

Minutes of the 66th Meeting of Maharashtra Coastal Zone Management Authority (MCZMA)
Held under Chairmanship of Secretary (Environment) on
3rd November 2010 at Mantralaya, Mumbai

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

Secretary (Fisheries), Agriculture & ADF Department, Mantralaya, Mumbai; Municipal Commissioner, Municipal Corporation of Greater Mumbai; President (Vanarai Pratishtan); Dr. (Mrs.) Leela J. Bhosale (Botanist), and Dr. S. K. Gupta, Centre for Environmental Science & Engineering, IIT Bombay, Powai, Mumbai could not attend the meeting.

The meeting of MCZMA was also held on 9th November 2010 to confirm the minutes of Item-3 (Regarding revised proposal for Navi Mumbai International Airport by CIDCO) and Item-21 (Discussion on violation of CRZ Notification, 1991 (as amended from time to time)), since it was needed urgently by MoEF, New Delhi.

Item No.1: Minutes of the 65th meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of the Secretary (Environment) on 9th September 2010 at Mantralaya, Mumbai

The minutes of 65th meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the members of the Authority present in the meeting, with following changes:

Item-4: On Page No. 7, following sentence has been inserted in the end of Condition No. 5:

"if it is not utilized on the structures existing on CTS No. 278 and areas are amalgamated into a single plot following due procedure as per Development Control Rules, 1967".

Item-13: On Page No. 15, following sentences have been inserted in the end of the last paragraph:

"Till that time, storage of chemicals/ products should be as per the CRZ Notification, 1991 (as amended from time to time) and Annexure-III of CRZ Notification, 1991. Further Authority decided to direct M/s. Aegis Logistics Ltd. to submit CRZ resurvey of their land from MoEF authorized agency as decided and communicated earlier before 31st December 2010".

Item No. 2: Action taken on the decision taken in 65th meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 9th September 2010

Actions taken, with respect to decisions of the Authority in the previous MCZMA meeting, were noted by the members of the Authority present in the meeting.



Item No. 3: Regarding revised proposal for Navi Mumbai International Airport by CIDCO

A) Regarding revised proposal for Navi Mumbai International Airport by CIDCO:

The matter was placed before the Authority. Authority noted that, the matter was placed in the 65th meeting of MCZMA held on 9th September 2010. As per the decision of MCZMA in its 65th meeting, the proposal for Navi Mumbai International Airport by CIDCO was recommended to MoEF and proposal for reclassification of the area of proposed Navi Mumbai International Airport was recommended to NCZMA, vide letter dated 14.09.2010, on the basis of the 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 (prepared by Institute of Remote Sensing, Anna University, Chennai) submitted by CIDCO; which were taken on record by the Authority.

Authority noted that, MoEF vide its letter dated 28.10.2010 responded to MCZMA's letter citing that, during the discussion in the Expert Committee meeting on 21.10.2010 at Mumbai, CIDCO has agreed for some significant changes in the project, without affecting the proposed capacity and efficiency of the Airport. Hence MoEF has requested to re-examine the original proposal in consultation with CIDCO and submit the revised proposal to MoEF. Accordingly the matter was placed before the Authority.

As presented by the representatives of CIDCO, the proposed changes in the layout plan of the proposed Navi Mumbai International Airport are as follows:

1. Shifting the non-aeronautical and commercial activities in non-CRZ area admeasuring 272 Ha to southern side, which were earlier proposed on the northern part covered by mangroves admeasuring 415 Ha. Remaining area admeasuring 143 Ha is proposed to be used for essential aeronautical activities.
2. Retention of the Gadhi River in its natural course without any diversion
3. Creation of 75 m wide channel at the confluence of Gadhi and Ulwe Rivers so as to facilitate the run-off from the Airport area and to avoid the flooding within the Airport area.
4. Raising of Airport base upto 7 m from RL (reduced level) for controlling the flooding within the Airport area
5. Retention of Waghivali Island and development of Mangroves Park in the northern side of the Airport area. However, there will be shifting of the Waghivali Village and the rehabilitation and resettlement of the project affected people will be carried out by CIDCO as per the prescribed norms.
6. Reduction in the distance between the two runways from 1.8 km as originally proposed to 1.55 km.



After deliberations and detailed discussion, Authority decided to recommend the revised proposal with the above mentioned changes in the layout plan of the proposed Navi Mumbai International Airport to MoEF for further necessary action in the matter.

B) Proposal for reclassification of the area of proposed Navi Mumbai International Airport:

Authority verified the submitted CRZ maps (prepared by the Institute of Remote Sensing, Anna University, Chennai) and noted the following:

Changes in CRZ Plan – Navi Mumbai International Airport (Revised Plan)				
Navi Mumbai CZMP - 1996				
Sr. No.	Area	Area in Ha (approx)	% of total area	Activities
1	CRZ-I	229.03	16.56%	No Development Zone, Creek, Woodland Corridor, Predominantly Residential, Predominantly Commercial, Marshaling Yard, Regional Park
2	CRZ-II	103.37	7.47%	
3	CRZ-III	0	0.00%	
4	Water Body	35.13	2.54%	
5	Firm Land	1015.85	73.43%	
6	Total	1383.38	100.00%	

Changes in CRZ Plan – Navi Mumbai International Airport (Revised Plan)				
CZMP Map (Navi Mumbai International Airport) - 2010				
Sr. No.	Area	Area in Ha (approx)	% of total area	Activities
1	CRZ-I	441.31	31.90%	Airport & related activities and River diversion
2	CRZ-II	146.03	10.56%	
3	CRZ-III	0	0.00%	
4	Water Body	46.94	3.39%	
5	Firm Land	749.1	54.15%	
6	Total	1383.38	100.00%	

Representatives of the CIDCO mentioned that, previously the mangroves affected area on the site under reference was 161 Ha. However, as per the revised proposal, the mangrove affected area is 98 Ha. CIDCO has proposed to carry out compensatory afforestation of mangroves on 200 Ha area on Northern part of the site for development of Mangroves Park; which was earlier proposed for non-aeronautical and commercial activities. For the full-fledged development of the Mangroves Park, opening of earlier channels as well as creation of new channels will be undertaken in and around the mangroves area for the



ingression of saline water, which is essential for the growth of mangroves. CIDCO also informed that, if required, they would carry out the compensatory mangroves plantation in the coastal areas of Palghar-Dahanu and provide funds for Forest Department for conservation of mangroves in the identified areas. It was also clarified that, the necessary permissions from Hon. High Court and Forest Department would be obtained by CIDCO.

After deliberations and detailed discussion, Authority decided to recommend the maps prepared for entire area for Navi Mumbai and Panvel, as per the revised proposal, to MoEF and NCZMA for further necessary action in the matter.

Item No. 4: Proposed redevelopment of existing school building on plot bearing S. No. 240 Pt. of Village Murdha in Mira-Bhayandar Municipal Corporation area, District Thane

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

1. The proposal is for reconstruction of school building (G + 2 floors) at village Murdha in Mira-Bhayandar Municipal Corporation, by demolishing existing school structures.
2. As per submitted approved CZMP and DP sheet, the land under falls in CRZ-III and situated on landward side of 30 m wide DP road. The land is situated within 200 m from HTL.
3. As per the application: (i) Total area of Land is 1218.50 sq. m.
(ii) Total built up area of existing building to be demolished is 1166.5050 sq. m.
4. Mira-Bhayandar Municipal Corporation's remarks shows that the area under existing school structures is 1070 sq. m. & that of proposed reconstruction are 1055.74 sq. m. The proposed FSI for the reconstruction is 1.5.
5. Urban Development Department's remarks inform that, the existing school structure was built before 1970 i.e. prior to 1991 and the occupancy and commencement certificates are not available with the Mira Bhayandar Municipal Corporation.
6. According to Valuation report, total investment in the proposal is Rs. 82, 87,906 /- (including land value + construction cost + other fees) which is less than Rs. 5 Crores.

Authority learnt from the remarks of Mira Bhayandar Municipal Corporation that the construction of school building (G + 2 floors) has been completed owing to dilapidated condition of school structures and shortage of class rooms. In view of this, authority noted that the said construction is in the violation of CRZ Notification, 1991 (amended till date). However authority further took note that the said reconstruction is the result of dilapidated condition of school structures and shortage of class rooms. Authority may seek clarification on this CRZ violation due to construction of school building from Municipal Commissioner, Mira-Bhayandar Municipal Corporation separately.

Authority further 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. Authority also noted that, Mira-Bhayandar Municipal Corporation has proposed to utilize the FSI consumed in the existing authorized structure i.e. 1.5 though it is in CRZ-III area.

Hence Authority, after deliberations, 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. The building plan and FSI calculations should be as per the Development Control Rules, 1967 as applicable to that area as on 19.02.1991.

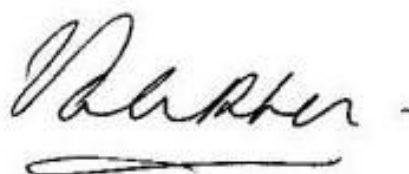
Item No. 5: Proposal for reconstruction of Zilla Parishad primary school building on plot bearing New Sr. No. 7 (part) of Village Rai, in Mira Bhayandar Municipal Corporation

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

1. The proposal is for reconstruction of primary school building at Village Rai, in Mira Bhayandar Municipal Corporation, by demolishing existing school structure.
2. As per submitted approved CZMP and DP sheet, the land under reference falls in CRZ-III and situated on landward side of 30 m wide DP road. Distance of land from HTL is 104 m (i.e. within 200 m from HTL).
3. The existing built up area of school structures is 442.50 sq. m. and proposed built up area is 409.17 sq. m. Height of existing school building is 3.30 m and that of proposed building is 3.65 m. The proposed FSI is 1.5.
4. As per Urban Development Department Remarks, the School was constructed before 1970 i.e. prior to 1991. However the occupancy and commencement certificates are not available with the Mira-Bhayandar Municipal Corporation.
5. Valuation Report shows, total investment in the proposal is Rs. 48,50,000/- which is less than Rs. 5 Crores.

Authority noted that, as per Urban Development Department's remarks, the Mira Bhayandar Municipal Corporation had given the permission for reconstruction of school building with respect to the draft CMZ Notification, which was later called off.

Further Authority learnt from the Mira-Bhayandar Municipal Corporation's letter (dated 24.12.2009) to Town planning, that the construction of School building has been started. In view of this, authority noted that the said construction is in the violation of CRZ Notification, 1991 (amended till date). However authority further took note that the said reconstruction is the result of dilapidated condition of school structures and shortage of class rooms. Authority may seek clarification on this CRZ violation due



to construction of school building from Municipal Commissioner, Mira-Bhayandar Municipal Corporation separately.

Authority further 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. Authority also noted that, Mira-Bhayandar Municipal Corporation has proposed to utilize the FSI consumed in the existing authorized structure i.e. 1.5 though it is in CRZ-III area.

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. The building plan and FSI calculations should be as per the Development Control Rules, 1967 as applicable to that area as on 19.02.1991.

Item No. 6: Regarding CRZ permission for proposed use of the land (admeasuring 8.75 Ha.r) bearing Gat No. 170(pt), 171(pt), 172(pt), 223(pt), 224(pt), 226(pt), 230(pt) of Village Murud, Taluka Murud, District Raigad for construction of earthen dam and village storage tank

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

1. The proposal in the instant case is for the construction of earthen dam and village storage tank in Village Murud, Taluka Murud as per the requirements of local inhabitants.
2. The proposal envisages construction of earthen dam on local Waghurli Nalla and construction of village storage tank of capacity 675.88 Tcum. It is mentioned that, the project will be helpful so as to fulfill the requirements of water supply to the local inhabitants and irrigation.

3. The specifications of the proposed earthen dam are mentioned as follows:

Length:	280 m
Height:	19.9 m
Length of the waste weir:	17.0 m

4. As per the Regional Plan of Raigad District, the land use for the land under reference is partly agriculture and partly residential. Total area of the land under reference is mentioned as 8.75 Ha.r.
5. As per the submitted Coastal Land-use Map, the land under reference falls in CRZ-III and situated within the distance of 200 m to 500 m from HTL. The land under reference is situated on the landward side of the Murud-Alibag State Highway and is situated approximately at a distance of 350 m from the HTL.
6. Total investment cost of the proposed project, as mentioned in the submitted application, is Rs. 1.95 crores. However, as per the remarks of Urban Development Department and submitted



additional information, total investment cost of the proposed project is mentioned as Rs. 2.11 crores.

7. In the letter of Deputy Director, Town Planning, Konkan Division (dated 10.05.2010), it is mentioned that, there is no provision regarding construction of dam in Residential Zone in the Development Control Rules with respect to the Regional Plan of Raigad District. It is also mentioned that, dam/ village storage tank is the secondary use, with respect to the Residential land-use.

Authority noted that as per 6(2) CRZ III (ia) of CRZ Notification, 1991 (as amended from time to time), the provision of facilities for water supply which are required for the local inhabitants may be permitted.

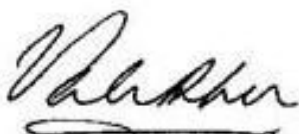
Since the construction of earthen dam and storage tank is the requirement of local inhabitants for water supply & irrigation, and cost involved in the project is less than Rs. 5 Crores, Authority, after detailed discussion and deliberation, decided to grant permission for the proposal from CRZ point of view subject to following conditions:

1. Construction should be carried out strictly as per the provisions of CRZ Notification, 19.02.1991 (as amended from 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 as existing and in force on 19.02.1991.
3. All other necessary permissions should be obtained from the Government Departments and local body as required.

Item No. 7: CRZ clearance for proposed construction of PSC block on plot bearing CTS No. 73/A, 70/D, 71(pt) reserved for R.G. at Kandarpada, Dahisar (W) in R/North ward.

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

1. The proposal is for construction of PSC block on plot bearing CTS No. 73/A, 70/D, 71(pt) reserved for R.G. at Kandarpada, Dahisar (W) in R/North ward.
2. As per the application of MCGM, the land under reference falls in residential zone of R/North ward and reserved for R.G.
3. The Urban development Department has mentioned that the land under reference falls in CRZ-II area and situated on landward side of the existing road. As per the remarks given by MCGM on 2nd February 2010 land under reference falls in CRZ-III area.
4. MCGM has given the said land to Dahisar Sports Foundation on adoption basis for a period of 5 years from date 26.10.2007 to 25.12.2012.
5. Total built up area of proposed construction is 150.00 sq. m.
6. The valuation report shows, the total cost of construction is Rs.17,38,000/-



Authority further noted that, the said proposal is permissible as per the provisions mentioned in the MoEF's letter dated 19.01.2000 for development in open spaces in CRZ-II areas, which is cited as follows:

"FSI upto 15% shall be allowed in respect of parks, playgrounds and other open spaces falling in CRZ II, which were required to be classified as CRZ II as per the approved coastal zone management plan. However, use of such vacant land shall be restricted to construction of civic amenities, stadium, gymnasium etc. meant for recreational/ sports related activities. Residential/ commercial use of such open spaces shall not be permissible".

In view of above proposal details, authority after discussion, decided to accord permission from CRZ point of view for the project since cost involved in the project is less than Rs. 5 crores, subject to following conditions:

1. Construction should be carried out strictly as per the 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. FSI of proposed construction should not exceed 15% of the total FSI.
4. Proper waste management plan should be worked out and implemented. The waste generated should not be stored/ dumped in CRZ area.

Item No. 8: CRZ clearance for proposed reconstruction of existing building on plot bearing CTS No. C/178 of village Bandra, Chimbai Road, Bandra (W), Mumbai

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

1. The proposal is for reconstruction of existing building on plot bearing CTS No. C/178 of village Bandra, Chimbai Road, Bandra (W), Mumbai
2. As per the remarks of MCGM the land under reference falls in residential zone of H/W ward and does not affected by any reservation. .
3. Urban development Department has mentioned that, as per the approved CZMP of Mumbai, the land under reference falls in CRZ-II and situated on landward side of the existing road.
4. The total area of the plot is 145.50 sq. m. The proposed building comprises of Ground + 7 floors for residential user, built up area of which is 207.52 sq. m. (proposed FSI of 1.43) excluding the area for the amenities like lift, lift lobby, staircase etc.
5. The valuation report shows, the total cost of Reconstruction is Rs. 52,60,000/- which is less than Rs. 5 crores.



Authority also noted that, as per the valuation report, the existing structure on the site under reference is to be demolished for the proposed reconstruction. However, as per the letter of the owner (dated 18th June 2010) addressed to Deputy Chief Engineer, Building proposal (W.S.), MCGM:

"The plot is situated in Gaonthan and there is an existing ground +1 structure in dilapidated condition on the plot. We have not proposed to demolish the said existing structure for the reconstruction of the same as per the provisions of Reg. 33(6)".

Authority noted that as per 6(2) CRZ-II (i) the reconstruction of the authorized building is permissible subject to the existing FSI/ FAR norms and without change in the existing use.

In light of above proposal details and since the total investment involved in the proposed reconstruction is less than Rs. 5 Crores, authority after discussion, decided to accord permission from CRZ point of view for the proposed reconstruction of the building subject to following conditions:

1. Planning Authority to verify whether the proposal is for reconstruction or additional construction before commencement of the work.
2. Construction should be carried out strictly as per the provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
3. The proposed development should be as per the sanctioned Development Control Rules, 1967 as existing and in force on 19.02.1991.
4. Building layout plan and FSI calculations should be as per the Development Control Rules, 1967 (as amended from time to time).
5. Planning Authority should ensure that there is no land-use change in the instant case.

Item No. 9: Regarding development on land bearing S. No. 161, Plot No. 3, Layout No. 6, Versova reserved for Garden as per approved Development Plan

The matter was placed before the authority. Authority noted that, the matter was earlier considered in the 61st meeting of MCZMA held on 25th March 2010. With respect to the decision taken in the 61st meeting, the matter was referred to Urban Development Department. Urban Development Department vide letter dated 29.05.2010 sought additional information from MCGM. In the reply, Chief Engineer (DP), MCGM submitted the required information (vide letter dated 24.06.2010).

Authority noted that, as per the reply of Chief Engineer (DP), MCGM dated 24.06.2010, the Occupancy Certificate for Plot No. 2 has been granted on 01.06.2001. Authority also noted the contents of this reply, which are cited as follows:

"In the above case i.e. Plot No. 1, 2 & 4, since the project cost was less than Rs. 5 crores & since CRZ-II was not finalized at the time of approval of plans i.e. in the year 1995-1996, NOC of State Government from CRZ point of view was not necessary from Urban Development Department as per prevailing policy at that time".



Authority also noted the remarks of the Urban Development Department which are as follows:

"The reservation of Garden on the area under reference (on which Plot No. 3 is located) was relocated in the year 1993. After this relocation, the formed Plot No. 1, 2 & 4 have been developed on the grant of IOD in the year 1995-96. This procedure has taken place before classification of CRZ-I & II and approval of CZMP.

As the relocated area for Garden Reservation is now situated in CRZ-I, its development as per the CRZ Notification, 1991 is not permissible. In this situation, the Plot No. 3 under reference should be handed over to MCGM for development of Garden or Playground for children so as to avail the recreation facilities for the residents in the vicinity".


Authority noted that, since there is no development allowed in CRZ-I area and reservation cannot be relocated; development cannot be permissible in the instant case. Hence, considering the remarks of the Urban Development Department, Authority decided not to allow any construction activity on the land under reference.

Item No. 10:

- (i) Regarding CRZ permission for proposed construction on land bearing CTS No. 1054, Plot No. 173, Village Pahadi Goregaon, Goregaon (West)
- (ii) Regarding CRZ permission for proposed construction for commercial use on land bearing CTS No. 1042, Plot No. 170, Village Pahadi Goregaon, Goregaon (West)

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

1. In case of the construction on land bearing CTS No. 1054, Plot No. 173, earlier the application was submitted for the CRZ permission for construction of school building on the plot under reference. However, later the application was modified and resubmitted through the Urban Development Department with the proposal of construction of commercial building (Ground + 3 floors) on the land under reference. As per the submitted information, the investment cost of the proposed construction is mentioned as Rs. 3,05,25,159/-.
2. As per the remarks of Urban Development Department, as per the approved and prevalent Development Plan of "P/South" Ward, the land under reference falls in District Commercial Zone (C-2) and is not affected by any reservation. However, as per the approved Development Plan of 1967, the land under reference falls in Residential Zone and the area around the land under reference is shown as saltpan.
3. As per the CZMP of Mumbai (approved by MoEF on 19.01.2000), the land under reference falls in CRZ-II area and within 150 m from HTL. As per the submitted information, the land under reference is on the landward side of the existing 9.15 m Layout Road and 18.30 m approved CZMP road on the Northern side of the plot.



4. As per the site inspection report of MCGM (letter No. Dy. CHE/ 8862/ BP (WS)/ AP dated 25.02.2009), it is mentioned that, storm water drains also exist on the site. In case of the D.P. Roads, it is mentioned that: "Proposed 27.45 m wide the D.P. Road shown on plan is as per Central Govt.'s approved Coastal Area Map, dated 19.01.2000. The plot under reference is already reclaimed, having existing 9.15 m wide layout road abutting the said plot. The mangroves are existing on seaward side of 27.45 m D.P. Road, which is at present marshy land".
5. While determining the permissibility in the instant case, the Urban Development Department suggested to refer the proposal of construction of commercial building (Ground + 4 Floors) on land bearing CTS No. 1042, Plot No. 170 falls in the similar layout of the land under reference and the permission has been granted for this proposal from CRZ point of view.

Authority noted that, the matter was earlier placed before authority in 58th MCZMA meeting held on 4th December 2009, wherein Authority deliberated and studied both the cases with accordance of remarks of the planning authority regarding the roads considered in both the proposals. As per the CRZ Notification, 1991 and guidelines of MoEF, proposed/ DP Roads and layout roads should not be considered as approved CZMP roads. Hence, Authority decided to give status-quo to the permission granted for the proposal for proposed construction for commercial use on land bearing CTS No. 1042, Plot No. 170 and directed the MCGM not to issue the commencement certificate for the said construction and MCGM to submit the detailed report to the Authority. The matter was then referred to the Urban Development Department for further necessary action in the matter.

Authority noted that, the Urban Development Department referred the proposal back to Environment Department, for reconsideration, with following comments:

- a. The sanctioning of layout as well as development of 9.25 m wide existing layout road was done before 19.02.1991. Therefore the existing 9.25 m wide road acquires authenticity. Hence, it is not necessary to consider whether this road is layout or developed road.
- b. As per approved CZMP, land under reference is on landward side of:
 - Proposed 27.45 m wide road
 - Existing 18.30 m wide DP Road on Northern side of the land under reference
 - Existing 9.25 m wide layout road

The Urban Development Department also opined that, considering the above points the proposal on land bearing CTS No. 1054, Plot No. 173 can be permissible as per Rule No. 6(2) (i) of CRZ-II as per CRZ Notification, 1991 (amended time to time) and on the same basis, there is no need to give status-quo in the case of the proposal on land bearing CTS No. 1042, Plot No. 170. To confirm their stand, officials of the Urban Development Department presented the approved CZMP of Mumbai with respect to the land under reference. Authority noted that, the proposed 27.45 m wide road is abutting the mangroves.



Authority further noted that, the land under reference falls in District Commercial Zone (C-2) and is not affected by any reservation as per the current Development Plan prevalent since 1991. However, as per the approved Development Plan of 1967, the land under reference falls in Residential Zone and the area around the land under reference is shown as saltpan. Authority noted that, the proposals are for the commercial development on the plots bearing CTS No. 1054, Plot No. 173 and CTS No. 1042, Plot No. 170. However, Authority noted that, as per the zoning existing as on 19.02.1991, both the plots fall in Residential Zone and hence, the construction for commercial activity as proposed as per the current zoning is not allowed. In this regard, Authority took into consideration the clause No. 3 in the MoEF's letter dated 08.09.1998, which is cited as follows:

"The construction of buildings, including expansion and reconstruction, should be in accordance with the FSI/ FAR norms and all other Town & Country Planning regulations, including maximum permissible density, height, zoning etc. that were prevalent and in force as on 19.02.1991".

In the light of the above, Authority decided to refer the matter to MoEF to seek clarification in the instant case to confirm the applicability of zoning of 1967 (prevalent as on 19.02.1991) or zoning of 1991 (current) for the proposals in CRZ area. Authority further decided that, till that time, no permission shall be given for the constructions on both the plots and the matter will be considered by MCZMA only on the receipt of the clarification from MoEF.

Item No.11: Non Applicability of CRZ Criteria in respect of our plot bearing CTS No. 1(Pt), abutting Oshiwara River, Goregaon (W)

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

1. The proposal is for deletion of plot, bearing CTS No. 1(Pt) abutting Oshiwara River, Goregaon (W), Mumbai, which is partially affected by CRZ-II area.
2. As per Sanctioned Revised Development Plan of P/South Ward of Goregaon (W), the land under reference is :
 - a Partly reserved for the public purpose of Secondary School, BEST Bus Depot, Scrap Yard & Housing
 - b Situated in Commercial (C2) and Residential Zone.
 - c Affected by proposed 36.60 m. DP Road.
 - d Abutting to the 60 m. wide Nalla and partly falls in CRZ area.
3. Project proponent has cited the reference from Clause No. (ii) of CRZ Notification 1991(amended till date) regarding the salinity concentration and tidal influence.
4. Project proponent has mentioned that the salinity concentration in the Nalla abutting the captioned plot is well within the limits of 5 PPT. To confirm their stand, applicant has submitted



the following documents:

- a MoEF approved Laboratory's Test Report of Sample water taken from abutting nalla on different dates in the driest period during May 2010 as well as old result in 2008.
 - b Location in terms of GPS reading.
5. The project proponent claims that, since the salinity level of nalla is below 5 PPT, it indicates that there is no intrusion of sea water in the nalla. Therefore there is no tidal effect in the nalla. Consequently, the plot under reference falls beyond CRZ area as the CRZ Notification is applicable to a Water Body which has salinity concentration exceeding 5 PPT.

Considering the points raised by proponent regarding salinity concentration and tidal effect, authority after detailed discussion and deliberation decided to direct the project proponent to approach any of the seven MoEF authorized agencies for the demarcation of HTL, LTL and mapping of mangroves of the entire area (keeping in mind the salinity and tidal influence of nalla) as well as measurement of salinity concentration for the comprehensive CRZ area abutting their plot.

Item No. 12: Regarding CRZ permission for proposed redevelopment of property bearing plot No. 51, Indu Villa, C.S. No. 1761 of Mahim Divn. at Dr. M.B. Raut Road , Shivaji Park, Dadar, Mumbai-400028

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

1. The proposal is for reconstruction of existing residential building which is of Ground +3 floors bearing plot No. 51, Indu Villa, C.S. No. 1761 of Mahim Divn. at Dr. M.B. Raut Road , Shivaji Park, Dadar.
2. As per the remarks of MCGM the land under reference is situated in Residential Zone of G/North ward and is not reserved for any public purpose.
3. As per the application of proposed project the land is on landward side of the existing road and falls in CRZ-II area.
4. As per the submitted information, the total area of the plot is 482.44 sq. m. whereas total built up area of proposed reconstruction is 964.58 sq. m. excluding area under staircase, lift and lift lobby.
5. MCGM wide its letter dated 30th November 2009 has mentioned that the said property is under the Category 'A' cessed building and MHADA has given 'No Objection Certificate' for redevelopment of this property with FSI 2.0.
6. As per the submitted valuation report, the total cost of Reconstruction is Rs. 2,70,15,802/- which is less than Rs. 5 crores.

Authority noted that as per 6(2) CRZ II (i) the reconstruction of the Authorized building is permissible subject to the existing FSI/ FAR norms and without change in the existing use. Authority also noted that, FSI of 2.00 is permissible in this case with respect to the guidelines given in the GR No. FSI-



1188/ 1000/ UD-11 (dated 10.01.1989).

In light of above proposal details and since the total investment involved in the proposed reconstruction is less than Rs. 5 crores, authority after discussion, decided to grant the permission from CRZ point of view for the proposed reconstruction of the building subject to following conditions:

1. Construction should be carried out strictly as per the 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. Building layout plan and FSI calculations should be as per the Development Control Rules, 1967 (as amended from time to time).
4. Computation of FSI for amenities like staircase, lift well, lift lobby etc. should be as per the provisions of Rule No. 51(vi) and Appendix-XI (Circular No. CE/40730/I of 23.03.1973) of the Development Control Rules, 1967.
5. Planning Authority should ensure that there is no land-use change in the instant case.

Item No. 13: Proposed redevelopment on property bearing CS No. 1822 of Mahim Division at Dr. M. B. Raut Road, Dadar (West), Mumbai

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

1. The proposal is for the redevelopment by demolishing the existing structure (G + 2 + 3 (part)) on the plot under reference.
2. The proposed redevelopment is for the residential use and the redeveloped structure will comprise of Stilt + 1 to 8 upper floors.
3. As per the sanctioned Development Plan of G/North Ward, the land under reference is situated in Residential Zone and not affected by any reservation. Total area of the land under reference is 415.55 sq. m.
4. As per the CZMP of Mumbai (approved by MoEF vide letter dated 19.01.2000), the land under reference is classified in CRZ-II and is situated on the landward side of the existing CZMP road.
5. As per the remarks of Urban Development Department, the existing building on the plot under reference is Category 'A' cessed building. Hence, FSI of 2.00 is permissible in this case with respect to the guidelines given in the GR No. FSI-1188/ 1000/ UD-11 (dated 10.01.1989).
6. As per the remarks of Urban Development Department, the FSI consumed for the existing structure is 1.33, while the proposed FSI is 2.00. As per the submitted plans and area statement of the proposal, area of staircase, lift, lift-lobby etc. has not been included while computing the total proposed FSI.
7. Total investment cost of the proposed project is Rs. 4,18,27,500/- (less than Rs. 5 crores)



Authority further noted that as per 6(2) CRZ-II (i) the reconstruction of the Authorized building is permissible subject to the existing FSI/FAR norms and without change in the existing use. Authority also noted that, FSI of 2.00 is permissible in this case with respect to the guidelines given in the GR No. FSI-1188/ 1000/ UD-11 (dated 10.01.1989).

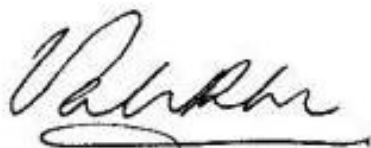
Considering the above facts and since the total investment involved in the proposed reconstruction is less than Rs. 5 crores, authority after discussion, decided to accord permission from CRZ point of view for the proposed reconstruction of the building subject to following conditions:

1. Construction should be carried out strictly as per the 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. Building layout plan and FSI calculations should be as per the Development Control Rules, 1967 (as amended from time to time).
4. Computation of FSI for amenities like staircase, lift well, lift lobby etc. should be as per the provisions of Rule No. 51(vi) and Appendix-XI (Circular No. CE/40730/I of 23.03.1973) of the Development Control Rules, 1967.
5. Planning Authority should ensure that there is no land-use change in the instant case.

Item No. 14: 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

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

1. The proposal is for the CRZ permission for proposed erection of 12 No. of advertisement hoardings of size 40' X 40' on the land along the road connecting the Bandra-Worli Sea Link from Bandra side.
2. As per the zoning remarks given in the submitted application, the land under reference falls partly in Residential, partly in Open Space, partly in Convention Complex and partly in Social Facility reservations.
3. As per the submitted application, total area of the land under reference is 436541 sq. m.; however, specific land area is not mentioned in PR Card. As per the MMRDA letter dated 22.07.2010, MHADA is the owner of the land under reference as per the PR Card. As per the submitted application, total area under proposal is 120 sq. ft. (10 sq. ft. X 12).
4. As per the submitted information, the land under reference falls in CRZ-I. As per the CZMP of Mumbai (approved by MoEF on 19.01.2000), the road on which the hoardings are proposed is shown as 'proposed DP Road planning through CRZ-I or water body' i.e. 'proposed CZMP road'.



5. As per the PR Card, the land under reference belongs to MHADA. MHADA has given NOC for the proposed 12 hoardings vide letter dated 27.03.2010 for the period of 3 years.
6. MMRDA has granted NOC for the proposed project vide letter dated 21.06.2010. As per the condition No. 9 mentioned in it, this NOC is valid for a period of 12 months from the date of issuance of the NOC.
7. The road on which the hoardings are proposed is shown as 'proposed DP Road planning through CRZ-I or water body' i.e. 'proposed CZMP road' as per the CZMP of Mumbai (approved by MoEF on 19.01.2000). As per the MMRDA letter dated 22.07.2010, the construction of this road is now completed.
8. As per the submitted application, total project investment of the proposed erection of hoardings is Rs. 2,36,25,117/-. (Out of this, Rs. 1,64,25,117/- is considered as a display fees and is paid to MHADA as land owner. The construction cost for all the 12 No. of proposed hoardings is Rs. 72,00,000/-).

Authority noted that the matter as above was placed in the 64th meeting of MCZMA held on 12th August 2010. However, as the meeting was held for short duration, Authority decided to defer the matter. Meanwhile, as decided in the 64th meeting of MCZMA, the matter was referred to Urban Development Department to obtain the remarks from CRZ and planning point of view and with respect to the Development Control Rules, 1967.

Authority noted the remarks the Urban Development Department which are as follows:

- a. As per the report submitted by MMRDA vide letter dated 22.07.2010, the land under reference is partly situated in Residential Zone and affected by the reservations like open space (partly), Convention Centre (partly), special facilities (partly), as per the planning proposal of Bandra-Kurla region sanctioned as on 09.04.1979.
- b. The land under reference is situated in the Phase-II of Bandra Reclamation and is indicated as 'un-reclaimed'.
- c. No construction is permissible in CRZ-I area and as per the planning proposal of 1979 also, the land under reference is indicated as 'un-reclaimed'.
- d. Though proposed construction is temporary in nature, the activity is not permissible considering all the above points and hence, grant of permission from CRZ point of view cannot be recommended in the instant case.

In light of the remarks of Urban Development Department, authority decided to disallow the erection of 12 advertisement hoardings on the land under reference in CRZ-I area from CRZ point of view. However, project proponent, if desires, may shift the hoardings in CRZ-II area of the plot under reference and revert.



Item No. 15: Regarding CRZ permission for proposed redevelopment on plot bearing C.S. No. 358 of Malabar Hill Division at 65, Nepean Sea Road, Mumbai

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

1. The proposal is for reconstruction of existing ground (Pt) +3 floors residential building which is for mixed use i.e. residential and commercial, on plot bearing C.S. No. 358 of Malabar Hill Division at 65, Nepean Sea Road, Mumbai.
2. As per the D.P remarks of MCGM, the land under reference is situated in Residential Zone of 'D' ward and is not reserved for any public purpose.
3. As mentioned in the submitted application, the land under reference is on landward side of the existing road and falls in CRZ-II area as per the approved CZMP of Mumbai. The total area of the plot is 1091.24 sq. m.
4. The proposed building comprises of ground and 6 floors for mixed use (Residential, commercial). As per the application total built up area of proposed building is 2128.48 sq. m. whereas as per the layout plan total built up area is 2144.87 sq. m.
5. As per the submitted layout plan, permissible built up area for the proposed building is 2182.48 sq. m. and proposed built up area is 2144.87 sq. m. (proposed FSI of 1.96)
6. MCGM wide its letter No. A.A. &C/D/2085/2009-10 dated 24th May 2010 has mentioned that the said property is under the Category 'A' cessed building and MHADA has given 'No Objection Certificate' for redevelopment of this property with FSI 2.0
7. The valuation report submitted by proponent shows, the total cost of Reconstruction is Rs. 3,68,76,000/- excluding the land cost which is less than Rs. 5 crores.

Authority further noted that as per 6(2) (ii) of CRZ Notification, 1991 (as amended from time to time), the reconstruction of the authorized buildings to be permitted subject to the existing FSI/ FAR norms and without change in the existing use. Authority also noted that, FSI of 2.00 is permissible in this case with respect to the guidelines given in the GR No. FSI-1188/ 1000/ UD-11 (dated 10.01.1989).

Considering above facts and since the project investment is less than Rs. 5 crores, authority after discussion decided to accord permission from the CRZ point of view for the proposal subject to the compliance of following conditions:

1. Construction should be carried out strictly as per the 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. Building layout plan and FSI calculations should be as per the Development Control Rules, 1967 (as amended from time to time).



4. Computation of FSI for amenities like staircase, lift well, lift lobby etc. should be as per the provisions of Rule No. 51(vi) and Appendix-XI (Circular No. CE/40730/I of 23.03.1973) of the Development Control Rules, 1967.
5. Planning Authority should ensure that there is no land-use change in the instant case.

Item No. 16: CRZ clearance for proposed reconstruction of existing building on plot bearing CTS No. A/334 of village Bandra, D'Monte Road, Bandra (W), Mumbai

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

1. The proposal is for reconstruction of existing building on plot bearing CTS No. A/334 of village Bandra, D'Monte Road, Bandra (W), Mumbai.
2. As per the remarks of MCGM the land under reference falls in residential zone of H/W ward and does not affected by any reservation.
3. As per the remarks of Urban Development Department, land under reference is on landward side of the existing road and falls in CRZ-II area as per the approved CZMP of Mumbai.
4. As per the submitted information, at present the land is occupied by owner & existing construction on it is in dilapidated condition.
5. As per the submitted information, existing building is comprising of ground + 1 floor
6. Urban Development Department's remarks shows that the total built up area of existing building is 252.88 sq. m. (FSI 1.87) which is going to be demolished as it is in dilapidated condition.
7. The proposed building comprises of Ground + 7 floors for residential use and as per the submitted layout plan, total plot area is 134.60 sq m. whereas proposed built up area is 251.68 sq. m., it appears from the submitted layout plan that proposed area is excluding the area for the amenities like lift, lift lobby, staircase, servants toilet etc. However the submitted valuation report, total proposed built up area including all components is 410.15 sq. m.
8. The valuation report submitted by proponent shows, the total investment involved in the said proposal is Rs. 52,12,000/- which is less than 5 crores. The valuation report indicates that land valuation has been done as per the rates in 1981.

Authority further noted that as per 6(2) (ii) of CRZ Notification 1991 (as amended from time to time) the reconstruction of the authorized buildings to be permitted subject to the existing FSI/ FAR norms and without change in the existing use.

Considering above facts and since the project investment is less than Rs. 5 crores, authority after discussion decided to grant permission to the proposal from CRZ point of view subject to following conditions:

1. Construction should be carried out strictly as per the 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. Building layout plan and FSI calculations should be as per the Development Control Rules, 1967 (as amended from time to time).
4. Planning Authority should ensure that there is no land-use change in the instant case.

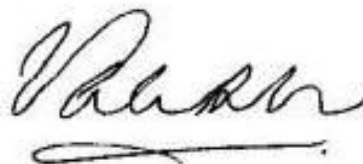
Item No. 17: Regarding CRZ permission for proposed construction on land bearing S. No. 41(pt), CTS No. 1/48/1A(pt), Plot No. 124, Village Oshiwara, Andheri (West) of Shri Swami Samarth Prasanna Co-op. Housing Society Ltd.

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

1. As per the sanctioned Development Plan of K/West Ward, the land under reference is situated in Residential Zone. At present, the land is vacant and on freehold. Total area of the plot is 7751.580 sq. m.
2. 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.
3. As per the remarks of Urban Development Department, in case of the plot under reference, CRZ extent is upto 50.00 m from existing nalla on North-East; while, the same is upto 150.00 m from North-West. As per the plan submitted by the Architect, the construction is proposed beyond 50.00 m CRZ extent. Hence, it should not be considered that the proposed construction is on the seaward side from North-East direction.

The matter was considered 63rd meeting of MCZMA held on 5th July 2010 wherein additional information about the proposal was sought from the project proponent. Accordingly, as per the submitted information by the proponent, the proposal details (of construction for residential purpose) are as follows:

1. The area of the plot under reference is 7751.586 sq. m. and 'Total DP Advantage' of the plot is 2956.56 sq. m. Hence, total plot area is considered as 10708.14 sq. m. (by adding the plot area and 'Total DP Advantage').
2. As per the submitted plans, total built-up area including balcony, staircase, lift, parking, refuge floors is 16076.870 sq. m. The details of proposed wings for residential purpose are 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

3. As per the submitted plan as well as the letter of the project proponent dated 21.07.2010, the construction is proposed beyond 50 m buffer zone of mangroves and the nalla.
4. Total investment cost of the proposed project (including the land cost and total construction cost considering the built-up area of all the 3 wings proposed) is Rs. 11,94,67,374.75 i.e. more than Rs. 5 crores.

Authority discussed at length about the location of site with respect to seaward side of nalla (from North-East side) and landward side of 36.60 m wide DP Road (from North-West side). In light of above proposal details and since the construction cost is more than Rs. 5 crores, Authority decided to recommend the proposal to MoEF subject to following conditions:

1. Construction should be carried out strictly as per the 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. Building layout plan and FSI calculations should be as per the Development Control Rules, 1967 (as amended from time to time).
4. Planning Authority should ensure that there is no land-use change in the instant case.

Item No. 18: CRZ clearance for proposed redevelopment of building No. 1 on plot bearing CTS No. 1042/B of Village Versova, Andheri (W), Mumbai by M/s. Hicons Developers

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

1. The proposal is for redevelopment of building No.1 on plot bearing CTS No 1042/B of Village Versova, Andheri (W), Mumbai by M/s. Hicons Developers.
2. As per submitted application and Urban Development Department's remarks, land under reference partly falls in CRZ-II and situated on the landward side of existing road.
3. As per submitted documents, the total area of plot is 8187 sq. m. and the plot area under CRZ-II is 1164.94 sq. m.

As per Urban Development Department remarks, the proposal is as follows:

A) On Non-CRZ area: proposed building is comprises of "A" Wing (stilt + 1 podium parking + 2 to 21 residential floors) and "B" Wing (stilt + 1 podium parking + 2 to 17 residential floors)



B) On CRZ area: proposed construction involves some portion of Basement, Parking and Multilevel Parking/ Podium.

Authority discussed at length about the permissibility of multilevel parking/ podium in CRZ area since the Development Control Rules, 1967 is silent about the permissibility of these activities.

Authority after detailed discussion and deliberation decided to direct the proponent to rework and resubmit the proposal by shifting the proposed podium parking from CRZ area to Non-CRZ area, through the Urban Development Department to MCZMA.

Item No. 19: Regarding Resort project at Navabag, Tal: Vengurla, Dist. Sindhudurg by M/s. Navabag Resort LLP

The matter was placed before the authority. Authority noted that M/s. Navabag Resort LLP requested to allow resurvey of property bearing survey No. 10/4,11, 12/3/2, 13/1, 13/2+7 B, 13/4,15,16,17 etc. of Tal: Vengurla, Dist: Sindhudurg, through any of 7 MoEF authorized agencies.

As per application, land under reference is in CRZ-I. However proponent reported that as per revenue record of last 40 years there are no mangroves indicated in 7/12 extract.

Authority discussed that, though as per last 40 years 7/12 extract, there are no mangroves on land under reference, this does not exclude the land from CRZ-I. Authority further noted that as per CRZ Notification, 1991 (as amended from time to time), the proposed resort project is not permissible in CRZ-I area.

Therefore authority, after detailed discussion and deliberation, decided to disallow the project proponent to get the resurvey of the property done through any of the 7 MoEF authorized agencies.

Item No. 20: Regarding environmental clearance of 'Yogayatan Port'

The matter was placed before the authority. Authority noted that, the matter was earlier placed in the 26th meeting of MCZMA wherein the permission was granted to use the old jetty, since the investment cost of the project was less than Rs. 5 crores in the year 2005. The project proponent then acquired extra land in the nearby area and requested to accord the permission for expansion, which was considered in the 60th meeting of MCZMA held on 25th February 2010. As per the presentation of the project proponent during the 60th meeting, Authority noted the following proposal details:

1. The proposed Yogayatan Port is to be developed along the Thane Creek, on down Stream of Railway Bridge. The waterfront is used by construction agency during construction of Rail Bridges is proposed to be utilized. The location also has ample back-up area for development of port facilities.
2. During the construction of Thane Creek Railway Bridge (TCRB), the construction agency M/s. AFCONS, had construction certain facilities to cater for construction of TCRB during 1986/ 87.



3. These are mainly a small jetty of 6 x 65 m and a cat walk for about 1.5 / 2.0 m x 50 m protruding in the creek.
4. Desired Facilities:
 - a. Berthing Facilities - At the jetty it is proposed to handle self-propelled barges of upto 1000 DWT which have an average length of 61 m Main Jetty – The size of the main jetty is 200 m x 35 m with the 3 Nos. of approaches average 12 m wide and 50 m length. The construction of jetty is to be planned in two phases.
 - b. Approach Jetty – The width of the approach jetty is 12.0 m with a 7.5 m carriage-way in the centre.
 - c. Dredging – As the jetty is placed with the Eastern berthing face along the – 2.0 m contour. Dredging is proposed on front side of the jetty to – 3.00 m level.
 - d. Transit Sheds – The transit sheds are proposed to be construction in structural steel. These have a 16.5 m span and height upto eaves of 5.5 m.

Authority further noted that, as per the decision of the 60th MCZMA meeting, the project proponent (vide letter dated 06.04.2010) was directed to submit fresh application in the given format to Authority with following details:

1. Area of the original old jetty constructed by AFCONS in the year 1987 at Mankhurd
2. Area of the land newly acquired for expansion of the jetty
3. Cost of the land acquired for expansion
4. Mangroves density on the acquired land as per the satellite survey of 2005 as per the Hon. High Court Order
5. New activities proposed in the expansion
6. Layout of the old jetty and newly proposed activities with area acquired superimposed on CZMP of the area in the scale of 1:5000 indicating existing activities, proposed activities, mangroves, mangroves buffer zone, approach road etc.

In this regard, the proponent submitted their presentation vide letter dated 30.10.2010. During the meeting, the project proponent presented the proposal details before the Authority. In the presentation, the project proponent elaborated on the location details of the site under reference, types of cargoes to be handled, type of vessels to be used, proposed storage etc.

Authority noted that, the proposed activities fall in CRZ-I (ii). From the photographs of the site under reference, Authority noted that, the land under reference is in the vicinity of the proposed Car Depot of the Mumbai Metro Railway Project and Monorail Project of MMRDA. Authority noted that, the proposed activity is permissible as per the CRZ Notification, 1991 (as amended from time to time). Authority also noted that, the site for the proposed expansion is not affected by mangroves and no cutting of mangroves is involved in case of the proposed expansion.



Considering the above, Authority, after deliberations, decided to grant permission for the proposed expansion from CRZ point of view subject to the compliance of following conditions:

1. Project proponent should obtain No Objection Certificate from MMRDA in case the land under reference is affected by the area for the Car Depot of the Mumbai Metro Railway Project and Monorail Project proposed by MMRDA.
2. Construction should be carried out strictly as per the provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
3. As per the order of Hon. High Court of Mumbai dated 27.01.2020, no non-forest activity is allowed on mangroves area and needs permission of Forest Department under Forest Act and final permission of High Court; in case the proposal involves activities on mangroves area.
4. Proper waste management plan should be worked out and implemented. The waste generated should not be stored/ dumped in CRZ area.
5. This permission is granted only from CRZ point of view. However, project proponent should obtain all other necessary permissions from the Government Departments, authorities concerned and local body as required.

Item No. 21: Discussion on violation of CRZ Notification, 1991 (amended time to time)

The matter of CRZ violation by Adarsh Co-operative Housing Society, Colaba was placed before the Authority. The Authority noted that, a complaint was received from Mr. Simpreet Singh of 'National Alliance of Peoples' Movement' (addressed to The General Officer Commanding, Western Naval Command, Mumbai) regarding illegal construction activity carried out by Adarsh Co-operative Housing Society Ltd. The copy of the letter was marked to Secretary (Urban Development Department); Secretary (MCZMA); Municipal Commissioner, MCGM; Collector, Mumbai City and MMRDA.

Authority further noted that, as per the records, no CRZ clearance was sought by or issued to Adarsh Co-operative Housing Society Ltd. by MCZMA. On the basis of the complaint, the Member Secretary (MCZMA) on the directions of Chairperson (MCZMA) & Secretary (Environment) issued a notice under Section-5 of Environment (Protection) Act, 1986 to the Chief Promoter of Adarsh Co-operative Housing Society Ltd. on 3rd November 2009, directing them to submit necessary documents of permission/ clearances obtained from the different statutory authorities including MCZMA within 15 days of receipt of the said directions, failing which the Authority would have no option but to initiate appropriate legal action against them under the provisions of Environment (Protection) Act, 1986. The Show Cause Notice issued by MCZMA was also marked to MoEF.



Authority noted that, the Chief Promoter, Adarsh Co-operative Housing Society Ltd. replied to the notice of MCZMA (dated 3rd November 2009) vide letter dated 17th December 2009. In that reply, they denied the contents of the complaint, citing that they have obtained all the necessary approvals from different statutory bodies viz. MCGM, High-Rise Committee, MMRDA and CFO etc. It is further mentioned that, these approvals include the approval from MoEF, New Delhi and Urban Development Department, Govt. of Maharashtra concerning to CRZ. To corroborate their stand, they enclosed the copies of following documents:

1. Letter of MoEF having F. No. J.17011/46/2002-IA.III dated 11th March 2003
2. Letter No. TPB 2099/ 1095/ CR-154/ 99/ UD-12 dated 15th March 2003 of Urban Development Department, Govt. of Maharashtra

The Chief Promoter, Adarsh Co-operative Housing Society Ltd. claimed that, Urban Development Department has issued them the CRZ clearance vide letter dated 15th March, 2003 (copy enclosed) and therefore they have not violated the provisions of CRZ Notification, 1991 (amended time to time).

On the detailed scrutiny of the reply of the Chief Promoter of Adarsh Co-operative Housing Society Ltd., it was found that, CRZ clearance was conveyed by the Deputy Secretary, Urban Development Department to the Chief Engineer, Development Plan, MCGM with copy of the same to the Adarsh Co-operative Society on the basis of the letter dated 11th March 2003 of Additional Director, MoEF. The contents of the letter are reproduced as follows:

"This has reference to your letter No. TPB 2009/1095/CR-154/99/UD 12, dated 4th January, 2003 regarding the subject mentioned above. As per the information provided in the above letter and the revised Coastal Zone Management Plan of Greater Mumbai, it is noted that the proposed residential complex falls within the Coastal Regulation Zone-II area. This Ministry has already delegated the powers to the concerned State Government for undertaking development in Coastal Regulation Zone-II. Accordingly the proposed construction may be taken up as per the Coastal Regulation Zone Notification, 1991 (as amended from time to time) and the approved revised Coastal Zone Management Plan of Greater Mumbai".

Authority further noted that, the wording of the above mentioned MoEF letter is not in conformity with the MoEF's order dated 4.1.2002 and CRZ amendment of May 2002 which stipulates that housing projects needs clearance from MoEF regardless of the project cost. Hence the statement that "the ministry has already delegated powers to the State Government" is misleading.

A proposed demolition order was drafted by the Environment Department. As per the opinion of Law Officer, before issuing a proposed demolition order it was necessary that the Environment Department requests the Urban Development Department to provide the detailed report on the CRZ



permission and development permissions given by the concerned authorities. The matter was referred to Urban Development Department accordingly.

The Authority noted that, in the same matter, Mr. Santosh Daundkar has filed a PIL No. 27/ 2010, in the Hon. High Court of Mumbai; in which it is alleged that the project proponent has not obtained any permission from CRZ point of view from MCZMA for the construction, which is the violation of CRZ Notification, 1991 (amended time to time).

In the meantime, Secretary (Environment) received letter dated 26.10.2010 from MoEF with request to send a report regarding CRZ violation done by the Adarsh Co-operative Housing Society Ltd. Hence, Secretary (Environment) vide letter dated 29.10.2010 requested Principal Secretary, Urban Development Department; Municipal Commissioner, MCGM and Metropolitan Commissioner, MMRDA to provide detailed report on this matter. The Urban Development Department was also requested to take action to revoke the permissions given to the Society.

The details regarding various permissions granted by MCGM and MMRDA were received through Urban Development Department on 29.10.2010.

The above information was placed before the Authority in the 66th meeting of MCZMA held on 03.11.2010 for consideration. Authority, after detailed scrutiny of available information and reply of the Chief Promoter of Adarsh Co-operative Housing Society Ltd., opined that, instead of conveying the purported no-objection of MoEF vide letter dated 15th March 2003 to MCGM, Urban Development Department should have referred the matter to MCZMA in view of the following:

1. MoEF order [S.O. 18(E)] dated 04.01.2002, wherein it is mentioned that:
"VIII. The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals are referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, under the Government of India in the Ministry of Environment and Forests vide number S.O. 144(E) dated 19th February, 1991".
2. Amendment in CRZ Notification, 1991 vide S.O. 550(E) dated 21st May 2002, wherein it is mentioned that:
"(b) In sub-paragraph (2), after item (iii), the following items shall be inserted, namely:-
(iii a) Housing schemes in CRZ area as specified in sub-paragraph (2) of paragraph 6".

With respect to the clauses mentioned above, Authority concluded that the Adarsh Co-operative Housing Society Ltd. did not have the CRZ clearance from MoEF. Further, the Authority finds that Adarsh Co-operative Housing Society Ltd. should have approached the MCZMA so as to obtain the recommendation from MCZMA and subsequent clearance from MoEF for the proposal as per the order of MoEF dated 04.01.2002 and the amendment of 21st May 2002 wherein it is stipulated that, as per clause



No. 3. (2) (iii a), all housing schemes in CRZ areas will require Environmental/ CRZ clearance from MoEF irrespective of the quantum of investment.

Authority noted that, the site under reference falls in CRZ-II. As per the clarifications given by MoEF vide letters dated 08.09.1998 and 18.06.2006 as well as the order of Hon. Supreme Court dated 14.12.2007 in the SLP (C) No. 14578 regarding M/s. Suresh Estate V/s. Govt. of Maharashtra, the approved Development Control Rules, 1967 (i.e. the Development Control Rules under implementation and in force as on 19.02.1991) are applicable for building construction activities proposed in CRZ-II areas of Mumbai. Hence, Authority decided to verify the violations with respect to the Development Control Rules, 1967 and the clarification given by MoEF vide its letter dated 08.09.1998 which is reproduced as below:

"1. iv. The building(s) to be constructed will be restricted to the single plot (plot boundary as on 19-2-91) immediately abutting/ adjoining the existing authorized structures between which the imaginary line is drawn.

3. It is clarified that the phrase **"Existing Authorized Buildings"** means those buildings of a permanent nature that were existing prior to 19-2-1991, and were constructed in accordance with the building regulations and bye-laws in vogue prior to 19-2-91, and had received necessary sanctions including commencement and occupation certificates from the concerned local authority prior to 19-2-1991. Further, the construction of buildings, including expansion and reconstruction, should be in accordance with the FSI/ FAR norms and all other Town & country Planning regulations, including maximum permissible density, height, zoning etc. that were prevalent and in force as on 19-2-1991. The phrase building means a permanent fixed structure with a roof forming in enclosure and providing protection from the elements."

As per the reports and correspondence received from Urban Development Department, the following violations with respect to Development Control Rules, 1967 have been observed:

1. The required permission of the competent authority under CRZ regulation has not been taken.
2. The height of the building should have been as per the Rule No. 9 (Height provisions in Residential Zones) of the Development Control Rules, 1967 by which height of building could have been upto 45.6 m only in the instant case unless permitted by Commissioner through a written order. (It is noted that Metropolitan Commissioner, MMRDA, while according permission to the height beyond permissible limit, has not mentioned reasons for the same in its order. This may be ascertained/ examined by the Urban Development Department separately).
3. The FSI allowed and consumed in the instant case has been computed excluding the area for the amenities like staircases, lift wells and lobby. This is not permissible in the Mumbai City area as per the provisions of Appendix-XI (Circular No. CE/40730/I of 23.03.1973) of Development Control Rules, 1967.



4. The FSI allowed and consumed for the building exceeds the prescribed FSI for the development of buildings in CRZ area.

(While confirming these minutes, the contents of the note dated 4.11.2010 received from Principal Secretary, Urban Development Department were also noted.)

After deliberations and detailed discussion, Authority concluded that:

1. Required permission from the competent authority under CRZ regulation has not been taken by Adarsh Co-operative Housing Society.
2. No MoEF clearance was taken for amalgamating part of the BEST plot admeasuring 2669 sq. m. and the transfer of FSI to the construction though this was mandatory condition in the order of Revenue Department dated 5.8.2005 allotting the said plot to the Society.
3. The FSI allowed and consumed in the building construction exceeds the FSI permissible as per DCR 1967 which is applicable in CRZ-II area of island city of Mumbai. DCR 1967 prescribes that the FSI of any building in island city of Mumbai should be inclusive of lift, lobby and stair-case area. Thus the area admeasuring 2814.92 sq. m. could not have been included in the FSI.

The Authority noted that the Urban Development Department has, under Section 154 of MRTP Act, directed MMRDA by its order dated 30.10.2010 to take steps to revoke the occupancy certificate granted by it to Adarsh Co-operative Housing Society in response to the letter of Environment Department dated 29.10.2010.

Considering MoEF's letter dated 26.10.2010 and the fact that the project cost exceeds Rs. 5 crores, the Authority decided to refer the case of CRZ violation to MoEF for further action.

A handwritten signature in black ink, appearing to read 'V. K. Kher', with a horizontal line underneath.

Letter No. TPB 2099/ 1095/ CR-154/ 99/ UD-12 dated 15th March 2003 of Urban Development Department, Govt. of Maharashtra:

Government of Maharashtra

No. TPB 2099/1095/CR-154/99/UD-12
Urban Development Department
Mantralaya, Mumbai-400 032.
Dated : 15th March, 2003.

To
The Chief Engineer
(Development Plan),
Brihanmumbai Municipal Corporation,
Fort, Mumbai.

Sir,

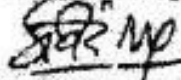
Subject : Development permission on land deleted
60.96 mtr. road for residential purpose, BBR
Block III to VI, Adarsha Co-op. Housing Society.

Reference : 1) Office letter No. TPB 2099/1095/CR-154/99/UD-12
dated 10th April, 2002.
2) MOEF letter No. FP No. J-17011/46/2002 /1A III
dated 11th March, 2003.

The Government in Urban Development Department vide Notification No. TPB 2099/1095/CR-154/99 (A) /UD-12, dated 10th April, 2002 sanctioned the modification to the Development Plan of Mumbai Backbay Reclamation area under Section 37 (2) of the Maharashtra Regional and Town Planning Act, 1966 as regards change in the width of the Prakash Peth Marg. By virtue of this modification, the width of Prakashpeth Marg was modified to 18.440 mtrs. from 60.97 mtrs. and in the area so deleted, as shown on the accompanied plan of the Notification was included partly in residential zone, parade ground, Helipad and BEST Depot. The matter was referred to the Ministry of Environment, Government of India as regards modification since it falls in CRZ-II area. It was specifically noted in the Notification that the development of land within Coastal Zone area CRZ-II shall be subject to the conditions mentioned in Government of India, Ministry of Environment and Forests Notification No. SO 114 (E) dated 19th February, 1991 as modified from time to time. Accordingly, the reference was made to the Government of India MOEF seeking permission for the Adarsha Co-op. Housing Society to allow them to have a building on the land which falls in residential zone vide Government letter dated 4th January, 2003. The Ministry of Environment and Forests have communicated their no objection to allow the said residential development since it falls within the Coastal Regulation Zone II area which satisfies the norms of Notification dated 19th February, 1991 and amendments made therein made upto 21st May, 2002. Now, there appears therefore, no objection to allow the residential development to the Adarsha Co-op. Housing Society on the land included in residential zone as per the

notifications sanctioned by the Government. The copy of the letter dated MOEF dated 11th March, 2003 is enclosed herewith for ready reference.

Yours sincerely,



(P. V. Deshmukh)

Deputy Secretary to Government

Copy to :

- 1) Chief Planner, Mumbai Metropolitan Region Development Authority, Mumbai
- 2) The Executive Engineer (Bldg. proposal), Municipal Corporation of Gr. Mumbai, Byculla.
- 3) The Chairman, Adarsh Co-op. Housing Society, Mumbai.

C.T.C

For ADARSH CO-OP. HSG. SOC. LTD.



Hon. Secretary

The meeting ended with vote of thanks to all members.

Chairperson,
MCZMA

Annexure-I

List of the members present for the 66th 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. Mr. S. J. Kunte, Principal Secretary, Revenue Department, Mantralaya, Mumbai
5. Dr. S. B. Chaphekar, Botanist, Mumbai
6. Dr. S. K. Chakraborty, Director-In-Charge, Central Institute of Fisheries Education, Mumbai
7. Dr. B. N. Patil, Member Secretary, MCZMA, Mantralaya, Mumbai