

Minutes of Meeting of Appeal Committee held on 5th March, 2008 in the Chamber of Chairman, SUDA, Surat.

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Surat Urban Development Authority received two applications before appeal interpretation committee for development permission for commercial cum theatres in SMC area. The plans are of different type-s and planning, but with a common issue of height relaxation for Cinema Theater Portion. The plans were put in SMC for development permission. Both the applicants preferred to appeal for the interpretation of GDCR to appeal committee as per rule 28.3 of sanctioned GDCR by paying the essential fees. The provision 28.3 allows for an appeal committee consisting of 7 member committee for interpretation of GDCR. The agenda was taken in the last meeting dated. 16-1-2008 but the issue was undecided in the meeting. Accordingly the appeal committee met on 5th March, 2008 with the following members attending the meeting.

1. Kum. S. Aparna, I.A.S. - Chairman, SUDA and Municipal Commissioner SMC and Chairman Appeal Committee
2. Shri M. S. Patel - Chief Executive Authority, SUDA and Member Secretary, Appeal Committee
3. Shri P.V.P.C. Prasad - Senior Town Planner, SUDA
4. Shri J. M. Patel - Director of Planning, SMC
5. Shri K. B. Vaghani - President & Representative of ICEA
6. Shri Ketan Patel - Town Development Officer, SMC Invitee.

Shri N. C. Shah, representative of S.V.N.I.T. could not attend the meeting due to personal engagement.

The Committee has a look at the two files of Development Permission separately. The Architects of two plans were asked to present their cases.

1. Shri Sanjay Joshi, Architect represented his case pertaining to final plot no.42+43 of Town Planning Scheme No. 31(Adajan). He has requested for relaxation of height in view of the hardship being caused for planning a Cinema Hall in top floor of low rise building under provision of 28.2 b. He requires relaxation of 12 mt. on 4th floor apart from parapet will on screen side and 6.26 mt. above 5.74 mt. intermediate floors as per sitting arrangement on auditorium.
2. Shri Siddharth Joshi, Architect represented his case pertaining to F.P. No.10-A plot No. 5.6.7 in T.P.S.No.34 (Dumbhal), He wanted to make Cinema Theatre in 5th floor starting above 13.45 mt. The height in the top floor will go to 9 mt. apart from parapet instead of permitted 3 mt. due to the slope required in the Cinema Hall and the screen.

After hearing the parties and discussing the matter in details the following decisions are taken unanimously.

DECISIONS :-

1. The committee unanimously agreed that there is a need to encourage the shopping mall with Cinema theatre in view of the thrust for Tourism related activities.
2. As only a portion of structure is Cinema Theatre and remaining majority of commercial, the norms of commercial development shall be applied by taking care of requirements of special structures.
3. Height relaxation can be given but only for the Cinema Theatre portion for Screen/ Roof elevation. Only an increased height shall be permitted instead of normal Height in that floor. The seating has to start at the ground level of that floor. In no case, the bottom floor height shall be more than 13.5 mt from the plinth level.
4. No intermediate floor involving double FSI shall be permitted in the increase Height. Further the roof top of intermediate floor below theatre portion shall not be more than 16.5 mts.
5. Margin/ Open spaces etc are to be maintained to a clear margin of 6mts on all sides abutting Cinema Theatre in view of fire and Traffic Requirements.
6. There should be separate Entry/ Exit, Parking for cinema hall as per the requirement of GDCR.
7. The meeting gave concurrence of only related requirements of Height relaxation. Other aspects of GDCR are to be verified as per the norms.
8. An administration decision to be taken regarding the additional fee etc. If any to be collected for additional Height by SMC.
9. Applicants shall be asked to change the plans in accordance with the above directions. If architects fail to comply, the plan should be rejected and no further appeal shall be allowed.
10. The decision of the Appeal Committee is taken after considering the two applications on a case to case. The above decision can not be generalized and if any similar situations arise, the plans are to be scrutinized in accordance with GDCR on a case to case.