

Minutes of the 150th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 21st December, 2020

The 150th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment). In view of present pandemic situation of COVID-19, it was decided to appraise the proposals by using information technology facilities. Hence, the proposals were appraised through Videoconferencing technology on Cisco WebEx platform on 21st December, 2020. List of members present in the meeting is at **Annexure-I**.

Confirmation of 149th meeting:

The minutes of the 149th meeting of the MCZMA held on 04th December, 2020 are confirmed without any changes.

Item No. 1: Proposed reconstruction of residential building on plot bearing C. S. no. 613 C, village Dahanu, Tal. Dahanu, Dist. Palghar by Shri. Intekhub Alam Khalifa

The Authority noted that, proposal is for reconstruction of residential building on plot bearing C. S. no. 613 C, village Dahanu, Tal. Dahanu, Dist. Palghar by Shri. Intekhub Alam Khalifa.

The Authority noted that, as per the approved CZMP of 2011, the plot falls in CRZ II area and situated on landward side of existing road. Proposed residential building comprises of Ground + 1st floor on plot bearing C. S. no. 613 C, village Dahanu, Tal. Dahanu, Dist. Palghar. Plot area is 398 Sqm and Proposed BUA 249.56 sqm.

During the meeting, it was decided to seek the present status of the construction. Accordingly, the Dahanu Municipal Council vide letter dated 24.12.2020 reconfirmed that construction of the building not yet started and existing structure is retained at plot under reference.

The Authority further noted that reconstruction of building could be permissible subject to FSI of the town country planning regulations existed as on 19.2.1991. Malvan Municipal Council should strictly ensure that the proposed construction is within the limit of permissible FSI of 1991 norms.


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

1. The Local Body to ensure that FSI for the proposed reconstruction is as per the town and country planning regulation existing as on 19.2.1991 before issuing commencement certificate to the project.
2. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.
3. All other required permission from different statutory authorities should be obtained

Item No. 2: Construction of residential house on plot bearing S. No. 229/14, village Uttan, Mira Bhayandar, Dist. Thane by Shri. Virendra Chandrakant Shah

The Authority noted that the matter pertains to construction of residential house comprising Ground + 1st floor on plot bearing S. No. 229/14, village Uttan, Mira Bhayandar, Dist. Thane. As per approved CZMP, 2011, the site under reference falls in CRZ II area and situated on landward side of existing road.

During the meeting, it was decided to seek the present status of the construction. Accordingly, the Mira Bhayander Municipal Corporation vide letter dated 29.12.2020 confirmed that residential house is constructed on the site.

The Authority noted that as per para 6(d) of the CRZ Notification, 2011, "The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

- (i) these are not used for any commercial activity
- (ii) these are not sold or transferred to non-traditional coastal community"

The Authority discussed since, the construction has been carried out on the site, it needs to be verified whether the proposal complies with the criteria laid down in the above said para 6(d) of the CRZ Notification, 2011.


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The Authority after deliberation decided that the report from the District Collector Thane would be required on following points:

- a) Whether the PP belongs to traditional coastal communities including fisherfolk, tribals.
- b) When the construction is started on the site.
- c) Whether the construction on the site is for residential use and not for any commercial purpose.
- d) Whether residential dwelling unit is not sold or transferred to non-traditional coastal community

Accordingly, the matter was deferred for submission of the compliance as stated above.

Item No. 3: Proposed extension of 1st floor on existing ground floor on plot bearing C. S. No. 1784, Gavandiwada, Tal. Malvan, Dist. Sindhudurg by Shri. Amarnath Namdev Deulkar

The Authority noted that, proposal is for extension of 1st floor on existing ground floor on plot bearing C. S. No. 1784, Gavandiwada, Tal. Malvan, Dist. Sindhudurg by Shri. Amarnath Namdev Deulkar. As per the approved CZMP, the plot falls in CRZ II area and situated on landward side of existing structure & road.

During the meeting, it was decided to seek a report from the Malvan Municipal Council about the present status of the construction on the site. Accordingly, the Malvan Municipal Council vide letter dated 23.12.2020 informed that construction of first floor has been carried out on the site.

The Authority noted that as per para 6(d) of the CRZ Notification, 2011, "The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

- (i) these are not used for any commercial activity
- (ii) these are not sold or transferred to non-traditional coastal community"


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The Authority discussed since, the construction has been carried out on the site, it needs to be verified whether the proposal complies with the criteria laid down in the above said para 6(d) of the CRZ Notification, 2011.

The Authority after deliberation decided that the report from the District Collector Sindhudurg would be required on following points:

- a) Whether the PP belongs to traditional coastal communities including fisherfolk, tribals.
- b) When the construction is started on the site.
- c) Whether the construction on the site is for residential use and not for any commercial purpose.
- d) Whether residential dwelling unit is not sold or transferred to non-traditional coastal community

Accordingly, the matter was deferred for submission of the compliance as stated above.

Item No. 4: Proposed reconstruction of residential building on plot bearing S. No. 11/3, C. S. No. 555 at mauje Kille, Tal & Dist. Ratnagiri by Smt. Rabia Ismile Sakharkar

The Authority noted that, proposal is for reconstruction of residential building comprising ground floor on plot bearing S. No. 11/3, C. S. No. 555 at mauje Kille, Tal & Dist. Ratnagiri by Smt. Rabia Ismile Sakharkar. Plot area is 300.00 Sqm.

It was observed that as per the approved CZMP, 2011, the plot under reference is situated beyond 100m from Ratnagiri Bay i.e. Non CRZ area. During the meeting, it was decided to reconfirm the exact CRZ status of the site from Ratnagiri Municipal Council. Accordingly, Ratnagiri Municipal Council vide letter dated 23.12.2020 stated that the site is between 200 to 500 m and falls outside CRZ II area.

After deliberation, the Authority decided to confirm that the plot bearing S. No. 11/3, C. S. No. 555 at mauje Kille, Tal & Dist. Ratnagiri situated outside CRZ area as per approved CZMP, 2011 of the Ratnagiri.


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Item No. 5: Proposed reconstruction of residential building on plot bearing S. No. 355A, H. No. 1/12/1, C. S. No. 3386, 3386/1 to 3, mauje Peth Shivapur, Tal. & Dist. Ratnagiri by Smt. Rutuja Ravindra Khedekar

The Authority noted that, proposal is for reconstruction of residential building comprising Ground + 2 floors on plot bearing S. No. 355A, H. No. 1/12/1, C. S. No. 3386, 3386/1 to 3, mauje Peth Shivapur, Tal. & Dist. Ratnagiri by Smt. Rutuja Ravindra Khedekar. Plot area is 130 Sqm.

It was observed that as per the approved CZMP, 2011, the plot under reference is situated beyond 100m from Ratnagiri Bay i.e. Non CRZ area. During the meeting, it was decided to reconfirm the exact CRZ status of the site from Ratnagiri Municipal Council. Accordingly, Ratnagiri Municipal Council vide letter dated 23.12.2020 stated that the site is between 200 to 500 m and falls outside CRZ II area.

After deliberation, the Authority decided to confirm that the plot bearing S. No. 355A, H. No. 1/12/1, C. S. No. 3386, 3386/1 to 3, mauje Peth Shivapur, Tal. & Dist. Ratnagiri situated outside CRZ area as per approved CZMP, 2011 of the Ratnagiri.

Item No. 6: Reconstruction of residential building on plot bearing S. no. 1281(891A), H. No. 2/182 at Chivle beach, Malvan, Tal. Malvan, Dist. Sindhudurg by Shri. Mahesh Mahadev Mayekar

The Authority noted that, proposal is for reconstruction of residential building comprising ground floor on plot bearing S. no. 1281(891A), H. No. 2/182 at Chivle beach, Malvan, Tal. Malvan, Dist. Sindhudurg by Shri. Mahesh Mahadev Mayekar. As per the approved CZMP, the plot falls in CRZ II area and situated on landward side of existing structure & road.

It was noted from building plans submitted by the PP that construction is done on the site. During the meeting, it was decided to seek a report from the Malvan Municipal Council about the present status of the construction on the site.


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Accordingly, the Malvan Municipal Council vide letter dated 23.12.2020 informed that reconstruction of residential house has been carried out by PP as old house was in dilapidated condition on site under reference.

The Authority noted that as per para 6(d) of the CRZ Notification, 2011, "The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

- (i) these are not used for any commercial activity
- (ii) these are not sold or transferred to non-traditional coastal community"

The Authority discussed since, the construction has been carried out on the site, it needs to be verified whether the proposal complies with the criteria laid down in the above said para 6(d) of the CRZ Notification, 2011.

The Authority after deliberation decided that the report from the District Collector Sindhudurg would be required on following points:

- a) Whether the PP belongs to traditional coastal communities including fisherfolk, tribals.
- b) When the construction is started on the site.
- c) Whether the construction on the site is for residential use and not for any commercial purpose.
- d) Whether residential dwelling unit is not sold or transferred to non-traditional coastal community

Accordingly, the matter was deferred for submission of the compliance as stated above.


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Item No. 7: Reconstruction & extension of residential house on plot bearing CTS no. 862 on Bharad jetty road, Somwar peth, Malwan, Tal. Malwan, Dist. Sindhudurg by Shri. Prashant Ankush Mayekar

The Authority noted that matter pertains to reconstruction & extension of residential house comprising Ground + 1st floor on plot bearing CTS no. 862 on Bharad jetty road, Somwar peth, Malwan, Tal. Malwan, Dist. Sindhudurg by Shri. Prashant Ankush Mayekar. Plot area is 70.20 Sqm.

The Malwan Municipal Council stated that as per the approved CZMP under CRZ Notification 2011, the plot under reference is situated in Non CRZ area.

It was observed that as per the approved CZMP, 2011, the plot under reference is situated beyond 100m from Malwan Bay i.e. Non CRZ area. During the meeting, it was decided to reconfirm the exact CRZ status of the site from Malwan Municipal Council. Accordingly, Malwan Municipal Council vide letter dated 23.12.2020 stated that the site under reference does not fall in any CRZ category as per approved CZMP, 2011.

After deliberation, the Authority decided to confirm that the plot bearing CTS no. 862 on Bharad jetty road, Somwar peth, Malwan, Tal. Malwan, Dist. Sindhudurg situated outside CRZ area as per approved CZMP, 2011 of the Sindhudurg.

Item No. 8: Construction of residential house on plot bearing CTS no. 2995A at Borkar Galli, Dhuri wada- Malwan, Tal. Malwan, Dist. Sindhudurg by Shri. Suresh Dhondu Salaskar

The Authority noted that proposal is for construction of residential house comprising ground +1st floor on plot bearing CTS no. 2995A at Borkar Galli, Dhuri wada- Malwan, Tal. Malwan, Dist. Sindhudurg by Shri. Suresh Dhondu Salaskar. As per the approved CZMP, the plot falls in CRZ II area and situated on landward side of existing road.

During the meeting, it was decided to seek a report from the Malwan Municipal Council about the present status of the construction on the site. Accordingly,


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the Malvan Municipal Council vide letter dated 23.12.2020 informed that construction of residential house is started by PP and nearing completion on site under reference.

The Authority noted that as per para 6(d) of the CRZ Notification, 2011, "The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

- (i) these are not used for any commercial activity
- (ii) these are not sold or transferred to non-traditional coastal community"

The Authority discussed since, the construction has been carried out on the site, it needs to be verified whether the proposal complies with the criteria laid down in the above said para 6(d) of the CRZ Notification, 2011.

The Authority after deliberation decided that the report from the District Collector Sindhudurg would be required on following points:

- a) Whether the PP belongs to traditional coastal communities including fisherfolk, tribals.
- b) When the construction is started on the site.
- c) Whether the construction on the site is for residential use and not for any commercial purpose.
- d) Whether residential dwelling unit is not sold or transferred to non-traditional coastal community

Accordingly, the matter was deferred for submission of the compliance as stated above.


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Item No. 9: Reconstruction of existing MMC House no. 327, CTS. no. 886, 887 & 913A1, S. no. 917A1/1 at Somwar Peth, Malvan, Tal. Malvan, Dist. Sindhudurg by Mrs. Smita Kishor Patkar

The Authority noted that the proposal is for reconstruction of existing MMC House no. 327 comprising of Ground + 1st floor on CTS. no. 886, 887 & 913A1, S. no. 917A1/1 at Somwar Peth, Malvan, Tal. Malvan, Dist. Sindhudurg by Mrs. Smita Kishor Patkar. As per the approved CZMP, the plot falls in CRZ II area and situated on landward side of existing structure & road.

It was noted from building plans submitted by the PP that construction is done on the site. During the meeting, it was decided to seek a report from the Malvan Municipal Council about the present status of the construction on the site. Accordingly, the Malvan Municipal Council vide letter dated 23.12.2020 informed that reconstruction of residential house has been carried out by PP since old house was in dilapidated & unsafe condition.

The Authority noted that as per para 6(d) of the CRZ Notification, 2011, "The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

- (i) these are not used for any commercial activity
- (ii) these are not sold or transferred to non-traditional coastal community"

The Authority discussed since, the construction has been carried out on the site, it needs to be verified whether the proposal complies with the criteria laid down in the above said para 6(d) of the CRZ Notification, 2011.

The Authority after deliberation decided that the report from the District Collector Sindhudurg would be required on following points:

- a) Whether the PP belongs to traditional coastal communities including fisherfolk, tribals.
- b) When the construction is started on the site.
- c) Whether the construction on the site is for residential use and not for any commercial purpose.


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d) Whether residential dwelling unit is not sold or transferred to non-traditional coastal community

Accordingly, the matter was deferred for submission of the compliance as stated above.

Item No. 10: Reconstruction of existing VMC house no. 87 on plot bearing S. No. 606, Hissa no. 11 at Dabhos Wada, Vengurla, Tal. Vengurla, Dist. Sindhudurg by Shri. Pushkraj Ramkrishna Kole

The Authority noted that proposal is for reconstruction of existing VMC house no. 87 comprising of ground floor on plot bearing S. No. 606, Hissa no. 11 at Dabhos Wada, Vengurla, Tal. Vengurla, Dist. Sindhudurg by Shri. Pushkraj Ramkrishna Kole. As per the approved CZMP, the plot falls in CRZ II area and situated on landward side of existing road.

It was noted that reconstruction is done on the site. During the meeting, it was decided to seek a report from the Vengurla Municipal Council about the present status of the construction on the site. Accordingly, the Vengurla Municipal Council vide letter dated 31.12.2020 informed that PP has been reconstructed their own house in urgency because of their old house became dilapidated. Vengurla Municipal Council has issued Notice dated 10.07.2017 under MRTP Act, 1966.

The Authority noted that as per para 6(d) of the CRZ Notification, 2011, "The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

- (i) these are not used for any commercial activity
- (ii) these are not sold or transferred to non-traditional coastal community"

The Authority discussed since, the construction has been carried out on the site, it needs to be verified whether the proposal complies with the criteria laid down in the above said para 6(d) of the CRZ Notification, 2011.


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The Authority after deliberation decided that the report from the District Collector Sindhudurg would be required on following points:

- a) Whether the PP belongs to traditional coastal communities including fisherfolk, tribals.
- b) When the construction is started on the site.
- c) Whether the construction on the site is for residential use and not for any commercial purpose.
- d) Whether residential dwelling unit is not sold or transferred to non-traditional coastal community

Accordingly, the matter was deferred for submission of the compliance as stated above.

Item No. 11: Reconstruction of residential building on plot bearing S. no. 23, H. no. 2, Mauje Guhagar, Tal. Guhagar, Dist. Ratnagiri by Shri. Mahesh Digambar Kanade & others

The Authority noted that the proposal is for reconstruction of residential building comprising Ground + 1st floor on plot bearing S. no. 23, H. no. 2, Mauje Guhagar, Tal. Guhagar, Dist. Ratnagiri. As per the approved CZMP, the plot falls in CRZ III (within 200m-500m). Plot Area is 1855.10 sqm.

During the meeting, it was decided to confirm about the present status of the construction from the Guhagar Nagar Panchayat. Accordingly, the Guhagar Nagar Panchayat vide letter dated 22.12.2020 informed that reconstruction of residential building comprised of Ground + 1st Floor has been carried out by PP in 2019-20 as old building was in dilapidated condition.

The Authority noted that as per para 6(d) of the CRZ Notification, 2011, "The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

- (i) these are not used for any commercial activity
- (ii) these are not sold or transferred to non-traditional coastal community"


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The Authority discussed since, the construction has been carried out on the site, it needs to be verified whether the proposal complies with the criteria laid down in the above said para 6(d) of the CRZ Notification, 2011. The said provision is also stipulated in CRZ Notification, 2019.

The Authority after deliberation decided that the report from the District Collector, Ratnagiri would be required on following points:

- a) Whether the PP belongs to traditional coastal communities including fisherfolk, tribals.
- b) Whether the construction on the site is for residential use and not for any commercial purpose.
- c) Whether residential dwelling unit is not sold or transferred to non-traditional coastal community

Accordingly, the matter was deferred for submission of the compliance as stated above.

Item No. 12: Construction of residential building on plot bearing S. No. 65, Hissa No. 1B (pt), C.S. No. 656 at mauje Killa, Tal & Dist. Ratnagiri by Smt. Kaneez Maqsood Mulla

The Authority noted that the matter pertains to construction of residential building comprising Ground + 1st floor on plot bearing S. No. 65, Hissa No. 1B(pt), C.S. No. 656 at mauje Killa, Tal & Dist. Ratnagiri by Smt. Kaneez Maqsood Mulla. As per the approved CZMP, the plot falls in CRZ II area and situated on landward side of existing road.

During the meeting, it was decided to seek a report from the Ratnagiri Municipal Council about the present status of the construction on the site. Accordingly, the Ratnagiri Municipal Council vide letter dated 23.12.2020 informed that construction of residential building has been carried out by PP on plot under reference.

The Authority noted that as per para 6(d) of the CRZ Notification, 2011, "The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the


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aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

- (i) these are not used for any commercial activity
- (ii) these are not sold or transferred to non-traditional coastal community"

The Authority discussed since, the construction has been carried out on the site, it needs to be verified whether the proposal fits into the criteria laid down in the above said para 6(d) of the CRZ Notification, 2011.

The Authority after deliberation decided that the report from the District Collector Ratnagiri would be required on following points:

- a) Whether the PP belongs to traditional coastal communities including fisherfolk, tribals.
- b) When the construction is started on the site.
- c) Whether the construction on the site is for residential use and not for any commercial purpose.
- d) Whether residential dwelling unit is not sold or transferred to non-traditional coastal community

Accordingly, the matter was deferred for submission of the compliance as stated above.

Item No. 13: Proposed construction of residential building on plot bearing S. no. 27/A/A1, H. no. 10/2 at mauje Purnagad, Tal. & Dist. Ratnagiri by Shri. Dilip Yashwant Shivalkar

The Authority noted that proposal is for construction of residential building on plot bearing S. no. 27/A/A1, H. no. 10/2 at mauje Purnagad, Tal. & Dist. Ratnagiri by Shri. Dilip Yashwant Shivalkar. As per the approved CZMP, 2011, the plot under reference is situated within 100 m from the HTL of the creek i.e. CRZ III (NDZ). During the meeting, the PP presented that the proposal is for reconstruction of the existing house on the site under reference.

During the meeting, the Authority decided to seek report from the Sub Divisional officer, Ratnagiri about the present status of construction on the site, exact CRZ status of the site and whether the proposal is for new


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construction or reconstruction. The required information from Ratnagiri SDO is still awaited in the matter.

Accordingly, the matter was deferred for the submission of above required information from the Sub Divisional officer, Ratnagiri.

Item No. 14: Proposed reconstruction of residential building on plot bearing S. No. 481, Hissa No. 5A/1 at Mauje Nachne, Tal & Dist. Ratnagiri by Shri. Shatananda Ramkrishna Ambardekar

The Authority noted that proposal is for reconstruction of residential building on plot bearing S. No. 481, Hissa No. 5A/1 at Mauje Nachne, Tal & Dist. Ratnagiri. As per approved CZMP, 2011, the site under reference partly falls in CRZ IA (50 m mangrove buffer zone) and partly in CRZ III (NDZ) area.

During the meeting, the Authority decided to seek report from the Sub Divisional officer, Ratnagiri about the present status of construction on the site, exact CRZ status of the site and whether the proposal is for new construction or reconstruction. The required information from Ratnagiri SDO is still awaited in the matter.

Accordingly, the matter was deferred for the submission of above required information from the Sub Divisional officer, Ratnagiri.

Item No. 15: Proposed construction of residential house on plot bearing S. No. 29A/1, plot no. 147 of mauje Alibag, Tal. Alibag, Dist. Raigad by Smt. Dwarkabai Vasant Koli

The Authority noted that the proposal is for construction of residential house comprising of Ground + 1st floor on plot bearing S. No. 29A/1, plot no. 147 of mauje Alibag, Tal. Alibag, Dist. Raigad. Plot Area is 48 sqm.

The Authority noted that, as per the approved CZMP of 2011, the plot falls in CRZ II area and situated on landward side of existing road.

During the meeting, it was decided to seek the present status of the construction. Accordingly, the Alibaug Municipal Council vide letter dated 22.12.2020 stated that at present the plot under reference is vacant.


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The Authority further noted that construction of building could be permissible subject to FSI of the town country planning regulations existed as on 19.2.1991. Alibag 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:

1. 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.
2. All other required permission from different statutory authorities should be obtained

Item No. 16: Proposed construction of residential building on plot bearing S. No. 29A/1, plot no. 10 at mauje Alibag, Tal. Alibag, Dist. Raigad by Shri. Vaijesh Chandrakant Patil & Sou. Supriya V. Patil

The Authority noted that the proposal is for construction of residential building comprising Stilt + 2 floors on plot bearing S. No. 29A/1, plot no. 10 at mauje Alibag, Tal. Alibag, Dist. Raigad. Plot Area is 72 sqm

The Authority noted that, as per the approved CZMP of 2011, the plot falls in CRZ II area and situated on landward side of existing road. and BUA is 71.10 sqm

During the meeting, it was decided to seek the present status of the construction. Accordingly, the Alibag Municipal Council vide letter dated 22.12.2020 stated that at present the plot under reference is vacant.

The Authority further noted that construction of building could be permissible subject to FSI of the town country planning regulations existed as on 19.2.1991. Alibag Municipal Council should strictly ensure that the proposed construction is within the limit of permissible FSI of 1991 norms.


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

1. 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.
2. All other required permission from different statutory authorities should be obtained

Item No. 17: Proposed construction of residential building on plot bearing S. No. 296/5, CTS No. 3617 at mauje Zadgaon, Tal & Dist. Ratnagiri by Sou. Gayatri Sagar Salvi

The Authority noted that proposal is for construction of residential building comprising Ground + 1st floor on plot bearing S. No. 296/5, CTS No. 3617 at mauje Zadgaon, Tal & Dist. Ratnagiri. Plot Area is 710 sqm.

The Authority noted that, as per the approved CZMP of 2011, the plot falls in CRZ II area and situated on landward side of existing road. Plot area is 710 Sqm.

During the meeting, it was decided to seek the present status of the construction. Accordingly, the Ratnagiri Municipal Council vide letter dated 23.12.2020 informed that there is no construction on the site.

The Authority further noted that construction of building could be permissible subject to FSI of the town country planning regulations existed as on 19.2.1991. Ratnagiri 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:

1. 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.
2. All other required permission from different statutory authorities should be obtained


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Item No. 18: Proposed reconstruction of building on plot bearing S. No. 1359, 1358, 1317, CS. No. 2334B, 2335, 2336, at mauje Malvan, Tal. Malvan, Dist. Sindhudurg by M/s. Jethe & Associates

The Authority noted that the proposal is for reconstruction of building comprising Stilt + 2 floors on plot bearing S. No. 1359, 1358, 1317, CS. No. 2334B, 2335, 2336, at mauje Malvan, Tal. Malvan, Dist. Sindhudurg. Plot Area is 154.52 Sqm.

The Authority noted that, as per the approved CZMP of 2011, the plot falls in CRZ II area and situated on landward side of existing road.

During the meeting, it was decided to seek the present status of the construction. Accordingly, the Malvan Municipal Council vide letter dated 23.12.2020 stated that existing structure present on plot under reference is in dilapidated & unsafe condition and no construction is started on the site.

The Authority further noted that construction of building could be permissible subject to FSI of the town country planning regulations existed as on 19.2.1991. Malvan 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:

1. 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.
2. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.
3. All other required permission from different statutory authorities should be obtained


Member Secretary


Chairman

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Item No. 19: Proposed additional extension of ground floor on plot bearing S. No. 35A1A, Hissa No. 6, CTS No. 893/1, 893 at mauje Rahatghar, Tal. & Dist. Ratnagiri by Shri. Krishnakant Shridhar Maynak

The Authority noted that the proposal is for additional extension of ground floor on plot bearing S. No. 35A1A, Hissa No. 6, CTS No. 893/1, 893 at mauje Rahatghar, Tal. & Dist. Ratnagiri. Plot Area is 400 sqm.

The Authority noted that, as per the approved CZMP of 2011, the plot falls in CRZ II area and situated on landward side of existing road.

During the meeting, it was decided to seek the present status of the construction. Accordingly, the Ratnagiri Municipal Council vide letter dated 23.12.2020 stated that the no construction of additional extension is carried out on the site.

The Authority further noted that construction of building could be permissible subject to FSI of the town country planning regulations existed as on 19.2.1991. Ratnagiri 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:

1. 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.
2. All other required permission from different statutory authorities should be obtained


Member Secretary


Chairman

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Item No. 20: Proposed reconstruction of residential building on plot bearing S. No. 45A1, A1, CTS No. 882C at mauje Rahatghar, Tal & Dist. Ratnagiri by Shri. Mangesh Shubhash Pangelkar

The Authority noted that the proposal is for reconstruction of residential building comprising ground floor on plot bearing S. No. 45A1, A1, CTS No. 882C at mauje Rahatghar, Tal & Dist. Ratnagiri. Plot Area is 163 sqm.

The Authority noted that, as per the approved CZMP of 2011, the plot falls in CRZ II area and situated on landward side of existing road.

During the meeting, it was decided to seek the present status of the construction. Accordingly, the Ratnagiri Municipal Council vide letter dated 23.12.2020 stated that no reconstruction of building is carried out on the site.

The Authority further noted that construction of building could be permissible subject to FSI of the town country planning regulations existed as on 19.2.1991. Ratnagiri 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:

1. 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.
2. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.
3. All other required permission from different statutory authorities should be obtained


Member Secretary


Chairman

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Item No. 21: Proposed additional construction of first floor on plot bearing S. No. 164 A1 A1 (pt), C. S. no. 15 A 15 B of mauje Zadgaon, Tal. & Dist. Ratnagiri by Shri. Divakar Ramchandra Surve & others

The Authority noted that the proposal is for additional construction of first floor on plot bearing S. No. 164 A1 A1 (pt), C. S. no. 15 A 15 B of mauje Zadgaon, Tal. & Dist. Ratnagiri. Plot Area is 395 sqm.

The Authority noted that, as per the approved CZMP of 2011, the plot falls in CRZ II area and situated on landward side of existing road.

During the meeting, it was decided to seek the present status of the construction. Accordingly, the Ratnagiri Municipal Council vide letter dated 23.12.2020 stated that there is existing structure present on the site since 1995.

The Authority further noted that construction of building could be permissible subject to FSI of the town country planning regulations existed as on 19.2.1991. Ratnagiri 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:

1. 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.
2. All other required permission from different statutory authorities should be obtained

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


Member Secretary


Chairman

Minutes of the 150th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 21st December, 2020

Annexure I

List of members/officials present in the online meeting:

1. Mrs. Neenu Somraj, DCF, Mangrove Cell, Member MCZMA
2. Mr. Rajesh Patgaonkar, DyCE, MCGM, Member MCZMA
3. Dr. Mahesh Shindikar, College of Engineering, Pune, Expert Member, MCZMA
4. Mr. Maruti Kudale, Ex Director, CWPRS, Expert Member, MCZMA
5. Dr. M. S. Khot, Principal, Chhatrapati Sambhaji Raje Sainik School, Ratnagiri, Expert Member, MCZMA
6. Mr. Narendra Toke, Director, Environment, Member Secretary, MCZMA


Member Secretary


Chairman

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Item No. 22: 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 matter of the post facto CRZ clearance to Adarsh CHS was deliberated in 140th meeting of the MCZMA held on 26th November, 2019, pursuant to the order of Hon. Supreme Court 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). Representative of Adarsh CHS along with Advocate had attended the 140th meeting and made their submissions in the matter before the Authority. The submissions of the Advocate Shri Adsure for Adarsh CHS were heard at length. Written submissions were also submitted by the Advocate Shri Adsure to the Authority in its 140th meeting. After hearing the parties at length and scrutiny of the written submissions and after examination of all the relevant documents and after substantial deliberations the Authority made certain observations and accordingly, MCZMA vide letter dated 6.12.2019 forwarded the matter to MoEF&CC, New Delhi along with minutes of the 140th meeting.

Subsequently, the MoEF&CC, New Delhi vide letter dated 8.1.2020 sought a copy of proposal and CRZ map in 1:4000 scale of the site. Accordingly, the MCZMA vide its letter dated 29th January, 2020 communicated a letter complying the communication of the MoEF&CC, New Delhi.

Again MoEF&CC, New Delhi vide letter dated 18.2.2020 has sought specific recommendation of the MCZMA in the matter, in consonance with the notification dated 6.3.2018. It was further informed by MOEF&CC that a meeting was held in the Ministry on 13.2.2020, wherein representatives of the appellant i.e. Adarsh CHS Ltd were present. Minutes of the said meeting were also sent along with the above said letter of the MoEF&CC, New Delhi. As per the said minutes of MoEF&CC, New Delhi, MCZMA need to send the specific recommendation in the matter with an opportunity to hear the appellant on matters related to FSI etc.

The matter was again discussed in 144th meeting of the MCZMA held on 11th June, 2020, wherein taking cognizance of the communication from the MoEF&CC, New Delhi, an opportunity of the hearing was extended at length to representative of the Adarsh CHS. Mr. P.Z. Thomus, Consultant presented the


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matter on behalf of the Adarsh CHS. During the 144th meeting, the submissions of the Adarsh CHS, UDD remarks and stand of the MMRDA was noted. Post meeting, communication was received from the Adarsh CHS and Adv Ravindra Adsure, Advocate on record on behalf of Adarsh requesting for re-hearing in the matter. It was decided to extend another hearing to M/s Adarsh CHS and Ravindra Adsure who is an advocate on record for M/s Adarsh CHS.

The Authority vide email dated 12.6.2019 has sought written submission from MMRDA.

The matter was again placed in 145th meeting of the MCZMA held on 7th July, 2020 wherein hearing was extended to Adarsh CHS representatives and Advocate Ravindra Adsure. The Authority further noted that during the 144th meeting, MMRDA commissioner presented its stand in the matter that the MMRDA had filed an affidavit, stating about the FSI details before the Hon'ble High Court in WP No. 369/2011 Adarsh CHS V/s Union of India. However, Hon'ble High Court considering stands of all Authorities passed an order dated 29.4.2016 which states that there is violation of MRTP and CRZ norms.

The Authority during 145th meeting noted that the written submission of the MMRDA was awaited in the matter. On receipt of MMRDA written submissions, it was decided to place the matter before the MCZMA.

The MMRDA vide letter dated 20th July, 2020 sent written submission to MCZMA, which states as follows:

- i. On 30.10.2010 MMRDA revoked OC dated 16.9.2010 granted to M/s Adarsh CHS on directions of UDD vide order dated 30.10.2010. MMRDA's stand on the matter was submitted to the Hon'ble High Court in WP No. 2407/2011. The matter was decided by Hon'ble High Court on 29.4.2016.
- ii. This order dated 29.4.2016 of Hon'ble High Court, Mumbai was challenged before Hon'ble Supreme Court, Delhi by the Adarsh CHS. The Hon'ble Supreme Court by its order dated 22.7.2016 directed Union of India to take possession of Adarsh Building and did not pass any interim orders.
- iii. In view of above, Hon'ble High Court's order dated 29.4.2016 is still applicable and MMRDA shall abide by the same and any other directives issued by the MCZMA.


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Subsequently, Chairperson of the MCZMA was changed and communications dated 18.7.2020, 13.12.2020 from the Adv Adsure, Advocate on record (AOR) for Adarsh CHS was received in the matter requesting de-novo hearing in the matter, before new Chairperson. Considering the request, the Authority kept the matter in 148th meeting held on 24.11.2020, however, representatives of the Adarsh CHS could not attend the meeting and requested time of 3 to 4 weeks.

Considering the request of the Adarsh CHS, the opportunity of the detail de-novo hearing was again extended in 150th meeting of the MCZMA held on 21st December, 2020. In the said meeting, Advocate Adsure, (AOR) on behalf of the Adarsh CHS made detailed and precise presentation before the Authority. He presented that the matter need to be dealt by the MCZMA in accordance with CRZ Notification, 6th March, 2018, as directed by Hon'ble Supreme Court order dated 7.11.2019. The MCZMA in its 140th meeting has rightly stated that site under reference falls in CRZ II and situated on landward side of existing authorized structure. He further stated that MMRDA has sanctioned the building plans restricting the FSI to 1.33 as against the FSI of 3.5 as per DCR 1967. He further stated that as per decision in the case of Suresh Estates, the applicable DCR was DCR 1967 for Greater Mumbai. As per 10(1) of DCR 1967 the permissible FSI is 3.5. He further submitted that GoM vide orders dated 9.7.2004 and 5.8.2005 allotted the land to extent of 6494.11 Sqm (3824.43 + 2669.98 Sqm) to Adarsh CHS by charging premium. He further submitted that while considering proposal for CRZ clearance purported amalgamation of 1st and 2nd parcel of land is completely irrelevant. Further, as on 19.2.1991, land parcel 1 and 2 were part of BBR Block VI and not individual plots. Lastly, he also stated that Hon'ble Supreme Court vide order dated 22.7.2016 has stayed the demolition of the building as directed by Hon'ble High Court in its 29.4.2016 order.

The MCZMA after hearing Advocate Adsure noted that as per CRZ Notification dated 6th March, 2018, 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.


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Considering the CRZ Notification dated 6th March, 2018, the Authority further noted that activities which are otherwise permissible only can be considered for regularization.

The Authority noted that the matter of Adarsh CHS has been dealt in detail by the Hon'ble High Court in WP 369/2011. Hon'ble High Court has observed that petitioners have consumed FSI of 2.932 as against the permissible FSI of 1.33. Hon'ble High Court further observed that entire construction carried out by the petitioners (Adarsh CHS) is unauthorized and illegal and in total defiance of provisions of the E (P) Act and MRTP Act.

The Authority further noted the submission of MMRDA as stated below:

- i. "On 30.10.2010 MMRDA revoked OC dated 16.9.2010 granted to M/s Adarsh CHS on directions of UDD vide order dated 30.10.2010. MMRDA's stand on the matter was submitted to the Hon'ble High Court in WP No. 2407/2011. The matter was decided by Hon'ble High Court on 29.4.2016.
- ii. This order dated 29.4.2016 of Hon'ble High Court, Mumbai was challenged before Hon'ble Supreme Court, Delhi by the Adarsh CHS. The Hon'ble Supreme Court by its order dated 22.7.2016 directed Union of India to take possession of Adarsh Building and did not pass any interim orders.
- iii. In view of above, Hon'ble High Court's order dated 29.4.2016 is still applicable and MMRDA shall abide by the same and any other directives issued by the MCZMA"

The Authority noted that by order dated 22.7.2016 in SLP (C) 12844-12846/2016, the Supreme Court has not expressly stayed the order of the Hon'ble High Court dated 29.4.2016. The said order dated 22.7.2016 of Hon'ble SC, New Delhi has observed as under:

"There shall be no interim order whatsoever in these matters except that the first respondent union of India will take possession of the building in question within one week from today and the possession shall remain with the union of India during the pendency of the Special leave petitions. The Union of India will take such necessary steps to secure the building and the land on which the building stands and ensure that the building is not encroached upon by anybody whatsoever"


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The Authority in conclusion noted that the Hon'ble High Court order dated 29.4.2016 is still in force and the MCZMA is duty-bound to abide by the findings & observations of the order dated 29.4.2016 passed by the Hon'ble High Court in Adarsh CHS matter.

In the light of above, the Authority after detailed discussion and deliberation, observed that the notification dated 06.03.2018 for post facto clearance cannot be applied to the proposal of Adarsh CHS Ltd, as it is not otherwise permissible. Therefore, the Authority decided that the proposal could not be recommended to MoEF, New Delhi for regularization, as per the CRZ Notification dated 6th March, 2018 and the same to be communicated to the MOEF, New Delhi.

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

Annexure I

List of members/officials present in the online meeting:

1. Mrs. Neenu Somraj, DCF, Mangrove Cell, Member MCZMA
2. Mr. Rajesh Patgaonkar, DyCE, MCGM, Member MCZMA
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6. Mr. Narendra Take, Director, Environment, Member Secretary, MCZMA


Member Secretary


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