

MINUTES OF 29TH MEETING OF THE MAHARASHTRA COASTAL
ZONE MANAGEMENT AUTHORITY HELD ON 22-06- 2005 AT
COMMITTEE ROOM, 5TH FLOOR, MANTRALAYA, MUMBAI-400 032.

The following were present

- 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.Hrishikesh Samant,
Lecturer,
Deptt.of Geology,
St.Xaviers College,
Mumbai. Member
- 5) Shri R. G.Pethe,
I/C Member Secretary,
Maharashtra Pollution Control Board I/C Member Secretary

Shri S. Aayyapan, Director, Central Institute of Fisheries Education not attended any meeting since last so many meetings. The Chairman specifically noted his long absence. Dr.Leela Bhosale, Deptt. of Botany, Shivaji University, Kolhapur and Prof.S.K. Gupta, Head of the Deptt., C.E.S.E., IIT Powai were also absent on account of their preoccupation. Dr. D.B.Boralkar, Member Secretary of the Maharashtra Pollution Control Board is out of India and therefore, his charge has been given to Shri R.G. Pethe, Water Pollution Abatement Engineer of the Maharashtra Pollution Control Board, who has been present as a Incharge Member Secretary of the Maharashtra Pollution Control Board.

Shri Surendra Jadhav, Dy.Secretary (Tech.), Environment Deptt., Govt. of Maharashtra, Shri D.T. Devale, Sr. Law Officer of the Maharashtra Pollution Control Board. Shri Nagnure, Dy.Secretary, 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 the Meeting (28th)
of the Authority

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Shri D.T. Devale, Sr.Law Officer & Incharge of MCZMA meeting informed that the Minutes of 28th Meeting of the Authority held on 21/4/2005 have already been circulated but no written modifications/objections are received. He also pointed out that the Minutes of 28th Meeting of the MCZMA in Item No.1 title wrongly shown the confirmation of the minutes of 28th Meeting of the Authority held on 21/4/2005, instead of 27th Meeting of the Authority held on 21/4/2005. Therefore, necessary correction may kindly be made in the Minutes.

Dr.Hrishikesh Samant, Member of the Authority specifically invited the attention of all the Members to page No.5 of the Minutes at 1st & 2nd lines. He has specifically objected the word non-availability of an expertise with the Authority and said that he has been specifically appointed in the category of expertise and therefore, such a wording from the minutes should be deleted. Chairman of the Authority was also of the opinion that the words non-availability of funds and expertise with the Authority should be deleted. Accordingly, the Members of the Authority have agreed to delete "and non-availability of funds & expertise with the Authority" from the Minutes of 28th Meeting at Page No.5, i.e. the resolution to item No.4. The Minutes are confirmed subject to the above modifications.

Item No.2 Statement on follow up actions taken in respect of
decisions taken in the last meeting (28th) of the
Authority

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The information regarding follow up action taken arising out of the decisions taken in the last meeting (28th) of the Authority was noted.

Item No.3. Proposal received from the Executive Engineer, PWD, Ratnagiri for construction of bridges on Jaitapur creek in Ratnagiri Dist. to recommend it to MoEF, G.O.I. for grant of environmental clearance.

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Sr.Law Officer and I/C of MCZMA meeting informed the Authority that Dr.Leela Bhosale, Member of the Authority alongwith the Sub-Regional Officer of the Maharashtra Pollution Control Board at Ratnagiri had visited the site in question. She has submitted her report for placing it before the Authority by letter dt.10/5/2005. The report specifically pointed out that the road coming to bridge, from Ratnagiri side will pass through the hill where some vegetation will be cleared. On the South bank, the flag is right in the mangroves. The major species like Sonneratia alba & Rhizophora mucronata, are 30 ft. in height, the girth indicates that they must be of 50 years of old age trees. The largest trees seems to be of 100 years old. All these trees will be required to be removed for bridge construction. The area is already encroached by the bunding and the remaining small area will also be sacrificed. She has therefore requested the Authority to take decision keeping in view the above facts.

Chairman of the Authority called the representative of PWD Ratnagiri and specifically asked him, whether it is possible to consider re-alignment of the proposed bridge site ? The PWD Engineer informed the Members of the Authority that there are no mangroves on the proposed site and therefore, it is not necessary to change the alignment. Chairman of the Authority asked him to submit proposal with realignment of the site of bridge, taking into consideration specific report of the Member of the Authority, whom, the Executive Engineer did not accompanied at the time of visit in spite of pre-intimation given to him and made it clear that if the revised proposal will not be submitted, the proposal will be rejected in the next meeting.

On the request of the PWD Deptt. for realignment of site of the bridge, having mangroves area and vegetation, the matter is postponed.

Item No.4 Application received from M/s.Balaji Infra Projects Ltd., Mumbai – seeking clearance for proposed Dighi Port Project.

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Chairman of the Authority informed that the project proponent have completed the procedural aspect in respect of obtaining an environmental clearance including preparation of Environmental Impact Assessment done through the National Environmental Engineering Research Institute (NEERI) and also formulated an Environmental Management Plan.

The representative of the project proponent presented his case and pointed out that the proposed port is not a major port and the overall impact on the environment as assessed by the NEERI is not significant. He also stated that the construction of the port is a permissible activity, which requires water front and offshore facilities. Deputy Secretary, Environment Deptt., Govt. of Maharashtra brought to the notice of the Members that as per record, major portion of the land is shown in possession of Mazagaon Dock Authority and therefore, the Authority may recommend the proposal for environmental clearance excluding the land in possession of Mazagaon Dock Authorities, however, the Members of the Authority were of the considered view that the Authority decided to recommend proposal of the project proponent to the Ministry of Environment & Forests, Govt. of India. Accordingly, it was decided to recommend the proposal to the Ministry of Environment & Forests, Govt.of India.

Item No.5 Proposal received from Thane Municipal Corporation regarding creation of Nature Park (Rutuchakra) near Kalwa creek

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Chairman of the Authority asked the Dy.Secretary, Environment Deptt., Govt. of Maharashtra, who had visited and investigated the complaint received from the Forum of Alert Citizens, Thane to give details of factual position.

Dy.Secretary, Environment Deptt., Govt. of Maharashtra informed the Authority that the Thane Municipal Corporation developed the nature park

including the dumping ground in violation of the CRZ Notification by reclamation of the mangroves land and now, approached to the Authority for regularization of it.

Thane Municipal Corporation representatives told the Authority that due to dumping of debris and other building material, the mangroves were destructed and about 8 acres of land brought under dumping ground. Thane Municipal Corpn.'s representatives further stated that this dumping area is being extended and therefore, the Thane Municipal Corpn. decided to develop Nature Park (Rutuchakra) near Kalwa creek.

Shri Nitin Deshpande, Ex-Member of Thane Dist. Paryavaran Vahini and the complainant on behalf of the Forum of Alert Citizens, Thane specifically pointed out that his organization pursuing above matter with various authorities since last 4 years to stop gross violation of the CRZ Notification. Chairman of the Authority made it clear that the complainant approached to the Authority recently.

Shri Nitin Deshpande informed the Authority that due to the above illegal development of nature park by the Thane Municipal Corpn., a huge loss and destruction of mangroves & wetland caused, total 16 acres of land reclaimed for the development of nature park by the Thane Municipal Corpn. Out of 16 acres, 8 acres of land was initially brought under dumping activity and remaining 8 acres land reclaimed by the destruction of mangroves & wetland and pitching was done. Mr. Nitin Deshpande shown specific maps where HTL was brought under development of nature park by the Thane Municipal Corpn. and encroached. He also told that about 600 acres of land will be reclaimed and portion of creek will also be reclaimed. Principal Secretary, Urban Development Deptt., Govt. of Maharashtra was of the view that the matter needs a detail investigation. Mr. Deshpande shown photographs in respect of violation and reclamation of CRZ area. Chairman of the Authority opined that the prosecution notice will have to be served on Thane Municipal Corpn.

The Authority, therefore, decided to call explanation from the Thane Municipal Corpn. (i) why it has not applied to the MCZMA before starting any

development of Nature Park in CRZ area ? (ii) The Corporation should confirm whether the mangroves was in existence? Where Nature Park is developed ? and to file its reply / objections within 7 days from the notice, failing which, further necessary action will be taken.

Item No.6 Proposal received from Bihari Lund Architect seeking NOC for proposed construction of commercial building No.1,2 & 3 for I.T. Park on plot bearing CTS No. 1406-A/30 of Village-Malad at Goregaon (West), Mumbai

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Shri D.T. Devale, Sr.Law Officer explained the proposal to develop IT Buildings on plot bearing CTS No.1406 A/30 of Village Malad (South), in 'MindSpace' IT Park in Mumbai. He informed that earlier, Urban Development Deptt., Govt. of Maharashtra had already examined the proposal on this land and had sent his recommendations for issue of NOC vide letter dated 24/08/2004 to the Ministry of Environment & Forests, Govt. of India for their clearance for development beyond Rs.5.00 crores. Earlier, permission for development upto Rs.5.00 crores was issued by the Urban Development Deptt., Govt. of Maharashtra for building Nos.1,2 & 3 (Part) by the Govt. of Maharashtra. This case was also discussed in detail in the 25th Meeting of the Authority held on 05/10/2004, it was then decided to ask the project proponent to submit map of 1 :4000 scale from appropriate agency, indicating HTL and LTL.

Subsequently, the developer submitted a proposal for development of plot No.1406 A / 22A of village : Malad to Urban Development Department. The proposal consisting of commercial development of CRZ & Non CRZ area having cost more than Rs.5 crores and it is decided by the State Environment Department that the total cost of the project is more than Rs.5 crores, therefore, the matter should be referred to MoEF, as per CRZ Notification, 1991. Similarly, the Project Proponent again submitted the proposal for development of plot No. 1406A / 22A, Village : Malad to Urban Development Department on 12th April, 2005. The proposed commercial development is in CRZ and Non CRZ area including Club House. The total cost of the project including CRZ area & Non-CRZ area is more than Rs.5 crores. The matter was re-examined by the Authority and the project proponent was given an opportunity to present his case.

The Architect, Mr. Bihari Lund explained that the three proposals are IT Zone and commercial complex have been cost more than Rs.5 crores located in CRZ II area and above construction is permissible as per the CZMP approved by the MoEF.

Consequent to the above, the Authority, in the above meeting held on 22/6/2005 reconsidered the proposal for development on the three parcels of land bearing CTS Nos.1406A/30, 1406A/28A and 1406A/22A of Village Malad (South) and decided to recommend the said three parcels, being permissible activity in the CRZ-II area having estimated cost above Rs.5.00 crores, for grant of environmental clearance by the Ministry of Environment & Forests, Govt. of India.

Item No. 7 Development of 2nd evacuation / access road for Jawaharlal Nehru Port.

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Chairman of the Authority specifically invited the attention of the Members to the communications/enclosures to the Item Note at page Nos.76 & 77, which referred to the remarks & recommendations on the present proposal submitted to the Ministry of Environment & Forests, Govt. of India with a request to approve the CZMP for JNPT area as early as possible. He was, therefore, of the view that the proposal is already recommended by the MCZMA.

However, the JNPT representative was given an opportunity to explain his case. Shri N.A. Deshpande & Shri S.K. Kaul, JNPT informed the Members of the Authority that the Joint Director, Ministry of Environment & Forests, Govt. of India asked the JNPT to submit a revised proposal alongwith the approval of the State Govt. and State Coastal Zone Management Authority by his letter dt.12/4/2005, which is already submitted to the MCZMA and therefore, the present proposal was again put up for necessary reconsideration.

Principal Secretary, Urban Development Deptt., Govt. of Maharashtra was of the considered opinion that once the proposal is already recommended and further revision sought by the Ministry of Environment & Forests, Govt. of India ,

the revision may be reconsidered. Accordingly, the Authority decided to call the JNPT representative to explain revised proposal in brief on 29/6/2005 or thereafter.

Item No.8. Liquid Cargo Berth by BPCL at JNPT, Raigad
District, Maharashtra – Environmental Clearance
for handling additional products.

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Chairman of the Authority specifically invited the attention of the Member of the MCZMA to the amendment issued by the Member Secretary, MCZMA to allow storage of 14 petroleum products only, which are permissible as per the amendment to the CRZ Notification dt.9/7/1997 issued by the Ministry of Environment & Forests, Govt. India. and challenged by M/s.Ganesh Benzo Plast. It was decided to circulate the order passed by the Division Bench of Hon'ble High Court of Mumbai and the review petition filed by the Maharashtra Pollution Control Board to all the Members. Dy. Secretary, Environment Deptt., Govt. of Maharashtra & Sr. Law Officer, MPCB pointed out that apart from 14 products, storages of other hazardous chemicals are not permissible. The JNPT by allotting land within CRZ area to few parties to set up storage terminal for other than 14 permissible products within CRZ-I area violated the provisions of Notification.

After due deliberations, it was decided that the request of BPCL can not be considered as per the CRZ Notification, 1991 as amended from time to time.

Item No.9. To grant post facto approval to the various urgent actions initiated by the Member Secretary, MCZMA in respect of the compliance of order passed by Hon'ble High Court of Judicature at Mumbai in Writ Petition No.3246/2004 filed by the Bombay Environmental Actions Group V/s State of Maharashtra & Ors. dt.12/4/2005 & 19/5/2005 respectively.

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MCZMA has been already taken actions as per the Hon'ble High Court order dt.12/4/2005. Therefore, the post-facto approval not necessary.

- Item No.10** Application/complaint received from Vasai Macchimar Sarvodaya Sahakari Sanstha Maryadit, Vasai, Dist:Thane regarding construction of a burial ground on plot No.69(p), Village: Malonde, Tal: Vasai, Dist: Thane.

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It was decided to discuss the proposal on 29/6/2005.

- Item No.11** To consider grant of NOC for the proposed connecting road between Southern and Northern district of Navi Mumbai, i.e.from Koparkhairne to Airoli as well as link Navi Mumbai with Mumbai via existing Mulund-Airoli Bridge over Thane Creek.

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It was decided to discuss the proposal on 29/6/2005.

- Item No.12** To consider grant of NOC for the proposed commercial complex for MHADA on land bearing Survey No.7 & 8 at Village Bandra (West), Mumbai.

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The Executive Engineer Hsg., Bandra Division, Mumbai Board, MHADA applied to MCZMA for grant of NOC for the construction of the proposed commercial complex on the land bearing survey No.7 & 8 of the village Bandra (West) by its letter dt.9/3/2005. The Urban Development Deptt., Govt. of Maharashtra communicated its comments, stated that the site in question falls in the local commercial zone (c) and not reserved for any public purpose. The land under reference falls in the CRZ-II and is on the landward side of the existing road. The Urban Development Deptt. also communicated that the development / construction is permissible activity as per prevailing D.C.R. as on 19/2/1991. I/C Member Secretary pointed out that since, the estimated project cost is upto Rs.900,950,000/-, the construction activity will also covered under entry 31 newly added to E.I.A. Notification by the amendment dt.7/7/2004 and will require environmental clearance, which will require to follow environmental clearance procedure.

In was decided that the project proponent should approach to the Maharashtra Pollution Control Board for conducting public hearing alongwith an

application for environmental clearance. After conducting public hearing, the Maharashtra Pollution Control Board should submit report of public hearing for necessary decision in the matter.

Item No.13 Proposal for relaxing CRZ regulation for Primary Health Centre, Panju, Tal: Vasai, Dist: Thane.

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Village Panju is a small Island in Vasai Tahasil having present population about 1500 surrounded by creek on all the sides. Except a very small Primary Health Centre existing at the said village, no other medical facilities are available, hence, serious cases are being taken by boating to Naigaon or Vasai. But during the high tide, contacts of village Panju with above places disconnected and therefore, for primary treatment as well as in a serious cases of medical treatment, it becomes necessary to have a Primary Health Centre at Panju. It is a long standing demand of the villagers to have such type of Primary Health Centre. Therefore, Z.P. Thane sanctioned Rs.43,96,719/- for the construction of above Health Centre. The Authority come to the conclusion that since the said island is surrounded by the creek and there is genuine demand of a health centre since long time being an essential service, the case may be recommended. The Authority, therefore, decided to permit the above case as a special case in CRZ-III area.

Item No.14 Proposal received from Architect Shri Anil Patil in respect of proposed reconstruction of existing authorized Hotel Lord (Lodge) Bldg. on C.S. No.1121 of Fort Division on 301, Shahid Bhagat Singh Road, A Ward at Mumbai.

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A proposal received from the Architect Shri Anil Patil in respect of the proposed reconstruction of existing authorized Hotel Lord (Lodge) Building on C.S. No.1121 of Fort Division on 301, Shahid Bhagat Singh Road, A Ward to the Urban Development Deptt., Govt. of Maharashtra by his letter dt.3/11/2004. The proposal was examined by the Urban Development Deptt., Govt. of Maharashtra. The Urban Development Deptt., GOM communicated its remarks by the letter dt.10/3/2005 to Ministry of Environment & Forests, Govt. of India that the repairs

to the existing building was approved and I.O.D. for repair work to the extent of 70% of the total area was issued on 4/7/2000. However, the Architect reported that he could not complete the repairs works due to financial constraints. Subsequently, due to development of "East Island Free Way", MMRDA insisted for 2100 mt. wide set back for the building as approved by MCGM. Therefore, the Architect was to submit a revised proposal for reconstruction of the authorized building u/s 33(6) of D.C.R., 1991, wherein the existing B.U. Area is protected.

The Urban Development Deptt., Govt. of Maharashtra reported that the existing Hotel falls in the local commercial zone and not reserved for any public purpose nor listed as heritage building, as the Mumbai Heritage Conservation Committee issued NOC for reconstruction. It is also reported by the Urban Development Deptt., Govt. of Maharashtra that the land under reference falls in CRZ-II and on the landward side of the existing road, therefore, the reconstruction is a permissible as per D.C.R. prevailing on 19/2/1991.

The Architect was called for presenting his case. He told that the existing building consumed 5.401 FSI & DCR prevailing on 19/2/1991 permit 3.92 FSI for reconstruction of building as against 5.401 of authorized B.U.A. If FSI is restricted to 3.92, then the existing tenants with their existing areas can not be re-housed. He also stated that the said restriction of FSI of 3.92 for Section 33/6 is removed in the D.C.R. 1991 w.e.f. 25/3/1991, as authorised building can not be constructed if the existing authorized area is more than 3.92 FSI. He had referred to the relevant rule on 19/2/1991 corresponding to S-33/7 of DCR, 1991 which permits reconstruction of existing 'A' category cessed building with existing consumed FSI or FSI-2, whichever is more.

The Authority accordingly decided to recommend the proposal to the Urban Development Deptt., Govt. of Maharashtra, having cost less than Rs.5 crores as per the relevant D.C.R. as on 19/2/1991.

- Item No.15** Proposal of allotting 10 acres of land out of survey No.263 of Village: Malvani belonging to the Government for Fish Drying, Net Drying, Boat Repairing etc.

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Shri Satnam Singh Tiwana, Municipal Councillor and others brought to the notice of the Authority that one application is received for allotment of the land bearing S.No.263, CTS No.2841 (pt) of the village Malvani admeasuring about 10 to 15 acres belonging to the State Govt. for the purpose of fish drying, net drying, repairing etc. The grievance of the complainants (Shri Satnam Singh Tiwana, Malad & Evershine Nagar Welfare Association etc.) was that the said land is far away from the sea on its west side not abutting fishing village, can not be permitted. It is also specifically pointed out that the present location is very narrow nalla/draining dark / black sullage, where boats can not even enter & there is no fishing / even traditional fishing not carried out by any fisherman. There is no fishing village nearby to justify the allotment. Their apprehension is that the activity will spoil environment of the area due to air / smell pollution and the entire locality will become dirty / unhygienic and will affect health of children etc. on account of having several educational institutions and public welfare activities all around the said land. Chairman of the Authority pointed out that the above matter is already subjudice and therefore, the Authority is unable to consider it and should wait till orders of the court. Accordingly, it was decided to wait till decision in the matter.

- Item No.16** Interpretation of the amendment issued by MoEF vide Notification No.SO.460(E), dt.22nd April, 2003.

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It was decided to postpone the item and to discuss on 29/6/2005.

- Item No.17** Filing of Affidavit in the High Court of Judicature at Bombay at Ordinary Original Civil Jurisdiction in the Writ Petition No.280/2005 filed by Gorai Macchimar Sahakari Sanstha Ltd. V/s State of Maharashtra & Ors.

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Chairman of the Authority informed the Members that the draft Affidavit is yet to be seen by him and after that only, it will be brought before the Authority for necessary information and approval.

Item No.18 Application received from M/s. Tata Power Company Ltd for construction of a Captive Berthing Jetty for unloading coal from barges at Trombay, Mumbai.

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M/s.Tata Power Co. Ltd. made an application for construction of a Captive Berthing Jetty in their own premises for loading of coal and other non-hazardous raw material through barges required for their own power plant at Trombay. The applicant was given an opportunity to present their case.

It was specifically pointed out on behalf of the applicant that M/s.Tata Power Co. generates 1330 MW electricity and supplies it to the city of Mumbai. The company is importing Indonesian Coal through Dharamtar Jetty having highest calorific value and lowest ash & sulphur content. It is represented that in order to maintain regular supply of coal to the power plant, the company decided to construct a Captive Berthing Jetty on their own land with unloading arms and conveyors system.

Principal Secretary, Urban Development Deptt., Govt. of Maharashtra asked whether there will be storage also of the above material at jetty. The applicant's representative informed that the proposed jetty will be utilized only for the purpose of loading and unloading of coal and other non-hazardous raw material through barges required for their own power plant at Trombay. They have also done rapid E.I.A. and on-site Disaster Management plan applicable to the proposed Captive Berthing Jetty.

The Rapid E.I.A states that the proposed location is in north of butcher island in Mumbai. Harbor & forms a part of natural harbor in the river Mouth, where Thane creek joined the Arabian sea. The presence of Butcher Island, Elephanta Island & Nhava-Sheva gives protection from ocean waves for handling different types of cargos & other vessels and the soil quality of the adjacent land is with high sodium absorption ratio as per E.I.A.

It is also stated that if permission is granted to the Captive Berthing Jetty at Trombay, then it will avoid air pollution generated due to coal transport

services, multi loading, unloading & handling of coal and will also be cost effective, without major impact on environment. Earlier, the State Govt. has already cleared the proposal in view of power problems in Maharashtra. But the Maharashtra Pollution Control Board had earlier granted consent, which was subsequently revoked and now again granted consent vide letter dt.26/6/2005. Members asked what was the reasons for revocation of the consent and again granting it ? Now, the matter has come up before the Authority for discussion.

The Authority unanimously decided to recommend the proposal of M/s.Tata Power Co.Ltd. for construction of a Captive Berthing Jetty for loading & unloading of coal and other non-hazardous raw material through barges at Trombay for their own power plant, in view of the fact that the proposed site is in the CRZ-II as per Coastal Zone Management Plan approved by the Ministry of Environment & Forests, Govt. of India and the activity of construction is permissible as per the Notification dated 19/2/1991 as amended on 22/4/2003, not having significant effect on the environment and without interference of the major projects of the State Govt. and having a cost effective proposal not only for the project proponent but also for the Mumbai Electricity consumers.

- Item No.19**
1. Request to realign the CRZ set back line with reference to existing HTL in respect of property bearing F.P.No.845-848 of TPS IV of Mahim Division situated at S.K. Bhole Road, Dadar.
 2. Demarcation of HTL and CRZ boundary across the property bearing CTS No.618 to 619 of village Vile Parle situated at JVPD Scheme, Juhu Vile Parle, Mumbai – request for realignment.
 3. Delineation of high tide and mangroves on plot bearing revenue survey No.275 part, CTS No.657A & 1295 (part) at Village Kanjur, Tal: Mulund, Dist: Mumbai Suburban.

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Chairman of the Authority informed the Members that a number of requests are received to realign the CRZ siting on the ground that the HTL demarcation shown in their case is not proper as compared to the physical status of the site. Dy. Secretary, Environment Deptt., Govt. of Maharashtra was of the

opinion that such type of requests should not be entertained because a number of project proponents will approach to the Authority and request for realignment. However, the Members were of the view that since the applicants were called for hearing before the Authority, they may be heard and then, the Authority may take appropriate decision in the matter. M/s.M.R. Shendye & Associates was called to present his case. He informed the Members of the Authority that there are two proposals, in which he is being represented. Chairman of the Authority asked him about the proposal in respect of CTS No.618 to 619 of Village: Vile Parle, Mumbai, requesting for realignment and asked whether he is disapproving HTL ? The representative told that HTL is not disputed but the distance from HTL is disputed. He has shown the maps to Dr.Samant, Member of the Authority and requested the Authority to consider the distance from HTL on the basis of map & physical status of the site.

Regarding the F.Plot No.845-848 of TPS-IV of Mahim Division situated at S.K. Bhole Road, Dadar, he specifically admitted that the proposal is submitted under misconception and withdrawn it.

It was decided to hear all the cases of realignment on 29/6/2005 or thereafter. Accordingly, M/s.M.R. Shendye & Associates and other applicants are informed suitably.

Item No.20 Inclusion of gaathan area of village Madh, Erangal, Manori Aksai, Marve and Gorai, in Brihan Mumbai Corpn.area in CRZ-II category.

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It was decided to discuss the proposal on 29/6/2005 or thereafter.

Supplementary Application for restructuring and development
Item No.21. of existing ramp at vasai creek.

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It was decided to discuss the proposal on 29/6/2005 or thereafter.

**Supplementary
Item No.22**

Proposed reconstruction and extension to existing Church Building on plot bearing CTS No.570, 571 & 522 of Juhu village, Ville Parle (W), Mumbai.

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The proposal regarding proposed reconstruction and extension to existing Church Building on plot bearing CTS No.570, 571 & 522 of Juhu village, Ville Parle (W), Mumbai was duly examined by the Urban Development Deptt., Govt. of Maharashtra and it is reported that the DCR prevailing as on 19/2/1991 permitted one FSI in that area and as per the revised CZMP for MCGM area sanctioned by the Ministry of Environment & Forests, Govt. of India by letter dated 19/1/2000, the land under reference falls in CRZ-II category and is on the landward side of the existing road. It is also permissible activity as per DCR prevailing on 19/2/1991. The proposal of reconstruction and extension to Church premises is also shown in the sanctioned Development Plan. The project investment on the above land has been shown Rs.91,59,000/- i.e. below Rs.5 crores and the reconstruction is for the public purpose for worship.

It was, therefore, decided to recommend above proposal to the appropriate competent Authority i.e. Ministry of Environment & Forests, Govt. of India, as per provisions of the Notification.

**Supplementary
Item No.23.**

Proposed building on plot bearing CTS No.163,163/1 to 6, At Village Kurla, LBS Marg, Kurla (W), Mumbai

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Architect Shri Sultan Chambyal appeared before the Authority and stated that he has wrongly applied for grant of necessary clearance to the Authority and he wants to withdraw his proposal. Accordingly, he was permitted to withdraw his proposal from the Authority.

**Supplementary
Item No.24.**

Complaint received by the Authority regarding destruction of Mangroves in violation of CRZ Notification and order passed by Hon'ble High Court of Judicature at Mumbai in the Writ Petition No.3246/2004 dated 12/4/2005.

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The complainants called before the Authority to explain their grievances. Mr.Nitin Deshpande on behalf of Forum of Alert Citizens, Thane already

explained his grievances. The complaints about illegal construction of 73 banglows at Madh, Marve, Aksa, Erangal, Bhati, Paskalwadi & Danapani area was discussed at length. Similarly, the other complaints were also discussed and it was decided that a committee of three Members will be constituted to investigate specific complaints consisting of (1) Dr.Hrishikesh Samant, Member of the Authority, (2) Member Secretary, (3) Dy. Secretary, Environment Deptt., Govt.of Maharashtra, & (4) Representative of Urban Development Deptt., Govt. of Maharashtra. Based on the visit and inspection as well as collection of necessary documents from all the concerned, the committee shall submit its investigation report to the MCZMA for taking further necessary action.

The complaint regarding construction of illegal restaurant on the premises of National Blind Association of India for Blind, Worli Sea Face, Mumbai, has been discussed in the Authority and it is revealed that the premises has been given on rental basis to Blue Foods (P) Ltd. by Association and made some internal changes. The Authority decided that being an internal repair carried out by the Association does not amount to violation of CRZ Notification.

The Authority, therefore, decided that being internal repairs, it may not take cognizance of it unless specific CRZ violations are reported.

After going through the report, the Authority come to the conclusion that the complaint is not about violation of CRZ provision but in respect of the permission given by the National Blind Association & BMC to the said activity and no facts are brought on record about violation of the CRZ provisions. Hence the complaint may be filed without further action.

**Supplementary.
Item No.25**

Proposal for Slum Rehabilitation Scheme (SRS) on plot No.139 to 142 and 143 (pt) of Backbay Reclamation Scheme, Colaba Division, Mumbai for Bhai Bunderkar Fishermen (SRA) Co.op.Hsg.Society.

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The Chairman of the Authority specifically pointed out that the proposal is discussed at length in the last 27th Meeting of the Authority and the Authority

specifically asked the applicant to submit a detail scheme of rehabilitation for development of 620 slums established prior to 19/2/1991, which are eligible as per CRZ Notification, 1991 and as amended upto April, 2003.

However, the applicant submitted a revised proposal on 15th June, 2005 for 745 structures, which are not eligible to rehabilitate in sea-ward side of CRZ area as per CRZ Notification, 1991. It is therefore, decided that the applicant should submit the proposal for rehabilitation of 620 slums and no other development will be considered in CRZ area on sea-ward side.

Table Item No.1 Application received from M/s Fomento Resorts and Hotels Ltd., Cidade ce, Goa, Vainguinium Beach, Goa- 403 3004 – The proposed site is situated in CRZ-II area and the hotel has already submitted the application form with enclosures and EIA report to the office of the Chairman, MCZMA

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Sr.Law Officer pointed out that the Members of the Authority already caused visit & inspection of the spot and the project proponent given Power Point presentation before the Members of the Authority. The project proponent submitted the certified copy of the report received from NOI alongwith a certified copy of map. It was decided to recommend the proposal to the appropriate competent Authority having investment more than Rs.5 crores and being tourism development activity in CRZ-III area. Dr.Samant, Member, MCZMA and Principal Secretary, Urban Development Deptt., Govt. of Maharashtra, of the opinion that since site in question already visited and other documents received, proposal may be recommended. Accordingly, it was decided to recommend the proposal to the appropriate State Authority.

Table Item No.2 Request to direct Chief Engineer (DP) to realign the CRZ Boundary within M/s.Bhavani Construction Co's plot with reference to existing HTL in respect of property bearing CTS No.1143 D of village Bandra being situated at Dr.Ambedkar Road, Khar (W).

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It was decided to discuss the proposal on 29/6/2005 or thereafter.

Table Item No.3

Proposal received from M/s.Finolex Industries Limited
At Village : Ranpar-Golap, Ratnagiri District, Maharashtra
regarding expansion of PVC unit.

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M/s.Finolex Industries Ltd., Village Ranpar-Golap, Ratnagiri District, Maharashtra applied for an expansion of PVC unit at Ranpar-Golap, Ratnagiri Dist., State of Maharashtra for grant of environmental clearance to Ministry of Environment & Forests, Govt. of India alongwith EIA, EMP reports and Risk Assessment Report as well as other necessary information. It has received environmental clearance for expansion of PVC unit by letter dt.8/12/2003, however, no alteration will be carried out in the existing installations without necessary permissions. Therefore, the unit has applied to the Authority for laying down a new pipeline in the existing pipe rack, where there is a plenty of space for laying an additional pipeline, which will avoid contamination of two feed stocks viz VCM and EDC. The Authority is requested to recommend their case having cost of installation about Rs.20 lakhs only.

The Authority has discussed the proposal at length and come to the conclusion that the construction of ports, harbors, jetties, wharves etc. and other facilities that are essential for activities permissible under the Notification are permissible and the laying down of the pipeline will not alter the existing constructions. Therefore, it is decided to recommend the proposal to the appropriate competent Authority i.e. Ministry of Environment & Forests, Govt. of India for grant of further necessary permission.

Table Item No.4 : Landing permission for helicopters on Indian Hotels Co. Ltd.
Plot No.33, Nathalal Parekh Marg, Colaba, Mumbai.

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M/s.Indian Hotels Co.Ltd. constructed a five star hotel on the plot No.33, Nathalal Parekh Marg, Colaba, Mumbai as per the permission granted by the Urban Deveipment Deptt., Govt. of Maharashtra dt.21/5/2002. The plot under reference is classified in the CRZ-II.

Now, M/s.Indian Hotels Co.Ltd. approached to the Environment Deptt., Govt. of Maharashtra for landing permission on roof top of the hotel and the cost of construction of the landing facility is less than Rs.5 crores. One writ petition had been filed by M/s.Snehamandal Co-Op.Hsg.Soceity of Lalit building adjacent to the present hotel. Hon'ble High Court, Mumbai had passed order in the said petition stating that the present proposed landing facility will not be prevented from obtaining requisite permissions to construct the helipad after obtaining permission from the Ministry of Environment & Forests, Govt. of India and MCZMA as well as license from the competent Authority under the provisions of Aircraft, 1934. After due deliberations, it was decided that the project proponent should approach to the Maharashtra Pollution Control Board for public hearing and MPCB should submit report of public hearing to the MCZMA for further consideration.