

MINUTES OF THE 22nd MEETING OF THE MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY HELD AT COMMITTEE ROOM, 5TH FLOOR, MANTRALAYA, MUMBAI-32 ON 28-02-2004.

The following were present :

- 1) Secretary, Environment Department, Government of Maharashtra, Mantralaya, Mumbai-32. Chairman
- 2) Principal Secretary Urban Development Deptt., Government of Maharashtra, Mantralaya, Mumbai-32. Member
- 3) Prof. S.K. Gupta, Head of the Department, CESE Indian Institute of Technology, Powai, Mumbai. Member
- 4) Dr. Hrishikesh Samant Lecturer, Department of Geology, St. Xavier's College, Mumbai. Member
- 5) Dr. D.B Boralkar Member Secretary, MPCB. Member Secretary

Other Members, namely, Principal Secretary, Revenue Department, Government of Maharashtra, Dr.(Ms) Leela Bhosale, Department of Botany, Shivaji University, Kolhapur and Shri. S. Ayyappan, Director, Central Institute of Fisheries Education, could not attend the meeting. Chairman granted leave of absence to them.

Shri A.B. Jain, Law Officer MPCB, Shri Kirtane, Section Officer, Shri N.R. Rane, Desk Officer, Urban Development Deptt., Govt. Of Maharashtra, Shri Haldankar, Deputy Chief Engineer, Development & Planning-I and Shri More, Asstt. Engineer, Development & Planning I MCGM were present to assist the Authority.

The matters placed before the Authority were considered. Following is the record of the discussion and decisions taken thereon:-

ITEM NO.1 : Confirmation of the minutes of the Meeting (21st) of the Authority

The minutes of 21st meeting of the Maharashtra Coastal Zone Management Authority held on 30/12/2003 were circulated to the members by letter dated 13/2/2004 for their comments. A note received from Environment Department (Office of Chairman, MCZMA) in respect of minutes of 20th Meeting of the Authority held on 15/10/2003 and 21st Meeting of the Authority held on 30/12/2003 was considered. It was decided that in case of Item No.7 of the 20th Meeting of the Authority held on 15/10/2003, decision may be re-read as under:

Item No.7:- The matter was discussed. It was decided that activities involving investment of less than Rs.5 crores shall be regulated by the Urban Development Department in consultation with the Environment Department, Govt.of Maharashtra. All other activities with investment of Rs.5 crores or more, the same shall be dealt with by Maharashtra Coastal Zone Management Authority as per the mandate given by Ministry of Environment & Forests, Govt.of India in its order No.SO-18 (E) dated 4/1/2002. The Authority shall examine all the projects proposed in CRZ areas having investment of Rs.5 crores or more and give its recommendations to the Central Govt. or any other agency entrusted to clear such projects under the CRZ Notification of 1991.

Item No.4:- Similarly, as regards item No.4 of 21st meeting of the Authority, it was felt that in case the investment in the project is below Rs.3 crores, the same may be regulated by the State Authority.

With these modifications the minutes of 20th & 21st Meetings of the Maharashtra Coastal Zone Management Authority held on 15/10/2003 and 30/12/2003 respectively were confirmed.

ITEM NO.2: The note of follow up action taken in respect of decisions taken in the 21st meeting of the Authority.

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The Authority noted the information.

ITEM NO.3: Complaint filed by Gorai Machhimar Sahakari Sanstha & India Paryatan Ltd.,

Shri A.B. Jain, Law Officer informed that a Notice of Motion has been filed in the High Court seeking time upto 31st of March, 2004 for deciding the matter finally and therefore it is necessary to pass final order expeditiously.

Member Secretary of the Authority informed that he has recently visited the site to assess the ground realities as they exist today. He informed that in Survey No.268, the Respondent M/s. Pan India Paryatan Ltd. have reconstructed/repared the bandhara. He further informed that the size/dimension of the embankment is the same as it was in existence in 1885-1895 and as mentioned in the Hon'ble High Court's judgement of 2nd April, 1900. The original lease had the condition to reclaim the land and to recharge the land with rain water and stop the ingress of sea water so as to undertake rice cultivation. This has been elaborated in the Bombay High Court judgement of dated April 2, 1900. He also informed that in the other plot i.e. Survey No.269 the stones of dilapidated bandhara can be seen. The City Survey Department is having documentary evidence i.e. a survey map prepared in the year 1924 indicating the existence of bandhara in survey No.268 and 269. It was created to protect fertile land from ingress of sea water as stated earlier.

Member Secretary further stated that the Authority had earlier directed M/s.Pan India Paryatan Ltd. to ensure high tide water flow on the other side of the bandhara and also to undertake compensatory mangrove plantation vide letter dated 13/12/2002. Similarly M/s.PIPL were directed to submit the National Institute of Oceanography's report suggesting channels at appropriate places to increase flow of water in sufficient quantity for growth of mangroves. Pursuant to these directions, M/s. PIPL have submitted a report of NIO and have also expressed their intention to execute the scheme in a time bound manner. Besides, they also agreed to take up the work of plantation of mangroves with the assistance of experts and have already submitted a report prepared by NIO, Goa.

Member Secretary further suggested that the CRZ Notification of 1991 do not prohibit repairs/re-construction of bund/embankment. He was of the view that considering the intention of M/s. PIPL and also the steps taken by them, it would be just

and appropriate to allow them to plant mangroves and also to implement recommendations contained in the NIO's report particularly on providing channels for free flow of saline water. Dr. Gupta concurred with this suggestion.

Dr.Hrishikesh Samant, Member was of the view that because of the bandhara in Survey No.268, the mangroves are affected for want of saline water. It was opined by the Member Secretary that there were many other reasons for degradation of the coastal ecosystem and inadequate supply of saline water cannot be the only reason for degradation of mangroves. The area is sluggish due to accumulation of sludge due to industrial and domestic waste water disposal in the area. Dredging is not done for many years.

Chairman of the Authority suggested that the Respondent shall provide adequate openings to the bandhara along the creek to reach the other side as per the report given by National Institute of Oceanography, Goa in a time bound manner. Member Secretary informed that M/s.PIPL may be directed to construct "Board-walks" on the landward side of bandhara on survey No.268. The width of the "Board-walk" should be at least 1.5 to 2.0 meters and it should cover full length and mangroves plantation shall be of width of 100 metres along Survey No.268. On full development, it could be converted into a 'mangrove park', which may be unique of its kind in the country. The park would not only help conservation of natural environment but would improve existing degraded ecosystem. The mangrove park will be useful for students education and research on the ecosystem. The Board-walks protect the pneumatophores - the breathing roots and radial root systems from being crushed. Here mangroves can be studied without getting one's feet wet.

The Authority confirmed the decisions taken earlier in respect of Pagoda-Meditation Center as the same is being constructed beyond 100 meters of HTL and is permissible activity as per CRZ Notification of 1991. 150

In case of bandhara reconstructed on the survey No.268, the authority considered the provision under CRZ notification of 1991 at paragraph 2 (vii) where bunding is permitted activity in some cases provided that reclamation is not for commercial purposes. The authority decided in favour of implementation of recommendations as given in the NIO's report and agreed to development of mangrove

park of 100 meters width all along the bandhara on Survey No.268 & 269 and creation of "Board Walks" of 1.5 to 2.0 meters width for movement of people. This mangrove park would be helpful in improvement of the existing degraded ecosystem and useful for educational purpose also. In case of survey No.269 where there is ~~no construction~~ or reconstruction of bandhara, the authority was in favour of allowing the same measures as are to be taken on Survey No.268 after watching the effect of the same there.

In view of the above and proceedings of the earlier meetings of the Authority, it was decided that a draft order may be prepared by the Member Secretary and submitted to the Chairman in file for further consideration and onward transmission to all the concerned and in compliance of the orders of the Hon'ble High Court of Mumbai.

The Principal Secretary, Urban Development opined that there is need to take a decision in the matter expeditiously as the Authority has deliberated on the issue for quite some time and enough thought process has gone into the consideration. This was agreed to by all.

ITEM NO. 4 : Application for grant of permission to construct bund from Priyadarshani Park to Amar Sons Park, Malbar Hill, Mumbai

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Shri B.A. Desai of Malbar Hill Citizens Forum stated that they have taken technical assistance of IIT, Powai, Mumbai for designing and constructing bund from Priyadarshani Park to Amar Sons Park at Malbar Hill. He also stated that because of the studies carried out by IIT, Powai they are changing to low-cost but efficient raw material. This would result in saving and bring down the cost much below Rs.5 crores. He stressed that the proposed activity is permissible as per rules and it is well within the power of State Coastal Zone Management Authority to grant them permission. He assured to submit a revised proposal for examination of the Authority.

After consideration of their technical presentations, it was decided to allow the applicant to construct a bund from Priyadarshani Park to Amar Sons Park at Malbar Hill subject to condition that (a) the total cost shall be kept below Rs.5 crores, (b) no construction is undertaken between HTL and LTL and (c) there shall be no commercial activities/permanent structures.

ITEM NO. 5 : Development permission for proposed school building on plot bearing Survey No. 102/12 CTS No. 13 of village Manori, Tal.Borivali for the Immaculate Society, Culvem Gorail, Borivali (W), Mumbai

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The representative of M/s.Lele & Associates, Architect appearing for The Immaculate Society, explained the proposal in brief. He informed that the Trust proposes to construct a school building on plot bearing Survey No.102/12, CTS No.13 of village Manori, Tal.Borivali. The plot in question falls in CRZ-III and is a permissible activity. The proposal was considered by the Authority and it was decided to allow the Immaculate Society to construct a school building on the plot in question which falls in CRZ-III area.

ITEM NO. 6 : Application received from M/s S. V. Thakker & Associates requesting to issue NOC for their property bearing CTS No. 1049/A of village Juhu

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The representative of M/s.S.V. Thakker & Associates, Architects, Mumbai stated that their clients intend to develop property bearing CTS No.1049/A of village Juhu, Mumbai. He informed that the area is fully developed with all infrastructures such as roads, SWD, sewer lines, water mains etc. and falls in CRZ-II category. He further informed that they will abide by the existing local town and country planning regulation including the norms of FSI prevailing in 1991.

Considering the fact that the activity proposed by the applicant falls in CRZ-II and the same is permissible with 1 FSI, it was decided to recommend the matter to the Ministry of Environment & Forests, Govt.of India for grant of environmental clearance as the investment is above Rs.5 crores.

ITEM NO.7 : Application received from M/s Ruchita Developers, bearing CTS No.195 (pt) of village Andheri, Mumbai

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M/s.Ruchita Developers, Mumbai informed that they are implementing a scheme of construction of houses under Slum Rehabilitation Scheme on the plot bearing CTS No.195 (pt) of village Andheri, Mumbai and are planning to accommodate 450 sium dwellers. Representative of M/s.Ruchita Developers informed that the scheme was approved with 2.5 FSI which was subsequently restricted to 1 FSI in the year 1999. He further informed that as per the approval granted by competent authorities they have

commenced construction of a building comprising Gr. + 11 floors. They have got HTL demarcated from Centre for Earth Science Studies (CESS), Thiruvananthapuram who have confirmed that the site in question is beyond 500 mt.s. from HTL. He requested that the said report may be accepted and they may be allowed to continue construction.

The matter was discussed and it was decided to recommend the matter to National Coastal Zone Management Authority for favourable consideration.

ITEM NO.8 : **Application received from Executive Engineer, PWD Govt.of Maharashtra, Chiplun regarding grant of NOC for construction of major bridge on Bankot, Volas, Kelshi, Hane Road (MSH 4), Kelashi Creek in Ratnagiri District.**

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The proposal was examined by the Authority. Considering the fact that construction of a bridge in CRZ-III area is a permissible activity, it was decided to recommend the proposal to Ministry of Environment & Forests, Govt.of India for grant of environmental clearance.

ITEM NO.9 : **Proposal received from MSRDC regarding Mumbai Trans Harbour Link project (Sewree to Nhava) for Env. Clearance**

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Chief Engineer, MSRDC made presentation and explained the various environmental issues and mitigating measures proposed. He informed that the project involves construction of viaducts on the mud flats of Sewri and Shivaji Nagar. He informed that about 0.34 hectares of mangroves will be affected and they have made provision to plant mangroves in one hectare of land as compensatory afforestation. The proposal was discussed and the Environment Impact Assessment report was perused by the Members. It was decided to recommend the project for environmental clearance to the Ministry of Environment & Forests, Govt.of India.

ITEM NO.10 : **Proposal received from MSRDC for construction of project office at Priyadarshani Park Nepean Sea Road, Mumbai**

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Ex-post facto approval was granted by the Authority to the permission issued by Environment Department, Govt.of Maharashtra for construction of temporary site office to MSRDC at Priyadarshani Park, Neapean Sea Road, Mumbai.

TABLE : Application received from M/s. GAIL (India) Ltd. seeking
ITEM permission to lay natural gas pipeline from Dahej - Hazira
NO.1 in Gujrat to Panvel/Uran - Trombay in Maharashtra

The representatives of M/s.GAIL (India) Ltd., informed that there is a gap in demand and supply of natural gas in the State of Maharashtra and they intend to transport natural gas by laying a pipeline from Dahej - Hazira in Gujrat to Panvel/Uran-Trombay in Maharashtra. He further informed that transportation of natural gas through pipeline is a safest mode of transportation and environmental impacts are also minimum. M/s. Engineers India Ltd., have carried out EIA of the project. He informed that mangroves in the area of about 500 sq mtrs. will be affected and appropriate measures will be taken to see that minimum damage is caused to the environment and plantation of mangroves will be under taken to compensate the impact.

The matter was discussed and it was decided to recommend the proposal of M/s.GAIL (India) Ltd., to the Ministry of Environment & Forests, Govt.of India for grant of environmental clearance subject to the condition that the mangroves areas will be restored to its original shape. The officials of Maharashtra Pollution Control Board will monitor the compliance. After completion of the project, M/s.GAIL shall obtain NOC from the Maharashtra Pollution Control Board and only after that the pipeline shall be put into operation.

The meeting ended with vote of thanks to the Chair.