

Minutes of the 51st Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 24th April 2009 at Mantralaya, Mumbai

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

Secretary (Fisheries, Agriculture & A. D. F. Department), Mantralaya; Additional Chief Secretary (Revenue), Mantralaya; President (Vanrai Pratishtan); Principal Secretary (Industries), Mantralaya; Dr. (Mrs.) Leela J. Bhosale (Botanist) and Dr. S. K. 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 50th Meeting of the Maharashtra Coastal Zone Management Authority held on 25th March, 2009

The minutes of the 50th Meeting were confirmed by the Authority with some modifications in Item No. 2, Item No. 4, Item No. 11 and Item No. 19 are as follows:

Item No. 2: Following sentences are inserted with modifications after the words 'respective areas': 'It was also noted by the Authority that in case of (ii) i.e. SRA scheme, redevelopment can be allowed on landward side of the imaginary line parallel to HTL and drawn between the structure prior to 19.02.1991. These structures were shown to Authority members during their visit to the site by Deputy Chief Engineer, SRA and Project Proponent. List of the members and officials present during the visit is attached as **Annexure-II**. Members who visited the site brought to the notice of Authority that these are tolerated structures by MCGM prior to 1964 and do not have occupation certificate. Representative of Corporation informed that occupation certificate of the structure prior to 1964 is not available with Corporation since this practice was not prevalent at that time. Then Authority decided to allow these structures as authorized structures to draw the imaginary line and decided to allow the redevelopment of SRA scheme to remove the encroachment and improve the coastal environment and living standards of the slum-dwellers. Deputy Chief Engineer, SRA was directed to submit the revised plan along with cost of the project and authorized documents of the tolerated structures. 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. Competent Authorities i.e. SRA & MCGM will ensure the compliance of Hon. High Court Orders in respect of SRA scheme and FSI in CRZ area and will also ensure that development should be as per CRZ Notification, 1991, before issuing commencement certificate to the proposed construction work.

Case No. (ii) related to addition and alteration of Ayyappa Temple at Bangur Nagar on plot bearing CTS No. 1059, 1060 & 1062 of Plot No. 184, 185 of Village Pahadi Goregaon was discussed. It was informed to Authority members by representative of Corporation that commencement certificate and occupation certificate for the existing structure have been given by MCGM. Authority decided to allow further alteration and construction on the existing building. However, construction is not allowed on the CTS No. 1060 which is affected by 50 m buffer zone of mangroves. Authority also directed MCGM to ensure that all three plots of temple trust are amalgamated and work should be as per CRZ Notification, 1991 and as per the approval conditions to CZMP. MCGM has to ensure that there is no violation of any Court Order related to CRZ regulations'.

Item No. 4: After the words 'oil spillage etc.' following sentence is inserted: 'Project Proponent should obtain authorization for handling hazardous waste from Maharashtra Pollution Control Board'.

Item No. 11: Following changes were made by the Authority:

1. Resurvey should be carried out through Space Application Centre (SAC), Ahmedabad instead of Centre for Earth Science Studies (CESS), Thiruvananthapuram as decided in the last Meeting.
2. After the words 'year 2000' the words '2004 and 2006' are inserted in condition No. 1.
3. The word 'mangroves' is inserted after the word 'saltpan' in condition No. 2.

Item No. 19: It is modified as given below:

'The matter was discussed by the Authority. Authority after deliberation allowed to draw imaginary line parallel to HTL and drawn 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. Authority also noted that as per the MCGM report these are tolerated structures prior to 1964 and do not have occupation certificate. These structures will not be demolished during construction/ redevelopment. Since the cost of the reconstruction is more than Rs. 5 crores, the matter is recommended to MoEF for further necessary action'.

Item No. 2: Action taken on the decision taken in the 50th Meeting of the Maharashtra Coastal Zone Management Authority held on 25th March, 2009

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

Item No. 3: Application for the grant of permission for "Modification of sea water intake for use of sea water as cooling water in 43 MW Power Plant"

Shri R. Swaminathan of M/s. Finolex Industries Limited presented the case before the Authority. It was informed to the Authority that 7000 m³/day water is proposed to be taken from the sea for cooling purpose through existing water pipeline for desalination plant and there will be no construction for the same. However, extra pumping station will be erected for intake of water. Project Proponent also reported that water used for cooling will not be discharged again into sea and will be recycled and Company will not release hot water into the sea to minimize the adverse effect on the coastal ecosystem. As per the report submitted, cost of the project is Rs. 57 lakh which is less than Rs. 5 crores.

Authority also noted that the proposed activity (i.e. only foreshore facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated waste water/ cooling water for thermal power plants) is permissible as per the paragraph 3 (2) (iii) of the CRZ Notification, 1991. As per the Rule 3(2) of CRZ Notification, 1991, activities involving of less than Rs. 5 crores shall be regulated by MCZMA. Authority decided to clear the proposal from CRZ point of view. However, Project Proponent should obtain all other necessary permissions from the Government agencies/ authorities etc. as required.

Item No. 4: CRZ permission for proposed beautification of Gateway of India precinct on plot bearing CS No. 475, Colaba Division, 'A' Ward, Mumbai

Officials of Municipal Corporation of Greater Mumbai (MCGM) presented the case before the Authority. Authority asked the Project Proponents to elaborate on the upgradation of visitor amenities in the proposed activity.

Authority noted that, in this case, the cost of the project has been revised from Rs. 4.99 crores to Rs. 6.45 crores, after commencement of the work. Due to this reason, the permission from MoEF, New Delhi is necessary in the matter. After deliberations, the Authority decided to recommend the case to MoEF subject to the condition that MCGM should ensure that all works are carried out as per the provisions of CRZ Notification, 1991 and there is no violation of any Hon. High Court Order pertaining to CRZ area.

Item No. 5: 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 representative of M/s. Makwana Properties Pvt. Ltd. presented the case before the Authority. Project Proponents stated that they are planning slum rehabilitation scheme on the proposed site which is fully occupied by slum-dwellers residing in about 1075 slums and this area under CTS No. 1 has been declared as slum as back as 31.10.1977 by the Gazette of Government of Maharashtra. Project Proponent also stated that as per the approved CZMP of Mumbai, CRZ-I is defined as the area between LTL and HTL. However, in this case, for the nalla with width of 90 m, CRZ-I area extends up to about 340 m. He further committed that as per the NIO report, about 5121 sq. m. area is still in CRZ-I and Project Proponent will not use this area for any development and same will be kept as open space/ garden and slum-dwellers of this area will be relocated. He requested Authority to accept the report of NIO and accord permission for reclassification of the area.

Authority deliberated the issue of reclassification in detail and Principal Secretary, Urban Development Department also expressed concern on resurveys being carried out through NIO, Goa only. Other members of the Authority informed that NIO, Goa has its office in Mumbai and hence it was easy to be approached by Project Proponents and that could be the reason that most of the resurveys have been carried out by NIO, Goa.

After discussion, Authority recommended the matter to MoEF since power of reclassification/ changes in approved CZMP are not rested with MCZMA. Authority noted commitment of Project Proponent that they will remove the slums from CRZ-I area and also CRZ-I area will be going to be kept open without any construction. Authority noted that proposal is only for reclassification of the area.

Item No. 6: Demarcation of HTL and delineation of CRZ boundary along and across the plot bearing CS No. 7A/632 of Malabar Hill Division in D-Ward Mumbai

The matter was discussed by the Authority in detail. Authority noted that as per approved CZMP, the said plot partly falls in CRZ-II of 500 m CRZ area from HTL. Plot area approximately 200 sq. m. is affected by CRZ-II in view of transfer/ superimposing of CZMP of the scale 1: 25000 to the Development Plan Sheet of the Island City to the scale of 1: 2500. Project Proponent stated that there is no change in HTL or no request for reclassification but he doubted the accuracy of transferring DP Sheets of scale 1: 2500 on the CZMP of the scale 1: 25000. As per the suggestion of MCGM, Project Proponent carried out survey of the area through NIO, Goa.

Authority noted that as per the survey of NIO, Goa, there is no change in HTL as also confirmed by Chief Engineer, MCGM and there is no change in CRZ classification. However, the plot under consideration bearing CTS No. 7A/632 of Malabar Hill is not affected by CRZ-II area. After discussion on the matter, Authority decided to recommend the matter to MoEF since permission of MoEF is required for the same.

Item No. 7: Proposed redevelopment of the property bearing CTS No. G/406(pt) & G/628 of Village Bandra, 15th Road at Khar (West), Mumbai Suburban District

Item No. 8: Proposed development on plot bearing CTS No. E/86-18 of Village Bandra, Plot No. 558, SS-VII, 18th Road, Khar (West), Mumbai- 400 052

Item No. 9: Proposed development on the property bearing CTS No. 616 of Village Bandra, 15th Road at Khar (West)

MCZMA received applications from abovementioned three Project Proponents for reclassification of CRZ area of their sites. The details of the sites under consideration are as follows:

Site-1: Plot bearing CTS No. G/406(pt) & G/628 of Village Bandra, 15th Road at Khar (West), Mumbai Suburban District

Site-2: Plot bearing CTS No. E/86-18 of Village Bandra, Plot No. 558, SS-VII, 18th Road, Khar (West), Mumbai- 400 052

Site-3: Proposed development on the property bearing CTS No. 616 of Village Bandra, 15th Road at Khar (West)

These proposals were discussed in detail by the Authority. Authority noted that as per the approved CZMP of Mumbai, all the above three plots of Village Bandra at Khar (West) are either partly or fully affected by 500 m CRZ-II area. As per the reports of NIO, Goa, all the three sites are located outside 500 m setback line from sea and setback line of the creeklet as marked as per the provision of the CRZ Notification, 1991 and as per the condition No. 18 in the approval issued by MoEF to CZMP of Maharashtra dated 27.09.1996.

Applicants presented the matter before the Authority. Applicants represented that they were not challenging HTL as demarcated by Chief Hydrographer, but requesting the width of CRZ area across the creeklet and sea as per the approval condition to CZMP of Maharashtra by MoEF. Authority noted that, in the present case, the water tributary is going inside the landmass, as shown on the CZMP and as shown in NIO reports and photographs. Hence, as per the NIO report, HTL of sea joining the starting points at the mouth of inlet is shown with 500 m setback line and the CRZ area for creeklet is marked with equal to the width of the creeklet. Authority also noted that as per the NIO report, all the three sites under reference are beyond 500 m CRZ-II setback line of sea as well as CRZ-II setback line of creeklet. Cases of similar nature in the same location have been approved by MoEM.

After detailed deliberations, Authority decided to recommend all above three cases to MoEF for further necessary action in the matter.

Item No. 10: Demarcation of property bearing CTS No. 657-D of Village Kanjur, 'S' Ward, Kanjur Marg (East), Mumbai

Smt. Aarti Ramani of M/s. Particle Boards India Limited presented the case before the Authority. Authority had detailed discussion with the Project Proponent regarding the location of nalla in the vicinity of the site under reference. After deliberations, Authority decided to visit the site to confirm the location of nalla vis-à-vis plot of the Project Proponents before taking final decision in the matter.

Item No. 11: Resurvey of HTL shown in CZMP affecting Secondary School, plot allotted to Samajonnati Shikshan Sanstha, Borivali, CTS No. 5A(5) at Borivali, Mumbai

The matter was discussed by the Authority. Project Proponents informed that the dumping activity is seen on the abutting plot on the Northern side of the plot under reference and the plot used for the dumping activity belongs to the Central Government. The Project Proponents requested to accord the permission to carry out the resurvey of their plot through NIO, Goa. However, Authority rejected the request and directed the Project Proponents to carry out resurvey through other authorized agencies approved by Government of India.

Item No. 12: CRZ permission for proposed reconstruction of existing building on plot bearing CTS No. 907, 907/1 to 3, 907/4C of Village Juhu at Juhu-Tara Road, Mumbai

Project Proponent presented the case before the Authority. Authority noted that the proposed construction will not take place on the same plinth and therefore the concept of imaginary line is applicable for developing the plot which is in CRZ-II and on the seaward side of the existing road. The Project Proponents submitted the approved building plans and occupation certificates of the structures on plots bearing CTS No. 906 & 914 (abutting the proposed site on North and South side respectively). After deliberations, Authority decided to verify the documents submitted by the Project Proponent during the meeting before taking final decision in the matter.

Item No. 13: Resurvey of land bearing S. No. 2 to 53 and others in Village Ranjnoli, Taluka Bhiwandi and correction in CRZ map accordingly

The matter was discussed by the Authority. After deliberations, the Authority decided to direct the Project Proponent to carry out resurvey of the land under reference from Space Application Centre (SAC), Ahmedabad – one of the approved agencies by MoEF to verify the following:

1. Verify the change in vegetation from mangroves to grass with the help of series of maps from 2000, 2002, 2004, 2006, 2008 and 2009. Ascertain the vegetation through ground truthing.

2. Verify and indicate reasons, for variation in the earlier opinion/ conclusion of CZMP and MRSAC reports, which mentions presence of mangroves on the site, with justification.
3. Status of the land with respect to saltpan, mudflat, mangroves, sensitive zone, buffer zone etc. showing past and present position.
4. Reasons for change in CRZ classification, if any, with justification.

Item No. 14: Proposal for development on plot bearing CTS No. 75 & 78, Village Dahisar, Dahisar (W)

The matter was discussed by the Authority. Authority noted that the entire plot bearing CTS No. 75 & 78, Village Dahisar is in CRZ-II and on the seaward side of the approved road as per the approved CZMP of Mumbai. Authority also noted that 'kachha road' (temporary road) towards the seaward side of the plot is not shown on approved CZMP and hence cannot be considered. After deliberations, Authority decided to reject the proposal.

Item No. 15: Environmental Clearance for the Beach Resort Project at Kashid, Village Janjira, Murud Taluka, Raigad District, Maharashtra

The matter was discussed by the Authority. Authority noted that the proposed extension of the resort on Survey No. 10/3 is in CRZ-III and falls between 200 m to 500 m setback line of CRZ. Resort activity is permissible in between 200-500 m area of CRZ-III. So, Authority decided to recommend the case to MoEF for further clearance from CRZ point of view.

Table Item No. 1: Environmental and CRZ clearance for proposed Charkop-Bandra-Mankhurd Mumbai Metro Corridor

Shri Milind Mhaiskar, Additional Metropolitan Commissioner, MMRDA along with Officials of MMRDA presented the case before the Authority. Authority noted that the location of the activity is affected by CRZ-I (i), CRZ-I (ii) and CRZ-II and as per the CRZ Notification, 1991, proposed activity is not permissible in CRZ-I area. Some of the area under proposal is also declared as forest and the area under consideration for the proposed activity is also affected by Hon. High Court Order in case of 3246/2004.

Authority expressed the concern about the cutting of mangroves due to the proposed activity and directed MMRDA to provide details of density of mangroves as

assessed by MRSAC, Nagpur. It was also suggested to check the feasibility of alternate alignment to avoid the mangroves occupied area. However, after deliberations, Authority decided to refer the case to MoEF for further necessary action and guidance in the matter.

Table Item No. 2: Proposed slum development on plot bearing CS No. 47(part), Lower Parel Division for Rajiv Nagar Co-op. Society

The matter was discussed by the Authority. Authority noted that, proposed site is in CRZ-II and reserved for municipal housing and affected by proposed road. However, Authority also noted that SRA had given permission to the work much earlier and Project Proponents have already used 1.376 FSI for reconstruction of rehabilitation of tenements without CRZ clearance. Now, Urban Development Department has requested to grant additional FSI of 2.49. However, Authority noted that as per the Hon. Supreme Court Order only 1.33 FSI is applicable in CRZ-II areas of Mumbai. However, Authority referred the matter to Urban Development Department for details.

The Meeting ended with vote of thanks to all members.

**Chairperson,
MCZMA**

Annexure-I

List of the Members present for the 51st 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. Dr. S. B. Chaphekar, Botanist, Mumbai
5. Dr. Dilip Kumar, Director, Central Institute of Fisheries Education, Mumbai
6. Dr. B. N. Patil, Member Secretary, MCZMA

Annexure-II

List of MCZMA Committee Members and Officials present during Field Visit on 23.03.2009 is as follows:

1. Smt. Valsa R. Nair-Singh, Chairperson, MCZMA and The Secretary, Environment Department, Mantralaya, Mumbai
2. Dr. S. B. Chaphekar, MCZMA Committee Member and Botanist, Mumbai
3. Dr. B. N. Patil, Member Secretary, MCZMA
4. Shri Ghalsasi, Deputy Chief Engineer, SRA
5. Shri Mane, A. E., SRA
6. Shri Arwkar, A. E., SRA
7. Shri B. V. Salunkhe, Tehsildar, Borivali
8. Shri B. A. Redekar, City Survey Officer, Goregaon
9. Shri R. S. Hadawale, Ex-Engineer (B. P.) P., MCGM