

**Minutes of the 135<sup>th</sup> meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 15<sup>th</sup> July, 2019**

**Minutes of the 135<sup>th</sup> meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held under the Chairmanship of Principal Secretary, Environment on 15<sup>th</sup> July, 2019 in Sachivalay Gymkhana, Mumbai. List of the members present in the meeting is enclosed as Annexure I.**

**Item No.1:** Proposed construction of Storm Water Drainage (SWD) at Kamraj Nagar & Rambai Nagar at N ward and reconstruction improvement of SWD in N ward, Ghatkoper (E), Mumbai by MCGM

The Project proponent was absent for the meeting. Hence, the matter was deferred.

**Item No.2:** 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

Shri. Sanjay Razdan Architect presented the proposal before the Authority. The Authority noted that the proposal is for 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.

It was noted that proposal was earlier deliberated in the 120<sup>th</sup> meeting of MCZMA held on 28<sup>th</sup> July, 2017, wherein the Authority decided to recommend the proposal to concern planning Authority subject to certain conditions. However, meanwhile, it came to the notice of MCZMA that the construction of the Fire Exit Platform has already been commenced prior to MCZMA recommendation. Further, it is also learnt that parking sheds has also been converted into offices and construction of porta cabins is done without recommendation from the MCZMA.

Taking cognizance of the matter, the MCZMA vide letter dated 11.09.2017 has sought a clarification from the Consulate General and fact finding report from the MMRDA. Since no reply received from the Consulate General and MMRDA, Directions u/s of the Environment (P) Act, 1986 read with CRZ Notification,

  
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2011 dated 5.10.2017 has been issued to MMRDA and directed to stop the construction work on site under reference till the time the Authority decides the matter on the basis of information to be submitted by the project proponent and MMRDA.

The Consulate General of the Federal Republic of Germany vide letter dated 02.10.2017 & 06.10.2017 submitted its reply as per which, no work towards construction of 'Fire Safety Exit Platform / Staircase' is commenced on site as yet and prior to MCZMA recommendation in the proposal. However, to supervise the proposed additions & alterations on 1<sup>st</sup>, 9<sup>th</sup> & 10<sup>th</sup> floor approved by MMRDA dated 20.1.2015, a temporary site office is erected under existing RCC structure of the roof covered car parking sheds. The NOC from CFO is obtained for this temporary structure.

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 stop the unauthorized construction work and discontinue any use of the same.

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 proposal was again deliberated in the 128<sup>th</sup> meeting of MCZMA held on 20.12.2018, wherein the Authority decided to issue directions to office of the

  
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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.

Architect vide letter dated 27.2.2019 informed that temporary site office which was erected under existing car parking shed on ground level of subject building has been removed completely. Site Photographs has been submitted.

The Authority noted that the MoEF&CC, New Delhi has approved the CZMP (1:25000 scale) of the Greater Mumbai, as per which, the site under reference is situated outside 100 m CRZ setback area from the Back Bay. Considering the replies of MMRDA and project proponent, the Authority after deliberation decided to withdraw the stop work order dated 05.10.2017 of the MCZMA. The Authority further decided to confirm that site under reference is situated outside CRZ area, as per the CZMP of Mumbai approved under CRZ Notification, 2011.

**Item No. 3:** Proposed redevelopment of existing DRK staff quarters & Vidhi Room in Oshiwara Cemetery on land bearing CTS No. 446A (pt) & 410A (pt) of village Oshiwara at Relief Road, Jogeshwari (W), K/W Ward, Mumbai by MCGM -

The officials of MCGM presented the proposal before the Authority. The Authority noted that the proposal is for redevelopment of existing DRK staff quarters and Vidhi Room in Oshiwara Cemetery on land bearing C.T.S. no. 446A(pt) and 410 (pt) of village Oshiwara at Relief Road, Jogeshwari.

The MCGM remarks mentions that the land is in CRZ II area and situated on seaward side of the existing road. As per the DC rules 1967 amended on 1.8.1978, the residential building and cemetery area permissible in residential zone. Proposed building comprises of stilt + 5 floors for the staff of public cemetery. The staff quarters are for the DRK staff working day and night for the functioning of Cemetery as public utility. Considering the nature of job and requirement of staff quarters in the same premises, the proposed development is allowed as ancillary user to cemetery. Plot area is 12951.32 Sqm.

  
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The Authority deliberated the proposal and noted that reconstruction of the existing authorized structures in CRZ II area is a permissible activity. However, reconstruction of existing structures should not be extended towards seaward side.

In the light of above, after deliberation, the Authority decided to recommend the proposal from CRZ point of view to concern planning Authority subject to compliance of above conditions:

1. The proposed redevelopment should be undertaken 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 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.
3. The Local Body to ensure that reconstruction of existing structures should not be extended towards sea ward side.
4. MCGM to ensure that construction debris should not be dumped in the coastal water body.
5. All other required permission from different statutory authorities should be obtained.

**Item No.4:** Proposal for approach road with spur line to proposed mogharpada metro car depot and Kavesar Casting yard at Thane for Metro line 4 (Wadala-Ghatkopar-Mulund-Thane-Kasarwadavali) by MMRDA

The Addl. Metropolitan Commissioner, MMRDA presented the proposal before the Authority. The Authority noted that the proposal is for:

- a) Approach road with spur line to proposed mogharpada metro car depot
- b) Kavesar Casting yard at Thane for Metro line 4, which is as follows:

Details of the proposal is as follows:

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Sr. No.	Details of Location	CRZ Details	Remarks
1)	<p>Construction of Piers of approach road and spur line to Mogharpada Metro car depot at Survey Nos. 30 (pt), 27(pt), 28 (pt) &amp; 29(pt) of Village- Mogharpada.</p> <p>Total Area of Metro Car Shed = 27.50 Ha.</p>	<p>CRZ-II area:- Piers of approach road= 16 Nos.</p> <p>Area required: 16 x 25 sq.m = 400 sq.m. (0.04 Ha.) Length= 93 m.</p> <p>Piers of spur line = 04 Nos.</p> <p>Area required: 4 x 25 sq.m.= 100 sq.m. (0.01 Ha.) Length= 82 m.</p> <p>Total pier affected in CRZ II area = 20 Nos. (0.05 Ha.)</p>	<p>There is existing 40m wide road near to the proposed depot at a distance of approx. 200m. Connecting this road, 25m wide elevated approach road with Metro spur line is proposed which crosses the Nalla having width of 20 m affected in CRZ area.</p> <p>No pier will be constructed in CRZ-IB area.</p> <p>The piers are located in CRZ-II and not affected by mangroves/ 50m mangroves buffer zone as per approved CZMP.</p>
2)	<p>Temporary Casting Yard at Village- Kavesar Survey No. 311, 312, 313, 314 &amp; 267/15 (Total area = 7.72 Ha.)</p>	<p>CRZ - II: - 6.31 Ha. Non CRZ: - 1.41 Ha.</p>	<p>The said plot will be utilized temporarily for construction of pre-cast girders required for Metro projects. MMRDA officials mentions that the site is situated on landward side of an existing road. Casting yard will have following activities:</p> <ul style="list-style-type: none"> <li>• Site Office</li> <li>• RMC Plant &amp; QC Lab</li> <li>• Reinforcement fabrication yard</li> <li>• Epoxy coating plant</li> </ul>

  
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			<ul style="list-style-type: none"> <li>• Segment stacking yard</li> <li>• Other allied activities for functioning of casting yard.</li> </ul>
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The MMRDA has submitted the EIA report for the activities. The Authority observed the followings:

1. EIA report has reported the approved CZMP showing the site of Mogharpada Car Shed depot and 30 m wide elevated approach road. As per the said CZMP, the site of Mogharpada Car Shed depot is situated outside CRZ area. However, google image showing the site of Mogharpada indicates that the Mogharpada car-shed is proposed in CRZ area also. MMRDA to clarify the same.
2. The Kavesar casting yard is proposed in CRZ II area on temporary basis for 5 years. MMRDA submitted that land will be restored to its original condition after the completion of metro works. MMRDA to submit the clarification letter from the concern planning Authority whether the proposed site is situated on the landward side of existing road prior to 1991.
3. The Authority observed that land use pattern of the project area will change. There is a small creeklet which may be affected due to the Mogharpada car depot. However, EIA report mentions that land use pattern will remain same after project completion. MMRDA to clarify the same.
4. EIA report mentions that there are no mangroves in the project site. However, EIA report mentions that fisheries such as shrimp, mud skipper, mud crab, Cat fish, Bivalve, Oyster etc are found in the project site. Impact of the project on fisheries and fisherman living around the project site along with Mitigation measures/ EMP needs to be reported in the EIA report.
5. EIA report mentions that car shed depot proposed at Mogharpada will have washing lines, operation & maintenance lines, workshop and office. And anticipated problems are oil pollution, effluent pollution, impact due to filling of area, loss of livelihood etc. EIA report has to mention what mitigation measures are proposed to minimize the above said anticipated impacts.

  
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6. EIA report in its 'Environment Management Plan' chapter mentions that no major adverse impact on the Air, Water, Land, Biological Environment due to the project, the Environment Management Plan shall not be very complicated and only regular Monitoring of ambient air quality, water quality, noise level monitoring and soil quality monitoring shall be carried out as per the requirements. However, EIA report mentions there is impact on marine ecology, fisheries, water, livelihood. EIA shall report proper Environment Management Plan for the proposed activities.

After deliberation, the Authority decided to defer the proposal for the submission of the above said information to the Authority.

**Item No. 5:** Proposed Multimodal Corridor from Chirner (JNPT) to Balavali (NH17) by MMRDA

The officials of MMRDA presented the proposal before the Authority. The Authority noted that the proposal is for development of Multi Modal Corridor from Chirner (JNPT to Balavali (NH 17). A multimodal corridor is a single corridor in which multiple modes such as buses, BRT, metro rail and cars, along with utilities such as water, sewage and gas lines area present in the same Right to way. Details of the proposal is as follows:

- Length of the multimodal Corridor between village Chirner to village Balavali (NH 17) is 18 km
- Proposed multi modal corridor will function as connector between MTHL, NH4B and Mumbai-Pune Expressway & NH 17
- Proposed Right Of Way is 99 m.
- Length of elevated portion is 550 meter
- 3 Nos. of VUPs
- 6 Nos. of Flyovers
- 2 Nos. of Overpass
- 3 Nos. of Minor Bridges
- 5 Nos. of Major Bridges
- 1 No Road over Bridge (ROB)
- 7 Nos. Box Culverts
- Tunnel is 0.835 Km.

  
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The section passes along the settlements such as Dighode, Vindhane, Dhakti Jui, Taki gaon, Korpholi, Kalambusare, Kelvane, Rave, Kopar, Govirle & Balavali. The proposal involves acquisition of land currently under various land use (residential, agricultural, Forest etc) for proposed construction.

Major components of the projects are as follows-

- a) Access Controlled Highway - High-speed signal-free passage for all highway modes with entry and exit only through dedicated interchanges Service Roads.
- b) Access the Service Road - Access the land use adjacent to the Multi Modal Corridor (MMC) without interfering with the highway traffic.
- c) Metro Rail - Along the median of access controlled lanes
- d) Bus Rapid Transit - Along the access controlled lanes of the multimodal corridor and the bus stops would align with the metro stations to provide seamless transfers
- e) Non-Motorized Traffic Lanes - Provision of non-motorized traffic on either side of the road
- f) Pedestrian Foot Paths and Parking
- g) Utilities - Corridors for utilities such as water, sewage and gas lines on underground.

The Authority noted that earlier, the proposal was deliberated in 127<sup>th</sup> meeting of MCZMA held on 02.11.2018, wherein it was decided that the MMRDA shall submit the details of proposed activities in different CRZ classifications CRZ-I (A) & (B), CRZ-III & CRZ-IV (B) and revert. Further, MMRDA need to consider the order dated 17<sup>th</sup> September, 2018 in PIL 87/2006 passed by Hon'ble High Court of Mumbai, which prohibits the construction activity in mangrove area and its 50 m buffer zone. The Authority deferred the proposal for submission of the above said information to MCZMA.

During the meeting, the MMRDA officials presented that, the MMRDA will take prior High Court permission, once the MCZMA grants recommendation. It was further presented that in other similar matters where project is affected by mangroves, the Hon'ble Court is seeking the decision of the MCMZA first. It was further presented that the project is in the larger public interest and prior CRZ recommendation from the MCZMA is required for the project.

  
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MMRDA officials presented that multimodal corridor is passing through CRZ I-A, CRZ I-B, CRZ III and CRZ IV B area. Details of the alignment with respect to CRZ categorization submitted by the MMRDA is as follows:

S r N o	Crossing Place	Chainage	Cross ing lengt h (km)	CRZ Category (Area In Sq.M)				Total CRZ Crossin g Area (sqm)	Actual foot print area in 1A ( sqm)	Structure proposed	Remark
				1-A (Mangro ves + Buffer)	I-B (Mudfl ats)	III	IV-B				
1	Near Bailonde khar	79.4 to 79.8	0.40	19702.0 1	-	-	-	19702.0 1	975.00 (3x13x5 x5)	Flyov er	Mudflat s off Dhutumk har river
2	Near Vindhane & Dighode	80 to 81.3	1.30	67958. 00	9334.0 0	39667. 69	11952. 00	128911. 69	3225.00 (3x43x5 x5)	Majo r Brid ge	Karanja Creek
3	Near Bhom & Chirner	83.3 to 84.15	0.85	63009. 00	5130.0 0	7659.0 0	5010. 00	80808. 00	2100.00 (3x28x5 x5)	Majo r Brid ge	Chikhali Bhom Pond
4	Near Bhom & Chirner	84.6 to 84.74	0.14	7210.00	3298.0 3	-	-	10508.0 3	375.00 (3x5x5x 5)	Majo r Brid ge	Mudflat s along Chikhali- Bhom Pond
5	Near Dighati	89.79 to 89.87	0.08	10415.5 2	3901.0 0	-	387.0 0	14703.5 2	225.00 (2x3x5x 5)	Majo r Brid ge	Creeklet of Dharamt ar creek
6	Near Rave & Near Kopar	92.4 to 9277	0.37	23005. 76	5129.0 0	17055. 52	4348. 00	49538. 28	900.00 (3x12x5 x5)	Majo r Brid ge	Mudflat s along Patalgan ga river
7	Near Kopar	93.1 to 93.28	0.18	8259.8 3	-	-	-	8259.8 3	450 (3x6x5x 5)	Flyov er	Rivulet of Patalgan ga river
8	Balavli	95 (Intercha nge)		-	18601.0 0	37310. 00	-	55911.0 0		Inte r Chan ge	Mudflat s along Balganga river
	TOTAL		3.32 0	199560 .12	45393. 03	10169 2.2	21697 .0	368342 .36	8250.00		

From the presentation done by the MMRDA officials, the Authority further noted that proposed corridor is passing through green field areas in Jurisdiction of planning Authorities like CIDCO (Naina ) and Khopta. It falls in

  
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Uran, Panvel and pen Taluka of Raigad district. Approximately 220.395 Ha land is proposed to be acquired for the project, which is situated in CRZ, Forest/ Mangrove, Agriculture. Karnala Bird sanctuary is about 2.3 km towards east. The MMRDA further informed that public hearing has not been done for the project. It was noted that there is typographic error in last minutes of the MCZMA about the public hearing been conducted.

The Authority noted that the impact of the project on ecologically sensitive coastal area needs to be studied along with its mitigation plan. EIA report should extensively cover the impact of the project along with its mitigation measures and Environment Management Plan. The MMRDA should submit the EIA report for the Chirner (JNPT) to Balavali (NH17) stretch. It was noted that the MMRDA has submitted EIA report for Navghar to Chirner stretch and not for Chirner to Balavali stretch. CD submitted by proponent also contains the EIA of Navghar to Chirner stretch.

During the deliberations, the Authority observed the followings:

1. MMRDA to submit the EIA/ EMP for the Chirner (JNPT) to Balavali (NH17) stretch. EIA report should extensively cover the assessment of the impact of the project on the ecologically sensitive areas such as mangroves, active mudflats, coastal water bodies along with its mitigation measures and Environment Management Plan.
2. As per the submission of MMRDA, the project is passing through mangroves & its 50 m buffer zone area which is around 19.95 Ha. MMRDA to explore the different alignment of the Multimodal Corridor in order to minimize the cutting/ destruction of mangroves. MMRDA to consult with Mangrove Cell. Area of the mangroves proposed to be cut should be submitted along with mangrove afforestation plan by the MMRDA in consultation with Mangrove Cell. Mangrove Cell shall give its report in the matter, for which, site visit may be carried out by the Mangrove Cell officials.
3. MMRDA has submitted the power point presentation copy wherein the alignment of the corridor is shown on approved CZMP. MMRDA to submit a separate copy of alignment of the multimodal corridor superimposed on approved CZMP.

  
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4. MMRDA to submit clarification whether, the project involves reclamation of Coastal water bodies.
5. The Authority noted that the project involves not only metro rail, it also involves multiple modes such as buses, BRT, and cars, along with utilities such as water, sewage and gas lines. Thus, it may be area development project. MMRDA to submit its comment the same.

The Authority after deliberation decided to defer the project for submission of above said information by the MMRDA.

**Item No. 6:** Proposed replacement of High Tension (HT) & Low Tension (LT) overhead electricity distribution network into HT & LT underground cable system at village Satpati, Palghar, under National Cyclone Risk Mitigation Project II by MSEDCL (World Bank Funded project)

The Officials of the Disaster Management Cell presented the proposal before the Authority. The Authority noted that the proposal is for conversion of High Tension (HT) & Low Tension (LT) overhead electricity distribution network into HT & LT underground cable system at village Satpati, Palghar, under National Cyclone Risk Mitigation Project II. It was further appraised that the National Cyclone Risk Mitigation project (NCRMP) is a project by Ministry of Home Affairs, GoI to be implemented in 13 cyclone prone coastal states with assistance of World Bank. Purpose of NCRMP is to build capacity by creating suitable infrastructure to mitigate the effects of cyclones in the coastal states.

Underground Cable laying will be combination of both trenching and HDD method. HDD is preferred in narrow and busy stretches to minimize the socio economic impact. Project activities involves excavation of trenches, installation of new DTs, installation of poles, digging of pilot holes for laying cable through HDD, and dismantling of existing electrical system.

Details of the project which is as follows:

  
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Sr no.	Feature	Details
1	Project area	Village satapati, District Palghar. Rural area with population- 17032
2	Sub-station feeding the area	1 at Valanm Palghar (33/11KV)
3	Type of cable system	Underground with some sections overhead
4	Length of HT line	6.43 km
5	Length of LT line	20.66 km
6	Nos of Distribution Transformer	New DT - 5 Nos Capacity augmentation - 8 Nos
7	Cable laying methodology	Trenching and trenchless ( Horizontal Directional Drilling)
8	Depth of the trench	1.2 meter below ground level
9	Width of the trench	800 mm - 1000 mm
10	Land acquired	No. Project components will be within the Government land ( In Right of way of road)

The Authority noted that as per the approved CZMP, the site is situated in CRZ I, CRZ III area. Total length of the HT network in project area is 14.2 km, out of which, 7.64 km is passing through CRZ area. Total length of the LT network in project area is 20.66 km, out of which, 16.28 km is passing through CRZ area.

The Environment Impact Assessment Studies and Social impact studies have been carried out for the project. As per the EIA report, cable laying is traversing majorly along the road and no new land is getting affected for project development. No tree cutting is anticipated as per current planning. However, cable in one stretch is traversing through mangroves. 0.37 km of LT line is proposed to laid within the mangrove area and 0.6 km of LT line will be laid in area within 50 m buffer from mangrove. Also existing Overhead line traverses through mangroves and 50 meter buffer area. 0.42 km of existing LT line lies within mangrove and 0.68 existing LT line lies within 50 m buffer area. Existing lines is required to be dismantled.

Cable is traversing through the roads having receptors like religious locations, educational institutes, health institutes, public buildings, trees, ponds, rivers,

  
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private properties and congested areas. However, none of these receptors are getting affected due to cable laying works. At road crossing points, cable will laid through Horizontal Directional Drilling method only. No trenching will be undertaken at crossings.

Officials of the Disaster Management Cell further presented that Overhead electricity supply (HT & LT) will replaced with underground cabling system. Proposed work involves laying of underground cable system which is a distribution line aims to provide the electricity by underground within the Satpati, Palghar region by Maharashtra State Electricity Distribution Corporation Ltd. They further clarified that being distribution line, underground cable carried electricity with low voltages, as compared to transmission line, which is line to transmit the electricity from a power plant or power station to the various substations. Distribution line carries electricity from the substation to the end user. Proposed distribution lines will carry electricity at a very low and safe value level.

The Authority discussed that the Government of India has launched the National Cyclone Risk Mitigation Project with a view to address the cyclone risks in the country. Objective of the project is to reduce the vulnerabilities of the coastal communities to cyclone, storm surge and other hydro meteorological hazards, such as floods, tsunamis etc. Component of conversion of the overhead electricity distribution network into underground cable system will enhance the capacity of the coastal communities to respond to disasters. It is observed that in the event of the coastal disasters, often overhead electricity supply is disrupted, causing hardships due to electricity blackouts for coastal communities. As mentioned in the EIA report, proposed UG cable system is found to be better than the existing overhead cable system. The Authority further noted the EIA report for the mitigation measures proposed in the project in order to minimize the impact of the project on physical, biological and social components of the environment.

The Authority further discussed that Village Satpati, Palghar district area is drained by Banganga river/ creek and Arabian Sea. Area is low lying and is prone to flooding/ inundation during cyclone and high waves during monsoon. Thus, the area is vulnerable from coastal disaster point of view. Coastal flooding is a serious issue in the Satapti region. Failure of the electrical infrastructure leads

  
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to disturbances to essential services/ utilities in coastal hazards induced emergency situations. The project is socially important project as and timely completion of the same is in the interest of the local inhabitants of the Satpati region.

The Authority further noted that as per amended CRZ Notification dated 28<sup>th</sup> November, 2014 published by MoEF, For the projects specified under 4(i)(except with respect to item (d) thereof relating to building projects with less than 20,000 sqm of built up area) and for the projects not attracting EIA Notification, 2006, clearance from SEIAA is required based on the recommendation from MCZMA.

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

1. PP should ensure that proposed activities in CRZ areas are as per provisions of CRZ Notification, 2011 (amended time to time).
2. No reclamation of coastal water bodies is allowed.
3. The PP to ensure that in mangroves area, Horizontal Directional Drilling method should be used for laying of the cable, where cable is laid below the mangrove roots from end to end mangroves area. This will ensure protection of mangroves. Further, due caution should be taken for dismantling existing overhead line lines which are in mangroves area. If at all, there is possibility of some mangroves getting affected/cut, prior High Court permission should be obtained. There shall not be violation of the Hon'ble High Court order dated 17<sup>th</sup> Sep, 2018 in PIL 87/2006.
4. Clearance from the Mangrove Cell should be obtained. Forest Clearance shall be obtained, if applicable.
5. At road crossing points, cable will laid through Horizontal Directional Drilling method only. No trenching will be undertaken at crossings.
6. PP to implement the Mitigation measures proposed for the project in the EIA report
7. There shall be no alterations of natural features including landscaping changing for beautification, recreation and other purpose.
8. Solid waste shall be collected, treated and disposed of in accordance with the Solid Waste Management Rules, 2016.

  
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9. Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of the competent Authority.
10. Storage of raw material and camp with sanitation facilities for the construction labour shall be set up beyond 200 m from the HTL.
11. Any hazardous waste such as oil/ lubricants e.g. DG sets & machinery transformer oil etc, generated during construction phase, should be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.
12. All other required permissions should be obtained before the commencement of the project.

**Item No. 7:** Proposed Municipal Market known as Babu Genu Market & Municipal School on plot bearing C. S. No. 187 of Mazgaon division, Dockyard Road, E Ward, Mumbai by MCGM

The officials of MCGM presented the proposal before the Authority. The Authority noted that the development of Municipal Market known as Babu Genu Market and Municipal School on plot bearing C. S. No. 187 of Mazgaon Division, Dock Yard Road. As per the approved CZMP, the site falls in CRZ II area and situated on landward side of the existing road. Plot area is 3424.22 Sqm and Total BUA proposed is 5818.38 Sqm. The MCGM has submitted that there was existing School building which was collapsed in the year 2013. Now, new construction of school building is proposed on the plot under reference.

The Authority after 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 development 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 BUA should not exceed the permissible FSI as per the DCR existing as on 19.2.1991.
3. MCGM to install the Organic Waste Converter to treat the solid waste of the Market.

  
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4. All other required permission from different statutory authorities should be obtained.

**Item No. 8:** Proposed Cyclone-resistant shelter centre at Mauje Saitavade, Dist. Ratnagiri by Town planning Ratnagiri

The Project proponent presented the proposal before the Authority. The Authority noted that the proposal is for construction of Multipurpose Cyclone Shelter and approach Road on plot bearing S. No. 25, H. No. 36 at mauje Marathwadi Saitavade, Tal. & Dist. Ratnagiri under National Cyclone Risk Mitigation Project. The PP further presented that as per the approved CZMP, the site falls in beyond 100 m setback line from HTL of creek i.e. in non CRZ area

After deliberation, the Authority decided to confirm that the approved CZMP as per CRZ Notification, 2011, the plot bearing S. No. 25, H. No. 36 at mauje Marathwadi Saitavade, Tal. & Dist. Ratnagiri does not falls under CRZ setback area from the creek.

**Item No. 9:** Proposal for Cyclone-resistant shelter centre on plot bearing gut no. 389/1 (pt), Mauje Edavan, Tal. & Dist. Palghar by Town planning Palghar

The Project proponent presented the proposal before the Authority. The Authority noted that the proposal is for Cyclone-resistant shelter centre on plot bearing gut no. 389/1 (pt), Mauje Edavan, Tal. & Dist. Palghar. The PP further presented that as per approved CZMP, the plot under reference is situated outside CRZ area.

After deliberation, the Authority decided to confirm that the approved CZMP as per CRZ Notification, 2011, the plot bearing gut no. 389/1 (pt), Mauje Edavan, Tal. & Dist. Palghar does not falls under CRZ area.

**Item No. 10:** Proposed construction and renovation of existing community hall building on plot bearing S. No. 234/2 at village Lonipada, Tal. Dahanu, Dist. Palghar by Dahanu Municipal Council

  
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The officials of Dahanu Municipal Council presented the proposal before the Authority. The Authority noted that the proposal is for construction and renovation of existing community hall building on plot bearing S. No. 234/2 at village Lonipada, Tal. Dahanu, Dist. Palghar. The plot under reference falls in CRZ-II area. Area of the plot is 6800 sqm and Proposed BUA is 2269.75 sqm.

The Dahanu Municipal Council officials further presented that the proposed construction is situated on landwards side of existing road. Further, it was informed that MCZMA on 13.06.2012 has recommended the fish market proposal in the said plot. The proposed construction is adjacent to fish market.

The Authority noted that as per the approved CZMP, the plot is in CRZ II area. It is also situated on landwards side of existing road. Construction / reconstruction is permissible in CRZ II area subject to FSI as per the town and country planning regulations existing as on 19.2.1991. The Authority discussed that Dahanu Municipal Council should ensure that built up area of the proposed construction should not exceed the FSI permissible on the plot under reference as per town & Country planning regulations.

The Authority after 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 development 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. Dahanu Municipal Council should ensure that built up area of the proposed construction should not exceed the FSI permissible on the plot under reference as per town & Country planning regulations existing as on 19.2.1991.
3. All other required permission from different statutory authorities should be obtained.

**Item No.11:** Proposed construction of floating jetty at Dahanu, Tal. Dahanu, Dist. Palghar by Indian Coast Guard Station, Dahanu

The officials of Indian Coast Guard Station, Dahanu presented the proposal before the Authority. The proposal is for construction of floating jetty at

  
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Dahanu, Tal. Dahanu, Dist. Palghar. Coastal security have to be deployed for day/night patrol for 4-6 Hrs. Hence, berthing platform is essential for replenishing the crafts with fuel/water/stores and undertaking routine maintenance. Total area for approach pathway is 200sqm and berthing platform is 12 x 3 meter. As per the CZMP of 2011, the project activity falls in CRZ I & IV area.

The officials of Indian Coast Guard Station, Dahanu submitted that it is temporary floating jetty and does not involve any construction of piles / pillars in CRZ area. Further, it was also presented that floating jetty at Dahanu creek will not hamper the general movements of barges/fishing boats in the channel.

The Authority noted that floating jetty is required from coastal security point of view. However, Coastal Guard need to ensure that local fishermen's activities should not be hampered due to jetty. It was further noted that there are mangroves around the project site. Coastal Guard officials assured in the meeting that no activity will be proposed in mangroves or its 50 m buffer zone area.

The Authority further noted that as per amended CRZ Notification dated 28<sup>th</sup> November, 2014 published by MoEF, For the projects specified under 4(i)(except with respect to item (d) thereof relating to building projects with less than 20,000 sqm of built up area) and for the projects not attracting EIA Notification, 2006, clearance from SEIAA is required based on the recommendation from MCZMA.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to SEIAA subject to 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. PP to ensure that no construction is allowed in mangroves & its 50 m buffer zone. There shall not be violation of the Hon'ble High Court order dated 17<sup>th</sup> September, 2018 in PIL 87/2006.
3. Natural course of creek/river water should not be hampered due to proposed activities.

  
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4. No reclamation of coastal water bodies is allowed.
5. Activities of local fishermen should not hampered/ stopped due to proposed activities. NoC from the Commissioner, Fisheries should be obtained by the Coast Guard.
6. All other required permission from different statutory authorities should be obtained.

**Item No. 12:** Proposed temporary platform and dredging at Thane Creek by Police Department (Hon'ble High Court order dated 26<sup>th</sup> April, 2019 in Criminal WP no. 1565/2015)

The Authority noted that, the office of Central Bureau of Investigation, Special Crime Branch has submitted an application for construction of temporary platform and de-silting/ dredging at Thane Creek near Thane Kharegoan Bridge in area around 200 meter x 200 meter. Proposed activities are required for search operation in relation with orders passed by Hon'ble High Court in criminal WP no. 1565/2015. As per the approved CZMP under CRZ Notification, 2011, the site is situated in CRZ I and CRZ IV area.

The Authority further noted that, taking into consideration the order of the High Court in above said Criminal WP, the urgent requirement of the CRZ recommendation for the said activities, the MCZMA vide letter dated 26<sup>th</sup> June, 2019 had granted the CRZ recommendation to the project subject to condition that the recommendation will be ratified in MCZMA meeting. Accordingly, the Authority took the record of the said recommendation letter dated 26.06.2019 issued in the matter, considering orders of Hon'ble High Court in Criminal WP no. 1565/2015.

**Item No. 13:** Proposed replacement of High Tension (HT) & Low Tension (LT) overhead electricity distribution network into HT & LT underground cable system at Ratnagiri Town area and nearby coastal villages under National Cyclone Risk Mitigation Project II ( World Bank funded)

The Officials of the Disaster Management Cell presented the proposal before the Authority. The Authority noted that proposal is for underground cable

  
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works at Ratnagiri town and adjoining coastal villages under National Cyclone Risk Mitigation Project II.

Proposed project involves replacement of overhead electrical cable network (HT & LT) to underground cable network for Ratnagiri town and adjoining coastal villages, upgradation of electrical system to match requirement of UG cabling network and dismantling existing overhead cable system. Laying of armoured underground cable (HT & LT) through trenching and through trenchless method.

Within Ratnagiri Municipal Council (town) area, the line is passing through area known as, Bhagvati fort area, Nachane, Pethkilla, Sadananad wadi, Tailk ali and Sanmitra Nagar

Further, the line is passing through adjoining Coastal villages of rural areas of the Ratnagiri such as Karla, Sadamirya, Mirya and Shingoan.

Details of the project are as follows:

Sr No.	Feature	Details
1	Project area	Ratnagiri town and adjoining coastal villages. Town & rural areas with population is 76239.
2	Total project coverage	Rural and Municipal Council) is 50 Sqkm.
3	Type of cable system	Underground with some sections overhead
4	EHV sub station	100 / 33 KV at Kuwarbao
5	Substations serving project area	3 Nos. ( Harbour, Nachane and Zadhgoan)
6	Incoming 33 KV feeder length considered for project	6.34 km
7	Outgoing HT feeder length considered for project	57.91 km
8	LT feeder length considered for project	154.27 km (UDG 150.55 km & OH 3.72 km)

  
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9	Nos. of Distribution transformer	191 (provision of additional 4 is made but it will be installed only as per required of MSEDCL)
10	Nos of feeder	ongoing: 9 Nos Incoming. 3 nos.
11	Cable laying methodology	Trenching and trenchless ( Horizontal Directional Drilling)
12	Depth of the trench	0.8 - 1.2 meter below ground level
13	Width of the trench	800 mm - 1000 mm
14	Land acquired	No. Project components will be within the Government land ( in Right of way of road)

As per the approved CZMP, under CRZ Notification, 2011, the laying of the cable is situated in CRZ I, CRZ II and CRZ III area and Non CRZ. Total length of the HT network in project area is 48.71 km, out of which, 12.85 km is passing through CRZ area. Total length of the LT network in project area is 66.59 km, out of which, 49.64 km is passing through CRZ area.

The Environment Impact Assessment Studies and Social impact studies has been carried out for the project. As per EIA report, Cable is traversing through the roads having receptors like religious locations, educational institutes, health institutes, public buildings, trees, ponds, rivers, private properties and congested areas. However, none of these receptors are getting affected due to cable laying works. At road crossing points, cable will laid through Horizontal Directional Drilling method only. No trenching will be undertaken at crossings.

The EIA report further mentions that the project majorly involves excavation of trenches, installation of new DTs, installation of poles for cables across Khadtal river, digging of pilot holes for laying cable through HDD, and dismantling of existing electrical system. From the EIA report, the Authority noted the anticipated impact of the project physical, biological and social environment component and mitigation measure proposed in the project. As per EIA report, proposed line will be on the road and away from mangroves. no mangroves will be affected due to project. However, existing lines are in mangroves at certain locations. Further, Thiba palace and Lokmanya Tilak birth

  
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place along cable alignment are archaeological sites. Bhagvati fort is historical site which exists along the alignment.

Officials of the Disaster Management Cell further presented that Overhead electricity supply (HT & LT) will be replaced with underground cabling system. Proposed work involves laying of underground cable system which is a distribution line aims to provide the electricity by underground within the Ratnagiri town and nearby coastal villages by Maharashtra State Electricity Distribution Corporation Ltd. They further clarified that being distribution line, underground cable carries electricity with low voltages, as compared to transmission line, which is line to transmit the electricity from a power plant or power station to the various substations. Distribution line carries electricity from the substation to the end user. Proposed distribution lines will carry electricity at a very low and safe value level.

The Authority discussed that the Government of India has launched the National Cyclone Risk Mitigation Project with a view to address the cyclone risks in the country. Objective of the project is to reduce the vulnerabilities of the coastal communities to cyclone, storm surge and other hydro meteorological hazards, such as floods, tsunamis etc. Conversion of the overhead electricity distribution network into underground cable system will enhance the capacity of the coastal communities to respond to disasters. It is observed that in the event of the coastal disasters, often overhead electricity supply is disrupted, causing hardships due to electricity blackouts for coastal communities. As mentioned in the EIA report, proposed UG cable system is found to be better than the existing overhead cable system.

The Authority further discussed that Ratnagiri town and adjoining villages are fronting to Arabian sea and also has rivers like Bhatije/ Kalije. Area has history of heavy flooding/ inundation during cyclone and high waves during monsoon. Thus, the area is vulnerable from coastal disaster point of view. Failure of the electrical infrastructure leads to disturbances to essential services/ utilities in coastal hazards induced emergency situations. The project is socially important project as and timely completion of the same is in the interest of the local inhabitants of the Ratnagiri region.

The Authority further noted that as per amended CRZ Notification dated 28<sup>th</sup>

  
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November, 2014 published by MoEF, For the projects specified under 4(i)(except with respect to item (d) thereof relating to building projects with less than 20,000 sqm of built up area) and for the projects not attracting EIA Notification, 2006, clearance from SEIAA is required based on the recommendation from MCZMA.

After detailed deliberation and discussion the Authority decided to recommend the proposal from CRZ point of view to SEIAA subject to compliance of following conditions:

1. PP should ensure that proposed activities in CRZ areas are as per provisions of CRZ Notification, 2011 (amended time to time).
2. No reclamation of coastal water bodies is allowed.
3. The PP to ensure that No mangrove shall be cut / destroyed for the laying of the Underground cable. Due caution should be taken for dismantling existing overhead line lines which are in mangroves area. If at all, there is possibility of some mangroves getting affected/cut, prior High Court permission should be obtained. There shall not be violation of the Hon'ble High Court order dated 17<sup>th</sup> Sep, 2018 in PIL 87/2006.
4. Clearance from the Mangrove Cell should be obtained. Forest Clearance shall be obtained, if applicable.
5. At road crossing points, cable will laid through Horizontal Directional Drilling method only. No trenching will be undertaken at crossings.
6. PP to implement the Mitigation measures proposed for the project in the EIA report
7. Since, there archaeological & historical sites such Thiba palace and Lokmanya Tilak birth place and Bhagvati fort, necessary clearance from the archeological / heritage point of view should be obtained from competent Authority.
8. There shall be no alterations of natural features including landscaping changing for beautification, recreation and other purpose.
9. Solid waste shall be collected, treated and disposed of in accordance with the Solid Waste Management Rules, 2016.
10. Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of the competent Authority.

  
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11. Storage of raw material and camp with sanitation facilities for the construction labour shall be set up beyond 200 m from the HTL.
12. Any hazardous waste such as oil/ lubricants e.g. DG sets & machinery transformer oil etc, generated during construction phase, should be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.
13. All other required permissions should be obtained before the commencement of the project.

**Item No.14:** Proposed Cyclone-resistant shelter centre at Mauje Harne, Dist. Ratnagiri by Town planning

The Project Proponent presented the proposal before the Authority. The Authority noted that proposal is for Cyclone-resistant shelter centre at Gut No. 25/36, Mauje Harne, Dist. Ratnagiri under National Cyclone Risk Mitigation Project. Proposed structure comprises of Ground + 2 floor and BUA is 837 sqm.

The Authority noted that as per approved CZMP, the site under reference falls in CRZ-III (200m - 500m from seafront) and as per the para 8.III. CRZ III.B (viii) of the CRZ Notification, 2011, construction of public rain shelter is a permissible activity in CRZ III area.

After detailed deliberation and discussion the Authority decided to recommend the proposal from CRZ point of view to concerned Planning Authority subject to compliance of following conditions:

1. PP should ensure that proposed activities in CRZ areas are as per provisions of CRZ Notification, 2011 (amended time to time).
2. All other required permissions should be obtained before the commencement of the project.

**Item No.15:** Regarding post facto CRZ clearance to the bungalow no. 14 known as "Udhadhi Tarang Cottages Chs Ltd", on plot bearing CTS No. 866 situated on Juhu Road, Juhu, Vile Parle (W), Tal. Andheri, Mumbai - SLA No. 9997 of 2018 in Chitralekha Rath V/s. MCGM & Ors before Hon'ble Supreme Court.

  
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The Project Proponent presented the proposal before the Authority. The Authority noted that the matter pertains to construction of bungalow no. 14 known as "Udhadhi Tarang Cottages Chs Ltd", on plot bearing CTS No. 866 situated on Juhu Road, Juhu, Vile Parle (W), Tal. Andheri, Mumbai.

The Project proponent presented that in the year 2002, Municipal Corporation of Greater Mumbai (the planning Authority), issued the Intimation of Disapproval (IOD) dated 3.10.2002 for reconstruction of the existing structure on plot under reference. IOD was for two house type semi-detached cottage No. 14 comprising of basement (pt) for storage + Ground + 1<sup>st</sup> + 2<sup>nd</sup> (pt) upper floors for residential user. Subsequently, the Commencement Certificate (CC) up to top of basement on 31.07.2003 was issued by the MCGM. However, the PP constructed the entire bungalow (storage + ground floor + 1<sup>st</sup> floor + 2<sup>nd</sup> (pt) floor), based on the initial CC from the project, without seeking the further CC for the entire project. Now, the Project proponent is seeking regularization of construction on plot under reference from the MCGM. MCGM has withheld the Occupation Certificate in the matter and insisted the CRZ clearance from the MCZMA.

The PP has filed a court case against the MCGM & ors. Hon. Supreme Court in SLA No. 9997 of 2018 (Chitrlekha Rath V/s. MCGM & Ors ) has passed an order dated 09.04.2018 which is as follows:

*"We do not find any ground to interfere with the impugned order except to direct that if the petitioner applies to National Coastal Zone Management Authority within a period of one week from today in terms of Notification dated 06.03.2018, such authority may take decision within three weeks thereafter. The building in question may not be demolished for a period of four weeks. The case the concerned Coastal Zone Management Authority accepts the representation of the petitioner, the stay of demolition will remain in operation till decision of the regularization of authority i.e respondent No. 1, Municipal Corporation of Greater Mumbai., is taken which may taken in further four weeks. The special leave petition is accordingly disposed of".*

As per the orders of the Hon'ble Supreme Court, the Municipal Corporation of Greater Mumbai (MCGM) has forwarded the matter dated 25.05.2018 for

  
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regularization of bungalow on plot under reference for CRZ clearance in light of amendment Notification dated 06.03.2018 issued by the MoEF, New Delhi.

The Authority noted that the matter was earlier discussed in 125<sup>th</sup> meeting of the MCZMA held on 21.08.2018, wherein the Authority noted the followings:

- a) For reconstruction of the existing structure on plot under reference, the MCGM issued the IOD dated 3.10.2002 for two house type semidetached cottage No. 14 comprising of basement (pt) for storage + Ground + 1<sup>st</sup> + 2<sup>nd</sup> (pt) upper floors for residential user.
- b) Subsequently, the Commencement Certificate (CC) up to top of basement on 31.07.2003 was issued by the MCGM.
- c) However, the PP constructed the entire bungalow (storage + ground floor + 1<sup>st</sup> floor + 2<sup>nd</sup> (pt) floor), based on the initial CC fro the project, without seeking the further CC for the entire project.
- d) At the stage of regularization of the bungalow and grant of Occupation Certificate, the MCGM insisted the CRZ clearance from the MCZMA.
- e) The plot under reference is falls in Residential Zone and not reserved for any public purpose as per 1967 DP and 1993 DP.
- f) The plot under reference is situated within 500 m from HTL of Arabian Sea i.e. in CRZ-II area.
- g) The plot under reference is on seaward side of existing Juhu tara Road in existing prior to 19.2.1991 and landward side of existing structures.
- h) FSI details as per IOD dated 03.10.2002:
  - Area of plot- 7076.70 sqm
  - FSI-1.00
  - BUA- 5166.58 sqm

MCZMA in its 125<sup>th</sup> meeting sought following information from the MCGM:

1. MCGM to submit the details whether the construction on the site is as per the IOD granted by the MCGM in the year 2003 and within the FSI limit as per the DCR 1967.
2. MCGM need to clarify whether present proposal is for additional / alterations only or reconstruction of existing building or permission to repairs of existing building only.

  
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The Authority noted that, the MCGM vide letter dated 28.11.2018 submitted its reply to MCZMA as per which:

a) In this case IOD was issued on 09.10.2002 for the work of reconstruction of existing dilapidated structure and plinth C. C. was granted on 31.07.2003. It is stated that the construction existing on the site is not as per IOD for part portion. The architect has submitted proposal for regularization by proposing the demolition of the above part portion and filling of excess portion of the basement which is not as per IOD /Approval, so as to maintain FSI within permissible limit as per DCR 1967.

b) The present proposal is for reconstruction of the existing dilapidated bungalow structure. This office has issued IOD and plinth CC for the same. However the owner has carried out part construction beyond CC and beyond approved plan. Now Architect has submitted proposal for regularization of the work carried out of approvable nature beyond C.C. by charging penalty as per policy thereby proposing rectifications/demolition of work carried out beyond approval.

The Authority noted that the Ministry of Environment, Forests & Climate Change, New Delhi has published Amendment Notification dated 06.03.2018 to the CRZ Notification, 2011 for post fact CRZ clearance procedure.

The Authority discussed the proposal and noted the remarks dated 28.11.2018 of the Concern planning Authority i.e. Municipal Corporation of Greater Mumbai.

The Authority further noted that reconstruction of existing authorized structure situated in CRZ II area is a permissible activity and subject to town & country planning regulations existing as on 19.2.1991, as per para 8.II. CRZ II of the CRZ Notification, 2011. It was further noted that from the remarks of the MCGM that Architect of the project has submitted the proposal to regularize which is approvable as per the norms. The Architect has informed that owner has demolished the part structure which was beyond approval and now structure is in approved parameter / IOD.

The MCGM is the planning Authority of the area responsible for ensuring that FSI of the building is within the permissible limit of FSI as on 19.2.1991, in CRZ

  
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II area, in accordance with the CRZ Notification, 2011 (amended from time to time)

Taking into account the above said order of the Supreme Court and taking cognizance of the CRZ Notification dated 6<sup>th</sup> March, 2018, the Authority after deliberation decided to recommend the matter to MoEF&CC, New Delhi, for post facto approval, subject to condition that Planning Authority, MCGM should ensure that construction on the plot under reference is within the permissible FSI as per the Development Control Regulations existed as on 19.2.1991 i.e. DCR 1967.

Additional items with consent of Chairman, MCZMA

**Item No. 1:** Regarding Coastal Zone Management Plans under CRZ Notification, 2011 and other issues.

**A. Approved CZMP of the Thane, Palghar & Navi Mumbai under CRZ Notification, 2011 in 1:25000 scale:**

The Authority noted that, the Ministry of Environment, Forest & Climate Change (MoEF&CC), New Delhi vide letter dated 16<sup>th</sup> August 2018 and 28<sup>th</sup> February, 2019 approved the CZMPs of coastal districts of Maharashtra, under provisions of the CRZ Notification, 2011. Accordingly, the said approved CZMPs in 1:25000 scale were received and published on website of the Maharashtra Coastal Zone Management Authority (MCZMA) i.e. <https://mczma.gov.in/>. Authority decided to communicate to all coastal planning Authorities about the approval of CZMP in 1:25000 scale of the Thane, Palghar and Navi Mumbai. Planning Authorities need to take note and follow the CZMPs approved under CRZ Notification, 2011.

**B. CZMP under CRZ Notification, 2011 in 1:4000 scale:**

The Planning Authorities such as Municipal Corporation of Greater Mumbai (MCGM), Vasai Virar Municipal Council (VVMC), CIDCO & Mira Bhayander Municipal Council (MBMC) has requested the MCZMA to provide 1:4000 scale CZMP maps or GIS data, for planning purpose.

  
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The Authority noted that CZMPs under CRZ Notification, 2011 in 1:25000 scale have been approved by MoEF&CC, New Delhi. However, work of transferring approved CZMPs in 1:4000 scale is yet to be completed.

Meanwhile, the new CRZ Notification, 2019 has been published and as per which, State Government has to revise/ update approved CZMPs of 2011 CRZ Notification, through MoEF authorized agency. Hence, NCSCM, Chennai has been appointed by the State Government for preparation of 1:25000 scale CZMPs under new CRZ Notification, 2019. Recently, the MoEF&CC, New Delhi has prescribed guidelines for updation /revision of the CZMP of 2011 in accordance with provisions of the CRZ Notification, 2019.

It was further, noted that the new CRZ Notification, 2019 provides for preparation of new CZMP in 1:25000 scale and then 1:4000 scale. As per consultation with NCSCM officials, it is understood that after 1:25000 scale CZMP, 2019 is prepared & approved by MOEF&CC, New Delhi, the State Government can go for preparation of 1:4000 scale CZMP, based on approved 1:25000 scale CZMP, 2019.

In the light of above, the Authority after detailed deliberation opined that in the light of new CRZ Notification, 2019, preparation 1:4000 scale under CRZ Notification, 2011 will have no rationale and will be a repetitive work. Instead, it is more appropriate to pursue the preparation of the CZMPs under CRZ Notification, 2019 in 1:25000 scale and then immediately in 1:4000 scale.

**C. Payment to agencies:**

The Authority noted that IRS and NCESS was entrusted to prepare the CZMPs in 1:25000 scale and 1:4000 scale, under CRZ Notification, 2011. Accordingly, 1:25000 scale CZMPs under CRZ Notification, 2011 have been prepared and approved by MoEF&CC, New Delhi. The Authority further noted that around 75% payment has been released to IRS, Chennai & NCESS, Kerala for CZMP, 2011. Work of preparation of CZMP, 2011 in 1:4000 scale is yet to be completed. Now, work of CZMPs under CRZ Notification, 2019 is in progress. The Authority after detailed discussed felt that it may not be advisable to release the balance

  
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payment (around 25%) to IRS, Chennai & NCESS, Kerala. However, this needs to be deliberated with IRS and NCESS and appropriate decision to be taken in this respect at the State Govt level.

Meanwhile, on account of new CRZ Notification, 2019 published by the MoEF&CC, New Delhi; now, NCSCM, Chennai has been appointed by the State Government for preparation of 1:25000 scale CZMPs under new CRZ Notification, 2019. Said CZMPs, 2019 will be revision/ updation of the CZMP, 2011, as per the provisions of CRZ Notification, 2011. Based on the approved CZMP, 2019 in 1:25000 scale, local level 1:4000 scale CZMP, 2019 shall be prepared. The Authority further decided that this will also be brought to the notice of MoEF&CC, New Delhi and MoEF authorized appointed agencies.

**Item No. 2:** Regarding preparation of CZMPs under CRZ notification, 2019

The Authority noted that in its 132nd meeting held on 24th April, 2019, decided that State Government may engage the NCSCM, Chennai for preparation of CZMP in accordance with CRZ Notification, 2019. Accordingly, State Government vide letter dated 26<sup>th</sup> April, 2019 requested the NCSCM to NCSCM to send the intent to State Government and submit a detail proposal along with terms and conditions. The NCSCM vide letter dated 20th May, 2019 has sent a draft contract agreement containing the proposal of preparation of CZMP, 2019 in accordance with CRZ Notification, 2019 along with details of cost and other terms & conditions.

The State Government vide letter dated 10th June, 2019 has requested NCSCM that initially 50% amount will be released as advance payment. Remaining 25% upon submission of draft CZMPs and last 25% will be released after finalization of CZMPs. Accordingly, the NCSCM was requested to send the revised contract agreement containing proposal. Meanwhile, MCSCM requested to start the work of CZMPs immediately. The State Government is in urgency to finalize the CZMPs under CRZ Notification, 2019, so that new CRZ Notification, 2019 could be implemented in the State. The NCSCM vide letter dated 03.07.2019 has sent a contract agreement containing the proposal of preparation of CZMP, 2019 in

  
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accordance with CRZ Notification, 2019 along with details of cost of Rs. 3,79,96,000/- (inclusive of GST) and other terms & conditions.

It was further noted that the MoEF&CC, New vide OM dated 26.06.2019 has issued guidelines for preparation of CZMPs under CRZ Notification, 2019.

The Authority after deliberation decided that NCSCM, Chennai needs to be requested to expedite the process of preparation of CZMP, 2019. Further, it was decided that 50% amount i.e. Rs. 1,89,98,000/- may be released as advance payment to NCSCM, Chennai, as per agreed terms between NCSCM and State Government. The amount will be released from MCZMA account.

**Item No.3:** Regarding revision of professional charges of Advocate Sharmila Deshmukh

The Authority noted that, Advocate Sharmila Deshmukh is appearing before the Hon'ble High Court in CRZ matters on behalf of MCZMA. At present, MCZMA is paying Rs. 40,000/- per case, as per the decision taken by the MCZMA in its 75<sup>th</sup> meeting held on 15.5.2012.

The Authority noted that Advocate Deshmukh has sent a communication dated 28.9.2018 to MCZMA requesting to enhance the professional charges to Rs. 55,000, which is at par with professional charges paid by MPCB.

Taking into account the satisfactory legal services provided till date by the Adv Deshmukh and fee structure of the MPCB, the Authority after deliberation decided to revise the professional charges of Advocate Deshmukh. Now, revised charges will be Rs. 55,000 /- per case. Adv Deshmukh shall give break up of fees structure for cases such as Chamber summons, Notice of Motion & matters disposed of before admission, while claiming the professional charges to MCZMA. Expenditure on above will be incurred from the funds given to MCZMA by the state or from the processing fees received by MCZMA.

  
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**Item No. 4:** Regarding implementation of CRZ Notification, 2019: representation received from M/s Radius Infra Holdings Pvt. Ltd.

Representatives from M/s Radius Infra Holdings Pvt. Ltd presented the matter before the Authority. Applicant presented that MoE&CC, New Delhi has published the new CRZ Notification, 2019 in supersession of CRZ Notification, 2011. Applicant further submitted that at present, provisions of the new CRZ Notification, 2019 needs to be made applicable in CRZ area. Applicant further presented that new CRZ Notification, 2019 allows the development / redevelopment in CRZ II area as per the prevailing town and country planning regulations as against the regulations existed as on 19.2.1991, as stipulated in CRZ Notification, 2011. Applicant has presented his proposal wherein the MCZMA in its 113<sup>rd</sup> meeting held on 9<sup>th</sup> to 11<sup>th</sup> August, 2016 permitted the redevelopment on plot bearing CTS No. 1064 of village Versova, Off J. P. Road, Andheri (W), Mumbai with FSI cap of 19.2.1991 town planning regulations. However, now, the said redevelopment is entitled to current town planning regulations. Applicant further presented that the plot under reference is situated within 500 m from the Arabian Sea i.e. in CRZ II, hence, the CRZ status/ categorization of the plot will not be changed even in the CZMP plan of the 2019 CRZ Notification. The applicant further stated that there is no rationale in hindering the redevelopment on the plot in accordance with the new CRZ Notification, 2019, which is in force today.

The Authority noted that, MoEF&CC, New Delhi has issued new CRZ Notification dated 18.01.2019 in supersession of CRZ Notification, 2011. However, para 6 (i) of CRZ Notification, 2019 states that until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects. Further, MoEF&CC, New Delhi issued a clarification of the para 6(i) vide its letter dated 26.02.2019 stating that,

*"until the CZMPs of the Maharashtra prepared under the provisions of the CRZ Notification, 2011 are updated / revised under the provisions of provisions of the CRZ Notification, 2019 issued vide GSR 37(E) dated 18.1.2019, the provisions of this new Notification shall not apply and the provisions of CRZ*

  
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*Notification, 2011 shall continue to be followed for appraisal and CRZ clearance of projects in the CRZ areas"*

The Authority discussed the above said clarification issued by the MoEF&CC, New Delhi which has clarified that new CZMP under CRZ Notification, 2019 are mandatory in order to start implementing the new CRZ Notification, 2019. The Authority further noted that process of the revision of the CZMPs in line with new Notification has already started. However, the Applicant is requesting that even in the new CZMPs, the status of the plot from CRZ point of view will remain unchanged, hence, new regulations could be made applicable.

In the light of above, the Authority after deliberation decided to expedite the process the preparation of new CZMPs, 2019. And, further it was also decided to send the above said representation of the applicant to MoEF&CC, New Delhi for further appropriate decision / guidance in the matter.

**Item No. 5:** CRZ NoC for residential building on Housing for Dis-Housed reserved land bearing Gut No. 86 (p), reservation No. 4 (Housing for Dishoused) at village Kopri, Thane- Savali CHS (prop.)

Representatives from Savali CHS (prop.) presented the proposal before the Authority, as per which, Savali CHS Ltd (proposed) intends to build a residential building to provide housing for the dishoused people on the land bearing Gut No. 86 (p) at village Kopri, Thane. The said land has reservation No. 4 as "Housing for dishoused" in the Development plan of the Thane Municipal Corporation. The said society put up an application to Government in the year 2004 seeking allotment of said land, as per the Government Resolution of the year 1998. Correspondence was made to Thane Municipal Corporation and Urban Development Department, GoM in the matter, since the land was situated in CRZ II, as per the CZMP of the CESS, Kerala, under CRZ Notification, 1991.

The UDD vide letter dated 16<sup>th</sup> August, 2012 forwarded our application to Environment Department for CRZ issue. The MCZMA requested applicant to submit the application as per the CRZ Notification, 2011.

  
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Now, applicant has submitted its application requesting to provide the CRZ NoC for the project in the light of new CZMP approved by the MoEF&CC, New Delhi under CRZ Notification, 2011.

The Authority noted that, MoEF&CC, new Delhi vide letter dated 28.2.2019 has approved the CZMP of the Thane area, as per which, the plot bearing Gut No. 86 (p), reservation No. 4 ( Housing for Dishoused) at village Kopri, Thane is beyond 100 meter from the HTL of the creek.

After deliberation, the Authority decided to confirm that as per approved CZMP, the plot bearing Gut No. 86 (p), reservation No. 4 (Housing for Dishoused) at village Kopri, Thane is beyond 100 meter setback CRZ area from the creek i.e. situated outside CRZ area. The Authority has no objection for the proposal from CRZ point of view.

**Item No. 6:** Proposed construction of road bridge on land bearing Gut no. 93 at village Kharkaravi and and Gut no. 94 at village Kharmachela at Tal. Pen, Dist. Raigad by JSW Steel Ltd.

The Project Proponent presented the proposal before the Authority. The Authority noted that the proposed project involves construction of bridge at village Kharkaravi and Kharmachela in Taluka Pen in Dist. Raigad for the purpose of crossing the existing Nalla.

The PP further presented JSW dolvi works abutting Amba River is in operation and planning for expansion. At present, proposed land for expansion does not have approach from the main road. Hence, it is required to establish the connectivity between the existing JSW plant and adjacent expansion project land through construction of road bridge over the existing sub creek. The PP further presented that the proposed expansion of integrated steel plant from 5 MTPA to 10 MTPA and power plant 300 MW to 600 MW at village Dolvi & other villages has got EC under EIA Notification, 2006 on 25.8.2015 from MoEF&CC, new Delhi subject to certain conditions.

The PP presented that earlier 3 bridges were proposed. However, now only one bridge is proposed. The PP vide letter dated 30.10.2018 has informed that in

  
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order to avoid construction in mangrove area, plan was changed and submitted the Rapid EIA report about the construction of single road bridge to develop transport connectivity between its existing plant and adjacent expansion land. As per EIA report, proposed bridge span will be 60 m with width 20 m. Total length of the bridge including ramps on either side of bridge is 300 m. The proposed road bridge is across sub creek of the main Amba River. As per approved CZMP, site is situated in CRZ I area.

The Authority noted that the proposal was earlier discussed in 128<sup>th</sup> meeting held on 20.12.2018, wherein it was noted the Hon'ble High Court order dated 17th 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 17th Sep, 2018. Accordingly, the matter was deferred.

Accordingly, the project proponent approached the Hon'ble High Court by filing WP No. 1643 of 2019 (JSW Steel Limited V/s. Union of India & ors). Hon'ble High Court has passed an Order dated 11.02.2019, as per which:

*"4. This Court has examined certain matters and has granted permission. It has also granted permission in some matters, wherein, the Court found that the larger public interest demands so. However, in all such matters the permission has been granted only after the expert bodies like Ministry for Environment and Forest, Government of India, the Ministry of Environment and Forest, State of Maharashtra and Respondent no.2, herein, have granted the permissions. We find that it is for these bodies, who possess necessary expertise, to first find out as to whether the permission is necessary in the larger public interest or not. After application of mind, by such authorities with regard to grant or refusal of permission, the Court can consider, whether the larger public interest demands grant of such permission or not.*

*5. It appears that Respondent no. 2, herein, desires to adopt reverse procedure.*

*6. In that view of the matter, Respondent no.2 to take decision on the proposal of the Petitioner within a period of four weeks from today"*

  
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The proposal was again taken up in 130<sup>th</sup> meeting of MCZMA held on 01.03.2019, wherein the Authority noted the High Court order in the matter. Further, the Authority decided that site visit to be carried out by the Mangrove Cell in the matter. After receipt of the report from the Mangrove Cell, appropriate decision would be taken in the matter.

Accordingly, the Mangrove Cell visited the site and report dated 8.3.2019 was submitted before the Authority. Following observation were made during the site visit.

- 1) The Geo-coordinates received from the JSW Kharmechela was verified. 1) N 18°40'38.87", E - 73°02'42.41" 2) N 18°40'38.74", E - 73°02'42.45
- 2) The proposed bridge is located in the survey no. 94/95 across a small creek which is having the status of revenue land as per the MRSAC map
- 3) Proposed bridge includes construction of 2 pillars each at survey no. 94 and 95 respectively where in no mangrove tree was sighted. JSW authorities informed that mangrove tree cutting is not involved in the construction. Debris on the site is deposited to facilitate the construction and a couple of hollow pipes have been laid for the flow of water.
- 4) Google superimposed map of the proposed site in 2015 showed mangrove trees, However Google map of present year shows Debris dumped at the site.
- 5) Sparse mangrove dominated by Sonneratia apatala and Avicennia marina along both side of the creek which is located within 5 metre of the proposed site. The proposed bridge construction shall not block the free flow of creek water to ensure continues growth of the mangrove forest.
- 6) The proposed site is located within the 50 meter buffer area of the mangrove forest.
- 7) The above inferences are made based on the geo-coordinates shared by JSW Steel Ltd and through MRSAC maps.

The said proposal was again discussed in 132<sup>nd</sup> meeting held on 24.04.2019, the Authority deliberated the proposal in the light of site visit report of the Mangrove Cell. The report states that construction of 2 pillars each at survey no. 94 and 95 respectively where in no mangrove tree was sighted, proposed site is located within the 50 meter buffer area of the mangrove forest. However, report also states that Google superimposed map of the proposed site in 2015

  
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showed mangrove trees, However Google map of present year shows Debris dumped at the site. The Authority observed that Mangrove Cell need to clarify whether mangroves were present at the site where bridge pillars are proposed. In the said meeting, after deliberation, the Authority decided to seek a clarification from the Mangrove Cell. Accordingly, the matter was deferred.

The Authority noted that the Mangrove cell vide letter dated 03.06.2019 has submitted the clarification on observation point no. 4. The Mangrove Cell has clarified that the PP has submitted the copy of order from the Collector, Raigad dated 11.11.2016 that the land proposed for the above said construction was given on lease on 11.11.2016 onwards. Hence the PP is not responsible for the construction of bund which was already existing there while taking its possession and Khar land department is responsible for making bunds as and when it is required. Hence, PP has proposed the construction of bridge near the bund as no mangrove tree is present there. It is observed that, the project does not involve any mangrove cutting. However, it is located within the 50 m buffer zone from the mangrove forest.

The Authority further noted the observations of the EIA report. Brief of the report is as follows:

Sr no.	Component	Anticipated impacts	Mitigation Measures
1	Land Environment	<p>Land preparation involves removal of top soil at the site may cause soil erosion by wind or surface runoff</p> <p>Excavation may temporarily affect the drainage pattern of the project site.</p> <p>Vehicular movement and equipment operation</p>	<p>Standard work practices and management of excavated earth may avoid soil contamination and soil erosion.</p> <p>Top soil removed from project location can be reused in gardening or filling purposes.</p>

  
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		often causes oil leaks which may contaminate soil.	
2	Air environment	<p>Emission from construction material carrying vehicles would affect air quality of the surrounding region to moderate level.</p> <p>Particulate matter generated during excavations and material handling may get dispersed in the surrounding region by wind action.</p>	<p>Regulating frequency of vehicular movements at project site for carrying raw material and regulated use of construction equipment and avoiding idling of vehicles may reduce emission in air</p> <p>Use of water sprinkling wherever necessary should be practiced to reduce particulate matter dispersion in air.</p>
3	Water environment	<p>Excavation, filling, piling work at site would cause turbidity and contamination in creek water.</p> <p>Surface runoff from site in downstream water court may degrade water quality.</p>	<p>Use of silt traps and site barricading during construction phase may avoid entry of soil from the banks of sub creek into water.</p> <p>conservation of excavated earth can help reduce the impact on bed sediment and help maintain its texture and composition.</p>
4	Noise environment	Excavator operations, RMC and fabrication	Construction activity should be restricted to day time

  
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		work and road laying would cause rise in Noise levels due to operation of various equipment	Regulated operation of construction equipment and vehicular movement would reduce noise levels to greater extent
5	Biological environment	<p>Dust deposition may occur on the mangrove and other flora in the project vicinity</p> <p>Fauna prevalent in the surrounding region may be affected by rise in noise level, reduced air quality. However, duration of the impact being temporary and low severity it would have minimum significance.</p> <p>Fishing activity was not observed in the sub creek but seen in the main creek. However, there may be infiltration of subsistence fisherman in the sub creek area for fishing crabs and prawns. During the construction these fisherman may not find the catch near bridge location and will have to restrict to main creek area. Overall impact on the fisherman may thus be limited.</p>	<p>Bridge design would be such that there would be minimal impact on the sub-creek, aquatic life and fisheries.</p> <p>Use of silt traps, suitable excavation techniques, solid waste management and barricading site would help minimizing impact on creek flora and fauna.</p> <p>JSW already has its mangroves conservation project ongoing since October 2016 in which 1,05,435 mangroves saplings were developed &amp; plantations were done in the five locations within 20km of plant site: shirki chal no. 1, shirki chal no. 2, Tamsi buner, Thakur Bedi, Masad Bedi covering the area of 20 hectares. In 2017 the mangroves plantation was done in 60 ha of land and 300000 mangrove saplings were planted.</p>

  
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		<p>Changed in water and sediment quality may affect plankton community, Fish and benthic fauna in the vicinity of the project location. The impact is temporary and minimal.</p>	
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The PP during the meeting presented that no mangrove will be cut for the construction of road bridge. Further, no piers will be erected in the creek water, hence, there would not be damage to creek ecology. Only 2 piers will be in erected on either side of the bank of the sub creek which is situated in 50 m mangrove buffer zone.

The PP further presented JSW Dolvi works abutting Amba River is in operation and planning for expansion. At present, proposed land for expansion does not have approach from the main road. Hence, it is required to establish the connectivity between the existing JSW plant and adjacent expansion project land through construction of road bridge over the existing sub creek. The proposed bridge is the nearest way of connecting adjacent project land which will save material transportation time. The PP further stressed that proposed bridge is necessitated mainly to establish the transport connectivity between company's existing set up and future expansion land currently separated by a small tidally influenced water body. The PP further presented that company is major source of employment in the surrounding region.

The Authority noted that the project is a private project, however, proposed bridge is an important connectivity for the company, which is country's one of the leading manufacturer of the steel products and source of employment generation in the region, thus, clearance to proposed bridge is required for the functioning of the company and in public interest. However, at the same time, for construction of road bridge, company should not cut / destroy any mangroves and should not alter the natural course of creek water. Further, considering the report of the mangrove Cell, the PP should restore the

  
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mangroves in the immediate vicinity of location of the proposed piers. Debris should be removed for ensuring free movement of tidal water into the mangroves. Appropriate mitigation measures should be adopted, as stipulated in the EIA report. The Authority also noted that expansion of the industry in CRZ area is a prohibited activity as per provisions of the CRZ Notification, 2011 and PP need to take note of the same.

The Authority after deliberation decided to recommend the proposal from CRZ point of view to SEIAA subject to 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. This CRZ recommendation for proposed road bridge only.
3. PP to ensure that no piers shall be erected in the creek.
4. Natural course of creek/river water should not be hampered due to proposed activities thereby having minimal impact on the environmental setting of the project location.
5. The proposed bridge construction shall not block the free flow of creek water to ensure continues growth of the mangrove forest.
6. PP to ensure that no mangrove should be cut/ destroyed for the proposed project. There shall not be violation of the Hon'ble High Court order dated 17<sup>th</sup> September, 2018 in PIL 87/2006.
7. PP to obtain prior permission Hon'ble High Court order as the 2 piers of the proposed road bridge is situated in 50 m mangrove buffer zone.
8. Bridge design would be such that there would be minimal impact on the sub-creek, aquatic life and fisheries. Use of silt traps, suitable excavation techniques, solid waste management and barricading site would help minimizing impact on creek flora and fauna.
9. Considering the report of the mangrove Cell, the PP should restore the mangroves in the immediate vicinity of location of the proposed piers. Debris should be removed for ensuring free movement of tidal water into the mangroves. Compliance report of which should be submitted to Mangrove Cell and MCZMA.
10. During construction phase of the project, construction debris should not be dumped in the creeklet and mangroves. Mitigation measures proposed

  
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- in the EIA report should be implemented in order to lessen the adverse impact of the project on surrounding environment.
11. PP to ensure that activity of the fishermen should not be hampered in the creeklet, during construction and operation phase.
  12. The PP to take note of the fact that Expansion of the industry in CRZ area is a prohibited activity, as per provisions of the CRZ Notification, 2011.
  13. The PP to obtain the clearance from NoC from the Mangrove Cell.
  14. All other required permission from different statutory authorities should be obtained.

**Item No.7:** Amendment for 2.0 MTPA LPG Import facility in Jaigarh Port, Dist. Ratnagiri by JSW Jaigarh Port Ltd.

Representatives from M/s JSW Jaigarh Port Ltd presented the proposal before the Authority. The PP presented that expansion of the Jaigad port, Ratnagiri is underway. The MoEF&CC, New Delhi vide letter dated 19.12.2013 has granted Environmental & CRZ Clearance to expansion of JSW Port at Jaigad, Ratnagiri. Further, MoEF&CC, New Delhi vide letter dated 30<sup>th</sup> March, 2015 granted amendment in the above proposal.

In the above said EC & CRZ Clearance of expansion, 10 MTPA of Petroleum Oil and Lubricants (POL) (Crude and Product) was allowed.

Now, the JSW has proposed to set up capacity for handling 2.0 MTPA of LPG, for which, application for amendment in EC and CRZ clearance is accordingly submitted to MoEF&CC, New Delhi. In reply, MoEF&CC has directed PP to obtain CRZ recommendation from MCZMA for the proposed amendment.

It was further presented that the proposed handling of 2.0 MTPA LPG shall be within the approved capacity of 10 MTPA POL cargo sanctioned for the port. LPG will be handled at existing berth 4A. No additional construction of berths, reclamation, creation of additional navigational channel or construction of breakwater is proposed.

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The comparative statement of the cargo profile of Jaigarh port as approved in Environment and CRZ Clearance, Vis a Vis proposed amendment to handle 2.0 MTPA LPG is as follows:

S. No.	Cargoes	Capacity (in MTPA) as approved in EC & CRZ by MoEF	proposed amendment Capacity (MTPA)
1	Thermal Coal	20	20
2	Fly Ash	0.5	0.5
3	Fertilizers	1.5	1.5
4	Sugar	0.5	0.5
5	Bauxite	1.2	1.2
6	Lime Stone	1.0	1.0
7	Iron & Steel	4.0	4.0
8	Iron Ore	5.0	5.0
9	Automobiles	1 million Units	1 million Units
10	Containers	12 (1.0 million TEU)	12 (1.0 million TEU)
11	Cement and Clinker	1.0 Million	1.0 Million
12	Molasses	1.0	1.0
13	<b>POL (Crude+ Product)</b>	<b>10.0</b>	<b>8.0</b>
13a	<b>LPG</b>		<b>2.0</b>
14	Chemicals	0.5	0.5
15	Edible Oil	0.5	0.5
16	LNG	8.0	8.0
16a	LNG (FSRU)	6.0	6.0

The PP further presented that proposed LPG Import Facility will cater to the urgent and sustained demand of LPG in the region in the states of Southern Maharashtra, Northern Karnataka and Goa predominantly for domestic usages, hitherto being handled at far off ports such as at Mumbai, adding to the burden of the customer. The proposed Import Facility will entail LPG import, unloading, storage and dispatched by Public Sector Oil Marketing Companies to meet domestic demand in the hinterland.

  
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As presented by the PP, the Authority noted that, the LPG Import facility will be implemented in 2 phases.

PHASE-I (an early production facility):

- LPG storage will be done in 150 MT x 2 nos. horizontal tanks.
- One loading gantry with 4 nos. loading bays.
- LPG storage at berth will be augmented by primary storage in a moored Floating Storage and Off-loading (FSO) unit of about 40,000 to 50,000 MT capacity with 4-5 isolated tanks.

PHASE-II and III:

- LPG storage will be done in 6 + 6 nos. mounded bullets of 1800 MT capacity each.
- Two loading gantries with 8 nos. loading bays in each gantry

The Authority noted that the PP has submitted CRZ map (1:4000 scale) prepared by IRS, Chennai, as per which:

LPG Facilities	CRZ Classification
PHASE-I LPG Facility	CRZ IVB & Non-CRZ area
PHASE-II & III LPG Facility	CRZ IB, CRZ III & CRZ IVB area

The PP has submitted the Environment Impact Assessment Report, technical feasibility study report and quantitative Risk Assessment report.

The Authority noted that already the MoEF&CC, New delhi has granted the CRZ & EC for the POL cargo of capacity 10 MTPA. Now, the PP wish to limit the POL cargo to 8 MPTA and proposing 2 MPTA LPG import facility on the existing berth 4A. No additional construction of berths, reclamation, creation of additional navigational channel or construction of breakwater is proposed. The Authority instructed the PP to undertake all safety measures to handle the LPG import facility. Measures should be taken to contain, control and recover the accidental spills of fuel and cargo handle. There should not be any kind of reclamation in the creek for the said facility.

  
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The Authority noted that as per the Annexure II of the CRZ Notification, 2011, storage of Liquefied Natural Gas is permitted in CRZ area except CRZ I A.

After detailed deliberation and discussion the Authority decided to recommend the proposal from CRZ point of view to MoEF & CC, New Delhi subject to compliance of following conditions:

1. PP should ensure that proposed activities in CRZ areas are as per provisions of CRZ Notification, 2011 (amended time to time).
2. PP to ensure that for LPG import facility, no additional berth shall be constructed.
3. PP to ensure that no reclamation of the creek is allowed for the LPG facility. Mangrove, if any should not be cut/ destroyed for the said facility.
4. The Project proponent shall ensure that no creeks or rivers are blocked due to any activities at the project site and free flow of water is maintained.
5. PP to implement the Mitigation measures and Environment Management Plan during implementation and operation phase of the project, as recommended in the EIA report.
6. The PP to ensure that during construction phase, sewage from labour camps should be treated before disposal. Further, during operation phase, domestic sewage should be treated. No untreated sewage should be discharge in Coastal water body.
7. Treated sewages and segregated wastes from FSO vessel shall be collected for disposal at the port premises.
8. Used oil, and other hazardous waste arising from the facility shall be disposed as per the Authorization of the State Pollution Control Board.
9. All the recommendations mentioned in the rapid risk assessment report, disaster management plan and safety guidelines shall be implemented.
10. Measures should be taken to contain, control and recover the accidental spills of fuel and cargo handle.
11. All other required permissions should be obtained before the commencement of the project.

  
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**Item No.8:** Proposal of post facto clearance for building construction on land bearing plot no.8, Sector no. 58 A, Nerul, Navi Mumbai by M/s. Venus CHS

The Project proponent presented the proposal before the Authority. The Concern Planning Authority i.e. Navi Mumbai Municipal Corporation (NMMC) vide letter dated 30.06.2018 forwarded the proposal for post facto clearance for building construction on land bearing plot no.8 , Sector no. 58 A, Nerul, Navi Mumbai. As per the NMMC remarks:

1. The NMMC had granted the Development permission on 30.03.2007. Building namely Venus CHSL comprises of Ground + 11<sup>th</sup> Floor has been constructed.
2. As per the remarks of the NMMC, area of plot is 2966.48 Sqm, Permissible FSI is 1.00, as per the permissible GDCR as on 19.2.1991 and proposed FSI is 0.998.
3. The NMMC remarks states that as per the approved CZMP, the plot under reference is situated in CRZ II area and landward side of the existing bund road.

The Authority noted that the Ministry of Environment, Forests & Climate Change, New Delhi has published Amendment Notification dated 06.03.2018 to the CRZ Notification, 2011 regarding post fact CRZ clearance. As per which, after sub-paragraph 4.2 of CRZ Notification, 2011, the following sub-para shall be inserted-

*4.3 Post facto clearance for permissible activities.-*

*(i) all activities, which are otherwise permissible under the provisions of this notification, but have commenced construction without prior clearance, would be considered for regularisation only in such cases wherein the project applied for regularization in the specified time and the projects which are in violation of CRZ norms would not be regularised;*

*(ii) the concerned Coastal Zone Management Authority shall give specific recommendations regarding regularisation of such proposals and shall certify that there have been no violations of the CRZ regulations, while making such recommendations;*

  
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(iii) such cases where the construction have been commenced before the date of this notification without the requisite CRZ clearance, shall be considered only by Ministry of Environment, Forest and Climate Change, provided that the request for such regularisation is received in the said Ministry by 30<sup>th</sup> June, 2018.

The Authority discussed the proposal and noted the remarks dated 30.6.2018 of the NMMC which is as follows:

1. As per CZMP, the said plot falls in CRZ II and is situated on landward side of existing road constructed prior to 1991
2. As per sanctioned DP, the plot falls in residential zone. The permissible FSI is 1.00, as per prevailing DCR of 19.2.1991. The FSI of the building constructed is 0.998 which is within permissible limit of 1.00.

The Authority noted that development on the plot falling in CRZ II area and situated on landward side of the plot is a permissible activity subject to town & country planning regulations existing as on 19.2.1991, as per para 8.II. CRZ II of the CRZ Notification, 2011. The Navi Mumbai Municipal Corporation is the planning Authority of the area responsible for ensuring that FSI of the building is within the permissible limit of FSI as on 19.2.1991, in CRZ II area. Further, the NMMC to ensure that building is beyond 50 m mangrove buffer zone area.

The Authority instructed the PP to make sure that application was submitted on or before 30<sup>th</sup> June, 2018 to MoEF&CC, New Delhi online portal.

In the light of above, taking cognizance of the CRZ Notification dated 6<sup>th</sup> March, 2018, the Authority after deliberation decided to recommend the matter to MoEF&CC, New Delhi for post facto approval, subject to conditions that the NMMC to ensure that FSI of the building is within the permissible limit of FSI as on 19.2.1991, in CRZ II area. Further, the NMMC to ensure that building is beyond 50 m mangrove buffer zone area.

  
Member Secretary

  
Chairman

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**Item No. 9:** Proposed excavation of the land and electric substation for providing electricity supply at Survey no. 42, Hiss (CTS No. 41), Gorai village, Borivali (W), Mumbai.

The Authority noted that M/s Reliance Energy (Now M/s Adani Power) has sent an application seeking the CRZ recommendation for proposed excavation of the land and electric substation for providing electricity supply at Survey no. 42, Hiss (CTS No. 41), Gorai village, Borivali (W), Mumbai. As per the application, work of excavation of land, laying of cable and electric substation will not affect mangroves and other flora & fauna.

The Authority noted that as per the approved CZMP, 2011 of the Greater Mumbai, the site under reference falls in CRZ III area and situated within 200 meter from the HTL of the seafront.

The Authority opined that electricity connection to individual house/ property/ establishment is basic essential utility and it is right of the every individual. The Authority in its earlier meetings have decided that no CRZ recommendation shall be insisted for laying of the cable for electricity connection for individual house/ property/ establishment. It was further noted that the application also involves electric substation on plot under reference, which requires CRZ recommendation.

The Authority further opined that just by providing electricity connection to a house/ property/ establishment does not warrant the authorization or give legal status to house/ property/ establishment. In this respect, the Authority further noted the GR dated 18.1.2016 by the Energy Department, GoM which states that every applicant shall get the electric connection and just by giving the electric connection, the house or residential dwelling does not become authorized.

After deliberation, the Authority decided to recommend the application from CRZ point of view to concern planning Authority subject to compliance of following condition.

1. PP should ensure that proposed activities in CRZ areas are as per provisions of CRZ Notification, 2011 (amended time to time).



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2. PP to ensure that no mangrove should be cut/ destroyed for the proposed project. There shall not be violation of the Hon'ble High Court order dated 17<sup>th</sup> September, 2018 in PIL 87/2006.
3. All other required permissions should be obtained before the commencement of the project.

-----Meeting ended with vote of thanks-----


**Annexure I**

**List of the members present in the meeting:**

1. Smt. Neenu Somraj, Mangrove Cell, Member MCZMA
2. Shri. Rajendra Jadhav, Fisheries Department, Member MCZMA
3. Shri. Kandalkar, DyCh.E. MCGM, Member MCZMA
4. Mrs. Anulexmi, CMFRI, Member, MCZMA
5. Dr. A.K. Choube, NIO, Goa, Expert Member, MCZMA
6. Shri. Kudale, Ex-Director, CWPRS, Expert Member, MCZMA
7. Mr. Suryakant K. Nikam, Member Secretary, MCZMA

  
Member Secretary

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