

Minutes of the 69th Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 29th April 2011 at Mantralaya, Mumbai

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

Principal Secretary (Industries), Mantralaya; Municipal Commissioner (Municipal Corporation of Greater Mumbai); Additional Chief Secretary (Revenue), Mantralaya, Mumbai; Secretary (Fisheries), Agriculture & ADF Department, Mantralaya, Mumbai; President (Vanarai Pratishthan); 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 was adjourned for 30 minutes for want of quorum.

Item No. 1: Confirmation of minutes of the 68th meeting of MCZMA held under Chairmanship of Secretary (Environment) on 14th March 2011 at Mantralaya, Mumbai

The minutes of 68th meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the members of the Authority present in the meeting.

Item No. 2: Follow-up of decisions taken in 68th meeting of MCZMA

Sensitization of Coastal District Collectors in Konkan Division on

a) **Functioning of District Coastal Monitoring Committee**

b) **Implementation of order issued under section 5 of Environment (Protection) Act, 1986 to Coastal Collectors for identification of violations of CRZ Notification, 1991**

Authority took on record and discussed about the Government Resolution by Environment Department (dated 23.03.2011), constituting District Coastal Zone Monitoring Committee (DCZMC) as per the requirement of CRZ Notification, 2011. District Collectors of Thane & Mumbai Suburbs, Resident Deputy Collectors of Ratnagiri & Sindhudurg and Sub-Divisional Officer of Alibag, Raigad were present in the meeting who were made aware by the Authority about the powers and functions of the DCZMC. Authority directed the Collectors, being the Chairperson of the DCZMC, to conduct a monthly meeting in their respective jurisdiction for the compliance of the functions of the DCZMC. Committee shall identify violations of provisions of CRZ Notification and CZMP within their respective jurisdiction and initiate action under section 19 of Environment (Protection) Act, 1986, under the powers delegated to District Collectors and Sub-Divisional Officer, under Environment (Protection) Act, 1986. Accordingly, Committee shall send its monthly reports to the Environment Department. Further Authority decided to take district-wise periodic review in the regular MCZMA meetings. Review of functioning of DCZMC of Mumbai Suburban and Thane Districts will be taken in forthcoming meeting of MCZMA. MCZMA also decided to give a Public Notice in prominent newspapers regarding:

- (i) Constitution of DCZMC
- (ii) Request to report violations in CRZ areas to District Collectors, Planning Authorities, MCZMA, DCZMC etc. Expenditure for the same will be incurred from the funds made available to MCZMA.

c) (i) Follow-up of preparation for Coastal Zone Management Plan for Mumbai, CIDCO and other coastal Municipal Corporations

Member Secretary, MCZMA informed to the Authority that all the local bodies, planning authorities have been directed to get the local level CZMPs prepared in the scale of 1:4000 from any of the MoEF authorized agency in accordance with the CRZ Notification, 2011, vide letter dated 08.03.2011. Principal Secretary, Urban Development Department also informed that he has written a letter to Municipal Commissioner regarding the preparation of CZMP of Greater Mumbai. Further, it was decided that till the new CZMP as per the CRZ Notification, 2011 is prepared, old CZMP approved by MoEF as per CRZ Notification, 1991, which is valid for 2 years as per para 5(xii) of CRZ Notification, 2011 will be used for processing applications received by Authority.

Further, it was informed to authority that the letter of Intent for undertaking work of preparation of CZMP of rural area was invited from all MoEF authorized agencies. However, authority received response from Institute of Remote Sensing (IRS), Anna University, Chennai for preparing maps for Raigad District excluding CIDCO area. The proposed cost for preparing the same is Rs. 152.20 lakhs. It was further informed that CESS, Kerala agreed to prepare CZMP of Thane District. However, formal letter of acceptance along with cost and time is yet to be received from Director, CESS. Further, it was informed that work of preparation of CZMP for Ratnagiri and Sindhudurg Districts will be given to willing MoEF authorized agencies. Authority noted that expenditure for the above works will be incurred from funds allocated to MCZMA by the state Govt. Further, authority also noted the request made to MoEF to provide financial assistance for preparation of CZMP of these districts.

Authority also noted the expenditure incurred for mapping of mangroves area as per Hon. High Court Order and other expenses by the authority in the year 2010-2011.

Authority also noted that mangroves area will be mapped while preparing new CZMPs and such maps will be given to the Settlement Commissioner for declaring such area as Forest since he expressed inability to declare it from available maps prepared by MRSAC, Nagpur.

(ii) Regarding approval of CZMPs prepared for coastal Municipal Corporations/ Councils in Maharashtra:

MoEF in accordance with the power vested under the Environment (Protection) Act, 1986 approved the Coastal Zone Management Plan (CZMP) for Maharashtra with certain conditions vide letter dated 27.09.1996. As per the specific condition No. 10 & 20 of this letter, it was directed to submit separate and fresh CZMPs for Greater Mumbai, Navi Mumbai and Kalyan. The CZMP of Greater Mumbai was prepared by Naval Hydrographer's Office, Dehradun (in the scale of 1:25000) while the CZMP for Navi Mumbai was prepared by SAC (in the scale of 1:25000). The CZMP of Greater Mumbai was approved by MoEF vide letter dated 19.01.2000.

MoEF vide letter dated 4th January 1999 enlisted the authorized institutions/ agencies for demarcating HTL/ LTL in CRZ areas. The general guidelines for demarcating the HTL/ LTL were annexed with the letter. As per this letter, the coastal State Government and the Union Territories



were requested to take up demarcation of HTL & LTL along their CRZ area with the assistance of the authorized agencies using the general guidelines.

As per the conditions mentioned in the MoEF letter dated 27.09.1996 and taking into consideration the provisions made in CRZ Notification, 1991 (as amended from time to time), the CZMP for the urban areas of Maharashtra was prepared on the basis of approved CZMP of Maharashtra by the Centre for Earth Science Studies (CESS), Thiruvananthapuram (one of the MoEF authorized agencies) showing HTL, LTL and other environmentally sensitive areas in the cadastral scale of 1:4000 for all Municipal Corporations/ Councils.

The rest of the CZMPs for coastal Municipal Corporations/ Councils in Maharashtra (prepared by CESS in accordance with CRZ Notification, 1991) were sent to respective local bodies by State Government with copy to MoEF for record. The details of the same are as follows:

Sr. No.	Municipal Corporation/ Council	District	Scale of CZMP
1	Thane Municipal Corporation	Thane	1:5000
2	Mira-Bhayandar Municipal Corporation	Thane	1:4000
3	Kalyan-Dombivali Municipal Corporation	Thane	1:5000
4	Bhiwandi-Nizampur Municipal Corporation	Thane	1:5000
5	Dahanu Municipal Council	Thane	1:5000
6	Vasai-Virar Municipal Council	Thane	1:4000
7	Ulhasnagar Municipal Council	Thane	1:4000
8	Shrivardhan Municipal Council	Raigad	1:4800
9	Alibag Municipal Council	Raigad	1:3400
10	Murud-Janjira Municipal Council	Raigad	1:4000
11	Vengurla Municipal Council	Sindhudurg	1:4000

However, MoEF vide letter dated 14.01.2011 requested MCZMA that whether the CZMP of Thane Municipal Corporation prepared by CESS, Thiruvananthapuram was approved by MCZMA. Therefore, all the CZMPs prepared by CESS, Thiruvananthapuram as per the guidelines of above said letters of MoEF were placed before the Authority for examination and approval. Authority noted that, as per para 5(xii) of CRZ Notification, 2011, "the CZMPs already approved under CRZ Notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein".

Hence Authority, after deliberations, decided to send these CZMPs to MoEF for information and record as per the last paragraph of the letter dated 27.09.1996 indicating approval to CZMP of State which states that the revised plan as per the conditions/ modifications mentioned above, shall be submitted to MoEF within 2 months for record.

Further, CZMP of Kalyan area is recommended to MoEF for approval as per condition No. 10 of the CZMP approval letter dated 27.9.1996.

After deliberations, Authority decided to recommend the CZMPs prepared by CESS to MoEF for record and information.



(d) Simplification of application procedure and checklist

Authority noted that the draft checklist prepared by MCZMA was placed in the 68th meeting to get detailed information such as land use, zoning, existing structure details, details of the proposed project etc. and for speedy clearance of the proposal in a time bound manner as per the requirement of CRZ Notification, 2011.

However, in the 68th meeting, MCGM officials requested to simplify the checklist so that MCGM/ planning authorities could provide remarks on the certain points mentioned in the checklist. Accordingly, the simplified checklist was placed before the Authority. Authority took on record the simplified checklist and approved it for scrutinizing the proposal. It was decided to make the revised checklist available on the website of MCZMA immediately. Checklist shall be sent to all planning authorities for further necessary action. Authority also noted that, District Collector is planning authority for rural areas. However, it was further noted that, District Collector may direct concerned Town Planning Officers for submitting the application to MCZMA. Planning authorities will submit applications received by it to MCZMA along with relevant information indicated in Part-B of the application format along with Part-A submitted by applicant.

Authority noted that, as per para 5(xii) of CRZ Notification, 2011, "the CZMPs already approved under CRZ Notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein". Hence, Authority decided to consider the approved CZMPs prepared in accordance with CRZ Notification, 1991 along with the applications submitted in prescribed format. Authority further decided to direct the coastal Municipal Corporations/ Councils/ Town Planning Offices to make available the CZMPs of the area concerned to the project proponents.

CZMP of Maharashtra and Mumbai approved by Govt. of India (MoEF) will be valid for two years till the new CZMP is prepared and approved as per CRZ Notification, 2011. The planning authorities should process application on the basis of approved CZMP of the area. For rural areas CZMP prepared by Space Application Centre (SAC), Ahmedabad (in the scale of 1:25000) and approved by MoEF shall be used. Coastal land use maps prepared by MRSAC, Nagpur, prepared on the basis of CZMP of SAC, Ahmedabad shall be submitted with the application along with approved map for reference. This procedure will be applicable till the time new CZMP as per CRZ Notification, 2011 is approved by MoEF.

The simplified checklist is enclosed as follows, which will be made available on the website of MCZMA. Authority decided to issue an Office Memorandum as above for all planning authorities.



MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

No. MCZMA-2011/CR-1/MCZMA
Environment Department,
Mantralaya, Mumbai -400 032
Dated:

OFFICE MEMORANDUM

Subject: Implementation of provisions of Coastal Regulation Zone Notification, 2011 issued vide S.O.19 (E), dated 6th January, 2011- regarding-

Reference: 1) Coastal Regulation Zone Notification, 2011 issued vide S.O. 19(E), dated 6th January, 2011
2) D/P/657(E) dated 19th March] 2011 Corrigendum to CRZ Notification, 2011
3) Clarifications Issued by MoEF vide letters dated 8.2.2011 and dated 24.2.2011

Ministry of Environment and Forests (MoEF), Government of India, New Delhi has issued the CRZ Notification, 2011 vide S.O. 19(E), dated 6th January, 2011. The Maharashtra Coastal Zone Management Authority (MCZMA) has been constituted under Section 3 of Environment (Protection) Act, 1986 and has been entrusted to regulate the development or construction activities in different categories of CRZ areas as defined in the CRZ Notification, 2011. The CRZ Notification, 2011 as per the para 4 (b) also empowers the MCZMA to examine the proposals and give its prior recommendations for the proposals/ activities proposed in CRZ areas.

To bring clarity in processing the cases submitted for prior permission of CRZ clearance, it was under consideration to issue guidelines for the same to the Planning Authorities and other concerned. The same matter was also considered in the 69th Meeting of MCZMA.

Therefore, the following guidelines are issued to facilitate the speedy disposal of proposals submitted to the MCZMA by Planning Authorities and other concerned.

1) Application procedure for submitting the application for prior CRZ recommendation/clearance under CRZ Notification, 2011.

MoEF has laid down an application procedure in para 4.2 of the CRZ Notification, 2011 as per the para 4.2(i) of this notification following documents should be submitted along with the application:

(a) Form-1 (Annexure-IV of the notification);



- (b) Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d). However, this will not be applicable for the housing construction projects proposed in CRZ area.
- (c) Comprehensive EIA with cumulative studies for projects in the stretches classified low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration;
- (d) Disaster Management Report, Risk Assessment Report and Management Plan;
- (e) CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2 of CRZ Notification, 2011) in 1:4000 scale;
- (f) Project layout of the proposed project indicating various activities superimposed on the above map indicated at (e) above;
- (g) The CRZ map normally covering 7 km radius around the project site (not for smaller housing projects)
- (h) The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas around the proposed project;
- (i) No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like;

As per the para 4(i) (d), MCZMA has to send prior recommendations from CRZ point of view to the concerned Planning Authorities. Applications in case of housing, building construction and area development project should be submitted through concerned Planning Authorities such as Municipal Corporation, Municipal Council and District Collector (Town Planning) for rural areas.

To get the information such as land use, zoning remarks, existing structure details, proposal details, authorization details etc. required in compliance with the various provisions stipulated in the CRZ Notification, 2011, MCZMA has developed a comprehensive checklist which will enable the Authorities to process the applications speedily. The checklist comprises Part-A and Part-B. As per the checklist, the owner of the project shall submit the detailed proposals along with the information indicated in Part-A of the checklist to the concerned Planning Authorities.

The Planning authority in turn shall develop the Part-B of the application indicating information required as per the check list and send the proposal to MCZMA. The Planning Authorities while sending the proposals to the MCZMA should incorporate executive summary of the proposal, Authority's specific remarks if any, etc. before sending an application to MCZMA. The checklist is enclosed as Annexure-I.



2) Validity of Coastal Zone Management plans (CZMP) prepared under CRZ Notification, 1991:

As per para 5(xii) of CRZ Notification, 2011, the approved CZMP under CRZ, 1991 will be valid for 2 years. This map will be used for the processing of the proposals for CRZ NOC till the new CZMP as per CRZ, 2011 is approved. For rural areas CZMP prepared by Space Application Centre (SAC), Ahmedabad (in the scale of 1:25000) and approved by MoEF shall be used. Coastal land use maps prepared by MRSAC, Nagpur, prepared on the basis of CZMP of SAC, Ahmedabad shall be submitted with the application along with approved map for ready reference only.

3) SRA scheme in CRZ-II area within limit of Greater Mumbai:

- i) Application should be submitted through concerned planning authority as illustrated above.
- ii) Documents required as per para 4.2 (i) of the CRZ Notification, 2011
- iii) Identification of the slum cluster in CRZ-II area of Greater Mumbai as on 6.1.2011 (data is to be provided by concerned planning authorities)
- iv) Statement indicating 51% stake of the Government or parastatal bodies
- v) Areas statement with FSI calculations. FSI will be in accordance with local Town and country planning regulation as on 6.1.2011
- vi) Undertaking from project proponent to get cover under RTI Act, 2005 and Comptroller and Auditor General.
- vii) Report of the Public consultation with legally entitled slum dwellers.
- viii) List of eligible tenants
- ix) Notification indicating notified slum by Govt. of Maharashtra

4) Redevelopment of Cessed or Dilapidated or Unsafe building in CRZ-II area of Greater Mumbai:

- i) Application should be submitted through concerned planning authority as illustrated above.
- ii) Documents required as per para 4.2 (i) of the CRZ Notification, 2011
- iii) Identification of cessed or dilapidated or unsafe buildings in CRZ II areas of Greater Mumbai as on 6.1.2011 (Data is to be provided by the concerned planning authority)
- iv) Areas statement with FSI calculations. FSI will be in accordance with local Town and country planning regulation as on 6.1.2011



- v) Undertaking from project proponent to get cover under RTI Act, 2005 and Comptroller and Auditor General.
- vi) Report of the Public consultation with legally entitled tenants of the dilapidated or cessed or unsafe buildings.
- vii) List of eligible tenants.
- viii) Certificate indicating cessed/ dilapidated/ unsafe buildings

5) FSI for the proposals other than SRA scheme, dilapidated buildings, cessed buildings and unsafe buildings in CRZ-II area of Greater Mumbai will be as per the Development Control Rules existing and in force as on 19.2.1991 i.e. as per the DCR, 1967 which was existing and in force as on 19.2.1991.

6) For areas other than the Greater Mumbai, FSI for new construction, resorts, hotels, redevelopment etc. will be as per DCR existing and in force as on 19.2.1991.

7) Existing road means the road which was approved in Development Plan and was in place on or before 19.2.1991.

8) CRZ clearance given under CRZ Notification, 2011 will be valid for 5 years only from the date of issue of the clearance for commencement of construction and operation.

9) Development Plan which was existing and in force as on 19.2.1991 will be applicable for new construction, redevelopment etc. in CRZ areas

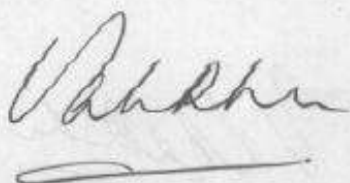
Yours faithfully,

Secretary (Environment) &
Chairperson (MCZMA)



Copy to:

1. Special Secretary, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi- 110 003
2. Principal Secretary
Urban Development Department/ Revenue Department/ Industries Department/ Rural Development Department/ ADF Department/ Water Resources Department/ Irrigation Department/ Public Works Department/ Forest Department/ Ports Department/ Transport Department/ Housing Department/ Tourism Department
3. Municipal Commissioner,
Municipal Corporation of Greater Mumbai/ Thane/ Navi Mumbai/ Mira-Bhayandar/ Kalyan-Dombivali/ Vasai-Virar/ Bhiwandi-Nizampur
4. Metropolitan Commissioner, MMRDA, Bandra (East), Mumbai- 400 051
5. Divisional Commissioner, Konkan Division, Konkan Bhavan, Navi Mumbai- 400 614
6. Director, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi- 110 003
7. Managing Director, CIDCO, CBD Belapur, Navi Mumbai- 400 614
8. District Collector,
Mumbai City/ Mumbai Suburbs/ Thane/ Raigad/ Ratnagiri/ Sindhudurg
9. Member Secretary, Maharashtra Pollution Control Board, Sion, Mumbai- 400 022
10. Chief Officer
Municipal Council of Alibag/ Ratnagiri/ Sindhudurg/ Sawantwadi/ Malvan/ Vengurla/ Kankavali/ Mahad/ Roha/ Pen/ Panvel/ Uran
11. Chief Executive Officer
MHADA/ SRA/ Shivshahi Punarvasan Prakaip Limited
12. Director, Town Planning, Mumbai
13. Deputy Director, Town Planning, Mumbai
14. Chief Executive Officer, Maharashtra Maritime Board
15. Chairman, Mumbai Port Trust (MbPT)/ Jawaharlal Nehru Port Trust (JNPT)
16. Managing Director, MSRDC
17. Managing Director, MIDC
18. Managing Director, MTDC



Annexure-I

Checklist for Submission of Application for prior CRZ Clearance under CRZ Notification, 2011

General Instructions for Submission of Application for CRZ Clearance to MCZMA:

- (1) Please do not write on the checklist.
- (2) PART-A of the application form is applicable for all projects. Project Proponent is required to fill submit the application to concerned planning authorities such as Municipal Corporation, Municipal Councils, District Collector through Town Planning for the rest of the rural area, MHADA / SRA/ MMRDA / CIDCO etc. as per the details indicated in the checklist.
- (3) PART-B of the application covering all the detailed information, maps indicated in the check-list should be completed/ developed by concerned planning authority and send to MCZMA for prior CRZ recommendation/ clearance.
- (4) Concerned planning authority should submit applications to MCZMA along with PART-A & PART-B with detailed information on the points covered in it along with its remarks on the proposed project/ activity.

PART-A

(To be submitted by Project proponent to Planning Authority)

		Particulars	Page No.
1		Executive Summary of the project	
2		Duly filled Form I as per annexure IV of CRZ Notification 2011 (Compulsory for all Projects)	
3		Whether proposed project covered under EIA Notification 2006	
	a	If yes, duly filled Form I & IA (As per provision 4(i)(d) and 4(ii)(a) of CRZ Notification, 2011)	
	b	CRZ map indicating HTL & LTL demarcated by one of the authorized agency in 1:4000 scale (as per para (2) of CRZ Notification, 2011)/ on the approved CZMP of the area showing the site under consideration	
4		Introduction of the Project/ Background information indicating following:	
	i	Identification of the project & project proponent landownership indicating CTS No./ Survey Nos. etc.	
	ii	Brief description of nature of the project with details including. Layout Plan, Building Floor Plan etc.	



		Particulars	Page No.
	iii	Need for the project & its importance	
	iv	Demand supply gap or information on similar projects in the region	
5	i	Location of the project showing general location, specific location, Project boundary, project site approved layout with coordinates from competent Authority	
	ii	Details of the alternative sites considered from environmental point of view	
6		Site Analysis	
	i	Area of the project site (in sq. m.)	
	ii	Connectivity	
	iii	Land form, land use, Land ownership	
	iv	Topography (along with map)	
	v	Existing land use pattern (agriculture, non- agriculture, forest, water bodies shortest distances from the periphery of the project to periphery of the forest, national park, wild life sanctuary, eco-sensitive area, water bodies (distance from the HFL of the river). In case of notified industrial area, a copy of the Gazette notification should be given	
	vi	Social Infrastructure available	
7		Planning Brief	
	i	Planning concept (type of industries, facilities, transportation etc) Town & Country planning/ Development Authority Classification.	
	ii	Population projection	
	iii	Land use planning (breakup along with green belt etc)	
	iv	Assessment of Infrastructure Demand (Physical & Social)	
	v	Amenities/ Facilities (existing & proposed)	
	vi	Proposed use	
	vii	FSI proposed to be consumed	
	viii	Whether lift, lobby, staircase etc. are claimed free of FSI & if so whether they are permissible (if so mention the provision of DCR)	
8		Proposed Infrastructure	
	i	Industrial area (Processing Area)	
	ii	Residential Area (Non processing Area)	
	iii	Green Belt/ Afforestation details	
	iv	Social Infrastructure	
	v	Connectivity (Traffic & Transportation Road/ Rail/ Metro/Water ways etc)	
	vi	Drinking Water Management (Source & supply of Water)	
	vii	Sewerage System.	



		Particulars	Page No.
	viii	Industrial Waste Management	
	ix	Solid Waste Management	
	x	Power requirement & Supply/ Source	
9		Rehabilitation & Resettlement (R& R) Plan	
	i	Policy to be adopted (central/ state) in respect of the project affected persons including home oustees, land oustees & landless laborers (a brief outline to be given)	
	ii	Proposed detailed action plan for mangroves replantation (if any)	
10		Project Schedule & Cost Estimates	
	i	Likely date of start of construction & likely date of completion (Time schedule for the project to be given)	
	ii	Estimated project cost along with analysis in terms of economic viability of the project	
	iii	Share holding of the developer	
	iv	Share holding of the state government	
11		Analysis of proposal (Final Recommendations)	
	i	Environmental cost benefit analysis including financial & social benefits with special emphasis on the benefit to the local people including tribal population, if any, in the area	
12	i	Rapid EIA report including marine & terrestrial component except for construction projects listed under 4 (c), 4(d) of CRZ Notification, 2011. (Not applicable for building proposal)	
	ii	Comprehensive EIA with cumulative studies for projects in the stretches classified as low & medium eroding by MoEF based on scientific studies & in consultation with the State Governments and Union Territory Administration (as per provision of 4.2 (c) of CRZ Notification, 2011) (Not applicable for building proposal)	
	iii	Disaster Management Report , Risk Assessment Report & Management Plan (As per provision of 4.2 (d) of CRZ Notification, 2011)	
	iv	Photographs & Google images of the site indicating existing status & location of the site	
	v	CRZ map indicating HTL and LTL and CRZ classification by one of the authorized agencies by MoEF in 1:4000 scales and project layout superimposed on the above map of CZMP (As per provision 4.2 (e) and (f) of CRZ Notification, 2011)	
	vi	The CRZ map normally covering 7 km radius around the project (for ports, harbours, jetties, infrastructure projects) (as per provision 4.2 (g) of CRZ Notification, 2011)	
	vii	NOC from MPCB for projects involving significant discharge of effluents, solid wastes, sewage and the like (As per provision 4.2 (i) of CRZ Notification, 2011)	
13		Attached following No Objection Certificates (if applicable)	

		Particulars	Page No.
	i	Heritage Conservation	
	ii	State Ground Water Board	
	iii	Maharashtra Pollution Control Board	
	iv	High Court	
	v	Maritime board	
	vi	Port Trust	
	vii	Civil Aviation	
	viii	High Rise Committee	
		Applicable for SRA/ Cessed/ Dilapidated/ Unsafe Building	
14		Undertaking of the Project proponent for the development through Slum Rehabilitation Scheme along with the state Government to ensure that all legally regularized tenants are provided houses in situ or as per norms laid down by the State Government in this regard (as per the provision of 8 (V) (2) (iii) of CRZ Notification, 2011)	
15		Undertaking of the Project proponent to agree to be covered under the Right to Information Act 2005 (as per the provision 8 (V) (c) (d) (v) of CRZ Notification, 2011)	
16		Public consultation Report (As per provision 8 (v) (4) of CRZ Notification, 2011)	
17		Stake of the State Govt. or its parastatal entities (which should not be less than 51%) in the project (As per provision 8(V)(1)(ii)(b)(2)(i) of CRZ Notification, 2011)	
18		Any other information relevant to the proposal	

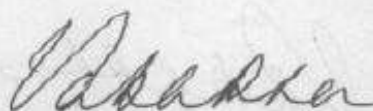
Declaration

I hereby declare that the information mentioned above is true to the best of my knowledge. I fully understand that any information furnished above, if proved incorrect or false will render me liable for any penal action or other consequences as may be prescribed in law or otherwise warranted. Further I hereby state that I will also submit half yearly compliance report in soft & hard format, on 1st June & 31st December of each calendar year to the CZMA as per the rule 4.2 (v) of the CRZ Notification, 2011 issued under the Environment Protection Act, 1986. I will pay the requisite fees to MCZMA for processing the application placed before it.

Date:

Signature of Applicant

Place:



PART-B

(To be filled by Planning Authority for onward submission to MCZMA)

Note:

- (1) Proposals other than Koliwada, Cessed, SRA, Dilapidated & unsafe Building in Mumbai area should be processed as per DCR 1967. For other areas proposals should be processed as per DCR existing & in force as on 19.2.1991.
- (2) CZMP of Maharashtra and Mumbai approved by Govt. of India (MoEF) will be valid for two years till the new CZMP is prepared and approved as per CRZ Notification, 2011. The planning authorities should process application on the basis of approved CZMP of the area. For rural areas CZMP prepared by Space Application Centre (SAC), Ahmedabad (in the scale of 1:25000) and approved by MoEF shall be used. Coastal land use maps prepared by MRSAC, Nagpur, prepared on the basis of CZMP of SAC, Ahmedabad shall be submitted with the application along with approved map for reference. This procedure will be applicable till the time new CZMP as per CRZ Notification, 2011 is approved by MoEF.

		Particulars	Page No.
1	a	Whether the project site falls in CRZ-I, II, III & IV	
	b	CRZ map indicating HTL & LTL demarcated by one of the authorized agency in 1:4000 scale (as per para (2) of CRZ Notification, 2011)/ on the approved CZMP of the area showing the site under consideration	
	c	Project layout superimposed on the above map indicated at (b) above	
	d	CRZ map covering 7 km radius around the project site & indicating CRZ-I, II, III & IV areas including other notified ecologically sensitive areas	
	e	If Project Site falls in CRZ-I A/ CRZ-I B, then submit the following	
	i	Distance of the project site from mangroves/ HTL	
	ii	Density of mangroves & extent of 50 meter buffer zone from project site	
	f	If Project Site falls in CRZ-II	
	i	Whether project site is on seaward side of the existing road as on 19.2.1991	
	ii	Whether project site is on landward side of the existing road constructed prior to 19.2.1991	
	A	If yes, certificate from Competent Authority indicating approval of road on development plan & date of construction	
	B	width of road	



		Particulars	Page No.
		lii Whether project site is on seaward/ landward side of the Hazard line	
	g	If Project Site falls in CRZ III, distance of project site from HTL & mangroves, if any	
2		Zoning, Land use & Development Plan remarks from the Competent Authority indicating the following details: (As per the provision 8(I)(I), (II) & (III) of CRZ Notification, 2011)	
	i	Identification of the project & project proponent, landownership indicating CTS No./ Survey Nos. etc.	
	ii	Brief description of nature of the project with details including, Layout Plan, Building Floor Plan etc.	
	iii	Information of the project site with respect to the CTS No., Survey No. total area etc.	
	iv	Copy of approved CTS plan from Land Records Department/City Survey Office	
	v	Status of land Freehold/ Leasehold	
	vi	Copy of Property Card/ 7/12 Extract	
	vii	Zoning remarks for the project site as per development plan existing & enforce as on 19.2.1991	
	viii	Zoning remarks for the project site as per current/ prevailing development plan as on today	
	ix	Permissible height as per DCR enforce as on 19.2.1991	
	x	Permissible height as per current prevailing DCR	
	xi	FSI calculations as permissible in DCR existing on 19.2.1991 indicating eligible FSI in the proposed project	
	a	Proposed use	
	b	FSI proposed to be consumed	
	c	Whether lift, lobby, staircase etc. are claimed free of FSI & if so whether they are permissible (if so mention the provision of DCR)	
	xii	Permissibility of proposed use as per development plan & DCR as on 19.2.1991	
	xiii	Development plan of the area indicating site under reference, zoning, reservation etc.	
	xiv	Land use change, if any, in the project	
	xv	Designated reservations, if any, as per development plan/ Regional plan as on 19.2.1991 and as per current prevailing development plan of the area	
	xvi	Specific powers of Authority enabling relaxation in height, use & another provisions of DC Regulations	
3		Proposed project Detail including Layout Plan, Building Floor Plan etc. (As per provision 8(II) & (III) of CRZ Notification, 2011)	
4		Details of Existing structure/ Infrastructure on site from Competent Authority indicating following details (As per provision 8(II) & (III) of CRZ Notification, 2011)	



		Particulars	Page No.
	i	Occupation certificate	
	ii	Commencement certificate	
	iii	Authorized plinth map from land records/ city survey office	
	iv	FSI consumed & approved building plan of the existing structure from Planning Authority	
	v	Remarks indicating existing use of the structure	
	vi	Details of court cases/legal matters if any with respect to proposed matter	
	vii	Details of complaints, if any	
5		Additional information for reconstruction of Houses in Koliwada (As per provision 8(V)(4)(g) of CRZ Notification, 2011)	
	a	Details of notified fishing settlement areas/ Koliwadās as per development plan existing as on 19.2.1991 from competent Authority	
	b	Certificate from competent Authority indicating, traditional Fishermen communities/ other local coastal communities as per the Govt. records if proposal belongs to Koliwada	
6		SRA/ CESS/ Dilapidated/ Unsafe Building (As per provision 8(V) of CRZ Notification, 2011)	
	a	Slum area declaration Notification along with list of eligible tenants	
	b	Public consultation Report	
	c	CESS/Dilapidated/dangerous/Unsafe building certificate from Competent Authority.	
	d	Stake of the State Govt. or its parastatal entities (which should not be less than 51%) in the SRA scheme projects (As per provision 8(V)(1)(ii)(b)(2)(i) of CRZ Notification, 2011)	
7		Detailed remarks of the Planning Authority on the proposed project	

Signature

Chief Engineer (DP), MCGM /
Municipal Commissioner/ Chief Engineer, Coastal
Municipal Corporation /
Chief Officer, Coastal Municipal Council/
Chief Town Planner, CIDCO / MMRDACE /
Chief Engineer, MHADA / SRA / SPPL etc. /
District Collector (Assistant Director Town
Planning) as applicable for the area

Date:

Place:



(e) Clarification on issue of processing CRZ applications as per CRZ Notification, 2011

With reference to the implementation of CRZ Notification, 2011, MCZMA has requested MoEF (vide letter dated 19.04.2011) for seeking clarification on following points, pertaining to the application procedure for obtaining permission from CRZ point of view:

1. Submission of CRZ maps in the scale of 1:4000 from MoEF authorized agency (as per para 4.2(d) of CRZ Notification, 2011)
2. Submission of CRZ map normally covering 7 km radius around the project site (as per para 4.2(g) of CRZ Notification, 2011)
3. Submission of fresh application as per CRZ Notification, 2011 along with CRZ map of 1:4000 scale and map of 7 km radius (as per the guidelines issued by MoEF vide letter dated 08.02.2011)
4. Procedure to follow on CRZ cases considered as per CRZ Notification, 1991 and pending for clearance as per CRZ Notification, 2011

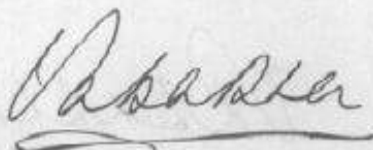
It was noted by the Authority that the MoEF vide letter dated 08.02.2011 and 24.02.2011 issued clarifications on certain points. These clarifications are available on the website of MCZMA. Further, MCZMA decided that as per the directions of MoEF, proposals which were considered/ recommended by the Authority to MoEF will be scrutinized again to check the applicability of CRZ Notification, 2011 and will be cleared as per the provisions of CRZ Notification, 2011 for regulating the proposals attracting CRZ Notification, 2011. Further, it was also decided that NOC of MPCB will be applicable in the matters in which substantial amount of sewage generation is envisaged. In case of small house/ building where less sewage generation is anticipated and inbuilt treatment facility is provided, no NOC of MPCB will be required.

As informed by MoEF officials, it was also noted that, CRZ map covering area of 7 km will be applicable to the activities requiring foreshore and seafront. Further clarifications from MoEF are awaited. It was also decided that, application for SRA projects, redevelopment of cessed, dilapidated and unsafe buildings should be as per para 8(V) and para 4.2 of CRZ Notification, 2011. It was also decided that, redevelopment projects of above category which are already cleared as per CRZ Notification, 1991 and got completion certificate from the planning authority can not avail the benefits of provision of para 8(V) and 4.2 of CRZ Notification, 2011. Further, processing fees will be charged as per the previous decision of the Authority.

Item No. 3: Regarding CRZ Clearance to Metro car shed at Charkop and Mankhurd and alignment of Metro crossing Mahim Creek, Vakola Creek, Vakola Nalla and Mithi River (Mumbai Metro Rail Project by MMRDA)

The matter was placed before the Authority. Officials of the MMRDA presented the case before the Authority. Authority noted the following:

The proposal involves:



1. Establishment of car shed at Charkop and Mankhurd for the Charkop-Bandra-Mankhurd Corridor under Mumbai Metro Rail Project. This corridor consisting of 27 stations is the second corridor providing West to East Connectivity in Mumbai covering length of 31.87 km.
2. Two maintenance sheds at Charkop and Mankhurd with requirement of 19.69 Ha & 24 Ha respectively.

Authority also noted the details of the proposed car depots and alignment which are as follows:

Charkop Metro Car Shed:

- Depot Area – 19.69 Ha.
- CTS and village – 226 Pt. of Malad, 1 Pt. Valnai, 7 Pt. of Malvani
- CRZ-I area - 11.6 Ha.
- CRZ-II area – 4.535 Ha.
- No CRZ – 3.56 Ha.
- Mangroves affected area - 1.18 Ha.

Mankhurd Metro Car Shed:

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

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

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

Authority noted that, the matter was placed earlier in the 49th, 51st, 56th, 59th and 63rd MCZMA meetings. As per the decision of the Authority, the matter was recommended to MoEF for CRZ clearance.

Further, Hon. High Court of Mumbai in its order dated 06.10.2005 given in case of Writ petition (Lodg) No. 3246/ 2004 and order dated 27.01.2010 in case of Notice of Motion No. 417/ 2008 in PIL No. 87/ 2006, no activity is allowed in the mangroves area and no non-forest activity is allowed and permission from Forest Department and Hon. High Court should be obtained for the same.

Authority further noted that, Additional Metropolitan Commissioner, MMRDA vide letter dated 17th September 2010 informed that, the Mumbai Metro Rail Project was considered in the 90th meeting of Expert Appraisal Committee (EAC) of MoEF wherein MCZMA and Environment

Department was requested to obtain a legal opinion on the permissibility of Mumbai Metro Rail Project in CRZ-I (i) and CRZ-I (ii) areas as per the provisions of CRZ Notification, 1991. Hence, the matter was referred to the Law & Judiciary Department. The Law & Judiciary Department opined that the matter appears to be more technical than legal and MCZMA would be an appropriate authority to decide the issue.

Therefore, this issue along with above legal opinion was placed before the 67th meeting of MCZMA held on 22nd December, 2010 and the minutes of the same were confirmed in the 68th meeting of MCZMA held on 14th March 2011. After deliberation authority decided to recommend the proposal again to MoEF subject certain conditions and the decision was conveyed to the MoEF vide letter dated 11.04.2011. Authority noted that, MoEF has requested to check the permissibility of the proposed Metro Rail Project as per new CRZ Notification, 2011 which has superseded CRZ Notification, 1991. In light of the CRZ Notification, 2011, Authority noted that:

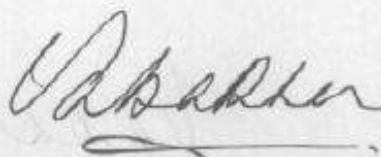
1. As per the provisions of CRZ Notification, 2011, construction of trans-harbour sea link, road on stilt or pillars etc. without affecting the tidal water is permissible activity in CRZ-I and CRZ-II area.
2. As per the para 8(i)(i)CRZ-I(i): No new construction shall be permitted in CRZ-I area except-
(b) Pipelines, Conveying system including transmission lines

Considering these points, Authority deliberated on the issues like permissibility of proposed activities in CRZ-I in accordance with the CRZ Notification, 2011, mangroves affected due to the proposed activity, disposal of effluents generated from activities like repair works at the proposed car sheds etc.

In view of these points, the officials of MMRDA explained that, the proposed car sheds – both at Charkop and Mankhurd are proposed with deck on stilts in CRZ areas and separate effluent treatment plants (ETPs) for treating the effluent to be generated from the proposed car depots are planned to be set up in non-CRZ areas. They also assured that the effluent generated would be channelised to these ETPs for treatment and no untreated effluent shall be released in the water body. They also mentioned to comply with the provision of the CRZ Notification, 2011 for 5 times re-plantation of mangroves on suitably identified site in compensation with the mangroves affected by the proposal.

Considering these points, Authority, after deliberations, decided to recommend the matter to MoEF for further necessary action subject to the following conditions:

1. The car sheds in CRZ areas should be constructed on stilts.
2. All the treatment facilities to treat effluent generated from the car shed should be moved to non-CRZ area and effluent generated from the activities on car shed area shall be channelised to ETP for treatment.
3. MMRDA should obtain prior permission of Hon. High Court before commencement of the work for the areas under mangroves and comply the orders of Hon. High Court of Mumbai dated 27.01.2010 given in case of Notice of Motion No. 417/ 2006 in PIL No. 87/ 2006.



4. MMRDA should undertake compensatory mangroves plantation on suitable areas indicated in the clearance of the Forest Department and as per the mandates of the CRZ Notification, 2011.
5. MMRDA to adopt appropriate measures to avoid land, air and water pollution during construction and operation phases and develop natural noise barriers around/ along the site, wherever possible.
6. MMRDA should ensure scientific disposal of Municipal/ Solid Waste generated during the construction as well as operation phase.
7. MMRDA shall ensure free flow of natural drainage and will adopt measures to avoid flooding of the areas during rainy season due to proposed activity.
8. MMRDA to develop natural bio-shields towards the seaward side of the proposed activity to ensure protection to infrastructure from natural disasters.

Item No. 4: Regarding decision on proposals pending/ in pipeline which are submitted before 06.01.2011 & referred back at State level by MoEF for further necessary action

(1) Redevelopment of existing transit camp on plot bearing CS No. 97/C at Cuffe Parade, Colaba, Mumbai:

The matter was placed before the Authority. Authority noted the proposal details and the background of the case which is as follows:

1. The proposal for the redevelopment of existing Transit Camp on plot bearing CS No. 97/C at Cuffe Parade, Colaba, Mumbai was considered in the 58th meeting of MCZMA.
2. As the redevelopment was proposed on seaward side of the existing authorized road, the imaginary line concept was applied in the matter. As per the decision of MCZMA the matter was recommended to MoEF vide letter dated 19.12.2009.
3. MoEF vide its letter dated 24th 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. The matter was considered in the 58th MCZMA meeting, where imaginary line was re-drawn by MHADA officials. The line was drawn between authorized building No. 20 and Building No. 38 and parallel to HTL.
5. This realigned line was accepted by the authority and subject to conditions. 1) Construction should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 10.02.1991 (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, 10.02.1991 (Amended time to time) and Development Control Rules,



1967. 3) Construction should be as per MoEF clarification letter dated 08.09.1998, the matter was recommended to MoEF.

6. MHADA has submitted their reply to MoEF addressed to Director, MoEF vide letter dated 22.04.2010. 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.

Also enclosing herewith proposed layout superimposed on development plan prepared by MMRDA showing HTL. Please note that MMRDA is the planning authority for the back-bay reclamation. Hope this clarifies the matter & request you to kindly include our case in the forth coming meeting and oblige."

7. The matter was again placed in 65th meeting of MCZMA held on 9.9.2010 wherein, Authority decided to recommend the matter to MoEF for further necessary action

Authority further noted that, since the proposed construction is on seaward side of the existing road and landward side of the imaginary line drawn between two existing authorized building on the same plot, the proposal was recommended to MoEF as per provisions of CRZ Notification 1991, based on the imaginary line concept.

However, the proposal has been referred back by MoEF in light of new CRZ Notification, 2011 vide their letter dated 25th February 2011 and requested for consideration and necessary action as per provisions of CRZ Notification, 2011.

Authority noted that as per 9(II)CRZ-II(iii), reconstruction of authorized building to be permitted subject with the existing Floor Space Index and Floor Area Norms and without change in present use and as per 9(V)(1)(iii)(a), the development or redevelopment shall continue to be undertaken accordance with the norms laid down in the Town & Country Planning Regulations as they existed on date of the issue of the notification dated 19.02.1991.

However, Authority noted that, the proposed construction is on the seaward side and the new CRZ Notification, 2011 excludes the concept of imaginary line for the construction towards the seaward side. Hence Authority after deliberation and detailed discussion, decided to seek the clarification from the MoEF with respect to the permissibility of the construction towards the seaward side on the basis of the imaginary line concept of MoEF communicated vide letter dated 08.09.1998.

(2) Proposed residential development on CTS No. 505, 505/1 etc. on Village Juhu, Off Juhu Road, Vile Parle (West), Mumbai:

The matter was placed before the Authority. Authority noted the proposal details as follows:

1. Mr. Rustom Soli Sethna, has proposed residential development on CTS No. 505/2, 505/4 and 505/12 of Village Juhu, A. B. Nair Road, Vile-Parle (W) by demolition of existing structures on the plots.
2. As per the revise development plan of the area the plot bearing CTS No. 505/2, 505/4 and 505/12 of Village Juhu, A. B. Nair Road, Vile-Parle (W) Mumbai is situated in residential zone of K-West Ward.



3. As per the Approved CZMP the plot under reference is falls in CRZ-II area and situated on the seaward side of the existing road.
4. Total plot area is 15049.70 sq. m. and area under proposal and area under redevelopment is mentioned as 7737.56 sq. m. and 1841.52 sq. m. As per the submitted layout plan, total plot area is 15049.70 sq. m. and net area of the plot is 7737.56 sq. m. Existing floor area is 5153.26 sq. m. and proposed area is 1841.52 sq. m. whereas total built-up area is 6994.78 sq. m.
5. As per the application proposed redevelopment comprising of Stilt for parking + 1st as podium parking + 2nd to 7th typical floors and duplex on 8th & 9th (pt) upper floors in lieu of balance plot potential + staircase, lift, lift lobby area benefit by demolishing existing building.
6. As per the submitted documents by the proponent the proposed redevelopment is situated on the landward side of the existing authorized structures on CTS No. 505/1, 505/13 and 505/14 known as Silver Beach, Victor and Silver Beach Victor CHS (G + 7) respectively. Proponent also mentioned that these structures are constructed prior to 1991.
7. As per the valuation report submitted by the proponent cost of the project is Rs. 8,29,00,000/.
8. The redevelopment is proposed up to Permissible FSI 1.00 for the area. MCGM mentioned that the proposed activity is permissible as per the clause 7(i) of DCR, 1967.

Authority noted that the proposal was placed in 86th meeting of MCZMA held on 25.02.2010 and recommended to MoEF vide letter dated 29.09.2010 along with site visit report which states "Proposed buildings are on the landward side of the existing authorized buildings. Further proposed building are also on the landward side of the plinth of the existing building which are going to be demolished. There is no construction on the seaward side of the existing authorized building".

Authority further noted that the proposal has been referred back by MoEF in light of new CRZ Notification, 2011 vide their letter dated 25th February, 2011 and requested for consideration and necessary action as per provisions of CRZ Notification, 2011.

Authority noted that as per 5(xii) of CRZ Notification, 2011, "The CZMPs already approved under CRZ Notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein" and as per the approved CZMP of Mumbai, the plot under reference falls in CRZ-II area and situated on the seaward side of the existing road as well as on the landward side of the existing authorized structure.

Authority noted that as per para 8(i)(II)(i) of the CRZ Notification, 2011: "Reconstruction of authorized building to be permitted subject with the existing floor space index or floor area norms and without change in present use". Authority further noted that following activities as permissible as per CRZ Notification, 2011:

- As per para 4(i)(c): "Housing schemes in CRZ as specified in paragraph 8 of this notification"
- As per para 4(i)(d): "Construction involving more than 20,000 sq. m. built-up area in CRZ-II shall be considered in accordance with EIA Notification, 2006 and in case of projects less than 20,000 sq. m. built-up area shall be approved by the concerned State or Union Territory Planning Authorities in accordance with this notification after obtaining recommendations from the

V. Rodda

concerned CZMA and prior recommendation of the concerned CZMA shall be essential for considering the grant of environmental clearance under EIA Notification, 2006 or grant of approval by the relevant planning authority"

In light of above, Authority decided to clear the proposal from CRZ point of view and recommend to the planning authority i.e. MCGM for further necessary action in the matter as per provisions of CRZ Notification, 2011 subject to the following conditions:

1. Construction should be carried out strictly as per the provisions of CRZ Notification, 2011 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 as on 19.02.1991.
3. It should be confirmed that expansion of any reconstruction will not be permitted towards seaward direction of the existing plinth.
4. If there is any change in approved layout plan of the proposal, the proponent shall apply afresh for CRZ clearance for the revised proposal.

Item No. 5: Proposal for construction of 'Holiday Resort' at Gat No. 43/1, Village Kolmandale, Taluka Murud, District Raigad

The matter was placed before the Authority. Authority noted that, the matter was considered in the 61st meeting of MCZMA (held on 25.03.2010) wherein it was decided to consider this matter subject to the submission of the information in Form 1 & 1A, along with the layout plan superimposed on CZMP; as it was found that, since the total area is more than 20,000 sq. m, this proposals attracts EIA Notification, 2006. However, the project proponent informed that, though their total plot area is more than 20,000 sq. m., total built-up area of their project is less than 20,000 sq. m. When re-scrutinized, it was found that the total built-up area of the proposed 'Holiday Resort' at Village Kolmandale is less than 20,000 sq. m. and the matter was referred to the Urban Development Department for necessary remarks. In the meanwhile, the new CRZ Notification, 2011 superseded the CRZ Notification, 1991. Therefore, proponent was directed to re-submit the proposal as per the provisions of the CRZ Notification, 2011.

Authority noted the proposal details as follows:

1. The proposal is submitted through Town Planning Office, Raigad for construction of 'Holiday Resort' at Gut No. 43/1, Village Kolmandale, Taluka Murud, District Raigad and as per the remarks of Town Planning office, total area of the plot is 10.18 Ha. and as per the Raigad Development Plan the plot situated in Agricultural Zone.
2. As per the approved CZMP of the area, entire land under reference falls under CRZ-III area. Town Planning Office, Raigad also mentioned that some part of the plot falls under 200 m and some part falls within the 200 m to 500 m from HTL. In the application it is mentioned that, the Resort is proposed on the land within 200 m to 500 m from HTL only.
3. Total area of the land under reference is mentioned as 101800.00 sq. m. and the area under the proposed construction is 19873.28 sq. m. (less than 20,000 sq. m.). The height of the proposed construction is mentioned as 9.00 m.



4. Cost of the proposed Holiday Resort is mentioned as Rs. 4.8 crores.

Authority confirmed the permissibility of the proposal in accordance with CRZ Notification, 2011. Authority noted that, as per the para 5 (xii) of CRZ Notification, 2011, the CZMP already approved under CRZ Notification, 1991 shall be valid for a period of twenty four months. Authority also noted that, as per the para 8(i)(III)(B)(i) of CRZ Notification, 2011, the development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors is permissible subject to the conditions as specified in the guidelines given in Annexure-III of CRZ Notification, 2011. Authority also noted that, as per the Annexure-III, the development of beach resorts and hotels in the designated areas of CRZ-III & CRZ-II for occupation of tourists or visitors need prior approval of MoEF. It was confirmed that the proposed FSI is 0.25 and the permissible FSI in this case is 0.33 with respect to the stringent of Regional Plan of Raigad.

Considering the above points, Authority after deliberations, decided to recommend the matter to MoEF subject to:

1. The compliance of conditions mentioned in the para 8(i)(III)(B)(i) as well as Annexure-III of CRZ Notification, 2011.
2. No construction should be carried out in between HTL to 200 m area on the landward side of HTL.
3. FSI should not exceed 0.25 as per the regional town plan of the area.
4. Since as per para 8(i)(III)(B)(i) of CRZ Notification, 2011, the development of vacant plot in designated areas for construction of hotels/ beach resorts for tourist or visitors, concerned Planning Authority to ensure that proposed land use/ activity is permissible in the zone as per approved regional/ local town plan of the area, since this recommendation is only from CRZ point of view.
5. Applicant shall fulfill the required documentation as per the provision 4.2 of the CRZ Notification, 2011 to MoEF.
6. No mangroves cutting shall be allowed and no work in CRZ-I and CRZ-I buffer zone will be allowed.

Item No. 6: Status of action taken on the complaints received by MCZMA

(1) Regarding the news published in 'Mumbai Mirror' on 11th February 2011 under the title "State asks Rahejas to halt Exotica work"

The matter was placed before the Authority. With respect to the news published in the 'Mumbai Mirror' on 11th February 2011 regarding the alleged unauthorized construction by M/s. Raheja Universal Ltd. for 'Raheja Exotica' project at Village Erangal, Madh Island, Malad (West). Mumbai, letter (dated 25.02.2011) was issued to the Member Secretary (MPCB) to submit the detailed report. The copy of the same was marked to the Municipal Commissioner (MCGM). The project proponent M/s. Raheja Universal Ltd. was directed to submit copies of all the permissions taken by them for the proposed project vide letter dated 28.02.2011.



Member Secretary (MPCB) has submitted their reply vide letter dated 05.03.2011. Project proponent M/s. Raheja Universal Ltd. has also submitted their reply (vide letter dated 09.03.2011). As per both the letters, it is observed that:

- (a) M/s. Raheja Universal Ltd. has carried out construction on plot bearing CTS No. 1965, 2053/B, 2053/C, 2053/D, 2053/E, 2055/B & 2055/C of Village Erangal.
- (b) Out of the abovementioned CTS Nos., CTS Nos. 2053/B is situated in CRZ-II.
- (c) Project proponent vide letter dated 29.08.2001 had applied for permission from CRZ point of view for the construction on CTS No. 2053/B. Urban Development Department which has subsequently accorded the permission for the said construction from CRZ point of view vide letter dated 06.10.2001. MCGM has also given Occupation Certificate for the construction on plot bearing CTS No. 2053/B.
- (d) Subsequently, project proponent had applied for Environmental Clearance to MoEF for construction on plot bearing CTS No. 2053/C, 2053/D, 2053/E, 2055/B & 2055/C. MoEF vide letter dated 22.08.2007 has accorded Environmental Clearance for the construction on the abovementioned plots which were in non-CRZ area. As per the condition mentioned in the said Environmental Clearance, the project proponent was supposed to obtain Consent to Establish from the MPCB before commencing any construction work.
- (e) With reference to the application of the proponent to MPCB to obtain Consent to Establish, MPCB pointed out that, area admeasuring 16653.95 sq. m. is affected by CRZ on which construction is completed. It is also observed that, while granting the permission from CRZ point of view for construction on CTS No. 2053/B which is affected by CRZ-II, by Urban Development Department, the condition to obtain Consent to Establish from MPCB has not been mentioned. Further, CTS No. 2053/B have also not been mentioned in the Environmental Clearance from MoEF. Since construction permission on this plot in CRZ area was given prior to the construction in non-CRZ area.

The matter was then referred to Urban Development Department for their remarks. As per the remarks of Urban Development Department:

- (a) As per the approved CZMP of Mumbai (in accordance with CRZ Notification, 1991), the land under reference is situated in CRZ-II and on the landward side of the existing Malad-Madh Road. The permission from CRZ point of view has been accorded vide letter dated 06.10.2001 as the activity is permissible with respect to the Development Plan and Development Control Rules existing as on 19.02.1991.
- (b) As per the constitution of MCZMA vide order dated 04.01.2002, Authority shall examine all projects proposed in CRZ 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 CRZ Notification, 1991.
- (c) CRZ clearance in the instant case was accorded prior to 04.01.2002 following the procedure prevailing at that time and condition to obtain prior Consent to Establish of MPCB is not included in the NOC issued by Urban Development Department vide letter dated 06.10.2001 while according the CRZ clearance.

- (d) The condition to obtain Consent to Establish from MPCB is mentioned in the Environmental Clearance granted by MoEF and the same is as per the EIA Notification, 2006.

Authority noted the remarks of the Urban Development Department as above. Authority also noted the reply given by project proponent during the meeting. Project proponent replied that their project was developed in various stages. They also informed that only plot No. 2053/B is in CRZ-II, building proposal on which was cleared from CRZ point of view in the year 2001. Further works in non-CRZ area wherein various stages. Condition to obtain Consent to Establish from MPCB is mentioned in the Environmental Clearance for construction work in non-CRZ area.

Authority, after deliberations, decided as follows:

1. Decision regarding the construction on the plot No. 2053/B falling in CRZ-II area will be taken in consultation with MoEF while deciding the action on violations of CRZ Notification, 1991. Project proponent should be directed not to construct anything on the CRZ affected area on plot No. 2053/B. Further other than plot No. 2053/B, no construction should be undertaken on plots which are affected by CRZ as per the approved CZMP of Mumbai till further orders from MCZMA.
2. MPCB may take decision on the issuance of Consent to Establish as per the condition as mentioned in the Environmental Clearance dated 22.08.2007 issued by MoEF for building construction in non-CRZ areas on the plot Nos. 2053/C, 2053/D, 2053/E, 2055/B & 2055/C mentioned in the Environmental Clearance.
3. The Developer should submit Board Resolution on stamp paper that they will not violate any provisions of CRZ Notification in future to the Authority.

(2) Complaint by Ashawshakti Welfare Association with respect to SR Scheme on plot bearing C.S. No. 1980 (pt) of Fort Division and plot bearing CS No. 153A(pt), 150A(pt) of Backbay Reclamation Scheme III, Nariman Point, Mumbai

The matter was placed before the Authority. The Authority noted that Environment Department received a complaint from Ashawshakti Welfare Association vide letter dated 13th December, 2010 alleging violations of CRZ Norms and for initiating construction activities without EIA report and environment clearance under EIA Notification, 2006 on plot bearing CTS No. 153A(pt) and 150A(pt) on Backbay Reclamation Scheme-III, Nariman Point, Mumbai. On receipt of above said complaint, MCZMA vide its letter dated 17th January, 2011 requested Metropolitan Commissioner, MMRDA, Collector, Mumbai Suburban Dist., Chief Executive Officer, SRA to take necessary action against alleged violation of CRZ Notification, 1991 (if any) and submit action taken report accordingly.

Authority noted that the Chief Executive Officer, SRA vide his letter dated 22nd February, 2011 submitted the reply on the above matter. Authority noted the content of the letter as follows:

The SRA Scheme under reference is an amalgamation of two different SRA Schemes submitted in redevelopment in the SRA in existing slums on land belonging to the State Government bearing plot C.S. No. 1980 (pt) of Fort Division and 153A(pt) and 150A(pt) of BBR Scheme-III, Nariman Point, Mumbai which was initially approved and LOI was issued on 15th November, 2007 and lastly revised on 6th April, 2010 for the 150 number of eligible slum dwellers as certified by



Additional Collector (Encroachment) and Competent Authority. As per the report, the scheme under reference comprises of one rehab building for rehabilitation of eligible slum dwellers consist of basement + ground + 6 part for which plans were approved by SRA on 25th January, 2009 and lastly amended on 13th April, 2010 and on 14th July 2010 to sale building. Commencement Certificate upto plinth level to the rehab building was issued by SRA on 5th April, 2009 and further C.C. on 13.4.2010. It was also reported that presently the construction of work of rehab building is in progress.

Authority also noted from the SRA letter, that the scheme under reference is approved by Slum Rehabilitation Authority for the in situ FSI of 1.66 as per the CRZ Notification of 1991, with due permissions to carry out the work on landward side of demarcated imaginary line/H.T.L. with the approval of State Government and Ministry of Environment & Forest, Govt. of India. They also submitted list of verification/clearance as under:

1. Verification of HTL was carried out by the Centre for Earth Sciences Studies (CESS) on 02/05/06.
2. The scheme u/ref. was accorded clearance under Coastal Regulation Zone Notification, 1991 by the Ministry of Environment and Forests (IA-III Division) Government of India, New Delhi on 17/11/2006.
3. NOC from the Dy. Secretary to Government, Urban Development Deptt. Mantralaya, Mumbai to allow development of slum dt. 28/11/2006.
4. The demarcation of imaginary line dt. 4/12/2007 attested by Urban Development Department.
5. Annexure-II certifying the eligibility of slum dwellers was issued by Additional Collector (Enc) for 150 nos. of slum dwellers.
6. NOC from MMRDA (being planning authority for the land on which slum rehabilitation is process) was issued on 21/11/2007, subject to construction of MMRDA's parking area admeasuring 1150.66 sq. m. & handing over same to MMRDA free of cost.

Further it is also stated in the letter that SR Scheme under reference has got requisite approvals from various Government Agencies (State/Central) and the work of construction of rehab building is in progress as per the approved Plan issued by SRA.

Authority noted that MoEF accorded CRZ Clearance to SR Scheme under reference on the plot bearing C.S. 153A(pt). However, complainant reported that Developer has carried out construction of CS No. 150A(pt) which is reserved for RG. Project Developer was present during the meeting he was requested to clarify the allegations made about the project.

As per the Statement of Developer he stated that MoEF has granted CRZ Clearance vide its letter dated 17.11.2006 to the SR Scheme under reference on C.S. No. 153A(pt) only. Further, he stated that he has neither undertaken any construction activity on C.S. 150A(pt) nor used FSI of the plot for constructing the rehab portion on 153A(pt). Further, he also informed that there is no amalgamation of plots bearing C.S. No.153A(pt) and 150A(pt).

Project Developer informed during the meeting that slum rehabilitation scheme are amalgamated as per their extent of spread out but no amalgamation of C.S. No.153A(pt) and 150A(pt) involved in the scheme.



Authority took on record the letter of intent issued by SRA on 6th April, 2010. As per this Lol FSI of 1.6625 have been principally approved and sanctioned in accordance with D.C. Regulation No. 33(10).

Authority also noted that total area of the plot under slum is 5821.31 sq. m. and area of the plot used for computation of FSI is 5323.07 sq. m. Rehab built up area of 4303.37 sq. m. and sale built up area is 4546.23 sq. m. Total built up area approved is 8887.39 sq. m. and no. of slum dwellers to be re-accommodated is 150. Built up area and reservation to be surrendered free of cost is 1150.66 sq. m.

Further, Authority noted that as per the Statement of Developer, the SR Scheme under reference proposed on plot No. 153A(pt) is buildable reservation. Further, as per the demarcation plan, the portion of the slum plots falls under plot No. C.S. 150A(pt). This plot is reserved for the public purpose of RG. The area of the slum plot falling under the RG reservation is 498.24 sq. m. Thus the plot area admeasuring 498.24 sq. m. is carved out from the slum plot as per the DCR provisions, without considering any FSI advantage of this plot.

Authority noted that Urban Development Department vide its letter dated 26th November, 2006 communicated Chief Executive Officer, SRA to allow development of slum on land under reference on the basis of plan prepared by CESS and subject to the compliance of the conditions mentioned in the MoEF letter according CRZ clearance as per CRZ Notification, 1991 amended from time to time. One of the condition in the letter of Urban Development Dept. was that the FSI to be used for the project should not exceed the FSI as applicable as on 19.2.1991. Project Proponent submitted that since the SRA Scheme under reference was falling in CRZ area, the scheme is planned with the zonal FSI of the 1.33 as applicable for island city along with 25% additional FSI as per the Circular No.TPB-4398/ 4350/ UD-11, dated 4th November 1988 i.e. FSI for SR Scheme in CRZ in Island city is 1.66 (inclusive of 25%).

Authority also noted that EIA Notification, dated 14th September 2006 is not applicable to the Scheme under reference since total built up area as per the Lol of the SRA is less than 20,000 sq. m. and Environment Impact Assessment Report is not required since EIA Notification was not applicable to this Project. After deliberation, Authority noted the following:

1. The present SRA Scheme under reference is with zonal FSI along with 25% additional FSI as per the Urban Development Dept.'s Circular dt. 4th November, 1988. Total FSI in the scheme is 1.6625.
2. SR Scheme under reference has been accorded CRZ clearance by MoEF vide its letter dated 17th November, 2006.
3. There is no amalgamation of plots C.S. No. 153A(pt) and 150A(pt). However, there is amalgamation of SR Scheme spread over the area.
4. As per the SRA report and Statement made by Developer, there is no construction on plot No.150A(pt) which is reserved for RG. FSI advantage is also not claimed for the land reserved for RG.

After deliberation, Authority decided that slum rehabilitation authority should submit details of the scheme under reference as below:



1. Is there amalgamation of plot 153A(pt) and 150A(pt).
2. Is there any construction on plot 150A(pt) under the SR Scheme under reference.
3. FSI calculations and DCR as on 19.2.1991 applicable for the scheme under reference, with reference to CRZ Notification.
4. Details of the Slum Rehabilitation scheme.

Authority decided to hear the Chief Executive Officer, SRA in the next meeting along with his reply before taking final decision in the matter.

(3) Violation of CRZ Notification, 1991 – Huge Township “Orbit MANDWAH” proposed on the shoreline near Mandwa, Maharashtra

The matter was placed before the Authority. Authority noted that, a complaint has been received from by Bombay Environment Action Group through MoEF, drawing attention to a development of a huge township project for the affluent coming up on an area of about 200 acres on the shoreline with cottages, pool, revieras, spas etc. Accordingly, MCZMA requested the Collector, Raigad, Deputy Director, Town Planning, Konkan Bhavan vide letter dated 16.12.2010 to get the matter examined and send the report at the earliest.

In this regard, Authority also noted the reply of the developer M/s. Orbit Corporation dated 11.01.2011 mentioning that there is no construction on the site and requisite permissions/ clearances (from MCZMA & MoEF) shall be obtained by them before commencement of work.

Authority noted that, the Collector, District Raigad has sent the reply in a similar complaint from the area vide letter dated 29.03.2011 in which it is mentioned that:

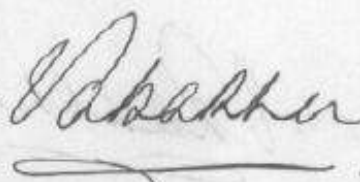
1. Site Survey was carried out on 11.05.2010 for observation of mangroves in villages Revas, Mandwa, Aavas, Zirad, Aagarsure, Satiye, Chodhi, Kihim.
2. During site visit, it was found out that No Destruction of Mangroves has taken place.

However, representatives of Bombay Environmental Action Group (BEAG) reported that there is cutting of mangroves in the areas. Therefore, Authority after deliberations, decided that Collector should conduct a site visit along with BEAG, the complainant and send the site visit report to the Authority. Decision in the matter will be taken after receipt of joint visit report to the Authority. Authority also decided that BEAG and District Collector, Raigad will be invited for next meeting after their site visit.

(4) Regarding violation of CRZ norms by M/s. Aegis Logistics Ltd.;

The matter was placed before the Authority. Authority noted the detailed chronology of the matter which is as follows:

1. Additional Director, Ministry of Environment and Forest had forwarded the copies of the complaints indicating violation of CRZ norms to MCZMA vide letter dated 03/02/2009 and requested to get the matter examined and send the action taken report within 15 days.



2. The complainant stated that M/s. Ageis Logistics Ltd. and other companies have violated the CRZ norms and has constructed Chemical Storage Tanks in the CRZ area near Pir-Pau Jetty, Mahul-Chembur after the CRZ Notification, 1991.
3. Therefore MCZMA vide Letter dated 27/02/2009 requested M/s Aegis Logistics Ltd to submit the information of various tanks super imposed on approved CZMP of Mumbai and provide a copy of CRZ permission, if any, in case of applicability of CRZ Notification 1991 to their activity or submit demarcation survey carried out by agency authorized by MoEF.
4. M/s Aegis logistics Ltd had submitted their report vide their letter dated 27/02/2009 which was received on 02/03/2009.

Then matter was place before MCZMA in its 50th meeting held on 25/03/2009 so as to send the decision to MoEF as requested by them vide their letter dated 3.2.2009.

Abstract of the minutes of the 50th meeting is as follows:

"The matter was deliberated by the Authority. It was informed that as per the complaint regarding violation of CRZ norms by M/s. Aegis Logistics Ltd. through MoEF, the complainant has stated that M/s. Aegis Logistics Ltd. has violated CRZ norms and constructed chemical storage tanks in CRZ area near Pir-Pau Jetty, Mahul, Chembur after CRZ Notification, 1991. Authority noted that on the basis of the complaint, explanation was called from M/s. Aegis Logistics Ltd. on 25th June 2008, 15th October 2008 and 27th February 2009. Authority considered the reply sent by M/s. Aegis Logistics Ltd. vide their letter dated 27.02.2009 wherein the Company has stated that M/s. Tata Power had filed a Writ Petition in 1997 against M/s. Aegis Logistics Ltd. wherein it was alleged that that the plot of M/s. Aegis Logistics Ltd. is within CRZ. In that Writ Petition, it was necessary to identify the HTL and to thereafter measure the distance of the plot from HTL.

The Hydrographer of the Maharashtra Maritime Board has identified the HTL and had stated that the plot of M/s. Aegis Logistics Ltd. is at 680 m away from HTL. The Hon. High Court has accepted the report of Hydrographer, Maharashtra Maritime Board and gave decision that the plot of M/s. Aegis Logistics Ltd. does not fall in CRZ area on 28th April 1999.

It is mentioned that the MoEF at that time had not identified the 7 agencies to delineate HTL and LTL, when the case was filed and hence the Hon. High Court relied upon report of the Hydrographer to identify the HTL and measure the distance, proponent reports that their activities are in non-CRZ area as per the verdict of Hon. High Court order.

Authority noted the reply sent by M/s. Aegis Logistics Ltd. However, Authority also noted that as per Coastal Zone Management Plan (CZMP) of Mumbai, approved on 20.01.2000 and as per approved CZMP of Maharashtra of 1996, said area is in CRZ-II and as per the CRZ Notification, 1991, only 15 petroleum products are permitted for storage in CRZ area except in CRZ-I (i) i.e. in mangroves. Therefore, Authority came to the conclusion that as per approved CZMP, said area is in CRZ-II and should handle and store only 15 petroleum products mentioned in Annexure-III of CRZ Notification and also noted that, at



present the Company is handling and storing other chemicals than the chemicals permitted in the area. However, some members of Authority had an opinion that since the Court had declared that area as non-CRZ area on the basis of the report of Maharashtra Maritime Board and at that time there were no agencies declared by the MoEF to delineate HTL and LTL and further stated that, decision of the Court is prior to the CZMP of the said area approved by MoEF and therefore, the development in the said area after the year 2000 only should be as per the CRZ Notification, 1991. After detailed prolonged deliberations, it was decided to refer the case to MoEF, New Delhi for further guidance to decide next course of legal action in the matter."

5. Decision of MCZMA was communicated to MoEF in response to their letter dt. 21/08/2008, 01/08/2008 and 13/03/2009, with copy to Member Secretary, MPCB for further necessary action.

6. MoEF vide letter dated 02/06/2009 requested Chairman, MCZMA to examine the complaint received by MoEF and appropriate action may please be taken in case of violation with intimation to this ministry.

7. Chairman MCZMA vide letter dated 01/08/2009 requested Member Secretary, MPCB to examine the allegations indicated in the above said letter and take an appropriate action in case of violation of provision of Environment (Protection) Act 1986, Water Act, Air Act as well as CRZ Notification 1991 and sent detailed action taken report to the Department.

8. MPCB sent their reply vide letter dt 29/09/2009 and 01/04/2010. Further, MPCB had issued a show cause notice to M/s. Aegis Logistics Ltd. vide letter dated 29/09/2009, pointing out various non-compliances including non-submission of information about various tanks duly superimposed on the approved CZMP of the Mumbai and not making available a copy of the CRZ permission of non-submission of the demarcation survey carried out by one of the Authorized Agency by the Ministry of Environment and Forests, Government of India vide its letter dt. 27/02/2009.

9. Show-Cause Notice was issued under Section-5 of Environment (Protection) Act, 1986 to M/s. Aegis Logistics Ltd. by Chairman (MCZMA) on 11.05.2010

10. With respect to this Notice, M/s. Aegis Logistics Ltd. has clarified various issues raised vide letter dated 7th June 2010.

Considering the notice issued and the reply of the proponent, the matter was placed in the 63rd meeting of MCZMA held on 5.7.2010.

The minutes of the 63rd meeting:

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

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



Rules made there under as well as the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention and control of Pollution) Act, 1981 respectively.

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

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

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

However, in spite of specific directions from MCZMA to M/s. Aegis Logistics Ltd. to submit their superimposed location on the CZMP map, after demarcation of CRZ boundaries by one of the 7 authorized agencies under CRZ Notification, nothing has been submitted by M/s. Aegis Logistics Ltd. for reasons best known to them. On the contrary, they have started construction of additional 37 tanks, out of which, 13 tanks construction upto plinth level has



been completed without CRZ clearance and without making any application for Consent to Establish to the Board.

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

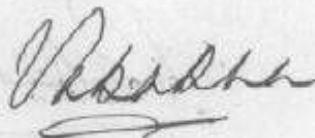
In the meantime, the Board had called verification report from the Regional Officer, MPCB, Mumbai with reference to the illegal constructions being carried out by M/s. Aegis Logistics Ltd. and M/s. Sea Lord Containers Ltd. in respect of additional storages in the CRZ-II area as per the complaint received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

Advocate and Solicitor has submitted specific legal opinion vide letter dt. 26/03/2010, stating that the judgment and order dt. 28/04/1999 mentions that it is a common position that till date of the judgment, the prescribed Authority has not demarcated the High Tide Line all over the coastal areas in the country and therefore, at that time it was necessary to direct an agency to demarcate the HTL to decide the controversy in issue and accordingly, the same was done. However, the same cannot be held binding after the prescribed authority has demarcated the High Tide Line. The Solicitor has opined that the HTL as originally recorded on the chart of Maharashtra Maritime Board has not altered after the demarcation of HTL uniformly throughout the country as prescribed by the CRZ Notification and the Municipal Bunds cannot be considered as indications of HTL. The HTL reflected in the approved Coastal Zone Management Plan is the decisive factor. The Hydrographer, Maharashtra Maritime Board is not a demarcating authority, authorized by the Central Government and therefore, its demarcation is not binding. It has been clearly mentioned that in the event, the storage tanks of M/s. Aegis Logistics Ltd. is situated in CRZ area as per CZMP, then, only 15 products specified in Annexure-III of 1991 Notification can be permitted to be stored. She has also made it clear that after approval of the CZMP and the uniform demarcation of HTL, the judgment of Hon'ble High Court cannot be held to be binding for classification of CRZ area, particularly, when it is based on the demarcation of HTL by an unauthorized agency. It is also stated that the authority has therefore, rightly come to the conclusion that the development in the said area should be as per CRZ Notification, 1991 after the year, 2000 and only, the products specified in Annexure-III of the said Notification can be permitted to be stored in the said area.



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

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



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

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

Maharashtra Coastal Zone Management Authority being the competent Authority for implementing the CRZ Notification, 1991, it will be more appropriate that it can issue directions under Section 5 of the Environment (Protection) Act, 1986, directing M/s. Aegis Logistics Ltd. and other storages in the CRZ -II area that they should store only 15 petroleum



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

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

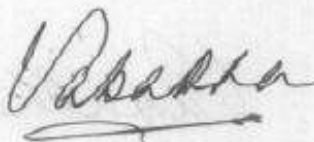
Authority also noted that, Show-Cause Notice issued under Section-5 of Environment (Protection) Act, 1986 to M/s. Aegis Logistics Ltd. by Chairman (MCZMA) on 11.05.2010 and reply of M/s. Aegis Logistics Ltd. was taken on record. After deliberations, Authority noted that, M/s. Aegis Logistics Ltd. has not complied with the order of MCZMA.

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

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

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

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



11. Accordingly, M/s. Aegis Logistics Ltd. submitted the required information and clarification vide letter dated 30th August 2010. However, they had 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 which is declared as protected forest vide Notification dated 27.09.2008 as per Hon. High Court Order.

The application was placed before the 65th meeting of MCZMA held on 9.9.2010.

The minutes of 65th meeting:

"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 50th meeting of MCZMA. The matter was again considered in the 63rd 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 63rd 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 30th 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 30th 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:	18

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:

- o 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.



- o 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.
- o 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."

12. In the meanwhile, Show Cause Notice has been issued to M/s. Aegis Logistics Ltd. vide letter dated 07.02.2011 under Section-5 of Environment (Protection) Act, 1986 for operating their facility without obtaining CRZ clearance from competent authority and for violating the provisions of CRZ Notification, 1991

13. M/s. Aegis Logistics Ltd. carried out the survey of the land under reference from Centre for Earth Science Studies (CESS), Kerala and submitted the survey report to MCZMA vide letter dated 28th February 2011.

The matter was placed in 68th meeting of MCZMA held on 14.3.2011 in view of survey report submitted by M/s Aegis Logistics Ltd.

The minutes of the 68th meeting:

"Authority noted the background of the matter as the matter was placed earlier in the 50th, 63rd & 65th meetings of MCZMA. M/s. Aegis Logistic Ltd. was directed to get survey of the area done from one of the MoEF authorized agency in the 65th meeting of MCZMA. Authority also noted the order issued under Section 5 of Environment (Protection) Act, 1986 to the company for non-compliance of the order. Representative from M/s. Aegis Logistics Ltd. presented the fresh CZMP prepared by CESS, Kerala in the scale of 1:4000.

Authority noted the comparative distinction between the CZMP of Mumbai in 1:25000 and new CZMP (prepared by CESS in the scale of 1:4000 as per CRZ Notification, 2011) presented by M/s. Aegis Logistic Ltd. On observation of the map prepared by CESS, authority found that the survey from Southern side of the plot under reference has not been carried out. Further, there is change in HTL in the new survey. Authority also noted that as per the approved CZMP the plot under consideration is surrounded by mangroves which is declared as a protected forest as per Hon. High Court's order.



Representative from M/s. Aegis Logistic Ltd. informed that survey of the Southern side of the plot could not be carried out owing to presence of extreme conditions like hot water discharge in the water body. After detailed discussion and deliberation, Authority decided to direct the M/s. Aegis Logistic Ltd. to get the survey done from all the sides of the plot under reference as well.

Authority also deliberated that since CRZ status of the plot is not finalized, M/s. Aegis Logistics Ltd. should only store 15 petroleum and chemical products as per Annexure-III of CRZ Notification, 1991 and Annexure-II of CRZ Notification, 2011.

Authority also decided to direct MPCB again to implement the directions of Authority to ensure that no violation of provisions of CRZ Notification, 1991 and 2011 are done by the company. Authority also decided to refer the matter on non-compliance to MoEF for further action along with all details on the case. MPCB is also directed to survey other storage areas/ companies in the MbPT areas to ensure the compliance of CRZ Notification, 2011 and 1991 and send the report to the Authority within a month. Information should include:


- i. CRZ status as of the storage tanks in MbPT area
- ii. Nature and names of chemicals handled by these storage tanks
- iii. Number of tanks with date of construction
- iv. Permission given by MPCB, Environment Department & MoEF
- v. Recommendation on violation of Notification

14. In the meanwhile, M/s. Aegis Logistics Ltd. vide letter dated 21st April 2011 has submitted the original copy of the **revised survey report** prepared by CESS, Kerala for their site. The survey report has been revised with respect to the CRZ demarcation of the site under reference including findings on South side boundary (without taking into account the discharge of hot saline water from Tata Thermal Power Plant.)

The matter was placed in the 69th meeting of MCZMA in view of revised survey report prepared by CESS for the site.

Authority noted some of the important points as mentioned in the conclusion of this revised survey report are as follows:

- The surveying agency CESS noted in its report that they were asked by their client (M/s. Aegis Logistics Ltd.) not to survey the Southern side. M/s. Aegis Logistics Ltd. however suppressed this fact before MCZMA.
- The revised survey report is as per the guidelines of CRZ Notification, 2011. Therefore, distance of 150 m is reduced to 100 m from the HTL of creek. As per the approved CZMP by MoEF, distance from HTL of creek is 150 m significantly large portion of the plot therefore was in CRZ-II.
- Referred site and the surroundings have a few storage tank facilities belonging to different operators like Tata Power, Aegis and BPCL. Most of these have come up in the past in reclaimed tidal flats. Drainage channels and cooling water discharge channels and ponds also exist in the region.



- Reclamation that has taken place during the last 20-30 years has modified the morphology and redefined the HTL and LTL of the area.
- The HTL and LTL are identified from geomorphic signatures such as mangroves, tidal flats, embankments, bunds etc. as observed during field mapping carried out in December 2010-February 2011.
- Distance from South boundary of Aegis property to the outer bund of the Tata Power cooling ponds (Municipal bund/ Tata bund) is 588 m.
- Large tracts of mangroves are present on the banks, which are CRZ-IA. The inter-tidal zone without mangroves is CRZ-IB. the mangroves have coverage more than 1000 m² and hence a buffer zone of 50 m.
- Width of the creek is more than 100 m considering the distance from the HTL at the bank of the HTL on the opposite bank of the creek and accordingly the CRZ on the banks is 100 m.
- Mahul being within Mumbai Municipal Corporation, the developed area in the CRZ is CRZ-II as per the CZMP of Maharashtra.
- Part of the existing storage tanks is within the 100 m CRZ on the banks of the creek.

Representative during their presentation reported that they are storing all types of chemicals in all tanks since they are in non-CRZ area. They submitted layout plan of storage tanks superimposed on the revised/ demarcated CZMP prepared by CESS. The location of storage tanks with number as submitted by them is reproduced as below (This is as per the new CZMP by CESS, Kerala as per CRZ Notification, 2011):

Sr. No.	Tank No.	Year of construction	Remarks
1	T-113	1982-1986	Construction prior to CRZ Notification, 1991
2	T-114	1982-1986	
3	T-115	1982-1986	
4	T-119	1991-1992	Constructed prior to approval of CZMP in 2000
5	T-120	1991-1992	
6	T-121	1991-1993	
7	T-122	1991-1992	
8	T-126	1994-1995	
9	T-127	1994-1995	
10	T-128	1994-1995	
11	T-129	1994-1995	
12	T-134	2000	Remodeled

From the above it is noted that, 12 No. of tanks are still in CRZ-II as per revised demarcation by CESS. Authority also noted that, there is change in CRZ area coverage as per old approved CZMP and demarcation by CESS as per 2011 guidelines.

Authority also took on record the complaint received through MoEF and made by Hon. MP Shri. Sabir Ali alleging that despite of several orders by MCZMA, M/s. Aegis Logistics Ltd. is storing all types of chemicals on their site.

Considering the above facts and complaints, Authority decided to constitute a committee to investigate the matter comprising following:

1. Chairman (MCZMA)
2. Representative from NIO, Goa
3. Regional Officer, MPCB
4. Dr. S. B. Chaphekar, Member (MCZMA)
5. Deputy Chief Engineer (Development Plan), MCGM
6. Hydrographer, Maharashtra Maritime Board
7. Director, Central Institute of Fisheries Education, Mumbai
8. Member Secretary (MCZMA)

The ToR of the committee will be as given below:

1. To verify the date of construction and location of the storage tanks with respect to CZMP of Mumbai approved by MoEF and revised CZMP by CESS
2. To ascertain number of tanks in CRZ-II, non-CRZ etc. from 1991 to 2011 with dates of construction
3. to ascertain nature of chemicals stored in the storage tanks from time to time from available records
4. To identify the violations of CRZ Notification, Water Act and Environment (Protection) Act etc. by M/s. Aegis Logistics Ltd.

Authority decided to direct the Regional Officer, MPCB to make logistic arrangements for the visit of the committee.


In light of the complaint from Hon. MP Sabir Ali, received through MoEF, authority decided to:

1. Send the status report to MoEF with respect to received complaint.
2. Recommend the revised CZMP prepared by CESS for approval of MoEF till the new CZMP is prepared and approved. The storage of the chemicals which are permissible in CRZ area should be carried out in accordance with approved CZMP.
3. Get clarifications of MoEF regarding expansion of activity in CRZ area and cut of date, which can be considered to allow storage of chemicals other than listed in Annexure-II in CRZ area.
4. Give fresh directions to MPCB, that CRZ Notification is strictly followed.

Item No. 7: Proposed construction of the play pool on plot bearing CS No. 55 & 47B of Colaba Division.

The matter was placed before the Authority. Authority noted that project proponent has proposed to construct a shallow play pool (3'6" depth) within the approved plinth area of the 2 servants' rooms. The proponent has requested to grant NOC from CRZ point of view for the construction of the play pool.

Authority also noted that the land under reference falls in CRZ-II and situated on the seaward side of the existing road as per the CZMP approved by MoEF on 19.01.2000. Authority also noted that, as per the sanctioned Development Plan of 'A' Ward of MCGM, the plot under reference falls in



Residential Zone and not reserved for any public purpose. The land under reference falls in Marine Drive Precinct.

Considering the above points, Authority decided to approve the proposal for the construction of the proposed play pool on the landward side of the building from CRZ point of view, subject to following conditions:

1. Construction of play pool should be carried out strictly as per the provisions of CRZ Notification, 2011 and guidelines/ clarifications given by MoEF time to time.
2. The FSI for the proposed development of play pool should be as per the sanctioned Development Control Rules, 1967, as existing and in force on 19.02.1991.
3. The proponent should obtain prior permission of Mumbai Heritage Conservation Committee as the land under reference falls in Marine Drive Precinct, if applicable.

Item No. 8: Regarding proposed regularization of Fitness Centre on ground floor of existing building known as The Cuffe Parade Persepolis Premises Co-operative Society Ltd. on land bearing CS No. 631, Plot No. 100, Backbay Reclamation Scheme, Mumbai

The matter was placed before the Authority. Authority noted that, The Cuffe Parade Persepolis Premises Co-operative Society Ltd. had applied to the Deputy Chief Engineer (Building Proposals), Mumbai City, MCGM so as to get the permission for the regularization of Fitness Centre on ground floor of their existing building on land bearing CS No. 631, Plot No. 100, Backbay Reclamation Scheme. Authority also noted that, the Deputy Chief Engineer (Building Proposals), Mumbai City, MCGM (vide letter dated 27.09.2010) has informed the Urban Development Department that, the land under reference is situated in CRZ-II and hence, the construction of the Fitness Centre cannot be permitted with free of FSI. In the letter it is also mentioned that, as per the approved plans, remaining built-up area is 722.43 sq. m. and built-up area of the Fitness Centre, of which the regularization is proposed, is 540.58 sq. m. Remarks of Urban Development Department have been sought on this issue vide letter dated 27.09.2010.

Authority noted the remarks of Urban Development Department in which it is mentioned that, MoEF has issued new CRZ Notification, 2011 on 06.01.2011 and in this Notification, there is no provision for regularization of Fitness Centre in an already constructed and existing building in CRZ area and hence the permission cannot be given. The matter was then referred to Environment Department for remarks. Authority noted that, the Environment Department agreed to the remarks of the Urban Development Department on scrutinizing the matter in accordance with CRZ Notification, 2011.

Hence, Authority opined that the regularization in the instant case is not permissible from CRZ point of view. After deliberations, Authority decided to reject the proposal.

Item No. 9: Proposed residential building on plot bearing CTS No. 967 of Village Juhu at Juhu Tara Road, Vile Parle (West), Mumbai

The matter was placed before the Authority. Authority noted the proposal details as follows:

1. The proposal involves the construction of residential building by demolishing the existing structures on plot bearing CTS No. 967 of Village Juhu. The area under proposal is 2247.40 sq. m. The reconstruction is proposed for residential use as Basement + Stilt + 7 Floors. It is proposed to use the FSI of 1.00.
2. The plot bearing CTS No. 967 of Village Juhu is situated in the Residential Zone as per the sanctioned Development Plan of K/ West Ward of Mumbai. Total area of the plot is 2247.40 sq. m.
3. As per the CZMP of Mumbai (approved by MoEF on 19.01.2000), the land under reference is classified in CRZ-II. The plot is situated on the seaward side of the existing road.
4. The reconstruction is proposed on the landward side of the plinth of existing structure. The Project Proponent has not submitted any authorization details e.g. Occupation Certificate, Commencement Certificate etc. for the existing structure.
5. However, as per the information submitted by MCGM vide letter dated 11.11.2008, the present structure exists on the plot under reference since 01.04.1963 as per the building assessment record. In this letter, it is also mentioned that the copy of approved plans and occupation plans for the existing structure are not available with MCGM.
6. For drawing the imaginary line, the structure of Sea Princess Hotel on the plot bearing CTS No. 969 is also considered, which is on the Southern side of the plot under reference. As per the information submitted by MCGM vide letter dated 13.04.2009, Occupation Certificate is granted to the Sea Princess Hotel vide CE/ 9711/ BS-II/ AK dated 24.06.1987. The CRZ clearance for the addition/ alteration and additional construction to the said Hotel has also been granted by Urban Development Department vide letter No. TPB 2008/ 87/ CR-68/ 08/ UD-12 dated 28.02.2008.
7. Total cost of the proposed construction is Rs. 25.10 crores.

Authority noted that the matter was placed in the 56th meeting of MCZMA held on 4th December, 2009 and recommended to MoEF vide letter dated 19.12.2009. MoEF raised query regarding the imaginary line drawn by the proponent connecting the authorized structure vide letter dated 6th April, 2010.

Authority further noted that MCZMA responded to MoEF vide letter dated 30th April, 2010 mentioning that " As regard the proof for the existing structure on plot under reference it is to be states that project proponent has submitted the following documents to prove the authenticity of structure

- i) Assessment bill by local authority viz. Municipal Corporation of Greater Mumbai which shows that the first date of assessment is 02.04.1963.
- ii) The registered copy of agreement of lease executed between Mr. Gaspar Diego Coelho and M/s Burmah Shell Oil Storage and Distributing Co. of India Ltd dated 05.12.1952 for the structure existing on the site.
- iii) Copy of N.A. report dated 20.9.1954 wherein it is mentioned that ' Pucca Building for Burmah Shell Training Institute is existing on site under reference '.



Based on above documents the structure was considered as authorized one by local authority viz. Municipal Corporation of Greater Mumbai. Any of above documents are accepted as a proof of the authorized structure as per policy circular of Maharashtra Government vide ULC-1082/159/ Desk-X VI dated 11th January, 1983.

Authority noted that MoEF again sought clarification from authority vide letter dated 20.5.2010 regarding the imaginary line drawn in the matter.

Authority noted that construction is proposed on existing plinth of the structure so there is no application of imaginary line in the instant case. However, Authority discussed that since the proposed construction is on the landward side of the plinth of existing structure, authorization details of the existing structure need to be verified from MCGM. MCGM officials present in the meeting stated that the existing structure is prior to 1963.

Authority after discussion, decided to direct the MCGM to give in writing that the existing structure under reference is authorized one as per the records of MCGM. After receipt of the confirmation from MCGM, report will be sent to MoEF.

Item No. 10: The Writ petition No. 2368/2010 filed by the Indian Navy, Western Naval Command regarding illegal construction of a building "Harsiddhi Heights" at plot No. 208 (pt), Worli, Mumbai

The matter was placed before the Authority. Authority noted that, the matter was considered in the 68th meeting of MCZMA held on 14th March 2011 wherein Authority considered the reports received from SRA, Urban Development Department and reply of the developers. In the 68th meeting it was noted that, no CRZ clearance has been obtained by the project proponent from competent authorities as required under CRZ Notification, 1991.

Accordingly, the Show Cause Notice was issued to the developer of "Harsiddhi Heights" building i.e. M/s. Prithvi Corporation vide letter dated 30.03.2011. However, the developer vide letter dated 25.04.2011 requested the Chairperson (MCZMA) to provide them the copy of the confirmed minutes of the 68th meeting of MCZMA held on 14.03.2011 so as to enable them to give the Authority the appropriate reply. Authority confirmed the minutes of 68th meeting during the 69th meeting of MCZMA held on 29.04.2011.

After deliberations, Authority decided to give the confirmed minutes of the 68th meeting pertaining to the item related to "Harsiddhi Heights" as per their request. Further, Authority decided to direct the project developer i.e. M/s. Prithvi Corporation to file reply to the directions of the Authority within 10 days time after receipt of the minutes from the Authority. After receipt of the reply from M/s. Prithvi Corporation, it would be placed before the MCZMA and opportunity for personal hearing will be given.



Item No. 11: Proposed redevelopment of existing building known as 'Vasant Sagar' at CS No. 1689 of Fort Division situated at Plot No. 11 & 13A, Off Netaji Subhash Road, Churchgate, 'A' Ward, Mumbai

The matter was placed before the Authority. Authority noted that, the application for the permission from CRZ point of view for the proposed redevelopment of existing 'Vasant Sagar' building on land bearing CS No. 1689, Plot No. 11 & 13A, Fort Division, Off Netaji Subhash Road, Churchgate, 'A' Ward, Mumbai was received through Deputy Chief Engineer (Building Proposals) City, MCGM (in accordance with CRZ Notification, 1991) vide letter dated 22.07.2010. As per this proposal, total area of the plot under reference is 1521.28 sq. m. while the built-up area for the proposal (for building comprising of Basement + Ground + 13 upper floors) is 3418.13 sq. m. (excluding the area under staircase, lift and lift lobby). As per the submitted information, 1st to 3rd floors are proposed to be used for Car Parking. Study/ Library has been proposed on 4th floor while, Party Hall (double height = 8.0 m) has been proposed on 5th & 6th floors. 7th to 12th floors are proposed for residential purpose. 2 Car Lifts have been proposed from Ground floor to 3rd floor whereas, 3 passenger lifts have been proposed upto 13th floor. On the 13th floor, Swimming Pool, Fitness Room, Filtration Plant, EPBX Room etc. are proposed.

Authority noted that, with reference to the query of the Environment Department with respect to the permissibility of the proposed activities on various floors (Party Hall, Swimming Pool, Fitness Room, Filtration Plant, EPBX Room etc.) and non-submission of the CZMP indicating site under reference, Urban Development Department vide letter dated 22.10.2010 sought clarification from MCGM. MCGM has submitted their reply vide letter dated 01.12.2010 along with the CZMP indicating the site superimposed on it. In the letter it was mentioned that, the proponent has made changes in the construction plan in accordance with Development Control Rules, 1967 and as per the new plan, the proposed building would comprise of Basement + Stilt + 3 Car Parking floors + 4th to 8th floors for residential use and other complementary amenities (Hall, Library, Reading Room, Pooja Room, BMS Room etc.). Half of the 5th floor is proposed to be used for Hall and part of the 7th floor is proposed to be used as Refuge floor. The revised construction plans were enclosed along with the letter. In the revised plan, both the swimming pool and filtration plant were omitted.

Authority further noted that, due to the superseding of the CRZ Notification, 1991 by the new CRZ Notification, 2011, project proponent submitted the proposal in Form 1 as prescribed in the CRZ Notification, 2011 (vide letter dated 05.03.2011). However, the submitted data is inadequate as the proponent has not submitted all the documents as per the mandates of para 4.2 of CRZ Notification, 2011. Authority also noted that, in the submitted information, total plot area is mentioned as 1521.23 sq. m. Total construction area is mentioned as 9000.00 sq. m. and total built-up area is mentioned as 4089.72 sq. m. It was also noted that, along with the new proposal submitted vide letter dated 05.03.2011, old construction plans have been enclosed as those submitted along with the application dated 22.07.2010 and the application has not been submitted through the Planning Authority.

Authority also noted that, a complaint has also been filed (vide letter dated 3rd February 2011) in this matter by Mr. Ashok Rao, President, Federation of Churchgate Residents and which is under process in the Environment Department. In the complaint, there are also allegations about the



violation of the norms of CRZ Notification, 1991 and frauds in FSI consumptions in case of the said construction. It was noted that, MCZMA vide letter dated 10.03.2011 has requested the Urban Development Department, MCGM and MMRDA to take necessary action under appropriate Act and send the detailed action taken report in the matter and the reply from all the authorities is yet to be received.

Considering the discrepancies in the submitted proposal details (including total plot area), Authority decided to defer the case. Authority, after detailed discussion, decided to get the exact proposal details such as area of the plot, details of the existing old structure on the site prior to development, FSI calculations of old building, occupation certificate, details of new proposed building, building plans, FSI calculations, land use and DCR applicability from the Planning Authority i.e. MCGM. Further, it was decided that, the Chief Engineer (Development Plan) to conduct a site visit and send report on above details to MCZMA. Project proponent will have to make a fresh application through Planning Authority, till that time the planning authority shall ensure that no construction work should be carried out on the site under reference.

Table Item No. 1: Proposed Versova-Bandra Sea Link Project in Mumbai by MSRDC

The officials of the MSRDC presented the case before the Authority. Authority noted that, MSRDC vide letter dated 16.09.2010 had applied to MoEF for ToRs for the proposed Versova-Bandra Sea Link (VBSL) Project in Mumbai. However, the matter has been referred back to MCZMA by MoEF vide letter dated 25.02.2011.

Authority noted that, the VBSL is proposed to be developed from Bandra end of BWSL to Versova end near Nana-Nani Park in the Suburbs of Mumbai. The length of the VBSL is approximately 10 km with dispersal points at Juhu Koliwada and Jogger's Park. The Sea Link will have 4 + 4 lanes on both the sides. Authority also noted that, out of the 5 alternatives proposed for the alignment of the VBSL Project, the alternative of the Coastal Bridge has been finalized by the MSRDC. Authority noted that, the proposed Coastal Bridge will be approximately 900 m away from the coast and 9.890 m long. This bridge will be a type of sea link (entirely in sea) with total cost of Rs. 4045 crores. Officials of the MSRDC mentioned that, avoiding of mangroves area as far as possible shall be done; but in case required to cut, then will be done as permitted in the CRZ Notification, 2011.

Authority noted the proposal details. However, Authority opined that, though the proposed activity can be permissible as per CRZ Notification, 2011; the same will need prior cabinet approval. After cabinet approval, MSRDC may submit comprehensive EIA of the final option/ alternative, cost benefit analysis and application as per rule 4.2 of the CRZ Notification, 2011 to the MCZMA.

The meeting ended with vote of thanks to all members.


Chairperson,
MCZMA

Annexure-I

List of the members present for the 69th meeting of MCZMA is as follows:

1. Smt. Valsa R. Nair-Singh, Chairperson (MCZMA) and Secretary, Environment Department, Mantralaya, Mumbai
2. Shri. T. C. Benjamin, Principal Secretary, Urban Development Department, Mantralaya, Mumbai
3. Dr. S. B. Chaphekar, Botanist, Mumbai
4. Dr. (Smt.) Geetanjali Deshmukhe, Director-In-Charge, Central Institute of Fisheries Education, Mumbai
5. Dr. B. N. Patil, Member Secretary (MCZMA), Environment Department, Mantralaya, Mumbai