

MINUTES OF THE 30TH MCZMA MEETING HELD ON 29TH SEPTEMBER, 2005
AT 11.30 A.M. IN THE COMMITTEE ROOM, 5TH FLOOR, MANTRALAYA.

The Following were present :-

- 1 Principal Secretary, Chairman
Environment Department,
Govt. of Maharashtra,
Mantralaya, Mumbai.
- 2 Principal Secretary, Member
Revenue Department,
Govt. of Maharashtra,
Mantralaya, Mumbai.
- 3 Principal Secretary, Member
Urban Development Department
Government of Maharashtra,
Mantralaya, Mumbai.
- 4 Principal Secretary (Fisheries), Member
Agriculture, Dairy Development
and Fisheries Department,
Govt. of Maharashtra,
Mantralaya, Mumbai.
- 5 Principal Secretary, Member
Industries Department,
Govt. of Maharashtra,
Mantralaya, Mumbai.
- 6 Dr.S.B.Chaphekar, Member
Former Dean, Salim Ali School of
Ecology, Pondicherry
- 7 Dr.S.K.Gupta Member
Head of Department of CESE,
Indian Institute of Technology,
Mumbai.
- 8 Deputy Secretary, Member-Secretary
Environment Department,
Govt. of Maharashtra,
Mantralaya, Mumbai.

(1) President, Vanrai Pratisthan, Pune; (2) Municipal Commissioner, MCGM, Mumbai; (3) Director, Central Institute of Fishery Education, Mumbai; & (4) Dr.Leela

Bhosale, Department of Botany, Shivaji University, Kolhapur, who are the Members of the reconstituted MCZMA were absent.

At the outset, Chairman, MCZMA welcome all the Members, of newly reconstituted MCZMA vide MoEF Notification No.S.O.1231 (A), dated 2nd September, 2005 for the period upto 30th September, 2005. The Chairman of the Authority brought to the notice of the Members that this is a quasi-judicial authority and therefore proxy in the authority meeting should be avoided. He requested all the Members to be present personally in the Authority meetings.

It was also pointed out that as per section X of the said notification, at least 2/3rd Members of the Authority have to be present during the meeting. Chairman requested all the Members to present in the meeting for smooth functioning of the Authority.

It was discussed & decided that meetings of the Authority will be called when atleast 10 to 15 items are ready for discussion / decision in the matter. However, when the matter of urgent nature like Court cases needs Authority's approval, an urgent meeting will have to be called to discuss the case. In such case, Authority meeting could be called with a short notice to discuss the matter.

Therefore, Items placed before the Authority were considered, discussed & decided at length as per following :-

Item No.1 : Confirmation of the minutes of the meeting (29th of the Authority) held on dated 22nd June, 2005.

Minutes of the 29th Meeting of the Authority held on 22nd June, 2004 had already been circulated. However, no written modification / objections so far been received. The minutes of the meeting were therefore confirmed.

Item No.2 : Statement of follow up action taken in respect of decision taken in the last meeting (29th Meeting) held on dated 22nd June, 2005.

The Authority discussed the Item No.3 of the follow up action regarding the creation of Nature Park near Kalwa Creek, it was decided in the 29th meeting to.....

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call for explanation from Thane Municipal Corporation :

- a. Why the Corporation had not made an application to the MCZMA before starting development activity of Nature Park in CRZ.I area.
- b. The Corporation should confirm whether the mangroves were in existence at the said site; and,
- c. It was decided to call for explanation of Thane Municipal Corporation and directed them to submit their reply within 7 days.

However, it was brought to the notice of Authority by Shri Devale, Law Officer, MPCB that only a letter has been issued to Commissioner, Thane Municipal Corporation. The Authority directed that explanation of the Commissioner, Thane Municipal Corpn. should be called immediately.

Item No.7 : Follow up action - Writ Petition No.3246 / 2004 filed by BEAG V/s State of Maharashtra were discussed partly in the 29th meeting dated 22nd June, 2005 it was decided to discuss the matter in the next meeting. The Chairman, immediately after reconstitution of the Authority, felt that BEAG should be given an opportunity to present their say before the Authority. Therefore, the Authority requested to BEAG to present before the Authority meeting which will be held on 29th September, 2005 vide letter dated 27th September, 2005 (By fax). In response the letter dated 28th September, 2005, received from BEAG was read before the Authority. BEAG in its letter has informed that the matter is subjudice and they expressed their inability to attend the meeting.

The Authority was informed by Chairman that he had received a letter dated 26th September, 2005 from M/s.Usha-Madhu Development Co-operative Hsg.Society in the Writ Petition No.3246/2004 with a request to give hearing. Accordingly, M/s.Usha-Madhu Development Co-operative Hsg.Society was requested to present for hearing in the said meeting.

The Representative of M/s.Usha-Madhu Development Co-operative Hsg.Society presented his case to the Authority. The matter pertains to their property bearing CTS No.161 Pahadi Goregaon is already pending before the High Court in Writ Petition No.1417/ 2003 filed against Union of India and BEAG is one of the Respondent in the matter. The Representative of the Society submitted that

the order dated 9th August, 2004 passed by Hon'ble High Court directed MoEF to give hearing to the Petitioner (M/s.Usha-Madhu Development Co-operative Hsg.Society) and Respondent (BEAG who is also a petitioner in the Writ Petition No.3246/2004) and Ministry passed orders. The Representative further informed that the MoEF conducted an inquiry on the basis of the complaint made by the BEAG alleging destruction of mangroves in August, 2002. He further requested the Authority to bring the said fact to the notice of Hon'ble High Court in the Writ Petition No.3246/2004 since the survey No.forms part of the letter dated 28th July, 1997. It is further submitted that pursuant to the order passed not only by the High Court, but also by Hon'ble Supreme Court, work has been suspended pending disposal of the case by MoEF. Copy of the High Court order is submitted by the Representative. After detailed discussion it was decided by Authority that it is not necessary to file affidavit in the matter. However, the matter to be informed to the Advocate of Authority on record.

Secretary (Industries) desired that the concerned Collector should be called in the Authority meeting when the issue of destruction of mangroves is discussed, because the Collector is empowered under the Environment (Protection) Act, 1986.

In accordance with the directions of the Hon'ble High Court in Writ Petition No.3246 / 2004. MRSAC were requested to map the mangroves in Maharashtra. The mapping of mangroves were submitted to the High Court on 29.08.2005.

As per the directions of the High Court in the writ petition no.3246/2004, mapping of mangroves in Maharashtra State by using satellite remote sensing in August, 2005 prepared by Maharashtra Remote Sensing Application Centre (MRSAC) for coastal area of the state submitted to the court on 29/08/2005. The expenditure for phase-I study was paid by Maharashtra Pollution Control Board (MPCB) from the cess funds. In accordance with the court orders Phase.II study will have to be conducted using high resolution satellite data for detailed mapping of mangroves. It will require approximately Rs.20 lakhs as per the letter from Director, MRSAC. The matter was discussed in the Authority meeting and it was decided that MPCB and Municipal Corporation of Greater Mumbai (MCGM) may be requested to incur the expenditure for the Phase.II study. which will be reimbursed once funds are received by the Authority. It was directed by the Authority that letter should be sent to both organizations with request to provide funds as an advance.

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Item No.10 :- Follow up action and NOC for the proposed commercial complex for MHADA, Survey No.7/8, Bandra (West), Mumbai.

In the last meeting, it was directed by the Authority that MPCB should conduct public hearing, submit report to Authority for necessary decisions. However, the then Member Secretary of the Authority after conducting the public hearing recommended the proposal to MoEF without submitting the results of public hearing to the Authority. Authority directed that the letter should be written to MOEF that the letter of recommendation issued by the then Member Secretary of the Authority may be ignored till public hearing is conducted by MPCB and report is submitted to Authority for its decision.

Item No. 17 - Follow up action – Gorai Machimar Sahakari Sanstha V/s. State of Maharashtra :-

Chairman of the Authority informed members that the draft affidavit in the matter is yet to be seen by him. The subject will be brought before the Authority after his approval.

MOEF has reconstituted the Authority on 21.09.2005. However, the records have not so far been transferred by the Ex.Member Secretary of the Authority (MS-MPCB). Authority directed that Member Secretary of the authority should collect all records with immediate effect in order to file necessary replies in cases within the time limit in the High Court. *A Record Book - Action taken*

Item Agenda No.3 – Revised proposal received from Executive Engineer, PWD, Ratnagiri for construction of bridge on Jaitapur Creek in Ratnagiri District.

The proposal was discussed in the 28 and 29th meeting of the MCZMA dated 21.04.2005 and 22.06.2005 respectively. As decided, Dr. (Smt.) Bhosale visited the place and as per her advice the Executive Engineer, PWD submitted revised proposal on 27.09.2005. It was decided by the Authority that the proposal should be sent to Dr.Bhosale for her consideration and remarks in the matter. After receipt of the remarks, the case will be placed in the MCZMA.

Item No.4 – Development of 2nd evacuation / access road for Jawaharlal Nehru Port.

This proposal was placed in the 29th meeting of the Authority and the matter was discussed at length. It has been brought to the notice of the Authority that the consolidated proposal of the CZMP of JNPT had already been recommended to MOEF. Accordingly MOEF in which this road is included. Therefore, it was decided that it is not necessary to consider separate proposal of second evacuation / access road.

Item No.5 – Request for allotment of land bearing Survey No.107 A for Sunni Muslim Qabrastan at Mumbra, District – Thane.

The proposal for development of Muslim Kabrasthan by Darul Ulim Nawaz Religious Trust was discussed at length. The trust has approached to MCZMA for development of Muslim Kabrasthan in CRZ area. The land under reference survey no.107 A Village-Mumbra, District – Thane falls within CRZ.I (i). As per CZMP prepared by CESS, an organization approved and recognized by MOEF. There is mangroves vegetation on the said land and affected by mangroves buffer zone. As per section 6(ii) of CRZ Notification, 1991, as amended upto 24th July,2003, said activity is not permitted. It was decided that the Trust may be informed accordingly.

Item No.6 – Proposed Exhibition Hall on Plot bearing No.B/846 & B/848 of Village Bandra at Mount Mary Road, Bandra (West).

Urban Development Department has forwarded proposal to MCZMA in order to recommend the same to MOEF, Govt.of India, for necessary CRZ clearance in the matter. Cost of the project is below Rs.5 crores. However, as per the amendment dated 22.04.2003 proposals of buildings under public use require environmental clearance from MOEF (including place of worship).

The land under reference falls in CRZ.II category and on the landward side of the existing road. Development / reconstruction is permissible as per development control regulation as on 19.02.1991. After the due deliberation, the Authority decided to recommend the proposal to MOEF for CRZ clearance.

Item No.7 – Coastal Zone Management Plan for Palghar and Bhiwandi Nizampur Municipal Councils.

As per para 3(3)(i) of MoEF notification dated 19th February, 1991 as amended upto 24th July, 2003, the Coastal Zone Management Plan shall be prepared and submitted to the MoEF for approval. Accordingly, State of Maharashtra prepared a plan and submitted to MoEF and same was approved on 27th September, 1996.

Palghar Municipal Council was established in 17th September, 1998. On varification of toposheet prepared by Survey of India and Field Observation, it was observed that the Palghar Municipal Council area is affected by tidal action and therefore, the CZMP of Palghar Municipal Council requires approval of MoEF.

Similarly, in the case of Bhiwandi-Nizampur Municipal Council, the area of the Municipal Council is also affected by tidal action. Therefore, the CZMP of Bhiwandi-Nizampur Municipal Council also requires approval of MoEF.

Accordingly, the UDD has prepared Coastal Zone Management plans of Palghar Municipal Council and Bhiwandi-Nizampur Municipal Councils vide letter dated 1st June, 2005 for onward submission to MoEF. The Authority approved both these plans and decided to recommend them to MoEF for approval.

Item No.8 – Proposed restoration and reconstruction of the "Haji Ali Durg Durgha" on Plot bearing CS No.835 at Lala Lajpatrai Marg, Mumbai.

M/s.Structural Designers and Engineers Pvt.Ltd. submitted proposal to MCZMA for restoration and reconstruction of Haji Ali Durgah . MCZMA sent the proposal to UDD for comments under the CRZ Notification. UDD has forwarded its comments to MCZMA. The cost of the project is less than Rs.5 crores and the land as per revised sanction plan of G-South ward of MCGM, falls in the water body and is not reserved for public purposes. The existing Haji Ali Durgah is situated in the water body. There is no provision of FSI as per the approved DCR. As per approved CZMP dated 19.02.1991 the land under reference is not CRZ.I (ii). The proposal of Restoration /Reconstruction of existing Haji All Durga can be permitted with prior permission of MOEF.

Haji Ali Durgah is a 500 years old structure. It needs immediate reconstruction and restoration. Heritage Committee has issued NOC for the above work.

The proposal was discussed at length and it was decided that the reconstruction / restoration of religious places can be permitted with prior approval of MOEF as per CRZ Notification as amended upto 22.04.2003. It was decided to recommend the case to MOEF.

The meeting was ended with thanks to the chair.
