

**MINUTES OF THE 36<sup>th</sup> MEETING OF MAHARASHTRA COASTAL ZONE  
MANAGEMENT AUTHORITY (MCZMA) HELD ON NOVEMBER 27, 2006 AT  
COMMITTEE ROOM, 6<sup>TH</sup> FLOOR, MANTRALAYA, MUMBAI-400 032.**

The following were present –

Ms. Sharwaree Gokhale,  
Principal Secretary,  
Environment Department,  
Govt. of Maharashtra.

Chairman

Principal Secretary,  
Urban Development Deptt.,  
Govt. of Maharashtra.

Member

Principal Secretary,  
Revenue Department,  
Mantralaya,  
Mumbai-400 032

Member

Dr. S. B. Chaphekar,  
Laxmi Niketan, 1st floor,  
14, Thus Wadi,  
Thakurdwar, Mumbai 400 002.

Member

Member Secretary,  
Maharashtra Pollution Control Board,  
3<sup>rd</sup> Floor, Kalpataru Point,  
Sion (E), Mumbai

Member Secretary

Municipal Commissioner (MCGM), Secretary (Fisheries), Secretary (Industries), President, Vanrai Pratistan, Pune and Dr. (Mrs) Leela Bhosale, Dept. of Botany, Shivaji Univ. Kolhapur, Dr.S.K. Gupta, Director, Central Institute of Fisheries Education, Members of Maharashtra Coastal Zone Management Authority were not present. Chairman, MCZMA adjourned the meeting for want of quorum. The adjourned meeting was taken up after 15 minutes. It was decided to discuss the Agenda Notes of the 36<sup>th</sup> Meeting. No matter, which had not been on Agenda was discussed during the adjourned meeting.

In her opening remarks, the Chairman, MCZMA welcomed the Members.

**Item No.1: Confirmation of the minutes of 35<sup>th</sup> meeting of the Authority.**

The minutes of 35<sup>th</sup> Meeting of MCZMA held on 26-09-2006 were circulated to the Members of MCZMA for necessary comments. Since no changes were

suggested by any of the Members and some items of the last meeting where decisions remained to be taken are again placed before the 36<sup>th</sup> meeting for further discussions, the Minutes of 35<sup>th</sup> meeting circulated on 17-10-2006 were confirmed.

**Item No.2 : Statement of follow up actions taken in respect of the Decisions taken in the last meeting of the Authority.**

The statement of follow up actions taken in respect of the decisions taken in the 35<sup>th</sup> meeting of the MCZMA was noted without any suggestions. With regard to item no 9, the report from the Collector, Mumbai has not been received. It was decided to remind the Collector, Mumbai to submit the same at an early date. Similarly, in respect of item no 4, Comments called from the Executive Engineer, MCGM, have still not been received. This was noted.

**Item No.3 : Clearance / recommendation under CRZ Notification of 1991 for Konkan Area Spur pipeline phase-I of M/s Reliance Gas Transportation Infrastructure Ltd.**

And

**Item No.4 : Clearance/recommendation under CRZ for Relene Petrochemicals (NOCIL) & Deepak Fertilizer Spur Pipeline of M/s Reliance Gas Transportation Infrastructure Ltd**

Representatives of M/s Reliance Gas Transportation Infrastructure Ltd. informed the Authority that they already have permission from the Ministry of Petroleum and Natural gas for laying a 'common carrier' natural gas pipeline from their Kakinada Gas fields to Gujrat. The pipeline would be a part of the National Gas grid and would be connected to the GAIL pipeline at as many places as possible.

The present proposal at **item number 3** before the Authority (phase-I), comprises of a spur pipeline to supply natural gas to various locations in the Konkan area. The line will originate from RGTIL's Hyderabad – Ahmedabad cross country pipeline tap-off at Kadav near Karjat & terminate at IPCL, Nagothane plant with sub-spur lines extending to MSEB Uran, RIL Patalganga, SEZ Panvel, Ispat Energy, Vikram Ispat & RCF Thal. The work of laying the pipeline expected to be completed by December 2007 and commissioned by April-May 2008.

The proposal at **item no 4** consists of a spur pipeline to supply natural gas to Relene Petrochemicals (earlier NOCIL) & Deepak Fertilizer Plant. It will also originate from RGTILs Kakinada, Hyderabad, Ahmedabad Cross-Country Pipeline and terminate at Relene Petrochemicals at Thane. The pipeline of Deepak Fertilizer plant (sub-spur line) will originate from NOCIL. The cost of project is given Rs.61 crores and the overall length of pipeline is about 47 kms.



The representatives of RGTIL made a presentation of the proposed pipeline projects. There was a detailed discussions on the nature of the project, dimensions and depth of the pipeline, compensation package for farmers, effects of the pipeline on the future usage of the land on the surface, and safety measures, both during the process of laying the pipeline, as well as after it was laid.

With regard to the request of the project proponent that permission may be given to lay the pipeline by excavating/cutting across the creeks where there are sparse mangroves, Chairman informed the Project proponent of the order of the Hon'ble High Court Mumbai in the Writ Petition No. 3246/2004. It was made clear that the Authority cannot permit destruction of any mangroves. M/s. Reliance Gas Transportation Infrastructure Ltd. undertook to lay the pipeline by the horizontal directional drilling method wherever there were mangroves. This would be at sufficient depth so as not to interfere with the mangrove roots.

It was decided that both proposals would be recommended to the Ministry of Environment and Forests, Govt. of India.

**Item No.5: Primary Health Centre at Panju, Vasai.**

Chairman MCZMA informed the Members that the proposal for construction of Primary Health Centre at Village Panju, Tal. Vasai, Dist. Thane was already discussed at length in the 29<sup>th</sup> M.C.Z.M.A. meeting held on 22-6-2005. It was further recommended to Ministry of Environment & Forests, Govt. of India for grant of necessary C.R.Z. Clearance being public utility service. However, the proposal is again sent back to the M.C.Z.M.A. because the cost of the project is less than Rs. 5 Crores.

It is unanimously decided that since no Primary Health Centre is available in the nearby locality and being aloof, tribal area with population more than 1200 and there is a long standing demand for Primary Health Centre, the proposal may be approved and accordingly necessary N.O.C. be granted for it.

**Item No.6: Proposed building for Children's Orthopedic Hospital at plot No.10, Haji Ali, C.S.No. 5/47 and 47(pt) of Lower Parel Division**

The proposal consists of construction of a orthopedic hospital on plot bearing C.S. No. 5/47,47(pt) of Lower Parel Division, G/south ward and plot No. 10 of Hornbay Vellarad Estate scheme, Mumbai by part demolition of existing built up area. It also proposes to utilize the balance potential of the plot. The Urban Development Department has submitted the proposal.

The revised development plan of G/south ward sanctioned by the state Government shows the plot under reference in the residential zone and the



purpose of the plot is shown to be for the existing children's orthopedic hospital. The plot is on the landward side of the existing road.

Ms. Anita Garware, Joint Hon. General Secretary of the Society for the Rehabilitation of Crippled Children at Lower Parel explained the case to M.C.Z.M.A. The present plot is on landward side of existing road, designated for the purpose of existing Children's Orthopedic Hospital by demolishing existing part of built up area and redevelopment thereof for public purposes.

Since the redevelopment in C.R.Z.-II area on landward side of existing road is a permissible activity and the cost of the project is less than Rs. 5 Crores, it was decided that the proposal may be approved and necessary N.O.C. be granted for redevelopment as per D.C. Regulation as on 19-2-1991.

#### **Item No.7: Rewas Aware Port project-Approval under CRZ Notification**

Chairman, MCZMA informed the Members that in pursuance of the decision taken by the MCZMA in its 34<sup>th</sup> Meeting held on 1-08-2006, Chairman alongwith the Expert Members, namely Dr.S.B. Chaphekar & Dr.S.K. Gupta visited the site of Rewas Port. She commented that the Member Secretary had remained absent without intimation although he was asked to be present and she had also taken his oral convenience for the date and time of the visit. The complainants and the local MLA were also heard. The report made by Dr.S.B. Chaphekar is taken on record.

As per Dr. Chaphekar's report, the proposed project at Rewas will not affect mangroves. Subsequent development of ancillary facility however, is likely to affect the same. Hence, monitoring mechanism is necessary. Development at Aware will affect mangrove vegetation, even in the presence of a buffer zone, especially during construction phase. Are the roads and railway tracks planned at ground level or as flyovers / bridges, on stilts, across mangrove vegetation? Suitable measures, including compensatory afforestation needed. Presently, mangroves suffer from poor growth and degraded state. Measures for their up gradation are necessary, to make them biologically productive and ecologically effective.

It was pointed out that the mangrove pattern extremely stunted. The project proponent was given an opportunity to present their proposal.

During the meeting of the Authority, discussions were focused on environmental concerns pertaining to the project. A major concern is the existence of mangroves in the area. Local residents who met the team during the site inspection also raised the question of safeguarding the mangroves. The proponents explained that the project has now been modified to exclude all areas where there are mangroves in existence today. The development of the port will therefore now be aligned in a Southwest direction. Further, a 50-meter buffer will be maintained between the mangroves and the operative areas of the port. All road accesses will be in areas where there are no mangroves.



Members asked in what manner the mangrove area would be kept separately from the project area? The project proponent informed the Authority that a separate reclamation bund will be provided on the opposite side of mangrove area, but proper water flow will be ensured and the same will not be obstructed. All sand will be used for ships to come by making necessary channel. Dredging will be done for channeling. However, precaution will be taken not to cut any hill as much as possible. The proposed jetty will be at Rewas-Port entry. No mangroves will be cut down. The preference is given to Railway line and then for road. Narrow jetty crossing Railway line. The survey is done by the CESS. Similar survey is done for Aware. 2000 hectares already acquired for Rewas and 626 hectares for Aware. Additional 174 hectares yet to be reclaimed. The land acquisition process is already started.

After due deliberations it was decided that the proposal will be recommended to the Ministry of Environment & Forests, Govt. of India for grant of necessary CRZ clearance, subject to the following conditions: 1. That no mangroves will be cut down, 2. A proper back up area will be provided to ensure that congestion is minimized, and 3. All environmental aspects will be covered. Maharashtra Pollution Control Board (MPCB) will grant consent to operate after ensuring compliance of conditions imposed in the environmental clearance.

**Item No.8 : Application for approval under CRZ Regulations for Pedder Road viaduct.**

The proposal was explained via a presentation and a detailed discussion on various aspects was held. The environmental pros and cons especially with regard to noise and air pollution were expounded. The proposal consists of four lane viaducts from Haji Ali to Vallabh Pant Chowk along Pedder Road. A rapid EIA is already carried out.

The details of the loop at Tambe Chowk go over Chowpaty Beach. It requires the laying of piers on sand, and although a small portion of the beach is proposed to be utilized for the purpose, the beach has been and is today a defining representation of Mumbai's sea front. It is used by a large number of citizens and forms a part of Mumbai's ethos. The project proponents assured the Authority that utmost precaution has been taken to ensure that highest point of HTL does not reach the proposed loop, which is above 1.8 mtrs from water. It is stated that the construction of the bridges is permissible activity within CRZ. Necessary NOCs have been obtained from Traffic Police, MMRDA and MCGM. Members of the Authority felt that, that given the importance that the Chowpaty Beach has for the public, it would be best if an alternative can be worked.

It was unanimously decided that the project proponent may work out an alternate proposal so that intrusion on beach area is minimized.



**Item No.9 : Proposal received from Divisional Commissioner, Konkan Division for redevelopment of commercial complex at Sr.No.4,H.No.1 area 493.50 sq. mtrs. at Ganpati Pule,Ratnagiri.**

Shri Dharmale, Jt. Director, Planning Konkan Division, presented the case before the Authority. He pointed out that the Ganpati Pule, Ratnagiri Development Plan of 1983, provides for the shops in the area from the Mahadwar to the Ganesh Temple to be shifted from their present location of 43 mtrs from the creek and rehabilitated at a distance of 65 mtrs. Although the proposed redevelopment lies within 200 mtrs. of the sea and is in the CRZ-III area, the shops and structures existed before 1991, the project cost is less than Rs. 5.0 Crs the Authority unanimously decided that the proposed redevelopment may approved subject to the FSI being restricted to the existing plinth area and existing density and that necessary NOC may be issued to the appropriate competent authority.

**Item No.10: Proposed additional alteration to existing temple building on plot Bearing CTS No. 119,120,145&146 of village Juhu, Vile Parle(West). (ISKON)**

Urban Development Deptt., Govt. of Maharashtra has submitted a proposal for the proposed horizontal extension to the existing structure on plot bearing CTS No.120 of Village: Juhu, Vile Parle (West). The plot falls within 500 mtrs. from the HTL, in CRZ-II area, on the landward side of existing Mukteshwar Temple Road and authorized structure. The construction is in existence since last 35 years. The cost of project is shown Rs. 14.5 crores after fresh valuation. The plot is away from HTL.

It was decided that since, the plot is in CRZ-II area and permissible activity as per CRZ Regulations, the proposal should be recommended to Ministry of Environment & Forests, Govt. of India for grant of necessary environmental clearance.

**Item No.11: Proposed construction of Bridge a/c Kelshi area on Revasready Road, Tal. Mandangad, Dist. Ratnagiri.**

The representative of the Ex. Engineer PWD pointed out that the CRZ clearance has already been obtained for this bridge. However, on going through the earlier case papers, however, it is seen that no mention of a sand bar. The complainants amongst whom were archeologists from the Deccan College pointed out that the proposed construction of bridge at Kelshi was approved on the basis of maps drawn by the PWD, which does not show land alignments with reference to the CZMP maps. The maps that were relied on did not even show the site with reference to the Arabian Sea. More than 100 mtrs of the sand dune is being affected by the present alignment of the bridge. They also alleged that the alignment is passing through marshland. The complainants showed map of HTL & LTL. Members asked the Executive Engineer, PWD Ratnagiri, about the present status of the project. He informed that two columns are built and at



present, construction is stopped as per directions of the Authority. The submissions of the PWD were taken on record. He also stated that nearly 300 of the 400 meters of the sand dune would be affected by the present alignment.

Shri Marathe, Sr. Officer from the Archeological Deptt brought to the notice of the Authority that the present location is of historical and archeological importance as it is the earliest site in Asia with evidence of Tunami deposits from as early as 1524. A number of published documents and research papers are available on the subject as well as archeological relics including skeletal remains. The Archeological Survey of India has approved the site for exploration and excavation. He pointed out that the project proponent deliberately not shown the portion of Arabian sea and alignment in the documents submitted to the MCZMA in 2004.

After due deliberations it was unanimously decided that the stay should be continued. The project proponent should submit a detailed proposal with alternate site avoiding portion of sand dune.

**Item No.12 : Complaint received from Bandra (West) Residents Association regarding illegal Book Stall in CRZ Area**

On the basis of decision taken in 34<sup>th</sup> meeting held on 1-8-2006 MCZMA directed the book stall owner to close down book stall till further orders. On 28-09-2006 the book stall owner replied to the directions by stating that the book stall is behind Otter's Club Building and not on the sea front. It is therefore in the CRZ - II area and as a temporary structure, is allowed. The owner further informed the Authority that the Maharashtra Maritime Board had granted him necessary permission and Hon'ble City Civil Court granted necessary stay in respect of demolition of bookstall. He also complained that Otter's Club and complainant themselves violated CRZ Regulations and necessary complaint is filed by him before the Authority.

Chairman, MCZMA asked the Maritime Board, how the permission had been granted in the first place without a CRZ clearance? The official of the Maharashtra Maritime Board was directed not to renew the license. The members, MCZMA also informed the bookstall owner that his complaint against the otters club can be made to them separately and will be dealt with according to law. It can not be a defense against a CRZ violation by him. The Maharashtra Maritime Board shall give no further extension. With respect to the stay granted by the City Civil Court, it was decided that the MCZMA would intervene in the matter and bring to the notice of the City Civil Court, its grounds of intervention through appropriate Advocate.

**Item No.13 : M/s IMC Ltd. Environmental clearance of IMC Transit Storage terminal at JNPT.**

M/s.IMC Ltd. applied for necessary CRZ clearance for Transit Storage Terminal at Uran. The project proponent presented the case before the Authority. As per



CESS report, the site falls partly in CRZ-II area and partly outside CRZ area. The project proponent wants to store 34 types of chemicals at the proposed storage terminal. They undertake to store the 14 petrochemical products and liquefied natural gas in the CRZ-II area of their terminal, as permissible as per CRZ Notification, 1991. The remainder i.e. 20 chemicals would be stored outside the CRZ area.

Member Secretary, MCZMA pointed out that permission can be given only in respect of permissible products in CRZ area and the Authority can not comment upon the storage outside CRZ area. The project proponent stated that they have already submitted an undertaking to the effect that they would utilize the tanks falling within CRZ-II area for the storage of only the products, notified by GOI on 19/2/1991, (as amended from time to time). For storage of the remaining chemicals the relevant law would be followed. The cost of the project is shown Rs.45 crores

To ensure that the project proponent's undertaking that only those chemicals that are permissible are actually stored in the CRZ area, and the conditions imposed in the EIA are scrupulously followed, it was decided that a bank guarantee would be given. The amount of bank guarantee would be fixed either by the committee or in consultation with Ministry of Environment & Forests, Govt. of India. Since, the project proponent asking for permission in notified area in respect of notified products as per CRZ Notification and cost is more than Rs.5 crore, it was decided to forward the proposal to Ministry of Environment & Forests, Govt. of India for grant of necessary CRZ clearance. It was also decided that the project proponent should give necessary Affidavit as mentioned above.

**Item No.14.: Proposed development of F.P. No. 707 of TPS-IV, Mahim (Div.) on Anant Patil Marg at Dadar (W) known as Golden Heights**

UDD had submitted this proposal to MoEF asking for permission of additional FSI for the contravening structure in town planning scheme. MoEF has now requested the MCZMA to examine the proposal and send their comments to the Ministry. The owner of the plot bearing F.P. No.707 of TPS-IV, Mahim Division on Anant Patil Marg, Dadar (West), Mumbai explained the case to the Authority. This matter is pending for redevelopment.

Principal Secretary, UDD asked whether the structure existed prior to 1991. The officials from the UDD informed that in a normal case, permissible FSI is 1.33. The owner pointed out that since, he had rehabilitated his tenants earlier, by providing alternate accommodation by spending about Rs.15 Lakhs, he should be given additional FSI for the structure, which is today demolished. Additional 50% FSI was promised to him in 1995. The structures were standing in 1975. Principal Secretary, UDD pointed out that only if the structure is standing on 19-02-1991, could the proposal be considered.

It was unanimously decided that the permission for additional FSI for the contravening structure cannot be considered.



**Item No.15 : Compliance of court order dated 30-08-2006 passed by Hon'ble High Court of Judicature at Mumbai in the O.O.C.J Writ Petition No.3151/2004 filed by Nepean Sea Road Citizens Forum V/s the State of Maharashtra & Anr**

Since, the Dist.Collector, Mumbai has not submitted the report in respect of the construction activity as directed by the Authority, it was decided that the matter can be considered after receipt of the report. However, in the meantime, if report is received, the same can be submitted to the Hon'ble High Court of Judicature of Mumbai in Writ Petition No.3151/2004, as required by the Advocate appearing on behalf of the Authority and as directed by the Court.

The meeting ended with vote of thanks.

