

Minutes of the Third Meeting of the Maharashtra Coastal Zone Management Authority held on 5th July, 2000 in the chamber of Principal Secretary, Environment & Energy Department, Govt. of Maharashtra and Chairman of the Authority.

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The following were present :

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| 1) | Dr.Pramod Deo,
Principal Secretary,
Environment & Energy Department
Govt. of Maharashtra,
Mantralaya, Mumbai-32. | Chairman |
| 2) | Shri A.P. Sinha,
Principal Secretary,
Urban Development Department,
Government of Maharashtra,
Mantralaya, Mumbai-32. | Member |
| 3) | Dr.A.D. Diwan,
Central Institute of Fisheries Education,
Versoa, Mumbai | Member |
| 4) | Shri K.H. Mehta,
Member Secretary,
Maharashtra Pollution Control Board,
Mumbai-1. | Member-Secretary |

Dr.Leela Bhosale, Department of Botany, Kolhapur University, Kolhapur, Member could not attend the meeting. She had however, conveyed her views vide letter dated 1st of July, 2000 on the agenda items. Shri Nand Lal, Principal Secretary (Revenue), Member also could not attend the meeting. The Leave of absence was sought by both the members and the same was granted by the Chairman.

Shri S.D. Jadhav, Deputy Secretary (Tech.) Environment Department, Shri A.B. Jain, Law Officer, Maharashtra Pollution Control Board and Shri A.M. Abhyankar, Desk Officer, Urban Development Deptt., Govt. of Maharashtra were also present to assist the Authority.

The Chairman welcomed the Members and gave a brief background of earlier meeting.

The Member Secretary apprised the members about the decision taken in the earlier meeting held on 5th May, 2000. The items placed before the Authority were discussed in detail and following is the gist of discussion and the decisions taken.

- I) Item No.1 : To confirm the minutes of 2nd meeting of Maharashtra Coastal Zone Management Authority held on 5th May, 2000

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The minutes of the 2nd meeting of the Authority were circulated amongst the members vide letter bearing No.MCZMA/9 dated 29th June, 2000 with a request to forward suggestions, comments in order to modify/amend the minutes suitably. No comments/suggestions were received from the members. The minutes were read and confirmed.

- II) Item No.2 : Constitution of Expert Committee to examine the issues relating to Coastal Zone Management in Mumbai Urban Area

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The Principal Secretary, Urban Development Deptt. informed the members about the background of the constitution of Expert Committee under the Chairmanship of Shri D.M. Sukthankar. He informed that the Expert Committee has been constituted for some specific purposes. He further informed that the Committee has already met once i.e. on 26th June, 2000 and the next meeting is scheduled to be held on 12th and 13th July, 2000 wherein some field visits will be undertaken in Navi Mumbai to investigate the complaints made by Bombay Environmental Action Group regarding alleged violation of CRZ Notification, 1991. He expressed the view that the terms of reference of the Expert Committee show that the Committee is not meant to look into the appropriateness of the existing provisions of the CRZ Notification, 1991 and suggest changes. According to him there is an another Committee constituted by the Ministry of Environment & Forests, Govt. of India again under the Chairmanship of Shri D.M. Sukthankar to examine the above aspects. He was, therefore, of the opinion that the Committee in question basically is a problem solving committee and is not suppose to look into the aspects of suggesting amendments to the CRZ notification.

The members discussed the terms of reference of the Expert Committee and it was decided to take assistance of the Committee as and when required.

III) Item No.3: Complaint made by Bombay Environmental Action Group regarding illegal reclamation and destruction of Mangroves in some parts of Mumbai

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The Member Secretary informed the members that Bombay Environmental Action Group had lodged the complaint about the destruction of mangroves in some parts of Mumbai. He informed the Board that the Sub-Regional Officer of Maharashtra Pollution Control Board alongwith Tahasildar Borivli had visited the sites at Versova, Andheri (West) and Charkop, Kandivali (West). Members were not satisfied with the report furnished by the Board. The Member Secretary submitted the members that the Board officials do not have adequate expertise or experience while dealing with such types of complaints.

The Principal Secretary, Urban Development Deptt. informed the members that the complaint filed by Bombay Environmental Action Group is being looked into by the Expert Committee constituted by Ministry of Environment & Forests, Govt. of India particularly in respect of Versova and Charkop. He was therefore of the opinion that a reference shall be made to Ministry of Environment & Forests, Govt. of India enquiring the role to be played by the Authority pending Sukthankar Committee's investigation into these complaints.

During the course of discussion, members felt that the Authority should take assistance of experts in respective field on case to case basis. It was also decided to take the assistance of Revenue Authorities in investigation of such complaints.

IV) Item No.4: To consider representation received from Shri Ram Naik, Hon'ble Minister for Petroleum and Natural Gas, Govt. of India regarding relaxing CRZ regulation for Primary Health Centre, Panju, Tal.Vasai, Dist.Thane

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Member Secretary informed that Shri Ram Naik, Hon'ble Minister for Petroleum and Natural Gas, Govt. of India has addressed a letter to Shri Swarupsingh Naik, Hon'ble Minister for Environment & Forests, Govt. of Maharashtra requesting for relaxing the condition of CRZ for construction of Primary Health Centre, Panju, Tal.Vasai, Dist.Thane. The Principal Secretary, Urban Development Deptt. opined that the matter does not fall within the purview of Authority and the same shall be referred to the Principal Secretary, Environment Deptt. for further necessary action. This was agreed to by all the members.

V) Table Item No.1: Permission for construction of Jetty and Silos, storage facility at Ulwa, Dist.Raigad

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The Member Secretary informed that the Maharashtra Pollution Control Board has received an application for grant of consent under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 from M/s.Amma Lines Ltd. He informed that Shri Bittu Sahgal representing an N.G.O., has made a complaint to the Principal Secretary, Environment Deptt. about alleged violation of CRZ notification by the said company. He further informed that the complaint is not specific and is not substantiated with any documentary evidence or details. He sought the guidance of the members on the issue of grant of CRZ clearance and the Authority designated in this regard. It was also pointed out that as to whether the Pollution Control Board should give its consent first or should insist for No Objection Certificate from the designated Authority as regards CRZ clearance.

The members discussed the matter and it was decided that Shri Bittu Sahgal be requested to furnish more details supported with documentary evidence in support of the complaint of alleged violation of CRZ notification. If there are specific allegations, these will have to be looked into. The members felt that the Urban Development Department, being the planning Authority is competent to examine the issue. It was also opined that if there is no violation of CRZ Notification as alleged by the Shri Bittu Sahgal, the Board may consider grant of consent under Water/Air Act with appropriate conditions. However, this clearance would cover limited aspects and permission from Ministry of Surface Transport, Govt. of India would be needed for this project.

VI) Cases heard in the previous meeting:

The Members discussed the matters already heard in the past one by one.

1) Petition filed by Gorai Machhimar Sahakari Sanstha Ltd. and Bombay Environmental Action Group V/s M/s.Pan India Paryatan Ltd.,

Members discussed the matter in detail and also considered the written submission made by the Petitioners as well as the Respondents. The rejoinder dated 18th June, 2000 submitted by the Bombay Environmental Action Group was also circulated amongst the members and was taken on record.

The members felt that in order to issue an appropriate order in the matter it is necessary to know the details of the original size of bund such as its height, length, width etc. It was, therefore, decided to call more details or evidence from the Bombay Environmental Action Group as well as Gorai Machhimar Sahakari Sanstha Ltd. to establish that the height of the original bund was raised by M/s.Pan India Paryatan Ltd., affecting the ingress of sea water. On receipt of this information the Authority will be in a position to decide as to whether M/s.Pan India Paryatan Ltd., has increased the height of the bund obstructing the flow of water while repairing it.

The Authority also took note of the comments of Dr.Leela Bhosale, Member communicated vide her letter dated 1st July, 2000 regarding protection of mangroves. It has been suggested by her that M/s.Pan India Paryatan Ltd. should be asked to maintain water flow across the bund through clearing pipes. It also should be examined whether inlets created and pipes laid down are sufficient for inflow of sea water for protection of mangroves.

As regards the issue of 'Pagoda' based on the plans produced by Urban Development Deptt. It was decided by the Authority that there is no violation of CRZ regulation.

2) Application filed by M/s.Marve Beach Resorts Pvt.Ltd., Madh, Malad

The application was discussed in the Second Meeting of the Authority held on 5th May, 2000, when it was decided to request Urban Development Department to comment about the classification of the subject location after examining the location plan and detailed layout plan submitted by the applicant.

Member Secretary informed the members that in response to this, Desk Officer, Urban Development Department has submitted the report on development of this land by M/s.Marve Beach Resorts Pvt.Ltd. vide his communication dated 1st July, 2000. It is reported that according to the Coastal Zone Management Plan sanctioned by Ministry of Environment & Forests, Govt. of India, the land under reference falls in CRZ-III area. In

CRZ-III area the area upto 200 metres from HTL is to be earmarked as "no development zone" and no construction shall be permitted within this area except the repair of existing authorised structures not exceeding existing FSI, plinth area and density. Since the land owned by the Resort is within 200 metres from HTL, the plans of the proposed development cannot be sanctioned.

The Authority therefore decided to convey these comments on the proposal to National Coastal Zone Management Authority.

3) Construction of jetty by M/s.PNP Maritime Services Ltd. at Dharamtar Creek

The Maharashtra Coastal Zone Management Authority had received a communication from Environment Deptt., Govt. of Maharashtra informing that Joint Director, Regional Office at Bhopal, Ministry of Environment & Forests, Govt. of India had noticed apparent violation of Coastal Regulation Zone Notification by M/s.PNP Maritime Services Pvt.Ltd. while constructing a jetty diagonally opposite to M/s.Ispat Industries Ltd.'s jetty at Dharamtar creek. This was communicated by Joint Director, Ministry of Environment & Forests to Maharashtra Maritime Board vide his communication dated 24th February, 1999.

The representative of M/s.PNP Maritime Services Pvt.Ltd., informed the Authority that a lease agreement was signed with Maharashtra Maritime Board to develop a minor port at Dharamtar. The existing jetty was being used by them prior to CRZ notification and they have increased height of that jetty for undertaking trial operations. He further informed that the company owns about 5 acres of land adjacent to the jetty and denied having reclaimed the land.

The issue was discussed by the Authority in its meeting held on 5th May, 2000 when it was decided to get a report from the Collector-Raigad on alleged land reclamation and construction activity undertaken by the company. The views of Urban Development Department were also to be invited.

Collector, Raigad has submitted his report to the Authority vide his communication No.R.B.Desk-I A-2/PNPMSPL/2000, dated 30th May, 2000. It has been reported that the jetty being used by M/s.PNP Maritime Services Pvt.Ltd. is in existence for approximately more than twenty years. This jetty was used for construction of Railway Bridge. Dharamtar road bridge was constructed in or around 1960. R.C.F. or their contractor companies were using this jetty for construction of bridge over Dharamtar creek. The height of the jetty has been increased by M/s.PNP Maritime Services Ltd.

The purchase of 4 acres of land by M/s.PNP Maritime Services Pvt.Ltd. is supported by documents. Urban Development Department also has given similar remarks vide its communication dated 3rd July, 2000. During the meeting, it was clarified that reference to plan showing HTL, LTL and obtaining permission for construction of jetty from Ministry of Surface Transport is for the new project of the applicant and not for the subject matter under discussion.

The Authority, therefore concluded that there is no violation of CRZ notification by M/s.PNP Maritime Services Pvt.Ltd. It was therefore decided to withdraw the status quo order as regards the old jetty. For the proposed new jetty they need to obtain the permission of Ministry of Surface Transport.

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