

*Minutes of the 188th Meeting of Maharashtra Coastal Zone Management
Authority held on 15th September, 2025*

The 188th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Secretary (Environment and Climate Change), through Videoconferencing technology on Cisco WebEx platform on 15th September, 2025. List of members present in the meeting is attached as Annexure-I.

Confirmation of Minutes of 187th meeting of MCZMA:

The Authority decided to confirm the Minutes of 187th meeting of MCZMA held on 26.08.2025 without any change.

Item No. 1: Proposed SRA Scheme on Plot bearing C.T.S No. B-908, B-909, B-910, B911 (pt), in Mount Mary, Bandra West, Mumbai by M/s. Hubtown Ltd

INTRODUCTION:

The Project proponent along with consultant presented the proposal and its detailed background before the Authority.

The proposal pertains to SR scheme for Jaferbaba CHSL, Shiv Mandir CHS, Hill People CHS (prop) & Durga Mata CHS (prop) on plot bearing CTS no. B-908, B-909, B-910, B-911 of village - Bandra, Mount Mary Hills, Kadeshwari Mandir Marg, Mumbai, as per CRZ Notification, 2019 and as per DCPR 2034, by M/s Hubtown.

The S.R. Scheme was originally approved for 4 Nos of societies viz. Jaferbaba CHS Ltd; Shiv Mandir CHS (prop), Hill People CHS (prop) A Durga Mata CHS (prop) and LOI was issued on 29/12/1998 for 2.115 FSI and entire FSI was allowed for construction in-situ.

The parameters of S.R. Scheme under reference were revised by restricting in-situ FSI upto Zonal FSI with addition of 25% FSI over permissible zonal FSI as per Government directives u/no. TPB/ 4387/4350/UD-II dated 04/11/1988, i.e. 1.25 FSI and accordingly revised LOI was granted on 30/10/2004. Further, the plot area was increased as per demarcation and revised LOI was issued on 09/11/2016. Again, revised LOI was issued on dated 06/11/2020, by adopting provisions of DCPR 2034 restricting the CC beyond 1.25 FSI.


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As per DCPR 2034 CI No. 17.3 (D) (a)(2)(ii) Where the area of site having non-buildable /open space reservation, is more than 500 sq.m such sites may be allowed to be developed for slum redevelopment subject to condition that the ground area of the land so used shall not be more than 65% of the reservation and leaving 35% rendered clear thereafter for the reservation. In this case, Architect has proposed 35% of the land which is reserved of ROS 1.5 shall be developed as Parks as Garden and no construction shall be proposed on this 35% plot.

Presently, the revised LOI was issued on 25.4.2024 as per DCPR 2034 by Slum Rehabilitation Authority.

Sr. No.	Building	Configuration	Status
1	Rehab Building 1 (ABC)	G + 22	Proposed
2	Rehab Building 2B	G + 20	OC received
3	Sale Building A	LG + UG+ 1 st to 7 th Podium+ CL1+ CI2 + 1 st to 23 rd Floor	Proposed
4	Sale Building B	LG + UG+ 1 st to 7 th Podium+ CL1+ CI2 + 1 st to 23 rd Floor	Proposed
5	Sale Building C	LG + UG+ 1 st to 7 th Podium + CL1	Proposed

FSI Details are as follows-

- Gross plot area - 15205.60 sqm
- DP road setback- 1682.88 sqm
- Non Buildable reservation (Garden)- 4681.90 sqm
- FSI (including fungible area)- 41997.05 sqm
- Non FSI area- 50891.51 sqm
- Construction area - 92888.56 sqm

The PP further presented that, the CRZ map in 1:4000 scale is prepared by IRS Chennai as per approved CZMP 2019 for the subject site, which shows the substantial portion of the project site is situated as NDZ of the CRZ II area within Greater Mumbai. As per the report of IRS, total area is 15205.60 sqm, CRZ II area is 1170.05 and NDZ portion is 14035.55 sqm

The PP & consultant presented that, the said status of the CZMP with respect to subject plot to be ignored as directed by the Hon'ble NGT in its order dated 24.10.2024 in OA 327/2024. As per sanctioned DP of Greater


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Mumbai, the Garden reservation is restricted to plot portion admeasuring area 4681.90 sqm only and rest of the portion has no such reservation. Hence, the said portion of the plot is buildable where SRA scheme is permissible, as per CRZ Notification, 2019.

The PP & consultant presented that the subject SRA scheme is permissible as per para 5(ii) and (iii) of the CRZ Notification, 2019 as per direction of the Hon'ble NGT order dated 24.10.2024 in OA 327/2024.

DELIBERATIONS:

The Authority deliberated at length about the detailed background of the proposal, its earlier decisions and status of the project site, in the light of CRZ Notification, 2019, approved CZMP, sanctioned DP and observations of the Hon'ble NGT orders dated 17.10.2012 in Appeal No. 13, 14, 19 & 20/2012 and 24.10.2024 in OA No. 327/2024 and 26.8.2025 in M.A. No. 12/2015 & E.A No. 16/2025 in the subject proposal.


The PP during deliberations presented that the plot was reserved for Garden, as per DP 1991. However entire plot was encroached with slums since much before 1975. Considering the actual site position, NGT, vide its Order dated 17.10.2012, laid down that the plot cannot be considered as "Open Space" under CZMP and hence approval has to be granted as per CRZ II, under CRZ Notification 1991. The plot is situated on the landward side of existing Road. The MCZMA in its 81st meeting held on 26.4.2013 considering the Hon'ble NGT order of the year 2012, withdrawn the stop work notice issued to SRA scheme and decided that SRA to ensure that the FSI of the said scheme is in accordance with the DCR existing and inforce as on 19.2.1991. Accordingly, work is ongoing for four buildings (3 for Rehabilitation of slum dwellers and one for Sale). All slum dwellers (615 slum families in numbers) vacated the site.

The PP further presented that, the new Development Control Rules of Mumbai, were notified on 1st September 2018 ("DCPR 2034") along with Development Plan 2034 ("DP 2034". The Slum Redevelopment Scheme, was revised as per regulation 33(10) of the DCPR 2034 and revised LOI dated 06.11.2020 & 25.4.2024, was issued.

The application under para 5.2(i) and 5.2 (ii) of CRZ Notification 2019 was submitted through Slum Rehabilitation Authority (SRA) vide letter dated 20th April 2022. Initially, the MCZMA in its 167th meeting held on 18.5.2023



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discussed the proposal and referred the matter to MoEF&CC for guidance and necessary decision at NCZMA level.

Meanwhile, the Original Application No. 327/2024 (Hubtown V/s MoEF&CC & ors) was filed before Hon'ble NGT, New Delhi. In the said matter, the Hon'ble NGT passed an order dated 24.10.2024 in the matter directing the MCZMA to take steps on the proposal of the application within two months in accordance with the order of the Tribunal dated 17.10.2012 passed in Appeal No. 14/2012 and the observations made above and ignoring the contrary reflection about the subject property in CZMP 2019. Further, the MoEF&CC, New Delhi vide their letter no IA3-3/43/224-IA.III dated 28.11.2024 has also directed MCZMA to take necessary action in order to ensure compliances of this NGT order dated 24.10.2024.


The PP presented that, the MCZMA in its 180th meeting held on 11.12.2024 deliberated the proposal, wherein the Authority had not granted the CRZ recommendation to the proposal. The said decision of the MCZMA was challenged by the M/s Hubtown in the Hon. NGT by way of filing Execution Application No. 16/2025 and Miscellaneous Application No. 12/2025 in Original Application No. 327/2024. The PP further presented that, in the said matters, the Hon'ble NGT has passed an order dated 26.8.2025 wherein it was directed to consider the application to grant of NoC under CRZ Notification, 2019 and file compliance report.

The PP further submitted that as per directions of the Hon'ble NGT, contrary reflection in the CZMP with respect to subject plot be ignored. Further, the PP stated that as per the Notification dated 8th May, 2018 of the UDD, para 20, if the SRS scheme is sanctioned considering proposals of 1991 DP and such sanction is still valid and if new reservations are proposed in 2034 DP on such land then new reservations of 2034 DP shall be deemed to be deleted. In such cases, the rearranged proposal as per sanctioned SRS if any shall prevail over 2034 DP.

The PP vide letter dated 28.8.2025 has applied online to MCZMA on Parivesh Portal of MoEF&CC on 29.8.2025 and requested the Authority to consider the application for grant of CRZ recommendation in accordance with CRZ Notification, 2019, in view of Hon'ble NGT orders dated 24.10.2023 and 26.8.2025.



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The Authority once again deliberated on the Hon'ble NGT, New Delhi order dated 24.10.2024 in OA 327/2024. The excerpts of the said order is as follows-

"48. Despite the fact that the land under consideration cannot be treated to be Garden due to slum inhabitation being concluded by the order of the NGT dated 17.10.2012 in Appeal No. 14/2012 and also the decision of the MCZMA dated 26.4.2013, in the subsequent draft CZMP published on 29.3.2017 and 6.1.2020 and the CZMP approved on 29.9.2021, the entire subject property was erroneously shown as reserved for Garden. The respondents are not justified in showing the subject property as Green in the CZMP ignoring the earlier of the NGT and the decision taken by the MCZMA in its 81st meeting held on 26.4.2023. The proposal forwarded by the SRA to MCZMA on 20.4.2022 in respect of revised LOI in terms of clause 5.2 of CZMP 2019 was required to be considered by the MCZMA, keeping in view the above finally concluded position but the MCZMA instead of taking decision on the proposal has merely referred the matter to MoEF&CC, New Delhi for guidance in its 167th meeting held on 18.5.2023. The MoEF&CC has rightly taken the stand in this OA that in terms of the CRZ Notification 2011/2019, the SCZMA is primarily responsible for enforcement and implementation of provision of CRZ Notification. Hence, the decision is required to be taken by the MCZMA. Learned counsel for MoEF&CC during the course of arguments had stated that the observations made in the order of the NGT dated 17.10.2012 in Appeal No. 14/2012 are correct and as per the MCZMA classification of the subject land dated 26.4.2013 which is based on CRZ Notification 1991. The subsequent CRZ Notification 2011/2019 will have no bearing on the classification agreed upon by the MCZMA under CRZ Notification 1991. The MCZMA can not repeatedly raise the same issue which is already concluded. The proposal of the applicant needs consideration under clause 5.2(i), (ii) and (iii) of CRZ Notification, 2019.

50 Hence, the OA is disposed of directing the respondent No. 4, MCZMA to take steps on the proposal of the applicant within two months in accordance with the order of the Tribunal dated 17.10.2012 passed in Appeal No. 14/2012 and the observations made above and ignoring the contrary reflection about the subject property in CZMP 2019"

The Authority noted the decision taken in 180th meeting of the MCZMA held on 12th December, 2024, wherein the Authority observed that subject land


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is shown as Garden, hence it falls within CRZ II (NDZ) area. The Authority further noted the para 10.3(i) of the CRZ Notification, 2019 and observed that, the reservation of the NDZ in the CZMP is totally based on the reservations in the DP of the MCGM. The CZMP has followed what DP of the MCGM showed, in accordance with the para 10.3 of CRZ, 2019. It was further noted that, the State Govt is pursuing the proposal sent to MoEF&CC regarding permissibility of the SRA scheme on Garden Reservation lands in the Greater Mumbai, as per town & country planning regulations. Currently, the MoEF&CC is in siege of the matter. Accordingly, the MCZMA in its 180th meeting arrived at a decision that the proposal could not be recommended until - (i) Planning Authority i.e. MCGM modifies the Development Plan of the subject land by deleting the Garden reservation OR (ii) MoEF&CC brings amendment in CRZ notification, 2019 at para 10.3 for permitting the SRA scheme on Garden reservation lands.

Further, the MCZMA on 26th March, 2025 filed Civil Appeal before Hon'ble Supreme Court challenging the above said Hon'ble NGT order dated 24.10.2024 in OA 327/2024. M/s Hubtown Ltd. has filed the Miscellaneous Application No. 12/2025 and Execution Application No. 16/2025 in OA 327/2024 before NGT Delhi against the MCZMA decision on the subject proposal. However, the said matter were subsequently withdrawn.

Meanwhile, M/s Hubown submitted a representation dated 16.7.2025 UDD letter dated 8.6.2023 & DP remarks dated 21.7.2025 of MCGM in the subject matter. The UDD letter dated 8.6.2023 mentions that Garden reservation in DP 1991 has been 'Rearranged' in the subject SR scheme which will be retained. Further, as per DP remarks dated 21.7.2025 MCGM & above said UDD letter, the reservation of ROS 1.5 Garden/ Park shown on CTS No. 908, 909, 910 & 911 (pt) is 'deemed to be deleted' as per approved SRS layout with a condition to handover Garden/ Park reservation admeasuring 4681.90 sqm to BMC.

The MCZMA vide letter dated 22.7.2025 sought clarification from the Urban Development Department, GoM, as to whether the deemed deletion of Garden/ Park can be considered as deletion from the sanctioned DP. Presently in the subject SR scheme, what is the area under Garden Reservation and free from Garden Reservation, as per sanctioned DP. Application. Applicability of the para 10.3(i) of CRZ, 2019 to the subject SR scheme was also asked.

The Authority noted that the UDD, GoM sent a file on 15.9.2025 with a noting which clarified that, reservation of ROS 1.5 Garden/ Park as indicated on


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CTS No. 908,909,910 and 911(pt) under DP 2034 is for an area admeasuring 4681.90 sqm only and the balance plot is not indicated as reserved for Garden or park under DP 2034.

The PP during the meeting submitted that no construction is proposed on Garden area which is 4681.90 sqm, which will be handed over to MCGM.

The Authority noted the observations of the Hon'ble NGT orders dated 17.10.2012 in Appeal No. 13,14,19 & 20/2012 and 24.10.2024 in OA No. 327/2024 and 26.8.2025 in M.A. No. 12/2015 & E.A No. 16/2025 in the subject proposal. The Authority noted that, as per the said Hon'ble NGT orders, the proposal of the applicant needs consideration under clause 5.2(i), (ii) and (iii) of CRZ Notification, 2019 by ignoring the contrary reflection in the CZMP.

Accordingly, the Authority noted the para 5.2 (ii) and (iii) of the CRZ Notification, 2019:

"(ii) Construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places, etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorised fixed structures:

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road"

"(iii) Buildings permitted as in (ii) above, shall be subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index (FSI) or Floor Area Ratio (FAR) prevailing as on the date of this Notification, and in the event that there is a need for amendment of the FSI after the date of publication of this notification in the official Gazette, the Urban Local Body or State Government or Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned State Coastal Zone Management Authority (SCZMA) or Union Territory Coastal Zone Management Authority, as the case may be and the SCZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environmental protection measures, etc., and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the Solid Wastes are handled as per respective



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Solid Waste Management Rules and no untreated sewage is discharged on to the coast or coastal waters"

The Authority noted that, in view of the UDD clarification, the part of project site admeasuring 4681.90 sqm is reserved for Garden which is NDZ area, wherein residential or commercial construction is not permissible, in view of para 10.3(i) of the CRZ Notification, 2019. Local body should strictly ensure that there is no construction proposed in the said plot portion. The said reservation shall be handed over to MCGM for protection and conservation as green lung as stipulated in the para 10.3 (i) of the CRZ Notification, 2019.

The balance project site area admeasuring 10,523.7 sqm, which is not reserved for Garden, is CRZ II area, as per the provisions of the CRZ Notification, 2019. In the said CRZ II portion, the building construction is permissible on landward side of exiting road or existing authorized structure and as per local town and country planning regulations as applicable from time to time, and the norms for the FSI prevailing as on 18.1.2019, as per para 5.2(ii) of the CRZ Notification, 2019. The concern planning Authority shall strictly ensure that the FSI in the proposal is as per town & Country planning regulations existed as on 18.1.2019.

The Authority noted that the total construction area in the project exceeds 20,000 sqm, hence it also attracts EIA Notification, 2006 as category B2 project. As per para 7(iv) of the CRZ Notification, 2019-

"Projects or activities which attract the provisions of this notification as also the provisions of EIA notification, 2006 number S.O. 1533(E), dated the 14th September, 2006, shall be dealt with for a composite Environmental and CRZ clearance under EIA Notification, 2006 by the concerned approving Authority, based on recommendations of the concerned Coastal Zone Management Authority, as per delegations i.e., State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) or the Ministry of Environment, Forest and Climate Change for category 'B' and category 'A' projects respectively"

The Authority deliberated at length on the observations & directions of the Hon'ble NGT order dated 17.10.2012, 24.10.2024, 26.8.2025 as well as MoEF&CC letter dated 28.11.2024, UDD clarification letter dated 8.6.2023 & noting received on 15.9.2025 and decided that the proposal needs to be



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recommended to SEIAA for grant of clearance in accordance with the CRZ Notification, 2019.

DECISION:

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

1. Proposed construction should be in accordance with provision of the CRZ Notification, 2019.
2. As per the UDD, GoM clarification, Plot area admeasuring 4681.90 sqm falls in Garden reservation. No residential or commercial construction is permissible on the said portion as per para 10.3 (i) of the CRZ Notification, 2019. The said portion of the land shall be handed over to MCGM for protection and conservation.
3. Local body to ensure that proposed construction is strictly restricted on CRZ II portion of the project site and situated on landward side of the existing road or existing authorized structure.
4. Local body should strictly ensure that the proposed construction in CRZ II area portion of the project site, is within the limit of permissible FSI as per Town and Country planning regulations existed as on 18th January, 2019 before issuing commencement certificate to the project.
5. PP to implement environment measures such as rainwater harvesting, solar lighting, STP, OWC etc.
6. Debris generated during the project activity should not be dumped in CRZ area. It should be processed scientifically at a designated place.
7. Solid waste generated should be properly collected and segregated. Dry/ inert solid waste should be disposed of as per Solid waste Rules of 2016 to the approved site for land filling after recovering recyclable materials.
8. Safe disposal of the wastewater should be ensured.
9. Local body to ensure that there is not prohibitory order for development / approval from any Hon'ble Court, before issuing Commencement certificate.
10. All other required permission from different statutory authorities should be obtained

In the end, the Authority decided that the said decision of the MCZMA to be filed as compliance report before Hon'ble NGT.


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