

Minutes of the 72nd Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 4th November 2011 at Mantralaya, Mumbai

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

Principal Secretary, Industries Department, Mantralaya, Mumbai; Municipal Commissioner (Municipal Corporation of Greater Mumbai); Additional Chief Secretary, Revenue Department, Mantralaya, Mumbai; Secretary (Fisheries), Agriculture & ADF Department, Mantralaya, Mumbai; President (Vanarai Pratishtan); Dr. (Mrs.) Leela J. Bhosale (Botanist) and Dr. S. K. Gupta, Centre for Environmental Science & Engineering, IIT Bombay, Powai, Mumbai could not attend the meeting. The meeting was adjourned for 30 minutes for want of quorum.

Item No. 1: Confirmation of minutes of the 71st meeting of MCZMA held under Chairmanship of Secretary (Environment) on 29th April 2011 at Mantralaya, Mumbai

The minutes of 71st meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the members of the Authority present in the meeting, with following changes:

Item No. 4: Minutes of the meeting held on 26th July 2011 under the Chairmanship of the Secretary (Environment) & Chairman (MCZMA)

On Page No. 9 & Line No. 11, under the title "(E) Coordination Committee and Core Committee to provide information to agencies authorized by MOEF to conduct surveys and involved in preparation of CZMP" and the paragraph of 'constitution of Core Committee', point (6) i.e. "Deputy Director, Town Planning, Konkan Bhavan should be replaced by "Assistant Director, Town Planning as a Member Secretary" of the concerned District.

Further, for the purpose of simplified scrutiny of the proposals, the Authority suggested addition of the column for 'Information' (in between the columns 'Particulars' and 'Page No.') in the 'Checklist for submission of application for prior CRZ clearance under CRZ Notification, 2011' published vide MCZMA Office Memorandum dated 02.07.2011. It was decided to incorporate the necessary amendment in the checklist.

Item No. 2: Action taken on decision taken in the 70th & 71st meetings of MCZMA held on 01.07.2011 & 26.08.2011 respectively

The Authority noted the status of action taken on decision taken in the 70th & 71st meetings of MCZMA held on 01.07.2011 & 26.08.2011 respectively.

Item No. 3.1: Complaint by 'Vengurle Nagri Kruti Samiti' regarding development work carried out in CRZ area by Vengurla Municipal Council

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

- A complaint was received from 'Vengurle Nagri Kruti Samiti' vide letter dated 29.01.2011 stating that the Vengurla Municipal Council has undertaken development

Minutes of 72nd meeting of MCZMA held on 04.11.2011



works (under Konkan Package) viz. Tourism Facility Centre at Vengurla Port and Mandvi and Water Sports Centre at Mandvi, in CRZ-I area without obtaining prior permission from environment/ CRZ point of view.

- Accordingly, the MCZMA vide letter dated 28.02.2011 requested the Divisional Commissioner (Konkan), District Collector (Sindhudurg), Police Superintendent (Sindhudurg) and Chief Officer, Vengurla Municipal Council, District Sindhudurg to stop the development activities and to submit a detailed report in this regard. They were also requested to submit the various permissions obtained for the said constructions, including permission from CRZ point of view, to the MCZMA.

The Authority further noted the various replies received from the President, Vengurla Municipal council; Divisional Commissioner, Konkan and District Collector, Sindhudurg which are as follows:

1. Reply from President (Vengurla Municipal Council):

With reference to the MCZMA letter dated 28.02.2011, the President of Vengurla Municipal Council vide letter dated 23.03.2011, informed that, only the development of Tourism Facility Centre at Vengurla Port and Water Sports Centre at Mandvi (under Konkan Package) has been done in the year 2004-05. Out of these, the Tourism Facility Centre was constructed on the place of old dilapidated dormitory; while the other work is of development of garden. He has also mentioned that, both the works were carried out without violating the CRZ norms.

2. Reply from Divisional Commissioner (Konkan):

The Divisional Commissioner (Konkan) vide letter dated 20.04.2011 requested the District Collector (Sindhudurg) and Chief Officer, Vengurla to submit detailed report/ remarks with respect to the said complaint and MCZMA letter dated 28.02.2011. A copy of the letter was also marked to MCZMA.

3. Reply from Police Superintendent (Sindhudurg):

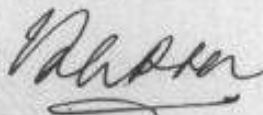
The Police Superintendent (Sindhudurg), vide letter dated 08.04.2011 informed that the action to be taken in this matter does not come in the purview of the Police Department/ Administration.

4. Primary report from District Collector (Sindhudurg):

The MCZMA received a letter dated 20.04.2011 from the Divisional Commissioner (Konkan) with the primary report (dated 08.04.2011) of the District Collector (Sindhudurg). Following points mentioned in the report were noted by the authority:

1. No developmental activity in CRZ-I area has been carried out by Vengurla Municipal Council since issuance of Hon. High Court order dated 27.01.2010. However, prior to this Court order, Vengurla Municipal Council has carried out some developmental activities in CRZ area and the details of the same are as follows:

- (a) **Tourism Facility Centre at Vengurla Port:** Prior to the construction of this Tourist Facility Centre, there was an old dilapidated dormitory which was owned by the Municipal Council. The Chief Officer in his report mentioned that, the new construction was carried out as per the CRZ norms. This construction had Government approval vide GR No. MTC-2004/ 7/ 545/ 361 of Housing



Department and 332 of Tourism Department dated 21.08.2004 and this construction was completed in the year 2007.

(b) **Water Sports Centre at Mandvi:** This work is related to the development of garden, which has relaxation as per the CRZ norms and has Government approval vide abovementioned GR. This work was completed in January 2009.

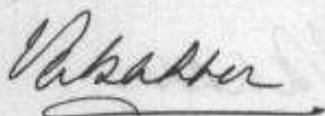
(c) **Tourism Facility Centre at Mandvi:** This work is only proposed and not yet started. The Chief Officer mentioned that, this work will be taken up only after Government approval and CRZ permission.

2. The Chief Officer (Vengurla) has mentioned that, as the works mentioned in point (a) & (b) were completed in the years 2007 & 2009 respectively, it does not violate order of the Hon. High Court. The work mentioned in point (c) has not been started yet and hence it should not be stopped. However, the Authority noted that as per the report of the Chief Officer, permission from MCZMA / Environment Department has not been obtained for the said works which was otherwise required under CRZ notification 1991.
3. The Town Planner (Sindhudurg) was directed vide letter dated 25.03.2011 to verify the CRZ status of the sites on which the works have been undertaken and to verify whether the plans of these works were the sanctioned by competent authority. The Deputy Forest Conservator (Sawantwadi) had also been directed vide letter dated 24.03.2011 to verify the existence of mangroves on the said sites.
4. The Authority further noted that with reference to the report from Collector (Sindhudurg), Notice under Section 5 of Environment (Protection) Act, 1986 was issued vide letter dated 28.07.2011 to the Chief Officer (Vengurla Municipal Council) for carrying out the development of Tourism Facility Centre at Vengurla Port and Water Sports Centre at Mandvi without CRZ permission from MCZMA and MOEF.

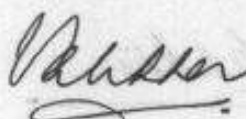
The Authority further noted the final report from the District Collector (Sindhudurg) which is as follows:

- With reference to the report dated 08.04.2011, Collector (Sindhudurg) has submitted the final report mentioning the CRZ status of the sites and relevant remarks vide letter dated 04.08.2011. In the report, it is mentioned that, the Development Plan for Vengurla was sanctioned by the Government in the year 1976 and the revised Development Plan was submitted for Government approval by the Vengurla Municipal Council in the year 2009. Meanwhile, the CRZ Notification, in 1991 became applicable for the area under Vengurla Municipal Council and the CZMP for Vengurla city was approved in the year 2007.
- On scrutinizing the documents submitted by Chief Officer (Vengurla) and reports received from Town Planner (Sindhudurg) vide letters dated 30.06.2011 and 22.07.2011, status of the works is as follows:

Sr. No.	Details of the work	Present status of the work	Actual status & remarks
1	Construction	As per the report of	This building construction is affected by



Sr. No.	Details of the work	Present status of the work	Actual status & remarks
	for residential purpose for tourists on plot bearing CS No. 65 (under Konkan Package)	Chief Officer (Vengurla Municipal Council) dated 07.04.2011, the work has been completed in the year 2007.	widening of 18.00 m road (State Highway No. 121) as per the sanctioned Development Plan. The construction plans are not approved by the competent authority. As per the clause No. 6(2) CRZ(ii)(i) of CRZ Notification, 1991, construction is not permissible on the seaward side of the existing road; however, reconstruction of authorized structure is permitted as per rule No. CRZ-II (ii). As per the available records with the Municipal Council, location, plinth boundary of the old structure cannot be determined. Town Planning Department has mentioned that, for the reconstruction on the seaward side, prior permission from Environment Department/ MCZMA is required. However, it seems that no such permission is obtained by Vengurla Municipal Council for this work.
2	Water Sports Centre on plot bearing CS No. 601/602 at Mandvi (under Konkan Package)	As per the report of Chief Officer (Vengurla Municipal Council) dated 07.04.2011, the work has been completed in the year 2009.	As per the sanctioned Development Plan, this work is affected by widening of 18.00 m road and use for "Marine & Fish Industries". As per the proposed Development Plan, the site is affected by "No Development Zone". As per the CRZ Notification, 1991, the site is situated in CRZ-I(i) and partially affected by dense mangroves as well as mangroves buffer zone. As per the orders given by hon. High Court, no non-forest activities are permissible in such areas. Such development work is also not permissible in CRZ-I area.
3	Tourism Facility Centre on plot bearing CS No. 601/602 at	The work has not been started yet. Chief Officer (Vengurla) has given directions to stop this work.	Same as abovementioned Sr. No. 2.



Sr. No.	Details of the work	Present status of the work	Actual status & remarks
	Mandvi		

- In the final report, it is mentioned that, the works are in violation with the provisions of CRZ Notification, 1991 and sanctioned Development Plan of Vengurla.

With reference to the MCZMA letter dated 28.07.2011, the Chief Officer (Vengurla) replied vide letter dated 29.08.2011. He informed that, both the works (Tourist Facility Centre at New S. No. 65, Vengurla Port and Water Sports Centre at New S. No. 602, Mandvi) were taken on hand, under the grants issued by the State Government for the Konkan Tourism Development in the year 2004, and these works have been carried out before he took over the charge as the Chief Officer on 09.02.2009 i.e. during the tenure of the then Chief Officer as well as the then President of Vengurla Municipal Council. It also mentioned that, the precautions for obtaining prior permission from CRZ point of view should have been taken by the then officials/ authorized persons.

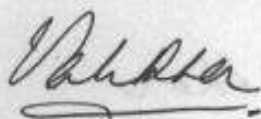
In light of the detailed reply from various agencies, especially the Chief Officer (Vengurla), the Authority came to the conclusion that the then Chief Officer (Vengurla) and the then President of Vengurla Municipal Council have violated the provisions of CRZ Notification, 1991 as well as 2011. In light of the above, the Authority after deliberations, decided to initiate the following legal action against the violation under Environment (Protection) Act, 1986:

- To direct the District Collector (Sindhudurg) to initiate legal action under Environment (Protection) Act, 1986 on the then Chief Officer and then President of Vengurla Municipal Council and report the action taken to the Authority.
- To request the Divisional Commissioner (Konkan) to take necessary action against violation of Hon. High Court orders dated 06.10.2005 & 27.01.2010 by the abovementioned office bearers.
- To request the Principal Secretary (Urban Development Department-2) to initiate appropriate action on the above said office bearers for violation of CRZ Notification.

Item No. 3.2: Complaint against Ex-MD, MTDC – regarding Water Sports Complex at Girgaon Chowpatty by M/s Drishti Adventure Sports Pvt. Ltd.

The matter was placed before the authority. The Authority noted the followings: The Chairperson recused from attending the meeting while this item was discussed.

- Shri Amit Maru filed a complaint vide his letter dated 30.8.2011, requesting to take action against the then MTDC Chief for permitting a restaurant to come up in CRZ-I area by Sunil Shetty and others. It was alleged that the then MTDC Chief permitted the water sports complex to come up in CRZ I area without taking the necessary permission of the MCZMA, which was required under the rules. It was also alleged that after the place was permitted to be used as a water sports complex, a restaurant had come up on the highly restricted CRZ-I area.



2. The MCZMA requested the MTDC vide its letter dated 9.9.2011 to submit the information/ documents regarding the Water sport activities and restaurant constructed on the land under reference.
3. The MTDC sent its reply to MCZMA vide its letter dated 4.10.2011. The Authority noted the following from the reply: Mr. Ashish Kumar Singh was holding charge of Managing Director, MTDC from 22.5.2000 to 21.6.2004. During that time, no activity other than water sports was carried out on this site. The MTDC entered into an agreement with M/s Drishti Adventure on 29.3.2001 following a proper bidding process. The Clause 1 of the agreement clearly mentioned that the said land was to be used only for the purpose of carrying out the said activity i.e. Water Sports Complex and for no other purpose. The Clause No. 6(a) mentions that the licensee will also however be required at its own cost and expenses to obtain necessary permissions from the Collector of Mumbai as also from the MCGM or any other authority as may be required from time to time.

The Authority further noted the detailed chronological background of the matter which is as follows:

1. Allotment of land to MTDC by City collector:

The Collector, Mumbai City allotted 500 sq m of land out of the city Survey No. 12 (pt) of Girgaon Division on a 30 years lease at Girgaon Chowpatty for "Water Sports Complex" to the Maharashtra Tourism Development Corporation Ltd. (MTDC) as per the Government Resolution dated 27th March, 2000.

2. MTDC appointed M/s Drishti

The MTDC appointed M/s Drishti Adventure Sports Pvt. Ltd. as a Licensee for operating a Water Sports Complex. The MTDC entered into an agreement with M/s Drishti on 29th March 2001. As per the clauses of agreements, the said land was to be used only for the purpose of carrying out the said activity i.e. water sports complex and for no other purposes. The onus of taking clearance from the different statutory authorities would be on M/s Drishti Ltd.

3. MCGM wrote letter to UDD for permission

The MCGM wrote a letter dated 17.7.2001 to the UDD with a request to advice regarding the permissibility of the temporary structures as requested by M/s Drishti Adventure Ltd.

4. UDD issued NOC

The Urban Development Department (UDD) vide letter dated 8.10.2001 informed MCGM that M/s Drishti had submitted a revised drawings and revised proposal has been examined. Further UDD granted NOC to the construction as per revised plan subject to the compliance of 8 conditions out of which condition No. 6, 7 states as follows:

Condition No. 6: "food counter area shall not be used for cooking. However, serving of pre-cooked food shall be permissible

Condition No. 7: "The food counter shall be open above the counter up to the roof.

M/s Drishti Adventure vide its letter dated 22.5.2002 submitted a revised plan to UDD for its approval.

5. M/s Drishti Adv requested permission for cooking activities for eating house



M/s Drishti Adventure vide its letter dated 21.4.2003 requested UDD for grant of permission for eating house so as to allow cooking.

6. UDD sent the proposal of eating house (for cooking activities) to MCZMA for recommendations.

The Urban Development Department wrote a letter dated 31.1.2005 to the Chairperson, MCZMA for allowing the cooking of food activities to M/s Drishti Adventure. MCZMA denied permission to eating house i.e. "Cooking of food" AND issued directions to Collector to take action as per the provisions of CRZ Notification, 1991

The MCZMA vide its letter dated 14.12.2005 written to the Collector, Mumbai clearly stating that the land under reference is under CRZ I (ii) and therefore, Hotel Activity is not permissible in the said area. It was also reported that the Project Proponent has carried out the construction activity which was not permissible in CRZ I (ii) and violating the CRZ Notification, 1991. Further, MCZMA directed the Collector, Mumbai to take immediate action as per CRZ Notification 1991 and submit report within 15 days.

7. Collector, Mumbai replied to MCZMA

The Collector, Mumbai City replied to MCZMA vide letter dated 3.1.2006 stating that the activities are not allowed and if MCGM had permitted the said activities, and if the permission had granted by MCGM, it should be revoked and accordingly communicated to the Section Officer as well as MTDC for doing the needful.

8. Asst. Commissioner, MCGM replied to MCZMA

The MCGM communicated to the MCZMA vide letter dated 6.1.2006, stating that "no any permanent structure as informed in the complaint is seen at site. However a shed in front of Snack bar and 4 Nos. of Umbrellas were found erected beyond the approved plan and on issuing of notice under section 354 A of M.M.C Act party himself has removed the same and informed this office accordingly"

9. Drishti wrote a letter to MCZMA

M/s Drishti Adventure wrote a letter dated 18.1.2006 to the MCZMA citing that they had sought clearances from the UDD for cooking of food activities. The UDD has recommended the proposal to the MCZMA on 31.1.2005. It was reiterated that they had not violated any of the permissions granted to them by the State Authorities.

The Medical Officer of 'D' ward MCGM informed the MCZMA vide letter dated 30.6.2006 that considering the directions of MCZMA dated 14.12.2005, the matter had been forwarded to Dy. Municipal Commissioner (Zone I) for cancellation / revocation of the license of Eating House (Snack bar) at premises of Drishti.

10. MCZMA considered the matter in its 44th and 45th meetings

The matter was discussed in the 44th meeting and 45th meeting of MCZMA held on 8.5.2008 and 7.6.2008. As decided in the 44th meeting, the site under reference was visited by the then Chairperson, MCZMA along with 2 members of the Authority (Dr. Chaphekar and Shri Dilip Kumar, Director, CIFE) on 6.6.2008. It was reported that facilities for cooking of food and heating were installed in the kitchen. As decided in the 45th meeting, "it was decided that permission for cooking of food should not be granted. The proponent should not cook any food in the premises or in the food counter area since area under reference falls in CRZ I, and as per the section 3(2)(i) of CRZ



Notification, 1991, "Cooking of food" activity is not covered under the foreshore facilities. Further, it was decided to inform the Company that permission of all the activities will be revoked in case of any violation of the CRZ Notification"

11. MCZMA issued directions to M/s Drishti

The MCZMA issued directions to M/s Drishti Adventure Pvt. Ltd vide letter dated 13.6.2008 not to cook any food in any part of the premises. As per Section 3(2) (I) of CRZ Notification, 1991, "cooking of food" activity is not covered under the foreshore facilities.

The MCZMA issued further directions under Section 5 of the EP Act, 1986 to M/s Drishti Adventure vide letter dated 21.3.2009 to submit the copies of permission / clearances from the different statutory authorities regarding the restaurant / hotel activities in the said premises and also stop the restaurant / hotel activities on the said plot.

12. MCZMA directed collector to take action against the restaurant.

The MCZMA issued directions to the Collector vide letter dated 21.3.2009 to take action under EP Act, 1986 and CRZ Notification 1991 and to submit the report to the authority within 15 days.

13. M/s Drishti requested personal Hearing

On request of M/s Drishti for personal hearing, an opportunity was given to M/s Drishti to present their say in 50th meeting of MCZMA held on 25.3.2009. In the said meeting, after hearing the say of proponent of "Salt Water Grill Restaurant-H₂O complex"- Mr. Manoj Agrawal, the Authority decided not to allow cooking and hotel facilities in the said premises and informed the proponent during the hearing to dismantle all the cooking facilities in the said area.

14. M/s Drishti replied to MCZMA

M/s Drishti Adventure Pvt. Ltd replied to the notice vide their letter dated 6.4.2009 to MCZMA, stating all the structures present on the site were temporary in nature, for which, MCGM had given permission. The MCGM had permitted only an eating house i.e. party is not permitted to cook food on the premises but permitted to serve pre-cooked food and to warm the food before serving. M/s Drishti further enclosed the undertaking confirming that they should continue to observe the directions of MCZMA dated 13.6.2008. Further, it was also informed that the matter was before the Hon. Court and pending for adjudication.

15. Addl. Deputy collector issued directions to M/s Drishti for demolition of unauthorized structure

The Addl. Deputy Collector (Encroachment), Colaba Division, issued directions to M/s Drishti Adventure vide letter dated 20.5.2009 to demolish the unauthorized structure violating CRZ Notification 1991 within 7 days or otherwise its office would take appropriate action regarding the demolition.

M/s Drishti Adventure assured the Deputy Collector (Encroachment) vide their letter dated 25.5.2009 that they themselves have removed the unauthorized structures on 28.5.2009

16. M/s Drishti wrote letter to MCZMA



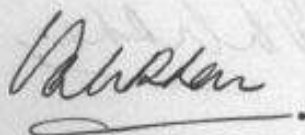
M/s Drishti Adventure wrote a letter dated 28.5.2009 to the MCZMA mentioning therein regarding the details of PIL lodging No. 64 / 2008 and the letter from the Deputy Collector, Mumbai City about his directions. They requested the Authority to provide information about the demarcation of HTL as there is variation in demarcation of HTL which is in approved CZMP.

The Authority also noted that the Collector has been requested vide letter dated 19.10.2011 to ensure that permanent structure for hotel purpose constructed on the site, if any, be removed immediately and hotel related activities including cooking and serving food etc. on the site under reference be stopped and to submit the action taken report to the Authority. Further, the MTDC has been also requested vide letter dated 19.10.2011 to ensure that the said activity is operating only as per the lease agreement entered into with MTDC and to ensure that no hotel / restaurant / food cooking activity, is allowed on the site under reference which falls in CRZ I area. Also MTDC should ensure that construction, if any, for restaurant and hotel should be removed immediately from the site and avoid the violations of provisions of CRZ Notification

The Authority noted that then MD, MTDC, submitted his reply on allegations made against him vide his letter dated 3.11.2011 to MCZMA. As per the said reply:

1. Ex-MD. MTDC, Shri Ashish Kumar Singh was the MD of MTDC from 22.5.2000 to 21.6.2004. During his tenure as MD, MTDC, no activity other than water sports was carried out on the site. No complaints were made against the project about any violations either.
2. MTDC entered into an agreement with M/s Drishti Adventure Sports Pvt. Ltd on 29th March, 2001. A perusal of the clauses of the agreement will show that in clause I of the agreement, it is explicitly mentioned that the said land is to be used only for the purpose of carrying out the said activity i.e. water sports complex and for no other purpose whatsoever.
3. In the agreement between licensor (MTDC) and Licensee (M/s Drishti Adventure Sports Pvt. Ltd.), nowhere is it mentioned that the Corporation will get or provide any clearances to the licensee. Instead, the onus of acquiring all the requisite statutory clearances rested with the licensee.
4. Even if any violation was done by the Licensee, it was the duty of the concerned regulatory authority to act against it. The complaint has produced no evidence, whatsoever, citing approvals accorded by the then MD, MTDC to the licensee in contravention of any existing laws or rules. The complaint against the then MD has been raised after a gap of ten years after the lease signing, where as the matter has been in the Hon. High Court and no mention has been made of the MD's role. This is only an attempt to malign the reputation through false allegations. He requested the Authority to dismiss such baseless allegations at the outset. Action against violations if any should be initiated against the project proponent.

In light of detailed background of the matter, the Authority after detailed discussion and deliberation came to the conclusion that there is no substance in the complaint filed by the complainant Mr. Amit Maru against Ex. MD, MTDC and observed that complaint is false, baseless and not true. Hence, the Authority after discussion decided to dispose off the



complaint. Further, the Authority decided to direct the MCGM, the Collector, Mumbai and MTDC to ensure that no such activity is being carried out on the site under reference as on today.

Item No. 3.3: Complaint by Ashwashakti Welfare Association with respect to S.R scheme on plot bearing C.S. No. 1980 (pt) of Fort Division and plot bearing C.S. No 153A (pt), 150A (pt) of Backbay Reclamation Scheme III, Nariman Point, Mumbai

The Authority noted that in response to a complaint received in the Department from Ashwashakti Welfare Association on 13th December, 2010 regarding CRZ and Environmental violations, the MCZMA had issued directions under section 5 of the Environment (Protection) Act, 1986 vide letter dated 15.3.2011 for non-compliance of the conditions stipulated in the CRZ clearance issued by the MoEF vide letter dated 17.11.2006.

The matter was placed in 69th & 70th meeting of the MCZMA held on 19th April & 1st July, 2011 respectively. As per the decisions taken in the 70th meeting, the stop work notice issued to the Developer was revoked vide letter dated 17.9.2011 on the basis of reports from the Urban Development Department and the SRA, subject to the condition that construction should be strictly in compliance with the CRZ clearance issued by the MOEF, The FSI should be as applicable as that existing on 19.2.1991 and SRA should ensure that construction on the site under reference should be as per the CRZ norms.

The Authority noted that, Ashwashakti Welfare Association has again filed a complaint vide letter dated 11.10.2011 against the revocation of the stop work notice and requested that the stop work notice be continued. The Complainant presented the complaint before the Authority during the meeting. Following allegations were made during the presentation:

1. The SRA scheme under reference is an amalgamated scheme on plot 153A & 150A (Garden plot). No construction permission to the developer has been given by the Environment Dept and Urban Development Dept for the plot 150A i.e. Garden plot.
2. It is clear from the satellite image map that construction of the building is going on in the plot 150 A i.e. Garden plot which is corroborated by SRA own testimony. Further, the said plot is in a non-build able reservation.
3. The plot No. 153 A i.e. Parking plot which was carved out in the year 1996 on which the scheme has been declared by the Municipal Commissioner is a No Development Zone and the said fact has been also omitted by the SRA. Even the MMRDA in suit No. 3464 of 1987 has given an undertaking vide an affidavit in the said suit for BBRS Block III, that the said plot will be used for public purpose.
4. The cost of the Amalgamated project as declared by the developer to the SRA is 4.51 crores for Mahatma Phule A CHS and 4.31 crores for Mahatma Phule B CHS as per Annexure I submitted to SRA. The total cost of the grossly undervalued amalgamated project work out to be 8.81 Crores. As the project cost is more than Rs. 5 crores, the jurisdiction of the Authority (MCZMA) to remove the stop work order is itself questionable

5. The Developer and SRA by giving distorted fact are trying to regularize Environmental Violations. The SRA & Developer are in collusion under the pretext of implementing an SRA scheme.

The Authority after deliberation decided to request the Collector Mumbai to submit the clear cut boundaries of the plots under the SRA scheme under consideration through land record/ city survey office. Further The Authority decided to hear the Project developer and SRA before taking a final decision in the matter. It was decided that till a final decision is made, the developer should stop the ongoing construction work.

Item No. 3.4: Complaint regarding violation of CRZ Notification and DCR, 1967 in operation of huge banquet hall and restaurant in R-1 area at Worli Seaface by the name of 'Blue Sea' at CS No. 736 & 737 of Worli Village

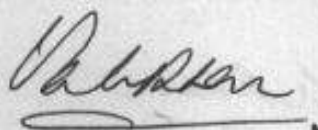
The matter was placed before the Authority. The Authority noted the followings:

1. Mr. Amit Maru had filed a complaint regarding violation of CRZ Notification and DCR, 1967 in operation of huge banquet hall and restaurant in R-1 area at Worli Sea face by the name of 'Blue Sea' at CS No. 736 & 737 of Worli Village.
2. The complaint was referred to the Collector (Mumbai City), Municipal Commissioner (MCGM) and Deputy Secretary (Urban Development Department) vide letter dated 13.12.2010 and a reminder letter dated 23.06.2011 with request to examine and to take appropriate action in the matter.
3. M/s. Blue Sea Banquets was also directed to submit necessary documents of permission/ clearances obtained from different statutory authorities including MCZMA vide letter dated 05.08.2011.

The Authority further noted that M/s. Blue Sea Banquets has submitted their reply vide letter dated 02.09.2011. As per the content of the letter the clarification given is as follows:

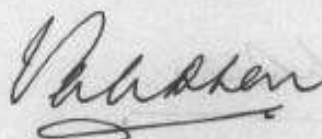
- 1) Blue Sea Banquet and Restaurant exists in the premises of the National Association for the Blind, which was constructed in 1980 under the lease agreement executed with them. On the basis of the, NOC granted by them the plans for the aforesaid premises were approved by MCGM vide CC No. EEBPC/ 9180/ GSIA dated 23.06.2003. The Govt. of Maharashtra Notification No. LBL/ 1502/ Case No. 126/ J-2 dated 25.10.2002 has also approved the activity (Eating house/ Banquet hall). (The copies of both the documents are enclosed along with the letter dated 02.09.2011).
- 2) The aforesaid Banquet Hall and Restaurant has relevant Municipal Licenses as well as Licenses from the other authorities like Excise Department and Police Department. (The copies of Health License (No. 761404567), Excise License (No. FL III 657) and Police License (No. PPEL No. 67/ 2005/ Worli) obtained are enclosed along with the letter dated 02.09.2011).

The Authority further noted that the Executive Engineer (Building Proposal) City-I, MCGM has submitted their reply vide letter dated 15.10.2011. The Authority noted the points mentioned in the contents which are as follows:



1. In this case, Architect M/s. Kapadia & Associates vide letter dated 23.07.2002 has submitted Notice of Intention to MCGM on 2nd August 2002 for carrying out additions and alterations for building under reference. The IOD was issued on 21.02.2003 and CC issued on 23.06.2003. OC for the same (addition and alteration in the existing building) was issued on 27.07.2004.
2. The plot under reference is one of the plots of the Estate Scheme No. 52, Worli. The same is owned by the Collector of Mumbai and allotted to the National Association for the Blind on lease basis for 99 years on certain terms and conditions. After taking over possession of the plot under reference, the original proposal for construction of building for Talking Book Complex for National Association for Blind was submitted by Architect Shri I. M. Kadri and accordingly an IOD was issued under No. EB/2243/A dated 07.05.1980.
3. The plot area was 3356.00 sq. m. while the permissible built-up area is 3719.56 sq. m. with permissible FSI 1.33. The proposed building area was 3362.88 sq. m. and FSI consumed was 1.18. CC up to plinth was granted on 07.06.1980 and thereafter plan was amended 3 times i.e. on 06.05.1981, 19.02.1982 and 15.01.1983.
4. As per last amended plans, building under reference consists of 2 wings, one wing consisting of a the lower ground floor + ground floor + 2 upper floors and other wing consists of basement + ground + 2 upper floors. The occupation certificate was granted for one plot on 13.05.1981 while for the other, it was granted on 16.08.1984.
5. One auditorium at the lower ground and ground floor level in one of the wings was constructed and the same was in use by NAB for their own activity. Subsequently, the NAB was allowed by Govt. to rent out the auditorium area and to use the same for similar other purpose subject to conditions that income derived from such user is utilized for institute for their Talking Book Lending Library for the Blind vide Notification u/No. LBL/ 2683/ 5758/ G/8 dated 18.02.1984. Since then, the NAB has been using the said auditorium area on commercial basis for deriving the income by renting out the same for various purposes.
6. After a lapse of about 18 years, the Govt. of Maharashtra under a Notification No. 126/ J-2 dated 25.10.2002 has further amended the lease condition as under:

"The user of land will be for the purpose of setting up the All India Braille and Talking Book lending Library with studios and press which will remain open to Blind people irrespective of any caste, creed or religion and for other commercial purpose. An area of up to 15% of total built-up area be used specifically for the purpose of cafeteria/ eating house only and income earned there from shall be utilized for the Aims and Objectives of the Institution".
7. Since the plot under reference falls in CRZ-II area i.e. on the landward side of the existing 80' wide Khan Abdul Gafar Khan Road and as per the then prevailing practice, the approval of the then Dy. Ch. Eng. (BP) City was obtained for allowing the alterations and modifications in the original building which is in CRZ-II.
8. The area of the auditorium along with the allied activity, allowed for eating house/ cafeteria activity is in consonance with Govt. Resolution in this respect. The MCGM has



allowed the change of activity. There is no the change of user, since the commercial activity in the auditorium began in the 1984 as per Govt. Order mentioned above.

9. The Authority after deliberation directed the representative of MCGM to verify that said activity/use was permissible in the existing building as per the provisions of DCR 1967 and to take action accordingly.

Item No. 3.5: Complaint by MPCB against "Sea Green Cooperative Housing Society" for violating CRZ norms

The matter was placed before the Authority. The Authority noted that the matter was placed in the 70th meeting of the MCZMA held on 1st July, 2011 wherein the Authority noted the following:

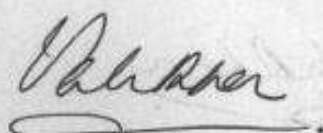
1. The MCZMA issued the directions under section 5 of EP Act, 1986 on 1.2.2011 to stop work on receiving a complaint dated 17.1.2011 in the Department from the Maharashtra Pollution Control Board (MPCB).
2. Accordingly, M/s Sea Green Cooperative Housing Society sent their reply dated 05.03.2011 stating the following points.
 - The plot under reference falls in CRZ II and is situated on landward side of Khan Abdul Gafar Khan Road.
 - The total cost of the proposal is less than Rs 5 crores as per the registered Govt Valuer
 - Plans were accepted on 01.10.2001. As per the clarification of the Principal Secretary (Govt of Maharashtra), TPB 4397/1201/CR 165/UD11 dated 12.11.1997, The MCGM approved the plans as per the procedure of that time. Accordingly, the construction was started.
3. Further, the file was sent to Urban Development Department for their Comments. The Urban Development Department vide their noting informed that they have called the reports from the MCGM which will be sent to MCZMA on receipt of the same.

The Authority in the 70th meeting decided to get the following details from MCGM, mainly the copy of approved building plan and stage of the building construction work, IOD, OC, CC and also the comments of the Urban Development Department on it before taking decision in the matter.

The Authority noted that MCGM had sent reply vide letter dated 30.9.2011 to MCZMA.

As per the reply of MCGM:

- Architect, Mr. Anand Palaye submitted the proposal for residential building on plot bearing CS No. 15/866 of Worli Division for the zonal FSI 1.33 on 13.11.2000
- The IOD for the building comprising of Lower Stilt + Podium + 1st to 5th + 6th (pt) upper floors was issued on 1.10.2001. Since the proposal was submitted prior to 2003 i.e. prior to Govt. Notification TPB- 2004 / 619/CR 80/2003/UD 12 dated 23.7.2003, the plans were approved by allowing area of staircase, lift & lift lobby free of FSI. As per valuation report, cost was less than Rs. 5 crores.



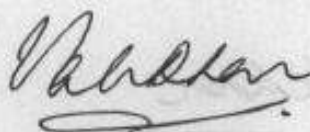
- Amended plans were approved on 28.11.2006 for the building, comprising of Lower Stilt + upper stilt + 1st to 13th floors by allowing the area of staircase, lift, lift lobby free of FSI, after obtaining concurrence of UDD vide letter No. TPB 4306 / 132 / CR 61 / 06 / UD 11 dated 1.8.2006
- Commencement certificate (CC) for work upto stilt level as per amended plans dated 28.11.2006 was issued on 5.1.2007
- The Architect submitted amended plans by proposing car lift from Lower stilt.
- The proposed building plans comprising of Lower stilt + upper stilt + 1st floor stilt + 1st to 13th upper floor were approved by MCGM on 28.4.2009 by counting the staircase, lift, lift lobby and stilt into FSI.
- CC for the same upto 12th was granted on 7.5.2009
- The Building plans were again amended. As per the last amended plans, approved on 9.8.2010, the building comprising of Lower stilt + upper stilt + 1st floor stilt + 1st to 13th + 14th (pt) upper floors were approved by counting area of staircase, lift, lift lobby for additional floor into FSI.
- The full CC was granted by MCGM on 24.9.2010
- As per the UDD's letter no. TPB-2003/619/CR 80/2003/UC 12 dated 23rd July, 2003, the amendment proposed under the notification No. SO-460 E dated 22.4.2003 are applicable to the new proposals submitted after notification.
- The work of R.C.C. of entire building is completed.

The Authority inquired from MCGM about the FSI consumed in the present construction and whether the FSI consumed in 14th (pt) upper floor building was well within the permissible FSI of 1.33 and the present status of the construction.

The MCGM official represented that the MCGM acted upon UDD's letter dated 23rd July, 2003. The last building plans were amended in 2010. The full CC was also granted on 24.9.2010. Accordingly, the RCC construction of the building is almost complete. The FSI consumed in the present construction is well within the permissible FSI 1.33

The Authority discussed and noted that the building plans were amended thrice and approved by MCGM in the year 2006, 2009 and 2010. At the time of amendments also, the MCGM did not forward the proposal to the MCZMA for recommendations and for obtaining CRZ permission from the competent authority. Investment in the revised proposal being more than Rs. 5 cr. So permission from MoEF was necessary.

In light of MCGM's reply and representation made by MCGM officials, the Authority after deliberation decided to get the report from MCGM on the FSI consumed in the construction of building and whether the FSI consumed in the construction was within the limit of permissible FSI i.e. 1.33. Till that time, the Stop Work Notice issued to the Developer would be in effect. No further construction should be undertaken by the developer or owner which attracts legal action under the Environmental Protection Act. The MPCB is directed to report to MCZMA regarding the current status of the progress of the work on the site and to ensure that stop work order is implemented. The MCGM will also ensure that work is stopped and no further permissions are given in the matter.



Item No. 3.6:

CRZ violation by M/s Orbit Corporation Ltd. in project "Orbit Ocean Parque" on land bearing CS No. 358, Opp. Priyadarshani Park, Nepean Sea Road, Malabar Hill, Mumbai

The matter was placed before the Authority. The Authority noted that a complaint was received vide letter dated 16th May, 2011 in the Environment Department regarding CRZ violation by M/s. Orbit Corporation Ltd. in the project "Orbit Ocean Parque" on land bearing CS No. 358, Opp. Priyadarshani Park, Nepean Sea Road, Malabar Hill, Mumbai. Considering the complaint, the MCZMA issued a Show Cause Notice dated 28.6.2011 calling upon the builder to show cause as to why the activity shall not be stopped and why the Authority should not initiate legal action under the provisions of EP Act, 1986. Further, the builder was directed to submit all the documents regarding the clearances from various departments.

The developer and complainant were called to the meeting to present their say. The developer represented their stand mentioning that:

1. Redevelopment in the captioned property is under Regulation 33(7) of DCR for Mumbai 1991 with permissible FSI of 2.00 only.
2. The estimated project cost was less than Rs. 5 crores as per the then conceptual plan and the CRZ NoC was issued by MCZMA vide letter dated 24th Dec 2010
3. The Original cessed structure on the captioned property has not yet been demolished and no construction activity has been carried out on the said property. Only approval for construction has been taken from the relevant authorities. IOD has been issued on 27th January, 2011. Hence builder has not violated any CRZ norms.

The complainant mentioned that the developer has printed and is marketing a brochure for the same building showing it as a 30 storey luxury building with 8 floors of parking and 5-Star health club with swimming pool, gymnasium and sand pit, landscape garden and a lounge. The builder has fraudulently showed the project cost as less than Rs. 5 crores to evade the mandatory MoEF clearance.

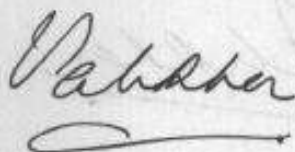
The MCGM official confirmed that the IOD has been issued on 27th January, 2011 and further mentioned that no construction activity is being carried out on the said property.

In light of the above, the Authority decided to agree with the MCGM's representation and accordingly, decided to close the complaint. However, the Authority further directed the MCGM to verify whether the building is a CESS building and to ensure that building plan and FSI was as per the DCR 1967. Further it was directed that provisions of CRZ Notification 2011 would be applicable only if proposal was appraised afresh. Till then, the developer would not undertake any construction work on the site.

Item No. 3.7:

CRZ violation by M/s Orbit Corporation Ltd. in project "Villa Orbit" on land bearing CS No. 12/593, Darabshaw Lane, Malabar Hill

The matter was placed before the Authority. The Authority noted that a complaint was received vide letter dated 11th May, 2011 in the Department. Considering the complaint, Directions under section 5 of Environment (Protection) Act, 1986 was issued to



M/s Orbit Corp Ltd to submit all the documents regarding the clearances from various departments.

The Developer and complainant were called for the meeting to present their say. The developer represented their stand mentioning that:

1. Development on the captioned property is under Regulation 33(6) of DCR for Mumbai 1991 for rehabilitation of existing tenants with permissible existing FSI only and no incentive FSI is permissible since the plot is in CRZ-II.
2. Estimated project cost was less than Rs. 5 crores as per the then conceptual plan. Hence, The Urban Development Department vide letter No. TPB 2005 / 1768 /CR 241 /05/ UD 12 dated 13th January, 2006 issued CRZ NOC.
3. IOD and CC were both issued on 25 January, 2006. The developer has completed the work as per the said CC.

The complainant represented his stand stating that:

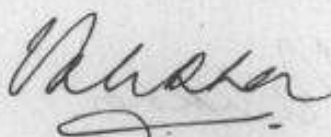
- The builder got plans approved for low rise building – basement + ground floor on stilts + six upper floors (total height- 21.90 m). Further, amendments were made for construction of 9 additional upper floors 9 (height – 69.90 m). Further, architect has submitted amendments for amalgamation of two plots i.e. plot bearing CS No. 11/593 and 12/593 for construction of 2 wings. A wing- high rise building with 2 level basement + ground floor on stilt + 6 parking floors + 7th swimming pool + 8th to 27th floor for residential floors (height – 109.57 m). It is alleged that the builder has consumed higher FSI than permissible FSI.
- The builder has fraudulently submitted a surveys report showing land cost and project cost under Rs. 5 crores to evade getting clearance from MoEF.

The MCGM official present in the meeting also confirmed that IOD and CC were both issued on 25th January, 2006. The developer has completed the work as per the said CC and OC has been granted in the year 2009.

The Authority discussed the cost involved in the proposal for which the CRZ NOC was granted on 13th January, 2006. The Authority felt that the developer had shown the cost of the proposal below Rs. 5 crores to evade the mandatory MoEF clearance. Therefore, authority after detailed discussion decided that

- 1) MCGM to verify the building plan and FSI consumed in the proposal as per DCR 1967 with respect to original permission given from CRZ point of view.
- 2) MCGM to clarify why amendment in the approved plan was not sent for fresh appraisal to MCZMA since it was deviating from the original crz permission.
- 3) MCGM to verify FSI consumed in the completed building, valuation of the construction from registered surveyor including land cost, total built-up area and non built up area (FSI free area) as per DCR 1967 when final building plan was approved. Provide detail calculations of the extent of extra FSI utilized in the construction over and above the provisions of DCR 1967 in 10 days.

The Authority decided to take a final decision regarding the legal action in the matter after receipt of the detailed report from MCGM. The project proponent was also directed to provide detailed building plan and fsi calculations, height, name of the builder, architect, consultant and owner, and other details etc of the constructed building.



Item No. 3.8: CRZ violation by M/s. Orbit Corporation Ltd. in project "Orbit Haven" on land bearing CS No. 8/593, Darabshaw Lane, Malabar Hill, Mumbai

The matter was placed before the Authority. The Authority noted that a complaint was received in the Environment Dept vide letter dated 11th May, 2011 regarding CRZ violation by M/s Orbit Corporation Ltd project "Orbit Haven" on land bearing CS No. 8/593, Darabshaw Lane, Malabar Hill, Mumbai. Considering the complaint, the MCZMA issued a Show Cause Notice dated 28.6.2011 calling upon the builder to show cause as under why the activity shall not be stopped and why the Authority should not initiate legal action under the provisions of EP Act, 1986. Further, the builder was directed to submit all the documents regarding the clearances from various departments

The Authority noted that the developer and complainant were called for the hearing to present their say. The developer represented their say mentioning that:

1. Redevelopment on the captioned property is under Regulation 33(6) of DCR for Mumbai 1991 for rehabilitation of existing tenants with permissible existing FSI only and no incentive FSI is permissible since the plot is in CRZ II
2. Estimated project cost was less than Rs. 5 crores as per the then conceptual plan. Hence, the MCZMA had issued NOC from CRZ Point of view vide letter dated 31.8.2009
3. Plans were modified and the project cost exceeded Rs. 5 Crores and accordingly, a revised proposal was submitted to MCZMA, through Urban Development Department, which was recommended in March 2010 to MoEF. In 91st meeting held on 21st Sep 2010, the MoEF had principally approved the proposal with certain conditions. The said necessary clearance was on the verge of being issued, however during this period new notification has been issued by MoEF and the committee has referred back the revised proposal to the state authority for approval and since then the same is pending for approval.
4. In addition, the builder has submitted the revised proposal to the state Authority as per CRZ notification 2011 and the directions of MOEF. Hence question of violation of CRZ norms by far more FSI than permissible in CRZ area does not arise.

The complaint represented their say mentioning that the builder got plans approved for low rise building – basement + ground floor on stilts + 14 upper floors (total height- 61.75 m) showing total cost of the project below Rs. 5 Crores. Further, amendments were made for construction comprising of stilt + 1st to 7th floor and 9th to 10th floors as parking + 11th for service + swimming pool and fitness centre + 13th to 30th floors for residential flats (height – 125.90 m) showing fresh valuation report of Rs. 22 Crores. Further, the builder has taken IOD for up to 8 floors. The builder has fraudulently submitted a surveyor's report showing land cost and project cost as less than Rs. 5 crores to evade getting mandatory clearance from MoEF. There has been a series of Stop Work Notices under section 354(A) by MCGM on this building including a notice under the MRTP Act, but builder has continued to build illegally and gone up as high as 11 floors.

The Authority noted that developer has submitted application as per directions of MOEF following due procedure for CRZ permission.



In light of above, Authority after deliberation decided to call the detailed report from MCGM on following points before taking final decision in the matter.

- a) Whether the construction is going on the site under reference despite Stop Work Notice issued by MCGM.
- b) Whether the construction on the site is undertaken as per earlier permission given from CRZ point of view and as per DCR 1967, if not, please provides details of extra construction undertaken over and above the permission given by MCZMA.
- c) Details of the action taken by MCGM, if construction of the building is more than what was permitted earlier by MCZMA.
- d) Permissible FSI and consumed FSI in the proposal as per the existing DCR as on 19.02.1991. Copy of the building lay out plan earlier permitted by MCZMA and area and fsi calculation details.
- e) Permissible Height and height of the constructed building till date.

Item No. 3.9: Complaint regarding illegal construction of additional floor in CRZ II in the SR Scheme on plot bearing CTS No. B-908 to B-910, B-911(pt) of village Bandra for Jaferbaba Shiv Mandir Hill people and Durga Mata CHS

The matter was placed before the Authority. The Authority noted that a complaint was received in the Environment Department vide letter dated 17.2.2011 regarding illegal construction of additional floor in CRZ-II in the SR Scheme on plot bearing CTS No. B-908 to B-910, B-911(pt) of village Bandra for Jaferbaba, Shiv Mandir Hill people and Durga Mata CHS. In response to the complaint, MCZMA had issued letter dated 24.3.2001 to the developer M/s. Ackruti Nirman Ltd. to submit all the documents regarding the permission granted for the project and present status of the project. Further, the SRA has been directed vide letter dated 24.3.2011 to take appropriate action and send detailed action taken report to the Authority. As no reply was received from the developer, the MCZMA issued Directions under Section 5 of the Environment (Protection) Act, 1986 to M/s. Ackruti Nirman Ltd., thereby directing to stop the construction work immediately and to submit the necessary documents of permission/ clearances obtained from the different statutory authorities including MCZMA. M/s. Ackruti Nirman replied to the Authority's directions vide letter dated 7.10.2011.

The Authority noted the allegations made in the said complaint, which are as follows:

1. M/s Ackruti Nirman has not taken CRZ permission from MoEF for the construction in CRZ II area, thus violated the CRZ rules.
2. The SRA has granted the approval & further Commencement Certificate (CC) to the Rehab building comprising G + 15 upper floors. However M/s Ackruti Nirman has constructed additional 5 floors without taking approval from SRA.
3. The SRA had issued Stop work notice to the developer on 20.12.2010, for carrying out construction of rehab building above 15th floor without obtaining approval & CC from SRA.



The Authority further noted that the developer and complainant were called for the meeting. The developer represented their stand mentioning that:

1. The scheme was sanctioned in the year 1998 and the plans were sanctioned by the SRA. The construction till dated consumed only a small part of the FSI which was sanctioned by the SRA for the scheme.
2. MCZMA has strongly recommended the said scheme to the MoEF and the representation is pending before the NCZMA wherein the applicability or otherwise of notification dated 6th January, 2011 to the said scheme is under consideration.

M/s Akruti Nirman has submitted the following documents:

- Letter of Intent (LOI) for the scheme dated 29.12.1998 issued by SRA
- Amended LOI dated 30.10.2004 issued by SRA
- Intimation of Approval for rehab building dated 22.12.1998 issued by SRA
- Commencement Certificate for construction of rehab building dated 18.11.2006 issued by SRA.
- Environment Clearances dated 2.3.2007 granted by MoEF.
- The developer requested the Authority, to give them sufficient time to file the detailed reply in response to the Stop Work Notice issued to them, since the reply filed by them is an interim reply.

The Authority noted that the proposal was considered in the 50th meeting held on 14th May 2009. As per the decision of the Authority, the matter was referred to MoEF for further necessary action and the MOEF has not given permission to the project from CRZ point of view yet.

The Authority noted that the developer has started and almost completed the construction work of the rehab building without obtaining final CRZ permission from MoEF. The SRA also issued Commencement Certificate on 18.11.2006 to the Developer without insisting on CRZ permission from the MoEF.

In light of the above, the Authority after detailed discussion and deliberation, decided to give 10 days time to the developer to submit the detailed reply to the Authority. Further, the SRA was directed to clarify on non-insistence of CRZ permission from MoEF while granting CC to the project. The Authority further decided to direct the project proponent and SRA to stop the work till a final decision was taken by the Authority in the matter. The SRA and project proponent are asked to submit in writing to the MCZMA that the work of the project has stopped..

Item No. 4: CRZ permission for various works proposed by Sindhudurg Port Department Kudal, PWD

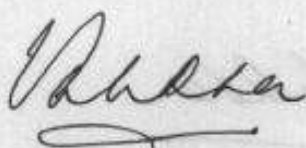
The matter was placed before the Authority. The Authority noted that, the Port Engineer, Sindhudurg Port Department Kudal vide letters dated 28.07.2011 and 15.09.2011 has submitted applications in Form-1 for obtaining prior permission from CRZ point of view for various works proposed. The representative of Sindhudurg Port Department Kudal, PWD briefly explained about the different works proposed by them.

The representative of the Sindhudurg Port Department Kudal, PWD mentioned that, no destruction of mangroves was involved in the proposed works. However, for a detailed



scrutiny, the Authority felt the need of detailed information regarding site location, maps and layout plans of the proposed works. Hence, the Authority requested the proponent to submit the required information at the earliest. Further, considering the importance of the proposed works at the local level, the Authority decided to recommend the proposals to the planning authority concerned subject to the submission of the abovementioned required information and verification about the permissibility of the proposals individually as per the CRZ Notification, 2011. The Authority noted that as per para 8 of the CRZ notification 2011, the activities required for traditional dwellers are permitted. The Authority noted that most of the activities are those proposed to fulfill the requirement of traditional inhabitants. The Authority after deliberation decided to recommend or reject the proposal as given below;

Sr. No.	Name of Work	Land/ Area Details	CRZ Classification	Details of the work	Decision of the Authority
1	Construction of Protection Wall to Jetty @ Talgaon Khandwadi (Datta Mandir) Tal. Malwan, Dist Sindhudurg.	In between LTL & HTL	CRZ-I	Protection Wall	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
2	Construction of Approach Road to Jetty @ Talgaon Khandwadi Tal. Malwan, Dist Sindhudurg.	Above HTL	CRZ-II	Approach Road	Recommended subject to the condition that Proposed road does not involve any mangroves areas. No mangroves shall be cut during development of approach road to jetty.
3	Construction of Jetty @ Parad Tembawadi, Tal. Malwan, Dist Sindhudurg.	In between LTL & HTL	CRZ-I	Jetty	Recommended subject to the condition that construction should not be undertaken on any mangroves areas. Further free tidal flow should not be blocked to mangroves area if any. All measures shall be taken to avoid water pollution during construction phase and operation phase.
4	Construction of Jetty @ Masure Dangmode, Tal. Malwan, Dist. Sindhudurg.	In between LTL & HTL	CRZ-I	Jetty	Recommended subject to the condition that construction should not be undertaken on any mangroves areas. Further free tidal flow should not be blocked to mangroves area if any. All measures shall be taken to avoid water pollution during construction phase and operation phase.



Sr. No.	Name of Work	Land/ Area Details	CRZ Classification	Details of the work	Decision of the Authority
5	Construction of Protection Wall to Jetty & Approach @ Masure Dangmode Tal. Malwan, Dist. Sindhudurg.	Above HTL	CRZ-II	Approach Road	Recommended subject to the condition that Proposed road does not involve any mangroves areas. No mangroves shall be cut during development of approach road to jetty.
6	Construction of Jetty near Uttam Parab House At Kalse Bagwadi, Tal. Malwan, Dist. Sindhudurg.	In between LTL & HTL	CRZ-I	Jetty	Recommended subject to the condition that construction should not be undertaken on any mangroves areas. Further free tidal flow should not be blocked to mangroves area if any. All measures shall be taken to avoid water pollution during construction phase and operation phase.
7	Construction of Approach Road to Jetty near Uttam Parab House At Kalse Bagwadi, Tal. Malwan, Dist. Sindhudurg.	Above HTL	CRZ-II	Approach Road	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
8	Construction of Protection Wall near Nerurpar bridge, At Kalse Bagwadi, Tal. Malwan, Dist. Sindhudurg.	In between LTL & HTL	CRZ-I	Protection Wall	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
9	Construction of Jetty At Amberi, Wakwadi, Tal. Malwan, Dist. Sindhudurg	In between LTL & HTL	CRZ-I	Jetty	Recommended subject to the condition that construction should not be undertaken on any mangroves areas. Further free tidal flow should not be blocked to mangroves area if any. All measures shall be taken to avoid water pollution during construction phase and operation phase
10	Construction of Approach to Jetty	Above HTL	CRZ-II	Approach Road	Recommended subject to the condition that Proposed road does not involve any mangroves



Sr. No.	Name of Work	Land/ Area Details	CRZ Classification	Details of the work	Decision of the Authority
	at Amberi Wakwadi, Tal. Malwan, Dist. Sindhudurg.				areas. No mangroves shall be cut during development of approach road to jetty.
11	Construction of Foot path at Tarkarli (Sai Gajanan Resort) Ch. 0/0 to 165 m.	In between LTL & HTL	CRZ-I	Foot path	Proposal Rejected as foot path cannot be constructed in CRZ I area.
12	Construction of Foot path at Tarkarli (Sai Gajanan Resort) Ch. 165 to 330 m.	In between LTL & HTL	CRZ-I	Foot path	Proposal Rejected as foot path cannot be constructed in CRZ I area.
13	Construction of Foot path at Tarkarli (Sai Gajanan Resort) Ch. 330 to 495 m.	In between LTL & HTL	CRZ-I	Foot path	Proposal Rejected as foot path cannot be constructed in CRZ I area.
14	Construction of Protection Wall at Chivalavel (Front of Mahapurush temple) Tal. Malwan, Dist Sindhudurg. (Road side to compound = 50 m.)	In between LTL & HTL	CRZ-I	Protection Wall	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
15	Construction of Protection Wall at Chivalavel (Front of Mahapurush temple) Tal. Malwan, Dist Sindhudurg. (From Road side = 50 m.)	In between LTL & HTL	CRZ-I	Protection Wall	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
16	Construction of Anti sea Erosion Bund with Beach	In between LTL &	CRZ-I	Bund with Geotube	Proposal recommended subject to the condition that sedimentation flow pattern and direction should be studied before work is



Sr. No.	Name of Work	Land/ Area Details	CRZ Classification	Details of the work	Decision of the Authority
	Nourishment using geotube at shore of Deobag (Mobarwadi) Tal. Malwan, Dist. Sindhudurg. Ch. 0 to 460 m.	HTL			undertaken. Work should ensure that no tidal flow is diverted from mangroves.
17	Construction of Anti sea Erosion Bund with Beach Nourishment using geotube atshore of Deobag (Mobarwadi) Tal. Malwan, Dist. Sindhudurg. Ch.460 to 920 m.	In between LTL & HTL	CRZ-I	Bund with Geotube	Proposal recommended subject to the condition that sedimentation flow pattern and direction should be studied before work is undertaken. Work should ensure that no tidal flow is diverted from mangroves.
18	Construction of Approach Road for Jetty at Deobag (Mobarwadi), Tal. Malwan, Dist. Sindhudurg.Part-I	In between LTL & HTL	CRZ-I	Approach Road Jetty	Recommended subject to the condition that construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
19	Construction of Approach Road for Jetty at Deobag (Mobarwadi), Tal. Malwan, Dist. Sindhudurg.Part-II	In between LTL & HTL	CRZ-I	Approach Road Jetty	Recommended subject to the condition that construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
20	Construction of Approach Road for Jetty at Deobag (Mobarwadi), Tal. Malwan, Dist. Sindhudurg.Part-II	In between LTL & HTL	CRZ-I	Approach Road Jetty	Recommended subject to the condition that construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
21	Construction of Passenger Shed & Protection Wall at Korjai Bhawani	In between LTL & HTL	CRZ-I	Passenger Shed & Protection Wall	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction of shed should not obstruct the free flow of sea



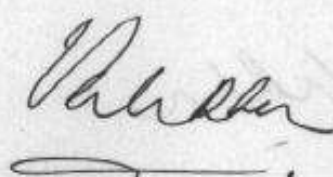
Sr. No.	Name of Work	Land/ Area Details	CRZ Classification	Details of the work	Decision of the Authority
	Mandir Tal. Vengurla. Dist Sindhudurg				water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves. Passenger should be on the landward side of the HTL
22	Construction of Passenger Shed at Parule (Anandwadi), Tal. Vengurla. Dist Sindhudurg	In between LTL & HTL	CRZ-I	Passenger Shed	Recommended subject to the condition that Construction of shed should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves. Passenger should be on the landward side of the HTL
23	Construction of Stepped Landing Jetty at Khavane, Tal. Vengurla. Dist Sindhudurg	In between LTL & HTL	CRZ-I	Jetty	Recommended subject to the condition that construction should not be undertaken on any mangroves areas. Further free tidal flow should not be blocked to mangroves area if any. All measures shall be taken to avoid water pollution during construction phase and operation phase
24	Construction of Retaining wall at Karli, Tal. Vengurla. Dist Sindhudurg. Ch. 0 to 100m.	In between LTL & HTL	CRZ-I	Retaining wall	Recommended subject to the condition that Retaining wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves
25	Construction of Anti Erosion Wall At Bhogave, near Sateri Mandir, Tal. Vengurla, Dist. Sindhudurg.	In between LTL & HTL	CRZ-I	Anti erosion wall	Recommended subject to the condition that construction should not be undertaken on any mangroves areas. Further free tidal flow should not be blocked to mangroves area if any. All measures shall be taken to avoid water pollution during construction phase and operation phase
26	Construction of Anti Erosion Wall At Bhogave	In between LTL & HTL	CRZ-I	Anti erosion wall	Recommended subject to the condition that erosion wall should be along the line parallel to HTL and abutting the HTL. Construction should

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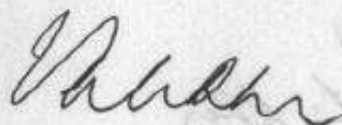
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Sr. No.	Name of Work	Land/ Area Details	CRZ Classification	Details of the work	Decision of the Authority
	Tal.Vengurla, Dist. Sindhudurg.	HTL			not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves
27	Construction of Retaining wall At Kelus Tal.Vengurla, Dist. Sindhudurg. Ch. 0/46 to 0/66 m.	In between LTL & HTL	CRZ-I	Retaining wall	Recommended subject to the condition that Retaining wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves
28	Construction of Retaining wall At Kelus Tal.Vengurla, Dist. Sindhudurg. Ch. 0/66 to 0/86 m.	In between LTL & HTL	CRZ-I	Retaining wall	Recommended subject to the condition that Retaining wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
29	Construction of Stepped Landing Jetty at Aravali tak, Tal. Vengurla. Dist Sindhudurg (Approach to Jetty)	Above HTL	CRZ-II	Approach to Jetty	Recommended subject to the condition that construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
30	Construction of Stepped Landing Jetty at Aravali tak, Tal. Vengurla. Dist Sindhudurg (Proper Jetty)	Above HTL	CRZ-II	Proper Jetty	Recommended subject to the condition that construction should not be undertaken on any mangroves areas. Further free tidal flow should not be blocked to mangroves area if any. All measures shall be taken to avoid water pollution during construction phase and operation phase
31	Construction of Stepped Landing Jetty at Naichiad tak, Tal. Vengurla. Dist Sindhudurg	In between LTL & HTL	CRZ-I	Jetty	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no

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Sr. No.	Name of Work	Land/ Area Details	CRZ Classification	Details of the work	Decision of the Authority
	(Proper Jetty)				construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
32	Construction of Approach to Jetty at Naichiad tak, Tal. Vengurla. Dist Sindhudurg.	Above HTL	CRZ-II	Approach Road.	Recommended subject to the condition that construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
33	Construction of Protection wall at Aravali tak, Tal. Vengurla. Dist Sindhudurg.	Above HTL	CRZ-II	Protection wall	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
34	Construction of Retaining wall At Pal Wadalwadi Tal.Vengurla, Dist. Sindhudurg. Ch. 0/0 to 0/35 m.	In between LTL & HTL	CRZ-I	Retaining wall	Recommended subject to the condition that Retaining wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
35	Construction of Retaining wall At Pal Wadalwadi Tal.Vengurla, Dist. Sindhudurg. Ch. 0/35 to 0/70 m.	In between LTL & HTL	CRZ-I	Retaining wall	Recommended subject to the condition that Retaining wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
36	Construction of Jetty at Pal Wadalwadi, Tal. Vengurla. Dist Sindhudurg	In between LTL & HTL	CRZ-I	Jetty	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the

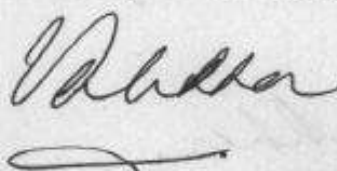


Sr. No.	Name of Work	Land/ Area Details	CRZ Classification	Details of the work	Decision of the Authority
					mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
37	Construction of Protection wall At Tuls Palthed, Tal. Vengurla, Dist. Sindhudurg. Ch. 0/0 to 14.50	In between LTL & HTL	CRZ-I	Protection wall	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
38	Construction of Protection wall At Tulse Palthed, Tal. Vengurla, Dist. Sindhudurg. Ch. 29.00 to 43.50.	In between LTL & HTL	CRZ-I	Protection wall	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
39	Construction of Protection wall At Tulse Palthed, Tal. Vengurla, Dist. Sindhudurg. Ch. 14.50 to 29.00.	In between LTL & HTL	CRZ-I	Protection wall	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
40	Construction of Fish drying platform @ Aronda Tal. Vengurla, Dist. Sindhudurg. Plat from No.1	In between LTL & HTL	CRZ-I	Fish Drying Fish Drying platform	Recommended subject to the condition that it should not be constructed in mangroves area.
41	Construction of Fish drying platform @ Aronda Tal. Sawantwadi, Dist. Sindhudurg. Platform No. 2	In between LTL & HTL	CRZ-I	Fish Drying platform	Recommended subject to the condition that it should not be constructed in mangroves area.
42	Construction of	In	CRZ-I	Protection	Recommended subject to the condition that

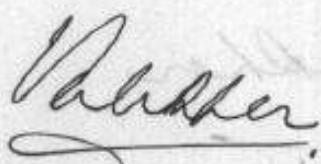
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Sr. No.	Name of Work	Land/ Area Details	CRZ Classification	Details of the work	Decision of the Authority
	Protection wall At Kavthani (mutyewadi) Tal. Sawantwadi, Dist. Sindhudurg.	between LTL & HTL		wall	Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
43	Construction of Anti Erosion wall At Chippi, Tal.Vengurla, Dist. Sindhudurg. Ch. 0/0 to 32.0m	In between LTL & HTL	CRZ-I	Anti erosion wall	Recommended subject to the condition that erosion wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves
44	Construction of Anti Erosion wall At Sonawade, Tal.Kudal, Dist. Sindhudurg. Ch. 57.00 to 68.50m	In between LTL & HTL	CRZ-I	Anti erosion wall	Recommended subject to the condition that erosion wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves
45	Construction of Anti Erosion wall At Sonawade, Tal.Kudal, Dist. Sindhudurg. Ch. 68.5 to 80.00m	In between LTL & HTL	CRZ-I	Anti erosion wall	Recommended subject to the condition that erosion wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves
46	Construction of Road @ Tambaldeg, Tal. Deogad, Dist. Sindhudurg. Smd from Kocharekar sandha to fish drying area Ch. 0/0	Above HTL	CRZ-II	Approach Road	Recommended subject to the condition that construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.



Sr. No.	Name of Work	Land/ Area Details	CRZ Classification	Details of the work	Decision of the Authority
	to 0/400m				
47	Construction of Road @ Tambaldeg, Tal. Deogad, Dist. Sindhudurg. Smd from Kocharekar sandha to fish drying area Ch. 0/400 to 0/700m	Above HTL	CRZ-II	Approach Road	Recommended subject to the condition that construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
48	Construction of Fish drying platform @ Morve Tal. Deogad, Dist. Sindhudurg.	In between LTL & HTL	CRZ-I	Fish Drying platform	Recommended subject to the condition that it should not be constructed in mangroves area.
49	Construction of Protection wall and Road at Kunkeshwer Temple south side 150 m.	Above HTL	CRZ-II	Protection wall and Road	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
50	Construction of Protection wall and Road at Kunkeshwer Temple south side 250 m.	Above HTL	CRZ-II	Protection wall and Road	Recommended subject to the condition that Protection wall should be along the line parallel to HTL and abutting the HTL. Construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
51	Construction of Approach Road @ Kunkeshwer Tal. Deogad, Dist. Sindhudurg.	Above HTL	CRZ-II	Approach Road	Recommended subject to the condition that construction should not obstruct the free flow of sea water between the HTL and LTL. Further no construction should be carried out in the mangroves area as well as in the 50 meter area maintained for as a buffer zone for mangroves.
52	Providing back water facilities @	In between	CRZ-I	Back water	Authority decided to get details of the project such as extent of the area, purpose , and

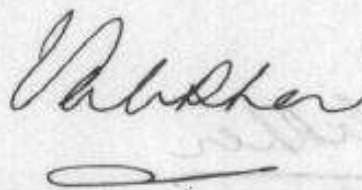


Sr. No.	Name of Work	Land/ Area Details	CRZ Classification	Details of the work	Decision of the Authority
	wadatar Tal. Deogad, Dist. Sindhudurg.	LTL & HTL		facilities	sensitivity etc before taking any decision in the matter
53	Removing sub marine rock from navigation channel from Malwan jetty to Sindhudurg fort Tal. Malwan, Dist. Sindhudurg.	Below LTL	CRZ-IV	Removing rock	Authority decided to reject the proposal since mining of marine rock is prohibited activity.

Item No. 5: Proposed construction of Multipurpose Hall on plot bearing CTS No. 1181 at Police Headquarter, Village Alibag, Dist. Raigad

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

1. The proposal is for construction of Training Institute, lodging for Woman constables, Gymkhana and other facilities on plot bearing CTS No. 1181 at Village Alibag, Tal. Alibag
2. As per the sanctioned Development Plan dated 20.8.1984, the land under reference is affected by Reservation No. 33 (Police department and quarter) and Reservation No. 34 (Judicial Dept and 12.9 m wide road), remaining land falls in Residential Zone
3. The Town Planning Office, Alibag mentions that as per the CZMP of Alibag, the site under reference falls in CRZ II area and is situated on the landward side of the existing road.
4. As per the Property card submitted by the proponent & remarks of Town Planning Alibag- the total area of plot is 41531.4 sq. m.
5. There are various structures on the land under reference such as Residential buildings, Rest House for police, Janjira Hall, officer's Hostel, Library & gymkhana (amenity building), computer class rooms, storage for guns & ammunition, toilets etc. The amenity building with built up area – 227.23 sq. m. is proposed to be demolished. The proposed building is to be constructed on the location of this amenity building.
6. As per lay out plan and submitted by proponent:
 - Area of plot – 41531.40 sq. m.
 - Area affected by various reservations (No. 33 & 34) – 741.40 sq. m.
 - Area affected by proposed 12.19 Wide DP road- 1140 sq. m.
 - Balance plot area after deducting various reservations- 39650 sq. m.
 - Allowable built up area (0.75 %) – 29737.50 sq. m.
 - Gross allowable built up area- (29737.50 +1140) = 30877.50 sq. m.



- Permissible built up area- 30877.50 sq. m.
- Built up area of proposed G + 1 structure:

Ground floor	Computer room, Dining room & Gymnasium	414.42 sq. m.
First floor	8 No. of rooms for lodging & 1 common room	420.05 sq. m.
Total built-up area		834. 47 sq. m.

- Total built up area = built up area of existing structures + proposed Multipurpose Hall + proposed training institute & other = 9729.85 + 746,21 + 834.47 = 11310.53 sq. m.

The Authority further noted that as per 8 II. CRZ-II (iii) of 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"

In light of above, the Authority, decided to recommend the proposal to the concerned planning authority i.e. Alibag Municipal Council, subject to following conditions:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time).
2. FSI should be in accordance with Town and country planning rules existing as on 19.02.1991.
3. For the proposed construction, permission from Archaeological Survey of India is required, as the land under reference falls in the vicinity of 'Hirakot Fort' in Alibag which is a nationally protected monument.
4. Permission from the Ground Water Board should be obtained before commencement of the work.
5. All other permissions wherever required shall be obtained from concerned authorities / government department etc before commencement of the work.

Item No. 6: Proposed reconstruction of Police Training Institute, Woman Hostel and Amenity Centre on plot bearing CTS No. 1181, at Village Alibag, Tal. Alibag

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

1. The proposal is for construction of a Multipurpose Hall on plot bearing CTS No. 1181 at Police Headquarter, Village Alibag, and Dist. Raigad. The land under reference is Govt. land, on which, there is a police headquarter building police parade ground, police quarters. The police quarters existing on land under reference are built 100 years before.
2. As per the remarks of Alibag, Town Planning Office, dated 8.8.2011:
 - The sanctioned development plan of 1984, the land under reference is affected by proposal of Reservation No. 33 (Police Dept and Quarter) and Reservation No. 34 (Judicial Dept & 12.9 mt wide road). The part of the land falls in Residential Zone.



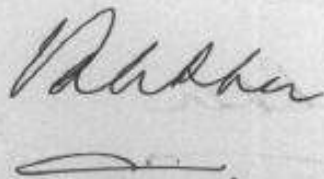
- The land under reference falls in CRZ II and situated on landward side of existing road.
- 3. The proposed construction of multipurpose Hall comprises of Basement + Ground floor with total construction area as 733 sq. m. Parking arrangement is proposed in basement. Performance stage, green room and office are proposed on the ground floor. Total height of building is 5.3 m.
- 4. As per lay out plan and submitted by proponent and remarks of Town planning office, Alibag:
 - Total area of plot under reference - 41531.40 sq. m.
 - Deduction- i) Reservation No. 33- 110 sq. m.
ii) Reservation No. 34- 631.40 sq. m.
iii) 12.19 m wide road - 1140 sq. m.
 - Balance area after deduction - 39650 sq. m.
 - Net plot area (0.75 %) - 29737.50 sq. m.
 - Permissible FSI - 1 & permissible built up area - 29737.50 sq. m.
 - Existing built up area- 9443.43 sq. m.
 - Proposed built up area of Ground floor - 328.04 sq. m.
 - Proposed built up area of basement- 418. 17 sq. m.
 - Total built up area - 746.21 sq. m.
 - Total construction area- 10703.25 sq. m.
 - FSI proposed (to be consumed)- 0.7

The Authority further noted that as per 8.II.CRZ II of CRZ Notification, 2011:

- (i) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:

In light of above, the Authority, decided to recommend the proposal to the concerned planning authority i.e. Alibag Municipal Council, subject to following condition:

- 1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time).
- 2. FSI should be in accordance with Town and country planning rules existing as on 19.02.1991
- 3. For the proposed construction, permission from Archaeological Survey of India is required, as the land under reference falls in the vicinity of 'Hirakot Fort' in Alibag which is a nationally protected monument.
- 4. Permission from the Ground Water Board should be obtained before commencement of the work.
- 5. All other permissions wherever required and applicable shall be obtained from concerned authorities / government department etc before commencement of the work.



Item No. 7: Proposed residential building on Plot No. 6, Sector No. 58A, Nerul, Navi Mumbai by M/s. Nerul M.S.E.B. Officer Co-operative Housing Society Ltd.

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

1. The M/s Nerul M.S.E.B. Officer Co-operative Housing Society Ltd has submitted the proposal for development of residential building on plot No. 6, Sector No. 58A Nerul, Navi Mumbai, through Navi Mumbai Corporation(NMMC). The proposed construction is new building comprising of Stilt + 13th floor residential purpose for M/s Nerul M.S.E.B. officers.
2. The Navi Mumbai Municipal Corporation's (NMMC) letter dated 4.6.2011 mentions that-
 - a. As per Sanctioned Development Plan, the land under reference falls in Residential Zone
 - b. As per approved CZMP of Navi Mumbai, the site under reference falls in CRZ II and situated on landward side of existing bund road.
3. The project proponent has submitted the minutes of the meeting held on 7.5.2003 held under the Chairmanship of Principal Secretary, Urban Development Department(UDD), mentioning the CRZ status of plot. As per the said minutes, the Principal Secretary, UDD, told that the plot under reference falls in CRZ II as per CZMP for Navi Mumbai submitted to MoEF in 1995 and 1998. However, the approved CZMP showing site under reference has not been submitted.
4. As per the information submitted by the proponent, the total area of plot - 1805.08 sq. m.
5. As per the lay out plan submitted by the proponent:
 - Area of plot- 1805. 80 sq. m.
 - permissible FSI - 1
 - Permissible built up area- 1805.08 sq. m.
 - Ground Floor built up area- (proposed toilet) - 4.455 sq. m.
 - First floor - (proposed podium)
 - 2nd to 13th floor built up area (proposed residential floors) - $148.463 * 12 = 1781.556$ sq. m.
 - Total built up area- 1786.011 sq. m.
 - Total built up area including staircase/ lift - 2289,085 sq. m. (proposed FSI- 1.268)

The Authority further noted that as per 8 (i) II. CRZ II of CRZ Notification, 2011:

- (i) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:



The Authority after deliberation and discussion, decided to recommend the proposal to concerned planning authority i.e. CIDCO subject to following conditions:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time).
2. The FSI involved in the proposal should be as per town and country planning regulation prevailing as on 19.02.1991.
3. The CIDCO should ensure the proposed construction is for the residential purpose only and no commercial activity will be allowed.
4. The NOC from CIDCO regarding the permissibility of the land use of the proposal.
5. CIDCO should ensure the construction is in synchronicity with the proposed International Airport at Navi Mumbai and developer should obtain NOC from the Airport authority for the same.
6. Obtain NOC from Maharashtra Pollution Control Board and Ground water Board prior to the construction.
7. Developer to submit 1:4000 scale CRZ map from MOEF authorized agency.
8. All other permissions wherever required shall be obtained from concerned authorities / government department etc before commencement of the work.

Item No. 8: Proposed construction of toilet block at CTS No. 1211 & 1213 at Village Juhu in K/West Ward

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

1. The Assistant Commissioner, K/West Ward, MCGM has submitted letter dated 11.10.2011 regarding proposed construction of toilet block at CTS No. 1211 & 1213 at Village Juhu, for which the reference of Writ Petition PIL No. 1325/ 2003 Notice of Motion No. 140/ 09 (dated 08.07.2011) is given. As per the contents of this letter:
2. By direction of the Hon. High Court, a meeting was conducted by the Chief Secretary, Govt. of Maharashtra on 11.07.2011 in which MCGM was directed to takeover the possession of land required for construction of adequate toilets at Juhu Koliwada, Santacruz (West). (The minutes of the meeting held in the Chief Secretary's office on 11.07.2011 are enclosed along with the letter. As per the minutes, the application for obtaining the permission from CRZ point of view is to be submitted by MCGM in 30 days and after obtaining the necessary permission, the said work is to be executed in 6 months).
3. The K/West Ward Office has taken over the possession of two plots of size 500 sq. m. land of CTS No. 1211(pt) & 500 sq. m. land of CTS No. 1213(pt) from City Survey Officer on 13.07.2011. (The copy of possession receipt is enclosed along with the letter).
4. The Collector, Mumbai Suburban District has also given NOC for construction of ladies and gents toilet block. (The NOC dated 14.07.2011 is enclosed along with the letter).
5. MCGM has already proposed construction of toilet block at Juhu Koliwada as per the directions of Hon. Court. The estimated cost of the proposed toilet block is approximately Rs. 1.5 crores.



6. The Chief Secretary, Govt. of Maharashtra has directed MCGM to obtain necessary remarks from MCZMA before execution of construction of community toilet block at Juhu Koliwada. Hence, the matter is referred to MCZMA for necessary remarks.

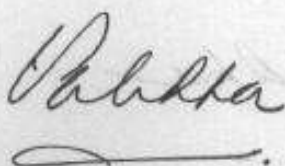
The Authority further noted the content of the MCGM noting which mentions: "It is to be mentioned here that as per amended notification published in gazette dt. 6th Jan 2011, the construction of community toilets in areas between LTL & HTL which are not ecologically sensitive can be permitted after obtaining the approval from CZMA". As per the map submitted by MCGM (in scale 1:2000), CTS No. 1211 is located on the seashore. However, the actual CRZ status (whether CRZ-I(i) or CRZ-I(ii)) should be verified.

The Authority noted that As per para 8(i)(i) CRZ-I(ii) of the CRZ Notification, 2011: In the "Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

- (b) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA".

The Authority felt that the construction of community toilets is a permissible activity in CRZ-I areas of biosphere reserves which are comparatively more ecological sensitive area. Hence it can be allowed in the instant case as the site under reference is less sensitive ecologically. Hence, the Authority decided to recommend the proposal to the concerned planning authority subject to following conditions:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time).
2. The FSI involved in the proposal should be as per town and country planning regulation prevailing as on 19.02.1991.
3. If the proposal involves the destruction of mangroves, prior permission of Hon High Court should be obtained.
4. No dumping/ disposal of waste generated from the proposed activity should be carried out in the CRZ areas as well as into the sea.
5. Proper treatment facility should be provided for treatment of municipal sewage waste generated from the proposed facility and provision to connect the same to the existing nearby drainage line after desired treatment.
6. NOC from Maharashtra Pollution Control Board shall be obtained prior to the construction.
7. This permission is only for toilet block erection and no other uses/activities /construction shall be permitted. Construction and design of toilets should match the surrounding coastal ambience/ environment. Solar panels with LED may be used for lighting and other purposes.



Item No. 9:

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

The matter was placed before the Authority. The Authority noted that the matter was considered in 63rd meeting of MCZMA held on 5th July, and recommended to MoEF for further necessary action, subject to certain conditions. The MoEF published new the CRZ Notification 2011 superseding the CRZ Notification 1991. In light of new CRZ Notification, 2011, the MoEF sent the proposal back to the MCZMA vide letter dated 27th May 2011 for consideration and necessary action.

The project proponent present in the meeting made his representation. As per the representation:

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

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

5. The total plot area as per the land record is 12736.35 sq. m. and the area affected by CRZ is 5903.69 sq. m. (including total plot area in CRZ i.e. 4836.00 sq. m. + 1067.69 sq. m. area affected by DP Road).
6. The construction of 4 buildings is proposed as follows:
 - Building No. 1: Wing A & B: Stilt + 1 Upper Floor
 - Building No. 2: Wing A: Stilt + 1 and Wing B: Stilt + 6 Upper Floors
 - Building No. 3: Stilt + 9 + 10 (pt) Upper Floors
 - Building No. 4: Stilt + 9 + 10 (pt) Upper Floors

As per the submitted information, out of the proposed 4 buildings, Building No. 3 & Building No. 4 are proposed on land affected by CRZ-II.
7. Both building Nos. 3 & 4 will comprise of Stilt + 10 Upper Floors along with staircase and lift. As per the revised valuation report dated 15.02.2010, the total built-up area for both these buildings (including balcony) is 5880.98 sq. m.



8. As per the approved Development Plan, the land under reference is reserved for 'Housing for Dishoused'. In the remarks of Urban Development Department it is mentioned that, with respect to the DC Rules, 1967, policy decision is taken by MCGM vide circular dated 10th July 1984 regarding grant of occupation of the building wherein 10% blocks are reserved for Municipal nominees in respect of plots released from Public Housing Reservation.
9. The Project proponent vide letter dated 03.08.2007 had requested MCGM to revalidate the development permission for the reservation of 'Housing for Dishoused' on the plot under reference. The MCGM vide letter dated 17.09.2007 considered the request made by the proponent upto 25.09.2009 subject to certain conditions. Some of them are as follows:
 - (6) That specific NOC from MCZMA (Govt. of Maharashtra)/ MoEF (Govt. of India) shall be obtained for proposed development being in Coastal Regulation Zone-II areas.
 - (13) (A) The owner shall hand over 10% of the permissible built-up area in the form of tenements each having carpet area of 20.90 sq. m. (225.00 sq. ft.) to Corporation free of charge for allotment to persons affected by projects undertaken by the Corporation from the permissible 1.00 FSI.
(B) The owner will be entitled to have full permissible FSI of the plot without taking into account the area so handed over to the Corporation, after obtaining NOC from Maharashtra Coastal Zone Management Authority (MCZMA)/ Ministry of Environment & Forests (MoEF) for the portion of land affected by CRZ, for allowing the area so handed over to MCGM free of FSI in the light of clarification issued by MoEF u/no. J-17011/3/95-LA III dated 08.09.1998.
(C) In case, MCZMA/ MoEF refuses such permission then the area so handed over to MCGM shall be counted towards FSI and Owner/ Developer shall not claim any compensation/ damage from MCGM for the same.

The Authority discussed about the provisions in DCR 1967 and DCR 1991 regarding the quantum of built up area (in percentage), the owner shall hand over to Corporation free of charge for allotment to persons affected by projects undertaken by the Corporation.

The project proponent and the MCGM official present in the meeting confirmed that under DCR 1967, 10% of the permissible built-up area need be hand over to MCGM.

The Authority after due deliberation and discussion, decided to recommend the proposal to the concerned planning authority i.e. MCGM subject following conditions:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time).
2. FSI should be in accordance with Town and country planning rules existing as on 19.02.1991 i.e. as per DCR 1967.
3. The project proponent should obtain, if necessary, NOC from Urban Development Department regarding the release of the plot from the reservation of 'Housing for Dishoused'.



4. The project proponent should handover the mandatory 10% blocks for occupation to Municipal nominees in respect of plots released from Public Housing Reservation, as per the provisions of DCR 1967.
5. All other permissions wherever required shall be obtained from concerned authorities / government department etc before commencement of the work.
6. Project proponent/ developer should obtain environmental clearance from the competent authority before commencement of the work if total built up area in the project exceeds 20000 sq. meters.
7. Project proponent shall obtain NOC from MPCB and Ground water board before commencement of the work.

Item No. 10: Proposal for construction of 'Holiday Resort' at Gat No. 79/4 of Village Adi and Gat No. 375 of Village Nandgaon, Taluka Murud, and District Raigad

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

1. The proposal for 'construction of 'Holiday Resort' at Gat No. 79/4 of Village Adi and Gat No. 375 of Village Nandgaon, Taluka Murud, District Raigad' was considered in the 61st MCZMA meeting held on 25.03.2010.
2. As per the minutes of the meeting pertaining to the matter, the proposal attracts EIA Notification, 2006 since the total area is more than 20,000 sq. m. Hence, it was decided to consider the matter subject to the submission of the information in Form 1 & 1A, along with the layout plan superimposed on CZMP.
3. However, the project proponents informed that, though their total plot area is more than 20,000 sq. m., total built-up area of their project under construction is less than 20,000 sq. m. As per the documents submitted total built-up area of the proposed 'Holiday Resort' at Village Adi & Nandgaon is less than 20,000 sq. m. and the matter were referred to the Urban Development Department for necessary remarks from zoning, FSI, land-use etc point view.
4. The proponent has submitted the required information in Form-I as prescribed in the CRZ Notification, 2011.

The Authority noted the proposal details in light of CRZ Notification, 2011

1. The plots under reference belong to different villages i.e. from Adi and Nandgaon but the plots are situated on the village boundary and abutting to each other.
2. As per the remarks of Town Planning office, the area of Gat No. 79/4 of Village Adi is 1.70 Ha.r and area of Gat No. 375 of Village Nandgaon is 0.62 Ha.r. Hence total area under proposal is mentioned as 2.32 Ha.r. Total area of the land under reference is mentioned as 23,200.00 sq. m. and the area proposed for construction is 4417.38 sq. m. (less than 20,000 sq. m.).
3. As per the remarks of Raigad Town Planning Office the lands under reference are falling under CRZ-III area and situated within 200-500 m from HTL.
4. With reference to the MoEF letter dated 08.09.1998 regarding applicability of Development Control Rules (DCR), the Town Planning Office, Raigad has mentioned in



its remarks that in 19.02.1991 there was no DCR sanctioned for the area. Hence, the draft DCR published on 18.05.1989 was in use and same was approved on 4th July 1992 by Government Order No. TPS/ 1490/ CR-365/ 90/ UD-12 and it came in to force from 15th September 1992.

5. As per the DCR approved on 04.07.1992, for area under agricultural use, the permissible FSI is 0.25 in case of this proposal on plot area more than 1.0 Ha.r.

The Authority noted that, as per the para 8(i)(III)(B)(i) of CRZ Notification, 2011, the development of a 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. The 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 as per the Regional Plan of Raigad.

Considering the above points, The Authority after deliberations, decided to recommend the matter to MoEF subject to submission of following to MoEF / mczma:

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. The Applicant shall fulfill the required documentation as per the provision 4.2 of the CRZ Notification, 2011 to MoEF comprising 1:4000 crz map from moef authorized agency and NOC from MPCB and ground water board.
6. A Detailed layout plan indicating FSI, building plan, location of other activities etc superimposed on CRZ map in cadastral scale.
7. The Planning authority to certify that proposed activity is in designated areas for construction of hotels/ beach resorts for tourist or visitors as per development plan existing as on 19.2.1991.
8. Details of the pollution treatment mechanism and environmental management plan, green belt development plan, traffic management plan, water management plan etc.
9. No mangroves cutting shall be allowed and no work including erection of temporary structures in CRZ-I and CRZ-I buffer zone of mangroves, NDZ of 0 to 200 meter from landward to HTL will be allowed. All activities pertaining to resort should be beyond 200 meters of setback line from landward to HTL.
10. Conditions stipulated in Annexure III of CRZ notification shall be strictly followed.
11. No work shall commence prior to the permission obtained from MOEF from CRZ point of view.



Item No. 11: CRZ permission for proposed building on Plot No.16 of S. No. 102 of Parijat Gruha Nirman Society at Village Chendhre, Tal. Alibag, Dist. Raigad

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

1. The proposal is for the construction of building on Plot No.16 of S. No.102 of Parijat Gruha Nirman Society at Village Chendhre, Tal. Alibag, Dist. Raigad.
2. The Alibag Municipal Council remarks dated 1.8.2011 mentions that the Development Plan (DP) of Alibag council was sanctioned on 20.8.1984 which was further amended on year 2000. As per the amended DP, the land under reference falls in residential zone.
3. As per information submitted by the proponent and the the remarks of Alibag Municipal Council, the land under reference falls in CRZ II area and is the situated on landward side of existing road. The CZMP of Alibag submitted by proponent also shows that the site falls in CRZ II area.
4. The Alibag Municipal council remarks shows: total area of plot is 305 sq. m.
5. The lay out plan submitted by the proponent shows:
 - Total area of plot – 305 sq. m.
 - Permissible FSI – 1 (i.e. Permissible built up area – 305 sq. m.)
 - Proposed construction:
 - Ground floor built up area- 100.74 sq. m.
 - First floor built up area- 88.26 sq. m.
 - Total built up area- 189 sq. m. (i.e. the built up area is within the limit of permissible FSI)

Authority noted that as per 8.II. CRZ II of CRZ Notification, 2011:

- (i) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:

In light of above, the Authority, decided to recommend the proposal to the concerned planning authority ie. Alibag Municipal Council, subject to following condition:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time).
2. FSI should be in accordance with Town and country planning rules existing as on 19.02.1991 and not as per the prevailing one.
3. Commercial use will not be allowed.
4. NOC from MPCB (sub-regional office) shall be obtained.

Item No. 12: Proposed reconstruction of Residential bungalow on plot bearing CTS No. 799 of Village Juhu situated at N.S. Road No. 11, JVPD Scheme, Vile Parle (W), Mumbai

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



1. The proposal is for reconstruction of a residential bungalow on plot bearing CTS No. 799 of Village Juhu situated at N.S. Road No. 11, JVPD Scheme, Vile Parle (W), Mumbai.
2. The proposed reconstruction comprises of ground (pt) & stilt (pt) for parking + 1st to 3rd floors (pt) by demolishing the existing old residential structure of Gr + 3 upper floors.
3. The sanctioned DP remarks of MCGM dated 31.7.2009 indicates that the land under reference falls in Residential Zone and was not affected by any public purpose. The plot is abutting 12.20 mtr wide N.S. Road No.11 on east side.
4. The MCGM remarks dated 30.7.2011 mentions that the plot falls in CRZ II and is situated on the landward side of the existing road 12.20 mt wide N.S. Road No. 11.. As per the approved CZMP of Mumbai, the site under reference is in CRZ II
5. As per the Property card submitted by the proponent, the total area of plot is 1252.2 Sq. m.
6. The proponent has submitted the copy of Commencement Certificate (CC) and Occupation Certificate(OC) issued by the MCGM on 16.9.1970 for the existing structure of Ground + 3rd upper floor residential building
7. As per lay out plan and submitted by proponent and MCGM
 - Area of plot – 1252.2 sq. m.
 - Proposed built up area –

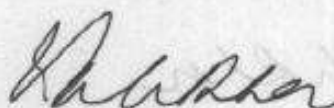
Ground floor	299. 66 sq. m.
First floor	301.13 sq. m.
Second floor	274.48 sq. m.
Thirst floor	299.96 sq. m.
Total built up area	1175.23 sq. m.

- Permissible FSI – 1
- Proposed FSI – within the limit of permissible FSI i.e. 0.93
- Permissible FSI – 1
- Proposed FSI – within the limit of permissible FSI i.e. 0.93

The Authority further noted that as per 8 II. CRZ-II (i) "reconstruction of authorized building to be permitted subject with the existing floor space index or floor area norms and without change in present use"

In light of above, the Authority after discussion, decided to recommend the proposal to concerned planning authority i.e. MCGM subject to following conditions:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time).
2. FSI should be in accordance DCR existing as on 19.2.1991 i.e. DCR 1967.
3. Project proponent should submit the CRZ map in the scale of 1:4000 indicating the site under reference prepared by one of the MoEF authorized agencies.
4. All other permissions wherever required shall be obtained from concerned authorities / government department etc before commencement of the work.



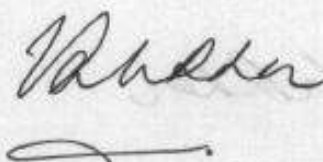

5. Project proponent/ developer should obtain environmental clearance from the competent authority before commencement of the work if total built up area in the project exceeds 20000 sq. meters.
6. Project proponent shall obtain NOC from MPCB and Ground water board before commencement of the work.

Item No. 13: **Proposed Residential building on Plot No. 122 of property bearing S. No. 41(pt) and CTS No.1/38/3A/3, of Village Oshiwara, Off J. P. Road, Andheri (West) by Shree Swami Samarth Prasanna CHS Ltd.**

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

1. The proposal is for construction of residential building consisting of Basement + Ground + 1st to 12th floors and 13th part floors on the plot under reference.
2. As per the MCGM remarks, the plot under reference is in Residential Zone and not reserved for any public purpose. The plot under reference is abutting junction of 36.60 m wide existing DP road and 27.45 m wide existing DP road.
3. As per DP remarks dated 22.02.2011, the plot falls within 150 m from HTL and the same is in CRZ-II, however the plot under reference is on the landward side of existing DP road (36.60 m wide).
4. The project proponent has submitted the coastal land-use map prepared by Space Application Centre (SAC), Ahmedabad of scale 1:4000 and has indicated that the site (in CRZ-II) has been superimposed on the CZMP of Mumbai in the scale 1:4000. As per the remarks of MCGM, the status of the land is freehold and the area of the plot under reference as per PR Card is 2273.30 sq. m.
5. As per the MCGM remarks, the NOC (dated 01.04.1998) from UD Department of Govt. of Maharashtra was obtained earlier for development of the plot. The building plans were approved in 09.11.2005 for Basement + Ground Floor + 7 upper floors + 8th & 9th part floors and full CC was issued on 18th October 2006. In the letter dated 01.04.1998 it was mentioned that, "there is no objection from the environment point of view to develop the plot under reference leaving 50 m buffer zone from mangroves which are situated on the western side of 120 ft wide existing North-South road. The development of these plots shall be subject to the Development Control Regulations for Greater Mumbai 1991". However, the UDD vide letter dated 16th November 1999 has informed that, 'since the plots under reference are situated on landward side of existing North-South road, the condition to leave 50 m buffer zone from mangroves is deleted'.
6. As per the submitted executive summary, plot area of the proposed project is 2273.33 sq. m. and construction of proposed project will be undertaken with FSI of 1 as per DCR, 1967.
7. As per the executive summary, the proposed building comprises of Basement + Ground + 13 upper floors. Refuge area on 8th floor is proposed as per Fire Department norms and service area is proposed on ground floor for servicing of utilities. The proposed building will have 47 tenements on 2nd to 7th & 9th to 13th floors.
8. The built-up area details submitted in Form-1 are as follows:

Minutes of 72nd meeting of MCZMA held on 04.11.2011



Total plot area:	2273.33 sq. m.
Commercial built-up area:	249.64 sq. m.
Residential built-up area:	2589.95 sq. m.
Total built-up area proposed:	2839.59 sq. m.
FSI area:	2839.56 sq. m.
Non-FSI area:	2304.25 sq. m.
Landscape area:	383.93 sq. m.
Total construction area proposed:	5143.84 sq. m.

9. As per MCGM remarks,

Permissible FSI = 1.00

FSI proposed to be consumed = 1.00

As per submitted area details in Form-1,

FSI proposed to be consumed = 0.999

Authority noted that as per 8.II. CRZ II (i) of the CRZ Notification, 2011:

- (i) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:

The Authority after detailed discussion and deliberation, decided to recommend the proposal to concerned planning authority i.e. MCGM subject to following conditions:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time)
2. FSI should be in accordance DCR rules existing as on 19.02.1991 i.e. DCR 1967.
3. Construction should be only on landward side of the existing road or existing authorized structures. Fifty meter buffer zone shall be left if site is abutting the mangroves area as per Hon. High Court order. All other permissions wherever required shall be obtained from concerned authorities / government department etc before commencement of the work.
4. Project proponent/ developer should obtain environmental clearance from the competent authority before commencement of the work if total built up area in the project exceeds 20000 sq. meters.
5. Project proponent shall obtain NOC from MPCB and Ground water board before commencement of the work.

Item No. 14: Proposed redevelopment of property bearing CS No. 406 of Malabar Hill Division at junction at Pandita Ramadevi Road & K M Munshi Marg at Girgaum Chowpatty, Mumbai

The matter was placed before the Authority. The Authority noted that, the matter (regarding redevelopment of dilapidated building by demolishing the same on plot bearing

CS No. 406 of Malabar Hill Division) was earlier placed in the 71st meeting of MCZMA held on 26.08.2011 and as per the minutes of the 71st meeting of MCZMA, the Authority felt the need to verify the proposed built area involved in the proposal as the actual built up area (i.e. 894 sq. m.) was less than the built up area proposed for staircase, lift lobby, balconies (3302.44 - 894 = 2408.44 sq. m.). Therefore, the Authority after deliberations decided to refer the matter to the Urban Development Department so as to verify the FSI, built up area, user, Zoning etc. as per prevailing DCR. The Authority also decided that the project proponent should submit the public consultation report to MCZMA. Accordingly, the matter was referred to the Urban Development Department for their remarks.

The Authority noted the remarks of the Urban Development Department on the proposal. With reference to the remarks, the information/ clarification on following points is requested from MCGM.

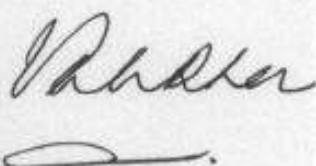
- (a) As per the submission of MCGM, there is no maximum limit for permissible height in the DCR, 1991. The MCGM has not mentioned the clause supporting the same.
- (b) MCGM has mentioned the construction area details as per the permissible FSI in this case. However, it would be necessary to get the details of the total proposed built-up area (proposed built-up area as per permissible FSI + built-up area details proposed as free of FSI) from MCGM.
- (c) Environment Department should verify the compliance of the provisions mentioned in para 8(V)(1)(ii)(c & d) of CRZ Notification, 2011.

The Authority noted that, the MCGM was requested to submit the required information as per the remarks of the Urban Development Department. However, due to non-receipt of the required information from MCGM, the Authority decided to consider the matter only after the submission of the required information so as to take the final decision in the matter.

Item No. 15: 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. The Authority noted that, the matter was earlier considered in the 69th meeting of MCZMA held on 29.04.2011. However, considering discrepancies in the submitted proposal details, the case was deferred and the project proponent was directed to submit a fresh application through the planning authority. Accordingly, the application was submitted through MCGM for permission from CRZ point of view for the redevelopment on the land under reference as per the MCZMA Office Memorandum dated 02.07.2011. The Authority noted the background of the proposal and land details as follows:

- (i) As per the DP remarks of MCGM dated 24.11.2008, the land under reference is situated in Residential Zone and not affected by any reservation. The building on the plot under reference has been situated in proposed Marine Drive Precinct for which NOC from Mumbai Heritage Conservation Committee is necessary.
- (ii) As per the DP remarks, the land under reference falls in CRZ II and on the landward side of existing Netaji Subhash Chandra Bose Road (90'-0" wide).



- (iii) As per the survey report and CRZ map (scale 1:4000) of Institute of Remote Sensing (IRS), Chennai, the land under reference falls in CRZ-II.
- (iv) Total area of the plot under reference is 1521.28 sq. m. and the land is on leasehold.

Further the Authority noted the proposal details as follows:

- (i) As per MCGM remarks, the Architect has proposed a building comprising of Basement + Stilt + 1st to 3rd Parking floors + 4th to 14th upper floors with total building height of 61.30 m.
- (ii) The Basement is proposed for utility services. The proposal also comprises of Ground Stilt (height 5.80 m) and parking as an entrance lobby and partly open as maneuvering space + 1st to 3rd floor for parking purpose + 4th to 12th floor for residential purpose with floor height of 4.0 m each + swimming pool (open to sky) with filtration plant at 13th floor level + fitness centre on 14th (part) floor.
- (iii) The Architect has proposed a covered refuge area on 7th floor having triple floor height of 12.0 m and at 11th floor having double floor height of 8.0 m. The total covered refuge area proposed in building is 7.5%. Licensed Surveyor has proposed external columns beyond refuge area to support the upper load of the swimming pool at 13th floor level, for which NOC from CFO is submitted. The Licensed Surveyor has stated that entire building is under use of single family and hence, covered refuge areas will not be misused further.

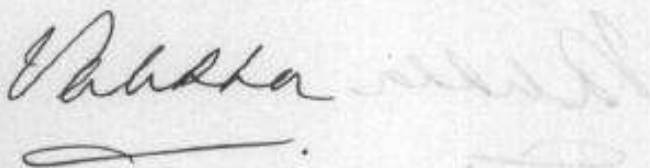
The Licensed Surveyor has claimed the areas under staircase, lift, lift lobby, filtration plant, fitness centre, coverage refuge area, stilted area at ground level and basement etc. free of FSI as per provision of DCR, 1991.

(iv) Area/ FSI details:

- Total area of the plot under reference (as per MCGM & PR card) = 1521.28 sq. m.
 - Total area of the plot under reference (as per submitted information by proponent) = 1521.23 sq. m.
 - Permissible floor area (as per submitted information by proponent) = 3418.13 sq. m.
 - Area under proposal/ total built-up area (as per submitted information by proponent) = 3398.34 sq. m.
 - Total built-up area (as per layout plan) = 3392.43 sq. m.
 - FSI proposed to be consumed = 2.23 (as per DCR, 1991)
- (v) As per the information submitted by the proponent (in executive summary), estimated project cost is Rs. 39.00 crores.
- (vi) The Maharashtra Pollution Control Board (MPCB) vide letter dated 06.08.2011 has submitted the Report of Public Consultation for this proposal which was conducted on 22.07.2011 as per the provisions of EIA Notification, 2006. The public hearing was conducted under the panel comprising of District Collector (Mumbai City), Regional Officer (MPCB) & Sub-Regional Officer (MPCB). The minutes of the public hearing are enclosed along with the letter dated 06.08.2011.

The Authority noted the present status of the construction as per the MCGM remarks, which is as follows:

- The built-up area of the existing building is mentioned as 3418.13 sq. m. The old building is now demolished at site.



- In the instant case, IOD has been granted for Basement + Stilt + 1st to 3rd floor for parking + 4th floor on 12.01.2011 and CC is granted on 05.03.2011. At present, the work upto top slab of 3rd floor level is completed and the work is in stand still condition.
- The total area permissible is 3418.13 sq. m. IOD has been issued for area 2529.27 sq. m. and work is completed for 2172.42 sq. m. area including basement floor, ground to 3rd floor for parking + 4th floor; however as per amended plans submitted by Licensed Surveyor, these areas are free of FSI as per DCR, 1991. Hence, total FSI of work done at site excluding free of FSI area is nil as basement + stilt + parking floors are free of FSI.

The Authority noted the remarks given by the Urban Development Department in this matter. With reference to the same, MCGM was requested to submit:

- i. Provision in DCR, 1991 supporting that there is no maximum limit for permissible height in the DCR, 1991.
- ii. Justification for proposed height of some floors (8.00 m & 12.00 m)
- iii. Details of total plot area and proposed built-up area (proposed built-up area as per permissible FSI + built-up area details proposed as free of FSI)
- iv. Information regarding the records from which the built-up area and FSI of the existing building is certified

Project proponent was requested to submit:

- i) Duly filled Form-I as prescribed in the CRZ Notification, 2011
- ii) MoEF approved CZMP of Mumbai showing site under reference superimposed on it.

The Authority noted the reply of MCGM on the above mentioned points.

The Authority also noted the information regarding complaints received in the matter as per the remarks of MCGM, "there are number of complaints received from Marine Drive Residents, Church gate Residents Association and their Advocate mainly objecting for proposed redevelopment work of high rise building. Since the plot falls in CRZ and Marine Drive Heritage precinct, their plea is that redevelopment allowing increase in height of building should not be allowed and skyline in locality shall be maintained as per provision of DCR, 1967".

The Authority after deliberation decided to recommend the proposal subject to following:

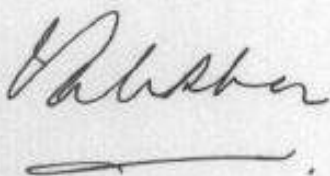
1. submission of duly filled Form I
2. MCGM to ensure that building was declared dilapidated /dangerous prior to 6.01.2011
3. MCGM to ensure that building plan and FSI calculations are as per DCR 1991 amended till 6 Jan. 2011. Amendments after Jan 6, 2011 will not be applicable in the instant matter.
4. MCGM to ensure that height of the building is as per the provisions of prevailing DCR and all other permissions required for proposed height are obtained prior to the commencement of the work.
5. Provision of parking and parking floors should be as per the provisions and policies of the government. MCGM to ensure the same before according commencement certificate to the said project.



6. Proposed construction should be strictly as per the provisions of CRZ notification 2011.
7. Environmental Management Plan, Tree Plantation Plan, and MSW and Sewage treatment plan should be implanted properly.
8. MCGM to consider allegations made in the various complaints made against the proposal and verify the complaint on due priority and take appropriate action on the basis of fact findings before according the Commencement certificate to the proposed construction.
9. MCGM to consider suggestions /objections, if any, reported in the public consultation report before according commencement certificate to the proposal.
10. All other Conditions stipulated in the para 8(v) of the CRZ Notification 2011 shall be applicable to project owner, architect, consultant, builder and developer. They will be held responsible for violation or non-adherence to the provisions stipulated therein.
11. The proposed building on the plot under reference has been situated in proposed Marine Drive Precinct for which NOC from Mumbai Heritage Conservation Committee shall be necessary before commencement of the work.
12. MCGM to ensure that work completed till date is not exceeding as per the earlier NOC from CRZ point of view.
13. Construction should be only on landward side of the existing road or existing authorized structures. Fifty meter buffer zone shall be left if site is abutting the mangroves area as per Hon. High Court order. All other permissions wherever required shall be obtained from concerned authorities / government department etc before commencement of the work.
14. Project proponent/ developer should obtain environmental clearance from the competent authority before commencement of the work if total built up area in the project exceeds 20000 sq. meters.
15. Project proponent shall obtain NOC from MPCB and Ground water board before commencement of the work.
16. NOC from High-rise Committee and fire department.
17. Project shall be covered under RTI Act, 2005 and project proponent shall provide all the information.
18. Project proponent to undertake performance and fiscal audit in respect of redevelopment of cessed, dilapidated, unsafe buildings shall be audited by C & AG. Project proponent shall provide all the documents for the same to the concerned officer/ department as and when required.

Item No. 16: **Proposed Reconstruction of property bearing CS No. 8/593 of Malabar Hill Division, situated at 8- Darabhsha Road, D-1-Ward, Mumbai, know as "Awasia Building"**

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



1. The MCZMA had issued a CRZ NOC vide letter dated 31.8.2009 to the proposed redevelopment of property situated at CS No. 8/593 of Malabar Hill Division, Mumbai, as the cost of the proposal was less than Rs. 5 Crores. The NOC was for construction of stilt + 8 upper floors for residential purpose as per DCR 1967.
2. Plans have been modified and the project cost exceeded Rs. 5 Crores and accordingly, a revised proposal was submitted to MCZMA, through Urban Development Department. MCZMA in March 2010 recommended the proposal to MoEF.
3. The said proposal has been discussed in the meeting of Expert Committee. Subsequently, the new notification has been issued by the MoEF on 6.1.2011 and accordingly, MoEF has returned the proposal back to MCZMA for further processing as per CRZ Notification 2011.
4. As per the MCGM remarks, based on earlier NoC dated 11.6.2009, the plans have been approved and IOD was issued on 11.6.2010 and CC upto 7th floor has also been issued. This office has again sought NoC from UD vide letter dated 7.11.2009 as the project cost exceeded to Rs. 5 Crores. However, NOC is not received. Now the architect has submitted the proposal as per MoEF's notification dated 6.1.2011.

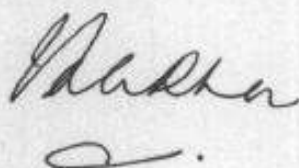
Further, authority noted the following proposal details of the new proposal submitted as per CRZ Notification, 2011:

1. The proposal is for construction of one level Basement + Ground (stilt) + 1st to 10th podium floors + 11th to 30th (part) upper residential floors. The total height of proposed building is 125.90 M
2. As per the DP remarks of MCGM dated 15.7.2006, the land under reference falls in residential zone and is not reserved for any public purpose except for the widening, if any, of the existing road.
3. The submitted information by proponent and MCGM remarks mentions that the land under reference falls in CRZ II area and situated on seaward side of existing Nepean Sea Road. However, it is situated on landward side of existing authorized buildings.
4. The layout plan shows- total area of plot is 927.67sq.m.

As per layout plan,

- As per layout plan, Total area of plot – 927.67sq.mt
- As per MCGM Remarks, The Permissible FSI is 2 or existing built up area whichever is higher. However, Urban Development Department's remarks permissible FSI is 1.33 or existing built up area (1.99) which ever is higher.
- Permissible Floor area – 1903.48
- (Existing built up area – Existing Staircase – Existing Balcony- Non Tallying
- $1951.39 - 31.63 - 13.50 - 2.78 = 1903.48$ sq. m)
- Total Built up area – 1846.76 sq. m. (FSI- 1.99)
- Lift, lobby, staircase etc. are claimed free of FSI.
- Proposed construction :

Sr. No.	Floors	Use	Built up area (sq. m.)
1	Ground floor	Stilt	0.00



Sr. No.	Floors	Use	Built up area (sq. m.)
2	1 st to 10 th floor	Parking	0.00
3	11 th floor	Service floor	0.00
4	12 th floor	Swimming pool	0.00
5	13 th floor	Refuse	0.00
6	14 th floor	Residential	140.02
7	15 th floor	Residential	118.51
8	16 th floor	Residential	95.42
9	17 th floor	Residential	98.46
10	18 th floor	Residential	95.40
11	19 th floor	Residential	98.47
12	20 th floor	Refuse	0.00
13	21 st floor	Residential	149.51
14	22 nd floor	Residential	152.79
15	23 rd floor	Residential	132.38
16	24 th floor	Residential	146.79
17	25 th floor	Refuse	0.0 FSI
18	26 th floor	Residential	140.02
19	27 th floor	Residential	118.51
20	28 th floor	Residential	140.02
21	29 th floor	Residential	118.5
22	30 th floor	Residential	101.95

- Total built up area- 1846.76 sq. m.

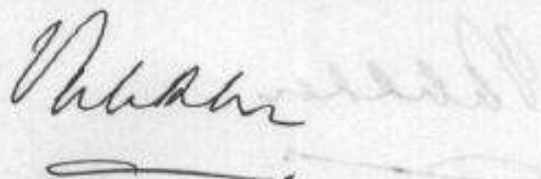
The Authority further noted that the proponent has submitted the public consultation report prepared by MPCB. The report indicates that the public hearing was conducted on 22.7.2011, under the Chairmanship of District Collector, Mumbai City. Regional Officer and Sub Regional Officer, MPCB were the Member of the hearing committee. As per the report:

- The construction work has already started and completed upto 7th floor which is to be used for parking area only.
- Project has already applied for the consent to the MPC Board.

The Authority further took note of the complaint received in the matter and the Show Cause Notice issued to the developer by the MCZMA. The MCGM has also issued Stop Work Notice to the developer. However, the Complainant present in the meeting stated that the construction is still being carried out by the developer despite the Stop Work Notice issued to the developer by the MCGM.

In light of above, the Authority after detailed discussion and deliberation decided to call for a report from the MCGM on following points before taking a final decision in the matter:

1. Whether the construction was going on the site under reference despite Stop Work Notice the issued by MCGM.



2. Whether the construction on the site undertaken was as per earlier permission given from CRZ point of view and as per DCR 1967, if not, to provide the details of any extra construction undertaken over and above the permission given by MCZMA.
3. Details of the action taken by MCGM, if construction of the building is more than what was permitted earlier by MCZMA and MCGM
4. Permissible FSI and consumed FSI in the proposal as per the existing DCR as on 19.02.1991. Copy of the building lay out plan earlier permitted by MCZMA and area and FSI calculation details.
5. Permissible Height and height of the constructed building till date
6. Permissible FSI and consumed FSI
7. Permissible height and height of the constructed building.
8. NOC from High-rise Committee, Ground water board and fire department.
9. MCGM to consider allegations made in the various complaints made against the proposal and verify the complaints on due priority and take appropriate action on the basis of fact findings and report to the authority.

Item No. 17: **Proposed development on land bearing CTS No. G/626, G/164, G/164 A(pt) of village Bandra under the SR scheme for Narli Agripada (SRA) CHS (prop)" at Ram Krishna Mission Road, Khar (W), Mumbai**

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

1. The proposal is for SRA scheme on land bearing CTS No. G/626, G/164 A(pt) of village Bandra at Ram Krishna Mission Road, Khar (W), Mumbai.
2. As per documents submitted by the proponent and LOI issued by SRA, the total plot area is 14,184.10 Sq. m
3. As per the DP remarks of the MCGM dated 5th July, 2011:
 - The plot bearing CTS No. 626 and 164 (pt) is within the CRZ as shown in the location plan and development thereof shall be governed as per the Government of India notification under S.O. 114(E) of 19.2.1991
 - As per the decision of National Coastal Zone Management Authority (NCZMA) in its 18th & 19th meeting that CTS No. G/164/A is partly affected by 150 m setback line from the creek.
4. SRA has issued revised Letter of Intent to the proposal vide letter dated 22 October 2010 and principally approved the sanctioned FSI of 2.87 in accordance with provisions of appendix- IV of Regulation No. 33(10) of DCR 1991 amended upto date, out of which maximum FSI of 1.25 for slum plot & 1.00 for non- slum plot shall be allowed to be consumed on the plot.
5. The SRA vide letter dated 15th October 2011 mentioned that the development allowed by the office is only for plot bearing CTS No. G 626 & G 164 A(pt) which is not affected by CRZ and no development is allowed on any portion of a plot that is affected by CRZ .
6. The Authority further noted that a complaint was received in the matter and the MCZMA had the issued stop work notice dated 11.7.2011 to developer. The Authority discussed the allegations made in the complaint.

Minutes of 72nd meeting of MCZMA held on 04.11.2011



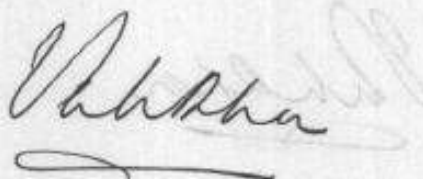
In light of above, the Authority after deliberation, decided to recommend the proposal to the concerned planning Authority i.e. SRA, since the proposed construction is on non-CRZ portion on the plot subject to the condition that :

1. SRA to ensure that area of CRZ affected and Non-CRZ portion of plot bearing CTS No. 164 A shall be computed and no construction shall be undertaken in the CRZ affected area of the plot.
2. No FSI of the plot affected in CRZ area shall be used for construction in non-crz area of the plot. SRA to ensure the same before according commencement certificate to the work.
3. Project proponent/ developer should obtain environmental clearance from the competent authority before commencement of the work if total built up area in the project exceeds 20000 sq. meters.
4. Project proponent shall obtain NOC from MPCB and Ground water board before commencement of the work.
5. NOC from High-rise Committee and fire department shall be obtained.

Item No. 18: **Proposed reconstruction of existing building on plot bearing No. 767, Malabar Hill Division, Bhulabhai Desai Road, Mumbai under provision of DC Rule 10(a) & 33(6) of DC Regulations 1991**

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

1. The MCGM vide letter dated 1.11.2011 mentioned that the proposal is for construction of a residential building comprising of Basement + Stilt + 6 Podium level + 13 upper floors (i.e. Basement + Ground + 19 upper floors with total height of 69.95 m)
2. As per the DP remarks of MCGM dated 24th Dec 2009, the land under reference is situated in Residential Zone and not affected by any reservations. However, the land is affected by 6.10 m DP road.
3. As per the MCGM remarks, the land under reference falls in CRZ-II and situated on landward side of 90 m existing road. Further, as per the approved CZMP of Mumbai submitted by proponent, the land under reference falls in CRZ-II.
4. The P.R. card submitted by the proponent shows - Plot area is 1681.35 Sq. m
5. The built up area of existing structure is 2236.30 Sq. m. The existing building was dangerous / dilapidated as per the notice dated 19.6.2010 issued by MCGM
6. As per the lay out plan submitted:
 - Area of plot – 1681.35 Sq. m
 - FSI permissible – 1.33
 - Total permissible built up area – 2236.19 Sq. m
 - proposed built up area- 2161.33 Sq. m
7. MCGM vide letter dated 1.11.2011, mentioned that
 - a) proposed built up area counted in FSI on plot under reference is 2162.22 Sq. m
 - b) proposed permissible / required area, allowed free of FSI as per DCR 1991
 - for balcony area- total 216.22 Sq. m



- For staircase, lifts, lifts lobby with common passages, basement + ground + 1st to 6th podium level (for car parking), service floor, refuse floors,& AC plant room, elevation features – total area is 7719.17 Sq. m.

The Authority noted the provision of permissible height of the building under DCR 1991, as informed by the MCGM vide their letter dated 1.11.2011. "As per Reg. 31(1) of amended DCR 1991, it is stated therein that" the restriction of Height of the building spelt out in Reg. 33(1) shall however cease to apply to the case where the plot front on road having width more than 18.00 mt and where front open space of 12.00 mt minimum is observed provide that open space on other sides are made available from fire safety point of view"

Further the MCGM mentioned that In this case the plot under reference is accessible to 90'-0" (27.44 m) wide Bhulabhai Desai Road and the front open space of the proposed building is more than 12 m (i.e. 23 m) also the podium line is 12 m (average) away from front side compound wall. As regards side open space, the CFO has already granted the NOC for the same. Hence, Reg. 33(1) of DCR 1991 is not applicable in this case and hence there is no restriction on height for the proposed building under reference.

The Authority noted the CRZ permissibility of the proposal which is as follows:

1. As per para 8.V.1.(c) of CRZ Notification, 2011:

Redevelopment of cessed building in Greater Mumbai is permissible in accordance with Town and country planning regulation as on dated 06.01.2011 subject to following conditions:

- i) Applicability of RTI Act, 2005: project shall cover under RTI Act, 2005.
 - ii) To undertake performance and fiscal audit in respect of projects of SRA and redevelopment of cessed, dilapidated, unsafe buildings shall be audited by C & AG.
 - iii) Public consultation shall be carried out with respect to such schemes as per procedure laid down in EIA Notification, 2006.
2. As per para 8(i)(II) CRZ-II:
 - Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;

The Authority after deliberation, decide to recommend the proposal to concerned planning authority i.e. MCGM subject to following conditions:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time)
2. FSI should be in accordance with town and country planning regulation as on 06.01.2011
3. Project proponent should submit the public consultation report as per the EIA Notification, 2006 and as mandated in the CRZ Notification, 2011 for the proposed project.
4. MCGM to ensure that building was declared dilapidated /dangerous prior to 6.01.2011.
5. MCGM to ensure that building plan and FSI calculations are as per DCR 1991 amended till 6 Jan. 2011. Amendments after Jan 6, 2011 will not be applicable in the instant matter.

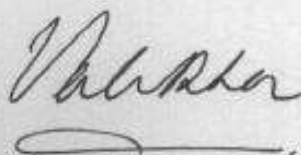


6. MCGM to ensure that height of the building is as per the provisions of prevailing DCR and all other permissions required for proposed height are obtained prior to the commencement of the work.
7. Provision of parking and parking floors should be as per the provisions and policies of the government. MCGM to ensure the same before according commencement certificate to the said project.
8. Environmental Management Plan, Tree Plantation Plan, and MSW and Sewage treatment plan should be implemented properly.
9. MCGM to consider suggestions /objections, if any, reported in the public consultation report before according commencement certificate to the proposal.
10. All other Conditions stipulated in the para 8(v) of the CRZ Notification 2011 shall be applicable to project owner, architect, consultant, builder and developer. They will be held responsible for violation or non-adherence to the provisions stipulated therein.
11. If the proposed building on the plot under reference is situated in Marine Drive Precinct, for which NOC from Mumbai Heritage Conservation Committee shall be necessary before commencement of the work.
12. Construction should be only on landward side of the existing road or existing authorized structures. Fifty meter buffer zone shall be left if site is abutting the mangroves area as per Hon. High Court order. All other permissions wherever required shall be obtained from concerned authorities / government department etc before commencement of the work.
13. Project proponent/ developer should obtain environmental clearance from the competent authority before commencement of the work if total built up area in the project exceeds 20000 sq. meters.
14. Project proponent shall obtain NOC from MPCB and Ground water board before commencement of the work.
15. NOC from High-rise Committee and fire department.
16. Project shall be covered under RTI Act, 2005 and project proponent shall provide all the information whenever demanded.
17. Project proponent to undertake performance and fiscal audit in respect of redevelopment of cessed, dilapidated, unsafe buildings shall be audited by C & AG. Project proponent shall provide all the documents for the same to the concerned officer/ department as and when required.

Item No. 19:

Proposed redevelopment under provision of DC Rule 10(a) & 33(7) of DCR, 1991 to the existing category "A" cessed building on plot bearing CS No. 735(A) of Worli Division, Plot No. 41, Worli Estate Scheme No. 52 situated at Khan Abdul Gafar Khan Marg, Worli

The mater was placed before the Authority. The Authority noted the followings:



1. MCGM vide letter dated 1.11.2011 mentioned that the proposal is for residential building which comprises of basement + stilt + 10 podium levels for car parking + 30 upper floors (i.e. basement + stilt + 40 upper floors including 10 podium levels)
2. As per submitted DP remarks dated 08.09.2009 of MCGM, the land under reference falls in residential zone and not reserved for any public purpose.
3. As per the submitted information by the proponent and MCGM, the land under reference falls in CRZ-II and situated on the landward side on the existing 80'-0" wide Khan Abdul Gafar Khan Road. As per the existing CZMP of Mumbai (scale 1:25000) approved by MoEF as per CRZ Notification, 1991, the land under reference falls in CRZ-II.
4. As per the MCGM remarks and submitted Form-1, area of the plot under reference is 1742.49 sq. m.
 - a. The existing building is of category "A" cessed building and its existing use is residential. As mentioned in MCGM remarks, CC & OC of the building is not available as the building is in existence prior to 1950. The CS Plan of the existing building is submitted.
 - b. As mentioned in the MCGM remarks, the built-up area of the existing building is 1426.46 sq. m. as per MHADA certification.
5. As per lay out plan:
 - i. Area of plot = 1742.49 sq. m.
 - ii. Permissible built-up area (as per MCGM remarks) = 4353.26 sq. m.
 - iii. Permissible built-up area (as per submitted Form-1) = 4356.23 sq. m.
 - iv. Proposed built-up area (as per submitted Form-1) = 4330.60 sq. m.
 - v. Permissible FSI = 2.5
 - vi. As mentioned in MCGM remarks, proponent has claimed the area of staircase, lift, lift lobby and passages thereto free of FSI as permissible under 35(2)(c) of DCR, 1991 as rules applicable on 06.01.2011.
 - vii. For the proposed project, MHADA has issued revised NOC with FSI 2.5 of rehab + 50% incentive FSI vide letter dated 23.08.2011.
6. MCGM vide letter dated 1.11.2011 mentioned that:
 - a) proposed built up area counted in FSI on plot under reference is 4330.60 Sq. m
 - b) proposed permissible / required area, allowed free of FSI as per DCR 1991
 - For balcony area- total 433.06 Sq. m
 - For staircase, lifts, lifts lobby with common passages, basement + ground + 1st to 10th podium level (for car parking), service floor, refuse floors, & AC plant room, elevation features – total area is 13943.86 Sq. m.

The Authority further notes the CRZ permissibility of the proposal which is as follows:

7. As per para 8.V.1.(c) of CRZ Notification, 2011:

Redevelopment of cessed building in Greater Mumbai is permissible in accordance with Town and country planning regulation as on dated 06.01.2011 subject to following conditions:

- i) Applicability of RTI Act, 2005: project shall cover under RTI Act, 2005.



- ii) To undertake performance and fiscal audit in respect of projects of SRA and redevelopment of cessed, dilapidated, unsafe buildings shall be audited by C & AG.
- iii) High level oversight committee constituted by State Govt. will take periodic review of implementation
- iv) Public consultation shall be carried out with respect to such schemes as per procedure laid down in EIA Notification, 2006.

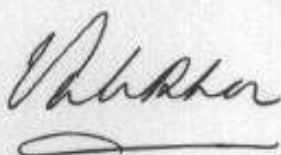
8. As per para 8(i)(II) CRZ-II:

- (i) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:
- (iii) Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;

Authority noted the provision of permissible height of the building under DCR 1991, which is informed by the MCGM vide their letter dated 1.11.2011. The said letter mentions that: "as per Reg. 31(1) of amended DCR 1991, it is stated therein that" that restriction of Height spelt out in Reg. 33(1) shall not be applicable for reconstruction and redevelopment of old buildings undertaken under Reg. 33(7), 33(8) & 33(9)" MCGM further mentioned that in this case, the proposed redevelopment under reference falls under provisions of Reg. 33(7) of DCR 1991.

The Authority after deliberation, decide to recommend the proposal to concerned planning authority i.e. MCGM subject to following conditions:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time)
2. FSI should be in accordance with town and country planning regulation as on 06.01.2011
3. Project proponent should submit the public consultation report as per the EIA Notification, 2006 for the proposed project.
4. MCGM to ensure that building was declared dilapidated /dangerous/CESS prior to 6.01.2011.
5. MCGM to ensure that building plan and FSI calculations are as per DCR 1991 amended till 6 Jan. 2011. Amendments after Jan 6, 2011 will not be applicable in the instant matter.
6. MCGM to ensure that height of the building is as per the provisions of prevailing DCR and all other permissions required for proposed height are obtained prior to the commencement of the work.
7. Provision of parking and parking floors should be as per the provisions and policies of the government. MCGM to ensure the same before according commencement certificate to the said project.



8. Environmental Management Plan, Tree Plantation Plan, and MSW and Sewage treatment plan should be implemented properly.
9. MCGM to consider suggestions /objections, if any, reported in the public consultation report before according commencement certificate to the proposal.
10. All other Conditions stipulated in the para 8(v) of the CRZ Notification 2011 shall be applicable to project owner, architect, consultant, builder and developer. They will be held responsible for violation or non-adherence to the provisions stipulated therein.
11. If the proposed building on the plot under reference is situated in Marine Drive Precinct for which NOC from Mumbai Heritage Conservation Committee shall be necessary before commencement of the work.
12. Construction should be only on landward side of the existing road or existing authorized structures. Fifty meter buffer zone shall be left if site is abutting the mangroves area as per Hon. High Court order. All other permissions wherever required shall be obtained from concerned authorities / government department etc before commencement of the work.
13. Project proponent/ developer should obtain environmental clearance from the competent authority before commencement of the work if total built up area in the project exceeds 20000 sq. meters.
14. Project proponent shall obtain NOC from MPCB and Ground water board before commencement of the work.
15. NOC from High-rise Committee and fire department.
16. Project shall be covered under RTI Act, 2005 and project proponent shall provide all the information.
17. Project proponent to undertake performance and fiscal audit in respect of redevelopment of cessed, dilapidated, unsafe buildings shall be audited by C & AG. Project proponent shall provide all the documents for the same to the concerned officer/ department as and when required.

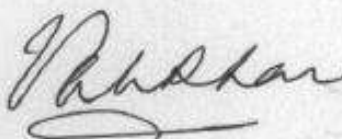
Item No. 20:

Proposed change of User and alterations by amalgamating two shops to one unit of Restaurant and attached storage of convenience shops to ground floor of bldg on plot bearing CTS No. D/1111/12 of village Bandra, Khar (W), Mumbai

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

1. The proposal is for the proposed change of user from two shops to one amalgamated unit of Restaurant at ground floor of building on plot bearing CTS No. D/111/12 of village Bandra, Khar (W), Mumbai. As per the lay out plan submitted, The proposed work is within the existing premises i.e. Ground floor & attached existing basement floors
2. As per the MCGM remarks, the proposed alteration involves amalgamation of two shops with attached store in basement floor for the Restaurant use admeasuring 57.12 Sq. m (BUA) & store in basement up to 50 % of the principal user admeasuring 136.26 Sq. m (BUA) thereby leaving remaining area of the basement for common use.

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3. The Urban Development Department vide their letter dated 21 June 2006 had issued the CRZ NOC for the redevelopment of existing building with FSI 1.00.
4. The architect has submitted the Full Occupation Certificate issued by MCGM on 26.5.2010. The OC has been issued for development of residential building comprising of Basement + Ground (pt) + podium at 1st floor level + 2nd to 5th floors + 6th (pt) floor.
5. As per lay out plan submitted by the architect:
 - Area of plot – 522.60 Sq. m
 - permissible FSI – 1
 - Permissible built up area – 522.60 Sq. m
 - Proposed Area – 503.06 Sq. m
 - Excess balcony area taken in FSI – 19.32
 - Total built up area proposed – 522.38 Sq. m (FSI consumed is 0.99)

Authority noted that the permissibility as per DCR 1967 which is as follows:

As per provisions of para 8 of DCR 1967:

(a) Use provision in Residential zones with shop lines along street – a building or premises with shop line along a street in residential zones may be used only for the following purposes to the conditions that :-

(e) (xv) "Restaurant, eating houses, cafeteria, ice cream and milk bars, boarding houses

In light of above, authority decided to recommend the proposal to concerned planning authority i.e. MCGM subject to condition that:

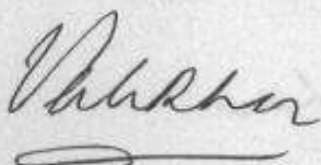
1. Proposed alterations by amalgamating two shops to one unit of Restaurant should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time) and DCR applicable and in force as on 19.2.1991 i.e. DCR 1967.
2. MCGM should ensure that there is no extra FSI consumed the proposed alteration.

Item No. 21:

Regarding CRZ permission for proposed construction for residential purpose on land admeasuring 214 sq. m. and bearing CS No. 583, 583/1, 583/2, 583/3 of Village Alibag, Taluka Alibag

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

1. The proposal is for construction for residential purpose on land admeasuring 214 sq. m. and bearing CS No. 583, 583/1, 583/2, 583/3 of Village Alibag, Taluka Alibag , District Raigad.
2. In the remarks of Alibag Municipal Council it is mentioned that, as per the sanctioned DP of Alibag (on 20.08.1984) and its amendments in the year 2000, the land under reference is situated in Residential Zone and affected by 9.14 m wide road. As per the draft DP of Alibag published on 26.09.2010 also, the plot under reference is shown in Residential Zone.
3. As per the remarks of Town Planning Office (Alibag) vide letter dated 12.07.2011, the land is situated in CRZ-II and on the landward side of existing road and constructions as per the CZMP of Alibag. Further, the land under reference falls in CRZ-II as per the CZMP of Alibag (prepared by CESS, Kerala in the scale 1:4000).



4. As submitted by the planning authority, the status of the land is freehold and as submitted by the project proponent, total area of the project site = 214.00 sq. m.
5. As per the information submitted by the project proponent:

CTS No.	Area	Total plot area
583/1	153.8 sq. m.	214.00 sq. m.
583/2	16.7 sq. m.	
583/3	39.3 sq. m.	
583	4.2 sq. m.	

6. As per the submitted layout plan:

- Total area of the plot under reference = 214.00 sq. m.
- FSI = 1.5
- Permissible built-up area = 293.03 sq. m.
- Proposed built-up area of Ground Floor = 92.24 sq. m.
- Proposed built-up area of First Floor = 84.94 sq. m.
- Proposed built-up area of Second Floor = 84.94 sq. m.
- Total built-up area consumed = 262.12 sq. m.

Authority further noted that as per 8.II. CRZ II of the CRZ Notification, 2011:

- (i) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio:

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road

In light of above, the Authority, decided to recommend the proposal to the concerned planning authority i.e. Alibag Municipal Council, subject to following conditions:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time)
2. FSI should be in accordance with Town and country planning rules existing as on 19.02.1991 DCR which was applicable and in force as on 19.02.1991.
3. Planning authority to ensure that whether FSI of 1 or 1.5 applicable as on 19.02.1991 before issuing commencement certificate to the construction.

Item No. 22: Regarding CRZ permission for proposed construction of Club Hall on land bearing S. No. 9, H. No. 1C of Village Alibag, Taluka Alibag

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

- i. The Alibag Municipal Council vide letter dated 09.10.2011 has forwarded the application of M/s. Parijat CHS Ltd. for CRZ permission for proposed construction of Club Hall on land bearing S. No. 9, H. No. 1C of Village Alibag, Taluka Alibag, District Raigad.

- ii. The information submitted by the proponent mentioned that the proposed construction is to be a Ground Floor RCC framed structure of built-up area 81.6545 sq. m. There would be a meeting hall, two offices, toilets, store room etc. in the proposed building.
- iii. In the remarks of the Alibag Municipal Council it was mentioned that, as per the sanctioned DP of Alibag (on 20.08.1984) and its amendments in the year 2000, the land under reference is situated in Residential Zone and affected by 6.00 m wide road. As per the draft DP of Alibag published on 26.09.2010 also, the plot under reference is shown in Residential Zone.
- iv. As per the remarks of Alibag Municipal Council, the land under reference falls in CRZ-II as per the CZMP of Alibag (prepared by CESS, Kerala). As application total area of the project site (which is an open plot) = 883.00 sq. m.
- v. As submitted by the proponent, As per the submitted layout plan:
 - Total area of the plot under reference = 883.00 sq. m.
 - Permissible FSI = 0.1
 - Total permissible built-up area (883.00 X 0.10) = 88.30 sq. m.
 - Proposed built-up area on Ground Floor = 81.6545 sq. m.

The Authority further noted that as per 8.II. CRZ II of the CRZ Notification, 2011:

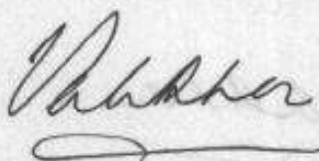
- (i) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio:
Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road

In light of above, the Authority, decided to recommend the proposal to the concerned planning authority i.e. Alibag Municipal Council, subject to following conditions:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time)
2. FSI should be in accordance with Town and country planning rules existing as on 19.02.1991 or amended up to 19.02.1991. DCR of 2000 will not be applicable in the matter.

Item No. 23.1: Relaxation from CRZ norms and regularization of construction of houses in Village Borli, Taluka Murud, District Raigad.

The matter was placed before the Authority. The Authority received a letter from Mr. Gajanan M. Makaji regarding the relaxation from CRZ norms and regularization of construction of houses in Village Borli, Taluka Murud, District Raigad. The Authority noted that, as per the contents of this letter, the Gram Panchayat could provide them land for constructing houses, because their village was situated near the seashore & bay as well as surrounded by mountains, hills and all fields causing unavailability of land with Gram Panchayat. It was mentioned that, the original dwellers of the Village Borli have constructed new houses in the farms situated near the seashore. However, the concerned Tehsil Office often sends them notices threatening to demolish houses as well as to charge penalty of Rs.



30/- per day, as the houses are situated within the range 500 m from HTL i.e. in CRZ. Being the original dwellers of the village and as mentioned in the letter, (due to lack of Gram Panchayat) they have purchased the land in fields on which they have constructed houses; Mr. Makaji has requested the regularization of the constructed houses by relaxing the CRZ norms.

The Authority further noted the provision as per para 6(d) of the CRZ Notification, 2011:

(6) Enforcement of the CRZ Notification, 2011:

(d) The dwelling units of the traditional coastal communities including fisherfolk, tribals were permissible under the provisions of the CRZ Notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

(i) These are not used for any commercial activity.

(ii) These are not sold or transferred to non-traditional coastal community.

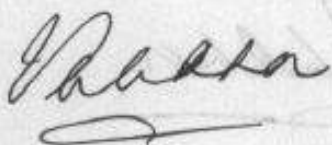
The Authority deliberated on the notified 'traditional coastal communities' dwelling in the area under reference. Considering the provisions of the CRZ Notification, 2011 in this regard, The Authority decided to direct the District Collector (Raigad) to take the necessary decision in the matter. If violation of CRZ Notification 2011 was observed, legal action may be initiated after proper investigation by the Collector. Further, the revenue authorities may verify that construction was done by traditional dwellers as per the revenue records and send the report comprising proof of traditional dweller, nature of construction, date of construction, area, crz area etc of the same to the authority.

Item No. 23.2: Policy decision regarding CRZ permission for erection of Hoardings

The Authority noted that, various proposals for erection/ installation of Hoarding/ Advertising boards in CRZ areas were received/ being received by the MCZMA. The Authority further noted that, the construction in CRZ-II area/ landward side of existing road or existing authorized structure is a permissible activity, as per the provisions of CRZ Notification, 2011. However, construction in CRZ I is not allowed.

The Authority after deliberation decided to take the policy decision as follows:

1. Erection or installation of hoardings/ boards in CRZ areas or structures in CRZ areas will be allowed only in CRZ II areas or landward of 200 meter setback line in CRZ III areas. NO such activity will be allowed in CRZ I area and No Development Zone areas of CRZ I and CRZ III.
2. No hoarding shall be installed in mangroves areas.
3. Every hoarding to be installed in CRZ area will have to display message/ slogan/ quote related to environmental and coastal conservation, education either given by the environment department/planning authority or developed by the hoarding owner in consultation with the Department. Appropriate place and area for the same shall be earmarked as per the size on the hoarding.
4. In case of failure of above compliance hoarding owner/advertiser will have to pay Rs. 2 Lakh per hoarding per annum to the MCZMA. Planning Authority to ensure the



compliance of the above condition before issuing final permission or at the time of renewal of the permission to the hoarding.

5. After deliberation the Authority decided to take a decision on all pending applications related to hoardings received by MCZMA or to be received in future as per the above policy and communicate/recommend to the applicant and planning authority.
6. The Authority noted list of following applications received till date decided to recommend the same to the concerned planning authority as per the above said decided policy. Concerned planning authority and project proponent shall comply all the conditions stipulated by the authority.

Sr. No	File No.	Name of the proposal	Name of the project proponent	Proposed location in CRZ area as per approved CZMP
1	CRZ-2010/ CR-138/ TC-3	CRZ permission for proposed erection of hoarding on plot bearing CTS No. 791/A (part), Village Bandra (East)	M/s. Gold Line Advertiser	CRZ-II
2	CRZ-2010/ CR-225/ TC-3	Hoarding on plot No. 10, Haji Ali Park - Society for Rehabilitation of Crippled Children	Society for Rehabilitation of Crippled Children	CRZ-II
3	CRZ-2011/ CR-4/ TC-3	Grant of permission to display of advertising board of steel structure on plot of BEST undertaking known as Bandra Reclamation Bus Station	M/s. Symbiosis Advertising	CRZ-II
4	CRZ-2011/ CR-62/ TC-3	NOC From CRZ to erect & display advertising hoarding in Dharavi Mahatma Gandhi CHS Ltd. S.No. 343(pt) Sion-Dharavi Link Road	M/s. San-Ads Advertisers	CRZ-II
5	CRZ-2011/ CR-110/ TC-3	Installation of illuminated hoarding, admeasuring 20' X 20', to be mounted on a unipole, within the compound of a private property known as West Wind Apartments, situated at plot No. 79, Veer Savarkar Marg, Mahim (West), Mumbai-400 016	M/s. De Zens Products	CRZ-II
6	CRZ-2011/ CR-214/ TC-3	Remarks to erect & display advertisement hoarding sites situated at CS No. 220 of Worli	M/s. Lime Kraft Media	CRZ-II (on building)
7	CRZ-2011/ CR-216/ TC-3	Installation of Hoardings situated at Lala Lajpat Rai Marg, Haji Ali, Mumbai	M/s. De Zens Products	CRZ-II
8	CRZ-2011/	NOC for the installation Hoarding at plot	M/s. Starlet Media	CRZ-II

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Sr. No.	File No.	Name of the proposal	Name of the project proponent	Proposed location in CRZ area as per approved CZMP
	CR-218/ TC-3	bearing S. No. 629, near Skywalk , Nandadeep Garden, Kalanagar, Bandra East	Pvt. Ltd.	

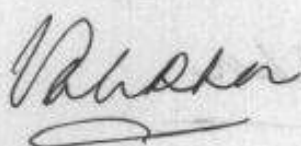
Item No. 23.3: Discussion on the concept of 'Equitable 51% stake of Government in SRA Schemes so as to qualify benefits of new CRZ Notification, 2011'

The Authority noted the concept and decided to refer it to the Housing department for further necessary action.

Item No. 23.4: Submission of shoreline change maps for Maharashtra by 'National Centre for Sustainable Coastal Management' (NCSCM), MoEF

The matter was placed before the Authority for information and consideration. The Authority noted the following:

1. Prof. Dr. R. Ramesh, Director, National Centre for Sustainable Coastal Management (NCSCM), MoEF vide letter dated 29th September 2011 has informed that MoEF has sanctioned a national project on "Assessment of shoreline change for India" to the Institute for Ocean Management (IOM), Anna University, Chennai/ NCSCM, Chennai. As a part of this project, the coastline of Maharashtra has been mapped.
2. The Special Secretary, MoEF has directed the Director (NCSCM) to approach the Govt. of Maharashtra to submit the shoreline change maps for validation before finalizing it. A copy of the maps prepared for the coastline of Maharashtra has been submitted to the MCZMA.
3. As per the contents of the letter, the following are the action points as directed by the Special Secretary, MoEF:
 - (a) A meeting to be organized by the Principal Secretary, Govt. of Maharashtra to discuss and validate the shoreline maps by inviting all user departments at a convenient date for the Govt. of Maharashtra, MoEF and NCSCM.
 - (b) Based on the feedback received, IOM, Anna University/ NCSCM will undertake revisions of the maps if necessary and submit a final copy to the MoEF and the State Govt.
4. As per the para 4.2(c) of the CRZ Notification, 2011, low, high and medium eroding stretches in CRZ areas are required to be identified for further regulation of activities in such areas



Considering this, it was decided to organize a meeting with Prof. R. Ramesh to present the coastal shoreline change maps for Maharashtra before concerned State Departments/ agencies at a convenient date.

Item No. 23.5: Compliance status of preparation of CZMP for Maharashtra as per the CRZ Notification, 2011

The matter was placed before the Authority. The Authority noted that, meetings were held with MoEF authorized agencies, local planning authorities and concerned officials on 24th November 2010 and 26th July 2011 under the Chairmanship of Secretary (Environment) & Chairperson (MCZMA) at Mantralaya for preparation of CZMP for Maharashtra as per the guidelines stipulated in the CRZ Notification, 2011. Authority noted the decision taken in the said meetings as follows:

1. The CZMP will be prepared District-wise as per the guidelines mentioned in the Annexure-I of CRZ Notification, 2011.
2. The Centre of Earth Science and Studies (CESS), Kerala shall prepare the CZMP of Thane District. Request for preparing CZMP for Sindhudurg District is pending with CESS and NIO Goa.
3. Institute of Remote Sensing (IRS), Chennai shall prepare the CMZP of Raigad and Ratnagiri district. Authority also approved and noted MOU in between IRS Chennai and Government of Maharashtra for preparing CRZ map for Raigad District. Further authority noted the release of first installment of Rs.72 lakh to IRS Chennai for mobilization of work.

Table Item (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. The 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, and 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 sea ward 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 , the Authority decided to recommend the matter to MoEF for further necessary action

The 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.

The Authority noted that as per 8(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 8(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.

The 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 the 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. As per the new CRZ Notification, 2011,

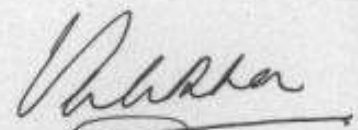


constructions on seaward side are allowed on only landward side of hazard line which is yet to be mapped by MoEF.

The Authority further noted the letter of M.D./MHADA requesting that as per the provisions of CRZ Notification 2011, the construction/ redevelopment on the seaward side can be carried out on the existing authorized plinth or on the landward side of existing authorized building. Further, he requested to consider the matter again on the basis of provisions 8a and 8b in the Notification. The Authority, after deliberations noted that as per the CRZ Notification, 2011, construction and redevelopment on the seaward side can be undertaken only on the landward side of the authorized structures or on the plinth of the authorized structure. After deliberations, the authority decided to recommend the proposal to the concerned Planning Authority, subject to the submission of the following.

1. The MHADA should submit revised building layout plan indicating the proposed construction on the plinth of the authorized structures.
2. The MHADA should ensure that no construction is proposed/ undertaken on the seaward side on the plinth of existing authorized structures on the plot. Further, it should ensure that authorized structures means the structure which was existing prior to 19.2.1991
3. FSI and building construction plan should be as per the Development Control Rules existing and enforce as on 19.2.1991 i.e. as per the Development Control Rules of 1967.
4. Lift lobby and staircase etc. should be computed in the FSI as per the DCR, 1967.
5. MHADA should ensure that construction proposed to be undertaken should be strictly as per the provisions of CRZ Notification, 2011 and Development Control Rules existing as on 19.2.1991 i.e. as per DCR 1967.

The meeting ended with vote of thanks to all the members.


Chairperson,
MCZMA

Annexure-I

List of the members present for the 72nd meeting of MCZMA is as follows:

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