

Minutes of the 74th meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 23rd April 2012 at Mantralaya, Mumbai.

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

Municipal Commissioner, Municipal Corporation of Greater Mumbai, Mumbai; The Additional Chief Secretary, Revenue Department, Mantralaya, Mumbai; Principal Secretary Industries Department, Mantralaya, Mumbai; Commissioner of Fisheries Department, Charni Road, Mumbai; Dr. M. C. Deo, Director, Veermata Jijabai Technological Institute (VJTI), Matunga, 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 73rd meeting of MCZMA held under Chairmanship of Secretary (Environment) on 30th December, 2011 at Mantralaya, Mumbai

The minutes of 73rd meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the members of the Authority present in the meeting.

While confirming the minutes, the Authority decided to have a review meeting of agencies authorized by the MoEF who are preparing CRZ maps as per the guidelines of CRZ Notification, 2011.

The Member Secretary informed that the list of all pending cases was placed before the Authority in the 72nd meeting. It was decided that the pending list be displayed on the website. Projects submitted by the Government Department, agencies, authorities, boards etc is to be taken on priority. It was decided to direct concerned planning authorities to map Koliwadās and indicate those areas on CRZ map.

Item No. 2.1: Applicability of various provisions of DCR 1991 amended up to 6.1.2011 for redevelopment of cessed buildings in CRZ area in Island City of Mumbai.

The Authority noted the following.

- 1) The MoEF published the CRZ Notification, 2011, superseding the old CRZ Notification, of 1991. The para clause 8.V.I. (c) of CRZ Notification, 2011

stipulates the benefit of FSI for the SRA schemes/ redevelopment of SRA / CESS, dilapidated and unsafe buildings, in Greater Mumbai. As per this, the FSI shall be in accordance with the Town and Country Planning Regulations prevailing as on 6.1.2011 i.e. FSI as per DCR 1991 amended till 6/01/2011 is applicable for the said redevelopment schemes in Mumbai area.

2) It was brought to the notice that DCR 1991 had a footnote dated 25.1.1991 which mentioned that "All regulations/ modifications mentioned in DCR 1991 shall not be applicable to the areas which are affected by the CRZ Notification issued by MoEF, Government of India vide notification dated 19th February 1991 and orders issued from time to time". The Regulation No.59 of DCR 1991 mentions that "All development permission within the ambient of CRZ shall be governed by the contents of the notification dated 19.2.1991, as modified from time to time, issued by MOEF, Government of India in this regard".

3) It was concluded that the foot note in the DCR 1991 was inserted because DCR 1991 was not applicable in CRZ areas as per CRZ Notification, 1991. The MOEF has issued the new CRZ notification superceding the notification of 1991. So provisions of CRZ Notification, 1991 are not applicable now for cess, dilapidated and SRA projects. The new CRZ Notification of 2011 enabled the redevelopment of these old buildings as per the provisions of DCR 1991 amended up to 6.01.2011.

The Authority after deliberation came to the conclusion that, the foot note was inserted in the DCR 1991 considering the relevant provisions of the CRZ Notification of 1991 amended from time to time. However the MoEF vide CRZ Notification, 2011 superceded the CRZ Notification 1991 and allowed application of DCR 1991 amended time to time as per special provision for redevelopment of cessed, dilapidated and slum buildings as per para 8(V) of CRZ Notification 2011. Therefore, after discussion it was decided that foot note of DCR 1991 is not relevant and it is defunct with respect to the provision of CRZ Notification. Therefore redevelopment of the proposals under para 8(V) of CRZ Notification shall be undertaken as per the provision of DCR 1991 amended up to 6th January 2011.



**Item No. 2.2: Modification to D.C. Regulations sanctioned by State Govt.in
the month of January, 2012**

The Authority noted that the Municipal Commissioner MCGM vide letter dated 9th March, 2012 has communicated that the State Government in Urban Development Department has sanctioned the modification to certain Development Control Regulation of Gr. Mumbai, 1991 (DCR) under section 37(IAA) (C) of MRTP Act, on 6.1.2012.

Following are some of the important features as per the amendments dated 6.1.2012 in DCR 1991 as per the MCGM letter dated 9.3.2011:

1. Free of FSI component (flower bed area, refuse area etc) i.e. fungible FSI, will be counted in FSI.
2. 35% / 20% / 20% compensatory fungible FSI for residential / industrial / commercial development on payment of premium for infrastructure development.
3. Developers to get equal treatment and the possibility of constructing much more than permissible is eliminated.

It noted that applicable DCR's for projects affected by CRZ Notification, 2011 are

- (i) DCR 1967 is applicable for the development / redevelopment projects in Mumbai and Mumbai Suburban area. (For projects listed in para 8.II. CRZ II) and
- (ii) DCR 1991 as on 6.1.2011 is applicable for the SRA schemes / redevelopment of CESS, dilapidated and unsafe building in Greater Mumbai area (projects under para 8.V.)

The Authority noted that DCR 1991 amended up to 6/01/2011 is applicable in CRZ areas of Mumbai and amendment in CRZ notification will be required to make applicable new modifications in CRZ Areas. It was decided to send the proposal to MoEF for considering suitable modifications in the CRZ Notification 2011. to make these new amendments applicable to CRZ areas.



Item No. 2.3: Redevelopment and beautification of Chaitya Bhoomi at Dadar (W), Mumbai (proposed Ambedkar Memorial on Indu Mill Land)

The Authority noted that the Ministry of Environment & Forests, Government of India has communicated vide letter dated 1-3-2012 regarding utilization of approximately 12 acres of land belonging to Indu mill,(NTC) for construction of a Memorial for Bharatratna Dr. Babasaheb Ambedkar. Vide this letter, it was requested to examine compliance if any, with environmental, legal and procedural requirement, specifically provisions of CRZ Notification, 2011 and Development Control Regulation, 1967 in the matter. With reference to the MoEF letter, the Urban Development Department was requested to give details of land, CRZ status and permissibility of proposed activity as per D.C.R. 1967 to the Authority at the earliest. The Urban Development Department vide Office Note dt. 23-4-2012 communicated details requested as above to the Authority and the same was placed before the Authority for deliberation and discussion.

The Additional Chief Secretary, Urban Development Department informed that as per the records submitted by Municipal Corporation, the Development Plan of 1967 and the approved CZMP, the land under reference is in CRZ-II. As per the submitted map, the north-west boundary of the plot coincides with HTL of the sea. The entire 12 acres of land on F. P. No. 1163 of TPS Mahim No.4 presently vests with NTC and is in CRZ-II category.

As per para 8(i) 'note' of the CRZ Notification, 2011, the Development Control Regulations of 1967 are applicable for any development on the areas falling in CRZ II in Mumbai. As per the DCR 1967 and the existing Development Plan, there is a reservation of I-3 (Special Industrial Zone) on the entire plot of Indu Mill land and the land is not reserved for any other purpose. It was also informed that, there are authorized existing structures on the land existing prior to 1991.

As per the CRZ Notification, 2011, buildings shall be permitted only on the landward side of the existing road or on the landward side of existing authorized structures. As per this Notification, 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 Regulation including the existing norms of Floor Space Index and Floor Area Ratio. As per Paragraph 8(i) 'note', DCR 1967 is applicable for the development on the land under consideration.

The Authority noted that, since the plot falls in CRZ-II and is reserved for I(3), the State Government is required to make suitable changes in the 'existing'



Rules and Regulations to make the land use suitable to enable development for the Memorial. It was discussed that the proposal should be included in the Special provision given in Para 8(v) of Notification for Mumbai City, to enable the development of Memorial on the land under consideration as per DCR existing on 6.1.2011.

After deliberation, the Authority decided to recommend the proposal of Memorial of Bharatratna Dr. Babasaheb Ambedkar on the land under reference since development is permissible on landward side of existing structures. The Authority also decided to recommend to the MoEF to incorporate special provisions in the CRZ Notification, 2011 to (i) enable development with change in land use of the land under reference in the name of "Memorial of Dr. Babasaheb Ambedkar" in place of existing I-3 Zone and (ii) to recommend inclusion of development of Memorial on the said land in the Paragraph 8(V) of CRZ Notification, 2011, so as to enable envisaged development on the Indu Mill 6 land with the prevailing Town and Country Planning Regulations.

Item No. 2.4: Regulation of claims of non official members.

The Authority noted that the MoEF while constituting the MCZMA stipulated that fees for meetings, site visit, TA and DA shall be given as per the norms decided by the Government of India.

It was decided that the sitting fees, site visit charges and TA and DA to the members, invitees, experts etc. will be given as follows:

- 1) Sitting fees/site visit per day Rs.2000
- 2) Food bills and taxi charges as per actual use.
- 3) Travel by train in AC 2 tier or economic class air or actual expenditure required for travel by road not exceeding the economy class air fare or AC 2 tier fare.
- 4) Stay in Government guest house, MTDC, Central Government guest house as per Government of Indian norms.

Expenditure on above will be incurred from the funds given to MCZMA or from the processing fees received by MCZMA.



Item No. 3.1: Status of court cases (MM Corporation Vs MCGM Corporation Vs Municipal Corporation of Greater Mumbai (WP No. 56 / 2012)

It was noted that WP No. 56 / 2012 has been filed in the Hon. High Court of Bombay by M.M. Corporation Versus Municipal Corporation of Greater Mumbai & ors. Respondent No. 1 MCGM, respondent No. 2 State of Maharashtra, Environment Department and Respondent No. 3 is MCZMA And respondent No. 4 NCZMA

The petition mentions that:

1. The petitioners are well and sufficiently entitled to as piece and parcel of land admeasuring 11,127.20 Sqmt, bearing CTS No. 7 of village Borivali.
2. The portion of the said property admeasuring 4864.66 Sqmt has been wrongly classified as CRZ I by the respondent No. 1 ie. MCGM.
3. Petitioner by letters dated 21st January, 2003, 13th October, 2003 and 6th December, 2003 requested respondent No. 3 ie. MCZMA to cause a proper demarcation to be made of the HTL.
4. Based on the decision taken at a meeting of MCZMA, Shri Boralkar permitted the petitioners to approach any of the agencies approved by MoEF for rectification of demarcation of HTL.
5. By letter dated 2nd July, 2004, the petitioners had referred the matter to NIO, Goa for demarcation of HTL and CRZ boundary.
6. The NIO has submitted its report along with its letter dated 21st October, 2004.

With a conclusion that the plot area bearing CTS No. 7 of village Borivali bearing situated at Gorai Road behind Gokhale College fulfills the criteria to be designated as CRZ II.

Based on the representation made by the petitioners, the MCZMA has taken up the said issue in the meetings of Authority from time to time.

7. MCZMA in its 49th meeting held on 24th February, 2009 considered the matter and decided to recommend the matter to MoEF for reclassification of the area.
8. NCZMA considered the matter in its 18th meeting held on 15th September, 2009 and decided that proposal should be resubmitted along with detailed site inspection report.



9. In spite of it, there was no further action from MCZMA in informing the NCZMA

Prayers of the petitioners in the matter:

Hon. Court be pleased to issued order directing respondent No. 3 and 4 i.e. MCZMA and NCZMA to issue necessary approval / NoC / permission to Respondent No. 1 i.e. MCGM to permit the development of as public garden.

The Authority noted the following:

The NCZMA in its 21st meeting held on 19.4.2011 had discussed various reclassification proposals submitted by the SCZMA.

The excerpts of the minutes:

"The members of the NCZMA felt that as the new CRZ Notification, 2011 has been issued by MoEF, it would be desirable to consider such cases in light of CRZ Notification and that the Ministry may not like to encourage the reclassification of CRZ area, which was approved in September, 1996. The Chairperson, NCZMA expressed that there is a danger of regularization of violation through such reclassification and that we may freeze the CZMPs as approved in 1996 and the coastal states should initiate the exercise of preparation of the CZMP as per the CRZ Notification, 2011.

However, the Ministry vide circular dated 1st July 2011 and 8th August 2011 informed that reclassification of CRZ area on the ground of "error evident on record" shall only be considered and for the same third party survey from agencies authorized by MOEF be done and field verification/ visits shall be carried out before sending such proposals to MoEF.

It was noted that, preparation of new CZMP of Mumbai as per CRZ Notification, 2011 is underway.

Pursuant to para 5 of CRZ Notification, 2011 which stipulates the formulation of new CZMP by State as per the guidelines mentioned in Annexure I, the State Government has already allotted the work of preparation of CMZP of Mumbai to the Institute of Remote Sensing, Chennai. The work of preparation has already begun and is expected to be completed in the stipulated time period of 24 months.

The draft CZMP under CRZ Notification will be given wide publicity inviting suggestion and objections from general public. At this stage, grievances of reclassification will be taken into consideration.



The Authority after deliberation decided to get the site verified from an independent agency authorized by the MoEF as per clarifications dated 1st July, 2011 and 8th August, 2011 to verify the error evident on record. However, it was also noted that plot is reserved for garden and therefore does not fit for CRZ II classification as per the approval condition stipulated, by MoEF while approving CZMP of Mumbai.

Item No. 3.2: Status of court cases (Reji Abraham Vs State of Maharashtra) Reji Abraham Vs State of Maharashtra (WP No. 9/2011)

It was noted that Writ Petition No. 9 of 2011 has been filed in the Hon. High Court of Mumbai by Mr. Reji Abraham, against the Saibaba Co-operative Housing Society at Charkop Sector 8, Mumbai for construction in violation of the orders granted in High Court Writ Petition No. 3246 of 2004 and PIL No. 87/2006.

The MCZMA wrote to Collector and MCGM, directing them to verify the following by site visit, as per the directions of the court on 2nd Feb, 2012

1. The distance of the construction undertaken by Shri Saibaba Co-operative Society on plot No. 296 at Charkop Sector 5, 8 and 9.
2. Whether the Society was given exemption by Hon. High Court in the matter of W.P. No. 3246/2004 and through Chamber of Summons NO. 99/2006.
3. On what basis Commencement Certificate and Occupation Certificate was given to the proposed construction
4. Whether construction undertaken by Shri Saibaba CHS is in violation of order of Hon. High Court given in case of Writ Petition No. 3246/2004 and CRZ Notification, 1991 and 2011.

The MCZMA directed the Tehsildar vide letter dated 12.4.2012 to submit the following information-

1. The distance of the construction from the mangroves, undertaken by Shri Saibaba Co-operative Society on plot No. 296 at Charkop, Sector 8, Mumbai.
2. Whether construction undertaken by Shri Saibaba CHS is in violation of order of Hon. High Court given in case of Writ Petition No. 3246/2004 and CRZ Notification, 1991 and 2011.
3. Whether the building is constructed on mangroves or by destroying mangroves.
4. Action taken for violation on mangroves cutting by concerned authorities.



The reply of Tehsildar, Borivali was discussed which stated that construction is abutting the Mangroves, violating the orders of Hon. High Court given in the matter 3246/2004. It was also noted that construction is in violation of the CRZ Notification 1991 and 2011, since the project proponent does not have any permission from the competent authority. Therefore, the Authority decided to direct the District Collector to take action as per section 5 of Environment (Protection) Act, 1986 after due verification of the contents reported by Tehsildar, Borivali within a period of 30 days and revert. It was also decided to direct the Municipal Corporation of Mumbai to take action against the said society within 30 days, after due verification of the facts in the matter, under M.R. & T.P. Act.

Item No. 3.3: Status of court cases (M/s Vanashakti, a Public Trust Vs Union of India & or) (WP 91 / 2011).

The Authority noted that WP No. 2553 / 2011 has been filed in the Hon. High Court of Bombay by M/s Vanashakti, a Public Trust & Anr. Versus Union of India & ors.

Respondent No. 1 is MoEF, respondent No. 2 is State of Maharashtra, Environment Department and Respondant No. 3 is MCZMA. Respondent No. 9 is M/s Zeus Infrastructure Pvt Ltd having its office at Muttha Chambers -II, 8th floor, Senapati Bapat Marg, Pune.

On perusal of the petition, it was observed that the petitioner has challenged the CRZ permission dated 26th March, 2007, granted to the Respondent No. 9 i.e. Zeus Infrastructure Pvt Ltd. on plot bearing CTS No. 1320 A/18/4, 1320 A/18/3, 100 survey No. 39 (P), in Mulund (E), Mumbai by MoEF. The matter was recommended to MoEF by the State Govt, Environment Dept. The petitioner states that the land under reference consists of wetlands and mangroves, classified as CRZ I(ii) under CRZ Notification. The petitioner has prayed to the Hon. High Court to direct respondent No. 1 to 3 to produce the documents relating to reclassification of the Thane part of the said wetlands from CRZ Iii) to CRZ III as well as relating to the Environment Clearance granted to Respondent No. 9.

The Authority decided to file an affidavit in the Court incorporating all the details.



Item No. 3.4: Status of court cases (Neena Sunil Patel Vs the state of Maharashtra) Neena Sunil Patel Vs the state of Maharashtra (WP lodge No. 273 / 2012)

It was noted that the petition was about the alleged construction of a road on the beach for access to Vikrant in violation of CRZ Notification, by MbPT.

Both MbPT and MCGM were requested not to carry out construction activity till prior CRZ clearance obtained from the competent authority.

The MCZMA wrote to the MCGM, Collector, and MPCB to constitute a committee comprising representatives to inspect the site and sent the site visit report to the Authority.

The Collector, Mumbai city has sent the fact finding report vide letter dated 31.3.2012 to the MCZMA. As per the report, the old protection wall damaged due to tidal action was being restored and no new construction was undertaken by MbPT.

The Authority after deliberation decided to submit site visit report with all details to the Hon. High Court.

Item No. 3.5: Status of court cases (M/s Earth Builders Vs State of Maharashtra) M/s Earth Builders Vs State of Maharashtra (WP 2553 / 2011)

The Authority noted that the matter was considered in the 62nd and 65th meeting of MCZMA. Based on the decision of the Authority in the 65th meeting of MCZMA, the matter was recommended to MoEF. Following complaints subsequently, the recommendation was suspended.

Meanwhile, the new CRZ Notification, 2011 was published by MoEF and the proposal was sent back to MCZMA by MOEF, for further decision in light of new CRZ Notification, 2011.

The M/s Earth Builder has filed a petition WP No. 2553 of 2011 in the Mumbai High Court. The High court has disposed of the petition on 1.2.2012 with following directions.

"Having heard learned counsel for the parties we dispose of this petition with a direction that respondent No.4-Maharashtra Coastal Zone Management Authority shall consider the petitioners' proposal which was considered at the meeting held on 9 September 2010 in accordance with law including the CRZ Notification of 2011, if applicable. It is, therefore, submitted that before the respondent No.4 Authority



takes any final decision in the matter the proposed interveners should be permitted to submit its representation."

The Authority further noted the details of the original proposal which was placed in 65th meeting of MCZMA held on 9.9.2010 as follows:

Land Details:

- As per the MCGM the plot bearing C.S. no. 280 of Malabar Hill Division, 171-D, Walkeshwar Road is situated in 'D' ward of MCGM and falls in residential zone and not reserved for any public purpose.
- As per the approved CZMP of Maharashtra the plot under reference falls under CRZ-II area and situated on seaward side of the existing road.

Proposal Details:

- Proposal is for the Demolition and redevelopment of existing Gr. + 3 upper floor CESS structures.
- The said Gr + 3 upper floor building is already demolished.
- Area as per the land records 1135.77 Sq. mt. and area under proposal is same i.e. 1135.77.
- The said area of the plot consist of 679.77 Sq. mt + 456.00 Sq. mt. (Area of C.S. No. 280 + area of C.S. No.1/278 amalgamated)
- As per the MCGM proposal comprising of 4 level basement + stilt +12 upper floors and the work up to stilt is in progress.
- Proposed height of the building is 54.28 mt .
- As per the submitted lay out plan the proposed built-up area 1854.08 Sq. Mt has been calculated with the FSI 2.00 for area 679.77 Sq. Mt. & FSI 1.33 for 456.00 Sq. Mt.. {2.00 x 679.77 + 1.33 x (456-68.40)}
- MCGM has clearly mentioned that as per the Sr. No. 9 of Application, the cost of property is more than Rs. 5 crores.
- It is also observed that the redevelopment proposed on CS no. 280 is proposed with the FSI using the area of CS No 1/278 & 280 both. It is also mentioned that these two plots were amalgamated.
- MCGM also mentioned that the Urban Development Department has issued N.O.C. from CRZ point of view, vide letter no. TPB 4398/1562/CR 33/99/UD-11 dated 31st May 1999.



- As per the DP remarks MCGM has already approved the plans for redevelopment and I.O.D have been issued on 30.12.2005 and C.C. up to plinth level was issued on 13.02.2006.

CRZ Permissibility as per CRZ Notification, 2011:

1. The proponent is not requesting the FSI benefit to the redevelopment of Cessed building which is stipulated under para 8.V.1. (C) of CRZ Notification, 2011. Therefore CRZ 1967 will be applicable to the proposal.
2. As per para 8.II. CRZ II (iii) of CRZ Notification, 2011:-
Reconstruction of the authorized buildings to be permitted subject to the existing FSI/FAR norms and without change in the existing use.
3. The FSI in the proposal shall be in accordance with town and country planning regulations prevailing as on 19.2.1991 i.e. DCR 1967. Therefore, area under staircase, lift, lobby etc. should be counted in FSI.

The Authority as per the Hon. High Court directives gave hearing to both the complainant i.e. Dani Sadan Co-op housing Society and the project proponent i.e. M/s Earth Builders during the meeting. The Complainant alleged that construction undertaken on the site is not on the existing plinth and exceeded towards the sea ward side. The FSI of land taken from the Afghan consulate is loaded on the existing structure without amalgamation and not permissible. Only FSI of 1.33 should be allowed since the land of the Afghan Consulate is not under the category cessed. Further, it was also alleged that the DCR of 1967 should only be applicable in the development which is not the case.

The Project proponent stated that construction is as per the original permission given by the competent authority at that time. He also stated that construction is on the landward side of the plinth of the cessed structures which were existing on the plot. It was also informed that FSI for the cessed structures is 2 and FSI of 1.33 is used after amalgamation of the land taken from Afghan consulate. He requested that his proposal be recommended in CRZ Notification 2011 too as it was recommended earlier as per CRZ Notification 1991. He stated that he would not be taking benefits of CRZ Notification 2011 though he was entitled for the same.

The Authority decided to constitute a subcommittee of the members of the Authority to visit the site along with concerned officers of the Municipal Corporation. The subcommittee will be as given below.



- 1) Dr. M Baba
- 2) Dr. Ingole
- 3) Dr. Shindikar
- 4) Dr. Deshmukh
- 5) Member Secretary (MCZMA)

TOR of the committee is as below:

- 1) To verify that the construction under taken is on the existing plinth or not.
- 2) To verify that FSI of 1.33 of the plot 1/278 used for access to the proposed building was not utilized in any other construction earlier.
- 3) To verify whether the construction under taken was as per the permission issued by the Corporation and whether the stop work order issued by MCZMA is being implemented or not.

The Authority decided to place the matter in the next MCZMA meeting. It was also directed to submit the site visit report before the next meeting. The MCGM is to provide all the documents and information during the site visit of the subcommittee.

Item No. 3.6: Status of court case on deletion of plot bearing C.T.S No. 195 (pt) of village Andheri, Mumbai from M/s. Vaidehi Akash Housing Pvt. Ltd. (Rustomjee Realty Private Ltd Vs MoEF Rustomjee Realty Private Ltd versus Union of Indian & ors (WP 647 / 2012)

The Authority noted that petition No. 64 of 2012 has been filed by Rustomjee Realty Pvt Ltd against the Union of India and others. MCZMA is the Respondent no 4.

The petition is regarding the deletion of property being a piece of land situated at Survey No. 106, part No. 5, CTS No. 195(pt) of Village Andheri, Taluka Andheri admeasuring about 22388 Sqmt.

The petition mentions the decision taken in 18th meeting of NCZMA on 15 September, 2009, which states that -

" after discussion it was decided that since demarcation done by both authorized agencies viz NIO and CESS apparently confirms that the plot falls beyond 500 mt from HTL, the MCZMA may consider the above HTL demarcation for the entire area



in light of other relevant maps and documents .The proposal to delete the plot from the purview of CRZ be looked at by MCZMA and to send a comprehensive plan and proposal for the area to NCZMA.

The MCZMA considered the matter in its 59th meeting held on 14 January, 2010 and decided to recommend the deletion of the plot number 195(pt) of village Andheri for M/s Vaidehi Aakash Housing Pvt Ltd, form CRZ point of view as directed by NCZMA and as per records of MCGM on Development Plan sheet prepared as per CESS/ NIO survey and to communicate the same.

The hearing took place in the matter on 28th March, 2011 and the Hon. High Court adjourned the matter till 18th April, 2012; with ad-interim relief in terms of following orders-

"Respondent No. 1 to 5 and their officers shall consider the petitioners application for permissions and approvals and sanctions of their plans for the property to be constructed on the above land, but the final orders on such applications shall be passed after the MCZMA issues the formal declaration. In other words the respondent No. 4 and 5 shall process the applications on the basis that the petitioners land does not fall within the CRZ area"

The Authority also noted MoEF decision regarding reclassification cases as follows - MoEF has issued Office Memorandum dated 1st July 2011, regarding reclassification of CRZ areas of CZMP approved in 1996 under the CRZ Notification, 1991. As per this Office Order, only those reclassification proposals which involve "Error evident on record" will be considered by MoEF, after recommendations from respective CZMA. MoEF further issued Office Memorandum dated 8th August, 2011. As per this office memorandum:

"It has been decided that any proposal for reclassification citing the ground of "error evident on record" should be preceded by an in depth examination by the State/ Union Territory Coastal Zone Management Authority (CZMA) concerned bringing out clearly what is the error on record because of which the area/ plot in question does not fall in the CRZ, or has been wrongly classified; the Authority/ officials responsible for the error, as to how the error is proposed to be rectified, the corroborative/ independent evidence supporting the proposed rectification of error - in the form of satellite imagery, Survey of India map, etc; and the conduct of field verification by a team involving the CZMAs, Municipal/ Revenue Authorities and Experts, which should include one Expert from one of the Agencies authorized by



MoEF for demarcating High Tide Line. It may be ensured that the Expert for the field verification should not be from the same authorized Agency, which demarcated the High Tide Line, on record, for the area/ plot in question".

Further authority noted that owners of plot bearing CTS No. 1326 to 1329, 1378(pt) & 1329(pt) of village varsova are also requested benefit of the MoEFs earlier decision of the year 2003 given in case of Ruchita Developers, since they are in the same area. They have submitted CRZ survey map from CESS to support their stand. Further D.N Nagar Janani Co-op Hsg Society [CTS No. 195(pt)], Dadabhai Niwas Co-op Hsg Society [CTS No. 195(pt)] Sagar shobha Co-op Hsg Society [CTS No. 195(pt)], Vidya Yashomandir Co-op Hsg Societyh [CTS No. 195(pt)], Ekta-Priya, Godavari [CTS No. 195(pt)] have also requested reclassification being in the same area and on the basis of CRZ survey map from MoEF authorized agency which is in consonance with the earlier CRZ surveys. Societies have also filled writ petition in the Hon. High Court of Mumbai.

With reference to the MoEF letters dated 01.07.2011 & 08.08.2011 regarding reclassification of CRZ area on the ground of "error evident on record", field verification/ visits were carried out on 9th November 2011 to Survey No. 106, part No. 5, CTS No. 195(pt), D.N. Nagar, Andheri. IRS Chennai has also recommended deletion of the area from CRZ point of view on the basis of survey carried out by MoEF authorised agencies.

Accordingly, the site visit report prepared by IRS, Chennai was considered by the Authority. It noted that the MoEF in the year 2003 had deleted the plot of M/s Ruchita Developers in the same CTS No. 195 (pt). The Ministry has deleted the plot from the purview of CRZ based on the demarcation of HTL by CESS and after recommendation of NCZMA. The proponent filed the Writ-petition in the Hon. High Court of Mumbai. As per the direction of MoEF proponent has also carried out the demarcation of HTL through NIO Goa and the result of the surveys by NIO Goa, CESS, Kerala and IRS, Chennai are in consonance and said area is not in CRZ purview. Further, as per the directions of MoEF, the Municipal Corporation of Greater Mumbai, on the basis of CRZ surveys carried out by above MoEF authorised agencies, prepared a compressive CRZ map of the area.

The Authority after deliberation decided to recommend the CRZ status as above to MoEF, since CRZ surveys of all the agencies for the area are in consonance and MoEF has already deleted CTS No. 195(pt) from the CRZ purview. The area map as above will be recommended to MoEF/NCZMA as per the Hon. High Court's directives for further decision in the matter.

Item No. 3.7: Status of court case (SUO MOTU petition No. 26/2012 in mangroves destruction at Sewri, Mumbai)

The Authority noted that the news item dated 28th and 29th Feb, 2012 was published in the Hindustan Times regarding the destruction of mangroves at Sewri, Mumbai. The news cited that damage to the wetland and mangroves is likely to be the result of pollution caused by the coking coal stored a few meters from the site, on land that belongs to the Mumbai Port Trust.

Taking cognizance of the news, Hon. High Court Mumbai has accepted the Suo Motto petition No. 26/2012 against the state of Maharashtra.

On 22nd march, 2012, a hearing took place in the Hon. High Court, Mumbai. The Court directed the MCZMA to file an affidavit in the matter, clearly mentioning the cause of the destruction of the mangroves and stand in the matter.

The MCZMA wrote a letter dated 5.3.2012 to the District Collector, Mumbai city and Chairman, District Coastal Zone Monitoring Committee, to conduct a site visit and send the factual report to the authority.

Further, MCZMA directed MPCB vide letter dated 22.3.2012 to conduct a site inspection and with the analysis of water and soil samples, send a detailed report citing the cause behind the degradation of mangroves. Accordingly, site visit reports have been received from Collector and MPCB.

Based on the reports received from the Collector and MPCB, MCZMA has filed affidavit on 10.4.2012 indicating that said area falls in CRZ I and coal storage activity is prohibited activity and MbPT should open the bunds / nallas to ensure the horizontal mixing of tidal water for proper growth of mangroves

The Authority after deliberation decided to direct MbPT to ensure maximum tidal flow in the Mangroves areas by removing or cutting bunds around the mangroves area with the help of experts in the field.

Item No. 4: Erection/ installation of Hoarding/ Advertising boards in CRZ areas.

The Authority considered the following proposal regarding the erection/ installation of Hoarding/ Advertising boards in CRZ areas as per the policy decision taken in its previous meetings.



Sr. No.	CRZ No.	File	Subject	CRZ Classification	Location
1.	CRZ 2012/CR-5/TC-3		Application for CRZ Clearance for Proposed beautification via landscaping and erection of Advt. Hoarding underneath the Mahim interchange on CTS No. A 792/A & 792 of village Bandra(W)	CRZ-I as per the approved CZMP of Mumbai.	Situated on the landward side of the Sea Link Road.
2.	CRZ 2012/CR-84/TC-3		Installation of Illuminated Hoarding, admeasuring 20'x20', to be mounted on the Terrace, of the private property known as The Apostolic Carmel School Building, 94, Hill Road, Bandra (W), Mumbai- 400 050	CRZ-II	Situated on the landward side existing authorized building road. i.e. Ramdas nayak Marg, Hill Road, Bandra (W)
3.	CRZ 2012/CR-101/TC-3		Application for CRZ NOC for Advertisement Hoarding Admeasuring 40*40 each (2 number. V shaped) on two uni pole structures on plot bearing CTS No. 629(pt), near Sky Walk, next to Nandadeep garden, Kala Nagar, Bandra (E), Mumbai- 400 051	CRZ-II	Situated on the landward side of the PWD Quarters
4.	CRZ 2012/CR-44/TC-3		Application to grant NOC to erect and display one 40'x40' 'V' shape advertisement hoarding sites situated at CTS No. A/791 of Village Bandra (W) of A ward	CRZ-I as per the approved CZMP of Mumbai.	

The Authority noted that, the MCGM has requested to delegate powers to accord permission for erection and installation of Hoarding in CRZ area.



After deliberation the Authority decided that the location of Case No. 1 and 4 is in CRZ I as per the approved CZMP of Mumbai. Therefore it decided to reject the permission for the same. Case no. 2 and 3 which are in CRZ II/ III were recommended subject to the policy of hoardings of MCGM as per the DCR 1967/ 1991. It decided to communicate to MCGM that as per the Environment (Protection) Act, 1986 powers of MCZMA cannot be delegated to the Corporation.

Item No. 5: Proposed Mumbai Trans Harbour Sea Link (MTHL) for CRZ Clearance

The Authority scrutinized the proposal submitted by the Mumbai Metropolitan Region Development Authority (MMRDA), vide letter dt. 31.01.2012 for Mumbai Trans Harbour Sea Link (MTHL) for CRZ Clearance. The Metropolitan commissioner presented the proposal in the meeting.

The following background and details of the proposal were noted -

1. The Ministry of Environment and Forests (MoEF), issued the Environmental Clearance No. J-16011/9/92-IA.III dated 11.03.2005 for the MTHL Project under CRZ Notification 1991 and EIA Notification 1994 with the twenty-four specific conditions and eighteen general conditions.
2. The MTHL project involves construction of Trans Harbour Link between Sewree to Nhava consist of construction of a East-West Road-cum-Rail Link connecting the island city of Mumbai with southern part of the main land.
3. GoM through MSRDC Ltd. had initiated bidding process for construction of Sea Link, but it could not be completed because of the irrational offers received from bidders.
4. As per EIA Notification dated 27.01.1994, the environmental clearance was valid for 5 years and is expired on 10.03.2010. Hence the proposal is submitted again as per CRZ Notification 2011.

Proposal Details:

MMRDA vide letter dated 31.01.2012, has proposed the project of Mumbai Trans Harbour Sea Link (MTHL) consisting of 6 lanes with length of 22 Km between Sewri on the Island City and Nhava (Chirle) on mainland side.

1. As per Project Description, The MTHL proposed to taken up as follows:



Phase I	Construction of main bridge with 6 lane facility from Sewri to Nhava including approaches at grade near Sewri end, interchange at NH 4B near Chirle village and underpasses at road and railway crossings.
Phase II	Dispersal System at Sewri connecting Eastern Freeway and Acharya Donde Marg to MTHL (Sewri Interchange). Extension of MTHL from Chirle to Mumbai-Pune Expressway (at Sanjgaon).
Phase III	Construction of a broad gauge double track rail link from Sewri to Nhava on the north with connection to the 6 th corridor of railway near Sewri and connection to Uran - Panvel rail link on Nhava side.

- Each traffic lane is 3.5m and the nearside and offside edge strips are also provided with a width of 0.5m and 0.25m respectively. The overall carriageway width in each direction is 11.250m.
- Out of 22Km length of MTHL, 14.48 Km falls in sea (66%), 4.92 Km on land (22%) and 2.1Km (12%) passes through the mudflats.
- A minimum vertical clearance of 25.2m below the bridge above the highest High Tide Level (HTL) will be provided for navigational spans, while the minimum vertical clearance of 9.1m is provided elsewhere.

Navigation Clearances

Viaduct	Horizontal Clearance	Headroom Clearance above H.H.T.L.
General Viaducts	50m minimum span	9.1m
Pir Pau and other Jetty heads	120	+ 6m above jetty level
Thane Creek Viaduct	2 X 100m / 2 X 170	25.2m
Panvel Creek Viaduct	1 X 100m / 2 X 150	25.2m



5. CRZ areas of the Alignment,

Zone No.	Zone Feature	Chainage in Km	Length in Km	CRZ areas
I	Land	0.5 to 1.0	0.5	0.15 Km in CRZ - II
II	Madflats and sparse Mangroves	1.0 to 2.5	1.5	CRZ - I
III	Sea	2.5 to 16.98	14.48	CRZ -IV
IV	Madflats and sparse Mangroves	16.98 to 17.58	0.6	0.15 Km in CRZ - II & CRZ - I
V	Land	17.58 to 22.00	4.42	-

6. Area Statement of Bridge / Viaduct in CRZ,

Sr. No.	Zone	Area of Bridge in CRZ in Sq.mtr.	No of Piers	Size of Pier	Total area of pier in CRZ in Sq.mtr.	Cost in Cr.
Sewri Side						
1	CRZ I	45000	62	3mX4m	744	481.5
2	CRZ II	4500	8	3mX4m	96	48.15
	Total	49500	70		840	529.65
Chirle Side						
1	CRZ I	15000	22	3mX4m	264	160.5
2	CRZ II	3000	6	3mX4m	72	32.1
	Total	18500	28		336	192.6
	Grand Total	68000	98		1176	722.25

7. As per Rapid EIA report,A. **Heritage / Archeological Structures:**

- Gateway of India (within 7Km),
- Elephanta Caves (within 4Km) and
- Sewri Fort (within 1Km).

- i. The impact on these monuments due to the air and noise quality during operational stage have been predicted and it was found that there will not be any change in the air and noise quality at these site because of MTHL.
- ii. The no objection for Sewri Fort and Gateway of India has been received from Dept of Archeology, GoM. The NOC for Elephanta from Archeological Survey of India has also been received.
- iii. Archeological survey of India will be consulted before commencing the construction activity.
- iv. Surveillance monitoring will be carried throughout the entire construction period.

B. Mudflat & Mangroves:

- a) Sewri on Mumbai side (Mangroves with presence of *Avicennia* species)
- b) Nhava (Shivaji Nagar) on Navi Mumbai (high density of Mangroves with presence of *Avicennia* species and few surviving *Sonneratia* species)
 - i. The link is passing through the mudflats area for a length of 2.1 Km. (1.5 Km at Sewri end and 0.6 Km at Nhava side).
 - ii. To avoid the mudflats being disturbed during the construction, temporary bridge will be constructed for the movement of material and machinery.
 - iii. In all 0.117 Ha mangrove area will be affected due to the number of piers located in the mudflat.
 - iv. Construction technologies to be adopted in such away to minimize effect on mudflat.
 - v. The pillars for Viaduct would occupy small area on the mudflat would not cause any serious erosion.
 - vi. Mangrove restoration plan is being initiated in lieu of loss of Mangrove.
 - vii. To compensate the loss of mangroves, about 7 ha of mangrove plantation have been undertaken on mudflat near village Gavan on the Rehman Trust land.



C. Migratory Birds:

- i. The Sewri end of the mudflat experiences migratory birds during winter season. Out of the 17 species of birds spotted in the area, 4 are migratory while the rest are known to be residents.
- ii. These migratory birds have a stay for a limited period and leave the area in the beginning of summer back to their origin.
- iii. During high tide period on the mudflats these birds shift themselves to other areas and come back again during low tide.
- iv. There are few industries very near to these mudflats, which generate typical noise levels up to 40 to 50dB but it does not affect the bird.
- v. It is expected that construction of this project will not affect the habitation of the migratory birds permanently.

D. Salim Ali Report on Migratory Birds

- i. Salim Ali Centre for Ornithology and Natural History, Coimbatore studied and recommends in the report on "MHTL Project: Study of Flamingos and migratory birds" December 2008.
- ii. Total abundance of birds in the Seri - Mahul region was much higher than in Nhava.
- iii. Distribution was caused by the ship repair activities at Sewri and tourists going closer to the flamingos by boat.
- iv. Small construction works by Tata power caused slight disturbances, but the bird got adjusted and went back to the area after construction was over.
- v. This shows their adjustable nature with local movements as recorded in the world.
- vi. Flamingos have moved away from Sewri Port area probably because of the increased activity of ship repair.
- vii. Tourism has to be regulated and managed in an eco-friendly way to avoid disturbance to the bird.
- viii. The construction work should be conducted during the period when the migratory birds are not in residence.

E. Reserved Forest and Fauna

- i. The project area does not fall under any of the reserved forest area.



- ii. There are no endangered species of flora and fauna within the project area, neither any endemic flora nor fauna species are found in the adjoining area.
- iii. Wildlife activity is also absent in the area.

F. Fisheries:

- i. No fishing activity has been observed within the project area.
- ii. However sufficient clearance have been provided below the link for the movement of fishing boats.

G. A toll plaza is proposed at the Nhava end of MTHL.

H. The CZMP of Mumbai (scale 1:25000) and coastal landuse map showing the proposed MTHL passes through CRZ I, CRZ II and Sea.

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011 for the proposed project as follows:-

3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

(iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-

(a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;

8. Norms for regulation of activities permissible under this notification,-

(i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

I. CRZ-I,-

(i) No new construction shall be permitted in CRZ-I except,-

(e) Construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL.

(ii) Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-



(g) Construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water.

8. V. Areas requiring special consideration, -

1. CRZ areas falling within municipal limits of the Greater Mumbai.

(i) Developmental activities in the CRZ area of the Greater Mumbai because of the environmental issues, relating to degradation of mangroves, pollution of creeks and coastal waters, due to discharge of untreated effluents and disposal of solid waste, the need to provide decent housing to the poor section of society and lack of suitable alternatives in the inter connected islands of Greater Mumbai shall be regulated as follows, namely:-

A. Construction of roads - In CRZ-I areas indicated at sub-paragraph (i) of paragraph 7 of the notification the following activities only can be taken up:-

(a) Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to the following conditions:-

(i) All mangrove areas shall be mapped and notified as protected forest and necessary protection and conservation measures for the identified mangrove areas shall be initiated.

(ii) Five times the number of mangroves destroyed/cut during the construction process shall be replanted.

As per para 4(ii) those activities not listed in the EIA notification, 2006, shall require clearance from MoEF.

Further, portion of the sea link is passing through CRZ IV. As per para 8(IV), notification is silent on permissibility of proposed activity in CRZ IV.

The Authority discussed on the proposal and noted that this project would invite attention at international levels and therefore all environmental aspects should be studied and analyzed carefully. It also noted that this project would be of great significance in reducing traffic related environmental and health problems and also help in saving fuel and reducing vehicular pollution. It also noted that this link would reduce travel time of commuters.

After detailed discussion it was decided to recommend the proposal to MoEF subject to compliance following conditions:



1. No reclamation to be allowed even at landing points, in CRZ I, CRZ II, CRZ III areas and land link should be in the form of bridge up to non-CRZ areas.
2. MMRDA to submit CRZ map indicating HTL, LTL, mangroves, mudflats, eco-Sensitive zones, CRZ I, II, III, IV demarcated by one of the MoEF authorized agency in the scale 1:4000.
3. Project layout superimposed on the CRZ map as above indicating activities in CRZ I A, CRZ IB, CRZ II, CRZ III and CRZ IV, Sewari Mudflat, eco-sensitive zones etc.
4. Disaster Management plan, Risk Assessment plan and Environment Management Plan should be submitted to MCZMA and MoEF.
5. Pollution management plan during construction, debris disposal plan, post construction restoration plan, needs to be prepared and submitted to MCZMA and MoEF.
6. Mangrove re-plantation plan indicating place identified, survey number, area, present status of the area & suitability of the site for mangrove plantation, plantation program etc should be submitted to MCZMA and MoEF.
7. Provision and plan for noise barriers along the via-duct since it is passing through Sewri wetland and protected forest area should be submitted.
8. Forest and Hon. High Court permission for construction through mangroves, Sewri wetland etc before commencement of the work.
9. Flora and fauna study, impact of proposed activity on avifauna, mitigation plan & cost benefit analysis etc from reputed CSIR Institute. Copy of the same should be submitted to MCZMA and MoEF.
10. Details of length, width and area of proposed sea link falling in CRZ.
11. NOC for Heritage / Archeological Structures i.e. Sewri Fort, Gateway of India and Elephant Caves etc.
12. Mangroves restoration plan after completion of the work of via-duct at sewri mud flat and mangroves area should be submitted.

Item No. 6: Proposed Construction of Wholesale fish market at Dahanu, Thane District.

The Authority noted following details of the proposal:-



The proposal is for construction of modern hygienic Fish Market comprising of Ground + 2 Upper floors besides existing town hall at Survey No. 234/2 village Vadkun (Lonipada), Dahanu, Thane.

Land Details:

1. The Dahanu Municipal Council letter dated 09.12.2011 mentions that, the proposed fish market is on Market reservation No. 116 as per Development Plan under section 30 of MRTP Act.
2. The part plan of CZMP indicates that the land under consideration is located in CRZ II.
3. The Dahanu Municipal Council letter dated 09.12.2011 mentions; that the land under consideration is situated on landward side of the existing western railway and Dahanu Thermal Power station road existing prior to 1991.
4. Total area of the plot = 6800 Sq.mtr.

FSI Details:

As per the layout plan,

1. Area of plot = 6800 Sq.mtr.
2. Permissible FSI = 1 (As per Town Planner office letter dated 03.05.2010)
3. Built up area of existing town hall = 464.50 Sq.mtr.
4. Proposed built up area of Fish Market = 2209.04 sq. m.
5. Total Built up area = 2673.54 sq. m.
6. FSI proposed to be Consumed = 0.39

The Authority noted the CRZ Permissibility as per CRZ Notification, 2011 for the proposed project as follows:-

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.



After discussion the Authority decided to recommend the proposal subject to compliance of the following conditions:-

1. Local body to ensure that construction should be only on the landward side of the road existing on 19.02.1991.
2. Local body to ensure that construction plan, FSI, reservation on land is as per D.C.R existing and in force as on 19.02.1991.
3. Local body to ensure that, no construction is proposed on mangroves or mangroves buffer zone.
4. All other permissions should be obtained from Government department/ agencies wherever required.

Item No.7: CRZ permission for proposed Suru (*Casuarina*) plantation in coastal villages of Maharashtra under 'National Cyclone Risk Mitigation Project' implemented by Social Forestry Division, Thane

The Authority noted the following proposal details:

Social Forestry Division, Thane vide letters dated 04.08.2009 & 12.08.2009 has submitted the proposal for Suru (*Casuarina*) plantation under 'National Cyclone Risk Mitigation Project'. The list of the villages and their location on the district maps (of Thane, Raigad, Ratnagiri & Sindhudurg) is submitted along with the application. Social Forestry Division vide letter dated 15.03.2011 has mentioned that, the consolidated area for the proposed plantation i.e. 933 Ha is situated in CRZ-II.

As per the application:-

1. Plantation of Suru (*Casuarina*) is Forestry operation permissible under CRZ Notification.
2. No construction work will be carried out.
3. No bunds will be constructed.
4. Only barbed wired fencing will be made around plantation site for 3 years.
5. There will be no destruction of existing mangroves.
6. Sites selected are not sites of any prospective mangrove plantation.



The Authority decided to call for detailed presentation by the project proponent indicating area of the plantation, CRZ status, density of plantation, plantation programme, type of species plantations, cost etc.

Item No. 8: Proposed additions & alterations of existing Rifle Club on plot bearing C.S. No. 220(pt) , 200(pt), 214 (pt), 221(pt) of G/S Ward at junction of Sir Pochkhnalwala Road, M.A. Gafoor Khan Road, Worli, Mumbai.

The Authority noted that, the MCGM has forwarded the proposal regarding "Proposed additions & alterations of existing Rifle Club on plot bearing C.S. No. 220(pt) , 200(pt), 214 (pt), 221(pt) of G/S Ward at junction of Sir Pochkhnalwala Road, M.A. Gafoor Khan Road, Worli, Mumbai" vide letter dated 9.11.2011. Project proponent presented the proposal before the authority.

Proposal category-

Reconstruction of existing authorized structure within MCGM limit as per DCR existing and prevalent as on 19.2.1991

Land Details:

1. As per DP remarks of MCGM dated 21 November, 2008, the land under reference is situated in Residential Zone and abutting the reservation of Garden and part of abutting reservation of extension to Garden. However, as per Government Notification u/no. TPB- 4302/1009/CR 171/2005/UD 11 dated 21.7.2005 the abutting reservation of Garden & part of abutting reservation of Extension to Garden is deleted
2. The MCGM remarks dated 9.11.2011 mentions that the land under reference falls in CRZ II and situated on the landward side of the existing road.
3. As per information submitted by the proponent, Plot area is 5016.29 Sqmt

Existing structure -

As per documents submitted by the proponent, there exists ground structured club shed with height 3.60 mt. Total built up area of existing structure is 642.47 Sqmt with FSI 0.13.

Proposed structure-



The proposed structure comprises of 1 building of 2 wings both of Gr + 4 connected by passage on 2nd floor. Proposed height of building is 25 mt. The construction is proposed by demolishing the existing club shed.

FSI Details-

As per layout plan submitted by the proponent,

Area of the plot- 5016.29 Sqmt

Permissible FSI- 1.33

Permissible floor area - 6671.66 Sqmt

Proposed built up area- 6524.64 Sqmt (FSI - 1.301)

The Authority noted that the CRZ Permissibility as per CRZ Notification, 2011 for the proposed project as follows:-

The MCGM remarks dated 9.11.2011 mentions that the land under reference falls in CRZ II and situated on the landward side of the existing road.

1. As per 5 (xii) of CRZ Notification, 2011

"The CZMPs already approved under CRZ Notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein."

2. As per para 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"

The Authority also noted that:

1. Approved CZMP of Mumbai shows the land under reference falls in CRZ II and landward side of the Khan Abdul Gafar Khan Road.

2. The land under reference is part of Worli (Estate) scheme no. 52 of MCGM and it has been leased to Maharashtra Rifle Association. The remarks of A.C. (Estate Dept.) will be insisted while granting development permission by MCGM.

Since the land forms the part of more than one C.S. no., approval to the amalgamation / sub-division will be considered by MCGM as per the provisions of D.C. Regulations after clearance of CRZ.

3. In support of authorization details of existing structure of club shed following documents are submitted.



- a. Copy of the approval letter bearing no. EB/53/A dated 20.08.1987 issued by Executive Engineer, Building Proposal-(City) for construction of compound wall, toilet block, plinth for seating arrangement, A.C. sheet coverage with tubular frame structure etc. for the rifle range on plot under reference.
- b. Copy of the Site / plan Survey Certificate issued by Estate & Land Management Dept. of MCGM dated 10.06.1989.
- c. Copy of the Site Plan certified by A.E. (Impts.) (I)(II) / Dy.M.C.(Impts.) dated 10.06.1989.

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


1. Submission of NOC from INS Trata.
2. No construction should be undertaken on plot reserved for garden.
3. No commercial activities such as restaurant, lodging should be allowed or undertaken and activities which are related to rifle club will only be allowed.

Item No. 9: Proposed accommodation for Army Yachting Node (Sea Node) for operation at sea in Mumbai Harbour on C.S. No. 3, Colaba Division, Pilot Bunder, Colaba, Mumbai 400005

The Authority noted that, the Municipal Corporation of Greater Mumbai (MCGM), vide letter dated 22.12.2011 has forwarded the application for Proposed accommodation for Army Yachting Node (Sea Node) for operation at sea in Mumbai Harbour on C.S. No. 3, Colaba Division, Pilot Bunder, Colaba, Mumbai 400005

It decided to recommend the proposal from CRZ point of view since proposed activity is for training for Olympic Games for which water front is essential subject to compliance of following conditions-

1. It should be ensured that land is not reserved for any other purpose.
2. Proposed facility will be only for Olympic Games training.
3. Will not be used for residential/ commercial or any other operational purpose.
4. All other permissions will be obtained from concerned agencies/ authorities before commencement of the work.



Item No.10: Proposed development of building on plot bearing CTS No. 1320A (pt) (1320/A/21/1 to 4, 1320/A/22 to 33) of Village Mulund (East), Eastern Express Highway, Mulund (East), Mumbai.

The Authority noted the following proposal details:

1. The MCGM has forwarded the proposal for development of building on plot bearing CTS No. 1320A(pt) (1320/A/21/1 to 4, 1320/A/22 to 33) of Village Mulund (East), Eastern Express Highway, Mulund (East), Mumbai. The proposal is for residential-cum-commercial project on total plot area of 1,00,002.00 sq. m. Total built-up area proposed for the project is mentioned as 2,09,406.72 sq. m.
2. As per the sanctioned revised DP remarks of 'T' Ward (dated 30.03.2009) issued by MCGM, the plot under reference is situated in Residential Zone (R-Zone) and is partly reserved for BEST Bus Station, Police Station, Post Office, Maternity Home + Dispensary, Municipal Retail Market, MSEB Substation, Municipal Primary School & 18.30 m & 13.40 m wide DP roads.
3. As per the remarks of MCGM dated 25.11.2011 and approved CZMP of Mumbai (1:25000 scale) submitted along with the application, the plot under reference is partly affected by CRZ-I & CRZ-II.
4. As per the details submitted by MCGM, total area of the plot under reference is 1,00,002.00 sq. m.
5. MHADA PMGP Colony exists on the land under reference at present. The existing colony consisting of residential buildings (of 1462 tenements) constructed and occupied in 1990. Now, the society formed by the tenants of residential buildings along with MHADA and M/s. Richa Realtors intends to developing the area.
6. As per the MCGM remarks dated 25.11.2011, the layout plans for entire MHADA land u/r were initially approved on 03.01.1990 for total 67 Nos. of buildings of G + 1 for rehabilitation of project affected persons. However, occupation was granted on 18.12.1990 to 18 Nos. of buildings out of 56 Nos. of buildings of G + 1 & G + 2. The layout plans & building plans were approved as per the then applicable DC Rules with permissible 1.20 FSI being MHADA development. Out of total 56 Nos. of buildings, 2 Nos. of existing buildings are in the portion of land affected by CRZ-I (HTL is going over the buildings) and



29 Nos. of buildings are situated on CRZ-II portion. However, no construction is proposed in CRZ I area.

7. The last amended plans were approved on 28.06.2011 with the permissible FSI for the CRZ portion as 1.2 as per the provisions of DC Rules 1967 i.e. prior to the CRZ Notification coming in to force.
8. As per the MCGM remarks, 4 rehabilitation buildings are proposed for existing tenants and the same buildings are comprised as follows:

Building No.	Wing
Building No. 1	G (shops)/ Stilt + 20
	G (shops)/ Stilt + 20
	G (shops)/ Stilt + 15
Building No. 2	G (shops)/ Stilt + 18
	G (shops)/ Stilt + 18
	G (shops)/ Stilt + 22
	G (shops)/ Stilt + 22
Building No. 3	G/ Stilt + 17
	G/ Stilt + 18
	G/ Stilt + 18
	G/ Stilt + 17
Building No. 4	G/ Stilt + 22
	G/ Stilt + 21
	G/ Stilt + 22

Building No. 2 (partly) and Building No. 3 are fully situated in CRZ-II area. No building has been proposed in CRZ-I area.

- As per the MCGM remarks, Architect has proposed 2 Nos. of Sale buildings comprising of 2 levels basement + Ground floor + 3 levels of podium + 4th to 59th upper floors levels. Architect has also proposed 21,350 sq. m. of built-up area (i.e. 610 units of 300 sq. m. carpet area) in the form of tenements to be handed over to MHADA and 15,183 sq. m. built-up to be handed over to MCGM for developing various reservations.



- As mentioned in the MCGM remarks, the architect has proposed buildings on the portion of the land falling in CRZ-II affected area on the landward side of the existing road and imaginary line, considering existing development as per the Notification/ clarification of Govt. of India.

The Project proponent presented the FSI details which are as follows:

As per the Form-I and layout plan submitted by the project proponent:

Total plot area = 100002.00 sq. m.

Total built-up area = 209406.72 sq. m.

Permissible FSI = 2.50

The Authority noted that the matter was sent to Urban Development Department for their remarks in the matter. Urban Development Department raised queries on certain points. Accordingly, MCGM was requested vide letter dated 20.1.2012 to provide the remarks on the queries, to which MCGM replied vide letter dated 29.2.2012. Authority noted the contents of the reply which is as follows:

Sr. No.	Queries	Remarks of MCGM
(a)	The redevelopment is proposed as per Regulation No. 33(5) of DCR 1991. Accordingly, MCGM should submit copy of MHADA NOC and remarks on it. MCGM should also give comments on applicability of DCR 33(5) in the instant case.	At present MHADA has offered total permissible built-up area of 1,23,621.35 sq. m. vide letter dt. 24.3.2009 (copy enclosed). Accordingly the last amended plans were approved for 80594.81 sq. m. of built-up area u/no. CE/01/BPES/Govt./LOT dt. 28.6.2011. As per 33(5)(2) redevelopment of existing housing scheme of MHADA is permissible if these are undertaken by MHADA departmentally or jointly with societies/ occupiers of buildings or by lessees of MHADA. In this case, the development is being carried by MHADA jointly with lessee of MHADA i.e. MHADA New PMGP CHS & M/s. Richa Realtors.
(b)	The proposal in the instant case	MCGM has granted part occupation


Sr. No.	Queries	Remarks of MCGM
	<p>comprises of construction for residential as well as commercial purpose. However as per para 8(II)(iii), change in use is not permissible in case of reconstruction of authorized buildings. Specific remarks should be given on present use and proposed use on the land under reference.</p>	<p>certificate to the buildings existing prior to redevelopment of land u/r u/no. CE/01/BPES/Govt./LOT dt. 18.12.1990. As per the Occupation plan available with this office building No. 19 falls within the portion shown as CRZ-II. As per the said occupation plan building No. 19 falls within the portion of layout which as per the existing CZMP is in CRZ-II. As per this plan building No. 19 is residential building with 7 (seven) shops. Copy of Occupation Certificate is enclosed herewith. As per the now proposed plan Architect has proposed 24 nos. of shops in the building proposed in CRZ-II. The Architect has further stated that as per clause 8(V)(B)(c), the development in CRZ area situated within limits of MCGM, are permissible as per the rules prevailing on 6.1.2011.</p>
(c)	<p>In the application it is mentioned that, the plot under reference is situated on the landward side of the existing road prior to 19.02.1991. However, the same road should be specified.</p>	<p>Reference is requested to this office the development is proposed to the West of the said 9.15 m wide Scheme Road and another 13.40 m wide East-West DP Road is also shown.</p>
(d)	<p>As mentioned in the application, Architect has proposed buildings on the portion of the land falling in CRZ-II affected area on the landward side of the existing road and imaginary line, considering existing</p>	<p>As per the plans submitted in this office the development is proposed to the West of the said 9.15 wide Scheme Road and to the North of 13.40 m wide DP Road and landward side of the imaginary line at North-West corner of the plot. The plot area under development including CRZ &</p>



Sr. No.	Queries	Remarks of MCGM
	development as per the Notification/ clarification of Govt. of India. Kindly verify whether any of the proposed structures is to be constructed on the seaward side of the existing road or existing authorized structure.	non-CRZ area is 100002.00 sq. m. After deducting reservations/ DP roads etc. the permissible FSI is 209406.72 sq. m.
(e)	Information regarding proposed built-up area with area details considered as free of FSI.	Presently MHADA has offered 1,23,623.25 sq. m. area for joint development. However, the permissible built-up area is 2,09,406.72 sq. m. for entire plot of 1,00,002 sq. m. including CRZ and non-CRZ portion of the land. The plans submitted by the architect are considered for arriving at these figures on the basis as they are within the permissible limit of 2.5 FSI. The detail scrutiny shall be carried out after receiving revised offer letter from MHADA. The plans submitted by Architect showing total permissible built-up area 2,09,406.72 sq. m. and built-up area free of FSI is 2,21,988.28 sq. m. hence total construction area is 4,31,395.00 sq. m. In this regard it may be stated that areas to be allowed free of FSI are subject to approval of the competent authority & scrutiny at the time of approval of plans as per then (prevailing) existing rules/ policies.
(f)	Remarks regarding permissible and proposed height with respect to DCR existing and in	In the letter Architect has clarified that as per the DC Rule existing on 19.2.1991, criteria related with maximum permissible



Sr. No.	Queries	Remarks of MCGM
	force as on 19.02.1991. If proposed height is more than 70.00 m, then prior permission from High Rise Committee should be obtained and copy of the same should be submitted.	height are not stated. However, as per Reg. No. 45 of DC Rules 1967, the height restriction is applicable in the Airport zone only. (Copy of the regulation is enclosed along with the letter). As per DC Regulation No. 31(4)(f) of DC Regulation for Greater Mumbai 1991, maximum height permissible is 152 m. The proposed height of building is 230 m. The NOC from Civil Aviation Dept. for this height and permission from High Rise Committee has yet not been submitted to this office. The same will be insisted prior to granting of CC for that height & as per the policy of MCGM.
(g)	MCGM has submitted approved CZMP of Mumbai (scale 1:25000) showing site under reference. However CZMP in the scale 1:4000 (prepared by one of the MoEF authorized agencies) map showing the proposed site has not been submitted.	As per CRZ Notification dt. 6.1.2011, the plot is required to be surveyed from authorized agency and submit the CZMP in 1:4000 scale by the project proponent. The same is awaited from the project proponent. However it has been informed by Architect that IRS, Chennai, one of the authorized agencies appointed by MoEF, Govt. of India, has carried survey and IRS, Chennai has given letter mentioning that the CRZ plan is being prepared. Architect has submitted the copy of the letter from IRS, Chennai to that effect.
(h)	On the map submitted along with DP remarks dated 30.03.2009, location and limits of the plot under reference are not specifically indicated. Map	DP remarks issued under No. CHE/223/DPES/T dt. 30.03.2009 showing plot under reference is submitted along with the letter.



Sr. No.	Queries	Remarks of MCGM
	indicating the same should be submitted.	
(i)	Specific remarks on the area considered as free of FSI for the lift, lift lobby, staircase. Also, specific remarks on the present use as per sanctioned DP, permissible use, proposed use as well as permissible and proposed FSI.	As regards remarks about FSI, it is already mentioned at (e) above. As per sanctioned revised Development Plan of T Ward, the land is affected by 13.40 m wide and 18.30 m DP roads along with various reservations as stated in the DP remarks. The land falls in residential zone and convenient shopping and regular shopping along with other users per the provisions of DC Regulation No. 51 and 52 of DC Reg. 1991, are permissible apart from residential use.

The Authority noted that the public consultation in the instant case as per the mandates of the CRZ Notification, 2011 was held on 26.12.2011 in the presence of Sub-Regional Officer & Regional Officer (MPCB, Mumbai) and District Collector (Mumbai Suburbs). Further, project proponent has also submitted CRZ map of 1:4000 scale from IRS, Chennai, which is MoEF authorized agency.

It noted that redevelopment of the building has been proposed under 8.V.1.(c) of CRZ Notification, 2011.

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

Redevelopment of Cess, Dilapidated and Unsafe building in greater Mumbai is permissible in accordance with Town and country planning regulation as on dated 6.1.2011.

The Authority noted that the proposal is for redevelopment of dilapidated buildings in MHADA layout at FMGC colony of Mulund area, Mumbai. Redevelopment of dilapidated buildings in Greater Mumbai is permissible in accordance with Town and country planning regulation as on dated 6.1.2011.

The officials present in the meeting mentioned that redevelopment of buildings located on layouts belonging to the MHADA is permissible under regulation no. 33(5) of DCR 1991. The said regulation was prevailing as on 6.1.2011. Therefore, the proposal under reference attracts the regulation No. 33(5) DCR 1991.



The Authority deliberated on the applicability of the regulation 33(5) to the proposal and discussed the regulation No. 33(5) of DCR 1991 which mainly says-

1. The clause 33(5) of DCR 1991 is applicable for the redevelopment of the buildings located on layouts belonging to the MHADA, with FSI of 2.5. It is mainly applicable to the layouts of MHADA located in the Mumbai.
2. P.M.G.P. colony of Mulund area is the proposed beneficiary of the regulation 33(5) because old dilapidated buildings are located in MHADA layout and development is being carried out by MHADA for joint venture with society of existing tenements, constructed prior to 1991.
3. The Authority noted that structures in the MHADA layout have been declared dilapidated prior to 6.1.2011. CRZ Notification, 2011 allows redevelopment of dilapidated structures following the procedure stipulated in para 8(V). The Authority after deliberation came to the conclusion that, dilapidated structures in CRZ area of MHADA layout can be undertaken as per 33(v) since this provision to develop MHADA layout is in place from 6.12.2008 i.e. prior to the CRZ Notification, of 6 Jan 2011.

The Authority after deliberation decided to recommend the proposal to the planning authority and the SEIAA subject to submission of the following information:

1. Detail breakup of FSI components.
2. Detail breakup of non-FSI components.
3. Undertaking that project proponent shall cover under RTI Act, 2005 and project will be open for monitoring by high level oversight committee.
4. Undertaking that no construction will be done in CRZ I area and buffer zone area.
5. Construction shall be restricted to landward side of the plinth of existing authorized structures in the layout.
6. Planning authority to ensure that development of the MHADA layout is per the reservations mentioned in the project application.

Item No. 11: Proposed redevelopment of building on plot bearing C.S. No. 579 of Malbar Hill Division, Nepean Sea Road, D Ward, Mumbai.

The Project proponent presented the proposal before the Authority.



1. The Municipal Corporation of Greater Mumbai (MCGM), has forwarded the proposal for redevelopment of building on plot bearing C.S. No. 579 of Malbar Hill Division, Nepean Sea Road, D Ward, Mumbai.
2. As per DP remarks of MCGM dt. 21/07/2011, the plot under reference is in a residential zone and not reserved for any public purpose.
3. The approved CZMP of Mumbai submitted by the proponent shows that the plot falls in CRZ II and As per MCGM letter dt 12/09/2011, the plot under reference is on landward side of existing Nepean Sea road.
4. MCGM letter dt. 20/06/2003 mentions that the Existing structure i.e. Morarka Bunglow is in a ruinous condition likely to cause danger to any person occupying or passing by the same. The Brihmumbai Mahanagarpalika further mentions, it was required to pull down / repair dangerous buildings under sec. 354 of the Mumbai Municipal Corporation Act.
5. As per information submitted by proponent, the total area of plot = 5212.41 Sq.mtr.

The Project proponent presented the background of the proposal.

a) Earlier CRZ NoC under CRZ Notification, 1991 to the proposal

1. MoEF had issued CRZ NOC No. 11-70/2007-IA-III dated 10.10.2007, for the proposed development of building comprising of ground +1st to 5th floor podium + 6th floor stilt area + 7th to 38 upper floors with height of 160.10mtr. and permissible FSI 1.33 on plot bearing C.S. No. 579 of Malbar Hill, Mumbai under the provision of CRZ Notification, 1991.
2. However the BMC as a planning authority issued Intimation of Disapproval under section 346 of the Mumbai Municipal Corporation Act, as amended up to date on date 30.12.2006.
3. Therefore, plans for building consisting Ground / Stilt + 1st to 4th podium + 5th floor stilt + 6th floor service / refuge + 12 duplex apartments(7th to 30th floor) with height of 120.45 mtr., where in staircase, lift, lift lobby area was counted in FSI as per provision of D.C. Rules 1967.

b) Construction nearly completed as per full CC under DCR 1967

MCGM issued Full CC on 15.04.2010 and construction up to top 12 duplex apartments has been completed.



The Proponent presented new the proposal before the Authority.

New proposal (as per para 8.V (C) of CRZ Notification, 2011)

1. The proposal is for the building comprising Ground / Stilt + 1st to 4th podium + 5th floor stilt + 6th floor, services / refuge + 7th to 38th residential floors with a height of 160.10 mtr; under para 8.V.(C) of CRZ Notification, 2011 (dilapidated)
2. The FSI considered here is in accordance with Town and country planning regulation as on 6.1.2011 ie. DCR 1991.
3. Proposed construction is with FSI 1.33 having area of staircase, and lift lobby as free of FSI.
4. MCGM has issued NOC letter No. Ch.E/HRB-166/DPWS dated 03.03.2010, for proposed High Rise Residential building comprising of Ground floor on stilt + four podium floors for car parking + 5th floor as stilt + 6th floor as service floor + 7th to 56th upper floors with total height of 225.80 mtr

FSI Details: (for building comprising Ground to 38th floor with height of 160.10 mtr. only)

As per the layout plan submitted by proponent -

1. Area of plot = 5212.41 Sq.mtr
2. Permissible FSI = 1.33
3. Total Permissible built up area = 6932.51 Sq.mtr.
4. Proposed area = 6683.37 Sq.mtr.
5. Excess Balcony area taken in FSI = 238.40 Sq. mtr.
6. Total built up area proposed = 6921.77 Sq.mtr.
7. Balanced area = 10.74 sq.mtr.
8. FSI consumed = 1.327

As per the submitted Form-I:

Permissible built-up area = 6932.50 sq. m.

Proposed built-up area = 6932.50 sq. m.

Total construction built-up area = 29,900 sq. m.

It was noted that as per CRZ Notification, 2011 under item 8 V. (d) (c) 4, the public hearing was conducted as per procedure laid down under EIA Notification on 12.10.2011.



The matter was referred to Urban Development Department for remarks by MCZMA as per which they have raised certain queries. With reference to the submitted information and remarks of the Urban Development Department, the letter of MCZMA dt. 27.02.2012 was issued to MCGM for obtaining required information.

It noted that the MCGM forwarded the reply vide letter dt 19.03.2012 to the points raised by MCZMA.

Point wise reply of MCGM to MCZMA is follows:

1. The plot under reference is in residential zone is a part of approved integrated scheme of 7 NTC Mills. As per DCR 58(1)(a)(b): owner has to share certain %age of his open land with MCGM & MHADA. The area of the plot under reference is less than 10 Hector; the sharing is done as per 33% to MCGM; 37% to MHADA & 30% to Owner i.e. as if plot area is more than 10 Hectors. It is done by considering aggregate area of integrated scheme of 7 NTC Mills.

The Sharing component of MHADA & MCGM of all these 7 NTC Mills is clubbed together & provided at one location as shown in the approved layout of Integrated Development Scheme of 7 NTC mills. Even though sharing component is considered in a integrate manner; FSI on this plot is restricted to zonal permissible FSI (i.e. 1.33), which was permissible in inland city on 19.02.1991.

2. The existing structure named as "Vasanjee House" and other structures are reflected on C.S. plan 2nd edition 1932 year; 5th edition 1968 year. The built up area of existing structures is 3106.00 Sq.mtr. which is reflected in the layout duly approved by MCGM.
3. The MoEF has already given consent for this project with full development potential way back in 2007 and as per the NOC form MoEF dated 10.10.2007 the height of the proposed building 160.10 mtr. As per the last amended approved plan the height of the building 120.45 mtr.
Now, as per the plans submitted by architects by claiming staircase, lift, Lift Lobby area free of FSI, the height of the building is 150.45 mtr.
4. As per modification sanctioned to DCR vide no. DCR/1096/931/CR290/96/UD-11 dated 31.05.1999 (The restriction of height of the building spelt out in Regulation No. 31(1) shall however, cease to apply in case where front marginal open space of 12 mtrs. minimum is observed, provided that open spaces as on



other sides area made available as required from the fire safety point of view).

In the instant case, the front open space is 17.47 mtr. More than 12 mtr. & front road i.e. Nepean Sea Road is 27.45 mtr.

5. A) Exact Built up area of proposed Building / Structure = 6609.97 Sq.mtr.
B) Proposed area claimed for free of FSI
 - a. Staircase, Lift, Lift Lobby Area = 4432.64 Sq.mtr.
 - b. Refuge area = 1010.00 Sq.mtr.
 - c. Parking area including meter room, Society room, telephone room, MTNL room. etc. = 7210.85 Sq.mtr.
 - d. Terrace area = 7147.52 Sq. mtr.
 - e. Stilt area = 2508.09 Sq. mtr.
6. Reconstruction of buildings destroyed by fire or which have collapsed or which have been demolished etc. - Reconstruction in whole or in part of a building (not being a building wholly occupied by warehousing user and also not being a ground floor structure), which existed on or after 10th June, 1977 which has ceased to exist in consequences of an accidental fire, natural collapse, or demolition for the reason, of the same have been declared unsafe by or under lawful order of the Corporation or the Mumbai Housing and Area Development Board or is likely to be demolished for the reason of the same having been declared unsafe by or under a lawful order of the said Corporation or the said board and duly certified them, shall allowed with an FSI in the new building not exceeding that of the original building.(or the FSI permissible under these Regulation whichever is more). This FSI will be subject to the Regulation in Appendix -II.
There are 5 nos. of tenants. The carpet area of rehab tenements will be restricted up to 70 Sq.mtr. in the proposed amended plans. Moreover, present proposal is restricted to FSI 1.33 only (Zonal FSI as per DCR 32 of DCR 1991 and no additional FSI is claimed.)
7. The approved CZMP under CRZ, 1991 is submitted. Which is valid for 2 years as per para 5(xii) of CRZ Notification, dated 06.01.2011. The subject site is situated on the landward side of the existing Nepean Sea road, existing prior to 19.2.1991.



The Authority noted the CRZ Permissibility as per CRZ Notification, 2011 which is as follows:

1. As per para 5(xii):
The CZMPs already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein.
2. As per 8(i) II. CRZ-II,-
(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;
3. As per 8.V.1.(c) of CRZ Notification 2011
Redevelopment of dilapidated building in greater Mumbai is permissible in accordance with Town and country planning regulation as on dated 6.1.2011 subject to certain conditions:

The project proponent was asked to clarify whether the FSI in the proposal was computed after deducting the 15% R.G. area. The Proponent confirmed that the earlier proposal of Gr + 30th upper floor has been sanctioned by MCGM as per DCR 1967 in which 15% R.G. area was not deducted with the approval of Government. The present proposal of Gr + 38th upper floors is proposed as per DCR 1991 (amended till 6.1.2011) with FSI of 1.33 only.

The Authority concluded that the said proposal fulfills all criteria of CRZ Notification, 2011 and could be recommended from CRZ point of view. However, it was decided that, MCGM and project proponent should submit a detailed explanation on why the 15% RG should not be deducted from the FSI computation. It was decided that matter on this point would be discussed in the next meeting.

Item No. : 12: Proposed redevelopment of the property on plot bearing final plot No. 1224-A, TPS IV, Mahim Division, Veer Savarkar Marg, Prabhadevi, Mumbai- known as Luis Mansion

The Project proponent presented the proposal before Authority.



1. The MCGM has forwarded the proposal regarding Proposed redevelopment of the property on plot bearing final plot No. 1224-A, TPS IV, Mahim Division, Veer Savarkar Marg, Prabhadevi, Mumbai- known as Luis Mansion
2. The proposal is for Redevelopment of category 'A' and 'B' cessed building within MCGM limit as per para 8(i)(V)(1)(c) of CRZ Notification 2011.
3. The CRZ has been issued to the proposal by MCZMA vide letter No. MCZMA-2010/ CR-21/ TC-3 dated 17.2.2010, for FSI 2.00.
4. As per DP remarks of MCGM dated 18.5.2011, the land under reference falls in General Industrial Zone and Residential Zone.
5. As per the approved CZMP of Mumbai (scale 1:25000) and the remarks of MCGM dated 13.9.2011, the land under reference falls in CRZ-II and situated on the landward side of the existing road.
6. The documents submitted by the proponent shows- Plot area- 1747.50 sq. m.
7. The proposed building comprises of 2 wings viz. Wing A consist of basement for parking and storage, Ground and 1st for N.R. rehab + 2nd to 3rd for parking + 4th to 18th floor for residential rehab including part of 4th and 5th floor for sale residential and Wing B consist of Ground for N.R. rehab + 1st to 6th floor for parking + 7th to 16th floor for residential sale utilizing FSI 2.57.
8. The proposed redevelopment is of 2 buildings viz 'A' category cessed building known as Luis Mansion and 'B' category cessed building known as John Luis Chawl both being redeveloped using incentive sale FSI in lieu of rehab to be developed.

The Authority noted the FSI details of the proposal,

1. Area of the plot- 1747.50 sq. m.
2. Road set back area- 216.71 sq. m.
3. Balance area of plot - 1530.79 sq. m.
4. Total area of plot- 1747.50 sq. m.
5. Permissible floor area- 4514.79 sq. m.
6. Proposed floor area- 4473.64 sq. m.
7. Total built up area proposed- 4483.37 sq. m. (FSI consumed- 2.565)

It was noted that, since the construction was proposed as per DCR 1991, the remarks of the Urban Development Department (UDD) were taken with respect to permissible FSI, land-use, height, user and land reservation etc. In their remarks, UDD felt the necessity of getting clarification from MCGM on certain points. Accordingly, MCZMA



vide letter dated 30.11.2011 requested clarification from MCGM. MCGM vide letter dated 31.12.2011 has submitted their reply.

The contents of the same are as follows:

Sr. No.	Queries of UDD	Remarks of MCGM
1	Details of total proposed built-up area i.e. proposed built-up area as per permissible FSI + built-up area details proposed as free of FSI along with the provisions:	1. Proposed built-up area as per permissible FSI (2.5 or FSI required for rehabilitation of existing occupiers plus 50% incentive whichever is higher) i.e. 4483.37 sq. m. 2. BUA claimed free of FSI (for purposes like basement, upper floor parking, staircases, lifts, balcony, refuge area etc.) = worked out 11432.82 sq. m. as per DC Regn. 1991
2	Certified copy of the record indicating built-up area and FSI of existing structures:	MCGM has enclosed the layout plan of the existing structure showing area statement.
3	Permissible FSI for proposed structure under DCR 1967 as well as DCR 1991 and proposed built-up area as well as FSI:	As per CRZ Notification dt. 06.01.2011, all the proposal shall follow DC Regn. 1991 for development of plot in CRZ. Hence permissible FSI in CRZ shall be 2.5 as per DC Regn. 1991.
4	NOC from High Rise Committee/ Municipal Commissioner, MCGM if the height of the building exceeds 70 m:	Not applicable as the building height is less than 70.0 m. (Relevant plan enclosed along with the reply).
5	Certified copy of the MCGM letter dated indicating the existing building under reference is category 'A' and 'B' cess building:	MCGM has enclosed relevant records/ receipts showing that the existing building is category 'A' & 'B' cess building.
6	Certified copy of the NOC of MHADA dated 23.05.2008:	The copy of the letter is enclosed along with the reply of MCGM.



The Authority noted that, the public consultation in the instant case as per the mandates of the CRZ Notification, 2011 was held on 12.10.2011 in the presence of Sub-Regional Officer & Regional Officer (MPCB, Mumbai) and District Collector (Mumbai City).

The Authority noted the CRZ permissibility as per CRZ Notification, 2011:

- As per para 8(i)(V)(1)(c):

Redevelopment of cessed building in Greater Mumbai is permissible in accordance with Town and Country Planning Regulation as on dated 6.1.2011 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.

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

- (i) 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.

The location of the site under reference was discussed. The Proponent showed the Google image which showed that the site under reference was situated on landward side of the existing road i.e. Khan Abdul Gafar Khan Road. The site is situated on landwards side of many existing authorized structures.

In light of the above, the Authority after deliberation decided to recommend the proposal subject to following conditions:

1. Planning authority to ensure that there are no violations of CRZ Notification, 2011.
2. Planning authority to ensure that proposed use is in consonance with the Development Plan existing and in force as on 6.1.2011 since proposal is as per para 8(v) of CRZ Notification, 2011.
3. Planning authority to ensure that reconstruction is permitted subject with the existing FSI and without change in present use, as in DCR in force as on 6.1.2011.



Item No. 13: Proposed reconstruction of property bearing C.S.No.8/593 of Malabar Hill Division, situated at 8- Dharabhsha Road, D-1-Ward, Mumbai, know as "Awasia Building".

The Project proponent presented the proposal before the authority.

1. The proposal regarding the "Proposed Reconstruction of property bearing C.S.No.8/593 of Malabar Hill Division, situated at 8- Dharabhsha Road, D-1-Ward, Mumbai, has been forwarded by Municipal Corporation of Greater Mumbai.
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
5. As per the lay out plan submitted by the proponent, and MCGM remarks, the proposed construction comprises 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

The Authority noted the FSI details of the proposal from the lay out plan submitted by the proponent, which is as follows-

- 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) whichever is higher.
- Permissible Floor area - 1903.48
(Existing built up area - Exst Staircase - Exst Balcony- Non Tallying
1951.39 - 31.63 - 13.50 - 2.78 = 1903.48 Sqmt)
- Total Built up area - 1846.76 Sq.mt (FSI- 1.99)
- Lift, lobby, staircase etc. are claimed free of FSI.
- Proposed construction :



Sr. No.	Floors	Use	Built up area (Sqmt)
1	Gr floor	Stilt	0.00
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	0.0 0
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.mt.
- As per valuation report, estimated cost of construction - Rs. 22,98,40,000/- i.e. above Rs. 22 Crores.

The Authority noted the detailed background of the proposal which is as follows-

1. As per the representation made by the proponent, the MCZMA had issued CRZ NoC vide letter No. MCZMA/2009 /CR 170/ TC 3 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.
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, new notification has been issued by the MoEF on 6.1.2011 and accordingly, MoEF has returned the proposal back to MCZMA for taking further action in the matter 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 has not yet been received. The architect has now submitted the proposal as per MoEF notification dated 6.1.2011.
 5. The proposal regarding the "Proposed Reconstruction of property bearing C.S.No.8/593 of Malabar Hill Division, situated at 8- Dharabhsha Road, D-1- Ward, Mumbai, has been forwarded by Municipal Corporation of Greater Mumbai.
 6. As per the MCGM remarks and documents submitted by the proponent, the CRZ NoC has been issued vide letter No. MCZMA 2009/ CR 17/ TC 3 dated 31.8.2009 as the cost of project upto Rs.5 Crores. The construction work is already started and completed upto 7th floor. The existing built up area is 1951.39Sqmt.
 7. The complaint was received in the Department vide letter dated 11th May, 2011 regarding the construction on plot bearing CS No. 8/593, Malabar Hill by M/s Orbit Corporation Ltd. The complaint alleged the FSI violation in the matter.
 8. MCGM has also issued the stop work notice dated to the project for carrying out illegal construction. MCZMA issued Show Cause Notice dated 28.6.2011 calling upon the builder to show cause as under why the activity shall not be stopped and the authority should not initiate legal action under the provisions of EP Act, 1986.
 9. Further, the builder is directed to submit all the documents regarding the clearances from various departments. The M/s Orbit Corp Ltd replied to the notice vide their letter dated 13.9.2011



10. The matter was referred to Urban Development Department for their remarks as per which they have raised certain queries.
11. The matter was again considered in the 72nd meeting of MCZMA held on 4.11.2011. The Authority after detailed discussion and deliberation decided to call for a report from the MCGM. With reference to the decision pertaining to the matter, the letter of MCZMA dt. 11.01.2012 was issued to MCGM for obtaining required information.
12. Accordingly, MCGM forwarded the reply vide letter dt 23.02.2012 to the points raised by MCZMA, which was taken on record by the Authority.

The Authority 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.

The Authority noted the CRZ permissibility of the proposal as per CRZ Notification, 2011

- As per 8.V.1.(C),-
Redevelopment of Cessed, dilapidated and unsafe building in Greater Mumbai is permissible in accordance with Town and country planning regulation as on dated 6.1.2011 subject to certain conditions:
- As per 8(i) II. CRZ-II,-
(iv) 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;

Taking into account the detailed background of the proposal and complaints received in the matter, it was decided to recommend the proposal to the concerned planning authority subject to following conditions-

1. MCGM should take appropriate decision on the action initiated on violations of MRTP Act, 1966 on merit. This recommendation is from CRZ point of view only and does not wave off the action, if any, initiated under M.R & T.P Act.
2. MCGM should ensure that proposal is as per the provisions of Town and Country Planning regulations existing as on 6.1.2011



3. 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.
4. MCGM to consider suggestions /objections, if any, reported in the public consultation report before according commencement certificate to the proposal.
5. 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
6. MCGM to ensure that work completed till date is not exceeding as per the earlier NOC from CRZ point of view.
7. 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.
8. Project proponent shall obtain NOC from MPCB and Ground water board before commencement of the work. NOC from High-rise Committee and fire department.
9. Proposed construction should be strictly as per the provisions of CRZ notification 2011.
10. 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.
11. 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
12. Project shall be covered under RTI Act, 2005 and project proponent shall provide all the information.
13. 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. 15: Proposed Residential cum Commercial complex on plot bearing No. Survey No. 50 A 1 Hissa No. 2 B + 3 A/2 at village Rahatghar, Tal: Ratnagiri, Ratnagiri Municipal Council

The matter was considered before the Authority.

1. The Ratnagiri Municipal council has sent the proposal for Residential cum commercial complex for prior permission of CRZ. The proposal is for residential cum commercial buildings with residential flats and commercial galas on plot bearing No. Survey No. 50 A 1 Hissa No. 2 B + 3 A/2 at village Rahatghar, Tal: Ratnagiri, Ratnagiri Municipal Council.
2. The land under reference is within Ratnagiri Municipal Council and falls in Residential zone, as per the Development Plan of Ratnagiri Council.
3. As per the remarks of Ratnagiri Municipal Council, the land under reference falls in CRZ II. The plot area is 7350 Sqmt
4. An open for recreational purpose of about 1105 Sqmt on the shore-ward side has been proposed as per the DCR for Ratnagiri Municipal Council.
5. Additional open area of 475 Sqmt is proposed at the centre of the project as per the layout plan for community purpose.
6. Ratnagiri Municipal Council was asked vide letter dated 21.10.2011 to resubmit the proposal as per DCR as on 19.2.1991 along with following information:
 - Approved CZMP clearly showing site under reference.
 - Whether the land under reference is on landward side of existing authorized road or existing authorized structures (structures as on 19.2.1991)
 - Lay out plan with detailed Area Statement.
 - FSI permissible as per DCR as on 19.2.1991 and FSI consumed.
 - built up Area for Residential construction , built up area of commercial construction,
 - Remarks on permissibility of commercial construction in Residential zone etc.

The reply dated 5.12.2011 sent by Ratnagiri Municipal Council reveals the following facts.

1. Approved CZMP showing site under reference is attached
2. The land under reference is on landward side of existing authorized road 9 mt wide is built after 19.2.1991.
3. As per lay out plan submitted
 - Total area of plot as per 7/12 extract & PC : 7350 Sqmt



- Ground floor area (Shops and above stilt)- 2067.0545 Sqmt
 - Typical first / second floor area:- 2089.9409 Sqmt
 - Total area of all floors:- 6246.9363 Sqmt
 - FSI consumed- 0.849
 - Permissible FSI as per DCR as on 19.2.1991- 0.90
 - Permissible FSI as per present DCR- 0.85
 - Built up area of Residential construction- 5744.1662 Sqmt
 - Built up area of commercial construction- 502.7701 Sqmt
4. Permissible FSI as per DCR 1967 & 1991:-
- FSI permissible as per DCR as on 19.2.1991 is 0.90
 - FSI permissible as per present DCR for Ratnagiri 2011 is 0.85
 - FSI consumed is 0.849
5. Built up area for residential construction - 5744.1662 Sqmt
Built up area for commercial construction- 502.7701
6. The plot under reference is in residential zone- R 2 and shop lines (commercial construction) at ground floor are permitted as per clause 20.1 and Appendix G, G2 of DCR for "B" and "C" class Municipal Councils of Maharashtra- 1989 which was prevailing as on 19.2.191

The Authority noted the permissibility of the proposal as per CRZ Notification, 2011

1. As per para 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:
- Note:** - The word existing use hereinafter in relation to existence of various features or existence of regularization or norms shall mean existence of these features regularization or norms as on 19.2.1991 wherein CRZ notification, was notified.



The Authority discussed on the location of the site under reference which is on the landwards side of the existing authorized 9 mt wide road which is built after 19.2.1991. On refereeing the Google image showing site under reference, authority noticed that there are structures abutting/ surrounding the site under reference. Authority felt that the proposed construction seems to be on the landward side of the existing structures abutting/ surrounding the site under reference.

In light of detailed discussion and deliberation, authority decided to direct Ratnagiri Municipal council to verify and submit the documentary evidence whether the site under reference is situated on the landward side of the existing authorized structures built prior to 19.2.1991.

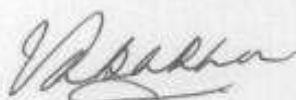
It was decided to recommend the proposal subject to submission and scrutiny of the documents information as above by the Municipal Council of Ratnagiri.

Item No. 19: Regarding reclassification of the CRZ areas of Coastal Zone Management Plan approved in 1996 under the CRZ Notification, 1991 on the grounds of "Error evident on record"

The Authority was informed by member secretary that the MoEF had an issued Office Memorandum dated 1st July 2011, regarding reclassification of CRZ areas of CZMP approved in 1996 under the CRZ Notification, 1991. As per this Office Order, only those reclassification proposals which involve "Error evident on record" would be considered by MoEF, after recommendations from respective CZMA.

It was noted that MoEF further issued an Office Memorandum dated 8th August, 2011. As per this office memorandum:

"It has been decided that any proposal for reclassification citing the ground of "error evident on record" should be preceded by an in depth examination by the State/ Union Territory Coastal Zone Management Authority (CZMA) concerned bringing out clearly what is the error on record because of which the area/ plot in question does not fall in the CRZ, or has been wrongly classified; the Authority/ officials responsible for the error, as to how the error is proposed to be rectified, the corroborative/ independent evidence supporting the proposed rectification of error - in the form of satellite imagery, Survey of India map, etc; and the conduct of field verification by a



team involving the CZMAs, Municipal/ Revenue Authorities and Experts, which should include one Expert from one of the Agencies authorized by MoEF for demarcating High Tide Line. It may be ensured that the Expert for the field verification should not be from the same authorized Agency, which demarcated the High Tide Line, on record, for the area/ plot in question".

The Authority noted that in this context, MCZMA in its 71st meeting held on 26.08.2011 decided that, State CZMAs shall recommend a proposal for reclassification under CRZ Notification, 1991, on the ground of "error evident on record" to the NCZMA for consideration, only after following this procedure as stipulated in MoEF's Office Memorandum dated 08.08.2011. It was decided to constitute a committee for each individual site comprising of concerned Executive Engineer/ Superintendent Engineer of the concerned ward, Expert members from MCZMA, Tehsildar, Town Planner and MoEF authorized agency etc., Executive Engineer/ Superintendent Engineer of the Kharland Department depending upon the location of site to verify the error in approved CZMP. This committee will verify error on record through relevant documents as well as site conditions and submit report to MCZMA.

Further, It was noted that With reference to the MoEF letters dated 01.07.2011 & 08.08.2011 regarding reclassification of CRZ area on the ground of "error evident on record", field verification/ visits were carried out on 8th & 9th November 2011 to following sites (by Member Secretary (MCZMA), Expert Member of MCZMA and representatives of IRS, Chennai along with concerned officials of various Town Planning authorities):

- a) Villages namely Salav, Nide, Mithekhar, Chehar, Waghulwadi, Emil, Yesde and Shirgaon along Kundalika River near Revdanda, Raigad
- b) Agricultural land at Village Dhokawade, Taluka Alibag, District Raigad
- c) Land bearing S. No. 2 to 53 and others in Village Ranjnoli, Taluka Bhiwandi
- d) Land reserved for Bhiwandi Textile Park
- e) Plot bearing Survey No. 275 (pt) & CTS No. 657A & 1295 of Village Kanjur, Taluka Mulund, Dist. Mumbai Suburban
- f) Plot bearing CTS No. 657-D & 657-C of Village Kanjur, 'S' Ward, Kanjur Marg (East), Mumbai
- g) Plot bearing Nos. D/23, D/23A, D/24, D/25, D/30, D/31, D/45, D/32, D/45, D/46, D/47 and D/48 of CTS No. 1A(pt) and also bearing survey No. 167 (pt) of Village Pahadi Goregaon at Goregaon (West) Mumbai

- h) Plots bearing CTS No. 195(pt) of Village Andheri, Mumbai
 i) Site of M/s. Aegis Logistics Ltd. at Mahul, Mumbai

The Authority deliberated on the issues and decided that cross verification done by IRS, Chennai, and a third party authorized agency to confirm error evident on record as per the directions of MoEF. Therefore, after discussion, it was decided to recommend the report of IRS, Chennai along with its observations related to above cases to MoEF / NCZMA for further appropriate decision on merit. Several of these matters are also sub- judice in the Hon High Court wherein the MCZMA has been directed to expedite the decisions. The Authority also noted that CRZ survey of Maharashtra is also under process.

It was further noted that the verification of following site visits is pending and the same is proposed to be verified through MoEF authorized agency by the project proponent as per the clarification of MoEF and was to be submitted it to the Authority.

Sr. No.	Site	Proponent
1	S. No. H. S. 3/1, 3/2, 11, 117, 2/1, 4, 5, 6/1, 7, 9, 10 in Dighode Village, Taluka Uran, District Raigad	M/s. Gem Distriparks & Logistics Ltd.
2	Villages Chulane, Girij, Gas, Diwanman & Achole, Taluka Vasai, District Thane	M/s. Gogte Salt & Chemicals
3	Property bearing CTS No. 7 of Village Borivali (West), Mumbai	M/s. M. M. Corporation
4	Plot bearing CTS No. 5A(5), Borivali, Mumbai	M/s. Samajonnati Shikshan Sanstha
5	Plot bearing CTS No. 1326 to 1329, 1378(pt) of Village Versova, Taluka Andheri	M/s. Omprakash & Co.



Annexure-I

List of the members present for the 74th 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, Additional Chief Secretary, Urban Development Department, Mantralaya, Mumbai.
3. Dr. M. Baba, Executive Director, CATESSC, Indian Institute of Trop. Meteorology, Pashan, Pune.
4. Dr. Baban Ingole, National Institute of Oceanography (NIO), Goa.
5. Mrs. Deshmukh, Director, Central Institute of Fisheries Education (CIFE), Versova, Mumbai.
6. Dr. Mahesh Shindikar, Applied Science Department, College of Engineering, Pune.
7. Dr. B. N. Patil, Member Secretary (MCZMA), Environment Department, Mantralaya, Mumbai.

