

MINUTES OF THE 35th MEETING OF MAHARASHTRA COASTAL ZONE
MANAGEMENT AUTHORITY (MCZMA) HELD ON 26th SEPTEMBER , 2006
AT COMMITTEE ROOM, 6TH FLOOR, MANTRALAYA, MUMBAI-400 032.

The following were present –

Ms. Sharwaree Gokhale,
Principal Secretary,
Environment Department,

Chairman

Dr. S. B. Chaphekar,

Member

Dr. (Mrs.) Leela Bhosale,
Department of Botany,
Shivaji University,
Kolhapur

Member

Dr. Dilip Kumar
Director,
Central Institute of Fisheries Education,

Member

Dr. D. B. Boralkar,
Member Secretary,

Member Secretary

Principal Secretary, Revenue Department, Secretary - Urban Development Department, Secretary, Fisheries, Secretary Industries Department, Municipal Commissioner, MCGM and President, Vanrai Pratistan, Pune were not present. In her opening remarks, the Chairperson, MCZMA welcomed the Members. Since the Coram for the meeting was not as required, the meeting was adjourned.

Therefore, the presiding officer in the exercise of her powers adjourned the meeting to 15.00 hrs. on 26/09/2006. Thereafter, it was decided to discuss the agenda notes of the meeting after half an hour. No matter which had not been on agenda was discussed during the adjourned meeting.

Item No. 1: Confirmation of the minutes of the 34th meeting held on 1st August, 2006.

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The minutes of the 34th meeting of MCZMA held on 1st August, 2006 were sent to the Members for their comments. Some modifications were suggested by the Dr. D. B. Boralkar, Member Secretary. Certain clerical corrections were suggested in respect of M/s.MIPSI Pvt.Ltd. vide letter dtd.26/09/2006. The said corrections are taken on record as under.

1. The clerical corrections are made in respect of minutes to the Item No.3 at page No.5 at the running page No. 2 of the Minutes of 34th Meeting as under :

Line No.	Typed as	Corrected word is
10.	CTS No.675(A)	CTS No.657(A)
12.	road on the West	road on the South
15.	nakllas on the outskirts	nallas on the outskirts

2. The minutes to the item No.4(a) are corrected on page 6 at the running page No.3 of the Minutes of 34th meeting at the end of para-1, which may be read as under :

"Therefore, the plot in question is shown as being included in CRZ-II."

3. The minutes to the item No.4 are corrected on page 7 at the running page of 4 of the Minutes of 34th Meeting in 3rd para, which may be read as under :

"Dr.S.K. Gupta, informed that, he had visited the site earlier alongwith the then Member Secretary and Dr.Hrishikesh Samant, Member and found that the water body was creek but agreed that the matter be referred to the Chief Hydrographer for his confirmation of the status of the water body. "

4. M/s Pooja Properties Pvt. Ltd. vide letter dated 26/09/06 brought to the notice of the Authority that their plot is wrongly mentioned as G/12 instead of E/12, situated at Road No. 19, Khar (W), Mumbai-52. Accordingly the following corrections are made. The CTS No. of M/s Pooja Properties Pvt. Ltd. may be read as E/12 instead of G/12 situated at Road No. 19, Khar (W), Mumbai-52.

All the members accepted the modifications and accordingly changes were made to the minutes. The minutes were then confirmed.

Item No. 2: Statement of follow up actions taken in respect of the decisions taken in the last meeting of the Authority.

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The information was noted. Member Secretary, MCZMA informed that in respect of statement on follow-up actions at running page No.17 of the agenda notes for 35th Meeting at Sr.No.10, the following should be substituted in column of action taken.

"The proposal is recommended only for facilitating land acquisition."

Accordingly the action taken at Sr.No.10 may be read as above. The tentative date of visit to M/s.Rewas -Aware Port Project proposed site was fixed on 6th or 7th October, 2006 subject to confirmation by the visiting members.

Item No. 3: Note on Environmental Impact Assessment (EIA).

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Regarding note given by the Member Secretary, MCZMA on Environmental Impact Assessment, the Chairman, MCZMA asked that a demonstrative list of projects that require a comprehensive EIA be prepared, so that such projects would not be cleared without a comprehensive EIA except in extenuating circumstances to be recorded in writing.

Item No. 4: Permission for construction of additional bridge across Desai Creek in Bhiwandi, Kalyan- Proposal from MSRDC.

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Maharashtra State Road Development Corporation (MSRDC) approached to Maharashtra Coastal Zone Management Authority (MCZMA) for

construction of 2-lane additional bridge for widening of the carriage way across Desai Creek on Bhiwandi-Kalyan Shil Phata Highway. MSRDC proposed the strengthening of existing 4-lane divided carriage way and widening the existing 2-lane carriage way to 4-lane divided carriage way on Bhiwandi-Kalyan Shil Phata High Way. The bridge across Desai Creek on the project road shows tidal influence.. As per CZMP prepared for Thane Municipal Corpn. by CESS, the land under reference is shown in CRZ-III.

The Project proponent presented the case before the Authority. Chairman asked the project proponent about the project cost. He informed that the estimated cost of the project is Rs.3.02 crores. Chairman, MCZMA asked the project proponent to submit documentary evidence.

After due deliberation, it was decided that the proposal may be approved subject to getting details of the project cost.

**Item No. 5: M/s Santulan Projects Pvt. Ltd. Proposal to establish
Tanushree Beach Resort at Village Walwati,
Tal.Shreewardhan, Dist. Raigad.**

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M/s.Santulan Projects Pvt. Ltd. Submitted their proposal to Environment Department, Govt. of Maharashtra to establish a beach resort on land bearing survey nos. 268, 269, 270, 271,272 at village Walwati, Tal. Shreevardhan, Dist. Raigad. The land is about 5 acres. Cost of the project is 4.24 Crs. EIA of this project is prepared by MITCON. Project proponent submitted the EIA report and report of National Institute of Oceanography. As per NIO report, the said area is situated between 200m to 500m of HTL. As per CRZ Notification 1991, it falls under CRZ-III.

The project proponent was given an opportunity to present the case. Chairman asked the project proponent to show the location of project site on the map. The site in question was shown on map and it was also verified by the Urban Development Deptt., Govt. of Maharashtra officials on the map prepared by Maharashtra Remote Sensing Application Centre, Nagpur and the CZMP. Accordingly, it was decided to approve the proposal.

Item No. 6: Proposal received from M/s Saumya Buildcon Pvt. Ltd., in respect of re-development of Municipal tenanted property on the plot bearing CS No. 777 (Pt), 778 (pt), 779 (pt) and 780 (pt) of Worli division, G/South ward known as Prerna Co-Op Housing Soc., labour camp at Sasmira marg, Worli, Mumbai.

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M/s. Saumya Buildcon Pvt. Ltd., has submitted a proposal to the Municipal Corporation of Greater Mumbai, for the re-development of the property situated at CS No. 777(Pt), 778 (pt), 779 (Pt) and 780(Pt) of Worli Division, G/South Ward known as Prerna Co-op. Housing Society, labour camp at Sasmira Marg, Worli, Mumbai : 400 030, as per section 33 (7) of the Development Control Rules, 1991. The details about re-development are given in their application.

The project proponent explained the case before the Authority. He informed that the plot under reference is in the Residential Zone and partly reserved for the public purpose of Municipal Primary School and partly designated for Municipal Housing. The area is classified as CRZ-II as per CZMP Plan approved by Ministry of Environment & Forests, Govt. of India. The proposal is submitted for redevelopment of property for rehabilitation of existing Municipal tenants. The proposed cost of project is Rs.15.66 crores. Since, MCGM asked for CRZ NOC, the project proponent had approached for CRZ clearance.

The proposal has already been routed through the Director, Engineering Services & Project, Mumbai Municipal Corporation. As per the DP remarks the aforesaid plot designated for existing municipal housing become eligible for redevelopment with FSI of 2, even though the plot is in CRZ. Proposal was then submitted to the Principal Secretary, Urban Development Department (UDD), GOM. The UDD, GOM scrutinized the proposal and accordingly submitted it to the Environment Department, GOM alongwith its comments. The land under reference is situated in the CRZ-II area.

In the present case, the re-development of Municipal Primary School on the plot under reference is for the purpose of education and covered under the 'clause-iv 'Public Use' of the EIA Notification, 1991, as amended on 22/4/2003. The project

cost is above 5 Crores hence the proposal has to be sent to the Ministry of Environment & Forests, Govt. of India for CRZ clearance.

After due discussion, it was decided that since, the proposed project is permissible activity under CRZ-II, the proposal can be recommended to the MoEF, GOI for grant of necessary CRZ clearance.

Item No.7. Proposal for construction of mechanized multilevel car parking on B.P.T basis and commercial exploitation at C.S.No.2/839 of Malbar Hill Division at Bhulabhai Sesai Road in 'D' Ward.

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M/s. Breach Candy Residents Association & Ors. have filed PIL bearing Writ Petition (Lodg) No.55/2006 against the Municipal Corporation of Greater Mumbai & Ors. including the Maharashtra Coastal Zone Management Authority as a Respondent No.3.

The petition is mainly filed on the ground that the Respondent No.1 i.e. MCGM has sanctioned the plans and permitted the construction of a mechanized multi-level car parking on "Built-Operate & Transfer" (BOT) basis and a Department Store (Shopping Mall) on the Plot bearing C.S. No.2/839 of Malbar Hill Division, Bhulabhai Desai Road, Mumbai. It is also contended that the said permission is granted by the MCGM in blatant violation of the Development Control Regulations for Greater Mumbai and the CRZ Notification dtd.19/2/1991, as amended from time to time.

MCZMA received a compliant from the petitioner dtd.10/4/2006, which is received on 15/4/2006. The distance of the high tide line of the sea from the above site located to the North of the sea line is about 250 mtrs.

Executive Engineer, MCGM appeared before the Authority. He was asked to give details of sanction. Executive Engineer, MCGM stated that MCGM granted sanction on 22/4/2003, having investment less than Rs.5 crores. At that time, the clearances were being issued in respect of the proposals having the investment less than Rs.5 crores by MCGM directly from the CRZ point of view.

Chairman, MCZMA asked the Executive Engineer, MCGM to show the exact location of the project site on the CZMP map and also to give details in respect of parking & commercial activity separately. However, the Executive Engineer, MCGM could not show the exact location of the site in question on the CZMP map. It was, therefore, decided to defer the matter for next meeting. Executive Engineer, MCGM was directed to produce necessary locational map from the CRZ point of view and also to give exact area of parking & commercial construction.

Item No.8. Application received from M/s.Deepak Fertilisers & Petrochemicals Corporation Lt., JNPT, Uran, Dist.Raigad.

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M/s. Deepak Fertilizers & Petrochemicals Corpn. Ltd, JNPT , Uran, Raigad approached MCZMA for approval of establishing Ammonia Storage Terminal Facility at JNPT for loading & unloading facilities for the receipt of imported ammonia. The unit proposes a tank farm terminal and pipeline from the jetty to storage through CRZ area.

Ministry of Environment & Forests, Govt. of India by its letter dt.24/4/1992 further communicated the unit that subsequent to the issuance of the environmental clearance dt.29/8/1989, the Ministry of Environment & Forests, Govt. of India issued further Rules & Regulations covering storage, handling & transportation of hazardous chemicals & waste management. After issuance of CRZ Notification, 1991, only 14 petroleum products mentioned in Annexure-III of CRZ Notification, which are permitted for storage in CRZ.

Now, the project proponent applied for CRZ clearance for approval of establishing Ammonia Storage Terminal Facility at JNPT for loading & unloading facilities for the receipt of imported ammonia. The features of the proposed plant are given in their proposal. The project proponent pointed out the features as under:

- (a) The site is said to be situated in the notified chemical storage tank farm area.
- (b) No chemical process involved. Blow down from cooling tower is biodegradable and will be sent to JNPT drainage.
- (c) Approximately 7500 m² will be built up area and proposed area available for use of treated sewage / trade effluent for gardening/ irrigation will be 1150 m² after deducting built up area from 15000 m².
- (d) No hazardous waste generation. However, 15000 MT Anhydrous Liq. Ammonia will be handled & transported.
- (e) Gross capital investment of the unit shown Rs.70 crores.
- (f) The site is shown in the CRZ-II area.
- (g) The CZMP plan is stated to be approved.

The project proponent presented his case before MCZMA and informed that the latest revised Coastal Zone Management Plan of JNPT has been duly approved by MoEF, GOI and this plot is located in the JNPT area. This is already developed and therefore he requested MCZMA to give necessary CRZ clearance for installing their ammonia storage terminal facilities within already developed plot.

He further informed that it will utilize the above facility for loading and unloading of ammonia and not for storages. The facility will be allowed only for the intervening period for which it is unloaded and then transported for further utilization.

Member Secretary, MCZMA pointed out that many areas in the JNPT are covered under CRZ-I. The project proponent submitted approved map from MoEF, GOI and received by him from MoEF, GOI's letter dtd.22/07/2005. However, it was decided to check the location from the CRZ point of view and the project proponent was asked to submit his site location duly superimposed on the CZMP map. The project proponent was also asked to give maximum period required for evacuating ammonia from the said terminal to outside CRZ area.

After due discussion, it was pointed out that since only pipelines are allowed in CRZ-I area, the proposed storage of ammonia should be outside the CRZ area. After submission of superimposed map of CZMP with location of the site, the matter will be decided suitably by MCZMA.

Item No.9. Complaint regarding construction of platform for fish drying purpose near creek at Divale Village, Navi Mumbai.

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A complaint was received by MCZMA regarding construction of platform near a creek at Divale Village, Navi Mumbai in respect of violation of the Coastal Regulation Zone Notification, 1991. The complaint was investigated and it was observed that the width of the creek is approximately 100 M and the construction of the platform is going on between 100 M from HTL of the creek. It is also observed that the permission granted by the Maharashtra Maritime Board vide letter dtd.27/07/2006 is not in conformity with the CRZ Notification, 1991.

Member Secretary, MCZMA directed the Harbour Engineer, Harbour Engineering Division, Konkan Bhavan, Navi Mumbai vide letter dtd.8/9/2006 to stop construction of the platform for fish drying purpose till further orders and to appear before the MCZMA on 26/9/2006.

Harbour Engineer, Engineering Division, Konkan Bhavan, Navi Mumbai appeared on behalf of Maharashtra Maritime Board. Chairman, MCZMA asked under which provision, was permission given for construction of fish drying platform and how was it carried out without CRZ permission? The Harbour Engineer informed the authority that permission has given by the Maharashtra Maritime Board and number of such constructions like Samaj Mandir, Balwadi, Mahila Mandal. He informed that construction is already completed. The present activity is an open platform and can not be treated as a construction. Members, MCZMA asked the Harbour Engineer to give detailed information regarding this. Chairman, MCZMA told Member Secretary, MCZMA to issue notice to Maharashtra Maritime Board why such structures should not be removed.

Item No.10. CRZ Clearance for M/s. Sitala's Beach Plaza Resort at Kelwa, Tal.Palghat, Dist. Thane.

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The project proponent applied for grant of environmental clearance for M/s.Sitatra's Beach Plaza Resort at Kelva, Tal: Palghar, Dist: Thane to the Environment Deptt., Govt. of Maharashtra. The cost of the project is stated to be Rs.76,96,734/-. The project proponent obtained NOC from Grampanchayat Kelwa and Dist: Collector. He had submitted the site verification report from the Hydrographer, Maharashtra Maritime Board, which shows that the site is at a distance of 424 - 468 from HTL. However, as per the remarks from the UD Deptt, Govt. of Maharashtra, the site falls within 200-500 mtrs. from HTL and falls in CRZ-III.

Chairman, MCZMA asked to see the location on the CZMP map. As this was not readily available, the project proponent was directed to submit superimposed location on the map duly certified by the competent authority. Demarcation of HTL/LTL on the map shall be done by any of the agency approved by MoEF,GOI for this purpose. On receipt of this information, further decision will be taken by the Authority.

Item No.11 N.O.C./Clearance for construction of resort at S.No.31, Kashid village, Tal.Murud, Dist. Alibag.

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The project proponent approached MCZMA, seeking NOC for construction of Tourist Resort at S.No.31Kashid village, Tal.Murud, Dist. Alibag. It is stated that the site in question situated at the above survey numbers at the East side of Revi Danda - Murud State Highway. The project proponent has obtained the demarcation of HTL & LTL for the project site through CESS.

Member Secretary, MCZMA asked how much the project would cost and also asked to see their site on the map as well as the exact recommendations of CESS. However, since the project proponent had not brought any of the details, it was decided to defer the matter for the next meeting.

Item No.12. Compliance of order dated 30.8.2006 passed by Hon'ble High Court of Judicature at Mumbai in the O.O.C.J. Writ Petition No.3151/2004 filed by Nepean Sea Road Citizens' Forum V/s the State of Maharashtra & Anr.

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Hon'ble High Court of Judicature at Mumbai directed the parties in the Writ petition No.3151/2004 (O.O.C.J.) vide its order dtd.07/09/2006 to appear before MCZMA on 8/9/2006. Accordingly, the parties to the above petition appeared before the Chairman, MCZMA on 8/9/2006. However, since MCZMA is constituted with various Members, it was decided that the matter will be discussed at length on the date of meeting fixed by the Authority i.e. 26/09/2006. The parties were instructed to appear on 26/09/2006 accordingly.

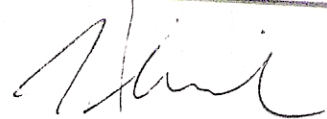
The parties appeared before the Authority on 26/09/2006. Chairman, MCZMA asked the petitioner how the matter was represented without MCZMA and directions are issued to appear before the MCZMA. The Advocate for the Petitioner made it clear that during the course of hearing on 7/9/2006, it was pointed out that MCZMA is the appropriate authority to take decision in the matter and therefore, the parties were directed to appear before the Authority. The submissions made by the petitioners are taken on record. The Advocate for the petitioners stated that the copies of the petition and order are already served.

Dist.Collector, Mumbai was asked to give details about the so called construction. Dist. Collector stated that the land is owned by the MCGM and it is on the landward side. Dist.Collector, Mumbai informed the Authority that the land in question is already handed over to MCGM and therefore, further details may be taken from them. It is also stated that the activity is permissible one. The limited question, which has to be decided, is whether there is any violation of CRZ Regulations. Member Secretary pointed out that the temporary office is required facility for effective implementation of the WFSL Project. Since, the cost of the project is less than Rs.5 crores, the MCZMA can approve the temporary work done for office premises, in the CRZ-II area. However, the project proponent was requested to provide documentary evidence in terms of location of site in CRZ-II area and the cost of the project.

Dy.Engineer, MCGM submitted that the work is purely of temporary nature and permissions are granted only on 6 monthly basis. After completion of the project, temporary structures shall be removed and the site will be brought to its original status.

Shri R.K. Das, Officer on Special Duty, MSRDC informed that he would get back with necessary details. He also stated that the proposed temporary site office would be dismantled on completion of WFSL Project. Accordingly, the Dist.Collector, Mumbai was directed to visit and inspect the site in question and to report about the exact distance of the project from the sea and to keep proper watch on the nature of the activity and to ensure that temporary work is demolished after completion of the said project. Vice Chairman & Managing Director, MSRDC to ensure the compliance of the directions of MCZMA.

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



12.10.06