

Social Due Diligence Report

October 2018

IND: Mumbai Metro Rail Systems Project

Prepared by Mumbai Metropolitan Region Development Authority, Government of India for the Asian Development Bank.

ABBREVIATION

ADB	Asian Development Bank
COD	Central Ordinance Depot
FLGRC	Field Level Grievance Redressal Committee
GRC	Grievance Redressal Committee
R&R	Resettlement & Rehabilitation
MMRDA	Mumbai Metropolitan Regional Development Authority
MUTP	Mumbai Urban Transport Project
NGO	non-government organization
PAPs	project-affected persons
RAP	Resettlement Action Plan
RoW	right-of-way
SLGRC	Senior Level Grievance Redressal Committee
SIA	Social Impact Assessment

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I. PROJECT DESCRIPTION

A. Introduction

1. The Government of Maharashtra, acting through the Mumbai Metropolitan Regional Development Authority (MMRDA), has requested the Asian Development Bank (ADB) to finance the Mumbai Metro Rail Systems Project (the project), comprising of Lines 2A, 2B, and Line 7, as part of the Comprehensive Transportation Study¹ currently being executed in Mumbai City. The project is part of the Government of Maharashtra's multi-phase Mumbai Metro plan to build nine metro lines from 2006–2021. The project involves (i) procurement of rolling stock; (ii) procurement of signaling and platform access systems; and (iii) establishment of an operations organization. ADB will finance \$926 million, which is 65% of the total project cost.

2. The corridor of Line 2A (Dahisar (E)– D.N. Nagar, Andheri (W)) is 18.6 kilometer (km) long with 17 stations and involve construction of viaduct, stations, and one depot at Malwani. This corridor extends from D.N. Nagar to Mandale as Line 2B corridor (23.6 km with 22 stations) and is part of the overall Metro 2 Project.

3. The corridor of Line 7 lies in Western Suburbs of Greater Mumbai between Andheri (E) and Dahisar (E) along Western Express Highway to cater the requirement of the city. This corridor is proposed for a length of about 16.475 km. It includes 16 stations, one maintenance depot, and receiving substation for power supply and construction depots at suitable locations. The details of all three lines are presented in Table 1.

Table 1: Description of Lines 2A, 2B, and 7 of Mumbai Metro Rail Project

Metro Lines	Starting From	Ending at	Length	Number of Stations
Line 2A	Dahisar (E)	D.N. Nagar Andheri (W)	18.6	17
Line 2B	D.N. Nagar	Mandale	23.6	22
Line 7	Andheri (E)	Dahisar (E)	16.5	16
Total			58.7	55

Note: All stations of the three Lines are fully elevated.

B. Proposal for Asian Development Bank Funding

4. Infrastructure for the aggregate length of these three lines (58.7 km) is being implemented by MMRDA using state funds. ADB funding is limited to finance the rolling stock, signaling, and platform access systems, which are mainly plant supply and installation contracts for these three lines.

C. Social Safeguard Categorization

5. The project will finance specific items of goods and equipment supply and no civil works. It does not entail involuntary resettlement impacts nor impacts on indigenous peoples. Hence, the project is categorized as category C in terms of both Involuntary Resettlement (IR) and Indigenous People (IP) categorization in accordance with the ADB Safeguard Policy Statement (SPS) 2009.

¹ As part of the World Bank-assisted Mumbai Urban Transport Project, MMRDA prepared a Comprehensive Transportation Study (CTS) for MMR in 2005–2008, for the period up to 2031. The CTS sets out timeline goals for transportation and serves as the sector road map. The long-term goal is focused on increasing the metro and suburban rail.

6. This social safeguard due diligence report has been prepared by MMRDA to describe how it is implementing land acquisition, rehabilitation, and resettlement to construct the physical infrastructure for Lines 2A, 2B, and 7 as per the national law, state law, and sector policies.² It elaborates on MMRDA's social safeguard management policy and practice, and confirms that these are in line with national and state laws, regulations and sector policy, and ADB's involuntary resettlement requirements for borrowers and clients. Diagnostic assessments have been undertaken to:

- (i) confirm adequacy of resettlement planning;
- (ii) ensure affected persons, including informal settlers, are compensated prior to displacement at replacement cost;
- (iii) confirm income restoration programs are in place for those whose livelihood will be affected;
- (iv) confirm meaningful consultations carried out and information disclosed; and
- (v) ensure availability of mechanisms for grievance redress and for monitoring.

D. Methodology for Social Safeguard Due Diligence

7. The social due diligence for this project was carried out from 1 to 4 July 2018 and on 30 August to 2 September 2018 covering a total 38 households (around 31% of total 121 relocated households as of September 2018). The methods used to collect information are as follows:

- (i) review of existing national and state policies,
- (ii) review of project safeguard planning documents,
- (iii) review of project safeguard implementation status,
- (iv) consultation with stakeholders involving the project implementation authorities and displaced person / communities, and
- (v) on site observation of resettlement and rehabilitation (R&R) activities.

II. SOCIAL SAFEGUARD PLANNING

8. To identify the social impacts of the Mumbai Metro plan and manage the resettlement implementation, MMRDA has taken measures to enhance policy and procedures to implement appropriate social measures, make clear its procedures and criteria for decision making, and meet the international good practice standards of transparency, predictability, and accountability. MMRDA's social safeguards policy and practice includes the following elements:

- (i) assessment of land and structures affected by the project;
- (ii) assessment of socio-economic conditions of the project-affected persons (PAPs);
- (iii) examination of potential positive and negative impacts on the socio-economic conditions of PAPs;
- (iv) development of appropriate measures to minimize the negative socio-economic impacts; and
- (v) preparation of Resettlement Action Plan (RAP) based on the existing policies, laws, and guidelines of the government for the loss caused to the PAPs in order to improve or at least restore their former living standard.

9. MMRDA has finalized social impact assessments (SIA) of both Lines 2A and Line 7 in November to December 2017. The findings of the SIA are based on a baseline Socio-Economic Survey and census survey carried out under the project from July 2016 to October 2017 (for Line

² Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; Maharashtra Notification on Resettlement and Rehabilitation, 2014; and Mumbai Urban Transport Project Resettlement and Rehabilitation Policy, 2000.

2A: October 2016–December 2016; Line 7: July 2016–October 2017). For Line 2B, the draft SIA and RAP is in process of finalization.

10. SIA reports prepared by MMRDA described the type and area of land to be acquired, magnitude of impact, type of structures, area, type of use, occupancy status, years of stay, etc. The PAP information includes demographic and socio-economic characteristics of PAPs and their family members including education, employment, and income. For commercial establishments, the information includes years of establishment, natures of activity, area, monthly turnover, number of employees, etc., accompanied by specific demographic information about employees, their travel distance from residence, monthly salary, nature of work, etc.

11. The RAP provided in the SIA is based on the principle that the population affected by the project will be compensated for losses to improve or at least restore their former living standards. Further, it also takes into account ways of avoiding or minimizing the impacts wherever possible by exploring alternatives in finalization of designs by contractors. Where displacement is unavoidable, people losing assets, livelihood, or other resources will be provided compensation and resettlement benefits based on the applicable policy framework. The R&R entitlements are proposed in accordance with Resettlement and Rehabilitation Policy for Mumbai Urban Transport Project (MUTP) (2000) and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act (RFCTLARR), 2013.

12. The RAP also describes the institutional arrangement, public consultation and information disclosure, grievance redressal mechanism and monitoring plan, thereby, covering all aspects of resettlement requirements of the ADB Safeguard Policy Statement (SPS) (2009).

III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

13. Lines 2A, 2B, and 7 will require land for different purposes. Land is mainly required for viaduct, construction of stations and allied services, construction of depot including laying of stabling lines, workshops, washing lines, administrative buildings and water, sewage and effluent treatment systems in addition to storage facilities.

A. Land Acquisition

14. Lines 2A, 2B, and 7 will require approximately 237,485 square meters of land, out of which 54,729 square meter (23%) is private land owned by legal titleholders. The details of land required under the project is given in Table 2 below.

Table 2: Area and Ownership of Land to be Acquired

Ownership of Land	Area to be acquired (in square meter)			Total
	Line 2 A	Line 2 B	Line 7	
Private	17,033.76	31,749.00	5,946.23	54,728.99
Government	213,370.12	2,71,246.00	1,135.05	214,505.17
Total	230,403.88	302,995.00	7,081.28	237,485.16

Note: The land area requirement for Line 2B is based on feasibility study reports. The details for actual land survey are in progress.

15. The number of households affected by the land acquisition is yet to be finalized by MMRDA and title search for legitimate owners is ongoing.

B. Resettlement Impacts

16. It is estimated that the Lines 2A, 2B, and 7 will affect 1,820 households (5,915 persons) due to acquisition of land and structures.

Table 3: Category of Loss and Number of Displaced Households and Project-Affected Persons

Category of Loss	Line 2A		Line 2B		Line 7		Total	
	No. of HHs	No. of PAPs	No. of HHs	No. of PAPs	No. of HHs	No. of PAPs	No. of HHs	No. of PAPs
Residential Structure	80	320	1,226	4,904*	54	216	1,360	5,440
Commercial Structure	93	93	246	246	116	116	455	455
Residential-cum-Commercial Structure	0	0	1	4*	2	8	3	12
Other Structures	2 **	8			1***		2	8
Total	175	421	1,473	5,154	172	340	1,820	5,915

HHs = households, PAP = project-affected persons.

* Actual numbers to be confirmed after finalization of SIA.

** Two temples will be affected. Out of two, one temple will not require relocation after final alignment by confining the working area within the right of way.

*** Divine Light School run by free Methodist Trust, which is proposed to be redeveloped on unaffected portion of land. Currently the school has been shifted with rental arrangement.

Note: The above impacts are tentative and are specified based on surveys completed for available alignment information and may undergo modifications in future.

17. The elevated tracks of Line 2A crosses Western Railway from East to West three times thus causing involuntary resettlement. During the SIA, the number of structures enumerated as impacted under Line 2A was 190. The design was finally modified by changing the location of stations to limit impacts to 175 structures.

18. Similarly, in case of Line 7, the number of impacted structures recorded under SIA were 347. As of June 2018, 262 structures have been validated, among which 172 have been considered for resettlement. The remaining 90 structures will only be partially affected, with the owners having the options to remain in place.

19. For Line 2B, which runs from D.N. Nagar to Mandale (Mankhurd), 1,473 structures are expected to be impacted. The finalization of SIA is in progress.

C. Minimization of Resettlement Impacts

20. MMRDA considered alternative design options during the design phase to minimize land acquisition, resettlement, and adverse impacts on people in the project area by adopting suitable alignment and engineering design. This involves maintaining most of the project alignment and stations within the existing right-of-way (RoW) of the Main Link Road (in case of Line 2A) and Western Express Highway (in case of Line 7).

21. Change in formation width of alignment and stations resulted in restriction of impacts at three locations in case of Line 2A (along the alignment of viaduct (curves) and at approach road to depot) and 10 locations in case of Line 7 (along the alignment of viaduct and at 8 stations).

22. In case of Andheri, Aarey, and Dahisar station, staircases were originally proposed to terminate areas with structures. In order to save some structures, staircase designs were altered.

IV. LEGAL FRAMEWORK

23. The principal laws and policies regarding land acquisition and resettlement that apply to MMRDA projects are the Mumbai Urban Transport Project (MUTP) Resettlement and Rehabilitation Policy (2000); The Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act (RFCTLARR) 2013; the notifications of Department of Revenue and Forest, Maharashtra Government for Resettlement and Rehabilitation dated 13/08/2014, 27/08/ 2014 (2 Nos.), order of CBDT, Ministry of Finance, Government of India dated 25/10/2016. The MUTP Policy had been developed under technical assistance from the World Bank and complies with the World Bank Operational Policy 4.12 on Involuntary Resettlement.

24. The MUTP Policy was approved by the Government of Maharashtra through GR. No. *Prakalp* 1700/CR 31/Slum 2, dated 12 December 2000. The main feature of this policy is that, unlike other policies, it has the cut-off date when the survey is complete and hence, those structures surveyed are liable for resettlement, unless verified by documentary evidence. This policy offers 20.91 square meter for residential structures, and for non-residential structures equivalent area with a maximum 750 square feet out of which 225 square feet carpet area is provided free of cost and additional area at prevalent Ready Reckoner rate. The policy provides a clear title and other amenities to the titled and non-titled displaced person. As such, the MUTP compensation policy goes beyond national policy and international norms as it provides titled property to nontitle-holders.

25. The Central Board of Direct Taxes (CBDT) Order dated 25/10/2016 stated that no income tax will be levied or deducted from compensation paid in respect of award or agreement to the affected person.

A. Gap Analysis of MMRDA Involuntary Resettlement Safeguards and ADB SPS

26. A gap analysis of the RFCTLARR Act 2013 and MUTP R&R Policy, 2000 taken together and the ADB SPS indicates there are no significant gaps between the MMRDA's Involuntary Resettlement policy framework and the SPS (see Table 5).

Table 4 : Gap Analysis of ADB, Government of India and MUTP R&R Policies

S. N	Aspect	ADB Safeguard Requirement	RFCTLARR Act, 2013	MUTP R&R Policy	Gap Analysis
1	Screen the Project	Screen the Project to identify past, present, and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement.	4 (l) it is obligatory for the appropriate Government if it intends to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6.	A Baseline Socio-Economic Survey (BSES) is to be carried out covering all impacts and PAPs. A Resettlement Action Plan is to be prepared with active participation of eligible PAPs. While preparing the Resettlement Action Plan (RAP) the baseline survey will be updated if the gap between the baseline survey and the RAP is more than one year.	No gap between SPS and RTFCTLARR Act as well as MUTP R&R Policy. Screening of Metro 7 is done in line with the IR checklist of ADB towards enabling identification of the potential resettlement impacts and associated risks.
2	Consultation with stake holders and establish grievance redress mechanism	Carryout consultations with displaced persons, host communities and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options	Whenever a Social Impact Assessment report is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report. The Land Acquisition Rehabilitation and Resettlement Authority shall be established in each State by the concerned State Government to hear disputes arising out of Projects where land acquisition has been	Based on the BSES carried out through close participation of NGOs and CBOs, a list of eligible Project affected structures, households and, shops and business activities shall be prepared and announced for community endorsement to avoid conflict over subsequent entrants in the Project area. RAP preparation shall be undertaken with active participation of eligible PAPs. Draft RAP shall be shared with the PAPs, NGOs, CBOs and general public in the area through community meetings and other appropriate media. The views of PAPs will be taken into account in finalizing the RAP. Provisions for	No gap between SPS, RTFCTLARR Act, as well as MUTP R&R Policy.

S. N	Aspect	ADB Safeguard Requirement	RFCTLARR Act, 2013	MUTP R&R Policy	Gap Analysis
			initiated by the State Government or its agencies.	dissemination of information on R&R Policy, RAP and EMP through various media. Designation of senior officer at the local level to consider any grievances of PAPs in consultation with the concerned NGO and also establishment of Grievance Redressal Committee for appeal.	
3.	Improve, or at least restore, the livelihoods of all displaced, and payment at replacement cost	Improve or restore the livelihoods of all displaced persons through: (i) land-based resettlement strategies; (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.	The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land. Livelihood losers are eligible for various rehabilitation grants.	The Policy is based on the objective of compensation for losses at replacement cost and providing assistance in improving or at least restoring their former living standards, income earning capacity and production levels. For acquisition of land for the Project, landowners and lessees shall be compensated as per the provisions of the Land Acquisition Act, 1894 (now replaced by RTFCTLARR Act). The facility of Transferable Development Rights (TDRs) will be available as an alternative to compensation under the LA Act, in accordance with the Development Control Regulations (OCRs) for Greater Mumbai 1991 as amended from time to time and being in force.	No gap between SPS, RTFCTLARR Act as well as MUTP R&R Policy. Assets to be compensated at replacement cost without depreciation and other Livelihood assistances and income restoration measures are included.

S. N	Aspect	ADB Safeguard Requirement	RFCTLARR Act, 2013	MUTP R&R Policy	Gap Analysis
				<p>Even the Non-titleholder PAPs will be provided constructed houses and shops, the value of which is much higher than the lost structure. The squatter PAPs who opt for township option (sites and services), shall be entitled to a monetary supplement that represents the replacement cost of their shelter at the time of baseline survey.</p> <p>In addition, there are provisions for compensation for economic losses in the form of financial assistance for increased travel distance, towards actual income and in the form of employment information and community operated fund.</p>	
4.	Assistance for displaced persons	Provide physically and economically displaced persons with needed assistance	Schedule I, provides market value of the land and value of the assets attached to land. Schedule II provides R&R package for land owners and for livelihood losers including landless and special provisions for Scheduled Tribes.	<p>The Policy envisages compensation and other benefits for acquired land and structures thereon on par with RTFCTLARR Act. Further, resettlement benefits in the form of constructed premises and compensation for economic losses are provided to all the PAPs including the Non-titleholders.</p>	<p>No gap between SPS, RT FCTLARR Act as well as MUTP R&R Policy.</p> <p>However, PAPs, particularly non-residential, located on private land to be acquired for the Project may have to choose between benefits under RTFCLARR Act and MUTP R&R Policy.</p> <p>Entitlement Matrix outlines the compensation and assistance for PAPs.</p>

S. N	Aspect	ADB Safeguard Requirement	RFCTLARR Act, 2013	MUTP R&R Policy	Gap Analysis
5.	Improve standard of living of displaced vulnerable groups	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards	Special provisions are provided for vulnerable groups (Scheduled Caste and Tribes)	Vulnerable households such as women headed households, handicapped and the aged will be extended an additional package of rehabilitation services to help them overcome the difficulties on account of resettlement. This will include preference in allotment of dwelling units on the ground floor for the handicapped and preference in sanctioning of loans from the community operated fund mentioned.	No gap between SPS, RTFCTLARR Act as well as MUTP R&R Policy. The vulnerable households are provided all the benefits applicable to the PAPs, which are aimed at improving the living standard. Entitlement Matrix outlines assistance for vulnerable groups.
6.	Negotiated Settlement	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status	RTFCTLARR Act only applicable in case of land acquired/purchased for PPP Projects and for Private Companies. Section: 2. (2), and 46.	The facility of Transferable Development Rights (TDRs) is available as an alternative to compensation under the RTFCTLARR Act, which could involve negotiations.	Compensation can also be considered in the form of allotment of constructed premises in lieu of monetary value of compensation. Provisions outlined in ADB SPS will be followed for the Project in cases where negotiations are carried out.
7.	Compensation for non-title holders	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	Non-titleholders on acquired land area are only included but non-titleholders on public (Govt.) land are not covered.	The Policy fully covers all Non-titleholders for various resettlement and other benefits.	Gap exists between ADB SPS and RTFCTLARR Act but no gap exists between SPS and MUTP R&R Policy, which will be followed for the Non-titleholders of the Project.
8.	Requirement of RP	Prepare a resettlement plan / indigenous peoples plan elaborating on displaced persons'	Preparation of Rehabilitation and Resettlement Scheme including time line for	RAP preparation shall be undertaken with active participation of eligible PAPs.	No gap between SPS, RTFCTLARR Act as well as MUTP R&R Policy.

S. N	Aspect	ADB Safeguard Requirement	RFCTLARR Act, 2013	MUTP R&R Policy	Gap Analysis
		entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	implementation. <i>Section: 16. (1) and (2).</i> Separate development plans to be prepared. <i>Section 41</i>	Draft RAP shall include, a statement of objective and policies, an executive summary, and provision for the following: <ul style="list-style-type: none"> • organizational responsibilities, • community participation and integration with host populations; • socioeconomic survey, • legal framework, • alternative sites and selection, • valuation of and compensation for lost assets, • land tenure, acquisition, and transfer, • access to training, employment, and credit, • shelter, infrastructure, and social services, • environmental protection and management; and • Implementation schedule, monitoring, and evaluation. 	
9.	Public disclosure	Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before Project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders	Under clause 18, the Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the <i>Panchayat</i> , Municipality or Municipal Corporation. As the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the <i>Tehsil</i> , and shall be published in the affected areas, in such	Draft RAP shall be shared with the PAPs, NGOs, CBOs and general public in the area through community meetings and other appropriate media. The views of PAPs will be taken into account in finalizing the RAP In addition, general dissemination of information on R & R policy, specific RAPs and environmental management plan related to Project shall also	No gap between SPS, RTFCTLARR Act as well as MUTP R&R Policy. In addition to the publishing of the approved resettlement plan, the RF includes provision for disclosure of the various documents pertaining to RP implementation.

S. N	Aspect	ADB Safeguard Requirement	RFCTLARR Act, 2013	MUTP R&R Policy	Gap Analysis
			manner as may be prescribed and uploaded on the website of the appropriate Government.	be undertaken in a planned manner. These activities may include organizing seminars, bringing out the news items in newspapers, TV, radio, technical and academic journals	
10.	Cost of resettlement	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of Project's costs and benefits. For a Project with significant involuntary resettlement impacts and / or indigenous peoples plan, consider implementing the involuntary resettlement component of the Project as a stand-alone operation.	As per clause 95 of RTFCTLARR Act, the cost of R&R is to be borne by the Local Authority or the acquiring body.	Cost estimates should be prepared for activities mentioned in the RAP, should be budgeted and scheduled in coordination with the physical works of the main investment Project.	No gap between SPS, RTFCTLARR Act as well as MUTP R&R Policy. Cost of resettlement will be covered as the Project cost.
11.	Taking over possession before Payment of compensation	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout Project implementation.	38 (I) The Collector shall take possession of land after ensuring that full payment of Compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30.	For acquisition of land, provisions of RTFCTLARR Act will apply. The resettlement activities shall be generally completed prior to commencement of the relevant section of the civil works of the Project.	No gap between SPS, RTFCTLARR Act as well as MUTP R&R Policy.
12.	Monitoring	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan	48 (I) The Central Government may, whenever necessary for national or inter-State Projects, constitute a National Monitoring Committee for	Provision for prescribing institutional arrangements, including interdepartmental oversight committees, the hiring of experts in housing, engineering,	No gap between SPS, RTFCTLARR Act as well as MUTP R&R Policy.

S. N	Aspect	ADB Safeguard Requirement	RFCTLARR Act, 2013	MUTP R&R Policy	Gap Analysis
		have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.	social development, land acquisition, legal, environment, PR and other relevant areas and monitoring mechanisms, to be set forth.	For Project, monitoring mechanism and frequency will follow ADB SPS based on categorization.

V. ELIGIBILITY AND ENTITLEMENT MATRIX

27. MMRDA has adopted the Entitlement Matrix below for Lines 2A, 2B, and 7. The matrix clearly defines the eligibility criteria and provisions applicable under the RFCTLARR Act, 2013 and MUTP R&R Policy. The gap analysis in the previous section implies that the entitlements adopted for Lines 2A, 2B, and 7 are in line with the ADB SPS.

Table 5 : Entitlement Matrix for the Project

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
Land						
1-a	Loss of private land	Agricultural land, homestead land or vacant plot	Legal titleholders/ Family with traditional titleholders ³	It is a Metro Project in urban area and does not involve acquisition of any agricultural or homestead land and PAPs do not include families with traditional titles. The following compensation will be paid on par with RFCTLARR Act. <ul style="list-style-type: none"> Market value of land, value of assets attached to the land or buildings and 100% solatium (or as decided by GoM) Training and skill development for job to one family member in the Project or one-time payment of Rs. 5 lakhs or annuity policies that pay 	<ul style="list-style-type: none"> Owners as per record of rights and actual holder of land could be different. The holder could be the purchaser of property. Assessment and apportionment of compensation as per legal rights will have to be determined before payment. 	The Competent Authority for land acquisition will implement the entitlement provisions. If negotiations are involved, the same will be carried out by the MMRDA.

³ Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to titleholders. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 defines "Forest Dwelling Scheduled Tribes" as the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests and forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities. The act provides right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement or rehabilitation prior to the 13th of December 2005.

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>Rs. 2,000 per month per family for 20 years indexed to CPI</p> <ul style="list-style-type: none"> • Monthly subsistence allowance of Rs. 3,000 per month for a period of one year • One-time financial assistance of Rs. 50,000 towards transportation cost for shifting • One-time resettlement allowance of Rs. 50,000. • Displaced families⁴ belonging to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance. • Additional assistance to Vulnerable Households 		
1-b	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not / Sharecroppers	<ul style="list-style-type: none"> • Apportioned compensation as per the provisions of the RTFCTLARR Act. • Training and skill development for job to one family member in the Project or one-time payment of Rs. 5 lakhs or annuity policies that pay Rs. 2,000 per month per family for 20 years indexed to CPI • Monthly subsistence allowance of Rs. 3,000 per month for a period of one year • One-time financial assistance of Rs. 50,000 towards transportation cost for shifting 	<ul style="list-style-type: none"> • Competing claims will have to be decided by the Competent Authority based on legal documents. 	The Competent Authority for land acquisition will implement the entitlement provisions. If negotiations are involved, the same will be carried out by the MMRDA.

⁴ Displaced family" as defined by the LARR Act-2013, means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. According to ADB SPS-2009, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Thus, under this RF, the subsistence allowance is applicable for all affected families losing land irrespective of their nature of physical or economic displacement.

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> One-time resettlement allowance of Rs. 50,000. Displaced families⁵ belonging to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance. Additional assistance to Vulnerable Households 		
2-a	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholders	<ul style="list-style-type: none"> Land transfer charges, if any, levied by the concerned Government Agency (which may include compensation to be paid to the lessee for obtaining possession of land) 	The terms of transfer of land will either be decided by the Central / State Govt. or will have to be negotiated with the concerned Government agency.	MMRDA will hold negotiations, if necessary.
2-b	Loss of Government land	Vacant plot, Agricultural land, homestead land, RoW of road	Non-Title Holders/Squatters ⁶ , Encroachers ⁷	<ul style="list-style-type: none"> No compensation against land envisaged for Non-titleholders. Land transfer charges, if any, levied by the concerned Government Agency 	The terms of transfer of land will either be decided by the Central / State Govt. or will have to be negotiated with the concerned Government agency.	MMRDA will hold negotiations, if necessary.
Residential Structures⁸						
3-a	Loss of residential structure	Residential structure and other assets ⁹	Legal titleholders Family with traditional land right	<ul style="list-style-type: none"> No resettlement benefit if legal titleholder is non-resident. If resident, a constructed house of not less than 50 sq.m. plinth area (if 	<ul style="list-style-type: none"> Specific arrangements will have to be made to provide such housing which is 	MMRDA will identify and make available suitable housing stock.

⁵ Displaced family" as defined by the LARR Act–2013, means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. According to ADB SPS-2009, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Thus, under this RF, the subsistence allowance is applicable for all affected families losing land irrespective of their nature of physical or economic displacement.

⁶ Squatters are those who have no recognizable rights on the land that they are occupying.

⁷ Encroachers are those who build a structure which is in whole or is part of an adjacent property to which he/she has no title. They are not vulnerable.

⁸ Some of entitlements under section are the same as previous rows as it is structured separately for each affected category and should not be duplicated in reading.

⁹ Other assets include, but is not limited to walls, fences, sheds, wells, etc.

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>required in multi-storied building) for a family. Alternatively, if so desired, a one-time financial assistance of not less than Rs. 1.5 lakhs for construction of a house (or as decided by the GoM)</p> <ul style="list-style-type: none"> The above benefits will be in addition to the compensation and benefits against acquired land. 	different than that provided to Non-titleholder PAPs	
3-b	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> No resettlement benefit if non-resident. If resident, a constructed house of not less than 50 sq.m. plinth area (if required in multi-storied building) for a family. Alternatively, if so desired, a one-time financial assistance of not less than Rs. 1.5 lakhs for construction of a house (or as decided by the GoM) The above benefits will be in addition to the compensation and benefits against acquired land. 	<ul style="list-style-type: none"> Specific arrangements will have to be made to provide such housing which is different than that provided to Non-titleholder PAPs 	MMRDA will identify and make available suitable housing stock.
3-c	Loss of residential structure	Residential structure and other assets	Non-Title Holders	<p>If resident on Private Land :</p> <ul style="list-style-type: none"> A constructed house of not less than 50 sq.m. plinth area (if required in multi-storied building) for a family. Alternatively, if so desired, a one-time financial assistance of not less than Rs. 1.5 lakhs for construction of a house (or as decided by the GoM) Training and skill development for job to one family member in the Project or one-time payment of Rs. 5 lakhs or annuity policies that pay Rs. 2,000 per month per family for 20 years indexed to CPI 	<ul style="list-style-type: none"> Specific arrangements will have to be made to provide such housing which is different than that provided to Non-titleholder PAPs Specific method will have to be derived to determine cost of increased travel distance, assessment of past income and establishment of community operated fund. 	<p>MMRDA will identify and make available suitable housing stock.</p> <p>MMRDA will formulate necessary guidelines and implement them.</p>

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> • Monthly subsistence allowance of Rs. 3,000 per month for a period of one year • One-time financial assistance of Rs. 50,000 towards transportation cost for shifting • One-time resettlement allowance of Rs. 50,000. • Displaced families¹⁰ belonging to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance. <p>Additional assistance to Vulnerable Households</p> <p>If on Govt. Land :</p> <ul style="list-style-type: none"> • Occupants : A house of 225 sq.ft. carpet area free of cost in multi-storey building in R&R colony. • Structure Owners : Replacement cost of lost structure • Arrangement for actual transportation or payment of amount based on actual cost • For increased travel distance : Monetary compensation for 3 year travel • Permanent loss of Livelihood : Monetary compensation equivalent to 1 year income, access to employment information and 		

¹⁰ Displaced family" as defined by the LARR Act–2013, means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. According to ADB SPS-2009, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Thus, under this RF, the subsistence allowance is applicable for all affected families losing land irrespective of their nature of physical or economic displacement.

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				training facilities and assistance through community operated fund		
Commercial Structures						
4-a	Loss of commercial structure	Commercial structure and other assets	Legal titleholders Family with traditional land right	<ul style="list-style-type: none"> No benefit if legal titleholder is not occupant For Occupant, one-time financial assistance of minimum Rs. 25,000 for construction of shop as per the RTFCTLARR Act. The above benefits will be in addition to the compensation and benefits against acquired land. <p>OR following benefits under MUTP R&R Policy:</p> <ul style="list-style-type: none"> Occupants: A shop of equivalent area with a maximum 750 sq.ft. out of which 225 sq.ft. carpet area free of cost and additional area at prevalent Ready Reckoner rate in R&R colony or monetary amount of value of affected structure if more than 225 sq.ft.. Arrangement for actual transportation or payment of amount based on actual cost For increased travel distance: Monetary compensation for 3 year travel Permanent loss of Livelihood: Monetary compensation equivalent to 1 year income, access to employment information and training facilities and assistance through community operated fund 	<ul style="list-style-type: none"> PAPs will have to be requested to make a choice from the benefits available under the RTFCTLARR Act and those under the MUTP R&R Policy. 	MMRDA will provide R&R package based on the choice made by the PAPs.

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
4-b	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> No benefit if legal titleholder is not occupant For Occupant, One-time financial assistance of minimum Rs. 25,000 for construction of shop as per the RTFCTLARR Act. The above benefits will be in addition to the compensation and benefits against acquired land. <p>OR following benefits under MUTP R&R Policy:</p> <ul style="list-style-type: none"> Occupants: A shop of equivalent area with a maximum 750 sq.ft. out of which 225 sq.ft. carpet area free of cost and additional area at prevalent Ready Reckoner rate in R&R colony or monetary amount of value of affected structure if more than 225 sq.ft. Structure Owner: Replacement cost of lost structure Arrangement for actual transportation or payment of amount based on actual cost For increased travel distance: Monetary compensation for 3-year travel Permanent loss of Livelihood: Monetary compensation equivalent to 1-year income, access to employment information and training facilities and assistance through community operated fund 	PAPs will have to be requested to make a choice from the benefits available under the RTFCTLARR Act and those under the MUTP R&R Policy.	MMRDA will provide R&R package based on the choice made by the PAPs.
4-c	Loss of commercial structure	Commercial structure and other assets	Non-Title Holders	If structure on Private Land :	<ul style="list-style-type: none"> PAPs will have to be requested to make a 	MMRDA will provide R&R package based

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> One-time financial assistance of minimum Rs. 25,000 for construction of shop as per the RTFCTLARR Act. Training and skill development for job to one family member in the Project or one-time payment of Rs. 5 lakhs or annuity policies that pay Rs. 2,000 per month per family for 20 years indexed to CPI Monthly subsistence allowance of Rs. 3,000 per month for a period of one year One-time financial assistance of Rs. 50,000 towards transportation cost for shifting One-time resettlement allowance of Rs. 50,000. Displaced families¹¹ belonging to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance. <p>Additional assistance to Vulnerable Households</p> <p>If on Govt. land:</p> <ul style="list-style-type: none"> Occupants: A shop of equivalent area with a maximum 750 sq.ft. out of which 225 sq.ft. carpet area free of cost and additional area at prevalent Ready Reckoner rate in 	choice from the benefits available under the RTFCTLARR Act and those under the MUTP R&R Policy.	on the choice made by the PAPs.

¹¹ Displaced family" as defined by the LARR Act–2013, means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. According to ADB SPS-2009, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Thus, under this RF, the subsistence allowance is applicable for all affected families losing land irrespective of their nature of physical or economic displacement.

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>R&R colony or monetary amount of value of affected structure if more than 225 sq.ft.</p> <ul style="list-style-type: none"> • Structure Owner : Replacement cost of lost structure • Arrangement for actual transportation or payment of amount based on actual cost • For increased travel distance: Monetary compensation for 3 year travel <p>Permanent loss of Livelihood: Monetary compensation equivalent to 1 year income, access to employment information and training facilities and assistance through community operated fund</p>		
Livelihood						
5	Loss of livelihood	Livelihood	<p>Legal titleholder losing business/ commercial establishment Family with traditional land right Commercial tenant Commercial leaseholder Employee in commercial establishment Agricultural laborer (long term) Artisans Squatters</p>	<ul style="list-style-type: none"> • Under the RTFCTLARR Act, the livelihood support / restoration measures are already incorporated in the form of compensation and additional benefits. However, these are restricted to people affected on account of acquisition of private land. • PAPs occupying Government Land are provided the following support for livelihood: • For increased travel distance: Monetary compensation for 3 year travel • Permanent loss of Livelihood: Monetary compensation equivalent to 1-year income, access to employment information and training facilities and assistance through community operated fund 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census. • An assessment of loss of livelihood can be made post R&R and additional remedial measures can be undertaken, if necessary 	<p>Assessment of vulnerable households and PAPs needing additional support for livelihood will be assessed by the MMRDA with the help of the NGO and necessary actions will be undertaken.</p>

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
Trees and Crops						
6	Loss of trees and crops	Standing trees and crops	Legal titleholder Family with traditional land right Agricultural tenant/leaseholder Sharecroppers Non-Title Holders Squatter	<ul style="list-style-type: none"> Loss of trees located on private land will be incorporated as a part of the compensation payable to the concerned titleholders. No compensation will be payable for loss of trees located on Government land and measures will be taken as per the conditions stipulated, if any, by the Tree Authority while granting permission to cut trees. 	<ul style="list-style-type: none"> Value of trees on private land will have to be determined by the Competent Authority. Permission of Tree Authority will have to be obtained. 	MMRDA will undertake measures as may be necessary.
Vulnerable						
7	Impacts on vulnerable APs	All impacts	Vulnerable APs	<ul style="list-style-type: none"> Additional benefits, if any, prescribed under the RTFCTLARR Act will be provided. Under MUTP R&R Policy, vulnerable households such as women headed households, handicapped and the aged will be extended an additional package of rehabilitation services to help them overcome the difficulties on account of resettlement. This will include preference in allotment of dwelling units on the ground floor for the handicapped and preference in sanctioning of loans from the community operated fund . 	Vulnerable households will be identified during the census and implementation of Project.	MMRDA will provide assistance as per the policy with the help of the NGO.
Temporary Loss						
8	Temporary loss of land ¹²	Land temporarily required for sub-Project construction	Legal titleholders Family with traditional land right	<ul style="list-style-type: none"> Any land required by the Project on a temporary basis will be compensated as per the legal provisions and in consultation with the landholders. 	Assessment of impacts if any on structures, assets and trees due to temporary occupation. Site restoration.	MMRDA/ Valuation Committee will determine rental value and duration of construction in consultation with PAPs. MMRDA will

¹² Temporary possession of land for project purpose can be taken only for three years from the date of commencement of such possession/occupation.

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> Rent at market value for the period of occupation Compensation for assets at replacement cost Restoration of land to previous or better quality¹³. 		ensure compensation is paid prior to site being taken-over by contractor. Contractor will be responsible for site restoration.
9	Temporary disruption of livelihood		Legal titleholders, non-titled APs	<ul style="list-style-type: none"> Cash assistance based on the average earnings per month for the loss of income/livelihood for the period of disruption, and contractor's actions to ensure there is no income/access loss consistent with the EMP.¹⁴ Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity.¹⁵ 	Efforts to be made to avoid such a situation Identification of alternative temporary sites to continue economic activity.	<ul style="list-style-type: none"> MMRDA / valuation committee will determine income loss and will pay compensation accordingly. Contractors will perform actions to minimize income/access loss.
Common Resources						
10	Loss and temporary impacts on common resources	Common resources	Communities	<ul style="list-style-type: none"> Replacement or restoration / redevelopment of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, etc. Restoration or relocation / redevelopment of community facilities like primary school, dispensary, playground, fair price shop as may be required, and site for 	Identification of suitable site for relocation, land clearance and financial assistance for re-construction of community assets.	MMRDA and Contractor.

¹³ If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under the Act to acquire the land as if it was needed permanently for a public purpose.

¹⁴ This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.

¹⁵ For example, assistance to shift to the other side of the road where there is no construction.

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				religious places that existed in the old community.		
Other						
11	Any other loss not identified	-	-	<ul style="list-style-type: none"> Unanticipated involuntary impacts will be documented during the implementation phase and mitigated based on provision made in this regard. 	-	MMRDA will finalize the entitlements in line with ADB's SPS, 2009.

VI. IMPLEMENTATION OF LAND ACQUISITION AND RESETTLEMENT

28. The methodology adopted for R&R process in Lines 2A, 2B, and 7 is transparent as it emphasizes providing project information early as possible to the PAPs. In addition, baseline survey, public notice, and individual notice were served to the PAPs inviting their claims and objections on R & R entitlements and other benefits.

29. Land requirements have been kept to a minimum and worked out on area basis. Acquisition of private land has been minimized as far as possible. Private land for the project is being acquired by the MMRDA with the help of the competent authority and the compensation shall be paid as per the RFCTLARR, 2013. For acquiring private land temporarily, if any, compensation as per the RTFCTLARR Act shall also be provided.

30. The MMRDA has ready possession and/or under completion of stock of residential and commercial tenements in various R&R colonies in Greater Mumbai, also in Western Suburbs (Oshiware, Malad), and also a stock of commercial tenements procured under Rental Housing programme near Dahisar just outside Greater Mumbai with all related services and amenities. It is proposed to resettle the PAPs of the project in these colonies depending on the proximity and suitability and their choice of locations depending on availability of stock. So far out of total 121, eligible households, 111 have been relocated at various sites. The details are being provided in table below.

Table 6 : Number of PAPs Relocated (as of August 2018)

Metro Line	Numbers of PAP relocated	Site of Relocation					
		Appapada	Janta	Cow-Town	Wonderland E.	Asmi Complex	Sonam
Line 2 A	42	19	4	3	2	3	1
Line 2 B	0	0	0	0	0	0	0
Line 7	79	79	0	0	0	0	0
Total	121	98	4	3	2	3	1

31. The time line proposed for the preparation and implementation of resettlement plan is 18 months in all the three proposed metro lines.

32. The cost proposed for land acquisition and R&R implementation is 15063.68 lakh for Line 2A, 33219.72 lakh for Line 2B, and 4531.24 lakh for Line 7.

A. Institutional Arrangement

33. The MMRDA has sufficient staff and units to implement R&R activities. The various institutions and cell under MMRDA involved in R&R implementation are as follows:

- Project Implementation Unit (PIU) for Mumbai Metro Project, MMRDA
- The Land and R&R Unit of the PIU
- Public Relation Cell of MMRDA
- Grievance Redressal Cell at Field and Senior level

34. The PIU headed by Project Director is responsible for overall planning, acquisition of land, and supervision of all activities related to resettlement and rehabilitation of the proposed project, which will be implemented by the Land and R&R Unit of the PIU during preparation, implementation, and post implementation phase.

35. MMRDA has a Public Relations Department to support in stakeholder consultation and information disclosure to the affected families/persons, traders, and concerned third parties to create an environment that is supportive of the process of Land Acquisition and Resettlement and Rehabilitation.

36. Lines 2A, 2B, and 7 have a grievance redressal mechanism involving a Field Level Grievance Redressal Committee and a Senior Level Grievance Redressal Committee to handle and resolve the complaint and grievances, if any, raised by the Displaced Persons.

VII. STATUS OF LAND ACQUISITION, RESETTLEMENT, AND REHABILITATION

A. Status of Land Acquisition

37. The process of land acquisition (identification of affected plots, calculation of area, validation, and establishment of ownership) is ongoing in all the three metro lines and private land is being acquired through negotiation or on the basis provision laid down in the SIA and entitlement matrix. Title search is being carried out by appointing a soliciting agency, which collect the titles of land from the land records, government offices like Collector office, and PWD office and record of Sub-Registrar. Copy of sample title search is in **Annexure-1**.

38. As of June 2018, only land area of 678.43 square meter has been acquired from Central Ordnance Depot (COD) of Army for construction of metro station near Kandivali complex under metro Line 7. The COD Mumbai has given NOC to MMRDA with instructions to submit the land value amounting Rupees 4,20,62660 and reconstruction of gate and other structures to be demolished. (**Annexure-2**) According to Land Acquisition Cell of MMRDA, the amount demanded for land has already been paid to COD Mumbai.

39. The Government of Maharashtra Policy dated 12.05.2015 gives 25% more compensation than Right to Fair Compensation Act, in case the land is procured by private negotiation instead of compulsory acquisition and hence such policy was adopted. Copy of GR dt.12.05.2015 is in **Annexure 3**. The option of Transferable Development Right (TDR)¹⁶ is also kept open.

40. The ADB SPS encourages the negotiated settlement for land based on meaningful consultation with affected persons, including those without legal title to assets. In such a case SR 2 of SPS is not applied. A negotiated settlement offers adequate and fair price for land and/or other assets. The borrower/client will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. For this purpose, the borrower/client will engage an independent external party to document the negotiation and settlement processes.¹⁷ The borrower/client will agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements.

¹⁶ Transferable development rights (TDR) is a method for controlling land use to complement land-use planning and zoning for more effective urban growth management and land conservation. The procedure of TDR offers landowners financial incentives or bonuses for the conservation and maintenance of the environmental, heritage or agricultural values of their land. TDR is based on the concept that with land ownership comes the right of use of land, or land development. These land-based development rights can in some jurisdictions be used, unused, transferred or sold by the owner of a parcel.

¹⁷ This task will be performed by the independent evaluation agency to be hired by the borrower.

B. Status of R& R Implementation

41. During the due diligence, the team visited various resettlement colonies and interacted with the displaced persons. In addition, the team also consulted with affected persons who have already received the allotment letter or waiting for the letter from MMRDA (**Annexure-4**). The list of displaced and/or affected person consulted during visit is given at the end of this report.

42. In Line 2A, out of total 175 non-titleholder PAPs, 58 PAPs at Adarsh Nagar want alternative accommodation in their in-situ Redevelopment Project on remaining land by Local Developer, through Maharashtra Housing and Area Development Authority (MHADA). Forty-five PAPs of Beharambaug are included in local Slum Rehabilitation Scheme and will be rehabilitated by concerned SRS developer. Out of balance 72, only 48 are found eligible for R&R assistance. The PAPs not found eligible include those who are relatives of actual owner but not found living together during the survey and making illegal claim without any solid proof of residence.

43. In metro Line 7, owners are being identified for 20 affected parcels of private land. (**Annexure -6**). As far non-titleholders, 48 residential PAPs have been relocated in a multistory building at Aappapada, Malad (E) and 37 commercial PAPs have been relocated in Aappapada, Malad (E) and Asmi Complex, Oshiwara (W).

Table 7 : Status of R&R Work Carried Out by MMRDA (as of June 2018)

Metro Lines	Titleholders			Non-Titleholders			
	Private land required (sq.mt)	Land Acquired	Number of PAPS	Number of Structures	Number of Households	PAP Relocated (Residential)	PAPs Relocated (Commercial)
Line 2A	17033.76	0	6	175	178*	103	0
Line 2B	31,749.00	0	not available	1286	1053	0	0
Line 7	5,946.23	678.43	not available	172	172	48	37

* 103 were relocated under different schemes (MHADA and SRS), 48 are yet to be relocated while 24 were not found eligible (i.e., relatives of titled owner who claim land but do not reside on it)

44. For a PAP with partially affected structure who elects not to relocate, compensation is in the form of a certificate that grants eligibility on other MMRDA schemes in lieu of R&R benefits in the entitlement matrix. This is in compliance with Circular dated No. Lands(R&R)-2006 dated 14 November 2006 issued by MMRDA. (**Annexure-6**).

45. Considering the civil work on priority basis, the project is also making temporary arrangement to some of the affected properties. For instance, the offices (around 22) of travel agents at National Park, Borivali, were temporarily shifted around 15 to 20 meters away under the flyover as one court case was going which restricts MMRDA to extend the benefits of permanent R&R to travel agents. MMRDA is planning to shift them back to their original location. Similarly, the Divine Light High School was shifted in Government School of Municipal Corporation on temporary basis.

46. Since most of the private lands were encroached for decades and even after the Search and giving Public Notice in newspapers, the land owner was not traceable and no clear title came forward. So, the policy was adopted to resettle these encroachers and take possession of the land and in case in future if the land owner appears and prove his title, due compensation shall be paid to him.

47. MMRDA's Circular No.SDC/R&R/R-for –C/2015 dated 31 March,2015 allows the non-residential structure owners to offer residential one, provided he cannot carry out his business in the resettled structures (**Annexure – 7**). The PAPs has right to choose residential structure in lieu of their commercial structure. Even by considering the objectives of the Government of Housing, all tents like structure at Aarey Station (Makadwala/Virvani compound) were surveyed and resettled.

48. Most of the affected structures are hutments of temporary nature built on the land having no clear title or ownership. After opting for resettlement under the policy of MMRDA, these affected people are found happy with great satisfaction. Now, they are enjoying their clear title for the property with good amenities at resettlement site in multistory building.

VIII. CONSULTATION, PARTICIPATION AND INFORMATION DISCLOSURE

49. A series of consultative meeting on project, entitlement option, impact etc. were held by MMRDA on different subprojects since the preparation of SIA and RAP. During social survey, meetings and focus group discussions were conducted to get wider public input from the primary and secondary stakeholders. The roadside communities, particularly the affected small business enterprises, took good interest in the meetings. This consultative approach led to identification of a range of issues related to service road closure / diversion and improvements before construction of Mumbai Metro 2A. Perhaps more importantly, the affected communities strongly felt a sense of participation in the decision-making process.

50. These consultations were recorded with photographs and signature of participants (**Annexure-8**). The MMRDA disclosed information on project and its impact in local language i.e. Marathi to the concerned population and affected households, including explaining the entitlement matrix of the project.

A. Consultations

51. A general consultation on social and environmental issues and safeguards with all the stakeholders was carried out on 12 May 2016 in the MMRDA. The consultation primarily helped in disclosing technical information about the project and the social and environmental safeguards proposed to be followed to the participants.

52. With the implementation of RAP, the MMRDA has conducted five formal consultations as given in Table-6 below, along with a number of informal consultations with PAPs on individual basis. The details of formal consultations held under different metro lines are given below.

Table 8: Number of Consultation held by MMRDA

Consultation	Date	Location	Participants	Female Participants
Line 2 A				
Public Consultation	1/12/2016	MMRDA, New Bldg, Auditorium, Bandra (E)	15	NA
Consultation with PAPs	30/08/2017	MMRDA, New Bldg, Auditorium, Bandra (E)	66	17
Line 2 B				
Public Consultation	16/01/2017	MMRDA, New Bldg, Auditorium, Bandra (E)	23	NA
Consultation with PAPs	-	-	-	-

Consultation	Date	Location	Participants	Female Participants
Line 7				
Public Consultation	12/05/2016	MMRDA, New Bldg, Auditorium, Bandra (E)	15	NA
Consultation with PAPs	27/12/2016	MMRDA, New Bldg, Auditorium, Bandra (E)	248	46

B. Summary of Consultation Results

53. At the start of public consultations for the three lines, affected communities had many apprehensions regarding the Mumbai Metro and its consequences in the form of displacement. This is reflected through SIA report where people had brought out their issues as follows:

- PAPs are dependent solely on shops and people's survival depend on their shops.
- The location of stairs and lifts may be diverted to avoid their shops. These may be developed on roadside.
- Market vendors were reluctant to cooperate with MMRDA. They shall be paid compensation at market rate which is about 2 Lakh per meter.
- Impacts on shop employees should be addressed.

54. All the queries were replied to and related clarification and additional information was provided. PAPs did not offer suggestions for significant changes related to proposed lines or the social safeguard framework.

55. Several additional rounds of consultations with PAPs will be conducted throughout the implementation period as reported during the consultation with the MMRDA officials. Consultations during resettlement plan implementation will involve discussions on compensation and assistance options and entitlement package. Another round of consultation will occur when compensation and assistance are provided.

56. The following set of activities will be undertaken for effective implementation of the plan:
- (i) The Land Acquisition and R&R Unit will conduct information dissemination sessions in the areas affected by Lines 2A, 2B, and 7 and solicit the help of the local community / leaders and encourage the participation of the PAPs in RAP implementation.
 - (ii) Consultation and focus group discussions will be conducted with the vulnerable groups like women, families of below poverty line, scheduled castes, if any, identified to ensure that the vulnerable groups understand the process and their needs are specifically taken into consideration, if necessary.
 - (iii) The Land Acquisition and R&R Unit will organize public meetings and will appraise the communities about the progress in the implementation of civil works, and payment and assistance paid to the community. Regular update of the program of resettlement component of Lines 2A, 2B, and 7 will be placed for public display at the project offices.
 - (iv) Taking into consideration the risks of HIV / AIDs during the construction period and road safety issues, specialist will be invited to undertake activities related to their core competencies.

57. Lastly, MMRDA will ensure participation of PAPs through their involvement in various local committees. PIU and field offices will maintain an ongoing interaction with PAPs to identify problems and undertake remedial measures.

58. During field visit, it was found that the project-affected households relocated to various sites are happy with the consultative process adopted by MMRDA to help them in opting their choice and relocation.

C. Information Disclosure

59. Apart from disseminating project-related information and project impact mitigation measures in the consultation meetings, MMRDA has also disclosed the SIA reports for both Lines 2A and 7 and other project related information on the website.

D. Grievance Redressal Mechanism

60. Lines 2A, 2B, and 7 have a grievance redressal mechanism to avoid unnecessary litigation and delay in implementation of projects due to PAPs grievances. Resolving cases in court of Law is often time-consuming process and expensive. Grievance Redress Committee (GRC) will be formed at two levels: (i) Field Level Grievance Redress Committees (FLGRC), and (ii) Senior Level Grievance Redress Committees (SLGRC).

61. The FLGRC and SLGRC are headed by an independent Chairperson with representatives from MMRDA and assisting NGO, PAP, his or her representatives as respondents. The grievances are first addressed by the FLGRC whereas SLGRC will review decisions of FLGRC on grievance petitions filed by affected families or persons not satisfied with the FLGRC verdict. Both FLGRC and SLGRC follow the procedure of carrying out record and field verification and holding meeting with the concerned PAP after informing him/her about specific location, date, and time of such meetings. The status of grievances received under the project are given below.

Table 9 : Status of Grievance Redressal at MMRDA level

Grievance Committee	No of Grievance Received	Held Eligible	Held not eligible	No of Grievance Redressed	No of Grievance Pending
Line 2 A					
FLGRC	20	20	In process	0	20
SLGRC	0	0		0	0
Line 2 B					
	0	0	0	0	0
Line 7					
FLGRC	96	62	32	94	2
SLGRC	27	06	21	27	Nil

62. The GRCs have resolved most of the grievances received so far. Only 22 grievances are in process to resolve. Most of the grievances received are related to claim of compensation, selection of appropriate R&R option and inclusion of name in the list of affected families.

63. In addition to FLGRC and SLGRC, PAPs have option to file a legal petition in the Court. To date, three such court cases have been registered against the notice of MMRDA. The details are provided in the table below.

Table 10 : Status of Court Cases

Metro Line	Petitioner	Case No.	Name of Court	Status
Line 2 A	Adarsh Co-op Hsg Society, Adarsh nagar	W.P. 944/2018	Bombay High Court	Granted ad interim relief on 22/03/2018. Next Hearing date is 22 nd February 2019
Line 7	Mrs. Seema B. Varma	Suit No.4815/2018	Bombay City Civil court	Ad – interim granted by court, matter is listed on 13.08.18
Line 7	Mrs. Kokilaben B. Pandya	Suit No.4727/2018	Bombay City Civil court	Ad – interim granted by court, matter is listed on 13.08.18

IX. LABOUR AND WORKING CONDITIONS

64. The civil works contractors engaged for Lines 2A, 2B, and 7 engage both local and migrant labor for various construction activities. Most of the labor force is from local workers. The contractor has a major labor camp near Bandra Construction yard where more than 200 laborers were found living with adequate infrastructure and amenities. During the site visit, some solid waste dumping was observed within the camp which needs to be properly managed by the contractor. The contractor has informed that some laborers are being supplied by subcontractors and they are living in the rental accommodation provided by the contractor. There are no women laborers engaged under the project. The contractor is periodically organizing various health and safety awareness camp for the laborers as per the requirement.

X. MONITORING AND SUPERVISION

65. The internal monitoring for RAP implementation is being carried out by Project Authority. The main objectives of internal monitoring are to:

- (i) Measure and report progress against the RAP schedule;
- (ii) Verify that agreed entitlements are delivered in full to affected people;
- (iii) Identify any problems, issues or cases of hardship resulting from the resettlement process, and to develop appropriate corrective actions, or where problems are systemic refer them to the management team;
- (iv) Monitor the effectiveness of the grievance system

66. The monitoring of R&R activities will focus on measuring progress against the schedule of actions defined in the RAP. Monitoring is a continuous process and is carried out by PIU on regular basis to keep track of the R&R progress.

XI. CONCLUSION AND RECOMMENDATION

67. Due diligence of involuntary resettlement implementation for Lines 2A and 7 indicate that resettlement management being carried out is in line with the national, state and MMRDA legal framework. It also finds that implementation is consistent with the involuntary safeguard safeguards of the Safeguard Policy Statement (see Table 11).

68. MMRDA is compensating and resettling both titleholders and non-titleholders with their preferred option for resettlement. Meaningful consultations are being carried out under the project and adequate grievance redress mechanism has been established and is functioning to address the people's grievances.

69. For livelihood restoration, the MMRDA will assess the need for livelihood/ income restoration after 6 months of resettlement of the displaced persons and if it is required, necessary livelihood restoration measures will be undertaken.

70. The consultations held with PAPs who have relocated, those who prefer relocation, and those who prefer to remain in partially impacted structures indicate they are satisfied with the way MMRDA has managed R&R activities to date.

Table 11 : Summary of Due Diligence Findings

ADB Involuntary Resettlement Requirements	Remarks
1. Resettlement Impact	Involuntary resettlement impacts have been avoided as far as possible in the project. The loss of private land and structures have been compensated through RFCTLARR Act 2013 and MUTP RR Policy at replacement costs.
2. Explore Alternatives	Design alternatives were explored to minimize land acquisition and impacts on structures
3. Conduct detailed socio-economic surveys	A detailed census and socio-economic survey was carried out by MMRDA as part of SIA.
4. Meaningful Consultation	Meaningful consultations were carried out during preparation of SIA-RAP and is a continuing activity under the project.
5. Grievance Redress Mechanism	GRCs are established at field level and senior level and are well functioning
6. Improve or Restore Livelihoods	MMRDA is planning to conduct a training need assessment for livelihood restoration after complete relocation of PAPs
7. Land-based Resettlement Strategy	Not Applicable
8. Replacement Cost Compensation	All affected private land and structure of legal titleholders are being compensated at replacement cost.
9. Relocation Assistance	EM has provision of relocation assistance to all relocated households under the project
10. Support for Landless	All land less households are being provided with a housing unit of 269 sq. ft in a multi-storey complex.
11. Disclose Resettlement Plan	Resettlement plan has been disclosed among the PAPs.
12. Resettlement as Part of Development	Yes, it is being under taken and is in progress
13. Compensation Pay	Compensation will be paid to all eligible PAPs after completion of title search
14. Monitor Outcomes and Impact	The progress of RP implementation will be monitored through MMRDA internally while, evaluation will be carried out by an independent agency.
15. Disclosure of RP	The SIA-RAP prepared for each lines are disclosed in MMRDA website.
ADB Indigenous Peoples Safeguards	Remarks
1. Screen Indigenous Presence and Impact	No affected Indigenous Peoples communities in Lines 2A, 2B and 7

2. Prepare Indigenous Peoples Plan (IPP)	Not Applicable
3. Disclose Draft IPP	Not Applicable
4. Monitor IPP Implementation	Not Applicable
5. Avoid Displacement and Restricted Access of Protected Areas	Not Applicable

71. The process of R&R implementation might take more time to complete as stipulated in the SIA (18 months). Based on this social due diligence following recommendations are made:

- The SIA for Line 2 A and Line 7 were prepared during November and December 2017 based on the feasibility reports. However, during the final design and implementation stage the impacts have been minimized by adopting suitable design and adjusting the formation width under the existing RoW. MMRDA will update the SIA and/or RAP based on final impacts identified during the implementation stage, and share the final SIA and/or RAP to ADB with updated information.
- After finalization of SIA / RAP for Line 2B, MMRDA will share the report with ADB.
- For PAPs with partially affected structure who elect not to relocate, MMRDA would ensure that compensation in the form a certificate that grants eligibility on other MMRDA schemes is equivalent to R&R benefits in the entitlement matrix.
- Some of the DPs relocated are concerned about their employment and economic security at relocation sites. The MMRDA will assess the need for livelihood/ income restoration after 6 months of resettlement of the DPs and if it is required, necessary livelihood restoration measures will be undertaken.
- MMRDA will submit semi-annual monitoring reports to ADB during implementation of LARR activities for metro lines 2A, 2B and 7.

Photographic Presentation of Field Visit for Due Diligence



Consultation with DPs at resettlement site



Consultation with management committee of Divine Light High School



LA & R R cell of MMRDA validating the documents of a PAP



Residential building in Appapad where DPs are relocated



Affected temporary hutments of tour & travel agents along the road corridor in Borivali



Now shifted temporarily under the fly over around 20 mts away from original place.



Consultation with tour & travel agents



Consultation with DP at Borivali



Consultation with affected commercial tenant
opted not to shift




Water leakage from roof top in a resettlement
building (Asmi Complex)

List of Persons Contacted

Name of Person	Designation	Issue Discussed/Raised	Contact Number
Project Authorities			
Mr. Vishram G. Patil	Chief Social Development Cell	Up-date on land acquisition and R& R implementation under line 2 (A &B) and line 7	9870171379
Mr. Sanjay D. Pawar	Additional Collector MMRDA, Line 2 B	Up-date on land acquisition and R& R implementation under line 2 (A &B) and line 7	9422154414
Mr. Sameer Kurtokoti	Additional Collector 1, MMRDA, Line 7 & 2 A	Up-date on land acquisition and R& R implementation under line 2 (A &B) and line 7	9637747439
Ms. Rachna A. Indurkar	Tahsildar – (MUTP & FLGRC)	How documents are validated and grievance are redressed	9820076697
Mr. S. K. Narkar	Retd. Tahsildar	Field visit plan and facilitation	9821481336
Ms. Smita S. Borse	ACDO	Record keepings and maintaining files of DPs	9869080983
Mr. Rakesh Arun Thorat	Land Surveyor	Facilitation of field visit	9657050539
DPs received residential or commercial accommodation			
YR Bharadwaj	DP received a residential accommodation in Osmi Complex	Complained about water leakage from roof top in room allotted to him	9987165218
Babu Dev Raj & Limba Dev Raj	DP Room No. 108 Apapada	Operating his business of tour and travel from original location at Annawadi	-
Usha Devi	DP Room 107 Apapada	The Iron shop is closed and no business at new location	-
Prakash Ronald	DP Room 604 Apapada	The business of glass cutting is closed, now looking for some other option.	-
Bhagwati Prasad	DP Room 310 Apapada	Iron shop is closed	-
Dilip Bhagat	DP Room 703 Apapada	Bike repairing at local level.	-
Murgesh Swami	DP Room 603 Apapada	Alternate arrangement for tour and travel	-
Chairman Yadav	DP Room 310 Apapada	General Shop closed, looking for some alternate	-
Ravi L. Govind	DP Room 203 Apapada	No change in livelihood	
Deepak Bhaskar Gundi	Room 513, Apapada	Rickshaw puller found change in income	
Lata Uma Kanakal	Room 609 Apapada	Rickshaw puller found no change in income	
Seema Rajesh Rathore	Room602 Apapada	No change in income	
Sunita Babu Jadav	Room 605 Apapada	Has got new job of begari	
Sita Babu Sawanth	Room 610 Apapada	Auto driver no change in income	
Juber Fariduddin Ansari	Room 314 Apapada	No change in livelihood	
Gopal Balwant Singh	Room 313 Apapada	Rented out his accommodation	A breach of contract
Brijesh Singh	Room 404 Apapada	No change in livelihood	
Isrul Buddhan Khan	Room802 Apapada	Continue with his business	

Name of Person	Designation	Issue Discussed/Raised	Contact Number
Iren Prakash Ferandes	Room 69 Apapada	Doing his earlier job, Reported drinking water problem	
Samim bano sekh	Room 612 Apapada	Temporary loss of income	
Anita Sharma	Room 505 Apapada	Travelling to earlier site for job	
Udai Raj Narain Singh	Room 503 Apapada	No employment	
Maduma Mani Harijan	Room 403 Apapada	Got new job	
Manjoor Jameel Ahmad Sidique	Room 401 Apapada	No loss, doing earlier business of garment	
Mustkeen Yakub Darjee	Room 404 Apapada	No loss of livelihood	
Satyanarayan Ramkuba Nishad	Shop15 & 16 Apapada	No customer at relocated site, doing business of Exide Battery	
Meena Devi	Shop 1&2 Apapada	Change in business led to a decline in income	
Satnam Singh	Shop 9&10	Photostate shop having low income	
DPs operating tour and travels and shifted temporarily under the flyover			
Mr. Sarif Khan	DP Tour & Travel, National Park Borivali	Wanted to shift their tour and travel business at the affected site	-
Mr. Arvind Mehta	DP National Park Borivali	Project cooperation in this respect is required	-
Mr. Anand Rajan	DP National Park Borivali	Business was affected	-
Mr. Nelesh Bhai Himatlal Patel	DP National Park Borivali	Project cooperation in this respect is required	-
DPs who have received allotment letter			
Mr. Rajan Save	DP in Goregaon,	Opted for residential instead of his engineering work and received an allotment letter fore residential accommodation in Apapada, found satisfied	9869635098
Mr. Kalim Khan	Commercial DP at Oshiwara	Titleholder opted for residential, received allotment letter	8767770059
Mr. Imran	Commercial DP at Oshiwara	Titleholder opted for residential	
Common Property Resource: Divine Light Child High School			
Mr. Sanjay Matastray	School Secretary, Divine Light School	School relocation and management	
Mr. Mosts Arwade	Chairman, Divine Light School	School relocation and management	

Annexure-1: Title Search



LITTLE & CO.
(REGISTERED)
ADVOCATES & SOLICITORS
CENTRAL BANK BUILDING, 3RD FLOOR
M. G. ROAD, FORT, MUMBAI 400 001
INDIA

+91 65 2739
2270 3219
2270 3224
FAX : +91-22 2265 9918
2267 0563
email : mumbai@littlecompany.com

D. P. MEHTA
P. KAPADIA
AJAY KHATLAVALA
Z. S. MORRIS
G. PAL

RAJIV DINKAR
SHREYAS PATEL
DAMODAR DESAI
RUCHI KHATLAVALA PANDYA
ROSHNEK D. DHALLA

4382

AM/DGD/RAK/GNS/

TITLE REPORT
Dated: 18th January 2018

Mumbai Metropolitan Region Development Authority
Bandra-Kurla Complex
Bandra (East), Mumbai- 400 051

Kind Attn: Mrs. Yogita Paralkar

A. **SCHEDULE OF THE PROPERTY:**

ALL THAT piece or parcel of land admeasuring 471.7 sq.mtrs or thereabouts having City Survey No. 442/A/1 situated at Village Pahadi Goregaon, Taluka Goregaon, Mumbai within the jurisdiction of Mumbai Municipal Corporation, in the registration district and sub district of Mumbai City and Mumbai Suburban (hereinafter referred to as "said Property").

B. **DISCLAIMER FOR THIS REPORT:**

We have been instructed by Mumbai Metropolitan Region Development Authority a statutory authority created in accordance with the Mumbai Metropolitan Region Development Authority Act, 1974, (hereinafter referred to as "MMRDA") to carry out a legal due diligence with respect to the said Property and to submit a report along with available supporting documents.

1. The principal part of our Title Search and Verification has been the review of documents procured by us from the public domain. These disclosed documents that we have

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Delhi : Ramni Taneja • A34 Defence Colony, New Delhi • 110 024 • Tel : +91-11 4155 2051, 4155 2052 • FAX : +91-11 4155 2052 • Email : delhi@littlecompany.com

Annexure '4'

SATISH DESAI*title*

Office No. 1, 2nd Floor, 32 Bahadur Mension, Near Garden Jolly
 Restaurant, Fort, Mumbai-400001, Mobile: 9930561334 & 9820441925,
 Telephone No. 022-40051367, Email: **com**

November 17, 2017

To,
Little & Co. (Registered)
 Advocates, Solicitors & Notary,
 3rd Floor, Central Bank Building,
 Mahatma Gandhi Road,
 Fort, Mumbai 400023

Reference No:

Kind. Attn: Ms. Ruchi Khatlawala, Partner

Re: Investigation of title of the property being the Land City Survey No. 442/A/1 of Village Pahadi Goregaon, Taluka Borivali Within the Jurisdiction of Mumbai Municipal Corporation, in the registration District and Sub-District Mumbai City and Mumbai Suburban ("The Property")

Smt. Sushilaben Shantilal Patel

Madam,

As per your instructions, I have carried out an independent search upon the property under reference. This communication sets out the outcome of the said search. I have conducted a search at Sub-Registrar's office at Mumbai, Borivali- I to XI & my observations are as under.

Investigation of title of the property being the Land bearing City Survey No. 442/A/1 of Village Pahadi Goregaon, Taluka Borivali Within the Jurisdiction of Mumbai Municipal Corporation, in the registration District and Sub-District Mumbai City and Mumbai Suburban ("The Property").

I have verified the property card and as per property card bearing City Survey No. 442/A/1 registered in the name of original Smt. Sushilaben Shantilal Patel.

Smt. Sushilaben Shantilal Patel has registered sale deed in favour of Kanhayyalal Purushottam Shah, Jayantilal Purushottam Shah, Balkrushna Purushottam Shah, Gopaldas Purushottam Shah, Rameshchandra Purushottam Shah, Vasantiben Jayantilal Shah, Usha Kanhayyalal Shah, Laxmibai Purushottam Shah, Chandrabal Rameshchandra Shah and Rashmikant Purushottam Shah and sale deed has been registered in the Sub-Registrar of Assurances at Under serial no. S/R/5253 of 1970 and area of 25653.0 Square meters registered in the name of Kanhayyalal Purushottam Shah and 10 others.

RTY

/ A

D ★

Annexure-2: Details of Land Acquired from CDO Mumbai

Proceeding of a		Board of Officers
Assembled at		COD Mumbai <u>In lieu of IAFD-931</u>
On the		30 Jan 2017 and subsequent days
By the order of		HQ UM & G Sub Area (Stn Cell), Colaba, Mumbai Convening Order No 3271/Metro/land dated 22 Dec 2016.
For the purpose of		To work out the modalities for handing over possession of land bearing CTS No 152 & 153, Akurli District Mumbai Suburban for proposed Metro Line-07 and grant of NOC for cons of Metro Line and Metro Station the main gate of COD Mumbai as per guidelines issued by Government of India, Ministry of Defence.
Presiding Officer		IC-58152M Col Gurdev Singh COD Mumbai
Members	1	NTR-16707F Lt Col Diwan Singh AFMSD
	2	SS-47243W Capt Michael Khulzalian 25 AD Regt
	3	IC-63030M Lt Col K George Singh COD Mumbai
	4	MES-188395 Shri SK Parkar, DTmn Rep GE (North), Mumbai
	5	Shri Prashant Sapkal, SDO-II Rep DEO Mumbai Circle
	6	Shri MS Raikar, Executive Engineer Rep MMRDA/Metro Authority
	7	Shri Sameer Kurkoti Additional Collector, MMRDA Metro
1.	<p>Jan 2017 and subsequent days for the purp over possession of land bearing CTS No 152 proposed Metro Line-07 and grant of NOC Station astride the main gate of COD Mumbai as per guidelines issued by Government nistry of Defence for construction from Andheri (</p> <p>Ordnance Depot (COD) Mumbai on 30 use of working out modalities for handing 153, Akurli District Mumbai Suburban for construction of Metro Line and Metro Dahisar (E) is attached as Appx 'A' to this board</p> <p>of India, Mi to MMRDA Line 7 i.e. proceedings</p> <p>The of Me E) to</p>	

2. Background

(a) **Brief History.** In order to reduce traffic congestion in Mumbai, MMRDA has proposed to expeditiously implement elevated Metro corridors of Mumbai Metro Master Plan. Government of Maharashtra (GoM) has appointed MMRDA as the project implementing agency for the construction of 118 Km of Metrorail network in Mumbai. Subsequently, GoM has approved implementation of Metro Line 7, connecting Andheri (E) to Dahisar (E) running along the Western Express Highway having distance of 16.5 km with 13 metro stations.

(b) **Public Utility Project.** The Government of Maharashtra vide Government Resolution No MRD 3315/P No 1141 UD-7 dated 17 Oct 2015 has approved to implement Metro Line-7 and has declared this project as a "Public Project of Urgency" and "Important Urban Transportation Project".

3. **Proposal.** One of the proposed Metro station (i.e. Mahindra & Mahindra) of this elevated Metroline-7 is being constructed in front of COD Mumbai (Kandivali) main gate. MMRDA has proposed that **678.43 Sq Mtrs** of land is required to be transferred by COD Mumbai for construction of the staircase leading to the proposed metro station at compensation as fixed by Additional Metropolitan Commissioner-I vide letter No Metroland/Metro Line-7/ Defence Akurli/93/2017 dt 31 Mar 2017 (**Appx 'B'**). In this connection, MMRDA letter No Metroland/Metro Line-7/Mahindra & Mahindra/44/2016 dt 20 May 2016 recd vide DEO Mumbai Circle letter No G/271/Board/Army/1 dt 23 Jun 2015 is also enclosed as **Appx 'C'**.

4. Concerns of Army.

(a) **Violation of MoD Guidelines.** The construction of Metro Station on CTS No 152 & 153/B Akurli District Mumbai Suburban for proposed Metro Line-07 falls within 100 mtrs distance from COD Mumbai complex at Kandivali, Mumbai which is in contravention to Government of India, Ministry of Defence guidelines promulgated vide letter No 11026/2/2011D(Lands) dt 18 May 2011 and even No dt 18 Mar 2015.

(b) **Security Concerns.** The construction of Metro station in front of COD main gate (named as Mahindra gate) will extend along the entire stretch of the perimeter along Western Express Highway. Construction of the Metro-7 Station in front of Kandivali main gate will have the following implications :-

(i) The overhead Metro station will give a clear view into the COD premises and can be used for surveillance activities, which is a major security concern. More so, the proposed Metro Station will attract large volume of passengers and there will be a heavy load of commuters entering/exiting the station. Thus, it would be extremely difficult to monitor the move of any antisocial elements, which would be a major cause of concern for the security of the establishment.

(ii) The proposed Metro station will cause major obstruction on the move of vehicles entering/exiting the COD Mumbai Complex.

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(iii) The security of the guard post near the main gate would be jeopardized as the fields of view and fire will be absolutely obstructed by the Metro Station in front.

(iv) COD Mumbai has intimated the security concerns to HQ UM & G Sub Area (Stn Cell) for shifting of the proposed Metro Station 100 mtrs from the depot perimeter or considering the option of constructing an underground Metro Station vide COD Mumbai letter No 211/Part/Metro/Adm dt 22 Oct 2016 (Appx 'D').

(c) **Inaccessibility of the Main Gate.** Implementation of this project will result in blockage of the depot main gate thereby making the depot inaccessible from the Western Express Highway which is a major artery connecting Mumbai to the other parts of the country and will cause serious issues for logistic sustenance both in peace and war.

(d) **Redundant Infrastructure.** In case the Metro Station is constructed in front of Main gate, various existing infrastructure will become redundant. These are as given below:-

- (i) Main Gate.
- (ii) Existing Road.
- (iii) Sentry posts, watch tower, guard post.
- (iv) Security lights.
- (v) Static Water Tank.

(e) **Loss of Defence Land.** Metro line-7 connecting Andheri and Dahisar will pass along the periphery of Kandivali complex of COD Mumbai and the construction of Metro Station astride COD Mumbai will result in a loss of 678.43 Sq Mtr of defence land.

5. **NOC from Security Point of View.**

(a) Metro Station proposed to be constructed as part of implementation of Metro Line-7, is in close proximity of Kandivali complex of COD Mumbai and violates guidelines issued by GOI, MoD vide their letter No 11026/2/2011/D (Lands) dt 18 May 2011 for issue of NOC for construction activities in the vicinity of defence land. However, keeping in mind that the Metro Line-7 is a Public Utility Project and a national asset, it is recommended that NOC from the Security Point of View be provided for the construction of the Metro Line-7 and Metro Station (Mahindra and Mahindra). It is also recommended that MMRDA provides following infrastructures/amenities to obviate the security concerns and cater for the redundancy which arises due to implementation of this project :-

- (i) Shifting of Main Gate 50 mtrs towards North as given in Sketch "P".
- (ii) Construction of 15 mtr wide Entry/ Exit gate.

... p/4 ...

- (iii) Construction of Sentry post of size 03 x 03 x 05 mtrs with att toilet near Main Gate with allied facilities to include electrification, provision of light points and fans etc.
- (iv) Construction of guard room and Security JCO cum surveillance room of size 14.5 x 10.5 x 05.5 mtrs with allied facilities to include electrification, toilets, bathrooms, sewage disposal, provision of light points and fans etc.
- (v) Construction of 11 mtrs wide road of approx length 100 mtrs with street lights on the dividers and construction of 1.2 Mtrs wide foot path on both sides of the road (**Sketch 'Q'**).
- (vi) Construction of Security JCO Cabin of size 1.5 x 2 mtrs on the divider.
- (vii) Construction of 320 mtr long 15 ft high perimeter wall with Y neck fencing with barbed wire and concertina coil.
- (viii) Installation of security lights along perimeter wall.
- (ix) Dismantling of existing main gate and construction of 15 ft high wall in place.
- (x) Demolition of guard post outside perimeter wall.
- (xi) Construction of circular plinth of circumference 29 mtrs and height 03 ft and shifting of Tank towards newly constructed road.
- (xii) Shifting of existing Static Water Tank/ fountain towards north.
- (xiii) Shifting of "Ordnance logo wall" towards north in front of newly constructed road (**Sketch 'Q'**).
- (xiv) Provisioning of view cutters on the metro track all along the perimeter of COD Mumbai (Approx 361 mtrs).
- (xv) No ventilator/ windows should be provisioned in the railway station facing the depot.
- (xvi) There should be no observation from the proposed staircase to the Metro Station inside the depot.
- (xvii) Construction of two Watchtowers of 18 ft height with two rooms for guards underneath each watch tower.
- (xviii) Provision of two boom barriers on both side of the new road.
- (xix) Construction of two sentry stand posts on both sides of the newly constructed gate.
- (xx) Provision of ten CCTV cameras, digital video recorder, 32 inch LED screen with all accessories and connections for effective surveillance

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(b) Construction of all the assets/infrastructure would be as per MES specifications and under the supervision of MES representatives. MMRDA will bear the cost of infrastructure to be constructed. All construction of infrastructure should take place simultaneously alongwith the construction of the Metro Station.

(c) The construction of the new infrastructure will be carried out by MMRDA on fast track before the existing gate is made redundant. All works for new infrastructure should be completed within the time frame as specified in the Memorandum of Understanding (MoU).

(d) After the payment has been made / land transferred in lieu, Army will hand over the land required for construction of Metro Station to MMRDA for taking up construction work of Metro Station as per procedure.

6. Handing over Land.

(a) Demarcation of Land. Demarcation of **678.43 Sq Mtrs** of defence land involved in the project was carried out through a joint survey by City Survey team on **09 Mar 2017**. The required land is located in two different CTS Numbers i.e. 152 (part) (**137.62 Sq Mtrs**) and 153(part) (**540.81 Sq Mtrs**) of village Akurli Taluka Borivali, District Mumbai Suburb. This was surveyed by City Survey Department, Govt of Maharashtra jointly with DEO Mumbai Circle in presence of MMRDA Officials (including Additional Collector). It has also been informed by MMRDA that the land at CTS No 152 belongs to the "Government of Maharashtra" and land at CTS No 153 is in name of "Gorakshak Mandali Pancha" (MMRDA letter No Metroland/Metro Line-&/Defence Akurli/103/2017 dt 06 Mar 2017 and a copy of measurement map is enclosed as **Appx 'E'**). However, DEO Mumbai Circle vide their letter No BOM/1424/LAND TFR/MMRDA/METRO LINE-7/VOL-I dt 17 Apr 2017 (copy enclosed as **Appx 'F'**) has communicated to Collector, Mumbai Suburban District that certain portion of CTS No 152 and CTS No 153 is part of the acquired land which is fenced and in possession of the Defence Department.

(b) Evaluation of Cost. The valuation of said pockets of defence land admeasuring area **678.43 Sq Mtrs** bearing CTS No 152 (Part) (137.62 Sq Mtrs) and CTS No 153 (Part) (540.81 Sq Mtrs) has been done by DEO Mumbai Circle based on Ready Reckoner rates of year 2016-17 which comes to **Rs. 4,20,62,660/- (Rupees Four Crores twenty lakhs sixty two thousand six hundred sixty only)**. In this connection copy of DEO Mumbai Circle letter No BOM/1424/LAND TFR/MMRDA/METRO LINE-7/VOL-I dt 24 Apr 2017 and BOM/1424/LAND TFR/MMRDA/METRO LINE-7/VOL-I dt 27 Apr 2017 are enclosed as **Appx 'G' & 'H'**.

(c) Therefore transfer of **678.43 Sq Mtrs** defence land to MMRDA for the project is recommended, in exchange of Equal Value Land or payment of current market value **Rs. 4,20,62,660/-**.

Findings of the board

7. Metro line-7 connecting Andheri and Dahisar will pass along the periphery of COD Mumbai at Kandivali. There is a requirement of **approximate 678.43 Sq Mtrs** of defence land to be handed over to MMRDA for construction of staircase of proposed Metro station i.e. Mahindra and Mahindra.

8. Demarcation of 678.43 Sq Mtr of defence land involved in the project has been carried out through joint survey by City Survey team on 09 Mar 2017 which is located in two different CTS Numbers i.e. 152 (part) and 153(part). Post survey, it is informed by MMRDA that the land at CTS No 152 belongs to the "Government of Maharashtra" and land at CTS No 153 is in name of "Gorakshak Mandali Pancha". DEO Mumbai Circle communicated to Collector, Mumbai Suburban District that certain portion of CTS No 152 and CTS No 153 is part of acquired land, which is fenced, and in possession of the Defence Department.

9. The valuation of said pockets of defence land admeasuring area **678.43 Sq Mtrs** has been done by DEO Mumbai Circle which comes to **Rs. 4,20,62,660/- (Rupees Four crores twenty lakhs sixty two thousand six hundred sixty only)**.

10. The construction of Metro station in front of COD main gate (named as Mahindra gate) will extend along the entire stretch of the perimeter wall of COD Mumbai, Kandivali complex along Western Express Highway and will have the following implications :-

(a) The construction of Metro Station on CTS No 152 & 153/B Akurli District Mumbai Suburban for proposed Metro Line-07 falls within 100 mtrs distance from COD Mumbai complex at Kandivali, Mumbai which is in contravention to Government of India, Ministry of Defence guidelines promulgated vide letter No 11026/2/2011D(Lands) dt 18 May 2011 and even No dt 18 Mar 2015.

(b) The overhead Metro station will give a clear view into the COD premises and can be used for surveillance activities, which is a major security concern. More so, the proposed Metro Station will attract large volume of passengers and there will be a heavy load of commuters entering/exiting the station. Thus, it would be extremely difficult to monitor the move of any antisocial elements, which would be a major cause of concern for the security of the establishment.

(c) The proposed Metro station will cause major obstruction on the move of vehicle entering/exiting COD Mumbai Kandivali Complex.

(d) The security of the guard post near the main gate would be jeopardised as the field of view and field of fire will be absolutely baffled by the Metro Station in front.

11. An option of shifting the Depot gate towards North will be required alongwith construction of various infrastructure /amenities/facilities as mentioned at Para 5 above to be provided to take care of the redundancy and to obviate the security concerns of the Depot.

12. MMRDA has already given an undertaking that they are ready to pay the value fixed by Ministry of Defence or to provide Equal Value Land suitable to services for the parcels of land required for proposed station of Metro Line – 7 as mentioned in Para 3 of their letter No Metroland/Metro Line-7/ Defence Akurli/93/2017 dt 31 Mar 2017.

Recommendations of the Board

13. The board recommends the following:-

- (a) . NOC be granted from the security point of view for construction of the Metro Line 7 railway station by MMRDA in front of COD Mumbai, Kandivali complex Main Gate.
- (b) **678.43 Sq Mtrs** of land be handed over to MMRDA for construction of Metro railway station to implement Metro Line 7 i.e. Andheri (E) to Dahisar (E) after approval from GOI / MOD based on **exchange of equal value land** or monetary compensation of **Rs. 4,20,62,660/-**.
- (c) MMRDA to provide following infrastructures/amenities to obviate the security concerns of the depot and cater for redundancy which arises due to implementation of the project :-
 - (i) Shifting of Main Gate 50 mtrs towards North as given in **Sketch "P"**.
 - (ii) Construction of 15 mtr wide Entry/ Exit gate.
 - (iii) Construction of Sentry post of size 03 x 03 x 05 mtrs with att toilet near Main Gate with allied facilities to include electrification, provision of light points and fans etc.
 - (iv) Construction of guard room and Security JCO cum surveillance room of size 14.5 x 10.5 x 05.5 mtrs with allied facilities to include electrification, toilets, bathrooms, sewage disposal; provision of light points and fans etc.
 - (v) Construction of 11 mtrs wide road of approx length 100 mtrs with street lights on the dividers and construction of 1.2 Mtrs wide foot path on both sides of the road (**Sketch 'Q'**).
 - (vi) Construction of Security JCO Cabin of size 1.5 x 2 mtrs on the divider.
 - (vii) Construction of 320 mtr long 15 ft high perimeter wall with Y neck fencing with barbed wire and concertina coil.
 - (viii) Installation of security lights along perimeter wall.
 - (ix) Dismantling of existing main gate and construction of 15 ft high wall in place.
 - (x) Demolition of guard post outside perimeter wall.
 - (xi) Construction of circular plinth of circumference 29 mtrs and height 03 ft and shifting of Tank towards newly constructed road.
 - (xii) Shifting of existing Static Water Tank/ fountain towards north.
 - (xiii) Shifting of "Ordnance logo wall" towards north in front of newly constructed road (**Sketch 'Q'**).

(xiv) Provisioning of view cutters on the metro track all along the perimeter of COD Mumbai (Approx 361 mtrs).

(xv) No ventilator/ windows should be provisioned in the railway station facing the depot.

(xvi) There should be no observation from the proposed staircase to the Metro Station inside the depot.

(xvii) Construction of two Watchtowers of 18 ft height with two rooms for guards underneath each watch tower.

(xviii) Provision of two boom barriers on both side of the new road.

(xix) Construction of two sentry stand posts on both sides of the newly constructed gate.

(xx) Provision of ten CCTV cameras, digital video recorder, 32 inch LED screen with all accessories and connections for effective surveillance.

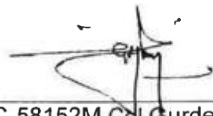
(d) A Memorandum of Understanding (MOU) be signed between MMRDA, Army and DEO Mumbai Circle for detailed modalities of handing over of land and construction of associated infrastructure.

14. The following docs forming part of the board proceedings are enclosed :-

S.No	Contents	Issued by	Appces
(a)	Statement of Case for transfer of 678.43 Sq Mtr land to MMRDA for construction of Metro Station for implementation of Metro Line 7.	COD Mumbai	A
(b)	MMRDA letter No Metroland/Metro Line-7/Defence Akurli/93/2017 dt 31 Mar 2017	MMRDA	B
(c)	MMRDA letter No Metroland/Metro Line-7/Mahindra & Mahindra/44/2016 dt 20 May 2016 received vide DEO Mumbai Circle letter No G/271/Board/Army/1 dt 23 Jun 2015.	MMRDA	C
(d)	COD Mumbai letter No 211/Part/Metro/ Adm dt 22 Oct 2016	COD Mumbai	D
(e)	MMRDA letter No Metroland/Metro Line-7/Defence Akurli/103/2017 dt 06 Mar 2017	MMRDA	E
(f)	DEO Mumbai Circle letter No BOM/1424/LAND TFR/MMRDA/METRO LINE-7/VOL-1 dt 17 Apr 17	DEO Mumbai Circle	F
(g)	DEO Mumbai Circle letter No BOM/1424/LAND TFR/MMRDA/METRO LINE-7/VOL-1 dt 24 Apr 2017	DEO Mumbai Circle	G
(h)	DEO Mumbai Circle letter No BOM/1424/LAND TFR/MMRDA/METRO LINE-7/VOL-1 dt 27 Apr 2017	DEO Mumbai Circle	H
(j)	HQ UM & G Sub Area Convening Order No 3271/Metro/land dated 22 Dec 2016	HQ UM & G Sub Area	J
(k)	Details of the land to be handed over to MMRDA along with site plan/map duly annotated showing area and google image.	Board of Offrs	'K' 'L'
(l)	Site plan of Main Gate	MMRDA	Sketch 'P'
(m)	Master sketch of infrastructure to be provided by MMRDA	MMRDA	Sketch 'Q'

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Presiding Officer



 (IC-58152M Col Gurdev Singh)
 COD Mumbai


Members

 1. : (NTR-16707F Lt Col Diwan Singh)
 AFMSD

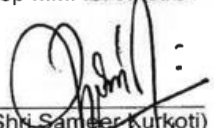
 2. : (SS-47243W Capt Michael Khulzalian)
 25 AD Regt

 3. : (IC-63030M Lt Col K. George Singh)
 COD Mumbai


 4. : (MES-185395 Sh S K Parkar, DTmh)
 Rep GE (North), Mumbai


 5. : (P R Sapkal, SPO-II)
 Rep DEO Mumbai Circle


 6. : (Shri MS Raikar, Executive Engineer)
 Rep MMRDA/Metro Authority


 7. : (Shri Sameer Kurkoti)
 Additional Collector, MMRDA Metro

Annexure-3: Policy of Govt. of Maharashtra

Annexure-IX

खाजगी क्षेत्रातील जमीन सिंचन व इतर प्रकल्पांसाठी
खाजगी वाटाघाटीद्वारे थेट खरेदी पध्दतीने घेणेबाबत.

महाराष्ट्र शासन
महसूल व वन विभाग,
शासन निर्णय क्रमांक:-संकीर्ण-०३/२०१५/प्र.क्र.३४/अ-२
मंत्रालय, मुंबई
दिनांक:- १२ मे, २०१५

प्रस्तावना:-

मा. मुख्यमंत्री महोदयांकडे विदर्भातील जिल्ह्यांच्या विकास आराखड्याबाबत झालेल्या चर्चेच्यावेळी पाटबंधारे तसेच इतर प्रकल्पांसाठी जमीन संपादन करतांना ब-याच अडचणी येतात, त्यामुळे प्रकल्पाचे काम सुरु होण्यास व पर्यायाने त्याचा लाभ लाभधारकांना मिळण्यास विलंब होतो, ही बाब प्रकर्षाने मा.मुख्यमंत्री महोदयांच्या निदर्शनास आणून देण्यात आली. केंद्र शासनाच्या नवीन भूसंपादन कायद्यान्वये मिळणारा मोबदला व त्यापूर्वी राज्य शासनामार्फत देण्यात येणारा मोबदला तसेच शेतक-यांकडून थेट वाटाघाटीद्वारे जमीन खरेदी करतांना मिळणारा मोबदला यांच्यामध्ये तफावत असल्याने शेतकरी जमीन देण्याबाबत संभ्रमात आहेत. त्यामुळे प्रकल्पासाठी जमीन मिळण्यास व पर्यायाने प्रकल्पाचे काम सुरु होण्यास विलंब होत आहे. हे लक्षात घेऊन मा. मुख्यमंत्री महोदयांच्या निदेशानुसार शासन निर्णय, नियोजन विभाग, दिनांक २४.१२.२०१४ रोजीच्या निर्णयान्वये विशेष समिती गठित करण्यात आलेली होती. सदर समिती अप्पर मुख्य सचिव (नियोजन) यांच्या अध्यक्षतेखाली गठित करण्यात आली होती. तथापि सदर समितीच्या संरचनेत अंशतः बदल शासन निर्णय, दिनांक १२.२.२०१५ अन्वये करण्यात येऊन सदर समितीचे अध्यक्ष अप्पर मुख्य सचिव (वित्त) हे राहतील व या विशेष समितीने आपला परिपूर्ण प्रस्ताव एक महिन्याच्या आत सादर करावा असे शासन निर्णयात नमूद केलेले आहे. सदर समितीच्या दिनांक २४.३.२०१५ रोजी आयोजित बैठकीत सांगोपांग विचार करून खाजगी क्षेत्रातील जमीन सिंचन व इतर प्रकल्पांसाठी वाटाघाटीद्वारे थेट खरेदी पध्दतीने घेण्याबाबत नवीन भूसंपादन कायद्यानुसार प्रकल्पांसाठी खाजगी जमीन थेट खरेदीने घेण्यास कोणतेही बंधन नसल्यामुळे समितीने काही मार्गदर्शक तत्वे विचारात घेवून खाजगी जमीन विकत घेण्याची शिफारस शासनास केली आहे. समितीने त्यासंदर्भातील केलेल्या शिफारशी लक्षात घेवून शासन खालीलप्रमाणे निर्णय घेत आहे.

शासन निर्णय :-

सर्वसाधारणपणे विविध प्रकल्पांसाठी आवश्यक असणारी खाजगी जमीन संबंधित भूसंपादन संस्था अस्तित्वात असणा-या भूसंपादन कायद्यानुसार संपादन करते. तथापि जर अशा भूसंपादन संस्थेला आवश्यक असणारी जमीन भूसंपादन कायद्यानुसार संपादित न करता थेट खरेदी पध्दतीने विकत घेण्यास कायद्याने कोणतेही बंधन नसल्यामुळे खालील मार्गदर्शक तत्वे विचारात घेऊन विकत घेण्याची मुभा राहिल.

(अ) मार्गदर्शक तत्वेनवीन प्रकल्पासाठी :-

- १) सिंचन प्रकल्पांव्यतिरिक्त नवीन प्रकल्पासाठी थेट जमीन खरेदी करतांना ती पूर्ण प्रकल्पासाठी करण्यात यावी.
- २) सिंचन प्रकल्पांच्या बाबतीत धरण बैठक (Dam Site), बुडीत क्षेत्र, पुनर्वसन क्षेत्र व मुख्य कालवे (५०%) व वितरिका (५०%) इतक्या जमिनी थेट खरेदीने घ्याव्यात.

अपूर्ण प्रकल्पासाठी :-

- १) सिंचनाव्यतिरिक्त कोणताही अपूर्ण प्रकल्प पूर्ण करण्याकरिता आवश्यक असलेली सर्व शिल्लक जमीन भूसंपादनाऐवजी थेट खरेदीने करता येईल. मात्र अशी जमीन खरेदी टप्पाटप्प्याने न करता पूर्णतः करण्यात यावी.
- २) अ) अपूर्ण सिंचन प्रकल्पांच्या बाबतीत धरण बैठक, बुडीत क्षेत्र, पुनर्वसन क्षेत्र, मुख्य कालवे (५०%) व वितरिका यासाठी लागणारी उर्वरित जमीन (भूसंपादन प्रक्रिया सुरु न झालेले) थेट खरेदीने पूर्णतः घ्यावी.
- ब) पाणी साठा झाला असल्यास व केवळ कालव्यासाठी जमिनीची आवश्यकता असेल तर पाणी पोहोचलेल्या ठिकाणापासून पाणी पुढे नेण्यासाठी आवश्यक जमिनी सलगरित्या थेट खरेदीने घ्याव्यात.

(ब) मोबदला निश्चितीसाठीची जिल्हास्तरीय समिती

- १) थेट खरेदी करावयाच्या जमिनीच्या मोबदल्याबाबतचा दर ठरविण्यासाठी जिल्हाधिकारी यांच्या अध्यक्षतेखाली समिती स्थापन करावी. सदर समितीची संरचना खालीलप्रमाणे राहिल.

१) जिल्हाधिकारी	- अध्यक्ष
२) अधीक्षक अभियंता (जलसंपदा)	- सदस्य
३) अधीक्षक अभियंता (सार्वजनिक बांधकाम)	- सदस्य
४) जिल्हा सरकारी वकील	- सदस्य
५) सहायक संचालक, नगर रचना	- सदस्य
६) संपादक संस्थेचा सक्षम अधिकारी	- सदस्य
७) संबंधित उपजिल्हाधिकारी (भूसंपादन)	- सदस्य सचिव

समितीमध्ये आवश्यकतेप्रमाणे झाडांचे / फळझाडांचे / वन झाडांचे / उभ्या पिकांचे (Standing Crops), बांधकामाचे व इतर बाबींचे मूल्यांकन करण्यासाठी कृषि, वन, उद्यानविद्या या विषयातील सक्षम अधिकाऱ्यांचा अथवा त्या विषयाशी संबंधित तज्ञ यांचा निमंत्रित सदस्य म्हणून समावेश करावा.

- २) वरील समिती जमिनीचा मोबदला निश्चित करण्यापूर्वी प्रचलित भूसंपादन कायदानुसार जमिनीचे मूल्यांकन व जमिनीच्या मूळ मालकाचा मूळ दस्ताऐवज व जमिनीचा लिगल सर्च रिपोर्ट (Legal Search Report) सरकारी वकीलांमार्फत तपासून घेईल.

(क) मोबदला निश्चितीची कार्यपद्धती

प्रकल्पासाठी जमीन थेट खरेदीने घेताना भूसंपादन कायदा २०१३ मधील कलम २६ ते ३० च्या व शेड्यूल-१ ह्या तरतुदीनुसार संबंधित जमिनीसाठी देय होणाऱ्या मोबदल्याची परिगणना सदर जमिनीशी निगडित सर्व बाबी विचारात घेऊन प्रथम करण्यात यावी. त्यानंतर सदर परिगणित होणाऱ्या एकूण मोबदल्याच्या रकमेवर २५% रक्कम वाढीव देण्यात यावी.

(ड) मोबदला स्विकारताना शेतकऱ्यांसाठीचा विकल्प

प्रकल्पासाठी शेतकऱ्यांची जमीन थेट खरेदीने घेताना त्यांना देय होणाऱ्या मोबदल्यासाठी त्यांना पुढीलप्रमाणे दोन विकल्प देण्यात यावेत.

- १) वरील "क" प्रमाणे परिगणित होणारा संपूर्ण मोबदला एकरकमी देणे.
अथवा
- २) अ) जमीन खरेदी करतांना / ताब्यात घेताना संपूर्ण मोबदल्यापैकी पहिला टप्पामध्ये ५०% रक्कम एकरकमी देणे,
ब) उर्वरीत ५०% रक्कम वर्षासन (Annuity) स्वरूपात देणे.

शासन निर्णय क्रमांक: संकीर्ण-०३/२०१५/प्र.क्र.३४/अ-२

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक क्र. २०१५०५१२१४५०४४२९१९ असा आहे. सदर आदेश डिजीटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने.

**SUBHASH
KISANRAO
GAWADE**

Digitally signed by SUBHASH
KISANRAO GAWADE
DN: CN = SUBHASH KISANRAO
GAWADE, C = IN, S = Maharashtra, O =
GOVERNMENT OF MAHARASHTRA,
OU = REVENUE AND FOREST
Date: 2015.05.12 15:51:39 +05'30'

(सु.कि.गावडे)


उप सचिव, महाराष्ट्र शासन

प्रत,


- १) मा.राज्यपाल यांचे सचिव, राजभवन, मुंबई
- २) मा.मुख्यमंत्री यांचे प्रधान सचिव, मुख्यमंत्री सचिवालय, मुंबई
- ३) मा.मंत्री (महसूल) यांचे खाजगी सचिव, मंत्रालय, मुंबई
- ४) मा.मंत्री (वित्त व वने) यांचे खाजगी सचिव, मंत्रालय, मुंबई
- ५) मा.मंत्री (जलसंपदा) यांचे खाजगी सचिव, मंत्रालय, मुंबई
- ६) सर्व मा.मंत्री / राज्यमंत्री यांचे खाजगी सचिव, मंत्रालय, मुंबई
- ७) मा.मुख्य सचिव यांचे वरिष्ठ स्वीय सहायक, मंत्रालय, मुंबई
- ८) सर्व अपर मुख्य सचिव / प्रधान सचिव / सचिव यांचे स्वीय सहायक, मंत्रालय, मुंबई
- ९) अपर मुख्य सचिव (वित्त) यांचे स्वीय सहायक, वित्त विभाग, मंत्रालय, मुंबई
- १०) प्रधान सचिव (नियोजन) यांचे स्वीय सहायक, नियोजन विभाग, मंत्रालय, मुंबई
- ११) प्रधान सचिव (जलसंपदा) यांचे स्वीय सहायक, जलसंपदा विभाग, मंत्रालय, मुंबई
- १२) प्रधान सचिव (महसूल) यांचे स्वीय सहायक, महसूल व वन विभाग, मंत्रालय, मुंबई
- १३) सचिव (वने) यांचे स्वीय सहायक, महसूल व वन विभाग, मंत्रालय, मुंबई
- १४) सचिव (मदत व पुनर्वसन) यांचे स्वीय सहायक, महसूल व वन विभाग, मंत्रालय, मुंबई
- १५) सर्व विभागीय आयुक्त
- १६) सर्व जिल्हाधिकारी
- १७) संचालक, नगर रचना, पुणे
- १८) सर्व अधीक्षक अभियंता, (सार्वजनिक बांधकाम / जलसंपदा)
- १९) सर्व जिल्हा सरकारी वकील
- २०) निवडनस्ती (अ-२)

Annexure-4: Sample Allotment Letter

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मुंबई महानगर प्रदेश विकास प्राधिकरण
सदनिका वितरण पत्र
मेट्रो मार्गिका -७ अंधेरी (पूर्व) ते दहिसर (पूर्व) प्रकल्प



क्रमांक:- एम.एम.आर.डी.ए. / मेट्रो-७/ पु.व.पु. / २०१७
 पु.व.पु. ५७३८

दि. १५/१२/२०१७



अण्ण जिल्हाधिकारी - ९ मं
 दु. व. प्र. वि.

श्री/श्रीम. गीता हिरालाल जोशी नकाशा क्र. १ आय.डी.क्र. १५ आधार क्र. २२८३३२६१११०५
 राहणार अण्णावाडी, अंधेरी (पूर्व) हे मेट्रो ७ प्रकल्पांमुळे बाधित झालेले असून त्यांना मुंबई नागरी परिवहन प्रकल्प (MUTP)
 पुनर्वसाहत व पुनर्वसन धोरणांतर्गत तरतुदीनुसार आप्पापाडा, मालाड (पूर्व) या पुनर्वसन वसाहतीमधील इमारत क्रमांक आर-१
 सदनिका / दुकान क्र. २०२ देऊ करण्यात येत आहे.

पुनर्वसन इमारतीतील वाटप करण्यात येत असलेली निवासी/अनिवासी सदनिका ही मुंबई नागरी परिवहन प्रकल्प (MUTP)
 पुनर्वसाहत व पुनर्वसन धोरणांतर्गत नियमानुसार, अटी व शर्तीस अधीन राहून देऊ करण्यात येत आहे.

सदनिका / गाळा इत्यादीचे वाटप हे प्रकल्पबाधितांच्या निवास किंवा व्यवसायाकरिताच आहे. जागेचे मालकी हक्क ताबा व
 आराखडा बदलाबाबत किंवा प्रकल्पबाधितास झालेल्या जागा वाटपाबाबत किंवा प्रकल्पबाधित व्यक्तीने सादर केलेल्या
 कागदपत्रांबाबत कोणताही आक्षेप, तक्रार अथवा वाद आढळून आल्यास प्रकल्पबाधित व्यक्तीस याबाबत पूर्णपणे जबाबदार धरण्यात
 येईल. वाकरोता मुंबई महानगर प्रदेश विकास प्राधिकरणाचे कोणतेही अधिकारी, कर्मचारी यांना जबाबदार धरण्यात येणार नाही.

अटी आणि शर्ती

- वितरीत करण्यात येत असलेली सदनिका / गाळा इत्यादीचे वाटप हे प्रकल्पबाधित व्यक्तीच्या खऱ्या निवास किंवा
 व्यवसायासाठीच आहे. सदर सदनिका / गाळा इत्यादीचे, वाटप केलेल्या दिनांकापासून १० वर्षांच्या कालावधीपर्यंत विक्री /
 भाडेपट्ट्याने देणे / दुसऱ्याच्या नावे करणे अथवा कोणत्याही प्रकारे हस्तांतरण करता येणार नाही.
- प्रकल्पग्रस्त व्यक्तीस प्राधिकरणाच्या पूर्व मंजूरी शिवाय सदनिकेच्या मूळ बांधकामात कोणताही अंतर्गत अथवा बाह्य बदल करता
 येणार नाही.
- प्रकल्पग्रस्त व्यक्तीने त्यांना वाटप केलेल्या सदनिकेच्या / गाळाच्या वापरात बदल करू नये, तसेच अनधिकृत कार्यासाठी
 सदनिकेचा / गाळाचा वापर करू नये.
- महाराष्ट्र सहकारी संस्था अधिनियम - १९६० आणि १९६१ चे नियम व नियमावली नुसार कार्य करणारी अशी सहकारी गृहनिर्माण
 संस्था स्थापन करून तिचे सभासद होण्यासाठी प्रकल्पग्रस्त बांधिल असतील, अशा प्रकारे स्थापन झालेली संस्था केवळ
 प्रकल्पग्रस्तास भाग प्रमाणपत्र (शेअर सर्टिफिकेट) देईल.

गीता हिंरा लाल जोशी

५. प्रकल्पप्रस्त म्हणून पात्रता सिध्द करताना सादर केलेल्या पुराव्यामधील त्यांच्या / तिच्या कुटुंबातील सर्व सदस्यांनी त्यांना वाटप केलेल्या सदनिकेत स्थलांतर केले पाहिजे. बाधित बांधकाम वितरणपत्र मिळाल्यापासून १० दिवसांच्या आत पुर्णपणे रिक्त केले पाहिजे. कुटुंबातील कोणत्याही सदस्याने सदनिकेत / गाळयात स्थलांतर न केल्यास त्यास प्राधिकरण जबाबदार नाही व त्यांची इतर स्वतंत्र व्यवस्था करण्याची जबाबदारी प्राधिकरणाची नाही.
६. सदनिकाधारकास सदनिकेचा ताबा घेतल्याच्या दिनांकापासून सर्व सोयी जसे विद्युत व्यवस्था, पाणीपुरवठा इतर सार्वजनिक सुविधांची देखभाल स्वतः व स्वखर्चाने करावयाची आहे. ही त्यांची नैतिक जबाबदारी असून संबंधित सर्व देयके व मालमत्ता कर, इमारतीची देखभाल इत्यादीचा भरणा आपल्या नोंदणीकृत सहकारी गृहनिर्माण संस्थेमार्फत किंवा स्वतः संबंधित शासकीय कार्यालयात करावयाचा आहे. याप्रमाणे देयके व करांचा भरणा सदनिकाधारकाने न केल्यास आणि त्यामुळे त्याच्यावर / तिच्यावर काही कार्यवाही झाल्यास त्यास प्राधिकरण जबाबदार राहणार नाही तसेच वरील बाबींसाठी प्राधिकरणाकडून कोणत्याही प्रकारच्या खर्चाची प्रतिपूर्ती दिली जाणार नाही.
७. प्रकल्पप्रस्त व्यक्तीस वाटप / वितरण केलेल्या सदनिकेचा / गाळयाचा ताबा त्यांनी वाटप / वितरणपत्र मिळालेपासून १ दिवसाच्या आत न घेतल्यास मुं. म. प्र. वि. प्राधिकरणास त्यांना देण्यात आलेले वितरणपत्र रद्द करण्याचा अधिकार असेल.
८. प्रकल्पप्रस्तांनी सदरचे सदनिका वाटप / वितरण पत्र मिळालेपासून १० दिवसांच्या आत त्यांच्या / तिच्या बाधित बांधकामाचा ताबा प्राधिकरणाच्या अधिकार्याकडे सुपूर्द करावा. जर त्याने / तिने, त्याच्या / तिच्या बाधित बांधकामाचा ताबा दिला नाही तर पुढे कोणतीही नोटीस दिली जाणार नाही. आणि ते त्याच्या / तिच्या जोखीम व जबाबदारीवर प्राधिकरण मुं. म. प्र. वि. प्रा. अधिनियम कलम ३२ मध्ये अंतर्भूत केल्याप्रमाणे निष्कासित करण्यात येईल.
९. प्रकल्पप्रस्ताने उपरोक्त मंनूर सदनिका / गाळयाचा ताबा घेतल्यानंतर, त्याने / तिने अन्य प्रकल्पांतर्गत पुनर्वसनाचा लाभ घेतल्याचे निदर्शनास आल्यास मुं. म. प्र. वि. प्रा. हे प्रकल्पप्रस्तास वाटप / वितरण केलेली सदनिका / गाळा रद्द करणेचे अधिकार राखून ठेवत आहेत. अशा प्रकल्पप्रस्ताला व त्याच्या कुटुंबियांना सदर सदनिकेतून / गाळयातून १० दिवसांच्या पूर्व सूचनेसह बाहेर काढण्यात येईल.
१०. उपरोक्त सदनिका / गाळयाचा ताबा घेतल्यानंतर त्याने / तिने शासनाच्या जागेवर कोणत्याही प्रकारचे अतिक्रमण केल्याचे आढळल्यास सदर सदनिकेचे वाटप रद्द करण्याचा अधिकार प्राधिकरण राखून ठेवत आहे.
११. प्रकल्पप्रस्तांनी पात्रता निश्चितीसाठी सादर केलेली कागदपत्रे / पुरावे खोटी / बोगस अथवा दिशाभूल करणारी आढळल्यास प्रकल्पप्रस्तास सदनिका / गाळयाचे केलेले वाटप रद्द करण्यात येईल व त्या विरुद्ध फौजदारी कायद्यानुसार कार्यवाही करण्यात येईल.
१२. प्रकल्पप्रस्त व्यक्तीकडून त्यांना वाटप / वितरण केलेल्या सदनिका / गाळया बाबतचे आदेश गहाळ झाल्यास रक्कम रु. १००/- इतकी दंडात्मक रक्कम भरून सदनिका / गाळा वाटप / वितरण आदेशाची दुय्यम प्रत देण्यात येईल.
१३. सदनिकाधारकांना असा निर्देश देण्यात येतो की, उपरोक्त वाटप / वितरणाच्या अटी व शर्ती त्यांना मान्य असून तो / ती बरोल अटी व शर्तीस बांधील राहिल असे बंधपत्र त्यांनी प्राधिकरणास सादर केलेले आहे.
१४. वर नमूद केलेल्या कोणत्याही अटी व शर्तीचे अनुपालन न केल्यास अथवा उल्लंघन केल्यास, सदर वाटप आदेश रद्द होतोल.

(समीर कुमकोटी)

अपर जिल्हाधिकारी-२

मु.म.प्र.वि. प्राधिकरण

24/11/19

Annexure-5: Details of Private Land to be Acquired under Line 7

Details of Land Acquisition of Metro Line – 7 (Dahisar East to Andheri East) Private land								
Station Name	Village	Taluka	Affected CTS No	Land Owner as per PR card	Survey no /Hissa No	Land Owner as per 7/12 Abstract Document	Area Required in Sqm. Appx.	Land Owner as per available Documents
Andheri (East)Metro Station	Gundavali	Vileparle	312	Agriculture Land	20/2/B	Imranbhai Hatimbhai khokawala and other 10	229.12	Imranbhai Hatimbhai khokawala and other 10
Andheri (East)Metro Station	Gundavali	Vileparle			20/2/A/2	Acquired for Western Express Highway		Acquired for Western Express Highway
Andheri (East)Metro Station	Gundavali	Vileparle	320	Agriculture Land	85/3/A	Free methodist Church	36.71	Free methodist Church
Andheri (East)Metro Station	Gundavali	Vileparle	300	Hindustan lever limited	-	-	432.23	Hindustan lever limited
Andheri (East)Metro Station	Gundavali	Vileparle	321 A	Hindustan lever limited	-	-		Hindustan lever limited
Andheri (East)Metro Station	Gundavali	Vileparle	321 B	BMC Land	-	-	-	BMC Land
JVLR Jn Station	Majas	Andheri	211	Govind Kalyandas daryani	-	-	259.204	Govind Kalyandas daryani
Bandongari Station	Akurly	Goregaon	136 Pt	Government of Maharashtra	-	-	72	Government of Maharashtra
Bandongari Station	vadhavan	Goregaon	136/1	Rajendrkumar Ramraj Ray & Ramraj Gajadhar Ray	-	-		Rajendrkumar Ramraj Ray & Ramraj Gajadhar Ray
Magathane Station	Magathane	Boriwali	165	Cable Co.Opp.Hsg	-	-	514.26	Cable Co.Opp.Hsg
Devipada Station	Magathane	Boriwali	107 E	Inclain Realty Pvt.Ltd	111/5	-	1037	Inquality Riyality Pvt.Ltd.
National Park Station	Dahisar	Boriwali	1879	Agriculture Land	216/1A/1	State Bank Of India Staff Vaibhav Co. Opp. Ho. Soc. Ltd	919	State Bank Of India Staff Vaibhav Co. Opp. Ho. Soc. Ltd
Ovaripada Station	Dahisar	Boriwali	1669	Agriculture Land	186/2/A	Usha Chandu Rajput & other 7	142.7	Usha Chandu Rajput & other 7
Ovaripada Station	Dahisar	Boriwali	1751	Agriculture Land	186/6	Manakbai vishnu Bhatte	159.71	Manakbai vishnu Bhatte
Ovaripada Station	Dahisar	Boriwali	1752	Agriculture Land	186/5	Jagannath Shiwaram and Raut & other 5	167.12	Jagannath Shiwaram and Raut & other 5
Ovaripada Station	Dahisar	Boriwali	1825 A	Agriculture Land	186/10	Habibullah Mohammad Razaq. & other 3	157.74	Habibullah Mohammad Razaq. & other 3
Ovaripada Station	Dahisar	Boriwali	1825 B	Agriculture Land	186/9	Prabhakar Kashinath Vaidya		Prabhakar Kashinath Vaidya
Ovaripada Station	Dahisar	Boriwali	1825 C	BMC Land Road				
Ovaripada Station	Dahisar	Boriwali	1826	Agriculture Land	185/2/A	Vrujlal manikchand & Chandrakant Narottamdas	90.5	Vrujlal manikchand & Chandrakant Narottamdas
Ovaripada Station	Dahisar	Boriwali	1832			Chandrakant Harishchandra Patil & other 6	73.9	Chandrakant Harishchandra Patil & other 6

Ovaripada Station	Dahisar	Boriwali	1834	Agriculture Land	185/3	Narayan Hari Mahajan	47.55	Narayan Hari Mahajan
Aarey Alignment	Pahadi	Goregaon (E)	442/A/1	Shushilaben shantilal Patel	-	-	194.792	Shushilaben shantilal Patel
Aarey Alignment	Pahadi	Goregaon (E)	454/A	Redium Co. Opp.Deary Soc.Ltd. (BMC Land Road Reservation)	-	-	182.404	Redium Co. Opp.Deary Soc.Ltd.(Redium) (BMC Land Road Reservation)
Aarey Alignment	Pahadi	Goregaon (E)	454/B	Redium Co. Opp.Deary Soc.Ltd.	-	-		Redium Co. Opp.Deary Soc.Ltd.
Aarey Alignment	Pahadi	Goregaon (E)	454/C	Redium Co. Opp.Deary Soc.Ltd.	-	-		Redium Co. Opp.Deary Soc.Ltd.
Aarey Alignment	Pahadi	Goregaon (E)	454/C	Redium Co. Opp.Deary Soc.Ltd. (BMC Land Road Reservation)	-	-		Redium Co. Opp.Deary Soc.Ltd. (BMC Land Road Reservation)
Aarey Alignment	Pahadi	Goregaon (E)	454/E	Redium Co. Opp.Deary Soc.Ltd.	-	-		Redium Co. Opp.Deary Soc.Ltd.
Aarey Alignment	Pahadi	Goregaon (E)	454/F	Redium Co. Opp.Deary Soc.Ltd. (BMC Land Road Reservation)	-	-		Redium Co. Opp.Deary Soc.Ltd. (BMC Land Road Reservation)
Aarey Alignment	Pahadi	Goregaon (E)	454/G	Sunil Kanhaiyalal Fervani ,Director of Drimz Achivarse India Pvt.Ltd.	-	-		Sunil Kanhaiyalal Fervani ,Director of Drimz Achivarse India Pvt.Ltd.
Aarey Alignment	Pahadi	Goregaon (E)	454/42	J.D.& Company Pvt. Ltd.	-	-		J.D.& Company Pvt. Ltd.
Aarey Alignment	Pahadi	Goregaon (E)	454/43	J.D.& Company Pvt. Ltd.	-	-		J.D.& Company Pvt. Ltd.
Aarey Alignment	Pahadi	Goregaon (E)	453	Sitaram Narayan Desai	-	-	216.225	Sitaram Narayan Desai & Jagannath Sakharam Patil
Aarey Alignment	Pahadi	Goregaon (E)	450/1	Sitaram Narayan Desai	-	-	338.362	Sitaram Narayan Desai
Aarey Alignment	Pahadi	Goregaon (E)	450/2	Sitaram Narayan Desai	-	-		Sitaram Narayan Desai
Aarey Alignment	Pahadi	Goregaon (E)	450/3	Sitaram Narayan Desai	-	-		Sitaram Narayan Desai
Aarey Alignment	Pahadi	Goregaon (E)	450/4	Sitaram Narayan Desai	-	-		Sitaram Narayan Desai
Aarey Alignment	Pahadi	Goregaon (E)	450/5	Sitaram Narayan Desai	-	-		Sitaram Narayan Desai
Aarey Alignment	Pahadi	Goregaon (E)	450/6	Sitaram Narayan Desai	-	-		Sitaram Narayan Desai
Aarey Alignment	Pahadi	Goregaon (E)	458 pt	Kanhaiyalal Purushottam Shaha & Other 9	-	-	629.18	Kanhaiyalal Purushottam Shaha & Other
Aarey Alignment	Pahadi	Goregaon (E)	442/A/3/1/E	Kanhaiyalal Purushottam Shaha & Other 9	-	-	46.64	Kanhaiyalal Purushottam Shaha & Other
						Total	5946.347	

Annexure-6: Guidelines about Partially Affected Structures
Mumbai Metropolitan Region Development Authority
 Bandra-Kurla Complex, Bandra(East),
 Mumbai – 400 051.

No. Lands (R&R)-2006

Date : 14th November, 2006.

**Sub : Guidelines about partially affected structures under
 MUIP and MUTP.**

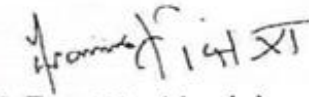
Pursuant to the order of the Hon'ble High Court dated 20/10/2006 in Writ Petition No. 10000 directing that a policy decision in the matter of constructions partly demolished in the MMRDA projects, following guidelines clarifying the R&R policy is given below which will apply to all the structures required to be partly demolished for the projects undertaken by MMRDA.

5. The Rehabilitation of persons displaced by the MMRDA projects under the MUTP and MUIP shall be as per the R&R Policies framed by the State Government. There are instances when in case of partial demolition of the structure if the entire structure is not required for road widening and the concerned persons are not willing to accept rehabilitation and want to continue in the remaining structure. In such cases, the concerned persons are not to be treated as Displaced Persons MMRDA will in such cases not to insist upon vacating and demolition of the entire structure provided the person whose structures are partly demolished and the balance structure is not required for road widening and for any other public purpose declares on affidavit that :-

- (a) The premises remaining after part demolition is sufficient for him and he is not interested in rehabilitation and resettlement.
- (b) He shall not be entitled to rehabilitation and shall not make any claim against MMRDA in respect of the part demolition of his structure in future.
- (c) He shall not encroach upon the area outside the remaining structure for any purpose and shall not oppose demolition of the remaining structure if required for a public purpose in future and shall remove the balance structure as and when it is required for any public purpose.
- (d) The retention of the part structures would not amount to regularization of unauthorised structures.

3. The above guidelines will apply to persons whose structures are required to be partly demolished and want to retain the remaining part of the structure and those who are not interested alternative accommodation.

4. These guidelines clarifying the R&R Policy are issued as per the directives of the Metropolitan Commissioner.


 (A.R. Wankhade)
 Lands Manager

Annexure-7: Policy of Allotment of Residential Tenement against Non-Residential Structure

No. SDC/R&R/R-for-C/2015

CIRCULAR

Sub : Policy for allotment of residential tenement
against affected non-residential structure

In view of the repeated requests received from PAPs for allotment of residential tenements against their commercial / non-residential structures affected by various projects of MMRDA and to provide for further details on decisions made in this regard in the past, it is decided to apply the following policy :

1. This policy shall be applicable to the R&R of all projects of MMRDA.
2. The restrictions imposed in this policy will not apply to the R&R of PAPs who hold titles of the lands on which their affected structures are located.
3. In the normal circumstances, the MMRDA would offer residential tenement if it cannot provide the commercial tenement of the required size at any location. However, the PAP requests for residential allotment in lieu of non-residential structures shall be considered only in the case of fear of loss of business to residential structures shall be justified by the concerned PAP in the context of nature of original business and location of commercial tenement proposed to be allotted.
4. Only those PAPs with original affected non-residential structure having minimum area of 50 sq.ft. will be eligible for consideration of alternative residential tenement.
5. In cases where one residential tenement is already allotted against another affected PAP, allotment of only one additional residential tenement will be allowed against the area of one or more commercial structures of the same PAP or his family (as shown in survey or relevant authentic document) and such combined area should be minimum 50 sq.ft.
6. The alternative residential tenement would be provided in any of the R&R colonies where the residential PAPs of the concerned project are / proposed to be rehabilitated subject to a availability of such tenements. The PAP shall have no right to demand such tenement in any specific R&R Colony or building of his/her choice.
7. The PAP requests for change of residential tenements allotted in lieu of commercial / non-residential structures prior to the date of issuance of this policy shall not be allowed.
8. The PAP requests for allotment of residential tenements in lieu of commercial tenement, which is already allotted shall be considered provided a period of not more than 1 year has elapsed since the date of allotment and if possession of such commercial tenement is not taken by the PAP.

This Circular is issued with the approval of the Metropolitan Commissioner

V.G. Patil
(V.G. Patil)
Chief, SDC

Copy to :

Annexure-8: Minutes of the Public Consultation Meeting

Environmental and Social Aspects of the Mumbai Metro Line 7- Andheri (E) to Dahisar (E) and Mumbai Metro Line 2A – Dahisar to D.N. Nagar Projects

The work for Mumbai Metro Line – 7 Andheri (E) to Dahisar (E) and Mumbai Metro Line 2A – Dahisar to D.N. Nagar has been undertaken by MMRDA with the approval of Govt of Maharashtra and assistance of DMRC. These Projects are designed to minimise the environmental and social impacts. The civil works for the Project will be financed by MMRDA while financial assistance is being sought from ADB for the rolling stock, signalling, communications systems, E&M, AFC, etc. The EIA and SIA reports prepared for these Projects are being revised incorporating alignment changes and specific site conditions. R&R of the PAPs of the Project will be carried out as per the Mumbai Urban Transport Project (MUTP) Policy. Public consultations being held in accordance with the ADB's Safeguards Policy for Information Disclosure, Consultation and Participation.

Public Announcement in Newspapers:

A public consultation meeting focussing on the environmental and social aspects of the Mumbai Metro line 7: Andheri (E) to Dahisar (E) and Metro line 2A: Dahisar to D.N. Nagar Project was organised on May 12, 2016. A notice regarding the schedule of the meeting was advertised in prominent daily newspapers in three languages i.e. English, Hindi and Marathi on the 30th April, 2016 to inform the general public. The copies of the notices published in the newspapers are attached as Annexure-I. The details of the date, time and place of the Public consultation meeting were as follows:

Date	Time	Place
12/05/2016	3:00 p.m. to 5:00 p.m.	The Auditorium, New MMRDA building, G-Block, Bandra Kurla Complex, Bandra (E), Mumbai - 400051.

The following officers from MMRDA and DMRC addressed the meeting:

Sr. No.	Metro Representatives	Designation
1.	Shri P.R.K. Murthy	Director (Projects) Metro, Metro PIU
2.	Shri P.K. Sharma	Director, DMRC
3.	Shri V.G. Patil	Chief, SDC
4.	Smt. K. Vijayalakshmi	Chief, T&C
5.	Shri Dilip Kawathkar	Dy. Metropolitan Commissioner (Admin),
6.	Smt. Indurkar	Tahsildar

The meeting started with introductions of officials and a power-point presentation on the Project comprising of the Metro Master Plan, details including alignment, station locations and facilities, Project status, method of construction, costs and financial obligations, measures that will be taken for traffic movement and minimising nuisance to public along the corridor, the environmental and social impacts and safeguards, clearances to be obtained, eligibility, entitlement and grievance redressal framework for R&R etc. was made. A copy of the presentation is placed as Annexure

II. The technical aspects of the Project were presented by Shri. P.K. Sharma and environmental and social aspects were presented by Shri. V.G. Patil.

The consultation meeting was attended by fifteen persons. The list of attendees along with the attendance record consisting of their names, organisation represented and the contact details is attached as Annexure – III. The photographs of the meeting are attached as Annexure – IV.

The details of the points raised by the public and the reply to their queries were as follows:

Sr. No.	The points that were raised by the Public	Response provided by officers
1.	Shri Ulhas Chaudhari from Paryawarniya Grahak Chalwal raised concerns regarding environmental effects and carbon emissions during the Project execution caused by congestion, debris below the elevated structures viz a viz reduction after the Project is implemented, . He also raised the question regarding the feasibility and need of the metro Project viz a viz strengthening the existing western railway and public bus transport system run by the BEST in the city. He also raised concern on the water requirements and planning for its provision for the Project. Drawing references of the previous infrastructure Projects commissioned by various government bodies in the city, he pointed concerns on the quality, site management during and after the Project implementation phases. He also submitted a detailed letter regarding his concerns. The letter is attached as Annexure – V	The need for these metro Projects was established based on comprehensive transport study and as a part of assessment and feasibility of these Projects. An extensive EIA study was being carried out to assess the baseline conditions and Projected impacts which would take into account the impacts and suggest mitigation measures. Such measures will be implemented.
2.	Shri Sunil Sampatrao Shinde from the Aanyay Nivaran Samajik Santha raised concerns about awarding the contract to J.Kumar against whom FIR was launched by the Municipal Corporation of Greater Mumbai in case of some other work.	It was indicated that legal opinion was sought before awarding the contract to the said contractor.

