

Minutes of 83rd Meeting of Maharashtra Coastal Zone Management Authority held on 6th August, 2013

Minutes of 83rd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held under the Chairmanship of Principal Secretary (Environment) on 6th August, 2013 at Sachivalaya Gymkhana, Conference Room, Ground Floor, opposite Mantralaya, Mumbai.

List of Members present in the meeting is enclosed as Annexure-I.

Municipal Commissioner, Municipal Corporation of Greater Mumbai; The Additional Chief Secretary, Revenue Department, Mantralaya, Mumbai; Principal Secretary Industries Department, Mantralaya, Mumbai; Principal Secretary, Urban Development Department, Mumbai; Commissioner Fisheries, Mumbai; Dr. Baban Ingole, NIO, Goa and Director, Central Institute of Fishery Education, Mumbai could not attend the meeting.

Item No. A Confirmation of Minutes of the 82nd Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 10.6.2013.

The draft minutes of the 82nd Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 10.6.2013 were circulated to all members of MCZMA through email for confirmation. The members were requested to provide suggestions/ objections, if any, on draft minutes. Accordingly, the minutes were confirmed except the review of Item No. 38 & 39 of 82nd meeting.

Item No. B: Review of Item No. 38 & 39 of the 82nd Meeting of Maharashtra Coastal Zone Management Authority (MCZMA)

- i. **Proposed construction for residential building on plot bearing Survey No. 27A1, Hiss No. 3D+5A/4, CTS No. 1065/10A2 & Plot No. 5 of Mouje Rahatghar, Tal. & Dist. Ratnagiri.**

The proposal is forwarded by the Ratnagiri Municipal Council vide letter dated 26th March, 2013.

1	Proposal Details:	The proposed construction is for residential building comprises of Ground floor + 1 st floor.
2	Location of the Project:	Survey No. 27A1, Hiss No. 3D+5A/4, CTS No. 1065/10A2 & Plot No. 5 of Mouje Rahatghar, Tal. & Dist. Ratnagiri.
3	Proposal Category:	New Development
4	CRZ Category of the proposed site:	As per the approved CZMP of Ratnagiri, CRZ-II Landward side of existing road prior to 1991
5	DP Remarks, a) Zone: b) Proposed Use:	As per the Development Plan, a) Residential Zone b) Residential Development
6	FSI Details, a) Permissible FSI: b) FSI proposed to be consumed:	a) 1.00 b) 0.56

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7	Area Details, a) Total area of the plot: b) Permissible floor area: c) Proposed built up area for ground floor: d) Proposed built up area for first floor: e) Total built up area:	As per the layout plan submitted by PP. a) 284.00sqmt b) 284.00sqmt c) 94.29sqmt d) 64.08sqmt e) 158.37sqmt
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The Authority after deliberation decided to recommend the proposal from the CRZ point of view subject to condition that the Ratnagiri Chief Officer, Municipal Council should provide confirmation to MCZMA that construction work on plot under reference has not yet been started and area details are within the permissible limit as per town and country planning regulation existing as on 19.2.1991.

The following conditions should be strictly complied-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road; the proposed construction should be on landward side of the existing road built prior to 19.2.1991 or landward side of existing authorized structure.
4. The concerned Planning authority should ensure that FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

ii. Proposed construction for residential building on plot bearing Survey No. 27A1, Hiss No. 3D+5A/8, CTS No. 1065/10A2 & Plot No. 1 of Mouje Rahatghar, Tal. & Dist. Ratnagiri.

The proposal is forwarded by the Ratnagiri Municipal Council vide letter dated 26th March, 2013.

As per the submitted information:

1	Proposal Details:	The proposed construction is for residential building comprises of Ground floor + 1 st floor.
2	Location of the Project:	Survey No. 27A1, Hiss No. 3D+5A/8, CTS No. 1065 / 10A5 & Plot No. 1 of Mouje Rahatghar, Tal. & Dist. Ratnagiri.
3	Proposal Category:	New Development
4	CRZ Category of the proposed site:	As per the approved CZMP of Ratnagiri, CRZ-II Landward side of existing road prior to 1991

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5	DP Remarks, a) Zone: b) Proposed Use:	As per the Development Plan. a) Residential Zone b) Residential Development
6	FSI Details, a) Permissible FSI: b) FSI proposed to be consumed:	a) 1.00 b) 0.43
7	Area Details, a) Total area of the plot: b) Permissible floor area: c) Proposed built up area for ground floor: d) Proposed built up area for first floor: e) Total built up area:	As per the layout plan submitted by PP, a) 502.00sqmt b) 502.00sqmt c) 115.31sqmt d) 98.34sqmt e) 213.65sqmt

The Authority after deliberation decided to recommend the proposal from the CRZ point of view subject to condition that the Ratnagiri Chief Officer, Municipal Council should provide confirmation to MCZMA that construction work on plot under reference has not yet been started and area details are within the permissible limit as per town and country planning regulation existing as on 19.2.1991.

The following conditions should be strictly complied-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road: the proposed construction should be on landward side of the existing road built prior to 19.2.1991 or landward side of existing authorized structure
4. The concerned Planning authority should ensure that FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Discussion Items / Policy Decisions

Item No.1: Review of District Coastal Zone Monitoring Committee- Mumbai Suburban District

The Authority noted that in exercise of powers conferred under the provision 6 (C) of CRZ Notification, 2011; the Environment Dept, Govt. of Maharashtra has constituted the District Coastal Zone Monitoring Committee vide order dated 23.3.2011. The Collector of the district is the chairperson of the Committee.

Function of the committee includes the protection and conservation of coastal stretch of the district, identification of violation of CRZ rules, taking action against the violations, identify the ecological sensitive areas and formulate the plan for it etc.

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Work of the Mumbai Suburban DCZMC was proposed to be reviewed. The District Collector or its Representative was requested to apprise the MCZMA about the functioning of DCZMC, Mumbai Suburban along with action taken on cases of CRZ violations received at their level directly as well as sent by MCZMA from time to time.

The Resident District Collector (RDC), Mumbai suburban attended the meeting who informed that the DCZMC, Mumbai Suburban has been taking monthly meetings since last 3 months. Total 61 nos of CRZ violations/ complaints have been received. Actions have been taken on 36 nos of complaints. FIR has been lodged on 1 complaint.

The Authority after discussion decided to issue following directions to DCZMC, Mumbai Suburban

1. To start immediate action on violations of the CRZ Notification, 1991 as well as 2011. The apparent violations such as construction in CRZ I area/ mangroves area should be acted upon immediately by taking action against the violators
2. DCZMC Mumbai suburban shall submit a preliminary report on the list of complaints already provided by the MCZMA before the meeting within 15 days. And a comprehensive report shall be sent to MCZMA within 2 month.
3. Mangroves conservation plan for the Mumbai Suburban may be prepared and submitted to MCZMA.
4. DCZMC Mumbai suburban shall invite Mr. Vasudevan, Chief Conservatory of Forest, Mangroves Cell for their meetings as a expert invitee member.
5. DCZMC, Thane shall invite Mr. Vasudevan, chief conservatory of Forest, Mangroves Cell for their meetings as a expert invitee member.

Authority further decided to call DCZMC, Thane in the next MCZMA meeting to take review.

Item No. 2: CRZ clearance for completed Building Projects in Navi Mumbai (post facto clearance) (MoEF's OM dated 12.12.2012 & 27.6.2013 regarding violation of CRZ)

The Authority noted that several projects have been forwarded by Navi Mumbai Municipal Corporation (NMMC) to the MCZMA for post facto CRZ clearance. The NMMC informed that the Occupation certificate will be issued to these projects only after CRZ clearance has been granted by MCZMA.

The Commencement certificates were granted to these projects by the concerned planning authorities without insisting CRZ clearance from the MCZMA.

The MCZMA vide letter dated 25th June, 2013; communicated to NMMC mentioning that post facto clearance is not permissible under the existing provisions of EIA and CRZ Notification. Hence, such projects may not be sent to the MCZMA for CRZ clearance. The projects pending with the MCZMA are referred back to the corporation for appropriate action at your end for CRZ violation. Report on action taken may be sent to the MCZMA at the earliest.

The Authority took note of the Navi Mumbai Municipal Commissioner's letter dated 28th June, 2013 to MCZMA in the matter and deliberated the issue in light of Office Memorandum dated 12.12.2012 and 27.6.2013 issued by the Ministry of Environment and Forest, New Delhi. The Authority felt that there are some overlapping issues in OM dated 12.12.2012 & 27.6.2013 which needs clarification from the MoEF.

After detailed deliberation, the Authority decided the followings-

1. The Concerned Planning Authority shall be asked to prepare list of CRZ violation cases wherein the concerned planning authorities have issued Commencement certificate after 4th January, 2002,

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- without insisting prior CRZ clearance. The Concerned planning authorities should provide such list to MCZMA with their CRZ status in light of CRZ Notification, 1991 & 2011, on a case to case basis.
2. In next MCZMA meeting, Principal Secretary, UDD; Municipal Commissioner, Navi Mumbai Municipal Corporation will be invited in order to deliberate the matter at Serial No. 1.
 3. After having conducted the process at Serial No. 1 & 2; the matter along with the list of CRZ violation cases would be sent to MoEF, New Delhi with appropriate suggestions for further guidance.
 4. Clarification to be sought from the MoEF, New Delhi pertaining to the procedure to be followed on CRZ violations cases in the light of provisions of CRZ Notification, 2011 and MoEF's Office Memorandum dated 12.12.2012 & 27.6.2013.

Item No.3: Review of cases-

1) NOC for project "Warehouse & Storage" at village Kacharepada (Khopte), Uran – M/s Universal Container

2) "proposed crop storage on plot bearing No. 34/1, 34/3, 34/2C1/ 36/1, 37/1, 37/1B, 37/4, 37/5A,+ 7B, 37/5B, 37/6, 38/1A, 38/2A, 38/3, 39/1B1, 39/1B2, 39/1B3, 39/1B4, 40/1A, 40/1B, 109A/4A, 109A/4C, 109A/4B, 109A/4E, 110/3, 111/5 at Kanthawali – Dighode Tal- Uran, Dist- Raigad – M/s. Surveshwar Logistic Pvt Ltd."

The Authority noted the background of the matter, which is as follows-

1. The proposal for "NOC for project "Warehouse & Storage" at village Kacharepada (Khopte), Uran – M/s Universal Container" was considered in 78th meeting of the MCZMA held on 3.11.2012. Proponent had submitted the CRZ map prepared by IRS, Chennai in the scale of 1:4000 which showed the CRZ area limit varying as 25 m, 30 m, 50 m and 100 m from the HTL of the tidally influenced water bodies.
2. Authority in its 79th meeting deliberated the proposal of "proposed crop storage on plot bearing No. 34/1, 34/3, 34/2C1/ 36/1, 37/1, 37/1B, 37/4, 37/5A,+ 7B, 37/5B, 37/6, 38/1A, 38/2A, 38/3, 39/1B1, 39/1B2, 39/1B3, 39/1B4, 40/1A, 40/1B, 109A/4A, 109A/4C, 109A/4B, 109A/4E, 110/3, 111/5 at Kanthawali – Dighode Tal- Uran, Dist- Raigad – M/s. Surveshwar Logistic". Project proponent submitted the CRZ map prepared by IRS, chennai in the scale of 1:4000 in accordance with provisions of CRZ Notification, 2011, ie. The map is showing the 100 mt CRZ area limit from the HTL of tidally influenced water body as per provisions of the CRZ Notification, 2011. The said map also has the demarcation of 150 m CRZ line from the HTL of creek. Based on the decision taken in the said meeting, the Authority vide letter dated 21st Feb, 2013 sought clarification from MoEF. However, clarification is awaited from MoEF.
3. M/s Sarveshwar Logistics Pvt Ltd wrote a letter dated 4th June, 2013 to MCZMA that Authority has considered the CZMP plan showing 100 mtr line from HTL of tidally influenced water bodies prepared by one of the MoEF authorized agency in one of the case, as per the provisions of CRZ Notification, 2011 and therefore, it is requested to consider the case.
4. The MCZMA vide letter dated 3.7.2013 informed M/s Universal Container that "No Objection letter NO. CRZ 2012 / CR 190 / TC 3 dated 14.1.2012 issued to the proposal is kept in abeyance till review of the matter and final decision is taken"

Authority discussed the issue at length and after deliberation decided to adopt following stringent criteria with respect to CRZ area limit along tidally influenced water bodies-

- A. Wherever the width of the tidally influenced water bodies (river, creek, nalla, backwater etc) is 100m or less.**

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CRZ area limit from the HTL on the landward side, shall be 100m or width of the tidally influenced water body whichever is less.

B. Wherever, the width of tidally influenced water bodies such as creek, river, nalla, backwater etc is more than 100m,

CRZ area limit from the HTL on the landward side shall be 150m.

The above criteria will be adopted by MCZMA till the new CZMP maps in the scale of 1:4000 are prepared and approved by MoEF, New Delhi, as per CRZ Notification, 2011.

The Ministry of Environment and Forest, New Delhi will be intimated about the above said decision of the MCZMA

In light of **point no. A**; the Authority decided to withdraw the abeyance letter NO. CRZ.2012 / CR 190 / TC 3 dated 14.1.2012 issued by MCZMA to M/s Universal Container pvt Ltd.

In light of **point no. B**; for the case of M/s Surveshwar Logistics Services Pvt Ltd; wherein, the width of the creek is varying (at places, it is less than 100 m and at other places, it is more than 100 m), the CRZ area limit will be 150 m from HTL of the creek. Authority decided to direct project proponent to submit the lay out plan of the proposed activity considering the 150 m CRZ area limit from the HTL of the creek. After receipt of the said lay out plan of the proposed activities, the proposal will be examined in the MCZMA meeting.

Item No. 4: Status of work of preparation of CZMP of Thane, Sindhudurg by CESS, Kerala

As per the provisions of CRZ Notification, 2011 published by MoEF, the State Govt has appointed the MoEF authorized agencies for the preparation of CZMPs of Coastal districts of the State. Accordingly, Institute of Remote Sensing (IRS), Chennai has been appointed for preparation of CZMP of Mumbai & Mumbai Suburban, Raigad and Ratnagiri districts, and the Centre for Earth Science and Studies (CESS), Kerala for Thane and Sindhudurg districts.

Accordingly, the work is under process by these agencies. The review of one of the MoEF authorized Agency CESS, Kerala for Thane and Sindhudurg districts was proposed. CESS was requested to present the status of the work of preparation of CZMP of Thane and Sindhudurg District.

Dr. Thomas, of CESS attended the meeting, who presented the status of the CZMP preparation work of Thane and Sindhudurg districts.

1. Preparation of draft CZMPs of Thane Municipal Corporation, Mira Bhayander Municipal Corporation and Vasai Virar Municipal Corporation is nearing completion.. CZMP work for Sindhudurg District is also under preparation, however no proper response is received from District Collector, Sindhudurg.
2. Certain information such as fishing sites, fishing villages, turtle nesting sites, fish breeding sites, sand dunes, archeological / heritage sites etc. need to be provided by MCZMA / other concerned Govt agencies.
3. Nodal officer may be appointed by MCZMA to gather the requisite information and make it available to CESS, Kerala.
4. The CESS, Kerala vide letter dated 22.7.2013 requested clarification on certain terms used in the CRZ Notification.

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After detailed discussion and deliberation, the authority decided the followings-

CESS was provided clarification on points raised in their letter dated 22.7.2013.

1. CESS should submit the draft CZMPs of Thane and Sindhudurg districts immediately.
2. CESS shall write to MCZMA seeking required information to complete the draft CZMP.
3. The draft shall be submitted by the end of September, 2013 to MCZMA so as to enable it to expedite the submission to MoEF for approval.
4. MCZMA will take up the matter with District Collector Sindhudurg to provide maps and toposheets to CESS.
5. A meeting of IRS and CESS be called to prepare the guidelines for the uniform presentation of all the CZMPs of Maharashtra.

Item No. 5: Status of work of preparation of CZMP of JNPT area by IRS, Chennai

Work of preparation of CZMP of JNPT area was allotted to IRS, Chennai. The Chief Manager, Port Planning and Development Dept vide letter dated 8.5.2013 forwarded a draft CZMP of JNPT area prepared by IRS, in the scale of 1:4000 to MCZMA. Director, IRS, was called for the meeting in order to present the draft CZMP of JNPT before the Authority. IRS, presented the draft CZMP of JNPT before the Authority. The Authority suggested that following shall be incorporated in draft CZMP of JNPT.

1. 50 m Buffer zone line along the mangroves area as per provisions of CRZ Notification, 2011.
2. Old CZMP of JNPT area shows CRZ II area whereas new draft CZMP shows CRZ III in place of earlier CRZ II area. Justification for the same be provided.
3. Comparison between old CZMP viz New Draft CZMP with respect to HTL, CRZ area classification be given.
4. Area designated as mangroves should be categorized as CRZ I(A).
5. Classification of CRZ I (A) and CRZ I (B) in the draft be reviewed.

The IRS, Chennai should expedite the submission of draft CZMP of JNPT, incorporating the suggestions made by MCZMA, so as to enable the Authority to submit it to MoEF for its approval.

Complaints / Court matters

Item No. 1: Construction activities being undertaken with destruction of mangroves on plot No. 124, bearing CTS No. 1/48/1A/2, Oshiwara, Andheri (W), Mumbai

The Authority noted that the complaint was received before the MCZMA which alleged that the said plot No. 124, bearing CTS No. 1/48/1A/2 falls in CRZ I and not CRZ II. Construction activities are being undertaken with destruction of mangroves. The MCZMA vide letter dated 29th June, 2013 issued directions that work be suspended till CRZ status is finalized in the Next MCZMA meeting.

The Authority noted that the WP No. 1579/2012 with Chamber summons No. 232 /2012 with Notice of Motion No. 306/2012 with Chambers summons (L) No. 130/2013 is being heard before the Hon'ble High Court of Mumbai. The High Court of Mumbai vide an order dated 5th June, 2013 adjourned the hearing of the proceedings to 5th Sep. 2013, Since the MCZMA is in the process of evaluating the CRZ status of the land in dispute and a direction for suspension of work has been issued until the CRZ status is finalized.

The Authority heard both the parties ie complainant as well as project proponent and decided to direct the project proponent to submit the DP remarks of the Plot No. 124, bearing CTS No. 1/48/1A/2, Oshiwara, Andheri (W), Mumbai and superimposition of said plot on CZMP of Mumbai. On submission of the said

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information by the proponent. the matter will be decided and till then work will remain suspended as mentioned in the MCZMA's letter dated 29th June, 2013 issued to the proponent.

Item No. 2: Proposed Adv Hoardings at Mithi River Causeway, interchange segment at 3 & 4, Mahim, Mumbai- Site Inspection by MCZMA sub-committee

The Authority noted the background of the matter, which is as follows-

1. Hon'ble High Court of Mumbai has passed orders on 4th July, 2013 in PIL No.22/2013 in the matter of Satyandra Abhiram Singh Vs Maharashtra State Road Development Corporation Limited & Ors. The Hon'ble Court has directed that MCZMA shall conduct and carry out a site visit specifically with a view to determine as to whether the proposed hoarding sites falls within the ambit and purview of the CRZ I area having due regard to the approval dated 27th September, 1996 granted by MoEF. This court order pertains to determination of CRZ status of Hoardings site at Mahim, Mumbai.
2. Further, Hon'ble High Court directed that MCZMA shall carry out this exercise expeditiously, on receipt of an authenticated copy of this order. MCZMA will make a determination preferably within a period of one month of an authenticated copy of the order being brought on file.
3. In order to comply with the Hon'ble High court order dated 4th July, 2013 a subcommittee of the MCZMA members was constituted vide office order dated 12th July, 2013 for carrying out site verification for determining CRZ status of Hoarding sites situated at Mahim, Mumbai. The sub-committee comprises of following MCZMA members-
 - Dr. M. Baba, Expert Member, MCZMA
 - Dr. M.C. Deo, Expert Member, MCZMA
 - Dr. Mahesh Shindikar, Expert Member, MCZMA
 - Ajay T. Fulmali, Member Secretary, MCZMA

Accordingly, the site visit was carried out on 18th July, 2013. Officials of MSRDC were also present for the site visit. The report was submitted by the MCZMA sub-committee before the Authority. The said report was taken on record and noted the conclusion part of it, which is as follows-

"In the light of approval by MoEF of the CZMP of State of Maharashtra vide letter dated 27th September 1996 as well as CZMP of Mumbai dated 20th January 2000, the CRZ clearance granted to BWSL project by MoEF on 7th January 1991, the provisions contained in the CRZ Notification and the findings in the site inspection, the Sub-Committee came to the following conclusions:

- a) There is no mangrove vegetation at hoarding sites at the BWSL interchange segments 3 & 4 of Mahim causeway;
- b) Both the hoarding sites at interchange segment 3 & 4 are situated on landward side of the S.V.Road and BWSL approach roads;
- c) Both the hoarding sites at interchange segments 3 & 4, therefore, fall in CRZ II and situated on the landward side of roads."

The Authority accepted the report. It further discussed the matter and observed that the MCZMA has already issued CRZ recommendation to 3 nos. of advertisement hoardings at interchange 3 & 4 of Mahim Causeway. Even though, the subject site falls in CRZ II area, the Authority decided that no more hoardings be allowed in segment 3 & 4 interchange, Mahim Causeway, since there are already existing hoardings present in the area, as permitted by the MCZMA. This restriction is necessary in order to reduce the unwarranted congestion of hoardings in this area, preserve the clear view of the traffic and to maintain the aesthetics of the site.

Item No. 3: Desilting of 6 Nos of holding ponds at Dronagiri, Navi Mumbai by CIDCO- Site Inspection by MCZMA – hearing accorded to CIDCO and BEAG

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

1. CIDCO had approached the Hon'ble High Court seeking permission for desilting and managing the artificially created holding ponds and channels through Notice of Motion as mentioned below:
 - Notice of Motion No. 290 of 2012 in PIL No. 87 of 2006 in City and Industrial Development Corporation of Maharashtra Ltd (CIDCO) in the matter of Bombay Environment Action Group and ors VS State of Maharashtra.
 - Notice of Motion No. 33 of 2012 in PIL No. 87 of 2006 in Bombay Environment Action Group (BEAG) and others Vs State of Maharashtra and others and City and Industrial Development Corporation of Maharashtra Ltd (CIDCO).
2. The High Court of Mumbai passed an order dated 3rd July 2013 with the following directions:
 - a. Upon CIDCO making an application to MoEF through MCZMA within two weeks from today seeking permission to remove mangroves from holding ponds at Dronagiri in Navi Mumbai, MCZMA shall consider the question of recommending the proposal of CIDCO to MoEF within three weeks from the date of receipt of the application.
 - b. After receiving the recommendation of the MCZMA, within 4 weeks thereof, MoEF shall consider the application of CIDCO for permission to remove the mangroves from the holding ponds at Dronagiri after deciding the question whether holding ponds fall within CRZ area or not.
 - c. Without prejudice to the rights and contentions of the CIDCO, it is clarified that it will be open to BEAG to submit their representation to MCZMA and MoEF for opposing grant of any clearance for removal of mangroves sought by CIDCO.
 - d. If such representation is made by BEAG to MoEF and MCZMA, such authority shall take into consideration such representation.
 - e. In case MCZMA and MoEF give personal hearing to the CIDCO, such opportunity shall also be given to BEAG. In such a case both the parties shall be heard in presence of each other, provided the parties cooperate.
 - f. After MoEF decided the application of the CIDCO then any party aggrieved by the decision of MoEF will be at liberty to pursue its remedies in accordance with law.
 - g. in case MoEF declares that the holding ponds fall within CRZ area or after holding that holding ponds do not fall within CRZ area yet allows removal of mangroves for purposed desilting of the holding ponds, it would be open to CIDCO to do such removal of mangroves only for the purpose of desilting holding ponds and the channel subject to such condition as may be imposed by the MoEF.
 - h. The CIDCO submitted the proposal of desilting of holding ponds at 6 locations of Dronagiri Node.
3. Taking the cognizance of the Hon'ble High Court of Mumbai order dated 3rd July 2013, it was decided to make a visit to the holding pond site located in Dronagiri. Hence, a Sub-Committee of the MCZMA was constituted vide office order dated 12th July 2013 for carrying out a site verification for determining CRZ status of the holding ponds situated at Dronagiri.

The sub-committee comprises of the following MCZMA members:

- Dr. M. Baba, Expert Member, MCZMA

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- Dr. M.C. Deo, Expert Member, MCZMA
 - Dr. Mahesh Shindikar, Expert Member, MCZMA
 - Ajay T. Fulmali, Member Secretary, MCZMA
4. The site visit was carried out on 18th July, 2013 to all the 6 locations of holding ponds (1, 2, 3, 3A, 4, 5). Officials of CIDCO were also present for the site visit. The MCZMA sub-committee submitted a report before the Authority. The Authority accepted the report.

The Authority noted the conclusion of the said report, which are as follows:

“The Sub-Committee after the site visit of the Dronagiri layout / township and examination of the documents related to the holding ponds came to the following conclusions with respect to the CRZ status of the area. It needs mention here that since the control measures to tackle the flooding of the villages located in the Dronagiri layout / township did not fall under its mandate, the Sub-Committee did not address the issue in this report.

- The holding ponds of CIDCO in Dronagiri layout / township were classified as non-CRZ areas, except for portions of pond nos. 1 and 3, which were in CRZ-II, as per the CZMP mapped in 1996 and finally approved by MoEF in 2009.
- The site visit by the MCZMA Sub-Committee on 18.07.2013 revealed that most area of the ponds has thick growth of mangroves and the tidal water of the Karanja creek is entering the ponds.
- CIDCO reports that the siltation and subsequent growth of mangroves in the ponds are due to the damage, malfunctioning and non-maintenance of the flap gates, which were constructed to prevent the entry of tidal water and flushing out the flood water from the artificially created ponds to save the neighboring villages from flooding during heavy rains.
- CRZ Notification, 2011, stipulates that ecological sensitive areas such as mangroves are to be classified as CRZ I. The MoEF in its clarification letter to the Hon’ble High Court clarified that the rule is applicable to the ponds as well. There is no differentiation made in the Notification between natural and artificial ponds.
- In the present case, there are dense mangroves fully grown in all the six artificial holding ponds indicating that they are coming under the category of CRZ-I(A). The CRZ will extend to 100m or up to the width of the pond on the sides of the ponds. The water and bed of the ponds are covered under CRZ-IV. The Notification also stipulates that ‘in case mangrove area is more than 1000sqm, a buffer of 50m along the mangroves shall be provided’.
- In order to regulate the area in the ponds and the CRZ and buffer zone falling around it a detailed mapping may be done.”

As per the Hon’ble High Court orders, both the parties ie. CIDCO and BEAG were invited for the meeting to present their say in the matter.

CIDCO officials presented their stand in the meeting as follows:

- a. CIDCO had developed six holding ponds in their Dronagiri layout. The total area covered by the ponds is about 220ha and they have a rain water retaining capacity of about 455 million liters. These holding ponds are connected to channels having a width of about 200m and the overall length of them is about 16km. These holding ponds are connected to the creek through a flap gate at the outlet. Due to non- desilting and non-maintenance, mangroves have grown in the holding ponds. This has resulted in the flooding of the township (layout) and the villages within it. Hence CIDCO proposed desilting and maintenance of the artificially created holding ponds and the connecting channels.

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- b. In CRZ- 1991 mangroves were not considered as criteria to decide CRZ. However, mangroves is one of the features to decide the CRZ-1 within CRZ. It can be clearly seen that none of the Holding Ponds are anywhere in the CRZ area. The CZMP which was prepared in 1996 and authenticated by the MoEF, Government of India in 2008 clearly indicated the CRZ area. None of the holding Ponds are thus within the CRZ area.
- c. In the CRZ (2011) Notification also mangrove is not considered as a criteria to decide CRZ. However, mangrove is one of the features to decide the CRZ-1 within CRZ.

The CRZ (2011) Notification talk about the new CRZ areas but a new CZMP has to be prepared for implementing the 2011 Notification. The issue whether the Holding Ponds with mangroves will fall under the new CZMP will be decided only when the CZMP is declared. Our contention is that even at that juncture the Holding Ponds with mangroves will not fall under CRZ area because of the following reasons-

- These are the artificially created ponds to maintain the equilibrium of the storm water and the tidal action. More specifically it is to mention that during the high tides the storm water is collected in the holding pond and discharged to sea during the low tides.
- The Holding Ponds and tidal action is separated by the flap gates.
- To decide the CRZ area, mangroves have never been considered as criteria in the Notification issued in 1991 as well as in 2011.

CRZ status has to be decided based on today's legal position i.e. it has to be decided as per CZMP which is in existence today. It is very clear from the authenticated record of the CZMP that the Holding Ponds where mangroves have developed do not fall under the CRZ area.

CIDCO also provided a written submission vide letter dated 13.8.2013.

Representatives of Bombay Environment Action Group (BEAG) presented their say in the matter, which is as follows:

- a. Mangroves grow naturally only in the inter-tidal region i.e. between Low Tide Line and High Tide Line. In addition, by definition, mangroves have been included in the CRZ I (i) category as ecologically sensitive as per the CRZ 1991 notification and as CRZ I (A) in the CRZ 2011 notification. Also as per the CRZ Notification 2011, the mudflats too are classified as ecologically sensitive and classified as CRZ I (A) category.
- b. As per the CRZ Notification, 2011 all ponds whether natural or man-made that are influenced by tidal action are included in CRZ as per the explanation clause in para 1(ii) of the Notification.
- c. As per the Order of the Hon'ble Supreme Court in Writ Petition (Civil) 202 of 1995, (T N Godavarman vs. Union of India), all forests as per the dictionary meaning of the word have to be identified as forests, and no non-forest activity is permitted on such lands without the prior permission of the Government of India under the Forest (Conservation) Act, 1980. Pursuant to this order, mangroves in Maharashtra have been identified as forests by the State Government.
- d. The Government of Maharashtra too has itself accepted that mangroves are forests and thus they have been notified as Protected Forests. In fact, the Maharashtra Government itself has

- recently taken a decision to treat mangroves as Reserved Forests and issue fresh notifications for the same.
- e. CIDCO's contention is that they are undertaking the work as per the CZMP for Navi Mumbai. However, there is no approved CZMP for Navi Mumbai and CIDCO has not been able to demonstrate whether any such approved CZMP exists or not. Secondly, assuming for the sake of argument that there was an approved CZMP, this has now lapsed since the new CZMP has still not been approved under the CRZ 2011 notification. Thus the provisions of the CRZ 2011 notification will be applicable and there can be no destruction of mangroves since this is not permissible under this Notification.
 - f. Mangroves are protected through a range of regulatory measures such as Environment Protection Act (1986), the coastal regulation zone Notification (1991) issued under the said Act, the Indian Forest Act (1927) and the Forest Conservation Act (1980). All the provisions of notifications state that there should be no destruction of mangroves.
 - g. A MoEF report entitled "Report of the expert committee set up by MoEF, GoI for site inspection as per the directives of Hon'ble High Court of Bombay (WP No. 3246/2004) dated 11th June, 2006 clearly establishes the fact that there has been serious violations of the provisions of the CRZ Notification. The salient parts of this report were read to committee which clearly throws light on the fact that the holding ponds have not been designed and constructed based on technical inputs and local drainage system and also indicates that they were not created to control the floods while developing the whole area and they are located in low lying areas.
 - h. A report by IIT entitled "IIT's final report on Dronagiri drainage schemes" dated July, 1992 was prepared for 2740 hectares of land in the vicinity of Uran in New Bombay. This report clearly mentions that 99% of the area to be developed is below RL 3.00 m GTS. It also mentions that various agencies are reclaiming lands for their development purpose by conventional method.
 - i. The flooding of villages at Dronagiri has started after the reclamation carried out by CIDCO has blocked the flow of rain water into the creeks. The problem of flooding has not been caused by the mangroves- the flooding is the direct result of illegal reclamation carried out.

The BEAG has submitted their say in writing vide their letter dated 8th August, 2013

Principal Secretary, Forest Department mentioned that; mangroves on Govt land in Mumbai and part of Thane and Raigad districts have been notified as "protected forest" under section 27 of Indian Forest Act, 1927. The Govt has now decided to declare all mangroves on Govt land as "protected forest" and mangroves on private land are to be declared as "forest". Therefore, Forest Conservation Act will apply wherever they exist.

Taking into account the finding of the sub-committee report and submission made by CIDCO as well as BEAG representatives and examination of the documents related to the holding ponds: the Authority after detailed discussion and deliberation, came to following conclusion.

The Hon'ble High Court of Judicature Bombay order dated 3rd July, 2013, at paragraph 8 mentions that ***"In our view, therefore, the questions raised in these notices of motion are mixed questions of law and facts which needs to be examined by the Ministry of Environment and Forest"***

In this regard, the Authority observed that holding ponds of CIDCO in Dronagiri layout / township were classified as non-CRZ areas, except for portions of pond nos. 1 and 3, which were in CRZ-II, as per the CZMP mapped in 1996 and finally approved by MoEF in 2009. However, present fact of the matter is that

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all the 6 locations of holding ponds are tidally influenced with presence of dense fully grown mangroves & the tidal water of Karanja creek is entering the ponds.

The Authority decided to refer the matter to MoEF, New Delhi with the above observations along with the report of the MCZMA Sub-committee and written submissions made by CIDCO and BEAG.

Item No. 4: Redevelopment of property bearing CS No. 280 of Malabar Hill Division - M/s Earth Builders.

The Authority discussed the detailed background of the matter. It was noted that proposal involves redevelopment of cess structure with FSI 2 and utilizing the FSI 1.33 of adjacent strip of land. The proponent is claiming the redevelopment of existing Cess building under town and country planning regulations existing and in force as on 6.1.2011 (ie. DCR 1991, as amended up to 6.1.2011) as per para 8.V. (c) of the CRZ Notification, 2011 as amended from time to time.

The Authority took note of court order dated 9th May, 2013 in WP (Lodg) No. 993/2013 and 22nd July, 2013 in WP No. 1120 / 2013.

The Hon. High court of Mumbai vide its order dated 22nd July, 2013 directed MCZMA to consider the petitioner's application made on 5th April, 2011 in light of observations made in this order. MCZMA shall consider the above application of the petitioners at their immediate next meeting to be held in August, 2013.

The MCZMA directed MCGM to submit the FSI calculations for the proposal, proposing FSI of 1.33 for adjacent strip of land counting area of staircase, lift, lift lobby etc in FSI.

Item No. 5: Unauthorized, illegal and hazardous change of User for converting "Bank Building" situated at 15, Narayan Dabholkar Road, Off. Nepeanse Road, Mumbai- 400006 into a full fledged IB school under the banner of "D.Y.Patil Pranjali International School" with alleged sports facilities at Priyadarshani Park.

The Authority noted that Narayan Dabholkar Road Residents Association vide letter dated 1st August, 2013 has forwarded as complaint alleging that various violations being committed by the D.Y. Patil Pranjali International School. The contents of the complaint is as follows-

1. The School is proposed to be established in this area and it is going to lead to severe traffic, noise and air pollution for all the residents and is going to destroy the peace, tranquility of the entire area due to lack of infrastructure
2. MCGM has relaxed the condition for a detailed environment impact assesment of the detriment of residents of the locality in which the building is located and the residents of the area
3. MCGM has made reference to the MCZMA and MCZMA had discussed the subject matter of minor additions/ repairs/ installation of lifts to the existing authorized buildings in its 77th meeting held on 9.10.2012.
4. The MCZMA had informed the MCGM through the mintues of the 77th meeting that the Local planning should decided the proposal of minor additions/ repairs/ installation of lifts to the existing authorized buildings and its use as per the applicable DCR in CRZ areas, subject to compliance of following conditions-
 - a) The alteration/ repair / installation of lift in existing authorized building should be within the limit of existing authorized plinth and should not result in any vertical or horizontal extension to the existing authorized building.

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- b) The total construction area after alterations / repairs / installation of lift in the existing authorized building should not exceed the FSI approved in the original proposal.
5. The MCGM has, based on the minutes, now not only approved the repair and renovation of the proposed building which is being renovated for starting the school, but has also permitted the change of user in the building from Bank Building to School
 6. Copy of page from MCGM internal note which states that "it is to be mentioned here that the proposal is submitted for Bank Training School to School Building. It is seen from the minutes of 77th meeting of MCZMA that above proposal of change of activity, can be considered at MCGM level"
 7. This change of use by the MCGM entails huge environment impact and the same should be considered at MCZMA level and not at MCGM level as per the EP Act, 1986
 8. Further, the powers of MCZMA cannot be delegated EP Act, 1986 and the minutes of the 77th meeting of the MCZMA in which the local Planning Authority was empowered to decided the proposal of minor addition / repairs / installation of lifts to the existing authorized building and its use as per the applicable DCR is in violation of EP Act, 1986.

The Authority further noted that D.Y. Patil International School vide letter dated 2.7.2012 had requested a clarification on requirement on CRZ permission from MCZMA for proposed International IB school at existing bank training school (Education building) at Narayan Dabholkar Marg, Mumbai. As per the said letter, there is existing structure of Lower Ground, ground and first floor on land under reference. The said structure got the occupation certificate in 2002 and approved as a Bank Staff Training School. Now, applicant is in the process of starting the International IB School.

Chairman, MCZMA vide office note dated 25.7.2012 offered remarks in the matter. As per the said remarks-

"Earlier permission for additions and alterations without change in activity has already been granted by MCGM. In view of the Hon. High Court judgment, such repairs do not require MCZMA clearance, if it is within the existing area and FSI. As for 'Change in land use' from Bank Training school, it advised that UDD, MoEF opinion be sought. Can be taken up in MCZMA after opinions are received"

Accordingly, the file was sent to Urban Development Department (UDD) on 3.8.2012 & 17.10.2012 with a request to offer its opinion on the subject matter under consideration.

The UDD vide office note dated 16.8.2012 & 26.9.2012 informed that the UDD vide its letter dated 17.8.2012 have sought remarks of Municipal Commissioner, MCGM and Director, Town Planning office, Pune on the subject matter. Reply from MCGM as well as Town Planning office, Pune is awaited. File was sent back to Environment Dept.

The Authority noted that as per the provisions of CRZ Notification, 2011: change of present use is not permissible in reconstruction of existing authorized structure in CRZ II areas. On inquiry, the MCGM informed that the proposal has yet to be granted approval by the MCGM.

The Authority directed MCGM to submit the report about the matter to MCZMA and MCGM should not grant any approval for any change of uses without prior MCZMA approval.

Ch. Rajeev

Govt. Proposals

Item No. 1: Proposed VVIP Guest House in Raj Bhavan Complex on property bearing C.S.No. 2 of Malabar Hill Division, Mumbai

The project proponent presented the proposal before the Authority. The Authority noted the followings-

1	Proposal Details:	The proposed VVIP Guest House in Raj Bhavan Complex comprises of Ground + 1 st floor structure.
2	Location of the Project:	Plot bearing C.S.No. 2 of Malabar Hill Division, Mumbai.
3	Proposal Category:	Redevelopment
4	CRZ Category of the proposed site:	The plot falls in CRZ II Situated on landward side of Govt. House upper road.
5	DP Remarks, a) Zone: b) Reservation: c) Proposed Use:	As per the Development Plan remarks. a) Residential Zone. b) Green Hill Slope (pt). Existing R.G and existing MP c) VVIP Guest House
6	FSI Details, a) Permissible FSI: b) FSI proposed to be consumed:	As per the layout plan. a) 1.33 b) 0.255
7	Area Details, a) Total area of the plot: b) Balance plot area: c) Deduction for recreation ground 15%: d) Net plot area: e) Permissible floor area: f) Existing floor area: g) Proposed built up area: h) Total proposed built up area: i) Balance area:	As per the layout plan submitted by PP. a) 151466.92sqmt b) 151466.92sqmt c) 22720.04sqmt d) 128746.88sqmt e) 171233.35sqmt f) 31997.68sqmt g) 789.98sqmt h) 32787.66sqmt i) 138445.69sqmt

On inquiry, the project proponent informed the existing structure (Electrical House) under reference is used as Residence for Deputy Chief Electrical Engineer. The Authority directed project proponent to submit an undertaking pertaining to present use of existing structure on site under reference.

The Authority after detailed discussion and deliberation decided to recommend the proposal to concerned planning authority ie. MCGM subject to following conditions-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF time to time.

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2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The concerned Planning authority should ensure that FSI, lay out plan, height, involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
4. The MCGM should ensure that FSI, Non FSI and concessions granted by Municipal Commissioner, if any, is strictly as per the provisions of DCR 1967.
5. Project proponent to submit an undertaking pertaining to present use of existing structure on site under reference..
6. All the other mandatory permissions from different statutory authorities should be obtained prior to commencement of work.

Item No. 2: Construction of Coastal Police Station on plot bearing CTS No. 2125, TPS Mahim, Retibunder Mahim, Mumbai.

MCGM officials presented the proposal before the Authority . The Authority noted the following proposal details-

1	Proposal Details:	The proposed construction is for new Coastal Police Station comprises of partly ground & partly stilt + upper 2 floors.
2	Location of the Project:	Plot bearing CTS No. 2125, TPS Mahim, Retibunder Mahim, Mumbai.
3	Proposal Category:	New Development
4	CRZ Category of the proposed site:	As per remarks from UDD, Govt. of Maharashtra, the plot is handed over to police dept. is reclaimed.
5	DP Remarks, a) Zone: b) Proposed Use:	As per the Development Plan, a) The plot is beyond the development plan area boundary of Mumbai. b) Coastal Police Station for Police use
6	FSI Details, a) Permissible FSI: b) FSI proposed to be consumed:	As per the layout plan, a) 1.33 b) 1.245
7	Area Details, a) Total area of the plot: b) Permissible floor area: c) Proposed built up area: d) Excess balcony taken in FSI: e) Total proposed built up area:	As per the layout plan submitted by PP. a) 1000.00sqmt b) 1330.00sqmt c) 1213.06sqmt d) 32.10sqmt e) 1245.16sqmt

C. Rajeev

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The project proponent represented that the proposed site under reference is in CRZ II as per CZMP of Mumbai and situated on seaward side of existing road. No mangroves vegetation is present in vicinity of the site.

The Authority discussed the design of the coastal police station and suggested that no solid ramp would be allowed from sea to coastal police station in order to ensure the free flow of tidal water.

The Authority discussed the permissibility of the proposal and noted that as per para 3(i) of CRZ Notification, 2011 and subsequent Corrigendum dated 29.3.2011; coastal police station and facilities required for patrolling and vigilance activities of marine / coastal police stations is a permissible activity.

The Authority after deliberation decided to recommend the proposal from the CRZ point of view to the concern planning authority subject to strict compliance of the following conditions-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF time to time.
2. No solid ramp would be allowed from sea to coastal police station in order to ensure the free flow of tidal water.
3. The concerned Planning authority should ensure that FSI, lay out plan, height involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
4. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Item No. 3: Demolition and reconstruction of Toilet block at -

- 1) Jai Durga Bhavani Chawl, S.B.Patil Marg, Near Gajdharbandh Nalla in H/W ward**
- 2) at Ram Lakhan Chawl, S.B.Patil Marg, Near Gajdharbandh Nalla in H/W Ward**
- 3) under SRA at Jai Hanuman Chawl and Adarsh Chawl in Bhim Nagar in R/Central Ward.**

MCGM officials presented the proposal before the Authority. The Authority noted the followings-

The proposal is for Demolition and reconstruction of Toilet Blocks

- a. At Jai Durga Bhavani Chawl, S.B. Patil Marg, Near Gajdharbandh nalla in H/W ward.
 - b. At Ram Lakhan Chawl, S.B. patil marg, near Gajdharbandh nalla in H/W ward.
 - c. At Jai Hanuman Chawl and Adarsh Chawl in Bhim Nagar in R/ Central Ward, Gorai, Mumbai.
- 1) Demolition and reconstruction of Toilet Blocks at Jai Durga Bhavani Chawl, S.B. Patil Marg, Near Gajdharbandh nalla in H/W ward, Mumbai.**
- The High Court vide order dated 22.7.2008 directed to MCGM and Principal Secretary. To provide adequate number of Toilet Blocks between stretch of beach at Santacruz, Khardanda and Juhu Koliwada to curb the open defecation near beach area.
 - In this regard two numbers of plots admeasuring 500 sq.mtr. each were handed over to MCGM by Collector, MSD on CTS No. 1211(pt) and 1213 (pt) of village Juhu.
 - The MCZMA NOC was also obtained for the same for construction of Toilet Blocks by Asst. Commissioner, K/W ward.
 - Meanwhile MLA Shri. Ashok Jadhav requested MCGM & Collector to change the location od said toilet blocks as it affects beutification work beaing carried out near Juhu Koliwada beach suggested new location near Gazdarband Nalla in K/W ward.

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- The MCGM has proposed to construct 30 seats G + 1 and part 2nd floor RCC toilet blocks by demolishing existing 12 seated Toilet blocks through the Slum Sanitation programme at Jai Durga Bhavani Chawl, S.B. Patil Marg, Near Gajdharbandh nalla in H/W ward.
 - As per MCGM letter dated 2.4.2013 the plot under reference, bearing CTS No. 1053 of village Juhu is reserved for post and telegraph (part of larger reservation) and situated in residential Zone & N.D. Zone.
 - The plot under reference is affected by CRZ-II.
- 2) Demolition and reconstruction of Toilet Blocks at Ram Lakhan Chawl, S.B. patil marg, near Gajdharbandh nalla in H/W ward, Mumbai.
- The High Court vide order dated 22.7.2008 directed to MCGM and Principal Secretary, To provide adequate number of Toilet Blocks between stretch of beach at Santacruz, Khardanda and Juhu Koliwada to curb the open defecation near beach area.
 - In this regard two numbers of plots admeasuring 500 sq.mtr. each were handed over to MCGM by Collector, MSD on CTS No. 1211(pt) and 1213 (pt) of village Juhu.
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 - The MCGM has proposed to construct 30 seats G + 1 and part 2nd floor RCC toilet blocks by demolishing existing 12 seated Toilet blocks through the Slum Sanitation programme at Ram Lakhan Chawl, S.B. patil marg, near Gajdharbandh nalla in H/W ward.
 - As per MCGM letter dated 2.4.2013 the plot under reference, bearing CTS No. 1053 of village Juhu is reserved for post and telegraph (part of larger reservation) and situated in residential Zone & N.D. Zone.
 - The plot under reference is affected by CRZ-II.
- 3) Demolition and reconstruction of Toilet Blocks at Jai Hanuman Chawl and Adarsh Chawl in Bhim Nagar in R/ Central Ward, Gorai, Mumbai.
- As per DP remarks of MCGM, the plot under reference is affected by CRZ- II.
 - The proposal is for the demolition of existing ten seated toilet blocks at Adarsh Chawl and existing six seated blocks at Jai Hanuman Chawl and reconstruct the same with Gr. + One RCC toilet blocks at both the locations under the Slum Sanitation programme.

Authority after deliberation decided to direct the MCGM to submit the following information and revert-

- 1) Duly filled Form- I of CRZ Notification, 2011,
- 2) PART -A & PART - B of MCZMA Office Memorandum dated 2.7.2011
- 3) CRZ map of Mumbai showing the site under reference.

Item No. 4: Application for CRZ Clearance to proposed construction of Storm Water Pumping Station on Mogra Nalla on plot bearing old CTS No. 1(pt) of, village Oshiwara, New CTS No. 739 (pt) of village Oshiwara, Andheri (W) in K/West Ward, Mumbai.

The MCGM officials presented the proposal before the Authority. The Authority noted that followings-

- 1) The proposal is for construction of Storm Water Pumping Station on Mogra Nalla on plot bearing old CTS No. 1(pt) of, village Oshiwara, New CTS No. 739 (pt) of village Oshiwara, Andheri (W) in K/West Ward, Mumbai.
- 2) Construction of storm water pumping station for public purpose to abate flooding in the locality during high intensity rains at high tides.
- 3) As per the DP remarks dated 30.05.2012, the plot under reference is situated in "No Development Zone".
- 4) As per the approved CZMP of Greater Mumbai, the plot falls in CRZ I and situated on seaward side of the road.
- 5) The total area of plot is 901983.9sqmt
- 6) Area under proposal
 - For storm water pumping station – 8000.00sqmt
 - For access road – 700.00sqmt
 - Permissible FSI – 1.00
 - FSI proposed to be consumed – 1.00

The Authority discussed the proposal at length and noted that storm water pumping station is proposed entirely in mangroves area which would affect the mangroves vegetation substantially. In order to avoid this, the Authority after deliberation decided to direct the project proponent to explore the possibility of alternate location for setting up of pumping station and revert along with rapid EIA for the project.

Item No. 5: Upgradation of small fishery harbours & fish landing centers along the Coast by Fisheries Department

The project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The Fisheries Department, Govt. of Maharashtra vide letter dated 8.2.2013 mentioned. Under centrally sponsored scheme / Nabard Loan, The Fisheries Department, Govt. of Maharashtra proposed to Upgrade of small fishery harbors & fish landing centers along the Coast of Maharashtra at Mumbai City, Mumbai Suburban, thane, Ratnagiri, Raigad & Sindhudurg identified by Central Institute of Coastal Engineering and Fisheries, Bangalore (CICEF).
2. The Works at various locations involves Extension of Jetties, construction of fish drying platforms, Auction hall, Net mending sheds, boat repairing yard, toilet blocks etc. The work of jetties / wharf walls extension comes under CRZ-I & other structures comes under CRZ-II.
3. The details of the proposed project work is as below.

S r. N o.	Name of Work	Locat ion	Components (Size of the Project)							CRZ Classif ication	Cos t of the Pro ject	Rem arks
			Jetty/ Ram p	W ha rf wa ll	Fish dryi ng platf orm	Auc tion Hall	Net men ding She d	Toilet block	Boat repa iring yard			

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					(open)		(open shed)		(open Platform)	metre)		(in lakhs)	
	District												
	(Mumbai city) = 4Nos												
1.	Mahim Koliwada	Mahim	2 Nos. (130 m. x7m.)	100m	3Nos (30 m x20 m)	--	2 Nos. (20 m.x 9 m.)	2 Nos (15.85 m x3.45 m)	2 Nos. (30m x20 m)	--	Jetty-CRZ-I other-CRZ-II Structure	880.41	Nabard
2.	Worli Koliwada	Worli	3 Nos. (150 m. x5m.)	--	5 Nos (30 m x20 m)	--	2 Nos. (21 m.x 9 m)	--	4 Nos. (30m x20 m.)	--	Jetty-CRZ-I other-CRZ-II Structure	678.09	Nabard
3.	Cuffe Parade	Cuffe Parade	(150 m. x7m.)	500m	(25 m x15 m)	--	(21 m. x9 m.)	(15.85 m x3.45 m)	(30 x 20 m.)	--	Jetty-CRZ-I other-CRZ-II Structure	806.12	Nabard
4.	Batteri Bunder. Worli Koliwada	Worli	(37m. x7m.) (32m. x16.50m.)	--	(38.50m x8.35m) (46.55m x5.40m) (9.95m x4.85m) (12.20m x10.20m)	--	--	--	(38.50 m. x8.35m.) (24 m. x10.80 m.) (22 x 11.30 m.)	--	Jetty-CRZ-I other-CRZ-II Structure	179.96	R.K. V.Y.

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(2)	Mumbai Suburban=10Nos												
1.	khardanda	khardanda	300 x 5 m.	--	190 x 70 m.	--	2Nos 18x 13m	--	100x 30m 50x1 5m	5315	Jetty-CRZ-I other-CRZ-II Structure	710 .55	
2.	Madh Dhondipada	Madh Dhondipada	Ramp 40 x 7m. Jetty 75 x 7m.	--	--	--	--	--	40 x 20 m.	4690	Jetty-CRZ-I other-CRZ-II Structure	255 .59	
3.	Madh Patwadi	Madh Patwadi	Jetty extension 135 x 5 m. New Jetty 140 x 5m.	--	50 x 15 m. 50 x 25 m.	--	--	15.85x 3.45m	50 x 25 m.	10020	Jetty-CRZ-I other-CRZ-II Structure	374 .02	
S r. No.	Name of Work	Location	Components (Size of the Project)							CRZ Classification	Cost of the Project (in lakhs)	Remarks	
			Jetty/Ramp	Wharf wall	Fish drying platform (open)	Auction Hall	Net mending Shed (open shed)	Toilet block	Boat repairing yard (open Platform)				Dredging (in cubic metre)
4.	Madh Vajre Galli	Madh Vajre Galli	150 x 7 m.	--	20 x 10 m.	--	18 x 10 m.	15.85 x 3.45 m.	90 x 30 m.	--		280 .48	
5.	Madh Dongarpada	Madh Dongarpada	Extn. Jetty 100 x 7m.	--	20 x 10 m.	--	18 x 10 m.	40 x 15 m.	1200	1200		293 .05	
6.	Madh Bhati	Madh Bhati	140 x 7 m.	--	30x1 5m.	--	--	15.85x 3.45m	65x2 5m	3750		473 .39	

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7.	Manori	Manori	450 x 5 m. 4 Nos.(30x 5m.)	--	--	--	--	15.8 5x 3.45m	250x 20m	1219 9		726 .57
8.	Gorai	Gorai	120 x5m 75x 5m	--	--	--	--	15.85x 3.45m	60 x 30 m. 95 x 30m.	7267		545 .88
9.	Trombay	Trombay	210 x5m	--	30x 30m	30x 20m	21 x9 m.	--	50 x 20 m. 30 x 25m.	--		--
10.	Mahul	Mahul	--	--	28.3 0x 15m . 9.80 x 8.75 m.	20x 15m .	--	--	39.6 5x 11.0 0 m.	--		157 .68
(3)	Thane District =08 Nos.											
1.	Zai	Zai	--	20 0 m.	200 x 10 m.	--	--	--	60.3 0 cub. m.	3996 0		498 .42
2.	Satpati	Satpati	--	90 0 m.	2 Nos. 20m .x10 m.	30 x20 m.	2 Nos. 15m . x6m .	--	20 x 15m.	5320 0 sand		814 .11
3.	Vadrai	Vadrai	6.5 m. x 5m.	45 m.	--	20 x15 m.	--	--	--	1248 0		218 .62

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4.	Edvan	Edvan	80 x 50 m.	--	20 x 15 m.	--	25.00 x 15m	15.85 x 3.45 m	--	3020.80		266.37	
5.	Dativare	Dativa re	40 x 5 m.	--	2 Nos. 20 x 16 m.	--	--	--	--	5775		198.60	
S r. N o.	Name of Work	Locat ion	Components (Size of the Project)								CRZ Classification	Cos t of the Pro ject (in lak hs)	Rem arks
			Jetty/ Ramp	W harf wall	Fish drying platf orm (ope n)	Auc tion Hall	Net men ding She d (ope n she d)	Toilet block	Boat repa iring yard (ope n Platf orm)	Dre dging (in cubi c metr e)			
6.	Pachubandar	Pachubandar	40 x 5m.	--	30 x 30 m.	--	--	15.85 x 3.45 m.	--	--		130.60	
7.	Khochiwade	Khochiwade	75 x 5 m. 100 x 5m.	--	2 Nos. 20 x 10 m.	--	--	15.85 x 3.45 m.	2 Nos. 20 x 10 m.	--			
8.	Ghansoli	Ghansoli	83.5 x 5 m.	--	--	--	--	--	--	--		59.30	
9	Dativare	Dativa re											
(4)	Raigad District = 5 nos.												
1.	Chalmala	Varsoli	--	120 x 5 m.	20 x 20m	20 x 13 m.	15 x 6m	7 x 9m.	--	9900	Jetty-CRZ-I other-CRZ-II Structure	247.38	
2.	Kondripada	Kondripada	200 x 6 m. Ramp 50 x	540 x 6 m.	20 x 20 m.	20 x 13m	15 x 6m.	7 x 9m.	--	--	Ramp-CRZ-I other-CRZ-II	417.35	

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			50m.								Structure		
3.	Varsoli	Varsoli	20 x 10m.	160 x 5m	--	20 x 13m.	--	--	--	--	Ramp-CRZ-I other-CRZ-II Structure	229.01	
4.	Murud Tal. Murud	Murud	130 x 5m.	--	--	20 x 15m.	21 x 9m.	--	--	250 x 5m.	Ramp-CRZ-I other-CRZ-II Structure	159.69	
5.	Borlimandla Tal. Murud	Borlimandla	2 Nos. 30 x 5m. 30 x 5m.	--	35 x 15m.	20 x 15m.	--	15.85 x 3.45m	--	100 x 30	Ramp-CRZ-I other-CRZ-II Structure	184.32	

The Authority discussed the proposal at length and deliberated on the probable impacts on coastal environment due to proposed activities. Authority observed that at Khar Danda location, there is already erosion and accretion impact due to existing jetty. The new proposed jetty may aggravate the erosion, accretion impacts at the coast.

After detailed discussion and deliberation, the Authority directed project proponent to submit the Rapid Environment Impact Assessment report and Coastal Zone Management Plan (CZMP) for the entire proposal and revert. The Authority also observed that solid form of jetty should not be considered in the design. Based on the Rapid EIA report and CZMP, proponent should submit site specific designs for jetties. Wherever, there is a possibility of erosion and accretion of coast, as per Rapid EIA: the project proponent should explore alternate location. The proponent may submit each project separately with a local area CZMP and rapid EIA report for consideration.

Item No. 6: Widening and Reconstruction of bridge over Mithi River at CST Road at Kurla (West) in 'L' Ward, Mumbai.

The MCGM officials presented the proposal before the Authority. The Authority noted the followings-

1. The proposal is for widening and reconstruction of bridge over Mithi River at CST Road at Kurla (W) in 'L' ward, Mumbai.
2. New bridge is proposed in lieu of existing bridge to increased width of waterway below bridge will improve water carrying capacity and will help to reduce the flood water quickly from catchment area of Mithi River and due to widening of bridge, less traffic congestion near the bridge. The old bridge is to be demolished.

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3. As per revised sanction Development Plan of Mumbai 1991, the land under reference is not reserved for any DP reservation / public purpose & it is in MCGM jurisdiction.
4. As per the approved CZMP of Greater Mumbai, the land under reference falls in CRZ II area.
5. Existing height of the bridge is 7m from river bed.
6. The total area of proposal is 6025sqmt

The Authority suggested MCGM that the height of the bridge could be increased by 1 mt, anticipating the Sea level rise due to climate change and other worst water logging scenarios.

The Authority after deliberation decided to recommend the proposal to MoEF subject to following conditions-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF time to time.
2. The height of the bridge could be increased by 1 mt, anticipating the Sea level rise due to climate change and other worst water logging scenarios.
3. Disposal of debris during construction phase should be as per MSW (M&H) rules, 2000.
4. Tidal flow of river should not be obstructed.
5. The project proponent should obtain prior High Court permission, if the proposal involves destruction of mangroves or construction falls within 50 mt buffer zone.
6. All other required permissions from different statutory authorities should be obtained prior to commencement of work

Item No. 7: Proposed construction of Type VI quarter for Chief Postmaster General Maharashtra at Malbar hill on plot CS No. 372, Mumbai

The matter regarding "Proposed construction of Type IV quarter for Chief Postmaster General Maharashtra at Malabar hill on plot CS No. 372, Mumbai" was considered in the 81st meeting of the Maharashtra Coastal Zone Management Authority held on 26.4.2013. The Authority after detailed discussion and deliberation decided to direct the project proponent to submit the amended proposal after due approval of the MCGM and Existing use as on 19.2.1991 Vs proposed use of the structure under reference.

Accordingly, the Assistant Director Postal Services (Bldg. & Tech.) forwarded the approved revised plans and DP remarks of MCGM vide letter dated 18.6.2013.

FSI details, as per the approved revised plan,

- 1) Area of the plot – 1476.60 Sq.m.
- 2) Deduction for Road set back area – 91.941 Sq.m.
- 3) Deduction for recreational ground (15%) – 221.50 Sq.m.
- 4) Net area of the plot – 1384.659 Sq.m.
- 5) Permissible FSI – 1.33
- 6) Permissible Floor area – 1841.596 Sq.m.
- 7) Existing floor area- 436.12 Sq.m.
- 8) Proposed area – 255.629 sq.m.
- 9) Total BUA proposed – 694.749 Sq.m.

As per remarks of MCGM vide letter dated 5.4.2013, the plot under reference C.S. No. 372 of Malbar Hill Division is not reserved for any public purpose and situated in residential zone.

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Further, the MCGM again forwarded the proposal vide letter dated 3.7.2013, for Proposed construction of Type IV quarter for Chief Postmaster General Maharashtra at Malbar hill on plot CS No. 372, Mumbai.

As per the MCGM remarks vide letter dated 3.7.2013,

1. Proposed building comprising ground + 1 floor structure.
2. The permissible FSI on plot under reference is 1.33 and area of the proposed building is 255.629 Sq.mtr.
3. The area of staircase, lift & lift lobby is counted in FSI.
4. As per sanctioned DP of 1967, the land under reference is not affected by any reservation / designation and falls in R zone.
5. The Building plans as per DC Rules 1967 as in force on 19.2.1991.

As per scrutiny note of the MCGM-

There are total 4 no. of existing building in the property under reference. Project proponent has proposed to demolish 3 No. of ground floor structure situated behind existing Post office building along with sorting office structure. As per the true extracts, there are total 3 Nos. of structures existing excluding sorting office which is shown with main post office building. All the existing structures are ground floor structures, which are proposed to be demolished. The post office complex which is heritage structure are proposed to be retained and area of the same is counted in FSI. Proposed one new structure comprising stilt + 1st + 2nd (pt) floor

The Authority directed project proponent to submit an undertaking pertaining to present use of existing structure on site under reference.

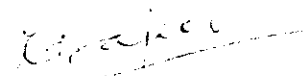
The Authority after detailed discussion and deliberation decided to recommend the proposal to concerned planning authority ie. MCGM subject to submission of the confirmation by the proponent that there is no change of present use in reconstruction of existing structure on land under reference. The following conditions should be complied with-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The design and reconstruction of building shall be consistent with the surrounding landscape and architectural style of heritage building.
4. The concerned Planning authority should ensure that FSI, lay out plan, height, involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. The MCGM should ensure that FSI, Non FSI and concessions granted by Municipal Commissioner, if any, is strictly as per the provisions of DCR 1967
6. All the other mandatory permissions from different statutory authorities should be obtained prior to commencement of work.

Item No. 8: Proposed landscape drawing for "Smruti Chauthara" of Balasaheb Thackeray at Shivaji Park, Dadar in G/N Ward.

The Authority noted the proposal details which is as follows-

1. The proposal is for landscape drawing for "Smruti Chauthara" of Balasaheb Thackeray at Shivaji Park, Dadar, Mumbai.
1. As per the MCGM letter dated 29.7.2013, the size of the Chauthara is 40' X 20' with wooden fencing compound. Proposed landscape concept is designed considering the lawn & natural elements. The proposed landscape drawing falls in CRZ II area.



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2. The lay out plan submitted along with proposal shows that the proposal involves compound wall, fence, pitch, pathway, Lamp post, Grid of Taps; underground water storage water bore well, Electrical box and jogging track.
3. As per the DP remarks of MCGM; the land bearing C.S. No. 1566 and 1530 of Mahim Division is in Residential Zone. The DP sheet submitted shows that the site under reference is in CRZ II.

The Authority noted the CRZ status of the site under reference as follows-

- a) The DP sheet in the scale of 1:4000 scale shows that the site under reference falls in CRZ II area.
- b) As per the conditions NO. (xvi) of the CZMP approval letter dated 27.9.1996 of MoEF- Parks, Play Grounds, Regional parks, Green zones and other non-buildable areas falling within CRZ-II areas are categorized as CRZ-III.
- c) As per CZMP approval of Mumbai letter dated 19th January, 2000 of MoEF FSI upto 15% shall be allowed in respect of parks, playgrounds and other open spaces falling in CRZ-II, which were required to be classified as CRZ-II as per the approved Coastal Zone Management Plan. However, use of such vacant land shall be restricted to construction of civic amenities, stadium, gymnasium etc., meant for recreational/sports related activities. Residential/commercial use of such open space shall not be permissible.
- d) As per Para 8.v of CRZ Notification, 2011
 - (e) In order to protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone'.
 - (f) the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible. In order to protect

The Authority discussed the lay out plan and design of the proposed activity. It was noted that the proposed activity involves beautification/ gardening aspect, landscape is designed considering the lawn & natural elements with three layer pedestal above the ground level.

As per provisions of CRZ Notification, 2011 garden activities are permissible in NDZ area of CRZ III. The Authority after deliberation decided to invite a proposal with revised concept and design, which shall be in consonance with provisions of CRZ Notification, 2011. The MCGM is also directed to provide the following information:

1. The CZMP of Mumbai superimposing the site under reference.
2. The information about all the existing structures and their FSI consumed so far at Shivaji Park.

-----Meeting ended with vote of thanks-----

[Handwritten signature]

Annexure I

Members present:

1. Pravin Pardesi, Principal Secretary, Forest Department, (Invitee member.)
2. Dr. M.Baba, Expert Member, MCZMA
3. Dr. Mahesh Shindikar, Expert Member, MCZMA
4. Dr. M.C. Deo, Expert Member, MCZMA
5. Mr. Vasudevan, Chief Conservator of Forest, (Invitee member)
6. A.T.Fulmali, Member Secretary, MCZMA

CP