

**MINUTES OF THE 99th MEETING OF MAHARASHTRA COASTAL ZONE
MANAGEMENT AUTHORITY (MCZMA) HELD ON 16TH MAY, 2015**

Ninety Ninth (99th) meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment), GoM on 16th May, 2015 at 10.30 am at Sachivalay Gymkhana, Mumbai.

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

Item No.1: Proposed re-concretization of the stairs & chequered tilling work near Visarjan Ghat on Bhayander (E), Jaisal Park Chowpaty by Mira Bhayander Municipal Corporation.

Mira Bhayander Municipal Corporation officials presented the matter before the Authority. The Authority noted the followings:

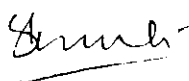
1. Mira Bhayander Municipal Corporation(MBMC) vide letter dated 19.11.2014 submitted the proposal for reconstruction and leveling work of cement concrete pathway chequered tiles on Jaisal Park Beach, Bhainder (East)-MBMC.
2. As per details submitted by MBMC, the said land falls in CRZ I(i). The site under reference is affected by Mangroves. The land under reference falls in Public/Semipublic zone.
3. As per Form I submitted by project proponent, Proposed Chowpaty Construction is in 122A reservation plot in Bhaindar (E). Proposal is for reconstruction work of chowpaty, as per DP reservation.
4. As per CRZ map prepared by CESS, Kerala; the site under reference falls in CRZ I(i) area. .

The Authority noted that the proposal was earlier deliberated in 95th meeting of the MCZMA held on 13th January, 2015 wherein the MBMC officials presented that the proposal is for reconstruction and leveling work of cement concrete pathway chequered tiles on Jaisal Park Beach, Bhainder (E), MBMC. MBMC officials further stated that concrete pathway on Jaisal park beach is in existence since around last 20 years and reconstruction is now proposed. Authority observed that MCZMA is in receipt of numerous complaints regarding CRZ violations & mangroves destruction at Jaisal Park Chowpaty area.

During 95th meeting, the Authority decided to direct the MBMC to submit the documentary proofs/records regarding the existence of cement concrete pathway on jaisal park beach since last 20 years to the Authority.

The Authority further noted that MBMC sent a reply dated 17.01.2015, which states that the Ganpati Visarjan Ghat (pier) on Bhayander (E) Jaisal park chowpaty and stairs was constructed in 1994 and concretization of the stairs near said Ghat is done in the year 2000-2001. Said stairs near Ghat has again got damaged and local people are facing problems while walking on it. Hence, re-concretization of the said stairs & chequered tilling work is proposed. MBMC also submitted the copy of permission letter dated 18.2.2001 from Chief Officer, MBMC and completion certificate of work from Deputy Engineer, MBMC.

The Authority further noted that above said existing work on site under reference predates the MCZMA's constitution order dated 4.1.2002, which empowered the MCZMA to examine the project in CRZ area. The Authority further observed that CRZ Notification, 1991 was in force when the above said work was done in the year 1994 & 2000-2001 and the concerned authorities at the State level were empowered to regulate the activities from CRZ point of view in CRZ areas as per provisions of CRZ Notification, 1991.



Chairman



Member Secretary

Further, Authority noted that as per the CZMP in 1:4000 scale prepared by CESS, Kerala, the site falls in CRZ I (i) area. However, MBMC officials presented that the CZMP of the MBMC in 1:4000 scale was received in the year 2005.

The Authority noted that the proposal is only for re-concretization of the stairs & chequered tilling work (70 m* 12.50 m) near Visarjan Ghat on Bhayander (E), Jaisal Park Chowpatty and it is for local people.

In the light of above, the Authority after detailed discussion and deliberation decided to deliberate the matter again in view of the fact that area falls in CRZ I(i) area and whether the proposal amounts to repairs or reconstruction and the issues of complaints of mangroves destruction at jaisal park chowpaty.

Item No.2: Beautification of R.G. plot bearing R.G. 2 at Sector 8, Charkop, Kandivali (W), Mumbai.


The MHADA officials presented the proposal before the Authority, which is as follows:

1. The proposal is for beautification of R.G. Plot bearing R.G.2 at sector 8, Charkop, Kandiwali (W), Mumbai.
2. The beautification work comprises of filling of red soil, providing Lawn, Plants, construction of Jogging track 3 mtr wide all along the periphery of existing compound wall, construction of gymnasium / Health Club House of 100 sqft area, construction of Gazebo, providing and fixing playing equipment for children, sitting arrangement with zoolas for senior citizens, construction of Mali chowky / security cabin, fixing gate and grills to the existing compound walls etc. R.G. Plot area is 19028.85 sqm.
3. MHADA vide letter dated 5.3.2015 submitted subject proposal to MCZMA. As per said letter, Hon'ble M.P. Shri. Gopal Shetty has proposed beautification of MHADA's R.G. plot bearing No. R.G. 2 at Sector 8, Charkop, Kandivali (West), Mumbai through D.P.D.C / M.P. LAD Fund. The work is executed by M.S.I.B. /MHADA, a Govt. Organization. Necessary Administrative Approval for the subject work has been accorded by the Collector / Mumbai Suburban.

The Authority noted that MHADA vide letter dated 28.2.2014 mentioned that subject plot under reference belongs to MHADA and reserved for recreation ground designated as RG 2 in MHADA's Charkop layout. The compound wall to this plot is already in existence on site since the year of implementation of Charkop layout by MHADA i.e. 1989. The plot falls in CRZ -II area & is located towards landward direction of the existing compound wall. The mangroves are observed beyond 50 m from existing compound wall. The minimum distance measured from existing compound to the mangroves is 60 m. The entire plot is vacant, protected by existing compound wall from all sides. No structure is found erected on site.

The Authority noted that as per MCGM vide letter dated 1.1.2014, the plot is likely to be affected by CRZ-II as it is falling within 50 m. from HTL subject to confirmation by MCZMA.

Authority further noted that the reply of MCGM dated 28.5.2014 against the complaint from Shri Regi Abraham regarding unauthorized earth filling in the plot Opp plot no. 826, Sector 8, R.S.C.-9, Charkop, Kandiwali (W). As per the said reply of MCGM, the site under reference was inspected by MCGM office staff when it was observed that, there is existing old compound wall along the boundary of the plot and fresh land filling is done within the plot. It is also observed that repairs to existing compound wall was in progress and at the entrance gate of the plot the board is displayed showing that the work of beautification of R.G. plot is being carried out through MHADA, from MLA fund. MCGM reply further states that the plot under reference is within 50 m from mangrove buffer


Chairman


Member Secretary

zone. Therefore, MCGM has issued stop work Notice dated 26.11.2013 under MMC Act. In response to the Stop Work Notice, Hon'ble MLA Shri Gopal Shetty has replied stating that he has proposed the beautification work of R.G. Plot. Accordingly, the work of leveling and dressing of plot is in progress. Further, stated that the beautification work comprises construction of the jogging track/garden etc. No any structure is erected on site as on date.

The Authority after detailed discussion and deliberation decided to direct MHADA to submit the followings:

1. Superimposition of the plot under reference on approved CZMP in 1:4000 scale of the Mumbai.
2. Detailed layout of the plan showing proposed activities vis-à-vis its CRZ status.
3. Present status of the construction work on plot under reference along with Google image & site photographs.
4. Status of Stop work Notice issued by MCGM to MHADA.

Item No.3: Reconstruction for development of Training Centre for Scuba Diving Awareness on plot bearing S. No. 59, 60, at mauje Tarkarli, Tal. Malvan, Dist. Sindhudurg by MTDC.

The Authority noted that the proposal was deliberated in 98th meeting of the MCZMA held on 31st Jan, 2015 wherein the Authority noted the proposal details and further observed that the construction is almost completed and now the remaining work has been stopped on site. The Authority considered this as a case of violation of CRZ Notification, 1991 & 2011 and attract provisions of Office Memorandum dated 12.12.2012, 27.6.2013 & 24.7.2014 issued by MoEF, New Delhi. Authority therefore decided to refer the matter to Environment Dept for further actions, in the light of said OMs.

The Environment Department initiated the necessary credible actions as per above said OMs of MoEF and issued Direction u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification, 19.2.1991 & 6.1.2011 on 17.3.2015 to M/s Directorate of Tourism after following due procedure. PP was directed to stop the construction work till PP obtains clearance from the MCZMA. PP was also directed to submit a Board Resolution to comply with para 5(i) of OM dated 12.12.2012 of MoEF.

The Maharashtra Pollution Control Board (MPCB) was asked to file the case for the offence committed against the PP and office of District Collector, Sindhudurg was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to PP.

MPCB vide its letter dated 8.3.2015 informed that, the R.C.C. No.; 22/2015 has been filed before the JMFC, Malvan, Dist. Sindhudurg.

PP has submitted copy of Board Resolution dated 11th May, 2015. Said Board Resolution resolved that the Board substantiate that the said violation was made inadvertently by the Corporation and the Board hereby confirms that such violations will not be repeated by the Corporation in any of its future projects and it hereby gives consent to obtain all necessary environmental clearance for the said project.

During the meeting, Officials from MTDC once again made a brief presentation about the project.

1. The proposal is for beautification and reconstruction on existing plinth for Training Centre of Scuba Diving on plot bearing S. No. 59, 60 of village Tarkarli, Ta. Malvan, Dist. Sindhudurg. Maharashtra Tourism Development Corporation (MTDC), Government of Maharashtra vide letter dated 5th January, 2015 forwarded the proposal to MCZMA.
2. Proposal is for creating awareness and to protect Corals & Bio Marine species through awareness in tourists and also training of life Guards and rescue divers.


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3. The land originally belonged to Department of Salt, Government of India. The existing building & structure belonged to Dept. of Fisheries and constructed before year 1940. The existing structure along with the buildings were purchased by MTDC vide sale agreement dated 09.01.2009 from the Dept. of Salt, Govt. of India.
4. Existing use of land under reference was for Fish Godown to store dried fishes.
5. The land under reference falls in CRZ III area (within 200 m from HTL of the sea), as per Coastal Land use map of the area.
6. STP for bathroom & solid waste generation and the treated water from STP for gardening and tree plantation.
7. Water source for the proposed tourist facility unit will be water connection from nearest MTDC resort water supply scheme or by tanker from existing well, bore well near the site.
8. The construction comprises of Building 1 & Building 2 with ground + 2 upper floors.
9. The Grampanchayat, Tarkarli have granted the permission for reconstruction of existing structure vide letter dated 08.10.2009.
10. Total plot area is 1.38 ha. Total Built up Area of the project – 1807 Sqm.

The Authority in its 98th meeting examined the project from CRZ point of view in the light of provisions of CRZ Notification, 2011 and noted that as per para 3(xiv) of CRZ Notification, 2011 facilities required for patrolling and vigilance activities of marine/coastal police stations are permissible activities. The Authority noted that total construction area is less than 20,000 Sqm. Beside this, the Authority further observed that the project belongs to Maharashtra Tourism Development Corporation (MTDC), Government of Maharashtra and aimed at providing Scuba Diving Training to various organizations/ tourists and would result in development of skilled personnel including life guards, coast guards and marine police personnel to ensure coastal security. Project is important from point of view of Tourism and creating awareness for protection of coastal eco-sensitive features such as Corals etc. present in the area

The Authority in its 98th meeting also decided that the project activities are examined from CRZ point of view and the project activities can be permitted on site under reference considering the permissibility and objective as mentioned above. The Authority noted that but for taking prior approval the proposal is in order. The Authority also noted that the project is promoted by MTDC, Govt. of Maharashtra undertaking & that the project will facilitate Environment protection & also coastal security. The Authority in its 98th meeting further noted that as per provisions of CRZ Notification, 2011, Malvan area is identified as Critically Vulnerable Coastal Area (CVCA). However, the Authority also noted that administrative boundary of CVCA area is not yet defined and Integrated Management plan(IMP) is also not prepared, as MoEF is yet to provide guidelines for the same.

The Authority observed that credible action has been taken and compliance is ensured in the context of OMs dated 12.12.2012, 27.6.2013 & 24.7.2014 of MoEF.

In the light of above, the Authority after deliberation decided to recommend the project from CRZ point of view to concerned planning authority subject to compliance of following conditions:

1. Project construction activities should be 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 said Scuba Diving Centre should be under management/ control & supervision of MTDC only.
3. MTDC shall ensure that operation of the project should not be outsourced to private company as a business model and it should be operated by MTDC only.
4. MTDC shall put cap / limit on Nos of visitors who will be visiting the Scuba Diving Centre


Chairman


Member Secretary

5. MTDC shall put a Board in Marathi & English at appropriate places notifying that there will be no activity of fishing / plucking / feeding in Coral areas and that all efforts should be made to protect marine ecology & marine environment.
6. Flyers in Marathi & English would be kept in the Beach Hotels in Sindhudurg district displaying messages with regard to point No. 5
7. MTDC should strictly follow the policy of No Littering of empty plastic bottles / plastic carry bags in the project area and in vicinity in order to avoid adverse impact on marine ecology and marine environment.
8. There should not be dumping of sewage and municipal solid waste generated from project activity.
9. Accommodation facility in the project should be strictly used as a part of residential training only.
10. Opportunity should be extended to local people for employment in the project as per eligibility.
11. All other required permission from different statutory authorities should be obtained.

Item No.4: Proposed construction of public Rain Shelter, Community Toilet & Electric Sub Station on land bearing S.No.769/pt (Old), 339/pt (New), S.No.722/pt(Old), 342/3(new) at village Bhaindar, Dist. Thane for MSRTC by MBMC

The project proponent was absent for the meeting. Hence, the proposal was deferred.

Item No.5: Proposed restoration, addition and alteration to existing majestic Hostel on plot bearing C.S. No. 442 of Colaba Division situated at Junction of Nathalal Parekh Marg and Shahid Bhagat Sigh Road at A Ward, Mumbai by PWD, Govt of Maharashtra

The Project proponent presented the proposal before the Authority, which is as follows:

1. Proposals is for proposed restoration, addition and alteration to existing majestic Hostel on plot bearing C.S. No. 442 of Colaba Division situated at Junction of Nathalal Parekh Marg and Shahid Bhagat Sigh Road at A Ward, Mumbai by PWD, Govt of Maharashtra. MCGM vide letter dated 15.1.2015 forwarded the proposal to MCZMA.
2. MCGM letter dated 15.1.2015 mentions that, the plot under reference is situated in residential zone and is not reserved for any public purpose. As per Survey & DP remarks, the building on the plot under reference is within the 100 m. from Grade -I Gate Way of India heritage structure and also the building on plot under reference situated in Majestic Precinct included in the said list at Sr. No. 27 for conservation Purpose. MHCC NoC dated 3.6.2014 is submitted.
3. MCGM letter dated 15.1.2015 mentions that, as per approved CZMP of Mumbai the land under reference falls in CRZ II and on the landward side of existing structure.
4. MCGM mentions that, Architect has submitted the proposal under D.C.Reg. 33(6) with existing protected Built up area of 8852.05 sqm (excluding staircase; lift area) i.e. FSI 3.58 for dilapidated 'A' category cessed buildings on plot under reference. Existing servant quarter comprising Ground + 1 proposed to be demolished. Various concessions approved by Municipal Commissioner for building comprising of basement + ground + 5 upper floors with height up to 27.12 m.
5. Executive Engineer, PWD vide letter dated 23.10.2013 mentions that, the existing building known as Majestic Hostel on plot bearing C.S. No. 442 of Colaba Division situated at Junction of Nathalal Parekh Marg and Shahid Bhagatsingh Road at A ward, Colaba, is declared dangerous prior to 6.1.2011 based on detailed structural assessment report dated 29.5.2010 from IIT, Mumbai as they have mentioned in their report that the building should be categorized as unsafe for service as unsafe for service load condition and critically unsafe for earthquake load condition.


Chairman


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6. Executive Engineer, PWD vide letter dated 24.10.2013 mentions that, existing building comprising of basement + ground + 4 upper floors are constructed prior to 1953 – 54, when the building purchased by the Government. The 5th (part) floor was constructed prior to purchase of this building by the department in 1953 – 54.
7. FSI Details, as per plans approved by MCGM on 16.7.2014
 - Area of plot – 2906.38 sqm
 - Deduction for RG 15 % - 435.96 sqm
 - Net Plot Area – 2470.42 sqm
 - Existing BUA – 8852.05 sqm
 - Proposed area (existing floor area proposed to be retained) – 8102.71 sqm

The Authority noted that the public consultation report of the legally entitled tenants is required as per the provisions of CRZ Notification, 2011. PP presented that the proposal is for restoration, addition and alteration to existing majestic Hostel. Further, there are 15 shops of Sahakar mandal and there is a matter in the High Court of Mumbai about their rights which will be subject to outcome of the High Court decision and the issue of rights of 15 stakeholders will be addressed by the Hon. High Court. Hence, there may not be requirement of public consultation for the legally entitled tenants of the said project. PP further apprised that there is a NoC from MHCC for said project.

The Authority after detailed discussion & deliberation decided the followings:

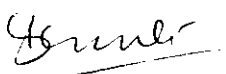
1. PWD to clarify as to whether structure under reference is a heritage site as listed with Archaeological Survey of India, State Departments of Archaeology, Culture and Tourism. if so, necessary supporting documents be submitted to MCZMA
2. Undertaking that the public consultation report for the legally entitled tenants of said project under para 8.V.C of CRZ Notification, 2011 is not required, as the matter is being heard by Hon'ble High Court of Mumbai regarding their rights.

Item No.6: Proposed facilities for fishermen at Varavade / Jakimire Tal, District Ratnagiri by Harbour Engineer, Ratnagiri

Project proponent (PP) presented the proposal before the Authority, which is as follows:

1. The proposal is for facilities for fishermen at Varavade and Jakimire, Dist: Ratnagiri. Ratnagiri Harbour Division, Ratnagiri vide letter dated 22nd January, 2015 forwarded the proposal to MCZMA.
2. Proposed activities at **Varavade** are as follows:
 - Size of the project:
 - Dredging site – 500m × 50 m
 - Approach Road – 150 m
 - Auction Hall – 18.23 m × 19.46 m
 - Net mending shed – 15.23 m × 6.23 m
3. Proposed activities at **Jakimire** are as follows:
 - Size of the project
 - Dredging site – 35 m × 25 m
 - Reclamation site (for retaining wall) – 50 m × 35 m
 - Auction Hall – 18.23 m × 19.46 m

The Authority directed PP to submit the approved CRZ map showing project activities, so that CRZ status could be ascertained.


Chairman


Member Secretary

Project proponent informed that at Varavade village, construction work of approach road, auction hall, net mending shed has been completed. Further, dredging work has also been carried out.

The PP further informed that at Jakimire village, construction work at reclamation site for retaining wall is completed and work of auction hall has been completed upto slab level. Further, dredging work has also been carried out.

The Authority noted the clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority. As per the said clause-
The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals area referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991

The Authority observed that as per clause (Viii) of S.O. 18(E) dated 4.1.2002, prior CRZ recommendation from MCZMA was mandatory in the subject proposal, when construction activities of the project at Village Varavde and Jakimire has been started.

In the light of above, the Authority after detailed discussion and deliberation and anticipating the fact that construction work is already completed for approach road, auction hall, net mending shed the Authority after detailed discussion and deliberation decided that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 & 24.7.2014 issued by the MoEF, New Delhi.

The Authority further decided to direct PP to submit the following information:

- Superimposition of the project activities at village Varavde and Jakimire on approved Coastal land use map in 1:4000 scale.
- Detailed layout of the plan showing proposed activities vis-à-vis its CRZ status.

Item No.7: Proposed construction of Solid Jetty at Guhagar Beach Tal. Guhagar, Distt. Ratnagiri by Harbour Engineer, Ratnagiri

The Project proponent (PP) presented the proposal before the Authority, which is as follows:

1. The proposal is for construction of solid Jetty near Khate No. 379 at Guhagar Beach, Tal: Guhagar, Dist: Ratnagiri. The District Planning Committee, Ratnagiri vide letter dated 22nd Jan, 2015 forwarded the proposal to MCZMA.
2. As per the Coastal landuse map of Ratnagiri, the site under reference falls in CRZ I area.
3. Jetty is for tourism purpose (only for walking). Size of the project is 390sqm (130 m × 30 m)

PP further informed that construction of solid jetty is completed.

The Authority the Authority noted the clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority. As per the said clause-
The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals area referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991
The Authority observed that as per clause (Viii) of S.O. 18(E) dated 4.1.2002, prior CRZ recommendation from MCZMA was mandatory in the subject proposal, when construction activity of solid jetty has started.


Chairman


Member Secretary

In the light of above, the Authority after detailed discussion and deliberation decided that this is a case of violation of CRZ Notification, 1991 & 2011 as the work of solid jetty is already completed and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 & 24.7.2014 issued by the MoEF, New Delhi.

Authority further observed that District Collector, Ratnagiri should have taken cognizance of the said violation of CRZ Notification, 1991 & 2011 and decided to call the district collector in the MCZMA meeting.

Item No.8: Proposed facilities for fishermen at Sakhari Agar Tal.Guhagar, District Ratnagiri by Harbour Engineer, Ratnagiri

Project proponent (PP) presented the proposal before the Authority, which is as follows:

1. The proposal is for facilities for fishermen at Sakhari Agar village, Tal: Guhagar, Dist: Ratnagiri. Ratnagiri Harbour Division, PWD vide letter dated 13.1.2015 forwarded the proposal to MCZMA.
2. Proposed facilities are as follows:
 - R.C.C. Jetty – 32.55 m X 5m
 - Auction Hall – 18.23 m × 13.23 m
 - Net mending shed – 15.23 m × 6 m
 - Retaining Wall – 110m
 - Approach Road – 60 m X 20 m
 - Dreging– 60 m X 20 m

The proponent informed that the work of jetties / wharf walls extension comes under CRZ I & other structure comes under CRZ II. The Authority instructed PP to submit the Coastal Land use map of the area superimposing the project activities in order to ascertain the exact CRZ status of the project activities.

PP further informed that construction work of RCC jetty has been completed and retaining wall has been completed upto 90 m.

The Authority noted the clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority. As per the said clause-
The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals area referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991

The Authority observed that as per clause (Viii) of S.O. 18(E) dated 4.1.2002, prior CRZ recommendation from MCZMA was mandatory in the subject proposal, when construction activities in the project has started.

In the light of above, the Authority after detailed discussion and deliberation decided that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 & 24.7.2014 issued by the MoEF, New Delhi.

Item No.9: Proposed construction of Alternative Dispute Resolution (ADR) Centre on land bearing C.T.C No. 1011, area 7866.30 sq.mtr.at Alibag, Tq.Alibag, Distt. Raigad by District Court Alibag


Chairman


Member Secretary

The project proponent was absent for the meeting. Hence, the proposal was deferred.

Item No.10: Proposed construction of interchange by flyovers at Kalanagar Junction - MMRDA

Project proponent (PP) presented the proposal before the Authority, which is as follows:

1. Mumbai Metropolitan Road Development Authority (MMRDA) has proposed to construct an interchange by building flyovers across Kalanagar Junction, Bandra(E), Mumbai. This interchange will help decongest the important junction. MMRDA vide letter dated 12.2.2015 submitted the proposal to MCZMA.
2. Kalanagar Junction serves as an important nodal point for vehicles plying between BKC, South Mumbai and Western suburbs. MMRDA proposes to decongest the Kalanagar junction by constructing new flyovers to provide smooth flow of traffic at the junction and eliminates some of the signals.
3. Brief description of the proposed roads are as follows:

Sr. No.	Name of Road	Objective	Length of Alignment (m.)
1	BKC to Airport (Arm A):	The proposed flyover will divert traffic from the BKC road to the Western Express Highway towards the airport.	2110
2	Dharavi to Airport (Arm A1)	The proposed flyover will divert traffic from Dharavi to the Western Express Highway towards airport	749
3	Sealink to BKC (Arm B)	The proposed flyover will provide free flow of traffic from Sea link-Mahim Causeway to BKC.	1630
4	BKC to Sealink (Arm C):	The proposed flyover will provide free flow of traffic from BKC to Sea link – Mahim Causeway	470
5	Free left Dharavi to Sealink	At grade road for traffic from Dharavi to Sea Link	400
6	Total		5359

4. The proposed flyover will pass across Mithi River and adjoining land, which is located in areas that fall under CRZ- I(A), I(B), II area.

PP further provide the details of Length of Alignment in each CRZ area, which is tabulated as below:

Sr. No.	Name of Road	Length of road falling in CRZ area with category
1	Arm A	180 m length falls in CRZ II
2	Arm A 1	95 m length falls in CRZ IA & 634 m length falls in CRZ II
3	Arm B	179 m length falls in CRZ IB & 531 m length falls in CRZ II area


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4	Arm C	233 m length falls in CRZ I B and 334 m length falls in CRZ II
5	Free left	253 m length falls in CRZ IB and 100 m length falls in CRZ II area.
	Total	95 m length of alignment falls in CRZ I(A) 665 m length of alignment falls in CRZ I(B) 1779 m length of alignment falls in CRZ II area.

Rapid Environment Impact Assessment (EIA) with Environment Management plan Report is submitted. Environmental Impacts of the proposed roads activities on the land, air, water and Marine environment was discussed.

The Authority discussed that construction phase would involve excavation for foundations. This will result in generation of rock, muck and debris. Proper management of the substratum and waste materials will be required.

The Authority further deliberated that alignment of Arm A is passing through CRZ II area, hence, this alignment is not expected to impact marine environment. Further, Arm B, C and free left are passing through intertidal area (CRZ IB) and CRZ II area, hence during construction phase, excavation of sediment is envisaged and thereby increasing the concentration of suspended solid in the intertidal area. This would increase turbidity in the water column. Length of Arm A 1 is passing through CRZ I A and CRZ II. This will result in destruction of mangroves in CRZ I (A) area.

The Authority further noted the Environment Management plan of the project,

- Temporary traffic arrangement during construction phase within ROW shall be planned in DPR
- Erection and maintenance of Barricades, signs, marking, flags for traffic control and safety.
- All vehicles delivering material to the site shall be covered with tarpaulin to avoid material spillage
- Dumping of construction debris in the river should be avoided.
- Compensatory afforestation to be strictly carried out.

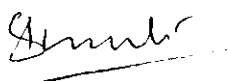
The Authority directed PP that it should ensure that bare minimum mangroves would be damaged during construction of (Dharavi to Airport flyover) Arm A 1. Further, adequate culverts should be provided at free left in order to ensure the free flow of tidal water.

PP further informed that all the alignments are shown in Development plan except free left road. Authority suggested PP to get incorporated the free left alignment in DP.

The Authority further observed that project activities are proposed on piers except free left Dharavi to Sealink. Authority felt necessary that piers should be of such nature and type which would not affect the hydraulic flow of the river. Authority further observed that mangroves will be affected at some portion of the pier of Arm A 1 (Dharavi to Airport)

The Authority noted that as per para 8.I. CRZ I (g) of CRZ Notification, 2011 Construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water is permissible in Areas between LTL and HTL which are not ecologically sensitive & with incorporation of necessary safety measures.

The Authority further noted that as per para 8.v. 1.A (a) of CRZ Notification, 2011, Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit


Chairman


Member Secretary

of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to certain conditions is permitted.

The Authority after detailed discussion and deliberation and considering the amended notification dated 28th Nov, 2014 decided to recommend the proposal to SEIAA subject to 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. It should be ensured that bare minimum mangroves would be damaged during construction/laying of pier for Dharavi to Airport flyover i.e. Arm A 1.
3. Prior High Court permission should be obtained, since the project involved destruction/clearing of mangroves.
4. Five times the number of mangroves destroyed/cut during the construction process should be replanted.
5. Adequate culverts should be provided at free left in order to ensure the free flow of tidal water to ensure the sustenance of ecosystem.
6. Environment Management Plan should be implemented in order to conserve and protect the coastal environment.
7. Natural course of Mithi creek/river water and tidal regime should not be hampered due to proposed activities.
8. No reclamation of coastal water body is allowed.
9. The material excavated/ debris generated should not be dumped in CRZ area including Coastal water body. Debris shall be disposed to authorized waste disposal site outside CRZ area. Chief Engineer, MMRDA should ensure the same.
10. No labour camp, machineries and material storage is allowed in CRZ area & it should also be ensured that the waste water from these entities should not be released into the Mithi River.
11. Noise Barriers should be erected around Kalanagar area in order to protect the residents from the noise pollution due to project.
12. Piers should be of such nature and type that it would not affect the hydraulic flow of the river. The project proponent should ensure that the free flow of tidal water is maintained due to project activities.
13. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Compliance of all the above conditions shall be ensured by concerned Chief Engineer, MMRDA by name.

Item No.11: CRZ permission to Kharbhumi Yojana 1)Tulas Palatwadi Kharbhumi Yojana 2) Khadpiwadi/Tulas Sawantwada 4)Mungi 5) Parule Korjai 6) Vengurla-2 Taluka Vengurla, Distt.Sindhudurg and Dhansar Kharland Scheme Taluka District Palghar

Officials of Kharland Department presented the proposal before the Authority, which is as follows:

1. Total 132 government schemes from Sindhudurg district were put up to central government for getting the clearance. As per the central governments letter no. J/7011/(320/2001-I-1A-3), dt 22, Aug, 2003 all 132 schemes got the clearance under the CRZ act.
2. Kharland Development Department letter vide dated 26.02.2015 submitted proposal for following schemes from Sindhudurg district for obtaining CRZ recommendation:

Sr. No.	Name of Scheme	Taluka	Actual proposed	Area with exemption	Additional area for	Mangroves area in Ha	Length of the Bund
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Chairman


Member Secretary

			area (Ha.)	from CRZ norms (Ha)	which CRZ exemption is required (Ha)		(Meter)
1	Vengurla-2	Vengurla	18	-	-	-	755m
2	Parule Korjai	Vengurla	12	-	-	-	908m
3	Munagi	Kudal	58	-	-	-	618m
4	Tulas Sawantwada	Vengurla	54	-	-	-	498m
5	Khadapiwadi	Vengurla	82	-	-	-	1812m
6	Tulas Palatadwadi	Vengurla	17	-	-	-	180m

The Kharland Development Department letter vide dated 20.11.2014 submitted proposal for following Dhansar scheme from Palghar district for obtaining CRZ recommendation:

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)	Mangroves area in Ha	Length of the Bund (Meter)
1	Dhansar	Palghar	70	0	70	Nil	

The Kharland Dept officials presented that these kharland schemes are new schemes and requested the Authority not to insist EIA for the said schemes, due to financial constraints.

The Authority discussed the schemes that through Kharland schemes the tidal water is restricted to enter into the agricultural lands by constructing embankment along the banks of the coastal water bodies. Considering this aspect, the study needs to be carried out by the Kharland Dept in order to identify the impact of the schemes on coastal environment. Authority suggested that Kharland Dept should carry out Rapid EIA for the schemes.

In the light of above, the Authority after deliberation decided to direct Kharland Dept to submit the Rapid EIA for the projects.

Item No.12: Proposed Plantation on land in area of mangroves by Dy. Conservator of Forests, Roha

Project proponent (PP) presented that the proposal by the World Bank under the National Cyclone Risk Mitigation Project (NCRMP) is proposed for the areas which are degraded and useful for plantation of local mangrove species. The plantation on degraded areas is to bring mangroves in good standing and to preserve of CRZ area. The proposal is submitted through the Dy. Conservator of Forest, Roha Forest Division vide letter dated 10th February, 2015 to MCZMA.

List of areas proposed for mangrove plantation are listed below:

Sr. No.	Village Name	S. No.	Area	Taluka	District	Name of Scheme
1.	Turumbadi	54/1	10 HA	Mhasla	Raigad	Mangroves plantation under Conventional renovated
2.	Kalsuri	77/1	30 HA	Mhasla	Raigad	
3.	Waral	220/1	50HA	Mhasla	Raigad	


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4.	Turumbadi	54/1	10 IIA	Mhasla	Raigad	Mangroves under renovated	Plantation Natural
5.	Kalsuri	77/1	20HA	Mhasla	Raigad		
6.	Waral	220/1	130HA	Mhasla	Raigad		
7.	Kalinje	95/1	20HA	Shriwardhan	Raigad	Mangroves under renovated	Plantation Natural
8.	Bhalgaon	116	30HA	Murud	Raigad	Mangroves under renovated	Plantation Natural

Proponent informed that the land under reference is protected forest land and at present it is in degraded condition. Plantation of mangroves on land is part of National Cyclone Risk Mitigation Project (NCRMP).

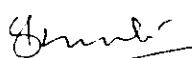
The Authority felt that the project is encouraging from coastal environment point of view and decided to grant CRZ recommendation from CRZ point of view to concern planning authority / Forest department under CRZ notification, 2011. Authority felt that proper conservation and protection of mangroves forest should be ensured by the Forest Department.

Item No.13: Construction of Nagaland State Guest Houses-cum-Emporium at plot No. 28, Sector 30A, Vashi, Navi Mumbai by PWD (Housing), Govt. of Nagaland

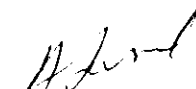
The Project proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. The City and Industrial Development Corporation of Maharashtra (CIDCO) has forwarded the proposal of Construction of Nagaland State Guest House cum Emporium at Plot No. 2B, Sector – 30A, Vashi, Navi Mumbai by PWD, Govt. of Nagaland vide letter dated 10.3.2015 to MCZMA.
2. CIDCO letter dated 10.3.2015 mentions that, the plot under reference is situated in residential zone as per sanctioned development plan.
3. As per approved CZMP of Navi Mumbai the land under reference falls in CRZ II (within 150 m from HTL of Creek) and as per google image it seems that the land under reference situated at seaward side of existing road.
4. As per submitted information, Construction of Nagaland State Guest House cum Emporium at Plot No. 2B, Sector – 30A, Vashi, Navi Mumbai by PWD, Govt. of Nagaland. Construction project involves- 1) G + 4 Guest house building which includes emporium land auditorium, 2) G + 2 staff quarter building & 3) Ground floor utility building (substation) including allied works.
5. FSI Details, as per submitted information
 - Area of plot – 3941.11 sqm
 - Net Plot Area – 3586.00 sqm
 - FSI Permissible– 1.00
 - Proposed BUA – 4084.00 sq.m.

The Authority noted that Navi Mumbai Municipal Corporation vide letter dated 15.11.2007 granted Commencement Certificate for construction at Plot No. 2B, Sector – 30A, Vashi, Navi Mumbai by PWD, Govt. of Nagaland. Total BUA is 3941.106 Sqm (Resi. Staff quarter – 355.32 sqm



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+ State Guest House-3585.786 sqm). FSI-1.00. CIDCO vide letter dated 18.1.2013 granted Completion Certificate.

Project proponent informed that the construction of building is completed and the matter is pending with planning Authority for grant of Occupation Certificate.

The Authority noted the clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority. As per the said clause-
The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals area referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991

The Authority observed that as per clause (Viii) of S.O. 18(E) dated 4.1.2002, prior CRZ recommendation from MCZMA was mandatory in the subject proposal, when project got commencement certificate dated 15.11.2007 from concerned planning Authority. Further, CIDCO vide letter dated 18.1.2013 granted Completion Certificate.

Authority observed that construction activity has been started and completed without prior CRZ recommendation from MCZMA and the Authority after detailed discussion and deliberation decided that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 & 24.7.2014 issued by the MoEF, New Delhi.

Item No.14: Proposed construction of New Creek Bridge between Thane Municipal Limit at village Kalwa & Rabodi, District Thane by TMC.

The Project proponent (PP) presented the proposal before the Authority, which is as follows:

1. The proposal is for construction of new creek bridge between Thane Municipal Limit, at S.no.17, 425,431,432,433 of village- Kalwa & 434 of village- Rabodi, Dist-Thane. Thane Municipal Corporation vide letter dated 19 March, 2015 forwarded the proposal to MCZMA.
2. As per CZMP prepared by CESS Kerala, submitted by the project proponent, the site under reference falls in CRZ-I (i), CRZ I(ii), CRZ II and CRZ III.
3. As per information submitted by the project proponent, there are total 76 piers out of which 45 piers & 3 culvert comes in various CRZ area.
4. As per the Layout map submitted by the project proponent,

Classification	Area in sqm
CRZ I (A)	3734.629
CRZ I (B)	1758.512
CRZ I (i)	1352.492
CRZ II	12448.599
CRZ III	12896.277
Buffer zone	5179.378

The Authority observed that piers of the rotary are proposed in the creek water i.e. CRZ IV (B) area. The Authority felt that due to these piers, flow of creek water may likely to be hampered.

PP presented that around 70 nos. of mangroves plants would be affected due to project. However, Authority observed that more nos. / area of mangroves may get affected. The Authority


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further noted that proposal also involves reconstruction of existing three (3) nos. of bridges and PP should submit the details about it.

The Authority noted the features of Environment Impact Assessment report, likely adverse impacts and proposed mitigation measures.

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

1. No. of Piers of Rotary proposed in creek water. Impact of Rotary piers on flow of creek water.
2. Total area of mangroves affected due to project and depiction of this area on the CRZ map.
3. Mangroves re-plantation plan should be submitted in consultation with the competent authority.
4. Detail report of reconstruction of three (3) nos. of bridges along with their CRZ status.

In view of more clarification on CRZ and mangroves related issues, the PP should present the case with these details.

Item No.15: Proposed construction of 40 m. wide Ring Road in Vasai Virar Municipal Corporation by VVMC

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

Item No.16: Redevelopment of property bearing C.S. No. 7/138 of Mazgaon Dn. Situated at Near Dockyard Road, E Ward, Mumbai by M/s. Jakhubhai Lalji Dal Mills Pvt. Ltd

The Authority noted that the proposal was earlier considered in 91st meeting of MCZMA held on 29 to 31st May, 2014 wherein the Authority observed that this is a case of violation of CRZ Notification, 1991 & 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. Accordingly, the matter was referred to the Environment Department.

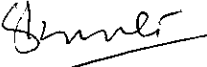
The Environment Department initiated the necessary credible actions as per above said OMs of MoEF and issued Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 on 2.2.2015 to M/s Jakhubhai Lalji Dal Mills Pvt. Ltd after following due procedure. PP was directed to stop the construction work till he obtains clearance from the MCZMA. PP was also directed to submit a Board Resolution to comply with para 5(i) of OM dated 12.12.2012 of MoEF.

The Maharashtra Pollution Control Board (MPCB) was asked to file the case for the offence committed against the PP under section 15 of E(P) Act, 1986 r.w. CRZ Notification, 1991 & 2011 before the appropriate court of law and Dy. Chief Engineer(BP) (City), MCGM was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to PP.

MPCB vide its letter dated 20.3.2015 informed that, the case No. R.C.C. No. 530/SS/2015 has been filed before the CJM, Mazgaon, Sewri.

Project proponent (PP) presented the proposal before the Authority, which is as follows:

1. The proposal is of Residential building comprising of Stilt + 6th + part 7th upper floors for total height of 24.55. m above ground level excluding height of overhead tank and lift


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- machine room were approved. Height of the building is approved by Municipal Commissioner.
2. MCGM letter dated 27.12.2012 mentions that Plans are scrutinized as per DC rules 1967 and technical concessions are approved by MC, MCGM granted IOD under No. EB/1840/E/A dated 24.8.2012.
 3. As per CZMP of Mumbai, the plot under reference falls in CRZ II area. MCGM letter dated 27.12.2013 mentions that plot is situated on landward side of existing road, which is reflected on DP plan 1968.
 4. The MCGM letter dated 27.12.2012 mentions that as per DP remarks the plot under reference is in R Zone and is reserved for public purpose of PH/HDH. Further, as per survey remarks, the plot under reference falls under hilly area. Hence remarks from Geologist will be insisted before issue of CC as on IOD condition.
 5. MCGM letter dated 27.12.2012 mentions that Existing structure is 'Dal Mill' and same is demolished on site. Licensed surveyor has proposed to demolish the existing structure. Further user of the existing building is industrial as per DP release letter. Owner will be asked to obtain NoC from Director of Industries / Labour Commissioner for closure of Dal Mill.
 6. FSI details, as per the building plans submitted along with IOD (24.8.2012)
 - Plot area – 1004.18 Sqm
 - Permissible FSI – 1.33
 - Permissible Built up area – 1335.56 Sqm
 - Total build up area Proposed – 1334.20 Sqm
 - FSI consumed – 1.32
 7. Project proponent further informed that, Urban Development Dept (UDD) had granted the CRZ NOC vide letter no. TPB/2006/1255/CR 333/06/UD-12 dated 22.1.2007 for redevelopment of residential building with FSI 1.33 including the area under reservation to be surrendered to MCGM on the land under reference. Structure on the site is demolished.

The Project proponent presented that the plot under reference is in Residential zone and structure of Dal mill was not confirming to zoning of the plot under reference. It was further stated that the structure of Dal mill was illegal on site under reference and it was closed by Labour commissioner. Now, the structure is demolished on site. Proposed use of the building is Residential which is in conformity with zoning of the plot under reference.

The Authority felt that if the Dal mill structure on site under reference was illegal and was not confirming to zoning of plot under reference, then the proposal could be treated as new development on vacant plot. However, the Authority further noted that the proposal submitted before the MCZMA was for redevelopment of property. Municipal Corporation of Greater Mumbai vide letter dated 27.12.2012 forwarded a proposal of "redevelopment of property bearing C.S.No.7/138 of Mazgaon Division situated at Near Dockyard Road, E Ward, Mumbai " to MCZMA.

The Authority after deliberation decided that PP needs to submit a proposal of new development on vacant plot through the MCGM. Further, details of structure of Dal mill which was in operation on land under reference such as whether the structure was illegal and non confirming to the zoning of the plot under reference needs to be submitted by MCGM.

The Authority further observed that credible action has been initiated against the project proponent as per OMs dated 12.12.2012, 27.6.2013 & 24.7.2014 of MoEF. However, resolution submitted by PP is not in line with para 5(i) of OM dated 12.12.2012 of MoEF and PP needs to submit the same.


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Item No.17: Regarding development on property bearing plot no. 1, S. No. 185, Hissa No. 1B (1) & 1B (3), C.S. No. 668, Mauje Murud, Tal. Murud, Dist. Raigad by Shri. Iqbal H. Purkar

The Authority noted that the proposal was earlier considered in 92nd meeting of the MCZMA held on 19.7.2014 wherein the Authority observed that construction has started on the site under reference without obtaining prior CRZ recommendation from MCZMA. During the meeting, the Authority observed that there is a violation of provisions of CRZ Notification, 1991 & 2011 and it was decided to refer the matter to Environment Dept for initiating procedure as stipulated in OM dated 12.12.2012 & 27.6.2014 issued by MoEF. Accordingly, the matter was referred to the Environment Department.

The Environment Department initiated the necessary credible actions as per above said OMs of MoEF and issued Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification 19.2.1991 & 6.1.2011 on 4.2.2015 to M/a Iqbal Purkar after following due procedure. PP was directed to stop the construction work till he obtains clearance from the MCZMA. PP was also directed to submit a Board Resolution to comply with para 5(i) of OM dated 12.12.2012 of MoEF.

The Maharashtra Pollution Control Board (MPCB) was asked to file the case for the offence committed against the PP under section 15 of E(P) Act, 1986 r.w. CRZ Notification, 1991 & 2011 before the appropriate court of law and office of Murud Janjira Nagarparishad was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to PP.

MPCB vide its letter dated 29.4.2015 informed that, the case No. R.C.C. No. 22/2015 has been filed before the JMFC, Murud.

PP vide letter dated 12.2.2015 submitted **compliance** stating that they have already stopped the construction work pending hearing of the matter. PP further stated that being the sole proprietor & owner of the property, no Board Resolution can be submitted.

The Authority noted that credible action has been taken and compliance is ensured in the context of OMs dated 12.12.2012, 27.6.2013 & 24.7.2014 of MoEF.

Project proponent (PP) presented the proposal before the Authority, which is as follows:

- a. The proposal is for construction of residential lodging building comprising of Silt + Ground Floor and 1st – 2nd Floor for rooms for residential lodging use.
- b. As per the sanctioned Development Plan of Murud-Janjira, the plot under reference is in residential zone and not under any reservation.
- c. As per the approved CZMP for Murud - Janjira, the plot is in CRZ II and situated on landward side of Beach Road prior to 1991.
- d. The total area of plot is 2000sqmt.
- e. FSI Details, as per plans submitted by PP:
 - o Total Area of Plot – 2000.00sqmt
 - o Permissible FSI – 1.00
 - o Total Deduction – 569.16sqmt
 - o (Area under road + area under nalla) – (523.00sqmt + 46.16sqmt)
 - o Net area of plot – 1430.84sqmt
 - o Permissible floor area – 1477.00sqmt
 - o Existing built up area – 471.09sqmt
 - o Proposed built up area – 989.16sqmt
 - o Total built up area – 1460.25sqmt



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The Authority noted that the MCZMA vide letter dated 06.12.2013 sought information on certain points from Chief Officer, Murud - Janjira Municipal Council. Accordingly, Chief Officer, MJMC forwarded their reply vide letter dated 29.01.2014 in the matter which is as follows:

Sr. No.	Point raised by MCZMA	Reply from MJMC
1	Proposal involves reconstruction of existing structure on land under reference, which has been demolished.	Yet it is proposal of reconstruction and previous structure has been demolished.
2	The present use of structure needs to be ascertained.	As per the letter, present use of structure is in the form of incomplete so RCC building not in use. Construction activity is stopped.
3	Permissibility of proposed use (lodging) as per DCR as on 19.2.1991.	As per DCR 1991 proposed use is permissible.
4	Google Image showing site under reference.	Google Image showing site under reference is attached.

The Authority observed that proposed construction is for residential lodging purpose. However, use of the existing structure is not clear Therefore, the Authority after deliberation decided to direct the project proponent to submit a clarification from Murud Janjira Municipal Council regarding the use of the existing structure on land under reference.

Item No.18: Redevelopment at plot bearing C.S. No. 577 of Malbar Hill Division, D Ward, situated at Nepeansea Road, Mumbai by M/s. Adroit Estate Developers Pvt Ltd

The Authority noted that the proposal was earlier considered in 91st meeting of MCZMA held on 29 to 31st May, 2014 wherein the Authority observed that this is a case of violation of CRZ Notification, 1991 & 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. Accordingly, the matter was referred to the Environment Department.

The Environment Department initiated the necessary credible actions as per above said OMs of MoEF and issued Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 on 4.2.2015 to M/s Adroit Estate Developers P.Ltd after following due procedure. PP was directed to stop the construction work till he obtains clearance from the MCZMA. PP was also directed to submit a Board Resolution to comply with para 5(i) of OM dated 12.12.2012 of MoEF.

The Maharashtra Pollution Control Board (MPCB) was asked to file the case for the offence committed against the PP under section 15 of E(P) Act, 1986 r.w. CRZ Notification, 1991 & 2011 before the appropriate court of law and Chief Engineer (DP), MCGM was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to PP.

MPCB vide its letter dated 17.4.2015 informed that, the R.C.C. No.; 11/42/SW/2015 has been filed before the CJM, Girgaon.

PP submitted the Board Resolution dated 8.4.2015. However, resolution submitted by PP is not in line with para 5(i) of OM dated 12.12.2012 of MoEF and PP needs to submit the same. Project proponent (PP) presented the proposal before the Authority. The Authority noted the followings:


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1. The Municipal Corporation of Greater Mumbai (MCGM) has forwarded the proposal of "Proposed redevelopment at plot bearing C.S. No. 577 of Malbar Hill Division, D Ward, situated at Nepeansea Road, Mumbai" vide letter dated 15.2.2014 to MCZMA.
2. As per remarks of MCGM dated 15.2.2014, the land under reference is situated in Residential zone as per 1967 DP as well as 1993 DP.
3. As per CZMP of Mumbai approved by MoEF in the year 2000; the land under reference falls in CRZ II area and situated on landward side of existing Laxmibai Jagmohandas road, in existence prior to 19.2.1991.
4. MCGM vide letter dated 8.10.2003 certified that the property D ward No. A/cNo.D-26-0282-00-5 at 23-33A & 23B Nepeansea Road falls under category A- Resi.
5. As per remarks of MCGM dated 15.2.2014, There existed cessed A category buildings of Ground + 1 upper floor and outhouse / servants quarter of ground and part 1 upper floor as per the sheet No. 219, 5th edition 1968, 219 C.S. Plan. The existing user of the old building was residential.
6. MCGM vide letter dated 1.11.2003 mentions that the existing buildings on the plot under reference are in dilapidated condition and recommended to be pulled down.
7. MHADA has issued NOC on 29.4.2005 for proposed redevelopment project with 1.33 FSI.
8. As per MCGM letter dated 15.2.2014; proposed building comprising of 1 basement + ground floor + 1st to 10th parking floors + 11th to 28th upper floors for residence.
9. The proponent has submitted IOD dated 7.11.2003 issued by the Municipal Corporation of Greater Mumbai. FSI Details, as per information submitted by Project Proponent
 - Plot area – 1841.98 Sqm.
 - Permissible FSI – 1.33
 - Permissible BUA – 2449.83 Sqm
 - Total proposed FSI area – 2416.84 Sqm.
 - Proposed Non FSI area – 9000.00 Sqm.
10. The Urban Development Department had earlier issued No Objection Certificate from CRZ point of view for reconstruction of existing building on plot under reference on 20.9.2003. MCGM has issued Commencement Certificate (CC) for proposed reconstruction on the plot under reference up to plinth level on 13.11.2004 and CC is re-endorsed up to 21st floors level as per amended plan approved on 26.11.2008. As per MCGM letter dated 15.2.2014, the existing building was demolished and work was commenced and reached upto 4th parking floor.

The Authority after deliberation decided to direct project proponent to submit public consultation report, as per provisions of CRZ Notification, 2011.

The Authority further observed that credible action has been initiated against the project proponent as per OMs dated 12.12.2012, 27.6.2013 & 24.7.2014 of MoEF. However, resolution submitted by PP is not in line with para 5(i) of OM dated 12.12.2012 of MoEF and PP needs to submit the same.

Item No.19: Reconstruction of residential building on sub plot 'B' on plot bearing CTS No. 907, 907/4B(pt) of village Juhu, Tal- Vile Parle situated at Juhu Tara Road, Vile Parle (W), Mumbai by M/s Beach Wood Properties.

The Authority noted that proposal was considered in the 96th meeting of MCZMA held on 17.1.2015 wherein, it was decided that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceeding in accordance with Office


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Memorandum dated 12.12.2012 & 27.6.2013 & 24.7.2014 issued by the MoEF, New Delhi. Accordingly, the matter was referred to Environment Dept.

The Environment Department initiated the necessary credible actions as per above said OMs of MoEF and issued Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 on 24.2.2015 to M/s Beachwood Properties Pvt Ltd. after following due procedure. PP was directed to stop the construction work till he obtains clearance from the MCZMA. PP was also directed to submit a Board Resolution to comply with para 5(i) of OM dated 12.12.2012 of MoEF.

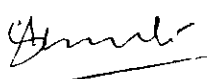
The Maharashtra Pollution Control Board (MPCB) was asked to file the case for the offence committed against the PP under section 15 of E(P) Act, 1986 r.w. CRZ Notification, 1991 & 2011 before the appropriate court of law and Dy, Chief Engineer(BP) (Western Suburb)-I, was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to PP.

MPCB vide its letter dated 13.4.2015 informed that, the case No. R.C.C. No. 1167/SS/2015 has been filed before CJM, Bandra.

PP vide letter dated 6th May, 2015 submitted a reply stating that existing building on site will only be demolished after the approval from MCZMA for the proposal is obtained so that the work for new building can be started on site. PP has submitted copy of Board Resolution dated 26.2.2015. Said Board Resolution resolved that the violation, if any, in respect of the construction of project 'Sea Wind', situated at Juhu, Mumbai had occurred unintentionally and that no violation will be repeated in future.

The Authority noted that credible action has been taken and compliance is ensured in the context of OMs dated 12.12.2012, 27.6.2013 & 24.7.2014 of MoEF. Project proponent (PP) presented the proposal before the Authority, which is as follows:

1. Proposal is for reconstruction of residential building on sub plot 'B' on plot bearing CTS No. 907, 907/4B(pt) of village Juhu, Tal- Vile Parle situated at Juhu Tara Road, Vile Parle (W), Mumbai. MCGM vide letter dated 29.4.2014 forwarded the proposal to MCZMA.
2. PP further presented that the plans for reconstruction of existing residential building on sub plot B for area were approved on 1/11/2002. MCGM vide letter dated 25.11.2002 & 24.12.2008 granted Commencement Certificate & Occupation Certificate to the building.
3. MCGM letter dated 29.4.2014 mentions that the plot under reference is in residential zone as per DP 1967 as well as per revised sanctioned DP 1993 and is not under any reservation as per both of these development plans. The users of residential and other ancillary user were permissible as on 19.2.1991.
4. MCGM letter dated 29.4.2014 mentions that the proponent has submitted the CRZ Plan of Mumbai showing site under reference. As per the said CZMP, the plot falls in CRZ II
5. The land under reference is situated on landward side of existing building on CTS no. 907 comprising Gr. + 1 floor which was existence prior to 19.2.1991. The MoEF has granted CRZ clearance for reconstruction of existing building on CTS No. 907, 907/1 to 907/4 C vide letter dated 25.8.2011.
6. Existing Structure details are as follows:
 - The existing building comprising of basement + Ground + 4 upper storied is still in existence and standing on site and same will be demolished.
 - MCGM has granted Commencement Certificate for building on CTS No.907, 907/ (pt)9 to 11, Juhu Tara Road, Juhu, Mumbai vide letter dated 25.11.2002.
 - MCGM has granted full Occupation Certificate for residential building comprising of Basement for parking+ ground floor+1st to 4th upper floor for residential, on plot bearing


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CTS No. 907/4/B of village Juhu, situated at Juhu tara Road, Vile parle(W), Mumbai vide letter dated 24.12.2008.

7. Proposed residential building comprising of Basement + Ground + 2nd upper floors for the purpose of residential uses.
8. FSI details, as per plans submitted by Project proponent with IOD dated 20.11.2013-
 - a. Plot area (Plot B): 285.10 Sqm.
 - b. Permissible FSI: 1.00
 - c. Permissible BUA: 285.10 Sq.m.
 - d. Proposed BUA: 285.06 Sq.m.
 - e. Free of FSI area is 18.51 Sqm for Balcony and 44.68 Sqm for Staircase area.

The Authority further noted that the MCZMA vide letter dated 9.7.2014 requested to MCGM to submit certain information. The MCGM vide letter dated 6.9.2014, submitted its reply.

The Authority noted that as per para 8.II. CRZ II(iii) of CRZ Notification, 2011, 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 is permissible

The Authority after deliberation decided to recommend the proposal of reconstruction of residential building on sub plot 'B' on plot bearing CTS No. 907,907/4B(pt) of village Juhu to concerned planning authority from CRZ point of view subject to strict compliance of the following conditions:

1. The proposed reconstruction 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, plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
5. Debris and construction waste should not be dumped in CRZ area.
6. Drawl of groundwater and construction related thereto, within 200mts of HTL is prohibited. In the area between 200mts-500mts zone the drawl of ground water shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available
7. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM

Item No.20: Construction of building on plot bearing S.No.92/1/A/1, CTS.No.1761 area 249.64 sqm at Mouje & Tal: Murud, Dist: Raigad by Mr. Makbul Ahmad A.Shakur Kokate

The Authority noted that the proposal was earlier discussed in 77th meeting of the MCMZA held on 9.10.2012 wherein, the Authority recommended the proposal vide its letter No. No. CRZ 2012 / CR 91 / TC 3 dated 9.1.2013 from CRZ point of view to concern planning authority subject to certain conditions.

However, it came to notice that construction of the building on plot under reference had already been carried out, before the MCZMA issued the recommendation letter dated 9.1.2013 to the subject proposal. During the 77th MCZMA meeting, this fact was not properly reflected.


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Taking cognizance of the matter, the MCZMA vide letter dated 30th May, 2013 issued a letter to Chief Officer, Murud Janjira Municipal Council (MJMC) to verify the facts and send detailed verification report about the status of the building before the MCZMA's recommendation dated 9.1.2013 was issued to the subject proposal on land under reference.

The matter was again placed in 82nd meeting of the MCZMA held on 10.6.2013 wherein the Authority after deliberation decided to send reminder to Chief Officer, Municipal Council to provide verification report about the status of the building before the MCZMA's recommendation dated 9.1.2013 was issued to the subject proposal on land under reference, so as to enable the Authority to take appropriate action in the matter on the basis of report. Accordingly, MCZMA vide letter dated 29.7.2013 wrote a reminder letter to Chief Officer, MJMC.

The Murud Janjira Municipal Council submitted its reply vide letter dated 3.4.2014 in the matter. As per the said letter of MJMC, report of M/s Agharkar Consultants letter dated 3.9.2013 is enclosed. It was further informed that M/s Agharkar Consultants have certified that construction was completed after obtaining CRZ clearance dated 9.1.2013 from MCZMA. M/s. Agharkar Consultants letter dated 3.9.2013 mentions that, construction of building on CTS No. 1761 for Maqbool Kokate was only 45% completed and was held up for the approval of CRZ permission. The second part of construction still pending and not yet started, even after plans were approved by CC No. 817 dated 6.7.2013, as per instructions given by Murud Janjira Municipal Council.

The matter was again placed in 91st meeting of the MCZMA held on 29-31.5.2014. However, Chief Officer, MJMC was absent for the meeting. Hence, the matter was deferred.

The MCZMA vide letter dated 21.5.2014 requested Chief officer, MJMC requested to remain present for the 99th meeting of the MCZMA for deliberation.

The Authority noted that concerned official from MJMC & project proponent (Mr. Maqbool Kokate) were present for the meeting. Concern official from MJMC presented that construction work of structure was already 40% completed, when the project got CRZ recommendation from MCZMA. The Authority noted the letter dated 16.5.2015 of the Chief Officer, MJMC which states that construction of the building on plot under reference was already 40% completed, prior to receiving CRZ recommendation from MCZMA. At present, 30% construction work is still balance.

The Authority noted the clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority. As per the said clause-
The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals area referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991.

The Authority observed that the construction was started on site under reference without obtaining prior CRZ recommendation from MCZMA. As per the report of Chief officer, MJMC, construction of the building on plot under reference was already 40% completed, prior to receiving CRZ recommendation from MCZMA

The Authority observed that this is a case of violation of CRZ Notification, 2011. Hence, the matter should be dealt in accordance with office memorandum dated 12.12.2012, 27.6.2013 & 24.7.2014 of MoEF

In the light of above, the Authority after detailed discussion and deliberation decided the followings:

1. CRZ recommendation letter dated 9.1.2013 of MCZMA granted to the project is decided to be revoked. This would be informed to concerned planning Authority and project proponent.


Chairman


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2. After completing the credible action on violation and also the action as per Sr No. 1, the proposal would be again placed before the MCZMA for appraisal in the light of above said OMs of MoEF.

Item No.21: Reconstruction of existing building on plot bearing CTS No. B/156 of village Bandra(W), Mumbai by Mr. Yusuf Noor Mohd.Khan.

The Project proponent (PP) presented the proposal before the Authority, which is as follows:

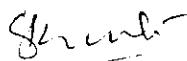
1. Proposal is for Proposed reconstruction on plot bearing CTS No. B/156 of village – Bandra, on Chapel Road, situated in ‘H-West’ ward, Bandra (W), Mumbai by Mr. Yusuf Noor Mohammad Khan. Proposed residential building comprising of Ground + 7 upper floor as per Regulation 33(6) of DCR 1991. MCGM vide letter dated 19.12.2014 forwarded the proposal to MCZMA.
2. Area of the plot as per PR card is 141.30 sqm and the existing area which admeasures 252.97 sqm is proposed to be demolished and the equivalent area is to be reconstructed and the same is permissible as per Regulation 33(6) of DCR 1991 for FSI purpose.
3. As per MCGM letter dated 19.12.2014, the plot under reference is situated in residential zone as per 1967 DP as well as in revised DP 1991 and is not under any reservation as per both of the development plans.
4. MCGM letter dated 19.12.2014 mentions that, as per approved CZMP of Mumbai the land under reference falls within 500m from HTL & in CRZ II. The plot under reference is on landward side on Chapel Road.
5. MCGM letter dated 19.12.2014 mentions that, the existing residential building comprising of Gr. + 2 upper floors is in dilapidated condition and needs to be pulled down and the same is declared unsafe by MCGM on 9.12.2010 & 29.4.2011.
6. FSI Details, as per MCGM letter dated 19.12.2014 and as per plans approved:
 - Area of plot-141.30 sqm.
 - BUA of existing House-252.97 sqm.
 - FSI Permissible-1.00
 - Proposed BUA - 252.56 sqm.
 - BUA claimed Free of FSI (Balcony Area) – 22.12 sqm.
7. Municipal Commissioner, MCGM has approved various concessions for the proposed building on 6.7.2014. MCGM has issued IOD vide letter dated 19.8.2014 for the project.

The Project proponent presented that the plot is fronting to Mahim Bay. The Authority after discussion decided to direct the PP to submit the CRZ map in 1:4000 scale & report along with conclusion prepared by one of the agency authorized by MoEF and other related documents in order to seek the CRZ status of plot under reference which is fronting Mahim Bay as per provisions of CRZ Notification, 2011. Said CRZ map prepared by MoEF authorized agency should also indicate the HTL as per the approved CZMP of the Mumbai & 100 m CRZ area from approved HTL and the present ecosystem.

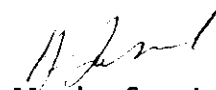
The Authority decided that the proposal could be discussed only after submission of above said CRZ map & the report by project proponent.

Item No.22: Note on MCZMA’s Office Memorandum dated 2.7.2011 about submission of IOD

The Authority noted that MCHI-CREDAI vide letter dated 23rd April, 2015 made a representation to Principal Secretary, (Env) and Chairman, MCZMA regarding simplification of the application procedure to seek MCZMA’s recommendation.



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The Authority noted that as per the para 4.2 of the CRZ Notification, 2011, project proponent should submit the application along with necessary documents / information as mentioned in para 4.2 to MCZMA for obtaining the CRZ recommendation.

The Authority further observed that provisions of the CRZ Notification, 2011 are linked with town and country planning regulations, wherein FSI, zoning, reservations, height etc issues are involved. Hence, MCZMA issued OM dated 2.7.2011 and checklist was prepared, as per which, proponent should submit the proposal (Building proposals especially) to MCZMA through concerned planning authority with its remarks.

Further, the Authority noted that the MCZMA in its 78th meeting dated 3.11.2012 decided that Intimation of Disapproval (IOD) should also be submitted to MCZMA along with proposal through concerned planning authority.

The Authority deliberated the issue at length and felt that IOD condition may be waved off for submission of proposals to MCZMA through concerned planning authority for obtaining CRZ recommendation. Instead, proposal could be submitted with approval of conceptual plans without IOD by concern planning authority. This would avoid delay in processing of proposals at concerned planning authority as well as MCZMA level. However, the Authority further observed that proposal will continue to be submitted to MCZMA through concerned planning authority, (Building Proposals especially) as per above said OM 2.7.2011 of MCZMA.

The Authority decided to communicate the above decision to concerned planning authority.

Item No.23: Salary Structure of technical staff in MCZMA

The Authority noted that MCZMA in its 56th & 67th meeting of MCZMA held on 24.8.2009 & 22.12.2010 noted that there is a need of technical staff considering the workload and time-bound compliance of processing of the proposals for CRZ recommendations, complaints, court cases and compliance of applications under RTI Act. Hence, Authority decided to approve and appoint the following technical posts i.e. Coastal Coordinator, Law Officer and Stenographer (English & Marathi), Coastal Officer, Coordinator and Data Manager immediately on the contractual basis as per the payment proposed before the Authority. Other posts like Assistant Coastal Officer/ Assistant Law Officer and Driver may be appointed on contractual basis as per the requirements with the approval of Chairperson, MCZMA.

In the 73rd meeting of MCZMA held on 30.12.2011, Authority noted that Government and Finance Department approved the staff as follows for MCZMA:

Sr. No.	Post	No. of posts	Fixed Payment Minimum-Maximum (Rs.)	Remarks
1	Coastal Officer	2	13000-25000	Depending upon qualification & experience
2	Project Analyst	2	12000-25000	Depending upon qualification & experience
3	Project Coordinator/ Coastal Coordinator	3	8000-15000	Depending upon qualification & experience
4	Law Officer	1	10000-20000	Depending upon qualification & experience


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Sr. No.	Post	No. of posts	Fixed Payment Minimum-Maximum (Rs.)	Remarks
5	Accountant	1	10000-20000	Depending upon qualification & experience
6	Stenographer	1	10000-15000	Depending upon qualification & experience
7	Data Entry Operator	1	8000-12000	Depending upon qualification & experience
8	Clerk-cum Typist	1	8000-12000	Depending upon qualification & experience
9	Office Boy/ Driver	2	7000-10000	Depending upon qualification & experience

Current Status of MCZMA Staff, salary Structure and recommendation of the Authority for proposed salary:

Sr. No.	Post	No. of posts	Name	Current Salary	Recommendations of MCZMA for Proposed Salary
1	Coastal Officer	2	1) Shri. Rupesh Mahale	Rs. 16,000/-	Rs. 25,000/-
			2) Vacant	-	
2	Project Analyst	2	1) Shri. Anand Billade	Rs. 14,000/-	Rs. 20,000/-
			2) Vacant	-	
3	Project Coordinator/ Coastal Coordinator	3	1) Mrs. Smita Patil	Rs. 12,000/-	Rs. 15,000/-
			2) Miss. Sonal Gadhawe	Rs. 8,000/-	
			3) Vacant	-	
4	Law Officer	1	Shri. H.L. Bhure	Rs. 20,000/-	Proposal already sent for Rs. 40,000/- to Finance Dept. as per decision in 88 th MCZMA meeting held on 31.1.2014.
5	Accountant	1	Vacant	-	-
6	Stenographer	1	Vacant	-	-
7	Data Entry Operator	1	Smt. Vanita Bhatkar	Rs. 12,000/-	It is proposed to increase salary slab for this post to 15,000/- and send the proposal to Finance Department for approval
8	Clerk-cum Typist	1	Shri. Shivam Borkar	Rs. 8,000/-	Rs. 10,000/-
9	Office Boy/ Driver	2	Shri. Sandip Jatale	Rs. 8,000/-	Rs. 10,000/-
			Shri. Swapnil Tawde	Rs. 7,000/-	Rs. 10,000/-


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The Authority noted that its recommendations of proposed salary of staff of MCZMA on contractual basis is within the slab of salary structure already approved by Finance Department.

Item No.24: Issues of Past CRZ violation

The Authority noted that the matter of redevelopment on plot bearing C. S. No. 1557, situated at Girgoan Division at 67-D, Harishchandra Goregoankar Marg, Mumbai: 400002 was discussed on 17th April, 2015 with Principal Secretary, (Environment) in his chamber at Environment Dept, Mantralaya, in the light of Hon'ble High Court order dated 20th Dec, 2015 in WP(L) No. 3282/2014 Madhuri Madhukar Shroff and Nar Vs State of Maharashtra and others. The said matter had a background that there was earlier CRZ NoC from Urban Development Department in year 2008 and construction was commenced accordingly. Authority had considered this proposal as a case of CRZ violation and proceeded as per 12.12.2012 & 27.6.2013, further, PP claimed that since, the project site fronting to Back Bay and is situated beyond 100 m from HTL of the Back Bay, the said project site is outside CRZ area, as per CRZ Notification, 2011 and filed WP (L) No. 3282/2014 before the Hon'ble High Court wherein the Hon'ble High Court has passed an order dated 20th Dec, 2014. The para 3, 4 & 5 of the said order is reproduced as below:

3. In view of the above undisputed facts, before giving final directions, we may mentioned that the learned counsel of MCZMA submitted that the Petitioners had commenced construction on the land in question before issuance of CRZ Notification dated 6th January, 2011 without obtaining CRZ clearance from MCZMA and therefore granting any relief to the Petitioners would amount to condoning the illegality committed by the Petitioners.

4. The fact of the matter is that the land in question admeasures hardly about 250 Sqm and that the Petitioner have undertaken the project merely for redevelopment of the property for rehousing six tenants. Furthermore, the Petitioners had obtained an NoC from Urban Development Department, which never informed the Petitioners about any requirement to obtain CRZ clearance from MCZMA. In view of the cumulative effect of al the above features of this case, we are not inclined to accept the submission of the learned counsel for MCZMA to hold back the reliefs.

5. The Petition is accordingly disposed of by setting aside the impugned stop work notice dated 10 March 2014 and with direction to MCZMA to pass appropriate orders in this regard.

The MCZMA in its 95th meeting held on 13th Jan, 2015 decided that Project site in C.S. No. 1557, situated at Girgoan Division at 67-D, Harishchandra Goregoankar Marg, Mumbai admeasuring 250 sqm. does not falls within the 100 m buffer zone from HTL for Back Bay, as per the provisions of CRZ Notification, 2011. Hence, the said plot area does not fall under the ambit of the CRZ Notification, 2011.

It is further observed that in other Bay cases & tidally influenced water bodies & seafront the MCZMA is simply informing or issuing clarification only to certify as to whether particular site is within CRZ or outside CRZ area as per provisions of CRZ Notification, 2011. This is in no way implies that Environment Clearance has been granted. For obtaining Environment Clearance, if applicable, project proponent has to approach and obtain the same from the competent Authority by following procedure as prescribed.

Further, it was discussed that The Ministry of Environment & Forest, New Delhi vide letter dated 25th Jan, 2011 issued directions under section 5 of Environment (Protection) Act, 1986 regarding identifying the violations under CRZ Notification, 1991. The para 7 of the said letter mentions that gazetting of the Notification of 2011 does not condone any violations of the CRZ Notification, 1991, unless otherwise and explicitly provided in these two Notifications.


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It was also observed that, MCZMA has informed/ clarified in Bay matters whether particular site is within or outside CRZ area, as per provisions of CRZ Notification, 2011. The clarification also being outside CRZ area given by MCZMA, is in no way implies that EC has been given or not. For this purpose the process as prescribed will be followed.

It was further discussed that MCZMA has issued clarification letters to MCGM informing the CRZ status of plot in Bay cases i.e. the status of plot (whether CRZ or Non CRZ) as per provisions of CRZ Notification, 2011. In view of above, as per discussion with PS (Environment), communication dated 22.4.2015 in the form of clarification letter has been sent to Chief Engineer, DP, MCGM informing the CRZ status of plot in Bay cases about whether plot is in CRZ or Non CRZ as per provisions of CRZ Notification, 2011. Further, it was informed that these clarification letters does not condone any violations of the CRZ Notification, 1991, as specified in para 7 as mentioned above. If the violation of CRZ Notification, 1991 is observed, then only such matters be referred to Environment Department/ MCZMA for examination.

The Authority noted the above said communication made to MCGM.

Item No.25: Proposed redevelopment of property bearing C.S. No. 763 of Malabar Hill Division, situated at 61B, Bhulabhai Desai Road, 'D' Ward, Mumbai (Municipal Dispensary proposal)

The proposal regarding "Proposed redevelopment of property bearing C.S. No. 763 of Malabar Hill Division, situated at 61B, Bhulabhai Desai Road, 'D' Ward, Mumbai" was discussed in 97th meeting of MCZMA held on 20th & 21st January, 2014.

Project proponent informed that the present use of the existing building is Residential + Non-Residential. There is a small dispensary in the building. The Authority noted that as per para 4(ii)(i) of CRZ Notification, 2011 demolition and reconstruction of building for the purpose of 'medical care' requires prior CRZ clearance from MoEF. However, this redevelopment proposal is governed by para 8. v (c) i.e. redevelopment of dilapidated, cess and unsafe building, wherein there is no condition of redevelopment without change in present use', and hence the clause 4(ii)(i) of CRZ Notification, 2011 mentioned above will not apply.

The Authority after deliberations decided to recommend the proposal from CRZ point of view under provisions 8.v.(c) & 4(ii) (i) of CRZ Notification, 2011 to MoEF subject to strict compliance of the certain conditions. Accordingly, recommendation letter was issued to MoEF on 17.4.2014

The proposal was considered in the 137th meeting of Expert Appraisal Committee held on 25th to 27th August, 2014 at New Delhi. The EAC after deliberation decided to defer the project and advised the Ministry to seek comments from Fire Service Department, Mumbai.

However, the said proposal has been found in the office of Environment Dept which was without under any official communication from MoEFCC.

Moreover, the Authority observed that the proposal attracts para 4(ii)(i) of CRZ Notification, 2011, which stipulates that demolition and reconstruction of building for the purpose of 'medical care' requires prior CRZ clearance from MoEF. Since, the proposal is for demolition and reconstruction of building for 'medical care' purpose, the proposal requires prior clearance from MoEF.

In view of above, the Authority decided to send the file back to MoEFCC with above observations.


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Item No.26: Application No 19/2013(WZ) Ramdas Janardan Koli & ors V/s The State of Maharashtra & ors before the Hon. NGT, Pune

The Authority noted that Application No. 19/2013(WZ), Pune was filed before the National Green Tribunal, Pune by Ramdas Janardan Koli Vs State of Maharashtra & Ors. The matter pertains to protection of Coastal environment and seeking compensation for the loss of traditional fisheries activities / livelihood activities of villages namely Hanuman Koliwada, Uran Koliwada and Belpada Koliwada situated at Uran and Panvel Talukas of Raigad district due to various projects/ developmental activities of JNPT, CIDCO, ONGC and NMSEZ in the nearby vicinity of the villages.

The Hon`ble NGT, Pune passed a Judgment dated February 27, 2014 in the matter. Para 73 of the said order mentions as follows:

“MCZMA visited the area only after specific directions of the Tribunal. The MCZMA’s actions are further not adequate and are limited to issuance of instructions / directions, which are essentially to facilitate the filling of affidavits. We are unable to find subsequent actions following the issuance of such instruction/ directions, i.e. whether such instructions / directions have been complied in time bound manner and whether, any further action is taken in case of non-compliance. This is relevant as MCZMA had given time of six months to the Respondents to comply their directions.

The port development is an important infrastructure activity, required for overall development of the county. However, the development has to be sustainable. It is submitted that the entire port area, is controlled by Port authorities, however, they were expected to define the navigational channel for traditional fishermen, while developing 4th terminal. MoEF has even not filed affidavit in this matter raising such important issues. No compliance or visit reports are filed on record by MoEF, which could have assisted the tribunal in effective adjudication of the matter”

Para 74 of the said order of NGT mentions as follows:

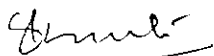
“Consequently, we think it proper to impose cost of Rs. 1 lakh each on MoEF and MCZMA which shall be paid to Collector, Raigad, within 8(eight) weeks who shall undertake environmental awareness and education activities in next two(2) years from these funds”

The Authority further noted that Hon`ble NGT in para 77 directed MCZMA to submit the compliance of directions issued to Respondents in two (2) months.

The Authority noted that a meeting was held in the chamber of Principal Secretary, Environment, Mantralaya, Mumbai on 20th March, 2015, wherein concerned officials of JNPT, CIDCO, BPCL and ONGC were present. During the meeting representatives of BPCL, JNPT, CIDCO and ONGC made oral submissions in the matter pertaining to compliance of the said directions. Representative of ONGC submitted compliance in writing during the meeting. After discussion and deliberations, the Principal Secretary, Environment Dept directed to the representatives of BPCL, JNPT and CIDCO to submit the point wise detailed compliance to the directions issued by the Environment Department latest by 23rd March, 2015.

Accordingly, after receipt of written compliances from JNPT, BPCL and ONGC, an affidavit was filed before the Hon`ble NGT, Pune on 24.4.2015 by the MCZMA before the Hon`ble NGT.

The Authority further noted that the submission of CIDCO dated 16th April, 2015 could not be incorporated in affidavit of MCZMA, since it was received after the finalization of affidavit by MCZMA. It was also stated in the affidavit that, once the MCZMA is reconstituted, the matter would



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be placed before the Authority for deliberation and thereby arriving at a certain decision about the compliance of the directions issued by the Environment Department.

Officials of JNPT, CIDCO, BPCL and ONGC presented the say in the matter regarding the compliances of the directions issued by the Environment Department to them.

The JNPT officials presented that JNPT vide letter dated March 23, 2015 has submitted a written compliance to MCZMA. Regarding removal of 250 m * 20 m old Sheva bund, it was stated that this bund was mainly constructed to keep the port area in dry condition so as to develop the same for port related activities. Removal of bund will result in water entering into most of the port area which will affect the development of the port. Therefore, port is not in a position to remove the said bund. JNPT officials further presented that debris in the creek near port user building was removed and the port has carried out about 3000 mangrove plantation in the side of creek through Forest Development Corporation of Maharashtra in the month of Dec, 2014.


The CIDCO officials presented that CIDCO vide letter dated 16th April, 2015 sent a report explaining CIDCO's stand to Environment Department. It was stated that Belpada Koliwada Bund was constructed in year 1984 during the construction of JNPT. Pipe outlets are present in the bund for easy ingress of tidal water, which ensures flow of tidal water for growth of mangroves. Further, local villagers are requesting CIDCO not to remove the Belpada Koliwada Bund. The area surrounding Belpada Koliwada is Gavan village. If bund is removed all these areas will be submerged. Letter from Grampanchayat is also submitted. The said letter dated 31.3.2015 of Grampanchayat has requested to Executive Engineer, CIDCO not to demolish Belpada Koliwada & bund near parking terminal site, Belpada in order to avoid flooding situation in the villages. Further, the said letter mentions that these bundharas are used by the local villagers for commuting purpose.

The BPCL officials presented that BPCL vide letter dated 23.3.2015 submitted its compliance to Environment department and as per which, the mangroves are re-grown at the work site of pipeline and now there is sufficient tidal flow across and free growth of mangroves at work site. BPCL is monitoring the growth of mangroves at the affected area at Nhava. Any more afforestation required at Nhava shall be undertaken by BPCL.

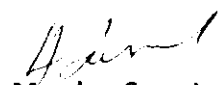
The ONGC officials presented that ONGC vide letter dated 19.3.2015 submitted compliance status to Environment Department, as per which, plantation of 2850 no. of mangroves and 207 mangrove associates covering an area of 1.14 Ha was done in stages and completed on 29.12.2014. Upkeep and Maintenance by M/s Forest Development Corporation Maharashtra Ltd, Thane would be continued till Dec 12, 2015. There is free flow of tidal water into mangrove as original topography of the area has not been disturbed. It was further stated that Patrolling of pipeline is being carried out on regular basis so as to avoid leakages and pilferages of oil into mangroves area. CCTV was installed at ONGC's Sheva (North) valve station so that Nhava Pipeline can be monitored through CCTV system. Further, ONGC is deploying 08 Nos. of Maharashtra Security personnel for patrolling of the Uran-Trombay pipeline including the portion at Nhava on 24*7 day basis wef.

The Authority deliberated the compliance/stand submitted by JNPT, CIDCO, BPCL and ONGC in detail and decided as follows:

1. The JNPT submits that development activities of the port would be hampered if the Sheva bund (250m * 20 m) is removed. The Authority observed that a technical study report regarding the hydrodynamics of creek water and impact of bund at Sheva (250 m. * 20 m) on flow of creek water and Port activities of JNPT from the competent Authority like CWPRS, pune is required in order to verify the stand of the JNPT. Authority decided to direct the JNPT to submit the above said technical report from CWPRS, Pune or any other competent



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authority. The matter would be discussed again in the light of a technical report as mentioned above.

2. The CIDCO submits that removal of Belpada Koliwada bund would result in submergence of the surround area (village Gavan) and local villagers are requesting CIDCO not to remove the said bund. The letter dated 31.3.2015 of Grampanchayat, Gavan has requested to Executive Engineer, CIDCO not to demolish Belpada Koliwada & bund near parking terminal site, Belpada in order to avoid flooding situation in the villages. Further, the said letter mentions that these bundharas are used by the local villagers for commuting purpose. The Authority observed that a technical study report regarding impact of Belpada Koliwada bund & bund near parking site, Belpada on flow of creek water & impact on the flooding situation due to probable removal of above said bunds is required from any Competent Authority like CWPRS, Pune etc. in order to verify the stand of the CIDCO. Authority decided to direct the CIDCO to submit the above said technical report from CWPRS, Pune or any other competent authority. The matter would be discussed again in the light of a technical report as mentioned above.
3. The MCZMA decided that MCZMA members would carry out site visit to sites of BPCL & ONGC pipeline at site u/r and creek area near port user building of JNPT where the said agencies have claimed of complying the directions.

The Authority further decided to file an interim affidavit before the Hon'ble NGT, Pune stating above said decision of the Authority.

The Authority noted that MCZMA has filed Civil Appeal before the Hon'ble Supreme Court of India, New Delhi against the imposition of cost of Rs. 1 Lakh on MCZMA by Hon'ble NGT.

Item No.27: Application No. 55/2014 (WZ) Paryavaran Dakshta Manch & Ors Vs Union of India & Ors before the Hon. NGT, Pune

The Authority noted that an Application No. 55/2014 is filed by Paryavaran Dakshta Manch V/s Union of India before the Hon'ble National Green Tribunal, Pune(WZ). Application pertains to Environment Clearance to ITSEZ at Mulund (MCGM area) and Kopri (TMC area) by M/s Sunstream Pvt Ltd (Formerly known as 'Ms/ ZEUS Infrastructure Pvt Ltd). MoEF is Respondent No. 1 in the matter. Hon'ble NGT vide order dated Jan 22, 2015 added MCZMA as a party-Respondent in the matter and directed MCZMA to file reply- affidavit before the scheduled date and give copies thereof to the parties. MCZMA shall clarify on the CRZ status and its recommendations in this matter and also, present status of CRZ area in respect of the land in question. The MCZMA also to file authenticate CRZ map of the area by next date.

The MCZMA filed an affidavit in the matter before the Hon'ble NGT based on the past records of MCZMA & MoEF (minutes of 37th, 29th meeting of the MCZMA and minutes of 15th meeting of the NCZMA as well as Environment clearances granted by MoEF to the project).

The Authority took on record the affidavit filed by MCZMA.

Item No.28: PIL No. 102 OF 2014 Surendra Vaman Dhawale V/s State of Maharashtra & Ors before the Hon. Bombay High Court.

The Authority noted that Public Interest Litigation No. 102/2014 Surendra Dhavale Vs State of Maharashtra is filed before Hon'ble High Court of Mumbai. PIL pertains to alleged violation of CRZ Notification and destruction of mangroves at JSW Steel Ltd, village Dolvi, Raigad District.

The Authority noted that the Hon'ble High Court of Mumbai passed an order dated 18th March, 2015 which directed as follows:


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"After having prima facie view of the matter, we expect of Maharashtra Coastal Zone Management Authority to look the matter in absence of map which they desire to have. Maharashtra Coastal Zone Management Authority would formulate their opinion (Prima facie) after collecting necessary details, material, documents, spot inspection reports, so that on the next date of hearing, the issue could be looked into, on the basis of the material placed on the record. Stand over to 15th April, 2015"

The Authority noted that a meeting was convened on 31st March, 2015 with Additional Collector, Raigad, Sub Divisional Magistrate, Pen and Assistant Director Town Planning, Alibaug in the chamber of Principal Secretary, Environment Dept, Mantralaya to take follow up action for the compliance of the Hon'ble High Court order dated 18th march, 2015 in PIL 102/2014. It was also decided that the ADTP, Alibaug would do superimposition of the site of M/s JSW Steel Ltd. plant, Dolvi, Dist: Raigad on Coastal Land use map prepared by SAC, Ahemadad in 1:25,000 scale, so that prima facie opinion can be formulated regarding CRZ status of site under reference of the said industry. During the meeting, it was decided that MCZMA will file an affidavit stating the prima facie opinion on CRZ status of the site under reference after receipt of the Coastal Land use map showing superimposition of the project/site of the industry from, ADTP, Alibaug and site inspection report received form Additional District Collector, Raigad/ SDM, Pen.

Accordingly, ADTP, Alibaug vide letter dated 4th April, 2015 forwarded the said superimposition. Further, Additional Collector, Raigad sent an inspection report. Accordingly, affidavit was prepared stating the report of the ADTP and Collector Raigad and affidavit filed before the Hon'ble NGT.

The Authority noted that the MCZMA filed an affidavit before the NGT providing the prima facie CRZ status of the project site of M/s JSW Steel Ltd. MCMA in its affidavit has stated that the CRZ status of the project site of JSW needs deeper examination by the Authority.

Representative from M/s JSW steel ltd presented that the present JSW Steel Ltd plant (formerly known as Ispat Industries) has been commissioned in the year 1993-94. Govt of Maharashtra has declared this land as Industrial zone in 1992 as Nagothane Growth Centre. This plant has been declared as Mega project by Govt of Maharashtra having 4000 direct and 6000 indirect employment. The construction for the expansion project from 3 to 5 MTPA has been carried out on the landward side from the existing steel plant after obtaining valid Environment Clearance from MoEFCC.

The Authority noted that M/s JSW steel Ltd was instructed vide letters dated 31.7.2014 & 18.3.2015 to submit the following documents/ information to the Authority:

- Superimposition of entire project of JSW Steel Ltd. Plant village Dolvi along with expansion activity on approved CZMP in 1:4000 scale prepared from one of the MoEF authorized agencies, with 100 m, 150 m CRZ line from the HTL of creek. Said CZMP should indicate old approved HTL as well as revised HTL, if HTL is changed. Report should also mention about the width of the creek.
- Superimposition of present ecosystem in and around the project site under reference on CRZ map of the area.

The Authority after detailed discussion and deliberation decided to direct M/s JSW Steel ltd to submit the information as sought by MCZMA vide its letter dated 31.7.2014 & 18.3.2015 within one month period. The Authority further decided to deliberate the matter, upon submission of the above said information by M/s JSW Steel Ltd., Dolvi Plant at Dist. Raigad

Item No.29: WP No. 907 of 2014 Dinsha Trapinex Builders Pvt Ltd Vs MHADA & Ors before the Hon. Bombay High Court


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Minutes of the 99th Meeting of Maharashtra Coastal Zone Management Authority held on 16th May, 2015

The Authority noted that The Writ Petition No. 907 of 2014 was filed before the Hon'ble High Court of Mumbai. The petition pertains to plot bearing B/2, CTS No. 1374-B, RSC II, Versova, Andheri (W), Mumbai: 400053.

Project proponent (M/s Dinshaw Trapinex Builders Ltd) presented the matter before the Authority. The Authority noted the followings:

1. The matter pertains to proposed project site bearing CTS No 1374B/2 of Andheri West, MHADA Layout, Versova, Mumbai.
2. In this case, the Hon. Bombay High Court has disposed off WP No 907 of 2014 and allowed to file appropriate proceeding in PIL No. 87 of 2006, for allowing construction within 50m from mangroves. Accordingly PP has filed/ joined in PIL 87 of 2006 having CHSW Lodging No. 127/2015 dated 15/04/2015. In that connection, they represented before MCZMA on 16.5.2015.
3. PP would submit the affidavit that "No mangroves will be destroyed during construction of project by taking utmost care", as stipulated in the CRZ clearance issued by MOEF for MHADA layout at Versova.
4. Ministry of Environment and Forest, New Delhi vide letter dated 10th Feb, 2003 granted clearance under Coastal Regulation Zone Notification, 1991 as amended from time to time to development of Housing Schemes by MHADA to the plots falling within Coastal Regulation Zone area of the following sites:
 - Gorai (Phase III)
 - Charkop- Kandivali (Phase IV)
 - Versova S.NO. 120- Andheri (West) (Phase-I)
 - Mulund Sl. No. 386 (phase-I)
5. CRZ map in 1:4000 scale prepared by Institute of Remote Sensing, Chennai superimposing the plot under reference is submitted by PP. As per the said map, the plot is not affected by mangrove vegetation; however, it is affected by 50 m mangroves buffer zone area. Therefore, the PP has approached Hon'ble High Court of Mumbai for grant of prior clearance.

The Authority noted that the Project proponent has submitted a CRZ map in 1:4000 scale superimposing the plot of land bearing CTS No. 1374 B/2 of Versova Village, K/w Ward, Mumbai on approved 1991 CZMP, prepared by IRS, Chennai. The said CRZ map shows that the plot under reference falls in CRZ II area as per approved 1991 CZMP. PP has also submitted CRZ map in 1:4000 scale as per CRZ Notification, 2011 prepared by the same agency. The plot under reference falls within 50 m mangroves buffer zone area. Prior permission from Hon'ble High Court of Mumbai is necessary for construction within 50 m mangroves buffer zone area.

The Authority decided to inform the above position to the Hon'ble High Court of Mumbai.

Item No.30: WP (L) No.1247/2015 Applicability of CRZ criteria in respect of plot bearing CTS No. 38(A) and 38(B) of Goregoan Village, P-South ward, Goregoan(W), Mumbai.

The Authority noted that the WP (L) No.1247/2015 was filed by M/s Omkar Realtors & Developers (P) Ltd against the MCZMA & ors. The matter pertains to Applicability of CRZ criteria in respect of plot bearing CTS No. 38(A) and 38(B) of Goregoan Village, P-South ward, Goregoan (W), Mumbai. Hon'ble High Court of Mumbai passed an order dated 30th April, 2015 directing that MCZMA will consider the petitioner's proposal at the first meeting to be held before the returnable date



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Project proponent (M/s Omkar Realtors & Developers) presented the matter before the Authority, which is as follows:

1. PP vide letter dated 5.5.2014 & 16.1.2015 submitted a representation to MCZMA stating that the subject plot does not fall under CRZ area and requested MCZMA to grant a clarification that the project does not fall within the ambit of CRZ II area as per the criteria of Salinity Concentration of tidally influenced water body(creek). CRZ map in 1:4000 scale prepared by IRS, Chennai indicating the project site was submitted.
2. MCZMA vide letter dated 6.2.2015 requested Project proponent to submit the following information:
 - Superimposition of the plot under reference on approved CZMP of Mumbai in 1:4000 scale prepared by IRS, Chennai with conclusion
 - Clarification as to whether the new HTL line demarcated is same as that of the approved CZMP, or whether there is any change in HTL from IRS, Chennai. If so, reasons for change in HTL be reported.
3. Project proponent vide letter dated 2nd March, 2015 replied to MCZMA.
4. Present approved CZMP does not consider the amendment issued vide S.O. 550(E) dated 21st May, 2002, which terminated the applicability of CRZ and tidal influence limit at salinity concentration level of 5 parts per thousand measured during the driest period of the year.
5. The present approved CZMP of Mumbai was approved by the MoEF on 20th Jan, 2000 while the amendment defining the tidal influence on salinity concentration was issued on 21st May, 2002 subsequent to approved of CZMP.
6. It is clear from the above that the present approved CZMP of Mumbai never took into account the amendment that defined the CRZ limit based on the salinity concentration and does not take into account the actual ground-level measurement / studies. They have therefore submitted the details of the plot superimposed on a CRZ plan for the area prepared by IRS on the basis of actual ground level studies.
7. The findings of the said study clearly shows that there is a change in the HTL as the salinity concentration level of 5 ppt is now located at a point in the Nalla just below the Link Road at Goregoan West (the HTL of the creeklet) from where the said project site is approx 900 m on the landward side. This clearly shows that the project site does not fall in the ambit the CRZ as per the CRZ Notification, 2011.

The Authority noted that MCZMA was in receipt of the letter dated 26th Feb, 2015 of MoEF in the matter. Said letter is addressed to M/s Omkar Realtors & Developers (P) Ltd and copy is marked to MS, MCZMA. MoEF vide the said letter requested Project proponent to submit all the information as required as under OM dated 8.8.2011 which was issued based on the recommendation of NCZMA, for consideration of error apparent on face of records, subject to the recommendation of CZMA after its inspection alongwith other details as prescribed under the OM.

In the light of above, the Authority decided to consider the matter as per the Office memorandum dated 8.8.2011 of MoEF regarding Reclassification of CRZ area on the grounds of "Error apparent on face of record". MCZMA shall form a team including members of MCZMA, one concern official from MCGM and one expert from MoEF authorized agency other than who has prepared CRZ map in the present case. Field verification would be conducted by the team. After receipt of report of said team, the matter would be placed before the MCZMA for further appropriate decision in the matter.

Item No.31: Writ Petition (L) No. 1144/2015 CRZ Status of plot no. 635 & 636 of TPS No. 4 of Mahim Division, Mumbai

The Authority noted that Project proponent (M/s Anil Patil Consultancy Pvt Ltd) vide letter dated 10.2.2015 submitted the proposal of NoC from CRZ point of view for proposed amalgamated


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plot bearing F.P. No. 635 & 636 of TPS IV, Mahim Div. Shivaji Park, Dadar (W), Mumbai-400028. PP has submitted the CRZ map in 1:4000 scale along with report prepared by IRS, Chennai.

Meanwhile, M/s BuildArch Land Developers Ltd has filed a Writ Petition (L) No. 1144/2015 against the State of Maharashtra. The matter pertains to CRZ status of the final plot no. 635 & 636 of TPS No. 4 of Mahim Division, Mumbai. The grievance under the petition is against the inaction on the part of MCZMA is not considering the petitioner's application for CRZ NoC for petitioner's redevelopment on plot no. 635 & 636 of TPS No. 4 of Mahim Division, Mumbai. Hon'ble High Court of Mumbai has passed an order dated 21st April, 2015 in the matter. The para 8 of said order is reproduced as follows:

It is clarified that in case MCZMA is not reconstituted by that date, the court will consider the petitioner's prayer for granting appropriate reliefs without waiting for any orders either from MoEF or from MCZMA.

Taking into account, the background of the matter, the Authority observed the matter as follows:

- a. Ministry of Environment and Forest, New Delhi 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 max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body
- b. National Hydrographic Office, Deharadun, which is one of the MoEF authorized agencies 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.
- c. CRZ map in 1:4000 of IRS submitted by PP shows that project site bearing F.P No. 635 & 636 of TPS Mahim No. IV, situated at Mahim Division, G/North ward, Mumbai is situated outside 100 m CRZ line from the HTL (1991 approved CZMP).
- d. IRS report concludes that The HTL demarcated by IRS corresponds to the HTL shown in the approved CZP 1991 subject to the generalization error of variation in the scale of mapping. The CRZ II/III (as the case may be) is 100 m from the HTL for Bay areas, as per the 2011 CRZ guidelines, as against 500 m from HTL according to 1991 CZMP. Therefore, the site on landward side of Mahim Bay falls outside the CRZ area as per 2011 CRZ guidelines. There is no mangroves present in the vicinity. (The project site falls outside the 50 m mangroves buffer)

PP further presented that the proposal is for composite redevelopment of property bearing F.P. No. 635 TPS IV, Mahim known as 'Kadam Mansion' and F.P. No. 636, TPS IV, Mahim known as 'Yashodhara Co-operative Housing Society ltd'. These structures are CESS structures. IOD has been issued for the project. However, CC is not yet granted.

In the light of above, the Authority after detailed discussion and deliberation and taking into consideration reports and CRZ map of MoEF authorized agency i.e. IRS, Chennai as well as Hon'ble High court order dated 21st April, 2015 in WP (L) No. 1144/2015 & Supreme court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Mahim Bay as 'Bay' as well as opinion of Advocate General decided the followings:

- Project site containing F.P. No. 635 & 636 of TPS IV, Mahim Div. Shivaji Park, Dadar (W), Mumbai-400028 does not fall within the 100 m from approved HTL for Mahim Bay, as per the provisions of CRZ Notification, 2011. Hence, the said plot area does not fall under the ambit of the CRZ Notification, 2011.


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Item No.32: Regarding applicability of DC Regn. No. 33(24) of DCR 1991, in redevelopment of dilapidated and CESS buildings in CRZ-II areas of Mumbai

The Authority noted that M/s HBS View Private Limited & Ors had filed a case before the Hon'ble High Court of Mumbai against the MCZMA. The matter pertains to development of Multi Storied Public parking lot, in redevelopment of dilapidated building known as Vellard View Premises on plot bearing CS No. 12/738 of plot no. 14 of Malabar Hill Division, Tardeo, Mumbai. Issue of Applicability of 33(24) of DCR 1991 in redevelopment of dilapidated 33(6) of DCR 1991 and CESS 33(7) of DCR 1991 buildings in CRZ-II areas of Mumbai was discussed in 93rd meeting of the MCZMA held on 25th August, 2014. The Authority felt that the matter need to be referred to MoEF for further examination and appropriate decision in the matter, in the light of representation made by UDD, GoM and the opinion of Advocate General of Maharashtra in the matter. Accordingly, MCZMA vide letter dated 9th Dec, 2014 referred the matter to Director, CRZ, MoEFCC

Hon'ble High Court of Mumbai vide order dated 2nd Feb, 2015 disposed the WP(L) No. 144/2015 with a direction to Government of India in MoEFCC to consider and decide the reference made by MCZMA, as expeditiously as possible and within two months from the date of the receipt of this order. Accordingly, MCZMA vide letter dated 9th Feb, 2015 informed the MoEF that Hon'ble High Court of Mumbai has disposed of the case with a direction to the Government of India in MoEFCC to consider the decide the reference made by MCZMA.

MoEFCC has sent a letter dated 10th March, 2015, which stated as follows:
"This has reference to subject mentioned above. The matter has been examined in the Ministry. With respect to the clarification sought on the Maharashtra Coastal Zone Management Authority, it is informed that according to CRZ Notification, 2011 the development / redevelopment of dilapidated, cessed and unsafe buildings is to be taken up in accordance with the local Town & Country Planning regulations of Mumbai Municipal Corporation/ Urban Development Department, GoM prevailing as on the dated of grant of approval to such projects. Accordingly, it is informed that CRZ Notification, 2011 permits development / redevelopment of dilapidated, cessed and unsafe buildings in accordance with the provisions of all the DCRs which have been issue before the date of grant of approval by the Competent Authority"

MCZMA vide letter dated 23.3.2015 informed MoEFCC that the tenure of the MCZMA has expired on 5th March, 2015 as per the reconstitution order dated 6th March, 2012 issued by the then MoEF. Therefore, the matter could not be deliberated in the meeting of MCZMA for taking appropriate decision.

The Authority further noted that MoEFCC sent a letter dated 26.3.2015 to MCZMA which mention that

'It is informed that the direction of the Court dated 2.2.2015 is to the Ministry and it was complied with. The proposal for reconstitution of MCZMA was received on 12.3.215 and the same has been submitted for approval of competent Authority. MCZMA has to consider the issue, since it falls within its purview (Para 8 of CRZ, 2011) once the MCZMA is notified.'

The Authority deliberated the matter at length and decided to accept the stand taken by MoEFCC in its letter dated 10th March, 2015 and further decided to examine such proposals on case to case basis from CRZ point of view, as per provisions of CRZ Notification, 2011. The stand of MCZMA taken in this regard will be communicated to the Urban Development Department and Municipal Corporation of Greater Mumbai.

The Authority further decided that the proposal of Multi Storied Public Parking lot for redevelopment of building known as Vellard view premises by M/s HBS View Private Ltd and others, Mumbai would be examined in MCZMA meeting from CRZ point of view.


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Item No.33: WP No. 1450 of 2012 before the Hon'ble High Court-Proposed residential building on land bearing CTS No. B/254 & B/255 of village Bandra at Chapel Road, Bandra (W), Mumbai by Mr. Imran Khan

Project proponent presented the matter before the Authority. The Authority noted the followings:

1. Proposal is for proposed reconstruction on land bearing CTS No. B/254 & B/255 of village Bandra at Chapel Road, Bandra (W), Mumbai under Regn. 33(6) of DCR 1991. Municipal Corporation of Greater Mumbai vide letter dated 4.7.2014 forwarded the proposal to MCZMA.
2. Proposed residential building involves Gr. + 1st to 2nd + 3rd (pt) Floor.
3. As per MCGM remarks the building on this land has been declared in dilapidated condition MCGM has issued notice dated 5.1.2007. Existing heritage structure of Ground + 1st floor is proposed to be demolished as it is in the dilapidated condition. The structure has partially collapsed at site. The existing occupants are to be re – accommodated in proposed.
4. As per DP remarks of MCGM vide letter dated 4.7.2014, the plot under reference falls in Residential Zone in the revised development plan of H/West Ward sanctioned on 31.1.1994 & is not reserved for any public purpose. The plot under reference is abutting existing 6.10 m wide Chapel Road. The user Residential & other ancillary user was permissible as on 19.2.1991.
5. As per approved CZMP of Mumbai, the land under reference falls in CRZ-II.
6. As per MCGM remarks, the gross plot area is 307.70 Sq.m. The total authentic existing BUA is 502.55 Sq.m. against which area has proposed 502.55 Sq.m. hence FSI on gross plot works out to 1.63.
7. As per plans approved by MCGM:
 - Area of plot = 307.70 Sq.m.
 - Permissible FSI = 1.63
 - Permissible Floor Area = 502.55 Sq.m.
 - Proposed BUA = 502.50 Sq.m.
 - FSI proposed to be consumed = 1.633
8. The Urban Development Department vide letter dated 17.7.2006 issued No Objection Certificate from CRZ point of view for reconstruction of existing building on plot bearing CTS No. B/254, 255 & 256 of village Bandra at Chapel Road, Bandra (W), Mumbai (FSI 1.91 i.e 649.49 Sq.m.)
9. MCZMA vide letter dated 16.12.2014 requested MCGM & PP. Accordingly PP submitted its reply dated 23.1.2015. Further, MCGM vide letter 11.3.2015 submitted the reply.

Sr. No.	MCZMA query	MCGM reply
1	Whether UDD has granted CRZ NOC for the same reconstruction project. Whether construction has been started as per said NOC.	Yes, Already CRZ submitted to department. Construction has not been started. Only IOD issued.
2	Whether Commencement Certificate has been issued by MCGM based on UDD NoC dated 17.7.2006.	No.
3	Status / construction on Plot bearing B/256 of village Bandra at Chapel Road, Bandra (W), Mumbai	Building on plot bearing CTS No. B/256 is not in possession of Developer, the proposal is submitted on plot bearing CTS No. B/254 & 255 on no construction has been started.


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4	Current status existing building / plot/ new construction.	Plot is vacant
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The Authority noted that the matter is subject matter of WP No. 1450/2012 before Hon'ble High Court of Mumbai. Hon'ble High Court Mumbai has passed an order dated 26.3.2015 in the matter, as per which,

- a) *We dispose of the Petition and the Notice of Motion by granting liberty to the Petitioners to take out appropriate proceedings in accordance with law for challenging the Condition No.44 in the Intimation of Disapproval;*
- b) *If the Petitioners are accepting the legality and validity of the Condition No.44 in the IOD, it will be open for them to make an Application to the Maharashtra Coastal Zone Management Authority for grant of No Objection Certificate;*
- c) *If such application is made by the Petitioners to the MCZMA, the same shall be decided as expeditiously as possible and in any event within a period of three months from the date on which the said Application is made;*
- d) *All concerned including the MCZMA shall act upon an authenticated copy of this order.*

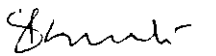
Project proponent presented that the plot is fronting to Mahim Bay. The Authority after discussion decided to direct the PP to submit the CRZ map in 1:4000 scale & report along with conclusion prepared by one of the agency authorized by MoEF and other related documents in order to seek the CRZ status of plot under reference as per provisions of CRZ Notification, 2011. Said CRZ map prepared by MoEF authorized agency should also indicate the HTL as per the approved CZMP of the Mumbai and 100 m CRZ area from approved HTL of Mahim Bay and whether the HTL demarcated corresponds to old approved HTL or otherwise.

The Authority decided that the proposal could be discussed only after submission of above said CRZ map by project proponent, as the said plot is fronting to Mahim Bay, wherein only 100 m CRZ area is applicable from approved HTL of Mahim Bay, as per provisions of CRZ Notification, 2011.

Item No.34: Complaint regarding violation of CRZ Notification on Land bearing CS No. 1/701 & 1/702 of Malbar Hill Division in 'D' Ward, Mumbai.

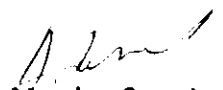
The Authority noted the background of the matter which is as follows:

- Mr. Amit Maru vide letter dated 9th December 2010 had filed a complaint against Mr. Rajendra Singh for gross violation of CRZ Notification in getting deleted the reservations of plot bearing CS No. 1/701 & 1/702 of Malabar Hill Division in 'D' Ward i.e. the plot of the Films Division. Copy of this letter was also marked to the Principal Secretary (UDD).
- In the same context, the complainant again sent letter dated 3rd January 2011 wherein it was mentioned that, after the earlier complaint was lodged, it was seen that Mr. Rajendra Singh has put up massive about 20 feet high CI Sheets boundary just touching the road and that there is not even any footpath been kept. Copy of the letter was also marked to the Principal Secretary (UDD) and Dy. Chief Engineer, Building Proposals (City), MCGM.
- With reference to the points mentioned in these letters, MCZMA was requested to take necessary action as per the Environment (Protection) Act, 1986. Accordingly, the file was referred to UDD to obtain their remarks first.
- UDD vide letter dated 14.03.2011 requested the Municipal Commissioner (MCGM) to give their detailed remarks in the instant case. It was requested to send a copy of their reply to Environment Department also. The file was then referred back to the Environment Department.



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- With reference to UDD's letter dated 14.03.2011, a letter dated 29.04.2011 was also sent to the Municipal Commissioner (MCGM) to send the detailed report in this matter. Reminder letters dated 30.08.2011 and 19.09.2011 were also issued to MCGM in this regard.
- With reference to the UDD's letter dated 14.03.2011 and Environment Department's letter dated 30.08.2011, Dy. Chief Engineer, Building Proposals (City), MCGM has sent his reply vide letter dated 09.11.2011. The contents of the reply are as follows:
"It is to state that, as per the record available with this office, the proposal is submitted in the year of 16.04.2002. However, due to some non-compliance, same could not be processed further and hence after a lapse of this long span, the proposal deemed to be rejected and recorded".

The Authority decided to seek a detailed report regarding status of construction on land under reference in the above matter from MCGM

Item No.35: Complaint regarding construction of ramp at Mannat Bungalow, Bandra Bandstand, Mumbai

The Authority noted that Maharashtra Pollution Control Board (MPCB) was in receipt of notice dated 21/08/2014 issued by Shri Nicholas H. Almeida U/s 19 (b) of the E (P) Act, 1986 in respect of illegal construction of ramp on the public road, which falls in CRZ II area by Shri Shahrukh Khan at Mannat, Bandstand, Bandra (W), Mumbai. MPCB vide letter dated 10.4.2015 requested MCZMA to look into the matter, as the said activities, falls under the purview of MCZMA and take necessary action under E(P) Act, 1986 read with CRZ Notification, 2011.

The MPCB has informed to MCZMA that personal hearing was extended by MPCB to representative of Shri Shah Rukh Khan, the project proponent on 11/12/2014 & 07/02/2015. During the course of hearing Shri Zeeshan Syed Advocate, appeared before the MPCB on behalf of the project proponent & also submitted replies dated 31/01/2015 & 19/03/2015. It was further informed that the MCGM authorities had demolished the said ramp on 14.2.2015 and MCGM in addition to demolition of the ramp also charged them Rs. 1,93,784/-.

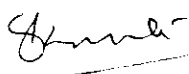
The Authority noted that MCZMA vide letter dated 22.4.2015 requested MCGM to communicate as to whether said construction has been demolished by the MCGM Authorities as alleged by the above said Advocate or otherwise.

The Authority after discussion decided to seek a detail report from MCGM in the above matter.

Item No.36: Review of District Coastal Zone Monitoring Committee Mumbai Suburban

Authority noted that in exercise of powers conferred under the provision 6 (C) of CRZ Notification, 2011; the Environment Dept, Govt. of Maharashtra has constituted the District Coastal Zone Monitoring Committee vide order dated 23.3.2011. The Collector of the district is the chairperson of the Committee. Function of the committee includes the protection and conservation of coastal stretch of the district, identification of violation of CRZ rules, taking action against the violations, identify the ecological sensitive areas and formulate the plan for it etc. DCZMC can also take assistance of the expert institutes in the field.

District Collector, Mumbai Suburban, DCZMC appraised the functioning of the DCZMC and informed that regular meetings of DCZMC are conducted wherein the complaints received are discussed for taking action. Mangroves destruction complaints are mainly addressed in the DCZMC.



Chairman



Member Secretary

Minutes of the 99th Meeting of Maharashtra Coastal Zone Management Authority held on 16th May, 2015

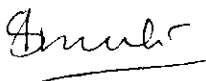
Total 129 Nos. of complaints from year 2012 to 2015 are under examination by DCZMC regarding mangroves destruction. FIR have been filed in local police stations against 22 cases. No substance is found in 10 cases. 20 cases are pending for final action.

Procedure for taking action against the CRZ violations as per the Environment (Protection) Act, 1986 was discussed.. The Authority decided to write to Maharashtra Pollution Control Board (MPCB) for providing guidance to the DCZMC, Mumbai Suburban regarding the legal action to be taken against the CRZ violations as per the provisions of Environment (Protection) Act 1986.

Annexure I

List of members present during the meeting:

1. Dr. Baban Ingole, Expert Member, MCZMA
2. Dr. Mahesh Shindikar, Expert Member, MCZMA
3. Dr. M.C. Deo, Expert Member, MCZMA
4. A.T.Fulmali, Member Secretary, MCZMA



Chairman



Member Secretary