

**Minutes of the 158th meeting (Day 4) meeting of the Maharashtra Coastal Zone
Management Authority held on 25th May, 2022.**

**MINUTES OF THE 158th (Day 4) MEETING OF MAHARASHTRA COASTAL ZONE
MANAGEMENT AUTHORITY HELD ON 25th May, 2022**

The 158th (Day 4) meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment). In view of present pandemic situation of COVID-19, it was decided to appraise the proposals by using information technology facilities. Hence, the proposals were appraised through Videoconferencing technology on Cisco WebEx platform on 25th May, 2022.

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

Item No.1: Proposed development of RCC Bridge from Ghansoli to Airoli by Navi Mumbai Municipal Corporation (NMMC)

The Municipal Commissioner, Navi Mumbai Municipal Corporation presented the proposal before the Authority. The proposal is for development of RCC Bridge From Ghansoli to Airoli, Navi Mumbai. It involves construction of segmental bridge over length of 3.05 km with 6 lane divided carriageway. It further merges into proposed four Lane Bridge ending at chainage 3+050 connecting existing road near sector 14 of Airoli. The road on embankment continues into 6 lane bridge and ends at chainage 2+850 connecting Mulund-Airoli bridge with required interchanges. The project involves construction of bridge in mangrove area along east bank of Thane creek over length of 1.05 km.

The Authority noted that as per approved CZMP, the project falls in CRZ -I (A) & II areas. The project involves construction of bridge in mangrove area along east bank of Thane creek over length of 1.05 km. As per approved CZMP, the project falls in CRZ -I (A) & II areas. The PP has submitted the Rapid EIA / EMP for the project.

As per the earlier deliberations in the 152nd meeting of the MCZMA held on 16.02.2021, the Authority noted that reports received from the NMMC and Mangroves Cell.

1) NMMC Report:-

The NMMC vide letter dated 17.2.2021 submitted its report. The report states as follows:

Temporary impact: The total 15 m of ROW will be required for construction purpose. Mangroves under this are will be affected temporarily. Permanent

Impact: There will be 25 nos of piers for which the mangrove will be affected permanently.

	Mangrove area (Sqm)	Nos of mangrove
Temporary impact	10,125	2640
Permanent Impact	2025	810
Total	12150	3540


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- a) The embankment was a part of CIDCO development for sector 10A of Airoli or peripheral road. It is understood that this was done 20 years back.

2) Mangrove Cell Report:

The Mangrove cell vide letter dated 26.03.2021 submitted its report. As per the report, the site visit was done at proposed site on 08.03.2021 & following observation was made during the site visit.

- 1) The proposed bridge is constructed from Ghansoli sector 14 to sector 10 A and the GPS regarding are.
 - 19 07 32.63N 72 59 20.88E (Ghansoli)
 - 19 09 3.16N 72 59 11.93E (Airoli)
- 2) The proposed bridge is passing through Reserve Forest (Mangrove) villages Dive survey no. 150A, Talvali survey no. 195, Navi Mumbai survey no. 184 and Ghansoli survey no. 109. Approximately 4ha. forest area will be affected due to the proposed project.
 - Total number of mangroves affected will be approximately 5,500 to 6000 trees which fall in the alignment of the proposed bridge. However, approximately 1000 mangroves will be cut for the purpose of construction of piers (25 numbers).
 - Part of bridge and embankment is passing through 50m buffer zone of Reserve mangrove forest (Dive village S. N. 150A)
 - As the proposed project is an important public infra project to improve connectivity in Navi Mumbai region, it is recommended by the mangrove cell on the condition that PP has to obtain necessary permission under FCA 1980 and also from the Hon'ble High Court.

The Authority noted that as per the report of the mangrove cell, total number of mangroves affected will be approximately 5,500 to 6000 trees which fall in the alignment of the proposed bridge. However, approximately 1000 mangroves will be cut for the purpose of construction of piers.

Further, as per deliberations in the 154th meeting held on 15.04.2021, the NMMC vide letter dated 15.04.2021 submitted a note on the public interest involved in the project, as per which:

1. Requirement of the Project for the interest of Public at large:

Presently Palm Beach Marg and Thane-Belapur Roads are two Major arterial roads which is the regional connectivity for JNPT, upcoming Navi Mumbai International Airport (NMIA), to Thane, Mulund. The Thane-Belapur Road was widened recently on ASIDE scheme to provide an outlay for development of export infrastructure in the region. This has led to increase in the local traffic movement and with the development of nearby regions the regional traffic will also escalate. The present V/C ratio of Thane-Belapur Road is 1.22 and thus Level of Service is F. Thus as an there is a requirement of alternate parallel route plying along Thane-Belapur Road.

The proposed linking road will provide alternate connectivity parallel to Ghansoli


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node to Airoli connecting Vashi-Kopar Khairane Road to Mulund Airoli Bridge and proposed Airoli Katai Naka connectivity. Also there has been a demand for this alternate Bridge cum road from the local residents and fishermen of Airoli, Ghansoli, etc. area and was brought up to NMMC.

In Navi Mumbai area, as per UDPCR Sanctioned on Dec.2020 for the Residential, Industrial and Commercial zones FSI is increasing from 0.5 to 4-5, escalating the influx and outflux of population in the area. This will increase the local traffic.

2. Benefits of the Project:

The project will go a long way in solving the problems of traffic movement which is likely to increase due to the development of Special Economic zones, Navi Mumbai International Airport as well as the development of JNPT and Navi Mumbai. With the provision of 6-lane Bridge, the operational LOS would be C and the projected traffic which it would serve is 5766 PCUs/Hr during the peak hours for the horizon year.

The economic benefits for the project are as follows:

- i. Better Linking of Sion-Panvel Expressway to the IT hubs in Airoli, Ghansoli, Vashi etc.
- ii. The travel time as compared to the distance travel on Thane-Belapur Road to the proposed Missing link get reduced from 16 minutes to 6 minutes during the peak hours which is approx. 180% reduction in travel time.
- iii. Saving in Vehicle Operating Cost (VOC) for vehicle users due to improved operating conditions Saving in accidents compensation due reduced number of accidents.
- iv. The B/C Ratio for the missing link of 3.47 km is 1.35. As the calculated Benefits-Costs Ratio is more than 1.0, therefore project is economically viable.

3. Network Connectivity:

With its completion, it will connect the two important nodes of Navi Mumbai i.e. Ghansoli and Airoli which will for a regional connectivity in the area. By connecting Ghansoli -Airoli Bridge to Airoli -Katai Naka elevated corridor, it will connect Mumbai, Thane and other important places via Airoli Mulund Bridge and Airoli Katai Naka elevated corridor.

4. Impact on Mangroves and its mitigation:

Even though substantial number of mangroves are going to be impacted, considering that the project is for overall benefit of entire region, it would be imperative. While construction of bridge, the methodology has been adopted to minimize the impact on Mangroves to is maximum. Over and above except the pillar position rest of the mangroves will be regenerated, minimizing the overall impact on the mangroves. Also 5 times the mangroves that are cut will be planted elsewhere as compensatory afforestation.


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The Authority noted anticipated impacts and mitigation measures suggested in the EIA report.

During the deliberations, the Authority informed the NMMC that the State Government has decided to implement the emerald necklace scheme around the MMR region wherein planning authority should prepare a proposal for plantation of mangroves. In case of large infrastructure projects, the concern planning Authority shall come up with such proposal under the scheme so that mangrove forest cover could increase in the State.

Item No.2: Proposed construction of bridge on Desai Creek in DP road from Agasan Road to Kalyan Road in Thane Municipal Corporation by Thane Municipal Corporation (TMC)

The Officials of the Thane City Municipal Corporation (TMC) presented the proposal before the Authority. The proposal is for construction of bridge on Desai Creek in DP road from Agasan Road to Kalyan Road in Thane Municipal Corporation. Proposed site is located at Desai Khadi creek located near Agasan village in Thane District. Other nearby villages such as Usarghar, Ganesh Nagar, Omkar Nagar are located at Northern part of the creek while Talepada, Desai village are located at southern part of the creek. In view to develop a network connecting these villages it was decided by TMC to construct a road connecting Kalyan Shilphata road to Agarsan village, for which, there is need to construct a bridge over Desai creek.

Total bridge construction area is 5400 sqm. Chainage starting from 0 to 180 m and approaches 150m + 150 m in length, 30 m in width and approx. 12 m in height. Development of bridge will act as connecting between two part of city and it will reduce travelling time. For construction of bridge, approach slab will be constructed in intertidal zone.

As per the approved CZMP, 2011, the site is located in CRZ IB, CRZ II & CRZ IV area. TMC has submitted the Rapid EIA report. TMC officials presented that around 7 to 8 trees of mangroves will be affected due to proposed bridge during construction phase.

As per earlier deliberations in the 141st meeting held on 05.12.2019, Mangrove Cell visited the site on 11.7.2020 and submitted its report on 1.3.2021. Observations of the said site visit report of the Mangrove Cell are as follows:

1. GPS reading of proposed site: N 19^o10'20.49", E 73^o03'49.93" & N 19^o10'13.79", E 73^o03'49.43"
2. According to MRSAC, there is no mangrove forest in the area in the year 2005. It is also not as notified forest area.
3. Presence of approximate 8 no. of true mangrove trees of *Avicennia officinalis* is observed within the alignment however according to project proponent there mangroves are seen outside the footing. Hence trees will not be destroyed during execution of the project.


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4. The project proponent has to obtain permission from Hon. High Court Mumbai before the commencement of the project.

Further, as per earlier deliberations in the 155th meeting held on 10th & 11th June 2021, the TMC submitted a compliance. As per the reply of the TMC:

- TMC is constructing the DP roads in city to implement its Development Plan and bridge located in DP road.
- The construction of DP road from Diva station to Agasan Gaon and Desai Gaon to Kalyan Road i.e. on both side of Bridge is in progress.
- Diva and its surrounding villages are developing very fast having present population is around 4 to 5 lakh and needs connectivity with roads and Bridges.
- Diva is landlocked area surrounded by creek on three sides and railway track on one side having connectivity through only one road (Shil Diva Road).
- Needs to Develop a ring road as Diva station- shil phata- kalyan road- desai gaon- agasan gaon- Diva station as per DP.
- Diva station on central railway is one of the busy junction and has rail connectivity to Vasai, Gujrat, Panvel, Kokan, Pune, NaSbik. Daily footfall at Diva station is more than 2.0 lakhs.
- Diva 85 Sabe Gaon Cluster URP No. 41, 42 86 43 aggregating 126 Ha, 75 Ha, 53 Ha resp. is major cluster under TMC Urban Renewal Program - need express connectivity.

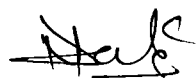
Future Development

- Proposed Bullet Train alignment is passing through Desai gaon, Agasan gaon, Mhatardi which is very near to the bridge
- Mhatardi (part of Diva) @ 1.5 Km from Desai Bridge site is proposed bullet train station. The bridge will reduce the travel distance from area like Palava, Nilje and development along the Kalyan - Shil Road (SH-43)
- Proposed Airoli - Katai Road is passing from Desai Village near creek and will be the shortest connectivity to Katai from diva station.
- Navi Mumbai international Airport is located @ 30 km from site

Benefits of Desai Bridge are as under:

- There will be reduction of traffic congestion @ 25 % on Kalyan-Shilphata road
- The bridge will reduce the travel distance from area of development along the Kalyan Shil Road (SH-43) like Palava, Nilje, Khidkali to Diva, Mhatardi station. The distance and time will decrease by 60%. Thus saving fuel and time.
- Reduction of the Traffic congestion at Shil, Kalyan Phata junctions
- It will also increase the speed of emergency facility to surrounding villages.

The Authority noted anticipated impacts and mitigation measures suggested in the EIA report. As per the report of Mangrove Cell, Presence of approximate 8 no. of true mangrove trees of *Avicennia officinalis* is observed within the alignment however according to project proponent there mangroves are seen outside the footing. Hence trees will not be destroyed during execution of the project.



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The Authority noted that as per para 8.I. CRZ I (ii) (g) of the CRZ Notification, 2011, construction of roads on stilts or pillars without affecting the tidal flow of water is a permissible activity.

As per para 8.III. CRZ-III of CRZ Notification, 2011, following is permissible in CRZ III (NDZ): (j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;

As per amended CRZ Notification dated 28th November, 2014 published by MoEF, 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.

In the light of above, after detailed discussion and deliberation, the Authority decided to recommend the proposal to SEIAA subject to strict compliance of following conditions:

1. The proposed creek bridge should be carried out strictly as per the provisions of CRZ Notification, 2011 as amended from time to time and with a commitment of protection and conservation of coastal environment.
2. PP to obtain the NoC from the mangrove cell. Compensatory afforestation of the mangroves should be carried out with the help of the Forest Department.
3. PP to obtain the prior High Court permission since, the project involve cutting of the mangroves.
4. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.
5. PP to ensure that best industrial practices should be followed for conservation of coastal environment
6. Project proponent should implement Mitigation measures and Environment Management plan as stipulated in the EIA report, effectively and efficiently in letter and spirit during construction and operational phase of the project to ensure that coastal environment is protected.
7. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Item No.3: Proposed construction of Bridge across Taloja River including approach roads and balancing culverts for providing connectivity from Kharghar to Pendhar, Navi Mumbai by CIDCO

The Authority noted that CIDCO has proposed construction of Bridge across Taloja River including approach roads and balancing culverts for providing connectivity from Kharghar to Pendhar, Navi Mumbai. The Authority noted that the proposed road is passing thorough creek and estuarine habitat and is dominated by mangrove and its associated vegetation. It was further noted that the EIA report submitted for the

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proposal is generic in nature lacking details of the impact of proposed road on mangrove vegetation, creek ecology and other biodiversity around the creek. The Authority asked CIDCO to submit the site specific EIA report prepared by accredited consultant. EIA report should cover the alternative site analysis matrix and impact of the proposed road on creek/ mangrove biodiversity as stated above. Accordingly, the matter was deferred.

Item No.4: Proposed development of the Balkum - Gaimukh Road, Thane by Thane Municipal Corporation (TMC)

The officials from the Thane City Municipal Corporation (TMC) presented the proposal before the Authority. The proposal is for development of the Balkum - Gaimukh Road, Thane which will be Connector between the National Highway No 3, Old Agra Road, State Highway No 4 and Virar - Alibaug Multimodal Corridor. It will divert the goods traffic currently on the Ghodbunder road coming from the Gujarat and North India towards JNPT. This will decongest Ghodbunder Road in Thane City. The proposed road Right of Way (ROW) is 40 Meter to 45 Meter as per Development Plan of TMC. The Proposed Road is to be constructed with concrete pavement. The total road length is 13.215 Km.

The Authority noted that proposed road is passing through the Mangroves Land. It was informed that TMC has submitted the Forest Diversion of the 10.0377 Ha Notified and Private Mangroves Forest land. TMC has submitted the EIA/ EMP report for the project.

Considering the impact on significant area of mangroves, the Authority opined that the TMC should explore other possible alignments with an objective to have minimum impact on mangrove vegetation. EIA report submitted by the TMC should cover the alternative site analysis matrix and impact of the proposed road on creek/ mangrove biodiversity. Accordingly, the matter was deferred.

Item No.5: Proposed construction of Slopping Ramp, retaining wall and Gabion wall at Mandwa Kolgaon, Tal. Alibag, Dist. Raigad by MMB

The Maharashtra Maritime Board (MMB) officials presented the proposal before the Authority.

MMB has proposed construction of Slopping Ramp, retaining wall and Gabion wall at Mandwa Kolgaon, Tal. Alibag, Dist. Raigad. The proposed facilities of Slopping ramp, Retaining wall and Gabion wall are proposed to provide protection against erosion and siltation of the creek channel and a sloping ramp for movement and safe mooring place of the fishermen's boats. Due to the local demand of the fishermen, the proposed facilities of Slopping ramp, Retaining wall and Gabion wall are proposed for safe mooring place of the local fishermen's boats. A Gabion wall is proposed to maintain the channel, avoid siltation in the channel for safe passage of fishing boats.

Proposed activities involves followings:

- 2 Gabion walls of length 150.00 m length & 2.00 m width and 100.00 length & 2.00m width respectively


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- A Retaining wall of length 80m length and 3m width
- Sloping ramp of 50m length and 20 m is proposed.

As per approved CZMP of 2011, the proposed project location falls in CRZ - I (A) and I (B) area. MMB has proposed EIA/ EMP report for the project.

The Authority noted that as per para 4(i) (f) of CRZ Notification, 2011 Construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures are permissible activities.

As per amended CRZ Notification dated 28th November, 2014 published by MoEF, 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.

The Authority noted that proposed Slopping Ramp, retaining wall and Gabion wall is required as a flood control measure for the surrounding area. The Authority noted that it is observed that the area around the proposed activity is sensitive to erosion / accretion, hence, the MMB need to explore long term measure in the form of soft solutions for resolving the erosion problem As a long term measure for stabilizing the shoreline MMB shall plant native tree species thereby reducing the erosion of the beach. However, considering the necessity of the project, the Authority felt that the proposal could be allowed from CRZ point of view.

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

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Mangrove should not be cut or any way harmed during construction and operation phase of the project.
3. PP to obtain the prior High Court permission since, part of project activities are in 50 m mangrove buffer zone area.
4. PP to monitor the erosion/ accretion status of the Mandwa Kolgaon Beach in consultation with CWPRS.
5. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.
6. All other required permissions from different statutory authorities should be obtained prior to commencement of work


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Item No.6: Proposed jetty and allied facilities at Adgaon Tal Shrivardhan, Dist Raigad by MMB

The Maharashtra Maritime Board (MMB) officials presented the proposal before the Authority. The MMB has proposed jetty and allied facilities at Adgaon Tal Shrivardhan, Dist Raigad. Adgaon Koliwada in Tal Shrivardhan, Dist Raigad is small fishing village. There is no existing jetty available for fishermen at this village. At present, fishermen anchor their boats on sandy beach interspersed with rocks. The proposed jetty would support the ongoing tourists activities and will also provide safe mooring of fishermen boats. The MMB has proposed construction of jetty and allied facilities at Adgaon Tal Shrivardhan, Dist Raigad. Project activities includes Jetty (230 meter x 3 meter), ticket counters and tourists waiting areas and toilet and sitting area

As per approved CZMP of 2011, the proposed project location falls in CRZ I (B) area. The MMB has submitted the EIA/ EMP report of the project

The Authority discussed that the jetty is a required facility for local fishermen and would be useful for tourists visiting the area.

The Authority noted that as per para 4(i) (f) of CRZ Notification, 2011 Construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures are permissible activities.

As per amended CRZ Notification dated 28th November, 2014 published by MoEF, 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.

In the light of above, after deliberations, the Authority decided to recommend the proposal from CRZ point of view to SEIAA with subject to following conditions:

1. PP should ensure that proposed activities in CRZ areas are as per provisions of CRZ Notification, 2011 (amended time to time).
2. PP to ensure that Mitigation measures and Environment Management Plan is implemented effectively during construction and operation phase of the project.
3. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.
4. All other required permissions should be obtained before the commencement of the project.


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Item No.7: Proposed extension of existing jetty at Murudkhora in Tal Murud, Dist Raigad by MMB

The Maharashtra Maritime Board (MMB) officials presented the proposal before the Authority. The MMB has proposed extension of existing jetty at Murudkhora in Tal Murud, Dist Raigad. There is existing Murudkhora jetty at Tal Murud, Raigad which is solid concrete jetty constructed long back in 1988 which provides connectivity to Janjira fort. In order to provide safe mooring and water depth for passenger boats MMB has identified need of extension of the existing jetty at Murudkhora. The existing jetty is 65 m long and 4.5 m wide which needs to be extended and widened. Proposed length of extension is 100m & width of jetty is 8 m. Existing jetty at Murudkhora need to be extended to provide adequate water depth for large passenger boats. As per approved CZMP of 2011, the proposed project location falls in **CRZ-IB** area. MMB has submitted EIA/ EMP report for the project.

The Authority discussed that proposed jetty will also provide safe mooring place for large passenger boats. It will encourage a significantly larger number of tourists to visit the Fort. It will allow larger boats and ships to berth compared to present facility, which only allows small boats to berth. The Authority felt that the extension of the jetty could be allowed at the site.

The Authority noted that as per para 4(i) (f) of CRZ Notification, 2011 Construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures are permissible activities.

As per amended CRZ Notification dated 28th November, 2014 published by MoEF, 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.

In the light of above, after deliberations, the Authority decided to recommend the proposal from CRZ point of view to SEIAA with subject to following conditions:

1. PP should ensure that proposed activities in CRZ areas are as per provisions of CRZ Notification, 2011 (amended time to time).
2. PP to ensure that Mitigation measures and Environment Management Plan is implemented effectively during construction and operation phase of the project.
3. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.
4. All other required permissions should be obtained before the commencement of the project.


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Item No.8: Proposed reconstruction of library, training building & Nurses Quarter at District Civil Hospital Campus Alibag, Dist. Raigad by PWD, Alibag

The PWD officials could not present the details of the proposal due to network connectivity issue at their end. Hence, the matter was deferred.

Discussion Item- 1: Regarding CZMPs of Mumbai City & Mumbai Suburban Districts under CRZ Notification, 2019

The Authority noted that the Ministry of Environment, Forest and Climate Change, New Delhi vide letter dated 29th Sep, 2019 approved the Coastal Zone Management Plan of Mumbai City and Mumbai Suburban Districts under CRZ Notification, 2019. The approved signed CZMPs were received from MoEF&CC, New Delhi which are published on the website of MCZMA.

The Authority further noted that as per the MoEF&CC, New Delhi approval letter, "all proposals in Mumbai City and Mumbai Suburban received henceforth for CRZ clearance shall be considered as per CRZ Notification, 2019 only. However, pending proposal under CRZ Notification 2011, if any, may be considered at the discretion of project proponent"

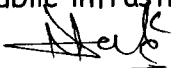
The Authority noted that in the light of approval of the CZMPs of the Greater Mumbai under CRZ Notification, 2019, the Authority noted that for Greater Mumbai region, the CRZ Notification, 2019 is applicable. Concern planning Authority should take note of the same.

Discussion Item- 2: Site Visits - Mira Bhaindar Municipal Corporation

The Authority noted that certain public infrastructure projects of the Mira Bhayander Municipal Corporation were deliberated in 147th and 154th meetings of the MCZMA held on 27th & 28th October, 2020 and 15th April, 2021 respectively. During the said meeting, the Authority decided to Sub-Committee of the MCZMA shall carry out site inspection and submit its report. Accordingly, site inspection of MCZMA sub-committee comprising Expert members 1) Dr. Mahesh Shindikar and 2) M. D. Kudale visited carried out site inspections at 11 sites of public infrastructure projects of the MBMC on 15th and 16th Feb, 2022. Sub-Committee has submitted the site visit report. The Authority noted the said site visit report and took the report on record. The said site inspection report of the sub-committee is as follows:

Site Inspection Report of MCZMA Sub-Committee

"The public infrastructure projects of the Mira Bhayander Municipal Corporation were deliberated in 147th and 154th meetings of the MCZMA held on 27th & 28th October, 2020 and 15th April, 2021 respectively. During the said meeting, the Authority decided to Sub-Committee of the MCZMA shall carry out site inspection and submit its report. Accordingly, site inspection of MCZMA sub-committee comprising Expert members 1) Dr. Mahesh Shindikar and 2) M. D. Kudale visited carried out site inspections at 11 sites of public infrastructure projects of the MBMC on 15th and 16th Feb, 2022. The MCZMA


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subcommittee visited the following sites, as accompanied by the MBMC officials, Mr. Shivaji Barkund, City Engineer and Nitin Mukane.

Observations of the site inspections are as follows:

1. Proposed training and desilting of FN 2 stream

As informed by the MBMC officials, re-alignment, cleaning of the FN2 stream is proposed by the MBMC under the Scheme AMRUT Mission. The stream from Uttan Naka Fish Market to Pali, Uttan is having length of 980 meter. Width of the stream is varying between 6-18 meter. The stream runs parallel to Uttan-pali shoreline.

During the site visit, the MBMC informed that channelization of the stream is proposed by constructing 3 meter wide concrete channel all along the length of the existing stream. It was presented that said construction falls in 50 m mangrove buffer.

The MCZMA sub-committee visited the upstream point and all along the stream up to confluence with the Arabian Sea.

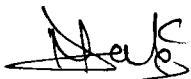
At upstream point, the Sub-committee observed that a small culvert has been built for the road and from this point the stream changes its direction parallel to shoreline. The upstream side of culvert is narrow and silted, without any growth of mangroves. Further, it was observed that the stream is almost choked up due to indiscriminate disposal of solid waste, predominantly plastic waste. The Sub-Committee suggested that it is essential to keep the stream flowing by de-silting and regular clean-up of the channel on priority basis.

All along the stream, the Sub-committee observed that the stream is heavily silted and intermittently littered with plastic, construction debris & other solid waste. This has significantly reduced the width of the stream and affected its flow capacity. Further, it has resulted in the growth of mangrove vegetation along the banks and in the channel as well. This growth and dense root network of mangrove trees has contributed in reducing the flow capacity of the stream. At many places, encroachments along the bank of the stream are observed from the connecting culverts, which has drastically reduced the width and flow capacity of the channel.

At the mouth of the stream, near culvert it was observed that the stream has been almost choked due to sedimentation from sea side and the debris dumped. This has emerged as a barrier for the natural flow through this channel. Mangroves are not seen at the mouth of the nalla. In view of this, it is suggested to clean the mouth by removing the sediment deposition and debris immediately. This will facilitate free flow to some extent.

Recommendations of the Sub-Committee are as follows:

- a. The proposal of construction of concrete channel would result in destruction of mangroves, which are observed along the length of the stream. Further, the concrete channel would hardly serve any purpose of mitigating the flood and also disrupt the mangroves and its associated ecosystem. Therefore, the Sub-Committee feels that the concrete channelization of stream as proposed by the MBMC is not advisable.


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- b. In order to ascertain the flow of water, throughout the stream and to mitigate the probable flooding, it is essential to clear the main channel by desilting and cleaning of the minimum required width of the channel. For the same, few mangroves present in the middle portion of the channel may have to be removed and trimming of branches, with prior approval of Hon. High Court. However, mangroves all along the sides of the main channel should not be disturbed. MBMC needs to revise the proposal accordingly. MBMC shall submit the details like required width of the middle portion of nalla proposed for de-siltation and cleaning, numbers of mangrove trees required to be removed from middle portion of nalla etc.

2. Proposed Morva-Uttan Road:

MBMC have proposal to widen and upgrade the existing road from Morva to Uttan village. The subcommittee visited the site and it is observed that MBMC has proposed widening on both of sides of the existing road by 10 m each. At some stretches along the proposed road dense patches of *Avicennia marina*, *Sonneracia apetala* & mangrove associate *Salvadora persica* are observed. While in other places sparse bushy growth of these species is observed.

A particular stretch of the road from Uttan site is crossing a stream where thick mangroves growth and salt pans are existing. In this particular reach, widening of road falls under CRZ IA, IB and 50 m mangrove Buffer Zone. As per CRZ Notification, 2011, the construction of road become permissible activity in this zone only on stilt. In view of this Sub-Committee suggest to construct this stretch of the road on stilt. Accordingly, the MBMC shall prepare and submit the revised proposals to MCZMA.

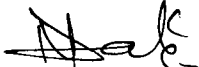
3. Proposal of Compound wall for parking space of Bus at Penkarpada.

The Sub-committee visited the site and observed that the site is open land and having reservation. In the DP of the MBMC. MBMC officials informed that are is to be used temporarily for parking of buses and a compound wall is proposed all along the boundaries of the open land.

It was observed that mangrove are not present in the open land. As per approved CZMP, the 3 sides of proposed compound in CRZ II area, while creek ward side of the compound wall falls in 50 m mangrove buffer zone. The Sub-Committee suggested that on creek-side, the compound wall should be proposed with soft measures using ecofriendly material like bamboo fencing, plantation with chain links etc. The MBMC officials agreed for the same.

**4. Proposal of construction of the DP road from Dahisar Check Naka Tare
Compound NL complex to Mira Road**

The Sub-Committee noted that the MCZMA in its 147th meeting held on 27th & 28th October, 2020 meeting decided that considering the thick mangrove present in the area, MBMC shall submit an alternative of phase 2 of the proposal. Accordingly, during the site visit, the MBMC officials informed that alignment of the road has been revised in view of avoiding of the disturbance to mangrove vegetation. The Sub-Committee visited the site of revised alignment. It was observed that this alternative alignment is passing


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through open land and no mangrove are seen on the site. Therefore, proposed alternative alignment is recommended.

5. Proposal of deepening & widening of streams for better storm water drainage system in the city of MBMC - 8 locations

It is observed during the site visit that these streams are filled with the silt accumulated and debris from the nearby areas & growth of mangroves. This has interrupted the free flow of water & water logging is noticed at these locations. Particularly, it is imperative to keep the channel open for facilitating the flow of water. Nevertheless, as per MBMC officials even the maintenance & cleaning of stream is practically difficult due to the growth of mangroves in the main channel on the deposited sediments. The dense root network encourages further deposition of silt. The flow of water in either direction is important for sustaining the dense mangroves vegetation so also to avoid the episodes of flooding in the upstream region. In view of this, it is suggested to keep the minimum width of main channel of every creek open and under the supervision of representative of mangroves cell with due photographic / video recording. Only minimal mangrove tree cutting & trimming of branches would be conducted after receiving the permission of Hon. High Court. De-silting & deepening of main channels could be possible thereafter.

Further, it is necessary to conduct the frequent maintenance of such channels in view of avoiding the similar situation in future. The natural setup is required for dissipating the excess water & thus any construction along the banks of these channels as well as dumping the construction debris should not be allowed.

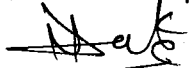
It is also observed that such channels should be cleaned in the upstream region from the catchment to minimize the process of siltation.

Sr No.	Name of Nalla
1	Morva Creek bridge
2	Rai Bridge
3	Murdha Bridge
4	Ganesh Deval Nagar Nalla
5	Navhar Chalghar Creek Nalla
6	Hutkesh Ughadi to Ghodbunder Gaon Nalla
7	Mira Road Saint Xavaiers School to Shrushti Old Bridge
8	Uttan Creek Pali Road

The proposal of FN2 storm water stream in Pali Uttan is discussed separately at serial no. 1

Accordingly, the MBMC shall prepare and submit the revised proposals to MCZMA for further necessary approvals"

The MBMC should submit the revise proposals to MCZMA, as per recommendation of the site inspection report of the Sub-Committee.


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Discussion Item- 3: Compliance of Order dated 13.07.2020 in MA No. 5/2020 in OA No. 15 of 2014 by Hon. NGT, New Delhi (Naim Sharif Hasware V/s. Das Offshore Engg Pvt Ltd)

The Authority noted that Original Application No. 15/2014 (WZ) was filed before Hon'ble NGT, Pune by Naim Sharif Hasware against the company namely, M/s Das Offshore Engineering Pvt Ltd alleging the Environmental/CRZ violations during the construction of fabrication yard. Hon'ble NGT, Pune held that during construction of fabrication yard, the company caused damage to environment and passed the Judgement on 24.12.2014, operative part of which, is as follows:

"In the result, the Application is partly allowed. The prayer for Mandamus for restitution of the property is rejected. The Respondent No.1, M/s Das Offshore Co. shall pay amount of Rs. 25 crores, (Twenty five crores) as penalty for environment damages/compensation for the purpose of restoration of environment on account of destruction, which approximately estimated in respect of items enlisted in paragraph 41 above. Respondent No. 1 shall deposit this amount with Environment Department, Government of Maharashtra, within 4 (Four) weeks else the Collector, Raigad shall seal the premises of Respondent 1 and recover the amount by auction of all property of Respondent-1 including land, building, stock and barrel. Collector Raigad shall not wait for any separate orders from this Tribunal in this regard and submit the compliance report on 15th February, 2015, without fail.

39. Out of these amounts, of Rs. 5 crores (Five crores) be transferred to MCZMA which shall be used for mangroves plantation purpose, preferably in project area, and Rs. 20 crores (Twenty crores) be credited to a separate account by State Environment Department, for development of environment programme, including generate awareness, constructions of solid waste facilities sewage management, public toilet facilities in small towns, which are not adequately funded and have no municipal Council or Corporation Authorities, but are having population approximately nearby requirement of Municipal Council, special toilets on Highways in the State for womenfolk, so in and so forth"

- i. The Company filed an appeal before Hon'ble Supreme Court which was dismissed vide order dated 14.2.2020. Amount of Rs. 12 crores was deposited under the interim order of the Hon'ble Supreme Court.
- ii. Remaining amount has still to be paid for which the company (Applicant) filed Miscellaneous Application (MA) No. 5/2020 in Original Application No. 15/2014 (WZ) before the Hon'ble NGT, seeking extension for time for deposit Rs. 10,01,01,289/- in terms of Judgement dated 24.12.2014 of the Tribunal. Company was seeking time till March 2022.


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- iii. Now, the Hon'ble Tribunal has passed an order dated 13.7.2020 in above said MA Application rejecting the prayer of the Company. Excerpts of the said order of the Tribunal is as follows:

"We are unable to accept the prayer for granting such a long time. Liability is six year old. No extension of time was sought or granted by the Hon'ble Supreme Court. However, we grant time till 31.12.2020 to pay the entire amount subject to interest @ 6% per annum from the date of the Judgement till the date of payment failing which recovery may be effected by coercive means by the Collector, Raigad.

The office has filed office report that the amount deposited with the Hon'ble Supreme Court with accrued interest has been received by this Tribunal. The said amount may be remitted to the Environment Dept of the State of Maharashtra for the purpose of specified in the Judgment towards part payment. The remaining amount may be deposited by the respondent directly in the manner specified in the Judgment

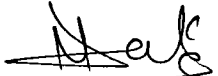
The application and the office report are disposed of"

The Authority noted that MCZMA has received Rs. 5 Crores in the matter, as per the above said Hon'ble NGT matter. As per the Hon'ble NGT order, Rs. 5 crores (Five crores) shall be used for mangroves plantation purpose, preferably in project area. MCZMA need to spend the said amount as directed by Hon'ble NGT.

The Authority noted the background of the matter along with above said Hon'ble NGT. The Rs. 5 Crores received to MCZMA should be used for plantation purpose, preferably in project area. The Authority felt that the State Mangrove Cell could be engaged in the preparing the plan and carrying out mangrove plantation in and around project area. Accordingly, the Authority after discussion that the Mangrove Cell should provide a proposal to MCZMA. After receipt of the appropriate proposal from Mangrove Cell, the same would be discussed in MCZMA meeting and accordingly, Rs. 5 Crores fund could be transferred to Mangrove Cell. Accordingly, the matter is deferred for want to a proposal of mangrove plantation from Mangrove Cell as stated above.

Discussion Item - 4: MoEF&CC reference - Regarding ongoing projects which were not in CRZ as per old approved CZMP under CRZ Notification 1991 and falling in approved CZMP under CRZ Notification, 2011 (Hon. High Court matter)

The MCZMA vide letter dated 18th November, 2020 had sought clarification from the MoEF&CC, New Delhi regarding ongoing projects which were not in CRZ as per old approved CZMP under the CRZ Notification, 1991 and now falling within the CRZ areas as per the approved CZMP under the CRZ Notification, 2011


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Accordingly, the MoEF&CC, New Delhi vide letter dated 14th March, 2022 sent a clarification to MCZMA. The clarification letter of MoEF&CC, New Delhi reads as follows:

"This has reference to your letter no. MCZMA-2020/CR-26/TC-4 dated 18th November, 2020 and meetings held with the Ministry on 13th January, 2021 and 26th November, 2021 respectively along with City Industrial Development Corporation (CIDCO) and Navi Mumbai Builders Development Association (NMBDA) regarding issues related to ongoing projects which were not in Coastal Regulation Zone (CRZ) as per old approved Coastal Zone Management Plan (CZMP) under the CRZ Notification, 1991 and now falling within the CRZ areas as per the approved CZMP under the CRZ Notification, 2011.

As you are aware, the Ministry issued the CRZ Notification, 2011 vide S.O. No. 19(E), dated 6th January, 2011 in supersession of the CRZ Notification, 1991. As per the said notification, all the State Government and UT Coastal Zone Management Authority (CZMP) are required to prepare the CZMPs as per provisions of the CRZ Notification, 2011 and get approved by the MoEFCC.

Further, as per the Notification vide S.O. 621(E) dated 31st July, 2017, the validity of CZMPs approved under the CRZ Notification, 1991 was extended till 31st July, 2018 for consideration of the proposal for CRZ clearance under the CRZ Notification, 2011

In view of the above, it is to clarify that the CZMPs approved under the CRZ Notification, 1991 shall be considered valid till 31st July, 2018 and the same shall be taken into cognizance for approval of the projects. Thereafter, the projects shall be considered for CRZ clearance as per the CZMP prepared and approved in accordance with the CRZ Notification, 2011 or 2019, as the case may be.

It is to further clarify that for the projects not falling in the CRZ area as per the CZMPs approved under the CRZ Notification, 1991 but covered under CZMP prepared under the CRZ Notification, 2011 following procedure may be adopted:-

- i. The MCZMA shall certify that the proposal for which Commencement Certificate (CC) were issued before the cut-off date of validity of CZMPs approved under the CRZ Notification, 1991, is as per the CZMPs approved under the said notification and shall forward its recommendation to the concerned authority for Occupation Certificate (OC), as applicable.
- ii. The CIDCO/ concerned regulatory authority shall certify that the proposals for which Commencement Certificate were issued before the cut-off date of validity of CZMPs approved under the CRZ Notification, 1991 as mentioned in Para 3 above, was as per extant building development norms in place, at that time for sanction for such projects.
- iii. For all other projects, CZMPs approved in accordance with the CRZ Notification, 2011 or CRZ Notification 2019, as the case may be, shall be applicable.


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- iv. All the infrastructure projects shall be considered by the MCZMA as per the extant norms.

The Authority further noted that the Petitioner (Mukund Arrs Developers) had filed W. P. No. 8450 of 2021 versus CIDCO with a prayer to grant the Occupation certificate to the building constructed on plot 3 + 4, Sector 15, at Dronagiri, New Mumbai. As per the petition, the constructed building was not in CRZ as per approved CZMP, 1991, however, at now it falls in CRZ as per approved CZMP, 2011. As per directions of the Hon'ble High Court, In the matter, MCZMA had filed an affidavit in march, 2022.

The Authority discussed the above stated clarification issued by MoEF&CC, New Delhi and decided that a standard operating procedure need to be prepared for submission of matters attracting above clarification from MoEF&CC. Accordingly, following SOP is approved.

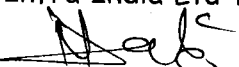
Concern planning Authority shall submit the list of matters along with their remarks, superimposition of the project site on approved CZMP under CRZ Notification, 1991 and approved CZMP under CRZ Notification, 2011, in tabulated form, which is certified by Municipal Commissioner only.

Sr No	Project details	Project location (whether landward side of existing road or authorized structure OR seaward side.	Date of Commence ment certificate issued by Planning Authority	CRZ status as per approved CZMP, as per CRZ Notification , 1991 (map enclosed)	CRZ status as per approved CZMP under CRZ Notification ,2011 (map enclosed)	Whether site is situated within 50 m mangrove buffer zone area

For all such matters related to projects which were not in CRZ as per approved CZMP, 1991, however, falls in CRZ as per approved CZMP under CRZ Notification, 2011, above approved SOP would be applicable and project would be dealt accordingly.

Discussion Item- 5: MoEF&CC reference - Request by M/s. Ajmera Realty to reconsider CRZ buffer to mahul Nalla adjoining their project site bearing CTS Nos. 1A/1, 1A/2 and 1A/6 of M West Ward Village Anik Mumbai

The Authority noted that the Ministry of Environment, Forest and Climate Change, New Delhi vide letter dated 14th Feb, 2022 sent a representation of M/s Ajmera Realty & Infra India Ltd to MCZMA to examine as per provision of CRZ Notification, 2019 and


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requested comments in the matter. M/s Ajmera Realty & Infra India Ltd has requested that trained Nallas / Drains (Tidal water bodies) be excluded from the CRZ Notification for the purpose of CRZ buffers along tidal water bodies / creeks etc and that the CRZ buffers shown in the CZMP 2011/ CZMP -2019 along the Mahul Nalla (Creek) adjoining their project site near Wadala / Mahul be removed.

MoEF &CC, new Delhi in its above said letter further mentions that MCZMA has earlier forwarded comments on the matter vide letter dated 2nd March, 2021 and stated that the exclusion of trained Nallas / Drains from the CRZ Notification pertains to policy amendments in the provisions of the CRZ Notification, 2011.

The Expert Member, MCZMA expressed that CZMPs of Greater Mumbai are finalized and approved by MoEF&CC, New Delhi on 29th Sep, 2021, in accordance with provisions of the CRZ Notification, 2019. The exclusion of the trained Nallas / Drains from the CZMPs, under CRZ Notification, 2019 is a policy matter which needs to be decided at the level of MoEF&CC, New Delhi. The Authority re-iterated the same.

Annexure I

List of members/officials present in the online meeting:

1. Mr. P. K. Mirashe, Representative from the Industry Dept, Member MCZMA
2. Dr. A. K. Chaubey, Ex Regional Director NIO, Expert Member, MCZMA
3. Mr. Maruti Kudale, Ex Director, CWPRS, Expert Member, MCZMA
4. Mr. Sunil Bhat, Dy Chief Engineer, MCGM, representative of MCGM, member, MCZMA
5. Mr. Narendera Toke, Director, Environment &CC and Member Secretary, MCZMA.


Member Secretary


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