

**Minutes of the 171<sup>st</sup> Meeting (Day 2) of Maharashtra Coastal Zone  
Management Authority held on 29<sup>th</sup> December, 2023**

The 171<sup>st</sup> meeting (Day 2) of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment and Climate Change) through Videoconferencing technology on Cisco WebEx platform on 29<sup>th</sup> December, 2023. List of members present in the meeting is at Annexure-I.

**Item No.1:** Proposed slum rehabilitation scheme on "Om Sai Shraddha CHS" on plot bearing CTS no. 1075 & adjoining road of village Versova, Tal. Andheri, Mumbai by M/s. Lashkaria Housing & Infrastructure Pvt. Ltd.


**INTRODUCTION:**

The Authority noted that, the Proposal was earlier deliberated in 171<sup>st</sup> meeting held on 15<sup>th</sup> December, 2023 wherein consultant presented the details of the proposal for slum rehabilitation scheme on "Om Sai Shraddha CHS" on plot bearing CTS no. 1075 & adjoining road of village Versova, Tal. Andheri, Mumbai.

The LOI for the scheme u/r has been sanctioned on 29.07.2022 by SRA for proposed slum rehabilitation scheme under Reg. 33(10) of DCPR-2034 for sanctioned FSI of 5.41 and with compensatory fungible FSI upto 35 % over and above admissible FSI / BUA as applicable under Reg. 31 (3) of DCPR-2034. The FSI sanctioned is as per the prevailing regulation under DCPR-2034 as on dated of publication of CRZ Notification, 2019. Various concessions required for approval of plans of the proposed building have been approved by SRA vide dated 20.07.2022. Proposed FSI area 34927.26 sqm, Proposed Non FSI area 28707.89 sqm & Total BUA 63635.15 sqm.

Proposed building consisting Rehab Building and Sale Building in SR Scheme layout. The details of the building is as follows-

Proposed Building	Planning as per LOI	Planning as per IOA
Rehab Wing	Basement (pt.) + Gr / Stilt + 1 <sup>st</sup> to 28 <sup>th</sup> (pt) floor having height 85.00 mtr.	Basement (pt.) + Gr / Stilt + 1 <sup>st</sup> to 28 <sup>th</sup> (pt) floor having height 85.00 mtr.
Sale Building	1 <sup>st</sup> to 3 <sup>rd</sup> Basement + Gr/Stilt + 1 <sup>st</sup> to 4 <sup>th</sup> podium + 5 <sup>th</sup> amenity floor + 1 <sup>st</sup> to 25 <sup>th</sup> part Sale Residential floor having height 99.20 mtr.	1 <sup>st</sup> to 3 <sup>rd</sup> Basement + Gr/Stilt + 1 <sup>st</sup> to 4 <sup>th</sup> podium + 5 <sup>th</sup> amenity floor + 1 <sup>st</sup> to 21 <sup>st</sup> part Sale Residential floor having height 73.60 mtr.

  
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The SRA mentions that, as per DP-2034, the plot u/r is situated in Residential Zone and is not affected by any reservation.

**DELIBERATIONS:**

The Authority noted that the PP has submitted CRZ map in 1:4000 scale & report prepared by IRS, Chennai as per approved CZMP, 2019. As per IRS report:

Sr. No.	CRZ Classification	Area in sqm
1	CRZ- II	5228.55
2	NDZ Within CRZ-II	89.48
3	Total	5318.03

The IRS report also mentions that an imaginary line parallel to HTL of Arabian Sea passing through the seaward corner of the existing buildings is indicated on the CRZ map for reference. The existence of building before 1991 is to be ascertained with appropriate authority.

The Authority noted that as per SRA remarks, the plot falls in CRZ-II and located on the landward side of the existing structures.

The Authority noted that the CRZ Notification, 2019 is silent on the permissibility of the SRA scheme as redevelopment schemes in CRZ II areas. Accordingly, on directions from the MoEF&CC, New Delhi, the State Government has sent the proposal to allow the SRA schemes in CRZ II areas. The matter is under consideration of the MoEF&CC, New Delhi.

However, meanwhile, in certain matters, the Mumbai High Court has passed an order dated 20th October, 2022 in WP (L) No. 32454/2022 (Akshay Sthapatya Pvt Ltd V/s Union of India & Ors) wherein the Hon'ble High Court has directed the MCZMA to appraise slum rehabilitation project on the subject plot by applying Regulation 5.2 (ii) and (iii) of the CRZ 2019 Notification and applicable laws within a time bound manner and disregarding the clarification sought by the MCZMA. The said orders were pertaining to SRA schemes falling in CRZ II area and situated on landward side of existing road.

Further, the Authority noted that, on above said High Court matter, opinion of Hon. Advocate General (AG) was sought, in the light of provisions of CRZ Notification, 2019. The Hon. AG provided the opinion in the matter.

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Accordingly, taking into account the orders of the Hon'ble High Court, the MCZMA, in accordance with para 5.2(ii) and 5.2(iii) of CRZ Notification, 2019, has granted CRZ recommendations to certain SRA projects which are situated in CRZ II area and located in landward side of existing road.

The Authority noted that in the instant matter of SRA scheme, the Hon'ble High Court in WP(L) No. 28952 /2023 ) Lashkaria Housing and infrastructure Pvt Ltd vs Union of India & Ors) has passed an order dated 30<sup>th</sup> November, 2023, as per which,

*"The Maharashtra Coastal Zone Management Authority ("MCZMA") is required to urgently take up the matter of appraisal of the Petitioner Slum Rehabilitation Scheme at the earliest possible and to pass an appropriate order or take appropriate decision thereof in accordance inter alia with Regulation 5.2 (ii) and (iii) of the Coastal Regulation Zone ("CRZ") Notification, 2019 read with latest Coastal Zone Management Plan ("CZMP")..."*

The Authority noted the para 5.2 (ii) and (iii) of the CRZ Notification, 2019 which are reproduced as follows:

*"(ii) Construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places, etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorised fixed structures: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.*

*(iii) Buildings permitted as in (ii) above, shall be subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index (FSI) or Floor Area Ratio (FAR) prevailing as on the date of this Notification...."*

The Authority noted that the above said para 5.2(ii) and 5.2(iii) of CRZ Notification, 2019, is applicable to development on landward side of existing road or existing authorized fixed structure.

The Authority in its 171<sup>st</sup> meeting held on 15<sup>th</sup> December, 2023 observed from the google image and approved CZMP, 2019/ CRZ map of IRS, that in the instant case, the SRA scheme under reference is situated in CRZ II & minor portion in CRZ II (NDZ) area and situated on seaward side of existing road & existing authorized structure. However, the SRA remarks mentions that the site is situated on landward side of existing structures prior to 1991. The Authority observed that the said remarks of the SRA appears to be not factual based on

  
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imaginary line parallel to HTL of Arabian Sea passing through the seaward corner of the existing buildings is indicated on the CRZ map for reference. Further, Concept of imaginary line as mentioned in the IRS, Chennai report finds no mention in para 5.2 (ii) and (iii) of CRZ Notification, 2019. Hence, the Authority felt that site visit may be carried out in the matter to ascertain the location of the site from CRZ point of view.

Therefore, the Authority in its above said 171<sup>st</sup> meeting decided that a site visit to be carried out by the team of officials from SRA and expert Member from MCZMA on 27<sup>th</sup> December, 2023 and report to be submitted with respect to location of the site from CRZ point of view in the light of para 5.2(ii) & (iii) of CRZ Notification, 2019. The said report shall be submitted to the Authority within 2 days thereafter i.e. 29<sup>th</sup> December, 2023. On receipt of said report, the Authority shall consider the matter immediately for further appropriate decision in the matter.

Accordingly, a team of officials comprising Mr. M. D. Kudale, Expert Member from MCZMA and Mr. Rajaram Patil, Executive Engineer, SRA along with other officials visited the project site under reference on 27<sup>th</sup> December, 2023.

Extract of observations of the site visit are as follows:

- i. "The project site under reference is located at Versova, Tal. Andheri, Mumbai. The site is accessible from the main road Versova Marg and small narrow road to Versova Beach.
- ii. The slum cluster / pocket is observed adjacent to the Versova beach. The project site under reference is a part of the big slum cluster situated adjacent to Building known as Sea Pearl.
- iii. The project site under reference falls within 500 meter CRZ II limit from the seafront, as per approved Coastal Zone Management Plan (CZMP) under CRZ Notification, 2019 and CRZ map in 1:4000 scale of project site prepared by IRS, Chennai submitted by the PP. As per approved CZMP, the Slum area between the project under reference and the seafront is classified as CRZ II (NDZ) area. Small portion of project site is in CRZ II (NDZ) area also, as per IRS map.
- iv. There exist dense slum structures at the Seafront at Versova. Slum structures are observed on the seaward side of the project site. No Road or Authorized Structures are observed between the Seafront and project site under reference. During the visit, it was observed that Building known as 'Sea Pearl' exists on south side boundary of the project site and structure known as 'Sameer Building' exists on north side boundary of the project area. During the visit, SRA officials informed



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these said structures/buildings are authorized and taken as reference for landward side. But, the fact is that as per the para 5.2 (ii) of CRZ Notification 2019, "Construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places, etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorised fixed structures: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road."

However, in the instant case there is no road or authorized fixed structures observed between the Seafront and project site under reference"

The Authority from google image, approved CZMP/ CRZ map of IRS and the site visit observations, noted that there is no road or authorized fixed structures observed between the Seafront and project site under reference. Hence, the proposal could not be considered under para 5.2(ii) & 5.2(iii) of the CRZ Notification, 2019, since the said provisions are applicable to development in CRZ II area which are located on landward side of existing road / existing authorized structure.

Further, the proposal has been sent by the State Government to MoEF&CC, New Delhi for allowing SRA scheme in CRZ II area requesting amendment in the para 5.2(iv) of CRZ Notification, 2019 as "Reconstruction of authorized buildings / protected structures (for slum rehabilitation Scheme only) shall be permitted subject to local town and country planning regulations as applicable from time to time..." The said proposal is under consideration by the MoEF&CC, New Delhi.

The Authority observed that that till MoEF&CC issues above said amendment in the para 5.2(iv) of the CRZ Notification, 2019, the subject proposal could not be given CRZ Clearance.

**DECISION:**

In the light of above, the Authority decided to recommend the proposal to the SEIAA for rejection from CRZ Point of view, under the provisions 5.2(ii) & 5.2(iii) of the CRZ Notification, 2019.

  
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