

MINUTES OF THE 20TH MEETING OF THE MAHARASHTRA
COASTAL ZONE MANAGEMENT AUTHORITY HELD ON 15-10-2003
AT COMMITTEE ROOM, 5TH FLOOR, MANTRALAYA, MUMBAI-32.

The following were present :

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| 1) | Secretary Environment Department, Government of Maharashtra, Mantralaya, Mumbai-32. | Chairman |
| 2) | Principal Secretary, Urban Development Deptt., 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, CESE Indian Institute of Technology, Powai, Mumbai. | Member |
| 5) | Dr. Munshi Lal Gautam Member Secretary, MPCB. | Member Secretary |

Principal Secretary, Department of Revenue, Government of Maharashtra,
Dr. Hrishikesh Samant, Lecturer, Department of Geology, St. Xavier's College,
Mumbai and Shri S. Ayyappan, Director, Central Institute of Fisheries Education,
Members did not attend the meeting.

Shri Surendra Jadhav, Deputy Secretary (Technical), Environment
Department, Government of Maharashtra; Shri A.B. Jain, Law Officer, MPCB
and I/c. MCZMA Cell; Shri P.V. Deshmukh, Deputy Secretary and Shri Kirtane,
Section Officer, Urban Development Department, Government of Maharashtra
and Shri M.L. Tambe, Deputy Chief Engineer, Development & Planning, MCGM
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 19th Meeting of the Maharashtra Coastal Zone Management Authority held on 14-08-2003

The minutes of the 19th meeting of the Maharashtra Coastal Zone Management Authority held on 14-08-2003 were circulated amongst the Members vide letter bearing No.MCZMA/123 dated 08-09-2003 seeking suggestions for modification of the minutes.

Shri A.B. Jain, Law Officer and I/C MCZMA read out the minutes. Dr. Leela Bhosale, Member suggested that at page No.4 of the minutes in Item No.14 (follow up) the term 'public interest' may be deleted as the Authority is working in public interest only. The suggestion was accepted by the Members. The last sentence will be read as under:

"Member Secretary explained that since the proposal found satisfying the norms, it has been forwarded to National Coastal Zone Management Authority with due recommendations. Compensatory plantation of mangroves is the part of the project."

The minutes pertaining to Item No.3 at page 6 of the minutes regarding the case of M/s.Eversmile Constructions Co.Pvt.Ltd., V/s. Union of India & Ors. were also read out. Members unanimously agreed to the minutes and the final recommendations to be submitted to the National Coastal Zone Management Authority.

Principal Secretary, Urban Development Deptt. had requested to reconsider the matter regarding proposal received from Mumbai Slum Improvement Board regarding restoration of Dadar Prabhadevi Chowpatty and had opined to give an opportunity to present their case. Members agreed to this suggestions and the decision taken in respect of Table Item No.2 (at page 11 of the minutes) was reviewed. It was decided to allow the architect of Mumbai Slum Improvement Board and their representative to make presentation.

With these observation and modification, 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.

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 decisions 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.

Members felt that decision in this regard may be taken by the Chairman of the Authority at the earliest. Member Secretary of the Authority brought to the notice of the Members that mangroves are being destroyed by putting construction material on it. He gave example of a site near Dada Saheb Gaikwad Smruti Bhavan at Malad, Mumbai wherein large scale dumping of debris/construction material is going on. He expressed regret that the Authority has not been taking effective steps for preventing such illegal activities. It was decided to visit the area and initiate appropriate action in accordance with the Law. Chairman of the Authority suggested that for want of infrastructure and other facilities, it will not be possible for the Authority to reach each and every place where mangroves are destroyed. he further suggested that a Task Force be formed comprising of representative from Bombay Nature History Society, Urban Development, GoM, Environment Deptt., GoM, M.P.C. Board, M.C.G.M. and concerned Collector. This committee will have powers of entry and inspection and examination of cases of destruction of mangroves. This Task Force Committee will report the violation after physically verifying the facts and after collecting adequate evidence to the Authority. Deputy Secretary (tech.), Environment Deptt. GOM will be the convenor of the Task force.

The suggestion was accepted by the Members. The report of the task force committee shall be placed before the Chairman of the Authority who will decide the action to be taken. The matter will then be placed in the next meeting of the Authority.

Chairman further suggested that in appropriate cases prosecution shall be launched under Section 15 of the Environment (Protection) Act, 1986 read with the provisions of CRZ Notification, 1991 and order dated 4/1/2002. He further suggested that since Shri A.B. Jain, Law Officer and I/C MCZMA Cell has been dealing with the matters of MCZMA since its inception, he be authorised to file criminal complaint on behalf of MCZMA. This was agreed by the Members. It was decided to authorise Shri A.B. Jain Law Officer and I/C MCZMA Cell to file criminal complaint against violators under the provisions of Environment (Protection) Act, 1986 and the rules/notifications/orders made thereunder.

Once the Task Force is formed a suitable press note may be given for the information of public who can approach the Task Force Committee.

ITEM NO.3 : To extend an opportunity of hearing to the representatives of Gorai Machhimar Sahakari Sanstha & Bombay Environmental Action Group as well as the Respondent M/s. Pan India Paryatan Ltd.

Shri A.B. Jain, Law Officer and I/c. MCZMA Cell gave brief background of the matter, particularly visit of the Members to the site on 6/5/2003 when the Complainant i.e. representative of Bombay Environmental Action Group and Gorai Machhimar Sahakari Sanstha Ltd. were also present besides the Respondent. During the site inspection it was observed that M/s.Pan India Paryatan Ltd. (M/s.PIPL) have developed mangroves plant in their nursery. The bandhara in question was also visited to see the ingress of sea water. It was observed that pipes provided by M/s.PIPL, carrying water to the other side was quite

inadequate. The members suggested on the site that culverts have to be provided with adequate span. M/s.PIPL had informed that they have assigned the work of preparation of a report to National Institute of Oceanography (NIO), Goa for suggesting channels at appropriate places to increase the flow of water in sufficient quantity for proper growth of mangroves.

As per the directions of the Authority M/s.PIPL submitted final report of conceptual design of embankment at Gorai prepared by NIO, Goa. The copies of report were made available to the Petitioners well in advance.

Chairman of the Authority asked the representative of M/s.PIPL to explain the report. Shri Ashok Goal, Director of M/s.PIPL informed that they have received a communication from NIO, Goa having their inability to remain present before the Authority due to preoccupation. He explained the report in brief particularly the size of bandhara, the distance at which cultivation/bridges are proposed with their dimension with the help of a map. He assured the Authority that their intentions are clear and they would like to preserve the mangroves in 180 acres of land. The details of which were submitted by them were earlier. He informed that the entire exercise would cost them about 2.5 crores approximately and they may require one year time which should be reckoned from the date they get all the clearance and their RCC work is completed. He requested the Authority to consider reasonable time keeping in view the size of bandhara, the volume of work and the monetary aspect also.

Shri Debi Goenka a representative of Bombay Environmental Action Group, the Petitioner brought to the notice of the Authority the delay in disposing the matter. He further informed that in the report a portion of bund which is not in existence is also shown (at Survey No.269). There was no bund which has now been shown in the report). He informed that the bandhara was in existence in the year 1900 in Survey No.268 as per the documents i.e. the order of the Hon'ble High Court is concerned. He, however, stressed that prior to 19.2.1991 the bandhara was not there and in the name of repairs and altogether new bund has been constructed by the Respondent restraining free flow of saline water for

proper growth of mangroves. He also relied upon city survey record of 1925 wherein the bandhara was not shown on record. He requested the Authority not to consider the request of the Respondent and the matter be disposed of expeditiously. He further informed that the Respondent had obtained permission from Maritime Board for repairs of the bandhara. The Respondent informed that they had obtained the permission as required under Section 30 of the Indian Port Acts.

Advocate for the Gorai Machhimar Sahakari Sanstha Ltd., the Petitioner in the another Petition informed the Authority that they have argued the matter at length in the past and have submitted their written submission. She informed that the Members of her clients Association have been deprived from the rights to fish due to construction of bandhara which was not there prior to 19/2/1991. She further informed that the bandhara might have been there previously but the construction of bund is done as early as in April, 1998. She further informed that based on their complaint the Collector had given instructions to Tahasildar to demolish the bund. She further informed that the Respondents are extending their activities even in survey No.269 as shown in the map now submitted, which is totally wrong. There is no bandhara even today in Survey No.269.

The matter was heard at length. All the parties were given sufficient opportunity to present their case. Authority will decide the matter in the next meeting.

ITEM NO.4 : Application filed by Vasai Machimar Sahakari Sanstha
Maryadit, Vasai, Dist.Thane

Shri A.B. Jain, Law Officer and I/c. MCZMA Cell gave brief background of the matter and informed that a reference was made to Ministry of Environment & Forests, Govt.of India seeking clarification about the term construction of a wall and whether the same amounts to construct of building. He further informed that there has been no response from MoEF, Govt.of India

It was decided to depute Shri Surendra Jadhav, Dy.Secretary (Tech.) Environment Deptt., and Shri A.B. Jain, Law Officer and /c. MCZMA Cell to visit the site and gave a fact finding report. It was also decided to give one more opportunity to both the parties as the matter is pretty old.

ITEM NO.5 : Application for grant of permission to construct bandhara from Priyadarshani Park to Amar Sons Park, Malbar Hill, Mumbai.

Chairman gave a brief background of the matter and informed that to meet principle of natural justice, it would be just and proper to give an opportunity to Shri B.A. Desai to present his case. This was agreed by the Members. Shri B.A. Desai representing Malbar Hill Citizens Forum submitted that the project is environmental friendly having no private interest and is basically to improve the quality of life. He further submitted that illegal hutments are coming up in the vicinity and have already encroached substantial portion upto Raj Bhavan. He submitted that in order to prevent further encroachment and also to prevent erosion, it is necessary to construct bandhara from Priyadarshani Park to Amar Sons Park. He further informed that necessary permission has already obtained from Maharashtra Maritime Board, Mumbai.

Principal Secretary, Urban Development Deptt., wanted to know the exact proposal and project to be undertaken by the Forum and stressed that unless and until proper project report outlining the detail activities to be undertaken is given it will not be possible for the Authority to take a decision.

Member Secretary of the Authority pointed out that it is one of the functions Authority of the is to formulate area specific management plan for areas highly vulnerable to erosion or degradation. In order to prepare such a plan and to submit the same, the approval of NCZMA. The details of the project are very much required is the area falls in CRZ-I(ii) (between HTL and LTL). Prof. S.K. Gupta, Member also emphasized that the project proponent has to submit documents/details of project for clear understanding of the project.

Chairman of the Authority stated that the past record of the Forum and the activities undertaken by them are certainly environmental friendly and the Authority would like to encourage environmental friendly activities.

Shri B.A. Desai stated that he has already got a proposal, however, insisted that the Authority may give him a letter agreeing in principle to undertake the project, thereafter he will submit the detail proposal.

It was decided to call details of the project from Project Proponent before taking any decision and the case was kept open.

ITEM NO.6 : Proposal received from Urban Development Deptt., for development permission for electric cemetery for Hindu

Representative of Urban Development Deptt., explained the case in brief. he informed that the proposal is about construction of electric cemetery for Hindu on plot reserved for garden and playground in development plan of Backbay Reclamation, at Nariman Point, Mumbai. The land under reference is situated in CRZ-II category and it is abutting to HTL and on land ward side. He further informed that the development is permissible on the land ward side of an imaginary line joining the two authorised structures. He further informed that in the instant case, there is no authorised structure on the adjoining plot.

He submitted that due to non-availability of alternative plot and considering the requirement of local resident, the proposal may be recommended to NCZMA for consideration.

After due deliberation it was decided to recommend the case to NCZMA for necessary consideration.

ITEM NO.7 : Regulation of permissible activities in CRZ areas.

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Principal Secretary Urban Development Deptt., informed that the proposals of repairs/reconstruction received by MCZMA which are below 5 crores shall be referred to the Urban Development Deptt., Govt. of Maharashtra for further necessary action. New projects will be decided by Urban Development Deptt., Govt. of Maharashtra in consultation with Environment Deptt., Govt. of Maharashtra.

ITEM NO.8 : Pargaon Vikas Mandal V/s State of Maharashtra & Ors.

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The Advocate for Petitioner as well as representative of Respondents sought adjournment which was granted by the Authority.

ITEM NO.9 : Jetty & Chemical Terminal at Alibaug, Dist. Raigad in Dharamtar Creek by M/s. Supreme Petrochem Ltd.

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Shri Surendra Jadhav, Dy. Secretary (Tech.) Environment Deptt., gave brief background of the matter and informed that the proposal is placed before the Authority for consideration. The matter was discussed and it was decided to approve the proposal and recommend the same to Ministry of Environment & Forests, Govt. of India through State Environment Deptt., Govt. of Maharashtra. Member Secretary suggested that such project be dealt directly by State Environment Deptt., Govt. of Maharashtra's level.

ITEM NO.10 : Construction of Minor Jetty at Dharamtar Creek by M/s. PNP Maritime Services.

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Member Secretary informed the Members that the project proponent i.e. M/s. PNP Maritime Services have received environment clearance from Ministry of Environment & Forests, Govt. of India. This was noted.

ITEM NO.11 : Proposal received from M/s.S.K. Corporation regarding Development of land bearing CTS No.1A/58, Plot No.D1, D2 and D3 of earlier approved layout S.No.161 (pt) of Village Pahadi alongwith plot allotted by MHADA Authority Of S.No.161 (pt) of village Pahadi at 120'-0" wide Link Road, Goregaon (W).

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The representative of M/s.S.K. Corporation informed the Authority that in the approved CZMP the plot in question has been shown as CRZ-II. He further informed that there is a slum passage towards the creek ward side which serve the purpose of the road which is prior to 19/2/1991. However, the same is not shown in CZMP. He further informed that the office of Chief Engineer (Development Plan), MCGM accorded its approval for development vide letter dated 28/4/2003 wherein one of the condition was to obtain specific clearance from Urban Development Deptt. for allowing development on land ward side of the slum passage by treating the slum passage as existing road.

The representative of MCGM informed that the slum passage is in existence prior to 19/2/1991. However this has not been shown in approved CZMP.

Member Secretary after examining the maps (DP sheet and CZMP) stated that the plot under reference is shown as CRZ-II in the CZMP without considering the distance from HTL i.e. 150 mtrs. He further informed that the matter pertains to Urban Development Deptt., and MCGM which has granted development permission and are suppose to take decision based on available material and the provisions of CRZ Notification of 1991. This was agreed by the Members and it was decided to refer the matter to MCGM for further necessary action.

ITEM NO.12 : Protection and cultivation of mangroves In Goral, Mumbai

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The matter was discussed in detail. Member Secretary stated that plantation of mangroves in CRZ-I(i) is not prohibited activities and the matter should not have been referred to the Authority. It was decided to inform Urban

Development Deptt. that plantation of mangroves in CRZ-I(i) can be carried out. It was further decided that in no circumstances other activities such as use of land for playground and garden or any other activities shall be undertaken in future.

**Sub: Proposal received from Mumbai Slum Improvement Board
Regarding restoration of Dadar Prabhadevi Chowpatty**

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Principal Secretary, Urban Development Deptt., informed the Members that he had an occasion to interact with the architects who will be implementing this project on behalf of Mumbai Slum Improvement Board. He further informed that the basic object of the project is to stop further erosion and there will not be any construction except repairs of staircase of the access to the beach,

With the permission of Members Shri P.K. Das, Architect made a brief presentation about the project. He informed that the basic idea of the project is to restore the beach by way of beach nourishment plan. He informed that in the western countries nourishment of beach is a common phenomena. The sand will be transported through barge (water transport) and will be spread on the beach. He further informed that scientific studies have already been carried through 2 reputed international consultants and the quality and quantity of sand has also been worked out. He assured the Members that except repairs of staircases and other minor work particularly at the entrance numbering 6, no other civil construction will be undertaken. He brought to the notice of the Members that due to rapid erosion the structure located in the vicinity are likely to be damaged.

He further informed that the entire work will be undertaken from MP funds through MHADA being the implementing agency. The total cost works out by them comes to Rs.2.25 crores.

After due deliberation it was decided to recommend the proposal to NCZMA for approval.

The meeting terminated with vote of thanks to the Chair.
