

Minutes of the 14th meeting of the Maharashtra Coastal Zone Management Authority
held on 17-09-2002 at Committee Room, 5th floor, Mantralaya, Mumbai-32

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The following were present :

- 1) Principal Secretary
Environment & Energy Department
Govt. of Maharashtra,
Mantralaya, Mumbai-32. Chairman
- 2) Principal Secretary,
Urban Development Department,
Govt. of Maharashtra,
Mantralaya, Mumbai - 32. Member
- 3) Prof. S.K. Gupta,
Head Of the Department,
C.E.S.E.
Indian Institute of Technology,
Powai, Mumbai Member
- 4) Dr.Hrishikesh Samant,
Lecturer,
Department of Geology,
St.Xavier's College,
Mumbai Member
- 5) Dr.Leela Bhosale,
Department of Botany,
Shivaji University,
Kolhapur Member
- 6) Dr.Munshi Lal Gautam,
Member Secretary,
M.P.C. Board Member-Secretary

Principal Secretary, Revenue & Forest, Govt. Of Maharashtra and Shri S. Ayyappan, Director, Central Institute of Fisheries Education, Members could not attend the meeting. Leave of absence was sought by them, which was granted by the Chairman.

Shri Surendra Jadhav, Deputy Secretary (Tech.) Environment Department, Shri A.B.Jain, Law Officer MPCB and Shri Deshmukh, Dy.Secretary, Urban Development Deptt. Govt. of Maharashtra were also present to assist the Authority.

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

Item No.1 : To confirm the minutes of the 13th Meeting of the Maharashtra Coastal Zone Management Authority held on 31-7-2002.

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The minutes of the 13th meeting of the Maharashtra Coastal Zone Management Authority held on 31-07-2002 were circulated amongst the Members vide letter bearing No.MCZMA/232 dated 22/8/2002 with a request to forward suggestions, if any. No comments/suggestions were received from the Members. The minutes were read and confirmed.

Item No.2: To note the follow up actions taken in respect of decisions taken in the earlier Authority's Meetings

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The itemwise compliance in respect of decisions taken in the earlier meetings of the Authority were noted and discussions were also held in respect of compliance of the item notes.

11th Meeting held on 13/5/2002 :

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

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Member Secretary of the Authority informed that he will visit the site alongwith members and submit the report to the Chairman of the Authority before next meeting.

12th Meeting held on 19/6/2002 :

Sub: In the High Court of Judicature at Mumbai W.P. No.2269/2001 filed by Om Namo Sujalam Sufalam Co.Op. Hsg. Soc. Ltd., & Ors V/s.Chief Executive Officer, Slum Rehabilitation Authority & Ors.

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Shri A.B. Jain, Law Officer, M.P.C. Board informed that an affidavit on behalf of Board in the said matter has been filed. The Hon'ble High Court has directed the Petitioners not to proceed with the work. He informed that

a copy of order is not yet received and the exact contents of the order would be known only after receipt of the order. It was decided to delete the item from the list of follow up action. However, the matter may be followed up in the High Court.

Sub: Proposal for redevelopment of slum properties bearing CTS Nos.39(pt), 31(pt) of village Juhu and CTS No.195(pt) of village Andheri under Slum Rehabilitation Scheme for New Sangamner C.H.S. Ltd., and New Kapas Wadi Juhu Ekta Co.Op.Hsg.Soc.Ltd.

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Member Secretary informed that M/s.Mayurpankh Properties Pvt.Ltd. have approached the Authority once again with a request to reconsider their Request for site 'A' located at CTS No.30(pt) and 31(pt) of village Juhu and CTS No.195(pt) of village Andheri. He informed that a separate item has been placed before the Authority for consideration.

Sub: Ashoka Apartment Co.Op. Hsg. Society & Ors. V/s Municipal Corporation of Greater Mumbai & Ors.

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Shri A.B. Jain, Law Officer, M.P.C.Board informed that except Jayaprakash Nagar Zopadpatti Sangh other Respondents have not filed their written submissions and in absence of that it will not be proper to place the matter before the Authority for hearing. Chairman of the Authority requested the Addl. Municipal Commissioner, M.C.G.M. and Collector Mumbai to file their say immediately. The officials requested that copies of item notes in which action are required to be taken from them should be circulated and also the relevant abstract of the minutes. Shri Jain, informed that copies of the Petitions are with the office of Collector and M.C.G.M. being Respondents in the matter. It was decided to send copies of item related to the respective departments and also the relevant abstract of the minutes to enable the concerned agencies to take appropriate action. Both the officials assured that they will submit their written submissions at the earliest.

13th Meeting held on 31/7/2002 :

Sub: To extend an opportunity of hearing to the representatives of Gorai Machhimar Sahakari Sanstha & Bombay Environmental Action Group as well as the Respondent M/s.Pan India Paryatan Ltd.

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Member Secretary of the Authority informed that a separate item note has been placed for discussion.

Sub: Appeal filed by Shri R.G. Vertak, Chairman Samajonnati Shikshan Sanstha in the matter of HTL shown in the CZMP affecting the secondary school plot in CTS No.5A/5 of Village Borivli.

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Chairman of the Authority instructed that requisition in the given format should be submitted to the office of Chief Hydrographer, Dehi radun requesting them to inform approximate charges for the survey and the time required for such survey.

Sub: Order passed by Hon'ble High Court in W.P.85/2000 filed by the Colaba Cuffe Parade Citizens Group V/s Union of India regarding violation of CRZ Notification - compliance regarding.

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It was decided to send a reminder to the Principal Secretary, Housing Department, Govt. Of Maharashtra requesting him to take immediate action in the matter.

Sub: Revised Coastal Zone Management Plan of Jawaharlal Nehru Port Trust (JNPT) (Part of Navi Mumbai C ZMP)

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Principal Secretary, Urban Development Deptt., and Member of the Authority informed that the revise CZMP of JNPT as approved by the Authority is being sent to the Ministry of Environment & Forests, Govt.of India. The Chairman of the Authority suggested that the matter be followed up at the Central Govt. Level for expeditious approval.

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

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It was informed that directions under Section 5 of the Environment (Protection) Act, 1986 have been given to the Collector-Mumbai Suburban Dist. vide letter dated 26.8.2002. Chairman instructed that a reminder should be sent to the Collector-Mumbai Suburban Dist. & other concerned authorities for taking immediate action for removal of the bandhara. It was also decided to forward a copy of the directions to the Maharashtra Maritime Board with a similar request.

Item No.3: Complaint filed by M/s. Gorai Machhimar Sahakari Sanstha & Bombay Environmental Action Group against M/s.Pan India Paryatan Ltd., regarding violation of CRZ Notification.

The matter was discussed. Chairman of the Authority opined that in absence of relevant enclosures particularly fair sheet of Gorai and Manori, negative of HW and LW line of Gorai and Manori, it will not be possible to examine the report submitted by M/s.Pan India Paryatan Ltd. It was decided that the Dy.Secretary (Technical), Environment Deptt., will follow the matter with Managing Director, M.T.D.C. for procuring the relevant map/sheet/ negatives. It was also decided that if these documents are not available with the MTDC, they should be requested to obtain the same from Chief Hydrographer, Deharadun.

Dr.Hrishikesh Samant, Member informed that during his recent visit to the Essel World, he observed plantation of Casurina trees on the bund. He informed that the report is prepared by National Institute of Oceanography on conservation of mangroves on old data, which cannot be considered to be relevant. Members were of the view that considerable period is lapsed in taking a decision in the matter and it is necessary that M/s.Pan India Paryatan Ltd., should provide opening at more places so that saline water will flow on the other side of the bandhara for preservation of mangroves.

It was decided to issue a show case notice to M/s.Pan India Paryatan Ltd., pointing out the urgency for protecting the mangroves and the interim measures to be taken immediately. It was also decided to point out the deficiencies in the report prepared by NIO in the light of observations made by Dr.Samant. Chairman requested Dr.Samant and Dr.Leela Bhosale, Members to give technical backup/comments based on which the show cause notice can be drafted and sent to M/s.Pan India Paryatan Ltd.,

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

Member Secretary of the Authority informed that after hearing the applications received from M/s.Mayurpankh Properties Pvt;Ltd. in respect of both their sites i.e. Site 'A' and site 'B', an order was passed on 23.7.2002 clearing site 'B' as falling outside the CRZ and declaring site 'A' as falling within the CRZ. He informed that the applicant had made a representation to the Chairman of the Authority, which has been placed before the Authority for discussion.

Shri Subramanian, Liaison Officer representative of the applicant informed that the office of the Chief Hydrographer while carrying out the survey has not shown the mouth of the creek at proper place and therefore the site 'A' has come within the purview of CRZ. He also brought to the notice of the Authority the fact that clarification sought by the State Authority vide letter dated 5.4.2002 and given by MoEF vide their letter dated 8.5.2002 is not clear. He also informed that while considering their case the Authority has not considered the contents of the note appearing below clause 1 of the notification dated 19.2.1991 as well as clause 18 of the letter of approval granted by MoEF, Govt.of India vide letter No.J-17011/8/95-IA-III dated 27.9.96. The matter was discussed in detail. Members felt that the survey was carried out by the Office of the Chief Hydrographer which is a competent authority and recommended agency of the Govt.of India. The members were also of the opinion that the decision has been taken by the Authority on the basis of fresh survey carried out by the Chief Hydrographer and there is no need to interfere with the report. It was, therefore, decided to maintain the order issued by the Member Secretary of the Authority dated 23.7.2002. In case the applicants feel aggrieved by the order they can approach National Coastal Zone Management Authority for appropriate orders.

Item No.5: Complaint in respect of destruction of mangroves & Reclamation of land at CTS Nos.232(part), 232/1-31, survey No.166 by M/s. O.P.Enterprises,Builders & Developers(Kukreja Group) at village Anik Chembur.

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The Chairman of the Authority requested Shri Chiplunkar, Asstt.Engineer, MCGM to explain the matter. Accordingly Shri Chiplunkar, Asstt.Engineer, MCGM gave brief background of the matter and informed that the plot in question is reserved for developing a garden and motor vehicle depot for the Corporation and in lieu of that Corporation will give TDR to M/s.O.P. Enterprises who have been asked to carry out levelling work of the plot. He informed that there will not be any construction coming up on the plot in question. He further informed that on receipt of complaint that M/s.O.P. Enterprises were carrying out the feeling work by providing a protective wall of GI sheets, directions were issued to the party to remove the same and accordingly the sheets provided covering the plot in question have been removed.

Chairman of the Authority requested the complainant M/s.B.P.C.L Ltd. to explain their case. Shri Reddy, General Manager informed the Members that in the name of development of garden and motor vehicle depot mangroves have been removed for past couple of months. They also informed that this fact was brought to the notice of M.C.G.Mi. and other concerned authorities. It was also stated that their installation is a very sensitive one and any activity near such sensitive installation may cause serious threat. This has been confirmed by a communication from the vigilance department.

The representative of M/s.O.P. Enterprises informed that the Collector Mumbai Suburban has identified certain plots having mangroves and the plot in question is not appearing in the said list. A copy of the letter No. OPE/611/207/2002 dated 20/4/2002 was produced and the same was taken on record. The representative informed that there were no mangroves on the land in question at the time of commencing levelling work. He further informed that whenever they take up any development work, the first thing they do is to cover the area. However, as per the instructions of Municipal Corporation they immediately removed the temporary enclosure put up by them.

Member Secretary of the Authority informed that a communication is received from Shri Kirit Somaiya, Member of Parliament (Lok Sabha) complaining about the destruction of mangroves. Chairman of the Authority was of the view that M.C.G.M. should have asked M/s.B.P.C.L. a public sector undertaking to develop the garden and handover the same to M/s.B.P.C.L. for maintenance. The representative of M/s.BPCL's. stated that they are ready and willing to develop garden on the said piece of land.

After due deliberations it was decided that site will be visited by Member Secretary alongwith Members to assess the situation and report will be placed before the Authority for taking appropriate action in the matter.

Item No.6: Application received from M/s.Dynamix Hotels Ltd., at JVPD scheme Vile Parle (West), Mumbai for getting physical survey carried out through Chief Hydrographer.

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Member Secretary of the Authority gave a brief background of the matter. He informed that the applicant approached the Authority with a request to get fresh survey carried out of their plot situated at JVPD scheme Vile Parle (West), Mumbai at their cost.

The representative of M/s.Dynamix Hotels Ltd. informed the members that their site is quite away from the site of M/s.Mayurpankh Properties Pvt.Ltd., which has been cleared by the Authority. In support of this, a sketch showing their property was also submitted which was taken on record. The Chairman and Members of the Authority perused the map prepared by Chief Hydrographer Office while carrying out fresh survey of M/s.Mayurpankh's Properties Pvt.Ltd. The same was superimposed on the D.P. sheet. It was prima facie felt that the applicants' property is away from the property of M/s.Mayurpankh Properties Pvt.Ltd.

The matter was discussed and it was decided to get the survey of the site done from Chief Hydrographer by submitting necessary requisition for which party will pay. The report of the Chief Hydrographer shall be placed before the Authority for necessary action.

Item No.7: Contamination of Mithi River due to discharge of municipal sewage and industrial effluent

Member Secretary of the Authority asked Shri R.S. Adhav, Regional Officer MPCB to give a brief background and the purpose of placing the item before the Authority. Shri Adhav informed that Mithi river which originates in the hillocks near Aarey Colony area has been contaminated to such an extent that it cannot be called as a river. He informed that there are large number of hutments located all along the river bank discharging sewage and sullage in river Mithi. In addition to this large number of unauthorised small units engaged in processing of used oil and grease are located in the vicinity of the river discharging untreated effluent containing oil and grease and other hazardous chemicals in the river. He stated that the job of cleaning up of Mithi river is a gigantic one, which will be possible with the help of Planning Authority like M.M.R.D.A. and Municipal Corporation.

Chairman of the Authority endorsed the views expressed by the Member Secretary and requested the Addl.Municipal Commissioner as well as Chief Town Planner, M.M.R.D.A. to express their views.

Shri Vidyadhar Kanade, Addl.Municipal Commissioner, MCGM informed that it will not be possible for the Corporation to collect and treat the sewage/industrial effluent as the cost involved is too high and the Corporation is not having that kind of fund. He further informed that there is no adequate space for carrying out such job. It was also informed that the Govt. Of Maharashtra has regularized the hutments which have been constructed prior to 1.1.1995 and it will be difficult to relocate the hutments.

Shri Phadke, Chief Town Planner, MMRDA informed that MMRDA in the past had taken some steps to widen the course of river. He suggested that it will be appropriate to carry out some sort of treatment in the bed of the river itself as there is no space available on the bank of river which is occupied by hutments/industrial galas etc. He assured the Authority that MMRDA can give financial assistance to some extent.

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After due deliberation, it was decided that IIT should be requested to carry out a preliminary survey of this area and recommend ways and means to tackle the problem of pollution of Mithi river.

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