

**Minutes of the 63rd Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held
under Chairmanship of Secretary (Environment) on
5th July 2010 at Mantralaya, Mumbai**

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

Principal Secretary, Industries 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 the 62nd meeting of the Maharashtra Coastal Zone Management Authority held on 20th May 2010

The minutes of the 62nd meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the Authority with the following changes.

Item No. 22: In the case of 'Proposed redevelopment of property on plot bearing CS No. 280 of Malabar Hill Division, 171-D, Walkeshwar Road', in condition No. 1 & 2, the word 'Urban Development Department' is replaced with the word 'MCGM' (on Page No. 24).

Item No. 2: Action taken on the decision taken in the 62nd meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 20th May 2010

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

Item No. 3: Statement of receipts and expenditure of funds to MCZMA

Authority noted the details regarding the receipts and expenditure of funds of MCZMA

Item No. 4: Discussion on pre-draft CRZ Notification, 2010 published by Ministry of Environment and Forest (MoEF)

Authority noted that, MoEF, New Delhi published pre-draft CRZ Notification on 30th April 2010 and requested State Government to provide comments/ suggestions/ objections to the Central Government to obtain the comprehensive and consolidated suggestions/ objections to the pre-draft Notification. Environment Department organized a meeting on 1st July 2010 of Secretary, Urban



Development Department, Principal Secretary, Revenue & Forests Department, Principal Secretary, Tourism; Principal Secretary, Housing Development, Principal Secretary, Public Works and Irrigation Department in the Government and Managing Director, CIDCO, Metropolitan Commissioner, Mumbai Metropolitan Regional Development Authority, Municipal Commissioner, Mumbai. CEO, Maharashtra Housing and Development Authority and Slum Rehabilitation Authority. In this meeting, after prolonged discussion, it was decided to consolidate all suggestions and objections discussed in the meeting and sent to MoEF after approval of the Hon. Chief Minister.

The suggestions and objections on pre-draft Notification have been sent to MoEF after Hon. Chief Minister's approval on 06.07.2010.

Item No. 5: Complaint received from New Link Road Residents Forum regarding destruction of mangroves in North Mumbai at CTS No. 1, S. No. 344 of Village Dahisar, Tal. Borivali, District Mumbai Suburban District

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

- MCZMA has received complaint regarding destruction of mangroves in North Mumbai at CTS No. 1, S. No. 344 of Village Dahisar, Taluka Borivali, District Mumbai Suburban District by New Link Road Residents Forum through e-mail dated 20th April, 2010.
- Complainant mentioned that the mangroves destruction being undertaken under the pretext of salt pan bund repairs. It also mentioned that lots of debris through trucks is dumped in the mangroves area.
- In response to said complaint, MCZMA directed Divisional Commissioner, Konkan, MCGM Collector, Mumbai Suburbs; Jt. Secretary (Forest), Revenue & Forest Department and DCP- Poll 11, Borivali Police Station to examine and take necessary action against violations and submit action taken report to MCZMA.
- It is also mentioned in the complaint that SLA (Civil) 29031/2009 has been filed in Supreme Court and the Court passed orders and permitted repairs in existing bunds, subject to some conditions. Accordingly, Collector has granted permission for repair of bunds.
- With respect to the said information Secretary (Environment) has directed the Collector, Mumbai Suburbs vide letter dated 22nd April, 2010 to provide comments on the said complaint and submit compliance according to Supreme Court orders.

Authority noted details mentioned in the reply of the Collector, Mumbai Suburbs. Authority also noted the details in the report submitted by the DCP- Poll 11, Borivali Police Station. As per the enquiry, violations of CRZ Notification, 1991 and Hon. High Court order were found due to dumping debris upto 50 m inside of the mangroves area. It is also mentioned the report that, FIR has been lodged in Police Station against the said violations under the Environment Protection Act, 1986.

Hence, Authority noted the action taken with regards to the complaint. Authority also noted that, a reminder has been sent to Divisional Commissioner, Konkan and Collector, Mumbai Suburbs with request to take action and submit report vide letter dated 16th June, 2010. Authority also directed that, Collector



should adopt appropriate measures to avoid further damage to the mangroves and ensure the requisite tidal flow in the ecosystem. Collector is requested to present the matter before the Authority in its next meeting. After deliberations, Authority decided to invite the Collector, Mumbai Suburbs and discuss the matter in detail in the next meeting.

Item No. 6: Development of Mangrove Park at Goral by MMRDA

Officials of MMRDA presented the case before the Authority. Authority noted that, the matter was placed in the 62nd meeting of MCZMA held on 20th May 2010. After discussion, Authority had decided to direct the MMRDA to revert with certain details. Authority noted that, MMRDA has submitted the required information vide letter dated 22.06.2010. MMRDA, in their presentation, elaborated on the following points:

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.

The information submitted by MMRDA was taken on record. Authority noted that, the proposed activity site falls in CRZ-I area. However, CRZ Notification, 1991 is silent about the permissibility of mangroves conservation projects. Further Authority also noted that, MoEF encourages strengthening for conservation of existing mangroves. Hence Authority, after deliberations, decided to allow the proposed mangroves park, subject to the compliance of following conditions:

1. No non-forest activities are allowed on mangroves land as per the Hon. High Court Order of 27th January 2010. MMRDA should obtain prior permission for non-forest activity under Forest Conservation Act, 1980 and permission of Hon. High Court of Mumbai.



2. No permanent construction such as construction of concrete structures, paved roads, towers, tar roads, footpaths, bunds etc. shall be allowed on and around the site under reference. No construction is allowed on land.
3. The installation of the walkways above the ground for trails, seat out etc. should be temporary in nature and should be made up of wooden material/ bamboos only without disturbing natural flow of water and without cutting mangroves.
4. It should be ensured that tidal free flow should not be obstructed.
5. Project activity and proposed works should be limited to 25 Ha only; however, entire area shall be covered under Mangroves Park.
6. Only live vegetative fencing will be allowed.
7. No lighting and noise producing instruments will be allowed to avoid disturbance to mangroves fauna.
8. No advertisement hoarding will be allowed on the site under reference.
9. Number of visitors should not exceed 800 per day and appropriate entry fee should be made applicable. Number of visitors inside the park at one go shall be determined and managed. No entry shall be given after 6 pm in the park.
10. No food stalls (moving or stationary) shall be allowed inside or in 50 m peripheral area of the park.
11. No non-biodegradable objects including plastic bags, pet bottles and related items shall be allowed inside the park. Appropriate arrangement shall be made at the gate to prevent entry of such items.
12. All bald patches in the project area should be connected with the channels to ensure tidal flow to facilitate growth of mangroves in such areas.
13. Adequate number of water spouts shall be provided along the trails.
14. No eating shall be permitted inside the park.
15. Adequate safety measures to be installed to avoid the accidents.
16. No entry should be given during high tide period.
17. Appropriate solid waste collection and disposal facilities should be installed.
18. Only solar lighting shall be allowed.
19. MCZMA reserves the right to add further stringent conditions and can revoke the permission in case of violations of provisions of CRZ Notification, 19.02.1991. MMRDA should facilitate the entry during inspection of the park by officials of Environment Department/ MoEF etc.

However, Principal Secretary, Urban Development Department raised the point about whether to send the proposal to MoEF or to grant permission at the MCZMA level. Hence, it was decided to reconsider this matter in the next meeting for appropriate decision in the matter.



Item No. 7: Regarding CRZ Clearance for Navi Mumbai International Airport (NMIA) proposed by CIDCO
Representative of CIDCO presented the proposal before the authority along with the compliance of the conditions stipulated by MCZMA.

Authority noted that the proposal was considered in 54th MCZMA meeting and recommended to MoEF subject to the strict compliance of conditions stipulated by MCZMA.

Authority noted that the CIDCO has prepared the EIA on the basis of ToR given by MoEF and conditions stipulated by MCZMA.

Authority discussed the compliance submitted with respect to issues raised by in its earlier meeting & also discussed issues raised in public hearing. CIDCO representative gave commitment that they would comply with all the conditions of MCZMA & issues raised in the public hearing. However, MCZMA also noted that public hearing is not mandatory as per CRZ notification 1991. Since it is of category "A" project as per EIA Notification 2006, EIA & subsequent public hearing was carried out by CIDCO as per the directions of MoEF. Further the authority decided to ensure compliance of its previous conditions through a two member committee comprising of Dr. S. B. Chaphekar & Dr. Sanjay Deshmukh from the University of Mumbai, both experts in Mangroves Conservation and Environment Management Plan. This committee will co-ordinate with CIDCO to monitor progress of mangroves afforestation and implementation of Environment Management Plan during construction and operational phase and submit its quarterly reports to MCZMA and MoEF. MCZMA also directed CIDCO to provide all assistance to both the expert members. Authority also noted that that the Cost for Environment Management Plan during Construction phase is Rs. 400 crores and during operational phase only Rs 20 lakh

Abstract of compliance done by CIDCO with respect to MCZMA conditions are summarized in **Table-1**. Authority also deliberated on EIA submitted by CIDCO to ensure the compliance of ToR given by the MoEF.

Authority, after deliberation, decided to recommend the proposal to MoEF along with EIA & MCZMA compliance.



Table-1

Sr. No.	MCZMA Conditions prescribed in its 58 th Meeting held on 16 th July 2009	Compliance Remarks	Compliance Reference		
			Volume	Chapter	Section
1	CIDCO should carry out comprehensive environmental impact assessment study of the area as per the ToRs to be approved by MoEF as mentioned in Environmental Impact Assessment Notification of MoEF dated 14.09.2006 and copy of the same should be submitted to MoEF and MCZMA in print as well as electronic format.	Comprehensive Environmental Impact Assessment Study was carried out and submitted to MCZMA & MoEF on 7 th June, 2010.	V	8	82
2	CIDCO should prepare and submit detailed plan of diversion of two rivers with the help of experts in the field. It may consult Water Resources Department for the same. CIDCO should ensure that training, if approved by MoEF, should be with smooth curves and at no point curve should be by 90° to maintain the steady flow of water of the river originating from Matheran hills. Impact assessment of the training on flora, fauna, socio economic pattern, nearby human habitation and port areas should be a part of EIA especially flooding in nearby areas.	The detail plan of Training of Gadhi river and diversion of Ulve river have been prepared based on the inputs from the result of 1D & 2D mathematical model study carried out by CWPRS, Pune. The width of training channel varies from 180 m. starting from NH4B to 450 m. in Panvel creek with high flood level of + 5.0 RL and + 4.15 m. RL respectively. Similarly, the diversion of Ulve river has been planned with radius of 250 m. and width of 90 m. with high flood level of + 5.5 m. RL at start of diversion to + 4.0 m. RL at bridge over Aamra marg. To minimize the impact, the training of Gadhi and diversion of Ulve river will be carried out by excavation/channalisation in stages by keeping the water flow in tact except for a period during diversion of water course. The work in water will be undertaken during the high tide to minimize the impact on siltation, turbidity on aquatic community. Adequate care will be taken during training/diversion of rivers by maintaining the required hydraulic flow to avoid water logging/flooding in upstream of river.	V	8	Annexure -V
			IV	5	Table-5.3
3	Details of the source of soil and other material to be used for reclamation of water body, mangroves and other CRZ areas should be submitted. Authority also desired that impact of cutting/taking of mountain in the CRZ area should be studied with respect to coastal protection to the	Reclamation of airport zone is proposed to be carried out by rock fill material of large and small size by cutting the existing hill within the airport zone in controlled manner. The requirement of	II	3	3.23
			IV	5	Table 5.3.5.4



Sr. No.	MCZMA Conditions prescribed in its 58 th Meeting held on 16 th July 2009	Compliance Remarks	Volume	Chapter	Reference Section
	nearby habitats, change in the tidal wave pattern, loss of habitats to various organisms, compensatory plantation, rainfall pattern etc.	rock fill quantity is to the tune of 34 million cum. metre. The top 1 m. filling will be by murrum of quantity 16.15 million cum. m. borrowed from external source. As the entire cutting of hill will be within the airport zone with no habitat, the impact to nearby habitat would be minimum and that to only during construction phase. CWPRS has studied the tidal and rainfall pattern and carried out 1D and 2D mathematical model study to arrive at the detail of diversion and training of rivers and safe level of land development for airport zone.	V	8	Annexure V
4	Proper environmental management plan and disaster management plan should be prepared and submitted.	Environment management plan is evolved based on the existing environmental condition and assessment of impact as separate chapter in EIA study report. Similarly, to tackle the emergency at airport as disaster management plan is designed and covered in separate chapter in EIA study report.	IV	6 & 7	
5	Submission of working compensatory mangroves afforestation plan, prepared with the help of experts in the field along with time-bound part chart. Local mangroves species should be conserved and CIDCO should open dedicated Environment Management Cell with experts from all fields. It is also required that compensatory plantation should be completed prior to the commencement of the project and report of the same should be submitted to MCZMA and MoEF.	A 161 Ha. of mangrove consisting of dense to sparse mangrove of mainly by Avicennia marina of 1 to 1.5 m. followed by Bruguiera Cylindrical syn., Bruguiera caryophyllodes and Aegiceros carunculata will get destroyed in the land development and same is required to be compensated. With the help of Mumbai University and Gujarat Ecological Commission, Gujarat, an area of 400 Ha. of land is identified in Dahanu and Palghar Taluka in consultation with Revenue and Forest Department of GoM as well as Dahanu Taluka Environment Protection Authority. The above compensatory plantation work will be taken up after obtaining the Environment Clearance from MoEF.	V	8	8.7 Annexure VI & VII
6	Around 700 to 800 families which are living on island are	A R & R Policy has been formulated for	III	4	4.15 &



Sr. No. MCZMA Conditions prescribed in its 58th Meeting held on 16th July 2009

Sr. No.		MCZMA Conditions prescribed in its 58 th Meeting held on 16 th July 2009	Compliance Remarks	Volume	Chapter	Section
		required to be relocated. CIDCO should ensure their proper rehabilitation and also ensure that their livelihood should not get affected. Comprehensive plan for the same shall be submitted.	the airport project affected people and the same is under discussion with the villagers. The R & R Entitlement are allotment of developed plot free of cost, additional land to nuclear family, financial assistance for construction of houses, financial assistance towards transportation cost, reimbursement of non-refundable fee and charges, right to collect salvage material, subsistence allowance, compensation for loss of job and free vocational training to project affected people.	V	8	4.16 Annexure -III 8.9
7		Authority also noted that their will be change in the approved CZMP of Navi Mumbai due to proposed activity. CIDCO should submit the details of impact of change in CZMP on nearby developable area as well as on JNPT and other installations	The R & R Policy after discussion with the project affected people will be finalized in consultation with GoM. CWPRS has carried out the mathematical and physical model study and the same reveals that there is no impact in the surrounding developed area as well as JNPT due to diversion and training of rivers warranting minor changes in CZMP Plan.	III	4	4.19 8.6 Annexure -V
8		Mangrove cutting in coastal areas of Maharashtra is a prohibited activity and reclamation of land is not permissible as per CRZ Notification. CIDCO needs to obtain prior permission of Hon. High Court with respect to its order given in case of Writ Petition No. 3246/2004 and 87/206 before commencement of any work related to airport on ground.	CIDCO would seek the Hon'ble High Court permission by filling a Notice of Motion in the Writ Petition 87/2006 after obtaining the Environment Clearance from MoEF.	V	8	8.1C 4-6
9		CIDCO should carry out the detailed study on impact of fishing and livelihood of people depending upon the coastal area under consideration. CIDCO should also take effects to maintain the traditional livelihood and socio-economic status of community supposed to be affected by the project directly or indirectly	Only 2% of project affected people depends upon fishing as livelihood. These community would be re-located on the waterfront in the area earmarked for re-settlement with required facilities to enable them to continue their livelihood.	V	8	Annexure -III
10		Existing species of mangroves, other flora, fauna and aquatic species with its environmental and socio-economic value should be properly documented with the help of expert institute in the field.	The species of mangroves, flora, fauna and aquatic species with its environmental and socio-economic value are documented in the EIA Report.	III	4	4.15 & 4.16 4.11

Sr. No.	MCZMA Conditions prescribed in its 58 th Meeting held on 16 th July 2009	Compliance Remarks	Compliance Reference		
			Volume	Chapter Section	
11	Measures for anticipated impacts of climate change and sea level rise on proposed airport area and nearby area should be studied. Details of soil characteristics, geology, impact of the proposed activity on transportation and traffic management in Navi Mumbai area should be submitted.	<p>Birds including aquatic bird - 58, animal species - 46, aquatic animal - 23 plants - 198, phytoplankton - 24, Benthos - 12</p> <p>No endangered or rare species of animals or birds.</p> <p>Impact on climatic changes has been covered by providing a higher free board of 2 mt. and 0.5 mt for sea level rise for deciding hydrological details of diversion and training channels as well as the safe development level of airport zone.</p> <p>Provision in rise of temperature would be made while designing the various structures in airport area.</p> <p>Sub-soil in low lying area is of marine clay of depth 1 mt. followed by the residual soil of 2.75 mts. to 4.1 mts. and thereafter rock upto 13.5 mts. and beyond.</p>	V	8	Annexure -V
12	Total station Map of Airport as well as peripheral area of at least 5Km range showing contours, drainage patterns, habitations, existing land-use, roads etc. should be submitted to MCZMA and MoEF.	<p>The base map of airport and surrounding area has been prepared using imagery, S.O.I map and total station showing contour, drainage landuse and roads.</p> <p>Traffic and transportation study reveals that the roads will operate at the level of service B upto year 2025 and thereafter level of service C.</p>	V	8	Annexure -I & II
		<p>Provision in rise of temperature would be made while designing the various structures in airport area.</p> <p>Sub-soil in low lying area is of marine clay of depth 1 mt. followed by the residual soil of 2.75 mts. to 4.1 mts. and thereafter rock upto 13.5 mts. and beyond.</p> <p>The base map of airport and surrounding area has been prepared using imagery, S.O.I map and total station showing contour, drainage landuse and roads.</p> <p>Traffic and transportation study reveals that the roads will operate at the level of service B upto year 2025 and thereafter level of service C.</p>	III	4	4.5 & 4.7
			III	4	4.14
			Maps & Plan submitted as Enclosure vide letter No. C/DCO/T&C/GM(Airport)/2010/812 dtd. 7 th June, 2010.		

Item No. 8: Proposal for modification of Development Plan of Navi Mumbai, Nerul Node, Village Karave under Section-37 of Maharashtra Regional & Town Planning Act, 1966 to enable Golf Course and 5 star hotel developments

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

- The Development Plan of Navi Mumbai was sanctioned by the State Government vide Notification dated 18th August 1979. The sanctioned Development Plan came into effect on and from 1st March 1980.
- It is now proposed to make further modifications in the Development Plan for Navi Mumbai under Section-37 of Maharashtra Regional & Town Planning Act, 1966. CIDCO has proposed the modifications for:
 1. Change of Land-use Zone of 67 Ha land in Village Karave, Nerul Node from No Development Zone to Regional Park Zone.
 2. Change of Land-use Zone of 0.85 Ha from No Development Zone to predominantly Residential Zone for development of Golf Course.
 3. The details of the proposed modifications are tabulated as follows:

Sr. No.	Location	Approx. Area (in Ha)	Present Land-use Zone	Proposed Land-use Zone	Reasons for change
1	West of NRI Housing Scheme in Karave Village: Pocket (A)	20.0	No Development Zone	Regional Park Zone	To facilitate development of Golf Course & make it economically viable
2	West of proposed Golf Course and South of Karave Village: Pocket (C)	47.0	No Development Zone	Regional Park Zone	To provide complimentary activities related to Golf Course subject to the provisions of CRZ-I
3	West of proposed CIDCO Officers Club and East of CRZ in Karave Village: Pocket (D)	0.85	No Development Zone	Predominantly Residential	To make Golf Course project economically viable

Authority noted that:



- As per the approved CZMP of Navi Mumbai, the land under reference is affected by CRZ-I (i), CRZ-I (ii) & CRZ-II.
- The area statement submitted for proposed Golf Course and 5 star hotel development project indicating area affected by CRZ and mangroves is as follows:

a)	Non-CRZ area:	6.96 Ha
b)	Area affected by CRZ-II:	15.56 Ha
c)	Area affected by CRZ-I:	47.00 Ha
d)	Area affected by mangroves:	0.29 Ha
e)	Area affected by 50 m mangroves buffer zone:	4.93 Ha

Further Authority also noted remarks of Urban Development Department as follows:

- CIDCO has proposed the modification in the Development Plan under Section-37 of Maharashtra Regional & Town Planning Act, 1966.
- As per the development Control Rule an existing on 19.02.1991 golf course and development of 5 star hotel is prohibited activity in No Developmental Zone.
- No development should be carried out in the area affected by mangroves and 50 m buffer zone of mangroves.
- No development is allowed in mangroves buffer zone land under CRZ-II in No Development Zone as per DCR existing 19.02.1991
- No development will be allowed in 47 ha CRZ-I area.

After deliberations, Authority decided not to allow the land-use change in CRZ areas on the following grounds:

- As per the CRZ Notification, 1991 (amended time to time), the Development Control Rules and zoning prevalent as on 19.02.1991 is applicable for the area affected by CRZ. Hence, as per the Development Control Rules prevalent on 19.02.1991, development of Golf Course is not permissible in No Development Zone.
- As per the CRZ Notification, 1991 (amended time to time), no construction/ development and reclamation is allowed in CRZ-I area.
- As per the Hon. High Court Order dated 27.01.2010, no non-forest activity is allowed on mangroves area and requires permission of Forest Department under Forest Act and Hon. High Court.
- Change of existing use or land reservation is not permissible as per the CRZ Notification, 1991. Hence, in the instant case, change in the Land-use Zone is not permissible for the proposed modification in the Development Plan of Navi Mumbai.



Item No. 9: Permission for laying water main of 3000 mm below nalla bed by crossing Bombay Oxygen Nalla, Usha Nagar Nalla and Crompton Nalla (Near JVLR) under III A Mumbai Water Supply Project by BMC

Officials of MCGM presented the case before the Authority. Authority noted the following:

- MCGM has submitted proposal for laying water main of 3000 mm below nalla bed by crossing Bombay Oxygen Nalla at S. No.795 (pt) Nahur, Usha Nagar Nalla and Crompton Nalla (Near JVLR) at S. No. 657 (pt) Kanjur.
- As per submitted information, the areas under reference bearing S. No. 795 (pt) at Nahur for Bombay Oxygen Nalla, S. No. 657 (pt) Kanjur for Usha Nagar Nalla and Crompton Nalla near JVLR are affected by mangroves 50 m buffer zone. The details for each location are as follows.

Sr. No.	Location	Survey No.	Area of Mangroves Involved	Distance of Mangroves from Culvert wall	No. of Mangroves may affect
1	Crompton Nalla	657 (pt) Kanjur	2000 sq. m.	5.80 to 7.80 m	10 Nos.
2	Usha Nagar Nalla	657 (pt) Kanjur	600 sq. m.	20.50 to 2.00 m	3 Nos.
3	Bombay Oxygen Nalla	795 (pt) Nahur	210 sq. m.	6.90 to 7.90 m	10 Nos.

- MCGM mentioned that the proposed work comes under, Mumbai Water supply project and it includes providing & Laying 3000 mm MS underground water main along west side of Eastern Express Highway from Junction of Mulund, Goregaon Link Road to Tagore Nager Vikhroli (E) Part (1) and further up to Amar Mahal Junction, Ghatkopar. However about 1800 m pipeline is remaining to be laid in this Part (1) which is planned to be laid by 30.04.2010.
- As per the MCGM out of 1800 RM pipeline about 240 RM pipeline is held up due to mangrove affected area as 1) About 100 m at Bombay Oxygen Nalla 2) About 50 m at Usha Nagar Nalla and 3) About 90 m at Crompton Nalla.
- As explained in the presentation, laying of the proposed pipeline is to be carried out by Pipe Pushing Method under existing along the road i.e. Eastern Express Highway.

Authority noted that, as per the CRZ Notification, 1991 (amended time to time), the proposed activity is permissible in CRZ area as it is categorized under 'facilities for water supply' Authority also noted that, the investment cost of the proposed project is Rs. 4.4 crores i.e. less than Rs. 5 crores. Authority further noted that, the proposed project is 'Category-I infrastructure activity' and it is an important activity from public purpose point of view.

Hence, Authority decided to grant permission for the proposed project from CRZ point of view subject to the strict compliance of the Hon. High Court Order in case of WP (Lodg.) No. 3246/ 2004 and PIL No. 87/ 2006.



Item No. 10: Regarding violation of CRZ norms by M/s. Aegis Logistics Ltd.

The matter was placed before the Authority. The project proponent was absent; however, Authority noted the report given by MPCB which is reproduced as follows:

"The Secretary, Environment Dept., Government of Maharashtra by above referred letter requested the Board to take appropriate legal action if there are violations of the laws pointing out that the Environment Department has received a large number of complaints in respect of M/s. Aegis Logistics Ltd. and Sea Lord Containers Ltd. regarding starting of the construction of storage tanks at Mahul Village, Chembur without Environment & CRZ Clearance and thereby violating the provisions of the Environment (Protection) Act, 1986 and Rules made there under as well as the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention and control of Pollution) Act, 1981 respectively.

It was also specifically pointed out that the MCZMA took cognizance of these complaints and the matter was placed in its 50th Meeting wherein, it was decided that considering the Hon'ble High Court's directions, the activities after the year, 2000 should be covered as per CRZ Notification. M/s. Aegis Logistics Ltd. was also directed to submit the survey report carried out by the Ministry of Environment and Forests, Government of India's authorized agency. However, they have not submitted such report to the Authority. In view of the recurring complaints, the Maharashtra Pollution Control Board was requested to take appropriate action after examination of the alleged violations.

MPCB had issued a show cause notice to M/s. Aegis Logistics Ltd. vide letter dt. 29/09/2009, pointing out various non-compliances including non-submission of information about various tanks duly superimposed on the approved CZMP of the Mumbai and not making available a copy of the CRZ permission or non-submission of the demarcation survey carried out by one of the Authorized Agency by the Ministry of Environment and Forests, Government of India vide its letter dt. 27/02/2009. MPCB also pointed out that the specific resolution of the MCZMA in its 50th Meeting of the Authority on the basis of the approved CZMP of Mumbai, clear-cut showing the area of storages of M/s. Aegis Logistics Ltd. in the CRZ-'I' and thereby, permissibility of storage of 15 petroleum products only as mentioned in the Annexure-III of the CRZ Notification. MPCB also pointed out specifically that in spite of the above, M/s. Aegis Logistics Ltd. is storing and handling in their storages other chemicals, other than 15 petroleum products and thereby violating the CRZ Notification. The show cause notice has been issued on 29/09/2009 as to why consent shall not be revoked in respect of storage of chemicals and products other than the permissible 15 petroleum products.

M/s. Aegis Logistics Ltd. replied to the said show cause notice vide letter dtd. 04/02/2010, pointing out that, the HTL and the distance of their storages at that time had been measured by Maharashtra Maritime Board and on that basis, the Hon'ble High Court had come to the conclusion that it is outside the CRZ area. It is also stated that the MPCB was also necessary respondent. M/s. Aegis Logistics Ltd. reiterated that their storages do not fall in CRZ area and the land is located on a creek and therefore, 500 m zone/ distance does not applicable to them. It is also said that the Affidavit of the MPCB and the report of Maharashtra Maritime Board both have come after 2000 i.e. in 2005 and 2008 respectively after the approval of the CZMP and have ratified that their area does not fall in CRZ area. It

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is also stated that the order passed by the Hon'ble High Court has become final and not challenged, is conclusive and binding.

However, in spite of specific directions from MCZMA to M/s. Aegis Logistics Ltd. to submit their superimposed location on the CZMP map, after demarcation of CRZ boundaries by one of the 7 authorized agencies under CRZ Notification, nothing has been submitted by M/s. Aegis Logistics Ltd. for reasons best known to them. On the contrary, they have started construction of additional 37 tanks, out of which, 13 tanks construction upto plinth level has been completed without CRZ clearance and without making any application for Consent to Establish to the Board.

Thereafter, it was suggested to submit legal opinion with reference to the order passed by the Hon'ble High Court of Judicature at Mumbai in the Writ Petition No. 983/1997, in the context with the decision reported in the AIR 2009 (NOC) 2094 (P. and H.) in the matter of Prem Sagar v/s State of Punjab and Ors. In the C.W.P. No. 18596/2008, dtd 13/02/2009 along with the opinion of the Solicitor. Accordingly, the MPCB had called an opinion from Ms. Sharmila Deshmukh, Advocate and Solicitor uc (U.K.) vide letter dtd. 19.01.2010

In the meantime, the Board had called verification report from the Regional Officer, MPCB, Mumbai with reference to the illegal constructions being carried out by M/s. Aegis Logistics Ltd. and M/s. Sea Lord Containers Ltd. in respect of additional storages in the CRZ-II area as per the complaint received by the Board. On the basis of the Regional Officer, MPCB, Mumbai's report the Board has issued directions u/s 33A of the Water (Prevention and Control of Pollution) Act, 1974, u/s 31A of the Air (Prevention and Control of Pollution) Act, 1981 read with Hazardous Wastes (Management, Handling and Trans Boundary Movement) Rules, 2008 dt. 10/02/2010, directing it to stop the construction of additional storages, failing which, the Board has no option than to initiate further stringent action.

Advocate and Solicitor has submitted specific legal opinion vide letter dt. 26/03/2010, stating that the judgment and order dt. 28/04/1999 mentions that it is a common position that till date of the judgment, the prescribed Authority has not demarcated the High Tide Line all over the coastal areas in the country and therefore, at that time it was necessary to direct an agency to demarcate the HTL to decide the controversy in issue and accordingly, the same was done. However, the same cannot be held binding after the prescribed authority has demarcated the High Tide Line. The Solicitor has opined that the HTL as originally recorded on the chart of Maharashtra Maritime Board has not altered after the demarcation of HTL uniformly throughout the country as prescribed by the CRZ Notification and the Municipal Bunds cannot be considered as indications of HTL. The HTL reflected in the approved Coastal Zone Management Plan is the decisive factor. The Hydrographer, Maharashtra Maritime Board is not a demarcating authority, authorized by the Central Government and therefore, its demarcation is not binding. It has been clearly mentioned that in the event, the storage tanks of M/s. Aegis Logistics Ltd. is situated in CRZ area as per CZMP, then, only 15 products specified in Annexure-III of 1991 Notification can be permitted to be stored. She has also made it clear that after approval of the CZMP and the uniform demarcation of HTL, the judgment of Hon'ble High Court cannot be held to be binding for classification of CRZ area, particularly, when it is based on the demarcation of HTL by an unauthorized



agency. It is also stated that the authority has therefore, rightly come to the conclusion that the development in the said area should be as per CRZ Notification, 1991 after the year, 2000 and only, the products specified in Annexure-III of the said Notification can be permitted to be stored in the said area.

After going through the said opinion and the available record including the order passed by the Hon'ble High Court of Judicature at Mumbai in the Writ Petition No. 983/1997 in the Context of decision reported in the AIR 2009 (NOC) 2094 (P. and H.) in the matter of Prem Sagar vs State of Punjab and Ors. in the C.W.P. No. 18596/2008, dt. 13/02/2009, the following points arise for consideration by MPCB:

- 1) The project has to be approved by the Ministry of Environment and Forests, Government of India for any investment till MCZMA is constituted. However, after constitution of MCZMA, the CRZ clearance to the projects having investment less than Rs. 5 crores, is being granted by the MCZMA and above Rs. 5 crores investment, the proposals are to be sent to the Ministry of Environment and Forest, Government of India. M/s. Aegis Logistics Ltd. has not obtained any CRZ Clearance either from MoEF, Govt. of India or MCZMA either for earlier storages prior to 1998 and even after constitution of the MCZMA for later on storages. As per the inspection carried out by Board on 14/02/2008, the said company was found to store all classes of hazardous chemicals other than those specified in Annexure-III of the CRZ Notification.
- 2) MCZMA in its 50th Meeting clearly observed that the storage tank areas of M/s. Aegis Logistics Ltd. clearly fall in the CRZ-II area, thus there is the violation of the CRZ Notification.
- 3) An explanation was called from M/s. Aegis Logistics Ltd., which had submitted vide its letter dt. 27/02/2009, pointing out in the Writ Petition No. 983/1997 filed by M/s. Tata Power Hydro Electric Power Supply Co. Ltd. that Hydrographer, Maharashtra Maritime Board had carried out actual physical measurement during the High Tide and accordingly reported that the location of storages of M/s. Aegis Logistics Ltd. are outside CRZ area. At that time, the Hon'ble High Court in para 97, clearly stated that, it is a common position that till date (as on date of order), the prescribed Authority has not yet demarcated the High Tide Line all over the coastal area in the country.
- 4) It appears that the Hydrographer, Maharashtra Maritime Board was to carry out the actual physical measurements during High Tide and to report as to whether, the HTL is really coincided with the Municipal Bunds placed on the Western and Southern Sides of M/s. Aegis Logistic Ltd. facility. The Hydrographer, Maharashtra Maritime Board observed that on the Western Boundary and Southern Boundary and along the bunds, as indicated could not be established due to the presence of very large quantity of hot water caused by heavy discharge of cooling water from the Tata Power Plant, which was considered to be affecting the High Tide Level and therefore, he was unable to establish whether the HTL coincided with the Municipal Bunds on account of very large quantity of hot water being discharged by the petitioner in the area.
- 5) Therefore, the observations of the Hydrographer, Maharashtra Maritime Board cannot be relied upon in respect of the HTL, as he was unable to establish the position of the HTL. Therefore, it is necessary to direct an Agency to demarcate the HTL to decide the controversy in issue, which was done by the MCZMA, directing M/s. Aegis Logistics Ltd. to produce such report before the



MCZMA. However, till date, M/s. Aegis Logistics Co. Ltd. has not submitted any such report of Maharashtra maritime Board, which was not the competent authority at that time also. Hence, M/s. Aegis Logistics Ltd. avoiding to get demarcate its storages from HTL for last number of years for reasons best known to it and not complied with the notices issued by the MCZMA and MPCB.

- 6) An explanation was called from M/s. Aegis Logistics Ltd., who submitted their explanation vide their letter dated 27.02.2009. As per the said Company in Writ Petition No. 983/1997 filed by M/s. Tata Power Hydro-Electric Power Supply Company Limited, the Hon'ble High Court issued directions to Hydrographer, Maharashtra Maritime Board to identify the HTL and measure the distance. The Hydrographer had identified the HTL and stated that plot of the said Company is 680 m away from the HTL. The Hon'ble High Court on the basis of the said report held that the plot of M/s. Aegis Logistics Ltd., does not fall in CRZ area. The said decision was delivered on 28th April 1999.
- 7) I (Member Secretary, MPCB) have perused the copy of the judgment of the Hon'ble High Court delivered in Writ Petition No. 983/1997. It appears that on 18th June, 1998 the Hon'ble High Court directed the Hydrographer, Maharashtra Maritime Board to make a report to this Court as to whether the High Tide Line envisaged under the Coastal Zone Management Plan and the concerned CRZ Notification coincided with the Bunds placed on the Western and Southern sides of the said Company's facility and accordingly, a report was forwarded by the Hydrographer, Maharashtra Maritime Board that the storage tanks were not within a distance of 500 m from High Tide Line.
- 8) This direction to the Hydrographer was issued because at the time of the issuance of the directions, the Coastal Zone Management Plan was not approved by the Ministry of Environment and Forests, Government of India and the High Tide Line was not demarcated by the prescribed Authority. The Hon'ble High Court in paragraph 96 of the judgment has held "that it is a common position that till today the prescribed Authority has not yet demarcated the High Tide Line all over the coastal areas in the country". It was, therefore, necessary at that time to direct an agency to demarcate the High Tide Line to decide the controversy in issue and accordingly the same was done. However, it is pertinent to note that the MoEF, Government of India was not consulted, which was very much available as the competent authority. Therefore, the same cannot be held binding after the prescribed authority has demarcated the High Tide Line.
- 9) In paragraph 103 of the judgment, the Hon'ble High Court has held that the Municipal Bunds are indicative of the High Tide Line level as originally recorded on the charge of the Maharashtra Maritime Board. Therefore, at that time also, the Hon'ble High Court was not confirmed about the exact position of the High Tide Line and therefore, stated that the Municipal Bunds are indicative of the High Tide Line level.

Maharashtra Coastal Zone Management Authority being the competent Authority for implementing the CRZ Notification, 1991, it will be more appropriate that it can issue directions under Section 5 of the Environment (Protection) Act, 1986, directing M/s. Aegis Logistics Ltd. and other

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storages in the CRZ -II area that they should store only 15 petroleum products mentioned in the Annexure-II of CRZ Notification, 1991 and they should not carry out any construction work in respect of additional tanks, for which no CRZ clearance has been obtained. After issuance of such type of directions, with a copy to the Maharashtra Pollution Control Board, the Board will definitely initiate process for amendment in the consent granted to M/s. Aegis Logistics Ltd. and other storages, which are in CRZ-II area for allowing storages of 15 petroleum products only, as mentioned in the Annexure-III to the CRZ Notification dt. 19/02/1991.

MPCB reports the observation that the said storage terminal is most recalcitrant management and in spite of giving number of opportunities to bring on record the compliance of CRZ Notification does not bother to take any steps to comply with the all the show cause notices and thereby, recurring complaints are being received by all the Government Organizations including the Ministry of Environment and Forests, Government of India, Environment Department, Government of Maharashtra, Maharashtra Coastal Zone Management Authority and the Maharashtra Pollution Control Board. Therefore, it becomes necessary to take ultimate decision in the matter on the basis of available record immediately".

Authority also noted that, Show-Cause Notice issued under Section-5 of Environment (Protection) Act, 1986 to M/s. Aegis Logistics Ltd. by Chairman (MCZMA) on 11.05.2010 and reply of M/s. Aegis Logistics Ltd. was taken on record. After deliberations, Authority noted that, M/s. Aegis Logistics Ltd. has not complied with the order of MCZMA. Authority also noted that, the site/ plot of M/s. Aegis Logistics Ltd. is abutting the mangroves hub which is declared as a protected forest as per orders of Hon. High Court of Mumbai given in case of WP (Lodg.) No. 3246/ 2004.

Since the site under reference of M/s. Aegis Logistics Ltd. is in CRZ-II area as per approved CZMP, Authority decided to call for details of following from MPCB, MbPT and MCGM:

1. Details of tanks constructed along with tank number prior to 1991, since 1991 to 2000 and since 2000 till date superimposed on layout plan.
2. Permissions obtained/ given for such constructions and operations from various agencies.
3. Layout of the tank farm area of M/s. Aegis Logistics Ltd. superimposed on approved CZMP of Mumbai in the scale of 1:5000.

Authority decided to direct MPCB and MbPT to ensure that storage and handling of chemicals on this tank farm area is as per the Annexure-III of the CRZ Notification, 19.02.1991 (amended time to time) and send the compliance report to the Authority till the matter is finalized. Authority also directed MbPT to constitute Inspection Squads to inspect handling and storage of chemicals in port area and other tank farm areas as per CRZ Notification, 19.02.1991 and to ensure that there are no hazardous chemicals stored and handled in the area. Authority directed MbPT and MPCB to send periodic reports to MCZMA and Environment Department.

Authority directed M/s. Aegis Logistics Ltd. to make application for CRZ and Environmental Clearance before the Authority at the earliest.



Item No. 11: Proposal for amendment in the CRZ Clearance issued by MoEF vide its letter No.11-7/2008-IA-III dated. 13.02.2008 (Regd. erection of 8 Nos. Transmission Line Towers in CRZ area) for erection of additional 7 towers in the Mahul area

& Proposal for the erection of 8 Nos. Transmission Line Towers in CRZ area (Sewri area)

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

1. M/s. Tata Power Company Ltd. has now submitted proposal for amendment in the CRZ Clearance issued by MoEF vide its letter No.11-7/2008-IA-III dated, 13/02/2008 (Regd. erection of 8 Nos. transmission line towers in CRZ area) for erection of additional 7 towers in the Mahul area.
2. M/s. Tata Power Company Ltd. has also submitted proposal for the erection of 8 nos. new transmission line towers in CRZ at Sewri area.

Authority noted the detailed proposal for the amendment as follows:

- The proposal for erecting 8 Nos. of towers at Mahul area was cleared by MoEF on 13.02.2008 and MCZMA had also recommended the same proposal for modification in condition mentioned by MoEF in its clearance in its 57th meeting.
- M/s. Tata Power Company Ltd. has now submitted proposal for amendment in the CRZ Clearance issued by MoEF vide its letter No.11-7/2008-IA-III dated 13.02.2008 (Regd. erection of 8 Nos. transmission line towers in CRZ area) for erection of additional 7 towers in the Mahul area.
- M/s. Tata Power Company Ltd. in its letter dated 23.09.2009 mentioned that previously they had carried out survey for this project and in that survey, 8 Nos. of towers were falling in CRZ area and the same was cleared by MoEF. However after the detailed route survey, as per the actual site condition and final alignment of towers, it is observed that, the 15 Nos. towers are falling in CRZ area. Hence proponent has submitted proposal for erection of additional 7 Nos. towers at Mahul, in CRZ area.
- As per the Urban Development Department & MCGM, the land under reference falls under Industrial zone (I-3) partly in NDZ, and reserved for various purposes i.e. BPT Godowns, Green Zone, Sewerage Pumping Plant, Toll way. The details of the land area affected by various reservations are not submitted.
- As per the approved CZMP of the area the land under reference falls in CRZ-I (i) (mangroves), CRZ-II and 50 m Mangroves buffer zone.
- The cost of the project for the erection of all 15 towers at Mahul is Rs. 12 crores.
- Proponent has submitted the details of mangroves affected area, mangroves to be destructed etc.

In case of the proposal for erection of 8 new towers in CRZ area at Sewri, Authority noted the following details:

- It is proposed to replace existing 110 KV transmission line with 220 KV transmission line from Trombay to Backbay (Overhead line from Trombay to Sewri Fort and underground cable from Sewri Fort to Backbay receiving station). The proposed 8 towers of this project fall in CRZ area.

- To erect these towers there will be 4 piles, one each at four corners on which the base of the each tower rests and diameter of each pile is 1200mm/ 1000mm to be constructed. Each tower will be located at a distance of approximately 250 to 350 m. Further, about 4 m wide approach road will be required for each tower for erection and maintenance.
- The total area covered by tower foundation and approach roads is about 0.23 Hectares. From which 0.19 Ha Mangroves area will be permanently affected and remaining 0.03 Ha area will be temporarily affected during execution.
- Cost of the project for erection of 8 towers is Rs. 10 crores.
- As per the sanctioned Development Plan of the area and record of the MCGM the land under reference partly falls in Special Industries (I-3) zone and affected by CRZ-II and Mangroves CRZ-1 (i). It is also partly affected by No Development Zone and other reservations. The details of the land area affected by various reservations are not submitted.
- Proponent has submitted the details of mangroves affected area, mangroves to be destructed etc.

Authority noted that, as per the CRZ Notification, 1991 (amended time to time) Annexure-I, CRZ-I, (i) (b) the construction of "pipelines, conveying system including transmission lines" is permissible and as the costs of both these projects are more than Rs. 5 crores, prior permission from MoEF will be required for both the projects.

Authority decided to treat both these proposals separately. Authority, after deliberations, decided to recommend both the proposals i.e. proposal for amendment as well as proposal for erection of 8 new towers in Sewri area to MoEF for further necessary action, subject to the compliance of following conditions:

1. Prior permission of Hon. High Court should be obtained in case of any construction in mangroves or in 50 m buffer zone of mangroves, as per the order of Hon. High Court in WP (Lodg.) No. 3246/ 2004 and PIL No. 87/ 2006 and Hon. High Court Order dated 27.01.2010
2. As the site under reference is affected by various reservations, the proponent should obtain necessary permissions from the concerned statutory authorities for the proposed erection of transmission line towers.
3. The Proponent should quantify and submit details regarding the area under cutting of mangroves with their exact numbers and respective species as well as the area to be identified for the compensatory plantation of mangroves and submit the same to Hon. High Court, MCZMA and MoEF.
4. Compensatory mangroves plantation, if approved by MoEF, should be carried out on the selected site before commencement of the project, which should be carefully monitored from mangroves protection and conservation point of view.



Item No. 12: Proposal for the construction of Vipashna Center/ Study Center on plot bearing CS No. 1947, 1934 of Colaba at Deepak Jog Chowk, Colaba

The matter was placed before the Authority. Authority noted that, MCGM has submitted a proposal for construction of Vipashna Center (of 10 m x 9 m size and 4.20 m height) for meditation and recreational use on plot bearing CS No. 1947, 1934 of Colaba at Deepak Jog Chowk, Colaba, Mumbai. The land under reference admeasuring 12943.91 sq. m. is in Residential Zone and reserved for garden. Authority also noted that, as per the application submitted by MCGM, the land under reference falls in CRZ-II area and situated on the landward side of the Nathalal Parekh Road. However as per the General Remarks given in the same application, MCGM has mentioned that the land under reference "falls in CRZ-II and is located on the seaward side of the existing road". Authority noted that, the total cost of the proposed project is Rs. 7,74,000/-.

Authority noted that, as per the general condition No. [xvi] mentioned by MoEF in its letter dated 27.09.1996 "Parks, Play Grounds, Regional parks, Green zones and other non-buildable areas falling within CRZ-II areas are categorized as CRZ-III". Authority also noted that, construction of proposed Vipashna Center can be permitted as per the condition mentioned by MoEF in its letter dated 19.01.2000 for development of open spaces in CRZ-II areas.

Authority, after deliberations, decided to grant permission for the proposed construction subject to the following conditions:

1. Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. Planning Authority should ensure that there is no violation of CRZ Notification while according the permissible FSI to the said work.

Item No. 13: Proposal for the construction of Vipashna Center/ Study Center at Walter D Souza Garden near Metro Cinema

The matter was placed before the Authority. Authority noted that, MCGM has submitted a proposal for construction of Vipashna Center (of 10 m x 12 m size and 3.80 m to 4.20 m height) for meditation and recreational use on plot bearing CS No. 1487 of Colaba Division at Walter D Souza Road, Marine Lines, Mumbai. The land under reference admeasuring 3900.57 sq. m. is in Residential Zone and reserved for garden. Authority also noted that, as per the application submitted by MCGM, the land under reference falls in CRZ-II area and situated on the landward side of the Anandilal Poddar Marg. However as per the General Remarks given in the same application, MCGM has mentioned that the land under reference "falls in CRZ-II and is located on the seaward side of the existing road". Authority noted that, the total cost of the proposed project is Rs. 12,02,280/-. Authority also noted that the Assistant Commissioner, 'A' Ward, MCGM has issued conditional NOC to the proposed Vipashna Center vide letter



dated 18.07.2009 subject to the condition that the NOC should be obtained from Mumbai Heritage Conservation Committee as well as from MCZMA.

Authority noted that, as per the general condition No. [xvi] mentioned by MoEF in its letter dated 27.09.1996, 'Parks, Play Grounds, Regional parks, Green zones and other non-buildable areas falling within CRZ-II areas are categorized as CRZ-III'. Authority also noted that, construction of proposed Vipashna Center can be permitted as per the condition mentioned by MoEF in its letter dated 19.01.2000 for development of open spaces in CRZ-II areas.

Authority, after deliberations, decided to grant permission for the proposed construction subject to the following conditions:

1. Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. Planning Authority should ensure that there is no violation of CRZ Notification while according the permissible FSI to the said work.
3. Proponent should obtain NOC from Mumbai Heritage Conservation Committee.
4. The proposed construction should be as the conditions mentioned in the NOC obtained from Mumbai Heritage Conservation Committee.

Item No. 14: Regarding CRZ clearance for proposed development of building on plot bearing CTS No. 5, 6, 7, 8, 12, 13, 17, 18, 26, 27 & 134 of Village Charkop at Kandivali (West)

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

- As per the sanctioned Development Plan of R/South Ward, the land under reference is situated partly in Residential Zone and partly in No Development Zone. The land under reference is partially affected by the reservations for 18.30 m DP Road, Garden and Recreation Ground.
- As per the CZMP of Mumbai approved by MoEF on 19.01.2000, the land under reference falls in CRZ-II. As per the submitted CZMP and remarks of Urban Development Department, existing road of MHADA is shown in the North-West direction. Hence, the land under reference is situated on the landward side of the partly existing MHADA layout road and proposed DP Road as shown in the approved CZMP of Mumbai.
- As per the remarks of MCGM, total area of the land under reference is mentioned as 14304.10 sq. m. Total area under construction on CTS No. 5 to 8, 12, 13, 17 & 18 is 13073.00 sq. m. The details of the area under reservation are as follows.

Reservation	Area (sq. m.)
Garden:	1112.20 sq. m.
DP Road:	1033.80 sq. m.
No Development Zone:	339.50 sq. m.
Recreational Ground:	1588.12 sq. m.



Excluding the area under reservation and the setback of DP Road, the permissible area for Residential use is 10033.18 sq. m. and proposed construction area is 10030.18 sq. m.

- As per the area statement of the revised layout plan submitted, total area of the plot is 13073.00 sq. m. and the area under proposal is 9364.88 sq. m. As per the submitted layout plan, the permissible FSI for the proposed construction is 1.00 and proposed FSI is 0.99.
- As per the submitted layout plan, A, B, C, D, E & F Wings are proposed in one building. The A Wing is proposed as 1 to 3 floors for Podium Parking + Stilt Parking and 1 to 6 floors for Residential use. Rest of the B, C, D, E & F Wings are proposed as 1 to 3 floors for Podium Parking + Stilt Parking and 1 to 7 floors for Residential use.
- As per the submitted application, total investment cost of the proposed project is mentioned as Rs. 42 crores. However, as per the submitted revised valuation report, total investment cost of the proposed project is Rs. 45.45 crores i.e. more than Rs. 5 crores.

Authority noted that, the proposed activity is permissible as per the Annexure-1, Clause 6(2) of CRZ Notification, 1991 (amended time to time) for CRZ-II area and as the investment cost is more than Rs. 5 crores, prior permission of MoEF will be required for the proposed project.

Hence Authority, after deliberations, decided to recommend the proposed project to MoEF for further necessary action subject to the conditions that:

1. Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. The proposed development should be as per the sanctioned Development Control Rules, 1967 as existing and in force on 19.02.1991.
3. The construction should be carried out on the area permissible for Residential use only i.e. only on the area excluding the area for garden and other reservations.

Item No. 15: Regarding proposal for redevelopment of existing building known as Aram Nagar Siddhant CHS Ltd. on CTS No. 1103 (pt) of Village Versova, Aram Nagar, Andheri (West)

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

- As per the application submitted through MCGM, the proposal is for the redevelopment of existing building known as Aram Nagar Siddhant CHS Ltd. on plot bearing CTS No. 1103 (pt), Village Versova, Andheri (West).
- As per the approved Development Plan of K/West Ward, the land under reference is situated in Residential Zone and partly affected by various reservations viz. Playground, Fisheries Institute, Municipal Chowky, Municipal Primary School and Recreation Ground. However, as per the report and map submitted by MCGM, the part of land under proposal is not affected by any reservation.
- As per the CZMP of Mumbai (approved by MoEF on 19.01.2000), the land under reference falls in CRZ-II and situated on the landward side of the existing road.


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- As per the remarks of MCGM, total area of the land under reference is 1,35,145.00 sq. m. while, the area under proposal is 1394.76 sq. m.
- As per the submitted application, the owner of the plot is MHADA and MHADA has leased out the land to Siddhant CHS Ltd. for 30 years as per the lease deed submitted along with the application. MHADA has granted this lease deed in the favour of Siddhant CHS Ltd. with FSI 1.00.
- As per the submitted application and plans, the proposed building will comprise of Stilt (pt) for Parking + Stilt (pt) for Shopping users + 1st (pt) floor for Podium Parking + 1st (pt) floor for Samaj Mandir + 2nd to 3rd floor for Podium for Parking + 4th (pt) floor for Podium for Parking + 4th (pt) floor for utility - 5th to 10th (pt) floors for Residential users + 5th to 10th (pt) floor for Podium Parking + 11th floor for Residential users and Society Office.
- As per the submitted application, the permissible FSI for the proposed project is 1.00, while the proposed FSI is mentioned as 0.999. The FSI consumed by the existing structure is 0.28.
- As per the submitted application, the permissible height for the proposed structure is 61.00 m while the proposed height is 44.80 m. As per the submitted application, the height of the existing building is 3.60 m, which should be verified.
- As per the submitted application, the total investment cost of the proposed project is Rs. 3,78,76,936/- (including the land cost Rs. 57,56,336/- as the land is leased out by MHADA).

After deliberations, Authority decided to allow the proposed work subject to the following conditions:

1. There should not be land-use change in the proposed redevelopment.
2. Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
3. The amenities like balcony, staircase, lift lobby etc. should not be free of FSI as per the Development Control Rules, 1967.
4. Planning Authority should verify the height of the existing structure as well as the permissible height in case of the proposed redevelopment.

Item No. 16: Regularization of building (Jai Bharat CHS Ltd) for issuing occupation certificate on plot bearing C.T.S. No. 3/1/7, Survey No. 83 of village Versova, Andheri (W), Mumbai

The matter was placed before the Authority. Authority noted that, MCGM has submitted proposal for the regularization of building for issuing occupation certificate on plot bearing C.T.S. No. 3/1/7, Survey No. 83 of Village Versova, Andheri (W), Mumbai. Authority also noted that, as per the MCGM letter dated 22.06.2006, the land under reference is situated on the landward side of the road and it is more than 500 m away from the sea. Authority also noted that, as per the CZMP for the Mumbai area approved on



19.01.2000, the plot under reference falls in 50 m CRZ-II area and situated on the seaward side of the existing road.

Authority further noted the following:

- As per the MCGM the layout plans for the said construction was approved vide letter dated 03.10.1991. MCGM issued IOD vide letter dated 01.01.1996. The Commencement Certificate up to stilt height was issued on 12.06.1996. Permission was granted for the construction with the FSI of 1.00. MCGM also mentioned that the area of staircase, lift & lift lobby was approved free of FSI.
- MCGM office had issued stop work notice under section 354A of MMC Act on 23.06.2000 towards the work carried out beyond CC and non-submission of Collector's NOC.
- MCGM has mentioned that the construction of part stilt + part ground + 7 upper residential floors was completed in the year 2000.
- MCGM also mentioned that architect has now submitted the NOC from the Collector for proposed development of the building on 19.07.2003 but has not submitted NOC from Urban Development Department from CRZ point of view. since as per the survey remarks dated 19.01.2004 the plot is affected by CRZ-II area as per the draft CZMP.
- As in the instant case, there are no authorized structures on abutting plots hence the proposal can not be considered as per imaginary line concept.
- MCGM has granted the permission to the proposal on 01.01.1996, prior to the demarcation of HTL & LTL by Chief Hydrographer in the year 1997-98.
- The plot situated on the eastern side of the plot under reference is reserved for play ground and occupied by Mangroves vegetation. 18.30 m wide existing DP Road is present at the North side of the plot under reference. Mangroves vegetation is also present at the other side of the said 18.30 m wide road. 36.60 m wide existing DP road is present at the Western side the plot under reference.

Considering all these points, Authority noted that, there is no provision in the CRZ Notification, 1991 (amended time to time) for the regularization of any structure and the Authority has no powers to regularize the structure. Authority also noted that, as the plot falls in 50 m mangroves buffer zone it attracts the Hon. High Court order given in WP (Lodg.) No. 3246/2004 and PIL No. 87/2006.

Hence, Authority decided that the regularization in the instant case can not be permissible.

Item No. 17: Regarding CRZ permission for proposed construction on land bearing CTS No. 3/1/12, Plot No. 6, S. No. 83(pt), Village Versova, Andheri

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

- The application requesting CRZ permission has been submitted for the proposed construction of 'Mrug-Chhaya Co-op Housing Society' on land bearing CTS No. 3/1/12, Plot No. 6, S. No. 83(pt) of Village Versova, Andheri. The plot under reference falls in the layout consisting of 6 plots. As



per the remarks of Urban Development Department, the layout should be considered as single entity and the building under reference is situated in the layout which was approved on 03.01.1991 i.e. before CRZ Notification came into existence.

- As per the information given by Executive Engineer, MCGM vide letter dated 26th October 2009:
 1. Construction of the building under reference has been completed upto Stilt + 6 Floors; however, Occupation Certificate has not been granted for the building. Residents are staying in the building for many years. The approved plans & Commencement Certificate granted to this building are available.
 2. The distance of mangroves from the plinth of the building under reference is 36.50 m
 3. The construction of the building is completed and residents are staying in the building for many years. The building under reference is situated on the landward side of the imaginary line drawn.
- As per the remarks of Urban Development Department, in the MCGM report it is mentioned that, IOD was granted for the structure under reference on 16.12.1994 and Commencement Certificate was granted on 24.07.1996. The construction of the building is completed upto Stilt + 6 Floors and the building is completely occupied. MCGM has done the previous commitment about it.
- As per the submitted information, the structure on the land under reference lies on the landward side of the imaginary line drawn considering the structures on the abutting layouts.
- As per the submitted plans and photographs, the structure under reference is situated on the landward side of imaginary line drawn and 'Ballaleshwar' building.
- The structures on the abutting layouts have been granted Commencement Certificate (dated 01.02.1986) and Occupation Certificate (dated 30.04.1994).
- Occupation Certificate was granted on 09.01.2004 for the building 'Sai Sankalp' on Plot No. 3 on the same layout, which is considered as one of the abutting structures for drawing the imaginary line.
- With reference to the MCGM letter (dated 16.01.2009) in context of the some other plot in the same layout, it is mentioned that, the plot was not affected by CRZ as its distance from the HTL was more than 500 m. However, due to the availability of CZMP in the year 2002, it was known that the plot under reference is affected by CRZ.
- The building under reference is situated at a distance of 36.50 m from the mangroves. Hence, the building under reference is affected by 50 m buffer zone of mangroves and no construction is permissible within 50 m buffer zone of mangroves.

Considering all these points, Authority noted that, there is no provision for post facto CRZ approval in the CRZ Notification, 1991 and the Authority has no powers to regularize the structure. Authority also noted that, No construction is permissible in the 50 m buffer zone of mangroves and hence, this proposal attracts the Hon. High Court order given in WP (Lodg.) No. 3246/ 2004 and PIL No. 87/ 2006.

Hence, Authority decided that the regularization in the instant case can not be permissible.



Item No. 18: Regarding CRZ permission for proposed slum rehabilitation scheme of Worli Sagar Darshan Co-op. Housing Society Ltd. on plot bearing CS No. 5(pt) & 15(pt), Mahim Division, Adarsh Nagar

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

- As per the sanctioned Development Plan of G/South Ward, the land under reference abutting 36.50 m DP Road is situated in Residential Zone. 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 seaward side of the existing road. According to the letter of Slum Development Authority (SRA) dated 15.07.2009, the land under reference belongs to MHADA and is leased under SUP to the society of slum dwellers in the year 1990.
- As per the land records, total area of the plot under reference is 94748.75 sq. m. Total area under proposal is 2488.75 sq. m. out of which 2200 sq. m. is under slum area and 288.75 sq. m. is under non-slum area.
- SRA has received a proposal of Slum Rehabilitation Scheme on plot bearing CS No. 5(pt) & 15(pt) of Mahim Division at Worli, Adarsh Nagar, Mumbai- 400 025 for Sagar Darshan Co-op. Housing Society, SRA vide letter dated 06.07.2009 has given Lol for this proposal.
- As per the SRA letter dated 15.07.2009, the land admeasuring 2488.75 sq. m. is situated in a developed layout of MHADA, which is known as Adarsh Nagar layout at Worli. There are about 141 slum dwellers on the plot under reference. The slum under reference is a censused slum.
- This SRA project comprises of Rehab building (G + 14 floors) for rehabilitation of existing slum dwellers and Sale building (Stilt + 2 levels podium + 5 upper floors).
- In case of the proposed Rehab building, the Ground floor consists of 21 Nos. of commercial premises i.e. shops and 1 No. of residential cum commercial premises. First floor comprises of 6 Nos. of residential cum commercial premises and amenities including Welfare Centre, Balwadi and Society Office. Upper floors comprise of 9 Nos. of residential tenements per floor with 3 Nos. of lifts facility. Refuge floor is proposed on 7th floor with 6 Nos. of tenements and part terrace.
- In case of the proposed Sale building, there will be 2 flats per typical floor with 3 Nos. of lifts facility. The 5th floor comprises of single flat with part terrace. There will be total 9 Nos. of flats in Sale building with 2 Nos. of car lifts provided for 2 levels podium car parking.
- As per the submitted application, the proposed FSI for the slum plot is 1.6625 and for the non-slum plot is 1.33. Proposed height for the Rehab building is 50.60 m whereas that for the Sale building is 27.15 m.
- As per the submitted valuation report, built-up area on the plot is 4036.04 sq. m. The FSI consumed on site is 1.62. Proposed built-up area for this proposal is 4033.15 sq. m.
- As per the submitted valuation report, total investment of the proposed project is Rs. 12,00,94,000/- i.e. more than Rs. 5 crores.



- As the site under reference is on the seaward side of the existing authorized road, the concept of imaginary line is applicable for the proposed project. As per the remarks of Urban Development Department, the imaginary line is drawn considering existing authorized Building No. 42, Adarsh Nagar. Work from approved layout of MHADA on the Eastern side, proposed 36.50 m wide DP Road on Western side and Staff Quarters building of Mumbai Port Trust on the Western side.
- In support of the authorization of the Building No. 42, Adarsh Nagar, MHADA has submitted approved layout plan showing the location of the building with respect to the site under reference, vide letter dated 03.11.2009. Letter of Deputy Chief Engineer, Mumbai Port Trust dated 27.10.2009 is also enclosed along with this letter; in which it is mentioned that, the buildings on the Western side comes under the Staff Quarters layout of Mumbai Port Trust and their construction was completed during the period of 1970-1974. However, commencement certificate/ occupation certificate for both these structures are not submitted with this letter.
- MHADA vide letter dated 03.11.2009 has also submitted a copy of 'agreement of lease for slum upgradation scheme' as an evidence showing existence of slums prior to 19.02.1991.

With respect to the information and maps submitted by the project proponent, Authority verified that the imaginary line considered in case of the proposed project is as per the MoEF letter dated 08.09.1998. Authority also noted that, as the cost of the project is more than Rs. 5 crores, prior permission from the MoEF will be required.

Hence Authority, after deliberations, decided to recommend the proposal to MoEF for further necessary action, subject to the following conditions:

1. Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. Planning Authority should verify the imaginary line considered in the instant proposal (with respect to MoEF clarification letter dated 08.09.1998) and authorization of the structures considered for drawing the imaginary line.
3. Planning Authority should verify that the permissibility of FSI with respect to the Development Control Rules, 1967.
4. Proper rehabilitation of the slum-dwellers in the Rehab building should be ensured. The eligibility of the slum-dweller should be as per the orders issued by the Govt. dated 04.11.1988.

Item No. 19: Regarding CRZ permission for proposed construction on land bearing S No. 41(pt), CTS No. 1:48:1A(pt), Plot No. 124, Village Oshiwara, Andheri (West) of Shri Swami Samarth Prasanna Co-op. Housing Society Ltd.

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

- As per the sanctioned Development Plan of K/West Ward, the land under reference is situated in Residential Zone. As per the submitted information, total area of the plot is 7751.580 sq. m.



- As per the application submitted through MCGM, the proposal was submitted for construction of building for commercial purpose, comprising of basement for stores, part Ground and 1st floor for Multipurpose Hall and 2nd to 11th floors for office. However, as per the MCGM letter dated 1st September 2009, it is mentioned that: "As per the DP Remarks the plot falls in R-Zone and now Architect has submitted the plans with residential user. The residential user is permissible as per clause 7(i) of DC Rules, 1967"
- With reference to the remarks of Urban Development Department, the land under reference falls in CRZ-II and situated on the landward side of the existing North-South Road as per the CZMP of Mumbai (approved by MoEF vide letter dated 19.01.2000).
- As per the DP Sheet, the plot under reference is on the landward side of the DP Road in the North-West direction. However, in the North-West direction, the plot under reference is on the seaward side with respect to the existing nalla.
- As per the submitted application, the plot is minimum 48.00 m away from the mangroves and the proposed building is more than 50.00 m away from mangroves. The building is proposed to be 50.00 m away from nalla boundary. Therefore, the building is proposed beyond open space required as per CRZ.
- As per the CZMP remarks of MCGM submitted vide letter dated 15.04.2010: "In this case, it is to inform that the plot under reference as shown distinctly on the plan is mostly situated in Coastal Regulation Zone (CRZ-II) (i.e. CRZ belt of 150 m & 50 m from HTL) as per Coastal Zone Management Plan approved by Central Govt. in MoEF on 19.01.2000"
- As per the submitted plans along with the MCGM letter dated 1st September 2009, the building for residential purpose is proposed as follows:

Wing	Floors	Height
A	Stilt + 21 Upper Floors	63.65 m
B	Stilt + 12 Upper Floors	37.55 m
C	Stilt + 11 Upper Floors	34.65 m

- As per the submitted plans, total built-up area including balcony, staircase, lift, parking, refuge floors is 16076.870 sq. m. for 'A' Wing. The area details for 'B' & 'C' Wings are not provided in the submitted plans. The proponent has not submitted the revised proposal along with all the necessary details required.
- As per the application submitted for construction of commercial building, total investment of the proposed project is Rs. 10,11,53,949.75/- i.e. more than Rs. 5 crores. However, the same should be verified with respect to the revised proposal for residential purpose.

Authority also noted that, if the plot under reference is considered on the seaward side with respect to nalla, the construction should be as per the conditions mentioned in the clarification of MoEF vide letter dated 08.09.1998 and the applicability of imaginary line can not be satisfied in the instant case. Authority noted that, the land under reference is affected by 50 m buffer zone of mangroves and no construction is permissible in the 50 m buffer zone of mangroves.



However, for further verification of the proposal, Authority decided to direct the project proponent to revert with following details:

1. Revised proposal for construction of residential building on the plot under reference
2. Layout plan of the proposed structure with detailed area statement
3. Area details of the plot available for construction beyond the 50 m buffer zone of mangroves
4. Total investment cost of the proposed project (including land cost and construction cost)

Item No. 20: Regarding the approval of revised Construction plans and permission for proposed construction by Bauddha Dhamma Chakra Pravartan, Thane on Creek land of village Chendani

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

- The President, Bauddha Dhamma Chakra Pravartan Samiti, Thane has applied for the approval of the revised construction plans of proposed 'Bauddha Vihar' on creek land of Village Chendani, District Thane.
- As per the approved Development Plan of Thane Municipal Corporation, the site is situated in Residential Zone. Major part of the site under reference is affected by Mass Rapid Transit System and 20 m wide alignment. The land is lease hold.
- As per the coastal land use map of Thane Municipal Region (prepared by CESS which is one of the approved agencies by MoEF), the site under reference falls in CRZ-II and within 150 m setback line. The site under reference is on the creek-ward side of the existing road.
- As per the submitted information and plans, the proposed site falls on the landward side of the existing building of V. M. Bedekar College, which was constructed prior to 19.02.1991. The total area of the plot as well as the area under proposal is 960.30 sq. m.
- The matter was considered in the 58th meeting of MCZMA for the approval of plans proposed with Ground + 3 floors for commercial use consisting shops, offices and community hall. During the meeting the representative of Thane Municipal Corporation (TMC) has informed that the Collector's Office directed about the rejection of proposed commercial plan that was submitted for approval. Hence, Authority decided that as per TMC's report there is no need to consider and process the case and file was closed.
- Now, as per information submitted by TMC, the revised proposal is for the construction of residential building comprising of Ground + 5 Upper Floors. Construction is proposed with permissible FSI 0.99 and proposed height of the building is 20.80 m. Cost of the proposed project is Rs. 1,76,71,595/-.
- TMC in its letter dated 29.04.2010 has mentioned that the remarks given by them earlier with respect to Development Plan and CRZ should be considered in case of the revised proposal and requested to approve the revised plans for proposed construction of residential building.

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Authority, after deliberations, decided to grant permission for the proposed construction subject to the compliance of following conditions:

1. Planning Authority should ensure that the proposed construction is on the landward side of the building of Bedekar College existing prior to 19.02.1991.
2. Planning Authority should ensure that the building plan is as per the Development Control Regulations prevalent and in force on 19.02.1991.
3. Planning Authority should ensure that only residential use is allowed/ permitted.
4. Planning Authority should verify that the total cost of the proposed project is less than Rs. 5 crores.
5. Construction should be carried out strictly as per the Development Control Rules prevalent and in force as on 19.02.1991, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.

Item No. 21: Regarding CRZ permission for proposed construction for Residential purpose on Plot bearing CS No. 554/E, 555/F, 555/D, 566/A,C,D,E, 567/A, 568/A, 571/C, 572/C, 571/A2, 574, 575/3-4, 581/D, 583/B, 584/C, 586, 587/A-B, 590/1, 645, 646, 647, 649, 650/B, 652/A-B, 653/B-C, 656/B, 657/B, 648/A-B-C, Village Eksar, IC Colony, Borivali (West)

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

- As per the approved Development Plan of "R" Ward, the land under reference is situated in Residential Zone. The land under reference is reserved for Housing for Dishoused, partly reserved for Recreation Ground and partly affected by 13.40 m wide DP Road.
- As per the CZMP of Mumbai (approved by MoEF on 19.01.2000), the land under reference partly falls in CRZ-II and situated on the landward side of the existing road. As per the submitted application, the land under reference is on the landward side of the 36.60 m wide DP Road (Link Road).
- As per the submitted application, the present status of land is free hold and new construction is proposed on the vacant land. As per the submitted application, out of the 4 proposed buildings, 2 buildings are proposed on the area affected by CRZ-II.
- As per the submitted application, the area details of the land under reference are as follows:

	Total area	CRZ affected area
Area as per land record:	12720.90 sq. m.	4723.79 sq. m.
Area under proposal:	8108.32 sq. m.	7112.56 sq. m.

- As per the information submitted by the project proponent vide letter dated 15.02.2010, the total plot area as per the land record is 12736.35 sq. m. and the area affected by CRZ is 5903.69 sq. m. (including total plot area in CRZ i.e. 4836.00 sq. m. + 1067.69 sq. m. area affected by DP Road).
- As per the application, the construction of 4 buildings is proposed as follows:



Building No. 1: Wing A & B: Stilt + 1 Upper Floor

Building No. 2: Wing A: Stilt + 1 and Wing B: Stilt + 6 Upper Floors

Building No. 3: Stilt + 9 + 10 (pt) Upper Floors

Building No. 4: Stilt + 9 + 10 (pt) Upper Floors

As per the submitted information, out of the proposed 4 buildings, Building No. 3 & Building No. 4 are proposed on land affected by CRZ-II.

- As per the information submitted by the proponent vide letter dated 15.02.2010, both Building No. 3 & 4 will comprise of Stilt + 10 Upper Floors along with staircase and lift. As per the revised valuation report dated 15.02.2010, the total built-up area for both these buildings (including balcony) is 5880.98 sq. m.
- As per the approved Development Plan, the land under reference is reserved for 'Housing for Dishoused'. In the remarks of Urban Development Department it is mentioned that, with respect to the DC Rules, 1967, policy decision is taken by MCGM vide circular dated 10th July 1984 regarding grant of occupation of the building wherein 10% blocks are reserved for Municipal nominees in respect of plots released from Public Housing Reservation.
- Project proponent vide letter dated 03.08.2007 had requested MCGM to revalidate the development permission for the reservation of 'Housing for Dishoused' on the plot under reference. MCGM vide letter dated 17.09.2007 has considered the request made by the proponent upto 25.09.2009 subject to certain conditions.
- As per the submitted application, total investment cost of the proposed project is Rs. 8,92,50,961/- (Land cost Rs. 3,43,961/- + Construction cost Rs. 8,89,07,000/-). As per the revised valuation report dated 15.02.2010, total investment cost of the proposed project in CRZ area is Rs. 7,97,86,121.11/- i.e. more than Rs. 5 crores.

Authority noted that, the proposed construction is permissible with respect to the Annexure-I, Clause 6(2) of CRZ Notification, 1991 (amended time to time) for CRZ-II area and as the investment cost is more than Rs. 5 crores, prior permission of MoEF will be required for the proposed project. Hence Authority, after deliberations, decided to recommend the case to MoEF for further necessary action, subject to the following:

1. The construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines, clarifications given by MoEF time to time.
2. The amenities like balcony, staircase, lift lobby etc. should not be free of FSI as per Development Control Rules, 1967.
3. The construction should be as per the conditions mentioned in the MCGM letter (dated 17.09.2007) granting permission to revalidate the development permission for the reservation of 'Housing for Dishoused' on the plot under reference.
4. The permissibility of FSI should be as per the Development Control Rules, 1967.



Item No. 22: Regarding CRZ permission for proposed reconstruction of existing building known as 'Ruby Terrace' on plot bearing CTS No 260, Malabar Hill Division, 100/ 100A, Walkeshwar Road, Mumbai

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

- As per the DP Remarks, with respect to the sanctioned Development Plan of "D" Ward, the land under reference is situated in Residential Zone (R) and not reserved for any public purpose except for the widening, if any, of the existing Walkeshwar Road. The land under reference is abutting the plot situated under Funnel of Vision.
- As per the CZMP of Mumbai (approved by MoEF on 19.01.2000), the land under reference is situated in CRZ-II and on the landward side of the existing Walkeshwar Road.
- As per the submitted application, total area of the land under reference is 1582.80 sq. m. and the area under proposal is 2104.40 sq. m. The reconstruction is proposed with 1.33 FSI by demolishing the existing structure.
- As per the valuation report dated 20th August 2009 submitted along with the application, the details of the existing building are mentioned as follows:
 - At present two buildings are standing on the property. Building No. 1 is RCC building with G - 14 upper floors. The exterior of the building is only partly plastered and the building has never been occupied.
 - Building No. 2 is wooden frame structure of G + 1 upper floor with roof of Mangalore tiles. The structure is partly in dilapidated state. This building is partly occupied.
 - Both the above buildings will be demolished and replaced by 2 new buildings.
- As per the valuation report dated 20th August 2009 submitted along with the application, the proposal details are given as follows:
 - The new Building No. 1 will have G + 13 upper floors. Ground floor will consist of part Stilt and part Commercial premises. 1st floor will consist of Non-Residential premises. 2nd & 3rd floors will consist of podium parking. 4th to 13th floors shall be Residential premises. There will be provision of staircase and 2 lifts.
 - The new Building No. 2 will consist of G + 7 upper floors. Ground floor will consist of stilt with 2 car lifts upto 7 floors. 1st to 7th floors will consist of podium parking
 - Building No. 1 & 2 will be connected by slab on 1st, 2nd and 3rd floors.
- As per the valuation report, total built-up area of considering all the floors of both the buildings is 5096.31 sq. m. Hence, it is observed that, the new Building No. 2 for podium parking and other amenities proposed like staircase & lift etc. are considered free of FSI.
- As per the submitted application and valuation report, total cost of the proposed project is Rs. 4.74.46.370/- . However, as per the remarks of Urban Development Department and the registered document, the same is mentioned as Rs. 25.00.00.000/- i.e. more than Rs. 5 crores.



Authority noted that, as the investment cost is more than Rs. 5 crores, prior permission of MoEF will be required for the proposed project. Authority, after deliberations, decided to recommend the case to MoEF for further necessary action, subject to the compliance of following conditions:

1. Construction should be carried out strictly as per the Development Control Rules, 1967 provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. Planning Authority should ensure that the building plan is as per the Development Control Rules, 1967.
3. The amenities like car parking, staircase, refuge floors, lift, lift lobby etc. should not be free of FSI as per the Development Control Rules, 1967.
4. The proponent should submit the details regarding the existing and proposed Non-Residential use.
5. With respect to the Development Control Rules, 1967, Commercial land-use is permissible on the Ground Floor of residential building having shop-lines along streets. Planning Authority should verify the same with respect to the proposed project.

Item No. 23: Request for survey as per approved CZMP from MoEF authorized agency for land bearing S. No. 83, CTS No. 3, Versova by Mr. M. Y. Chouhan

The matter was placed before the Authority. Authority noted that, Mr. M. Y. Chauhan, vide his letter dated 8th April 2010, requested the Authority to accord necessary permission to carry out the survey for demarcation of HTL for and around property bearing S. No. 83, CTS No. 3 of Village Versova, Andheri (West) to understand the position of HTL on ground in comprehensive manner. As per the letter, it is gathered from MCGM that the detailed HTL and CZMP to the DP Sheet scale/ revenue scale is not prepared by MoEF authorized agency and MCGM at their own level have prepared the working drawings by transferring the provisions of approved CZMP on DP Sheets, by matching the contextual features in both these maps. Authority noted that, the applicant has requested for survey of his area without change in any CZMP of the Mumbai

Hence Authority, after deliberations, decided to grant permission for the survey of the land under reference as per the approved CZMP from one of the MoEF authorized agencies, subject to the following conditions:

1. Project proponent should carry out the survey of the site under reference from any of the MoEF approved agencies, so as to know the exact status of the land from CRZ point of view with reference to approved CZMP.
2. In case of the survey, HTL should not be changed as shown in the approved CZMP, which is in the scale of 1:25000.



3. Permission cannot be given for the resurvey of individual plot, if the request is for the resurvey, then the project proponent should carry out the resurvey of the entire region covering 10 sq. km. area from any of the MoEF authorized agencies.

Table Item No. 1: Regarding preparation of CZMP indicating cadastral information and mangroves cover as per Hon. High Court Order.

The matter was placed before the Authority. Authority noted that, as per the Hon. High Court Order dated 27.01.2010, the task of preparation of village maps showing cadastral information in CRZ area, mangroves and other coastal eco-sensitive zones should be completed within 6 months. With respect to it, Deputy Director (Town Planning) has been appointed as the Co-ordinator in the 60th meeting of MCZMA held on 25.02.2010. Authority also noted that, the work regarding the authentication of the maps prepared by MRSAC, Nagpur from SAC, Ahmedabad is under process.

Authority noted that, Deputy Director (Town Planning), Konkan Division, Navi Mumbai vide letter dated 25.06.2010 has requested the MCZMA to grant the amount of Rs. 20.59 Lakhs to the Town Planning Office for the expenditure to be carried out in case of preparation of CZMP indicating cadastral information and mangroves cover (considering the total expenses for photocopying the map sheets and for purchasing A0 size plotter and A0 size scanner).

Authority further noted that, Government of Maharashtra has granted Rs. 3.60 crores to MCZMA under Konkan Package. Hence, Authority decided to grant the requested amount to the Deputy Director (Town Planning) from the grant received by MCZMA under Konkan Package for the expenditure on the aforesaid matter to comply the orders of Hon. High Court. He should open separate bank account to receive the funds.

Table Item No. 2: Regarding CRZ clearance for Mumbai Metro Rail Project – Charkop-Bandra-Mankhurd Corridor (Metro Line-II)

Officials of MMRDA presented the matter before the Authority. Authority noted the proposal details as follows:

- For proper dispersion of traffic in Mumbai City & Suburbs, MMRDA has prepared a master plan for the Metro System in Mumbai considering the present scenario of transportation conditions in Mumbai.
- As per the submitted information, the details of the proposed project are as follows:

Charkop Metro Car Depot:

- Depot Area – 19.69 Ha.
- CTS and village – 226 Pt. of Malad, 1 Pt. Valnai, 7 Pt. of Malvani
- CRZ – I area - 11.6 Ha.
- CRZ – II area – 4.535 Ha.



- No CRZ – 3.56 Ha.
- Mangroves affected area - 1.18 Ha.

Mankhurd Metro Car Depot:

- Depot Area – 24 Ha.
- CTS and village – 1, 3, 4, 5, 6, Khadi of village Mandale, 3 of village Turbhe
- CRZ – I area - 10.08 Ha.
- CRZ – III area – 11.73 Ha.
- No CRZ – 2.19 Ha
- Mangrooves affected area - 4.02 Ha.

Alignment crossing the Mahim Creek, Vakola Nalla & Mithi River:

Water body	Mahim Creek	Vakola Nalla	Mithi River
CRZ affected area i.e. CRZ-I(i) and CRZ-II (ii)	400 sq. m.	120 sq. m.	80 sq. m.
Area affected by Mangroves and affected by Court order	400 sq. m.	120 sq. m.	100 sq. m.
Length of Alignment	900 m	100 m	20 m
Length of Mangroves along alignment and affected by buffer zone as per court order	245 m	45 m	

Authority further noted the following:

- The matter was considered earlier by MCZMA in its 49th meeting held on 24th February 2009 and 51st meeting held on 24th April 2009.
- The matter was considered in 78th meeting of the Expert Appraisal Committee (EAC) on CRZ at MoEF, New Delhi on 22nd July 2009 in which, MoEF directed to get the clear recommendation from MCZMA.
- In the 56th meeting of MCZMA held on 24th August 2009, considering importance of the project for the public at large Authority decided to recommend the project to MOEF, New Delhi with certain conditions.
- The matter was considered in the 82nd meeting of the Expert Appraisal Committee on CRZ at MoEF, New Delhi on 24th November 2009. The Committee deferred the project and asked the project proponent to look for more alternative sites. A proposal for compensatory mangrove plantation is also supposed to be submitted. The proposal is to be referred back to MCZMA to re-examine the proposal thoroughly.
- Few members of Expert Appraisal Committee carried out the site visit at Charkop depot site on 22.12.2009 and suggested certain recommendations.
- MMRDA has given undertaking for agreeing to all the recommendations of the committee and already communicated to MoEF vide letter dated 03.03.2010.
- In the mean time MMRDA again approached MCZMA to get strong recommendation as directed in 82nd EAC meeting held on 24.11.2009 at New Delhi. MCZMA in its 59th meeting held on 14th January 2010 recommended project to MoEF for CRZ clearance of the project.



- The matter was considered in the 86th meeting of EAC held on 25.03.2010 and following points were raised during the discussion:
 1. The proposal indicates an elevated corridor for the Metro in order to avoid disturbing the mangroves; a large No. of piles shall be constructed in the area. This will overshadow the entire area and mangroves will not survive under the corridor.
 2. Permission of the High Court of Bombay in respect of the activities in mangrove area shall be obtained, if applicable.
 3. Submit the details of the court cases on the project with their status.
 4. A proposal of compensatory mangrove plantation has also not been submitted which will be required.
 5. Fresh recommendation shall be obtained from Maharashtra Coastal Zone Management Authority for the revised proposal.
- As per the decision in the 86th meeting of EAC, the Expert Appraisal Committee decided to defer the project and ask the MCZMA to re-examine the proposal and send a clear recommendation under the provisions of CRZ Notification, 1991.
- MMRDA vide letter dated 15.04.2010 requested EAC to reconsider the proposal in their next meeting. MMRDA also submitted the clarifications with respect to points raised during 86th EAC Meeting held on 25.03.2010.
- Although MCZMA in its 59th meeting (held on 14.01.2010), after deliberations has recommended the project for CRZ clearance to MoEF, New Delhi vide its letter dated 04.02.2010. EAC, MoEF directed MMRDA to approach MCZMA again and obtain clear recommendation under the provisions of CRZ Notification, 1991.
- In view of above, MMRDA has requested the MCZMA to reconsider the project in their meeting with reference to the observations made by EAC, MoEF and to grant them clear recommendations considering the importance of this vital infrastructure project. MMRDA has mentioned that, any delay in CRZ clearance will affect the implementation schedule badly and result in cost over runs.

Authority noted the details of the list of various options for the Charkop depot site submitted by the project proponent. However, Authority felt that, in case of the alternatives for Charkop depot site, no other suitable location is available as well as economically viable. Authority also suggested MMRDA to submit a model for visualization of the proposed project to MoEF. Further Authority noted that, Charkop and Mankhurd Car Depot are falling in CRZ-I area wherein said activity is not allowed as per CRZ Notification, 1991. However, MMRDA committed that Car Depot will be constructed on stilt and ensured that all arrangement will be provided to abate the pollution of creek area. They will also obtain permission of Hon. High Court since area under consideration is affected by its order and also committed to regenerate the mangroves along with compensatory afforestation.



Considering the public interest at large to facilitate the decongestion of ever-increasing road traffic in Mumbai, Authority, after deliberations, decided to recommend the proposed project to MoEF for further necessary action.

Table Item No. 3: Regarding CRZ clearance for proposed Captive Jetty, Integrated Steel & 330 MW Power Project by M/s. Welspun Maxsteel Ltd.

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

- M/s. Welspun Maxsteel Ltd. has proposed an expansion for their existing project capacity for steel along with captive power plant and captive jetty adjacent to existing plant layout at Village Salav, Raigad. The integrated Steel plant is proposed in Villages Salav, Mithekar, Nidr. Chehar. Amlhi, Shirgaon. Yesde of Raigad District. The proponent has signed MoU with Govt. of Maharashtra and has been given a status of 'Mega Project'.
- The application is submitted for CRZ clearance for proposed captive jetty, integrated Steel (including 1.7 MTPA Dr Plant, 1.5 MTPA Steel making) and 330 MW Power Project.
- The expansion is proposed on about 500 acres of land for Steel and Power plant, whereas 40 acres of land is earmarked for jetty as well as for storage area and other related facilities. It also includes setting up of transmission lines, conveyer belt, water pumping station system and other handling facilities at jetty to plant.
- As per the submitted application, the total project investment is Rs. 5000 crores including Steel and Power plant as well as Jetty.
- As per the clarification given by the proponent vide letter dated 01.07.2010, the existing plant activity is for manufacturing of sponge iron, which was established in the year 1988. This area is also declared as Industrial Zone by the Govt. of Maharashtra in 1992.
- The area under reference is agriculture in nature with vegetation and the area also belongs to Kharland Dept. It is having the bund area beyond which the project will come up in non-CRZ area only. This land has been accorded with environmental clearance from MoEF, New Delhi.
- The proponent has confirmed that, the jetty is proposed to be constructed in inter-tidal area i.e. CRZ-I area and it is in the sparse mangroves. The proposed jetty will be on piles/ columns/ elevated type so as to minimize the disturbance to mangroves area for construction of jetty.

With respect to the land details of the proposed project, Authority noted the submitted information in comparative manner as per the CZMP and study carried out by NIO, Goa in May, 2010: which is as follows:

Sr. No.	Items	As per CZMP	As per NIO Report 2010
1	Kharland Bund	As per CZMP of 2001, the Kharland bund is not considered and hence the HTL is crossing 4 villages, village road, state	Kharland bund with MoEF permission is already in place and the same has been considered as HTL.



Sr. No.	Items	As per CZMP	As per NIO Report 2010
		highway and industrial zone.	
2	Industry	As per old CZMP the existing industry is also shown under the influence of CRZ boundary	As per the NIO survey conducted in May 2010, the existing industry is far away from influence of CRZ boundary
3	Industrial Zone	It was declared by Govt. of Maharashtra in notification Urban Development Dept. No. TPS 1400/CR-365/90 UD-12/ dated 4-7-1992 has been demarcated and shown under the influence of CRZ boundary	As per the NIO report, Industrial zone has been shown outside the CRZ boundary
4	State Highway (SH-91)	SH-91 constructed by the State Govt is shown within in the CRZ boundary. (even village road connecting Salav and Nidi is within CRZ boundary)	SH-91, is outside the influence of the boundary of CRZ

Considering these points, Authority felt that the proposal in the instant case can be considered separately for reclassification and for granting permission from CRZ point of view. However, Authority noted that, MoEF has not yet given approval for the reclassification in the instant case. Authority directed that, separate proposals for reclassification and permissible activities may be submitted to the Authority.

Table Item No. 4: Regarding CRZ permission for proposed Overhead Foot Bridge (proposed Podium Level Connectivity) connecting Hotel Sea Rock and Hotel Taj Land's End situated on B. J. Road, Bandra (West), Mumbai

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

- The application is submitted requesting the CRZ permission for proposed construction of Podium Level Connectivity by way of Overhead Foot Bridge at 45 feet above ground level connecting the building proposed by M/s. ELEL Hotels & Investments Ltd. (Hotel Sea Rock) on CTS Nos. B-1150, B-1153, B-1155, B-1156 and building of M/s Indian Hotels Co. Ltd. (Hotel Taj Land's End) on CTS No. B/899-A, B/899-B, B/899-C situated on B. J. Road, Bandra (West), Mumbai.
- The plot under reference (of M/s. Indian Hotels Co. Ltd.) is in Residential Zone and partly reserved for Bandra Fort and Garden (forming larger part of reservation) for public purpose.
- The height of the newly proposed bridge connection is 45 feet above the ground level. As per the CZMP of Mumbai approved B. J. Road (36.80 m wide), above which the Connectivity is proposed, falls within 500 m from HTL and is in CRZ-II. Hence, the proposal in the instant case requires permission from CRZ point of view.
- As per the remarks of Urban Development Department, both the hotel structures, to be connected by the proposed bridge, have been recommended.



- The proposed Foot Bridge is proposed with the total length of 50 m and maximum width of 8 m. The bridge is to be constructed on the RCC column located within Hotel Sea Rock's property and Hotel Taj Land's End property at Podium garden level. The roof of the Foot Bridge will be of RCC slab with sky light arrangement. The Foot Bridge will be finished from inside with marble stone paver tiles.
- As per the submitted application, the proposed construction is considered as free of FSI
- Total cost of the construction of the proposed bridge is estimated as Rs. 2,51,60,100/-.

Considering these points, Authority decided to grant permission for the proposed construction subject to the compliance of following conditions:

1. Planning Authority should verify the ownership details of the property under the proposed Overhead Foot Bridge.
2. Planning Authority should ensure that, no obstruction is caused to the traffic on the road under reference due to the proposed construction.
3. The construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
4. Due to the proposed construction, there will be utilization of additional FSI. Hence, the project proponent should submit the requisite premium to the Urban Development Department with respect to the consumed FSI.
5. Proponent should obtain NOC from Mumbai Heritage Conservation Committee.
6. The proposed construction should be as the conditions mentioned in the NOC obtained from Mumbai Heritage Conservation Committee.
7. The length of the Foot Bridge, width, roof design and FSI consumed therein should be as per the provisions of Development Control Rules, 1967. However, maximum width of the Foot Over Bridge should not exceed 8 m or permissible width for the Foot Bridge connecting two buildings as per Development Control Rules, 1967, whichever is less.
8. Roof of the Foot Over Bridge should be arc-shaped having semi-circular curvatures to withstand the wind speed, coastal hazard etc. Roof design shall not be flat and no railing shall be installed.
9. Planning Authority shall take into account objections, if any, from Heritage, public before according permission. Building layout plan, design, FSI etc. should be as per Development Control Rules, 1967.

The meeting ended with vote of thanks to all members.



**Chairperson,
MCZMA**

Annexure-I

List of the members present for the 63rd 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. Rajesh Aggarwal, Secretary (Fisheries), Agriculture & ADF Department, Mantralaya, Mumbai
4. Dr. S. B. Chaphekar, Botanist, Mumbai
5. Dr. B. N. Patil, Member Secretary, MCZMA