



# मिरा भाईदर महानगरपालिका

मुख्य कार्यालय, छत्रपती शिवाजी महाराज मार्ग, भाईदर (प) ता.जि.ठाणे-४०११०१  
दुरध्वनी क्र.२८१९ २८२८  
लेखापरीक्षण विभाग

OK

जा.क्र.मनपा/मुलेप/ ४१ /२०१८-१९  
दि. २०/०५/२०१८.

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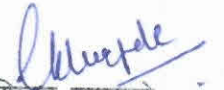
प्रति,  
मा.नगररचनाकार  
नगररचना विभाग  
मिरा भाईदर महानगरपालिका

विषय:- केंद्र शासन माहिती अधिकार अधिनियम २००५

संदर्भ:- श्री. राजु गोयल यांचा दि.२४/०५/२०१८ रोजीचा माहिती अधिकारातील  
अर्ज. प्राप्त दि.२९/०५/२०१८


उपरोक्त विषयासंबंधी कळविण्यात येत आहे की, केंद्र शासन माहिती अधिकार  
अधिनियम २००५ अन्वये श्री. राजु गोयल यांनी सन २००५ ते २०१० पर्यंत नॉन डेव्हलपमेंट अधिकार पत्र  
(विकास हक्क पत्र) बाबत केलेल्या ऑडीट रीपोर्टची माहिती मागविण्यात आलेली आहे.

सदरची माहिती आपल्या विभागाशी संबंधित असल्याने कृपया अर्जदार यांना आपल्या  
विभागामार्फत माहिती देण्यात यावी. सोबत माहिती अधिकार पत्राची छायांकित प्रत जोडण्यात आली  
आहे.

  
चिरुशिला खरपडे  
प्र.जनमाहिती अधिकारी तथा  
सहा.लेखापरिक्षक  
लेखापरीक्षण विभाग

प्रत:-  
श्री. राजु गोयल.  
शॉप क्र.०४, जी विंग  
रश्मी तन्मय बिल्डिंग,  
मनपा आयुक्त बंगल्या समोर,  
वेंवर्ली पार्क, मिरा रोड (पु)

गोपनीय  
लिपिक  
नगररचना विभाग  
जे. आ. न. व. व.

  
२०/०५/२०१८

**Application for Obtaining Information Under  
Right to Information Act, 2005**

24/5/18  
लेखा विभाग

To,

Public Information Officer,

लेखाधिकारी, लेखा विभाग  
मिरा हाईड्रॉ महानगरपालिका  
मिरा रोड (प.)



1) Full Name of the Applicant

:- Mr. Raju Goyal (Mob : 9821535666)

2) Address

:- Shop No. 4, G-wing, Rashmi Tanmay,  
Opp. MBMC Commissioner Bungalow,  
Beverly Park, Mira Road (East)  
Dist. Thane - 401107

लेखा परिक्षण विभाग  
आवक:- ८  
दिनांक:- 24/5/18

3) Particulars of Information required  
(i) Subject matter of Information

:- सन २००५ ते २०१० समयावधीची  
ऑडीट रिपोर्ट बाबत

(ii) The period to which the  
information relates

आज पर्यंत

(iii) Description of the information  
required

सन २००५ ते २०१० समयावधीची  
ऑडीट रिपोर्ट बابت उक्तेपत्रे जोन  
मध्ये दिलेला उक्तेपत्रे अर्दीक  
पत्र (विकास इक्क पत्र) ची  
ऑडीट रिपोर्ट ची संपूर्ण माहिती  
देणे ची विनंती

(iv) Whether information is required  
by post or in person

इ-वतः

(v) In case buy post (Ordinary,  
registered or Speed)

इ-वतः

4 Whether the applicant to below poverty line :- NA

Place मिरा रोड

Signature of Applicant

Date 24/5/18

(Raju Goyal)

रिपट

संदर्भ - Audit Report 4 page

\* जर तुम्हाला असे वाटत असलेली, वरिलप्रमाणे मागितलेली माहिती  
तुमच्या विभागाशी संबंधित नसेल तर, माहिती अधिकार अधिनियम  
२००५ च्या कलम ६(३) च्या तरतुदींचे पालन करून ५ दिवसांच्या  
आत, माझा अर्ज समुचित विभागकडे हस्तांतरित करा.

\* महाराष्ट्र शासन परिपत्रक क्र. संकिर्ण २०१७/प्रक्र. ८२०८/१८ स  
दिनांक १७/११/२०१७ प्रमाणे हा अर्ज प्राप्त झाल्यानंतर  
१० व्या दिवसापर्यंत शुल्काची रक्कम जलदगती तपास  
कळवावे ही नम्र विनंती.

**Application for Obtaining Information Under  
Right to Information Act, 2005**

To,

Public Information Officer,

लेखाधिकारी, लेखा विभाग  
मिरा रोड मिशनरी कॉलोनी  
मिरा रोड (प.)

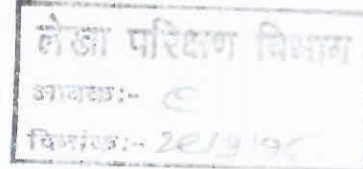


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Dist. Thane - 401107



(3) Particulars of Information required  
(i) Subject matter of Information

:- सन् २००५ ते २०१० समयावधीची  
ऑडीट रिपोर्ट बाबतची

(ii) The period to which the  
information relates

आज पर्यंत

(iii) Description of the information  
required

साल २००५ ते २०१० समयावधीची  
ऑडीट रिपोर्ट बाबत उक्तेपत्रे जो  
मध्ये दिलेला उक्तेपत्रे अर्थात  
पत्र (विकास इक्क पत्र) ची  
ऑडीट रिपोर्ट ची संपूर्ण माहिती  
देणे ची विनंती

(iv) Whether information is required  
by post or in person

स्वतः

(v) In case by post (Ordinary,  
registered or Speed)

स्वतः

4 Whether the applicant is below poverty line :- NA

Place : मिरा रोड

Signature of Applicant

Date : 24/05/18

(Raju Goyal)

टिप :-

सलक्षण -> Audit Report 4 Page

\* जर तुम्हाला असे वाटत असले की, वरीलप्रमाणे मागितलेली माहिती तुमच्या विभागाशी संबंधित नसेल तर, माहिती अधिकार अधिनियम २००५ च्या कलम ६(३) च्या तरतुदीचे पालन करून ५ दिवसांच्या आत, माझा अर्ज समुचित विभागकडे हस्तांतरित करा.

\* महाराष्ट्र शासन परिपत्रक क्र. संकिण २०१७/प्रक्र. ८२०८/१० स दिनांक १७/११/२०१७ प्रमाणे हा अर्ज प्राप्त झाल्यानंतर १० व्या दिवसपर्यंत शुल्काची रक्कम जलदगती तफावत कळवावी ही नम्र विनंती.



- consider the needs of internal audit so as to conduct internal audit through the system.

The matter was referred to Government (March 2010). Reply has not been received (June 2011)

## MIRA BHAYANDAR MUNICIPAL CORPORATION

### 5.2 Performance Review on "Functioning of Mira Bhayandar Municipal Corporation"

#### Executive summary

Mira Bhayandar Municipal Corporation was formed in February 2002 as civil body to govern the city. Mira Bhayandar Municipal Corporation functions under the provisions of Bombay Provincial Municipal Corporation Act 1949, which lays down obligatory and discretionary functions to be performed by the Municipal Corporation.

Performance Review on the functioning of Mira Bhayandar Municipal Corporation for the period 2005-10 revealed deficiencies in planning and failure to take up new Water Supply Scheme to meet the demand resulting in shortfall of 34 to 44 per cent in Water Supply.

Abandonment of project of production of fertilizer from bio-degraded solid waste after incurring expenditure of ₹82.92 lakh and non-functioning of solid waste management project resulted in improper disposal of solid waste. Delay in appointment of hospital staff resulted in non-functioning of 50 beds hospital constructed at a cost of ₹8.35 crore.

Delay in submission of Detailed Project Reports, non-revision of project cost at current District & Schedule Rates, non-inclusion of consultancy and maintenance cost in proposals for underground sewerage project under JNNURM for subsequent period resulted in additional financial burden of ₹161.15 crore and delayed execution of the project.

Non-levy of tax on larger residential premises, non-raising of demand and irregular deletion of properties resulted in loss of property tax amounting to ₹9.93 crore. Irregular sanction of one Floor Space Index instead of 0.2 Floor Space Index in 15 cases, Transfer of Developments Rights issued against land acquired in No Development Zone area had resulted in granting undue benefit of ₹9.77 crore. Non-utilization of Auto-DCR software system and three modules out of seven modules procured for computerization of civic services rendered expenditure of ₹50.83 lakh unfruitful.

#### 5.2.1 Introduction

Mira Bhayandar is a fast growing city in the western suburbs of Mumbai and Mira Bhayandar Municipal Corporation (MC) is the civic body that governs the city. The erstwhile Mira Bhayandar Municipal Council

offers in June 2007 for BOT project of Town Park and four reserved sites. The work order for development of Town Park was given in June 2007 with due date of completion as June 2009 for tenure of 30 years for rent of ₹ 45.45 lakh per annum to be increased by 10 per cent every five years. Four sites were awarded (June 2007) for consideration of ₹ 44.33 lakh per annum, however, only two projects were taken up for development by contractors. ?

i) Site No. 96 reserved for Play Ground was awarded for development in June 2007 with due date of completion as one year. Contractor has made yearly payments of rent of ₹ 10 lakh but breached the condition of utilizing the plot for fun and fair purposes for not more than 30 days during the year 2009.

ii) Site no. 191 reserved for Primary School and Play Ground was handed over for development on 20 June 2007 on BOT basis for 30 years on rental value of ₹ 10 lakh per annum. Although the developer has paid rent for the year 2007-08, he had not developed the site and sought permission to develop the site as College (since September 2005 i.e. before awarding of the contract) by changing the nature of reservation.

Thus Mira Bhayandar MC could utilize only 4.88 hectare of land out of total available 20.65 hectares of land acquired substantially till date. No further action was taken by Mira Bhayandar MC to utilize the balance substantially acquired land.

Mira Bhayandar MC accepted (May 2010) the delay in completion of Town Park on BOT and non-execution of two contracts out of other four initiated under BOT/Rental based allotment of contracts.

Thus non-utilization of substantially acquired lands shows the lackadaisical approach of Mira Bhayandar MC in development and utilization of transferred land which resulted in non-accrual of annual revenue of ₹ 89.78 lakh per annum and not providing benefits as envisaged as per Development Reservation.

#### 5.2.14.4 Irregular issue of Transfer of Development Rights

As per section 22 of MRTT Act i.e. in DP, the owner will be eligible for Development Right (DR) to the extent stipulated in the DCR, had the land been not so reserved and that built-up area for the purpose of Floor Space Index (FSI) credit in the form of Development Right Certificate (DRC) shall be equal to the gross area of the reserved plot to be surrendered and will proportionately increase or decrease according to the permissible FSI of the Zone wherefrom the TDR has originated. As per DCR for certain construction activity in NDZ, maximum 0.2 FSI may be allowed in independent plots of area up to one hectare each and for any additional bigger plots of more than one hectare 0.05 FSI may be allowed in addition to 0.2 FSI for the first hectare.

Mira Bhayandar MC had sanctioned credit of one FSI ignoring the provisions of DCR, wherein 28,483.24 Sq. meter excess FSI credit was



given to 15 land owners giving undue benefit to the owners/developers to the extent ₹ 9.77 crore as per rates mentioned in respective property registration documents in 13 cases and details of two cases were not furnished.

Mira Bhayandar MC stated (May 2010) that the TDRs issued were as per provisions.

The reply is not acceptable as these TDRs were issued for NDZ reservations under approved DP and hence should be restricted to 0.2 FSI as per DCR of Mira Bhayandar MC.

### ✓ 5.2.15 Implementation of e-Governance

#### ✓ 5.2.15.1 Non-utilization of modules

The computerization of various departments of the Mira Bhayandar MC was initiated (June 2004) with an objective to improve the civic services, integration of functions, improve the efficiency of the available manpower and reduction in expenditure. Accordingly, software modules for various functions such as Water Billing, Property Tax, Birth and Death Registration, Food and Market Licenses, Accounts, Complaints, Acceptance and Redressal (CARE) and Citizen Facilitation Center (CFC) were procured (January 2005) from Kalyan Dombivli Municipal Corporation at the cost of ₹ 22 lakh. Post Implementation Support Services at ₹ 1.86 lakh per month was also availed (December 2005) for the implementation of the above modules. The services were extended up to October 2007 and ₹ 44.64 lakh was paid to Kalyan Dombivli MC.

Audit scrutiny (April 2010) revealed that the documents such as user requirements, system design and user manual relating to application modules were not available and source code of the programme was not procured along with software. Three modules viz. Property Tax, Birth and Death Registration and CFC out of seven modules procured were functioning in Mira Bhayandar MC. The water billing module was implemented only for the year 2009-10 and due to incomplete data capturing, the services for issue of water bills through computer system was discontinued from January 2010 and water bills were issued manually. Despite incurring expenditure of ₹ 66.64 lakh for implementation of seven modules, Mira Bhayandar MC could implement only four modules rendering expenditure of ₹ 28.24 lakh incurred on remaining three modules unfruitful.

Mira Bhayandar MC stated (May 2010) that account module procured was of single entry system against the requirement of double entry system, hence was not in use. Food and Market module, CARE could not be put to use and CFC module was also partially in use.

Thus, the purpose of introduction of e-Governance to improve efficiency and reduce the expenditure was defeated.

(4)

Period of Audit  
2008-09 to 2008-09

Town Planning Deptt.  
Mira Bhayandar Municipality  
Corpn,  
Bhayandar

PART- II- A : Major Objection

Para 4:-Irregular grant of TDR- loss to the extent of Rs. 558.15 lakh

As per provision under Regulation of 22 of Development Control regulation (DCR) of Mira-Bhayandar Municipal Corporation in certain circumstances, the development potential of a plot of land may be separated from the land itself and may be made available to the owner of the land in the form of Transferable Development Rights (TDR). These rights may be made available and be subject to the regulation in Appendix IV of the said DCR.

Further sub-regulation 2 of Appendix IV states that , where a plot of land is reserved for any purpose specified in Section 22 of MRTP Act, 1966 the owner will be eligible for Development Rights (DRs) to the extent stipulated in Regulation 5 & 6 in this appendix had the land been not so reserved, after the said land is surrendered free of cost as stipulated in Regulation in this Appendix and after completion of the development or construction as in regulation in this Appendix if he undertakes the same.

Sub regulation 5 of Appendix IV stipulates that the built up area for the purpose of FSI credit in the form of DRC shall be equal to the gross area of the reserved plot to be surrendered and will proportionately increase or decrease accordingly to the permissible FSI of the Zone where from the TDR has originated. Provision for computation FSI is stipulated in Regulation 34 of Development control Regulation for Mira-Bhayandar Municipal Corporation.

Scrutiny of records pertaining to grant of TDR for old survey No. 194 (New survey no. 80). Village Khari revealed that Corporation had granted TDR to the extent of 2312 sq. mt. in respect of area falling under No Development Zone transferred to corporation as per reservation under approved Development plan of MBMC. Permissible FSI in Non development Zone was to the extent of 0.20 FSI only whereas Corporation sanctioned FSI. This leads to excess grant of TDR to the extent of 1850 sq mt (80% of 2312). In addition to this Corporation had also sanctioned excess TDR of 1211 sq. mt in respect of part of the plot not falling under CRZ / No Development Zone. Details of irregular grant of TDR of <sup>(850)</sup>2312 sq. mt and excess grant of TDR of 1211 sq. mt is worked out as under:

Total area of plot bearing S. No. 194 (New 80) = 33080 sq. mt.