

MINUTES OF THE 31st MCZMA MEETING HELD ON 11th  
NOVEMBER, 2005 AT 11.30 A.M. IN THE CHAMBER OF CHAIRMAN,  
MCZMA / PRIN.SECY.(ENV) MANTRALAYA.

The Following were present :-

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| 1 | Principal Secretary,<br>Environment Department,<br>Govt. of Maharashtra,<br>Mantralaya, Mumbai.       | Chairman         |
| 2 | Principal Secretary,<br>Revenue Department,<br>Govt. of Maharashtra,<br>Mantralaya, Mumbai.           | Member           |
| 3 | Principal Secretary,<br>Urban Development Department,<br>Govt. of Maharashtra,<br>Mantralaya, Mumbai. | Member           |
| 4 | Secretary,<br>Industries Department,<br>Govt. of Maharashtra,<br>Mantralaya, Mumbai.                  | Member           |
| 5 | Dr.S.B.Chaphekar,<br>Former Dean, Salim Ali School of<br>Ecology, Pondicherry                         | Member           |
| 6 | Dr (Mrs)Leela Bhosale<br>Deptt.of Botany,<br>Shivaji University,<br>Kolhapur - 416 006                | Member           |
| 7 | Shri Chakravarty,<br>Director,<br>Central Institute of Fishery Education,<br>Mumbai.                  | Member           |
| 8 | Deputy Secretary,<br>Environment Department,<br>Govt.of Maharashtra,<br>Mantralaya, Mumbai.           | Member-Secretary |

Principal Secretary (Fisheries); Commissioner, MCGM; President -  
Vanrai Pratisthan, Pune; Dr.Gupta, IIT; & Members, MCZMA were absent.

At the outset, Chairman, MCZMA welcomed Director, Central Institute of Fisheries Education & Dr (Mrs) Leela Bhosale, Members of newly reconstituted MCZMA vide MoEF Notification No.S.O.1231 (A), dated 2nd September, 2005.

In order to avoid delay, it was decided by the Authority that after the meeting, minutes will be approved by the Chairman and cases can be recommended to MoEF. It was further decided that the recommendations should not require confirmation. However, decisions taken in the meeting would require confirmation. In Court matters, Chairman was empowered to take appropriate decision in the matter & take post facto approval of the Authority in the next meeting.

**ITEM NO.1 :** Confirmation of the minutes of the meeting (30th of the Authority) held on dated 29th Sept, 2005.

Minutes of the 30th meeting of the authority held on 29th Sept.; 2005 were circulated during the meeting. No modification and objections were suggested by Members. Minutes of the meeting were therefore, confirmed. Prin.Secy.(Revenue) made an enquiry regarding the transfer of records by Ex-Member Secretary of the Authority (MS, MPCB). It was informed that the records have been transferred by Ex-Member Secretary of the Authority to Environment Department.

**ITEM NO.2 :** Proposal received from the Executive Engineer, PWD, Ratnagiri for construction of bridge on Jaitapur Creek in Ratnagiri District - to recommend it to MoEF. Govt.of India of environmental clearance.

The proposal was discussed in 28th & 29th Meeting. Revised proposal submitted by the Executive Engineer, PWD was discussed with Member, Mrs.Leela Bhosale. In this meeting, Executive Engineer submitted revised proposal reducing the width of the bridge so that, it does not destroy the mangroves area. The width of the bridge is reduced from 12 mtrs to 10 mtrs with buffer zone to protect the mangroves area.

After discussion, Authority decided to recommend the proposal to MoEF. 5

**ITEM NO.3 :** 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.

The matter was discussed in a number of meetings of the Authority. It was brought to the notice of the Authority that there is a controversy between Prince Agakhan Trust and Vasai Macchimar Sahakari Sanstha Maryadit, Vasai over the burial ground. The Vasai Macchimar Sahakari Sanstha Maryadit has complained that, due to burial ground, they face problem in pulling out their boats used for fishing and their fishing activities. On the contrary, the Agakhan Trust contents that the Competant Authority has allotted the plot under reference and they have already constructed boudary wall on it.

In this context, the Authority decided that informaion on following points should be sought from the Collector, Thane :-

1. Whether the dumping is continued in the CRZ area by the Municipal Authorities.
2. Whether the mangroves were in existance prior to construction of boundary wall.
3. Whether saline water is entering in the area of burial ground,
4. The details of the allotment of the land to the Trust and whether the Trust has obtained the permission for construction of wall around burial ground from the Competant Authority.

It was decided by the Authority that Collector should be directed to visit the area in question & send detailed report in the matter.

After receipt of the report, the case will again be placed before the Authority for decision in the matter.

**ITEM NO.4 :** To consider grant of NOC for the proposed connecting road between Southern and Northern district of Navi Mumbai i.e. from Koparkhairane to Airoli as well as link Navi Mumbai with Mumbai via = existing Mulund-Airoli Bridge over Thane Creek.

The representative of CIDCO explained the proposal. During discussions, it came to the notice of the Authority that the proposed connecting road will affect the mangroves in approximately one k.m. of the area though the Environment Impact Assessment (EIA) prepared by the Consultant does not mention about the destruction of mangroves and mitigation measures to protect the mangroves.

The Authority directed the representative of CIDCO to modify the proposal and submit revised proposal for construction of road which will not destruct mangroves in the said area. It was brought to the notice of the authority that the Navi Mumbai Corpn. is dumping solid waste in the CRZ area destroying mangroves. The Authority decided that the High Court order dated 6th October, 2005 should be brought to the notice of the Commissioner, Navi Mumbai Corpn. for compliance.

**ITEM NO.5 :** Interpretation of the amendment issued by MoEF vide Notification No.S.O.460(E), dated 22nd April, 2003.

The Central Govt. has made an amendment in CRZ Notification dated 19th February, 1991 with a view to prevent further ecological damages vide notification dated 22nd April, 2003. According to UDD, the amendment is only applicable to the CRZ.II area and not for CRZ.III.

The Authority discussed the issue in depth and came to the conclusion that the amendment dated 22nd April, 2003 is applicable to all CRZ areas. It was further decided by the Authority that all proposals in CRZ areas below Rs.five crores will be decided by the Environment Department.

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**ITEM NO.6 :** Construction of 20 m wide Proposed Road in Zone-I as per Sanctioned Development Plan of Thane Municipal Corporation, Thane on land bearing C.T.S. No.1913 (Pt) of Kopri, Thane (East).

The proposal of construction of 20 mtrs.wide road in Zone-I of Thane Municipal Corporation was discussed. The Urban Development Department has forwarded the proposal to the Authority vide letter dated 28th March, 2005 to construct 20 mtrs. proposed road in Zone-I as per sanctioned development plan of Thane Municipal Corporation, Thane. As per report of the Centre Earth Science Studies, the said area is classified as "salt pan" and therefore, land under reference is classified under CRZ.I(ii). It required clearance from MoEF.

It was brought to the notice of the Authority that the Thane Municipal Corporation has not prepared Environment Impact Assessment report to facilitate verification whether the mangroves are in existence in the said area. EIA report should include details of mangroves in existence and mitigation measures. The Thane Municipal Corporation should prepare EIA report and submit to the Authority on the basis of the above details. The request can be considered thereafter only.

**ITEM NO.7 :** Proposed Exhibition Hall on plot bearing CTS No.B/846 & B/848 of Village Bandra at Mount Mary Road, Bandra (W).

The Executive Engineer, MCGM has submitted the proposal to UDD for construction of exhibition hall plot No. bearing CTZ No.B/846 & B/848 of Village Bandra, at Mount Mary, Bandra(W), Mumbai. As per report of UDD the land having area 6592 sq.mtrs under reference falls in CRZ.II out of which the proposed reconstruction of exhibition hall is 1323 sq.mtrs. The total cost is less than Rs.5 crores (Rs.3.71 crores).

The proposal was discussed. The construction of worship centre is permissible in CRZ.II area as per the CRZ Notification 1991 amended upto 22nd April, 2003 with approval of MoEF. Therefore, it was decided to recommend the proposal to MoEF.

**ITEM NO.8 :** Proposed reconstruction of three chawls : Shivram Gawali Chawl, Patra Chawl and Laxmibai Kotabakar on plot bearing C.S.No.251 to 258 Colaba Division, 10C, Lala Nigam Road, Colaba, A Ward, Mumbai - 400 005.

A proposal for reconstruction of old chawl forwarded by UDD on plot C.S.No.251 to 258, Colaba Division, Lala Nigam Road, Colaba, was approved in 1976 by MCGM on the basis of the DC Rules, 1967. The Phase-I part of the building with ground + 5 floors was constructed and occupation permission has been granted on 28th November, 1980. Phase-II remained to be constructed due to litigation between MHADA tenants and MCGM. The MHADA has now proposed to reconstruct the phase-II and requested for permission to allow overall FSI components of 4.00 as per DC Rule, March, 1991.

The matter was deliberated in detail. The Authority decided that as per the CRZ Notification 1991, as amended from time to time, reconstruction is permissible. However, the decision to grant FSI should be taken by the Planning Authority as per CRZ Notification 1991 amended from time to time.

**ITEM NO.9 :** Repair of existing building (Durgah) situated at Colaba on C.S.No.225 on "A" Ward.

The proposal for structural repairs of Durgah on Plot No.CTS survey 225, A Ward, Colaba is submitted by MCGM. The plot under reference is classified as CRZ.II as per approved CZMP by MoEF vide letter dated 19th January, 2000. Th MCGM has informed that the Durgah was in existence prior to 1962.

As per the MoEF Notification 1991 as amended upto 22nd April, 2003 demolition or reconstruction of building under public use (worship, education, medical care and cultural activities) needs the clearance from MoEF.

The Authority had discussed this issue and it is decided to recommend the proposal to MoEF.

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**ITEM NO.10 :** Construction of Houses for the members of Dr.Bhimrao Ambedkar Co-operative Housing Society.

The item was deferred and it is decided to call Thane Municipal Corporation in the next meeting to present the proposal.

**ITEM NO.11 :** Proposal of clearance for construction of Break-water at Pawas Bay, Village Ranpar-Golap, Tal.& Dist. Ratnagiri Port - Finolex Industries Ltd.

M/s.Finolex Industries Ltd., Ratnagiri engaged in manufacturer of PVC at Village Ranpar, Dist.Ratnagiri since 1993. The Company was permitted to construct the jetty for loading and unloading of raw material such as ethylene dichloride which is the main raw material for manufacturing activity. The Company was granted expansion permission by MoEF in December, 2003. Due to orientation of bay, the jetty is fully exposed to the waves during the monsoon and therefore, is utilized only between the fair weather season i.e. from September to mid May. As a result, the jetty can not be operated between May to September.

In order to operate the jetty through out the year, the Company has proposed to construct a break-water to make it on all weather jetty. WAPCOS, Govt. of India Undertaking had carried out Environment Impact Assessment (EIA) for break-water.

The proposal of the Company was discussed at length. It was felt that the construction of break-water in CRZ area needs permission from the MoEF, Govt. of India. It was decided to recommend the case to MoEF.

**ITEM NO.12 :** Delineation of HTL & CRZ boundary along and across the property bearing No.142/1/A CTS No.832/6 of Village Ambivali, Tal.Andheri, 'K' Ward, Andheri (W), Mumbai. - M/s.Lachmi Gobind Apartment Co.Op.Hsg. Society.

M/s. Lachmi Gobind Apartment Co.Op.Hsg.Society, Jaiprakash Road, Near Four Bungalow Bus Stop, Andheri (West), Mumbai approached Maharashtra Coastal Zone Management Authority with a

request to delete the CRZ remarks given by Municipal Corporation of Greater Mumbai in the development plan.

To carry out the fresh survey by approved agency of MoEF needs permission from Member Secretary, MCZMA. The Ex-MS, MCZMA granted permission on his own to carry out fresh survey and redelineation of HTL & LTL vide letter dated 24th February, 2005.

The Applicant society, approached the National Institute of Oceanography, Goa for redemarcation of HTL. As per NIO report, the property in question does not fall within the CRZ legislation.

The Authority discussed the proposal in details. The State Govt. has made a commitment in the Writ Petition No.3246/2004 that the redelineation of HTL & LTL and reclassification of CRZ area will not be encouraged. The Authority decided that the redemarcation of HTL and LTL should not be encouraged.

Therefore, the Authority decided that reconstruction / redevelopment of the present structure will be permissible as per the CRZ Notification, 1991 as amended upto 22nd April, 2003.

**ITEM NO. 13 :** Proposal for Slum Rehabilitation Scheme (SRS) opn plot No.139 to 142 and 143 (pt) of Backbay Reclamation Scheme, Colaba Division, Mumbai for Bhai Bunderkar Fishermen (SRA) Co-op.Hsg.Society.

The proposal for Slum Rehabilitation Scheme (SRS) plot No.139 to 142 and 143(pt) of Backbay Reclamation Scheme, Colaba Division, Mumbai for Bhai Bunderkar Fishermen (SRA) Co-op. Hsg. Society was put up before the 27th Meeting of the Authority held on 05.04.2005. It was then decided to call a detailed scheme of rehabilitation for development of 620 slums established prior to 19.02.1991 as eligible as per CRZ Notification, 1991. The applicant submitted a revised proposal on 2nd September, 2005 for rehabilitation of 620 slums.

The proposal was discussed and it is decided to recommend the proposal to MoEF for reconstruction of 620 slums only as per CRZ notification 1991 as amended upto 22nd April, 2003.

**TABLE ITEM : In the Writ Petition No.836/2005 - Palm Beach  
Riviera Co-Op.Hsg.Soc. - V/s - State of  
Maharashtra.**

The High Court Judicature at Mumbai passed an order on dated 21st October, 2005. The High Court Judicature at Mumbai directed the concerned Collector to prepare comprehensive plan for the beautification of the area under reference and submit to MCZMA. The MCZMA was directed to consider the plan and submit the report within 10 days thereafter.

Pravin Mehta, Counsel of the Petitioner submitted the lay out plans to this office on dated 08.07.2005. The matter was discussed and Authority decided to visit the area and verify the maps on 24th November, 2005. After visit, necessary decision in the matter will be taken.

The meeting is ended with a vote of thanks.

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