

Minutes of the 6<sup>th</sup> meeting of the Maharashtra Coastal Zone Management Authority held on 30-07-2001 at 5<sup>th</sup> floor, Committee Room, Mantralaya, Mumbai-32.

.....

The following were present :

1. The Principal Secretary,  
Environment & Energy Department,  
Govt. of Maharashtra,  
Mantralaya, Mumbai-32 Chairman
2. Shri A.P. Sinha,  
Principal Secretary,  
Urban Development Department,  
Government of Maharashtra,  
Mantralaya, Mumbai-32 Member
3. Dr. Leela Bhosale,  
Department of Botany,  
Kolhapur University,  
Kolhapur Member
4. Shri A.D. Diwan,  
Asstt. Director General  
(Marine Fisheries)  
Indian Council of Agricultural Research,  
New Delhi Member
5. Shri Munshi Lal Gautam,  
Member Secretary,  
Maharashtra Pollution Control Board,  
Mumbai-1. Member Secretary

Principal Secretary, Revenue & Forests Department, Member could not attend the meeting. Leave of absence was sought by him, which was granted by the Chairman.

The matters placed before the Authority were discussed in detail. Following is the gist of the discussions and decision taken.

**Item No.1 :** To confirm the minutes of the 5<sup>th</sup> meeting of the Maharashtra Coastal Zone Management Authority held on 06-07-201.

.....

The minutes of the 5<sup>th</sup> meeting of the Authority were circulated amongst the members vide letter bearing No.MCZMA/85 dated 23-07-2001 with a request to forward suggestions, comments, if any. No comments, suggestions were received from the members. The minutes were read and confirmed.

**Item No.2 :** Complaint filed by Vasai Machhimar Sarvoday Sahakari Sanstha Maryadit, Vasai Dist.Thane

.....

The members were informed that the complaint filed by Vasai Machhimar Sarvoday Sahakari Sanstha Maryadit, Vasai was heard extensively and both the parties were given an opportunity to present their respective cases. The Principal Secretary, Urban Development Deptt., stated that the Respondent No.4 i.e. H.H.Prince Aga Khan Shia Imami Ismaili, Khoja Jamat, Vasai took the possession of the impugned plot situated at Survey No.69 in 1999. He further informed the Members that it is necessary to examine whether the concerned plot of land bearing survey No.69 falls in category I or II of CRZ Notification and the construction of compound wall and burial ground is a permissible activity within the meaning of CRZ Notification, 1991. It was further opined that the remarks of the Urban Development Department should be obtained on the above issues including the classification of the site in question as per the Coastal Zone Management Plan as approved by Ministry of Environment & Forests, Govt. of India. This was agreed by the members. It was also decided to take assistance of Shri A.M. Abhyankar, Co-Ordinator and Shri S.S.Banayat, Section Officer with the Urban Development Deptt. and they should be invited for the Authority's meeting in future.

**Item No.3 :** Petition filed by Shri Manohar D. Mohite regarding alleged Construction of industrial galas at Alibaug in violation of CRZ Notification.

.....

The Principal Secretary, Urban Development Deptt., with the permission of the Chair gave a brief background of the matter. He informed the members that the complainant in the present case has challenged the development carried out by Respondent Nos. 4 to 6 and 9 to 16 on various plots of land situated at village Aikshi and Nagaon Dist.Raigad. It was further informed that except plot No.73 the other plots are far away from the HTL and therefore Authority should examine the complaint in a limited encompass i.e. the location and applicability of CRZ Notification in respect of plot No.73. The members expressed that the HTL for creek is not demarcated and as such no authorized demarcation has been done as far as plot No.73 is concerned. The Principal Secretary, Urban Development Deptt., further informed that the Urban Development Deptt., Govt. of Maharashtra has appointed an agency to carry out the demarcation of HTL and LTL. The plot in question will also be got demarcated on priority. It was, therefore, decided that the Urban Development Deptt., shall get the HTL demarcated of plot No.73 expeditiously and on top priority basis and give the Authority an authentic view position. It was also noted by the members that the Respondents have in absence of demarcation of HTL by competent Authority got the demarcation done from the State Hydrographer which has certified the distance as 102 mtrs. away from the HTL of the creek and the width of the creek is 100 mtrs. The members felt that the demarcation be done by Hydrographer, Govt.of India

*Considering the facts of the case, it was decided that the Urban Development Deptt., shall give its opinion after the demarcation work is got completed on top priority in this area, regarding the applicability of the CRZ notification to plot No.73 or otherwise.*

**Item No.4 :** Complaint received from Rishi Agarwal an activist of Lokhandwala Complex, Environment Action Group regarding dumping of debris and destruction of mangroves at Lokhandwala Complex, Andheri on coastal land.

.....

Member Secretary informed the members that a complaint was received from one Shri Rishi Agarwal, a resident of Lokhandwala complex, Andheri complaining about dumping of debris for reclamation purpose resulting in destruction of mangroves. It was informed that the complaint was investigated by the Tahasildar Mumbai Suburban and also by Sub-Regional Officer of Maharashtra Pollution Control Board. Tahasildar Mumbai Suburban was present before the Authority, who informed that he has served notices to B.S.E.S, Varsova Receiving Station, M/s.Oshiwara Land Developer Co.Pvt.Ltd., and M/s.Samarth Developer for illegal reclamation of khazan land. It was further informed that he has also lodged a complaint with the police and handed over 3 persons found to be doing the job of reclamation of khazan land. The Field Officer of the Maharashtra Pollution Control Board confirmed that due to reclamation of khazan land which is about 700 to 800 mtrs. in length, mangroves were found to be cut and destroyed. It was also informed that because of dumping of debris the sea water is not reaching the other side resulting in the destruction of mangroves.

After due deliberation it was decided to summon the official of M/s.B.S.E.S, M/s.Oshiwara Land Developer Pvt.Ltd., and M/s.Samarth Developer before the Authority in its next meeting. After hearing the complainant as well as other parties, appropriate directions will be issued.

**Item No.5 :** Proposal for redevelopment of slum properties bearing Nos.30(pt), 31 (pt) of village Juhu and 195 (pt) of village Andheri under slum rehabilitation scheme for new Sangamner CHS Ltd., and New Kapas wadi Juhu Ekata Co.Op. Hsg. Society Ltd.,

.....

Member Secretary informed the members that an application was made by M/s.Mayurpankh Properties Pvt.Ltd., Andheri in respect of CTS No.195 (pt) of village Andheri and CTS No.30(pt) and 31(pt) of village Juhu claiming that the said plots are not falling within the purview of CRZ Notification 1991. The project proponent has undertaken a project under the Slum Rehabilitation Scheme approved by Slum Rehabilitation Authority. According to the Applicant, the Urban Development Deptt., vide its letter dated 20.12.2000 informed that the site in question falls in category-II of CRZ as per the revised CZM Plans approved by Ministry of Environment & Forests vide letter 19.1.2000.

The Applicant approached the Ministry of Environment & Forests, Govt. of India who in turn advised them to get in touch with any of the 7 authorised demarcating agencies to get their site demarcated. Accordingly the Applicant had consulted Centre for Earth Science Studies, Tiruvanandapuram. The Applicant submitted the reports given by the said institution in respect of both the sites. As per the studies conducted by the agency approved by Ministry of Environment & Forests, Govt. of India, the site at CTS No.195 (pt) of village Andheri is more than 90 mtrs. away from the HTL (by the nalla). The distance of mangroves has also been indicated as 376 mtrs. The certified agency has concluded that the site does not fall within the ambit of CRZ notification. Similar studies were conducted for CTS No.30(pt) and 31 (pt) of village Juhu and CTS No.195 (part). As per the report the shortest distance from the HTL (by the nalla) to the proposed site for slum development is about 160 mtrs. and the distance to the mangroves is 164 mtrs. In this case too, the agency has concluded that the site is on the land ward side of the existing and the proposed road as shown in the development plan of M.C.G.M.

The members felt that the case is fit case to be referred with recommendation to NCZMA for making necessary modification in classification of coastal zone area in respect of the sites in question. It was also decided to circulate draft order in this regard for consideration of the members in the next meeting of the Authority.

Member Secretary informed that both the sites were visited by the members on 29.7.2001 and observed that this is a genuine case to be recommended to the NCZMA.

Visit to the Bandara and Pagoda at Pan India Paryatan Ltd., Gorai, Mumbai:

The Chairman of the Authority informed that the site of M/s.Pan India Paryatan Ltd., at Gorai was visited on 29.7.2001 alongwith the members. He informed that prima facie, it is clear that mangroves have been destroyed due to construction/strengthening/repairs of the bund. It was also informed that the Respondent have not clarified about their future plans as regards carrying out developmental activities on the site in question is concerned. The Principal Secretary, Urban Development Deptt., suggested that an opportunity of hearing be given to all the parties to find out the nature of Bund and its history. What are the play for development with the owner of this land. Also the owner be asked to show clearly and with specific proof if it was possible to ensure that mangroves remained unaffected even if Bandhara was repaired/reconstructed etc. This should be done a week before next meeting giving copies to all other parties. It was decided to call all the concerned parties for hearing at the next meeting before passing an appropriate order in the matter.

The meeting terminated with a vote of thanks to the Chair.