

**Minutes of the 64th Meeting of Maharashtra Coastal Zone Management Authority (MCZMA)
Held under Chairmanship of Secretary (Environment) on
12th August 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; Secretary (Fisheries), Agriculture & ADF Department, Mantralaya, Mumbai; Municipal Commissioner, Municipal Corporation of Greater Mumbai; President (Vanarai Pratishthan); Dr. (Mrs.) Leela J. Bhosale (Botanist), and Dr. S. K. Gupta, Department of CESE, IIT, Powai, Mumbai could not attend the meeting. The meeting was adjourned for 30 minutes for quorum. Some of the matters considered in the meeting were deferred as the meeting was held for short duration due to other urgent meeting on oil spill at JNPT.

Item No. 1: Confirmation of minutes of 63rd meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 5th July 2010 at Mantralaya, Mumbai

The minutes of 63rd meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the Authority without any modifications.

Item No. 2: Development of Mangrove Park at Gorai by MMRDA

The matter was placed before the Authority. Authority noted that, the matter was considered in the 62nd and 63rd meeting of MCZMA. In the 63rd meeting of MCZMA, it was decided to allow the proposed Mangroves Park subject to the compliance of certain conditions. However, during meeting 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 for appropriate decision in the matter.

Authority noted that, the total cost of the proposed project is Rs. 4.67 crores i.e. less than Rs. 5 crores, therefore, as per the provisions of CRZ Notifications and clarifications from MoEF MCZMA can issue clearance from CRZ point of view to the project. Authority further noted that, the proposed activity site falls in CRZ-I area. However, CRZ Notification, 1991 is silent about the permissibility of mangroves conservation projects. Authority also noted that, MoEF encourages strengthening for conservation of existing mangroves. Hence Authority, after deliberations, decided to allow the proposed Mangroves Conservation 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 the proposed activity under Forest Conservation Act, 1980 and prior permission of Hon. High Court of Mumbai.



2. No permanent construction such as construction of concrete structures, paved roads, paving, towers, tar roads, footpaths, bunds etc. shall be allowed on and around the site under reference. No construction is allowed on land proposed under Mangroves Conservation Park.
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 tidal water and without cutting mangroves.
4. It should be ensured that tidal free flow should not be obstructed during temporary construction as well as operation phase.
5. Project activity of park and proposed works should be limited to 25 Ha only; however, entire area shall be covered under mangroves conservation.
6. Only live vegetative fencing will be allowed to facilitate the free movement of aquatic and wild life.
7. No lighting and noise producing instruments will be allowed in the Mangroves Park to avoid disturbance to mangroves ecosystem.
8. No advertisement hoarding will be allowed near or inside the site under reference.
9. Number of visitors should not exceed 700 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. Park should be closed during high tide and floods.
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/ items 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 and collection system shall be put in place at the appropriate place.
12. All bald patches in the project area should be connected with the channels as per the contour map to ensure tidal flow to facilitate growth of mangroves in such areas. MMRDA should ensure that plantation of appropriate species of mangroves in such areas carried out simultaneously.
13. Adequate number of water spouts shall be provided along the trails and no drinking water bottles/ pouches shall be allowed inside.
14. No eating shall be permitted inside the park as well as no food stalls shall be allowed in the periphery of the park.
15. Adequate safety measures to be installed to avoid the accidents inside the park. Adequate number of sensitized and trained security personnel should be employed.
16. No entry should be given during high tide period.

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17. Appropriate solid waste collection and disposal facilities should be installed.
18. Only solar/ wind energy source shall be allowed for daytime and emergency operations.
19. Any change in the submitted plan will need fresh appraisal.
20. 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 for inspection of the park by officials of Environment Department/ MoEF etc.
21. MMRDA should ensure that cost of the project is less than Rs. 5 crores. If there is increase in cost, permission of MoEF should be obtained to avoid the violation of CRZ Notification.
22. MMRDA to ensure that there is no violation of the orders of Hon. High Court given in case of WP (Lodg) No. 3246/ 2004 and PIL No. 87/ 2006.

Item No. 3: Complaint received from Shri Rajesh Shah against the development of Plot No. 6, CTS No. 567/51 of Village Juhu, Janaki Kutir, Juhu Church Road, Mumbai

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

MoEF has received a complaint from Shri Rajesh Shah (dated 10.09.2009) regarding the development of Plot No. 6, CTS No. 567/51 of Village Juhu, Janaki Kutir, Juhu Church Road, Mumbai. As per this complaint, it is alleged that the project proponent has obtained permission by using fraudulent documents.

The matter was considered in the 58th MCZMA meeting. In the meeting Authority noted that, the matter was considered in the 50th meeting of MCZMA held on 25th March 2009 and as per the decision taken, the matter was recommended to MoEF by MCZMA vide letter No. MCZMA 2009/ CR 38/ TC 3 dated 22.04.2009. Authority also noted that, MoEF has issued CRZ clearance for this proposal vide letter having F. No. 11-36/ 2009-IA-III dated 24.08.2009. However, as per the complaint, it is alleged that the project proponent has obtained permission using fraudulent documents and sent his proposals for construction of a new building. These plans had been forwarded by MCZMA to MoEF for the clearance. Authority also noted that, the proposal was based upon the City Survey Extract, which the project proponent alleged was found to be forged and fabricated, as per the evidences submitted with the criminal complaint filed in this regard.

With respect to the complaint received from Shri Rajesh Shah, MCZMA issued letter dated 30th October 2009 to the Municipal Commissioner, MCGM and the Collector, Mumbai Suburban District to take necessary legal action against violations of CRZ Notification, 1991, if any and to submit the action taken report accordingly.

As per the decision taken in the 58th meeting held on 4th December 2009 Authority decided to request the Collector, Mumbai Suburban to avail the reports regarding the details of



the site so as to take further necessary action and for the meantime status-quo be given to the project.

No correspondence has been received from the Collector, Mumbai Suburban District. Hence reminder letter has been issued vide letter dated 23.07.2010.

As per the directions of the Authority with respect to the decision taken in the 58th meeting, Urban Development Department was called upon to submit further clarification regarding the proposed construction with respect to the reconstruction being only on the existing plinth. Comments were called from Urban Development Department as to whether existing authorized structure is on the authorized plinth or as per imaginary line. Urban Development Department vide its office note dated 3rd July 2010 clarified the position and informed the Authority that as per the report dated 17th June 2010 of the MCGM, the existing structure was authorized prior to 05.07.1983, reconstruction is on the landward side of the existing plinth of the authorized structure and was permissible in CRZ-II areas and that plan was submitted wherein the position of the existing structure as well as the proposed reconstruction was indicated.

In the response to the letter of MCZMA, MCGM has submitted a reply vide letter dated 17th June 2010 in which it is mentioned that, the primary allegations of the petitioners is that existing building can not be treated as authenticated structure on the basis of which the CRZ Clearance is received. With respect to the said allegation MCGM mentioned that: "old file bearing No. GB/ II/ 155A of 1963 for the existing structure at the plot under reference Comprising of G + 1 upper floor has been traced out as per which the plans are approved on 09.10.1963 and the BCC of the same was accepted on 10.06.1965. This established the authenticity of the existing structure which still exists at site."

Though MCGM has mentioned that the present structure on the plot under reference is authorized structure but it has not mentioned about the exact location of the said structure and if construction is on authorized plinth on the plot. As the location of the authorized building is not mentioned by MCGM in their reply, a letter has been issued to MCGM directing to submit the details of the location of the said authorized (G + 1 floor) building. MCGM is also directed to submit the location plans of authorized building (constructed prior to 1991) and proposed building.

Authority also noted that, MoEF vide letter dated 02.08.2010 has kept the environmental clearance in abeyance till the matter is finalized.

Authority verified the same from the official of MCGM. He mentioned that, the proposed construction will be on the landward side of the existing authorized plinth. Authority noted that, the matter is sub-judice in Hon. High Court of Mumbai and next hearing is on 18th August 2010. Authority directed MCGM to submit an immediate written reply to MCZMA supporting their statement about the proposed construction on the landward side of the existing authorized plinth. Also requested to indicate on map the authorized plinths and plinth on which construction is proposed along with the comments on the plinth referred by complainant immediately. Authority



considering the gravity of the matter decided to request Urban Development Department to send the detailed report indicating authorized plinth, location of proposed construction vis-à-vis authorized plinth and plinth & constructions referred by complainant so that comprehensive report can be send to MoEF. The City Survey Extracts submitted by project proponents and the MCGM file to be verified by Urban Development Department.

Item No. 4: 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 compliant, MCZMA directed Divisional Commissioner, Konkan; MCGM; Collector, Mumbai Suburbs; Joint Secretary (Forest), Revenue & Forest Department and DCP- Poll 11, Borivali Police Station wide letter No. Complaint 2010/CR 29/T.C.3 dated 20th April, 2010 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. In the order, it is mentioned that, "The applicant shall carry out the repairs as directed by the Collector and shall strictly comply with the instructions given by the Collector. If there is any violation, the respondent would be at liberty to bring it to the notice of this Court". 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.



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.

The matter was considered in the 63rd MCZMA meeting and after deliberations, Authority decided to request the Collector, Mumbai Suburbs to attend the meeting along with the action taken report not only in the respect of violation of Court Orders but also with respect to the said destruction of Mangroves.

During the meeting, representatives of the New Link Road Residents Forum presented the matter before the Authority. They mentioned that, Hon. Supreme Court has permitted the repair of old bunds provided that the mangroves/ vegetation on the area should not be destructed and no other construction activity is permitted. The Collector, Mumbai Suburbs has been directed to supervise the works permitted and submit the periodic report. However, new bunds are being constructed and height of bunds is raised by violating the order of Hon. Supreme Court. They also mentioned that, dumping of debris, construction waste, mud etc. is been carried out for the construction of 30 feet wide road, under the pretext of repair of old bund.

Deputy Collector, Mumbai Suburban District reported that detailed report of violations done by plot owner has been submitted to Hon. Supreme Court with request to reconsider the earlier order in view of the present developments. Authority after hearing Deputy Collector and New Link Road Residents Forum noted that:

1. Plot owner has violated the orders of the District Collector and Hon. Supreme Court.
2. There is destruction of mangroves due to bund.
3. At present tidal inflow of saline water is arrested which is causing further damage to the existing mangroves.
4. Plot owner has dumped debris and construction material in the area.

Since all above activities are in violations of CRZ Notification, 1991 and there is urgent need of restoring tidal flow to ensure the survival of mangroves, Authority, after deliberations, decided to direct District Collector to:

1. Restore the tidal flow to the original condition. Collector may consider recovering the cost of such work from owner.
2. Remove all the debris and construction material from the site.
3. Submit the status of violations to the Hon. Supreme Court immediately.

Authority also decided to request the Divisional Commissioner, Konkan to get details of action taken by Collector, Mumbai Suburban District in the instant case and send it to the Authority.

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Item No. 5: Violation of Honorable High Court order in WP (Lodg) No. 3246/ 2004 & PIL No. 87/ 2006 at Charkop, Sector - 8/ 9

Complainant Mr. Reji Abraham, President, United Association for Social, Educational & Public Welfare (UASEPW) presented the matter before the Authority. Authority noted the following:

MCZMA has received a complaint from Mr. Reji Abraham vide letters dated 7th June 2010 & 7th July 2010 regarding the violation of Hon. High Court Order at Charkop Sector- 8/9 Kandiwali (West), Mumbai Suburbs. It is also observed that complainant had also filed the same complaint in the year 2006 and MCGM had issued the Stop Work Notice to 19 No. of constructions at S. No. 41, Sector No. 8, MHADA Layout at Charkop, Kandiwali (West) vide letter dated 7th March 2006 on the basis order of Hon. High Court.

Now complainant has mentioned that, the construction has been again started in the 50 m buffer zone of mangroves, sector 8/9 of Kandivili (west) violating the Hon. High Court orders. Complainant has requested the Authority to stop these construction activities and initiate strict action against the said violation of Hon. High Court orders and CRZ Notification, 1991 (amended time to time).

Authority noted the action taken by MCZMA in the instant case, which is as follows:

MCZMA vide letter dated 30th June, 2009 directed the Municipal Commissioner, MCGM to examine the matter and initiate appropriate action if violations are found. The Municipal Commissioner, MCGM is also directed to submit the action taken report and maintain status-quo till further orders from the Authority. MCZMA vide letter dated 15th July 2010 again informed the Municipal Commissioner, MCGM and Chief Officer, MHADA to examine the matter and initiate appropriate action on violation of Hon. High Court orders and CRZ Notification, 1991. As no correspondence has been received from said officials, reminder letter has been issued by MCZMA vide letter dated 31.08.2010. Matter was considered by Authority. Mr. Reji Abraham, president, U.A.S.E.P.W made presentation before the Authority. Abstract of the say of Mr. Reji Abraham is reproduced below:

Since last 5 odd years we have been in the fore front to help prevent destruction of mangroves in Charkop, Kandivili (W) Mumbai, a part M.H.A.D.A. layout the foundation stone of which had been laid out by the late Honourable Prime Minister Shri Rajeev Gandhi to provide affordable housing for the middle class and lower middle class at large in early nineties. Today amongst the last bastions of mangroves in this highly populated and developing section of Mumbai the majority of plots have been by acquired by dummy societies fronting for builders and through bogus tenders in connivance with corrupt M.H.A.D.A. officials.

In around 2004/2005 the Hon. High Court taking note of the fact of the major role played by mangroves in prevention of soil erosion, floods, prevention and mixing of saline water with ground water as well as protection of the ecosystem, passed a crucial order clearly prohibiting



any kind of construction activity within 50 metres of mangroves .In this regard the court even appointed the collector and the deputy commissioners of police as the ones directly responsible for maintaining the sanctity of it's order.

However when we realised that a lot of construction activity was still being carried out with great impunity amounting to clear contempt of court , we through democratic means mounted pressure on the municipal authorities the agency responsible for passing construction plans, ultimately 50 odd societies were issued stop work notices.

Furthermore to maintain the honourable High Courts directions, no new plots should have been sanctioned by M.H.A.DA in Charkop sector 8, and no new construction plans should have been sanctioned by the Building Proposals Dept. but this is far from the truth which is nothing short of Contempt of Court. Also the Revenue Department as court appointed custodians should have prevented the destruction of mangroves by land sharks and slum mafia, who after destroying priceless mangroves are building temples like Swami Samarth Mandir etc playing with people's religious sentiments as a front for their vested interests. Like wise in certain patches bundhs have been erected preventing water from irrigating mangroves leading to their premature demise. In some other cases huts have come up and bogus papers are being made, bogus sansthas are being put as fronts to claim these mangroves infested patches from govt. at long leases at namesake prices from corrupt officials of the Collectorate . As a case for reference the 5 acre Govt land in sector 2 namely Kumbhar Kala land was given away for as low as rupees 62 per foot.

Anyways all this can be verified through inspection/scrutiny of records and spot inspection of Charkop sector 8. This is a huge racket to expose it we suggest a C. B. I. enquiry as well.

After presentation, authority directed Collector, Mumbai, Suburban; CEO, MHADA and C.E.D.P, MCGM to send the complete fact finding report independently and to ensure that pending enquiry work is stopped immediately.

Principal Secretary, Urban Development, taking into account the gravity of situation, had decided a personal site visit to the areas after hearing the presentation and informed that action will be taken immediately in cases of violations.

Authority also noted and taken on record the letters of Mr. Abraham written to Hon. Minister of State, Environment, Shri Jayaram Ramesh.

Item No. 12: Regarding CRZ survey of property situated at Nilaje, Katai, Usarghar & Ghesar Villages in Taluka Kalyan, District Thane

The matter was placed before the Authority. Authority noted that, the proponent had submitted application (vide letter dated 28.10.2009) requesting for allowing CRZ survey of lands as per original CZMP of Maharashtra and carried out by CESS, Thiruvananthapuram as per the



guidelines of MoEF in Villages Nilaje, Katai, Usarghar & Ghesar of Taluka Kalyan, District Thane. Authority noted that, as per this application, these villages are neither included in Thane Municipal Corporation (TMC) nor in Kalyan-Dombivali Municipal Corporation (KDMC).

Authority also noted that, draft plan was submitted by CESS, Thiruvananthapuram (scale 1:5000), by demarcating CRZ Belts as per MoEF Guidelines. This draft plan was not finalized as these villages were deleted from KDMC. CZMP for this area has been remained pending since then. Authority further noted that, MMRDA is special Planning Authority for this area and they are referring to a plan prepared by Space Application Centre, Ahmedabad & State Remote Sensing Agency at Nagpur, supplied to them by Town Planning Office, Thane.

Authority noted that, the matter was considered in the 58th meeting of MCZMA held on 4th December 2009, in which, Authority decided to get the authentication and confirmation of these draft maps from CESS with details for these 4 villages. As per this decision, MCZMA vide letter dated 19.12.2009 requested the Director, CESS, Thiruvananthapuram to confirm/ authenticate the draft CZMP of these 4 villages, prepared as per guidelines of MoEF.

Authority noted that, CESS has sent the reply vide letter dated 7th July 2010 with reference to the letter dated 19.12.2009; in which it is mentioned that the CRZ map of the villages under reference is verified and the CRZ map is now prepared based on field mapping conducted during April-June 2010. Authority noted that, the final CRZ map of these villages is also forwarded along with this letter. Authority noted that CRZ maps indicate survey number boundary as per the village map. Therefore there may be variation of 6 to 8 m TILR records and village map superimposed on CZMPs due to variation in the scale. Planning Authorities shall ensure and verify that CRZ area and setback line mapping should be as per the site conditions with reference to HTL.

Authority verified the CRZ map prepared by CESS for the 4 villages i.e. Nilaje, Katai, Usarghar & Ghesar of Taluka Kalyan, District Thane and the same was accepted and taken on records.

Item No. 17: Regarding CRZ permission for additional FSI for proposed 'Institutional & Health Care Centre' on the land of Shri Siddhivinayak Ganapati Temple Trust bearing TPS-IV, FP No. 901, 903B, Mahim Division, Prabhadevi

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

The proponent is seeking permission for the grant of additional FSI for proposed 'Institutional and Health Care Centre' on the land of Shree Siddhivinayak Ganapati Temple Trust bearing TPS-IV, FP No. 901, 903B, Mahim Division, Prabhadevi, Mumbai. The proponent has submitted application for grant of additional FSI of 0.67 over and above the basic FSI of 1.33 i.e. total 2.00 FSI in case of the proposed building for 'Institutional and Health Care Centre' on the proposed sub-divided plot bearing FP No. 901 & 903B. As per the sanctioned Development Plan



of G/North Ward, the land under reference falls in Residential Zone & 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.

As per the submitted application, total area of the plot under reference is 1132.95 sq. m. As per the remarks of MCGM, FSI of 1.33 is permissible on the land under reference. The proposal is for construction of structure by consuming FSI of 2.00 and comprising of Basement + Stilt + 2 Upper Floors + 3rd, 4th & 5th (part) on amalgamated plot bearing FP No. 901 & 903B of TPS-IV of Mahim Division on Kakasaheb Gadgil Marg, and R. S. K. Bole Marg. The height of the building is proposed to be 27 m. Sub-station, DG Room, Meter Room, AHU, store and parking have been proposed in the basement. The Stilt is proposed to be used for parking and car lift. It is proposed to use the 1st Floor for Seminar Hall, 2nd Floor for Cafeteria, 3rd & 4th Floors for Doctors' Consulting Rooms and 5th Floor for Library and Study Room.

Valuation report indicates that total project investment is Rs.16,00,00,000/- (including land cost of Rs.10,21,92,090/- and construction cost of Rs. 5,30,00,000/-) i.e. more than Rs. 5 crores.

Authority noted that, the proposal under consideration is for granting additional FSI of 0.67 from CRZ point of view. As per the remarks of Urban Development Department, this additional FSI is granted by Hon. Chief Minister as per the Rule No. 10(2) of the Development Control Rules, 1967.

Urban Development Department, vide letter No. 4309/ 2940/ CR-253/ 09/ UD-11 dated 23rd April 2010, has granted additional FSI for the proposed construction subject to certain conditions. As per one of these conditions: 'Necessary approval as per CRZ Notification dated 19.02.1991 shall be obtained as per rules'.

Authority further noted that, as per the CRZ Notification, 1991 (amended time to time), construction is permissible on the landward side of the existing authorized road and the change in the use of the existing structure as on 19.02.1991 is not permissible in CRZ area. Authority further noted that:

As per the clarification given by MoEF vide letter dated 18.06.2006, Development Control Rules, 1967 are applicable for the proposals in CRZ area of Mumbai.

As per the Rule No. 7 of Development Control Rules, 1967, following activities are permissible in Residential Zones:

- (iii) Medical and dental practitioners, clinics and dispensaries and group Medical Centres
- (vi) Educational Buildings including hostels, religious buildings, community halls and welfare centres and gymnasiums, except trade schools



As per the submitted proposal, cafeteria is proposed on the 2nd floor of the proposed structure, for which the land-use will be Commercial. As per the Rule No. 8 (xv) of Development Control Rules, 1967, "Restaurants, eating houses, cafeterias, ice-cream and milk bars, boarding houses" are permissible only on the Ground Floor or to a depth of 40' with respect to the 'use provision in Residential Zones with Shop-lines along streets'.

As per the Rule No. 10 (2) of Development Control Rules, 1967: "With the previous approval of Government the Floor Space Indices specified, may be permitted to be exceeded in respect of buildings of Educational and Medical Relief Institutions and Government and Semi-Government Offices and luxury Hotels and in respect of any building on the top of which any revolving structure is to be constructed as a place of Public entertainment or amusement".

Authority noted that, as the total investment cost of the proposed project is more than Rs. 5 crores, prior permission of MoEF is required. Hence, considering all these points, Authority after deliberations, decided to recommend the case to MoEF subject to the following conditions:

1. Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/clarifications given by MoEF time to time.
2. Computation of FSI for areas like parking, staircase, lift lobby and building plan etc. should be as per the Rule No. 51(vi) of the Development Control Rules, 1967.
3. The FSI to be consumed for the proposed construction should be within the limits of permissible and granted FSI in the instant case.
4. Land-use change is not allowed in CRZ area.

Item No. 19: CRZ clearance for proposed reconstruction of existing building on plot bearing CTS No. C/343 of Village Bandra, Perry Cross Road, Bandra (West), Mumbai

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

The application is submitted for CRZ clearance for proposed reconstruction of existing building on plot bearing CTS No. C/343 of Village Bandra, Perry Cross Road, Bandra (West), Mumbai. As per the remarks of MCGM, the land under reference is situated in Residential Zone of H/ West Ward. As per the submitted information, at present the land is occupied.

The land under reference falls in CRZ-II area and is situated on landward side of existing Perry Cross Road. However, as per the CZMP of Mumbai (approved by MoEF vide letter dated 19.01.2000), the land under reference is on the seaward side of the existing road.

The existing structure on the land under reference is in dilapidated condition and is proposed to be demolished. As per the remarks of Urban Development Department, the existing building should be considered as authorized structure, as it is in existence prior to the year 1961-62. However Occupation Certificate and Commencement Certificate have not been submitted and Planning Authorities informed that same is not available since building is prior to 1960.



The total area of the plot is 227.40 sq. m. and area under proposal is 355.18 sq. m. The proposed building will comprise of Stilt + 7 Floors for Residential use. The cost of project is Rs. 7,57,72,000/- i.e. more than Rs. 5 crores.

Authority noted that, as the total investment cost of the proposed project is more than Rs. 5 crores, prior permission of MoEF is required. Hence, considering all these points, Authority after deliberations, decided to recommend the case to MoEF subject to the following conditions:

1. Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/clarifications given by MoEF time to time.
2. Computation of FSI for areas like balcony, parking, staircase, lift lobby and building plan etc. should be as per the Rule No. 51(vi) of the Development Control Rules, 1967.
3. Planning Authority should verify the authorization details of the existing Perry Cross Road, as the land under reference is shown on the seaward side of the existing road as per the CZMP of Mumbai (approved by MoEF vide letter dated 19.01.2000).
4. Construction should be on the landward side of the existing plinth and should be as per the guidelines of the MoEF vide letter dated 08.09.1998.

Item No. 21: Regarding CRZ permission for proposed addition, alterations & expansion of shop on Ground floor and proposed change of use from residential to office use on the first floor of existing building on plot bearing CTS No. 982, 982 (1 to 15), Village Juhu, Juhu-Tara Road, Vile-Parle (West)

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

The application is submitted with the request to grant permission from CRZ point of view for the proposed change of use along with amalgamation of shops at Ground Floor of building and change of use from residential to professional offices at 1st Floor on the plot under reference. As per the sanctioned Development Plan of K/West Ward, the land under reference falls in Residential Zone and 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. The plot under reference is situated on the landward side of Juhu-Tara Road (18.30 m wide) and falls in Western Corridor. Total area of the plot under reference is 3466.90 sq. m. The proposed shop area on Ground Floor is 170.25 sq. m. and the same for professional office on 1st Floor is 30.00 sq. m. The proposal is for amalgamation of Shop No. 1 & 2 with residential flats at rear side. It is also proposed to amalgamate the relocated shop with Shop No. 2. The total area of the shop is 170.25 sq. m. under one establishment. Proposal is also for the change of use from residential to professional office at 1st Floor. It is also proposed to construct the internal staircase connecting Ground and 1st Floor internally. The present use of the



existing building is residential; however, the proposed use for the Ground and 1st Floor is commercial.

As per the submitted application and valuation report, total investment of the proposal is Rs. 15,70,800/- i.e. less than Rs. 5 crores. However, the land cost is not considered while computing the total cost.

It is mentioned in the submitted application that, as per the revised Development Plan of K/West Ward which has been published by MCGM on 30.04.1984. As per the provision under Section-26 (1) of MR & TP Act, 1966, the shop line facing to the existing Juhu-Tara Road has been deleted and the land under reference has been now placed purely in Residential Zone vide MCGM letter dated 08.08.1992.

Authority noted that as per the CRZ Notification, 1991 (amended time to time) and the clarifications given by MoEF, the change in the use of the existing structure as on 19.02.1991 is not permissible in CRZ area. Authority also noted that, as per the clarification given by MoEF vide letter dated 18.06.2006, Development Control Rules, 1967 are applicable for the proposals affected by CRZ. Hence considering the Rule No. 8 of the Development Control Rules, 1967 i.e. for the 'use provisions in Residential Zones with shop lines along streets' and the clauses No. 8 (a) & 8 (A), Authority decided to allow the proposed amalgamation of the shops on the Ground Floor of the building. However, Authority considered that, the proposal for change of use from residential to professional offices at 1st Floor of the building is not permissible in the instant case, as per CRZ Notification, 1991 (amended time to time).

**Table Item No. 1: Implementation of Monorail Project by MMRDA from Wadala to Chembur -
Permission to cross Mahul Creek near Bhakti Park at Anik Village**

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

MMRDA has sent an application vide letter dated 6th August 2010 for the CRZ permission for the implementation of the Monorail Project (from Wadala to Chembur) at Anik Village to cross the Mahul Creek near Bhakti Park on land bearing CTS No. 83 & 6. As per the submitted application, total area of CTS No. 83 is 11.26 Ha and that of CTS No. 6 is 39.28 Ha as per the land record. As per the submitted application, out of the total area, the area under proposal is 0.08 Ha (0.06 Ha area of CTS No. 83 & 0.02 Ha area of CTS No. 6). As per the submitted application, the land under reference is on leasehold and presently vacant. As per the information submitted by MMRDA, the Government (vide Notification dated 27th September 2008) has notified area along Mahul Creek covering mangroves growth as protected forest land transferred this land bearing S. No. 83 & 6 to Forest Department. Total area of forest land required for Monorail Project is 0.08 Ha. As per the approved CZMP of Mumbai land under reference is in CRZ-I (i) mangroves protected forest, CRZ-I (ii), CRZ-II mangroves buffer zone and CRZ-II. As per the submitted information vide letter dated 6th August 2010, the Monorail alignment from



Wadala to Chembur is passing from Anik-Wadala to Anik Panjarpole Road by crossing Mahul Creek and mangrove area adjoining the creek near Bhakti Park for a length of 125 m.

Permission from Govt. of India, MoEF, Forest Dept. was sought for use of land for non-forest purpose i.e. for construction of Monorail piers vide letter dated 03.08.2010. MoEF while according "in principal approval" for transfer of forest land, has set a condition to obtain clearance under Environment (Protection) Act, 1986. As per the condition No. 3 of this letter, the size of piers shall not exceed 1.5 m X 0.95 m.

As per the submitted application, there will be construction of 125 m long bridge on piers. The width of the bridge is not mentioned in the application. There will be erection of 3 piers of size 1.50 m X 1.00 m for the proposed project. There is mangroves growth in the form of shrubs on East bank of the creek for a width of 20-25 m. On West bank, there is no mangroves growth. As per the application, 2 piers of Monorail of size 1.50 m X 1.00 m are proposed to be constructed in mangroves area. The entire Monorail will be running over these piers at a height of 8-10 m.

Valuation report indicates total project cost is mentioned as Rs. 3,67,46,137/- (Rs. 3.68 crores) as per the Ready Reckoner.

As per the submitted information, total area of the proposed project in CRZ-I (i) is 75.00 sq. m. while the same in CRZ-II Non-Development Zone (NDZ) is 50.00 sq. m. The length of the proposed alignment in the mangroves forest area is 115 m. As per the submitted information, the density of mangroves on the land under reference i.e. on the right bank of Mahul Creek is 0.20.

Officials of MMRDA presented the case before the Authority. They mentioned that, out of the total 3 piers proposed, terminal 2 piers will be situated in CRZ-II area and remaining pier will be situated in creek i.e. in CRZ-I. Considering the above, Authority after deliberations, decided to allow the construction of 2 piers in CRZ-II area. However, no construction is allowed in CRZ-I (i) mangroves protected forest, CRZ-I (ii) and CRZ-II mangroves buffer zone since it is not permissible as per CRZ Notification, 1991 (amended time to time) and also attracts orders of Hon. High Court. Authority further suggested feasibility of alignment of the crossing over bridge.

As the meeting was held for short duration, it was decided to defer the following matters considered in the meeting:

- Item No. 6:** Proposed redevelopment of property on plot bearing C.S. No. 280 of Malabar Hill Division, 171-D, Walkeshwar Road
- Item No. 7:** Application for redevelopment of existing Transit Camp on plot bearing No. 97/C at Cuffe Parade, Colaba, Mumbai
- Item No. 8:** Allotment of cluster plot bearing No. 846, RSC-13, at Survey No. 41 of Charkop Village, Mumbai Suburban District
- Item No. 9:** Proposed construction of shed (bolted) using fiber sheets for queue formation & providing shed and protection in Summer & Rainy seasons to devotees at Mauje Ganpatipule, Taluka and District Ratnagiri by Sansthan Shridev Ganpatipule



- Item No. 10:** Regarding request for delineation and resurvey of agriculture land of Village Dhokawade, Taluka Alibag, District Raigad
- Item No. 11:** Regarding CRZ permission for proposed construction of building on C. S. No. 313B, 314 at Alibag for residential and commercial use
- Item No. 13:** Proposed extension of "Apang Maitri" Building on plot No.1, bearing CTS No. 271/D at Chendani, Thane (E)
- Item No. 14:** Regarding allocation of land admeasuring 0.24.9 Ha.r & bearing S. No. 77-A, Village Malonde for cemetery to Bassein Christianium Cemetery Trust & A Forum of Protestant Christian Community of Vasai
- Item No. 15:** Proposed construction of 5th floor shed School Bldg. & Extension for school bldg. No. 31 for Urdu School on plot bearing S. No. 731A, H. No. 2 pt. of Village-Bhayander
- Item No. 16:** Regarding CRZ permission for proposed reconstruction of existing building known as "Ajinkya Mansion" on plot bearing CS No. 409 & 410, Girgaon & Malabar Hill Division at the junction of N. S. Patkar Road (Hughes Road) and Pandita Ramabai Road, Gamdevi, Mumbai
- Item No. 18:** Regarding CRZ permission for proposed reconstruction of Cess "A" building on land bearing C.S. No. 2/1, 2A/1, 2B/1 of Worli Division, Worli Estate Scheme
- Item No. 20:** Regarding CRZ permission for proposed erection of 12 advertisement hoardings on plot bearing CTS No. 791/A (part), Bandra Reclamation in 'A' Block at Bandra-Kurla Complex, Bandra (West), Mumbai
- Item No. 22:** Regarding proposed building on plot bearing CTS No. 302/A/2 & 302/A/3 of Village Valnai, Marve Road at Malad (West)

In the meeting Principal Secretary, Urban Development Department who is member of Authority stated that MCZMA as per the provisions of CRZ Notification, 1991 (amended time to time) and as per the clarification from MoEF, can issue clearance from CRZ point of view in the cases where cost is less than Rs. 5 crores or recommend to MoEF if it is more than that. However he requested that in the matters of building redevelopment or construction projects from all CRZ areas where comments on Development Control Rules, 1967 required may be referred to Urban Development Department for such comments prior to issuing CRZ clearance by MCZMA and Environment Department or recommending case to MoEF New Delhi for final CRZ clearance. Authority agreed to the suggestion of Principal Secretary, Urban Development. However Authority further noted that no such provision is there in the CRZ Notification. Further Authority decided that henceforth all cases received by Environment Department will be placed before the Authority for consideration and final decisions in the matter, since pendency before the Authority is now



within the limit of 45 days. This will supersede the earlier decision of the Authority to clear the cases having investment of less than Rs. 5 crores at the level of Chairman, MCZMA/ Secretary (Environment) to dispose off the large number pendency at the earliest. Authority also decided to take up Government projects on priority provided project is submitted within the stipulated format, with required documents and timeframe.

The meeting ended with vote of thanks to all members.


Chairperson,
MCZMA

Annexure-I

List of the members present for the 64th 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. Dr. S. B. Chaphekar, Botanist, Mumbai
4. Dr. S. K. Chakraborty, Director-In-Charge, Central Institute of Fisheries Education, Mumbai
5. Dr. B. N. Patil, Member Secretary, MCZMA