

**Minutes of the 141<sup>st</sup> meeting of the Maharashtra Coastal Zone Management  
Authority (MCZMA) held on 05<sup>th</sup> December, 2019**

**Minutes of the 141<sup>st</sup> meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held under the Chairmanship of Principal Secretary, Environment on 5<sup>th</sup> December, 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 present in the meeting is enclosed as Annexure I.**

**Confirmation of 140<sup>th</sup> minutes of meeting:**

The Authority confirmed the minutes of 140<sup>th</sup> meeting of the MCZMA without any change.

**Item No.1:** High Court order dated 14.11.2019 in WP no. 8746 of 2016 regarding construction of petrol pump on land bearing plot no. 24, Sector no. 6, Nerul, Navi Mumbai by Shri. Vivek B. Shinde

The Authority noted that Hon. High Court Bombay passed an Order dated 14.11.2019 in the matter of Vivek Brahmanand Shinde Versus State of Maharashtra and Ors. 2016 regarding construction of petrol pump on land bearing plot no. 24, Sector no. 6, Nerul, Navi Mumbai. As per the Hon. High Court Order-

*"The Petitioner has impugned communications dated 29th June, 2016 and 18<sup>th</sup> July, 2016 under Section 376 of The Maharashtra Municipal Corporation Act, 1949 (the Act) for storing combustible substance without obtaining license from the Corporation. A notice dated 7th October, 2016 was also issued to the Petitioner under Sections 236, 268 and 376(A) of the Act, for use of the petrol pump without occupation certificate.*

*2. The Corporation has fled its Affidavit in Reply and have drawn our attention to a communication addressed by the Corporation dated 27<sup>th</sup> July, 2018 to the Secretary, Environment/Chairman, Maharashtra Coastal Zone Management Authority, wherein after recording CRZ Notification 2011, wherein Regulation 4.3 is inserted pertaining to post facto clearance for permissible activities, the Corporation has*

  
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*submitted a proposal to the Maharashtra Coastal Zone Management Authority (MCZMA) for post facto CRZ clearance qua the petrol pump of the Petitioner. The learned Advocate for the Corporation further submitted that the MCZMA is now in the process of considering all the post facto CRZ clearances recommended by the Corporation and shall also consider the post facto CRZ Clearance in favour of the Petitioner. It is submitted that once the said clearance is granted to the Petitioner, the Corporation shall proceed to issue the requisite license required for storing combustible substance and the occupation certificate, to the Petitioner.*

*3. In view of the above, the MCZMA is directed to consider the recommendation/proposal dated 27<sup>th</sup> July, 2019 forwarded to them by the Corporation within a period of 8 weeks from today. In the event of the decision of the MCZMA being adverse to the Petitioner, no coercive steps/action shall be taken for a period of two weeks from the date of receipt of such order by the Petitioner. All contentions of the parties are kept open. The Writ Petition is accordingly disposed of. Civil Application No.3122 of 2016 also stands disposed of.*

*4. A copy of this order shall be forthwith forwarded to the MCZMA by the Petitioner as well as by the Respondent Corporation."*

The project proponent presented that the CIDCO has allotted subject plot vide agreement dated 15.07.2004. The NMMC being a Planning Authority for the area, has granted Development Permission on 15.01.2005. Now, the construction has been completed and the Architect applied for the Occupation Certificate. The PP further stated that the building constructed till date is in compliance with CRZ regulations.

The Authority noted that Navi Mumbai Municipal Corporation (NMMC) vide letter dated 27.07.2018 (received on 18.08.2018) forwarded the proposal for post facto clearance for the petrol pump constructed on plot no. 24, Sector no. 6, Nerul, Navi Mumbai. As per the remarks of the NMMC Planning Authority:

- 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.

  
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- As per sanctioned DP, the plot falls in Residential Zone.
- The permissible BUA is 180.00 sqm as per DCR as on 19.2.1991. The BUA of buildings constructed and proposed is 179.819, which is within the permissible limit of 180.00 sqm.
- The proposal would have got CRZ NOC as per 1991 CRZ regulations. The construction on the referred plot can be considered for regularisation.
- As per CRZ Notification dated 06.03.2018, the last dated for submission of post facto CRZ clearance was 30.06.2018. However, the said proposal is received late from Project Proponent on 09.07.2018 & hence the said proposal is being submitted after stipulated date of submission.

The Authority noted that as per approved CZMP of Navi Mumbai, the site under reference partly falls in CRZ-II and partly in non CRZ area. As per para 8.II.CRZ-II of CRZ Notification, 2011 (iv), following is permissible:

*"facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3"*

The Authority further noted that MoEF, New Delhi has published amendment to the original CRZ Notification, 2011 on 6.3.2018 for post fact CRZ clearance procedure. Excerpts of the said amendment in CRZ Notification dated 06.03.2018 is 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;*

  
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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 noted that remarks of the NMMC states that, as per CRZ Notification dated 06.03.2018, the last date for submission of post facto CRZ clearance was 30.06.2018. However, the said proposal is received late from Project Proponent on 09.07.2018 & hence the said proposal is being submitted after stipulated dated of submission. The PP also during the meeting stated that the proposal for requesting post facto CRZ clearance was submitted to MCZMA after window period i.e. 30<sup>th</sup> June, 2018. However, He further stated that the matter was part of the list of such cases submitted by the NMMC to MCZMA.

In the light of above, after detailed discussion and deliberation, the Authority decided to refer the matter to MoEF&CC, New Delhi with an observation that current proposal is not received within window period as stipulated in CRZ Notification, 6<sup>th</sup> March, 2018. However, the said matter is a part of the list of the Navi Mumbai matters referred to MoEF&CC, New Delhi with a request to allow local Planning Authority to issue Occupancy Certificate to the buildings constructed in the CRZ II area of Navi Mumbai.

**Item No.2:** Discussion of status of proposals received for post facto CRZ clearance - Communication from MoEF&CC, New Delhi

The Authority noted that the MoEFCC, New Delhi has sent a communication dated 21<sup>st</sup> November, 2019 regarding post facto CRZ clearance cases. As per the said letter of MoEFCC, the CRZ Notification, 2011 was amended vide notification S. O. 1002 (E), dated 06.03.2018 for consideration of Post Facto CRZ Clearance for permissible activities with certain conditions. The window of opportunity for receipt of such applications, complete in all respect including the recommendation from the concerned State Coastal Zone Management Authority expired on 30.06.2018. In this regards, it is requested that the details of applications with complete documents such as Form I, CRZ

  
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map in 1:4000 scale etc. received for consideration of post facto CRZ clearance, during the window period may kindly be furnished to this Ministry at an early date and not later than 30.11.2019.

The Authority noted that most of the matters for seeking post facto clearance is from Navi Mumbai area. The issue was deliberated in various meetings of the MCZMA. As per the decision taken in the 114<sup>th</sup> meeting, the MCZMA vide letter dated 7<sup>th</sup> February, 2017 referred the matter to MoEF, New Delhi with a request to reconsider the said matter to allow local planning Authority to issue Occupancy certificate to the buildings constructed in CRZ II area of Navi Mumbai prior to CRZ Notification, 2011. Reply from the MoEFCC, New Delhi is awaited in the matter. However, the MoEF&CC, New Delhi issued CRZ amended Notification dated 6<sup>th</sup> March, 2018 regarding post facto CRZ clearance. Meanwhile, due to lapse of validity of the approved CZMP under CRZ Notification, 1991 and awaited finalization of the CZMP of the Navi Mumbai under CRZ notification, 2011, the matters of Navi Mumbai could not be considered in MCZMA meeting.

The Authority discussed the matter with ADTP, NMMC and noted that there are certain proposals which were received before MCZMA with copy to MoEF, New Delhi within window period.

The Authority after detail discussion and deliberation decided that NMMC need to submit the details of proposals received within window period in following table and submit to the Authority.

Sr No.	Proposal	submitted on	Details like Form I & CRZ map in 1:4000 scale submitted	Commencement Certificate Date	CRZ remarks as per 1991 & 2011 (CRZ status and landward/seaward)

  
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**Item No.3:** Proposal for the work of provision illumination by decorative street lights at chimbai beaches in H/W Ward, Mumbai by MCGM

The project proponent was absent for the meeting. The Authority decided to delist the matter from the record of the MCZMA. PP to apply afresh online on MCZMA website.

**Item No.4:** Proposed construction of bridge on Desai Creek in DP road from Agasan Road to Kalyan Road in Thane Municipal Corporation by TMC

Thane City Municipal Corporation (TMC) officials presented the proposal before the Authority. TMC has proposed construction of bridge on Desai Creek in DP road from Agasan Road to Kalyan Road in Thane Municipal Corporation.

Proposed site is located at Desai Khadi creek located near Agasan village in Thane District. Other nearby villages such as Usarghar, Ganesh Nagar, Omkar Nagar are located at Northern part of the creek while Talepada, Desai village are located at southern part of the creek. In view to develop a network connecting these villages it was decided by TMC to construct a road connecting Kalyan Shilphata road to Agarsan village, for which, there is need to construct a bridge over Desai creek.

Total bridge construction area is 5400 sqm. Chainage starting from 0 to 180 m and approaches 150m + 150 m in length, 30 m in width and approx. 12 m in height. Development of bridge will act as connecting between two part of city and it will reduce travelling time. For construction of bridge, approach slab will be constructed in intertidal zone.

As per the approved CZMP, 2011, the site is located in CRZ IB, CRZ II & CRZ IV area. TMC has submitted the Rapid EIA report.

TMC officials presented that around 7 to 8 trees of mangroves will be affected due to proposed bridge during construction phase.

  
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After deliberation, the Authority decided that site visit to be carried out by the mangrove cell and submit the report to Authority. In the light of report of mangrove cell, the matter shall be reconsidered for appropriate decision. Accordingly, the matter was deferred.

**Item No.5:** Proposed construction on RCC Water Tank, Compound Wall, Watchmen Cabin, Gate at reservation no. 122 D, S. No. 209(pt), village Navghar, Tal & Dist. Thane by MBMC

The project proponent was absent for the meeting. The Authority decided to delist the matter from the record of the MCZMA. PP to apply afresh online on MCZMA website.

**Item No.6:** Regarding Government land allotment for residential use for rehabilitation of project affected people of Dedicated Freight corridor project- Land bearing Gut No. 14/1, mauje Ambewadi, Tal. Dahanu, Dist. Palghar.

The project proponent was absent for the meeting. The Authority decided to delist the matter from the record of the MCZMA. PP to apply afresh online on MCZMA website.

**Item No.7:** Proposed construction of Masure (Khajanwadi & Chanderwadi) Kharland Scheme, Tal. Malvan, Dist. Sindhudurg by Kharland Development Circle, Thane

The project proponent was absent for the meeting. The Authority decided to delist the matter from the record of the MCZMA. PP to apply afresh online on MCZMA website.

**Item No.8:** Proposed reconstruction of Samaj Mandir on plot bearing C. S. No. 666, village Uran, Dist. Raigad by Uran Municipal Council

The Uran Municipal Council officials presented the matter before the Authority. Proposal is for reconstruction of Samaj Mandir comprises ground + 3 upper floors on plot bearing C. S. No. 666, village Uran, Dist. Raigad. Official

  
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presented that as per approved CZMP of 2011 the plot under reference falls beyond 100 m from Creek

After deliberation, the Authority decided to confirm the site bearing C. S. No. 666, village Uran, Dist. Raigad is beyond the applicable CRZ limit i.e. 100 meter from creek. Hence, the site is outside CRZ area.

**Item No.9:** Proposed reconstruction of flower market on plot bearing C. S. No. 932, 933, village Uran, Tal. Uran, Dist. Raigad by Uran Municipal Council

Uran Municipal Council officials presented the matter before the Authority. Proposal is for reconstruction of flower market comprises of Ground floor for flower market + upper 3 floors for Shopping Complex on plot bearing C. S. No. 932, 933, village Uran, Tal. Uran, Dist. Raigad. Official presented that as per approved CZMP of 2011 the plot under reference falls beyond 100 m from Creek

After deliberation, the Authority decided to confirm the site bearing C. S. No. 932, 933, village Uran, Dist. Raigad is beyond the applicable CRZ limit i.e. 100 meter from creek. Hence, the site is outside CRZ area.

**Item No.10:** Proposed escalators to existing FOB, N. S. Raod near Mafatlal Swimming Pool, Girgaon Chowpatty, Marine Drive, D Ward, Mumbai by MCGM

Municipal Corporation of Greater Mumbai (MCGM) officials presented the proposal before the Authority. Proposal is to provide escalators to existing FOB, N. S. Raod near Mafatlal Swimming Pool, Girgaon Chowpatty, Marine Drive, D Ward, Mumbai.

This project work envisages erection of two escalators connecting to the existing FOB to approach Charni Raod station, East West side of Charni Road station, Girgaon Chowpatty, Marine lines, N. S. Road near Mafatlal Swimming Pool, Girgaon Chowpatty, D ward, Marine Drive, Mumbai. Total area of the project is 50sqm on the road footpath. As per approved CZMP of 2011 the plot under reference falls in CRZ II area.

  
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The Authority observed that this is public utility proposal and miscellaneous in nature. After deliberations, the Authority decided to recommend the proposal to concerned planning authority 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. All other required permissions should be obtained before the commencement of the project.

**Item No.11:** Proposed development of road from Toll Naka to Fountain Hotel at Mauje Varsova, Mira Bhayandar, Dist. Thane by MBMC

The project proponent was absent for the meeting. The Authority decided to delist the matter from the record of the MCZMA. PP to apply afresh online on MCZMA website.

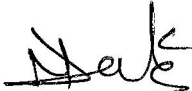
**Item No.12:** Proposed widening & Training of RCC retaining wall on West bank of Dahisar River. at upstream side of Hiranandani Bridge in R/N ward, Mumbai by MCGM

The project proponent was absent for the meeting. The Authority decided to delist the matter from the record of the MCZMA. PP to apply afresh online on MCZMA website.

**Item No.13:** Proposal for providing and laying RC Pipes Sewer Lines from Anik Wadala to CST road junction by Micro Tunneling & Pipe Jacking Method including Ground improvement & allied work, Mumbai by MCGM

Municipal Corporation of Greater Mumbai (MCGM) officials presented the proposal before the Authority. Proposal is for providing and laying RC Pipes Sewer Lines from Anik Wadala to CST road junction by Micro Tunneling & Pipe Jacking Method including Ground improvement & allied work, Mumbai.

The MCGM has proposed to lay 5.0 km length of sewer line of 1000/1200 mm diameter by trenchless method i.e. Micro tunneling and Pipe Jacking Method. In

  
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above work, the sewage flow generated from the unsewered areas of F/N and M/West ward will be carried to the Ghatkopar Pumping station on the downstream side by laying 1000 mm < 1200 mm dia. trunk sewer mains for 5.0 Km along Anik Wadala Road (Sewri Chembur Road) and connecting it to 1800 mm dia sewer line at S.G.Barve Road Junction E.E.Highway, Kuria (East). The significant feature of the above work is to provide sewerage facilities to the localities in Pratiksha. Nagar, Bhaminaka, Sanganmagar, part of Antop hill, Anik Wadala area & Kokari. Agar of F/North ward and Bhakti Park & IVIMRDA colony in M/West ward within the municipal limits of Greater Mumbai This will result in improving the hygienic condition for the locals of areas surrounding sewer line.

The sewer line will be laid within road line and no structure will be constructed above the ground level, thus it will not destruct/damage the existing mangrove growth which is beyond and away from the existing municipal road (Anik, Wadala road). Further, the proposed work of sewer line do not consist any work or construction of any structure which consume FSI.

The Authority noted that part portion of proposed sewer pipe line alignment is falling within 50 mtr buffer zone of mangrove i.e. in CRZ-I and it will be laid along Anik Wadala Road (Sewri Chembur) which is existing Municipal road. Part part portion of proposed sewer pipe line alignment falls in CRZ-II and non CRZ area.

After deliberations, it was decided that Mangrove Cell to visit the site & submit detailed report. Hence the matter is deferred.

**Item No.14:** Proposed installation of 59 MLD sewerage treatment Plant (STP) under the scheme of underground sewerage project phase IV in Thane Municipal Corporation area Project on plot bearing S. No. 297/2 (pt), 3, 4, 6, 8, 278/2, 3, 4, 5, 185/3, 185/8(pt), 185/7, 298/3, 185/2, 185/6, 185/4A, 185/4B/298/3, Kolshet, Hiranandani Estate, Thane (W) by TMC

Thane Municipal Corporation (TMC) officials presented the proposal before the Authority. Proposal is for installation of 59 MLD sewerage treatment Plant

  
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(STP) under the scheme of underground sewerage project phase IV in Thane Municipal Corporation area Project on plot bearing S. No. 297/2 (pt), 3, 4, 6, 8, 278/2, 3, 4, 5, 185/3, 185/8(pt), 185/7, 298/3, 185/2, 185/6, 185/4A, 185/4B/298/3, Kolshet, Hiranandani Estate, Thane (W). PP has submitted EIA for the project. The proposed project comprises of followings:

Sr. No.	Building	Floors	Area in sqm
1	HT Substation / Metering Room / MCC panel Room & Blower Room	Ground Floor Structure	420.5
2	DG Platform	Ground Floor Structure	90.0
3	Transformer platform	Ground Floor Structure	72.0
4	Admin Building / Control / Lab	G +1	147.0
5	Centrifuge Feed Pump House	Ground Floor Structure	132.0
6	Centrifuge Building	St + 1	117.0
7	Security Cabin	Ground Floor Structure	9.0

As per approved CZMP of Thane, 2011 proposed project partly falls in CRZ-II and partly in non CRZ.

The PP presented that construction of Sewage Treatment Plant and its associated activities are proposed in Non CRZ portion of the plot and no construction is proposed in CRZ area. The treated water would be discharged in creek.

The Authority discussed the proposal and noted that TMC should ensure that treated water quality shall meet the criteria of MPCB standards. No untreated water shall be released to creek.

After deliberations, the Authority decided to recommend the proposal from CRZ point of view 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. TMC should ensure that no construction is permitted in CRZ area.



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3. TMC to ensure that no untreated sewage to be released in water body & CRZ area. Treated water quality shall meet the criteria of MPCB standards before discharge into the creek.
4. TMC to implement the Environment Management Plan in order to mitigate the impact of the project activities.
5. All other required permissions should be obtained before the commencement of the project.

**Item No.15:** Proposed residential units on plot bearing S. No. 26, H. No. 7A, mouje Sukalbhat, Tal. Vengurla, Dist. Sindhudurg by Shri. Raghuvir Sitram Mantri

The project proponent presented the proposal before the Authority. The proposal was deliberated in the 122<sup>nd</sup> & 133<sup>rd</sup> meeting of MCZMA held on 30.10.2017 & 30.04.2019.

The proposal is for construction of residential buildings comprises of ground floor + 1<sup>st</sup> floor on S. No. 26, Hiss no. 7/2 at Sukhalbhat, Dist: Sindhudurg. The land under reference falls in Exclusive Tourism zone T2. Area of the plot is 3030 Sqm.

As per revised building plans, proposed 19 nos. of residential units comprises of Ground + 1<sup>st</sup> floor on plot under reference. Area of plot is 3030.00 sqm, Permissible FSI is 0.50 and proposed BUA is 1484.28 sqm.

As per the approved CZMP under CRZ Notification, 2011, the plot fall in CRZ III area. It is situated beyond 200 m HTL of the seafront. (Sheet No. MH 1)

PP stated that 19 nos. of residential units proposed for occupation of joint family only. The PP during the meeting stated that residential units are proposed for self-occupation of the members of the joint family and not for any commercial purpose.

The Authority noted that, as per para 8(i) III.B of CRZ Notification, 2011:  
(vii) "Construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be

  
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subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor)".

After deliberations, the Authority decided to recommend the proposal to concerned planning authority 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. Planning Authority ensure that construction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor)
3. The Commercial use of this property is not allowed. PP mentioned that this is a joint family plot & it will be constructed for occupation of joint family. Hence the construction is permitted
4. All other required permissions should be obtained before the commencement of the project.

**Item No.16:** Proposed construction of resort building on plot bearing S. No. 1, H. No. 10 at Varcha pat, village Guhagar, Tal. Guhagar, Dist. Ratnagiri by Smt. Manju Harish Shinavi & Mr. Sunny Shrimal Khivasara

The Project proponent presented the proposal before the Authority. The PP presented that earlier the proposal was submitted for construction of residential building (bungalows) on plot bearing S. No. 1, H. No. 10 at Varcha pat, village Guhagar, Tal. Guhagar, Dist. Ratnagiri. The said proposal was considered in 133<sup>rd</sup> meeting held on 30.04.2019. In the said meeting, the Authority noted that as per the CZMP, 2011 as per CRZ Notification, 2011, the plot under reference partly falls in CRZ-III area (partially in NDZ & partially in 200-500 m) & partly falls in Non CRZ area. As per the Development plan of Guhagar, the plot under reference falls in agriculture zone. Total plot area is 2500.00sqm, permissible FSI is 1.00 and proposed built up area is 818.84sqm. During the meeting, the Authority observed that the proposal attracts Annexure III of the CRZ Notification, 2011 and directed PP to submit the Rapid EIA/ EMP for the project and project layout superimposed on the approved CZMP.

PP vide letter dated 20.08.2019 submitted compliance along with Rapid EIA report for proposed resort at S. No. 1, H. No. 10 at Varcha pat, village Guhagar,

  
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Tal. Guhagar, Dist. Ratnagiri. As per which, 11 nos. of Suites and 1 no. of admin building comprise of Ground + 1 floor having height 8.10 m are proposed in 200 m to 500 m of CRZ-III area.

As per approved CZMP of Ratnagiri, 2011 (MH-38),

Sr. No.	Area	Area in sqm	Proposed Activity
1	Total Plot area	2500.00	
2	Plot area in within 200 m from HTL (NDZ)	950.00	No activity proposed
3	Plot area within 200 m to 500 m	1550.00	Proposed Resort

The site is situated partly within 200 meter from HTL i.e. NDZ and partly within 200 meter to 500 meter from seafront.

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

1. The proposed construction of resort should be in accordance with guidelines mentioned in Annexure III of the CRZ Notification, 2011 (amended from time to time).
2. Construction of Resort / Hotel in CRZ III area is permissible beyond 200 meter from the HTL of the Seafront. PP to ensure that No construction should be allowed on Part of the plot which is within 200 meter from HTL of the seafront i.e. NDZ.
3. Local Body to ensure that FSI shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover.
4. The overall height of construction upto highest ridge of the roof, shall not exceed 9 meter and the construction shall not exceed not more than ground + one upper floor.
5. All other required permissions should be obtained prior to commencement of construction activity.

**Item No.17:** Proposed reconstruction of residential cum commercial building on plot bearing C. S. No. 977A, 977E, 979, 982, 984

  
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/1, K977D, 977C at mauje Alibaug, Tal. Alibaug, Dist. Raigad  
by Shri. Vivek Madhav Paste

The Project proponent presented the proposal before the Authority. The proposal is for reconstruction of residential cum commercial building on plot bearing C. S. No. 977A, 977E, 979, 982, 984 /1, K977D, 977C at mauje Alibag, Tal. Alibag, Dist. Raigad. Proposed buildings comprises as follows:

- 1) Building no. 1 - Basement, stilt, ground floor + 4 upper floors
- 2) Building no. 2 - Stilt, Ground floor + 4 upper floors
- 3) Structure no. 1 - Ground floor + 2 upper floors for Municipal Market use
- 4) Structure no. 2 - Stilt + 4 upper floors for Government & Semi Government purpose

As per the Development plan of Alibag, the plot under reference is falls in residential zone and not included in congested area. Total plot area is 4154.78sqm and permissible FSI is 1.00

As per approved CZMP of Alibag, 2011, the plot under reference falls in CRZ-II area & is situated on landward side of existing road prior 1991.

The Authority noted that considering the site as in CRZ II area, construction of building could be permissible on landward side of existing road/ authorized structure subject to FSI of the town country planning regulations existed as on 19.2.1991. Alibaug Municipal Council should strictly ensure that the proposed construction is within the limit of permissible FSI of 1991 norms.

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

- 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.
- Local body to ensure that construction is allowed on landward side of existing road.
- Local body to ensure that no construction is permissible in 50 meter mangrove buffer zone area.

  
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- The debris generated shall not be disposed in CRZ area.
- All other required permission from different statutory authorities should be obtained

**Item No.18:** Proposed construction of residential building on plot bearing S. No. 29A, Sub plot no. 80, Mauje Alibag, Tal. Alibag, Dist. Raigad by Shri. Sanjay Balkrushna Hawaldar

The Project proponent presented the proposal before the Authority. The proposal is for construction of residential building comprises of ground floor + 2 upper floors on plot bearing S. No. 29A, Sub plot no. 80, (MHADA Layout) Mauje Alibag, Tal. Alibag, Dist. Raigad. The plot is vacant. As per the Development plan of Alibag, the plot under reference is falls in residential zone and not included in congested area. Total plot area is 72.00sqm.

As per the approved CZMP of Alibag, 2011, the plot under reference is partly in CRZ II area and partly in 50 m mangrove buffer zone area. The plot is situated on landward side of existing road

The Authority noted that considering the site as in CRZ II area, construction of building could be permissible on landward side of existing road/ authorized structure subject to FSI of the town country planning regulations existed as on 19.2.1991. Alibaug Municipal Council should strictly ensure that the proposed construction is within the limit of permissible FSI of 1991 norms.

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

- 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.
- Local body to ensure that no construction is permissible in 50 meter mangrove buffer zone area.
- All other required permission from different statutory authorities should be obtained.

  
Member Secretary

  
Chairman

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**Item No.19:** Proposed construction of residential building on plot bearing S. No. 29A/1, plot no. 196, 197 of mauje Alibag, Tal. Alibag, Dist. Raigad by Shri. Ganpat Gajanan Gondhali

The Project proponent presented the proposal before the Authority. The proposal is for construction of residential building comprises of Stilt + 2 upper floors on plot bearing S. No. 29A/1, plot no. 196, 197 (MHADA layout) mauje Alibag, Tal. Alibag, Dist. Raigad. The plot is vacant.

As per the approved CZMP of Alibaug, 2011, the plot under reference in CRZ-II area & is situated on landward side of existing road & Structure. As per DP, the plot under reference falls in Residential Zone and beyond Congested Zone. Total plot area is 96.00 sqm.

The Authority noted that considering the site as in CRZ II area, construction of building could be permissible on landward side of existing road/ authorized structure subject to FSI of the town country planning regulations existed as on 19.2.1991. Alibaug Municipal Council should strictly ensure that the proposed construction is within the limit of permissible FSI of 1991 norms.

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

- 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.
- Local body to ensure that no construction is permissible in 50 meter mangrove buffer zone area.
- All other required permission from different statutory authorities should be obtained.

  
Member Secretary

  
Chairman

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**Item No.20:** Proposed expansion under integrated logistic park at S.no. 95/1, 95/2, 95/3A, 95/4A, 111/1, etc, village koproli, Tal. Uran, Dist. Raigad by M/s. Koproli Warehouse Pvt Ltd

The Project proponent presented the proposal before the Authority. The proposal is for expansion under Integrated Logistic Park at S.no. 95/1, 95/2, 95/3A, 95/4A, 111/1, etc, village koproli, Tal. Uran, Dist. Raigad. The Authority also noted the decision taken in the 139<sup>th</sup> meeting of MCZMA held on 05.11.2019.

The Authority noted that proposed expansion involves construction of Warehouse, A, B, C, D on plot under reference in non CRZ area.

The Authority noted that as per approved CZMP of Navi Mumbai, 2011 the site under reference partly falls in CRZ -III and partly in non CRZ. Further, PP has submitted CRZ map in 1:4000 scale & report dated 25.11.2019 prepared by IRS Chennai as per approved CZMP of Navi Mumbai, 2011. As per the said CRZ map, the land area falls in CRZ-III (NDZ) is 1059.895 sqm and proposed activities falls in non CRZ area.

The PP stated that the project is under Integrated logistic park as per the policy of MIDC. MIDC has approved the project. He further stated that all existing structures on the site will be reassembled. The PP stated that no construction is proposed in CRZ area and No FSI of CRZ portion is proposed be utilized on Non CRZ area.

After deliberation, the Authority decided to grant No Objection to the proposal from CRZ point of view to concerned planning Authority subject to compliance of following conditions:

1. Planning Authority to ensure that no construction is permitted in CRZ area. No FSI of CRZ portion shall be utilised on non CRZ portion of plot, as proposed by the PP.
2. The construction debris shall not be stored & disposed of in CRZ area.
3. All other required permission from different statutory authorities should be obtained.

  
Member Secretary

  
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**Item No.21:** CRZ NoC for development on non CRZ portion of land bearing CTS No. 194 B at Ghatkopar (E), Mumbai by M/s. Rare Township Pvt Ltd

The project proponent presented the proposal before the Authority. The PP is seeking CRZ NoC for development on non CRZ portion of land bearing CTS No. 194 B at Ghatkopar (E), Mumbai. The PP presented that the land under reference is partially affected by the CRZ belt. However, construction of the buildings is proposed in Non CRZ portion of the plot.

The PP has submitted CRZ map in 1:4000 scale & report dated 21.11.2019 prepared as per approved CZMP of Greater Mumbai, 2011. As per which, the project site under reference partly falls in CRZ -II and partly in non CRZ. And, proposed structure falls in non CRZ area.

The Authority noted that there was a proposal of development of DP road on the CRZ portion of the land under reference with public private partnership between PWD, GoM and M/s Rare Township Pvt Ltd. The said proposal was deliberated in 116<sup>th</sup> meeting of MCZMA held on 22.3.2017 and was delisted from the records of the MCZMA due to want of complete proposal with requisite details. The PP stated that the current proposal before the Authority is only for construction in Non CRZ area and without even proposing the utilization of FSI of CRZ position in Non CRZ portion of the plot under reference.

After deliberation, the Authority decided to grant No Objection to the proposal from CRZ point of view to concerned planning Authority subject to compliance of following conditions:

1. Planning Authority to ensure that no construction is allowed in CRZ area.
2. Planning Authority to ensure that utilisation the FSI of CRZ portion on non CRZ portion of land is not allowed, as proposed by applicant.
3. All other required permission from different statutory authorities should be obtained.

  
Member Secretary

  
Chairman

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**Item No. 22:** Proposed reconstruction of residential building on plot bearing S. No. 52, H. No. 2, Guhagar, Dist, Ratnagiri by Shri. Ashutosh A. Arekar & Others

The project proponent is absent for the meeting. Hence, the matter was delisted. PP to apply afresh online on MCZMA website.

**Item No.23:** Proposed repairs of residential building on plot bearing Gut No. 473 mouje Velneshwar, Tal. Guhagar, Dist. Ratnagiri by Shri. Navneet Ahok Thakur

The project proponent presented the proposal before the Authority. The PP presented that proposed repairs of residential building on plot bearing Gut No. 473 mouje Velneshwar, Tal. Guhagar, Dist. Ratnagiri. He is resident of Velneshwar and has existing residential house comprises of Ground + 2 floor prior to 1959 - 50 on plot under reference.

As per Gram Panchayat Velneshwar - Vaddai, applicant is resident of Velneshwar. As per Development Plan, the land under reference falls in Residential Zone. As per approved CZMP of Ratnagiri, 2011 the land under reference falls in CRZ-III area i.e. within 200m from HTL of Seafront.

The PP presented that the proposal is for repairs of the existing residential house only. The PP has submitted a letter to that effect to the Authority.

The Authority noted that repair existing house of local inhabitant of coastal area is permissible activity, as per provisions of the CRZ Notification, 2011.

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

1. Proposed redevelopment should be in accordance with provisions of CRZ Notification, 2011 (amended from time to time).
2. The Local Body to ensure that only repairs of the existing authorized structure is allowed as requested by the PP.
3. Local body to ensure no construction is initiated without prior permission of the MCZMA.

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

Additional item discussed with instructions of Chairman


**Add. Item No.1:**                      Regarding construction on plot no. 2, 2A, 11, 12, 13, 14, 15, 16 & 17, Sector, 36, Nerul, Navi Mumbai by M/s. Ruparel Realty

The project proponent presented the proposal before the Authority. The Authority noted that matter pertains to construction on plot no. 2, 2A, 11, 12, 13, 14, 15, 16 & 17, Sector, 36, Nerul, Navi Mumbai.

Project Proponent presented that, the above plots has been allotted by CIDCO wide agreement dated 25.11.2005, 19.10.2007, 24.6.2010, 25.08.2010 & 15.09.2010. The Navi Mumbai Municipal Corporation, being the Planning Authority for the area has granted Development Permission on 12.11.2012 for construction on non CRZ area. The construction is completed and PP applied for Occupation certificate.

The Authority noted that as per approved CZMP under 1991, the said land was situated partly in CRZ-II and located on landward side of existing road. The PP stated that construction of the building is situated beyond 150 meter CRZ setback line from the creek, as per conditions imposed in the Commencement Certificate dated 12.11.2012 granted by the Planning Authority NMMC. The Authority noted that, at time of the CC granted by the NMMC, CRZ Notification, 2011 and CZMP of 1991 were in force.

PP submitted CRZ map in 1:4000 scale & report dated Feb, 2018 prepared by IRS, Chennai. As per the said CRZ map the plot under reference is situated beyond 100 m from HTL of creek i.e. in non CRZ area. Further, NMMC vide letter dated 13.06.2018 forwarded the proposal for post facto CRZ clearance as per CRZ Notification dated 06.03.2018, wherein it is communicated the proposal would have got CRZ NOC as per 1991 CRZ Regulations. The Building constructed till dated is in compliance with CRZ regulations.

  
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In the light of above, the Authority after deliberation decided that, the construction of the building is in non CRZ portion of the plot as confirmed by NMMC, as per approved CZMP, 1991 and 2011. Hence, application of post facto clearance stands delisted from records of MCZMA as agreed by PP.

**Add. Item No.2:** Post facto clearance for the project known as Ellora Castle situated at Plot No. 77, Sector 15, CBD Belapur, Navi Mumbai by M/s. N G Group (WP No. 9907 of 2016 against CIDCO & Ors before Hon. High Court)

The project proponent presented the proposal before the Authority. The proposal is for Post facto clearance for the project known as Ellora Castle situated at Plot No. 77, Sector 15, CBD Belapur, Navi Mumbai.

The PP that, the above plot has been allotted by CIDCO wide agreement dated 22.11.2006. The Navi Mumbai Municipal Corporation, being the Planning Authority for the area has granted Development Permission on 21.05.2009. The construction is completed and PP applied for Occupation certificate. NMMC vide letter dated 24.09.2013 has refused to grant Occupation Certificate since plot under reference falls in CRZ area.

The PP further presented that, M/s. NG Group filed a Writ Petition No. 9907 of 2016 against CIDCO & Ors before Hon. High Court Bombay. The Authority noted the Order dated 11.04.2018 of Hon. High Court Bombay in the matter.

The NMMC has forwarded the proposal dated 21.06.2018 for Post facto clearance for the project known as Ellora Castle situated at Plot No. 77, Sector 15, CBD Belapur, Navi Mumbai to MCZMA with copy to MoEF&CC, New Delhi.

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. As per sanctioned DP, the plot is falls in Residential Zone. The permissible FSI is 1.50 as per DCR as on 19.2.1991. The FSI of the Building constructed is within the permissible limit of 1.50. The construction on the referred plot can be considered for regularisation as per CRZ Notification dated 06.03.2018.

  
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The Authority noted that as per approved CZMP, 2011 of Navi Mumbai, the site under reference falls within 100 m from HTL of Creek i.e. in CRZ-II and landward side of existing road.

The Authority noted the CRZ amended Notification dated 6<sup>th</sup> march, 2018 regarding post fact CRZ clearance cases. Excerpts of the said CRZ Notification is 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 30<sup>th</sup> June, 2018.*

In the light of above, considering the remarks of the planning Authority, the Authority after deliberation decided to recommend the proposal from CRZ point of view to MoEF&CC, New Delhi in light of CRZ Notification dated 06.03.2018. The NMMC to ensure that FSI for the construction is as per the town and country planning regulation existing as on 19.2.1991.



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**Add. Item No.3:** Representation received by M/s. The Estate Investment Company Pvt Ltd - Suggestion for the revision of approved CZMP for S. No. 198 (pt), 139 (pt), 140 (pt), 145 (pt) & 145-C (pt), of village Bhayander, Dist. Thane.

The Authority noted that applicant has submitted suggestion for the revision of approved CZMP for S. No. 198 (pt), 139 (pt), 140 (pt), 145 (pt) & 145-C (pt), of village Bhayander, Dist. Thane by M/s. The Estate Investment Company Pvt Ltd

Applicant submitted that part of the land bearing S. No. 198 (pt), 139 (pt), 140 (pt), 145 (pt) & 145-C (pt), of village Bhayander, Dist. Thane has adjoining the mangroves and has been rightly marked as CRZ-IA and the area beyond the mangroves has been demarcated as Intertidal Zone i.e. CRZ-IB which is erroneous in nature.

The Authority after deliberation decided to send the representation of applicant to NCSCM for examination and report in the matter.

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

**Annexure I**

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

1. Neenu Somraj, DCF, Mangrove Cell, Representative of APCCF, mangrove Cell
2. Dr Mahesh Shindikar, Professor, COEP, Expert Member, MCZMA
3. Dr. A.K. Chaubey, Former Director NIO, Expert Member, MCZMA
4. Shri. Rajendra Jadhav, Fisheries Department, Member MCZMA
5. Mr. Narendra Toke, Member Secretary, MCZMA

  
Member Secretary

  
Chairman