

Minutes of the 18th meeting of the Maharashtra Coastal Zone Management Authority
held on 23-05-2003 at Committee Room, 5th floor, Mantralaya, Mumbai-32

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The following were present :

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| 1) | 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) | Dr. Leela Bhosale,
Department of Botany,
Shivaji University,
Kolhapur | Member |
| 4) | Prof. S.K. Gupta,
Head Of the Department,
C.E.S.E.
Indian Institute of Technology,
Powai, Mumbai | Member |
| 5) | Dr. Hrishikesh Samant,
Lecturer,
Department of Geology,
St. Xavier's College,
Mumbai | Member |
| 6) | Dr. Munshi Lal Gautam,
Member Secretary,
M.P.C. Board | Member-Secretary |

Principal Secretary, Department of Revenue, Govt. of Maharashtra, and Shri S. Ayyappan, Director, Central Institute of Fisheries Education, Members did not attend the meeting.

Shri Surendra Jadhav, Deputy Secretary (Tech.) Environment Department, Shri A.B. Jain, Law Officer MPCB and I/C MCZMA Cell, Shri Rane, Under Secretary, Shri Kirtane, Section Officer and Shri A.M. Abyankar, Coordinator 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 17th Meeting of the Maharashtra Coastal Zone Management Authority held on 20/03/2003.

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The minutes of the 17th meeting of the Maharashtra Coastal Zone Management Authority held on 20.3.2003 were circulated amongst the Members vide letter bearing No.MCZMA/58 dated 22/4/2003 with a request to forward suggestions, comments, if any. The minutes were 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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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. While noting follow up actions certain decision were taken. the gist of which is given as under.

Item No.2: Complaint received from Rishi Agarwal an activist of (follow-up) 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 informed that the matter was discussed time and again and the site was also visited alongwith Members of the Authority. He was of the opinion that the decision taken by the Authority is in order and M/s.Oshiwara Land Developers Pvt.Ltd. shall demolish the bandhara. He further suggested that prosecution for non-compliance of the directions may be filed under the Environment (Protection) Act, 1986 against the said company.

The matter was discussed in detail. Chairman of the Authority stated that he would like to examine the matter and would peruse the documents available on record and take appropriate decision in the matter. This was agreed by all the Members.

Item No.3: Complaint received from Uttar Mumbai Madh Erangal Beach Management Co.Op.Hsg.Society Ltd., Malad (West), Mumbai (follow-up) 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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Member Secretary informed that as per decision taken earlier, the site was visited on 7th of May, 2003 alongwith Prof.S.K.Gupta and Dr.Hrishikesh Samant, Members of the Authority. The representative of the Complainant Society was also present at the time of field inspection. The visit report was perused by the Members wherein the Members had recommended that the Collector should decide as to how much land on the foreshore can be leased out to the fishermen by way of their the traditional right of catching fishes from the sea and drying it up on the foreshore.

The directions issued earlier under Section 5 of the Environment (Protection) Act, 1986 to the Collector were reviewed in the light of the observations made by the visiting Members. It was decided to withdraw the directions and inform the Collector accordingly.

Item No.4 : To extend an opportunity of hearing to the representatives of (follow-up) Gorai Machhimar Sahakari Sanstha & Bombay Environmental Action Group as well as the Respondent M/s.Pan India Paryatan Ltd.

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Member Secretary informed that the site was visited by him alongwith Prof. S.K. Gupta and Dr.Hrishikesh Samant, Members and complainants on 6/5/2003 to see whether adequate water is going to the other side of the bandhara. The visit reports submitted by Member Secretary and Dr.Hrishikesh Samant, Member also perused. The matter was discussed and it was decided that M/s.Pan India Paryatan Ltd., shall be asked to submit report of National Institute of Oceanography in respect of providing adequate channels for free flow of saline water on the other side of bandhara within a month's time. It was further decided to examine the report and then issue further directions to M/s.Pan India Paryatan Ltd., to implement the suggestions/recommendations given in the report in a time bound manner.

Item No.9 : Application received from M/s.K. Arch.Architects Mumbai (follow-up) 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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Member Secretary gave brief background of the matter and informed that the Applicant had claimed that his plot does not fall under CRZ-II, since the distance of 500 mtrs. Has been taken from HTL keeping in view the adjacent creek as open sea. He informed that as per the Applicant their plot is situated near creek and they should be governed by the criteria applicable for sites near the creek i.e. distance to be kept based on width of the creek.

Member Secretary informed that in order to see the ground realities the site was visited on 7th May, 2003 alongwith Members. He further informed that prima facie the site is situated near creek. He however opined that since the Chief Hydrographer, National Hydrographic Office, Deharadun had demarcated HTL earlier, the matter may be referred for his opinion.

The Principal Secretary, Urban Development Deptt., opined that since the Members have visited the site and have observed that site in question is located near the creek, there is no need to refer the matter back to Chief Hydrographer. Dr.Hrishikesh Samant, Member informed that as per satellite imaginary available with him which are earlier to 1991, the existence of creek can be seen. After due deliberation and after taking the visit reports of Member Secretary, MCZMA and Dr.Hrishikesh Samant, Member on record, it was decided to refer the matter to the National Coastal Zone Management Authority seeking its advise in the matter.

GORAI DUMPING GROUND MATTER - (VISIT REPORT) :

The issue of dumping of solid waste of Gorai Dumping Ground was also discussed. The report submitted by Member Secretary and Dr.Hrishikesh Samant, Member were considered. It was prima facie felt that solid waste is being dumped in CRZ area damaging mangroves. Besides this, solid waste was also found to be dumped in an unscientific manner.

Member Secretary informed that the Municipal Corporation has not yet taken authorisation from Maharashtra Pollution Control Board under Municipal Solid Waste (Management & Handling) Rules, 2000. He further informed that time limit for upgradation of the existing dumping ground is also over.

Dr.Hrishikesh Samant, Member informed that though the dumping ground is in existence prior to 1991, the quantity of solid waste which is off loaded now is increased many-fold creating a total unhealthy environment. With the help of satellite imagery of the site in question, he informed that there is serious violation of CRZ Notification of 1991 as dumping of solid waste in CRZ area is a prohibited activity.

Principal Secretary, Urban Development Deptt., pointed out that the existing site has to be improved upon and cannot be closed. He suggested that appropriate directions should be given to the Municipal Corporation for not allowing developments in the nearby vicinity of dumping ground.

Chairman of the Authority suggested that the matter be examined from legal point of view as to whether such directions can be issued to the Municipal Corporation.

The matter was discussed and it was decided to direct Municipal Corporation under Section 5 of the Environment (Protection) Act, 1986 to improve the site conditions and stop dumping of solid waste on mangroves the bank of creek.

ITEM NO.3: Application received from Special Project Division, PWD, Govt.of Maharashtra, Thane regarding grant of NOC for completing the work of Construction of major bridge across Kalu River on Manda-Vasundri Road Tal: Kalyan, Dist: Thane.

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Member Secretary gave brief background of the matter and informed that Special Project Division, PWD, Govt.of Maharashtra had undertaken the work of construction of bridge across Kalu River on Manda-Vasundri Road, Tal.Kalyan, Dist.Thane. He further informed that 90% work was completed and 10% work remained due to land problem.

The matter was examined and it was decided to grant approval for construction of remaining part of the bridge in CRZ-III area being permissible activity.

ITEM NO.4: In the High Court of Judicature at Bombay
Civil Appellate Jurisdiction
Public Interest Litigation Writ Petition No.12/2003
Vinayak Shridhar Nikam V/s Union of India & Ors.

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Shri A.B. Jain, Law Officer gave brief background of the matter and informed that besides filing a complaint before the Authority, a Writ Petition has also been filed in the Hon'ble High Court of Judicature Mumbai in which MCZMA is also a party Respondent.

Complainant informed that solid waste is being dumped by the Municipal Council of Navghar Manikpur in violation of Municipal Solid Waste (Management & Handling) Rules, 2000 as well as CRZ Notification of 1991. The site is adjacent to the creek and having large quantity of mangroves which are being destroyed by dumping of solid waste on it.

The officers of Municipal Council denied the allegations and stated that the CRZ area has not been demarcated so far making it difficult to the Municipal Council to take further course of action in the matter.

Shri A.M. Abyankar, Co-ordinator attached to the Urban Development Deptt. looking after the work of preparation of coastal zone maps informed that the maps are ready and are being scrutinised. He informed that there are certain corrections/modifications in the map. Only after clarification from the competent authority, the maps will be finalised.

It was decided to ask Urban Development Deptt. to finalise the job of demarcation of CRZ area at the earliest. It was also decided to call a status report from Collector, Thane who is also a party Respondent in the Writ Petition and responsible for implementation of Municipal Solid Waste (Management & Handling) Rules 2000 as well as monitoring compliance of CRZ Notification of 1991.

ITEM NO.5 : Proposal received from Maharashtra Police Co- Operative Housing Federation, Mumbai regarding review of the HTL marked A.B.C.D.Creek-line at CTS No.1320 of village Mulund (West), Mumbai.

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Shri D.A. Choudhari, Chairman Maharashtra Police Co.Op. Hsg.Federation (Ltd.) Mumbai explained the case in brief and informed the Authority that the site in question is not falling in CRZ and has been wrongly shown in CRZ. He requested that a fresh survey be carried out of their plot situated at Survey No.386 (pt), CTS No.1320 of village Mulund (East), Mumbai through Center for Earth Sciences and Studies (CESS), Trivendrum an agency approved by Ministry of Environment & Forests, Govt.of India.

The matter was discussed and it was decided to refer the matter to Chief Hydrographer, National Hydrographic Office, Deharadun who had earlier demarcated the HTL at the cost of applicant.

ITEM NO.6: Proposal received from M/s.Deodhar Associates, Architect & Interior Designers for discussion regarding CRZ demarcation of plot CTZ No.69,70 & 71 of Hill Road, Bandra (West), Mumbai.

AND

ITEM NO.7: Application received from Shri R.G. Vertak in the matter of HTL shown in the Coastal Zone Management Plan affecting the Secondary School, Plot in CTS No.5A(5) of village Borivali.

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Members felt that the cases of re-survey shall be forwarded to the Chief Hydrographer, National Hydrographic Office, Deharadun and the applicant shall bear the cost. On receipt of report further decision can be taken by the Authority.

ITEM NO.8: Application for grant of NOC received from M/s.Amma Lines Ltd. for their proposed Port at Rewas

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Shri H. P. Rao, Managing Director, M/s.Amma Lines Ltd. made a presentation and gave detail of the project as well as the salient features of Environmental Impact Assessment Report. The copies of EIA report were given to Members for perusal. He brought to the notice of Members a letter addressed to the Applicant Co. by Ministry of Environment & Forests, Govt.of India wherein one of the documents required was Coastal Zone Management Plan of the area alongwith HTL and LTL demarcated by the authorised agency and approved by the State Coastal Zone Management Authority. The representative of Urban Development Deptt., informed that the work of demarcation of HTL and LTL is in progress and assured to expedite the work.

It was decided to process the matter once the HTL and LTL is demarcated by the competent authority and submitted to the authority. In the meanwhile / as Model Deptt. Environment Deptt., Govt.of Maharashtra shall process the application by examining the proposal from technical point of view and forward the comments to MCZMA.

ITEM NO.9: Environment Clearance for Borivali-Virar Quadrupling Railway Project under MUTP by partly World Bank Aid in Mumbai Metropolitan Region Area.

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The Project Director, Mumbai Railway Vikas Corporation made a presentation about the project and also highlighted the impact on environment particularly mangroves. He assured the Members that compensatory mangroves plantation will be carried out in a scientific way with the help of expert agency.

The matter was discussed and it was decided to recommend the proposal to the National Coastal Zone Management Authority considering larger public interest and the assurance given by the project proponent for carrying out compensatory mangrove plantation.

ITEM NO.10: Coastal Regulation Clearance for proposed Development on land bearing CTS No.5/10 of Village Borla of Chembur, Tal. Kurla for Kutch Sarvodaya Trust.

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The matter was discussed and it was decided to visit the site before any advise is given to the Urban Development Deptt., in the matter.

ITEM NO.11: Application for grant of permission to construct bandhara from Priyadarshani Park to Amar Sons Park, Malbar Hill, Mumbai

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Shri A.B. Jain, Law Officer informed the Members that Urban Development Deptt., Govt.of Maharashtra vide letter dated 20/3/2003 has forwarded the proposal for construction of bandhara from Priyadarshani Park to Amar Sons Park, Malbar Hill, Mumbai. Principal Secretary, Urban Development Deptt., informed that letter was sent to MCZMA only for information as the Malbar Hill Citizens Forum have not sought specific permission from MCZMA.

It was decided to defer the matter.

ITEM NO.12: Application received from M/s.R.S. Estate Developers Pvt. Ltd.Andheri (West) seeking clarification in respect of demarcation of CRZ area concerning survey No.41, CTS No.1/38/2 of Village Versova, Taluka Andheri, Mumbai Suburban District.

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Member Secretary informed the Members that an application is received from M/s.R.S. Estate Developers Pvt.Ltd., Andheri seeking clarification in respect of demarcation of CRZ area concerning their property situated at Survey No.41, CTS No.1/38/2 of Village Versova, Talukar Andheri, Mumbai Suburban District.

The applicant present in the meeting informed that their subject land is not affected by CRZ-II as the same is falling on the landward side of the existing 120' wide D.P. Road which was constructed prior to 1991. He further informed that existing 120' wide D.P. Road which is touching the property under reference is abutting a huge mangrove swamp with mud flats of more than 1000 square metres of area and therefore the buffer zone of 50 metres is not required on the landward side. The applicant relied upon the approval granted by Ministry of Environment & Forests, Govt.of India to the CZMP on 19.1.2000.

The matter was discussed and it was found that the contentions of the applicant are not in conformity with the CRZ Notification of 1991. It was decided to inform the applicant suitably in the matter.

TABLE : Construction of pedestrian walkway on bridge for
ITEM access to Mahalaxmi temple.
NO.1

Principal Secretary, Urban Development Deptt., gave a brief background of the matter and informed the Members that there is a need to construct the pedestrian walkway for access to Mahalaxmi temple. He informed that the walkway will not disturb any marine coastal eco-system of that area and proposed to recommend the proposal to Ministry of Environment & Forests, Govt.of India.

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Chairman of the Authority felt that before recommending the proposal, the site should be visited to understand the ground realities and based on the findings appropriate decision can be taken. It was decided to visit the site on 7th of June, 2003 at 10.30 a.m.

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