

Minutes of the 102nd Meeting of Maharashtra Coastal Zone Management Authority held on 31st July & 1st August, 2015

MINUTES OF THE 102nd MEETING OF MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY (MCZMA) HELD ON 31st July & 1st August, 2015

The 102nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Additional Chief Secretary (Environment), GoM on 31st July, & 1st August, 2015 at 10.30 am at Sachivalay Gymkhana, Mumbai.

List of Members present in the meeting is enclosed as **Annexure-I**.

Item No.1: Proposed Textile Units (Garmenting activity) on plot offered by the MIDC on Survey No. 197(pt), Additional Kalyan Bhiwandi Area, at village Kone, Dist. Thane by M/s. Asmeeta Infratech Limited (CRZ status case)

The Authority noted that M/s. Asmeeta Infratech Private Limited vide letter dated 18.11.2013 submitted a proposal to MCZMA.

The project proponent presented that the Maharashtra Industrial Development Corporation (MIDC), Thane Division has agreed vide letter dated 29.12.2011 to allot on lease the portion of plot about 21,400 Sq.m. for construction of industrial gala buildings for small scale textile activity with the condition of obtaining NOC from MCZMA regarding land clearance as per CRZ revised policy of CRZ boundary & Location of Additional Kalyan – Bhiwandi Industrial Area. PP has submitted the CRZ map (Scale 1:4000) prepared by IRS, Chennai which is one of the agency authorized by the MoEF, New Delhi as per CRZ Notification, 2011 which indicates the plot under reference. Project Proponent requested a clarification on the proposal i.e. CRZ status of site u/r.

The Authority noted that the MCZMA vide letter dated 9.5.2014 requested PP to submit following information:

1. CRZ map (Scale 1:4000) prepared by IRS, Chennai with superimposing site under reference and showing 100m, 150m line from HTL of Creek.
2. Clarification as to whether the HTL demarcated by IRS, Chennai is same as that of approved CZMP or whether there is any change in HTL. If so, reasons of change in HTL be reported.

The PP submitted a reply on 30.5.2014 and forwarded documents which are already submitted to MCZMA. The MCZMA vide letter dated 29.6.2015 again requested PP to submit following:


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1. CRZ map (Scale 1:4000) prepared by IRS, Chennai with superimposing site u/r and showing 100m line from HTL of Creek. The said map should also indicate approved HTL along with conclusion of the report.
2. Clarification as to whether the HTL demarcated by IRS, Chennai is same as that of approved CZMP or whether there is any change in HTL. If so, reasons of change in HTL be reported

The project proponent presented that information required by the MCZMA would be submitted within 15 days period.

The Authority after discussion decided to write to PP to submit the required information as sought by MCZMA vide its letter dated 29.6.2015 by 31st August, 2015. The Authority further decided that after receipt of the information from PP, it would be circulated to all members for obtaining their consent and confirmation on it. This matter need not be placed in MCZMA again.

Item No.2: Construction on plot bearing S. No. A (11) 73 H.No.139 CTS.No. 2183, Murud Janjira, Dist. Raigad by Shri. Madan Hanmante

The Authority noted that the Murud Janjira Municipal Council (MJMC) vide letter dated 4.12.2013 forwarded the proposal of construction on plot bearing S. No. A (11) 73 H.No.139 C.T.S.No. 2183, Murud Janjira, Dist. Raigad to MCZMA.

The MJMC remarks mentions that, as per sanctioned development plan the plot under reference falls in residential zone. As per the CZMP of Murud Janjira Municipal Council area, the plot under reference falls in CRZ-II area. The MJMC vide letter dated 4.12.2013 mentions that, the plot u/r is situated on the landward side of the existing road.

The Authority noted that the MCZMA vide letter dated 19.3.2014 requested MJMC to submit following information:

1. Whether proposal is for proposed ground + 1st floor by demolition of existing ground floor structure on plot under reference.
2. All Permissions sought towards the construction of existing ground floor structure.
3. Present use of existing ground floor structure
4. Proposed use of existing Ground floor and proposed first floor.
5. Current Status of existing structure / proposed construction

The MJMC sent a reply dated 31.7.2015 mentioning that old structure is existing which was built in 1976 as per municipal record. Existing ground floor structure is used as printing press. Present use of ground floor structure is commercial (printing press) + residential.


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Proposed use of ground floor will be as printing press & first floor will be residential. Old structure is existing.

The MJMC official and PP was present for the meeting who informed that proposed structure comprises of Gr + 1 floor for printing press and residential use.

The Authority after deliberation decided to write to Murud Janjira Municipal Council seeking detailed report about the nos. of such type of small/ microindustries present in the Murud Janjira Municipal Council area due to which economy of Municipal Council and livelihood of local people is dependent. Along with the report, the MJMC shall also submit the pollution potential of such industries. After receipt of the such report, the Authority will take appropriate view and decide the matter.

Item No.3: Proposed construction of Holiday Home/Resort on plot bearing Gat No. 447, 448 H.No.1, 2 at Kolgaon, Tal. Alibag, Dist. Raigad by Ar. Manajit S.Mohite

The Authority noted that the Assistant Director Town Planning (ADTP), Alibag vide letter dated 11.12.2013 forwarded the proposal of construction of Holiday Home/Resort on plot bearing Gat No. 447, 448 H.No.1, 2 at Kolgaon, Tal. Alibag, Dist. Raigad.

The Authority noted that the proposal was considered in 91st meeting of MCZMA held on 29th to 31st May, 2014. Project proponent was absent for the meeting. Hence, the matter was deferred. The proposal was again considered in 98st meeting of MCZMA held on 31.1.2015 wherein PP stated that land under reference was purchased around 60 years back and originally belonged to his father and after his demise, it was inherited by PP. Now, the construction is proposed for private residential use of family members and no commercial activity will be carried out.

The Authority felt that it needs to be confirmed by District Collector, Raigad that PP is a local inhabitant or traditional inhabitant in the light of para 8.III. CRZ III. B (vii) of CRZ Notification, 2011. During the 98th meeting, the Authority observed that if the District Collector confirms that PP is local inhabitant or traditional inhabitant in the light of para 8.III. CRZ III. B (vii) of CRZ Notification, 2011, then accordingly, the PP should submit the plan of the residential building to Authority. The Authority in its 98th meeting decided to recommend the proposal from CRZ point of view subject to submission of confirmation by PP through the District Collector, Raigad that PP is a local inhabitant or traditional inhabitant in the light of para 8.III. CRZ III. B(vii) of CRZ Notification, 2011 and also submission of plans of the residential building and strict compliance of the certain conditions. Accordingly, the MCZMA vide letter dated 6.4.2015 requested PP about confirmation through the District Collector, Raigad that PP is a local inhabitant or traditional inhabitant in the light of para


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8.III. CRZ III. B(vii) of CRZ Notification, 2011 and also submission of plans of the residential building. Reply from PP is awaited.

The Project Proponent was absent for the meeting.

The Authority after discussion decided to send a reminder letter to project proponent requesting to submit the required information as sought by MCZMA vide its letter dated 6.4.2015 by 31st August, 2015, failing which, it will be construed that the proponent is not interested in the proposal and the same will be returned & delisted from the records of the MCZMA with the approval of Chairperson, MCZMA.

Item No.4: Proposed residential Township Project at village Kopri & Shirgaon, Taluka Vasai, Dist. Thane by M/s. Privilege Power & Infrastructure Pvt.Ltd.

The Authority noted that the Vasai Virar Municipal Corporation (VVMC) vide letter dated 16.4.2014 forwarded the proposal of construction of Holiday Home/Resort on plot bearing Gat No. 447, 448 H.No.1, 2 at Kolgaon, Tal. Alibag, Dist. Raigad to MCZMA.

The proposal was earlier, deliberated in the 91st & 92nd meeting of MCZMA held on 29th to 31st May 2014 and 19th July, 2014, wherein the authority noted that:

1. The VVMC vide letter dated 16.4.2014 submitted a proposal of proposed Residential Township Project at village Kopari & Shir gaon, Tal. Vasai, Dist. Thane to MCZMA.
2. The proponent has submitted the CRZ map in 1:4000 scale prepared by IRS, Chennai which is MoEF authorized agency. As per the said map, the site under reference partly falls in CRZ area and partly in non CRZ area.
3. The VVMC letter dated 16.4.2014 mentions that, Architect has proposed 'Residential Township Project' on non CRZ area, without claiming the FSI of CRZ portion of land on non CRZ area.
4. The VVMC letter dated 16.4.2014 mentions that, the plot under reference falls in Special Residential Zone with part area under various reservations of public amenities as per Development Plan of Vasai Virar Sub Region.
5. Area Details:
 - Total Area of Plot- 23,16,272.00 Sqm.
 - Area Under CRZ- 3,14,369.00 Sqm.
 - Non CRZ area -20,01,903.00 Sqm.
 - Area under reservation-7,25,275.30 Sqm.


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During the meeting, the project proponent presented the approved CZMP of area, with a site indicated on it. Authority examined the CRZ status of the site in the light of approved CZMP of the area and CRZ map in 1:4000 scale prepared by IRS, Chennai, one of the MoEF Authorized agencies. It was observed that site partly falls in CRZ area and construction is proposed on non CRZ area, without claiming the FSI utilization of CRZ portion of land on Non CRZ area of land under reference. The Authority observed that connecting internal roads/ bridges/ channels are proposed in the CRZ area. Authority directed project proponent to indicate the activities proposed on CRZ area on the CRZ map in the scale of 1:4000.

The Authority in its 91st meeting decided to direct project proponent to submit the following:

1. Whether the HTL demarcated by the IRS, Chennai is same as that of HTL shown in approved CZMP
2. Revised proposal along with plans be submitted of roads and bridges wherever it is required showing CRZ status.
3. Superimposition of complete project activities falling in CRZ and non-CRZ area on CRZ map in 1:4000 scale prepared by one of the MoEF Authorized agency.

In 92nd meeting, the project proponent presented the matter and the Authority noted as follows:

- The proponent has submitted the CRZ map in 1:4000 scale prepared by IRS, Chennai which is MoEF authorized agency. As per the said map, the site under reference partly falls in CRZ area & partly in non CRZ area.
- VVMC mentioned vide letter dated 16.4.2014, the CZMP of Vasai-Virar Sub Region was sanctioned by MOEF in 1996 along with CZMP of Maharashtra State with certain conditions Govt. of Maharashtra entrusted the work of incorporation of sensitive features and Mangroves etc to CESS. CESS prepared the CRZ plans and submitted the same to Govt. of Maharashtra in 2009. These plans which shows HTL, LTL and buffer zone of HTL and Mangroves areas and buffer zone of Mangroves area only. The MOEF has directed vide notification dtd 6th January 2011 to prepare fresh CZMP as per the criteria mentioned therein. Subsequently VVCMC which is the Planning Authority for VVCMC jurisdiction appointed CESS as the agency to prepare the CZMP of Vasai Virar. CESS is yet to finalize CRZ map and CESS has recently submitted Draft CRZ maps to VVCMC for remarks. The developer has submitted the map with 1:4000 scale prepared by IRS Chennai as a necessary requirement towards obtaining CRZ clearance from MCZMA. As per the plan submitted part area of plot falls within 100 mt of creek & is in developable zone as per Development Plan of VVCMC and on landward side of existing Western Railway corridor. The map shows the set-back area from HTL and buffer of 50mt from the Mangroves as per the CRZ notification 2011. The developer has submitted the application for confirmation of the CRZ boundary as per the office memorandum of the MCZMA (Dtd. 02.07.2011)


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along with the CRZ map showing the areas proposed for the development of Residential Township.

It is submitted that, as per MoEF Notification dated 7.5.2014, The Coastal Zone Management Plans which are already approved by the Ministry of Environment and Forests shall be used till 31st January, 2015

Area Details:

VVMC mentioned vide letter dated 16.4.2014,

- Total Area of Plot- 23,16,272.00 Sqm.
- Area Under CRZ- 3,14,369.00 Sqm.
- Non CRZ area -20,01,903.00 Sqm.
- Area under reservation-7,25,275.30 Sqm.

As per presentation submitted by project proponent:

- Plot Area - 23,16,272.00 Sqm.
- Area under CRZ - 3,14,369.00 Sqm.
- Existing Road – 2,314.83 Sqm.
- Balance Plot Area – 19,99,588.21 Sqm.
- DP Reservation – 7,25,275.30 Sqm.
- Net Plot Area – 12,74,312.91 Sqm.
- Plot Area for FSI- 10,88,839.88 Sqm.
- Permissible FSI – 2.50
- Permissible BUA – 26,65,360.63 Sqm.
- BUA from land pooling – 1,21,059.73 Sqm.
- Total permissible BUA – 27,424,479.57 Sqm.
- Total proposed non FSI area – 23,731,64.31 Sqm.
- Total Construction area – 51,15,643.88 Sqm.

Project Proponent submitted letter dated 31.5.2013, as per the said letter, Project proponent assured that, while developing the Development Plan Reservations in the project will take the necessary precautions so that the development will not affect CRZ area falling under the project boundary. No filling on the CRZ area will be carried out at the time of development of the project and not claiming any FSI of CRZ area. It is committed that to construct the bridges on the stilts wherever the proposed roads are crossing the creeklets and CRZ area to ensure smooth flow of water in the creeklets and will follow all provisions of the CRZ Notification 2011 while constructing the bridges.

The CRZ plan showing the, HTL, 100m line from HTL, 150m Line from HTL, line as per width of the creek. The CRZ plan also showing the locations of the proposed construction of


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buildings & proposed bridges marked as 'A' to 'I' and typical longitudinal section of the proposed bridges (9 nos.) over the creeklet. As per the said CRZ map, it seems that, proposed construction of buildings is out of CRZ area (area between 150m from HTL and area as per width of the creek) & proposed bridges (9 nos.) over the creeklet.

The Authority in its 92nd meeting discussed that following components are involved in the proposal:

- a. Proposed bridge/canals located in CRZ area
- b. Proposed township in Non CRZ area which requires no access of bridges/canals falling in CRZ area.
- c. Proposed township in Non CRZ area which requires an access of bridges/canals falling in CRZ area.

The Authority observed that CRZ status of the above mentioned components is as per CRZ map prepared by IRS, Chennai in 1:4000 scales, which shows existence of creeklets in some part of project area.

During the 92nd meeting, the Authority further observed that CRZ map of IRS, Chennai doesn't indicate CRZ status as per old approved HTL. Project proponent showed approved CZMP of the area and pointed out the project area on it. However, the Authority noted that project area is not superimposed on the approved CZMP which is vital for ascertaining CRZ status of the site under reference as per old approved CZMP.

As per the decision taken in 92nd meeting, the MCZMA vide letter dated 17.9.2014 requested PP for superimposition of project on approved CZMP of Vasai Virar Municipal Corporation area. Further, Rapid EIA & EMP is required to be submitted for construction of bridges/canal in CRZ area and informed that it does not have objection for carrying out developmental activity in Non CRZ area which requires no access of bridges / canals falling in CRZ area, after its CRZ status is ascertained.

The PP vide letter dated 16.9.2014 submitted superimposition of project site on approved CZMP of Vasai Virar Sub region. However, Rapid EIA & EMP is not submitted by PP for construction of bridges/canal in CRZ area. The project proponent was absent for the meeting.

The Authority after discussion decided to send a reminder letter to project proponent requesting to submit the site photographs with date indicating the current status and Rapid EIA and EMP for construction of bridges / canal in CRZ area by 31st August, 2015, failing which, it will be construed that the proponent is not interested in the proposal and the same will be returned & delisted from the records of the MCZMA with the approval of Chairperson, MCZMA.


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Item No.5: Proposed repairing to existing structure on plot bearing S.No.96, H.No.9A C.T.S.No. 1741(pt) area 110 sq.mtr. at Murud, Tal. Murud Dist. Raigad by Shri. Javed Nazir Dawoodba

The Authority noted that the Murud Janjira Municipal Council vide letter dated 04.01.2014 submitted the proposal to MCZMA. As per MJMC letter dated 04.01.2014, the land under reference falls in residential zone and is in CRZ II area.

The Authority noted that the MCZMA vide letter dated 1.7.2014 requested MJMC to submit following information-

1. Authorization details of existing structure on the plot under reference
2. Present use of the existing structures and use of proposed construction on the plot under reference
3. Current status of the existing structures and proposed construction on the plot under reference.
4. Permissible FSI for the plot under reference & FSI consumed for construction of building.
5. CZMP showing site under reference.

The reply from MJMC is awaited in the proposal. The MJMC official was present for the meeting who informed that there is existing structure of Stationary & residential use on land under reference. Reconstruction comprising Gr+ 1st floor has been almost completed on site recently in the year 2015. The stop work notice has been issued by the MJMC.

The Authority directed the Murud Janjira Municipal Council (MJMC) to identify all such cases of CRZ violations in MJMC area and give the details along with the approved CZMP showing sites. Further, the MJMC should also provide the details, such as date of start of construction, earlier various permissions including CRZ clearance and whether project proponent is local inhabitant.

Item No.6: Proposed residential building on plot bearing C.T.S.Nos. 395, 395/1 & 396A/2 of Alibag City, Tal. Alibag, Dist- Raigad by Smt. Sujata P. Patil

The Authority noted that Alibag Municipal Council (AMC) vide letter dated 10.1.2014 forwarded the proposal to MCZMA. The MCZMA vide letter dated 20.5.2014 requested Alibag Municipal Council to submit following information:

1. Details of existing structure if any, on the on plot bearing CTS No. 395, 395/1, 396A/2, mouje Alibag, Tal – Alibag, Dist – Raigad.
2. Permissibility of the Shops at ground floor in the proposed project.


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3. Zoning / reservation of the plot under reference as per DP as on 19.2.1991.

The reply from the AMC is awaited in the proposal. The project proponent was absent for the meeting.

The Authority after discussion decided to send a reminder letter to Alibaug Municipal Council requesting to submit the required information as sought by MCZMA vide its letter dated 20.5.2014 by 31st August, 2015, failing which, it will be construed that the proponent is not interested in the proposal and the same will be returned & delisted from the records of the MCZMA with the approval of Chairperson, MCZMA.

The Authority further decided to write a DO letter to Divisional Commissioner, Konkan Division requesting to instruct concern planning authorities in Raigad district to provide the required information to MCZMA.

Item No.7: Proposed redevelopment on plot bearing C.S.No.1092 of Mahim Dn. at 24D, Dargah Street Cadal Road in G/North Ward, Mumbai by Shri. Hanifa Patel

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 15.1.2014 forwarded the proposal of proposed redevelopment on plot bearing C.s.No.1092 of Mahim Dn. at 24D, Dargah Street Cadal Road in G/North Ward, Mumbai by Shri. Hanifa Patel. The project proponent was present for the meeting. The PP states that the site u/r is in vicinity of Mahim Bay.

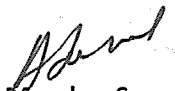
The Authority observed that the site u/r is fronting to Mahim Bay. The Authority after discussion decided to direct the project proponent to submit the CRZ map in 1:4000 scale superimposing the site u/r prepared by one of the MoEF authorized agencies. The said CRZ map should also indicate old approved HTL and conclusion of the report. PP should submit the said CRZ map & report with conclusion within 2 months period.

Item No.8: Proposed Reconstruction of existing structure on plot bearing C.T.S.No.796 (Old S.No. 97/12B) at Murud Janjira, Dist. Raigad by Shri. Kishor Laxman Dhamnaskar

The Authority noted that the Murud Janjira Municipal Council (MJMC) vide letter dated 27.1.2014 forwarded the proposal to MCZMA. The MCZMA vide letter dated 23.6.2014 requested MJMC to submit followings-

1. Authorization details of existing structure on the plot under reference


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2. Present use of the existing structures and use of proposed construction on the plot under reference
3. Current status of the existing structures and proposed construction on the plot under reference.
4. Permissible FSI for the plot under reference

The reply from the MJMC is awaited in the proposal. The project proponent was absent for the meeting. The MJMC official was present for the meeting who informed that the construction for lodging purpose is completed on site u/r in the year around 2013- 2014. There is no prior CRZ clearance for the said construction.

The Authority noted the clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority. As per the said clause-

The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals area referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991

The Authority further noted that as per provisions of CRZ Notification, 2011, prior CRZ recommendation from MCZMA is necessary for projects proposed in CRZ area. The Authority observed that construction has been completed on the site u/r without obtaining CRZ recommendation from MCZMA.

The Authority observed that this is a case of violation of CRZ Notification, 2011 and decided to initiate action under Environment (Protection) Act, 1986 read with CRZ Notification, 2011 through Environment Department.

Item No.9: Proposed Reconstruction of existing structure on plot bearing C.T.S.No.1766 S.No.(19) 90, Pot Hissa No. 2A2 at Murud Janjira Dist. Raigad by Shri. Kishor Laxman Dhamnaskar

The Authority noted that the Murud Janjira Municipal Council vide letter dated 27.01.2014 forwarded the proposal to MCZMA. The MCZMA vide letter dated 1.6.2014 requested PP to submit following-

1. Authorization details of existing structure on the plot under reference
2. Present use and current status of the existing structures and proposed construction on the plot under reference.
3. Whether reconstruction has started on site.
4. CZMP showing site under reference.


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5. Google image & site photographs.

The reply from MJMC is awaited in the proposal. The project proponent was absent for the meeting. The MJMC official was present for the meeting who informed that the construction on land u/r has been completed recently in the year 2015. Further, the plans were also not sanctioned by the MJMC.

The Authority noted the clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority. As per the said clause-

The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals area referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991

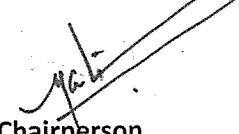
The Authority further noted that as per provisions of CRZ Notification, 2011, prior CRZ recommendation from MCZMA is necessary for projects proposed in CRZ area. The Authority observed that construction has been completed on the site u/r without obtaining CRZ recommendation from MCZMA.

The Authority observed that this is a case of violation of CRZ Notification, 2011 and decided to initiate action under Environment (Protection) Act, 1986 read with CRZ Notification, 2011 through Environment Department.

Item No.10: Proposed alteration and renovation of existing structure on S.No.111 H.No.6/B of C.T.S.No. 798(p) at Murud Janjira, Dist. Raigad by Shri. Umesh Uday Randive

The Authority noted that the Murud Janjira Municipal Council vide letter dated 29.01.2014 forwarded the proposal to MCZMA. The MCZMA vide letter dated 1.6.2014 requested MJMC to submit following information-

1. Authorization details of existing structure on the plot under reference
2. Present use of the existing structures and use of proposed construction on the plot under reference
3. Current status of the existing structures and proposed construction on the plot under reference.
4. Photographs of existing structures.
5. Permissible FSI for the plot under reference & FSI to be consumed for proposed building.
6. Google map showing plot under reference.


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The MJMC vide letter dated 31.7.2015 replied mentioning that the old structure is authorized as per municipal records & it is built prior to 1965. Present use & proposed use is for residential purpose. The old structure to be demolished to construct a new structure. The permissible FSI is 1. However, the MJMC official and Project Proponent was present for the meeting, who informed that there was existing old residential structure on land u/r, which got demolished and reconstruction is started. It was further informed that PP is local inhabitant and the MJMC gave permission for repairs of existing structure in the year around 2012.

In the light of above, the Authority after deliberation decided to seek a report from Murud Janjira Municipal Council pertaining to current status of construction on site u/r.

Item No.11: Proposed additional first floor on existing Gr. floor on property bearing S.No.(3) 78 H.No.5A/2 of C.T.S.No. 1673(part) at Murud, Tal. Murud Dist. Raigad by Shri. Prashant Janardan Patil

The Authority noted that the Murud Janjira Municipal Council vide letter dated 05.02.2014 forwarded the proposal to MCZMA. The MCZMA vide letter 1.6.2014 requested MJMC to submit following-

1. Authorization details of existing structure on the plot under reference
2. Present use of the existing structures and use of proposed construction on the plot under reference
3. Current status of the existing structures and proposed construction on the plot under reference.
4. Permissible FSI for the plot under reference
5. CZMP showing plot under reference.

The MJMC sent a reply dated 31.7.2015 mentioning that ground floor structure is authorized construction. Residential structure proposed for residential use only. 70% construction completed. Permissible FSI is 1. The MJMC official was present for the meeting who informed that construction of 1st floor is nearly 70% completed on site u/r in the year 2014-2015. The project proponent was absent for the meeting.

The Authority directed the Murud Janjira Municipal Council to identify all such cases of CRZ violations in MJMC area and give the details along with the approved CZMP showing sites. Further, the MJMC should also provide the details such as date of start of construction, earlier various permissions including CRZ clearance and whether project proponent is local inhabitant.


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Item No.12: Proposed development of plot bearing CTS No. 1-A/4 of village Pahadi Goregaon(W) situated at Plot No. 20-A, Bangur Nagar, Goregaon(W), Mumbai by M/s. Laxmi Asbestos Products Ltd.

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 5.2.2014 forwarded the proposal to MCZMA. The proposal was earlier discussed in 91st, 94th & 96th meeting of MCZMA held on 29th to 31st May, 2014, 24th to 25th November, 2014 & 17th January, 2015 respectively. The project proponent was present during the meeting.

The Authority after deliberation decided to direct MCGM to submit the following:

- Certification as to whether the road 9.15 m wide road on west side of the plot u/r is constructed prior to 19.2.1991.
- Details of existing structure situated on creekward side of the plot u/r alongwith any development plan showing the said existing structure.

Item No.13: Proposed reconstruction of building on plot bearing S.No.A(11)73 H.No. 166 C.T.S.No. 2160 at Mouje Murud, Tal. Murud, Dist. Raigad by Shri. Anup Shankar Todankar

The Authority noted that the Murud - Janjira Municipal Council vide letter dated 6th February, 2014 forwarded the proposal to MCZMA. The project proponent was absent for the meeting.

The Authority after discussion decided to seek current status of construction on site u/r with site current dated photographs from the Murud Janjira Municipal Council area.

Item No.14: **CRZ status-** Redevelopment of building "Nandadeep" at plot bearing C.S.No. 1794 of Mahim Dn. Plot No.84, Dr.M.B.Raut Road, Shivaji Park Estate Scheme, Dadar, Mumbai by M/s. Matoshree Infrastructure Pvt.Ltd.

The Authority noted that earlier the matter was considered in 91st meeting of MCZMA held on 29th to 31st May 2014, wherein it was noted that MCZMA was in receipt of a complaint dated 16th Jan, 2014 from the MPCB in the matter. The MPCB has observed that proponent has started construction activity without obtaining CRZ clearance on subject plot from the competent Authority. M/s Matoshree vide letter dated 30.4.2014 sent a representation to MCZMA, as per which, the UDD has issued NoC from CRZ point of view vide letter dated 22nd July, 2009 for the project. Further, IOD dated 1.10.2009 and CC dated 17.4.2010 was granted by MCZMA.


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The Authority in its 91st meeting held on 29th to 31st May 2014 observed that prior CRZ recommendation from MCZMA was mandatory as per MCZMA reconstitution order dated 4.1.2002, when UDD issued the CRZ NOC dated 5.8.2008 to the project. The Authority observed that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceedings in accordance with OM dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi. Accordingly the matter was referred to Environment Department.

The Authority noted that MCGM vide letter dated 4.2.2014 forwarded the proposal of redevelopment on plot u/r to MCZMA.

The Authority further noted that PP sent a reply dated 4.2.2015 and submitted the CRZ map (1:400 scale) dated 2.2.2015 and report of IRS, Chennai. The report dated 2.2.2015 of IRS mentions as follows:


- The HTL demarcated by IRS corresponds to the HTL shown in the approved CZMP 1991 subject to the generalised error of variation in the scale of mapping.
- The CRZ-II/III (as the case may be) is 100m from the HTL for bay areas as per 2011 CRZ guidelines, as against 500m from HTL according to 1991 CZMP. Therefore, the site on landward side of Mahim Bay falls outside the CRZ area as per 2011 CRZ guidelines. There is no mangroves present in the vicinity. (The project site falls outside the 50m mangrove buffer)

The Authority also noted the matter of redevelopment on plot bearing C. S. No. 1557, situated at Girgoan Division at 67-D, Harishchandra Goregoankar Marg, Mumbai: 400002. In the said matter, there was CRZ NoC from UDD in the year 2008 and construction was commenced accordingly. The said plot was also fronting to Back Bay. There was a High Court matter in the case bearing WP (L) No. 3282/2014 Madhuri Madhukar Shroff and Nar Vs State of Maharashtra and others. Hon'ble High court had passed orders dated 20.12.2014 & 8.1.2015 in the said matter. The para 3, 4 & 5 of the said order dated 20.12.2014 is reproduced as below:

3. In view of the above undisputed facts, before giving final directions, we may mentioned that the learned counsel of MCZMA submitted that the Petitioners had commenced construction on the land in question before issuance of CRZ Notification dated 6th January, 2011 without obtaining CRZ clearance from MCZMA and therefore granting any relief to the Petitioners would amount to condoning the illegality committed by the Petitioners.

4. The fact of the matter is that the land in question admeasures hardly about 250 Sqm and that the Petitioner have undertaken the project merely for redevelopment of


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the property for rehousing six tenants. Furthermore, the Petitioners had obtained an NoC from Urban Development Department, which never informed the Petitioners about any requirement to obtain CRZ clearance from MCZMA. In view of the cumulative effect of all the above features of this case, we are not inclined to accept the submission of the learned counsel for MCZMA to hold back the reliefs.

5. *The Petition is accordingly disposed of by setting aside the impugned stop work notice dated 10 March 2014 and with direction to MCZMA to pass appropriate orders in this regard.*

Further, the Authority observed that the site u/r was in CRZ II area i.e. within 500 m from HTL of Mahim Bay as per approved CZMP of Mumbai. Further, it is situated on landward side of existing road. It can be presumed that, MCZMA could have granted CRZ recommendation, had the PP submitted its proposal to MCZMA in year 2008.

Taking into account the background of the matter, the Authority also noted as follows:

- a. Ministry of Environment and Forest, New Delhi vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body.
- b. National Hydrographic Office, Deharadun, which is one of the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, 'Mahim Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart.
- c. CRZ map in 1:4000 scale and report dated 2.2.2015 prepared by IRS, Chennai. As per IRS report dated 2.2.2015:
 - The HTL demarcated by IRS corresponds to the HTL shown in the approved CZMP 1991 subject to the generalised error of variation in the scale of mapping.
 - The CRZ-II/III (as the case may be) is 100m from the HTL for bay areas as per 2011 CRZ guidelines, as against 500m from HTL according to 1991 CZMP. Therefore the site on landward side of Mahim Bay falls outside the CRZ area as per 2011 CRZ guidelines. There is no mangroves present in the vicinity. (The project site falls outside the 50m mangrove buffer)

The Authority, taking into consideration report and CRZ map (1:4000 scale) dated 2.2.2015 of MoEF authorized agency i.e. IRS, Chennai as well as Hon'ble High Court order dated Dec 20, 2014 & Jan 8, 2015 in WP No. (L) No. 3282/2014 and Hon'ble Supreme Court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Mahim Bay as 'Bay' and opinion of Advocate General, GoM decided the followings:

- The project site bearing C.S.No. 1794 of Mahim Division situated at Dr.M.B.Raut Road, Shivaji Park Estate Scheme, Dadar, Mumbai- M/s. Matoshree Infrastructure

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Pvt.Ltd. does not fall within the 100 m CRZ buffer area from approved HTL for Mahim Bay. Hence, the plot u/r does not fall under the ambit of the CRZ Notification, 2011.

Item No.15: Redevelopment at plot bearing C.S. no. 577 of Malbar Hill division, D ward, at Nepeansea Road, Mumbai by M/s. Adroit Estate Developers Pvt. Ltd.

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 15.2.2014 forwarded the proposal of redevelopment at plot bearing C.S. No. 577 of Malbar Hill Division, D Ward, situated at Nepeansea Road, Mumbai to MCZMA.

The proposal was earlier considered in 91st & 99th meeting of MCZMA held on 29th to 31st May, 2014 & 16th May, 2015 respectively. The PP presented the proposal during 91st meeting. It was noted that Urban Development Department had earlier issued No Objection Certificate from CRZ point of view for reconstruction of existing building on plot under reference on 20.9.2003. MCGM has issued Commencement Certificate (CC) for proposed reconstruction on the plot under reference up to plinth level on 13.11.2004 and CC is re-endorsed up to 21st floors level as per amended plan approved on 26.11.2008. As per MCGM letter dated 15.2.2014, the existing building was demolished and work was commenced and reached upto 4th parking floor.

The authority in its 91st meeting noted that prior CRZ recommendation from MCZMA was mandatory in the subject proposal. However, it reveals that the UDD issued the CRZ clearance dated 20.9.2003 to the project and based on which, CC was granted to the project by MCGM. The matter attracts OM dated 12.12.2012 & 27.8.2013 of MoEF. The Authority observed that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi. Accordingly, the matter was referred to the Environment Department.

The Environment Department initiated the necessary credible actions as per above said OMs of MoEF and issued Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 on 4.2.2015 to M/s Adroit Estate Developers P.Ltd after following due procedure. PP was directed to stop the construction work till he obtains clearance from the MCZMA. PP was also directed to submit a Board Resolution to comply with para 5(i) of OM dated 12.12.2012 of MoEF. The Maharashtra Pollution Control Board (MPCB) was asked to file the case for the offence committed against the PP under section 15 of E(P) Act, 1986 r.w. CRZ Notification, 1991 & 2011 before the appropriate court of law and Chief Engineer (DP), MCGM was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to PP.


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MPCB vide its letter dated 17.4.2015 informed that, the R.C.C. No.; 11/42/SW/2015 has been filed before the CJM, Girgaon. PP submitted the Board Resolution dated 8.4.2015. However, resolution submitted by PP is not in line with para 5(i) of OM dated 12.12.2012 of MoEF and PP needs to submit the same.

The matter was again considered in 99th meeting of MCZMA, wherein the PP was directed to submit public consultation report, as per provisions of CRZ Notification, 2011. The resolution submitted by PP is not in line with para 5(i) of OM dated 12.12.2012 of MoEF and PP needs to submit the same. Accordingly, MCZMA has issued letter dated 3.7.2015 to PP.

The project proponent was present for the meeting, who informed that the public consultation report would be submitted to MCZMA at the earliest.

The Authority noted that the National Green Tribunal (NGT), Principal Bench, New Delhi in Original Application No. 37 of 2015 (M.A. No. 291, 293, & 294 of 2015) and Original Application No. 213 of 2014 (M.A. 755/2014 and M.A. 177/2015) passed an Judgment dated 7th July, 2015. Vide said judgment, the Hon'ble NGT passed following order and directions:

1. *" We hold and declare the office memoranda dated 12th Dec, 2012 and 27th June, 2013 as ultra vires the provisions of the Act of 1986 and the Notification of 2006. They suffer from the infirmity of lack of inherent jurisdiction and authority. Resultantly, we quash both these office memoranda.*
2. *Consequently, the above office memoranda are held to be ineffective and we prohibit the MoEF and SEIAA in the entire country from giving effect to these office memoranda in any manner, whatsoever."*

The Authority after discussion decided to seek a clarification from MoEFCC, New Delhi in view of the said NGT order. Till, the receipt of clarification from MoEFCC, the matter be kept in abeyance.

Item No.16: Proposed construction of Holiday Homes on plot bearing Gat No.84 & Gat No. 85 at Shekhadi, Tal. Shrivardhan, Alibag, Dist. Raigad by Shri. Nandu Anantram Rajput

The Authority noted that the Town planning and Evaluation department vide letter dated 26.02.2014 forwarded the proposal to MCZMA. The proposal was discussed in 96th meeting held on 31st Jan, 2015 wherein the Authority observed that, the proposal attracts the


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guidelines regarding development of beach resorts / hotels as mentioned in Annexure III of CRZ Notification, 2011 and decided to direct the PP to submit the followings:

1. CRZ map in 1:4000 scale prepared by one of the MoEF authorized agency superimposing the project layout showing present ecosystem. Said CRZ map should indicate old approved HTL and CRZ area.
2. Rapid EIA and EMP for the project.
3. Area of plot falling within 200 m and between 200 to 500 m CRZ line from approved HTL

Accordingly, MCZMA has issued letter dated 3.3.2015 to PP to submit above information. The reply from PP is awaited. The Project Proponent was present for the meeting who informed that information required by MCZMA vide its letter dated 3.3.2015 would be submitted within 2 months period.

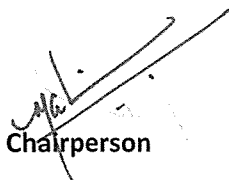
The Authority after discussion decided to send a reminder letter to PP instructing to submit the required information as sought by MCZMA vide its letter dated 3.3.2015 within 2 months.

Item No.17: Proposed construction of Brahman Samaj Hall on plot bearing S.No.135, C.T.S.No. 933 Hissa No.1 & 2 at Murud, Tal. Murud, Dist. Raigad by Murud Janjira Municipal Council

The Authority noted that the Murud Janjira Municipal Council vide letter dated 03.03.2014 forwarded the proposal to MCZMA. The Authority noted the proposal which is as follows:

- As per Murud Janjira Municipal Council letter dated 29.01.2014, the proposal is for construction of Brahman Samaj Sabhagruh on. Survey no. 135 CTS no. 933, Hissa no. 1 and 2 at Mauje Murud, Taluka Murud, Dist-Raigad.
- As per Murud Janjira Municipal Council letter dated 03.03.2014, the land under reference in CRZ II area and situated on landward site of existing road.
- As per the plan submitted by PP:

1. Total area of the plot	-1580Sqm
2. Net area	-315.00 Sqm
3. Permissible FSI	-1
4. Total Permissible Floor Area	- 315.00Sqm
5. Existing Residential Floor Area	-112.48Sqm
6. Proposed Residential Floor Area	-117.6 Sqm
7. Total Floor Area	- 230.08 Sqm
8. F.S.I Consume	-0.73


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The MCZMA vide letter dated 1.8.2014 requested MJMC to submit following information-

- Authorization details of existing road before 19.02. 1991 towards the seaward side plot.
- Present status of the existing plot
- Photographs & Google image of existing structures.
- Superimposition of site on approved CZMP.
- DP map showing plot under reference.

The reply from MJMC is awaited in the proposal. The MJMC official was present for the meeting who informed that the land u/r falls partly in CRZ II area. Town planning, Alibaug office has granted permission in Non CRZ portion of the land u/r and accordingly, construction is completed in Non CRZ area.

The Authority instructed MJMC to submit the superimposition of the site u/r and existing constructed structure on approved CZMP so as to ascertain that the construction is completed in Non CRZ portion of plot u/r.

The Authority noted the permissibility as per CRZ Notification, 2011, which is as follows:

- MoEF issued a amended Notification dated 16th June, 2015, which stipulates as follows:

In the said notification, in paragraph 8, in sub-paragraph (i),-

(a) the Note and the entries relating thereto shall be omitted;


(b) in clause II relating to CRZ-II, for sub-clause (ii), the following sub- clause shall be substituted, namely:-

“(ii) buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, **which shall be as per 1991 level :**

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :

Provided further that the construction in CRZ-II area of Goa, Kerala and Mumbai shall be governed by the provisions of Clause V of paragraph 8.”

The Authority after deliberation decided to recommend the proposal for CRZ portion of plot from CRZ point of view under CRZ Notification, 2011 to concern planning Authority subject to submission of superimposition of the site u/r and existing constructed structure on approved CZMP and compliance of following conditions:


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1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The MJMC should ensure that construction is not already started on CRZ portion of land u/r.
3. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
4. Buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, **which shall be as per 1991 level** : Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :
5. The MJMC should ensure that FSI, plan involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
6. Debris generated during construction activity should not be dumped into CRZ area and it should be disposed scientifically at a notified place.
7. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.18: Proposed reconstruction of building on plot bearing S.No.190 H. No. 177, 178, 179, 180 village Asgoli, Tal. Guhagar, Dist.Ratnagiri by Smt. Sitabai Rajaram Arekar

The Authority noted that the Guhagar Nagar Panchayat vide letter dated 6.3.2014 submitted the proposal to MCZMA. The Authority noted the project details as follows:

1. The Guhagar Nagar Panchayat letter dated 6.3.2014 mentions that, proponent has submitted proposal for reconstruction of existing building on plot bearing Survey No. 190 of Tal. Guhagar, Dist. Ratnagiri.
2. As per Guhagar Nagar Panchayat letter dated 6.3.2014, the plot under reference falls in residential zone. The plot u/r falls in CRZ-III area (between 200m – 500m from HTL of sea)
3. As per plans submitted by PP:
 - Total area of plot = 3800.00 sqm
 - Permissible BUA = 950.00 sqm
 - Existing BUA = 104.34 sqm
 - Proposed reconstruction BUA = 81.48 sqm
 - Area under open space = 3718.52 sqm


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The MCZMA vide letter dated 9.9.2014 requested Guhaghar Nagar Panchayat to submit superimposition of site under reference with demarcation of 200m line from HTL on approved CZMP, DP Plan, Google image & Site photograph and Present and proposed use of the building. The reply from Guhaghar Nagar Panchayat is awaited in the proposal.

The project proponent was present for the meeting who informed that there is existing old house on plot u/r which is about to collapse. The reconstruction of house is proposed for his own residential purpose. PP is a local inhabitant of the area.

The Authority noted that as per para 8(i)III(B)(vii) of CRZ Notification, 2011:

“Construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans is permissible activity. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor)”

The Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to concern planning Authority subject to compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The concerned planning Authority should ensure that construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans is permissible activity. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor).
3. Concern planning authority should ensure that the PP is local inhabitant.
4. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.19: Proposed construction of building on plot bearing S.No.79, H.No.2, CTS No. 1710 at Mouje Murud, Tal. Murud, Dist. Raigad by Murud Janjira Sarvajanic Vachanalaya

The Authority noted that the Murud Janjira Municipal Council (MJMC) vide letter dated 06.05.2014 forwarded the proposal to MCZMA. As per the plan submitted by PP, proposal is for extension of 1st & 2nd floor of existing library building on survey no.79, Hissa no. 2, CTS


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no. 1710 with plot area 926.00 sqm at Tal- Murud, Dist- Raigad. The MCZMA vide letter dated 14.10.2014 requested MJMC to submit following -

1. Authorization details of existing structure on the plot under reference.
2. Current status of the existing structures and proposed structure on the plot under reference.
3. Zoning, reservation of the land under reference on which library building is proposed.
4. Site photographs.

The reply from MJMC is awaited in the proposal. The MJMC official presented that the required information would be submitted to MCZMA at the earliest.

The Authority after discussion decided to send a reminder letter to Murud Janjira Municipal Council to submit the required information as sought by MCZMA vide its letter dated 14.10.2014 by 31st August, 2015.

Item No.20: Proposed construction of 1st & 2nd floor on existing ground floor structure on plot bearing S. No. 78, H. No. 5A1, C. T. S. No. 1672(pt) at Murud, Tal. Murud, Dist. Raigad by Smt. Roshanbibhi Daud Sanbulkhan

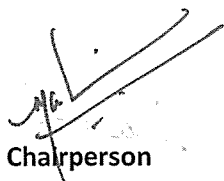
The Authority noted that the Murud - Janjira Municipal Council (MJMC) vide letter dated 21st March, 2014 forwarded the proposal to MCZMA. The proposal is for the construction of 1st & 2nd floor on existing ground floor on plot bearing Survey No. 78, C.S No. 1672 (pt), Hiss No. 5 A 1, at. Murud, Tal. Murud, Dist. Raigad. The MCZMA vide letter dated 2.8.2014 requested MJMC to submit following -

1. CZMP showing the proposed project layout on land under reference.
2. Google Image and site photographs of land under reference.
3. Development plan showing the land under reference.
4. Zoning / reservation as per DP existing as on 19.02.1991
5. Present status of land under reference.

The reply from MJMC is awaited in the proposal. Project proponent was absent for the meeting.

The MJMC official presented that the required information would be submitted to MCZMA at the earliest.

The Authority after discussion decided to send a reminder letter to Murud Janjira Municipal Council to submit the required information as sought by MCZMA vide its letter dated 2.8.2014 by 31st August, 2015.


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Item No.21: Proposed resort (Holiday Home) building on plot bearing At Nos. 2159/2 of village Nagaon, Tal. Alibag, Dist. Raigad by Shri. Karwarkar

The Authority noted that the Town Planning and Valuation Department, Raigad, Alibag vide letter dated 24.03.2014 forwarded the proposal of resort (Holiday Home) building on plot bearing at Nos. 2159/2 of village Nagaon, Tal. Alibag, Dist. Raigad by Shri. Karwarkar. Town planning remarks mentions that PP has submitted approved Coastal Land use map in 1:25000 scale prepared by SAC, Ahmedabad and coastal land use map on 1:5000 scale prepared by MRSAC.

The proposal was earlier considered in 94th meeting of MCZMA held on 24th & 25th November, 2014. Project Proponent was absent for the meeting. Hence, the matter was deferred.

The project proponent was absent for the meeting. The Authority after discussion decided that PP needs to submit the following:

- Superimposition of the plot u/r on approved CZMP through concern planning Authority. Distance of the plot from the approved HTL of coastal water body & present status of mangrove, if any, be provided by concern planning Authority.
- Report regarding necessary arrangements for the treatment & disposal of the effluents and solid wastes ensuring that the untreated effluents and solid wastes are not discharged into the water or on the beach.

The PP should submit the above said information to MCZMA by 31st August, 2015, failing which, it will be construed that the proponent is not interested in the proposal and the same will be returned & delisted from the records of the MCZMA with the approval of Chairperson, MCZMA.

Item No.22: CRZ Status of Gat No. 695/1 of Awas, Tal. Alibag, Dist. Raigad by Shri, Pradeep Suryakant Kambli C/o. Amit Narang

The Authority noted that Town planning and valuation Dept, Alibaug, Raigad vide letter dated 9.4.2014 submitted the proposal to MCZMA.

The proposal of construction of guest house on gutt no.695/1 MaujeAwas, Tal-Alibag ,Dist – Raigad was considered in 96th Meeting of MCZMA held on 17.1.2015, wherein the Authority noted that the Town Planning Office, Alibag, Dist.Raigad forwarded the proposal of construction of Guest House on gutt no. 695/1, Mouze Awas, Tal: Alibag, Dist.Raigad. MCZMA vide letter dated 11th Sep, 2014 requested to submit the demarcation of 100m,


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150m line from old approved HTL of creek and 500 m line from old approved HTL of sea by IRS, Chennai. The Authority noted that CRZ area limit is max 100 m from the HTL of the tidally influenced water bodies and 500 m from the HTL of Sea as per the provisions of CRZ Notification, 2011. Plot under reference is fronting Wadather Creek and Arabian Sea. Project proponent (PP) submitted the CRZ map of Institute of Remote Sensing Chennai in 1:4000 scale superimposing the plot under reference. Authority observed the said CRZ map and noted the followings:

- a. Plot is fronting to Arabian Sea and Creek.
- b. Approved HTL & new draft HTL of Arabian Sea and 500 m CRZ area from it
- c. Approved HTL & new draft HTL of creek and 100 m CRZ area from it.
- d. Plot is situated outside 500 m CRZ line from HTL of Arabian sea as per approved CZMP
- e. Plot is situated outside 100 m CRZ line from approved HTL of creek.

The Authority further observed that there is one more 500 m CRZ line from approved HTL (Arabian Sea & creek) shown on said CRZ map of IRS, Chennai and plot is falling within the said CRZ line. The Authority in its 96th meeting decided to direct the PP to submit the following information through IRS, Chennai who has prepared the CRZ map:

1. Conclusion of the report mentioning the CRZ status of the plot under reference considering 500 m CRZ line from approved HTL of Arabian sea and 100 m CRZ line from approved HTL of creek, as per provisions of CRZ Notification, 2011.
2. There is one more 500 m CRZ line from approved HTL (Arabian Sea & creek) shown on said CRZ map of IRS, Chennai and plot is falling within the said CRZ line. Clarification on the same.

The project proponent was present for the meeting, who presented that the PP has submitted the CRZ map (1:4000 scale) & report dated 17.4.2015 superimposing the plot u/r IRS, Chennai. The said report of IRS, Chennai mentions as follows:

- Construction of guest house on gut no. 695/1 mauje Awas, Alibag Taluk, Raigad District is situated beyond 500 m CRZ buffer zone from High Tide line of Arabian Sea as indicated in approved Coastal Zone Management Plan. HTL demarcated in 1:4000 scale by IRS, Chennai with GPS survey is not same as that of approved HTL. However the plot under reference falls beyond 500m CRZ area from HTL demarcated by IRS.
- CRZ shall be applied for the land / site within the 100m buffer zone from HTL for creek as per para (ii) of CRZ Notification 2011 of MoEF vide S.O. 19(E) dated 6.1.2011. The plot under reference is situated beyond 100m CRZ buffer zone area from the High Tide Line of Creek as indicated in approved Coastal Zone


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Management Plan. HTL demarcated in 1:4000 scale by IRS, Chennai with GPS survey is not same as that of approved HTL. However the plot under reference falls beyond 100m CRZ area from HTL demarcated by IRS.

The Authority observed the CRZ map (1:4000 scale) dated 17.4.2015 and noted that gut no. 695, mauje Awas, Tal- Alibaug, Dist- Raigad is situated beyond 500 m CRZ buffer area from the approved HTL of Arabian sea as well as it is situated beyond 100 m CRZ buffer area from the approved HTL of the creek.

The PP stated that the plot u/r is vacant. The Authority instructed PP to submit the current dated site photographs.

In the light of above, the Authority after deliberation decided that the site bearing gut no. 695, mauje Awas, Tal- Alibaug, Dist- Raigad is situated beyond 500 m CRZ buffer area from the approved HTL of Arabian sea as well as it is situated beyond 100 m CRZ buffer area from the approved HTL of the creek. Hence, the site u/r does not falls under the purview of CRZ Notification, 2011.

Item No.23: CRZ Status of plot bearing CTS No. 319 of village Juhu, JVPD Scheme, Vile Parle (W), Mumbai by M/s. Aakar Architects & Consultants

The Authority noted that the MCGM vide letter dated 27.5.2014 forwarded the representation of M/s. Aakar Architects & Consultants, Mumbai regarding CRZ clearance of plot bearing CTS No. 319 of Juhu village, JVPD Scheme, Vile Parle (W), Mumbai to MCZMA.

The project proponent presented the matter which is as follows:

- Applicant has submitted CRZ map showing plot under reference in 1:4000 scale and report prepared by IRS, Chennai which is MoEF authorized agency as per CRZ Notification, 2011. As per the IRS map, the plot bearing CTS No. 319 of Juhu village, JVPD Scheme, Vile Parle (W), Mumbai is beyond 500m from HTL of Arabian Sea as per CRZ Notification, 2011.
- MCGM vide letter dated 27.5.2014 requested MCZMA to examine the case and issue necessary clarification regarding the representation of Architect whether to consider the captioned plot i.e. land bearing CTS No. 319 of village Juhu of K/W Ward to be out of CRZ in accordance with clause 1(i) of CRZ Notification, 6.1.2011, since it is beyond 500m from HTL as per the demarcation issued by IRS, Chennai.
- The MCGM vide letter dated 13.4.2015 has forwarded the proposal of residential building on plot bearing CTS No. 319 of village Juhu, Vile Parle (W), Mumbai.
- IOD with FSI 1.00 is issued in principal considering that plot does not fall in CRZ.


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The Authority noted that MCZMA vide letter dated 12.11.2014 requested following information from Project proponent.

- Clarification as to whether the HTL demarcated by IRS, Chennai is same as that of approved CZMP or whether there is any change in HTL. If so, reasons of change in HTL be reported.
- Exact CRZ status of the plot under reference as per demarcation by IRS, Chennai

Project Proponent i.e Prakash Jain & Manjula Jain has submitted Corrigendum to report and CRZ map in 1:4000 scale by IRS Chennai dated 27.1.2015.

As per IRS Corrigendum dated 27.1.2015:

- HTL demarcated by Institute of Remote Sensing with GPS survey from for Arabian Sea is not same as that of HTL in approved CZMP because of development along Arabian Sea.
- The Project Site containing CTS No. 319 fall partly within 500m from High Tide Line indicated in approved CZMP of 1991. The superimposition of HTL is subjected to generalization error caused by the scale of mapping.
- CRZ shall be applied for the land/site within the 500 m buffer zone from HTL for Sea as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, project site containing CTS No. 319 of Juhu village, Mumbai does not fall within the 500 m buffer from HTL for Arabian Sea as per GPS survey conducted by IRS in 2013.
- A map indicating the HTL as per GPS survey, 500 m from HTL as per GPS survey, HTL as per approved CZMP of 1991 along with 500 m buffer from HTL as per approved CZMP of 1991 is submitted.

The Authority noted that the plot is situated outside CRZ area, as per GPS survey conducted by IRS in 2013. The Authority noted that new draft HTL as per CRZ Notification, 2011 is not yet approved by MoEF, New Delhi. However, MCGM issued IOD considering plot falls outside CRZ area by considering new draft HTL demarcated by IRS.

The Authority noted the report of IRS dated 27.1.2015 which mentions that the project site containing CTS No. 319 fall partly within 500m from High Tide Line indicated in approved CZMP of 1991. The Authority observed that approved CZMP is in force.

The Authority after deliberation decided that the plot bearing CTS No. 319 of village Juhu, JVPD Scheme, Vile Parle (W), Mumbai is situated partly in CRZ area as per approved CZMP of Mumbai. The same should be communicated to MCGM. PP should submit the proposal through MCGM with conceptual building plans, taking into consideration that the plot u/r falls partly in CRZ area as per approved CZMP.


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Item No.24: Proposed residential building on plot bearing CTS No. 616 of village Juhu at North South Road No.11, Vile Parle (West), Mumbai by Shri. Ram Murti Lalchand Goyal

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 21.4.2014 forwarded the proposal of residential building on plot bearing CTS No. 616 of Village Juhu at North Road No.11, Vile Parle(W), Mumbai to MCZMA. The MCGM vide letter dated 21.4.2014, requested to clarify as to whether the plot falls in ambit of CRZ or otherwise.

The project proponet presented the matter which is as follows:

- As per remarks of MCGM dated 21.4.2014, the land under reference is situated in Residential zone and is not reserved for any public purpose except for widening of existing road, if any. The land under reference partly falls in CRZ area.
- Project Proponent has submitted CRZ map in 1:4000 scale and report prepared by IRS, Chennai which is MoEF authorized agency. As per the said map the plot bearing CTS No. 616 of Village Juhu, Mumbai falls beyond the CRZ area i.e. beyond 500m line from HTL
- Municipal Commissioner has approved the proposal subject to condition that, NOC from MCZMA submitted before the plinth CC. The proposed project involves proposed residential building of stilt for puzzle parking + 1st to 9th + 10th to 11th Duplex floor in lieu of plot potential + adm. TDR + by claiming the area of staircase, lift, lift lobby free of FSI & fungible FSI as per Reg.35(4), thereby proposing to demolish the existing structure on plot under reference

The Authority noted that MCZMA vide letter dated 23.5.2014 requested PP to submit clarification as to whether the HTL demarcated by IRS, Chennai is same as that HTL indicated in CZMP of Mumbai approved by MoEF, New Delhi. Whether there is any change in HTL. If so, reasons of change in HTL be reported. The reply from PP is awaited.

The PP further informed that there is a litigation in the proposal and information required by MCZMA vide its letter dated 23.5.2014 would be submitted at the earliest.

The Authority decided to write to PP instructing to submit a clarification as to whether the HTL demarcated by IRS, Chennai is same as that HTL indicated in CZMP of Mumbai approved by MoEF, New Delhi. Whether there is any change in HTL. If so, reasons of change in HTL be reported. The report of IRS along with conclusion should be submitted. The PP should submit the said required information to MCZMA by 31st August, 2015 failing which, it will be construed that the proponent is not interested in the proposal and the same will be returned & delisted from the records of the MCZMA with the approval of Chairperson, MCZMA.


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Item No.25: CRZ Status of plot bearing CTS No. 129(pt), 129/1 & 130 (pt) of village Hariyali at Tagore Nagar, Vikhroli (E), Mumbai for Valmiki SRA CHS Ltd. by M/s. Atharva Consultants


The Authority noted that M/s. Atharva Consultants, Mumbai vide letter dated 29.4.2014 submitted the proposal to MCZMA. Further, the Slum Rehabilitation Authority vide letter dated 29.10.2014 forwarded the representation of M/s. Atharva Consultants and requested to decide the proposal from CRZ point of view as per demarcation issued by IRS, Chennai.


The project proponent (PP) presented the matter which is as follows:

1. The PP has submitted Letter of Intent dated 30.7.2010 issued by SRA. As per the said LOI letter, 3.4 FSI for non CRZ area and 1.25 FSI for CRZ area are sanctioned. It is mentioned that, the developer shall submit NOC from MCZMA / MoEF from CRZ point of view.
2. As per DP remarks of MCGM dated 7.2.2012, the land bearing CTS No. 130 falls in CRZ II area and land bearing CTS No. 129 partly falls in CRZ-II and partly in Non CRZ area.
3. CRZ map in 1:4000 scale and report dated 16.7.2014 prepared by IRS, Chennai which is MoEF authorized agency as per CRZ Notification, 2011 is submitted. As per the IRS report dated 16.7.2014:
 - The HTL demarcated in the vicinity of project site differs from the HTL in the approved CZMP.
 - CRZ shall be applied for the land/site within the buffer of 100 m or width of the creek which ever is less from HTL for creek / channels/ backwater as per CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011.
 - In this case, the project site in CTS No. 129(pt) and 129/1 (pt) of Hariyali village, S -Ward, Mumbai is away from HTL demarcated by IRS by 630 m and does not fall within the CRZ.

The Authority observed the CRZ map (1:4000 scale) dated 2.11.2014 superimposing the project site u/r by IRS, Chennai. The said CRZ map shows the new draft HTL and its CRZ area. However, draft new HTL as per CRZ Notification, 2011 is not yet approved by MoEF, New Delhi. The Authority further noted that the approved CZMP is in force presently. Further, the said CRZ map of IRS, also indicates the HTL as per approved CZMP of Mumbai. However, CRZ area limit from the approved HTL of coastal water body is not shown in the said map.

The Authority after deliberation decided that PP should indicate the CRZ area limit from the approved HTL of coastal water body on the said CRZ map (1:4000 scale) through IRS, Chennai.


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Item No.26: Proposed building on land bearing S.No.187, H.No.3A, C.S. No.34 at Murud, Tal. Murud, Dist. Raigad by Smt. Pranaya Pradeep Shejwal

The Authority noted that the Murud Janjira Municipal Council (MJMC) vide letter dated 06.05.2014 forwarded the proposal to MCZMA.

The Project proponent (PP) presented the proposal which is as follows:


1. The proposal is for construction of building on survey no.187, Hissa no. 3A, CTS no. 34 with plot area 500sqm at village Murud, Tal- Murud, Dist- Raigad .
2. As per the plans submitted by the PP, the proposed construction of building comprises of stilt + raise ground floor + one floors.
3. The Murud Janjira Municipal Council letter dated 06.05.2014 mentions as follows:
 - As per development plan, the plot under reference falls in residential zone.
 - As per approved CZMP of MJMC, the plot under reference falls in CRZ II area and situated on the landward side of existing road.
4. FSI Details, as per the plans submitted by PP:
 - Total area of the plot- 500 Sqm
 - Permissible FSI- 1
 - Permissible BUA -500 sqm
 - Proposed BUA of raised ground floor-154.75 Sqm
 - Proposed BUA of 1st floor-175.66 Sqm
 - Total Area Consumed - 330.41 Sqm

The MCZMA vide letter dated 17.10.2014 requested MJMC to submit Superimposition of site u/r on approved CRZ map, current status of the plot /proposed structure on the plot under reference, use of proposed structure on the plot u/r and site photographs & Google map of site. However, the reply from MJMC is awaited.

The PP further presented that the plot u/r is vacant and proposed construction is for residential bungalow. The Authority instructed MJMC official to submit the duly filled part B form and superimposition of the site u/r on approved CZMP of the area. The MJMC official presented the the said required information would be submitted to MCZMA at the earliest.

The Authority noted that permissibility of the proposal as per CRZ Notification, 2011

- MoEF issued a amended Notification dated 16th June, 2015, which stipulates as follows:
In the said notification, in paragraph 8, in sub-paragraph (i),-
(a) the Note and the entries relating thereto shall be omitted;


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(b) in clause II relating to CRZ-II, for sub-clause (ii), the following sub- clause shall be substituted, namely:-

“ (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, **which shall be as per 1991 level** :

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :

Provided further that the construction in CRZ-II area of Goa, Kerala and Mumbai shall be governed by the provisions of Clause V of paragraph 8.”

The Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to concern planning Authority subject to submission of superimposition of the site u/r on approved CZMP and duly filled part B by MJMC and compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, **which shall be as per 1991 level** : Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :
4. The MJMC should ensure that FSI, plan involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. Debris generated during construction activity should not be dumped into CRZ area and it should be disposed scientifically at a notified place.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.27: Proposed building on land bearing S.No.187, H.No.4A, C.S.No.33(pt) at Murud, Tal. Murud, Dist. Raigad by Shri. Rajat Sunilkant Poddar


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The Authority noted that the Murud Janjira Municipal Council vide letter dated 06.05.2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal which is as follows:

1. The proposal is for construction of building on survey no.187, Hissa no. 4A, CTS no. 33 with plot area 770.00 sqm at village Murud, Tal- Murud, Dist- Raigad. As per the plan submitted by the PP, the proposed building comprises of ground + 2 floor
2. The Murud Janjira Municipal Council letter dated 06.05.2014 mentions as follows:
 - As per sanctioned development plan, the plot under reference falls in Residential Zone.
 - As per approved CZMP of MJMC, the plot u/r falls in CRZ II and situated on landward side of existing road.
3. FSI Details, as per the plans submitted by PP:
 - Total area of the plot = 770.00 Sqm
 - Permissible FSI = 1
 - Permissible BUA/floor = 256.67 sqm.
 - Proposed BUA of ground floor= 131.81 sqm
 - Proposed BUA of 1st floor= 121.16 sqm
 - Proposed BUA of 2nd floor= 94.17 sqm
 - Total Area consumed = 347.14 sqm

The MCZMA vide letter dated 14.10.2014 requested MJMC to submit certain information. The MJMC sent a reply dated 31.7.2015 mentioning that proposed structure is for residential use. Proposed construction is new construction. Current status of the plot is vacant. Approved CZMP showing site u/r is submitted.

The PP further presented that the plot u/r is vacant and proposed new construction is for residential use. The MJMC official was present for the meeting.

The Authority noted the permissibility of the proposal as per CRZ Notification, 2011

- MoEF issued a amended Notification dated 16th June, 2015, which stipulates as follows:

In the said notification, in paragraph 8, in sub-paragraph (i),-

(a) the Note and the entries relating thereto shall be omitted;

(b) in clause II relating to CRZ-II, for sub-clause (ii), the following sub- clause shall be substituted, namely:-

“ (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, **which shall be as per 1991 level :**

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Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :

Provided further that the construction in CRZ-II area of Goa, Kerala and Mumbai shall be governed by the provisions of Clause V of paragraph 8.”

The Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to concern planning Authority and compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, **which shall be as per 1991 level** : Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :
4. The MJMC should ensure that FSI, plan involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. Debris generated during construction activity should not be dumped into CRZ area and it should be disposed scientifically at a notified place.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.28: Proposed Reconstruction of existing structure on land bearing S.No. 92, Hissa No. 2A3, C.T.S. No. 1762 at Mouje Murud, Tal. Murud & Dist. Raigad by Shri. Vijay S. Patil & Kishor S. Patil

The Authority noted that the Murud - Janjira Municipal Council (MJMC) vide letter dated 9th May, 2014 forwarded the proposal to MCZMA. The proposal was earlier discussed and deliberated in 98th meeting of the MCZMA held on 31st January, 2015 respectively, wherein the project proponent presented the proposal which is as follows:

1. The Murud Janjira Municipal Council letter dated 09.05.2014 mentions as follows:


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- As per development plan of Murud – Janjira, the land under reference is falls in residential zone.
 - As per approved CZMP of MJMC, the plot falls in CRZ II and situated on the landward side of the existing road.
2. The proposal is for reconstruction of existing building comprises of Stilt + upper three floors on plot bearing Survey No. 92, plot no. 2 A 3, C. S. No. 1762, Mouje Murud, Tal. Murud, Dist. Raigad by demolishing existing old structure.
 3. As per the plans submitted by the PP:
 - Total plot area – 370.00sqm.
 - Permissible FSI – 1.00
 - Proposed BUA of Ground Floor – 120.63sqm
 - Proposed BUA of First Floor – 120.63sqm
 - Proposed BUA of Second Floor – 120.63sqm
 - Existing floor area – 120.63sqm
 - Total proposed BUA – 361.89sqm
 - FSI proposed to be consumed – 0.98
 4. The reply dated 26.12.2014 of Chief Officer, MJMC on points raised by the MCZMA vide its letter dated 13.11.2014:

Sr No.	MCZMA query	MJMC reply
1	Authorized details of Existing structure	Existing structure had been constructed prior to 2003 as per Municipal records.
2	Present status of land under reference.	It is a proposal of reconstruction, old structure is yet to be demolished and new construction will be done after obtaining CRZ clearance & building permission.
3	Existing use and proposed use of the project	Existing use as well as proposed use is commercial cum residential.

The Authority in its 98th meeting decided to direct the PP to submit details of earlier permissions of existing structure and present status of the land u/r. MCZMA sent a letter dated 6.4.2015 to the PP to provide the said information. The reply of MJMC dated 31.7.2015 was submitted during the meeting. The said reply mentions that earlier permission was given to built a shed in 1997-98 vide letter dated 19.3.1998. The old structure is yet to be demolished to built a new structure.

The MJMC official and PP presented that there is existing structure ('Khanaval') on plot u/r. PP has proposed reconstruction of the same by proposing residential + khanaval. The Authority noted that the there will be change in present use of the structure.


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The Authority instructed Murud Janjira Municipal Council to incorporate this issue in the list of their representation about the CRZ issues of Murud Janjira Municipal Council to MCZMA for onward submission to MoEFCC, New Delhi.

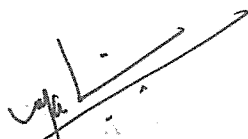
Item No.29: CRZ Status of plot bearing Old C.T.S.Nos.5 to 13, 17, 18, 26, 27 and 134 and New C. T. S. Nos. 5, 6/A, 6/B, 6/C, 7, 8/A, 8/B, 9/A, 9/B, 10, 112/A, 11B, 12/A, 12/B, 12/C, 13/A, 13/B, 13/C, 17/A, 17/B, 18/A, 18/B, 26, 27 & 134 of village Charkop at Kandivali(W), Mumbai by M/s. Dhaval Developers

The Authority noted that the M/s. Teearch Architects & Consultants P Ltd. vide letter dated 8.4.2014, 8.1.2015 and M/s Dhaval Developers vide letter dated 20.6.2014 submitted an application for CRZ Status of Old CTS No. 5 to 13, 17, 18, 26, 27 and 134 and New CTS No. 5, 6/A, 6/B, 6/C, 7, 8/A, 8/B, 9/A, 9/B, 10, 11/A, 11/B, 12/A, 12/B, 12/C, 13/A, 13/B, 13/C, 17/A, 17/B, 18/A, 18/B, 26, 27 & 134 of village Charkop at Kandivali (W), Mumbai to MCZMA.

The project proponent presented that the proposal of development of building on plot bearing CTS No. 5, 6, 7, 8, 12, 13, 17, 18, 26, 27 & 134 of Village Charkop at Kandivali (West) was considered in the 63rd meeting of MCZMA held on 5th July 2010. The MCZMA vide letter dated 20.8.2010 recommended the project to MoEF subject to certain conditions. The MoEF vide letter dated 2.8.2011 granted CRZ clearance subject to compliance of certain conditions. CRZ clearance states project as 6 wings (A, B, C, D, E & F).

PP vide letter dated 22.7.2015 sent a representation requesting MCZMA to confirm the CRZ status of the site in question, based on the CRZ map in 1:4000 scale prepared by IRS, Chennai & provisions of CRZ Notification, 2011 and accordingly, direct MCGM for amendment in building plans. The PP states that earlier MoEF clearance was based on the 150 m CRZ area limit from approved HTL of creek. Now, PP is seeking the CRZ status of plot considering 100 m CRZ area limit from approved HTL of creek, in the light of CRZ Notification, 2011.

The Authority noted that the Application No. 119/2014 is filed by Reji Abraham Vs MoEF & Ors before the Hon'ble National Green Tribunal and a Miscellaneous Application No. 54/2015. In the said matter, MA No. 54 /2015 is filed by M/s Dhaval Developers. As per the order passed by NGT on May 25, 2015, the MCZMA membes visited the site of Dhaval Developer site on 15th June, 2015. The Authority noted the observation of the site visit. The MCZMA filed an affidavit in the matter before NGT.


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The project proponent presented the CRZ map dated 7.5.2015 (1:4000 scale) and corrigendum report dated 6.5.2015 before the Authority. As per the corrigendum report dated 6.5.2015 of IRS, Chennai:

1. HTL demarcated by Insititute of Remote Sensing for Gorai Creek is same as that of HTL in approved CZMP subjected to generalization error due to scale of mapping
2. The project site containing CTS No. 5, 6A, 6B, 7, 8A, 8B, 9A, 9B, 10, 11A, 11B, 12A, 12B, 12C, 13A, 13B, 13C, 17A, 17B, 18A, 18B, 26, 27, 134 fall partly within 100 m from High Tide Line indicated in approved CZMP. The superimposition of HTL is subjected to generalization error caused by the scale of mapping.
3. CRZ shall be applied for the land/site within the 100 m buffer zone from HTL for creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E) dated 6.1.2011. In this case, the project site containing CTS Nos. 5,6A, 6B,7,8A,8B,9A,9B,10,11A,11B,12A,12B,12C,13A,13B,13C,17A,17B,18A,18B,26,27,134 of Charkop village, Kandiwali (W), Mumbai partly within the 100 m buffer from HTL of Gorai creek as per GPS survey conducted by IRS in 2011.

The Authority noted the CRZ map which stipulated the approximate area of project site within CRZ with reference to HTL in approved CZMP

CRZ I	CRZ II	Non CRZ	Total area in Sqm
487	8012	6827	15326

The Authority observed from the IRS map that the CTS No. 6B falls within 50 m mangroves buffer zone area. Further, CTS No. 134 is substantially falls within 50 m mangroves buffer zone area.

The Authority after deliberation decided to provide a following clarification to PP with copy to MCGM with respect to CRZ status of plots u/r:

- The site containing CTS No. 5, 6A, 6B, 7, 8A, 8B, 9A, 9B, 10, 11A, 11B, 12A, 12B, 12C, 13A, 13B, 13C, 17A, 17B, 18A, 18B, 26, 27, 134 fall partly within 100 m CRZ buffer area from High Tide Line of Creek indicated in approved CZMP.
- The CTS No. 6B falls within 50 m mangroves buffer zone area. Further, CTS No. 134 is substantially falls within 50 m mangroves buffer zone area.

The Authority decided that above said decision of the Authority is a clarification with respect to CRZ status of the plot u/r based on the 100 m CRZ buffer area as per CRZ Notification, 2011 from approved HTL of the creek, and this clarification is issued without


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prejudice to litigation in application No. 119/2014 filed by Reji Abraham Vs MoEF & Ors before the Hon'ble National Green Tribunal and a Miscellaneous Application No. 54/2015.

Item No.30: Proposed redevelopment of Residential Building on plot bearing C.T.S.No. 1276/1 of village Versova, Andheri (W), Mumbai by Amit Kunj C.H.S.Ltd.

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 8.5.2014 forwarded the proposal of redevelopment of Residential Building on plot bearing C.T.S.No.1276/1 of village Versova, Andheri (W), Mumbai by Amit Kunj C.H.S.Ltd to MCZMA.

The MCZMA vide letter dated 13.10.2014 requested MCGM to submit following information

1. Proposal is for new construction or reconstruction of existing structure?
2. Authorization details and present use of the existing structure, if any.
3. Whether the plot under reference on landward side of the existing road built prior to 19.2.1991 or landward side of existing authorized structure.

Further, the MCZMA vide letter dated 13.10.2014 requested PP to submit following information

1. CRZ map indicating plot under reference in 1:4000 scale prepared by one of the MoEF authorized agency, as per provisions of CRZ Notification, 2011. Said CRZ map should also indicate old approved HTL & CRZ area as shown in approved CZMP of Mumbai. CRZ map should indicate present ecosystem (mangroves / buffer zone) around the site.
2. Exact CRZ status of the plot under reference.
3. Distance from High Tide Line to the plot under reference.
4. Distance from Mangroves to the plot under reference, if any.
5. Duly filled Form-I as per Annexure IV of CRZ Notification, 2011.

The Authority noted that the reply from MCGM & PP is awaited in the proposal. Project Proponent was present for the meeting. PP submitted a letter dated 30th July, 2015 informing that PP will need 20 days time to comply the requisitions and presentation as requested by MCZMA regarding the project.

The Authority observed that the proposal submitted to MCZMA is incomplete and minimum information like duly filled form I is not submitted. The Authority therefore, decided to return the same to project proponent. The PP can submit the fresh proposal to MCZMA along with required information as sought by MCZMA.


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Item No.31: Development of Sport Complex & Ancillary on land bearing Plot No. 73, Sector No. 19, Airoli, Navi Mumbai by M/s. Sunil Chougule Sports Association,

The Authority noted that the Navi Mumbai Municipal Corporation (NMMC) vide letter dated 17.5.2014 forwarded the proposal of development of Sport Complex & Ancillary on land bearing Plot No. 73, Sector No. 19, Airoli, Navi Mumbai by M/s. Sunil Chougule Sports Association.

The Project Proponent presented that proposals is for proposed project involves Sport Complex Building – ‘A’ comprising of Stilt + 2 upper floors and Sport related activity Building – ‘B’ comprising of Stilt + 2 Podium + 5 floors on land u/r. The NMMC has issued Commencement Certificate vide letter dated 26.7.2013 for Sport Complex & Ancillary.

The Authority noted that there is a High court matter bearing PIL No. 92/2014 (Dada Sangle Vs state of Maharashtra) in the matter and Hon’ble High Court, Mumbai passed an order dated 8.10.2014 mentioning that, *“we restrain the fifth Respondent from carrying out any further construction on the plot more particularly described in clause (a) of paragraph 7 of the petition.”*

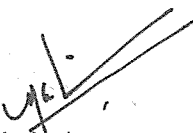
The PP further referred the Hon’ble High court order datd 22nd July, 2015 in the matter and informed that construction on plot under reference has started, however, it does not fall under 50 m. mangroves buffer zone area.

The Authority after deliberation decided that PP should submit the CRZ map in 1:4000 scale superimposing the present constructed structure and 50 m mangroves buffer zone area through one of the MoEF authorized agencies, in order to ascertain as to whether the construction is done in 50 m mangroves buffer zone area.

Item No.32: Proposed reconstruction of residential building on plot bearing CTS No. 917 & K 917 at Mouje Alibag, Tal. Alibag, Dist. Raigad by Shri. Ramesh Khushlani

The Authority noted that the Alibag Municipal Council (AMC) vide letter dated 20.05.2014 forwarded the proposal of reconstruction of residential building on plot bearing CTS No. 917 & K 917 at Mouje Alibag, Tal. Alibag, Dist. Raigad by Shri. Ramesh Khushlani.

The project proponent presented the proposal before the Authority which is as follows:


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1. The proposal is for reconstruction of residential building comprises of stilt + raised ground floor + raised 1st floor+ raised 2nd floor+ raised 3rd floor on plot bearing CTS no. 917 and K917 Tal- Alibag, Dist- Raigad by demolishing existing old structure.
2. The AMC letter dated 20.05.2014 mentions that as per CZMP of Alibag, the plot under reference falls in CRZ- II and is situated on landward side of existing structure. As per Development Plan of Alibag 1984, the land under reference falls in residential zone outside congested area.
3. As per submitted information, details of proposed building:
 - Plot area (CTS No. 917) : 209.78 Sqm (permissible FSI-1)
 - Plot area (CTS No. K917) : 367.10 Sqm (Permissible FSI- 1.8)
 - Proposed BUA : 856.62 Sqm

The MCZMA vide its letter dated 14.10.2014 sought certain information from the AMC. The AMC vide letter dated 12.5.2015 provided its reply, which is as follows:

1. DP plan, Google Map and Approved CZMP are submitted. As per the DP plan the plot under reference is falls in residential zone and as per the approved CZMP of Alibag, it is situated in CRZ II.
2. As per the letter dated 12.5.2015, the proposed construction is reconstruction by demolishing existing old structure.
3. As per the letter dated 12.5.2015, existing structure is 60 years old. Assessment Certificated is submitted.
4. As per the letter dated 12.5.2015, existing use of the structure was residential and proposed use is also for residential purpose.
5. Site photographs are submitted.

The Authority noted that as per para 8.(i) II. CRZ-II of CRZ Notification, 2011 (iii) Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;

The Authority after discussion decided to recommend the proposal to concern planning Authority from CRZ point of view under CRZ Notification, 2011 subject to compliance of following conditions:

1. The proposed reconstruction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The concerned Planning authority should ensure that the FSI, plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991


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4. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.33: Proposed development of residential building on land bearing Plot No. 02, Sector No. 20-A, Airoli, Navi Mumbai by M/s. Newaraj Builders

The Authority noted that the Navi Mumbai Municipal Corporation (NMMC) vide letter dated 20.5.2014 forwarded the proposal to MCZMA. The Authority noted that as per submitted information by PP, the proposals is for proposed residential building comprising of Ground + 15th Floor on land bearing Plot No. 02, Sector No. 20-A, Airoli, Navi Mumbai. The Navi Mumbai Municipal Corporation has issued Commencement Certificate (CC) vide letter dated 4.6.2010 for Residential Building – 3511.877 Sq.m. & FSI – 1.50 on land bearing Plot No. 2, Sector No. 20A, Airoli, Navi Mumbai.

The Authority noted that the MCZMA vide letter dated 27.10.2014 requested to ATDP, Navi Mumbai Municipal Corporation to submit the permissible FSI as on 19.2.1991 and current status of the plot / construction as the Commencement Certificate for the plot under reference has been issued on 4.6.2010 by NMMC. The reply from NMMC is awaited.

The Authority after discussion decided to write to Navi Mumbai Municipal Corporation requesting to submit the required information as sought by MCZMA vide its letter dated 27.10.2014 by 31st August, 2015

Item No.34: Proposed development of residential building on plot bearing C.S.No. 572 of Malbar and Cumbala Dn. August Kranti Marg, Mumbai by Shri. Pankaj Mehta

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 3.6.2014 forwarded the proposal of development of residential building on plot bearing C.S.No. 572 of Malbar and Cumbala Dn. August Kranti Marg, Mumbai by Shri. Pankaj Mehta.

The Authority noted that the MCZMA vide letter dated 12.1.2015 requested MCGM to submit followings-

1. Details of existing structures on plot under reference along with FSI statements. Report of MCGM mentions existence of 2 structures; however, approved plan indicates existence of 14 structures. Clarification on the same.
2. Zoning of the land under reference as per DP of 1967 & DP of 1991. As per sanctioned DP, plot under reference is partially affected by reservation of Green Hill


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slope. Clarification on the issue as to whether construction is proposed on Green Hill slope reservation portion of plot and whether FSI of Green Hill Slope portion of plot is proposed to be utilized in approved plans.

3. Amended approved plans shows that the DP reservation of green hill slopes is added for FSI purpose. Clarification regarding the same.
4. Approved layout of existing structures shows full utilization of FSI potential. However, present proposal involves utilization of balance FSI. Please clarify regarding the same. Whether FSI of proposed buildings is in accordance with DCR 1967
5. Area of Internal road deducted from FSI computation, as indicated in existing building plans. However, same is not deducted from FSI in approved plans submitted by project proponent. Clarification on the same in view of provision of town and country planning regulations as existed as on 19.2.1991.
6. Details of Court matter, if any.

The reply from MCGM is awaited in the proposal. The representatives of PP requested the Authority to defer the proposal.

The Authority after discussion decided to write to Municipal Corporation of Greater Mumbai requesting to submit the required information as sought by MCZMA vide its letter dated 12.1.2015 by 31st August, 2015, failing which, it will be construed that the proponent is not interested in the proposal and the same will be returned & delisted from the records of the MCZMA with the approval of Chairperson, MCZMA

Item No.35: Proposed residential building on plot bearing C. T. S. No. C/1067 & C/1068 of village Bandra, Carter Road Bandra (W), Mumbai by M/s. Starlet CHS Ltd.

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 5.6.2014 forwarded the proposal of residential building on plot bearing C. T. S. No. C/1067 & C/1068 of village Bandra, Carter Road Bandra (W), Mumbai by M/s. Starlet CHS Ltd.

The MCZMA vide letter dated 12.11.2014 requested MCGM to submit following information:

1. Approved CZMP of Mumbai Showing the Plot under reference
2. Existing use of existing structure and use of proposed structure
3. Current status of the construction on site under reference with site photographs
4. Status of the existing building / plot / construction (date wise) on various permissions granted for the project by MCGM


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5. FSI & free of FSI components and floors / construction details along with its applicable DCR provisions in various permissions granted for the project by MCGM till date
6. Applicability of TDR involved in the proposal as per DCR 1967 & DCR 1991.
7. Details FSI and free of FSI components with the provisions of DCR 1967 & DCR 1991 involved in the proposal
8. Copy of the Intimation of disapproval (IOD), amended layout plans approved /issued by MCGM till date.
9. Details of the CRZ approval, if construction started on site under reference.
10. Whether present construction, if carried out is as per DCR 1967?

Further, PP was requested on 12.11.2014 to submit the public consultation report as per para 8.V.1 (c) of CRZ Notification, 2011.

The Authority noted that the reply from MCGM & PP is awaited in the proposal. PP was absent for the meeting.

The Authority after discussion decided to write to Municipal Corporation of Greater Mumbai & Project proponent requesting to submit the required information as sought by MCZMA vide its letter dated 12.11.2014 by 31st August, 2015.

Item No.36: Construction of building on land bearing S.No.185 H.No.1A/1 C.T.S.No.668 at Murud, Tal. Murud, Dist. Raigad by Shri. Sakeeb A. R. Date

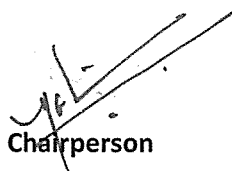
The Authority noted that the Murud Janjira Municipal Council vide letter dated 18.06.2014 forwarded the proposal of construction of building on land bearing S.No.185 H.No.1A/1 C.T.S.No.668 at Murud, Tal. Murud, Dist. Raigad by Shri. Sakeeb A. R. Date.

As per MJMC remarks, the proposal is for regularization of the construction on plot u/r. MJMC needs to provide the required information as required by MCZMA vide its letter dated 28.7.2015.

The MJMC official was present for the meeting, who informed that the proposal is not for regularization. The plot u/r is vacant and proposed construction is for Judicial quarters.

The MCZMA vide letter dated 28.7.2015 requested MJMC to submit the following information:

1. Murud Janjira Municipal Council (MJMC) letter dated 18.6.2014 mentions that proposal is for regularization of building of plot u/r. Please provide the year of construction along with earlier CRZ permission obtained from competent authorities.


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2. Present use of the existing structure on plot u/r.
3. Approved CZMP showing site u/r along with current status of construction on plot u/r.
4. Site photographs along with current Google image.

The MJMC sent a reply dated 1.8.2015 mentioning that the proposal is not for regularization as no construction is there. Presently plot u/r is vacant.

The Authority after discussion decided to direct the Murud Janjira Municipal council to submit the proposal afresh to MCZMA.

Item No.37: Consumer pump for storage of petroleum product on plot bearing gut no. 176pt, of village Bharadkhol, Tal. Sriwardhan, Dist. Raigad by Kinara Vividh Karykari Machhimar Sahakari Sanstha Maryadit.

The Authority noted that the Town Planning and Valuation Department, Alibag-Raigad, vide letter dated 16th June, 2014 forwarded the proposal to MCZMA.

The Project proponent presented the proposal which is as follows:


Proposed Details:

- a) The Town Planning and Valuation Department has forwarded the proposal of consumer pump for storage of petroleum product comprises of diesel tank and pump room on plot bearing gut no. 176P, of village Bharadkhol, Tal. Sriwardhan, Dist. Raigad.
- b) The proposal is for storage and provides of petroleum product like Diesel to local fishermen (koli) community for fishing purpose.
- c) Pump Type – Mono B class pump
- d) Diesel Tank -
Capacity – 20 KL
Material – Mild Steel
Dia in meter – 2.250
Length in meter – 6.010

Land Details:

The Town Planning and Valuation Department Alibag –Raigad letter dated 16.06.2014 mentions as follows:

- As per development plan of Alibag, the land under reference is falls in Agriculture zone.


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- It is a lease hold property as per the lease deed between lessor Shri. Pandu Dhondu Wagje & Lessee Shri. Sitaram Dama Pavashe, Chairman of Kinara Vividh Karyakari Machhimar Sahakari Sanstha Maryadit, Bhardkhol.
- Collector, Raigad have granted license no. 212005 to M/s Chairman of Kinara Vividh Karyakari Machhimar Sahakari Sanstha Maryadit, Bhardkhol for storage of 12000 liters of petroleum Class B on Gut No. 176 (pt) as per provisions of the Petroleum Act, 1934.
- Total area of plot is 510.00smt
- As per above said letter of Town planning office & Coastal Land use map prepared by MRSAC, Nagpur (1:5000 scale) submitted by PP, the plot under reference falls in CRZ III (i) area. i.e within 200 m from the HTL of the seafront.

The proposal was discussed and deliberated in the 95th meeting of MCZMA held on 13th January, 2015, wherein the Authority decided to seek following information from the Municipal Council of Shriwardhan:

1. Status of construction on plot under reference. If, the consumer pump is constructed / partly constructed then, details about the start & completion of construction activity at the site.
2. If, construction of consumer pump exists on site under reference, prior permissions obtained from different statutory authorities including CRZ permissions for existing construction.

Accordingly, the ADTP, Alibaug has submitted the point wise reply which is as below:

1. The Diesel tank of capacity of 20000 liter is placed on gut No. 176(pt) and pump is fitted adjacent to it. Said tank has occupied the land area admeasuring 17 × 30 ft. However, there is no construction on tank and they don't feel requirement of it. Said construction is completed in November, 2005, as mentioned in the application no. 945 of Kinara Vividh Karyakari Machhimar Sahakari Sanstha Maryadit, Bhardkhol submitted to Town planning office.
2. Collector, Raigad has given permission subject to the terms and conditions that Grampanchayat, Bharadkhot, while granting NoC for storage of diesel and transportation, should obtain all required permissions from Government organizations. At that time, said proposal was not sent for obtaining CRZ permission. Further it was not received to town planning office for remarks.

The Authority noted the permissibility of the proposal as per CRZ Permissibility as per CRZ Notification, 2011:

- As per 8(i) III. CRZ-III of CRZ Notification, 2011:


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Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-

- (iii) However, the following activities may be permitted in NDZ –
(e) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;

Annexure-II

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;**
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.

The Authority observed that this is storage and distribution activity of diesel for the local fishermen and it is small scale activity and allied activity for fishermen. The proposal is in the interest of the local fishermen community. PP further mentions that there is no construction activity done on the site and only the diesel tanks are placed on site.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed activities should as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. This recommendation is only from CRZ point of view.
3. There should not be spillages of diesel in and around due to project activities.
4. All other required permission from different statutory authorities should be obtained prior to commencement of work.

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Item No.38: Consumer pump for storage of petroleum product on plot bearing gut no. 28(pt), of village Bharadkhol, Tal. Sriwardhan, Dist. Raigad by Pimpaladevi Machhimar Sahakari Sanstha Maryadit

The Authority noted that the Town Planning and Valuation Department, Alibag-Raigad, vide letter dated 16th June, 2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal which is as follows:


Proposed Details:

1. The Town Planning and Valuation Department has forwarded the proposal of consumer pump for storage of petroleum product comprises of diesel tank and pump room on plot bearing gut no. 28(pt), of village Bharadkhol, Tal. Sriwardhan, Dist. Raigad.
2. The proposal is for storage and provides of petroleum product like Diesel to local fishermen (koli) community for fishing purpose.
3. Pump Type – Mono B class pump
4. Diesel Tank -
Capacity – 20 KL
Material – Mild Steel
Dia in meter – 2.250
Length in meter – 6.010

Land Details:

The Town Planning and Valuation Department Alibag –Raigad letter dated 16.06.2014 mentions as follows:

1. As per development plan of Alibag, the land under reference is falls in Agriculture zone.
2. It is a lease hold property as per the lease deed between lessor Shri. Damodar Tanu Rasal & Lessee Shri. Kanu P. Pavashe, Chairman of Pimpaladevi Machhimar Sahakari Sanstha Maryadit, Bharadkhol.
3. Collector, Raigad have granted license no. 211999 to M/s Chairman of Pimpaladevi Machhimar Sahakari Sanstha Maryadit, Bharadkhol for storage of 15000 liters of petroleum Class B on Gut No. 28(pt) as per provisions of the Petroleum Act, 1934.
4. Total area of plot is 300.00smt
5. As per above said letter of town planning office and Coastal Land use prepared by MRSAC(1:5000 scale) submitted by PP, the plot falls in CRZ III (i) and within the plot falls within 200m from HTL of the seafront.


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The proposal was discussed and deliberated in the 95th meeting of MCZMA held on 13th January, 2015 wherein the Authority decided to seek following information from the Municipal Council of Shriwardhan:

1. Status of construction on plot under reference. If, the consumer pump is constructed / partly constructed then, details about the start & completion of construction activity at the site.
2. If, construction of consumer pump exists on site under reference, prior permissions obtained from different statutory authorities including CRZ permissions for existing construction.

Accordingly, the Assistant Director of Town Planning, Town Planning & Valuation Department, Alibag has submitted the point wise reply which is as below:

1. The Diesel tank of capacity of 20000 liter is placed underground on gut No. 28(pt) and pump is fitted adjacent to it. Said tank has occupied the land area admeasuring 17 × 30 ft. However, there is no construction on tank and they don't feel requirement of it. Said construction is completed in April, 1999, as mentioned in the application no. 962 of PimpaladeviMachhimarSahakariSansthaMaryadit, Bhardkhol submitted to Town planning office.
2. Collector, Raigad has given permission subject to the terms and conditions that Grampanchayat, Bharadkhot, while granting NoC for storage of diesel and transportation, should obtain all required permissions from Government organizations. At that time, said proposal was not sent for obtaining CRZ permission. Further it was not received to town planning office for remarks.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011:

- As per 8(i) III. CRZ-III of CRZ Notification, 2011:
Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-
- (iii) However, the following activities may be permitted in NDZ –
(e) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;

Annexure-II

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;


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- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.

The Authority observed that this is storage and distribution activity of diesel for the local fishermen and it is small scale activity and allied activity for fishermen. The proposal is in the interest of the local fishermen community. PP further mentions that there is no construction activity done on the site and only the diesel tanks are placed on site.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed activities should as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. This recommendation is only from CRZ point of view.
3. There should not be spillages of diesel in and around due to project activities.
4. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.39: Consumer pump for storage of petroleum product on plot bearing survey no. 251/19, of village Shriwardhan, Tal. Sriwardhan, Dist. Raigad by Shrikrishn Sahakari Sanstha Matstavyavasayik Sanstha Maryadit

The Authority noted that the Municipal Council of Shriwardhan, Dist. Raigad, vide letter dated 23th June, 2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal which is as follows:

Proposed Details:

1. The Municipal Council of Shriwardhan, Dist. Raigad has forwarded the proposal of consumer pump for storage of petroleum product (diesel) comprises of diesel tank and pump room on plot bearing survey no. 251/19, of village Shriwardhan, Tal. Sriwardhan, Dist. Raigad.


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2. The proposal is for storage and provides of petroleum product like Diesel to local fishermen (koli) community for fishing purpose.
3. Pump Type – Mono B class pump
4. Diesel Tank -
Capacity – 20 KL
Material – Mild Steel
Dia in meter – 2.250
Length in meter – 6.010

Land Details:

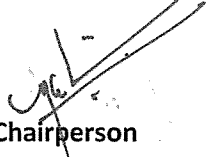
The Municipal Council of Shriwardhan, Dist. Raigad letter dated 23.06.2014 mentions as follows:

1. As per development plan, the land under reference is falls in residential zone.
2. The land is non-agriculture land.
3. Collector, Raigad have granted license no. 1/95 to M/s Chairman of Shrikrishn Sahakari Sanstha Matstyavyavasayik Sanstha Maryadit, Jivna Koliwada, Tal. Shriwardhan for storage of 12000 liters of petroleum Class B on survey no. 1267 as per provisions of the Petroleum Act, 1934.
4. Total area of plot is 150.00smt
5. As per the above said letter of Shrivardhan Municipal Council letter dated 23.6.2014, the plot under reference falls in CRZ II area i.e within 500 m from HTL of seafront.
6. PP has submitted the Coastal Zone Management Plan of Shrivardhan. From the said CZMP, it is observed that survey no. 251 falls in CRZ II area.

The proposal was discussed and deliberated in the 95th meeting of MCZMA held on 13th January, 2015 wherein the Authority decided to seek following information from the Municipal Council of Shriwardhan:

1. Status of construction on plot under reference. If, the consumer pump is constructed / partly constructed then, details about the start & completion of construction activity at the site.
2. If, construction of consumer pump exists on site under reference, prior permissions obtained from different statutory authorities including CRZ permissions for existing construction.

Accordingly, Municipal Council of Shriwardhan, Shriwardhan vide letter dated 17.3.2015 submitted it reply. As per the said reply, survey no. 251/19 is government wasteland (barren) and there is an existing office of Shrikrishn Sahakari Sanstha Matstyavyavasayik SansthaMaryadit. Capacity of 20,000 liter Diesel Tank is already placed on the Survey No. 251/19, for which, Permission from MCZMA is not observed with Municipal Council of Shriwardhan.


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Municipal Council of Shrivardhan further states that Municipal Council has conveyed its NoC to Shrikrushna sahakari sanstha ltd for transfer of Govt land under reference to Shrikrushna sahakari sanstha ltd as well as for diesel pump subject to condition that they should obtain all required permissions from Government organizations including Environment Dept; as per resolution passed in council's meeting dated 13.11.2013.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011:

- As per 8(i) II. CRZ-II of CRZ Notification, 2011:
 - (iv) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- As per Para 3 of CRZ Notification, 2011,
Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ;
 - (ii) Manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966 (E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th December, 1989 except,-

(b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF. Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).

Annexure-II

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;


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- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.

The Authority observed that this is storage and distribution activity of diesel for the local fishermen and it is small scale activity and allied activity for fishermen. The proposal is in the interest of the local fishermen community. PP further mentions that there is no construction activity done on the site and only the diesel tanks are placed on site.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed activities should as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. This recommendation is only from CRZ point of view.
3. There should not be spillages of diesel in and around due to project activities.
4. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.40: Consumer pump for storage of petroleum product on plot bearing survey no. 126/7, hissa no. 6 & 7, of village Danda, Tal. Sriwardhan, Dist. Raigad by Adivasi Koli Machhimar Vividh Karykari Machhimar Sahakari Sanstha Maryadit

The Authority noted that the Municipal Council of Shriwardhan, Dist. Raigad, vide letter dated 25th June, 2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal which is as follows:

Proposed Details:

- a) The Municipal Council of Shriwardhan, Dist. Raigad has forwarded the proposal of consumer pump for storage of petroleum product (diesel) comprises of diesel tank and


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pump room on plot bearing survey no. 126/7, of village Danda, Tal. Sriwardhan, Dist. Raigad.

- b) The proposal is for storage and provides of petroleum product like Diesel to local fishermen (koli) community for fishing purpose.
- c) Pump Type – Mono B class pump
- d) Diesel Tank -
Capacity – 20 KL
Material – Mild Steel
Dia in meter – 2.250
Length in meter – 6.010

Land Details:

The Municipal Council of Shriwardhan, Dist. Raigad letter dated 25.06.2014 mentions as follows:

- a) As per development plan, the land under reference is falls in wadi zone.
- b) The plot falls within 50m to 200m from HTL of the creek. The land is non agriculture land.
- c) Collector, Raigad have granted license no. 411999 to M/s Chairman of Adivasi Koli Machhimar Vividh Karykari Machhimar Sahakari Sanstha Maryadit for storage of 12000 liters of petroleum Class B on survey no. 126/7 as per provisions of the Petroleum Act, 1934.
- d) Total area of plot is 1430.00sm
- e) As per above said letter of Shrivardhan Municipal council dated 25.6.2014, the plot under reference falls in CRZ II area. Further, it falling within 50 m to 200 m from creek.
- f) PP has submitted the Coastal Zone Management Plan of Shrivardhan area, survey no. 126 is observed fronting to both seafront and Kalinje creek. Survey no. 126 is observed falling within 500 m from the HTL of seafront.

The proposal was discussed and deliberated in the 95th meeting of MCZMA held on 13th January, 2015 wherein the Authority decided to seek following information from the Municipal Council of Shriwardhan:

1. Status of construction on plot under reference. If, the consumer pump is constructed / partly constructed then, details about the start & completion of construction activity at the site.
2. If, construction of consumer pump exists on site under reference, prior permissions obtained from different statutory authorities including CRZ permissions for existing construction.

Accordingly, Municipal Council of Shriwardhan, Shriwardhan vide letter dated 17.3.2015 submitted its reply. As per the said reply, there is an office of Adivasi Koli


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Machhimar Vividh Karykari Machhimar Sahakari Sanstha Maryadit on Survey no. 126/7. On the land under reference, a underground diesel Tank is fitted and pump is fitted near to it, for which, NoC was granted to them by the Municipal Council of Shriwardhan on 1.4.1999. Permission from MCZMA is not found to be obtained for the said diesel pump on land under reference.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011:

- As per 8(i) II. CRZ-II of CRZ Notification, 2011:
 - (iv) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- As per Para 3 of CRZ Notification, 2011,
Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ;

(ii) Manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966 (E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th December, 1989 except,-

(b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF. Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).

Annexure-II

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;


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- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.

The Authority observed that this is storage and distribution activity of diesel for the local fishermen and it is small scale activity and allied activity for fishermen. The proposal is in the interest of the local fishermen community. PP further mentions that there is no construction activity done on the site and only the diesel tanks are placed on site.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed activities should as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. This recommendation is only from CRZ point of view.
3. There should not be spillages of diesel in and around due to project activities.
4. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.41: Proposed Construction of National Flag Hoisting post in front of LokmanyaTilak Samadhi, Girgaon Chowpatty (Swarajya Bhoomi), Mumbai by M/s. Lokmanya Tilak Swarajya Bhumi Smarak Samiti

The Authority noted that the Collector, Mumbai City office vide letter dated 26th June, 2014 has forwarded a request letter dated 20.5.2014 of applicant to MCZMA. The proposal was considered in 92nd meeting of MCZMA held on 19.7.2014. The proposal is of Construction of National Flag Hoisting post in front of Lokmanya Tilak Samadhi, Girgaon Chowpatty, Mumbai. The Authority in its 92nd meeting decided to direct project proponent to submit the following:

1. Duly filled form I (Annexure IV)of CRZ notification, 2011
2. Approved CZMP of Mumbai showing site under reference.
3. Layout drawing of the proposed flag hoisting post with dimensions.
4. Google image / photographs of the site.
5. District Collector's clearance, since the land under reference is Govt land.


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6. Clearance from Home Department, GoM
7. NoC from High power committee appointed for Girgaon Chowpatty by Hon. High court of Mumbai.
8. All other required permissions from concerned statutory Authorities for the proposed activity.

Accordingly, MCZMA has issued letter dated 17.9.2014 to Collector office Mumbai City & PP. PP has submitted reply vide letter dated 7.8.2014, 15.5.2015, 5.6.2015 & 15.6.2015. However, information sought in the 92nd meeting of MCZMA held on 19.7.2014 is still awaited. MCZMA has sent reminder letter dated 17.6.2015. Applicant vide letter dated 28.7.2015 submitted the reply to MCZMA. Applicant has submitted the Duly filled Form I, approved CZMP showing site u/r and Google image of the site u/r. Applicant has mentioned that all the permissions will be obtained after obtaining CRZ clearance from MCZMA,

The project proponet was present for the meeting and requested the Authority to grant CRZ recommendation for the installation of National Flag Hoisting post in front of LokmanyaTilak Samadhi, Girgaon Chowpatty (Swarajya Bhoomi), Mumbai. PP further states that the site falls in CRZ II area. The Authority observed that 7 ft x 7 ft area of pavement for the hoisting post is desirable.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed construction activity should as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. This recommendation is only from CRZ point of view for installation of flag Hoisting post
3. PP should obtain the clearances from District Collector office, Home Department, GoM, High power committee for Girgaon Chowpatty, MCGM and from all other concern authorities before the commencement of construction work.

Item No.42: CRZ status- proposed residential building on land bearing CTS No. B/254 and B/255 of village Bandra at Chapel Road, Bandra(W), Mumbai by Ms.Parveen Yakub Khan & Ms.Nafisa Majid Khan

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 4.7.2014 forwarded the proposal of residential building on land bearing CTS No. B/254 and B/255 of village Bandra at Chapel Road, Bandra(W), Mumbai by Ms.Parveen Yakub Khan & Ms.Nafisa Majid Khan.


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The Authority noted that there was High Court matter bearing WP No. 1450 of 2012 in the matter, which was discussed in 99th meeting of MCZMA held on 16.5.2015. During the 99th meeting, the Project proponent presented the matter before the Authority. The Authority noted the followings:

1. Proposal is for proposed reconstruction on land bearing CTS No. B/254 & B/255 of village Bandra at Chapel Road, Bandra (W), Mumbai under Regn. 33(6) of DCR 1991. Proposed residential building involves Gr. + 1st to 2nd + 3rd (pt) Floor.
2. As per MCGM remarks the building on this land has been declared in dilapidated condition MCGM has issued notice dated 5.1.2007. Existing heritage structure of Ground + 1st floor is proposed to be demolished as it is in the dilapidated condition. The structure has partially collapsed at site. The existing occupants are to be re – accommodated in proposed.
3. As per DP remarks of MCGM vide letter dated 4.7.2014, the plot under reference falls in Residential Zone in the revised development plan of H/West Ward sanctioned on 31.1.1994 & is not reserved for any public purpose. The plot under reference is abutting existing 6.10 m wide Chapel Road. The user Residential & other ancillary user was permissible as on 19.2.1991.
4. As per approved CZMP of Mumbai, the land under reference falls in CRZ-II.
5. As per MCGM remarks, the gross plot area is 307.70 Sq.m. The total authentic existing BUA is 502.55 Sq.m. against which area has proposed 502.55 Sq.m. hence FSI on gross plot works out to 1.63.
6. As per plans approved by MCGM:
 - Area of plot = 307.70 Sq.m.
 - Permissible FSI = 1.63
 - Permissible Floor Area = 502.55 Sq.m.
 - Proposed BUA = 502.50 Sq.m.
 - FSI proposed to be consumed = 1.633
7. The Urban Development Department vide letter dated 17.7.2006 issued No Objection Certificate from CRZ point of view for reconstruction of existing building on plot bearing CTS No. B/254, 255 & 256 of village Bandra at Chapel Road, Bandra (W), Mumbai (FSI 1.91 i.e 649.49 Sq.m.)
8. MCZMA vide letter dated 16.12.2014 requested MCGM & PP. Accordingly PP submitted its reply dated 23.1.2015. Further, MCGM vide letter 11.3.2015 submitted the reply.

Sr. No.	MCZMA query	MCGM reply
1	Whether UDD has granted CRZ NOC for the same reconstruction	Yes, Already CRZ submitted to department. Construction has not been


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	project. Whether construction has been started as per said NOC.	started. Only IOD issued.
2	Whether Commencement Certificate has been issued by MCGM based on UDD NoC dated 17.7.2006.	No.
3	Status / construction on Plot bearing B/256 of village Bandra at Chapel Road, Bandra (W), Mumbai	Building on plot bearing CTS No. B/256 is not in possession of Developer, the proposal is submitted on plot bearing CTS No. B/254 & 255 on no construction has been started.
4	Current status existing building / plot/ new construction.	Plot is vacant

The Hon'ble High Court Mumbai has passed an order dated 26.3.2015 in the matter, as per which,


- We dispose of the Petition and the Notice of Motion by granting liberty to the Petitioners to take out appropriate proceedings in accordance with law for challenging the Condition No.44 in the Intimation of Disapproval;*
- If the Petitioners are accepting the legality and validity of the Condition No.44 in the IOD, it will be open for them to make an Application to the Maharashtra Coastal Zone Management Authority for grant of No Objection Certificate;*
- If such application is made by the Petitioners to the MCZMA, the same shall be decided as expeditiously as possible and in any event within a period of three months from the date on which the said Application is made;*
- All concerned including the MCZMA shall act upon an authenticated copy of this order.*

Project proponent presented that the plot is fronting to Mahim Bay. Therefore, the Authority in its 99th meeting decided to direct PP to submit the CRZ map in 1:4000 scale & report along with conclusion prepared by one of the agency authorized by MoEF and other related documents in order to seek the CRZ status of plot under reference as per provisions of CRZ Notification, 2011. Said CRZ map prepared by MoEF authorized agency should also indicate the HTL as per the approved CZMP of the Mumbai and 100 m CRZ area from approved HTL of Mahim Bay and whether the HTL demarcated corresponds to old approved HTL or otherwise.

The Authority noted that PP submitted reply vide letter dated 7.7.2015 along with CRZ map in 1:4000 scale & report dated 2.7.2015 prepared by IRS, Chennai. As per IRS report dated 2.7.2015,


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- The HTL demarcated by the IRS, Chennai for Arabian Sea corresponds to the HTL as per approved CZMP in the vicinity of project site subjected to the generalization error caused by the variation in scale of mapping because of Bandra Reclamation.
- CRZ shall be applied for the land / site within 500m buffer zone from HTL for the Sea as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site in B/254 and B/255 of Bandra, H/W Ward, Mumbai falls outside the 500m buffer for Arabian Sea. The project site is also falls outside 500m buffer from HTL of Arabian Sea indicated in approved CZMP.
- The HTL demarcated by the IRS, Chennai for Mahim Bay does not corresponds to the HTL as per approved CZMP in the vicinity of project site subjected to the generalization error caused by the variation in scale of mapping because of Bandra Reclamation.
- CRZ shall be applied for the land / site within 100m buffer zone from HTL for the bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site in B/254 and B/255 of Bandra, H/W Ward, Mumbai falls outside the 100m buffer for Mahim Bay. The project site is also falls outside 100m buffer from HTL of Mahim Bay indicated in approved CZMP.

The PP further presented that plot is vacant and construction has not started on site u/r.

Taking into account the background of the matter, the Authority also noted as follows:

1. Ministry of Environment and Forest, New Delhi vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body.
2. National Hydrographic Office, Deharadun, which is one of the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, 'Mahim Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart.
3. The PP submitted CRZ map in 1:4000 scale & report dated 2.7.2015 prepared by IRS, Chennai. As per IRS report dated 2.7.2015:
 - The HTL demarcated by the IRS, Chennai for Arabian Sea corresponds to the HTL as per approved CZMP in the vicinity of project site subjected to the generalization error caused by the variation in scale of mapping because of Bandra Reclamation.
 - CRZ shall be applied for the land / site within 500m buffer zone from HTL for the Sea as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site in in B/254 and B/255 of Bandra, H/W Ward, Mumbai falls outside the 500m buffer for Arabian Sea. The project site is also falls outside 500m buffer from HTL of Arabian Sea indicated in approved CZMP.


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- The HTL demarcated by the IRS, Chennai for Mahim Bay does not corresponds to the HTL as per approved CZMP in the vicinity of project site subjected to the generalization error caused by the variation in scale of mapping because of Bandra Reclamation.
- CRZ shall be applied for the land / site within 100m buffer zone from HTL for the bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site in B/254 and B/255 of Bandra, H/W Ward, Mumbai falls outside the 100m buffer for Mahim Bay. The project site is also falls outside 100m buffer from HTL of Mahim Bay indicated in approved CZMP.

The Authority, taking into consideration reports and CRZ map dated 2.7.2015 of MoEF authorized agency i.e. IRS, Chennai and Hon'ble Supreme Court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Mahim Bay as 'Bay' and opinion of Advocate General, GoM decided the followings:

- The site bearing plot bearing CTS No. B/254 and B/255 of village Bandra at Chapel Road, Bandra (W), does not falls within the 100 m CRZ buffer area from the approved HTL of Mahim Bay and it is also situated beyond 500 m CRZ buffer area from approved HTL of Arabian Sea. Hence, the said plot u/r does not fall under the ambit of the CRZ Notification, 2011.


Item No.43: Proposed construction of school building No. 7 on plot bearing CTS No. 2238, 2239 & 2240 at Murud Janjira, Dist. Raigad by Murud Janjira Municipal Council

The Authority noted that the Murud – Janjira Municipal Council (MJMC) vide letter dated 4th July, 2014 has earlier forwarded the proposal of reconstruction of school building to MCZMA.

The Chief Officer, Murud Janjira Municipal Council submitted a letter dated 1.8.2015 during the meeting regarding the construction of school building No. 7 for Murud Janjira Municipal Council. The CO, MJMC presented that the proposal is for construction of school building No. 7 on CTS No. 2238, 2239 and 2240 for Murud Janjira Municipal Council on plot area 670.84 Sqm. As per sanctioned DP, the land under reference is reserved for School reservation No. 13.

The said letter dated 1.8.2015 of CO, MJMC mentions that as per the CZMP of MJMC, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991. The CO, MJMC further states that the proposal is not for regularization of school building, but for new construction of school building on plot u/r.


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The Authority observed that the plot under reference falls in CRZ II area and it is situated on landward side of existing road prior to 1991.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011:

- MoEF issued a amended Notification dated 16th June, 2015, which stipulates as follows:

In the said notification, in paragraph 8, in sub-paragraph (i),-

(a) the Note and the entries relating thereto shall be omitted;

(b) in clause II relating to CRZ-II, for sub-clause (ii), the following sub- clause shall be substituted, namely:-

“ (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level :

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :

Provided further that the construction in CRZ-II area of Goa, Kerala and Mumbai shall be governed by the provisions of Clause V of paragraph 8.”

The Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to concern planning Authority compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level : Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :
4. The MJMC should ensure that FSI, plan involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.


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5. Debris generated during construction activity should not be dumped into CRZ area and it should be disposed scientifically at a notified place.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.44: Proposed construction of school building No. 1 on plot bearing CTS No. 1794 at Murud Janjira, Dist. Raigad by Murud Janjira Municipal Council

The Authority noted the Murud – Janjira Municipal Council, vide letter dated 4th July, 2014 has earlier forwarded the proposal of reconstruction of school building to MCZMA.

The Chief Officer, Murud Janjira Municipal Council submitted a letter dated 1.8.2015 during the meeting regarding the construction of school building No. 1 for Murud Janjira Municipal Council.

The CO, MJMC presented that the proposal is for construction of school building No. 1 on CTS No. 1794 for Murud Janjira Municipal Council on plot area 695.8 Sqm. As per sanctioned DP, the land under reference is reserved for School reservation No. 27.

The said letter dated 1.8.2015 of CO, MJMC mentions that as per the CZMP of MJMC, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991. The CO, MJMC further states that the proposal is not for regularization of school building, but for new construction of school building on plot u/r.

The Authority observed that the plot under reference falls in CRZ II area and it is situated on landward side of existing road prior to 1991.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011:


- MoEF issued a amended Notification dated 16th June, 2015, which stipulates as follows:

In the said notification, in paragraph 8, in sub-paragraph (i),-

(a) the Note and the entries relating thereto shall be omitted;

(b) in clause II relating to CRZ-II, for sub-clause (ii), the following sub- clause shall be substituted, namely:-

“ (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level :


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Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :

Provided further that the construction in CRZ-II area of Goa, Kerala and Mumbai shall be governed by the provisions of Clause V of paragraph 8.”

The Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to concern planning Authority compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level : Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :
4. The MJMC should ensure that FSI, plan, height involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. Debris generated during construction activity should not be dumped into CRZ area and it should be disposed scientifically at a notified place.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.45: Proposed construction on land bearing S.No. 2443, 2444, 2446, 2449, 2452, 455, 2441, 2451, 2447, 2453, 2450, 2442, 2448 at Mouje Chinchani, Tal. Dahanu, Dist. Thane by Shri. Krishakumar Mishra

The Authority noted that the Town Planing and Valuation Department, Palghar vide letter dated 05.07.2014 forwarded the proposal of construction on land bearing S.No. 2443, 2444, 2446, 2449, 2452, 455, 2441, 2451, 2447, 2453, 2450, 2442, 2448 at Mouje Chinchani, Tal. Dahanu, Dist. Thane by Shri. Krishakumar Mishra

The Project proponent presented that the Town Planing office, Palghar vide letter dated 05.07.2014 mentions that the site under reference is partly within 100m from HTL and partly


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in 100m to 500m of HTL of creek. There is no construction on area which falls within 100m from HTL. PP further states that as per Coastal landuse map submitted by project proponent, the land under reference falls partly within 100m from HTL and partly in 100m to 500m of HTL of creek

The Authority noted that the MCZMA vide letter dated 22.1.2015 requested PP to submit Approved CRZ map in 1:4000 scale prepared by MoEF authorized agency showing site under reference and New CRZ map showing site under reference as per CRZ Notification, 2011 prepared by MoEF authorised agency.

The reply from PP is awaited. PP further informed that the coastal land use map prepared by SAC, Ahemadabad in 1:25000 scale shown 500 m CRZ line even for the creek. There is no 100 m CRZ are line in the said map. There are lot of proposals with Town planning office, Palghar wherein the plots are falling within 100 m to 500 m from HTL of creek.

The Authority after deliberation decided that PP should submit the superimposition of the survey nos. under refence on approved Coastal land use map in 1:4000 scale through town and planning dept, Palghar indicating 100 m CRZ area line from HTL of creek. Town planning office, Palghar should also submit the present status of mangroves & 50 mangroves buffer zone around the project site u/r.

Further, Authority decided that town planning office, Palghar shall send a list of plots falling within 100 to 500 m from approved HTL of creek, by demarcating 100 m CRZ line on approved coastal land use map of SAC, Ahemadabad, within four (4) months.

Item No.46: CRZ status- Proposed additional construction in Jai Hind College on Plot No. 29, C.S.No. 1707 of Fort Dn. Churchgte, Mumbai by M/s. Sind Educationist's Association

The Authority noted that the MCGM vide letter dated 11.7.2014 forwarded the proposal for additional construction of M/s Sind Educationist's Association's Jai Hind College on plot No. 29, CS No. 1707 of Fort Division, Churchgate, Mumbai to MCZMA.

The proposal was considered in the 96th meeting of MCZMA held on 17.1.2015, wherein the PP presented that plot is fronting Mahim Bay and revised application would be submitted to the Authority along with CRZ map & report and other related documents in order to seek the CRZ status of plot under reference as per provisions of CRZ Notification, 2011. The Authority in its 96th meeting decided to defer the matter and not to consider current proposal in the present format for discussion.


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The project proponent presented that M/s. Sind Educationists's Association has submitted its reply vide letter dated 14.3.2015 along with CRZ map in 1:4000 scale and report dated 6.3.2015 prepared by IRS Chennai. As per report dated 6.3.2015 of IRS Chennai

- HTL demarcated by IRS Chennai corresponds to the HTL shown in approved CZMP 1991 subject to the generalization error caused by the variation in scale of mapping.
- CRZ shall be applied for the land / site within the 100m buffer zone from HTL for Bay / Creek as per para (ii) of CRZ Notification 2011 of MoEF dated 6.1.2011. In this case, the project site containing C.S. No. 1707 of Fort Division, Mumbai does not fall within the 100 m buffer from HTL for Back Bay. It is also stated that the above said site does not fall within the 100m as per approved CZMP 1991.

National Hydrographic Office (NHO), Dehradun vide letter dated 28.9.2013 has clarified that as per records of their office, Mahim Bay and Back Bay are considered as Bay and are also depicted as Bays on their official navigational charts.

The Authority noted that there is earlier CRZ NOC dated 18th August, 2005 from UDD for reconstruction of existing Jaihind college hostel building. Based on the said NOC, MCGM approved plans and issued IOD on 4.4.2006 for FSI 2.66. Old existing building is now demolished and work is commenced. CC dated 13.3.2007 of MCGM is submitted,

The Authority noted the matter of redevelopment on plot bearing C. S. No. 1557, situated at Girgoan Division at 67-D, Harishchandra Goregoankar Marg, Mumbai: 400002. In the said matter, there was CRZ NOC from UDD in the year 2008 and construction was commenced accordingly. The said plot was also fronting to Back Bay. There was a High Court matter in the case bearing WP (L) No. 3282/2014 Madhuri Madhukar Shroff and Nar Vs State of Maharashtra and others. Hon'ble High court had passed orders dated 20.12.2014 & 8.1.2015 in the said matter. The para 3, 4 & 5 of the said order dated 20.12.2014 is reproduced as below:

3. In view of the above undisputed facts, before giving final directions, we may mentioned that the learned counsel of MCZMA submitted that the Petitioners had commenced construction on the land in question before issuance of CRZ Notification dated 6th January, 2011 without obtaining CRZ clearance from MCZMA and therefore granting any relief to the Petitioners would amount to condoning the illegality committed by the Petitioners.

4. The fact of the matter is that the land in question admeasures hardly about 250 Sqm and that the Petitioner have undertaken the project merely for redevelopment of the property for rehousing six tenants. Furthermore, the Petitioners had obtained an NoC from Urban Development Department, which never informed the Petitioners about any requirement to obtain CRZ clearance from MCZMA. In view of the


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cumulative effect of all the above features of this case, we are not inclined to accept the submission of the learned counsel for MCZMA to hold back the reliefs.

5. *The Petition is accordingly disposed of by setting aside the impugned stop work notice dated 10 March 2014 and with direction to MCZMA to pass appropriate orders in this regard.*

Further, the Authority observed that the site u/r was in CRZ II area i.e. within 500 m from HTL of Back Bay as per approved CZMP of Mumbai. Further, it is situated on landward side of existing road. It can be presumed that, MCZMA could have granted CRZ recommendation, had the PP submitted its proposal to MCZMA in year 2005.

Taking into account the background of the matter, the Authority also noted as follows:

1. Ministry of Environment and Forest, New Delhi vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body.
2. National Hydrographic Office, Deharadun, which is one of the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, 'Back Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart.
3. The PP submitted the CRZ map in 1:4000 scale and report dated 6.3.2015 prepared by IRS Chennai. As per report dated 6.3.2015 of IRS Chennai
 - HTL demarcated by IRS Chennai corresponds to the HTL shown in approved CZMP 1991 subject to the generalization error caused by the variation in scale of mapping.
 - CRZ shall be applied for the land / site within the 100m buffer zone from HTL for Bay / Creek as per para (ii) of CRZ Notification 2011 of MoEF dated 6.1.2011. In this case, the project site containing C.S. No. 1707 of Fort Division, Mumbai does not fall within the 100 m buffer from HTL for Back Bay. It is also stated that the above said site does not fall within the 100m as per approved CZMP 1991.

The Authority taking into consideration reports and CRZ map dated 6.3.2015 of MoEF authorized agency i.e. IRS, Chennai as well as Hon'ble High Court order dated Dec 20, 2014 & Jan 8, 2015 in WP No. (L) No. 3282/2014 and Hon'ble Supreme Court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Back Bay as 'Bay' and opinion of Advocate General, GoM decided the followings:


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- The site bearing plot bearing C.S. No. 1707 of Fort Division, Mumbai does not fall within the 100 m CRZ buffer are from approved HTL for Back Bay. Hence, the said plot u/r does not fall under the ambit of the CRZ Notification, 2011.

Item No.47: Proposed construction of Holiday Resort on plot bearing Gat No. 80/1 and 80/2 at Dande Tarfe Nandgaon, Tal. Murud, Dist. Raigad by M/s. Forum Resort

The Authority noted that the Town Planning & valuation department, Raigad Alibag vide letter dated 10th July 2014 forwarded the proposal of construction of Holiday Resort on plot bearing Gat No. 80/1 and 80/2 at Dande Tarfe Nandgaon, Tal. Murud, Dist. Raigad by M/s Forum Resort. The proposal was considered in 97th meeting of MCZMA held on 23.1.2015. Project Proponent was absent for the meeting. Hence, the matter was deferred.

The Project proponent was absent for the meeting. The Authority after deliberation decided to direct PP to submit the following information by 31st August, 2015 to MCZMA.

- Superimposition of the site u/r on approved CZMP in 1:4000 scale through Town planning, Raigad, Alibaug office. Area of the plot site u/r within 200 m from approved HTL of coastal water body and are of plot falling within 200 m to 500 m from approved HTL of Coastal water body should be submitted through town planning office
- Remarks of the Town planning office about present status of site u/r vis-a vis mangroves & 50 mangroves buffer zone.
- Rapid EIA and EMP for the project.


Item No.48: Proposed construction on land bearing S.No.8A, H. No. 1A/P, 1A/2P & 1A/3P of village Malonde, Tal. Vasai, Dist. Thane Mr. Naeem Abdul Rahim

The Authority noted that the Vasai Virar Municipal Corporation, vide letter dated 10th July, 2014 forwarded the proposal of construction on land bearing S.No.8A, H. No. 1A/P, 1A/2P & 1A/3P of village Malonde, Tal. Vasai, Dist. Thane Mr. Naeem Abdul Rahim

The project proponent presented the proposal which is as follows:

1. The Vasai Virar Municipal Corporation has forwarded the proposal for construction of residential building comprises of ground floor + 4 upper floors on plot bearing S. No. 8A, Hissa No. 1A/p, 1A/2P & 1A/3P of village Malonde, Tal. Vasai, Dist. Thane.
2. As per the part plan of Development Plan of Vasai, the plot under reference is in residential zone.


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3. As per the CZMP of Vasai, the plot under reference falls in CRZ II and situated on landward side of proposed road as per sanctioned D P of Vasai Municipal Council, 1976.
4. FSI Details:
 - Total area of plot – 1450.00sqm
 - Permissible FSI – 1.00
 - Proposed built up area of ground floor – 285.84sqm
 - Proposed built up area of 1st floor – 291.04sqm
 - Proposed built up area of 2nd floor – 291.04sqm
 - Proposed built up area of 3rd floor – 291.04sqm
 - Proposed built up area of 4th floor – 291.04sqm
 - Proposed to be consumed FSI – 1.00
 - Total built up area – 1450.00sqm

The MCZMA vide its letter dated 16.01.2015 sought certain information from the Dy. Director of Town Planning, VVMC. Accordingly, VVMC vide letter dated 29.1.2015 sent a reply which is as follows:

1. The present plot is vacant at present.
2. The plot is located at the landward side of the structure, as per sanctioned D P on 1976.
3. CZMP superimposing of site under reference is submitted.
4. Google map and sanctioned DP which indicates existing structures is submitted.

The PP further presented that the plot is vacant and new construction is proposed on the site u/r and it is situated on landward side of existing structure.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011:

- MoEF issued a amended Notification dated 16th June, 2015, which stipulates as follows:
In the said notification, in paragraph 8, in sub-paragraph (i),-
(a) the Note and the entries relating thereto shall be omitted;
(b) in clause II relating to CRZ-II, for sub-clause (ii), the following sub- clause shall be substituted, namely:-
“ (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level :

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :


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Provided further that the construction in CRZ-II area of Goa, Kerala and Mumbai shall be governed by the provisions of Clause V of paragraph 8.”

The Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to concern planning Authority compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level : Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :
4. The VVMC should ensure that FSI, plan involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. The VVMC should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of town and country planning regulations as existing as on 19.2.1991.
6. Debris generated during construction activity should not be dumped into CRZ area and it should be disposed scientifically at a notified place.
7. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.49: Reconstruction of residential building on plot sub plot 'C' on plot bearing C.T.S. No. 907, 907/4b (PT) of village Juhu, Tal. Vile Parle situated at Juhu Tara Road, Vile Parle (W), Mumbai by M/s. Beach Wood Properties

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 16.7.2014 submitted a proposal of extension and amendment to approval granted for reconstruction of existing residential building on plot sub plot 'C' on plot bearing CTS No. 907, 907/4B(pt) of village Juhu, Tal- Vile Parle situated at Juhu Tara Road, Vile Parle (W), Mumbai to MCZMA.

The proposal was considered in 96th meeting of MCZMA held on 17th January, 2015, wherein the Authority noted that the reconstruction is proposed on plot C, taking into consideration the plot area of Plot B. However, the Authority further noted that MCGM vide letter dated


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25.11.2002 & 24.12.2008 granted Commencement Certificate & Occupation Certificate to the building on sub plot 'B'. The Authority in its 96th meeting identified the said reconstruction on sub plot B as a case of violation of CRZ Notification, 1991 & 2011 and therefore decided to defer the subject proposal on sub plot 'C'. Hence, the subject proposal was deferred

The project proponent was presented the proposal details which are as follows:

1. Earlier, MoEF, New Delhi vide letter dated 25.8.2011 granted CRZ clearance for reconstruction project which involves proposed construction of residential building comprises of two levels of basement + stilt levels + two levels of podium for car park + 1st to 6th upper floors. (Plot Area = 1342.50 Sq.m.)
2. The sub plot 'C' forms part of layout last approved dated 4.9.2013 whereby part subplot 'B' was added to sub plot 'C' there by increasing the area of sub plot C to 2125.00 Sqm. Architect has now submitted a proposal by proposing residential building comprising 2 level Basement + Ground + 1st to 7th upper floor + 2 service floors.
3. Proponent has submitted IOD dated 20.1.2012 issued by the Municipal Corporation of Greater Mumbai. Municipal Commissioner approved the various concession involved in the proposal.
4. MCGM letter dated 16.7.2014 mentions that, the plot under reference is in residential zone as per DP 1967 as well as per revised sanctioned DP 1994 and is not under any reservation as per both of these development plans.
5. MCGM letter dated 16.7.2014 mentions that-
 - The proponent has submitted the CRZ Plan of Mumbai showing site under reference. As per the said CZMP, the plot falls in CRZ II.
 - The site under reference is on landward side of the imaginary line connecting existing authorized structures on north and south side which were in existence prior to 19.2.1991.
6. MCGM letter dated 16.7.2014 mentions that, earlier, MoEF, New Delhi vide letter dated 25.8.2011 accords CRZ clearance for reconstruction project which involves proposed construction of residential building comprises of two levels of basement + stilt levels + two levels of podium for car park + 1st to 6th upper floors. (Plot Area = 1342.50 Sq.m.). Accordingly plans for residential building comprising of basement + stilt + 1st to 4th upper floors were approved on 20.1.2012. The C.C. up to top of basement for phase -I as per approved phase program was granted on 21.2.2014. Then Architect submitted amended plans by proposing extension and amendment to earlier approved plans by proposing residential building comprising 2 level Basement + Ground + 1st to 7th upper floor + 2 service floors and same were approved on 13.6.2014. The CC upto top of basement as per approved amended plan within


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footprint of approved phase program and CRZ clearance dated 28.8.2011 is granted on 1.7.2014 and work is in progress on site.

7. The building on CTS No. 907 comprising Gr. + 1 upper storied was in existence prior to 19.2.1991 as can be seen from copies approved plan dated 12.2.1959. CRZ clearance for reconstruction of this existing building is already obtained on 25.8.2011 by MoEF.
8. Plot area:
As per MCGM letter dated 29.4.2014, Architect has submitted property register Card of the plot bearing CTS No. 907,907 4 B of village Juhu Taluka Vile Parle. The total Plot area as per PR Card is 2410.10 Sq.m. further; said land was amalgated and subdivided in to sub plot A & B as per layout approved on 4.9.2013. The plot area of sub divided plot C is 2125.0 Sqm.
9. FSI details, as per plans approved by MCGM on 13.6.2014
 - Plot area (Plot C) – 2125.00 Sqm.
 - Permissible FSI – 1.00
 - Permissible BUA -2125.00 Sq.m.
 - Proposed BUA - 1995.66 Sq.m.

The letter dated of MCGM details of Free of FSI area as permissible as per DCR as on 1967-

The PP further states that the existing & proposed use of the structure is residential.

The Authority noted that as per para 8.II. CRZ II.(iii) of CRZ Notification, 2011: reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;

Further, the Authority noted the amended Notification dated 16th June, 2015 issued by MoEF, New Delhi.

The Authority after discussion decided to recommend the proposal to concern planning Authority from CRZ point of view under CRZ Notification, 2011 subject to compliance of following conditions:

1. The proposed reconstruction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. MCGM should ensure that reconstruction should be restricted to existing authorized plinth only. No extension towards seaward side will be allowed.


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4. MCGM should ensure that redevelopment is in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19th February, 1991.
5. The MCGM should ensure that the FSI, plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
6. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
7. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.50: SRA Scheme on plot bearing C.S. No. 20(pt), 22(pt), 23(pt), 24(pt), 38(pt) of Worli Dn. G (South Ward at B. G. Kher Marg, Worli for Mayanagar Achanak CHS by M/s. Hubtown

The Authority noted that M/s. Hubtown vide letter dated 19.8.2014 submitted its representation regarding the matter of SRA Scheme on plot bearing C.S. No. 20(pt), 22(pt), 23(pt), 24(pt), 38(pt) of Worli Dn. G (South Ward at B. G. Kher Marg, Worli for Mayanagar Achanak CHS by M/s. Hubtown.

The project proponent presented the matter before the Authority which is as follows:

1. The matter is pertaining to SRA scheme on plot bearing C.S. No. 20(pt), 22(pt), 23(pt), 24(pt), 38(pt) of Worli Division, G/S Ward at B.G. Kher Marg, Worli, Mumbai for Mayanagar Achanak CHS.
2. MCGM has approved the proposed Slum Redevelopment on plot bearing C.S. No. 24(pt) of Worli Div. for Mayanag / Achanak Nagar vide letter dated 13.6.1996.
3. The SRA has issued Letter of Intent (LoI) for proposed Slum Rehabilitation Scheme on plot bearing C.S. No. 32(pt), 38(pt) of Worli Division, G/South Ward, Mumbai (FSI 1.76) vide letter dated 20.8.1998.
4. The SRA has issued revised LoI on 18.12.2007 and again amended in 23.2.2011.
5. M/s. Ackruti Nirman vide letter 6.2.2007 submitted application regarding Proposed SRA Scheme on plot bearing C.S. No. 20(pt), 22(pt), 23(pt), 24(pt), 38(pt) of Worli Division, B.G. Kher Marg, Worli, Mumbai for Mayanagar CHS to MCZMA for CRZ NoC.
6. The matter was considered in the 52nd Meeting of MCZMA held on 14.5.2009 and as per the presentation of the proponent site under consideration for SRA Scheme is in CRZ-II and on the landward side of existing road. However, as per D.C. Regulation 1967, the land is reserved for proposed Garden. Project proponent reported that though site is reserved for proposed garden, it was occupied by slum dwellers prior to 1976. And, some hutments are regularized who had paid compensation to the Collector of Mumbai under 1985 policy of Government. Authority after detailed discussion decided to recommend the matter to MoEF for further appropriate discussion in the matter as per CRZ Notification 19.2.1991 and as per the CZMP approved by MoEF. Authority also decided


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that this should not be considered as a precedence for other cases and SRA and other development authorities should obtain prior approval of MCZMA and MoEF before commencement of the project and the projects in past which do not have appropriate CRZ clearance as per CRZ Notification 1991 amended from time to time will be considered as violation of rules.

7. The MoEF vide letter dated 31st August, 2009 rejected the proposal stating development of residential / commercial use of such garden / open space are not permissible.
8. Project proponent filed an appeal to NCZMA on 1.10.2010 and contended that category of land was CRZ II. Since, no action taken on appeal dated 1.10.2010, the Writ petition No. 930/2011 (Mayanagar Achanak CHS & Ors Vs Union of India & Ors) was filed in Hon. Mumbai High Court. The petition was disposed off with a direction to MoEF to decide the petitioner's representation dated 1st October, 2010 as expeditiously as possible.
9. The NCZMA discussed the matter in its 23rd meeting held on 4.1.2012 wherein NCZMA decided that -
 - The petitioner request amounts to reclassification of the CRZ area from CRZ III to CRZ II which cannot be considered as re-engineered CRZ Notification, 2011 has been issued and the procedure has been detailed in the OM dated 8th August, 2011.
 - Since the scheme is for slum improvement, the MCZMA shall consider such issues in the CZMP to be prepared under CRZ Notification, 2011 so as to prevent the hurdles for such socially important projects.
10. The project proponent filed an appeal before National Green Tribunal (NGT), New Delhi No. 13/2012 against the decision of NCZMA dated 4.1.2012 and appeal No. 19 of 2012 against the order of MoEF dated 31.8.2009, intimated to the MCZMA.
11. The main observations of Green Tribunal orders (NGT order) are:
 1. A close scrutiny of the record shows that there was no existence of garden or parks on the subject plots since much prior to 1991. It is admitted fact that the area is covered by hutments. It is a fact that a large group of hutments dwellers falls under the census carried out by the Govt agency in or about 1976. In other words, the subject plots were treated as gardens / parks only because of the CRZ, 1991.
 2. There is no magic wand under CRZ, 1991 to make disappear such slums which already existed since long before issuance of the CRZ, 1991
 3. The Notification dated 3.6.1992 issued by UDD, GoM under section 3(1) of the MRTP Act, 196 recognized the fact that the slums were in existence in the areas which were not designated as residential areas. This Notification of UDD dated 3.6.1992 appears to have been ignored by the NCZMA. The communication served by the MoEF which are challenged in present appeals, area passed by rendering Non-speaking orders. The NCZMA (MoEF) appears to have given no tangible reasons in support of their decisions. The decisions passed by MoEF are contrary to principals of

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natural justice. Non-speaking order is one of the category which violates the principles of natural justice.

4. Considering the legal and factual position, the NCZMA and MoEF ought to have properly exercised the discretion by harmonious interpretation of CRZ, 1991 and subsequent Notification dated 1992 as well as the purpose of classification under the CRZ Notification, 1991.
 - a) NGT gave the following directions, (excerpts of the directions)- "For the reasons discussed herein above, we partly allow both the appeals (appeal no. 13 & 14 of 2012) and directed the MoEF to restore the earlier representation of the appellants (M/s Hubtown) and to take a fresh decision in the light of observation made above. It is clear that we have not given any finding on merits of the matter and it will be within discretion of the competent authority to taken any decision which will be backed by reasons"

12. Project work under reference is in progress and as on date the rehab buildings are under construction which has consumed only 55% of the approved FSI.
13. PP has requested to issue CRZ clearance for the project under reference for the approved FSI, as the sale building can not be commenced.

The MCZMA vide letter dated 28.1.2015 requested SRA to submit certain information. Accordingly, SRA vide letter dated 11.6.2015 submitted its reply.

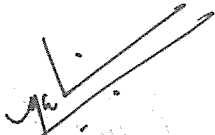
The Authority after deliberation decided that PP should submit the city survey map showing the site under reference, in order to ascertain the existence of slum on site u/r.

Item No.51: CRZ Status of plot bearing C.S.No. 369 of Malbar Hill Dn. 'D' Ward, situated at Little Gibbs Road, Mumbai by M/s. Saubhagya Properties Pvt. Ltd.

The Authority noted that M/s. Saubhagya Properties Pvt. Ltd. vide letter dated 22.7.2014 submitted application to MCZMA.

The Applicant has submitted demarcation of HTL, LTL and CRZ area dated 15.7.2014 for the project site bearing C.S. No. 369 of D Ward, Malbar Hill, Mumbai carried out by IRS Chennai which is MoEF authorised agency. The MCZMA vide letter dated 19.1.2015 requested applicant to submit certain information.

The M/s. Saubhagya Properties Pvt. Ltd. vide letter dated 16.2.2015 submitted CRZ area map (1:4000 scale) & corrigendum dated 12.2.2015 of IRS, Chennai. The said corrigendum of IRS, Chennai mentions as follows:


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1. The HTL demarcated by IRS corresponds to the HTL shown in the approved CZMP 1991 subject to the generalized error of variation in scale of mapping.
2. As per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. CRZ shall be applied for the land site within the 100 m buffer zone from HTL for Bay/creek. In this case, the project site bearing CS. No. 369 of D Ward Malabar Hills, Mumbai does not fall within the 100m buffer from HTL for Back Bay, Mumbai.
3. It is also out side the 500 m buffer from the Arabian Sea.

National Hydrographic Office (NHO), Dehradun vide letter dated 28.9.2013 has clarified that as per records of their office, Mahim Bay and Back Bay are considered as Bay and are also depicted as Bays on their official navigational charts.

The project proponent informed that there exists old building which is prior to 1947 on site u/r and construction has not started on the site. The PP submitted the photographs of the existing building.

Taking into account the background of the matter, the Authority also noted as follows:

1. Ministry of Environment and Forest, New Delhi vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body.
2. National Hydrographic Office, Deharadun, which is one of the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, 'Back Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart.
3. PP has submitted CRZ map in 1:4000 scale & corrigendum dated 12.2.2015. As per Corrigendum issued by IRS Chennai dated 12.2.2015:
 - The HTL demarcated by IRS corresponds to the HTL shown in the approved CZMP 1991 subject to the generalized error of variation in scale of mapping.
 - As per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. CRZ shall be applied for the land site within the 100 m buffer zone from HTL for Bay/creek. In this case, the project site bearing CS. No. 369 of D Ward Malabar Hills, Mumbai does not fall within the 100m buffer from HTL for Back Bay, Mumbai.
 - It is also out side the 500 m buffer from the Arabian Sea.

The Authority, taking into consideration reports and CRZ map dated 12.2.2015 of MoEF authorized agency i.e. IRS, Chennai and Hon'ble Supreme Court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Back Bay as 'Bay' and opinion of Advocate General, GoM decided the followings:


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- The project site bearing CS. No. 369 of D Ward Malabar Hills, Mumbai does not fall within the 100m CRZ buffer area from approved HTL for Back Bay and it is also situated beyond 500 m CRZ buffer area from approved HTL of Arabian sea. Hence, the said plot u/r does not fall under the ambit of the CRZ Notification, 2011.

Item No.52: CRZ Status of plot bearing Gat No. 462/B, village Umroli, Tal. Palghar, Dist. Thane by Shri. Jatish V.Sonetha

The Authority noted that the Town Planning and Valuation Department, Palghar vide letter dated 06.08.2014 forwarded the proposal to MCZMA. As per the remarks of Town Planning office, Palghar, the land u/r falls outside 100m from HTL of creek and within 100m to 500 m from HTL of creek.

The MCZMA vide letter dated 22.01.2015 requested the PP to submit approved CRZ map in 1: 4000 scale prepared by MoEF authorized agency showing site under reference.

The PP vide letter dated 29.1.2015 submitted CRZ map (1:4000 scale) and report dated 10.3.2014 prepared by IRS, Chennai. Further, PP vide letter dated 25.5.2015 submitted the CRZ map (1:4000 scale) dated 15.5.2015 & report dated May, 2015.

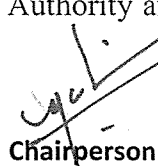
The IRS report dated 15.5.2015 mentions as follows:

- The HTL demarcated by the IRS, Chennai corresponds to the HTL shown in the approved CZMP 1991 subject to the generalization error caused by the variation in the scale of mapping.
- CRZ shall be applied for the land / site within the width / 100m buffer zone from HTL for Bay / creek as per para (ii) of CRZ Notification, 2011 of MOEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site as Survey No. 462/B Umroli Village is not affected by CRZ-III. It is also observed that the project site at Survey No. 462/B, Umroli Village is within 500 from HTL (River) but away from 100 m from HTL (River) as per approved 1991 CZMP. Hence the project site at Survey No. 462/B, Umroli Village falls outside the CRZ-III with respect to 100m from HTL (River) as per approved 1991 CZMP and CRZ Notification 2011.

The project proponent was present for the meeting who informed that the plot is vacant.

The Authority noted that as per para (ii) of CRZ Notification, 2011, the CRZ area limit with regard to river (tidally influenced water body) is 100 m or width of the creek whichever is less.

In the light of CRZ map (1:4000 scale) dated 15.5.2015 & report of IRS, Chennai, the Authority after deliberation decided that the plot bearing Survey No. 462/B, village Umroli,


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Tal. Palghar, Dist. Thane does not fall within 100 m CRZ buffer area from approved HTL of river. Hence, the plot u/r does not fall under the ambit of CRZ Notification, 2011.

Item No.53: Proposed realignment of nallah at village Tivri, Tal. Vasai by M/s. DDPL Golbal Infrstructure Pvt.Ltd.

Tha Authority noted that M/s. DDPL Golbal Infrstructure Pvt.Ltd vide letter dated 23.07.2014 submitted the proposal of realignment of nallah at village Tivri, Tal. Vasai. The MCZMA vide letter dated 18.2.2015 requested PP to submit followings:

1. Proposal as per the procedure laid down vide as per the Para 4.2 (i) of the CRZ Notification, 2011 and as per the Office Memorandum of MCZMA (dated 02.07.2011), which is available on above mentioned website.
2. Superimposition of site under reference on approved CRZ map.
3. Rapid EIA & EMP report for the project.
4. Public hearing of fisherman community who are dependent on Nalla for fishing Activity.
5. Area details of plot. (i.e exact location)
6. Layout map showing realignment of nallah.
7. Google image showing site under reference & Site photographs.

The reply from PP is awaited in the proposal. The project proponent was absent for the meeting. M/s DDPL Global Infrastructure Pvt Ltd vide letter dated 23.7.2015 requested not to place the proposal before MCZMA in its forthcoming meeting as the final demarcation plan from IRS is awaited.

The Authority after discussion decided to direct the PP to submit the required information as sought by MCZMA vide its letter dated 18.2.2015 by 31st August, 2015, failing which, it will be construed that the proponent is not interested in the proposal and the same will be returned & delisted from the records of the MCZMA with the approval of Chairperson, MCZMA.

Item No.54: Construction of extension of second floor of school building in S.No. 86/1/2 Part at Manphodpada in Reserved for Yzad School Tal. Dahanu, Dist. Thane by M/s. Yzad Education Trust

The Authority noted that the Dahanu Municipal Council, vide letter dated 16th July, 2014 forwarded the proposal of construction of extension of second floor of school building in S.No. 86/1/2 Part at Manphodpada Reserved for Yzad School Tal. Dahanu, Dist. Thane by M/s. Yzad Education Trust. The MCZMA vide its letter dated 20.1.2015 sought information


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regarding details of earlier permission for existing structure from PP (M/s Yzad Education Trust). The PP forwarded their reply vide letter dated 29.1.2015. The Authority observed that reply sent by PP is not clear. The project proponent was absent for the meeting.

The Authority after deliberation decided to seek information regarding details of earlier permissions including CRZ clearance for existing school building structure on plot u/r from the Dahanu Municipal Council. The DMC should submit the said information to MCZMA by 31st August, 2015.

Item No.55: Proposed residential bungalow on bearing Gat No. 532 at village Kihim, Tal. , Dist. Raigad by Smt. Savitri Nandkishor Dube

The Authority noted that the Town Planning & valuation department, Raigad Alibag vide letter dated 19.08.2014 forwarded the proposal to MCZMA. The proposal was considered in 98th meeting of MCZMA held on 31.1.2015, wherein the Project proponent presented that the proposal for construction of Holiday Home on Gat no. 532 at Mauje Kihim, Tal: Alibag, Dist: Raigad. Land under reference falls within 300 m to 500 m from HTL of sea, as per Coastal Land use map of the area. Proposed area is 4460.00 sqm (i.e. 0.446 hecter).

PP stated that he has purchased the plot in the year around 2010. Authority noted that as per para 8. III. CRZ III. B(vii) of CRZ Notification, 2011, following is permissible within 200 m to 500 m from the HTL:

“construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor)”

The Authority in its 98th meeting felt that it needs to be confirmed by District Collector, Raigad that PP is a local inhabitant or traditional inhabitant in the light of para 8.III. CRZ III. B(vii) of CRZ Notification, 2011. Authority decided to direct PP to submit the said information through District Collector, Raigad. The matter was deferred. Accordingly, the MCZMA vide letter dated 6.4.2015, requested to submit that PP is a local inhabitant or traditional inhabitant in the light of para 8.III. CRZ III. B(vii) of CRZ Notification, 2011 through District Collector, Raigad. The Reply from PP is awaited.

The project proponent presented that the proposal of resort in accordance with annexure III of CRZ Notification, 2011 (amended from time to time) on land u/r is being submitted to MCZMA.


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The Authority decided to drop the current proposal. The current proposal will be delisted from the records of MCZMA.

Item No.56: CRZ status- proposed construction of residential house on plot bearing C.T.S. No. 892 and 893/2 at Mouje Ambepur, Tal. Alibag, Dist.Raigad by Shri. Prashant Madhusudan Naik & Shri. Manoj Vishwanath Patil

The Authority noted that the Town Planning & Valuation Department, Alibag, Raigad vide letter dated 20th August, 2014 forwarded the proposal to MCZMA. The remarks of Town Planning mentions that the site falls within 200m to 500m from the HTL of the creek. The MCZMA vide its letter dated 20.1.2015 sought following information from the PP:

1. Approved CRZ map in 1: 4000 scale showing 100m line from HTL of creek prepared by MoEF authorized agency showing site under reference and New CRZ map prepared as per CRZ Notification, 2011 by MoEF authorized agency showing site under reference showing site under reference.
2. Whether the proposed construction is new construction or reconstruction of existing structure is need to be ascertained.
3. Site photographs

The project proponent submitted the CRZ map in 1:4000 scale and report prepared by IRS, Chennai. The conclusion of the said IRS report is as follows:

1. The HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP 1991 as per SAC subject to generalization error caused by the variation in the scale of mapping.
2. CRZ shall be applied for the land / site within width / 100 m buffer zone from HTL for Bay/ Creek as per para (ii) of CRZ Notification 2011 for MoEF vide S.O. 19(E) dated 6.1.2011. In this case, the project site (CTS 892& 893 of Ambepur village Maharashtra) is conclusively situated beyond 100 m from HTL (Creek) as per approved CZMP 1991(SAC) as well as CRZ 2011
3. The project site does not fall within 50 m buffer from mangroves

The PP states that the plot is vacant and no construction has started on the site u/r.

The Authority noted that the as per para (ii) of CRZ Notification, 2011, the CRZ area limit with regard to creek (tidally influenced water body) is 100 m or width of the creek whichever is less.

In the light of CRZ map in 1:4000 scale & report of IRS, Chennai, the Authority after discussion decided that project site bearing CTS No. 892 & 893/2 of Ambepur village of Alibaug Taluka in Raigad district does not fall within the 100 m CRZ buffer area from


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approved HTL of creek. Hence, the project site under reference does not fall under the ambit of CRZ Notification, 2011.

Item No.57: CRZ status for proposed construction on land bearing Gut No. 263 & 266 at Mouje Manor Tal. Palghar, Dist. Thane by Shri. Amit Mahajan

The Authority noted that the Town Planning and Valuation Department, Palghar vide letter dated 22.08.2014 forwarded the proposal to MCZMA. As per Coastal land use map submitted by PP, the land under reference falls within 500m of HTL of river.

The MCZMA vide letter dated 23.1.2015 requested PP to submit the approved CRZ map in 1:4000 scale prepared by MoEF authorized agency showing site under reference and new CRZ map prepared by MoEF authorized agency showing site u/r, as per CRZ Notification, 2011.

The Project proponent submitted the CRZ map in 1:4000 scale & report dated 27.3.2015 for the site bearing S. No. 263, 266, 267, 268, 280 of M/s Riverview Enclave in village Manor, Dist- Palghar, prepared by IRS, Chennai. As per the said report of IRS, Chennai:

- The HTL demarcated by the IRS, Chennai for Vaitarna River corresponds to the HTL as per approved CZMP in the vicinity of project site subjected to the generalization error caused by the variation in scale of mapping
- CRZ shall be applied for the land/ site within the 100 m buffer zone from HTL for River/ creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E, dated 6.1.2011. In this case, the project site of M/s Riverview Enclave, Santacruz West, Mumbai 500054 falls partly within the 100 m buffer from HTL for Vaitarna River. The area within and outside CRZ is provided in the table below.

The PP further states that the plot under reference is vacant.

The Authority noted the report & CRZ map (1:4000 scale) of IRS, Chennai dated 27.3.2015 and decided to communicate the following CRZ status of plot u/r to Town planning office, Palghar:

- The project site bearing S.No. 266 in the Manor village, Palghar District falls within 100 m CRZ buffer area from approved HTL of Vaitarna River. Hence, the site u/r falls within the ambit of CRZ Notification, 2011
- The project site bearing S. No. 263 in the Manor village, Palghar district falls partly within 100 m CRZ buffer area from approved HTL of Vaitarna River.


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Item No.58: CRZ status for proposed construction for residential purpose at Gut No. 280 at Mouje Manor, Tal. Palghar, Dist. Thane by Shri. Amit Mahajan

The Authority noted that the Town Planing and Valuation Department, Palghar vide letter dated 22.08.2014 forwarded the proposal to MCZMA. As per Coastal landuse map submitted by PP, the land under reference falls within 500m of HTL of river.

The MCZMA vide letter dated 22.1.2015 requested PP to submit the approved CRZ map in 1:4000 scale prepared by MoEF authorized agency showing site u/r and new CRZ map prepared by MoEF authorized agency showing site u/r as per CRZ Notification, 2011.

The Project proponent submitted the CRZ map in 1:4000 scale & report dated 27.3.2015 for the site bearing S. No. 263,266,267,268, 280 of M/s Riverview Enclave in village Manor, Dist- Palghar, prepared by IRS, Chennai. As per the said report of IRS, Chennai:

- The HTL demarcated by the IRS, Chennai for Vaitarna River corresponds to the HTL as per approved CZMP in the vicinity of project site subjected to the generalization error caused by the variation in scale of mapping
- CRZ shall be applied for the land/ site within the 100 m buffer zone from HTL for River/ creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E, dated 6.1.2011. In this case, the project site of M/s Riverview Enclave, Santacruz West, Mumbai 500054 falls partly within the 100 m buffer from HTL for Vaitarana River. The area within and outside CRZ is provided in the table below.

The PP further states that the plot under reference is vacant.

The Authority noted the report & CRZ map (1:4000 scale) of IRS, Chennai dated 27.3.2015 and decided to communicate the following CRZ status of plot u/r to Town planning office, Palghar:

- The project site bearing S.No. 280 in the Manor village, Palghar District does not fall within 100 m CRZ buffer area from approved HTL of Vaitarna River. Hence, the site u/r does not fall under the ambit of CRZ Notification, 2011

Item No.59: Proposed reconstruction of existing dilapidated Bungalow No. 8 on plot bearing C.T.S.No.866 of village Juhu, situted at Juhu Tara Road, Vileparle (W), Mumbai by M/s. Udadhi Tarang Cottages C.H.S.Ltd.

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 2.8.2014 forwarded the proposal of reconstruction of existing dilapidated Bungalow


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No.8 on plot bearing C.T.S.No.866 of village Juhu, situted at Juhu Tara Road, Vileparle(W), Mumbai to MCZMA.

The project proponent presented the proposal which is as follows:

1. As per MCGM letter dated 2.8.2014, proposal is for reconstruction of existing dilapidated Bungalow No.8 on plot bearing C.T.S.No.866 of village Juhu, situted at Juhu Tara Road, Vileparle(W), Mumbai by M/s. Icon Groups. Proposed residential building comprising of Part (Ground) + part stilt (parking) + 1st & 2nd upper floor.
2. MCGM vide letter dated 16.10.2000 mentions the structures / cottages No. 6, 8 & 14 are dangerous and in dilapidated condition and not fit for human habitation.
3. As per remarks of MCGM dated 2.8.2014, the plot under reference is situated in residential zone and not reserved for any public purpose.
4. As per MCGM letter dated 2.8.2014, the land under reference falls in CRZ II and situated on landward side of existing Road/ existing structure
5. FSI Details, as per IOD granted by MCGM on 11.6.2014
 - Total Plot Area as per PRC – 7076.70 Sq.m.
 - Area as per earlier approved plan – 7007.55 sqm
 - Total area – 5225.21 Sq.m.
 - Permissible FSI- 1.00
 - Permissible Floor area – 5225.21 sqm
 - Existing floor area apartment Bldg + other cottages – 5022.71 sqm
 - Proposed area (Bungalow No. 8) – 137.71 sqm
 - Total BUA proposed – 5159.88 sqm
 - FSI Consumed – 0.77

The MCZMA vide letter dated 20.1.2015 requested PP to submit Duly filled Form-I of CRZ Notification, 2011, Approved CZMP of Mumbai Showing the Plot under reference and Report of public consultation as per procedure laid down in EIA Notification, 2006.

The PP stated that there is single owner for the existing bungalow and therefore, public consultation report is not required.

The Authority after detailed discussion and deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to concern planning Authority subject to compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. All the conditions of para 8.V. (c) of CRZ Notification, 2011 should be complied with.


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3. The MCGM should ensure that FSI, plans, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011.
4. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 6.1.2011.
5. Debris generated during the construction phase should not be disposed in CRZ area.
6. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.
7. The PP should submit an affidavit of the single ownership for the existing bungalow and therefore, public consultation report is not required

Item No.60: Consumer pump for storage of petroleum product on plot bearing Gut No.509 (pt) of village Akshi, Tal. Alibag, Dist. Raigad by Sakhar Machhimar Sahakari Sanstha Maryadit

The Authority noted that the Town Planning and Valuation Department, Alibag-Raigad, vide letter dated 9th September, 2014 forwarded the proposal of consumer pump for storage of petroleum product on plot bearing Gut No.509 (pt) of village Akshi, Tal. Alibag, Dist. Raigad by Sakhar Machhimar Sahakari Sanstha Maryadit.

The project proponent presented the proposal which is as follows:

Proposed Details:

- The Town Planning and Valuation Department, Alibag-Raigad has forwarded the proposal of consumer pump for storage of petroleum product (diesel) comprises of diesel tank and pump room on plot bearing Gut No.509 (pt) of village Akshi, Tal. Alibag, Dist. Raigad Sakhar Machhimar Sahakari Sanstha Maryadit
- The proposal is for storage and provides of petroleum product like Diesel to local fishermen (koli) community for fishing purpose.
 - a) Pump Type – Mono B class pump
 - b) Diesel Tank -
 - Capacity – 20 KL
 - Material – Mild Steel
 - Dia in meter – 2.10
 - Length in meter – 6.250

Land Details:

The Town Planning and Valuation Department, Alibag-Raigad letter dated 9.9.2014 mentions as follows:

1. As per approved raigad regional plan, the land under reference is included in land use of 'Tourist Centre'. However, there are no any separate rules for tourist centre; development is permissible as per forest zone rules.


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2. Collector, Raigad have granted license no. 3/2000 to M/s Chairman of SakharMachhimarSahakari Society for storage of 20000 liters of petroleum Class B on survey no. 1267 as per provisions of the Petroleum Act, 1934.
3. Total area of plot is 300.00smt

CRZ status of site u/r

- The said letter dated 9.9.2014 of town planning office, Alibaug mentions that, as per Coastal land use map of SAC (1:25,000 scale) and MRSAC(1:5000 scale), the site under reference falls in CRZ III(i). It is situated within 200 m from HTL of Seafront.
- PP has submitted Coastal land use map of MRSAC, Nagpur in 1:5000 scale, superimposing the site u/r, which shows that the site is fronting to creek as well as seafront.

The proposal was discussed and deliberated in the 95th meeting of MCZMA held on 13th January, 2015 wherein the Authority decided to seek following information from the Town Planning & Valuation Department, Alibag:

1. Status of construction on plot under reference. If, the consumer pump is constructed / partly constructed then, details about the start & completion of construction activity at the site.
2. If, construction of consumer pump exists on site under reference, prior permissions obtained from different statutory authorities including CRZ permissions for existing construction.

Accordingly, Assistant Director of Town Planning, Town Planning & Valuation Department, Alibag has submitted the point wise reply dated 13.3.2015 as below:

- a. The Diesel tank of capacity of 20000 liter is placed on gut No. 509(pt) and pump is fitted adjacent to it. Said tank has occupied the land area admeasuring 17 × 30 ft. However, there is no construction on tank and they don't requirement of it. Said construction is completed in February, 2000, as mentioned in the application no. 962 of SakharMachhimarSahakariSansthaMaryadit, Akshisubmitted to Town planning office.
- b. Collector, Raigad has given permission subject to the terms and conditions that Grampanchayat, Akshi, while granting NoC for storage of diesel and transportation, should obtain all required permissions from Government organizations. At that time, said proposal was not sent for obtaining CRZ permission. Further it was not received to town planning office for remarks.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011 which is as follows:


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- As per 8(i) III. CRZ-III of CRZ Notification, 2011, Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-
- (iii) However, the following activities may be permitted in NDZ –
(e) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;

Annexure-II

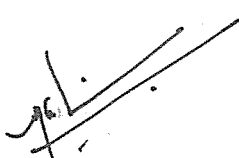
List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.

The Authority observed that this is storage and distribution activity of diesel for the local fishermen and it is small scale activity and allied activity for fishermen. The proposal is in the interest of the local fishermen community. PP further mentions that there is no construction activity done on the site and only the diesel tanks are placed on site.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed activities should as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. This recommendation is only from CRZ point of view.
3. There should not be spillages of diesel in and around due to project activities.
4. All other required permission from different statutory authorities should be obtained prior to commencement of work.


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Item No.61: Consumer pump for storage of petroleum product on plot bearing Gut No.509/1 of village Akshi, Tal. Alibag, Dist. Raigad by Shri Ganesh Machhimar Sahakari Society

The Authority noted that the Town Planning and Valuation Department, Alibag-Raigad, vide letter dated 10th September, 2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal which is as follows:

Proposed Details:

1. The Town Planning and Valuation Department, Alibag-Raigad has forwarded the proposal of consumer pump for storage of petroleum product (diesel) comprises of diesel tank and pump room on plot bearing Gut No.509/1 of village Akshi, Tal. Alibag, Dist. Raigad by Shri Ganesh Machhimar Sahakari Society.
2. The proposal is for storage and provides of petroleum product like Diesel to local fishermen (koli) community for fishing purpose.
3. Pump Type – Mono B class pump
4. Diesel Tank -
Capacity – 20 KL
Material – Mild Steel
Dia in meter – 2.10
Length in meter – 6.250

Land Details:

The Town Planning and Valuation Department, Alibag-Raigad letter dated 10.9.2014 mentions as follows:

- As per approved raigad regional plan, the land under reference is included in land use of 'Tourist Centre'. However, there are no any separate rules for tourist centre; development is permissible as per forest zone rules.
- Collector, Raigad have granted license no. 1/2005 to M/s Chairman of Shri Ganesh Machhimar Sahakari Society for storage of 12,000 liters of petroleum Class B on survey no. 1267 as per provisions of the Petroleum Act, 1934.
- Total area of plot is 300.00smt

CRZ status of site u/r

- The said letter dated 10.9.2014 of town planning office mentions that, as per Coastal land use map of SAC (1:25,000 scale) and MRSAC (1:5000 scale), the site under reference falls in CRZ III(i). It is situated within 200 m from HTL of Seafront.


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- PP has submitted Coastal land use map of MRSAC, Nagpur in 1:5000 scale, superimposing the site u/r, which shows that the site is fronting to creek as well as seafront.

The subject matter was discussed and deliberated in the 95th meeting of MCZMA held on 13th January, 2015 wherein the Authority decided to seek following information from the Town Planning & Valuation Department, Alibag:

1. Status of construction on plot under reference. If, the consumer pump is constructed / partly constructed then, details about the start & completion of construction activity at the site.
2. If, construction of consumer pump exists on site under reference, prior permissions obtained from different statutory authorities including CRZ permissions for existing construction.

Accordingly, Assistant Director of Town Planning, Town Planning & Valuation Department, Alibag has submitted the point wise reply dated 13.3.2015 as below:

1. The Diesel tank of capacity of 20,000 liter is placed on gut No. 509/1(pt) and pump is fitted adjacent to it. Said tank has occupied the land area admeasuring 17 × 30 ft. However, there is no construction on tank and they don't requirement of it. Said construction is completed in January, 2005, as mentioned in the application no. 964 of shriGanesh MachhimarSahakari Society Ltd, Sakharsubmitted to Town planning office.
2. Collector, Raigad has given permission subject to the terms and conditions that Grampanchayat, Akshi, while granting NoC for storage of diesel and transportation, should obtain all required permissions from Government organizations. At that time, said proposal was not sent for obtaining CRZ permission. Further it was not received to town planning office for remarks.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011, which is as follows:

- As per 8(i) III. CRZ-III of CRZ Notification, 2011, Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-
- (iii) However, the following activities may be permitted in NDZ –
(e) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;

Annexure-II


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List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.

The Authority observed that this is storage and distribution activity of diesel for the local fishermen and it is small scale activity and allied activity for fishermen. The proposal is in the interest of the local fishermen community. PP further mentions that there is no construction activity done on the site and only the diesel tanks are placed on site.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed activities should as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. This recommendation is only from CRZ point of view.
3. There should not be spillages of diesel in and around due to project activities.
4. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.62: Proposed stacking of Minerals & Non-mineralized soil, temporary office shed & temporary weigh-bridge at S. No. 12, 25, 26/a,26 ph.5, village Redi, Tal.Vengurla, Dist.Sindhudurg by M/s. New India Mining Corporation Pvt.Ltd

The Authority noted that the M/s New India Mining Corporation Pvt. Ltd vide letter dated 12.9.2014 submitted the application for stacking of Minerals & Non-mineralised soil,


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temporary office shed & temporary weigh-bridge at S. No. 12, 25, 261, 26 ph. 5, village Redi, Tal. Vengurla, Dist. Sindhudurg.

The project proponent presented the proposal which is as follows:

1. The Government of Maharashtra has granted a mining lease of 32.83.00 Hectors area at S. No. 182 (10), 266 (11), 253 (12), 261 (25 (p)), 235 (p) (26) of village Kanyal (Redi), Tal. Vengurla, Dist. Sindhudurg.
2. The 22-53-00 hectors lease area in beyond CRZ line & applicant is carrying on mining activities in said area. The other remaining area admeasuring 10-30-00 hectors is affected by CRZ. Out of this 2-96-0 hectors area for non-mining activities such as back filing of non-mineralized and pre CRZ pits, stacking of minerals & non mineralized soil, temporary weigh-bridge, temporary office building, etc.
3. The applications is for obtaining CRZ clearance for these activities to be carried on within 2-96-00 hectors area in surveys no. 253 (12), 261 (25 (p)), 235 (p) (26), village Redi, Tal. Vengurle, Dist. Sindhudurg.

The MCZMA vide letter dated 6.5.2015 requested PP to submit superimposition of site under reference on approved CZMP of Sindhudurg in 1:4000 scale prepared by MoEF authorized agency and said CRZ map should indicate old approved HTL, its CRZ area extent as per CRZ Notification, 2011. If there is change in old approved HTL & new HTL, then it should be reported. The reply from PP is awaited.

The project proponent presented that the application is for Plot A (S. No. 253(New 12), 261 (New 25(p)), 235(p)) and Plot B (S. No. New 26). The project proponet further informed that proposal on plot C (S. No. 13/ph. 13 & 30, 11/ph. 25 and plot D (S. No. 8A/ph. 4A) would be submitted later on to MCZMA. .

PP has submitted the CRZ map in 1:4000 scale prepared by IRS, Chennai superimposing the site of Plot A & B. The Authority observed that the said CRZ map shows new draft HTL as per provisions of CRZ Notification, 2011, which is not yet approved by MoEF, New Delhi. The Authority observed that old approved HTL is not demarcated in the said CRZ map of IRS.

The Authority after deliberation decided to direct the PP to indicate the old approved HTL and its CRZ area, on the said CRZ map. Conclusion of the report of IRS, Chennai regarding the location of plots in respective CRZ category should also be submitted.

Item No.63: CRZ Status of F.P. No. 732, TPS-III, Mahim Dn. Cess No. GN 5084-85, situated at 9, Lohar Chawl Street, Mahim, G/North Ward, Mumbai by Shri. Tanveer Nazir Munshi


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The Authority noted that MCGM vide letter dated 15.9.2014 forwarded the proposal of redevelopment of property bearing F.P. No. 732, TPS-III, Mahim Division, situated at 9, Lohar Chawl Street, Mahim, G/ North Ward, Mumbai to MCZMA. The proposal was considered in the 98th meeting of MCZMA held on 31.1.2015. In the said meeting, the PP presented the proposal that the plot is fronting to Mahim Bay. The Authority in its 98th meeting decided to direct the PP to submit the CRZ map in 1:4000 scale & report along with conclusion prepared by one of the agency authorized by MoEF and other related documents in order to seek the CRZ status of plot under reference as per provisions of CRZ Notification, 2011. Said CRZ map prepared by MoEF authorized agency should also indicate the HTL as per the approved CZMP of the Mumbai. Further, it was decided not to consider current proposal in the present format for discussion.

The Authority noted that Mr. Tanveer Nazir Munshi vide letter dated 10.3.2015 submitted the CRZ map (1:4000 scale) & report dated 3.3.2015 prepared by IRS, Chennai. The report dated 3.3.2015 of IRS, Chennai mentions:

- The HTL demarcated by IRS corresponds to the HTL shown in the approved CZMP 1991 subject to the generalized error of variation in the scale of mapping.
- The CRZ II /III (as the case may be) is 100m from HTL for bay areas, as per the 2011 CRZ guidelines, as against 500m from HTL according to 1991 CZMP. Therefore the site on landward side of Mahim Bay falls outside the CRZ area as per 2011 CRZ guidelines. There is no mangrove present in the vicinity. (The project site falls outside the 50m mangrove buffer).

National Hydrographic Office (NHO), Dehradun vide letter dated 28.9.2013 has clarified that as per records of their office, Mahim Bay and Back Bay are considered as Bay and are also depicted as Bays on their official navigational charts.

Project proponent was present for the meeting who informed that construction has started on the site u/r. PP further stated that there is earlier CRZ recommendation from the MCZMA for the proposal.

Taking into account the background of the matter, the Authority also noted as follows:

1. Ministry of Environment and Forest, New Delhi vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body.
2. National Hydrographic Office, Deharadun, which is one of the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private


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Limited that as per the records of the office, 'Mahim Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart.

3. PP has submitted the CRZ map in 1:4000 scale & report dated 3.3.2015 prepared by IRS, Chennai. As per Report dated 3.3.2015 by IRS Chennai:
- The HTL demarcated by IRS corresponds to the HTL shown in the approved CZMP 1991 subject to the generalized error of variation in the scale of mapping.
 - The CRZ II /III (as the case may be) is 100m from HTL for bay areas, as per the 2011 CRZ guidelines, as against 500m from HTL according to 1991 CZMP. Therefore the site on landward side of Mahim Bay falls outside the CRZ area as per 2011 CRZ guidelines. There is no mangrove present in the vicinity. (The project site falls outside the 50m mangrove buffer).

The Authority, taking into consideration the report and CRZ map dated 3.3.2015 of MoEF authorized agency i.e. IRS, Chennai and Hon'ble Supreme Court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Mahim Bay as 'Bay' and opinion of Advocate General, GoM decided the followings:

- The site bearing F.P. No. 732, TPS-III, Mahim Dn. situated at 9, LoharChawl Street, Mahim, G/North Ward, Mumbai does not fall within 100 m CRZ buffer area from approved HTL of Mahim Bay. Hence, the site u/r does not fall under the ambit of CRZ Notification, 2011.

Item No.64: Regarding residential project on plot S.No. 69/4, 59/A, 70/9, 70/10, 71/2 at village Balkum, Dist. Thane by M/s. Ishwer Realty and Technologies Pvt.Ltd

The Authority noted that the M/s. Ishwar Realty and Technology Pvt. Ltd vide letter dated 17.9.2014 submitted an application to MCZMA. Further, Thane Municipal Corporation (TMC) vide letter dated 5.6.2015 forwarded the proposal to MCZMA.

As per the submitted information:

- The said CRZ land under reference is part of a bigger layout which is partly affected by 50m mangroves buffer zone. No development is proposed in the said CRZ buffer area. Architect has proposed residential development on non CRZ buffer area.
- TMC has sanctioned the said development proposal and has withhold the CC of CRZ area. Further, no compensation will be paid to the owner for the CRZ affected area without MCZMA NOC. Architect has proposed amenity plot of 7000 sqm on this CRZ area.
- TMC will designate the said area partly for promenades, garden, public spaces. Architect has proposed to use balance CRZ buffer area for recreational ground of the plot D and parking. The same is proposed without construction.


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- Architect has proposed to utilize permissible 0.75 FSIU of the CRZ area (i.e. $3766.23 + 7000 + 572.50 + 515.34 = 11854.07$ sqm) as per the FSI / FAR norms dated 19.2.1991 on remaining plot including setback of 572.50 sqm of 30m DP road and 515.34 sqm of HCMTR on remaining land.
- The said CRZ area is kept untouched by proposing no development on CRZ buffer zone by Architect. besides the said area is well protected by existing compound wall on south –east side of the plot.
- As per sanctioned CZMP 2005, the said land is affected by 50m mangrove buffer zone. But the said land is not affected by CRZ, as per new proposed CZMP prepared by CESS, for Thane Municipal Corporation. As per submitted information, Total Plot area is 351160.00 sqm & area under CRZ is 11854.07 sqm

The Thane Municipal Council mentioned that the proposal requires consideration on the following points from MCZMA:

- To allow amenity open space in CRZ buffer area by restricting the said use to PG/ RG/ promenade/ Parks and open spaces (As per 91st meeting of MCZMA).
- To allow layout recreation ground in the remaining area of CRZ buffer zone.
- To allow parking in the said buffer area to without any construction.
- To allow the permissible FSI potential of the CRZ buffer as per FSI / FAR norms as existing on 19.2.1991 on remaining non CRZ area.
- To allow to utilize CRZ buffer area potential for consumption of 40% area of DP roads as permissible on 19.2.1991, to be utilized out side CRZ area.

Zone Remarks:

As per the Development Plan of TMC sanctioned by Govt. in the year 2003, the plot under CRZ falls in Industrial zone and is affected by 50m buffer area of mangroves as per the CZMP of Thane approved in the year 2005. Part of the plot is affected by 30m wide DP road and 30m wide HCMTR. As on 19.2.1991, the Development Plan of Thane City was not sanctioned and Thane Industrial Zomplex Plan of MMRDA was inforce. As per this plan the plot affected by CRZ was in Residential Zone. Thus residential development was permissible as on 19.2.1991. Plans for development were sanctioned and the plot is well defined by compound wall on sea ward side of the plot.

The PP stated that no construction activitiy will be carried out in 50 m mangroves buffer zone area. Further, no parking will be proposed in the said area. However, utilization of FSI of CRZ porition of plot on Non CRZ porition of plot is proposed in the matter. The PP further presented the earlier decisions taken in 75th & 76th meeting of the Authority about the FSI computation.

The Authority after deliberation decided that the PP should not carry out any construction in 50 m mangroves buffer area. No parking is allowed in the 50 m mangorves


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buffer zone area. However, tree plantation should only be done in 50 m mangroves buffer zone area by PP after submission of a scheme of plantation. The PP will hand over the 50 m mangroves buffer zone area with tree plantation done on it to Thane Municipal Corporation. The PP should submit an affidavit stating the same. The TMC will ensure the maintenance of 50 m mangroves buffer zone area.

The Authority further observed that, it is the purview of the concern planning Authority to decide the issue of utilization of FSI of CRZ portion of plot on Non CRZ portion of plot, as per rules.

Item No.65: Reconstructing and levelling work of C.C.pathway chequered tiles on jesal park chowpaty, Bhaindar (E) in MBMC area by Mira Bhaindar Municipal Corporation

The Authority noted that the Mira Bhayander Municipal Corporation(MBMC) vide letter dated 19.11.2014 submitted the proposal for reconstruction and leveling work of cement concrete pathway chequered tiles on Jaisal Park Beach, Bhainder (East)-MBMC. The proposal was considered in 95th & 99th meeting of MCZMA held on 13.1.2015 & 16.5.2015 respectively.

1. Mira Bhayander Municipal Corporation(MBMC) vide letter dated 19.11.2014 submitted the proposal for reconstruction and leveling work of cement concrete pathway chequered tiles on Jaisal Park Beach, Bhainder (East)-MBMC.
2. As per details submitted by MBMC, the said land falls in CRZ I(i). The site under reference is affected by Mangroves. The land under reference falls in Public/Semipublic zone.
3. As per Form I submitted by project proponent, Proposed Chowpaty Construction is in 122A reservation plot in Bhaindar (E). Proposal is for reconstruction work of chowpaty, as per DP reservation.
4. As per CRZ map prepared by CESS, Kerala; the site under reference falls in CRZ I(i) area. .

The Authority noted that the proposal was earlier deliberated in 95th meeting of the MCZMA held on 13th January, 2015 wherein the MBMC officials presented that the proposal is for reconstruction and leveling work of cement concrete pathway chequered tiles on Jaisal Park Beach, Bhainder (E), MBMC. MBMC officials further stated that concrete pathway on Jaisal park beach is in existence since around last 20 years and reconstruction is now proposed. Authority observed that MCZMA is in receipt of numerous complaints regarding CRZ violations & mangroves destruction at Jaisal Park Chowpaty area.


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During 95th meeting, the Authority decided to direct the MBMC to submit the documentary proofs/records regarding the existence of cement concrete pathway on Jaisal Park beach since last 20 years to the Authority.

The Authority further noted that MBMC sent a reply dated 17.01.2015, which states that the Ganpati Visarjan Ghat (pier) on Bhayander (E) Jaisal Park Chowpatty and stairs was constructed in 1994 and concretization of the stairs near said Ghat is done in the year 2000-2001. Said stairs near Ghat has again got damaged and local people are facing problems while walking on it. Hence, re-concretization of the said stairs & chequered tilling work is proposed. MBMC also submitted the copy of permission letter dated 18.2.2001 from Chief Officer, MBMC and completion certificate of work from Deputy Engineer, MBMC.

The Authority further noted that above said existing work on site under reference predates the MCZMA's constitution order dated 4.1.2002, which empowered the MCZMA to examine the project in CRZ area. The Authority further observed that CRZ Notification, 1991 was in force when the above said work was done in the year 1994 & 2000-2001 and the concerned authorities at the State level were empowered to regulate the activities from CRZ point of view in CRZ areas as per provisions of CRZ Notification, 1991.

Further, Authority noted that as per the CZMP in 1:4000 scale prepared by CESS, Kerala, the site falls in CRZ I (i) area. However, MBMC officials presented that the CZMP of the MBMC in 1:4000 scale was received in the year 2005.

The Authority noted that the proposal is only for re-concretization of the stairs & chequered tilling work (70 m* 12.50 m) near Visarjan Ghat on Bhayander (E), Jaisal Park Chowpatty and it is for local people.

The Authority in its 99th meeting decided to deliberate the matter again in view of the fact that area falls in CRZ I(i) area and whether the proposal amounts to repairs or reconstruction and the issues of complaints of mangroves destruction at Jaisal Park Chowpatty.

The Authority directed MBMC to carry out the Rapid EIA and EMP for the whole stretch of the Jaisal Park Chowpatty area. Further, MBMC should also submit the proposal of development of Mangrove Park in the MBMC area and for sustenance of mangroves buffer zone area.

The Authority decided that subject to submission of above said information/ report, the proposal of repairs & reconstruction of C.C. pathway chequered tile would be decided from CRZ point of view.


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Item No.66: CRZ status of plot bearing CTS No. 3929 to 3949 of village Kolekalyan, situated at Shivaji Nagar Road, Vakola, Santacruz (E), Mumbai by M/s. Synergy

The Authority noted that the M/s. Synergy vide letter dated 12.10.2014 submitted an application to MCZMA regarding CRZ status of plot bearing CTS No. 3929 to 3949 of village Kolekalyan, situated at Shivaji Nagar Road, Vakola, Santacruz (E), Mumbai. M/s. Synergy has carried out CRZ demarcation through the IRS, Chennai which is MoEF authorized agency and submitted CRZ map (1:4000 scale) dated 1.10.2014 & report dated Sep, 2014 prepared by IRS, Chennai.

The Authority noted that as per report dated Sep, 2014 of IRS, Chennai, the HTL demarcated by the IRS, Chennai and the HTL of approved CZMP of 1991 is shown in map and in this case, the project site at CTS No. 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948 & 3949 of H/E Ward, Mumbai does not fall within CRZ.

The Authority noted that as per para (ii) of CRZ Notification, 2011, the CRZ area limit with regard to river (tidally influenced water body) is 100 m or width of the creek whichever is less.

The Authority noted the CRZ map (1:4000 scale) dated 1.10.2014 prepared by IRS, Chennai and observed that the said CRZ map indicates the old approved HTL of creek and CRZ area as per CZMP. Further, it also indicates the new draft HTL as per CRZ Notification, 2011 and its CRZ area. The Authority observed that the project site is situated outside the CRZ area from the approved HTL of creek.

In the light of CRZ map (1:4000 scale) dated 1.10.2014 & report dated Sept, 2014, the Authority after deliberation decided that the project site bearing CTS No. 3929 to 3949 of H/E ward, Kolekalyan, Santacruz (E), Mumbai does not fall in CRZ area from the approved HTL of creek, as per approved CZMP. Hence, the project site u/r does not fall under the ambit of CRZ Notification, 2011.

Item No.67: Construction on land bearing S. No. (327) 363/H.No. 1&3, s.No.(328) 365 H.No.1,2,3,4,5,6,7 S.No.(329) 364 S.No.(330), 367,H.No. 7 & 8, S.No.(331) 366 H.No.1,2,3, S.No.(332) 368 H.No. 1,3,5,6 of village Juchandra, Tal. Vasai, Dist. Palghar by M/s. Rashmi Housing Pvt.Ltd.

The Authority noted that the Vasai Virar Municipal Corporation vide letter dated 18.10.2014 forwarded the proposal to MCZMA. The proposal was considered in 98th meeting of MCZMA held on 31.1.2015, wherein the Project proponent (PP) presented that the proposal


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is for construction of residential cum commercial building comprises of 17 buildings & 45 wings of ground + 7 floors on plot bearing S. No. (327) 363/H. No. 1 & 3, S. No. (328) 365/H. No. 1,2,3,4,5,6,7, S. No. (329) 364 & (330) 367/ H. No. 7 & 8, S. No. (331) 366/ H. No. 1, 2, 3, S. No. (332) 368/H. No. 1,3,5,6, Village. Juchandra, Tal. Vasai, Dist. Palghar. As per the CZMP of Vasai Virar prepared by IRS, Chennai in 1:4000 scale, the plot is partly falls in non CRZ, partly in CRZ III and partly in CRZ IA and partly ion CRZ IB and situated on the landward side of the existing road. PP further presented that the Vasai – Virar City Municipal Corporation (VVMC) has issued Development permission and amalgamation letter dated 3.07.2012 for proposed residential with shopline building on land bearing S. No. (327) 363/H. No. 1 & 3, S. No. (328) 365/H. No. 1,2,3,4,5,6,7, S. No. (329) 364 & (330) 367/ H. No. 8, S. No. (331) 366/ H. No. 2,3, S. No. (332) 368/H. No. 1,3,5,6 village. Juchandra, Tal. Vasai, Dist. Palghar. Further, VVMC issued Development permission letter dated 17.09.2012 for residential with shopline building on land bearing S. No. 363 H. No. 3 of village. Juchandra, Tal. Vasai, Dist. Palghar.

The Authority in its 98th meeting observed that as per clause (Viii) of S.O. 18(E) dated 4.1.2002, prior CRZ recommendation from MCZMA was mandatory in the subject proposal, when project has got development permission in year 2012 from VVMC. The Authority in its 98th meeting decided that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 & 24.7.2014 issued by the MoEF, New Delhi. Accordingly, the matter was referred to the Environment Department.

The Environment Department initiated the necessary credible actions as per above said OMs of MoEF and issued proposed Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 on 15.4.2015 to PP. The proponent was heard before the Principal Secretary (Environment) on 18.5.2015. During the personal hearing it was observed that in some points were not discussed in MCZMA meeting.

The project proponent presented that the construction of buildings is not in CRZ area. Only, construction of STP falls in CRZ area.

The Authority after deliberation decided that MCZMA members will make site visit in the proposal.

Item No.68: Proposed repair amounting to reconstruction of existing bank office building on land bearing CS no. 305 of Fort Division Ward no. A- 2097, 249-51 situated at Perin Nariman Street, Fort, Mumbai by M/s. Abhyudaya Co.op.Bank Ltd.


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The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter date 18.10.2014 forwarded the proposal to MCZMA. The proposal was considered in 98th meeting of MCZMA held on 31.1.2015, wherein the project proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. The proposal involves repairs amounting to reconstruction of Ground + four and part fifth upper floor as existing, for the use of the Bank Office on land bearing C.S. No. 305 of Fort Division Ward no. A-2097, 249-51 situated at Perin Nariman Street, Fort, Mumbai.
2. The building is proposed to be reconstructed exactly as it is existing. No change in floor plate / planning / height and user is proposed, except a lift within the building line and counted in FSI at all floors.
3. The proposal is under the category of repairs amounting to reconstruction and is as per circular dated 15.5.1996. The reconstruction is for dilapidated buildings on the same foot print for the same height of building in "as is where is" basis. No extra FSI is permitted.
4. In instant case, the foot print of existing plinth of building is retained. The proposal is of reconstruction with change in material along with addition of lift and ATM within plinth area.
5. MCGM has granted IOD on 3.9.2013 for the project. Proposed BUA is 509.64 sq.m.
6. MCGM letter dated 18.10.2014 mentions that, The plot under reference is in residential zone as per DP 1967 as well as per revised sanctioned DP 1991 and is not under any reservation as per both of these development plans.
7. The plot under reference falls in CRZ II area. The proponent has submitted the CRZ map in 1:4000 scale (November, 2012) prepared by IRS, Chennai (MoEF authorized agency) showing plot under reference. As per the said CRZ, the plot falls in 500 m from HTL. The CRZ map also 100m & 150 m line from HTL.

The Authority noted that MCGM vide letter dated 18.10.2014 mentions that the proposal is under the category of repairs amounting to reconstruction and is as per circular dated 15.5.1996. The Authority noted the proposal is of reconstruction of existing authorize structure wherein the town and country planning regulations as on 19.2.1991 is applicable, as per para 8.II. CRZ II. (iii) of CRZ Notification, 2011. The Authority noted that the circular of 15.5.1996 would not be applicable for the project activity.

The Authority noted that the proposal involves reconstruction of existing authorized buildings and as per para 8.II. CRZ II (iii) of CRZ Notification, 2011 "Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use" The Authority noted that the proposal could be permissible in CRZ II area in accordance with town & country planning regulations as existed as on 19.2.1991 and accordingly, building plans could be sanctioned by the concerned planning Authority. Copy of the sanctioned plans be submitted to MCZMA for information.


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The Authority in its 98th meeting decided to recommend the proposal from CRZ point of view to concerned planning Authority subject to submission of sanctioned plans as per town & country planning regulations as existed as on 19.2.1991 by PP and subject to strict compliance of certain conditions. Accordingly, MCZMA vide letter dated 6.4.2015 requested PP to submit sanctioned plans as per town & country planning regulations as existed as on 19.2.1991. Reply from PP is awaited.

The project proponent presented that the proposal is of repairs amounting to reconstruction of existing bank building, wherein no extra FSI is proposed.

The Additional Chief Secretary, Environment will write to Municipal Commissioner, MCGM to look into the matter that building plans of the said proposal are to be sanctioned as per town and country planning regulations as existing as on 19.2.1991. i.e. DCR 1967.

Further, PP informed that considerable time has been taken by the MCGM to sanction the building plans. Therefore, the Authority decided that MCZMA will write to MC, MCGM to see that building plans are sanctioned as per DCR 1967 (as on 19.2.1991) as early as possible.

Item No.69: Proposed construction of residential cum commercial building on plot bearing CTS No. K568, 568, K566A, 566A at Bazar Peth, Alibag, Tal. Alibaug, Dist- Raigad by Shri. Abhijit Suresh Patil & Shri. Ranajit Himmatlal Jain

The Authority noted that the Alibag Municipal Council vide letter dated 27.10.2014 forwarded the proposal construction of residential cum commercial building on plot bearing CTS No. K568, 568, K566A, 566A at Bazar Peth, Alibag, Tal. Alibg, Dist- Raigad by Shri. Abhijit Suresh Patil & Shri. Ranajit Himmatlal Jain.

The project proponent presented the project details which is as follows:

1. The proposal is for construction of residential & commercial building on plot bearing Survey No. K568, 568, K566A, 566A, Plot area-290.16 sqm at at Mirachi galli, Bazar Peth, village Alibag, Tal-Alibag Dist-Raigad.
2. As per the plan submitted by PP, the proposed construction is of Stilt (pt) + Ground floor (pt) + 3 floors.
3. The Alibag Municipal Council letter dated 27.10.2014 mentions as follows:
 - As per CZMP of Alibag, the plot under reference is partly within 500m from HTL of seafront in CRZ II area and partly out of CRZ, and is situated on landward side of the existing road. The area of plot falling in CRZ is 142 sqm and area of plot falling outside CRZ is 147.92 sqm.

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- As per Development Plan of Alibag dated 20.08.1984, the plot under reference falls in residential zone in congested area.
 - As per Development Plan sanctioned on 30.03.2013, the plot under reference falls in residential zone in congested area.
 - The CZMP of Alibaug showing site u/r is submitted by PP. The said CZMP shows, the site u/r is situated at the borderline of 500 CRZ line.
4. FSI details, as per the plans submitted by PP:

Sr. no	Plot area statement	Area (sq.m)
1	Total area of plot	290.16
2	Area under CRZ	142.77
3	Sr.no. 566K is a tenure	62.70 sqm
4	Permissible FSI under CRZ (A tenure)	1.8
5	Permissible BUA under CRZ (A tenure)	112.86
6	Permissible FSI under CRZ (C Tenure)	1
7	Permissible BUA under CRZ (C Tenure)	80.07
8	Total permissible BUA under CRZ	192.93
9	Area out of CRZ	89.05
10	Area under Road widening	8.87
11	Area under internal road	50.00
12	Total area out of CRZ	147.92
13	Permissible FSI out of CRZ	1.5
14	Permissible BUA out of CRZ	221.88
15	Total permissible BUA for project	414.81
16	Ground & Stilt	52.95
17	First , Second , third floor	321.54
18	Third upper level floor	38.46
19	Total BUA consumed	412.95
20	Total Balance Area	1.86

The PP further states that the plot u/r falls partly in CRZ area. There is existing house on plot under reference. The proposed construction involves the Residential and commercial use.

The Authority observed that the proposal is for reconstruction of existing structure. The Authority instructed PP that commercial use will be allowed in Non CRZ area only and it should be ensured by the Alibag Municipal Council. In the CRZ portion of plot, change in present use of the structure for its reconstruction will not be allowed and residential purpose will be allowed only.


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The Authority after deliberation decided to recommend the CRZ component of the proposal from CRZ point of view under CRZ notification, 2011 to concern planning Authority subject to compliance of following conditions:

1. The proposed reconstruction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The Alibuag Municipal Council should ensure that commercial use will not be allowed in CRZ portion of plot under reference.
3. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
4. The concerned Planning authority should ensure that the FSI, plan and height involved in the proposal for CRZ portion of plot are as per town and country planning regulations existing as on 19.2.1991
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

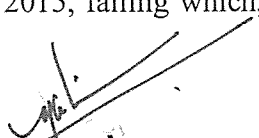
Item No.70: Proposed development on plot bearing CTS No. 194/A/9/10 & 194A/9/11 of village Ghakopar, Tal. Kurla, Mumbai by M/s Agnel Developers

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 31.10.2014 forwarded the proposal of development on plot bearing CTS No. 194/A/9/10 & 194A/9/11 of village Ghakopar, Tal. Kurla, Mumbai by M/s Agnel Developers. The MCZMA vide letter dated 25.5.2015 requested PP submit following information:

1. CRZ map prepared by IRS, Chennai should indicate old approved HTL & its CRZ area extent as per CRZ Notification, 2011.
2. If there is change in old approved HTL & new draft HTL, then it should be reported.
3. Area falls in CRZ area and Non CRZ area as per Old approved CZMP from IRS, Chennai.
4. Conclusion with respect to old approved HTL & CRZ area as well as new draft HTL & CRZ area
5. Present ecosystem around the project.

The reply from PP is awaited in the matter. The project proponent during the meeting submitted a letter dated 27.7.2015 requesting Authority to keep the project in abeyance and reschedule the project for next meeting.

The Authority after discussion decided to write to PP requesting to submit the required information as sought by MCZMA vide its letter dated 25.5.2015 by 31st August, 2015, failing which, it will be construed that the proponent is not interested in the proposal


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and and the same will be returned & delisted from the records of the MCZMA with the approval of Chairperson, MCZMA.

Item No.71: Proposed construction on land bearing S.No.62, H.No.1,7 S.No.63, H.No.2/1,2/2, S.No.64 H.No.2,3, S.No.65, S.No.68 H.No.1,2,3 etc. village Gokhivare, Tal. Vasai, Dist. Palghar by Shri. Devendra R.Ladhani

The Authority noted that the Town Planning, Vasai Virar City Municipal Corporation vide letter dated 01.11.2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal before the Authority which is as follows”

1. As per the Town Planning Vasai Virar City Municipal Corporation vide letter dated 01.11.2014, Proposed construction is of residential & commercial building on plot bearing Survey No. 62, Hissa no. 1,7; S.no 63, H.no. 2/1, 2/2, S.no: 64, H.no. 2,3; S.no. 68, H.no. 1,2 & 3 , S.no.: 69/1,2,3,4,5; S.no.85, H.no. 3B,10 & 12, S.no.:87, H. no.2A,2B,3 & 7, S.no. 88, H.no.1A, 1B, 2A & 2B, S.no.89, H.no. 1, 2,&4 , S.no. 272, S.no. 274/2,3, S.no. : 275/1,2 , S.no. 276/1,2,3,4, S.no. 277, H.no. 2 & 3, S.no. :278, H.no. 1,2,3, S.no. 279/1, S.no.: 280/1,2,3,4,5, Village: Gokhivare, Tal-Vasai, Dist, Palghar.
2. As per the Town Planning Vasai Virar City Municipal Corporation vide letter dated 01.11.2014,
 - S.no. 62,63,73,64,227 of village Gokhiware is affected by CRZ landward of HTL buffer zone area as per cess map of CRZ plan.
 - The S.no. 75,76,77,79,81,84 of village Gohiware is not affected by CRZ as per CESS map of CRZ Plan.
 - The S.no. 275 &278 of village Gohiware is affected by Mangrove area, Mangroves Buffer Zone area and CRZ landward of HTL Buffer Zone area as per CESS map of CRZ Plan.
 - The S.no. 276 of village Gohiware is affected by Mangrove area, Mangroves Buffer Zone area and CRZ landward of HTL Buffer Zone area as per CESS map of CRZ Plan.

The MCZMA vide letter dated 1.6.2015 requested PP to submit certain information. M/s Devendra R. Ladhani vide letter dated 24.7.2015 submitted reply to MCZMA, which is as follows:

1. The report and map's, colour Xerox copy for the same, showing site under reference as per CRZ notification, 2011 is enclosed.
2. The report and map's, colour Xerox copy for the same, showing site under reference as per CRZ notification, 2011 is enclosed. In this map, even though HTL as per


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approved CZMP is maintained, the CRZ buffers of 100 m or width of creeklet whichever is less is marked, in view of provisions of CRZ-2011.

3. The area schedules based on the 100 m width or width of the creek whichever is less criteria is submitted.
4. No construction work has been started on the CRZ belt. Based on the approved CZMP prepared by CESS, VVMC has granted permissions for residential buildings in Non CRZ area, without claiming FSI advantage of CRZ buffers. In the approved CZMP, CRZ buffer of 150 m was shown. The layout in Non CRZ area has been granted Environment clearance under No. SEAC-2013/ CR 198/ TC 1 dated 31.5.2014 and the work of the buildings is started in Non CRZ area only. We wish to avail benefit of reduction in creek buffer from 150 m to 100 m, based on CRZ-2011 as well as advisory issued by MoEF. We also intent to claim FSI advantage of CRZ buffer to be utilized in Non CRZ area
5. No construction work has been started on the CRZ belt. Buildings are proposed in Non CRZ area (As per stringent of approved CZMP & CRZ map as per 2011 Notification) & No construction is proposed in CRZ belt. However, FSI advantage of CRZ belt is proposed to be used on Non CRZ area.
6. The IRS, Chennai report dated June, 2015 mentions as follows:
 - The HTL demarcated by the IRS, Chennai corresponds to the HTL shown in the approved CZMP 1991 subject to generalization error caused by the variation in the scale of mapping. The change in HTL on south side of the proposed project site is clearly shown.
 - CRZ shall be applied for the land / site within the width /100 m buffer zone from HTL for Bay/ creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the details about the land not affected by CRZ (Non CRZ areas) and affected by CRZ IB, CRZ III and CRZ IV B (CRZ areas) as per 1991 and 2011 CRZ Notifications are given in the Annexure I by considering CRZ buffer of Max 100 m or width of the creek whichever is less as the proposed project site is affected by CRZ of Creek.
 - The project site falls outside the 50 m buffer from Mangroves

The Authority after deliberation decided to seek following information from PP:

- CRZ status of the Survey Nos. and its area as per approved CZMP of the area in tabular format
- Environment Management plan for solid & liquid waste management
- Whether construction is proposed in CRZ area. If yes, details of the activities should be submitted with the proposal.

Item No.72: Proposed installation of Package type Sub Station (PSS) at Ambojwadi, village Malvani, Mumbai by M/s. The Tata Power Company Limited


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The Authority noted that the M/s. Tata Power vide letter dated 5.11.2014 submitted the proposal of installation of Package type Sub Station (PSS) at Ambojwadi, Village Malvani, Mumbai by M/s. Tata Power to MCZMA.

The project proponent presented the proposal which is as follows:

1. The proposal is for installation of Package type Sub Station (PSS) at Ambojwadi, Village Malvani, Mumbai. Existing 22 kv over head transmission lines are connected to 11kv Package type Sub Station (PSS) , feeding Malad BMC pumping station & Raheja Exotica Residential Complex.
2. CRZ map in 1:4000 scale dated 21.5.2015 indicating project site & approved HTL & its CRZ area prepared by IRS Chennai is submitted. As per said CRZ map prepared by IRS, Chennai, the site under reference falls in CRZ-III area as per new HTL and the site under reference falls within HTL (i.e. CRZ-I) as per approved CZMP.
3. Ambojwadi is located in Malvani area in the vicinity of Malad. There are 22 Kv transmission lines passing through close proximity to the Ambopjwadi area. Existing 22 Kv overhead transmission lines are connected to 11 kv Package type Sub Station (PSS), feeding Malad BMC pumping Station & Raheja residential complex
4. It is proposed to install PSS at Survey No. 265 (pt); CTS No. 3556 of Malavani, Malad (E), Mumbai. Following activities are proposed at site:
 - Construction of concrete foundation of 6m X 5.5m (33m²) as a platform for PSS.
 - To cap the existing source from Tower No. T 8 of 22 Kv overhea line.
 - Installing a PSS at boundary of the Ambojwadi.
 - Installing of Switching RMUs for the above.
 - tap the 11kv source from abobe TMU.
 - Developing LT network by installing the Sub feeder pillar & mini pillar.
 - Releasing Power Supply from the installed pillars.
 - The proposed dite and project activities will not have any adverse affect on the surrounding CRZ area.

The Authority observed that as per the approved CZMP, which is in force, the site under refence falls in CRZ I (ii) area. PP stated that the collector has allotted the land and transmission line is already present near the site. The proposal is install the packaged substation of area around 6 m x 6 m.

The Authority observed that the activity is not covered in para 8.I. (ii) b of CRZ Notification, 2011. However, considering the fact that this activity is an essential for local inhabitants, the Authority after deliberation decided to refer the proposal to Ministry of Enviornment, Forest and Climate Change, New Delhi.


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Item No.73: Proposed redevelopment on plot bearing CS no. 2C/738 of Malbar Cumbala Hill, Mumbai by M/s. Windsor Residence Pvt. Ltd

The Authority noted that the Municipal Corporation of Greater Mumbai vide letter dated 11.11.2014 forwarded the proposal redevelopment on plot bearing CS no. 2C/738 of Malbar Cumbala Hill, Mumbai by M/s. Windsor Realty Developers Pvt. Ltd. The proposal was considered in 98th meeting of MCZMA held on 31.1.2015, wherein the Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. The proposal is for redevelopment on plot bearing C.S. No. 2C/738 of Malbar – Cumbala Hill Division, Building No. 8, bearing Cess No. D-34951(10B), at M.L. Dahanukar Marg, Mumbai.
2. Proposed new residential building comprises of 2 basements + Ground floor + 1st to 8th upper floors for residential use.
3. Municipal Commissioner, MCGM has approved various concessions for the proposed building on 15.8.2014. MCGM has issued IOD vide letter dated 5.9.2014 for the project. The developer has not proposed any construction in the CRZ area, only the FSI of the same is used as in the approved plans.
4. MHADA vide letter dated 19.1.2013 issued No Objection Certificate for redevelopment with FSI 3.00 for portion of property do not fall under CRZ and FSI 2.50 for the land admeasuring 8.90 sqm which falls under CRZ area.
5. As per MCGM letter dated 11.11.2014, the plot under reference is situated in residential zone as per 1967 DP as well as in revised DP 1993 and is not under any reservation as per both of the development plans.
6. The user of residential was permissible as per land use and zoning as on 19.2.1991 as well as on 6.1.2011.
7. MCGM letter dated 11.11.2014 mentions that, as per approved CZMP of Mumbai the land under reference partly falls in CRZ II (within 500 m from HTL) & partly falls in non CRZ area and situated on landward side of existing Dr. Gopalrao Deshmukh Marg. A very small corner of the property admeasuring 8.90 sqm is falls in CRZ –II area.
8. MCGM letter dated 7.11.2007 mentions that, the property bearing D Ward No. D-3495(10B) situated at 8, Carmichael Road under Category A (Residential / Non – Residential) Cessed Building.
9. FSI Details, as per plans approved (IOD) dated 5.9.2014:
 - Area of plot – 1623.76 sqm
 - Deduction for CRZ area- 8.90 Sqm
 - Net Plot Area – 1614.86 sqm
 - FSI Permissible as per MHADA – 3.00
 - Permissible Floor Area- 4844.58 sqm
 - CRZ area (8.90 X 2.5) – 22.25 sqm

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- Total Permissible BUA -4866.83 sqm
- Proposed BUA – 4865.61 sq.m.

10. Public hearing was conducted on 2.7.2013 by MPCB as per CRZ Notification, 2011.

The Authority noted that PP has submitted the CRZ map in 1:4000 scale superimposing the plot under reference prepared by one of the agency authorized by MoEF.

Authority noted that the report of IRS, Chennai does not mention as to whether HTL demarcated by the IRS as per CRZ Notification, 2011 corresponds to HTL of approved CZMP. PP need to submit the same through IRS, Chennai. The Authority observed the proposal is for redevelopment of property in CRZ portion of plot in accordance with para 8.V. (c) of CRZ Notification, 2011 wherein the country & town planning regulations as existed as on 6.1.2011 is applicable. The Authority in its 98th meeting decided to recommend the proposal from CRZ point of view to concerned planning Authority subject to submission of clarification by PP through IRS that HTL demarcated by the IRS as per CRZ Notification, 2011 corresponds to HTL of approved CZMP and strict compliance of certain conditions.

The Authority noted that project Proponent vide letter dated 24.2.2015, 25.3.2015 submitted a reply along with IRS Chennai Letter dated 5.2.2015 which mentions that, the demarcation of HTL/LTL in the project site at C.S. No. 2C/738, D-Ward, Malbar Hill, Mumbai, Maharashtra was completed in May, 2012. Further, it is mentioned that, the HTL demarcated by IRS corresponds to the HTL shown in the approved CZMP 1991 subject to the generalized error of variation (if any) in the scale of mapping.

The Authority after detailed discussion and deliberation decided to recommend the CRZ component of the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. All the conditions of para 8.v. 1. (c) of CRZ Notification, 2011 should be complied with.
3. The MCGM should ensure that FSI, plans, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011 for CRZ component of the project.
4. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 6.1.2011, for CRZ component of the project.
5. Project proponent should implement green initiatives such rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.


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6. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.


Item No.74: Proposed redevelopment on plot bearing CTS No. C/1526 of village Sherly at Off Carter Road, Bandra (W), Mumbai by Shri. Bashir Ali Achwa

The Authority noted that the MCGM vide letter dated 12.11.2014 submitted the proposal of redevelopment on plot bearing CTS No. C/1526 of village Sherly at Off Carter Road, Bandra (W), Mumbai by Shri. Bashir Ali Achwa. The proposal was considered in 98th meeting of MCZMA held on 31.1.2015, wherein the project proponent presented the proposal before the Authority. The Authority noted the followings:

1. The proposal is for proposed redevelopment of building on plot bearing CTS No. C/1526 of village Sherly at Off Carter Road, Bandra (W), Mumbai.
2. Proposed building comprises of Ground + 2 upper floor for residential use. Municipal Commissioner, MCGM has approved various concessions for the proposed building on 7.4.2014. MCGM has issued IOD vide letter dated 25.6.2014 for the project.
3. As per MCGM letter dated 12.11.2014, the plot under reference is situated in residential zone and was not reserved for any public purpose in DP 1966. The user of residential was permissible as per landuse and zoning as on 19.2.1991.
4. MCGM letter dated 12.11.2014 mentions that as per approved CZMP of Mumbai the land under reference falls in CRZ II (within 500 m from HTL).
5. As per MCGM letter dated 22.8.2007 existing house prior to 1961- 62.
6. FSI Details, as per plans approved (IOD) by MCGM on 25.6.2014,
 - Area of plot – 112.00 sqm
 - FSI Permissible – 1
 - Permissible Floor Area- 112.00 sqm
 - Proposed BUA – 110.91 sq.m.

Authority noted that the Urban Development department has issued No Objection certificate for proposed redevelopment on 8.1.2008. PP however, stated that CC for the project is not yet received from MCGM. Authority directed PP to submit the clarification from MCGM whether CC is issued to the project. The Authority noted that the proposal is in accordance with para 8.II. CRZ II (iii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

The Authority in its 98th meeting decided to recommend the proposal to concerned planning authority from CRZ point of view subject to submission of clarification from MCGM that CC is not issued for the project and subject to strict compliance of the certain conditions.


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Accordingly, MCZMA vide letter dated 6.4.2015 requested PP to submit clarification from MCGM that CC is not issued for the project.

The Authority noted that the MCGM vide letter dated 9.6.2015 clarified that, in this case the various concession are approved by Hon'ble Municipal Commissioner subject to submission of MCZMA NOC before issue of C.C. accordingly IOD was issued on 25.6.2014 and Commencement Certificate (C.C.) is not granted till date. The project proponent was present for the meeting.

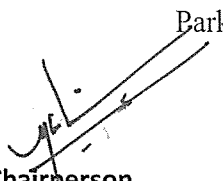
The Authority noted that as per para 8.II. CRZ II.(iii) of CRZ Notification, 2011: reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;

Further, the Authority noted the amended Notification dated 16th June, 2015 issued by MoEF, New Delhi

The Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to the concerned planning Authority subject to compliance of following conditions:

1. The proposed reconstruction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. MCGM should ensure that redevelopment is in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19th February, 1991.
4. The concerned Planning authority should ensure that the FSI, plan, height and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
5. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.75: Proposed development of plot bearing CTS No. 1A/1/B/7A/1, 1A/1/B/7A/2, 1A/1/B/7A/3, 1A/1/B/7A/4, 1A/1/B/4, 1A/1/B/5 and 1A/1/B/8 village Goregaon, Mumbai by M/s. Windsor Grande Residence & Windsor Corporate


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The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 13.11.2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal which is as follows:

1. The Architect has submitted plans for two separate buildings one for residential building comprising of Wings- A, B, C & D with Stilt + 1st to 3rd level Podium + 3rd floor voids + 1st to 28th upper floor levels for flats / rooms for residential use and another for commercial building comprising of Lower Basement + Upper Basement + Ground (pt) + Stilt (pt) + 1st to 6th upper floor levels for offices commercial use. The plot under reference abuts nalla on North boundary of the plot, where CRZ belt is prescribed as per approved CZMP. Proposed construction is beyond this CRZ belt, by using captive FSI potential (1.00) of CRZ belt.

The PP further presented the background of the proposal which is as follows:

1. As per MCGM remarks dated 13.11.2014, IOD was issued for commercial Building No. 1 on 7.7.1993 and further on 9.11.2011 and CC up to plinth level was granted on 18.9.1997. Further, the CC for the entire work i.e. for lower basement + upper basement + Gr. (pt) + Stilt (pt) + 2nd (pt) + 3rd + 4th + 5th (pt) upper floors was issued on 29.11.2011 as per amended plans dated 9.11.2011.
2. For Residential Building No. 3, the IOD was issued on 26.12.2001. CC up to Plinth Level was granted on 26.12.2002. Further, plans were amended on 6.3.2003 and CC up to stilt slab level was granted 19.3.2003. Further, the CC for entire work i.e. for wings A, B, C, D for stilt + 1st to 3 level podium + 3rd floor voids + 1st to 28th upper floors was issued on 21.3.2012 as per amended plans dated 9.11.2011. Even the CC for club house and swimming pool was issued upto plinth level on 9.1.2009 as per approved on 14.11.2008.

The Authority noted the remarks dated 13.11.2014 which is as follows:

- UDD, Maharashtra vide letter dated 12.10.2000 informed that the HTL shown on CZMP is not correctly shown. The Chief Hydrographer, GOI has given the revised HTL and the same revised HTL has been vetted by Ministry of Environment and Forests, vide their letter dated 6.4.2000. Further UDD communicated to MoEF that the HTL demarcated by Chief Hydrographer during April! 1999 be taken into consideration by the state government while considering the proposal for NOC. Even, later, UDD, Govt of Maharashtra had communicated to Director, Engg Department of MCGM, as per the plan prepared by Hydrographer in April, 1999 and the width of Oshiwara Nallah is less than 50 mtrs, the actual width of this nallah to be considered in CRZ area vide their letter dated 27/4/2001. Accordingly, MCGM has approved the plans by leaving CRZ belt equal to the width of Nalla i.e. 30.00mts. for plot u/r. and no construction is proposed in CRZ belt. As the project proponent went ahead with


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the construction beyond 20000 sq mtrs, without obtaining EC as per EIA-2006 notification, violation action has been initiated against the developer and Criminal case is filed in the Metropolitan Magistrate Court, as per Office Memorandum dated 12.12.2012.

- SEAC in their 26th meeting, instructed the project proponent to obtain remarks from MCZMA, so as to process the matter of EC further. Hence, as per the application submitted by the developers, the present proposal is being processed by MCGM.

The MCZMA vide letter dated 23.1.2015 requested PP to submit certain information. M/s. Windsor Realty Private Limited vide letter dated 4.5.2015 submitted its reply which is as follows:

1. CRZ map in 1:4000 scale showing HTL, CRZ area & project layout demarcated (April, 2015) by IRS Chennai showing present ecosystem (i.e. Mangroves) around the project site as per provisions of CRZ Notification, 2011 is submitted.

As per IRS report, the site falls partially inside the CRZ area, which is width of the creek from HTL demarcated by Chief hydrographer as approved by MoEF in the year 1999. The site falls outside the 100m buffer zone (i.e. CRZ-II) as per 2011 CRZ Notification guidelines. This is because the reduced salinity levels in the creek let close to the project site. The site affected by CRZ as per 1999 CRZ map by Chief hydrographer and approved by MoEF is 789.59 sqm. This is calculated based on the percentage area affected by CRZ from the GIS using p-line method and converted to sqm using the area found in the property card. There are mangroves present in the vicinity. The project site falls outside the 50m mangrove buffer.

2. CRZ map also should indicate old approved HTL, its CRZ area extent as per CRZ Notification, 2011 is submitted.
3. As per IRS report, there is change in HTL as demarcated by IRS as per 2011 CRZ Notification, (because of the reduced salinity level) than HTL as shown in approved CZMP 1991.
4. As per IRS report, CRZ and Non CRZ area details for HTL demarcated by Chief hydrographer in April 1999 & Accepted by MoEF.

CTS No.	CRZ area (in sqm)	Non CRZ area (in sqm)	Total (in sqm)
1A/1/B/7A/1	4143.96	20061.24	24205.2
1A/1/B/7A/2	188	-	188
1A/1/B/7A/3	2117.81	973.49	3091.3
1A/1/B/7A/4	-	2400.5	2400.5
1A/1/B/4	814.58	35.42	850
1A/1/B/5	80.243	2954.157	3034.4
1A/1/B/8	551	-	551
Total	7895.593	26424.807	34320.4


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As per PP letter dated 4.5.2015, This is calculated based on the percentage area affected by CRZ from the GIS using p-line method and converted to sqm using the area found in the property card.

The above area in CRZ also consist of area in PG reservations and Road. The area in Non CRZ also consist of School reservation, PG reservation and road reservation. The net area under CRZ after deducting PG reservation and road is 5528.463 sqm. and the net area under non CRZ (unreserved) in Residential zone under development is 22476.637 sqm TDR / road/ 0.33 FSI claimed only on 21522.54 sqm area which is actually less than the non CRZ area certified as per demarcation

5. The work of building in the project, situated beyond CRZ belt of Nalla, but by using Captive permissible FSI as on 19.2.1991 and without claiming TDR use has been approved by MCGM and nearing completion on site. As the EC was not obtained, case has been filed in court, as per EP Act, for violation and the matter is pending threat. As , No construction is carried out in CRZ belt, the proposal under reference is for use of FSI potential of CRZ belt in Non CRZ area, by availing captive FSI of 1.00 Only, as per permissible as on 19.2.1991, in a building constructed beyond CRZ belt.

Further, the M/s. Windsor Realty Private Limited submitted its reply dated 8.5.2015, which mentions that, the proceedings of NGT in relation to the above proposed development has been stayed by the Hon'ble High Court. The Hon'ble High Court order dated 5.11.2014, 3.12.2014 9.12.2014, 12.1.2015, 10.2.2015 & 26.3.2015 has been submitted.

The PP stated that the plot u/r situated partly inside the CRZ area as per approved CZMP. The construction of building is situated beyond CRZ belt of Nalla. However, FSI as on 19.2.1991 has been approved by MCGM and nearing completion on site.

The Authority noted that Application No. 13/2014 is filed before the National Green Tribunal, Pune regarding the alleged CRZ & EIA Notification violations in the matter. Further, there is a Hon'ble High Court case bearing WP No. 594/2015 (Windsor Realty Pvt Ltd Vs Secretary, MoEF & ors).

Further, there was a complaint dated 23rd Oct, 2013 received before the MCZMA alleging the CRZ & EIA Notification violations in the matter, which was sent to MCGM for examination The MCGM sent a letter dated 29.1.2014 informing that MCGM has already directed the developer /Architect to stop the work immediately and submit the explanation with reference to clearance from MoEF in light of EIA Notification, 2006 & CRZ clearance.

The Authority observed that the PP has submitted the CRZ map (1:4000 scale) prepared by IRS, Chennai, superimposing the plot u/r. The said CRZ map indicates HTL


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demarcated by Chief Hydrographer of year 1999 & its CRZ buffer area. The Authority felt that it is necessary to have superimposition of actual building constructed on the said CRZ map of IRS, Chennai, in order to ascertain as to whether present construction on the site u/r is falling outside CRZ belt of Nalla.

The Authority after detailed discussion & deliberation decided the following:

1. The PP should submit the superimposition of actual constructed building structure on approved CZMP in 1:4000 scale through MoEFCC approved agency.
2. MCZMA will write to MCGM seeking a report regarding the complaint & current status of construction on plot u/r.

Item No.76: Proposed implementation of slum redevelopment scheme for Nityanand CHS(Prop.) by interchanging the location of reservation of open space and residential zone of plot bearing 791/A(pt) in A Block, Bandra reclamation layout of MHADA by M/s. Wizard Construction Pvt. Ltd.

The Authority noted that the Maharashtra Housing and Area Development Authority (MHADA) vide letter dated 18.11.2014 forwarded the proposal to MCZMA.

The Authority noted that the proposal was earlier discussed in the 94th Meeting of MCZMA held on 24th & 25th November, 2014, wherein the project proponent (PP) presented the matter before the Authority. The Authority noted the following:

1. Maharashtra Housing and Area Development Authority (MHADA) has submitted subject proposal to MCZMA vide letter dated 18.11.2014, as per which, the slum i.e. Nityanand CHS(Prop.) is situated in MHADA Layout on plot area of 17800 m² in CRZ-II area & partly in CRZ-I area and is reserved as "OPEN SPACE" as per Mumbai Metropolitan Region Development Authority's (MMRDA) D.P. of BKC 'A' block Bandra (W) Mumbai. Presently the slum is situated on the land, which is reserved for open space in the development plan. Hence redevelopment on the plot is not possible. The slum dwellers are insisting for permanent house on their present location itself which is not permissible it being open space. It is therefore, proposed to shift the said open space in CRZ-I area in place of MHADA's residential plot & relocate MHADA's R- plot to that extent in CRZ-II area to enable the implementation of the Joint Development scheme as per CRZ notification dated 6/1/2011. MHADA vide its resolution no. 6661 dated 22/05/2014 has approved the said Joint Development proposal (JDP) of Slum Rehabilitation scheme.
2. As per CRZ notification dated 6/1/2011, MHADA is likely to get 51% BUA in the said Joint Development Proposal to be utilized for generating affordable housing stock. For this purpose, MHADA has requested MMRDA to approve the said


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relocation being Special Planning Authority for BKC. MMRDA vide their letter dated 7/10/2014 have informed MHADA that the said relocation is approvable as per DCR 1967 regulation no 39(viii) subject to obtaining CRZ clearance from MCZMA. The need for interchange of open spaces reservations and residential zone for implementing Slum Rehabilitation Scheme is for following reasons;

- Rehabilitation of slum dwellers on same location by providing safe structures and also upgradation of the standard of living of slum dwellers.
- It will provide buffer between HTL and proposed SRA scheme redevelopment which is desirable from the planning view point.

The Authority in its 94th meeting noted that MHADA has requested to approve the proposed relocation and interchanging of open space & R-Zone in CRZ area as indicated in the plan and grant clearance to the proposal submitted. If approved, this modification shall be incorporated in the layout plan of Bandra Reclamation subsequently. The Authority further noted that as per old approved CZMP, the plot under reference falls partly in CRZ-I & II. As per CRZ map in 1:4000 scale prepared by IRS, Chennai (MoEF authorized agency), the plot under reference is beyond 100m from HTL of Mahim bay.

The Authority in its 94th meeting observed that proposed relocation and interchanging of open space & R-Zone in CRZ area would amount to change in approved categorization of CRZ area of the land under reference. Authority further noted that as per CZMP approval letter dated Sep 27, 1996 of Maharashtra, Government of Maharashtra will not make any changes in the approved categorization of CRZ areas without prior approval of Ministry of Environment & Forests, Government of India.

The Authority in its 94th meeting observed that issue of interchange of reservation within the Development Plan (DP) as per applicable Town and Country planning regulations is within the jurisdiction of concerned planning Authority and it is up to the concerned planning authority to take appropriate decision in this regard. Thereafter, concerned planning Authority shall send a separate proposal to MCZMA for examination as per CRZ Notification, 2011.

Accordingly, the MCZMA issued a letter dated 28.1.2015 to MHADA with copy to (MMRDA).

The Authority noted that the MMRDA vide letter dated 27.3.2015 sent a proposal to MCZMA, as per which:

1. MMRDA is functioning as a Special Planning Authority for Bandra-Karla Complex Notified Area. Government has sanctioned the Planning Proposals in the year 1979 for Bandra-Kurla Complex Notified Area (BKC) in which Block "A" is included. Copy of the BKC Planning Proposals is submitted. MHADA has proposed the


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interchange of reservation of open space with residential plot of equivalent area of 1.78 ha (17800 sq.m.) for implementation of SRA scheme in the 'A' block of BKC from which MHADA will get 51% share of built up area for generating affordable housing stock from this Joint venture project. A copy of the plan showing this interchange of reservation area is submitted.

2. The location of interchange of reservation of 'Open Space' and 'Residential' area is marked by MHADA on the copy of the plan D-3 of sanctioned planning proposals of Block-'A' of BKC. On this plan the HTL line is marked by blue colour. This HTL line is passing through open space reservation. The North side of this open space reservation falls in CRZ-II and south side of open space reservation portion falls in CRZ- 1 as shown on the plan submitted. It is mentioned in the clause 8(V)(iii)(e) of the CRZ Notification dated 6/01/2011 that, *In order to protect and preserve the 'Green lung of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone'.*
 - a. The 'open space' reservation falls in CRZ-II which is categorized as CRZ-III i.e. no development zone. The part portion of residential area falls in CRZ-II and part portion falls in CRZ-I. Now, MHADA has proposed to interchange these reservation area. The swapping of these reservations would result in interchange of CRZ category.
3. The applicable DCR for the CRZ area is BKC's DCR-1979 read with sanctioned MCGM's DCR 1967. MHADA has proposed to interchange the reservation of equivalent area of 1.78 Ha. The Metropolitan Commissioner of ,MMRDA has granted the approval for the proposal of interchange for reservation of open space and residential plot with the same area and within the same layout of 'A' Block of Bandra-Kurla Complex Notified Area under the Regulation no.39(viii) of sanctioned MCGM's DCR-1967.

The PP presented the matter and stated that the plot u/r is presently occupied by slums prior to 1995. The project of Slum Rehabilitation Scheme has received Environment Clearance vide letter no. 21-205/2014-III.III dated 23rd June, 2015 by Ministry of Environment Forest, Climate Change, New Delhi.

The Authority observed that there is 'Open Space' reservation and Residential zone on site u/r.

The Authority noted that the plot under reference falls substantially within the approved HTL of Mahim Bay i.e within CRZ I area, as per approved CZMP of Greater Mumbai. Balance portion of plot falls in CRZ II area, as per approved CZMP. However, as per provisions of CRZ Notification, 2011, the open spaces indicated in DP within CRZ II area is categorized as

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CRZ III area that is, 'no development zone'. The Authority observed that 'open space' reservation on site u/r falling in CRZ II would be categorized as CRZ III area.

The Authority noted that relocation and interchange of 'open space' & R- Zone in CRZ area is proposed. The Authority further noted that since, substantial portion of plot falls in CRZ I area, the said relocation and interchange is substantially proposed in CRZ I area along with CRZ II area. The Authority observed that the said relocation will amount in change in approved CRZ categorization of site u/r.

The Authority further noted that as per CZMP approval letter dated Sep 27, 1996 of MoEF, New Delhi, the Government of Maharashtra will not make any changes in the approved categorization of CRZ areas without prior approval of Ministry of Environment & Forests, Government of India.

The Authority further discussed that preparation of new CZMP in accordance with CRZ Notification, 2011 is also under progress.

The Authority after deliberation decided to refer the proposal of change in approved CRZ categorization i.e. reclassification to the Ministry of Environment, Forest and Climate Change, New Delhi.


Item No.77: Proposed construction of school building "New Horizon World School" on plot no. 58 to 62, sector 20, Koparkhairne, New Mumbai – by M/s Lalbahadur Shastri Mission Developers.

The Authority noted that the proposal of construction of school building "New Horizon World School" on plot no. 58 to 62, sector 20, Koparkhairne, New Mumbai – by M/s Lalbahadur was received on 18.11.2014 to MCZMA. The proposal was considered in 98th meeting of MCZMA held on 31.1.2015. Project Proponent was absent for the meeting. Hence, the matter was deferred.

The project proponent presented the proposal which is as follows:

1. The proposal is for construction of school building "New Horizon World School" on plot no. 58 to 62, sector 20, Koparkhairne, New Mumbai – by M/s Lalbahadur Shastri Mission Developers. Proposed school building comprises of Ground + 3 upper floors and height of 15.3 meters.
2. The Navi Mumbai Municipal Corporation letter dated 18.11.2014 mentions as follows:
 - As per Coastal Zone Management Plan the said land falls in CRZ II & is situated on landward side of existing bund road.


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- As per Development Plan, the plot no. 58 to 62, sector 20 falls in residential zone.
- 3. FSI Details, as per the plans submitted by PP:
 - Area of plo: 3705.327 Sqm
 - Permissible FSI: 1
 - Permissible BUA: 3705.327 Sqm
 - FSI consumed : 0.996

The Authority after deliberation decided to seek following information from PP:

1. Superimposition of the plot on CRZ map in 1:4000 scale prepared by one of MoEF authorized agencies, showing old approved HTL & its CRZ area.
2. Area calculations of CRZ II area and mangroves buffer zone area
3. Affidavit that no construction will be done in mangroves buffer zone area and appropriate plantation will be carried out in the area after submission of plan.
4. Plan of solid waste management and liquid waste management should be submitted
5. Undertaking that vehicle that will be hired will be parked temporarily in mangrove buffer zone area.

Item No.78: Proposed redevelopment of existing Bungalow known as Prabhat Villa, situated on plot No. C.T.S.No. 1039/2 of village Juhu, Juhu Tara Road, Santacruz(W), Mumbai by M/s. Shilp Associates

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 18.11.2014 forwarded the proposal to MCZMA. The proposal was considered in 98th meeting of MCZMA held on 31.1.2015, wherein the project proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. The proposal is for redevelopment of existing bungalow known as Prabhat Villa, situated on plot No. 30A/4, TPS II Santacruz, bearing CTS No. 1039/2 of village Juhu, Juhu Tara Road, Santacruz (W), Mumbai. Proposed new residential building comprises of basements + stilt for parking + 1st to 5th upper floors on land u/r.
2. Municipal Commissioner, MCGM has approved various concessions for the proposed building on 16.9.2013. MCGM has issued IOD vide letter dated 22.5.2014 for the project.
3. As per MCGM letter dated 18.11.2014, the plot under reference is situated in residential zone as per 1967 DP as well as in revised DP 1993 and is not under any reservation as per both of the development plans.
4. MCGM letter dated 18.11.2014 mentions that, as per approved CZMP of Mumbai the land under reference falls within 500m from HTL of Arabian Sea & in CRZ II. As per CRZ map prepared by IRS Chennai, the plot bearing CTS No. 1039/2 falls in CRZ-II area.


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5. MCGM letter dated 18.11.2014 mentions that, the existing building comprising of Gr. + 1 upper storey is still existence and standing onsite and demolition will be insisted before issue of CC. The existing building is assessed before 31.3.1961 as per assessment extract.
6. FSI Details, as per plans approved (IOD) by MCGM on 22.5.2014 & MCGM letter dated 18.11.2014
 - Area of plot – 405.56 Sqm
 - Area plot of plot as per PR card – 376.50 Sqm
 - FSI Permissible - 1.00
 - Permissible Floor Area- 376.50 Sqm
 - Proposed BUA – 375.45 Sq.m.
 - BUA claimed Free of FSI – 2257.65

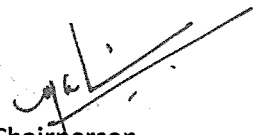
The Authority noted that MCGM in its letter dated 18.11.2014 has mentioned that CRZ clearance is already granted for F.P. No. 30A/3 & 30A/4 of TPS II Santacruz by MoEF, New Delhi. Authority asked PP about the same. PP declined about the earlier CRZ clearance to the project. Authority directed the PP to submit the undertaking regarding the same. The Authority observed the proposal is for redevelopment of property in accordance with para 8.II of CRZ Notification, 2011 wherein the country & town planning regulations as existed as on 19.2.1991 is applicable. The Authority in its 98th meeting decided to recommend the proposal to concerned planning authority from CRZ point of view subject to submission of undertaking from PP that there is no earlier CRZ clearance to their project and subject to strict compliance of the certain conditions.

Accordingly, the project proponent vide letter dated 9.2.2015 submitted a reply which mentions that, the proposed redevelopment of existing bungalow known as Prabhat Villa, situated on plot bearing CTS No. 1039/2 of village Juhu Tara Road, Santacruz (W), Mumbai belongs to them and they have not obtained as of today any permission from Environment Department, Government of Maharashtra, MoEF, MCZMA, SEAC, SEIAA.

The Authority noted that as per para 8.II. CRZ II.(iii) of CRZ Notification, 2011: reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;

Further, the Authority noted the amended Notification dated 16th June, 2015 issued by MoEF, New Delhi

The Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to the concerned planning Authority subject to compliance of following conditions:


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1. The proposed reconstruction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. MCGM should ensure that redevelopment is in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19th February, 1991.
4. The MCGM should ensure that the FSI, plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
5. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.79: Proposed construction of first floor on existing residential bungalow at Rahatghar, S.No.54 Hissa No.9, Tal.Guhagar, Dist- Ratnagiri by Shri. Dattaram Balkrishna Raut.

The Authority noted that the Guhagar Municipal Council vide letter dated 18.11.2014 forwarded the proposal of construction of first floor on existing residential bungalow at Rahatghar, S.No.54 Hissa No.9, Tal.Guhagar, Dist- Ratnagiri by Shri. Dattaram Balkrishna Raut.

The project proponent presented the proposal which is as follows:

1. The proposal is for construction of 1st floor on existing ground floor residential building on plot bearing Survey No. 54, Hissa no. 9, CS no. 815 at village Varchapath Tarfe Guhagar, Tal-Guhagar Dist-Ratnagiri.
2. The Guhagar Municipal Council letter dated 18.11.2014 mentions as follows:
 - As per Coastal Zone Management Plan, the plot under reference falls in CRZ III and falls within 500m from HTL of seafront.
 - As per Deputy.Engineer office,PWD Guhagar vide letter dated 12.11.2014, plot bearing Survey no. 54/09 falls 350 meter away from sea.
3. FSI details, as per the plans by PP:
 - Total plot area: 2400.00 Sqm
 - Proposed BUA for 1st floor: 103.19 Sqm
 - Total BUA – 103.19 Sqm
 - Total height of building: 9.57 m


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The Authority observed the permission to construct ground floor structure was granted on 28.3.2011 (i.e. after publication of CRZ Notification, 2011). The Authority decided that this is a case of violation of CRZ Notification, 2011 and decided to initiate action under Environment (Protection) act, 1986 read with CRZ Notification, 2011 through Environment Dept.

Item No.80: Proposed construction of residential building in CTS No. 605 at Dahanugaon, Dist. Palghar by Shri. Milind D. Mavale

The Authority noted that the Dahanu Municipal Council, vide letter dated 19th November, 2014 forwarded the proposal to MCZMA.

The project proponent presented the project details which is as follows:

1. The proposal is for residential building comprises of Ground + 3 upper floors on plot bearing C. S. No. 605, DahanuGaon, Tal. Dahanu, Dist. Palghar.
2. The Dahanu Municipal Council letter dated 19.11.2014 mentions that as per the CZMP of Dahanu, the plot falls in CRZ II and situated on the landward side of the existing road. As per development plan of Dahanu, the land under reference is falls in residential zone.
3. FSI Details, as per the plans submitted by the PP:
 - Total plot area – 636.30sqm.
 - Permissible FSI – 1.5
 - proposed BUA of ground floor – 159.59sqm
 - Proposed BUA of first floor – 306.53sqm
 - Proposed BUA of second floor – 306.53sqm
 - Proposed BUA of R. second floor – 162.18sqm
 - Proposed Built up area – 934.83sqm
 - FSI proposed to be consumed – 1.46

The PP further states that the plot is vacant and new construction for residential use is proposed on plot u/r.

The Authority noted the permissibility of the proposal as per CRZ Notification, 2011:

- MoEF issued a amended Notification dated 16th June, 2015, which stipulates as follows:

In the said notification, in paragraph 8, in sub-paragraph (i),-

(a) the Note and the entries relating thereto shall be omitted;

(b) in clause II relating to CRZ-II, for sub-clause (ii), the following sub- clause shall be substituted, namely:-


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“(ii) buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level :

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:

Provided further that the construction in CRZ-II area of Goa, Kerala and Mumbai shall be governed by the provisions of Clause V of paragraph 8.”

The Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to concern planning Authority subject to compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The Dahanu Municipal Council should ensure that construction is not already started on site u/r. It should also ensure that this is a new construction on vacant plot.
3. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
4. Buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level : Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :
5. The Dahanu Municipal Council should ensure that FSI, plan involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
6. Debris generated during construction activity should not be dumped into CRZ area and it should be disposed scientifically at a notified place.
7. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.81: CRZ status- Redevelopment of residential building on plot bearing CTS No. F/1257-A, F/1258, F/1261 to F/1267 village Bandra(W),. Mumbai by M/s. Key Home Realtors Pvt.Ltd.

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 20.11.2014 forwarded the proposal to MCZMA. The matter was considered in the 97th & 98th meeting of MCZMA held on 23.1.2015 & 31.1.2015 respectively. The project


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proponent submitted the CRZ map 20.9.2012 in 1:4000 scale & report dated 22.2.2012 of IRS, Chennai. Further, the IRS vide letter dated 30.10.2014 issued corrigendum. The Authority in its 98th meeting decided to direct PP to submit the followings information:

1. CRZ map of IRS, Chennai does not show Arabian Sea. However, corrigendum dated 30.10.2014 mentions that the site does not also fall within 500m buffer from HTL for Arabian Sea. Clarification on the same is needed.
2. Corrigendum dated 30.10.2014 of IRS is addressed to M/s Keyhome Realtors Pvt Ltd. However, in the text of the subject, name of M/s Bhuvnesh Enterprises, Mumbai is reflected.

The Authority noted that M/s. Key Home Realtors Pvt. Ltd vide letter dated 28.5.2015 submitted a revised CRZ map in 1:4000 scale and corrigendum dated 14.3.2015 prepared by IRS Chennai. As per revised corrigendum dated 14.3.2015 of IRS Chennai –

1. HTL demarcated by Institute of Remote Sensing with GPS survey for Mahim Bay and Mahim Creek is not same as that of HTL in approved CZMP because of Reclamation in Bandra Area.
2. CRZ shall be applied for the land/site within the 100 m buffer zone from HTL for Bay/Creek as per para (ii) of CRZ Notification 2011 of MoEF vide S.O. 19(E) dated 6.1.2011. In this case, the Project site containing CTS No. 1257A, 1258, 1261, 1262, 1263, 1264, 1265, 1266, 1267 of Bandra –F village, Mumbai, Maharashtra does not fall within the 100m buffer from HTL for Mahim Bay as per GPS survey conducted by IRS in 2012. The site does not also fall within 500m buffer from HTL for Arabian Sea.
3. The Project site containing CTS No. 1257A, 1258, 1261, 1262, 1263, 1264, 1265, 1266, 1267 of Bandra –F village, Mumbai, Maharashtra does not also fall within the 100m from High Tide Line of Mahim Bay indicated in approved CZMP. The site does not fall within 500m from High Tide Line of Arabian Sea indicated in approved CZMP.

National Hydrographic Office (NHO), Dehradun vide letter dated 28.9.2013 has clarified that as per records of their office, Mahim Bay and Back Bay are considered as Bay and are also depicted as Bays on their official navigational charts.

Taking into account the background of the matter, the Authority also noted as follows:

1. Ministry of Environment and Forest, New Delhi vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body.


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2. National Hydrographic Office, Deharadun, which is one of the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, 'Mahim Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart.
3. PP has submitted the revised CRZ map in 1:4000 scale and corrigendum dated 14.3.2015 prepared by IRS Chennai. As per revised corrigendum dated 14.3.2015 of IRS Chennai –
 - HTL demarcated by Institute of Remote Sensing with GPS survey for Mahim Bay and Mahim Creek is not same as that of HTL in approved CZMP because of Reclamation in Bandra Area.
 - CRZ shall be applied for the land/site within the 100 m buffer zone from HTL for Bay/Creek as per para (ii) of CRZ Notification 2011 of MoEF vide S.O. 19(E) dated 6.1.2011. In this case, the Project site containing CTS No. 1257A, 1258, 1261, 1262, 1263, 1264, 1265, 1266, 1267 of Bandra –F village, Mumbai, Maharashtra does not fall within the 100m buffer from HTL for Mahim Bay as per GPS survey conducted by IRS in 2012. The site does not also fall within 500m buffer from HTL for Arabian Sea.
 - The Project site containing CTS No. 1257A, 1258, 1261, 1262, 1263, 1264, 1265, 1266, 1267 of Bandra –F village, Mumbai, Maharashtra does not also fall within the 100m from High Tide Line of Mahim Bay indicated in approved CZMP. The site does not fall within 500m from High Tide Line of Arabian Sea indicated in approved CZMP.

The PP stated that the old existing building is present in dilapidated condition on site u/r.

The Authority, taking into consideration reports and CRZ map & reports of MoEF authorized agency i.e. IRS, Chennai and Hon'ble Supreme Court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Mahim Bay as 'Bay' and opinion of Advocate General, GoM decided the followings:

- The site bearing CTS No. 1257A, 1258, 1261, 1262, 1263, 1264, 1265, 1266, 1267 of Bandra –F village, Mumbai does not fall within 100 m CRZ buffer area from approved HTL of Mahim Bay and it is also situated beyond 500 m CRZ buffer area from approved HTL of Arabian Sea. Hence, the site u/r does not fall under the ambit of CRZ Notification, 2011

Item No.82: CRZ status of CTS No.1/A (pt), S.No. 161(pt), Plot No. D/7 to D/10, and D/15 to D/22, D/22A, D/25, D/26,D/27 of village PahadiGoregaon, at Link Road, Goregaon, West, Mumbai by M/s. Wellcity Real Estate Pvt.Ltd.


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The Authority noted that the M/s. Wellcity Real Estate Pvt Ltd vide letter dated 21.11.2014 submitted application regarding CRZ status of CTS No. 1/A(pt), S. No. 161(pt), Plot No. D/6, D/7 to D/10 and D/15 to D/22A, D/25, D/25, D/27 of village Pahadi Goregaon to MCZMA.

The PP has submitted CRZ map and report prepared as per provisions of CRZ Notification, 2011 by IRS Chennai which is MoEF authorised agency. As per the said map, the land bearing plot no. D/15 , D/12, D/6 partly falls in CRZ-II and partly falls in Non CRZ area. The land bearing Plot No. D/7 to D/10 and D/16 to D/22A, D/25, D/25, D/27 falls in Non CRZ area.

The MCZMA vide letter dated 7.5.2015 requested PP to submit following information:

1. CRZ map in 1:4000 scale showing HTL & CRZ area demarcated by MoEF authorized agency as per provisions of CRZ Notification, 2011.
2. Said CRZ map also should indicate old approved HTL & its CRZ area extent as per CRZ Notification, 2011,
3. If there is change in old approved HTL & new HTL, then it should be reported.
4. Area falls in CRZ area and Non CRZ area as per Old CZMP and New CZMP from MoEF authorized agency

The Project proponent presented the CRZ map in 1:4000 scale dated 29.7.2015 and report, prepared by IRS, Chennai. As per the said report of IRS, Chennai:

1. The HTL demarcated by the IRS, Chennai corresponds to the HTL shown in the approved CZMP 1991 subject to the generalization error caused by the variation in the scale of mapping
2. CRZ shall be applied for the land /site within the 100 m buffer zone from HTL for Bay/creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, it is observed that the project area is not affected by CRZ II and also not affected by CRZ I A (50 m from mangroves) as enclosed herewith also. However, the details about the land not affected, partly affected, fully affected by 100 m from HTL (creek), and within the HTL are given below as per 1991 CZMP also.

The land not affected by 100 m from HTL:

Plot No. D/6 to D/10, D/12 and part of plot no. D/15 to D/21, D/22A

Partly affected by 100 m from HTL:

Part of plot No. D/15 to D/21, D/22A, D/25 to D/27

Fully affected by 100 m from HTL:

Plot no. D/22


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Within the HTL:

Part of plot no. D/25 to D/27

While comparing approved CZMP 1991 with CRZ map as per 2011, it is also observed that there is a change in HTL due to geomorphological changes occurred between 1991 and 2011

The PP further stated that there exists slum on site under reference and construction is not yet started on site.

The Authority noted that the as per para (ii) of CRZ Notification, 2011, the CRZ area limit with regard to creek (tidally influenced water body) is 100 m or width of the creek whichever is less.

The Authority noted the CRZ map (1:4000 scale) & report dated 29.7.2015 and decided the following:

- Plot bearing CTS NO. 1/A (pt), S.No. 161(pt), plot No: D/15 to D/21, D/22A, D/25 to D/27 partly falls within 100 m CRZ buffer area from approved HTL of creek.
- Plot bearing CTS No. 1/A(pt), S. No. 161(pt), Plot No: D/22 falls within 100 m CRZ buffer area from approved HTL of creek. Hence, the plot u/r falls within the ambit of CRZ Notification, 2011
- Plot bearing CTS No. 1/A(pt), S. No. 161(pt), Plot No: D/25 to D/27 falls substantially within the approved HTL of creek.
- Plot bearing CTS No. 1/A(pt), S.No. 161(pt), Plot No: D/7 to D/10 does not fall within the 100 m CRZ buffer area from approved HTL of creek. Hence, the said plot u/r does not fall under the ambit of CRZ Notification, 2011.

Item No.83: Proposed consumer pump for storage of petroleum product on plot bearing Gut No. 122/1A/1 of village Chaul (theronda), Tal. Alibag, Dist. Raigad by Theronda Machhimar Vividh Karykari Sahkari Society

The Authority noted that the proposal is submitted through the Town Planning and Valuation Department, Alibag-Raigad vide letter dated 25th November, 2014.

The project proponent presented the proposal before the Authority which is as follows:

Proposed Details:

1. The Town Planning and Valuation Department, Alibag-Raigad has forwarded the proposal for consumer pump for storage of petroleum product (diesel) comprises of diesel tank & attendant's room on plot bearing Gut No. 122/1A/1 of village Chaul (theronda), Tal. Alibag, Dist. Raigad


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2. The proposal is for storage and provided of petroleum product like Diesel to local fisherman (koli) community for fishing purpose.
3. Pump Type – Mono B class pump
4. Diesel Tank-
 - Capacity – 20 KL
 - Material – Mild Steel
 - Dia in meter – 2.10
 - Length in meter – 6.250

Land Details:

The Town Planning and Valuation Department, Alibag-Raigad dated 25.11.2014 mentions as follows:

1. As per approved raigad regional plan, the land under reference is included in Khar land of User Area. However, there is no reservation for this division; petroleum storage is permissible.
2. Collector, Raigad have granted license no. 4/2000 to M/s Chairman of TherondaMachhimarVividhKarykariSahkari Society for storage of 12000 liters of petroleum Class B on survey no. 122/1A/1 as per provision of the Petroleum Act, 1934.
3. Total area of plot is 2.25smt

CRZ status

- The said letter dated 25.11.2014 of Town planning office, Alibaug mentions that, as per Coastal land use map of SAC (1:25,000 scale) and MRSAC(1:5000 scale), the site under reference falls in CRZ III(i). It is situated within 200 m from HTL of Seafront.
- PP has submitted Coastal land use map of MRSAC, Nagpur in 1:5000 scale, superimposing the site u/r.

The proposal was discussed and deliberated in the 95th meeting of MCZMA held on 13th January, 2015 wherein the Authority decided to seek following information from the Town Planning & Valuation Department, Alibag:

1. Status of construction on plot under reference. If, the consumer pump is constructed / partly constructed then, details about the start & completion of construction activity at the site.
2. If, construction of consumer pump exists on site under reference, prior permissions obtained from different statutory authorities including CRZ permissions for existing construction.

Accordingly, Assistant Director of Town Planning, Town Planning & Valuation Department, Alibag has submitted the point wise reply dated 13.3.2015 as below:


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- a. The Diesel tank of capacity of 20000 liter is placed on gut No. 122/1A/1(pt) and pump is fitted adjacent to it. Said tank has occupied the land area admeasuring 17 × 30 ft. However, there is no construction on tank and they don't requirement of it. Said construction is completed in May, 2000, as mentioned in the application no. 946 of TherondaMachhimarVividhKarykariSahkari Societysubmitted to Town planning office.
- b. Collector, Raigad has given permission subject to the terms and conditions that Grampanchayat, Revdanda, while granting NoC for storage of diesel and transportation, should obtain all required permissions from Government organizations. At that time, said proposal was not sent for obtaining CRZ permission. Further it was not received to town planning office for remarks.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011:

- As per 8(i) III. CRZ-III of CRZ Notification, 2011, Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-
- (iii) However, the following activities may be permitted in NDZ –
(e) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;

Annexure-II

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;**
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- xv) Fertilizers and raw materials for manufacture of fertilizers.


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The Authority observed that this is storage and distribution activity of diesel for the local fishermen and it is small scale activity and allied activity for fishermen. The proposal is in the interest of the local fishermen community. PP further mentions that there is no construction activity done on the site and only the diesel tanks are placed on site.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed activities should as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. This recommendation is only from CRZ point of view.
3. There should not be spillages of diesel in and around due to project activities
4. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.84: Proposed construction of residential building on plot bearing CTS No. 420A, 420K, 420B & 420 of Alibag City, Tal. Alibag, Distt. Raigad by Shri. A. R. Nayak

The Authority noted that the Alibag Municipal Council vide letter dated 25th November, 2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal before the Authority which is as follows:

1. Proposal is for construction of residential building comprises of Stilt + 3 upper floors on plot bearing C. S. No. 420 A, 420 K, 420 B, 420, Alibag, Tal. Alibag, Dist. Raigad.
2. The Alibag Municipal Council letter dated 25.11.2014 mention that as per the approved CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road. As per development plan of Alibag 1984, the land under reference was included for congested residential zone and further, as per the revised development plan, the land u/r falls in congested residential zone.
3. FSI Details, as per the plans submitted by the PP:
 - Total plot area – 588.56sqm.
 - Permissible FSI – 1.00
 - Deduct area under road widening – 17.31sqm
 - Permissible built up area floor – 588.56sqm
 - Proposed BUA on ground floor – 196.1653sqm
 - Proposed BUA on first floor – 196.1653sqm
 - Proposed BUA on second floor – 196.1653sqm
 - Total proposed BUA – 588.4959sqm

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- FSI proposed to be consumed – 0.99

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011:

- MoEF issued a amended Notification dated 16th June, 2015, which stipulates as follows:

In the said notification, in paragraph 8, in sub-paragraph (i),-

(a) the Note and the entries relating thereto shall be omitted;

(b) in clause II relating to CRZ-II, for sub-clause (ii), the following sub- clause shall be substituted, namely:-

“(ii) buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level :

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :

Provided further that the construction in CRZ-II area of Goa, Kerala and Mumbai shall be governed by the provisions of Clause V of paragraph 8.”

The Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to concern planning Authority subject to compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The Alibaug Municipal Council should ensure that construction is not already started on site u/r and there should not be violation of provisions of CRZ Notification, 2011.
3. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
4. Buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level : Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :
5. The Alibaug Municipal Council should ensure that FSI, plan involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.


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6. Debris generated during construction activity should not be dumped into CRZ area and it should be disposed scientifically at a notified place.
7. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.85: Proposed reconstruction of existing building on plot bearing CTS No. 1773, S.No. Aa(15)84, Hissa No.3 at Murud Janjira Tal. Murud, Dist. Raigad by Shri. Abdul Aziz Ibrahim Nagothanekar.

The Authority noted that the Murud - Janjira Municipal Council, vide letter dated 25th November, 2014 forwarded the proposal to MCZMA. The Authority noted the proposal details which is as follows:

1. The Murud - Janjira Municipal Council forwarded the proposal of reconstruction of building on plot bearing C. S. No.1773, S. No. A (15) 84, Murud - Janjira, Tal. Murud, Dist. Raigad by demolishing existing structure.
2. The copy of tax assessment extract is submitted by PP, which shows that existing use of the structure is Residential House.
3. As per building plans submitted by PP, the proposed use of the structure is Residential.
4. The Murud - Janjira Municipal Council letter dated 25.11.2014 mentions that As per the CZMP of MJMC, the plot partly falls in CRZ II and situated on the landward side of the existing road. As per development plan of Murud - Janjira, the land under reference is falls in residential zone.
5. FSI Details, as per the plans (Gr+ 1st floor) submitted by the PP:
 - Total plot area – 600.00sqm.
 - Permissible FSI – 1.00
 - proposed BUA of ground floor – 208.96sqm
 - Proposed BUA of first floor – 226.17sqm
 - Proposed Built up area – 435.13sqm
 - FSI proposed to be consumed – 0.72

The project proponent was absent for the meeting. The Chief Officer and Engineer, Murud Janjira Municipal Council were present for the meeting who informed that the proposal is of reconstruction of existing authorized structure and reconstruction is not yet started on site under reference. The project proponent is local inhabitant. The Authority instructed Officials of MJMC to submit the current dated photographs of the existing structure indicating reconstruction is not yet started on site.

The Authority noted that as per 8(i) II. CRZ-II of CRZ Notification, 2011:


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iii) Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.

The Authority after discussion decided to recommend the proposal to concern planning Authority from CRZ point of view under CRZ Notification, 2011 subject to submission of authorization details of existing structure along with current dated photographs of the existing structure on the site by MJMC and compliance of following conditions:

1. The proposed reconstruction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The Murud Janjira Municipal Council should ensure that the FSI, plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. The Murud Janjira Municipal Council should ensure that there is no violation of provisions of CRZ Notification, 2011.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.86: Proposed construction of first floor on existing residential house on land bearing S.No.78, H.No.9A CTS No. 1673 at Murud Janjira, Dist. Raigad by Shri. Gajanan Sahadev Patil

The Authority noted that the Murud - Janjira Municipal Council, vide letter dated 25th November, 2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal which is as follows:

1. The proposal is for extension of first floor on residential house on plot bearing S. No. 78, C. S. No. 1673, Murud - Janjira, Tal. Murud, Dist. Raigad.
2. As per the Murud - Janjira Municipal Council letter dated 25.11.2014; the existing structure is prior 1984-85.
3. The Murud - Janjira Municipal Council letter dated 25.11.2014 mentions that As per the CZMP of MJMC, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991. As per development plan of Murud - Janjira, the land under reference is falls in residential zone.
4. FSI Details, as per the plans submitted by the PP:
 - Total plot area – 300.00sqm.
 - Permissible FSI – 1.00
 - Permissible floor area – 300.00sqm


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- Existing ground floor – 92.36sqm
- Proposed first floor – 92.36sqm
- Total Built up area (Existing + Proposed) – 184.72sqm
- FSI proposed to be consumed – 0.61

The PP further stated that the existing structure was constructed in the year around 1985 and construction of additional 1st floor is not yet started on site.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011:

- MoEF issued a amended Notification dated 16th June, 2015, which stipulates as follows:

In the said notification, in paragraph 8, in sub-paragraph (i),-

(a) the Note and the entries relating thereto shall be omitted;

(b) in clause II relating to CRZ-II, for sub-clause (ii), the following sub- clause shall be substituted, namely:-

“ (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level :

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :

Provided further that the construction in CRZ-II area of Goa, Kerala and Mumbai shall be governed by the provisions of Clause V of paragraph 8.”

The Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to concern planning Authority subject to compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The MJMC should ensure that construction of additional first floor is not already started on the site under reference. There should not be violation of provisions of CRZ Notification, 2011.
3. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
4. Buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or


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Floor Area Ratio, which shall be as per 1991 level : Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road :

5. The MJMC should ensure that FSI, plan involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
6. Debris generated during construction activity should not be dumped into CRZ area and it should be disposed scientifically at a notified place.
7. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.87: Construction of building on land bearing S.No.94, H.No.3 CTS No. 1753 at Rajendra Prasad Road, Murud Janjira, Dist. Raigad by Shri. Ganpat Ramchandar Dhumal

The Authority noted that the the Murud - Janjira Municipal Council, vide letter dated 26th November, 2014 forwarded the proposal of construction of building on land bearing S.No.94, H.No.3 CTS No. 1753 at Rajendra Prasad Road, Murud Janjira, Dist. Raigad by Shri. Ganpat Ramchandar Dhumal

The Authority noted the proposal details which are as follows:

1. The Murud - Janjira Municipal Council has forwarded the proposal for regularization of construction of residential cum commercial building comprises of Ground + first floor on plot bearing S. No. 94, H. No. 3, C. S. No. 1753, Murud – Janjira, Tal. Murud, Dist. Raigad.
2. As per the layout submitted by PP, the proposed construction is on vacant portion of the plot under reference. And there is an existing structure on the subjected plot, which is prior to 1991 used for residential & hotel will be retained on plot under reference.
3. As per the Murud – Janjira Municipal Council letter dated 26.11.2014 and Tax Certificate of year 1988 – 89, the existing structure is prior 1991 and existing use was residential cum commercial.
4. The Murud - Janjira Municipal Council letter dated 26.11.2014 mentions as follows:
 - As per development plan of Murud – Janjira, the land under reference is falls in residential zone.
 - As per the CZMP of MJMC, the plot falls in CRZ II and situated on the seaward side of the existing road & structure prior 1991.
5. FSI Details, as per the plans submitted by the PP:
 - Total plot area – 940.00sqm.
 - Permissible FSI – 1.00
 - Permissible floor area – 940.00sqm


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- Existing ground floor – 102.50sqm
- Proposed floor area – 182.50sqm
- FSI proposed to be consumed – 0.19

The MCZMA vide its letter dated 22.5.2015 sought information on certain points from the MJMC. The MJMC vide letter dated 7.7.2015 sent a reply which is as follows:

1. As per the MurudJanjira Municipal Council letter dated 7.7.2015, the proposed construction is reconstruction by demolition of old existing structure.
2. As per the MJMC letter dated 7.7.2015, the proposal is for regularization.

The Chief Officer and Engineer, Murud Janjira Municipal Council were present for the meeting, who presented that the proposal is for reconstruction of 'khanaval' and residential and reconstructin is not yet started on the site under reference. The present structure is of the year 1987-88. The Authority instructed CO, MJMC to give a letter mentioning the same along with current dated photographs.

Item No.88: Construction on plot No. 52, Sector, No. 17, at Kalmaboli, Roadpali, Navi Mumbai by M/s. Prithvi Builders & Developers

The Authority noted that the M/s Prithvi Builders & Developers has submittd an application dated 26.11.2014 to MCZMA. The proposal was considered in 98th meeting of MCZMA held on 31.1.2015, wherein the project proponent (M/s. Pruthvi Builders & Developers) presented that the proposal is for construction on plot No. 52, Sector, No. 17, at Kalmaboli, Roadpali, Navi Mumbai. As per Kalmboli Nodal Plan, the plot under reference falls in CRZ –II. CIDCO vide letter dated 8.6.2010 granted development permission for residential on plot under reference. Further, CIDCO vide letter dated 8.6.2010 issued Commencement Certificate for residential building. As per the said permissions, construction was started on site.

The Authority in its 98th meeting noted the clause (viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority. As per the said clause:

“The Authority shall examine all projects proposedin Coastal Regulation zone areas and give their recommendations before the project proposals are referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144(E) dated 10th February, 1991”

The Authority in its 98th meeting observed that as per clause (Viii) of S.O. 18(E) dated 4.1.2002, prior CRZ recommendation from MCZMA was mandatory in the subject proposal,


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when development permission & Commencement Certificate (CC) was granted for the project by the CIDCO. The Authority decided that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 & 24.7.2014 issued by the MoEF, New Delhi. Accordingly the matter was referred to Environment Department.

The Environment Department initiated the necessary credible actions as per above said OMs of MoEF and issued proposed Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 on 16.4.2015 to PP. Accordingly, personal hearing extended to PP before the Principal Secretary Environment Department, GoM on 26.5.2015. The Maharashtra Pollution Control Board (MPCB) was asked to file the case for the offence committed against the PP under section 15 of E(P) Act, 1986 r.w. CRZ Notification, 1991 & 2011 before the appropriate court of law. PP was also directed to submit a Board Resolution. Accordingly, PP has submitted a Board Resolution vide letter dated 9.6.2015.

The MPCB vide its letter dated 2.6.2015 informed that, the R.C.C. No.; 399/2015 has been filed against the PP before the JMFC, Panvel. The procedure of credible action as per Office Memorandum dated 12.12.2012 & 27.6.2013 has been completed.

The project proponent was present for the meeting who presented the matter before the Authority. The PP was informed about the Judgement dated 7th July, 2015 passed by the National Green Tribunal, Principal Bench, Delhi in Original Application No. 37 of 2015 (M.A. No. 291, 293, & 294 of 2015) and Original Application No. 213 of 2014 (M.A. 755/2014 and M.A. 177/2015). Vide said judgment, the Hon'ble NGT passed following order and directions:

1. *" We hold and declare the office memoranda dated 12th Dec, 2012 and 27th June, 2013 as ultra vires the provisions of the Act of 1986 and the Notification of 2006. They suffer from the infirmity of lack of inherent jurisdiction and authority. Resultantly, we quash both these office memoranda.*
2. *Consequently, the above office memoranda are held to be ineffective and we prohibit the MoEF and SELAA in the entire country from giving effect to these office memoranda in any manner, whatsoever."*

The Authority after discussion decided to seek a clarification from MoEFCC, New Delhi in view of the said NGT order. Till, the receipt of clarification from MoEFCC, New Delhi, the matter be kept in abeyance.

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Item No.89: Proposed consumer pump for storage of petroleum product on plot bearing Gut No. 1862 of village Chaul, Alibag, Dist: Raigad by Agrav Machhimar Vividh Karykari Sahkari Society

The Authority noted that the Alibag Town planning and valuation dept, Alibag vide letter dated 27.11.2014 has forwarded a proposal for consumer pump for storage of petroleum product on plot bearing Gut No. 1862 of village Chaul, Southern side (Agrav), Alibag, Dist: Raigad

The project proponent presented the proposal before the Authority which is as follows:

Proposal details:

1. Proposal is for storage of petroleum product like diesel for fishing purposes of location fishing community
2. As per layout plan submitted by PP, proposal involves
 - Tank (T-1) with capacity 20 KL with Mild steel material
 - Dia – 2.10 m & Length -6.250 m
 - Product- HSD , Class B
3. Collector, Raigad have granted license no. 6/2000 on 16th May, 2000 to M/s Chairman of AgravMachhimarVividhKarykariSahkari Society Ltd for storage of 12000 liters of petroleum Class B on Gut no. 1862 as per provision of the Petroleum Act, 1934.
4. Joint controller of Explosive, Mumbai vide letter no. Approval NO-A/P/WC/MH/14/8761(P 327559) dated 28.11.2013 has granted permission for petroleum consumer pump on site under reference.

CRZ status of site u/r

- The said letter dated 27.11.2014 of Town planning office, Alibaug mentions that, as per Coastal land use map of SAC (1:25,000 scale) and MRSAC(1:5000 scale), the site under reference falls in CRZ III(i). It is situated within 200 m from HTL of Seafront.
- PP has submitted Coastal land use map of SAC (1:25000 scale), Ahmadabad and MRSAC, Nagpur in 1:5000 scale, superimposing the site u/r.

The proposal was discussed and deliberated in the 95th meeting of MCZMA held on 13th January, 2015 wherein the Authority decided to seek following information from the Town Planning & Valuation Department, Alibag:

1. Status of construction on plot under reference. If, the consumer pump is constructed / partly constructed then, details about the start & completion of construction activity at the site.


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2. If, construction of consumer pump exists on site under reference, prior permissions obtained from different statutory authorities including CRZ permissions for existing construction.

Accordingly, Assistant Director of Town Planning, Town Planning & Valuation Department, Alibag has submitted the point wise reply dated 13.3.2015 as below:

- a. The Diesel tank of capacity of 20,000 liter is placed on gut No. 1862 (pt) and pump is fitted adjacent to it. Said tank has occupied the land area admeasuring 17 × 30 ft. However, there is no construction on tank and they don't requirement of it. Said construction is completed in May, 2000, as mentioned in the application no. 985 of AgravMachhimarVividhKarykariSahkari Society submitted to Town planning office.
- b. Collector, Raigad has given permission subject to the terms and conditions that Grampanchayat, Chaul, while granting NoC for storage of diesel and transportation, should obtain all required permissions from Government organizations. At that time, said proposal was not sent for obtaining CRZ permission. Further it was not received to town planning office for remarks.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011:

- As per 8(i) III. CRZ-III of CRZ Notification, 2011, Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)", -
- (iii) However, the following activities may be permitted in NDZ –
(e) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;

Annexure-II

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;**
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;


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- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.

The Authority observed that this is storage and distribution activity of diesel for the local fishermen and it is small scale activity and allied activity for fishermen. The proposal is in the interest of the local fishermen community. PP further mentions that there is no construction activity done on the site and only the diesel tanks are placed on site.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed activities should as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. This recommendation is only from CRZ point of view.
3. There should not be spillages of diesel in and around due to project activities

Item No.90: Construction at Newa Bhakti Knowledge City, Plot No. ITR-6, TTC, Industrial Area, MIDC, Airoli, Navi Mumbai by M/s. NEWA Group, New Technocity (I) Pvt. Ltd.

The Authority noted that the M/s. Newa Technology (I) Pvt. Ltd. submitted a representation dated 27.11.2014 to MCZMA.

The project proponent presented that CRZ map prepared IRS, Chennai (November, 2014) as per CRZ Notification, 2011 is submitted and as per the said CRZ map prepared by IRS, Chennai, the site u/r party falls in CRZ-II area and partly in non CRZ area and proposed construction on non CRZ area. Applicant has not proposed any construction, utilities, road, access, services in CRZ area. Land under CRZ in being kept as it is without any utilization of FSI.

The Authority noted that the MCZMA vide letter dated 30.1.2015 requested PP to submit followings:

1. Superimposition of plot under reference on approved CZMP of Navi Mumbai in 1:4000 scale prepared by IRS, Chennai
2. Clarification as to whether the new HTL demarcated is same as that of approved CZMP or whether there is any change in HTL from IRS, Chennai. If so, reasons of change in HTL be reported.
3. Area of plot under reference falls in CRZ area, Non CRZ area as per approved CZMP of Mumbai as well as new CRZ map prepared as per CRZ Notification, 2011.


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The PP presented the CRZ map (1:4000 scale) superimposing the site u/r prepared by IRS, Chennai which indicates the approved HTL of Thane Creek and its 100 m CRZ buffer area. Further, said CRZ map also indicate the new draft HTL as per CRZ Notification, 2011. The Authority observed that the said CRZ map is not signed by the IRS, Chennai.

The Authority after deliberation decided to seek following from PP through MOEF approved agency

- Area of plot falling in CRZ and plot area falling outside CRZ area, considering the 100 m CRZ buffer area from the old approved HTL of Thane creek, as per approved CZMP.
- The said report should mention clear conclusion stating the CRZ status of plot as per approved CZMP.
- The report and map of MOEF approved agency should be signed.

Item No.91: Proposed redevelopment of Building No. 17 on plot bearing C.S. No. 16 (pt) of Mahim Division, G/S Ward, situated at Veer Nariman Road, known as Adarsh Nagar Beach Corner CHS, Worli, Mumbai by M/s. Vraj Realtors

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 1.12.2014 forwarded the proposal to MCZMA

The project proponent presented the proposal before the Authority which is as follows:

1. As per the MCGM letter dated 1.12.2014, the proposal is for redevelopment of dilapidated structure (Building No. 17) under DCR 33(5) on plot bearing C.S. No. 16 (pt) of Mahim Division, G/S Ward, situated at Veer Nariman Road, known as Adarsh nagar Beach Corner CHS, Worli, Mumbai.
2. Earlier, the proposal was deliberated in the 75th & 76th Meeting of MCZMA held on 15.5.2012 & 30.7.2012 respectively. MCZMA has recommended the redevelopment proposal with FSI 1.596 to MHADA / MCGM vide letter dated 21.9.2012 for Basement + Ground + 1st to 27th upper floors.
3. Now, MCGM has forwarded the proposal for proposed residential building comprising Basement + Stilt + 1st to 5th parking floor + 7th to 33rd upper residential floors for 2.50 FSI under DCR 33(5).
4. Municipal Commissioner, MCGM has approved various concessions for the proposed building on 26.5.2014. MCGM has issued IOD vide letter dated 19.6.2014 for FSI 1.596 i.e building comprising of basement + Stilt + 1st to 5th parking floor + 6th to 20th upper residential floor.
5. MHADA has issued Offer Letter dated 15.3.2013 for MCZMA clearance for permissible FSI 2.50 subject to acceptance of MCZMA and also subject to MCGM approval.


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- Plot area – 1134.36 Sqm.
 - FSI as per 1.596 – 1810.43 sqm
 - 2.50 FSI available after approval of MCZMA - 2835.90 Sq.m.
6. MCGM letter dated 1.12.2014 mentions that, as per approved CZMP of Mumbai the land under reference partly falls in CRZ II and situated on landward side of existing road. The plot under reference is situated in residential zone.
 7. MHADA letter dated 22.8.2006 mentions that, The Beach Corner CHSL, Bldg No. 17 at Adarsh Nagar, Worli, Mumbai is in a dangerous and dilapidated condition.
 8. FSI Details, as per plans submitted by PP:
 - Area of plot – 1134.36 sqm
 - FSI Permissible– 2.50
 - Permissible Floor Area- 2835.90 sqm
 - Proposed BUA – 2822.86 sqm.
 9. Public hearing was conducted on 27.12.2011 by MPCB as per provisions of CRZ Notification, 2011.

The proponent states that there is earlier CRZ recommendation dated 21.9.2012 for the project from MCZMA. However, no construction is started on the site. The current project is proposed with FSI 2.5. The PP further stated that public hearing was conducted earlier and report was submitted to MCZMA and proposal is as per para 8.v.1. (c) of CRZ Notification, 2011.

The Authority after detailed discussion and deliberation decided to recommend the CRZ component of the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. All the conditions of para 8.V. 1. (c) of CRZ Notification, 2011 should be complied with.
3. The MCGM should ensure that FSI, plans, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011.
4. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 6.1.2011.
5. Project proponent should implement green initiatives such rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
6. Debris generated during the construction should not be disposed in the CRZ area.


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7. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Item No.92: CRZ Status of property bearing F.P. No. 1120, T.P.S.IV, Mahim situated at Prabhadevi, Mumbai by M/s. B.R. Gandhi & Associates.

The Authority noted that the M/s. B.R. Gandhi & Associates vide letter dated 29.11.2014 submitted an application for CRZ status of property bearing FP No. 1120, TPS IV of Mahim Division, situated at Prabhadevi, Mahim, Mumbai. The matter was considered in 97th & 98th meeting of MCZMA held on 23.1.2015 & 31.1.2015 respectively.

The Authority in its 98th meeting decided to direct PP to submit the followings information:

1. CRZ map prepared by one of the agency authorized by MoEF showing approved HTL of Mahim Bay and 100m CRZ area as per CRZ Notification, 2011.
2. Clarification as to whether the new draft HTL of Mahim Bay demarcated by the agency corresponds to approved HTL of Mahim Bay or other wise.
3. Conclusion of the report as to whether the site falls out side 100m CRZ line from the approved HTL of the Mahim Bay.

The Authority noted that the PP has submitted CRZ map in 1:4000 scale & report dated 11.6.2015 prepared by IRS, Chennai. As per IRS report dated 11.6.2015:

1. The HTL demarcated by the IRS, Chennai for Mahim Bay corresponds to the HTL as per approved CZMP in the vicinity of project site subjected to the generalization error caused by the variation in the scale of mapping.
2. The HTL demarcated by the IRS, Chennai for Arabian Sea does not corresponds to the HTL as per approved CZMP in the vicinity of project site subjected to the generalization error caused by the variation in the scale of mapping.
3. CRZ shall be applied for the land / site within 100m buffer zone from HTL for the Bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site in FP No. 1120, TPS IV of Mahim Division, G/S Ward, Mumbai falls entirely outside the 100m buffer for Mahim Bay
4. CRZ shall be applied for the land / site within 500m buffer zone from HTL for the Sea as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site in FP No. 1120, TPS IV of Mahim Division, G/S Ward, Mumbai falls entirely outside the 500m buffer for Arabian Sea.
5. The project site in FP No. 1120 as falls outside 100m buffer from HTL of Mahim bay as well as 500m buffer from HTL of Arabian Sea indicated in approved CZMP.


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The PP was present for the meeting who states that there is existing old building prior to 1940 on site u/r which is not yet demolished.

Taking into account the background of the matter, the Authority also noted as follows:

1. Ministry of Environment and Forest, New Delhi vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body.
2. National Hydrographic Office, Deharadun, which is one of the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, 'Mahim Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart.
3. PP has submitted the CRZ map in 1:4000 scale & report dated 11.6.2015 prepared by IRS, Chennai. As per IRS report dated 11.6.2015:
 - The HTL demarcated by the IRS, Chennai for Mahim Bay corresponds to the HTL as per approved CZMP in the vicinity of project site subjected to the generalization error caused by the variation in the scale of mapping.
 - The HTL demarcated by the IRS, Chennai for Arabian Sea does not corresponds to the HTL as per approved CZMP in the vicinity of project site subjected to the generalization error caused by the variation in the scale of mapping.
 - CRZ shall be applied for the land / site within 100m buffer zone from HTL for the Bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site in FP No. 1120, TPS IV of Mahim Division, G/S Ward, Mumbai falls entirely outside the 100m buffer for Mahim Bay.
 - CRZ shall be applied for the land / site within 500m buffer zone from HTL for the Sea as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site in FP No. 1120, TPS IV of Mahim Division, G/S Ward, Mumbai falls entirely outside the 500m buffer for Arabian Sea.
 - The project site in FP No. 1120 as falls outside 100m buffer from HTL of Mahim bay as well as 500m buffer from HTL of Arabian Sea indicated in approved CZMP.

The Authority, taking into consideration report and CRZ map dated 11.6.2015 of MoEF authorized agency i.e. IRS, Chennai and Hon'ble Supreme Court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Mahim Bay as 'Bay' and opinion of Advocate General, GoM decided the followings:


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- The project site in FP No. 1120, T.P.S.IV, Mahim, Mumbai does not fall within the 100 m CRZ buffer area from approved HTL for Mahim Bay and it is also situated beyond 500 m. CRZ buffer area from approved HTL of Arabian Sea. Hence, the said site u/r does not fall under the ambit of the CRZ Notification, 2011.

Item No.93: CRZ status of property bearing F.P. No. 107, T.P.S.II, Mahim, situated at L.J. Road, Mahim, Mumbai by M/s. B.R. Gandhi & Associates

The Authority noted that the M/s. B.R. Gandhi & Associates vide letter dated 29.11.2014 submitted an application for CRZ status of property bearing FP No. 107, TPS II of Mahim Division, situated at L.J. Road, Mahim, Mumbai. The matter was considered in the 97th & 98th meeting of MCZMA held on 23.1.2015 & 31.1.2015 respectively.

The Authority in its 98th meeting decided to direct PP to submit the followings information:

1. CRZ map (Coloured copy) prepared by one of the agency authorized by MoEF showing HTL of Mahim Bay as per approved CZMP and 100 m. CRZ area as per CRZ Notification, 2011.
2. Clarification as to whether the new draft HTL of Mahim Bay demarcated by the agency corresponds to approved HTL of Mahim Bay or other wise.
3. Conclusion of the report as to whether the site falls outside 100m CRZ line from the approved HTL of the Mahim Bay.

The Authority noted the the PP vide letter dated 19.5.2015 submitted CRZ map in 1:4000 scale and corrigendum dated 6.5.2015 of IRS, Chennai. As per Corrigendum dated 6.5.2015 of IRS Chennai,

- HTL demarcated by Institute of Remote Sensing with GPS survey for Mahim Bay is same as that of HTL in approved CZMP in the vicinity of project site subjected to generalization error caused by the scale of mapping.
- CRZ shall be applied for the land / site within the 100m buffer zone from HTL for Bay as per para (ii) of CRZ Notification 2011 of MoEF dated 6.1.2011. In this case, the project site containing FP No. 107 of TPS IV, Mahim Division, Mumbai does not fall within the 100 m buffer from HTL for Mahim Bay as per GPS survey conducted by IRS in 2012.
- The project site does not fall within the 100 m buffer from HTL indicated in approved CZMP for Mahim Bay.

National Hydrographic Office (NHO), Dehradun vide letter dated 28.9.2013 has clarified that as per records of their office, Mahim Bay and Back Bay are considered as Bay and are also depicted as Bays on their official navigational charts.


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The PP was present for the meeting who states that there is existing old building prior to 1969.

Taking into account the background of the matter, the Authority also noted as follows:

1. Ministry of Environment and Forest, New Delhi vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body.
2. National Hydrographic Office, Deharadun, which is one of the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, 'Mahim Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart.
3. PP has submitted the CRZ map in 1:4000 scale and corrigendum dated 6.5.2015 of IRS, Chennai. As per Corrigendum dated 6.5.2015 of IRS Chennai,
 - HTL demarcated by Institute of Remote Sensing with GPS survey for Mahim Bay is same as that of HTL in approved CZMP in the vicinity of project site subjected to generalization error caused by the scale of mapping.
 - CRZ shall be applied for the land / site within the 100m buffer zone from HTL for Bay as per para (ii) of CRZ Notification 2011 of MoEF dated 6.1.2011. In this case, the project site containing FP No. 107 of TPS IV, Mahim Division, Mumbai does not fall within the 100 m buffer from HTL for Mahim Bay as per GPS survey conducted by IRS in 2012.
 - The project site does not fall within the 100 m buffer from HTL indicated in approved CZMP for Mahim Bay.

The Authority, taking into consideration report and CRZ map dated 6.5.2015 of MoEF authorized agency i.e. IRS, Chennai and Hon'ble Supreme Court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Mahim Bay as 'Bay' and opinion of Advocate General, GoM decided the followings:

- The site containing FP No. 107 of TPS IV, Mahim Division, Mumbai does not fall within 100 m CRZ buffer area from approved HTL for Mahim Bay Hence, the said site u/r does not fall under the ambit of the CRZ Notification, 2011.

Item No.94: Beautification of MHADA RG plot bearing RG 2, sector-8, Charkop, Kandivali, Mumbai by MHADA

The Authority noted that the application was received from Mr. Gopal Shetty, member of Parliament vide letter dated 20.11.2014. MCZMA vide letter dated 9.2.2015 requested


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applicant to submit revised proposal as per para 4.2 (i) of CRZ Notification, 2011 & as per MCZMA's OM dated 2.7.2011. Accordingly, MHADA vide letter dated 5.3.2015 the proposal was submitted.

The proposal was considered in 99th meeting of MCZMA held on 16.5.2015. The MHADA officials presented the proposal before the Authority, which is as follows:

1. The proposal is for beautification of R.G. Plot bearing R.G.2 at sector 8, Charkop, Kandiwali (W), Mumbai.
2. The beautification work comprises of filling of red soil, providing Lawn, Plants, construction of Jogging track 3 mtr wide all along the periphery of existing compound wall, construction of gymnasium / Health Club House of 100 sqft area, construction of Gazebo, providing and fixing playing equipment for children, sitting arrangement with zoolas for senior citizens, construction of Mali chowky / security cabin, fixing gate and grills to the existing compound walls etc. R.G. Plot area is 19028.85 sqm.
3. MHADA vide letter dated 5.3.2015 submitted subject proposal to MCZMA. As per said letter, Hon'ble M.P. Shri. Gopal Shetty has proposed beautification of MHADA's R.G. plot bearing No. R.G. 2 at Sector 8, Charkop, Kandiwali (West), Mumbai through D.P.D.C / M.P. LAD Fund. The work is executed by M.S.I.B. /MHADA, a Govt. Organization. Necessary Administrative Approval for the subject work has been accorded by the Collector / Mumbai Suburban.

The Authority noted that MHADA vide letter dated 28.2.2014 mentioned that subject plot under reference belongs to MHADA and reserved for recreation ground designated as RG 2 in MHADA's Charkop layout. The compound wall to this plot is already in existence on site since the year of implementation of Charkop layout by MHADA i.e. 1989. The plot falls in CRZ -II area & is located towards landward direction of the existing compound wall. The mangroves are observed beyond 50 m from existing compound wall. The minimum distance measured from existing compound to the mangroves is 60 m. The entire plot is vacant, protected by existing compound wall from all sides. No structure is found erected on site.

The Authority noted that as per MCGM vide letter dated 1.1.2014, the plot is likely to be affected by CRZ-II as it is falling within 50 m. from HTL subject to confirmation by MCZMA.

Authority further noted that the reply of MCGM dated 28.5.2014 against the complaint from Shri Regi Abraham regarding unauthorized earth filling in the plot Opp plot no. 826, Sector 8, R.S.C.-9, Charkop, Kandiwali (W). As per the said reply of MCGM, the site under reference was inspected by MCGM office staff when it was observed that, there is existing old compound wall along the boundary of the plot and fresh land filling is done within the plot. It is also observed that repairs to existing compound wall was in progress and at the


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entrance gate of the plot the board is displayed showing that the work of beautification of R.G. plot is being carried out through MHADA from MLA fund. MCGM reply further states that the plot under reference is within 50 m from mangrove buffer zone. Therefore, MCGM has issued stop work Notice dated 26.11.2013 under MMC Act. In response to the Stop Work Notice, Hon'ble MLA Shri Gopal Shetty has replied stating that he has proposed the beautification work of R.G. Plot. Accordingly, the work of leveling and dressing of plot is in progress. Further, stated that the beautification work comprises construction of the jogging track/garden etc. No any structure is erected on site as on date.

The Authority in its 99th meeting decided to direct MHADA to submit the followings:

1. Superimposition of the plot under reference on approved CZMP in 1:4000 scale of the Mumbai.
2. Detailed layout of the plan showing proposed activities vis-à-vis its CRZ status.
3. Present status of the construction work on plot under reference along with Google image & site photographs.
4. Status of Stop work Notice issued by MCGM to MHADA.

The MCZMA has issued letter dated 14.7.2015 to MHADA to submit above information. Reply from MHADA is awaited.

The MHADA presented the matter and stated that the stop work notice of MCGM is withdrawn.

The Authority observed that the superimposition of the site u/r on approved CZMP of Mumbai in 1:4000 scale is necessary in the proposal. It was discussed that the Authority will provide the soft copy of approved CZMP of area under consideration to MHADA. The MHADA can get the said superimposition done from the DP section of MCGM.

The Authority after deliberation decided that MHADA should submit the superimposition of the site under consideration on approved CZMP of Mumbai in 1:4000 scale through MCGM. Further, MHADA should submit the written reply regarding present status of construction on site with current site photographs / google image.

Item No.95: CRS status- Construction of plot bearing CTS No. 1/190A to G & CTS No. 1/D, village Oshiwara, Andheri, Mumbai by M/s. Jogindra Exports Ltd.

The Authority noted that the M/s. Jogindra Exports (PP) Ltd vide letter dated 4.12.2014 submitted the application for construction of plot bearing CTS No. 1/190A to G & CTS No. 1/D, Village Oshiwara, Andheri, Mumbai to MCZMA.


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The project proponent presented that PP has applied for Environmental Clearance to SEAC. The SEAC in its 57th meeting observed that the plot is affected by CRZ and therefore any development will have to be with the concurrence of MCZMA. Accordingly, the PP submitted CRZ map and report prepared by IRS, Chennai which is MoEF authorized agency. As per said report the plot area is not affected by CRZ and clearly away from mangroves and their buffer zone.

The Authority noted that the MCZMA vide letter dated 6.5.2015 requested PP to submit IRS map in 1:4000 scale should indicate old High Tide Line & CRZ area as per approved CZMP and conclusion of the report.

The Project proponent submitted the corrigendum report dated 1.8.2015 of IRS, Chennai and CRZ map in 1:4000 scale during the meeting. As per the said corrigendum of IRS:

1. The HTL demarcated by the IRS, Chennai corresponds to the HTL shown in the approved CZMP 1991 subject slight change due to the generalization error caused by the variation in the scale of mapping
2. CRZ shall be applied for the land / site within the width / 100 m buffer zone from HTL for Bay/ creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E) dated 6.1.2011.
3. As per survey based on 2011 and 1991 CZMP, the project site CTS No. 1/190 A to G & CTS No. 1/D of Oshiwara village, Andheri, Mumbai are not affected and free from Coastal Regulation zone
4. The shortest distance between HTL (approved CZMP 1991) and site boundary is 101.9 m and the shortest distance between HTL (2011) and site boundary is 1137.5 m.

In the light of corrigendum report & CRZ map (1:4000 scale) dated 1.8.2015 prepared by IRS, Chennai, the Authority decided that, the plot bearing CTS No. 1/190 A to G & CTS No. 1/D of Oshiwara village, Andheri, Mumbai does not fall within 100 m CRZ buffer area from approved HTL of creek. Hence, the plot under consideration does not fall under the ambit of CRZ Notification, 2011

Item No.96: Proposed construction on plot bearing C.T.S.No. 620, 620/1, 620K at Alibag, Tal. Alibag, Dist. Raigad by Shri. Vijaykumar Gharpure

The Authority noted that the Alibag Municipal Council vide letter dated 08.12.2014 forwarded the proposal of construction on plot bearing C.T.S.No. 620, 620/1, 620K at Alibag, Tal. Alibag, Dist. Raigad by Shri. Vijaykumar Gharpure.


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The Authority observed from the google image that there is existing structure on site under reference. The Authority after discussion decided to seek a report from the Alibaug Municipal Council regarding the present status of construction on plot under reference along with current dated photographs. If, there an old structure is existing on site under reference, then Alibaug Municipal Council is requested to submit the earlier various permissions including CRZ permissions obtained for the said structure.

Item No.97: CRZ Status of plot bearing CTS No. 402, 406, 407, 408, 412, 413 and 423 of village Pahadi Goregaon, Mumbai by M/s. Manish Karnik & Associates

The Authority noted that the M/s. Manish Karnik & Associates vide letter dated 9.12.2014 submitted application to MCZMA.

The PP presented the CRZ map (1:4000 scale) dated 26.2.2015 & corrigendum dated 14.1.2015 of IRS, Chennai. PP requested to provide the CRZ status of the plot bearing CTS No. 402, 406, 407, 408, 412 and 423 of village Pahadi Goregaon. The PP further stated that there exists slum on site under reference.

The Authority noted the corrigendum dated 14.1.2015 of IRS, Chennai which mentions as follows:

1. The HTL demarcated by IRS through ground survey using GPS and subsequent reference to satellite imagery of the year 2011 has slight variation with reference to the HTL shown in approved CZMP. The slight change in subjected to generalization error caused by the variation in the mapping i.e. 1:25000 to 1:4000.
2. CRZ shall be applied for the land / site within 100m buffer zone from HTL for the Bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011.
3. In this case, the project site containing CTS No. 402, 403, 404 and 405 are partially inside CRZ-II area, where as CTS No. 406, 407, 408, 409, 412 and 413 fall outside CRZ-II as per 1991 CZMP Plan.
4. As per CRZ study based on CRZ Regulation Notification 2011, CTS No. 402 to 409, 412 and 413 of Pahadi Goregaon, West are not affected and free from CRZ. This may due to variation in natural course of HTL and salinity of the creek.

The Authority noted that PP submitted an application for plot bearing CTS No. 402, 406, 407, 408, 412, 413 and 423 of village pahadi Goregaon. However, CRZ map (1:4000 scale) mentions the project site bearing CTS No. 402 to 409, 412 and 413 of village pahadi Goregaon, Mumbai.


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In the light of CRZ map (1:4000 scale) dated 26.2.2015 & corrigendum dated 14.1.2015 of IRS, Chennai, the Authority after deliberation decided the following:

- The project site bearing CTS No. 402 falls partly within CRZ buffer area from approved HTL of creek, as per approved CZMP.
- The project site bearing CTS No. 406, 407, 408, 412 and 413 does not fall in CRZ area from approved HTL of creek, as per approved CZMP. Hence, the said CTS Nos. does not fall under the ambit of CRZ Notification, 2011

Item No.98: CRZ status of plot bearing CTS No. 999 of village Pahadi Goregaon at Goregaon (W), Mumbai for Ganapati Niwas Building by M/s. Bharat Infrastructure & Engineering Pvt. Ltd.

The Authority noted that the M/s. Bharat Infrastructure & Engineering Pvt. Ltd. vide letter dated 9.12.2014 submitted application regarding CRZ status of plot bearing CTS No. 999 of village Pahadi Goregaon at Goregaon (W), Mumbai for Ganapati Niwas Building to MCZMA.

The PP submitted the CRZ map prepared as per CRZ Notification, 2011 by IRS Chennai which is MoEF authorised agency. The MCZMA vide letter dated 7.5.2015 requested PP to submit following information:

1. CRZ map in 1:4000 scale showing HTL & CRZ area demarcated by MoEF authorized agency as per provisions of CRZ Notification, 2011.
2. Said CRZ map also should indicate old approved HTL & its CRZ area extent as per CRZ Notification, 2011,
3. If there is change in old approved HTL & new HTL, then is should be reported.
4. Report along with conclusion by MoEF authorized agency

The Authority noted that the PP submitted CRZ map in 1:4000 scale & report dated 22.5.2015 prepared by IRS, Chennai. As per IRS report dated 22.5.2015:

1. The HTL demarcated by the IRS, Chennai corresponds to the HTL shown in the approved CZMP 1991 subject to the generalisation error caused by the variation in the scale of mapping.
2. CRZ shall be applied for the land / site within 100m buffer zone from HTL for the Bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site containing C.S. No. 999 at Pahadi Goregaon West, P/S Ward, Mumbai does not fall within the 100m buffer from HTL for Malad Creek and also does not fall within 50m buffer from Mangroves. It is also


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stated that the above said site does not fall within the 100m as approved CZMP 1991. The distance to the project site containing C.S. No. 999 of Pahadi Goregaon West, P/S Ward, Mumbai from HTL for Malad Creek is 298 m.

The project proponent was present for the meeting, who stated that there exists a building on plot u/r which is prior to 1991. The PP vide letter dated 22.7.2015 informed that the project u/r is proposed redevelopment 'Ganapati Niwas CHS Ltd' on CTS No, 999 of village pahadi Goregaon by M/s Bharat Infrastructure & Engineering Pvt. The PP submitted the site photographs of the existing said building. PP further stated that IOD was issued to said Ganapati CHS in the year 1978.

In the light of CRZ map in 1:4000 scale & report dated 22.5.2015 of IRS, Chennai, the Authority after deliberation decided that plot bearing CTS No. 999 of village Pahadi Goregaon at Goregaon (W), Mumbai does not fall within 100 m CRZ buffer area from approved HTL of creek, as per approved CZMP.

Item No.99: CRZ status of plot bearing CTS No.1A/170-A of village Pahadi Goregaon at Goregaon (W), Mumbai by M/s. Manish Karnik & Associates

The Authority noted that the M/s. Manish Karnik & Associates vide letter dated 9.12.2014 submitted an application to MCZMA.

The project proponent presented the CRZ map (1:4000 scale) dated 26.4.2015 & corrigendum dated 14.1.2015 prepared by IRS Chennai. The corrigendum report dated 14.1.2015 of IRS, Chennai mentions as follows:

1. The HTL demarcated by IRS through ground survey using GPS and subsequent reference to satellite imagery of the year 2011 has slight variation with reference to the HTL shown in approved CZMP. The slight change in subjected to generalization error caused by the variation in the mapping i.e. 1:25000 to 1:4000.
2. CRZ shall be applied for the land / site within 100m buffer zone from HTL for the Bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011.
3. In this case, the project site containing CTS No. 1A/170A of Pahadi Goregaon – West falls 67.2m between HTL and 100m buffer line as per 1991 approved CZMP. The site is partially inside CRZ –II in both 1991 CZMP plan and IRS study based on CRZ Notification, 2011.

The PP further stated that there exists slum on site under reference.


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The Authority observed that PP submitted an application for CTS No. 1/A/170-A & part of CTS No. 1/A/170-B of village Pahadi Goregoan. However, the CRZ map (1:4000) of IRS, Chennai indicates the the project site at CTS No. 1/A/170 A of village Pahadi Goregoan. The Authority observed that the said CRZ map indicates HTL (1991 CZMP) & 100 m CRZ area from said approved HTL. Further, said map also shows existence of mangroves & its 50 m mangroves buffer zone area. The project site u/r is abutting the 50 mangroves buffer zone area. The small portion of project site u/r falls within 50 m mangroves buffer zone area.

In the light of CRZ map (1:4000 scale) dated 26.4.2015 & report dated 14.1.2015 of IRS, Chennai, the Authority after deliberation decided the following:

- The plot bearing CTS No.1A/170 A of village Pahadi Goregaon at Goregaon(W) partly falls within 100 m CRZ buffer area from approved HTL of creek, as per approved CZMP.
- As pe the said CRZ map (1:4000 scale) dated 26.4.2015, small portion of project site u/r falls within 50 m. mangroves buffer zone area.
- The area within CRZ buffer zone and mangrove buffer zone is not measured.

Item No.100: Proposed construction of residential cum commercial building on plot bearing CTS Nos. 1222/A, 1222B & 1222K of Alibag city, Tal. Alibag, Dist. Raigad by Shri. Prashant D. Fulgaonkar & Smt. Nilam P.Hajare

The Authority noted that the Alibag Municipal Council, vide letter dated 11th December, 2014 forwarded the proposal to MCZMA.

The Authority noted the proposal details which is as follows:

1. The Alibag Municipal Council has forwarded the proposal for new development of residential cum commercial building comprises of partly stilt & partly ground + 3 upper floors on plot bearing C. S. No. 1222/A, 1222/ B & 1222 K at Alibag, Tal. Alibag, Dist. Raigad.
2. Ground floor is proposed for commercial purpose (shops) and upper 3 floors are for residential purpose.
3. The Alibag Municipal Council letter dated 11.12.2014 mentions that:
 - As per development plan of Alibag 1984 under MRTP Act, 1966, the land under reference is falls in residential zone and included in congested area.
 - As per the CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road.
4. FSI Details, as per the plans submitted by the PP:


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- Total plot area – 556.92sqm
- Permissible FSI – 1.00
- Area under road widening – 28.02sqm
- Total permissible built up area – 528.90sqm
- Permissible BUA per floor 176.30sqm
- Total proposed BUA – 556.770sqm
- FSI proposed to be consumed – 0.99

The project proponent was present for the meeting who informed that there is existing structure (hut) for residential on plot u/r since 1968. The reconstruction of the same is for Residential cum Commercial use. The PP further stated that reconstruction is not yet started on plot u/r. The Authority discussed that only residential use will be allowed for reconstruction of existing structure. The PP agreed to propose the construction for Residential purpose only.

The Authority discussed that the Alibaug Municipal Council should approve the plans for residential purpose only.

The PP shall submit the current dated photographs of the site u/r.

The Authority noted that as per 8(i) II. CRZ-II of CRZ Notification, 2011:

iii) Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.

The Authority after discussion decided to recommend the proposal to concern planning Authority from CRZ point of view under CRZ Notification, 2011 subject to compliance of following conditions:

1. The proposed reconstruction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The Alibaug Municipal Council should ensure that only residential (i.e. current) use is allowed in the project.
3. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
4. The Alibaug Municipal Council should ensure that the FSI, plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
5. The Alibaug Municipal Council should ensure that there is no violation of provisions of CRZ Notification, 2011.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.


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Item No.101: Proposed construction of residential bungalow on plot bearing S.No.70, H.No.2/1/2 at Guhagar, Tal. Guhagar, Dist. Ratnagiri by Shri. Makarand Madhukar Anaspure & Sau. Shilpa Makarand Anaspure

The Authority noted that GuhagarNagar Panchayat vide letter dated 11th December, 2014 forwarded the proposal of construction of residential bungalow on plot bearing S.No.70, H.No.2/1/2 at Guhagar, Tal. Guhagar, Dist. Ratnagiri by Shri. Makarand Madhukar Anaspure & Sau. Shilpa Makarand Anaspure.

The project proponent presented the proposal before the Authority which is as follows:

1. The proposal is for new construction of residential building comprises of ground + first floor on plot bearing S. No. 70, H. No. 2/1/2, MaujeGuhagar, Tal. Guhagar, Dist. Ratnagiri.
2. The GuhagarNagar Panchayatletter dated 11.12.2014 mention that:
 - The land under reference is falls in residential zone.
 - As per the Town Planning & Valuation Department letter dated 17.07.2014, the plot under reference is falls within 200m – 500m from HTL.
 - As per the coastal land use map of Ratnagiri, the plot falls in CRZ III and situated on the landward side of the existing road prior 1991.
3. The total plot area is 1300 Sqm. permissible FSI is 1.00 and proposed built up area is 259.957 Sqm.

The PP further states that certificate of the Tahsildar, Guhagar dated 16.02.2015 mentions that Ms. Shilpa G. Vichare alias shilpa M. Anaspure, Varveli, Tal. Guhagar, Dist. Ratnagiri is the local resident of Maharashtra for more than 15 years.

The Authority noted that the plot falls in CRZ III area and falls within 200 m to 500 m from the approved HTL of Seafront. As per para 8(i) III. CRZ- III B. (vii) of CRZ Notification, 2011, following is permissible:

“Construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor)”

The Authority observed that the project proponent is not a local inhabitant of the area and hence, decided that the proposal is not in consonance with the provisions of CRZ Notification, 2011.


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Item No.102: CRZ status of F.P.No.835, F.P.No.836 of T.P.S. III, Mahim of Mahim Dn. At Mori Road, Mahim (W), Mumbai by M/s. Chaitanya Developers Pvt. Ltd.

The Authority noted that the M/s. Chaitanya Developers Pvt. Ltd vide letter dated 15.12.2014 submitted an application for CRZ status of property bearing F.P. No. 835, F.P. No.836 of TPS III of Mahim Division, Mahim (W), at Mori Road, Mumbai The matter was considered in the 97th & 98th meeting of MCZMA held on 23.1.2015 & 31.1.2015 respectively. The Authority in its 98th meeting decided to direct PP to submit the followings information:

1. CRZ map prepared by one of the agency authorized by MoEF showing approved HTL of Mahim Bay & Mahim Creek and CRZ area as per CRZ Notification, 2011.
2. Clarification as to whether the new draft HTL of Mahim Bay and Mahim creek demarcated by the agency corresponds to approved HTL of Mahim Bay and Mahim Creek or other wise.
3. Conclusion of the report as to whether the site u/r falls out side 100m CRZ line from the approved HTL of the Mahim Bay and Mahim Creek.

The Authority noted that the M/s. Chaitanya Developers Pvt. Ltd. vide letter dated 3.3.2015 submitted the CRZ map in 1:4000 scale & corrigendum dated 26.2.2015 of IRS, Chennai. As per Corrigendum dated 26.2.2015 of IRS Chennai,

- HTL demarcated by Institute of Remote Sensing, Anna University with GPS survey conducted during 2011 for Mahim Bay and Mahim Creek in the vicinity of above project site corresponds to HTL indicated in approved CZMP subjected to the generalization error caused by the variation in scale of mapping.
- CRZ shall be applied for the land / site within the 100m buffer zone from HTL for Bay / Creek as per para (ii) of CRZ Notification 2011 of MoEF dated 6.1.2011. In this case, the project site containing FP No. 835 and 836, TPS III, Mahim Division, G//N Ward, Mumbai does not fall within the 100 m buffer from HTL for Mahim Bay as well as Mahim Creek as per GPS survey conducted by IRS in 2011.
- The project site containing FP No. 835 and 836, TPS III, Mahim Division, G//N Ward, Mumbai does not also fall within the 100 m buffer from High Tide Line for mahim Bay as well as Mahim Creek indicated in approved CZMP.

National Hydrographic Office (NHO), Dehradun vide letter dated 28.9.2013 has clarified that as per records of their office, Mahim Bay and Back Bay are considered as Bay and are also depicted as Bays on their official navigational charts.

The PP further states that the old building on site under reference is demolished and commencement certificate upto plinth was granted by MCGM in the year around 2007. The


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plot u/r is situated outside 500 m. from approved HTL of Mahim Bay & it is also situated beyond 100 m. CRZ area from the approved HTL of creek.

Taking into account the background of the matter, the Authority also noted as follows:

1. Ministry of Environment and Forest, New Delhi vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body.
2. National Hydrographic Office, Deharadun, which is one of the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, 'Mahim Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart.
3. PP has submitted the CRZ map in 1:4000 scale & report dated Feb, 2012. Further, the PP also submitted the CRZ map (1:4000 scale) & corrigendum dated 26.2.2015 of IRS, Chennai. As per Corrigendum dated 26.2.2015 of IRS Chennai,
 - o HTL demarcated by Institute of Remote Sensing, Anna University with GPS survey conducted during 2011 for Mahim Bay and Mahim Creek in the vicinity of above project site corresponds to HTL indicated in approved CZMP subjected to the generalization error caused by the variation in scale of mapping.
 - o CRZ shall be applied for the land / site within the 100m buffer zone from HTL for Bay / Creek as per para (ii) of CRZ Notification 2011 of MoEF dated 6.1.2011. In this case, the project site containing FP No. 835 and 836, TPS III, Mahim Division, G//N Ward, Mumbai does not fall within the 100 m buffer from HTL for Mahim Bay as well as Mahim Creek as per GPS survey conducted by IRS in 2011.
 - o The project site containing FP No. 835 and 836, TPS III, Mahim Division, G//N Ward, Mumbai does not also fall within the 100 m buffer from High Tide Line for mahim Bay as well as Mahim Creek indicated in approved CZMP.

The Authority, taking into consideration reports and CRZ map dated 26.2.2015 & Feb, 2012 of MoEF authorized agency i.e. IRS, Chennai and Hon'ble Supreme Court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Mahim Bay as 'Bay' and opinion of Advocate General, GoM decided the followings:

- The project site bearing plot bearing FP No. 835 and 836, TPS III, Mahim Division, G//N Ward, Mumbai does not falls within 100 m CRZ buffer area from the approved HTL of Mahim Bay and Mahim Creek. Further, the said plot is situated beyond the 500 m CRZ buffer area from the approved HTL of Mahim Bay. Hence, the said plot does not fall under the ambit of the CRZ Notification, 2011.


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Item No.103: CRZ Status of plot bearing CTS No. 320 of village Juhu at Vithal Nagar CHSL, North South Road No. 11, JVPD Scheme, Mumbai by Mr. Hitesh Chhatwal

The Authority noted that the Municipal Corporation of Greater Mumbai vide letter dated 15.12.2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal before the Authority which is as follows:

1. As per DP remarks and Survey remarks, the plot under reference is situated in residential zone and is not reserved for any public purpose except widening of existing road, if any. The plot is abutting N.S. Road No. 11 of JVPD layout.
2. The MCGM has granted IOD dated 21.7.2014 for building comprising of Ground + 1st upper residential floors. Copy of the IOD issued by MCGM is submitted. The MCGM requested to clarify as to whether the plot falls in ambit of CRZ.
3. The PP has submitted CRZ map in 1:4000 scale and report dated July, 2013 prepared by IRS, Chennai which is MoEF authorized agency. Further, the IRS, Chennai has issued Corrigendum dated 27.1.2015 to the report, as per which:
 - HTL demarcated by Institute of Remote Sensing with GPS survey for Arabian Sea is not same as that of HTL in approved CZMP because of development along Arabian Sea.
 - The project site containing CTS No. 320 falls partly within 500 m from HTL indicated in approved CZMP of 1991. The superimposition of HTL is subjected to generalization error caused by the scale of mapping
 - CRZ shall be applied for the land/site within the 500 m buffer zone from HTL for Sea as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, project site containing CTS No. 320 of Juhu village, Mumbai does not fall within the 500 m buffer from HTL for Arabian Sea as per GPS survey conducted by IRS in 2013.
 - A map indicating the HTL as per GPS survey, 500 m from HTL as per GPS survey, HTL as per approved CZMP of 1991 along with 500 m buffer from HTL as per approved CZMP of 1991 is submitted.

The Authority noted that the plot is situated outside CRZ area, as per GPS survey conducted by IRS in 2013. The Authority noted that new draft HTL as per CRZ Notification, 2011 is not yet approved by MoEF, New Delhi. However, MCGM issued IOD considering plot falls outside CRZ area by considering new draft HTL demarcated by IRS.


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The Authority noted the report of IRS dated 27.1.2015 which mentions that the project site containing CTS No. 320 fall partly within 500m from High Tide Line indicated in approved CZMP of 1991. The Authority observed that approved CZMP is in force.

The Authority after deliberation decided that the plot bearing CTS No. 320 of village Juhu, Mumbai is situated partly in CRZ area as per approved CZMP of Mumbai. The same should be communicated to MCGM. PP should submit the proposal through MCGM with conceptual building plans, taking into consideration that the plot u/r falls partly in CRZ area, as per approved CZMP.

Item No.104: Proposed construction of residential house on land bearing S.No.(53) 126 H.No.2C of CTS No. 871(pt) at Murud, Tal. Murud, Dist. Raigad by Smt. Manda Rajaram Virkud

The Authority noted that the Murud - Janjira Municipal Council, vide letter dated 16th December, 2014 forwarded the proposal to MCZMA.

The Authority noted the proposal details which is as follows:

1. The Murud - Janjira Municipal Council remarks has forwarded the proposal of new construction of residential building comprises of Ground + first floor on plot bearing C. S. No.871(pt), S. No. 126, Hissa No. 2 C, Murud - Janjira, Tal. Murud, Dist. Raigad. At present the plot is vacant.
2. The Murud - Janjira Municipal Council letter dated 16.12.2014 mentions that:
 - As per development plan of Murud - Janjira, the land under reference is falls in residential zone.
 - As per development plan of Murud approved under the Notification, 1977 of Urban Development Department, the land under reference is partly falls in residential zone and partly in wadi zone.
 - As per the CZMP of Murud - Janjira, the plot falls in CRZ II and situated on the landward side of the existing road.
3. FSI Details, as per the plans submitted by the PP:
 - Total plot area – 640.00sqm
 - Net area under R zone after deduction – 250.00sqm
 - Permissible FSI – 1.00
 - Total proposed Built up area (Ground floor + First floor) – 142.434sqm
 - FSI proposed to be consumed – 0.22

The Authority observed from the copy of city survey extract, DP sheet & approved CZMP that there was an existing house structure on plot u/r. Further, the PP was present for the

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meeting who stated that at present the plot u/r is vacant and no construction has started on the site. The PP is a local inhabitant of the area

The Authority noted that the plot u/r falls in CRZ II area and situated on landward side of existing road. Further, the Authority noted that the proposal is of reconstruction for residential purpose.

The Authority noted that as per 8(i) II. CRZ-II of CRZ Notification, 2011:

iii) Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.


The Authority after discussion decided to recommend the proposal to concern planning Authority from CRZ point of view under CRZ Notification, 2011 subject to compliance of following conditions:

1. The proposed reconstruction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The Murud Janjira should ensure that the FSI, plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. The Murud Janjira Municipal Council should ensure that there is no violation of provisions of CRZ Notification, 2011.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.105: CRZ Status of plot bearing S. No. 394, 395 at village Satpati, Tal. Palghar, Dist. Palghar by M/s Kotak Builders

The Authority noted that the M/s Kotak Builders vide letter dated 16.12.2014 submitted an application to MCZMA. The proposal was considered in 98th meeting of MCZMA held on 31.1.2015, wherein the Project proponent (M/s Kotak Builders) presented that the proposal is for residential project on plot bearing S. No. 394, 395 at Village Satpati, Tal. Palghar, Dist. Palghar. PP has got the CRZ survey done from the IRS, Chennai, as per which, the land under reference falls outside CRZ area from both the HTL (Creek and Sea) as per CRZ Notification, 2011.

The Authority in its 98th meeting observed that project site under reference is fronting Arabian Sea and Creek. Said CRZ map of IRS indicates Both HTL (approved HTL & new draft HTL) of Arabian Sea & Creek and 500 m & 100 m. CRZ area from new draft HTL of Arabian Sea and Creek.


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The Authority observed that report of the IRS Chennai does not mention as to whether the new draft HTL demarcated by IRS, Chennai for the Arabian Sea and the creek corresponds to approved HTL. Authority further observed that the 100 m CRZ area from approved HTL of creek is not demarcated in CRZ map.

The Authority in its 98th meeting felt it necessary that PP should submit the aforesaid conclusion & demarcation through IRS, Chennai and as to whether the site falls outside CRZ area as per approved HTL. Authority observed that the site under reference apparently falls outside CRZ area, as per the CRZ map of IRS, Chennai & provisions of CRZ Notification, 2011. However, it is necessary to obtain the above said information from PP through IRS, Chennai, before a final decision by the Authority.

The project proponent was present for the meeting. The Authority noted that the PP has submitted reply dated 2.2.2015 along with CRZ map in 1:4000 scale & report dated 2.2.2015 prepared by IRS, Chennai.

- As per IRS report dated 2.2.2015, the proposed project site in Survey No. 394 & 395 of Satapati village of Palghar Taluka and District of Maharashtra is not affected by CRZ as per CRZ 2011 and also as per old approved CZMP.
- As per CRZ map in 1:4000 scale prepared by IRS Chennai dated 2.2.2015, the project site bearing Survey No. 394 & 395 at Satapati village of Palghar, is beyond 500m line from new HTL as well as approved HTL of Arabian sea and beyond 100 m line from new HTL and approved HTL of creek.

The PP further stated that the plot u/r is vacant.

In the light of CRZ map (1:4000 scale) dated 2.2.2015 & report of IRS, Chennai, the Authority after deliberation decided that the project site in survey no. 394 & 395 situated at village Satpati, Tal- palghar, Dist- Palghar by M/s Kotak Builders is situated outside 500 m CRZ buffer area from approved HTL of Arabian sea and also situated outside 100 m CRZ buffer area from the approved HTL of creek. Hence, the site under reference does not fall under the ambit of CRZ Notification, 2011.

Item No.106: Proposed construction on plot bearing S.No. 472 B/4 Veral, Tal. Khed, Dist. Ratnagiri by Smt. Sulochana Shivaram Bhosale

The Authority noted that the Sub Divisional Officer & Sub Divisional Magistrate Khed Sub Division Khed, Ratnagiri vide letter dated 18.12.2014 forwarded the proposal of construction on plot bearing S.No. 472 B/4 Veral, Tal. Khed, Dist. Ratnagiri by Smt. Sulochana Shivaram


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Bhosale. The Authority noted that the remarks of the Town Planning office, Ratnagiri, the plot u/r fall within CRZ area i.e. 100m to 500m distance from HTL of river.

The project proponent was absent for the meeting.

The Authority after deliberation decided to direct PP to submit the superimposition of the plot under reference on approved CZMP of the area in 1:4000 scale through Town Planning office, Ratnagiri. The said superimposition should also indicate the max. 100 m distance from the approved HTL of the river. Further, Town planning office, Ratnagiri should mention the distance of the plot from the approved HTL of the river and present status of mangrove, if any, near the site u/r.

Item No.107: Proposed reconstruction of existing building on plot bearing CTS No. B/156 of village Bandra (W), Mumbai by Shri. Yusuf Noor Mohd.Khan

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 19.12.2014 forwarded the proposal of reconstruction of existing building on plot bearing CTS No. B/156 of village Bandra (W), Mumbai by Shri. Yusuf Noor Mohd.Khan.

The proposal was considered in 99th meeting of MCZMA held on 16.5.2015, wherein the PP presented that the plot is fronting to Mahim Bay. The Authority in its 99th meeting decided to direct the PP to submit the CRZ map in 1:4000 scale & report along with conclusion prepared by one of the agency authorized by MoEF and other related documents in order to seek the CRZ status of plot under reference which is fronting Mahim Bay as per provisions of CRZ Notification, 2011. Said CRZ map prepared by MoEF authorized agency should also indicate the HTL as per the approved CZMP of the Mumbai & 100 m CRZ area from approved HTL and the present ecosystem. It was decided that the proposal could be discussed only after submission of above said CRZ map & the report by project proponent. The Reply from PP is awaited.

The project proponent was present for the meeting who informed that the CRZ map in 1:4000 scale prepared by IRS, Chennai would be submitted to the Authority at the earliest. Authority decided to write a letter to PP to submit the required information as sought by MCZMA.

Item No.108: Proposed redevelopment of building known as Bob Bungalow on plot bearing C.S. No. 50, Mazgaon Division in E Ward, situated at Hospital Lane of Dholkar Street, Byculla, Mumbai by M/s. Amita Patil & Associates


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The Authority noted that the proposal of proposed redevelopment of building known as Bob Bungalow on plot bearing C.S. No. 50, Mazgaon Division in E Ward, situated at Hospital Lane of Dholkar Street, Byculla, Mumbai was submitted to MCZMA along with IOD on 9.10.2014 through MCGM.

The project proponent presented the proposal before the Authority which is as follows:

1. The proposal is for redevelopment of Cessed building known as Bob Bungalow under DCR 33(7) on plot bearing C.S. No. 50, Mazgaon Division in E Ward, situated at Hospital Lane of Dholkar Street, Byculla, Mumbai. Proposed building comprises of basements + Ground + 1st to 3rd parking floors (car parking) + 4th to 16th (pt) residential floor. Municipal Commissioner, MCGM has approved various concessions for the proposed building on 4.8.2014. MCGM has issued IOD vide letter dated 25.9.2014 for the project.
2. As per MCGM, the plot under reference is situated in residential zone and entirely reserved for the purpose of public housing.
3. As per approved CZMP of Mumbai the land under reference falls in CRZ II (within 500 m from HTL).
4. Existing structure Details:
 - MCGM letter dated 8.11.2007 mentions that, the property bearing E Ward No. 6783(1-5) 12-0846-00-5 Street No. 4-6 Hospital Lane is Cessed under Category A.
 - MHADA has issued No Objection Certificate vide letter dated 31.8.2009 for redevelopment under DCR 33(7) with FSI 2.00
 - MHADA has issued revised No Objection Certificate vide letter dated 3.11.2012 for redevelopment under DCR 33(7) with FSI 2.50
5. FSI Details, as per plans approved (IOD) by MCGM on 25.9.2014,
 - Area of plot – 621.24 sqm
 - FSI Permissible – 2.50
 - Permissible Floor Area- 1553.10 sqm
 - Proposed BUA – 1548.44 sq.m.
6. Public hearing of tenants / residents as per CRZ Notification, 2011 was held on 6.5.2015. Proceedings of hearing are submitted to MCZMA. The proposal is as per para 8.v.1. (c) Of CRZ Notification, 2011.

The Authority after detailed discussion and deliberation decided to recommend the CRZ component of the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.


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2. All the conditions of para 8.v. 1. (c) of CRZ Notification, 2011 (amended from to time) should be complied with.
3. The MCGM should ensure that FSI, plans, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011.
4. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 6.1.2011.
5. Project proponent should implement green initiatives such rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
6. Debris generated during the construction should not be disposed in the CRZ area.
7. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Item No.109: Proposed redevelopment on plot bearing CS No. 168 and 169 of Malabar Hill Division, situated at the junction of Jamnadas Mehta Road and B.G. Kher Road, Mumbai – 400 006 by M/s. Metropolitan Properties Pvt. Ltd.

The Authority noted tha the the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 29.12.2014 forwarded the proposal to MCZMA.

The Authority noted the remarks of MCGM dated 29.12.2014 which is as follows:

1. The proposal is for redevelopment on plot bearing CS No. 168 and 169 of Malabar Hill Division, situated at the junction of Jamnadas Mehta Road and B.G. Kher Road, Mumbai – 400 006 by M/s. Metropolitan Properties Pvt. Ltd.
2. Architect has proposed a composite development of two different plots having Cessed A category structures and dilapidated structure together.
3. The developer has proposed to demolish cessed buildings as well as dilapidated structure under DCR 33(7) & 33(6) and propose a new building. The new building comprises of two level basement + stilt + 1st to 3rd level podium for residential and commercial use with parking + 1st to 16th upper floors mainly for rehabilitation of residential and non residential use, including refuge areas.
4. The plot u/r falls in residential zone as per old 1967 DP as well as in revised sanctioned DP (1993) and is not under any reservation as per both of these development plans. The user of residential and non residentialalk was permissible as per land use and zoning as on 19.2.1991, as well as on 6.1.2011.
5. As per approved CZMP of Mumbai, the land u/r falls in CRZ II (within 500 m from HTL) and situated on landward side of existing road BG Kher Road and Walkeshwar road in existence prior to 19.2.1991.
6. Existing structure Details:


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There were three existing cessed A category residential (R) and on residential (NR) structures on plot bearing CS No. 168 and the plot bearing CS No. 169 had one dilapidated structure as declared by office of Assistant Engineer 'D' ward / B.B. R. & R. Board, Bombay which were demolished for composite development.

As this is a composite development a representation was made to Urban Development Department for allowing composite development of the above referred properties with benefit of FSI values as would have been allowed for individual schemes as per 33 (6) & 33 (7). After considering the facts and circumstances of the case, UDD vide its letter dated 2.7.2004 granted request of the applicant to allow composite development of two plots i.e. C.S. No. 168 & 169 of Malabar Division by protecting the FSI as approved by MCGM on individual plot.

For cessed building, the architect has submitted the copy of MHADA NOC and category certificate showing that the structure is A category and existing prior to 1940. The MHADA NON for 2.5 FSI also reflects CS No. 168 and property D – 3792 (1), which can be correlated with the category certificate issued by BMC dated 26.8.2002 as well as assessment records of MCGM, having property number. The plot bearing CS No. 169 has dilapidated structure as NOC for reconstruction with FSI non exceeding as that of existing building issued by the office Dy. Chief Engineer (South) of M. B. R & R Board, Mumbai vide their letter dated 17.8.2002.

7. Site Condition:

The amended plans of 2.46 FSI are approved under IOD dated 7.8.2014 for residential and non residential building. The proposal was processed earlier only for 2.00 FSI, as the NOC from MHADA for 2.5 FSI was not obtained. As MHADA has now given NOC of 2.5 FSI dated 7.1.2012 based on CRZ NOC granted by Dy. Ch. Eng. (B.P.) City and Dir (E. S & P) in the year 1999. The work as per CC contains 2 basements + stilts + 3 level podium + 1 to 16 (pt) upper floor structure is ready on site.

The PP presented that the plot under reference was fully under CRZ II (within 500 m from the HTL of Back Bay) as per the old CZMP 1991 and on landward side of Walkeshwar road. The plot is located more than 100 m from the HTL of Bay, but partly within 500 m from the HTL of Arabian Sea. PP has obtained the CRZ map (1:4000 scale) & report prepared by IRS, Chennai which is one of the agency Authorized by MoEF. PP requested Authority to grant CRZ status based on the CRZ map & report of IRS, Chennai.

The Authority noted the CRZ map dated 3.3.2015 in 1:4000 scale & report prepared by IRS Chennai, The said report of IRS mentions as follows:


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- The HTL demarcated by the IRS corresponds to the HTL shown in approved CZMP 1991 subject to the generalized error of variation in scale of mapping.
- The CRZ –II / III (as the case may be) is 100m from the HTL for bay areas as per the 2011 CRZ guidelines, as against 500m from HTL according to 1991 CZMP. Therefore the site on landward side of Back Bay falls outside the CRZ area as per 2011 CRZ guidelines.
- The small portion of the site falls inside the 500 m line from HTL of Arabian Sea and affected by CRZ-II as per 1991 CZMP and as well as 2011 CRZ guidelines. The area affected by CRZ-II for the property holding CS No. 168 is about 167.7 sqm and CS No. 169 is about 24.9 sqm. This is calculated based on the percentage area affected by CRZ from GIS using p-line method and converted to square meters using area found in the property card. There are mangroves present in the vicinity. The project site falls outside the 50m mangrove buffer.

The Authority noted that construction work upto 16th upper floors are already constructed on the site. It was felt that superimposition of the present constructed building structure on the said CRZ of IRS, Chennai is required in order to ascertain its CRZ status.

The Authority after deliberation decided to direct PP to submit the following:

1. Superimposition of the present constructed building structure on the said CRZ of IRS, Chennai
2. Earlier CRZ clearance for the present construction on the site u/r

Item No.110: Proposed construction on plot bearing S.No.29A/1 Shribag No.2, Plot Not.14 at Alibag, Tal. Alibag, Dist. Raigad by Smt. Dipeeka Deepak Ghosalkar

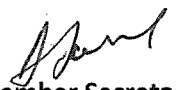
The Authority noted that the Alibag Municipal Council vide letter dated 20.12.2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal before the Authority which is as follows:

1. The proposal is for construction of residential building on plot bearing survey no. 29A/1, Plot no. 14, of Shribag no.2, Tal- Alibag, Dist- Raigad.
2. The proposed construction is of Stilt + Ground + 1st floor residential building. Total Height of the proposed structure is 12.20m
3. The Alibag Municipal Council letter dated 20.12.2014 mentions that The plot under reference falls in CRZ-II & situated on landward side of existing road.
4. As per DP of Alibag dated 20.08.1984, the site u/r is reserved as stadium. In year 1986, as per clause 50 of MRTP Act, 1966 the plot under reference falls in Residential area.


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5. As per approved Regional Plan Mumbai Metropolitan Region Notification 30 (1) of 1996, accordance with notification dated 30.03.2013 the site under reference falls in residential zone outside congested area
6. As per the plans submitted by PP, total area of plot is 99.00 Sqm. Proposed BUA is 99.00 sqm. Proposed balcony is 9.45 sqm.

The Authority after deliberation decided to seek following information from Alibaug Municipal Council:

- Whether the plot under reference is situated on landward side of existing road constructed prior to 1991.
- Distance of plot under reference from the mangrove area.

Furthe, the Authority decided to seek a report from the District Collector, Raigad for destruction of mangroves in & around the site u/r.

Item No.111: CRZ Status of the Project Site in S. No. 89, 94 & 95 at village Nate, Tal. Rajapur, Dist. Ratnagiri by P.K. Tendulkar


The Authority noted that the Ms. P.K. Tendulkar has submitted application dated 10.11.2014 for CRZ Status of the Project Site in S. No. 89, 94 & 95 at village Nate, Rajapur Taluka, Dist. Ratnagiri. The proposal was considered in 97th & 98th meeting of MCZMA held on 23.1.2015 & 31.1.2015 respectively. As per decision taken in 98th meeting, the MCZMA vide letter dated 18.4.2015 directed Project proponent (PP) to submit the followings:

- Conclusion of the report as to whether S. No. 89, 94 & 95 are out side the 100m CRZ line from approved HTL of Ambolgadh Bay.
- In the map there seems to be another water body i.e. creek to which the plot under reference is fronting hence the conclusion as to whether the plot under references are also out side the CRZ line of HTL of the creek or other wise is necessary. Similarly, as to whether the HTL of creek corresponds to old approved HTLM of creek or other wise.
- Full Scale CRZ map in 1:4000 scale superimposing the plot under reference.

The PP presented that CRZ map in 1:4000 scale & corrigendum dated 16.4.2015 prepared by IRS, Chennai is submitted. As per IRS corrigendum dated 16.4.2015:

1. The HTL in approved CZMP was demarcated by NHO at 1: 25,000 Scale in 1997-98, using the instrumentation/technology available then. However, the HTL demarcated by Institute of Remote Sensing with GPS survey for Arabian Sea is at 1:4000 scale


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using current instrumentation/technology. With due consideration to the above facts, the following inferences are made:

- a. The Project site HTL for Open Arabian Sea is the same as that of HTL in approved CZMP.
 - b. The HTL for creek/waterbody is not the same as that of HTL in approved CZMP, because of presence of mangroves on the landward side of HTL in approved CZMP and the existence of more than 5 PPT condition.
2. The project site boundary consisting of Survey No. 89(Part), fall partly within 100m from High Tide Line indicated in approved CZMP of 1991, while Survey No. 94(Part) and 95(Part), are outside. The superimposition of HTL is subjected to generalization error caused by the scale of mapping.
 3. CRZ shall be applied for the land/site within the 100m buffer zone from HTL for Ambolgadh Bay in Arabian Sea, as per CRZ Notification 2011 of MOEF vide S.O. 19(E), dated 06.01.2011. In this case, the project site boundary consisting of Survey No. 89(Part) of Nate Village, Rajapurtaluk, Ratnagiri District, Maharashtra, fall partly within 100m buffer from HTL for Ambolgadh Bay in Arabian Sea as per GPS survey conducted by IRS in 2014. While Project boundary in Survey No. 94(Part) and 95(Part) of Nate Village, Rajapurtaluk, Ratnagiri District, Maharashtra, is outside CRZ. The details are summarized below in the Table:

Sr. No.	Project Site Boundary Survey No.	Survey No. wise Project Site area (Source: Client)	Survey No. wise area within CRZ	CRZ Category/Zone
1	89(Part)	12.561 hectares	3851 Sq. Metres	CRZ-1B
			88 Sq. Metres	CRZ-4A
			45757 Sq. Metres	CRZ-III
2	94(Part)	4.277 hectares	NIL	Not Applicable
3	95(Part)	0.885 hectares	NIL	Not Applicable

A map indicating the HTL as per GPS Survey, 100m from HTL as per GPS Survey, HTL as per approved CZMP of 1997-78 along with 100m buffer for HTL as per approved CZMP of 1997-98 is submitted.

The PP further presented that the National Hydrographic Office, Dehradun vide letter dated 18.6.2014 addressed to Ms. Pratima K Tendulkar mentions that, the Ambolgarh bay on Chart 2038 'Rajapur bay and Vijaydurg Harbour' of 2013 edition is a 'Bay' and has been correctly depicted on chart in accordance with UNCLOS part II, Section 2, Article 10.


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The Authority observed that the CRZ map (1:4000 scale) prepared by IRS, Chennai shows two (2) coastal water bodies. The said CRZ map indicates following:

- Approved HTL of Ambolgad Bay and its 100 m CRZ buffer area.
- New draft HTL as per CRZ Notification, 2011 for Ambolgad Bay & its 100 m CRZ buffer area.
- New Draft HTL as per CRZ Notification, 2011 for creek and its 100 m CRZ buffer area.

The Authority observed that the said CRZ map does not indicate the old approved HTL for creek. Further, the corrigendum dated 16.4.2015 of IRS, Chennai mentions that the HTL for creek/ waterbody is not the same as that of HTL in approved CZMP, because of presence of mangroves on the landward side of HTL in approved CZMP and the existance of more than 5 ppt condition.

The Authority observed the CRZ map (1:4000 scale) & decided the followings:

1. The project site bearing survey no. 89(pt) at village Nate, Rajapur Taluka, Ratnagiri District falls partly within 100 m CRZ area buffer from approved HTL of Ambolgad Bay.
2. The project site bearing survey no. 94(pt) & 95(pt) at village Nate, Rajapur Taluka, Ratnagiri District does not fall within 100 m CRZ buffer area from approved HTL of Ambolgad Bay.

The Authority after deliberation decided to communicate the above mentioned CRZ status of project site bearing survey no. 89(pt), 94(pt) and 95(pt), village Nate, Ratnagiri subject to submission of a clarification from PP through IRS, Chennai regarding the non indication of approved HTL of creek & its 100 m CRZ buffer area.

Item No.112: Proposed consumer pump for storage of petroleum product on plot bearing plot G.No.1861/1B at Chaul, H.No.1B, S.No. 478(part) at village Agrav, Tal.Alibag, Dist. Raigad by Navnirman Machhimar Vividh Karykari Sahkari Society

The Authority noted that the Alibag Town planning and valuation dept, Alibug vide letter dated 22nd December, 2014 has forwarded a proposal for consumer pump for storage of petroleum product on plot bearing Gut No. 1862 of village Chaul, Alibaug, Dist: Raigad

The project proponent presented the proposal before the Authority which is as follows:

1. Proposal is for storage of petroleum product like diesel for fishing purposes of location fishing community


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2. As per coastal land use map of SAC, Ahmedabad in 1:25000 scale, the land under reference falls within 200 m from HTL of Seafront. The land under reference falls in CRZ III (NDZ) area.
3. Collector, Raigad vide letter dated 25.8.2014 mentions that the site under reference falls outside 200 m from HTL of sea
4. As per layout plan submitted by PP, proposal involves
 - Tank (T-1) with capacity 20 KL with Mild steel material
 - Dia – 2.10 m & Length -6.250 m
 - Product- HSD , Class B
5. Joint controller of Explosive, Mumbai vide letter no. Approval NO-A/P/WC/MH/14/8762(P 327561) dated 28.11.2013 has granted permission for petroleum consumer pump on site under reference.

The MCZMA vide letter dated 13.3.2015 requested Town Planning and Vauation Dept., Alibag, Raigad to submit following-

1. Google Image and site photographs of land under reference.
2. Status of construction on plot under reference. If, the consumer pump is constructed / partly constructed then, details about the start & completion of construction activity at the site.
3. If, construction of consumer pump exists on site under reference, prior permissions obtained from different statutory authorities including CRZ permissions for existing construction

Accordingly, Assistant Director of Town Planning, Town Planning & Valuation Department, Alibag has submitted the point wise reply dated 20.3.2015 as below:

- a. The Diesel tank of capacity of 20000 liter is placed on gut No. 1861/1B (pt) and pump is fitted adjacent to it. Said tank has occupied the land area admeasuring 17 × 30 ft. However, there is no construction on tank and they don't requirement of it. Said construction is completed in May, 2000, as mentioned in the application no. 984 submitted to Town planning office.
- b. Collector, Raigad has given permission subject to the terms and conditions that Grampanchayat, Chaul, while granting NoC for storage of diesel and transportation, should obtain all required permissions from Government organizations. At that time, said proposal was not sent for obtaining CRZ permission. Further it was not received to town planning office for remarks.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011:

- As per 8(i) II. CRZ-II of CRZ Notification, 2011:
 - (iv) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for


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regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;

- As per Para 3 of CRZ Notification, 2011,
Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ;

(ii) Manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966 (E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th December, 1989 except,-

(b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF. Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).

Annexure-II

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-

I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.


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The Authority observed that this is storage and distribution activity of diesel for the local fishermen and it is small scale activity and allied activity for fishermen. The proposal is in the interest of the local fishermen community. PP further mentions that there is no construction activity done on the site and only the diesel tanks are placed on site.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed activities should as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. This recommendation is only from CRZ point of view.
3. There should not be spillages of diesel in and around due to project activities

Item No.113: Proposed construction of residential building in C.S.No. 179, 180 at village Dahanu, Dist. Palghar by Shri. Suresh Kalidas Pagdhare

The Authority noted that the Dahanu Municipal Council (DMC), vide letter dated 22th December, 2014 forwarded the proposal of construction of residential building in C.S.No. 179, 180 at village Dahanu, Dist. Palghar by Shri. Suresh Kalidas Pagdhare. The DMC letter dated 22.12.2014 mentions that as per DP of Dahanu, the land u/r falls in residential zone. As per Town Planning and Valuation Department, Palghar vide letter dated 6.5.2014 mentioned that, the land bearing CTS No. 180 partly falls in 50m mangrove buffer zone & partly in CRZ-II.

The Project proponent was present for the meeting who informed that there is existing structure on plot u/r and its reconstruction is proposed.

The Authority after deliberation decided to seek a report from the District Collector, Palghar on following points:

- Whether the proposal is of new construction or reconstruction of old existing structure.
- Detail of existing structure on plot u/r including earlier CRZ permission.
- Distance of the plot from the mangrove vegetation.

Item No.114: Proposed construction of public Rain Shelter, Community Toilet & Electric Sub Station on land bearing S.No.769/pt (Old), 339/pt(New), S.No.722/pt(Old), 342/3(new) at village Bhaindar, Dist. Thane by MSRTC


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The Authority noted that the Mira Bhaindar Municipal Corporation (MBMC) vide letter dated 24.12.2014 forwarded the proposal to MCZMA. The proposal was considered in 99th meeting of MCZMA held on 16.5.2015. The project proponent was absent for the meeting. Hence, the proposal was deferred.

The project proponent was absent for the meeting. The Authority decided to defer the matter.

Item No.115: Proposed reconstruction of the existing building on plot bearing C.S. No. 3/1623 of plot No. 133 of Worli East Scheme No. 52 of Lower Parel Division, at Dr. A.B. Road, in G/S Ward, Mumbai by M/s. Photogravurs (India) Pvt. Ltd

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 31.12.2014 forwarded the proposal to MCZMA.

The project proponent presented the proposal which is as follows:

1. As per MCGM letter dated 31.12.2014, the proposal is for reconstruction of the existing dilapidated building under DCR 33(6) of 1991 on plot bearing C.S. No. 3/1623 of Lower Parel Division, at Dr. A.B. Road, in G/S Ward, Mumbai by M/s. Photogravurs (India) Pvt. Ltd.
2. Proposed building comprises of 3 level basement + Stilt of greater Height (i.e. 7.20 m) + 8 nos. of car parking level having height up to 30m + 9th service floor + 10th to 19th upper floors for residential purpose. Municipal Commissioner, MCGM has approved various concessions for the proposed building on 21.9.2014.
3. MCGM has issued IOD vide letter dated 28.10.2014 for the project.
4. As per DP remarks of MCGM dated 11.3.2014, the plot under reference is situated in Local Commercial Zone is not reserved for any public purpose.
5. MCGM letter dated 31.12.2014 mentions that, as per approved CZMP of Mumbai the land under reference falls in CRZ II (within 500 m from HTL) and situated on landward side of existing road.
6. Existing structure Details:
MCGM letter dated 18.10.2010 mentions that, the certain portion of the existing structure building of Photogravurs (India) Pvt. Ltd situated at Dr. A.B. Road, Mumbai which is in ruinous condition likely to fall and dangerous to any person occupying , resorting to or passing by the same. MCGM letter dated 31.12.2014 mentions that, the existing building under reference was ground floor + part mezzanine floor + 3 floors.
7. FSI Details, as per plans approved (IOD) by MCGM on 28.10.2014,
 - Area of plot – 1244.98 sqm
 - Permissible floor area (Protected existing BUA of authorised structure) – 2259.51 sqm


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- Proposed BUA – 2248.97 sqm
- 8. Public hearing was conducted on 19.11.2014 by MPCB as per CRZ Notification, 2011.

The Project proponent stated that the existing structure is dilapidated and its user was 'warehousing'. The proposed building is of Residential use. The PP has submitted the proposal as per para 8.v.1. (c) of CRZ Notification, 2011.

The Authority after detailed discussion and deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. All the conditions of para 8.V. 1. (c) of CRZ Notification, 2011 (amended from time to time) should be complied with.
3. The MCGM should ensure that FSI, plans, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011.
4. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 6.1.2011.
5. Project proponent should implement green initiatives such rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
6. Debris generated during the construction should not be disposed in the CRZ area.
7. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Item No.116: Proposed development of Buildings on plot bearing CTS No. 605, 606, 607 (pt), 608, 609, 610 and 611 of village Eksar, Link Road, Borivali (West), Mumbai by M/s. Navkar Infra Projects

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 30.12.2014 forwarded the proposal to MCZMA.

The project proponent presented the mater before the Authority which is as follows:

1. As per MCGM letter dated 30.12.2014, the proposal is for proposed development of Building No. 1 on plot bearing CTS No.; 605, 606, 607 (pt), 608, 609, 610 and 611 of village Eksar, Link Road, Borivali (West), Mumbai.
2. In this case the proposal has received IOD for residential building No. 1 comprising Stilt + 1st to 7th upper floors for residential use dated 31.2.2009 & CC building No. 1


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was granted for stilt slab level. The architect has submitted amended plans for basement for parking + ground / stilt part for parking and part for shops + 1st for community hall + 2nd to 4th for upper level parking + 5th to 8th + 9th part for residential use.

3. Municipal Commissioner, MCGM has approved various concessions for the proposed building on 11.6.2014.
4. As per DP remarks of MCGM dated 30.12.2014, as per DP remarks the plot under reference is partly falls in residential zone and partly in No development zone and is partly affected by 36.60 mtrs wide DP road for public purpose. The plot is not reserved for any p[ublic purpose as per 1967 DP in force as on 19.2.1991. Plot is partly reserved for HD as per revised DP 1993. Very small portion of the plot on west side of link road is placed in No Development Zone admeasuring about 260.40 sqm and is not considered for FSI purpose, being naturally subdivided. The user of Residential was permissible as per land use and zoning as on 19.2.1991.
5. MCGM letter dated 30.12.2014 mentions that, as per approved CZMP of Mumbai the land under reference falls within 150m of HTL of Manori creek and is situated in CRZ II. The plot under reference is on landward side of existing link road /36.60 mtr wide DP road (inexistence prior to 19.2.1991).

The Authority noted hat the MCZMA vide letter dated 20.6.2015 requested PP to submit certain information. Accrodingly, PP submitted reply vide letter dated 8.7.2015.

1. Approved CZMP of Mumbai indicating project site is submitted. As per said CZMP the plot under reference falls in CRZ-II and landward side of existing road.
2. The CRZ clearance was granted by Urban Development Department vide letter dated 21.8.2006. PP does not have any other NOC from MCZMA
3. The project / layout is on entire plot & civil construction work of building No. 2 is fully completed and final finishing work is going on & upon fulfillment of all terms and conditions the builder of Building No. 2 will apply for Occupation Certificate to MCGM. Hence the present proposal is for Building No. 1.
4. Current Status of the buildings is as follows-

Building No. 1: The work upto plinth has been completed.

Building No. 2: Civil construction work of building No. 2 is fully completed and final finishing work is going on & upon fulfillment of all terms and conditions the builder of Building No. 2 will apply for Occupation Certificate to MCGM.

Site Photographs submitted.

The PP informed that the CRZ clearance was earlier granted by Urban Development Department vide letter dated 21.8.2006. Construction work of building No. 2 is fully completed. Present proposal is for Building No. 1.

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The Authority noted the clause (viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority. As per the said clause:

"The Authority shall examine all projects proposed in Coastal Regulation zone areas and give their recommendations before the project proposals are referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144(E) dated 10th February, 1991"

The Authority observed that as per clause (Viii) of S.O. 18(E) dated 4.1.2002, prior CRZ recommendation from MCZMA was mandatory in the subject proposal, when the UDD issued the CRZ clearance dated 21.8.2006.

The Authority observed that this is a case of violation of CRZ Notification, 1991 and decided to initiate action under Environment (Protection) Act, 1986 read with CRZ Notification, 2011 through Environment Department.

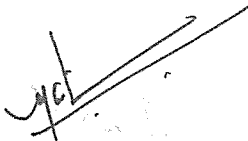
Item No.117: Proposed construction of building on plot bearing S. No. (25)97, H.No.6B, CTS No. 791 at Murud, Tal. Murud, Dist. Raigad by Shri. K.K. Kokate

The Authority noted that the MurudJanjira Municipal Council vide letter dated 30.12.2014 forwarded a proposal construction of building on plot bearing S. No. (25)97, H.No.6B, CTS No. 791 at Murud, Tal. Murud, Dist. Raigad by Shri. K.K. Kokate.

The Authority noted the MCZMA vide letter dated 2.6.2015 requested MJMC to provide the clarification in the proposal, since the MJMC has forwarded the proposal for regularization of construction on plot u/r. The reply from MJMC is awaited in the matter. The project proponent was absent for the meeting.

The Authority after discussion decided to seek a report from Murud Janjira Municipal Council on following points:

1. Whether the proposal is for regularization of construction on site u/r.
2. Present status of construction on site under reference with current dated photographs & google image.
3. Whether the proposal is of new construction or reconstruction of existing authorized structure. If proposal is of reconstruction, authorization details of existing structure including earlier CRZ clearance.


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Table Item No.1: Proposed redevelopment of Center for Advance Financial and Learning (CAFRAL) on Plot bearing F.P. No. 1166 of Town Planning Scheme Mahim No. IV, at Mahim, Mumbai by Reserve Bank of India

The Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 27.7.2015 forwarded the proposal to MCZMA.

The project proponent presented the proposal which is as follows:

1. Reserve Bank of India is proposing the redevelopment of Center for Advance Financial and Learning (CAFRAL) of RBI at F.P. No. 1166 of Town Planning Scheme Mahim No. IV, at Mahim, Mumbai.
2. As per MCGM remarks, there are in all seven buildings existing on the plot u/r. It is proposed to retain four buildings and to demolish remaining three buildings for proposed construction of new building. The two buildings which are proposed to be demolished namely training college (G+3), hostel building (G+4) and one Principal's bungalow. All these three buildings are vacant at present. In addition to above there is one existing sub station which is proposed to be retained.
3. As per submitted information, the proposed building comprises of two wings with configuration of Basement + Ground + 8 upper floors. The proposed building will have training centre with one wing for residential and other for visitors whereas the conference and training centre is at podium level. MCGM has granted IOD on 7.7.2015.
4. PP has submitted plans approved by MCGM in 1983 & 1986 to prove the authenticity of the existing buildings.
5. As per DP Remarks of MCGM dated 20.9.2013, the plot under reference falls in Residential zone and not reserved for any public purpose.
6. As per CZMP of Mumbai submitted by PP, the site under reference falls in CRZ-II and is located on seaward side of existing road.
7. FSI Details, as per plan approved by MCGM dated 7.7.2015.
 - Area of Plot – 8,883.57 sqm
 - RG 15%- 1,332.99 sqm
 - Net area of Plot – 8,883.57 sqm
 - Permissible FSI – 1.33
 - Permissible BUA – 11,815.14 sqm
 - Existing BUA – 4, 187.03 sqm
 - Proposed BUA – 7,479.03 sqm
 - Total BUA – 11, 666.06 sqm
 - FSI Consumed – 1.31

The PP stated that the plot u/r falls in near to Mahim Bay and it is situated within 100 m from the HTL of Mahim Bay.


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The Authority noted that as per para 8.II. CRZ II.(iii) of CRZ Notification, 2011:
Reconstruction of authorized building to be permitted subject with the existing Floor
Space Index or Floor Area Ratio Norms and without change in present use;

Further, the Authority noted the amended Notification dated 16th June, 2015 issued by MoEF,
New Delhi

The Authority after discussion decided to recommend the proposal to concern planning
Authority from CRZ point of view under CRZ Notification, 2011 subject to compliance of
following conditions:

1. The proposed reconstruction should be carried out strictly as per the provisions of
CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications
given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor
Space Index or Floor Area Ratio Norms and without change in present use.
3. MCGM should ensure that reconstruction should be restricted to existing authorized
plinth only. No extension towards seaward side will be allowed.
4. MCGM should ensure that redevelopment is in accordance with the norms laid down
in the Town and Country Planning Regulations as they existed on the date of issue of
the notification dated the 19th February, 1991.
5. The concerned Planning authority should ensure that the FSI, plan and height
involved in the proposal are as per town and country planning regulations existing as
on 19.2.1991
6. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as
per the provisions of DCR existing as on 19.2.1991.
7. All other required permission from different statutory authorities should be obtained
prior to commencement of work.

Table Item No. 2: Proposed alignment, construction & improvement of SIRI Road
(Chiranjilal Loylka Marg) by MCGM

The MCGM officials presented that the Municipal Corporation of Greater Mumbai has
proposed construction and improvement of SIRI road (Chiranjilal Loylka Marg) from B G
Kher Marg to Tambe Chowk (Malbar Hill). The proposed road is to provide ideal
connectivity between the B G Kher Marg and Tambe Chowk (Walkeshwar Marg). This will
increase width of existing road / pathway and will facilitate easy movement of vehicle and
will also reduce traffic congestion on B G Kher Marg, Walkeshwar Marg and Teen Batti
Junction. The MCGM official further presented that proposed road alignment falls in CRZ II
and it is on landward side of existing road / walkeshwar road. Proposed alignment passes


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through Kamla Nehru Marg Park/ designated RG. Small portion affecting BEST receiving station. And 83 Nos. of trees will be affected.

The Authority after deliberation decided to direct MCGM to submit the detailed project report along with Rapid EIA and EMP for the project.

-----Meeting ended with vote of thanks-----

Annexure I

List of Members present for the meeting:

1. Joint Secretary, Urban Development Department
2. Joint commissioner, Fisheries.
3. Dr. Rakesh Kumar, Expert Member, MCZMA
4. Dr. M.C. Deo, Expert Member, MCZMA
5. Dr. Mahesh Shindikar, Expert Member, MCZMA
6. Shri. A.T. Fulmali, Member Secretary, MCZMA


Chairperson


Member Secretary

