

Minutes of the 125th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 21st August, 2018

Minutes of the 125th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held under the Chairmanship of Principal Secretary, Environment on 21st August, 2018 in Conference Hall, Sachivalay Gymkhana, near Mantralaya, Mumbai. List of the members present in the meeting is enclosed as Annexure-I.

Item No.1: SLA No. 30684 of 2014 in MCZMA V/s. Sea Green CHSL before Hon'ble Supreme Court


Representatives of the M/s Sea Green presented the matter before the Authority. The Authority noted the detailed background of the matter. The matter pertains to action taken by the MCZMA on CRZ violations of the residential building, Sea Green CHSL situated at Worli, Mumbai and subsequent orders of Hon'ble High Court and Hon'ble Supreme court relating to grant of clearance to the building.

After receipt of a complaint in the year 2011 alleging CRZ violation in the construction of said Society, MCZMA vide letter dated 01.02.2011 issued stop work notice to M/s Sea Green CHS under section 5 of the E (P) Act, 1986.

Against the said Notice, Society had filed a writ petition No. 1245 of 2013 Vs Union of India and others before the Hon'ble High Court of Mumbai. The matter was deliberated in various MCZMA meetings, 70th, 72nd, 75th and 77th. 87th meetings of MCZMA held on 1.7.2011, 4.11.2011, 15.5.2012, 9.10.2012, 20-21.1.2014 respectively.

M/s Sea green CHS Ltd filed a Writ Petition No. 1245 of 2013 against the Union of India & ors, wherein the Hon'ble High court on 3rd Sept, 2014 passed a judgement. The Hon'ble Court quashed and set aside the impugned stop work notice dated 01.02.2011 issued by MCZMA and directed that MCZMA shall consider the application of M/s Sea Green in the light of findings recorded in the said judgement, and as per the para 8.v.c of the CRZ Notification, 2011.

Against the above said order of the Hon'ble Court, the MCZMA filed a SLP before Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India vide order dated 10.10.2017 dismissed the SLP with following order:


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"Heard learned counsel for the parties. The only question involved in this case is as to whether the order issued by the Central Government in the year 2003 would apply. Prior to the year 2003, two sanctions have already been granted by the Government of Maharashtra and its authorities for the construction of building in the area in question. Learned counsel for the parties are agreed that as the building has already been completed, no interference therefore is required. The special leave petition is, accordingly, dismissed. Pending application (s), if any, shall stand disposed of. However, the question of law is left open. The parties may now proceed in accordance with law.

The MCZMA in its 122nd meeting took note of background of the matter and noted the above said order dated 10.10.2017 of the Hon'ble Supreme court, New Delhi. The Authority felt that opinion of the State Law & Judiciary Department is required, whether the MCZMA can grant the CRZ recommendation to the said society, as per the provision of CRZ Notification, 2011, Considering order dated 3rd Sep, 2014 passed by the Hon'ble High Court and order dated 10.10.2017 passed by Hon'ble Supreme Court, New Delhi. In the said 122nd meeting decided to seek legal opinion in the matter on above said issue from Law and Judiciary Department, GoM. The matter was deferred for want of opinion from the L & JD, GoM in the matter.

The Law & Judiciary Department vide Note dated 18.05.2018 gave following opinion in the matter: *"Considering the facts and circumstances noted above and in view of orders passed by the Hon'ble High Court as well as the Hon'ble Supreme court, it is imperative to advise the Environment Department to take a conscious decision by following observations made by the Hon'ble High Court in the final order dated 3.9.2014 passed in WP No. 1245/2013 in letter and spirit."*

Considering the Hon'ble High Court order dated 3rd Sep, 2014, Supreme Court order dated 10th Oct, 2017 and Law & Judiciary Department opinion, the matter was placed before MCZMA for further appropriate decision in the matter.

The Authority noted the details of the proposal submitted by the MCGM on 2.2.2015 (received on 4.2.2015) which is as follows:

As per MCGM letter dated 2.2.2015, MCGM has issued IOD dated 1.10.2001 with zonal FSI 1.33 by issuing plans for residential building comprising lower stilt +


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upper stilt + 1st to 5th + 6th (part) upper floors with total height of 23.60 m upto terrace level slab. Thereafter, the plans were further amended and got approved by MCGM dated 28.11.2006 for proposed building comprising of lower stilt + upper stilt + 1st to 13th upper floors with total height of 49.40 mtr upto terrace level slab. CC upto upper stilt was issued on 5.1.2007. Subsequently, amended plans were approved on 28.4.2009 for building comprising of lower stilt + upper stilt + 1st Stilt + 1st to 13th upper floors with total height of 53.40 mtr upto terrace level slab and further CC was endorsed and extended on 7.5.2009 upto 12th floor as per approved amended plans dated 28.4.2009. Thereafter plans were lastly amended and approved by MCGM for proposed building comprising of lower stilt + upper stilt + 1st Stilt + 1st to 13th & 14th (pt) floor with total height of 58.275 mtr upto terrace level slab on 9.8.2010 and full CC was granted as per last approved plans on 24.9.2010. The plans were approved amended with zonal FSI of 1.33 & claiming the area of staircase, lift, lift lobby free of FSI by charging premium.

As per plans approved by MCGM on 9.8.2010

- Area of plot - 1672.25 sqm
- Permissible FSI - 1.33
- Permissible Floor Area - 2224.09 sqm
- Proposed area - 2210.23 sqm
- FSI consumed - 1.32

As per MCGM letter dated 2.2.2015, in this case, MCGM has approved plans for residential building on above subject plot in the year of 2001. Subsequently, further amendments and endorsement of CC has been granted before CRZ Notification, 2011 came into force and the construction work is already completed as per last approved plans. As per MCGM letter dated 2.2.2015, Public consultation report is not applicable. Building is developed by Society Members.

As per remarks of MCGM dated 2.2.2015, the plot under reference is situated in Residential Zone and under any reservation as per 1967 DP as well as DP 1991. As per approved CZMP of Mumbai, the land under reference falls within in CRZ II and situated on landward side of existing Khan Abdul Gafar Khan Marg.

The Authority took cognizance of the orders of the Hon'ble High Court and Supreme Court and opinion of Law & Judiciary Department, which states that


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proposal may be considered for grant of CRZ recommendation under para 8.V.c. of the CRZ Notification, 2011.

The Authority after deliberation noted the followings:

- a) As per the orders of the Hon'ble Supreme Court, High Court and opinion of the Law & Judiciary Department, GoM on it, the matter under consideration is considered for recommendation from CRZ point of view under para 8.v.c of the CRZ Notification.
- b) The Authority noted the letter of the MCGM dated 2nd February, 2015 indicating the building is developed by society members and therefore it is concluded by the MCGM that separate public consultation is not required.
- c) Considering the above, the Authority decided to recommend the proposal of the M/s sea green CHS Ltd to MCGM, as per directions of the Hon'ble High Court of Mumbai, Supreme Court, New Delhi and under CRZ Notification, 2011 with following conditions:
 1. M/s Sea Green CHS Ltd to submit on notary affidavit stating that all members had unanimously agreed for development of said building and provided their due consent at the time of issuance of CC by the MCGM. The MCGM to ensure the same, in the light of para 8.v.c of the CRZ Notification, 2011.
 2. MCGM to ensure that all the conditions of the para 8.v.c of the CRZ Notification, 2011 is adhered to.
 3. This decision is a case specific and granted based on the judgement of the Hon'ble Supreme Court of India, Hon'ble High Court of Mumbai and opinion of the Law & Judiciary Department, Government of Maharashtra. And, will not be applicable to other matters.

Item No.2: SLA No. 9997 of 2018 in Chitralekha Rath V/s. MCGM & Ors before Hon'ble Supreme Court

The project proponent presented the matter before the Authority. The Authority noted that the matter pertains to grant of post facto CRZ clearance to the bungalow no. 14 known as "Udhadhi Tarang Cottages Chs Ltd", on plot


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bearing CTS No. 866 situated on Juhu Road, Juhu, Vile Parle (W), Tal. Andheri, Mumbai.

The Authority noted the order dated 9.4.2018 passed by the Hon'ble Supreme Court, New Delhi in SLA No. 9997/2018 in Chitralkha Rath V/s. MCGM & Ors:

"We do not find any ground to interfere with the impugned order except to direct that if the petitioner applies to National Coastal Zone Management Authority within a period of one week from today in terms of Notification dated 06.03.2018, such authority may take decision within three weeks thereafter. The building in question may not be demolished for a period of four weeks. The case the concerned Coastal Zone Management Authority accepts the representation of the petitioner, the stay of demolition will remain in operation till decision of the regularization of authority i.e respondent No. 1, Municipal Corporation of Greater Mumbai., is taken which may taken in further four weeks. The special leave petition is accordingly disposed of".

As per the orders of the Hon'ble Supreme Court, the Municipal Corporation of Greater Mumbai (MCGM) has forwarded the matter dated 25.05.2018 for regularization of existing row house semidetached bungalow no. 14 known as "Udhadhi Tarang Cottages Chs Ltd", on plot bearing CTS No. 866 situated on Juhu Road, Juhu, Vile Parle (W), Tal. An`dheri, Mumbai, for CRZ clearance in light of amendment Notification dated 06.03.2018 issued by the MoEF, New Delhi.

The PP presented the matter before the Authority. For reconstruction of the existing structure on plot under reference, the MCGM issued the IOD dated 3.10.2002 for two house type semi detached cottage No. 14 comprising of basement (pt) for storage + Ground + 1st + 2nd (pt) upper floors for residential user. Subsequently, the Commencement Certificate (CC) up to top of basement on 31.07.2003 was issued by the MCGM. However, the PP constructed the entire bungalow (storage + ground floor + 1st floor + 2nd (pt) floor), based on the initial CC for the project, without seeking the further CC for the entire project. At the stage of regularisation of the bungalow and grant of Occupation Certificate, the MCGM insisted the CRZ clearance from the MCZMA.

The Authority noted that the plot under reference is falls in Residential Zone and not reserved for any public purpose as per 1967 DP and 1993 DP. The plot


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under reference is situated within 500 m from HTL of Arabian Sea i.e. in CRZ-II area. The plot under reference is on seaward side of existing Juhu tara Road in existing prior to 19.2.1991 and landward side of existing structures. As per IOD dated 03.10.2002, an Area of plot is 7076.70 sqm, FSI-1.00 and BUA is 5166.58 sqm

The Authority observed that plot is developable, as per provisions of the CRZ Notification, 2011 and with FSI as per the DCR 1967. The PP informed that at present, construction on the site is as per the IOD granted by the MCGM and no extra construction has been carried out by the PP.

After deliberation, the Authority decided to defer the matter for want of more information in the matter from the MCGM at the earliest:

1. MCGM to submit the details whether the construction on the site is as per the IOD granted by the MCGM in the year 2003 and within the FSI limit as per the DCR 1967.
2. MCGM need to clarify whether present proposal is for additional / alterations only or reconstruction of existing building or permission to repairs of existing building only.

Item No.3: PIL No. 22 of 2010 in Amit Maru V/s. State of Maharashtra & Ors before Hon'ble High Court

Officials from the MCGM were present for the meeting. The Authority noted the detailed background of the matter. The matter pertains to CRZ violation in construction of Water sport activities and Salt water grill restaurant at H2O jetty, Girgoan Chaowpatty, Mumbai. Mr. Amit Maru filed PIL no. 22/2010 against the State of Maharashtra & ors alleging the CRZ violations in the matter and seeking action. The matter was taken up for deliberations in 44th, 45th, 50th and 72nd meeting of MCZMA held on 8.5.2008, 7.6.2008, 25.3.2009 and 4.11.2011 respectively.

The Authority noted that the Hon. High Court in PIL No. 22 of 2010 in Amit Maru V/s. State of Maharashtra & Ors given order dated 21.06.2018 that:

"We direct the MCZMA to initiate action in accordance with law including action of setting criminal law in motion against those who are responsible for violating


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CRZ Regulations of 1991 and consequently the provisions of the Environment (Protection) Act, 1986. Appropriate action shall be taken by MCZMA within a period of three months from today and action taken by the said authority shall be communicated to the Petitioner;"

The Authority noted the detailed background of the matter from 72nd meeting of the MCZMA, which is as follows:

The MCZMA was in receipt of complaints from Mr. Amit Maru alleging CRZ violations in construction of Water sport activities and Salt water grill restaurant at H2O jetty, Girgaon Chowpatty, Mumbai. The matter was taken up for deliberations in 44th, 45th, 50th and 72nd meeting of MCZMA held on 8.5.2008, 7.6.2008, 25.3.2009 and 4.11.2011 respectively. The MCZMA in its 72nd meeting noted the detailed chronological background of the matter which as follows:

1. Allotment of land to MTDC by City collector:

The Collector, Mumbai City allotted 500 sq m of land out of the city Survey No. 12 (pt) of Girgaon Division on a 30 years lease at Girgaon Chowpatty for "Water Sports Complex" to the Maharashtra Tourism Development Corporation Ltd. (MTDC) as per the Government Resolution dated 27th March, 2000.

2. MTDC appointed M/s Drishti

The MTDC appointed M/s Drishti Adventure Sports Pvt. Ltd. as a Licensee for operating a Water Sports Complex. The MTDC entered into an agreement with M/s Drishti on 29th March 2001. As per the clauses of agreements, the said land was to be used only for the purpose of carrying out the said activity i.e. water sports complex and for no other purposes. The onus of taking clearance from the different statutory authorities would on M/s Drishti Ltd.

3. MCGM wrote letter to UDD for permission

The MCGM wrote a letter dated 17.7.2001 to the UDD with a request to advice regarding the permissibility of the temporary structures as requested by M/s Drishti Adventure Ltd.

4. UDD issued NOC


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The Urban Development Department (UDD) vide letter dated 8.10.2001 informed MCGM that M/s Drishti had submitted a revised drawings and revised proposal has been examined. Further UDD granted NOC to the construction as per revised plan subject to the compliance of 8 conditions out of which condition No. 6, 7 states as follows:

Condition No. 6: "food counter area shall not be used for cooking. However, serving of pre-cooked food shall be permissible

Condition No. 7: "The food counter shall be open above the counter up to the roof.

M/s Drishti Adventure vide its letter dated 22.5.2002 submitted a revised plan to UDD for its approval.

5. M/s Drishti Adv requested permission for cooking activities for eating house

M/s Drishti Adventure vide its letter dated 21.4.2003 requested UDD for grant of permission for eating house so as to allow cooking.

6. UDD sent the proposal of eating house (for cooking activities) to MCZMA for recommendations.

The Urban Development Department wrote a letter dated 31.1.2005 to the Chairperson, MCZMA for allowing the cooking of food activities to M/s Drishti Adventure. MCZMA denied permission to eating house i.e. "Cooking of food" AND issued directions to Collector to take action as per the provisions of CRZ Notification, 1991

The MCZMA vide its letter dated 14.12.2005 written to the Collector, Mumbai clearly stating that the land under reference is under CRZ I (ii) and therefore, Hotel Activity is not permissible in the said area. It was also reported that the Project Proponent has carried out the construction activity which was not permissible in CRZ I (ii) and violating the CRZ Notification, 1991. Further, MCZMA directed the Collector, Mumbai to take immediate action as per CRZ Notification 1991 and submit report within 15 days.

7. Collector, Mumbai replied to MCZMA

The Collector, Mumbai City replied to MCZMA vide letter dated 3.1.2006 stating that the activities are not allowed and if MCGM had permitted the said activities, and if the permission had granted by MCGM, it should be


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revoked and accordingly communicated to the Section Officer as well as MTDC for doing the needful.

8. Asst. Commissioner, MCGM replied to MCZMA

The MCGM communicated to the MCZMA vide letter dated 6.1.2006, stating that "no any permanent structure as informed in the complaint is seen at site. However a shed in front of Snack bar and 4 Nos. of Umbrellas were found erected beyond the approved plan and on issuing of notice under section 354 A of M.M.C Act party himself has removed the same and informed this office accordingly"

9. Drishti wrote a letter to MCZMA

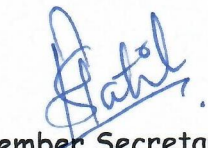
M/s Drishti Adventure wrote a letter dated 18.1.2006 to the MCZMA citing that they had sought clearances from the UDD for cooking of food activities. The UDD has recommended the proposal to the MCZMA on 31.1.2005. It was reiterated that they had not violated any of the permissions granted to them by the State Authorities..

10. MCZMA considered the matter in its 44th and 45th meetings

The matter was discussed in the 44th meeting and 45th meeting of MCZMA held on 8.5.2008 and 7.6.2008. As decided in the 44th meeting, the site under reference was visited by the then Chairperson, MCZMA along with 2 members of the Authority (Dr. Chaphekar and Shri Dilip Kumar, Director, CIFE) on 6.6.2008. It was reported that facilities for cooking of food and heating were installed in the kitchen. As decided in the 45th meeting, "it was decided that permission for cooking of food should not be granted. The proponent should not cook any food in the premises or in the food counter area since area under reference falls in CRZ I, and as per the section 3(2)(i) of CRZ Notification, 1991, "Cooking of food" activity is not covered under the foreshore facilities. Further, it was decided to inform the Company that permission of all the activities will be revoked in case of any violation of the CRZ Notification"

11. MCZMA issued directions to M/s Drishti

The MCZMA issued directions to M/s Drishti Adventure Pvt. Ltd vide letter dated 13.6.2008 not to cook any food in any part of the premises. As per Section 3(2) (I) of CRZ Notification, 1991, "cooking of food" activity is not covered under the foreshore facilities.


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The MCZMA issued further directions under Section 5 of the EP Act, 1986 to M/s Drishti Adventure vide letter dated 21.3.2009 to submit the copies of permission / clearances from the different statutory authorities regarding the restaurant / hotel activities in the said premises and also stop the restaurant / hotel activities on the said plot.

12. MCZMA directed collector to take action against the restaurant.

The MCZMA issued directions to the Collector vide letter dated 21.3.2009 to take action under EP Act, 1986 and CRZ Notification 1991 and to submit the report to the authority within 15 days.

13. M/s Drishti requested personal Hearing

On request of M/s Drishti for personal hearing, an opportunity was given to M/s Drishti to present their say in 50th meeting of MCZMA held on 25.3.2009. In the said meeting, after hearing the say of proponent of "Salt Water Grill Restaurant-H₂O complex"- Mr. Manoj Agrawal, the Authority decided not to allow cooking and hotel facilities in the said premises and informed the proponent during the hearing to dismantle all the cooking facilities in the said area.

14. M/s Drishti replied to MCZMA

M/s Drishti Adventure Pvt. Ltd replied to the notice vide their letter dated 6.4.2009 to MCZMA, stating all the structures present on the site were temporary in nature, for which, MCGM had given permission. The MCGM had permitted only an eating house i.e. party is not permitted to cook food on the premises but permitted to serve pre-cooked food and to warm the food before serving. M/s Drishti further enclosed the undertaking confirming that they should continue to observe the directions of MCZMA dated 13.6.2008. Further, it was also informed that the matter was before the Hon. Court and pending for adjudication.

15. Addl. Deputy collector issued directions to M/s Drishti for demolition of unauthorized structure

The Addl. Deputy Collector (Encroachment), Colaba Division, issued directions to M/s Drishti Adventure vide letter dated 20.5.2009 to demolish the


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unauthorized structure violating CRZ Notification 1991 within 7 days or otherwise its office would take appropriate action regarding the demolition.


M/s Drishti Adventure assured the Deputy Collector (Encroachment) vide their letter dated 25.5.2009 that they themselves have removed the unauthorized structures on 28.5.2009

The MCZMA in its 72nd meeting also noted that the Collector has been requested vide letter dated 19.10.2011 to ensure that permanent structure for hotel purpose constructed on the site, if any, be removed immediately and hotel related activities including cooking and serving food etc. on the site under reference be stopped and to submit the action taken report to the Authority.

Further, the MTDC has been also requested vide letter dated 19.10.2011 to ensure that the said activity is operating only as per the lease agreement entered into with MTDC and to ensure that no hotel / restaurant / food cooking activity, is allowed on the site under reference which falls in CRZ I area. Also MTDC should ensure that construction, if any, for restaurant and hotel should be removed immediately from the site and avoid the violations of provisions of CRZ Notification

The MCZMA in its 72nd meeting noted that then MD, MTDC, submitted his reply on allegations made against him vide his letter dated 3.11.2011 to MCZMA. As per the said reply:

- a) During the tenure, 22.5.2000 to 21.6.2004, as MD, MTDC, no activity other than water sports was carried out on the site. No complaints were made against the project about any violations either.
- b) MTDC entered into an agreement with M/s Drishti Adventure Sports Pvt. Ltd on 29th March, 2001. A perusal of the clauses of the agreement will show that in clause I of the agreement, it is explicitly mentioned that the said land is to be used only for the purpose of carrying out the said activity i.e. water sports complex and for no other purpose whatsoever.
- c) In the agreement between licensor (MTDC) and Licensee (M/s Drishti Adventure Sports Pvt. Ltd.), nowhere is it mentioned that the Corporation will get or provide any clearances to the licensee. Instead, the onus of acquiring all the requisite statutory clearances rested with the licensee.


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- d) Even if any violation was done by the Licensee, it was the duty of the concerned regulatory authority to act against it. The complaint has produced no evidence, whatsoever, citing approvals accorded by the then MD, MTDC to the licensee in contravention of any existing laws or rules. The complaint against the then MD has been raised after a gap of ten years after the lease signing, where as the matter has been in the Hon. High Court and no mention has been made of the MD's role. This is only an attempt to malign the reputation through false allegations. He requested the Authority to dismiss such baseless allegations at the outset. Action against violations if any should be initiated against the project proponent.

The Authority noted that the MCZMA in its 72nd meeting dispose off the complaint and directed the MCGM, the Collector, Mumbai and MTDC to ensure that no such activity is being carried out on the site under reference as on today.

Officials from the MCGM were present for meeting submitted an affidavit which had been filed in the said matter before the Hon'ble High Court by the MCGM.

The Authority noted that there was no CRZ clearance granted by competent Authority for cooking activities at the site under reference. The PP (M/s Drishti Adventure Pvt. Ltd) constructed unauthorized structures/ sheds in violations of the CRZ norms and CRZ Noc granted by the UDD, GoM. Unauthorized structures/ sheds were removed from the site. Accordingly, the action was completed.

In the light of above, the Authority after deliberation observed that directions issued under section 5 of the E(P) Act, 1986 for stopping the restaurant activities and removal of permanent unauthorized structures is complied with and as per the MCGM, no unauthorized structure / activity is going on as on today. Further, reports from MCGM and MTDC also indicate that no permission was given to restaurant on the site under reference by these authorities. However, in the light of Hon'ble High Court order, the MCGM may constitute a committee to ascertain whether any permission was given to unauthorized structure / activity by any officer of MCGM, including officer of MTDC and District Collector. Report shall be submitted to MCZMA for onward submission before the Hon'ble High Court in PIL No. 22 of 2010 in Amit Maru V/s. State of Maharashtra & Ors.


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The Authority further decided that after receipt of the reports from, MCGM, the opinion/ remarks from the Law & Judiciary Department, GoM would be sought to take further appropriate action in the matter.

Item No.4: PIL No. 20637 of 2018 in Rohit Joshi & Anr Vs Thane Municipal Corporation & Ors before Hon'ble High Court

Officials from the Thane Municipal Corporation presented the matter before the Authority. The Authority noted that Mr. Rohit Joshi & Anr has filed a PIL bearing No. 20637 of 2018 against the Thane Municipal Corporation alleging CRZ violations in carrying out the Water front development projects by the Thane Municipal Corporation and with a prayer to take action against the illegalities in the project. In the present matter the State Environment Dept., GoM being Respondent No. 3 (b) & MCZMA being Respondent No. 4.

The petitioner has challenged the proposals to develop 8 water fronts to construct promenades, jogging track, walkways, playgrounds, cycle tracks, open gymnasium, food courts & seating arrangements etc. The said projects are spread along the Kalwa, Diva, Mumbra upto Gaimukh on Ghodbunder Road. The said entire projects falls within HTL & is prohibited activity under clause 3 (iv) of CRZ Notification, 2011.

The plan submitted to the MCZMA by the TMC divided the work in 13 zones starting from CIDCO bus stop to Saket as pilot phase & the MCZMA in its 91st meeting held on 02/02/2015 approved the said projects.

It is alleged that, the MCZMA approved the projects without the CZMP maps which is yet to be developed by the MoEF for the entire country. The water front development projects work starts in January, 2018 by dumping debris, waste & muds in CRZ I area, in the stretches of Kopri, Gaimukh, Mumbra, Saket & Naglabandar for which TMC submitted an application to MCZMA for seeking CRZ Clearance. Though at Naglabandar TMC without clearance issued a work order dated 09/03/2018 to Respondent No. 8.

The Authority noted the list of proposals received from the TMC:


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Sr. No.	Date	Subject
1	29-05-2017	Proposed development of Chowpatty near Creek from Mumbra Bypass to Kharegaon Toll Naka by TMC (119 th absent Case)
2	25-10-2017	Proposed construction of Multipurpose Sport Complex at Kalwa (Survey No. 425) by Thane Municipal Corporation (122 th Case)
3	07-12-2017	Proposed development of waterfront near creek at Kolshet, Dist. Thane by TMC
4	07-12-2017	Proposed development of waterfront near creek at Kavesar - Waghbil, Dist. Thane by TMC
5	11-12-2017	Proposed development of water front near creek at Nagla Bundar, Thane by TMC
6	11-12-2017	Proposed development of water front near creek at Kopri at Thane east by TMC
7	11-12-2017	Proposed development of water front near creek at Kalwa-Shashtri Nagar, Thane by TMC
8	11-12-2017	Proposed development of water front near creek at Saket-Balkum, Thane by TMC
9	27-02-2018	Proposed construction of protection wall along Nalla No. 6 from Akash Ganga Soc. To Kalavati Mandir at Saket Road, Thane (W), Dist. Thane by TMC
10	09-07-2018	Proposed development of recreational facilities at Kopri under Government Special Fund by TMC
11	09-07-2018	Proposed construction of bridge on Desai Creek in DP road from Agasan Road to Kalyan Road in Thane Municipal Corporation by TMC

The Authority noted that MCZMA in its 91st meeting dated 02/02/2015 granted the CRZ clearance for water front development activities from CIDCO bus stop to Saket, Thane only. It is alleged that there is CRZ violations in the ongoing work. The Authority instructed the TMC to submit the compliance report of the CRZ clearance granted by the MCZMA in its 91st meeting.

The Authority noted that approval to draft CZMP of the Thane district under provisions of the CRZ Notification, 2011 is at final stages. Till the said approval


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by the MoEF, New Delhi, said proposals of the waterfront development of the TMC could not be considered for grant of CRZ recommendation.

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

1. TMC to submit the undertaking that whether the developmental activities carried out is as per the CRZ recommendation granted in 91st meeting by the MCZMA as stated above. Compliance report shall be submitted.
2. Stop the work of other developmental activities undertaken without CRZ approval, if any.
3. CRZ recommendation from the MCZMA shall be required for all waterfront development activities. TMC shall not start developmental activities are without MCZMA recommendations. Till the approval of the CZMP of the Thane district under CRZ Notification, 2011, no CRZ approval, could be granted by the Authority for the waterfront development activities.

Item No.5: WP No. 12867 of 2017 in Padmakar Ramakant Padwal Vs State of Maharashtra

The Authority noted that Mr. Padmakar Ramakant Padwal, resident of Malvan, Sindhudurg filed a WP No. 12867 of 2017 against the State of Maharashtra and ors alleging illegal construction in CRZ III area of the Malvan. MCZMA is Respondent No. 5 in the matter. It is alleged in the matter that, the petitioner being the Co-owner of land bearing Survey No. 9 (971/1A/1), Old Survey No. 9/0 & Survey No. 10 (698/13A/1) situated at village Tarkarli, Kalethar, Tal. Malvan, Dist. Sindhudurg ad-measuring 5600 sqmtr. approximately. The petitioner is residing temporarily for business purpose at 10/150, Kadri mansion, Lady Jamashedji Road, Mahim, Mumbai 400 016.

Sub Divisional officer and Tehsildar, Malvan and Mr. Padwal were called for the meeting. The Authority noted that the site under reference is in CRZ III as per the approved CZMP, as per CRZ Notification, 1991.

Naib Tehsildar was present for the meeting. He informed that construction has been commenced in the site and notices dated 8.9.2014 & 6.6.2015 were issued to PP to stop the construction work immediately and levied the penalty of Rs. 52,528/- on 10.8.2016. Further, SDO office sent a notice dated 3.9.2016 to PP


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to remove the illegal construction. A case has been filed before Magistrate, Malvan by the SDO.

The Authority decided to direct District Collector, Sindhudurg to take action against the said illegal structure, which is in violation of the provisions of the CRZ norms. Action taken report be submitted to MCZMA at the earliest. Accordingly, Hon'ble High Court in WP No. 12867 of 2017 will be appraised.

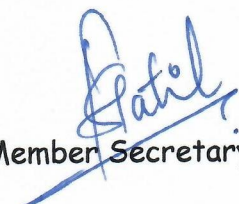
Item No.6: Original Application No. 424 of 2016 & Original Application No. 11 of 2014 in the matter of M/s. Mehdad & Anr V/s. Ministry of Environment, Forests & Climate Change & Ors before Hon. National Green Tribunal, Principal Bench, New Delhi

The Authority noted the order dated 23rd July, 2017 passed by Hon'ble NGT, New Delhi in Original Application No. 11 of 2014 in the matter of M/s. Mehdad & Anr V/s. Ministry of Environment, Forests & Climate Change & Ors before Hon. National Green Tribunal, Principal Bench, New Delhi.

"We are informed that the draft of CZMPs has been prepared by 5 States out of 13 States. The remaining 8 States are also in the process of finalising their drafts and are likely to complete the same. Some of the States propose to take further time of 4 months for completing the CZMPs as against the stipulated timeline of 30th April 2018 fixed by this Tribunal. We do not see justification for such long delay especially when 4 of the States have already completed. The said States must endeavour to complete their exercise by August 31, 2018, as far as possible. The MoEF & CC may thereafter complete the exercise. With regard to the States who have already filed CZMPs, it will be open to the MoEF&CC to issue an interim Notification applicable to those particular States pending final notification after CZMPs are prepared by the remaining states. All the applications will stand disposed of in terms of the above order."

The Authority noted the current status of the CZMPs under CRZ Notification, 2011:

Sr. No.	Area	Agency	Status
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1	Mumbai City & Mumbai Suburban Districts	IRS, Chennai	Draft CZMP has been sent to MoEF & CC, New Delhi and approved by MoEF
2	Raigad District	IRS, Chennai	Draft CZMP has been sent to MoEF & CC, New Delhi and approved by MoEF
3	Ratnagiri District	IRS, Chennai	Draft CZMP has been sent to MoEF & CC, New Delhi and approved by MoEF
4	Thane & Palghar District	CESS, Kerala	Draft CZMP is yet to receive from CESS, kerala after compilation of suggestion / objections.
5	Sindhudurg District	CESS, Kerala	Draft CZMP has been sent to MoEF & CC, New Delhi and approved by MoEF
6	CIDCO, NMMC & JNPT	IRS, Chennai	Draft CZMP has been published.

The Authority took note of the letter dated 16th august, 2018 issued by MoEF & CC, New Delhi which states that draft CZMPs of Mumbai City, Mumbai Suburban, Raigad, Ratnagiri and Sindhudurg were approved. However, final CZMPs said districts under CRZ Notification, 2011 are not received.

District Collector, Raigad & MPCB are directed to conduct Public Hearing for draft CZMPs of CIDCO, NMMC & JNPT area. CIDCO, NMMC & JNPT will assist in the hearing & Minutes of the hearing should submit at the earliest.

Item No.7: Original Application No. 190 of 2018 in Bellissimo Properties Development Private Limited Vs. MCZMA before Hon. National Green Tribunal, Principal Bench, New Delhi

The project proponent presented the proposal before the Authority. The Authority noted that the proposal is a composite redevelopment of 6 nos. of cessed structures on the land under reference, under para 8.V.C. of the CRZ Notification, 2011. Proposed residential building comprises of Two Basement + Ground Floor + 1st to 22nd upper floors for residential use including upper parking floor, refuge areas. Plot Area- 1969.91 sqm and Proposed BUA-7913.60 sqm. Total construction area is 15610.00 sqm


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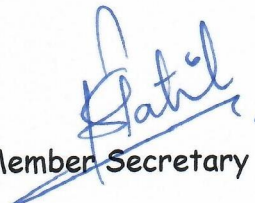
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The PP stated that existing structures are Cessed structures. Details of existing structures on plot under reference are as follows:

Sr. No.	Building No.	Ward No.	Floors	BUA	Tenements
1	248C	D-3125(2)	Ground + 1 floor	146.67 sqm	3 Nos of residential & non residential
2	246	D-3125(1)	Ground + 3 floors	396.59 sqm	3 Nos of residential & non residential
3	248-248AB & 250	D-3124	Ground + 3 floors	584.05 sqm	3 Nos of residential & non residential
4	2 & 4	D-3126 (1 & 3)	Ground + 4 floors	1445.10 sqm	8 Nos of residential
			Ground + 2 floors (Annexe)	397.01 sqm	1 No of residential
5	3	D-3126(2)	Ground Floor	52.16 sqm	2 Nos of residential
6	11	D-3114	Ground + 2 floors	155.22sqm	2 Nos of residential

The Authority noted that the plot under reference is falls in Residential Zone and not reserved for any public purpose as per 1967 DP and 1991 DP. The plot under reference is situated within 500 m from HTL i.e. in CRZ-II area and on landward side of Walkeshwar Road in existing prior to 19.2.1991, as per approved CZMP under CRZ Notification, 1991 and 2011. The Public hearing for tenants was held on 31.10.2017 under the chairmanship of District Collector. The Authority also noted the order dated 3.8.2018 passed by Hon'ble NGT, New Delhi in original application no. 190 of 2018.

The Authority deliberated the details of the environment measures proposed in the project such as solar water heater, STP, organic waste convertor, rainwater harvesting.


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The Authority, after deliberation decided to recommend the proposal to concerned planning Authority from CRZ point of view to concern planning Authority 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 buildings are 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 solar water heater, STP, 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.8: Original Application No. 40 (THC) of 2018 in Subhash Sitaram Mhatre Vs. Thane Municipal Corporation before Hon. National Green Tribunal, Western Zone Bench, Pune

Officials from the TMC presented the matter before the Authority. The Authority noted that the Original Application No. 40 (THC) of 2018 has been filed by Subhash Sitaram Mhatre Vs. Thane Municipal Corporation before Hon. National Green Tribunal, Western Zone Bench, Pune, relating to alleged CRZ violations in development of chowpatty near creek from Mumbra bypass to Kharegaon Toll naka by TMC, Thane. Applicant has prayed 1) To declared the development of Chowpatty project as illegal 2) The TMC & contractor committed breach of CRZ Notification & therefore, they are liable for compensation & punishment as per the provisions of the E (P) Act, 1986 etc. MCZMA is Respondent No. 3 in the matter.

It is alleged that construction is undertaken by destroying mangroves in violation of CRZ Notification. It is also alleged that the said work was commenced without


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CRZ clearance & massive civil work is being carried out inside the creek & within prohibited area by way of reclamation going on day & night. TMC informed that Hon'ble High Court has granted the approval for waterfront developmental activities.

The Authority noted that the CRZ application of the said project was not considered by the MCZMA due to orders of the NGT, New Delhi and Pune, regarding finalization of CZMPs under CRZ Notification, 2011.

After deliberation the MCZMA directed the TMC to submit the status of the construction work as alleged in the above said petition, in order to ascertain the violations of provisions of the CRZ Notification, 2011.

Item No.9: Post facto CRZ cases under Amendment Notification dated 06.03.2018 in the CRZ Notification, 2011

The Authority noted that there is no provision of grant of post facto CRZ clearance to the project in original CRZ Notification, 2011. However, the MoEF issued amended Notification dated 06.03.2018 allowing the grant of post facto CRZ clearance to the project, for the projects submitted for regularization to MoEF by 30th June, 2018. The para 4.3 of the said amendment Notification is as follows:

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;*
- (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,*


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provided that the request for such regularisation is received in the said Ministry by 30th June, 2018.

The Authority noted that the MCZMA has received several proposals for grant of post facto CRZ clearance. The Authority noted that the PP should have been submitted the proposal to MoEF&CC, New Delhi by 30th June, 2018.

Further, the Authority decided that the PP who have submitted the proposal to MCZMA for grant of post facto CRZ clearance to MCZMA, shall submit a proof of the proposal submission before 30th June, 2018. Such proposals would be taken up in further MCZMA meetings for recommendations to MoEF in the light of CRZ Notification, 2011 and 6th March, 2018 Notification.

After receipt of the information from local planning Authority covering the information as stipulated in the para 4.3 of the 6th March, 2018 CRZ Notification, 2018, the matter would be considered before the MCZMA to decide on recommendation to be sent to MoEF, new Delhi. The Planning Authority also to submit a report on court matter, if any and its status on the matters to be recommended for post facto recommendation.

The Authority decided to deliberate following two proposals:

- A. Proposed construction of Residential Servant quarters at Chief Justice House Bungalow premises building on CTS 215 at N. D. Road, Malabar Hill, Mumbai by PWD, GoM.**

The PWD has constructed Residential Servant quarters at Chief Justice House Bungalow premises building on CTS 215 at N. D. Road, Malabar Hill, Mumbai by the PWD. The proposal was also deliberated in 184th EAC, New Delhi meeting on 24.01.2018 and sought recommendation from the MCZMA.

The Authority noted that the site of residential servant quarter is situated in CRZ II area of Greater Mumbai and landward side of existing road, as per the approved CZMP of Greater Mumbai under CRZ Notification, 1991 and as per CZMP under CRZ Notification, 2011. The PWD Officials presented that construction of servant quarter is as per the applicable town and country planning regulations existed as on 19.2.1991 i.e. Development control Regulations of 1967.


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The Authority noted the proposal of residential servant quarter is a permissible activity as per the provisions of the CRZ Notification, 1991 and 2011. It was further observed that, had the proposal came before the MCZMA prior to construction, the MCZMA would have granted the CRZ recommendation to the project.

Taking cognizance of the 6th March, 2018, the Authority after deliberation decided to recommend the matter to MoEF, New Delhi for further appropriate decision in the matter

B. Regarding residential building 'Amar CHSL' in Sector 58 A, Nerul, Navi Mumbai by M/s. Amar CHSL

The Authority noted that the an application dated 14.05.2018 regarding residential building on plot No. 07, Sector - 58A, Nerul, Navi Mumbai was submitted by Amar Co-op. Housing Society Limited. As per the application:

- The Society was registered in year 1992. The CIDCO vide letter dated 30.11.1992 & 23.08.2005 has allotted the plot adm. 3750 sqm to the Society.
- The Navi Mumbai Municipal Corporation vide letter dated 29.01.2008 & 11.02.2008 has granted building permission on plot under reference for Total BUA of 3748.683 sqm and with FSI of 1.00
- Accordingly, construction of residential building comprises of Ground + 13 upper floors on plot under reference were completed. However, NMMC has refused to grant Occupation Certificate for want of No Objection from MCZMA
- The NMMC mentioned that, the structures are eligible for grant of CRZ clearance. This is merely a procedural lapse.
- As per the NMMC report, the plot under reference falls in CRZ II area and landward side of the existing road.

The Authority discussed the proposal and noted the followings:

1. The plot under reference falls in CRZ-II area as per approved CZMP of Navi Mumbai
2. As per remarks of the Navi Mumbai Municipal Corporation, the plot under reference is situated on landward side of the existing road.


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3. The Navi Mumbai Municipal Corporation vide letter dated 29.01.2008 & 11.02.2008 has granted building permission on plot under reference, Accordingly, construction of residential building comprises of Ground + 13 upper floors with permissible FSI of 1.00 on plot under reference is completed.
4. Part of the subject plot admeasuring 1237.26 sqm (i.e. 33 %) is situated in 50 m mangrove buffer zone.

The Authority noted the proposal of residential building is a permissible activity as per the provisions of the CRZ Notification, 1991 and 2011. It was further observed that, had the proposal came before the MCZMA prior to construction, the MCZMA would have granted the CRZ recommendation to the project with a condition that construction on the plot under reference should be restricted to CRZ II area as per the approved CZMP under CRZ Notification, 1991.

Taking cognizance of the 6th March, 2018, the Authority after deliberation decided to recommend the matter to MoEF, New Delhi for further appropriate decision in the matter

Item No.10: New MCZMA website having web portal for online application submission for the projects attracting provisions of CRZ Notification, 2011

The Authority noted that the MCZMA had developed a new website i.e. <http://mczma.gov.in> is hosting CZMP maps, Acts / Notifications / Circulars / other Government Resolutions, MCZMA meeting agenda, minutes, decisions of MCZMA, complaints, RTI, other relevant reports / news / initiatives of MCZMA, portal for online submission of applications which also includes email & SMS services and proposal tracking system.

Item No.11: Other Discussion Items, if any

- A. Complaint regarding the land bearing CTS No. 1(Survey No. 161) of village Pahadi Goregoan (W), Mumbai- M/s Usha Madhu Development CHS Ltd.

The Authority noted that the Urban Development Department vide the noting has forwarded the letter of Industries, Energy and Labour


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department, forwarding the complaint of Mr. Ismail Khan. The complainant has alleged that massive reclamation and mangrove destruction at the site CTS No. 1, Goregoan, Oshiwara, "proposed Golf Course." It is further alleged that expert committee set up by the State Govt appears to be misguiding the MCZMA as the mangrove destruction in any case is a CRZ violation as per the 1991 CRZ Notification. It was further alleged that The new published CZMP shows entire plot "Out of CRZ" and Complainant has requested to withhold the draft CZMP of Mumbai, in respect of plot under consideration and place the entire land in CRZ I and direct them to remove the reclamation from CRZ area. Complainant further stated that even though the CZMP is monitored and expedited as per court orders, CZMP for this site can be kept in abeyance.

The Authority noted that the detailed background of the matter pertaining to land The Authority further noted that State Environment Department vide letter dated 8th May, 2018 communicated to MoEF&CC, New Delhi that the matter of mangrove destruction on above said land was discussed in various meetings of the MCZMA. Further, as per directions of the Government of Maharashtra, a six member committee was constituted vide Order dated 16.5.2017 & 19.9.2017 under the Chairmanship of Principal Chief Conservator of Forest (HOF) to examine the matter and give report to Government. The conclusion of the committee with regards to recommendation of action in the matter, is as follows:

"The analytical report of MRSAC for the period 2006-2017 (copy enclosed as Annexure-XI) which is as per Law & Judiciary Departments advisory and as mentioned in detail in comments of TOR-I, the report reveals that during these years (2006 to 2017) no mangrove area is seen except for small patch interpreted using 2006 satellite data. The committee concurred with the findings of MRSAC, and hence, the committee opined that, there was no question of destruction of mangroves in the years 2006 to 2017. In view of above, no further course of action is necessary as per TOR III".

It was further communicated to MoEF that the Government of Maharashtra has considered the recommendations of the Committee's report and has directed that appropriate action be taken as stated in the report.


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Taking into consideration the above, the Authority after deliberation decided to above said representation forwarded by the UDD, GoM to MoEF&CC, New Delhi for further appropriate decision in the matter again.

B. List of Affidavits filed before Hon'ble High Court/ NGT (From November, 2017 to July, 2018

The Authority took on record the affidavits filed before the Hon'ble High Court and NGT from November, 2017 to July, 2018 which are tabulated as follows:

Sr. No.	Subject
1.	PUBLIC INTEREST LITIGATION NO. 109/ 2006 Malabar Hill Citizens Forum Anr....Petitioners Vs Assistant Municipal Commissioner 'D' Ward & Ors...Respondents
2.	PIL (L) No 119 OF 2017 Farzana F Khan....Petitioner Vs MCGM and ors...Respondents
3.	WRIT PETITION (St) NO 3360 OF 2017 Palm Grove Beach Hotels Pvt Ltd....Petitioner Vs Airports Authority of India & Ors....Respondents
4.	WRIT PETITION (St) NO 3433 OF 2017 Selvel Publicity & Consultants Pvt Ltd.....Petitioners Vs Airports Authority of India & Ors.....Respondents
5.	Application No. 81 of 2016 Jagdeep Ambukar...Applicants Versus Gopal Davate and ors...Respondents
6.	Chamber Summons No. 172/2007, 169/2015 and other Chamber summons, WP matters in PIL 87/2006 regarding vacant plots situated in 50 m mangrove buffer zone in 5 MHADA layouts.

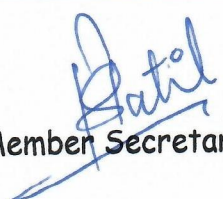

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	It was decided to submit the site inspection reports of vacant plots situated within 50 m mangrove buffer zone in MHADA layouts at Charkop, Gorai, Malvani, Versova and Mulund by way filing an affidavit. However, Advocate Sharmila Deshmukh vide mail dated 21.4.2018 informed to MCZMA that, no need to submit the site inspection reports before the Court. Hon'ble Court will pass a comprehensive order in main matter bearing PIL 87/ 2006 (BEAG Vs State of Maharashtra)
7.	WRIT PETITION NO 2087 OF 2018 Fomento Resorts & Hotels Ltd and Anr....Petitioners Vs The State of Maharashtra and Ors....Respondents
8.	Original Application No. 77/2016 IN Application No 33 (THC)/2013 (Disposed of on 17.8.2015) Janardan Chandar Patil & ors.....Applicants V/s Union of India & ors.....Respondents
9.	Original Application No. 424 of 2016 (Earlier O.A. No. 169 of 2015) M/s Mehdad & Anr. V/s Ministry of Environment, Forests and Climate Change & Ors.
10.	ORIGINAL APPLICATION NO. 40(THC) of 2018 Subhash Sitaram Mhatre....Applicant Vs Thane Municipal Corporation & Others...Respondents
11.	PUBLIC INTEREST LITIGATION NO 58 of 2018 The Conservation of Action Trust & Anr....Applicant Vs Union of India and ors.....Respondents
12.	WRIT PETITION NO 2692 OF 2000 Bombay Environmental Action Group and another...Petitioner Vs State of Maharashtra & Ors...Respondents
13.	PUBLIC INTEREST LITIGATION NO 218 OF 2013 Navi Mumbai Environment Preservation Society & Ors...Petitioners


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	Vs Ministry of Environment & Ors....Respondents
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C. The Authority took on record the following clarification letters issued by the MCZMA:

Sr. No.	Subject	Letter date
1	Clarification regarding proposed redevelopment on plot bearing CS No. 777(pt), 778(pt), 779 (pt) & 780(pt), New C.S. No. 1004 of Worli Division, G/South Ward, known as "New Municipal Labour Camp" at Sasmira Marg, Worli, Mumbai for Prerna CHS	25.07.2018
2	Regarding construction on land bearing Survey No. 70/4C, 70/5, 71/1, 71/2, 71/4, 71/7, 71/8, 71/9, 71/10, 71/11, 71/12, 73/1, 73/2, 73/4B, 73/12, 73/13, 73/5, 73/17, 73/18, 73/20, 73/22, 74/1A to 74/1A & 74/3 situated at village Ambivali (W), Tal. Kalyan, Dist. Thane by M/s. Neptune Developers Ltd	08.08.2018
3	Clarification regarding construction on land bearing Survey No. 68/1, 68/2, 68/3, 68/4, 68/5, 87/1 (pt), 87/2(pt), 87/3(pt), 90/4A & 90/4B situated at village Ambivali (W), Tal. Kalyan, Dist. Thane by M/s. Neptune Developers Ltd	08.08.2018
4	Regarding construction on land bearing Survey No. 65/12A, 65/12B, 65/13, 66, 87/1, 87/2, 87/3 & 87/4 situated at village Ambivali (W), Tal. Kalyan, Dist. Thane by M/s. Neptune Developers Ltd	08.08.2018

Item No.12 & 13: The matters were postponed. Accordingly, a notice was also published on the MCZMA website on 20th August, 2018.


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Item No.14: Proposed development of "The Grand memorial of Bharat Ratn Dr. Babasaheb Ambedkar" project on plot bearing F. P. No. 1163, Mahim TPS IV, Swatantrya Veer Savarkar Road, Dadar (W), Mumbai by MMRDA

Officials from the MMRDA made detailed presentation about the proposal before the Authority. The proposal is for construction of "The Grand memorial of Bharat Ratn Dr. Babasaheb Ambedkar" project on plot bearing F. P. No. 1163, Mahim TPS IV, Swatantrya Veer Savarkar Road, Dadar (W), Mumbai. The proposed project comprises of 4 structures having following:

Building Name	Number of floors	Height of building (mtr)
Entrance Plaza	Ground floor structure	4.8
Dr. Babasaheb Ambedkar Research Centre	2 B + G floor	12.4
Auditorium and Exhibition Block	2B + G + 1 st upper floor	17
Monument	Ground floor structure Monument with pedestal building	Base height 30m and statue height is 76.7m

The Authority noted that the site is fronting to Mahim Bay, as per approved CZMP and partly situated within 100 m from the HTL of the Mahim Bay i.e. CRZ II and partly beyond CRZ area. The proposed site is abutting to HTL and situated on seaward side of the existing 27.45m wide Swatantrya Veer Savarkar Marg. Total Plot area is 4.84 ha out of which 2.03 Ha falls in CRZ area. Around 2.81 Ha land area falls outside CRZ area. Total plot area is 48,414.83sqm and proposed construction area is 50,337.50 sqm.

The Authority noted that earlier the land under reference was in Industrial Zone. As per the Notification dated 23.12.2016, the land is reserved for development of Bharat Ratn Dr. Babasaheb Ambedkar.

The Authority noted that the MoEF, New Delhi issued an amendment dated 23.12.2016 which is as follows:


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"Construction of Memorial in the honour of Bharat Ratna Dr. Babasaheb Ambedkar in Mumbai on Indu 6 Mills land shall be allowed with change in land use from industrial to construction of Memorial in accordance with the applicable Town and Country Planning Regulations".

The Authority noted that construction can be done in accordance with applicable town and country planning regulations, as stated in above said CRZ amendment. It was further noted that FSI shall be as per the DCR 1967. However, various users as proposed in the basement shall be counted in FSI. Adequate lighting, ventilation, anti-flooding measures including pumping, firefighting measures, minimum facilities for physically handicapped persons shall be implemented as per the National Building Code.

The MMRDA officials informed that construction has been commenced in Non CRZ area. The MMRDA further informed that proper protection measures will be taken towards seaward side to protect the proposed activities.

After deliberation, the Authority decided to recommend the proposal from CRZ point of view to SEIAA subject to following conditions:

1. MMRDA to ensure that no construction is allowed towards the sea ward side of original plinth.
2. MMRDA to ensure that the FSI involved in the proposed construction is as per the DCR 1967.
3. MMRDA to ensure that prior Environment Clearance under EIA Notification, 2006 need to be obtained from the competent Authority.
4. MMRDA to ensure all environment measures like STP, Organic Waste convertor, construction & debris management, energy efficient system are implemented as Environment Management Plan. Separate budgetary allocation shall be made towards the same.


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Item No.15: Proposed development of "The Grand Memorial of Swargiya Balasaheb Thakare" at the land bearing C. S. No. 501, 502 (pt) & 1495 of Mahim Division known as 'Mayor's Bungalow' Mumbai by MCGM

Officials from the MCGM and Architect presented the proposal before the Authority. The proposal for construction of "The Grand Memorial of Swargiya Balasaheb Thakare" at the land bearing C. S. No. 501, 502 (pt) & 1495 of Mahim Division known as 'Mayor's Bungalow' Mumbai.

It was further presented that the proposed memorial comprises of lower ground + upper ground for seminar and lecture hall, Museum shop, office, art gallery, library, services etc. with toughened glass transparent roof with water body. Also a separate amenity block of ground storey with pitched roof of ht. 4.5 for Staff Quarters, Toilet facility, Kitchen etc. on the land under reference. Site outs/ steps on seaward side upto the height of existing compound wall is also proposed. Landscaping and paved pathways are additional features. Total plot area is 11323.76sqm, total proposed built up area is 2547.34sqm and permissible FSI is 1.33

As per the approved CZMP, the plot under reference is situated within 100m from the HTL of the Mahim Bay i.e. CRZ II area. However, being in green area, the land may be classified as CRZ III area. As per the DP, 1967, the land under reference is falls in Green Area and designated RG (pt of large reservation). As per DP 1991, the land under reference is reserved for public purpose of mayors bungalow and is included in green area.

The UDD, GoM issued a Notification dated 7.9.2017 that reservation of mayors bungalow is proposed to be changed as Grant Memorial of Late Balasaheb Thackre on land bearing CS No. 501,502(pt), 1495 of Mahim Division, Mumbai and said land is proposed to be deleted from Green Area and included in Residential area. UDD, GoM mentions that concurrence of the MoEF, New Delhi will be required, as proposal involves change in zoning/ reservation of the land.

The matter was deliberated in 121st meeting of the MCZMA held on 15-16.9.2017 wherein the MCZMA recommended the matter of change of zone to MOEF, New Delhi.


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The Authority noted that the proposal was deliberated in the meeting held between Secretary, MoEF and ACS. Environment on 27.12.2017 wherein following was resolved: *"The subject land in the CRZ II area is proposed to be deleted from Green Area and included in Residential area. Change of land use is purely a subject matter of the State Government and there is no specific provision relating to the same in the CRZ Notification. Any specific clarification in the above context may be referred to MoEFCC, if considered necessary"*

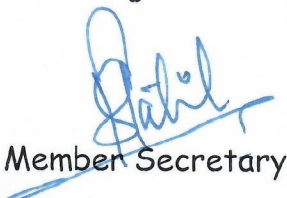
The MCGM officials informed that proposal has been approved by the Heritage committee.

After deliberation, the Authority decided to recommend the proposal from CRZ point of view to concern planning Authority subject to following conditions:

1. MCGM to ensure that no construction is allowed towards the sea ward side of original plinth.
2. MCGM to ensure that the FSI involved in the proposed activities is as per the DCR 1967.
3. MCGM to ensure all environment measures like STP, Organic Waste converter, construction & debris management, energy efficient system are implemented as Environment Management Plan. Separate budgetary allocation shall be made towards the same.
4. If total construction exceeds 20,000sqm, the MCGM to obtain the Environment Clearance.
5. As decided in the aforementioned meeting held at MoEFCC, New Delhi on 27.12.2017, change of land use is subject matter of the state and there is no specific provisions relating to the same in the CRZ Notification as far as this proposal is concerned.

Item No.16: Proposed construction of residential cum commercial building on plot bearing G. No. 7/3/4/6/A (pt), 7/3/4/6/B, 7/5(pt), 137/3/B/1, 138/5, 175/1/A, 175/3 of village Goregaon, Tal. Mangaon, Dist. Raigad by Shri. Mukhtar Abraham Velaskar

The Authority noted that the Town Planning & Valuation Dept., Alibag-Raigad vide letter dated 18.12.2017 forwarded the proposal for construction of residential cum commercial building on plot bearing G. No. 7/3/4/6/A (pt), 7/3/4/6/B, 7/5(pt), 137/3/B/1, 138/5, 175/1/A, 175/3 of village Goregaon, Tal. Mangaon, Dist. Raigad.


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The Authority noted that the proposal is for construction of residential cum commercial building on plot bearing G. No. 7/3/4/6/A (pt)..
7/3/4/6/B, 7/5(pt), 137/3/B/1, 138/5, 175/1/A, 175/3 of village Goregaon, Tal. Mangaon, Dist. Raigad. As per the Development plan of Alibag, the plot under reference is falls in green zone and residential zone.

As per CZMP of Raigad published under CRZ, 2011, which are approved by OM dated 16.8.2018 of MoEF

Sr No.	Plot	CRZ status
1	G. No. 7/3/4/6/A (pt)	beyond 100 m from the HTL of creek i.e. Non CRZ
2	7/3/4/6/B	beyond 100 m from the HTL of creek i.e. Non CRZ
3	7/5(pt),	beyond 100 m from the HTL of creek i.e. Non CRZ
4	137/3/B/1,	Partly within 100 m from the HTL of creek i.e. CRZ III area and partly beyond CRZ area.
5	138/5	beyond 100 m from the HTL of creek i.e. Non CRZ
6	175/1/A,	beyond 100 m from the HTL of creek i.e. Non CRZ
7	175/3	beyond 100 m from the HTL of creek i.e. Non CRZ

As per the CZMP prepared by SAC, Ahmedabad in 1:25000 scale and MRSAC, Nagpur in 1:5000 scale, the plot bearing 137/3/B/1 is partly situated within 100m and partly within 500m from HTL of Creek. All other plots are situated outside 100 m from the creek.

It was noted that MoEF, New Delhi issued OM dated 16th August, 2018 wherein CZMP of the Raigad under CRZ Notification, 2011 is approved. However, final approved CZMP maps are yet to be received from the MoEF, New Delhi.

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

1. All plot nos. are situated outside CRZ area i.e. 100 m from the HTL of the creek, except plot bearing no. 137/3/B/1, which is partly within 100 m from the HTL of the creek,
2. With respect to plot bearing 137/3/B/1, Construction within 100 m from the HTL of creek (No development zone) is not permissible.


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Item No.17: Proposed implementation of Slum Redevelopment Scheme for Nityanand CHS (Prop.) on plot bearing 791/A(pt) in A Block, Bandra reclamation layout of MHADA by M/s. Wizard Construction Pvt. Ltd.

The project proponent presented the matter before the Authority. The matter pertains to implementation of Slum Redevelopment Scheme for Nityanand CHS (Prop.) on plot bearing 791/A (pt) in A Block, Bandra reclamation layout of MHADA. As per approved CZMP, the site under reference within 500m set back line from HTL of Mahim Bay & falls in CRZ-II and CRZ-I area.

The MCZMA in its 102nd meeting held on 31st July & 1st August, 2015 deliberated the matter and as per decision taken in the said meeting, MCZMA vide letter dated 05.12.2015 referred the case to Ministry of Environment, Forest and Climate Change, New Delhi for appropriate consideration.

Thereafter, the Project Proponent has submitted representation vide letter dated 12.01.2017 to MCZMA requested to consider above facts and grant recommendation for property completely out of CRZ provisions. The said representation was sent to MOEF by the MCZMA on 1st February, 2017 by the MCZMA to guide for issuance of CRZ recommendation in the matter. This was taken on record in 117th meeting of the MCZMA held on 5th & 6th April, 2017. As per the decision taken in the said meeting, the MCZMA vide letter dated 1st July, 2017 send a request to MoEF to guide in the matter.

The Authority noted that the decision taken in the meeting on 27.12.2017 at MoEF, New Delhi which is as follows:

"the issue has also been deliberated earlier in the meeting of National Coastal Zone Management Authority (NCZMA) on 01.11.2017. It was affirmed by the Govt. of Maharashtra that the specific plot for the SRA project under consideration does not falls in the area, which was reclaimed for construction of the Bandra - Worli Sealink and has been clearly demarcated accordingly. The project proposal may be examined as per the new CZMP as per CRZ Notification, 2011 which is being finalised soon by concerned authorities in Maharashtra and if need be , by MoEFCC / NCZMA thereafter. Government of Maharashtra should cnfirm the position in para (3) (i) while finalising the CZMP. It was informed that


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the new CZMP for Maharashtra is likely to be finalised by mid- February, 2018. It was suggested that a special meeting could be conveyed in Mumbai for considering the approval to the CZMP by NCZMA."

The PP presented that as per the approved CZMP of Greater Mumbai under CRZ Notification, 1991, the site under reference is the plot under reference falls within 500m set back line from HTL of Mahim Bay & falls in CRZ-II and CRZ-I. The PP further presented that as per the draft CZMP of Greater Mumbai, the site is outside CRZ area, considering the revised HTL, as result of reclamation due to Bandra Worli Sea Link Project approved by the MoEF, New Delhi. It was further noted that the MoEF, New Delhi vide according Environment and CRZ clearance dated 7.1.1999 and 26.4.2000 for construction of Bandra Worli Sea Link project allowed the reclamation. One of the specific condition of the said MoEF clearance was that reclamation for the sea link should not be used for addition construction / development as specified in CRZ Notification, 1991. The Concern planning Authorities and MSRDC to ensure the compliance of the same.

In the light of above, the Authority after detail deliberations, decided that site under reference is situated outside CRZ area, as per the CZMP approved under CRZ Notification, 2011 as approved vide OM dated 16.8.2018 issued by MoEF, New Delhi.

Item No.18: Proposed redevelopment of plot bearing CTS No. 956, 956/1 to 83 of village Juhu, situated at Juhu Tara Road, Mumbai by M/s Green Town Realtors

The project proponent presented the matter before the Authority. The PP presented that there is earlier CRZ clearance dated 4.7.2007 from the MoEF, New Delhi for development of 5 Starred category Residential Hotel with additional FSI on property bearing CTS No. 956, 956/1 to 83 of village Juhu, Mumbai. Further, MCGM vide letter dated 26th Dec, 2008 granted IOD for the project, under DCR 1967. Accordingly, construction of basement is completed.

The PP informed that the project of Residential Hotel was cancelled and proposed the residential building as per the DCR 1967. The project of residential building comprising of Basement for car parking + Lower ground floor or Game rooms, Gymnasium & Mini Theatre + 1.80 m service floor for services + Upper ground


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floor + 1st upper floor + 2nd (pt) upper floor flats / rooms for residential use. The said proposal was deliberated in 110th meeting of the MCZMA held on 5th Jan, 2016 and as per decision taken in the said meeting, the MCZMA vide letter dated 23.2.2016 recommended the proposal with FSI existing as on 19.2.1991 (DCR 1967) and with other conditions.

The Authority noted that the MCGM vide letter dated 16.12.2017 submitted the revised proposal under para 8.v.c. of the CRZ Notification, 2011 with FSI of DCR 1991, considering the existing structures on land under reference as dilapidated.

As per the MCGM remarks, there existed 2 dilapidated structures on the site under reference. There are copies of Notice dated 6.5.2009 and 11.6.2009 issued by MCGM. Proposed building comprised of 4 wings with following details:

Building	Configuration
Wing A	Lower Ground + upper ground + first to 4 th floor for commercial use
Wing B	Lower Ground + upper ground + first to 5 th floor for Residential use
Wing C	Lower Ground + upper ground + first to 8 th floor for residential use
Wing D	Lower Ground + upper ground + first to 8 th floor for residential use

The proposal is for utilising permissible FSI of 1.00 (plot potential) + 0.50 additional Govt FSI+ admissible TDR as per policy of 16.11.2016 + Claiming advantage of staircase, lift, lift lobby free of FSI + claiming fungible compensatory FSI as per DCR 1991. Plot area: is 10,354.50 Sqm and Proposed BUA is 27,713.59 Sqm. MCGM has sanctioned the concession on 7.12.2017.

The Authority noted that as per the approved CZMP, under CRZ Notification, 1991 and 2011, the plot under reference is situated in CRZ II area. As per the DP of 1967 and 1993, the plot is situated in Residential zone

The PP informed that existing structures which was declared dilapidated is still in existence. The PP need to give undertaking and current dated site photographs towards the same. The PP is seeking to redevelop the plot under para 8.V.C. of


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the CRZ Notification, 2011 wherein prevailing DCR 1991 is applicable. The Authority observed that special provision is stipulated for redevelopment of buildings which are declared dilapidated by the MCGM wherein para 8.V.C. of the CRZ Notification, 2011 is applicable.

The Authority deliberated the applicability of para 8.v.c of the CRZ Notification, 2011 and prevailing DCR 1991 to the entire plot under reference, whereas notice structures are on part plot. The Authority noted the remarks of the MC, MCGM which states the para 8.v.c.(ii) of the CRZ Notification, 2011 does not restrict the FSI benefit on entire plot irrespective of area of existing dilapidated structure on plot under reference. The MCGM remarks further mentions that notices issued under section 354 of MMC Act, declaring structures dilapidated are genuine. It was further stated that amalgamation of CTS No. 956, 956/1 to 83 was approved by the City survey Department vide MR No. 249/2009; and accordingly, the property card for CTS No. 956 of village Juhu is issued by the Revenue Department in the year 2009. It was further informed by the MCGM that complaint on the same proposal was also responded and resolved by the MCGM.

In the light of above, the Authority, after deliberation decided to recommend the proposal to concerned planning Authority from CRZ point of view to SEIAA 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 structures on plot under reference are declared 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 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 by tenants in Public hearing report and complaints received in the proposal, if any are addressed.
6. PP to obtain the Environment Clearance from the SEIAA, since the total construction area proposed in the proposal is more than 20,000 Sqm.


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7. PP to implement environment measures proposed in the project such as solar water heater, STP, organic waste convertor, rainwater harvesting.
8. All other required permission from different statutory authorities should be obtained.

Item No.19: Proposed redevelopment of property on plot bearing C. S. No. 1 & 1/1 of Worli Division, building no. 170E, 170DD & 170D, Cess no. GS-6(1D), GS-6(1E) & GS-6(1F), situated at Annie Besant Road, Worli, Mumbai by M/s Joy Home Creation Pvt. Ltd.

The project proponent presented the proposal before the Authority. The proposal is for composite redevelopment of existing residential CESS building on plot bearing C. S. No. 1 & 1/1 of Worli Division, building no. 170E, 170DD & 170D, Cess no. GS-6(1D), GS-6(1E) & GS-6(1F), situated at Annie Besant Road, Worli, Mumbai, under para 8.v.c of the CRZ Notification, 2011 with DCR 1991. There are 3 no's of CESS 'A' category structures on the plot u/r with total builtup area 3437.08sqm.

The PP further presented that the proposed new residential building comprising of 3 basements for parking & partly for services + stilt + 1st to 2nd mezzanine floor + 1st to 7th floor for parking + E-Deck level parking + service floor + transfer garden floor + lower level club house + upper level club house + service floor + 1st to 3rd floor + fire check floor + service floor + 4th floor + 5th (pt) refuge floor + 6th to 11th floor + 12th (pt) refuge floor + 13th to 18th + 19th (pt) refuge + fire check floor + service floor + 20th to 25th floor + 26th (pt) refuge floor + service floor + 27th to 34th floor + service floor + 35th floor for residential use in lieu of 3.00 FSI + fungible FSI. Plot area is 4970.47 Sqm and Total construction area is 41,765.69 Sqm

As per the approved CZMP of Mumbai, the plot under reference is falls in CRZ II area within 500 prior to 1991. As per DP, the plot is in Residential zone and C1 partly.

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


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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 buildings are 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.
6. PP to implement environment measures proposed in the project such as solar water heater, STP, organic waste convertor, rainwater harvesting.
7. All other required permission from different statutory authorities should be obtained.

Item No.20: Proposed change of user from residential to commercial with additions / alterations in existing building on plot 1A bearing (S. No. 25C) CTS No. 990, 990/1, 990/2 of village Juhu situated at Juhu Tara Road, Vile Parle (W), Mumbai by M/s Royal Rainbow Co-op Premises Society Limited

The project proponet presented the proposal before the Authority. Earlier, the MCZMA in its 119th meeting held on 28-30.6.2018 deliberated the proposal of proposal is for alteration / repairs to existing residential bldg comprising of Ground floor for shops + 1st to 3rd upper floors on plot no. 1A bearing S. No. 25 C, CTS No. 990, 990/1 & 990/2 of village Juhu situated at Juhu Tara Road, Vileparle (W), Mumbai by M/s Royal Rainbow CHSL. As per decision takein in 119th meeting, the MCZMA vide letter dated 11.9.2017 recommended the project from the CRZ point of view subject to certain conditions.

Now, the MCGM has forwarded the proposal of change of user from residential to commercial with additions / alterations in existing building on plot 1A bearing (S. No. 25C) CTS No. 990, 990/1, 990/2 of village Juhu situated at Juhu Tara Road, Vile Parle (W), Mumbai. Proposed changes in planning entire building comprises of Music Studio along with office with full height wooden partitions + Toilets at 1st & 3rd floor, watchman's cabin.


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The Authority noted that the plot falls within 500m of HTL of Arabian Sea and is in CRZ II area as per approved CZMP of Mumbai and situated on landward side of the existing road. As per the DC rules 1967 as well as revised 1993, the plot is situated in residential zone and not reserved for any public purpose. Total plot area is 465.99 sqm and total built up area is 458.28sqm.

As stated by the PP, the Authority noted that the proposal is not for reconstruction of existing building. It is a proposal of change of user from residential to commercial with additions / alterations in existing building.

The Authority noted that the additional/ alternation and user should be as per the provisions of the DCR, 1967. Concern planning Authority, MCMG need to verify whether the proposal is in accordance with DCR 1967 and accordingly, activities can be permitted on the site under reference.

Item No.21: Proposals of Anti Sea Erosion Bunds at Mumbai, Raigad, Ratnagiri & Sindhudurg by Harbor Engineer, PWD

The Harbor Engineer, PWD are requested to present all proposals of Anti Sea Erosion Bunds at Mumbai, raigad, ratnagiri & Sindhudurg before the MCZMA.

The MCZMA observed that constructing hard structures (bund) cannot be the only solution for all the sites, along the coast. Considering the unique coastal ecosystems, planning Authorities need to explore other soft measures such as vegetation, stabilization of sand dunes, beach nourishment etc, as effective anti sea erosion measures, without disturbing the natural coastal biodiversity. However, at places, wherever there is human settlement residing close to coastline and prone to flooding from sea side tides / waves, Hard structures could be the solution to protect the lives of people from the coastal disasters.

The Authority noted that as per para 4(i) (f) of CRZ, 2011:

"Construction and operation for p orts and harbours, jetties, wharves, quays, slipways, ship Construction yards, breakwaters, groynes, erosion control measures are permissible activities"

Further, as per amended CRZ Notification dated 28th November, 2014 published by MoEF:


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"For the projects specified under 4(i) (except with respect to item (d) thereof relating to building projects with less than 20,000 sqm of built up area) and for the projects not attracting EIA Notification, 2006, clearance from SEIAA is required based on the recommendation from MCZMA." Therefore, proposal requires permission from SEIAA based on MCZMA recommendation.

The Authority deliberated the following proposals of the Anti-Sea erosion bunds as presented by the PWD:

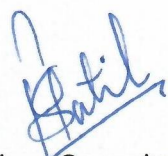
Greater Mumbai area:

The Authority noted the Location of the Anti Sea Erosion bunds, 1) At Haji Ali Dargah 2) Priyadarshni Park, Malbar (length- 500 mtr) and 3) Near Geeta Nagar Breakwaters, Colaba (500 m breakwater)

The proposals were deliberate in 116th meeting of the MCZMA held on 22nd and 23rd meeting of the MCZMA wherein it was noted that the MCGM has proposed the coastal road along the Mumbai seafront starting from Nariman point to Kandiwali. Coastal road will involve the reclamation at certain places. The MCZMA suggested PWD to check the alignment of Coastal road, in order to examine the feasibility and necessity of proposed anti-sea erosion bund at 6 locations of Mumbai seafront.

PWD officials informed that alignment of the Coastal road is examined and it is observed that proposed bund at Hazi Ali is coinciding with alignmt of Coastal Road. However, work of anti sea erosion bunds at Priyadarshani park and near Geetal Nagar, is not in way of alignment of Coastal road. It was further there is danger of flooding in the Slum area at Geeta Nagar. Existing breakwater is in ruinous conditions and requires urgent strengthening. There was site visit by the expert Member, MCZMA

The PWD officials further showed the site photographs of the Priyadarshani park site and explained that existing protection work is severely damaged, stone pitching are loosened up. Presently, there is no protection to park from sea waves/ tides.


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After deliberations, the Authority decided to recommend the proposals of anti-sea bunds at Priyadarshani park and near Geeta Nagar (200 mtr out of total 500 mtr) to SEIAA with subject to following conditions:

- a. PWD to ensure that only 200 mtr out of existing total 500 mtr breakwater is allowed to build as anti sea erosion bund. No mangrove should be destroyed/ affected due to bunding activity.
- b. Considering the unique beauty of Priyadarshanti Park, PWD to ensure there shall be site specific design of bund approved by CWPRS.
- c. NoC from the Mangrove Cell, Mumbai shall be obtained.
- d. All other required permission from different statutory authorities should be obtained.

Raigad District:

The Authority noted the Location of the Anti-Sea Erosion bunds which are at 1) Mandwa, 2) Revdanda, 3) Navedar-Navegoan and 4) Saswane, Tal: Alibaug

1. Behind Raigad Collector Bungalow to DSP Bundalow at Alibag (260 mtr), at Alibaug:

The PWD officials informed that construction has not commenced. There is existing old bund which are in ruinous condition. New stone bund is proposed for 435 m. The Authority in its 116th meeting discussed the proposal and felt that the PP need to explore the soft measures for arresting the erosion at the site under reference, so that the beach could be replenished. The Authority noted the Rapid EIA submitted by the project proponent and directed proponent to carry out beach nourishment activities instead of constructing anti-sea erosion bund. The Authority after deliberation and discussion decided to reject the proposal.

The PWD officials presented that Soft measures like beach nourishment was explored at the site as per the suggestion of the Authority. However, considering the strong sea wave action and presence of structures near the shoreline, soft solution will not be feasible option. Construction of stone bund is necessary. Due to high tidal condition erosion occurs in large quantity at Alibag beach. There was an old bund at site which now seems completely damaged. The bund is no longer condition to protect the adjacent structure and locality. The stretches behind


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Collector bungalow and between Collector bungalow to DSP bungalow seems completely disturbed and the bund is buried. This has led to erosion of beach resulting in damage to compound of Collectors bungalow. During high tides, the waves may directly enter in to the bungalow causing damages. Hence there is an emergency to construct the 260 m length of the bund.

The Authority discussed the matter and observed that beach nourishment is a process of dumping or pumping sand from elsewhere onto an eroding shoreline to create a new beach or to widen the existing beach. The waves erode the nourished sand instead of destroying houses, roads or parking lots. The PWD need to have long term beach nourishment plan which will also increase the beach profile at Alibaug. However, the Authority further felt that at present, considering the strong wave action at coastal stretch near Collector and DSP bungalow, construction of bund can be permitted.

After deliberations, the Authority decided to recommend the proposals of anti-sea bunds to SEIAA with subject to following conditions:

- a. PWD will ensure that the gap between boulders will be sufficiently more so that it is fully filled with sand for the nourishment of the beach which will ensure less erosion and damage of the nearby properties.
- b. PWD will have long term beach nourishment plan with separate budget allocated towards the same.
- c. PWD to ensure that construction debris is not dumped in the beach and CRZ area.
- d. NoC from the Mangrove Cell, Mumbai shall be obtained.
- e. All other required permission from different statutory authorities should be obtained.

2. At Mandwa, Tal: Alibaug

The PWD officials presented that construction of anti-sea erosion bund of length of 225 mtr is proposed at Mandwa beach. Due to high tidal condition sea erosion Occurs at Mandva beach. There is human setlment with coconut plantations just backside of the Mandwa beach. At present, an existing sea wall protects the human settlement, however, it is in ruinous condition due to sea wave action. There is existing sea wall which is in ruinous condition due to wave action.


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Bund is proposed adjacent to existing sea wall to strengthen the coastal protection.

The Authority noted that construction of bund should be towards landward side as possible, so that beach shall not be encroached by bund. Further, there shall be necessity of bund for protection of human settlement, for that, resolution from the Gram panchayat is required. Further, considering the natural beauty of the Mandwa beach, the PWD need to explore the plan for beach nourishment of Mandwa beach.

After deliberations, the Authority decided to recommend the proposals of anti-sea bunds to SEIAA with subject to following conditions:

- a. PWD to ensure that construction of anti sea erosion bund should be on landward side as p, so that there shall not be change in HTL.
- b. Design of the stone bund should not occupy much space so that HTL shall not be altered due to bund.
- c. PWD to ensure that Construction debris should not be dumped on the beach.
- d. PWD to submit the resolution from the grampanchayat stating there is requirement of anti sea erosion bund for protection of the human settlement residing in village Mandwa.
- e. NoC from the Mangrove Cell, Mumbai shall be obtained.
- f. All other required permission from different statutory authorities should be obtained.

3. Revdanda (New Construction 120 m)

The PWD officials presented that the existing bank is damaged at places due to heavy impact of sea waves causing damages to adjacent locality. It is necessary to protect the adjoining property to safe guard the lives of villagers and commercial properties. Therefore bund of length of 120 mtr is proposed.

The Authority from the site photographs observed that there may not be necessity of the anti-sea bund at the proposed location, since human settlement is at considerable distance from the beach. Further, there is a scope of implementing soft measures to protect the coastline. The Authority felt that site visit may reveal the real ground situation and necessity of the hard structures


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for protection of the coastline. Accordingly, the matter was deferred, for a site visit by the expert members of the MCZMA.

4. At village Navedar-Navegoan, Tal: Alibaug

The PWD officials presented that at Navedar- Navegoan, at the time of High tide, the sea water enters into farms adjacent to Sea and in village. It leads to damage to the crops, properties and vegetation. There are existing sweet water wells in the farm which become salty due to entering of sea water into wells during high tides. It is demand for the Anti-sea erosion bund to save the belongings of resident. PWD officials presented that extension of the existing bund for a length of 260 mtr is proposed to protect the coastline.

The Authority observed that the considering the situation at the site and protection of village, anti-sea erosion bund is necessary. There is a danger of sea water entering the village.

After deliberations, the Authority decided to recommend the proposals of anti-sea bunds to SEIAA with subject to following conditions:

- a. PWD to ensure that design of the stone bund should not occupy much space so that HTL shall not be altered due to bund.
- b. PWD to ensure that Construction debris should not be dumped on the beach.
- c. NoC from the Mangrove Cell, Mumbai shall be obtained.
- d. All other required permission from different statutory authorities should be obtained.

5. At village Saswane, Tal: Alibaug

The PWD officials presented that due to high tidal condition erosion occurs in large quantity at Saswane beach. There is an old "Bandhara" (bund) adjacent to existing site on the both sides. Only middle section or part of length is remaining. Hence there is a need for the anti-sea erosion bund in the middle part also. PWD officials informed that there exist a bund which is in damaged condition.


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The Authority noted that there shall be necessity of bund for protection of human settlement, for that, resolution from the Gram panchayat is required. It was further observed that there is a scope of adopting the soft measures for arresting the erosion. PWD need to explore long term solution to stabilize the beach. However, at present, the construction of bund could be permitted to protect the coastline and agricultural fields. construction of bund should be towards landward side of the beach as much as possible, so that beach shall not be encroached by bund.

After deliberations, the Authority decided to recommend the proposals of anti-sea bunds to SEIAA with subject to following conditions:

- a. PWD to ensure that construction of anti sea erosion bund should be on landward side of the beach as much as possible, so that there shall not be change in HTL.
- b. PWD to ensure that construction debris should not be dumped on the beach.
- c. PWD to submit the resolution from the grampanchayat stating there is requirement of anti sea erosion bund for protection of the human settlement residing in village Saswane.
- d. NoC from the Mangrove Cell, Mumbai shall be obtained.
- e. All other required permission from different statutory authorities should be obtained.

Ratnagiri District:

The PWD officials presented the proposal of construction of anti sea erosion bund at following locations:

1. village Someshwar, Tal: Ratnagiri (397.35 mtr)
2. village Varvade, Tal: Ratnagiri (199.30 mtr)
3. Pomendi (388.40 mtr)
4. Juve Chavanwadi (257.40 mtr)
5. Pajpandhari, tal: Dapoli (160.30 mtr)
6. Karde, tal: Dapoli- (252.30 mtr)
7. Padele (254.60 mtr)
8. Uttambar (207.06 mtr)
9. Anjarle (263.30 mtr)
10. Khed Near Khadi (182.9 mtr)


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The PWD officials presented that due to wave action the site is prone to erosion during high tide, which causes damage to the local resident and existing road structures located near the shoreline. At present the sites are affected from erosion due to direct wave action

The Authority noted that MCZMA in its 122nd meeting discussed the proposal PWD need to explore the soft solutions for arresting the erosion problems of the coastal stretches. Authority declined the proposals. However, the PWD officials presented that the villagers have demanded for anti sea erosion bund which is necessary to protect the villager's shelter, road & farms. The PWD officials stressed the need of the construction of erosion bunds. The Authority deliberated the proposal of each location and felt that though, there is a demand from villagers to construct the anti sea erosion bunds to safeguard their dwelling units and infrastructure facilities, but construction of the bund is not a long term solution where there is beach. PWD need to explore the option of beach rejuvenation, vegetarian plantation to stabilize the coast.

After deliberations, the Authority decided to recommend the proposals of anti-sea bunds to SEIAA with subject to following conditions:

- a. At someshwar, considering the coastal unique ecology, the construction of the bund should not change the course of coastal water body.
- b. At pomendi, there is a small inland island wherein mangrove vegetation is their. PWD to ensure that construction of the bund should not affect the inland island.
- c. Village Karde and padele, Tal: Dapoli has beautiful beach. PWD to ensure that beach should not be disturbed. Location of the bund should be on landward side as much as possible. There is a scope of beach rejuvenation at village padele. PWD need to explore the soft measures option as a long term strategy to arrest the erosion.
- d. PP to obtain the resolution from Gram Panchayat for necessity of the work.
- e. PP to obtain clearance from the Mangrove Cell, regarding the mangrove, if any at sites.
- f. Village Anjarle, Tal: Dapoli is a turtle neseing site which is environmentally ecosensitive Area CRZ I (A) area. Hence, PP to ensure that stretch where turtle nesting site is in existence, there shall not


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be construction. Clearance from the Mangrove Cell needs to be obtained for the said site to ensure that construction is not proposed in the area whether turtle nesting site is present. PWD to implement soft measures to arrest the erosion at Anjarle.

- g. Construction and dumping of debris on Beach which is CRZ I area is strictly prohibited. PP to ensure the same.
- h. NoC from the Mangrove Cell, Mumbai shall be obtained.
- i. All other required permission from different statutory authorities should be obtained.

Sindhudurg District:

The PWD officials presented the proposal of construction of anti sea erosion bund at following locations:

- 1. Village Mithumumbhari- 115 mtr
- 2. Hindale- 134 mtr
- 3. Munage Wirachapar - 420 mtr
- 4. Waniwade Sarwankarwadi- 116 mtr
- 5. Bagmalagoan- 222 mtr
- 6. Masurkar Khot Juva- 537 mtr
- 7. Deobag to Tarkarli- 3 km
- 8. Masurkar Juva Bet- 345 mtr
- 9. Manasishwar Creek- 157 mtr
- 10. Sagarashwar Kurlwadi 210 mtr
- 11. Ubhadanda navabaug- 235 mtr
- 12. Bhogave Killenivati- 225 mtr

The MCZMA in its 119th meeting held on 28-30.06.2017 observed that, considering the unique coastal ecology and tourism potential of the Sindhudurg coast, it would be appropriate to explore soft solution such as beach replenishment, sand dune stabilization, increasing coastal vegetation etc, instead of constructing hard structures in inter tidal areas. There is a possibility of the alteration of the natural course of coastal water bodies due to hard structure along the water bodies. This alteration of the flow of the coastal water body may damage of the coastal ecology. The Authority in its 119th meeting rejected the proposal with a suggestion to PWD to revert with a proposal of soft measures.


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However, the PWD requested the MCZMA to reconsider proposals considering the severity of problem of erosion of coastline and likely danger of displacing the human settlements residing near coastline in villages of Sindhurg in the absence of coastal protection by way of stone bunding. Considering the request of the PWD and for protection of village settlements, the Authority once again discussed the proposal of each location.

The Authority deliberated the feasibility of soft anti sea erosion measures at each locations and noted that ADB project is being implemented at village Ubhadanda navabaug beach wherein sand dune stabilization & beach rejuvenation is proposed. At this place, putting hard structure may not be feasible.

Further, the Authority noted the coastal biodiversity and unique beauty of village Bhogave Killenivati. 'Bhogave' Beach has been selected under Blue flag programme by the MoEF&CC, New Delhi to meet the international standard in terms of environmental cleanliness, waste management and other services. Proposing hard structure at Bhogave Killenivti as coastal protection measure may not be in sync with blue flag programme. The PWD need to explore other soft anti sea erosion measures at this location so that criteria of blue flag certification could be met.

The Authority noted the location of the Manasishwar Creek and observed that there are mangrove patches in the creek. Mangroves itself act as protection measure arresting the erosion. Hence, the Authority felt that anti sea erosion bund at this location may not be ideal solution.

The Authority further noted the locations of village Mithumumbari wherein the stone bund is proposed almost on the beach area. Location of bund at village Munage Wirachapar is ecologically sensitive. The Authority decided to make a site visit to these two locations in order understand the necessity of the stone bund at these locations.

However, the Authority observed that coastal protection measures by hard engineering is required at villages like Hindale, Waniwade Sarwankarwadi, Masurkar Khot Juva, Bagmalagoan, Deobag to Tarkarli, Masurkar Juva Bet and Sagarashwar Kurlawadi, considering the existence of human settlement, agri


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fields near the coastline and very less scope of implementing soft anti sea erosion measures at said 7 locations at present.

In the light of detailed discussion and deliberations, the Authority decided to recommend the proposals of anti sea bunds at 7 locations namely, Hindale, Waniwade Sarwankarwadi, Masurkar Khot Juva, Bagmalagoan, Deobag to Tarkarli Masurka, Juva Bet and Sagarashwar Kurlawadi to SEIAA with subject to following conditions:

- a. PP to obtain the resolution from Gram Panchayat for necessity of the work.
- b. Construction and dumping of debris on Beach which is CRZ I area is strictly prohibited. PP to ensure the same.
- c. NoC from the Mangrove Cell, Mumbai shall be obtained.
- d. All other required permission from different statutory authorities should be obtained.

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

Annexures I

1. Mr. Vasudevan, Additional Principal Chief Conservator of Forest, Mangrove Cell, Mumbai
2. Mr. Chavan, Deputy Chief Engineer, Municipal Corporation of Greater Mumbai.
3. Dr. Khot Mahadev Satappa, Principal, Chh. Sambhaji Raje Sainik School, Ratnagiri.....Expert Member, MCZMA
4. Mr. Kudale, Ex director, CWPRS, Pune...Expert Member, MCZMA
5. Mr. Singh, Scientist, CMFRI, Verosova, Andheri
6. Dr. B.N. Patil, Member Secretary, MCZMA


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