

**MINUTES OF 27TH MEETING OF THE MAHARASHTRA COASTAL
ZONE MANAGEMENT AUTHORITY HELD ON 05-04- 2005 AT
COMMITTEE ROOM, 5TH FLOOR, MANTRALAYA, MUMBAI-400 032.**

The following were present

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| 1) | Principal Secretary, Environment Deptt., Govt. of Maharashtra, Mantralaya, Mumbai. | Chairman |
| 2) | Principal Secretary, Revenue Deptt., Govt. of Maharashtra, Mantralaya, Mumbai. | Member |
| 3) | Principal Secretary, Urban Development Deptt., Govt. of Maharashtra, Mantralaya, Mumbai. | Member |
| 4) | Dr.Leela Bhosale, Deptt.of Botany, Shivaji University, Kolhapur. | Member |
| 6) | Dr.Hrishikesh Samant, Lecturer, Deptt.of Geology, St.Xaviers College, Mumbai. | Member |
| 7) | Dr.D.B. Boralkar, Member Secretary, Maharashtra Pollution Control Board | Member Secretary |

Other members namely Shri S. Aayyapan, Director, Central Institute of Fisheries Education and Prof.S.K. Gupta, Head of the Deptt., C.E.S.E., IIT Pawai could not attend the meeting. The Chairman granted leave of absence to them.

Shri Surendra Jadhav, Dy.Secretary (Tech.), Environment Deptt., Govt. of Maharashtra, Shri D.T. Devale, and Shri A.B. Jain, Sr.Law Officers of the Maharashtra Pollution Control Board. Shri N.R. Rane, Desk Officer, Urban Development Deptt., Govt. of Maharashtra were present to assist the Authority.

The items placed before the Authority were considered and discussed at length. The following is the record of discussions and decisions taken thereon.

Item No.1 : Confirmation of the minutes of 25th Meeting of the Authority. held on 03/01/2005.

Chairman asked the Members that the procedure for dealing with the applications / complaints / petitions received by MCZMA to be followed in future was already discussed at length in a meeting held and accordingly was finalized. However, the item No.1 in Minutes of 26th Meeting of the Authority held on 03/01/2005 shows that the procedure can be further discussed in the next meeting. He wanted to know whether the members of the Authority desired to discuss the issue further ? Dr. Hrishikesh Samant, Member of the Authority wanted to know whether the members can not insist upon discussions on any subject under the jurisdiction of the Authority suo moto ? Principal Secretary, Urban Development Deptt., Govt. of Maharashtra made it clear that whatever items are to be discussed in the next meeting of the Authority will be submitted to the Chairman of the Authority for necessary approval and he will finalise the agenda notes for discussion in the future meetings of the Authority.

Member Secretary, MPCB pointed that whenever important issues are referred to the Member Secretary of the Authority either from the Government or Ministry of Environment & Forests, Govt. of India or otherwise, as Member Secretary of the Authority, it becomes necessary for him to bring such important matters before the Authority. In such cases, his role as a Member Secretary of the Authority may be made clear. Principal Secretary, Revenue Deptt., Govt. of Maharashtra clarified the issue and informed the Members that the important question is who should take final decision to finalise the agenda of meeting ? Naturally, the Chairman of the Meeting is the final Authority to finalise the agenda notes in future. Principal Secretary, Urban Development Deptt., Govt. of Maharashtra asked all the Members to express their views as to whether the procedure, which was finalized in a meeting held in the chamber of chairman of the authority reproduced in the minutes of 26th meeting be conformed or otherwise?

It was unanimously decided that in future all applications / complaints / petitions shall be forwarded to the Chairman, MCZMA. The office of the chairman, MCZMA will forward the complaints to the Environment Deptt., The Environment Department will call the comments of the Urban Department / Maharashtra Pollution Control Board / Bombay Municipal Corporation etc., as the case may be. On receipts of the comments, the case will be examined and send to Chairman, MCZMA for approval. After approval of the chairman, MCZMA, necessary agenda will be prepare by the Member Secretary, MCZMA for placing the matter before the MCZMA meeting.

It was decided that the procedure will be followed in future for all the matters and total transparency will be ensured in the process. It was also made clear that the Members can also peruse the file, if so desired.

Item No.2 : Statement on follow up actions taken in respect of decisions in the 26th Meeting of the Authority.

Information regarding follow up actions taken arising out of the decisions taken in the last meeting was noted. Chairman brought to the notice of the Members that in order to ensure total transparency, order being passed in the matter of Ashoka Apartment Co-Op.Housing Society Ltd. & Ors. v/s Municipal Corporation of Greater Mumbai & 6 Ors. being circulated for necessary perusal and suggestions. It was unanimously decided that the order may be finalized and issued.

**Item No.3 : In the matter of Writ Petition No.85/2000 filed by Colaba Cuffe Parade Citizens Group & Ors.
V/s
Union of India & Ors.**

The Member Secretary of the Authority specifically brought to the notice of the Authority, the submissions made by the Collector, Mumbai City regarding State Govt. policy about slum clearance and the provisions in the CRZ Notification dt.19/2/1991. State Govt. policy lays down that any residential structure / hutments, which were in existence prior to 1/1/1995 and the occupants continue to occupy the same, even now are protected in the sense that this can not be removed without providing them alternate accommodation.

Addl. Collector (Encroachment) pointed out that the State Govt. has been separately addressed to clarify the matter.

It was decided to submit the Action Taken Report received by the Authority to the Ministry of Environment & Forests, Govt. of India to enable them to apprise the Hon'ble High Court suitably in the matter.

Item No.4: **Liquid Cargo Berth by BPCL at JNPT, Raigad,
Dist: Maharashtra – Environmental Clearance for
handling additional products.**

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None from BPCL was present when the item came up for discussion before the Authority. The item is deferred.

Item No.5. **Complaint regarding encroachment on reserved forest
Land and alleged illegal operation of Reti Bunder on the bank
of river Vaitarna, Varai-Safale Road, Tal: Palghar**

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Dr.Hrishikesh Samant, Member, MCZMA alongwith the Sr.Law Officer and the Regional Officer of the Maharashtra Pollution Control Board visited the site to see the ground realities & reported that the sand was found to be excavated from the nearby area. It was brought in barges to the site in question and was being transported in trucks to various ports of Mumbai, Navi Mumbai. The analysis report of samples collected to check the salinity of water show that the salinity in the water was 0.0165 and 0.01553 part per million, which is less than the stipulated limits of 5 parts per thousand.

Therefore, it is concluded that the river in question is not affected by the tidal effect.

However, Dr.Samant, Member, MCZMA specifically brought to the notice of the Authority the remarks of Urban Development Deptt., Govt.of Maharashtra in their note dt.3/1/2005 enclosed to the item note, stating that village Pargaon along river Vaitarna is having tidal effect and the width of the river near Pargaon is less than 350 mtrs. and therefore, CRZ limit will be 100 mtrs. from HTL on both sides of the river. The report of Dr. Hrishikesh Samant, Member of the Authority was accepted and it was unanimously decided that the complainant has asked permission for withdrawal of complaint and the report of expert committee shows that salinity is within limits. Accordingly, the matter is disposed off.

Item No.6: Construction of bridge at Millat Nagar, Andheri (W), Mumbai on creek joining missing link in the Coastal Zone Management Plan of Greater Mumbai – proposal regarding.

Chairman of the Authority expressed dissatisfaction about the visit and inspection carried out by the Regional Officer, MPCB-Mumbai without permission of the Chairman. Dr.Hrishikesh Samant, Member clarified that since, he was preoccupied with his routine work, he was unable to join Prof.Gupta, Member. Subsequently, Prof.Gupta also could not carry out visit to the site in question and therefore, Regional Officer, MPCB, Mumbai was asked to do the needful.

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Chairman requested Dr.Samat, Member to carry out fresh visit & inspection of the site in question alongwith Prof.Gupta, Member as per the convenience and submit report to the Authority for taking appropriate decision in the matter.

Decision on this issue was deferred.

Item No.7 : Proposal for rehabilitation scheme on plot No.139 to 142 and 143(pt) of Backbay Reclamation Scheme, Colaba Division, Mumbai for Bhai Bunderker Fishermen Slum Rehabilitation Scheme.

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The item was discussed at length. It was specifically pointed out that as per the Development Plan, the plot Nos.139 to 142 are in the residential zone and plot No.143 (part) is reserved for boat parking. Though, above plots are in CRZ-II, plot No.143 is on seaward side.

It is decided that slums established prior to 1991 i.e. the date of CRZ Notification dt.19/2/1991 will be considered for grant of NOC. Accordingly, it is decided that only 620 slums, which have been established prior to 19/2/1991 can be considered for development of scheme in favour of the applicant.

After due deliberations, it was decided that the applicant should give revised estimate for development of 620 Slums established prior to 19/02/1991 alongwith a detailed scheme of rehabilitation. The item is deferred till submission of detailed information by the applicant.

It was decided to inform in writing to the Slum Redevelopment Authority that it should not grant a letter of intent to any developer prior to grant of NOC by MCZMA.

Item No.8 : Proposed reconstruction of building for staff quarters, SRP Barracks and Swimming Pool on plot bearing CS No.2 Of Malbar Hill division at Raj Bhavan, Mumbai.

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The proposal submitted by the Chief Architect, Public Works Deptt., Govt. of Maharashtra for the construction of ground plus 14 storied building for staff quarters by demolishing existing buildings of ground plus three stories alongwith D.P. remarks and duly examined by the Urban Development Deptt., Govt. of Maharashtra was duly discussed and it was decided to forward the application with due recommendations to the Ministry of Environment & Forests, Govt. of India being a permissible activity having the project cost of Rs.12.11 crores within CRZ-II area.

Item No.9: Re-development and beautification of Chaitya Bhumi on land Bearing F P No.1140(pt), 2114 & 2118 of TPS-IV, Mahim and Dadar in Mumbai City.

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The proposal was forwarded by the Urban Development Deptt., Govt. of Maharashtra to Ministry of Environment & Forests, Govt. of India with a copy of MCZMA with a request to recommend it to Ministry of Environment & Forests, Govt. of India.

One writ petition bearing No.454/1997 was filed, praying that no construction / reclamation be allowed, which will disturb the beach in Dadar / Shivaji Park area. In the meantime, the minutes of order passed on 9/2/2004 in the Writ Petition No.454/1997 & the work of Chaitya Bhumi has been allowed to proceed except shifting of the stupa to the new location, which is to be done after obtaining clearance from the Ministry of Environment & Forests, Govt. of India from CRZ point of view.

Principal Secretary, Urban Development Deptt., Govt. of Maharashtra pointed out that there is the existing stupa at Chaitya Bhumi and due to the proposed construction, there will be marginal extension. Keeping in view the sentiments of large number of people from all over the country, who visit the site, especially on the occasion of Mahaparinirvan Din [(6th December & Dr.Babasaheb Ambedkar Jayanti (14th April)], the Urban Development Deptt., Govt. of Maharashtra strongly recommended the proposal for re-development and beautification of Chaitya Bhumi on the land bearing F.P. No.1140(pt.), 2114 & 2118 of TPS -iv Mahim and Dadar in Mumbai city.

It is, therefore, unanimously decided to forward the above proposal with strong recommendations to the Ministry of Environment & Forests, Govt. of India subject to the terms and conditions stipulated in the minutes of order dated 4/9/2004 in the notice of motion No.438/2003 passed in Writ Petition No.454/1997.

**Item No.10: Inclusion of gaathan area of village Madh, Erangal, Marve
And Gorai in BMC area in CRZ-II category.**
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The Authority decided to differ the item for want of more information.

**Item No.11: Application received from Kokan Unnati Mitra Mandal for
Proposed Hospital on plot bearing No.795/A, 796, 796/A &
796/B of Worli Division, Estate Scheme No.52, Worli, Mumbai.**
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Kokan Unnati Mitra Mandal made an application to the Maharashtra Coastal Zone Management Authority by letter dt.27/12/2004 to consider their proposal for proposed charitable hospital on plot bearing city survey No.795/A, 796, 796/A & 796/B of Worli Division, Estate Scheme No.52, Worli, Mumbai. The Development Plan Deptt. by letter dt.30/7/2004 informed that the land under reference is affected by CRZ. Total cost of project would be more then Rs.5 crores and the plot under reference falls in CRZ-II. The matter is already examined by the Urban Development Deptt., Govt.of Maharashtra.

The proposal was considered by the Authority. After due deliberations, it was decided to forward the application with due recommendations to Ministry of Environment & Forests, Govt. of India for grant of environmental clearance.

**Item No.12 : Development of 36.60 m wide D.P.Road is S. No.161 in
Varsova, Mumbai.**
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The proposal was received from the Principal Secretary, Urban Development Deptt., Govt. of Maharashtra to consider the development of 36.60 mtrs.

D.P.Road in Varsova in Mumbai and recommended for NOC. Chairman of the Authority asked the Members, whether somebody has visited recently to the site ? The Member Secretary of the Authority informed the Members that he had visited the site for inspection recently alongwith Board officials and found some sporadic mangroves at one place, which was being used for dumping of garbage. It was specifically pointed out that the Hon'ble High Court had already passed the order in the Writ Petition No.1126/2002 and directed the Govt. of Maharashtra and MCGM to protect the mangroves in Varsova. It is also stated that the delay in coastal zone clearance resulted into development of slums, which day by day causes destruction of mangroves, thereby degrading environmental conditions in that locality.

The Authority takes into consideration the report of Swaminathan Committee appointed by the Ministry of Environment & Forests, Govt. of India to carry out a comprehensive review of the CRZ Notification, 1991 in the light of findings & recommendations of all previous committees, judicial pronouncements, representations of various stake holders. The committee's report specifically deals with various views & recommendations pertaining to coastal zone management at survey No.161, Varsova, among other things. The Authority also perused the recommendations of Sukhtankar Committee appointed by Govt.of India for studying the issues related to CRZ area in Urban area, which has recommended to allow construction of the missing link shown in CZMP of Greater Mumbai and forms an important link to avoid traffic congestion

in suburbs. The Authority recommends to undertake compensatory mangrove plantation for double the area of mangroves likely to disturb during the development taking into consideration a nature of sporadic mangroves with stunted growth on either side of the drain not covering an area of 1000 sq.mtrs. or more as observed on the site. Dr.Hrishikesh Samant, Member of the Authority specifically registered his opinion that the development of road should not invite development towards seaside.

After taking into consideration the facts & circumstances that the area, as on today, is already developed close to shore line, which are substantially built up and which have been provided with drainage and approach roads and other infrastructural facilities such as water supply and sewage mains, existence of sporadic mangroves with stunted growth on either side of this drain but not having an area of 1000 sq. mtrs. or more and approval given by the Govt. of India in the Ministry of Environment & Forests by letter dt.19/1/2000, subject to the condition that no development activity/ construction activity on the seaward side of HTL shall be permissible in respect of 161 Varsova layout except those permissible in CRZ 1991 Notification, the Authority has decided to recommend the proposal for development of 36.60 mtrs. wide North-South proposed D.P.Road in Survey No.161, layout of Village Varsova, K.W. Ward, Mumbai. The Authority also recommends to consider reclassification of the said area as CRZ-II being fully developed area subject to the provisions of CRZ Notification and

orders passed or being passed by Hon'ble High Court in the Writ Petition No.1126/2002.

Accordingly, the Authority subject to the apprehension expressed by Dr.Hrishikesh Samant, Member recommends the proposal for reclassification of the said area in CRZ-II for construction of D.P.Road subject to the decision of Hon'ble High Court in Writ Petition No.1126/2002 on the basis of the recommendation of Swaminathan Committee in its report of February,2005 and the recommendation of Dr.Sukhtankar Committee appointed by Govt. of India.

The proposal was considered by the Authority. After due deliberations, it was decided to forward the same with due recommendations to Ministry of Environment & Forests, Govt. of India.

Item No.13 : Proposal received from Adarsh Co-Operative Housing Society Ltd. – seeking permission for development of foreshore land in Colaba for the benefit of Servicemen/Ex-Servicemen of Defence Services.

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The Members of the Authority have considered the proposal received from Adarsh Co-Op.Housing Society Ltd. , seeking permission for development of foreshore land for the benefit of Servicemen / Ex-Servicemen of Defence Services more particularly for the Kargil affected personnel. Since, there are existing structures on west & south sides of the land under reference, the Ministry of Environment & Forests, Govt. of India has already given clearance on 4/08/1996 for a similar site of about 500 mtrs.

The vacant land in the plot is not having mangroves, the proposal is recommended to MoEF, GOI for reclassification of the area and for development of land as a special case, because, the Members of the society are officers from the Defence Services and dedicated their lives for the nation in Kargil battle, as strongly recommended by the Urban Development Deptt., Govt. of Maharashtra by letter dt. 19/08/1999.

Item No.14 : Application received from Mumbai Port Trust – seeking Clearance for two off-shore berths and construction of Containers Stack Yard for new Terminal.

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Mumbai Port Trust has given presentation and the hard copies were circulated to the Members. Mumbai Port Trust made an application seeking clearance for two off-shore berths and construction of Containers Stack Yard for new terminal. It is pointed out that the port has got the potential to increase its containers traffic from about 0.3 MTUS in the year, 2001 to about 0.73 MTUS in 2006, 0.82 MTUS in 2008 and 1.45 MTUS by 2018. Therefore, they have proposed a Containers Stack Yard in Victoria Dock area, which will have about 3,500 gross round slots having space to locate the operational building for parking of tractor trailers. They have already got the Environment Impact Assessment study carried out through NEERI. Members asked the Port Trust Authority about the impact on water quality and aquatic life. The Port Trust Authority informed the Authority that dissolved oxygen is likely to be slightly high

and marginal increase in the turbidity is possible. However, no effect on fishing activity will be there because of depth of location is good for disposal and sea water quality in terms of BOD, COD and D.O. is also good. The activity is permitted activity as per Notification.

The committee has considered above proposal from the point of view of traffic projections indicated by the Port Trust Authority and accordingly, decided to recommend the said proposal to the Ministry of Environment & Forests, Govt. of India for grant of environment clearance

Item No.15 : Application received from Mumbai Metropolitan Region Development Authority (MMRDA) for grant of NOC/ permission to construct road to the play ground and gymkhana being developed by MMRDA.

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The authority considered the request of the commissioner, MMRDA for grant of N.O.C. to complete the constructions of D.P.Road near the proposed Legislative council Gymkhana, 97/B, Backbay, Mumbai in the light of C.R.Z. notification. The Authority has come to the conclusion that the said area falls under CRZ – II. The authority is of the considered view that the proposed construction of the development road will not only make available additional road to the play ground & Gymkhana being developed for the sitting / Ex-MLA's for their entertainment & release of stress but also connect the near by areas as well as people to the Jetty Road. The cost of the project is more than Rs.5 Crores. It is therefore decided to recommend the above proposal to MoEF for necessary CRZ clearance.

The proposal discussed at length and it was decided to recommended the case to MoEF, GOI for necessary clearance as per CRZ notification. D.P.Road near the proposed legislative council Gymkhana at cuffed parade, Mumbai.

Item No.16 : Proposal received from M/s.Shekar Arolkar & Associates, Architects & Consulting Engineers,43,Rufi Mansion, 28th Road, T.P.S.-III, Opp. Gurunanak Park, Bandra (West), Mumbai – 400 050., dated 28th May, 2002

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Since, the present building is not a heritage building, but classified as a precinct and it is called Bandra Precinct, the Authority has decided to grant NOC for construction of residential building comprising basement + ground + two upper floors by demolishing the existing building on plot No.CTS-B-256, B-257, B-258 of Village : Bandra, Chappel Road, Mumbai-400 050 as per approval being granted by the Development Authority. Since, the plot under reference is in CRZ-II as shown in Coastal Zone Management Plan approved by Ministry of Environment & Forests, Govt.of India and the plot is on landward side of the existing road prior to 1991 as well as No Objection Certificate is granted by Mumbai Heritage Conversion Committee dt.14/5/2002, having the cost of Rs.1.98 crores, it is decided to forward proposal to the Urban Development Deptt., Govt. of Maharashtra for further necessary action.

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**Item No.17 : Proposed residential building on plot bearing
CS NO.191 of Malbar Hill Division, At Dongershi
Road, Mumbai.**

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The architect M/s. Talathi & Panthaky Associates (P) Ltd., submitted the proposal for development of the plot, which falls in CRZ – II as per the approved coastal Zone Management plan by MoEF, as submitted by M.C.G.M.

The Urban Development Dept., forwarded the proposal alongwith the recommendation of the M.C.G.M. to the Authority the cost of the project is more than Rs. 5 Crores, therefore, it needs clearance from MoEF, Government of India as per amended notification dt. 24/04/2003. The Proposal is to be forwarded alongwith the remarks of the Authority.
