

Minutes of the 17th meeting of the Maharashtra Coastal Zone Management Authority
held on 20-03-2003 at Committee Room, 5th floor, Mantralaya, Mumbai-32

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The following were present :

- 1) Dr.Leela Bhosale,
Department of Botany,
Shivaji University,
Kolhapur
Member
(Chaired Meeting)
- 2) Principal Secretary,
Department of Revenue,
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.Munshi Lal Gautam,
Member Secretary,
M.P.C. Board
Member-Secretary

Secretary, Environment Deptt., and Chairman of the Authority, Principal Secretary, Urban Development Deptt., Govt. of Maharashtra, and Shri S. Ayyappan, Director, Central Institute of Fisheries Education, Members could not attend the meeting. Dr.Leela Bhosale was requested to Chair the meeting in absence of Chairman of the Authority.

Shri A.B.Jain, Law Officer MPCB and Shri A.M. Abyankar, Desk Officer, 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 15th and 16th Meetings of the Maharashtra Coastal Zone Management Authority held on 10/01/2003 and 1/02/2003 respectively.

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The minutes of the 15th and 16th meetings of the Maharashtra Coastal Zone Management Authority held on 10/01/2003 and 1/02/2003 respectively were circulated amongst the Members vide letter bearing No.MCZMA/25 dated 14/02/2003 with a request to forward suggestions, if any. The office of the Authority did not receive any objections/suggestions except a letter dated 20/02/2003 from Dr.Leela Bhosale, Member of the Authority suggesting that minutes in respect of Item No.3 of 15th Meeting may be discussed again. The contents of the said letter were read. It was decided that since the decision has already been taken, the same need not be reopened again.

Dr.Hrishikesh Samant, Member drew the attention of the Members to a letter addressed to him by the office of the Authority dated 3/3/2003. He informed that the issue he has brought to the notice of Authority was about destruction of mangroves in approx.300 hectares of land which is near the Oshiwara site and not jogging track issue for which he has been asked to give details for preparing an item note vide the above letter. Member Secretary informed that the Urban Development Deptt., Govt.of Maharashtra and the Ministry of Environment & Forests, Govt.of India are seized of the 'Golf club' matter and the action is being taken by them and therefore there is no need to take cognizance of that issue at this stage. He, however, proposed that jogging track site at Lokhandwala Complex, Andheri may once again be visited by the Members. This was agreed by all Members. With these observations, the minutes were 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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Shri A.B. Jain, Law Officer and I/C MCZMA Cell read out the itemwise compliance in respect of decisions taken in the earlier meetings of the Authority. The same were noted and also further discussions were held. The gist of which is given as under.

15th Meeting :

Item No.4: 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 the National Hydrographic Office, Deharadun has submitted preliminary tracing of the survey carried out by them and final report will be made available within a month time. The project proponent was also called for the meeting and was informed accordingly.

Item No.5 : Contamination of Mithi River due to discharge of Municipal sewage and industrial effluent.

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The Members were informed that Principal Secretary, Urban Development Deptt., Govt.of Maharashtra has been requested to convene a Meeting at the earliest. Dr.Hrishikesh Samant, Member suggested that similar studies can be undertaken in respect of other rivers in Mumbai. Members noted this point. However, considering the wide scope of the issue it was decided to concentrate initially on Mithi River only.

Item No.6 : In the High Court of Judicature at Mumbai
Writ Petition NO.1236/2002
Eversmile Constructions Co.Pvt.Ltd.
V/s
Union of India & Ors.

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Member Secretary informed that the National Hydrographic Office, Deharadun has submitted preliminary tracing of the survey carried out by them and final report will be made available within a month time. The project proponent was also called for the meeting and was informed accordingly.

Item No.7: 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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It was decided to request the National Hydrographic Office, Deharadun to give opinion on the points raised by the Applicant.

Item No.9 : To consider a proposal received from Irrigation Department, Govt.of Maharashtra regarding development of Khar Land in Konkan.

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A copy of letter addressed to Ministry of Environment & Forests, Govt.of India by Member Secretary, MCZMA dated 7.3.2003 was circulated amongst the Members for information.

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

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Member Secretary asked the representatives of M/s.Pan India Paryatan Ltd., about the compliance of directions issued under Section 5 of the Environment (Protection) Act, 1986. The representatives of M/s.Pan India Paryatan Ltd., informed that they have provided pipes and saline water is flowing to other side of the bandhara i.e. the land belonging to M/s.Pan India Paryatan Ltd. He further informed that they have sought advise of the Authority for suggesting experts for mangroves plantation as the Petitioners have objected to the findings of N.I.O.'s report. It was opined that appointment of expert for mangroves cultivation is the responsibility of M/s.Pan India Paryatan Ltd. and the Authority will not suggest any specific name of expert or an agency.

The representative of M/s.Bombay Environmental Action Group as well as Gorai Machhimar Sahakari Sanstha stated that the saline water ingress to the other side of bandhara is not adequate and the area is not freely flooded resulting in poor growth of mangroves.

The matter was discussed and it was decided to visit the site to ensure whether the flow of sea water is adequate or not and also whether the area which requires mangroves/plantation gets sea water flooding i.e. inundation.

ITEM NO.4: Complaint received from Gorai Welfare Association, Gorai Borivli regarding violation of provisions of CRZ Notification by M.C.G.M.

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The representatives of Petitioners, i.e. Gorai Welfare Association informed the Members that M.C.G.M. is dumping municipal solid waste illegally and in violation of CRZ Notification. The unscientific disposal of solid waste has created the health hazard and continuous nuisance to the residents besides destruction of mangroves. They drew the attention of Members to a report of 1998-99 of M.C.G.M. stating that the capacity of Gorai dumping ground is over. They requested the Authority to direct the Corporation to stop dumping forthwith and identify a new site at some other place.

Shri A.S. Tikekar, Chief Engineer, Solid Waste Management, M.C.G.M. informed that the dumping ground is in existence prior to 1991. He admitted that due to closure of Malad dumping ground in July 2002, the additional load is also diverted to Gorai dumping ground. He informed the Members the steps taken by Corporation for identifying new sites. He informed that most of the sites suggested by Collector fall in CRZ, except one site in Kanjurgavthan having an area of 82 hectares. On a query he admitted that no application has been made to Maharashtra Pollution Control Board seeking authorization for improving the existing dumping ground as required under Municipal Solid Waste (Management & Handling) Rules, 2000. He assured that within 15 days the application will be submitted to MPCB.

The Members were of the view that before giving any directions to the Corporation it would be just and proper to visit the site to know the ground realities and then take necessary action in the matter.

ITEM NO.5 : 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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Executive Director, M.S.R.D.C. made presentation and informed the Members that the proposed water transport services will reduce air pollution to a great extent. The proposal was presented on Power Point giving various details of the project. He

informed the Members that in the process of development of landing facility for water transport services, mangroves will not be destroyed/disturbed and due care will be taken for their protection. He requested the Members to recommend the case to Ministry of Environment & Forests, Govt.of India for consideration.

Members felt that the water transport services require shore fore facility and is a permissible activity. It was, therefore, decided to recommend the case to the Ministry of Environment & Forests, Govt.of India with necessary environmental safe guards.

ITEM NO.6 : Development and beatification of Chaitya Bhoomi -
Demarcating the HTL as per approved CZMP and
transferring it on 1:4000 scale Development Plan
Of G/N Ward of Gr.Mumbai

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The representative of Urban Development Deptt., explained the matter in brief. He informed that work of renovation and beautification of Chaitya Bhoomi will be undertaken in 3 phases and the first phase is proposed to be carried out in CRZ category as per approved CZMP. It was informed that for renovation of existing approach road adjoining HTL to Chaitya Bhoomi which is in existence prior to 19/2/1991 may be certified by M.C.G.M. Considering the fact that approach road adjoining HTL to Chaitya Bhoomi is in existence prior to 19/2/1991, the same can be certified by the Authority. This was agreed by the Members.

ITEM NO.7 : To consider grant of permission for proposed approach
road to Salt Pan Land at Kanjur, Mumbai

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Member Secretary opined that before taking any decision in the matter, the site may be visited. This was agreed by the Members.

TABLE ITEM : Categorization of CRZ, in respect of property bearing
NO.1 CTS No.561 (pt), 165 (pt) of village Juhu, Tal.Andheri,
Mumbai Suburban District.

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Member Secretary informed that a proposal has been received from Juhu Beach Corporation through Slum Rehabilitation Authority regarding demarcation of HTL and categorization of CRZ in CTS No.561 (pt) and 165 (pt) of village Borivli, Tal.Andheri,

Mumbai. He informed that the applicant intends to get the survey done from Centre for Earth Science Studies (CESS), Thiruvananthapuram which is an approved agency of Ministry of Environment & Forests, Govt.of India. The matter was discussed and it was decided to allow the applicant M/s.Juhu Beach Corporation to approach CESS at their own cost to demarcate HTL on 1:4000 scale.

TABLE ITEM : Proposal received from M/s.Lavgan Dockyard Pvt.Ltd.,
NO.2 Village Bhatyf, Tal. & Dist Ratnagiri to create dry docking
 facility within their existing premises.

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Member Secretary informed the Members that as per the order dated 4/1/2002 by which the MCZMA was reconstituted envisages that all projects coming in CRZ area shall be examined by MCZMA. He informed the Members that considering the available infrastructure and inadequate expertise required for different types of projects, it is not possible for the Authority to examine all the projects in depth. He further informed the Members that he has referred the matter to Ministry of Environment & Forests, Govt.of India vide letter dated 30/1/2003 pointing out the difficulties being faced by the Authority in examining the projects. Members endorsed the views expressed by Member Secretary of the Authority.

As regards the proposal received from M/.Lavgan Dockyard Pvt.Ltd., Village Bhatyf, Tal. & Dist. Ratnagiri for creating dry docking facility within existing premises, Members felt that since the proposal has been cleared by competent authority i.e. Maharashtra Maritime Board and being a permissible activity, the same may be recommended to Ministry of Environment & Forests, Govt.of India for consideration.

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