

**Minutes of the 58th Meeting of Maharashtra Coastal Zone Management
Authority (MCZMA) held under Chairmanship of Secretary (Environment)
on 4th December 2009 at Mantralaya, Mumbai**

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

Principal Secretary, Industries Department, Mantralaya; Principal Secretary (Fisheries), Agriculture & ADF Department, Mantralaya; Additional Chief Secretary (Revenue), Mantralaya; President (Vanarai Pratishtan); Dr. (Mrs.) Leela J. Bhosale (Botanist); Dr. Dilip Kumar, Director, Central Institute of Fisheries Education, Mumbai and Dr. S. K. Gupta, Department of CESE, IIT, Powai, Mumbai could not attend the meeting. The meeting was adjourned for 30 minutes for quorum. Principal Secretary, Urban Development Department, Mantralaya requested that those members who absent themselves from the meeting three times consecutively, without written information should be suitably replaced. This was agreed to.

Item No. 1: Confirmation of the minutes of the 57th meeting of the Maharashtra Coastal Zone Management Authority held on 16th October 2009

The minutes of the 57th meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the Authority without any modifications.

Item No. 2: Action taken on the decision taken in the 57th meeting of the Maharashtra Coastal Zone Management Authority held on 16th October 2009

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

Item No. 3: Regarding minutes of 18th meeting of National Coastal Zone Management Authority (NCZMA), New Delhi held on 15.09.2009

Authority noted the action taken with respect to minutes of NCZMA regarding individual cases. As per the requirement, letters are already sent to the concerned Collectors and Municipal Corporations for further necessary actions. The Chief Engineer, Development Plan of MCGM agreed to take necessary initiatives and submit the required reports immediately. As per the discussions, it was decided to form the sub-committees within the member of MCZMA under Chairman to verify and report the details of respective sites under reference. Chairman, if required, may include expert or held offices in the committee.



Item No. 4: Regarding CRZ permission for proposed horizontal extension of existing Gopi Birla Memorial School with additional FSI on plot bearing CS No. 315, Malabar Hill Division, Walkeshwar Road

Project Proponent presented the case before the Authority. He mentioned that, the design of the proposed structure is planned to allow maximum adaptability with the existing topography of the site without disturbing the existing profile. He also clarified that there is no demolition or reconstruction involved.

Authority noted that, the existing structure on the plot under reference would not be demolished and the proposed built-up area for the horizontal extension is 1581.29 sq. m. (with consumption of additional FSI of 0.786). Authority also noted that, the proposed horizontal extension would be carried out without disturbance to the present topography of the cliff on the site. As the cost of the proposed construction is less than Rs. 5 crores, Authority decided to grant permission for the proposed horizontal extension subject to the following conditions:

1. The construction shall be carried out as per the DCR of 1967 and FSI permissible therein.
2. Construction should be as per the provisions of CRZ Notification, 1991 (amended time to time), guidelines and clarifications given by MoEF time to time.

Authority also noted that as per the powers delegated by MoEF and MCZMA to Secretary (Environment) and Chairman, MCZMA can accord clearance from CRZ point of view if the investment is less than Rs. 5 crores and project is within the framework of approved CZMP, for speedy disposal. Authority noted that on the basis of this Secretary and Chairman, MCZMA can issue CRZ clearance in the instant case, and henceforth, same procedure will be followed and no need to send proposal to MoEF with investment less than Rs. 5 crores. After this, file in the instant case will be sent to Urban Development Department for additional FSI approval.

Item No. 5: Regarding CRZ permission for proposed reconstruction of "A" category cessed structure on plot bearing CS No. 741, Worli Division, Worli Estate Scheme, Khan Abdul Gafar Khan Road, Worli

The matter was discussed by the Authority. Authority noted that, the existing "A" category cessed structure is situated on plot admeasuring 2046.00 sq. m., which is in CRZ-II area on the landward side of the existing road. Authority also noted that, as the structure is in dilapidated condition, the reconstruction is proposed with FSI of 1.33 and the proposed structure will comprise of basement + stilt + 23 upper floors. As the cost of



the proposed construction is more than Rs. 5 crores, Authority decided to recommend the case to MoEF subject to the following conditions:

1. Construction should be carried out strictly as per the FSI permissible in & provisions of Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended from time to time) and guidelines/ clarifications given by MoEF time to time.
2. NOC of High Rise Committee will be required for the proposed construction and the proposed construction should be carried out as per the conditions mentioned in this NOC.

Item No. 6: Application for redevelopment of existing Transit Camp on plot bearing No.97/C at Cuff Parade, Colaba, Mumbai

The representative of MHADA explained the case before the Authority. Authority noted that the revised imaginary line between building are No. 38 and building No. 20(1) is parallel to HTL and that both structures are present on the same plot. MHADA officials informed that both the structures will be retained and they will not be demolished. Authority instructed that no construction should be carried out towards the seaward side of the imaginary line. Proponent agreed to that. Authority after deliberation decided to recommend the case to MoEF for further decision since investment is more than Rs. 5 crores subject to condition that:

1. Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. The permissibility of the proposed basement should be checked with respect to CRZ Notification, 1991 (amended time to time) and Development Control Rules, 1967.
3. Construction should be as per MoEF clarification letter dated 08.09.1998.

Item No. 7: Redevelopment on property bearing F.P.No. 875 of TPS IV of Mahim Division situated at S.K. Bole Marg, Mumbai

Project Proponent presented the case before the Authority. Authority noted that, in case of the proposed redevelopment of "A" category cessed structure, rehabilitated shop is proposed on first floor. However, as per the Development Control Rules, 1967 that are applicable in CRZ areas, the shops in residential buildings are permissible on ground floor only. Authority also noted that, Proponent has to provide the same area for the shops to be rehabilitated; but due to unavailability of the area, the shop is proposed



on the first floor as per the provisions and policy of State Government for rehabilitation. Authority also noted that the cost of the project is more than Rs. 5 crores. After deliberations, Authority decided to recommend the case to MoEF subject to following conditions:

1. Construction should be carried out strictly as per the FSI permissible as per provisions of Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. The use of proposed development should not be changed from existing use.

Item No. 8: Proposed residential building on plot bearing CTS No. 967 of Village Juhu

Project Proponent presented the case before the Authority. Proponent explained that it has been proposed to construct only one basement with 3.32 m depth in the proposed building, which is 6 m above the mean sea level (MSL).

Authority noted that, the plot under reference is situated on the seaward side of the existing road and reconstruction is proposed on the landward side of the plinth of existing structure. Authority also noted that, as per the information submitted by MCGM vide letter dated 11.11.2008, the present structure exists on the plot under reference since 01.04.1963 as per the building assessment record. As the cost of the proposed construction is more than Rs. 5 crores, Authority decided to recommend the case to MoEF subject to the following conditions:

1. Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended from time to time) and guidelines/ clarifications given by MoEF time to time.
2. The permissibility of FSI should be as per the provisions of Development Control Rules, 1967.
3. The permissibility of the proposed basement should be checked with respect to CRZ Notification, 1991 (amended time to time) and Development Control Rules, 1967.
4. Construction should be as per MoEF clarification vide letter dated 08.09.1998.



Item No. 9: Regarding CRZ permission for Patripool to Durgadi Fort (Govindwadi Bypass) Road

The matter was placed before the Authority. Authority noted that, Kalyan-Dombivli Municipal Corporation (KDMC) has approved the widening and development of road by Maharashtra State Road Development Corporation Ltd. (MSRDC) on BOT basis and the length of the proposed bypass road falling under CRZ area is 1.20 km and its width is 30.00 m. Authority noted and considered that, as per the Coastal Zone Management Plan (CZMP) prepared by CESS for KDMC, the proposed road partly falls in CRZ-II, partly in CRZ-III and some part of the proposed road falls in non-CRZ area.

Authority noted that, as per the CRZ Notification, 1991, the proposed activity of construction of road is permissible in CRZ-III areas. As per the approved CZMP of Maharashtra proposed activity falls in CRZ-III. After deliberations, Authority decided to recommend the case to MoEF with recommendations for construction of road in CRZ-III and non-CRZ areas with the condition that no mangroves will be destroyed during the work.

Item No. 10: Proposal regarding alteration and additional construction in Silk & Art Silk Mills Research Institute at C.S. No. 972 of Worli Division, at SASMIRA, Dr. A. B. road, G/S ward

The matter was placed before the Authority. Authority noted that, the proposal is for the alteration and addition in the existing Synthetic & Silk Mills Research Institute building by demolishing some part of the said building and it includes: demolition of 'A' Wing existing building comprises of basement + Gr. Floor + 2 upper floors and North light shed on rear side and construction of new building comprises of basement + 3 upper floors by retaining existing basement in lieu of the additional FSI under 10 (ii) of Development Control Regulations, 1967.

Authority noted that, proposed addition and alteration in the Silk & Art Silk Mills Research Institute is permissible with the FSI 2.00 as additional FSI of 0.67 is granted by the State Government. Authority also noted that, the cost for the proposed activity, as per ready reckoner, is Rs. 8,13,82,386/-. Authority also noted that, construction of Club House for students is included in proposed activity.

After deliberations, Authority decided to recommend the case to MoEF subject to following condition that the Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.12.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.



Item No. 11: Proposed redevelopment of the property/ bungalow known as "Garden View" on plot bearing CS No. 09/596 of Malabar Hill Division situated at Omer Park along Bomanji Petit Marg, "D" Ward, Mumbai

The matter was placed before the Authority. Authority noted that, the proposal is for redevelopment of the existing authorised building known as "Garden View" on the plot under reference admeasuring 958.58 sq. m. and the FSI for the reconstruction is proposed as 1.33 inclusive of staircase/ lift well FSI. Authority also noted that, as per the letter No. CHE/ 255/ DPC dated 22nd May 2009 issued by Chief Engineer (Development Plan), MCGM, the structure "Garden View" is recommended to be excluded from the boundary of the Omer Park Heritage Complex, as the decision was taken to rectify this boundary in the meeting of Mumbai Heritage Conservation Committee held on 10.12.2008: hence, the NOC from Mumbai Heritage Conservation Committee omitted.

As the cost of the proposed construction is more than Rs. 5 crores, Authority decided to recommend the case to MoEF subject to the following conditions that the construction should be carried out strictly as per the FSI permissible in & provisions of Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.

Item No. 12: Request for allowing CRZ Survey of property situated at Nilaje, Katai and Usarghar, Taluka - Kalyan

Project Proponent presented the case before the Authority. He explained that, M/s. Lodha Group holds lands in villages Nilaje, Katai, Ghesar and Usarghar of District Thane and these villages are neither included in TMC nor in KDMC. Hence he mentioned that the Coastal Zone Management Plan for these villages situated near the Desai Creek area has not been obtained by TMC or KDMC and as such there is no CZMP on record as per the provisions of CRZ Notification for this area.

Authority noted that, draft plan was submitted by CESS to the scale of 1:5000, by demarcating CRZ Belts as per MOEF Guidelines. This draft plan was not finalized as these villages were deleted from KDMC. CZMP for this area has been remained pending since then. CZMP for Thane area on the other bank of same river approved.

After deliberations, Authority decided to get the authentication and confirmation of these draft maps from CESS with details for these 4 villages. Authority also suggested the Proponent to proceed for further permissions from planning authorities meanwhile. However, as required, Project Proponent should also obtain CRZ and Environmental Clearance from the concerned authority as per the law.



Item No. 13: Regarding approval for the construction plans of Bauddha Dhamma Chakra Pravartan Samiti, Thane on creek land of Village Chendani

The matter was placed before the Authority. The representative of Thane Municipal Corporation submitted the copy of letter issued by Collector's Office, District Thane (dated 07.09.2009) to Thane Municipal Corporation informing about the rejection of proposed commercial plan that was submitted for approval. He also informed and submitted the copy of letter issued by Thane Municipal Corporation with reference to the letter from Collector's Office about this decision. Hence, Authority decided that as per Thane Municipal Corporation's report there is no need to consider and process the case and file is closed.

Item No. 14: Regarding proposed construction of multistoried/ public parking lot (as per 33(24) of DC Regulations amended on 2008) on FP No. 1204 of TPS No. IV of Mahim Division at Kashinath Dhuru Marg and Yadav Patil Lane, Prabhadevi, Mumbai

The matter was placed before the Authority. As per the agenda, Authority discussed the need of additional parking requirement in Mumbai to decongest the roads. For this, Urban Development Department in Government requested to MoEF, "Creation of land for public parking is a pro-environmental activity which envisages provision of adequate parking place thereby eliminating on street parking and resultant congestion and pollution. Therefore, it is requested that DCR 33(24) on 2008 be allowed to be made operational in the CRZ area so that much needed public parking place may be made available near Siddhivinayak Temple". Authority also noted that, proposed construction involves construction of staircase, lift lobby free of FSI, which is otherwise not permissible in DCR, 1967 and needs permission of MoEF for relaxation.

Authority noted that as per CRZ Notification, 1991, Development Control Rules, 1967 are applicable in the CRZ-II areas of Mumbai and not the Development Control Rules of 2008. However, after discussion Authority recommended the matter to MoEF for further policy decision.

Item No. 15: Regarding CRZ permission for proposed construction of existing Star Category Hotel as per additional FSI on plot bearing CTS No. 977, Juhu Road, Vile-Parle (West)

The matter was placed before the Authority. Authority noted that, the additional construction is proposed in the Hotel building for closing the small terrace on 7th floor and small alterations on some floors, using additional area of 434.71 sq. m. (additional



FSI of 0.16) and it is also proposed to use the existing basement for the purpose of Conference Hall. Authority noted that, the said basement exists between existing bungalow and RG (Open) space of the Hotel building. Authority noted that, as per the Development Control Rules, 1967, the uses that are accessory to principal use (like parking, store & air-conditioning plant room) are permissible in the basement.

After deliberations, Authority decided to grant permission for the proposal from CRZ point of view subject to the following conditions:

1. Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. The additional construction in the Hotel building for closing the small terrace and the use of basement for Conference Hall should be as per Development Control Rules, 1967.

Item No. 16: To allow the construction of fitness centre at C.S. No. 80, Colaba Division with Free of FSI

The matter was placed before the Authority. Authority noted that, the Proponent has proposed to construct a fitness centre in building called "Durgamata Towers" on land bearing C.S. No. 80 of Colaba Division at P. Pethe Marg and has applied for the permission to construct the fitness centre with the provision of Free of FSI. Authority also noted that, the proposed construction of fitness centre is permissible as per the Development Control Rules, 1991 however, the Development Control Rules, 1967 is silent about the permissibility of the same.

Authority noted that, as per the MoEF letter dated 18.08.2006, only Development Control Rules, 1967 are applicable for the CRZ affected areas in Mumbai and in the Development Control Rules, 1967, there is no provision to allow the construction of fitness centre as free of FSI. Hence, after deliberations, Authority decided to reject the proposal of construction of fitness center free of FSI.

Item No. 17: Complaint received from Shri Rajesh Shah against the development of Plot No. 5, CTS No. 567/51 of Village Juhu, Janaki Kutir, Juhu Church Road, Mumbai.

The matter was placed before the Authority. Authority noted that, the matter was considered in the 50th meeting of MCZMA held on 25th March 2009 and as per the decision taken, the matter was recommended to MoEF by MCZMA vide letter No. MCZMA 2009/ CR 38/ TC 3 dated 22.04.2009. Authority also noted that, MoEF has



issued CRZ clearance for this proposal vide letter having F. No. 11-36/ 2009-IA-III dated 24.08.2009. However, as per the received complaint, it is alleged that the builder has poisoned all the trees and on the basis of fraudulent documents, sent his proposals for construction of a new building. These plans have been forwarded by MCZMA to MoEF for the clearance. Authority also noted that, the proposal is based upon the City Survey Extract, which was found to be forged and fabricated, as per the evidences submitted with the criminal complaint filed in this regard.

Authority after deliberations, decided to request the Collector, Mumbai Suburban to avail the reports regarding the details of the site so as to take further necessary action and for the meantime status-co be given to the project and the MCGM shall withdraw the IOD till further orders from Authority.

- Item No. 18:** (i) Regarding CRZ permission for proposed construction on land bearing CTS No. 1054, Plot No. 173, Village Pahadi Goregaon, Goregaon (West)
(ii) Regarding CRZ permission for proposed construction for commercial use on land bearing CTS No. 1042, Plot No. 170, Village Pahadi Goregaon, Goregaon (West)

The matter was placed before the Authority. Authority deliberated and studied both the cases with accordance of remarks of the planning authority regarding the roads considered in both the proposals. As per the CRZ Notification, 1991 and guidelines of MoEF, the proposed/ D.P. Roads and layout roads should not be considered as approved CZMP roads. Hence, Authority decided to give status-co to the permission granted for the proposal for proposed construction for commercial use on land bearing CTS No. 1042, Plot No. 170 and directed the MCGM not to issue the commencement certificate for the said construction and MCGM to submit the detailed report to the Authority.

- Table Item No. 1:** Regarding extension of School/ College building of Mumbai Education Trust (MET) on plot bearing CTS No. A/761, Village Bandra, Bandra Reclamation, Bandra (West)

The matter was placed before the Authority. Authority after deliberations noted following: "It has been observed that the provision of Regulation No. 4(2) regarding the maximum FSI allowable for educational and medical institutions has been inserted in the Regulation of MMRDA for Bandra-Kurla Complex on 10.05.1994. This implies that on 19.02.1991, when CRZ Regulations came into force, the relevant provision for Bandra-Kurla Complex was the Development Control Rules of 1967. In the Development Control



Rules of 1967, 10(2), the Municipal Commissioner can grant, with the previous approval Government, FSI exceeding the Zonal FSI for educational/ medical institution etc. uses".

After discussion, Authority decided to recommend the matter to MoEF for further decision as per the Development Control Rules, 1967.

Table Item No. 2: Redevelopment and beautification of Chaitya Bhumi at Dadar (West) in Mumbai City

Matter was discussed in detail. It was noted that some of the proposed developments are falling in CRZ-I (ii). Members of the Authority felt that, on some auspicious days, Chaitya Bhumi gets so overcrowded that the entire Shivaji Park region is hardly accessible to other citizens or traffic. On this background and for maintaining the utility and aesthetics of the region, it is necessary that a serious thought has to go in planning the redevelopment of Chaitya Bhumi. In the absence of a serious approach to the issue, the citizens may be deprived of the remaining part of the beach. Some of the members also suggested a site visit for assessing pros and cons of the proposal.

Authority felt that these developments can be permitted if some structural/ locational changes are proposed and for this purpose, Authority referred back the project to Planning Authority to check the feasibility of shifting the proposed activities in CRZ-II areas and revert.

Table Item No. 3: Regarding CRZ permission for proposed reconstruction of existing Sea Rock Hotel on plot bearing CS No.B-1150, B-1153, B-1155 & B-1156, Village Bandra, B.J. Road, Band Stand

Issue was discussed in the Authority at large. The report of the site inspection by the Planning Authority and the recommendation by Urban Development Department were noted. After discussion, Authority decided to recommend the case to MoEF, subject to the following conditions:

1. Construction should be as per the provisions of CRZ Notification, 1991 amended from time to time.
2. Construction should be as per the clarification given by MoEF vide its letter dated 08.09.1998.
3. Construction should be as per the Development Control Rules of 1967, which are applicable in the CRZ-II areas of Mumbai.
4. Construction should be as per the conditions given by High Rise Committee and Heritage Committee.



Principal Secretary, Urban Development Department requested for an early meeting of MCZMA, as soon as the Nagpur Session gets over, to take up issues of CRZ clearance pertaining to MSRDC/ MMRDA. This was agreed to.

The Meeting ended with vote of thanks to all members.



**Chairperson,
MCZMA**

Annexure-I

List of the Members present for the 57th Meeting of MCZMA is as follows:

1. Mrs. Valsa R. Nair-Singh, Chairperson, MCZMA and The Secretary, Environment Department, Mantralaya, Mumbai
2. Mr. T. C. Benjamin, Principal Secretary, Urban Development Department, Mantralaya, Mumbai
3. Mr. R. A. Rajeev, Municipal Commissioner (Additional Charge), MCGM, Mumbai
4. Dr. S. B. Chaphekar, Botanist, Mumbai
5. Dr. S. N. Patil, Member Secretary, MCZMA