

# MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

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No. MCZMA 2009 / CR 23 / T C 3  
Office of the -  
Maharashtra Coastal Zone Management Authority,  
Environment Department, Room No. 217(Annex),  
Mantralaya, Mumbai - 400 032.  
Date: 12<sup>th</sup> March 2009

To,

The Additional Chief Secretary,  
Revenue Department,  
Mantralaya,  
Mumbai - 400 032.

Dr. Leela J. Bhosale,  
625, R.K. Nagar,  
Kolhapur - 416 013.

The Principal Secretary,  
Urban Development Department,  
Mantralaya,  
Mumbai - 400 032.

Dr. S. B. Chaphekar,  
Laxmi Niketan, 1<sup>st</sup> Floor,  
14, Thus Wadi, Thakurdwar,  
Mumbai 400 002.

The Principal Secretary,  
Industries Department,  
Mantralaya,  
Mumbai - 400 032.

Dr. S. K. Gupta,  
Head of Department of CESE,  
Indian Institute of Technology,  
(IIT) Powai, Mumbai.

The Secretary (Fisheries),  
Agriculture & A.D.F. Department,  
Mantralaya,  
Mumbai - 400 032.

President,  
Vanrai Pratishtan,  
Aditya Residency, 498 Parvati,  
Mitra Mandal Chowk, Pune - 9.

Municipal Commissioner,  
Municipal Corporation of Greater Mumbai,  
Mahanagarpalika Marg, Mumbai

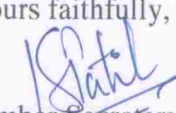
Director,  
Central Institute of Fisheries Education,  
Mumbai.

**Subject : Minutes of the 49<sup>th</sup> Meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24<sup>th</sup> February, 2009**

Sir/ Madam,

Please find enclosed herewith Minutes of the 49<sup>th</sup> Meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24<sup>th</sup> February, 2009, for information. Agenda and minutes of MCZMA Meetings are also available on <http://envis.maharashtra.gov.in>.

Yours faithfully,

  
Member Secretary  
MCZMA

Copy forwarded for information to:

**Chairman**, Maharashtra Coastal Zone Management Authority

**Director**, Coastal Zone, Ministry of Environment & Forest, Paryavaran Bhavan, Lodhi Road, New Delhi-110 003

**Additional Director**, Coastal Zone, Ministry of Environment & Forest Paryavaran Bhavan, Lodhi Road, New Delhi-110 003

**Minutes of the 49<sup>th</sup> Meeting of Maharashtra Coastal Zone Management Authority held  
under Chairmanship of Secretary (Environment) on  
24<sup>th</sup> February, 2009**

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

Additional Chief Secretary (Revenue), President (Vanrai Pratishtan), Principal Secretary (Industries), Mantralaya and Dr. Gupta, Department of CESE, IIT, Powai, Mumbai could not attend the meeting. The meeting was adjourned for 30 minutes for corum.

**Item No. 1:** Confirmation of the minutes of the 48<sup>th</sup> meeting held on 17<sup>th</sup> January 2009.

The minutes of the 48<sup>th</sup> meeting were confirmed by the Authority without any modifications.

**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 in the previous meeting of the Authority were noted.

**Item No. 3:** Proposed Nuclear Power Project at Jaitapur, District Ratnagiri, Maharashtra

Mr. C. B. Jain, Associate Director, Jaitapur Project presented the case before Authority for consideration. Authority noted that proposed activity falls in CRZ III. Authority, after discussion decided to recommend the case to MoEF subject to following conditions.

1. Project Proponent should not cut any mangroves on and around the site and comply with the Hon. High Court order given in case of 3246/2004.
2. Project Proponent should ensure safe and scientific treatment of nuclear wastes, gaseous emissions and liquid wastes.
3. Project Proponent should also ensure radiation levels within prescribed level so as to reduce impacts on surrounding living organisms, human beings and overall environment.

4. Project Proponent should develop dense green belt of appropriate species around the project site.

**Item No. 4:** Construction of jetty & conveyor belt and sand dredging for proposed Imported Coal based Thermal Power Project of capacity 2 X 800 MWe at Dhopawe, Taluka Guhagar, District Ratnagiri

Representatives from Maharashtra State Power Generation Company Limited (MAHAGENCO) presented the case before authority for consideration. Project Proponent also explained that only sand bar below the water is proposed to be dredged. Authority noted that the proposed activity of jetty and conveyor belt is in CRZ I (ii) and CRZ III respectively. Proposed Power Plant is in non-CRZ area. After discussion Authority decided to recommend the case to MoEF subject to the condition that

1. Dumping of the waste generated should be done outside CRZ area with prior consent of MPCB.
2. Close loop conveyor belts shall be installed to avoid spillage of coal and air and water pollution.
3. Project Proponent should not cut any mangroves on the site and comply with the Hon. High Court order given in case of 3246/2004.

**Item No. 5:** Proposed building on plot bearing CTS No. B/973/2, B/973/4, B/973/5 & B/973/6 of Chapel Road, Khandeshwar Temple, Bandra (W), Mumbai – 400 052

Project involves construction of the residential building from 9<sup>th</sup> floor onwards up to 19<sup>th</sup> floor on the existing structure by amalgamating Plot No. B/973/5 and B/973/6 as per approved plan. The investment shown in project is Rs. 4,29,90,910 excluding the cost of existing structure and plots. Authority noted that proposed construction is in CRZ II and on landward side of the existing road and plot is also partly reserved for housing for dishoused.

Authority after discussion decided that cost of the existing structure and amalgamated plots should be included in the total project cost which then exceeds Rs. 5 crores. Since project with investment above Rs. 5 crores needs clearance from MoEF, Authority decided to recommend the project to MoEF subject to following conditions:

1. Construction should be as per the Development Control Rules, 1967.
2. Structural stability of the existing building should be verified before giving Commencement Certificate by the Local Authority.

3. The design and construction of building including proposed height of building No. 2 should be in consistent with the surrounding landscape and local architectural style and as per D.C.R. 1967.
4. Development of the buildings to be permitted subject to the existing FSI/ FAR norms and without change in the existing use.

**Item No. 6:** CRZ clearance for construction of Sea Beach Resorts/ Hotels etc. in CRZ area.

Authority considered the following proposals:

**1) Construction of Tourist Resort at S. No. 31, Kashid Village, Taluka Murud, District Raigad by M/s. Nyati Retreat**

As per the approved CZMP the proposed site is in CRZ III and between 200 to 500 meters from the HTL. The reserved forest start further to East about 500 m. from the highway. The total cost of the project is less than Rs. 5.00 Cr.

**2) Sea Beach Resort/ Hotel at Arnala by Shri Chimanlal Mehta**

As per the approved CZMP some part of the land is within 200 meters from HTL. However, rest of the land comes between 200 meters to 500 meters in CRZ III. The total cost of the project is less than Rs. 5.00 Cr. No construction will be allowed on portion of the plot in between HTL to 200 meters of CRZ area.

**3) Sitala Beach Plaza Resort at Kelwe, Taluka Palghar, District Thane**

As per the approved CZMP the proposed site falls between 200 to 500 meter from HTL in CRZ III. The total cost of the project is less than Rs. 5.00 Cr.

**4) Construction of Beach Resort at S. No. 766, Hissa No. 1 (31/1 New) at Agashi, Taluka Vasai, District Thane**

As per remarks of Town Planning Section, Urban Development Department and the Regional Development Plan for Vasai-Virar, the said land is in plantation zone and between 200 meter to 500 meter in CRZ III. Proposed activity is permissible in the said area.

The list of Hotels/ Beach Resorts received for revalidation is as follows:

1. Proposed Hotel / Resorts in Survey No. 718 (old) - 28 (New) at Village Arnala, Taluka Vasai, District Thane.
2. Proposed Hotel / Resorts in Survey No. 720, 714 (old) - 42, 43 (New) at Village Arnala, Taluka Vasai, District Thane.
3. Proposed Hotel / Resorts in Survey No. 769/4/B (old) - 46/4/B (New) at Village Arnala, Taluka Vasai, District Thane.
4. Proposed Hotel / Resorts in Survey No. 710 (old) - 41 (New) at Village Arnala, Taluka Vasai, District Thane.
5. Proposed Hotel / Resorts in Survey No. 766/2 (old) - 31/2 (New) at Village Arnala, Taluka Vasai, District Thane.
6. Proposed Hotel / Resorts in Survey No. 198/2 (old) - 89/2 (New) at Village Arnala, Taluka Vasai, District Thane.
7. Proposed Hotel / Resorts in Survey No. 714/1 (old) - 42/1 (New) at Village Arnala, Taluka Vasai, District Thane.
8. Proposed Hotel / Resorts in Survey No. 178/6 (old) - 78/6 (New) at Village Arnala, Taluka Vasai, District Thane.
9. Proposed Hotel / Resorts in Survey No. 783/2 (old) - 35/2 (New) at Village Arnala, Taluka Vasai, District Thane.

Authority noted that all the above resorts are proposed in between 200 to 500 meter of CRZ area except Proposal No. 1 and 8 of revalidation, in which part of the plots fall in between HTL and 200 meter of No Development Zone (NDZ) of CRZ area. Since, development of vacant plots between 200 and 500 meters of High Tide Line in designated areas of CRZ-III needs prior approval of Ministry of Environment and Forests (MoEF) for construction of hotels/ beach resorts for temporary occupation of tourists/ visitors subject to the conditions as stipulated in the guidelines as per Annexure-II of the CRZ Notification dated 19.02.1991, Authority decided to recommend all above 13 proposals to MoEF for CRZ clearance; subject to the condition that no construction is allowed on the portion of the plot which falls within 200 meter NDZ of CRZ III.

Authority also decided to carry out survey of Resorts/ Hotels situated in CRZ area and which do not have valid environmental/ CRZ clearance of MoEF through Maharashtra Pollution Control Board (MPCB) within a month's time and Member Secretary, MPCB will submit such report to MCZMA within a month's time.

**Item No. 7:** Request for delineation & resurvey of agriculture land of Village Dhokwade Taluka Alibag, District Raigad

Project Proponent presented the case before the Authority. After deliberation, Authority decided to allow resurvey of the area through one of the authorized agencies by MoEF. Collector, District Raigad will provide list of the survey numbers to be surveyed to Sarpanch, Dhokwade/ Deputy Director, Town Planning. It was also decided to obtain image prior to 19.02.1991 showing existence of bund on the site.

**Item No. 8:** Demarcation of H.T.L., L.T.L. and Delineation of CRZ Boundary at Dighode Village, Navi Mumbai, Maharashtra.

The matter was discussed by the Authority and it was decided to recommend the case to MoEF for demarcation of HTL, LTL and delineation of CRZ boundary as per the resurvey carried out by NIO, Goa.

**Item No. 9:** Reclassification of property bearing CTS No. 7 of Village Borivali, behind Gokhale College, Gorai Road, Borivali (West), M. M. Corporation

The matter was considered by the Authority. After detailed discussion, it was decided by the Authority to recommend the case to MoEF for re-demarcation of HTL and reclassification of the area as per the survey carried out by NIO, Goa.

**Item No. 10:** Application for NOC to the proposed Slum Rehabilitation Scheme on Plot bearing CS No. 20(PT), 23(PT) & 38(PT) of Worli Division, B G Kher Marg, Worli, Mumbai for Mayanagar CHS.

Authority considered the proposal and noted that proposed SRA Scheme is planned to be developed on the C.T.S. numbers which are already reserved for garden. As per the CRZ Notification dated 19.02.1991 and Development Control Rules, 1967, permission for the said activity is not allowed on the plot reserved for playground. However, Authority directed Urban Development Department and SRA to verify the reservation of the said plots prior to 19.02.1991 as per the Development Plan existed on that date. Authority also decided to refer back similar cases of SRA planned on reservations such as gardens, playgrounds, open spaces etc. to the Urban Development Department & SRA to verify the reservations prior to 19.02.1991. However, Authority decided that permission will not be given to such schemes

which are proposed on reservation which in existence prior on 19.02.1991. Authority finally decided not to clear this proposal as well as similar proposals planned on reservations.

**Item No. 11:** Clearance to the shifting of Haji Ali & Worli Connector in Western Freeway Sea Link Project of MSRDC

Case was presented by Officers of MSRDC. Authority noted that Haji Ali to Nariman Point portion of the Western Freeway Sea Link is kept in abeyance instead of Worli to Nariman Point portion as noted earlier by the Authority. Authority also noted that minor change in alignment of connectors of Worli - Haji Ali portion of Western Freeway Sea Link Project including minor shifting in alignment of connectors has been already approved by MCZMA. However, the same is once again recommended for clearance from CRZ point of view.

As requested by MoEF vide letter dated 12.12.2008 / 05.01.2009, status of the two Writ Petitions related to this matter, as given by MSRDC was also considered by the Authority and it was decided to communicate the same to MoEF.

**Item No. 12:** Proposed additions and alteration to existing building on plot bearing CTS Nos. 1059,1062 of Village Pahadi, Goregaon at Plot No. 184, 185, Bangur Nagar, Goregaon (W)

Project proponent presented the case before Authority. After discussion, Authority decided to pay site visit before taking final decision in the case. It was decided that Chairperson, MCZMA along with two members to visit the site and submit visit inspection report to Authority.

**Item No. 13:** Proposed Slum Rehabilitation Scheme on Plot bearing CS No. 51, 2/51 & 3/51 of Malbar and Cumballa Hill Division at Bhagwan Indrajit Road, Malbar Hill, Mumbai.

Matter was discussed in detail. It was decided to ascertain the authenticity and existence of authorized structure abutting both sides of the plot under consideration. It was also decided to confirm that imaginary line is as per the explanation given by MoEF vide its letter dated 19.09.1998. However, Authority empowered Chairperson to take final decision in the case on the basis of site visit.

**Table Item No. 1: Court Cases**

Authority heard Smt. Deshmukh, Advocate appointed for MCZMA. After discussion and considering opinion of all the members following decisions were taken by the Authority:

1. In the case of W. P. No. 76/2008, Authority decided to issue Notice under Section 5 of Environment Protection Act, 1986 and direct M/s. Daultani & Associates, Architect and Mr. Shah Rukh Khan to submit the copies of permissions/ clearances obtained from various statutory authorities including MCZMA.
2. In the case of W. P. No. 9/2009, Authority noted the action taken in the matter.
3. In the case of W. P. No. 18/2009, Authority noted the action taken in the matter.
4. In the case of W. P. No. 64/2008, it was noted by the Authority that permission was given only to construct temporary structures in the form of Porta Cabins and serve pre-cooked food by Urban Development Department. However, on the basis of the visit of the then Chairman and members of the Authority, it was noted that cooking activity was carried out in the said Hotel named as 'Salt Water Grill Restaurant – H<sub>2</sub>O Complex' in the area notified as CRZ I as per approved CZMP of Mumbai. Since no hotel activity is allowed in CRZ I area, Authority decided to direct Collector, Mumbai to take action under power given to him under Environment Protection Act, 1986 to:  
(i) stop the cooking activity in the said Hotel immediately. (ii) Ascertain that there is no permanent structure erected on the plot allotted to the Project Proponent and send report within 15 days to the MCZMA. Authority also decided to hear the Collector, Mumbai; MD, MTDC and Project Proponent.

**Table Item No. 2:** Five-starred category hotel building on plot bearing CS No. 2193(p) of Bhuleshwar Division at Churni Road, Mumbai by Neelkamal Marine Drive Developer Pvt. Ltd.

Project proponent presented the case before Authority. After deliberation, Authority noted that proposed construction falls in the landward side of existing road in CRZ II area. However, Authority noted that structural stability and measures to reduce the impacts, wind surge etc. should be considered on priority before giving final permission. It was also noted that height, structural size and shape of the proposed building should also be in consistent with the surrounding landscape and local architectural style. Construction should be limited to



the FSI as permissible in CRZ II areas as per Development Control Rules, 1967. Authority decided to recommend the proposal with abovementioned conditions.

**Table Item No. 3:** Environmental and CRZ clearance for proposed Charkop and Mankhurd MRTS Car Depots/ workshop, allied & commercial activities.

Mr. Ratnakar Gaikwad, Metropolitan Commissioner, MMRDA and other representatives from MMRDA were present during the meeting. Project Proponent informed that their project is on the line of Railway projects. The case was discussed before Authority and it was noted that proposed activity falls in CRZ I (i) and CRZ I (ii) where no construction is allowed. Further it was decided not to cut any mangrove in case of Charkop Car Depot. In case of Mankhurd Car Depot, compensatory plantation of mangroves on 4.5 ha land should be done at place provided by MCGM (near Airoli-Mulund Bridge) subject to permission of MoEF and Hon. High Court of Mumbai. Proponent is directed to obtain the permission of High Court for getting exemption and denotification of Mangrove forest in case of C.T.S. No. 3, 4, 5, through Urban Development Department. However, Authority decided to recommend the proposal with abovementioned conditions and subject to compliance of Hon. High Court order given in case of 3246/2004.

**Table Item No. 4:** Letter No. MCZMA2008/ CRII/ TC-3 dated 13.02.09 written to Director, Coastal Zone, MoEF, Delhi.

Letter No. MCZMA2008/ CRII/ TC-3 dated 13.02.09 written to Director, Coastal Zone, MoEF, Delhi was placed before the Authority. Authority deliberated on the issue of cases pending with MCZMA related to reclassification/ re-delineation of coastal areas. Authority after discussion decided that in view of clearing the pendency of such cases of reclassification or re-delineation pending with MCZMA may be considered on merit and case to case basis and send to MoEF for further action. Authority approved and taken on record the above letter.

**Meeting ended with vote of thanks to all members.**

**Chairman,  
MCZMA**

## **Annexure I**

**List of the members present for the 49<sup>th</sup> meeting of MCZMA is as follows:**

1. Smt. Valsa R. Nair-Singh, Chairperson, MCZMA and the Secretary, Environment Department, Mantralaya
2. Dr. J. M. Phatak, Municipal Commissioner, MCGM, Mumbai
3. Shri. T. C. Benjamin, The Principal Secretary, Urban Development Department, Mantralaya
4. Shri. S. L. Goyal, The Secretary, Fisheries, Agriculture & A.D.F. Department, Mantralaya
5. Dr. Dilip Kumar, Director, Central Institute of Fisheries Education, Mumbai
6. Dr. S. B. Chaphekar, Botanist, Mumbai
7. Dr. Leela Bhosale, Botanist, Kolhapur
8. Dr. B. N. Patil, Member Secretary, MCZMA