

MUNICIPAL CORPORATION OF GREATER MUMBAI

No: CHE/34/DP dt 09-06-09

CIRCULAR

Sub:- Structural audit of private buildings, as per the new section 353B incorporated in the MMC Act 1888.

The Govt. of Maharashtra vide their notification dt.7.2.2009 has communicated that Govt. has modified the M.M.C.Act,1888, thereby incorporating a new Section 353B for making structural audit compulsory in respect of the existing building, which have completed 30 years. The Govt. has further directed that the amendment to the Act will come in force with immediate effect.

The salient features for the Section 353B of Amended M.M.C.Act,1888 are given below. It may be seen that the Govt. has accepted our suggestions in respect of making the Structural Audit of privately owned properties compulsory with some minor changes. The salient features are as under: -

- 1.) For the buildings which have completed a period of 30 years after issuing of Occupation Certificate or such buildings where more than 50% built up area is occupied physically for a period of 30 years or more, with or without obtaining Occupation Certificate, it is necessary to submit a Certificate certifying that the building is fit for human habitation from a registered Licensed Structural Engineer within one year and thereafter on completion of every 10 years (इमारत सुस्थिती प्रमाणपत्र).

- 2.) The Commissioner is empowered to give notice to owner or occupant of the building in writing at any time to get the structural audit of the building done from a registered Licensed Structural Engineer within 30 days from issue of such notice and to submit the certificate that the building is structurally sound for inhabitation.

- 3.) Any remedial measures suggested by the Structural Engineer shall be carried out by the owner/ occupants to the satisfaction of Structural Engineer. The Commissioner has power to issue notice to the owners/ occupants, if necessary.

- 4.) The owners/ occupants who fail to start the remedial measures suggested by the Structural Engineer within 6 months from the submission of Structural Audit Report, shall be liable for the penalty as per amended Section 471 of M.M.C.Act,1888.

- 5) The Commissioner has authority to prescribe a suitable time period to the owner/ occupants after giving the notice in writing to take steps for carrying out remedial measures and if the owner/ occupants fails to do so, the Commissioner will carry out such remedial measures and can demand the expenditure incurred therein from the owner/ occupants. If the owner/ occupants fail to pay the same within 30 days, the same can be recovered in the form of pending Assessment Bill from the owner/ occupants.
- 6) If a dispute regarding the amount of expenditure arises, the owner/ occupants can appeal in the Small Causes Court within 21 days from receipt of such notice along with the receipt of requisite amount deposited with MCGM. Failing which, his appeal will not be considered.
- 7) If the decision is given in favour of the Appellant, the additional amount deposited, if any, will be refunded to the Appellant with the interest of 6.25% p.a. from the date of deposit of the amount.
- 8) The Sub Clause 85(a) is added in Clause 471 for penalizing the defaulters, wherein the defaulters are required to pay Rs.25,000/- or amount equal to one years assessment tax, whichever is more as penalty.

(I) The Implementation Machinery.

- a) For performing the statutory function, on behalf of Municipal Commissioner, the Executive Engineer (Ward), will be the authority, who will use the services of A.E. (B&F) of the ward or form a special Cell for this purpose, as may be decided by City Engineer. He will report to the Dy. C. E.(Zonal), yet to be appointed, and till such time that the appointments are made, to the respective Dy. Ch. E. (BP)

b) Structural Auditors:-

Licenses to the Structural Engineers for preparations of structural design of proposed buildings in Municipal limit are issued by Dy.Ch.Eng.(BP)City. The License is issued in accordance to the field of experience and the maximum height of the building which the licensee can design, is stipulated. There appears to be no need to have a separate registration of the Structural Engineers for structural audit purpose. The licensed Structural Engineers will be considered competent for carrying out structural audit as per the restriction of maximum height mentioned in their license.

A large number of qualified engineers presently working as restoration consultants may not have registered themselves with MCGM, so far. In order to pool their talent and experience in the field of restoration, a

fresh advertisement will be published in local news papers in English & Marathi appealing such Structural Engineers who are engaged in restoration jobs, but not registered with MCGM, to get themselves registered.

c) Panel of Structural Engineers to work under EE(Ward)

On failure of the owners to act in accordance with the statutory provisions, it will be necessary to appoint a structural auditor by MCGM. For the purpose, a panel of such willing registered structural engineers will have to be formed by inviting EOI, and this will be done by CE. The remuneration for the four stages of work, viz., (1) inspection, auditing and submission of report, 2) preparation of Estimates of Repairs, (3) Supervision on work of the contractors appointed by MCGM for repairs. And lastly, (4) Issuing Structural Stability Certificate after completion; will be fixed by C.E. based on the past experience of that Department. C.E. will also take appropriate steps to prepare schedule of rates for special items (if necessary).

- d) CE will also take steps to appoint an agency for each Ward, who can be entrusted with the job of structural repairs as suggested by Structural Engineer; to be supervised by Structural Consultant appointed by E.E.(Special) of the Wards. The detailed guidelines will be prepared by C.E.

(II) Compilation of Data:-

- a) The list of buildings which have completed 30 years after obtaining O.C. is not readily available. Hence, the Assessment Department of respective Wards will prepare year- wise lists of such buildings accordingly to their first date of assessment, which will be presumed as date of occupation. The aforesaid lists shall be collected by respective Executive Engineer(Ward) for compilation.
- b) A similar ward wise list of buildings will be prepared by H.E.'s Department, depending on the date of first water connection given to the buildings either by way of regular connection or connection on humanitarian grounds.
- c) The Building Proposal Department will also prepare a ward wise list of buildings as per the date of occupation granted.
- d) The Executive Engineer (Ward) of respective Ward will collect the data from above departments and prepare a consolidated list of such buildings from the data available, and thereafter

maintain the same up to date in consultation with Building Proposal Department.

(III) Notices to be issued:-

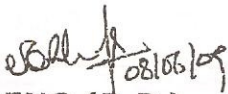
- a) Format of notices to be issued to the owner/ occupants at various stages are as under:-
 - a. Notice asking owner/ occupants to get their structures audited.
 - b. Notice to be given by the owners/ occupants to MCGM informing their intention to carry out structural repairs.
 - c. Notice informing owners/ occupants Commissioner's intention to appoint Structural Auditor at their risk and cost.
 - d. Form of notice for submitting Stability Certificate after expiry of period stated by the owners/ occupants in their notice.
 - e. Notice stipulating a period for allowing the owners to initiate action on the report submitted by Structural Engineer.
 - f. On failure in complying above, a notice informing owners/ occupants about MCGM's intention to carry out work on their behalf.
 - g. Form of Supervision Memo/ Consent Letter issued by the Structural Engineer in the name of MCGM for the particular property.

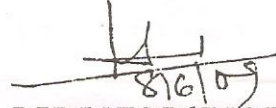
(IV) Methodology to be adopted:-

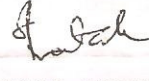
- a) A request letter/ notice for carrying out the structural audit of the building will be served to the owners/ occupants of such buildings, which have completed 30 years of existence as mentioned above.
- b) The owner/occupier will respond to the notice, by appointing a structural engineer and by submitting the Audit Report.
- c) Owner/Occupier will inform the MCGM by issuing a notice to the EE(Wd), indicating his intention to carry out the work alongwith a consent form signed by the Structural Engineer.
- d) The structural Engineer will submit his Certificate, certifying that the building is fit for human habitation.
- e) If the parties fail to act as enumerated at (a) to (d) above, the E.E.(Ward) will give notice to the party informing his intention to take up the work of structural audit at their risk and cost, through a registered Structural Engineer appointed by MCGM.

- f) The EE(Wd) will appoint one of the empanelled structural engineers, for undertaking this specific job.
- g) The owner/ occupier will be informed about the measures suggested by the Structural Engineer, with directions to get these works executed themselves. The Structural Engineer's fees will also be intimated to them for remittance to MCGM.
- h) If no action is taken by the owner/ occupier, the Executive Engineer (Ward) will work out the repair cost and the same will be intimated to the defaulter owner/occupant by issue of a notice, informing him that the work is now being executed through Municipal Agency.
- i) The EE(Wd) will assign the work to the agency selected by CE, and get the work executed. The bill payment will be made by him on receipt of Bill Certificate by the Structural Engineer.
- j) Asst. Assessor & Collector of the Ward will be the authority for recovery of the actual expenditure incurred inclusive of Consultant's fees from the property owner after receipt of intimation to do so from E.E.(Ward).
- k) City Engineer will make appropriate Budget provision for this purpose and till such time, the Ward wise provision for 'Demolition' or any appropriate available head shall be used by the concerned E.E.(Ward) by obtaining sanction for individual proposals.
- l) If temporary shifting of occupants become necessary, Asstt.Comm. of concerned Ward / Zonal D.M.C. will be apprised of the same and Asstt.Comm. of the Ward/ Asstt.Comm.(Estate) will make available some tenements for temporary rehabilitation.
- m) The action in respect of non tallying or unauthorized extension to existing building and structural audit of unauthorized buildings shall not be under the purview of Executive Engineer (Ward). Asstt.Comm. of the Ward will deal with such cases as per the prevailing practice.
- n) A Committee under the Chairmanship of Zonal Dy.City Engineers yet to be appointed and till such time that the appointments are made, under the Chairmanship of Dy.Ch.Eng.(BP) comprising of Executive Engineer (Ward) and his staff of the respective Ward, A.E.(BP) of the Ward, and Assessor & Collector of the Ward will be formed to discuss and sort out procedural problems. The committee will suggest improvements, in the formats, procedures. C.E. will resolve the issue and issue directives for changes.
- o) The Zonal D.M.C./ A.M.Cs. will take periodical review to ensure that the statutory obligations of Municipal Corporation are being fulfilled.

- p) In case of any difficulties/ clarification, etc. the matter shall be referred to City Engineer.
- q) There is discrepancy in the Marathi & English version of notification published by Govt. with reference to word 'Structural Stability Certificate' and 'बांधकाम सुस्थिती प्रमाणपत्र' the matter is being referred to Govt. in this regard. Till the clarification from Govt. is received, the Marathi version shall be referred as the original bill is in Marathi.


CH.ENG.(D.P.)


DIRECTOR(ES&P)


MUNICIPAL COMMISSIONER