

**MINUTES OF THE 32nd MCZMA MEETING HELD ON 19TH
JANUARY, 2006 AT 3 P.M. IN THE COMMITTEE ROOM,
6TH FLOOR, MANTRALAYA.**

The Following were present:-

- | | | |
|---|---|------------------|
| 1 | Principal Secretary,
Environment Department,
Govt. of Maharashtra,
Mantralaya, Mumbai. | Chairman |
| 2 | Principal Secretary,
Urban Development Department,
Govt. of Maharashtra,
Mantralaya, Mumbai. | Member |
| 3 | Dr.S.B.Chaphekar,
Former Dean, Salim Ali School of
Ecology, Pondicherry | Member |
| 4 | Deputy Secretary,
Environment Department,
Govt. of Maharashtra,
Mantralaya, Mumbai. | Member-Secretary |

Principal Secretary (Revenue); Principal Secretary (Fisheries), Secretary (Industries), Dr.(Mrs.) Leela Bhosale, Director, Central Institute of Fishery Education, President, Vanrai Pratistan, Pune, Dr.Gupta, IIT; Members of MCZMA were absent.

ITEM NO.1 : Confirmation of the minutes of the meeting (31st of the Authority) held on dated 11th November, 2005.

Minutes of the 31st meeting of the Authority held on 11th November, 2005 were circulated during the meeting. No modification and objections were suggested by Members. Minutes of the meeting were therefore, confirmed.

ITEM NO.2 : Statement on follow up actions taken in respect of Decisions taken in the last meeting (31st) of the Authority.

Follow up action in respect of decisions taken in the 31st meeting of the Authority were noted and approved.

ITEM NO.3 : 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.

The complaint of Shri. Satnam Singh Divan, Municipal Councilor, Ward No.138 against the allotment of 10 acres of land in Survey No.263 of Village Malvani, belonging to the Government of Maharashtra, for drying fish, fishing nets and repairing boats, was discussed in the 29th meeting held on dated 22nd June, 2005. The contention of the complainant is that the said land is far from the sea and that it is not adjacent to any fishing village. It was the contention of the complainant that therefore, drying fish can not be permitted in this area which lies within CRZ. It was noted that the Collector had granted the land for fish drying to the fisherman in the locality. The matter was discussed in detail in the meeting of the Authority. Since fish drying is not a prohibited activity in the CRZ area, the Authority decided that the complaint could not be entertained.

ITEM NO.4 : Application for restructuring and development of existing ramp at Vasai creek.

Consultant to the project, Shri Jogalekar, showed the Authority the plan of the proposed project and explained that it consists of strengthening and extending the existing jetty at Malonda, Vasai, by constructing a 'T' at the end; the jetty would be supported by piles constructed in the creek. The meeting was

further informed that the report submitted to the Authority regarding delineation of HTL & LTL and CRZ boundaries for improvements in the jetty was prepared by Centre for Earth Science & Studies (CESS), Thiruvananthapuram. The width of the existing ramp is 5.6 meters and its length is 105 meters.

Shri Jogalekar also clarified that the extension of existing ramp is to be done along its length, the width remaining unchanged. Thus, mangroves on both sides of the existing ramp would not be disturbed. Furthermore, the extension of the main jetty lies in the water and not on land.

It was decided by the Authority that the clearance should be granted for strengthening of the existing jetty and for the extension of the jetty, on the condition that the developer gives an affidavit undertaking that the mangroves growing on both sides of the jetty would not be harmed, and that any disturbance during construction and commissioning of the extension of the jetty would be rectified immediately to restore the growth to its original position. The developer would keep photographic and other necessary records of the mangroves to demonstrate this.

ITEM NO.5 : Proposed "Floatel" on board a passenger cruise ship off the Mumbai Coast.

Shri Sameer Jadhav, representative of Shri Raj Pradhan (who has submitted the proposal,) requested the item be postponed as the comprehensive EIA is still being prepared. The Authority cautioned the developer to keep in mind that Cafeteria, Toilets, Watch Tower, and Waiting Room etc. included in the plans submitted to them, are not activities that can be permitted in the area covered under CRZ.I. The item was postponed for the next meeting.

ITEM NO.6 : Construction of Houses for the members of Dr. Bhimrao Ambedkar Co-operative Housing Society, Thane.

Shri Suhas Samant. Dy. City Engineer, Shri Ramesh Inamdar, Dy. Engineer & Shri P.R. Nimbalkar of the Thane Municipal Corporation explained the project in detail. The proposal for development of land in survey No.165 Khartan Road, Thane, under the Slum Rehabilitation Scheme has been submitted to the Authority for their clearance by the Thane Municipal Corporation. The land under reference is in CRZ.II and is on the sea ward side as per CZMP. The map describing the area was seen by the Authority.

It was further explained by the City Engineer that the Collector Thane had granted permission in 1980 to the Society to construct 5 buildings. The Society, registered itself in 1980, and Collector approved the plan for the proposed project in 1981. The Society started construction in 1984 and completed only one of the 5 buildings. When permission for the construction was given by the Collector, the area was within the jurisdiction of the Gram-panchayat and therefore, the Collector was the Planning Authority. Permission for construction was granted in accordance with the prevalent rules, with an FSI of 0.75. The Authority observed that the land lies towards the sea, and is classified as CRZ.II in the CZMP.

The Authority noted that since the CRZ Notification, 1991 as amended from time to time permits development in areas covered by CRZ.II, subject to existing local town and country planning regulations including the existing norms for Floor Space Index (FSI) at the time of the issuance of the notification, i.e. on 19.02.1991; the permission given by the Collector would stand.

ITEM NO.7 : Writ Petition No.836/2005 filed by M/s.Ganesh Benzoplast V/s. Maharashtra Pollution Control Board.

Member-Secretary of the Authority explained the proposal in details. MoEF requested MCZMA to examine and send the report in the matter vide letter dated October 6, 2005. The Authority decided to send the report to NCZMA as desired by them.

ITEM NO.8 : Writ Petition No.836/2005 - Palm Beach Riviera Co-op. Hsg.Society - V/s State of Maharashtra.

The Authority had requested to the following persons to be present in the MCZMA meeting to express their views on proposed plan. :-

- 1) Shri P.K.Das, Architect
- 2) Convener, Monitoring Committee.
- 3) Collector, Mumbai Suburban District. &
- 4) Petitioner, Palm Beach Reivera Co-Op Society.

Of the above, representatives of Monitoring Committee namely, Shri Bhange Chief Executive Officer of Mumbai Slum Improve Board, Shri J. D. Jaiswal, Executive Engineer, Shri N.N. Chintamani, Dy. Engineer and Shri. Dhanore, Asst. Engineer of Mumbai Slum Improve Board and Smt. Mamta Shah, Petitioner, Palm Beach Reivera Co-Op.Society were present in the Authority meeting. Shri P. K. Das Architect and Collector, Mumbai Suburban District was absent.

The Member-Secretary of the Authority explained the matter in detail.

On 28th June, 2002, in writ petition number 2797/1988 along with writ petition number 3000/2002, the Honorable High Court at Mumbai had issued an order directing State of Maharashtra, the Collector Mumbai, MCGM, Airport

Authority and others to implement the beautification plan submitted by R.K.Das, for Juhu Beach and appointed a monitoring committee for this purpose. In its order para 15 specifically mentions that in case of any difficulty is experienced in the implementation of the scheme or the directions of the Court, the Committee shall be at liberty to approach Honorable Court.

Accordingly, implementation of the beautification plan started and MHADA constructed a road on beach from the end of the Gandhi Gram Lane. The Palm Beach Riviera Co-Op. Housing Society then filed a Writ Petition No.836/2005 against the State Govt. and others for violation of the CRZ notification and Honorable High Court vide order dated 29th March, 2005 directed that except relocation of the hawkers stalls and parking area, further construction be stopped in the entire Juhu Beach area.

The Assistant Government Pleader informed the Collector that though the scheme was sanctioned by the Court for beautification of the Juhu Beach, clearance of the MCZMA to the beautification scheme remains to be obtained. The Honorable High Court then directed that an alternative scheme in consultation with all the concerned parties including the State Government be prepared and submitted for its final approval.

Accordingly, the Collector has submitted a revised plan to the MCZMA as per the order of the Hon. High Court dated Nov 30, 2005. The High Court Judicature of Bombay in the Writ Petition No.3000/2002 and Writ Petition No.836/2005 has directed MCZMA to examine the beautification plan submitted by Shri P.K.Das through the Collector Mumbai Suburban District within four weeks.

Shri P.K.Das submitted the plan to the MCZMA on December 27, 2005. This plan is before the Authority today.

Smt. Mamta Shah, Petitioner W.P.No.836/2005, objected to all concrete constructions included in the beautification plan submitted by Shri P.K.Das on the grounds that these were not permitted in CRZ.I (inter-tidal area) as per CRZ Notification, 1991. She further stated that the proposed beautification included a concrete walk way / road which is already partially constructed on the beach and is likely to be used to ply and park motor-cars and two/three wheelers and would cause a nuisance on the beach, apart from violating the premise of CRZ to keep the seafront from development. She showed the Authority members photographs substantiating her say. She has further brought to the notice of the Authority that in the said Writ Petition, Hon'ble Chief Justice of the High Court has appointed Shri Dada, Sr.Advocate & Shri Patel, Advocate as Amicus Curiae. Their report has been submitted to the Hon. Court on October 7, 2005. Therein, the Amicus Curiae has also taken objection to any construction activity in CRZ.I area including concrete steps for going down to the beach and provision of benches, and suggested a minimum amount of plantation of natural vegetation without extensive landscaping. She has further stated that during the spring, tidal waves cross the boundaries of the Societies.

The members of the Authority are aware of the facts of the matter and had studied the plan submitted by Shri P.K.Das along with the superimposition of demarcation of HTL by MCGM on the approved CZMP by the Ministry of Environment and Forest, Government of India. It is unfortunate that both the Collector and Shri Das, the author of the plan were absent in the meeting of the Authority, and the plans submitted did not carry legends. The plan as available to the Authority can be said to be composed of two parts: areas which fall under CRZ II and areas which fall under CRZ I. The former consists of shifting of the hawkers that are today situated in CRZ I area and providing a parking area, and to which the Authority has no objections. The only condition would be that the space of the hawkers resettlement in the CRZ-II area should not exceed the space occupied by them on Feb.,1991 in the CRZ-I area. Any plan that proposes shifting of activities from a CRZ I area to CRZ II area, is a very welcome.

As regards the parts of the plan which deals with the inter tidal zone, the plan has 12 spots identified for beautification, in CRZ.I.

The members of the Authority are aware that the Honorable High Court, Mumbai, in Writ Petition No.3000/2002, on 19th March 2003, had directed concerned authorities to remove unauthorized and illegal encroachments on the beach and access to the same and to ensure that there is no fresh encroachment. In compliance of the order, the Collector, Mumbai Suburban District has to date removed encroachments on twelve sites. The plan submitted by the Monitoring Committee refers to precisely these spots. During the process of removing encroachments, the Collector found that six of those sites were elevated by illegal reclamation; it is here that steps seem to be proposed, which are objected to by the Palm Beach Riviera Society.

The Authority deliberated upon the proposal in detail. The CRZ notification pertaining to the inter tidal zone is very clear. All construction activities between HTL and LTL are prohibited except those permitted in the annexure to the notification. The Authority understands the reasons behind the proposal for beautification which is to protect the beach from being misused and encroached upon again. Therefore it supports the concept. The Authority understands that since land at six sites is at an elevated position, there would have to be some kind of landscaping to ensure that hutments/hawkers do not take advantage of the modified contour of the land to encroach. However in the absence of the architect of the scheme during the meeting of the Authority to explain how this could be achieved, and without clear legends in the plan submitted, the Authority only allows that the plan may proceed, but without any concretization. Any landscaping or walkway must be provided without 'construction' as the term is ordinarily understood, i.e. without concrete, brick work, masonry or tar etc; and trees planted should as far as possible confirm to natural growth found in the natural environment of the area. Further, if any walkway is to be laid, it should be such that no two or four wheeler vehicle can use it to drive or park on.

The plan submitted before the MCZMA shows that two encroachment in the inter tidal zone remain. The Authority would like to see them removed and directs that they be removed immediately.

ITEM NO.9 : Tata Power Ltd. Construction of Temporary Structure for berthing jetty.

Shri. P.K. Khanolkar, Advisor to the Company explained that the proposal, for which the permission of the Authority is being sought, consists of the construction of temporary platforms in the premises of the Tata Power Company at Trombay. The Authority was informed of the Company has already received, in August, 2005, environment / CRZ clearance from MoEF, Government of India, for a captive berthing jetty and coal conveyor. However, the completion of that project would take around 18 months. The company presently transports imported coal by truck from Haji Bundar (BPT) to the company premises and the Maharashtra Pollution Control Board has issued a notice U/s 21 of the Air Act to stop transport of coal through trucks as they create fugitive emissions. Therefore, in order to avoid fugitive emission due to transport of coal from Haji Bunder or from Dharamtar Creek to the Company, it is proposed that four temporary steel platforms are constructed for receiving coal transported through barges.

The Authority decided to grant permission for construction of temporary structures for unloading the coal from the barges on condition that the Company gives an affidavit undertaking that the temporary structures would be dismantled as soon as the work of the berthing jetty is completed and that they would thereafter restore the land to status quo ante.

ITEM NO.10 : Proposal regarding redevelopment of property bearing F.P.No.746, T.P.S.IV. Mahim Prabhadevi, Mumbai - Stanley Fernandis Wadi.

The proposal for development of plot bearing Final Plot No.746 Mahim-Prabhadevi was discussed in detailed. The plot under reference is on the land ward side of the existing road and in CRZ.II area as per approved CZMP of City of Mumbai vide letter dated 19th January, 2000 by MoEF. The proposed construction is permissible in CRZ.II as per the CRZ Notification 1991 as amended from time to time. The cost of the project is more than Rs.5 crores.

As per para 2 clause (v) of CRZ Notification 1991 as amended up to 22nd April 2003 the projects having cost more than five crores required CRZ clearance from Ministry of Environment and Forest Government of India.

After due deliberation, the Authority is decided to recommend the case to MoEF for development o the said plot in CRZ-II area.

ITEM NO.11 : Proposal regarding delineation of land bearing CTS No.82/39 of Santacruz No.II of Village Danda from Coastal Zone Regulation - M/s. K.Arch.

The matter is differed for the next meeting.

The meeting is ended with the votes of thanks.

■ oo000oo -