

Minutes of the 8th meeting of the Maharashtra Coastal Zone Management Authority  
held on 8-02-2002 at 2nd floor, Irrigation Department's Committee Room,  
Govt. of Maharashtra, Mantralaya, Mumbai-32

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The following were present :

- 1) Shri Ravi Budhiraja, Chairman  
Principal Secretary,  
Environment & Energy Department  
Govt. of Maharashtra,  
Mantralaya, Mumbai-32.
- 2) Shri A.P. Sinha, Member  
Principal Secretary,  
Urban Development Department,  
Govt. of Maharashtra,  
Mantralaya, Mumbai - 32.
- 3) Dr. Leela Bhosale, Member  
Department of Botany,  
Kolhapur University,  
Kolhapur
- 4) Shri S.K. Gupta, Member  
Head of the Deptt.,  
C.E.S.E.  
Indian Institute of Technology,  
Powai, Mumbai
- 5) Dr. Munshi Lal Gautam, Member-Secretary  
Member Secretary,  
Maharashtra Pollution Control Board,  
Mumbai-1.

Shri D. K. Sankaran, Principal Secretary, Revenue & Forests Department,  
Govt. of Maharashtra, Member, Shri S. Ayyappan, Member and Dr. Hrishikesh Samant,  
Member could not attend the meeting. Leave of absence was sought by them, which  
was granted by the Chairman.

The matter placed before the Authority were discussed in detail. Following is the gist of the discussions and decision taken.

**Item No.1 :** To confirm the minutes of the 7th Meeting of the Maharashtra Coastal Zone Management Authority held on 28.8.2001.

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The minutes of the 7th meeting of the Maharashtra Coastal Zone Management Authority held on 28.8.2001 were circulated amongst the members vide letter bearing No.MCZMA/104, dated 12.09.2001 with a request to forward suggestions, comments if any. Principal Secretary, Urban Development Deptt., suggested that the name of members alongwith designation and organisation represented be mentioned.

With these observation, the minutes were confirmed.

**Item No. 2 :** Complaint received from Rishi Agarwal an activist of Lokhandwala Complex Environment Action Group regarding dumping of debris and destruction of mangroves at Lokhandwala Complex, Andheri on coastal land.

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Member Secretary of the Authority gave a brief background of the complaint and informed that due to construction of illegal bhandara engress of sea water has been restricted resulting in destruction of mangroves.

He further informed that the matter was discussed in detail in the last meeting of the Authority held on 28.8.2001. It was decided to issue proposed directions to M/s.Oshiwara Land Developer Co.Pvt.Ltd. Under Section 5 of the Environment (Protection) Act, 1986. The Authority had accordingly issued the proposed directions to the said company vide letter No.MCZMA/109 dated 3/10/2001. He further informed that M/s.Oshiwara Land Developer Co.Pvt.Ltd., submitted its reply vide letter dated 9.10.2001. In order to follow the principal of natural justice, an opportunity of hearing is given to the said company to present their case in person.

The Principal Secretary, Environment Deptt., requested the representative of the company to make oral submission in support of their case. The representative informed that they had taken up this issue with various authorities in the past stating that due to installation of transmission line tower large quantity of debris was dumped in the process of construction and a temporary road was also made for transportation purposes.

The Authority discussed the issue at length and also heard the representative of M/s.B.S.E.S. Ltd. The representative of M/s.B.S.E.S. Ltd. denied having created the artificial bandhara during the construction activity.

The matter was discussed in detail. The Principal Secretary, Urban Development Deptt., was of the view that it was the duty of M/s. M/s.Oshiwara Land Developer Co.Pvt.Ltd., to protect its own land by not allowing disposal of debris etc. by some other party.

The representative of M/s.Oshiwara Land Developer Co.Pvt.Ltd., agreed to remove the bhandara at their own cost and also assured to protect their land from any further reclamation/construction of bhandara or a road etc. He also assured to take steps for restoring the mangroves destroyed in the process.

It was finally decided to direct M/s.Oshiwara Land Developer Co.Pvt.Ltd., to remove the bhandara by 28.2.2002 and to take immediate steps for restoration of the mangroves for which a period of 6 months was granted initially. It was also decided to direct the company to protect their own land from reclamation in future so that the mangroves which is an important eco-system is protected. The Authority also directed Tahasildar to monitor the compliance of directions and submit the compliance report to the Authority by first week of March, 2002.

**Item No.3 :** Complaint filed by Vasai Machhimar Sarvoday Sahakari  
Sanstha Maryadit, Vasai, Dist.Thane  
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The Member Secretary informed that the Petitioners as well as the Respondents were heard extensively in the past and were also given opportunities to file written submissions, which are on record.

The Chairman of the Authority, however, requested both the parties to make brief submissions. Both the parties were heard. Report of the Urban Development Deptt., was also taken on record which was submitted pursuant to the decision taken by the Authority in the last meeting.

The Principal Secretary, Urban Development Deptt., informed the members that plot situated at survey No.69 falls in CRZ-II. However, construction of wall or activity of burial ground is not a permissible activity on the sea ward side and therefore cannot be allowed under the provisions of CRZ Notification, 1991.

The Chairman and other members were of the opinion that whether the construction of wall amounts to 'building' is a matter of interpretation. More over the wall is constructed and the burial ground is proposed on sea ward side of CRZ-II area.

After due deliberation it was decided to obtain clarification/remarks of the Ministry of Environment & Forests, Govt. Of India and thereafter suitable decision be taken.

**Item No.4 :** Proposal for redevelopment of slum properties bearing Nos.30(pt), 31(pt) of Village Juhu and 195 (pt) of village Andheri under slum rehabilitation scheme for new Sangamner CHS Ltd; and New Kapaswadi Juhu Ekta Co.Op.Hsg.Society Ltd; - Draft Order for circulation.

As decided in the last meeting, Commander Inder from Naval Head Quarter representing the Chief Hydrographer, Dehradun and official of CESS, Trivanthapuram were present. The matter was discussed at length. It was finally decided to request the Chief Hydrographer to translate the Coastal Zone Management Plan of Mumbai from scale 1:25000 to 1:4000 so that H.T.L., L.T.L. of the disputed site can be properly identified. Mr.Subramaniam the representative of M/s.Mayurpankh Properties Pvt.Ltd., disputed CZMP map prepared by Govt. of Maharashtra claiming that the same is not authenticated by Ministry of Environment & Forests, Govt. of India. Mr.A.P. Sinha, Principal Secretary, Urban Development Deptt., informed that the MoEF, Govt.of India has approved the CZMP map also. Mr.Subramaniam insisted that the Nala shall be taken as a reference point.

**Item No. 5 :** To hear the representative of Gorai Machhimar Sahakari Sanstha & Bombay Environmental Action Group as well as the Respondent M/s.Pan India Ltd.

Member Secretary gave a brief background of the matter and also the observation made during the visit of the members of the Authority to Essel World. He informed that M/s.Pan India Paryatan Ltd., pursuant to the directions given by the Authority in the last meeting have submitted a preliminary report prepared by N.I.O. on evaluation of mangroves and feasibility studies on its restoration in and around the property of M/s.Pan India Paryatan Ltd., Gorai, Mumbai. The copies of the report were given to both the Petitioners.

The Chairman requested both the Petitioners as well as the Respondents to make brief submission. Accordingly the parties made their respective submissions.

Mr. Debi Goenka the representative of M/s. Bombay Environmental Action Group, the Petitioner, submitted that he has been served the copy in the meeting only and therefore it will not be possible for him to make detail comments on the report. He, however, submitted that the report has travelled beyond its terms of reference. Smt. Maharukh Adenwalla, advocate appearing for Gorai Machhimar Sahakari Sanstha Ltd., the Petitioners in other case, stated that due to construction of bandhara large quantity of mangroves have been destroyed. He also informed that the traditional fishing business of the local people is also affected to a great extent. Mr. Ashok Goal of M/s. Pan India Paryatan Ltd., informed the Authority that there is documentary evidence available and referred the judgment of Justice Ranade and Parkinson of 1900 conforming the existence of bandhara which in fact was permitted in the old days for agricultural purposes. He informed that Petitioners have also not denied this fact. He further informed that as per the directions of the Authority a preliminary study was conducted through N.I.O. Goa a reputed Govt. Of India agency in this field. He informed that since the Authority's tenure was over and was not reconstituted till first week of January, the report could not be submitted though the same was ready. He read out the relevant part of recommendations and conclusion of the report and assured the Authority to maintain and protect the mangroves as per the advise in the report. He further informed that the detail report will be submitted to the Authority in due course.

It was decided to take up this issue in the next meeting of the Authority when the Petitioners also be in a position to make detail comments on NIO's report. The representative of M/s. Pan India Paryatan Ltd., was directed to see that the pipes provided for distribution of sea water are kept clean all the time.

**Item No.6 :** To open a Current Bank Account in a Nationalised Bank In the name of the Maharashtra Coastal Zone Management Authority

The item was discussed in detail and the following resolution was passed.

**RESOLUTION :**

"Pursuant to the order of the Ministry of Environment & Forests, Govt.of India contained in order No.S.O.18(E) dated 4.1.2002. It is resolved to open a Current Bank Account in the State Bank of India, Matunga Branch, Mumbai in the name of Maharashtra Coastal Zone Management Authority. It is also proposed to authorise Dr.Munshi Lal Gautam, Member Secretary and Shri Ravi Budhiraja, Chairman of the Authority to operate the Current Bank Account on behalf of the Maharashtra Coastal Zone Management Authority."

The meeting terminated with a vote of thanks to the Chair.