

Minutes of the 128<sup>th</sup> meeting of the Maharashtra Coastal Zone Management  
Authority (MCZMA) held on 20<sup>th</sup> December, 2018

Minutes of the 128<sup>th</sup> meeting of the Maharashtra Coastal Zone Management  
Authority (MCZMA) held under the Chairmanship of Principal Secretary,  
Environment on 20<sup>th</sup> December, 2018 in conference Hall, 6<sup>th</sup> Floor,  
Mantralaya, Mumbai. List of the members present in the meeting is  
enclosed as Annexure I.

**Item No.1:** Proposed modernization and upgradation of Brihan Mumbai  
Mahanagarpalika Kreedha Bhavan at Shivaji Park, Dadar in G/N ward,  
Mumbai by MCGM

The MCGM officials were present for the meeting who informed that the  
MCGM has plans to propose construction of Mayors Bungalow, instead of Krida  
Bhavan on the site under reference. As per the request of the MCGM, the  
Authority decided to delist the proposal of Kridabhavan from the records of  
the MCZMA.

**Item No.2:** Proposed Beautification & Development of Gardens & surrounding  
Area of Bandra fort & promenade in H/West ward, Mumbai by  
MCGM

The project proponent presented the proposal before the Authority. The  
proposal is for Beautification & Development of Gardens & surrounding Area of  
Bandra Fort & promenade in H/West ward, Mumbai. The proposed project falls  
in CRZ I area. Proposed activities involves Cycle track and pathway, Steps,  
Promenade, area to be landscaped.

The Authority noted that earlier the proposal was deliberated in the 119<sup>th</sup>  
and 127<sup>th</sup> meeting held on 28<sup>th</sup> to 30<sup>th</sup> June, 2017 and 02<sup>nd</sup> November, 2018,  
wherein it was observed that proposed beautification is on landward side as well  
as seaward side of the Bandra Fort. MCZMA in the said meeting observed that  
MCGM may explore other options of beautification measures, instead of putting  
concrete structures along seaward side.

The PP presented the details of the project activities along with layout of  
the project. The PP has submitted the project layout superimposed on approved  
CZMP dated 16.8.2018. The PP presented that no concrete construction  
involving hard paving is proposed on seaward side in CRZ area.

  
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After deliberations, the Authority decided to recommend the proposals of beautification to SEIAA with subject to following conditions:

1. MCGM to ensure that no concrete construction is allowed in intertidal or beach area i.e. CRZ-I area.
2. MCGM to ensure that Solid construction should be restricted to landward side of the High Tide Line. Only permeable garden paver blocks will be allowed for constructing pathways.
3. MCGM to ensure that construction debris are not dumped in the beach and CRZ I and II area.
4. The beautification surrounding the bandra fort should be undertaken taking into account the Archaeological and heritage value of the Bandra Fort.
5. MCGM to obtain the NoC from competent Authority from Heritage point of view
6. Municipal Solid waste dumping in CRZ II area should be stopped and ensure its scientific disposal
7. Adequate number of dust bins and plastic bottles (PET) dispensers should be installed.
8. No cutting of the trees and hill cutting is allowed.
9. All other required permission from different statutory authorities should be obtained

**Item No.3:** Proposed construction of bridge on Karli Creek at Sonavade, Tal. Kudal, Dist. Sindhudurg by Maharashtra Rural Road Development Association

The official of the Maharashtra Rural Road Development Association (MRRDA) presented the proposal before the Authority. The proposal is for construction of Bridge on Karli Creek at Sonavade, Tal. Kudal, Dist. Sindhudurg. Total length of the bridge is 120 m which is cross the Karli Creek at Sonavade and approach of this bridge is 550m. There are no Mangroves present in the vicinity of the site under reference. The officials further presented that the bridge is proposed for local inhabitants.

The Authority noted that as per the approved CZMP under CRZ Notification, 2011, the bridge is proposed in CRZ III are of the Karli creek and site has no mangroves vegetation. It was further noted that construction of bridge across

  
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creek for local inhabitants is permissible activity, as per provisions of the CRZ Notification, 2011.

After deliberations, the Authority decided to recommend the proposal of bridge to SEIAA with subject to following conditions:

1. The proposed activity should be undertaken 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 PP to ensure that there shall not be obstruction to free flow of the creek water, due to proposed bridge.
3. The MRRDA to submit the rapid EIA and implement the Environment Management Plan during construction and operation phase.
4. Construction debris should not be dumped in the creek water.
5. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

**Item No.4:** Advertisement hoarding on Ramp B in MSRDC land at Mahim Causeway Road, Mumbai by MSRDC

The project proponent presented the proposal before the Authority. The proposal is for 2 Nos. of advertisement hoardings of Size 40' X 40' (Back to Back) on MSRDC Land, Mahim, Mumbai. The PP presented that the Hoarding is in existence since 1975. The MSRDC vide letter dated 28.08.2018 has forwarded copy of the NOC dated 15.03.1975 issued by Building & Communication Dept, GoM for the advertisement hoarding on plot reserved for Bandra Court, Mumbai. The PP further presented that no new structure will be erected. Only hoarding displays of size 40' X 40' (Back to Back) is proposed to be installed on existing structure.

The Authority noted the Hoarding policy as deliberated in 96<sup>th</sup> meeting of MCZMA held on 17<sup>th</sup> January, 2015. The Authority deliberated that the applicant is seeking to put up display board on existing hoarding structure which is in existence since 1975.

After deliberations, the Authority decided to recommend the proposal to Concerned Planning Authority subject to following conditions:

1. The proposed activity should be undertaken 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. Concerned Planning Authority to ensure that only hoarding displays of size 40' X 40' (Back to Back) is allowed to be installed on existing structure on site under reference.
3. Concerned Planning Authority to ensure that no new construction of hoarding structure allowed on site under reference.
4. Concerned Planning Authority to ensure the structural stability of the existing structure before installation of hoarding display, since existing structures is of the year 1975.
5. Concerned Planning Authority to ensure that no trees should be cut / destroyed during the installation of Hoardings.
6. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

**Item No.5:** Proposed Fire safety Exit Platform at Visa Section of the German Consulate General located at the Hoechst House, Nariman Point, Mumbai by Consulate General of the Federal Republic of Germany Mumbai

Officials from the Consulate General of the Federal Republic of Germany Mumbai presented the matter before the Authority. The proposal of Fire Safety Exit Platform / Staircase of German Consulate building was recommended by the MCZMA in its 120<sup>th</sup> meeting held on 28<sup>th</sup> July, 2017. However, when it was came to notice that construction was commenced prior to MCZMA recommendation, the MCZMA vide letter dated 05.10.2017 issued directions under section 5 of E (P) Act, 1986 to stop the construction on the site and sought report from PP and MMRDA.

The Authority noted that reply of the PP and MMRDA are received in the matter. The MMRDA vide letter dated 12.10.2017 mentioned that, a site inspection has been carried out by officers of MMRDA on 06.10.2017, during which it is observed that, the temporary site office is constructed on site prior to MCZMA recommendation and also without MMRDA's approval and the said unauthorized site office is also occupied, however, there have been no construction of Fire Safety Staircase. Since, PP has carried out said work on plot under reference without obtaining approvals from concern planning authorities i.e. MMRDA and MCZMA, PP has been instructed to immediately dismantle the unauthorized temporary construction work and discontinue any use of the same.

  
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The MMRDA vide letter dated 07.11.2017 mentioned that, after detailed site inspection of the subject premise has been conducted by the officers of MMRDA on 13.10.2017 the following is observed:

- a) The German Consulate has constructed a temporary site office of approx. size 5 m X 14 m and of height 3.35 m (11 feet) made up of glass and ply sheets. The said structure is in the parking space of the Hoechst house building. Approval of MMRDA for these porta cabin office has not been taken from MMRDA.
- b) The fire exist staircase construction work has not been commenced.

The Authority noted that Office of German Consulate has constructed the site office without approval of MCZMA and MMRDA, which is in violation of the CRZ norms. It was further discussed that till office of German Consulate removes the said site office, the proposal of Fire safety Exit Platform could not be considered for approval.

After detail discussion and deliberation, the Authority decided to issue directions to office of the German Consulate to remove the structure of temporary site office immediately and MMRDA to ensure the same.

After submission of the report from the MMRDA regarding compliance of the directions of the removal of site office, the proposal of Fire safety Exit Platform would be taken up in MCZMA meeting for grant of CRZ recommendation.

**Item No.6:** Proposed rejuvenation of Malabar Hill Gardens (Kamala Nehru Park and Sir Pherozshah Mehta Garden) by MCGM.

The project proponent was absent for the meeting. The Authority noted that the proposal was also considered in 121<sup>st</sup> meeting of the MCZMA, wherein the PP was absent. Despite telephonic intimate to PP for the MCZMA meeting, the PP was absent for the two MCZMA meetings. Therefore, the Authority after discussion decided to delist the proposal from the records of the MCZMA.

**Item No.7:** Proposed development of infrastructure facilities for fishermen community at 10 locations of Palghar, Mumbai Suburban, Thane, Raigad, Ratnagiri, Sindhudurga districts by Commissioner of Fisheries

  
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The project proponent presented the proposal before the Authority. The proposal is for development of infrastructure facilities for fishermen community at 10 locations of Palghar, Mumbai Suburban, Thane, Raigad, Ratnagiri, Sindhudurga districts. These infrastructure facilities include construction of boat repair yard, retaining wall, dredging, slopping ramp, solar street light and guide pole etc. Infrastructure facilities are catering to various needs of fisherman for their livelihood.

During the meeting, the Authority observed the followings:

1. PP need to submit the complete proposal which includes exact site locations along with latitude and longitude of 10 locations. Details like any mangroves or ecologically sensitive areas are present at the site locations.
2. PP to superimpose the project layout on the approved CZMP under CRZ Notification, 2011
3. PP to submit the rapid environment impact assessment report along with site specific Environment Management Plan for the sites.

After deliberations, the Authority decided to defer the proposal for want for above said information to MCZMA.

The Authority further noted that the CZMP under CRZ Notification, 2011 for Thane & Palghar is yet to be finalized and approved by MoEF&CC, New Delhi. Hence, the said proposals of Thane & Palghar will be considered only after approval of the CZMP by the MoEF&CC, New Delhi.

**Item No.8:** Proposed redevelopment of existing municipal market known as Babu Genu Market & Existing Municipal School on plot bearing C. S. No. 187 of Mazgaon division, Dockyard Road, E Ward, Mumbai by MCGM

The MCGM officials presented the proposal before the Authority. The proposal is for redevelopment of existing Municipal Market known as Babu Genu Market and Municipal School on plot bearing C.S. No. 187 of Mazgaon Division, Dock Yard Road. Hon'ble MC, MCGM has granted the approval for various concessions for redevelopment of existing Municipal Market known as Babu Genu Market and existing Municipal School. Hon'ble MC, MCGM has granted the approval for allowing additional FSI over and above zonal FSI to the school user under 10(2) of the DCR 1967 subject to obtaining approval of the UDD, GoM.

  
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As per the approved CZMP, the site falls in CRZ II area and situated on landward side of the existing road. The plot area is 3424.22 Sqm and total BUA proposed is 5818.38 Sqm.

The Authority discussed whether the proposal involves redevelopment of school proposal or new construction of school building. MCGM need to clarify on this.

After deliberation, the Authority decided to seek above said information from the MCGM. Accordingly, the matter was deferred, for submission of compliance as stated above.

**Item No.9: Proposal for Mumbai - Ahmedabad high speed railway project by  
NHSRCL**

The proposal of Mumbai - Ahmedabad high speed railway project by NHSRCL was considered in 126<sup>th</sup> meeting of MCZMA held on 27.08.2018.

The PP presented that the proposal is for Mumbai - Ahmedabad High Speed Railway project (MAHSR). Proposed alignment comprises of Chainage Km 0+000-BKC, Mumbai to km 508 + 170 - Sabarmati, Ahmedabad. MAHSR project consist of 4 stations in Maharashtra such as 1) BKC, 2) Thane, 3) Virar & 4) Boisar.

1. Total Length of MAHSR - 508.17 Km.
2. Alignment in Maharashtra - 155.642 km.
3. Length under CRZ in Maharashtra - 23.51621 km

The alignment is proposed on elevated viaduct and bridges and also has 26.915 Km of underground tunnels. There are a total 8 tunnels with the longest tunnel being 20.71 km under sea at the Thane creek. The length of bridges is 6.421 Km. The rest alignment, 474.834 km is on viaducts.

The PP has submitted comprehensive EIA Report and Integrated mangrove Conservation & Management Plan for the project prepared by GPS technologies Pvt Ltd. PP has submitted report on Study on the faunal components & conservation plan for Thane Creek Flamingo Sanctuary prepared by Zoological Survey of India.

  
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As per CRZ report dated May, 2018 prepared by NIO, Goa

Place	CRZ Category	Crossing length of Railway Line (mtr)
Thane Creek	CRZ IA & IVB	9299.6176
Mithi River	CRZ III & IVB	135.9451
Vaitarana River	CRZ IA & IVB	4258.9943
Ulhas River near Dombivali	CRZ IA & IVB	5423.607
Ulhas River near Vasai creek	CRZ IA & IVB	2795.6788

**Mangrove details:**

Sr. No.	Location	Length (m)	Area affected (Ha)	Nos. mangroves to be cut	Structure
1	Thane Creek	2555	Nil	Nil	Tunnel
2	Koparkhairane, Thane	2041	Nil	Nil	Tunnel
3	Ulhas River (Bharodi), Thane	710	10.650	92653	Viaduct
4	Ulhas River (Bharodi), Thane	641	0.990	8613	Viaduct
5	Ulhas River (Kewani), Thane	968	1.307	7450	Viaduct
6	Ulhas River, Malodi, Bhamhangaon, Thane	2381	4.419	31375	Viaduct
7	Ghaskopari, Palghar	448	0.705	4794	Viaduct
8	Vaitarana River, Khadi, Palghar	261	0.454	3087	Viaduct
9	Vaitarana River, Khadi, Palghar	131	0.179	1271	Viaduct
10	Jalsar, Palghar	164	0.222	1509	Viaduct
<b>Total area</b>			18.9258 Ha	150752 Nos. of mangroves to be cut	

A compensatory afforestation is required to be carried out in 1:5 ratios. Therefore, total mangroves to be planted are 753764 trees over an area on



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94.629 Ha. The PP vide letter dated 2.11.2018 submitted the required information as sought by the MCZMA in its 126<sup>th</sup> meeting.

The Authority noted the Hon'ble High Court order dated 17<sup>th</sup> September, 2018 in PIL 87/2006 passed by Hon'ble High Court of Mumbai. Since proposed activities are situated in 50 m mangrove buffer zone area, the Authority suggested that the project proponent may approach Hon'ble High Court of Mumbai seeking relief from the above said order dated 17<sup>th</sup> Sep, 2018. Further, the CZMP under CRZ Notification, 2011 for Thane & palghar is yet to be finalized and approved by MoEF&CC, New Delhi. Therefore, the matter was deferred.

**Item No.10:** Proposed temporary casting yard establishment at Juhu Koli Wada for Versova Bandra Sea Link Project by MSRDC

The officials of the MSRDC presented the proposal before the Authority. The proposal is for temporary Casting Yard establishment at Juhu Koliwada for the proposed Versova Bandra Worli Sea Link.

The Authority noted that earlier the proposal was deliberated in the 127<sup>th</sup> meeting held on 2<sup>nd</sup> November, 2018. In the said meeting, the Authority decided to make a Site visit in the matter. Whether site is in mangroves or its 50 m buffer zone at present. Authority after deliberation decided to defer the matter for a site visit report from mangrove cell & expert member of MCZMA.

Accordingly, the site visit was conducted on 5<sup>th</sup> November, 2018 by the Mangrove Cell to the proposed casting yard project by MSRDC, juhu koliwada along with Divisional Forest Officer, MMCU, Mumbai and Range Forest Officer, Central Mumbai, MMCU. During the site visit MCGM & other officials of MSRDC were present.

**The following observations are made during the site inspection with respect to Mangrove.**

- a) The proposed project area is near to the mangrove patch (C. S. No. 12313, which is not a notified forest land) at Juhu, Koliwada beach.
- b) After referring the MRSAC map, there were small sparse mangrove patches in 2005 and they are not visible at present. The Google images and the super imposed map on Google image shows that the mangrove might have disappeared way before the project proponent took the

  
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- possession of land (September 2018). It is very difficult to interpret the exact duration and the reason of sparse mangrove disappearance.
- c) At the site, there was a clearing of bushes/shrubs all along the 50m buffer area of present mangrove patch and the dried bushes were observed at the site on one corner of the mangrove buffer zone.
  - d) There was no destruction of mangroves as such from the project proponent i.e. MSRDC (conclusion made after checking the Google images and the dried shrubs from the site). At the site we could witness few dried mangrove associates shrubs which are not true mangroves.
  - e) There was ground levelling work in the 50m buffer zone, as per the project proponent it was done prior to their possession of land. It may be interpreted the same as per the Google images and photograph. As such there is no construction with in the 50m buffer zone.
  - f) The project proponent has appraise us that, no construction will be done without the permission of Hon'ble High Court within 50m buffer zone. Necessary MRSAC mangrove map may be provided to the project proponent from Mangrove Cell to demarcate the buffer zone from respective planning authority.

Representative from local Juhu Koliwada, Adv Shweta Wagh was present for the meeting, who submitted that work of the casting yard by MSRDC has already started with clearing of mangroves. The Authority requested the representative to submit her written say before the Mangrove Cell.

The Authority further noted the email received by the Sharmila Deshmukh (Advocate on behalf of MCZMA) stating that contempt petition has been filed in the matter alleging the mangrove destruction for proposal of casting yard by VBSL. It was further stated by Advocate that Hon'ble High Court has directed the mangrove cell to visit the site once again along with petitioner and submit the report.

In the light of above, the Authority deliberated that Mangrove Cell need to make site visit along with petitioner and during visit, written say of Advocate Shweta Wagh shall be taken into consideration. Accordingly, the matter was deferred for compliance of the directions of the Hon'ble High Court of Mumbai.

**Item No.11:** Proposed development of the mangroves park at Dahisar, Tal. Borivali, Mumbai by Mumbai Mangrove Conservation Unit

  
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Additional Chief Conservator of Forest, Mangrove Cell presented that Mumbai Mangroves Conservation Unit is planning to develop Mangroves conservation and development Park at Dahisar consisting Mangrove Trail, Nature Interpretation Centre (Ground + 2 floors), Kayak Trails walk on Mangroves, Watch Tower, Research / reference Section, Cafe viewing gallery, Hanging Walkway etc.

The objective of this project is to educate the citizens of Mumbai about the value of the Mangrove ecosystem to their well-being, and in turn running a drive for environmental awareness in the citizen and visitors of the Mangroves Park at Dahisar, Mumbai. The location of the mangrove park at Dahisar on Survey no. 344, village Dahisar, Tal. Borivali, Dist. Mumbai.

The project falls in CRZ I. The area of proposal is 11.64 Ha. Environment Impact Assessment Report is submitted.

Components	CRZ I (A)	CRZ II	CRZ III	Non CRZ
Refrainment of the existing road	3951	405	-	-
Entrance Structure	-	-	-	30
Nature Interpretation Centre	500	-	-	-
Mangroves Trail	1125	-	-	-

The Mangrove Cell officials further presented that, being mangrove area (CRZ I-A area), minimum foot print area has been proposed to occupy the Nature interpretation center. Road access is only provided at the boundary of the site along dumping ground also the Centre is designed as a single structure with minimal footprint.

After deliberations, the Authority decided to recommend the proposals to SEIAA with subject to following conditions:

1. Mangrove Cell officials should ensure that minimum footprint area is occupied in the mangrove area for setting up for the Nature Interpretation Centre, Board walk and watch tower.
2. Cafeteria proposed in the project is not allowed.
3. The Prior High Court permission should be obtained by the mangrove cell since the project is proposed in mangrove area.
4. All other required permission from different statutory authorities should be obtained

  
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**Item No.12:** Proposal for extending the disposal pipe line Y 2.2 Km in Savitri River / Bankot Creek from Owale village, Tal. Mahad, Dist. Raigad by MIDC, Mahad


The Officials from the MIDC presented the proposal before the Authority. The proposal is for extension of disposal pipeline by 2.2 km in savitri river / bankot creek from Owale village, Tal: Mahad, Dist: Raigad. The proposed construction of providing, laying and joining 630 mm dia HDPE pipeline from Owale to Gomendi village at effluent disposal point shall create tangible benefits as described below:


- Proposed extending the disposal pipeline laying by 2.2 km in Savitri creek portion near Owale village is a step towards improving safety, reducing pollution load in the Savitri River that there is no significant impact on population residing village because the pipeline is 2220 Rmt in depth there will no odour pollution among the villages.
- It is estimated that substantial construction personnel including skilled, semi-skilled and unskilled labourers employed by various contractors will work at site during the peak period of construction phase. Since most of sizeable labour force will be drawn from neighbourhood, only for a few skilled personnel, brought to site from outside the locality, proper housing / accommodation would be provided in the construction camps.
- The construction material like stone chips and sand will be procured from MIDC. The other important materials like cement, steel will be procured through various local sources. Thus, there is a possibility of generation of local trading opportunities, through temporary.

It was further presented that the MIDC pumps the treated effluent through either 600 mm dia A.C. pressure or 630 mm dia HDPE pipeline upto break pressure tankat Shirgoan. From Shirgoan BPT effluent flows by gravity upto Muthavali by 630 mm dia HDPE and then by Muthavali effluent flows by 700 mm dia PSC gravity pipeline upto Owale creek, where it is discharged. The treated affluent will then flow to the existing treated effluent disposal tank for final disposal to saline zone of a Savitri River at Owale.

After deliberation, the Authority decided to recommend the proposal from CRZ point of view to MoEF&CC subject to following conditions:

1. The proposed activity should be undertaken 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. MIDC to install real time monitoring of effluent at entry point to CETP and discharge point at creek.
3. MIDC to ensure that laying of the pipeline should not be proposed in mangrove or 50 m buffer zone.
4. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

**Item No.13:** Complaint regarding illegal construction of molasses storage tank in Vijaydurg Port, Dist. Sindhudurg by MMB

The MMB officials were present for the meeting. The Authority noted that the MCZMA was in receipt of complaint dated 25.02.2016 regarding illegal construction of molasses storage tank in Vijaydurg Port, Dist. Sindhudurg from Shri. Aniket S Amberkar. The MCGM sought reports from the District Collector and Company (M/s. Midex Global Overseas Limited)

District Collector, Sindhudurg, vide letter dated 16.01.2017 submitted their report stating following points:

- a. Maharashtra Maritime Board has signed Agreement with M/s. Midex Global Overseas Limited on 20.12.2000 for exportation of molasses by use of jetty.
- b. The plot bearing S.No. 125, Hissa no. 1 & S.no. 125, Hissa no. 4, mouje Vijaydurg, Tal. Devgad, Dist. Sindhudurg is owned by Salt Department, Central Government.
- c. M/s. Midex Global Overseas Limited has constructed molasses storage tank at 20 ft. from the creek in 2001.
- d. It seems that no permission from MCZMA, Environment Department for molasses storage tank is received.

Complaint (Mr. Aniket Amberkar) was presented for the meeting, who submitted that M/s. Midex Global Overseas Limited has not obtained necessary statutory permissions including CRZ to construct and operate the storage tank of molasses at site under reference. He further informed that company is releasing waste products in seawater causing water pollution in the area.

The Authority further noted the letter dated 16.10.2018 received from the MMB which states that land bearing S. No. 125, H. No. 1 & S. No. 125, H. No. 4 is adjacent to Jetty in Vijaydurg Port & it is necessary for port activities. The name transfer of the said land to MMB is in progress. Construction of tank has

  
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been carried out in year 2001 and existing from 17 years. The MMB has requested to grant permission for the said mollasses tank as the said tank is utilised for storage of mollasses.

In the light of submissions made by MMB officials and complaint, the Authority after deliberation decided to direct the Company (M/s. Midex Global Overseas Limited) to submit various statutory permissions obtained for construction and operation of molasses storage tank on plot under reference. The PP to submit the same within 15 days. On receipt of reply from the PP, the Authority shall discuss this matter for further appropriate decision in the matter.

**Item No.14:** Proposed construction of Resort on land bearing Gat No. 553/2 & 555/2 area 2-71-10 H at Kihim, Tal. Alibag, Dist. Raigad by Shri. Gautam Chand

The project proponent presented the proposal before the Authority. The proposal is for construction of Holiday Resort building comprising ground + 1<sup>st</sup> floor on plot bearing Gut. No. 553/2 and 555/2 at village Kihim, Tal-Alibag & Dist- Raigad. The proposal was earlier considered in 107<sup>th</sup> meeting of the MCZMA wherein the Authority sought certain information.

As per the approved CZMP dated 16.8.2018 under provisions of the CRZ Notification, 2011, the plot under reference is situated beyond 200 meter from the High Tide of the seafront. The plot is partially outside 500 meter CRZ setback area. Plot Area: 27110.00 sqm ( more than 0.4 Ha). The PP made a presentation on the environment measures proposed in the project.

After deliberation the Authority decided to recommend the project from CRZ point of view to MoEFCC, New Delhi subject to compliance of following conditions:

1. The proposed construction of resort should be in accordance with guidelines mentioned in Annexure III of the CRZ Notification, 2011 (amended from time to time).
2. The PP to submit the Rapid EIA for the project and shall implement EMP during construction and operation phase.
3. Local Body to ensure that FSI shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover.

  
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4. The overall height of construction upto highest ridge of the roof, shall not exceed 9 meter and the construction shall not exceed not more than ground + one upper floor.
5. PP to ensure that no construction should be carried out within 200 m from the HTL of the Seafront.
6. All other required permissions should be obtained prior to commencement of construction activity.

**Item No.15:** Proposed reconstruction of residential House on plot bearing S. No. 843 (768 M), Hissa No. 1/1, House No. 689, Malvan, Dist. Sindhudurg by Shri. Sanjay L Kharade

The project proponent was present for the meeting. The proposal is for reconstruction of residential building on plot bearing S. No. 843 (768 M), Hissa No. 1/1, House No. 689, Malvan, Dist. Sindhudurg. He further presented that area of Plot is 834.40 sqm and ground plus first floor residential house is proposed as per the town and country planning regulations as existed as on 19.2.1991.

The Authority noted that as per the provisions of the CRZ Notification, 2011, the ecological sensitive areas of Malvan are declared as Critical Vulnerable Coastal Area (CVCA), Identification of such CVCA area in Malvan was required. Proposals of the Malvan Area were pending due to CVCA issue. Hence, proposals of constructions/ reconstructions were kept on hold till the demarcating of the CVCA in CZMP map.

The Authority noted that as per the approved CZMP dated 16.8.2018 of the Sindhudurg district, the site under reference is in CRZ II area and not in CVCA area.

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

1. The Local Body to ensure that FSI for the proposed construction is as per the town and country planning regulation existing as on 19.2.1991 before issuing commencement certificate to the project
2. All other required permission from different statutory authorities should be obtained.

  
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**Item No.16:** Regarding proposal of Bird Park on plot bearing CTS No. 1917, 1923, 1930, 1925, 1939, 1932, 1935, 1919, 1920, 1922, 1926, 1929, 1934, 1936, 1937, 1938, 1940, 1942, 1912B of village Gorai, Borivali (W), Mumbai by M/s. Pan India Paryatan Pvt Ltd.

The project proponent presented the matter before the Authority. The MCZMA in its 122<sup>nd</sup> meeting of held on 30<sup>th</sup> October, 2017 deliberated the proposal of bird park on plot bearing CTS No. 1917, 1923, 1930, 1925, 1939, 1932, 1935, 1919, 1920, 1922, 1926, 1929, 1934, 1936, 1937, 1938, 1940, 1942, 1912B of village Gorai, Borivali (W), Mumbai by M/s. Pan India Paryatan Pvt Ltd. After deliberation, the Authority decided to recommend the proposal of Bird Park from CRZ point of view subject to compliance of following conditions:

1. The proposed bird park should be in accordance with provisions of CRZ Notification, 2011.
2. Local body to ensure that only bird park and it associated ancillary facilities would be allowed on the site.
3. Local body to ensure that no residential & Commercial development on the site. Local body to ensure before issuance of CC to the project.
4. Mangroves should not be cut/ destroyed for the proposed activity.
5. All other required permission from different statutory authorities should be obtained, prior to commencement of the proposed work.

M/s. Pan India Paryatan Pvt Ltd. vide letters dated 17.11.2017, 06.02.2018 & 16.8.2018 seeking amendment in condition No. 3 "Local body to ensure that no residential & commercial development on the site. Local body to ensure before issuance of CC to the project." granted by the MCZMA in the subject matter.

The PP requested MCZMA to amend the above said condition as per permissibility of user in DP/ DCR sanctioned for Manori - Gorai-Uttan Notified area.

In the light of above, the Authority after deliberation decided to amend the above said condition no. 3. The said condition shall be read as "Local body to ensure that Bird Park and ancillary facilities associated with bird park like **doctors residential room, servant quarters**. Local body to ensure before issuance of CC to the project"

  
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The Authority further decided that rest of the above said conditions of the recommendations remains unchanged.

**Item No.17:** Proposed redevelopment of plot bearing CTS No. 789 of Juhu village, Ashok Nagar CHS, N.S. Road No. 11, JVPD scheme, K/W ward, Mumbai by Shri. Narendra Goenka & Others

The project proponent presented the proposal before the Authority. The proposal is for construction of residential building comprising of two basement + ground floor+ 1<sup>st</sup> to 5<sup>th</sup> upper floors on plot bearing CTS No. 789 of Juhu village, Ashok Nagar CHS, N.S. Road NO. 11, JVPD scheme, Mumbai. The existing structure is proposed to be demolished which is comprising of part basement + + part ground + 1st to 3th upper floor + 4<sup>th</sup> part upper residential use.

As per the approved CZMP, the plot is situated in partly in CRZ II area and substantially outside CRZ area. The PP has submitted the CRZ map prepared by the IRS, Chennai which shows that out of total plot area 838.1 Sqm, area admeasuring 6.20 Sqm is in CRZ II area. Further, the plot is situated on landward side of existing Juhu Tara road.

The proposal is a combination of two FSI regimes. For CRZ portion of the plot. FSI of 1.00 + 0.50 Govt FSI + admissible TDR as per road width + fungible compensatory FSI as per modified DCR, by claiming staircase, lift, lift lobby free of FSI. The plot falls in Residential zone as per the old DP of 1967 as well as revised sanctioned DP of 1993. The Plot area is 838.1 Sqm and total construction area is 3331.71 Sqm.

In the light of above, the Authority after detailed discussion and deliberation decided to recommend the proposal from CRZ point of view to concerned planning Authority subject to compliance of following conditions:

1. Proposed redevelopment should be in accordance with provisions of CRZ Notification, 2011 (amended from time to time) & various guidelines/ circular issued by the MoEF, New Delhi.
2. Local body to ensure that FSI proposed in CRZ II portion of the land should not exceed the FSI potential as per the DCR existing as on 19.2.1991
3. PP to ensure proper management of solid waste and waste water. Construction debris should not be disposed in CRZ area.

  
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4. PP to also make provision for green belt for the project, no concrete paving on open spaces and gardens, adequate energy requirement should be made from renewable sources and install solar water heaters.
5. All other required permission from different statutory authorities should be obtained.

**Item No.18:** Proposed construction of bridges on plot bearing Gut no. 93 at village Kharkaravi and Gut no. 94 at village Kharmachela at Tal. Pen, Dist. Raigad by JSW

The project proponent presented the proposal before the Authority. The proposal is for construction of bridge at village Kharkaravi and Kharmachela in Taluka Pen in Dist. Raigad for the purpose of crossing the existing Nalla between existing project land and proposed land for future development. As per the CZMP, 2011, the project falls under CRZ I area and proposed bridge alignment is passing through 50 m mangrove buffer zone area. The PP has submitted the rapid EIA report.

The Authority noted the Hon'ble High Court order dated 17<sup>th</sup> September, 2018 in PIL 87/2006 passed by Hon'ble High Court of Mumbai. Since proposed bridge is situated in 50 m mangrove buffer zone area, the Authority suggested that the project proponent may approach Hon'ble High Court of Mumbai seeking relief from the above said order dated 17<sup>th</sup> Sep, 2018. Accordingly, the matter was deferred.

**Item No.19:** Proposed relocation & reconstruction of UG Tank on property bearing C. S. No. 17A to 6, J & K/738 of Malabar hill Division & situated at Behramji Gamadra Road, Mumbai by M/s High Landmark Cooperative Housing Society Ltd.

The project proponent presented the matter before the Authority. High Land CHS Ltd has proposed relocation & reconstruction of UG Tank on property bearing C. S. No. 17A to 6, J & K/738 of Malabar hill Division & situated at Behramji Gamadra Road, Mumbai. The PP further presented the proposed UG tank is a free of FSI component in the applicable DCR.

The Authority noted that the site under reference is in CRZ II area and landward side of existing road, as per approved CZMP under CRZ Notification, 2011.



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After deliberation, the Authority decided to grant the CRZ NoC for the relocation & reconstruction of UG Tank on the site under reference.

**Item No.20:** Amendment in CRZ clearance for the project of Dharamtar Jetty facility at village Dolvi, Dist. Raigad by M/s. JSW

The project proponent presented the matter before the Authority. The proposal is for amendment in CRZ clearance for the project of Dharamtar Jetty facility at village Dolvi, Dist. Raigad. The MoEF&CC, New Delhi vide letter dated 26<sup>th</sup> November, 2015 has granted the EC and CRZ clearance for the expansion of the Dharamtar Jetty facility. The PP stated that construction of two elevated conveyor galleries, one housing six conventional pipe conveyors and another housing a bi-directional simultaneous conveyance pipe conveyor in a stacked manner. The PP further presented that around 4000 m of the conveyor galleries are proposed and will pass on the western side of the steel plant, taking radial diversions to feed the steel plant units, such as coke oven, sinter plant, pallet plant, blast furnace, SMS shop, cement plant etc. The PP further presented that New transmission line is also proposed.

The PP presented that said facilities are in CRZ III area as per the CRZ map of NCSCM, Chennai. The PP further stated that proposed activities are situated beyond 50 m mangrove buffer zone. The Authority instructed PP to submit the undertaking stating the same. The PP has submitted Rapid EIA for the proposal.

The Authority noted that conveyor belt and transmission line activities are permissible as per provisions of the CRZ Notification, 2011 with prior clearance from the MoEF, New Delhi. However, said activities should not be proposed in mangroves or its 50 m buffer zone.

The Authority further noted the site inspection report dated 27.12.2015 in Application no. 122/2015 filed in NGT, Pune. The Authority felt that mangrove cell shall take cognizance of the said report.

After detailed discussion and deliberation, the Authority decided to recommend the proposal to MoEF, New Delhi subject to compliance of following conditions:

  
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1. The proposed activity should be undertaken 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. No activity shall be carried out in mangroves or its 50 m buffer zone, as per 17<sup>th</sup> Sep, 2018 High Court order in PIL 87/2006.
3. PP to ensure that only after obtaining all required clearances, activities should be constructed.
4. The PP to obtain the NoC from the Mangrove Cell, confirming that activities are not in mangroves or its 50 m buffer zone. Mangrove cell may make site visit before granting NoC. Mangrove cell shall take cognizance of earlier clearances, court matters and complaints, if any in the matter.
5. The PP to implement the Environment Management Plan for the proposed activities.
6. All other required permission from different statutory authorities should be obtained.

**Item No.21:**

Proposed addition / alteration to existing swimming pool in premises of Malabar Hill Club on plot bearing C. S. No. 3/319 of Malabar Hill Division situated near Kamala Nehru Park, at B. G. Kher Road, D warde, Mumbai by M/s Nandkishore Udas

The project proponent presented the proposal before the Authority. Malabar Hill Club has proposed addition / alteration to existing swimming pool in premises of Malabar Hill Club on plot bearing CS No. 3/319 of Malabar Hill Division, at B, G, Kher Road, Mumbai. The proposal involves additional / alternations in 2 nos. of swimming pools at site under reference.

1. The size of existing 1<sup>st</sup> swimming pool is proposed to be increased from (7.62 m x 18.29 m) to 8.94 m x 25 m. Depth of the said swimming pool is proposed to be reduced to 1.52 m from the existing depth of min 0.90 m to max 3 m. Also additional Swimming pool for children.
2. And, size of 2<sup>nd</sup> swimming pool is proposed to be increased from 8.17 x 8.31 m with depth of min 0.54 m to max 0.698 m is proposed.
3. Both swimming pools are separated from each other by proposed wooden walkover bridge with wooden railing and handrail thereon.
4. The entire proposed work is completely open to sky and below ground level except the aforesaid wooden walkover bridge which is at ground level. No work is proposed in the existing building of Malabar Hill Club.

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The Authority noted that the site under reference is in CRZ II area and landward side of existing road, as per approved CZMP under CRZ Notification, 2011. If, the reservation of the land indicated in DP is open space, parks, garden or playground then, the site is in CRZ III area, as per para 8.v.e of the CRZ Notification, 2011. Then, the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible, as per para 8.v.f of the CRZ Notification, 2011. The MCGM to ensure the same.

The PP presented that proposed activities are no considered as free of FSI component as per the DCR of Greater Mumbai.

In the light of above, the Authority after detailed discussion and deliberation decided to recommend the proposal from CRZ point of view to concerned planning Authority subject to compliance of following conditions:

1. Proposed activities should be in accordance with provisions of CRZ Notification, 2011 (amended from time to time) & various guidelines/ circular issued by the MoEF, New Delhi.
2. Local body to ensure that proposed activities are within FSI limit as stipulated in CRZ Notification, 2011.
3. Only 15% FSI is permissible for plots in CRZ II area for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities, as per para 8.v.e & f of the CRZ Notification, 2011. The MCGM to ensure the same.
4. All other required permission from different statutory authorities should be obtained.

**Item No.22:** Proposed extension of swimming pool on CS No. 4/47, Plot No. 11, L.J. Marg, Worli, Mumbai by National Sports Club of India (NSCI)

The project proponent presented the proposal before the Authority. The PP presented that National Sports Club of India (NSCI) has proposed extension of authentic existing swimming pool of size from 22.86 m x 10.67 m to 50 m x 25 m and proposed kids pool 6.25 m x 20 m with underground filtration plant 9m x 12 m. The area of swimming pool & filtration plant are claimed free of FSI as the same are open to sky. The MCGM has granted IOD subject to NOC from

  
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MCZMA. As per DP remarks of MCGM the plot under reference falls in CRZ-II area.


The Authority noted that the site under reference is in CRZ II area and landward side of existing road, as per approved CZMP under CRZ Notification, 2011. If, the reservation of the land indicated in DP is open space, parks, garden or playground then, the site is in CRZ III area, as per para 8.v.e of the CRZ Notification, 2011. Then, the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible, as per para 8.v.f of the CRZ Notification, 2011. The MCGM to ensure the same.

In the light of above, the Authority after detailed discussion and deliberation decided to recommend the proposal from CRZ point of view to concerned planning Authority subject to compliance of following conditions:

1. Proposed activities should be in accordance with provisions of CRZ Notification, 2011 (amended from time to time) & various guidelines/ circular issued by the MoEF, New Delhi.
2. Local body to ensure that proposed activities are within FSI limit as stipulated in CRZ Notification, 2011.
3. Only 15% FSI is permissible for plots in CRZ II area for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities, as per para 8.v.e & f of the CRZ Notification, 2011. The MCGM to ensure the same.
4. All other required permission from different statutory authorities should be obtained

**Item No.23:** Proposed redevelopment on plot bearing CTS No. C/715 of village Bandra situated at existing wide Carter Road, Bandra (W), Mumbai by Shri. S. K. Shetty & ors

The project proponent presented the proposal before the Authority. The PP presented that the proposal is for redevelopment on plot bearing CTS No. C/715 of village Bandra situated at existing wide Carter Road, Bandra (W), Mumbai. The MCZMA vide letter dated 9.3.2016 recommended the proposal of redevelopment on plot under reference. MCZMA in its 111<sup>th</sup> meeting recommended the proposal, as per DCR 1967. Now, the proposal submitted before the MCZMA is under para 8.v.c. of the CRZ Notification, 2011 wherein

  
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DCR 1991 (amended from time to time) is applicable, since, the existing structure is dilapidated. The PP further presented the project details as below:

1. The proposed redevelopment comprises of low rise residential building comprising two level basement + stilt floor for entrance lobby+ 1<sup>st</sup> and 2<sup>nd</sup> + 3<sup>rd</sup> (pt) + 4<sup>th</sup>(pt) + 5<sup>th</sup>(pt) upper floor for residential user in lieu of plot potential + 100% TDR + 0.50 addl FSI + FC FSI as per modified DCR 1991.
2. Old existing structure is comprising of ground + 2 upper floor residential bungalow named "Aashirwad". The PP has submitted a copy of notice issued under section 354 of MMC Act u/no. HW/BF/JEIII/354/23/2010-2011 dated 8.7.2010 served by then Asst Engineer (B&F) stating the certain structure of the building is in a ruinous condition likely to fall and dangerous to any person occupying resorting to or passing by same.
3. As per the approved CZMP, the plot under reference falls in CRZ II area and situated on landward side of existing road.
4. The plot falls in Residential zone as per the old DP (1967 DP) as well as revised sanctioned DP (1993) and is not affected by any reservations for the public purpose as per both of these DP. The user of Residential was permissible as per land use and zoning as on 19.2.1991.
5. FSI details:
  - Plot area: 603.70 Sqm
  - Built up area: 1447.14 Sqm
  - BUA claimed free of FSI: 818.17 Sqm
  - Total construction area: 2265.31 Sqm

Earlier concessions were approved by Hon. MC as on 29.9.2015 and subsequently revised concessions on 15.11.2016 and accordingly lastly plans were approved on 16.12.2016 for the redevelopment of property with proposed low rise residential building with height 23.85 mt comprising two level basement+ 1<sup>st</sup> & 2<sup>nd</sup> + 3<sup>rd</sup> (pt) + 4<sup>th</sup> (pt) + 5<sup>th</sup> (pt) upper floors for residential in lieu of plot potential i.e. FSI 1.00 and by claiming staircase room, lift well area benefit as DCR 1967. Accordingly existing bungalow was demolished as per full CC granted as on 11.2.2017, proposed redevelopment works is under progress.

The PP vide letter dated 06.12.2018 informed MCZMA that the plans are again amended in light of new DCR 2034. As per the amended building plan, building comprising of 2 basement + 7 floors + terrace. The FSI details as per amended plans

  
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- BUA is 1720.77 sqm
- BUA claimed free of FSI is 1087.75 sqm
- Total construction area is 2808.52 sqm

The Authority took on record the representation of the PP who informed about the revised proposal of 2 basement + 7 floors + terrace, as per current new DCR 2034. The Authority noted that the MCGM shall ensure that revised proposal of 7 floors is within the framework of prevailing DCR of the MCGM.

The PP informed that public hearing could not be submitted, since existing building belongs to single owner and there are no tenants. The Authority instructed the PP to submit the undertaking stating the same.

In the light of above, the Authority after detailed discussion and deliberation decided to recommend the revised proposal from CRZ point of view to concerned planning Authority subject to compliance of following conditions:

1. Proposed redevelopment should be in accordance with provisions of CRZ Notification, 2011 (amended from time to time) & various guidelines/ circular issued by the MoEF, New Delhi.
2. Local body to ensure that redevelopment is allowed in CRZ II area only and all the conditions of the para 8.v.c of the CRZ Notification, 2011 is adhered to.
3. Local body to ensure that proposed construction is as per DCR prevailing as on the date on which the project is granted approval by the competent Authority.
4. PP to submit undertaking that there is existing building has single owner and there are no legally entitled tenants.
5. PP to ensure proper management of solid waste and waste water. Construction debris should not be disposed in CRZ area.
6. PP to also make provision for green belt for the project, no concrete paving on open spaces and gardens, adequate energy requirement should be made from renewable sources and install solar water heaters.
7. All other required permission from different statutory authorities should be obtained.

**Item No.24:** CRZ Status of plot bearing CS No. 1500 (pt), 2116 (pt), 1408 (pt) of Mahim Division, G/N Ward, Mahim Mumbai for jan rahivasi Sangh CHS (Prop) & Adivasi Koli Rahivasi Sangh CHS (Prop) by M/s. Deodhar Associates

  
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The applicant (M/s Deodhar Associates) was present for the meeting. The applicant presented that the plot bearing CS No. 1500 (pt), 2116 (pt), 1408 (pt) of Mahim Division, G/N Ward, Mahim Mumbai is fronting to Mahim Bay and situated outside 100 m CRZ limit from the Mahim Bay, as per the approved CZMP dated 16.8.2018 under CRZ Notification, 2011. Applicant submitted the approved CZMP showing the site under reference.

After deliberation, the Authority decided to confirm that plot bearing CS No. 1500 (pt), 2116 (pt), 1408 (pt) of Mahim Division, G/N Ward, Mahim Mumbai is situated beyond 100 meter applicable CRZ setback area from the Mahim Bay, as per approved CZMP dated 16.8.2018, under provisions of the CRZ Notification, 2011.

**Item No.25:** Regarding matters of CRZ status received before MCZMA

The MCZMA is in receipt of number of matters for seeking clarifications regarding location of the plot from CRZ point of view as per approved CZMP under CRZ Notification, 2011.

The Authority noted that the Ministry of Environment, Forest & Climate Change (MoEF&CC), New Delhi vide letter dated 16th August, 2018 approved the CZMPs of Mumbai City, Mumbai Suburban, Raigad, Ratnagiri and Sindhudurg districts, under provisions of the CRZ Notification, 2011. Accordingly, the said approved CZMPs have been published and uploaded on website of the Maharashtra Coastal Zone Management Authority (MCZMA) i.e. <https://mczma.gov.in>

The MCZMA in its 127<sup>th</sup> meeting held on 02<sup>nd</sup> November, 2018 noted and took on record the said approval issued by the MoEF&CC, New Delhi with respect to above mentioned 5 coastal districts. As decided in the said meeting, Concern Planning Authorities / District Collector vide letter dated 14.12.2018 communicated to follow the said approved CZMPs in their jurisdiction. As per provisions of the CRZ Notification, 2011, prior CRZ recommendation from the MCZMA is required for the activities regulated and permissible in CRZ area and application should be as per newly approved CZMP under CRZ Notification, 2011. The Authority decided to intimate the above said letter dated 14.12.2018 of MCZMA to applicants of the received matters.

Discussion items with the approval of Chairman

  
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**Item no. 1:** Representation dated 19.11.2018 received from the Navi Mumbai Municipal Corporation.

The Authority noted that the NMMC vide letter dated 19.11.2018 sent a representation to MCZMA seeking clarification pertaining to following 2 points:

- 1) Grant of post facto CRZ clearance to building projects in CRZ II area as per old approved CZMP under CRZ Notification, 1991
- 2) Clarification pertaining to ongoing projects which were not in CRZ II as per old approved CZMP under CRZ Notification, 1991 and now in CRZ area as per draft CZMP published under CRZ Notification, 2011.

With respect to point no. 1), the Authority noted that issue of grant of post facto approval to buildings in CRZ II area of Navi Mumbai was deliberated in various earlier meetings of the MCZMA and matters was also referred to MoEF, New Delhi for further appropriate decision. The MoEF&CC, New Delhi sent a communication bearing No. F. No. 19-124/2015-IA.III dated 17/11/2015 regarding post facto clearance under CRZ Notification, 2011 for projects constructed in Navi Mumbai area. The MoEF, New Delhi has informed that the issue of violation of cases was taken up during 28<sup>th</sup> meeting of National Coastal Zone Management Authority (NCZMA), New Delhi held on 28/04/2015. The MoEF, New Delhi, considering the decision taken by the said meeting of the NCZMA, directed the MCZMA to take action against the projects which are in violation of CRZ Notification under the law. The MCZMA in its 109<sup>th</sup> meeting held on 19.12.2015 deliberated the above said communication dated 17.11.2015 received from the MoEF, New Delhi and thereby decided to seek further clarification / guidelines from MoEF, New Delhi. However, before referring matter to MoEF&CC, the Authority decided that CIDCO and NMMC may be directed to present their views in the matter and sought certain information. Subsequently, on receipt of the information from the NMMC, the matter was once again deliberated in 114<sup>th</sup> meeting of the MCZMA held on 2<sup>nd</sup> and 3<sup>rd</sup> November, 2016 wherein the Municipal Commissioner, Navi Mumbai Municipal Corporation (NMMC) presented his say in the matter. As per the decision taken in the 114<sup>th</sup> meeting, the MCZMA vide letter dated 7<sup>th</sup> February, 2017 referred the matter to MoEF, New Delhi with a request to reconsider the said matter to allow local planning Authority to issue Occupancy certificate to the buildings constructed in CRZ II area of Navi Mumbai prior to CRZ Notification, 2011. Reply from the MoEF, New Delhi is awaited in the matter. The Authority after deliberation decided to send reminder to MoEF, New Delhi in the matter.

  
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The Authority further noted that the MoEF, New Delhi issued a Notification dated 6<sup>th</sup> March, 2018 regarding the post facto approval to projects, as per which, post facto CRZ projects require CRZ clearance from MoEF, New Delhi, as per criteria laid down in said notification, if such request for regularization is received prior to 30<sup>th</sup> June, 2018. The matter was discussed in 125<sup>th</sup> meeting of MCZMA held on 21<sup>st</sup> August, 2018 wherein the MCZMA noted that several proposals were received for grant of post facto CRZ clearance.

With reference to above point 1), the Authority after deliberation decided the followings:

- a) The MCZMA vide letter dated 7<sup>th</sup> February, 2017 referred the matter to MoEF, New Delhi with a request to reconsider the said matter to allow local planning Authority to issue Occupancy certificate to the buildings constructed in CRZ II area of Navi Mumbai prior to CRZ Notification, 2011. Reply from the MoEF, New Delhi is awaited in the matter. The Authority after deliberation decided to send reminder to MoEF, New Delhi in the matter.
- b) PP should submit the proof that the proposal had been submitted to MoEF, New Delhi by 30<sup>th</sup> June, 2018, in the light of Notification dated 6<sup>th</sup> March, 2018.

With respect to above said point no. 2), the Authority further noted from the representation received from the NMMC seeking clarification on ongoing projects which were not in CRZ II as per old approved CZMP under CRZ Notification, 1991. However, now, such projects are in CRZ area as per the draft published CZMP of the Navi Mumbai under CRZ Notification, 2011. The Authority deliberated the issue and noted that old approved CZMP under CRZ Notification was valid upto 31<sup>st</sup> July, 2018. Further, new draft CZMP of the Navi Mumbai area is yet to be approved by the MoEF, New Delhi. The Authority opined that those ongoing sanctioned projects by NMMC which were outside CRZ II area as per old approved CZMP and now pending for Occupation Certificate, such project may be allowed to complete, as approved by concern planning Authority.

**Item No. 2:** Regarding applicability of CRZ permission to Beach Resort at S. No. 766, H. No. 1 (pt), at Agashi, Arnala, Tal. Vasai, Dist. Palghar by Mr. Anton E. Barboze

The Authority noted that applicant Mr. Anton E. Barboze has sent a representation stating that the MTDC vide letter dated 28.10.1994 granted No



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Objection for putting up sea side resort on at S. No. 766, H. No. 1, Arnala, (Agashi), Tal. Vasai, Dist. Thane subject to approval from the competent Authorities. The CIDCO on 21.12.1995 had granted the permission for Beach Resort on land bearing S. No. 766, H. No. 1 (pt), village Agashi, Arnala, Tal. Vasai, Dist. Thane subject to and shall be accordance to the provision of Annexure - II of CRZ Notification, 19.02.1991. The CIDCO also directed to obtain NA permission from Competent Authority. The District Collector, Thane on 22.11.2002 has granted approval to beach resort on said land admeasuring 302.25 Sqm subject to certain conditions. The MPCB vide letter dated 17.02.2006 has granted Consent to Operate.

During the deliberations, Authority noted that, building permission was granted to Beach Resort construction by the CIDCO i.e. concerned planning Authority prior to MCZMA's constitution order dated 26.11.1998. The Authority further noted that concern planning Authorities were empowered to regulate the activities in CRZ area prior to 4.1.2002.

The Authority after detail discussion & deliberation decided that, if the project of beach resort had received necessary sanctions from the concern planning authority prior to 04.01.2002, considering the provisions of CRZ Notification, 1991 and construction of beach resort on plot under reference is carried out as per the approvals granted by the planning Authority, then the recommendation from CRZ point of view from the MCZMA may not be required. Planning Authority should strictly ensure that construction on the site is as per the then prevailing annexure II of the CRZ Notification, 1991 and as per the building permission granted by the CIDCO in the year 1995, provided that no change is made in project profile / building plan by the project proponent after 4.1.2002. Planning Authority should strictly ensure the same and ensure compliance of provisions of the CRZ norms.

*.....Meeting ended with vote of thanks.....*

  
Member Secretary

  
Chairman

Minutes of the 128<sup>th</sup> meeting of the Maharashtra Coastal Zone Management  
Authority (MCZMA) held on 20<sup>th</sup> December, 2018

Annexure - I

1. Shri. Vasudevan, Additional Chief Conservator of Forest, Mangrove Cell, Mumbai - Member MCZMA
2. Shri. Arun Vidhale, Commissioner Fisheries, Fisheries Department, Mumbai - Member MCZMA
3. Mr. Chavan, Deputy Chief Engineer, Municipal Corporation of Greater Mumbai - Member MCZMA
4. Dr. Khot Mahadev Satappa, Principal, Chh. Sambhaji Raje Sainik School, Ratnagiri - Expert Member MCZMA
5. Mr. Kudale, Ex director, CWPRS, Pune- Expert Member MCZMA
6. Mrs. Anulekshmi, Scientist In Charge, CMFRI, Mumbai - Expert Member MCZMA
7. Dr. B. N. Patil, Director, Environment - Member Secretary MCZMA

  
Member Secretary

  
Chairman