

**Minutes of the 65<sup>th</sup> Meeting of Maharashtra Coastal Zone Management Authority (MCZMA)**  
**Held under Chairmanship of Secretary (Environment) on**  
**9<sup>th</sup> September 2010 at Mantralaya, Mumbai**

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

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.

**Item No. 1:** Confirmation of minutes of 64<sup>th</sup> meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 12<sup>th</sup> August 2010 at Mantralaya, Mumbai

The minutes of 64<sup>th</sup> meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the members of the Authority present in the meeting.

**Item No. 2:** The proposal for Navi Mumbai International Airport by CIDCO

The matter was placed before the Authority. Authority noted that, the matter was considered in the 54<sup>th</sup> and 63<sup>rd</sup> meetings of MCZMA. In the 63<sup>rd</sup> meeting of MCZMA, it was decided to recommend the proposal to MoEF along with EIA and MCZMA Compliance. The MoEF vide its letter NO. F-10-53/2009-1A-III dated 5<sup>th</sup> August 2010 had conveyed to CIDCO, Navi Mumbai to submit the ~~fresh~~ Coastal Zone maps indicating High Tide Line (HTL) and Low Tide Line (LTL) from any of the MoEF authorized agencies indicating CRZ setback lines, cadastral information etc. in the scale of 1:4000 and send it to MoEF through MCZMA.

Accordingly CIDCO, Navi Mumbai, has submitted reports, as above, on 3<sup>rd</sup> September, 2010 along with HTL and CRZ plan in the scale of 1:10000 and part plans of 9 sections of the same in the scale of 1:4000 indicating CRZ setback lines, mangroves, CRZ-I, CRZ-II, CRZ-III, Water Body and Layout Plan of Navi Mumbai International Airport prepared by the Institute of Remote Sensing, Anna University, Chennai

CIDCO representative presented the proposal before authority. Authority noted the following from presentation and details submitted to it.

Brief abstract indicating comparison between areas under CRZ as per the CZMP of Maharashtra which was authenticated by the MoEF in January, 2009 and Coastal Zone Management Plan prepared by Anna University in August-September, 2010 is as follows:



**CRZ AREA UNDER NAVI MUMBAI INTERNATIONAL AIRPORT AS PER APPROVED CZMP  
OF MAHARASHTRA AND NAVI MUMBAI.**

NAVI MUMBAI CZMP -1996				
SR. NO.	AREA	AREA IN HA.(APP.)	% OF TOTAL AREA	ACTIVITIES
1	CRZ-I	468.59	29.01%	NO DEVELOPMENT ZONE, CREEK, WOODLAND CORRIDOR, RESIDENTIAL, COMMERCIAL, MARSHALING YARD, REGIONAL PARK
2	CRZ-II	105.04	6.50%	
3	CRZ-III	12.22	0.76%	
4	WATER BODY	93.04	5.76%	
5	FIRM LAND	936.11	57.96%	
6	TOTAL	1615	100.00%	

CRZ MAP NMIA-2010 AS PER ANNA UNIVERSITY, CHENNAI.				
SR. NO.	AREA	AREA IN HA.(APP.)	% OF TOTAL AREA	ACTIVITIES
1	CRZ-I	692.77	39.16%	AIRPORT & ALLIED SERVICE/ ACTIVITIES ZONE SUCH AS AERONAUTICAL & NON- AERONAUTICAL
2	CRZ-II	138.35	7.82%	
3	CRZ-III	9.82	0.56%	
4	WATER BODY	134.09	7.58%	
5	FIRM LAND	794.18	44.89%	
6	TOTAL	1769.21*	100.00%	
* NMIA + RIVER DIVERSION				

Authority also noted that Original Coastal Zone Management Plan for the CIDCO area was prepared on the basis of High Tide Line demarcation done by Naval Hydrographic Office (NHO), Dehradun which was not in the cadastral scale. In this context the present High Tide Line Demarcation is done incorporating cadastral level details and CRZ setback line as per the guidelines of the MoEF. In the present map, present day HTL is deviating from the HTL shown in approved CZMP of Maharashtra.

As per the report, the Trimble 5700 and 400 SSE (Geodetic Surveyor Series) GPS receivers were used to conduct the survey at the project site. The village maps pertaining to the project sites were provided by CIDCO. These village maps in AutoCAD drawing format were geo-referenced using the roads and road intersections.

Surrogate data such as Coastal Geomorphologic features identified from the satellite imagery, indicators available on the ground and Tidal data were used to demarcate the HTL by Kinematic Survey. Salinity concentration upto a level of 5 PPT were considered for preparing CRZ maps.

Representative of CIDCO presented the case before the Authority along with fresh Coastal Zone maps indicating High Tide Line (HTL), Low Tide Line (LTL), CRZ setback lines, cadastral information etc.



in the scale of 1:4000 from Institute of Remote Sensing, Anna University, Chennai which is one of the MoEF authorized agencies.

Following points were considered and discussed at length during the meeting

1. Mangroves areas [CRZ-I (i)] are indicated in the survey and CRZ map prepared by Anna University, Chennai. CIDCO informed that density of the mangroves is reported to MoEF with EIA report.
2. As per the approved condition to CZMP of Maharashtra, 50 meter buffer zone from HTL of the mangroves area having density 1000 sq. m. is required. New map shows HTL and 100 meter of CRZ setback line towards landward of HTL. CIDCO informed that this 100 meter CRZ setback line includes the buffer zone of mangroves as per the requirement of approval condition to CZMP of Maharashtra.

The fresh Coastal Zone maps (prepared by Institute of Remote Sensing, Anna University, Chennai) submitted by CIDCO were taken on records by the Authority. Authority, after deliberations, decided to recommend the proposal to MoEF/NCZMA for further necessary action, along with report of Institute of Remote Sensing, Anna University, Chennai.

Authority also took on record the area analysis of CRZ map with respect to proposed activities which is annexed as Sheet-A.

A handwritten signature in black ink, appearing to be 'R. K. K.' with a horizontal line underneath.

Sheet A

Area Analysis of CRZ Map - 2010

Sr. No	ITEMS	PLATE 1		PLATE 2		PLATE 3		PLATE 4		PLATE 5		PLATE 6		PLATE 7		PLATE 8		PLATE 9		PLATE 10		PLATE 11		PLATE 12		PLATE 13		PLATE 14		PLATE 15		PLATE 16		PLATE 17		PLATE 18		PLATE 19		PLATE 20		PLATE 21		PLATE 22		PLATE 23		PLATE 24		PLATE 25		PLATE 26		PLATE 27		PLATE 28		PLATE 29		PLATE 30		PLATE 31		PLATE 32		PLATE 33		PLATE 34		PLATE 35		PLATE 36		PLATE 37		PLATE 38		PLATE 39		PLATE 40		PLATE 41		PLATE 42		PLATE 43		PLATE 44		PLATE 45		PLATE 46		PLATE 47		PLATE 48		PLATE 49		PLATE 50		PLATE 51		PLATE 52		PLATE 53		PLATE 54		PLATE 55		PLATE 56		PLATE 57		PLATE 58		PLATE 59		PLATE 60		PLATE 61		PLATE 62		PLATE 63		PLATE 64		PLATE 65		PLATE 66		PLATE 67		PLATE 68		PLATE 69		PLATE 70		PLATE 71		PLATE 72		PLATE 73		PLATE 74		PLATE 75		PLATE 76		PLATE 77		PLATE 78		PLATE 79		PLATE 80		PLATE 81		PLATE 82		PLATE 83		PLATE 84		PLATE 85		PLATE 86		PLATE 87		PLATE 88		PLATE 89		PLATE 90		PLATE 91		PLATE 92		PLATE 93		PLATE 94		PLATE 95		PLATE 96		PLATE 97		PLATE 98		PLATE 99		PLATE 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**Item No. 3:** Regarding visits carried out, as decided in respective cases

**[A] Site Visit of M/s. Gogate Salt & Chemicals at Vasai, Dist. Thane regarding demarcation of HTL, LTL and deletion of CRZ-I:**

**[B] Proposed residential building on plot CTS No. 505, 505/1 etc. on Village Juhu of Juhu Road, Vile Parle (W), Mumbai:**

Case [A] was considered by NCZMA in its 19<sup>th</sup> meeting held on 8<sup>th</sup> January 2010 at New Delhi, wherein, NCZMA directed the Chairman, MCZMA to submit the site visit report. Case [B] was considered in the 60<sup>th</sup> meeting of MCZMA, wherein, it was decided that before recommending the case to MoEF, Chairman, MCZMA along with members of the Authority should visit the site.

Accordingly, Chairman, MCZMA along with Dr. S. B. Chaphekar, an expert member and Member Secretary, MCZMA visited both the sites on 3<sup>rd</sup> September 2010. The site visit reports of both the cases were placed before the Authority.

Authority approved both the site visit reports and took the same on records. Authority further decided to send these reports to MoEF along with recommendations for further necessary action.

**Item No. 4:** Proposed redevelopment of property on plot bearing C.S. No. 280 of Malabar Hill Division, 171-D, Walkeshwar Road

The matter was placed before the Authority. Authority noted that matter was placed in 62<sup>nd</sup> MCZMA meeting which was held on 20<sup>th</sup> May 2010. In the 62<sup>nd</sup> meeting, Authority decided the following

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

As per the decision taken by the authority the proposal was sent to Urban Development Department for further necessary action in the matter. With respect to the points raised in the 62<sup>nd</sup> MCZMA meeting, Urban Development Department has provided their remarks as follows:

1. MCZMA may direct MCGM to carry out actual site verification.
2. As per the letter of Housing Department dated 18/04/1995 the structure on plot bearing C.S. No. 280 is declared as cessed "A" structure & MHADA has given NOC for the consumption of FSI 2.00 for the structure vide letter dated 09/02/1996. It is also mentioned that the plot bearing C.S. no 1/278 is used for access to proposed building and the FSI up to 1.33 of this plot is proposed to





be used in re construction of cessed building. The condition should be incorporated that MCGM should verify that the said 1.33 FSI was not utilized in any other constructions.

3. The permission is to be granted by MCGM, as per the DCR prevailing on 19/02/1991.
4. The decision regarding proposal is to be taken in MCZMA meeting.
5. As per the Deed No. 2671/94 notified on 25/02/1999 the cost of the land is ₹ 5,25,00,000/-. Hence it is clear that the total investment of the proposal is more than ₹ 5 crores.

Authority also noted that, the matter was considered in the 64<sup>th</sup> meeting, however it was deferred. Hence it was again placed in the 65<sup>th</sup> meeting.

During the meeting, representative of MCGM confirmed the following:

- a) The demolished structures for the said reconstruction are authorized as on 19.02.1991.
- b) The construction is as per the plinth of the demolished authorized structures as defined by MoEF.
- c) FSI of 2.00 is to be consumed in case of Category cessed "A" building (on Plot bearing CS No. 280) and FSI of 1.33 is to be consumed in case of non-cessed building (on Plot bearing CS No. 1/278).

Accordingly, Authority decided to direct MCGM to submit the copy of Affidavit filed in this matter, clearly stating the above points.

Authority noted that, as per the information submitted by MCGM, the proposal comprises of 4 levels Basement + Stilt + 12 upper floors and proposed height of the building is 54.28 m. Accordingly, Authority sought the clarification from the proponent regarding the excavation work, if any, is to be carried out for the proposed 4 levels Basement. To this the proponent replied that, no excavation is going to be carried out for the 4 levels Basement as its construction is not below the sea level and by taking advantage of the natural topography/ elevation of the land.

Authority noted that the complaint was filed by Dani Sadan Co-op. Housing Society Ltd., vide letter dated 10.09.09 to MCZMA in which it was mentioned that the Builder has not obtained permission from CRZ point of view and hence violating the provisions of CRZ Notification, 1991. Authority also noted that, the complainant had also filed Writ Petition No. 36/ 2009 in Hon. High Court of Mumbai and the matter is in court. However, the proponent informed that, no order from Hon. High Court of Mumbai has been passed so far in this regard.

Considering all the above facts, Authority decided to recommend the matter to MoEF for further necessary action subject to the compliance of following conditions, since the investment is more than ₹ 5 crores:

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. 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.
3. 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.



4. Proponent should obtain prior permission of Ground Water Board for the proposed project.
5. Planning Authority should ensure that the construction is as per the approved layout plan. FSI of 1.33 with respect to the non-cessed building (on CTS No. 1/278) should not be consumed for the reconstruction of category "A" cessed building (on CTS No. 280).

**Item No. 5** Application for redevelopment of existing Transit Camp on plot bearing No. 97/C at Cuffe Parade, Colaba, Mumbai

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

1. The said proposal for the redevelopment of existing Transit Camp on plot bearing No. 97/C at Cuffe Parade, Colaba, Mumbai is proposed on seaward side of the existing authorized road and the imaginary line concept is applicable in the matter.
2. The matter was considered in the 58<sup>th</sup> meeting of MCZMA. In the meeting, Authority noted that, the imaginary line between Building No. 38 & 20 (1) was shown as parallel to HTL and both the structures are present on the same plot. This imaginary line was accepted by the authority. As the cost of the project was more than ₹ 5 crores, the matter was recommended to MoEF vide letter dated 19.12.2009, subject to following conditions:
  - 1) Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
  - 2) The permissibility of the proposed basement should be checked with respect to CRZ Notification, 19.02.1991 (Amended time to time) and Development Control Rules, 1967.
  - 3) Construction should be as per MoEF clarification letter dated 08.09.1998.
3. MoEF vide its letter dated 24<sup>th</sup> May 2010, requested MCZMA to examine the matter on the following points and sent comments:

"As per the MCZMA, the land under reference falls under CRZ-II area and situated at seaward side of the existing authorized road. The development is proposed at landward side of the imaginary line drawn between two existing authorized buildings on the same plot. Some portion of proposed redevelopment is seems to be out side of the drawn imaginary line and structure considered for imaginary line is going to be demolished."

4. MHADA has submitted their reply (vide letter dated 22.04.2010), to MoEF's letter dated 04.02.2010 which was issued to MHADA. The content of the reply is reproduced as follows:

"This has reference to your above mentioned letter. It is to clarify that structures considered for imaginary line is not going to be demolished and will be retained. Please note that entire development is proposed on the landward side of the imaginary line"

Authority also noted that, the matter was considered in the 64<sup>th</sup> meeting, however it was deferred.

Authority noted that, in the map showing imaginary line submitted along with MHADA letter dated 16.06.2010, the imaginary line shown is not parallel to HTL. However, the MHADA officials presented the new maps during the meeting in which imaginary line was redrawn between authorized Building No. 20



and 38 which was found to be parallel to HTL. MHADA representative also confirmed that the said authorized Building No. 20 and 38 are not going to be demolished and they are on the same plot. Authority took on record the photographs submitted by the proponent. They also confirmed that, the entire construction is on the landward side of the imaginary line. This newly drawn imaginary was accepted by the Authority.

Considering all the above facts, Authority decided to recommend the matter 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. Construction should be on the landward side of the imaginary line as per the guidelines of the MoEF vide letter dated 08.09.1998.
3. 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.

**Item No. 6: Regarding request for delineation and resurvey of agriculture land of Village Dhokawade, Taluka Alibag, District Raigad**

The matter was placed before the Authority. Authority noted that the matter was considered in the 49<sup>th</sup> meeting of MCZMA held on 24<sup>th</sup> February 2009. As per the minutes of the 49<sup>th</sup> meeting, Authority decided to allow resurvey of the proposed area through one of the agencies authorized by MoEF (vide letter dated 17.03.2009), subject to the conditions that:

1. List of the survey numbers to be resurveyed should be obtained from District Collector.
2. Image showing existence of bund on the site, prior to 1991.

Accordingly, the Group Grampanchayat, Dhokawade (vide letter dated 16<sup>th</sup> June 2010) and the Project Consultant appointed (vide letter dated 25<sup>th</sup> June 2010), have submitted the CRZ survey report from NIO, Goa. The conclusions drawn as per the NIO report are as follows:

- o Ground truth survey for mapping was carried out in the area, proposed for the resurvey, as per the submitted 7/12 extracts of Dhokawade Village, during the period 24.11.09, 25.11.09 and 22.01.2010.
- o The whole area on the eastern side of the existing water channel appears to be as wetland in monsoon and in the immediate post monsoon season, mainly due to agricultural activity, and as dry land in other seasons.
- o As per the satellite image of 13<sup>th</sup> April 2010, the project site is generally a low lying plain area and presently almost completely dried out except along some part of the two main water channels.
- o When NIO visited the site on 22.01.2010, it is observed that agricultural practices for the next season, such as tilling, etc. are being carried out on that land in the eastern side of the bigger storm water channel.





- o It is also observed that the Kharland Department of Government of Maharashtra has erected tidal shutters to prevent tidal water from entering into the above said lands. They are still under control and proper maintenance of the Kharland Department.
- o The above said lands under resurvey are being utilized for agricultural purposes.

Authority noted that, the matter was considered in the 64<sup>th</sup> meeting, however it was deferred

Authority also noted that, as per the approved CZMP, the land is in CRZ-I (i), CRZ-I (ii) and CRZ-III. The officials of Town Planning, Konkan presented the case before the Authority along with village maps. They informed that, old 7/12 extract shows the said area as "Agriculture Land." However due to improper maintenance of bund and tidal shutters, the said area got affected by CRZ as a consequence of seepage of sea water (i.e. salinity ingress) in the agricultural land. Authority discussed at length about the CRZ status of the said area. Authority mainly emphasized on the conclusions of NIO report and photographs showing the current scenario of the land. As per the NIO survey, land is in CRZ-I (i), CRZ-I (ii), CRZ-III and non-CRZ. Authority has not visited the site.

Authority, after detailed discussions and deliberation, decided to recommend the matter to MoEF along with NIO report for further necessary action.

**Item No. 7:** Regarding CRZ permission for proposed construction of building on CS No. 313B, 314 at Alibag for residential and commercial use.

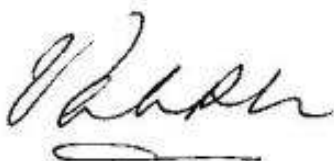
The matter was placed before the authority. Authority noted the following:

1. As per the application, the proposal is for construction of building for residential and commercial use on land bearing CS No. 313B and 314 at Alibag.
2. As per the application, the land under reference bearing CS No. 313B is categorized as "Satta C" and land bearing CS No. 314 is categorized as "Satta A".
3. Total Area of land under reference is 356.16 sq. m. which comprises of 239.10 sq. m. and 117.06 sq. m. of plots bearing CS No. 314 and 313B respectively.
4. As per remarks of Urban Development Department, the proposed land is in Residential Zone.
5. The proposed building comprises of Ground + 2 floors.
6. Attached valuation report shows the total cost of project is ₹ 56,13,000/-

Authority also noted that, the matter was considered in the 64<sup>th</sup> meeting, however was deferred due to short duration of time.

Authority discussed about the permissibility of FSI for land categorized as "Satta A" as per Development Control Rules prevailing on 19.02.1991 and permissibility of proposed Commercial-cum-Residential development in Residential Zone as per zoning as on 19.02.1991. Considering the above facts Authority agreed that FSI of 1.00, be used in the proposed construction of building. Further Authority decided that the proposal can be permitted from CRZ point of view, as per the provisions of CRZ Notification, 1991 (amended time to time), subject to following conditions:

1. Alibag Municipal Council/ concerned Planning Authority should ensure that there is no violation of provisions of CRZ Notification, 1991 (amended time to time) while according permission for



- proposed redevelopment and construction should be carried out as per CRZ Notification, 1991 amended time to time
2. The proposed redevelopment should be as per the sanctioned Development Control Rules, prevailing as on 19.02.1991
  3. Alibag Municipal Council/ concerned Planning Authority should ensure that plan and proposal is as per Development Control Rules prevailing on 19.02.1991. Further it should also be ensured that there is no change in the existing use as on 19.02.1991 while according the permission for the proposed work.
  4. Alibag Municipal Council/ concerned Planning Authority should ensure that investment of the proposal is less than ₹ 5 crores and construction is as per the provisions of CRZ Notification, 19.2.1991.
  5. Alibag Municipal Council/ concerned Planning Authority should ensure that, for the construction in Satta 'A' as well as Satta 'C', FSI should be as per the Development Control Rules only (prevalent as on 19.02.1991).
  6. Other permissions, as required from Government Departments, Agencies, Planning Authorities, etc. shall be obtained before commencement of the work.

**Item No. 8:** Regarding allocation of land admeasuring 0.24.9 Ha.r & bearing S. No. 77-A, Village Malonde for cemetery to Bassein Christianum Cemetery Trust & A Forum of Protestant Christian Community of Vasai

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

1. As per the remarks of Revenue & Forests Department and as per the letter of Divisional Commissioner, Konkan (dated 17<sup>th</sup> July 2009), Mr. Babu Varghese, President, Navghar-Manikpur City Congress Committee has requested to allocate the Government land admeasuring 0.24.9 Ha.r & bearing S. No. 77-A, Village Malonde for cemetery to Bassein Christianum Cemetery Trust & A Forum of Protestant Christian Community of Vasai, Nalasopara.
2. In this letter it is mentioned that, as per the 7/12 extract, the total area of the land under reference is 0.24.9 Ha.r and the land record is mentioned as per 'New Condition'. As per the 7/12 extract, it is mentioned that, there is presence of mangroves on the land under reference. However, as per the report of Tahsildar, Vasai (dated 13.02.2009) and the report of Taluka Inspector, Land Records, Vasai (dated 26.03.2009), it is mentioned that there is no existence of mangroves on the land under reference.
3. In the report of Tahsildar, Vasai (dated 13.02.2009), it is mentioned that encroachments are observed on the land under reference. However, as per the report of Taluka Inspector, Land Records, Vasai (dated 26.03.2009), there are no encroachments on the said land and on the area admeasuring 0.31.5 Ha.r, huts, houses, small factories/ workshops etc. are been constructed.
4. As per the remarks of the Revenue & Forests Department, CIDCO is the Planning Authority for the Vasai-Virar Sub-Region. As per the Zone Confirmation Statement given by CIDCO for the



land under reference, the land bearing S. No. 77-A falls in Residential Zone and it is affected by the reservation of Elevated Service Reservoir (ESR), existing Burial Ground, 12 m & 20 m DP Roads.

- 5 As per the Zone Confirmation Statement of CIDCO, the CZMP of Vasai-Virar Sub-Region is not yet sanctioned by MCZMA and published by the Government. As per draft CRZ survey maps prepared and provided by Centre for Earth Science Studies (CESS), Kerala, the land under reference comes under 'buffer zone of CRZ landward of HTL'.

- 6 As per the remarks of Urban Development Department:

(i) As CIDCO has mentioned that the land is situated in the 'buffer zone of CRZ landward of HTL'. Hence, the land under reference may fall either in CRZ-II or in CRZ-III.

(ii) The proposed use is for burial ground. If it is considered that, the proposed cemetery is the urgent requirement for the local inhabitants, then considering public utility purpose as per the clause mentioned in Annexure-I CRZ-III (ia) of CRZ Notification, 1991 (amended time to time):

"Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads and provisions of facilities for water supply, drainage, sewerage which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/ Union Territory".

(iii) The proposed activity can be permissible in CRZ-III area.

7. As clarified by Deputy Director, Town Planning, Konkan, the remarks about the CRZ classification are given on the basis of draft CZMP of Vasai-Virar Sub-Region, and the proposed site falls in CRZ buffer zone and CRZ-II area.

Authority, after deliberations, decided to allow the use of land in CRZ-II, which is not in buffer zone for cemetery purpose from CRZ point of view. However, Town Planning Department and Revenue Department should ascertain details of area details, land use, proposed reservation etc. before according final permission.

**Item No. 9:** 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.

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

1. The proposal was earlier submitted for the development of existing building on plot bearing CS No. 410 which has been declared as dilapidated and dangerous by the Competent Authority. The building proposed earlier was comprising of Ground + 6 Parking Floors + 7<sup>th</sup> to 21<sup>st</sup> Upper Residential Floors with proposed total height of 69.75 m and FSI of 2.54.
2. A per the tenants' request, it was requested to process the proposal with FSI of 1.33 as MHADA NOC was not obtained and since the existing building on the plot under reference was in



dilapidated condition. Hence, plans were approved with FSI 1.33 and IOD was issued on 10.02.2010.

3. Present proposal is with amalgamation of adjoining plots bearing CS No. 409 & 410. As per the amended plans, proposed building will comprise of Ground + 6 Parking Floors + 7<sup>th</sup> to 42<sup>nd</sup> Upper Residential Floors, out of which, 15<sup>th</sup>, 23<sup>rd</sup>, 31<sup>st</sup> and 39<sup>th</sup> floors will be utilized as Refuge Floors with FSI of 2.31. The height of the proposed building is 138 m.
4. The existing building on plot bearing CS No. 410 consists of two wings of Ground + 3 Upper Floors having non-resident tenants on Ground Floor and resident tenants above. On plot bearing CS No. 409, the existing building comprises of Ground + 3 Upper residential floors.
5. As per the DP Remarks of MCGM dated 14.01.2004, the building on the plot under reference is situated in proposed Marine Drive Heritage Precinct.
6. As per the submitted application and valuation report, total cost of the proposed project is mentioned as ₹ 106,70,00,000/- i.e. more than ₹ 5 crores.

Authority noted that, the Development Control Rules, 1967 are silent about the permissibility of amalgamation of plots. Authority also confirmed from the representative of Urban Development Department that the permissible and consumed FSI is 2.31 in the instant case.

Considering all these points and as the cost of the proposed project is more than ₹ 5 crores, Authority after deliberations, decided to recommend the matter to MoEF for further necessary action, subject to 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. 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. Proponent should obtain permission of Mumbai Heritage Conservation Committee as the plot under reference is situated in proposed Marine Drive Heritage Precinct.

**Item No. 10:** 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

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

1. The proposal is for reconstruction of Category "A" cessed building for mixed use (Residential and Masjid).
2. As per the remarks of Urban Development department, 2.00 FSI is allowed for reconstruction of Category "A" cessed building whereas FSI of existing building is 1.33. Total built-up area is 3706.82 sq. m and permissible built-up area is 3783.20 sq. m.
3. The proposed building comprises of Stilt + 20 floors for existing tenants and sell component.
4. As per the remarks of Urban Development department, the proposed land is in Residential Zone.





- 5 The proponent has obtained NOC from Mumbai Heritage Conservation Committee for the proposed project.
- 6 Urban Development department has already issued N.O.C. from CRZ point of view for development of existing building with FSI up to 1.33.
- 7 Attached valuation report shows the total cost of Reconstruction is ₹ 21,39,20,785/-
- 8 Approved CZMP map indicating site under reference is not submitted along with the proposal.

Authority confirmed the location details of the land under reference from the representative of MCGM. He informed that the land under reference is on the seaward side of existing road, however, on the landward side of existing authorized building.

Authority noted that, following details will be required for the further processing of the proposal:

1. Location of site under reference superimposed on approved CZMP of Mumbai in the scale of 1:5000
2. Lay out plan of proposed reconstruction.
3. Authorization details of the existing structure, on the landward side of which the site under reference is situated.
4. Authorization details of the existing Category "A" cessed building
5. Confirmation that there is no land use change in proposed redevelopment.

Hence, Authority decided to direct the MCGM to submit the above details before taking final decision in the matter.

**Item No.11:** CRZ permission for proposed redevelopment of existing building on plot bearing CS No. 224 of Colaba Division, Mumbai

The matter was placed before Authority. Authority noted that, Urban Development Department & Environment Department, has permitted the proposal from CRZ point of view as per provision of CRZ Notification, 1991 (amended time to time), vide letter No. CRZ-2010/ CR-34/ MCZMA dated 8<sup>th</sup> July 2010, subject to the condition that, the proposed redevelopment should be as per the sanctioned Development Control Rules, 1967 as existing & in force on 19.02.1991.

Authority further noted that, applicant has again requested to grant permission for construction as per the existing Development Control Regulations, 1991 and permit the area of lift lobby and stair case Free of FSI, vide letter dated 31.07.2010.

Authority noted that, as per the clarification given by MoEF vide letter dated 18.08.2006, the provisions of approved Development Control Rules, 1967 are applicable for the construction activities in CRZ areas of Mumbai. Hence, Authority decided to direct the proponent that, the construction of amenities like lift, lift lobby & staircase etc. should be as per the clause No. 51 (vi) of Development Control Rules, 1967.





**Item No. 12:** Proposal for reconstruction of school building on property bearing CTS No.1341, 1342 of Village Gora, Borivali (West), Mumbai for Holy Magi Church

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

1. The project comprises of construction of school building on the existing school premises, having stilt + 3 upper floor (consisting of 12 class rooms with Tiffin rooms, Toilets & School Bus parking space), by demolishing existing school structure. Proposed FSI is 0.74 which is within permissible FSI of 1.00.
2. As per valuation report, the area of existing school building structure is 324 sq. m. and the area of newly proposed building is 1241.64 sq. m.
3. As per submitted DP sheet & Urban Development Department's remarks, the said area falls under CRZ-II and situated at landward side of existing authorized road.
4. As per submitted application, total investment in project is ₹ 1,82,89,296/- (land cost of ₹ 58,72,846 /- + construction cost of ₹ 1,24,16,400 /-) i.e. Less than ₹ 5 crores.

Authority noted that, as per the clause No. 3 (2) (iv) of CRZ Notification, 1991(amended time to time), the said proposal is classified under 'public purpose', for which prior permission of MoEF shall be required. Hence Authority decided to recommend the proposal to MoEF subject to following conditions:

1. Construction should be carried out as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. FSI for areas for amenities like staircase, lift lobby etc. and building plan should be as per the Rule No. 51(vi) of the Development Control Rules, 1967.

**Item No. 13:** Regarding violation of CRZ norms by M/s. Aegis Logistics Ltd.

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

1. With respect to the alleged CRZ violations, the matter was previously placed in the 50<sup>th</sup> meeting of MCZMA. The matter was again considered in the 63<sup>rd</sup> meeting of MCZMA held on 05.07.2010 with respect to the notice issued (dated 11.05.2010) to M/s. Aegis Logistics Ltd. under Section-5 of Environment (Protection) Act, 1986 and the reply of M/s. Aegis Logistics Ltd. (dated 07.06.2010).
2. As per the decision taken in the 63<sup>rd</sup> meeting, M/s. Aegis Logistics Ltd. was directed to make application for CRZ and Environmental Clearance before the Authority along with survey from authorized agency of MoEF since they are operating the storage tanks without CRZ permission.
3. Accordingly, M/s. Aegis Logistics Ltd. has submitted the required information and clarification vide letter dated 30<sup>th</sup> August 2010. However, they have submitted application as per the approved CZMP of Mumbai approved by MoEF. As per the approved CZMP site under consideration is in CRZ-II. Site is also abutting the mangroves area in the Mahul Creek, which is declared as protected forest vide Notification dated 27.09.2008 as per Hon. High Court Order.



- 4 As per the layout of the storage terminal of M/s. Aegis Logistics Ltd. at Mahul submitted along with the letter dated 30<sup>th</sup> August 2010, the details of the storage tanks is as follows:

No. of tanks built before the year 2000	27
No. of tanks built after the year 2000	10
No. of new tanks proposed	16

- 5 As per the layout drawing, it can be observed that the land under reference is abutting the HTL and mangroves from Mahul Creek site. Site falls in CRZ II and buffer zone of mangroves. This is supported by Google map submitted by M/s. Aegis Logistics Ltd.

Representative of M/s. Aegis Logistics Ltd. presented the case before the Authority emphasizing that their storage facility does not fall within CRZ area. To corroborate their stand, representative of M/s Aegis Logistics Ltd. presented the following facts:

1. On the Southern side, Municipal Bund (6-8 m higher than creek level and having width of 5 m) is situated at a distance of 680 m from Aegis Boundary beyond Tata Power pre-cooling channel. Thane Creek is situated beyond Municipal Bund. MoEF approved Tata Power's cooling channel on Southern boundary shows that there is no tidal activity adjacent to Aegis plot.
2. On Eastern side, there exists drainage channel used for water and drainage outflow from BPCL, HPCL, Tata Power and MbPT. MoEF has noted this to be nalla and outfall with the flow outward into Tata Pre-Cooling Channel.
3. On Western side, Aegis compound wall is pre-existing since 1977. Beyond this compound wall there is pre-existing road and mangroves thereafter.

Representative of M/s. Aegis Logistics Ltd. also presented the legal status of their Storage Facility through following facts.

1. In 1995, Government of Maharashtra granted Environment Clearance to Aegis for expanded capacity in non-CRZ area.
2. With respect to WP No. 983 of 1997, filed by Tata Power regarding applicability of CRZ to Aegis facility, the Hon. High Court of Mumbai concluded that Aegis facility and storage tanks are not in contravention of CRZ Regulations and do not fall within 500 m from HTL.

Taking into account all the above facts, Authority after deliberation, directed M/s Aegis Logistics Ltd. to get the survey done and provide the map demarcating site under reference from any of the MoEF authorized agencies to MCZMA; to ascertain the actual CRZ status of the site under reference so as to determine the permissibility of the activities carried out by M/s. Aegis Logistics Ltd. and revert.



**Table Item-1: [A]** Regarding CRZ clearance for proposed construction of jetty, laying of transmission lines, conveyor belt and sea water intake & outfall points with pump house at Village Salav, District Raigad by M/s. Welspun Maxsteel Limited

**[B]** Proposal M/s. Welspun Maxsteel Limited for reclassification of CRZ area along Kundalika River near Revdanda

The matter was placed before the Authority. Authority noted that, the proposal for 'CRZ clearance for proposed Captive Jetty, expansion of Integrated Steel & 330 MW Power Project by M/s. Welspun Maxsteel Limited' was earlier placed in the 63<sup>rd</sup> meeting of MCZMA held on 5<sup>th</sup> July 2010. As per the decision taken in the 63<sup>rd</sup> meeting, the project proponent was directed to submit separate proposals for reclassification and construction of jetty & other relevant activities vide letter dated 23.08.2010. In reply to this, M/s. Welspun Maxsteel Limited has submitted separate proposals as directed by MCZMA.

**[A]** Project proponent presented the proposal of jetty before the Authority. Authority noted that the submitted proposal includes following activities

- a. Construction of water front terminal-1 No. with 3 berths along with mechanized material handling facilities
- b. Laying of transmission lines
- c. Closed conveyor belt
- d. Sea water intake and outfall points with pump house

The proponent also mentioned in the presentation that, M/s. Welspun Maxsteel Limited is considering expansion of their existing DRI Plant (from existing capacity of 0.75 MTPA to 1.75 MTPA), steel slab mill with capacity of producing 1.50 MTPA of special grade slabs, pellet plant, auxiliary facilities such as oxygen plant & lime plant and set-up of captive coal-based power plant of 330 MW, at Village Salav that will necessitate expansion of the existing port infrastructure for:

- a. Meeting the requirements of iron ore
- b. Handling imported coal for power plant
- c. Coastal movement/ export of steel slabs produced at Salav
- d. Meeting the requirement of scrap, lime stone and other additives

As presented by the proponent, the area for the proposed expansion has been declared as Industrial Zone in 1992 by Government of Maharashtra

With respect to the land details of the proposed project, Authority noted that, as per the approved CZMP, the jetty is proposed in inter-tidal area i.e. CRZ-I (ii) and CRZ-I (i) sparse mangroves area. Project proponent also confirmed that the proposed jetty will be on piles/ columns/ elevated type so as to minimize the disturbance to mangroves area for construction of jetty. He also mentioned that, no reclamation of land is involved in the proposed activities. Authority also noted that, the total cost of this project is ₹ 6300 crores i.e. more than ₹ 5 crores.

Authority noted that, as per the clause No. 2 (viii) of CRZ Notification, 1991 (amended time to time), construction of proposed jetty is permissible, except in CRZ-I (i) mangroves area. Considering all



the above facts, Authority after detailed discussion and deliberations, decided to recommend the proposal to MoEF subject to the compliance of following conditions

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

[B] In case of the reclassification proposal of M/s. Welspun Maxsteel Limited, the project proponent mentioned following points in the presentation:

- 1 Area under study is in between the villages Salav and Shirgaon, adjacent to the estuarine zone of Kundalika River near Revdanda
- 2 Artificial embankments (bund) run on both sides of the estuary which is landward limit of mangroves constructed in 1942 and further maintained by Kharland Department
- 3 Area beyond the bund (HTL) and 150 m setback landward is having agricultural land and some rocky out crops.

Authority noted the comparative study between approved CZMP and CRZ study carried out by NIO, Goa in 2010, which is as follows:

Sr. No.	Items	As per CZMP	As per NIO Report 2010
		The study was carried out in 2001 with satellite image of Maharashtra Remote Sensing Agency & ISRO	The study and ground truthing was done by the team of National Institute of Oceanography (NIO) (authorized agency by Ministry of Environment and Forest) using latest devices and methodology
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 highway and industrial zone	Kharland bund with MoEF permission is already in place and the same has been considered as HTL.
2	Industry	As per old CZMP the existing industry is under the influence of CRZ boundary	As per the NIO survey conducted in May 2010, the existing industry is not in influence/ zone of CRZ boundary
3	Industrial zone	It was declared by Govt. of Maharashtra in notification Urban Development Dept.	As per the NIO report, Industrial zone has been shown outside the CRZ boundary



Sr. No.	Items	As per CZMP	As per NIO Report 2010
		No. TPS 1400/CR-365/90 UD-12/ dated 4-7-1992 has been demarcated and shown under the influence of CRZ boundary i.e. after 19.02.1991	
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
5	Villages- Salav to Shirgaon	All villages namely Salav, Nide, Mithekhar, Chehar, Waghulwadi, Emil, Yesde and Shirgaon are covered within the boundary of CRZ	All villages between Salav, Nide, Mithekhar, Chehar, Waghulwadi, Emil, Yesde and Shirgaon are shown under the protection of Khariand Bund covered and are displayed outside the boundary of CRZ
6	Project Area	As per the old CZMP carried out back in 2001 the proposed project area is in CRZ	As per latest report of NIO the proposed project area of Steel Plant and Captive Power Plant along with pellet plant and auxiliary plants are out of the influence of CRZ boundary.

Project proponent mentioned that, the CRZ demarcation as per the approved CZMP needs to be reclassified based on NIO studies. Hence, he requested to grant permission for the reclassification of the area under consideration from CRZ point of view.

Authority, after detailed discussion and deliberations, decided to send the proposal to MoEF/ NCZMA along with the NIO report for further necessary action in the matter. Further Authority noted that, as per the requirement of NCZMA, site visit by MCZMA is necessary.

The meeting ended with vote of thanks to all members.

  
Chairperson,  
MCZMA



**Annexure-I**

**List of the members present for the 65<sup>th</sup> meeting of MCZMA is as follows:**

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