

**MINUTES OF THE 24th MEETING OF THE MAHARASHTRA
COASTAL ZONE MANAGEMENT AUTHORITY HELD ON
14-09-2004 AT COMMITTEE ROOM, 6TH FLOOR,
MANTRALAYA, MUMBAI-32**

The following were present :

- 1) Principal Secretary, Chairman
Environment Department,
Government of Maharashtra,
Mantralaya, Mumbai-32.
- 2) Principal Secretary Member
Urban Development Deptt.
Government of Maharashtra
Mantralaya, Mumbai-32
- 3) Principal Secretary Member
Revenue Deptt.
Government of Maharashtra
Mantralaya, Mumbai-32
- 4) Dr. Leela Bhosale Member
Department of Botany
Shivaji University
Kolhapur
- 5) Dr. Hrishikesh Samant Member
Lecturer,
Department of Geology,
St.Xavier's College,
Mumbai.
- 6) Dr. D.B.Boralkar Member Secretary
Member Secretary,
MPCB.

Other Members, namely, Shri. S. Ayyappan, Director, Central Institute of Fisheries Education and Prof. S.K. Gupta, Head of the Department, CESE Indian Institute of Technology, Powai, Mumbai could not attend the meeting. Chairman granted leave of absence to them.

Shri Surendra Jadhav, Dy.Secretary (Tech.) Environment Deptt., Govt.of Maharashtra, Shri A. B. Jain, Sr. Law Officer MPCB, Shri Kirtane, Section

Officer, Shri N. R. Rane, Desk Officer, Urban Development Deptt., Govt. of Maharashtra 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 (23rd) of the Authority held on 25/05/2004

The minutes of the 23rd meeting of the Maharashtra Coastal Zone Management Authority were circulated amongst the Members vide letter No.MCZMA/62 dt.28/5/2004 for comments. The office of the Authority did not receive any comments.

During the course of discussions, it was decided that all cases of less than Rs.5 crores investment shall be dealt by Deptt. of Urban Development and cases of investment of more than Rs.5 crores shall be placed before MCZMA through Deptt. of Environment and MPCB.

With the above observations, the minutes were confirmed.

ITEM NO.2: Statement on follow up actions taken in respect of decisions taken in the last meeting (23rd) of the Authority.

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The action taken report on the minutes of the earlier meetings were noted.

**ITEM NO.3: Writ Petition No.1151/1995 filed by
Ashok Apts. Co. op. Hsg Soci.& ors.
V/s
Municipal Corporation of Greater Mumbai**

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The applicants appeared in person and were also assisted by M/s Sanjay Udeshi & Co. Advocates, who informed that the members of Jayprakash Nagar Zopadpatti Sangh in violation of the provisions of CRZ Notification and the High court order are carrying out construction activity at the disputed site. Chairman of

the Authority inquired whether the stay granted by Hon'ble High Court in Writ petition No.2986/2002 has been vacated and asked the Advocate for the Petitioners to confirm the status in writing. It was informed by the Advocate instructed by M/s Sanjay Udeshi & Co. that he will give the status in writing within one week to the Authority. During the hearing, no one was present for the Jayprakash Nagar Zopadpatti Sangh.

It was decided to give one week's time to the applicants to convey the status of stay in Writ Petition No.2986/2002 in writing. With these observations, the matter was adjourned.

ITEM NO.4: Application for grant of permission for construction of a building for Primary Health Centre, Dandi, Palghar, Thane

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The matter was discussed. The Executive Engineer, of the Works Deptt., Zillah Parishad, Jawahar, Thane explained the matter in brief. He informed that the plot in question falls in CRZ-III area and construction of Primary Health Centre is a permissible activity. The proposal was considered by the Authority and it was decided to allow the Works Deptt.Dandi, Palghar to construct Primary Health Centre as proposed in CRZ-III area subject to their adhering to the provisions of CRZ Notification of 1991.

ITEM NO.5: Proposal received from Public Works Division, Thane Seeking NOC for the proposed North & South Kasheli Bridge

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The matter was discussed. It was decided to recommend the proposal of widening of Thane-Bhiwandi-Vadpa special State Highway into 4 lanes and construction of two new bridges at a distance of 20mtrs. from the existing iron bridges to Ministry of Environment & Forests, Govt. of India for grant of Environmental Clearance as the project cost is above Rs.5 crores. It was also decided to propose a condition regarding compulsory plantation of select species of mangroves (about 1000) along the bank of creek (near the project site).

ITEM NO.6: Alleged illegal construction of Multiplex on Plot No. 240, 240-A, Nariman Point, Mumbai.

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The representative of the applicant, Nariman Point Association gave a brief background of the matter. He informed that the Association had filed a Writ Petition bearing No.3048/2001 in the Mumbai High Court challenging the construction of multi storied car-parking together with commercial complex on plot No. 240,240-A situated in Backbay reclamation Area, Nariman Point, Mumbai. He further informed that the Hon'ble High Court disposed of the petition on 14/2/2003. It was also informed that they had not taken up the issue of violation of CRZ Notification 1991 in the said Writ petition & filed another Writ petition No.1225/2004 which was dismissed for default & the Association has filed an application for restoration, which is pending for consideration.

Shri. D.J. Khambata, Advocate appearing for one of the respondents i. e. M/s L&T Ltd. argued that the Petitioner can not reagitate the same issue before the High Court & the Maharashtra Coastal Zone Management Authority

Chairman of the Authority inquired from the representatives of the Petitioner as to whether the matter can be treated as 'subjudice', since the restoration application is pending before the High Court. The Petitioner conceded that his application for restoration of Writ Petition is pending before the High Court.

After due deliberation, it was decided not to take cognizance at this stage, being a 'subjudice' matter.

ITEM NO.7: Proposal received from MMRDA for conversion of INS Vikrant into Maritime museum

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The proposal was approved in principle. It was, however decided that project proponent shall make a presentation before the Authority explaining the impact on Environment and mitigation measures proposed by them.

ITEM NO.8: Proposed construction of the building known as Shree Niketan Building on plot bearing CS No.3(pt) of Worli Division, Worli

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The Chairman decided to take up the same in the next meeting.

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