

Minutes of the 11th meeting of the Maharashtra Coastal Zone Management Authority  
held on 13-05-2002 at Committee Room, 6th floor, Mantralaya, Mumbai-32

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The following were present :

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| 1) | Principal Secretary<br>Environment & Energy Department<br>Govt. of Maharashtra,<br>Mantralaya, Mumbai-32.  | Chairman         |
| 2) | Principal Secretary,<br>Urban Development Department,<br>Govt. of Maharashtra,<br>Mantralaya, Mumbai - 32. | Member           |
| 3) | Dr. Leela Bhosale,<br>Department of Botany,<br>Shivaji University,<br>Kolhapur                             | Member           |
| 4) | Dr. Hrishikesh Samant,<br>Lecturer,<br>Department of Geology,<br>St. Xavier's College,<br>Mumbai           | Member           |
| 5) | Dr. Munshi Lal Gautam,<br>Member Secretary,<br>Maharashtra Pollution Control Board,<br>Mumbai-1.           | Member-Secretary |

Shri D.K. Shankaran, Principal Secretary (Revenue), Department of Revenue & Forest, Prof. S.K. Gupta, Head of the Deptt., C.E.S.E., Indian Institute of Technology, Pawai and Shri S. Ayyappan, Director, Central Institute of Fisheries Education, Members could not attend the meeting. Leave of absence was sought by them, which was granted by the Chairman.

Shri Surendra Jadhav, Deputy Secretary (Tech.) Environment Department, Shri P.V. Deshmukh, Dy. Secretary, and Shri Banayat, Urban Development Deptt. Govt. of Maharashtra were also present to assist the Authority.

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

Item No.1 : To confirm the minutes of the 10th Meeting of the Maharashtra Coastal Zone Management Authority held on 26-4-2002.

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The minutes of the 10th meeting of the Maharashtra Coastal Zone Management Authority held on 26-04-2002 were circulated amongst the Members vide letter bearing No.MCZMA/181, dated 06-05-2002 with a request to forward suggestions, comments, if any. No comments/suggestions were received from the Members. The minutes were read and confirmed.

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

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Member Secretary of the Authority gave a brief background of the Petition. He informed that the matter was discussed in detail in the last meeting of the Authority held on 26/4/2002. During the course of hearing, the Members of the Authority were of the view that while granting the permission originally the Bombay Municipal Corporation seems to have over looked the CRZ Notification of 1991 though CZMP was approved by Govt.of India in 1998. At the time of CZM submission, the Nala in question was marked as CRZ-II showing stretches of 25 mtrs. both sides. This plan of 1998 was finally approved by Ministry of Environment & Forests on 19th January, 2000. Accordingly B.M.C. & S.R.A. asked the party to recast the FSI of the buildings which fall in CRZ area. The Members also observed during the discussions that there is no tidal influence in the nalla near the property in dispute. However, the Members felt that it is not possible to take decision at this stage without interacting with Chief Hydrographer



and B.M.C. HTL has been drawn by Chief Hydrographer while CRZ area has been marked on a scale of 1:4000 by Urban Development Deptt./Bombay Municipal Corporation. Accordingly, the Commander R.B.Jayaraman, representative of National Hydrographic Office, Dehradun and Asstt.Engineer, Development Plant, MCGM were present during the meeting. The matter was discussed. Shri Jayaraman, representative of Chief Hydrographer Officer, Deharadun perused his map and map of B.M.C and said that the CRZ marking appears to be correct, though longitude and latitude coordinates have not been considered while marking CRZ on 1:4000 scale. Hence, there is a need to have observation again of the tidal influence and also the CRZ marking.

After due deliberation, it was decided to conduct a fresh survey by the Chief Hydrographer in co-ordination with BMC in the last week of May, 2002.

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

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The Member Secretary of the Authority gave a brief background of the matter. He informed that the matter was discussed in the last meeting of the Authority held on 8/2/2002 when all the concerned parties were heard. During the course of hearing M/s.Pan India Paryatan Ltd. submitted copy of the report prepared by N.I.O. Goa. Shri Debi Goenka, representative of M/s.Bombay Environmental Action Group was given the copy in the last meeting itself.

The Chairman of the Authority asked both the parties to make brief submission. Accordingly the parties made their respective submissions. Mr.Debi Goenka, representative of M/s.Bombay Environmental Action Group made a detail comments on the report. He has pointed out the recommendations of the report prepared by N.I.O. Goa that the proposed repairs to the existing embankment will cause damage to 120 Acres, particularly from the survey No.269 of the property. He has also pointed out that M/s.PAN India Paryatan Ltd. has not taken permission for development from B.M.C.

He quoted para No.5 of page No.9 that the extension of the mangroves in the property could have been caused by breaching of an old embankment, resulting in flooding and creating suitable condition for mangroves establishment and growth. The occasional flooding during highest high tide (75 m) has resulting in the formation of saline banks (open as well as with scrubby *Avicennia marina* and other obligate halophytes). He also argued that CRZ Notification 1991 does not allow CRZ-I area for agricultural nor prevention sea water in the field. He also pointed out that para No.1 of page 10 of the report and also last para of page 11 of the said report.

Smt.Maharukh Adenwalla, appearing for Gorai Machhimar Sahakari Sanstha Ltd. stated that due to construction of bandhara large quantity of mangroves have been destroyed. She also informed that the traditional fishing business of the local people is also affected to a great extent. Shri Shyam Diwan, Advocate of M/s.PAN India Paryatan Ltd. informed the authority that there is a documentary evidence available and referred the judgment of Justice Mr.Ranade and Parsons of 1900 confirming the existence of bandhara which in fact was permitted for reclamation of marshy lands in the old days for agriculture purposes. He informed that the petitioners have also not denied this fact. He further informed that as per directions of the authority, a preliminary study was conducted through N.I.O. Goa, a reputed Govt.of India agency in this field and assured the authority to maintain and protect the mangroves 120 acres as per the advise in the report. He also argued that the idea of repairs of bund is not to allow sea water to come in my property. He also said that N.I.O. report confirms good growth of mangroves in the west side of creek (Respondent side) and poor growth is east side (MAHADA side).

After due deliberations, it was decided to take a report from M.T.D.C. of Gorai area which was surveyed through Chief Hydrographer in 1997. It may throw that light on the situation.



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

As decided in the last meeting, the matter was referred to the Chief Hydrographer with a request to translate the CZMP of the disputed site from 1:25000 to 1:4000 so that the HTL, LTL can be properly identified. Accordingly the reference was made by the Board to the Chief Hydrographer vide letter No.MPCB/MS/491, dt.25/2/2002. In response to the said letter the Chief Hydrographer vide letter dt.5/3/2002 requested the MCZMA to submit the information in the given format. The information was submitted vide letter dt.16/2/2002. The Chief Hydrographer vide letter dt.8/4/2002 informed that translation from scale 1:25000 to scale 1:4000 is not possible and it needs physical survey. The Chairman of the Authority expressed the need to call B.M.C. in the meeting to decide the issue of survey/translation.

The matter was discussed in detail. Mr.Subramaniam the representative of M/s.Mayurpankh Properties Pvt.Ltd. disputed CZMP prepared by Govt.of Maharashtra claiming that the same is not authenticated by Ministry of Environment & Forests, Govt.of India . He further informed that the disputed property is outside 500 Mtrs. from the seaward side. Mr.Jayaraman, Joint Chief Hydrographer opined that the disputed property is within 500 mtrs. from the seaward side.

After due deliberation, it was decided to conduct a fresh survey by the Chief Hydrographer in co-ordination with BMC in the last week of May, 2002.

Item No.5: Complaint received from Rishi Agarwal an activist of Lokhandwala Complex Environment Group regarding dumping of debris and destruction of mangroves at Lokhandwala Complex, Andheri on coastal land.

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Member Secretary of the Authority gave a brief background of the complaint .He further informed that the matter was discussed in detail in the last meeting held on 08-02-2002. It was decided to direct M/s.Oshiwara Land Developers Co.Pvt.Ltd. to remove the bandhara by 28-02-2002 to take immediate steps for restoration of the mangroves within a period of 6 months. It was also decided to direct the company to protect their own land for reclamation in future so that the mangroves which is an important system is protected. The authority also directed the Tahasildar to monitor the compliance of directions and submit the compliance report to the Authority. The Collector, Suburban was also requested vide letter dt.10/4/2002 to take immediate steps to remove the bandhara.

The representatives of M/s.Oshiwara Land Developers Co.Pvt.Ltd. made written representation to the Chairman of the Authority requesting for fresh opportunity of hearing.

Accordingly, the Authority has discussed the issue at length and also heard both the parties. The written submission alongwith photographs & map submitted by M/s.Oshiwara Land Development Corporation Pvt.Ltd. were taken on record. The Sub-Regional Officer, M.P.C.Board's visit report dt.14-05-2002 was also taken on record. The Sub-Regional Officer during his visit to the site in question on 11-05-2002 observed that due to reclamation of khajan land which is about 700-800 Mtrs. in length, the mangroves were found to be cut and destroyed. It was also observed by him that because of dumping of debris, the sea water is not reaching the other side resulting in the destruction of mangroves.



During the discussion it was suggested to the Respondent that if the bandhara so constructed by him is removed at the cost of somebody else, whether he will have objection, the reply came is 'No'. Members opined that the photographs suggest that the dumping does not appear of 1993. The materials shows a case of subsequent dumping by the Oshiwara Land Development Co.Pvt.Ltd. The Authority decided unanimously that it is the responsibility of Respondents. Oshiwara Land Development Co.Pvt.Ltd., to remove the Bandhara altogether.

The meeting terminated with vote of thanks to the Chair.