Government of Maharashtra accorded sanction for allotment of land to the Society levying occupancy charges of Rs. 10.19 crore. List of 20 members approved by the Government was also enclosed with the sanction.
12 July 2004	The Society wrote to Shri Sushil Kumar Shinde, Chief Minister of Maharashtra and Shri Sunil Tatkare, Minister of State for Urban Development for additional FSI of the adjacent plot used by BEST as approach road to Backbay Reclamation Depot.
14 July 2004	Meeting held by Shri Sunil Tatkare, Minister of State for Urban Development for discussing the request of the Society for additional FSI in which Shri Ramanand Tiwari, Pricipal Secretary UDD stated that the land was reserved for BEST bus depot and was being used by BEST as access to the Depot, so it was not possible to allot the FSI of the reserved plot to the Society. The Society was therefore asked to approach the Government to de-reserve the plot by following the normal procedure which would take at least six months.

1	2
28 September 2004	Adarsh Co-operative Housing Society was formally registered.
04 October 2004	The plot was handed over to the Society.
30 October 2004	UDD called for the comments of BEST on the Society's request for allotment of additional FSI of the adjacent plot.
07 December 2004	Assistant General Manager (Civil) and Additional GM of BEST opined that the land should be out of purview of any allotment/ reservation and should be retained as access to the BEST Depot.
15 December 2004	In a meeting held by Shri Sunil Tatkare, Minister of State for Urban Development at Nagpur, representative of BEST indicated that BEST would not give NOC as requested by the Principal Secretary (Revenue) for de-reservation of the land.
05 January 2005	In a meeting held in the Chamber of Shri Sunil Tatkare, Minister of State of Urban Development, Shri Ramanand Tiwari Pricipal Secretary UDD stated that the land belonged to the State Government and if it is to be allotted to BEST, it would be required to bear the cost of land at the current market rate.
11 January 2005	BEST decided to leave the decision to the State Government regarding the issue of allotment of the FSI of the plot but requested that the interest of BEST be protected by maintaining present status of access without any encroachment on the plot.
15 February 2005	The State Government amended the GR of 9.7.1999 raising the income limit for eligibility to all and waiving the requirement of domicile in respect of serving Defence Personnel and ex-servicemen belonging to Maharashtra, retired State Government employees and officers appointed to the Government of Maharashtra.
05 August 2005	Government of Maharashtra allowed the additional FSI of the adjoining land used by BEST to the Society.
<b>Environment clearance and CRZ Violations</b>	
11 March 2003	In response to a reference by the Urban Development Department of Government of Maharashtra for grant of 'Development Permission' to the Society, the Ministry of Environment and Forests, Government of India (MoEF) informed UDD that the proposed residential complex falls in CRZ II and MoEF had already delegated powers to the concerned State Governments for undertaking developments in CRZ II. The construction may be taken up as per the CRZ notification and approved revised Coastal Zone Management Plan of Mumbai.

1	2
15 March 2003	Interpreting this as a 'No Objection Certificate', Shri P.V. Deshmukh, Deputy Secretary, UDD informed MCGM that MoEF had communicated 'No Objection' to residential development in the CRZ-II by the Society.
28 July 2004	The State Government set up 'High Rise Committee' to scrutinize development proposals of all buildings having height more than 70 metres.
06 September 2005	MMRDA deducted 15 <i>per cent</i> FSI for Recreation Ground while approving the building plan of the Society.
06 September 2005	MMRDA issued Commencement Certificate for the building up to plinth level.
11 June 2007	MMRDA forwarded Commencement Certificate to MCGM up to four floors.
01 September 2007	High Rise Committee issued NOC for 3rd to 27th upper floors with a height of 97.60 metres up to terrace floor level (Stilt+2 level podium +1st and 2nd floor for commercial use+3rd to 27th upper residential floors).
22 January 2008	MMRDA forwarded Commencement Certificate to MCGM from 5th to 27th Floor.
2 January 2009	The Society approached MMRDA to grant FSI <i>in lieu</i> of 15 <i>per cent</i> FSI for Recreation Ground deducted by MMRDA.
24 March 2009	MMRDA took up the case with UDD for approval to exclude the 15 <i>per cent</i> deduction on account of Recreation Ground.
20 July 2009	UDD approved the proposal to exclude the 15 <i>per cent</i> deduction on account of Recreation Ground.
14 October 2009	Meeting in MCGM to consider the proposal of the Society to regularize the 28th floor constructed by the Society without insisting on clearance from the High Rise Committee.
21 October 2009	Shri Jairaj Phatak, Commissioner MCGM accepted the proposal of the Society to regularize the 28th floor without clearance from the High Rise Committee and to obtain the approval of MMRDA.
09 November 2009	MCGM informed the Society to obtain the approval of MMRDA for regularization of the additional 28th floor.
04 August 2010	Commencement Certificate for 28th floor issued by MMRDA directly to the Society.
16 September 2010	MMRDA approved issuance of occupancy certificate for stilt + 2 level podium + 28 upper floors.

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1	2
30 October 2010	Occupancy certificate was cancelled by MMRDA.
15 November 2010	Principal Secretary, UDD observed that orders for exclusion of the 15 <i>per cent</i> FSI for Recreation Ground were issued without verification about the availability of 15 <i>per cent</i> Recreation Ground in the BBR scheme as large tracts of land otherwise served as Recreation Ground were occupied by slums.

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## ANNEXURE II

## LIST OF MEMBERS OF THE SOCIETY ON VARIOUS DATES

Sl. No.	List of 40 Members as on 10.04.2000	List of 31 Members as on 02.06.2000	List of 20 Members Dated 09.07.2004 (M)	List of 51 Members Dated 24.08.2004 (M)	List of 71 Members Dated 29.09.2004	List of 103 Approved Members of ACHS
1	2	3	4	5	6	7
1.	Brig. M.M. Wanchu, Secretary	Brig. M.M. Wanchu, Secretary	Shri R.C. Thakur, Chief Promoter	K. Ashish Tondon	Shri Ramchandra Sonelal Thakur	R.C.Thakur
2.	Shri R.C. Thakur, Chief Promoter	Shri R.C. Thakur, Chief Promoter	Brig. M.M. Wanchu, Secretary	Lt. A. Pooran Kumar	Brig. Madanmohan Jagdish Prasad Wanchu	Brig. M.M. Wanchu
3.	Col. K.J.S. Khurana	Col. K.J.S. Khurana	Cdr. Rajiv Pilo	Major General Virender Singh Yadav	Capt. Ashish Soamidayal Tandon	Cdr. Rajiv Pilo
4.	Cdr. S.P. Singh	Major R.K. Singh	Capt. A.S. Balakrishnan	Major General Pitambar Kishor Rampal	Cdr. Rajiv Pilo	Cdr. A.S. Balakrishnan
5.	Major R.K. Singh	Major M.D. Singh	Lt. Col. P.S. Tampi	Col. Amarjeet Singh	Lt. Arigapudi Puran Kumar	Surg. Capt. P.S. Thampi
6.	Major M.D. Singh	Col. R.K. Bakshi	Shri P.K. Hinduja	Lt. Col. P.H. Ram	Maj. Gen. Varinder Singh	Parmanand Hinduja
7.	Col. R.K. Bakshi	Col. S.D. Tandon	Shri Sudhakar Laxman Madke	Brig. Avinash Chandra Chopra	Maj. Gen. Pitambar Kishor	Sudhakar Laxman Madke
8.	Col. S.D. Tandon	Lt. A. Puran Kumar	Smt. Sushila Shaligram	Major R.K. Singh	Col. Amarjeet Singh	Smt. Sushila Shaligram
9.	Lt. A. Puran Kumar	Brig A.C. Chopra	Admiral Madhvendra Singh	Lt. Cdr. John Mathew	Lt. Col. P.H. Ram	Admiral Madhvendra Singh

10.	Brig. A.C. Chopra	Lt. Gen. I.K. Varma	Shri J.M. Abhayankar	Rear Admiral R.P. Sutan	Brig Abhinash Chander Hanstraj Chopra	Shri J.M. Abhayankar
11.	Brig. H.H. Israni	Smt. Sushila Shaligram	Shri V.B. Deshmukh	Major General Tej Krishan Kaul	Cdr. Alampallam Swetanyam Balakrishana	Shri P.V. Deshmukh
12.	Lt. Gen. I.K. Varma	Cdr. Rajiv Pilo	Shri Gajanan Sadashiv Koli	Lt. General Gurbaksh Singh Sihota	Major Rajeev Kumar Hitnarin Singh	Gajanan Sadashiv Koli
13.	Brig. T.K. Kaul	Capt. K.H. Chaoji	Shri Sanjay Ruke	Major M.D. Singh	Lt. Cdr. John Mathews	Amol Vithoba Kharbhar
14.	Smt. Sushila Shaligram	Shri R. Srinivasan	Shri Amol Vithoba Karbhari	Capt. Gopal Bharati	Cdr. Parmeswaran Shyamsunder Tampi	Kiran Bhadange
15.	Cdr. Rajiv Pilo	Shri K. Subramanian	Shri Kiran Bhadange	Shri Romesh Chandra Sharma	Rear Admiral R. P. Suthan	Kanhaiyalal Gidvani
16.	Capt. K.H. Chaoji	Shri D.K. Reddy	Kum. Hrusha M. Havnoor	Lt. Gen. Shantnu Chaudhary	Parmanand Kishanchand Hinduja	Kailash K. Gidvani
17.	Shri R. Srinivasan	Shri M. Gurusamy	Shri Kanhaiyalal V. Gidvani	V. Adm. Madanjit Singh	Shri Sudhakar Laxaman Madke	Amit K. Gidvani
18.	Shri K. Subramanian	Shri P.K. Hinduja	Shri Kailash K. Gidvani	Col. Tarakant Sinha	Smt. Sushila Shaligram	Shri Arun P. Pawar
19.	Shri Aditya Kumar	Col. Amarjit Singh	Shri Amit K. Gidvani	Col. A.P. Singh	Maj. Gen. Tej Kishen Kaul	Maj. Ashish Tan
20.	Shri D.K. Reddy	Lt. Col. P.H. Ram	Shri Arun Pandurang Pawar	Shri L.K. Chummlal	Admiral Madhvendra Singh	Lt. Cdr. A. Puran Kumar



1	2	3	4	5	6	7
21.	Shri M. Gurusamy	Brig. R.C. Sharma		Smt. Sujata Nanasahab Mane	Lt. Gen. G.S. Sihota	Maj. Gen. V.S. Yadav
22.	Shri P.K. Hinduja	Lt. Cdr. G.S. Garewal		Shri Rajesh Shantilal Bora	Maj. M.D. Singh	Lt. Gen. P.K. Rampa
23.	Col. Amarjit Singh	Capt. Pravin Kumar		Shri Arun V. Davale	Shri J.M. Abhayankar	Col. Amarjeet Singh
24.	Lt. Col. P.H. Ram	Lt. Cdr. J.E. Mathew		Shri Sampat R. Khidse	Capt. Gopal Bharti	Lt. Col. P.H. Ram
25.	Lt Col. R.M. Jain	Cdr. A.S. Balakrishna		Shri Anand S. Bharose	Shri P.V. Deshmukh	Brig. A.C. Chopra
26.	Brig R.C. Sharma	Rear Admiral R.P Sutan		Smt. Seema Vyas	Shri Gajanan Sadashiv Koli	Lt. Col. R.K. Singh
27.	Lt. Cdr. G. S. Garewal	Shri R.P. Singh		Shri Kanishka Jairaj Pathak	Shri Sanjay Raghunath Ruke	Commander John Mathew
28.	Capt. Pravin Kumar	Maj. Ajay S. Kapoor		Smt. Supriya V. Mahske	Shri Amol Vothoba Karbhari	Maj. Gen. Tej Kishen Kaul
29.	Lt. Cdr. J.E. Mathew	Brig. P.K. Rampal		Shrinivas Dadasahib Patil	Shri Kiran Vamanrao Bhadange	Lt. Gen. G.S. Shihota
30.	Cdr. A.S. Balakrishna	Brig. H.H. Israni		Shri Eknath Damu Rathod	Miss Harusha M. Havnur	Brig. M.D. Singh
31.	Lt. Col. H.S. Garewal	Sub. R.N. Thakur		Shri Shivji Rao C. Deshmukh	Shri Kanhaiyalal Gidwani	Cmdr. Gopal Bharti
32.	Rear Admiral R.P. Sutan			Shri Shah Dhaval Rajesh	Shri Kailash K. Gidwani	Brig. Romeshchander Sharma
33.	Surgeon Cdr. P.S. Tambi			Mrs. Kavita Shyam Godbole	Shri Amit K. Gidwani	Lt. Gen. Shanta Choudhry

34.	Shri R.P. Singh	Shri Harbhajan Singh	Shri Arun P. Pawar	V. Adm. Madajjit Singh
35.	Maj. Ajay S. Kapoor	Shri Malav Jayanta Shah	Brig. Romesh Chandra Shrama	Brig. Tara Kant Sinha
36.	Col. S.K. Jain	Shri Rajesh Kumar Das	Lt. Gen. Shantonu Chudhary	Capt. A.P. Singh
37.	Lt. Col. H.S. Puri	Shri Aditya Bhagat Patil	Vice Admiral Madanjit Singh	Lt. Cdr. Chummilal
38.	Maj. Ramesh Bakshi	Smt. Sumeela Sethi	Col. Tara Kant Sinha	Shri Rajesh Shantilal Bora
39.	Brig. P.K. Rampal	Shri Chandrashekhar Ramrao Gaikwad	Capt. A.P. Singh	Dr. Arun V. Dawle
40.	Sub. R.N. Thakur	Shri Shivaji Shankar Kale	Lt. Cdr. Chummilal	Sampat R. Khidse
41.		Shri Krishmarao Dhondiba Bhegade	Smt. Suljata Nanasahab Mane	Anand S. Bharose
42.		Dr. Sanjay Radkar	Shri Rajesh Shantilal Bora	Seema Vyas
43.		Shri Arun Sopan Adale	Shri Arun V. Davale	Kanishka J. Pathak
44.		Shri Jitendra Satish Awhad	Shri Sampat R. Khidse	Supriya V. Maske
45.		Ms. Soniya Suresh Kollhapure	Shri Anand S. Bharose	Shrinivas D. Patil
46.		Shri Vishwas Bapu Chougale	Smt. Seema Vyas	Shivajirao C. Deshmukh

1	2	3	4	5	6	7
47.				Shri Raghunath Maruti Bhosale	Shri Kanishka Jairaj Pathak	Shah Dhaival Rajesh
48.				Shri Suresh Prabhakar Prabhu	Smt. Supriya V. Maske	Kavita S. Godbole
49.				Shri Utam Ramkrishna Ghakare	Shri Shrinivas Dadasahib Patil	Cdr. Harbhajan Singh (Retd.)
50.				Major N.W. Khankhoje	Shri Eknath Damu Rathod	Malav J. Shah
51.				Shri Nivruti Ganpati Bhosale	Shri Shivjirao C. Deshmukh	Rajesh Kumar Das
52.					Shri Shah Dhaival Rajesh	Aditya B. Patil
53.					Ms. Kavita Shyam Godbole	Sumeela Sethi
54.					Cdr. Harbhajan Singh	Chendrashekar R. Gaikwad
55.					Shri Malav J. Shah	Shivajirao Shankar Kale
56.					Shri Rajeesh Kumar Das	Krishnarao D. Bhegade
57.					Shri Aditya Bhagat Patil	Dr. Sanjay Radkar
58.					Smt. Sumeela Sethi	Arun S. Adate
59.					Shri Chandrashekhhar Ramrao Gaikawad	Jitendra S. Awhad

60.	Shri Shivaji Shankar Kale	Soniya S. Kolapure
61.	Shri Krishnarao Dhondiba Bhegade	Vishwas B. Chougale
62.	Dr. Sanjay Rajaram Radkar	Raghunath M. Bhosale
63.	Shri Arun Sopan Adate	Suresh Prabhu
64.	Shri Jitendra Satish Awhad	Uttam Ghakare
65.	Ms. Soniya Suresh Kolhapure	Maj. N.W. Khankhoje
66.	Shri Vishwas Bapu Chougale	Nivruti G. Bhosale
67.	Shri Raghunath Maruti Bhosale	Amar Singh Waghmare
68.	Shri Suresh Prabhakar Prabhu	Lt. Gen. Tejinder Singh, VSM (Ex.)
69.	Shri Uttam Ghakare	Babasaheb Kuperkar
70.	Major N.W. Khankhoje	Ranjit Chintaman Sangitrao
71.	Shri Nivruti Ganpati Bhosale	Devyani Khobragade
72.		Lt. Cdr. Gurumukh
73.		S. Grewal Seema Vinod Sharma

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1	2	3	4	5	6	7
74.						Jagdish Ambika Prasad Sharma
75.						Sajjan Singh Yadav
76.						Kedari Vishal Kishore
77.						Gen. Nirmal Chander Vij
78.						Gen. Deepak Kapoor
79.						Idezes Angmo Kundan
80.						Onkar Tiwari
81.						Balashib Yeshwantrao Sawant
82.						Sadusingh Pulsingh Rajput
83.						Mukundrao Govindrao Mankar
84.						Sanjoy Shankara
85.						Paramveer Abha Sancheeti
86.						Suresh Gulabrao Atram
87.						Sheetal Vinod Garju

88.	Anil Kumar Thakaru
89.	Bhavesh Amabalal Patel
90.	Bhagwati Manoharlal Sharma
91.	Madanlal Milkiram Sharma
92.	Satyasandha Vinayak Barve
93.	Maj. Gen. Ram Karwar Hooda
94.	Dhondiram Ganpati Waghmare
95.	Col K.J.S. Khurana
96.	Raorane Rupali Harishchandra
97.	Siddhartha Sonu Ganre
98.	Girish Pravinchandra Mehta
99.	Manilal K. Thakur
100.	Sushil Chand Sharma
101.	S.B. Chavan
102.	Capt. Praveen Kumar
103.	Dr. Archana Tiwari

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*ANNEXURE III*

D.O.No. LND 2512/176/C.R.85/J-2.

Revenue & Forest Department  
32nd floor, Centre-1 Bldg.,  
World Trade Centre Complex, Cuffe Parade,  
Mumbai-400 005.  
Tel.: 022-27869567

S.S. Kshatriya, IAS  
Additional Chief Secretary (Revenue)

Date:

Dear Shankar Aggarwal,

Please refer to your demi official letter No. C-13019/8/2010/D(Vig. III) dated 26.09.2012 and subsequent reminders dated 6.03.2012 and 11.03.2013 from the MoD.

With reference to your above mentioned correspondence, it is stated that this government had sought a report from the Collector, Mumbai City, which he has submitted *vide* his letter No. CSLR/REV 1/T-1/BBR Block-6/ACHS/2012/6036, dated 3.12.2012. A translated copy of the said letter is being enclosed herewith for your ready reference.

Regards,

Sd/-

S.S. Kshatriya

Encl. As above.

Shri Shankar Aggarwal,  
Additional Secretary,  
Government of India,  
Ministry of Defence,  
Department of Defence,  
New Delhi-110011.

(Translated copy)

Collector and District Magistrate,  
Collector Office, Mumbai, Mumbai City  
Old Custom House, Shahid Bhagat Singh Road, Fort, Mumbai-400 001.  
Fax. 22661239, Tel. 22665233, Email: collector\_mumbaicity@maharashtra.gov.in  
(Revenue Branch)

No. CSLR/REV.1/T-1 BBR Block-6/ACHS/2010 Dtd. 3rd December, 2012

To,

Hon. Addl. Chief Secretary,  
Revenue & Forest Department,  
32nd Flr. World Trade Centre,  
Cuffe Parade, Colaba,  
Mumbai-400 005.

**Subject** : Seeking additional information about members of Adarsh C.H.S.

**Reference:** Govt. Revenue & Forest Department's letter No. Land 2512/R. No. 176/J-2,  
dtd. 16.11.2012

With the above cited letter, a letter from Hon. Addl. Secretary, Government of India, Ministry of Defence, No. 13019/8/2010/D (Vig. III) has been sent and it is directed to furnish additional information about the members of Adarsh C.H.S. to the government.

*Vide* the paragraph numbers 3 & 4 of the said letter following information is sought.

3. As regards information in respect of (ii) above, information provided by the State Govt. of Maharashtra is the final list of 102 members of the society as against 71 members which were registered initially. It was observed from this list that out of the 71 members, the names of 7 originally registered members have been deleted and 38 new names have been added at subsequent stages.

4. PAC has specifically asked for subsequent inclusions in the list of members of the Society (including the particulars of the members) till the matter became *sub-judice*, the information given by the State Govt. does not divulge (i) various dates when names of 7 originally registered members were deleted, and (ii) various dates when 38 new members were added to the original list including reasons for such inclusion/deletion.

In this connection following information is being submitted.

2. In the paragraph 3 above it is mentioned that, from the 71 members approved by the Government 7 initial members have been excluded and an approval/sanction



has been accorded to 38 new members. However it is confirmed from the files of this office that from the initial 71 members, 5 members have been excluded and an approval to 36 new members has been accorded by the collector office. While giving final approval to 36 members, 2 new members have been included in place of 2 initial members. It means that 5 members from the Government approved list have been excluded and new members have been included by replacing 5 members from the collector approved list. In addition to this 2 members from the collector approved list have been replaced.

3. Particulars of names of 5 members excluded from the list of initial 71 members, approved names of members to be included in this place, date of approval etc., are as below:—

Sl. No.	Name of the Original Member	Name of the new Member included in <i>vice</i> of Old Members	Date of Approval to New Member ( <i>i.e.</i> , this is also the date of deletion of Old Members)	
1.	Shri Sanjay Rukhe	Shri Siddharth Sonu Gamre	05.05.2010	I
2.	Miss Harusha M. Havnur	Shri Grish Pravinchandra Mehta	05.05.2010	II
3.	R. Adm. Raman Prem Suthan	Shri Jagdish Ambika Prasad Sharma	10.11.2008	III
4.	Smt. Sujata Nanasaheb Mane	Shri Amarsingh Waghmare	08.02.2008	IV
5.	Shri Eknath Damu Rathod	Dr. S.B. Chavan	25.08.2010	V

i.e. 64 Original Members

4. Particulars of names of 36 new members approved by the collector and dates of approval are as below. It is inclusive of names of 5 New Members:—

Sl. No.	The Name of New Members	Date of Approval given by the Collector	The Name of New Member is included in place of the Following Member
1	2	3	4
1.	Shri Amarsingh Waghmare	08.02.2008	Smt. Sujata N. Mane (IV Govt. List)
2.	Shri Sushil Kumar Sharma	08.02.2008	Major R.S. Randhawa (Collector List)
3.	Shri Krishnajirao Rakhmajirao Desai C/o Babasaheb Kupekar	05.05.2010	
4.	Shri Onkar Tiwari	05.05.2010	
5.	Shri Ranjeet C. Sangitrao	05.05.2010	
6.	Shri Balasaheb Y. Sawant	05.05.2010	
7.	Smt. Devyani Khobragade	05.05.2010	
8.	Shri Dhondiram G. Waghmare	05.05.2010	
9.	Lt. Commander Gurumukhasingh Grewal	10.11.2008	

1	2	3	4
10.	Smt. Seema Vinod Sharma	10.11.2008	
11.	Shri Jagdish Ambikaprasad Sharma	10.11.2008	R.Adm. Raman Prem Suthan (III Govt. List)
12.	Shri Sajansingh Yadav	10.11.2008	
13.	Shri Kedar Vishal Kishore	10.11.2008	
14.	Shri Sandusingh Fulsingh Rajput	15.04.2009	
15.	Shri Mukundrao Govindrao Mankar	15.04.2009	
16.	Shri Sanjoy Shankaran	15.04.2009	
17.	Smt. Idzes A. Kundan	18.04.2009	
18.	Shri Paramveer Abhay Sancheti	31.07.2009	
19.	Shri Gulabrao Govind Atram	31.07.2009	
20.	Gen. Nirmal Chandar Veej	06.2009	
21.	Shri Gen. Deepak Kapur	06.2009	
22.	Smt. Sheetal Vinod Gajnju	20.08.2009	
23.	Shri Anilkumar Thakur	20.08.2009	
24.	Shri Bhavesh Ambalal Patel	20.08.2009	
25.	Smt. Bhagvati Manoharlal Sharma	20.08.2009	
26.	Shri Madanlal Mildhiram Sharma	20.08.2009	
27.	Prof. Satyasandha Vinayak Barve	20.08.2009	
28.	Major Gen. Ram Genral Huda	20.08.2009	
29.	Miss Rupali Harishchandra Raorane	05.05.2010	Shri Dilip Valse Patil (Collector List)
30.	Colonel D.J. Khurana	22.03.2010	
31.	Shri Siddarth Sonu Gamre	05.05.2010	Shri Sanjay R. Rukhe (I. Govt. List)
32.	Shri Grishh Praveenchandra Mehta	05.05.2010	Miss Harusha M. Havnur (II. Govt. List)
33.	Shri Manilal K. Thakur	05.05.2010	
34.	Shri S.B. Chavan	25.08.2010	Shri Eknath D. Rathod (V. Govt. List)
35.	Captain Praveen Kumar	25.08.2010	
36.	Dr. Archana Tiwari	03.09.2010	

Information as above is being submitted and it is requested to take further necessary action.

Collector, Mumbai City

**APPENDIX A**

C.G.O. 25th Aug., 1821. 20. The Governor in Council is pleased to declare the whole of the Island of Colaba, excluding Old Women's Island, to be a Military Cantonment, and subject to the Regulation of 1793\*, which are to be strictly enforced.

---

Receipt and Issue of Barrack Stores

C.G.O. 26th April, 1795. 21. The duty of the Receipt and Delivery of all Barrack Stores, shall belong to the Department of Barrack Master.

22. Whenever a Corps arrives at the Presidency or other Station, the Barrack Master, or Officer appointed to execute the duties of that Office, shall deliver to the Quarter Master of the Corps complete Barrack Furniture of every kind, according to the actual strength of the Regiment or Battalion, taking the Quarter Master's Receipt for the same in duplicate†.

23. Whenever a Corps moves to take the Field, or to proceed to another Station, every Article of Barrack Furniture and Stores shall be delivered over by the Quarter Master of the Corps, to the Barrack Master, or Officer appointed to execute the duties of that Office, who must grant a Receipt for the same in duplicate†.

24. Previous to the Issue of Store Furniture by the Barrack Master, or the return of them by the Quarter Master of Corps, a survey by a Committee of Officers shall take place on the same Stores, if time will permit; and, if not, the Receipts shall specify as nearly as possible, the state and condition of the Articles received and delivered.

25. The Reports of the Committee of Officers, and the duplicate of the Receipts passed by the Barrack Master and Quarter Masters of Corps, shall be transmitted to the Quarter Master General.

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\*See Art. 19.

†See Art. 6.

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

## APPENDIX B

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

## APPENDIX C

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

## APPENDIX C 1

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.



## APPENDIX D

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

## APPENDIX D1

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

## APPENDIXE

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

**APPENDIX F**

2032/Land/154/E-2

Garrison Engineer (West)  
Colaba, Mumbai-05  
20th Dec., 2008

HQ Mumbai Sub Area  
(Stn. Cell)  
Colaba, Mumbai

**STATUS OF BLDGS. IN OLD SHO COMPLEX**

1. Ref. your letter No. 4274/7/Wks./(W)/23 dt. 23 Dec., 2008.

2. Details asked for are furnished as under:—

Sl. No.	Bldg. No.	Year of Constr.	Purpose/Occupn. Description of bldg.	Spl. Repair/ addn./altn. carried out Incl. cost incurred (in Rs.)	Remarks
(a)	T-1/1	28-2-66	Office (C.I.C.A) SHO/GE's Office	* Cost of Constr.: 16640.06 * Repairs : 625.22 1650.84 17228.24 Total Cost : 36144.36	Ref. Appx.'A' Page No.-4
(b)	T-1	1940/41	Office (IWT 6 Docks)/AWWA pet Clinic	* Cost of Constr.: 13942.96 * Repairs : 1650.84 10800.00 * Total Cost : 26393.80	Ref. Appx.'A' Page No.-5
(c)	T-3	1940/41	Store Room (used at GE's Office)	* Cost of Constr.: 8654.96 * Repairs : 6071.00 * Total Cost: 14725.96	Ref. Appx.'A' Page No.-5
(d)	T-3/J	1965/66	Fencing with gate 285 RM	Cost Included in Ser No. 2(c).	Ref. Appx.'A' Page No.-5
(e)	T-4	1940/41	Store Room (used at GE's Office)	* Cost of Constr.: 12520.00 * Repairs : * Total Cost : 12520.00	Ref. Appx.'A' Page No.-5
(f)	T-1/J	Not Known	Perimeter wall along Ganesh Murthy Nagar	* Cost of Constr.: -Not Known * Spl. Repairs : 1000399.00 Total Cost : 1000399.00	Ref. Appx.'A' Page No.-6&7
(g)	T-88	1940/41	Barrack office (6 Dock I.W.T.)	* Cost of Constr.: 2226.00 * Spl. Repairs : 1650.84 5955.50 * Total Cost : 9832.34	Ref. Appx.'A' Page No.-8
(h)	T-106	2-1-71	Cycle Shed	* Cost of Constr.: 1431.78 * Spl. Repairs: * Total Cost : 1431.78	Ref. Appx.'A' Page No.-9
(i)	T-2	1942	POL Depot office	* Cost of Constr.: 1790.00 * Spl. Repairs: * Total Cost : 1790.00	Ref. Appx.'B' Page No.-4

3. For info. and necessary action please.

Sd/-  
(A. Handique)  
Lt. Col. Garrison Engineer (West)

Encls. (As Above)

Copy to:—  
HQ MG & G Area (Q/L)  
HQ MSA (Q/L)

Sheet No.....

## REGISTER OF

No. of Building	Description (if double storeyed insert D.S. in bracket)	Reference to			No. and type of accommodation existing	Date of erection or Purchase	Water laid on (W) Sewerage Installation fitted (S)	Nature of Walls, Floor and Roof				External Dimensions			Plinth area sq. mtrs. and electrical Installations	Capital Corts excluding site
		Periodical Services Measurement Book	Completion Drawings	Drawings				W	F	R	Length in Mtrs.	Breadth in Mtrs.	11	12		
1	2	3	4	5	6	7	8	9	10	11	12	13	14			
	<b>RTMB-1 (TRANSIT CAMP)</b>															
T/1/1	OFFICE (C.I.C-A.) SHO Compound wall around SHO office				28.2.66	(w) & (s)	A	J	T			119.50	16640.06	625.22		
T-2	CENTRY BOX				7.4.75			Wooden		1.20	1.20	1.44	1474.08			
PF	PLATFORM				20.6.88					1.80	1.80	2.05	2605.00			
T/1 BC	LATRINE BLOCK				10.11.67		A	J	Z	1.17	1.50	1.75	2212.00	410.00		
T/2 BC	LATRINE BLOCK WITH 400 GLS WATER TANK						A	J	Z	2.60	2.05	5.33	1502.34	2622.00		
T-3	R AND O HUT				17.12.73					7.50	9.35	70.12	2000.00			
T-4	R AND O HUT				17.12.73					7.50	9.35	70.12	2000.00			
T-5	POL STORE				30.3.74		A	J	T	3.50	3.40	11.90	3328.33			
T-6	GATE OFFICE				30.3.74		A	J	T	3.00	3.00	9.00	3328.33			
T-7	PAINT STORE				30.3.74		A	J	T	3.30	3.10	10.23	3328.33			
T-8	INDIAN TYPE WC				30.3.76											
T-7/	BITUMINIOUS HARD STANDING				26.07.06					H 5-9.7	3.06	29.10	492106.00			
HS	AND PARTITION WALL AT PARKING AREA									PW-21.30	2.20	46.86RM				

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

No. of Building	Description (if double storeyed insert D.S. in bracket)	Reference to			Nature of Walls, Floor and Roof			External Dimensions				Plinth area excluding site sq. mtrs. and electrical Installations	Capital Cost
		Periodical Services Measurement Book	Completion Drawings	No. and type of accommodation existing	Date of erection or Purchase	Water laid on (W) Sewerage Installation fitted (S)	W	F	R	Length in Mtrs.	Breadth in Mtrs.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
<b>TRANSIT CAMP COLABA</b>													
T/1	OFFICE (1WT 6 DOCKS) (AWWA PET CLINIC)				1940-41		C	J	A	27.60	8.07	223.43	26393.80
T/2	GUARD ROOM				1940-41	(W)	C	J	A	58.28	8.07	470.90	38143.14
T/3	STORE ROOM (USED AS GE'S OFFICE)				1940-41	W	C	J	A	48.98	8.47	414.90	8654.96
T/3-J	FENCING WITH GATES				1955-56	-	-	-	-	-	285.0RM		
RM													
T/4	STORE ROOM (USED AS GE'S OFFICE)				1940-41	-	C	J	A		8.07	249.30	12520.00
T/5	STORE ROOM (USED AS GE'S OFFICE)				1940-41	-	C	J	A	24.76	8.07	200.01	4608.00
T/6	OFFICER'S MESS (JCO'S MESS)				1940-41	-	C	J	A	31.76	16.10	501.90	24699.00
T/6	LATRINE & URINAL				1940-41	-	C	J	A	3.35	2.59	8.69	584.00
T/6 B-A	OFFICERS COOK HOUSE				1940-41	(W)CS	C	J	A	15.69	8.15	183.66	3252.48
T/7-J					31.3.85	-	C	J	S	9.14	6.09	160 RM	7031.46
SF	SECURITY FENCING										1.5 high		
T/7	SINGLE OFFICER QRS (Single JCO's Qrs)				31.1.69	(W)S	A	M	A	28.73	7.76	37317.05	
T/8	SINGLE OFFICER QRS (Single JCO's Qrs)				31.1.69	(W)S	A	M	A	28.73	7.76	263.50	
											3/4.33	263.50	
											1/2.66	263.50	
											2.66	263.50	
T/9	Institute (Single JCO's Qrs)				1940-41	(W)S	C	J	A	85.91	15.32	1312.93	41863.60
T/9 A	COOK HOUSE				1940-41	(W)S	C	J	K	18.51	8.07	1149.54	2112.00
T/9-D	URINAL BLOCK				1940-41	(W)S	C	J	S	6.78	2.89	19.60	285.00
T/1-J	PERIMETER WALL ALONG MURTHY					ND						600RM	

- 
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No. of Building (if double storeyed insert D.S. in bracket)	Description	Reference to		Nature of Walls, Floor and Roof				External Dimensions				Plinth area excluding site sq. mis. and electrical Installations	Capital Cost
		Periodical Services Measurement Book	Completion Drawings	No. and type of accommodation existing	Date of erection or Purchase	Water laid on (W) Sewerage Installation fitted (S)	W	F	R	Length in Mtrs.	Breadth in Mtrs.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
	TRANSIT CAMP COLABA (Comtd.)												
T/87	Single officers Qrs. near 6 Docks			4 Qrs 'G'	1940-41		A	J	S	27.45	8.07	221.56	18.254
T/88	Barrack Office 6 Dock I.W.T.				-do-		A	J	S	12.80	8.07	103.39	2226.00
T/89	SUB STN: No. 5 Near Qrs. Qrs. Building No. 12				NR		A	J	Z	4.57	4.57	20.90	450.00
T/90	Pump House No. 12						A	J	K	3.50	2.97	10.40	224.00
T/91	SUMP 22500 gal Capacity						A	J	K	10.21	4.72	48.21	1038.00
T/92	-do-						A	J	K	10.21	4.72	48.21	1038.00
T/90-91-92/J	Compound Wall				1940-41		A			2/18.59	2/15.88	89/46	1926.00
T/95	Substn No-4				1955		A	J	Z	0.45	2.28	RM	1926.00
T/96(PT)	Reservoir (Near GE's Office)			2 lakh gls	-do-	W	B	T	Z	5.25	5.25	27.63	2790.00
T/97 (PT)	-do- Pump House				-do-	W	A	J	Z	23.15	13.16	314.46	87933.45
T/97-1	Pump House			2 pumps Sets	1956		A	J	Z	6.24	5.16	32.42	6474.53
T/99	Sentry Box For 752 in of TPT Platform				5-3.62		wooden	J	Z	5.26	6.29	33.25	
												328.98	

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REGISTER OF

Sheet No. 9

No. of Building (if double storeyed insert D.S. in bracket)	Description	Reference to		No. and type of accommodation existing	Date of erection or Purchase	Water laid on (W) Sewerage Installation fitted (S)	Nature of Walls, Floor and Roof			External Dimensions			Plinth area Sq. Mtrs.	Capital Cost excluding site and electrical Installations
		Periodical Services Measurement Book	Completion Drawings				W	F	R	Length in Mtrs.	Breadth in Mtrs.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
	<b>MISCELLANEOUS</b>													
	Sewage Line for T/3, T/4, T/5												1115.00	
	Transit Camp and T/1 500 Store													
T/PF	Platform				20.5.66		C	J					2600.00	
9/HSTD	Hard Standing							A					750.00	
T/106	Cycle Shed				2.11.71			U		6.20	4.57	28.33	1431.28	
T/107	Provn of 10 Deep Trench		NA											
	460.00													
	Latrines in 3 Blocks													
	Incinerator				8.3.75								460.00	
7/115	Sump (Near T-96)													
T/116 J	Compound Wall				15.11.85					224.50	2M	Common	49105.45	
Apor	17700											65.50	3.65M	
T/117	Approach Road										(For approach road)		166805.46	
	<b>MISCELLANEOUS</b>													
	Diversion of Sewage Line				14.11.86								84113.00	
	of Transit Camp Area At Colaba				14.11.86									

- 
- (i) Not appended to the Report.
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**APPENDIX G**

Copy of Collector Office letter No. 8/SS/LND Misc. dated 30 Dec., 1983

**Subject:** Lands Bombay

Strip of land adjoining Cuffe Parade and near BEST Bus Deptt. to hand over the BMC.

Sir,

The land stated above is required to be hand over to BMC authority for road widening. At the time of site inspection it was Noticed that the part of said land is fenced with barbed wire by you.

After enquiry with you, its learnt that said land is in your possession. You are therefore requested to produce documentary evidence in this office within 7 (seven) from the date of receipt of this letter to you in order to proceed further in the matter.

Yours faithfully,

Sd/-

For Collector of Bombay.

## APPENDIX H

2273/Land/BMC  
Collector's Office  
Old Custom House  
Bombay - 400 023

Station Headquarters  
Colaba, Bombay-6  
Date : 13 Jan., 1984

Lands: Bombay

Sir,

1. Reference your letter No. 8/SS/LND/Misc. dated 30 Dec., 1983.

2. The land on either side adjoining the BEST Bus Depot is Defence Land and is in occupation by the Army since long. Since it is being used as training area it has been kept vacant. However, part of this land was occupied by civilian employees. Since they had a tendency to further encroach on this land, the area has been fenced by us to prevent this. Similarly, on the under side of the Bus Depot, the Dhobis started using this land and they constructed some huts. To prevent further encroachment, this area has also been fenced. Since this is our land we have taken timely appropriate measures.

3. The land is in our occupation since long and it is Defence land.

Yours faithfully,

Sd/-

(S.R. Biekikar)  
Lt. Col.  
Adm. Comdt.  
For Stn. Cdr.

## APPENDIX J

OFFICE OF COLLECTOR  
(City Survey & Land Records Branch)  
Old Custom House, Shahid Bhagat Singh Marg, Bombay-400 023  
No. CSLR/REV-II/T-2/Misc. 1989-90, 3368

Date: 10.12.1989

To

The Additional Chief Secretary  
to Government (Revenue)  
Revenue and Forests Department,  
Mantralaya, Bombay-400 052.

**Subject:** Lands Bombay

Grant of land admeasuring 1000.00 sq. mtrs. between Back Bay BEST Bus Depot and Prakash Pethe Marg at Cuffe Parade, Colaba for the construction of Rest House for Ex. Servicemen.

Sir,

The Secretary, Bombay City Sainik Welfare Board had applied to this office *vide* his application No. 1040/BCSWO dated 14th Nov., 1985 (Copy enclosed) with a request to grant a land admeasuring about 1000.00 sq. mtrs. for construction of a Rest House for the Ex-Servicemen between Back Bay BEST Bus Depot and Prakash Pethe Marg Cuffe Parade, Colaba.

The land demanded by the City Sainik Board is Government Land between the Back Bay BEST Bus Depot and Prakash Pethe Marg in B.B.R. Block-VI. This land bears no C.S. No. and it is reclaimed land. This land entirely covers the area of widening of 200.00' wide Prakash Pethe Marg.

Since the land in question falls in the Block-VI. B.B.R. Estate, the matter was referred to the Metropolitan Commissioner, B.M.R.D.A. and City Engineer (Development Plan), Bombay Municipal Corporation for their remarks as the revised development plan is being finalised for B.B.R. Block-III to VI by B.M.R.D.A. in consultation with B.M.C. and Urban Development. In reply the Chief Town and Country Division of B.M.R.D.A. has not recommended the proposal as the land under demand affected the proposed widening of Prakash Pethe Marg (Cuffe Parade Road). As per the revised development plan prepared and published by the Bombay Municipal Corporation there is no possibility of making any changes in the development plan which is being prepared and published by the B.M.R.D.A. *vide* letter No. TCP(P-1)BBRS/Block-VI/127 dated 13th Feb., 1986 (copy enclosed). Similarly the B.M.C. has also offered its remarks on the same line *vide* its letter No. CE/8523/DPC dated 23.7.86 (Copy enclosed).

In view of the remarks offered by the B.M.R.D.A. and B.M.C. the request of the Bombay City Sainik Welfare Board has been rejected by this office *vide* letter dt. 4.3.86 (Copy enclosed). These facts were also brought to the Notice of the Additional Chief Secretary, G.A.D. *vide* this office letter dated 5.3.87 (Copy enclosed).

Now this matter has been again taken up with the Hon'ble Minister of State for General Administration by Brig., A.S. Surra *vide* his Confidential letter No. 2255/4/G dated 30th June, 1989 (Copy enclosed). This issue has been discussed in the meetings held by the Hon. Minister of State for General Administration and Metropolitan Commissioner, B.M.R.D.A. with the top officials and it has been decided to refer this matter to the Revenue and Forests Department as the land in question is in possession of the Military Department since 1940 and Military area/Jurisdiction begins from this demanded land. It is therefore suggested by the Military Authorities that since the land demanded is adjacent to Military area, they do not need the proposed road with 200' widening and if the land is granted to them it will fulfil their long standing demand.

The Plan showing the land in question is enclosed herewith for ready reference.

If Government principally accepts this land grant proposal of the City Sainik Board to construct the Rest House for Ex-Servicemen/Servicemen, then detail proposal will be submitted to the Government.

It is therefore, kindly requested that appropriate Government orders/inst. may be issued in the matter at an early date.

Yours faithfully,

Encl.: As Above.

Sd/-

Collector, City of Bombay,  
Bombay Suburban District.

Copy forwarded with compliments to the Chief Town and Country Planning Division, Bombay Metropolitan Region Development Authority, Plot Nos. C-1 and C-15, Bandra-Kurla Complex, Near Drive-in-Theatre, Bandra (East) Bombay- 400 051 with reference to his letter No. TCR (P-1) DP-BBRS/Block-VI/18/370/89 dated 7.8.1989.

Sd/-

Collector, City of Bombay,  
Bombay Suburban District.

CERTIFIED TRUE COPY

Sd/-

Deputy Collector,  
(Land Acquisition)  
Bombay City.



## APPENDIX L

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

## APPENDIX M

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

**Typed copy of Annexure M**

/611

101 Inf dn (TA) MARATHA  
C/U56APU

Station Cell,  
HQ Mumbai, Sub Area,  
Colaba, Mumbai-6

Date: 27 May, 2002

**Responsibility of Kukari Park Near  
Back-Bay, Colaba, Mumbai**

1. Ref. your HQ letter No. 3271/13/Geeta Nagar/Q dt. 01 May, 2002 and verbal conversation between Adm. Comdt. Your HQ and CO this Unit on 22 May, 2002.

2. The responsibility of Kukari park has been taken over by this Unit and cleaning/maintenance of the same is under progress. The grills on surrounding wall is broken at various places and require to be repaired/replaced. White washing of the wall is also required to be carried out.

3. In view of the above, you are requested to issue necessary instructions to concerned on duty for installation of grills and white washing of walls of Kukari Park at the earliest.

Sd/-

(G.S. Magial)

Maj., QM  
For CU

## APPENDIX N

### ADARSH CO-OPERATIVE HOUSING SOCIETY (PROPOSED)

Pilot Bunder Road, Colaba, Mumbai -400 005

Date: 21Sep., 1999

The Hon'ble Chief Minister of Maharashtra,  
5th Floor, Mantralaya,  
Mumbai-400 032

**Subject:** Allotment of the Government Land to Adarsh Co-op. Housing Society Ltd.  
for the welfare of the Serving and retired personnel of Defence Services.

Respected Sir,

At the onset, we are extremely grateful to you, for having given us an opportunity to place our view-point before your goodself and as a result of which the Government of Maharashtra have kindly considered our proposal for allotment of about 10,000 Sq. Metres of Government land adjacent to "Oyster" and "Dolphin" Buildings of the Pilot Bunder Co-op. Housing Society, under C.S. No. 4/600 of Colaba Division and have recommended strongly to the Secretary, Ministry of Environment & Forests, New Delhi, *vide* Urban Development's letter No. TPB 2099/1095/CR 154/UD-12 dated 19 August, 1999.

We had an opportunity to discuss this case personally with the Secretary, Ministry of Environment & Forests, New Delhi, on 1st September, 1999 and the project was objected-to as the same is falling under CRZ-I. The Secretary advised us to approach the Government of Maharashtra for change of classification of the proposed plot from Zone-I to Zone-II. Accordingly, we have moved the Hon'ble Principal Secretary to the Government of Maharashtra for such a change as envisaged in the letter dated September 9, 1999 of Secretary, Ministry of Environment & Forests, New Delhi (copy enclosed).

While the changing of Zones may take some time and formalities may delay the project, we have an alternate proposal for allotment of a small plot, admeasuring only 3854 Sq. Metres of land out of Block 6 of Backbay Reclamation Scheme. Presently, this land is duly fenced with a compound wall and in the physical possession of the local military authorities. The present adjoining land has already been heavily encroached upon and there is a slum known as "Geeta Nagari" existing thereon. We have negotiated

with the local Military authorities, who have expressed their willingness to allow the society to go-ahead with the project. If certain amount of accommodation is also provided for Army Welfare *i.e.* for Girls Hostel, who will be female children of Army Officers serving in the far, flung-remote & field areas. We have agreed to consider and accommodate this request, as a result of which, it is likely that about 45 members of the Society can be accommodated in this plot as the first Phase, pending clearance and changing of zoning on First Site proposal. Further while going into the details of the record of the MMRDA at Bandra, we have come across certain difficulties in the proposed site which are as under.

That about 15 years back, the Government of Maharashtra proposed widening, of Cuffe Parade Road, and joining the same to a 60 Metre wide road known as Colaba-Urban Road. However, after this proposal the Government banned the reclamation of sea and then proposal came to be left on the back burner. In fact, two 12-Storeyed Buildings have already come up on the proposed road, constructed by Indian Navy duly approved by BMC, which are known as "Bhagirathi" and "Gangotri". These buildings have been constructed as late as in the year 1991-92, on the land through which the proposed Urban road would have passed after leaving the sea, and as reclamation has been banned, this proposed road appears to be no more feasible.

In view of the above, it is submitted that there is no need now to widen the Cuffe Parade road beyond BEST Depot in the back way as Military area starts from that point. In any case, the proposal was to terminate the said widening at the junction of Plot VI and VII of the Colaba Division. Our proposed plot is exactly located at that very junction where Military area begins and there is no proposal of any such widening in the Military area and therefore with little changes in the Development Plan which is still pending for approval with the Ministry of Urban Development, our project can be cleared and your lordship could be kind enough to allot the same to us which is free from encroachment and is presently with the local Army Authorities for construction of houses.

Thanking you,

Yours faithfully,  
For Adarsh Co-op. Housing Society,

Sd/-  
Chief Promoter

Encl: a/a

The Principal Secretary of the Government of Maharashtra,  
Urban Development Department, Mantralaya, Mumbai-400 032.

## APPENDIX O

### ADARSH CO-OPERATIVE HOUSING SOCIETY (PROPOSED)

Pilot Bunder Road, Colaba, Mumbai-400 005

Date: 3 Jan., 2000

Shri Ashok S. Chavan,  
Hon'ble Minister of Revenue & Protocol,  
Room No. 428, 4th Floor,  
Mantralaya,  
Mumbai-400 032.

**Subject:** Allotment of the Government Land to Adarsh Co-op. Housing Society Ltd.  
for the Welfare of the serving and retired personnel of Defence Services.

Respected Sir,

At the onset, we are extremely grateful to you, for having given us an opportunity to place our view point before your goodself and as a result of which the Government of Maharashtra have kindly considered our proposal for allotment of about 10,000 Sq. Metres of Government land adjacent to "Oyster" and "Dolphin" Buildings of the Pilot Bunder Co-op. Housing Society, under C.S. No.. 4/600 of Colaba Division and have recommended strongly to the Secretary, Ministry of Environment & Forests, New Delhi, *vide* Urban Development's letter No. TPB 2099/1095/CR 154/UD-12 dated 19 August, 1999.

We had an opportunity to discuss this case personally with the Secretary, Ministry of Environment & Forests, New Delhi, on 1st September, 1999 and the project was objected to as the same is falling under CRZ-I. The Secretary advised us to approach the Government of Maharashtra for change of classification of the proposed plot from Zone-I to Zone-II. Accordingly, we have moved the Hon'ble Principal Secretary to the Government of Maharashtra for such a change as envisaged in the letter dated September 9, 1999 of Secretary, Ministry of Environment and Forests, New Delhi (copy enclosed).

While the changing of Zones may take some time and formalities may delay the project, we have an alternate proposal for allotment of a small plot, re-measuring only 3,854 Sq. Metres of land out of Block 6 of Backbay Reclamation Scheme. Presently, this land is duly fenced with a compound wall and in physical possession of the local military authorities. The present adjoining land has already been heavily encroached

upon and there is a slum known as "Geeta Nagari" existing thereon. We have negotiated with the local Military authorities, who have expressed their willingness to allow the Society to go-ahead with the project of certain amount of accommodation is also provided for Army welfare *i.e.* for Girls Hostel, who will be female children of Army Officers serving in the far-flung, remote & field areas. We have agreed to consider and accommodate this request, as a result of which, it is likely that about 45 Members of the Society can be accommodated in this plot as the First Phase, pending clearance and changing of zoning on First Site proposal. Further, while going into the details of the record of the MMRDA at Bandra, we have come across certain difficulties in the proposed site, which are as under.

That about 15 years back, the Government of Maharashtra proposed widening of Cuffe Parade Road, and joining the same to a 60 Metre wide road known as Colaba-Urban Road. However, after this proposal, the Government banned the reclamation of sea and the proposal came to be left on the back burner. In fact, two 12-Storeyed Buildings have already come up on the proposed road, constructed by Indian Navy duly approved by BMC, which are known as "Bhagirathi" and "Gangotri". These buildings have been constructed as late as in the year 1991-92, on the land through which the proposed Urban road would have passed after leaving the sea, and as reclamation has been banned this proposed road appears to be no. more feasible.

In view of the above, it is submitted that there is no need now to widen the Cuffe Parade road beyond BEST Depot in the back-way as Military area starts from that point in any case, the proposal was to terminate the said widening at the junction of Plot-VI and VII of the Colaba Division. Our proposed plot is exactly located at that very junction where Military area begins and there is no proposal of any such widening in the Military area and therefore with little changes in the Development Plan, which is still pending for approval with the Ministry of Urban Development, our project can be cleared and your lordship could be kind enough to allot the same to us which is free from encroachment and is presently with the local Army Authorities for construction of houses.

Thanking you,

Yours faithfully,

For Adarsh Co-op. Housing Society,

Sd/-  
Chief Promoter

Encl.: a/a

The Principal Secretary of the Government of Maharashtra,  
Urban Development Department, Mantralaya, Mumbai-400 032.

## APPENDIX P

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.



## APPENDIX Q

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

**APPENDIX Q**

**ADARSH CO-OPERATIVE HOUSING SOCIETY  
(PROPOSED)**

Pilot Bunder Road, Colaba, Mumbai-400 005

Ref. No. ACS/1006/2000

Date: 2.6.2000

To,

The Hon'ble Chief Minister of Maharashtra  
Mantralaya,  
Mumbai

**Subject:** Allotment of Government Land in Block VI of Colaba Division for Adarsh Co-op. Housing Society for Welfare of Serving & Retired persons from Defence Services.

Respected Sir,

Please refer to our letter dated 7.2.2000 wherein a request was made for allotment of approx. 3758 sq. mtrs. of Government land forming part of Block VI of Colaba Division.

We are still awaiting your favourable order in this regard. We again wish to bring to your kind Notice that this allotment will be a kind gesture towards serving & retired officers of Defence Services more particularly to our Heroes who bravely & successfully participated in Kargil Operation. That we had an opportunity to meet Hon'ble Revenue Minister on 2.6.2000 wherein we have clarified the following points:—

1. That we are agreeable to accommodate civilian members to the extent of about 40%.
2. That CRZ provision will not be applicable to the land in question because of massive BEST Depot Construction towards sea ward side of the Plot.
3. That we are ready to leave 10-15 land for future road widening, if required.

As earlier submitted that the physical possession of this piece of land is already

with Army for the last 25-30 years who have already issued their willingness in favour of the Society to the Collector, Mumbai. Your order in the matter may please be expedited at the earliest.

Thanking you,

Yours faithfully

For Adarsh Co-operative Housing Society

Sd/-  
Secretary

Sd/-  
Chief Promotor

**APPENDIX R**

No. LBR/25-2000 Pr. No. 912/1  
Revenue and Forest Department,  
Mantralaya, Mumbai-400 032

Date: 18.1.2003

To,

Shri R.C. Thakur, Chief Promoter,  
Adarsh Co-operative Housing Society (Proposed)  
Pilot Bunder Road, Colaba,  
Mumbai-400 005.

**Subject:** Land-Mumbai City District

Matter of approving to Adarsh Co-operative Housing Society  
(Proposed) land of 3758.82 Sq. Mtr. near Plot No. 87C in B.B.R. Block 6.

Sir,

On the above subject, in connection with the application submitted by you on 2.6.2000 to the Government. I am instructed to inform you that the Government wishes to approve to give Adarsh Co-operative Housing Society, the land, under possession of the Defence Department, of area of about 3758.22 sq. mtrs. near plot No. 87-C in BBR Block-6, on rent or by assessing the value of right of ownership, on condition of fulfilling the terms stated hereunder and similarly the conditions to be stated by the Government from time to time, for construction of flats for the members as per the enclosed list.

- (1) The detailed information and Affidavits of the members of the society should be submitted within two months from the date of receiving this letter to the Collector, Mumbai City District.
- (2) As per paragraph 3 of the Government decision dated 9.7.1999, the members of the society will be eligible to receive a flat of carpet area on the basis of their monthly family income and the amount of value will be assessed as shown therein.
- (3) 20% of the members of the society must be from the scheduled castes/tribes or liberated and wondering tribes.
- (4) The conditions regarding the eligibility of the members of the society are shown in the Appendix (A) and (B). The said terms will be binding to the societies.
- (5) The society must submit to the Collector, Mumbai City District, and necessary certificates of the monthly family income of the members. It will be necessary for the members of the society to submit certificates of the employer for their monthly income.

- (6) The societies must submit to the Collector, City District the rent receipts of the societies or owners of the place of present residence of the members of the society and the proofs/certificates etc. about their living in Maharashtra since 15 years.
- (7) As the said land is included in the CRZ-II classification, it will be necessary to get permission of the Environment and Forest Department of the Central Government.

The societies must submit within two months from the receipt of the said letter, the above stated full information and affidavits of all the members of the societies to the Collector, Mumbai City District. Otherwise this proposal letter will automatically get cancelled. The Collector, Mumbai City will verify the information about necessity sent by the societies by investigation by going to residence/office or place of service of each member and submit the proposal about the same to the Government and thereafter the Government will issue order about the approval of the land.

This letter is issued with the approval of Urban Development Department and Finance Department.

Yours

Sd/-

20/1/03 (J.K. Dhanat)

Under Secretary,

Revenue and Forest Department.

Copy sent for information and immediate necessary action to:—

- (1) Collector, Mumbai City District, Old Custom House, Mumbai-400 001.
- (2) Commissioner, Konkan Division, Konkan Bhavan, New Mumbai.
- (3) District Registrar, Co-operative Societies, Mumbai.

After making available the information about the members, the Collector, Mumbai City District should, as per order under the letter No. LCS 1095/Pr. No. 37/J-1 dated 9 July, 1999 of the Revenue and Forest Department, about the government decision and according to necessity for information, personally go to the residential address and personally check and investigate the eligibility of the members and send the necessary proposal to the government within one month.

Yours

Sd/-

20/1/03 (J.K. Dhanat)

Under Secretary,

Revenue and Forest Department.

Enclosed: (1) List of members  
(2) Appendix "A" and "B"

Copy sent for information to: (1) Finance Department, Mantralaya, (Vyaya-9)  
(2) Urban Development, Mantralaya, Navi-12

## APPENDIX S

No. LBR/25-2000 Pr. No. 912/1  
Revenue and Forest Department,  
Mantralaya, Mumbai-400 032

Date: 9 July, 2004

**Subject:** Land—Mumbai City District  
Matter of giving approval to Adarsh Co-operative Housing Society  
(Proposed) for land of 3758.82 Sq. Mtrs. near Plot No. 87-C in B.B.R.  
Block 6.

Refer: Government letter No. LBR 25-2000/Pr. No. 912/J-2 Dt. 18.1.2003

### MEMORANDUM

I have been requestfully instructed to inform the Collector, Mumbai City by referring to letter No. CASLR/IV-1/LAND/BBR-VI/Adarsh Co. Hsg. Soc./1712 dated 8.10.2003 and Letter No. Sa.Ma 2004/717 dt. 18/3/2004 that approval is given to give on ownership basis, the land admeasuring about 3758.82 sq. mtrs. near Plot No. 87C in BBR Block 6, which is at present in possession of Defence Department, to the Adarsh Co-operative Housing Society for the members as per enclosed list and also for the members to be admitted in future, for construction of residential flats of sanctioned carpet area on terms and conditions of letter No. LES-1095/Pr. No. 37/95 dated 9/7/99 of the Revenue and Forest Department and also as per the provisions of the said decision, for the value of the land which is assessed as per the ready reckoner for Rs. 10,19,19,652/- (Rupees ten crores nineteen lakhs nineteen thousand six hundred fifty-two only) on the special terms stated hereunder:—

#### TERMS:

- (1) The members to be admitted in the society in future must take permission from the Government.
- (2) As the land is included in CRZ classification, before doing construction on the said land, permission must be taken from the Environment and Forest Department and permission is also to be taken from the specially nominated authority MMRDA and from the Municipal Corporation.
- (3) The final valuation of the land must be got decided by the Valuation Director, Town Planning and 20% of the value so decided for the ownership rights along with interest thereon at the prescribed rates from the date of informing final valuation should be collected.

- (4) Possession of the land should be given only after investigating the eligibility of minimum 71 members of the society and only after issue of Government approval to them.
- (5) It is binding on the society to admit 20% of the members from the scheduled castes.
- (6) The terms and conditions mentioned in the Government decision dated 9.7.99 and Government supplementary letter No. LCS 1015/Pr. No. 37/95-J-1 dated 8 January, 2001 and of the same number dated 10.2.2001 and also Government letter No. LCS 10/2002/Pr. No. 344/J-1 dated 23.10.08 and Government circular of same number dated 3 July, 2003 and other incidental terms and conditions shall be binding on the society.
- (7) Other terms and conditions, if considered necessary by the Collector, may be included.

This order is issued under consent of the Urban Development Department and Finance Department *vide* the informal reference No. 579/04/Vyaya, dated 21.6.2004 of the said department.

Enclosed: (1) Schedule 'A' (List of approved members)  
(2) Documents submitted by the members.

By the order and in the name of the Governor of Maharashtra.

Sd/-  
(J.K. Dhanat)  
Under Secretary,  
Revenue and Forest Department.

To,  
The Collector, Mumbai,  
Old Custom House, Mumbai-1.

Copy To:

Commissioner, Konkan Division, Konkan Bhavan, Mumbai.  
Registrar, Co-operative Societies, State of Maharashtra, Pune.  
Assistant Director, Town Planning and Assessment, Mumbai.  
Superintendent Engineer, District of City Division, Mumbai.  
District Sub-Registrar, Co-operative Societies, Mumbai.  
Accountant General, State of Maharashtra, (Estimation and Admissibility), Mumbai/  
Nagpur.  
Accountant General, State of Maharashtra, (Audit), Mumbai/Nagpur.  
Urban Development Department, (Navi-11), Mantralaya, Mumbai-32.  
Government Architect, Mumbai-01.  
Finance Department, Vyaya-9, Mantralaya, Mumbai-32.  
Nivadnasti, J-2 Karyasa, Revenue and Forest Department, Mantralaya, Mumbai-32.

**APPENDIX T**

No. 8/88/BBR/Misc.86.  
Collector's Office  
(Survey Branch),  
Old Custom House,  
Fort, Bombay-400 023.

Date: 21 Nov., 1986

To

The Dy. Engineer, South Sub-Divn.,  
P.W. Department, Opp. C.T.O.  
Bombay-400 032.

**Subject:** Lands: Bombay.  
Ownership regarding strip of land near, B.E.S.T. Depot, B.B.R.VI.

Sir,

This office plan enclosed herewith showing the strip of land coloured matched green. It is requested to state the detail information regarding the ownership of the above strip of land *i.e.* whether it is with P.W. Department or Military Department or otherwise. The information is urgently required by Government hence this may please be handed over to Shri Paratap a bearer of this letter today.

Yours faithfully,

Sd/-  
for Collector of Bombay.



**APPENDIX U**

M.K. Ankallkar  
Superintendent  
Survey Land Record.

D.O. No. S/PA/LND/Misc.  
Collector's Office,  
(Survey Branch),  
Old Custom House,  
Fort, Bombay- 400 023

Date: 11th December, 1980

**Subject:** Land : Bombay.

Request for allotment of Government land from Block No. VI BBR Estate—near to BEST Bus Depot for construction of Rest House for ex-serviceman.

Dear

The Deputy Engineer, South Sub-division was requested under this office letter of even number dated 21.11.1986 to furnish this office the detailed information of the above land such as ownership, reservation etc. as this information is urgently required by Government. The Deputy Engineer, South Sub-Division under this letter No. S/BBR/3960 dt. 21.11.1986 informed this office that the information of the ownership of the land in question is not readily available with that department and the same will be furnish after confirming the same from other department. A zerox copies of both this office letter and Deputy Engineer's letter both dated 21.11.1986 are enclosed herewith along with a copy of the plan showing thereon the land in question in hatch blue. But so far no information has been received by this office. This office representative was also again personally deputed to the Dy. Engineer two/three times but the Deputy Engineer could not supply the required information. In the meanwhile this office has received two demi-official letters from the Dy. Secretary to Government G.A.D. for supply of required information urgently.

I, therefore, request you to please look into the matter personally and arrange to send the required information by return of post.

Yours

Sd/-  
(M.K. Ankallkar)

Encl.: 3

To

Shri G.S. Shinde,  
Executive Engineer,  
Presidency Division,  
Old P.W.D. Bldg., 1st Floor,  
Bombay-400 032.

Copy submitted for favour of information to the Dy. Secretary to Government, General Administration Department, Mantralaya, Bombay-400 032 with reference to his D.O. letter No. SSB/1085/950/28 dt. 21.11.1986 addressed to the Collector of Bombay.

The required information will be submitted to Government on receipt of the same from P.W. Department.

AAR/9.12

Sd/-  
Superintendent,  
Bombay City Survey and Land Record.

## APPENDIX W

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

**Typed copy of Annexure W**

Telephone: 6951701/1417

Station Headquarters Colaba, Bombay.

2271/13/Q

November, 1988

M&G Area Pro Unit

**Construction of Boundary Wall and Boundary**

1. A wall has been constructed in the Ganesh Murti Nagar opposite your unit lines. Certain Defence land has been left out, where the wall could not be constructed due to lay of ground which is low lying and broken. Boundary pillars are being constructed by GE (West). Area between wall and boundary, pillars are being developed into a park as acceptable by Honourable Minister Shri Marazban Patrawala, Minister of State for General Administration (including Protocol), Law and Judiciary and Tourism, Government of Maharashtra.

2. The nil area left on other side of wall from which encroachment has been now removed will be kept free from encroachment by constant vigilance by pre para and under no circumstances any hut or other structure will be allowed to come up in this area.

3. Responsibility in this respect will entirely devolve on CO Pro Unit. At the time of change of comd. of Unit, temp. or perm., the land will be reflected in the handing/ taking over. This letter will also be handed over on relief.

4. A copy of DO letter from Shri Marazban Patrawala, Minister of State for General Administration (including Protocol), Law and Judiciary and Tourism, Government of Maharashtra is enclosed.

Encls.: One

Sd/-  
(A. S. Sumra)  
Brig.-Stn. cdr.

Copy to:—

HQ Bombay Sub-Area (Q) For info. alongwith a copy of DO letter Quoted in para 3 above.

GE (West) Bombay Please construct boundary pillars as directed. A copy of the DO letter quoted above is enclosed herewith for info. and records.

NOO

Internal

A Branch

Branch

WLT Section

} For info. alongwith a copy of DO letter quoted in Para 3G above.

**APPENDIX X**

जिलाधिकारी कार्यालय, मुंबई शहर  
COLLECTOR OFFICE, MUMBAI CITY  
ओल्ड कस्टम हाउस, शहीद भगत सिंह मार्ग, फोर्ट, मुंबई-400 001  
Old Custom House, Shahid Bhagat Singh Marg, Fort, Mumbai-400 001

Branch-Revenue-1  
No. CSLR/REV-I/BBR-VI  
Date: 29th March, 2000

To,  
The General Officer Commanding,  
Head Quarters,  
Maharashtra and Gujarat Area,  
Colaba,  
Mumbai-400 005

**Subject:** Lands—Mumbai City.  
Request for Adarsh Co-op. Hsg. Socy. (proposed) for allotment of  
land situated near Plot No. 6, Block-VI.

Sir,

The Chief Promotor of the Adarsh Co-op. Housing Society (proposed) has requested to the Government for allotting the Government land for residents of the Staff members of Defence Service Personnel.

On 27th March, 2000 at the time of side inspection it is revealed that the military department has constructed the wall to the above plot and hence the Government land protected from encroachment. The same land applied by the above proposed Society.

You are therefore, requested to confirm that there is no objection to allot the land to the proposed society of the service personnel by the Government of Maharashtra.

Yours faithfully,  
Sd/-  
for Collector of Mumbai City.

**APPENDIX 'Y'**

Division COLABA  
Register No. 10A  
Page No. 33

SURVEY REGISTER FOR THE TOWN AND ISLAND OF BOMBAY  
(Prepared under Section 282 of the Maharashtra Land Revenue Act, 1966)

Fed by:  
Validated by : Shri D.K. SURVE

1. Sheet No.	2. Name of Street or Locality	3. Street No.	4. Cadastral Survey No.	5. Tenure	6. Area in Sq. Yds./Mts.	7. Laughtons Survey No.	8. Collectors New No. (Collectors Rent Roll No.)
	CAPTAIN PRAKASH PLIRE MARG G E.R.YL, NEAR PLOT NO. 87-C		652	Government Land Given on Occupancy Price vide col. 17	SQ.METERS (3758.82) 3824.43		

9. Ground Rent due to Govt.	10. Name of Person in Beneficial Ownership	11. Mode of Acquisition by Present Owner	12. Devolution of Title
	(A) - X Governor of Maharashtra  (B) - A Adarsh Co-operative Housing Society Ltd.	(b) The Govt. in Rn F.D. vide this Memorandum No. LBL-25200/C-R-912/J-2 dated 9.7.2004 accorded sanction to grant the land admeasuring 3758.82 sq. mtrs. (approx) to 'A' in col. 10 on occupancy price and terms and conditions mentioned therein. The possession of the land handed over on 27.10.2004 vide supdt. memorandum No. CSLR/Rev. 1/LND-2832/187/D-04 dated 30.09.2004 vide Memorandum No. 99/2004.	Nil

13. Original Grant from Government, if any	14. Lease from Public Body or Fazindar	15. Ground Rent due to Public Body of Fazindar	16. Superintendents Initial
Nil	Nil	Nil	(A, B)-50/-22-1,50/-22,11.4 Supoi.M.C.S.I.L.R.

17. Remarks

L&D-7832  
AS PER CORRIGENDUM NO. LBL 252000/CX-912/J-2/01.21.2-2005 OF REVENUE  
FOREST DEPARTMENT MANTRALAYA MUMBAI AREA OF THIS PROPERTY CORRECTED AS 3874.43 SQ. MTRS.  
YIDE M.R. NO. 145/05  
SD/-17.03.05 N.S. COLABA, SD/-17.03.05, SD, 17.03.05 SUPDTD.

{Rectangular [ ] Brackets shows entry deleted}

Name Applicant: S.K. Lamba  
Date of Application: 09.04.2010  
Fee Recovered : Rs. xxxxx100.00  
Reference of issue: 909204620104  
Date of issue: 27 April, 2010

Sd./

Superintendent

Mumbai City Survey and Land Records

APPENDIX Z

जिलाधिकारी, मुंबई शहर याचे कार्यालय  
 OFFICE OF THE COLLECTOR, MUMBAI CITY  
 ओल्ड कस्टम हाउस, शहीद भगतसिंह मार्ग, फोर्ट, मुंबई-400 001  
 OLD CUSTOM HOUSE, SHAHID BHAGAT SINGH MARG, FORT, MUMBAI-400 001  
 क्रमांक/No. सीएसएलआर/एसएंडएलआर-1/टेमा अ


क्रमांक / No. सीएसएलआर/एसएंडएलआर-1/टेमा अ. ६०/३० क्रमांक / Branch / १००  
 मुंबई मुंबई  
 दिनांक. ०९/०६/१०  
 कंपनी ओ.ब.ना ३२४  
 मर्यादित मुंबई सीटीसीनयु ग्रुप  
 ३३ अ मेहर अपार्टमेंटस  
 अर्बेटे रोड ऑफ प्रत्येकान्द गेट  
 मुंबई ४०० ०२६

विषय: माहिती अधिकार २००५ अंतर्गत  
 मुलाबा विभाग शुक्र क. ६५२ मा  
 मिळकतीचे माहिती काढणे  
 संदर्भ: आपलेकडिले मा कार्यालयामे घाज  
 आलेला दिनांक ०८/०५/२००० च्या उर्जे

भरोदप

उपरोक्त मर्यादीत अर्जाचे अनुषंगाने विद्यमानित उकळी  
 कळविण्यात येते की, उकळे रिकलेमेशन प्रोजेक्टा क्र. ० ते ८ मा महाराष्ट्र  
 शासनाचे कार्यालयित केलेल्या अमुन त्या पेकी ० व २ मा पूर्वीच  
 अमतीनात आलेल्या अमुन ३ ते ८ ह्या प्रोजेक्टा ०९६८ नंतर सुरु  
 काढ्यात आलेल्या अर्जात त्यापेकी सी.सी.आय ३ ते ६ बलांक हे  
 महाराष्ट्र शासनाचे मातकीचेअनुषंगाने शासनाचे मंजूरी नंतर अप्रिलेव  
 तयार केले जाणाल. शुक्र क. ६५२ हा त्यादुळे शासनाचे दिनांक ०८/०५/२०००  
 चे मंजूर आदेशाप्रमाणे अप्रिलेव्यामचे नोदविषयात आलेला आहे

सबब आपला उपरोक्त माहिती अधिकारांतर्गत अर्ज मा  
 कार्यालयित निलामी ठेवण्यात आलेला आहे माची कृपया भोद घ्यावी

आपला विश्वास  
  
 शासकीय माहिती अधिकारी  
 तया  
 ३२ वहा. कविना  
 ३२ वहा. कविना

**APPENDIX 'AA'**

No. RPD/PB-I/23-E/405/of 1973  
Office of Executive Engineer  
Reclamation Project Division  
New India Assurance Building,  
6th floor, M.G. Road, Fort, Bombay

Dated: 12/2/1973

To,

The Military Estate Officer,  
Colaba, Bombay-5.

**Subject:** Back Bay Reclamation Scheme—Land in Block No.VI.

Sir,

This is to bring to your notice that some offices are erected on the South-east corner of Block No.VI of Back Bay Reclamation Scheme by the military authorities. The names of the offices situated in Block No.VI are given below and these are shown as plan enclosed herewith:—

- (1) Senior Inspector of Armaments, Ministry of Defence (DGI), Colaba, Bombay-5.
- (2) Office of the Officer Commanding, 53, Coy ASC (Sup.), Type 'D' Colaba, Bombay-5.

The above, case was referred to you in the past by the office and which was ultimately taken up with the Deputy Dir. of Military Lands and Cantonments, HQ, Southern Command, who have informed (*vide* his letter No. 10963/MLC, dated 6.8.1971 add to the Under Secretary, Buildings and Communications Department Government of Maharashtra and copy to you with reference to your discussion of the case with the Deputy Director on 2.8.1971) that the above offices are neither military buildings nor the local Military authorities have allowed to erect the said offices.

However, it is noticed that the offices situated in the south corner in Block No. VI are none other than military offices which supposedly have been allowed by the Military authorities by the temporary permission from Collector of Bombay or the land is used unauthorisedly by way of encroachment.



Since the land in question belongs to State Government where reclamation work is being taken up shortly, it is requested whether necessary permission is taken by the Military authority from the concerned authorities of State Government for using the land, so, copy of permission obtained may please be furnished.

An early reply in the matter will be highly appreciated.

Yours faithfully,

Sd/-

(B.G. Muktewar)  
Executive Engineer,  
Reclamation Proj. Division,  
Bombay-1.

Copy submitted to the Superintending Engineer Bombay (B&C) Circle, Bombay for information.

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

- 
- (i) Not appended to the Report.
  - (ii) Refer to authenticated copies in Parliament Library.

**APPENDIX 'BB'**

Headquarters,  
Mumbai Sub Area (Q),  
25, Assay Building,  
Colaba, Mumbai-5

Dated: 16 Apr., 2010

Request For Providing Details for Reclamation of Back Bay Bus Depot.

You are requested to provide details as given below:—

- (a) When did the process for reclamation for Back Bay Depot commence and when was it completed?
- (b) Was the adjoining land towards Cuffe Parade road occupied by Adarsh Society now reclaimed by BEST?
- (c) If yes, why was this land not occupied by BEST?
- (d) When did the project for construction of bus depot commence and when was it completed?
- (e) This reclamation and construction of bus depot was carried out as per ddlp/bbl/4/1973. You are requested to provide a copy of the development plan No. ddlp/bbl/4/1973.
- (f) Was this piece of land (now with Adarsh Housing Society), asked by the BMC for widening of the Prakash Pethe Marg?

You are requested to provide the above details and copy of the plan at the earliest.

Thanking you sir,

Sd/-  
Colonel,  
SO Land and Accn.  
For Cdr.

**APPENDIX 'CC'**

BEST Bhavan,  
BEST Marg,  
Post Box No. 192,  
Mumbai—400 001  
Dated: 30 Apr., 2010

CEC/EMI/2010

Shri R.S. Chib (Colonel)  
Head Quarters  
Mumbai Sub Area (Q)  
25, Assay Building,  
Colaba,  
Mumbai-400 001

**Subject:** Request for providing details for Reclamation of BEST Undertaking's Back Bay Depot.

Ref: Your letter No. 1210/5/AHS/Q3H dtd. 16.04.2010

Dear Sir,

With reference to your above referred letter, it is to inform as under:—

Reg.(a):— The process for reclamation of Back Bay Bus Depot was commenced on 12.11.1973 and completed on 30.11.1974.

Reg.(b), (c) & (f): The land which has been occupied by the Adarsh Society is not belonging to the undertaking, therefore, question of reclamation of the said land by the BEST Undertaking and demanding said land by the MCGM for road widening does not arise.

Reg.(d): The required structures in the said depot have been constructed within the period of 31.03.1975 & 18.09.1976.

Reg.(e): The Back Bay Bus Depot land has been situated in the Back Bay Reclamation Scheme for which the Mumbai Metropolitan Region Development Authority (MMRDA) is the Special Planning Authority which is appointed by the Government of Maharashtra. The copy of Development Plan of the said area is not available with this office, but you may obtain the same from the MMRDA's Town & Country Planning Division, which is situated at MMRDA Building, 7th floor, Bandra-Kurla Complex, Bandra (East), Mumbai - 400 051. However, we are enclosing herewith a copy of Drawing No. 48-28097 of our Back Bay Bus Depot, which can serve your purpose.

Yours faithfully,  
Sd/-  
(S.A. Nene)  
Estate Manager

Encl. As above

**APPENDIX 'DD'**

The Brihan Mumbai Electric Supply & Transport Undertaking  
(Office of the Brihan Mumbai Mahanagarpalika)

Telephone	: (022)22856262	BEST Bhavan,
Fax	: (022)22851244	BEST Marg,
Telex	: 1185755 BEST IN	Post Box No. 192,
Telegram	: BEST, MUMBAI-400 001	Mumbai-400 001

Address all communication by Title  
Not by Name

Under Certificate of Posting  
Dated: 4 Feb, 2011

Our Ref. CEC/F-373/6072/2011

Major S.K. Lamba,  
P-11, Patro Polis,  
Colaba Road,  
Mumbai - 400 001.

**Subject:** Application under 'Right to Information Act — 2005' seeking information in respect of Reclamation of land for BEST Depot, Capt. Prakash Pethe Marg.

Sir,

Refer your application dated 10.01.2011 under 'Right to Information Act—2005'.

In this regards, the needful information is as under:—

Reg. (a): Plot No. 87-C in Colaba Division, Block VI allotted to Adarsh Society was not reclaimed by the BEST Undertaking.

Reg. (b) & (c) : The Undertaking has been allotted 5.22 Acres of land and it is in physical possession of BEST Undertaking and Undertaking has constructed Back Bay Depot thereat. The said plot has been reclaimed by the BEST Undertaking after taking over its possession in the year 1973.

Reg. (d) : The BEST Undertaking is no way concerned about reclaimed land No. 652.

Reg. (e) : The BEST Undertaking has not allotted its any land to Adarsh Society.

If you desire to make an appeal, you may approach, Chief Engineer (Civil) an appellate Authority within time framed under sub-section (1) of Section 19 under 'Right to Information Act, 2005' on the following address:

Civil Engineering Department  
1st floor, Electric House,  
BEST Undertaking,  
Colaba, Mumbai-400 001  
Tel. No. 22799465, 22840873

Sd/-  
Dy. Chief Engineer (Civil)  
&  
Public Information Officer

**APPENDIX 'EE'**

Most Immediate

No. 10/25/L/L & C/54

Government of India,

Ministry of Defence,

New Delhi the 31st December, 1958.

To,

The Secretary to the Govt. of Bombay,  
Public Works Department BOMBAY

**Subject:** Transfer of surplus Ministry of Defence Land at Santacruz to Govt. of Bombay and acquisition of Government of Bombay Land Block VI, Colaba for Defence Purposes.

Sir,

I am directed to refer to the demi official letter No. CMS-EP-1/63/170/38 dated 10th June, 1958 from the Chief Minister, Bombay to the Defence Minister and also to the correspondence resting with the Government of Bombay, Public Works Department letter No. SBR 1058-II-C, dated 28 Oct. 1958 on the above subject and to say that this Ministry have considered the suggestion for the transfer of the santacruz land to the Government of Bombay free of cost. They have been advised that the position in the pre 1935 period was that all Government land in India vested in the Crown and as such the question of the Bombay Government making over this land to the Defence Department free of cost did not arise. It was for the first time after the passing of the Government of India Act, 1935, that a distinction was made and certain Government land came to be vested in His Majesty for the purpose of the Government of India, the rest vesting in His Majesty for the purpose of the Provincial Government as provided in S 142 of the Government of India Act, Government lands in province which were at the time under purpose of the Federal Government of lands and buildings formally used for residential purposes or intended or formally intended to be so used and certified as provided in S. 172I (i) (a) shall vest in His Majesty for the purpose of the Federal Government as the Santacruz Rifle Range was in active occupation of the Defence Department on that date this property vested in His Majesty for the purpose of the Government of India. The present position is that under Article 294 of the Constitution, such properties which immediately before the commencement of the Constitution were vested in His Majesty for the purpose of the Government consequently the Government of India as the absolute owner of the land were justified in asking for the market value in terms of Government of India Education, Health and Lands Deptt. Letter No. 172-2/35-LLO dated 18/11/1935 as published in Government of Bombay, revenue and forest Department Resolution No. 66633 dated 17th October, 1939. It is also noticed that Bombay Government themselves have accepted this position



and asked for the transfer of this land on payment of full market value *vide* their letter No. LFD 2245/1438-36-B dated 4/2/1956.

In this connection, I am also to refer to the discussion which the Chief Minister, Bombay had with the Defence Minister suggested that the Government of Bombay would take over the area required from the Santacruz Rifle Range and in exchange make available to the Ministry of Defence approximately the same delege of Bombay Government land from Block VI in Colaba, an area adjacent to the site where Defence installation are already situated. This was also fully explained by Shri S.D. Nargolwalla, Joint Secretary, Ministry of Defence to Shri Barve, Secretary, Public Works Deparatment Government of Bombay during their discussion at Bombay is that in a recent Communication Chief Minister Bombay has asked the Defence Minister to intimate Defence Minister Official to contract the Secretaries, Revenue and Public Works.

This Ministry have considered the urgent request of the Government of Bombay to arrange for the transfer of the land on Santacruz pending finalization of the terms of transfer. In view urgent need of the Bombay Government, Ministry of Defence are agreeable to transfer 41 acres and 8 gunthas of land from the Santacruz Rifle Range to the Government of Bombay for construction of the Western Express Highway and for the Slum Clearance Scheme provided:—

- (i) That the Government of Bombay would in terms of para 7 of the official letter No. 61-DM (C)/58 dated 21st May, 1958, from the Defence Minister to the Chief Minister, Bombay agree to the constitution of a committee of valuation and agree in advance to accept the market value fixed by it.
- (ii) In case the proposal for exchange of Bombay Government land in Block-VI Colaba with the Santacruz land materialises, the valuation of the Colaba land would also be made difference between the two valuations would be paid to the Government concerned.
- (iii) In case the proposal mentioned in (ii) above does materialize by the time Committee has reported on the market value, or soon thereafter, the Government of Bombay pay to the Government of India the market value fixed by the Committee.

If the arrangement outlined in para 3 above is acceptable to the Government of Bombay, they may for the purpose of taking over possession kindly contact Shri R.K. Chaturvedi our MEO, Bombay Circle, Poona to whom necessary instructions are being given.

Yours faithfully,

Sd./-

(S.D. NARGOLWALA)

Joint Secretary to the Government of India.

## APPENDIX I

### MINUTES OF THE NINTH SITTING OF THE PUBLIC ACCOUNTS COMMITTEE (2011-12) HELD ON 10th OCTOBER, 2011

The Public Accounts Committee sat on Monday, the 10th October, 2011 from 1500 hrs. to 1630 hrs. in Room No. '53', Parliament House, New Delhi.

#### PRESENT

Dr. Murli Manohar Joshi — *Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Anandrao Vithoba Adsul
3. Shri Sandeep Dikshit
4. Shri Bhartruhari Mahtab
5. Shri Shripad Yesso Naik
6. Shri Sanjay Nirupam
7. Shri Jagdambika Pal
8. Dr. Kavuru Sambasiva Rao
9. Dr. Girija Vyas

##### *Rajya Sabha*

10. Shri Tariq Anwar
11. Shri Naresh Gujral
12. Shri Prakash Javadekar
13. Shri Satish Chandra Misra
14. Shri Jesudasu Seelam
15. Prof. Saif-ud-Din Soz

#### SECRETARIAT

1. Shri Devender Singh — *Joint Secretary*
2. Shri M.K. Madhusudhan — *Additional Director*

#### **Representatives of the Office of the Comptroller and Auditor General of India**

1. Shri Vinod Rai — C&AG
2. Ms. Rekha Gupta — Deputy C&AG (RC)
3. Shri Gautam Guha — Director General  
(Defence Services)
4. Shri Jayant Sinha — Principal Director

## WITNESSES

**Representatives of the Ministry of Defence**

1. Shri S.K. Sharma — Defence Secretary
2. Lt. Gen. A.S. Lamba — VCOAS
3. V. Adm. R.K. Dhowan — VCNS
4. Shri Ashok Kumar Harnal — DG DE
5. Shri R.K. Mathur — Spl. Secretary (M)
6. Shri A.K. Gupta — Joint Secretary
7. Shri Jojneswar Sharma — Addl. DG DE
8. Maj. Gen. Sanjiv Talwar — ADGL WE
9. R. Adm. A.K. Chawla — ACNS (P&P)
10. Cmde. A.K. Chhabra — PDW
11. Shri P.K. Gupta — Director

**Representatives of the Ministry of Environment and Forests**

1. Dr. Nalini Bhat — Adviser
2. Shri E. Thirunavukkarasu — Deputy Director

2. At the outset, the Chairman welcomed the Members, the C&AG and other Audit Officers to the sitting of the Committee. The Chairman, then, apprised the Members that the meeting was convened to have a briefing by the representatives of the Ministry of Defence on the subject 'Adarsh Co-operative Housing Society, Mumbai'.

3. Before the witnesses could be called in one of the Members raised objection, with the permission of the Chairman, to the examination of the subject on the ground that since the land on which the 'Adarsh Co-operative Housing Society, Mumbai' had constructed the building, belonged to the State Government of Maharashtra, it would be appropriate if the PAC of that State Assembly examined the matter. He was, therefore, of the view that there was no need for the Committee to proceed with the examination of the subject. The Chairman clarified that since the subject/issue has figured in the Central Audit Report and the Audit has made observation to the effect that the land in question is owned by the Ministry of Defence, it was well within the purview of the Committee to examine the subject. He also observed that the PAC have the powers to call the representatives of the State Government, wherever considered necessary in connection with the examination of a subject, following the prescribed procedure. He, therefore, said that the representatives of the Ministry of Defence should be heard. The Members concurred with the decision of the Chairman.

4. Thereafter, the representatives of the Ministry of Defence were called in and the Chairman welcomed them to the sitting. The Defence Secretary briefed the Committee of the Ministry's position on the Audit findings and the follow up action taken by them thereon. The Secretary and other representatives of the Ministry replied to the various queries of the Members. As some queries required detailed replies

including certain information pertaining to State Government of Maharashtra, the Chairman, directed the Secretary to furnish the same expeditiously.

5. Some Members suggested that the information to be furnished by the Ministry of Defence should be scrutinized/examined by the Committee internally before deciding whether further evidence on the subject is required or not, to which the Committee agreed.

6. The Chairman then, thanked the representatives of the Ministry of Defence for appearing before the Committee and furnishing the available information on the subject. The Chairman also thanked the Members for their active participation in the discussion on the subject.

*The witnesses, then, withdrew.*

A copy of the verbatim proceedings was kept on record.

*The Committee, then, adjourned.*

## APPENDIX II

### MINUTES OF THE FOURTEENTH SITTING OF THE PUBLIC ACCOUNTS COMMITTEE (2013-14) HELD ON 17th OCTOBER, 2013

The Committee sat on Thursday, the 17th October, 2013 from 1130 hrs. to 1235 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

#### PRESENT

Dr. Murli Manohar Joshi — *Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Anandrao Vithoba Adsul
3. Shri Ramen Deka
4. Shri Bhartruhari Mahtab
5. Dr. Sanjay Jaiswal
6. Shri Abhijit Mukherjee
7. Dr. Baliram

##### *Rajya Sabha*

8. Shri Prakash Javadekar
9. Shri N.K. Singh
10. Smt. Ambika Soni

#### SECRETARIAT

1. Shri Devender Singh — *Joint Secretary*
2. Shri M.L.K. Raja — *Deputy Secretary*
3. Smt. A. Jyothirmayi — *Deputy Secretary*
4. Ms. Miranda Ingudam — *Under Secretary*
5. Shri A.K. Yadav — *Under Secretary*

#### **Representatives of the Office of the Comptroller and Auditor General of India**

1. Shri Venkatesh Mohan — Director General of Audit  
(Defence)
2. Shri Jayant Sinha — Principal Director of Audit (RC)
3. Shri Purushotam Tiwary — Principal Director of Audit (PAC)
4. Shri Deepak Kapoor — Director of Audit (Defence)
5. \*\*\*

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