

**Minutes of the 46th meeting of Maharashtra Coastal Zone Management
Authority held under Chairmanship of Principal Secretary (Environment) on
9th July 2008**

List of the members present at the meeting is enclosed at Annexure I.

Additional Chief Secretary (Revenue), Secretary (Fisheries), President (Vanrai Pratishtan), Director (Central Institute of Fisheries Education) 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 45th meeting held on 7th June, 2008.

After discussion, it was decided to confirm the minutes of the 45th meeting with the following modifications:

1. In Item no 4, the sentence
'However proponent be allowed to develop area as occupied by the existing platform.'
Should be replaced by the sentence,
'However proponent be allowed to develop the area as occupied by the existing platform as existing on 19.2.1991' as indicated with pink coloured legend on the map. Other legends on the map are not applicable for any consideration.
2. In Item no 6, it was decided to add the following in the minutes:
'Storage of chemicals in the CRZ area shall be subject to permissibility as per Ministry of Environment & Forests' CRZ Notification dated 19/2/1991 as amended time to time'.
With respect to Writ Petition Number 7875/2007, it is reported by advocate of MCZMA vide letter dated 30/4/2008 (received in the office of MCZMA on 12th May 2008) that during the hearing the Court was of the view that since the matter was already pending before it, no precipitate steps be taken on the basis of the order dated 25th April, 2008 of the MoEF. Since the letter of the MCZMA advocate was received on 12th May

2008, thus could not be informed to MCZMA at its 44th meeting held on 8th May 2008. Therefore, as per the directions of the High Court, MCZMA did not issue directions to stop all activities of M/s Ganesh Benzoplast Ltd. However, MCZMA, vide its order dated 12/5/08, issued directions to submit written say in the matter with respect to the MoEF order dated 25/4/08.

3. In Item no 7, the sentence

‘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.’

Should be replaced by the sentence,

‘After deliberation, it was decided that as per the CRZ Notification, 1991, the book stall may be allowed on the present location since it is on the landward side of the existing building, subject to the permissibility as per DCR of Greater Mumbai as prevailing on 19.2.1991.’

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

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

Item No. 3: Proposed Demolition and Reconstruction of Worli Hill Reservoir-I (5 MG capacity) of M.C.G.M., Mumbai

The Authority noted that the plot under reference falls under CRZ-II and is also on the landward side of the existing road as per D.C. Rules of Greater Mumbai prevailing as on 19.2.1991. Since cost of the proposed Demolition and Reconstruction of Worli Hill Reservoir-I is Rs. 10.00 crores, it was decided to forward the case to MOEF.

Item No. 4: Proposed Redevelopment of cess property bearing C.S.No.5/596 of Malabar Cumballa Hill Division at Bhulabai Desai Road, Oomar Park, Mumbai- 400 026

The Authority noted that the plot under reference falls under CRZ-II and is also on the landward side of the existing road as per D.C. Rules of Greater Mumbai prevailing as on 19.2.1991. Since the cost of the proposed redevelopment is more than Rs. 5 crores, it was decided to forward the case to MOEF.

Item No. 5: CRZ demarcation of C.S. No. 2166 (part), 1618 and 1500 (part), Mahim Division

The Authority decided that CRZ demarcation of the land under reference should be done in accordance with the Coastal Zone Management Plan of Greater Mumbai approved by Ministry of Environment and Forests on 19th Jan. 2000.

Item No. 6: Proposed building on plot bearing S.No. 49 (pt) and CTS No 299-C of village Valani, Malad (West)

The Authority decided to refer the case to Urban Development Department for verifying the location of plot under reference falling in CRZ II with respect to landward side or seaward side.

Item No. 7: Policy to grant permission for passenger lift in existing old buildings on health ground located in CRZ – II area

The Authority decided that henceforth the cases of grant of permission for lifts on health grounds for the existing buildings can be cleared at MCGM level, subject to the following conditions:

1. Only one lift will be permitted in residential buildings in CRZ II area.
2. Lift capacity should not exceed 8 passengers.
3. FSI for the lifts proposed on health grounds in existing building in CRZ area shall be accounted at the time of reconstruction.

Permission to four proposals of construction of lift on health grounds, placed before the Authority, were considered and allowed with the above conditions.

Item No. 8: Proposed private all weather heliport at 39, Sea Wind, Cuffe Parade, Mumbai by M/s. Ruchi Properties Pvt. Ltd. Regarding

The Authority noted that the 1991 CRZ Notification is silent regarding the construction of heliports/helipads atop buildings. However, in letter dated 5/6/08 addressed to M/s Ruchi Properties, MoEF has stated that development of helipads in CRZ area other than Lakshadweep and Andaman is not permissible. The reference is to CRZ Notification of 1991 amended on 19/10/2002, which allows airstrips to be developed in CRZ areas at these two places. The Authority noted further that the DC Rules of MCGM as prevailing on 19/2/1991 contained no provision for the development of helipads atop buildings / structures, as in this case. As such, it was decided that the matter be referred to MoEF. Principal Secretary (Urban Development Department-I) also stated that, with a view to drawing up DC Rules / guidelines for such helipads, Environment Department / Maharashtra Pollution Control Board may advise Urban Development Department separately regarding the noise and air pollution parameter that may be taken into consideration.

Item No. 9: Permission for Proposed Construction of Coastal Road From the Junction of NH- 4B near Navghar and along Karanja Creek to Chanje in Dronagiri Node area, Navi Mumbai

The Authority heard the CIDCO representatives. It was decided that the matter should be referred to Urban Development Department. CIDCO will submit maps and details of the proposal to Urban Development Department.

Item No. 10: Permission for Reliance Storage Terminal at Jawaharlal Nehru Port

The Authority decided that since 'Propane' is one of the petroleum products whose storage is permissible in CRZ area as per the CRZ Notification of 1991, permission may be given to storage of propane in CRZ area subject to the MoEF guidelines and Hazardous Wastes (Management and Handling) Rules, 1989, as

amended in 2003. It was also decided that no other 'A' class chemicals shall be permitted to be stored in the CRZ area. This clearance is given only from CRZ point of view. Project proponent should obtain other necessary permissions and clearances from concerned authorities and as mentioned in para 2(ii) of the CRZ Notification of 1991.

Item No. 11: CRZ clearance for once through cooling water discharge system for the proposed 700 MW (phase I) of the 2000MW Gas based Power Project at Dronagiri, Navi Mumbai

The Authority noted that pipeline for cooling water discharge is permissible activity in CRZ area as per the CRZ Notification of 1991, except installation of pumping station in CRZ-I. After discussion it was decided that the cooling water pipeline can be permitted. However, the installation of pumping station is not permissible. The matter is to be referred to MoEF for further consideration.

Item No. 12 : Writ Petition No. 161 of 2008

Andheri New Kapaswadi Juhu Ekta Co-operative Housing Society Ltd.

The Court matter was placed before the Authority for information.

Item No. 13 : Application for approval under CRZ Regulations for Pedder Road Viaduct

The matter was placed before the Authority at its 44th and 45th meetings. It was suggested that MSRDC should make further efforts to relocate the piers of flying loop outside the CRZ area considering the strategic location of Tambe Chowk and the prominence of the Chowpatty area and beach. MSRDC representatives agreed to change the flying loop pattern on the proposed road so as to avoid activity in CRZ at Chowpatty and revert to the Authority.

Table Item No. 1: Proposed reconstruction, Plot No.67, Scheme No. 52, C.S.No.788
Worli - Shri Ajay Piramal.

The Authority noted that, as per para-2(xvi) of the General Conditions of approved Coastal Zone Management Plan (CZMP) of Maharashtra, *parks, play grounds, regional Parks, green zones and other non-buildable areas falling within CRZ-II areas are categorized as CRZ-III*. The Authority decided that the area under reference should accordingly be considered in CRZ-III. It was also decided that this decision should be communicated to MoEF with reference to its letter dated 16/04/2008.

Table Item No.2: Unauthorized activities in CRZ area of Thane Municipal Corporation.

Commissioner, Thane Municipal Corporation presented to the Authority details, along with photographs of unauthorized reclamations and other activities in CRZ area around Thane Municipal Corporation and stressed the need for urgent action.

After considering the position brought out by Municipal Commissioner the Authority noted that as per the High Court order in Writ Petition no.3246/04 dated 6/10/05, Divisional Commissioner, Konkan and concerned Collector would have to take appropriate action to prevent the cutting of Mangroves. Therefore, it was decided that the District Collector in coordination with Police Commissioner, Thane and Commissioner, Municipal Corporation, Thane should take immediate action and the Divisional Commissioner, Konkan should also be informed. Action taken report should be submitted to the Authority urgently.

It was also decided that the Maharashtra Maritime Board should conduct a survey of the affected areas. Assistance may be taken from the Commissioner, Thane Municipal Corporation where necessary and report should be submitted to the Commissioner of Police and Collector, Thane for necessary legal action. Further,

- (1) Collector, Thane and the police authorities will take appropriate action to remove illegal encroachments in the areas mentioned in the complaint of

the Municipal Corporation. They should ensure regular patrolling of the area.

- (2) Urban Development Department will take cognizance of unauthorized constructions and dumping in CRZ areas.
- (3) Regional Officer, MPCB, Thane will conduct survey of illegal encroachments and activities in the creek area and will take appropriate action. Action taken report should be submitted to MCZMA.
- (4) Settlement Commissioner should submit the proposal for declaring the Mangrove area of Thane Creek as Forest area to Forest Department urgently.

Table Item No. 3: Legal matters pertaining to MCZMA

Considering the experience so far, it was decided to change the present advocate and to select an advocate from MPCB's panel for the ongoing CRZ cases in the Court. The Chairman was authorized to select a suitable advocate for MCZMA where necessary in future also. It was also decided that for the time being, Adv. Smt. Sharmila Deshmukh should be appointed as Advocate for MCZMA in place of Adv. Shri. Govilkar to look after all ongoing court cases related to CRZ area.

**Chairman,
MCZMA**

Annexure I

List of the members present for the 46th meeting of MCZMA is as follows:

1. Shri A M Khan, Chairman, MCZMA and The principal Secretary (Environment & Industries), Mantralaya
2. Shri T C Benjamin, The Principal Secretary, Urban Development Department, Mantralaya
3. Dr J M Phatak, Municipal Commissioner, MCGM, Mumbai
4. Dr S B Chaphekar, Mumbai
5. Dr S K Gupta, Head, Department of CESE, IIT, Powai, Mumbai
6. Dr B N Patil, Member Secretary, MCZMA