

Minutes of the 70th Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 1st July 2011 at Mantralaya, Mumbai

The list of members present in the meeting is enclosed as **Annexure-I**.

Municipal Commissioner (Municipal Corporation of Greater Mumbai); Additional Chief Secretary (Revenue), Mantralaya, Mumbai; Secretary (Fisheries), Agriculture & ADF Department, Mantralaya, Mumbai; President (Vanarai Pratishthan); Dr. (Mrs.) Leela J. Bhosale (Botanist) and Dr. S. K. Gupta, Centre for Environmental Science & Engineering, IIT Bombay, Powai, Mumbai could not attend the meeting. The meeting was adjourned for 30 minutes for want of quorum.

Item No. 1: Confirmation of minutes of the 69th meeting of MCZMA held under Chairmanship of Secretary (Environment) on 29th April 2011 at Mantralaya, Mumbai

The minutes of 69th meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the members of the Authority present in the meeting.

Item No. 2.1: Status of preparation of local level CZMP as per CRZ Notification, 2011

The matter was placed before the Authority. Authority noted the following:

1. Ministry of Environment and Forest, Government of India vide Notification dated 6.1.2011 published the CRZ Notification. Annexure-I of the said Notification stipulates the formulation of Local level Coastal Zone Management Plan for use of local authorities for determination of CRZ. For the compliance of this, the Environment Department/ MCZMA decided to prepare Local Level Coastal Zone Management Plan for the rural areas of coastal districts in the first phase.

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2. For this purpose, MCZMA invited willingness of all MoEF authorized agencies for the preparation of Local Level Coastal Zone Management Plan for the rural areas of coastal districts. However, MCZMA received the response from CESS, Kerala and IRS, Chennai till date.
3. In this context, the meeting was conducted on 24.11.2010 under the Chairmanship of Secretary (Environment) to decide on the TOR for the preparation of CZMPs. Since only two agencies shown interest, it was decided that one district each can be allotted to formulate the CZMP. Then ToR on guidelines of Draft CRZ Notification, 2010 and CRZ Notification, 2011 was finalized to prepare the Local level Coastal Zone Management Plan for rural areas of coastal district. It was decided to allocate the work of preparation of local level CZMPs of rural area in the scale of 1:4000 in digital and print format as per conditions, procedure stipulated in CRZ Notification, 2011 with ground truthing, to IRS, Chennai for Raigad district and CESS, Kerala for Thane District.
4. In response to this, IRS, Chennai submitted the proposal for demarcation of HTL / LTL and superimposition of Coastal Zone Management Plan at local level for rural areas of Raigad district on 4.2.2011. The total proposed cost of the formulation of CZMP of Raigad district is Rs. 152.20 lakh. The matter was sent to Finance Department for permission to release the fund. The Finance Department has approved the proposal and allowed to release first installment of Rs. 72 lakhs with MoU.
5. The CESS, Kerala has sent the proposal vide letter dated 26.5.2011, for preparation of Local level CZMP (1:4000 scale) for rural area of Thane District.
6. For Ratnagiri and Sindhudurg Districts, the willingness to prepare the local level CZMP (1:4000 scale) was also invited from all the 7 MoEF authorized agencies, vide letter dated 31.5.2011. In response to it, CESS, Kerala has

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shown their willingness for the said work, vide letter dated 17.6.2011. NIO, Goa vide letter dated 29.06.2011 has also shown interest and requested a meeting on the same at Goa.

Authority discussed on the financial aspects such as cost per km, timeframe etc. of the received proposals and opined that it is necessary to know the kilometer-wise cost of the formulation of local level CZMPs of coastal districts indicating the HTL, LTL, CRZ classification, various coastal geomorphologic features etc. and time period required for the same. MoU considering all above may be undertaken before assigning the work to the agencies.

Authority after detailed discussion and deliberation, decided to convene a meeting under Secretary (Environment) inviting all MoEF authorized agencies so that ToR for the preparation of local level CZMP as well as cost could be finalized. Representative from MoEF may also be invited for the same.

Further, authority noted the status of the work of mangroves mapping of rural and urban areas of Thane, Raigad, Ratnagiri and Sindhudurg for the compliance of High Court order dated 27.1.2010 in PIL 87/2006. Authority noted the following-

With respect to mangroves mapping of the coastal rural areas, MRSAC has already provided the statistical data of the plot wise computation of the mangroves area to the land record department for further necessary action.

Work of plot-wise computation of mangroves areas of urban areas was given to CESS, Kerala. Accordingly, the CESS has submitted the first draft for the same and requested to visit the CESS for finalizing the draft.

The CESS has also requested to release the payment of Rs. 16.5 Lakhs towards the same.

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Authority after discussion, decided that the Principal Secretary (Urban Development Department) would visit the CESS, Thiruvananthapuram, Kerala along with the Settlement Commissioner for finalizing the draft, so that the same could be handed over to land record department for further necessary action as per the order of Hon. High Court. After approval of the same, fees for the same will be released. Further, authority decided to convene a meeting to review the progress of the same under the Chairmanship of Chief Secretary.

Item No. 2.2: Complaint by Ashwashakti Welfare Association with respect to S.R scheme on plot bearing C.S. No. 1980 (pt) of Fort Division and plot bearing CS No. 153A(pt), 150A(pt) of Backbay Reclamation Scheme III, Nariman Point, Mumbai

The matter was placed before the Authority. Authority noted that the matter was placed in the 69th meeting of MCZMA held on 29.04.2011. The minutes of the 69th meeting are reproduced as follows:

"The matter was placed before the Authority. The Authority noted that Environment Department received a complaint from Ashwashakti Welfare Association vide letter dated 13th December, 2010 alleging violations of CRZ Norms and for initiating construction activities without EIA report and environment clearance under EIA Notification, 2006 on plot bearing CTS No. 153A(pt) and 150A(pt) on Backbay Reclamation Scheme-III, Nariman Point, Mumbai. On receipt of above said complaint, MCZMA vide its letter dated 17th January, 2011 requested Metropolitan Commissioner, MMRDA, Collector, Mumbai Suburban Dist., Chief Executive Officer, SRA to take necessary action against alleged violation of CRZ Notification, 1991 (if any) and submit action taken report accordingly.

Authority noted that the Chief Executive Officer, SRA vide his letter dated 22nd February, 2011 submitted the reply on the above matter. Authority noted the content of the letter as follows:

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The SRA Scheme under reference is an amalgamation of two different SRA Schemes submitted in redevelopment in the SRA in existing slums on land belonging to the State Government bearing plot C.S. No. 1980 (pt) of Fort Division and 153A(pt) and 150A(pt) of BBR Scheme-III, Nariman Point, Mumbai which was initially approved and LOI was issued on 15th November, 2007 and lastly revised on 6th April, 2010 for the 150 number of eligible slum dwellers as certified by Additional Collector (Encroachment) and Competent Authority. As per the report, the scheme under reference comprises of one rehab building for rehabilitation of eligible slum dwellers consist of basement + ground + 6 part for which plans were approved by SRA on 25th January, 2009 and lastly amended on 13th April, 2010 and on 14th July 2010 to sale building. Commencement Certificate upto plinth level to the rehab building was issued by SRA on 5th April, 2009 and further C.C. on 13.4.2010. It was also reported that presently the construction of work of rehab building is in progress.

Authority also noted from the SRA letter, that the scheme under reference is approved by Slum Rehabilitation Authority for the in situ FSI of 1.66 as per the CRZ Notification of 1991, with due permissions to carry out the work on landward side of demarcated imaginary line/ H.T.L. with the approval of State Government and Ministry of Environment & Forest, Govt. of India. They also submitted list of verification/ clearance as under:

1. Verification of HTL was carried out by the Centre for Earth Sciences Studies (CESS) on 02/05/06.
2. The scheme u/ref. was accorded clearance under Coastal Regulation Zone Notification, 1991 by the Ministry of Environment and Forests (IA-III Division) Government of India, New Delhi on 17/11/2006.
3. NOC from the Dy. Secretary to Government, Urban Development Deptt. Mantralaya, Mumbai to allow development of slum dt. 28/11/2006.

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4. The demarcation of imaginary line dt. 4/12/2007 attested by Urban Development Department.
5. Annexure-II certifying the eligibility of slum dwellers was issued by Additional Collector (Enc) for 150 nos. of slum dwellers.
6. NOC from MMRDA (being planning authority for the land on which slum rehabilitation is process) was issued on 21/11/2007, subject to construction of MMRDA's parking area admeasuring 1150.66 sq. m. & handing over same to MMRDA free of cost.

Further it is also stated in the letter that SR Scheme under reference has got requisite approvals from various Government Agencies (State/ Central) and the work of construction of rehab building is in progress as per the approved Plan issued by SRA.

Authority noted that MoEF accorded CRZ Clearance to SR Scheme under reference on the plot bearing C.S. 153A(pt). However, complainant reported that Developer has carried out construction of CS No. 150A(pt) which is reserved for RG. Project Developer was present during the meeting he was requested to clarify the allegations made about the project.

As per the Statement of Developer he stated that MoEF has granted CRZ Clearance vide its letter dated 17.11.2006 to the SR Scheme under reference on C.S. No. 153A(pt) only. Further, he stated that he has neither undertaken any construction activity on C.S. 150A(pt) nor used FSI of the plot for constructing the rehab portion on 153A(pt). Further, he also informed that there is no amalgamation of plots bearing C.S. No. 153A(pt) and 150A(pt).

Project Developer informed during the meeting that slum rehabilitation scheme are amalgamated as per their extent of spread out but no amalgamation of C.S. No.153A(pt) and 150A(pt) involved in the scheme.



Authority took on record the letter of intent issued by SRA on 6th April, 2010. As per this LoI FSI of 1.6625 have been principally approved and sanctioned in accordance with D.C. Regulation No. 33(10).

Authority also noted that total area of the plot under slum is 5821.31 sq. m. and area of the plot used for computation of FSI is 5323.07 sq. m. Rehab built up area of 4303.37 sq. m. and sale built up area is 4546.23 sq. m. Total built up area approved is 8887.39 sq. m. and no. of slum dwellers to be re-accommodated is 150. Built up area and reservation to be surrendered free of cost is 1150.66 sq. m.

Further, Authority noted that as per the Statement of Developer, the SR Scheme under reference proposed on plot No. 153A(pt) is buildable reservation. Further, as per the demarcation plan, the portion of the slum plots falls under plot No. C.S. 150A(pt). This plot is reserved for the public purpose of RG. The area of the slum plot falling under the RG reservation is 498.24 sq. m. Thus the plot area admeasuring 498.24 sq. m. is carved out from the slum plot as per the DCR provisions, without considering any FSI advantage of this plot.

Authority noted that Urban Development Department vide its letter dated 28th November, 2006 communicated to the Chief Executive Officer, SRA to allow the development of slum on land under reference on the basis of plan prepared by CESS and subject to the compliance of the conditions mentioned in the MoEF letter according CRZ clearance as per CRZ Notification, 1991 amended from time to time. One of the conditions in the letter of Urban Development Dept. was that the FSI to be used for the project should not exceed the FSI as applicable as on 19.2.1991. Project Proponent submitted that since the SRA Scheme under reference was falling in CRZ area, the scheme is planned with the zonal FSI of the 1.33 as applicable for island city along with 25% additional FSI as per the Circular No.TPB-4398/ 4350/ UD-11, dated 4th November 1988 i.e. FSI for SR Scheme in CRZ in Island city is 1.66 (inclusive of 25%).

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Authority also noted that EIA Notification, dated 14th September 2006 is not applicable to the Scheme under reference since total built up area as per the LoI of the SRA is less than 20,000 sq. m. and Environment Impact Assessment Report is not required since EIA Notification was not applicable to this Project. After deliberation, Authority noted the following:

1. The present SRA Scheme under reference is with zonal FSI along with 25% additional FSI as per the Urban Development Dept.'s circular dt. 4th November, 1988. Total FSI in the scheme is 1.6625.
2. SR Scheme under reference has been accorded CRZ clearance by MoEF vide its letter dated 17th November, 2006.
3. There is no amalgamation of plots C.S. No. 153A(pt) and 150A(pt). However, there is amalgamation of SR Scheme spread over the area.
4. As per the SRA report and Statement made by Developer, there is no construction on plot No. 150A(pt) which is reserved for RG. FSI advantage is also not claimed for the land reserved for RG.

After deliberation, Authority decided that slum rehabilitation authority should submit details of the scheme under reference as below:

1. Is there amalgamation of plot 153A(pt) and 150A(pt).
2. Is there any construction on plot 150A(pt) under the SR Scheme under reference.
3. FSI calculations and DCR as on 19.2.1991 applicable for the scheme under reference, with reference to CRZ Notification.
4. Details of the Slum Rehabilitation scheme.

Authority decided to hear the Chief Executive Officer, SRA in the next meeting along with his reply before taking final decision in the matter".

Hence the matter was placed in the 70th meeting of MCZMA wherein the representative of the SRA was present. He submitted the reply of Chief Executive Officer, SRA vide letter dated 30.06.2011 to the authority during the meeting.

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which was taken on record by the authority. Authority noted the point-wise reply as follows:

- 1) "The aforesaid SR Scheme known as Mahatma Phule A & B SRA CHS Ltd. was submitted on plot bearing CS No. 1980(part) of Fort Division & plot bearing No. 150A(part) & 153A(part) of Backbay Reclamation Scheme-III of Nariman Point, as per the slum plan submitted by architect to this office. Same is also reflected in demarcation certificate issued by MMRDA (being special planning authority in the region), there is reservation of Recreation Ground on plot bearing No. 150A and accordingly part portion of plot bearing No. 150A falling in the slum plot boundary of the scheme u/ref is excluded. However, the eligible slum dwellers on the said excluded plot will be given permanent accommodation in the rehab building of the scheme, without taking FSI benefit of the said plot. It can be seen that, the part portion of plot bearing No. 150A which is having a reservation of Recreation Ground is excluded, hence there is no amalgamation of plot bearing No. 153A(pt) & 150A(pt) of Backbay Reclamation Scheme-III in the SR Scheme under reference.
- 2) No construction activity is being approved & carried out on plot bearing No. 150A(pt) in the SR Scheme under reference.
- 3) As the scheme u/ref is being implemented by Slum Rehabilitation Authority, the rules & regulations are being follow/ govern by provision under Appendix-IV of Regulation 33(10) sanctioned by Government by its notification No. DCR-1095/1209/ CR-273/ 95 UD-11 dt. 15th October 1997 of modifies Development Control Regulation of 1991. The plot under SR Scheme falls under Coastal Regulation Zone-II hence, in-situ FSI is restricted to 1.33 as per the provision of notification of CRZ Norms. It is to be mentioned here that, aforesaid society comprises of censused slum dwellers and their re-accommodation will be done in the same plot i.e. 153A(part) by giving eligible slum dwellers permanent accommodation in the rehab building, therefore it is attracted by the provision

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of an additional 25% FSI (i.e. $1.33 + 25\%$ of $1.33 = 1.6625$) as per the directives contained in Urban Development Department's letter u/no. TPB 4387/ 4350/ UD-11 dated 4th November 1988. Accordingly, the total BUA (Rehab + Sale) of the scheme is restricted to in-situ FSI of 1.6625.

- 4) Details of the SR Scheme as regards rehab & sale component, FSI etc. is tabulated as under:

Sr. No.	Description	Details regarding area/ FSI consumption
1.	Area of slum plot	5821.31 sq. mtr.
2.	Area of part RG portion being carved out bearing plot No. 150A(pt)	498.24 sq. mtr.
3.	Area of plot arrived at for computation of FSI	5323.07 sq. mtr.
4.	Rehab Built-up Area	4303.37 sq. mtr.
5.	Rehabilitation Component Area	6112.02 sq. mtr.
6.	Sale Built-up Area	4546.23 sq. mtr.
7.	Total Built-up Area approved	8849.60 sq. mtr.
8.	FSI consumption in-situ	1.6625
9.	No. of slum dwellers to be re-accommodated	150 Nos.
10.	No. of Project Affected Tenements generated in the scheme	27 Nos.

Representative of SRA also stated that, "In the recent past, SRA has replied vide office letter u/no. SRA/ Eng/ Desk-1/ 14995/A dt. 22.02.2011, wherein the details of the scheme u/ref along with the various approvals taken/ received were appraised". Authority also noted that SRA schemes are allowed as per prevailing DCR under CRZ Notification, 2011.

Authority, after deliberations, decided to take on record the submissions of SRA and developer and concluded that work is going on as per the approval of

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MoEF and therefore, stop work order given on the basis of alleged violations in scheme, should be closed and recorded subject to the condition that:

- 1) Developer and SRA to ensure that all the proposed development should be in compliance of MoEF permission which stipulates that FSI should be as per the DCR existing and in force as on 19.02.1991.
- 2) SRA to ensure that, construction is as per the provisions of CRZ Notification and as per the Development Control Regulations which were existing and in force as on 19.02.1991.
- 3) SRA to ensure that no violation of provisions of CRZ Notification while developing the project under reference.
- 4) Project developer to give bank guarantee of Rs. 2 Lakhs to ensure that project will be completed in compliance with the conditions stipulated in the MoEF permission.

Item No. 2.3: The Writ petition No. 2368/ 2010 filed by the Indian Navy, Western Naval Command regarding illegal construction of a building Harsiddhi Heights at plot No. 208 (pt) Worli, Mumbai

The matter was placed before the authority. Authority noted that, the matter was placed in the 68th meeting of MCZMA held on 14.03.2011, wherein authority noted the following:

1. The Writ petition No. 2368/ 2010 was filed by the Indian Navy, Western Naval Command regarding illegal construction of a building Harsiddhi Heights at plot No. 208 (pt) Worli, Mumbai.
2. MCZMA had communicated to M/s. Prithvi Corporation (developer of Harsiddhi Heights) vide letter dated 27.12.2010, to UD and MCGM vide letter dated 15.1.2011, to SRA vide letter dated 18.12.2010 to submit the documents pertaining to clearance under the CRZ Notification, 1991 in the matter.

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3. M/s. Prithvi Corporation had submitted their reply vide letter dated 17.1.2011, mentioning:
- i. The proposal was submitted to SRA on 12.1.2001; therefore, the amended notification of MoEF SO-460 dated 22.4.2003 asking for clearance does not apply to this proposal.
 - ii. UD clarified vide letter dated 23.7.2003 that "In continuation with this department letter dated 14.7.2003 it is to be further clarified that the amendment proposed under the notification no. SO-460 E dated 22.4.2003 are applicable to the new proposals submitted after Notification".
 - iii. Under the CRZ Notification, 1991 there is no provision to take prior approval of Maharashtra Coastal Zone Management Authority for projects submitted prior to the Notification 2003.
 - iv. A provision for submission of proposals to MCZMA has been introduced for the first time in the CRZ Notification, 2011. Hence this Notification of 2011 cannot be applied on projects submitted before 2003.
4. SRA had replied vide letter dated 25.1.2011, mentioning that:
- i) Proposal was submitted by Architect on the plot belonging to MCGM on behalf of Developer M/s Prithvi Corporation on 12.1.2001
 - ii) LOI for the Scheme was issued on 22.5.2003 by SRA.
 - iii) As per DP remarks, the land under reference falls in Residential Zone and plot under reference is also categorized as CRZ-II
 - iv) Since the land under reference falls in CRZ-II, the development on the plot was allowed by the then CEO (SRA) as per provisions of CRZ Notification, 1991, as per existing FSI/ FAR norms as on the date of the Notification.
 - v) BUA permissible on site has been restricted to 1.33 only without insisting NOC from MoEF, as per the then prevailing regulation.

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- vi) Mentions about clarification letter of UD regarding MoEF's notification dated 22.4.2003.
5. Urban Development departments had replied vide letter dated 10.2.2011:
UD Dept. has forwarded the reply of SRA mentioning that no communication has been done with Maharashtra Govt. and Union of India regarding prior permission.
UD Dept. vide its office note (dt. 28.2.2011) mentions that as per MoEF notification dated 22.4.2003, proposal with investment more than Rs. 5 crores requires prior permission from MoEF and proposal with investment less than Rs. 5 crores, permission from MCZMA is necessary.
It is clearly observed that in the matter, CRZ clearance from competent authority has not been taken.
6. Authority noted the applicability of the matter as per the CRZ Notification, 1991 which is as follows:
- I. CRZ Notification, 1991 clearly mentions that "the development or construction activities in different categories of CRZ area shall be regulated by the concerned authorities at the State/ Union Territory level".
 - II. The proposal was submitted to SRA on 22.1.2001 and LOI for the Scheme was issued on 22.5.2003. MoEF notification 22.4.2003 was applicable at the time of issuance of LOI. As per the said notification:
The following activities will require environmental clearance from the Ministry of Environment and Forests, Government of India, namely:
"(v) All other activities with investment of five crore rupees or more:
Provided that activities involving investment of less than five crore rupees shall be regulated by the concerned authorities at the State or Union territory level in accordance with the provision of sub-paragraph (2) of paragraph 6 of Annexure-I of this notification."

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it means the proposal with investment more than Rs. 5 crores requires prior permission from MoEF (with recommendation from MCZMA) and proposal with investment less than Rs. 5 crores, approval from concerned authority i.e. Maharashtra Coastal Zone Management Authority is needed.

III. UD Department issued a clarification regarding MoEF notification dated 22.4.2003, mentioning that the notification is applicable to only those proposals which are submitted after 22.4.2003. SRA acted upon the clarification from UD Department and the development on the plot was allowed by the then CEO (SRA) as per provisions of CRZ Notification 1991, as per existing FSI/ FAR norms as on the date of the Notification.

IV. Developer of Harsiddhi Heights claimed that a provision for submission of proposals to Maharashtra Coastal Zone Management Authority has been introduced for the first time in the CRZ Notification, 2011. Hence this Notification of 2011 cannot be applied on projects submitted before 2003.

CRZ Notification, 1991 clearly mentions that "the development or construction activities in different categories of CRZ area shall be regulated by the concerned authorities at the State/Union Territory level". And Maharashtra Coastal Zone Management Authority has been constituted to examine the proposals in CRZ area.

V. Authority concluded the following:

a. LOI for the Scheme was issued on 22.5.2003 by SRA. At that time, the MCZMA was constituted vide MoEF's order dated 4.2.2002 and empowered to examine all proposal in CRZ. The proposal should have been before MCZMA for recommendation and sent to MoEF.

b. The clarification of 22.4.2003 does not change facts and dealt with procedure for projects with investment of Rs. 5 crores, less or more. The proposal should have been submitted to MCZMA.



c. When LOI was issued in 2003, the rules were already set and CRZ clearance should have been compulsorily taken

In the 68th meeting, authority decided to issue Notice under Section 5 of Environment (Protection) Act, 1986 for violation of provisions of CRZ Notification, 1991. Accordingly, the show cause notice was sent vide letter dated 30.3.2011 to the Developer of "Harsiddhi Heights" building (M/s Prithvi Corporation).

The matter was again placed in the 69th meeting of MCZMA held on 29.04.2011 wherein Authority noted the following:

1. The developer vide letter dated 25.04.2011 requested the Chairperson (MCZMA) to provide them the copy of the confirmed minutes of the 68th meeting of MCZMA held on 14.03.2011 so as to enable them to give the Authority the appropriate reply.
2. Authority confirmed the minutes of 68th meeting during the 69th meeting of MCZMA held on 29.04.2011. Authority decided to give the confirmed minutes of the 68th meeting pertaining to the item related to "Harsiddhi Heights" as per their request.
3. Authority decided to direct the project developer i.e. M/s. Prithvi Corporation to file reply to the directions of the Authority within 10 days time after receipt of the minutes from the Authority. After receipt of the reply from M/s. Prithvi Corporation, it would be placed before the MCZMA and opportunity for personal hearing will be given.

Authority noted that, the confirmed minutes of the 68th meeting were provided to the M/s Prithvi Corporation vide letter dated 12.5.2011, with directions to reply to authority's show cause Notice dated 30.3.2011. Authority further noted that, M/s Prithvi Corporation vide letter dated 6.5.2011, requested to provide all necessary documents related file and MCZMA replied to it vide letter dated 21.5.2011 providing all necessary documents.

Authority noted that:

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- a. New Application of proposed society was made on 27th April 2004 by Shri Chandrashekhar, Architect and intimation of approval under sub-regulation 2.3 of Appendix-IV of DCR 33(10) of dated 15.10.1997 was given on 30th March 2005 by SRA. Further Commencement Certificate upto plinth to the M/s. Prithvi Corporation was given by SRA to erect a building on plot No. 208(pt) of village Worli Division on 16.9.2005. SRA did not insist for CRZ clearance from MCZMA nor applied to Urban Development Department for the same.
- b. SRA and Project Proponent did not obtain permission of the Government in Urban Development Department or MCZMA, though it was required.
- c. SRA and Project Proponent misinterpreted the letter of Urban Development Department dated 14th July 2003 and 23rd July 2003. These letters were issued to Planning Authorities clearly indicating that projects requiring CRZ clearances after April 2003 should be referred to MCZMA which is the authority at the State Level. Authority has taken on record all the documents submitted by SRA, comments of the Urban Development Department and reply of the M/s. Prithvi Corporation dated 10.5.2011 and dated 1.7. 2011.
- d. Urban Development Department vide its letter dated 22nd September 2008 directed the Chief Executive, SRA to stop the construction immediately. Subsequently SRA vide letter dated 26th September 2008 issued stop work order to Society.
- e. No Commencement Certificate further to plinth is given and no occupation certificate is given by SRA to the project.

In view of the above, authority agreed that the construction of a building Harsiddhi Heights at plot No.208 (pt) Worli, Mumbai, is a case of violations of provisions of a CRZ Notification, 1991. Hence, authority decided to send a detailed report to the Ministry of Environment and Forest for further necessary action in the matter.

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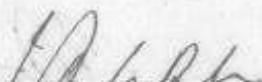


Authority noted that, M/s. Prithvi Corporation was requested to attend the 70th meeting of MCZMA (vide letter dated 23.6.2011) for a personal hearing along with the reply of the authority's Show Cause Notice dated 30.3.2011 and present the say, if any. Authority noted that, the representatives of M/s Prithvi Corporation did not turn up at the meeting to present their say. However, they sent their reply vide letter dated 1.7.2011 during the meeting wherein it has been requested:

- (A) "That the impugned SCN be closed and recorded.
- (B) That in case it is decided to go ahead, then it is requested that duly attested copies of all the papers and files relevant to the case be given.
- (C) That should it be decided to go ahead with this SCN then section/ clause number of the laws relied upon and the copies of those laws may be given to enable a better examination to the legal issues to stake.
- (D) That should it be decided to go ahead with this SCN then section/ clause number of the laws relied upon be quoted in the SCN and a revised and speaking SCN be issued to enable the undersigned file a detailed reply.
- (E) That should it be decided to go ahead with this matter, then the Urban Development Department, Slum Rehabilitation Authority, and then Collector, Mumbai, be made party to this case to enable them to tender an affidavit that no MCZMA permission was necessary for development approvals.
- (F) That should it be decided to proceed with this SCN then all the 81 flat owners whose water and electricity supply is contemplated to be taken away be made parties (Emphasis supplied)".

Considering the above, authority decided as follows:

1. Get a detailed reply from SRA and Municipal Corporation as to why CRZ permission was not sought while according Commencement Certificate upto plinth, to the Society, since new application was made by the applicant on



- 27.4.2004 as well as status as of now regarding granting of Occupancy Certificate.
2. Details of the SRA scheme under reference indicating number of buildings with the names of proposed societies for rehab and sale component.
 3. Under which Development Control Rule has the scheme under reference been approved and to provide detailed FSI calculations for rehab and sale component.
 4. Comment on Urban Development Department's letter dated 14.7.2003 and 23.7.2003 which was wrongly interpreted by SRA that no CRZ clearance was required in the instant case.
 5. Opinion of the Urban Development Department on its letter dated 14.7.2003 and 23.7.2003 on the basis of which SRA cleared the proposal.
 6. Action taken by SRA/ planning authority under MRTTP Act for completion of building construction in violation of the stop work order by Urban Development Department and SRA.

It was also decided that, information requested by M/s. Prithvi Corporation will be given again though it was sent to them vide MCZMA letter dated 21.5.2011.

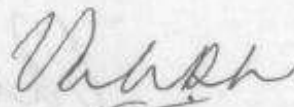
All above replies to be submitted within 15 days of issue.

After receipt of the details from Urban Development Department, Housing Department, SRA and MCGM as above, matter will be placed before the authority for consideration.

Item No. 3.1: Violation of CRZ Notification, 1991 - Huge Township "Orbit MANDWAH" proposed on the shoreline near Mandwa, Maharashtra

The matter was placed before the authority. Authority noted that the matter was placed in the 69th meeting of MCZMA held on 29.04.2011, wherein authority noted the following:

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1. MCZMA received the complaint from MoEF forwarded by Bombay Environment Action Group (BEAG), drawing attention to a development of a huge township project for the affluent coming up on an area of about 200 acres on the shoreline with cottages, pool, revieras, spas etc.
2. On receipt of complaint, MCZMA issued letter to M/s. Orbit Corporation Ltd to submit the details of the permissions obtained from Environment Department/ MCZMA and also directed to stop the work immediately, if construction work is undertaken.
3. MCZMA communicated to the Collector, Raigad: Deputy Director, Town Planning, Konkarn Bhavan vide letter dated 16.12.2010 to get the matter examined and send the report to the chairperson, MCZMA.
4. Considering the request of the complainant, it was decided in the meeting that the joint visit of the Collector, Raigad and BEAG should be conducted by the Collector, Raigad. As decided in the meeting, the Collector, Raigad was requested vide letter dated 23.6.2011 to carry out the site visit of the area, mentioned in the complaint along the BEAG and send the site visit report to MCZMA before 1.7.2011.

Authority noted that the Collector Raigad and BEAG were also requested vide letter dated 23.6.2011 to attend the 70th meeting of MCZMA held on 1.7.2011.

Authority noted that the collector, Raigad has sent the joint site visit report vide letter dated 29.6.2011 to MCZMA. As per the report, the joint site visit was carried out on 29.6.2011 at 11.00 am along with Sub divisional Officer, Alibag; Tehsildar Alibag; Zonal Officer; Ms. Hema Ramani of BEAG; Shri Jacob, resident of Sasawane village; Shri Rasal and Shri Nair of Pragmatic Agrotech Pvt. Ltd. Company. Authority noted the observations of the joint site visit which are as follows:

1. On land under reference, there are no crops at present. Plowing was observed on the land.

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2. Mangroves are observed on the southern side of the Kharland bund which is situated adjacent to the Alibag Mandwa Jetty.
3. As per the record of the Talathi, Mauje Dhokawade, there is no land belonging to the Orbit Mandwa in Mauje Dhokawade. However, at Dhokawade, 4 companies own the land namely, Countryside Agrotech Pvt. Ltd., Sea Side Agrotech Pvt. Ltd, Pragmatic Agrotech Pvt. Ltd. and Vitamin Agrotech Pvt. Ltd.
4. 5 no. of containers on the temporary pillars of bricks are present on the land under reference.
5. There was no hoarding of Orbit Mandwa Project on the land under reference

In the meeting, the representative of BEAG presented their say, stating that there has been systematic destruction of mangroves on the land under reference.


Authority noted that as per the report of the Collector, Raigad, the BEAG mentioned during the site visit that the complaint filed by them is a proactive measure to prevent the violations of CRZ norms by illegal construction and destruction of mangroves, in future.

In light of the site visit report of the Collector, Raigad and presentation made by the BEAG, authority decided to go by the joint site visit report of the Collector, which is field agency at the district level, indicating that there is no destruction of mangroves and violation of CRZ norms on land under reference and decided to report the same to MoEF in reference to its letter dated 25.01.2011.

Item No. 3.2: Complaint filed by MPCB against "Sea Green Cooperative Housing Society" for violating CRZ norms

The matter was placed before the authority. Authority noted the following:

1. Maharashtra Pollution Control Board vide letter dated 17.1.2011 informed that the building known as "Sea Green Cooperative Housing Society" Warli



- Mumbai, is constructed without CRZ Permissions and thus violated the provisions of CRZ Notification, 1991.
2. Considering the letter from MPCB, MCZMA issued the directions under section 5 of Environmental Protection Act, 1986, on 01.02.2011.
 3. Accordingly, M/s Sea Green Cooperative Housing Society has sent their reply dated 05.03.2011 stating the following points.
 - i) The plot under reference falls in CRZ II and situated on landward side of Khan Abdul Gafar Khan Road.
 - ii) As per Registered Govt Valuer, the total cost of the proposal is less than Rs. 5 crore.
 - iii) As per the clarification of Principal Secretary (Govt. of Maharashtra), TPB 4397/ 1201/ CR 165/ UD11 dated 12.11.1997, Plans were accepted on 01.10.2001.
 - iv) MCGM approved the plans as per the procedure of that time. Accordingly, the construction was started.
 4. MPCB submitted the documents, stating the following points.
 - i) Project received the IOD on 01.10.2001 and Commencement Certificate on 05.01.2007.
 - ii) MCGM vide letter 17.05.2005 mentioned that as the proposal is prior to 22.04.2003 the said proposal will not require CRZ permission from Urban Development Department. (MCGM has mentioned about the Urban Development Department's clarification letter No. TPB-2003/ 619/ CR-80/ 2003/ UD-12 dated 14.07.2003)
 5. Further, the file was sent to Urban Development Department for their Comments. The Urban Development Department vide their noting informed that they have called the reports from the MCGM which will be sent to MCZMA on receipt of the same.



During the meeting, the MCGM officials presented the case before authority stating that the project received the IOD on 01.10.2001 and Commencement Certificate on 05.01.2007. Since the proposal was approved prior to 22.04.2003 the said proposal did not require CRZ permission from Urban Development Department based on the Urban Developments departments letter No. TPB-2003/ 619/ CR-80/ 2003/ UD-12 dated 14.07.2003.

Authority opined that at the time of issuance of the Commencement Certificate in 2007, the Maharashtra Coastal Zone Management Authority was Constituted (As per MoEF's order dated 4.1.2002 & 02.09.2005) and proposal could have been placed before the MCZMA. Authority decided to get details from MCGM such as copy of approved building plan and stage of the building construction work, IOD, OC, CC and comments of Urban Development Department on it before taking decision in the matter.

Item No. 3.3: News in 'Times of India' regarding Destruction of Mangroves and dumping of debris at Bangurnagar, Goregaon

The matter was placed before the authority. The authority noted that in response to news published in the "Times of India" dated 15.9.2010 regarding the Destruction of Mangroves and Dumping of Debris is being carried at Bangurnagar, Goregaon, MCZMA communicated to the Divisional Commissioner, Konkan Division; the Chief Engineer, MCGM; the Chief Forest Conservator, Thane Forest Division; The Collector, Mumbai Suburban District; the Deputy Police Commissioner, Bangurnagar Police Station; The Regional Officer, MPCB, vide letter 15.09.2010, to send the action taken report to the Authority.

Authority noted the replies received from the various offices / departments which are as follows:

- A. The Collector, Mumbai Suburbs replied vide dated letter 4.10.2010. As per the reply:

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1. The site visit was carried out by Tahsildar Borivali, at the land under reference. It was found that the Debris was being brought from outside and dumped on CS No 161(pt) plot 167 and 168. The debris was being spread on the site using polkan Machine.
 2. On the west side of the plot, there is a creek. The Mangroves are present along the nalla.
 3. The Plot No 167 and 168 are 150 m from mangroves and on southern side of plot, shrubs, grass are present.
 4. No Mangroves are present on plot 167 & 168, where dumping is carried out.
- B. The Deputy Commissioner, Bargurnagar Police Station, sent their report vide letter dated 05.01.2011, stating the following points:
1. As per the letter of MCZMA, dated 15.09.2010, directions are issued to concerned offices, to take action against the destructors of mangroves, if found and send the action taken report.
 2. The Senior Police Inspector, Bargurnagar Police Station, visited the site at link Road Goregaon, and observed the mangroves along the creek. It was found that no Mangroves were destroyed.
 3. On inquiry into Tahsildar's office, it was realized that, based on the News Published in Times of India, Tahsildar, Borivali had carried out the site visit at Survery No. 161 (part), Plot No. 167 & 168, along with the officials on 15.09.2010 at 1.30 pm. It was found that the plot No 167 & 168 of Survey No 161(pt) belongs to M/s Lakshmi Asbestos Pvt. Ltd (CTS No.1044) and Info media & Estate Pvt. Ltd (CTS No.1045) by whom the debris was being dumped on the plot.
 4. No mangroves are present within the 50 mt. from the plot, from all the directions.
- C. The Deputy Chief Engineer, MCGM vide letter 25.10.2010 sent its report to the Department. As per the report-

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1. The Proposal for development on plot No 161 (CTS No. 1045), Bangurnagar, Goregoan was submitted on 08.12.2006 to MCGM.
2. The said plot falls in CRZ II and affected by District Commercial Zone (C-2)
3. For development of the said plot, the CRZ NOC from Urban Development Department, was received vide letter No. TPB/2007/28/CR II/07/UD 12, dated 25.07.2007. The confirmation from Environment Department is mentioned in the NOC.
4. After the Urban Development Department's CRZ NOC, the IOD and CC was issued to the project
5. From the photographs and Video CD of the said plot, it appears that the plot is not affected by Mangrove Buffer Zone.
6. From the submitted Documents and Photographs, it can be said that there are no violations of the provisions of CRZ Notifications, 1991 as well as Hon. High Court Order.

D. The Reply from Forest Conservator, Thane was received to the Office stating following points:

1. Based on the News from "Times of India" dated 15.09.2010, concerned Officials carried out the site visit at Mauje Pahadi Goregoan and found the ongoing construction of Building on plot No 169.
2. On inquiry to the Land Owner, Land owner stated that the construction work was going on as per the NOC No. TPB/ 2007/ 28/ CR II/ 07/ UD 12 (dated 25.07.2007) from Urban Development Department.
3. "Times of India" news mentioned the CTS no 1079 as Mangrove area. However, the said area is reserved as Forest and not as Mangroves area.

The File was sent to the Urban Development Department for their comments on Deputy Chief Engineer's letter dated 25.10.2010

Authority noted the comments of Urban Development Department which are as follows:

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1. The land bearing CTS No. 1043, plot No.161, Mauje Pahadi, Goregoan falls in CRZ II area and situated on landward side of the existing Road and as the proposal cost was less than 5 crore, the permission was granted to the proposal as per the DCR existing as on 19.02.1991. Before issuing the NOC, confirmation from the Environment Department was taken.
2. As the photographs submitted by MCGM, vide letter dated 25.10.2010 to Environment Department, the site under reference dose not fall in Mangroves buffer Zone.

Authority noted that the reports received from the various concerned departments indicate that there are no violations of the provisions of CRZ Notifications, 1991 as well as Hon. High Court Order regarding the protection of mangroves.

The MCGM official present in the meeting mentioned that the development work is being carried out on plot No 161 (CTS No. 1045), Bangurnagar, Goregaon, with CRZ NOC from Urban Development Department, letter No. TPB/2007/28/CR II/07/UD 12, dated 25.07.2007. The plot is not affected with the mangroves buffer zone.

However, in light of various complaints coming from the Bangurnagar area regarding the destruction of mangroves, authority decided to constitute a subcommittee to visit the Bangurnagar area to verify the complaints regarding the destruction of mangroves. The sub-committee will comprise following:

1. Chairperson (MCZMA)
2. Dr. S. B. Chaphekar, Member (MCZMA)
3. Dr. (Smt.) Geetanjali Deshmukhe, Director-In-Charge, Central Institute of Fisheries Education, Mumbai
4. Representative from NIO, Mumbai

Member Secretary (MCZMA) will co-ordinate the visit.

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Item No. 3.4: Complaint received by Mr. Kishore Tarakant Sawant against illegal construction on plot bearing CS No. 98(108), Hissa no 7, Jakirmiya, Ratnagiri against Mr. Janardhan Sawant

The matter was placed before the authority. The authority noted that the complaint regarding the illegal construction on plot bearing CS No. 98(108), Hissa no 7, Jakirmiya, Ratnagiri against Mr. Janardhan Sawant was received by the MCZMA on 27.1.2011. A letter had been issued on 08.03.2011 to Collector, Ratnagiri to take necessary action in the matter and send detailed action taken report to the department.

Authority noted that the Collector, Ratnagiri replied to the Department vide letter dated 13.4.2011 stating the following points:

1. As per the available records and 7/12 extract, the house (structure under reference) on the plot CS No. 98(108), Hissa No. 7 was built prior to 1905.
2. It is seen from the copy of the agreement dated 5.6.2010 in possession with Group Gram Panchayat, Village Mirya that permission for reconstruction of the House was given.
3. From the Copy of the letter dated 29.10.2003 from Gram Panchayat office it is seen that the permission for reconstruction along with expansion was given by Gram Panchayat village Mirya.
4. The plot under reference falls in area between HTL and 300 m also 20 m away from the Creek.
5. It is opined that since the construction is prior to 1905, it cannot be said there is violation of Coastal Regulation Zone in the matter.
6. The complainant vide letter dated 1.6.2011 informed that the information submitted by the Collector and Tahsildar is wrong and misleading.

Authority, after deliberations, decided that if a dwelling unit belongs to traditional coastal communities as per para 6(d) of CRZ Notification, 2011, the

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report of Collector can be accepted. Since structure on the site is from year 1905, Authority decided to set aside the complaint as per Collector's report.

Item No. 3.5: Complaint received from Shri Rajesh Shah against development of plot No. 6, CTS No. 567/51 of village Juhu, Janaki Kutir, Juhu Church Road, Mumbai

The matter was present before the authority. Authority noted the following-

1. The Hon. High Court of Mumbai vide order dated 1.12.2010 directed the Environment Department to examine the matter afresh in its entirety and the MCZMA & MoEF may take appropriate decision in the matter, if necessary, may hear the owner of the land and the petitioners.
2. The matter was placed in the 67th meeting of MCZMA held on 22.12.2010 wherein authority heard the issues raised by the complainant. Further, it was decided to constitute a committee to examine the matter and verify the allegations made by the complainant and documents submitted by owner and MCGM.
3. On detailed investigation into the matter, the committee submitted the report which was placed in the 68th meeting of MCZMA held on 14.3.2011. As decided in the meeting, the report was sent to MoEF vide letter dated 30.3.2011.
4. In response to it, MoEF vide letter dated 9.5.2011, requested to MCZMA to examine the report in detail and send the clear recommendations along with authenticated maps/ documents submitted by the MCGM on the subject.

Considering the MoEF's letter dated 9.5.2011, authority examined the report and decided to send the report back to MoEF with the following recommendations:

"The original proposal is of approvable nature since the proposed structure is on the landward side of authorized plinth. But, the Occupation Certificate or

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building completion Certificate had not been produced before MCZMA. The amended plans are submitted subsequently by the proponent, there is no point in processing/ clearing the original proposal. The MCGM may submit the amended plans to MCZMA for CRZ clearance". Project proponent may make fresh application as per the provisions of CRZ Notification, 2011.

Item No. 3.6: Violation of Honorable High Court order in WP (Lodg) No. 3246/ 2004 & PIL No. 87/2006 at Charkop

The matter was placed before the authority. Authority noted the background of the case which is as follows-

MCZMA had received a complaint from Mr. Reji Abraham, President, United Association for Social, Educational & Public Welfare (UASEPW) vide letters dated 7th June 2010 & 7th July 2010 regarding the violation of Hon. High Court Order at Charkop Sector- 8/9, Kandivali (West), Mumbai Suburbs.

It is also observed that complainant has also filed the same complaint in the year 2006 and MCGM has issued the Stop Work Notice to 19 constructions at S. No. 41, Sector No. 8 MHADA Layout Charkop, Kandivali (West), vide letter dated 7th March 2006.

Complainant in his complaint mentioned that the development in the 50 m mangroves buffer zone is again started and violating the Hon. High Court Orders. Complainant requested to stop these constructions and initiate strict action against the said violation of Honorable High Court Orders and CRZ Notification, 1991 (amended till date).

MCZMA vide letter dated 30th June, 2009 directed Commissioner, MCGM to examine the matter and initiate appropriate action if violations are found. Commissioner, MCGM has also directed to submit the action taken report and maintain status-quo till further orders from authority.

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MCZMA vide letter dated 15th July 2010 again informed Commissioner, MCGM and Chief Officer, MHADA to examine the matter and initiate appropriate action on violation of Honorable High Court Orders and CRZ Notification 1991.

As no correspondence/ report has been received from said officials, reminder letter has been issued by MCZMA vide letter dated 31.08.2010.

The matter was considered in the 64th meeting of MCZMA held on 12th August 2010 and as per the decision taken in the meeting, Authority directed Collector, Mumbai, Suburban District; Chief Executive Officer (MHADA) and Chief Engineer (Development Plan), MCGM to send the complete fact finding report independently and to ensure that pending enquiry work is stopped immediately. Accordingly, the letters dated 07.10.2010 were issued to the officials concerned.

With reference to the letters and reminder letter sent earlier, Director (Engg. Services & Projects), MCGM and Collector, Mumbai Suburban District submitted their reply vide letters dated 27.09.2010 and 29.10.2010 respectively. The reply from MHADA is yet to be received.

Some of the points of from the report of MCGM are as follows:

The sector 8 is a part of MHADA layout at Charkop approved by MCGM on 28.9.1993. The plots in the layout were developed by MHADA along with all infrastructures such as roads, SW drains, sewer lines, street lighting and water mains. At present some of the building plans are being approved by MCGM on the plots already developed by MHADA. As per the orders of Hon. Court in WP PIL No. 3246 of 2004 & subsequent circular issued by Ch. E. (DP) bearing CHE/ 1221/ DPC/ Gen of 28.11.2005, all the construction activities within 50 m on all sides of mangroves were issued stop work notices. Aggrieved by the Hon. High Court order and the stop work notices issued by MCGM, affected 17

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societies vide Chamber Summons 99 of 2006 in PIL No. 87 of 2006 i.e. PIL No. (L) 3246 of 2004 approached Hon. High Court for clarification of order dt. 6.10.2005.

The Ex. Eng. (EP) WS 'R' Ward visited all the plots on 10.5.2006 at 11.00 am onwards along with representatives of petitioners, applicant societies & officers of MHADA. During inspection, it was confirmed that no destruction of mangroves was observed on these plots already developed by MHADA along with necessary infrastructures.

Shri Reji Abraham, of United Association for Social Education and Public Welfare in his letter dt. 7.7.2010 has complained about development on plot No. 35 and plot No. 2 of sector 8. Out of which plot No. 2 is being developed by MHADA on their own. The Executive Engineer MHADA has certified that the plot under reference is 57.5 m away from mangroves. The same is also checked at site by this office staff.

As regards, plot No. 35, the same is allotted to Charkop Ravi CHS by MHADA. The Architect and owner has certified that the plot under reference is 75 m away from the mangroves. The same is also checked by this office staff on site.

This office has issued IOD to proposed building on plot No. 2 & CC is not issued so far in view of pending compliance of IOD condition. In case of proposal on plot No. 35, IOD is issued and CC upto plinth is issued.

The Collector, Mumbai Suburban District has addressed his letter dated 29.10.2010 to the Chief Conservator of Forest, Thane; MHADA and MCGM to take necessary action against the complaint of Shri Reji Abraham. In the letter, the observations of their site visit have been mentioned. Some of the points of this letter are as follows:

- i) In Charkop, Sector 8, the plot bearing S. No. 41 belongs to MHADA and mangroves are present on this plot. It is observed that, on this plot



there has been dumping of debris about 4-5 months ago by unknown people and there is construction of a small temple on the same.

- ii) In sector 8 & 9 of Charkop, the colour of the mangroves leaves has turned out to be brownish; however, the reason for the same was not understood

In the 64th meeting of MCZMA, Principal Secretary, Urban Development, taking into account the gravity of situation, had decided a personal site visit to the areas after hearing the presentation and informed that action will be taken immediately in cases of violations. Hence, the matter was referred to the Urban Development Department. Site visit report by Principal Secretary, Urban Development Department is awaited.

Principal Secretary, Urban Development Department directed to call report from MCGM. However, it was noted that, MCGM has already submitted the report vide letter dated 27.09.2010. As per the report, in Sector 8, the construction on plot No. 2 is at a distance of 57.5 m from the mangroves and the construction on plot No. 35 is at a distance of 75 m from the mangroves. IOD has been granted for the construction on plot No. 2 and IOD & CC upto plinth has been granted for the construction on plot No. 35.

With reference to the reply of MCGM, Principal Secretary, Urban Development Department suggested that this matter be discussed in the meeting of MCZMA.

After discussion and considering the reports received from the various field agencies, authority decided to:

- 1) Direct the District Collector to constitute a committee to verify the facts alleged in the complaint and to verify that there is no violation of order of Hon. High Court given in case of mangroves protection. Such committee may be composed of representatives from MCGM, MHADA, SRA, Forest Department,



Police Department and concerned Tahsildar and report to MCZMA immediately.

Collector may also place this item in DCZMC.

- 2) Collector is directed to remove structures, if any, constructed in the mangroves CRZ-I areas and take legal action on the persons responsible for the violations.
- 3) Place on record site visit report by Urban Development Department.
- 4) Reports as above be submitted to MCZMA within 15 days.

Item No. 3.7: Complaint by M/s. M. P. Vashi & Associates regarding violation of MoEF guidelines for development on the plot bearing CTS No. 856 of Village Juhu Vaikunthlal Mehta Road, Vile Parle (West), Mumbai

The matter was placed before the authority. Authority noted the background of the case which is as follows:

1. The proposal regarding CRZ permission for proposed development for commercial purpose on plot bearing CTS No. 856 of Village Juhu, Taluka Andheri (West), Mumbai was submitted by MCGM to Urban Development Department vide letter dated CE/ 9337/ WS/ AK dated 12th June 2009. After scrutiny, Urban Development Department referred the matter to Environment Department.
2. In the submitted information it is mentioned that, the land under reference is situated in Residential Zone as per the approved Development Plan of K/West Ward of MCGM. As per the Development Plan of 1967, the land is situated in Residential Zone and not reserved for any public purpose; whereas as per the Development Plan of 1991, the land is situated in Residential Zone and reserved for Garden. As per the remarks of MCGM and scrutiny of Urban Development Department, the Reservation for Garden on the said plot has been lapsed with reference to the court orders by Hon. High Court in WP No. 442/ 2007 and Hon. Supreme Court in Special Leave Petition No. 1527/ 2008.

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3. It is also mentioned that, as per the MoEF approved CZMP of Greater Mumbai (on 19.01.2000), the land under reference falls in CRZ-II and on the landward side of the existing road. Total area of the plot is mentioned as 1176 sq. m.
4. As per the submitted application, the proposed construction comprises of Ground + 2 + 3(pt) upper floors. In the remarks of Urban Development Department as well as Environment Department it is mentioned that, as per the Rule No. 7(iv) of Development Control Rules (DCR), 1967, commercial use (office) in Residential Zone is permissible upto certain extent.
5. As per the submitted application, total cost of the proposal is mentioned as Rs. 3,16,00,200/- (Land cost of Rs. 79,20,000/- + Construction cost of Rs. 2,36,80,200/-) i.e. less than Rs. 5 crores. In the remarks of Urban Development Department it is also mentioned that, MCGM has approved the construction for commercial purpose on the plot under reference as per the Rule No. 52(b) of the prevalent DCR.
6. The matter was referred by Urban Development Department to Environment Department with recommendations. However, agreeing to the remarks of Urban Development Department, the permission to the said proposal from CRZ point of view was granted vide letter No. MCZMA-2009/ CR-165 dated 31.08.2009 subject to the conditions as follows:
 - i) MCGM to ensure that there is no violation of provisions of CRZ Notification, 1991 (amended time to time) at the time of the proposed development and work should be carried out as per CRZ Notification, 1991.
 - ii) The proposed development should be as per the sanctioned Development Control Rules, 1967 as existing & in force on 19.02.1991.
 - iii) The proposed development should be as per the clarifications given by MoEF vide letters dated 08.09.1998 and 18.08.2006 and as per letter dated 19.01.2000 giving approval to the CZMP of Mumbai.



- iv) MCGM should ensure that investment cost of the proposal is less than Rs. 5 crores.
- v) Other permissions, as required from Government Departments, authorities etc. shall be obtained before commencement of the work.
7. M/s. M. P. Vashi & Associates vide letter dated 2nd April 2011 has made a complaint regarding 'violation of MoEF guidelines for development on the plot bearing CTS No. 856 of Village Juhu, Vaikunthlal Mehta Road, Vile Parle (West), Mumbai- 400 049'. The letter is addressed to Hon. Minister of Environment, Govt. of India and a copy of which was marked to MCZMA and MCGM.
8. As per the complaint, the permission from CRZ point of view has been obtained for MCZMA for the construction of Ground + 3 upper floors; while the Commencement Certificate has been granted by MCGM for the construction of Basement + Stilt + Podium + 11 floors vide letter dated 16.03.2011. In the complaint it is also mentioned that, as per the records of MCGM, total investment in this proposal is Rs. 13.00 crores (which is more than Rs. 5 crores).
9. Considering the allegations made in the complaint, it was found that the information given by MCGM to MCZMA and the information given while issuing the Commencement Certificate is contradictory. It was also found that, the permission from MCZMA/ MoEF has not been taken for the proposal of construction of 11 floors.
10. Accordingly, a letter (dated 28.04.2011) was sent to MCGM, requesting to stop the work immediately and initiate action against the developer/ architect if found guilty. It was also requested to send the action taken report within 15 days.
11. The project proponent (vide letter dated 28.04.2011) was directed to stop the work of the proposed development on the plot under reference. It was also

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directed them to submit all the permissions obtained from Municipal Corporation, Layout Plan, Building Plan, Valuation Report to the Authority for verification.

12. The project proponent vide letter dated 05.05.2011 submitted the reply and enclosed following documents with it:

i) IOD issued by MCGM vide letter dated 31.12.2010 and approved construction plans on 13.01.2010.

ii) Commencement Certificate issued by MCGM vide letter dated 28.01.2010 (which is as per the abovementioned approved plans for construction of Basement + Stilt + 1st Podium + 1st to 11th floors).

13. MCGM has submitted their office report vide letter dated 01.06.2011. Some of the points mentioned in the report are as follows:

i) The proposal under reference was submitted to MCZMA on 12.6.2009 seeking NOC from CRZ point of view for allowing development on the plot under reference. The permission from MCZMA was obtained under No. MCZMA-2009/ CR-165/ TC-3 dt, 31.08.2009, wherein it is stated that the area of the plot is as per land record and area under proposal is 1176.00 sq. m. FSI for proposed construction of the building will be as per DCR of 1967. The proposal involves construction of Ground + 3(pt) Upper floors. Subsequently, the IOD was issued on 13.1.2010 for the proposed commercial bldg. comprising of two level basement + 2nd + 3rd (pt) floor for the proposed built-up area of 1176.00 sq. m. at above referred location. The CC upto top of basement was issued by the dept. on 28.1.2010.

ii) New Architect M/s. S.P. Associates has submitted a fresh notice under section 337 of BMC Act and 44/69 of MR & TP Act. The supervision memo of the new Architect M/s. S.P. Associates was accepted this office on 23.04.2010.



- iii) Various concessions involved in the proposal are put up and sanctioned by the competent authorities two times as per the provisions of DCR, 1991.
- iv) The amended plans are approved on 31.12.2010 for Basement + Podium + 1st to 11th upper floors for residential use in lieu of plot potential and road setback benefit after sanctioning various concessions approved by the competent authority. Plinth CC was given on 31.12.2010 for above referred development and full CC was given on 16.03.2010.
- v) The revised NOC from MCZMA was not insisted while amending the plans from commercial to residential for following reasons:
 - (a) MCZMA has given clearance to built-up area of 1176.00 sq. m. in their NOC. However, in the revised plan the BUA remains same.
 - (b) The project cost is also less than Rs. 5 crores.
- vi) The work upto top of stilt is completed on site. Stop work notice is issued by this office for the proposed development on 2.5.2011 and the work is now stopped. Also the concerned architect Shri Parag Mungale of M/s. S.P. Associates has been informed by this office to seek fresh NOC from MCZMA for the proposed residential development (vide letter dated 10.05.2011).

The MCGM official present in the meeting informed that the permission from MCZMA was obtained for construction of ground + 3 (pt) vide letter no. MCZMA-2009/ CR-165/ TC-3 dt. 31.08.2009. However, the amended plans were approved on 31.12.2010 for Basement + Podium + 1st to 11th upper floors for residential use in lieu of plot potential and road setback benefit after sanctioning various concessions approved by the competent authority. Plinth CC was given on 31.12.2010 for above referred development and full CC was given on 16.03.2010.

Authority asked the MCGM officials as to why the MCZMA approval was not sought for amended plans. MCGM officials reported that only work upto plinth level has been completed as per the permission given by MCGM.

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Authority after detailed discussion and deliberation, decided that:

- 1) Stop work order will be continued and project owner should not construct further till fresh appraisal of the project as per CRZ Notification, 2011 and verify the actual plot size, approved plinth, FSI permissible on the plot as per DCR, 1967, consumed FSI in the 'existing' structure and FSI proposed in redevelopment, user as per DP of DCR, 1967, building layout plan as per DCR, 1967 etc.
- 2) Owner, Builder and Architect should submit resolution as per MoEF letter dated 16.11.2010. Bank guarantee of Rs. 5 Lakhs should be submitted to MCZMA to ensure that orders of MCZMA are followed that no work will be undertaken unless fresh appraisal of the project.
- 3) Municipal Commissioner, MCGM be directed to get explanation from concerned officer as to why the amended plan was not sent to MCZMA for approval. This explanation to be placed in next MCZMA.

Item No. 4: Anik-Panjarpole Link Road (APLR) Project by MMRDA - Permission to cross Mahul Creek and mangroves near Bhakti Park and BPT pipeline, Village Saltpan

The matter was placed before the authority. The authority noted that the matter was considered in the 67th meeting of MCZMA held on 22.12.2010. In the 67th meeting Authority noted the proposal details as follows:

1. MMRDA has proposed the project of Eastern Freeway IS having length of 20 km which starts from P. D'Melo Road at Chhatrapati Shivaji Terminus and passes along Mumbai Port Trust area, Anik, Vashi Naka, Panjarpole, Govandi ROB to Mankhurd-Ghatkopar Link Road. Considering the need of future traffic demand of Mumbai, Mumbai Port Trust and Mumbai Trans-harbour Link Road, the construction of Eastern Freeway is proposed to improve the connectivity and thus a separate corridor will be available for traffic



movement between Island city and suburbs. Considering the Port Trust requirement, elevated corridor is proposed for fast evacuation of Port bound heavy vehicular traffic as well as other traffic.

2. The stretch of Eastern Freeway passes through protected forest land near Anik, for which in-principle clearance from Forest Department is obtained separately vide letter dated 02.11.2010. The density of mangroves in the area under reference is less than 0.2.
3. As per the approved CZMP of Mumbai, it is observed that a small length of 350 m is passing through CRZ area. The total area for which CRZ clearance is sought is 16226 sq. m. (1.62 Ha). The proposed construction in this area is of the nature of construction of bridges and its approaches near Mahul Creek and near BPT Toll where elevated bridge is supposed to be constructed.
4. The submitted project details are as follows:

Sr. No.	Location	Type of area	Area in sq. m.	Total length in CRZ area	No. of piers falling in CRZ area	Total area of piers in sq. m.	Cost of construction
1	Project-1: APLR Mahul Creek (i) Low level bridges across Mahul Creek	CRZ-I	6930	55 m	6 Nos. (6 Piers)	25.2	Rs. 4.70 crores
		CRZ - II	6296	105 m	6 Nos. (4 Abutments + 2 Piers)	91.80	
2	Project-2:	CRZ-	3000	190 m	Nil	Nil	Rs. 1.8

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Sr. No.	Location	Type of area	Area in sq. m.	Total length in CRZ area	No. of piers falling in CRZ area	Total area of piers in sq. m.	Cost of construction
	Eastern Freeway (elevated bridge) at BPT Toll Naka	II					crores
	Total:		16226 sq. m. (1.62 Ha)	350 m		117 sq. m. (0.011 Ha)	

5. Total cost of the Eastern Freeway project is Rs. 531 crores. The cost of Anik-Panjarpole Link Road is Rs. 221 crores.
6. As per the revised submission, overall Cost for Project-1 is Rs. 15.25 crores and for that of Project-2 is Rs 4.64 crores. The cost in CRZ area is Rs. 4.70 crores for Project-1 and that for Project-2 is Rs. 1.80 crores.

In the 67th meeting, as per the CRZ Notification, 1991, Authority decided to recommend Project-1 which is falling in CRZ-I and CRZ-II area and having investment of Rs. 15.25 crores to be recommended to MoEF for CRZ and Environmental clearance. Further Authority decided to clear Project-2 from CRZ point of view and communicate to MMRDA since it is in CRZ-II with investment of Rs. 4.70 crores which is less than Rs. 5 crores. Authority further noted that, till the minutes of the 67th meeting were confirmed, MoEF published CRZ Notification, 2011 on 6th January 2011 in supersession with CRZ Notification, 1991. The letters in the matter as per the decision taken in the 67th meeting however were not issued.

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Authority noted that, MMRDA, vide letter dated 02.02.2011 re-submitted the same proposal with Form 1 as prescribed in CRZ Notification, 2011. Authority further noted that, the Form 1 is submitted only for the abovementioned Project-1 i.e. APLR at Mahul Creek: (i) Low level bridges across Mahul Creek (ii) Elevated viaduct across Mahul Creek and not for Project-2 i.e. Eastern Freeway (elevated bridge) at BPT Toll Naka. Authority also noted that, MMRDA vide letter dated 11.04.2011 has submitted the CZMP (in the scale of 1:4000) with proposed site superimposed on it. The Disaster Management Plan and Environmental Monitoring Programme have also been submitted with the same letter.

With respect to the CRZ Notification, 2011, Authority noted that, construction of bridge in CRZ-IB, CRZ-II and CRZ-III area is permissible; however, the same in CRZ-IA area is not permissible. However, as per the para 4(ii)(a) of CRZ Notification, 2011, the activities which are not listed in EIA Notification, 2006 require clearance from MoEF. Hence, Authority decided to recommend the matter to MoEF subject to the following conditions:

1. No non-forest activities are allowed on land affected by mangroves as per the Hon. High Court Order dated 27th January 2010. Hence, prior permission for the proposed activity under Forest Conservation Act, 1980 and prior permission of Hon. High Court of Mumbai should be obtained.
2. Mangroves replantation plan as per para 8(V)(ii) of CRZ Notification, 2011 should be submitted to MoEF.
3. MMRDA to ensure free flow of tidal water and no reclamation in inter-tidal area during the construction.

Item No. 5: Regarding CRZ permission for proposed Coast Guard Infrastructure for Coastal Security at S. No. 129/1, Erangal Village, Malad (West), Taluka Borivali, Mumbai

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Officials of the Indian Coast Guard presented the proposal before the authority. Authority noted the proposal details as follows:

1. The matter is regarding 'allotment of land admeasuring approximately 20 acres (80930.00 sq. m.) from CTS No. 98 of S. No. 129, Village Erangal, Taluka Borivali for development of infrastructure facilities for Indian Coast Guard'.
2. As per the DP Remarks of MCGM and as per the letter of Executive Engineer, Development Plan (P & R), MCGM (dated 11.10.2010); the land under reference is situated in P/North Ward of Mumbai. As per the Development Plan of P/North Ward, the land is classified as 'No Development Zone' and not affected by any reservation for public purpose.
3. As per the letter of Collector, Mumbai Suburban District (dated 21.08.2010), out of the total land, the land admeasuring 2100 sq. m. is situated in CRZ-I and the land admeasuring 78830 sq. m. is situated in CRZ-III.
4. As per the submitted information, following is proposed on the land under reference:

Coastal Security Centre

State Coastal Security Centre

Helicopter Squadron

Base Workshop & allied facilities

Maritime Rescue Co-ordination Centre

Training Centre

Parade Ground

Small Arm Firing Range

Allied facilities such as living space for duty staff, messes, MI Room, MT

Pool, Guard Room, MES Set-up etc.

5. As mentioned in the letter of Executive Engineer, Development Plan (P & R), MCGM (dated 11.10.2010), following is proposed on the land under reference:

Setting up of State Coastal Security Co-ordination Centre & Training Centre



150 m Jetty/ Berthing Facility

Hover-port to support hovercraft operations

Authority noted that, as per the information submitted in Form 1 in accordance with CRZ Notification, 2011, the land is proposed to be used for coastal security infrastructure by constructing office buildings, workshops, helipads, firing range etc.

Authority further noted that, as per the remarks given by Urban Development Department with respect to CRZ Notification, 1991, the land use of 'No Development Zone' for the land under reference should be converted to 'Residential Zone' and for the same; the procedure should be followed as per the Section 37 of MR & TP Act. Prior permission from MCGM should also be obtained in this regard.

With respect to the permissibility under CRZ Notification, 2011, authority noted that, as per the para 4(ii)(b), following activities shall require clearance from MoEF: "Construction activities related to projects of Department of Atomic Energy or Defense requirements for which foreshore facilities are essential such as, slipways, jetties, wharves, quays; except for classified operational component of defense projects. Residential buildings, office buildings, hospital complexes, workshops of strategic and defense projects in terms of EIA Notification, 2006".

However, the officials of the Indian Coast Guard informed that since land is not allotted due to absence of NOC from CRZ point of view, the detail construction proposal with layout plan, block plan, area statement, investment cost etc. is yet to be finalized. It was felt that the proposal in the instant case should be considered only after the submission of the complete information with following details:

Actual construction activities with layout plan, block plan, area statement, investment cost

CRZ category-wise proposed construction activities



Layout of proposed construction activities superimposed on CZMP of Greater Mumbai in 1:4000 scale

Details of affected mangroves (density, species etc.), if any, due to the proposed activities and compensatory mangroves plantation plan, if mangroves cutting is involved.

Authority, after deliberations, decided that:

- 1) Revenue Department may allot the land to Indian Coast Guard for designated development proposed by Indian Coast Guard.
- 2) This allotment should be subject to the condition that Indian Coast Guard obtains CRZ permission for proposed activities in the existing land use zone as per the provisions of CRZ Notification, 2011 from MoEF.
- 3) This permission to allocate land should not be considered as CRZ permission for construction on the land. This is only for land allotment for envisaged purpose by Indian Coast Guard for security purpose.

Item No. 6: Regarding CRZ NOC for the construction of Trauma Care Centre at village Dahanu

Project proponent presented the matter before the authority. Authority noted the following:

- 1) The proposal is for construction of 20 bedded Trauma care centre at survey No. 167 (pt) at village Dahanu for the existing cottage hospital.
- 2) The land under reference is within the Dahanu Municipal Council and belongs to state government (Public Health Department). The land is occupied by the Cottage Hospital.
- 3) As per the remarks of Town Planning, Palghar, the land under reference falls in CRZ II and partly in Non- mangroves Intertidal Zone i.e. CRZ I (ii)
- 4) As per land record- the total area of land is 33000 sq. m.

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5) The proposed construction of the Trauma care Centre is of ground floor only which is within the premises of the existing Cottage Hospital. The proposed built up area of the trauma care centre is 346.41 Sqmt.

6) As per layout plan and Town Planning, Palghar:

Total area of plot:	33000 sq. m.
Existing built-up area:	5417.25 sq. m.
Proposed built-up area:	346.41 sq. m.
Total built-up area:	5763.66 sq. m.

7) As per remarks of town planning, Palghar, the permissible FSI is 0.75 and the proposed FSI is 0.6. However, the proposed FSI amounts to 0.17 by calculation.

8) As per sub divisional engineer, PWD subdivision, Dahanu, the proposed of Trauma Care Centre is within the premises of the Cottage Hospital which was constructed in the year 1951-52. There are other existing structures within the premises of the cottage hospital such as mortuary building, residential quarters for doctors (male and female), class I, II and IV residential quarters, Nurses residential, dharmashala.

9) As per CZMP of Dahanu area, the land under reference falls in CRZ II and partly in CRZ I (ii). As per Town Planning, Palghar, the proposed construction falls entirely in CRZ II and seaward side of the existing road.

Authority further noted that as per 8.II CRZ II (i) of CRZ Notification:

Building shall be permitted only on the landward side of the existing road and proposed road, or existing authorized structure shall be subject to the existing Town and country planning regulations including the 'existing norms of Floor Space Index or Floor Area Ratio: provided that no permission for construction of building shall be given on landward side of any road which are constructed on the sea ward side of the existing road.

Authority noted that though the proposed construction is on the landward side of the imaginary line drawn between the old hospitals structures, the CRZ

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Notification, 2011 does not mention about the applicability of imaginary line concept. The project proponent presented the lay out map which showed that the proposed construction is on the landward side of the Cottage Hospital which is an authorized structure.

However, authority opined that the proposed construction is not completely on the landward side of the authorized structure. Considering the public cause involved in the proposal, authority suggested the Architect to revise the construction plan by shifting the location of the proposed construction so that it get situated completely on landward side of the authorized structure. For the same, authority suggested an option of adjoining the proposed construction to the existing authorized structure of Cottage Hospital.

In view of the permissibility under CRZ Notification, 2011, authority decided to clear the proposal from CRZ point of view and recommend it to concerned planning authority subject to compliance of the following conditions:

1. The project proponent should submit the revised construction plan/ layout plan proposing the construction of Trauma Care Centre on the landward side of the existing authorized structure.
2. Construction should be carried out strictly as per the provisions of CRZ Notification, 6.1.2011.
3. The proposed development should be as per the sanctioned Development Control Rules as existing and in force on 19.02.1991.
4. Project proponent should obtain all other necessary permissions from the Government Departments and local body as required.
5. Proper Biomedical waste management plan should be worked out and implemented. The Biomedical waste generated should not be stored/ dumped in CRZ area.
6. Before the development, permission from PWD should be obtained for front set back relaxation.

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Item No. 7.1: CRZ Clearance for the proposed CNG filling station at plot No 153-A BBR scheme, Block III, Fort Division, on Free press Journal Road, Mumbai- 400021- M/s Mahanagar Gas Ltd.

The representative of M/s Mahanagar Gas Ltd presented the proposal before the authority. Authority noted the following-

1. The proposal is for CRZ Clearance for Construction of Gas filling Station at plot No 153-A BBR scheme, Block III, Fort Division, and Mumbai.
2. The plot under reference has been allotted to Mahanagar Gas Ltd by the Government in the year 2001 (6.10.2001) for installation of CNG out-let.
3. As per the MMRDA's letter dated 7th January, 2010, the land under reference falls in Residential Zone and is a vacant plot. However, as mentioned in the "particulars of development" submitted by the proponent, the land under reference falls in commercial zone. The site under reference is adjacent to Free Press Journal Marg in West, open land under construction in east, Manora Hostel in north and ground structure in south.
4. As per the remarks of urban development department and approved CZMP (under CRZ Notification, 1991) of Greater Mumbai, the land under reference falls in CRZ-II and situated on seaward side of existing road.
5. Total plot area and area under proposal is 300 sq. m. The proposed FSI is 0.54 with height of 12 meters
6. As per Urban Development Department's letter dated 5th February, 2002 to MoEF, MMRDA being a special planning authority for the BBR area, has published the Development Plan for BBR area on 4th May, 1990. As per this DP, the plot under reference was reserved for "parking". However, while according final sanction to the DP, under section 31 of the MRTP Act, 1966, on 17th March 2001, the reservation of parking, clamped on the said plot was changed from "parking" to that of "CNG filling station". Thus, as on 19th



February, 1991, the status of said plot with reference to draft development plan was shown as reserved for "parking" which was subsequently changed to "CNG filling station".

7. As per MMRDA's letter dated 26.5.2010, The DC regulations of the MCGM are applicable to the Backbay Reclamation Scheme Block III to VI, where the plot under reference is situated. As on 19.2.1991, the MCGM's sanctioned DC Regulations 1967 were in force. As per DCR 1967, clause 7 - use provisions in Residential Zone, Sub Regulation (xvi): " Petrol filling and service stations not employing more than 9 persons and sites not less than 1,200 sq. yd, in area on roads 60 ft and above with the special written permission of Commissioner". This regulation does not mention about the CNG Station. MMRDA further mentioned that in the year 1967, CNG was not commonly used as vehicular fuel.

Authority noted that there is no specific mentioning about the permissibility of "CNG Stations" as such in the CRZ Notification, 2011. However, as per the para 8(i)(II)(iv), in CRZ-II areas, 'facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3' is permissible. However, as per Item No. (x) of Annexure-II of CRZ Notification, 2011, storage of CNG is permissible in CRZ-II area.

Authority further noted as per the para 4(ii) (a) of CRZ Notification, 2011, the activities which are not listed in EIA Notification, 2006 but falling in CRZ area require clearance from MoEF. Authority also noted that proposed activity is on the seaward side of existing road. Hence, Authority decided to recommend the matter to MoEF subject to the following conditions:

1. Construction should be carried out strictly as per the provisions of CRZ Notification, 6.1.2011.
2. The proposed development should be as per the sanctioned Development Control Rules as existing and in force on 19.02.1991.

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3. The proposed development should be on the landward side of the existing authorized structure.
4. The project proponent should implement the safety measures for handling and storage of the CNG. The project proponent should ensure that there is no leakage of natural gas.
5. The project proponent should take proper pollution control measures during construction and operation phase of the proposed project.

Item No. 7.2: The Proposal for construction of CNG Station at BEST Bus Depot at Bandra CS No. A/96, A/97, A/98, A/99, A/100, A/103, A/103 H ward Bandra (W), Block B&C BKC, Mumbai by Mahanagar Gas Ltd.

The representative of M/s Mahanagar Gas Ltd presented the proposal before the authority. Authority noted the following-

The proposal is for Construction of CNG Station at Best Depot at Bandra CS No- A/96, A/97, A/98, A/ 99, A/100, A/103, A/110 , H (W) ward, Bandra. The proposed gas filling station is within the premises of Bandra Bus Depot.

As per the DP remarks, the land under reference falls in "Para Commercial Area" However, documents submitted by the proponent shows that the land under reference falls in Residential & Commercial Zone. The area fall under the jurisdiction of MMRDA.

As per the submitted documents, the land under reference falls in CRZ II area and situated on the landward side of existing road.

As per the application, the total plot area is 19342 sq. m. and area under proposal is 512 sq. m.

As per lay out plan and projects report submitted by the proponent, the proposed CNG filling station will have Compressors, CNG car Dispenser, Substation Mahanagar Gas Ltd Office area, Control panel room, meter room, fire



extinguisher, No Smoking Banners, electrical equipments, safety equipments, washing shed etc.

The proponent has submitted the report on Risk assessment, consequence result post accident data and emergency response plan.

Total cost of the project is 397 lakhs.

Authority noted that there is no specific mentioning about the permissibility of "CNG Stations" as such in the CRZ Notification, 2011. However, as per the para 8(i)(II)(iv), in CRZ-II areas, 'facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3' is permissible. However, as per Item No. (x) of Annexure-II of CRZ Notification, 2011, storage of CNG is permissible in CRZ-II area.

Authority further noted as per the para 4(ii) (a) of CRZ Notification, 2011, the activities which are not listed in EIA Notification, 2006 but falling in CRZ area require clearance from MoEF. Hence, Authority decided to recommend the matter to MoEF subject to the following conditions:

Construction should be carried out strictly as per the provisions of CRZ Notification, 6.1.2011

The proposed development should be as per the sanctioned Development Control Rules as existing and in force on 19.02.1991.

The proposed development should be on the landward side of the existing authorized structure.

The project proponent should implement the safety measures for handling and storage of the CNG. The project proponent should ensure that there is no leakage of natural gas.

The project proponent should take proper pollution control measures during construction and operation phase of the proposed project.

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Item No. 7.3: Regarding permission from CRZ point of view for proposed construction of "CNG Station" at Backbay BEST Bus Depot at CS No. 648, Backbay Reclamation, Mumbai

The representative of M/s Mahanagar Gas Ltd presented the proposal before the authority. Authority noted the following:

1. The proposal is for construction of "CNG Station" at Backbay BEST Bus Depot at CS No. 648, Backbay Reclamation, project proponent M/s. Mahanagar Gas Limited has submitted the information in Form 1 as prescribed in CRZ Notification, 2011 and old checklist developed by MCZMA.
2. As per the submitted land details, the land under reference is occupied and is on leasehold for development of CNG Station. As per the zoning remarks, the land is situated in Residential Zone. This area falls under the jurisdiction of MMRDA.
3. As per the submitted information, the land under reference falls in CRZ-II and situated on the seaward side of the existing road.
4. The construction of the CNG Station is proposed inside the BEST Backbay Bus Depot. Total area of the plot under reference is 21139.00 sq. m. whereas: the area under proposal is 488.11 sq. m.
5. As per the submitted information, the proposed project of fuel (Compressed Natural Gas i.e. CNG) refilling station is planned in the existing Backbay Bus Depot. The CNG will be brought to the premises through underground pipeline with pressure of 16 to 19 bars with help of a compressor. The storage cascade consisting cylinders having total 2000/ 2025 liters water capacity (each) and will be charged with Natural Gas with pressure of 250 bar. Thereafter, the gas will be fed to vehicles through CNG dispensers
6. As per the submitted information, proposed height of the construction is 9 m and proposed FSI for the same is 0.2. Total cost of the proposed project is mentioned as Rs. 392 Lakhs. Layout plan of the proposed construction is

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enclosed; however, Development Plan/ DP Remarks of the planning authority concerned have not been enclosed along with the application.

Authority noted that there is no specific mentioning about the permissibility of "CNG Stations" as such in the CRZ Notification, 2011. However, as per the para 8(i)(II)(iv), in CRZ-II areas, 'facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3' is permissible. However, as per Item No. (x) of Annexure-II of CRZ Notification, 2011, storage of CNG is permissible in CRZ-II area.

Authority further noted as per the para 4(ii) (a) of CRZ Notification, 2011, the activities which are not listed in EIA Notification, 2006 but falling in CRZ area require clearance from MoEF. Hence, Authority decided to recommend the matter to MoEF subject to the following conditions:

1. Construction should be carried out strictly as per the provisions of CRZ Notification, 6.1.2011
2. The proposed development should be as per the sanctioned Development Control Rules as existing and in force on 19.02.1991.
3. The proposed development should be on the landward side of the existing authorized structure.
4. The project proponent should implement the safety measures for handling and storage of the CNG. The project proponent should ensure that there is no leakage of natural gas.
5. The project proponent should take proper pollution control measures during construction and operation phase of the proposed project.

Item No. 8: Proposed change of user of shop No. 6, 7 & 8 at Ground floor and Bank on 1st floor to restaurant on plot bearing CTS No. 1376 / 1 / 82, Survey No. 16 (pt) of village Versova, Link Road, Andheri (W), Mumbai

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The matter was placed before the authority. Authority noted the following:
As per the MCGM remarks, the plot under reference is situated in Residential Zone and affected by CRZ II.

From the submitted documents, the building (1st to 8th upper floor) is existing on the plot under reference. Architect's letter dated 1. 3. 2011 mentions that necessary permission for development of plot under CRZ II is already granted earlier. Accordingly, IOD and full CC was granted and Occupation is granted for building under reference. However, earlier CRZ NOC is not submitted by the proponent.

The proposal is for change of user from shop No. 6, 7 & 8 at ground floor (with amalgamating) and Bank on 1st floor to Restaurant.

Authority opined that in absence of the complete information of the proposal, authority could not arrive at the conclusion. Hence authority decided to get the following details from the project proponent through MCGM.

1. Project proponent/ MCGM should fill the Form 1 and checklist as prescribed in the CRZ Notification, 2011 and submit application as per Office Memorandum dated 2.7.2011.
2. Authorization details of the existing building such as IOD, CC, OC, FSI consumed, DCR etc.
3. CRZ NOC obtained for the existing building in CRZ-II.
4. Permissibility of proposed use as per DCR, 1967 on the site under reference.

Item No. 9: Regarding the revised CRZ status of the plots in Khardanda area, Mumbai

The matter was placed before the authority. Authority noted that following-

1. In the approved CZMP of Mumbai, the creeklet in the Khardanda region receding in the land mass and connected to nalla coming from city was not

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- given a separate treatment as creek/ creek arm and 500 m buffer zone was marked from the said HTL of creeklet.
2. In case of K-Arch from the said area, National Coastal Zone Management Authority (NCZMA)/ MoEF, New Delhi in its meeting held on 28.10.2003, agreed upon that the water body coming inside be classified as creek and as the said site of K-Arch falls beyond 150 m CRZ line of creek HTL and 500 m setback line of sea HTL, the same may be deleted from the purview of CRZ Notification.
 3. Subsequently three different proposals from the area had made representations before MCZMA and the Authority after deliberating these 3 cases in 45th meeting on 07.06.2008, sought advice from NCZMA, whether permission can be granted on the similar lines of K-Arch.
 4. Similarly MCZMA in its 51st meeting considered 3 sites:
CTS No. G/406(pt) of G/628 of Village Bandra at Khar (West)
CTS No. 616 of Village Bandra at Khar (West)
CTS No. E-86/18 of Village Bandra at Khar (West)
On the basis of survey carried out by NIO, Goa and recommended to NCZMA.
 5. In 18th meeting of National Coastal Zone Management Authority held on 15.09.2009 at New Delhi, it was decided that as the decision for the said water body accepting as creek is already taken, MCZMA should demarcate CRZ boundary for the entire area considering as creek and may submit comprehensive plan to NCZMA indicating 500 m setback line from sea HTL as approved in CZMP and 150 m from creeklet HTL.
 6. Accordingly, matter was placed in the 58th and 59th meeting of MCZMA and after deliberations it was recommended to MoEF/ NCZMA along with area maps submitted by Corporation and NIO.



7. The proposal was again discussed in 19th meeting of NCZMA and it was decided to accept the demarcation proposal of Khardanda area, Mumbai as per the survey done by NIO. As decided earlier 500 m setback line from the sea HTL and 150 m setback line from the creeklet HTL was approved.
8. The matter was again discussed in the 60th & 62nd meeting of MCZMA. It was decided by MCZMA that the proposals will be decided by keeping 150 m CRZ setback line from creek HTL and 500 m CRZ setback line from the sea HTL as per NCZMA's decision. Accordingly reference was made to MCGM to mark 500 m setback line from sea and 150 m from creek as per original HTL for the entire area, as decided by NCZMA so as to take decision in the matter.
9. MCGM vide letters dated 17.08.2010 submitted comprehensive plan for the entire area showing therein 150 m CRZ setback line from the creek HTL and 500 m CRZ setback line from the sea HTL as per approved CZMP.
10. The matter of all other individual cases from the area was discussed in MCZMA in its 62nd meeting and it was decided that Hon. Chairman, MCZMA may take decision on the basis of map submitted by MCGM and all other relevant documents like survey by NIO and decisions of NCZMA in the area.

Authority noted the CRZ status of the plots as per NCZMA decision was communicated to the applicants and Chief Engineer (Development Plan), MCGM. Authority also decided to communicate CRZ status of following plots as received to the authority for clarification till July 2011 from CRZ point of view as per above decision of the NCZMA/ MoEF to the Chief Engineer (Development Plan), MCGM:

- 1) Plot bearing CTS No. G-405 of Village Bandra at 16th Road, Opposite Rotary Park, Santacruz (West), Mumbai- 400 054
- 2) Plot bearing CTS No. G/171-B & G/171-C of Village Bandra (Final Plot No. 82/3B & 3C) at Saraswati Road, Santacruz (West), Mumbai- 400 054

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- 3) Plot bearing CTS No. G/624-7, corner of 17th Road, Opposite Blooming Day School of Village Bandra, Khar (West), Mumbai- 400 052
- 4) Plot bearing CTS No. 625/1 and 625/2 of Bandra-G Village, Mumbai
- 5) Plot bearing CTS No. G/321, FP No. 82/16, TPS-II located on Saraswati Road, Santacruz (West), Mumbai- 400 054
- 6) Plot bearing CTS No. G/169/4, FP No. 82/1D, TPS-II located on Saraswati Road, Santacruz (West), Mumbai- 400 054
- 7) Plot bearing CTS No. 86/21, Bandra-E Village, Khar (West), Mumbai
- 8) Plot bearing CTS No. 23, Bandra-E Village, Khar (West) (received on 1.7.2011)

Authority also noted that MCGM has been requested to send the list of Survey Nos. as per above decision (in the Khardanda area, which may fall in non-CRZ area) vide letters dated 29.01.2011 and 25.05.2011 for submitting the same before MCZMA. However, such list has not been received by MCZMA till date. After receipt of the same, comprehensive list of the area will be posted on the website.

Item No. 10: Navi Mumbai seeks guidance from MCZMA regarding the mangroves present in the nalla abutting the plot at sector 30, Vashi

The Officials from the Navi Mumbai Corporation presented the matter before authority. Authority noted the following:

Navi Mumbai addressed a letter to MCZMA on 10/2/2011, which mentions that CIDCO has given the plot admeasuring 12677.30 sq. m. of sector 30 of Vashi to M/s Mohan Entertainment Corporation Ltd for the purpose of Multiplex and family Entertainment Complex on 14/10/2003 with FSI 1.

At eastern side of plot: 20 m Nallah

West and north side: Fly over

South side: 20 m developed road

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As per prevailing DCR, Navi Mumbai Municipal Corporation has granted the construction permission on 26/5/2004.

Revised proposal submitted in view of court order dated 26.10.2005 in WP 3246/2004 for obtaining the construction permission on 18.12.2009.

Considering the MRSAC prepared mangrove maps and actual site inspection, the permission was granted for the revised proposal on 23.12.2010, as there was no mangroves are within the 50 m from the project site.

Commencement Certificate upto plinth has also been issued on 23/3/2010, in which, it is mentioned that at the site under reference there is no mangroves area.

As per CZMP, the plot falls under CRZ I and CRZ II

However, at the time of issuance of Occupation Certificate, site inspection has been carried out. During site inspection, sparse mangroves are observed in the nalla abutting the plot under reference.

The Navi Mumbai Corporation has requested to MCZMA to guide them for issuance of Occupation Certificate.

Authority discussed the matter and felt that the Navi Mumbai Corporation could take the decision in the matter on their own, in light of the court orders dated 6.10.2005 and 27.1.2010 in WP (Lodg) 3246/ 2004 as well as PIL 87/ 2006, which states that no construction should be undertaken within 50 meters buffer zone of mangrove plants and no non-forest activity should be carried out on such areas without permission under Forest Act and permission from Hon. High Court. Municipal Commissioner, to ensure that there is no violation of court order and provisions of CRZ Notification, 1991 and 2011.

Item No. 11: Proposed three Star Category residential hotel bldg on plot bearing CTS No. 997/ B/C on F.P. No. 16, TPS II, Santacruz of Village Juhu, Juhu Tara Road, Santacruz (W)

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The matter was placed before the authority. Authority noted the following:

1. The matter regarding the construction of three starred category residential hotel building comprising of lower & higher basement (for parking) + ground floor + 1st to 2nd floors + service floor + 3rd to 8th floors + 8th (pt) + 9th (part) floors in lieu of plot potential and additional 1.5 FSI as per Reg. 10(2) of 1967, by demolishing existing structure.
2. The matter was placed in 62nd meeting of MCZMA held on 20.5.2010. As per the minutes of the meeting, the plot under reference is in Residential Zone and not reserved for any public purpose, as per DP remarks. Proposed redevelopment is in CRZ II and situated at seaward side of existing 27.45 m. wide Juhu Tara Road, as per approved CZMP of Mumbai and forms a part of Town Planning Scheme.
3. The Urban Development department in the year 2006 accorded clearance on the basis of imaginary line drawn between buildings existed on plot bearing F. P. No. 12-A and Plot bearing F. P. No. 17 abutting to plot under reference. (Minutes of the 62nd meeting attached)
4. After deliberation and considering the cost of the proposed project is more than Rs. 5 Cr, Authority recommended the case to MoEF vide letter dated 23rd June, 2010, subject to certain conditions.

Authority further noted that the MoEF has sent the proposal back to MCZMA vide letter dated 27th May, 2011 for consideration and further action in the matter, as per New CRZ Notification, 2011.

Authority noted that as per Annexure-III of CRZ Notification, 2011, development of beach resorts or hotels in the designated area of CRZ-III and CRZ-II for occupation of tourist or visitors requires prior approval of Ministry of Environment and Forest (MoEF). The proposal fall under the jurisdiction of MoEF, as per CRZ Notification, 2011. Authority further noted that, imaginary line concept

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has not been clarified in CRZ Notification, 2011. Reconstruction should be as per existing plinth and FSI norms existing as on 19.02.1991 without change in use.

Hence authority after discussion and deliberation, decided to recommend the proposal to MoEF subject to following conditions-

Construction should be carried out strictly as per the provisions of CRZ Notification, 6.1.2011

The proposed redevelopment should be on the landward side of the existing authorized structure or on the existing plinth. FSI should be as per the norms existing as on 19.02.1991 without change in use.

The proposed development should be as per the sanctioned Development Control Rules as existing and in force on 19.02.1991.

The project proponent should work out and implement the Proper waste management plan. The waste generated should not be dumped in CRZ area.

Table Item No. 1: Regarding permission from CRZ point of view for proposed construction of "CNG Filling Station" at plot No. 184(pt), 196(pt), 207(pt), 208(pt), 209(pt), 1639(pt), BEST Worli Depot, Mumbai

The matter was placed before the authority. Authority noted that, the proposal was not scrutinized as it was received in the Environment Department just after the agenda of the 70th meeting was finalized. However, on the request of the proponent, Chairperson (MCZMA) permitted them to present the case before the authority. The representative of M/s. Mahanagar Gas Ltd. presented the proposal before the authority. From the PowerPoint presentation, authority noted the proposal details as follows:

The proposed construction of CNG Station inside the existing BEST Bus Depot at Worli is for fueling of exclusively BEST buses.

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The land under reference is situated in Residential Zone and is on leasehold.

Total plot area of the land under reference is 530.56 sq. m. and total built-up area is 271.60 sq. m.

As per the approved CZMP of Greater Mumbai, the proposed site is located in CRZ-II and on the landward side of the existing road.

Total cost of the proposed project is Rs. 397 Lakhs.

Authority noted that there is no specific mentioning about the permissibility of "CNG Stations" as such in the CRZ Notification, 2011. However, as per the para 8(i)(II)(iv), in CRZ-II areas, 'facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3' is permissible. However, as per Item No. (x) of Annexure-II of CRZ Notification, 2011, storage of CNG is permissible in CRZ-II area.

Authority further noted as per the para 4(ii) (a) of CRZ Notification, 2011, the activities which are not listed in EIA Notification, 2006 but falling in CRZ area require clearance from MoEF. Hence, Authority decided to recommend the matter to MoEF subject to the following conditions:

1. Construction should be carried out strictly as per the provisions of CRZ Notification, 6.1.2011
2. The proposed development should be as per the sanctioned Development Control Rules as existing and in force on 19.02.1991.
3. The proposed development should be on the landward side of the existing authorized structure.
4. The project proponent should implement the safety measures for handling and storage of the CNG. The project proponent should ensure that there is no leakage of natural gas.
5. The project proponent should take proper pollution control measures during construction and operation phase of the proposed project.



- The project proponent should adopt proper noise pollution control measures during operation phase.

The meeting ended with vote of thanks to all members.



Chairperson,

MCZMA

Annexure-I

List of the members present for the 70th meeting of MCZMA is as follows:

1. Mrs. Valsa R. Nair-Singh, Chairperson (MCZMA) and Secretary, Environment Department, Mantralaya, Mumbai
2. Mr. T. C. Benjamin, Principal Secretary, Urban Development Department, Mantralaya, Mumbai
3. Mr. K. Shivaji, Principal Secretary, Industries Department, Mantralaya, Mumbai
4. Dr. S. B. Chaphekar, Botanist, Mumbai
5. Dr. (Smt.) Geetanjali Deshmukhe, Director-In-Charge, Central Institute of Fisheries Education, Mumbai
6. Dr. B. N. Patil, Member Secretary (MCZMA), Environment Department, Mantralaya, Mumbai