

Minutes of the 13th meeting of the Maharashtra Coastal Zone Management Authority
held on 31-07-2002 at Committee Room, 6th floor, Mantralaya, Mumbai-32

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The following were present :

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| 1) | Principal Secretary
Environment & Energy Department
Govt. of Maharashtra,
Mantralaya, Mumbai-32. | Chairman |
| 2) | Principal Secretary,
Urban Development Department,
Govt. of Maharashtra,
Mantralaya, Mumbai - 32. | Member |
| 3) | Principal Secretary (Revenue),
Department of Revenue & Forest,
Govt. Of Maharashtra,
Mantralaya, Mumbai-32 | Member |
| 4) | Prof. S.K. Gupta,
Head Of the Department,
C.E.S.E.
Indian Institute of Technology,
Powai, Mumbai | Member |
| 5) | Dr.Hrishikesh Samant,
Lecturer,
Department of Geology,
St.Xavier's College,
Mumbai | Member |

Dr.Munshi Lal Gautam, Member Secretary of the Authority, Dr.Leela Bhosale, Department of Botany, Shivaji University, Kolhapur 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 A.B.Jain, Law Officer MPCB and Shri Banayat, Section Officer, 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 12th Meeting of the Maharashtra Coastal Zone Management Authority held on 19-6-2002.

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The minutes of the 12th meeting of the Maharashtra Coastal Zone Management Authority held on 19-06-2002 were circulated amongst the Members vide letter bearing No.MCZMA/214 dated 6.7.2002 with a request to forward suggestions, if any. No comments/suggestions were received from the Members. The minutes were read and confirmed.

Item No.2: To note the follow up action taken on the 11th and 12th Meetings of the Maharashtra Coastal Zone Management Authority held on 13/5/2002 and 19/6/2002 respectively.

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Shri A.B. Jain, Law Officer informed that as per the instructions of Chairman of the Authority, the items in respect of follow up action taken on 11th and 12th Meetings of the Authority held on 13/5/2002 and 19/6/2002 respectively is placed before the Members for information and discussions. Chairman of the Authority suggested that the cases, which have not been finally disposed off should appear in the follow up action so that Authority can keep a track of such part heard cases.

The follow up action taken in respect of the following cases was also discussed.

11th Meeting held on 13/5/2002

Item No.

3. **Sub:** 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 Parayatan Ltd.,

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Chairman informed the Members that MTDC has given the report of State Hydrographer instead of Naval Hydrographer, Deharadun. He further informed that during the last meeting the representatives of the Naval Hydrographer had

orally informed that MTDC has yet to pay their professional charges for conducting survey in and around Gorai area. It was decided that a D.O. letter should be addressed to the Managing Director, MTDC asking him to submit the Naval Hydrographer's Report.

5. Sub: Complaint received from Rishi Agarwal an activist of Lokhandwala Complex Environment Action Group regarding dumping of debris and destruction of mangroves at Lokhandwala Complex, Andheri on coastal land.

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Shri A.B. Jain, Law Officer informed that directions under Section 5 of the Environment (Protection) Act, 1986 have been issued to M/s.Oshiwara Land Developers Pvt.Ltd., directing them to remove the bandhara. He informed that a letter was received from the said party claiming that they have laid pipes across the bund as per the orders of Collector and in addition B.M.C. has excavated some portion of the bund to create access for saline water.

Shri C.S. Sangitrao, Collector, Suburban (Mumbai) informed that he has received a report in which, it is informed that the party has provided channel/pipes for free flow of saline water, which is reaching mangroves area. He further informed that removal of entire bandhara is a big job involving lacs of rupees and man power. He further suggested that if the mangroves are surviving because of the action taken by the party, there appears to be no need to remove entire bandhara at this stage.

The matter was discussed and it was decided that the Member Secretary alongwith Members shall visit the site and give a report to the Authority for taking appropriate action in the matter.

12th Meeting held on 19/6/2002

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

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Members noted the content of order issued by Member Secretary, Maharashtra Coastal Zone Management Authority dtd 23/7/2002. As regards getting fresh survey carried out for Mumbai, Chairman instructed that estimate should be obtained from the Office of the Naval Hydrographic Office, Deharadun about the appropriate cost and time involved for undertaking assignment of

demarcating HTL from existing scale of 1:25000 to 1:4000. Once the cost structure is known to the Authority, a decision can be taken in consultation with the State Government for organising requisite funds. It was decided to follow up the matter with Chief Hydrographic Office by submitting requisite details in the prescribed format. The Urban Development Deptt., was asked to assist the Authority in this regard.

6. Sub: Order passed by Hon'ble High Court in Writ Petition No.85/2000 filed by the Colaba Cuffe Parade Citizens Group V/s Union of India regarding violation of CRZ Notification - compliance regarding.

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It was decided to write a D.O. Letter to the Principal Secretary, Housing Department, Govt. of Maharashtra under the signature of Chairman of the Authority.

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

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The matter was discussed. Dr. Hrishikesh Samant pointed out that whenever a technical report is submitted the same is to be signed by a responsible officer. In the instant case the report prepared by the officers of National Institute of Oceanography, Goa is not signed by any one. It was decided to seek clarification from M/s. Pan India Paryatan Ltd., Gorai, Mumbai. In case the explanation is not satisfactory, a D.O. letter should be sent to the Director, N.I.O. seeking clarification.

It was also decided to call Naval Hydrographer's report from MTDC. It was decided to send a D.O. letter to Managing Director, MTDC under the signature of Chairman of the Authority.

Item No.4: Application received from Shri R. G. Vertak in the matter of HTL shown in the Coastal Zone Management Plan affecting the Secondary School, Plot in CTS No.5A/5 of village Borivali

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The matter was discussed and the letter received from National Hydrographic Office, Dehradun dated 9/7/2002 was also perused. It was decided that a proper and formal request shall be made through the office of the Authority to National Hydrographic Office, Dehradun requesting for carrying out the survey of the applicant Shri R.G. Vertak's society plot in CTS No.5A/5 of village Borivali. It was also decided to take an undertaking from Shri R.G. Vertak, Chairman of the Society on Rs.20/- stamp paper duly notarised stating that the cost involved for the survey will be borne by his society.

Item No.5: Revised Coastal Zone Management Plan of Jawaharlal Nehru Port Trust (JNPT) (Part of Navi Mumbai CZMP)

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The Chairman of Authority explained in brief the background as well as the observations made during the visit of the Members of the society to the site on 22/6/2002. He requested Dr.Hrishikesh Samant to explain the map to the Members in the light of visit to the site. Shri Kulkarni, Chief Manager PPD (JNPT) was also present to explain the matter.

Dr.Hrishikesh Samant explained the draft CZMP map prepared by Urban Development Department, which was submitted to the MoEF, Govt. Of India for approval and also the views of the Members. The observations made by Dr.Munshi Lal Gautam, Member Secretary of the Authority and Dr.Hrishikesh Samant were also circulated amongst the Members.

Dr.Hrishikesh Samant informed that the draft Coastal Zone Management Plan shows in yellow colour in the middle of the map area as CRZ-I(ii) and stated that the area is covered with non salt pans and do not have major mangrove cover. The Members felt that considering the topography and the fact that substantial mangrove cover is not there, the area should be allowed to be developed for port related and other ancillary activities.

Shri Kulkarni, Chief Manager PPD of JNPT informed the Members that JNPT has acquired huge land for development of the port and because of the draft CZMP proposed by the State Government, they will not be in a position to utilise substantial part of land for port related activities and requested Members to recommend their case to encourage port related activities. He requested the Members to consider the area near JNPT Township to be converted in CRZ-II so that the land can be allotted by CIDCO to the project affected people @ 12.5% of the area acquired. He suggested that the said location is suitable for disbursement of land to such people. He also informed that though the draft CZMP shows the area as Salt Pan area the same is occupied by local people, which in fact is the land owned by JNPT.

Chairman of the Authority did not agree to the suggestion made by the Chief Manager, JNPT. He further stated that no such request was made by JNPT or was proposed by the State Government to the MoEF, Govt.of India while forwarding draft CZMP of JNPT area. Members also agreed to this and it was decided to maintain the said area as it is. The Principal Secretary Revenue Deptt., however, opined that the area outside JNPT boundary may not be deleted at this stage. The buffer zone 50 mt. width as proposed along the boundary of JNPT for mangroves and aforestation shall be maintained. It was further decided to send the revised draft CZMP map duly highlighted as per the decision taken by the Authority to Ministry of Environment & Forests, Govt. Of India.

Item No.6: Complaint received from Uttar Mumbai Madh Erangal Beach Management Co.Op.Hsg.Society Ltd., Malad (West), Mumbai Regarding misuse of Collector's land/Foreshore land bearing S.No.134 of village Erangal for fish drying and related activities in violation of Municipal Regulations and Coastal Regulation Zone Notification dated 19/2/1991

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With the permission of Chairman of the Authority, Shri R.M. Kulkarni, Regional Officer-Mumbai Maharashtra Pollution Control Board briefed the Members. He informed that he had received a complaint from Uttar Mumbai Madh Erangal Beach Management Co.Op. Society Ltd., regarding violation of CRZ Notification by local fishermen and outsiders who have constructed a bandhara having length of about 2 kms. and large quantity of fish is being dried creating lot of nuisance to the residents. He further informed that as per the Complainants, the villagers of Bhatti village can carry out the activities of fish drying maximum upto 300 mtrs.from the fishing gathan.

The Collector, Suburban (Mumbai) also expressed similar views. He informed that he had also initiated the proposal of removal of bandhara and restricting the villagers to carry out fish drying activity upto 300 mtrs.from Gathan. However, he had faced opposition not only from villagers but also from the Fisheries Department on two occasions. He informed that the site in question is being earmarked and allotted to Maharashtra Maritime Board. He requested the Authority that the Collector's Office is not having adequate infrastructure and machinery for removal of such a long bandhara and also for restricting the villagers from carrying out fish activities upto 300 mtrs. from Gathan. He sought assistance of M.C.G.M. as well as MPCB for complying with the directions of the Authority.

The matter was discussed. Chairman opined that the activities are prima facie in violation of CRZ Notification and therefore the bandhara should be removed by the Collector with the assistance of M.C.G.M. and MPCB and fish drying activities should be restricted to 300 mtrs. from Gathan. This was agreed by the Members.

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It was decided to issue directions under Section 5 of Environment (Protection) Act, 1986 and the rules made thereunder to the Collector, Suburban (Mumbai) to remove the entire bandhara and to see that the fish drying activities are restricted within the stipulated 300 mtrs. area from the Gaothan. It was also decided to direct M.C.G.M. and MPCB to extend necessary assistance to the Collector, Suburban (Mumbai). It was further decided to direct Fisheries Department not to encourage such activities and also to assist the Collector, Suburban (Mumbai) for complying with the aforesaid directions.

The meeting ended with a vote of thanks to the Chair.