

**MINUTES OF THE 93<sup>rd</sup> MEETING OF MAHARASHTRA COASTAL ZONE  
MANAGEMENT AUTHORITY (MCZMA) HELD ON 25<sup>th</sup> August, 2014**

Ninety-third meeting of the MCZMA was held under the Chairmanship of Additional Chief Secretary (Environment), GoM and Chairperson of MCZMA on 25<sup>th</sup> August, 2014 at 11.00 am at Sachivalaya Gymkhana, Mumbai.

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

**Item No.1: Confirmation of Minutes of the 92<sup>nd</sup> Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 19<sup>th</sup> July, 2014**


The 92<sup>nd</sup> meeting of the MCZMA was held on 19<sup>th</sup> July, 2014. As per the discussion held in the meeting, draft minutes were prepared and circulated to all members of the MCZMA through email with a request to provide suggestions / objections, if any. Some changes suggested by the then Chairman & Expert member were incorporated in the draft minutes appropriately. The minutes of 92<sup>nd</sup> meeting were confirmed with these changes.

**Item No. 2: Proposed pipeline for water supply by laying micro tunnel across Malad Creek, Malad (W) in P/N Ward, Mumbai by MCGM**

Project proponent was absent for the meeting. Hence, the matter was deferred

**Item No.3: Proposed development of Integrated Cemetery at Rafique Nagar, Govandi in 'M/E' ward, Mumbai by MCGM**

  
Chairperson

  
Member Secretary

Authority noted that the proposal was earlier deliberated in the 91<sup>st</sup> meeting of the MCZMA held on 29<sup>th</sup> to 31<sup>st</sup> May 2014, wherein the Authority noted that MCGM has proposed development of Muslim Cemetery consisting of DRK office, 2 nos. of Mourners hall and 2 nos. of toilet block on plot bearing CTS No. 1(pt) of village – Deonar at Rafique Nagar, Govandi in 'M/E' ward, Mumbai. As per DP remarks of MCGM, the plot under reference falls in CRZ-II and reserved for INT Cemetary and it is in No Development Zone. As per DP remarks of MCGM for the CTS No. 1(pt) of village – Deonar the land under reference falls in Residential zone and designated for I.N.T. Cemetery and affected by 27.50 M DP Road. As per Govt. Notification dated 3.1.2003 I.N.T. Cemetery is situated in No Development Zone (NDZ) and 27.50 M wide DP Road is deleted and included in No Development Zone (NDZ). As per Development Plan of 1966 the land under reference falls in Industrial Estate. The plot is vacant and abutting to Deonar Dumping Ground.

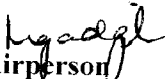
During the 91<sup>st</sup> meeting, the Authority observed that the plot under reference falls in CRZ II and situated on seaward side of road. Proposal is for 'public use' and it is a need of local people. The Authority directed the project proponent to rework the proposal for integrated Cemetary and also submit the layout map showing the prayer hall and toilets.


Project proponent presented that as per decision taken in 91<sup>st</sup> meeting of the MCZMA, the MCGM vide letter dated 5.6.2014 submitted amended plans incorporating minor changes as below:

- 1) R.G. to be shown as open space.
- 2) Instead of DRK office a record room to be proposed.
- 3) Cemetery to be proposed as integrated cemetery

As per layout plan submitted showing the prayer hall and toilets,

Sr. No.	Particulars	Sq.m.
1	Area of Plot	16188

  
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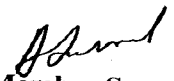
2	Deduction for 15% Recreational ground / 10% Amenity space	2428.20
3	Net Plot Area	13759.80
4	FSI Permissible	1.00
5	Permissible Floor Area	13759.80
6	Total proposed BUA	389.00
7	FSI consumed	0.024

Authority observed that site under reference falls in CRZ II area and situated on seaward side of the road/structure. Building construction on seaward is not a permissible activity as per provisions of CRZ Notification, 2011. It was further observed that mourning hall and administrative structure are proposed in the premises of integrated cemetery, which would not be in conformity with the provisions of CRZ Notification, 2011. However, toilet blocks proposed in the project would be permissible in CRZ II area.

Authority after deliberations decided to recommend the proposal of burial ground with open space and toilets to concerned planning Authority subject to strict compliance of the following conditions:

1. The proposed development should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF time to time.
2. This CRZ recommendation is only for development of burial ground with open space and toilet blocks. No building construction for mourning hall & administration purpose is allowed. MCGM should ensure the same.
3. Solid waste generated from the cemetery should not be dumped into the creek water and CRZ area.
4. Tree plantation around cemetery should be undertaken in order to improve the environment of the burial ground.
5. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

  
Chairperson

  
Member Secretary


**Item No.4: Construction of Coastal Police Station on plot bearing CTS No. 2125, TPS Mahim, Retibunder Mahim, Mumbai**

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

- a. The proposal is for construction of Coastal Police Station on plot bearing CTS No. 2125, TPS Mahim, Retibunder, Mahim, Mumbai which comprises of partly Ground Floor & partly stilt + upper 2 Floors.
- b. As per the Development Plan, the plot is beyond the development plan area boundary of Mumbai. As per remarks from UDD, Gov. of Maharashtra, the plot is handed over to police dept. is reclaimed.
- c. The proposed site under reference is in CRZ II as per CZMP of Mumbai and situated on seaward side of existing road. No mangrove vegetation is present in the vicinity of the site.
- d. FSI details as per information submitted by the proponent:
  - Total area of plot – 1000.00sqm.
  - Permissible FSI – 1.33
  - Permissible floor area – 1330.00sqm.
  - Proposed built up area – 1213.06sqm.
  - Excess balcony taken in FSI – 32.10sqm.
  - Total proposed built up area – 1245.16sqm.
  - FSI proposed to be consumed – 1.245

Proposal was earlier discussed in 83<sup>rd</sup> meeting of the MCZMA held on 6<sup>th</sup> August, 2013, wherein the Authority discussed the design of the coastal police station and suggested that, no solid ramp would be allowed from sea to coastal police station in order to ensure the free flow of tidal water. In that meeting it was decided to recommend the proposal from the CRZ point of

  
Chairperson

  
Member Secretary

view to the concerned planning authority subject to strict compliance of some conditions.

Further to this, the Senior Inspector of Police, Marine Police Station, Mumbai has sent a letter dated 12.12.2013 mentioning the location of site for proposed construction of coastal police station and some changes in the plan, so that there will be no obstruction to seascape.

MCZMA vide letter dated 4.3.2014 requested Project Proponent to superimpose the new proposed site on Google image with its latitude and longitude.

The Senior Inspector of Police, Marine Police Station, Mumbai has sent a letter dated 5.4.2014 mentioning that the MCGM has forwarded certification of latitude and longitude of the 32 X 32 Sq.m. plot bearing C.S. No. 2125 of Mahim Division vide letter dated 4.4.2014. As per the said MCGM letter, coordinates i.e. latitude and longitude in WGS-84 coordinate system in UTM Zone 43N is as below:

Sr. No.	Title of Point ( As per the accompanying plan)	latitude and longitude
1	GPS1	19 <sup>00</sup> ' 37.473" N
		72 <sup>50</sup> ' 18.402" E
2	GPS2	19 <sup>00</sup> ' 38.173" N
		72 <sup>50</sup> ' 19.196" E
3	GPS3	19 <sup>00</sup> ' 37.502" N
		72 <sup>50</sup> ' 19.936" E
4	GPS4	19 <sup>00</sup> ' 36.792" N
		72 <sup>50</sup> ' 19.155" E

MCZMA vide letter dated 5.5.2014 once again requested the Project proponent to superimpose the new proposed site on Google image with its

Chairperson

Member Secretary

latitude and longitude and to resubmit the same. Project Proponent submitted the new proposed site on Google image with its latitude and longitude vide letter dated 3.7.2014.

As per new proposed site on Google image, its latitude and longitude are as below:

Sr. No.	Point	latitude and longitude
1	A	19°02' 37.21" N
		72°50' 21.07" E
2	B	19°02' 36.56" N
		72°50' 18.99" E
3	C	19°02' 36.98" N
		72°50' 19.84" E
4	D	19°02' 36.40" N
		72°50' 20.16" E

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

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 time to time.
2. No solid ramp would be allowed from sea to coastal police station in order to ensure the free flow of tidal water.

  
Chairperson

  
Member Secretary

3. Planning Authority should ensure that the proposed new location of coastal police station should not obstruct the seascape and the activities of MMB and fishermen communities.
4. The concerned Planning authority should ensure that FSI, lay out plan, height involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

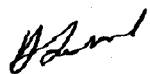
**Item No.5: Proposed project of Street light Poles at Roadside of DP Road at Varsave in Mira Bhayandar Municipal Corporation by MBMC**

Project proponent presented the proposal before the Authority. The Authority noted that the proposal is for installation of Street Light Poles at Road side of DP Road at Varsave in Mira Bhayandar Municipal Corporation. Length of street light pole stretch is 319 m. As per CRZ map prepared by CESS, the proposed activity partially falls in CRZ I (ii) and CRZ III area and partially outside CRZ area. The plot under reference falls in Public/ Semi Public zone. MCZMA sought certain information from MBMC. Accordingly, MBMC vide letter dated 25.6.2014 provided the required information.

Project proponent further presented that there is a kaccha road with a width of 18 m. This is a DP road at Varsave and requires to be illuminated by providing street lights. It is for the convenience of local people inhabiting the area.

Authority after deliberations decided to recommend the proposal from the CRZ point of view to the concerned planning Authority subject to compliance of the following conditions:

  
Chairperson

  
Member Secretary

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. This CRZ recommendation is for installation of street light poles only and not for DP road.
3. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

**Item No.6: Development of Jesal Park Chowpatty at Reservation No.122A, Bhayandar (E) in Mira Bhayandar Municipal Corporation by MBMC**

Project proponent presented the proposal before the Authority. The Authority noted that

1. The proposal is for development of Jesal Park chowpatty at Reservation No. 122A, at Survey No. 15 (New) and 209 (Old), Bhayandar (E) and reconstruction of 18 meter DP road on landward side of chowpatty site.
2. As per submitted information, the plot under reference partly falls in CRZ- I (i) & CRZ- I (ii) area.

Sr. No.	CRZ classification	Area under CRZ in Sq.m.
1	CRZ- I (i)	52906.00
2	CRZ- I (ii)	14552.00

3. MCZMA vide letter dated 21.3.2014 requested the MBMC for certain information. Accordingly, MBMC submitted its reply vide letter dated 17.7.2014 and as per that

Sr. No	Point raised by MCZMA	Reply from MBMC
1	Details of proposed	The proposed Jesal park chowpatty is a

Chairperson

Member Secretary



	construction of Jesal Park Chowpatty & proposed reconstruction of 18 meter DP road.	development work for providing civic amenity and includes excavation for periphery RCC wall & murum filling of whole area. The proposal for reconstruction of 18 m DP road was submitted to MCZMA and was considered in 79th meeting of MCZMA, held on 5/1/2013 and was recommended to MoEF subject to prior permission of Hon'ble High Court for mangrove cutting / destruction and construction in Buffer zone, Detailed Plan for compensatory Mangrove Plantation and construction of road on stilt wherever mangroves exist Hon'ble High Court of Bombay has passed order stating that MoEF to consider road proposal by January 2014 taking into consideration PIL filed by Bombay Environmental Action Group. MoEF by letter dated 20/12/2013 has written to MCZMA to consider Road projects at MCZMA level as per provisions of para 8 of CRZ Notification 2011.
2	Permissibility of proposed construction of Jesal Park Chowpatty & proposed reconstruction of 18 meter DP road.	Existing 6 M DP roads is proposed to be widened to 18 m for 1.75 Kms as stated in proposal submitted to MCZMA. The road is proposed on stilt in mangrove area and compensatory mangrove plantation area identified was included in proposal submitted to MCZMA

Chairperson

Member Secretary

3	Whether current proposal is of regularization of Jesal Park Chowpatty at Reservation No. 122A, Bhayandar (E).	As per DP reservation 122A MBMC has reserved land for chowpatty. However it is presently covered with mangroves
4	Details /area of mangroves on site under reference.	The area under proposal is 67458 sq. m. Mangrove area is 52906 sq m.
5	Details of mangroves destruction	The mangroves will be removed. No alternative land for re-plantation

Authority observed that the site is substantially covered with mangroves, wherein the development of Chowpatty is proposed. Project includes excavation work for periphery RCC wall and murum filling of whole area in CRZ I which will not be in consonance with the provisions of CRZ Notification, 2011. The Authority further observed that, there would be substantial destruction of dense mangroves, which could not be allowed.

Authority suggested MBMC to explore the possibility of developing the site as 'Mangroves Park' instead of Chowpatty. MBMC may study other similar projects of 'Mangroves Parks' developed within the country for preparation of feasibility report and innovative concepts and also consult renowned agencies. Authority felt that mangroves park on site could provide recreational space for the local people as well.

In the light of above, the Authority after deliberation decided to reject the proposal of development of chowpatty in the site under reference.

**Item No.7: Development of a passenger jetty and ancillary facilities at Apollo Bunder off Gateway of India by MMB**

  
Chairperson

Page 10 of 37

  
Member Secretary

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

1. Maharashtra Maritime Board (MMB) has proposed development of a passenger jetty and ancillary facilities at Apollo Bunder off Gateway of India.
2. Proposal involves construction of RCC platform, passenger terminal building on piles; fixed walkway on piles, floating jetty (on prefabricated pontoons) along with ancillary facilities. Location of the passenger jetty is proposed to be near the Radio Club jetty, near Gateway of India. Geographical location of the site is 18°55'06.72" N, 72°49'55.714" E.
3. The jetty shall consist of a fixed passenger terminal of 110m x 90m. This area will consist of the ticketing booths, recreational facilities like restaurants, shops, seating areas and amenities like toilets. This area will also house all the machinery rooms for the services provided on the jetty in addition to a security control room/watch tower.
4. The passenger terminal will lead to a fixed piled walkway, in turn leading to the floating berths. This walkway will be 385 m long to achieve a deeper depth for the floating berths. This walkway, 6m wide, will be bifurcated for outgoing and incoming passengers. Only passengers with tickets for boarding vessels or exiting passengers will be allowed on to this walkway.
5. The fixed walkway will lead to the boarding area consisting of floating berths. This boarding area will consist of a central platform of 100m long and 12m wide giving way to 12 floating berths (6 on each side) of 36m long and 3m wide.
6. The central floating platform will be connected to the fixed walkway with the help of two hinged brows that can accommodate the tidal variation. The floating berths will be moored with the help of underwater mooring system.
7. The associated facilities that are required to be constructed are listed below-

  
Chairperson

  
Member Secretary

- **Waiting Area:** A waiting area (5050 sq. ft.) with sufficient seating arrangement will be provided in the passenger terminal. The waiting area will have 2 separate toilets for ladies and gents and a television sets. Sufficient number of electrical points will be provided for phone/laptop charging purposes.
- **Toilets:** Two in Nos. sets of toilets will be provided (separate for ladies and gents), one set inside the waiting area and the other accessible from other parts of the passenger terminal. Separate changing rooms and toilets will be provided for the operating staff of the passenger terminal.
- **Parking Area:** A parking area (2900 sq. ft.) will be provided for passenger cars. Approximately 78 cars can be parked in this area. This shall also serve as the "Assembly Point" in case of emergencies. Taxi stand for 8 taxis and Bus stand for 4 Buses.
- **Ticketing Booth:** A
- 8 window ticketing booths will be placed at the entry to the passenger terminal to cater for the peak passenger load.
- **Restaurants:** Two in Nos. restaurants with their own toilet facilities will be provided in the passenger terminal. The total restaurant area is approximately 6600 sq. ft. 2.9.17
- **Shops:** Provision has been made for 6 shops of different sizes. The total shops area is approximately 2000 sq. ft.
- **Open areas:** The terminal will have approximately 15500 sq. ft. of sea facing open area with benches placed along the periphery for enjoying the sea views from the jetty.
- **Entry and Exit Routes:** Separate entry and exit routes will be provided on the fixed walkway for the passengers. The passenger terminal will also have separate entry and exit routes at the sides with common access through the passenger terminal itself. Emergency exit routes will be clearly marked with fluorescent arrows at all vantage points.

- Medical room and security screening areas
- Sewage treatment plant: The capacity of the sewage treatment plant (STP) is arrived at by calculating the quantity of effluents to be treated per day. Effluent quantity per day will be 85% of 146 m<sup>3</sup> i.e. 118 m<sup>3</sup> per day. PVC pipes will be employed to carry water to STP and treated water back to overhead tanks for flushing and fire fighting. 20% of the treated water will be lost in the process and the rest will be 95m<sup>3</sup> per day of which 77 m<sup>3</sup> can be used for flushing and remaining 17 m<sup>3</sup> can be used for watering the landscaping. The modular STP shall be located in the machinery room and recycled water shall be provided for flushing purposes in all toilets. The STP shall collect grey and black water from the restaurants and toilets sewage. The sewage from berthed boats/vessels can be collected via dedicated pipe running to the STP or by portable vacuum collecting units to take out waste and dispose of it.
- As per approved CZMP of Mumbai submitted by MMB, the proposed passenger jetty and ancillary facilities falls in CRZ-I & water areas.

Project proponent further presented that the proposal has been examined in view of the flow patterns in the jetty area and a few modifications are suggested. The orientation of the floating jetties needs to be aligned parallel to the flow conditions. As such, the arrangements in the berthing area have been modified accordingly. This alignment in the berthing area will minimize the effect of tidal currents for the berthing of the passenger boats. However, it is to be mentioned that this berthing facility will be operational during the fair weather only and would work up to the wave heights of the order of 0.3 m.

Project proponent informed that Headquarters, Western Naval Command, Mumbai has issued 'No Objection Certificate' to construct a floating jetty

  
Chairperson

  
Member Secretary

along with associated facility vide letter dated 14.3.2013. Further, Mumbai Port Trust (MbPT) has issued in-principle 'No Objection' for construction of floating jetty at Jamshedji Bunder, Colaba vide letter dated 15.12.2012.

Authority deliberated on the EIA and EMP submitted by the proponent. Authority observed the following:

- Debris will be dumped outside CRZ areas.
- MMB will implement environment management plan to mitigate water pollution due to oil spills arising from boats/ ferries. Preventive steps will be taken to minimize oil spill.
- Traffic management plan will be implemented effectively.


Authority noted that there is no reclamation for implementation of project. Authority further observed that the proposal also involves construction of other ancillary facilities such as restaurant, toilets, STP, waiting area, parking area, shops, tickets booth etc. The Authority noted that these ancillary facilities are proposed in CRZ-I area.

Authority noted that as per para 8.I. (i). (c) of CRZ Notification, 2011 facilities that are essential for activities permissible in CRZ I areas are allowed.

The Authority after deliberations decided to recommend the proposal from CRZ point of view to MoEF subject to strict compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF time to time.
2. CRZ recommendation is for waterfront activities such as floating jetty on piles, fixed pathway on piles and facilities that are essential for

  
Chairperson

  
Member Secretary

- activities permissible in CRZ I areas such as passenger terminal building on piles are allowed.
3. Facilities such as restaurant, shops, STP, taxi / bus stand are not allowed in CRZ I area and water areas.
  4. There shall be no disposal of untreated effluent & oil spills in to the water course and CRZ areas due to project activities. MMB shall take effective steps for minimizing of oil spills & its mitigation.
  5. Project proponent should ensure that tidal flow of coastal water should not be hindered due to construction of piles.
  6. Project proponent should implement EMP and Environment monitoring programme. Specific budget should be allocated for the same.
  7. There shall not be reclamation activities due to project.
  8. Solid waste generated shall not be disposed into CRZ area including water area. Treatment of solid waste shall be done in scientific manner outside CRZ area.
  9. All required permissions from different statutory authorities should be obtained prior to commencement of work

**Item No.8: Proposed chowpatty development (Visarjan Dhakka) in 57 (A) reservation plot in Bhaindar West, Dist - Thane by MBMC**

Project proponent presented the proposal before the Authority. The Authority noted that Proposal is for development of chowpatty (Visarjan Dhakka), at reservation No. 57 A, Survey No. 342, Bhayandar (W) in Mira - Bhayandar Municipal Corporation Area. As per the Development Plan of MBMC, the land under reference falls under Public / semipublic zone and use for chowpatty. As per the CZMP of MBMC, the land under reference falls partly in CRZ -I and situated on the seaward side of the road. The subject plot is covered with 90% of mangroves area. Total area-68038.00sqm. The

  
Chairperson

  
Member Secretary

area under proposal – 58240.00sqm. Area under CRZ –I (i) – 56440.00sqm.  
Area under Creek – 9798.00sqm. Buffer Zone – 1800.00sqm

Authority observed that the subject plot is substantially covered with mangroves area and development of visarjan ghat on the plot would not be in consonance with provisions of CRZ Notification, 2011, as it would involve destruction of dense mangroves on plot. Authority suggested proponent to explore alternate locations for the proposed activity wherein there will be no or very minimum destruction of mangroves on the whole site. Authority decided to reject the proposal.

**Item No.9: Proposed redevelopment on plot bearing C.S. No. 1097 of Fort Division, at Cochin Street in 'A' Ward for S.W.M. Staff Quarters of MCGM (Ashray Yojana) by MCGM**

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

1. Proposal is for proposed redevelopment on plot bearing C.S. No. 1097 of Fort Division in 'A' Ward of SWM Staff Quarter of MCGM (Ashray Yojana) under Reg No. 33(6). Proposed redevelopment involves construction of 2 nos. of Buildings i.e. St. + 4 of height 14.25m & St. + 5 height 17.10 m for accommodating 156 tenants. Each building consists of Wing-A & Wing-B.
2. As per MCGM remarks, existing buildings are demolished on site under reference. At present the total plot is vacant. Existing use of structure is conservancy Staff Quarters (SWM) for MCGM. Regarding demolition of Block A & B details are not available with the MCGM. Block C of Cochin Street was dilapidated on or before 6.1.2011 and same has been demolished as per work order issued on 9.2.2011.

  
Chairperson

  
Member Secretary



3. As per DP remarks of MCGM vide letter dated 12.4.2013, the plot under reference falls in Local Commercial Zone (C-1) and designated for Municipal Housing. The plot under reference is situated in Ballard Pier Precinct and also situated within 100 m from First Grade Heritage Structure, which is included in the list at Sr. No. 132 for conservation purpose.
4. As per MCGM remarks, the land under reference falls in CRZ-II.
5. The total area of plot under reference is 1892.15 Sqm. out of which 469.13 Sqm. is leased to MCGM by MBPT & 1423.02 Sqm. is with MCGM. The plot area of 1891.61 Sqm. is considered.
6. FSI details, as per plans submitted by MCGM:
  - Area of plot = 1891.61 Sqm.
  - Permissible FSI = 1.33
  - Permissible Floor Area = 2515.84 Sqm.
  - Proposed BUA = 2504.32 Sqm.
  - FSI proposed to be consumed = 1.32Staircase, lift, lift lobbies taken as free of FSI as per 35(2)(c)(ii) of DCR 1991.
7. Mumbai Fire Brigade, MCGM has issued No Objection vide letter dated 6.1.2014 to the project.

MCGM officials clarified that there is no any specific declaration of buildings as dangerous / dilapidated by Ch. Eng. (P & D), MCGM. MCGM further clarified that even though there is no certification regarding declaration of existing building as 'dilapidated', existing staff quarters were dilapidated structure prior to 6.1.2011, which were demolished, as per work order dated 9.2.2011 and accordingly, plans were sanctioned under town and country planning regulations as on 6.1.2011. Further there were no legal tenants in the existing building, which were inhabited by staff officials of MCGM for residential purpose.

  
Chairperson

Page 17 of 37

  
Member Secretary

Authority observed that proposal has been submitted under para 8.v(c) of CRZ Notification, 2011. As there were no legally entitled tenants in the building and used by staff officials of MCGM, there is no necessity of public consultation for the project.

In the light of above, the Authority after deliberations decided to recommend the proposal to concerned planning authority with 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/s 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. Prior NoC from Heritage point of view should be obtained.
6. There should not be any violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by MCGM.
7. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

**Item No.10: Infrastructure development, including land development sewerage, storm water drainage development along with development of R & R pocket at Wadghar, Navi Mumbai by CIDCO**

  
Chairperson

  
Member Secretary

Project proponent presented the proposal before the Authority. The Authority noted that the proposed project is for Rehabilitation and Resettlement (R & R) activity for the Navi Mumbai International Airport. The proposal is for Infrastructure Development, including land development sewerage, storm water drainage development along with development of R & R pocket at Survey No. 136, 137, 139, 159 of Revenue village, Wadghar, Navi Mumbai. As per CIDCO vide letter dated 1.7.2014, the area partially falls in Woodland corridor zone and residential zone. As per approved CZMP of Navi Mumbai area, the land under reference partly falls in CRZ-II and partly falls in Non-CRZ area. As per CIDCO remarks, 18.35 ha area falls under CRZ-II and 25.29 ha falls in Non CRZ area. Leveling of the land in CRZ area along with its infrastructure development is proposed.

Authority observed that CIDCO needs to submit detailed comprehensive proposal for the area with details of specific activities with its CRZ categorization.

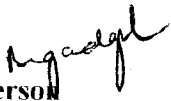
Authority after detailed discussion and deliberation decided to direct project proponent to submit the followings:

1. Detailed project report of the project specifying detailed proposed activities.
2. Superimposition of the project activities on approved CZMP of Navi Mumbai in 1:4000 scale.
3. Rapid Environment Impact Assessment and Environment Management plan
4. Recent Google images of the project site.

**Item No.11: Reconstruction of Sewage Pumping Station at Vallabh Nagar, Boriwali (W), Mumbai by MCGM**

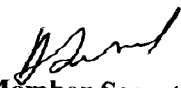
MCGM vide letter dated 15.7.2014 has forwarded a proposal for reconstruction of a sewage pumping station, which is in operation since

Chairperson



Page 19 of 37

Member Secretary



1988 at Vallabh Nagar and falls in CRZ area. As per the information submitted by the proponent:

1. The proposed project involves construction of a new sewage pumping station adjacent to the existing sewage pumping station within the existing boundary of the pumping station.
2. Land under reference consists of CTS No. 1217(pt), 1401(pt), 1481 B(pt), 1476(pt), 1231(pt), 1230(pt), 1254 B (pt), 1225 B(pt), 1256(pt), 1227(pt), 1226(pt), 1229(pt) of village Eksar. It is seen from the PR card that total area of the aforesaid is amalgamated and a new PR card for the total admeasuring 4431.1 sqm is open by allotting a new CTS No. 1217/B.
3. Effluent from Vallabh Nagar pumping station will be travelling through Shimpoli pumping station and then will join Malad STP.
4. At Vallabh Nagar pumping station additional land is required for expansion. The land is available just adjacent to the existing pumping station. But there is sizable number of well grown trees which needs to be cut for the development of new pumping station.
5. The land under reference falls in CRZ III area. Total plot area is 4243.90 sqm.

Authority noted that as per para 8.III. CRZ III (ii)(j) of CRZ Notification, 2011 '*Construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA*'.

As per para 8.III.CRZ III(ii)(k) '*construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee*' is permissible.

In the light of the details submitted and considering the necessity of the scheme, Authority after deliberations decided to recommend the proposal to MCGM subject to following conditions:

  
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Member Secretary

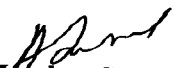
1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time).
2. FSI should be in accordance with Town and country planning rules existing as on 19.02.1991 i.e. DCR 1967.
3. No non-forest activities are allowed on land affected by mangroves, as per the Hon. High Court Order dated 27<sup>th</sup> January 2010. Hence, prior permission for the proposed activity under Forest Conservation Act, 1980 and prior permission of Hon. High Court of Mumbai should be obtained, if the land under reference is affected by mangroves.
4. MCGM to ensure that, drainage water containing hazardous and toxic waste & untreated effluents should not be released in the CRZ area including sea.
5. All other mandatory permissions from the concerned statutory authorities should be obtained prior to the commencement of work.

**Item No.12: Proposed construction of connector between Bandra - Kurla Complex (G - Block) to Eastern Express Highway by MMRDA**

Representatives of MMRDA presented the proposal before the Authority. The Authority noted the followings:

1. Mumbai Metropolitan Regional Development Authority (MMRDA) has proposed construction of elevated connector between Bandra - Kurla Complex (BKC) to Eastern Express Highway (EEH). The project is taken up for implementation for improvement of connectivity between BKC and Eastern Express Highway.
2. The proposed alignment crosses Mithi River, LBS Marg, Central railway Line, Duncan Causeway Road, Chunabhatti Bus Terminus, Harbour Railway line, Somaiyya Trust Ground and connects to the Eastern Express Highway. The length of proposed 4 lane (2+2)

  
Chairperson

  
Member Secretary

elevated connector is about 1.60 Km and the width is about 17.20 meters.

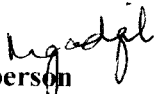
3. The connector is expected to reduce congestion on Sion - Dharavi road, the LBS road and at Sion circle. It will be of convenience to commuters travelling from BKC to Eastern suburbs and vice versa and decongest the Sion-Dharavi link road.

Authority observed that the proposed project road corridor between the BKC and the Eastern Express Highway (EEH) in Mumbai crosses over downstream section of Mithi River. Five piers are proposed in the Mithi River.

Project proponent presented that Central Water and Power Research Station, Pune has carried out mathematical model & desk studies for the proposed Flyover Bridge across Mithi River upstream of Mini Confluence, Mumbai. According to the study:

- a. The bed gradient of the river has to be maintained as per CWPRS recommendations.
- b. There is a mangrove patch downstream of proposed alignment of Flyover Bridge. Care should be taken to minimize the footprint in the mangrove area.
- c. There is negligible afflux formation on upstream side of proposed flyover bridge.
- d. The maintenance dredging / de-silting should be carried out on either side of the bridge structure for free passage and safe disposal of flood water during the monsoon season.
- e. The de-silting of the Mithi river and Vakola nalla will be essential before the monsoon season to keep the afflux as minimum as possible and to keep the linear waterway free from debris for the safe conveyance of flood waters.

Chairperson



Member Secretary



MMRDA has submitted the draft CRZ map in the 1:4000 scale prepared by IRS, Chennai which is MoEF authorized agency showing the alignment of proposed BKC Connector and proposed ROB as per CRZ Notification, 2011. As per the said CRZ map. The alignment of proposed BKC Connector partly falls in CRZ-I, II, III, IV and Non-CRZ area. Also the proposed ROB falls in Non-CRZ area.

National Environmental Engineering research Institute (NEERI) has carried out EIA & EMP studies for proposed project. Recommendations of the said report:

It is proposed to construct five piers in the Mithi River which is found to be safe and recommended suitable from the hydraulic considerations.

- a. The construction debris generated during the building of piers should not be dumped in the river. Proper site should be chosen for disposal of construction waste.
- b. In lieu of trees which will be removed along the project corridor and Wadala, BKC along Eastern Express Highway, the afforestation plan as approved by Tree Authority shall be submitted before initiating the work.
- c. The project affected persons shall be appropriately rehabilitated and Government schemes for affected persons should be followed before the construction activity starts.
- d. Areas under the connector should be strictly monitored for any illegal encroachments.
- e. Solar based air cleaning systems /virtual wind generator should preferably be installed across 500m in the residential area along the project corridor.
- f. Post operation monitoring of the project corridor for air quality and water quality of Mithi River need to be carried out.

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

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Construction of piers in Mithi River should not obstruct the natural flow pattern of Mithi River. Recommendations of CWPRS regarding hydraulic studies should be adhered to.
3. Construction debris shall not be disposed in the CRZ area.
4. Environment Management plan prepared by NEERI shall be implemented effectively for protection of environment in CRZ area.
5. Prior High Court permission should be obtained by the project proponent, if construction falls in mangroves or within its 50m buffer zone area.
6. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

**Item No.13: Proposed construction of Malad Sewage Treatment Plant, Mumbai Sewage Disposal Project, Stage - II, Priority Works by MCGM**

As per the request of the Project proponent, the proposal was deferred.

**Item No.14: Extension of validity of the Environmental Clearance to construction of Coastal Road from Junction of NH-4B near Navghar, along Karanja Creek to Chanje in Dronagiri Node Area, Navi Mumbai by CIDCO**

CIDCO submitted letter dated 26.6.2014 & 24.7.2014 regarding Extension of validity of the Environmental Clearance to construction of Coastal Road

  
Chairperson

  
Member Secretary



from Junction of Nh-4B near Navghar, along Karanja Creek to Chanje in Dronagiri Node Area, Navi Mumbai by CIDCO. MCZMA in its 47<sup>th</sup> meeting held on 26.9.2008 recommended the project to MoEF. The MoEF has accorded the Environment Clearance to the 8.5 km coastal road from the Junction of NH-4B near Navghar along Karanja creek to Chanje in Dronagiri Node area, Navi Mumbai vide letter dated 3.2.2009.

CIDCO officials presented that based on the CRZ clearance granted by MoEF, out of total 8.5 km approved stretch, the construction of Coastal Road for length of 5.4 km have been completed, except 3 minor bridges on holding ponds No. 3A, 3 and 4 and also some of the ancillary allied works i.e. balance road on Gail Gas pipeline, footpath development, junction development, pitching work for slope of the road, central verge development with horticulture, lane marking with signage, electrical works with substation and raising of Extra High Voltage Line on road crossing. CIDCO expressed that for completing the road of 5.4, Km stretch completion of ancillary allied activities are essential. Further, for revalidation of remaining stretch of 2.9 km, CIDCO may deliberate as a future plan. Now, at present, CIDCO is not seeking revalidation of this 2.9 km stretch.

During the discussion the Authority observed that there is CRZ clearance for the entire 8.5 km length of coastal road by MoEF. And 5.4 km coastal road have been completed. CIDCO is now seeking revalidation of unfinished work for 5.4 km coastal road ie. 3 bridges on holding ponds and allied ancillary works as stated above, which are required to complete the coastal road as per plan. There are dense mangroves at the holding ponds and land acquisition is yet to be completed. Details of 3 bridges were submitted by CIDCO:

Sr No.	Total length & width of bridge (m)	Area of Bridge (Sqm)	Total Area of mangroves to be cut (Sqm)	Present status of work
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Chairperson

  
Member Secretary

1	100.02 & 34.00 (on holding pond No. 3A)	1530.68	1914.418	Work not started yet
2	180.02 & 34.00 (on holding pond No. 3)	1530.68	4052.652	Work not started yet
3	100.26 & 34.00 (on holding pond No. 4)	1878.84	2422.866	Work not started yet
	Total area of mangroves to be cleared for bridges and ancillary works		Around 10,000-12,000 sqm	

CIDCO has submitted the EIA and EMP for the project.

In light of above, the Authority after detailed discussion and deliberation, decided to recommend the proposal of revalidation of 5.4 km stretch of coastal road with 3 bridges and ancillary works from CRZ point of view to MoEF subject to strict compliance of 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. CRZ recommendation is for revalidation of 3 bridges on holding ponds and other allied ancillary works on stretch of 5.4 km coastal road.
3. Construction debris shall not be disposed in the CRZ area.
4. Proposed bridges should not obstruct tidal free flow water.
5. Environment Management plan (EMP) shall be implemented effectively.
6. Prior High Court permission should be obtained by the project proponent, since construction involves clearing of mangroves for the project.
7. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Chairperson

Page 26 of 37

Member Secretary

**Item No.15: Construction of Central Administration building on land bearing C.T.S.No. 1253(929C) Part 1 & C.S.No. 1256 (929 A2) Part 5B & property No.1,2,3 at Malvan, Tal.Malvan, Dist. Sindhudurg**

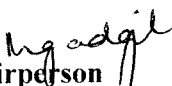
Project proponent was absent for the meeting. Hence, the matter was deferred.

**Item No.16: PIL No. 92/2014-CRZ status regarding Airoli Sector19, Plot No.73, sports complex.**

Public Interest Litigation (PIL) No. 92/2014 Dada Sangle V/s The State of Maharashtra is being heard before Hon. High court of Mumbai. PIL pertains to plot No. 73 situated at Sector 19, Airoli, Navi Mumbai, as to whether subject plot falls in CRZ II area. In the matter, Hon. High Court of Mumbai has directed Maharashtra Coastal Zone Management Authority to file an affidavit within 2 weeks from 11<sup>th</sup> July, 2014 stating CRZ status of plot bearing No. 73 in Sector 19, Airoli, Navi Mumbai.

CIDCO vide letter dated 18<sup>th</sup> July, 2014 forwarded CRZ map in 1:4000 scale (Map "A") superimposing the HTL demarcated in approved CZMP of Navi Mumbai. Said map also shows 100m and 150 m. CRZ area from approved HTL prepared by IRS, Chennai. Further, CRZ map in 1:4000 scale (Draft CRZ Map "B") showing ecosystem (mangroves), present HTL on both sides of the creek-let, boundary of mangroves on both sides, 50 m buffer zone of mangroves and CRZ limit prepared by IRS, Chennai, which is one of the MoEF authorized agencies was also forwarded. Authority examined both the CRZ maps prepared by IRS, Chennai and took it on record.

Both CRZ maps (A & B) were placed before MCZMA in its 92<sup>nd</sup> MCZMA held on 19<sup>th</sup> July, 2014. Authority examined the CRZ map in 1:4000 scale (Map

  
Chairperson

  
Member Secretary

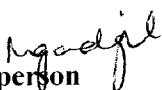
“A”) superimposing the HTL demarcated in approved CZMP of Navi Mumbai and found that though the HTL is as per the approved CZMP it is not sure whether the CRZ boundary marked matches that in the CZMP. Hence the Authority decided to get this clarified from MoEF authorized agency through CIDCO by way of indicating CRZ area limit as per approved CZMP of Navi Mumbai in Map “A”,


The Authority noted that as per draft CRZ map (draft CRZ Map “B”) showing present ecosystem and present HTL, the site under reference fully falls in CRZ area. The plot is abutting mangroves and substantially falls in the 50 m buffer zone of the mangroves. The Authority further noted that the work of preparation of new CZMPs of Navi Mumbai /CIDCO areas as per provisions of CRZ Notification, 2011 is progressing for CIDCO through MoEF authorized agencies. Thus, the said CRZ map (draft CRZ Map “B”), which is expected to be part of the CZMP being prepared, is not yet approved by MoEF. CIDCO is supposed to submit draft CZMPs of CIDCO areas to MCZMA, which will be subjected to public consultation and then will be submitted to MoEF for final approval.

In 92<sup>nd</sup> meeting, the Authority decided to get clarification pertaining to Map “A” prepared as per old HTL from MoEF authorized agency through CIDCO by way of indicating CRZ area limit as per approved CZMP of Navi Mumbai.

Accordingly, as per the decision of the MCZMA, CIDCO has submitted CRZ map “A” superimposing the plot under reference on approved CZMP of Navi Mumbai in 1:25000 scale blown to 1:4000 scale, which indicate old HTL and CRZ area limit. As per the said CRZ map, the plot under reference is substantially out of CRZ area and small part of the plot falls in CRZ II area.

During the meeting, the Authority examined said maps ‘A’ & ‘B’. Authority concluded that site bearing Plot No.73, Airoli Sector19, Sports complex falls substantially out of CRZ area, as per approved CZMP of Navi

  
Chairperson

  
Member Secretary

Mumbai in 1:25000 scale blown to 1:4000 scale (Map "A") and a small portion falls in CRZ-II. However, at present (Map 'B'), the site under reference fully falls in CRZ area and, as per CRZ map prepared by IRS, Chennai, which is not yet approved by MoEF.

Authority decided to confirm the said draft minutes of the meeting without waiting for confirmation of the minutes in next MCZMA meeting. Decision of the Authority be conveyed to Hon. High Court of Mumbai in the PIL 92/2014.

**Item No.17:      **Foreshore facilities for assembling and off loading of structures associated with offshore extraction of oil and Natural Gas by M/s. Das Offshore Engg. Pvt.Ltd.****

Authority noted the detailed background of the matter, which is as follows:

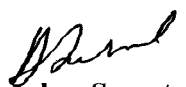
1. As per the order dated 06/03/2014 issued by the NGT, Western Zone, Pune in application No. 15 (THC) of 2014, the joint site inspection was carried out on 30/03/2014 to the site of M/s Das Offshore Engi. Pvt. Ltd.
2. Relying upon the joint inspection report the Principal Secretary, Environment Dept vide letter dated 9<sup>th</sup> April, 2014 issued proposed directions under section 5 of E(P) Act, 1986 read with CRZ Notification, 2011 & EIA Notification, 2006 to M/s Das Offshore Engi. Pvt. Ltd. In the said proposed directions, it was mentioned that
  - a. MCZMA vide letter dated 23<sup>rd</sup> June, 2010 recommended the proposal. However, from the records available with the office, it is noted that there is no CRZ clearance granted by MoEF for project.
  - b. Reclamation has been done for workshop activities which are in violation of provisions of CRZ Notification, 1991 & 2011.
  - c. Condition of 3(v) of EC is violated, since 50 m mangroves buffer zone is not maintained.

Chairperson

Member Secretary

- d. Condition no. 3.xxi of EC is violated, since 6 monthly reports on compliance of EC conditions in not submitted.
3. In reply to above said proposed directions, M/s Das Offshore Engineering Pvt. Ltd. vide letter dated 13/05/2014 submitted it's reply to the Principal Secretary, Environment Dept. Representative of M/s Das offshore made following submissions:
- a. MCZMA vide letter dated 23/06/2010 recommended their proposal to the MoEF. The MoEF issued an office Memorandum dated 8<sup>th</sup> Feb. 2011 which pertains to consideration of projects in pipe line attracting CRZ Notification 2011 i.e. those projects which are pending with central EIA / MoEF but final recommendation not yet given by EAC and such projects which fall in 'B' category shall be sent for appraisal to SEIAA & those projects which fall in 'A' category or do not attract EIA notification 2006 or where SEIAA has not been constituted shall be examine by central EAC / MoEF under the CRZ Notification 2011 & IRZ Notification 2011. Following the said OM of MoEF, M/s Das offshore approached State Environment Impact Assessment Authority (SEIAA) for grant of Environment Clearance. Accordingly, SEIAA vide letter dated 17<sup>th</sup> January, 2012 granted the Environment Clearance was to the proposal.
- b. Reclamation work which was carried out for the project was submitted in proponents' applications & same were noted & taken on record by the MCZMA in its 62<sup>nd</sup> Meeting held on 20/05/2010. Further, proposal pertains to assemble of structures required for offshore extraction of oil & natural gas. The structures are bulky and heavy weighing around 1000 tons. Therefore, proposed activity of workshop requires waterfront and wharf so that heavy load of structures could be transported from the site to the offshore location at sea.
- c. The maintenance of 50 m. mangroves buffer zone, on east side of their plot, there is absolutely new growth of mangroves after

  
Chairperson

  
Member Secretary

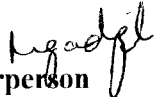
the land allowed to them by MMB in the year 2009 & the company has not carried out any development activities beyond the area i.e. intertidal as well as underwater area allotted by MMB to them. There were no mangroves even outside the area but for last few years new mangroves growth is seen which is growing faster and faster every year & company has taken due care to preserve these mangroves. Further, as per provisions of CRZ Notification, 2011; 50 m. mangroves buffer zone requires to be kept for mangroves area exceeding 1000 Sqm. However, mangroves on site are sporadic in nature. Hence, 50 m. mangroves buffer zone criteria would not be applicable. They submitted google images of the area in their support.

d. The company also submitted 6 monthly compliance reports as per condition No. 3 (xxi) of EC to Regional Officers of MoEF & MPCB & last being sent vide letter dated 08/02/2014.

4. Authority also noted that the matter of M/s Das Offshore Engineering Pvt. Ltd. was heard on 7<sup>th</sup> August, 2014 before Additional Chief Secretary, Environment Dept, GoM in response to Proposed Directions issued under section 5 of E(P) Act, 1986 dated 9.4.2014 under Section 5 of E (P) Act, 1986 to them.

During the MCZMA meeting, the Authority discussed the matter with CEO, MMB and sought their opinion/suggestions on the matter, particularly on the issue as to whether, workshop activities could be considered as waterfront activities for the project.

During the discussion, it was felt that assembly structures / machinery required for offshore extraction of oil & natural gas are bulky and heavy and therefore, for easy transportation from site to offshore, workshop need to be located near the coast.

  
Chairperson

  
Member Secretary

Authority after detailed discussion and deliberation decided to get clarifications from the MMB on following points:

1. Whether the project activities (wharf and workshop) as per approved DPR of the MMB.
2. MMB shall confirm in writing whether the workshop activities involved in the project requires waterfront.
3. Status of mangroves vegetation on and around site from year 2009 to 2014,

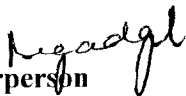
Authority decided that MMB will submit the information on above said points within 15 days to the Authority and confirm the said draft minutes of the meeting without waiting for confirmation of the minutes in next MCZMA meeting. Decision of the Authority be conveyed to National Green Tribunal in in application No. 15 (THC) of 2014.

**Item No.18: SRA Scheme on plot bearing CTS No. 791 (pt) of Mahim Bandra Reclamation Area for Jamat -E- Jamhooria CHS by M/s. Pyramid Developer.**

Authority noted that MCZMA was in receipt of numerous complaints from Adv A. N. Giri and Mr. Khan Rehbar regarding CRZ violation and FSI violation in the SRA scheme on plot bearing CTS No. A791(pt) of Mahim-Bandra Reclamation area, H/west ward, Bandra (w), Mumbai. Principal Secretary, Environment Department vide letter dated 20<sup>th</sup> June, 2014 issued stop work notice to Developer for alleged CRZ and EIA Notification violation. Further, MCZMA vide office noting has requested Urban Development Department, GoM (UDD) to provide permissible FSI as per town & Country planning regulation as on 19.2.1991.

Authority heard the complainant, Developer and SRA officials.

Chairperson



Member Secretary





Complainant Mr. Khan Rehbar Khan represented that MoEF granted clearance under CRZ Notification, 1991 on 22.6.2005 with condition that FSI to be used for the project shall not exceed the FSI existed as on 19.2.1991 i.e. 1.5. He quoted that the internal MoEF note mentions that FSI of 1.87 is not applicable to this SRA Scheme. However, SRA approved the plans and other permission considering FSI of 1.87. Despite stop work notice by Environment dept, work is still continued on the site. He further alleged FSI violation and need of CRZ clearance for the SRA scheme under CRZ Notification, 2011

M/s Pyramid Developers represented their say in the matter mentioning that LOI for the SRA scheme was sanctioned in 2003, wherein developer proposed 7 Rehab buildings (Gr+5 & Gr+7) and one sale building, as per SRA norms. Developer had applied to MCZMA in 2004 for obtaining CRZ approval to the project. MCZMA vide letter dated 30.4.2005 recommended the SRA scheme and MoEF granted the CRZ clearance on 22.6.2005 to the project. FSI approved for the scheme is 1.87. Zonal FSI is 1.5 for the SRA scheme on the plot under reference. 25% Additional FSI over and above zonal FSI was sectioned by the SRA as per Urban Development Department's directives dated 4.1.1988. UDD vide letter dated 19<sup>th</sup> April, 2006 clarified to SRA that 25% additional FSI is allowed over and above permissible FSI for SRA schemes in CRZ areas. First LOI of 2003 was amended on 2007 and 2010. However, the FSI in the proposal is within the limit of 1.87. Therefore, the approved FSI in the SRA scheme amounts to 1.87. Thus, the implementation of SRA scheme is as per the conditions of the CRZ clearance dated 22.6.2005 granted by MoEF and non CRZ violation has taken place. Developer further stated that work is halted on site at present, as per Stop work notice issued by Environment Dept and SRA.

SRA officials pointed out that MoEF has granted CRZ clearance dated 22.6.2005 to the SRA scheme. The plans of the building in the scheme are approved with FSI of 1.875 as per Govt GR u/n.TPB/4387/4350/UD-11,

  
Chairperson

  
Member Secretary

dated 4.11.1988 issued u/s. 154(1) of MR & TP Act. First LOI was sanctioned in 2003, then, LOI was amended in 2007 and lastly the LOI was again amended in 2010. Even though LOI was amended in 2007 & 2010, FSI for the SRA scheme is within permissible & approved FSI of 1.87. Pursuant to stop work notice dated 20<sup>th</sup> June, 2014 issued by Environment Dept. SRA has directed M/s Pyramid Developer to stop the construction work on site. At present, Stop work notice issued by SRA is in force and work is halted on site.

Authority observed that UDD has been requested by MCZMA to provide details of permissible FSI for the SRA scheme as per norms existed as on 19.2.1991.

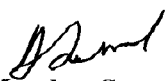
In the light of above, the Authority deliberated the matter at length and decided the followings:

1. SRA should ensure that the construction work is stopped on site. SRA should submit the compliance to MCZMA regarding the stop work notice issued by the Environment Dept to the M/s Pyramid Developer. UDD has been requested by MCZMA to provide details of permissible FSI for the SRA scheme as per norms existed as on 19.2.1991.
2. SRA should submit area details of LOI of 2003, 2007 & 2010 with comparative FSI statements within 15 days period.
3. Upon receipt of information mentioned at Point No. 1, 2& the report from UDD, the MCZMA will decide further appropriate action in the matter.

**Item No.19:      Regarding applicability of DC Reg. No. 33(24) of DCR 1991 in CRZ-II areas of Mumbai**

The matter of applicability of DC regulation No. 33(24) of DCR 1991, for redevelopment of dilapidated and cess buildings in CRZ II areas of Mumbai is under deliberation.

  
Chairperson

  
Member Secretary


Authority noted that Urban Development Department, GoM vide office note sought a clarification from MCZMA regarding permissibility of combination of 33(24) with regulation 33(6), 33(7) & 33(10) in DCR 1991. MCZMA in its 86<sup>th</sup> meeting held on 27<sup>th</sup> Nov, 2013 deliberated the issue. Accordingly, as per decision taken in the said meeting of the MCZMA, the matter was sent to Law & Judiciary Dept for their remarks in the matter.

The Authority noted that Law & Judiciary Dept vide office noting dated 16.7.2014 has forwarded a copy of the opinion tendered by the Advocate General of Maharashtra.

Officials from UDD made representation before the Authority. As per which:

- Para 8(V)(c)(2)(ii) of CRZ Notification 2011 (which dealt with redevelopment of dilapidated, cessed and unsafe buildings) after its corrections on 29 March 2011 provides as follows *"The Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning regulations prevailing as on 6<sup>th</sup> January 2011"*
- DC reg. No. 33(24) dated 20.10.2008 is part of DCR 1991 as on 6.1.2011. Further, clubbing of DC Reg. No. 33(24) with 33(7), 33(6) is permissible in DCR 1991 (amended up to DCR as on 6.1.2011). Conclusion can be drawn that DC reg. No. 33(24) dated 20.10.2008 of DCR 1991 is permissible for the projects falling under para 8. V. (C) of CRZ notification, 2011.
- Advocate General opines that, the provisions inserted by the amendment to the DC regulation 33(24) dated 29<sup>th</sup> March 2012 would apply insofar as it does not increase the FSI from the level at which it was on 6<sup>th</sup> January 2011.

  
Chairperson

  
Member Secretary

UDD officials further expressed that applicability of DC reg No. 33(24) would create more parking spaces in CRZ areas of Mumbai, which is needed.

Authority deliberated the matter at length and felt that applicability of DC Reg No. 33(24) will have wider ramifications on coastal environment and objectives of CRZ Notification, 2011. CRZ Notification, 2011 has already provided FSI benefit for projects of redevelopment of dilapidated, cess, unsafe and SRA schemes by applying DCR 1991 as on 6.1.2011 to the said projects. Applicability of 33(24) to redevelopment of dilapidated and cessed buildings would further enhance the FSI in the said projects and thereby invite more constructions in CRZ areas. CRZ Notification, 2011 provides for regulation of construction activities in CRZ areas by way of adopting restrictive FSI policies in order to decongest the CRZ areas. Decongestion of CRZ areas is imperative from coastal security, hazards from the sea and conservation of the coastal environment. Authority further observed that DCR 33(24) applies to development of public parking lots and the provisions of para 8.v.(c) of CRZ Notification, 2011 applies to redevelopment of cess, unsafe & dilapidated building, so it needs to be thoroughly examined as to whether Redevelopment & Development could be applied in combination in CRZ areas, in view of provision of 8.v.(c) of CRZ Notification, 2011. The Authority felt that matter need to be referred to MoEF for further examination and appropriate decision in the matter, in the light of representation made by Urban Development Department, GoM and the opinion of Advocate General, Maharashtra in the matter.

**.....Meeting ended with vote of thanks.....**

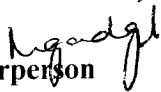
  
Chairperson

  
Member Secretary

**Annexure I**

1. Mrs. Medha Gadgil, Addl. Chief Secretary (Env.), Chairperson, MCZMA
2. Dr. M. Baba, Expert Member, MCZMA
3. Dr. M. Shindikar, Expert Member, MCZMA
4. Dr. Baban Ingole, Expert Member, MCZMA
5. CEO, MMB ( Invitee member)
6. A.T. Fulmali, Member Secretary, MCZMA
7. Rep. of Director, CIFE

Chairperson



Page 37 of 37

Member Secretary

