

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority held under the Chairmanship of Principal Secretary, Environment on 24th April, 2019 in Sachivalaya Gymkhana, Mumbai. List of the members present in the meeting is enclosed as Annexure I.

Confirmation of Minutes:

The Authority decided to confirm the minutes of 131st meeting of the MCZMA.

Item No.1: Appointment of MoEF authorized agency for the preparation of CZMP under CRZ Notification, 2019

The Authority noted that the Ministry of Environment, Forest and Climate Change, New Delhi vide G.S.R. 37(E) dated 18th January, 2019 published the CRZ Notification, 2019, wherein the State Government is entrusted to revise / update the Coastal Zone Management Plans (CZMPs) framed under CRZ Notification, 2011, as per para 6 of the CRZ Notification, 2019. The Annexure IV of the CRZ Notification, 2019 stipulate the procedure for preparation of the CZMPs under CRZ Notification, 2019.

The matter was deliberated in the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019, wherein it was discussed that Coastal Zone Management Plans under CRZ Notification, 2011 were approved by the MoEF&CC, New Delhi in accordance with CRZ Notification, 2011. The said approved CZMPs under CRZ Notification, 2011 to be revised/ updated in accordance with the provisions of the CRZ Notification, 2019. The NCSCM possess the database of the CZMPs, 2011 of all districts of the Maharashtra. It was further, deliberated that under para 6 (ii) of the CRZ Notification, 2019, the NCSCM, Chennai, of MoEF&CCC, New Delhi may be engaged for the preparation of the New CZMPs under CRZ Notification, 2019.

In the light of above, the Authority after deliberation decided that State Government may engage the NCSCM, Chennai for the preparation of the CZMPs, in accordance with CRZ Notification, 2019.


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

Item No. 2: Amendment in the proposal of redevelopment of office building of Director General of Shipping Known as 'Jahaj Bhavan' on plot bearing CS No. 1190 of Fort Division in A Ward, W. H. Marg, Mumbai by Director General of Shipping.

Officials from the Director General of Shipping (DG Shipping) presented that the MCZMA in its 126th meeting held on 28th August, 2018 deliberated the proposal of redevelopment of office building of Director General of Shipping (DG Shipping) Known as 'Jahaj Bhavan' on plot bearing C. S. No. 1190 of Fort Division in A Ward, W. H. Marg, Mumbai. Accordingly, the MCZMA in its 126th meeting decided to recommend the proposal under para 8.v.c. of the CRZ Notification, 2011 subject to following conditions:

1. Proposed redevelopment should be in accordance with provisions of CRZ Notification, 2011 (amended from time to time).
2. MCGM to ensure that the existing building was declared as dilapidated as on 6.1.2011.
3. MCGM to ensure that all the conditions of the para 8.v.c of the CRZ Notification, 2011 are adhered to.
4. MCGM to ensure that proposed construction is as per DCR prevailing as on the date on which the project is granted approval by the competent Authority.

Now, DG Shipping vide letter dated 16.04.2019 sent a representation to MCZMA requesting amendment in condition no. 2 of the CRZ recommendation granted by the MCZMA. It was stated that above mentioned building was demolished during 2015 on declaration of the same as dilapidated by CPWD authorities. Hence, date of declaration of the building as dilapidated as on 6.1.2011 condition could not be met. Officials requested MCZMA to kindly remove the date from the condition.

The Authority noted that redevelopment of dilapidated building declared as on 6.1.2011 is allowed as per prevailing DCR, as per the para 8.V.1.C of the CRZ Notification, 2011. However, Hon'ble High court in WP no. 1108 of 2013 and Chamber summons no. 180 of 2013 in property redevelopers association and ors V/s Union of India gave judgment that building which were declared dilapidated post 6.1.2011 also to be governed under para 8.v.c of the CRZ Notification, 2011.


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

Thereafter, the MCZMA started granting the CRZ recommendation under para 8.V.C to the building which were declared post 6.1.2011 also.

In the light of above, the Authority after deliberation decided that condition no. 2 of the CRZ recommendation granted by the MCZMA to the proposal under reference could be modified. The condition no. 2 shall be replaced as follows:

"The concerned planning Authority to ensure that the existing building was declared as dilapidated"

Rest of the conditions of the CRZ recommendation granted by the MCZMA remains the same.

Item No.3: Proposed Widening of existing DP road on Gorai Bank & over Bridge connecting Gorai Borivali Banks at Gorai Creek, Tal. Borivali, Dist. Mumbai by MMRDA

The Authority noted that presence of Chief Engineer, MMRDA was required for presentation and deliberation of the proposal. Hence, the proposal was deferred.

Item No.4: Proposed construction of multi-storey office infrastructure building for Indian coast guard on plot bearing Site no. 1(pt), Scheme no. 52, Worli, Mumbai by Indian Coast-Guard

Officials from the Indian Coast Guard presented the proposal before the Authority. Indian Coast Guard propose to construct multi-storey office infrastructure building for Indian coast guard on plot bearing Site no. 1(pt), Scheme no. 52, Worli, Mumbai, by demolishing existing structures.

Officials further presented that proposed building consists of Ground Floor + 1st to 15th + Terrace + Helipad having proposed area as 12855.42 sqm with FSI 4. Basic Zonal FSI + 300% additional FSI from Govt establishments as per the DCR of MCGM. As per Development Plan of Greater Mumbai the plot under reference is falls in Residential Zone.

The Authority noted that the proposal was required to submit through MCGM. Officials stated that the MCGM vide letter dated - granted the NoC for the


Member Secretary

Page 3 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

proposal and proposed FSI in the proposal is within the permissible limit of the FSI as per the DCR existing as on 19.2.1991. Proposed activities are as follows:

The Authority noted that as per approved CZMP of Greater Mumbai the plot under reference falls in CRZ-II area. It was further noted that as per 8(i) II. CRZ-II as per CRZ Notification, 2011, "(iii) 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 a permissible activity.

The Authority after discussion decided to recommend the proposal to concerned planning Authority from CRZ point of view under CRZ Notification, 2011 subject to compliance of 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 strictly ensure that the FSI, plan and height involved in the proposal are as per DCR existing as on 19.2.1991 i.e. DCR 1967.
4. If the total construction exceeds 20,000 Sqm, the Environment clearance under EIA Notification, 2006 should be obtained.
5. The PP to ensure that environment measures such as Solid waste management, treatment of waste water, rainwater harvesting, solar lighting etc should be installed.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.5:

Proposed construction of museum building on plot bearing C. S. No. 702, 2/703 of Malabar Hill Division at Gopalrao Deshmukh Marg, D Ward, Mumbai by Film Division, Ministry of Information & Broadcasting, GoI (M/s. Sapna Kumar & Associates)

Officials from the Film Division, Ministry of Information & Broadcasting presented the matter before the Authority. It was presented that the MCZMA

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

in its 75th meeting held on 15.05.2012 deliberated the proposal of construction of museum building on plot bearing C. S. No. 702, 2/703 of Malabar Hill Division at Gopalrao Deshmukh Marg, D Ward, Mumbai. The approved CZMP (scale 1:25000) submitted by the proponent indicates the land under reference is located partly in CRZ II and landward side of existing Bhulabhai Desai Road.

The MCZMA in its 75th meeting noted that as per MCGM letter dt 23/09/2011, proposed construction museum comprises of Basement + ground + 1st to 5th upper floors, mezzanine floor between 3rd and 4th and 5th amphitheater and basement for parking. Area of plot is 16637.42 Sq.mtr and total Built up area is 18521.16 Sq.mtr. As per the decision taken in 75th meeting, the MCZMA vide letter dated 08.08.2012 recommended the project to concern planning Authority subject to certain conditions.

Now, MCGM sent a letter dated 22.06.2018 stating that total proposed area is increased from 7234.44n sqm to 7918.90 sqm in calculation of BUA, however there is no change in earlier plans submitted for CRZ approval. Total BUA will be 19395.87 sqm which is within permissible BUA.

The Authority noted that in the construction of the building is permissible in CRZ II areas and on landward side of the existing road or existing authorized structure subject to DCR existing as on 19.2.1991, in accordance with para 8.II. CRZ II of the CRZ Notification, 2011.

In the light of above, the Authority after discussion decided to recommend the proposal to concerned planning Authority from CRZ point of view under CRZ Notification, 2011 subject to compliance of following conditions:

1. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.
2. FSI calculations and building layout plan should be strictly as per the provisions of DCR 1967. Lift lobby staircase area should be counted in FSI. FSI for basement in CRZ area should be as per the DCR 1967.


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

3. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No. 6: Proposed residential & commercial construction on the plot bearing S. No. 62 to 64, 68, 69, 72, 75, 86 to 89 and 271 to 2802 at village Gokhivare, Tal. Vasai, Dist. Palghar

The Project proponent presented the proposal before the Authority. The Authority noted that the MCZMA in its 102nd, 107th, 117th & 120th meetings held on 31st July & 1st August, 2015 and 7th November, 2015, 5th to 6th April, 2017 & 28th July 2017 respectively deliberated the proposal of residential & commercial construction on the plot bearing S. No. 62 to 64, 68, 69, 72, 75, 86 to 89 and 271 to 2802 at village Gokhivare, Tal. Vasai, Dist. Palghar.

In the 120th meeting, PP requested the Authority to allow the construction in CRZ belt of the land. The Authority noted the CRZ delineation done by IRS, Chennai, one of the MoEF authorised agency. The CRZ map & report prepared by the IRS, Chennai showed the status of the land as per the approved CZMP 1991 and as per the 2011 Notification.

In the 120th meeting, the Authority decided to follow the stringent of the CZMP and therefore decided to follow approved CZMP. The Authority noted that the site under reference is CRZ-I (A) & CRZ-III as per approved CZMP

The Authority in its 120th meeting noted that no construction is allowed in CRZ I (A/B) and 50 mangroves buffer zone area. Further, as per the provisions of the CRZ Notification, 2011, 100 mts along tidal influenced water bodies or width of the creek whichever is less is in CRZ III area is No Development Zone (NDZ), wherein construction is not allowed as per the provisions of CRZ Notification, 2011 and approved CZMP.

Now, the PP has presented that, the CRZ portion of the plot should be considered as CRZ II area, being in Vasai Virar Municipal Corporation. The PP further requested the Authority to allow FSI potential of the CRZ II belt to be utilised on Non CRZ portion of the land.

The Authority noted that earlier, the MCZMA considered the proposal as per the approved CZMP of 1991, as per the CRZ belt of the land under reference


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

was treated as CRZ III area. Accordingly, the decision was taken in 120th meeting.

However, now, the MoEFCC, New Delhi vide letter dated 28.2.2019 has approved the CZMP of Thane & Palghar district. As per the said approved CZMP under CRZ, 2011, with respect to land under reference, landward side of the HTL area has been classified as CRZ II area, being in Vasai Virar Municipal Corporation, which is a developed area.


The Authority observed that the PP is seeking the CRZ status of the land under reference as per the approved CZMP under CRZ Notification, 2011. The PP further requested the Authority to permit the utilization of FSI of CRZ II belt on Non CRZ portion. The PP further stated that FSI of the CRZ II portion will not be utilized fully and Construction of the buildings is also proposed in CRZ II belt utilizing balance FSI.

The Authority noted the CRZ status of the land, as per the approved CZMP, dated 28.2.2019 under CRZ Notification, 2011, as per which, the land under reference is affected by the creek and situated partly in CRZ I, CRZ IV, CRZ II and partly in Non CRZ area.

The PP need to submit CRZ demarcation, as per CZMP of Thane / Palghar dated 28.2.2019 approved by MoEF, New Delhi with superimposition of site under reference.

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

1. As per the CZMP under CRZ Notification, 2011 approved by MoEF&CC, New Delhi, the land under reference situated partly in CRZ I, CRZ IV, CRZ II and partly in Non CRZ area.
2. FSI potential of the CRZ II portion of the plot can be utilized on Non CRZ portion of the plot as per the MoEF clarification letters dated 28.9.2015 and 1.10.2015 addressed to MCHI pertaining to utilization/computation of BUA of the CRZ part of the plot for construction on Non CRZ part of the single owner.
3. The PP to submit the separate proposal of the construction of buildings in CRZ II area through Concern Planning Authority i.e. Vasai Virar Municipal Corporation along with its necessary remarks in part B, taking into consideration the approved CZMP under CRZ Notification, 2011.


Member Secretary

Page 7 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

Item No.7: Amendment in the matter of construction of Container Freight & Warehouse Building on plot bearing plot no. 7(3), 7(5A), 7(5B), 7(6), 8(1A), 8(1B), 8(1C), 8 (1D), 8(1E), etc.. at village Kachrepada (Khopda), Tal. Uran, Dist. Raigad by M/s Universal Container Freight Station Pvt. Ltd.

The Project proponent presented the proposal before the Authority. The Authority noted that the MCZMA in its 115th and 121st meetings held on 2nd & 3rd November, 2016 and 15th & 16th Sep, 2017 respectively deliberated the matter. The PP was seeking the CRZ NoC for the construction of Container Freight & Warehouse Building on plot bearing plot no. 7(3), 7(5A), 7(5B), 7(6), 8(1A), 8(1B), 8(1C), 8 (1D), 8(1E), etc.. at village Kachrepada (Khopda), Tal. Uran, Dist. Raigad.

In the said meetings, the Authority noted that the PP has submitted the CRZ map in 1:4000 scale & report prepared by the Institute of Remote Sensing Chennai, which is MoEF authorized agency. The plot is fronting to Creeklet/ Nalla as mentioned in IRS report.

In the 121st Meeting, the Authority noted the CRZ map in 1:4000 scale prepared by IRS, Chennai. As per the said CRZ map of the IRS, Chennai:

CRZ map	CRZ IA (Sqm)	CRZ III (Sqm)	Non CRZ (Sqm)	Total area (Sqm)
Approved CZMP, 1991	0.00	1122.00	168298.00	169420.00
As per CRZ Notification, 2011	2629.00	28981.00	137810.00	169420.00

During the meeting, the Authority observed the followings:

1. As per the approved CZMP, Non CRZ area is 1,68,298.00 sqm whereas, as per the CRZ demarcation under CRZ Notification 2011, Non CRZ area is 1,37,810.00 sqm.
2. In the instant case, the new CRZ map under CRZ Notification, 2011 of IRS, Chennai is stringent.


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

Based on the decision of the 121st meeting, the MCZMA vide letter dated 15th January 2018 granted the CRZ NoC for the proposal subject to compliance of following conditions:

- i. Local body to ensure construction is allowed in beyond CRZ belt, as per CRZ demarcation of the IRS, Chennai i.e. Non CRZ area admeasuring 1,37,810.00 sqm.
- ii. Development potential of CRZ III area admeasuring 28981.00 Sqm only can be utilized on Non CRZ area subject to zonation as per town and country planning regulations of the area existing as on 19.2.1991.
- iii. No construction should be allowed in CRZ I and CRZ III area as per CRZ Notification, 2011 and 2011 CZMP.

Now, the PP vide letter dated 26.09.2018 & 11.03.2019 has submitted representations before the MCZMA seeking an amendment pertaining to condition No. (ii) of the above said CRZ NOC dated 15.01.2018 granted by the MCZMA.

The PP presented that condition no. (ii) may be amended as "Development potential of CRZ III area admeasuring 28981.00 Sqm only can be utilized on Non CRZ area subject to zonation as per town and country planning regulations of the area."

The Authority further referred the decision taken in 75th meeting of the MCZMA held on 15.05.2012 regarding computation of FSI of the land which is partly in CRZ and partly in Non CRZ. The decision states that *the area landward of the HTL and falling in CRZ III, No Development Zone of a plot can be used for computing the FSI for construction on the Non CRZ area of the same plot as per the existing regulations.*

The Authority noted that the word existing regulations stated on 75th meeting means regulations as on 19.2.1991, considering the provisions of the CRZ Notification, 6th January, 2011.

In the light of above, the Authority after detailed discussion and deliberation decided to amend the condition no. (ii) of the CRZ NoC dated 15th January 2018 granted by the MCZMA. Accordingly, the amended condition no. (ii) shall be replaced as follows:


Member Secretary

Page 9 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

"Development potential of CRZ III area admeasuring 28981.00 Sqm only can be utilized on Non CRZ area of the same plot as per the existing regulations."

Rest of the conditions of the CRZ NoC dated 15th January 2018 granted by the MCZMA remains of the same.

Item No.8: Regarding utilization of FSI of the CRZ portion on the Non CRZ portion- property bearing S, No. 221 (pt), CTS No. 532 (pt) situated at Village Eksar, Yoginagar, Borivali, Mumbai by M/s Ecohomes Constructions Pvt. Ltd.

The Project proponent presented the proposal before the Authority. The PP presented that CRZ mapping in 1:4000 scale has been carried out for the land bearing S, No. 221 (pt), CTS No. 532 (pt) situated at Village Eksar, Yoginagar, Borivali, Mumbai through IRS, Chennai. Based on the report of IRS, Chennai. The PP has got the sanction of the building proposal in Non CRZ portion and got the IOD on 19.4.2014. The PP has proposed to utilize the FSI of the CRZ portion of the land, on the basis of DCR as on 1991, on Non CRZ portion of the land under reference. The PP presented that CRZ demarcation has been carried out by the IRS, Chennai in the year 2013, as per the said demarcation, the land under reference is partly in CRZ I, CRZ III and Non CRZ area.

The Authority noted that MoEF&CC, New Delhi vide letter dated 16.8.2018 has approved the CZMP of the Greater Mumbai, as per which the land under reference is partly in CRZ I, CRZ II and Non CRZ area. The PP need to submit CRZ demarcation in 1:4000 scale as per approved CZMP of Greater Mumbai dated 16.08.2018 with superimposition of site under reference

The Authority noted that the MoEF, New Delhi has issued clarifications dated 28.9.2015 and 1.10.2015 addressed to MCHI pertaining to utilization/computation of BUA of the CRZ part of the plot for contraction on Non CRZ part of the single owner.

In the light of above said clarification of MoEF, New Delhi, the Authority after deliberation, the Authority decided that the potential of the plot in CRZ II area can be allowed to utilize on the basis of DCR as on 1991 norms, on Non CRZ contiguous portion of land. Local body to ensure that No construction is


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

allowed in CRZ area, considering approved CZMP dated 16th August, 2018, under CRZ Notification, 2011.

Item No.9: Proposed addition and alteration to the existing building on plot bearing CTS No. 825 of village Juhu, plot no. B/1, Kapole CHSL, Vile Parle (W), Mumbai by M/s Pushkar Consultants.


The Project proponent presented the proposal before the Authority. The proposal is for addition and alteration to existing residential building by proposing additional extension to 2nd (pt) and proposed 3rd (pt) upper floor as fitness centre in lieu of plot. Proposed additions is on existing building comprising of stilt (pt) + Ground floor 1(pt) as bank user + 1st to 2nd (pt) upper floor level for flats / rooms for residential use.

As per the approved CZMP, the plot is situated within CRZ II area and landward side of existing 18.30 m wide roads, in existence prior to 19.2.1991. The plot under reference is in Residential zone as per old DP (1967 DP) as well as sanctioned DP and revised draft DP of 2034 and is not reserved for any public purpose. The plot under reference is affected by the proposed widening abutting 36.60 m wide V.M. road. The user of Residential was permissible as per land use and zoning as on 19.2.1991. Plans for proposed addition/ alteration to the existing structure within FSI 1.00 are approved by MCGM on 2.12.2017. The Area of plot is 963.90 Sqm.

The Authority noted that there is error in MCGM remarks about the total construction area proposed in the project. The PP need to submit the corrected the MCGM remarks about the total construction area. Hence, the matter was deferred for submission of the MCGM remarks.

Item No.10: Proposed construction of three bridges on plot bearing Gut no. 93 at village Kharkaravi and Gut no. 94 at village Kharmachela at Tal. Pen, Dist. Raigad by JSW.

The Project proponent presented the proposal before the Authority. The proposal is for construction of bridge at village Kharkaravi and Kharmachela in Taluka Pen in Dist. Raigad for the purpose of crossing the existing Nalla between existing project land and proposed land for future development.


Member Secretary

Page 11 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

As per the CZMP, 2011, the project falls under CRZ- I area. Proposed bridge alignment is passing through 50 m mangrove buffer zone area. The PP has submitted the Rapid EIA report as per which,

- **Land Environment**

Standard work practice and management of excavated earth may avoid soil contamination and soil erosion. Top soil removed from project location can be reused in gardening or filling purposes.

- **Air Environment**

Regulating frequency of vehicular movements at project site for carrying raw material and regulated use of construction equipment and avoiding idling of vehicles may reduce emissions in air. Use of water sprinkling wherever necessary should be practiced to reduce particulate matter dispersion in air. Maintenance of vehicle efficiency and use of cleaner fuel may help reducing amount of emissions entering the air.

- **Water Environment**

Use of silt traps and site barricading during construction phase may avoid entry of soil from the banks of sub-creek into water. Conservation of excavated earth can help reduce the impact on bed sediment and help maintain its texture and composition.

- **Biological Environment**

JSW already has its mangroves conservation project ongoing since October 2016 in which 1,05,435 mangroves saplings were developed & plantations were done in the five locations within 20km of plant site: shirki chal no. 1, shirki chal no. 2, Tamsi buner, Thakur Bedi, Masad Bedi covering the area of 20 hectares. In 2017 the mangroves plantation was done in 60 ha of land and 300000 mangrove saplings were planted. This initiative would minimize industry's impact on mangroves in the surrounding as a whole. Bridge design would be such that there would be minimal impact on the sub-creek, aquatic life and fisheries. Use of silt traps, suitable excavation techniques, solid waste management and barricading site would help minimizing impact on creek flora and fauna.

The MCZMA in its 128th meeting held on 20.12.2018 deliberated the proposal, wherein it was noted the Hon'ble High Court order dated 17th September, 2018 in PIL 87/2006 passed by Hon'ble High Court of Mumbai. Since proposed bridge

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

is situated in 50 m mangrove buffer zone area, the Authority suggested that the project proponent may approach Hon'ble High Court of Mumbai seeking relief from the above said order dated 17th Sep, 2018. Accordingly, the matter was deferred.

Hon. Court in the Writ Petition No. 1643 of 2019 in JSW Steel Limited V/s. Union of India & ors passed and Order dated 11.02.2019 as:

"4. This Court has examined certain matters and has granted permission. It has also granted permission in some matters, wherein, the Court found that the larger public interest demands so. However, in all such matters the permission has been granted only after the expert bodies like Ministry for Environment and Forest, Government of India, the Ministry of Environment and Forest, State of Maharashtra and Respondent no.2, herein, have granted the permissions. We find that it is for these bodies, who possess necessary expertise, to first find out as to whether the permission is necessary in the larger public interest or not. After application of mind, by such authorities with regard to grant or refusal of permission, the Court can consider, whether the larger public interest demands grant of such permission or not.


5. It appears that Respondent no. 2, herein, desires to adopt reverse procedure.

6. In that view of the matter, Respondent no.2 to take decision on the proposal of the Petitioner within a period of four weeks from today"


The matter was again deliberated in the 130th meeting of MCZMA held on 01.03.2019, wherein the Authority decided that site visit to be carried out by the Mangrove Cell in the matter. After receipt of the report from the Mangrove Cell, appropriate decision would be taken in the matter.

Mangrove Cell has visited the site and submitted a report dated 08.03.2019. in the matter, Observations of the said report is as follows:

- 1) The Geo-coordinates received from the JSW Kharmechela was verified.1) N 18°40'38.87", E - 73°02'42.41" 2) N 18°40'38.74", E - 73°02'42.45
- 2) The proposed bridge is located in the survey no. 94/95 across a small creek which is having the status of revenue land as per the MRSAC map


Member Secretary

Page 13 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

- 3) Proposed bridge includes construction of 2 pillars each at survey no. 94 and 95 respectively where in no mangrove tree was sighted. JSW authorities informed that mangrove tree cutting is not involved in the construction. Debris on the site is deposited to facilitate the construction and a couple of hollow pipes have been laid for the flow of water.)
- 4) Google superimposed map of the proposed site in 2015 showed mangrove trees, However Google map of present year shows Debris dumped at the site.
- 5) Sparse mangrove dominated by Sonneratia apatala and Avicennia marina along both side of the creek which is located within 5 metre of the proposed site. The proposed bridge construction shall not block the free flow of creek water to ensure continuous growth of the mangrove forest.
- 6) The proposed site is located within the 50 meter buffer area of the mangrove forest.
- 7) The above inferences are made based on the geo-coordinates shared by JSW Steel Ltd and through MRSAC maps.

The Authority deliberated the proposal in the light of site visit report of the Mangrove Cell. The report states that construction of 2 pillars each at survey no. 94 and 95 respectively where in no mangrove tree was sighted, proposed site is located within the 50 meter buffer area of the mangrove forest. However, report also states that Google superimposed map of the proposed site in 2015 showed mangrove trees, However Google map of present year shows Debris dumped at the site. The Authority observed that Mangrove Cell need to clarify whether mangroves were present at the site where bridge pillars are proposed.

After deliberation, the Authority decided to seek a clarification from the Mangrove Cell. Accordingly, the matter was deferred.


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

Item No.11: Proposed redevelopment of the cessed building on the plot bearing C. S. No. 3/590 and 4/590 of Malabar - Cumballa Hill Division situated at L J Road, 'D' ward, Mumbai by M/s Kalpataru Properties Pvt. Ltd.

The Project proponent presented the proposal before the Authority. The proposal is for redevelopment of the cessed building on the plot bearing C. S. No. 3/590 and 4/590 of Malabar - Cumballa Hill Division situated at L J Road, 'D' ward, Mumbai

Existing cessed structure is of Ground floor + 1st + 2nd (part) upper floor having 6 nos. of residential tenants/ occupants (Out of 7 tenants / occupants, 1 occupancy clubbed) consuming 1458.54 sqm of built up area as certified by the Dy Chief Engineer dated 29.4.2017. The land use of existing plot is residential. As per the certificate by Asst. Assessor & Collector of D ward, property under reference falls under category Cessed "C" (R) category vide letter dated 16.3.2017.

The proposed building comprises of Basement + Ground + 14 parking levels+ Refuge/ Amenity level + 1st to 14th upper floors for residential use, which will be rehabilitation cum sale building.

MHADA vide letter dated 29.4.2017 has issued NoC for FSI 3.00 or the FSI required for rehabilitation of existing occupiers plus 50 % incentive FSI, whichever is higher, in accordance with DC Regulation no. 33(7) amended till date.

- Plot area is 1011.55 Sqm
- Proposed built up area for FSI purpose- 4312.16 Sqm
- BUA claimed free of FSI - 9,530.09 Sqm
- Total construction area is 13,725.639 Sqm

As per the approved CZMP, the plot under reference is situated in CRZ II area. The plot is situated on landward side of the existing authorized structure. As per the MCGM remarks, the plot under reference is situated in Residential zone and is not reserved for any public purpose as per the SRDP of D ward.


Member Secretary

Page 15 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

The Authority, after deliberation decided to recommend the proposal to concerned planning Authority from CRZ point of view subject strict compliance of following conditions:

1. Proposed redevelopment should be in accordance with provisions of CRZ Notification, 2011 (amended from time to time).
2. MCGM to ensure that the existing building was declared Cessed.
3. MCGM to ensure that all the conditions of the para 8.v.c of the CRZ Notification, 2011 is adhered to.
4. MCGM to ensure that proposed construction is as per DCR prevailing as on the date on which the project is granted approval by the competent Authority.
5. MCGM to ensure that issues raised in Public hearing of tenants are addressed.
6. PP to implement environment measures proposed in the project such as organic waste converter, rainwater harvesting.
7. PP to obtain the Environment Clearance from competent Authority, if total construction area in the project exceeds 20,000 Sqm.
8. All other required permission from different statutory authorities should be obtained.

Item No.12: Proposed Captive Jetty, conveyor corridor & approach road for Raigad cement blending plant in Amra River near village Shahbaj, Tal. Alibag, Dist. Raigad by M/s. Adani cementation Ltd

The Project proponent presented the proposal before the Authority. The proposal is for construction of captive jetty, conveyor corridor & approach road for Raigad cement blending plant in Amba River near village Shahbaj, Tal. Alibag, Dist. Raigad. The proposed cement blending unit site is adjacent to the backyard / stack yard of PNP port. The proposed jetty will consist of a berth head, breasting dolphins, mooring dolphins, approach trestle. About 2 Ha water front area will be used for jetty and 1.5 Ha river bank will be used for conveyor corridor and approach road. Proposed berthing facilities will handle dry cargo like fly ash, slag and cement.

As per the CZMP prepared by IRS, Chennai, the site under reference is falls in CRZ IA, CRZ IB, CRZ III area. The conveyor and approach road is located within the CRZ I area (mangrove & buffer zone). The port facilities shall be


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

developed in a phased manner (phase I & phase II) commensurate with traffic growth.

The Authority after deliberation decided that the site visit to be carried out by the expert members of the MCZMA and Mangrove Cell. The PP shall superimposed the project layout on approved CZMP under CRZ Notification, 2011. Accordingly, the matter was deferred.

Item No.13: Post facto CRZ clearance for building on land bearing plot no. 5, 6 & 7, Sector 20B, Airoli, Navi Mumbai by M/s. Shivshankar Builders & Developers

The Project proponent presented the proposal before the Authority. The NMMC vide letter dated 29.5.2018 forwarded the proposal for Post Facto clearance for construction Residential building (Wing A, B & C) on plot no. 5, 6 & 7 sector 20B, Airoli, Navi Mumbai

1. The NMMC had granted the Development permission on 30.1.2008. Building has been constructed.
2. As per the remarks of the NMMC, area of plot is 5350.24 Sqm, Permissible FSI is 1.50, as per the permissible GDCR as on 19.2.1991 and proposed FSI is 1.49.
3. The NMMC remarks states that as per the approved CZMP, the plot under reference is situated in CRZ II area and landward side of the existing bund road.

The Authority noted that the Ministry of Environment, Forests & Climate Change, New Delhi has published Amendment Notification dated 06.03.2018 to the CRZ Notification, 2011 for post fact CRZ clearance procedure. As per which, after sub-paragraph 4.2 of CRZ Notification, 2011, the following sub-para shall be inserted-

4.3 Post facto clearance for permissible activities.-

(i) all activities, which are otherwise permissible under the provisions of this notification, but have commenced construction without prior clearance, would be considered for regularisation only in such cases wherein the project applied for regularization in the specified time and the projects which are in violation of CRZ norms would not be regularised;


Member Secretary

Page 17 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

(ii) the concerned Coastal Zone Management Authority shall give specific recommendations regarding regularisation of such proposals and shall certify that there have been no violations of the CRZ regulations, while making such recommendations;

(iii) such cases where the construction have been commenced before the date of this notification without the requisite CRZ clearance, shall be considered only by Ministry of Environment, Forest and Climate Change, provided that the request for such regularisation is received in the said Ministry by 30th June, 2018.

The PP during the meeting presented that application was submitted online on 30th June, 2018 to MoEF&CC, New Delhi portal. A copy of the online status was submitted by the PP during the meeting.

The Authority discussed the proposal and noted the remarks dated 29.5.2018 of the Concern planning Authority i.e. Navi Mumbai Municipal Corporation, which is as follows:

1. As per approved CZMP, the said plot falls in CRZ II and is situated on landward side of existing bund road
2. As per sanctioned DP, the plot falls in residential zone. The permissible FSI is 1.50, as per prevailing DCR of 19.2.1991. The FSI of the building constructed is 1.49 which is within permissible limit of 1.50.

The Authority noted that development on the plot falling in CRZ II area and situated on landward side of the plot is a permissible activity subject to town & country planning regulations existing as on 19.2.1991, as per para 8.II. CRZ II of the CRZ Notification, 2011. The Navi Mumbai Municipal Corporation is the planning Authority of the area responsible for ensuring that FSI of the building is within the permissible limit of FSI as on 19.2.1991, in CRZ II area. Further, Local body to strictly ensure that no construction is permissible in 50 m mangrove buffer zone. The Authority further noted that Satish Shivshankar Tripathi & Ors has filed WP No. 2467 of 2017 V/s Union of India pertaining to CRZ clearance to the project.

In the light of above, the Authority after deliberation decided to recommend the matter to MoEF&CC, New Delhi, for post facto approval, taking


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

cognizance of the CRZ Notification dated 6th March, 2018 issued by the MoEF&CC.

Item No.14: Proposed construction of existing MMC House No. 1974/D/1 on plot bearing C.T.S. No. 2721, S. No. 1276(893A), H. No. 2 at Kotewada Malvan, Tal. Malvan, Dist. Sindhudurga by Mr. Sunil Satyawar Mayekar

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


Item No.15: Proposal for release of treated wastewater from fish meal & fish oil manufacturing plant at Kelus, Tal. Vengurla, Dist. Sindhudurg by M/s. Akash Fish Meal & Fish Oil Pvt. Ltd

The Project proponent (M/s. Akash Fish Meal & Fish Oil Pvt. Ltd) presented the proposal before the Authority. The proposal is for pipeline to release of treated wastewater from fish meal & fish oil manufacturing plant through two HDPE pipes of 110 mm & 90 mm diameter at Kelus, Tal. Vengurla, Dist. Sindhudurg. The distance from the ETP to the land fall point is about 2.024 km.


As per the approved CZMP, 2011, the plant is situated in Non CRZ area but the proposed pipeline is passing through CRZ III, CRZ IB, CRZ IV and Non CRZ area. The PP has submitted the CRZ map in 1:4000 scale prepared by NIO, Goa. The further presented that National Institute of Oceanography was engaged for the assessment of the discharge point of the effluent in the sea. Accordingly, discharge of the effluent will be done at around 6 km in the deep sea.

As per Para 8 (i) I. (b) CRZ-I of the CRZ Notification, 2011, pipelines, conveying systems including transmission lines is permissible. As per para 4(ii) (d) of the CRZ, 2011, projects of laying of pipelines, conveying systems, transmission line requires clearance from MoEF, New Delhi.

The Authority, after deliberation decided to recommend the proposal to MoEF&CC, New Delhi from CRZ point of view subject strict compliance of following conditions:


Member Secretary

Page 19 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

1. Proposed laying of the pipeline should be in accordance with provisions of CRZ Notification, 2011 (amended from time to time)
2. The PP to ensure that discharge point of the effluent in the sea should be as per the studies conducted by the National Institute of Oceanography.
3. All other required permission from different statutory authorities should be obtained.

Item No.16: Proposed development of residential building known as Srishti Sector II - A plot bearing S. No. 235(pt) & 256 (pt) (New S. No. 68 (pt) & 69 (pt), village Penkarpada, Mira Road (E), Dist. Thane by M/s Eversmile Properties Pvt. Ltd.

The Project proponent presented the proposal before the Authority. The Mira Bhayandar Municipal Corporation vide letter dated 03.09.2018 (received on 14.09.2018) forwarded the proposal for development of residential building known as Srishti Sector II - A plot bearing S. No. 235(pt) & 256 (pt) (New S. No. 68 (pt) & 69 (pt), village Penkarpada, Mira Road (E), Dist. Thane.

The proposal is for construction of residential building with shop ~~line~~ consist of 2 basement for parking + ground floor for shops, parking + 1st to 20th Upper floor for residential purpose. The plot is vacant. Total area of plot: 4,730.48sqm, Built up area: 8,016.90sqm and Total Construction area: 16,522.87sqm

The PP presented that the plot under reference falls partially in CRZ II and partially in Non CRZ area and it is situated on the landward side of existing DP road prior to 1991. As per the Development Plan of MBMC, the site falls in residential zone. The PP has submitted the CRZ map in 1:4000 scale as per which, the plot under reference is partly in CRZ area and partly situated in Non CRZ area. The PP presented that FSI has been computed based on the FSI potential of the part of the plot in CRZ, as per DCR existing as on 19.2.1991. Current town & country planning regulations were considered for the FSI potential of the part of the plot which is Non CRZ.

The Authority noted that the construction of the building is permissible in CRZ II areas and on landward side of the existing road or existing authorized


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

structure subject to DCR existing as on 19.2.1991, in accordance with para 8.II. CRZ II of the CRZ Notification, 2011.

The Authority after discussion decided to recommend the proposal to concerned planning Authority from CRZ point of view under CRZ Notification, 2011 subject to compliance of 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. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.
3. The concerned planning Authority should strictly ensure that the FSI of CRZ II portion of the plot should be restricted to permissible FSI as per DCR existing as on 19.2.1991.
4. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.17: Proposed redevelopment on plot bearing C.S. No. 7/699 of Malabar Hill Division, D ward, Mumbai by M/s B. R. Gandhi & Associates

The Project proponent presented the proposal before the Authority. The PP informed that there is earlier CRZ recommendation dated 27.2.2015 of the MCZMA for the redevelopment of the existing structure as per the DCR existing as on 19.2.1991 (DCR 1967). Now, the PP has submitted the proposal under para 8.v.c of the CRZ Notification, 2011 wherein prevailing DCR is applicable. There was an old "declared dilapidated" structure on the plot which had been declared dangerous dilapidated by Dy Ch.Eng on 29.4.2011.

Proposed building comprises of 2 basement one for parking and other for services + ground floor for kitchen and living room + 1st floor for bedroom + Mezzanine floor for bedroom + 2nd floor for bedrooms + Mezzanine floor for bedroom and plus staircase room and terrace for swimming pool for residential


Member Secretary

Page 21 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

use. Plot area is 455.00 Sqm, Proposed built up area is 777.67 Sqm, BUA claimed free of FSI is 1451.24 Sqm, and Total construction area is 2228.91 Sqm

As per the approved CZMP, the plot under reference is situated in CRZ II area. The plot is situated on landward side of the existing bhulabhai desai road. As per the MCGM remarks, the plot under reference is situated in Residential zone and is not reserved for any public purpose.

The Authority noted the order passed by the Hon'ble High court in WP no. 1108 of 2013 and Chamber summons no. 180 of 2013 in property redevelopers association and ors V/s Union of India.

The Authority, after deliberation decided to recommend the proposal to concerned planning Authority from CRZ point of view subject strict compliance of following conditions:

1. Proposed redevelopment should be in accordance with provisions of CRZ Notification, 2011 (amended from time to time).
2. MCGM to ensure that the existing building was declared dilapidated
3. MCGM to ensure that all the conditions of the para 8.v.c of the CRZ Notification, 2011 is adhered to.
4. MCGM to ensure that proposed construction is as per DCR prevailing as on the date on which the project is granted approval by the competent Authority.
5. PP to implement environment measures proposed in the project such as organic waste converter, rainwater harvesting.
6. PP to obtain the Environment Clearance from competent Authority, if total construction area in the project exceeds 20,000 Sqm.

Item No.18: Regarding reclassification of land at village Gorai & Uttan, Mumbai by M/s. Pan India Paryatan Pvt. Ltd

The Project proponent presented the proposal before the Authority. M/s Pan Indian Paryatan Pvt Ltd vide letter dated 27.3.2019 submitted a representation seeking Reclassification of the land belong to Essel world group by M/s Pan India Paryatan Pvt Ltd. The PP is requesting to re-examine the High Tide Line based on the High Tide Line drawn by the Naval Chief Hydrographer, Deharadun and other reports.


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

The Authority noted that the MoEF vide letter dated 16.8.2018 approved the CZMP of the Greater Mumbai, as per which, the land under reference is classified as CRZ I (A) i.e. Mangrove. However, the PP has represented that HTL demarcated in the approved CZMP is not correct. The Authority opined that matter could be examined by the National Centre for Sustainable Coastal Management, Chennai. It was further noted that final authority to revise/modify approved CZMP is NCZMA/MoEF&CC, New Delhi.

After deliberation, the Authority decided to send the matter to NCSCM, Chennai for further appropriate action as stated above. The PP shall provide a copy of representation to NCSCM, Chennai.

Item No.19: CRZ Status of plot bearing CTS No. 402, 403, 404, 405, 406, 407, 408, 409, 412 & 413 of village Pahadi Goregaon (W), Mumbai by M/s. Laxmidevi Developers

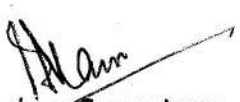
The Project proponent presented the proposal before the Authority. An application for CRZ Status of plot bearing CTS No. 402, 403, 404, 405, 406, 407, 408, 409, 412 & 413 of village Pahadi Goregaon (W), Mumbai.

The Laxmidevi Developers sent a representation dated 03.04.2019 stating that as per the CZMP, 1991, CTS No. 402, 403, 404 & 405 are partially inside the CRZ II and CTS no. 406, 407, 408, 409, 412 & 413 falls outside CRZ area.

Applicant has further stated that as per the final approved CZMP as per CRZ Notification, 2011, the plot under reference does not fall under CRZ area.

The MoEF, New Delhi approved the CZMP (1:25000 scale) of the Greater Mumbai on 16.8.2018. The PP needs to submit the approved CRZ map in 1:4000 scale superimposing the plot under reference, in order to ascertain the exact CRZ status of the plot.

After deliberation, the Authority, subject to submission of above, decided to confirm that CTS No. 402, 403, 404, 405, 406, 407, 408, 409, 412 & 413 of village Pahadi Goregaon (W), Mumbai is situated outside CRZ area, as per the CZMP under CRZ Notification, 2011 approved by the MoEF, New Delhi on 16.8.2018.


Member Secretary

Page 23 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

Item No.20: Proposed redevelopment on plot bearing C. S. No. 590 of Malabar and Cumballa Hill Division, D ward, Mumbai by M/s B. R. Gandhi & Associates

The Project proponent presented the proposal before the Authority. The PP informed that the MCZMA in its 122nd meeting held on 30.10.2017 deliberated the proposal of redevelopment of Cessed dilapidated building on plot bearing C.S. No. 590 of Malabar Hill and Cumballa Hill Division, D ward, Mumbai. Accordingly, MCZMA vide letter dated 8.12.2017 granted the CRZ recommendation to the proposal, under para 8.v.c. of the CRZ Notification, 2011.

The earlier CRZ recommendation from the MCZMA was for basement (car parking and services) + stilt floor for parking + 1st to 9th floor for parking + 10th to 25th floor for residential use.


Now, the PP is seeking revised CRZ NoC for the amended plans. The amended plans involves basement + ground + 28 upper floors and part 29th floor for residential use on the plot under reference.

As per the approved CZMP, the plot under reference is situated in CRZ II area and landward side of existing authorized structure.

The Authority noted that the MoEF, New Delhi issued clarification dated 30th June, 2016 which states the following: *"the necessity of appraisal and recommendation of MCZMA on subsequent occasion after first recommendation is not required in view of para 8(v) (a)(ii)(c) of the CRZ Notification, 2011 which related to redevelopment / reconstruction of old and dilapidated, cessed and unsafe buildings in CRZ areas falling within the limits of Greater Mumbai which is eligible for TCPR prevailing as on the date on which the project is granted approval by the competent Authority"*

The Authority, after deliberation decided to recommend the proposal to concerned planning Authority from CRZ point of view subject strict compliance of following conditions:

1. Proposed redevelopment should be in accordance with provisions of CRZ Notification, 2011 (amended from time to time).
2. MCGM to ensure that all the conditions of the para 8.v.c of the CRZ Notification, 2011 are adhered to.


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019


3. MCGM to ensure that proposed construction is as per DCR prevailing as on the date on which the project is granted approval by the competent Authority.
4. MCGM to address issues raised in Public hearing, if any
5. PP to implement environment measures proposed in the project such as organic waste converter, rainwater harvesting.
6. PP to obtain the Environment Clearance from competent Authority, if total construction area in the project exceeds 20,000 Sqm.

Item No.21: Regarding illegal destruction of Mangroves on CTS No. 2841 Tipu Sultani ground 1 lagoon road, Malwani, Malad (W), Mumbai by Mr. Reji Abraham


The Authority noted that the MCZMA has received a complaint from M/s United Association dated 29.5.2018 regarding illegal destruction of Mangroves on CTS No. 2841 Tipu Sultani ground 1 lagoon road, Malwani, Malad (W), Mumbai. The MCZMA has sought certain information vide letters dated 18.06.2018, 23.08.2018, 09.01.2019 and 08.03.2019 from Divisional Commissioner, Konkan Division, District Collector, Municipal Commissioner and Mangroves Cell, Mumbai in the matter.

The Municipal Corporation of Greater Mumbai (MCGM) has forwarded their reply dated 11.03.2019 which is as follows:

- MCGM official has inspected the said premises, wherein it was observed that, M/s J Kumar Infra projects Pvt. Ltd. has erected RMC Plant, Casting Yard, Stacking yard for Metro Line 2A. Further, as per the enquiry from M/s J Kumar Infra projects Pvt. Ltd., they informed that they obtained the temporary permission from Mumbai Metropolitan Region Development Authority (MMRDA).
- Further, MMRDA had informed to MCGM vide no. TCP/Metro/UA/01/2315/2018 dated 14.12.2018 that "Govt of Maharashtra vide notification dated 27.12.2016 has appointed MMRDA as the Special Planning Authority (SPA) for casting yard on the land bearing S. No. 263, CTS No. 2841 (pt) of Malwani Village, Malad (W), Mumbai.
- Accordingly, MMRDA has issued temporary permission dated 01.03.2017 and 29.06.2018 to M/s J Kumar Infra projects Pvt. Ltd. for temporary construction of (a) Casting Yard and Stacking yard (b) RMC plant for the


Member Secretary

Page 25 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

purpose of Metro Line 2 A on plot bearing S. No. 263, CTS No. 2841 (pt) of Malwani Village, Malad (W), Mumbai.

- As per the MCGM, MMRDA is a Special Planning Authority for the plot bearing S. No. 263, CTS No. 2841 (pt) of Malwani Village, Malad (W), Mumbai.

The MCZMA had further requested on 16.4.2019 to MMRDA to verify the grievances mentioned in the complaint and take necessary action in the matter, if there is violation of the provision of the CRZ norms and High Court orders dated 6th Oct, 2005 in PIL 87/2006 of Mumbai pertaining to mangrove protection. Action taken report be submitted to MCZMA.

After deliberation, the Authority decided to seek a report from the Divisional Commissioner, Konkan in the matter.

Additional items with consent of Chairman, MCZMA

Item no.1: Representations regarding approved CZMPs under CRZ Notification, 2011

1) Representation from M/s. Sea Lord Container Limited

The Project proponent presented the matter before the Authority. M/s. Sea Lord Container Limited vide letter dated 24.01.2019 & 01.03.2019 submitted a representation seeking reclassification of the CRZ areas of Mahul, Mumbai.

The Authority noted that the MoEF vide letter dated 16.08.2018 approved the CZMP of the Greater Mumbai. However, the PP has represented that CRZ demarcated in the approved CZMP is not correct as the Mahul area is fronting Creek and not Sea. The PP is requesting to re-examine the High Tide Line & CZMP. The Authority opined that matter could be examined by the National Centre for Sustainable Coastal Management, Chennai. It was further noted that final authority to revise/ modify approved CZMP is NCZMA/MoEF&CC, New Delhi.

After deliberation, the Authority decided to send the matter to NCSCM, Chennai for examination and further appropriate action.


Member Secretary


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

2) Representation from M/s. Aegis Logistic Limited

The Project proponent presented the matter before the Authority. M/s. Aegis Logistic Limited vide letter dated 24.01.2019 & 01.03.2019 submitted a representation seeking reclassification of the CRZ areas of Mahul, Mumbai.

The Authority noted that the MoEF vide letter dated 16.08.2018 approved the CZMP of the Greater Mumbai. However, the PP has represented that CRZ demarcated in the approved CZMP is not correct as the Mahul area is fronting Creek and not Sea. The PP is requesting to re-examine the High Tide Line & CZMP. The Authority opined that matter could be examined by the National Centre for Sustainable Coastal Management, Chennai. It was further noted that final authority to revise/ modify approved CZMP is NCZMA/MoEF&CC, New Delhi.

After deliberation, the Authority decided to send the matter to NCSCM, Chennai for further necessary action.

3) Representation pertaining to area of Vasai Virar Municipal Corporation from Shri Jayesh Ajmera

The Project proponent presented the matter before the Authority. Mr. Jayesh Ajmera vide letter dated 15.04.2019 submitted a representation seeking correction of HTL, incorporation of DP roads, deletion of artificial saltpan in the Vasai Virar Municipal Corporation area.

The Authority noted that the MoEF vide letter dated 28.02.2019 approved the CZMP of the Thane District. However, the PP has represented that HTL demarcated in the approved CZMP is not correct. The PP is requesting to re-examine the High Tide Line & CZMP. The Authority opined that matter could be examined by the National Centre for Sustainable Coastal Management, Chennai. It was further noted that final authority to revise/ modify approved CZMP is NCZMA/MoEF&CC, New Delhi.

After deliberation, the Authority decided to send the matter to NCSCM, Chennai for further necessary action.


Member Secretary

Page 27 of 29


Chairman

Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

- 4) Representation pertain to land bearing S. No. 118, 119, 130, 131, 132 of village Kalher, Tal. Bhiwandi, Dist. Thane from Shri. Jitendra Jain

The Project proponent presented the proposal before the Authority. Mr. Jitendra Jain & Mr. Kewalchand Jain vide letter dated 28.3.2019 submitted a representation seeking reclassification of the land bearing S. No. 118, 119, 130, 131, 132 of village Kalher, Tal. Bhiwandi, Dist. Thane.

The Authority noted that the MoEF vide letter dated 28.02.2019 approved the CZMP of the Thane District, as per which, the land under reference is partly classified as CRZ I, CRZ-III & non CRZ. However, the PP has represented that HTL demarcated in the approved CZMP is not correct. The PP is requesting to re-examine the High Tide Line. The Authority opined that matter could be examined by the National Centre for Sustainable Coastal Management, Chennai. It was further noted that final authority to revise/ modify approved CZMP is NCZMA/MoEF&CC, New Delhi.


After deliberation, the Authority decided to send the matter to NCSCM, Chennai for further necessary action.

Item no.2: CRZ Status of plot no. 24, CTS No. 6-397/5, off North Avenue Road, Santacruz (W), Mumbai by Mr. Sarabjit Singh Sethi

The Project proponent presented the proposal before the Authority. PP has proposed addition of second floor on an existing residential building comprising of Ground + 1st upper floor for residential use within the building line and within existing FSI. The MCGM has granted IOD on 11.04.2017 and approved amended plans on 01.12.2018. PP has carried out CRZ demarcation from IRS, Chennai.

The Authority noted that the MoEF vide letter dated 16.08.2018 approved the CZMP of the Greater Mumbai.

The Authority noted that, as per remarks of the IRS, Chennai dated 29.03.2019, the project site bearing CTS No. 397/5 of Bandra/G village, H/W Ward, Mumbai is away by more than 500 m from HTL of Arabian Sea and falls outside CRZ boundary as per approved CZMP under CRZ Notification, 2011.


Member Secretary

Page 28 of 29


Chairman


Minutes of the 132nd meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 24th April, 2019

The Authority after deliberation decided to confirm the project site bearing CTS No. 397/5 of Bandra/G village, H/W Ward, Mumbai is away by more than 500 m from HTL of Arabian Sea and falls outside CRZ boundary as per approved CZMP under CRZ Notification, 2011.


Annexure I

List of the members present in the meeting:

1. Mr. Vasudevan, Additional Principal Chief Conservator of Forest, Mangrove Cell, Mumbai
2. Shri, Rajendra, office of Commissioner Fisheries
3. Shri Nandu Shekhar, Advisor, Environment, MIDC, Representative from industry Dept.
4. Dr. Anilkumar Choube, Director, NIO, Expert Member.
5. Mrs. Neenu Somraj, Deputy Conservator of Forest, Mangrove Cell, Mumbai.
6. Mr. Suryakant K. Nikam Member Secretary, MCZMA


Member Secretary

Page 29 of 29


Chairman