

Minutes of the 15th meeting of the Maharashtra Coastal Zone Management Authority
held on 10-01-2003 at Committee Room, 5th floor, Mantralaya, Mumbai-32

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The following were present :

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

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

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

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

Item No.1 : To confirm the minutes of the 14th Meeting of the Maharashtra Coastal Zone Management Authority held on 17-09-2002.

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The minutes of the 14th meeting of the Maharashtra Coastal Zone Management Authority held on 17-09-2002 were circulated amongst the Members vide letter bearing No.MCZMA/258 dated 07/10/2002 with a request to forward suggestions, if any. The office of the Authority took a note of letter dated 23/10/2002 received from Dr.Hrishikesh Samant, Member suggesting modification to the minutes. The modification as suggested were approved and the minutes were amended accordingly. The minutes were thereafter read and confirmed.

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

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

13th Meeting held on 31/7/2002 :

Sr.No.1: Complaint received from Rishi Agarwal an activist of Lokhandwala Complex Environment Action Group regarding dumping of debris and destruction of mangroves at Lokhandwala Complex, Andheri on coastal land.

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Member Secretary of the Authority informed that a separate item note has been placed before the Authority on the subject matter.

Sr.No.3: Appeal filed by Shri R.G. Vertak, Chairman Samajonnati Shikshan Sanstha in the matter of HTL shown in the CZMP affecting the secondary school plot in CTS No.5A/5 of Village Borivli.

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Shri A.B. Jain, Law Officer informed that requisition is forwarded to the Office of Chief Hydrographer, Deharadun which is awaited. The matter will be followed up for expeditious disposal.

Sr.No.4: Order passed by Hon'ble High Court in W.P.85/2000 filed by the Colaba Cuffe Parade Citizens Group V/s Union of India regarding violation of CRZ Notification - compliance regarding.

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✓ Shri A.B. Jain, Law Officer informed that a reminder was sent to the Principal Secretary, Housing Deptt., Govt. of Maharashtra vide letter dated 31/12/2002. He further informed that there has been considerable delay in submitting action taken report to Ministry of Environment & Forests, Govt. of India. It was decided to remind Collector, Mumbai and Principal Secretary, Housing Department, Govt. of Maharashtra about the action taken report considering the directions of the Hon'ble High Court, Mumbai.

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

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Since the desired action is already taken by the Authority, Members felt that the item need not be shown in follow up action in future.

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

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Shri A.B. Jain, Law Officer informed that the Collector Suburban (Mumbai) has been reminded to take action as per directions issued earlier. Member Secretary stated that the site in question shall be visited to know the exact status. It was therefore decided that Member Secretary alongwith Members will visit the site.

14th Meeting held on 17/9/2002 :

Sr.No.7: To extend an opportunity of hearing to the representatives of Gorai Machhimar Sahakari Sanstha & Bombay Environmental Action Group as well as the Respondent M/s.Pan India Paryatan Ltd.

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Dr.Samant, Member informed the Members that he has gone through the report of National Hydrographic Office, Deharadun and also viewed the CD's forwarded to him by the Authority's Office in respect of survey carried out at the behest of MTDC. He informed that the survey report or CD's do not

refer to the bandhara in question and the areas show in the CDs appears to be other area and not Gorai. The matter was discussed and it was decided to summon M/s.Pan India Paryatan Ltd., to explain the report. Shri A.B. Jain Law Officer informed that the Applicant i.e. Bombay Environment Action Group have moved the High Court by filing a Notice of Motion stating that the Authority has taken more time than specified by High Court. An appropriate affidavit is being filed on behalf of the Authority.

Sr.No.9: Application received from M/s.Dynamix Hotels Ltd., at JVPD scheme Vile Parle (West), Mumbai for getting physical survey carried out through Chief Hydrographer.

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Member Secretary informed that survey is being carried out by the National Hydrographic Office, Deharadun through INS Investigator.

Sr.No.10: Contamination of Mithi River due to discharge of municipal sewage and industrial effluent

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The matter was discussed. Shri Ramanand Tiwari, Principal Secretary, Urban Development Deptt., opined that he will call a meeting of all concern to find the solution to the problem of pollution of Mithi River. This was agreed by the Members.

Item No.3: Complaint received from Rishi Agarwal an activist of Lokhandwala Complex Environment Action Group regarding dumping of debris and destruction of mangroves at Lokhandwala Complex, Andheri on coastal land.

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Dr.Samant, Member with the permission of Chairman gave a brief background of the visit to the site which was visited by himself alongwith Member Secretary of the Authority and Prof. S.K. Gupta, Member. He informed that he has already given his report which is enclosed at page Nos.19, 20 and 21 of the agenda. He informed that a small patch of dead mangroves was observed though tidal water ingress to the site was evident through the trenches made in the bund. He reiterated the observations made by him in his visit report. Prof. S.K. Gupta, Member stated that a decision has to be taken by the Authority whether to allow bunds having trenches to pass the saline water to the mangroves area Member Secretary of the Authority differed with the observation

made by Dr.Samant and stated that the bandhara/road under issue is more than 2 mtrs. in height with width of 40 feet. He stated that lowering the height of the road is the only solution which will allow salinity ingress from one side to the other keeping continuous flow of water which is required for healthy growth of mangroves. If we do not stick to our decision, it will have adverse effect on other cases such as Pan India Paryatan Ltd.'s case.

The matter was discussed and it was decided to stick up to the decision already taken by the Authority. The Chairman of the Authority took a note of submissions made by Dr.Samant, member in respect of large scale destruction already taken place to the north of the site in question. He informed that approximately 300 hectares of mangroves have been systematically removed. Member Secretary brought to the notice of the Chairman the existence of a jogging track made presumably by removing mangroves.

Chairman opined that the Authority should take suo moto cognizance of violation of provisions of CRZ Notification in respect of this case of jogging and appropriate item note be prepared in consultation with Dr.Samant, Member for the next meeting. This was agreed by all Members.

Item No.4. In the High Court of Judicature at Mumbai
Writ Petition NO.1236/2002
Eversmile Constructions Co.Pvt.Ltd.
V/s
Union of India & Ors.

Member Secretary of the Authority gave brief background of the matter. Pursuant to the order of Hon'ble High Court dated 26/8/2002 a request was made to the Office of Chief Hydrographer, Deharadun vide letter dated 24/10/2002 to measure the width of Mahul Creek and to demarcate HTL in accordance with the CRZ Notification. He informed that the survey is being carried out and will be completed within 3 weeks.

Item No.5. In the High Court of Judicature at Mumbai
Public Interest Litigation No.73 of 2002 filed by
Sanjeev Chimbulkar V/s State of Maharashtra
& others (M/s.PNP Maritime Services Pvt.Ltd.)

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Member Secretary of the Authority gave brief background of the matter. The order dated 25/9/2002 passed by the Hon'ble High Court was noted. Pursuant to the order, Member Secretary of the Authority visited the site on 10/10/2002 for conducting physical inspection of the relevant survey numbers and to know as to whether the jetty has been repaired/reconstructed. He informed that based on site visit and inspection of revenue record, an affidavit has been filed by him on 16/10/2002 in the Hon'ble High Court and the matter is pending for hearing.

Item No.6. Application received from M/s.K. Arch. Architects
Mumbai requesting for deletion of their land from
CTS No.G/341, final plot No.82/39 of Town Planning
Scheme, Santacruz-II of village Danda, Mumbai
from CRZ

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The matter was discussed in the detail. During the course of hearing representative of M/s.K.Arch, Architects and M.C.G.M. were also present. The Chief Engineer, Development Plan, M.C.G.M. vide letter dated 22/11/2002 has communicated his remarks to the Authority which were also taken on record. Dr.Samant, Member stated that he has examined the issue and felt that it would be appropriate to refer the matter to the Chief Hydrographer, Deharadun as was done in earlier cases.

After due deliberation, it was decided to get the survey of the site carried out on 1:4000 scale from Chief Hydrographer, Deharadun by submitting necessary requisition for which party shall make the payment. On receipt of report of the Chief Hydrographer's, the same will be placed before the Authority for necessary action.

Item No.7. To examine the proposal received from
Principal Secretary, Urban Development Deptt.,
Govt.of Maharashtra for landing facilities for water
transport services on western coast of Mumbai City

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Chief Engineer, M.S.R.D.C. with the permission of Chairman made detail presentation and emphasized that the activities will be done within the frame work of CRZ Notification of 1991. Various aspects of the project, concerning the project cost, sites of the jetties and other ancillary facilities, reduction in pollution load due to water transport and development of eco-tourism etc. were emphasized during the presentation.

It was informed that a rapid EIA has been carried out of the entire project. The Chairman asked the project proponent to submit EIA report and the execution summary 10 copies each to the Member Secretary of the Authority so that the same can be examined by all the Members before the item is discussed again.

Item No.8. To consider a proposal received from Irrigation
Department, Govt.of Maharashtra regarding
development of Khar Land in Konkan.

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The representatives of Irrigation Deptt. Govt.of Maharashtra made a presentation and stated that the bunds are already in existence for many years and need strengthening and repairs which should be allowed and agricultural activities be promoted. He further informed that livelihood of 65000 people is at stake and Government is getting substantial finance from the European Community for this project. He pointed out that as per the Ministry of Environment & Forests, Govt.of India agricultural activities are neither permissible in CRZ (i) nor in CRZ (Ii). He informed that there is a need to modify the CZMP considering the livelihood of poor people and the development of the area].

The matter was discussed and it was decided that the Member Secretary and Members of the Authority will visit some of the sites to understand the ground situation so that appropriate decision can be taken. It was decided to visit the sites on 17/1/2003.

Table : Construction of elevated water tank, sump cum
Item No.1 pump well and guard room for Air Force, INZ Hamla,
training centre and residential quarter at CTS No.1432
of village Erangal, Tal: Borivali in Brihan Mumbai
Corporation area in CRZ-II category.

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Member Secretary of the Authority gave brief background of the matter and also the request made by Group Captain Station Commander, Air Force Station, Mudh Island, Mumbai for providing sump-cum-pump house for augmentation of water supply from M.C.G.M. The comments received from Urban Development Deptt., were also placed before the Authority wherein they have informed that by virtue of an amendment to the CRZ Notification made on 21/5/2002 facility for water supply activities are allowed in CRZ (iii) area with in 200 mtrs. from High Tide Line. Chairman suggested that the request letter received from the Applicant states only about the provision of sump-cum-pump house and therefore the other construction activities may not be allowed. After due deliberation it was decided to allow the Applicant to construct sump-cum-pump house and guard room on the site falling in CRZ (iii) area.

Table : Proposal for redevelopment of slum properties
Item No.2 bearing Nos. 30 (pt), 31 (pt) of village Juhu and
CTS No.195 (pt) of village Andheri (site A) under
slum rehabilitation scheme

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The matter was discussed in detail. It was decided to forward the proposal in respect of site 'B' which was found to be outside CRZ to the National Coastal Zone Management Authority through Urban Development Deptt., immediately.

The Applicant approached the Authority in respect of site 'A' which was declared as falling in CRZ area. Members felt that the survey was carried out by an expert Govt. agency and the findings should not be called in question. It was informed that Capt. S.K. Jha, Commanding Officer, INS Nirdeshka was invited to attend the meeting but could not come due to some other assignment. Letter received from N.H.O. Deharadun was also brought to the notice of Members wherein they insisted that clarification should be sought by the M.C.Z.M.A. from the concern officer and not by the party (applicant). After due deliberation it was decided that the decision taken in respect of site 'A' may not be reviewed and the applicant was informed accordingly.

Table : Complaint in respect of destruction of mangroves and
Item No.3 reclamation of land at CTS Nos.232 (part), 232/1-31
survey No.166 by M/s.O.P. Enterprises, Builders and
Developers (Kukreja Group) at village Anik Chembur

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Member Secretary informed that during the site inspection filling activities were going on and no mangroves were observed on the site and they were apparently been removed systematically. He further informed that M.C.G.M. is also a party in giving permissions for such activities. It was felt that the work which was assigned by M.C.G.M. to M/s.O.P. Enterprises is already over. It was therefore decided that Member Secretary will write to Municipal Commissioner, M.C.G.M. and bring to his notice the violations and the role of M.C.G.M. in destruction of mangroves. It was also decided to convey the feelings of the Authority to Municipal Commissioner, M.C.G.M. that before granting permission the area in question should be surveyed physically to see that mangroves are not destroyed and are protected being an important eco-system.

Table : Proposal received from Society for Promotion of Area
Item No.4 Resources Centres (SPARC), Mumbai for development
of the plot under Slum Rehabilitation Scheme.

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Dy.Secretary (Tech.) Environment Deptt., Govt.of Maharashtra gave brief background of the matter. Society for Promotion of Area Resources Centres (SPARC), Mumbai made an application to develop their plot under C.S. No.343 pt. at Kalyanwadi, Dharavi, Mumbai under Slum Rehabilitation Project before the Maharashtra Coastal Zone Management Authority.

The SPARC Society has made a request to the Authority that the plot under reference is on a southern side of the Mahim Creek. The total width of the creek is less than 100 mtrs. (50 mtrs.) Therefore, the Coastal Regulation Zone (CRZ) is applicable to a distance of 50 mtrs. on both side of the creek. However, while approving the Coastal Zone Management Plan (CZMP) of Mumbai City by Ministry of Environment & Forests, the 60 mtrs. area is shown as CRZ on northern side of the creek and 100 mtrs. is shown CRZ on southern side of the creek which does not appears to be justified. And therefore,

the applicant has made an appeal that the distance of the 50 mtrs. should be applicable to the southern side of the creek. If the 50 mtrs. distance criteria is applicable on southern side of the zone, the developer will get substantial relief and can develop the plot as per FSI 2.5 instead of 1.33 FSI. The plans submitted by the project proponent is not prepared by any of the agency approved by Government of India.

After due deliberation, it is decided that the Society should get the demarcation of HTL with reference to their plot from Chief Hydrographer Office, Deharadun. The Society also agreed to pay expenditure incurred for demarcation of HTL.

Table : Proposal received from Janata Naya Nagar Co.Op.
Item No.5 Hsg.Society for development of the plot under Slum
Rehabilitation Scheme.

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Dy.Secretary (Tech.) Environment Deptt., Govt. of Maharashtra gave brief background of the matter. M/s. Janata Naya Nagar Co.Op. Housing Society has proposed a slum rehabilitation scheme on the land city survey No.2116 (pt), 1.50 (pt) and 1616 of Mahim division, Mumbai. As per the development plan, Municipal Corporation of Greater Mumbai (MCGM) informed the developer that the plot under reference is within 500 meters from HTL and in CRZ area. Hence, slum redevelopment project was held up for last three years.

The Co. Operative Society however stated that the plot under reference (site No.1) falls beyond 500 meters of HTL. The MCGM vide their letter dated 10.1.2002 advised the Society to approach the Coastal Zone Management Authority for necessary rectification in the D.P., remarks. The letter received from MCGM was taken on record.

The HTL & LTL demarcated for the Mumbai city by Chief Hydrographer, Deharadun. The CZMP Plan prepared by Urban Development Department (UDD), Govt.of Maharashtra and submitted to Ministry of Environment & Forests, Govt.of India and the same is approved with certain conditions vide letter dated 19.1.2000. MCGM transferred the approved plan of 1:25000 scale into 1:4000 scale and therefore, there is

lot of ambiguity while demarcating the exact area for development. Therefore, the proposed Society approached Centre for Earth Schemes Study (CESS), Thiruvanthpuram for demarcation of HTL & LTL and identify the extent of Coastal Regulation Zone around the project site.

As per the report of the CESS, the base map prepared on the scale of 1:25000 identification of HTL & LTL based on morphological signatures in the field and using satellite imageries. The report of CESS alongwith original file has been referred to UDD.

As per the remarks of the UDD and the CESS report there are 2 sites under reference i.e. site No.1 & No.2 As per the map prepared by CESS, the project site No.1 on western side except from small portion falls beyond 500 mtrs. zone landward side of HTL of sea side. The creek in the eastern part of the project area, width of the creek including the inter tidal zone is more than 300 mtrs. (including mangroves buffer zone) is considered as a CRZ landward of HTL. According to Urban Development Deptt. this area is CRZ-II.

Similarly part of the site 2 of western side falls beyond 500 meters of HTL and therefore, it is outside CRZ area. However, the eastern side of the site No.2 falls within CRZ area and is classified as CRZ-II as per Urban Development Deptt.,

After due deliberation, the Authority observed that this is not the case of changes/modification in classification of approved Coastal Zone Management Plan. Therefore on the basis of report submitted by CESS and Urban Development Deptt., Govt. of Maharashtra, the Authority has decided to inform the M.C.G.M. and Slum Rehabilitation Authority accordingly.

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