

Minutes of the 10th meeting of the Maharashtra Coastal Zone Management Authority  
held on 26-04-2002 at Committee Room, 6th floor, Mantralaya, Mumbai-32

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The following were present :

- 1) Shri Ravi Budhiraja, **Chairman**  
Principal Secretary,  
Environment & Energy Department  
Govt. of Maharashtra,  
Mantralaya, Mumbai-32.
- 2) Dr. Leela Bhosale, **Member**  
Department of Botany,  
Shivaji University,  
Kolhapur
- 3) Dr. Hrishikesh Samant, **Member**  
Lecturer,  
Department of Geology,  
St. Xavier's College,  
Mumbai
- 4) Prof. S.K. Gupta, **Member**  
Head Of the Department,  
C.E.S.E.  
Indian Institute of Technology,  
Powai, Mumbai
- 5) Dr. Munshi Lal Gautam, **Member-Secretary**  
Member Secretary,  
Maharashtra Pollution Control Board,  
Mumbai-1.

Shri D.K. Shankaran, Principal Secretary (Revenue), Department of Revenue & Forest, Shri Ramanand Tiwari, Principal Secretary, Urban Development Deptt., Govt. of Maharashtra, and Shri S. Ayyappan, Director, Central Institute of Fisheries Education, Members could not attend the meeting. Leave of absence was sought by them, which was granted by the Chairman.

Shri S.D. Jadhav, Deputy Secretary (Tech.) Environment Department, Shri A.B. Jain, Law Officer, Maharashtra Pollution Control Board and Shri P.V. Deshmukh, Dy.Secretary, and Shri Banayat, Urban Development Deptt. Govt. of Maharashtra were also present to assist the Authority.

The matters placed before the Authority were discussed in detail. Following is the gist of the discussions and decision taken thereon.

**Item No.1 : To confirm the minutes of the 9th Meeting of the Maharashtra Coastal Zone Management Authority held on 14.3.2002.**

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The minutes of the 9th meeting of the Maharashtra Coastal Zone Management Authority held on 14.3.2002 were circulated amongst the Members vide letter bearing No.MCZMA/164, dated 30.03.2002 with a request to forward suggestions, comments, if any. No comments/suggestions were received from the Members. The minutes were read and confirmed.

**Item No.2: In the High Court of Judicature at Mumbai  
Writ Petition No.2269 of 2001 filed by  
Om Namu Sujalam Safalam Co.Op. Hsg.Soc. Ltd. & Ors  
V/s  
Chief Executive Officer, Slum Rehabilitation Authority & Ors.**

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Member Secretary of the Authority gave a brief background of the Petition. He informed that pursuant to the decision taken by the Authority in its 9th Meeting held on 14.3.2002, the site in question was visited by Member Secretary alongwith Dr.Hrishikesh Samant and Prof. S.K. Gupta, Members of the Authority. Dy.Secretary (Technical), Environment Deptt., Shri A.B. Jain, Law Officer, Maharashtra Pollution Control Board, representative of Collector Suburban and the Urban Development Deptt., also accompanied the visiting team on 17.4.2002. The Petitioners were also present during



the visit. A brief report prepared in consultation with the visiting Members was circulated for perusal of the Chairman and Members of the Authority. It was further informed that as per the directions of Hon'ble High Court, the Member Secretary of the Authority appeared before the Hon'ble High Court on 19.4.2002 and apprised the Court of the steps taken by the Authority including site visit. The Hon'ble High Court directed that the Authority should meet on or before 26.4.2002 and submit its views to the Hon'ble Court by 2/5/2002.

The Member Secretary further informed that the two buildings which have already been constructed are very close to the nalla and certainly much within 25 mtrs. from the edge of the nalla.

The Members perused the CZMP maps (approved on 25.11.1998) and also the revised plan approved by the Ministry of Environment & Forests, Govt. of India on 19th January, 2000. These maps were presented by Shri Deshmukh, Dy.Secretary, Urban Development Deptt.

The Dy.Secretary, Urban Development Deptt., explained the map with reference to the site in question. After due deliberation, the Members came to the conclusion that prima facie the 2 buildings already constructed by the Petitioners very much fall within CRZ area. As regards the other part of the land, where the remaining 13 buildings are proposed, it was felt that the Bombay Municipal Corporation being the Planning Authority and the Slum Rehabilitation Authority shall carry out a detail survey to determine whether the remaining buildings are also affected by the CRZ or otherwise.

The Members of the Authority were of the view that while granting the permission originally the Bombay Municipal Corporation seems to have over looked the CRZ Notification of 1991 though CZMP was approved by Govt.of India in 1998. At the time of CZM submission, this Nala in question was marked as CRZ-II showing stretches of 25 mtrs. both sides. This plan of 1998 was finally approved by Ministry of Environment & Forests on 19th January, 2000. Accordingly B.M.C. & S.R.A. asked the

party to recast the FSI of the buildings which fall in CRZ area. The Members also observed during the discussions that there is no tidal influence in the nalla near the property in dispute. However, the Members felt that it is not possible to take decision at this stage without interacting with Chief Hydrographer and B.M.C. HTL has been drawn by Chief Hydrographer while CRZ area has been marked on a scale of 1:4000 by Urban Development Deptt./Bombay Municipal Corporation. It was decided to place before the Hon'ble Court the factual position of the case. Coastal Zone Management Authority can recommend to National Coastal Zone Management Authority any modification in the plan only after having fully discussed with the Competent Authority such as Chief Hydrographer and B.M.C. In the next meeting both should be called by giving notice much in advance.

It was decided to submit the affidavit to the Hon'ble High Court of Judicature at Mumbai on the above lines on or before 2nd May, 2002.

**Item No.3:** To extend an opportunity of hearing to the representatives of Gorai Machhimar Sahakari Sanstha & Bombay Environmental Action Group as well as the Respondent M/s.Pan India Paryatan Ltd.

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The item was postponed to next meeting.

**Item No.4:** Proposal for redevelopment of slum properties bearing CTS Nos.30(pt), 31(pt) of Village Juhu and CTS No.195 (pt) of village Andheri under Slum Rehabilitation Scheme for New Sangamner C.H.S. Ltd., and New Kapas Wadi Juhu Ekta Co.Op. Hsg. Society Ltd.,

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The subject was taken up. Member Secretary shown the letter dated .8.4.2002 received from Chief Hydrographer, Dehradun. In the letter, Chief Hydrographer has shown his inability to translate the map from 1:25000 to 1:4000 with accuracy and informed that it needs physical survey. Approximate charges for the survey on per day basis were conveyed telephonically. Chairman expressed the need to call B.M.C. in the next meeting to decide the issue of survey/translation.



**Item No.5: Complaint filed by Vasai Machhimar Survoday Sahakari Sanstha Maryadit.**

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The item was postponed to the next meeting.

The Chairman of the Authority informed the Members that since the Assembly is in Session it will not be possible to take up other cases for discussion. The items therefore could not be discussed and were deferred to the next meeting.

The representatives of M/s.Oshiwara Land Development Co.Pvt.Ltd., gave a written representation to the Chairman of the Authority with a request to give them an opportunity of personal hearing as according to them they have not been given proper opportunity of hearing. Member Secretary pointed out that Authority has not taken decision merely on the basis of admission of representative of M/s.Oshiwara Land Development Co. Pvt. Ltd., but on the basis of inquiry conducted by Tahsildar and Regional Officer, Maharashtra Pollution Control Board and statement made by B.S.E.S. However, it was decided to take the representation dated 26.4.2002 of M/s.Oshiwara Land Development Co.Pvt.Ltd., addressed to the Chairman of the Authority on record and give an opportunity of personal hearing to the party in the next meeting of the Authority without staying the order already issued.

The meeting terminated with vote of thanks to the Chair.