

**Minutes of the 62<sup>nd</sup> Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 20<sup>th</sup> May 2010 at Mantralaya, Mumbai**

The list of members present in the meeting is enclosed as **Annexure-I**.

Principal Secretary (Fisheries), Agriculture & ADF Department, Mantralaya; Additional Chief Secretary (Revenue), Mantralaya; Municipal Commissioner, Municipal Corporation of Greater Mumbai; President (Vanaraj Pratishthan); 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.

**Item No. 1: Confirmation of the minutes of 61<sup>st</sup> meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 25<sup>th</sup> March 2010**

The minutes of the 61<sup>st</sup> meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the Authority with the following changes:

**Item No. 5:** The word 'proposed' is inserted in the third sentence of the first paragraph before the words 'D.P. Road' (Page No. 8).

**Item No. 2: Action taken on the decision taken in 61<sup>st</sup> meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 25<sup>th</sup> March 2010**

Follow-up actions in respect of decisions taken in the previous meeting of the Authority were noted. The actions taken in case of the Item Nos. 17 & 18 were corrected as 'Under process'.

**Item No. 3: Regarding Confirmation from Members of the State Coastal Zone Management Authorities regarding "No Conflict of Interest"**

The matter was placed before the Authority. Authority noted that, as a reply to the letter issued by MCZMA with respect to MoEF letter regarding "No Conflict of Interest", Dr. S. B. Chaphekar, Dr. (Mrs.) Leela Bhosale & Dr. S. K. Gupta have submitted the required information.

Authority also discussed on the issues raised by Mr. Mohan Dharra in his letter. Chairperson, MCZMA mentioned that she would reply to the letter with the facts denying the issues raised by Mr. Dharra.



**Item No. 4: Development of Mangrove Park at Goral by MMRDA**


Project proponent presented the case before the Authority. Proponent explained that, MMRDA has proposed to develop a 'Mangrove Park' in CRZ-I (i) area admeasuring 137 ha under mangroves in Goral-Manori area in front of the Global Pagoda. Proponent also explained that, as a part of development of Mangrove Park and to spread awareness regarding mangroves protection and conservation, MMRDA has proposed mangrove trail, initially on about 25 hectares of land and it includes mangrove trail made up of bamboo/ wooden slippers, watchtowers, seal out areas etc.

Project proponent explained that, there are about 30 small, medium and large types of bald patches having minimum area of 200 sq. m. and largest being 17690 sq. m. and the mangrove trail will be connected to all these bald patches. Proponent explained that, the cost of the proposed project is Rs. 4.67 crores excluding the land cost.

Authority noted that, the cost of the land is not included in the project cost. Authority also observed a DP Road passing through the proposed area in the layout plan. Proponent explained that, it is a proposed DP Road and it is not included in this proposal. Hence, Authority directed the project proponent not to construct the DP Road and associated work such as paver blocks etc. at any point of time.

Authority member and mangroves expert Dr. Chaphekar opined that such initiatives are good to inculcate importance of mangroves ecosystem in people, however, he emphasized that selection of appropriate and diverse species of mangroves is essential. Further he stated that, visitors management plan should be planned in such a way which ensures minimum damage to the fragile ecosystem. Principal Secretary, Urban Development Department expressed deep concern about the impact on such fragile and special type of sensitive ecosystem due to human interference. He further stated that planning should be to enhance mangroves cover and minimal human interventions to protect the mangroves flora and fauna. He emphasized that, case study of such mangrove parks elsewhere in the country or abroad may be studied first and the mangrove park should not become a commercial activity.

Other members expressed that, environment management plan indicating solid waste, noise and light elimination impacts on mangroves flora and fauna etc. should be studied and incorporated. Visitor management plan to restrict the number of visitors per day should be planned. Fixed number of visitors per day with entry fee shall only be allowed. Estates including wrapped materials, plastic bottles, disposable items etc. should not be allowed inside the park and system to restrict it at the entrance should be



placed. Drinking water spout should be accessible. No eatery, hawkers etc. should be allowed inside. Number of trails should be minimum. It was also expressed that, no visitors would be allowed during high tides.

After discussion, Authority decided to direct the MMRDA to revert with following details:

1. Detailed block design and plans of all the items proposed along with cost estimates
2. Details of hydraulic flow, contour map, channels demarcation and design ensuring flow of saline water through gravity on bald patches.
3. Details of plantation programme on bald patches, species selection, nursery etc. along with time frame
4. Details of temporary construction proposed along with design, cost estimates, time frame etc.
5. Details of damage to be caused to the existing environment and mangroves ecosystem during the development phase along with their restoration plan.
6. Details of visitor and tourist management plan along with number of visitors allowed per day, entry fee etc.
7. Detailed Environment Management Plan in light of suggestions of Authority members, covering construction, development and operational phase.
8. Detailed concept of mangroves park with justification for its need
9. Commitment regarding no permanent construction, roads, paving etc. will be done in the project development and CRZ-I area
10. Commitment regarding no commercial activities will be carried out inside the park as well as on CRZ-I area, in and around the park.
11. Demand Draft of requisite amount on the name of MCZMA

**Item No. 6: Regarding CRZ clearance for development of 'Navi Mumbai Mangrove Wetland Park' (NMMWP) at Nerul**

Project proponent has presented the case before the Authority and mentioned that, CIDCO jointly with Forest Department, Govt. of Maharashtra and Conservation Action Trust (CAT) – has proposed to develop 'Navi Mumbai Mangrove Wetland Park' (NMMWP) at Nerul, Navi Mumbai.

Proponent mentioned that about 294 Ha of area has been identified in Nerul, Sarsole and Sonkhar villages by CIDCO.



Authority noted that, out of 294 ha of land about 200 ha of land falls in No Development Zone (NDZ) and in CRZ-I (i) area, as per the approved CZMP of Navi Mumbai and seaward side of the existing road. The maps provided by MRSAC shows that the entire area is covered with sparse and dense cluster of mangroves. Major part of this area is already declared as 'protected forests' in January 2007 as per the Hon. High Court directions dated 06.10.2005 and handed over to Forest.

Authority noted that, the proposal involves fencing of the area, development of parking, landscaping, development of a Botanical and Mangrove Park, construction of nature trails and boardwalks, rejuvenation of natural ponds and construction of building etc. Authority also noted that proponent has also a proposed an ancillary structure of about 5000 m<sup>2</sup> to house the office, exhibition area etc. in CRZ-I area which is not otherwise allowed as per CRZ Notification, 19.02.1991.

Authority noted that, no construction is allowed in CRZ-I area so it will not be allowed as per the CRZ Notification, 1991 (amended time to time).

After discussion, Authority decided to direct the project proponent to revert with following details:

1. Detailed block design and plans of all the items proposed along with cost estimates
2. Details of hydraulic flow, contour map, channels demarcation and design ensuring flow of saline water through gravity.
3. Details of plantation programme on bald patches, species selection, nursery etc. along with time frame
4. Details of temporary construction proposed along with design, cost estimates, time frame etc.
5. Details of damage to be caused to the existing environment and mangroves ecosystem during the construction phase along with their restoration plan.
6. Details of visitor and tourist management plan along with number of visitors allowed per day, entry fee etc.
7. Detailed Environment Management Plan in light of suggestions of Authority members, covering construction and operational phase.
8. Detailed concept of mangroves park with justification for its need
9. Commitment regarding no permanent construction, roads, paving etc. will be done in the project development and CRZ-I area
10. Commitment regarding no commercial activities will be carried out inside the park as well as on CRZ-I area, in and around the park.



11. Demand Draft of requisite amount on the name of MCZMA

Item No. 6: Regarding clearance as per notification for Integrated Infrastructure project in Sector 10-A at Airoli, Navi Mumbai - CIDCO

The matter was placed before the Authority. Authority noted the following:

- CIDCO has applied for CRZ permission for developing Integrated Infrastructure work in Sector 10-A at Airoli, Navi Mumbai for development of International Diplomatic Enclave (IDE).
- The main activity of the proposal is to Develop Integrated Infrastructure Project for International Diplomatic Enclave and other International Institutional Centre at Airoli node in Sector 10-A to boost to economic activity in the nearby Airoli node of Navi Mumbai.
- As per the documents submitted by CIDCO proposed activity falls in CRZ-I (i), CRZ-I (ii) and CRZ-II mangroves buffer zone.
- Development of project was stopped because of Court Order in the case of 3246/2006. However, CIDCO moved Notice of Motion, in the Hon. High Court where it is reported that proposed activity is approved by Hon. High Court. However, details of the Court Order have not been provided. It appears from the documents that activity is proposed on the seaward side and in CRZ-II, CRZ-I (i) and CRZ-I (ii). Therefore, development of proposed Centre in the said area is prohibited activity. Further on the same time reclamation of land in CRZ area is also prohibited activity.
- The matter was considered in the 59<sup>th</sup> meeting of MCZMA held on 14<sup>th</sup> January 2010. Authority noted the details of the proposal. After deliberations, Authority decided to confirm that the road passing through the proposal under consideration is CZMP road and approved road as per development plan approved by Government through Urban Development Department.
- The matter was then referred to the Urban Development Department for further necessary action. Urban Development Department vide letter dated 22<sup>nd</sup> March 2010, directed CIDCO to submit the required details regarding confirmation of the road passing through the site under proposal and approved Development Plan by superimposing the site under proposal, road as per CZMP, HTL, mangroves, buffer zone etc. along with the site visit report.
- CIDCO has submitted their reply vide letter dated 25<sup>th</sup> March 2010. As per this letter, the bund/ road had been constructed prior to 1990 for development of



village Airoli Diva and the same is a part of Development Plan of Airoli area. The road under reference is shown in the approved CZMP as it exists prior to 19.02.1991.

Considering that the cost of the project is more than Rs. 5 crores, after deliberations, Authority decided to recommend the matter to MoEF, only for the storm water drainage & infrastructure required for the activity subject to following conditions:

1. As per the Hon. High Court Order dated 27.01.2010, no non-forest activity is allowed on mangroves area and needs permission of Forest Department under Forest Act and final permission of High Court.
2. No construction shall be allowed in 50 m buffer zone of mangroves.
3. Development of the plot under reference shall not be permitted and for development of the plot/ for building construction, separate application along with all the details will be required.

**Item No. 7: Proposal for the grant of NOC for Bio-Methanation Plant of Thane Municipal Corporation at Survey No. 425 Village Kalwa, Thane**

Project proponent explained various technical details of the proposed Bio-Methanation Plant. He explained that, Thane Municipal Corporation has decided to install Bio-Methanation Plant in the premises of Chatrapati Shivaji Maharaj Hospital at Kalwa and Chatrapati Shivaji Maharaj Hospital has been situated on the plot under reference from 1990. He explained that, the methane generation would be carried out in anaerobic manner using only the organic municipal solid waste of the area. He also explained that, the produced methane would be utilized to generate the electricity and the guidelines/ norms of the Ministry of New & Renewable Energy would also be followed in case of the proposed project. Total cost of the project is Rs. 85 Lakhs.

Authority noted that, the land under reference falls in CRZ-II area and situated on the seaward side of the existing road. Authority also noted that, capacity of the plant is 15 MT/day and expected biogas generation is 650 cum/day and the cost of the project is Rs. 85 Lakhs (excluding land cost). Authority noted that, the proposed project is a 'waste to energy' kind of project and situated in the hospital campus existing prior to 19.02.1991.

Hence, considering the permissibility of the proposed project with respect to the CRZ Notification, 1991, Authority decided to grant permission for the proposed project subject to following conditions:

1. No waste should be stored in CRZ area.



2. The facilities installed for the Bio-Methanation Plant should not cause any environmental damage.

**Item No. 8:** Proposed construction of Sewage Treatment Plant & Pumping House at Survey No. 722A (old)/ 342 P (new) Village Bhayandar by Mira-Bhayandar Municipal Corporation

**Item No. 9:** Request of Mira-Bhayandar Municipal Corporation for allotment of land bearing S. No. 722/A (old), 342pt (new) of Village Bhayandar in Mira-Bhayandar Municipal Corporation area for development of STP

Project proponent presented the case before the Authority. He explained that, in the area under reference, there is no existing sewerage scheme except for 4 residential complexes. He explained that, the present system comprises septic tanks and effluent disposal in surface gutters and nallas lead to pollution and unhealthy conditions; and due to high proportion of sulphates in industrial wastes, the treatment is essential. He further explained that, the sewerage scheme under 'JNNURM Scheme' is based on Eco-Sanitation and decentralized waste water management concept for which 9 Sewer Zones are marked. He explained that, the application is made for the grant of permission from CRZ point of view for the proposed STP in Zone-1. He further explained that, the treated water from the proposed STP would be recycled for the purpose of flushing etc.

Authority noted that, the land under reference falls in CRZ-III and in Residential Zone and the land is reserved for 'Housing for Dishoused'. Authority also noted that, total plot area is 72600 sq. m. out of which 4385 sq. m. area is considered for the proposed development of STP of capacity 14 MLD. Authority also noted that, the cost of the project is Rs. 4,76,52,644/- and the land cost is not included because the land is in possession of the State Government, which is being transferred for the proposed project under 'JNNURM Scheme'.

Authority noted that, as per the CRZ Notification, 1991 (amended time to time), development of STP is permissible in CRZ-III area. After deliberations, Authority decided to allow the proposed activity subject to the condition that, Planning Authority to ensure that the proposed activities are as per the provisions of CRZ Notification, 19.02.1991 and Development Control Rules, 1967.



**Item No. 10: Regarding CRZ permission for reconstruction of Dry Dock and associated North and South wharves at Naval Dockyard, Mumbai**

Project proponent presented the case before the Authority. Authority noted all the technical details of the proposal. Since the proposed activity is allowed as per the CRZ Notification, Authority after deliberations, decided to recommend the case to MoEF.

**Item No. 11: Regarding CRZ permission for proposed construction of BEST Sub-Station on VSNL land bearing FP No. 1195, CS No. 77, Mahim Division, Prabhadevi, K D Road, Kirti College**

Project proponent presented the case before the Authority. He explained that, the proposed work is of outdoor type and no construction is involved in it. He further explained that, there would be open installation of only one transformer on area of 8 m X 8 m & 7 Nos. of DG sets (with acoustic enclosures) and there would be chain-linked fencing around the transformer.

Authority noted that, as per the CZMP of Mumbai approved by MoEF on 19.01.2000, the land under reference falls in CRZ-II and is situated on the seaward side of the existing road. Authority also noted that, the transformer & 6 DG sets to be installed do not fall in RG area and 1 DG set falls partially in the land reserved for Garden. Authority also noted that, MPCB has given NOC for the installation and operation of DG Set of 1500 KVA capacity on the land under reference vide letter dated 26.05.2009. Authority also noted that, the cost of the proposed work is Rs. 8,05,000/-.

After deliberations, Authority decided to grant permission for the proposed work from CRZ point of view subject to the conditions that:

1. The work should involve only the installation of transformer and DG sets.
2. No DG set shall be installed in the RG area.
3. Proper acoustic measures should be taken in case of the proposed installation and operation phase.
4. The proponent should comply with all the environmental norms/ guidelines for installation & operation of DG sets as well as for the emission from DG sets.





**Item No. 12:** Proposal for demarcation of HTL & CRZ boundary of plot bearing Survey No. 275 (pt) & CTS No. 657A & 1295 of Village Kanjur, Taluka Mulund, Dist. Mumbai Suburban from Metro Infrastructure and Project Solutions (Ind.) Pvt. Ltd.

The matter was placed before the Authority. Authority noted that, the matter was considered in the 34<sup>th</sup> meeting of MCZMA held on 1<sup>st</sup> August 2006 and it was decided to recommend the case to MoEF for making appropriate changes in CZMP to re-demarcate the HTL with reference to the report of NIO, Goa.

Authority noted that, based on an article appeared in Daily Newspaper dated 09.01.2007 regarding a Police complaint lodged against the above land lease and the matter was referred back to MCZMA for factual report. MCZMA stated that Local Police Authorities confirmed that no FIR was lodged for the above land. Further MCZMA appointed a Sub-Committee for Experts on 12.02.2007 to visit site and submit factual report. The site visit report of Expert Committee was sent to MoEF recommending that most of the area is occupied by grass. Hence, the matter was examined by the NCZMA in its 17<sup>th</sup> meeting held on 28.02.2007 and decided that MCZMA shall obtain time series map from SAC, Ahmedabad from 1991 onward with regards to site. It was informed by the proponent that they had approached SAC, Ahmedabad for the said map, who replied that they are unable to supply such map.

Authority noted that, the matter was again considered by NCZMA in its 18<sup>th</sup> meeting held on 15<sup>th</sup> September 2009. In the said meeting Dr. Ajay, Group Director, SAC informed that SAC could now issue the time series maps of the year 1988 to 2006. These maps/ imageries provided by SAC, Ahmedabad are based on the data captured by satellite in the year 1989-91, 1998 and 2006.

Authority noted the statement submitted by project proponent on the basis of maps of SAC showing status of the project site for re-demarcation of HTL and CRZ boundary of the land, which is as follows:

Sr. No.	Year	Satellite Status	CRZ Status
1	1989-91 Map from SAC	1) Vegetation in part 2) Mangrove Sparse	CRZ-I
2	1998 Map from SAC 13.1.98	1) Habitation (Veg.) 2) Salt Marsh Sparse	CRZ-I
3	2006 Map from SAC 3.1.2006	1) Habitation (Veg.) 2) Salt Marsh Sparse	CRZ-I
4	2004 Aug	Ground survey by NIO,	Sparse mangroves, CRZ-I &



Sr. No.	Year	Satellite Status	CRZ Status
		Goa	CRZ-II
5	2005 May Mapping of mangroves by Govt. of Maharashtra		No mangroves on the site under reference
6	26.2.2007	Site visit by experts from MCZMA	90% grass cultivation, sparse shrubby mangroves ( <i>Avicennia marina</i> ), near nalla along Highway. Report is already submitted to MoEF
7	2000-2001		Nalla training by MCGM
8	18.06.2001		No FIR lodged & hence no Court matter as per documents submitted

Considering the submitted documents and time series maps, Authority noted that, sparse mangroves are present along the boundary of the plot abutting the nalla. However, there are no mangroves present on the other areas of the plot as evident from the time series maps of SAC, Ahmedabad; MRSAC, Nagpur and NIO, Goa. Hence, Authority, after deliberations, accepted the report and considered to recommend the area in CRZ-II and CRZ-I on the basis of documents and records available and reclassification by NIO, Goa to MoEF.

Item No. 13: Regarding proposals for revision of CZMP of Khardanda area requesting deletion of CRZ area

The matter was placed before the Authority. Authority noted that, new proposals are received for revision of CZMP of Khardanda area requesting deletion from CRZ. Authority also noted that, a letter has been issued to Chief Engineer (DP), MCGM, requesting to submit the map of the Khardanda Region by indicating the 150 m setback line parallel to HTL of creek indicated in approved CZMP of Mumbai so as to enable the Authority to take decision on the CTS numbers affected by CRZ as well as non-CRZ as directed by NCZMA. After deliberations, Authority requested Municipal Commissioner, MCGM to send the CZMP at the earliest. It was also decided that, after receipt of the same, Chairman, MCZMA may take decision on the basis of NCZMA's directions on individual cases.



**Item No. 14:** Regarding CRZ clearance for revised proposal for reconstruction of existing Hotel Sea Rock on plot bearing CTS No. B-1150, B-1153, B-1155 & B-1156 at Bandra, B. J. Road, Band Stand, Mumbai by M/s. Elai Hotels and Investments Ltd.

The matter was placed before the Authority. Authority noted the following:

1. This matter was considered in the 57<sup>th</sup> meeting of MCZMA held on 16<sup>th</sup> October 2009 as well as in the 58<sup>th</sup> meeting held on 4<sup>th</sup> December 2009. As per the minutes of the 58<sup>th</sup> meeting of MCZMA, the matter was recommended to MoEF vide letter dated 14.12.2009.
2. The matter was considered in the Expert Appraisal Committee (Coastal Regulation Zone, Infrastructure Development and Miscellaneous Projects) meeting held on 25<sup>th</sup> – 26<sup>th</sup> February 2010 at New Delhi. With respect to the queries raised during this meeting and vide letter of MoEF dated 29.03.2010, project proponent has submitted a reply and plans vide letter dated 20.04.2010 to the MoEF, New Delhi. The queries of MoEF and reply submitted by the proponent to the MoEF is as follows:

Sr. No.	Query	Reply
1	The height and coverage of the construction should be in accordance with the existing FSI/ FAR norms as per Coastal Regulation Zone Notification, 1991 and as per DC Rules, 1987	We shall abide with CRZ Notification, 1991 and DC Rule, 1987 regarding height of the building and its coverage
2	The entire land is situated on the seaward side of the existing road. The concept of imaginary line cannot be made applicable in the instant case, as no authorized structures exist on the plots abutting the land under reference. The proposed construction can be permissible on the plinth of the existing authorized structure of Sea Rock Hotel only.	That we shall do all the construction activity as per our permissible plinth of the existing authorized structure of the Sea Rock Hotel.
3	The detail submitted and presented during the meeting does not clarify the existing plinth of the hotel building. Submit a copy of the building plans, basement to upper floors.	The building plan showing existing plinth structure superimposing the 2.5 FSI building and 5.5 FSI building

  
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Sr. No.	Query	Reply
	superimposing the existing building, building proposed with 2.5 FSI and the details of proposed building with 5.5 FSI. Also submit the cross section of the building indicating the levels with reference to road level and sea level and the existing plinth level of the building	and the cross section of the building indicating the levels with reference to road level and sea level and the existing plinth level of the building is enclosed as Annexure-I, II, III.
4	The construction is permissible only on the landward side of the existing plinth. The proposal should be revised accordingly with the recommendations of MCZMA.	The building block which was going towards seaward side has been revised as shown in Annexure No. IV & V.
5	Examine and submit details of parking calculations based on different uses like no. of rooms, banquet facilities and restaurants etc. Also examine the alternative parking options, if three basements are not permitted by the Central Ground Water Authority in the CRZ area	The revised parking calculation if CGWB clearance is not given is enclosed as Annexure-VI.

3. In this regard, MoEF vide letter having F. No. 11-128/ 2009-IA,III dated 30.04.2010 has issued a letter to MCZMA. As per this letter: It is informed that the project proponent has revised the project proposal based on the observation of the Expert Appraisal Committee on CRZ, Infrastructure & Miscellaneous Projects (EAC). As per this letter, Authority is requested to examine the revised proposal and applicability of higher FSI and send the recommendations under CRZ Notification, 1991 so as to consider the proposal further.

As per the directions of MoEF, MCZMA examined the proposal and plans in detail with respect to the MoEF letter. After deliberations, Authority decided to recommend the proposal subject to the compliance of the commitments given by the proponent in the reply of the queries raised by MoEF in their revised proposal submitted to MoEF vide letter dated 20.04.2010.



**Item No. 15: Regarding CRZ clearance for the construction of 5-Star Hotel on Plot bearing FP No. 1211 on TPS-IV, Mahim Division, Prabhadevi, Mumbai by M/s. Chaitra Realty Ltd.**

The matter was placed before the Authority. Authority noted the following:

1. This matter was considered in the 52<sup>nd</sup> meeting of MCZMA held on 14<sup>th</sup> May 2009. As per the minutes of the 52<sup>nd</sup> meeting of MCZMA, the matter was recommended to MoEF subject to certain conditions vide letter dated 04.06.2009.
2. The matter was put up for appraisal in the Expert Appraisal Committee (Coastal Regulation Zone, Infrastructure Development and Miscellaneous Projects) meeting held on 25<sup>th</sup> - 26<sup>th</sup> February 2010. During the discussions, the Committee asked to obtain a clarification from MCZMA regarding the earlier use of the plot for industry and now proposed for Hotel with a greater FSI. The Committee also carried out site visit on 22<sup>nd</sup> December 2009.
3. Hence, MoEF vide letter having F. No. 11-68/ 2009-IA.III dated 31.03.2010 has requested MCZMA to clarify that the change of use and higher FSI under CRZ Notification, 1991 will be permissible in this case.
4. With reference to the MoEF letter, the project proponent M/s. Chaitra Realty Ltd. has submitted clarification vide letter dated April 13, 2010. As per this letter, the points mentioned by the proponent are as follows:
  - The proposal is in accordance to Development Control Rules, 1967 and Urban Development Department, Government of Maharashtra has granted additional FSI for this proposal vide letter No. TPB 4309/ 1512/ CR-197/ 09/ UD 11 dated 1<sup>st</sup> September 2009 under Rule 10(2) of Development Control Rules, 1967.
  - Although land-use was Industry before closure by Government of India, due to preference of non-polluting activities in CRZ, but as per Regulation No. 19 of DCR, 1967, Municipal Commissioner, Mumbai has power to amend the plans and so, the site has already been granted location clearance from Mumbai Municipal Corporation vide letter No. CHE/1183/DPBPC dated 14.07.2009 as per Development Control Rules, 1967.

Authority noted that, the proposal is as per the Development Control Rules, 1967 and after deliberations, decided to recommend it to MoEF, subject to the compliance of provisions of CRZ Notification, 1991 and Planning Authority to ensure that development and land-use is as per Development Control Rules, 1967.



Item No. 16: Resurvey of land bearing S. No. 2 to 53 and others in Village Ranjnoli, Taluka Bhiwandi and correction in CRZ map accordingly

Project proponent presented the case before the Authority. Authority noted that, the matter was considered in the 51<sup>st</sup> meeting of MCZMA and as per the decision, the Authority decided to direct the Project Proponent to carry out resurvey of the land under reference from Space Application Centre (SAC), Ahmedabad or 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.
- As per the decision of the 51<sup>st</sup> meeting, proponent carried out the resurvey of the land under reference from NIO, Goa which is one of the MoEF authorized agencies. Authority noted the interpretation and conclusion of the submitted report of NIO, Goa. Some important points & conclusion mentioned by NIO, Goa in its report are as follows:
1. The position of nalla/ creek and CRZ boundaries are demarcated in 1:4000 scale map. High Tide Line for the whole stretch of the study area along the Nalla is demarcated by taking into consideration the geomorphic signatures that were discernible in the field.
  2. The proposed land facilities are comprises of cattle grass, agriculture and barren lands.
  3. As per the CZMP of Maharashtra, about 50% of the land under reference is effected mangroves and mangrove buffer zone. But based on our studies, it is observed that the area proposed for development is not having any mangrove patches. From the processed LISS III imageries of 2000, 2002, 2004, 2006, 2008, 2009 also it is interpreted that the mangrove vegetation was not present, but terrestrial vegetation like grass, paddy etc is found.
  4. Based on the field visit and appropriate remote sensing analysis, presence of salt pan, mud flats, mangroves, sensitive, zone were not found and the status of land



remains to be the same from 2000 to 2009. It was across checked with top-sheet (1970) of SOI to ascertain our interpretation.

5. The area categorized as Urbanizable zone U-1 by MMRDA. Village road is laid as per sanctioned DP between creek and the site location.
6. The whole area comprises of cattle grass vegetation, urban land area and fallow land with minor changes in the volume from the year 2000 to present.
7. Fallow land area is notices in the study area. In this area, water is stagnated due to rains and creek. From the earlier maps, cattle grass may have been misinterpreted similar tonal in imageries of the area variations.
8. As there is no mangrove, vegetation it is suggested that CRZ classification of this area may be reconsidered as CRZ-III.

Considering the above points, after deliberations, Authority decided to recommend the matter to the MoEF subject to the prior submission of the 7/12 extract for the years 1991 to 2009 indicating past land-use on the site. Authority also decided that, as per the mandate of MCZMA, the Chairman and few members of the Authority may visit the site and send their report to MoEF.

**Item No. 17: Resurvey of HTL shown in the CZMP affecting secondary school plot allotted to Samajonnati Shikshan Sanstha, Borivali, CTS No. 5A(5) at Borivali, Mumbai**

The matter was placed before the Authority. Authority noted the detailed background of the case as follows:

- Government of Maharashtra allotted the land to the appellant bearing CTS No. 5A/5 admeasuring 2550 sq. m. for Secondary School building and CTS No. 5A/4 admeasuring 4666 sq. m. for a play ground. Appellants took possession of the land in November 1995. MCGM has approved the building plan and allowed them to develop Secondary School on the plot on 5<sup>th</sup> May 1996. MCGM has also given water connection on the site. Afterwards the MCGM has withheld its further approvals stating that the said plot is entirely affected by CRZ Notification.
- The matter was discussed in the 14<sup>th</sup> meeting of MCZMA held on 01.09.2002, where the appellants were instructed to get the survey done from the office of Chief Hydrographic Office, Dehradun. That time due to delay in reply by N.H. Office, Dehradun; appellant requested MCZMA to accord permission to carry out the re-survey from Center for Earth Sciences Studies, Thiruvananthapuram, one of the agency approved by MoEF.



- The matter was again discussed in 18<sup>th</sup> meeting of MCZMA held on 23.05.2003 and it was decided that the re-survey shall be carried out by Chief Hydrographer, National Hydrographic Office, Dehradun as decided earlier. The National Hydrographic Office submitted their report to MCZMA vide letter dated 15.09.2005. As per the said report, a large scale of dumping/ filling of debris of construction material in the adjoining area on the North of the site in question. The west side is infested with mangroves growth indicative of the tidal effect and existence of HTL. North of the site as indicated on the map as provided by Samajonnati Shikshan Samstha could not be identified due to extensive dumping of debris.
- The National Hydrographic Office is of the opinion that the HTL as per the laid down CRZ regulations cannot be conclusively delineated. Any HTL delineation in the present situation would lead to inaccurate depiction of actual ground details and is bound to have legal implication & it is intimated that National Hydrographic Office would not be in a position to undertake the survey.
- As per the approved CZMP of Mumbai said plot falls in CRZ-II and on seaward side of the existing authorized structure.
- The MCZMA has forwarded the above information to MoEF vide letter dated 20.03.2007 and 15.06.07.

Authority also noted that, on the request of proponent the matter was again considered in the 51<sup>st</sup> meeting of MCZMA and as per the decision taken in the 51<sup>st</sup> meeting of MCZMA, Authority accorded permission to carry out resurvey of proposed site from one of the agencies authorized by Ministry of Environment & Forest (MoEF), Government of India, New Delhi. As per the directions of MCZMA proponent had carried out the survey through "The Institute of Remote Sensing", Anna University, Chennai - one of the MoEF authorized agencies. On basis of the report of Institute of Remote Sensing, proponent has submitted the following outcomes along with the maps prepared by their Architect:

- The Institute of Remote Sensing has recommended the project site boundary inside the 100 m line from the High Tide Line.
- Original School developable plot area in CTS No. 5A/5 was 2135.00 sq. m. as shown in the layout plan issued by Municipal Corporation and entire plot was affected being within 100 m High Tide Line (Creek). However, as per the recommendation of the Institute of Remote Sensing the developable plot area is 1410.00 sq. m. only.





Authority noted that, as per the report submitted and map prepared by the Institute of Remote Sensing, it is observed that the as per the demarcated CRZ boundary of 100 m from Creek, the part of the plot is affected by CRZ and the same is shown on the submitted maps. As per the photographs submitted by the Institute along with report, it is observed that the dense mangrove vegetation is present abutting to the plot. However the 50 m Buffer Zone is not shown on the maps submitted by Architect and The Institute of Remote Sensing. Authority also noted that, considering the report prepared by the Institute of Remote Sensing, the plot area (1410.00 sq. m. only) shown out side the 100 m CRZ line can be made available for development (excluding the 50 m buffer zone from the mangroves vegetation).

Considering the above, Authority decided to recommend the proposal to MoEF for further necessary action, after the site visit by MCZMA Sub-Committee.

**Item No. 18:** Proposed construction of temple in existing Dhakleshwar temple complex on land bearing C.S. no. 834 (part), Malabar Hill Division, Bhutabhai Desai Road, Mahalaxmi

The matter was placed before the Authority. Authority noted that, as per the approved CZMP the land under reference falls in CRZ-II area and situated on the seaward side of the existing authorized road; however, the proposed temple is on the landward side of the compound wall and temple which is prior to 1991. Authority also noted that, the total area of the plot under reference is 3359.68 sq. m. and the area under proposal is 151.27 sq. m. Authority noted that, the construction of temple is proposed as Ground + 1 Floor with 0.30 FSI and 8.90 m height. Authority further noted that, the estimated cost of the construction is Rs. 25,00,000/-. Authority also noted that, proponent has obtained the NOC from Mumbai Heritage Conservation Committee for the proposed construction.

After deliberations, Authority decided to grant permission for the proposed construction from CRZ point of view subject to the conditions that:

1. As per the CRZ Notifications, 1991 (amended time to time), the construction can be permitted on the landward side of the existing authorized structure.
2. MCGM should verify the authorization of the existing structure and compound wall before according Commencement Certificate & IOD.
3. The proposed development should be carried out as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time



to time) and guidelines/ clarifications given by MoEF vide letters dated 08.09.1998 and 18.08.2006.

4. The proposed development should be carried out as per the conditions mentioned in the NOC granted by Mumbai Heritage Conservation Committee.

**Item No. 19:** Reconsideration of CRZ line and NOC for allowing use of Transferable Development Rights (TDR) as per the Development Control Regulations, 1991 of Mumbai for proposed additional construction of building on Plot No. 118 of Shree Swami Samartha Prasanna CHS Ltd. (Prop) Layout bearing CTS No. 1/48/4 of Village Oshiwara, Andheri (West), Mumbai

The matter was placed before the Authority. Authority noted that, the project proponent has requested to reconsider the CRZ line and issue NOC for allowing use of Transferable Development Rights (TDR) as per the Development Control Regulations, 1991 of Mumbai for proposed additional construction of building on the plot under reference. Authority also noted that, as per the approved CZMP of Mumbai, HTL is shown along the edge of the said road and a distance of 150 m is considered as CRZ area from this HTL. Authority also noted that, as per the approved CZMP, the land under reference is classified in CRZ-II area.

Authority noted that, as per the clarification given by MoEF vide letter dated 18.08.2006, Development Control Rules, 1967 are applicable for the proposals affected by CRZ. Authority also noted that, as per the letter submitted by the proponent, construction of the 2 wings of the building is already completed; however, there is no provision for applicability of Transferable Development Rights (TDR) in CRZ area.

Hence, considering that the request of proponent is not as per the provisions of CRZ Notification, 1991 and TDR as per the Development Control Rules, 1967 is not allowed. Authority decided to reject the case.

**Item No. 20:** Regarding CRZ permission for proposed change in land-use from residential flat to restaurant and internal alterations in existing building on plot bearing CTS No. B/1110/5, Village Bandra, Khar (West)

The matter was placed before the Authority. Authority noted that, as per the CZMP of Mumbai approved by MoEF on 19.01.2000, the plot under reference falls in CRZ-II and is situated on the landward side of the existing road. Authority also noted that, total area of the plot under reference is 520.20 sq. m. and the area of the Ground



Floor in the building on the plot under reference, for which the change of user is proposed, is 135.97 sq. m.

Authority noted that, the plot under reference abuts 13.40 m (43.96 ft) wide existing road and as per the provisions in clause 8(A) of Development Control Rules, 1967: "The shops may be permitted on all the roads having a width of not less than 12.20 m (40') and not more than 18.29 m (60') within the Greater Bombay Municipal Limits". Authority also noted that, the shopping users can be permitted on this road as per the Development Control Rules, 1967 as the plot under reference falls in R-2 Zone i.e. 'Residential Zone with shop-lines along streets'.

Authority noted that, there are only internal alterations and no new construction is involved in the instant case and the cost proposed work is Rs. 25,91,000/-. Considering the above facts, Authority decided to grant permission for the proposed work from CRZ point of view.

**Item No. 21: Application for CRZ clearance for Fabrication Yard along with a captive wharf/ quay at Rohini Port, Mhasala, Raigad, Maharashtra**

Project proponent presented the case before the Authority. Authority noted the following:

- M/s. Das Offshore Engineering Pvt. Ltd. has proposed to develop a Fabrication Yard along with a captive wharf/ quay in Village Rohini in Taluka Mhasala, District Raigad (about 10 km inside Southern bank of Rajapuri Creek). As per the submitted application, the land under reference is vacant and inter-tidal area.
- As per the submitted Coastal Land-use Map, the site under reference falls in CRZ-I and tidal flats/ mudflats are present on the site under reference. As per the submitted application, the project area is a fallow land comprising of mudflats.
- As per the remarks of Assistant Director, Town Planning, Raigad-Alibag, the land under reference having Gat Nos. 70, 73, 74, 77, 78, 79, 80, 83 & 96 of Village Rohini falls in Agricultural Land-use Zone as per the approved Raigad Regional Plan. All these Gat Nos. fall in CRZ-I area; except, Northern part of Gat No. 96 is in CRZ-I area and rest of the part falls in CRZ-III area.
- As per the submitted application, the inter-tidal area for the land under reference is 249300 sq. ft. (23160.73 sq. m.) whereas under water area is 91200 sq. ft. (8472.76 sq. m.).
- The proposal under reference involves construction of Fabrication Yard and related back-up facilities along with a captive wharf/ quay. As per the submitted



application, the proposed activity involving Fabrication Yard for building barges and components of offshore oil rigs with quay wall is classified as minor activity. There is no proposal for ship building.

- As per the submitted application, the proposed project involves reclamation of shallow water, for which, the available boulders and disintegrated rocks from the hilly portion are supposed to be preferred. The area of the land to be reclaimed for the proposed activities is 249300 sq. ft. No dredging is anticipated for the proposed project.
- The proposed Fabrication Yard will have following facilities:

1	Piping shop	50 m X 30 m	2 Nos.
2	Brazing shop	50 m X 30 m	1 No.
3	Stores for material/ stock	100 m X 300 m	1 No.

Welding machine	Nos.	Description
1	60	Arc welding
2	5	CO <sub>2</sub> welding
3	2	X-ray welding

1	Crawling crane on belt with capacity of 150 tons	1 No.
2	Mobile cranes with capacity of 60 tons	2 Nos.
3	Mobile cranes with capacity of 20 tons	4 Nos.

- Since jackets used on oil rigs are heavy, fabrication will be done on tracks and winches will be provided to pull the jackets. At a time up to 5 jackets can be fabricated on the tracks.
- As per the submitted application, there will be a wharf/ quay wall for load out of components fabricated at site. The dimensions of the wharf/ quay are as follows:

Length	Width	Height
225 m	12 m	6 m

- As per the submitted application, the size of the Offshore Supply Vessel will be 70-80 m in length and 12-16 m in width having a draft of 4 m.
- The berthing facility will be used to load fabricated components of offshore oil rigs for shipment to offshore destinations. These components are very heavy/ bulky and hence, will be fabricated on site. The docking facility will be used to transship oil rig components to offshore location. The cargo handling facility is proposed to be used for export of components of oil rigs to offshore destinations.



- As per the submitted application, the fabrication and load quantity is as follows:  
Jackets: 2000-25000 Tons each \* 10 per year = 25000 TPA max.  
Oil rig components (Heli-decks etc.): 10000 TPA max.  
Total = 35000 TPA material for sending offshore (Projected maximum 70000 TPA in 5 years)
- Barges will be used for shipping the fabricated components. Barges will be at the wharf for maximum of 2 days and all barges will be within the displacement capacity of 15000 tons.
- As per the submitted application, there will be no hazardous/ explosive/ combustible liquid/ solid products to be handled/ manufactured/ stored in the proposed project area. Hazardous wastes such as used oil cans and paint filters will be disposed off to authorized recyclers or CHWTSDF, Taloja or as authorized by MPCB.
- As per the submitted application, STP will be provided at the proposed project site to treat the generated sewage. Green belt is also proposed to be created along the plot boundary.
- Maharashtra Maritime Board (MMB) has issued Letter of Intent to the proposed project vide letter dated 09.07.2008.
- As per the submitted valuation report, in case of the proposed project, total land cost (including reclamation cost) is Rs. 1783 Lakhs; whereas, total construction cost is Rs. 2345.25 Lakhs; which is more than Rs. 8 crores.

After deliberations, Authority decided to recommend the case to MoEF subject to the following conditions:

1. Proponent should obtain prescribed permission from MPCB.
2. No land reclamation should be carried out.
3. Activities which are allowed in CRZ area will only be permissible. Other activities which are not permissible in CRZ area should be shifted in non-CRZ area.
4. Proper waste management plan should be worked out and implemented. The waste generated should not be stored/ dumped in CRZ area.
5. No mangroves should be cut and buffer zone of 50 m shall be maintained from the mangroves.



**Item No. 22: Proposed redevelopment of property on plot bearing CS No. 280 of Malabar Hill Division, 171-D, Walkeshwar Road**

The matter was placed before the Authority. Authority noted the following:

1. M/s. Earth builders has submitted proposal for redevelopment of property on plot bearing CS No. 280 of Malabar Hill Division, 171-D, Walkeshwar Road
2. As per the approved CZMP, the plot under reference falls under CRZ-II area and situated on seaward side of the existing road.
3. Proposal is for redevelopment by demolition of existing G + 3 upper floor structure.
4. Area as per the land records 1135.77 sq. m. and area under proposal is same i.e. 1135.77 sq. m.
5. As per the MCGM proposal comprising of 4 level basement + still +12 upper floors and the work up to still is in progress.
6. Proposed height is 54.28 m and as per the MCGM FSI 2.00 is permissible.
7. As per the valuation report submitted by the proponent cost of the project is Rs. 4,46,00,000/- . However MCGM has clearly mentioned that as mentioned in the application, the cost of property only is more than Rs. 5 crores.
8. It is also observed that the redevelopment is proposed on CS No. 280 with the FSI using the area of CS No. 278 & 280 both. It is also mentioned that these two plots were amalgamated.
9. MCGM also mentioned that the Urban development Department had issued NOC from CRZ point of view, vide letter no. TPB 4398/1562/CR 33/99/UD-11 dated 31<sup>st</sup> May 1999. However during the scrutiny of the project it observed that in the said letter Urban Development Department clearly mentioned that the "development can be permitted on the landward side of existing authorized buildings as per D.C. Rules prevailing as on 19.02.1991."
- 10 As per the DP remarks MCGM has already approved the plans for redevelopment and IOD have been issued on 30.12.2005 and CC up to plinth level was issued on 13.02.2006.

Authority also noted that, MCZMA has also received a complaint by Dani Saden Co-op. Housing Society Ltd., vide letter dated 10.09.09 regarding the said development of property bearing CS No. 280 of Walkeshwar by Earth Builders. Complainant mentioned that the Builder has not obtained permission from CRZ point of view and hence violating the provisions of CRZ Notification, 1991. Following points are mentioned in the complaint:



- The Builder bought property bearing CS No. 280 from the Danis in 1994 for a value of 5.25 crores. There was a chawl of ground + 3 floors housing 42 tenants.
- Builder applied for NOC from MHADA in 1996 which was granted.
- Builder has not taken clearance from MCZMA or MoEF inspite of the project cost is more than Rs. 5 crores. (The cost of the land is itself 5.25 crores)
- The builder has got his plans sanctioned under 33 (7) of 1991 and also tried to manipulate his permissible FSI from 2 to 2.90. Builder exempted the things like Lobby, lift, staircase, and open passage area on each floor from FSI calculations however the exemption were not available in the DCR, 1987 applicable in CRZ areas.
- The height of the building is about 40 m and the open space which is mandatory around the building is also not provided by the builder.
- The on going construction is it self differing from their own sanctioned plan while constructing the basement.

The complainant also filed Writ Petition in Mumbai High Court (WP 36/2009) and the matter is in court.

Authority noted that, in the response to said complaint MCZMA has sent letter on 08.10.2009 to Collector, Mumbai and Commissioner, MCGM to examine the matter and submit the action taken report accordingly at the earliest. Authority also noted that, as complainant also filed case in Mumbai High Court (WP No. 36/ 2009) MCZMA has issued directions under Section-5 of the Environment (Protection) Act, 1986 to the Collector, Mumbai and the Commissioner, MCGM to take action and submit action taken report to this office within 15 days vide letter dated 17.03.2010. The action taken report from the officials is awaited. News regarding the same was also published in daily news paper 'Lokmat' dated 14.05.2010.

Authority expressed the concern and discussed in detail about the violation of CRZ Notification by the proponent. Officials from Urban Development Department mentioned that, in the year 1999, only recommendations were provided from CRZ point of view.

Authority also noted that, the IOD and other permissions were given by MCGM in the year 2005. However, MCGM should have submitted the proposal to Planning Authority at that time. Hence, after detailed discussion and deliberations, Authority decided to refer the case to Urban Development Department for verification:



1. Urban Development Department to verify that the construction is as per the plinth of the demolished authorized structures as defined by MoEF
2. Urban Development Department to verify that the FSI permissible is as per the Development Control Rules, 1967 and provide details of FSI permissible, calculations and layout as per Development Control Rules, 1967.
3. Urban Development Department to examine the permission given by MCGM for this construction.
4. MCGM will ensure that status-quo is maintained and no further construction is carried out on the site.
5. Details of the investment in the project to ascertain the valuation.

Item No. 23: Proposed three Starred Category residential hotel bldg. on Plot bearing CTS No. 997/B/C on F.P. No. 16, TPS-II, Santacruz of Village Juhu, Juhu Tara Road, Santacruz (W)

Project proponent presented the case before the Authority. Authority noted the following:

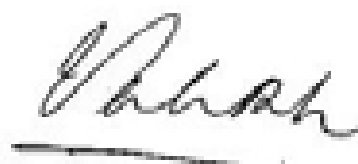
- Architect M/s. S. P. Associates has submitted the plans for three starred category residential hotel building comprising of lower & higher basement (for parking) + ground floor + 1<sup>st</sup> to 2<sup>nd</sup> floors + service floor + 3<sup>rd</sup> to 8<sup>th</sup> floors + 8<sup>th</sup> (pt) + 9<sup>th</sup> (part) floors in lieu of plot potential and additional 1.5 FSI as per Reg. 10(2) of 1987.
- The plot under reference is in Residential Zone and not reserved for any public purpose as per DP Remarks. The plot abuts existing 27.45 m wide Juhu Tara Road (setback area already merged with road on site). Further, plot under reference falls within CRZ-II seaward side and forms a part of Town Planning Scheme. Proposal attracts provision of MoEF guidelines amended up to date.
- The plot under reference is sub-plot of TPS plot bearing F.P. No.16 of TP Scheme, Santacruz No. II. Total area of FP No. 16 is 3711.00 sq. m. As per PR Card, area of plot is 1231.30 sq. m.; same area is also reflected in ULC NOC under Sec. 22.
- Architect has proposed 52 Nos. of car parking spaces as against required 50 Nos. parking spaces as per Regulation No. 36 of DCR, 1991. In addition architect has proposed 2 Nos. of transport vehicle parking spaces in the basement.
- Developer has appointed registered Structural Engineer & registered Site Supervisor for project, RCC consultant has submitted RCC design, drawing for





FSI 2.5 planning. Structural part of the building is designed by considering earthquake resistance and all relevant IS code. Structural stability certificates from registered site supervisor will be insisted before granting full occupation, which will ensure overall structural safety.

- The plot under reference is situated in developed locality having infrastructural facilities such as; water supply, drainage, SWD, electric supply, road etc. The plot is not affected by any reservations. Developer has appointed licensed plumber for drainage approval and open space all around the bldg. will be paved and internal SWD network will ensure disposal of rain water. SWD completion certificate, drainage completion certificate will be issued before grant of full occupation. To allow 1.50 additional FSI on net plot area as per clause 10(2) of DC Rules, 1967 instead of additional one FSI allowed as per provision of Reg. 33(4) of DC Rules, 1991.
- In the instant case, normal FSI on plot is one. However, architect has proposed to avail 1.50 additional FSI on balance plot area as per clause 10(2) of DC Rules, 1967 instead of additional FSI permitted as per Reg. 33(4) of DCR, 1991 representing that the plot under reference is in CRZ-II and as per MoEF notification, plot falling in CRZ-II area, FSI/ FAR norms shall be regulated prevailing as on 19.02.1991.
- DCR, 1991 was published on 20.02.1991 and came into force on 25.03.1991 and hence, same cannot be made applicable in the instant case as per MoEF guidelines. Hence, prior to DCR, 1991, DC Rules, 1967 was sanctioned and same is required to be made applicable in the case and as per clause 10(2) of DC Rules, 1967, there is no upper cap on additional FSI to be allowed to the luxury hotel.
- The plot under reference falls within 500 m from HTL as such; it attracts MoEF guidelines and CRZ. The plot under reference is on sea-face side of existing 27.45 m wide Juhu Tara Road, plot abuts HTL.
- Architect has submitted valuation report from Govt. approved valuer, certifying cost of project as Rs. 6,48,00,000/-. The total height for the building proposed is 35.40 m.
- In the instant case, while approving redevelopment on plot in lieu of plot potential, MCGM has referred the proposal to MCZMA for allowing development on CRZ point of view. Accordingly, Deputy Secretary to Govt. vide letter under No. TPB-2006/629/CR-121/08/UD-12 has issued No Objection for proposed



residential hotel building on plot under reference with FSI one from CRZ point of view as redevelopment is on landward side of imaginary line for project cost less than Rs. 5 crores. Now, architect has proposed residential hotel building in lieu of additional FSI with height 35.40 m and for project cost more than Rs. 5. crores.

- Architect has proposed single tier basement for puzzle parking (3 level stack parking) by proposing two way ramp of 6.00 m wide at South side touching to compound wall. Basement is proposed beyond building line flushing to ground level on North side leaving 1.50 m (min.) open space from plot boundary. Ceiling of basement is at 0.45 m above ground level within building line. Area of basement is 978.42 sq. m. which is more than plinth area and less than plot area. Height of basement is proposed 4.06 m.
- Proposed redevelopment is in CRZ-II Seaward side as per approved CZMP of Mumbai. Urban Development Department in the year 2008 accorded clearance on the basis of imaginary drawn in between buildings existing on plot bearing FP No. 12-A and plot bearing FP No. 17 abutting to plot under reference. Occupation Certificates of both the buildings prior to 19.02.1991 are required and need to be ascertained.

Considering the abovementioned points, after deliberations, Authority decided to recommend the case to MoEF subject to the following conditions:

1. The proposed development 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 vide letters dated 08.09.1998 and 18.08.2006.
2. The proponent should submit the authorization details i.e. Commencement Certificates and Occupation Certificates of both the structures on the abutting plots of the plot under reference.
3. Permission of Ground Water Board should be obtained prior to the commencement of the work of redevelopment.



**Item No. 24:** Regarding survey of demarcation of 50 m wide CRZ and HTL line marked on the sanctioned CZMP of Mahul Creek at Village Anik, CTS no. 1A/1 to 15 in M (W) Ward

The matter was placed before the Authority. Authority noted the following:

- The land under reference is reserved for the public purpose of 100 m wide Green Strip for channelization and for a proposed 19.30 m, 30.5 m DP Road and 60 m & 100 m East Island Freeway
- The land under reference is situated in No Development Zone (NDZ) and the land is affected by Nalla/ Creek and Tata Power lines.
- The proposal is for granting the permission to the survey of demarcation of 50 m buffer zone wide CRZ and HTL marked on the CZMP of Mahul Creek on the land under reference.
- As mentioned by MCGM, the State Government vide its directives under section 37(2) of MRTPA Act, 1986 under No. TPB-4307/2647/CR-62/2008/UD-11 dated 15<sup>th</sup> July 2008 has deleted the 100 meter wide green strip for channelization situated in No Development Zone (NDZ) and included in Residential Zone (R).
- As per the conditions imposed with the modification of development plan by Urban Development Department, it is clear that the buffer zone of 50 m is kept from the distance of Nalla itself and not only from mangroves; hence, this 50 m buffer zone should be kept same.
- The proposal is for granting the permission to the survey of demarcation of 50 m buffer zone wide CRZ and HTL marked on the CZMP of Mahul Creek on the land under reference.

Considering the request of the proponent, Authority decided to grant the permission for the survey of the land under reference from any of the authorized agencies by MoEF, subject to the following conditions:

1. Resurvey should be carried out as per the original HTL demarcated in the approved CZMP.
2. The buffer zone from nalla/ mangroves should be properly measured and indicated along with status of vegetation on 2000, 2004, 2006 and 2009.
3. Salinity should also be measured before the rains during high tide and low tide to determine the salinity.
4. High flood line should also be indicated.
5. Comparative statement of old CZMP and results of resurvey along with justification for variation.



**Item No. 25: Regarding CRZ permission Holiday Resort on land admeasuring 8.967 Ha and bearing G. No. 63, 64, 66 & 72 Village Korlai, Tal. Murud**

The matter was placed before the Authority. Authority noted the following:

- The project proponent has requested CRZ Clearance for proposed Holiday Resort on land admeasuring 8.967 Ha (89670 sq. m.) and bearing G. No. 63, 64, 66 & 72 Village Korlai, Taluka Murud.
- The said land is situated in CRZ-III (within 200 m & 500 m setback line) and the area under proposal is 89670 sq. m.
- As per the Raigad Regional Plan, the said land is within Agriculture Zone and as per the Regional Town Planning Rules, FSI of 0.25 is permissible for Holiday Resort in Agriculture Zone.
- The total cost of the project is Re. 15.20 crores.
- As per the CRZ Notification, 1991, Beach Resort is permissible activity within 200 m to 500 m of CRZ-III with the permission of MoEF and FSI upto 0.33 with Ground + 1<sup>st</sup> Floor construction is only permissible in CRZ -III area.

After deliberations, Authority decided to recommend the case to MoEF for further necessary action subject to the condition that, the proposed construction upto FSI 0.25 should be as per the conditions mentioned in the Annexure-II of CRZ Notification, 1991 (amended time to time) for construction of Hotel/ Beach Resorts and the Development Control Rules sanctioned and in force as on 19.02.1991.

**Item No. 26: Regarding permission for proposed advanced Solar Energy Technology Project for Producing High Grade Salt, Desalination Plant and Generation of non-conventional energy at existing salt pan plot area**

The matter was placed before the Authority. Authority noted the following:

- Project proponent is seeking permission from CRZ point of view for proposed advanced Solar Energy Technology Project for producing High Grade Salt, Desalination Plant and Generation of non-conventional energy at existing salt pan plot area.
- The proposal involves production of high grade salt (8,000 Tonnes, Distilled water 60,000 Tonnes and 300 MW power/ year) using Solar Energy.
- As per the CZMP of Maharashtra approved by MoEF land under consideration is in CRZ-I (ii) i.e. inter-tidal area and all salt pans are designated as CRZ-I (ii) as per CRZ Notification, 1991 (amended time to time).



- As per the proposal basic use of producing salt using solar energy and sea water remains the same and this salt manufacturing is going on since 1969.
- The project is proposed to be implemented in the technical guidance and financial assistance of Maharashtra Energy Development Authority (MEDA), Pune. The proposed activity and technology proposed to be used is environment friendly and will not cause pollution of coastal ecosystem.

Authority noted that, as per the CRZ Notification, 1991 (amended time to time), activities such as Desalination, Generation of non-conventional energy and Salt pans are permissible in CRZ-I (ii) areas; and as per the Annexure-I, Para 6(2) CRZ-I (i) (d) & (e), salt harvesting & desalination plants are permissible in CRZ-I (ii) areas. As the total cost of the project is more than Rs. 5 crores, Authority after deliberations, decided to recommend the case to MoEF for further necessary action.

**Item No. 27: Regarding CRZ & Environmental Clearance of Proposed Tourist-Vasahat & Resort at Village Nagaon, Tal. Alibag, Dist. Raigad, Maharashtra by M/s. Calcite Properties Developers Pvt. Ltd., Mumbai**

The matter was placed before the Authority. Authority noted the following:

- The project proponent has proposed to construct Tourist-Vasahat & Resort on the land sub-leased by MIDC which is located in CRZ-III at Village Nagaon, Taluka Alibag, District Raigad.
- As per the approved CZMP of Maharashtra proposed activity on survey No. 1452/2(P), & 2444/0(P) is partly in CRZ-III area & in Non-CRZ area and as per the land-use plan said area is in Tourism Zone.
- The proposed plot area is 746400.00 sq. m. Out of this, area below HTL is 52946.05 sq. m. Area between HTL & 200 m from HTL is 243309.41 sq. m. Area between 200 m & 500 m from HTL is 268231.36 sq. m. & area beyond 500 m from HTL is 149515.81 sq. m. Out of this area on the landward side of road is 417777.17 sq. m. and area on the seaward side is 328622.83 sq. m.
- Total Water required for the resort is 1648 CMD. About 893 CMD sewage is going to be generated. A Sewage treatment plant of capacity 893 m<sup>3</sup>/day is proposed.
- Around 552 kg/day solid waste is going to be generated in operation phase. Rain water harvesting system is also proposed.



- Since the built-up area is more than 20,000 sq. m. proposal attracts EIA Notification of 2006 and the project proponent has submitted Form-I and Form-IA along with CRZ application.
- Cost of the proposed project is Rs. 6315.08 Lakhs i.e. more than Rs. 5 crores.

After deliberations, Authority decided to recommend the case to MoEF for further necessary action subject to the condition that, the proposed construction should be as per the conditions mentioned in the Annexure-II of CRZ Notification, 1991 (amended time to time) for construction of Hotel/ Beach Resorts, subject to the following:

- (i) The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the landward wide) from the High Tide Line and within the area between the Low Tide and High Tide Line;

(ja) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(jb) no flattening of sand dunes shall be carried out;

(jc) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts.

(jd) construction of basements may be allowed subject to the condition that no objection certificate is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect free flow of ground water in that area.

The State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate.

Explanation:

Though no construction is allowed in the no development zone for the purposes of calculation of FSI, the area of entire plot including 50% of the portion which falls within the no development zone shall be taken into account.

Provided further that construction for the purpose of tourism development may be permitted beyond 50 mts on the landward side of the High Tide Line in the Union Territories of the Andaman and Nicobar Islands and Lakshadweep Islands based on integrated coastal zone management study conducted by the Ministry of Environment & Forests by itself or through any agency authorized by it in this behalf. (Amended on 24<sup>th</sup> July 2003)

- (ii) The total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e.



the FSI shall not exceed 0.33. Further, the total covered area of all the floors shall not be more than 50% of the plot size both in the Union Territory of Andaman and Nicobar Islands and the Union Territory of Lakshadweep Islands. (amended on 24<sup>th</sup> July 2003) The open area shall be suitably landscaped with appropriate vegetal cover;

- (iii) The construction shall be consistent with the surrounding landscape and local architectural style;
- (iv) The overall height of construction upto highest ridge of the roof, shall not exceed 9 meters and the construction shall not be more than 2 floors (ground floor plus one upper floor);
- (v) Ground water shall not be tapped within 200m of the HTL; within the 200 metre - 500 metre zone, it can be tapped only with the concurrence of the Central/State Ground Water Board;
- (vi) Extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500 metres of the High Tide Line;
- (vii) The quality of treated effluents, solid wastes, emissions and noise levels, etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environment (Protection) Act, 1986;
- (viii) Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent/solid waste shall be discharged on the beach;
- (ix) To allow public access to the beach, at least a gap of 20 meters width shall be provided between any two hotels/ beach resorts; and in no case shall gaps be less than 500 meters apart; and
- (x) If the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained. The requirements of other Central and State laws as applicable to the project shall be met with.
- (xi) Approval of the State/Union Territory Tourism Department shall be obtained.



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**Item No. 28:** Proposal for the storage of B & C Class and Non Hazardous Chemicals at Plot No. 04, JNPT, Nhava Sheva by M/s Suraj Agro Infrastructure (I) Pvt. Ltd. (Formerly known as Viraj Agro Products Pvt. Ltd.)

Project proponent presented the case before the Authority. Authority noted the following:

- The land under reference falls under the JNPT area as per the sanctioned Development Plan for the JNPT, Nhava Sheva, Navi Mumbai.
- As per the approved CZMP, the plot under reference partly falls in CRZ-II area and partially in non-CRZ area and situated on the landward side of the DP Road and Railway line.
- The proponent has taken the 7.7 Ha.r land as Plot No. 4 at JNPT area, Nhava Sheva on lease from JNPT vide latter dated 29<sup>th</sup> November 1994 for the Storage of B & C Class chemicals.
- MPCB issued the Consent to Establish for the said storage activity, vide its latter dated 18.10.2004; however, MPCB has not mentioned in its letter about the CRZ Clearance that time.
- MPCB vide letter dated 25.02.2005 revoked the Consent to Establish and directed the proponent to obtain CRZ clearance first. MPCB vide its letter dated 02.04.2005 informed proponent to maintain strict status-quo till CRZ issue is resolved by MoEF as the matter had been forwarded to MoEF for their decision/clarification.
- In the reply, proponent informed MPCB that, they have already applied for Environment Clearance and as the CZMP of the JNPT area has been approved by MoEF they will obtain clearance very soon as their application was primarily pending due to non-approval of CZMP.
- Hence, the proponent has applied for grant the permission from CRZ point of view for the proposed storage activity of B & C class & other non hazardous chemicals.
- The construction of 13 tanks has already been completed out of the total 15 tanks including SS tanks, 5 km of 8" SS, 12 MS & 18 MS pipeline to jetty in the allotted way leave.
- The proponent is presently handling the edible oil and molasses and also submitted a new list of chemicals which are proposed to be handled.
- The cost of the project is Rs. 30.00 crores i.e. more than Rs. 5 crores.





After deliberations, Authority decided to recommend the proposal to MoEF subject to the following conditions:

1. The chemicals listed in the Annexure-III of CRZ Notification, 1991 (amended time to time) shall only be allowed to be stored in CRZ area.
2. The storage of B & C Class chemicals as well as any other chemicals, which are not mentioned in the Annexure-III of the CRZ Notification, shall be done in non-CRZ area only.

**Table Item No. 1: Regarding CRZ permission for proposed construction on plot bearing S. No. 49(pt) and CTS No. 299-C, Village Valnai, Malad**

The matter was placed before the Authority. Authority noted the following:

- M/s. Suhas Mahant and Associates had submitted a proposal on behalf of Shri Dinesh S. Kotacha & Others for construction of residential building on plot bearing S. No. 49(pt) and CTS No. 299-C of Village Valani at Link Road, Malad (West), Mumbai.
- As per the land details, the area of the plot is 806.30 sq. m. and as per the CZMP of Mumbai approved by MoEF vide letter dated 19.01.2000, the said plot falls within CRZ-I and CRZ-II and is affected by proposed 36.60 m. wide DP Road.
- Proponent had proposed residential building with shops on ground floor and ITE user on first floor comprising of G + 3 upper floors. The total cost of the project was shown as Rs. 1,07,38,000/-.
- Earlier this case of was discussed in the 46<sup>th</sup> meeting of the Maharashtra Coastal Zone Management Authority held on 09.07.2008 and decided to refer the case to Urban Development Department for verifying the location of plot under reference falling in CRZ-II with respect to landward side or seaward side.
- After verification by Urban Development Department, the case was again considered in 50<sup>th</sup> meeting of MCZMA, held on 25.03.2009. In the meeting Authority discussed on the remarks of the Urban Development Department, that the plot is in CRZ-II and it is situated towards the 'seaward side of the existing road'. After deliberation Authority decided to refer the case to urban development department for re-examination of the proposed area.
- As per the decision taken in 50<sup>th</sup> meeting of MCZMA, Urban Development Department re-examined the case and as per the new DP Remarks submitted by MCGM (DP remarks under No. CHE/2388/DPWS dated 13<sup>th</sup> April 2009), the plot under reference was 'shown in CRZ-II on landward side of the proposed CZMP



road'. With the explanation that earlier DP Remarks No. /1801/DPWS dated 21.12.2006 were as per the manual system but this fresh DP Remarks were obtained by architect under GIS system, as per new automated module.

- The matter was then placed in the 54<sup>th</sup> meeting of MCZMA held on 16.07.2009. Authority noted that the plot under reference falls in CRZ-I and CRZ-II as per the MoEF approved CZMP of Mumbai on 19.01.2000 and affected by 36.60 m proposed road passing through CRZ-I.
- As per the minutes of the 54<sup>th</sup> meeting of MCZMA, Authority also noted that, as per the old DP Remarks (manually prepared) given by MCGM, the road falls in CRZ-I area. Hence the construction proposed on the landward side of this road is not permissible. But, as per the new DP Remarks obtained by GIS system, some changes in HTL and CRZ areas are observed. Due to these changes, the plot under reference falls only in CRZ-II instead of CRZ-I and CRZ-II.
- In the 54<sup>th</sup> meeting, Authority raised questions on these two contradictory DP Remarks for the same location due to difference in methods of preparation. Authority also noted that the new GIS based DP Remarks show the change in actual HTL position, which is differing from the approved CZMP.
- After discussion, Authority decided to go by the approved CZMP and earlier DP Remarks and decided not to allow the proposed work on the said plot. The matter was then referred to Urban Development Department for further action.
- As per the decision of MCZMA in its 54<sup>th</sup> meeting, Urban Development Department vide letter dated 16.10.2009 rejected to grant the permission for the proposed development.
- In this regard, the project proponent filed Writ Petition No. 10014/ 2009 in the Hon. High Court of Mumbai.
- As per the decision given by Hon. High Court of Mumbai:  
"It is thus, clear that if a road proposed which runs through CRZ-I in the Development Plan and if the Plan is sanctioned by the Government of India, then construction can be permitted on the landward side of that road and for permitting construction on landward side of the road, it is not necessary that again an approval of the Union of India is to be taken. Thus, the reason that has been given by respondent No. 4 for rejecting the NOC, to the petitioner is, obviously, wrong".



- As per the remarks of Urban Development Department, the land under reference is partially affected by CRZ-I. However, as per the petitioner, the construction will not be carried out in CRZ-I.
- As per the remarks of Environment Department, the decision of Hon. High Court of Mumbai is with respect to the consideration of the 'proposed roads on approved CZMP'. However, as per the Condition No. [xii] mentioned in the MoEF letter dated 27.09.1996 (giving approval to the CZMP of Maharashtra):  
"[xii] Approval of this CZMP would not imply approval of any proposed project such as roads, airports, jetties, ports and harbours, buildings etc. indicated in the plan/ map".

Considering the abovementioned points, after deliberations, Authority decided to allow the proposed construction on the site under reference, subject to the following:

1. The construction should be carried out in the CRZ-II area only.
2. Construction for Residential purpose shall only be allowed on the land under reference.
3. Planning Authority should ensure that, there is no violation of CRZ Notification, 1981 in the instant case and construction should be as per concept of imaginary line as clarified by MoEF.
4. Planning Authority should verify the approval of authorities for the proposed DP Road.

**Table Item No. 2:** Deletion of land reserved for Bhiwandi Textile Park (by M/s. Yogi Realty Pvt. Ltd.) from CRZ classification, change in the map accordingly & request for resurvey

Project proponent presented the case before the Authority. Authority noted that, the matter was considered in the 50<sup>th</sup> meeting of MCZMA and 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, salt pans 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.

As per the decision of the 51<sup>st</sup> meeting, the proponent carried out survey of the area under reference from NIO, Goa – one of the MoEF authorized agencies. Authority noted the interpretation and conclusion of the submitted report of NIO, Goa as well as submitted time series maps. Some of the important points mentioned in the NIO report are as follows:

- Most of the proposed land facilities of the area is Wet land that comprises of cattle grass field, paddy agriculture lands, urban lands.
- As per the CZMP of Maharashtra, about 50% of the land under reference is affected by mangroves and mangroves buffer zone. But based on our studies, it is observed that the area proposed for development is not covered with any mangrove patches. From the processed LISS III imageries of 2000, 2002, 2004, 2006, 2008, 2009 also, it is interpreted that the mangrove vegetation like grass, paddy etc. is found.
- Based on the field visit and appropriate remote sensing analysis, presence of salt pan, mangroves and other sensitive zone were not found and the status of land remains to be the same from 2000 to 2009. It was cross checked with topo-sheet (1970) of SOI to ascertain our interpretation. But most of the area is wet land only.
- The whole area comprises of cattle grass vegetation, urban land area and fallow land with minor changes in the volume from the year 2000 to present.
- Based on the field visit and appropriate remote sensing analysis, presence of salt pans, mangroves and other sensitive zones were not found in the proposed area except wet land.
- Fallow land area is noticed in the study area. In this area, water is stagnated due to rains and terrestrial run off through creek.

Considering the abovementioned points, after deliberations, Authority decided to recommend the matter to the MoEF subject to the prior verification of the 7/12 extract for the years 1991 to 2009 with respect to the past land-use, by MCZMA. Authority also decided that, the Chairman and few members of the Authority may visit the site and send report to MoEF as per the directions of NCZMA, New Delhi.



**Table Item No. 3: Approval to expenditure under the heads travel, sitting fees of expert member, Conservation Projects, Computer and related expenditure, salaries to staff appointed on contract basis, office expenditure, training and related expenditure**

The matter related to approval of expenditure on following accounts, was discussed in MCZMA:

1. Preparation and digitization of CZMP
2. Website Development and Computerizations of MCZMA
3. Expenditure on Research and Conservation Projects in Coastal areas.
4. Office Expenditure
5. Computer and related items
6. Travel of MCZMA members
7. Training & related expenditure
8. Sitting Fees, Visit Fees and related expenditure of Expert Members of MCZMA
9. Salaries and Payments of Staff appointed in MCZMA on contract basis

After discussion, Authority approved the expenditure on above heads and items. Expenditure will be done with the approval of Chairman, MCZMA & Secretary (Environment). Annual expenditure statement should be placed before the Authority every year in the month of April.

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

  
**Chairperson,**  
**MCZMA**

**Annexure-I**

**List of the members present for the 62<sup>nd</sup> meeting of MCZMA is as follows:**

1. Mrs. Valsa R. Nair-Singh, Chairperson, MCZMA and Secretary, Environment Department, Mantralaya, Mumbai
2. Mr. T. C. Benjamin, Principal Secretary, Urban Development Department, Mantralaya, Mumbai
3. Mr. A. M. Khan, Principal Secretary, Industries Department, Mantralaya, Mumbai
4. Dr. S. B. Chaphekar, Botanist, Mumbai
5. Dr. B. N. Patil, Member Secretary, MCZMA