

**Minutes of the 50<sup>th</sup> Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 25<sup>th</sup> March, 2009**

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

Additional Chief Secretary (Revenue), Mantralaya; President (Vanrai Pratihthan); Principal Secretary (Industries), Mantralaya; Dr. (Mrs.) Leela J. Bhosale (Botanist); Dr. S. K. Gupta, Department of CESE, IIT, Powai, Mumbai and Director, Central Institute of Fisheries Education, Mumbai could not attend the meeting. The meeting was adjourned for 30 minutes for corum.

**Item No. 1:** Confirmation of the Minutes of the 49<sup>th</sup> Meeting of the Maharashtra Coastal Zone Management Authority held on 24<sup>th</sup> February, 2009

The minutes of the 49<sup>th</sup> meeting were confirmed by the Authority without any modifications. In case of the proposed Nuclear Power Project at Jaitapur (District Ratnagiri), Dr. S. B. Chaphekar had expressed his concern related to the huge quantity of hot water release during operational phase of the project (vide his e-mail dated 25<sup>th</sup> February 2009). The matter was discussed by the Authority and the Authority decided to request the Project Proponents to provide detailed water balance and Environmental Impact Assessment (EIA) Report to Dr. Chaphekar.

**Item No. 2:** Action taken on the decision taken in the 49<sup>th</sup> Meeting of the Maharashtra Coastal Zone Management Authority held on 24<sup>th</sup> February, 2009

Follow up action in respect of decisions taken in the previous meeting of the Authority were noted. Authority was also informed regarding the visits of the sites at: (i) Plot bearing CTS Nos. 1059, 1062 of Village Pahadi, Goregaon at Plot No. 184, 185, Bangur Nagar, Goregaon (West) and (ii) Plot bearing CS No. 51, 2/51 and 3/51 of Malabar and Cumballa Hill Division at Bhagwan Indrajit Road, Malabar Hill, Mumbai on 23.03.2009 by Chairman, MCZMA, Dr. Chaphekar and Officers of SRA, MCGM and Collectors of respective areas. It was also noted by the Authority that in the case of (ii) redevelopment can be allowed behind the imaginary line drawn between the tolerated structures prior to 1999. Structures were shown to Authority by Deputy Chief Engineer,

SRA. Deputy Chief Engineer, SRA was directed to submit the revised plan along with cost of the project. Authority recommended the redevelopment subject to the condition that cost of the project is less than Rs. 5 crores and construction and FSI proposed to be used is as per the DC Rules, 1967. Case (i) was kept for discussion in the next meeting.

**Item No. 3:** Proposal of 20 meter wide road passing through CRZ-I (ii) and CRZ-II area for approval from CRZ point of view by Thane Municipal Corporation

Shri N. V. Jantre, Municipal Commissioner, Thane Municipal Corporation presented the case before the Authority. As per the CZMP of Thane City prepared by CESS, there are no mangroves on the proposed site. However, there are saltpans on the proposed site, therefore, the area under proposed road is in CRZ-I. The length of the proposed road is about 0.5 km. Municipal Commissioner informed that the Corporation proposes to lay the PVC pipes to maintain the flow of water wherever necessary.

Authority noted that as per CRZ Notification, 1991, road construction is prohibited activity in CRZ-I and activity as such needs permission of MoEF. However, considering the utility and necessity of the proposed road in the interest of public, the Authority recommended to refer the case to MoEF for further necessary action.

**Item No. 4:** NOC/ EC for Vessel (Ship) cutting dismantling at in situ in and where as condition

The matter was discussed by the Authority and it was decided to recommend the case to MoEF since activity requires water front subject to the condition of safe handling and disposal of the hazardous material present on the ship/ oil spillage etc. Authority also noted that this will be only one time activity for dismantling the single ship lying over there.

**Item No. 5:** Proposed addition and alterations to the existing building on the Plot bearing CTS No. 999A & 999B of Village Juhu, Juhu-Tara Road, Santacruz (West), Mumbai

The Authority deliberated on the issue and discussed about the additional information submitted by the Chief Engineer (D.P.), MCGM. Authority decided to

recommend the change of user from restaurant to departmental store at ground floor and first floor subject to the following conditions:

1. The proposed use should be in compliance with the DC Rules, 1967.
2. FSI proposed to be utilized for proposed addition and alteration of existing building on Plot bearing CTS No. 999A & 999B of Village Juhu, Juhu-Tara Road, Santacruz (West), Mumbai, should be as per DC Rules, 1967 as applicable to Suburban areas of Mumbai.
3. Competent Authority should ensure that the cost of the proposed addition and alteration is less than Rs. 5 crores.
4. The Urban Development Department in Government of Maharashtra and MCGM will ensure the compliance of above said conditions before commencement of work.

**Item No. 6:** CRZ classification of land bearing CS No. A/751, Ice Factory Lane, Bandra (West), Mumbai

The matter was discussed by the Authority. The Representative of the Project Proponents argued for the definitions and meanings of the terminologies like 'creek' and 'bay' and the CRZ classification accordingly and requested to consider their area in non-CRZ area and allow TDR. However, the Authority noted that MCGM did not permit to utilize the TDR in this matter since, the regulation regarding TDR became effective after 19.02.1991 and it is not permissible in case of the land classified under CRZ.

Authority also noted that the applicant's appeal against MCGM under MRTP Act was rejected by Hon. Chief Minister vide order dated 09.08.2006 since the area falls in CRZ-II area as per approved CZMP.

Authority also noted that MCZMA does not have any power to make changes in the approved CZMP and as per the approved CZMP the said area is in 500 m CRZ-II area. Authority also noted that in the coastal zone area, rules specified in CRZ Notification, 1991 and DC Rules, 1967 are applicable. So, order of Divisional Commissioner was not considered by the Authority and Authority rejected the case.

**Item No. 7:** CRZ permission for reconstruction of existing building on plot bearing CS No. 567/51, Village Juhu, Vile-Parle (West)

The matter was discussed by the Authority and since the cost of the proposed reconstruction is more than Rs. 5 crores, it was decided to recommend the case to MoEF subject to conditions that:

1. The proposed reconstruction should be on the existing plinth and without alterations in the land-use pattern.
2. No construction allowed on seaward side, North and South sides of the existing plinth and height should be as per the surrounding architectural style of the area.
3. Permission from the Ground Water Board will be necessary.
4. The construction should be as per the DC Rules, 1967.
5. No construction is allowed in CRZ-I area.

**Item No. 8:** CRZ permission for construction of podium parking for the existing building on plot bearing CS No. 422, Malabar Hill, K. M. Munshi Marg, D Ward, Mumbai- 400 021

The matter was discussed by the Authority. It was decided to grant permission from the CRZ point of view for the construction of podium parking for the existing building on plot bearing CS No. 422, Malabar Hill, K. M. Munshi Marg, D Ward, Mumbai-400 021, subject to the condition that the ground floor area of the podium parking should not be covered and used for any other purpose like Storage Room etc. apart from the requested use and in compliance with DC Rules, 1967.

**Item No. 9:** Proposed redevelopment of existing 'Dnyaneshwar Mandir' situated at CS No. 2/377 of Mahim Division at Dnyaneshwar Mandir Road, Dadar (West)

The matter was discussed by the Authority. The Authority noted that:

1. On the plot under reference, there are two existing structures: One is the Dnyaneshwar Temple which is G + 1 part floor non-cesses structure & second one is a building including G + 2 upper floors cessed structure.
2. Cost of the reconstruction proposal is Rs. 4,07,50,794.

3. The land under reference falls within CRZ-II and proposed reconstruction is on the seaward side of the existing road.

Authority also noted that the proposal involves reconstruction of existing building for the purpose of public use and need clearance from MoEF. After deliberations, Authority decided to recommend the case to MoEF subject to:

1. Change in the existing use of the building shall not be permitted.
2. Any permissible extension of the plinth in seaward direction vis-à-vis the existing plinth limits will not be allowed.
3. Reconstruction, FSI and use should be as per the DC Rules, 1967.

**Item No. 10:** Demarcation of HTL and delineation of CRZ boundary for the plots bearing Nos. D/23, D/23A, and D/25 of CTS No. 1(pt) of Pahadi Goregaon Village, at Bhagat Singh Nagar No. 2, New Link Road, Jogeshwari (West), Mumbai- 400 102

The proposal was discussed in detail by the Authority. Authority noted that:

1. M/s. Wadhwa Estate & Developers (India) Pvt. Ltd. are developing the SRA project for about 1075 slums on the plots bearing Nos. D/23, D/23A, and D/25 of CTS No. 1(pt) of Pahadi Goregaon Village, at Bhagat Singh Nagar No. 2, New Link Road, Jogeshwari (West), Mumbai- 400 102, through their associate company M/s. Makwana Properties Pvt. Ltd. (MPPL). As per the D.P. remarks given by MCGM the said plot is in CRZ-I and CRZ-II.
2. As per the information submitted by the proponent, Authority also noted that:
  - 2.1. There are slums on the abovementioned plots right up to the nalla, which is about 250 m away on the West side of Western boundary on the said plot.
  - 2.2. The above area CTS No. 1 was declared as slum as back as 31<sup>st</sup> October 1977 by the Gazette of the Government of Maharashtra.

Therefore, the Authority authenticated the permission for the re-demarcation of HTL and re-delineation of CRZ area given by MCZMA on 12<sup>th</sup> April 2007. Authority also accepted the resurvey report carried out by NIO, Goa – agency authorized by MoEF and

informed the project proponent that the matter will be considered by the Authority in its next meeting after detailed evaluation of the report submitted.

**Item No. 11:** Deletion of land reserved for Bhiwandi Textile Park (by M/s. Yogi Realty Pvt. Ltd.) from CRZ classification, change in the map accordingly and request for resurvey

The matter was discussed by the Authority. It was decided to direct the Project Proponent to resurvey the project site from CESS which is one of the 7 authorized agencies by MoEF subject to following conditions since earlier mapping has been carried out by CESS:

1. To verify the type of vegetation present on site at present as well as in the year 2000 i.e. at the time of mapping carried out for CZMP preparation and also reasons, if any, for variation in the reports.
2. Status of the mudflats, saltpans etc. showing present and past positions.
3. Indicate the reasons for the variation in the type of vegetations reported on the site among earlier images with time series maps of the years 1994, 1998, 2000, 2004, 2006 and 2009 of the said area. Ground truthing may also be carried out for providing sufficient justification.

**Item No. 12:** Proposal for reconstruction of bridge across Gorai Creek between Borivali and Gorai passing through CRZ-I

The Project Proponent presented the case before the Authority. The Project Proponent was directed to submit the activity map superimposed on the approved CZMP (with classification of activities as per CRZ-I, II & III), details about number of mangroves and mangrove-affected area by court order related to the subject.

Authority expressed concern about destruction of ecology in the proposed area due the bridge construction. Since, no bridge construction allowed in CRZ-I area, the proposal was set aside by the Authority.

**Item No. 13:** Violation of CRZ norms by M/s. Aegis Logistics Ltd.

The matter was deliberated by the Authority. It was informed that as per the complaint regarding violation of CRZ norms by M/s. Aegis Logistics Ltd. through MoEF, the complainant has stated that M/s. Aegis Logistics Ltd. has violated CRZ norms and constructed chemical storage tanks in CRZ area near Pir-Pau Jetty, Mahul, Chembur after CRZ Notification, 1991. Authority noted that on the basis of the complaint, explanation was called from M/s. Aegis Logistics Ltd. on 25<sup>th</sup> June 2008, 15<sup>th</sup> October 2008 and 27<sup>th</sup> February 2009. Authority considered the reply sent by M/s. Aegis Logistics Ltd. vide their letter dated 27.02.2009 wherein the Company has stated that M/s. Tata Power had filed a Writ Petition in 1997 against M/s. Aegis Logistics Ltd. wherein it was alleged that that the plot of M/s. Aegis Logistics Ltd. is within CRZ. In that Writ Petition, it was necessary to identify the HTL and to thereafter measure the distance of the plot from HTL. For this purpose, Hon. High Court issued direction to the Hydrographer, Maharashtra Maritime Board to identify the HTL and measure the distance.

The Hydrographer has identified the HTL and had stated that the plot of M/s. Aegis Logistics Ltd. is at 680 m away from HTL. The Hon. High Court has accepted the report of Hydrographer, Maharashtra Maritime Board and gave decision that the plot of M/s. Aegis Logistics Ltd. does not fall in CRZ area on 28<sup>th</sup> April 1999.

It is mentioned that the MoEF at that time had not identified the 7 agencies to delineate HTL and LTL, when the case was filed and hence the Hon. High Court directed the Hydrographer to identify the HTL and measure the distance, proponent reports that their activities are in non-CRZ area as per the verdict of Hon. High Court order.

Authority noted the reply sent by M/s. Aegis Logistics Ltd. However, Authority also noted that as per Coastal Zone Management Plan (CZMP) of Mumbai, approved on 20.01.2000, said area is in CRZ-II and as per the CRZ Notification, 1991, only 15 petroleum products are permitted for storage in CRZ area except in CRZ-I (i) i.e. in mangroves. Therefore, Authority came to the conclusion that as per approved CZMP, said area is in CRZ-II and should handle and store only 15 petroleum products mentioned in Annexure-III of CRZ Notification and also noted that, at present the Company is handling and storing other chemicals than the chemicals permitted in the area. However, some members of Authority had an opinion that since the Court had declared that area as non-CRZ area on the basis of the report of Maharashtra Maritime Board and at that time there were no agencies declared by the MoEF to delineate HTL

and LTL and further stated that, decision of the Court is prior to the CZMP of the said area approved by MoEF and therefore, the development in the said area after the year 2000 only should be as per the CRZ Notification, 1991.

After detailed prolonged deliberations, it was decided to refer the case to MoEF, New Delhi for further guidance to decide next course of legal action in the matter.

**Item No. 14:** Proposed building on plot bearing S. No. 49 (pt) and CTS No. 299-C of Village Valani, Malad (West)

The matter was discussed by the Authority. It was decided to refer the case to the Urban Development Department for re-examination of the proposed area.

**Item No. 15:** Public Interest Litigation regarding the destruction of mangroves in Maharashtra by Bombay Environment Action Group

In this case, the Authority had detailed discussion with Shri S. S. Sandhu, Divisional Commissioner, Konkan Region. Authority noted that, as per the Minutes of Order submitted to the Hon. High Court, detailed mapping of the area excluding Mumbai and Navi Mumbai is not necessary as mapping on 1: 25000 scale has already been taken up and maps on 1: 25000 and 1: 5000 scale of year 2000-2001 are already available with the Urban Development Department. The work of transferring this data on Village maps has been entrusted to MRSAC. Authority noted that these maps showing mangroves can be obtained from MRSAC by Settlement Commissioner for further necessary action.

The order dated 06.10.2005 Para 8 (viii) is only about Phase-II high resolution study of mangroves for Mumbai and Navi Mumbai area only and which is already carried out by MRSAC.

Authority after discussion noted that as per the Court Order, District Collector, Divisional Commissioner and Forest Department can take legal action for violations in the mangroves area. Authority also noted that as per the Section 24(2) of the Environment Protection Act, 1986, offence shall also be liable to be punished under the other Act.



It was decided by the Authority that Secretary (Environment) may consult/request Additional Chief Secretary (Revenue) and Forest Departments regarding the matter and may arrange meeting of the concerned Officers, as appropriate.

**Item No. 16:** Position of all Court Cases related to CRZ area for information and further orders

The position of all Court Cases related to CRZ area was reviewed before the Authority. Necessary actions taken in all the cases were noted by the Authority.

In case of the PIL Lodging No. 64/2009, it was informed to the Authority that Authority has already issued notice under Section-5 of Environment Protection Act, 1986 to the Project Proponent to stop the Restaurant activity and inform the Authority regarding details of permanent structures from the site. Authority heard the Project Proponent of 'Salt Water Grill Restaurant – H<sub>2</sub>O Complex' - Mr. Manoj Agrawal. He informed the Authority that the Restaurant activity is no more in operation since last year and there is no question of cooking food in the premises. He also informed to submit an undertaking explaining detailed present status of the said activity.

Members of the Authority also informed that during their site visit to the Complex, preparation for cooking activity, facility required for the cooking and bins of potatoes lying in the premises were observed. Authority decided not to allow cooking and heating facilities in the said premises and informed the Project Proponent during hearing to dismantle all the cooking facilities in the said area. As informed by the Project Proponent, Authority noted on record that there is no permanent structure on the land under reference.

**Item No. 17:** Proposal of expansion of School Building at Village Sabe

Shri N. V. Jantre, Municipal Commissioner, Thane Municipal Corporation presented the case before the Authority. He informed that the building of existing school is affected by the mangrove buffer zone and orders of the High Court in the matter 3246/2004. However, he informed the Authority that due to increase of population in the nearby areas, the school building is not sufficient to accommodate large number of students in school and in public interest, expansion of the school is essential. Authority after deliberations decided that expansion of school building can be carried utilizing only

existing plinth of the building subject to the permission of MoEF and Hon. High Court of Mumbai. Authority decided to recommend the case to MoEF for further necessary clearance and directed Municipal Commissioner, Thane to approach the Hon. High Court for further necessary permission.

**Item No. 18:** Allocation of land for the proposed Burial Ground at Mumbra to M/s. Darul Uloom Ashrafia Garib Navaz Trust, Bombay Colony, Ashraf Nagar, Mumbra, District Thane

Shri N. V. Jantre, Municipal Commissioner, Thane Municipal Corporation presented the case before the Authority. Authority noted that, the proposed Burial Ground falls under the mangrove and its buffer zone. However, the Authority decided to refer the case to MoEF considering it as the special case of public interest; subject to condition of obtaining permissions of Hon. High Court and MoEF.

**Item No. 19:** Proposed redevelopment and modernization of entire Essel Outdoor Location Film Studio at plot CTS No. 114, 115, 115/1-17 of Village Turbe, V. N. Purav Marg, Chembur

The matter was discussed by the Authority. Authority after deliberation allowed to draw imaginary line in between tolerated structure-11 and structure-19 on the plot, as per the report of MCGM and on the basis of information given by Chief Engineer (Development Plan), MCGM. The reconstruction is allowed on the landward side of the imaginary line only. Since the cost of the reconstruction is more than Rs. 5 crores, the matter is recommended to MoEF for further necessary action.

**Item No. 20:** Proposed addition and alteration of existing building on plot bearing CTS No. C/1658, Village Bandra (West)

The proposal of addition and alteration of existing building on plot bearing CTS No. C/1658, Village Bandra (West) was discussed in detail by the Authority. Representative of the Municipal Corporation informed that the proposal is for extension of Club Building on the same existing structure which is an authorized structure prior to 1991. He also informed the Authority that there is no seaward extension of plinth in this

case and only addition and alteration of existing building is involved. Authority decided to recommend the case subject to the following conditions:

1. Proposed addition and alteration should be as per CRZ Notification, 1991, amended time to time and explanation given by MoEF with respect to construction in CRZ-II areas.
2. Municipal Corporation should ensure that there is no extension of the work beyond exiting plinth of the approved building towards seaward side.
3. Proposed construction and use should be as per the DC Rules, 1967.

**Table Item No. 1: CRZ permission for proposed Heliport at Nariman Point**

The matter was discussed by the Authority. Authority as per the information given by Principal Secretary, Urban Development Department, noted that only jetty portion of the proposed Heliport is in CRZ-I (ii) and rest of the activity is in the sea and beyond the LTL. After deliberations, Authority decided to recommend the case to MoEF for further necessary clearance.

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

**Chairman,  
MCZMA**

## Annexure-I

**List of the Members present for the 50<sup>th</sup> Meeting of MCZMA is as follows:**

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