

Minutes Of The 160th (Day III contd.) Meeting Of Maharashtra Coastal Zone Management Authority Held On 12nd Sept, 2022

The 160th meeting (Day 3 contd.) of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment). In view of present pandemic situation of COVID-19, it was decided to appraise the proposals by using information technology facilities. Hence, the proposals were appraised through Videoconferencing technology on Cisco WebEx platform on 12th September, 2022

List of members present in the meeting is at Annexure-I.

Item No.4: Proposed construction of Cycle Track and area development along Palm Beach road in Nerul ward, Navi Mumbai by NMMC

The NMMC officials presented the matter before the Authority. The NMMC has proposed construction of cycle track and area development along Palm Beach Road in Nerul Ward, Navi Mumbai. The total chain age of the road is Ch 802.43 to Ch 8800.80 (Approx 7.99 km), starting from Sion Panvel Highway underpass to Uran Junction (Near NMMC Head office- Kille Gaothan).

The proposal was earlier deliberated in the 152nd meeting of MCZMA held on 16th February, 2021, wherein the NMMC officials presented that No mangrove is required to be cut for the project. However, part of the cycle track is situated in 50 m mangrove buffer zone area.

Accordingly, the MCZMA recommended the proposal with a condition that Prior High Court permission should be obtained since, the proposed jetty is situated in 50 m mangrove buffer zone area and Mangrove Cell NOC.

The NMMC officials informed that as per the site visit conducted by Mangrove Cell on 22.02.2021, there will be 21 nos. of mangroves will be cut from 0.610 Ha land at S. no. 59 A at Sonkhar village. NMMC submitted a letter dated 13.4.2022 seeking revised CRZ recommendation with a request to allow cutting of 21 nos. of mangrove trees as per the report of mangrove cell dated 22.02.2021. It was further informed that the NMMC has approached to Hon'ble High Court for seeking permission. The proposal has received the Forest Clearance.

The Authority noted that considering the public interest involved in the project and based on the report of the Mangrove cell, cutting of the 21 nos. of mangrove trees could be allowed, subject to prior High Court permission. The NMMC shall replant five times the number of mangroves destroyed/cut during the construction in consultation with the Mangrove Cell.


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In the light of above, the Authority after deliberation decided to recommend the proposal to SEIAA for grant of revised CRZ clearance subject to following conditions.

1. PP should ensure that proposed activities in CRZ areas are as per provisions of CRZ Notification, 2011 (amended time to time).
2. Prior High Court permission should be obtained since, cutting of mangroves trees is proposed in the project
3. NMMC to ensure that Five times the number of mangroves destroyed/cut during the construction shall be replanted consultation with the Mangrove Cell.
4. NMMC should explore the construction of cycle track using eco-friendly material.
5. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.
6. All other required permissions should be obtained before the commencement of the project.

Item No.9: Proposed walkway connectivity from P Balu beach to Nariman Bhat jetty & beautification of SWD out for of viewing deck at Nariman Bhat jetty in G/S Ward Prabhadevi, Mumbai by MCGM

The MCGM officials were absent for the meeting. Hence, the matter was deferred.

Item No.10: Proposal for various beautification works i.e. Gym module, container library & Sea front design at P balu beach in G/South ward, Prabhadevi, Dadar, Mumbai by MCGM

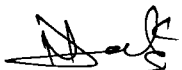
The MCGM officials were absent for the meeting. Hence, the matter was deferred.

Item No.13: Proposed beautification work at cleaveland jetty near to Indian Coast Guard at Golfadevi Road in beat no. 193 in G/N ward, Mumbai by MCGM

The MCGM officials were absent for the meeting. Hence, the matter was deferred.

Item No.14: Proposed repair of existing crematorium on plot bearing CTS no. 1413 of Erangal Village, Bhaigaon, Malad (W), Mumbai by MHADA

The MHADA officials presented that an application is submitted for repair of existing crematorium on plot bearing CTS no. 1413 of Erangal Village, Bhaigaon, Malad (W), Mumbai. He presented that crematorium and sheds were severely damaged and requires repairs. The Authority noted that complaints were received alleging that crematorium is constructed in violation of the CRZ norms at village Erangal Village, Bhaigaon, Malad (W), Mumbai. The Environment Department had issued directions under section 5 E (P) Act, 1986 dated 14th November, 2017 issued to District Collector and MCGM directing to take action in the matter.



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Further, there is Public Interest Litigation (L) No. 23498/2021 is filed before Hon'ble High Court by ChetanKodarlal Vyas versus Union of India &ors alleging the illegality of the said crematorium. Hon'ble High Court on 22.10.2021 passed an order for action in the matter. Accordingly, instructions were issued vide letter dated 1.11.2021 to DCZMC, Mumbai Suburban and MCGM for removal of the crematorium. Accordingly, the crematorium is dismantled by the local Authorities in the February, 2022.

The Authority discussed that there is High Court matter regarding the said illegal crematorium and the said crematorium is dismantled which was constructed in violation of the CRZ norms. Then, in such case, seeking repair permission of the said dismantled crematorium is irrational. When asked, MHADA official could not provide any plausible explanation in the matter.

In the light of above, the Authority after deliberation decided to reject the said application from the CRZ point of view.

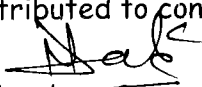
Item No.18: Proposed Light Motor Vehicular Underpass at Sector 19, Sanpada, Navi Mumbai by NMMC

The NMMC officials presented the proposal before the Authority. The NMMC has proposed Light Motor Vehicular Underpass at Sector 19, Sanpada, Navi Mumbai across Palm beach road to reduce the heavy traffic at Moraj Circle. This will act as an alternative entry and provide a crossing for light motor vehicles to sanpada from Plam beach road and vice versa. Proposed construction of LMV underpass includes construction of two lane slip road, reinforced earth wall, RCC box type underpass with drainage system. Underpass will be provided with RCC drainage system. Total area of the project is 30300 sqm.

As per the approved CZMP, 2019, the site under reference is falls in CRZ I A (mangrove buffer zone), CRZ II area and Non CRZ area.

The PP has submitted the EIA report prepared by Nebet Accredited consultancy (M/s Building Enviro). The EIA report states that Navi Mumbai Municipal Corporation (NMMC) has identified the requirement of a Light Motor Vehicular Underpass across Palm Beach road to reduce the heavy traffic at Moraj Circle. This will act as an alternate entry and provide a crossing for light motor vehicles to Sanpada from Palm-Beach Road and vice versa. This circle is a major obstacle on the road and due to the long signal, increases the idling time of the vehicles. There has been a number of accidents on this circle due to some of the vision constraints and disorganized drivers. The population growth rate for Navi Mumbai has increased exponentially for the last decade.

The height and width of the underpass is designed to be 4.5 m and 9.5m (for each opening) respectively. A Reinforce earth wall will be constructed along a solid approach of 150m. Slip roads of about 500m without taper length are proposed along Palm Beach road for facilitating entry to Sanpada via an underpass. The project is required in terms of infrastructure strengthening and has little to moderate impacts that are mostly attributed to construction phase.


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During the meeting, the PP submitted that there is no impact on mangroves. As per the EIA report, project is outside the ESZ of Thane Creek Flamingo sanctuary and has no impacts on mangroves, flamingos or other migratory species. However, part of the project activities are situated within 50 m mangrove buffer zone area, hence, prior High Court permission should be obtained by the NMMC.

In the light of above, The Authority after deliberation decided to grant the CRZ recommendation to the proposal from CRZ point of view to SEIAA subject to following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/clarifications given by MoEF from time to time.
2. PP to obtain prior High Court permission, since part of the project activity falls within 50 m mangrove buffer zone area.
3. NMMC to obtain Noc from the Mangrove Cell.
4. Debris generated during the construction activity should not be dumped in CRZ area. It should be ensured that debris is processed in a scientific manner at a designated site.
5. The Environment Management Plan and Mitigation measures suggested in the EIA report should be implemented in letter and spirit.
6. All other required permission from different statutory authorities should be obtained.

Item No.19: Proposed construction of additional two Culverts for movement of tidal flow for survival of Mangroves within the dumping ground at Kanjurmarg ground in S ward, Mumbai by MCGM

The MCGM officials presented the proposal before the Authority. The MCGM has proposed construction of additional two Culverts for movement of tidal flow for survival of Mangroves within the Solid Waste Management Facility (SWM) facility at Kanjurmarg ground in S ward, Mumbai.

The project involves construction of culverts to maintain tidal water flow near Kanjurmarg dumping ground. Proposed length of culverts is 28m and width is 5 m. Area of single culvert is 140sqm, Total area of 2 culverts is 280 sqm. Latitude is 19^o7'13.06"N and Longitude is 72^o56'42.74"E. As per the approved CZMP, 2019, proposed culverts are falls under CRZ IA & CRZ IB area.

The MCGM officials presented that additional two culverts are proposed to facilitate saline ingress of tidal water into the mangrove patch present at western side of the SWM facility, as per direction of the Hon'ble High Court. Dr. Kudale, Expert Member opined that the size of the culvers is appropriate which would ensure adequate tidal flow in the mangrove patch. Dr. Chaubey, Expert Member asked MCGM officials whether similar culverts could be constructed for the mangrove patch present on eastern side of the SWM facility. MCGM officials explained that adequate flow of the tidal water is reaching

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to the said eastern side mangrove patch and there is no requirement for the culverts at present.

The Authority opined that the proposed culverts would ensure adequate tidal flow in mangrove which would ensure survival and good growth of mangroves.

In the light of above, the Authority after deliberation decided to grant the CRZ recommendation to the proposal from CRZ point of view to MoEF&CC subject to following conditions:

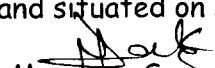
1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/clarifications given by MoEF from time to time.
2. MCGM to ensure that no reclamation is allowed for the proposed activities.
3. NMMC to ensure that mangrove should not be cut of the proposed activities. PP to obtain prior High Court permission, since part of the project activity falls within 50 m mangrove buffer zone area.
4. Debris generated during the construction activity should not be dumped in CRZ area. It should be ensured that debris is processed in a scientific manner at a designated site.
5. All other required permission from different statutory authorities should be obtained.

Item No.20: Proposed redevelopment of existing building of Birla Krida Kendra for Marathi NatyaVishva Sangrahalaya on plot bearing CS no. 1/12 of Girgaon Division at Dr. N A Purandare Marg (Netaji Subhashchandra Bose Marg), Girgaon Chowpatty in D ward, Mumbai by MCGM

The MCGM officials presented the proposal before the Authority. The MCGM has proposed redevelopment of existing building of 'Birla Krida Kendra' for new building known as 'Marathi Natyavishva' on property bearing CS No. 1/12 of Girgaum Division at Dr. N.A. Purandare marg (Netaji Subhashchandra Bose Marg), Girgaon Chowpatty in D ward, Mumbai

The existing dilapidated structures of "Birla Krida Kendra' having configuration of 2 Basement + Lower Ground Floor + Ground Floor + Mezzanine Floor + 1st to 3rd Upper Floors + Tensile Fabric structure above terrace will be demolished for proposed construction. Proposed redevelopment involves construction of 'Marathi Natyavishva' i.e. single assembly building (mainly consisting of Sangrahalay (museum), Auditorium, Cafeteria) having configuration: 2 Basement + Lower Ground Floor + Ground Floor + Mezzanine Floor + 1st to 3rd Upper Floors + Tensile Fabric structure above terrace. Area of plot - 6629 Sqm, Total built up area proposed - 18610/77 Sqm and FSI consumed - 2.93

The Authority noted that as per approved CZMP, 2019, the site falls under CRZ-II area and situated on seaward side.


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The PP during the presentation showed the building line of the existing structure and proposed new structure. From the said presentation, it was observed that new building is proposed towards seaward side, beyond the existing authorized building. The PP stated that plinth of the proposed building is not exceeding towards the seaward side. The Authority after deliberation felt that undertaking of the MCGM is required in the matter stating that plinth of the new building is not proposed towards seaward side and does not exceed beyond plinth of the existing authorized structure along with drawing of proposed structure.

Accordingly, the matter was deferred for want of the above said undertaking from the MCGM.

Item No.23: Proposed construction of pedestrian suspension bridge on River Mithi, Mumbai by MMRDA

The MMRDA officials presented the proposal before the Authority. The MMRDA has proposed construction of pedestrian suspension bridge on River Mithi above the mangrove area.


The retaining wall is coming on the fringe area of 50m buffer zone without any destruction to mangroves. The proposed suspension pedestrian bridge is about 530 m long. This bridge connects the BKC City Park area and Dharavi Slum area.

Total land requirement of the proposed project is 7970sqm. 3490sqm land shall be acquired in BKC Pard side and about 4480 sqm land will be acquired in Mahim Nature Park side.

As per the approved CZMP, 2019, the site under reference is falls in CRZ I A (mangrove buffer zone), CRZ II area and Non CRZ area. The PP has submitted the EIA report.

The Authority observed the live google image and observed that the bridge is proposed across Mirthi River which has dense mangrove vegetation. At one of the bridge, there is BKC City Park area and at other end, there Mahim Nature Park which is protected area. The two connecting areas appears as secluded areas, without considerable traffic of people and vehicles. The Authority asked the MMRDA officials about the purpose of the said proposed bridge and whether other possible connectivity is explored. It was presented that said bridge is pedestrian bridge which would cut down travel time between Dharavi area and Mahim Nature park area.

Expert Members opined that proposed bridge across the Mithi River over Mangrove area, may adversely impact the thick mangrove vegetation present beneath the proposed bridge. The Authority asked MMRDA officials the set of precautions proposed to avoid the mangrove degradation.


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In the light of above, the Authority after deliberation decided to seek following information from the MMRDA:

1. Purpose of the proposed pedestrian suspension bridge on Mithi River
2. Whether the MMRDA has explored other possible connectivity across Mithi River
3. Undertaking stating the set of precautions proposed to avoid the adverse impact on thick mangroves vegetation present beneath the proposed bridge.

Accordingly, the matter was deferred for want of above said information from the MMRDA.

Item No.24: Amendment in earlier CRZ clearance for construction of passenger jetty and ancillary facilities at Radio Club near Gateway of India, Mumbai by MMB

The Chief Engineer, MMB presented the proposal before the Authority. Earlier, the proposal of construction of passenger jetty and ancillary facilities at Radio Club near Gateway of India, Mumbai was deliberated in the 93rd meeting of MCZMA held on 25.08.2014. The proposal was recommended to SEIAA. The CRZ clearance was granted by SEIAA on 05.03.2019.

Now, the MMB is seeking amendment in earlier CRZ clearance due to slightly modification in the project layout. Comparison of Components of old NoC and revised proposal are tabulated below:

Earlier recommended activities	Amended activities
1. Fixed passenger terminal - 110m x 90m (Ticketing booths, recreational facilities like restaurants, shops, seating areas and amenities like toilets)	1. Fixed platform - 80m x 80 m
2. Walkway - 385m x 6 m	2. Temporary Open-air Amphitheatre (movable) - 1326.31sqm
3. 12 floating berth (6 on each side) Boarding area (central platform of 100m x 12m)	3. Length of walkway - 356m x 9.5m
4. Underwater mooring system	4. Fixed pile jetty instead of floating jetty - 10nos. (5 on each side of size 38 m x 7.5m)

The Authority noted that there are substantial changes proposed in the project by the MMB. Hence, it was felt that PP need to apply afresh as per the provisions of the CRZ Notification, 2019. Accordingly, the Authority decided to delist the matter from the records of the MCZMA.


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Item No.25: Proposed renovation of existing Mandir on plot bearing C. S. no. 1019 at Alibag, Dist. Raigad by Alibag Municipal Council.

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

Item No.28: Proposal for planning, designing and construction of extension to existing retaining wall and other miscellaneous activities at Mahim reti Bunder Beach, Gen. Arun Kumar Vaidya Marg, Mahim (W), Mumbai by MCGM

The MCGM officials presented the proposal before Authority. MCGM has proposed construction of extension to existing retaining wall and other miscellaneous activities at Mahim reti Bunder Beach, Gen. Arun Kumar Vaidya Marg, Mahim (W), Mumbai.

The proposed work included the extension of existing RCC retaining wall, repairing of the damaged East side Police quarters wall and provision of MS grating on the drain along Mahim Fort. Total area of the project is 150 sqm. The details of the work carried out is as mentioned below:

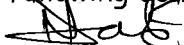
- Retaining wall with stone pitching
- Bamboo Fencing
- Promenade along the pitching with railing
- Sea sand filling
- Seating
- Strengthening of light tower
- Plantation
- Wall along the Police quarter
- Cleaning of Debris and boulders

The MCGM officials presented that as per approved CZMP of Greater Mumbai of 2019, the site under reference falls in CRZ-II area.

The MCGM officials further presented that earlier, the proposal was deliberated in the 146th meeting of MCZMA held on 04.09.2020 wherein the proposal was recommended to SEIAA subject to certain conditions. Now, minor changes are proposed in the project. The MCGM officials submitted that minor works includes repairing of existing retaining wall with stone pitching to the tune of 87 meter from 78 meter. Rest there is no other changes in the proposal.

The Authority noted that project aims for beautification of the Mahim reti Bunder area and could be allowed. However, MCGM should strictly ensure that no construction/ reclamation is allowed in CRZ I area.

After deliberation, the Authority decided to recommend the proposal to SEIAA subject to following conditions:


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1. Proposed activities should be in accordance with provision of the CRZ Notification, 2019.
2. MCGM to strictly ensure that no construction/ reclamation is allowed in CRZ I area.
3. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.
4. All other required permission from different statutory authorities should be obtained.

Item No. 29: Proposed aviation infrastructure inside the premises of Juhu Airport by India Coast Guard.

The officials from the Indian Coast Guard presented the proposal before the Authority. India Coast Guard has proposed aviation infrastructure inside the premises of Juhu Airport for undertaking flying operations along Maharashtra Coast. The infrastructure includes provision for Hanger with apron link taxi track.

As per approved CZMP, 2019, the site falls in CRZ II area and situated on landward side of the existing road.

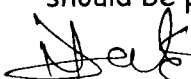
The Authority noted that as per para 5.2 of the CRZ, 2019, following is permissible: Construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places, etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized fixed structures:

The Authority further noted that Construction of building could be permissible in CRZ II area subject to FSI of the town country planning regulations existed as on date of the CRZ Notification, 2019 i.e. 18th January, 2019.

The Authority noted that aviation infrastructure is proposed inside the premises of Juhu Airport by the Indian Coast Guard which is situated in CRZ II area and landward side. Hence, it would be allowed. However, concerned planning Authority should strictly ensure that the proposed development is within the limit of permissible FSI as per DCR as on 18th January, 2019.

After deliberation, the Authority decided to recommend the proposal from CRZ point of view under CRZ Notification, 2019 to concerned planning Authority subject to compliance of following conditions:

1. Proposed development should be in accordance with provision of the CRZ Notification, 2019.
2. Local body should strictly ensure that the proposed development is within the limit of permissible FSI as per DCR as on 18th January, 2019 before issuing commencement certificate to the project.
3. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.


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4. Local body to ensure that the Solid Wastes are handled as per Solid Waste Management Rules and no untreated sewage is discharged on to the coast or coastal waters.
5. All other required permission from different statutory authorities should be obtained.

Item No. 30: Proposed redevelopment of MLA Hostel "Manora Aamdar Niwas" on plot bearing CS no. 1973, Fort Division, Plot no. 152, 153, 174 & 175, BBRs, Block III, Nariman Point, Mumbai by MMRDA

The project proponent presented the proposal before the Authority. The proposal of redevelopment of MLA Hostel "Manora Aamdar Niwas" with 5.37 FSI on plot bearing C. S. no. 1973, Fort Division, Plot no. 152, 153, 174 & 175, BBRs, Block III, Nariman Point, Mumbai. The PP presented that there is earlier CRZ recommendation from the MCZMA under CRZ Notification, 2011. Now, the proposal is submitted under CRZ Notification, 2019.

The proposed project is having two towers Tower A comprises of Ground floor + 28 upper floors and Tower B comprises ground floor + 40 upper floors. Tower A & B consist of Rest room, kitchen store, health centre, clinic, pharmacy, office with conference, Atrium, shops & waiting area, multipurpose hall, MLS & visitors accommodation, meeting lounge, TFA room, linen room, Elec. room, housekeeping, pantry & refuge areas, Health Club (Yoga / Meditation Hall, Gymnasium, Gents & Ladies Rest room).

As per MMRDA remark, Plot area is 13,429.17 sqm and Proposed FSI area is 72,166.41 sqm

The MMRDA has submitted the report and CRZ map prepared by IRS, Chennai dated May, 2022. As per the said report:

- The project site bearing C. S. no. 152, 153, 174 & 175 of Fort Division in A ward, Mumbai, falls partly in CRZ II as per approved CZMP, 2019.
- The area statement of the proposed project site bearing C. S. no. 152, 153, 174 & 175 of Fort Division in A ward, Mumbai in various coastal regulation zones as per CRZ Notification, 2019 are shown below:

Sr. no	CRZ Classification	Area in Sqm
1	CRZ II	603.93
2	Outside CRZ	12825.24
Total		13429.17

The Authority noted that at present, for Greater Mumbai, CZMP under CRZ Notification, 2019 are approved and signed. Hence, as per approval letter dated 29th Sep, 2019 of MoEF&CC, New Delhi, "all proposals in Mumbai City and Mumbai Suburban received

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henceforth for CRZ clearance shall be considered as per CRZ Notification, 2019 only. However, pending proposal under CRZ Notification 2011, if any, may be considered at the discretion of project proponent"

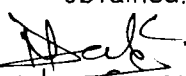
In the instant case, the proposal is submitted after 29th Sep, 2021, hence, the proposal attracts provisions of the CRZ Notification, 2019, as per above said CZMP approval letter of MoEF&CC, New Delhi. The Authority noted that as per para 5.2 (iv) of the CRZ Notification, 2019, "Reconstruction of authorized buildings shall be permitted, without change in present land use, subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index or Floor Area Ratio, prevailing as on the date of publication of this notification...."

The Authority noted that as per IRS report prepared as per CZMP, 2019, out of total plot area 13429.17, the plot area admeasuring 603.93 Sqm area is falling in CRZ II area and rest of the plot area admeasuring 12825.24 is situated outside CRZ area. The site is situated on seaward side of existing road. During the meeting, the PP presented that in CRZ II portion, only electric substation is proposed. MCGM should ensure that in CRZ II area, plinth of the proposed building should not exceed on seaward side beyond existing authorized plinth.

The Authority noted that reconstruction of authorized building could be permissible in CRZ II portion of the plot area subject to FSI of the town country planning regulations existed as on date of the CRZ Notification, 2019 i.e. 18th January, 2019. MCGM should strictly ensure that the proposed reconstruction is within the limit of permissible FSI as per DCR as on 18th January, 2019.

After deliberation, the Authority decided to recommend the proposal from CRZ point of view under CRZ Notification, 2019 to concerned planning Authority subject to compliance of following conditions:

1. Proposed redevelopment should be in accordance with provision of the CRZ Notification, 2019.
2. Concern planning Authority should strictly ensure that in CRZ II portion of the plot, permissible FSI as per DCR as on 18th January, 2019 is applicable for reconstruction.
3. Concern Planning Authority should ensure that in CRZ II area, plinth of the proposed building should not extent/ exceed on seaward side of existing authorized plinth.
4. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.
5. Concern planning Authority to ensure that the Solid Wastes are handled as per Solid Waste Management Rules and no untreated sewage is discharged on to the coast or coastal waters.
6. All other required permission from different statutory authorities should be obtained.


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Discussion Item No. 1: Regarding construction of community toilets in MBMC area.

The Authority noted that the matter of construction of community toilets in MBMC area was deliberated in earlier 158th (Day 4) and 159th (Day 5) meetings of the MCZMA held on 25th May, 2022 and 22nd July, 2022 respectively. As per deliberations in 158th meeting, the matter was forwarded to District Coastal Zone Monitoring Committee (DCMZC), Thane for further appropriate action by following due process of law.

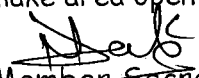
Subsequently, the District Collector, Thane vide letter dated 4.7.2022 submitted its report referring the matter with a request for guidance in the matter. From the report, it is noted that the matter was deliberated in the 7th meeting of the DCZMC, Thane held on 4.7.2022.

The Authority in 158th meeting noted that the District Collector, Thane has sought guidance regarding the applicability of the CRZ Notification, 2011 for the said constructions carried out prior to 2011 and whether the organization, Yuvak Pratishthan could be held responsible for the said work.

The Authority in 158th meeting noted that they are now in receipt of letter dated 4.7.2022 of District Collector, Thane (Chairman, DCZMC, Thane). It was brought to the notice of the Authority that the scheme of reconstruction of existing dilapidated community toilets/ urinals and the low cost scheme of construction of community toilets was implemented under the Nirmal MMR scheme. The responsibility of land allotment, electric and water supply was with Mira Bhayander Municipal Corporation. The said work of public toilets was completed in December, 2009.

The Authority in its 158th meeting deliberated the applicability of the CRZ Notification, 2011 in the matter and noted that the provision of the CRZ Notification, 2011 would not apply in the matter, since work was carried out in the year 2009 i.e. prior to inception of the CRZ Notification, 2011. The Authority further noted that as per report of District Collector, Thane (Chairman, DCZMC, Thane), that said work of community toilets was undertaken under Nirmal MMR scheme, considering their old dilapidated conditions under the responsibility of the Planning Authority i.e. Mira Bhayander Municipal Corporation (MBMC). The Authority is of the opinion that as work order was issued by Planning Authority i.e. MBMC, the necessary due diligence needed to be done by MBMC, prior to issuance of work order. The Authority felt that report to be called from the MBMC in the matter, seeking details of the matter such as year of original construction, various approvals obtained for the construction etc. Accordingly, the Authority after deliberation decided to call a report from the MBMC

Accordingly, the MBMC vide letter dated 8.9.2022 has submitted its report in the matter, as per which, said toilets are constructed in place of old and ruinous toilets present in old slums and chawls. Old toilets were in existence at the time of Grampanchayat i.e. prior to 1985. MBMC has only carried out reconstruction of the said toilets under Nirmal Abhiyan Scheme implemented in MMR region with an objective to make area open defecation free.


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In the light of above, taking into account report of the MBMC and District Collector, Thane, noted that original construction of the community toilets were constructed prior to 1985 i.e. prior to inception of the CRZ Notification, 1991. Further, the scheme of reconstruction of existing dilapidated community toilets/ urinals and the low cost scheme of construction of community toilets was implemented under the Nirmal MMR scheme with an objective to make area ODF. In view of above, the Authority felt no action is required in the instant matter. The same shall be communicated to DCZMC, Thane and MBMC.

Discussion Item No. 2: Regarding illegal construction of resort and road in CRZ/ESZ at Sea shore of Murud, Tal. Dapoli, Dist. Ratnagiri

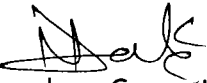
The Authority noted the background of the matter. The MoEF&CC, New Delhi on 31.1.2022 has issued Directions under Section 5 of the E (P) Act, 1986 directing Sai Resort and Sea conch Resort, as per which, "The Unauthorized structure built at Survey No. 446, sea shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition"

The above said direction further states that "in case the above directions are not complied within three (3) months from the date of receipt of this order, the Ministry will be constrained to enforce this direction, and undertaken necessary action under the relevant provisions of the E(P) Act, 1986"

In response to Ministry's communication, the MCZMA conveyed the report of the District Collector, Ratnagiri which states that section 5 Directions dated 31.1.2022 of MoEF, New Delhi has been delivered to Project proponents. Time period of 90 days is lapsed and still construction is not removed on the site by the project proponents. The reply further mentions that it would be appropriate that further action in the matter would be taken based on Directions of the MoEF, New Delhi in the matter.

The Authority noted that meanwhile, the Committee constituted by the MoEF, New Delhi visited the site and submitted its report on Environment Impact Assessment and Monetary value of Damaged caused on violation of CRZ norms in the matter. The said Committee concluded that "the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. The remedial measures therefore should be removal of the unauthorized structures in its entirety from the NDZ area and restore the area to its original condition"

Subsequently, MCZMA vide letter dated 2.8.2022 sought guidance from the MoEF&CC, New Delhi with respect to action to be taken in the matter, considering the above said Directions under section 5 dated 31.1.2022 issued by MoEF&CC, New Delhi which states that "in case the above directions are not complied within three (3) months from the date of receipt of this order, the Ministry will be constrained to enforce this


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direction, and undertake necessary action under the relevant provisions of the E (P) Act, 1986"

The MoEF&CC, New Delhi vide letter dated 22.8.2022 sent a communication stating that in accordance with the earlier direction of the Ministry issued earlier under section 5 vide OM dated 31.1.2022 followed by letter dated 31.5.2022, the SCZMA and SPCB are directed to act upon the recommendations of the Joint Committee report.

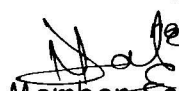
In response to above said communication dated 22.8.2022 received from the Ministry, the MCZMA vide letter dated 25.8.2022 requested the DCZMC, Ratnagiri for action taken report in the matter so that it could be communicated to Ministry. Subsequently, the office of District Collector, Ratnagiri vide letter dated 25.8.2022 requested guidance from the Department on certain aspects such as legal issues, expenditure for implementation etc. In response, the Department vide letter dated 26.8.2022 informed to DCZMC, Ratnagiri that all the issues including the legal issues mentioned in letter dated 25.8.2022 shall be duly and appropriately dealt with by DCZMC. The expenditure regarding implementation of order of MoEF&CC, new Delhi dated 22.8.2022 will be born by MCMZA.

It was noted that for the time being, the MCZMA will incur the expenditure regarding implementation of order of MoEF&CC, New Delhi dated 22.8.2022. The Authority discussed the matter and decided that after implementation of the said order, the said expenditure shall be recovered from the Project proponent by DCZMC, Ratnagiri and submitted to MCZMA.

Discussion Item No. 3: Regarding construction of temporary structures of films sets for shooting purpose at village Eranagal, Madh, Malad (W), Mumbai.

The Authority noted that the MCZMA in its 152nd meeting held on 24.2.2021 deliberated three (3) applications of temporary structures of films sets for shooting purpose. As per the deliberations in the said meeting, MCZMA vide letter dated 24.2.2021 had granted the CRZ recommendations to 3 applications, 1) M/s Balaji Tirupati Cinemas 2) M/s Bhatia Bollywood Studios LLP and 3) M/s Expression studios of temporary structures of films sets for shooting purpose at village Eranagal, Madh, Malad (W), Mumbai subject to certain conditions. The said CRZ recommendations were valid for 6 months. The specific conditions of the said CRZ recommendations are as follows:

- i. The CRZ recommendation is valid for 6 months from the date of receipt of CRZ recommendation, as requested by the PP.
- ii. Eco-friendly material should be used for installing the structures for film sets
- iii. Temporary structures should be built in CRZ II area only and not in CRZ I area
- iv. Debris generated during the project activity should not be dumped in CRZ should be processed scientifically at the designated place
- v. After 6 months, the MCGM should submit a certificate to MCZMA confirming that the site is restored to its original conditions.
- vi. After 6 months, PP may submit the fresh reference for seeking CRZ recommendation, if required.


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The Authority noted that the above said CRZ recommendation granted were for temporary structures of films sets for shooting purpose and was valid for 6 months only. At present, the validity of above said CRZ recommendations are expired. The Authority noted that complaints along with photographs are received in the matter alleging the violations of the conditions of the above said CRZ recommendations granted for temporary structures of films sets for shooting purpose. Prima facie, from the complaints and photographs it was observed that instead of temporary film sets for shooting purpose, the film studios constructed on the site. The temporary film sets approvals were recommended by the Authority on the likes of temporary permissions granted by respective competent Authorities for film shooting purpose at the scenic sites such as marine drive, Gate way of India, Bandra worli sea link etc. The said CRZ recommendations were only for 6 months on purely temporary basis which ended on 24.8.2021. As per the complaint received, film studios are in operation and steel structures are erected, instead of eco-friendly material. It was mandatory to restore the site after 6 month and report of the same was expected from MCGM, however, the report is not received. MCZMA vide letter dated 5.8.2022 requested DCZMC, Mumbai Suburban and MCGM to verify the matter and take action after examination. It is learnt that MCGM has also initiated action against the said film sets.

In the light of above, the Authority after deliberation decided that above 3 applications received for further extension / CRZ recommendation is rejected from CRZ point of view. Reminder letter to be sent to MCGM and DCZMC for suitable action in the matter.

Annexure I

List of members/officials present in the online meeting:

1. Mr. Mirashe, Representative from the Industry Dept, Member MCZMA
2. Dr. Mahesh Shindikar, College of Engineering, Pune, Expert Member, MCZMA
3. Dr. Anish Andheria, Expert Member, MCZMA
4. Dr. A. K. Chaubey, Ex Regional Director NIO, Expert Member, MCZMA
5. Mr. Maruti Kudale, Ex Director, CWPRS, Expert Member, MCZMA
6. Mr. Narendra Toke, Director, Environment &CC and Member Secretary, MCZMA.

-----Meeting ended with vote of thanks to chair-----


Member Secretary


Chairperson