



**Report of the
Comptroller and Auditor General of India
on
Adarsh Co-operative Housing Society, Mumbai**

**The Report has been laid on the table of the Parliament house
on 09-08-2011**

**Union Government (Defence Services)
No 11 of 2011-12**

Adarsh Co-operative Housing Society

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Comptroller and Auditor General
of India
for the year ended March 2011**

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Preface

The present Report contains the findings of the examination by audit of the Adarsh Co-operative Housing Society. The Report emanates from the scrutiny of files and documents pertaining to the Ministry of Environment and Forests, Defence Estates and Local Military Authorities of Mumbai and Departments and Agencies of Government of Maharashtra. Audit is neither equipped nor empowered to investigate from a criminal or forensic point of view.

The episode of Adarsh Co-operative Housing Society reveals how a group of select officials, placed in key posts, could subvert rules and regulations in order to grab prime government land- a public property- for personal benefit. They resorted to falsification of records, suppression of facts, ruse of welfare of servicemen and their widows and children, flouting of acts and rules. The case is particularly alarming as individuals across the governance system at many levels have participated in this deceit and benefitted from it. These public servants have been trusted by public to safeguard its interests but there is enough evidence that they betrayed the fiduciary trust and acted against all norms of public interest and probity. The entire process of allocation of land to the Society, obtaining no objection from the Army, obtaining modification to the MMRDA development plan, getting an NOC for residential development in Coastal Regulation Zone, obtaining NOC from BEST for transfer of developmental rights of the adjoining land, getting additional Floor Space Index, raising height of the building was riddled with instances of decisions being taken by those who exploited their official capacity for personal benefit. The episode poses serious questions of probity, integrity and ethics in public life and among public servants, which need to be addressed by the Polity. It displays failure at all levels of governance.

The Report has been prepared for submission to the President under Article 151 of the Constitution.

1. Background and Scope of the audit of the case of Adarsh Co-operative Housing Society¹

A Performance Audit of the Defence Estates Management was undertaken by Audit from June 2009 to September 2010. The Audit Report (Report No 35 of 2010-11 of the Comptroller & Auditor General of India) was placed in Parliament on 25 March 2011. The audit of management of Defence land as reported in the aforementioned Audit Report indicated dismal performance on all aspects of land management. It was noticed in audit that poor record keeping and lack of mutation of the land already in possession of the armed forces were among the major reasons that contributed to mismanagement of Defence land. Many cases were noticed where though the land was in possession of the armed forces for long, adequate efforts were not made to get such land mutated in favour of the Ministry of Defence, which is the title holder of all the Defence land. Encroachment on Defence land was rampant.

It was pointed out in the said audit report that multiplicity of agencies managing Defence land had further contributed to the mismanagement. No centralized information was available on land holdings and responsibilities were diffused. The lines of responsibility and consequently of accountability were blurred and on many aspects of land management, no agency accepted responsibility.

In connection with the abovementioned Performance Audit of Defence Estates Management, the case of issue of No Objection Certificate (NOC) in favour of Adarsh Co-operative Housing Society came to notice of Audit. When Audit attempted in April-May 2010 to examine records relating to the case, the related records were denied to Audit by the Headquarters Maharashtra, Gujarat and Goa Area, Mumbai (HQ MG&G) and Headquarters Southern Command, Pune. Audit was eventually allowed to access the records at HQ MG&G Area only during September - October 2010.

While examining the case in the Defence offices concerned, it was also noticed that questionable decisions were taken by various Departments and Agencies of

¹ Adarsh Co-operative Housing Society in this report has been frequently referred to as Society with capital S.

the Government of Maharashtra and hence the scope of audit was expanded to cover the concerned Departments and Agencies of Government of Maharashtra dealing with the issue. The scope included tracing the genesis of the case and examining the different decisions that were taken at various levels in Defence offices, Departments and Agencies of Government of Maharashtra and Ministry of Environment and Forests, Government of India. The methodology included scrutiny of files and documents in these offices to examine the decisions taken at various levels. It was noticed in audit that in most cases decisions that were taken resulted in undue favour to the Society. Many of the officials who were involved in such decisions were direct beneficiaries. Either they or their relations already were or later became members of the Society.

The relevant audit observations were issued to the Ministry of Defence, Ministry of Environment and Forests and to the Departments and Agencies concerned of the State Government in November 2010 and March/April 2011. The replies of the organisations wherever received have been incorporated as and where applicable.

2. The genesis

In February 2000, Shri Ramchandra Sonelal Thakur, a serving Sub-divisional Officer in the Defence Estates Office (DEO) Mumbai in his capacity as Chief Promoter of Adarsh Co-operative Housing Society addressed a letter to the then Chief Minister of Maharashtra for allotment of 3854² square metres of land in Block No VI of Back Bay Reclamation Scheme (BBR), Colaba, Mumbai for construction of residential building for the welfare of serving and retired personnel of Defence Services. Copy of the letter is placed at Annexure I. The Chief Minister recorded on the letter on 19 February 2000 as follows:

“Pr Sec (Rev)

Pl call for the proposal and put up.

Sd/”

² The actual area of the land was 3824.43 square metres.

On 29 March 2000, Collector, Mumbai City approached the Headquarters, Maharashtra and Gujarat Area (HQ M&G)³ for issuance of “No Objection Certificate” for the plot as it was under the occupation of the Military. With an alacrity which is usually not evident, in just six days, on 5 April 2000, the HQ M&G Area conveyed to the Collector that *“the said land falls in Block No VI of Colaba Division (Backbay Reclamation Scheme -VI), which falls outside the Defence Boundary. Necessary action at your end may be taken as deemed fit for the welfare of service personnel/ex-servicemen/their widows”*.

The stand taken by the Local Military Authorities (LMA) was contrary to the facts and it allowed the select few- the members of the Society- to misappropriate the piece of prime land which was in possession of the Army for decades though it was not formally transferred and mutated to the Ministry of Defence. It allowed in October 2004 the transfer of the plot of land measuring 3824.43 square metres in Colaba, to the Society for ₹ 10.19 crore in the name of welfare of servicemen, ex-servicemen and their widows. As membership of the Society continued to expand, the avowed objective of army welfare receded and the benefits accrued to senior Service officers, senior civilian public servants and private individuals, most of whom were relations of politicians and public servants.

From the very beginning, the welfare of the servicemen and ex-servicemen in one form or the other was used as a ruse to grab this piece of public land. In various correspondences from the Society, Defence Authorities and Government of Maharashtra at different points of time, the prime reason for allotment of the land has been described as welfare of service personnel and ex-servicemen. “Girls’ hostel for wards of army officers posted in far flung areas”, “welfare of Kargil war heroes”, “welfare of widows of servicemen”, “welfare of soldiers who have served their motherland” were used as grounds on almost all occasions for seeking relaxations in favour of the Society at different points of time.

Contrary to such pious avowals, the action of the Local Military Authorities acting in collusion with the officials of the Defence Estates Organization enabled misappropriation of prime government land in Mumbai for the

³ Maharashtra & Gujarat Area was changed to Maharashtra, Gujarat & Goa Area from 9.2.2004.

benefit of a select few. These officials in fact were those entrusted with the fiduciary responsibility of protection of Defence land. They betrayed the trust reposed in them for the personal benefit of a number of favoured individuals—all of whom are highly placed. As events would turn out, there was no place for any girls' hostel or for that matter any other facility for welfare of servicemen.

It would be only reasonable to conclude that though references to 'widows' and 'Kargil Heroes' was being repeatedly made, such could never have been the intention as these individuals would not have the financial capability to meet the cost of apartments in this structure.

3. Chronology of events

A chronological enumeration of the violation of norms and various concessions given to the Society by the LMA and Departments and agencies of the Government of Maharashtra is given below:

Date	Event
7 February 2000	Society submits proposal to the Chief Minister of Maharashtra for allotment of 3854 square metres of land in Block VI Back Bay Reclamation for construction of residential building.
19 February 2000	Chief Minister marked the Society's proposal to Principal Secretary (Revenue), Revenue and Forest Department (RFD), Government of Maharashtra with instructions to call for the proposal and put up.
06 March 2000	RFD, Government of Maharashtra forwarded the Society's proposal to the Collector, Mumbai City for self-explanatory report.
27 March 2000	Site inspection by Collector indicated that the land was enclosed by a boundary wall constructed by the 'Military Department'.
29 March 2000	Collector approached the HQ M&G Area for NOC.
05 April 2000	HQ M&G Area informed the Collector that the land fell "outside the Defence boundary". It was further requested that "necessary action at your end may be taken as deemed fit for the welfare of Service personnel/ ex-Servicemen/ their widows".
12 May 2000	Collector informed RFD that <ul style="list-style-type: none"> ❖ the land is reserved for road widening as per MMRDA's⁴ development plan; therefore NOC from MCGM⁵ and approval of MMRDA should be taken; ❖ membership should be approved by the Government and ❖ Occupancy charges at 20 per cent of market rate as on 1st January of the year in which the allotment is made is leviable.
02 June 2000	Society in its letter dated 2 June 2000 accepts in writing to accommodate 40 per cent civilians as discussed in a meeting on the same day with Shri

⁴ Mumbai Metropolitan Region Development Authority

⁵ Municipal Corporation of Greater Mumbai

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	Ashok Chavan Revenue Minister. The Society requested his help to reward and accommodate the Kargil heroes. The Minister marked the Society's request to Secretary RFD.
10 April 2002	Urban Development Department (UDD) approved modifications by deletion of 60.97 metres wide road leading to South Colaba Harbour link and changing width of Captain Prakash Pethe Marg from 60.97 metres to 18.40 metres.
18 January 2003	Revenue and Forest Department, Government of Maharashtra issued 'Letter of Intent' to the Society regarding allotment of the plot of land.
17 March 2003	The Society wrote to Shri Sunil Tatkare, Minister of State for Urban Development, Government of Maharashtra for allotment of additional FSI of the adjoining plot used by Brihan-Mumbai Electric Supply & Transport Undertaking (BEST) as approach road, as it was finding it difficult to accommodate all the 71 members already approved by the Government.
10 May 2003	Shri Kanhaiyalal Gidwani MLC and a member of the Society approached Shri Shivajirao Nilangekar, Revenue Minister Government of Maharashtra for exemption of the income level beyond ₹12,500 in the case of ex-service men as a 'good gesture to our brave soldiers'.
16 June 2003	Shri Saurav Ray, Defence Estate Officer's letter to District Collector, Mumbai conveying certain facts against the proposal to allot land for ACHS for construction of multi storeyed residential building at Block VI/VII in Colaba adjacent to the Backbay Bus Stand/Army POL Depot.
08 October 2003	Out of the 71 members, the Collector scrutinized the eligibility of 41 members with reference to income, domicile in Maharashtra and caste category and only 30 were found eligible.
09 July 2004	Government of Maharashtra accorded sanction for allotment of land to the Society levying occupancy charges of ₹ 10.19 crore. List of 20 members approved by the Government was also enclosed with the sanction.
12 July 2004	The Society wrote to Shri Sushil Kumar Shinde, Chief Minister of Maharashtra and Shri Sunil Tatkare, Minister of State for Urban Development for additional FSI of the adjacent plot used by BEST as approach road to Backbay Reclamation Depot.
14 July 2004	Meeting held by Shri Sunil Tatkare, Minister of State for Urban Development for discussing the request of the Society for additional FSI in which Shri Ramanand Tiwari, Principal Secretary UDD stated that the land was reserved for BEST bus depot and was being used by BEST as access to the Depot, so it was not possible to allot the FSI of the reserved plot to the Society. The Society was therefore asked to approach the Government to de-reserve the plot by following the normal procedure which would take at least six months.
28 September 2004	Adarsh Cooperative Housing Society was formally registered.
04 October 2004	The plot was handed over to the Society.
30 October 2004	UDD called for the comments of BEST on the Society's request for allotment of additional FSI of the adjacent plot.
07 December 2004	Assistant General Manager (Civil) and Additional GM of BEST opined that the land should be out of purview of any allotment/reservation and should be retained as access to the BEST Depot.
15	In a meeting held by Shri Sunil Tatkare, Minister of State for Urban

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December 2004	Development at Nagpur, representative of BEST indicated that BEST would not give NOC as requested by the Principal Secretary (Revenue) for de-reservation of the land.
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05 January 2005	In a meeting held in the Chamber of Shri Sunil Tatkare, Minister of State of Urban Development, Shri Ramanand Tiwari Principal Secretary UDD stated that the land belonged to the State Government and if it is to be allotted to BEST, it would be required to bear the cost of land at the current market rate.
11 January 2005	BEST decided to leave the decision to the State Government regarding the issue of allotment of the FSI of the plot but requested that the interest of BEST be protected by maintaining present status of access without any encroachment on the plot.
15 February 2005	The State Government amended the GR of 9.7.1999 raising the income limit for eligibility to all and waiving the requirement of domicile in respect of serving Defence personnel and ex-service men belonging to Maharashtra, retired State Government employees and officers appointed to the Government of Maharashtra.
05 August 2005	Government of Maharashtra allowed the additional FSI of the adjoining land used by BEST to the Society.
Environment clearance and CRZ Violations	
11 March 2003	In response to a reference by the Urban Development Department of Government of Maharashtra for grant of 'Development Permission' to the Society, the Ministry of Environment and Forests, Government of India (MoEF) informed UDD that the proposed residential complex falls in CRZ II and MoEF had already delegated powers to the concerned State Governments for undertaking developments in CRZ II. The construction may be taken up as per the CRZ notification and approved revised Coastal Zone Management Plan of Mumbai.
15 March 2003	Interpreting this as a 'No Objection' Certificate, Shri PV Deshmukh, Deputy Secretary UDD informed MCGM that MoEF had communicated 'No Objection' to residential development in the CRZ II by the Society.
28 July 2004	The State Government set up 'High Rise Committee' to scrutinize development proposals of all buildings having height more than 70 metres.
06 September 2005	MMRDA deducted 15 <i>per cent</i> FSI for Recreation Ground while approving the building plan of the Society.
06 September 2005	MMRDA issued Commencement Certificate for the building up to plinth level.
11 June 2007	MMRDA forwarded Commencement Certificate to MCGM up to four floors.
01 September 2007	High Rise Committee issues NOC for 3 rd to 27 th upper floors with a height of 97.60 metres up to terrace floor level (stilt+ 2 level podium + 1 st and 2 nd floor for commercial use + 3 rd to 27 th upper residential floors)
22 January 2008	MMRDA forwarded Commencement Certificate to MCGM from 5 th to 27 th floor.
02 January 2009	The Society approached MMRDA to grant FSI in lieu of 15 <i>per cent</i> FSI for Recreation Ground deducted by MMRDA.
24 March 2009	MMRDA took up the case with UDD for approval to exclude the 15 <i>per cent</i> deduction on account of Recreation Ground.

20 July 2009	UDD approved the proposal to exclude the 15 <i>per cent</i> deduction on account of Recreation Ground.
14 October 2009	Meeting in MCGM to consider the proposal of the Society to regularize the 28 th floor constructed by the Society without insisting on clearance from the High Rise Committee.
21 October 2009	Shri Jairaj Phatak, Commissioner MCGM accepted the proposal of the Society to regularize the 28 th floor without clearance from the High Rise Committee and to obtain the approval of MMRDA.
09 November 2009	MCGM informed the Society to obtain the approval of MMRDA for regularization of the additional 28 th floor.
04 August 2010	Commencement Certificate for 28 th floor issued by MMRDA directly to the Society.
16 September 2010	MMRDA approved issuance of occupancy certificate for stilt + 2 level podium + 28 upper floors.
30 October 2010	Occupancy certificate was cancelled by MMRDA.
15 November 2010	Principal Secretary UDD observed that orders for exclusion of the 15 <i>per cent</i> FSI for Recreation Ground were issued without verification about the availability of 15 <i>per cent</i> Recreation Ground in the BBR scheme as large tracts of land otherwise served as Recreation Ground were occupied by slums.

The chronology of the aforementioned events indicates the alacrity with which the varied requests of the Society were attended to. It illustrates how permissions were sought, and granted, on grounds which do not now stand to public scrutiny. It also indicates how vague clearances, susceptible to multiple interpretations, were provided so as to facilitate the rather dubious intentions of the members and promoters of the Society. The complicity, as is evident, is from the organs of the State Government, the Armed Forces, the Central Government and Local Bodies, each of which is otherwise prone to be intransigent when approached by a common citizen.

4. The land was in possession of Army though title was not transferred

Facts of the case as gathered from various correspondence available in Government of Maharashtra as also from records of DEO Mumbai conclusively prove that the land was in possession of Army, a fact that the officials of Government of Maharashtra, HQ M&G area and Defence Estates Office should have been aware of, but probably chose to ignore. The title to the land however was never formally transferred to the Ministry of Defence.

The following excerpts from a letter dated 12 December 1989 from City Survey & Land Records Branch, Collectorate Bombay City and Bombay Suburban District addressed to Additional Chief Secretary, Revenue and Forest Department, Government of Maharashtra on the proposal for construction of Rest House for ex-Servicemen would indicate that the Collectorate was aware as early as in 1989 of the fact that the land was in possession of Army. It is evident that the Collectorate was also aware that the land did not have any City Survey number and the Military area and jurisdiction began from this piece of land. While dealing with the case of No Objection Certificate, the Local Military Authorities and Defence Estates Office did not have any hesitation to aver that the piece of land fell outside the Defence boundary.

Excerpts from Collector Bombay's letter No CSLR/REV-II /T-2/ Misc 1989-90 /3368 dated 12 December 1989.

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

Even the letter from the Chief Promoter to the Chief Minister corroborated the fact that the land was in possession of the Army authorities.

Excerpts of letter dated 7 February 2000 from Chief Promoter of the Society to the Chief Minister

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

The letter of the Chief Promoter would clearly indicate the knowledge that the land was in the possession of the army. The title of the land was never, however, transferred to Ministry of Defence. As subsequent events would prove, this fact of possession of land by Army without holding the title of the land, was exploited in full to misappropriate the land for private benefit.

Even the site inspection of the Collector on 27 March 2000 indicated that the land was in possession of army.

The Collector, Mumbai City requested General Officer Commanding (GOC) M&G Area, Mumbai on 29 March 2000 to confirm that Army had no objection for allotting the said plot to the Chief Promoter of the Society. The Collector's letter again mentioned that a site inspection on 27 March 2000 revealed that the *"military department has constructed the wall to the above plot and hence the Government land protected from encroachment. The same land applied by the above proposed Society"*.

Thus it would be evident that even the site inspection indicated that the land had a boundary wall put up by the military authorities. Indeed, it was seen in audit that on the land in Plot No.6 of Block VI Army had created an 'Ecological Park' named Khukri Eco Park which was inaugurated in October 1996 by Major General B A Cariappa, the then GOC M&G Area. This 'Ecological Park' was fenced by a boundary wall with a gate constructed by Military Engineer Services.

Unusual alacrity by Local Military Authorities and Defence Estates Office in issuing the No Objection Certificate

The Collector's letter was dated 29 March 2000. On the next day itself, the HQ M&G Area wrote to DEO Mumbai and HQ Mumbai Sub Area for confirmation by 01 April 2000 of the status of land in Plot No.6. Block VI. Displaying surprising alacrity, the DEO too on the same day, i.e. 30 March 2000 confirmed that the land in question forming part of Block VI fell outside the Defence Boundary and belonged to Government of Maharashtra. The replies of the local military authority and the DEO, who were responsible for the safe custody of all Defence land in possession, ignored the fact that the site inspection by the Collector just a few days earlier indicated boundary walls erected by military authorities.

Although the said land was in occupation by LMA, Colonel (Q) signing the letter for GOC HQ M&G Area concealed this fact and informed the Collector on 5 April 2000 that the land *"falls outside the Defence Boundary"* and exhorted the Collector to take action as deemed fit for the welfare of Service Personnel/Ex-Servicemen/their widows.

Excerpts from letter of Col(Q) for GOC, HQ M&G Area dated 05 April 2000 addressed to the Collector Mumbai City.

Subject: Lands- Mumbai City

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

The hurry in which the case was processed by HQ M&G Area and the Defence Estates Office assumes significance as most of the initial members were officials from the Local Military Authorities and Defence Estates Office. **The son of the then GOC HQ M&G Area was a member of the Society, a fact that would indicate a clear conflict of interest. Shri M Gurusamy, then DEO, Mumbai, who certified that the said land was outside the Defence area was a member of the Society as per the list of members issued by the said society on 23 August 2002. He was later replaced.**

All Service Officers except one⁶, who held charge as General Officers Commanding MG&G Area from February 1998 to July 2010, became beneficiaries as per the lists of members of the Society as made available to audit by Collector, Mumbai City. While Lieutenant A P Kumar, a member, is the son of Major General A R Kumar, the other officials were themselves members of the Society. These Officers, and the Defence Estates Officers, were individually and collectively in their official capacity responsible for the custody and protection of the said Defence land at different points of time. The Officers holding the post of the General Officer Commanding-in-Chief Southern Command from October 2000 to September 2001 and from October 2001 to February 2004 also became members of the Housing Society.

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

⁶ The membership of Lt Gen Tejinder Singh was approved by the Collector on 8 February 2008. His name however does not appear in the final list of 2010.

List of proposed members as of April 2000 submitted by the Society to the Collector, Mumbai City⁷

Sl. No	Name of Member S/Shri	Branch of Defence Services attached	Sl. No	Name of Member S/Shri	Branch of Defence Services attached
1.	Brig. MM Wanchu	Army	21.	M Gurusamy	Defence Estates
2.	RC Thakur	Defence Estates	22.	PK Hinduja	Defence Estates
3.	Col. KJS Khurana	Army	23.	Col. Amarjit Singh	Army
4.	Cdr. SP Singh	Navy	24.	Lt Col. PH Ram	Army
5.	Maj. RK Singh	Army	25.	Lt Col. RM Jain	Army
6.	Maj. MD Singh	Army	26.	Brig RC Sharma	Army
7.	Col. RK Bakshi	Army	27.	Lt Cdr. GS Garewal	Navy
8.	Col. SD Tandon	Army	28.	Capt. Pravin Kumar	Navy
9.	Lt. A Puran Kumar	Navy	29.	Lt. Cdr. JE Mathew	Navy
10.	Brig. AC Chopra	Army	30.	Cdr. AS Balakrishna	Navy
11.	Brig. HH Israni	Army	31.	Lt Col. HS Garewal,	Army
12.	Lt. Gen. IK Varma	Army	32.	Rear Admiral RP Sutan	Navy
13.	Brig. TK Kaul	Army	33.	Surgeon Cdr. PS Tambi	Navy
14.	Smt Sushila Shaligram, Widow	MES	34.	RP Singh	Defence Estates
15.	Cdr. Rajiv Pilo	Navy	35.	Maj. Ajay S Kapoor	MES
16.	Capt. KH Chaoji	Army	36.	Col. SK Jain	Army
17.	R Srinivasan	Defence Estates	37.	Lt. Col. HS Puri	Army
18.	K Subramanian	Defence Estates	38.	Maj. Ramesh Bakshi	Army
19.	Aditya Kumar	Defence Estates	39.	Brig. PK Rampal	Army
20.	D K Reddy	Defence Estates	40.	Sub. RN Thakur	Army

⁷ Many of the members proposed in this list do not feature in the final list of 102 members

List of members proposed by the Society as of August 2002

Sl. No	Name of Member S/Shri	Branch of Defence Services attached	Sl. No	Name of Member S/Shri	Branch of Defence Services attached
1	Ramchandra Sonelal Thakur	Defence Estates	36	JM Abhayankar	Reserve
2	Brig MM Wanchu	Army	37	Cmde GB Bharti	Navy
3	Col SG Tandon	Army	38	Smt Mamta R Kanade	Reserve
4	Cdr Rajiv Pilo	Navy	39	PB Shingankar	
5	Lt A Puran Kumar	Navy	40	AH Sancheti	
6	Maj Gen VS Yadav	Army	41	PV Deshmukh	
7	Maj Gen PK Rampal	Army	42	Rajesh Tiwari	
8	Lt Cdr GS Grewal	Navy	43	Smt P Mamta Devi	Reserve
9	Brig RC Sharma	Army	44	GS Koli	Reserve
10	Col Amarjeet Singh	Army	45	Maj Tejbir Singh	Army
11	Lt Col PH Ram	Army	46	SS Chavan	Reserve
12	Capt Praveen Kumar	Navy	47	SR Ruke	Reserve
13	Col RK Bakshi	Army	48	AV Karbhari	Reserve
14	M Gurusami	Defence Estates	49	KW Bhandge	Reserve
15	Brig AC Chopra	Army	50	Miss HM Havnur	Reserve
16	Aditya Kumar	Defence Estates	51	Kanhaiyalal Gidwani	MLC
17	K Subramanian	Defence Estates	52	Miss KS Godbole	
18	DK Reddy	Defence Estates	53	Cdr KG Singh	Navy
19	Cdr AS Balakrishna	Navy	54	Cdr H Singh	Navy
20	Maj RK Singh	Army	55	Jawahar K Jagyasi	Reserve
21	Sub RA Thakur	Army	56	Kailash K Gidwani	
22	Lt Cdr John Mathews	Navy	57	Miss Devyani Khankhoge	
23	Cdr PS Tampi	Navy	58	Miss Archana Tiwari	
24	Rear Adm RP Suthan	Navy	59	Amit Gidwani	
25	R Srinivasan	Defence Estates	60	Sunil S Patil	
26	PK Hinduja	Defence Estates	61	Dr AK Bopardikar	
27	SR Kowey	Reserve	62	VS Jadhav	
28	Smt Susheela Shaligram		63	JM Vaidya	
29	Col KSJ Khurana	Army	64	Miss Nikita R Kasat	
30	Maj Gen TK Kaul	Army	65	Smt Jayashri A Bhosale	
31	SF Rajput	Reserve	66	Smt Rakhi J Bhangad	

32	Adm Madhvendra Singh	Navy	67	Malay J Shah	
33	Lt Gen GS Sihota	Army	68	Hiralal D Shah	
34	HP Badriprasad	Defence Estates	69	Arun Pawar	
35	Maj MD Singh	Army	70	Seema Vinod Sharma	
			71	Wg Cdr KV Bopardekar	Air Force

The final list of 102 members as of 2010 is at Annexure II.

As would be seen from the lists of members, while on the one hand, the membership kept expanding, on the other hand even junior service and civilian officers went out of the Society and many senior service officers and public servants became members. **Notable among the service officers who became members of the Society at a later date were two former Chiefs of Army Staff, General NC Vij and General Deepak Kapoor.** Both of them were allowed to be members of the Society as “one time special case” (**Annexure III**) keeping in view their noteworthy service in Indian Army and their social status. Thus in the name of welfare of servicemen and ex-servicemen, it was the select elite belonging to Services and civilian administration, politicians and individuals connected with them who benefitted from misappropriation of the public property. As subsequent paragraphs would reveal, Government of Maharashtra and Ministry of Environment and Forests actively further aided and abetted by relaxing regulations and turning a blind eye to the construction of a 31 storey building in the heart of Mumbai, not far from Mantralaya.

In terms of Collector, Mumbai City letter No. CSLR/REV-1/ACHS/2011 dated 11.06.2011, General (Retd.) NC Vij in his letter dated 30.10.2010 had requested the Honorary Secretary of the Society to communicate the necessary formalities to enable him to return his flat to the Society. He had also requested that the returned flat may be allotted to a war widow. No decision has yet been taken either by the Society or by the Collector’s office.

5. Expansion of the membership of the Society

Even though, the Society was originally formed to help primarily the “Servicemen, ex-servicemen and their widows”, increasingly, as events unfolded, its membership was expanded considerably to include civilian officers belonging

to Indian Administrative Service, politicians and their relations and other senior Service officers. As of December 2010, the Society had 102 members.

Table 1: Changing composition of members of the Society

Year	Defence ⁸	Other than Defence	Total Members
2000	40	0	40
2002	38	33	71
2003	45	50	95
2010	37	65	102

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

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

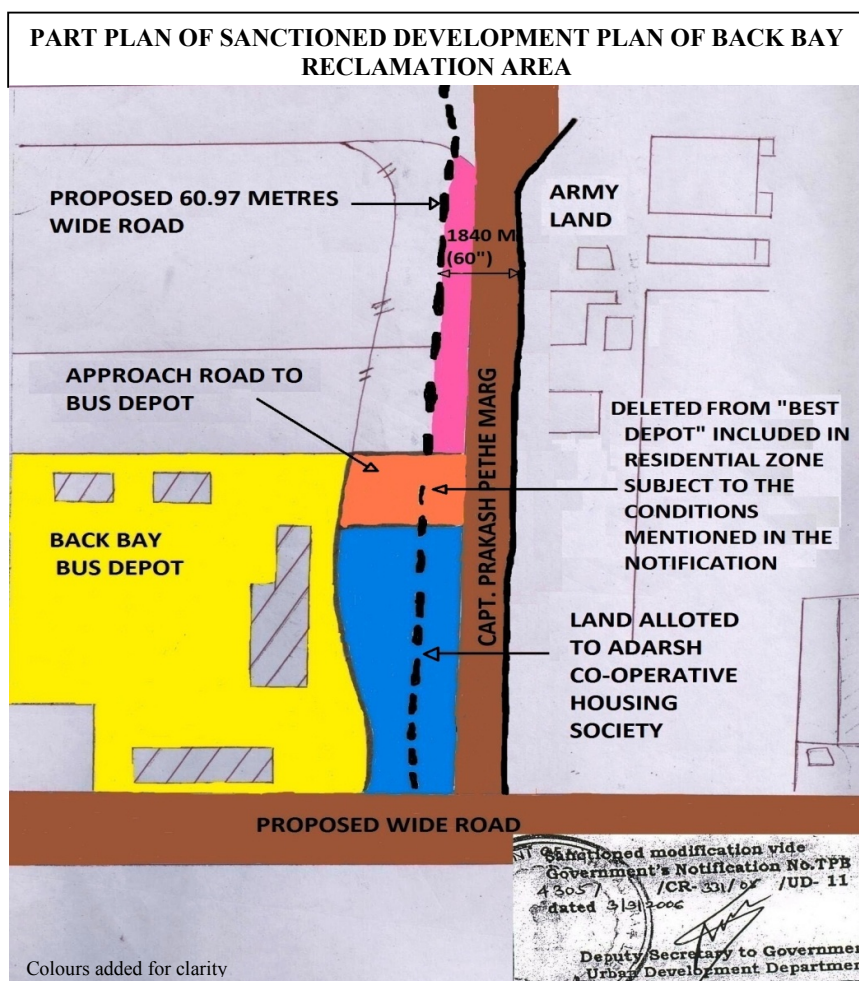
6. Concessions granted by the Government of Maharashtra

The flouting of norms in the case was not only restricted to wrongful appropriation of government land to benefit influential armed Forces and civilian officers, politicians and their relations. Almost at every stage, significant concessions were extended by the Government of Maharashtra in favour of the Society. Many officers -both civilian and Services- who were dealing with the case and were instrumental in taking those decisions eventually became members of the Society. In some cases, relations of these officers became the members.

⁸ Including Defence related civilian organizations.

6.1 MMRDA Development Plan⁹ for the Area was modified to accommodate the Society

On 12 May 2000, Collector, Mumbai City reported to Government of



Maharashtra, Revenue and Forest Department (RFD) that the land sought by the Society was reserved for road widening as per Mumbai Metropolitan Region Development Authority's (MMRDA) development plan and therefore NOC from Municipal Corporation of Greater Mumbai (MCGM) and approval of MMRDA should be taken and that the membership should be approved by the Government.

On 02 June 2000 the Society addressed another

letter to the Minister of Revenue signed by Shri R C Thakur as Chief Promoter and Brigadier (Retd) MM Wanchu as Secretary of the Society. The letter referred to a meeting that had taken place with the Minister on the same day. The Society conveyed in the letter its consent to accommodate 40 *per cent* civilian members-19 members against 31 from Defence Services as stated in the letter. It stated that they would be willing to leave an area of 10 to 15 feet for further widening of the road, though *"basically the area falls in the vicinity of Military area and there appears to be no proposal of widening of road by Defence Department"*. The Society in the same letter sought the help of the Minister *"to accommodate and reward our Heroes of Kargil operation who bravely fought at Kargil to protect*

⁹ The map shown below is taken from Urban Development Department, Govt of Maharashtra

our Motherland". The Society therefore requested to "kindly allot this piece of land which is already in the physical custody of Local Military Authorities, who have been protecting the land from encroachment since last 25-30 years".

After calling for objections/suggestions from the public in October 2001, Urban Development Department (UDD) approved modifications to the MMRDA Development Plan in April 2002 by deletion of 60.97 metres wide road leading to South Colaba Harbour link and changing width of Captain Prakash Pethe Marg from 60.97 metres to 18.40 metres and inclusion of the deleted area in Residential Zone, Parade Ground, Helipad, Garden and BEST Depot. During audit, it was noticed that on past occasions¹⁰, the Government of Maharashtra had decided against allotment of the land for genuine welfare of ex-servicemen on the ground that the land was earmarked for widening of the very same road.

Thus the Development Plan of the area was amended and the area reserved for roads was converted into residential area to facilitate the housing project by the Society.

6.2 Grant of additional FSI

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

¹⁰ Request of Bombay City Sainik Welfare Office for allotment of land for construction of a rest house was refused in March 1986 by Collector Mumbai City and again in December 1989.

Excerpts from the letter of the Chief Promoter

In view of its unauthorised use by BEST for approach road the said area is not likely to be used for any Construction/Development activity which will remain open to sky forever. The BEST can not use its FSI for expansion of their Depot, there being restrictions of CRZ in their open plot. We also do not want hindrances to the BEST for its use as approach road to their depot.

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

It could be seen that the Society had no hesitation to state that the use of the adjacent plot of land by BEST was “unauthorised” ignoring the status of their own plot. While it stated that no building could be constructed on the land used by BEST “there being restrictions of CRZ in their open plot”, it conveniently ignored the fact that transfer of developmental rights on the plot was not admissible in accordance with the CRZ regulations and Development Control Rules. While DCR¹¹ 1967 did not even mention about Transferable Developmental Rights (TDR), DCR 1991 prohibited utilisation of TDRs in the island city. Society’s claim in the same letter that Ministry of Environment and Forests had issued a No Objection Certificate was also misleading as explained in Paragraph 7 below in this report.

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

¹¹ DCR is Development Control Rules. Details have been discussed in Paragraph 6.3 of this report.

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

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

The Minister of State for Urban Development convened a meeting on 14 July 2004 for considering the proposal of the Society for allotment of additional FSI. The Commissioner MMRDA, Collector Mumbai City, Shri Kanhaiyalal Gidwani Member of the Legislative Council (MLC), Shri Ramanand Tiwari Principal Secretary UDD and representatives of BEST were present in the meeting. Shri Gidwani informed in the meeting that the Government of Maharashtra had allotted 3758.82 square metres land for construction of residential building and as per the directives 71 members were to be accommodated. To suggest that 71 members had to be accommodated “as per the directives” was itself misleading as the members were proposed by the Society itself.¹²

As the FSI was not sufficient, Shri Gidwani indicated the requirement of additional FSI of adjoining land being used by BEST. Shri Ramanand Tiwari, Principal Secretary, UDD informed that as the land was reserved for BEST Depot and was in use as an access to the BEST bus depot, it would not be feasible to allot the FSI of this reserved land to the Society. “In order to sort out the issue”, he further stated that the Society would have to approach the Government of

¹² The deliberations in the meetings have been taken from the minutes and notes of BEST.

Maharashtra for allotment of the said land by deleting reservation of BEST bus depot by following the due process of law, which would take at least six months.

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

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

In response, BEST informed UDD on 12 January 2005 that BEST was using the land as an access to Back Bay Depot since 1976 though the land was not in possession of BEST and that the Government may decide on the request of Society. However, while allowing use of land as per the Society's request, BEST's interest should be fully protected by maintaining the present status of the access. Accordingly, Revenue and Forest Department allowed the additional FSI of the adjoining land of BEST to Society on 05 August 2005.

Thus, the misappropriation of the land in possession of the Army was further compounded by transfer of FSI of another piece of public land. It would be clear from the meetings that the proposal of the Principal Secretary to ask BEST to pay for the land amounted to a threat which possibly compelled BEST to succumb to agree with the proposal of the Society. Asking a public utility to pay the market price of the land essentially to compel them to agree to transfer the FSI in favour of the private Society was blatant violation of all norms of public interest. While BEST was asked to pay the cost of land at the market rate, the Society paid only ₹6.14 crore.

The fact that the proposal was once rejected by the earlier Chief Minister did not figure in any discussions. Audit also did not come across any correspondence/documents which suggested that Shri Ramanand Tiwari Principal Secretary UDD had brought this issue on record.

Shri Onkar Tiwari, son of Shri Ramanand Tiwari eventually became a member of the Society.

6.3 Further relaxation to grant additional FSI in lieu of Recreation Ground (RG)

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

The architect of the Society again proposed to MMRDA on 02 January 2009 to grant additional FSI in lieu of RG area on the grounds that in Back Bay Reclamation Scheme as block wise RG was already provided and therefore FSI on account of RG was not to be deducted from individual plots. Later, on 26 May 2009, Society also forwarded to the Collector eight names¹³ "to be accommodated in Adarsh Co-operative Housing Society if the additional FSI is sanctioned by the Government." The conditional membership of the Housing Society was unusual.

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

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

¹³ S/Shri Dilip Dattatray Walse Patil, Anil Kumar Thakur, Dr Sharda Chintaman Mormare, Prof Sattya Sandha Vinayak Barve, Major Ganpatrao Madhavrao Chavan, Ms Sheetal Vinod Ganju, Smt Nandini Mudholkar and "one serving army officer- name to be forwarded subsequently, who is away on field duty."

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

A subsequent note of the same Principal Secretary on 15 November 2010 indicated that “It was expected that while issuing orders, after this note (note dated 2 June 2009¹⁴) was approved, required verification about the availability of the 15 *per cent* RG area in the Scheme would be done. This does not seem to have been done. From what I gather, large tracts of land otherwise reserved for RG, is presently occupied by slums, thereby creating a possibility that RG area may not be to the extent of 15 *per cent*. This indeed will vitiate the decision of the Government.”

It would be apparent that in the note put up to the Chief Minister, there was no mention of any verification of availability of RG area on the ground. The note of November 2010 thus appears to be an afterthought and of little value to correct the situation.

6.4 High Rise Committee

The CRZ Notification of the Ministry of Environment and Forests, Government of India (MoEF) came into effect on 19 February 1991. As per that Notification the plot in question fell in CRZ II. Buildings permitted in the area shall be subject to the existing local Town and Country Planning Regulations. As on that date, for Backbay Reclamation Area, Development Control Rules (DCR) 1967 were applicable. This fact was corroborated and supported in the meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 3-11-2010. As per the minutes, the authority noted that the site under reference falls in CRZ-II. As per the clarifications given by MoEF vide letters dated 8-9-1998 and 18-6-

¹⁴ Insertion in the bracket is by audit for clear reference.

2006 as well as the order of Hon. Supreme Court dated 14-12-2007 in SLP (C) No. 14578 regarding M/s Suresh Estate v/s Govt. of Maharashtra, the approved Development Control Rules, 1967 (i.e. the Development Control Rules under implementation and in force as on 19-2-1991) are applicable for building construction activities proposed in CRZ-II areas of Mumbai.

According to DCR 1967, no building should be erected or raised to a height greater than one-and-a-half times the sum of the width of the streets on which it abuts and the width of the open space between the street and the building as measured from the level of the centre of the street in front. The maximum height of the Society building permissible as per the DCR 1967 according to MCZMA was 45.6 metres.

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

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

However, against the approval for 27 floors issued by MCGM, the Society constructed 28 floors. A meeting was held in MCGM on 14 October 2009 for

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

The Deputy Chief Engineer (BP) City submitted a note on 20-10-2009 to the Municipal Commissioner (MC) on which the MC 'ordered' 'Yes'. The note read as follows: "This has reference to the discussion with OSD to MC on 20-1-2009. The information in respect of Adarsh Co-op. Hsg. Society is as follows:- The plans are approved for stilt +2 level podium +27 upper floors for the said building with the proposed built up area upto 27th floor is 7692.64 Sq. mt. As per the letter of MMRDA dated 22-1-2008, the C.C. is also granted for stilt + 2 level podium + 27 upper floors. It may be mentioned that as per the approved plan, the total floor height of the building is 97.60 mt. and height upto top of lift machine room is 102.80 mt. and upto top of overhead tank is 104.60 mt. The High Rise Committee u/no. CHE/HRB=57/DPWS dated 1-9-2007 has issued N.O.C. upto 97.60 mt. upto terrace floor level as per the approved plan and C.C. As such there is no necessity to obtain fresh N.O.C. from High Rise Committee." Shri Jairaj Phatak, Municipal Commissioner, MCGM accepted the contention of the Society on 21 October 2009 stating that "there is no need to obtain fresh NOC from High Rise Committee. However the appropriate authority i.e. MMRDA's approval may be obtained", MMRDA then issued the NOC for 28th floor on 04 August 2010. **The son of Shri Jairaj Phatak eventually became a member of the Society.**

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

6.5 Eligibility conditions relaxed in favour of the members

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

Initially the Society submitted details of 41 members, which were scrutinized by the Collector Mumbai City with respect to the criteria of income, domicile and caste. Only 30 members were found eligible. This was communicated by the Collector Mumbai City to the RFD on 8 October 2003.

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

Excerpts from the Collector's letter dated 18 March 2004.

1st issue raised by Government was that requirement of domicile in Maharashtra is not relaxable on blanket basis in respect of serving defence personnel as well as ex-servicemen. It was mentioned that based on their duration of stay/service in Maharashtra, if the length of service is less than 15 years then the condition of domicile in Maharashtra for membership in co-operative housing societies could be relaxed in case of serving as well as ex-servicemen. Out of 41 members list given by Society, domicile certificate of Maharashtra is available in case of 18 members while in case of 23 members (1 MLC & 22 serving/ex-servicemen), domicile certificates of Maharashtra is not available. The duration of service in Maharashtra in these cases of ex-servicemen as well as serving defence personnel varies from 2 years 3 months to 21 years but generally it is in the range of 4-8 years. Since the Government Resolution of 9/7/1999 does not prescribe minimum length of service or minimum duration of residence for relaxation of domicile requirement, this office is not in a position to take view on eligibility of such proposed members and State Government would need to decide on some cut-off duration of service and decide on the eligibility of proposed members accordingly. Out of these 22 service/ ex-servicemen members, one member has no service in Maharashtra (but was born in Maharashtra and some education is in Maharashtra), another member is reported to be posted at forward location and details of service in Maharashtra are not made available by the Society and the Society Promoter informs that the details could be made available by the end of this month.....

Meanwhile Shri Kanhaiyalal Gidwani, MLC, approached the Revenue Minister on 10 May 2003 to increase the income limit prescribed in the GR of 09 July 1999 in respect of ex-servicemen beyond ₹12,500 as a good gesture to the brave soldiers who served the motherland. It would be apparent that many of the proposed members of the Society did not fulfill the eligibility criteria in terms of domicile conditions or income limits.

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

Government of Maharashtra's relaxation of domicile requirement and income limit on 15 February 2005 was another favour that enabled many to become members of the Society. In fact, the relaxation of domicile condition enabled many current or retired service officers to become members. In one case of a Lieutenant General, his serving period at a training centre in Maharashtra from January 1968 to July 1971 made him eligible. There were other officers also whose serving periods were for a few years in Maharashtra in late sixties and seventies.

In July 2004, RFD, Government of Maharashtra accorded sanction for allotment of 3758.82 square metres land to Society for construction of residential tenements on levying tentative occupancy charges of ₹10.19 crore along with approved list of 20 members. On 24 August 2004, RFD accorded approval for another 51 members and thus total 71 members were approved which included 33 members in the earlier list of 71 in the LOI of January 2003.

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

7 Environmental Clearance under Coastal Regulation Zone Notification

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

Shri PV Deshmukh, Deputy Secretary, Urban Development Department, Government of Maharashtra addressed a letter dated 5 October 2002 to the Ministry of Environment and Forests, Government of India (MoEF), requesting for No Objection Certificate for development of plot under reference. In this letter, Shri Deshmukh also informed that the State Government "has decided to allot plot

under reference to the Adarsh Housing Society for residential development.” It referred to the letter of the Chief Promoter of the Society requesting grant of Government land for construction of “welfare and housing facility to serving and ex-servicemen of Defence services.”

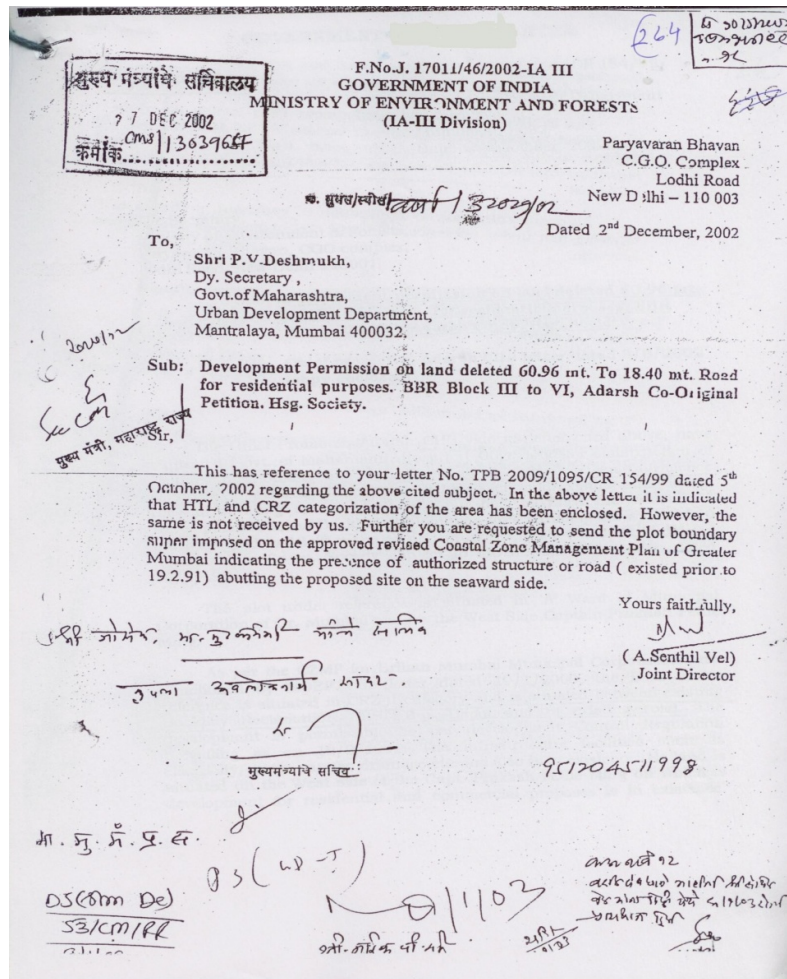
Shri PV Deshmukh was a member of the Society.

The above letter was issued by the Urban Development Department without the knowledge of the Environment Department and Maharashtra Coastal Zone Management Authority of the Government of Maharashtra, which were the nodal department/agency for processing environmental clearances. The letter also highlighted the fact that the proposal was for welfare and housing facility to serving and ex-servicemen. This was only partially true. There were already

civilians among the members of the Society. Similarly, the averment that Government of Maharashtra had decided to allot plot for residential development was also not correct as the letter of intent was issued only in January 2003.

Shri A Senthil Vel, Joint Director in the Ministry of Environment and Forests, Government of India in his letter dated 2 December 2002 asked for some

more documents. That the correspondence was receiving attention at the highest



level, is apparent from the fact that the letter by the Joint Director in the Government of India to the Deputy Secretary, Government of Maharashtra was seen by the Chief Minister and Principal Secretary to Chief Minister at the dak stage. It was diarised in CM's Secretariat on 7 December 2002. The documents were handed over personally in Delhi by Shri Deshmukh on 6 January 2003.

On 11 March 2003, Shri Senthil Vel wrote to Shri Deshmukh that "As per the information provided in the above letter and the revised Coastal Zone Management Plan of Greater Mumbai, it is noted that the proposed residential complex falls within the Coastal Regulation Zone-II area. This Ministry has already delegated the powers to the concerned State Governments for undertaking development in Coastal Regulation Zone II. Accordingly, the proposed construction may be taken up as per the Coastal Regulation Zone Notification, 1991 (as amended from time to time) and the approved revised Coastal Zone Management Plan of Greater Mumbai."

Shri PV Deshmukh thereafter issued a letter dated 15 March 2003 to the Chief Engineer (Development Plan) Brihanmumbai Municipal Corporation stating *inter alia* that "**The Ministry of Environment and Forests have communicated their no objection to allow the said residential development since it falls within the Coastal Regulation Zone II area** which satisfies the norms of Notification dated 19 February 1991 and amendments therein made up to 21 May 2002. Now, there appears therefore, no objection to allow the residential development to the Adarsh Co-op Housing Society on the land included in the residential zone as per the Notifications sanctioned by the Government."

The letter issued by Shri Deshmukh was misleading and indeed false. This enabled the Society to overcome a significant barrier of "environmental clearance" for the building. This was facilitated by the letter of the Ministry of Environment and Forests, Government of India, which abdicated its responsibility regarding environmental clearance of such buildings in the CRZ area.

The intimation by the MoEF that it had already delegated the powers to the concerned State Governments for undertaking development in Coastal Regulation Zone II ignored the Notification dated 21 May 2002 by which

environmental clearance of the MoEF was required for housing schemes in the CRZ areas. The letter of Government of Maharashtra never asked for “environmental clearance” and only sought no objection “for development of plot”. The Ministry of Environment and Forests, Government of India failed to draw attention of the State Government to the extant provisions. It’s communication stating that “the proposed construction may be taken up as per the Coastal Regulation Zone Notification, 1991” created adequate context to allow the Government of Maharashtra to interpret it as a ‘No Objection’ to the proposed residential development by the Society and thus use it as “environmental clearance” from the MoEF.

As per the laid down procedures, the project proponent was required to submit the project proposal to the concerned Coastal Zone Management Authority, which in this case was not done. Apart from this, the correspondence also indicate a deliberate attempt on the part of both Ministry of Environment and Forests in the Government of India and the Urban Development Department of Government of Maharashtra to skirt the procedures to enable grant of NOC to the Society.

It is not surprising that the Society used this to their advantage. In March 2003, the Chief Promoter in a letter addressed to the Chief Minister and separately to Minister of State for Urban Development did not hesitate to write that *“it is submitted that the Department of Environment and Forest, Government of India have considered our case on priority as a goodwill gesture to serving and ex-service man looking to their service towards the mother land and have accorded their NOC.”*

Thus the residential development on the land allotted to Society in the CRZ-II was carried out without the requisite environmental clearance from the MoEF. Despite this, MMRDA granted “Occupancy Certificate” to Society on 16 September 2010, which was cancelled on 30 October 2010 at the instance of MoEF.

The Ministry of Environment & Forests in its reply of June 2011 stated that the amendment of 21 May 2002 is not applicable to Adarsh Cooperative Housing Society as it is a private cooperative society and not a project of Maharashtra Housing and Area Development Authority (MHADA). The reply of the Ministry

is not tenable since the concerned proviso carves out an exception for housing societies of State Urban Development Authorities.

8. Inadequate oversight by the Ministry of Environment and Forests

Significantly, despite the existence of several agencies like Department of Environment in Government of Maharashtra, the Maharashtra Coastal Zone Management Authority, and the Ministry of Environment and Forests in the Government of India, a building more than 100 metres tall could come up within a few kilometres of Mantralaya in Mumbai without requisite clearance and also receive an occupancy certificate from the concerned local authorities.

In response to an audit observation, the MoEF stated in April 2011 that for monitoring and enforcing the Coastal Regulation Zone (CRZ) Notification 1991 and the CRZ Notification 2011, the Ministry had constituted the State/Union Territory level Coastal Zone Management Authority including the Maharashtra Coastal Zone Management Authority. These authorities have been delegated the necessary powers under the Environment (Protection) Act, 1986 for taking punitive action against violations of the CRZ Notification including those taking place in CRZ-II areas. Further, at the National level, The National Coastal Zone Management Authority has been constituted. The State/Union Territory Coastal Zone Management Authorities report to the National Coastal Zone Management Authority. The MoEF added that apart from the State/Union Territory Coastal Zone Management Authorities including the National Coastal Zone Management Authority, the MoEF has five regional offices of which three namely, Bhopal, Bengaluru and Bhubaneswar also monitor the projects cleared under the Coastal Regulation Zone Notification 1991 and 2011.

MoEF while confirming that the residential development in CRZ II was carried out without the requisite clearance from the Ministry in Government of India stated that the regional offices monitor only those projects which are cleared by them.

The reply of the Ministry would indicate a contradictory situation, where projects cleared by them would be monitored but projects which were not cleared by them would remain out of the ambit of their monitoring system.

The Ministry of Environment and Forests had issued a Press Note on 28 October 2010 indicating that the Ministry had never issued CRZ clearance or NOC. The Maharashtra Coastal Zone Management Authority, one of whose functions was ensuring compliance of all specific conditions that are stipulated and laid down in the approved Coastal Zone Management Plan of Maharashtra, as also the Environment Department of Government of Maharashtra confirmed in 2010 that no environment clearance was obtained. However, the facts indicate that the Ministry of Environment and Forests, Government of India and the Department/ Authority concerned of the Government of Maharashtra failed to ensure compliance, at least in this case. It would be reasonable to conclude that such an omission was indeed wilful.

9. Conclusion and Recommendations

The entire episode of the Adarsh Co-operative Housing Society, Mumbai is a remarkable case study. It is a classic example of the fence eating the crops; of those holding fiduciary responsibility betraying the same for personal aggrandizement. It reflects a consistent failure across all departments, State and Central Governments and cross sections of officialdom. This case would perhaps have no parallel anywhere else in the country where all concerned agencies have pooled their strengths not for a common national cause but for personal benefit. It is an example of how a group of select and powerful elite could collude to subvert rules and regulations for personal benefit. In the process of seeking apartments in a prime location for themselves they have resorted to falsification of the records, suppression of facts and abundantly used the avowed noble cause of welfare of ex-servicemen and their widows.

The saga starts with an innocuous letter written in February 2000 (copy placed at Annexure I) by a serving Sub Divisional Officer in the Defence Estates Office in Mumbai to no less than the Chief Minister of Maharashtra, for allotment of certain extent of land in the Back Bay Reclamation Scheme, Colaba for construction of a residential building for the “welfare of serving and retired personnel of defence services”. He addressed this letter in his capacity as the Chief Promoter of Adarsh Co-operative Housing Society (proposed). It was processed speedily in Mantralaya and passed on to the Collector of Mumbai City. The letter got a surprisingly prompt response such that on 29 March 2000 the Collector, Mumbai City approached the Headquarters Maharashtra & Gujarat Area for issuance of an NOC for the plot as it was under the occupation of the Military. This request of the Collector got further prompt response from the Headquarters M&G Area such that, on 5 April 2000 itself- within 6 days of the earlier letter- the Collector was informed that the land falls outside the defence boundary and “necessary action could be taken as deemed fit for the welfare of serving personnel and their widows”. This communication was construed by the Society as a NOC. Thereafter commenced a series of letters addressed to agencies within the State Government and the Central Government seeking concessions and liberally using phrases such as: “members who are from the Armed forces and serving the motherland”, “dedicated their lives to the safety of our motherland”, “reward for heroes of Kargil operations who bravely fought at Kargil and protected our motherland”.

Those in positions of responsibility should have sensed that *ab initio* the concept was flawed as very few war widows or ex-servicemen would have had the financial capacity to pay for an apartment in such a prime locality. It is also remarkable that a State Government Department approached the Central Government in the Ministry of Environment and Forests and “persuaded” them for a prompt response which was then construed by them to be an environmental clearance. The Ministry of Environment and Forests, Government of India certainly either failed, or consciously decided, not to apprise the State Government

of the extant provisions of the CRZ notification of 1991 and subsequent modification of May 2002.

As per laid down procedures, the project promoter was required to submit the project proposal to the concerned Coastal Zone Management Authority for environmental clearance, which in this case was not done nor insisted upon. Apart from this, the correspondence also indicates a deliberate attempt on the part of both Ministry of Environment and Forests in the Government of India and the Urban Development Department of Government of Maharashtra to skirt the procedures to enable grant of “NOC” to the Society.

It is not surprising that the Society used this to their advantage. In March 2003, the Chief Promoter, in another letter addressed to the Chief Minister directly and separately to Minister of State for Urban Development, Government of Maharashtra did not hesitate to write that “it is submitted that the Department of Environment and Forests, Government of India have considered our case on priority as a goodwill gesture to serving and ex-servicemen looking to their service towards the motherland and have accorded their NOC”.

On 9 July 2004 Government of Maharashtra accorded sanction for transfer of land to the Society levying a charge of ₹ 10.19 crore. On 28 September 2004, the Society was formally registered and on 4 October 2004, the plot was handed over. The promoters were so confident of allotment of land that even before registration of the Society and before hand over of the site, on 12 July 2004 they wrote for additional FSI from the adjacent land in use by BEST. Within two days of the letter, the Minister of Urban Development also discussed the same. This issue was pursued till BEST finally acquiesced!

It is significant that the residential development on the land allotted to the Society in CRZ-II was carried out without the requisite environmental clearance from the MoEF. Despite this, MMRDA granted “Occupancy Certificate” to the Society on

16 September 2010. This was cancelled on 30 October 2010 at the instance of MoEF. This was done by MOEF only after media and public attention was repeatedly drawn towards the grave irregularities and dereliction at all levels in the administration.

This report details how public servants, who have been entrusted by the Government to safeguard national interest, facilitated, in the belief that cronyism would be rewarded, a private housing Society to obtain “NOC” from the Army, modification to the MMRDA Development Plan, NOC for Residential Development in the CRZ area and transfer to the Society of Developmental rights of adjoining land in use by a public utility (BEST) with an additional FSI on account of Recreation Ground.

The entire episode reveals glaring examples of dereliction of duty and severe lack of probity and accountability which needs to be very seriously investigated. This case has engaged the attention of national headlines. Not taking exemplary remedial and punitive action which would serve as a deterrent, would seriously erode the credibility of Government. Laxity in follow-up would encourage similar attempts in future. Audit merely strives, as it is constitutionally mandated to do so, to place documentary evidence in this Report in a sequential form before the ultimate stakeholder. It is for the Parliament and the Government to ensure that public trust is not betrayed.

There have been various statements by high dignitaries and observations in the media of the irregularity of this construction. In many of these, there is an explicit suggestion that the building should be demolished. Such suggestion probably is hasty and inadequately considered. To raze it to the ground would compound the problem. Now that it has been constructed, though incorrectly so, indeed it should not be allotted to those who fraudulently tried to appropriate it. An option would be for the building to be acquired by the Government and used for Central Government Housing of which there is enormous shortage in Mumbai. Those of

the Society members who have paid, may be compensated as per law. In case there are a few and they certainly are less than half a dozen, genuine war widows and deserving ex-servicemen, the Government could allot apartments to them as an independent and deserving gesture.

New Delhi

Dated:

2011

(GAUTAM GUHA)
Director General of Audit
Defence Services

Countersigned

New Delhi

Dated:

2011

(VINOD RAI)
Comptroller and Auditor General of India

ANNEXURE- I

Letter of February 2000 of Chief Promoter of the Society addressed to the
Chief Minister of Maharashtra

ADARSH CO-OPERATIVE HOUSING SOCIETY
(PROPOSED)
Pilot Bunder Road, Colaba, Mumbai - 400 005

Date : _____

Hon'ble Chief Minister of Maharashtra
1st Floor,
Mantralaya,
Mumbai-400 032.

Sub : Allotment of the Govt. Land to Adarsh Co-op. Hsg. Soc. Ltd.
for the welfare of the serving and retired personnel of Defence
Services

Respected Sir,

At the outset, we are extremely grateful to you, for having given us an opportunity to place our view-point before your goodself and as a result of which the Government of Maharashtra have kindly considered our proposal for allotment of about 10,000 Sq. Metres of Government land adjacent to "Oyster" and "Dolphin" Buildings of the Pilot Bunder Co-op. Housing Society, under C.S.No.4/600 of Colaba Division and have recommended strongly to the Secretary, Ministry of Environment & Forests, New Delhi, vide Urban Development's letter No.TPB 2039/1095/CR 154/UD-12 dated 19 August, 1999.

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

While the changing of Zones may take some time and formalities may delay the project, we have an alternate proposal for allotment of a small plot, admeasuring only 3,854 Sq. Metres of land out of Block G of Backbay Reclamation Scheme. Presently, this land is duly fenced with a compound wall and in physical possession of the local military authorities. The present adjoining land has already been heavily encroached upon and there is a slum known as "Geeta Nagari" existing thereon. We have negotiated with the local Military authorities, who have expressed their willingness to allow the Society to go-ahead with the project. If certain amount of accommodation is also provided for Army Welfare Co. for Girls Hostel, who will be female children of Army Officers serving in the far flung remote & field areas.

ADARSH
CO-OPERATIVE HOUSING SOCIETY
(PROPOSED)

Plot Bunder, Colaba, Mumbai - 400 005

Ref No

Date : _____

2 -

We have agreed to consider and accommodate this request, as a result of which, it is likely that about 45 Members of the Society can be accommodated in this plot as the First Phase, pending clearance and changing of zoning on First Site proposal. Further, while going into the details of the record of the MMRDA at Bandra, we have come across certain difficulties in the proposed site, which are as under :

That about 15 years back, the Government of Maharashtra proposed widening of Cuffe Parade Road, and joining the same to a 60 Metre wide road known as Colaba-Urban Road. However, after this proposal, the Government banned the reclamation of sea and the proposal came to be left on the back burner.

In fact, two 12-Storeyed Buildings have already come up on the proposed road, constructed by Indian Navy duly approved by BMC, which are known as "Bhagirathi" and "Gangotri". These buildings have been constructed as late as in the year 1991-92, on the land through which the proposed Urban road would have passed after leaving the sea, and as reclamation has been banned, this proposed road appears to be no more feasible.

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

Thanking you,

Yours faithfully,

ADARSH CO-OP. HOUSING SOCIETY,

Chief Promoter
Encl. 1000

c. The Principal Secretary of the Govt. of Maharashtra,
Urban Development Department, Manjivaya, Mumbai-400 032

End -IV to HQWNC letter No.
PS/6390/10/26/PC dt 16 Jul

ADARSH CO-OPERATIVE HOUSING SOCIETY

(PROPOSED)

Pilot Bunder Road, Colaba, Mumbai - 400 005

7 FEB 2000

No. _____

NO. 11
TPB-45/2000
419

Date: _____

The Hon'ble Chief Minister of Maharashtra
6th Floor,
Mantiraya,
Mumbai-400 032.

Sub : Allotment of the Govt. Land to Adarsh Co-op. Hsg. Soc. Ltd.
for the welfare of the serving and retired personnel of Defence
Services

Respected Sir,

At the outset, we are extremely grateful to you, for having given us an opportunity to place our view-point before your goodself and as a result of which the Government of Maharashtra have kindly considered our proposal for allotment of about 10,000 Sq. Metres of Government land adjacent to "Oyster" and "Dolphin" Buildings of the Pilot Bunder Co-op. Housing Society, under C.S.No.4/800 of Colaba Division and recommended strongly to the Secretary, Ministry of Environment & Forests, Govt. of India vide Urban Development's letter No.TPB 2000/1005/CR 164/UD-12 dated 15.12.1999.

We had an opportunity to discuss this case personally with the Secretary, Ministry of Environment & Forests, New Delhi, on 1st September, 1999 and the project was objected to as the same is falling under CRZ-I, the Secretary advised us to approach the Govt. of Maharashtra for change of classification of the proposed plot from Zone-I to Zone-II. Accordingly, we have moved the Hon'ble Principal Secretary to the Government of Maharashtra for such a change as envisaged in the letter dated 31st September 1999 of Secretary, Ministry of Environment & Forest, New Delhi (enclosed).

While the changing of Zones may take some time and formalities may delay the project, we have an alternate proposal for allotment of a Small Block, measuring only 3,854 Sq. Metres of land out of Block VI of Backbay Reclamation Scheme. Presently, this land is duly fenced with a compound wall and in physical possession of the local military authorities. The present adjoining land has already been heavily encroached upon and there is a slum known as "Gean Nagar" existing thereon. We have negotiated with the local Military authorities, who have expressed their willingness to allow the Society to go-ahead with the project, if certain amount of economic assistance is also provided for Army Womers i.e. for Girls Hostel, who will be female children of Army Officers serving in the far flung remote & field areas.

ADARSH CO-OPERATIVE HOUSING SOCIETY (PROPOSED)

Pilot Bunder Road, Colaba, Mumbai - 400 005

Date: _____

Ref. No. _____

: 2 :

We have agreed to consider and accommodate this request, as a result of which, it is likely that about 45 Members of the Society can be accommodated in this Block 6 & 7 as the First Phase, pending clearance and changing of zoning on First Site proposal. Further, while going into the details of the record of the MMRDA at Bandra, we have come across certain difficulties in the proposed site, which are as under:

That about 16 years back, the Government of Maharashtra proposed widening of Cuffe Parade Road, and joining the same to a 80 Metre wide road known as Colaba-Urban Road. However, after this proposal, the Government banned the reclamation of sea and the proposal came to be left on the back burner.

In fact, two 12-Storeyed buildings have already come up on the proposed road, constructed by Indian Navy duly approved by BMC, which are known as "Bhagirathi" and "Gangotri". These buildings have been constructed as late as in the year 1981-82, on the land through which the proposed Urban road would have passed after leaving the sea, and as reclamation has been banned, this proposed road appears to be no more feasible.

In view of the above, it is submitted that there is no need now to widen the Cuffe Parade road beyond BEST Depot in the back-way as Military area starts from 51st point. In any case, the proposal was to terminate the said widening at this junction. Block VI and VII of the Colaba Division. Our proposed block is exactly located at this very junction where Military area begins and there is no proposal of any such widening in the Military area and therefore with little changes in the Development Plan, which is still pending for approval with the Ministry of Urban Development, our project can be cleared and your lordship could be kind enough to allot the same to us which is free from encroachment and is presently with the local Army Authorities for construction of houses.

Thanking you,

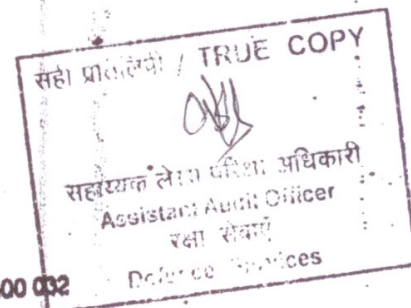
Yours faithfully,

For ADARSH CO-OP. HOUSING SOCIETY,

Chief Promoter

Encl: a/s.

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



ANNEXURE – II

FINAL LIST OF 102 MEMBERS AS OF 2010

**Office of the District Collector and District Magistrate, Mumbai City
(Revenue Branch)**
Shahid Bhagat Singh Road, Fort, Mumbai-400 001

No. CSLR/REV-1/ACHS/2010/396

5 November 2010

To,

**The Principal Secretary (Revenue)
Revenue and Forest Department
Mantralaya, Mumbai-400032**

Sub : Regarding Membership in Adarsh Cooperative Housing Society¹⁵

**Ref : Government General Administration Department letter No. IAS-
1010/Case No. 370(15)/2010/9 dated 3.12.2010**

Sir,

Vide the letter under reference on the above mentioned subject, Government has instructed to submit the administrative department-wise information of those Officers/Officials in Government/Semi-Government who are themselves the members of Adarsh Co-operative Housing Society, Captain Prakash Pethe Marg, Colaba, Mumbai, or whose family members or relatives are the members of the said Society.

Accordingly, the information of the members of the Adarsh Co-operative Housing Society, Captain Prakash Pethe Marg, Colaba, Mumbai is submitted along with this letter.

**Yours faithfully,
Sd/-
Resident Deputy Collector
Mumbai City**

¹⁵ Translated version of Marathi letter at next page

अधिकारी व जिल्हादंडाधिकारी मुंबई शहर यांचे कार्यालय,
(महसूल शाखा),

जकात घर, शहीद भगतसिंग रोड, फोर्ट, मुंबई-400 001.

क्रमांक :- सीएसएलआर/आरईव्ही.1/आदर्श सह गृह नि.सं./2010/396

दिनांक :- 5 नोव्हेंबर, 2010

प्रति,

मा. प्रधान सचिव (महसूल)
महसूल व वन विभाग,
मंत्रालय, मुंबई -- 400 032

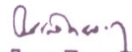
विषय :- आदर्श सहकारी गृहनिर्माण संस्थेमध्ये सदस्यत्वाबाबत
संदर्भ :- शासन सामान्य प्रशासन विभागाकडील पत्र क्र.भाप्रसे-1010/प्र.क्र.
370(15)/2010/9, दि.3/12/2010

महोदय,

वरील विषयाबाबत संदर्भित पत्रानुसार शासनाने आदर्श सहकारी गृहनिर्माण संस्था मर्यादीत, कॅप्टन प्रकाश पेठे मार्ग, कुलाबा मुंबई या संस्थेच्या सदस्यापैकी जे सदस्य स्वतः शासकीय /निमशासकीय अधिकारी/ कर्मचारी आहेत किंवा जे सदस्य शासकीय / निमशासकीय अधिकारी / कर्मचा-यांचे कुटुंबीय अथवा नातेवाईक आहेत अशा अधिकारी / कर्मचा-यांची प्रशासकीय विभागनिहाय माहिती सादर करणेच्या सूचना दिलेल्या आहेत.

त्यानुसार आदर्श सहकारी गृहनिर्माण संस्था मर्यादीत, कॅप्टन प्रकाश पेठे मार्ग, कुलाबा मुंबई या संस्थेच्या सदस्याबाबतची माहिती या पत्रासोबत शासनास सादर करण्यात येत आहे.

आपला विश्वासू


निवासी उपजिल्हाधिकारी
मुंबई शहर

आदर्श सहकारी गृहनिर्माण संस्था मर्यादित (प्रस्तावित)

अ.क.	समासदाचे नांव	शासकिय अधिकारी/कर्मचारी व प्रशासनिक विभाग	आम्दार / सासदार	डिफेन्स	इतर	शासकिय अधिकारी/कर्मचारी यांचे गातेवाईक असल्यास संबंधित अधिकारी / कर्मचारी यांचे नांव व प्रशासनिक विभाग	प्रतिष्ठापनामध्ये घेण्याऱ्या आलेले वार्षिक / मासिक उत्पन्न
1	श्री आर सी ठाकूर			✓			80000/-
2	श्री मदन मोहन वांचू			✓ निवृत्त			9550/-
3	कमांडर राजीव पायलो			✓			300000/- वार्षिक
4	कॅप्टन ए एस बाळकृष्णन			✓			100000/-
5	ले. कर्नल पी एस तंपी			✓			30000/-
6	श्री परमानंद के हिंदुजा			✓ निवृत्त			12464/-
7	श्री सुधाकर लक्ष्मण मडके				✓		8600/-
8	श्रीमती सुशीला शालियाम				✓	श्री लाला, सदस्य मानवी हक्क आयोग यांच्या पत्नी	10000/-
9	अॅडमिरल माधवेंद्र सिंग			✓			46000/-
10	श्री जे एम अभ्यंकर	✓ शिक्षण विभाग निवृत्त					21975/-
11	श्री पी व्ही देशमुख, उपसचिव	✓ नगरविकास विभाग, निवृत्त					25312/-
12	श्री गजानन सदाशिव कोळी				✓		10500/-
13	श्री सिध्दार्थ सोनु गमरे				✓		15000/-
14	श्री अमोल विठोबा				✓		

Report of the C&AG on Adarsh Co-operative Housing Society, Mumbai

अ.कं.	समासदाचे नांव	शासकिय अधिकारी/कर्मचारी व प्रशासनिक विभाग	आम्हदार / खासदार	डिफेन्स	इतर	शासकिय अधिकारी/कर्मचारी यांचे नातेवाईक असल्यास संबंधित अधिकारी / कर्मचारी यांचे नांव व प्रशासनिक विभाग	प्रतिष्ठापनामध्ये घेण्यात आलेले वार्षिक / मासिक उत्पन्न
15	श्री किरण भडागे				✓		9500/-
16	श्री गिरीश प्रविणचंद्र मेहता				✓		17719/-
17	श्री कन्हैयालाल विशनदास गिडवाणी		✓				30000/-
18	श्री कैलास कन्हैयालाल गिडवाणी				✓		10500/-
19	श्री अमित के गिडवाणी				✓		9500/-
20	श्री अरुण पांडुरंग पवार आयकर आयुक्त	✓					60000/--वार्षिक
21	कॅप्टन आशिष टंडन			✓			16282/-
22	ले. ए पुरणकुमार			✓			168000/--वार्षिक
23	मेजर जनरल विरेंद्रसिंग यादव			✓			33000/-
24	मेजर जनरल पितांबर किशोर रामपाल			✓			31328/-
25	कर्नल अमरजित सिंह			✓			14000/-
26	ले.कर्नल पी एच राम			✓ निवृत्त			96000/--वार्षिक
27	बियेडियर अविनाश चंद्र चोप्रा			✓			33000/-
28	मेजर आर के सिंग			✓			23000/-
29	ले. कर्नल जॉन मॅथ्यू			✓			25000/-

अ.क.	समासदाचे नांव	शासकीय अधिकारी/कर्मचारी व प्रशासनिक विभाग	आम्दार / खासदार	डिफेन्स	इतर	शासकीय अधिकारी/कर्मचारी यांचे नातेवाईक असल्यास संबंधित अधिकारी / कर्मचारी यांचे नांव व प्रशासनिक विभाग	प्रतिष्ठापनामध्ये घेण्यात आलेले वार्षिक उत्पन्न
30	मेजर जनरल तेज किशन कौल			✓			33000/-
31	ले.जनरल गुरुबक्सिंह सिहोटा			✓			41810/-
32	मेजर एम डी सिंग			✓			23500/-
33	कॅप्टन गोपाल भारती			✓			33000/-
34	श्री रोमेशचंद्र शर्मा			✓			12097/-
35	ले. जनरल शांतनो चौधरी			✓			43530/-
36	व्हाइस अॅडमिरल मदनजित सिंग			✓			42720/-
37	कर्नल ताराकांत सिन्हा			✓			31612/-
38	कॅप्टन ए पी सिंग			✓			16000/-
39	श्री एल के चुनीलाल			✓			25202/-
40	श्री राजेश शांतीलाल बोरा				✓		11000/-
41	श्री अरुण व्ही डवले				✓		138000/-
42	श्री संपत आर खिडसे				✓		10000/-
43	श्री आनंद एस भरोसे				✓		120000/- वार्षिक

Report of the C&AG on Adarsh Co-operative Housing Society, Mumbai

अ.कं.	सभासदाचे नांव	शासकिय अधिकारी/कर्मचारी व प्रशासनिक विभाग	आमदार / खासदार	डिफेन्स	इतर	शासकिय अधिकारी/कर्मचारी यांचे नातेवाईक असल्यास संबंधित अधिकारी / कर्मचारी यांचे नांव व प्रशासनिक विभाग	प्रतिष्ठापनामध्ये घेण्यात आलेले वार्षिक ठरपन्न
44	श्रीमती सीमा व्यास, भाप्रसे, उपसचिव	✓ सामान्य प्रशासन विभाग					24000/-
45	श्री कनिष्क जयरज फाटक				✓	श्री जयरज मोरेश्वर फाटक, तत्कालीन महापालिका आयुक्त यांचा मुलगा	11800/-
46	श्रीमती सुप्रिया व्ही मस्के				✓	श्री वसंत मस्के, डेप्युटी आयजीआर यांची मुलगी	103000/- वार्षिक
47	श्री श्रीनिवास दादासाहेब पाटील, खासदार		✓				52500/-
48	डॉ श्रीपत भीमराव चव्हाण	✓ निवृत्त संचालक, सार्वजनिक आरोग्य विभाग					105000/-
49	श्री शिवाजीराव सी देशमुख, भाप्रसे, सचिव	✓ सहकार व पणन विभाग					32941/-
50	श्री शहा धवल राजेश				✓		9000/-
51	मिसेस कविता शाम गोडबोले				✓		10000/-
52	श्री हरभजनसिंग			✓ निवृत्त			17250/-
53	श्री मालव जयंत शाह				✓		11000/-

क्र.सं.	समासदाचे नांव	शासकिय अधिकारी/कर्मचारी व प्रशासनिक विभाग	आमदार / खासदार	डिफेंस	इतर	शासकिय अधिकारी/कर्मचारी यांचे नातेवाईक असल्यास संबंधित अधिकारी / कर्मचारी यांचे नांव व प्रशासनिक विभाग	प्रतिष्ठापनाच्या घेण्यात आलेले वार्षिक उत्पन्न
54	श्री राजेशकुमार दास सह मुख्य कार्यकारी अधिकारी, एमआयडीसी, आयएफएस	✓					24200/-
55	श्री आदित्य भगत पाटील				✓		10000/-
56	श्रीमती सुमिला सेठी				✓	श्री लाला, सदस्य मानवी हक्क आयोग यांच्या कन्या	10000/-
57	श्री चंद्रशेखर रामराव गायकवाड, उपविभागीय अभियंता, राष्ट्रीय महामार्ग	✓ सार्वजनिक बांधकाम विभाग					16500/-
58	श्री शिवाजी शंकर काळे				✓		12000/-
59	श्री कृष्णराव धोंडीबा भेगडे		✓ माजी आमदार				686880/- वार्षिक
60	डॉ. संजय राडकर उपसचिव (मयत)	✓ महसूल व वन विभाग					22000/-
61	श्री अरुण सोपान अदात				✓		101000/- वार्षिक
62	श्री जितेंद्र सतीश आढाड		✓				25000/-
63	कुमारी सोनिया सुरेश मोरहापुरे				✓		124000/- वार्षिक
64	श्री विश्वास बापु चौगले				✓		

क्रमांक	समासदाच नाव	शासकिय अधिकारी/कर्मचारी व प्रशासनिक विभाग	आमदार / खासदार	डिफेंस	इतर	शासकिय अधिकारी/कर्मचारी यांचे नातेवाईक असल्यास संबंधित अधिकारी / कर्मचारी यांचे नांव व प्रशासनिक विभाग	प्रतिष्ठापनाप्रमाणे घेण्याऱ्या आलेले वार्षिक उत्पन्न
65	श्री रघुनाथ मारुती भोसले				✓ हायस्कूल शिक्षक		10500/-
66	श्री सुरेश प्रभाकर प्रभू		✓ माजी खासदार				25000/-
67	श्री उत्तम रामकृष्ण गखरे				✓		10000/-
68	मेजर एन डब्ल्यु खानखोजे			✓ निवृत्त			17699/-
69	श्री निवृत्ती गणपती भोसले निवृत्त कार्यकारी अभियंता	✓ सार्वजनिक बांधकाम विभाग					11500/-
70	श्री अमरसिंग वाघभारे कनिष्ठ कार्यकारी	✓ रेल्वे मंत्रालय					16025/-
71	श्री कृष्णाजीराव रखमाजीराव देसाई उर्फ बाबासाहेब कुपेकर		✓ तत्कालीन विधानसभा अध्यक्ष				18000/-
72	श्री ओंकार तिवारी				✓	श्री रामानंद तिवारी तत्कालीन प्रभुपति सचिव, नगरविकास विभाग यांचा मुलगा	16667/-
73	श्री रणजित संगीतराव				✓	श्री सी एस संगीतराव यांचा मुलगा	15550/-
74	श्री बाळासाहेब सावंत			✓ निवृत्त			15500/-

अ.क.	सभासदाचे नांव	शासकिय अधिकारी/कर्मचारी व प्रशासनिक विभाग	आमदार / खासदार	डिफेन्स	इतर	शासकिय अधिकारी/कर्मचारी यांचे नातेवाईक असल्यास संबंधित अधिकारी / कर्मचारी यांचे नांव व प्रशासनिक विभाग	प्रतिष्ठापनामध्ये घेण्यात आलेले वार्षिक उत्पन्न
75	मिस देवयानी खोत्रागडे, आयएफएस	✓				श्री उत्तम खोत्रागडे, तत्कालीन आयुक्त, अन्न व औषध प्रशासन विभाग	16000/-
76	श्री धोंडीराम वाघमारे		✓				8500/-
77	ले.कमांडर गुरुमुखसिंग प्रेवाल			✓			16203/-
78	श्रीमती सीमा विनोद शर्मा				✓ एलआयसी		365146/- वार्षिक
79	श्री जगदीश अंबिकाप्रसाद शर्मा				✓		154920/- वार्षिक
80	श्री साजनसिंग यादव				✓ टिआयएफआर		228000/- वार्षिक
81	श्री केदारी विशाल किशोर				✓		16000/-
82	जनरल दिपक कपूर			✓			40000/-
83	जनरल निर्मल चंदर विज			✓			39725/-
84	श्री साधुसिंग फुलसिंग				✓		211175/-

Report of the C&AG on Adarsh Co-operative Housing Society, Mumbai

अ.कं.	समासदाचे नांव	शासकिय अधिकारी/कर्मचारी व प्रशासनिक विभाग	आमदार / खासदार	डिफेन्स	इतर	शासकिय अधिकारी/कर्मचारी यांचे नातेवाईक असल्यास संबंधित अधिकारी / कर्मचारी यांचे नांव व प्रशासनिक विभाग	प्रतिष्ठापनामध्य घेण्यात आलेले वार्षिक उत्पन्न
85	श्री मुकुंदराव गोविंदराव मानकर		✓ माजी आमदार				15000/-
86	श्री संजोय शंकरन				✓	माजी मुख्य सचिव श्री डी के शंकरन यांचा मुलगा	234000/- वार्षिक
87	श्रीमती आय ए कुंदन, भाप्रसे तत्कालीन जिल्हाधिकारी मुंबई शहर	✓ महसूल व वन विभाग					80000/-
88	श्री परमवीर अभय संचेती				✓		13630/-
89	श्री सुरेश गुलाबराव अत्राम				✓		13500/-
90	श्रीमती शीतल विनोद गंजू				✓		17977/-
91	श्री अनिल कुमार ठाकूर				✓ सेंट्रल. एक्साईज डिपार्टमेंट		33000/-
92	श्री भावेश अंबालाल पटेल				✓		15000/-
93	श्रीमती भगवती मनोहरलाल शर्मा				✓		228000/- वार्षिक
94	श्री मदनलाल मित्रिकराम शर्मा						

अ.कं.	समासदाचे नांव	शासकिय अधिकारी/कर्मचारी व प्रशासनिक विभाग	आमदार / खासदार	डिफेन्स	इतर	शासकिय अधिकारी/कर्मचारी यांचे नातेवाईक असल्यास संबंधित अधिकारी / कर्मचारी यांचे नांव व प्रशासनिक विभाग	प्रतिष्ठापनामध्ये घेण्यात आलेले वार्षिक उत्पन्न
95	प्रोफेसर सत्यसंधा विनायक बर्वे	✓ निवृत्त शिक्षण विभाग					14598/-
96	मेजर जनरल राम जनरल हुडा			✓			47000/-
97	श्रीमती रुपाली हरिश्चंद्र रावराणे				✓		19852/-
98	श्री मणिलाल के ठाकूर			✓ निवृत्त ऑफिसर			19000/-
99	पेटी ऑफिसर सुशील चंद्र शर्मा			✓			13297/-
100	कर्नल के जे एस खुराणा			✓ निवृत्त			15000/-
101	डॉ. अर्चना तिवारी				✓		8500/-
102	कॅप्टन प्रविण कुमार			✓			8400/-

ANNEXURE – III

**INCLUSION OF CHIEFS OF ARMY STAFF AS A
“ONE TIME SPECIAL CASE”**

जिल्हाधिकारी व जिल्हादंडाधिकारी मुंबई शहर यांचे कार्यालय,
(महसूल शाखा),

जुने जकात घर, शहीद भगतसिंग रोड, फोर्ट, मुंबई-400 001.

क्रमांक :- सीएसएलआर/आर्डीसी.1/आदर्श सह गृह नि.सं./09

दिनांक :- /06/2009

प्रति,

मानद सचिव

आदर्श सहकारी गृहनिर्माण संस्था मर्यादित

कॅप्टन प्रकाश पेठे मार्ग, कुलाबा,

मुंबई - 400 005

विषय :- आदर्श सहकारी गृहनिर्माण संस्थेचे सदस्यत्वास मान्यता देणेबाबत

संदर्भ :- शासन महसूल व वन विभाग यांचे पत्र क्र.जमीन-2508/343/प्र.क्र.

286/ज-2, दि.17/12/2008 व समक्रमांकाचे पत्र, दि.06/04/2009

महोदय,

वरील विषयास अनुसरून शासनाने संदर्भित पत्रानुसार जनरल निर्मल चंदर वीज व जनरल दिपक कपूर यांनी भारतीय सेनेत केलेले उल्लेखनीय कार्य व त्यांचे सामाजिक स्थान विचारात घेवून 'एक विशेष बाब' म्हणून केवळ त्यांचेकरिता दि.25/5/2007 चे शासन निर्णयातील महाराष्ट्र राज्यात 15 वर्षे वास्तव्याची अट शिथिल करून त्यांना आदर्श सहकारी गृहनिर्माण संस्थेतील सभासदत्व देण्यास मान्यता दिलेली आहे.

सबब या पत्राद्वारे जनरल निर्मल चंदर वीज व जनरल दिपक कपूर यांचे आदर्श सहकारी गृहनिर्माण संस्थेतील सदस्यत्वास मान्यता देण्यात येत आहे.

आपली विश्वासू

जिल्हाधिकारी मुंबई शहर
२२/५/०९
१०/६/०९