

Minutes of the 75th meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 15th May 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; Additional Chief Secretary, Revenue Department, Mantralaya, Mumbai; Principal Secretary Industries Department, Mantralaya, Mumbai; Commissioner of Fisheries Department, Charni Road, Mumbai could not attend the meeting.

Item No. 1: Confirmation of minutes of the 74th meeting of MCZMA held under Chairmanship of Secretary (Environment) on 23rd April, 2012 at Mantralaya, Mumbai.

The Authority confirmed the minutes of the 74th meeting with changes in item no.2.4 and item no. 5. In the item no. 2.4 "stay in Government guest house, MTDC, Central Government guest house as per Central Govt. norms" In the condition No. 9 of item no. 5 the word "mitigation measures" have been inserted.

Discussion items:

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

The Authority noted that the proposal was considered in the 74th meeting of MCZMA held on 23rd April, 2012. The abstract of the minutes which is as follows-

"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 the Government. The present proposal of Gr + 38th upper floors has been 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"

The Project proponent presented that 15% RG should not be deducted while computing the FSI in the proposal, mentioning that the plot under reference is part of approved layout of 7 NTC Mills. As per DCR 58(1)(a)(b); sharing of land as per 33% to

- MCGM: 37% to MHADA & 30% to Owner has been done, since the plot area was more than 10 Hectares. 15% RG has already been shared by the proponent. FSI on this plot was restricted to zonal permissible FSI (i.e. 1.33), which was as permissible in the island city on 19.02.1991.

After detailed deliberation, the Authority came to the the conclusion that proposal fell under the category of 33(6) of DCR 1991 (Redevelopment of dilapidated building). And that 15% RG should be deducted while computation of FSI in the proposal. The FSI should be in accordance with the Town and Country planning regulation as on 6.1.2011

In light of detailed discussion and deliberation, the Authority decided to recommend the proposal to the concerned planning authority ie. MCGM

1. Planning authority should ensure that 15% RG is deducted while computation of FSI in the proposal and FSI should be in accordance with town and country planning regulation as on 6.1.2011. However, FSI should not exceed 1.33 at any point of time in the instant case. Clarification, if any, needed in the matter, MCGM may consult Urban Development department in the Government of Maharashtra.
2. MCGM to ensure that the building was declared dilapidated/ dangerous prior to 6.01.2011.
3. MCGM to determine exact plot area, FSI consumed in old building and ensure that FSI for the proposed construction is as per prevailing DCR as on 6.1.2011.
4. MCGM to ensure that height of the building is as per the provisions of prevailing DCR and all other permissions required for proposed height are obtained prior to the commencement of the work.
5. All other permissions should be obtained from Government department/ agencies wherever required.

Discussion item No.B:

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 subject matter was considered in the 74th meeting, held on 23rd April, 2012. The abstract of the minutes as confirmed are as follows-

"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.

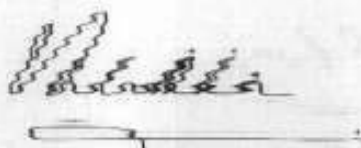
The Authority decided to place the matter in the next MCZMA meeting. It was also directed to submit the site visit report before the next meeting. The MCGM is to provide all the documents and information during the site visit of the subcommittee"

The Authority noted that as per the decision taken in 74th meeting, a site visit was conducted on 14.5.2012 at 3.30 pm in the presence of the developer, complainant. And other concerned officials. The Authority noted the content of the site visit report with respect to TOR, which is as follows-

1. To verify that the construction under taken is on the existing plinth or not
It was observed from the site and the documents produced by the developer as well as the complainant that the construction under taken in is on the existing plinth. However, some part of projections seems to be beyond the plinth.
2. To verify that FSI of 1.33 of the plot 1/278 used for access to proposed building was not utilized in any other construction completed.
It is noted from the lay out plan / records available with MCGM, that FSI of 1.33 of plot 1/278 used for access to proposed was not utilized in any other construction completed.
3. To verify whether the construction under taken was as per the permission issued by corporation and stop work order issued by MCZMA is implemented or not.
As per the builder, the construction on land under reference is based on the CRZ NoC dated 31.5.1999 issued by UDD. As per the complainant, CRZ NOC issued by the UDD is not CRZ NoC. It is just a clarification issued by UDD to MCGM. This needs detailed verification.

The construction work is halted on site under reference based on the stop work notice issued by MCZMA.

4. As per the complainant, the proposed construction should be as per DCR 1967, where staircase, lift, lifts lobby etc area is not free of FSI. However, the developer has taken free of FSI component for the same. As per the information available with the complainant, the construction is proposed under 33(7).



The clarification has to be submitted by MCGM and the MCZMA may consider the above before taking a decision in the matter.

The Authority deliberated on court order dated 1.2.2012 in the matter WP No. 2553 of 2011 in Hon. Mumbai High Court. The abstract of the order is as follows-

"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 deliberated on the directives of the Hon. High Court regarding applicability of the provision 8(v) of CRZ Notification, 2011 in the instant matter. It felt that the reconstruction was of a Cessed building in CRZ II area and can be redeveloped as per prevailing DCR as on 6.1.2011. However, to avail the provisions of DCR as on 6.1.2011, the project proponent should follow the procedure stipulated in para 8(v)1.c and provision 4.2 of CRZ Notification, 2011 and apply afresh to the Authority.

Taking into account the detailed background of the matter, site visit report and court order dated 1.2.2012. the Authority decided to revoke the stop work order and recommend the original proposal dated 9th September, 2010 which was considered in 65th meeting of MCZMA ie. "Proposed redevelopment of property on plot bearing C.S. NO. 280 of Malabar Hill Division, 171-D, Walkeshwar Road, Mumbai "to concerned planning authority ie. MCGM subject to following conditions-

1. Construction should be carried out strictly as per Development Control Regulation, 1967.
2. FSI computation should in accordance with DCR 1967. Area of staircase, lift, lift-lobby etc should be counted in computation of FSI.
3. Planning authority should ensure the amalgamation of strip of Afghan consulate plot (C.S. 1/278) and plot under reference (C.S. 280) is done.
4. Construction should be on landward side of existing plinth
5. Proponent should obtain prior permission of Central Ground Water Board for the proposed construction.
6. This recommendation is issued subject to Hon. High Court order dated 1.2.2012 in WP 2553 of 2011.
7. Any appeal against this CRZ clearance shall lie with the National Green Tribunal, Van Vigyan Bhavan, sector 5, R.K. Puram, New Delhi-110022, if preferred, within 30 days as prescribed under section 16 of national green tribunal act, 2010



Item No. 2: Advocate legal fees for MCZMA court cases.

The Authority noted that, Adv Sharmila Deshmukh has been appointed as Advocate for MCZMA to look after all court matters related to CRZ area, as decided in the 46th meeting of MCZMA held on 9.7.2008. It noted the request of Ad. Deshmukh to revise the professional charges from Rs 20,000 to Rs 40,000 per case.

It was decided to revise the same at par with the fee structure of MPCB. Expenditure on above will be incurred from the funds given to MCZMA by the state or from the processing fees received by MCZMA.

Item No. 3: Complaint by MPCB against "Sea Green Cooperative Housing Society" for violating CRZ norms.

The Authority noted the following:

- Based on a complaint dated 17.1.2011 received in the Department from Maharashtra Pollution Control Board (MPCB), the MCZMA issued directions under section 5 of EP Act, 1986 on 1.2.2011
- Accordingly, M/s Sea Green Cooperative Housing Society has sent their reply dated 05.03.2011 stating the following points.
 - The plot under reference falls in CRZ II and situated on landward side of Khan Abdul Jafar Khan Road.
 - As per Registered Govt Valuer, the total cost of the proposal is less than 5 crore.
 - As per the clarification of Principal Secretary (Govt of Maharashtra), TPB 4397/1201/CR 165/UD11 dated 12.11.1997, Plans were accepted on 01.10.2001.
 - MCGM approved the plans as per the procedure of that time. Accordingly, the construction was started.
- Further, the file was sent to Urban Development Department for their Comments. The Urban Development Department vide their noting informed that they have called the reports from the MCGM which will be sent to MCZMA on receipt of the same.
- The matter was considered in the 70th meeting of MCZMA held on 1.7.2011, The Authority decided to get the details from MCGM such as copy of approved building plan and stage of the building construction work, IOD, OC, CC and comments of Urban Development Department on it before taking decision in the matter.
- Accordingly, MCGM has sent the reply vide letter dated 30.9.2011 to MCZMA.

The Authority also noted that, as per the reply of MCGM:

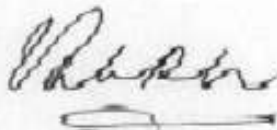


The architect had submitted the proposal for residential building on plot bearing CS No. 15/866 of Worli Division for zonal FSI 1.33 on 13.11.2000

1. IOD for a building comprising of Lower Stilt + Podium + 1st to 5th + 6th (pt) upper floors on was issued on 1.10.2001. Since the proposal was submitted prior to 2003 i.e. prior to Government Notification TPB- 2004 / 619/CR 80/2003/UD 12 dated 23.7.2003, the plans were approved by allowing area of staircase, lift & lift lobby free of FSI. As per valuation report, cost is less than Rs 5 cr.
2. Amended plans were approved on 28.11.2006 for building comprising of Lower Stilt + upper stilt + 1st to 13th floors by allowing area of staircase, lift, lift lobby free of FSI, after obtaining concurrence of UDD vide letter No. TPB 4306 / 132 / CR 61 / 06 / UD 11 dated 1.8.2006
3. Commencement certificate (CC) for work up to stilt level as per amended plans dated 28.11.2006 was issued on 5.1.2007
4. The Architect again submitted amended plans by proposing car lift from Lower stilt. The proposed building comprising of Lower stilt + upper stilt + 1st floor stilt + 1st to 13th upper floor. The plans were approved by on 28.4.2009 by counting the staircase, lift, lift lobby of stilt into FSI.
5. CC for the same up to 12th was granted on 7.5.2009
6. Building plans were again amended. As per last amended plans, which were approved on 9.8.2010, the building comprising of Lower stilt + upper stilt + 1st floor stilt + 1st to 13th + 14th (pt) upper floors. The plans were approved by counting area of staircase, lift, and lift lobby for additional floor into FSI.
7. The full CC was granted on 24.9.2010
8. As per UDD's letter No. TPB-2003/619/CR 80/2003/UC 12 dated 23rd July, 2003, the amendment proposed under the notification No. SO-460 E dated 22.4.2003 are applicable to the new proposals submitted after notification.
9. The work of R.C.C. of entire building has been completed.

The matter was placed in the 72nd meeting of MCZMA held on 4th November, 2011. The excerpts of minutes of the meeting are as follows:

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



Accordingly the MCGM vide letter dated 13.1.2012 forwarded the report in the matter. As mentioned in the report:

- As per last amended plan dt 9.8.2010, the total FSI consumed in the construction of building on the plot under reference is 1.32 FSI (i.e. 2210.23 Sqmt) which is less than 1.33 FSI (i.e. 2224.00 Sqmt) as permissible under DC regulations.
- Amended plans approved for lower + upper + 2nd stilt + 1st to 13th +14th (pt) upper floors.
 - 1st floor - 161.76 sqmt. 2nd floor- 144.93
 - 3rd floor- 177.98 4th floor - 177.98
 - 5th floor - 179.64 6th floor- 105.30
 - 7th floor- 186.29 8th floor- 186.29
 - 9th floor- 186.12 10th floor- 186.12
 - 11th floor- 175.46 12th floor- 154.05
 - 13th floor- 124.71 14th floor- 63.26
- Total built up area proposed- 2224.00 Sq.mtr
- Staircase & lift area - 896.68 Sq.mtr
- Height of building proposed - 58.275 mts

The Authority after discussion directed the MCGM and the project proponent to submit the following:

1. Submit that proposed construction is as per and within the FSI approved in the original permission.
2. Details of FSI computation as per DCR of 1967 indicating FSI used for lift, lobby, and staircase.
3. Changes if any vis-à-vis original approval in the plan.

Item No. 4: **Complaint by Ashawshakti Welfare Association with respect to S.R scheme on plot bearing C.S. No. 1980 (pt) of Fort Division and plot bearing C.S. No 153A (pt), 150A (pt) of Backbay Reclamation Scheme III, Nariman Point, Mumbai.**

The Authority noted the background of the matter as follows:-

The Department received a complaint from Ashwashakti Welfare Association regarding violation of CRZ Law and starting construction activity without an Environment Impact Assessment report and final Environmental clearance, vide letter dated 13th December 2010. Following allegations were made in the said complaint- the project under reference is a partly reclaimed plot owned by the Maharashtra Government

- The builder has proposed three high rise buildings out of which one 10 storey building as rehabilitation component and two 22 storey buildings as sale component.



- The plot No. 153A is categorized as CRZ II and the adjoining plot 150A is categorized as CRZ III.
- Rehabilitation building is partly being constructed on the Garden Plot No. 150(pt) which is CRZ III area
- The MoEF vide letter No. 11-52/2006-IA-IIIA dated 17.11.2006 has been given permission without placing the said project before SCZMA. The builder has taken approval for two separate projects on the same plot showing that it is less than Rs. 5 crore each and then has amalgamated the two scheme after starting construction.

The Authority also noted the action taken by the MCZMA

1. With respect to the complaint received from Ashwashakti Welfare Association, MCZMA issued a letter to the Metropolitan Commissioner (MMRDA); Collector, Mumbai Suburban District; Chief Executive Officer, SRA to take necessary action against violation of CRZ Notification, 1991, if any and submit action taken report accordingly.
2. In the response to action taken by MCZMA, Chief Executive Officer, SRA submitted a reply vide letter No SRA/Eng./Desk-1/14995 dated 22 Feb 2011.

In its letter Chief Executive Officer, SRA mentioned that-

"The scheme under reference is approved by Slum Rehabilitation Authority for the in situ FSI of 1.66 as per the CRZ Notification of 1991, with due permission to carry out work on landward side of demarcated HTL as been approved by MCZMA & Urban Development Department, Mantralaya Mumbai".

In the reply of SRA, list of verification/clearances is mentioned which is as follows-

1. Verification of HTL was carried out by the Center for Earth Sciences Studies (CESS) on 02/05/06
2. The scheme under reference was accorded clearance under Coastal Regulation Zone Notification, 1991 by the Ministry of Environment and Forests (IA-III Division) on 17/11/2006.
3. NOC from the Dy. Secretary to Government, Urban Development Department, Mantralaya Mumbai to allow development of slum dated 28/11/2006.
4. The demarcation of imaginary line dated 4/12/2007 attested by Urban Development Department.
5. NOC from MMRDA (being planning Authority for the land on which slum rehabilitation is in process) was issued on 21/11/2007, subject to construction of MMRDA's parking area admeasuring 1150.66 sq.mtr & handing over same to MMRDA free of cost



- With respect to the said reply from Chief Executive Officer, SRA, MCZMA issued a letter to Chief Executive Officer, SRA to submit all the documents mentioned in their earlier letter
- MMRDA replied to the department mentioning that the MMRDA issued only its NOC for proposed SRA scheme on the plot no 153-A

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

The matter was placed in 69th and 70th meeting of MCZMA held on 19th April & 1st July, 2011 respectively. And as per the decision taken in the 70th meeting, the stop work notice issued to Developer was revoked vide letter dated 17.9.2011, after due hearing and verification of the allegations made by the complainant. (Minutes of the 70th meeting are attached)

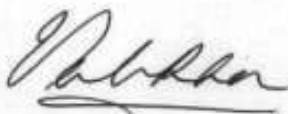
The Authority further noted that Ashwashakti welfare Association has again filed a complaint vide letter dated 11.10.2011 against the revocation of the stop work notice and it was requested to continue with the stop work notice issued to them.

The matter was once again placed in 72nd meeting of MCZMA held on 4th November, 2011. it was decided to request the Collector Mumbai to submit the clear cut boundaries of the plots under the SRA scheme under consideration through land record/ city survey office. Further The Authority decided to hear the Project developer and SRA before taking a final decision in the matter. It was decided that till a final decision is made, the developer should stop the ongoing construction work.

Following the decision of the authority in the 72nd meeting, the MCZMA wrote to the District Collector vide letter dated 15.12.2011 to submit the clear cut boundaries of the plots under the SRA scheme under consideration through land record / city survey office.

Accordingly, the Collector, Mumbai vide letter dated 23.12.2011 has sent the measurement plan showing the boundaries of the SRA b Plot A and B bearing CS No. 1980(pt) of the Fort division. It appears from the map that boundaries indicated by SRA and approved by Urban Development Department and subsequently by MoEF are correct as per the record.

The Authority after deliberation decided to revoke the stop work order issued by the MCZMA subject to the condition that SRA and project proponent should ensure that project is undertaken as per the condition stipulated by MoEF vide its clearance letter



dated 17.11.2006. Further the SRA and the project proponent should ensure that construction of the SRA project should be as per the FSI existing as on 19.2.1991. It further noted that any appeal against the CRZ Clearance issued by MoEF shall lie with the National Green Tribunal, if preferred, within 30 days as prescribe under section 16 of NGT Act, 2010.

Item No. 5: Complaint by Hon. MP Shabbir Ali against the storage of chemicals at Sea Lord.

The Authority noted that a complaint was received in the department from Hon. MP Shabbir Ali as well as from MoEF dated 5.7.2011, regarding the storage of chemicals in Mahul Creek CRZ area. It is alleged that Sea Lord has been storing chemicals in violation of CRZ Notification, 1991 and 2011.

M/s Sea lord containers was directed vide letter dated 19.7.2011, to ensure that there is no violation of CRZ Notification, 1991 as well as 2011, as indicated in MoEF letter dated 05.07.2011. It was informed that failure to submit the following documents within this period may lead to initiation of legal action under Environment Protection Act, 1986.

The CRZ survey map submitted to MPCB while according Consent to Operate, details such as date of construction, date of operation of activity etc., details of the storage tanks constructed and list of chemicals being stored therein. Permissions obtained from MoEF & MCZMA for storing chemicals at the site under reference.

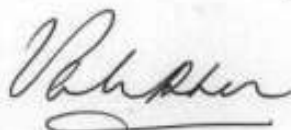
The Authority also noted that, MPCB was requested vide letter dated 19.7.2011 to submit the detailed report to MCZMA. Vide letter dated 22.3.2012, Mczma requested the Chief Engineer, Development Plan to provide DP remarks from CRZ point of view on the plot under reference. M/s. Sea Lord containers were also requested to submit the CRZ survey map from MoEF authorized agency vide letter dated 22.3.2012.

After deliberation, the Authority decided to direct M/s. Sea Lord containers Pvt. Ltd. to ensure compliance of CRZ provisions and store only those chemicals which are permissible in CRZ- II area. Further it was decided to direct that company should submit following documents within 30 days:

1. CRZ map from MoEF authorized agency.
2. Permissions obtained for construction and storage of chemicals.
3. Nature of the chemicals stored in the storage tanks.

On failure of such documents and information, work would be stopped and legal action to be initiated against the company.

Item No. 6: Complaint by Dahanu Area Sustainable Development Association against Western Railway at Savta and Dandi Creek at Dahanu, Dist-Thane



The Authority noted that Department received the complaint from Dahanu Area Sustainable Development Association vide letter dated 26.12.2011 regarding violation of CRZ Notification by Western Railway at Savta and Dandi Creek at Dahanu, Dist. Thane. MoEF vide letter dated 21st March, 2012, has forwarded the same complaint to MCZMA.

The Authority also noted that, according to the Dahanu Area Sustainable Development Association's letter, this area has been declared as Ecological Fragile area by MoEF in 1991. The letter points out that the western railway is involved in developing the new additional rail lines and they have also started building bridges on the Savta and Dandi Creek at Dahanu. Therefore, the embankment on western railway line will have an impact on environment and also directly affects on villages. It is alleged that new rail lines and construction of bridges in the region will result in stoppage of water flow from the Dandi Creek, Mangroves plantation is squashed under the embankment and may also result in flooding of low lying villages.

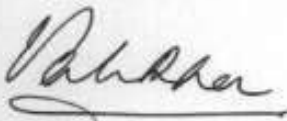
After deliberation, the Authority decided to direct the General Manager, Western Railway to obtain prior permission of MCZMA/ MoEF under the provisions of CRZ Notification, 2011 and submit the proposal for the same. Till that time, the work should be stopped. The District Collector being a chairman of DCZMC should conduct the site visit with other agencies along with complainants and send the visit report to the Authority at the earliest and adopt appropriate measures on the issues raised in the complaint.

Item No. 7: The Writ petition No. 2368/2010 filed by the Indian Navy, Western Naval Command regarding illegal construction of a 'Harsiddhi Heights' at Worli.

The Authority noted that, the matter was placed in 68th, 70th and 71st meeting of MCZMA held on 14.3.2011, 1.7.2011 and 26.8.2011 respectively. It also noted that, as decided in the 71st meeting of MCZMA, the matter was sent to the MoEF vide letter dated 12.10.2011 for necessary action in the matter in view of defense ramifications. The file was sent to Urban Development Department for their remarks on the reports of SRA and the developer which was submitted to the Authority. The matter is pending before Hon. High court of Mumbai. The MoEF had requested for the report from the MCZMA on this.

After deliberation, the Authority requested the Urban Development Department to expedite their remarks on the reports of SRA to enable a report to be sent to MoEF.

Item No. 8: Complaint by Foment Resort against illegal Sand dredging and destruction of Mangroves at Mochemaad Creek, Sindhudurg.



The Authority noted that, the Department received the complaint from Fomento Resorts And Hotels Ltd. regarding violation of CRZ Notification, Mangroves destruction, sand dredging at Mochemaad Creek, Tal- Vengurla, Dist- Sindhudurg without an Environment Impact Assessment report and final Environmental clearance vide letter dated 19.05.2011

It also noted, that according to the Fomento Resorts And Hotels Ltd., the subjected area is an Eco Sensitive area, surrounded by Mangrove areas and Forests and thickly populated. Mochemaad Creek is designated as CRZ III zone. Also as per the CRZ Notification 2011, mining of sand, rocks and other sub strata minerals falls under the list of prohibited activities in CRZ areas and hence no sand mining activity can be allowed to operate in Mochemaad. Therefore, the continuous activities of sand dredging would create irreversible damage to the Mochemaad creek and would have an impact on environment .

The following Causes were mentioned in the said complaint-

- 1) The plot under reference falls in CRZ-III and Mangroves Area
- 2) As a result of sand dredging, the sand dune which protected the mangroves were wiped out due to which the mangroves were destroyed.
- 3) Erosion of land
- 4) It also affected on the agriculture land
- 5) Natural resources, flora, and fauna of creek would be affected.

The Authority noted the action taken by MCZMA;

With respect to the complaint received from FOMENTO RESORTS AND HOTELS LTD., the MCZMA issued letter dated 1st August, 2011 to the Collector and the Chairman DCZMC, Sindhudurg District, Sindhudurg to take necessary action against violation of CRZ Notification, 1991 and Hon. High Court Order, if any and submit action taken report accordingly. The MCZMA sent a reminder letter dated 23rd April, 2012 to the Collector, Sindhudurg District requesting an immediate reply in the matter.

The FOMENTO RESORTS AND HOTELS LTD has sent a reminder letter dated 09.12.2011 to the MCZMA informing that the Collector or Chairman DCZMC has not conducted any examination and inquiry. They have also not acted upon to find out any violation of CRZ-2011 and Hon. High Court's Orders.

Reply is still awaited in the matter.

The Authority discussed the matter and decided to send a D.O. letter to the Divisional Commissioner and District Collector, Sindhudurg to look into the matter and to send an action taken report within a period of 15 days to the MCZMA.



Item No. 9: Establishment of connectivity link from Kharghar to Taloja at Pendhar in Navi Mumbai by CIDCO.

The Authority noted that, the City and Industrial development Corporation of Maharashtra Limited (CIDCO) vide letter dated 15.03.2011 has resubmitted the proposal for establishment of connectivity link from Kharghar to Taloja at Pendhar in Navi Mumbai.

It was also noted that,

- A. The proposal was considered in the 55th and 59th meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 4th August 2009 and 14th January 2010 respectively.
- B. After deliberation, the proposal was recommended to MoEF subject to following conditions.
 1. CIDCO should obtain prior permission of the Hon'ble High Court for cutting of Mangroves.
 2. Detailed plan for compensatory mangrove plantation should be submitted to MoEF and MCZMA.
- C. The proposal was considered for the CRZ clearance by MoEF, in the 90th meeting of the Expert Appraisal Committee for Infrastructure projects and Coastal Regulation Zone on 19th August 2010. The Committee has recommended the proposal for CRZ Clearance with the following conditions in the Clearance letter for strict compliance by the project proponent.
 - CIDCO shall obtain prior permission from the Hon'ble High Court of Bombay for the activities in Mangrove area prior to the commencement of the activity.
 - Compensatory plantation of Mangroves shall be carried out before start of work.
- D. Subsequently, the MoEF has called comments / recommendations from MCZMA vide letter dated 24th December, 2010.
- E. MoEF has issued the CRZ Notification on 6th January 2011 and further clarified vide Office Memorandum dated 8th February 2011, that in case of projects recommended by Central EAC and pending with MoEF, decision shall be undertaken by MoEF in light of CRZ 2011.

Now CIDCO has resubmitted proposal as per provisions of CRZ Notification, 2011 details of which are as follows:

1. CIDCO has proposed to establish a connectivity link from Kharghar to Taloja at Pendhar in Navi Mumbai.



2. The proposed connectivity link involve construction of major bridge including approach road in the tidal zone of Taloja river, holding pond, diversion channel and ROB to cross NH-4 highway and Diva-Panvel Railway line.
3. The project is mainly divided into 3 parts:

Part-I	Construction of approach road from chainage 0.00 to chainage 450.00 as per design parameter.
Part-II	Construction of bridge over diversion channel/ holding pond and Taloja River between chainage 450.00 to chainage 1075.00.
Part-III	(a) Construction of approach road to ROB from chainage 1075.00 to chainage 1205.416. (b) Construction of bridge over National Highway (NH-4) and Diva-Panvel Railway lines from chainage 1205.416 to chainage 1562.12. (c) Approaches on Pendhar side of ROB from chainage 1562.12 to chainage 1920.621.

Land Details:

- CIDCO has proposed construction of a connectivity link from Kharghar Node to Pendhar area at Taloja. This link will establish connectivity from Sector-26 of Kharghar Node leading to Road Over Bridge (ROB) on Diva-Panvel Railway line and connecting the Panchanand, Pendhar at Taloja.
- Developed land at Panchanand in Taloja Node is to be allotted under 12.5 % scheme to the Project affected persons.
- The alignment passes mainly along existing bunds on the holding pond and the diversion channel.
- The Proposed connectivity link passes through Coastal Regulation Zone (CRZ) with presence of scanty mangroves in the vicinity of the project area.

CRZ I	CRZ II	Tidal River
158 m	882 m	75 m

- The portion of the alignment from chainage 140 m to 1145 m falls under CRZ area.

Area Details:

- The total area going under the project will be about 2000 m length X 30 m width i.e. 6 Hector
- 12.5 % area in phase I and Phase II of Taloje - Panchanand Node = 129.37 Hector
- Gross area of Kharghar Node and Taloje Node = 2088.33 Hector
- Developable area in Kharghar and Taloja Node = 1885.25 Hector
- Total Mangroves cutting area under pier & proposed approach road = 360 Sq.mtr + 393.75 Sq.mtr. = 753.75 Sq.mtr.
- Area under the bridge:



CRZ I	CRZ II	River
7650 Sq.mtr	19170 Sq.mtr.	1800 Sq.mtr.

Present Status of the project site:

- As per the submitted information, the proposed connectivity link passes along/ adjacent to/ over water bodies - Taloja River, holding pond and a diversion channel. All these water bodies are shallow and 30 m in width and show very sluggish water movement. The holding pond is a man-made structure.
- Local people set nets for fishing in the river and in the diversion channel. In such a small and shallow water body, fishing may satisfy hardly kitchen requirements of the fishermen. There is no likelihood commercial fishing.
- Following is the plant species spotted in the area surrounding the proposed road alignment -
 - Mangroves - *Acanthus ilicifolius*, *Clerodendrum inerme*, *Derris trifoliata*.
 - Other species - *Amaranthus spinosus*, *Aegirarum*, *Alternanthera*, *Calotropis gigantean*, *Veronia*, *Ipomoea carnea*, *Zizyphus mauritiana*, *Melia azadiracta* and Subabhul and patches of grass, mostly *Aleuropus fagopoides*.
- The area under piers will be permanent loss of Mangroves (*Acanthus ilicifolius*). The area under approach road will be available for growth of marine vegetation after the project completed.

Action plan for the proposed mangrove plantation:

- The suitable site for the compensatory plantation of mangroves is selected near the proposed bridge towards the Kharghar.
- The plantation of mangroves will be undertaken in the proposed site in an area of about 2000 Sq.mtr. as against 753.75 Sq.mtr of affected area.
- There is a band in between the creeklet and the plot. A trench / channel will be dig in the existing band for daily inundation of tidal water and flooding of the plot at the time of high tide which is the prime necessity for the mangrove plantation.
- After the ecological and floristic study of the plant species matching with the existing vegetation of the creek the maximum suitable plant species id of *Avicennia*.
 1. *Avicennia officinalis*
 2. *Avicennia marina*
- As per guidelines of the Govt. of Maharashtra CIDCO approached to the Forest Development Corporation of Maharashtra Ltd. (FDCML) for the execution of mangrove plantations.

Permission from High Court:

- The 73 projects have been classified in different categories; in the High Court Order dated 28.7.2008.



- The proposed project is similar to category no. 5 projects i.e. Infrastructure projects involving cutting of mangroves.
- The Hon. High Court will be approached for seeking their permission, after getting MoEF / NCZMA clearance.

Other approvals for the project:

1. Ministry of Shipping, Road transport and Highways, Govt. of India has issued grant permission vide letter dated 20.4.2009 for construction of ROB at Ch. 121/117 of NH-04 and Diva Panvel Railway Line crossing LC-11 in the state of Maharashtra.
2. DEN / CSTM, DRM (W) Office, Mumbai CST has approved the G.A.D. on 27.05.2009
3. Maharashtra Pollution Control Board, Mumbai has issued letter on 28.05.2009.

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

- 1) CIDCO should obtain prior permission of the Hon'ble High Court for cutting of mangroves.
- 2) Detailed plan for compensatory mangrove plantation should be submitted to MoEF and MCZMA.
- 3) Construction should be on the stilt in entire CRZ area i.e. no reclamation even at landing points in CRZ II or III areas.
- 4) No construction be carried out in ecologically sensitive CRZ - I area.
- 5) No mangroves shall be cut during construction.
- 6) Prior permission of Hon'ble High Court shall be obtained.
- 7) Mangroves replantation plan (10x) along with survey number, location, agency, pert chart etc.
- 8) Construction should not affect free flow of tidal water.
- 9) CIDCO to superimpose plan on CRZ map of 1:4000 scale prepared by MoEF authorized agency, indicating ecologically sensitive areas, mangroves, CRZ - I, II, III, and IV areas etc.

Item No. 10: CRZ clearance for proposed Coastal Road connecting Kopar Khairane to Airoli Node in Navi Mumbai.

The Authority noted that the matter was considered in the 61st meeting of MCZMA held on 25th March 2010, under CRZ Notification 1991, wherein authority noted the following proposal details:

Land Details:

- The proposal is for the construction of road including construction of main bridge on the creek and two culverts. The proposal also includes extension of existing Palm Beach Road and the road is proposed from Koparkhairane to Airoli Node.

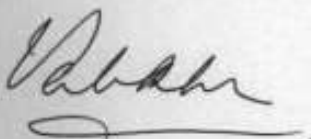


- As per the submitted application and as per the approved CZMP of Navi Mumbai, the land under proposal falls in CRZ-I and CRZ-II.
- As per the Development Plan of Navi Mumbai, the land under reference falls in Green Zone and as per the information submitted by CIDCO, this road is proposed Development Plan road.

Proposal Details:

- Considering the development of transportation and so as to avoid the future traffic congestion in Navi Mumbai, CIDCO has proposed an alignment of 4.560 km to provide direct link between Koparkhairane to Airoli as well as link Navi Mumbai with Mumbai via existing Mulund-Airoli Bridge over Thane Creek.
- This proposed connecting road would predominantly connect Ghansoli Node with Airoli. The width of the road is 34 m.
- The proposed alignment comprises of 400 m embankment, 200 m bridge portion and again 400 m embankment i.e. 1000 m road passes through creeklet which is offshoot of Thane creek.
- After the detailed study of the 3 alternatives proposed by CIDCO for the same link, one alternative was selected considering the feasibility of the project. This alternative is of 4560 m in length and 34 m wide. 1000 m of the alignment passes through a small bay along the Eastern shore of Thane creek. To shorten the distance, bridge of 200 m is proposed across Thane creek from Ghansoli Node to Airoli Node. Estimated cost of the project is around 32.50 crores. Area admeasuring 155040 sq. m. will be covered in proposed project.
- For this alternative, the resettlement and rehabilitation of project-affected people is not required as the proposed alignment is away from the unplanned and thick existing settlement of Gothivali and Talavali Villages.
- As per the submitted details, main features of the proposed alignment is as follows:

Particulars	Specification
Total length of the Palm Beach Road:	21.15 km
a) CBD to Koparkhairane (completed):	13.08 km
b) Koparkhairane to Airoli (partly completed):	4.56 km 3.51 km
c) Airoli to Dighe (completed):	
a) Koparkhairane to Ghansoli (completed):	2.42 km (landward)
b) Ghansoli to Airoli:	1.95 km
CRZ-I:	1.05 km (in creeklet)
CRZ-II:	0.9 km
c) Airoli to connecting junction (completed):	0.19 km (landward)
Length of the major bridge:	200 m



No. of culverts proposed:	Two (each 10 m wide)
Length of embankment (either sides):	400 m each
HTL of creek (maximum):	3.25 m RL
Abutment portion (both sides)	
a) Average road top level:	5 m RL
b) Existing GL:	0.4 to 2.9 m RL (Avg. 1.65 m)
Bridge portion:	
a) Road top level:	6.5 m RL
b) Soffit level:	4.45 m RL
c) Existing GL:	(-) 0.4 to 0.4 m RL (Avg. 0.0 m)

- As per the submitted information, the entire alignment (except creek portion) traverses through flat terrain. Across the alignment, the land slopes gently towards the creek on the Western side along with few natural drainage lines crossing the proposed alignment.
- As per the submitted application, as the project corridor covers approximately 3.4 Ha of creek area including bridge of 200 m, there will be small and localized impact on the marine environment.
- The land under reference consists of sparse mangrove vegetation and shrubs along the road stretch and transitional ecosystem between land and sea. There will be destruction of the mangroves to some extent along the stretch of 800 m.
- As per the submitted information, the details regarding mangroves are as follows:

Total area covering mangroves:	0.28 Ha
Total area covering mangroves associated species:	2.41 Ha
Total area for compensatory plantation:	4.03 Ha

The Authority also noted the details of mangroves to be cut for the proposed project are as follows:

Species	Total No. of individuals/ Ha	Total area covered (in Ha)	Total No. of individuals to be cut
<i>Aegiceras corniculatum</i>	100	0.28	28
<i>Avicennia marina</i>	1020		286
<i>Sonneratia alba</i>	120		34
<i>Soneratia apetala</i>	100		28
<i>Bruguiera sp.</i>	60		17
<i>Rhizophora mucronata</i>	80		22
<i>Derris pentaphyla</i>	60		17



<i>Acanthus ilicifolius</i>	16180	2.41	38994
-----------------------------	-------	------	-------

- As per the submitted information, during construction of the bridge and road along the East side of the Thane creek, the total area under developmental activity, are 3.46 Ha. For this activity, the mangrove swamps on and along the road will be reclaimed.
- CIDCO has submitted the detailed mangroves regeneration plan in Thane creek. CIDCO vide letter dated 08.01.2010 has declared that mangroves which required to be cut due to the proposed project will be compensated by plantation/ regeneration of the mangroves in the area identified by CIDCO. The map of proposed location for the regeneration of mangroves by CIDCO is enclosed herewith. In case of the plantation of mangroves, approximately 500 individuals can be planted per Ha.
- As per the submitted application, cost of the proposed project is Rs. 50.00 crores. As per the submitted information, estimated cost of the proposed extension road is Rs. 66.49 crores with contingencies and Rs. 63.33 crores without contingencies. Estimated cost for the mangroves plantation is Rs. 20.00 Lakhs.
- As per the Hon. High Court Order given in case of W. P. No. 3246/ 2004 and 87/ 2006, cutting of mangroves is not allowed as well as 50 m buffer zone as No Development Zone (NDZ) should be kept for mangroves protection. CIDCO has filed Notice of Motion in Hon. High Court in this regard for its important projects including the proposed project. Hon. High Court, vide order dated 28.07.2008, has given permission for the development of proposed road subject to the condition that CIDCO should obtain prior permission of MoEF in this regard.
- Accordingly CIDCO submitted this proposal to MoEF. However, MoEF vide letter dated 20.08.2009 has conveyed CIDCO to first obtain recommendations of MCZMA in this regard.
- As per the Court Order, infrastructures projects involving cutting of mangroves are classified as Category-5 projects. As per the categorization, proposed project falls in Category-5 (15) (28).

In the 61st meeting, the Mczma expressed concern regarding the future obstruction to the tidal flow and accordingly its adverse effect on the mangroves vegetation. Authority after deliberation, decided to consider the matter after submission of the detailed report from CIDCO on hydraulic adequacy design and relevant calculations so as to avoid the obstruction to the tidal flow and recommendation of IIT, Powai accordingly.

In light of authority's decision in 61st meeting, CIDCO vide letter dated 22.11.2010, submitted the Evaluation report of IIT, Powai regarding hydraulic Design adequacy. The matter was referred to Urban Development Department for their remarks on the IIT report.



As per the remarks of the Urban Development Department, " In light of new CRZ Notification 2011, it will be necessary to take the remarks of CIDCO. However, considering the public interest involved in the project, if the remarks of the CIDCO is not necessary, the matter may be placed before the authority, in light of CRZ Notification 2011.

The recommendation of the report is as follows:

1. For complete induction of creeklet, the recommended clear waterways for the main bridge 190 m
2. The pier dimensions are to be added to 190 m to calculate the total bridge length.
3. The two culverts at north and south ends have not been included in the above analysis, because the bed level at the site of the culvert is higher than the bed level at the site of the main bridge. However, they should be maintained for ensuring additional flows into the creeklets.

CIDCO has submitted Form I as per CRZ Notification, 2011, vide letter dated 21.4.2011. CIDCO has already submitted the Rapid EIA report.

After deliberation, the Authority rejected the proposal in the present format because construction of the road on stilt or pillars in CRZ-I would affect the mangroves area and may lead to destruction of mangroves. The Authority also decided to place the matter in next MCZMA meeting subject to compliance following conditions:

- 1) CIDCO to resubmit the proposal as per CRZ Notification, 2011.
- 2) CIDCO to submit CRZ map indicating HTL, LTL, mangroves, eco-sensitive zones, CRZ I, II, III, IV demarcated by one of the MoEF authorized agency in the scale 1:4000 scale.
- 3) Project layout superimposed on the CRZ map as above indicating activities in CRZ I A, CRZ IB, CRZ II.
- 4) Mangroves plantation and restoration plan indicating time frame, implementing agency, cost, area with survey numbers, photo of area selected, etc.
- 5) Permission of Hon'ble High Court.
- 6) No reclamation at landing points in CRZ - I, II, and III. Proposal may be modified accordingly.
- 7) Environmental management plan for construction and post construction period.
- 8) Impact assessment on mangroves and coastal area due to proposed construction and cost benefit analysis.

Item No. 11: Proposals of CIDCO and NMMC for CRZ clearance (6 proposals)

The matter was placed before the Authority. The Authority noted that, in the year 2011 MCZMA has received various proposals from Murud-Janjira Municipal Council and Navi Mumbai Municipal Corporation for obtaining permission from CRZ point of view. As



per the information submitted in the proposal, the construction of some of the project has been completed while some projects are under construction. List of the same is as follows:

Sr. No.	File No	SUB	Planning Authority
1	CRZ-2011/ CR-2/ TC-3	CRZ Permission for proposed construction of residential & commercial building on plot bearing no.121, Sector No. 50E, Nerul, Navi Mumbai	Navi Mumbai Municipal Corporation
2	CRZ-2011/CR-240/ TC-3	Seeking NOC for the proposal affected by CRZ having plot No. 64, Sector-20, Koparkhairane, Navi Mumbai	Navi Mumbai Municipal Corporation
3	CRZ-2011/CR-241/ TC-3	Seeking NOC for the proposal affected by CRZ having plot No. 41A, Sector-20, Koparkhairane, Navi Mumbai	Navi Mumbai Municipal Corporation
4	CRZ-2011/CR-202/ TC-3	Regarding construction of Apartment Hotel on plot admeasuring 524.16 sq. m. & bearing S. No. 27, CS No. 659 of Village Murud, Taluka Murud	Murud-Janjira Municipal Council
5	CRZ-2011/CR-203/ TC-3	Regarding construction of Tourism Information Centre on plot admeasuring 524.16 sq. m. & bearing S. No. 27, CS No. 659 of Village Murud, Taluka Murud	Murud-Janjira Municipal Council
6	CRZ-2011/CR-244/ TC-3	Regarding construction on plot admeasuring 150 sq. m. & bearing S. No. (21)92, H. No. 1B, CS No. 1761 of Village Murud, Taluka Murud	Murud-Janjira Municipal Council

As per the CRZ Notification, 2011 issued by MoEF on 06.01.2011, there is no provision of regularization/ post-facto permission for already constructed structures.

The Authority after deliberation directed Municipal Commissioner, Navi Mumbai Municipal Corporation to submit list of all such proposals indicating date of approval to



such project by corporation/ CIDCO to the Authority before the next meeting. This issue would be taken up with MoEF for appropriate decision in the matter.

Item No. 12: Regarding the rehabilitation of Hanuman Koliwada at Tal- Uranm Dist- Raigad.

The Authority noted the Background of the proposal as follows:-

1. As per the decision of Central Govt, the land of 12 villages was allotted to JNPT in 1986. Out of these 12 villages, Sheva Koliwada was rehabilitated at Boripakhadi and named it as Hanuman Koliwada. However, Hanuman Koliwada got affected by termites in the year 1996. On failure of eradication of termite infestation, second time rehabilitation of Hanuman Koliwada is proposed. Shipping Department, Central Govt has approved the proposal for incurring expenditure of Rs 5.60 Cr by JNPT towards the same.
2. The site proposed by CIDCO for second time rehabilitation of Hanuman Koliwada falls in CRZ I (ii) area, as per the CZMP prepared by SAC, Ahmadabad.
3. Meeting was held on 23.11.2006 in the matter under the chairperson Principal Secretary, UDD. During the meeting, it was informed that estimate for the development of infrastructure was ready and further actions were taken by the Engineering Department of CIDCO. Meanwhile, before the commencement of the work, it was decided to verify the site under question falls under CRZ.
4. CIDCO vide letter dated 25.1.2007 informed UDD that after perusal of records of HTL available with CIDCO, it was observed that proposed site falls total between HTL and LTL and therefore can be categorized as entirely CRZ I where no development is permitted as per In the meeting, it was decided by CIDCO, to look for alternative site for rehabilitation of Hanuman Koliwada, as site falls in CRZ I area where no development is permitted as per prevailing regulation. Under this circumstances, following alternatives are suggested-
 - a) Suitable approvals may be sought form the govt for permitting the development of the rehabilitation area which basically falls within CRZ I area
 - b) Identify a suitable area for relocating the proposed development. The new site proposed will have to be acceptable to the residents of Hanuman Koliwada.
 - c) Alternatively, with the available budget and after seeking appropriate technical advice from IIT, Mumbai, reconstruction on the existing site could be undertaken.
5. MCZMA vide office note dated, 30.4.2007 and 23.8.2010 informed UDD that the site under reference falls in CRZ I and rehabilitation of honuman Koliwada is not permissible on site since no construction is allowed in CRZ I areas. Alternative site need to be considered.



6. UDD vide letter dated 13.12.2007 requested MoEF to allow construction in CRZ I(i) area. No reply from MoEF seen on the file.
7. UDD vide office note dated 18.11.2010 requested to take up the matter before MCZMA.


In light of the above, the Authority after deliberation decided that, these regulations are pertaining to existing Koliwadass. Hanuman Koliwada at Baripakhadi (where it is at present) could be repaired / reconstructed with termite control measures. The Authority also suggested that all infrastructure facilities along with Termite control measures must be provided by the concerned planning authority .however they should be within the scope of CRZ legislation.

Item No. 13: Clarification of computation of FSI in CRZ area

The Authority noted the following:-

1. As per Annexure III (I)(h) of CRZ Notification, 2011, 'no construction is allowed in No Development Zone, however for the purpose of floor space index, the area of entire plot including the portion which falls within No Development Zone shall be taken into account'. Further, as per the clarification issued by the Ministry of Environment & Forests, Government of India vide letter dt. 23rd May 2001, it was clarified that the CRZ areas to be demarcated, taking into consideration the actual width of the creek, nallah at different location on the plot in accordance with special condition No. 18 in the CZMP of Maharashtra State approved by Ministry on 27th September 1996. Further, it is clarified that no constructions are permissible in the inter tidal area i.e. area between CTS plot boundary and the HTL demarcated by CESS Thiruvanthpuram, as well as in the No Development Zone of the CRZ area of the plot to be demarcated as per above. However, the CRZ area falling between the CTS boundary of the plot and HTL and the CRZ to be demarcated as above can be considered by Local Authority for the purpose of FSI computation for construction to be undertaken outside the CRZ area of the same plot.
2. As per the CRZ Notification, 2011, the redevelopment, construction and repairs of Koliwadass/fishermen settlement areas which were existing as per Development Plan of 1981 can be undertaken in accordance with the applicable Local Town & Country Planning Regulations. However, for new development/construction other than fishermen settlement, FSI existing as per the Local Town & Country Planning Regulations existing and in force as on 19-2-1991 will be applicable as per Para 8 of Notification.

In light of the above, the Authority after deliberation decided that, the area landward of the HTL and falling in CRZ III, No Development Zone of a plot can be used



for computing the FSI for construction on the Non CRZ area of the same plot as per the existing regulations.

Item No. 14: Proposed redevelopment of the property on plot bearing C.S. No. 233 of Malbar Cumballa Hill Division known as 91, Nepean Sea Road, D ward, Mumbai

The Authority noted the following proposal details:

1. The MCGM has forwarded the proposal for redevelopment of the property on plot bearing C.S. No. 233 of Malbar Cumballa Hill Division known as 91, Nepean Sea Road, D ward, Mumbai.
2. As per DP remark of MCGM dt. 29.01.2011, the plot under reference is in residential zone and not reserved for any public purpose.
3. The CZMP (scale 1:4000) prepared by Institute of Remote Sensing, Anna University, Chennai submitted by the proponent indicates the land under reference is located in CRZ II and landward side of existing Nepean Sea Road.
4. As per the information provided there was one existing cessed structure having Ground + 2 upper floored building on the plot.
5. As per MCGM letter dated 13.9.2011, The proposed construction comprising of 2 level basements + ground floor entrance lobby + 1st to 2nd floor for car parking + 3rd to 14th floors for residential purpose. The height of the building is 54.30 Sqmt
6. Architect has requested to process the proposal by restricting FSI 1.33 till pending NoC from MHADA. Architect will be applying for NoC issued by MHADA till then, FSI would be is restricted to 1.33

The Authority noted the FSI details presented by the project proponent as follows:

1. Area of plot = 2387.12 Sq.mtr.
2. Road acquisition area = 338.16 Sq.mtr.
3. Balance area plot = 2048.96 Sq.mtr.
4. FSI proposed = 1.33
5. Permissible floor area = 2725.12 Sq.mtr.
6. Proposed area = 2551.35 Sq.mtr.
7. FSI Consumed = 1.25

Staircase and lift areas, balcony, Arch projection, refuge, basement, stilt, Fitness centre area, are taken as free of FSI as per prevailing DCR since proposal is under 8(V).1.(c)

It was also noted that as per CRZ Notification, 2011 under item 8 V. (d) (c) 4, public hearing was conducted as per procedure laid down under EIA Notification on 20.11.2011.



It further noted that Redevelopment of Cessed buildings 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.

After deliberation, the Authority decided to recommend from the CRZ point of view to the concerned planning authority ie. MCGM, subject to the condition that MCGM should ensure that building plan of the proposed construction is as per DCR prevailing as on 6th January, 2011. MCGM should ensure that FSI is restricted to 1.33 only.

Item No. 15: Proposed redevelopment of property bearing FP No. 640 of TPS-III, Mahim Division situated at Building No. 12-12A, 14-14A, 16-16A (Anand Building), Sitladevi Temple Road, G/North Ward, Mahim, Mumbai

The Authority noted the following proposal details:

1. The MCGM has forwarded the proposal for redevelopment of property bearing FP No. 640 of TPS-III, Mahim Division situated at Building No. 12-12A, 14-14A, 16-16A (Anand Building), Sitladevi Temple Road, G/North Ward, Mahim, Mumbai.
2. The DP remarks of MCGM dated 06.10.2009 shows that the land under reference falls in Residential Zone and not affected by any public reservations.
3. As per approved CZMP of Mumbai, the land under reference falls in CRZ-II and situated on landward side of existing road.
4. As per MCGM remarks dated 16.07.2011, the proposed redevelopment is of existing 'A' category cessed building.
5. The proposal is for the additional FSI of 0.5
6. The proposed building consists of Wing "A" with Ground + 1st to 7th floor for rehabilitation of existing tenants & Wing B with 1st to 6th floor for parking podiums + 15 floors for residential use for sale purpose.

The FSI Details:

1. Area of plot = 724.09 sq. m.
2. Permissible FSI = 2.50
3. Permissible floor area = 1810.23 sq. m.



4. Proposed built-up area = 1808.95 sq. m.

Staircase, lift, lift lobby, passage etc., Balcony area, Podium floor (1st to 6th), Ornamental projection (flower bed), Society office are taken as free of FSI.

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 Authority noted that 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, to 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.

After deliberation, the Authority decided to recommend the proposal from CRZ point of view to concerned planning authority i.e. MCGM, subject to the condition that MCGM should ensure that building plan of the proposed construction as per DCR prevailing as on 6th January, 2011. Planning authority to ensure that reconstruction is permitted subject with the 2.5 FSI and without change in present use, as in DCR in force as on 6.1.2011.

Item No. 16: Proposed redevelopment under the provision of DC Rule 33(7) of DCR 1991 with joint venture with MHADA at property bearing CS No. 979, 980, 985, 4/997 & 997(pt) of Mahim Division, G/North Ward, Mahim, Mumbai

The Authority noted the following proposal details:

1. The MCGM has forwarded the proposal for redevelopment under the provision of DC Rule 33(7) of DCR 1991 with joint venture with MHADA at property bearing CS No. 979, 980, 985, 4/997 & 997(pt) of Mahim Division, G/North Ward, Mahim, Mumbai .
2. The DP remarks of MCGM dated 21.7.2009 mentions that the land under reference falls in Residential Zone and earmarked for Urban renewal scheme (to be developed by MHADA)
3. As per MCGM remarks, the plot under reference falls in CRZ II and situated on landward side of the existing Swatantravir Savarkar Marg.



4. The MCGM remarks dt 18.11.2011 mentions that there is a category 'A' cessed building on plot under reference with built up area 1966.78 Sqmt.
5. The proposed building comprises of part stilt + part ground + 15th upper floor for residential purpose, with total height of 47.30 mt.

The FSI Details:-

1. Area of plot - 786.71 Sqmt
2. FSI permissible - 2.5
3. Permissible floor area - 1966.78 Sqmt
4. Proposed area - 1930.30 Sqmt
5. Total built up area proposed - 1964.09 Sqmt (FSI consumed - 2.49)

Staircase and lift areas, balcony, Arch projection, refuge, stilt, pump area, are taken as free of FSI.

The Authority noted that 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, totake 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.

In light of the above, the Authority after deliberation decided to recommend the proposal to concerned planning authority i.e. MCGM, subject to the submission and scrutiny of the Public Consultation Report to the Authority.

Item No. 17: Regarding CRZ clearance for revised proposal for reconstruction of existing Hotel Sea Rock on plot bearing CTS No. B-1150, B-1153, B-1155 & B-1156 at Bandra, B. J. Road, Band Stand, Mumbai by M/s. Elal Hotels and Investments Ltd

The Project proponent presented the background of the proposal as follows:-

- The Authority noted that the revised proposal is for additional FSI of 3 for reconstruction of existing Hotel Sea Rock on plot bearing CTS No. B-1150, B-1153, B-1155 & B-1156 at Bandra.

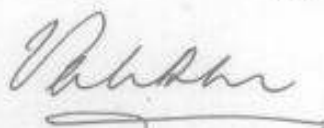


- Project proponent has obtained additional FSI of 3 from State Government vide letter dated 20.07.2009. Now total FSI available for construction is 5.50 as per DCR of 1967.
- The subject matter was considered in the 57th and 58th meeting of MCZMA held on 16th October, 2009 and 4th December, 2009 respectively.

The Authority noted that, MoEF raised queries about additional FSI of 3,

- The matter was considered in the Expert Appraisal Committee (Coastal Regulation Zone, Infrastructure Development and Miscellaneous Projects) meeting held on 25th - 26th February 2010.
- In this regard, the MoEF vide letter having F. No. 11-128/ 2009-IA,III dated 30.04.2010 has issued a letter to MCZMA. As per this letter: 'It is informed that the project proponent has revised the project proposal based on the observation of the Expert Appraisal Committee on CRZ, Infrastructure & Miscellaneous Projects (EAC)'.
As per this letter, the MCZMA was requested to examine the revised proposal and applicability of higher FSI and send the recommendations of MCZMA under CRZ Notification, 1991 so as to consider the proposal further
- With respect to the queries raised during this meeting and vide letter of MoEF dated 29.03.2010, project proponent has submitted a reply and plans vide letter dated 20.04.2010.
- The queries of MoEF and reply submitted by the proponent to the MoEF is as follows:

Sr. No.	Query	Reply
1	The height and coverage of the construction should be in accordance with the existing FSI/ FAR norms as per Coastal Regulation Zone Notification, 1991 and as per DC Rules, 1967	We shall abide with CRZ Notification, 1991 and DC Rule, 1967 regarding height of the building and its coverage
2	The entire land is situated on the seaward side of the existing road. The concept of imaginary line cannot be made applicable in the instant case, as no authorized structures exist on the plots abutting the land under reference. The proposed construction can be permissible on the plinth of the existing authorized structure of Sea Rock Hotel only.	That we shall do all the construction activity as per our permissible plinth of the existing authorized structure of the Sea Rock Hotel.



Sr. No.	Query	Reply
3	The detail submitted and presented during the meeting does not clarify the existing plinth of the hotel building. Submit a copy of the building plans, basement to upper floors, superimposing the existing building, building proposed with 2.5 FSI and the details of proposed building with 5.5 FSI. Also submit the cross section of the building indicating the levels with reference to road level and sea level and the existing plinth level of the building	The building plan showing existing plinth structure superimposing the 2.5 FSI building and 5.5 FSI building and the cross section of the building indicating the levels with reference to road level and sea level and the existing plinth level of the building is enclosed as Annexure-I, II, III.
4	The construction is permissible only on the landward side of the existing plinth. The proposal should be revised accordingly with the recommendations of MCZMA.	The building block which was going towards seaward side has been revised as shown in Annexure No. IV & V.
5	Examine and submit details of parking calculations based on different uses like no. of rooms, banquet facilities and restaurants etc. Also examine the alternative parking options, if three basements are not permitted by the Central Ground Water Authority in the CRZ area	The revised parking calculation if CGWB clearance is not given is enclosed as Annexure-VI.

The Authority noted that MCZMA considered the matter in 62nd meeting on 20.5.2010

1. After deliberations, it was decided to recommend the proposal subject to the compliance of the commitments given by the proponent in the reply of the queries raised by MoEF in their revised proposal submitted to MoEF vide letter dated 20.04.2010.
2. MoEF vide letter dated 8.7.2011 returned the proposal back to MCZMA in light of new CRZ Notification, 2011 with a request to re-examine the proposal under CRZ Notification, 2011.
3. The Proponent of Sea Rock Hotel were requested to send revised proposal as per CRZ Notification, 2011 vide MCZMA letter dated 25.7.2011. The queries raised by The MoEF pertain to submission of Form 1 as per new CRZ Notification, 2011, rapid



EIA, and Disaster management Report and Risk assessment Report. Speaking order from competent authority relating to the FSI.

4. The Project proponent submitted the revised project vide letter dated 2.2.2012 comprising Form 1, Rapid EIA report, Disaster Management Report and Risk Assessment Report, CRZ map of 1:4000 map prepared by IRS, Chennai. Proponent vide this letter, has requested to forward the proposal to MoEF for FSI of 5.5 as per DCR 1967.

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

- The project site under construction falls within the CRZ I (ii) and partly in CRZ II as per the approved CZMP of Mumbai. The site also falls on the seaward side of the existing authorized road. Comments were sought from Department of Urban Development Department which is the competent authority on FSI and Town Planning issues. Additional FSI of 3 was permitted by the Urban Development Department in the year 2009 as per the rule 10.2 of DCR 1967 and the proposal was recommended by the MCZMA on 24.5.2010. as the construction proposed was on the plinth of the authorized structure or on the landward of existing plinth which was existing prior to 19.2.1991. No construction was allowed in the area falling in CRZ I(ii) of the plot.
- As per para 8.II. CRZ II(iii) of CRZ Notification, 2011 Reconstruction of authorized building to be permitted subject to the existing floor space index or floor area ration norms and without change in the present use.

The Authority noted the complaints received in the matter

1. MCZMA has received the complaint from Mrs. Sonia Raj Sood against construction of Sea Rock Hotel alleging that proposed area is in CRZ I and redevelopment is not permissible as per CRZ Notification. Further it also alleged that MCGM has issued the Commencement Certificate for FSI of 5.5 without CRZ clearance. This matter was verified by the MCGM and it was clarified that that the CC was issued for the initial proposal of 2.5 FSI only.
2. MCZMA has also received a complaint on 21.3.2012 from Playmate Club Members Association with a request for stopping Sea Rock Hotel Redevelopment work.

Taking into account the detailed background of the proposal, complaints received and documents submitted, the Authority after discussion directed the project proponent to submit the followings-

- 1) Indicate CRZ category clearly on the CRZ survey map prepared by IRS Chennai and revert.
- 2) Submit layout plan on the existing plinth superimposed on CRZ survey map prepared by MoEF authorized agency in the Scale of 1:4000.



- 3) Submit speaking orders issued by Urban Development Department regarding FSI of 3.00
- 4) Project proponent to submit No Objection Certificate from Central Ground Water Board clearly indicating permission for proposed basements.
- 5) Details of Court Cases, if any, in the matter.

The Authority decided to request the MCGM and the Urban Development Department to provide the following information:

1. Speaking order regarding additional FSI
2. MCGM to confirm that the building proposal and FSI therein is as per the provisions of DCR 1967 along with existing land use.

Item No.18: Proposed Residential Bldg. on plot bearing C.T.S. No. 1328, 1329, 1378(pt) & 1379(pt), Village Versova, Taluka Andheri, K/West Ward, Mumbai

The Authority noted the following proposal details:-

1. The MCGM has forwarded the application for CRZ permission for Proposed Residential Bldg. on plot bearing C.T.S. No. 1328, 1329, 1378(pt) & 1379(pt), Village Versova, Taluka Andheri, K/West Ward, Mumbai
2. The MCGM mentioned vide DP remarks dt. 10/06/2010, the land under reference is situated in residential zone and reserved for Municipal Primary School & Play Ground.
3. The CZMP of Mumbai indicates the plot under reference is located in CRZ II and the MCGM mentioned vide letter dt. 02/02/2012 the plot under reference is located on the landward side of the existing road.
4. The MCGM mentioned vide letter dt. 02/02/2012 that the proposed construction of Residential Building comprises of Stilts (Parking) + 10th (pt) upper floors.

The Authority noted the FSI Details:

1. Total area of plot = 8139.20 Sq.mtr.
2. Recreation ground @ 15 % = 1220.88 Sq.mtr.
3. Net plot area = 6918.32 Sq.mtr.
4. Permissible FSI = 1
5. Permissible floor area = 6918.32 Sq.mtr.

The Project proponent and Officials of the MCGM on enquiry informed that the plot is a separate one and not the one reserved for a Municipal Primary School and Play Ground. The Plot in question was reserved for residential purposes.

In light of the above, the Authority after deliberation decided to recommend the case to concerned planning authority i.e. MCGM subject to the submission and scrutiny of the following:



1. The MCGM mentioned that the plot under reference is situated on landward side of existing road. The name of the road should be specified and its existence prior to 19.02.1991 should be verified.
2. With reference to the DP remarks of MCGM (dt. 10.06.2010), the construction for residential purpose is proposed on the land which is in Residential Zone and reserved for 'Municipal Primary School & Playground'. Clarification by MCGM indicating that proposed construction is not on above reservations.
3. As per the DP remarks of MCGM (dt. 10.06.2010), as the plot under reference falls within influence zone of the Military Signal Transmission Station at Juhu, the development on the land under reference is restricted and specific remarks in this respect must be obtained from concerned defense authority and submit to the Authority.

Item No.19: Redevelopment on property known as Dhyaneshwar Mandir Building bearing CS No. 2/377, Dhyaneshwar Mandir Marg, G/North Ward, Dadar, Mumbai.

The Authority noted Earlier CRZ NoC issued to the project:-

1. CRZ NoC has been granted vide letter no. TPB/3546/CR36/UD11 dated 5th May 2008 for redevelopment of existing Cess residential building for FSI 2.0
2. CRZ NoC has also been granted by MoEF for development of Dnyaneshwar Mandir, vide letter no. F. No. 11-77/2009/IAIII dated 6th may 2010.

The Authority noted the following proposal details:-

1. The MCGM has forwarded the proposal regarding "Redevelopment on property known as Dhyaneshwar Mandir Building bearing CS No. 2/377, Dhyaneshwar Mandir Marg, G/North Ward, Dadar, Mumbai." vide letter dated 9.8.2011
2. As per DP remarks of MCGM dated 29.3.2007,
 - i) The land under reference falls in Residential Zone and abuts the designation of existing Garden.
 - ii) The land under reference falls in CRZ II and is situated on the seaward side of the existing road.
3. The proposal is for the redevelopment of existing 'A' category Cess building prior to 1940 and Dhyaneshwar Mandir of non Cess category building.
4. As per MCGM remarks, proposed construction involves:
 - i. redevelopment of existing building which consists of Stilts for parking & 1st to 20th floor including 1st to 6th floor for rehabilitating existing tenants with surplus area to be handed over to the MHADA & 7th floor to 20th floor for sale purpose for residential use for FSI 2.5



- ii. redevelopment of existing Dhyaneshwar Mandir comprising of part Stilt + part ground + 2 upper floors for FSI 1.33

The Authority also noted the FSI Details:

1. Plot area - 1839.47 Sqmt
2. Non Cess area - 349.08 Sqmt
3. Land component for Non Cess area (349.08/3)- 262.47 Sqmt
4. Balance plot area (1839.47- 262.47)- 1577 Sqmt
5. FSI of Cess area (157 8 2.50) - 3942.50 Sqmt
6. FSI of non Cess area (262.47 8 1.33)- 349.08 Sqmt
7. Total permissible area (3942.0 + 349.08)- 4291.58 Sqmt
8. total built up area proposed - 4280.08 Sqmt

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

1. Public Consultation Report as per the provisions of CRZ Notification, 2011 and as per the procedure laid down vide MCZMA Office Memorandum dt. 30.12.2011
2. Certified copy of the MHADA NOC for 2.5 FSI.
3. MCGM should ensure that building plan of the proposed construction as per DCR prevailing as on 6th January, 2011.
4. Planning authority to ensure that reconstruction is permitted subject with the 2.5 FSI and without change in present use, as in DCR in force as on 6.1.2011.
5. MCGM to ensure that redevelopment of existing Dhyaneshwar Mandir comprising of part Stilt + part ground + 2 upper floors is with FSI of 1.33 only.

Item No.20: Regarding construction on land bearing CTS No. 1054, Plot No. 173, Village Pahadi Goregaon

The Authority noted the detailed Background of the proposal-

Regarding construction on land bearing CTS No. 1054, Plot No. 173, Village Pahadi Goregaon (CR-550/ 08):

1. Earlier the application was submitted for the CRZ permission for construction of school building on the plot under reference.
2. However, later the application was modified and resubmitted with the proposal of construction of commercial building (Ground + 3 floors) on the land under reference. As per the submitted information, the investment cost of the proposed construction is mentioned as Rs. 3,05,25,159/-.

Remarks of Urban Development Department:



1. As per the remarks of Urban Development Department, as per the approved and prevalent Development Plan of "P/South" Ward, the land under reference falls in District Commercial Zone (C-2) and is not affected by any reservation.
2. However, as per the approved Development Plan of 1967, the land under reference falls in Residential Zone and the area around the land under reference is shown as saltpan.
3. As per the CZMP of Mumbai (approved by MoEF on 19.01.2000), the land under reference falls in CRZ-II area and within 150 m from HTL. As per the submitted information, the land under reference is on the landward side of the existing 9.15 m Layout Road and 18.30 m approved CZMP road on the Northern side of the plot.
4. As per the site inspection report of MCGM (letter No. Dy. CHE/ 8862/ BP (WS)/ AP dated 25.02.2009), it is mentioned that, storm water drains also exist on the site. In case of the D.P. Roads, it is mentioned that: "Proposed 27.45 m wide the D.P. Road shown on plan is as per Central Govt.'s approved Coastal Area Map, dated 19.01.2000. The plot under reference is already reclaimed, having existing 9.15 m wide layout road abutting the said plot. The mangroves are existing on seaward side of 27.45 m D.P. Road, which is at present marshy land".

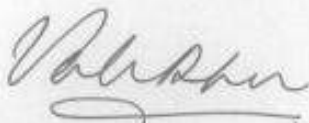
Remarks from CRZ point of view:

1. As per the letter of MoEF giving approval to CZMP of Maharashtra (dated 27.09.1996): "The roads proposed in the Development Plan of Greater Mumbai are not approved as part of approved CZMP of Maharashtra State. Such roads proposed in the Development Plan of Greater Mumbai need to be considered by this Ministry on a case-to-case basis on merits. Hence it is difficult to accept the approval to consider the proposed road as part of the approved CZMP of the State".
2. Considering the above points, the Environment Department clarified that it was not possible to grant permission to this proposal from the CRZ point of view. However, with respect to the instant case, Urban Development Department has suggested to refer the proposal of File No. CRZ-2008/ 968/ CR-268/ 08/ UD-12, in which, the project site (land bearing CTS No. 1042, Plot No. 170) falls in the similar layout of the land under reference and the permission has been granted for this proposal from CRZ point of view.

Regarding construction on land bearing CTS No. 1042, Plot No. 170, Village Pahadi Goregaon (CR-268/ 08):

1. As per the submitted information, this proposal was for the construction of commercial building (Ground + 4 Floors) with proposed FSI of 1.00 and investment cost of Rs. 2,01,12,642/-.

Comments of Urban Development Department in CR-268/ 08:



1. The land under reference falls in the similar layout of CTS No. 1054, Plot No. 173. As per the remarks of Urban Development Department, as per the approved and prevalent Development Plan of "P/South" Ward, the land under reference falls in District Commercial Zone (C-2) and is not affected by any reservation.
2. As per the CZMP of Mumbai (approved by MoEF on 19.01.2000), the land under reference falls in CRZ-II area and within 150 m from HTL. As per the submitted information, the land under reference is on the landward side of the existing 9.15 m and 18.30 m wide CZMP roads and residential use was not permitted.
3. Considering the information provided as above in the instant case, Environment Department granted the CRZ permission for the construction of commercial building with 1.00 FSI on the land under reference.
4. Urban Development Department has granted permission for the proposed commercial development from CRZ point of view vide letter No. CRZ-2008/968/ CR-268/ 08/ UD-12 dated 05.09.2009.

Remarks of Environment Department:

On the comparative consideration of both these cases, following points are observed:

- a) As per the information given in CR-268/ 08, it is mentioned that the land under reference is on the landward side of the existing 9.15 m and 18.30 m wide CZMP roads. However, as per the information in CR-550/ 08, the 9.15 m wide road is Layout Road and not CZMP approved road.
- b) The site inspection report of MCGM (dated 25.02.2009) as submitted in the case of CR-550/ 08 is not available in the case of CR-268/ 08 in which the information regarding the D.P. Roads/ Layout Roads as well as the status of the site is mentioned.
- c) It is mentioned that, the land under reference falls in District Commercial Zone (C-2) as per the approved Development Plan prevalent as on 19.02.1991. However, as per the clarification of MoEF vide letter dated 18.06.2006, Development Control Rules of 1967 should be considered while considering any proposal for the grant of CRZ permission.
 - As per the approved Development Plan of 1967, both the lands fall in Residential Zone. Hence, it can be observed that, the information submitted in both the cases is contradicting with respect to seaward and landward location as well as land-use of the plots under consideration.
 - The matter as above was placed before authority in 58th MCZMA meeting held on 4th December 2009, wherein Authority deliberated and studied both the cases with accordance of remarks of the planning authority regarding the roads considered in both the proposals. As per the CRZ Notification, 1991 and guidelines of MoEF, proposed/ D.P. Roads and layout roads should not be considered as approved CZMP



roads. Hence, Authority decided to give status-quo to the permission granted for the proposal for proposed construction for commercial use on land bearing CTS No. 1042, Plot No. 170 and directed the MCGM not to issue the commencement certificate for the said construction and MCGM to submit the detailed report to the Authority.

- The proposal was referred to Urban Development Department for further necessary action in the matter.
- Urban Development Department referred the proposal back to Environment Department, for reconsideration, with following comments:
 1. The sanctioning of layout as well as development of 9.25 m wide existing layout road was done before 19.02.1991. Therefore the existing 9.25 m wide road acquires authenticity. Hence, it is not necessary to consider whether this road is a layout or developed road.
 2. As per the approved CZMP, the land under reference is on the landward side of:
 1. Proposed road
 2. Existing DP Road on Northern side of the land under reference
 3. Existing 9.25 m wide layout road

Considering above points the proposal can be permissible as per Rule No. 6(2)(i) of CRZ-II as per CRZ Notification, 1991 (amended time to time). On the same basis, there is no need to give status-quo in the case of CR-268/ 08.

- Taking note of Urban Development Department's Remarks, Environment Department referred the proposal back with the remarks stating that: with reference to MoEF's corrigendum 21.10.1997, the decision taken by Environment department in case of CR-550/ 08 as well as CR-268/ 08 is proper.
- Urban Development Department again put forth the proposal to Environment Department with following findings:
 - a. In the Rule No. 6 (2) (i) of CRZ-II as per CRZ Notification, 1991 (amended time to time), it is not mentioned that, 'existing road should not be assumed as layout road'. Therefore MCZMA should rethink about their decision regarding non-consideration of layout road as existing road as on 19.02.1991.
 - b. As per MCGM remarks, 27.54 m wide proposed DP road is as per CZMP. Therefore as per MoEF's corrigendum 21.10.1997, this road need to be considered.
- Urban Development Department opined that the proposal may be placed in the forthcoming MCZMA meeting, for reconsideration of decision taken in case of CR-550/ 08.
- Accordingly, the matter was placed in the 66th meeting of MCZMA, wherein, authority discussed the following issues-
 1. Location of the site with respect to the approved CZMP road
 2. Zoning of land under reference (Residential/ Commercial) as on 19.02.1991



3. Site Inspection Report of MCGM (Letter No. CHE/ 8862/ BP/ (WS)/ AP dated 25.02.2009), in which it is mentioned that there are storm water drains on the plot. It is also mentioned that, 'The plot under reference is already reclaimed, and having existing 9.15 m wide layout road abutting the said plot. The mangroves exist on the seaward side of 27.45 m DP road, which is at present marshy land'.

After detailed discussion, the Authority decided to refer the matter to MoEF to seek clarification in the instant case to confirm the applicability of zoning of 1967 (prevalent as on 19.2.1991) Or zoning of 1991(current) for the proposal in CRZ area. The Authority decided that, no permission shall be given for the construction on both the plots and the matter will be considered by MCZMA only on receipt of the clarification from MoEF

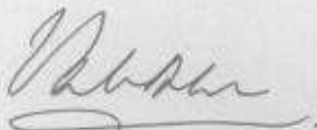
- Accordingly, the MCZMA requested to MoEF vide letter dated 24.12.2010, to give necessary clarification into the matter.
- In the meanwhile, the MoEF published the new CRZ Notification, 2011, stipulating the provision for considering the proposals in CRZ area, as per CRZ Notification, 2011.
- Now, the project proponent has submitted the same proposal (Ground + 3 upper floors, for office and Community Hall), as per CRZ Notification, 2011.
- After scrutinizing the proposal, it is found that the proposal has been submitted directly to the MCZMA without the duly filled Form I and checklist.

The Authority noted that the land under reference is within the residential zone as per the development plan of 1967. It noted that project proponent has submitted the proposal for a School and Residential Building. It was discussed on whether a School could be developed in a residential zone.

Therefore, the Authority considered the request of project proponent to allow him to develop the school building on the site under reference. It was decided to recommend the proposal to the concerned planning authority i.e. MCGM, subject to the following:

1. Submit detail layout, building plan, FSI calculations etc, as per the DCR of 1967 through MCGM.
2. MCGM to ensure that building plan, land use and FSI is as per DCR of 1967.
3. MCGM to ensure that site under reference is on the landward side of the DP road existing as on 19.2.1991.

Item No. 21: Application for CRZ clearance of proposed "residential cum commercial project" located on plot bearing S.No. 42/1, 42/2, 42/3, 42/4, 42/5, 42/6, 47/1, 0/1A, 50/2 -Village- Manda &




221/1, 201/1, 223/1, 225/1, 246/1. Gupta Compound, Ganesh Mandir road, Titwala, Tal - Kalyan, Dist - Thane

The Authority noted following details of proposal:

- 1) The Kalyan - Dombivali Municipal Corporation has forwarded the proposal for "residential cum commercial project" on plot bearing S.No. 42/1, 42/2, 42/3, 42/4, 42/5, 42/6, 47/1, 0/1A, 50/2 -Village- Manda & 221/1, 201/1, 223/1, 225/1, 246/1. Gupta Compound, Ganesh Mandir road, Titwala, Tal - Kalyan, Dist - Thane
- 2) The matter was before State Environment Impact Assessment Authority (SEIAA) in its 45th meeting held on 15th and 16th March, 2012. SEIAA directed project proponent to obtain CRZ NOC from MCZMA since the plot is affected by CRZ.
- 3) The plot is partly affected by CRZ II (NDZ). No buildings construction proposed in NDZ. (Proposed activities in NDZ are Courts - Lawn Tennis + Basket Ball, Skating Rink, Lawn)
- 4) As per the CZMP of Kalyan - Dombivali Municipal Corporation area (1:5000), that the plot under reference is located partly in CRZ III.
- 5) As per the Regency Nirman Ltd. letter dated 30.01.2012 mentions, area affected by CRZ III is 93765 sq.mtr and Balance area of the plot for construction = 165788.00 sqmtr.
- 6) As per the Regency Nirman Ltd. also mentions, No development is proposed in the CRZ affected area and also not the FSI of that area is utilized. The Nalla passing through garden reservation plot No. 51 would be maintained in its natural course.
- 7) The proposed development on the vacant land consists of total 42 building with Clubhouse and common health center.
- 8) The project contains environmental features like reuse of treated water through sewerage treatment plant, solid waste management, rain water harvesting, use of solar energy and land scaping.
- 9) Development /construction is not proposed in CRZ affected area (NDZ of CRZ III).
- 10) As per layout plan, various features like Courts - Lawn Tennis + Basket Ball, Skating Rink, Lawn etc. are proposed in CRZ affected area:

The Authority after discussion and deliberation, decided to recommend the proposal from CRZ point of view subject to compliance of the following conditions:-

- 1) No FSI of the area in CRZ should be used on the other plots in non CRZ area and planning authority to ensure the same while issuing commencement certificate.
- 2) No other activity/construction except garden will be allowed on the area affected by CRZ.
- 3) Planning authority should ensure that Garden will be accessible to general public.
- 4) Further, Nalla passing through garden reservation plot No. 51 will be maintained without change in its natural course.



Item No. 22: Proposed construction of building on plot bearing survey No.29A/1, MHADA plot No. 135 at Village Alibag, Tal: Alibag (by Mr. Pravin Waghdhare)

The Authority noted the following details of the proposal:

- 1) The Town Planning office, Alibag has forwarded the proposal for "Proposed construction of building on plot bearing survey No. 29A/1, Mhada plot No. 72 at Village Alibag, Tal: Alibag"
- 2) As per the Municipal Council of Alibag, the residential construction on vacant plot in CRZ II area as per DCR as on 19.02.1991
- 3) As per the sanctioned Development Plan dated 20.8.1984, the land under reference falls in open space, garden and playground. However, as per the draft development plan, the land under reference falls in Residential Zone.
- 4) As per sanctioned Development Plan dated 20.8.1984, the land under reference falls in open space, garden and playground. However, as per the draft development plan, the land under reference falls in Residential Zone.
- 5) The Town Planning Office, Alibag mentions that as per the approved CZMP of Alibag, the site under reference falls in CRZ II area and situated on landward side of existing road.
- 6) As per the Property card submitted by the proponent - the total area of plot is- 72 sq. m.
- 7) As per submitted lay out plan, the proposed construction of building on vacant plot comprised of stilt + raised ground floor + raised first floor

The Authority noted the FSI Details:

1. Total plot area- 72 sq. m.
2. Permissible built up area per floor- 36 sq. m.
3. Total proposed built up area on ground floor- 35.3625 sq. m.
4. Total proposed built up are on first floor- 35.3625 sq. m.
5. Total proposed built up area (G+1) - 70.7250 sq. m.

The Authority decided to reject the proposal from the CRZ point of view since, plot under reference are reserved for open space, garden and play ground. As per the CRZ Notification, 2011 residential or commercial construction is not allowed on the open space, garden and play ground.

Item No. 23: Proposed construction of building on plot bearing survey No.29A/1, MHADA plot No. 135 at Village Alibag, Tal: Alibag (by Mr. Prashant Gharat)

The Project proponent presented the proposal before the Authority.:



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

- 1) The Town Planning office, Alibag has forwarded the proposal for "Proposed construction of building on plot bearing survey No. 29A/1, MHADA plot No. 72 at Village Alibag, Tal: Alibag" vide letter dated 7.10.2011
- 2) Residential construction on vacant plot in CRZ II area of Alibag Municipal Council as per DCR as on 19.2.1991
- 3) As per sanctioned Development Plan dated 20.8.1984, the land under reference falls in open space, garden and playground. However, as per draft development plan, the land under reference falls in Residential Zone.
- 4) The Town Planning Office, Alibag mentions that as per the approved CZMP of Alibag, the site under reference falls in CRZ II area and situated on landward side of existing road.
- 5) As per the Property card submitted by the proponent - the total area of plot is 72 sq. mtr.
- 6) As per submitted lay out plan, the proposed construction of building on vacant plot comprises of Stilt + raised ground floor + first floor

The FSI Details:

1. Plot area - 72 sq. m.
2. Proposed built up area on raised ground floor - 34.72 sq. m.
3. Proposed built up area on first floor - 34.72 sq. m.
4. Total built up area - 71.86 sq. m.

The Authority after deliberation decided to reject the proposal from CRZ point of view since, the plot under reference was reserved for open space, garden and play ground. As per the CRZ Notification residential or commercial construction is not allowed on the open space, garden and play ground.

Item No. 24: CRZ permission for proposed residential building on plot bearing C.S.No. 669,670/1, K672/1A672/1F (Total Area 866.18 Sq.mt) at village - Alibag, Tal. Alibag (by Mr. illius siddiqi)

The Project proponent presented the proposal before the Authority.:

- 1) The proposal regarding the "CRZ permission for proposed residential building on plot bearing C.S.No. 669,670/1, K672/1A672/1F (Total Area 866.18 Sq.mt) at village - Alibag, Tal.- Alibag" has been forwarded by Alibag, Municipal Council, vide letter dated 24.6.2011.
- 2) The Alibag Municipal Council remarks dated 24.6.2011 mentions that the Development Plan (DP) of Alibag council was sanctioned on 20.8.1984 which was further amended on year 2000. As per the amended DP, the land under reference falls in residential zone.



- 3) As per submitted information by proponent and remarks of Alibag Municipal Council, the land under reference falls in CRZ II area and situated on landward side of existing road. The CZMP of Alibag submitted by proponent also shows the site falls in CRZ II area.
- 4) The Alibag Municipal council remarks shows - total area of plot is 866.18 sq. m.

CTS No.	Area	Total plot area
672/1F	615.38 sq. m.	866.18 sq. m.
669	130.4 sq. m.	
K672/1A	90.30 sq. m.	
670/1	30.10 sq. m.	

- 5) The proposed constructor comprised of ground + 2 upper floors on vacant plot bearing C.S.No. 669, 670/1, K672/1A672/1F at village - Alibag, Tal. Alibag
- 6) The valuation report mentions the proposed built up area is 866.18 sqmt and total cost of project is Rs. 1,43,50,900/-

The FSI Details:

- Total area of plot -866.18 sq. m.
- Permissible FSI - 1 (i.e. Permissible built up area - 866.18 sq. m.)
- Proposed construction:
 - Ground floor built up area- 283.51 sq. m.
 - First floor built up area- 283.51 sq. m.
 - Second floor built up area- 283.51 sq. m.
 - Total built up area- 850.53 sq. m. (i.e. the built-up area is within the limit of permissible FSI)

The Authority after discussion and deliberation, decided to recommend the proposal subject to the submission of following by Municipal Council:

- 1) Details of the Zoning as on 19.2.1991.
- 2) Details of the FSI Calculations as per DCR existing as on 19.2.1991.
- 3) Details such as Property Card, project layout, area of the plot, permissible FSI, non FSI area etc.

Item No. 25: CRZ Permission for proposed construction on plot bearing S.No.A11/221, C.T.S No.2138 at village Murud, Taluka-Murud, District-Raigad (by Mr. Hemant Kelaskar)

The Project proponent presented the proposal before Authority.:

1. The Municipal Council of Murud Janjira vide letter dated 19th November, 2011 has forwarded the application for CRZ permission for proposed construction on plot bearing S.No. A11/221, C.T.S No. 2138 at village Murud, Tal. Murud, Dist. Raigad.
2. As per the Municipal Council of Murud Janjira vide letter dated 19th November, 2011, the plot under reference is in residential zone and reserved for residential purpose.
3. As per CZMP of 1:4000 scale prepared by CESS, Kerala for Murud-Janjira Municipal Council, the land under reference falls in CRZ II and situated on landward side of the existing road.
4. The Murud-Janjira Municipal Council's letter dated 19.10.2011 mentioned the area of plot is 51.23 sqmtr. However, the property Card mentioned the area of plot is 105.20 sqmtr.
5. The Municipal Council of Murud-Janjira has submitted the proposal for construction of additional first floor on the existing ground floor.

The FSI Details:


- 1) Area of plot - 105.20sqmtr.
- 2) Permissible built up area/ FL.75% - 78.90sqmtr.
- 3) Existing built up area on G.F- 68.22sqmtr
- 4) Proposed built up area on F.F- 51.23sqmtr
- 5) Total built up area- 119.45sqmtr

With reference to the information submitted by the project proponent, the MCZMA has sent a letter dated 3rd April, 2012 to the proponent to submit the needed information for further processing of the proposal as per CRZ Notification, 2011. Accordingly the project proponent has submitted the following information:

- 1) The plot under reference is situated on landward side of existing road. The existence of such road prior to 19.02.1991. Proponent has submitted the Board Officer, Murud vide letter dated 20.04.2012 which mentions that existing road is built prior to 1991.
- 2) As per the letter dated 18.04.2012 of the Chief Officer, Municipal Council Of Murud-Janjira, construction of the existing structure is permissible in CRZ II.
- 3) Proponent has submitted extract map and letter dated 18.4.2012 of Chief Officer, Murud Janjira Council, in support of authorization of existing structure.

The Authority after discussion and deliberation, decided to recommend the proposal from the CRZ point of view subject to the submission of the following:

- 1) Municipal council of Murud Janjira to submit exact area of the plot under consideration and FSI details of the proposed additional construction as per the provisions of DCR existing as on 19.2.1991.



Item No. 26: Proposed Residential Complex - Kohinoor Heritage at Survey No.121 Hissa No. 4/1, CTS No. 993, Village Zadgaon, Taluka and Dist- Ratnagiri

The Authority noted following details of proposal:

The Ratnagiri Municipal Council has forwarded the proposal for Proposed Residential Complex - Kohinoor Heritage at Survey No. 121 Hissa No. 4/1, CTS No. 993, Village Zadgaon, Taluka and Dist- Ratnagiri vide letter dated 4.10.2011

Land Details:

1. As per the remarks of Municipal Council, Ratnagiri, The land under reference falls in Residential Zone. The land is open and land use at present is for agricultural use.
2. The documents submitted by the proponent mentions that the land is divided into 3 parts due to the Development plan of Ratnagiri Sanctioned vide notification No. TPS 1899 /13/ CR 186/A 99/UD 12 dated 27.4.2000. Thus the total area of plot as per CTS property card is 4632.9 sq. m. and as per 7/12 extract 4210 sq. m. The area under consideration would be 4210 Sqmt and is distributed according to the road passing through it. Thus the area of plot No. 1 would be 1770.84 sq. m. and area of plot No. 3 would be 218.35 Sqmt and area under road widening is 520.81 sq. m. Thus the net plot area is 1770.84 sq. m., Area of plot O. 2 would be 1700 sq. m. and area of Plot No. 3 would be 218.35 sq. m. Area under road widening is 20.81 sq. m. Thus the net plot area is 1770.84 sq. m.
3. As per remarks of Ratnagiri Municipal Council and CZMP submitted by proponent, the land under reference falls in CRZ II.

Proposal Details:

The proposal involves construction of 1 residential apartment with 36 Nos of flats with stilt + 4 upper floors.

FSI Details:

1. Area of plot No. 1- 1770.84 sq. m.
 - As per 7/12: 4210.84 sq. m.
 - As per property card: 4632.90 sq. m.
2. Proposed road: 183.10 sq. m.
3. Plot area after deducting proposed road area - $1770.84 - 183.10 = 1587.74$ sq. m.
4. Additional FSI of Road Widening - 183.10 sq. m.
5. Net plot area - 1770.84 sq. m.
6. Permissible FSI - 1
7. Total permissible built up area- 1770.84 sq. m.
8. First floor area- 392.97 sq. m.
9. Second floor area- 393.97 sq. m.
10. Third floor area- 393.97 sq. m.



11. Fourth floor area - 393.97 sq. m.
12. Total proposed built up area- 1768.96 sq. m.

Lift, lobby and staircase are claimed free of FSI and are permissible according to the development control regulations for Ratnagiri sanctioned by GoM.

The Authority after discussion and deliberation, decided to direct Ratnagiri Municipal Council to submit the following information to the authority.

- 1) Land use of the land under reference as per the development plan of Municipal Council as on 19.2.1991 and permissibility of the proposed construction on the existing land use.
- 2) Location of the plot with reference to existing road or authorized structure from the sea.
- 3) Exact plot area, layout plan details, FSI calculations as per the stringent DCR and layout plan superimposed on the CZMP.

Item No. 27: Proposed Residential building on property bearing CTS No. 2816 B, 2815, 2810, 2676, 2677, 2816A1, 2816A2, 2816A3, 2816A4 at Kotewada - Malvan, on Malvan Kasal Road, Tal. Malvan, Dist, Sindhudurg. (by Mr. Dholam)

The Authority noted the following details of proposal:

- 1) The Municipal Council of Malvan has forwarded the proposal for construction of Residential Building on property bearing CTS No. 2816 B, 2815, 2810, 2676, 2677, 2816A1, 2816A2, 2816A3, 2816A4 at Kotewada - Malvan, on Malvan Kasal Road, Tal. Malvan, Dist, Sindhudurg vide letter dated 3rd February, 2012.
- 2) As per the Municipal Council of the Malvan, the plot under reference is in residential zone.
- 3) As per remarks of Malvan Municipal council dated 3.2.2012, the land under reference falls in CRZ II area. Further project site is at landward side of existing authorized structures/ residential buildings constructed prior to 19.2.191. Also the proposed site is at landward side of proposed road as per sanctioned D.P. (as per Govt. order TPS-1580/4449/UD-5 dated 14.5.1981). The proponent has submitted the Draft CRZ Map prepared by CESS (Scale 1: 4000).
- 4) As per submitted information by proponent, Total area of the plot = 2792.40sqmts However, as per property card submitted by proponent, total area of plot is 5785.9 Sqmt.
- 5) The land under reference falls in Critical Vulnerable Coastal Area (CVCA) as per CRZ Notification, 2011
- 6) As per the Municipal Council of Malvan letter dated, 03.02.2012, the proposed development is residential building on property bearing CTS No. 2816 B, 2815, 2810, 2676, 2677, 2816A1, 2816A2, 2816A3, 2816A4 at Kotewada - Malvan, on Malvan Kasal Road, Tal. Malvan, Dist, Sindhudurg.



- 7) As per the layout plans, proposed development building comprising of Stilt + ground floor + 1st & 2nd floor for residential use.

The Authority noted the FSI Details:

- 1) Total area of plot is- 2792.40sqmtr.
- 2) Permissible FSI- 1
- 3) FSI proposed - 0.99
- 4) Net area for construction - 2299.40sqmtr.
- 5) Total built up area- 2296.1211sqmtr.

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

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

4. (a) Critical Vulnerable Coastal Areas (CVCA) which includes Sunderbans and other identified ecological sensitive areas which shall be managed with the involvement of the local coastal communities including the fisher folk:-

(b) The entire Sunderbans mangrove area and other identified ecologically important areas such as Gulf of Khambat and Gulf of Kutch in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhitarkanika in Orissa, Coringa, East Godavari and Krishna in Andhra Pradesh shall be declared as Critical Vulnerable Coastal Areas (CVCA) through a process of consultation with local fisher and other communities inhabiting the area and depend on its resources for their livelihood with the objective of promoting conservation and sustainable use of coastal resources and habitats;

The Authority after discussion and deliberation decided to refer the matter to MoEF for clarification since, the area under reference is affected by the Critical Vulnerable Coastal Areas as per the CRZ Notification, 2011.

Item No. 28: Proposed Fish processing plant by Seafresh Aquatic Exports Pvt Ltd. on plot bearing CTS No. 839 D, Survey No. 55A, Hissa No. 3, at village Rahatghar, Pethkilla, Ratnagiri. (Municipal Fishing Zone)

The Authority noted following details of proposal:

1. The Ratnagiri Municipal Council has forwarded the proposal regarding "proposed Fish Processing Plant by Seafresh Aquatic Exports Pvt Ltd" vide letter dated 2.12.2011
2. The Ratnagiri Municipal Council remarks mentions that the land under falls in Fishing Industrial Zone of Development Plan of Ratnagiri Municipal Council.



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

3. As per the Ratnagiri Municipal Councils remarks and CZMP submitted by the proponent, the plot under reference falls in CRZ II and situated on landward side of existing road.
4. As per the documents submitted by the proponents, plot area - 5066.30 sq. m.
5. As mentioned in Form I, there is an existing peeling, collection and dispatch shed approved by the Ratnagiri Municipality by vide outward No. 8137 dated 19.3.1994 and Building No. 3635K. The existing land is in the designated Fishing Industry Zone by Ratnagiri Municipality.
6. The proposal is for setting up of fish processing plant on plot bearing CTS No. 839 D, Survey No. 55A, Hissa No. 3, at village Rahatghar, Pethkilla, Ratnagiri. (Municipal Fishing Zone)
7. The Ratnagiri Municipal Council remarks mentions that the land had a sanctioned fish processing plant by Ratnagiri Municipal Council No. 8137 dated 19.3.1994. It has also a construction of 193.0 Sqmt with house No. 3635 K which has been transferred in a new name. There are infrastructures facilities like 9.14 metres wide road on the front and side of the plot and drainage on opposite side of the road. The applicant wants to construct a new construction on the said plot.
8. Proposed fish processing plant will have 2 cold storages, pre- processing Hall, packing Hall, Ante Roo, Office Block, Machine Room, R.M. receiving, Security Cabin Chill Room, Changing Room for male and female etc.

Authority noted the FSI Details:

1. Area of plot- 5066.30 sq. m.
2. Road Set back area- 306.90 sq. m.
3. Net area of plot - 4759.40 sq. m.
4. Permissible built up area - 4759.40 sq. m.
5. proposed built up area -
 - Ground Floor- 2340.26 sq. m.
 - First Floor- 58.80 sq. m.
 - Second Floor - 58.80 sq. m.
 - Total- 2457.86 sq. m.

The Authority after discussion and deliberation, decided to reject the proposal since it was not permissible as per the provisions of CRZ Notification, 2011.

Item No.29: Re-strengthening/ Restructuring of captive Jetty at village Umroli Sr.No. 1A of village Umroli, Tal- Mandangad, Dist: Ratnagiri.

The Authority noted the following details of proposal:



- 1) The Maharashtra Maritime Board (MMB, GoM) has forwarded the proposal for "Proposed captive Jetty at village Umroli Sr. No. 1A of village Umroli, Tal-Mandangad Dist: Ratnagiri" vide letter dated 22.8.2011.
- 2) The land bearing Survey No. 1A, Umrili village within Mandangad Taluka, Dist Ratnagiri, has existing Umroli jetty. The said jetty is on the banks of Savitri River and is approachable by wide, black topped tarred road. It is situated within a distance of 6 km from the mining lease allotted to M/s Logistic Infrastructure.
- 3) The project site is approachable by state Highway between Mandangad and Bankot.
- 4) The project proponent has submitted the CZMP map showing site under reference in the scale of 1:4000, prepared by IRS, Chennai. The said map indicates the land under reference falls in CRZ I. (B).
- 5) As per the information submitted by the proponent, total area under proposal - around 10,237 Sq. m. (admeasuring 237 Sq. m. of jetty area owned by MMB, GOM and 10000 Sq. m. as backup space)
- 6) The proposal is for re-strengthening and restructuring of the existing jetty for captive purpose. It is proposed to construct 7 m wide and 27 m in length conventional loading jetty on existing structure.
- 7) The proposed activities involves-
 - Restrengthening and restructuring of the existing jetty using RCC and MS.
 - Stocking of approximately 15,000 to 20,000 tons of Bauxite is available adjoining the jetty. The total backup space available near the jetty is around 10,000 Sq m.
 - Repair of existing available approachable road and additional road of about 1 km with 10 m width for ore transportation.
- 8) The equipment used for loading shall be self powered diesel driven engines. All the barges will be diesel powered hence the use of electricity is restricted to provide only illumination during operations after day light hours.
- 9) As per the project report submitted by the proponent, nature of proposal is as follows-
 1. The conventional wheel loader and trucks will be used to load the cargo from the stock created within 200 mt from the jetty. The tipping trucks will bring cargo and unload into the barges of 500 to 700 tones carrying capacity. Barges would sail towards midstream for unloading this cargo to the mother vessel through self grab facility provided on the mother vessel. The distance between Umroli Jetty and the midstream loading vessel is within 6 nautical miles.
 2. The jetty is proposed to be a captive jetty for marine transport of Buxite from the company's (M/s Infrastructure logistics) mines in the area the capacity of the jetty will be matched with schedule of production from the mines.
 3. In the first phase, the jetty would handle about 0.3 million tons of Bauxite in a year. Subsequently, it may be equipped to handle around 1 million tons of Bauxite ore.



4. The proponent has submitted-

- CZMP map in the scale of 1:4000 showing site under reference, prepared by IRS, Chennai.
- CRZ map of 7 km radius around project site prepared by IRS, Chennai.
- Contour map of Umroli jetty.
- Lay out plan of proposed jetty.
- Rapid Environment Impact Assessment Report (REIA) prepared by M/s Sadekar Enviro Engineer Pvt Ltd, Goa.
- Environment Management Plan
- Risk Assessment and Disaster Management Plan.
- The Maharashtra Maritime Board has granted lease for use of existing jetty for captive purpose.

The existing jetty is currently not being used for the passenger or cargo traffic and has been lying idle for many years and needs modification and reconstruction.

The Authority after discussion and deliberation decided to direct to the proponent to submit following:

- 1) Get certification/clarification whether the proposed work falls in category of minor port from Ports department/ Maharashtra Maritime Board.
- 2) Details of the area under dredging and reclamation.
- 3) Distance of the proposed activity from the Mangroves and impacts thereon.
- 4) Details on the proposed use of the Jetty.
- 5) Pollution control measures and Environmental management Plan.

It was decided to inspect the site by a team constituting Dr. Ingole, Dr. Deshmukh, Dr. Shindikar and Dr. Baba. The MCZMA would discuss after the site visit report was submitted.

Item No. 30: CRZ Clearance for the proposed expansion of the All Weather Green Field Port at Jaigarh, Ratnagiri, Maharashtra by JSW Jaigarh Port Limited

The Authority noted the Background of the proposed project:

1. JSW Jaigarh Port Ltd. was accorded environmental clearance by the Ministry of Environment and Forest (MoEF) in the year 2007 and operation of the port commenced in the year 2009.
2. In the initial EC, 6 berths of 550 m each were permitted to be constructed. However, the clearance permitted handling and storage of coal and solid bulk cargo, without naming the other cargos, clubbing them under 'Solid/Import' cargo.



3. For expansion and construction of the balance 5 berths permitted by the EC and application for amendment to the original EC of 10th May, 2007, was submitted on 24th February, 2010.
4. The concerned Expert Appraisal Committee considered the proposal in its 90th meeting held on 18-20th August, 2010 and finalized the additional ToR and advised to submit the expansion proposal.

The Authority noted the Proposal Details:

1. JSW Jaigarh Port Ltd. has proposed expansion of the all weather Green Field Port at Jaigarh. Ratnagiri.
2. Proposed expansion comprises of construction of berths & breakwaters, conveyors, Port office & user's buildings, Godowns/ stores and sheds, stack yards, dump ponds, tank farm pipelines and drains, other permissible port-back up facilities.
3. Proposed expansion of the All Weather Green Field Port at Jaigarh, Ratnagiri, Maharashtra
4. The project site is located at Dhamakul Bay at the mouth of Shashtri River.
5. Area of the project site is 1636,000 Sq.mtr.
6. Existing and Proposed berths of the All weather Green Field Port:

Berth No.	Length	Use	Status
1 & 2	550 m	Import of Coal	Existing
3A	300 m	Import of fertilizer, Raw Sugar, Lime stone and export of Bauxite / ore	To be Built
3B & 4A	600 m	Container Berths	
4B	300 m	Iron & Steel Products / Ro-Ro	
5A	300 m	Edible oil / Automobiles	
5B	300 m	POL Products	
6A	275 m	Barge Loading - Coal / Ash	

The Authority noted the CRZ Details of the project:

1. The CZMP (scale 1:5000) and report (November 2006) prepared by Centre for Earth Science Studies indicates
 - a. The seasonal beach on the Southside of the Jaigarh promontory is demarcated as CRZ I (ii). A narrow intertidal zone is present close to the base of the cliff north of the Fort. This also belongs to CRZ I (ii).
 - b. The Fort at the northeast side of the Jaigarh is an archeological site and is CRZ I(i) area.
 - c. The CRZ in Jaigarh, except those belonging to CRZ I, are CRZ III.
 - d. In CRZ - III there is a 200m No Development Zone.

75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

The Authority noted the Additional ToR Points:

The Expert Appraisal Committee finalized the additional ToR in its 90th meeting held in 18 - 20th August 2010 as follows:

- i. Examine the details of storage / handling of various cargos along with spillage / leakage / dust preventive measures.
- ii. Examine the impact on the existing infrastructure and suggest necessary provisions including traffic and transportation.
- iii. Superimpose the layout showing the proposed facilities on the HTL / LTL map prepared by authorized agency. Submit recommendation of the SCZMA on expansion proposal.
- iv. Examine and submit the Environment Management Plan and Monitoring Plan with budgetary provisions.
- v. Submit the details of compliance of conditions and environmental safeguards stipulated in the earlier clearance letter.

The committee recommends for exemption of Public hearing considering that facilities are within port area.

The Authority noted that in the expanded phase, the following cargo is envisaged to be handled:-

Sr.No.	Cargo	Import / Export	Throughout MTPA	Receipt	Dispatch
1	Thermal Coal	Import	20	By Ship (Bulk)	By conveyor / Train / Barges in Bulk
2	Fly Ash	Export	0.5	From Power plant	By MBC
3	Fertilizers	Import	0.5 - 1.5	By Ship (Bulk)	By Train / Road (in bags)
4	Raw Sugar	Import	0.25 - 0.5	By Ship (Bulk)	By Road / Train (Bulk)
5	Bauxite	Export	1.0 - 1.2	By Truck (Bulk)	By Ship (Bulk)
6	Lime Stone	Import	1.0	By Ship	By Road
7	Iron & Steel	Export	4.0	By Trailer & train	By Ship
8	Iron Ore	Export	5.0	By Train	By Ship
9	Automobiles	Export	1 million Units	From Industry	By Ship
10	Containers	Import / Export	12 (1.0 million TEU)	By Ship	By Road / Train / Ship
11	Cement & Clinker	Import / Export	1.0 Million	By Ship	By Road / Rail



12	Molasses	Export	1.0	By Ship	By Road / Rail
13	Bunker Oil	Export	0.5	By Ship	To be used at Port
14	Chemicals	Export	0.5	By Ship	By Road / Rail
15	Edible Oil	Import	0.5	By Ship	By Road / Train
16	LNG	Import	8.0	By Ship	By Pipeline

Based on the additional ToR, a Comprehensive Environmental Assessment study was prepared focusing the impact of the additional cargos to be handled and a detailed project Report with supplementary study on the LNG handling facility.

The Authority took note of the MPCB Consent:-

1. MPCB has granted Consent to Establish dated 06.10.2006 and it is valid for development of all weather green field port facility in Dhamkhol Bay, Jaigad.
2. MPCB has granted Consent to Operate dated 05.03.2010 and it is valid for the All weather green field port facility for the purpose of solid Cargo handling with coal handling in Phase -I.

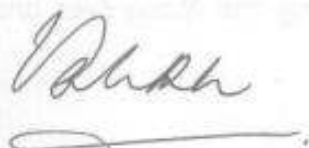
1. The Honourable Chief Minister of Maharashtra had written a letter dated 16.06.2011 to the Honourable Minister for Chemical and Fertilizers, Government of India, recommending JSW Jaigarh Port for handling imports of Urea.
2. The Honourable Chief Minister of Maharashtra had written a letter dated 31.03.2012 to the Honourable Minister of State (Independent Charge) for Environment and Forest, Government of India, classifying the Expansion of JSWJPL port as a project of National Importance.

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

1. Detailed survey report on marine biodiversity and ecologically sensitive marine species such as Corals, shrimps, oysters, lobsters etc, within 7km radius of the proposed site with the help of reputed national institute.
2. Conditions of MoEF moratorium will be applicable in the instant matter.

Item No. 31: Proposed development of multipurpose terminal and ship repairing facility at Village Chanje, Karanja Creek, Taluka Uran, District Raigad.

The Authority noted that the M/s. Karanja Terminal & Logistic Pvt. Ltd. has submitted the application through the Maharashtra Maritime Board (MMB) vide letter dated 09.11.2011, for obtaining permission from CRZ point of view for proposed



development of multipurpose terminal and ship repairing facility at Village Chanje, Karanja Creek, Taluka Uran, District Raigad.

The Authority noted the proposal details of the project:

- Proposed development will be carried out on about 80 hectares of inter tidal zone.
- The proposed multi-purpose terminal to include container and general cargo jetties and a suitable yacht/boat parking facility.
- Proposed jetties will be designed to cater to vessels/barges of up to 4000 DWT to serve the various industries in the hinterland, facilitate coastal movement of cargo as well as serve to decongest the existing major ports in the vicinity.
- As per the information submitted, environmental facilities such as sewage treatment plant, storm water drainage and monitoring of air, water, noise etc. will be factored into the Environment Management Plan (EMP).
- CRZ map prepared by IRS, Chennai (1:4000 scale) for the site under reference has been submitted along with the proposal. As shown in the map, the site under reference falls in CRZ-I and in the vicinity of mangroves. As per the remarks of MMB, the proposed site falls in CRZ-I and there are no mangroves in the buffer zone of 50 m from the site.

The Project proponent informed that the proposed project is to develop a 'Multipurpose Terminal Facility' only along 1000m waterfront at Karanja creek sanctioned by the Maharashtra Maritime Board. The Main cargo expected to be handled at the proposed jetty is Containers and Iron & steel in coil and bundles, plates and fabricated sections. Average capacity for this type of cargo for barge unloading will be limited to 3000 to 4000 tonnes per day. Project engineering will be such that, there will be least damage to the mangroves area. To further minimize disturbance to the mangroves, approach to the proposed facility will be on the elevated columns / piles thus allowing for continuous, uninterrupted availability of saline water for mangroves.

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

1. Prior permission from Hon. High Court should be obtained if mangroves destruction is involved in the proposed activity. If mangroves destruction is involved, the project proponent should submit the quantitative details of mangroves affected by proposed activity and plan for compensatory plantation of mangroves.
2. The waste generated due to the proposed activity should not be disposed off in the CRZ area.
3. No chemical products should be stored in the CRZ area except those permissible as per the Annexure-II of the CRZ Notification, 2011.
4. Construction on the Stilt only without affecting the Mangroves and Tidal flow in the Mangroves.



Item No. 32: Proposal for the storage of B & C Class and Non Hazardous Chemicals at Plot no. 04, JNPT, Nhava Sheva by M/s Suraj Agro infrastructure (I) Pvt. Ltd (Formerly known as Viraj Agro Products Pvt. Ltd.)

Project proponent presented the background of the project.

1. JNPT had allotted the said land admeasuring 2.2 Ha to M/s Suraj Agro infrastructure Pvt. Ltd (Formerly known as Viraj Agro Products Pvt. Ltd.) as a plot No. 4 at JNPT area Nhava Sheva on lease, vide letter dated 29th November 1994, for creation of storage facilities for class B & C Class Chemicals.
2. The MPCB has issued the Consent to Establish for the said storage activity vides its letter dated 18/10/2004. However, MPCB has not mentioned in its letter about the CRZ Clearance that time.
3. The MPCB has revoked the Consent to establish vide latter dated 25/02/2005 and directed the proponent to obtain CRZ clearance first.
4. The MPCB vide its letter dated 02/04/2005 has informed proponent to maintain strict status quo till CRZ issue is resolved by MoEF as the matter has been forwarded to MoEF for their decision/ clarification.
5. MoEF vide letter 22nd July 2005, categorized the terminal location as CRZ II.
6. Further proposal was send to MCZMA for CRZ clearance.
7. The proposal was considered in the 62nd meeting of MCZMA held on 20th may, 2010 and recommended to MoEF vide letter dated 23rd June, 2010, under the CRZ Notification, 1991. In light of new CRZ Notification, 2011 which superseded the CRZ Notification, 1991, MoEF has sent the proposal back to MCZMA vide letter dated 27.5.2011, to consider the proposal as per the provisions of CRZ Notification, 2011.
8. Now, Suraj Agro has submitted the proposal as per CRZ Notification, 2011 through JNPT, Nhava Sheva, Navi Mumbai. It has mentioned that the terminal is more than 100 mt away from the creek, hence it is requested to clear the terminal from CRZ purview as per new notification.

The Authority noted the proposal details:-

1. The proposal is for grant the permission from CRZ point of view for the proposed storage activity of B & C class & other non hazardous chemicals. However, the construction of 13 tanks has already been completed out of the total 15 tanks including 8" 12 & 18" pipe line to transfer cargo from BPCL jetty. Proponent also mentioned that presently they handle edible oil & molasses.
2. As per the approved CZMP submitted by the proponent, the plot under reference partly falls under CRZ-II area and partially under non CRZ area and situated on the landward side of the D.P. Road and Railway line. Further, JNPT in its letter dated 20th May 2000 mentioned that the plot under reference falls under JNPT area and Not affected by CRZ-I area.



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

3. As per the lay out plan submitted,
i) Tanks falling inside CRZ area:-

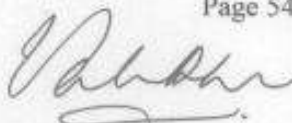
Sr. No.	Tank No.	Product Class
1	T-01	B- Kerosene
2	T-03	A- Naptha
3	T-05	A- Methanol
4	T-06	A- Methanol
5	T-07	A- Toulene
6	T-08	A- Toulene
7	T-09	A- Meihansl
8	T-10	A- Meihansl
9	T-11	A- others
10	T-12	A- Other
11	T-13	Slop tank
12	T-14	F-Water tank
13	T-15	F-Water tank

- ii) Tanks falling outside CRZ area:-

Sr No.	Tank No.	Product Class
1	T-01	B- Kerosene
2	T-03	A- Naptha
3	T-05	A- Methanol
4	T-06	A- Methanol

4. The proponent is presently handles the edible oil and molasses and also submitted a new list of chemicals which are proposed to be handled:

Sr. No	Name of the product
1	Kerosene
2	High Speed Diesel
3	Lubricating oil
4	Furnace oil
5	Low Sulpher heavy stock
6	MEG
7	Acetic Acid



8	Styrene monomer
9	CBFS
10	Glycerein
11	Other safe chemicals

1. From the documents submitted, it was observed that MPCB has already forwarded the matter to MoEF. The MCZMA vide its letter dated 06/02/2010 requested Member Secretary, MPCB to provide the correspondence regarding the same but the reply from MPCB is awaited yet.
2. The Authority noted that the Show Cause Notice to M/s Suraj Agro by MCZMA The Show Cause Notice was issued to the project vide letter dated 28.9.2011. The Authority noted the reply of M/s Suraj Agro vide letter dated 12.10.2011 to the Show Cause Notice.

In light of the above, the Authority after deliberation decided to get the following details from the Project Proponent:

1. The layout plan of the proposed activity should be superimposed on the approved CRZ map of JNPT indicating HTL & LTL in 1:4000 scale. Also clearly indicate tanks with number falling in CRZ area and in non CRZ area of the plot.
2. Submit list of chemicals/substances with their nature proposed to be stored in the storage tanks.

Item No. 33: Clearance for construction additional guest rooms in Resort at Aarvli, Tal: Vengurla, Dist: Sindhudurg

The Authority noted that the Town Planning Office, Sindhudurg Branch has forwarded the proposal for construction additional guest rooms in Resort at Aarvli, Tal: Vengurla, Dist: Sindhudurg vide letter dated 19.11.2011

The Authority took note of the earlier CRZ NoC to the Resort by MoEF:- MoEF had issued the CRZ NoC vide letter No. 18-6/2005-IA-III dated 31.1.2006 for construction of a five star hotel of 16 guest rooms on hillock of Aravali, Tal. Taluka - Vengurla at plot Survey Numbers 28, 31, 32, 34, 35 and 39 covering an area of 22.795 ha. The area was classified as Coastal Regulation Zone -III.

The Proposal Details:

1. The proposal is for CRZ permission for construction of 16 guest rooms at lower ground floor and 16 guest rooms on upper ground floor on plot Survey Numbers 28, 31, 32, 34, 35 and 39 hillock of Aravali, Tal. Taluka - Vengurla instead of earlier permission of MoEF for construction of 16 guest rooms.
2. Additional 16 guest rooms by raising additional floor above 16 guest rooms. So that number of guest rooms increases from 16 to 32. No other change in the existing structure.



3. Height of the proposed structure will be less than 9 mtr
4. As per Form I, Construction will be in CRZ III area and no construction is proposed in CRZ I area.
5. Proponent has submitted the NIO report for HTL demarcation, Rapid Environmental Impact Assessment Report, various permissions obtained from difference statutory authorities.
6. The proponent has submitted the Part plan of Regional Plan of Ratnagiri Sidhudurg region sanctioned wide Govt Notification No. TPS 197/355/CR99/UC 12, dated 15.10.2004. As per the said plan, the land under reference falls in Exclusive Tourism Zone within Coastal Area (T-5).
7. As per documents submitted by the proponents, Total area of the plot is 22.799 Ha (227990 Sq.mtr.)

The Authority noted the CRZ details:

1. Earlier CRZ NoC issued by MoEF mentions, The area is classified as Coastal Regulation Zone - III
2. Report on demarcation of HTL and delineation of CRZ boundary prepared by NIO, Goa (January 2005) mentions
 - a. The major portion of the property falls within CRZ - III.
 - b. The proposed land for development meets the CRZ - III criteria.
2. As per the Town Planning Office, Sindhudurg, letter dated 19.11.2011 and the coastal land use map prepared by MRSAC Nagpur, the land under reference falls in CRZ III.
3. As per Form I, the land under reference falls in CRZ I and CRZ III.

The Authority noted the area of the plot in CRZ:

1. Total plot area = 227990 Sq.mtr.
2. Plot area in CRZ I = 104409 Sq.mtr
3. Plot area in CRZ III = 115038 Sq.mtr.
4. Plot area beyond 500 mtr of HTL = 8543 Sq.mtr.

The FSI Details:

1. 50% of plot area within 200 mtr of HTL (i.e. 50 % of 1,04,409) = 52,204.50 Sq.mtr.
2. Plot area between 200-500 mtr of HTL = 1,15,038 Sqmtr
3. Total plot area = 1,67,242.50 Sq.mtr.
4. Existing floor area (Phase I) = 7,128 Sqmt
5. Proposed additional floor area (Phase II) = 1,368 Sq.mtr.
6. Total floor area = 8, 496 Sq.mtr.
7. Permissible FSI = 0.33
8. FSI proposed to be consumed = 0.051



Area statement:

1. Total plot area = 227990 Sq.mtr.
2. Carpet area = 8,496 Sqmt
3. Courts = 1,224.5 Sqmt
4. Swimming pool = 25 Sqmt
5. Landscaping = 5000 Sqmt
6. Approach Road= 8100 Sqmt
7. Waste Water Treatment=150 Sqmt
8. Solid Waste Disposal =150 Sqmt

With reference to the proposal, the letter of MCZMA dt. 05.03.2012 was issued to The Town Planner, Town Planning Office, Sindhudurg for obtaining required information. Accordingly, The Town Planner, Town Planning Office, Sindhudurg forwarded the reply vide letter dt 04.05.2012 to the points raised by MCZMA..

In light of the above, the Authority decided to get the following details from the Project Proponent:

1. The CRZ map clearly indicating HTL & LTL, CRZ-IA, CRZ-IB, CRZ-IV, CRZ-III, Mangroves and no development zone, etc, demarcated by one of the authorized agency in 1:4000 scale as per CRZ Notification, 2011.
2. Superimposed layout plan on the above mentioned map. Also to indicate exact plot boundary on the map.
3. Details of the FSI calculations as per DCR existing as on 19.2.1991, total construction area indicating FSI and non FSI area along with provisions stipulated in the existing DCR.
4. Distance of the proposed site from the Mangroves.
5. Details of Solid and liquid waste management.

Item No. 34: Regarding permission from CRZ point of view for the non-agricultural activity on land admeasuring 3800.00 sq. m. & bearing S.No. 439A1,A1, A1, A1, A1, A1, A1 H.No. 1/1A2, C1 & S.No. 439 1/1, A2 C2 at Village Jamsande, Taluka Devgad, District Sindhudurg

The Authority noted the following details of proposal:-

The proposal regarding the *CRZ permission for the non-agricultural activity on land admeasuring 3800.00 sq.mt & bearing S.No. 439A1,A1, A1, A1, A1, A1, A1 H.No. 1/1A2, C1 & S.No. 439 1/1, A2 C2 at Village Jamsande, Taluka Devgad.



However, while scrutinizing the proposal, it was observed that the proposal is for construction of residential building in CRZ III area.

Land Details:

1. The remarks of Town planner, Sindhudurg vide dated 19.11.2011 mentions that as per the sanctioned tourism plan on 15.10.2004, plot under reference comes under Existing Urban Centre. But there is no Existing Urban Centre for Devgad, though the plot under reference is considered in T-2 and residential use of this land is allowed.
2. As per the remarks of Town Planner, Sindhudurg, the land under reference falls in CRZ-III as per the CZMP of Maharashtra approved on 27.09.1996. However, as per the coastal land-use map prepared by MRSAC, the land under reference falls in non-CRZ area. The same map has also been enclosed along with the application.
3. As per the remarks of the Town planner, Sindhudurg, the area of the plot - 3800 sq. m.
4. The land under reference is situated in the 'Critical Vulnerable Coastal Areas (CVCA)' of Maharashtra, as declared in the CRZ Notification, 2011.

Proposal category:

Construction of Ground +1st Floor residential building in CRZ III area / landward side of existing road, within the limit of Sindhudurg Municipal council.

Proposal Details:

1. The proposal is for the construction of residential building on plot bearing S.No. 439A1, A1, A1, A1, A1, A1, A1 H.No. 1/1A2, C1 & S.No. 439 1/1, , A2 C2 at Village Jamsande, Taluka Devgad, District- Sindhudurg
2. Proposed Construction comprises of Ground +1st Floor residential building in CRZ III area and on landward side of existing road, within the limit of Sindhudurg Municipal council.
3. The cost of the proposed project is mentioned as Rs. 4,50,00,000/-.

FSI Details:

- Area of the plot : 4609.00 Sq.mt
- Plot allowed to B.S.N.L. Tower: 610.00 Sq.mt
- Net area of the plot: 3999.00 Sq.mt
- Permissible FSI - 0.50 (i.e. Permissible built up area - 1999.50 Sq.mt)
- Total built up area- 1670.698 Sq.mt (i.e. The built up area is within the limit of permissible FSI)
- FSI Consumed: 0.4177

The Authority after discussion and deliberation decided to refer the matter to the district collector /town planning for clarification if area under reference is affected by the Critical Vulnerable Coastal Areas as per the CRZ Notification, 2011. As per notification Malvan and Achara-Ratnagiri are identified as CVCas

Item No. 35: Proposed residential construction on land bearing CTS No. 116A at Dahanu village Dist- Thane

The Authority noted the following:-

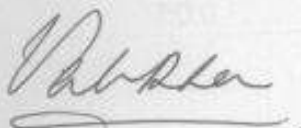
1. The proposal was submitted through Dahanu Municipal Council vide letter dated 03.01.2012. It mentions, that the land under consideration is for residential use i.e. in Gaothan area as per development plan under section 30 of MRTP Act.
2. The CZMP of Dahanu Municipal Council area indicates the land under reference in CRZ II and Dahanu Municipal Council has confirmed that the land under reference is on the landward side of existing road.
3. The proposal is for development of residential building comprises of Stilt + 3 storey by demolishing the existing structure in the Gaothan land bearing city survey No. 116 -A, Dahanu gaon, Dahanu road, Tal- Palghar, Dist. Thane.
4. Details of existing structure, plinth map from the city survey office, Dahanu has been submitted.
5. FSI Details:
 - a) Total area of the plot = 401.01 Sq.mtr.
 - b) Permissible FSI = 1.50
 - c) Permissible built up area = 601.5 Sq.mtr.
 - d) Total proposed built up area = 600.73 Sq.mtr.
 - e) FSI consumed = 1.498

After deliberation the Authority decided to recommend the proposal subject to the condition that 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.

Item No. 36: New Construction project at CTS No. 694 of village Madh, Mumbai- 400061.

The Authority noted the following:-

1. The MCGM has forwarded the proposal regarding "New Construction project at CTS No. 694 of village Madh, Mumbai- 400061" vide letter dated 18.8.2011.
2. The DP remarks of MCGM dated 2.2.2011 mentions that the land under reference falls partly in Residential Zone and partly in CRZ - III with NDZ and for that portion of land, the permissible FSI is 0.05 as per D.C. Regulation 60(Xii) (b).
3. As per property card submitted by proponent, area of the plot is 3716.85Sqmt



4. The MCGM remarks dated 18.8.2011 mentions:

- a. Area of the plot in CRZ II as plot 'A' is 3074.93 Sqmt
- b. Area of the plot in CRZ III (NDZ) as plot 'B' is 641.93 Sqmt

CRZ status of the plot:

1. As per the CZMP of Mumbai (scale 1:25000), the land under reference falls partly in CRZ - II and partly in CRZ - III and situated on landward side of existing Malad Madh Road.
2. The Proponent has submitted the HTL / LTL demarcation (map) done by Institute of Remote Sensing, Chennai. The said map shows that the entire plot under reference is in CRZ II.

Existing building details:

1. There are two dilapidated single storied (ground floor only) old residential houses.
2. As per assessment bill, the existing structure is prior to 61-62.
3. MCGM remarks mentioned that existing bungalow is proposed to be demolished.
4. As per city survey plan there is an existing bungalow on under reference and bungalow falls in CRZ-II.

Proposed structure details:

As per remarks of MCGM dated 18.8.2011 the proposed structures consist of:-

1. Building No. 1 comprises of Gr (pt) + St (pt) + 1st & 2nd podium + 3rd to 20th upper floors by proposing ground floor for shop, first floor for gymnasium / hall + podium, 2nd floor for podium & 3rd to 20th upper floors for residential user with height 67.80mt
2. Building No. 2 in sub plot 'B' falls in CRZ III with NDZ is comprising of Stilt + 1 upper floor for Farm House with height 5.95 m
3. Proposed built up area as per permissible FSI = 3040.11 Sq.mtr.
4. Built up area proposed as free of FSI as per DCR 1967 = 4326.01 Sq.mtr.

The FSI details:

Sr. No.		Plot A Residential zone	Plot B NDZ
1	Area of plot	3074.93 Sqmt	641.92Sqmt
2	Road Set back area	707.04 sqmt	141.93 Sqmt
3	Balance area of plot	2367.89	500
4	Area of plot restricted	2125	25
5	Additions for FSI	883.80	7.10
6	Total area	3008.80	32.10
7	FSI permissible	1	0.05

8	Permissible floor area	3008.80	32.10
9	Built up area proposed	3008.22	31.89

After deliberation, the Authority decided to recommend the proposal to the concerned planning authority ie. MCGM, subject to the following conditions:-

- 1) MCGM to ensure that construction in CRZ -II area is as per the DCR 1967.
- 2) MCGM to ensure that no construction is undertaken in CRZ -III area and area marked as No Development Zone. Further this area should not be used for FSI computation in the proposed work.

Item No. 37: CRZ clearance for proposed construction of residential quarters for Mumbai Policemen on land bearing Plot No. 940, C.S. No. 1/179, Princess Dock Division, F.P. No. 9, TPS Bombay City No. I (Elphinstone Estate Section), Raichura Street & Sholapur Road, Wadibundar, Mumbai

The Authority noted following details:

1. Maharashtra State Police Housing & Welfare Corporation Ltd. has submitted the application through MCGM (vide letter dated 12.12.2011) for obtaining permission from CRZ point of view for proposed construction of residential quarters for Mumbai Policemen on land bearing Plot No. 940, C.S. No. 1/179, Princess Dock Division, F.P. No. 9, TPS Bombay City No. I (Elphinstone Estate Section), Raichura Street & Sholapur Road, Wadibundar, Mumbai.
2. The MCGM remarks dated 12.12.2011 and DP remarks dated 15.03.2011 mention that, the land under reference falls in Local Commercial Zone (C1) and not reserved for any public purpose.
3. As per information submitted by the proponent and the DP remarks (MCGM), the land under reference falls in CRZ-II area and is situated on the landward side of existing road.
4. As per the superimposition of project details of proposed construction on the CZMP of Mumbai (scale 1:4000) as carried out by IRS, Chennai in June'2011, the land under reference is classified in CRZ-II.
5. As per the MCGM remarks and submitted information in Form-I by proponent, the proposed project involves construction of 2 residential buildings out of which building No.1 (Type-II) comprises of Ground + 5 Upper Floors and building No. 2 (Type-III) comprises of Ground + 6 Upper Floors in CRZ-II area on landward side of existing road, within the municipal limit of Greater Mumbai.
6. The expected cost of the project (as mentioned in the Form-I and executive summary) is Rs. 5.63 crores.
7. The details of proposed built-up area are as follows:



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

No. Of Floors	Bldg Type	Bldg No.	No. of Tenements per Wing		Total No. of Tenements	Proposed area as per wings (sq. m.)		Total Proposed Area (sq. m.)
			A	B		A	B	
G + 5	Type-II	01	24	-	24	1781.34	-	1781.34
G + 6	Type-III	01	28	-	28	2293.66	-	2293.66
Grand Total		02	Total No. of Wings: 02		52	4075.00		4075.00

FSI Details:

1. Total area of plot = 3693.17 sq. m.
2. Recreational Ground (15%) = 553.98
3. Net balanced plot area of plot: 3139.19 sq. m.
4. Permissible built-up area = 4175.12 sq. m.
5. Proposed built-up area: 4075.00 sq. m.
6. Permissible FSI = 1.33 (as per DCR 1991 as mentioned in MCGM remarks)
7. FSI Consumed: 1.30

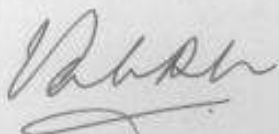
The area of lift, lift-lobby, staircase etc. is counted in FSI.

After detailed discussion and deliberation, the Authority decided to recommend the proposal from CRZ point of view to the concerned planning authority i.e. MCGM, subject to the following conditions:-

1. Construction should be in accordance with provisions of CRZ Notification, 2011.
2. FSI should be in accordance with town and country planning regulation as on 19.2.1991
3. Construction should be only on landward side of the existing road or existing authorized structures.
4. Planning authority should ensure that there is no violation of provisions of CRZ Notification, 2011 for proposed construction.

Item No. 38 : Proposed construction of residential quarters for Mumbai Policemen on land bearing plot No. 78, 79, 79A, 80 & 80A, CS No. 801, 802, 802A, 803 & 803A of Worli Division, Sir Pochkhanwala Road, Worli, Mumbai- 400 030

The Authority noted following details:



1. Maharashtra State Police Housing & Welfare Corporation Ltd. has submitted the application through MCGM (vide letter dated 16.11.2011) for obtaining permission from CRZ point of view for proposed construction of residential quarters for Mumbai Policemen on land bearing plot No. 78, 79, 79A, 80 & 80A, CS No. 801, 802, 802A, 803 & 803A of Worli Division, Sir Pochkhanwala Road, Worli, Mumbai.
2. As per the submitted DP remarks of MCGM (dated 24.02.2011), the land under reference falls in Residential Zone and is not reserved for any purpose.
3. As per the information submitted by MCGM and the project proponent, the land under reference falls in CRZ-II and it is situated on the landward side of the existing road.
4. As per the superimposition of project details of proposed construction on CZMP of Mumbai (scale 1:4000) as carried out by IRS, Chennai in June'2011, the land under reference is classified in CRZ-II.
5. As per the information submitted by MCGM, in this proposal, Building No. 1 has been proposed of Ground + 6 upper floors with the height of 21.03 m and Building No. 2 is proposed of Ground + 6 & 5 upper floors with the height of 21.03 m.
6. As per the proposal details submitted by the project proponent in the Form-I (as per the mandates of the CRZ Notification, 2011), the proposed two residential buildings comprise of Building No. 1 (type-II) of G + 6 floors wings-A & B. The Building No. 2 (type-II) of G + 6 floors wing-A and G + 5 floors wing-B. The tenements are 108 Nos. The proposed project is planned with infrastructures like internal road, parking, water supply, sewage, electricity and communication networks.
7. Expected cost of the project (as mentioned in the Form-I) is Rs. 11.04 crores; however, in the submitted executive summary, the estimated cost of the project is mentioned as Rs. 25.44 crores.

The FSI details:

As per the area details submitted in the Form-I:

1. Total plot area = 7105.43 sq. m.
2. Total built-up area proposed = 7889.54 sq. m.
3. Permissible FSI = 1.33 (as per DCR 1991 as mentioned in MCGM remarks)
4. Proposed FSI/ FSI to be consumed = 1.32

As mentioned in the remarks of MCGM, the area of lift, lift-lobby, and staircase etc. have is counted in FSI.-

The details of proposed built-up area are as follows:



No. of floors	Bldg. type	Bldg. Nos.	No. of tenements per wing		Total No. of tenements	Proposed FSI area per wing (including staircase, lift & lift-lobby area)		Total FSI proposed area (sq. m.)
			A	B		A	B	
G + 6	Type-II	1	28	28	56	2069.40	2069.40	4138.80
G + 6/5	Type-II	1	28	24	52	2069.40	2069.40	3850.74
Grand total		2	Total No. of wings = 4		108			7989.54

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

1. Construction should be in accordance with provisions of CRZ Notification, 2011.
2. FSI should be in accordance with town and country planning regulation as on 19.2.1991
3. Construction should be only on landward side of the existing road or existing authorized structures.
4. Planning authority should ensure that there is no violation of provisions of CRZ Notification, 2011 for proposed construction.

Item No. 39 : Proposed construction of residential quarters for Mumbai Policemen on land bearing plot No. 93A & 94, CS No. 817A & 818 of Worli Division, Sir Pochkhanwala Road, Worli, Mumbai- 400 030.

The Authority noted following details:

1. Maharashtra State Police Housing & Welfare Corporation Ltd. has submitted the application through MCGM (vide letter dated 16.11.2011) for obtaining permission from CRZ point of view for proposed construction of residential quarters for Mumbai Policemen on land bearing plot No. 93A & 94, CS No. 817A & 818 of Worli Division, Sir Pochkhanwala Road, Worli, Mumbai.
2. As per the submitted DP remarks of MCGM (dated 24.02.2011), the land under reference falls in Residential Zone and is not reserved for any purpose.



3. As per the information submitted by MCGM and the project proponent, the land under reference falls in CRZ-II and it is situated on the landward side of the existing road.
4. As per the superimposition of project details of proposed construction on CZMP of Mumbai (scale 1:4000) as carried out by IRS, Chennai in June'2011, the land under reference is classified in CRZ-II.
5. As per the information submitted by MCGM, the proposal is for the construction of single residential building comprising of Ground + 6 upper floors with height of 21.03 m.
6. As per the proposal details submitted by the project proponent in the Form-I (as per the mandates of the CRZ Notification, 2011), the proposed project will consist of residential building of Type-IV of G + 6 floors. The tenements are 28 Nos. The proposed project is planned with infrastructures like internal road, parking, water supply, sewage, electricity and communication networks.
7. Expected cost of the project (as mentioned in the Form-I) is Rs. 4.53 crores.
8. The details of proposed built-up area are as follows:

No. of floors	Bldg. type	Bldg. Nos.	No. of tenements per wing		Total No. of tenements	Proposed FSI area per wing (including staircase, lift & lift-lobby area)		Total FSI proposed area (sq. m.)
			A	B		A	B	
G + 6	Type-IV	1	28	-	28	3820.65	-	3820.65
Grand total		1	Total No. of wings = 1		28			3820.65

FSI details:

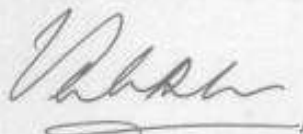
As per the area details submitted in the Form-I:

1. Total plot area = 3148.85 sq. m.
2. Total built-up area proposed = 3280.65 sq. m.
3. Permissible built-up area = 3559.77 sq. m.
4. Permissible FSI = 1.33 (as per DCR 1991 as mentioned in MCGM remarks)
5. Proposed FSI/ FSI to be consumed = 1.226

As mentioned in the remarks of MCGM, the area of lift, lift-lobby, staircase etc. is counted in FSI.

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

1. Construction should be in accordance with provisions of CRZ Notification, 2011.



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

2. FSI should be in accordance with town and country planning regulation as on 19.2.1991
3. Construction should be only on landward side of the existing road or existing authorized structures.
4. Planning authority should ensure that there is no violation of provisions of CRZ Notification, 2011 for proposed construction

Item No. 40: Proposed Museum building on plot bearing C.S. No. 702, 2/703 of Malbar Hill Division, 24, Dr. Gopalrao Deshmukh Road, Mumbai 400 026

The Authority noted the following details:

1. The proposal was submitted through the Municipal Corporation of Greater Mumbai (MCGM) vide letter dt. 23/09/2011, for the Proposed Museum building on plot bearing C.S. No. 702, 2/703 of Malbar Hill Division, 24, Dr. Gopalrao Deshmukh Road, Mumbai 400 026.
2. As per DP remarks of MCGM dt. 21/07/2011, the plot under reference is in residential zone and reserved for Film Division.
3. The approved CZMP (scale 1:25000) submitted by the proponent indicates the land under reference is located partly in CRZ II and landward side of existing Bhulabhai Desai Road.
4. As per approved Layout plans, the proposed construction of Museum and amphitheater is on vacant land. Existing structures except site office on the plot is to be retained.
5. Total built up area of existing structure is 10968.42 Sq.mtr.
6. As per Form I, The proposed site comprises of few existing buildings of Film division.
7. As per MCGM letter dt 23/09/2011, proposed construction Museum comprises of Basement + ground + 1st to 5th upper floors, mezzanine floor between 3rd and 4th and 5th amphitheatre and basement for parking.

The Authority noted the FSI Details:

1. Area of plot = 16637.42 Sq.mtr.
2. Deduction for Road Set back area = 312.27 Sq.mtr.
3. Internal Road area = 2829.10 Sq.mtr.
4. Balance area for plot = 13496.05 Sq.mtr.
5. Deduction for recreational ground = 2024.41 Sq.mtr.
6. Net area plot = 11471.64 Sq.mtr.
7. Addition for FSI 100% Set back area & Internal Road area = 3141.37 Sq.mtr.
8. Total plot area = 14613.01 Sq.mtr.



9. Permissible FSI = 1.33
10. Permissible floor area = 19435.30 Sq.mtr.
11. Existing Floor area = 11284.72 Sq.mtr.
12. Total Proposed area = 7236.44 Sq.mtr.
13. Total Built up area = 18521.16 Sq.mtr.

After deliberation, the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) 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.
- 3) FSI calculations and building layout plan should be strictly as per the provisions of DCR 1967. Lift lobby staircase area should be counted in FSI. FSI for basement in CRZ area should be as per the DCR 1967.
- 4) Permission of Central Ground Water Board shall be obtained for basement construction.

Item No. 41: Proposed redevelopment of plot bearing C.S. No. 1/1465 of Girgaum Division situated at Goregaonkar Lane, Girgaum, Mumbai

The Authority noted the following:-

1. The Municipal Corporation of Greater Mumbai (MCGM), vide letter dated 18.06.2011 has submitted the application for proposed redevelopment of plot bearing C.S. No. 1/1465 of Girgaum Division situated at Goregaonkar Lane, Girgaum, Mumbai .
2. As per DP remark of MCGM dt. 15/01/2002, the plot under reference is in residential zone and not reserved for any public purpose.
3. The approved CZMP (scale 1:25000) indicates that the land under reference is located in CRZ II and on the landward side of existing road.
4. As per executive summary, existing Structure with G + 2 upper floors is 95 years old.
5. Proposed construction of residential building with 2.47 FSI consisting of stilt + 8 upper floors under Regulation 33 (7) of DC Regulations in force as on 6/1/2011.

The Authority noted the FSI Details:

1. Area of plot = 547.66 Sq.mtr.



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

2. FSI proposed = 2.5
3. Permissible floor area = 1369.15 Sq.mtr.
4. Total Built up area proposed = 1357.15 Sq.mtr.
5. FSI Consumed = 2.47
6. BUA claimed free of FSI for purposes like basement, upper floor, parking, staircases, lifts, balcony, refuge area etc. = 625.85 Sq.mtr.
7. Total construction area = 2010.00 Sq. mtr.

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the prevailing local town and country planning regulations including the 'prevailing' norms of Floor Space Index or Floor Area Ratio as on 6.1.2011: 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.
- 3) Permission of Central Ground Water Board shall be obtained for basement construction.

Item No. 42: Proposed industrial building on plot No. B-5, bearing CS No. 1A-171 of village Pahadi Goregoan, at Goregaon(W), Mumbai.

The Authority noted the following:-

1. The MCGM has forwarded the proposal for "proposed industrial building on plot No. B-5, bearing CS No. 1A-171 of village Pahadi Goregoan, at Goregaon(W), Mumbai" vide letter dated 23.11.2011.
2. As per DP remarks dated 23.5.2011, the land under reference falls in Special Industrial Zone.
3. As per submitted information by the proponent, the land under reference falls partly in CRZ II and situated on landward side of the structure which has been granted occupation certificate in 1980.
4. Approved CZMP of Mumbai submitted by proponent shows site under reference falls in CRZ II area.
5. As per MCGM remarks dated 23.11.2011, the architect has proposed the industrial building with portion comprising of basement + ground floor + 1st to 3rd upper floors with height of 15.65 mt in CRZ II portion of plot & other portion comprising of basement + ground floor + 1st to 7th floor + 8th (pt) upper floor with height of 36.80 mt in non CRZ II portion of plot.



6. There is a single ground floor structure which is to be retained and does not fall under CRZ II.
7. The nature of proposed project will be industrial use with activities of service industries

Project proponent presented the FSI Details:-

Description	Area (Sq.mtr.)	
Total plot area	3077.00	
	CRZ II	Non CRZ
Plot area	769.07	2307.93
Set back area	49.48	137.68
Balance plot area	719.59	2170.93
Permissible FSI	1	2
Permissible built area	697.12	4124.77 (including T.D.R.)
Existing structure to be retained		139.29
Total permissible build up area	4682.60	
Proposed build up area	496.19	3974.97
Total proposed built up area	4671.16	
Construction area	696.19	5269.52
Total construction area	5965.71	

The Authority after deliberation rejected the proposal since industrial activities are not allowed in CRZ areas.

Item No.43: Proposed redevelopment of existing residential building on plot bearing CTS No. C/1098 of village Bandra, Sherlyn Rajan of Carter Road, situated in H/West ward.

The Authority noted the following:-

1. The Municipal Corporation of Greater Mumbai (MCGM), vide letter dated 09.06.2011 has submitted the application for Proposed redevelopment of existing residential building on plot bearing CTS No. C/1098 of village Bandra, Sherlyn Rajan of Carter Road, situated in H/West ward.
2. As per DP remarks dated 11 November, 2011; the land under reference is situated in Residential Zone and not reserved for any public purpose.
3. As per the approved CZMP of Mumbai, the plot under reference falls in CRZ II and is situated on the landward side of sherly Rajan Gaothan Road which is situated off Carter Road, an arterial road.



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

4. As per the MCGM letter dated 9.6.2011 and 25.2.2003; the structure on land under reference has been declared as dilapidated / ruinous condition by the MCGM.
5. MCGM vide letter dated 25.2.2003 has mentioned that existing structure comprises of Ground + one.
6. The proposed structure comprising of Stilt + 7 upper floors for residential use by demolishing the existing structure on land under reference.
7. The Total built up area proposed is same as the existing built up area, as the proposal is being developed under Regulation 33(6) of DCR'91, wherein the total built up area permissible is equivalent to the existing built up area subject to a maximum of 2.4 times the net plot area.
8. The total built up area is 168.02 Sq.mtr. and the existing built up area is 168.49 sq.mtr. Including internal staircase area admeasuring 4.0 Sq.mtr. and the FSI consumed is 1.57.
9. The total area proposed free of FSI is 162.71 Sq.mtr, which includes staircase, lift, lift lobby and 10% balcony area. Thus, the total built up area including the built up area + the free of component is $(168.162.71) = 330.73$ Sq.mtr.

FSI details:

1. Area of plot - 107 Sqmt
2. FSI permissible - 1
3. Permissible floor area - 168.49 Sqmt
4. Proposed floor area - 167.60 Sqmt
5. FSI consumed - 1.57

Area of staircase, lift, lift lobby & passages are considered as free of FSI.

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the prevailing local town and country planning regulations including the 'prevailing' norms of Floor Space Index or Floor Area Ratio as on 6.1.2011: 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.
- 3) Permission of Central Ground Water Board shall be obtained for basement construction, if any.



Item No. 44: Proposed redevelopment of property bearing C.S. No. 1/590 of Malbar Hill Division at 24, Nepean Sea Road, Mumbai

The Authority noted the following:-

1. The proposal is submitted through Municipal Corporation of Greater Mumbai, vide letter dt. 10/08/2011.
2. As per DP remarks of MCGM dt. 10/08/2011, the plot under reference is in 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.
4. As per MCGM letter dt 10/08/2011 the plot under reference is on seaward side of existing road & on the landward side of existing authorized structure (existing prior to 1961- 62) as per the C. S. plan of C. S. No. 2A/590 of Malabar Hill Division.
5. As per MCGM letter dt 10/08/2011, the existing structure was old one and belonging to cessed A category.
6. As per Form -1, the existing old structure was residential and had shops. The built-up area of the existing structure is mentioned as 1877.45 sq. m.
7. The certified copy of MHADA NOC of 2.5 F.S.I. dated 26.12.2011 is submitted
8. Proposed construction of Residential building with 2.5 FSI consisting of basement + ground + 3 upper parking floors + 4th (part) parking + swimming pool with fitness centre on 5th floor + 1st to 12th upper floors under Regulation 33 (7) of DC Regulations in force as on 6/1/2011.

FSI Details:

1. Area of plot = 1340.78 Sq.mtr.
2. Permissible FSI = 2.50
3. Permissible floor area = 3351.95 Sq.mtr.
4. Proposed area = 3335.7 Sq.mtr.
5. Excess balcony area = 10.48 Sq.mtr.
6. Total built up area proposed = 3346.18 Sq.mtr.
7. Balanced area = 5.77 sq.mtr.

Staircase and lift areas, Balcony, Arch Projection, Refuge area, Basement and parking floors, Stilt, Fitness Centre are claimed free of FSI as per provisions of DC Regulations in force as on 6/1/2011.

As per CRZ Notification, 2011 under item 8 V. (d) (c) 4, the public hearing was conducted on 30.08.2011 as per procedure laid down under EIA Notification. Proceedings of public hearing are submitted.

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-



- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the prevailing local town and country planning regulations including the 'prevailing' norms of Floor Space Index or Floor Area Ratio as on 6.1.2011: 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.
- 3) Permission of Central Ground Water Board shall be obtained for basement construction, if any.

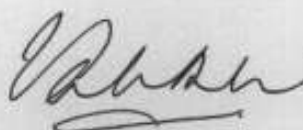
Item No. 45: Proposed redevelopment of property bearing CS No. 406 of Malabar Hill Division at junction at Pandita Ramadevi Road & K M Munshi Marg at Girgaum Chowpatty, Mumbai

The authority noted the Background (matter was placed in 71st and 72nd meeting of MCZMA)

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

The Authority in the 72nd meeting held on 04.11.2011 noted the remarks of the Urban Development Department on the proposal. With reference to the remarks, the information/ clarification on following points is requested from MCGM.

- (a) As per the submission of MCGM, there is no maximum limit for permissible height in the DCR, 1991. The MCGM has not mentioned the clause supporting the same.
- (b) MCGM has mentioned the construction area details as per the permissible FSI in this case. However, it would be necessary to get the details of the total proposed built-up area (proposed built-up area as per permissible FSI + built-up area details proposed as free of FSI) from MCGM.



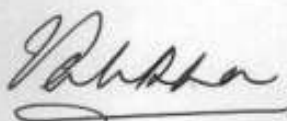
(c) The Environment Department should verify the compliance of the provisions mentioned in para 8(V)(1)(ii)(c & d) of CRZ Notification, 2011.

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

Reply of MCGM:

MCGM has submitted their reply vide letter dated 15.11.2011 on points (a) & (b), which is as follows:

Sr. No.	Description	Remarks
(a)	As per your submission in point 2(9), there is no maximum limit for permissible height in the Development Control Rules (DCR), 1991 for Greater Mumbai. You are requested to mention the provision in DCR, 1991 supporting the same	As per Reg. 31(1) of amended DC Regn. 1991, it is stated therein that "the restriction of height of the building spell out in Reg. 31(1) shall however cease to apply to the case where plot from on road having width more than 18.00 m and where front open space of 12.00 m minimum is observed provided that open space on other sides are made available from fire safety point of view". In this case the plot under reference is accessible by Pandita Ramabai Marg having width of 36.60 m and by Babulnath First Cross Lane. As regards side open space, the CFO has already granted the NOC for the same. Further, as per DC Reg. 33(6) and policies in force any height is allowed by treating 1.5 m. Open spaces adequate subject to NOC from CFO and the applicant has submitted CFO NOC. Hence, Reg. 31(1) of DC Regn. 1991 is not applicable in this case and hence there is no restriction on height for the proposed building under reference.
(b)	In the application, the construction	1) The permissible FSI for the



<p>area details are as per the permissible FSI i.e. 1.74 (as mentioned in point 2(11)(b). You are requested to submit the details of the total proposed built-up area i.e. proposed built-up area as per permissible FSI + built-up area details proposed as free of FSI</p>	<p>proposal under reference is 894 sq. m. 2) Proposed built-up area counted in FSI on plot under reference as shown on plan 894 sq. m. and built-up area claimed free of FSI as per DC Reg. 1991 that is staircase, lift, lobby, passage, servant toilet, balcony, car parking etc. is 3573.21 sq. m.</p>
--	---

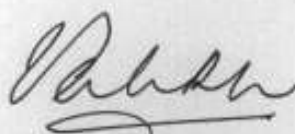
After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the prevailing local town and country planning regulations including the 'prevailing' norms of Floor Space Index or Floor Area Ratio as on 6.1.2011: 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.
- 3) Permission of Central Ground Water Board shall be obtained for basement construction.
- 4) Submission of public consultation report.

Item No. 46: C.R.Z. clearance for plot bearing C.S. No. 16(pt) of Mahim Division in G/S/ Ward, Building known as Adarsh Nagar Beach Corner Co-Op. Soc. Ltd., situated at Nariman Road, Worli, Mumbai. [Dilapidated 33(6) Category]

The Authority noted the following:-

1. The proposal is submitted through Municipal Corporation of Greater Mumbai, vide letter dt. 29/09/2011.
2. As per DP remark of MCGM dt. 18.09.2011, the land is situated in residential zone and not reserved for any public purpose.
3. As per approved CZMP of Mumbai, the plot falls in CRZ II and situated on the landward side of the existing road.
4. Approved Building plan of the existing structure is submitted.



5. As per submitted presentation in the file, the existing structure comprises of Ground + 3 floors.
6. As per MHADA Letter dt. 22/08/2006, the building under reference is in a dangerous and dilapidated condition.
7. The certified copy of MHADA N.O.C. letter No. NO.CO/ MB/ ARCH/ NOC/ F-293/ 990/ 2011 dated 14.02.2011 is submitted.
8. The Built up area permitted as per statement below:

Sr. No.	Existing BUA in Sq.Mtr.	Additional BUA in Sq.Mtr.	Total BUA in sq.mtr.
01	937.38 of already allotted vide NOC No. 7511 dtd. 06.09.2007	873.05 allotted now.	1810.43

9. Proposed development is of residential building comprising of Ground + 30 upper floors with proposed height 103.05 mtr.
10. As per the submitted layout plans and presentation in the file, the proposed redevelopment comprises of Basement + Stilt + 1st to 7th Podium floor + 8th floor + 9th to 37th floors residential building with 60 No. of flats.
11. As per the submitted executive summary and submitted layout plans, the proposed building comprises of Basement + 2 Stilt + 7 Podium + 22 upper floors. Refuge area on 8th, 9th, 14th & 21st floor is proposed as per Fire Department norms and service area is proposed in basement & first floor for servicing utilities. The proposed building will have 79 tenements on 2nd to 8th, 9th to 13th, 15th to 20th & 20th to 22nd floors.

The details of Construction area:-

Total Floors	In FSI Area	Non FSI Area	Ramp Area	Refuge Area	Construction Area
	1771.72 Sq.mtr	7631.61 Sq.mtr	1852.99 Sq.mtr	692.43 Sq.mtr	11948.75 Sq.mtr

FSI Details:

1. Area of plot = 1134.36 sq.mtr.
2. Permissible FSI = 1.596
3. Permissible built-up area = 1810.40 sq.mtr.
4. Proposed floor area = 1768.60 sq.mtr.
5. Total built-up area proposed = 1768.60 sq.mtr.

The architect has claimed the benefit of lift, lift lobby, staircase free of FSI.

75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

Proponent has submitted the public consultation report as per provisions mentioned in CRZ Notification, 2011 (para 8.V.1.(c)). As per the report, the hearing took place on 27.12.2011

In light of the above, the Authority after deliberation decided that, MHADA should submit details on number of dilapidated structures declared prior to 6.1.2011. Further it should be justified by MHADA that how 33(5) is applicable in the instant matter. It was also directed to submit details of FSI and non FSI area indicating appropriate provision. Submit the final building layout plan approved by the MHADA along with its NOC.

Item No. 47: Proposed redevelopment on land bearing plot No. 112, Shivaji Park Scheme, CS No. 1822A, Mahim Division, M. B. Raut Road, Dadar (West), Mumbai

The Authority noted the earlier permission from CRZ point of view issued to the project- The permission from CRZ point of view was issued to the project vide letter No. CRZ-2010/ CR-136/ TC-3 dated 24.12.2010 (as per the decision taken in the 66th meeting of MCZMA held on 03.11.2011).

The Authority noted the following:-

- a) The MCGM vide letter dated 18.07.2011, has forwarded the proposal of proposed redevelopment of the property bearing CS No. 1822A of Mahim Division, Dr. M. B. Raut Road, Shivaji Park, Dadar, Mumbai- 400 028.
- b) As per DP remarks given by MCGM in February 2009, the land under reference falls in Residential Zone and not affected by any reservation.
- c) As per approved CZMP of Mumbai, the land under reference falls in CRZ-II and situated on landward side of 90'-0" wide Swatantrya Veer Savarkar Marg.
- d) The Shivaji Park Estate Scheme is an existing scheme developed prior to 1940 and the proposed development is of existing 'A' category and 'C' category Cess building.
- e) The proposed construction comprises of Stilt for puzzle parking + 1st floor for swimming pool & Deck + 2nd to 19th floors for residential use.

FSI details:

1. Area of the plot = 415.55 sq. m.
2. Permissible FSI = 2.5
3. Permissible built-up area = 1038. 88 sq. m.
4. Proposed built-up area = 1038.70 sq. m.

(Area of staircase, lift, lift lobby & passages are considered as free of FSI).

The permissible built-up area for the proposed building	Proposed built-up area on plot under reference as shown on plan	Proposed permissible area/ required area, allowed free of FSI as per DC Regn. 1991
1038.88 sq. m.	1038.77 sq. m.	2231.87 sq. m.

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.

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the prevailing local town and country planning regulations including the 'prevailing' norms of Floor Space Index or Floor Area Ratio as on 6.1.2011: 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.
- 3) Permission of Central Ground Water Board shall be obtained for basement construction.

Item No. 48: Proposed redevelopment of property bearing CS No. 1761, Plot No. 51 of Mahim Division at Dr. M. B. Raut Road, Shivaji Park, Dadar, Mumbai- 400 028

The Authority noted that the following-

1. The proposal was earlier considered in the 66th meeting of MCZMA held on 3rd November, 2010. The Proposal was for redevelopment of cessed property (G + 3 upper floors) at Dr. M. B. Raut Road, Shivaji Park, Dadar, Mumbai- 400 028. The proposed construction consisted of stilt + 7 upper floors.
2. In the light of the proposal details and since the total investment involved in the proposed reconstruction is less than Rs. 5 crores, it was decided to grant the permission from CRZ point of view for the proposed reconstruction.
3. In light of New CRZ Notification 2011, the proponent has submitted the amended proposal for FSI 2.5.

The Authority noted the following:-

- i) The MCGM has forwarded the proposal for redevelopment of property bearing plot No. 51, Indu Villa, CS No. 1761 of Mahim Division at Dr. M.B. Raut Road, Shivaji Park Dadar, Mumbai- 400 028 vide letter dated 19.07.2011.



- ii) As per submitted sanctioned DP remarks the land under reference is situated in residential zone of G/North ward and is not reserved for any purpose.
- iii) As per the application, the land under reference falls in CRZ-II area and situated on landward side of the existing road constructed prior to 1991. (Plot under consideration is on the landward side of Veer Savarkar Marg).
- iv) The land under reference has existing structure comprising of G + 3 upper floors. However, the built-up area and FSI consumed in the existing structure is not mentioned.
- v) As per submitted layout plan, the proposed building consists of Gr. Floor + 9 upper floors with total built up area of 1171.992 sq. m. The proposed FSI is 2.473. The area of Staircase, lift, lobby is free of FSI.
- vi) MCGM has issued "No objection certificate" for redevelopment of property with FSI 2.00 or the existing FSI whichever is higher in accordance with the earlier D.C. Regulation 33(7) and Appendix-III to this Regulation 33(7).

FSI details:

1. Area of the plot = 482.44 sq. m.
2. FSI permissible = 2.50
3. Permissible built up area = 1206.10 sq. m.
4. proposed area = 1171.992 sq. m. (FSI = 2.473)
5. Details of the total proposed built-up area

The permissible built-up area for the proposed building	Proposed built-up area on plot under reference as shown on plan	Built-up area details as free of FSI
1206.00 sq. m.	1203.00 sq. m.	940.48 Sq.m.

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.

After deliberation, the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the prevailing local town and country planning regulations including the 'prevailing' norms of Floor Space Index or Floor Area Ratio as on 6.1.2011: 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.

- 3) Permission of Central Ground Water Board shall be obtained for basement construction.

Item No.49: Proposed redevelopment of property bearing CS No. 1800, Plot No. 90 of Mahim Division at Dr. M. B. Raut Road, Shivaji Park, Dadar, Mumbai- 400 028

The Authority noted the earlier permission from CRZ point of view issued to the project-MCZMA has issued CRZ NOC to the proposal vide letter No. CRZ-2010/ CR-4/ TC-3 dated 06.02.2010. Now, the proposal has been resubmitted as per CRZ Notification, 2011 with revised plan with FSI 2.5.

The Authority noted the following:-

1. The MCGM has forwarded the proposal of redevelopment of property bearing CS No. 1800, plot No. 90 at Mahim Division, situated at Dr. M.B. Raut Marg, Off Shivaji Park Scheme, Mumbai- 400028 vide letter dated 22.07.2011
2. As per the DP remarks of MCGM dated 13.8.2009:
 - (a) The land under reference falls in Residential Zone and is not affected by any reservation
 - (b) The land under reference falls in CRZ II and situated on landward side of existing road.
3. The proposal is for redevelopment of existing 'A' category cess building. Proposed building comprises of Stilt + 5+6th (pt) + 7th (pt) +8th (pt) + 9th (pt) + 10th upper floors. 8th floor is refuge floor.

FSI details:

1. Area of the plot = 377.09 sq. m.
2. FSI permissible = 2.50
3. Permissible built up area = 942.72 sq. m.
4. Proposed area = 924.44 sq. m. (FSI = 2.45)
- 5.

Details of the total proposed BUA

The permissible built-up area for the proposed building	Proposed built-up area on plot under reference as shown on plan	Built-up area details as free of FSI
942.72 sq. m.	942.72 sq. m.	1018.10 Sq.m.



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

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.

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the prevailing local town and country planning regulations including the 'prevailing' norms of Floor Space Index or Floor Area Ratio as on 6.1.2011: 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.
- 3) Permission of Central Ground Water Board shall be obtained for basement construction.

Item No. 50: Proposed redevelopment of land bearing Plot No. 138, CS No. 1848 at Shivaji Park Scheme, Off L.J. Road, Mahim

The Authority noted the earlier permission from CRZ point of view issued to the project with FSI 2.00 -

1. The CRZ NoC has been issued to MCZMA vide letter no. MCZMA/2009/CR 159 dated 26.8.2009 for FSI 2.00.
2. As per remarks of MCGM dated 26.7.2011, plans for building comprising of basement + ground + 1st to 6th podium + 7th to 16th upper floors are approved by issuing IOD on 20.1.2010. However, CC not yet granted.

The Authority noted the following:-

1. The MCGM has forwarded the proposal for proposed redevelopment of land bearing Plot No. 138, CS No. 1848 at Shivaji Park Scheme, Off L.J. Road, Mahim, vide letter dated 26.7.2011.
2. As per DP remarks of MCGM dated 29.2.2008, 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 & their junction.
3. The approved CZMP of Mumbai indicates the land under reference falls in CRZ II and landward side of existing road.
4. The proposed building comprises of basement + ground + 1st to 6th podium + 7th to 16th upper floors. 14th floor (pt) is refuse area.



FSI Details:

1. Area of plot - 647.16 Sqmt
2. FSI permissible - 2.5
3. permissible floor area - 1617.90 Sqmt
4. proposed built up area- 1614.99 Sqmt

The Area of staircase, lift, lift lobby & passages area taken as free of FSI

(i)	Existing built up area certified by M.B.R. & R. Board	=	1019.18 sq.mt.
	Less Balcony area	=	61.83 sq. Mt.
	Less Staircase area	=	54.24 sq. Mt.
(ii)	Permissible built up area	=	1617.00 sq. Mt.
(iii)	Proposed built up area	=	1614.99 sq.Mt.
(a)	Balcony	=	128.97 sq.Mt.
	Concession under D.C.Regn. 35(2)(k) of 38(22)		
(b)	Staircase area	=	803.89 sq. Mt.
	concession under D.C.Regn. 35(2)(c)		

After deliberation, the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the prevailing local town and country planning regulations including the 'prevailing' norms of Floor Space Index or Floor Area Ratio as on 6.1.2011: 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.
- 3) Permission of Central Ground Water Board shall be obtain for basement construction.
- 4) Submission of public consultation report.

Item No. 51: Proposed redevelopment on plot bearing CTS No. 838, 839 of village Juhu at V.M. Road J.V.P.D. Scheme Vile Parle (W).

The Authority noted the following:-

1. The proposal is submitted through Municipal Corporation of Greater Mumbai, vide letter dated 13.02.2012 for development of plot bearing CTS No. 838, 839A of village Juhu V.M.Road, JVPS scheme, Mumbai.



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

2. As per DP remarks of MCGM dated 9.1.2012, the plot under reference is in residential zone and not reserved for any public purpose.
3. As per approved CZMP of Mumbai as well as MCGM letter dated 13.2.2012; the plot under reference falls in CRZ-II and situated on landward side of existing road.
4. As per MCGM letter dated 13.2.2012; there are two existing structure, one comprising of ground + stilt for parking + 1st to 3rd floor and other comprising of ground + 1st floor
5. The Proponent has submitted Commencement Certificate dated 7.12.1991 and Occupation certificate dated 11th September, 2011 issued by MCGM for the development of structure on CTS No. 839 at street V.L. Mehta Road, Vile Parle, Mumbai.
6. Proposal is for reconstruction of residential bungalow comprising of stilt for parking + 1st to 3rd floors for residential use by demolishing two structures comprising of ground (pt) & stilt (pt) for parking + 1st to 2nd + 3rd floors (pt) & another of ground + 1st floor.
7. The proposed redevelopment of the existing bungalow is proposed on CTS No. 838 & 839 A of village Juhu, total area of plot is 1455.80 Sqmt. Amalgamation of the same shall be insisted at the time of IOD.

FSI Details:

- 6) Area of plot is- 1455.80sqmtr.
- 7) Permissible FSI- 1
- 8) Permissible floor area- 1455.80sqmtr.
- 9) Proposed area- 1435.59sqmtr.
- 10) Total built up area-1449.21sqmtr.

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) 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.
- 3) FSI calculations and building layout plan should be strictly as per the provisions of DCR 1967. Lift lobby staircase area should be counted in FSI. FSI for basement in CRZ area should be as per the DCR 1967.
- 4) Permission of Central Ground Water Board shall be obtained for basement construction, if any.



- 5) Before according commencement certificate amalgamation of the plots should be insisted. Permission should not be given prior to amalgamation.

Item No. 52: Proposed Residential Building (redevelopment) on plot bearing CTS No. 1335 of Village Versova, situated at N. Dutta Marg, Versova, Andheri (West), Mumbai.

The Authority noted the following:-

1. M/s. Supreme Universal has submitted the application through MCGM (vide letter dated 04.10.2011) for obtaining permission from CRZ point of view for proposed redevelopment of Samundar Darshan Co-operative Housing Society on plot bearing CTS No. 1335 of Village Versova, situated at N. Dutta Marg, Versova, Andheri (West), Mumbai.
2. The proposal was submitted earlier in the year 2010 with certain inadequate project details for scrutiny, which was communicated to the proponent for submission and the information was awaited. Later, the project proponent was requested to submit the application as per the application in light of the CRZ Notification, 2011. Now, the proposal has been submitted vide letter dated 16.11.2011 as per the prescribed format and MCZMA Office Memorandum dated 02.07.2011.
3. As per the submitted DP remarks of MCGM (dated 29.05.2010), the land under reference falls in Residential Zone and is not reserved for any purpose. The land under reference is abutting 13.00 m wide existing road.
4. As mentioned in the DP remarks (dated 29.05.2010), as the plot under reference falls within influence zone of the Military Signal Transmission Station at Juhu, the development on the land under reference is restricted. However, specific remarks in this respect must be obtained from concerned defense authority before carrying out any development on land.
5. As per the MCGM remarks, the land under reference falls in CRZ-II and it is situated on the landward side of the existing road.
6. The proponent has submitted the CZMP (scale 1:4000) prepared by CESS, Kerala for the plot abutting the land under reference and not for the land under reference. However, as per the survey report, "it is found that the proposed project site (adjacent to the land under reference) is not only beyond the 500 m regulation zone, but also beyond the mangrove buffer zone and CRZ landward of the nalla".

The Authority noted the Proposal details:

- As per the information submitted by MCGM, the architect has submitted proposal for the proposed residential building comprising of Stilt + 7 upper floors having height of



24.00 m. The proposed work is within the existing premises i.e. 1st to 7th upper floors only.

- As per the executive summary submitted by the project proponent, the proposed redevelopment comprises of 1 building of G + 7(pt) floors with total 25 No. of tenements. The tenements will be provided with ample car parking space. The project will involve site formation works and construction of infrastructure including building structures, drains, sewers, utilities and landscape areas.
- Expected cost of the project (as mentioned in the Form-I) is Rs. 14.33 crores.
- The proponent has submitted the Commencement Certificate issued by MCGM vide letter dated 19.10.1964 for the existing structure for confirmation of authenticity of the old existing authorized structure.

FSI details:

1. Total plot area = 2173.50 sq. m.
2. Road set-back area = 132.20 sq. m.
3. Permissible floor space area = 2041.30 sq. m.
4. Total built-up area proposed = 2041.30 sq. m.
5. Permissible FSI = 1.00
6. Proposed FSI/ FSI to be consumed = 1.00

The Authority after deliberation rejected the proposal since it was proposed as per prevailing DCR and not as per provisions of the CRZ Notification.

Item No. 53: Proposed addition, alterations and horizontal and vertical extension to the existing hospital building known as St. Elizabeth Nursing Home on plot bearing CS No. 192, 1/192 of MH Division in D Ward, Mumbai.

The authority noted the following:-

1. The MCGM has forwarded the application vide letter dated 13.10.2011 for proposed addition, alterations and horizontal and vertical extension to the existing hospital building known as St. Elizabeth Nursing Home on plot bearing CS No. 192, 1/192 of MH Division in D Ward, Mumbai.
2. As per the remarks of MCGM dated 13.10.2011, the Licenced Surveyor has proposed one additional 4th floor on the one existing building comprising of Ground + 3 upper floors and horizontal extension to other building comprising of Basement + Ground/ Stilt to 4th upper floors with additional 2 upper floors to the existing building at North and South side of the plot.
3. Licenced Surveyor has proposed 1.36 FSI having area admeasuring 3028.22 sq. m. over and above existing 2.16 FSI having area admeasuring 4828.79 sq. m. Total FSI will be 3.52 area admeasuring 7857.01 sq. m.



4. The addition, alteration and extensions in the instant case are proposed to facilitate blood bank, chemotherapy unit, physiotherapy, CT scan, day-care ward, expanded operation theatre etc. which are essential facilities to the existing hospital.

Authority noted the project details:-

Component	Details
Existing Building	Wing A: G + 3 Wing B: B + G + 4 upper floors Height of building : 17.55 M FSI consumed 2.16 on net plot area
Proposed Expansion	Wing A: horizontal extension to Ground Floor + 4 th Floor Wing B: horizontal extension of Ground floor + addition of 5 th and 6 th Floor Height of Building : 25.05 M Total FSI Consumed : 3.52

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) 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.
- 3) FSI calculations and building layout plan should be strictly as per the provisions of DCR 1967. Lift lobby staircase area should be counted in FSI. FSI for basement in CRZ area should be as per the DCR 1967.
- 4) Permission of Central Ground Water Board shall be obtained for basement construction, if any.
- 5) MCGM should ensure that there is no demolition or reconstruction involved in the instant matter.

Item No. 54: Proposed Addition / Alteration to the existing school building on plot bearing C.T.S. No. C/129, C/137 to C/141 of village - Bandra at Hill Road, Bandra (W), Situated in H-West Ward, Mumbai.



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

The Authority noted the following:-

1. The proposal is submitted through Municipal Corporation of Greater Mumbai (MCGM), vide letter dt. 11.01.2012.
2. As per DP remarks of MCGM vide letter dt. 31.01.2011, the land under reference is in residential zone and reserved for Play Ground (2Nos) and Secondary School.
3. The CZMP submitted by the proponent indicates the land under reference is located in CRZ II and as per MCGM letter dt. 11.01.2012 the plot under reference is situated on landward side of existing road.
4. The MCGM mentioned vide letter dt. 11.01.2012,
 - There are existing school buildings on the plot under reference.
 - There are 5 Buildings / Structures existing on the plot under reference.
 - Copy of Occupancy Certificate is submitted.
5. As per the approved layout plan submitted by the proponent, existing floor area (Building No. 1,2,3,4 & 5) = 7307.65 Sq.mtr.
6. The MCGM mentioned vide letter dt. 11.01.2012, That the proposal is for carrying out vertical extension of 3rd and 4th floor over an existing School building (structure 5) comprising Stilt + 2.

The Authority noted the FSI Details:

As the Govt. of Maharashtra had granted additional fsi under rule 10(2), the additional FSI of 0.258 over and above the permissible FSI of 1.00 on the net area of the plot is to be devoted for educational use vide letter dated 26.08.1976.

1. Total area of plot (After Set Back) = 7509.60 Sq.mtr.
2. Deduction for
 - a) Set Back Area = 423.60 Sq.mtr.
 - b) Any Reservation (P.G.) = 1445.30 Sq.mtr.
 - c) Total = 1445.30 Sq.mtr.
3. Balance area plot = 6064.30 Sq.mtr.
4. Deduction for
 - a) Recreational Ground @ 15% = 909.65 Sq.mtr.
 - b) Internal Roads = 440.13 Sq.mtr.
 - c) Total = 1349.78 Sq.mtr.
5. Net area plot = 4714.52 Sq.mtr.
6. Addition for FSI purpose
 - a) 100% Set Back area = 423.60 Sq.mtr.
 - b) 100% P.G. area = 1445.30 Sq.mtr.
7. Total area = 6583.42 Sq.mtr.
8. FSI Permissible = 1.00
9. Addition floor area approved = 1174.99 Sq.mtr.
10. Permissible floor area = 8358.41 Sq.mtr.
11. Existing floor area Building No. 1,2,3,4 & 5 = 7307.65 Sq.mtr.



12. Proposed Built up area = 914.06 Sq.mtr.
13. Total Built up area = 8221.71 Sq.mtr.
14. FSI Consumed = 1.0249

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) 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.
- 3) FSI calculations and building layout plan should be strictly as per the provisions of DCR 1967. Lift lobby staircase area should be counted in FSI. FSI for basement in CRZ area should be as per the DCR 1967.
- 4) Permission of Central Ground Water Board shall be obtained for basement construction, if any.
- 5) MCGM should ensure that there is no demolition or reconstruction involved in the instant matter.

Item No. 55: Proposed Addition / Alteration to the existing school building on plot bearing C.T.S. No. B / 844, B / 939 to B 947 of village - Bandra off Kane Road, Bandra (W), Situated in H-West Ward, Mumbai

The Authority noted the following:-

1. The Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 29.03.2012 has forwarded the application for proposed Addition / Alteration to the existing school building on plot bearing C.T.S. No. B / 844, B / 939 to B 947 of village - Bandra off Kane Road, Bandra(W), Situated in H-West Ward, Mumbai
2. As per DP remarks of MCGM vide letter dated 12.10.2007, the land under reference is in residential zone and entirely reserved and designated public purpose of Church, Secondary school and play ground and partly reserved for Welfare Centre.
3. The CZMP of Mumbai (scale 1:25000) indicates the land under reference is located in CRZ II and as per MCGM letter dated 29.03.2012 the plot under reference is situated on landward side of Byramjee Jeejebhoy Road (B.J. Road).
4. The plot under reference is part of the Heritage precinct of Mount Mary.
5. As per MCGM mentioned vide letter dated 29.03.2012,



- a) There are existing school buildings on the plot under reference.
 - b) There are 8 Buildings / Structures existing on the plot under reference.
 - c) The CTS plan is submitted to support the authenticity of existing structures on the plot under reference.
6. The MCGM has issued NOC of the MHCC vide letter dated 24.06.2008, from heritage point of view.
 7. The proposal is for additions / alterations to the existing school building by demolishing the part existing "L" structure comprising ground + 1 floor and reconstructing a new building comprising of lower ground + ground floor + 2 upper floors for the residence of the nuns residing within the premises.
 8. Project details:-

Area Statement / Summary			
Building	Existing	Proposed	Total
A	581.62	-	581.62 Sq.ft.
B	2,226.75	-	2,226.75 Sq.ft.
C	19,395.50	-	19,395.50 Sq.ft.
D	18,832.50	-	18,832.50 Sq.ft.
E	19,600.60	-	19,600.60 Sq.ft.
F	173.25	-	173.25 Sq.ft.
G	2,584	-	2,584 Sq.ft.
H	1,959.68	-	1,959.68 Sq.ft.
I	2,773.50	-	2,773.50 Sq.ft.
J	12,434.36	-	12,434.36 Sq.ft.
K	204.75	-	204.75 Sq.ft.
L	5,788.74	14,380.14	20,168.88 Sq.ft.
M	3,145.87	-	3,145.87 Sq.ft.
Total	89,701.12 Sq.ft. (8,333.44 Sq.mtr)	14,380.14 Sq.ft. (1,335.95 Sq.mtr)	1,04,081.26 Sq.ft. (9,669.35 Sq.mtr)

FSI Details:

1. Total area of the plot = 13,413.40 sq.mtr.
2. Deduction for
 - Set back area = 649.75 Sq.mtr.
 - Any reservation = 2415.1 Sq.mtr.
 - Total = 3064.85 Sq.mtr
3. Net area of the plot = 10348.55 Sq.mtr.
4. Recreational Ground @ 15 % = 1552.28 Sq.mtr



5. Balance area of the plot = 8796.27 Sq.mtr.
6. Addition for FSI purpose
 - 100% Set back area = 649.75 Sq.mtr.
 - 100% P.G. area = 2415.1 Sq.mtr.
7. Total area = 11861.12 Sq.mtr.
8. FSI permissible = 1
9. Permissible floor area = 11861.12 Sq.mtr.
10. Existing floor area = 833.44 Sq.mtr.
11. Proposed floor area = 1352.11 Sq.mtr.
12. Excess balcony area taken into FSI = 33.30 Sq.mtr.
13. Total built up area proposed = 9718.85 Sq.mtr.
14. FSI consumed = 1.10

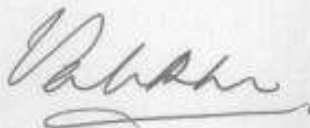
As per MCGM mentioned vide letter dated 29.03.2012, The FSI proposed to consumed is 0.9391.

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) 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.
- 3) FSI calculations and building layout plan should be strictly as per the provisions of DCR 1967. Lift lobby staircase area should be counted in FSI. FSI for basement in CRZ area should be as per the DCR 1967.
- 4) Permission of Central Ground Water Board shall be obtained for basement construction, if any.
- 5) MCGM should ensure that there is no demolition or reconstruction of church building involved in the instant matter.

Item No. 56: Proposed residential bungalow on plot bearing CTS No. 856 of Village Juhu, situated at the junction of V. M. Road and Juhu Road, JVPD Scheme, Vile Parle (West), Mumbai

The Authority noted the following background:-



The matter was placed in the 70th meeting of MCZMA held on 01.07.2011 with respect to the complaint received in this matter. As per the major allegations in the complaint, the permission (dt. 31.08.2009) from CRZ point of view in the instant case was obtained from MCZMA for the construction of G + 3 upper floors; while CC (dt. 16.03.2011) was granted by MCGM for construction of Basement + Stilt + Podium + 11 upper floors. As per the decision taken in the 70th meeting, the Authority asked the MCGM officials as to why the MCZMA approval was not sought for amended plans. MCGM officials reported that only work upto plinth level has been completed as per the permission given by MCGM. The Authority after detailed discussion and deliberation, decided that:

- 1) Stop work order will be continued and project owner should not construct further till fresh appraisal of the project as per CRZ Notification, 2011 and verify the actual plot size, approved plinth, FSI permissible on the plot as per DCR, 1967, consumed FSI in the 'existing' structure and FSI proposed in redevelopment, user as per DP of DCR, 1967, building layout plan as per DCR, 1967 etc.
- 2) Owner, Builder and Architect should submit resolution as per MoEF letter dated 16.11.2010. Bank guarantee of Rs. 5 Lakhs should be submitted to MCZMA to ensure that orders of MCZMA are followed that no work will be undertaken unless fresh appraisal of the project.
- 3) Municipal Commissioner, MCGM be directed to get explanation from concerned officer as to why the amended plan was not sent to MCZMA for approval. This explanation to be placed in next MCZMA.

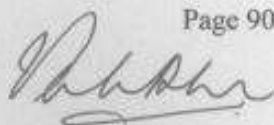
The decision taken in the 70th meeting of MCZMA was communicated to the concerned officials as well as the developer vide letters dt. 20.09.2011.

The MCGM forwarded the application for proposed construction of residential bungalow on plot bearing CTS No. 856 of Village Juhu, situated at the junction of V. M. Road and Juhu Road, JVPD Scheme, Vile Parle (West), Mumbai vide letter dt. 11.10.2011.

Land Details:

As per the remarks of MCGM:

- i) The land under reference falls in Residential Zone (in K/West ward) and not reserved for any public purpose. As mentioned in the executive summary, the reservation of garden on the plot under reference had lapsed in view of purchase notice and further as confirmed by Hon. High Court & Supreme Court in SLP 1527 of 2006.
- ii) As mentioned in the DP remarks of MCGM (dt. 24.02.2009), the plot under reference falls in Residential Zone and reserved for Garden. It is further mentioned that, "the acquisition proceedings was initiated since, the purchase notice under section 127 of MR & TP Act, 1966 was served. However, the reservation of Garden on land bearing CTS No. 856(pt) of Village Juhu (excluding the portion of land falling in existing roads and their junction) in K/West ward got lapsed as per the Hon'ble High Court & Supreme Court orders in Writ Petition No. 442 of 2007 & special leave petition No. 1527 of 2008.
- iii) The plot under reference is abutting 27.45 m wide V. M. Road and 36.60 m wide Juhu Road.



- iv) The plot falls within 500 m from HTL i.e. CRZ-II and situated on landward side of existing road. The plot under reference is on the landward side of existing 27.45 m wide V. M. Road and 36.60 m wide Juhu Road.
- v) As per the PR card, the total area of plot is 626.00 sq. m. which is the also the net plot area (after deducting setback). As per the information submitted in Form-I, total plot area (inclusive of setback area) is mentioned as 1176 sq. m. (in basic information) and the same is mentioned as 1176.06 sq. m. in enclosed Appendix-1.9.
- vi) There is no existing building on the plot under reference. The plot is vacant on site. There is no structure on site as per CTS plan.

Proposal Details:


- As per the remarks of MCGM, the proposal is submitted for construction of residential building comprising of Basement for parking + Stilt for parking + Podium for parking + 1st to 9th upper floors in lieu of plot potential + setback area advantage and benefit of staircase, lift, lift lobby and internal staircase area free of FSI.
- As per the executive summary submitted by the proponent, the project of proposed residential building comprises of basement + stilt for parking + 1st to 10th floors for residence. Total height proposed is 41.65 m.

FSI details:

- As per the MCGM remarks, FSI proposed to be used in the instant case is 1.39 and as per the submission of the proponent, the proposed FSI is 1.40.
- As per the Appendix-1.9 submitted by the project proponent:
 1. Plot area = 1176.06 sq. m.
 2. Total built-up area = 1176.06 sq. m.
 3. Basement area = 510.87 sq. m.
- As per the Appendix-1.21, 2.6 & 5.1 and layout plan submitted by the project proponent:
 1. Plot area = 1176.00 sq. m.
 2. Permissible built-up area = 1176.00 sq. m.
 3. Proposed built-up area = 1171.73 sq. m.
 4. Total construction built-up area = 3500 sq. m.
 5. Permissible FSI = 1.00
 6. FSI proposed to be consumed = 0.996
- As per the submission of the proponent, the proposal is submitted in prescribed format maintaining FSI as per DCR of 1967, amended up to 19.02.1991, for onward submission of MCZMA. Setback FSI advantage has been claimed up to 40% on net plot area as on 19.02.1991, as per regulations existing on 19.02.1991.

Remarks of UDD:

In the instant case, remarks of Urban Development Department (UDD) were taken with respect to details of plot area and proposed built-up area, permissible FSI, land-use,



height, user, proposed amenities and land reservation etc. In their remarks, UDD felt the necessity of getting detailed clarification/ remarks from MCGM on following points:

- (i) Project proponent has submitted the application in which setback FSI advantage has been claimed up to 40% on net plot area as on 19.02.1991.
- (ii) Comments on the lapse of Garden reservation on the plot under reference as per the orders of Hon. High Court & Supreme Court and as per the provisions of MR & TP Act, 1966.
- (iii) As mentioned in Sr. No. 1(f)(ii) of Part-B of the checklist submitted by MCGM, the plot under reference is situated on the landward side of the road existing before 19.02.1991. However, the same road should be specified.
- (iv) Information regarding proposed built-up area with area details considered as free of FSI.
- (v) Remarks regarding permissible and proposed height with respect to DCR existing and in force as on 19.02.1991.
- (vi) 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) as well as coloured & certified Google map showing the proposed site has not been submitted.
- (vii) As per the remarks of MCGM in Sr. No. 2(xi)(c) of Part-B of the checklist, the area of the lift, lift lobby, staircase is permissible with respect to Regulation 35(2)(c) of DCR 1991. However, the same should be scrutinized and explained in light of the DCR 1967.

MCZMA vide letter dated 17.12.2011 requested MCGM to provide information on above mentioned points. Accordingly, MCGM vide letter dated 11.4.2012 has sent their reply in the matter-

As per the MCGM reply dated 11.4.2012

a) Clarification on setback FSI advantage that has been claimed up to 40 % by the project proponent on net plot area as on 19.2.1991

Initially, the proposal was submitted to MCZMA on 12.6.2009 seeking NoC from CRZ point of view for the construction of Gr + 3(pt) upper floors for commercial user. Subsequently, the IOD was issued on 13.01/2010 for the proposed commercial building comprising of 2 level basements + 2nd + 3rd (pt) floors for the proposed built up area of 1176 Sqmt which includes total setback advantage. Later, the amended plans for residential use by changing it from Commercial use were approved on 31/12/2010 for basement + stilt + 1st level parking + 1st to 11th upper floors in lieu of plot potential and total road setback benefit after sanctioning the various concessions approved by the competent authority. The NoC from MCZMA was not insisted during amendments as it was only the change of use from commercial to residential without change in BUA of the same. Accordingly, full CC was issued. After complaints from Advocate M.P.Vashi and also in re-

scrutiny, it was revealed that the plans needed to be amended by restricting setback to 40 % as per regulation 10(2) of 1967 DCRs.

So the present proposal is as permissible 1.00 FSI under regulation No. 32 of DCR 1991 as well as DCR 10 of DCR of 1967, And by availing setback FSI advantage up to 40 % of Net plot area as per regulation 10(2) of DCRs 1967. Hence in the instant case,

1. Net plot area after setback - 626.00 Sqmt
2. setback area - 550.00 Sqmt
3. Setback advantage restricted to 40 % of net plot area - 250.40 sqmt
4. BU area permissible - 1 + 3 - 876.40 Sqmt

Even though plans were approved in past by granting full setback FSI advantage of 550.00 Sqmt, now the same is restricted to 250.40 Sqmt (40 % of NP)

b) Comments on the lapse of Garden reservation on the plot under reference as per the orders of Hon. High Court and Supreme Court as per the provisions of MRTP Act, 1966.

The Govt of Maharashtra vide its notification dated 19th March, 1993, while sanctioning Draft Development Plan of K-West Ward notified that a part of the said land admeasuring 626 sqmt was reserved for a Garden and the remaining part of the aid land being 550 Sqmt for road set back or development road. The MCGM did not taken any steps for acquiring the portion of the land reserved by it and hence the original owner issued a notice to them under section 127 of MRTP act, 1966 on or about 31st March, 2004, requesting them to take necessary steps to acquire the said land within 6 month from the date of notice and the said land remained reserved for about 10 years. The original owner and the owner jointly filed as Writ petition No. 442 of 2007, before the Hon. Bombay High Court under Article 226 of the constitution of India praying for Writ of Mandamus directing the MCGM to iner alia withdraw, cancel and /or delete the reservation of their land forthwith and consider and sanction the plans for development of their land and for directions to allow the original owner and the owner M/s Dattani Development to utilize the FSI or TDR of the portion of the said land admeasuring 550 Sqmt. However, in view of the fact that no acquisition proceedings as contemplated under the Land Acquisition Act, 1894 were initiated, the Hon Bombay high Court ordered the portion of the said land be released from the said reservation and also directed the MCGM to process the plan submitted for the development of the said land. Further, the MCGM was directed to consider the claim for FSI or TDR in respect of the setback area admeasuring 550 Sqmt as per rules expeditiously.

The state of Maharashtra filed as special leave petition being S.L.P. (Civil) No. 773 of 2008 at page C /177 against the order of Hon. High Court of Bombay dated 27/28 November, 2007 was in the Writ Petition No. 442 of 2007 at page C/127 to C/175.

The Municipal Corporation of Greater Mumbai also filed a special Leave petition being S.L.P. (Civil) No. 1527 of 2008 C/177 against the order of the Hon. High Court of Bombay dated 27/28 November, 2007 in Writ Petition No. 442 of 2007 at page C/127 to C/175.



That both the abovementioned special leave petitions being S.L.P. (Civil) No. 773 of 2008 and S.L.P. (Civil) No. 1527 of 2008 were dismissed by a common order dated 18th July, 2008 passed by Hon. Supreme Court of India at page C/177 to C/183.

Thereafter the MCGM filed a review petition in the Hon. Supreme court bearing No. 2143 of 2009 at page C/181 and during the pendency M/s Dattani Developments filed an contempt petition No. 99 of 2009 against the Corporation and Municipal Commissioner alleging non compliance of the order dated 27/28 November, 2007, the corporation defended the contempt petition by filling a Affidavit that the Review Petition is pending in the Apex Court, the process of the plan was temporarily suspended, However, in the meanwhile the Review petition bearing No. 2143 of 2009 was dismissed on 9th December, 2009 at page 181 to 183.

In view of dismissal of review petition, the MCGM issued IOD on 13.01.2010 and Commencement Certificate on 28.01.2010 for Commercial Building.

The Copies of the Judgement of Hon'ble High Court of Bombay in Writ petition No. 442 of 2007, Common order of Supreme Court of India dismissing S.L.P. (Civil) No. 773 of 2008 filed by State Government of Maharashtra and S.L.P. (Civil) No. 1527 of 2008 filed by Municipal Corporation of Greater Mumbai and also Order of Supreme Court dismissing the Review Petition No. 2143 of 2009 filed by the Municipal Corporation of Greater Mumbai are enclosed herewith.

It may be further mentioned that the Judgement passed by Hon Supreme Court in Appeal (Civil) No. 5948 of 2007 dated 14/12/2007, in the case of M/S Suresh Estates pvt Ltd. V/S MCGM and others, it has been upheld that "The CRZ Notification has only frozen the FSI/FAR Norms but not the operation of section 127 of MRTTP Act, 1966". Copy of the said order is enclosed for ready reference. In view of the same, the lapsing of reservation and approval of building plans is in order at page C/185 to C/201.

c) Details specification of the road, on the landward side of which the plot under reference is situated.

The plot is on the land ward side of existing Juhu Tara Road, which is in existence much prior to 19.02.91. This road is reflected in approved CZMP as existing road. The 1967 D.P. of BMC also reflects this road as existing road. Hence the project site is conclusively situated on landward side of the road existing prior to 19.02.1991.

d) Detail information regarding total plot area, permissible and proposed built up area with area details considered as free of FSI

DC regulation 1967 is applicable in this case as per clause 10, R -10 of DC regulation 1967. The permissible FSI in suburbs and extended suburbs as on 19/2/1991 is 1.00 as per DCR 10 of DCRs of 1967. Further, staircase and lift area as well as balcony area exemption was permissible as per DCRs of 1967 on suburbs as per the modification to 1967 DCRs in 1972, as per directives u/s 154 of MRTTP dated 22/10/1972, for allowing staircase and lift area free of FSI in suburbs and extended suburbs. Also setback FSI advantage up to 40%



of Net plot area is permissible as per Regulation 10(2) of DCRs of 1967. FSI proposed to be consumed in 1.00 for Net plot area and 40% advantage of setback area.

Basement and stilt is allowed free of FSI as per clause 51(vi)(a) of DCR 1967 Stilt and higher floor parking is allowed free of FSI as per DCR/1079/1954/UD-5 dated 12th July,1979.

Staircase and lift areas are allowed free of FSI as per directives under section 154 of MRTP act vide TPB/4373/38736-WI dated 22nd October-1972.

Balcony is allowed free of FSI as per clause 37(a)(i) of DCR 1967

Space required for location for Fire Hydrant is allowed free of FSI as per clause 51(vi)(b) of DCR 1967. On the same analogy, Refuge area was permitted free of FSI prior to 19/2/1991.

e) Remarks regarding permissible and proposed height with respect to DCR existing and in force as on 19.02.1991 i.e. DCR 1967

In view of provisions contained in clause 8 (v)(iii) (a) of CRZ notification dated 6/1/2011, D C rules and FSI norms as on 1967, the will apply for the height norms in this case. As per clause 9 (i) of DCRs of 1967, the permissible height will depend upon the road width and front open space as per norms. In this particular case, the plot is abutting directly to two nos of roads, viz. 27.45 mtr wide Juhu Road and 36.00 mtr. wide V.M Road. The height calculations are done as follows:

Juhu Tara Road

Front open space from the 27.45 mtr wide Juhu Road is kept equal to 3.01 mtr.(min) Thus the permissible height as per clause 9(i) of DCRs of 1967 (Copy is attached), will be $(1.5 \times (27.45\text{mtr. (width of the road)} + 3.01 \text{ mtr. (Front Open Space)}) = 45.69 \text{ mtr.}$

V.M.Road

Similarly, front open space from the 36.00 mtr wide V M Road is kept equal to 3.04 mtr.(min.) Thus the permissible height as per clause 9(i) of DCRs of 1967 (Copy is attached), will be $(1.5 \times (36.00\text{mtr. (width of the road)} + 3.04 \text{ mtr. (Front Open Space)}) = 58.56 \text{ mtr.}$

Adequate marginal open spaces are provided as per clause 11 of DCRs of 1967. Thus the proposed height of 41.65 mtr is less than of permissible 45.69 & 58.56 mtr. height considering Juhu Tara Road V.M. Road respectively.

f) CZMP in the scale 1:4000 (prepared by one of the MoEF authorized agencies) as well as coloured and certified Google map site under reference.

Map of 1:4000 scale is not attached, but Map of the scale of 1:25000 is enclosed. The approved CZMP is to the scale of 1:25000 and is valid for a period of 2 years from 6/1/2011 and hence the same is accepted & being submitted herewith.

The certified Google map showing site under reference is also attached at page detailed remarks on permissibility of the proposed area of the life, life lobby, staircase in light of the DCR 1967.



Staircase, lift and lift area as well as balcony area is claimed free of FSI as per the modification to 1967 DCRs in 1972, as per directives u/s 154 of MRTP dated 22/10/1972, for allowing staircase and lift area free of FSI in suburbs and extended suburbs.

In Past, various concessions / exemptions were granted by Municipal commissioner using powers under section 64 of DCRs 1991. As the proposal needs to be as per clause 48 of DCRs 1967, the same discretionary powers were available with MC as per clause 48 of DCRs 1967. Hence, all the concessions granted by MC, will be continued in the present proposal.

g) Current Complaints and Litigations of Advocates M P Vashi

Mr. Rajoo Bbharot filed a Suit (Lodging) No.970 of 2011 in the Hon'ble High Court of Bombay through their Advocate M.P. Vashi by making several allegations for violation of norms. That during the pendency of said suit in the Hon'ble High Court, the MCGM served a notice on the said owner under Section 354A of the Mumbai Municipal Corporation Act, 1888 based on the stop work notice issued by the MCZMA on 28th April 2011, directing the owner to immediately stop work on the said plot. Further, the notice also stated that in the event the work was still carried on, the MCGM would direct that the owner would be removed from the said premises by a police officer.

The Notice of Motion came up for hearing before Hon,ble Justice Dr. D.Y. Chandrachud on 02nd may 2011 and the said Notice of Motion was disposed off and the following Order was passed:

1. Leave under Rule 146 of High Court (Original Side) Rules 1980 granted to the Plaintiffs to take out Notice of Motion in terms of draft Notice of Motion handed in.
2. The learned senior counsel appearing on behalf of the Eighth Defendant states that the Maharashtra Coastal Zone Management Authority has issued an order on 28th April 2011 on the complaint of the plaintiff b which the Eighth Defendant has been directed to stop the work of development on the plot bearing No. CGS 856 until further orders. In view of the fact that the Eight Defendant has been directed to cease and desist from carrying out any development work which order, the Eighth Defendant states that it will abide by, counsel appearing on behalf of the plaintiff does not seek any ad interim relief at this stage. However, it has been agreed that should the order of 28 April 2011 be vacated or in the event that the Eighth Defendant seeks to carry out further development thereafter, the plaintiff shall be furnished notice of at least two weeks to enable the plaintiff to apply for further relief. In the circumstances, and since no further directions are sought at this stage, the Motion is disposed of with liberty reserved to the plaintiff to adopt fresh proceedings when the occasion arises.
3. The statement which has been made on behalf of the Eighth Defendant would be without prejudice to the rights and contentions of the Eighth Defendant in the present proceedings and without prejudice to the entitlement of the Eighth Defendant to adopt suitable proceedings.

Order passed by the Hon'ble Court of Bombay in Notice of Motion in Suit (Lodging) No.970 of 2011 is enclosed herewith.

The Authority after deliberation decided to get details of the order passed by Hon. High Court in the matter of notice of motion No.970 of 2011. It was also decided to get details of the construction stage. Further authority directed to submit detailed layout plan, FSI calculations, details on setback area, road reservation, and RG area as per the provisions of DCR of 1967. Further authority decided to hear the complainant before taking final decision in the matter.

Item No. 57: Proposed redevelopment of plot bearing C.T.S. No. B/1065-3 of village Bandra, Peter Dias Road, Bandra (W), Mumbai

The Authority noted the following:-

1. The proposal is submitted through Municipal Corporation of Greater Mumbai (MCGM), vide letter dt. 29.12.2011.
2. As per DP remark of MCGM dt. 20.05.2011, the plot under reference is in residential zone and not reserved for any public purpose.
3. The approved CZMP (scale 1:25000) submitted by the proponent shows that the plot falls in CRZ II and situated on the landward side of existing road.
4. The MCGM mentions, Details of Existing Structure is not available. There is existing residential structure on plot u/r and is prior to 1961-62.
5. As per the submitted layout plan, a residential building comprising of stilt floor for car parking + 1st to 5th floor levels for residential use.

FSI Details:

1. Area of plot = 551.80 sq.mtr.
2. Permissible FSI = 1
3. Permissible floor area = 551.80 sq.mtr.
4. Proposed floor area = 535.40 sq.mtr.
5. Excess balcony area = 13.15 sq.mtr.
6. Total built up area = 548.55 sq.mtr.
7. Balanced area = 3.25 sq.mtr.
8. FSI Consumed = 0.994
9. Total Construction area propose = 1000 sq.mtr.

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) 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.

- 3) FSI calculations and building layout plan should be strictly as per the provisions of DCR 1967. Lift lobby staircase area should be counted in FSI. FSI for basement in CRZ area should be as per the DCR 1967.
- 4) Permission of Central Ground Water Board shall be obtained for basement construction, if any.
- 5) Details of the existing road and existing authorized building need to be provided by Project Proponent and MCGM.

Item No. 58: Proposed redevelopment of Plot bearing C.T.S. No. 696, Bandra B village, Peter Dias Road, Bandra (W), Mumbai

The Authority noted the following:-

1. The Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 29.12.2011 has forwarded the application for Proposed redevelopment of plot No. 121, bearing C.T.S. No. B/696, Peter Dias Road, Bandra (W), Mumbai.
2. As per DP remark of MCGM dt. 14.01.2010, the land under reference is in 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 situated on the landward side of the existing road. Further, as per MCGM letter dt 29.12.2011, the plot is situated on the landward side of existing authorized building.
4. The MCGM mentions that details of existing structure is not available, there is existing residential structure on plot under reference prior to 1961-62.
5. As per MCGM letter dt 29.12.2011, proposed development is of residential building by demolishing existing bungalow under DCR 1967 and the proposed building comprising of stilt for parking + 1st to 4th upper floor for residential use.

FSI Details:

1. Area of plot = 311.00 sq.mtr.
2. Permissible FSI = 1
3. Permissible built-up area = 311.00 sq.mtr.
4. Proposed floor area = 293.32 sq.mtr.
5. Excess balcony area = 17.16 sq.mtr.
6. Total built-up area proposed = 310.48 sq.mtr.
7. Balanced area = 0.52 sq.mtr.
8. FSI Consumed = 0.998
9. Total Proposed Construction area = 600 sq.mtr.



As per the proposal is submitted through MCGM, Staircase and lift area is claimed free of FSI.

After deliberation the Authority decided to recommend the proposal subject to the following conditions:-

- 1) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- 2) 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.
- 3) FSI calculations and building layout plan should be strictly as per the provisions of DCR 1967. Lift lobby staircase area should be counted in FSI. FSI for basement in CRZ area should be as per the DCR 1967.
- 4) Permission of Central Ground Water Board shall be obtained for basement construction, if any.
- 5) Details of the existing road and existing authorized building need to be provided by Project Proponent and MCGM.

Item No. 59: Proposed Bulk Cement Terminal and Captive Jetty in Vasai Creek, Versave Village, Thane district.

The Authority noted the following:-

The proposal is submitted through Mira Bhaindar Municipal Corporation (MBMC) vide letter dt. 12.03.2012

Land Details:

1. The MBMC mentions, as per BMR plan 1973 land was in "G" zone.
2. The DP plan indicates the land under reference in No development Zone.
3. As per CZMP of Mira Bhaindar Municipal Corporation area (scale 1:4000) prepared by CESS indicate the land under reference falls in CRZ III. Demarcation of HTL / LTL by Institute of Remote Sensing, Chennai (scale 1:4000) is submitted
4. Total area of the plot = 1.67 ha (16700 Sq.mtr.)

Proposal Details:

1. The proposal is for Bulk cement terminal with unloading facility (through captive jetty) on Vasai Creek S.No. 7, 8, 9(pt) in Varsave village near Ghodbandar road in Thane District of Maharashtra.



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

2. The Bulk cement will be transported through sea route to the proposed bulk cement terminal.
3. The bulk cement will be stored and packed from the terminal and dispatched for local markets.
4. The proposed project is an unloading facility for 1 million tons per annum of cement in the first phase and extended to 2 million tons per annum in the second phase.
5. The land side facilities would include the unloading equipment at the berth, storage silos and facilities for evacuation, water supply and sewage treatment, storm water drainage, fire fighting, administrative block and environment monitoring.
6. The proposed project is located at a distance of 8.5 km from the Sanjay Gandhi National Park, Borivali in Mumbai.
7. No mangroves vegetation exists in the project site and removal of mangroves or any kind of other vegetation will not take place.
8. Total area is 1.67 ha. Out of approximately 1 ha of land will be under Terminal, offices and canteen. The rest 0.67 ha will be used in landscaping and green belt development.

FSI Details:

1. Total plot area = 14361.98 Sq.mtr.
2. R.G. (15%) = 2154.30 Sq.mtr.
3. Net area of plot = 12207.68 Sq.mtr.
4. Permissible FSI for NDZ = 0.33
5. Permissible built up area = 4028.00 Sq.mtr.
6. Proposed built up area = 2941.91 Sq.mtr.


Public hearing:

Public hearing of proposed bulk cement terminal and jetty at Survey No. 7, 8, 9 Vasai Creek, Varsave village, Taluka & District Thane, Maharashtra held on 24.10.2011. Minutes of Public hearing is submitted.

Compliance to Terms of Reference:

The Terms and Reference based on the EIA Notification and approved by the Expert Appraisal Committee during the ToR meeting with MoEF held on 23rd June 2011. The list of additional ToR and the associated response is follows.

Additional TOR	Response
i. Vasai, Thane is a hot spot; shore line changes study shall be conducted	Shoreline changes study has been conducted and map is prepared based upon the satellite imageries.
ii. Submit HTL/LTL map prepared by an authorized agency on 1:4000 scale superimposed with project layout.	IRS, Anna University has carried out the CRZ mapping survey and CRZ map has subsequently been prepared.



iii. Submit the recommendations of SCZMA	Application is made to SCZMA, Maharashtra for recommendations.
iv. Details of the activities to be undertaken in the CRZ area.	A jetty will be built in the CRZ area, whereas the bulk cement terminal facilities (storage and packing) will be built outside the CRZ area.
v. Details of the fishing activities in the area and impact of the fishing activities.	Detailed descriptions of fishing activities and yield are furnished in EIA report.
vi. Details of wind, wave and current integrated and combined effect shall be studied on the stability.	The proposed development in the Vasai Creek is almost 13 km upstream of the sea coast. Hence wave activity is not an important factor. Please refer to the Techno Feasibility Report for the details. Tides, Current and Bathymetry survey were carried out and a mathematical report is prepared based upon these studies. The Feasibility and Mathematical Modeling Reports are submitted.
vii. Details of physical model shall be carried out to study the impacts.	Representation was made to MoEF for removal of the additional ToR of physical Modelling. Considering the fact, the EAC had removed the additional ToR from doing physical Modelling. The minutes of the meetings is submitted.
viii. Submit the likely impacts on Traffic and mitigating measures	The proposed project will carry maximum 2 MTP of bulk cement per annum and it is estimated that two barges will be operated daily. The barge movement will have no impact on the movement of other traffic/vessels operating in Vasai creek.
ix. Submit the likely impact pm fishing activity and mitigating measures	Fishing is not rampant in this area and fishing is also not a livelihood of the communities residing nearby areas. A few families from Koli Nagar village do fishing on Vasai creek starting away from the railway bridge towards the main sea. No impact on fishing is envisaged from the proposed project
x. Submit details of unloading transportation and handing of the cement and the measures to reduce	The detailed flow sheets of operations are provided and the mitigation measures are furnished in the Environment Management



75th Meeting of the Maharashtra Coastal Zone Management Authority held on 15th May 2012

the spills.	Plan.
xi. Submit details of the green belt in the Coastal Regulation Zone area	The total area acquired for the proposed project is 1.6 ha. A Greenbelt will be developed along the periphery of the bulk terminal.
xii. Details of the ecologically sensitive areas. Sanjay Gandhi National Park is 8.5 km. Recommendation of Chief Wildlife Warden as per MoEF office memorandum shall be submitted.	Application has been submitted to the Chief Wildlife Warden and his recommendations are awaited.
xiii. Submit details of the water requirement	The detailed water requirements during the construction and operation periods are submitted in EIA report.
xiv. Extent of dredging, dumping/disposal, maintenance and the sediment characteristics shall also be studied	Dredging will be carried out at some places and it is estimated that 0.23 million cum of dredged material will be used in reclamation of the creek bank.
xv. Details of purpose built barge to match with the two new railway bridges on the upstream side of the Vasai creek shall be provided.	The necessary draft and width of Barges is considered based upon the width and height of the railway bridges. Details are given in Feasibility report.
xvi. Details of barge maintenance facility and consequential impact on marine environment shall be studied.	Barge maintenance facility will be provided in Pipavav, Gujarat and there will be no provision of maintenance of the barges in the Vasai Creek. Hence no impact is envisaged.
xvii. Details of the social measures to be under taken	Ultra Tech Cement Limited will be adopting all the programmes/schemes in terms of a Corporate Social Plan in the project area as per Ultra Tech's standard CSR policy, which is being implemented in other factories and bulk terminal sites in many places.

Other Approvals for the project:

Maharashtra Maritime Board vide Letter of Intent (LOI) dated 20.10.2011 approved the grant of lease of water front for a period of five years for the development of proposed Captive Jetty in Vasai Creek, Versave Village, Thane district for handling the bulk cement.

Applications submitted for recommendation / comments:

1. MPCB for Consent to Establish vide letter dated 31.08.2011
2. Chief conservator of Forest (wildlife) Mumbai vide letter dated 14.11.2011



3. The Chief Wildlife warden & Chief Conservator of Forest (WL) vide letter dated 9.11.2011

Complaint received to MBMC vide letter dated 31.10.2011 of Shri. S.M. Mujaffar Hussain, Ex. MLC. PYC Maharashtra

The said letter mentions, there will be Air pollution due to proposed cement plant at Ghodbandar (Retibandar) and harmful effect on health of resident. The said plant is proposed to near coast, and there will be harmful effect on aquatic life, mangroves by mixing of chemicals. For said plant there is an objection of residence. Complainant further requesting, permission should not granted for cement plant.

In light of the above, the Authority after deliberation decided to direct project proponent to submit following:-

1. NA Order issued by Gov. of Maharashtra, Development plan/ Zone of the land under reference.
2. Area details of the survey under consideration and map indicating plot boundary, distance from the Mangroves if any.
3. Details of the Air Pollution Control Measures.
4. No activity/ construction should be done in No Development Zone. Submit that activity is not proposed in NDZ.
5. Development Plan Remarks of the zone as per the D, P. approved for the area and permissibility of the proposed activity in the existing zone.

Item No. 60: M.N. Koli CHS Ltd affected under CRZ II bearing CTS NO. 1463 of Mahim Division, at Mahim Causway Road, Mahim (W), Mumbai-400016 for M.N. Koli CHS Ltd.

The Authority noted the following:-

The developer M/s Accanoor Associates has sent a letter dated 2.6.2011 to MCZMA regarding M.N. Koli CHS Ltd affected under CRZ II bearing CTS NO. 1463 of Mahim Division, at Mahim Causway Road, Mahim (W), Mumbai- 400016 for M.N. Koli CHS Ltd.

As per these letters:

The proposal for the SRC scheme for M.N. Koli CHS Ltd. was submitted by Architect in 1984-1985 and the same was approved on 8.3.1990 as per the DCR 1967 and development plan as on 6.9.1984. Thereafter construction started immediately ie. prior to CRZ Notification 19.2.1991. But after the CRZ Notification of 19.2.1991, the proposal was obstructed at every state with tag of either CRZ I and than CRZ II. 2nd and 3rd phase of the project is stranded.

The developer had approached the SRA and the UD department to grant as per the new notification of 16.4.2008 for converting incomplete scheme from 180 Sqmt per



tenement to 269 Sqmt per tenement and the plot being of high density (1510 T/S) the developer had asked to allow to consume the FSI of 4 in situ.

The developer has mentioned in the letter dated 19.10.201 that as per the CZMP dated 19.1.2000 shows bay in front of slum plot and creek on one side of the plot both the distances as measured through Google image and as measured on the CZMP is way above, 200 mt. The DP plan also shows Mahim Bay in front of the plot, therefore as per S.O. 19(E) dated 6.1.2011 and 1(ii) it talks of applicability of CRZ to the land area between HTL to 100 mt or width of the creek whichever is less on the landward side along the tidal influenced water bodies, the expression tidal influenced water bodies as stated in the said CRZ Notification means the water bodies influenced by the tidal effect from Sea in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like. Principal involve for bay and creek should be made applicable to the project because it is much beyond 100 mt from both Bay and creek.

In light of the above, the Authority after deliberation decided to reject the proposal since, water body at Mahim is Sea and not Bay as stipulated in the report. Further it was also decided to inform the MoEF authorized agencies and IRS Chennai to consider water body near Mahim as Sea as it was consider in the approved CZMP of Mumbai. Further IRS, Chennai may consult Oceanography Institute in the matter.

Item No. 61: Regarding residential and commercial construction on survey No. 8/1,8/2,12/1,12/2,12/4 to 12/7,13/1,13/2 and 14/1to 14/4, village Mharal, Tal- Thane admeasuring area - 51,060 Sqmt.

The Authority noted the following:-

1. The proposal for residential and commercial construction on land bearing survey No. 8/1,8/2,12/1,12/2,12/4 to 12/7,13/1,13/2 and 14/1to 14/4, village Mharal, Tal- Thane admeasuring area - 51,060 Sqmt is under consideration.
2. The site under reference falls in residential zone and included in Development plan of Ambaranth- Kulgaon- Balapur region
3. The site is situated at 300mt from the Ulhas River.
4. As per approved CZMP prepared by Space Application Centre (SAC) in the scale of 1:25000, the site falls in CRZ area.
5. The MRSAC has prepared map (1:5000 scale), in which, CRZ with respect to tidally influenced water bodies is demarcated at 150mt from HTL. As per the MRSAC map, the site under reference is beyond 150 mt. ie beyond CRZ area. However, this map is not approved.
6. The CESS, Kerala has prepared CZMP (1:5000) of Kalyan Dombiwali region. As per this map, the site under reference falls beyond CRZ area.
7. Town Planning office, Thane has mentioned that MOEF has published CRZ Notification, 2011 superseding the old notification dated 19.2.1991. As per new CRZ Notification, 2011; CRZ shall apply to the land area between HTL to 100 mts or



width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea. As per these provisions, development is permissible beyond 100 mt from HTL of river, hence development of site under reference can be permissible, since site falls beyond 100 mt from HTL of river.

In light of the above, the Authority felt that matter is of error evident on record, however as decided in the special meeting, all cases of error evident on record will be discussed separately to decide the methodology on error evident on record.

Item No. 62: CRZ Clearance for the proposed CNG filling station at plot No 153-A BBR scheme, Block III, Fort Division, on Free press Journal Road, Mumbai- 400021- M/s Mahanagar Gas Ltd.

The Authority noted the following:-

MoEF sent the proposal back the proposal was placed in 70th meeting of MCZMA held on 1.7.2011. As per the decision taken in the meeting, the matter was recommended to MoEF per para 4 (ii) of CRZ Notification, 2011 which says "activities not listed in EIA Notification" will require MoEF clearance.

However,

MoEF vide letter dated 13th December, 2011 sent the proposal back to MCZMA, citing the clause 5 (x) of CRZ Notification, 2011 which says-

(x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;

Proposal which was recommended to MoEF

Land Details:

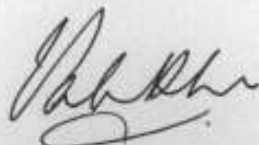
1. As per the MMRDA's letter dated 7th January, 2010, the land under reference falls in Residential Zone and is a vacant plot. However, as mentioned in the "particulars of development" submitted by the proponent, the land under reference falls in commercial zone. As per the project report submitted by proponent, the site under reference is adjacent to Free Press Journal Marg in West, open land under construction in east, Manora Hostel in north and ground structure in south.
2. As per the remarks of urban development department and approved CZMP (under CRZ Notification, 1991) of Greater Mumbai, the land under reference falls in CRZ-II and situated on seaward side of existing road.
3. As per the submitted documents, the plot area is 300 sq. m.



Proposal Details:

1. M/s Mahanagar Gas Ltd has submitted the proposal for CRZ Clearance for Construction of Gas filling Station at plot No 153-A BBR scheme, Block III, Fort Division, and Mumbai.
2. The plot under reference has been allotted to Mahanagar Gas Ltd by the Government in the year 2001 (6.10.2001) for installation of CNG out-let.
3. As per submitted documents, total plot area and area under proposal is 300 sq. m. The proposed FSI is 0.54 with height of 12 meters.
4. The documents and layout submitted by proponent, shows that the proposed CNG filling station will have Compressor, CNG car Dispenser, Substation Mahanagar Gas Ltd Office area, fire extinguisher, No Smoking Banners, electrical substation, safety equipments etc.
5. As per the remarks of urban development department and approved CZMP (under CRZ Notification, 1991) of Greater Mumbai, the land under reference falls in CRZ II and situated on seaward side of existing road.
6. As per Urban Development Department's letter dated 5th February, 2002 to MoEF, MMRDA being a special planning authority for the BBR area, has published the Development Plan for BBR area on 4th May, 1990. As per this DP, the plot under reference was reserved for "parking". However, while according final sanction to the DP, under section 31 of the MRTP Act, 1966, on 17th March 2001, the reservation of parking, clamped on the said plot was changed from "parking" to that of "CNG filling station". Thus, as on 19th February, 1991, the status of said plot with reference to draft development plan was shown as reserved for "parking" which was subsequently changed to "CNG filling station".
7. As per MMRDA's letter dated 26.5.2010, The DC regulations of the MCGM are applicable to the Backbay Reclamation Scheme Block III to VI, where the plot under reference is situated. As on 19.2.1991, the MCGM's sanctioned DC Regulations 1967 were in force. As per DCR 1967, clause 7 - use provisions in Residential Zone, Sub Regulation (xvi): " Petrol filling and service stations not employing more than 9 persons and sites not less than 1,200 Sq.yard, in area on roads 60 ft and above with the special written permission of Commissioner". This regulation doesn't mention about the CNG Station. MMRDA further mentioned that in the year 1967, CNG was not commonly used as vehicular fuel.

In light of the above, the Authority after deliberation decided to get clarification of MoEF with reference to para 4(II)(a) of CRZ Notification, 2011. Since as per this provision subject under consideration is required to be cleared by MoEF.



Item No. 63: The Proposal for construction of CNG Station at BEST Bus Depot at Bandra CS No. A/96, A/97, A/98, A/99, A/100, A/103, A/103 H ward Bandra (W), Block B&C BKC, Mumbai by Mahanagar Gas Ltd.

The Authority noted the following:-

MoEF sent the proposal back the proposal was placed in 70th meeting of MCZMA held on 1.7.2011. As per the decision taken in the meeting, the matter was recommended to MoEF per para 4 (ii) of CRZ Notification, 2011 which says "activities not listed in EIA Notification" will require MoEF clearance.

However,

MoEF vide letter dated 13th December, 2011 sent the proposal back to MCZMA, citing the clause 5 (x) of CRZ Notification, 2011 which says-

(x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;

Proposal which was recommended to MoEF

Land Details:-

1. As per the DP remarks, the land under reference falls in "Para Commercial Area" However, documents submitted by the proponent shows that the land under reference falls in Residential & Commercial Zone. The area fall under the jurisdiction of MMRDA.
2. As per the submitted documents, the land under reference falls in CRZ II area and situated on the landward side of existing road.
3. As per the application, the total plot area is 19342 sqmt and area under proposal is 512 sqmt.

Proposal Details:-

1. M/s Mahanagar Gas Ltd. has submitted the proposal for Construction of CNG Station at Best Depot at Bandra CS No- A/96, A/97, A/98, A/ 99, A/100, A/103, A/110 , H (W) ward, Bandra. The proposed gas filling station is within the premises of Bandra Bus Depot.
2. As per lay out plan and projects report submitted by the proponent, the proposed CNG filling station will have Compressors, CNG car Dispenser, Substation Mahanagar Gas Ltd Office area, Control panel room, meter room, fire extinguisher, No Smoking Banners, electrical equipments, safety equipments, washing shed etc.
3. As per submitted documents, total plot area is 19342 sqmt while area under proposal is 512 sq m. The proposed FSI is 0.33 with height of 6 m The permissible FSI as per DCR 1967 is 1.
4. As per the submitted documents, the land under reference falls in CRZ II area and situated on the landward side of existing road.



5. The proponent has submitted the report on Risk assessment, consequence result post accident data and emergency response plan.
6. Total cost of the project is 397 lakhs.

In light of the above, the Authority after deliberation decided to get clarification of MoEF with reference to para 4(II)(a) of CRZ Notification, 2011. Since as per this provision subject under consideration is required to be cleared by MoEF.

Item No. 64: Regarding permission from CRZ point of view for proposed construction of "CNG Station" at Backbay BEST Bus Depot at CS No. 648, Backbay Reclamation, Mumbai

The Authority noted the following:-

MoEF sent the proposal back the proposal was placed in 70th meeting of MCZMA held on 1.7.2011. As per the decision taken in the meeting, the matter was recommended to MoEF per para 4 (ii) of CRZ Notification, 2011 which says "activities not listed in EIA Notification" will require MoEF clearance.

However,

MoEF vide letter dated 13th December, 2011 sent the proposal back to MCZMA, citing the clause 5 (x) of CRZ Notification, 2011 which says-

(x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;

Proposal which was recommended to MoEF

- M/s. Mahanagar Gas Limited has applied for the permission from CRZ point of view for proposed construction of "CNG Station" at Backbay BEST Bus Depot at CS No. 648, Backbay Reclamation.
- As per the submitted land details, the land under reference is occupied and is on leasehold for development of CNG Station. As per the zoning remarks, the land is situated in Residential Zone. This area falls under the jurisdiction of MMRDA.
- The construction of the CNG Station is proposed inside the BEST Backbay Bus Depot. Total area of the plot under reference is 21139.00 sq. m. whereas; the area under proposal is 488.11 sq. m.
- As per the submitted information, the land under reference falls in CRZ-II and situated on the seaward side of the existing road.

Proposal Details:

- The application for the permission from CRZ point of view for proposed construction of "CNG Station" at Backbay BEST Bus Depot at CS No. 648, Backbay Reclamation, project proponent M/s. Mahanagar Gas Limited has submitted the



information in Form 1 as prescribed in CRZ Notification, 2011 and old checklist developed by MCZMA.

- As per the submitted information, the proposed project of fuel (Compressed Natural Gas i.e. CNG) refilling station is planned in the existing Backbay Bus Depot. The CNG will be brought to the premises through underground pipeline with pressure of 16 to 19 bars with help of a compressor. The storage cascade consisting cylinders having total 2000/ 2025 liters water capacity (each) and will be charged with Natural Gas with pressure of 250 bar. Thereafter, the gas will be fed to vehicles through CNG dispensers.
- Along with the application, the project proponent has submitted a copy of deed of lease for the land under reference, Consent to Operate issued by MPCB to BEST for servicing and maintenance of BEST vehicles (dated 09.03.2006), Quantitative Risk Assessment Report and Emergency Response Plan for the proposed activity and NOC issued by MCGM for proposed construction of CNG Filling Station cum Storage Facility and electric substation for the BEST vehicles on the land under reference vide letter dated 19.04.2011.
- As per the submitted information, proposed height of the construction is 9 m and proposed FSI for the same is 0.2. Total cost of the proposed project is mentioned as Rs. 392 Lakhs. Layout plan of the proposed construction is enclosed; however, Development Plan/ DP Remarks of the planning authority concerned have not been enclosed along with the application.

In light of the above, the Authority after deliberation decided to get clarification of MoEF with reference to para 4(II)(a) of CRZ Notification, 2011. Since as per this provision subject under consideration is required to be cleared by MoEF.

