

**Minutes of the 45th meeting of Maharashtra Costal Zone Management
Authority held on 7th June 2008**

List of the members present in the meeting is attached separately.

Additional Chief Secretary (Revenue), Secretary (Fisheries), President (Vanrai Pratishtan) and Dr. Leela Bhosale could not attend the meeting. Chairman, MCZMA adjourned the meeting for want of quorum. The adjourned meeting was taken up after 30 minutes.

Item No. 1: Confirmation of the minutes of the 44th meeting held on 8th May, 2008.

It was discussed that in item no. 4 instead of saying that benefit of non-CRZ area to other plot holders on the similar lines as granted to M/s Ruchita Developers, it should be said that similar cases should be decided on the basis of the study report of CESS. It was decided that Chairman will write a revised letter to MoEF.

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

Follow up actions in respect of decisions taken in the last meeting of the Authority were noted.

Item No. 3: Proposed construction of administrative building on plot No.R-5, R-6 & R-12 of 'E' block of Bandra Kurla Complex, Mumbai-Proposal by MMRDA.

The proposal was discussed in the Authority meeting. It was discussed that since this proposal has already been sent to MOEF, it was decided that since the cost of the project is more than Rs. 5 Crores and since it is proposed to change the zone from residential to commercial so it was decided to recommend post facto the proposal to the MoEF.

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Item No. 4: Complaint regarding unauthorised reclamation of the inter tidal area by Dumping garbage and rubble by M/s. A.N.A.Development – complaint By Save Forum to Mahim Beach.

As per the decision taken in the 44th meeting, Chairman and two members (Dr.Chaphekar and Shri Dilip Kumar, Director CIFE) of the Authority visited the site on 6th June, 2008. Complainants, Officers of Maharashtra Maritime Board, representative of Collector, Mumbai and the Land Owner were present on the site during the visit. All of were heard in detail. Observations of the field visit were discussed in the meeting. It was decided that applicant ANA Developers should not be allowed to develop portion of this plot falling in CRZ-I. Further, he should be asked to remove all the debris, sand bags and rubble dumped by him in the inter tidal area immediately. However, proponent be allowed to develop area as occupied by the existing platform. He may protect this portion by using stones or tetrapods.

Item No. 5: Permission for allowing cooking of food at Sports Complex at Girgaon Chowpatty, Mumbai – by M/s. Drishti Adventure Pvt.Ltd.

As per the decision taken in the 44th meeting, Chairman and two members (Dr.Chaphekar and Shri Dilip Kumar, Director CIFE) of the Authority visited the site on 6th June, 2008. It was reported in the meeting that facilities for cooking of food and heating are installed in the kitchen. Matter was discussed in the meeting and after deliberation, it was decided that permission for cooking of food should not be granted. The proponent should not cook any food in the premises or in the food counter area since area under reference falls in CRZ- I, and as per the section 3(2)(i) of Costal Regulation Zone Notification, 1991, “cooking of food” activity is not covered under the foreshore facilities. Further it was decided to inform the Co. that permission of all the activities will be revoked in case of any violation of the CRZ Notification.

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Item No. 6 : Case of M/s. Ganesh Benzoplast Ltd. at JNPT and Order of MoEF dated 25th April, 2008 in this respect.

The action taken by the Chairman on the order of MoEF dated 25.04.2008 was discussed. It was decided that since the CZMP of JNPT has been duly approved by MoEF on 22.07.2005 by putting an area upto 150 metres from HTL in CRZ-II and since the water body around the JNPT is a creek, an area within 150 metres from the HTL be confirmed as CRZ-II. It was also discussed that MoEF has already given Environment Clearance to M/s. I.M.C. by considering this 150 metres criteria. It was decided to consider the requests of M/s. Ganesh Benzoplast Ltd. to reconfirm the location of various tanks in CRZ/non-CRZ area on the lines of the demarcation done by JNPT vide its letter No. A/E/GBL/06 dated 18th July 2006 and by CESS in Oct.2007, keeping in view the 150 metres from HTL as CRZ-II area for their plot no. 7(phase-I) and the plot No.13(Phase-II) is in non-CRZ area except a very small area of this plot in which no tank can be accommodated as demarcated by CESS vide its report of March 2008. It was also decided to reply the letter of MoEF for correction of the figure 40,000 KL to 69600 KL in the EC granted by MoEF by recommending this correction.

It was also decided to consider separately an agenda item for CRZ clearance to M/s. RIIL in the next meeting.

Item No. 7 : Implementation of the High Court Order in the WP 2035/2007 Majid Iqbal Shaikh V/s MCZMA & Others dated 30/03/2008.

As per the decision taken in the 44th meeting, Chairman and two members (Dr.Chaphekar and Shri Dilip Kumar, Director CIFE) of the Authority visited the site on 6th June, 2008. Representatives of all the concerned Authorities such as MCGM, MMB, Applicant, and Bandra West Residence Association were present during the visit. During the meeting, it was reported by the Chairman that book stall is located on the landward side of the existing building of Otters Club and hence it is permissible as per the Costal Regulation Zone Notification, 1991. After deliberation, it was decided that book stall may be allowed on the present location since it is on the landward side of the existing building and it is permissible as per the CRZ Notification, 1991. Other

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concerned authorities may decide whether to allow this bookshop or not with reference to the ownership of the land on which the bookshop is built.

Item No. 8 : Application for approval under CRZ Regulations for Pedder Road viaduct.

Matter was deferred for studying the details.

Item No. 9 : Complaint against change in survey while preparing CZMP of Thane District by CESS & Thane Municipal Corporation.

After detailed discussion, the Authority decided that a committee proposed by Urban Development Department should look into the complaints within 15 days and submit report to the Authority. Urban Development Department will issue appropriate order for constitution of the above said committee. It was also decided that stay given by the MCZMA for construction works referred in the complaint in the Thane Municipal Corporation Area be kept in abeyance. However Thane Municipal Corporation should not give permission for any construction activity in this area without obtaining prior permission of MCZMA. Urban Development Department will issue appropriate order in this regard.

Item No. 10 : K.Arch Architect, Mumbai regarding development of plot No. CTS No. G/341, F.P.No. 82/39, Santacruz TPS Scheme No.2, Village Danda Khar, Mumbai.

As decided in 44th Meeting of the MCZMA, Chairman alongwith Dr. Chaphekar, Member heard Dr. Boralkar on 28th May, 2008. The issue whether the area under reference near Khardanda with reference to the proposal of M/s.K.Arch is a creek or sea was discussed in great details. Municipal Commissioner (MCGM) said that this has been shown "Creek" in D.P. of B.M.C. of the year 1966. Therefore, it was decided that though technically decision taken by the then Member Secretary was right, however he did not follow administrative procedure. The authority, after discussion, expressed displeasure on failure to follow the appropriate administrative procedure by the then Member Secretary and decided to communicate this displeasure to the then Member Secretary Dr.Boralkar.

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Item No. 11 : Proposed redevelopment/reconstruction under the provision of Devpt. Regn. 33(6)C to the existing building on plot bearing C.S.No.764 of Malbar Hill division situated at Bhulabhai Road under D.C.Regn. 33(6), D-Ward, Mumbai.

The matter was discussed in the meeting. The plot under reference falls under CRZ-II and the same is situated in residential zone as per D.P. remarks and is also on the landward side of the existing municipal road. Since cost of the proposed project is Rs. 14.85 crores, it was decided to forward the case to MOEF.

Item No. 12 : Request to realign the CRZ boundary from the property bearing CTS No.7 of Village Borivali being situated at Gorai Road, behind Gokhale College, Borivali.

It was decided that the matter be discussed with details in the next meeting.

Item No. 13 : Complaints regarding violation of Coastal Regulation Zone Notification, 1991.

The matter was discussed in the meeting and following decisions were taken :

- i) As per Hon'ble High Court of Mumbai order in Writ Petion (L) No.3246 of 2004 dated 6.10.2005, the Divisional Commissioner, Konkan Division should look into the complaints in respect of destruction of mangroves and direct the Collector concerned for taking appropriate action under Section 5 of Environment Protection Act in case of violation of CRZ Notification.
- ii) As per the Rule 3(b)(iiia) of CRZ Notification, 1991 as amended time to time, building construction/housing schemes irrespective of capital costs requires permission of MCZMA/NCZMA/MoEF. Through various complaints, it is found that development authorities including CIDCO have not taken permission of above authorities which amounts to violation of CRZ Notification, 1991. It was decided that Secretary, Urban Development Department will issue appropriate directions to all concerned local bodies and planning authorities. It was also decided that Divisional Commissioner,

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Konkan will also direct all local bodies and planning authorities to comply with the requirement of CRZ Notification, 1991 scrupulously.

- iii) Since mangrove areas have been declared as forest areas, Forest Department should also initiate appropriate actions under Forests Act for destruction of mangroves in CRZ areas and report to MCZMA.

Item No. 14 : Constitution of Sub-Committee of Maharashtra Coastal Zone Management Authority.

After discussions on the matter, it was decided to constitute a Sub-committee consisting of the members on case to case basis for field visits.

Item No. 15 : Draft Notification dated 1st May 2008 on Coastal Zone Regulation Published by MoEF.

Draft Notification was discussed in detail in the meeting. It was decided to discuss this in a meeting of all the concerned secretaries on 16.06.2008.

Table Item No.1: Proposed Service Industrial Estate on the plot bearing CTS No. 1A/166/1 & aA/166/2 of Village Pahadi, Goregaon (W).

The part of the proposed land falls in CRZ-II and cost of the project is Rs.14.92 Crores i.e. more than Rs.5 Crores, it was decided that the matter should be forwarded to MoEF for further consideration.

Table Item No.2 : Proposed redevelopment of the property bearing F.P.No.1199, 1200 e.g. T.P.S.IV, Mumbai.

The proposed land falls in CRZ-II and cost of the project is Rs.6.97 Crores i.e. more than Rs. 5 Crores, it was decided that the matter should be forwarded to MoEF for further consideration.

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Table Item No. 3: Proposed residential building (staff quarters) on plot No. R-13, R-14, R-15 CTS No. 629 and 1228 in E Block of BKC.

The proposed land falls in CRZ-II and cost of the project is more than Rs. 5 Crores, it was decided that the matter should be forwarded to MoEF for further consideration.

The meeting ended with vote of thanks to the chair.

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