

Minutes of 140th meeting of the Maharashtra Coastal Zone Management Authority
(MCZMA) held on 26th November, 2019

Minutes of the 140th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held under the Chairmanship of Principal Secretary, Environment on 26th November, 2019 in Conference Hall, Office No. 101, First Floor, Dalamal House, Jamnalal Bajaj Road, Next to Status Hotel, Nariman Point, Mumbai- 400 021. List of the members & invitees present in the meeting is enclosed as Annexure I.

Item No.1: Hon. Supreme Court, New Delhi Order dated 07.11.2019 in Civil Appeal Nos. 668 - 670/ 2017 regarding Adarsh CHS, Colaba Mumbai

The Authority noted that the Hon. Supreme Court has passed an Order dated 07.11.2019 in Civil Appeal No(s). 668-670/2017 (Lt. Gen. Shantonu Choudhry and Ors Versus Union of India and Ors) Extract of the said order is reproduced as below:

"We have heard Mr. Shekhar Naphade, learned senior counsel appearing for the appellant at length. He submitted that the application preferred by the Appellant for regularisation of the construction is pending consideration.

Mr. ANS Nadkarni, learned Additional Solicitor General appearing for the Union of India, Ministry of Environment and Forests fairly submits that the application preferred by the appellant was not forwarded by MCZMA. The non-consideration of the application for regularisation is also due to the pendency of these appeals.

Without prejudice to the contentions that may be raised by the parties at a later point of time, we direct the MCZMA to forward the proposals made by the appellants with its comments to the Union of India. The proposal shall be strictly considered by the Union of India in accordance with the notification dated 06.03.2018 after giving an opportunity to the appellant including a personal hearing within a period of six weeks from today.

List this matter in January, 2020."


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The Authority noted that the M/s. Adarsh Co-operative Housing Society Ltd vide letter dated 26.06.2018 had submitted application for post facto clearance in respect of Adarsh CHS building at CTS No. 652, Backbay Reclamation Block No. VI, Colaba Division, Mumbai to the MOEF&CC, New Delhi. The copy of the said application was marked to MCZMA. The said application was made by the Adarsh CHS, in the light of CRZ amendment dated 6th march, 2018 to original CRZ Notification, 6.1.2011.

The Authority noted the CRZ amendment dated 6th march, 2018 pertaining to post facto CRZ clearance. Relevant extract of the said CRZ Notification is reproduced as follows:

"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;

(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 30th June, 2018"


Representative of Adarsh CHS along with Advocate attended the meeting and presented the matter before the Authority. The submissions of the Advocate Shri Adsure were heard at length. Written submissions were also submitted by the Advocate Shri Adsure with relevant documents, Form I and Approved CZMP showings site. As per the oral and written submissions of Adarsh CHS:


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1. MoEF has granted the Environment clearance on 11.3.2003 and communicated by UDD, GoM vide letter dated 15.3.2003. However, in any case, present proceeding is confined to grant of post facto clearance.
2. Commencement certificates dated 6.9.2005, 23.11.2006, 11.6.2007, 29.11.2007, 22.1.2008, 4.8.2010 as well as Occupation Certificate dated 16.9.2010 were issued with the approval of Metropolitan Commissioner, MMRDA who is planning Authority for BBR VI area.
3. First Plot is 3824.43 Sqm and second plot is 2669.68 Sqm. Therefore, total area comes to 6494.11 Sqm. Permissible FSI as per DR 10(R 6) of BBR VI under DCR for Greater Bombay 1967 is 3.5. Therefore, for these two contiguous plots owned by single entity i.e. Adarsh CHS, available FSI shall be 22729.38 Sqm (6494.11 x 3.5). Therefore, even if area for amenities like lift well, staircase admeasuring 2814.92 Sqm is added to existing built up area of 8401 Sqm, yet available FSI is not fully consumed. Hence, DCR 51 (vi) (d) and appendix XI of DCR of Greater Mumbai, 1967 cannot be said violated on ground reality.
4. Amalgamation of second plot with first plot is completely irrelevant while considering proposal of CRZ clearance. Further, both first plot (3824.43 Sqm) allotted by 9.7.2004 order and second plot admeasuring 2669.68 Sqm allotted by order dated 5.8.2005 area contiguous plots, owned by Adarsh CHS alone (and prior to that by State Govt alone). In Development plan, second plot was merely reserved for BEST, bus depot, but the land was never allotted to bus depot. Subsequently, with the consultation / concurrence of BEST procedure under section 50 (2) of MRTP Act was followed by UDD Notification dated 3.3.2006 for deletion of reservation of bus depot. Thus, for the both plots, which are contiguous, right from day one, there is single owner i.e. Adarsh CHS. Section 44(1) or (2) of MRTP Act does not contemplate amalgamation of two contiguous plots owned by single owner. Even CRZ Notification 1991 or CRZ Notification 2011 does not contemplate getting permission from MoEF for amalgamation of two contiguous plots owned by single owner for the purpose of utilization of FSI of second plot on building on first plot.


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After examining the relevant documents the Authority noted as follows:

1. The Urban Development Department (UDD), GoM has sanctioned the Development Plan (DP) for Backbay Reclamation Scheme in the year 2000. In the sanctioned DP, the road width of Prakash Pethe Marg was shown as 60.97 meter. The UDD, GoM vide Notification dated 10th April, 2002 sanctioned the modification to the Development Plan of Backbay Reclamation area under section 37(2) of the MRTP Act, 1966 as regards change in the width of the prakash pethe marg from 60.97 meter to 18.440 meter. Deleted portion of the land was included partly in Residential Zone, parade ground, Helipad and BEST Depot. The subject land was classified as CRZ II area as per the approved CZMP and attracted the provisions of the CRZ Notification, 1991. The matter of change in land use was referred to MoEF, New Delhi by the UDD, GoM.
2. Part of the land admeasuring 3758.82 sqm which was deleted from Road reservation was allotted to Adarsh CHS on 9.7.2004 by the Revenue & Forest Department, Government of Maharashtra. Subsequently, as per the Government order, the District Collector, Mumbai City has incorporated the name of Adarsh CHS in the Property Register Card and also given City survey no. 652 to the Adarsh CHS plot.
3. The site of the Adarsh CHS is situated in CRZ II area as per the CZMP of the Greater Mumbai approved by the MoEF&CC, New Delhi under CRZ Notification, 2011. The site is situated on landward side of the existing authorized structure namely, BEST building from north side. From south side, there is praksha pethe marge.
4. The Mumbai Metropolitan Regional Development Authority (MMRDA) is the special planning Authority for the Backbay Reclamation area. Hence, the Adarsh CHS submitted the proposal to MMRDA with a request to grant the Commencement Certificate. MMRDA issued the CC in stages and Occupation certificate was granted by the MMRDA in the year 2010.
5. MMRDA granted the CC to Adarsh CHS Ltd. The CC was granted in stages in the year 2005, 2007 and 2008 and no point of time, the matter was referred to MCZMA for CRZ recommendation.


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In light of the above the Authority examined all the relevant documents, deliberated on the subject issue and observed following irregularities in the proposal made on behalf of Adarsh CHS Ltd:


1. The Authority noted that the proposal for construction of Adarsh CHS Ltd in CRZ II area was not submitted to MCZMA for its recommendation prior to the commencement of its construction.
2. The submission of Adarsh CHS Ltd is that the permissible FSI is 3.5 as per DCR 1967. Further these two contiguous plots owned by single entity i.e. Adarsh CHS, available FSI shall be 22729.38 Sqm (6494.11 x 3.5). Additional plot admeasuring 2669.68 situated adjoining to CTS No. 652 was allotted to Adarsh CHS on 5.8.2005 by Government of Maharashtra.

The Authority noted that as per the MMDRA Notification dated 10th June, 1977 (amended from time to time) provided that no authority or person shall undertake with in the area of Municipal Corporation of Greater Bombay except with the previous permission of the Metropolitan Authority construction of any building so as to have FSI exceeding 1.33 of that provided in the DCR whichever is lower. Hence the submission of Adarsh CHS Ltd that they are entitled to 3.5 FSI is contrary to the notification issued by MMDRA which is the Planning Authority. There is no approval of the MMRDA Authority with a reasoned order for the FSI higher than 1.33. However, The FSI consumed in the construction of Adarsh CHS is 1.77. Hence there is violation of FSI.

3. The second submission of Adarsh CHS Ltd relating to the FSI issue is that the amalgamation of second plot with the first plot is completely irrelevant while considering proposal of CRZ clearance.

The Authority noted that the CRZ Notification specified the Town and Country Planning Regulations. The issue of amalgamation in the present case is relatable to FSI issue and hence has to be considered by the Authority.

The submission of Adarsh CHS Ltd is that the second plot admeasuring 2669.68 Sqm was allotted by order dated 5.8.2005. The said two plots


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are contiguous plots, owned by Adarsh CHS alone (and prior to that by State Govt alone). The Authority examined the allotment order dated 5/8/2005. The Authority noted that as per the said order dated 5/8/2005, Adarsh CHS Ltd was entitled to use the FSI of the said plot on the Plot No C 87 i.e. Adarsh CHS Ltd. Hence the submission that the second plot was allotted is incorrect. This is also substantiated from the property card of the BEST plot which bears CTS No 657 does not reflect the name of Adarsh CHS Ltd as the owner thereof. The property card of CTS No 657 still stands in the name of Government of Maharashtra.

The Authority noted that the two plots were bearing different CTS numbers and the property card did not reflect the name of Adarsh CHS Ltd as single owner and hence the FSI of BEST plot could not have been utilized on Adarsh plot. Amalgamation of two plots were not done. Further, FSI of the BEST plot has been utilized on Adarsh CHS, without amalgamation, not allowed as per town & country planning regulations existed as on 19.2.1991, applicable in the instant case.

Considering the above comments, the Authority decided to forward the matter to MoEF&CC, New Delhi for further appropriate action in the matter.

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

Annexure I

List of the members/invitees present in the meeting:

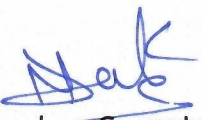
1. Shri Vasudevan, APCCF, mangrove Cell, Member MCZMA
2. Dr. A.K. Chaubey, Former Director, NIO, Expert Member, MCZMA
3. Dr. M.D. Kudale, Former Additional Director, CWPRS, Expert Member, MCZMA,
4. Dr. M.S. Khot, Principal Chhatrapati Sambhaji Raje Sainik School, Ratnagiri, Expert Member, MCZMA
5. Shri. Kandalkar, DyCh.E. MCGM, Member MCZMA
6. Mr. Nandushekhar, Environment Advisor, MIDC, representative of Industries Department, Member MCZMA
7. Executive Engineer, Fisheries, representative of Commissioner, Fisheries, Member MCZMA


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8. Mr. Pradeep Yadav, Additional Chief at Town & Country Planning, MMRDA, Invitee
9. Mrs. Vidya Kotak, Sr. Planner, MMRDA, Invitee
10. Advocate Sharmila Deshmukh, Advocate on behalf of MCZMA, invitee
11. Mr. Narendra Toke, Director, Environment, Member Secretary, MCZMA


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Confirmation of 139th minutes of meeting:

The Authority confirmed the minutes of 139th meeting of the MCZMA with a change at page no. 40, additional item no. 5 (Kanhoji Angre), the word "ship repair facility" is replaced with word "tourism facilities"

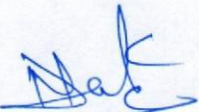
Item No.2: Proposed construction of tourism jetty at Kashid, Tal. Alibag, Dist. Raigad by Maharashtra Maritime Board (MMB).

Chief Engineer, Maharashtra Maritime Board (MMB) presented the proposal before the Authority. He presented that Raigad district has tourism potential, particularly area Alibaug- Murud belt. Kashid is major tourists attraction in the area. Considering the tourism potential, the MMB has proposed a tourism jetty at Kashid, under Sagarmala scheme of Central Government. RCC pile Jetty with approach and Breakwater is proposed on northern end of the Kashid Beach.

The MMB officials further presented that tourism jetty will be of 60.00 meter x 10.00 meter. Breakwater is of 710 meter in length. The proposed project is situated in CRZ I (B) area.

The proposal was earlier deliberated in 127th and 130th MCZMA held on 2.11.2018 and 1.3.2019 respectively. Authority in its 130th meeting sought the sedimentation study model report and site specific EIA with cost benefit analysis.

The MMB vide letter dated 12.06.2019 submitted its reply stating that MMB has done the sedimentation study done by the CWPRS and report of the


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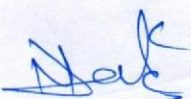
hydraulic model studies is already submitted. MMB further submitted the revised EIA report with cost benefit analysis.

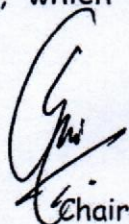
The Authority noted the report of the CWPRS dated 1.3.2019 which states that CWPRS has been conducted mathematical model wave tranquillity study (Technical report No. 5001, September, 2012) suggested two alternative layout of breakwaters. The report recommended both the layout for the consideration, however, layout-I indicated more suitable according to the site conditions & siltation point of view. Considering the studies carried out for wave tranquillity and comments offered in the report, layout - I is suitable for the proposed development on wave tranquillity and siltation point of view. Looking at the configuration of the coast line and literal drift in the area, preliminary assessment indicate that there will hardly be any change in the shoreline configuration due to this development. However, the same may be verified through model studies.

CWPRS report also mentions that during the site visit to Kashid, it was observed that there is seasonal variation of shoreline on the south of proposed site. Erosion takes place during monsoon due to high waves resulting in recession of the shoreline. During post monsoon period deposition of sediments takes place resulting in advancement of shoreline. The shoreline north of proposed site is of rocky outcrop and no movement is observed in this area. Therefore, layout I would be feasible form considerable of probable siltation in the harbour.

The Authority noted that the site selected for the proposed tourism jetty is at extreme north side of the Kashid Beach and has rocky outcrop. Hence, there would not be construction in Beach area as such, keeping the beach profile in original conditions.

The Authority noted the Rapid EIA report which included economic assessment submitted by the MMB. As per EIA report, there are no ecologically sensitive areas like mangroves at the site and there are no endangered flora and fauna near the site. However, Jetty piles and other in water structures can alter the substrate below and adjacent to the structures by providing a surface for encrusting communities of mussels and other sessile organisms, which can


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create shell deposits. The EIA report further states that precast slabs would be used in the construction of jetty. As such, there will be no spillage of concrete and entrainment of concrete materials into the seawater. Construction wastes such as wooden strips will be properly disposed of so that no marine pollution will arise. Construction works would be carried out within a confined space surrounded by geo-textile barriers that would be properly maintained during construction phase.

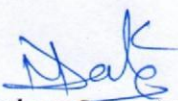
The Authority noted that tourism jetty & breakwater could be allowed in CRZ I(B) area as per provisions of the CRZ Notification, 2011 and considering the requirement of tourism jetty at Kashid beach. MMB need to implement the Environment Management Plan and monitoring plan to mitigate the impact of activities during construction and operation phase.

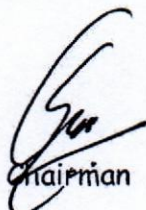
The Authority noted that as per para 4(i) (f) of CRZ Notification, 2011 Construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures are permissible activities.

As per amended CRZ Notification dated 28th 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 deliberations, the Authority decided to recommend the proposal to SEIAA with subject to 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. MMB to ensure that mangroves if any, should not be cut / affected due to proposed construction of jetty.
3. No construction on beach area is allowed. No storage of precast concrete slabs on beach is allowed.
4. No modification to shoreline profile including rocky outcrop is allowed.
5. Dumping of the construction debris on beach is not allowed. Best construction practices along with environment management plan should be


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implemented for the project in order to minimize the impact during construction phase.

6. MMB to implement the suggestions made by the CWPRS for the design of the jetty and breakwater.
7. MMB to implement Environment Management Plan and monitoring plan to mitigate the impact of construction.
8. All other required permissions should be obtained before the commencement of the project.

Item No.3: Proposed construction of saline embankments under two schemes 1) Upale, Tal. Rajapur, 2) Jambhulwadi, Tal. Chiplun, Dist. Ratnagiri by Kharland Development dept, Ratnagiri.

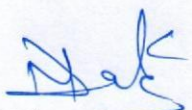
Concerned responsible officer of the Kharland Department was not present for the meeting. Hence, the matter was delisted from the records of the MCZMA. The PP to apply afresh online on MCZMA Website.


Item No.4: Proposed reconstruction and extension of existing SWD outfall at Shanti Niketan in C ward, Marine Lines, Mumbai by MCGM

Concerned responsible officer of the MCGM was not present for the meeting. Hence, the matter was delisted from the records of the MCZMA. The PP to apply afresh online on MCZMA Website.

Item No.5: Proposed construction of swimming pool on plot bearing CS No. 52(pt), 53, 41(pt), 42, 43, 44, 1/45(pt), 7(pt), 33(pt), 40, 911, 912, 913, 915, 982/B, 20, 39, 930(pt), 32 of Worli division at Worli Hill reservoir, G/S Ward, Mumbai, by MCGM

Chief Architect, MCGM presented the proposal before the Authority. The proposal is for construction of swimming pool on plot bearing CS No. 52(pt), 53, 41(pt), 42, 43, 44, 1/45(pt), 7(pt), 33(pt), 40, 911, 912, 913, 915, 982/B, 20, 39, 930(pt), 32 of Worli division at Worli Hill reservoir, G/S Ward, Mumbai. As per the DP, the site under reference reserved for garden / Park. The Urban development Department vide Notification dated 17.09.2019 has sanctioned modified DP as per which, the site under reference reserved for garden / Park


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and Swimming Pool. As presented by the MCGM, Total area of plot is 44031.48sqm, Permissible FSI is 0.15, and Total BUA is 476.65 sqm

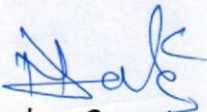
The Authority noted that as per approved CZMP of Greater Mumbai under CRZ Notification, 2011, the site under reference within 500m from HTL of Arbaian sea i.e. in CRZ-II area. If, the reservation of the land indicated in DP is open space, parks, garden or playground then, the site is in CRZ III area, as per para 8.v.e of the CRZ Notification, 2011. Then, the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible, as per para 8.v.f of the CRZ Notification, 2011. The MCGM to ensure the same.

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

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

Item No.6: Proposed construction of suction tank for water supply near Gorai village, Mumbai by MCGM

AMC, MCGM was presented the proposal before the Authority. There are villages in Gorai area with population of 973 people. MCGM supplies water to these villages. However, the water is inadequate and it is necessary to augment water supply to improve the living conditions of people & improve hygiene in the


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area. MCGM has proposed construction of suction tank of 40 sqm on plot bearing CTS No. 1145, S. No. 265/A for water supply near Fish Market in Gorai village on open plot near Nalla, Mumbai. Total area of the land is 10809.3sqm, which belongs to GoM. The pipeline of 150 mm diameter of 1 km length will be laid from tank to juipada village and further 2.5 km to pagoda site. The plot is vacant and proposed suction tank is underground.

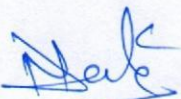
As per the approved CZMP, 2011, the site is located in CRZ III area. However, part of the site is situated in 50 m mangrove buffer zone.

The Authority noted that the proposal is for providing basic public utility water supply to local people of Gorai village. as per para 8.III. CRZ-III of the CRZ Notification, 2011, projects of water supply for local inhabitants of the area may be allowed. However, the land under reference is situated partly in 50 meter mangrove buffer zone. Hence, prior High court permission shall be obtained by the MCGM.

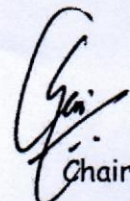
As per amended CRZ Notification dated 28th November, 2014 published by MoEF, For the projects specified under 4(i)(except with respect to item (d) thereof relating to building projects with less than 20,000 sqm of built up area) and for the projects not attracting EIA Notification, 2006, clearance from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

After deliberations, the Authority decided to recommend the proposal to SEIAA with subject to 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. MCGM to ensure that mangroves if any, should not cut / affected due to proposed construction of suction tank for water supply.
3. Prior High Court permission should be obtained since the project activities are proposed in 50 m mangrove buffer zone area.
4. Construction debris should not be dumped in CRZ area.
5. All other required permissions should be obtained before the commencement of the project.



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Item No.7: Proposed construction of Affordable Housing Scheme under PMAY at Plot No. 1, Sector No. 39, Taloja, Navi Mumbai by CIDCO

CIDCO officials presented the proposal before the Authority. The Proposal is for construction of Affordable Housing Scheme under Pradhan Mantri Awas Yojna (PMAY) at Plot No. 1, Sector No. 39, Taloja, Navi Mumbai.

CIDCO officials presented that as per approved CZMP of Navi Mumbai under CRZ Notification, 2011, the plot under reference partly falls in CRZ-II and partly in non CRZ area. FSI details presented by the CIDCO is as follows:

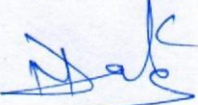
- Total Plot area is 1,70,651.34 sqm
- Area under non CRZ is 1,64,166.820 sqm
- Area under CRZ is 6,484.52 sqm
- Permissible FSI for non CRZ is 2.5
- Permissible BUA is 3,48,854.493 sqm
- Proposed BUA is 3,46,679.266 sqm

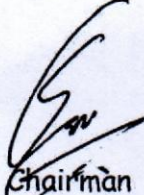
The Authority deliberated the proposal and opined that site visit of the mangrove Cell and officials of the MCZMA is necessary in the matter. Further, CIDCO need to submit the approved CRZ map in 1:4000 scale prepared by one of the authorised agency showing the site under reference, in order to determine the CRZ status of the site.

After deliberation, the Authority decided to defer the proposal for the above said compliance and site visit as stated above.

Item No.8: Proposed construction of Affordable Housing Scheme under PMAY at Plot No. 2, Sector No. 39, Mansarovar, Navi Mumbai by CIDCO

CIDCO officials presented the proposal before the Authority. The proposal is for Construction of Affordable Housing Scheme under Pradhan Mantri Awas Yojna (PMAY) at Plot No. 2, Sector No. 39, Mansarovar, Navi Mumbai.


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CIDCO officials presented that as per approved CZMP of Navi Mumbai under CRZ Notification, 2011, the plot under reference partly falls in CRZ-II (just beyond 50 m mangrove buffer zone) and partly in non CRZ area. FSI details presented by the CIDCO is as follows:

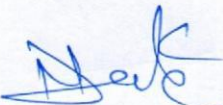
- Total Plot area is 96,848.669 sqm
- Area under non CRZ is 37,750.235 sqm
- Permissible FSI for non CRZ is 2.5
- Permissible BUA for non CRZ is 80,219.249 sqm
- Proposed BUA for non CRZ is 58,210.025 sqm
- Area under CRZ is 59,098.435 sqm
- Permissible FSI for CRZ is 1.5
- Permissible BUA for CRZ is 75,350.504 sqm
- Proposed BUA for CRZ is 69,638.122 sqm
- Total Proposed BUA is 1,27,848.147 sqm

The Authority noted that the approved CZMP, 2011 indicates that there are presence of mangrove in the vicinity of the land under reference. Site visit of the mangrove Cell and officials of the MCZMA is necessary in the matter. Further, CIDCO need to submit the approved CRZ map in 1:4000 scale prepared by one of the authorised agency showing the site under reference, in order to determine the CRZ status of the site. CIDCO to submit the written submission whether the site is situated on landward side of existing road prior to 1991, as per CRZ Notification, 2011

After deliberation, the Authority decided to defer the proposal for the above said compliance and site visit as stated above.

Item No.9: Proposed construction of Affordable Housing Scheme under PMAY at Plot No. 7, Sector No. 1A, Kharghar, Navi Mumbai by CIDCO

CIDCO officials presented the proposal before the Authority. The proposal is for Construction of Affordable Housing Scheme under PMAY at Plot No. 7, Sector No. 1A, Kharghar, Navi Mumbai.


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CIDCO officials presented that as per approved CZMP of Navi Mumbai under CRZ Notification, 2011, the plot under reference partly falls in 50 m mangrove buffer zone i.e. CRZ-I, partly in CRZ-II and partly in non CRZ area. FSI details presented by the CIDCO is as follows:

- Total Plot area is 957,597.97 sqm
- Area under non CRZ is 42,889.610 sqm
- Area under CRZ is 14708.360 sqm
- Proposed BUA is 1,06,078.933 sqm

The Authority noted that the approved CZMP, 2011 indicates that there are presence of mangrove in the vicinity of the land under reference. Site visit of the mangrove Cell and officials of the MCZMA is necessary in the matter. Further, CIDCO need to submit the approved CRZ map in 1:4000 scale prepared by one of the authorised agency showing the site under reference, in order to determine the CRZ status of the site. CIDCO to submit the written submission whether the site is situated on landward side of existing road prior to 1991, as per CRZ Notification, 2011

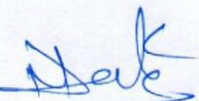
After deliberation, the Authority decided to defer the proposal for the above said compliance and site visit as stated above.

Item No.10: Proposed construction of Affordable Housing Scheme under PMAY at Plot No. 1, Sector No. 43, Kharghar, Navi Mumbai by CIDCO

CIDCO officials presented the proposal before the Authority. The proposal is for Construction of Affordable Housing Scheme under PMAY at Plot No. 1, Sector No. 43, Kharghar, Navi Mumbai.

CIDCO officials presented that as per approved CZMP of Navi Mumbai under CRZ Notification, 2011, the plot under reference partly falls in CRZ-II and partly in non CRZ area. FSI details presented by the CIDCO is as follows:

- Total Plot area is 201242.650 sqm
- Area under non CRZ is 98990.103 sqm
- Permissible FSI for non CRZ is 2.5


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- Permissible BUA for non CRZ is 210353.969 sqm
- Proposed BUA for non CRZ is 208902.543 sqm
- Area under CRZ is 102252.552 sqm
- Permissible FSI for CRZ is 1.5
- Permissible BUA for CRZ is 130372.004 sqm
- Proposed BUA for CRZ is 127728.992 sqm
- Total BUA is 336631.535 sqm

The Authority noted that there is mismatch between the google image and approved CZMP, 2011 showing site under reference submitted by the CIDCO. The site seems to be majorly in CRZ I area and entirely on seaward side. Site visit of the mangrove Cell and officials of the MCZMA is necessary in the matter. Further, CIDCO need to submit the approved CRZ map in 1:4000 scale prepared by one of the authorised agency showing the site under reference, in order to determine the CRZ status of the site. CIDCO to submit the written submission whether the site is situated on landward side of existing road prior to 1991, as per CRZ Notification, 2011


After deliberation, the Authority decided to defer the proposal for the above said compliance and site visit as stated above.

Item No.11: Proposed construction of Affordable Housing Scheme under PMAY at Plot No. 1 & 2, Sector No. 50 & 52, Khandeshwar, Navi Mumbai by CIDCO

CIDCO officials presented the proposal before the Authority. The proposal is for Construction of Affordable Housing Scheme under PMAY at Plot No. 1 & 2, Sector No. 50 & 52, Khandeshwar, Navi Mumbai.

CIDCO officials presented that as per approved CZMP of Navi Mumbai under CRZ Notification, 2011, the plot under reference partly falls in CRZ-II (just beyond 50 m mangrove buffer zone) and partly in non CRZ area. FSI details presented by the CIDCO is as follows:

- Total Plot area is 9166206.63 sqm
- Area under non CRZ is 92654.370 sqm
- Permissible FSI for non CRZ is 2.5


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- Permissible BUA for non CRZ is 196890.54 sqm
- Proposed BUA for non CRZ is 126826.60 sqm
- Area under CRZ is 73552.260 sqm
- Permissible FSI for CRZ is 1.5
- Permissible BUA for CRZ is 93779.13 sqm
- Proposed BUA for CRZ is 92601.10 sqm
- Total Proposed BUA is 219427.70 sqm

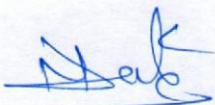
The Authority noted that the approved CZMP, 2011 indicates that there are presence of mangrove in the vicinity of the land under reference. Site visit of the mangrove Cell and officials of the MCZMA is necessary in the matter. Further, CIDCO need to submit the approved CRZ map in 1:4000 scale prepared by one of the authorised agency showing the site under reference, in order to determine the CRZ status of the site. CIDCO to submit the written submission whether the site is situated on landward side of existing road prior to 1991, as per CRZ Notification, 2011

After deliberation, the Authority decided to defer the proposal for the above said compliance and site visit as stated above.

Item No.12: Construction of elevated connector from Sewri to Worli (East - West Corridor) for Mumbai Trans Harbour Link (MTHL) Dispersal by MMRDA

MMRDA officials presented the proposal before the Authority. MMRDA has proposed construction of elevated connector from Sewri to Worli for Mumbai Trans Harbour Link (MTHL) Dispersal.

The proposed link connects the MTHL through Sewri interchange near east side of Sewri Station and the alignment of the link starts from Sewri Interchange goes along the Acharya Dote Marg, crosses flyover at Dr. Ambekar Road crosses the Central Railway and Western Railways at Elphinstone road station, crosses the flyover at Senapati bapat Road, goes along Jagannath Bhatankar Road, further transverse through the Kamgar Nagar-I and kamgar Nagar-II (drainage channel road), crosses Dr. Annie Besant Road thereafter and connect


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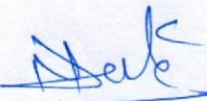
the Narayan hardikar Road (road connecting Dr. Annie Besant Road to Worli Sea Face) before the traffic island near INS Trata.

The length of the 2 + 2 lane elevator connector is about 4.510 km and width is about 17.00 m. Area is about 76670 sqm. The connector is partially passing through CRZ II area at worli and shewri end.

The proposal was earlier considered in 87th, 92nd & 103rd meeting of MCZMA held on 20th to 21st January 2014, 19th July, 2014 and 20th August, 2015 respectively. In the 103rd meeting, the MMRDA official presented that there is substantial change in original project and MMRDA will submit the fresh comprehensive proposal to MCZMA covering proposed link to Bandra Worli Sea Link and current proposal can be delisted. In the light of above, the Authority decided to de-list the proposal from records of MCZMA. MMRDA will submit the fresh proposal along with superimposition of road alignment on approved CZMP (1:4000 scale) of year 2000 through one of the agency approved by MoEF and current position of mangroves. The Authority decided to take up the fresh proposal that will be submitted by MMRDA on priority.

MMRDA has submitted its reply to MCZMA, as per which:

Sr No.	Query raised by MCZMA	Reply of MMRDA
a)	Explore other possible alternatives of the proposed elevated road to other internal city road to decongest the traffic at Worli sea face area and come up with alternate proposals to reduce the traffic congestion there.	The MMRDA has explored the possibilities of providing alternative / additional ramps and traffic dispersal scheme on Worli end of the link.
b)	MMRDA to conduct wider public consultation for residents of Worli sea face	Only a small length (about 200 meters) of Worli end approach falls in CRZ II. As such, public


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	area, considering the impact on environment at this location due to proposed elevated corridor and submit the report to Authority.	consultation is not envisaged for obtaining CRZ Clearance to the project. EIA & EMP report has been submitted.
c)	MMRDA to submit the detailed study report on impact of the project on air quality at Worli Sea face area.	The air quality at Worli Sea face will be monitored before & after completion of the project & periodic report of the same will be submitted to MPCB.
d)	MMRDA to submit traffic dispersal plan at Worli sea face end of the project.	Traffic dispersal plan at Worli sea face end of the project submitted

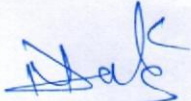
The Authority noted that the MCZMA in its 87th meeting held on January, 2014 requested MMRDA to conduct wider public consultation for residents of Worli sea face area, considering the impact on environment at this location due to proposed elevated corridor and submit the report to Authority. MMRDA has not submitted the public consultation report.

After deliberation, the Authority decided that MMRDA need to submit the public consultation for residents of Worli sea face area, as requested by the MCZMA. Accordingly, the matter was deferred.

Item No.13: Proposed redevelopment on plot bearing CTS No. 1066 of village Juhu, plot no. 30 E of TPS II, Juhu Sector, Santracruz (W), Mumbai by M/s Vineet Rajkumar Mittal

The project proponent presented the proposal before the Authority. The proposal is for redevelopment on plot bearing CTS No. 1066 of village Juhu, plot no. 30 E of TPS II, Juhu Sector, Santracruz (W), Mumbai.

The proposal was earlier deliberated in the 113th meeting of MCZMA held on 9th to 11th August, 2016, wherein the Authority noted that:


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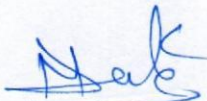

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- Proposal is of Residential Building on plot bearing CTS No. 1066 of village Juhu, Plot No. 30E, of TPS -II, Juhu Sector, Santacruz (W), Mumbai. The proposed construction comprises of 2 basements for car parking + 1st basement for proposed D.G. Set and Sub-Station and 3rd Basement for other service user + Stilt floor (pt) for parking + proposed pantry and meter room counted in FSI + entrance lobby (pt) + 1st to 5th + Service floor + 6th floor for swimming pool + Fitness Centre + 7th to 9th Triple single united connected by internal staircase in lieu of plot potential + 0.33 Govt FSI by paying premium + admissible TDR + by claiming advantaged of Staircase, lift, lift lobby area free of FSI + fungible compensatory FSI as per modified DC Reg No. 35(4).
- The Authority noted that as per the approved CZMP of the Greater Mumbai, the plot under reference falls in CRZ II area. It is situated on seaward side of existing road. As per the CRZ map of IRS Chennai, the plot is situated in CRZ II area and touching to Juhu Beach. The plot is situated in Residential zone and there is no public reservation. As per the para 8.V.1(C) of the CRZ Notification, 2011, Public consultation was carried on 20.4.2016. As per the MCGM notice under section 354 dated 11.11.2009 is submitted, as per which, certain structure to which a portion of building known as Kusum Bungalow, T/154, plot No. 30E, Juhu Tara Road, Juhu, Mumbai is in ruinous condition, likely to fall and dangerous to any person occupying restoring to or passing by the same. The total plot area is 1459.37sqm and total proposed built up area is 3753.62sqm.
- After deliberation, the Authority decided to recommend the proposal from CRZ point of view to concerned planning Authority subject compliance of certain conditions."

Accordingly, MCZMA vide letter dated 16.09.2016 recommended to the proposal from CRZ point of view to concerned planning Authority. MCGM has granted IOD on 30.7.2016 and CC up to top Stilt has been granted on 19.9.2016.

The PP presented that now, the building plans are amended, hence seeking CRZ approval for the same. The MCGM has granted approval dated 04.10.2019 & forwarded the amended proposal as per DCR 2034 to MCZMA.


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The Authority noted the complaint 09.12.2018 filed by Shri. Gajanan Kirtikar, MP in the matter who has requested hearing before taking decision of grant of clearance. Complaint alleged that bogus notice u/s 354 of MMC Act & FSI violation is done. The Concerned dept. of MCGM informed to Building proposal dept of MCGM that do not consider the proposal as per notice issued u/s. 354 of MMC Act. Further, MCGM has issued Show Cause Notice 08.04.2019. Accordingly, Architect, has submitted letter dated 11.4.2019 & copy of Notice datd 03.06.2016 u/s 354 of MMC Act to MCGM and requested to process proposal by taking cognizance of both the Notices (i.e. issued in the year 2009 and 2016. The MCGM mentioned that, the notice u/s. 354 issued u/ no. KW/354/BF/SEB-64 dated 03.06.2016 is found correct & authenticate and the earlier file u/ no. KW/BF/354.235/SEBI/dated 11.11.2009 is not traceable.

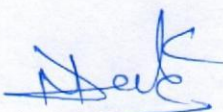
The Authority discussed that the MCZMA considering the said dilapidated notice dated 11.11.2009, issued CRZ recommendation dated 16.09.2016 to PP. Accordingly, MCGM has granted IOD on 30.7.2016 and CC up to top Stilt has been granted on 19.9.2016. Now, authenticity of the dilapidated notice 11.11.2009 is under investigation by the MCGM. However, MCGM has again issued dilapidated notice u/s. 354 dated 03.06.2016.


The PP stated that construction has been commenced on the site and completed upto 10th floor.

The Authority after deliberated decided to seek a report from the MCGM. On receipt of the report, the matter will be considered before MCZMA for further appropriate decision in the matter.

Item No.14: Proposed construction of multipurpose jetty alongside Dahanu creek for unloading bulk cargo including coal Tal. Dahanu, Dist. Palghar by M/s. Jai Matadi Enterprises.

The project proponent presented the proposal before the Authority. The proposal is for construction of multipurpose jetty alongside Dahanu creek for unloading bulk cargo including coal Tal. Dahanu, Dist. Palghar.


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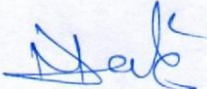
The Authority noted that the proposal was earlier deliberated in the 131st meeting held on 06th March, 2019, wherein the Authority requested the PP to submit the revised proposal in accordance with provision of the CRZ Notification, 2011 with certain information. M/s. Jai Matadi Enterprises submitted compliance vide letter dated 22.08.2019 as per which:

1. Duly filled Form I of the CRZ Notification, 2011 is submitted.
2. To the left of the fly over bridge there is village (locality) so it is not suitable for jetty construction. The present location of jetty is 2.0 km away from village (locality) as per S. No. 371/A-1/1/1/1/1. Other areas does not have sufficient water depth for vessel operations during high tide and low tide condition. Present proposed area is plane suitable for jetty construction.
3. Project layout of the activities along with report is submitted
4. Project layout superimposed on the approved CZMP scale is submitted.
5. Rapid EIA/ EMP of the project is submitted.
6. Dahanu Macchimar Vividh Karyakari Sahakari Society Ltd has vide letter dated 22.06.2019 issued No Objection for the proposed jetty.
7. The Range Forest Officer, Boisar vide letter dated 14.12.2018 mentioned that the notice u/s 35(1) & 35(3) of the Forest Act, 1927 has not given for the land.

The PP presented that proposed jetty having 20 m X 10 m and Causeway Road having length 800 to 1000 m and Width is 9.14 m. The proposed activities are situated in CRZ I(A), CRZ I(B), CRZ IV area. The Authority noted that the project site is biologically active mud flat site, as per approved CZMP under CRZ Notification, 2011. Thus, the site is CRZ I (A) area which is ecologically sensitive area. Proposed jetty will extend to CRZ I (A) area.

The Authority observed that considering the environmental sensitivity of the site, the PP need to explore other site for the project activities. However, the Authority decided that site visit to be carried out by the officials of the MCZMA, mangrove cell and Chief Engineer of MMB and give a report to Authority regarding status of the site.

After deliberation, the Authority decided to defer the proposal for the site visit as stated above.


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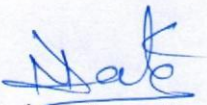
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Additional item discussed with instructions of Chairman

Add. Item No.1: Suggestion for the correction of HTL on the plot bearing C.S. No. 83 (pt) of Salt Pan Division, Wadala, Mumbai by M/s. Lashkari & Bhathena Infraprojects LLP.

The project proponent presented the proposal before the Authority. As per the presentation of the PP:

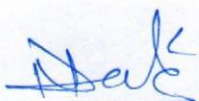
1. Land bearing CS no. 83 (pt) of Salt Pan division, Wadala, Mumbai is shown as CRZ IA, CRZ IB and CRZ H and Non CRZ in the approved Coastal Zone Management Plan (CZMP) of CRZ Notification 2011. However, most of the portion marked as CRZ IA and CRZ IB is not matching with the ground conditions. Hence the CRZ categorization needs to be changed as per ground condition.
2. **Ownership** — The land bearing C S No. 83 of Wadala, as per P R Card, is Lease Hold land and Mrs. Willie Dadiba Bathena and others are Lessees and Govt of Maharashtra is Lessor. The applicant M/s Lashkari and Bathena are the legitimate title holders of the land. As per P R Card the area of the land is 2,27,382.16 sqm
3. **D P Remarks** — As per the 1967 sanctioned D P, the plot under reference was in Residential Zone and was not reserved for any public purpose. Further, the plot U/r was put into Special Industrial Zone in the sanctioned D P of 1991 and was reserved for public purpose of Truck Terminal, Godown, Green Belt, 36.58m, 27.41m D P Roads and existing Road. As per sanctioned D P of N\ 2034, the plot U/r is falling in Residential Zone and reserved for public purpose of Green Belt, Truck Terminus and widening of the existing Road.
4. **CRZ Status as per 1991 approved CZMP** — The land U/r as per Approved Coastal Zone Management Plan (CZMP) prepared as per CRZ Notification 1991, is not affected by CRZ. Copy of the CZMP is attached for your perusal.


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5. **CRZ Status as per 2011 approved CZMP** — As per approved CZMP of CRZ Notification 2011, the land is shown partly affected by Intertidal Zone (CRZ IB), Mangrove (CRZ IA) and buffer (CRZ II) and rest of the land is falling in Non CRZ.
6. **Ground Condition** — The area of the land as per P R card is 2,27,382.17 sq. m, however, as per site survey measurements it is 2,70,365.43 sq. m. Out of this, 76,458.11 sq. m is encroached by the slums on the west side and remaining 1,93,907.32 sqm is vacant land. On the south boundary, 6.00m (approx.) wide existing road is passing that connects the Sewree — Chembur Road to the Slums. Beneath this existing road there is a pipe culvert that allows ingress of coastal water during High Tide in the land U/r. Kindly refer to Google image of 2011 and 2019 of the land U/r. From these google image it is seen that the land is full of vegetation and water. Along the east side of the land the ingress of coastal water is seen with mangroves. Slums on the west side do not have proper sewage system and thus all the domestic wastewater is discharged into vacant land. This wastewater is also seen in the Google images. Due to discharge of wastewater from the slums and the subsequent eutrophication, growth of water hyacinth is evident and that indicates the excessive presence of nutrients (N, P, K).
7. **While preparing the CZMP for 2011**, the entire water (coastal + Wastewater) is considered as coastal water and the entire land is marked as Intertidal Zone (CRZ IB), which is not correct. The same facts were submitted to competent authority during the suggestion/objections phase of the CZMP. However, those objections were not considered and incorrect HTL was sanctioned in the approved CZMP.
8. **CRZ Status as per NCSCM** — In order to ascertain the correct CRZ status of the land, a request was made to the National Center for Sustainable Coastal Management (NCSCM), Chennai, an authorized agency of MOEF & CC for demarcation of High Tide Line (HTL). NCSCM after carrying out field survey in Mar 2019, prepared the CRZ Demarcation map and report. As per the NCSCM map the vacant land is partly affected by


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intertidal Zone (CRZ IB), Mangroves (CRZ IA) and its Buffer (CRZ II). As per field investigation during Marc, 2019, the landward extent of HTL and Intertidal area was changed and demarcated in CRZ map.

The Authority noted that the NCSCM has prepared the approved CZMP under CRZ Notification, 2011 based on the conditions of the 2011-2012 year. As per approved CZMP of CRZ Notification 2011, the land is shown partly affected by Intertidal Zone (CRZ IB), Mangrove (CRZ IA) and buffer (CRZ II) and rest of the land is falling in Non CRZ. Now, the PP has got the CRZ survey done by the NCSCM in the year 2019, which is not in consonance with the approved CZMP under CRZ Notification, 2011.

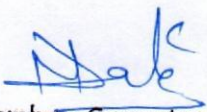
The Authority after discussion observed that the PP has got the CRZ survey done by the NCSCM in the year 2019, which is not in consonance with the approved CZMP under CRZ Notification, 2011. NCSCM need to examine whether there is an error in the approved CZMP and submit the report to MCZMA. On receipt of the report, the matter may be referred to NCZMA/ MoEF, New Delhi for further appropriate decision in the matter.

Add. Item No.2: Development of e-payment gateway accessibility application.

The Maharashtra Coastal Zone Management Authority (MCZMA) has developed website i.e. <https://mczma.gov.in/> for submission of online application portal for CRZ Clearance. The MCZMA intend to develop e-payment gateway accessibility application. Accordingly, Maharashtra Pollution Control Board (MPCB) vide note dated 06.11.2019 forwarded the quote for Rs. 1.5 lacs GST extra for M/s. Webworks along with draft agreement of Billdesk.

The Authority after decided that Rs. 1.5 lacs GST extra to be released to M/s. Webworks for development of e-payment gateway accessibility application for MCZMA webportal including maintenance and agreement could be signed with Billdesk.

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


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Annexure I

List of the members/invitees present in the meeting:

1. Shri Vasudevan, APCCF, mangrove Cell, Member MCZMA
2. Dr. A.K. Chaubey, Former Director, NIO, Expert Member, MCZMA
3. Dr. M.D. Kudale, Former Additional Director, CWPRS, Expert Member, MCZMA,
4. Dr. M.S. Khot, Principal Chhatrapati Sambhaji Raje Sainik School, Ratnagiri, Expert Member, MCZMA
5. Shri. Kandalkar, DyCh.E. MCGM, Member MCZMA
6. Mr. Nandushekhar, Environment Advisor, MIDC, representative of Industries Department, Member MCZMA
7. Executive Engineer, Fisheries, representative of Commissioner, Fisheries, Member MCZMA
8. Mr. Pradeep Yadav, Additional Chief at Town & Country Planning, MMRDA, Invitee
9. Mrs. Vidya Kotak, Sr. Planner, MMRDA, Invitee
10. Advocate Sharmila Deshmukh, Advocate on behalf of MCZMA, invitee
11. Mr. Narendra Toke, Director, Environment, Member Secretary, MCZMA