

MINUTES OF THE 88TH MEETING OF MAHARASHTRA COASTAL ZONE
MANAGEMENT AUTHORITY (MCZMA) ON 31ST JANUARY, 2014

The 88th meeting of the MCZMA was held under the Chairmanship of Principal Secretary (Environment) & Chairman, MCZMA on 31st January, 2014 at 11.00 am at Sachivalay Gymkhana, Mumbai. List of Members present in the meeting is enclosed as Annexure-I

Item No. 1: Proposed Monument of Chhatrapati Shivaji Maharaj in the Arabian Sea, Mumbai.

The Authority noted the background of the matter-

1. The conceptual proposal of installation of statue of Chhatrapati Shivaji Maharaj and Memorial in the Arabian Sea at Mumbai was earlier deliberated in the 80th meeting of the MCZMA held on 11th February, 2013. The conceptual proposal was also deliberated in Expert Appraisal Committee of the MoEF in their 122nd meeting wherein the proposal was presented by the PWD, who is the project proponent. The said Committee after discussion have given the following suggestions -

- The design shall not be isolate and local architecture and motifs shall be appropriately incorporated in the design to portray the Indian heritage features in a place of tourist importance.
- More focus to be given on mitigation plan and safety / security.
- Study on infrastructure facilities at shore and its impacts and mitigation to be carried.
- Examine impact due to floating population, entry point traffic management including parking.
- Examine emergency evacuation during natural / man made calamity with required infrastructure stating time required for complete evacuation including safe landing under bad weather conditions, jetty facility, etc.
- Examine the EMP from similar projects.
- Take advice from Bombay Natural History Society in respect of likely impacts due to lights on the birds and marine life.
- Submit the details layout plan in 1:4000 scale including separate on - shore facilities.
- Details of stone requirements for reclamation, quarry sources and transportation route may be provided.

2. The PWD vide letter dated 27th Jan 2014 submitted a proposal along with following documents:

- Filled form I of CRZ Notification, 2011
- Project report


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- Marine EIA studies report prepared by CSIR-NIO
- Inception report- EIA of Shivaji Maharaj Memorial with status of the coast off Mumbai in Arabian Sea.

3 The PWD presented the proposal in the meeting of the Authority.

- a. Govt. of Maharashtra is planning to set up a 190m high statue of Chattrapati Shivaji Maharaj which is to be erected in the Arabian Sea. This project is proposed to be erected on a rocky outcrop at a latitude of 18 55' 33.8" N and a longitude of 72 47' 25" E over a total area of 15.96 ha. The proposed project plan consists of three levels of pedestal with museums, art galleries, recreation centers, etc along with a statue of Shivaji Maharaj of approximately 160m height. On the mainland, there will be two jetties for the transport to the island – the existing jetty at Gate Way of India and another proposed jetty at Nariman Point, which is being developed as part of Inland Water Transport Project by MSRDC. Also, at the actual project site there will be four jetties for the easy ferrying of the visitors and transportation other commodities.
- b. Best architectural monuments in the state of Maharashtra depicting both cultural and social heritage value. Since this statue will be erected on a rocky outcrop in the sea, it attracts CRZ clearance. It is also an environmentally sustainable project considering the state of the art Sewage treatment plant and desalination plant, apart from the utilization of renewable energy resources like Wind mills, solar shelters, solar light poles, tidal turbines etc.
- c. It consist of three layer pedestal of Concrete (M-60 grade) with stone cladding of Natural stone (granite). The Natural stone granite is suggested by Earth Science Dept. of IIT, Mumbai. The height of the pedestal is 32.50m.
- d. First level of pedestal is about 140 m x 140 m x140m dimension. Details of the facilities are attached separately.
- e. Second level of pedestal is about 110mX110mX10 m dimension. Details of the facilities are attached.
- f. Third level of pedestal has dimension 80mx80m*10m. Details attached.
- g. It is proposed to fortify the rocky outcrop with RCC sea wall / curtain wall etc. it is expected that about 3000 persons will be visiting the memorial every day.
- h. Following facilities area proposed:
 - Amphitheatre and auditoria of various sizes
 - Exhibition gallery
 - Marine Aquarium
 - Coastal and marine resources interpretation and sensitization centre
 - Landscaping and open space of viewing and galleries


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- Jetties construction & Improvement for passengers facilities from Gate way of India, Nariman point and other suitable points
- Common facilities such as cafeteria, lavatories, stalls, facilities officers etc
- Security installation for safety, disaster management system etc
- Treatment and environment safeguards facilities

National Institute of Oceanography (NIO) representative informed that there will be no impact of waves on surrounding shoreline, since the project site is an offshore island. Further, a wall will be built around the site to fortify it from the natural disaster.

4 After deliberations on the proposal, the Authority observed the followings:

- As per the proposal, 3000 people per day are expected for visit at proposed site. The Authority anticipated that the figure of 3000 people per day seems to be estimated on lower side, since the project would be a place of prime attraction as it involves aquarium & dolphinarium & other recreational facilities for the people coming from all over the world. project proponent has carried out EIA and other studies taking into consideration 3000 no of people per day would visit the site. However, considering the fact that at 'Swami Vivekananda Rock' at Kanyakumari situated in the Arabian Sea, which attracts about 8000-10000 people per day, this project would also attract much more people, than expected. The proponent needs to determine no. of people that would visit the site per day and peak hour load at any of time at the site which should be backed by the appropriate studies. Crowd dispersal plan at Gate way of India is necessary.
- NIO has done their part of EIA & EMP studies. However, NEERI is yet to submit the report on EIA. Marine ecological studies done by NEERI are inadequate. Project proponent and the representative of NEERI assured the submission of report at earliest. Authority observed that this EIA & EMP studies should be modified based on no. of people visiting the site per day & peak hour load at any time at the site.
- Traffic management studies are being done by NEERI on the basis of the projected visitors made by the PWD. Authority observed that traffic dispersal plan & parking enhancement plan should be studied properly as a part of traffic management studies.
- Proponent need to submit the plan for emergency evacuation during natural / man made calamity with required infrastructure stating time required for complete evacuation including safe landing under bad weather conditions, jetty facility etc. in consultation with an expert agency.


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- Plan for the security and safety of monument & people visiting the site.
- In the concept plan, helipad is proposed in front of the monument, Authority observed that this will pose risk to the structural stability of the monument due to vibrations generated by plying helicopters near the site.

The Authority after detailed discussion and deliberation suggested following additional studies –

- a. Ecological / biodiversity loss due to proposed activity and mitigation measures for the same need to be studied.
- b. Study impact of proposed activity on fishing and allied activities. NoC from the Dept of Fisheries would be mandatory.
- c. Anticipating the historical, social and cultural significance of the proposal so also the attractions for tourists, frequency of boats per day would certainly increase manifold at the site due to proposed activity. Therefore, boats powered by gas instead of diesel / petrol should be used, to mitigate the coastal water pollution.
- d. PWD may constitute a multidisciplinary technical team comprising members from NIO, CWPRS, fisheries etc, as a coordination committee who will monitor the work entrusted to expert agencies doing the concerned / relevant studies.

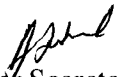
The Authority found that the proposed activities of the proposal falls in CRZ IV & CRZ I areas and also involves reclamation. Proposal involves installation of monument along with other facilities on rock out crop situated in CRZ IV area. Provisions of CRZ IV are silent on permissibility of the proposed activities.

The Authority in principle agreed to the project subject to submission of required information as observed by the Authority and resolved as below:

MCZMA recommends to MoEF to consider special dispensation under CRZ Notification, 2011 for the 'proposal of installation of Chhatrapati Shivaji Maharaj Statue and Memorial in the Arabian Sea at Mumbai' as a permissible activity. MoEF to delegate the powers to MCZMA under CRZ Notification, 2011 to recommend the project from CRZ point of view to project proponent / planning Authority at state level.

The Authority decided to send the above said resolution to MoEF, without waiting for confirmation of the minutes in the next meeting, for its consideration at the earliest.


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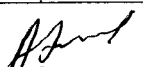
Item No. 2: CRZ clearance for Kharland schemes – Kharland Development Circle,
Govt of Maharashtra

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

1. Earlier Ministry of Environment and Forest (MoEF), Government of India accorded Environmental Clearance to the 165 Khar Land Development Projects as per Coastal Regulation Zone Notification, 1991 subject to the general and specific conditions vide letter No. J/ 170011/(32)2001-1A-III dated 22nd August, 2003.
2. Further, the matter of 52 nos. of Kharland schemes was considered in the 76th and 78th Meeting of MCZMA held on 30.7.2012 and 3.11.2012 respectively and the Authority after deliberation decided to recommend the matter to MoEF for appropriate decision in the matter in 78th meeting.
3. Now, new proposals are forwarded by Khar Land Development Circle (KLDC) Thane, irrigation Department, and Government of Maharashtra for requesting exemption of Kharland schemes from Coastal Regulation Zone Notification, 2011.
4. Details of new proposed Khar Land schemes are as follows:

Sr. No	Name of Scheme	Taluka	Actual proposed area (Ha.)	Area with exemption from CRZ norms (Ha)	Additional area for which CRZ exemption is required (Ha)	Mangrove area in Ha	Length of the Bund (Meter)
A.	Raiagad District						
1	Koprol	Pen	208.38	-	-	-	5740
2	Narangi	Alibag	415	-	-	-	3845
3	Varathi chimbave	Mahad	102.839	-	-	-	1485
4	Phanasapur Kurdu	Alibag	260	-	-	-	4500
5	Nandgaon Mazgaon	Murud	90	-	-	-	1200
6.	Kondye		60	-	-	-	2520
7.	Sanegaon	Roha	63	-	-	-	1160
8	Khopata Koporoli	Uran	702	-	-	-	7240
9	Kandawada	Mhasala	61.399	-	-	-	1110


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	(old)						
10	Kandawada (new)	Mhasala	231.305	-	-	-	8610
11	Kudgaon - Harvit	shriwardhan	77.422	-	-	-	1320
12	Yashwanti	Shriwardhan	438.759	-	-	-	2010
13	Palas	Roha	200	-	-	-	2880
14	Government land survey	Alibag	0.91	-	-	-	
B.	Ratnagiri District						
15	Warawade	Ratnagiri	49.17	-	-	-	990
16	Guhagar Khalcha	Guhagar	29.043	-	-	-	145
17	Phungus	Sangmeshwar	55	-	-	-	1780
18	Pomendi	Ratnagiri	70	-	-	-	2460
19	Tavasal	Sangmeshwar	18.768	-	-	-	390
20	Manjare	Sangmeshwar	137	-	-	-	3210
21	Jambhulwa di	Chiplun	84.115	-	-	-	2115
22	Tonade	Ratnagiri	22	-	-	-	200
23	Medhe	Sangmeshwar	16	-	-	-	750

Project proponent presented that the purpose of the kharland scheme is protection of coastal lands from the ingress of saline water by construction and maintenance of embankments, to make available the land for agricultural activities. Earlier, the MoEF under CRZ notification, 1991 had issued Environment clearance to 165 kharland schemes.

The Authority noted that as per para 3 (iv)(d) of CRZ Notification, 2011 "measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on studies carried out by any agency to be specified by MoEF" is a permissible activity.

In view of above, the Authority after detailed discussion and deliberation, decided that for installation of tidal shutters or structures for prevention of salinity ingress, studies need to be carried out by any agency to be specified by MoEF. After the submission / report of said studies, the matter could be taken up for deliberation and decision.


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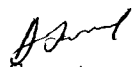
Item No. 3: Proposed construction of RCC Nalla from Laxmi Park towards Khadi (Part-II) by Mira Bhayandar Municipal Corporation(MBMC)

The matter was considered in the 87th MCZMA meeting held on 20th & 21st January 2014, wherein the Authority noted the followings:

1. The Mira Bhayandar Municipal Corporation (MBMC) forwarded the proposal regarding above mentioned subject vide its letter dated 9.1.2013.
2. Proposed construction of Nalla is from Lakshmi Park towards khadi (part II) at survey number 270, part Mauje Navghar.
3. As per submitted information the plot under reference falls in public/ semi public zone.
4. As per submitted information the plot under reference falls in CRZ- III
5. The MCZMA vide letter dated 11.8.2013 requested to MBMC for certain information. Accordingly, MBMC submitted its point wise reply vide letter dated 5.12.2013.
 - CRZ map superimposing with project layout has been submitted. As per the said CRZ map, proposed construction of RCC Nalla falls in CRZ – III area.
 - Details of proposed construction of Nalla -
 - a. Total Length of Nalla = 589 m
 - b. Width of Nalla = 3 and 4 m
 - c. Height of Nalla = 2.75 m
 - d. Length of permission of Nalla = 190 m
 - Purpose of Construction / renovation of the existing Nalla
 - a. To improve the hygienic condition adjoining to Nalla
 - b. To carry out maximum discharge during monsoon
 - c. To avoid water logging
 - d. To facilitate day to day cleaning
 - e. To beautify the surrounding area

During the 87th meeting, the Authority after deliberation decided to make a site visit to the spot. Accordingly, the MCZMA members visited the site on 21st January, 2014. MCZMA members observed that MBMC has proposed the construction of RCC Nalla, for carrying the storm water drainage from the surrounding low lying area to the main creek to discharge storm water so as to avoid water logging problems. Total Length of proposed Nalla is 589 m. Proposed Nalla will have outfalls in creek-let, which will finally meet the main creek. During the visit, it was observed that MBMC has carried out RCC nalla construction upto CRZ area. This Nalla was also found covered on the top of the RCC slab. Preliminary ground work for proposed RCC Nalla was observed in some part of CRZ area. Sewage is observed in the water course of creek-let, which indicated that sewage from the surrounding areas is being discharged into the creeklet through the said Nalla. Along the creeklet mangroves were also observed. There is kaccha road going towards main creek parallel to Nalla, reportedly being used by fishermen which has already divided the mangrove patches. Due to this, poor


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circulation of creek water is observed in the mangroves patches. MBMC officials informed that kaccha road is made by the local villagers. Presence of sewage in the Nalla shows that sewer lines of the area are connected to the Nalla which is proposed to be constructed for carrying storm water drain. If these sewer lines are not disconnected, proposal to discharge only storm water drain through the Nalla into the creek will be defeated, instead untreated sewage will be discharged into the creek, which would amount to violation of CRZ Notification, 2011. Site visit report of the MCZMA members was taken on record.


After detailed discussion and deliberation, the Authority decided to recommend the proposal to MBMC from CRZ point of view subject to following conditions-

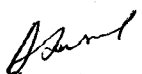
1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/clarifications given by MoEF from time to time.
2. MBMC shall ensure that sewer lines carrying sewage generated from surrounding residential establishments are disconnected with the Nalla so that sewage will not be discharged into the creek water. The work of disconnection of sewer line with the Nalla needs to be done prior to construction of RCC Nalla for carrying storm water only.
3. Construction of RCC Nalla in CRZ area should be upto the point where, there are no mangroves at present, as proposed and committed by the proponent.
4. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Item No.4: Proposed construction of Nalla & Market at Uttan by Mira Bhayander Municipal Corporation (MBMC)

The matter was considered in the 87th MCZMA meeting held on 20th & 21st January 2014, wherein the Authority noted the followings:

1. The Mira Bhayandar Municipal Corporation (MBMC) forwarded the proposal regarding above mentioned subject vide its letter dated 9.1.2013.
2. Proposed construction of Nalla & Market at S.No. 31, Uttan village by MBMC
3. As per submitted information the plot under reference falls in Nalla / Water body.
4. As per submitted information the plot under reference falls in CRZ- I (ii) i.e. Non mangrove intertidal area.
5. The MCZMA vide letter dated 11.9.2013 requested to MBMC for certain information. Accordingly, MBMC submitted its point wise reply vide letter dated 5.12.2013.
6. CRZ map superimposing with project layout has been submitted. As per the said CRZ map, proposed construction of RCC Nalla falls in CRZ - I(ii) area.
7. Details of proposed construction of Nalla & Market -
 - a. Total Length of Nalla & Market = 100 m.


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- b. Width of Nalla = 15 m
 - c. Height of Nalla = 3 m
 - d. Length of permission of Nalla & Market = 100 m
8. Construction/renovation of the existing Nalla & market
- a. The portion of Nalla passing through Market area will be utilized by providing slab / cover for market purpose.
 - b. To improve the hygienic condition adjoining to Nalla.
 - c. To carry out maximum discharge during monsoon.
 - d. To avoid water logging.
 - e. To facilitate day to day cleaning.
 - f. To beautify the surrounding area.

The Authority after deliberation decided to make a site visit to the spot. Accordingly, the MCZMA members visited the site on 21st January, 2014. MCZMA members observed that MBMC has proposed construction of Nalla & redevelopment of market at S. No. 31, Uttan village. Total Length of Nalla proposed is 100 m. Team observed that existing nalla is untrained and is in unhygienic condition containing sewage. Old fish & meat market is abutting the Nalla at one side and existing road on other side. MBMC has informed that Nalla will be trained and covered for about 100m. Existing road which is at present highly congested will be widened by shifting the revamped old fish market on the Nalla covered from the top.

The Authority concurred with the recommendation made by the MCZMA members that MBMC may propose training of Nalla & revamping of Fish & Meat market. However, shifting of Fish & Meat market on the Nalla by covering it, is not permitted as it would preclude access for easy maintenance of the nalla. Nalla should be kept open for its easy maintenance. MBMC may propose a bridge on Nalla which will serve as one way road for the public. The existing road abutting fish & meat market will serve as one way road for opposite traffic. MBMC shall ensure that all the sewage from the market is treated before it is discharged into the creek.

After detailed discussion and deliberation, the Authority decided to direct the MBMC to submit a revised proposal of development at the mentioned site, in line with above said recommendations made by MCZMA members.

Item No. 5: Widening of existing NH- 4B (A1-E Section from km 3.600 to 27.270, D-G Section from km 0.000 to km 4.462) SH-54 (from km 5.300 to km 14.850) and Amra marg (from km 0.000 to km 6.200) to 6/8 lanes on boundaries of proposed Navi Mumbai International Airport in the State of Maharashtra to be executed as BOT (Toll) project on DBFOT Pattern by Mumbai JNPT Port Road Company Limited


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

1. The Mumbai JNPT Port Road Company Limited has proposed the Widening of existing NH- 4B (A1 -E Section from km 3.600 to 27.270, D-G Section from km 0.000 to km 4.462) SH-54 (from km 5.300 to km 14.850) and Amra marg (from km 0.000 to km 6.200) to 6/8 lanes on boundaries of proposed Navi Mumbai International Airport in the State of Maharashtra to be executed as BOT (Toll) project on DBFOT Pattern.
2. Tentative length of proposed individual widening options along with the project corridor-

Sr. No.	Widening Option	Total Length (Km)
1	Concentric Widening	33.062
2	Eccentric Widening with Reconstruction	1.600
3	Flyover & VUP	9.250
	Total length	43.912

- The Existing and proposed features of the project-

Sr. No.	Particulars	Existing(km)	Proposed (Km)
1	Road length	43.012	41.912
2	Carriageway (in general)	Four Lane Divided	Six / Eight lane
3	Right of Way	50 - 102 m	30m in 6 lane and 66m in 8 lane
4	Bypasses	0	0
5	At grade junctions	31	0
6	Flyover	0	8 + 1
7	ROB	3	8
8	Vehicular Underpass	7	8
9	Interchange	Nil	4
10	Service Road	Nil	72.154 km
11	Bus Stops (Both Side)	16	16
12	Truck Lay bye	0	0
13	Toll Plaza	3	3
14	Major Bridges	3	3
15	Minor Bridges	12	12
16	Culverts	113	113


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- Proposed RoW Width-

Sr. No.	Road Name / No.	From (km)	To (Km)	Length (Km)	Proposed RoW (m)
1	NH - 4B (A1 - E)	3.600	15.000	11.400	60
2	NH- 4B (A1 - E)	15.000	27.270	12.270	66
3	NH - 4B(D -G)	0.000	4.492	4.492	66
4	SH- 54	5.300	14.850	9.550	60
	Amra Marg	0.000	6.200	6.200	66
Total Length of Project Roads (in Km)				43.912	

- The Project proponent submitted the Environment Impact Assessment report and EMP for the proposed project.
3. As per CZMP submitted by Project Proponent, the proposed alignment falls in CRZ-I, II and IV area.

MCZMA vide letter dated 21.09.2013 requested Mumbai JNPT Port Road Company Ltd, for certain information. Accordingly, Mumbai JNPT Port Road Company Ltd, submitted its reply vide letter dated 27.12.2013.

- CRZ Map with superimposing project layout has been submitted.
- Details of the proposed alignment i.e. length, area etc, in the CRZ - I, CRZ-II and CRZ-IV area and non CRZ area.

Length and Area of Alignment in Each CRZ Area										
Sr. No.	Name of Road	Section No. (on Key Plan)	CRZ - 1		CRZ - 2		CRZ - 3		CREEK	
			Length (m)	Area (Sq.m.)	Length (m)	Area (Sq.m.)	Length (m)	Area (Sq.m.)	Length (m)	Area (Sq.m.)
1	AMRAMARG	1	143	2494	460	10627	780	17277	737	11839
2	AMRAMARG	2	450	12146	265	9185	840	73617	-	-
3	AMRAMARG	3	-	-	-	-	1700	52977	-	-
4	NH - 4B (A1 - E Section)	4	-	-	-	-	2195	92146	-	-
5	NH - 4B (A1 - E Section)	5	168	2036	1723	30682	886	11111	-	-
6	NH - 4B (A1 - E Section)	6	61	1912	316	11544	1753	38045	77	3193
7	NH - 4B (A1 - E Section)	7	-	-	-	-	1048	39413	-	-
8	NH - 4B (A1 - E Section)	8	-	-	-	-	-	-	-	-
9	NH - 4B (A1 - E Section)	9	-	-	-	-	-	-	-	-
10	NH - 4B (A1 - E Section)	10	-	-	-	-	-	-	-	-
11	NH - 4B (A1 - E Section)	11	-	-	-	-	1605	57875	-	-
12	NH - 4B (A1 - E Section)	12	-	-	-	-	-	-	-	-
13	NH - 4B (A1 - E Section)	13	-	-	-	-	-	-	-	-
14	NH - 4B (D - G Section)	14	105	3687	408	14004	1030	26913	135	4867
15	NH - 4B (D - G Section)	15	-	-	-	-	2493	159923	-	-
16	SH - 54	16	-	-	-	-	2444	67376	-	-
17	SH - 54	17	-	-	-	-	1920	54285	-	-
18	SH - 54	18	-	-	-	-	-	-	-	-
19	SH - 54	19	-	-	-	-	-	-	-	-
GRAND TOTAL			927	22275	3172	76042	18694	690958	949	19899

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3. Area of Mangroves affected and Mangrove Re plantation Plan

Area of Mangroves Affected by Proposed Project					
Sr. No.	Name of Road	Section No. (on Key Plan)	Area in (Sq.m.)		
			Left Side	Right Side	Total Area
1	AMRAMARG	1	3835	6197	10032
2	AMRAMARG	2	12529	22395	34924
3	AMRAMARG	3	-	-	-
4	NH - 4B (A1 - E Section)	4	10690	11490	22180
5	NH - 4B (A1 - E Section)	5	17561	33507	51068
6	NH - 4B (A1 - E Section)	6	24793	11572	36365
7	NH - 4B (A1 - E Section)	7	-	-	-
8	NH - 4B (A1 - E Section)	8	-	-	-
9	NH - 4B (A1 - E Section)	9	-	-	-
10	NH - 4B (A1 - E Section)	10	-	-	-
11	NH - 4B (A1 - E Section)	11	-	-	-
12	NH - 4B (A1 - E Section)	12	-	-	-
13	NH - 4B (A1 - E Section)	13	729	666	1395
14	NH - 4B (D - G Section)	14	15764	17736	33500
15	NH - 4B (D - G Section)	15	1020	2647	3667
16	SH - 54	16	10130	20619	30749
17	SH - 54	17	-	-	-
18	SH - 54	18	-	-	-
19	SH - 54	19	-	-	-
GRAND TOTAL AREA in (Sq.m.)					223880
GRAND TOTAL AREA in (Hectare)					22.388

4. Details of construction of proposed alignment in CRZ area are submitted.

The Authority noted the notification dated 22nd August, 2013 issued by MoEF, which is an amendment in Sub-item (f) of item 7, in column (3) of EIA Notification, 2006 requiring to obtain EC:

"Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40 m on existing alignment and 60 m on re-alignment or bypass".

The Authority noted that subject proposal doesn't attract above said MoEF's notification dated 22nd August, 2013.

After detailed discussion and deliberation, the Authority decided to recommend the proposal to MoEF subject to following conditions-

- 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 from time to time.
- Prior High Court permission shall be obtained as mangroves will be affected. Proponent shall ensure that minimum number of Mangroves will be affected.
- Mangroves re-plantation plan should be submitted by the proponent and implemented.
- No reclamation in CRZ areas is allowed.
- Construction debris shall not be disposed in the CRZ area.
- Environment management plan shall be implemented properly for protection of environment in CRZ area.
- All precautionary measures should be taken during construction phase for maintenance of CRZ area.


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Item No. 6: Proposed Maintenance dredging works to clear Navigational water ways and the Channels of the Creek and rivers of the Thane District

Authority noted the details of the proposal which is as follows-

- The Additional Collector, Thane has proposed routine dredging works for the Maintenance and Clearing of the Navigational waterways and Channels in the rivers and creeks (in 8 parts) in the district of Thane. It is mentioned that this is an annual activity through Maharashtra Maritime Board. Due to paucity of the funds the dredging work is out sourced by part wise auctioning to private dredging contractors.
- The rivers and creeks in the district of Thane have been divided in 4 parts. The name of each part and the total length to be cleared for water ways in each part is depicted in the table below.

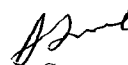
Sr. No.	Name of the part	Total length (km)
1	Part I Vasai Creek	28.80
2	Part II a. Ulhas Creek b. Thane Creek c. Surya Creek	9.75 7.0 6.0
3	Part III Vaitarna river	20.40
4	Part IV a. Vaitarna river b. Tansa river	23.75 1.0

Total length = 96.7 km

Total sand to be dredged = 2570327 cum

- The project involves maintenance, dredging of waterways / navigational route in the river & creeks of Thane district. The salinity concentration of the tidal effect in the area is >5 ppt. The said project is in CRZ IV. The dredged material will not be dumped into the sea or any marine area at all but the dredged material will be used for various construction purposes. Draft Environmental Impact Assessment report (June 2013), Bathymetric Charts & CZMP showing project site for proposed project has been submitted.
- NOC from MMB-
The Maharashtra Maritime Board has granted NOC for Dredging in 1) Vasai Creek, from Vasai Creek Entrance to Kasheli bridge & Kamwadi River, 2) Vashi


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Creek to Salt Bunder, 3) Vaitarana River from Datiware to Khamboli & Tansa River – Khardi, 4) Ulhas River from kasheli Bridge to kalian – Devrungpada (Kalu Sangam) in District Thane vide letters dated 27.9.2012.

• Areas included in the Project-

The rivers and creeks in the Thane district are divided into 4 parts for convenience of the movement of the vessels and also for excavation and disposal of sand on the landward side for its further distribution for the construction purpose. The details of the parts are as given below:

PART I

VASAI CREEK

The locations included in the stretch are:

- Vasai creek entrance to Highsand bar
- Highsand bar to Pachubandar
- Vasai Pachubandar to Panaju Bet (North- Western Part)
- Vasai Pachubandar to Panaju Bet (South- Western Part)
- Railway bridge to Panaju island east
- Railway bridge to Panaju island east (South channel)
- Panaju island to High Tension P.L. (North Channel)
- Panaju island to High Tension P.L. (South Channel)
- High Tension P.L. to Ghodbunder road bridge
- Ghodbunder to Gaimukh Bandar
- Gaimukh bander to Kamvadi river (Waghbil)
- Kamvadi river to Kasheli bridge
- Kamvadi river entrance to railway bridge


The stretch of Vasai creek is about 20.80 km.

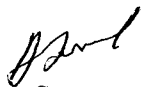
The width of the Creek is 100 m

PART II A - ULHAS RIVER

The locations included in the stretch are:

- Kasheli bridge to Mumbra
- Dombivali bander to Thakurli Power House
- Thakurli Power House to Kalyan Durgadi fort
- Kalyan MIDC pipeline bridge to Umbarde
- Umbarde to Kalu river Sangam


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The stretch is about 9.75 km. The width of the river is 100 m

PART II B THANE CREEK

The stretch of Thane Creek is about 7.0 km.

The locations included in the stretch are:

- Vashi bridge to Ghansoli gaon
- Ghansoli gaon to Thane salt Bandar (Part A)
- Ghansoli gaon to Thane salt Bandar (Part B)

PART II C SURYA RIVER

The stretch of Surya river is about 6.0 km.

The locations included in the stretch are:

- Vishrampur to Khadkoli
- Khadkoli to Vasare
- Dhuktan to Masvan Bandhara
- Masvan Bandhara to Lovare

PART III VAITARNA RIVER

The stretch of Vaitarna river from Dativare to Haloli is about 20.40 km.

The locations included in the stretch are:

- Dativare to Mharambal pada
- Mharambal pada to naringi bandar
- Naringi bandar to Shirgaon
- Shirgao Khadi to Vadhiv island
- High tension P.L. to Doliv bandar
- Doliv Bandar to Vadiv Vaitipada island
- Vadiv Vaitipada island to Tansa river sangam
- Kandre bhure Reti Bandar area
- Khamloli to Bahadoli
- Bahadoli to dhuktan
- Bahadoli/ Bot to Pochade/ Haloli


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PART IV
A VAITARNA RIVER

The stretch of Vaitarna river from Saya to Sonave is about 23.75 km.

The locations included in the stretch are:

- Saya to Haloli
- Dreses to Saya
- Sakhare to Dahisar
- Uchavali to Pargaon
- Lal Thane to Vishrampur
- Kandarvan to Vadhiv island north side
- Vadhiv island north side to Navghar
- Umderpada to island resort to darshet
- Darshet to Dahivale
- Dahivale to Sonare Agripada

PART IV
B TANSAR RIVER

This part covers a length of about 1 km from Tansa river sangam to Khardi reti bundar

The Authority noted that as per para 3(x) (a) of CRZ notification, 2011 as amended till date, Mining of sand, rocks and other sub-strata materials is a prohibited activity except those rare minerals not available outside the CRZ area, and collection of dead shells by the traditional communities for poultry and animal feed supplements. However, as per para 3 (iv) (c) "maintenance or clearing of waterways, channels and ports, based on EIA studies" is a permissible activity.

The Authority observed that there should not be sand dredging driven activity. MMB should ensure that the proposal primarily aims for maintenance dredging for clearing of waterways. Authority enquired about the Environment Management Plan and its monitoring mechanism along with allocation of specific funds for the same.

Chief Executive Officer, MMB and Collector, Thane presented their views in the subject matter. CEO, MMB presented that the maintenance dredging for clearing of waterways is required for the plying of fishing boats of local fishermen communities and cargo and passenger boats. MMB decides the location and depth for the dredging (depth upto about 2.5 to 3 m) depending upon the bathymetric chart of the area. MMB has provided baseline survey to collector office. Dredging activity and its auction of the material will be carried out by District collector. Bathymetric studies will be done periodically.


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Collector presented that there is no specific budget for Environment Management Plan and there is no monitoring mechanism in place. However, there is Government resolution of Revenue Dept, GoM wherein the some financial provision has been made with regard to Environment management. After obtaining CRZ approval from the competent Authority, Collector would seek budget from Revenue Dept, GoM.

Authority observed that MMB will have to carry out strict monitoring of dredging activity to ensure that it is not sand mining driven activity and aims for clearing navigational channel by maintenance dredging. Bathymetric studies need to be carried out for pre and post dredging activity. Authority stressed the need to have sound environment management and monitoring plan with specific budget allocated for it. Further, Rapid EIA submitted by the proponent is not adequate with regard to EIA studies on marine ecology. Authority felt that additional studies on marine ecology needs to be submitted by the proponent.

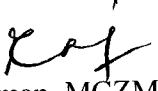
Authority discussed the matter at length and after detailed deliberations decided to direct the project proponent to submit the following details –

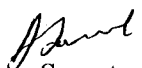
1. Additional EIA studies for marine ecology
2. Definite plan for the mud/sludge (non sand material) disposal
3. Certification by MMB to ensure that project involves maintenance dredging activities only and specific plan for monitoring of maintenance dredging activity.
4. Environment Management Plan and Environmental monitoring programme for the project with specific budget provisions and allocation.
5. Plan for mitigating water pollution due to possible oil spillage.

Item No. 7: Proposed maintenance dredging works to clear Navigational water ways and the channels of the creek and rivers of the Raigad District.

Authority noted the details of the proposal which is as follows-

- The Additional Collector, Raigad has proposed routine dredging works for the maintenance and clearing of the navigational waterways and channels in the rivers and creeks (in 8 parts) in the district of Raigad. Total Stretch of the water body in the Raigad District is approximately 324.2 Km. In this stretch maintenance dredging has to be carried out facilitating easy movements of the barges / fishing boats / boats used for local transportation. The total quantity of material that would be excavated is approx. 1634497 cum.
- The rivers and creeks in the district of Raigad have been divided in 8 parts. The name of each part and the total length to be cleared for water ways in each part is depicted in the table below.


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Sr. No.	Name of the part	Approximate length(km)	Average Width (m)
1	Part – I Savitri River – Bankot creek	55.9	8.5
2	Part –II Kal river	18.5	3.0
3	Part – III Rajpuri creek	48.7	5.0
4	Part –IV Kundalika river	42.5	4.0
5	Part –V Nagaon creek	15.5	3.0
6	Part –VI Dharmatar creek	95.3	3.0
7	Part –VII Dadar Vasheni Rave creek	31.4	3.0
8	Part –VIII Ulwa creek	16.4	

The project involves maintenance, dredging of waterways / navigational route in the river & creeks of Thane district. The Channels falls in CRZ IV. The disposal of sand is on the landward for its further distribution for the construction purpose. Environmental Impact Assessment report has been submitted by Project proponent.

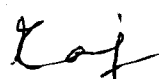
- CRZ Details –


As per coastal landuse maps with superimposing project layout submitted project proponent, the area under reference falls in water area (i.e. CRZ-IV)

- NOC from Maharashtra Maritime Board-

Maharashtra Maritime Board has granted No Objection certificate vide letter dated 19.12.2013, 27.12.2013, 7.1.2014

- Areas included in the Project-


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PART - I SAVITRI RIVER - BANKOT CREEK

The locations included in the stretch are the entire stretch of Savitri river to the mouth of Bankot creek. The regions included are:

Bankot - Shipole - Umroli jetty - Adi jetty - Toradi - Kudgaon - Peve - Ambet - Gomendi - Varathi - Dabhol jetty - Sape village - Jui jetty - Dasgaon - Sav-Mahad village.

PART - II KAL RIVER

The stretch of Kal River is about 18.5 km. The locations included in the stretch are:

Sape - Tolbudruk - Tolkond - Devli-1 - Devli-2 - Devli - Kachale-1
Kachale-2 - Kachale-3 - Kachale - Goregaon1 - Goregaon2- Vadavli- Wadagon

PART - III RAJPURI CREEK

The stretch of Rajpuri Creek is about 48.7 km. The locations included in the stretch are:

Tolekhar - Savli - Khamed - Mithagar - Varda- Mandad-1 - Rovla - Buddawadi - Vashi Haveli - Majgaon - Tamhane - Varda-Mandad2 - Varda - Munbol-Mandad - Munbol - Bhalgaon-Mandad - Bhalgaon - Mendadi

PART - IV REVDANDA CREEK/ KUNDLIKA RIVER

The stretch of Revdanda Creek/ Kundlika River is about 42.5 km. The locations included in the stretch are:

Revdanda bridge- Agrav - Divi Parangi - Bhonang-1 - Bhonang-2 - Bhonang - Bhagwadi - Mithekhar - Vaghulwadi - Amali - Yesde - Shirgaon - Valke - Satirde - Tadgaon - Chordhe - Talekhar - Karanjvira - Yashwantkhar - Sanegaon - Vavepotge Vavepotge-1 - Vavepotge-2 - Shenvai - Zolambe-1 - Zolambe-2 - Zolambe Khar Apti-1 - Khar Apti-2 - Kar Apti - Padam - Roha village Ghataav

PART - V NAGAON CREEK

The stretch of Nagaon Creek is about 10 km. The locations included in the stretch are:

Entrance-Nagaon - Navedarbeli - Nagaon-Navedarbeli - Sahan Gothi - Navegaon Raiwadi - Davale - Alibaug

PART-VI DHARAMTAR CREEK

The stretch of Dharamtar Creek is about 77.7 km. The locations included in the stretch are:

Dehankoni - Kachle - Pitkiri-Kusumble - Kusumble - Hemnagar - Jui Abbas Khani Navkhar - Kurdus-Nigde-1 - Kurdus Nigde-2 - Nigde - Chole - Gandhe - Zotirpada Bense -

PART-VII DADAR-VASHENI-RAVE CREEK


The stretch of Dadar-Vasheni-Rave Creek is about 20.0 km. The locations included in the stretch are

Vasheni - Punade-1 - Sonkhar - Urnoli - Punade-2 - Punade - Kelavne - Sai-1 - Sai-2 Rave - Davre - Kalve-1 - Kalve-2 - Kalve - Dadar Bandar

PART-VIII ULWA CREEK (IN RAIGAD DISTRICT)

The stretch of Ulwa Creek (In Raigad District) is about 10 km. The locations included in the stretch are:

Pargaon - Vagheri - Ganeshpuri - Vaghiwali - Jui - Kamothe - Chinchpada


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The Authority observed that as per para 3(x) (a) of CRZ notification, 2011 as amended till date, Mining of sand, rocks and other sub-strata materials is a prohibited activity except those rare minerals not available outside the CRZ area, and collection of dead shells by the traditional communities for poultry and animal feed supplements. However, as per para 3 (iv) (c) "maintenance or clearing of waterways, channels and ports, based on EIA studies" is a permissible activity.

The Authority observed that there should not be sand dredging driven activity. MMB should ensure that the proposal primarily aims for maintenance dredging for clearing of waterways. Authority enquired about the Environment Management Plan and its monitoring mechanism along with allocation of specific funds for the same.

Chief Executive Officer, MMB and Collector, Thane presented their views in the subject matter. CEO, MMB presented that the maintenance dredging for clearing of waterways is required for the plying of fishing boats of local fisherman communities and cargo and passenger boats. MMB decides the location and depth for the dredging (depth upto about 2.5 to 3 m) depending upon the Bathymetric chart of the area. MMB has provided baseline survey to collector office. Dredging activity and its auction of the material will be carried out by District collector. Bathymetric studies will be done periodically.

Collector presented that there is no specific budget for Environment Management Plan and there is no monitoring mechanism in place. However, there is Government resolution of Revenue Dept, GoM wherein the some financial provision has been made with regard to environment management. After obtaining CRZ approval from the competent Authority, Collector would seek budget from Revenue Dept, GoM.

Authority observed that MMB will have to carry out strict monitoring of dredging activity to ensure that it is not sand mining driven activity and aims for clearing navigational channel by maintenance dredging. Bathymetric studies need to be carried out for pre and post dredging activity. Authority stressed the need to have sound environment management and monitoring plan with specific budget allocated for it. Further, Rapid EIA submitted by the proponent is not adequate with regard to EIA studies on marine ecology. Authority felt that additional studies on marine ecology needs to be submitted by the proponent.

Authority discussed the matter at length and after detailed deliberations decided to direct the project proponent to submit the following details –

1. Additional EIA studies for marine ecology
2. Definite plan for the mud/sludge (non sand material) disposal
3. Certification by MMB to ensure that project involves maintenance dredging activities only and specific plan for monitoring of maintenance dredging activity.


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4. EMP plan and Environmental monitoring programme for the project with specific budget provisions and allocation.
5. Plan for mitigating water pollution due to possible oil spillage.

Item No. 8: Construction of UG Tank with Pump Room behind Helipad near Banjara Samaj, Punarvasit Ambedkar nagar, S.No. 658, Colaba, Mumbai

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

1. MHADA vide letter dated 2.1.2014 has forwarded a proposal of "Construction of UG Tank with Pump Room behind Helipad near Banjara Samaj, Punarvasit Ambedkar nagar, S.No. 658, Colaba, Mumbai"
2. As per approved CMZP of Mumbai, the land under reference falls in CRZ -II.
3. Construction of underground water tank & pump-room is for providing basic amenities to the local residents.
4. Collector, City vide letter dated 25.10.2013 has granted NOC for the construction of water tank subject to certain conditions. Said letter of District Collector, City has mentioned that while inspecting the site, construction of water tank is observed.

Authority enquired the status of the construction on site under reference. Proponent informed that approximately 30% work has been completed on the site. Authority observed that said completed construction is without prior CRZ recommendation from MCZMA under CRZ Notification, 2011. Further complaint is also received from Shri Mehboob Khan of Colaba Mumbai by letter dated 12.12.2012 about this project.

After detailed discussion and deliberations, the Authority decided that this is a case of violation of CRZ Notification, 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi.

Item No. 9: Proposed reconstruction of existing 'Sea Rock Hotel' on plot bearing CTS No. B/1150, B/1153, B/1155 and B/1156 at village Bandra, Mumbai.

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


1. The CRZ Clearance to the reconstruction of Sea Rock Hotel was issued first by the MOEF vide letter No. 11-128/ 2008-IA-III dated 17th March 2009, with an FSI of 2.49. The location was shown as CRZ II by the MCGM as per the approved Coastal Zone Management Plan (CZMP). This was recommended by the MCZMA, after which the MoEF considered the proposal and issued the clearance. The MCGM also issued the commencement certificate based on this clearance.


Chairman, MCZMA


Member Secretary, MCZMA

2. The Proponent submitted a revised proposal for CRZ clearance after being granted an additional FSI of 3 by the State Govt. (Urban Development Department.). The matter was considered in its 57th and 58th meeting of MCZMA held on 16th October 2009 and 4th December 2009 respectively. The proposal was recommended to MoEF vide letter dated 14.12.2009.
3. Proposal was referred back in July, 2011 to the MCZMA for re examination in accordance with the new CRZ Notification 2011. The MOEF also directed that a speaking order justifying the allotment of extra FSI by the Urban Development Department needs to be provided. The MCZMA examined the proposal in its 75th meeting dated 15th May, 2012, and as per the decision taken in the said meeting, MCZMA sent a file vide office note dated 8.10.2012 to UDD with a request to provide justification for the additional FSI in the subject proposal.
4. UDD sent a note dated 20.9.2011 informing that there was no such procedure for issuing of speaking order. The note dated 25.9.2011 of UDD further states that the Hotel Approval Committee has considered the following facts:
 - (1) Number of rooms are not going to increase substantially, since the bulk of FSI will be used up for convention centre / meeting halls.
 - (2) The hotel will provide sufficient parking in the ground and basement levels for the increase in traffic.
 - (3) The Bandra - Worli Sealink will have a landing on the seaward side of the hotel, thereby easing the traffic conjunction likely to occur.
5. MCZMA wrote on 29.4.2013 to Municipal commissioner, MCGM requesting to provide comments of the MCGM in view of the affidavit filed by the MCGM in the matter.
Further, MCZMA communicated to principal Secretary, UDD vide letter dated 19.4.2013 to provide following information-
 - a. An update on the Bandra-Worli Sea Link's landing on the seaward side of the hotel with proposed dated of commissioning
 - b. comments on the affidavit filed by the MCGM in the PIL and permissibility of DCR 1967
6. The matter was again deliberated in 82nd meeting of the MCZMA held on 10.6.2013. Based on the decision taken in the said meeting, the Authority wrote letters dated 29.7.2013 to-
 - MCGM to provide information/comments in view of the affidavit filed by MCGM in the subject matter. This was with reference to the applicability and permissibility of DCR 1967 & the provisions provide for parking requirement.
 - UDD to provide the information on certain points, as mentioned in above para. The UDD was requested to re-examine the mater afresh in view of the above comments.


Chairman, MCZMA


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7. However, replies from the MCGM and UDD are still awaited in the matter.

Advocate on behalf of Proponent, vide letter dated 12th Sep, 2013 requested MCZMA to take a decision on the matter expeditiously and to grant formal recommendation to the proposal. Reminder letters to UDD and MCGM were sent with a request to provide certain information in the matter. No reply is still received from the UDD & MCGM.

8. Adv Sonia Raj Sood has filed recurrent complaints before MCZMA on 31.5.2013, 3.9.2013, 19.8.2013 and 9.9.2013 mainly alleging that FSI violation in the subject proposal. The complaint has requested for cancelation of illegal and arbitrary FSI granted by the Govt to the subject proposal.

The Authority further, noted that Ministry of Environment and Forest, New Delhi sent a letter no. F. No. 11-128/2008-IA.III dated 8th August, 2013 to MCZMA requesting to send a copy of the speaking order pertaining to additional FSI of 3 by the UDD as per the rule 10.2 of DCR, 1967 and to examine the revised proposal under CRZ Notification, 2011. Further MoEF vide letter dated 29th November, 2013 requested proponent to submit recommendation from MCZMA under CRZ Notification, 2011. Accordingly, the matter was deliberated by the authority in the MCZMA meeting held on 31.01.2014.


The Authority discussed the note dated 26.2.2013 sent by the UDD, which mentions that *"the rationale for granting additional FSI as contained the office noting is enclosed herewith in the form of photocopy"*. The Authority took it on record and decided to send the said note of UDD to MoEF.

Representative of Adv Sonia Raj Sood was present during the MCZMA meeting held on 31.1.2014, who submitted that as per the Hon'ble High Court order, hearing should be given to Adv Raj Sood before deciding the matter. However, she failed to provide the said High Court order to Authority. The Authority directed her to submit the said Hon'ble High Court. Further, as requested by representative of Adv Sonia Raj sood, the Authority gave her a time of 3 weeks to submit her detailed representation in the matter.

Proponent presented their say in the matter and submitted that the plot under reference falls in CRZ I & II. However, proposed reconstruction is on CRZ II area only.

The Authority observed that subject proposal was not submitted before the Authority through concerned planning Authority i.e. not as per the prescribed format stipulated vide MCZMA's OM dated 2.7.2011. Authority decided to direct the project proponent to submit the proposal through planning authority with the approved building plans and Intimation of Disapproval (IOD) granted by MCGM, in accordance with the town and country planning regulations existing and in force as on 19.2.1991


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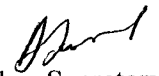
Further, the Authority decided to send an interim reply to MoEF appraising them about the above decision taken by the Authority.

Item No. 10: Proposed redevelopment of existing residential hotel building on plot bearing CTS No. 654/1 of village Juhu, Off.Juhu Tara Road, Vile Parle (W), Mumbai by - Sea king

Authority noted that the proposal was deliberated in 76th & 81st meeting of MCZMA held on 30th July, 2012 & 26th April, 2013 respectively. The Authority noted the following proposal details-

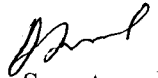
Location of the Project	Plot bearing C.T.S. No. 564/1 of village Juhu, off. Juhu Tara Road, Vile Parle (W), Mumbai
Details of the project site, a)CRZ Category b)Project site	CRZ II Landward side of existing authorized building.
DP Remarks, Zone Reservation	Residential Zone Not reserved for any public purpose
Existing Structure Details	<ol style="list-style-type: none">1. As per MCGM letter dt 15/09/2011, the said hotel is authorized building as well as authorized user in existence prior to 19.2.1991.2. The existing structure comprising Gr. + 5th floors residential hotel building. The plinth area of existing structure is 209.29 sqm.3. The Occupation Certificate has been issued by the MCGM on 14.2.1981 for the existing structure on land under reference.
Proposal Details	<ol style="list-style-type: none">1. The proposal is for redevelopment of three starred residential hotel building by demolishing existing three starred category hotel building in lieu of plot potential and additional permissible 2.90 FSI under Reg. No.33(4) of DCR 1991 as well as DCR 10 (2) of DCR 1967 as per Government Notification.2. Proposed three starred Residential hotel bldg. comprising of lower basement (for services) & upper basement (for parking) + Gr. Floor (partly for entrance lobby & stilts for parking), 1st floor a restaurant and 2nd & 3rd fl. As podium for car parking, 4th to 13th fl. Levels (for guest rooms for residential use.) on plot bearing C.T.S. No. 564/1 of village Juhu, off. Juhu Tara Road, Vile Parle (W),


Chairman, MCZMA


Member Secretary, MCZMA

	Mumbai
<p>FSI Details,</p> <p>a) Permissible FSI 1</p> <p>b) FSI to be proposed 3.90</p>	<p>A. The MCGM letter dated 15.9.2011 mentions that the user and FSI are admissible as per DCR prevailing as on 19.2.1991. Additional FSI is sanctioned by the State Govt UDD for total 3.90 FSI. Staircase & lift area is counted in FSI.</p> <p>B. The proponent has submitted the UDD letter dated 29th January, 2011 regarding the additional FSI granted to proposed redevelopment. The letter indicates that additional FSI 2.90 over & above the permissible FSI of 1.00 is granted i.e. additional area of 3034 Sqm including lift, staircase and lobby.</p>
<p>Area Details,</p> <p>a) Total area of the plot 1046 sqm</p> <p>b) FSI Credit available allowable from U.D. Dept. as per Government Notification dt. 29.1.2011 3034 sqm</p> <p>c) Permissible floor area 4080sqm</p> <p>d) Proposed floor area 3841.06sqm</p> <p>e) Excess balcony area taken in FSI 234.48sqm</p> <p>f) Total area proposed 4075.54sqm</p> <p>g) Total Construction area 6887.31sqm</p> <p>h) Built up area for FSI Purpose 4075.54sqm</p>	
<p>Areas claimed as Free of FSI</p>	<p>2811.77sqm</p> <p>a. Basement: 1205.48sqm</p> <p>b. Podium: 1278.18sqm</p> <p>c. Refuse area: 118.43sqm</p> <p>d. Part stilt: 209.68sqm</p>


Chairman, MCZMA


Member Secretary, MCZMA

1. During 81st meeting, the Authority further noted the decision taken in 76th meeting of MCZMA, which is as follows-

"The Authority noted the additional FSI of 2.90 granted over & above the permissible FSI of 1.00 granted by UD vide letter dated 29th January, 2011 submitted by the proponent. After due deliberation, it was decided to request the Urban Development Department to provide the speaking order pertaining to grant of additional FSI in the proposal., The Authority decided to take appropriate decision in the matter after the speaking order is submitted. Prior permission of the State Ground Water Authority should be obtained"

2. It was noted that the project proponent vide letter dated 16.4.2013 informed that, as the file papers were burnt in fire in Mantralaya, the same were not easily available. However, the proponent got the scanned copies of the complete file of Urban Development Dept under RTI Act, 2005. As seen from the note dated 23.7.2010, the proposal was accorded by Hon. Chief Minister to avail a total of 3.90 FSI, for proposed starred category residential hotel on plot under reference.
3. During 81st meeting, the Authority after discussion decided to direct re-examination of the case by the UDD as it involved FSI concessions granted under DCR 1967.
4. As per the decision taken in the 81st meeting of MCZMA, the matter was sent to UDD for re-examination. Reply from the UDD is awaited in the matter.

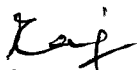
The Authority after deliberation decided to direct the project proponent to get the approved plans and IOD from the Municipal Corporation of Greater Mumbai. While issuing the approved plans and IOD for the proposal, the Municipal Corporation of Greater Mumbai should ensure that FSI for the proposal should be as per the town and country planning regulations existing and in force as on 19.2.1991.

Further, the Authority decided to send an interim reply to MoEF appraising them about the above decision taken by the Authority.

Item No. 11: Construction on plot bearing C.T.S.No.188,189,190 of village Madh, Madh Malad Road, Malad (West), Mumbai

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

1. As per letter from M/s. Dimension dated 6.3.2013,
 - The Structure on plot bearing C.T.S.No.188,189,190 of village Madh, Madh Malad Road, Malad (West), Mumbai is assessed since 1965 and in dilapidated condition.


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- Due to short of space to accommodate entire family, the structure was repaired and renovated.
 - As per Court Order of L.C. Suit No. 2507 of 2012, project proponent will apply to the MMC for regularization of the structure within a period one month, so it may be permitted to apply to the MMC and till then structure kindly be protected.
2. As per remarks of Brihanmumbai Mahanagarpalika,
- The plot under reference falls in Residential Zone and not reserved for any public purpose.
 - The plot under reference falls in CRZ- II area and as per procedure, remarks / NOC from MCZMA is essential to carry construction.
3. The MCZMA vide letter dated 1.8.2013 requested to Project Proponent for certain information. Accordingly, Project Proponent submitted its reply vide letter dated 30.10.2013.
- Documents / permissions sought towards the construction of the structure as well as repair and renovation of existing structure.

The land is in Gaothan as well as Koliwadas of Mumbai. The land was in use and occupation for house premises since last 100 years. The house premise is shown on the plan of City Survey on Original sheet in black. The house is assessed by Mumbai Municipal Corporation in the year 1961. The land is in the name of joint family who are the owners as per the property card. The land is N.A. property. The structure is not under any reservation and the land is in Residential Zone as well as the property is in Gaothan of Madh Village.

- Date of the repair and renovation of existing structure is need to be ascertained.

The date of repairs and renovation is April, 2011.

- Permissible FSI as on 19.2.1991 for the plot under reference.

As per Govt. resolution dated 19.11.2012, FSI for Gaothan & Koliwadas area is 2 and as per Urban Development Department Notification dated 8.5.2012, Gaothans which are nearby to Koliwadas shall be called as Gaothan & Koliwadas. Permissible FSI for Gaothan is 2, as per DCR.

- Total BUA of existing structure V/s Total BUA of repaired and renovated structure.

The land / plot is existing in village Madh, Taluka Andheri, Mumbai Suburban District,

- a) Total area of CTS No. 188 = 179.60 Sq m, half share holder of land


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- b) Total area of CTS No. 189 = 75.50 Sq m, absolute owner of land
- c) Total area of CTS No. = 52.40 Sq m
- d) Total plot area = 307.50 Sq m

Owner of renovated building has total right to develop plot of land area = 165.30Sq.m. As per permissible FSI 2 in Gaothan & Koliwad, the owner can develop building admeasuring area = 330.60 Sq m Total proposed structure area on site = 294.23 Sq m The plan for renovated building is submitted.

- a) Area of the Plot as per PR Card = 165.30 Sq m
- b) Permissible FSI = 1
- c) FSI Credit available = 150.00 Sq m
- d) Permissible floor area = 315.30 Sq m
- e) Proposed BUA (Renovated) = 294.23 Sq m

Project proponent presented that the constructed building is a residential dwelling for a local resident who is traditional dweller of the area.

The Authority noted the para 6(d) of CRZ notification, 2011 which stipulates as below-
"The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

- (i) these are not used for any commercial activity
- (ii) these are not sold or transferred to non-traditional coastal community"

In view of above, The Authority decided to direct the project proponent to submit the proposal along with following information through Municipal Corporation of Greater Mumbai, so as to take further appropriate decision in the matter-

1. Date of the repair and renovation of existing structure is need to be ascertained
2. Whether the construction on the subject plot is within the permissible FSI limit as per the town and country planning regulation existing as on 19.2.1991.

Item No. 12: Proposed redevelopment on plot bearing C.S.No.936 of Mahim Dn. At 113, Veer Savarkar Marg, known as 'Javed Manzil' in G/North Ward, Mumbai

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

1. Municipal Corporation of Greater Mumbai vide letter dated 3.10.2012 has forwarded a proposal of "CRZ NOC" for proposed redevelopment on plot bearing C.S. No. 936 of Mahim Division at 113, Veer Savarkar Marg known as 'Javed Manzil' in G/North Ward, Mumbai to MCZMA. (Redevelopment of existing



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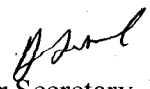

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category 'A' Cessed building in accordance with DC Reg. No. 33(7) of DCR 1991-Para 8.V (C) of CRZ Notification, 2011)

2. As per DP remarks of MCGM dated 1.9.2009, the plot under reference is in Residential Zone and affected by reservation for Housing for dishoused (part of larger reservation) (to be developed by M.B.R & R. Board).
(MCGM letter dated 9th July, 2012 mentions that from the said DP of 1967, project site falls in Residential zone & reserved for 'Secondary School')
3. The MCGM letter dated 3.10.2012 mentions that as per DP remarks the plot is reserved for Housing for Dishoused. As per category 'V' of notification , the plot reserved for PH, PH/HDH & HD such land shall be considered for redevelopment instead of land reserved for public purpose as mentioned above. As per the notification No. TPN / 4391/4080/Rd/UD /11 dated 3rd June, 1993 issued under sub-section (1) for section 31 of MRTP Act, 1966 the development site having reservation of Housing for Dishoused under DC Reg No. 33(7) is to be treated as development of said reservation, thus stand to be diluted.
4. As per CZMP of Mumbai approved by MoEF, the plot under reference falls in CRZ II and is situated on landward side of existing Veer Savarkar Marg.
5. As per MCGM letter dated 31.11.2013, the building consists of ground + 1st floor constructed in load bearing wall. As per category certificate issued by A.A. & C, the building is levied under A category. Hence Authenticity of structure is accepted.
6. As per MCGM letter dated 31.1.2013, redevelopment involved proposed single building of Gr + 15th (part) upper floors. The building is proposed with Ground floor for MTNL room & Meter room and part portion is as stilt, 1st & 2nd floor is proposed for surplus area to be surrendered to MHADA and all 3rd to 15th (pt) floor is proposed for residential purpose for Rehab and Sale component. Mechanized parking tower proposed from Ground to 6th floor having separate entry and not connected to building line. Refuse floor on 7th floor.
7. Total height of the building is 49.50 Sqm
8. M.B.R & R Board of MHADA unit vide letter dated 26th August, 2011 granted MHADA NOC with permissible FSI 2.5 or consumed FSI in old building whichever is higher, in accordance with DC reg No. 33(7) and appendix III to this 33(7).
9. MCGM vide letter No. EB/5643/GN/A dated 11.7.2013 granted IOD.
10. FSI details as per the building plans submitted along with IOD (11.7.2013)
 - Area of plot-615.39 Sqm
 - FSI permissible-As per area statement.
 - Permissible floor area - 1538.48 (FSI - 2.5)
 - Total built up area proposed 1538.34 SqmAs per MCGM letter dated 31.1.2013, area of staircase, lift, lift lobby, Machine room, etc is claimed as free of FSI

11. Public hearing was conducted on 24.10.2013 by MPCB. Public hearing report was submitted. Environmental provisions are as follows-

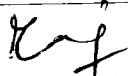

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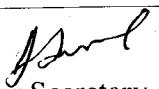

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- Rainwater harvesting system in the complex
- Solar water heating system

MCZMA wrote a letter dated 6.1.2014 to MCGM requesting information on certain points- MCGM vide letter dated 24.1.2014 replied to MCZMA. As per the said reply-

Sr No.	MCZMA query	MCGM reply
1	Clarification on whether redevelopment on plot reserved for Housing for dishoused can be implemented under DC reg No. 33(7) of DCR 1991-	<p>A reference is requested to the clause 7 of Appendix III of DC regulation which states that-</p> <p><i>"Construction or reconstruction of old building falling under reservation / zones contemplate in the DP shall be permitted in accordance with the provision of notification No. TPB 4392/ 4080A/RDP/UD 11 dated 3rd June, 1992 issued under section 31 of MR & TP Act"</i></p> <p>As per category-V of the notification No. TPB/4391/4080(A)/UD-11(RDP) dated 3rd June 1992 copy of which is attached herewith for perusal states as</p> <p><i>"This category shall consist of lands occupied by existing Slums, designated or reserved for purpose of public housing, Public Housing/High Density Housing or Housing for dishoused. Such lands shall be treated as sites for slum redevelopment and redevelopment allowed according to sub-regulation (10) of Regulation 33, read with Appendix IV of the said regulations, instead of as public housing, public housing/ High Density Housing or Housing for dishoused"</i></p> <p>From the above, as per category V of notification, the sites for redevelopment of the cessed properties are to be treated as sites for slum redevelopment.</p> <p>The said notification by way of clause No. 7 of Appendix III of DC regulation 1991, the provisions which were made applicable to the slum by notification under 31 of the MR & TP Act dated 3rd June 1992 are also made applicable to the redevelopment scheme under the provision of DC reg 33(7).</p>


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2	Present use of the existing structure on land under reference.	<p>Reference is requested to the clause No. 13 of Appendix III of DCR 33(7), which read as below-</p> <p><i>"Since the permissible FSI in clause 5 of this appendix is dependent upon the number of occupiers and the actual area occupied by them, no new tenancy created after 13.6.1996 shall be considered. Further unauthorized constructions made in the cessed buildings shall not be considered while computation of existing FSI. However, the occupier may be allowed to declare whether the tenement is residential or non-residential"</i></p> <p>The clause No. 11 of Appendix III of DCR 33(7) read as below-</p> <p><i>"The FSI as in sub-regulation (7) of Regulation 33, should be allowed by the Commissioner only after Mumbai repairs and reconstruction board is satisfied that the said redevelopment proposals fulfills all conditions to be eligible for the benefits under these regulations"</i></p> <p>In this case, as per assessment extract of year 1995-96 dated 30.1.2009 submitted by the Architect of the two numbers of ground floor occupants are reflected as commercial users "LET AS PRINTING AND DYEING"</p> <p>As per certification of the MHADA dated 11.12.2009 as enumerated above are certified as Residential only and rehabilitation as residential occupants as per certified tenant list by MHADA.</p>
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The Authority after deliberation decided to recommend the proposal to concerned planning authority as per clause 8 (v)(c) of CRZ Notification, 2011 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 from time to time.
2. 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 6.1.2011.


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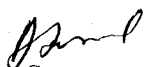
3. The MCGM should ensure that FSI, Non FSI and concessions granted by Municipal Commissioner, if any, is strictly as per the provisions of DCR existing as on 6.1.2011.
4. Project proponent should implement green initiatives such as rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
5. There should not be any violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by MCGM.
6. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Item No. 13: Proposed redevelopment of property bearing C.S. No. 233 of Malbar Cumballa Hill Dn. Known as 91, Nepean Sea Road, D Ward, Mumbai

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

1. Municipal Corporation of Greater Mumbai vide letter dated 25.9.2013 submitted a proposal for "Redevelopment of the property on plot bearing C. S. No. 233 of Malabar Cumballa Hill Division ,91, Nepean Sea Road, D ward, Mumbai" to MCZMA. (Redevelopment of category 'A' Cessed Building as per para 8.v.c of CRZ Notification, 2011 (DC reg. No/. 33 (7) of DCR 1991)
2. MCGM letter dated 25.9.2013 mentions that-
 - The plot under reference is in residential zone as per DP 1967 as well as 1991. It is affected by 27.49 m wide Laxmibai Jagmohandas Marg and not reserved for any public purpose.
 - Plot area – 2048.97 Sqm
3. The proponent has submitted the CZMP dated 19.1.2000 of Mumbai approved by MoEF, New Delhi, showing site under reference. As per the said CZMP, the plot falls in CRZ II and situated on landward side of existing J.P. Road, in existence prior to 19.2.1991
4. The MCGM letter dated 18.5.2013 mentions that –
 - As per category certificate submitted by L.S. there is a single structure with ground + 1st + 2nd part upper floors existing on site, having 'AR' category residential structure. 1st date of assessment is prior to 1920.
 - As per category certificate, the building is levied under 'A' category repair cess and used for residential user. Hence the authenticity of existing structure can be accepted.(Details of old existing structure viz OC, CC, FSI consumed etc are not available)
 - The plans for FSI 1.33 have already been approved and IOD was issued on 13.9.2012 for residential building. However, CC is not granted yet.
5. MCZMA had granted CRZ NoC for FSI 1.33, for permissible built up area of 2725.12 Sqm & proposed built up area of 2551.33 Sqm for proposed building having 2 level basement + ground floor, entrance lobby + 1st to 2nd floor for car


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- parking + 3rd to 14th floors for residential purpose with total height of building 54.30 m
6. MHADA has granted NOC dated 8.4.2013 with FSI 2.5 or FSI required for rehab of existing occupier plus 50% incentive which is higher, as per DC reg No. 33(7) and appendix III to this reg 33(7).
 7. Proposed building having 2 level basement + stilt for parking floor + 1st to 6th floor for car parking + 7th floor for club house + 8th to 17th floor for residential use + 18th floor as service floor & Swimming pool on terrace level & Hon'ble MC in principal accorded his approval for the proposed plans for various concessions as per DCR 1991.
 8. Amended plans were approved on 26.8.2013 for level basements for car parking + ground + 6th floor for car parking+ 7th to 14th floor for residential by counting staircase, lift, lift lobby in FSI as owner have not paid premium.
 9. Further, proponent has submitted amended plans, which were approved by MCGM on 17.12.2013 for 2 basement + Ground + 1st to 6th floor podium + 7th stilt floor + 8th to 18th floor for upper floors. Height of the building is 65.50 m.
 10. FSI details, as per the amended plans approved by MCGM on 17.12.2013,
 - Plot area-2048. 97 Sq m
 - Permissible FSI – 2.50
 - Permissible floor area – 5122.42 Sq m
 - Total Built up area proposed – 4919.05 Sq m (FSI- 2.40)
 - (Area of staircase, lift. Lobby is taken as free of FSI)
 11. MPCB has conducted public hearing on 20.10.2011. Public hearing report has been submitted. Salient feature of the report-
 - At present, there is no any development at site.
 - Solar panel will be installed on terrace for water hearing purpose
 - Provision for STP, vermi-composting bins/plant for treatment of MSW

As presented by the proponent, the Authority noted that earlier, the proposal had been recommended from CRZ point of view by MCZMA for 1.33 FSI. Now, Proponent has submitted proposal for 2.5 FSI as this property has been subsequently declared as Category 'A' Cess building. The proponent has purchased the property from original owner. However, closer scrutiny of the documents belonging to original occupants is required as to whether cess was paid continuously since 1920, since the building has been in existence or from the date the 'repair cess' of MHADA came into existence. This scrutiny is required as, after purchase of the old building, the proponent has got the category changed, which may result in higher FSI for the redevelopment.

After detailed discussion and deliberation, the Authority decided that Proponent should submit the following documents / information-

1. Whether the cess was paid continuously by the original occupants since 1920 since the building has been in existence or from the date the 'repair cess' of MHADA came into existence.
2. 'Cess' category certificate (whether "A" or "B") from MHADA/ MCGM.


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3. Documents regarding change of cess category.
4. Permissible FSI on the subject plot.

Item No. 14: Redevelopment of property bearing C.S.No.1/578 of Malbar Hill Dn. D Ward situated at Laxmibai Jagmohan Marg (Nepean Sea Road) Mumbai

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

1. Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 1.10.2013 forwarded a proposal of "Proposed redevelopment of property bearing C.S.No. 1/578 of Malabar Hill Division, D-ward, situated at Laxmibai Jagmohandas Marg (Nepean sea Road), Mumbai" (Redevelopment of Existing Dilapidated Cess building on plot under reference in accordance with para 8.V.C of CRZ Notification, 2011)
2. As per MCGM letter dated 1.10.2013, the plot is situated in Residential Zone and not under any reservation.
3. The plot falls in CRZ II and situated on landward side of existing road prior to 19.2.1991

4. Background of the proposal

- (i) As per MCGM remarks dated 1.10.2013, there existed Cessed 'A' category building. Existing use of structure is Residential. Copy of the MHADA letter dated 15.4.2005 enclosing list of tenants / occupants / Licenses is submitted.
- (ii) M.B.R. & R Board of MHADA unit vide letter dated 6.10.2004 issued NOC for approaching MCGM for obtaining IOD & get the plans of proposed building proposal approved, with permissible FSI 2.00 in respect of the properties affected by CRZ
- (iii) Urban Development Department granted NOC dated 13th July, 2006 from CRZ point of view with FSI 1.33
- (iv) Proposal was submitted under DC Reg. No. 33(6) of DCR 1991 to MCGM, the same was approved & MCGM issued IOD on 19.8.2006 and Plinth CC was granted on 5.2.2007.
- (v) Further, amended plans were approved on 30.5.2009 & 10.6.2009 for redevelopment comprising, Building "A"- Basement + Ground + 29 upper floors (total height- 120.40 m) And, Building "B"- Ground + 5 upper floors (total height - 20.40 m) for car parking.
- (vi) EIC, New Delhi in its 76th meeting held on 21st- 22nd May, 2009 recommended the project - basement + ground + 29 floors having 25 flats and 1 bank on the ground floor. Total built up area proposed is 9574.12 Sqm. MCZMA had recommended this project to MoEF vide letter dated MCZMA-2009/CR III/TC3 dated 2.2.2009. MoEF vide letter No. 11-15/2009-IA-III dated 23rd July, 2009 accorded CRZ clearance to the project- Building 1 with ground + 19 floors, 4th, 11th & 17th floors will be refuse floor and other floors for residential purpose.


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Building no. 2 with ground + 5 floors for parking. Swimming pool will be atop building.

- (vii) Part OC for entire work as per approved plans is endorsed on 26.8.2009. Further amended plans were approved on 2.6.2012 for redevelopment comprising, Building A - basement + ground + 31 upper floors (total height 131.15 m) and Building "B" comprises of ground + 5 upper floors for car parking only (total height 20.40 m).

5. As per MCGM remarks dated 1.10.2013, Proposed building comprises of-
- Building "A" - Basement + ground + 1st to 31 upper floors r - Total height of building is 131.15 m.
 - Building "B" - Ground + 5 upper floors for car parking
6. FSI details, as per amended building plans -
- Total plot area – 1920.58 Sq m
 - Road set back area- 211.58 Sq m
 - Balance area of plot – 1708.69 Sq m
 - Permissible built up area –4539.06 Sq m (FSI – 2.36)
 - Proposed Built up area – 4452.71 Sq m


As per MCGM remarks dated 1/10.2013, Free of FSI area is 8558.47 Sq m

7. Public hearing was conducted on 3.9.2013 by MPCB, report of which was submitted. Environmental considerations in the report are as follows-
- Sewage water generated during operation phase will be treated in Sewage treatment plant. Treated water will be used for non domestic purposes such as gardening, car washing, flushing etc.
 - Rainwater harvesting- Roof rain water harvesting is proposed. Permeable paver blocks are proposed with one Recharge pit to increase the percolation of rain water into soil rather than flowing to the drain.
 - Storm water drains will be constructed for proposed facility as per the norms
 - Solid waste- Normal debris, waste concrete, soil, broken bricks, waste plaster etc will be reused for land filling in the premises
 - Provision of Solar water heating system

The Authority noted that MoEF vide letter No. 11-15/2009-IA-III dated 23rd July, 2009 accorded CRZ clearance to the project. And the proponent is seeking CRZ recommendation under CRZ Notification, 2011 from MCZMA for amended building plans.

After detailed discussion and deliberation, the Authority decided to direct the project proponent to apply for CRZ clearance for amended building plans to MoEF Govt of India, New Delhi.


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Item No. 15: Redevelopment of building known "Wadia building" on plot bearing C. S. No. 424 of Bhuleshwar Dn. At Chandanwadi Road in C Ward, Mumbai

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


1. Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 2.11.2013 forwarded a proposal of "Proposed redevelopment of property bearing C.S. No. 424 of Bhuleshwar Hill Division at Chandanwadi Road in C ward, Mumbai".
(Redevelopment of Cess building on plot under reference in accordance with para 8.V.C of CRZ Notification, 2011)
2. As per MCGM letter dated 2.11.2013, the plot is situated in Residential Zone and not under any reservation except for widening if any, of the existing road.
3. The plot falls in CRZ II and situated on landward side of existing road prior to 19.2.1991, as per approved CZMP of Mumbai.

4. Existing structure details-

MCGM letter dated 27.9.2013 mentions that

- As per plans certified by M.E.R & R Board , there is one existing building having 5 wings ie, A.B.C.D & E and common ground floor below 5 wings, two cessed out houses of ground storied structures at West side and one ground storied NR structure and flat roof on top of the building. Architect has proposed to demolish the building.
 - The existing building C- 2083 (1) is cessed "A" (R, A(NR) and C(NR) as per certified copy of category certificate as issued by A.A & CC ward and submitted by Architect. The building with ward No. C-2083 (3) and C-2084 are non cessed structure.
 - Non Cessed structures are entirely assessed as non residential uses and same are assessed prior to 1961-62. The inspection extract shows 6 garages with name of the owner / occupiers. Further, inspection extract is shown in the name of one occupier / owner with user as tailoring shop.
5. As per MCGM remarks dated 2.11.2013, proposed building comprises of ground floor (rehab shop) + 1st floor (rehab part) + 2nd to 5th floor for parking + 6th floor as R.G. + Swimming pool + 7th to 20th _ 21st (part) upper floors for residential floor + terrace level & Hon'ble M.C. has sanctioned in principal approval for the proposed plans for various concessions as per DC reg No. 1991 dated 6.1.2011. Height of the proposed building is 65.8 m.
 6. MCGM vide letter no. EB/6745/C/A dated 27.9.2013 granted IOD to the proposal.
 7. MHADA vide letter dated 30th Nov, 2012 has granted NOC for redevelopment of captioned property with FSI 2.5 or FSI required for rehab of existing occupiers plus


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50% incentive, whichever is higher in accordance with earlier DC reg No. 33(7) and Appendix III to this regulation 33(7).

8. FSI details, as per approved building plans dated 27.9.2013-

- Total plot area – 1550.17 sq m
- Road set back area- 88.44 sq m
- Balance area of plot – 1461.73 sq m.
- Proposed Built up area – 4229.41 sq m (FSI -2.728)

As per MCGM letter dated 2.11.2013, Area of Staircase, lift, lobby etc is claimed as free of FSI.

9. Public hearing was conducted on 10.5.2013 by MPCB. Public hearing report was submitted.

The Authority after deliberation decided to recommend the proposal to concerned planning authority under clause 8 (v) (c) of CRZ Notification 2011 subject to strict compliance of the following conditions:

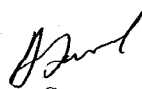
1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The concerned Planning authority should ensure that FSI, lay out plan, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011.
3. The MCGM should ensure that FSI, Non FSI and concessions granted by Municipal Commissioner, if any, is strictly as per the provisions of DCR existing as on 6.1.2011.
4. Project proponent should implement green initiatives such as rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
5. There should not be any violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by MCGM.
6. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Item No. 16: Development of plot bearing CTS No. C/1126 of village Bandra situated at Pali Mala Road, Bandra (W), Mumbai

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

1. Municipal Corporation of Greater Mumbai vide letter dated 25th November, 2013 submitted a proposal of development of plot bearing CTS No. C/1126 of village Bandra, situated at Pali Mala Road, Bandra (W), Mumbai to MCZMA.
2. MCGM letter dated 25.11.2013 mentions that-

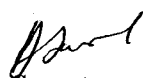

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- The plot under reference is in residential zone as per DP 1967 and as per revised sanctioned DP 1993 and is not under any reservation as per both of these development plans.
 - The user of "Residential" was permissible as per land use and zoning as on 19.2.1991.
 - The plot under reference is Vacant.
 - Plot area – 680.20 sq m
3. The proponent has submitted the CZMP dated 19.1.2000 of Mumbai approved by MoEF, New Delhi, showing site under reference. As per the said CZMP, the plot falls in CRZ II and situated on landward side of existing Carter Road, in existence prior to 19.2.1991.
4. As per MCGM' letter dated 25.11.2013, the proposal development involves residential building comprising of 1st to 3rd level basement (for Parking) + Lower Gr. Floor + Upper Gr. Floor + 1st to 3rd + 4th (pt) residential upper floors for flats for residential use.
5. Proposed height of the new residential building is 22.20 m. The site is abutting to existing 6.76m (avg) wide Road maintained by MCGM having street lights and municipal sewer lines. Thus, the permissible height as per clause 9(i) of DCR of 1967 i.e. 1.5* (Road width + front Open Space), works out to 19.14m. Whereas the total height of the building approved by Hon'ble M.C. is 23.99m i.e. condonation for the inadequate front marginal open spaces required as per clause 11 of DCRs 1967 is sanctioned.
6. FSI details, as per the MCGM letter dated 25.11.2013-
- Plot area- 680.20 sq m
 - Permissible FSI – 1.00
 - Built up area for FSI purpose – 674.94 sq m
 - Free of FSI area – 1476.17 sq m
 - Total construction area - 2151.11 sq m
7. BUA details as free of FSI are as follows –

Sr. No.	Particulars	Provisions of DCR 1967	Area in Sqm
1	Staircase / lift	51(vi)(d)	196.74
2	Balcony	37(a)(i)	54.85
3	Stilt / Basement	51(vi)(a)	1072.88
4	Arch Projection	51(vi)(c)	151.70
5	Refuge Area	51(vi)(b)	NA
6	Society Office / letter Box / Meter Room	51(vi)(f)	NA
7	Servant Toilet	51(vi)(e)	NA
Total			1476.17


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MCGM vide letter dated 1st October 2013 granted IOD for the proposal. Details as per the building plans submitted along with IOD are:

- Plot area – 680.20 sq m
- FSI consumed is - 1.00
- Total BUA Proposed – 674.94 sq m.
- FSI proposed to be consumed – 0.99

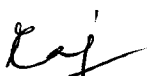
The Authority after deliberations decided to recommend the proposal from the CRZ point of view to the concerned planning authority subject to strict compliance of the following conditions-

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 from 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 permission from different statutory authorities should be obtained prior to commencement of work.

Item No. 17: Reconstruction of the Existing building known as "Shah House" on plot E on land bearing C. S. No. 2 (pt) of Worli Dn. At Dr. A. B. Road in G/South Ward, Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the following:

1. Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 28.11.2013 forwarded a proposal of the "proposed reconstruction of the existing building known as "Shah House" as per provisions of DC reg. No. 33(6) of DCR 1991, on plot E on land bearing C.S.NO. 2(pt) of Worli Division at Dr. A.B. Road in G/South ward, Mumbai.
2. As per MCGM letter dated 28.11.2013, the plot under reference falls under Commercial zone I.


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3. MCGM letter dated 21.3.2006 mentions that existing commercial building known as "Shah House" on the captioned property is unsafe and it should be demolished.
4. The MCGM letter dated 28.11.2013 mentions that the plot under reference falls in CRZ II and is situated on landward side of existing layout road.
5. MCGM letter dated 28.11.2013 mentions that existing non cessed building (Ground + 9th (pt) floors) is declared dangerous by concerned authority. The same was demolished & proposed reconstruction under DC reg. 33(6) with existing area to be protected. Existing use of the building is commercial.
6. Earlier, MoEF vide letter no. 11-32/2008-IA-III dated 16th May, 2008 had granted CRZ clearance to the project for repairs and reconstruction of the existing building.
7. Proposed building comprising of basement + stilt + 8 upper floors + service floor + 10th to 21st floors with the total height of 78.28m up to top of terrace is for residential purpose. MCGM vide letter dated 25.4.2008 granted IOD by MCGM.
8. MCGM vide letter dated 22.10.2013 approved the amended building plans subjected to all conditions of IOD dated 25.4.2008.
9. As per the approved building plans dated 22.10.2013 submitted by MCGM-
 - Plot area - 12422.02sqm
 - Set back area - 102.00sqm
 - Existing area to be protected under DC reg No. 33(6) - 5186.73sqm
 - Permissible FSI- 5186.73sqm
 - Total built up area proposed - 4309.3sqm
 - Balance area kept in abeyance till the clearance from High Rise Committee for height more than 70 m - 877.43sqm

As per the MCGM letter dated 28.11.2013, built up area (protected) & permissible - 5186.73sqm, proposed FSI is - 5171.16sqm, Free of FSI is 14198.84sqm. Total construction area involved in the proposal is 19,300sqm.

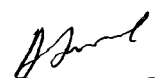
10. MPCB has conducted public hearing on 24.10.2013. Public hearing report was submitted to MCZMA. Following provisions are made towards environment management:

- a. Rainwater harvesting
- b. Solar water heating system
- c. Sewage treatment plant

The Authority noted that the MoEF vide letter no. 11-32/2008-IA-III dated 16th May, 2008 has earlier granted CRZ clearance to the project. Now, the redevelopment of commercial building is proposed as per 8.V. (c) of CRZ Notification, 2011. The Authority observed that the existing building is commercial & MoEF had granted CRZ clearance for commercial use. Now, the proponent has proposed residential building.

The Authority decided to recommend the proposal with change in use from CRZ point of view under para 8.v. (c) of CRZ Notification, 2011 for final confirmation and


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approval by the MoEF, since the project has earlier CRZ clearance from MoEF. The Authority recommends the proposal subject to following conditions:

1. 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 6.1.2011.
2. The MCGM should ensure that FSI, non FSI and concessions granted by Municipal Commissioner, if any, are strictly as per the provisions of DCR existing as on 6.1.2011.
3. Project proponent should implement green initiatives such as STP, rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
4. NoC from the High Rise Committee be obtained as required.
5. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.
6. 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 from time to time.

Item No. 18: Proposed development of property bearing C. S. No. No. 1/701 & 1/702 of Malbar Hill Dn. Bhulabhai Desai Road, Mumbai

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

1. Municipal Corporation of Greater Mumbai vide letter dated 30th November, 2013 submitted a proposal of proposed redevelopment of property bearing CS No. 1/701 & 1/702 of Malbar Hill Division, Bhulabhai Desai Road, Mumbai to MCZMA.
2. MCGM letter dated 30.11.2013 mentions that, the plot under reference is in residential zone as per DP 1967 and revised sanctioned DP 1993 and is not under any reservation as per both of these development plans.
 - As per DP remarks of MCGM dated 15.4.2011, the plot under reference falls in Residential zone. Designation of Film Division has been deleted vide State Government Directives dated 19.7.2007.
3. The proponent has submitted the CRZ map prepared by IRS, Chennai in Scale 1:4000 (September 2011) showing plot under reference. As per the said CRZ map, the plot under reference partly falls in CRZ II (500m from HTL of sea) and situated on landward side of Bhulabhai Desai Road.
4. Earlier CRZ NOC-
 - MCZMA has recommended the proposal to MoEF in its 47th meeting held on 26.9.2008.
 - Ministry of Environment and Forests, New Delhi has accorded clearance under the provisions of CRZ Notification, 1991 vide letter dated 2.1.2009 for proposal of reconstruction of existing building on CS No. 1/701 & 1/702 of Malbar Hill Division, Bhulabhai Desai Road, Mumbai. The area under consideration is


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668.90 Sqm. It is proposed to reconstruct stilt parking + 5 storied building and parking for 13 for residential use by demolishing the existing residential building on the said land.

5. Existing Structure details –

- As per submitted information the plot is consisting of old dilapidated ground floor structure.
- As per MCGM letter dated 30.11.2013, existing structure demolished on site.

6. Proposed construction details –

As per MCGM' letter dated 30.11.2013, architects has submitted plans by claiming FSI as applicable in CRZ and non CRZ area. Proportionate FSI as per DCR 35(4) of modified DCR 1991 is claimed for non CRZ area. Permissible FSI of 1.33 for CRZ and 1.33 + 0.35 FSI for non CRZ proportionately and same was approved by Municipal Commissioner on 20.5.2013 for Building comprises of 2 Basements + 1st to 5th typical parking floor + 6th Lift machine room and Refuge floor + 7th to 11th typical residential floors with height 40.70 m

Approval was issued on 6.7.2013 for the building comprising 2 Basements + 1st to 5th typical parking floor + 6th Lift machine room and Refuge floor + 7th to 10th typical residential floors with height 37.10m from ground level. 11th floor will be approved on payment of fungible premium.

FSI details


As per the MCGM letter dated 30.11.2013-

Sr. No.	Description	CRZ (Sqm)	Non CRZ (Sqm)	Total (Sqm)
		31 %	69%	
1	Plot Area	212.35	456.55	668.90
2	FSI Permissible	1.33	1.33	1.33
3	BUA Permissible	282.43	607.21	889.64
4	Addl. Fungible Area (35%)	0	212.52	212.52
5	Total BUA Permissible	282.43	819.74	1102.16

BUA details as free of FSI are as follows –

Sr. No.	Particulars	Provisions of DCR 1967	Area in Sqm
1	Staircase / lift / lobby / passages	35(2)(c)	135.82
2	Balcony	35(2)(k) read with 38(22)	22.56
3	Refuge	35(2)(i)	48.58
4	Parking	35(2)(vi) and 36(5)(a)	1427.00


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7	Servant Toilet	35(2)(h)	6.65
Total			1640.61

7. MCGM vide letter dated 1.9.2008 granted IOD for the proposal. And plinth CC was granted on 28.1.2011. As per the last approved building plans, the residential building comprising of stilt + 5 upper floors for the total height of 17.55m above ground level excluding height of overhead tank and lift machine room.

8. Present Status-

CC issued upto plinth & excavation work is in progress.

Authority observed that earlier, the proposal of reconstruction of existing building on subject plot was considered in 47th meeting of the MCZMA, wherein the Authority noted that plot under reference falls in CRZ II as per the approved CZMP of Mumbai (1:25000 scale). Further, MoEF vide letter No. IA-III dated 2nd January, 2009 granted CRZ clearance for the proposal. As per the MCGM letter dated 30.11.2013, the existing structure on site under reference is demolished on site.

Now, proponent has submitted CRZ map prepared by IRS, Chennai in 1:4000 scale superimposing the site under reference. As per the said IRS map, the subject plot partly falls in CRZ II area. The IRS report mentions that for demarcation of HTL & LTL on IRS, map in the 1:4000 scale, the base map of "Demarcation of HTL/LTL by NHO (1997-1998)" is used. Authority examined the IRS map and found that the subject plot falls partly in CRZ II and remaining in Non CRZ.

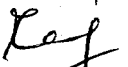
The Authority after deliberations decided to direct project proponent to submit the following:

1. Conclusion of the IRS, Chennai report pertaining to the CRZ status of the plot under reference.
2. Plot area falling in CRZ and Non CRZ area.
3. Justification of 'mapping error' involved while transferring earlier approved 1:25000 scale CZMP to 1:4000 scale CRZ map by IRS. Whether area outside CRZ is within mapping accuracy limit.

Item No. 19: Development on plot bearing F.P.No.1211 of TPS-IV of Mahim Dn. At Yadav Patil Marg, Off Veer Savarkar Marg, Prabhadevi in G/North Ward, Mumbai

Project proponent presented the matter before the Authority. As per the presentation:

1. The plot under reference is fully affected by Coastal Regulation Zone as per CZMP prepared as per CRZ Notification, 1991. Superseding the CRZ Notification, 1991, CRZ Notification, 2011 came into effect from 6th January,


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2011. As per the clause No. 1(ii) of CRZ Notification, 2011, the CRZ area is max 100 m from the HTL of 'Bay', which is a tidally influenced water body.
1. The plot under reference is fronting the 'Mahim Bay' which is tidally influenced water body of the Arabian Sea. Further, Hydrographer, Deharadun report is submitted on the water body at Mahim.
 2. IRS, Chennai is one of the authorized agencies appointed by MoEF, GoI for demarcating the HTL across MCGM limits and to prepare CZMP as per the CRZ Notification, 2011. As per the CRZ map prepared by IRS, Chennai the plot under reference is partly affected by CRZ regulations as the CRZ area is 100 m from the HTL of Mahim Bay as per CRZ Notification, 2011
 3. Total area of plot under reference is 21489.30 Sqm and the plot under CRZ area as per demarcation plan of IRS, Chennai is only 1548.71 Sqm. The plot under CRZ is affected by DP RG of 815.88 Sqm. proponent is proposing 732.83 Sqm of RG on the said plot as shown by the layout. Proponent is not proposing any construction activity on the part of plot under CRZ area.

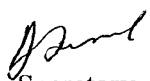
Proponent further pointed out various judgments of Hon'ble High Court of Mumbai and submitted that there can be no hurdle to the operation of CRZ notification, 2011 / Scrutiny / approval of proposal by MCGM while CZMP is under preparation. Further, proponent requested to allow development on the plot.

Authority further noted that MCGM vide letter dated 10th Dec, 2013 requested MCZMA to provide clarification in the matter. As per the said letter of MCGM-

1. The developer M/s Hoary Realtors Limited has requested to allow development on the plot in accordance with the DR reg. with applicability of all rules and regulation. Since the plot under reference is not affected by CRZ regulation as per CRZ Notification, 2011.
2. As per the DP remarks, the land under reference falls within the Coastal regulation Zone (CRZ II) (HTL to 500m).
3. In instant case, MoEF authorized agency i.e Institute of Remote Sensing(IRS), Anna University, Chennai has carried out survey for demarcation of HTL and delineating CRZ boundary and across the plot under reference is submitted.
4. MoEF vide letter dated 30th August, 2012 addressed to MCZMA has interalia stated that "as the new CRZ notification, 2011 has been issued by the MoEF on 6.1.2011, it would be desirable to consider such cases in light of the new notification as there is a danger of regularization of violation through such reclassifications. It was also decided to freeze the coastal zone Management plan as approved in 1996 and pending reclassification proposals should be returned to respective CZMAs with a suggesting that while preparing the CZMPs under new CRZ notification, 2011 concerned issues should be addressed"

Taking into account old approved CZMP of Mumbai & CRZ map in 1:4000 scale prepared by IRS, Chennai and Hon'ble High court order in the matter, the Authority observed as follows:


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1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500 mt CRZ area from the HTL of the water body indicated as 'Mahim Bay' in said CZMP.
2. MoEF vide S.O. 19(E) dated 6.1.2011 published New CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as -

"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 and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 22nd August, 2013 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2014.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.
5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agency vide letter dated 28th September, 2013 clarified to Amba Recycler Private


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Limited that as per the records of the office, Mahim Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun. Old CZMP approved by MoEF indicates water body at Mahim as 'Mahim Bay'

6. As per the CRZ map prepared by IRS, Chennai, the project site is partly falls within 100 m CRZ line from the HTL of 'Mahim Bay' and partly beyond.
7. With respect to project site, the HTL indicated in old approved CZMP of Mumbai is same as HTL demarcated by the IRS, Chennai.

The Authority took on record & deliberated the CRZ map in 1:4000 scale prepared by IRS, Chennai, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority observed that report of IRS, Chennai submitted by project proponent for demarcation of HTL has not submitted the following:

1. Whether the HTL demarcated by the IRS, Chennai is same as that of HTL shown in approved CZMP.
2. Area of plot falling in CRZ & Non CRZ as per the IRS, Chennai CRZ map of 1:4000 scale
3. CRZ status of the plot under reference in the form of conclusion, as was done by IRS, Chennai in their report in case of Plot bearing C.S. No. 1463 in Mahim Division at G/N ward, M. N. Koli CHS Ltd (Deepak Rao matter)

Authority decided to direct the project proponent to submit the details as above.

Item No. 20: Development on plot bearing C. S. No. 1551, Girgaum Dn. On the junction of Gamdevi Road, Harishchandra Goregaonkar Marg and N.S.Patkar Marg, in D Ward, Mumbai

Project proponent presented the matter before the Authority. As per the presentation:

1. Subject site is within 500 m CRZ line as per CZMP of Mumbai approved by MoEF in the year 2000, under CRZ Notification, 1991. MoEF, New Delhi has published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. As per the clause No. 1(ii) of CRZ Notification, 2011, the CRZ area is max 100 m from the HTL of 'Bay'. National Hydrographic Office, Deharadun, Submitted a report pertaining to 'Back Bay'
2. IRS, Chennai which is one of the MoEF authorized agency has prepared CRZ map in the scale of 1:4000. As per the said CRZ map of IRS, Chennai, subject is situated beyond the 100 m CRZ line from the HTL of 'Back Bay'.



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Taking into account old approved CZMP of Mumbai & CRZ map in 1:4000 scale prepared by IRS, Chennai as per CRZ Notification, 2011 and Hon'ble High court order in the matter, the Authority observed the matter, as follows-


1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500 mt CRZ area from the HTL of the water body indicated as Mahim Bay in said CZMP.
2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as -

"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 and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 22nd August, 2013 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2014.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in


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accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.

5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agency vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, 'Back Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun.
6. IRS, Chennai, which is one of the agency authorized by MoEF has prepared CRZ map in the 1:4000 scale superimposing the project site. As per the said CRZ map of IRS, Chennai project site is beyond 100 m CRZ line from the HTL of 'Back Bay'. HTL indicated in old approved CZMP of Mumbai is same as HTL demarcated by the IRS, Chennai.

The Authority took on record & deliberated the CRZ map in 1:4000 scale along with its report prepared by IRS, Chennai, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority observed that report of IRS, Chennai submitted by project proponent for demarcation of HTL has not submitted the following:

1. Whether the HTL demarcated by the IRS, Chennai is same as that of HTL shown in approved CZMP.
2. CRZ status of the plot under reference in the form of conclusion, as was done by IRS, Chennai in their report in case of Plot bearing C.S. No. 1463 in Mahim Division at G/N ward, M. N. Koli CHS Ltd (Deepak Rao matter)

Authority decided to direct the project proponent to submit the details as above.

Item No.21 : Construction of multi stories/public parking lot on plot bearing F.P.No. 1204, T.P.S. IV, Mahim Dn. Off. S. V. S. Road (i.e. Kashinath Dhuru Marg, & Yadav Patil Lane, Prabhadevi) Dadar, Mumbai

Project proponent presented the matter before the Authority. As per the presentation-

1. Subject Site is within 500 m CRZ line as per CZMP of Mumbai approved by MoEF in the year 2000. Approved CZM P under 1991 is valid upto 31st Jan, 2014, as per MoEF notification dated 22.8.2013.


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2. IRS, Chennai CRZ map shows 100 m CRZ area limit from the HTL of water body at Mahim. Further Hydrographer, Deharadun report is submitted on the water body at Mahim.
3. Work of preparation of CZMP of Mumbai by IRS, Chennai in accordance with CRZ Notification, 2011 is under process. Draft CZMPs of Mumbai were submitted to MCGM in May, 2013. MCGM sent back draft CZMPs to IRS, Chennai with for incorporation of their suggestions.

The matter was once again deliberated, wherein, taking into account old approved CZMP of Mumbai & CRZ map in 1:4000 scale along with its report prepared by IRS, Chennai and Hon'ble High court order in the matter, the Authority observed the matter, as follows-

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500 mt CRZ area from the HTL of the water body indicated as Mahim Bay in said CZMP.
2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as

"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 and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 22nd August, 2013 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2014.
5. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustonjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State


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of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.

6. National Hydrographic Office, Deharadun, which is one the MoEF authorized agency vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, Mahim Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun. Old CZMP approved by MoEF indicates water body at Mahim as 'Mahim Bay'
7. IRS, Chennai, which is one of the agency authorized by MoEF has prepared CRZ map in the 1:4000 scale superimposing the project site. As per the the said CRZ map of IRS, Chennai project site is beyond 100 m CRZ line from the HTL of 'Mahim Bay'. HTL indicated in old approved CZMP of Mumbai is same as HTL demarcated by the IRS, Chennai.

The Authority took on record & deliberated the CRZ map in 1:4000 scale along with its report prepared by IRS, Chennai, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.


Authority observed that report of IRS, Chennai submitted by project proponent for demarcation of HTL has not submitted the following:

1. Whether the HTL demarcated by the IRS, Chennai is same as that of HTL shown in approved CZMP.
2. CRZ status of the plot under reference in the form of conclusion, as was done by IRS, Chennai in their report in case of Plot bearing C.S. No. 1463 in Mahim Division at G/N ward, M. N. Koli CHS Ltd (Deepak Rao matter)

Authority decided to direct the project proponent to submit the details as above.

Item No. 22: Development of All-Weather Multi Cargo Port in a Green Field Site at village Nandgaon, Dist - Thane by JSW Port Limited

Matter was deferred, in light of the Hon'ble High court order dated 8th January, 2014 in WP (L) No. 3278/2013.


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Item No. 23: Proposed Modular type relocating shed for M/s. Brownie Entertainment in the jurisdiction of Mira Bhayandar Municipal Corporation S.No. 101 at village Versave, District Thane

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

1. The Mira Bhayandar Municipal Corporation has forwarded the proposal for construction of Modular type relocating shed on plot bearing S. No. 101 at Village Versave, Dist. Thane comprises of Plot A and Plot B consists three building with Ground floor for recreational / TV serial / Film purpose on existing ground floor structure.
2. MS Channels filled on grouted bolts will be used for the construction of Modular type relocating shed. There will be no brick or RCC work above ground level.
3. These sheds will be utilized for shooting of TV Serial / Films, which is a recreation in the interest of Locals and tourists / visitors interest.
4. As per the Mira Bhayander Municipal Corporation letter dated 26.08.2013,
 - The proposal is for construction of Modular type relocating shed on plot bearing S. No. 101 at Village Versave, Dist. Thane. The proposed construction is on vacant land.
 - As per the Development plan of Mira Bhayandar dated 14.5.1997, the plot is in residential zone and as per BMR plan 1973 land was in "G" zone.
 - As per the CZMP of Mira Bhayandar prepared by CESS, Kerala, the plot falls in CRZ III.
 - No Mangroves on plot (plot boundary is adjoining HTL)
 - The total area of plot is 10930.00 sq m.

The Authority observed that the construction of Modular type relocating shed is proposed on CRZ III area and it is within 200 m from the HTL, which is No Development Zone area. Said proposed activity is commercial in nature which is not permissible in NDZ of CRZ III area.

The Authority after deliberations, decided to reject the proposal, since proposed activity is not in consonance with CRZ notification, 2011.

Item No. 24: Proposed Training Center at S. No. 109/1 of village Versave, Dist - Thane by IPCA Laboratories.

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


1. The proposal is submitted through the Mira Bhayander Municipal Corporation, vide letter dated 17th October, 2013.



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2. MBMC Mentions that, as per BMR Plan 1973, the land under reference falls in G- zone and as per Development Plan dated 14.5.1997, the land under reference falls in Residential zone
3. As per CZMP of Mira Bhayandar Municipal Corporation area and MBMC letter dated 17.10.2013,
 - The plot under reference falls in CRZ- III area
 - Plot boundary is adjoining to HTL (i.e. within No Development Zone of CRZ-III)
4. As per submitted information, proposal is for proposed development of Training center having Ground + 2 upper floors on vacant land of the plot.
5. Existing Structure details-
 - Project Proponent has requested to District Collector Thane to regularize the construction having area 2125 sq.m for commercial use of Plot area 5570 sq.m. in 2001.
 - District Collector, Thane has granted permission to regularize the unauthorized construction having area of 560.67 sq.m. for commercial use vide letter dated 29.10.2001.
 - Mira Bhayandar Municipal Corporation has issued Commencement Certificate vide letter dated 8.2.2002 for BUA of 769.38 sq.m..
 - Mira Bhayandar Municipal Corporation has issued Occupation Certificate vide letter dated 9.1.2003 for Building Type -D (Ground + 2 floor).
 - As per submitted information, some existing structures will be demolished and some are to be retained.
6. FSI details-
 - Total Plot area – 5570 sqm.
 - Deduction for DP Road – 339.25 sqm.
 - Deduction for RG – 784.61 sqm.
 - Net area plot – 4446.14 sqm.
 - Add. For FSI (DP Road Area) – 339.25 sq.m.
 - Total area – 4785.39 sqm.
 - Permissible FSI – 0.5
 - Permissible BUA – 2392.69 sqm.
 - Existing BUA – 769.56 sqm.
 - Proposed BUA – 490.17 sqm.
 - Excess Staircase area – 59.28 sqm.
 - Total BUA proposed to be consumed – 1319.01 sqm.

The Authority observed that development of training center having Ground + 2 upper floors is located in CRZ III area and it is within 200 m from the HTL, which is No Development Zone area.


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The Authority after deliberations decided to reject the proposal and decided to direct the proponent to submit the information as to whether construction is complete on site under reference. If yes, details regarding permissions sought from different statutory authorities including CRZ clearance by proponent should be submitted.

Item No. 25: Application for clearance under CRZ Notification, 2011 of a given survey number of Uttamber Bauxite mine, Tal. Dapoli, Dist. Raigad

The Authority decided to obtain the remarks of the desk of the Environment Department concerned with the issues of High Level Working Group on Western Ghat about the status of Moratorium in the concerned area.

Item No. 26: Proposed Construction of building on plot bearing Survey No. A (12) 81, Hissa No. 4A, C.T.S. No. 1782, Mouje Murud , Tal- Murud, Dist - Raigad

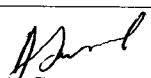
Project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The subject matter was discussed and deliberated in 82nd meeting of the MCZMA held on 10th June, 2013, wherein the authority after deliberation decided to recommend the project with submission of following details-
 - Details of proposed construction with FSI details.
 - Whether the proposed construction is new construction on vacant plot or reconstruction of existing structure. If yes, the present use of the existing structure.
 - CZMP showing the site under reference.
 - Zoning / Reservation on the land under reference as per town and country planning regulation existing as on 19.2.1991.
 - Permissibility of the proposed commercial activity in residential zone.
2. The Murud - Janjira Municipal Council has forwarded their reply dated 22.01.2014 on the points raised by the MCZMA.

Point wise reply of the Murud - Janjira Municipal Council is as follows:

1	Details of proposed construction with FSI details.	Area Statement a) Area of plot - 370sqm b) Deduction - 65sqm c) Net area of plot - 305sqm d) Proposed floor area - 98.75sqm e) Total built up area - 296.25sqm
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		f) FSI used – 0.97sqm
2	Whether the proposed construction is new construction on vacant plot or reconstruction of existing structure. If yes, the present use of the existing structure.	The proposed construction is new construction on vacant plot.
3	CZMP showing the site under reference	CZMP showing the site under reference is submitted.
4	Zoning / Reservation on the land under reference as per town and country planning regulation existing as on 19.2.1991.	As per the town and country planning regulation existing as on 19.2.1991, the land under reference is in residential zone and there is no reservation.
5	Permissibility of the proposed commercial activity in residential zone.	It is a front of road of 12m i.e. applicable for commercial activity.

The Murud - Janjira Municipal Council has forwarded the letter dated 23.08.2013. According to the Murud - Janjira Municipal Council, after inspection of the plot bearing Survey No. A (12) 81, Hissa No. 4A, C.T.S. No. 1782, Mouje Murud, Tal-Murud, Dist -Raigad, it is observed that the ground floor + first floor RCC structure is completed. As well as, as per the Maharashtra Regional & Town Planning Notification, 1966, section 52 dated 6.3.2013, the notice have been given to stop the construction of the said plot and presently the construction is stopped.

The Authority took the remarks of Murud Janjira Municipal Council mentioning that construction of ground floor + first floor RCC structure is completed.

After detailed discussion and deliberations, the Authority decided that this is a case of violation of CRZ Notification, 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi.

Item No. 27: Proposed construction of Holiday Home at Gut No. 177 Hissa No. 2 of village Tekali, Tal- Alibaug, Dist - Raigad

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

1. The Assistant Director Town Planning and Valuation Department, Raigad Alibag has forwarded the Subject proposal vide letter dated 30.11.2013.
2. The proposal is for construction of Holiday Home comprising of ground floor two buildings having height 7.4 m and 4.4m at Gut No. 177 Hissa No. 2 of village Tekali, Tal- Alibaug, Dist - Raigad



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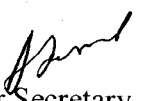

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3. The Assistant Director Town Planning and Valuation Department, Raigad Alibag mentions vide letter dated 30.11.2013 mentions:
 - As per sanctioned revised Mumbai Metropolitan Regional Plan dated 27.5.1985, the plot under reference falls in recreation Zone and falls in 500 m to 1000 m from HTL of Sea.
 - As per clause 6 of the Sanctioned Regional Plan, use of Holiday Home and Rest Houses are permissible in temporary form. The said use is not permissible in "I zone" and area falls upto 500 m from HTL of sea. However, for construction of the same, the permission from the Maharashtra Tourism Development Corporation (MTDC) and Mumbai Metropolitan Regional Development Authority (MMRDA) is necessary. For the said use, construction up to 50% and ground floor is permissible.
 - As per clause 15.7.4(b) of sanctioned revised Mumbai Metropolitan Regional Plan, permissible FSI is 0.2 since the area of land under reference is more than 2000 Sq m
 - For use of Holiday Home minimum 12.0 m wide access road is necessary. The area for the widening of Gram Panchayat access road is need to be hand over to concerned planning authority.
4. The Assistant Director Town Planning and Valuation Department, Raigad Alibag mentions vide letter dated 30.11.2013 that, as per Coastal land use map , the plot under reference falls in CRZ-III (within 200 m to 500 m from HTL).
5. FSI details, as per layout plan submitted by project proponent,
 - Net plot area – 4050.0 sq m
 - Area under 10% OSR – 404.93 sq m
 - Permissible FSI – 0.2
 - Permissible BUA – 822.38 sq m
 - Proposed BUA of Structure (A) – 632.72 sq.m
 - Proposed BUA of Structure (B) – 40.58 sq.m
 - Total Proposed BUA– 673.30 sq.m
 - FSI Consumed – 0.17

From the presentation made by the proponent, the Authority observed that the proposal is of construction of 'Holiday Home', which attracts the guidelines mentioned in the Annexure III of CRZ Notification, 2011, pertaining to development of hotel and beach resorts in CRZ II & III areas.

In view of above, the Authority directed project proponent to resubmit the proposal in accordance with the guidelines mentioned in Annexure III of CRZ Notification, 2011.


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Item No. 28: CRZ NOC for mining at S. No. 4, 5, 6, 7, 8 village Sakhari, Tal- Mandangad, Dist- Ratnagirifor Sakhari Bauxite mine

The Authority decided to obtain the remarks of the desk of Environment Department concerned with the issues of High Level Working Group on Western Ghat about status of Moratorium in the concerned area.

Item No. 29: Construction on plot bearing Survey No. (27) 182, Hissa No. 1A1, C.S. No. 654 at village Murud , Tal- Murud, Dist - Raigad

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

1. Murud Janjira Municipal Council vide letter dated 20.8.2013 forwarded a proposal of Construction on plot bearing Survey No. (27) 182, Hissa No. 1A1, C.S. No. 654 at village Murud , Tal- Murud, Dist - Raigad.
2. The Murud - Janjira Municipal Council letter dated 20.08.2013, mentions that
 - As per the Development Plan sanctioned of Murud - Janjira Municipal Council, the plot partly falls in residential zone.
 - As per the approved CZMP of Murud - Janjira, the plot falls in CRZ II and situated on the landward site of the road prior to 1991.
3. As per layout plan submitted by proponent, proposed construction comprises of-
 - a. Bungalow No. 1 to 8 - Each having Gr. + 1st floor.
 - b. Building No. 1 & 2 - Each Building having Gr. + 2 upper floors.
4. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot - 3611.77 sqm
 - Permissible FSI - 1.00
 - Permissible floor area - 3611.77 sqm
 - Proposed area of building - 2811.31 sqm
 - Balance area - 800.46 Sqm
 - FSI proposed to be consumed - 0.78

MCZMA vide its letter dated 04.01.2014 sought information on certain points from the Chief Officer, Murud - Janjira Municipal Council in the subject matter. Accordingly, the Chief Officer, Murud - Janjira Municipal Council, forwarded their reply vide letter dated 23.01.2014 on points raised by MCZMA. Point wise reply of the Chief Officer, the Murud - Janjira Municipal Council letter dated 23.01.2014 to MCZMA is follows:

Sr. No.	MCZMA query	MJMC reply
1	Present Use of the land under reference	It is a vacant plot
2	Details of proposal for small scale industry	7/12 extract attached has


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	(shown in 7/12 extract)	shown small scale industry in other legal rights. But as per existing development plan this plot comes in residential zone and previous reservation is omitted / cancelled. Fresh 7/12 extract is attached for ready reference along with development plan.
3	Details of existing structures on the land under reference	As per Development Plan the land is in residential zone and it is vacant.
4	Status of construction / plot	It is a vacant plot

The Authority after deliberations decided to recommend the proposal from the CRZ point of view to the concerned 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 from 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 permission from different statutory authorities should be obtained prior to commencement of work.


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Item No. 30: CRZ Clearance for proposed residential building on land bearing S. No. (20) 108, H. No. 5, CTS No. 886 of village Murud, Tal. Murud, Dist. Raigad

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

1. As per the Murud - Janjira Municipal Council letter dated 08.08.2013,
 - The proposal is for residential building on land bearing S. No. (20) 108, H. No. 5, CTS No. 886 of village Murud, Tal. Murud, Dist. Raigad
 - As per the Development Plan of Murud - Janjira Municipal Council, the plot partly falls in residential zone and partly in green zone.
 - As per the approved CZMP of Murud - Janjira, the plot falls in CRZ II and situated on the landward side of the road.
 - Total area of plot is 2800.00 sq m
2. The Murud-Janjira Municipal Council has forwarded the proposal for residential building on land bearing S. No. (20) 108, H. No. 5, CTS NO. 886 of village Murud, Tal. Murud, Dist. Thane comprises of Ground + 1st floor structure for residential purpose.
3. As per the copy of the Tax Certificate 2013 - 2014 dated 23.12.2013 submitted by project proponent, present use of existing structure is residential.
4. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot - 2800.00 sq m
 - Permissible FSI - 0.75
 - Less area under G Zone - 1126.00 sq m
 - Net area under R Zone - 1674 sq m
 - Permissible built up area per floor - 418.50 sq m
 - Proposed built up area on ground floor - 84.0711 sq m
 - Proposed built up area on first floor - 48.9628 sq m
 - Total built up area - 133.0339 sq m

The Murud - Janjira Municipal Council has forwarded the proposal vide letter dated 8th August, 2013 wherein, they mentioned that the building construction was started on land bearing S. No. (20) 108, H. No. 5, CTS No. 886 of village Murud, Tal. Murud, Dist. Raigad. The Murud - Janjira Municipal Council have given permission to project proponent for the said construction vide letter dated 26.12.2006 and because of end of permission of construction they have informed to take CRZ permission. In the current state of the work is incomplete. As per the development plan, the plot is in residential zone.

The MCZMA vide its letter dated 17.01.2014 sought information on certain points from the Chief Officer, Murud - Janjira Municipal Council in the subject matter. Accordingly, the Chief Officer, Murud - Janjira Municipal Council, forwarded their reply vide letter dated 22.01.2014 on points raised by MCZMA.


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Point wise reply of the Chief Officer, Murud - Janjira Municipal Council letter dated 22.01.2014 to MCZMA is follows:

Sr No.	MCZMA query	MJMC reply
1	Present status of construction on site and existing use of the land under reference.	It is a proposal of reconstruction, old structure is yet to be demolished and new construction will be done after obtaining CRZ clearance & building permission.
2	Whether the proposed construction is in residential zone.	The proposed construction is in residential zone.

The Authority after deliberation decided to recommend the proposal to concerned planning authority from CRZ point of view 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 from 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 concerned Planning authority should ensure that the FSI, lay out plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. There should not be violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by Murud Janjira Municipal Council.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No. 31: Proposed New residential building on Plot. No. 120 & 121, Shreebag no. 2, village Alibag, Tal. Alibag, Dist. Raigad.

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

1. The proposal is submitted through Alibag Municipal Council, vide letter dated 24th September, 2013
2. As per the Alibag Municipal Council letter dated 24.09.2013,


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- The proposal is for new residential building on plot no. 120 & 121, Shreebag no. 2, village Alibag, Tal. Alibag, Dist. Raigad.
 - As per the Development plan of Alibag, the plot is in residential zone. The proposed construction is on vacant plot.
 - As per the CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
 - The Total area of plot is 112.00sqm
3. The Alibag Municipal Council has forwarded the proposal for new residential building on Plot No. 120 & 121, Shreebag no. 2, village Alibag, Tal. Alibag, Dist. Raigad comprises of Stilt + raised upper two floors for residential purpose.
4. FSI Details, as per the layout plan submitted by the project proponent,
- Total Area of Plot – 112.00sqm
 - Permissible FSI – 1.00
 - Proposed BUA on raised ground floor – 55.9sqm
 - Proposed BUA on raised first floor – 55.9sqm
 - Total Proposed built up area – 111.80sqm
 - FSI proposed to be consumed – 0.99

The Authority after deliberations decided to recommend the proposal from CRZ point of view to the concerned 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 from 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 permission from different statutory authorities should be obtained prior to commencement of work.


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Item No. 32: Proposed new residential building on Plot. No. 67, Shreebag development scheme no. 2, village Alibag, Tal. Alibag, Dist. Raigad.

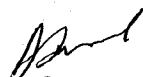
Project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The proposal is submitted through Alibag Municipal Council, vide letter dated 23rd October, 2013
2. As per the Alibag Municipal Council letter dated 23.10.2013,
 - The proposal is for new residential building on plot bearing plot no. 67, Shreebag development scheme no. 2, village Alibag, Tal. Alibag, Dist. Raigad.
 - As per the Development plan of Alibag, the plot is in residential zone. The proposed construction is on vacant plot.
 - As per the CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
 - The total area of plot is 108.00sqm
3. The Alibag Municipal Council has forwarded the proposal for new residential building on plot bearing Plot. No. 67, Shreebag development scheme no. 2, village Alibag, Tal. Alibag, Dist. Raigad comprises of ground floor + upper floor for residential purpose.
4. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot – 108.00sqm
 - Permissible FSI – 1.00
 - Total permissible BUA – 108.00sqm
 - Total permissible BUA per floor – 54.00sqm
 - Proposed BUA on ground floor – 38.2191sqm
 - Proposed BUA on first floor – 53.6980sqm
 - Total Proposed built up area – 91.9171sqm

The Authority after deliberations decided to recommend the proposal from the CRZ point of view to the concerned 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 from 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


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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 permission from different statutory authorities should be obtained prior to commencement of work.

Item No. 33: Proposed new residential building on Plot. No. LA 69 & LA 70, Shreebag no. 2, village Alibag, Tal. Alibag, Dist. Raigad.

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

1. As per the Alibag Municipal Council letter dated 23.10.2013,
 - The proposal is for new residential building on plot no. LA 69 & LA 70, Shreebag no. 2, village Alibag, Tal. Alibag, Dist. Raigad.
 - As per the Development plan of Alibag, the plot is in residential zone. The proposed construction is on vacant plot.
 - As per the CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
 - The Total area of plot is 216.00sqm
2. The Alibag Municipal Council has forwarded the proposal for new residential building on Plot. No. LA 69 & LA 70, Shreebag no. 2, village Alibag, Tal. Alibag, Dist. Raigad comprises of Stilt + ground floor + 2 upper floors for residential purpose.
3. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot – 216.00sqm
 - Permissible FSI – 1.00
 - Total permissible BUA – 216.00sqm
 - Total permissible BUA 50% per floor – 108.00sqm
 - Proposed BUA on ground floor – 107.54sqm
 - Proposed BUA on first floor – 107.54sqm
 - Total Proposed built up area – 215.08sqm

The Authority after deliberations decided to recommend the proposal from the CRZ point of view to the concerned 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 from 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.


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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 permission from different statutory authorities should be obtained prior to commencement of work.

Item No. 34: Proposed new residential building on plot bearing S. No. (2) 77, Hissa No. 1 A, C. S. No. 1602 (pt), village Murud, Tal. Murud, Dist. Raigad.

Project proponent was absent for the meeting. Matter was deferred.

Item No. 35: Proposed new residential building on plot bearing C. S. No. 1316, village Alibag, Tal. Alibag, Dist. Raigad.

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

1. As per the Alibag Municipal Council letter dated 21.11.2013,
 - The proposal for new residential building on plot no. C. S. No. 1316, village Alibag, Tal. Alibag, Dist. Raigad.
 - As per the Development plan of Alibag, the plot is in residential zone. The proposed construction is on vacant plot.
 - As per the CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
 - The Total area of plot is 410.00sqm
2. The Alibag Municipal Council has forwarded the proposal for new residential building on plot bearing C. S. No. 1316, village Alibag, Tal. Alibag, Dist. Raigad comprises of raised ground floor + raised 2 upper floors for residential purpose.
3. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot – 410.00sqm
 - Permissible FSI – 1.00
 - Total permissible BUA – 410.00sqm
 - Total permissible BUA per floor – 136.66sqm


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- Total proposed BUA on ground floor – 73.24sqm
- Total proposed BUA on raised ground & first floor – 136.64sqm
- Total proposed BUA on raised first floor & second floor – 136.64sqm
- Total proposed BUA on raised second floor – 59.97sqm
- Total Proposed built up area – 406.507sqm

The Authority after deliberations decided to recommend the proposal from CRZ point of view to the concerned 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 from 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 permission from different statutory authorities should be obtained prior to commencement of work.

Item No. 35: Review of District Coastal Zone Monitoring Committee- Mumbai Suburban District

The matter was deferred.

Item No. 37: Separate CRZ Regulatory Regime for MCGM Area (Hon. High Court Order dated 16.1.2013)

Hon'ble High Court of Judicature at Bombay in WP No. 2809 of 2012 in the case of Nahur Vivekanand Cooperative Housing Society Ltd. Mulund (West), Mumbai and. Silvex Developers Private Limited, Santacruz (W), Mumbai Vs Union of India and others passed an order dated 16th January 2013. Hon'ble High court observed as follows:

"we cannot help placing on record our concern about the impact of the CRZ Regulations, 2011 and their implementation on development of Mumbai. While there can be no two


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opinions about the need to preserve ecology, one cannot overlook the fact that Mumbai, the commercial capital of the country, is an island city, already having thousands of structures within 500 meters and 1000 meters of the coast for several decades, even before coming into force of the CRZ Regulations of 1991 which are now replaced by CRZ Regulations of 2011. for regulating the development of Mumbai, therefore, the ministry of Environment and forest may consider appropriate regulatory measures which need not necessarily be the regulatory measures applicable to the other coastal areas"

The Authority noted that draft of separate regulatory regime for Mumbai has been prepared. The Authority decided to circulate the draft to obtain suggestions / inputs from the concerned department/ authorities / offices in the matter.

Item No. 38: Regarding Creation of one more Post of Law Officer on the Contract Basis


Law Officer, MCZMA made a representation that the Environment Department Govt. of Maharashtra/MCZMA is receiving number of cases filed before the Hon'ble High court bench at Mumbai , Aurangabad and Nagpur challenging the provisions of the Environment (protection) Act 1986, the water (prevention and control of pollution) act ,1974, the Air (prevention and control of pollution) Act 1981, as well as challenging the Environment clearances and CRZ recommendations/CRZ clearances.

Exclusive of the above litigation, Environment Department/ MCZMA is also receiving number of appeals/applications filed by the litigants before the Hon'ble National Green Tribunal, western zone Pune which also includes appeal & application related to CRZ matters. Special leave petitions are also filed by the litigants before the Hon'ble supreme court of India.

Taking in to consideration the above facts, it is necessary to create one more post of law officer on the contract basis in MCZMA having total emoluments in the range of Rs. 20,000 to 40,000 per month having LL.B. qualification enrolled as an advocate & standing practice having at-least 5 yrs. before the Hon'ble court of law and to increase the present emblems of the law officer on contract basis in the range of Rs. 20,000 to 40,000 per month.

After deliberations, the Authority decided to recommend the followings with following a due procedure:

1. One additional post of Law officer, MCZMA on contractual basis with educational qualification of LL.B & having at-least 5 years experience of handling the legal matters with salary slab in the range of Rs. 20000-40000 per month


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2. Increase in the remuneration of existing law officer, MCZMA on contractual basis from Rs. 20000 to Rs. 40000 per month.

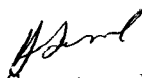
Item No. 39: WP No. 327 of 2013
Deepak Rao Vs the State of Maharashtra

The Authority noted that Deepak Rao has filed a Writ petition No. 327 of 2013 Versus the State of Maharashtra & ors. Petition pertains to proposal of Slum Rehabilitation Scheme situated at Mahim, Mumbai. Petitioner contended that water body at Mahim is a 'Bay' and the land of the petitioner falls beyond 100 m. from the Mahim Bay and in view of the CRZ Notification dated 6.1.2011 which supersedes the old CRZ Notification dated 19.2.1991, the petitioner was entitled to develop the said land and complete the scheme which is pending since 1991. Hon'ble High Court of Mumbai has passed an order dated November 25, 2013 and December 09, 2013 in the matter. As per the said order of Hon'ble High Court Mumbai *"MCZMA to take a decision one way or the other on merits and in accordance with law after going through the Notification, and the other relevant Notifications and after proper interpretation the word 'Bay'. The MCZMA to decide the said application filed by the petitioner and which has been kept pending, as expeditiously as possible and, in any case, within a period of 12 weeks from today. If any adverse is passed, the petitioner will be entitled to challenge the said order by amending the present petition. The Petitioner is at liberty to file an additional compilation of documents. Liberty is also given to the petitioner to file a copy of this petition as an additional compilation. Stand over to 3.3.2014"*

The Authority noted that issue of CRZ area along the water body at Mahim was deliberated in the matter of M.N. Koli SRA scheme on plot bearing C.S. No. 1463 in Mahim Division at G/N ward, Mumbai in MCZMA's 75th and 78th meeting held on 15.5.2012 and 3.11.2012 respectively. During the 78th meeting, the Authority came to the conclusion that since the work of CZMP preparation of Mumbai as per the provisions of CRZ Notification, 2011 is under progress and the subject matter shall be looked into by the MCZMA after receipt of the draft CZMP of Mumbai from IRS, Chennai, there would be public consultation as well as guidance from National Centre for Sustainable Coastal Management in the matter. So no immediate action is required in the matter. Further, the MCZMA requested a clarification regarding 'Bay' from MoEF, New Delhi. However, no reply in the matter is received so far.

Hon'ble High Court has observed that *"the MCZMA was of the opinion that the new Notification could create confusion and complication for implementation of the CRZ and, therefore, referred the matter to NCZMA for clarification. In our view, it is not open for the MCZMA to wait indefinitely for the clarification from the NCZMA. We, therefore, direct the MCZMA to take a decision one way or the other on merits and in accordance with law after going through the Notification and the other relevant Notifications and after proper interpretation of the word 'Bay'"*


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The Hon'ble court order dated November 25, 2013 was deliberated in 86th meeting held on 27th November, 2013 and was taken on record. After deliberation, the Authority decided that proponent should submit the CRZ map in the 1:4000 scale demarcating HTL, LTL and CRZ areas prepared by one of the agencies authorized by MoEF, New Delhi. Further, it was decided that the issue of 'Bay' will be addressed on a case to case basis as per the certification of MoEF authorized agency.

Proponent has submitted the CRZ map in the 1:4000 scale demarcating HTL, LTL and CRZ areas superimposing the site under reference, prepared by IRS, Chennai which is one of the agency authorized by MoEF, New Delhi. Said CRZ map was deliberated in 87th meeting of the MCZMA held on 21st January, 2014, wherein the Authority decided that matter would be once again deliberated in the context of old approved CZMP & provisions of CRZ Notification, 2011. Further, the Authority observed that no clarification pertaining to demarcation of three CRZ lines from the HTL of Mahim 'Bay' in the CRZ map is received from the IRS, Chennai as requested by the MCZMA.

Accordingly, the matter was once again deliberated in 88th meeting of MCZMA held on 31st January, 2014, wherein, taking into account old approved CZMP of Mumbai & CRZ map in 1:4000 scale along with its report prepared by IRS, Chennai and Hon'ble High court order in the matter, the Authority observed in the matter as follows:

1. Ministry of Environment and Forests, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500m CRZ area from the HTL of the water body indicated as Mahim Bay in said CZMP.
2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as: *"CRZ shall apply to the land area between HTL to 100m or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).*
Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from



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sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like”

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 22nd August, 2013 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2014.
4. The work of preparation of new CZMPs as per the provisions of the CRZ Notification, 2011 is under process by the State Govt through MoEF authorized agencies. The appointed MoEF authorized agencies will at-least take one year to submit draft CZMPs to MCZMA. After public consultation, draft CZMPs will be submitted to MoEF for final approval.
5. Hon'ble High court of Mumbai while passing the orders in WP NO. 647/2012 (Rustonjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu Ekta CHS V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on record the above said Hon'ble High court orders.
6. National Hydrographic Office, Deharadun, which is one the MoEF authorized agency vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, Mahim Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun. Old CZMP approved by MoEF indicates water body at Mahim as 'Mahim Bay'.
7. IRS, Chennai has prepared CRZ map in the 1:4000 scale superimposing the project site having C. S. No. 1463 in Mahim Division at G/N Ward, Mumbai. Conclusion of the IRS report is "CRZ area shall be applied for the land / site within the 100m buffer zone from HTL (Bay / creek) as per CRZ Notification, 2011. In this case, the project site under consideration does not fall within the 100m buffer zone from HTL (Bay and creek)".
8. Further, the said CRZ map indicates that project site is beyond 100 m CRZ line from the HTL of Mahim Bay and creek. The HTL demarcated by the IRS, Chennai-Authorized agency- for the location mentioned in this case in the Mahim Bay is the same as the HTL demarcated in the old CZMP approved by MoEF for the said location.


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9. The Authority took on record & deliberated the CRZ map in 1:4000 scale along with its report prepared by IRS, Chennai, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 and observations of various orders of the Hon'ble High court mentioned above.
10. In view of the above, the Authority after detailed deliberations decided that project site i.e. plot bearing C.S. No. 1463 in Mahim Division at G/N ward, Mumbai is situated outside CRZ area i.e. beyond 100 m CRZ line from the HTL of Mahim Bay and Creek, as per the provisions of CRZ Notification, 2011. Hence, the said plot will not fall under the ambit of the CRZ Notification, 2011.

Authority decided to communicate the above said decision in the matter to the Hon'ble High Court of Mumbai without waiting for confirmation of the minutes.

Item No. 40: Notice Under Section 19(B) of Environment Protection Act, 1986 - (Redevelopment of property on plot bearing C.S.No. 830, 830A and 830B of Worli Dn. Plot No. 96A, 96B, 96C of Worli Estate Scheme No.52 on Khan Abdul Gafar Khan Road, Worli, Mumbai)

The Authority noted that Mr. Santosh Doundkar has issued a Notice under Section 19(B) of Environment Protection Act, 1986 to MCZMA in the matter of Redevelopment of property on plot bearing C.S.No. 830, 830A and 830B of Worli Dn. Plot No. 96A, 96B, 96C of Worli Estate Scheme No.52 on Khan Abdul Gafar Khan Road, Worli, Mumbai with a copy to various Govt organisations.

The Authority observed that MCZMA recommended a proposal of Redevelopment of property on plot bearing C.S.No. 830, 830A and 830B of Worli Dn. Plot No. 96A, 96B, 96C of Worli Estate Scheme No.52 on Khan Abdul Gafar Khan Road, Worli, Mumbai, under CRZ Notification, 2011 with certain conditions based on the decision taken in 85th meeting.


After discussion, the Authority decided to give reply to the said Notice stating about the decision taken in the subject proposal in 85th meeting of the MCZMA without waiting for confirmation of minutes.

Table Item No. 1

Item No. 1: Proposed Residential cum Commercial rental Housing Project at Balkum, Thane (W) by Dosti Enterprises

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


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1. The Thane Municipal Corporation vide letter dated 17.10.2013 requested CRZ permission for Proposed Residential cum Commercial rental Housing Project at Balkum, Thane (W) by Dosti Enterprises.
2. Thane Municipal Corporation vide letter dated 17.10.2013 mentions,
 - As per approved Plan of Thane Industrial Complex which is a part of Mumbai Metropolitan Regional Plan of 1976, the land under reference is affected by 100ft and 130ft wide each one road and Open Space etc. and remaining land falls in residential zone.
 - As per approved revised development plan, the land under reference reserved for proposed 20m, 45m wide road, 30 m wide HCMTR and drainage treatment plant reservation no. 12 and Secondary High School reservation No. 8 (partly) etc and remaining land falls in residential zone.
 - The land under reference is partly falls in No development zone i.e. 100m from compound wall of Chemical Industries (i.e Roche & Bayer India Pvt. Ltd.) and beyond this 150 m falls in low density area.
 - The land under reference partly falls in Mass Rapid Transit System project.
3. As per Thane Municipal Corporation vide letter dated 17.10.2013 and CZMP of Thane Municipal Corporation Area, the land under reference partly falls in Sparse Mangroves, 50 m mangroves buffer zone (CRZ – IA) and CRZ –III area and partly falls in Non CRZ area.
4. The proposal is for Residential cum Commercial Rental Housing Project on non CRZ area at Balkum, Thane (W) under MMRDS's Rental Housing Scheme.

Area Details-

As per submitted information area details are as follows,

New S.No	Old S.No	As per 7/12 (Sq. m.)	As per Trangl ation Metho d	Non CRZ area	Total CRZ Area							
					CRZ	45 m roa d	30 m roa d	20 m roa d	HC MT R	MR TS	Gar den	DTP
26/2	23/2	610	637.38	633.41	3.97	-	-	-	-	-	-	-
33/15	30/16	710	685.79	-	-	685.79	-	-	-	-	-	-
33/17	30/17	400	424.54	-	-	424.54	-	-	-	-	-	-
34/1A	31/1A	680	678.09	-	590	-	-	87.42	-	-	-	-
34/1B	31/1B	780	782.00	-	653.18	-	-	138.82	-	-	-	-
34/2	31/2	316	3194	-	255	-	-	643.	-	-	-	-


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		0			0.39			61				
34/3 A	31/3 A	680	620	-	620. 26	-	-	-	-	-	-	-
34/3 B	31/3 B	960	872.70	-	827. 70	-	-	-	-	-	-	-
34/6	31/6	225 0	2327.2 2	124 6.46	108 0.76	-	-	-	-	-	-	-
34/7	31/7	268 0	2523.6 2	244 3.69	79.9 3	-	-	-	-	-	-	-
34/8	31/8	690	1036.0 0	354. 27	681. 73	-	-	-	-	-	-	-
34/9	31/9	350	355.40	-	355. 40	-	-	-	-	-	-	-
35/1	32/1	214 0	2016.6 9	-	106 8.89	-	-	947. 80	-	-	-	-
35/2	32/2	510	583.68	-	243. 15	14.7 8	-	325. 75	-	-	-	
35/3	32/3	80	83.07	-	60.2 6	-	-	22.8 1	-	-	-	
35/4	32/4	990	1059.4 6	-	967. 78	-	-	91.6 8	-	-	-	
35/5	32/5	530	454.94	-	211. 76	-	-	243. 18	-	-	-	
35/6	32/6	510	538.69	-	538. 69	-	-	-	-	-	-	
35/7	32/7	215 0	1895.8 8	-	189 5.88	-	-	-	-	-	-	
35/8	32/8	610	494.20	-	494. 20	-	-	-	-	-	-	
35/9	32/9	630	648.64	-	648. 64	-	-	-	-	-	-	
35/1 0	32/1 0	860	856.43	-	856. 43	-	-	-	-	-	-	
35/1 1	32/1 1	730	686.68	-	686. 68	-	-	-	-	-	-	
35/1 2	32/1 2	530	534.51	-	534. 51	-	-	-	-	-	-	
35/1 3	32/1 3	134 0	1228.9 1	82.0 8	114 6.83	-	-	-	-	-	-	
35/1 4	32/1 4	116 0	1207.4 1	684. 79	522. 62	-	-	-	-	-	-	
35/1 5	32/1 5	680	661.24		611. 24	-	-	-	-	-	-	


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35/1 6	32/1 6	660	662.35	-	662. 35	-	-	-	-	-	-	
36/6 B	33/6	300	300	-	-	300	-	-	-	-	-	
36/1 3A	33/1 3A	450	378.43	-	-	378. 43	-	-	-	-	-	
36/1 3B	33/1 3B	102 0	1103.1 1	-	339. 37	763. 74	-	-	-	-	-	
39/1	36/1	500	423.09	-	423. 09	-	-	-	-	-	-	
39/2	36/2	500	455.57	-	226. 44	229. 13	-	-	-	-	-	
39/3	36/3	750	750	192. 61	557. 39	-	-	-	-	-	-	
39/9 B+C	36/9 B+C	165 0	1650	551. 71	-	109 8.29	-	-	-	-	-	
39/1 0B	36/1 0B	100 0	1010	-	-	101 0.26	-	-	-	-	-	
40/3	37/3	140 0	1551.1 2	154 1.62	9.50	-	-	-	-	-	-	
41/1	38/1	960	969.51	535. 68	-	433. 83	-	-	-	-	-	
41/3 B+C	38/3 B+C	610	658.00	-	-	658	-	-	-	-	-	
41/6 A	38/6 A	257 0	2760.6 1	106 5.11	-	162 1.37	-	-	74.1 3	-	-	
41/1 1	38/1 1	180 0	1771.8 8	635. 54	240. 35	794. 97	-	-	78.5 1	22. 51	-	
41/1 4	38/1 4	510	559.53	-	129. 54	6.97	-	-	-	423 .02	-	
41/1 8	38/1 8	230	235.52	-	-	111. 28	-	-	-	124 .24	-	
43/2	40/2	235 0	2307.8 4	120 8.17	100 6.69	-	-	-	-	92. 98	-	
43/3	40/3	810	880	-	-	526. 67	-	-	-	353 .33	-	
43/4	40/4	710	798.18	-	54.1 7	404. 22	-	-	-	339 .79	-	
43/5	40/5	940	925.15	-	198. 94	386. 56	-	-	-	339 .65	-	
45/2	42/2	693 0	6726.1 9	431 7.48	107 3.39	-	-	110 1.92	-	233 .40	-	
46/1	43/1	310	380	-	-	380	-	-	-	-	-	


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A	A											
46/5 B	43/5 B	900	351.72	-	-	-	-	351.72	-	-	-	
47/4 B	44/4 B	245 0	1252.9 6	122 8.34	-	-	-	24.6 2	-	-	-	
77/1	185/ 1	210 0	2065.2 3	-	890. 62	-	117 4.61	-	-	-	-	
77/2 A	185/ 2A	111 0	1239.6 0	73	283. 66	-	882. 94	-	-	-	-	
77/2 B	185/ 2B	109 0	946.40	-	946. 40	-	-	-	-	-	-	
77/5	185/ 5	860	864.08	463. 87	400. 21	-	-	-	-	-	-	
77/7 A	185/ 7A	580	537.27	472. 32	64.9 5	-	-	-	-	-	-	
77/7 B	185/ 7B	510	539.49	448. 50	90.9 9	-	-	-	-	-	-	
77/7 C	185/ 7C	167 0	1597.7 6	142 8.07	169. 69	-	-	-	-	-	-	
78/1	186/ 1	211 0	2101.1 3	797. 59	806. 55	-	-	-	496. 99	-	-	
78/4	186/ 4	830	805.50	739. 18	45.0 2	-	-	-	21.3 0	-	-	
54/1	49/A	142 0	1044.7 8	843. 17	-	31.4 4	-	-	-	170 .17	-	
78/3	186/ 3	350	350	-	350	-	-	-	-	-	-	
77/8 A	185/ 8Pt.	152 0	1520	102 9.15	-	-	-	-	-	-	490 .85	
77/8 C	185/ 8Pt.	278 0	2467.0 8	150 9.91	-	-	-	-	582. 38	-	374 .79	
77/8 E	185/ 8Pt.	278 0	3263.3 2	297 0.20	-	-	-	-	293. 12	-	-	
28/2	25/2	161 60	16160	179 6.64	526 6.28	-	-	180 1.43	-	-	-	729 5.65
77/3	185/ 3	613 0	6130	312. 14	581 7.86	-	-	-	-	-	-	
34/4	31/4	340 0	3286.6 2	-	716. 92	-	-	567. 33	-	-	-	200 2.37
33/9 A	30/9 A	157 0	1570	-	-	839. 95	-	-	-	-	-	730. 05
34/3 C	31/3 C	960	960	-	-	-	-	960	-	-	-	


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41/1 3	38/1 3	124 0	1240	650. 87	137. 85	-	-	-	-	451 .28	-	
39/7 A	36/7 A	122 0	1200.4 5	-	-	120 0.45	-	-	-	-	-	
39/4	36/4	600	638.93	-	506. 56	132. 37	-	-	-	-	-	
39/8	36/8	400	240.47	-	185. 18	55.2 9	-	-	-	-	-	
39/5	36/5	100	92.29	-	33.9 3	58.3 6	-	-	-	-	-	
39/6	36/6	100	105.41	-	36.8 0	68.6 1	-	-	-	-	-	
37/1 A	34/1 A	600	563.98	-	30.6 5	533. 33	-	-	-	-	-	
28/1	25/1	519 0	5190	-	-	-	-	-	-	-	-	519 0
29/1	26/1	149 0	1490	-	-	-	-	-	-	-	-	149 0
29/2	26/2	311 0	3110	-	-	-	-	-	-	-	-	311 0
29/3	26/3	288 0	2880	-	-	-	-	-	-	-	-	288 2
29/5	26/5	280	280	-	-	-	-	-	-	-	-	280
33/4	30/4	510	510	-	-	510	-	-	-	-	-	
33/6	30/6	119 0	1190	-	-	-	-	-	-	-	-	119 0
33/7	30/7	480	480	-	-	-	-	-	-	-	-	480
33/8	30/8	880	880	-	-	-	-	-	-	-	-	880
33/1 3	30/1 3	480	480	-	-	-	-	-	-	-	-	480
33/1 1	30/1 1	780	780	-	-	-	-	-	-	-	-	780

FSI Details-

FSI details as per layout plan approved by Thane Municipal Corporation dated 28.2.2013,

	Description	Area in Sq.m.
A	Total area of plot (As per 7/12)	280420.00
	Total area	283890.32



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		of plot (As per Trangulation)						
		Area consider for FSI	280420.00					
1		Area of Plot	Plot -A	Plot - B	Plot - C	Plot - D	Plot - E	School Plot
2		Area of plot (As per 7/12)	271210.00	1480.00	1720.00	250.00	5760.00	
3		Deduction for						
	a	Area not considered in FSI	1498.41					
	b	Area under 15.00 m wide road	1260.47					
	c	Area under 20.00 m wide road	11603.63					
	d	Area under 20.00 m wide road in CRZ	3979.33					
	e	Area under 30.00 m wide road	9113.83					
	f	Area under 45.00 m wide road in CRZ	11568.36					
	g	Area under 30.00 m wide HCMTR	14439.32					

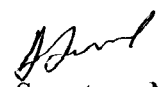

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	h	Area under 30.00 m wide HCMTR (CRZ)	670.93					
	i	Area under MRTS	11590.56				608.94	
	j	Area under MRTS (CRZ)	1928.92					
	k	Area under 18.00 m wide road	3286.25					
	l	Area under CRZ	27589.08					
	m	Area under 30.00 m wide road under CRZ	2057.55					
	n	Area under 45.00 m wide road	----				410.92	
	o	MΔP Reservatio n	1831.39					4777.0 6
	p	SΔS Reservatio n	2945.67					
	q	ST Workshop reservation	17274.07					
	r	Play Ground area	10692.40					
	s	Garden reservation No. 9	3556.37					


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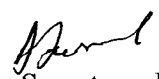
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	t	Garden reservation No. 11	6722.25					
	u	Garden reservation No. 12	1952.53					
	v	Area under Vaitarana Pipeline	----	154.09	64.96	148.93		
		Total	145561.32					
4		Net area of Plot	125648.88	1325.91	1655.04	101.07	4740.14	4777.06
5		Total Balance area of Plot	133470.84					
6		FAR Permissible	Sale Plot Area 3.00	Rental Plot Area 1.00				
7		Total permissible area	400412.52	133470.84				
8		Proposed area	400357.89	133458.91				
9		Balance area	54.63	11.93				
10		Total BUA consumed	1.00	1.00				

5. MCZMA vide letter dated 18.1.2014 requested to Thane Municipal Corporation for certain information. Accordingly, Thane Municipal Corporation has submitted its reply vide letter dated 28.1.2014.

Sr. No.	MCZMA query	TMC reply
1	Total Area of plot = CRZ area + non CRZ area	Total Plot area is 3,30,170.00 Sq.m. Out of this 94,492.67 Sq.m. area falls in CRZ and remaining 30,255.57 Sq.m. is in non


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		CRZ area.
2	Details of zoning, designation, reservations, as per development plan / regional plan as on 19.02.1991 of the CRZ area of plot.	As per Bombay Metropolitan Regional Planning Board's sanctioned Thane Industrial Complex Plan of 1973, land under project is partly affected by 100 ft, 130ft wide roads, open space and recreational area and remaining land included in Residential and Industrial area.
3	Details of development / construction work proposed in CRZ area.	No development proposed in CRZ area.
4	Permissible FSI in CRZ area of plot as per DCR as on 19.02.1991	Permissible FSI was 0.75 under Reg. No. 13 of said DC Rules.
5	Whether proposed development is by utilization of FSI potential of CRZ area on the Non CRZ area.	Nil
	Whether the 88 numbers of plots under consideration has amalgamated.	Amalgamation has been approved vide permission dated 28.2.2013.

As presented by the proponent, the Authority noted that construction of temporary transit camp is proposed in non CRZ portion of plot. Further, FSI of CRZ portion of plot is not proposed to utilize on Non CRZ portion of plot.

After deliberation it was decided to recommend the proposal from CRZ point of view to concerned planning authority subject to following conditions-

1. No construction should be undertaken in CRZ portion of plot.
2. FSI utilization of CRZ portion of plot on Non CRZ portion of plot is not allowed as committed by proponent.
3. All other required permissions from different statutory authorities should be obtained prior to commencement of work.



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----Meeting ended with vote of thanks to the Chair---

Annexure- I

- 1) Dr. M. Baba, Expert Member, MCZMA
- 2) Dr. Mahesh Shindikar, Expert Member, MCZMA
- 3) Dr. Baban Ingole, Expert Member, MCZMA
- 4) Ajay T. Fulmali, Member Secretary, MCZMA


Chairman, MCZMA


Member Secretary, MCZMA