



GOVERNMENT OF MAHARASHTRA

BOMBAY TOWN PLANNING ACT, 1954

**TOWN PLANNING SCHEME
SANTACRUZ No. V**

FINAL SCHEME



BOMBAY

PRINTED AT THE GOVERNMENT CENTRAL PRESS

1965

BOMBAY TOWN PLANNING ACT, 1954

**TOWN PLANNING SCHEME
SANTACRUZ No. V**

FINAL SCHEME

G. N., L. S. G. and P. H. D., No. TPB-3859-E,
dated the 6th March 1959.

Price Rs. 39·00

INDEX

| | PAGE. |
|--|-------|
| 1. Preamble | 1 |
| 2. Brief History of the Scheme | 1 |
| 3. Works to be Constructed under the Scheme | 2 |
| 4. Allotment or Reservation of Sites for Public or Municipal Purposes | 3 |
| 5. Regulations | 3 |
| 6. Form 'B' (Redistribution and Valuation Statement) with Notes | 6 |
| 7. Form 'C' (Finance of the Scheme) | 29 |
| 8. Estimates of Works to be carried out under the Scheme (Abstract) | 30 |
| 9. Proceedings and Decisions of the Board of Appeal | 31 |
| 10. Arbitration Proceedings and Decisions | 40 |
| 11. Plans. | |

BOMBAY TOWN PLANNING ACT, 1954

(BOMBAY ACT No. XXVII OF 1955).

TOWN PLANNING SCHEME, SANTACRUZ No. V.

(FINAL).

WHEREAS I, VIDHYADHAR KASHINATH BAKRE, the ARBITRATOR appointed under Government Notification, Local Self-Government and Public Health Department, No. S 20(6), dated 9th July 1952, in respect of the above scheme, having done all that is required by me in that behalf, under clauses (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), of sub-section (I) of section 32 of the Bombay Town Planning Act, 1954 and the rules thereunder; and WHEREAS the Board of Appeal having met as provided in the Act, have given their decisions on the appeals made to it, I hereby draw up the final scheme as required under clause (xiv) of sub-section (I) of section 32 of the said Act and thereto affix my hand and seal.

BRIEF HISTORY OF THE SCHEME.

The declaration of intention to make a town planning scheme under the Bombay Town Planning Act, 1915, in respect of the area comprised in this scheme was made by the Santacruz Notified Area Committee by its resolution, dated 15th March 1922, published in the *Bombay Government Gazette*, dated 23rd March 1922, Part II at page 381. The making of the scheme was sanctioned by Government under Government Notification, Development Department, No. S.A. 1062, dated 16th May 1922. The draft scheme was published by the Committee in the *Bombay Government Gazette*, dated 3rd May 1923, Part II at page 628. The draft scheme was sanctioned by Government and simultaneously Captain E. M. Gilbert-Lodge, Land Manager, Development Directorate, was appointed Arbitrator for the scheme under Government Notification, Development Department, No. S.A. 1665, dated 18th November 1924, published in the *Bombay Government Gazette*, dated 20th November 1924, Part I at page 2859. On retirement of Shri Gilbert-Lodge, his successor Shri K. R. Doctor was appointed Arbitrator under Government Notification, Development Department, No. S. A. 1672, dated 17th November 1925.

The Arbitrator held the arbitration proceedings, carried out the demarcation and was about to publish his award when Government in their memorandum, Development Directorate No. D.A. 99, dated 3rd May 1926, asked him to stay his proceedings, as on a representation from the plot-holders Government thought it doubtful whether the scheme could be carried out on the basis of the sanctioned draft scheme. Simultaneously the Collector, Bombay Suburban District, was asked to submit such proposals for the curtailment of the scheme as seemed to be required after ascertaining the views of the plot-holders.

In a meeting of the plot-holders and the local authority called by the Collector on 17th May 1926 it was decided that the scheme should be curtailed so as to exclude nearly half the area in the northern portion of the scheme which mainly consisted of the lands from Vile-Parle Village. The Committee also passed a resolution agreeing to curtailment of the scheme if the owners whose lands were to be excluded paid *pro-rata* cost then incurred. Many of the owners, however, objected to the payment of *pro-rata* cost in respect of the area to be excluded. Amongst them the Khot of Vile Parle was the principal plot-holder. The Collector reported the result of the meeting to Government and recommended curtailment of the scheme. Thereafter protracted negotiations were carried on with the Khot of Vile Parle and other plot-holders for some settlement but to no effect. In 1934, a suggestion was made by the Collector, Bombay Suburban District, that the lands out of the village of Vile-Parle should be acquired and the scheme should be proceeded with on the basis of the sanctioned draft scheme. Thereafter Government issued a Notification, Revenue Department, No. 2023/33, dated 1st June 1934 notifying the lands out of the Village of Vile-Parle for acquisition for the development of Bombay and suburban areas under section 4 of the Land Acquisition Act. However, after inquiry under section 5A of the Land Acquisition Act and after considering the other questions, Government cancelled the above notification and the proposal for acquisition was dropped under Government Resolution, Revenue Department, No. 2023/33, dated 24th October 1935.

In 1935 the Santacruz Notified Area Committee was merged into the Bandra Municipality and the scheme thus came under the jurisdiction of that Body. Under Government Notification, General Department, No. 7942, dated 19th February 1946 published at page 626 of the *Bombay Government Gazette*, Part I, dated 21st February 1946, the property and rights of the Santacruz Notified Area Committee in the scheme were vested in the Bandra Municipality from 15th February 1935 under section 45A of the Bombay Town Planning Act, 1915, subject to all charges and liabilities affecting the scheme.

After the death of Shri K. R. Doctor in 1936, no Arbitrator was appointed and the question as to whether the scheme should be proceeded with or not was also not decided till 1946. In that year, Government appointed Shri H. Khan, the then Consulting Surveyor to Government as Arbitrator for this scheme under Government Notification, General Department, No. 7942(a), dated 19th February 1946 published at page 626 of the *Bombay Government Gazette*, Part I, dated 21st February 1946 and he was directed to proceed with the scheme.

When the Arbitrator tried to proceed with the scheme he found that the Public Works Department proposed to run the proposed Bandra-Borivili Relief Road through the scheme, and the Aerodrome Authorities also proposed to acquire some area out of the scheme for the extension of the Santacruz Aerodrome. He could not, therefore, proceed with the scheme until these two points were definitely settled. He therefore asked Government to first decide these points finally. Government asked the Collector, Bombay Suburban District to hold a conference of the authorities concerned. Accordingly a conference consisting of the representatives of the Bandra Municipality, Public Works Department, Aerodrome authorities and the Consulting Surveyor to Government was held by the Collector on 23rd

December 1947. In the conference it was pointed out that the acquisition could not be dropped nor could acquisition under the Land Acquisition Act and the scheme proceed simultaneously according to the provisions of the Town Planning Act. The alignment of the proposed Relief Road could not also be fixed till the question of acquisition was settled. The conference therefore came to the conclusion that the scheme should be dropped and the Bandra Municipality should prepare a fresh scheme of the area remaining after excluding the area required by the Aerodrome Authorities. The Collector accordingly recommended to Government to cancel the original scheme and to ask the Bandra Municipality to prepare a fresh scheme of the remaining area. The matter rested there without any progress till the Bandra Municipality was merged into the Municipal Corporation for the Greater Bombay in April 1950. In the meantime Shri H. Khan retired and in his place Shri G. J. Desai, the then Consulting Surveyor to Government was appointed Arbitrator for this scheme under Government Resolution, Health and Local Government Department, No. S 20(6), dated 4th October 1949.

By 1951, the alignment of the Relief Road was finally settled and in the meantime the Town Planning Act had also been amended which removed the legal obstacle regarding acquisition of lands in a town planning scheme. The Bombay Municipality, therefore, requested the Arbitrator to proceed with the scheme and leave the question of acquisition of the land required by the Aerodrome Authorities to be dealt with by them independently. The Arbitrator agreed with the municipality and decided to proceed with the scheme.

During the period from 1926 to 1951, the conditions had considerably changed. Further the proposed Bandra-Borivli Relief Road also passed through the scheme. This meant re-casting of the whole scheme and necessitated consent of the plot-holders and the Local Authority. The Arbitrator, therefore, revised the scheme to suit the changed circumstances and formulated tentative proposals. He held fresh Arbitration proceedings on these tentative proposals in January 1952. The tentative proposals were generally approved by the plot-holders and the Local Authority.

Certain plot-holders were anxious to have the road in front of their plots constructed immediately. They, therefore, approached the municipality and according to the agreement arrived at between them and with the consent of the Arbitrator, the municipality constructed part of road marked A4, A7 on plan 4 in 1952.

After further discussion, the Aviation Authorities suggested that they would not press for acquisition of lands from this scheme if no buildings were permitted in the northern part of the scheme lying to the east of the Relief Road and the heights of buildings in the northern part lying to the west of the Relief Road were restricted as required by them. Since it was not possible to accept the first part of their suggestion, they were asked to acquire the area in which no buildings were to be permitted. Accordingly they have acquired the area comprised in original plot 148A. As required by the Aerodrome Authorities, the height of buildings on certain plots in the northern part of the scheme has been restricted.

On retirement of Shri G. J. Desai, the undersigned was appointed Arbitrator for the scheme under Government Notification, Local Self-Government and Public Health Department, No. S 20(6), dated 9th July 1952, published in the *Bombay Government Gazette*, dated 24th July 1952, at page 4109.

DESCRIPTION.

The area comprised in the scheme admeasures about 119 acres and is situated just opposite the Santacruz Railway Station. It is bounded on the north by agricultural lands, on the south by Pandit Jawaharlal Nehru Road, on the east partly by agricultural lands and partly by the limits of the Santacruz Aerodrome and on the west by the Western Railway. The lands included in the scheme are out of the Revenue Villages of Bandra, Danda and Vile Parle. On the date of declaration of intention to make the scheme, there was only one Railway Road in the scheme just opposite the Station and all the lands excepting those fronting on Pandit Jawaharlal Nehru Road were without proper access. Large area lying in the north-east part is low-lying. Similarly large area in the south-east part was also low-lying but it has now been partly filled in by the Bombay Housing Board. The remaining area is level land. On the date of declaration only 20 plots were built upon with permanent structures most of them being on Pandit Jawaharlal Nehru Road and the Railway Road. The remaining plots were under cultivation. After the date of declaration 18 plots were built upon with permanent structures by private persons and on 3 plots in the south-east part. The Bombay Housing Board has put up a large number of permanent structures. In addition to this a number of semi-permanent structures have been put up on original plot No. 135 which are on temporary permission. At present there are also a large number of temporary sheds scattered over the whole area.

WORKS TO BE CONSTRUCTED UNDER THE SCHEME.

The undermentioned works shall be constructed under the scheme :—

Roads.

| Serial No. | Road shown on Plan and there on marked. | Width of road. | Carriage way. | Remarks. |
|------------|---|----------------|---------------|----------|
| 1 | C1. C9 | .. | .. | .. |
| 2 | F6. H1 | .. | .. | .. |
| 3 | A2. A3 | .. | .. | .. |
| 4 | A4. A8. A9 | .. | .. | .. |
| 5 | A2. C2 | .. | .. | .. |
| 6 | A3. C3 | .. | .. | .. |
| 7 | A4. C5 | .. | .. | .. |
| 8 | A5. F3 | .. | .. | .. |
| 9 | A6. F5 | .. | .. | .. |
| 10 | B1. F7 | .. | .. | .. |
| 11 | C4. F2 | .. | .. | .. |
| 12 | C8. D3 | .. | .. | .. |
| 13 | D2. F4 | .. | .. | .. |
| 14 | F1. F6. F8 | .. | .. | .. |

| Serial No. | Road shown on Plan and thereon marked. | | | | Width of road. | Carriage way. | Remarks. |
|------------|--|----|----|----|----------------|---------------|--|
| 15 | J1. J2. J3. | .. | .. | .. | 40'-0" | 30'-0" | Access road of 40'-0" along the western edge of 200'-0" Relief Road. |
| 16 | A1. A2. | .. | .. | .. | 30'-0" | 22'-0" | |
| 17 | A3. A4. | .. | .. | .. | | | |
| 18 | A7. E1. | .. | .. | .. | | | |
| 19 | B1. B2. | .. | .. | .. | | | |
| 20 | E1. E2. | .. | .. | .. | | | |
| 21 | G C8. | .. | .. | .. | 20'-0" | 20'-0" | |
| 22 | M1. M2. | .. | .. | .. | 15'-0" | 15'-0" | |
| 23 | O1. O2. | .. | .. | .. | | | |
| 24 | K1. K2. | .. | .. | .. | | | |
| 25 | N1. N2. | .. | .. | .. | 10'-0" | 10'-0" | |
| 26 | L1. L2. | .. | .. | .. | | | |

(1) The abovementioned works shall be carried out as per estimates and in accordance with the specifications of the Local Authority.
 (2) The construction of the above works shall be completed and the roads opened for the public use within 2 years from the date on which the final scheme comes into force.

ALLOTMENT OR RESERVATION OF SITES FOR PUBLIC OR MUNICIPAL PURPOSES.

| Final Plot No. | Area in Square yards. | Allotted for. |
|----------------|-----------------------|--------------------|
| 2 | 515 | Parking. |
| 6 | 1,195 | Parking. |
| 131 | 10,853 | Recreation ground. |
| 132 | 4,922 | School. |
| 133 | 1,678 | Municipal Offices. |
| 195 | 8,007 | Garden. |

SITES RESERVED FOR ROAD AND OVERBRIDGE.

| Marked on plan. | Width. | Remarks. |
|-----------------|---------|---|
| H. F6. | 60'-0" | Reserved for an over-bridge. |
| J1. J2. J3. | 160'-0" | Reserved for Relief Road, the overall width of which is 200 feet. |

TOWN PLANNING SCHEME, SANTACRUZ No. V.

REGULATIONS CONTROLLING THE DEVELOPMENT WITHIN THE AREA OF THE SCHEME.

In addition to the existing Bye-laws and such other Bye-laws as may from time to time be made by the Local Authority, the following special regulations shall hold good within the area of the scheme, provided that, in any case in which any of the undermentioned regulations is in conflict with any regulation, law or bye-law by any authority made, except by an Act of the Central Legislature of the Union of India, the provisions of the undermentioned regulations shall prevail:—

1. Not more than one-third of the total area of any plot or any subsequent sub-division of a plot within the area of the scheme shall be covered with buildings. The remaining two-thirds area of the plot shall be kept permanently as an open space appurtenant to the buildings provided that—

(a) The area covered by compound walls, open steps, open otias (6" below the plinth), porches, weather frames, cornices, gallery and balcony projections, and such other projections shall not be taken into account in calculating the built-up area.

(b) An excess in built up area up to 2 per cent. of the area of the plot which may have occurred due to some mistake or through oversight may be condoned by the Municipal Commissioner.

2. Subject to provision of regulation No. 1, there shall be compulsory open space of 15 feet from all sides of the plot provided that in the case of the following plots such compulsory open spaces shall be as under :—

| Final Plot No. | | | |
|------------------------------------|-----|-----|---|
| 1, 4, 36, 79, 112 | ... | ... | ... 10 feet from the Southern boundary. |
| 78, 85, 86, 87, 122, 126, 127, 128 | ... | ... | ... 10 feet from the Northern boundary. |
| 81, 139 | ... | ... | ... 10 feet from the Eastern boundary. |
| 83, 110, 111, 163, 164 | ... | ... | ... 10 feet from the Western boundary. |
| 20, 123 | ... | ... | ... 10 feet from the Northern and Southern boundaries. |
| 10, 11, 37 40A, 82, 105, 138 | ... | ... | ... 10 feet from the Eastern and Western boundaries. |
| 5 | ... | ... | ... 10 feet from the Northern, Southern and Western boundaries. |
| 14, 23 | ... | ... | ... 10 feet from all sides. |
| 47 | ... | ... | ... No open space from the Western boundary. |
| 48 | ... | ... | ... No open space from the Eastern boundary. |
| 171 | ... | ... | ... No open space from the Southern boundary. |
| 171A | ... | ... | ... No open space from the Northern boundary. |
| 121 | ... | ... | ... 10 feet from the Southern boundary. |
| 121A | ... | ... | ... 10 feet from the Northern boundary. |
| 121B | ... | ... | ... 10 feet from the Eastern boundary. |
| 124 | ... | ... | ... 10 feet from the Northern boundary at its Eastern half and 7 feet from the Northern boundary at its Western half. |

The compulsory open spaces shall not be used even for placing structures either movable or on wheels.

3. The regulations Nos. 1 and 2 shall not apply to plots on which there are already permanent buildings at the date on which the final scheme comes into force, but shall apply when the existing building is pulled down or a substantial portion of it is reconstructed.

(The decision of the Municipal Commissioner as to what is a substantial portion shall be final.)

4. No building to be erected shall have more than two storeys above the ground floor or shall exceed 40 feet in height above the kerb level excluding the height of a room over the stair-case and/or a lift well, provided that the buildings on final plots Nos. 145, 146, 147, 164, 165, 166, 167, 168, 169, 170, 171, 171A, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200 shall have, only one storey above the ground floor or shall not exceed 26 in height.

5. A sanitary block, an out-house, a stable for house-hold purposes, a store-room, servants' quarters or a kitchen will be allowed in the rear open space of the main building, as may be permissible under the Local Authority's regulations or Bye-laws.

6. A garage or an unenclosed porch shall be permitted as may be permissible under the Local Authority's regulations or Bye-laws.

7. Galleries or Balconies not enclosed by walls except parapet walls will be permitted to project into the compulsory open spaces up to 4 feet provided that a further open space of 10 feet open to sky is available in owner's boundary and the length of such projections does not exceed half the length of the corresponding sides of the building.

8. The minimum size of a building plot shall not be less than 500 sq. yds. excepting those plots which are reconstituted of less area under the scheme.

9. No plot shall be sub-divided and no two or more contiguous plots shall be amalgamated and/or sub-divided without the previous permission of the Municipal Commissioner.

10. Subject to marginal open spaces prescribed under regulation No. 2, shops shall be permitted only along the line verged green on plan No. 4 in Final Plots Nos. 3, 4, 5, 8, 12, 13, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 35, 36, 37, 38, 39, 40, 40A, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51-54, 59, 60, 61, 62, 63, 64-66, 80, 81, 82, 83, 85, 91-94, 95, 96, 164, 165, 166, 169, 170, 171, 171A, 172, 173, 174, 175, 176, 177, 178. No other building within the area of the scheme shall be used as a shop.

11. Cinema and Theatre shall be permitted in Final Plot No. 30.

12. Final Plots Nos. 97, 51-54, 91-94 and 102-103 allotted to the Bombay Suburban Electric Supply Ltd., are allowed to be used for residential, godown, workshop electric sub-station and factory purposes.

13. Final Plot No. 28 is allowed to be used for a printing press.

14. Final Plot No. 17 is allowed to be used for a Post Office.

15. The open space in front of shops shall not be utilised for stacking any kind of merchandise.

16. No obnoxious, offensive or dangerous trade, except the sale of wood, charcoal, tobacco and oils for domestic use or petrol shall be carried on within the area covered by the scheme.

17. No building within the area of the scheme shall be erected or used for stabling cattle, milch cattle or horses except such as are actually required for the personal and non-commercial use of the occupants of the dwelling house in the same plot.

18. Subject to regulations No. 12 and 13, no factory of any kind shall be permitted to be erected within the area of the scheme.

19. The Municipal Commissioner may relax the application of regulation No. 2 to some extent in respect of the additional floors over the existing buildings in view of constructional difficulties.

20. Any person contravening any of the aforesaid regulations, or any of the provisions of the scheme, shall on being convicted for such contravention be liable to fine which may extend to Rs. 1,000 and in the case of continuing contravention of the aforesaid regulations or provisions, he shall be liable to an additional fine which may extend to Rupees 10 for each day during which such contravention continues after conviction for the first such contravention.

Bombay, 20th February 1959.



A handwritten signature in cursive script, appearing to read "M. B. Patel", written over a horizontal line.

Arbitrator.

TOWN PLANNING SCHEME

Redistribution and Valuation

| Serial No. | NAME OF OWNER. | Tenure. | Survey Number. | Number. | ORIGINAL PLOT. | | | | | | | |
|------------|--|---------|----------------|-------------|-----------------------|---|--------------------------|---------|-----------------------|--------------|--------------|----------------|
| | | | | | Area in square yards. | VALUE IN RUPEES. | | Number. | Area in square yards. | | | |
| | | | | | | Without reference to value of structures. | Inclusive of structures. | | | | | |
| 1 | 2 | 3 | 3(a) | 4 | 5 | 6(a) | 6(b) | 7 | 8 | | | |
| 1 | The Western Railway | .. | .. | Government. | .... | 1 | 1,980 | 1 | 1 | .... | ... |  |
| | | | | | (Road). | 5 | 930 | 6,045 | X+6,045 *650 | 1 | 918 | |
| | | | | | | 3 | 950 | 5,700 | X+5,700 | 7 | 897 | |
| | | | | | | 2 | 1,200 | 6,600 | 6,600 **250 | 9 | 676 | |
| | | | | | | 4 | 1,750 | 10,500 | 10,500 ***150 | 15 } 16 } | 243 | |
| | | | | | 6,810 | 28,846 | X+29,896 | | 3,348 | | | |
| 2 | Shri K. L. Randery and Shrimati Ramangaury K. Randery | .. | .. | Rayat-wari. | 101/2 | 6 | 4,991 | 19,964 | 19,964 *1,500 | 3 | 726 | |
| | | | | | | 102A/1 | 7 | 1,452 | 5,808 | 5,808 | 4 | 405 |
| | | | | | | 101/5 | 12 | 484 | 1,936 | 1,936 | 18 } 19 } | 2,528 3,121 |
| | | | | | | 104/1 | 13 | 3,993 | 15,972 | 15,972 | 21 | 802 |
| | | | | | | 105/15 | 58 | 363 | 1,271 | 1,271 | | |
| | | | | | 11,283 | 44,951 | 46,451 | | 7,582 | | | |
| 3 | Shri Yahyabhai Mohomedalli Shrimati Mehrabai Mohomedalli Shrimati Zenuabai Mohomedalli The legal heirs of late Shri Mohomedalli Tayaballi. | .. | .. | Do. | 102A | 8 | 333 | 2,331 | 2,331 *600 | 5 | 329 | |
| | | | | | | 2 | | | 2,931 | | | |
| 4 | Shri Aveline Gustin Souza | .. | .. | Do. | 101/3 | 9 | 575 | 2,300 | 2,300 *100 | 20 | 648 | |
| | | | | | | | | 2,400 | | | | |
| 5 | The Post Master General, Bombay | .. | .. | Government. | NA 332 | 10 | 750 | 4,875 | X+4,875 *240 | 17 | 718 | |
| | | | | | | | | 5,115 | | | | |
| 6 | Shrimati Angelino Martha Gomes Shri Paul E. Gomes | .. | .. | Rayat-wari. | 101/8 | 11 | 393 | 1,572 | 1,572 | 49 | 509 | |
| | | | | | 105/19 | 50 | 272 | 816 | 816 | | | |
| | | | | | | 105 | 79 | 1,028 | 3,084 | 3,084 | 80 | 455 |
| | | | | | | 4 pt. 109/3 | 110 | 423 | 952 | 952 | 113 | 647 |
| | | | | | | | | 2,116 | 6,424 | 6,424 | 1,602 | |

SANTACRUZ No. V

Statement Form B

| FINAL PLOT. | | | | | | | | | |
|---|--------------------------|---|--------------------------|--|--|--|---|--|--|
| VALUE IN RUPEES. | | | | Contribution (+) compensation (-) under Sec. 67 Column 9(b) minus Column 8(b). | Increment (Section 65) Column 10(a) minus Column 9(a). | Contribution (Section 66) 50 per cent. of Column 12. | Addition to (+) or deduction from (-) contribution to be made under other sections. | Net demand from (+) or by (-) owner, being the addition of Columns 11, 13, 14. | Remarks. |
| Undeveloped. | | Developed. | | | | | | | |
| Without reference to value of structures. | Inclusive of structures. | Without reference to value of structures. | Inclusive of structures. | | | | | | |
| 9(a) | 9(b) | 10(a) | 10(b) | 11 | 12 | 13 | 14 | 15 | 16 |
| ... | ... | ... | ... | | | | | | |
| 5,967 | X+5,967 | 7,344 | X+7,344 | | | | | | * Rs. 550 for loss of structure and Rs. 100 for removing and replacing compound wall. |
| 5,382 | X+5,382 | 7,176 | X+7,176 | | | | | | ** Rs. 250 for removing and replacing fencing. |
| 3,718 | 3,718 | 5,408 | 5,408 | | | | | | *** Rs. 150 for removing and replacing fencing. |
| 3,377 | 3,377 | 4,298 | 4,298 | | | | | | |
| 1,215 | 1,215 | 1,458 | 1,458 | | | | | | |
| 19,659 | X+19,659 | 25,684 | X+25,684 | -10,237 | 6,025 | 3,012 | | -7,225 | |
| 2,904 | 2,904 | 6,171 | 6,171 | | | | | | * Rs. 1,500 for loss of well. |
| 1,620 | 1,620 | 3,847 | 3,847 | | | | | | |
| 10,112 | 10,112 | 20,224 | 20,224 | | | | | | |
| 12,484 | 12,484 | 21,847 | 21,847 | | | | | | |
| 2,807 | 2,807 | 6,817 | 6,817 | | | | | | |
| ... | ... | ... | ... | | | | | | |
| 29,927 | 29,927 | 58,906 | 58,906 | -16,524 | 28,979 | 14,489 | | -2,035 | |
| 1,920 | 1,920 | 2,720 | 2,720 | -1,011 | 800 | 400 | ..... | -611 | * Rs. 600 for loss of C. I. structure. |
| 2,592 | 2,592 | 5,832 | 5,832 | +192 | 3,240 | 1,620 | ..... | +1,812 | * Rs. 100 for loss of shed. |
| 4,067 | X+4,067 | 6,462 | X+6,462 | -448 | 1,795 | 448 | ..... | ..... | * Rs. 240 for removing and replacing a portion of compound wall. ** Rebate of 50 per cent. in contribution. |
| 1,500 | 1,500 | 4,000 | 4,000 | -888 | 2,500 | 1,250 | ..... | +362 | |
| 1,365 | 1,365 | 2,730 | 2,730 | -1,719 | 1,365 | 682 | ..... | -1,037 | |
| 1,456 | 1,456 | 4,044 | 4,044 | +504 | 2,588 | 1,294 | ..... | +1,798 | |
| 4,321 | 4,321 | 10,774 | 10,774 | -2,103 | 6,453 | 3,226 | ..... | +1,123 | |

TOWN PLANNING SCHEME

Redistribution and Valuation

| Serial No. | NAME OF OWNER. | Tenure. | Survey Number. | Number. | Area in square yards. | ORIGINAL PLOT. | | Number. | Area in square yards. |
|------------|---|-----------------|--|----------|-------------------------|---|----------------------------|----------|-----------------------|
| | | | | | | VALUE IN RUPEES. | | | |
| | | | | | | Without reference to value of structures. | Inclusive of structures. | | |
| 1 | 2 | 3 | 3(a) | 4 | 5 | 6(a) | 6(b) | 7 | 8 |
| 7 | Shri Madhav Vishwanath Garde and Shrimati Sitabai Vishwanath Vithal Garde. | Rayatwari. | NA 318 | 14 | 565 | 3,673 | X+3,673 | 34 | 787 |
| 8 | Shri Thakordas Bahadurmal Nemani and Other legal heirs of Shri Bahadurmal Gurumukhrai. | Do. | NA 317 | 15 | 1,890 | 11,340 | X+11,340 *50 11,390 | 33 | 1,911 |
| 9 | The Government of Bombay | ... Government. | 110/8 | 39 | 1,210 | 3,630 | 3,630 | 42 | 886 |
| | | | 104/4 | 16 | 877 | 3,508 | 3,508 | | |
| | | | 105/21 | 51 | 333 | 999 | 999 | 134 | 933 |
| | | | 105/5 | 76 | 272 | 952 | 952 | 135 | 932 |
| | | | 379 | 119 | 1,331 | 4,326 | 4,326 | 136 | 1,173 |
| | | | 373A | 120 | 1,694 | 5,929 | 5,929 | | |
| | | | | | 5,717 | 19,344 | 19,344 | | 3,924 |
| 10 | Shri Jaiwant Mangesh Pilgaokar and Shri Vasant Mangesh Pilgaokar | ... Rayatwari. | 104/2 | 17 | 454 | 1,589 | 1,589 | 23 | 436 |
| 11 | Shri Chunilal Abhechand ... Shri Gulabchand Abhechand ... Shri Ratanchand Nemchand ... Shri Bhaichand Nemchand ... Shri Laxmichand Motichand ... Shri Jivanchand Motichand ... | ... Do. | 104/3 | 18 | 1,180 | 4,130 | 4,130 *300 4,430 | 24 | 1,080 |
| 12 | Shrimati Latifunnisa Binto Sheikh Imran widow of Vallibhai Shikh Mansur and Shri Kambarali Vallibhai | Do. | NA 393 | 19 | 891 | 3,119 | X+3,119 *200 3,319 | 25 | 1,330 |
| 13 | Shri Chandulal Mohanlal Shah | ... Do. | 112/1 105/18 105/20 | 20 49 | 1,664 1,058 | 5,824 3,174 | X+5,824 3,174 | 26 50 | 1,464 490 |
| | | | | | 2,722 | 8,998 | X+8,998 | | 1,964 |
| 14 | Shri Haji Gulam Rasool Haji Mohamed Shaffi. | Do. | NA 315B | 21 | 815 | 4,075 | X+4,075 | 31 | 797 |
| | | | | Passage. | 230 | Nil. | Nil. | Passage. | 230 |
| | | | | | 1,045 | 4,075 | X+4,075 | | 1,027 |
| 15 | Shrimati Shirinbai Curshedji Chandaru | ... Do. | NA 315 NA 315A | 22 | 2,268 | 12,474 | X+12,474 | 82 | 2,303 |
| 16 | Shri Salobhai Mohmedalli Molubhaiwalla | Do. | NA 35 112/ 2 pt. 112B/1 112B/2 113 | 23 24 | 3,922 3,795 7,717 | 34,727 | X+3,4727 *300 35,027 | 28 | 7,474 |

SANTA CRUZ No. V.

Statement Form B.

FINAL PLOT.

| VALUE IN RUPRES. | | | | Contribution (+) compen- sation (-) under Sec. 67 Column 9(b) minus Column 8(b). | Increment (Section 65) Column 10(a) minus Column 9(a). | Contribution (Section 66) 50 per cent. of Column 12. | Addition to (+) or deduction from (-) contribution to be made under other sections. | Net demand from (+) or by (-) owner, being the addition of Columns 11, 13, 14. | Remarks. |
|--|--------------------------------|--|--------------------------------|--|--|--|--|--|---|
| Undeveloped. | | Developed. | | | | | | | |
| Without reference to value of structures. | Inclusive of structures. | Without reference to value of structures. | Inclusive of structures. | 11 | 12 | 13 | 14 | 15 | 16 |
| 9(a) | 9(b) | 10(a) | 10(b) | | | | | | |
| 5,116 | X+5,116 | 5,903 | X+5,903 | +1,443 | 787 | 393 | ..... | +1,836 | |
| 11,466 | X+11,466 | 13,377 | X+13,377 | +76 | 1,911 | 955 | ..... | +1,031 | * Rs 50 for removing and replacing fencing. |
| 2,658 | 2,658 | 6,424 | 6,424 | } | } | } | } | } | } |
| ... | ... | ... | ... | | | | | | |
| 2,099 | 2,099 | 4,665 | 4,665 | | | | | | |
| 2,097 | 2,097 | 4,660 | 4,660 | | | | | | |
| 2,639 | 2,639 | 6,452 | 6,452 | | | | | | |
| ... | ... | ... | ... | | | | | | |
| 9,493 | 9,493 | 22,201 | 22,201 | -9,851 | 12,708 | 6,354 | ..... | -3,497 | |
| 1,526 | 1,526 | 2,616 | 2,616 | -63 | 1,090 | 545 | ..... | +482 | |
| 3,780 | 3,780 | 8,100 | 8,100 | -650 | 4,320 | 2,160 | ..... | +1,510 | * Rs. 300 for loss of C. I. shed. |
| 4,655 | X+4,655 | 9,310 | X+9,310 | +1,356 | 4,655 | 2,327 | ..... | +3,663 | * Rs. 200 for removing and replacing fencing. |
| 5,124 | X+5,124 | 10,980 | X+10,980 | -790 | 5,856 | 2,928 | ..... | +2,228 | |
| 1,470 | 1,470 | 3,920 | 3,920 | -1,704 | 2,450 | 1,225 | ..... | -479 | |
| 6,594 | X+6,594 | 14,900 | X+14,900 | -2,404 | 8,306 | 4,153 | ..... | +1,749 | |
| 3,985 | X+3,985 | 4,782 | X+4,782 | ..... | ..... | ..... | ..... | ..... |  |
| Nil. | Nil. | Nil. | Nil. | | | | | | |
| 3,985 | X+3,985 | 4,782 | X+4,782 | -90 | 797 | 398 | ..... | +308 | |
| 12,667 | X+12,667 | 14,970 | X+14,970 | +193 | 2,303 | 1,151 | ..... | +1,344 | |
| 33,633 | X+33,633 | 52,318 | X+52,318 | -1,394 | 18,685 | 9,342 | ..... | +7,948 | * Rs. 300 for removing and replacing fencing and com- pound wall. |

TOWN PLANNING SCHEME

Redistribution and Valuation

| Serial No. | NAME OF OWNER. | Tenure. | ORIGINAL PLOT. | | VALUE IN RUPEES. | | | | |
|------------|---|-----------------|--------------------------|---------|-----------------------|---|--------------------------|-----------|-----------------------|
| | | | Survey Number. | Number. | Area in square yards. | Without reference to value of structures. | Inclusive of structures. | Number. | Area in square yards. |
| | | | 3(a) | 4 | 5 | 6(a) | 6(b) | 7 | 8 |
| 17 | Shrimati Clara Cicilia Coutinho | .. Rayat-wari. | 111/2pt. | 25 | 533 | 1,866 | 1,866 | 29 | 757 |
| 18 | Shri Moizuddin Sajauddin Halim Shri Nasiruddin Sajauddin Halim. Shri Naziruddin Sajauddin Halim. Shri Rashiduddin Sajauddin Halim. | .. Do. .. | 106A/7 | 60 | 726 | 2,541 | 2,541 | Absorbed. | |
| 18A | Shri Moizuddin Sajauddin Halim (Lessor). Shri Hariprasad Someshwar Dave (Lessee). | Do. .. | 111/5pt. | 26A | 2,268 | 11,907 | 11,907 | 30 | 2,508 |
| 18B | Shri Moizuddin Sajauddin Halim | .. Do. .. | 111/5pt. | 26B | 1,232 | 6,468 | 6,468 | 59 | 768 |
| 19 | Shri Anthony Pinto Shri Hermenegild Pinto. | and Do. | 115/2 | 27 | 484 | 2,783 | 2,783 | 57 | 750 |
| 20 | Shri Lawrence Anton Souj | .. Do. | 115/1 | 28 | 968 | 4,356 | X + 4,356 *000 | 58 | 874 |
| | Shri Pascal Anton Souj | .. Do. | 111/4 | 32 | 938 | 2,580 | 4,956 2,580 | 61 | 846 |
| | Shri Clement Anton Souj | .. | 105/14 | 40 | 1,724 | 5,172 | 5,172 | 42 | 914 |
| | Shri Francis Anton Souj | .. | | | | | | | |
| | Shrimati Janubai widow of Anton Souj. | | | | | | | | |
| | Shri George Michael D'Souza. | | | | | | | | |
| | | | | | 3,630 | 12,108 | X + 12,708 | | 3,634 |
| 21 | Shri Gangji Keshavji Shri Nanji Keshavji. | .. Do. .. | 111/3 | 29 | 2,450 | 15,519 | X + 15,519 *500 | 60 | 3,088 |
| | | | N. A. 152 | 30 | 1,984 |  |  |  |  | 16,019 |
| | | | | | 4,434 | | | | |
| 22 | The Bombay Housing Board | .. Govern-ment. | 110/10 | 33 | 726 | 24,504 | 24,504 | 56 | 5,308 |
| | | | 386 | 31C | 5,400 | | | | |
| | | | | | 6,126 | | | | |
| | | | 386 | 31B | 25,727 | | | | |
| | | | 386 | 31 | 53,750 | 1,07,500 | 1,07,500 | 203 | 51,053 |
| | | | | | 85,603 | 1,96,321 | 1,96,321 | | 75,643 |
| 22A | The Government of Bombay | .. Do. .. | 386 | 31A | 28,500 | 42,750 | 42,750 | Absorbed. | |
| 23 | Shri Moizuddin S. Halim Shri Nasiruddin S. Halim. Shri Naziruddin S. Halim. Shri Rashiduddin S. Halim. | .. Rayat-wari. | N. A. 392 pt. | 34 | 3,626 | 10,878 | X + 10,878 *200 | 55 | 4,368 |
| | | | | | | | 11,078 | | |
| 23A | Shri Nematullah Gyasuddin Halim | .. Do. .. | N.A. 392 pt. | 34A | 974 | 2,922 | X + 2,922 *50 | 55A | 1,407 |
| | | | | | | | 2,972 | | |
| 24 | Shri Kasamalli Peerbhai Vishram | .. Do. | 110/9pt. } 111/1pt. } | 35 | 3,399 | 10,197 | 10,197 | 62 | 840 |
| | | | | | | | | 63 | 708 |
| | | | | | | | | 64-66 | 575 |
| | | | | | | | | 105 | 522 |
| | | | | | 3,399 | 10,197 | 10,197 | .... | 2,845 |

SANTACRUZ No. V

Statement Form B

| FINAL PLOT. | | | | | | | | | |
|---|--------------------------|---|--------------------------|--|--|--|---|--|---|
| VALUE IN RUPEES. | | | | Contribution (+) compensation (-) under sec. 67 Column 9(b) minus Column 6(b). | Increment (Section 65) Column 10(a) minus Column 9(a). | Contribution (Section 66) 50 per cent. of Column 12. | Addition to (+) or deduction from (-) contribution to be made under other sections. | Net demand from (+) or by (-) owner, being the addition of Columns 11, 13, 14. | Remarks. |
| Undeveloped. | | Developed. | | | | | | | |
| Without reference to value of structures. | Inclusive of structures. | Without reference to value of structures. | Inclusive of structures. | 11 | 12 | 13 | 14 | 15 | 16 |
| 9(a) | 9(b) | 10(a) | 10(b) | | | | | | |
| 2,650 | 2,650 | 6,056 | 6,056 | +784 | 3,406 | 1,703 | .... | +2,487 | |
| Absorbed. | Absorbed. | .... | .... | -2,541 | .... | .... | .... | -2,541 | |
| 13,167 | 13,167 | 25,080 | 25,080 | +1,260 | 11,913 | 5,956 | .... | +7,216 | Lessor to pay contribution payable under section 67 and Lessee to pay contribution payable under section 66 as per agreement. |
| 4,032 | 4,032 | 7,104 | 7,104 | -2,436 | 3,072 | 1,536 | .... | -900 | |
| 4,313 | 4,313 | 5,250 | 5,250 | +1,530 | 937 | 468 | .... | +1,998 | |
| 5,026 | X +5,026 | 5,900 | X +5,900 | +70 | 874 | 437 | .... | +507 | * Rs. 600 for loss of structure. |
| 2,327 | 2,327 | 4,864 | 4,864 | -253 | 2,537 | 1,268 | .... | +1,015 | |
| 2,742 | 2,742 | 6,169 | 6,169 | -2,430 | 3,427 | 1,714 | .... | -716 | |
| 10,095 | X +10,095 | 16,933 | X +16,933 | -2,613 | 6,838 | 3,419 | .... | +806 | |
| 10,808 | X +10,808 | 22,388 | X +22,388 | -5,211 | 11,580 | 5,790 | .... | +579 | * Rs. 500 for loss of well. |
| 21,232 | 21,232 | 31,848 | 31,848 | -3,272 | 10,616 | 5,308 | .... | +2,036 | |
| 48,205 | 48,205 | 86,769 | 86,769 | -16,112 | 38,564 | 19,282 | .... | +3,170 | |
| 1,02,106 | 1,02,106 | 1,40,396 | 1,40,396 | -5,394 | 38,290 | 19,145 | .... | +13,751 | |
| 1,71,543 | 1,71,543 | 2,59,013 | 2,59,013 | -24,778 | 87,470 | 43,735 | .... | 18,957 | |
| | Absorbed. | .. | .. | -42,750 | .... | .... | .... | -42,750 | |
| 13,104 | X +13,104 | 21,840 | X +21,840 | +2,026 | 8,736 | 4,368 | .... | +6,394 | * Rs. 200 for removing and replacing fencing. |
| 4,221 | X +4,221 | 7,738 | X +7,738 | +1,249 | 3,517 | 1,758 | .... | +3,007 | * Rs. 50 for removing and replacing fencing. |
| 2,310 | 2,310 | 5,880 | 5,880 | .... | .... | .... | .... | .... |  |
| 2,124 | 2,124 | 5,487 | 5,487 | .... | .... | .... | .... | .... |  |
| 1,725 | 1,725 | 4,456 | 4,456 | .... | .... | .... | .... | .... |  |
| 1,175 | 1,175 | 3,132 | 3,132 | .... | .... | .... | .... | .... |  |
| 7,334 | 7,334 | 18,955 | 18,955 | -2,863 | 11,621 | 5,810 | .... | +2,947 | |

TOWN PLANNING SCHEME

Redistribution and Valuation

| ORIGINAL PLOT. | | | | | | | | | |
|----------------|--|-------------|--------------------------------|------------------|-----------------------|---|--------------------------|------------------------------|---------------------------------|
| Serial No. | NAME OF OWNER. | Tenure. | Survey Number. | Number. | Area in square yards. | VALUE IN RUPEES. | | Number. | Area in square yards. |
| | | | | | | Without reference to value of structures. | Inclusive of structures. | | |
| 1 | 2 | 3 | 3(a) | 4 | 5 | 6(a) | 6(b) | 7 | 8 |
| 25 | Shri Ashrafally Najmuddin Shamsuddin .. | Rayat-wari. | 110/9pt. 111/1pt. | 36 | 1,000 | 3,000 | 3,000 | 44 | 933 |
| 26 | Shri Vithal Waman Muthye .. | Do. .. | 110/9pt. 111/1pt. | 37 | 1,000 | 2,750 | 2,750 | 45 | 834 |
| 27 | Shri Vithal Waman Muthye and Shri B.-Z. Dabhade. | Do. .. | 110/9pt. 112/3 | 38 | 2,027 | 5,574 | 5,574 | 27 46 | 494 834 |
| | | | | | 2,027 | 5,574 | 5,574 | | 1,328 |
| 28 | Shrimati Snehlatsbai Ramrao Rane .. | Do. .. | 110/5pt. 105/13pt. | 45 | 1,585 | 4,755 | 4,755 | 39 | 924 |
| 29 | Shri Hatim Hasanally .. | Do. .. | 110/5pt. | 44A | 2,000 | 6,000 | 6,000 | 40 | 1,260 |
| 30 | Shrimati Agaya Kaur Sohansing Sethi .. | Do. .. | 110/5pt. | 44B | 575 | 1,725 | 1,725 | 40A | 490 |
| 31 | Shrimati Louisa Antonia Gomes .. | Do. .. | 105/8pt. | 57 | 2,480 | 7,440 | 7,440 | 22 | 1,216 |
| | Shri Joseph Frances Gomes .. | Do. .. | 104/4 | 59 | 847 | 2,965 | 2,965 | | |
| | Shri Valentine Michel Gomes .. | Do. .. | 106/A6pt. | 66pt. | 1,028 | 3,598 | 3,598 | 106 | 626 |
| | Shri Vincent Paul Gomes .. | Do. .. | 108/5 | 106 | 2,783 | 6,262 | 6,262 | | |
| | Shri Augustin Gomes .. | Do. .. | 109/7 | 107 | 877 | 1,973 | 1,973 | 111 | 564 |
| | Shri Peter Simon Gomes .. | Do. .. | 108/3pt. 105/17 105/4pt. | 112B 52 78 | 4,356 151 484 | 10,890 453 1,452 | 10,890 453 1,452 | 115 116 98 41 95 | 566 566 770 681 788 |
| | | | | | 13,006 | 35,033 | 35,033 | ... | 5,777 |
| 32 | Shri Shankerrao Ramchandra Bedre ... | Do. ... | 105/13 pt. | 46 | 786 | 2,358 | 2,358 | 38 | 1,000 |
| 33 | Shri Vithaldas Ratansi Gajjar ... | Do. ... | 105/13 pt. | 47 | 440 | 1,320 | 1,320 | 47 | 547 |
| 34 | Shri Anandji H. Mehta ... | Do. ... | 105/13 pt. | 48 | 494 | 1,482 | 1,482 | 48 | 577 |
| 35 | Shri Hasanalli Abdulali ... | Do. ... | 105/16 | 53 | 181 | 543 | 543 | Absorbed. | |
| 36 | Shri Yusufalli Musaji Fanaswalla ... | Do. ... | 105/9, 10 105/11, 12 | 54 | 1,089 | 3,267 | 3,267 | 35 | 604 |
| 37 | Shri Jivanbhai Gopal Fanaswalla and Shri Vithalbhai Gopal Fanaswalla. | Do. ... | 105/8 pt. | 55 | 1,651 | 5,779 | 5,779 | 36 | 765 |
| 38 | Shri Nowroji Hotmusji Patel ... | Do. ... | 105/8 pt. | 56 | 523 | 1,831 | 1,831 | 82 | 515 |
| 39 | Shri Mahavir Jaynarayan ... | Do. ... | N A 330 | 61 | 1,212 | 4,848 | 4,848 | 13 | 1,330 |
| | Shri Durgaprasad Shivdattarai ... | Do. ... | | 62 | | | | | |
| | Shri Deviprasad Shivdattarai ... | Do. ... | | | | | 4898 | | |
| | Shri Bhagavatiprasad Shivdattarai ... | Do. ... | N A 329 | 63 | 1,284 | 5,778 | X + 5,778 **450 | 8 | 1,504 |
| | | Do. ... | 106A/6 pt. 311/8 | 66pt 64 | 1,300 30 | 4,550 90 | 6,228 4,550 90 | 12 | 906 |
| | | | | | | | 4,640 | | |
| | | | | | 3,826 | 15,266 | X + 15,766 | | 3,740 |

SANTACRUZ No. V

Statement Form B

| FINAL PLOT. | | | | | | | | | |
|---|--------------------------|---|--------------------------|--|---|--|--|---|--|
| VALUE IN RUPEES. | | | | Contribution (+) compensation (-) under Sec. 67 Column 9(b) minus Column 6(b). | Increment (Section 65) 10(a) minus Column 9(a). | Contribution (Section 66) 50 per cent. of Column 12. | Addition to (+) or deduction from (-) contribution, to be made under other sections. | Net demand from (+) or by (-) owner being the addition of Columns 11, 13, 14. | Remarks. |
| Undeveloped. | | Developed. | | | | | | | |
| Without reference to value of structures. | Inclusive of structures. | Without reference to value of structures. | Inclusive of structures. | | | | | | |
| 9(a) | 9(b) | 10(a) | 10(b) | 11 | 12 | 13 | 14 | 15 | 16 |
| 3,032 | 3,032 | 7,231 | 7,231 | +32 | 4,190 | 2,099 | .... | +2,131 | |
| 2,502 | 2,502 | 6,255 | 6,255 | -248 | 3,753 | 1,876 | .... | +1,628 | |
| 1,359 | 1,359 | 3,705 | 3,705 | } | } | } | } | } | } |
| 2,502 | 2,502 | 6,255 | 6,255 | | | | | | |
| 3,861 | 3,861 | 9,960 | 9,960 | -1,713 | 6,099 | +3,049 | .... | +1,336 | |
| 2,772 | 2,772 | 7,392 | 7,392 | -1,983 | 4,620 | 2,310 | .... | +327 | |
| 3,780 | 3,780 | 10,080 | 10,080 | -2,220 | 6,300 | 3,150 | .... | +930 | |
| 1,470 | 1,470 | 3,920 | 3,920 | -255 | 2,450 | 1,225 | .... | +970 | |
| 3,952 | 3,952 | 9,728 | 9,728 | .... | .... | .... | .... | .... |  |
| 1,409 | 1,409 | 3,756 | 3,756 | .... | .... | .... | .... | .... |  |
| 1,269 | 1,269 | 2,820 | 2,820 | .... | .... | .... | .... | .... |  |
| 1,274 | 1,274 | 3,255 | 3,255 | .... | .... | .... | .... | .... |  |
| 1,415 | 1,415 | 3,255 | 3,255 | .... | .... | .... | .... | .... |  |
| 1,925 | 1,925 | 4,813 | 4,813 | .... | .... | .... | .... | .... |  |
| 2,043 | 2,043 | 5,788 | 5,788 | .... | .... | .... | .... | .... |  |
| 2,364 | 2,364 | 6,304 | 6,304 | .... | .... | .... | .... | .... |  |
| 15,651 | 15,651 | 39,719 | 39,719 | -19,382 | 24,068 | 12,034 | .... | -7,348 | |
| 3,000 | 3,000 | 8,000 | 8,000 | +642 | 5,000 | 2,500 | .... | +3,142 | |
| 1,641 | 1,641 | 4,103 | 4,103 | +321 | 2,462 | 1,231 | .... | +1,552 | |
| 1,731 | 1,731 | 4,328 | 4,328 | +249 | 2,597 | 1,298 | .... | +1,547 | |
| Absorbed. | .... | .... | .... | -543 | .... | .... | .... | -543 | |
| 1,812 | 1,812 | 5,738 | 5,738 | -1,455 | 3,926 | 1,963 | .... | +508 | |
| 2,295 | 2,295 | 5,737 | 5,737 | -3,484 | 3,442 | 1,721 | .... | -1,763 | |
| 1,803 | 1,803 | 4,120 | 4,120 | -28 | 2,317 | 1,158 | .... | +1,130 | |
| 5,320 | 5,320 | 13,300 | 13,300 | +422 | 7,980 | 3,990 | .... | +4,412 | * Rs. 50 for removing and replacing fencing. |
| 6,768 X | +6,768 | 12,784 | X +12,784 | +540 | 6,016 | 3,008 | .... | +3,548 | ** Rs. 450 for removing and replacing compound wall. |
| 3,171 | 3,171 | 8,607 | 8,607 | -1,469 | 5,436 | 2,718 | .... | +1,249 | |
| 15,259 X | +15,259 | 34,691 | X +34,691 | -507 | 19,432 | 9,716 | .... | +9,209 | |

TOWN PLANNING SCHEME

Redistribution and Valuation

| Serial No. | NAME OF OWNER. | Tenure. | Survey Number. | Number. | ORIGINAL PLOT. | | " " " " " " | | Number. | Area in square yards. |
|------------|--|-------------|------------------------------|--------------|-----------------------|---|--------------------------|----------|--------------|-----------------------|
| | | | | | Area in square yards. | Without reference to value of structures. | VALUATION IN RUPEES. | | | |
| | | | | | | | Inclusive of structures. | Number. |  |  | Area in square yards. |
| 1 | 2 | 3 | 3(a) | 4 | 5 | 6(a) | 6(b) | 7 | 8 | |
| 40 | Shri Jhangir Perojshaw Daveirwalla } share Shri Pestonji Perojshaw Daveirwalla. Shri Jamshed Perojshaw Daveirwalla. Shri Shavak Pirojshaw Daveirwalla. Shri Jhangir Cawasji Mehta—} share. | Rayat-wari. | 311/3, 5, 6, 7 | 65 | 640 | 2,560 | 2,560 | 10 | 528 | |
| 41 | Shri Venishanker Damodar Vyas | Do. | 106A/5 | 67 | 605 | 2,118 | 2,118 | 79 | 548 | |
| 42 | Shrimati Shirinbai Sorabji Nagpurwalla and Shrimati Alubai Jivanji Abuwalla. | Do. | 106A/4 106A/3 106/6 | 68 72 | 400 665 | 1,600 2,328 | 1,600 2,328 | 81 | 884 | |
| | | | | | 1,065 | 3,928 | 3,928 | | | |
| 43 | Shri Ramshankar Harjibhai Joshi | Do. | 311/4 311/1 pt. | 69 | 413 | 1,652 | 1,652 +*50 | 11 | 525 | |
| | | | | | | | 1,702 | | | |
| 44 | Shri Mohomed Fazal Hussein Choonawalla | Do. | 311/1 pt. 311/2 106A/1 | 70 | 1,462 | 7,310 | 7,310 | 68 | 1,299 | |
| 45 | Shri Valiji Mohomedalli Saria | Do. | 106A/2 | 71 | 847 | 2,965 | 2,965 | 83 | 670 | |
| 46 | Shri Pandurang Vithal Patil | Do. | 105/7 | 73 | 302 | 1,057 | 1,057 | | | |
| 47 | Shri Kantilal Joytaram Shah and Shri Jivanlal Joytaram Shah. | Do. | N A 359 | 74 | 1,445 | 7,225 | X + 7,225 *100 | 69 | 1,127 | |
| | | | | | | | 7,325 | | | |
| 48 | Shri Abdul Hussein Akbaralli | Do. | N A 327 | 75 | 2,094 | 7,329 | X + 7,329 *600 | 84 | 2,082 | |
| | | | | | | | 7,929 | | | |
| 49 | Shri Bhogilal Girdhardas Patel | Do. | 105/2 | 77 | 3,940 | 11,820 | 11,820 | 37 80 | 690 2,132 | |
| | | | | | 3,940 | 11,820 | 11,820 | ... | 2,822 | |
| 50 | Shri Natwarlal Chhaganlal Antani and Shri Shantilal Chhaganlal Antani. | Do. | 105/22 | 45A | 363 | 1,089 | 1,089 | 110 | 556 | |
| 51 | Shri Kaikhuara Dosabhai Randeria | Do. | 105/3 109/5 pt. | 80 109pt. | 242 317 | 726 713 | 726 713 | 112 | 562 | |
| | | | | | 559 | 1,439 | 1,439 | | | |
| 52 | Shri Mansukhlal A. Master ... Shrimati Tara Mansukhlal Master. | Do. | 105/1 110/4 | 81 82 | 605 455 | 1,513 1,365 | 1,513 1,365 | 85 | 576 | |
| | | | | | 1,060 | 2,878 | 2,878 | | | |
| 53 | Shrimati Subhadra Sundarlal Dalal Shri Arvind Sundarlal Dalal. Shri Suresh Sundarlal Dalal. Executors of the will of late Shri Sundarlal Bapushaw Dalal. | Do. | N A 328 | 83 | 3,716 | 16,722 | X + 16,722 *900 | 70 | 3,463 | |
| | | | | | | | 17,622 | | | |
| 54 | Smt. Gangabai w/o Shri Parulekar. | Do. | N A 524 | 84 | 1,283 | 6,315 | X + 6,315 *50 | 71 | 1,366 | |
| | | | | | | | 6,365 | | | |
| | | | 107/10 | 85 | 756 | 2,646 | 2,646 | 74 | 965 | |
| | | | | | 2,019 | 8,961 | 9,011 | ... | 2,331 | |

SANTACRUZ No. V

Statement Form B

| FINAL PLOT. | | | | Contribution (+) compen- sation (-) under Sec. 67 Column 9(b) minus Column 6(b). | Increment (Section 65) Column 10(a) minus Column 9(a). | Contribution (Section 66) 50 per cent. of Column 12 | Addition to (+) or deduction from (-) contribution to be made under other sections. | Net demand from (+) or by (-) owner, being the addition of Columns 11, 13, 14. | Remarks. |
|--|--------------------------------|--|--------------------------------|--|--|---|--|--|--|
| VALUE IN KUPES. | | Without reference to value of structures. | Inclusive of structures. | | | | | | |
| Undeveloped. | Developed. | | | | | | | | |
| Without reference to value of structures. | Inclusive of structures. | Without reference to value of structures. | Inclusive of structures. | 11 | 12 | 13 | 14 | 15 | 16 |
| 9(a) | 9(b) | 10(a) | 10(b) | | | | | | |
| 2,112 | 2,112 | 3,696 | 3,696 | -448 | 1,584 | 792 | .... | +344 | |
| 1,644 | 1,644 | 3,425 | 3,425 | -474 | 1,781 | 890 | .... | +416 | |
| 3,094 | 3,094 | 7,072 | 7,072 | -834 | 3,978 | 1,989 | .... | +1,155 | |
| 1,838 | 1,838 | 3,675 | 3,675 | +136 | 1,837 | 918 | ..... | +1,054 | *Rs. 50 for removing and replacing fencing. |
| 6,495 | 6,495 | 10,392 | 10,392 | -815 | 3,897 | 1,948 | ..... | +1,133 | |
| 2,345 | 2,345 | 5,360 | 5,360 | -620 | 3,015 | 1,507 | ..... | +887 | |
| Absorbed | | | | -1,057 | ..... | ..... | ..... | -1,057 | |
| 5,635 | X+5,635 | 7,889 | X+7,889 | -1,690 | 2,254 | 1,127 | ..... | -563 | *Rs. 100 for loss of a mango-tree and for removing replacing fencing. |
| 7,287 | X+7,287 | 11,451 | X+11,451 | -642 | 4,164 | 2,082 | ..... | +1,440 | *Rs. 600 for loss of a structure and for removing and replacing fencing. |
| 2,070 | 2,070 | 4,830 | 4,830 | ..... | ..... | ..... | ..... | ..... |  |
| 6,396 | 6,396 | 15,990 | 15,990 | | | | | | |
| 8,466 | 8,466 | 20,820 | 20,820 | -3,354 | 12,354 | 6,177 | ..... | +2,823 | |
| 1,251 | 1,251 | 3,058 | 3,058 | +162 | 1,807 | 903 | ..... | +1,065 | |
| 1,265 | 1,265 | 3,091 | 3,091 | -174 | 1,826 | 913 | ..... | +739 | |
| 1,728 | 1,728 | 4,464 | 4,464 | -1,150 | 2,736 | 1,368 | ..... | +218 | |
| 15,584 | X+15,584 | 22,510 | X+22,510 | -2,038 | 6,926 | 3,463 | ..... | +1,425 | *Rs. 900 for removing and replacing compound wall and for loss of trees and damage to Badminton Court. |
| 6,830 | X+6,830 | 9,220 | X+9,220 | +465 | 2,390 | 1,195 | ..... | +1,660 | *Rs. 50 for removing and replacing fencing and for loss of trees. |
| 3,378 | 3,378 | 5,790 | 5,790 | +732 | 2,412 | 1,206 | ..... | +1938 | |
| 10,208 | 10,208 | 15,010 | 15,010 | +1,197 | 4,802 | 2,401 | ..... | +35,98 | |

TOWN PLANNING SCHEME
Redistribution and Valuation

| Serial No. | NAME OF OWNER. | Tenure. | ORIGINAL PLOT. | | | | | | | |
|------------|--|-------------|------------------------|------------|-----------------------|---|--------------------------|--------------------------|-----------------------|-------|
| | | | Survey Number. | Number. | Area in square yards. | VALUE IN RUPEES. | | Number | Area in square yards. | |
| | | | | | | Without reference to value of structures. | Inclusive of structures. | | | |
| 1 | 2 | 3 | 3(a) | 4 | 5 | 6(a) | 6(b) | 7 | 8 | |
| 55 | Smt. Devkibai Shivji Funsai. | Rayat-wari. | 107/7 | 86 | 514 | 1,799 | 1,799 | 75 | 963 | |
| | | | 107/3 | 95 | 393 | 1,376 | 1,376 | 107 | 771 | |
| | | | 108/4 | } | 113 | 968 | 3,388 | 3,388 | .. | .. |
| | | | 109/8 | | | | | | | |
| | | | | | 1,875 | 6,563 | 6,563 | .. | 1,734 | |
| 56 | Smt. Parmeshwaribai Santsingh Kholi | .. Do. | 106/3 pt. | 87 | 973 | 4,379 | 4,379 | 72 | 671 | |
| 57 | Smt. Premkuverbai Jayasing Sahani | .. Do. | 106/3 pt. | 88 | 972 | 4,374 | 4,374 | 73 | 618 | |
| 58 | Shri Sarabhai Dahyabhai Javeri | .. Do. | 106/2 106/3pt. | } | 89 | 696 | 2,088 | 2,088 | 128 | 465 |
| 59 | Shri Ramrao Sakharam Shinde and Shri Sakharam Ahilaji Shinde. | .. Do. | 106/1 pt. 108/1 pt. |  |  |  |  |  |  |  | 90 | 920 | 4,140 | 4,140 | 118 | 1,149 |
| 60 | Shri Ramnath Shambhunath Chhada | .. Do. | N A 145 | 91 | 1,168 | 5,840 | X + 5,840 *100 | 155 | 1,066 | |
| | | | | | | | 5,940 | | | |
| 61 | Shri Hiralal T. Mehta | .. Do. | 54/1 | 92 | 873 | 3,929 | 3,929 | 156 | 723 | |
| 62 | Shri Surajmaj Bhojmal Mehta and Shri Tarachand Surajmal Mehta. | .. Do. | 107/1 | 93 | 968 | 3,388 | 3,388 | 120 | 928 | |
| | | | 108/1 pt. | 118 | 4,922 | 19,688 | 19,688 | 3,488 19,688 **250 | 119 | 4,838 |
| | | | 53/2 pt. Road. | 127 174 | 100 174 | 200 1 | 19,938 200 1 | | | |
| | | | | | 6,164 | 23,277 | 23,927 | .. | 5,760 | |
| 63 | Shri Beniprasad Chiranjilal Dhuriwalla | .. Do. | 107/2 | 94 | 968 | 3,388 | 3,388 | 76 | 700 | |
| 64 | Shri Michael Ignatious D'Souza | .. Do. | 107/4 | 96 | 1,119 | 3,357 | 3,357 | 88 | 532 | |
| 64A | Smt. Kitterbai Pedru D'Souza | .. Do. | 107/8 | 96A | 3,721 | 11,163 | 11,163 | 77 | 589 | |
| | | | | | | | | 78 | 537 | |
| | | | | | | | | 87 | 467 | |
| | | | | | | | | 89 | 733 | |
| | | | | | 3,721 | 11,163 | 11,163 | 2,326 | | |
| 65 | Shri Sunderlal Radhelal Tiwari | .. Do. | 107/11 | 97 | 1,391 | 3,478 | 3,478 | 96 | 892 | |
| 66 | Shri Prabhakar K. Chaubal | .. Do. | 107/9 | 98 | 695 | 1,738 | 1,738 | 101 | 609 | |
| | | | 107/6 | 101 | 423 | 1,058 | 1,058 | 1,04 | 731 | |
| | | | 109/2 | 105 | 1,270 | 2,858 | 2,858 | .. | .. | |
| | | | | | 2,388 | 5,654 | 5,654 | .. | 1,340 | |

SANTACRUZ No. V

Statement Form B

| FINAL PLOT. | | | | | | | | | |
|--|--------------------------------|--|--------------------------------|---|--|---|--|---|--|
| VALUE IN RUPEES. | | | | Contribution (+) compo- sation (-) under sec. 67 Column 9(b) minus Column 6(b). | Increment (Section 65) Column 10(a) minus Column 9(a). | Contribution (Section 66) 50 per cent. of Column 12. | Addition to (+) or deduction from (-) of contribution, to be made under other sections. | Net demand from (+) or by (-) owner being the addition of Columns 11, 13, 14. | Remarks. |
| Undeveloped. | | Developed. | | | | | | | |
| Without reference to value of structures. | Inclusive of structures. | Without reference to value of structures. | Inclusive of structures. | 11 | 12 | 13 | 14 | 15 | 16 |
| 9(a) | 9(b) | 10(a) | 10(b) | | | | | | |
| 3,371 | 3,371 | 5,778 | 5,778 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1,928 | 1,928 | 5,012 | 5,012 | | | | | | |
| | | | | | | | | | |
| 5,299 | 5,299 | 10,790 | 10,790 | -1,264 | 5,491 | 2,745 | ..... | +1,481 | |
| 3,020 | 3,020 | 4,697 | 4,697 | -1,359 | 1,677 | 838 | ..... | -521 | |
| 2,781 | 2,781 | 3,708 | 3,708 | -1,593 | 927 | 463 | ..... | -1,130 | |
| 1,628 | 1,628 | 3,023 | 3,023 | -460 | 1,395 | 697 | ..... | +237 | |
| 5,745 | 5,745 | 8,043 | 8,043 | +1,605 | 2,298 | 1,149 | ..... | +2,754 | |
| 5,330 | X+5,330 | 7,462 | X+7,462 | -610 | 2,132 | 1,066 | ..... | +456 | *Rs. 100 for removing and re- placing fencing and for loss of trees. |
| 3,254 | 3,254 | 4,699 | 4,699 | -675 | 1,445 | 722 | ..... | +47 | |
| 3,712 | 3,712 | 55,68 | 5,568 | ..... | ..... | ..... | ..... | ..... | *Rs. 100 for loss of trees. |
| 21,771 | 21,771 | 27,818 | 27,818 | | | | | | |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | **Rs. 250 for removing and replacing fencing and for loss of trees. |
| 25,483 | 25,483 | 33,386 | 33,386 | +1,856 | 7,903 | 3,951 | ..... | +5,807 | |
| 2,450 | 2,450 | 4,550 | 4,550 | -938 | 2,100 | 1,050 | ..... | +112 | |
| 1,596 | 1,596 | 3,458 | 3,458 | -1,761 | 1,862 | 931 | ..... | -830 | |
| 1,767 | 1,767 | 3,534 | 3,534 | ..... | ..... | ..... | ..... | ..... |  |
| 1,011 | 1,011 | 3,222 | 3,222 | ..... | ..... | ..... | ..... | ..... |  |
| 1,401 | 1,401 | 2,802 | 2,802 | ..... | ..... | ..... | ..... | ..... |  |
| 2,199 | 2,199 | 4,398 | 4,398 | ..... | ..... | ..... | ..... | ..... |  |
| 6,978 | 6,978 | 13,956 | 13,956 | -4,185 | 6,978 | 3,489 | ..... | -696 | |
| 2,076 | 2,076 | 7,136 | 7,136 | -802 | 4,460 | 2,230 | ..... | +1,428 | |
| 1,370 | 1,370 | 3,502 | 3,502 | ..... | ..... | ..... | ..... | ..... | ..... |
| 1,645 | 1,645 | 4,386 | 4,386 | | | | | | |
| | | | | | | | | | |
| 3,016 | 3,016 | 7,888 | 7,888 | -2,630 | 4,873 | 2,436 | ..... | -203 | |

TOWN PLANNING SCHEME

Redistribution and Valuation

| Serial No. | NAME OF OWNER. | Tenure. | ORIGINAL PLOT. | | | | | | |
|------------|---|-----------------|-------------------------------------|-----------------|-----------------------|---|--------------------------|------------|-----------------------|
| | | | Survey Number. | Number. | Area in square yards. | VALUE IN RUPEES. | | Number. | Area in square yards. |
| | | | | | | Without reference to value of structures. | Inclusive of structures. | | |
| 1 | 2 | 3 | 3(a) | 4 | 5 | 6(a) | 6(b) | 7 | 8 |
| 67 | Shri Jahangir Bapuji Patel | .. Rayatwari. | 107/5 | 99 | 1,119 | 2,798 | 2,798 | 90 | 733 |
| 68 | The Government of Bombay | .. Govern-ment. | 315 | 102 | 103 | 155 | 155 | | Absorbed. |
| 69 | The Bombay Suburban Electric Supply Ltd. | Rayatwari. | N A 323, 324, 325, 326, 110/2 | 103 | 16,707 | 37,591 | X + 37,591 *+300 | 97 | 19,568 |
| | | | | | | | 37,891 | | |
| | | | 110/7 (110B) | 42 | 625 | 1,406 | 1,406 | .... | .... |
| | | | 110/6 | 41 | 5,808 | 11,616 | 11,616 | 51-54 | 3,914 |
| | | | 110/3 | 43 | 3,751 | 9,378 | 9,378 | 91-94 | 3,404 |
| | | | 110/1 | 100 | 2,783 | 6,262 | 6,262 | 102-103 | 1,483 |
| | | | | | 29,674 | 66,253 | X + 66,553 | | 28,389 |
| 70 | Smt. Kankubai Kesarimal, Shri Sheshmal Kesarimal, Shri Sagarmal Kesarimal, Shri Mangilal Kesarimal, Shri Vimalchand Kesarimal. | .. Do. .. | 109/4pt. | 104A | 484 | 1,089 | 1,089 | 114 | 566 |
| 71 | Shri Burjorji Nowroji Wadiwalla | .. Do. .. | 109/4 pt. 109/5 pt. | 104B 109 pt. | 514 408 | 1,157 918 | 1,157 918 | 99 | 607 |
| | | | | | 922 | 2,075 | 2,075 | | |
| 72 | Smt. Mary Stella Executrix of the Estate of late John M. Albuquerque. | Curzai Do. .. | 109/6 109/1 | 108 111 | 726 514 | 1,634 1,157 | 1,534 1,157 | 100 109 | 609 596 |
| | | | | | 1,240 | 2,791 | 2,791 | | 1,205 |
| 73 | Shri Khemraj Poonamchand and Shri Pookraj Khemraj Proprietor of M/s. Khemraj Poonamchand and Company. | Do. | 108/3 pt. | 112A | 605 | 1,513 | 1,513 | 117 | 545 |
| 74 | Shri Keshavlal Bhanji | .. Do. | 108/2 pt. | 114B | 766 | 2,490 | 2,490 | 126 | 552 |
| | Shri Krishnalal Amrutlal Thakkar | .. Do. | 108/2 pt. | 114C | 532 | 1,729 | 1,729 | 127 | 458 |
| | Smt. Kamala Gholabhai Mahasukhram and Trikamlal Mahasukhram. | Do. | 108/2 pt. | 114A | 1,000 | 3,250 | 3,250 | 125 | 600 |
| | Shri Shantidas Dharamsi Gandhi | .. Do. .. | 108/1 pt. | 115 | 1,025 | 3,588 | 3,588 | 108 | 586 |
| | Shri Surajmal B. Mehta and Shri Tarachand S. Mehta (Lessors) Shri Kanayalal Lala Govindram Bhambri. Smt. Ramobai Kanayalal Bhambri. Shri Chaudhari Shamdas. Smt. Khusaldevi Chaudhari Shamdas. (Lessees). | Do. .. | 108/1 pt. | 116 | 1,735 | 6,073 | 6,073 | 122 123 | 865 794 |
| | | | | | 1,735 | 6,073 | 6,073 | .... | 1,659 |

SANTACRUZ No. V

Statement Form B

| FINAL PLOT. | | | | | | | | | |
|---|--------------------------|---|--------------------------|---|--|--|---|--|--|
| VALUE IN RUPEES. | | | | Contribution (+) compensation (-) under Sec. 67 Column 9(b) minus Column 6 (b), | Increment (Section 65) Column 10(a) minus Column 9(a). | Contribution (Section 66) 50 per cent. of Column 12. | Addition to (+) or deduction from (-) contribution to be made under other sections. | Net demand from (+) or by (-) owner, being the addition of Columns 11, 13, 14. | Remarks. |
| Undeveloped. | | Developed. | | | | | | | |
| Without reference to value of structures. | Inclusive of structures. | Without reference to value of structures. | Inclusive of structures. | | | | | | |
| 9(a) | 9(b) | 10(a) | 10(b) | 11 | 12 | 13 | 14 | 15 | 16 |
| 2,199 | 2,199 | 4,398 | 4,398 | -599 | 2,199 | 1,099 | .... | +500 | .... |
| | | | Absorbed. | -155 | .... | .... | .... | -155 | .... |
| 44,028 | X + 44,028 | 1,32,084 | X + 1,32,084 | .... | .... | .... | .... | .... | .... |
| | | | | | | | | | *Rs. 300 for removing and replacing fencing. |
| 7,828 | 7,828 | 22,506 | 22,506 | | | | | | |
| 8,510 | 8,510 | 24,679 | 24,679 | | | | | | |
| 3,337 | 3,337 | 9,269 | 9,269 | | | | | | |
| 63,703 | X + 63,703 | 1,88,538 | X + 1,88,538 | -2,850 | 1,24,835 | 62,417 | .... | +59,567 | |
| 1,274 | 1,274 | 3,255 | 3,255 | +185 | 1,981 | 990 | .... | +1,175 | |
| 1,366 | 1,366 | 3,490 | 3,490 | -709 | 2,124 | 1,062 | .... | +353 | |
| 1,370 | 1,370 | 3,502 | 3,502 | | | | | | |
| 1,490 | 1,490 | 3,278 | 3,278 | .... | .... | .. | .... | .... |  |
| 2,860 | 2,860 | 6,780 | 6,780 | +69 | 3,920 | 1,960 | .... | +2,029 | |
| 1,363 | 1,363 | 3,406 | 3,406 | -150 | 2,043 | 1,021 | .... | +871 | |
| 1,794 | 1,794 | 3,312 | 3,312 | -696 | 1,518 | 759 | .... | +63 | |
| 1,489 | 1,489 | 2,748 | 2,748 | -240 | 1,259 | 629 | .... | +389 | |
| 1,950 | 1,950 | 3,600 | 3,600 | -1,300 | 1,650 | 825 | .... | -475 | |
| 1,465 | 1,465 | 3,076 | 3,076 | -2,123 | 1,611 | 805 | .... | -1,318 | |
| 3,028 | 3,028 | 5,406 | 5,406 | .... | .... | .... | .... | .... | Lessees to receive compensation under section 67 and to pay contribution under Section 66. |
| 2,779 | 2,779 | 4,168 | 4,168 | | | | | | |
| 5,807 | 5,807 | 9,574 | 9,574 | -266 | 3,767 | 1,883 | .... | +1,617 | |

SANTACRUZ No. V

Statement Form B

| FINAL PLOT. | | | | | | | | | |
|---|--------------------------|---|--------------------------|--|--|--|---|--|--|
| VALUE IN RUPEES. | | | | Contribution (+) compensation (-) under sec. 67 Column 9(b) minus Column 9(b). | Increment (Section 65) Column 10(a) minus Column 9(a). | Contribution (Section 66) 50 per cent. of Column 12. | Addition to (+) or deduction from (-) contribution to be made under other sections. | Net demand from (+) or by (-) owner, being the addition of Columns 11, 13, 14. | Remarks. |
| Undeveloped. | | Developed. | | | | | | | |
| Without reference to value of structures. | Inclusive of structures. | Without reference to value of structures. | Inclusive of structures. | | | | | | |
| 9(a) | 9(b) | 10(a) | 10(b) | 11 | 12 | 13 | 14 | 15 | 16 |
| 3,836 | 3,836 | 6,302 | 6,302 | +430 | 2,466 | 1,233 | .... | +1,663 | |
| 18,752 | 18,752 | 27,086 | 27,086 | -3,029 | 8,334 | 4,167 | .... | +1,138 | *Rs. 100 for removing and replacing fencing. |
| 5,220 | 5,220 | 7,830 | 7,830 | -864 | 2,610 | 1,305 | .... | +441 | |
| 4,176 | 4,176 | 6,264 | 6,264 | -844 | 2,088 | 1,044 | .... | +200 | |
| 4,300 | 4,300 | 6,450 | 6,450 | -720 | 2,150 | 1,075 | .... | +355 | |
| 11,500 | 11,500 | 17,250 | 17,250 | -1,452 | 5,750 | 2,875 | .... | +1,423 | |
| 5,924 | 5,924 | 9,627 | 9,627 | -2,302 | 3,703 | 1,851 | .... | -541 | |
| 13,508 | 13,508 | 21,106 | 21,106 | -1,852 | 7,598 | 3,799 | .... | +1,947 | |
| 4,190 | 4,190 | 6,584 | 6,584 | +60 | 2,394 | 1,197 | .... | +1,257 | |
| 13,842 | X + 13,842 | 22,360 | X + 22,360 | -248 | 8,518 | 4,259 | .... | +4,011 | *Rs. 300 for removing and replacing fencing. |
| 4,435 | 4,435 | 6,969 | 6,969 | -850 | 2,534 | 1,267 | .... | +417 | |
| 2,744 | 2,744 | 4,704 | 4,704 | -765 | 1,960 | 980 | .... | +185 | |
| 1,422 | 1,422 | 2,370 | 2,370 | -99 | 948 | 474 | .... | +375 | |
| 1,631 | 1,631 | 2,272 | 2,272 | +126 | 641 | 320 | .... | +446 | |
| Absorbed. | ..... | .... | .... | -1 | .... | .... | .... | -1 | |
| 1,140 | 1,140 | 2,185 | 2,185 | .... | .... | .... | .... | .... |  |
| 1,419 | 1,419 | 3,311 | 3,311 | .... | .... | .... | .... | .... |  |
| 1,466 | 1,466 | 3,175 | 3,175 | .... | .... | .... | .... | .... |  |
| 1,655 | 1,655 | 3,309 | 3,309 | .... | .... | .... | .... | .... |  |
| 5,680 | 5,680 | 11,980 | 11,980 | -2,120 | 6,300 | 3,150 | .... | +1,030 | |
| 2,374 | 2,374 | 5,341 | 5,341 | .... | .... | .... | .... | .... |  |
| 4,466 | 4,466 | 10,607 | 10,607 | .... | .... | .... | .... | .... |  |
| 6,840 | 6,840 | 15,048 | 15,048 | -560 | 9,108 | 4,554 | .... | +3,994 | |

TOWN PLANNING SCHEME

Redistribution and Valuation

| Serial No. | NAME OF OWNER. | Tenure. | ORIGINAL PLOT. | | | | | | |
|------------|--|-------------|------------------------------------|-------------|-----------------------|---|--------------------------|---|---|
| | | | Survey Number. | Number. | Area in square yards. | VALUE IN RUPEES. | | Number. | Area in square yards. |
| | | | | | | Without reference to value of structures. | Inclusive of structures. | | |
| 1 | 2 | 3 | 3(a) | 4 | 5 | 6(a) | 6(b) | 7 | 8 |
| 93B | Shri Baburao Bhiakji Padwal and Rayat-Smt. Dayambai wife of Gulamalli Jivabhai Attarwalla. ; | Rayat-wari. | 134A/16 pt. | 195G | 1,000 | 1,000 | 1,000 | 171 171A | 311 335 |
| | | | | | | | | | 640 |
| 93C | Smt. Kulsumbai daughter of Peermohomed Shaikh. | Do. | ... 134A/16 pt. | 135H | 1,000 | 1,000 | 1,000 | 167 | 848 |
| 94 | Shri Kalkhushroo Dorab Mody Smt. Avan K. Mody. | Do. | ... 134A/15 pt. 134A/16 pt. | 137 (part). | 1,500 | 2,250 | 2,250 | 180 | 1,803 |
| 94A | Smt. Jogindar Kaur Amar Singh Shri Sardar Amar Singh Lal Singh. | Do. | ... 134A/15 pt. 134A/16 pt. | 137 (part) | 513 | 770 | 770 | 179 | 523 |
| 95 | Shri Saransingh Gordattasingh | ... Do. | ... 134A/15 pt. | 138 | 1,254 | 1,881 | 1,881 | 181 | 1,355 |
| 96 | Shri Jamanlal Visandram Bhatia | ... Do. | ... 134A/15 pt. | 139 | 2,020 | 3,030 | 3,030 | 187 | 1,231 |
| 97 | Shri Arjunsingh Gordattasingh | ... Do. | ... 134A/15 pt. | 140 | 1,000 | 1,500 | 1,500 | 188 | 1,024 |
| 98 | Shrimati Khandadevi Chimanlal | ... Do. | ... 134A/15 pt. | 141 | 906 | 1,359 | 1,359 | 180 | 945 |
| 99 | Shri Ismailji Allibhoy Rangwalla | ... Do. | ... 134A/14 } 135 } 136A/5 } | 143 | 5,135 | 5,135 | 5,135 | { 182 186 | { 3,505 850 |
| | | | | | | | | | 4,355 |
| 100 | Shri Gulam Hussein Allibhoy Vasaiwalla... | Do. | ... 134A/12 | 144 | 1,785 | 1,785 | 1,785 | 185 | 1,143 |
| 101 | Shri Abdul Hussein Dawoodbhai Saria and other legal heirs of late Shri Dawoodbhai Noorbhai. | Do. | ... 136A/4 | 145 | 4,295 | 4,295 | 4,295 | 183 | 3,413 |
| 102 | Shri Abdulla Abdul Karim Chataiwalla and Shrimati Khadijibai Abdulla Abdul Karim. | Do. | ... 134A/13 | 146 | 8,400 | 8,400 | 8,400 | { 193 197 | { 7,827 566 |
| | | | | | | | | | 8,192 |
| 103 | Shri Lowrance Jao Manwel (Minor) Tomu Lawrance (Guardian). | Do. | ... 131/2 pt. | 147 | 2,180 | 1,635 | 1,635 | 200 | 1,380 |
| 104 | Shri Jerome John Manwel D'Souza | ... Do. | ... 130/2 | 149 | 181 | 362 | 632 | | |
| 105 | Shri R. H. Mody | ... Do. | ... 130/3 | 150 | 242 | 242 | 242 | | |
| 106 | The Court Receiver of N. J. Wadia Trust Settlement of Vile-Parle and Juhu. | Do. | ... 134A/16 pt. | 135 | 35,553 | 44,441 | 44,441 | 165 172 173 174 175 170 177 178 194 | 2,229 576 643 963 852 958 1,126 1,880 3,781 |
| | | | | | 85,553 | 44,441 | 44,441 | | 14,008 |
| | | Do. | ... 134A/16 pt. 136A/3 | 135D 142 | 4,175 1,350 | 4,175 1,350 | 4,175 1,350 | 191 184 | 1,488 1,408 |
| | | | | | 41,078 | 49,966 | 49,966 | | 16,904 |

SANTACRUZ No. V

Statement Form B

FINAL PLOT.

| VALUE IN RUPEES. | | | | Contribution (+) compensation (-) under sec. 67. Column 9(b) minus Column 6 (b). | Increment (Section 65) Column 10(a) minus Column 9(a). | Contribution (Section 66) 50 per cent. of Column 12. | Addition to (+) or deduction from (-) contribution, to be made under other sections. | Net demand from (+) or by (-) owner, being the addition of Columns 11, 13, 14. | Remarks. | | | | | | |
|---|--------------------------|---|--------------------------|--|--|--|--|--|----------|---------|--------|--------|-------|--------|--|
| Undeveloped. | | Developed. | | | | | | | | | | | | | |
| Without reference to value of structures. | Inclusive of structures. | Without reference to value of structures. | Inclusive of structures. | | | | | | | | | | | | |
| 9(a) | 9(b) | 10(a) | 10(b) | 11 | 12 | 13 | 14 | 15 | 16 | | | | | | |
| 466 | 466 | 1,205 | 1,205 | ..... | ..... | ..... | ..... | ..... |  |  |  |  |  |  |  |
| 503 | 503 | 1,298 | 1,298 | | | | | | | | | | | | |
| 969 | 969 | 2,503 | 2,503 | -31 | 1,534 | 767 | ..... | +736 | | | | | | | |
| 1,272 | 1,272 | 2,756 | 2,756 | +272 | 1,484 | 742 | ..... | +1,014 | | | | | | | |
| 2,705 | 2,705 | 5,972 | 5,972 | +455 | 3,267 | 1,633 | ..... | +2,088 | | | | | | | |
| 785 | 785 | 1,569 | 1,569 | +15 | 784 | 392 | ..... | +407 | | | | | | | |
| 2,033 | 2,033 | 4,488 | 4,488 | +152 | 2,455 | 1,227 | ..... | +1,379 | | | | | | | |
| 1,847 | 1,847 | 4,078 | 4,078 | -1,183 | 2,231 | 1,115 | ..... | -68 | | | | | | | |
| 1,536 | 1,536 | 3,200 | 3,200 | +36 | 1,664 | 832 | ..... | +868 | | | | | | | |
| 1,418 | 1,418 | 2,953 | 2,953 | +59 | 1,535 | 767 | ..... | +826 | | | | | | | |
| 3,505 | 3,505 | 9,201 | 9,201 | ..... | ..... | ..... | ..... | ..... |  |  |  |  |  |  |  |
| 850 | 850 | 2,390 | 2,390 | | | | | | | | | | | | |
| 4,355 | 4,355 | 11,591 | 11,591 | -780 | 7,236 | 3,618 | ..... | +2,838 | | | | | | | |
| 1,143 | 1,143 | 3,215 | 3,215 | -642 | 2,072 | 1,036 | ..... | +394 | | | | | | | |
| 3,413 | 3,413 | 8,959 | 8,959 | -882 | 5,546 | [2,773 | ..... | +1,891 | | | | | | | |
| 7,627 | 7,627 | 18,591 | 18,591 | ..... | ..... | ..... | ..... | ..... |  |  |  |  |  |  |  |
| 566 | 566 | 1,592 | 1,592 | | | | | | | | | | | | |
| 8,193 | 8,193 | 20,183 | 20,183 | -207 | 11,990 | 5,995 | ..... | +5,788 | | | | | | | |
| 1,380 | 1,380 | 4,571 | 4,571 | -255 | 3,191 | 1,595 | ..... | +1,340 | | | | | | | |
| Absorbed | | | | -362 | ..... | ..... | ..... | -362 | | | | | | | |
| Absorbed | | | | -242 | ..... | ..... | ..... | -242 | | | | | | | |
| 6,458 | 6,458 | 14,127 | 14,127 | ..... | ..... | ..... | ..... | ..... |  |  |  |  |  |  |  |
| 864 | 864 | 2,016 | 2,016 | | | | | | | | | | | | |
| 965 | 965 | 2,572 | 2,572 | | | | | | | | | | | | |
| 1,445 | 1,445 | 3,852 | 3,852 | | | | | | | | | | | | |
| 1,278 | 1,278 | 2,982 | 2,982 | | | | | | | | | | | | |
| 1,437 | 1,437 | 3,353 | 3,353 | | | | | | | | | | | | |
| 1,689 | 1,689 | 3,941 | 3,941 | | | | | | | | | | | | |
| 2,820 | 2,820 | 6,932 | 6,932 | | | | | | | | | | | | |
| 3,781 | 3,781 | 11,816 | 11,816 | | | | | | | | | | | | |
| 20,737 | 20,737 | 51,591 | 51,591 | | | | | | | -23,704 | 30,854 | 15,427 | | -8,277 | |
| 2,232 | 2,232 | 5,208 | 5,208 | | | | | | | -1,943 | 2,976 | 1,488 | | -455 | |
| 1,408 | 1,408 | 3,960 | 3,960 | | | | | | | +58 | 2,552 | 1,276 | | +1,334 | |
| 24,377 | 24,377 | 60,759 | 60,759 | -25,589 | 36,382 | 18,191 | ..... | -7,398 | | | | | | | |

TOWN PLANNING SCHEME

Redistribution and Valuation

| Serial No. | NAME OF OWNER. | Tenure. | ORIGINAL PLOT. | | | | | | |
|------------|--|------------|--------------------------|----------------------------|-----------------------|---|--------------------------|--------|-----------------------|
| | | | Survey Number. | Number. | Area in square yards. | VALUE IN RUPEES. | | Number | Area in square yards. |
| | | | | | | Without reference to value of structures. | Inclusive of structures. | | |
| 1 | 2 | 3 | 3(a) | 4 | 5 | 6(a) | 6(b) | 7 | 8 |
| 106A | Shri Ismail Sarafalli Roowalla Shrimati Mariambai d/o Allibhoy Suratwala. Shrimati Fatmabai d/o Abdul Husein Poonawalla. | Rayatwari. | 134A/16 pt. | 135A | 1,603 | 1,603 | 1,603 | 199 | 1,378 |
| 106B | The Court Receiver of N. J. Wadia Trust Settlement of Vile-Parle and Juhu. | Do. | 130/1 pt. | 148 | 97,864 | 61,165 | 61,165 | 138 | 1,207 |
| | | | | | | | | 139 | 1,205 |
| | | | | | | | | 140 | 1,203 |
| | | | | | | | | 141 | 1,203 |
| | | | | | | | | 142 | 1,203 |
| | | | | | | | | 143 | 1,203 |
| | | | | | | | | 144 | 1,203 |
| | | | | | | | | 145 | 1,203 |
| | | | | | | | | 146 | 4,204 |
| | | | | | | | | 147 | 907 |
| | | | | | | | | 148 | 1,203 |
| | | | | | | | | 149 | 1,203 |
| | | | | | | | | 150 | 1,203 |
| | | | | | | | | 151 | 1,203 |
| | | | | | | | | 152 | 1,203 |
| | | | | | | | | 153 | 1,203 |
| | | | | | | | | 154 | 1,203 |
| | | | | | | | | 202 | 15,736 |
| | | | | | 97,864 | 61,165 | 61,165 | | 38,988 |
| 106C | The Court Receiver of N. J. Wadia Trust Settlement of Vile-Parle and Juhu. | Do. | 134A/16 pt. 130/1 pt. | 135E | { 1,119 1,180 } | 2,299 | 2,299 | 198 | 1,651 |
| | | | | | 2,289 | | | | |
| 106D | The Court Receiver of N. J. Wadia Trust Settlement of Vile-Parle and Juhu. | Do. | 130/1 pt. | 148B | 450 | 900 | 900 | | |
| 107 | The Court Receiver of N. J. Wadia Trust Settlement of Vile-Parle and Juhu. | Do. | 129/4 pt. | 151 | 121 | 76 | 76 | | |
| 108 | Shri Surajmal B. Mehta | Do. | 134A/16 pt. 134A/15 | 135P 137A (passage). | 1,567 250 | 2,351 1 | 2,351 1 | 176 | 1,240 |
| | | | | | 1,817 | 2,352 | 2,352 | | |

SANTACRUZ No. V

Statement Form B

FINAL PLOT.

| VALUE IN RUPEES. | | | | Contribution (+) compensation (-) under sec. 67. Column 9(b) minus Column 6(b), | Increment (Section 65) Column 10(a) minus Column 9(a). | Contribution (Section 66) 50 per cent. of contribution Column 12. | Addition to (+) or deduction from (-) of contribution to be made under other sections. | Net demand from (+) or by (-) owner, being the addition of Columns 11, 13, 14. | Remarks. |
|--|--------------------------------|--|--------------------------------|--|--|--|---|--|----------|
| Undeveloped. | | Developed. | | | | | | | |
| Without reference to value of structures. | Inclusive of structures. | Without reference to value of structures. | Inclusive of structures. | 11 | 12 | 13 | 14 | 15 | 16 |
| 9(a) | 9(b) | 10(a) | 10(b) | | | | | | |
| 1,378 | 1,378 | 3,440 | 3,440 | -227 | 2,064 | 1,032 | ..... | +805 | |
| 1,207 | 1,207 | 4,528 | 4,528 | .... | .... | .... | .... | .... |  |
| 1,205 | 1,205 | 4,518 | 4,518 | | | | | | |
| 1,203 | 1,203 | 4,511 | 4,511 | | | | | | |
| 1,203 | 1,203 | 4,511 | 4,511 | | | | | | |
| 1,203 | 1,203 | 4,511 | 4,511 | | | | | | |
| 1,203 | 1,203 | 4,511 | 4,511 | | | | | | |
| 1,203 | 1,203 | 3,158 | 3,158 | | | | | | |
| 4,294 | 4,294 | 13,419 | 13,419 | | | | | | |
| 907 | 907 | 2,721 | 2,721 | | | | | | |
| 1,203 | 1,203 | 5,113 | 5,113 | | | | | | |
| 1,203 | 1,203 | 5,113 | 5,113 | | | | | | |
| 1,203 | 1,203 | 5,113 | 5,311 | | | | | | |
| 1,203 | 1,203 | 5,113 | 5,113 | | | | | | |
| 1,203 | 1,203 | 5,113 | 5,113 | | | | | | |
| 1,203 | 1,203 | 5,113 | 5,113 | | | | | | |
| 1,203 | 1,203 | 5,113 | 5,113 | | | | | | |
| 11,802 | 11,802 | 55,076 | 55,076 | | | | | | |
| 35,054 | 35,054 | 1,41,764 | 1,41,764 | -26,111 | 1,06,710 | 53,355 | .... | +27,244 | |
| 1,651 | 1,651 | 4,334 | 4,334 | -648 | 2,683 | 1,341 | .... | +693 | |
| Absorbed. | | | | -900 | .... | .... | .... | -900 | |
| Absorbed | | | | -76 | .... | .... | .... | -76 | |
| 2,010 | 2,010 | 5,193 | 5,193 | -343 | 3,183 | 1,591 | .... | +1,249 | |

TOWN PLANNING SCHEME

Redistribution and Valuation

| Serial No. | NAME OF OWNER. | Tenure. | ORIGINAL PLOT. | | | | | | |
|----------------|---|-------------|-------------------------------------|-----------|-----------------------|---|--------------------------|------------------------------------|---|
| | | | VALUE IN RUPEES. | | | | | | |
| | | | Survey Number. | Number. | Area in square yards. | Without reference to value of structures. | Inclusive of structures. | Number | Area in square yards. |
| 1 | 2 | 3 | 3(a) | 4 | 5 | 6(a) | 6(b) | 7 | 8 |
| 109 | The Director General of Civil Aviation in India. | Government. | 128/5 pt. 129/1, 2A, 2B/3, 4, 5, 6. | 148A | 63,011 | 39,382 | 39,382 | 201 | 63,011 |
| 110 | Roman Catholic Cross Administrator, Reverend Parish Priest, Sacred Heart Church, Santacruz. | Rayatwari. | .... | .... | .... | .... | *300 | 136A | 25 |
| 111 | The Municipal Corporation for the Greater Bombay (Local Authority). | .... | .... | .... | .... | .... | .... | 2 6 131 132 133 195 | 515 1,195 10,852 4,922 1,678 8,007 |
| | | | | | | | | | 27,170 |
| Grand Total .. | | | 5,77,779 | 11,69,823 | 11,79,163 | 4,34,958 | | | |

Bombay, dated 20th February 1959.



SANTACRUZ No. V

Statement Form B

| FINAL PLOT. | | | | | | | | | |
|---|--------------------------|---|--------------------------|--|--|--|--|--|---|
| VALUE IN RUPEES. | | | | Contribution (+) compensation (-) under sec. 67. Column 9(b) minus Column 6 (b). | Increment (Section 65) Column 10(a) minus Column 9(a). | Contribution (Section 66) 50 per cent. of Column 12. | Addition to (+) or deduction from (-) contribution, to be made under other sections. | Net demand from (+) or by (-) owner, being the addition of Columns 11, 13, 14. | Remarks. |
| Undeveloped. | | Developed. | | | | | | | |
| Without reference to value of structures. | Inclusive of structures. | Without reference to value of structures. | Inclusive of structures. | 11 | 12 | 13 | 14 | 15 | 16 |
| 9(a) | 9(b) | 10(a) | 10(b) | | | | | | |
| 39,382 | 39,382 | 82,702 | 82,702 | .... | 43,320 | 21,660 | .... | +21,660 | |
| .... | .... | .... | .. | -300 | .... | .... | .... | -300 | *Rs. 300 for removing Cross in original plot 119 and replacing the same in Final Plot 136A. |
| .... | .... | .... | .... | .... | .... | .... | .... | .... | for Parking. |
| .... | .... | .... | .... | .... | .... | .... | .... | .... | for Parking. |
| .... | .... | .... | .... | .... | .... | .... | .... | .... | For Recreation Ground. |
| 3,776 | 3,776 | 8,810 | 8,810 | +2,832 | 5,034 | 1,888 | .... | +4,720 | For School. |
| .... | .... | .... | .... | .... | .... | .... | .... | .... | For Municipal Offices. |
| .... | .... | .... | .... | .... | .... | .... | .... | .... | For Garden. |
| 3,776 | 3,776 | 8,810 | 8,810 | +2,832 | 5,034 | 1,888 | .... | +4,720 | |
| 9,28,029 | 9,28,029 | 18,25,514 | 18,25,514 | -2,52,078 | 8,97,485 | 4,47,641 | .... | +1,95,563 | |

V K Bakre

Arbitrator.

NOTES.

1. All rights and liabilities subsisting on the original plots whether of mortgage, maintenance or otherwise are hereby transferred to the corresponding final plots.
2. All existing rights of way, within the area of the scheme are hereby extinguished.
3. Agreements in respect of original plots between the owner on the one part and the Government or the Local Authority on the other part are hereby transferred to the corresponding final plots, subject to minor modifications in areas.
4. All rights of easements, if any, are hereby extinguished.
5. The tenures of all original plots are hereby transferred to the corresponding final plots.
6. All rights of lessors and lessees in original plots, if any, are hereby transferred to their corresponding final plots irrespective of change in areas.
7. The owners of original plots are allowed to remove the materials of compound walls and fencings from the land which is not allotted to them in the final scheme within one month from the date on which the final scheme comes into force. While removing compound walls or fencings, no hollows shall be made or earth removed.
8. The owners of original plots are allowed to remove the structures standing on the land which is not allotted to them in the final scheme within 4 months from the date on which the final scheme comes into force. While removing the structures, no hollows shall be made or earth removed.
9. No compensation for loss of structures which are constructed after the date of declaration of intention is allowed.

Bombay, dated 20th February 1959.



A handwritten signature in cursive script, appearing to read "V.K. Balle".

Arbitrator.

BOMBAY TOWN PLANNING ACT, 1954.

FORM C.

(Rules 17 and 29).

Finance of Town Planning Scheme, Santacruz No. V of the Municipal Corporation for Greater Bombay.

| | Rs. |
|--|-----------|
| Expenses under section 18 (2) (b), (c), (d), (f), (g) and (h) | 7,88,940 |
| Other expenses— | |
| Expenses shown in the redistribution and valuation statement (total of column 11 of Form B) | 2,52,070 |
| Cost of publication under section 22 (2) and under section 23 (1) or (2) (Rules 12 to 14) | 11,352 |
| Newland's Survey charges | 8,953 |
| Compensation under section 29 (2) . . . . . | ..... |
| Legal expenses under section 64 (1) (e) | 403 |
| Compensation under section 69 . . . . . | ..... |
| Cost of demarcation, salaries of Town Planning Officer and Board of Appeal and their staff and other expenses under section 42 (2) | 91,000 |
| | <hr/> |
| (a) Total | 11,52,718 |
| | <hr/> |
| Total of increments (Column 12 of Form B) Rs. 8,97,435. | |
| Proportion of increment to be contributed by each holder (section 66) 50 per cent. | |
| (b) Total of contributions under section 66 | 4,47,641 |
| | <hr/> |
| NET COST OF SCHEME to Local Authority (a) — (b) | 7,05,077 |
| | <hr/> |

Bombay, dated 20th February 1959.



A handwritten signature in cursive script, appearing to read "V.K. Bakre".

Arbitrator.

TOWN PLANNING SCHEME, SANTACRUZ No. V.

ABSTRACT

Estimates of Works to be carried out under the Scheme.

| Serial No. | Item. | Quantity. | Rate. | Per. | Amount. |
|------------|--|-------------|--------------------|-------|-----------------|
| 1 | Construction of 60 feet Roads | 2,050 Rft. | Rs. a p. 62 8 0 | Rft. | Rs. 1,23,125 |
| 2 | Construction of 50 feet Road | 150 Rft. | 62 8 0 | Rft. | 7,875 |
| 3 | Construction of 40 feet Roads | 9,020 Rft. | 44 0 0 | Rft. | 3,96,880 |
| 4 | Construction of 30 feet Roads | 1,920 Rft. | 35 8 0 | Rft. | 68,160 |
| 5 | Service Road parallel to the Relief Road. (40 feet wide) | 12,700 Rft. | 48 8 0 | Rft. | 1,30,950 |
| 6 | Construction of 20 feet, 15 feet and 10 feet passages | 10,000 Sft. | 1 0 0 | Sft. | 10,000 |
| 7 | A type culverts | 7 Nos. | 1,150 0 0 | Each. | 8,050 |
| | B type culverts | 20 Nos. | 1,600 0 0 | Each. | 32,000 |
| | C type culverts | 3 Nos. | 2,300 0 0 | Each. | 6,900 |
| Total .. | | | | | 7,88,940 |

Bombay, Dated 20th February 1959.



A handwritten signature in cursive script, appearing to read "V.K. Ballal".

Arbitrator.

THE BOARD OF APPEAL

TOWN PLANNING SCHEME SANTACRUZ No. V.

PROCEEDINGS.

Date 14th April 1958.

The hearing of appeals in respect of the Town Planning Scheme, Santacruz No. V, commenced on Monday the 14th April 1958 at 11-00 A. M. At the outset, the appellant in respect of Appeal No. TPB/SC/V/32 requested for an adjournment of the hearing of his appeal whereupon the President granted his request and the hearing was adjourned to 16th April 1958.

Thereafter, the President asked the owners and their representatives whether they had any general objections to the scheme in question and if so, they could urge the same before the Board of Appeal.

Dr. J. P. Parekh appearing on behalf of the owners of Final Plot Nos. 121, 123, 137 and 158 giving a summary of the scheme stated that the draft scheme was prepared in 1922 and at that time the Arbitrator was appointed to formulate the scheme. Somehow or the other, due to certain objections of the owners in the area of the scheme the proceedings were postponed and upto the year 1934 the scheme was in cold storage. Santacruz area was merged into the Bandra Municipality in 1946 and the Arbitrator was again appointed for the purpose and thus the scheme as presented had received attention of several Arbitrators with the result that there are lot of discrepancies in formulation of the scheme. The conditions which were there in 1924 were not the same in 1957-58. The location of the National Highway and the outline thereof is not the same as it was in the previous scheme there being a diversion of that Highway and the Highway as shown is not the correct Highway as now proposed. Large area to the north of the scheme has been acquired for the Aerodrome Extension. The recreation ground on the north side has been now merged into the extension of the aerodrome. A large number of owners have received notices for acquisition of land under section 4 of the Land Acquisition Act in norther part of the Scheme where the Highway gets diverted. The scheme as put before the Board of Appeal does not therefore represent the correct picture and the Learned Arbitrator should be called upon to revise the proposals. In this connection Dr. Parekh relied on section 40 of the new Town Planning Act and argued that the Board of Appeal has the power to direct the Arbitrator to modify the layout of the scheme. The President told Dr. Parekh that section 40 would have to be read along with section 33 and the Board of Appeal had no jurisdiction to direct the Town Planning officer to modify the layout. Dr. Parekh's attention was invited to section 32(i) (xiv) which refers to duties and powers of the Town Planning Officer. The President therefore observed that so far as his interpretation of section 40 is concerned, he was of the opinion that the Boards jurisdiction was restricted and he ruled that section 40 does not confer on the Board of Appeal wider powers as sought to be argued by Dr. Parekh. Dr. Parekh's attention was also drawn to section 84, sub-section (3) regarding the acquisition of the land by variation of the Scheme.

Dr. Parekh further argued that so far as the original, semi-final and final values were concerned, they appeared to have been taken as on the date of the draft scheme while the cost of works estimated by the Arbitrator appeared to be of 1956-57. On the question of the cost of the works, the President referred Dr. Parekh to paragraph 9 of the Judgment in Town Planning Scheme, Gatkoper No. III and the same was made available to Dr. Parekh for his perusal.

Dr. Parekh further stated that usually the Town Planning Scheme formulates the user of plots but in this particular scheme the user is not formulated. In this connection Dr. Parekh's attention was drawn to paragraph 10 of the Regulations (page 10) whereby the user has been prescribed. Dr. Parekh further urged that the present user of Final Plot No. 129 as "Yoga Clinic" should be maintained and that certain plots should be specified by the Arbitrator for religious purposes.

Dr. Parekh's attention was drawn to the fact by the President that the said Yoga Institution was started after 1946 i.e. after the date of declaration of the Scheme. The President also ruled that so far as the user of the plot is concerned, the Board had no jurisdiction to go into the question. Dr. Parekh further argued that the Highway is proposed to be constructed by the Central Government. The proposed 40' road in the scheme is lying within the Highway itself and it is a part of the Highway and hence the cost of this proposed 40' road should not be included in the scheme. The President stated that the proposed 40' road would not at present form part of the Highway and it is only an access road adjacent to the Highway to be constructed at some indefinite future date. Acquisition of the land for the Express Highway, it was then urged, would be a burden on this scheme. The President stated as regards the proposed roads—whether they should be of 10' width, 20' width or more—the matter falls within the jurisdiction of the Arbitrator. Dr. Parekh further stated that in the case of certain plot holders pursuant to the agreement in that behalf with the Municipality certain amounts have been deposited and hence he wanted to know whether those amounts would be adjusted against the betterment charges required to be paid by the owners in the scheme and if so Dr. Parekh asked for a definite assurance from the Municipality to that effect.

The President pointed out to him that as Shri Bapat, Municipal representative, has been authorised only to argue the municipal side before the Board, it would rather be difficult for him to give such a definite assurance. However, he informed Dr. Parekh that generally Municipal Corporation would have no objection to make such adjustments.

Shri Iyer, who appeared on behalf of the owners of Original plots 29 and 30, in urging his general objections to the scheme stated that the cost of the Highway is being charged to the scheme which is not at all going to benefit the residents of the scheme and which is not meant for any internal development of the Town Planning Scheme area. The Highway would only be beneficial for relieving heavy traffic on Ghodbunder Road. He further stated that the cost of the proposed 40' road would be Rs. 42,000. He further argued that certain roads are proposed to be made 60' wide in the scheme and according to him there was no necessity for a residential area like this to have roads of more than 40' width and he therefore maintained that such points even though they appear to be small on the face

of them are of material consideration in arriving at an increment in respect of a particular plot. It was pointed out to Shri Iyer that the values of plots of the main road except small strip of land have not been taken as the cost of the Highways. Shri Iyer admitted the fact that the proposed 60' road forms part of the scheme no doubt but he stated that all the road layouts are of 40' and even the longest possible road—north to south—is only a 40' road and according to him therefore there appeared no necessity to have this road of 60' width. He further stated that according to scheme rules each and every plot is to have 15' frontage margin. The building allowed would be of 40' height and there would be a gap between two buildings facing each other of about 70'. In concluding his arguments in respect of the proposed 60' road Shri Iyer urged that the extra width of 20' should be charged to the Municipality and not to the owners of the scheme whereupon he was told by the President that the Board had no jurisdiction to go into the question. As regards Final Plots 2 and 6, Shri Iyer stated that these plots are being allotted for public purpose—viz. parking space—and are fully charged to the scheme. He maintained that it is very hard to expect that any of these residents in the scheme in question, who are mostly of middle class, would require to park their cars at these places. There is also no market or bazar in the vicinity of these plots which would necessitate parking of cars at this place.

The President thereafter observed that parking place is also meant for public vehicles and to that extent the owners in the scheme would be benefitted. Shri Iyer stated that final plot No. 6 is not beneficial at all to the scheme and so the full charge should be borne by the Municipality.

The President observed that under the provisions of the Act, if the Arbitrator has held the plots to be fully beneficial, the Board has no jurisdiction to go into this question.

Shri Iyer further argued that the other public sites viz., the recreation ground and the garden are on the extreme north part of the scheme area. The Arbitrator has held them as fully beneficial to the scheme whereas these plots would be mostly used by the outsiders and in any way these two plots are not going to be fully beneficial to the scheme area and if at all there is any advantage it will only be for the northern portion of the scheme and Shri Iyer therefore urged that these recreation ground, garden and the school plot should be taken as half and half beneficial to the scheme even though this half would not be so much beneficial to the southern part of the scheme as the sites would be too far away.

It was pointed out to Shri Iyer that according to modern trends in planning, 7 acres are to be kept for recreation purpose for a population of 10,000 people.

Thereafter Shri Iyer pointed out certain discrepancies in finance of the Draft Scheme and the scheme as prepared by the Arbitrator as under:—

| | Rs. |
|--|-------|
| Item 3 of the draft scheme—finance giving the cost of publication | 7,568 |
| For survey | 3,784 |

The President pointed out that instead of showing the two items separately in the draft scheme, they have been taken together and the total cost is the same in the draft and the present scheme so far as these items are concerned.

Shri Iyer further maintained that there should be no survey by the Arbitrator when once the survey of the area has been made by the Municipality before the plans are prepared. He further pointed out that the New land's survey sheets were prepared in 1925 and they were ready for sale for every department and they were only to be purchased and the amount of Rs. 9,000 could not be said to represent the cost of purchase of the plans.

The President informed Shri Iyer that the land was surveyed by Government again as the original survey was not found to be correct and an additional cost has been charged for this subsequent survey. Shri Iyer was further informed that the New land's survey was made for the purpose of the town planning schemes as well as for the areas where the town planning schemes were expected to be applied for the development of the areas.

Shri Iyer argued that in none of the suburban town planning schemes the cost of the Newland's survey was shown separately and only for this particular scheme this cost has been made as a separate item. Shri Iyer further observed that according to him 90,000 rupees includes whatever has been spent by the Local Body as well as the Arbitrator from 1924 onwards up-to-date though under Government orders the scheme was asked to be stopped from 1926 to 1946.

The President stated that in this respect the Board has the power to go into the question; but in fact the Board was informed that between 1926 to 1946 no charges have been taken. Shri Iyer was satisfied with this explanation.

In reply to the argument of Shri Iyer in respect of the cost of roads in the scheme and apportionment thereof he was told that the Act does not contemplate for any charge being made in respect of roads which are useful to the public. Act wants that the scheme owners should pay for the roads to the full extent even though many of them would be more useful to the general public as in case of the National Highway. There is no provision in the Act as regard the apportionment of the cost in respect of roads.

The President informed the owners and their representatives that the Members of the Board would start visiting the site of the area of the scheme at 8-00 a.m. on Wednesday the 16th April 1958 and those who desire to accompany should remain present at 7-45 a.m. at Final Plot No. 1 opposite Santacruz Railway Station, Booking Office.

General objections having been heard individual appeals were taken up for hearing.

Appeal No. 1 (Survey No. 37) Final Plot No. 36.—Solicitor Win appeared. It was complained that some portion of the original plot was taken away for the road with the result that the owner had got less area in the Final Plot allotted to him. The President pointed out that the decision of the Arbitrator in this respect was final and the Board was not competent to go into this matter. He repeated the objections raised by him in his written appeal. The President observed that none of the objections was sustainable.

Appeal No. 2 (Survey No. 22) Final Plot Nos. 56, 67, 203.—Shri Punjabi appeared on behalf of the Housing Board. It was the contention of the appellant that by virtue of Section 8A of the old Town Planning Act of 1915 Housing Board schemes framed after 1948 were exempted from inclusion in the Town Planning Schemes. He said that if the statement made by the Arbitrator in the morning session of the Board that the old scheme had been scrapped was true the Housing Board was entitled to such exemption. It was pointed out to him that the scheme had not been scrapped. The area included in the original scheme was not at all changed. What was changed was the layout of the scheme. The area at present occupied by the Housing Board was included in the original scheme and is still there. It was also pointed out to him that the final values as calculated by the Arbitrator were as of the date of declaration of the scheme and not the final values after 1950 when the layout was changed. The President also observed that the specific provision which the appellant had cited could apply only to the schemes which were declared after the date when the act came into force. As the present scheme was declared before the act came into force the question did not arise of exempting the Housing Board from Town Planning Scheme.

Shri Punjabi then argued that the Housing Board had incurred expenses in constructing roads, laying water-mains, etc., and as such they had provided the amenities which the Local authority was expected to provide and, therefore, the amount spent by them should be adjusted towards their incremental contribution. It was pointed out by the President that any expenses incurred after the date of the declaration of the scheme could not be taken into consideration. Moreover it was observed by the President that the expenses incurred were within the area owned by the appellants and as such were not meant for the benefit of the general public. If the amenities provided by a plot were solely for the benefit of the people in the scheme area then only the plot could possibly claim exemption from compensation. Shri Punjabi further argued that as a result of the demarcation of the final plots they have been allotted 5 acres of land less than their original land. The President observed that it was a matter to be decided between the appellant and the Arbitrator and the Board could not do anything about it.

Shri Punjabi concluded his remarks by saying that they should be exempted from payment of the betterment charges as they did not stand to gain by the user prescribed for them under the scheme as the relevant amenities were already there.

Appeal No. 3 (Final Plot No. 123).—Dr. J. P. Parekh, Architect, appeared. He informed the Board that this plot along with the Final Plot No. 122 was subject to one lease which is for 999 years. The Arbitrator has sub-divided the original plot into two final plots. As a result the owner of Final Plot No. 123 i.e., his client has suffered as his plot has been spoiled as a result of the demarcation. The marginal open space of Final Plot No. 123 had been reduced to 7 feet which has affected the value of this plot. He also brought to the notice of the Board that the boundary of his plot had been pushed inside in order to accommodate the structure of Final Plot 124 which is to the south of this plot. This had also affected the value of his client's plot. The Arbitrator has provided a passage of 15 feet to the west of this plot. The area taken for this passage is from his plot and thus he is losing the area, which should also be taken into consideration. He also urged that though the plots had been allotted to two separate persons the memo. had been issued in the name of his client. He requested the Board should apportion the incremental charges between the occupants of two plots. The President observed that that matter could not be looked into by the Board as the Board had not the necessary powers under the Act to do so. He pleaded that taking into consideration the objections raised by him the final value of Final Plot No. 123 should be reduced proportionately.

Appeal No. 4 (General Appeal).—Dr. J. P. Parekh, Architect, appeared. The President observed that the appeal of the Association could not be heard as the Association was not a registered body. Even if the Association had been a registered body as the Association did not own any plots the appeal of the Association could not be heard.

Appeal No. 5 (Final Plot No. 167).—The appellant appeared. He requested that in view of the objections raised by him in his written appeal proportionate reduction should be granted in the increment charged by the Arbitrator.

Appeal No. 6 (Final Plot Nos. 2, 6, 131, 132, 133 and 195).—Shri Aiyer appeared on behalf of the Bombay Municipal Corporation. The President ruled that the appeal of the Municipal Corporation be taken up at the end as they had to reply to the arguments raised by the owners to the Scheme.

Appeal No. 7 (Final Plot No. 160).—Shri Saransingh, Appellant appeared. He requested that the Board should consider the objections raised by him in his written appeal and grant a proportionate reduction in the increment.

Appeal No. 8 (Final Plot Nos. 120, 119).—Shri Surajmal B. Mehta, owner, appeared. Shri Mehta argued that as the prices in 1922 were extremely low compared to the present prices the increment accruing to a plot would also be very low. He said that the Arbitrator had charged an increment of Re. 1 on his plot. According to him it should not be in any case more than Annas 8 per square yard.

Appeal No. 9 (Final Plot No. 25).—The Counsel appearing on behalf of this plot requested that as he is also appearing for appellant in Appeal No. 40, Appeal No. 9 may be taken along with Appeal No. 40. The request was granted.

Appeal No. 10 (Final Plot No. 181).—The Appellant appeared. He requested that the Board should consider sympathetically the objections raised by him in his written appeal and reduce the increment proportionately.

Appeal No. 11 (Final Plot No. 130).—It was argued on behalf of the owner that the owner was asked to pay Rs. 1-4 approximately per square yard increment, while the owners of the neighbouring plots as cited by him in his written appeal were asked to pay Rs. 1-2 or Re. 1 or Annas 15. He informed the Board that his neighbours stand to get more amenities by reason of the Scheme compared to the amenities which his client is to get. Even then he had been charged more than his neighbours. This factor should be taken into consideration. He also requested that the compensation paid to him of Rs. 300 for removing the fence and refixing it was very inadequate and should be increased by Rs. 900. It was pointed out to him that the Arbitrator had perhaps charged him more because his plot was opposite the playground and as such he stands to get very big open space on one side of the plot. The contention of the appellant was that the absolute contiguity of a playground or a school should not be considered an asset but on the contrary constitutes a liability to the owner of such a plot as his plot is easily accessible to any member of the general public and as such there was the possibility of thefts being committed near this plot. The owner also loses the privacy

which he gets in absence of any such open public space in the vicinity. It was also argued on behalf of the owner that the owner was losing some level land and instead had been allotted land in return which required considerable filling. This had thrown a great financial burden on the owner. It was pleaded that in view of these factors the incremental contribution should be reduced proportionately.

The proceedings for the day ended at this stage.

M. A. SAKHARDANDE,

President,

15TH APRIL 1958.

The hearing of individual appeals in respect of Town Planning Scheme, Santacruz No. V, commenced at 11-00 a.m. *Appeal No. TPB/SC/V/12 (Final Plot No. 167).*—Smt. Kulsumbai Pirmohamed Shaikh appeared in this case. She urged that she is a poor woman and there is nobody to support her and she has to maintain a family of three persons. She requested the President to consider her appeal sympathetically while determining the increment.

Appeal No. 13 (Final Plot Nos. 122 and 123).—It was decided to take the appeal for hearing on Thursday the 17th April 1958.

Appeal No. TPB/SC/V/14 (Final Plot Nos. 58, 61 and 42).—No appearance.

Appeal No. TPB/SC/V/15 (Final Plot No. 199).—Shri N. V. Deshpande appeared in this case. Shri Deshpande argued that the original values have been fixed on 1922 basis whereas the final values have been taken on 1952 basis. The President informed him that both the original and final values are based on the estimate of 1922 and further clarified that the Board has no jurisdiction to go into the question of original values. He was further told that the original values are ordinarily based on a very generous estimate while the final values of the plots are based on a conservative basis. Shri Deshpande thereafter argued that his client did not receive a notice from the Arbitrator in 1952 to appear before him to enable his client to submit his objections whereupon Shri Deshpande was told that there is a note kept by the Arbitrator to show that Shri Deshpande's client did appear before the Arbitrator in 1952. Shri Deshpande further argued that the final plots have not been properly laid out to which he was told that the matter did not come within the jurisdiction of the Board of Appeal.

In reply to a point raised by Shri Deshpande with regard to the disputed ownership, Shri Deshpande was told that the matter could not be decided by the Arbitrator and a Special Officer has been appointed for the purpose. In this connection his attention was drawn to section 19 of the Act and also to sub-sections (2) and (3) of Section 19.

Shri Deshpande further referred to Section 40 of the Act in stressing his argument that the Board had got wider powers under the said Section. The President replied that the Board was unable to accept his contention.

Shri Deshpande further referred to the points more or less raised in his written appeal and the President ruled that Shri Deshpande's arguments were not sustainable according to the provisions of the Act.

Appeal No. TPB/SC/V/16 (Final Plot Nos. 196 and 192).—Shri Deshpande appeared in this case and repeated the same arguments as in appeal No. 15.

Appeal No. TPB/SC/V/17 (Final Plot Nos. 190, 166, 168 and 169).—Shri Deshpande appeared. He raised almost all the points mentioned in the written appeal and further disputed the areas of the original and final plots as allotted by the Arbitrator. He was again told that the matter did not fall within the jurisdiction of the Board.

Appeal No. TPB/SC/V/21 (Final Plot No. 198).—Shri Deshpande appeared and repeated the same arguments as mentioned in the written appeal. He further stated that as regards Final Plot No. 198, his client has erected a structure on the plot and no compensation is sought to be given in the scheme for the same. It was pointed out to Shri Deshpande that the structure has been erected and has been allowed to be erected on the distinct understanding that the same would be demolished without claiming any compensation therefor.

Appeal No. TPB/SC/V/18 (Final Plot Nos. 190, 166, 168 and 169).—No appearance.

Appeal No. TPB/SC/V/19 (Final Plot No. 137).—Dr. J. P. Parekh appeared. He stated that there is a structure belonging to the owner of Final Plot No. 136 which projects in Final Plot No. 137 and the said structure has not been properly shown by the Arbitrator inasmuch as this portion of the structure projecting in Final Plot No. 137 has not been shown by him (Arbitrator). In this connection it was pointed out to Dr. Parekh that the structure has been put up after the scheme. His attention was also drawn to Section 54 and 55 of the Act and he was told that he should approach the Local Authority to get the said structure removed. He was also told that the Arbitrator has shown only the authorised portion of the structure in the plans.

Dr. Parekh further pointed out that there is a Cross existing on the plot and he asked as to what would be the position of the Cross in the Scheme.

It was pointed out to Dr. Parekh by Shri Lalkaka, Assessor, that the Cross was in the Government plot and now it has come to Dr. Parekh's plot because of the scheme, and as such the semi-final value has also been affected as the Cross was there as well as the final value of the plot and as such the increment would remain the same.

Shri Iyer, Municipal representative, thereafter stated that there exists a provision in the Scheme for shifting the Cross in question from this plot to another plot specially reserved for the purpose.

Appeal No. 20 (Final Plot No. 129).—Dr. Parekh appeared on behalf of the Yoga Institute. He stated that on Final Plot No. 160 there is a building used for religious worship causing considerable noise and nuisance with the result that the semi-final and final values would be affected to that extent.

It was thereafter decided to hear this appeal on Thursday the 17th instant.

Appeal No. 22 (Final Plot No. 60).—Shri Iyer appeared in this case. He stated that in the original draft scheme his client was allotted about 4,000 sq. yds. of land with two roads—one on the west and the other one from north towards the east. The progress of the scheme was thereafter stopped and in 1952 the then Arbitrator revised the layout of the scheme and according to that a plot with only a frontage to the west side having an area of 3,700 sq. yds. with a width of 170' and a depth of 200' was to be allotted to his clients and his clients agreed to that allotment. In the final scheme as put before the Board, his clients have been allotted an area of 3,038 sq. yds. Also certain changes in the Southern boundary of the original plot No. 30 have been effected with the result that certain alterations in the southern boundary of the Final Plot No. 60 have been made, which reduces the area of the plot by about 360 sq. yds. on the southern boundary. Also on the north side, the area has been reduced by 250 sq. yds. to facilitate the enlargement of the size of the Final Plots on the north side of Final Plot No. 60. Shri Iyer argued that these substantial changes in size and boundary of the plot have been made without giving any hearing to his clients. Shri Iyer also maintained that there was no specification on the north side to reduce the area of the plot and there was an obvious change on the north side. Shri Iyer therefore stated that the Board should recommend to the Arbitrator to hear his clients in this matter and try to remedy the injustice done to them, as according to Shri Iyer the change in area constitutes a substantial variation in the scheme.

The President drew Shri Iyer's attention to 'note' in the notice served by the Arbitrator on his clients in 1952 to appear before the Arbitrator. The President further observed that the matter does not fall within the jurisdiction of the Board of Appeal and stated that the change on the north side, though it appeared abnoxious to Shri Iyer, was a right change according to the Arbitrator. The President further clarified to Shri Iyer that his client was heard by Shri G. J. Desai when he was an arbitrator and the decision arrived at that time has only been recorded by Shri Bakre. Moreover, the proposals of 1952 were tentative proposals and were not finalised.

Shri Iyer stated that there are about 35 plots with exemptions from building restrictions and these two plots should have been included so as to exempt them from some of the regulations of the proposed scheme as in case of 35 plots. It was pointed out to Shri Iyer that wherever there is an exemption the same is granted in cases where the structures are already existing but so far as open plots are concerned, the same should be governed by the Town Planning Scheme regulations.

Shri Iyer further stated that if the Arbitrator again changes the boundaries of the plot, a specific provision should be made in this scheme that particular plot existing there should not be subject to 15' marginal open spaces and if this rule of 15' open spaces is applied to this plot his clients would have to demolish the sanitary block of pucca construction existing at the north boundary of the plot. As regards the valuation of plots Shri Iyer referred to the instances of sales quoted by the Arbitrator and urged that the maximum final value of the plots in this scheme should be Rs. 5-8-0 and not Rs. 7-8-0 as put down by the Arbitrator. Shri Iyer compared Final Plot No. 60 with Final Plots Nos. 61 and 64 and stated that unless and until an access is provided to the back land of Final Plot No. 60 his clients would not derive much benefits. In concluding his arguments Shri Iyer stated that the final value of Rs. 7-8-0 as put down by the Arbitrator is exaggerated and the Board should at least reduce the same to Rs. 5-8-0.

Shri Iyer further argued that the compensation offered for the well was on the low side and it should be Rs. 1,000 and said that he would submit a statement as to the cost of well in 1922 on Thursday the 17th April 1958.

It was pointed out to Shri Iyer that the compensation offered to his clients in the tentative proposal was Rs. 300 whereas the compensation now offered is Rs. 500 and there was no objection raised against the compensation viz. Rs. 300 offered in the tentative proposal.

Shri Iyer submitted typed copies of his arguments for the use of the Members of the Board.

Appeal Nos. TPB/SC/V/33 and 37.—These appeals were kept for hearing on Thursday the 17th April, 1958 as there was a question of Gurudwar to be considered.

Appeal No. TPB/SC/V/23 (Final Plot No. 31).—No appearance. Appeals Nos. TPB/SC/V/24 and 40 were decided to be taken at the same time.

Appeal No. TPB/SC/V/25.—The appellant requested the President to take up this appeal for hearing in the afternoon which request was granted by the President.

Appeal No. TPB/SC/V/26 (Final Plot No. 23).—Shri C. D. Vaidya appeared in this case on behalf of the owner. Shri Vaidya stated that the burden of the passage has been thrown on his client.

Shri Vaidya was told that the said passage has been given to him to make his plot buildable. Moreover, a concession has been granted in respect of the marginal open spaces to be left and he would have to leave only 10' open spaces instead of 15' and without passage the plot would have to be kept open for all times to come.

Shri Vaidya further urged that in view of the fact that he will have to spend for the drainage arrangement, electricity and such other services, the final value of the plot should be reduced. He further contended that his plot was situated about 50' away from the proposed road and the final plot now allotted to him has been shifted 100' away and had it been somewhat nearer to the roads, there would have been saving to certain extent in the cost of services such as drainage, electricity etc. In concluding his arguments Shri Vaidya urged that the Final value of this plot should be Rs. 4-8-0 whereupon the President told him that the matter would be considered by the Board.

Appeal No. 25 (Final Plot No. 76).—Shri Dhanuka appeared. He complained that the compensation paid to him for the land taken away by the scheme from his original plot was very inadequate and should be substantially increased. The President observed that the Board had not the necessary power to alter the rate of compensation determined by the Arbitrator. He also complained that he was not given the opportunity to represent his case before the Arbitrator. It was brought to his notice that he had been asked to send the document showing him as the owner of land in question, but he had failed to do so within the prescribed time. He also pleaded that the rate of contribution should be reduced. It was not possible to alter the rate of contribution, observed the President in reply to this request. Only the rate of increment could be reduced. He pleaded that if his neighbours are to get any reduction in the increment his request for reduction may also be considered along with them.

Appeal No. 27 (Final Plot No. 124).—No appearance.

Appeal No. 28 (Final Plot No. 103).—Shri Patel, Advocate, appeared. He brought to the notice of the Board that as a result of the making of the scheme he was dispossessed of his land to the tune of 42 per cent. He has purchased it at Rs. 8 per square yard while the compensation proposed to be paid was at Rs. 4 per square yard. He was told that the rate of Rs. 4 related to the original value of the plot as of the declaration of the scheme and as such was bound to be low. He pleaded that the Board should consider sympathetically the objections raised by him in his written appeal and grant proportionate reduction in the increment.

Appeal Nos. 29 and 42 (Final Plot Nos. 55-A and 55).—Shri C. D. Vaidya, Architect, appeared. He informed the Board that the area of his original plot, which was divided into two final plots mentioned above, was about 4,900 square yards, while he had been allotted only 4,600 square yards. He was informed that according to the Record of Rights the area of his plot was 4,600 square yards and not 4,900 square yards and the authorities concerned had informed the Arbitrator that they are taking steps to correct the mistake. He then argued that the additional area which was given to him in lieu of some level land taken away from his original plot was low-lying and would require considerable filling. He requested that this should be taken into consideration while determining the final value of his plot. He also complained that at present people were removing earth from his plot and he could not take steps to stop it as he was not in the possession of his plot. According to him this constituted an injurious affection to his plot and he should be paid compensation for the same. The Board did not agree that it was an injurious affection.

He further argued that he was already having an access to his plot from a private road built by the former owner of his property and as such he did not stand to gain by the construction of new road near his property and as such this factor should be taken into consideration while determining the increment. It was pointed out that the road to which he had referred was not a public road and he therefore could not claim legal right to use the road. He was now getting an independent access to his property from a public road.

He also requested that the Board allow him to have a shop on his plot. He said he had requested the Arbitrator also to allow him to have a shop on the plot. The President observed that his request was turned down presumably because shops could not be allowed on a 30' road which he was getting by reason of the scheme.

Appeal No. 31 (Final Plot Nos. 37 and 80).—Shri Joshi, Advocate, appeared. He complained that his original plot was a contiguous plot. The demarcation of final plots had resulted in sub-division of his original plot in two final plots. Final Plot No. 37 was too small to have an economic structure fronting on the road as the width was hardly 30 feet, and the area of the plot was also about 600 square yards while Final Plot No. 80 was too big with the result that if he has to build structure it would entail large expenditure which his client cannot afford. The increment charged was also exorbitant. He had purchased the property at Rs. 7 per square yard while the increment was on final value of Rs. 8.50 for Final Plot 37 and Rs. 8 for Final Plot 80. This factor should be taken into consideration while his request for reduction in the increment is taken up. According to him increment for both the plots should be on the basis of Rs. 7 instead of Rs. 8.50 and Rs. 8 for Final Plot 37 and 80 respectively.

Appeal No. 34 (Final Plot Nos. 3, 4, 18, 19, 21).—Shri Sanghavi, Architect, appeared. Shri Sanghavi argued that his original plot was a one big contiguous plot. As a result of the proposed roads through his property his plot had been divided into the final plots mentioned above. It was his contention that it has injuriously affected his property and he should be paid compensation at the rate of Rs. 1 per sq. yd. The President observed that as he did not make this claim before the Arbitrator he was not entitled to make it now. Even if it is assumed that his property is injuriously affected the fact that he had purchased the property in 1945 i.e. after the date of the declaration of the scheme itself makes clear that he is not entitled to claim compensation for injurious affection as it could be claimed only if he had been the owner of the property prior to 1922. He urged that the plots allotted to him were of unequal sizes and the difference ranged from 450 or 500 to 3,000 square yards. The Arbitrator should have given plots of even sizes. The shape of the plots was also not sound. He argued that Final Plot No. 6 reserved for parking is in fact used by the B.E.S. & T. Undertaking and should be wholly charged to the Municipality and no burden should be thrown on the residents on this account. The Plot reserved for the Municipal Offices is held to be 50 per cent. beneficial to the residents. According to him it should be held as 10 or at the most 15 per cent. beneficial to the residents of the scheme. He also argued that one plot is sufficient for the recreation ground and the garden and that this plot should not be wholly charged to the residents.

He then argued that the increments charged by the Arbitrator were exorbitant and should be reduced as indicated by him in his written appeal on page 5. He said he could produce instances of sales in Town Planning Scheme, Santa Cruz No. I, to show that the values of lands in 1922 were lower than those calculated by the Arbitrator. The President suggested that he should have presented the same to the Arbitrator who could have checked the sales and come to a decision. He finally pleaded that proportionate reduction should be granted in the increments charged on his plots in view of the objections raised by him.

The proceedings for the day ended at this stage.

M. A. SAKHARDANDE,
President.

17TH APRIL 1958.

Appeal No. 20 (Final Plot No. 129).—Dr. J. P. Parekh, Architect, appeared. Dr. Parekh contended that the presence of a 'Gurudwara' on Plot No. 160 which is just opposite to his plot constitutes a continuous source of nuisance to him and thus affects, the value of his plot. He pleaded that the President should direct the Arbitrator not to allow this plot for being used as a 'Gurudwara' and if that is not possible the final value of his plot should be reduced considerably. It was brought to his notice that the particular user was not there by reason of the scheme, and even if it is assumed that the user is by reason of the scheme it was observed that the Board has no power to alter the user. Dr. Parekh then argued that compared to the final values of Final Plot Nos. 158, 159 and 159-A the final value of his plot seemed to be very high as his plot was 3 times as big as these plots and was therefore not ideal plot. Shri Lalkaka, the learned Assessor, observed that it was not possible to see how far the increment was justified by merely taking the final values of two plots for comparison. The Board has to see the difference between the semi-final value and the final value and whether that difference is correctly assessed. Dr. Parekh contended that the advantage of corner was confined to a part of the plot, and as such it should not be taken to have increased the value of the whole plot. He finally pleaded that in view of the injurious affection to his plot by the presence of 'Gurudwara' on Plot No. 160 and the uneconomic size of the plot allotted to him increment should be reduced considerably.

Appeal No. 30 (Final Plot No. 201).—Shri Desai, Advocate, appeared. He pleaded that the party was to bear 1/3rd expenditure on the proposed 200 feet road which comes to about Rs. 7 lakhs. In view of this the incremental contribution should not be charged. He was asked whether his argument was that as the proposed road was not for the sole benefit of the residents of the scheme the same could not be construed as being an amenity for the residents of the Scheme area and no increment should be charged on this account. Shri Desai then argued that the contribution proposed to be charged was in the nature of a tax and if this proposition is accepted his clients should be exempted from this levy as they are a department of the Government. He cited authorities in support of his argument. This President, however, ruled that the argument was misconceived and informed Shri Desai that in the previous proceedings in relation to Ghatkoper Scheme, similar argument was advanced and the same was repealed. It was further mentioned to him by the President on a perusal of the authorities cited by him that they supported the view taken by the Board. Shri Desai then argued that Plot No. 201 is meant for public purposes. Under Section 66, sub-clause 3, he argued that it is laid down that no contribution shall be levied on a plot used, allotted or reserved for a public purpose. The President ruled that in his opinion they could not claim exemption from the increment under the said Section and that his interpretation of the Section was not correct. It could not be said that the plot was used or reserved solely for the benefit of the owners of the residents within the area of the Scheme. This plot does not constitute an amenity solely to the residents of the Scheme. Shri Desai further argued that Plot No. 201 was situated in a low lying land and would require considerable filling and this may cost Rs. 3 or Rs. 4 per square yard. This expenditure will eat away all the increment that may accrue to the plot by reason of the Scheme. In view of this the increment should be not more than Annas 11 instead of Re. 1-8-0 charged by the Arbitrator.

Appeal No. 3 (Final Plot No. 123).—Dr. J. P. Parekh, Architect, appeared. Dr. Parekh contended that the Arbitrator had wrongly allotted the final plots to two separate owners as a result of which owner of Final Plot No. 123 had suffered considerably. Final Plot No. 123 was smaller than Final Plot No. 122. Moreover the southern boundary of the Final Plot No. 123 was made crooked. He also contended that the memo of increment was issued in the name of one person asking him to pay increment for both the plots. The Board should apportion the increment and determine the share of each owner. He also complained that the 15 feet passage provided on the Western Boundary was superfluous and should be removed. The President observed that this could be done only if all the three parties who were to use this passage agreed to remove it.

Appeal No. 13 (Final Plot No. 122).—Shri Gidwani, Advocate appeared. He contended that the Arbitrator should separately show the contribution each plot was liable to pay. It was observed that as the property was held in joint ownership the separate contribution payable by each plot was not shown. He was, however, informed as to what was the contribution payable by the owner of each plot in case such ownerships were separated. He then contended that his plot was in a low lying land and would require considerable filling. In view of this proportionate reduction in the increment should be granted. It was observed that his level was considered to be an ideal level by the Arbitrator and in fact the road was of higher level and was proposed to be brought to the level of his land so that the question of spending for the filling of land did not arise. He also enquired whether the lessor was called upon to pay any contribution. He was informed that the lessor was not asked to pay anything.

Appeal No. 32 (Final Plot No. 180).—Sarvashri Tijoriwala and Nanavati, Solicitors, appeared on behalf of the owner. It was explained that the road near the property was constructed by the residents of the locality by private contributions. His client had contributed nearly Rs. 500 towards the construction of the road. Relief should be given to his client on account of this road in the increment charged on Final Plot No. 180. It was brought to his notice that under the Act any expenditure, incurred by the owners after the declaration of the scheme, could not be taken into consideration for the purposes of adjustment towards betterment charges and they could not therefore claim any reduction on this account.

It was further argued that between the boundary of Final Plot No. 179 and a building on Final Plot No. 180, there is a 6 ft. passage and the Municipal lorry has to pass between this passage for emptying the whole cess-pool. It was therefore urged on behalf of the owners to give about 2 or 3 square yards from the triangular portion of Final Plot No. 179 so as to make the passage sufficiently wider to facilitate easy plying of municipal lorries. The party was asked to approach the Arbitrator in this respect. It was further stated by the party that the increment as charged by the Arbitrator was reasonable.

Appeal No. 40 (Final Plot No. 30).—Shri Tayabji appeared in this case on behalf of the lessor and stated that the additional land added to the plot is a low-lying one and will require filling in. Also the half portion of the well will have to be filled in at the lessor's cost. He urged that the final value of the plot should be Rs. 9-8-0 instead of Rs. 10.

Appeal No. 24 (Final Plot No. 30).—Shri Vaidya appeared on behalf of the lessee. Shri Vaidya referred to the agreement executed between the lessor and the lessee in 1922 and raised the point as to the apportionment of the cost for the betterment charges on the plot. Shri Vaidya was told that the question of apportionment did not fall within the jurisdiction of the Board of Appeal. Shri Vaidya's attention was further drawn to section 68 of the Act according to which the original rights of lease are not to be disturbed and he was further told that the original rights are transferred to the plot as re-constituted and thus the lessee is to be benefitted in respect of the additional land added to the reconstituted plot. Shri Vaidya was satisfied with this explanation.

Appeal No. 9 (Final Plot No. 25).—Shri Tayabji appeared. He stated that the owner has been given an area of 439 square yards instead of his original area of 891 square yards. He further pointed out that Final Plot No. 27 which is a small front plot has been valued at Rs. 7-8-0 and the Final Plot No. 25 which is a back plot has been valued at Rs. 7-8-0. He therefore urged that the average value should be taken for Final Plot No. 25.

It was pointed out to Shri Tayabji that even with the disadvantage of low-lying area, the Final Plot No. 27 is valued at Rs. 7-8-0 as also the Final Plot No. 25 being a back plot is valued at Rs. 7-8-0. Shri Tayabji thereafter urged that the reasonable value of Plot No. 25 should be Rs. 6-10-0.

Appeal No. 33 (Final Plot No. 158).—Dr. J. P. Parekh appeared in this case. He stated that the plot is near the Final Plot No. 160, the plot which is used as a Gurudwar and the argument urged by him in case of Final Plot 129 would also apply to this plot and therefore urged that to that extent the value should be reduced by Re. 1.

Appeal No. 35 (Final Plot No. 33).—No appearance.

Appeal No. 36 (Final Plot No. 85).—It was decided to take up the hearing of the appeal in this case on Friday the 18th April, 1958.

Appeal No. 37 (Final Plot No. 121).—Dr. J. P. Parekh appeared in this case. He argued that Final Plot 121 is very near to Final Plot No. 160 and the value of the plot would depreciated owing to the noise nuisance and hence the value should be reduced to that extent. He further stated that the final areas of this plot is 1481 square yards which is somewhat less than 1500 square yards and this has been reduced by the provision of 15 feet passage on east side of the plot and if the area of the plot would have been 1500 square yards the same could have been sub-divided in three plots. He, therefore, urged that his client should get concession of sub-dividing the plot.

The President told Dr. Parekh that the Board had made recommendation as to whether some relaxation could be made in respect of the sub-division of plot and that Dr. Parekh should approach the Arbitrator in this matter.

Appeal No. 38 (Final Plot No. 189).—Shri Mohanlal Chimanlal appearing in this case stated that the owner has spent a large amount for providing services such as roads, water mains, electricity etc. and hence the Board should consider the case sympathetically.

Appeal No. 39 (Final Plot No. 59).—Shri C. D. Vaidya appeared in this case. He argued that no compensation is sought to be paid for the structure which would be lost because of the proposed 40 feet road under the scheme. Also W. Cs. and the electric connection should be compensated for. It was pointed out to Shri Vaidya that all these structures were put up after the Scheme. He further stated that there is a loss of considerable shopping frontage on the main road. Only 30 per cent of the buildable area is given and hence the final value of the plot should be reduced by Annas 8.

Appeal No. 41 (Final Plot Nil).—Shri C. D. Vaidya appeared in this case. He stated that his client has not been given any final plot in lieu of his original plot. It was pointed out to Shri Vaidya that his client has been given an aggregate area of 4300 square yards as against the original area of 3600 square yards.

Appeal No. 43 (Final Plot No. 44).—Shri C. D. Vaidya appeared. Shri Vaidya stated that the actual area of his client's plot was 1040 square yards whereas he has been given only 1000 square yards with a difference of 40 square yards. Also some additional land is given to the west side of the plot and also at the south. The land added to the west is really not useful as it is beyond the well and the same would not be built-upon.

It was pointed out to Shri Vaidya that even after leaving the required open spaces between the well and the proposed building the 1/3rd area could be built upon.

Appeal Nos. 29 and 42 (Final Plot Nos. 55-A and 55).—Shri C. D. Vaidya appearing in this case stated that the additional land which his client is getting is low-lying and he contended that the Board could touch the semi-final value even for the assessment of compensation as the Board has to take into account the final and semi-final value for arriving at an increment on the plot.

It was ruled by the President that the Board has no power to touch the original and semi-final values for the assessment of compensation and the Board do not propose to depart from the view held in this respect consistently.

Shri Vaidya thereafter stated that the increment should be reduced.

Appeal No. 44 (Final Plot No 159-A).—No appearance.

Appeal No. 45 (Final Plot No. 32).—Son of Smt. Shirinbai C. Chandaru appeared in this case. He stated that the property is on the main road and all the amenities which are contemplated under the scheme are also existing. He therefore requested the Board to take all these factors into consideration and reduce the increment to that extent.

Appeal No. 46 (Final Plot Nos. 62,63,64-66,105).—Shri Kasamali Peerbhai Vishram. The appeal was time-barred. However, the party was requested to appear before the Board on 14th April 1958 at 11-00 A. M. and also to submit four additional copies of his appeal. However, the party neither appeared on the 14th April, 1958 nor submitted

the copies as requested in the President's letter No. TPB/SC/V/46 of 12th April 1958. Even on 17th April 1958 when the appeal was called out for hearing, nobody appeared before the Board. The copy of the appeal which appears in the file has also been kept by the party without the knowledge of the staff of the Board of Appeal.

Appeal No. 47 (Final Plot No. 171).—Shri Baburao Bhikaji Padwal appeared. He stated that the area of the plot has been reduced to 646 Square yard from 1000 square yards and it would be difficult to construct the building as per the municipal Town Planning Scheme regulations. Shri Padwal was asked to request his Engineer or Architect to see the Assistant Engineer Town Planning (Suburbs) when the whole layout of the building could be explained to him.

M. A. SAKHARDANDE,

President.

18TH APRIL 1958.

The hearing of individual appeals in respect of Town Planning Scheme, Santacruz No. V, commenced at 11-00 a.m. *Appeal No. TPB/SC/V/6 (Final Plot Nos. 2, 6, 131, 132, 133 and 195—Municipal Commissioner for Greater Bombay.*—Sarvashri C. D. Bapat and Iyer appeared on behalf of the Municipal Commissioner. As regards the Final Plot No. 133 was concerned, Shri Iyer stated that the contribution fixed by the Arbitrator should be reduced to 10 percent on the ground that the Municipal offices for which the plot has been reserved would be mainly beneficial to the scheme area and not to the area outside the Scheme. However, in this connection Shri Lalkaka, learned Assessor, pointed out to Shri Iyer that it is the Municipality which asks the members of the public as to which offices should be contacted for specific purposes and as such not only the scheme residents but also the public at large would be— contacting the municipal offices. Shri Iyer left the matter of contribution to be decided by the Board.

Shri Iyer further stated that some of the owners during the proceedings had referred to the location of the scheme area which is near the railway station and as such the values should be reduced. Shri Iyer however maintained that the location of the scheme area near the railway station is a very important factor. For the last several years the area had remained undeveloped mainly because of the absence of accesses which have not been provided under the scheme. Also the expenditure incurred by the Housing Commissioner and all the works carried out by them do not form part and parcel of the scheme as all things were done for developing their individual plots. As regards Final Plots 56 and 67, Shri Iyer submitted that the buildings on these plots front on the private road and the same is now proposed to be made a public one. Besides, the residents of the housing colony had no shopping facilities and the same would be provided under the scheme. It was therefore submitted that the housing colony would be benefitted substantially by reason of the scheme and so far as these plots, Final Plot Nos. 56 and 67 are concerned, the increments should be much more than estimated by the Arbitrator and the increment should at least be Rs. 4-0-0. Shri Iyer also submitted that the parking space Final Plot 6 would be fully beneficial to the scheme area.

As regards the valuation of the scheme, Shri Iyer pointed out that the Arbitrator has compared the present scheme area with those previous ones for the Santacruz area. He further stated that in the present scheme some of the roads would be widened and also some plots have been reserved for recreation ground and such other public purposes. Some roads would be asphalted and also 40' and 60' roads are proposed to be constructed in the scheme. The built-up area permissible as per regulations, is 1/3rd of the plot area and a ground and two upper floors would be allowed. Shri Iyer therefore urged that the final values in this scheme should be in the neighbourhood of Rs. 8 to Rs. 10 on the grounds of (i) layout of the scheme and (ii) regulations of the scheme.

Shri Iyer urged that the minimum final value of the plots on the northern part of the scheme should be Rs. 7-8-0 and it should be increased according to the user of the plots viz shops, cinema etc.

As regards Final Plot Nos 162 and 164, Shri Iyer stated that the plots are on the 40' road just opposite the recreation ground and the increment in case of Final Plot 164 is Rs. 1-6-0 whereas it is Rs. 2-8-0 for Final Plot 162 though the semi-final values of the plots are the same.

It was pointed out to Shri Iyer that as regards Final Plot 162 there is no restriction as to the height of building.

Final Plot Nos. 171, 170 and 176.—Shri Iyer stated that these are similarly situated plots with similar restrictions as regards the height of building. He urged that the value for Final Plot 170 should have been Rs. 3-14-0.

Final Plot Nos. 157 and 119.—Shri Iyer stated that the increment for Final Plot 119 should be more as it fronts on two main roads.

It was pointed out to Shri Iyer that Final Plot 157 is more advantageous as it is open and no buildings are constructed as in case of Final Plot 119.

Final Plot Nos. 51-54 Final Plot Nos. 91-94.—Shri Iyer compared these two sets of plots for the purposes of increment and maintained that increment for Final Plot Nos. 51-54 should be increased.

It was pointed out to Shri Iyer that 51-54 is a low-lying area and there is a ditch on the eastern portion of the plots.

Shri Iyer further stated that the increment for the cinema plot should be more as it will enjoy a monopoly of having a cinema. He further maintained that the value of the shopping plot should be more than 15 to 20 percent over the residential plots.

Final Plot Nos. 35 and 44.—Shri Iyer stated that both these plots are corner plots having shopping facilities. The increment for Final Plot 35 is Rs. 6-8-0 and for Final Plot 44 it is Rs. 5-4-0 the only consideration being that it is slightly away from the railway station.

Shri Iyer further compared Final Plot 4 with Final Plot 5 and stated that the increment for Final Plot No. 5 should be increased.

Shri Iyer further argued that certain restrictions have been placed in regard to the heights of buildings because of the existence of the aerodrome and the Municipality should not lose increments by virtue of certain restrictions put up because of the aerodrome. He further informed the members of the Board that the meetings were arranged with the Arbitrator when the Aerodrome Officer was requested to be present but nobody attended the meetings except once or twice.

Appeal No. TPB/SC/V/36 (Final Plot No. 85).—Shri Naik, Architect, appeared. Shri Naik argued that his client has suffered to a great extent because of the loss in area of the plot. He further contended that the final value of the plot is too high and the same should be Rs. 6-0-0 only. He further stated that the increment as charged by the Arbitrator is too high and the same should be reduced.

M. A. SAKHARDANDE,
President.

During and on termination of the Proceedings in respect of Town Planning Scheme, Santacruz No. V, on 18th April, 1958, the Board of Appeal held several meetings to consider its decision and declared its Final Decision in the open Court on 7th May, 1958, of which date the parties concerned were duly intimated.

M. A. SAKHARDANDE,
President.

THE BOARD OF APPEAL

TOWN PLANNING SCHEME SANTACRUZ No. V

DECISIONS

1. The Santacruz Notified Area Committee by its resolution dated 15th March 1922 published in the *Bombay Government Gazette*, dated 23rd March 1922, Part II, page 381, declared its intention to make a Town Planning Scheme under the Bombay Town Planning Act, 1915, in respect of the area comprised in this Scheme. The making of the Scheme was sanctioned by Government under Government Notification, Development Department No. S. A. 1062 dated 16th May 1922. The draft scheme was published by the Committee in the *Bombay Government Gazette* dated 3rd May 1923, Part II, page 628. The Draft scheme was sanctioned by Government and Captain E. M. Gilbert-Lodge, Land Manager, Development Directorate, was appointed Arbitrator for the Scheme under Government Notification, Development Department No. S. A. 1685 dated 18th November 1924 published in the *Bombay Government Gazette* dated 20th November 1924, Part I, at page 2859. On his retirement Shri K. R. Doctor was appointed Arbitrator under Government Notification, Development Department No. S. A. 1672 dated 17th November 1925.

2. The Arbitrator held the arbitration proceedings, carried out the demarcation and was about to publish his award when, it appears, he was asked by a communication from the Government dated 3rd May 1926 to stay proceedings on the representation of the plot-holders. The Arbitrator, in the note on the brief history of the Scheme, has referred to the vicissitudes through which the Scheme passed and the Board does not think it necessary now to dilate upon the same. It appears, however, from the said note that the Scheme was shelved from the year 1926 to the year 1946. In 1946 Government appointed Shri H. Khan, the then Consulting Surveyor to Government as Arbitrator for the Scheme under Government Notification, General Department No. 7942(a) dated 19th February 1946. It appears that Shri Khan while trying to proceed with the Scheme also met with certain difficulties as referred to by the Arbitrator in his note on the history of the Scheme.

3. In 1935 the Santacruz Notified Area Committee was merged into the Bandra Municipality, which in its turn was merged into the Municipal Corporation for Greater Bombay in April 1950. In the meantime Shri G. J. Desai, the then Consulting Surveyor to Government was appointed Arbitrator under Government Resolution Health and Local Government Department No. S-20 (6) dated 4th October 1949 in place of Shri H. Khan who retired by that time. Shri G. J. Desai then held discussions with the parties and formulated tentative proposals; but before he could publish his award he also retired with the result that Shri V. K. Bakre was appointed Arbitrator for the Scheme under Government Notification, Local Self-Government and Public Health Department No. S. 20(6) dated 9th July 1952 published in the *Bombay Government Gazette* dated 24th July 1952 at page 4109. He then held the subsequent proceedings and published the final scheme on 17th February, 1958.

4. The Bombay Town Planning Act of 1915 was replaced by the Bombay Town Planning Act, 1954; but Section 90(2) of the latter Act provides that "notwithstanding the repeal of the said Act, any declaration of intention to make a scheme, any application made to the State Government for sanction of the making of the scheme, any draft scheme published by a local authority, any application made to the State Government for the sanction of the draft scheme, any sanction given by the State Government to the draft scheme, any restriction imposed upon an owner of land or building against the erection or re-erection of any building or works, any commencement certificate granted, any order of suspension of rule, by-law, regulation, notification or order made, any appointment made of an Arbitrator, any proceeding pending before the Arbitrator, any final scheme forwarded to, or sanctioned or varied by the State Government, any recoveries to be made or compensation to be given in respect of any plot under the repealed Act shall, in so far as it is not inconsistent with this Act, continue in force thereunder and provision of this Act shall have effect in relation to such publication, declaration of intention, draft scheme, final scheme, sanction, variation, restriction, proceedings, suspension, recoveries or compensation".

5. In accordance with the provisions of Section 32 of the new Act, the duties of the Town Planning Officer (who corresponds to the Arbitrator under the old Act) have been prescribed on the same general lines as those of the Arbitrator under Section 30 of the old Act and by Section 33 of the new Act every decision of the Town Planning Officer, except in matters arising out of clauses (v), (vi), (viii), (ix), (x) and (xiii) of Section 32 (1) of the new Act has been made final and conclusive and binding on all persons. In this respect Section 33 of the new Act corresponds generally to the provisions of section 31 of the old Act. With reference to matters arising out of clauses (v), (vi), (viii), (ix), (x) and (xiii) of sub-section (1) of section 32 of the new Act the parties aggrieved by the decision of the Town Planning Officer are given a right of appeal to the Board of Appeal constituted under the Act which consists of a President and two Assessors. In accordance with the said provisions, under Government Notification No. TPB-3857-M, dated 3rd February 1958, I was appointed President of the Board of Appeal in connection with the Scheme; and on 10th March 1958 under section 35, sub-section (3), I appointed (1) Shri Minocher Dorabji Lalkaka, Retired Chief Judge, Court of Small Causes, Bombay and (2) Shri Gopal Anandrao Kamtekar, B.A., B.Sc. (Bom.) B.Sc. (Edin), M.I.E., Architect, as Assessors in connection with the Scheme.

6. The area comprised in the Scheme admeasures about 119 acres and is situated just opposite the Santacruz Railway Station. It is bounded on the north by agricultural lands, on the south by Pandit Jawaharlal Nehru Road, on the east partly by agricultural lands and partly by the limits of the Santacruz Aerodrome and on the west by the Western Railway. The lands included in the Scheme are out of the Revenue Villages of Bandra, Danda and Vile Parle. On the date of declaration of intention to make the scheme, there was only one Railway Road in the scheme just opposite the Station and all the lands excepting those fronting on Pandit Jawaharlal Nehru Road were without proper access. A large area lying in the north-east part is low-lying. Similarly a large area in the south-east part was also low-lying but it has now been partly filled in by the Bombay Housing Board. The remaining area is level land. On the date of declaration only 20 plots were built upon with permanent structures most of them being on Pandit Jawaharlal Nehru Road and the Railway Road. The remaining plots were under cultivation. After the date of declaration 18 plots were built upon with permanent structures by private persons and on 3 plots in the south-east part, the Bombay Housing Board has put up a large number of permanent structures. In addition to this a number of semi-permanent structures have been put up on original plot No. 135 which are on temporary permission. At present there are also a large number of temporary sheds scattered over the whole area.

7. The Board of Appeal met for consideration of matters arising out of the above Scheme on 14th April 1958 and subsequent dates. On the first day the Board asked those who were present whether they desired to urge before the Board general objections, if they had any, to the proposals made by the Arbitrator but confined to the provisions of Section 32, sub-section (1) clauses (v), (vi), (viii), (ix), (x) and (xiii) which limited the scope of the Board's jurisdiction. The Board inspected the area covered by the Scheme on 16th April 1958 after due intimation to the parties.

8. We may further state that in the case of this Scheme having regard to the provisions of Section 34 of the Bombay Town Planning Act, 1954, the Board could only give its decision on appeals filed by the respective owners of the plots or other parties aggrieved against the decision of the Town Planning Officer. Having regard to the plain provisions of Section 43 (1), the Board could not hear any owner who did not appeal against the decision of the Town Planning Officer. Due to this fact, it may appear from the decisions at which the Board has arrived in respect of some of the final plots that there are some inconsistencies in the sense that whereas in respect of some of the plot-holders who had appealed against the decision of the Town Planning Officer, the Board on its finding that the increments were somewhat higher than could be justified by the circumstances, would grant relief to them, the Board could not grant similar relief to the owners of the next door plots as the plot-holders had failed to prefer appeals in respect thereof against the decision of the Town Planning Officer as required by Section 34. We only mention this fact in our Decision to bring it to the notice of the authorities concerned that, unlike the scheme of the old Act, the new scheme requiring the filing of appeals by parties aggrieved, as has been brought into effect under the new Act, is bound to leave such inconsistencies unremedied and may result in injustice being done to a large number of plot owners, who on account of poverty, ignorance or otherwise, have not been able to file appeals against the decision of the Town Planning Officer in time.

9. We may observe that it was argued by Dr. J. P. Parekh, who appeared for the owners of various Final Plots that the draft scheme was prepared in 1922 and in 1923 an Arbitrator was appointed to formulate the scheme. Somehow or other, due to certain objections of the owners in the area of the Scheme the proceedings were postponed, and the Scheme was put into cold storage. Ultimately the Santacruz Scheme area was brought under the Bandra Municipality in 1946 and in that year another Arbitrator was again appointed for the purpose. The Arbitrator was thereafter succeeded by two other Arbitrators and thus the scheme as presented had gone through the hands of several Arbitrators with the result that there has been considerable difference in the matter of layout. He argued that the conditions in 1922 were not the same as in 1957-58. He observed that the location of the National Highway and outline thereof is not the same, there being a diversion of that Highway and the Highway as shown is not the correct Highway as formulated in the old scheme; that large area of the scheme has been acquired for the Aerodrome extension and, therefore, the recreation ground on the northern side has now been merged into the extension of the aerodrome; that a large number of owners have received notices for acquisition of and under Section 4 of the Land Acquisition Act in the northern part of the scheme where the Highway gets diverted and as such the scheme does not represent the correct picture and the learned Arbitrator should be called upon to revise his proposals. He relied on the provisions of Section 40 of the Bombay Town Planning Act, 1954 and observed that the Board had power to direct the Town Planning Officer to re-consider his proposals, or accept, modify, vary or reject the proposals of the Town Planning Officer. The President however ruled that on a proper interpretation of Section 40 the contention as raised by Dr. Parekh was not correct and that the provisions of Section 40 have to be read along with Sections 33, 34 and 35(4). It was pointed out to Dr. Parekh that the words "re-consider the proposals or accept, modify, vary or reject the proposals of the Town Planning Officer;" has a reference to the matters arising out of clauses (v), (vi), (viii), (ix), (x) and (xiii) of sub-section (1) of Section 32 and that the Board's jurisdiction was restricted to the provisions as contained in sub-section (4) of section 35 of the Town Planning Act and that Section 40 did not confer on the Board of Appeal wider powers as sought to be argued by Dr. Parekh. The President also invited the attention of Dr. Parekh to Section 84, sub-section (3) on the point raised by him regarding the acquisition of land.

10. The next point taken up by Dr. Parekh was that the original, semi-final and final values appeared to have been taken as on the date of the draft scheme ; but the cost of works estimated by the Arbitrator appeared to be of 1956-57. His contention appeared to be that even the cost of works should have been estimated by the Arbitrator as of 23rd March 1922, being the date of declaration of intention to make a scheme. The President informed Dr. Parekh that this very point was considered by the Board in Town Planning Scheme, Ghatkopar No. III and it was decided by the Board in that case that the contention so raised was not correct and Dr. Parekh's attention was invited to paragraph 9 of the Decision of the Board of Appeal in Town Planning Scheme, Ghatkopar No. III, a copy whereof reproduced for ready reference in the Appendix annexed hereto.

11. Dr. Parekh next contended that the Town Planning Schemes ordinarily formulate restrictions as to the user of plots but in this particular scheme general restriction on user was not formulated. Dr. Parekh's attention was invited to paragraph 10 of the Regulations wherein various provisions as to user have been prescribed by the Arbitrator. Dr. Parekh then contended that certain plots should not be permitted to be used for religious purposes and it should be so mentioned. The President pointed out that such a restriction cannot be imposed and in any event that point did not fall within the jurisdiction of the Board.

12. Dr. Parekh then suggested that a 40 feet road in the Scheme is lying within the Highway itself ; that it is a part of the Highway and the cost of the proposed 40 feet road should not be included in the scheme. He was, however, informed that his contention was not correct, as it was a matter of layout and it was not for the Board to say whether the road should be of 10 feet or 20 feet width as this matter vested entirely within the jurisdiction of the Arbitrator.

13. It was then contended by him that some of the plot owners pursuant to the agreement in that behalf with the Municipality had deposited some amounts for construction of some roads and that the Board should direct the Local Authority to adjust such amounts towards the betterment charges. The President informed Dr. Parekh that it was not for the Board of Appeal to issue any such direction but generally there should be no objection to such adjustments being made if there is an agreement to that effect between his client and the Municipality.

14. Shri Iyer who appeared on behalf of the owners of Final Plot Nos. 29 and 30 in his general objections to the Scheme stated that the cost of the Highway was charged to the scheme which was not at all going to benefit the residents of the scheme and which is not meant for any internal development of the Town Planning Scheme and that the Highway would only be beneficial to relieve heavy traffic on Ghodbunder Road. He further argued that certain roads are proposed to be made 60 feet wide in the scheme and according to him there was no necessity for a residential area like this to have roads of more than 40 feet width. It was pointed out to him that the question did not fall within the jurisdiction of the Board. He was further informed that apart from a 40 feet access road to be made at one side, the cost of making the 200 feet Relief Road apart from the cost of reserving the land for the purpose had not been debited to the scheme. His contention was that the cost for the extra width of the road should be charged to the Municipality and not to the owners of the scheme. The President, however, ruled that the Board had no jurisdiction to go into this question. In this connection we would refer to the detailed reasons given in paragraph 10 of the Decision of the Board of Appeal in Town Planning Scheme, Ghatkopar No. III, a copy whereof is reproduced for ready reference in the Appendix annexed hereto.

15. Shri Iyer then argued that the Final Plot Nos. 2 and 6 were allotted for parking purposes and must be treated as allotted for public purposes ; but still they are charged to the scheme. He said that it is very hard to expect that any of the residents in the scheme area in question, who are mostly of middle class, would have cars to park at these places. The President pointed out that the parking places were also meant for public vehicles and to that extent the owners and residents in the scheme area would be benefitted. The President further observed that the Arbitrator has held both the plots as wholly beneficial to the residents of the scheme area and as such under the provisions of the Act, viz. Section 32(1) (iv) in those cases where the Arbitrator has held the plots as fully beneficial, the Board had no jurisdiction to go into the question. Regarding the other public places, e.g. recreation ground and garden he argued that the recreation ground and the garden which were on the extreme northern part of the scheme area and which were held as fully beneficial to the scheme should not have been so held. It was pointed out to Shri Iyer that in these matters the Board had absolutely no jurisdiction to interfere. Shri Iyer then took the Board of Appeal into some figures regarding the finance of the draft scheme and invited attention of the Board to item No. 3 of the draft scheme.

| | Rs. |
|---|-------|
| Item No. 3 of the draft scheme—finance giving cost of publication | 7,568 |
| Survey | 3,784 |

It was however pointed out to Shri Iyer that the statement made by him did not seem to be correct inasmuch as in the draft scheme these figures were shown in separate items whereas in the Arbitrator's papers they were lumped up together and thus there would not be any inconsistency about the same. Then Shri Iyer argued that as the land was already surveyed by the Government this cost should not have been charged to the residents and he was told that in fact this entire land had to be surveyed again and the cost has been properly charged. In any event he was informed that the Board could not go into this question. In respect of some of the plots on behalf of the owners of which he appeared, it was argued that in some cases less area was given to the plot-holders and that equitably considered the Arbitrator should be directed to re-consider the matter. The President informed Shri Iyer that the question did not fall within the jurisdiction of the Board.

16. Shri Punjabi who appeared on behalf of the Housing Board maintained that the Board had already incurred expenditure for the construction of roads, laying of water mains, etc. and also complained regarding the allotment of the area being less than what was originally possessed by them. On the question of the area, the President ruled that the Board could not go into the question. Shri Punjabi, relying upon section 89 of the Bombay Town Planning Act, 1954 (corresponding with section 8A introduced in 1948 in the Bombay Town Planning Act

of 1915), argued that as the present Scheme was revised in or after 1950, it could not include the area in the Housing Board's scheme and that area should be exempted from inclusion in the Town Planning Scheme. The President however observed, that in the present case only the layout of the Scheme had to be considerably altered in about 1952 due especially to the shifting of the site of the National Highway, but the Scheme area was not altered in any respect. In consequence, the original declaration of intention with regard to the area to be included in the Scheme, which was of 1922 remained in force and as such section 8A of the old Act or section 89 of the new Act would not be applicable to the case and no exemption could be granted to the Housing Board in the payment of betterment charges on that score, as the Scheme had not been scrapped and could not be taken as having come into existence only in 1952. Although the Scheme was shelved for a considerable time, the area included in the original scheme was not at all changed; but what was changed was the layout of the scheme and the area subsequently allotted to the Housing Board was included in the original scheme and is still there. He was further informed that because of this, the final values as estimated by the Arbitrator were of the date of declaration of the scheme and not the final values of about 1952 when the layout was changed. He was informed that the specific provisions to which he had made a reference could only be applicable with reference to a scheme which was declared after the date those provisions came into force in 1948 and in the present scheme the question did not arise of exempting the Housing Board from the Town Planning Scheme.

17. Shri Punjabi then argued that the Housing Board had incurred expenses for construction of roads, laying of water mains, etc. which the Local Authority ought to have provided and hence the amount so spent by the Housing Board should be adjusted towards the incremental contribution. The President observed that any expenses incurred by an owner after the date of declaration of the scheme could not be taken into consideration. It was further pointed out to Shri Punjabi that in any event the expenses incurred by the Housing Board were within the area owned by the Housing Board and could not be said to have been incurred for the benefit of the general public or of the scheme in general.

18. Shri Deshpande who appeared for some of the plot-holders suggested that the original values were fixed as of 1922 which were too low. It was pointed out to him that the fixation of the values as of 1922 was strictly in accordance with the Act and he was informed that the question of original values was entirely within the discretion of the Arbitrator and that it was not within the jurisdiction of the Board to touch the original or semi-final values fixed for the purpose of section 32(I) (iii) of the Act of 1954. He was informed that this has been the consistent course of decisions from which the Board did not see any reason to depart. In this connection he was referred to paragraph 16 of the Decision of the Board of Appeal in Town Planning Scheme, Ghatkopar No. III, a copy whereof is reproduced for ready reference in the Appendix annexed hereto. Shri Deshpande also referred to the layout of the scheme and on that point as well he was informed that the said question did not fall within the jurisdiction of the Board. Shri Deshpande relied on the provisions of section 40 of the Town Planning Act. The President informed him that he had already given a ruling when Dr. Parekh took up that point that his interpretation of section 40 was not acceptable to the Board.

19. In some of the cases where the structures were erected after 1922, parties wanted to claim compensation for injurious affection. In all such cases the President ruled that no such claims could be entertained as they would not fall within the meaning of injurious affection. Points such as these were taken up by Shri Sanghavi in Appeal No. 34, by Shri C. D. Vaikya in Appeal No. 39 and by Shri Deshpande in Appeal No. 21. Dr. Parekh also argued the question of injurious affection in respect of Final Plot 129 saying that having regard to the fact that the opposite plot was being used for religious purposes viz. as a Gurudwar, the value of his plot had been affected and would come within the meaning of injurious affection. The President ruled that such a contention was untenable.

20. The most important point that was argued in the course of the hearing of Appeal No. 30 was that betterment charges were in the nature of a tax. Shri Desai further sought to contend that having regard to the provisions of the Act, his client should be exempted from the payment of betterment charges and he relied on section 66, sub-clause (iii) which reads as follows:—

“No such contribution shall be levied on a plot used, allotted or reserved for a public purpose, or purpose of the local authority, which is solely for the benefit of owners or residents within the area of the scheme.”

Shri Desai wanted to divide the section in two parts i.e., to say (i) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose; (ii) or used, allotted or reserved for the purpose of the local authority which is solely for the benefit of the owners or residents within the area of the scheme. Shortly stated, he wanted the words “which is solely for the benefit of owners or residents within the area of the Scheme” to go only with the words “local authority” and not with the words “public purpose”. The President ruled that the constructions sought to be placed by Shri Desai on section 66 was not acceptable to him, and he ruled that the words “which is solely for the benefit of the owners or residents within the area of the scheme” must also go with the words “public purpose” in the first part of the section. The section hence would read as follows:—

“No such contribution shall be levied on a plot used, allotted or reserved for a public purpose which is solely for the benefit of the owners or residents of the area of the scheme.”

The President observed that Shri Desai could not say that his client's plot was used, allotted or reserved for a public purpose which is solely for the benefit of owners or residents within the area of the scheme and if that was so then certainly the provision of section 66 (3) would not be attracted.

21. The next point then argued by Shri Desai was that the incremental contribution sought to be levied was in the nature of a tax and as such the same could not be levied upon his client. It was pointed out to Shri Desai that this point was canvassed in the previous proceedings in which the Board had held that the betterment contribution levied was not in the nature of a tax. Shri Desai's attention was invited to the observations made by the Board of Appeal in paragraph 13 of the Decision in Town Planning Scheme, Ghatkopar No. III, a copy whereof is reproduced

for ready reference in the Appendix annexed hereto. Shri Desai however proceeded to say that he was in a position to support his contention contrary to the Board's ruling by reference to some authorities and he cited the following authorities which, according to him, supported his proposition:—

| | |
|-----------------|-------|
| S. C. R. [1954] | 1055. |
| F. C. R. [1949] | 368. |
| 1914 [A. C.] | 992. |

On perusal of these authorities however it was sufficiently apparent that the view, as held by the Board in the abovementioned decision, was fully supported by the said authorities and if anything the said authorities went completely against the contention of Shri Desai. The Board hence has no hesitation in repelling the contention of Shri Desai to the effect that betterment contribution is in the nature of a tax. The above were some of the contentions raised on behalf of the parties concerned.

22. On behalf of some of the owners of the Final Plots it was sought to be argued that the maximum of 50 per cent. of the increments fixed as contribution to be paid by the owners was too high and that we should reduce this percentage. The President pointed out that as the estimated cost of the Scheme has exceeded 50 per cent. of the total increments estimated in respect of the final plots, the Board of Appeal had no jurisdiction under the Act to reduce the percentage of contribution for the detailed reasons given in paragraph 11 of the Decision of the Board of Appeal in Town Planning Scheme, Ghatkopar No. III, a copy whereof is reproduced for ready reference in Appendix annexed hereto.

23. The Board observed that there was a serious discontent among the owners of the plots of the scheme particularly by reason of the fact that inordinately long delay had taken place in the matter of execution of this scheme and by reason thereof it was urged that the plot-holders have been put to serious inconvenience. The President, however, observed that it was not a point which could legitimately fall within the jurisdiction of the Board; but he did agree that it would have been more satisfactory if the Scheme had been completed within some reasonable time and expressed the hope that now at least it would be completed with as little delay as possible.

24. The Board then took up the consideration of the plots in the scheme which formed the subject matter of appeals and heard arguments as to the final values and the increments proposed and on all other matters arising out of the provisions of sections 32, sub-section (1), clauses (v), (vi), (viii), (ix), (x) and (xiii) of the new Act. The owners of 133 out of 192 final plots allotted for other than public purposes, did not file any appeal while the appeals filed by the owners of 7 other final plots were presented out of time and, therefore, could not be considered by the Board. In the case of these 140 final plots the Board had to accept the decision of the Arbitrator or Town Planning Officer as final and binding on the parties as expressly provided by section 43(1) of the Bombay Town Planning Act, 1954.

25. It cannot be disputed that after the first World War the prices of land reached their height round about 1921-22. However, the Board felt that they would not in some cases be as high as have been held by the Arbitrator. The Board felt that in 31 out of the 52 cases which could be taken into consideration by the Board, the Arbitrator's estimates are somewhat on the higher side and the Board thought it fit to give concessions to the plot-holders by way of reduction in increment as per our decision annexed hereto as Schedule "A".

26. The Board has given careful consideration to the plea put forward on behalf of the Municipality for a substantial increase in the increments as suggested by the Arbitrator on the ground that the final values fixed by him were inadequate. We are unable to accept this contention having regard to the prices realised at the material time by the sale of plots in developed areas as shown by the instances which have been placed before us. After all, increments representing betterment being based on speculative estimates, prudence requires that final values should be fixed on a conservative basis; and having regard to that principle, except in those cases where the Board has reduced the increments as suggested by the Arbitrator, the Board found that the increments suggested by the Arbitrator and which had not become final by reason of section 43(1) of the Act were on the whole justified and the Board retained the same.

27. With regard to Final Plots reserved for public purposes, the areas of some of these plots are held by the Arbitrator to be wholly beneficial to the owners or residents within the area of the Scheme under section 30(3A) of the old Act, corresponding to section 32(1) (v) of the new Act; and no increments have been fixed in respect of such final plots. We find that we have been precluded by the new Act from going into the correctness of such decision as no appeal is provided against the determination of the Arbitrator or the Town Planning Officer in regard to this matter falling under clause (v) of section 32(1) of the new Act. As regards the decision of the Arbitrator holding one of the Final Plots, viz. Final Plot 133 reserved for Municipal offices to be partially beneficial to the owners or residents within the area of the scheme we hold that we have the necessary jurisdiction to go into the question as to the estimate of the proportion of contribution as made by the Arbitrator as an appeal is allowed against the decision of the Arbitrator or Town Planning Officer estimating such proportion under clause (v) of section 32(1) of the new Act. In the case of this Final Plot more use is likely to be made of the Municipal Offices, for which it is reserved, by the general public as compared with the usefulness of the same for the small number of owners or residents within the area of the scheme. We would, therefore, fix the proportion of the contribution to be levied on the plot at 3/4ths instead of 1/2 for the benefit of the general public.

28. Before concluding our decision it is necessary for us to place on record that we have found that Shri V. K. Bakre, Arbitrator, has on the whole applied his mind carefully to each individual case and his estimates as to increments are on the whole fair. We may observe that Shri Bakre kept us informed about the different factors affecting the valuation of the plots and rendered us considerable help when the work of the hearing of the matters involved proceeded before us for which we thank him.

29. We further wish to express our thanks to the Bombay Municipal Corporation for the assistance given specially by Shri C. D. Bapat and Shri Iyer, Assistant Engineers Town Planning (Suburbs), who appeared before us on behalf of the Local Authority. We sincerely appreciate the help given in our work at the time of the hearing both by Shri Bapat and Shri Iyer, as also by all the learned Advocates, Attorneys and Architects who appeared for the different owners.

30. We must express our thanks to Shri Mehta, the Principal Judge, City Civil Court, Bombay, for having allowed the Court premises to be used for the purposes of conducting these appeals and for locating the office of the Board of Appeal thereby greatly facilitating the work of the Board. Finally, we wish to express our appreciation of the services rendered to us by the staff and in particular by (1) Shri P. H. Karandikar, (2) Shri M. G. Vaze and (3) Shri H. D. Kulkarni whose sincere devotion to duty was commendable.

Room No. 86, 3rd floor,
City Civil Courts Building
(High Court Annexe),
Fort, Bombay-1.
Dated 7th May 1958.

M. A. SAKHARDANDE,
President.

M. D. LALKAKA,
Assessor.

G. A. KAMTEKAR,
Assessor.

APPENDIX.

Containing extracts from the decision of the Board of Appeal in Town Planning Scheme, Ghatkopar No. III, pronounced on 12th April 1968.

Paragraph 9.—It was next sought to be urged by Mr. Khona and also by Mr. Divecha, who appeared for different owners, that in estimating the cost of the Scheme the Arbitrator had taken the prices for the making of roads etc. prevailing at the time of the declaration of his Award in 1956, while according to them he should have taken such prices as prevailing at the date of the declaration of intention to make the Scheme viz. 29th March 1947 being the material date mentioned under section 17 of the old Act (corresponding with section 65 of the new Act). So far as the ascertainment of the cost of the Scheme is concerned the Act does not appear to give the Board of Appeal any power to revise the Arbitrator's or Town Planning Officer's estimates made under section 32(1) (xiv) of the new Act (corresponding with section 30(1) of the old Act) which allows him to make variations in the draft scheme prepared by the Local Authority showing *inter alia* the estimate of the net cost of the scheme to be borne by the Local Authority; *vide* section 11(d) of the old Act (corresponding with section 25(d) of the new Act). However, we may state that even if we had jurisdiction to revise the estimate of the Arbitrator in this regard, in our opinion, the scheme of both the old and the new Acts makes it clear that the estimate of the cost to be made by the Arbitrator or the Town Planning Officer must be an estimate of the actual cost of the scheme which the Local Authority would be called upon to bear, so far as the same can be ascertained at the date of ascertainment and not the hypothetical cost for the scheme as if the scheme had been completed at the date of declaration of intention to make it. By the frame of the Acts, the legislature has made express provision for the taking of such a hypothetical date only for the purpose of the valuation of the plots for the calculation of increment, etc., under section 65 and 67 of the new Act (corresponding with sections 17 and 19 of the old Act); while no such provision for any hypothetical date has been made under section 64 of the new Act (corresponding with section 16 of the old Act) which deals with the actual cost of the scheme, which under section 66 of the new Act (corresponding with section 18 of the old Act) has to be met wholly or in part by the contribution to be levied on the plots included in the final scheme.

Paragraph 10.—It was further urged by Mr. Divecha that the proposed new wide road which was expected to relieve traffic jam on the existing Mahatma Gandhi Road was going to benefit the people of the entire town of Ghatkopar and would also be a great benefit to the people of Chembur and in consequence the final plot owners in the present Scheme should be asked to pay only a proportionate part of the cost of the making of the new road. Of course every road made for a Town Planning Scheme is bound to afford some benefit to persons other than the owners or residents within the scheme area, as the use of any such public road cannot be confined to such owners or residents. We are however, unable to make any such provision as is desired by Mr. Divecha, because under the Scheme of the Town Planning Act, no provision is made for levying any contribution in respect of roads which are beneficial partly to the owners or residents within the area of the scheme and partly to the general public, such a provision being confined to the case of final plots used, allowed or reserved for a public purpose or purpose of the Local Authority and which are partly beneficial to the general public, in which case a proportionate contribution is required to be levied on such plots under section 66(1) proviso (iv) of the new Act [corresponding with section 18(1) proviso (iv) of the old Act.]

Paragraph 11.—It was next argued and in particular by Mr. K. D. Shah who appeared for some of the owners of the final plots that the arbitrator has fixed the maximum of 50 per cent. as contribution to be paid by the owners on the basis of the betterment charges estimated by him. It was argued that as such proportion was too high we should reduce the contribution by some percentage. The President pointed out that that was not possible to be done inasmuch as the whole scheme of the Town Planning Act as shown especially by the wording of section 32(1) (ix) read in the light of section 66 of the Bombay Town Planning Act, 1954 appears to be that the entire cost of the scheme should if possible be collected from the owners of the properties who are expected to be benefited by the scheme. However, in the event of the betterment charges sought to be collected being found to be more than 50 per cent. of the increment then the Act provides that only 50 per cent. of the increment should be collected from the owners of the property and by way of betterment charges leaving the balance to be borne by the Municipality concerned. The President ruled that in view of the plain provisions of section 66 of the Town Planning Act, 1954, and having regard to the total increment and cost of the scheme as estimated by the Arbitrator, the Arbitrator was bound to direct the maximum 50 per cent. of the contribution to be levied on the individual plot-holders.

Paragraph 13.—Mr. Kirtikar, Superintendent to the Salt Commissioner, who was permitted to appear for the Central Government as the owner of Final Plots 1 and 7, argued that the betterment charges which were sought to be levied in respect of these plots were in the nature of a tax and therefore they should not be levied against the Central Government under the provisions of the Constitution of India. There appears to be no force in this argument because under the scheme of both the old and new Bombay Town Planning Act these betterment charges are to be levied on each of the final plots for the specific purpose of meeting the costs of the Scheme, which is taken to benefit the owners of these plots to a considerably larger extent than the value of such contribution and these amounts are not to be recovered for collecting any general revenues for use for public purposes, or allowing the Local Authority to make any profit out of such contribution. In consequence such contributions cannot be regarded in any sense as a tax which can possibly fall within Article 285 of the Constitution of India.

Paragraph 16.—It was contended by some of the owners and in particular by Mr. Shanghani that the original and semi-final values were too low. The President ruled that as has been repeatedly held, the Board of Appeal has no jurisdiction to touch the original and the semi-final values which the Town Planning Officer has to fix under section 32(1) (iii) of the new Act corresponding with section 30(3) of the old Act and we do not propose to depart from the view which has been consistently taken so far. Apart from the decided cases, however, we are also satisfied on the wording of sections 32, 33, 34 and 35(1) of the new Act (corresponding to sections 30, 31, 32 and 33(5) of the old Act) that so far as the Board of Appeal is concerned, it can only examine the estimates of the increment made by the Arbitrator under sections 32(1) (viii) of the new Act [corresponding to section 30(1) of the old Act] and that otherwise it cannot revise the original and the semi-final values as estimated by the Town Planning Officer or Arbitrator.

SCHEDULE "A"

TOWN PLANNING SCHEME SANTACRUZ No. V

| Final Plot No. | Appeal No. | Remarks as to the increment estimated by the Arbitrator. | Reasons. |
|----------------|--|--|---|
| 3 | TPB/SC/V/34 .. | Reduced to Rs. 4-8-0 from Rs. 5-8-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plot 5. |
| 4 | TPB/SC/V/34 .. | Reduced to Rs. 5-8-0 from Rs. 6-0-0 per square yard. | |
| 18 | TPB/SC/V/34 .. | Reduced to Rs. 4-0-0 from Rs. 4-8-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plots 3 to 5. |
| 19 | TPB/SC/V/34 .. | Reduced to Rs. 3-0-0 from Rs. 3-8-0 per square yard. | |
| 21 | TPB/SC/V/34 .. | Reduced to Rs. 5-0-0 from Rs. 6-0-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plots 18 to 19. |
| 25 | TPB/SC/V/9 | Reduced to Rs. 3-8-0 from Rs. 4-8-0 per square yard. | |
| 36 | TPB/SC/V/1 .. | Reduced to Rs. 4-8-0 from Rs. 5-8-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plot 21. |
| 37 | TPB/SC/V/31 .. | Reduced to Rs. 4-0-0 from Rs. 5-0-0 per square yard. | |
| 42 | TPB/SC/V/14 .. | Reduced to Rs. 3-12-0 from Rs. 4-4-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plots 36 and 37. |
| 44 | TPB/SC/V/43 | Reduced to Rs. 4-8-0 from Rs. 4-12-0 per square yard. | |
| 55A | TPB/SC/V/29 .. | Reduced to Rs. 2-8-0 from Rs. 3-0-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plot 55. |
| 58 | TPB/SC/V/14 .. | Reduced to Rs. 1-0-0 from Rs. 1-4-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plots 32 and 33. |
| 59 | TPB/SC/V/39 .. | Reduced to Rs. 4-0-0 from Rs. 4-4-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plot 30. |
| 60 | TPB/SC/V/22 .. | Reduced to Rs. 3-12-0 from Rs. 4-0-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plot 59. |
| 61 | TPB/SC/V/14 .. | Reduced to Rs. 3-0-0 from Rs. 4-4-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plots 59 and 60. |
| 80 | TPB/SC/V/31 .. | Reduced to Rs. 4-8-0 from Rs. 5-8-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plot 36. |
| 85 | TPB/SC/V/36 .. | Reduced to Rs. 4-12-0 from Rs. 5-8-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plots 80 and 36. |
| 108 | TPB/SC/V/28 .. | Reduced to Rs. 2-12-0 from Rs. 3-8-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plots 76, 121 and 122. |
| 123 | TPP/SC/V/3 TPB/SC/V/13 } | Reduced to Rs. 1-12-0 from Rs. 2-4-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plots 108 and 122. |
| 130 | TPB/SC/V/11 .. | Reduced to Rs. 2-0-0 from Rs. 2-8-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plot 129. |
| 166 | TPB/SC/V/17 (Lessor). TPB/SC/V/18 (Lessee). } | Reduced to Rs. 2-0-0 from Rs. 2-6-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plot 187. |
| 167 | TPB/SC/V/12 | Reduced to Rs. 1-12-0 from Rs. 2-0-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plots 166 and 187. |
| 168 | TPB/SC/V/17 (Lessor). TPB/SC/V/18 (Lessee). } | Reduced to Rs. 1-12-0 from Rs. 2-0-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plots 166, 167 and 187. |
| 169 | TPB/SC/V/17 (Lessor). TPB/SC/V/18 (Lessee). } | Reduced to Rs. 1-8-0 from Rs. 1-13-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plots 166 to 168 and 187. |

| Final Plot No. | Appeal No. | Remarks as to the increment estimated by the Arbitrator. | Reasons. |
|----------------|--|--|---|
| 190 | TPB/SC/V/17 (Lessor). TPB/SC/V/18 (Lessee). | Reduced to Re. 1-6-0 from Re. 1-10-0 per square yard. | To bring it in conformity with neighbouring plots, especially Final Plot 187. |
| 192 | TPB/SC/V/16 .. | Reduced to Re. 1-4-0 from Re. 1-13-0 per square yard. | |
| 196 | TPB/SC/V/16 .. | Reduced to Re. 1-6-0 from Re. 1-13-0 per square yard. | |
| 198 | TPB/SC/V/21 .. | Reduced to Re. 1-10-0 from Rs. 2-8-0 per square yard. | |
| 199 | TPB/SC/V/15 .. | Reduced to Re. 1-8-0 from Rs. 2-5-0 per square yard. | |
| 201 | TPB/SC/V/30 .. | Reduced to Re. 0-11-0 from Re. 1-8-0 per square yard. | As the plot remains in its original condition without any fresh roads and does not get any special benefit by reason of the scheme apart from the general benefit likely to be derived by reason thereof. |
| 203 | TPB/SC/V/2 .. | Reduced to Re. 0-12-0 from Re. 1-0-0 per square yard. | As in Final Plot 201. |

Notes.—(1) The owners of the following Final Plots did not prefer any appeal and hence their cases could not be considered:—

1, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 22, 24, 26, 27, 28, 29, 34, 35, 38, 39, 40, 40-A, 41, 43, 45, 46, 47, 48, 49, 50, 51, 54, 57, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91-94, 95, 96, 97, 98, 99, 100, 101, 102-103, 104, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 125, 126, 127, 128, 134, 137, 138, 136A, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 159, 161, 162, 163, 164, 165, 170, 172, 173, 174, 175, 176, 177, 178, 179, 182, 183, 184, 185, 186, 188, 191, 193, 194, 197, 200, 202.

(2) The owners of the following Final Plots as well as the owner of Original Plot No. 60 preferred appeals but they were time-barred having regard to the provision of section 34 of the Bombay Town Planning Act, 1954, which requires an appeal to be filed within a period of one month from the date of the communication of the Town Planning Officer's decision.

As the Board has no power to excuse delay, as section 5 of the Indian Limitation Act has not been made applicable to appeals filed under the Town Planning Act, the delay could not be condoned. In these circumstances, their cases also could not be considered and the decision of the Arbitrator or Town Planning Officer in those cases had to be treated as final and binding on the parties as provided by section 43(2) of the Act.

Final Plots.—32, 62, 63, 64-66, 105, 171, 189.

(3) Except as to cases where the Board has reduced the increments, in respect of all other final plots the increments as suggested by the Town Planning Officer have been retained.

M. A. Sakhardande,
President.

M. D. Lalkaka,
Assessor.

G. A. Kamtekar,
Assessor.

Dated 7th May 1958.