

**MINUTES OF THE 91st MEETING OF MAHARASHTRA COASTAL ZONE
MANAGEMENT AUTHORITY (MCZMA) HELD ON 29th, 30th and 31st May, 2014**

Ninety first meeting of the MCZMA was held under the Chairmanship of Principal Secretary (Environment), GoM on 29th May to 31st May at 11.00 am at Sachivalaya Gymkhana, Mumbai. List of Members present in the meeting is enclosed as Annexure-I.

Item No.1: Confirmation of Minutes of the 90th Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 19th April, 2014

The 90th meeting of the MCZMA was held under the Chairmanship of Principal Secretary (Environment), GoM on 19th April, 2014. As per the discussion held in the meeting, draft minutes were prepared and circulated to all members of the MCZMA through email with a request to provide suggestions/ objections, if any. Expert member suggested some changes which were incorporated in the draft minutes appropriately. Accordingly, draft minutes of 90th meeting were confirmed.

Item No.2: Proposed Storm Water Pumping Station on Mahul Nalla and realignment and construction of Vashi Naka Nalla on plot bearing CTS No. 233(B/1) and CTS No.233 (B/2) of village Anik and CTS No. 1 (pt) of village Mahul along MBPT Road, Chembur, M/W Ward-MCGM

Authority noted that proposal was earlier discussed in the 81st meeting of the MCZMA held on 26th April, 2013, wherein the Authority directed MCGM to rework the proposal under reference and explore other alternatives wherein minimum or No damage of mangroves is envisaged and revert with the detailed proposal having certain details / studies.

Authority noted that MCGM vide letter dated 2.8.2013, 15.1.2014 submitted its reply. It is mentioned that, M/s. MWH India Pvt Ltd is appointed for implementing the project have studied the entire catchment area and explored the possibilities of alternative sites for one or more alternative Storm Water Pumping Station based on Hydraulic Model Studies.


Chairman


Member Secretary

MCGM officials represented that earlier location was proposed entirely (100%) on mangroves at Mahul Creek. As per the directions of the Authority, now the earlier location has been changed and now it is proposed on the other side of Mahul creek, where mangroves density is less comparatively (12%), about 2900 to 3000 sqm area. New proposed location has CTS No. 144(pt) of Wadala Salt Pan Division.

MCGM officials explained the mechanism of the project. During low tide the gates will be opened to drain out storm water into sea by gravity. During high tide the tidal control gates will be closed when the nalla water stops discharging by gravity into sea. This will prevent back entry of sea water into the drain. During high tide, when the tidal control gates are closed and when it is raining, the pumps will be operated. Water level in the inlet channel will be maintained at 25.5 m THD, by operating the number of pumps (from one no. to twenty (approx.) nos) as may be required. The aim is to ensure that the inlet channel can continuously receive storm water and discharge by pumping when there is high tide and tidal control gates are closed.

Authority extensively deliberated the achievability of the project, considering the proposed location of storm water pumping station and topography of surrounding area. It was felt that the water pumped out from the pumping station in the Mahul creek may inundate surrounding low lying area and whole area will be flooded. Water from surrounding area may again enter into pumping station. During the meeting, MCGM officials ran the simulation of the water flow in Mahul creek due to proposed pumping station showing the water flow in Mahul creek before and after pumping situation. MCGM officials further explained the details of catchment area such as volume, area, the rate of the suction and discharge of the drainage water and expressed that this option is the optimum feasible solution from environment point of view.

MCGM officials presented that the land under reference falls within CRZ – I and is situated on seaward side of existing road. The said plot falls in No Development Zone (NDZ) and is not reserved for any public purpose. The plot under reference is a part of creek and there are no authorized structures abutting


Chairman


Member Secretary

to the plot under reference. As per DP remarks of MCGM DT. 14.3.2012, the plot under reference is partly reserved for garden.

Authority noted the area under proposal and FSI involved in the proposal, which is as follows:

- Location: CTS No. 144(pt) of Wadala Salt Pan Division.
- Area for storm water pumping station – Approx. 24995 Sqm.
- Permissible FSI – 1.0
- Proposed FSI – 0.05

The MCGM officials expressed the need of the project stating that the project would help in avoiding/ minimizing the flooding in catchment areas having nos. 501,506 and 507. The capacity of the pumping station is 150 cum/sec. The areas likely to get relief from flooding are Kurla station East and West, King Circle, Gandhi Market, Nehru Nagar, Kurla etc

MCGM officials further informed that mangroves affected due to the project, is notified as 'Forest' area. Authority directed MCGM to obtain 'forest clearance' and prior High court permission for the same. Further, MCGM should submit the mangroves replantation plan to MCZMA.

Authority noted that as per para 3(iv) (d) of CRZ Notification, 2011: Land reclamation, bunding or disturbing the natural course of seawater is prohibited except those: Measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on studies carried out by any agency to be specified by MoEF. Further, as per para 3(v) (b) of CRZ Notification, 2011: Setting up and expansion of units or mechanism for disposal of wastes and effluents is prohibited except facilities required for:- storm water drains and ancillary structures for pumping.

Authority after detailed discussion and deliberation decided to recommend the proposal from CRZ point of view to MCGM subject to following conditions:


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Member Secretary

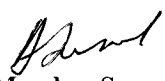
1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time).
2. FSI should be in accordance with Town and country planning rules existing as on 19.02.1991 i.e. DCR 1967.
3. No non-forest activities are allowed on land under mangroves and its 50 m buffer zone area, 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, since project activities will affect mangrove vegetation on site under reference.
4. Mangroves replantation plan should be submitted to MCZMA.
5. MCGM to ensure that, drainage water containing hazardous, toxic waste and untreated effluents should not be released into the sea.
6. All other mandatory permissions from different statutory authorities should be obtained prior to the commissioning of the project.

Item No.3: Proposed development of Muslim Cemetery on plot bearing CTS No. 1(pt) of village – Deonar at Rafique Nagar, Govandi in 'M/E' ward, Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. MCGM has proposed development of Muslim Cemetery consisting of DRK office, 2 nos. of Mourners hall and 2 nos. of toilet block on plot bearing CTS No. 1(pt) of village – Deonar at Rafique Nagar, Govandi in 'M/E' ward, Mumbai.
2. Presently the plot under reference is vacant with compound wall on East, West & South. The plot is abutting to Deonar Dumping Ground.
3. As per DP remarks of MCGM, the plot under reference falls in CRZ-II and reserved for INT Cemetery and it is in No Development Zone.
4. MCZMA vide letter dated 17.9.2013 requested to MCGM to submit certain information. The MCGM vide letter dated 13.3.2014, submitted its reply.
5. Approved CZMP of Mumbai with superimposition of project site is submitted, which shows the land under reference falls in CRZ-II.


Chairman


Member Secretary

6. As per DP remarks of MCGM for the CTS No. 1(pt) of village – Deonar the land under reference falls in Residential zone and designated for I.N.T. Cemetery and affected by 27.50 M DP Road. As per Govt. Notification dated 3.1.2003 I.N.T. Cemetery is situated in No Development Zone (NDZ) and 27.50 M wide DP Road is deleted and included in No Development Zone (NDZ).

As per Development Plan of 1966 the land under reference falls in Industrial Estate.

7. Permissible FSI, Total proposed construction area (area counted in FSI + area free of FSI) as per DCR as on 19.2.1991.

FSI details are as follows:

Sr. No.	Particulars	Area for Sunni (Sq.m.)	Area for Shia (Sq.m.)
1	Area of Plot as per Records	16188.00	
2	Division of Plot	8094.00	8094.00
3	Permissible R.G. Area (25 %)	4047.00	
4	Proposed R.G. Area	2030.30	2030.30
5	Proposed Built Up Area	389.00	
6	Proposed Burial Ground Area	3900.65	3900.65
7	Nos. of Children Burial Ground	322	322
8	Nos. of Adult Burial Ground	286	286

Authority observed that the plot under reference is located on seaward side of the road. Proposal is for 'public purpose' and it is a need of local people. Authority after deliberations decided to direct the project proponent to rework the proposal for integrated Cemetery and also submit the layout map showing the prayer hall and toilets.


Chairman


Member Secretary

Item No.4: Proposed Construction of Coastal Road from Sion - Panvel Highway near, Vashi to Airoli on Thane Belapur Road by Navi Mumbai Municipal Corporation (NMMC)

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. Navi Mumbai Municipal Corporation (NMMC) has proposed to construct coastal road from Palm Beach, Vashi to Airoli on Thane Belapur Road. The total length of the road is 16km. The 12km of the total length is to be constructed on elevated corridor while 4km is on the ground level.
2. Some part of the road passes through the mangrove region. It is estimated that about 1300 sqm. of sparse mangrove area will be affected. The affected mangroves will be transplanted and also additional mangroves will be planted as per the CRZ notification 2011.
3. The alignment of the bridge crosses over mangrove area. Bridge is designed in such a way that there is a free area of about 1.5 m. between top of mangrove plant and bottom slab of the bridge. Due to use of latest construction technology and less number of columns of adequate diameter, there will be minimum damage to mangroves. Care will be taken to further save mangroves by adopting better engineering techniques.
4. Site under reference falls in CRZ-I and CRZ-II areas. NMMC has submitted the CRZ map prepared by IRS, Chennai in 1:4000 scale.
5. Environmental Impact Assessment report and Environment Management Plan were submitted.

Authority discussed about the various possible alternatives for alignment of proposed coastal road, with respect to its likely impact on surrounding coastal environment / ecology. Authority observed that alignment of coastal road proposed by NMMC is entirely passing through creeks. Authority felt that road could be proposed on ground, wherever the land is available adjacent to the creeks. And, road on stilt could be the option while passing through creeks. Authority felt that this will reduce the area of reclamation in the creek and help in maintaining coastal environment / ecology of creeks.


Chairman


Member Secretary

Authority after detailed discussion and deliberation decided to direct the project proponent to submit the following:

- Detailed project report and corresponding EIA & EMP.
- NMMC to explore other possible alternatives for alignment for proposed coastal road.
- Details of the alternatives explored that will have least damage to the coastal environment including mangroves & cost of each alternative.
- Traffic management plan and simulation studies on it
- Studies on disruption of marine life due to proposed coastal road & mitigation measures.
- Impact of the proposed coastal road on fisheries activities of local fishermen community and mitigation measure for it
- Impact of proposed coastal road on migratory birds.
- Details of compensatory mangroves replantation plan
- Cost-Benefit Analysis of the project.
- Time required for implementation of project with regard to various technical alternatives.

Item No5: Proposed construction of two lane approach road for existing Mankule Bridge situated across Kharnai Creek in Raigad District by M/s Public Works Department (PWD)

The proposal is listed at Item No. 76. It was deliberated on 31st May, 2014. The minutes of the proposal are at Item No. 76.

Item No.6: Proposed extension of existing storm water drain out falls in 'A' and 'D' Ward, Mumbai

MCGM officials presented the proposal before the Authority. The Authority noted the followings:


Chairman


Member Secretary

1. The proposal is for proposed extension of existing storm water drain out falls at the following locations of Mumbai. The Length varies from 10 to 15 meter except outfall at GD Somani Marg having length 140 meter.

Sr. No.	Location	Affecting or abutting CS no. as per the Plan
	'A' Ward	
1	Extension of the existing GD Somani Outfall	C.S. No. 120 & 119 B, Fort Division (abutting)
	'D' ward	
1	Breach Candy Hospital Outfall (600 mm dia.)	C.S. No. 1/881, Malabar Hill Division (affecting)
2	Kinari House Out fall (1200 mm dia)	C.S. No. 1/697, Malabar Hill Division (abutting)
3	Darabsha lane Outfall (600 mm dia)	C.S. No. 593, Malabar Hill Division (affecting)
4	Kashinath Compound Outfall (1200 mm dia)	C.S. No. 2/590, Malabar Hill Division (affecting)
5	Setalwad Lane Outfall (1200 mm dia)	C.S.No.584, Malabar Hill Division (affecting)
6	PWD Office Outfall, Nepeansea Road (1200 mm dia)	Priyadarshani Park (affecting)
7	Priyadarshani Park Out fall, Nepeansea Road (1200 mm dia)	Priyadarshani Park (affecting)
8	Aditya Vatika Outfall, Bhagvanlal Indrajeet Marg (600 mm dia)	C.S. No. 221, Malabar Hill Division (abutting)
9	Band Stand Outfall, Babulnath Road (1200 mm dia)	C.S. No. 396, Malabar Hill Division (affecting)


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10	Girgaon Chowpaty Outfall, N.S. Road (900 mm dia)	C.S. No. 12, Malabar Hill Division (affecting)
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The MCGM letter dated 1.10.2013 mentions that, locations are situated in residential zone. As per approved CZMP of Mumbai, sites under reference falls in CRZ I area.

Authority enquired MCGM officials about the quality of waste/effluent water discharged into the sea. Authority brought to the notice of MCGM officials that discharge of untreated waste and effluents from industries, towns, cities or other human settlements into the water course is prohibited activity, as per provisions of the CRZ Notification, 2011. Authority expressed concern over the deteriorating quality of sea water due to dumping of garbage through storm water outfall into the sea. Authority suggested MCGM that screens should be fitted in the discharge points of storm water outfalls so that garbage is trapped, and prevented from entering into the sea. The filtered garbage shall be removed everyday and disposed in approved disposal sites. MCGM should strictly ensure that no untreated effluent and garbage enters into the sea through storm water drain.

Authority noted that as per para 3(iv)(d) of CRZ Notification, 2011: Land reclamation, bunding or disturbing the natural course of seawater is prohibited except those: Measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on studies carried out by any agency to be specified by MoEF. Further, as per 3(v)(b) of CRZ Notification, 2011: Setting up and expansion of units or mechanism for disposal of wastes and effluents is prohibited except facilities required for:- storm water drains and ancillary structures for pumping.

In the light of above, the Authority after detailed discussion and deliberation decided to recommend the proposal from CRZ point of view to concerned planning Authority subject to strict compliance of the following conditions:


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1. Proposed construction should be strictly in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time).
2. Screens should be fitted in the storm water outfall appropriately to avoid the garbage entering the sea. Garbage trapped should be removed and disposed in approved sites everyday.
3. Discharge of untreated waste and effluents from industries, cities or towns and other human settlements is not allowed. MCGM shall implement schemes for phasing out existing discharges of this nature, if any.
4. Prior permission of Hon. High Court of Mumbai should be obtained, if, proposal involves construction in mangroves area or its 50 m buffer zone area.
5. All other required permissions from different statutory authorities should be obtained prior to commencement of work

Item No.7: Redevelopment of Old city centre along Waterfront for Thane Municipal Corporation

Thane Municipal Corporation official presented that the city has an area of 128 sq. km and is situated between Sanjay Gandhi National Park hills on west side and creek on east side. Out of 128 sq.km area, 62 sq.km is green zone or no developed zone (forest & CRZ). The length of the waterfront along the creek is 31 km which is threatened by illegal activities. The waterfront along the creek is full of dense mangroves which are threatened by the illegal activities such as slum encroachments, filling / reclamation of creek, dumping of waste water into the creek water, illegal dredging of sand from creek water etc.

Thane Municipal Corporation has prepared a Master Plan for the development of the waterfront with a view to create a healthy waterfront all along the coastal stretch spreading from Kalwa, Diva, Mumbra up to Gaimukh on Ghodbunder Road. The Plan incorporates the following features:

- Restore mangrove belt to enhance coastal zone ecology Improve creek side landscape to increase the soft mobility through the natural corridors.


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Member Secretary

- Develop socio – cultural synergy to improve people interaction with nature.

The Masterplan is divided into 13 zones. A detailed project report is prepared for the first zone i.e. from CIDCO bus stop to Saket for implementation as a pilot phase. By developing this phase, the entire waterfront from Thane to Saket will be beautified with pedestrian plazas, Panoramic viewing structures – canopy landmark, landscaping gardens, picnic spots, playground & Ghats etc. A biodiversity park at Kolshet is also included as a part of this project.

The project is implemented on a linear stretch of land located along the shoreline. Location of the main features of the project indicating its CRZ stretches is as follows:

Sr. no.	Features	CRZ category
1	Bus plaza	Non CRZ and partly in CRZ II
2	Ticket shop canopy at bus plaza	Non CRZ
3	Entrance bridge	CRZ II
4	Promenade from bus plaza to central plaza	CRZ II & partly in CRZ I
5	Central plaza with showcase canopy	CRZ II & partly in CRZ I
6	Promenade from central plaza to visarjanghat	CRZ I
7	Visarjanghat	CRZ I
8	Promenade from Ghat to garden at Panchasheel Nagar	CRZ I
9	Garden at Panchasheel Nagar	CRZ I & partly in CRZ II
10	Promenade from Kalwa bridge to Saket	CRZ I & partly in CRZ II
11	Biodiversity park at Kolshet – information centre	Non CRZ
12	Biodiversity park at Kolshet – approach road to nature trail	Non CRZ
13	Biodiversity park at Kolshet – nature trail	Partly in CRZ I and CRZ II

Area calculation for construction:

	ITEM	UNIT S	QUANTIT Y	sq m
	CITY CENTRE			
1	Bus plaza	sq.m	6500	6500
2	Ticket shop canopy at bus plaza	sq.m	135	135
3	Entrance bridge	sq.m	132	132
		meter		
4	Promenade from bus plaza to central plaza	s	427	2989
5	central plaza with showcase canopy	sq.m	4889	4889
6	canopy at central plaza	sq.m	684	684
		meter		
7	Promenade from central plaza to visarjan ghat	s	239	1673
		meter		
8	visarjhan ghat	s	327.4	2291.8
	Promenade from ghat to garden at panchasheel	meter		
9	nagar	s	83	581
1				
0	garden at panchasheel nagar	sq.m	5009	5009
1		meter		
1	Promanade from Kalwa bridge to saket	s	1628	11396
	BIODIVERSITY PARK			
		meter		
1	Approach road with cement tiles (3mwide)	s	255	765
2	parking for 20 cars	sq.m	350	350
	pathway from interpretation center to nature	meter		
3	trail (3mwide)	s	480	1440
4	interpretation center	sq.m	200	200
5	toilet block	nos	1	
6	landscaping around Interpretation Center	sq.m	1000	
		meter		
7	boundary wall/ fencing	s	200	
8	entrance gate	nos	1	
9	Signage	nos	10	


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Member Secretary

	NATURE TRAIL			
1	Bridge	nos	1	
2	1.5 m wide nature trail	meter		
		s	630	945
3	2 m wide nature trail	meter		
		s	690	1380
4	floating pathway	meter		
		s	440	660
5	bird hide	nos	5	
6	pause point	nos	6	
7	watch tower	nos	4	
8	Signages	nos	20	
	total			42019.8?

	Building construction	
		sq. meters
1	Ticket shop canopy at bus plaza	135
2	canopy at central plaza	684
3	interpretation center	200
4	Entrance bridge	132
	Total	1151
	Linear structures	
1	Nall wall adjacent to bus plaza	119.5655
2	Ratainig wall on the creek side from cidco to kalwa bridge	1700
3	Ratainig wall on the creek side kalwa bridge to saket	1628
	Pavements	
1	Promanade from bus plaza to central plaza	427
2	Promanade from central plaza to visarjan ghat	239
3	visarjan ghat	327.4279
4	promanade from ghat to gardan at panchasheel nagar	83.2
5	promanade from kalwa bridge to saket	1628


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6	Approach road with cement tiles	255
7	pathway from interpretation center to nature trail (3mwide)	480
8	1.5 m wide nature trail	630
9	2 m wide nature trail	690
10	floating pathway	440

Construction details

Item No. 1	DEMOLITION WORK	UNITS	QUANTITY
	Bus plaza - various structures coming in the way of bus terminal and parallel pathway		
2	Demolition of slums	nos	3000
	usable bricks	cum	2000000
	broken bricks	cum	3500
	GI sheet	tones	300

Item No. 2	EXCAVATION WORK		
1	Chanelisation of creek	cum	196000
2	For construction of nalla walls	cum	19474
2	Bus plaza		
	Road for terminal -	cum	1260
	Ticket shop canopy	cum	43
	paved area	cum	1935
3	Entrance bridge	cum	60
4	Showcase canopy	cum	109
5	Promanade foundation	cum	74256
		Total	293137

Mangrove and other Plantation

	Route	Area	unit
1	From CIDCO to Kalwa bridge	6217	sq.m
2	From Kalwa bridge to saket	6213	sq.m


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Member Secretary

3	Peripheral plantation from CIDCO to Kalwa bridge	3180	sq.m
4	Biodiversity park	7300	sq.m
5	Garden at Panchasheel Nagar (non-mangrove)	4850	sq.m
6	Landscaping around interpretation centre	1000	sq.m
	Total	28760	

The Authority discussed the proposal at length and noted that following project activities are proposed in CRZ I area:

- Proposed promenade from bus plaza to central plaza
- Promenade from central plaza to visarjanghat
- Visarjanghat
- Central plaza with showcase canopy
- Promenade from Ghat to garden at Panchasheel Nagar

Authority observed that solid/concrete construction in CRZ I will not be in consonance with the provisions of CRZ Notification, 2011. TMC need to explore other ecofriendly ideas / concepts / designs/ methods or tools for the activities proposed in CRZ I area so that these activities could be undertaken maintaining ecological integrity of the CRZ I area.

Authority discussed the activity of proposed mangroves park and suggested that vareity (various species) of mangroves be planted instead of single species. TMC may study other projects of 'Mangroves Parks' developed within the country for feasibility and innovative concepts.

Authority observed that project envisaged the planned development of creek corridor, which is under the threat of illegal activities including reclamation of creek. Project will help in curbing the reclamation of creek as well as illegal activities in CRZ area. This will restore the creek's ecological balance and enhance the environmental quality of the area.

In the light of above, the Authority after deliberation decided to recommend the proposal from CRZ point of view to Thane Municipal Corporation subject to strict compliance of the following conditions:

1. The project activities should be carried out strictly as per the provisions of CRZ Notification, 2011.
2. No construction in CRZ I area is allowed. Project activities proposed in CRZ I area shall be done in ecofriendly way and details be submitted to the Authority for approval before implementation.
3. Tidal flow of creek water should not be obstructed in any way.
4. Draining of treated effluents should not be let out into mangroves and the entire CRZ I areas.
5. Proponent should ensure that there is proper circulation of water in mangroves area for conservation and protection of mangroves.
6. Prior permission from Hon'ble High Court of Mumbai will be required, if mangroves and buffer zone will be affected due to project activities.
7. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Item No.8: Proposed NMMC Sport Complex at Plot No. 01, Sector 13, Ghansoli Node, Navi Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. Navi Mumbai Municipal Corporation (NMMC) is proposing to develop the plot under reference in two phases. Phase –I comprises of Indoor Sport Complex (15000 seating capacity) which is accommodated in non CRZ area of the plot (beyond 150 meter CRZ line) and FSI calculation is based on net plot area of non CRZ area. NMMC is seeking CRZ clearance for Phase –I only.
2. Phase –II comprises Olympic size Indoor swimming pool, Hockey stadium, International Sport Academy, Kho-Kho & Kabaddi Stadium, Gents and Ladies Hostel & Apartment Building. NMMC will apply later for CRZ clearance for Phase –II after obtaining necessary permissions from CIDCO and Govt. of Maharashtra.


Chairman


Member Secretary

3. The Sport Complex Project is being developed as per Maharashtra Sports Infrastructure development Plan 2001 and Notification dated 24.2.2003 and 26.3.2003 and it has mentioned to develop Konkan region Sports Complex at Navi Mumbai, Thane and the proposed Sport Complex shall be of International Standard. Accordingly, CIDCO has reserved plots for NMMC Sport Complex and Govt. Sport Complex.
4. CIDCO has issued allotment letter with 0.10 FSI. Representation has been submitted to the Principal Secretary, UD-1 and MD, CIDCO for grant of 1.00 FSI which is permissible as per sanction DC regulation of NMMC.
5. NMMC letter dated 26.12.2013 mentions that, as per sanctioned Development Plan, the plot under reference is in residential zone
6. The proponent has submitted the CZMP of Navi Mumbai, showing site under reference. As per the said CZMP, the plot partly falls in CRZ II (150 meter CRZ line) and Non CRZ area and situated on landward side of existing bund road.
7. FSI details, as per the layout plan submitted by Project Proponent –

Sr. No.	Description	Area in Sq.m.
1	Area of plot	146500.132
2	Area of plot falls in CRZ (150 m from HTL)	61273.314 (41.82%)
3	Net Plot Area Available for development	85226.818 (58.18 %)
4	Permissible FSI	0.1
5	Permissible floor area	8522.682
6	Proposed BUA	8372.846
7	FSI proposed to be consumed	0.098

Authority after detailed discussion and deliberation decided to direct the project proponent to submit the approved CZMP of Navi Mumbai in 1:4000 scale, superimposing the project layout on it, prepared by one of the MoEF authorized agencies, with demarcation of 150 m CRZ line from HTL.


Chairman

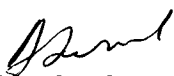

Member Secretary

Item No.9: Proposed major repairs amounting to reconstruction of Malbar Hill Control room on plot bearing CS No. 380 and 381 of Malbar Hill Division in 'D' Ward, Mumbai

MCGM officials presented the proposal before the Authority. The Authority noted the followings:

1. Proposed repairs amounting to reconstruction of viewing gallery comprising of lower ground floor and upper ground floor + 1 upper floor level with terrace above without any major changes in the present structure except for accomodation of lift pit, external column to strengthen the existing structure and strengthening the 1st floor slab and external column including repair /restoration amounting to reconstruction of Malbar Hill Control room by accommodating viewing gallery for approximately 80 – 100 persons / viewing etc.
2. As per MCGM letter dated 1.1.2014, the plot under reference falls in Residential Zone as per old DP (1967) as well as revised sanctioned DP (1993) and is reserved for Recreational Garden as per both of these development plans. The user of 'viewing Gallery as recreational activity' is permissible as per land use and zoning.
3. MCGM mentioned vide letter dated 1.1.2014, as per CZMP of Mumbai, the plot under reference falls in CRZ II and situated on landward side of existing Walkeshwar Road.
4. As per MCGM remarks dated 1.1.2014, subject land was leased out to M/s. Behram Dinshaw Irani from year 1950 to 1970 who has constructed the structure known as "Cafe Naaz"
5. Salient feature of the project,
 - Lower Ground Floor:
The existing lower ground floor will be occupied by the garden department maintaining the Hanging Garden. No major changes on this floor except for accommodation of lift pit by removing part portion of south west wall.
 - Upper Ground Floor:
Proposed two staircases and a lift on this floor for viewers to approach 1st floor of viewing gallery deck. At present, upper ground floor is


Chairman


Member Secretary

occupied by office staff of Malbar Hill Control. The proposed lift passes through the existing buildings alignment, hence to accommodate the lift shaft slab over upper ground/1st floor slab needs to be punctured. Proposed external column arrangement to strengthen the existing structure as well as to support the viewing gallery deck at 1st floor.

- 1st floor:

The viewing gallery is proposed at this level by strengthening existing slab & supporting the same by external columns. It is proposed to accommodate at least 80 – 100 persons at a time.

- Terrace floor:

Proposed two level canopy above the viewing gallery at 1st floor level to improve the aesthetical view of the viewing gallery, the 1st level canopy is covering the part area of viewing gallery to provide open to sky view during night time. The 1st level canopy will be approachable by internal staircase and limited access will be provided. The 2nd level canopy proposed at upper – most level will be restricted and non – approachable.

- FSI details, as per layout plan submitted with IOD dated 5.10.2013-

- Total plot area – 39753.10 Sqm
- Permissible FSI- 0.15
- Permissible floor area – 5962.97 Sqm
- Existing floor area – 4726.05 Sqm
- Proposed Built up area – 82.71 Sqm
- Total BUA Proposed – 4808.76 Sqm
- FSI Proposed to be consumed – 0.12

Authority suggested that MCGM should explore other alternatives for architectural design for the proposed viewing gallery. Iconic design with unique architectural style of viewing gallery will enhance the aesthetics and sanctity of the area.

Authority noted that the plot under reference falls in Residential Zone as per old DP (1967) as well as revised sanctioned DP (1993) and is reserved for 'Recreational Garden' as per both of these development plans. As per the para 8.v.1.(ii)(e) of CRZ


Chairman


Member Secretary

Notification, 2011 all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone, in MCGM area.

Further, Authority noted that as per para 8.v.1.(iii)(f) of CRZ Notification, 2011 the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.

Reconstruction of existing viewing gallery is a civic amenity meant for recreational purpose.

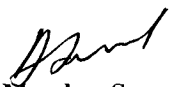
In the light of above, the Authority after detailed discussion and deliberation decided to recommend the proposal from CRZ point of view to concerned planning Authority subject to strict compliance of the following conditions:

1. The project activities should be carried out strictly as per the provisions of CRZ Notification, 2011.
2. Authority suggested that an alternative iconic design with unique architectural style of viewing gallery will enhance the aesthetics.
3. MCGM should ensure that FSI upto 15% is allowed for the proposed reconstruction of viewing gallery.
4. MCGM should ensure that there is no change in present use in reconstruction of existing structure.
5. Residential or commercial use of viewing gallery is not permissible.
6. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Item No.10: Proposed extension of existing office building of Mira Bhayandar Municipal Corporation on land bearing CTS No. 1026 & CTS No.1041, Reservation 100B, Bhaindar (W), Dist- Thane

MBMC officials presented the proposal before the Authority. The Authority noted the followings:


Chairman


Member Secretary

1. The proposal is for proposed extension of 5th & 6th floor on existing ground + 4 floor office building of Mira Bhaindar Municipal Corporation on land bearing CTS No. 1026 & CTS No.1041, Reservation 100B, Bhaindar (W), Dist- Thane.
2. Existing building height is 19.00m. Proposed height is 7.62m. Total proposed height is 26.62m. Mira Bhaindar Municipal Council has issued Occupation Certificate vide letter dated 30.9.2000 for Municipal Council Main Building comprises of Ground + 4 floors on land bearing CTS No. 1026 & CTS No.1041, Bhaindar (W), Dist- Thane. As per the said letter, Executive Engineer, Konkan Bhavan, Navi Mumbai has sanctioned estimate sheet on 29.4.1997 for construction of Ground + 6 floor.
3. As per submitted information, the land under reference falls in Public - Semipublic. Urban Development Department vide Notification dated 14.5.1997 informed that, the land under reference is reserved for Office Building i.e . Reservation No. 100B.
4. As per CZMP of Mira Bhaindar Municipal Council, the land under reference partly falls in CRZ-III and partly in Non CRZ area.
5. As per submitted information, area under CRZ-III is 4229.00 Sq.m. and area out of CRZ-III is 2047.78 Sq.m.
6. As per layout plan submitted by MBMC, existing office building is situated in CRZ-III area.
7. FSI details, as per layout plan submitted by MBMC,
 - a) Total plot area – 8276.78 Sqm.
 - b) Deduction for RG 15 % – 941.50 Sqm.
 - c) Net area of Plot – 5335.26 Sqm.
 - d) Permissible FSI – 1.5
 - e) Permissible floor area – 8002.89 Sqm.
 - f) Existing floor area – 4304.88 Sqm.
 - g) Proposed floor area – 1553.08 Sqm.
 - h) Total BUA proposed – 5857.961 Sqm.

Authorty noted that as per approved CZMP of Mira Bhayander Municipal Corporation, the land under reference falls partly in CRZ III. However, existing


Chairman


Member Secretary

MBMC office building is situated in CRZ III area. Extension to existing building is proposed in CRZ III area, by utilizing balance FSI of the plot.

Authority noted that as per para 8(i)III(B)(vii) of CRZ Notification, 2011, Construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans is permissible activity. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor).

Authority observed that proposed construction is not in consonance with provisions of CRZ Notification, 2011, in CRZ III area. Hence, the proposal is rejected.

Item No.11: Proposed Solar Panels and Mechanical hoist to be installed on existing structure of 'Sawarkar Rashtriya Smarak' on plot bearing C.S. No. 497(pt), 499(pt) and 500 of Mahim Division, Dadar (W), Mumbai

MCGM officials presented the proposal before the Authority. The Authority noted the followings:

1. The proposed work is to erect the solar panels and mechanical hoist on existing structure of 'Sawarkar Rashtriya Smarak' on plot bearing C.S. No. 497(pt), 499(pt) and 500 of Mahim Division, Dadar (W), Mumbai. NOC is issued by Asst. Commissioner (Estate) on 22.7.2013 for proposed work of erection of solar panels and mechanical hoist.
2. As per MCGM letter dated 4.3.2014, the building is situated on land owned by MCGM and has been given on lease agreement to 'Swatantryaveer Sawarkar Rashtriya Smarak'. MCGM has issued IOD dated 8.2.2001 and for building under reference is granted an Occupation dated 4.12.2004. The existing building comprises of stilt + 4th + 5th part upper floor for commercial use.


Chairman


Member Secretary

3. MCGM letter dated 4.3.2014 mentions that, the plot under reference is in residential zone and not reserved for any public purpose.
4. The proponent has submitted the CZMP dated 19.1.2000 of Mumbai approved by MoEF, New Delhi, showing site under reference. As per the said CZMP, the plot falls in CRZ II and situated on seaward side of existing 90' Cadle Road Veer Sawarkar Marg in existence prior to 19.2.1991.
5. MCGM mentions vide letter dated 4.3.2014; as per Regulation 51 in DC Rules 1967, the area required for electric sub station, electric fitting and such requirements, requirement for fitting purpose not to be counted towards the computation of FSI. i.e. the same can be granted free of FSI in the building. This installation of Solar panels along with mechanical hoist can be installed on the terrace of the building for the source of power energy through solar panels.
6. Area Details, as per layout plan submitted with Occupation Certificate dated 4.12.2004
 - Plot Area – 6650.00 Sqm.
 - RG Area 15% - 997.500 Sqm.
 - Net Plot Area -5652.500
 - Permissible FSI – 1.33
 - Permissible floor area – 7517.825 Sqm.
 - Total BUA -7501.861 Sqm.

Authority after deliberation decided to recommend the proposal from CRZ point of view to concerned planning Authority subject to followings conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011.
2. MCGM should ensure that FSI involved in the proposal should be as per town and country planning regulations as existing as on 19.2.1991.
3. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Item No.12: Construction of Facility Research Centre for Fishery Survey of India at C.S. No. 5/600, Colaba Division, Plot NO. 2-A, of Unit 12, Sasoon Dock, New Fish Harbour, Colaba, 'A' Ward, Mumbai


Chairman


Member Secretary

MCGM and Fishery Dept officials presented the matter before the Authority. The Authority noted that CPWD had obtained no objection from MoEF, GoI vide No. J-16011/7/86-I-A III dated 23rd Oct, 1991 for construction facilities for Fishery Survey of India at C.S. No. 5/600, Colaba Division, Plot NO. 2-A, of Unit 12, Sasoon Dock, New Fish Harbour, Colaba, 'A' Ward, Mumbai. Then, it was approved vide NO. EEBPC/6755/A/A dated 23.12.1999 to Senior Architect CRZ I CPW. Thereafter, PIL was filed by Mrs Ameeta Shah and two others versus State of Maharashtra and other in the matter of violation of Environment (Protection) Act, 1986., the CZMP and the CRZ Notification, 1991 in Writ Petition No. 2755 of 2003.


In this Writ Petition as per High Court Order dated 24.7.2013 minutes of order are pronounced and as per minutes of order now the proposal is forwarded for MCZMA clearance. The plot is situated in I3 zone as per DP of 1991. The plot under reference falls in CRZ II. Area of plot is 91265.35 Sqm. Plot is Govt Lease hold plot.

At present work is completed on site as per minutes of order at High Court dated 24.7.2007 building consists of Gr+ 3 upper floor. Height of building constructed on site is 15.60 m.

Authority noted that MCZMA requested MCGM to remain present for the meeting along with necessary details. Further, MCGM was requested to communicate to petitioner to be present for the meeting.

In the light of above, the Authority after detailed discussion and deliberation decided to direct fisheries dept to write a letter to MCGM that Fisheries Dept had planned for G+4 floors, for which NOC from MoEF is obtained from CRZ point of view. However, building is constructed upto 3rd floor. Hence, there is no deviation in buildings plans. MCGM after scrutinising the building plans, if found true that construction on the site under refernce is as per CRZ clearance issued by MoEF and within the limit of approved building plans, then MCGM may intimate to fisheries dept that there is no deviation in the proposal and further CRZ clearance from MCZMA is not needed.


Chairman


Member Secretary

Item No.13: Development of tourism activities at Gaimukh near Ghodbunder, Thane in Vasai Creek by Maharashtra Maritime Board

Project proponent was absent for the meeting. Hence, the matter was deferred.

Item No.14: Proposed construction / extension & repairs of the jetty works in Navi Mumbai by Maharashtra Maritime Board

Project proponent was absent for the meeting. Hence, the matter was deferred

Item No.15: Repairs to MSRDC's office at Nepeansea Road, Mumbai

Project proponent was absent for the meeting. Hence, the matter was deferred

Item No.16: Proposed beautification on land bearing S. No.161(pt), CTS No. 1376 (pt), Plot no. R-3 of Juhu village, Tal. Andheri, Mumbai

Project proponent was absent for the meeting. Hence, the matter was deferred

Item No.17: Proposed CNG filling Station on plot bearing CTS No. 1(pt) of village Mankhurd, Ghatkopar Mankhurd Link Road, Mumbai.

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 10.1.2012 submitted a proposal of Proposed CNG filling Station on plot bearing CTS No. 1(pt) of village Mankhurd, Ghatkopar Mankhurd Link Road, Mumbai to MCZMA.
2. MCGM letter dated 10.1.2012 mentions that, the plot under reference is in Local Commercial zone (C-1) & entirely reserved for Fire Brigade. It is affected by the proposed 61.00m wide DP road.


Chairman


Member Secretary

3. MCGM letter dated 10.1.2012 mentions that, the plot under reference falls in CRZ II and situated on seaward side of existing Road.
4. MCGM letter dated 10.1.2012 mentions that, proposed CNG filling station building comprising of Basement, Ground, First and Second floors with height 16m.
5. FSI details, as per layout plan submitted:
 - Plot area- 1500.00 Sqm.
 - Recreational Ground (15%) – 225.00 Sqm.
 - Net area of plot – 1275.00 Sqm.
 - Permissible FSI – 1.00
 - Permissible Floor Area – 1275.00Sqm.
 - Proposed Floor Area -910.44 Sqm.
 - FSI proposed to be consumed -0.71

Authority noted that as per the para 8(i)(II)(iv), in CRZ-II areas, facilities for receipt & storage of petroleum & LNG as specified in Annexure II of CRZ Notification, 2011 & facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3 is permissible.

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.

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

1. Construction should be carried out strictly as per the provisions of CRZ Notification 2011.
2. The proposed construction should be as per the town and country planning regulations existed and in force on 19.02.1991.
3. The project proponent should implement the safety measures for handling and storage of the CNG.
4. All other required permission from different statutory authorities should be obtained prior to commencement of work.


Chairman


Member Secretary

Item No.18: Redevelopment of building on plot bearing C.S. No. 63, colaba Division, situated at Shahid Bhagatsingh Marg, A Ward, Mumbai

Authority noted that the proposal was considered in the 84th Meeting of MCZMA held on 30th & 31st August, 2013 and reviewed in the 86th Meeting of MCZMA held on 27th November 2013.

During 86th meeting, the Authority observed that there was earlier NoC from CRZ point of view from UDD (TPB-2007/3148/CR-273/07/UD-11 dated 2nd February, 2008) for proposed building comprising of Ground + 1 podium + 15 upper floors with height 58.08 m. The IOD for the same was granted on 22.7.2008 and CC upto plinth was also granted on 2.7.2009. Thereafter, the plans were amended, reducing the floor plate of the building from fire safety point of view and increase the height of the building upto 158.58 m. As per amended plans, the building comprises of basement + ground + 9 podium + girder level + stilt + service + 29 upper floors, accordingly CC upto 46.04m was endorsed on 27.8.2010.

The Authority noted the clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA. As per the said clause-

"The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals are referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991"

The Authority observed that as per the above clause (Viii) of S.O. 18(E) dated 4.1.2002, Prior CRZ recommendation from MCZMA was mandatory in the subject proposal, when UDD issued the CRZ clearance dated 2nd February, 2008 to the project and based on which CC upto 46.04 m. was granted to the project. The Authority, further noted that, as per the ongoing redevelopment project policy taken by the MCZMA in its 82nd meeting wherein it was decided that ongoing


Chairman


Member Secretary

redevelopment projects governed by para 8.v. (c) of CRZ Notification, 2011 regarding redevelopment of Cessed / Dilapidated / Unsafe categories which are at various stages of constructions wherein, the CRZ recommendation has been received from the MCZMA but full occupation certificate is yet to be granted by the MCGM, can be allowed by the MCGM.


During 86th meeting, the Authority concluded that this was a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi.

Accordingly, the matter was referred to the Environment Department for further proceedings in accordance with OM dated 12.12.2012 & 27.6.2013 issued by MoEF, New Delhi. Proposed Directions was issued u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 to M/s. Kunal Corporation Pvt. Ltd. (Project Proponent) on 28.1.2014. After receipt of the reply to the Proposed Directions from Project Proponent dated 29.1.2014, the Personal Hearing was conducted on 15.2.2014. As decided in the personal hearing, the Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 were issued on 6.3.2014 to Project Proponent. The Maharashtra Pollution Control Board (MPCB) was directed to file prosecution against the Project Proponent and the MCGM was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to Project Proponent. The MPCB vide its letter dated 19.4.2014 informed that, the Case RCC No. 0800288/PW/2014 has been filed against M/s. Kunal Corporation Pvt. Ltd & Ors before the Metropolitan Magistrate, CST, Mumbai.

Authority discussed that the MCZMA vide letter dated 30.9.2013 has sought a clarification from the MoEF regarding implementation of OM dated 12.12.2012 & 27.6.2013 issued by MoEF. However, reply from MoEF is awaited in the matter.

In the light of above, the Authority after deliberation decided to send a reminder letter to MoEF with a request to provide a clarification on implementation


Chairman


Member Secretary

of said OM dated 12.12.2012 and 27.6.2013 to the Authority at the earliest, so that further appropriate decision could be taken up in the subject matter.

Item No.19: Proposed redevelopment of property on plot bearing C.S.No.7/138 of Mazgoan Division situated at Near Dockyard Road, E Ward, Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. Municipal Corporation of Greater Mumbai vide letter dated 27.12.2012 forwarded a proposal of "redevelopment of property bearing C.S.No.7/138 of Mazgoan Division situated at Near Dockyard Road, E Ward, Mumbai " to MCZMA.
2. MCGM letter dated 27.12.2012 mentions that Residential building comprising of Stilt + 6th + part 7th upper floors for total height of 24.55. m above ground level excluding height of overhead tank and lift machine room were approved. Height of the building is approved by Municipal Commissioner.
3. MCGM letter dated 27.12.2012 mentions that Plans are scrutinized as per DC rules 1967 and technical concessions are got approved by MC, MCGM granted IOD under No. EB/1840/E/A dated 24.8.2012.
4. As per CZMP of Mumbai, the plot under reference falls in CRZ II area. MCGM letter dated 27.12.2013 mentions that plot is situated on landward side of existing road, which is reflected on DP plan 1968.
5. The MCGM letter dated 27.12.2012 mentions that as per DP remarks the plot under reference is in R Zone and is reserved for public purpose of PH/HDH. Further, as per survey remarks, the plot under reference falls under hilly area. Hence remarks from Geologist will be insisted before issue of CC as on IOD condition.
6. MCGM letter dated 27.12.2012 mentions that Existing structure is 'Dal Mill' and same is demolished on site. As per MCGM letter dated 7.6.2012, existing building comprising of ground floor structure. Licensed surveyor has proposed to demolish the existing structure. Further user of the existing building is industrial as per DP release letter. Owner will be asked to obtain

NoC from Director of Industries / Labour Commissioner for closure of Dal Mill.

7. FSI details, as per the building plans submitted along with IOD (24.8.2012)

- Plot area – 1004.18 Sqm
- Permissible FSI – 1.33
- Permissible Built up area – 1335.56 Sqm
- Total build up area Proposed – 1334.20 Sqm
- FSI consumed – 1.32

Project proponent further informed that Urban Development Dept (UDD) had granted the CRZ NOC vide letter no. TPB/2006/1255/CR 333/06/UD-12 dated 22.1.2007 for redevelopment of residential building with FSI 1.33 including the area under reservation to be surrendered to MCGM on the land under reference. Structure on the site is demolished.

The Authority observed that prior CRZ recommendation from MCZMA was mandatory as per MCZMA reconstitution order dated 4.1.2002, when UDD issued the CRZ NOC dated 22.1.2007 to the project.


After detailed discussion and deliberations, the Authority observed that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi.

Item No.20: Proposed 100 % repair amounting to reconstruction of Nariman House at plot bearing CS NO. 383, Bhuleshwar Division at 269, C Ward Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. MCGM vide letter dated 10.7.2013 forwarded a proposal “Proposed 100 % repair amounting to reconstruction of Nariman House at plot bearing CS NO. 383, Bhuleshwar Division at 269, C Ward Mumbai” to MCZMA.


Chairman


Member Secretary

2. The MCGM letter dated 10.7.2013 mentions that the plot falls in Residential zone as per old DP (1967 DP) as well as revised sanctioned DP (1993) and is not under any reservation as per both of these development plans.
3. The plot under reference falls in CRZ II and situated on landward side of existing Netaji Subhash Chandra Bose road and Maharshi Karve road in existence prior to 19.2.1991.
4. The MCGM letter dated 10.7.2013 mentions that there is residential building comprising of ground floor for commercial use as shop and 1st to 4th floor as residence with one tenement per floor. Existing built up area admeasures 364.15 Sqm. Consumed FSI of the existing building is 4.228. The building is structurally unsafe and MCGM served notice dated 7.6.2012 to the building.
5. As per MCGM letter dated 10.7.2013, the proposal is for 100 % repair amounting to reconstruction of existing residential and non residential non cessed building. The proposal is scrutinized as per repair policy circular under C.H.E./142/DPBPC of 15.6.1996 by maintaining existing foot print and height. Proposed use is Residential & Commercial. Total construction area is 364.15 Sqm. Free of FSI for purposes like basement, upper floor parking, staircase, lifts, balcony, refuse area etc is 12.45 Sqm
6. MCGM vide letter dated 14.3.2014 granted IOD to the project.
 - Area of plot- 86.12 Sqm
 - Existing Floor area – 364.15 Sqm
 - Total built up area proposed – 364.15 Sqm
 - Total existing balcony area – 12.45 Sqm
 - Proposed balcony area per floor – 12.45 Sqm

The Authority observed that the proposal is scrutinized as per MCGM repair policy circular dated 15.6.1996. Hence, FSI proposed in the project is not in accordance with the town and country planning regulation existing as on 19.2.1991.

In veiw of above, Authority after deliberations decided that proposed construction is not in consonance with provisions of the CRZ Notification, 2011. Hence, the proposal is rejected.


Chairman



Member Secretary

Item No.21: Redevelopment of Residential Building on plot bearing C.S.NO. 207 & 208 (pt) of Worli Division, Sasmira Marg, G South Ward, Worli, Mumbai

Authorty noted that the proposal was discussed in the 86th Meeting of MCZMA held on 27th November 2013; wherein the Authority noted the following proposal details:

1. Municipal Corporation of Greater Mumbai vide letter dated 26.7.2013 has submitted a proposal for "Proposed redevelopment of Residential Building on plot bearing C.S.NO. 207 & 208 (pt) of Worli Division, Sasmira Marg, G South Ward, Worli, Mumbai" to MCZMA
2. Urban Development Department has accorded approval for the redevelopment scheme on the plot under reference & has accorded NOC for 1.33 FSI dated 5.8.2008, as the cost was less than Rs 5 Cr. The work is started as per previous CRZ clearance, and as the work is still ongoing and not completed, revised proposal is submitted.
3. As per the CZMP of Mumbai, the plot under reference falls in CRZ II and situated on landward side of existing Worli Sea face road and Sir Pochkanwala Road.
4. As per MCGM letter dated 26.7.2013, the plot under reference is in Residential Zone and not reserved for any public purpose except for road widening as per 1967 DP as well as sanctioned revised 1993 DP.
5. As per MCGM letter dated 26.7.2013,
 - There are two Ground level Chawl, existing prior to 1940, having total twenty nine tenant / occupants of Residential and Commercial uses on the plot, which are proposed to be demolished.
 - These chawls are owned by MCGM and this is the redevelopment of Municipal tenanted property proposed by treating at par with cessed structures.
 - Area of plot as per PR card is 2085.07 Sqm, out of this area, 438,21 Sqm area falls under road setback for C.S. No. 207 and 208(pt) of Worli Division.


Chairman


Member Secretary

- The Architect has submitted the copy of inspection extract of 1934 showing that the chawl existed on C.S. NO. 207 issued by the MCGM for confirmation and authenticity of the old existing authorized structure, in existence prior to 19.2.1991, while the C.S.NO. 208 is the vacant plot.
6. IOD was issued by the MCGM letter No. EB / 3307 / GS / A dated 4.1.2010. The MCGM letter dated 16.1.2013 mentions that, as per approved plan, building comprising of 2 wings, Wing A and Wing B. Wing A i.e. Rehab wing consists of Ground floor + service floor + 2nd to 7th upper floor having total height 22.50 m. and wing B i.e. sale wing consists of Basement + part stilt + part ground + 1st to 5th parking floor + 6th upper stilt + 1st to 11th upper floor with height 69.99 mt. Further IOD was revalidated on 11.2.2011 and subsequently CC upto plinth for wing B i.e. Sale Wing is also issued on 13.8.2012
7. FSI Details, as per MCGM letter dated 26.7.2013,
- Area of plot – 2085.07 Sqm.
 - Proposed built up area – 3503.35 Sqm.
 - Total construction area – 8070.00 Sqm.
 - Free of FSI area – 4344.91 Sqm.
8. As per MCGM letter dated 26.7.2013, FSI of 2.5 is proposed on the plot bearing C.S.NO. 207 having Municipal Chawl existing prior to 1940 by treating at par with cessed structures and FSI of 1.33 for plot bearing C.S. No. 208(pt), which is a vacant plot as per DCR 33(7) as amended upto 6.1.2011.
9. As the project is planned on two plots wherein one plot is vacant and another plot contains a chawl prior to 1940, FSI as well as all other benefits of 6th January, 2011 are considered only for C.S. No. 207 on which old chawls exist. For other C. S. No. 208(pt), FSI of 1.33 is claimed and staircase and lift area is counted in FSI proportionately.
10. Proposed construction, as per MCGM letter dated 26.7.2013:
- Wing A - Ground + 6 upper floors (total height of 21.5 mt) – Residential and Commercial use


Chairman


Member Secretary

- Wing B - 2 level basements for car parking + 1st to 5th podium floors + 6th floor for refuse area, lift machine room, fitness centre + 7th to 19th floor for Residential purpose with part refuse on 13th floor (total height of 69.25 m.) – Residential use


The land under reference is adjacent to Naval installation and NOC from Naval Authority is submitted.

11.MPCB vide letter dated 6.6.2013 has forwarded a public hearing report. Public hearing was conducted on 2.7.2013. Proposed Environment measures area as follows-

- a. Roof rainwater harvesting system and solar water heating system is proposed
- b. Permeable paver blocks are proposed along with 1 recharge pits to increase the percolation of rain water into the soil rather than flowing to the drain.
- c. The domestic effluent generated in construction phase will be disposed off in existing MCGM sewer. Grey water generated during operation phase will be treated in the Grey water treatment plant. The treated water will be for non domestic purposes such as gardening, flushing etc.
- d. Storm water drains will be constructed for proposed facility as per the norms. The recharge pits and Rain water recharge pits will help to reduce runoff and reduce the load on external storm water drain.
- e. Noise / dust nuisance prevention by barricading site up to 5.0 meter height by GI sheets.

During 86th meeting of the MCZMA, the Authority noted that, the proposal has earlier CRZ NOC from the Urban Development Department in the year 2008. The work is started as per previous CRZ clearance, and as the work has started on site, the Authority observed that prior CRZ recommendation from MCZMA was mandatory as per MCZMA reconstitution order dated 4.1.2002, when UDD issued the CRZ NoC dated 5.8.2008. The Authority decided that this is a case of violation of CRZ Notification, 2011 and matter be referred to Environment Department for


Chairman


Member Secretary

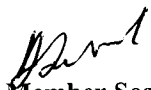
further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi.

Proposed Directions is issued on 28.1.2014 u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 to M/s. Adishakti Associates, Mumbai (Project Proponent). After receipt of the reply to the Proposed Directions received from M/s. Adishakti Associates dated 29.1.2014, the Personal Hearing was conducted on 15.2.2014. Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 were issued on 18.2.2014 to Project Proponent as decided in the Personal Hearing. The Maharashtra Pollution Control Board (MPCB) was directed to file prosecution against the Project Proponent and the MCGM was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to Project Proponent.

The Authority noted that the MPCB vide its letter dated 5.4.2014 informed that, the Cr. Case No.51/2014 has been filed against M/s. Adishakti Associates & Ors.

Authority discussed that the MCZMA vide letter dated 30.9.2013 has sought a clarification from the MoEF regarding implementation of OM dated 12.12.2012 & 27.6.2013 issued by MoEF. However, reply from MoEF is awaited in the matter. During the meeting, project proponent requested the Authority that proposal could be appraised from CRZ point of view as per merit subject to receipt of clarification from MoEF on OM dated 12.12.2012 & 27.6.2013, so that proposal need not be heard again in MCZMA meeting. This will avoid further delay in execution of project. Authority heard the details of the project from CRZ point of view, presented by Proponent. However, the Authority after deliberation decided to send a reminder letter to MoEF with a request to provide a clarification on implementation of said OM dated 12.12.2012 and 27.6.2013 to the Authority at the earliest, so that further appropriate decision could be taken up in the subject matter in Authority's meeting.


Chairman


Member Secretary

Item No.22: Proposed residential building on land bearing CTS No. C/597 & C/598 of village Bandra at 2nd Monte Park Road, Bandra (W), Mumbai.

Authority noted that the proposal was earlier discussed in 86th meeting of MCZMA held on 27.11.2013 wherein, the Authority observed that project proponent had obtained CRZ recommendation from MCZMA vide letter No/ CRZ 2012 / CR 60 / TC 2 for the redevelopment by demolishing existing structure on plot bearing 597 & 598 of village Bandra for basement + stilt + 1st to 4th upper floors with FSI prevailing on 19.2.1991. (Proposal was as per para 8.II.CRZ II.(iii) wherein DCR 1967 was applicable). MCGM vide letter dated 16.8.2013 had submitted a proposal in accordance with para 8.V.(c) of the CRZ Notification, 2011 under DCR 1991 (amended up to 6.1.2011). The said matter was discussed in 85th meeting of the MCZMA. During the meeting, the proponent informed that proposed construction comprises of 2 basement + stilt + 1 podium + part 16 upper residential floors by availing the benefit of TDR. (Proposed construction involves FSI one and TDR one.) However, IOD has been issued under No. CHE / WS /0149/H/337/ dated 8.8.2012 for one FSI i.e. Building comprising of 2 level basement for parking + stilt + for 2 level stack parking + Girder floor + 1st to 5th floor.

Authority further noted that based on the decision taken in 86th meeting, the MCZMA vide letter dated 16.12.2013 directed project proponent to submit

- a. Approved plans and IOD for the FSI 2 (Zonal FSI one + TDR one) from the Municipal Corporation of Greater Mumbai. While issuing the approved plans and IOD for the proposal, the Municipal Corporation of Greater Mumbai should ensure that FSI for the proposal should be as per the town and country planning regulations existing and in force as on 6.1.2011.
- b. Public hearing report in accordance with para 8.v.(c) of CRZ Notification, 2011.

Project proponent presented that the MCGM vide letter dated 8th March, 2014 submitted the approved amended plans with FSI 2.00 (1.00 + 1.00 FSI TDR).


Chairman


Member Secretary

MCGM vide letter dated 19th April, 2014 sanctioned the amended plans subject to certain conditions. MCGM issued IOD on 8th August, 2013 as per the said plans of MCGM:


- Area of plot: 1296.90 Sqm.
- Permissible FSI – 1.00
- FSI credit available by
Development Rights No. SRA /1073/REHAB: 1296.90 Sqm
- Permissible floor area- 2593.80 Sqm
- Proposed area- 2587.73 Sqm
- Excess Balcony area taken into FSI- 5.79 Sqm
- Total built up area proposed – 2593.52 Sqm
- FSI consumed- 2.00

The MCGM letter dated 16.8.2013 mentions that Project proponent has submitted a proposal for 2 basement + stilt + 1 podium + part 16 upper residential floors by availing the benefit of TDR as per CRZ Notification, 2011

Project proponent presented that MCGM vide letter dated 14.8.2013 mentioned that there were two structures existing on the plot U/R which were declared dilapidated by the Municipal Corporation vide no. HW/BF/JE III /354/11/2010 dated 24.12.2010. Further MCGM had issued pull down notice for the bungalows and accordingly, owner / developer has demolished the bungalows. MCGM further mentions that both the bungalows/ structures were declared dilapidated by MCGM prior to 6.1.2011 i.e. before the CRZ Notification, 2011.

Authority noted that as per DP remarks of MCGM dated 18th April, 2013; the land bearing CTS No. 597 and 598 of Bandra – C village falls in Residential zone. As per the approved CZMP of Mumbai, the plot under reference falls in CRZ II and situated on landward side of existing road. Proponent has submitted a CRZ Map (1:4000 scale) prepared by IRS, Chennai which shows, the plot under reference falls in CRZ II. Proponent has submitted public hearing report dated 26.11.2013 to the Authority.


Chairman


Member Secretary

In the light of above, the Authority after deliberation decided to recommend the proposal to concerned planning authority subject to strict compliance of the following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The concerned Planning authority should ensure that FSI, lay out plan, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011.
3. The MCGM should ensure that FSI, Non FSI and concessions granted by Municipal Commissioner, if any, is strictly as per the provisions of DCR existing as on 6.1.2011.
4. Project proponent should implement green initiatives such as rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
5. There should not be any violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by MCGM.
6. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Item No.23: Redevelopment of property on plot bearing CS NO. 1557 of Girgaon Division having street No. 67-D of Damar Lane, (Municipal Passage), off. Harishchandra Goregoankar Road in D Ward, Mumbai

Authority noted the matter was earlier considered in the 86th Meeting of MCZMA held on 27th November 2013, wherein, the Authority decided that, this is a case of violation of CRZ Notification, 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi.

The matter was referred to the Environment Department for further proceedings in accordance with OM dated 12.12.2012 & 27.6.2013 issued by MoEF, New Delhi. Proposed Directions are issued u/s 5 of the Environment


Chairman


Member Secretary

Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 to M/s. Bipinchandra H. Shah (Project Proponent) on 1.2.2014. After receipt of the reply to the Proposed Directions from Project Proponent dated 10.2.2014, the Personal Hearing was conducted on 15.2.2014. As decided in the personal hearing, the Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 were issued on 10.3.2014 to Project Proponent. The Maharashtra Pollution Control Board (MPCB) was directed to file prosecution against the Project Proponent and the MCGM was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to Project Proponent.

The MPCB vide its letter dated 16.4.2014 informed that, the Case RCC No. 400036/SW/2014 has been filed against M/s. Bipinchandra Shah & Ors before the Metropolitan Magistrate, Girgaon, Mumbai on 11.4.2014.

Authority further noted that Show Cause Notice was also issued to MCGM on 10.3.2014 under the Provisions of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011

During the meeting, the Authority noted the proposal details which are as follows:

1. Municipal Corporation of Greater Mumbai vide letter dated 6.6.2013 submitted a proposal for "Proposed redevelopment scheme u/sec 33(7) D. C. regn. 1991 onplot bearing CS NO. 1557 of Girgaon Division having street No. 67-D of Damar Lane, (Municipal Passage), off. Harishchandra Goregoankar Road in D Ward, Mumbai" to MCZMA.
2. As per DP Remarks (1967) of MCGM dated 22.5.2013, the plot under reference falls in Residential Zone and not reserved for any public purpose.
3. The proponent has submitted the CZMP dated 19.1.2000 of Mumbai approved by MoEF, New Delhi, showing site under reference. As per the said CZMP, the plot falls in CRZ II and situated on landward side of existing Road.
4. The MCGM letter dated 6.6.2013 mentions that, existing Cessed Building comprises Gr. + 2 upper floor. Same was demolished after IOD issued on 5.4.2008 and before plinth CC issued on 11.12.2008.


Chairman



Member Secretary

5. Urban Development Department had granted NOC from CRZ point of view for redevelopment of the existing building No.67 D with FSI 2.00 on land under reference vide letter dated 17.3.2008
6. MHADA has granted NOC dated 15.11.1996 with FSI 2.00 or consumed FSI whichever is more.
7. MHADA has granted Revised No Objection Certificate for redevelopment of captioned property with FSI 2.5 or FSI required for rehabilitation of existing occupier plus 50% incentive whichever is higher, as per DC reg No. 33(7) and appendix III to this Reg 33(7).
8. Intimation of Disapproval (IOD) was issued on 5.4.2008. MCGM has issued Commencement Certificate vide letter dated 29.8.2011 as per amended plans i.e building comprises of Stilt + 1st to 6th upper floors for residential user having height of 22.96 meter. However, 6th floor is not constructed on site.
9. Project Proponent has proposed and amended plans for proposed redevelopment under reference with FSI 2.00 and claimed the benefit of staircase, lift and lift lobby area free of FSI. Proposed building comprises of stilt + 1st to 8th floor with height 28.95 meter for residential purpose and Municipal Commissioner, MCGM has approved the same.
10. FSI details, as per MCGM remarks dated 6.6.2013, FSI details are as follows,
 - Area of the Plot – 247.96 Sqm.
 - Total permissible BUA - 495.92 Sqm.
 - Total proposed BUA – 495.79 Sqm.
 - BUA claimed free of FSI – 321.90
11. MPCB has conducted public hearing on 3.9.2013. Public hearing report has been submitted.

Authority discussed that the MCZMA vide letter dated 30.9.2013 has sought a clarification from the MoEF regarding implementation of OM dated 12.12.2012 & 27.6.2013 issued by MoEF. However, reply from MoEF is awaited in the matter.

In the light of above, the Authority after deliberation decided to send a reminder letter to MoEF with a request to provide a clarification on implementation


Chairman


Member Secretary

of said OM dated 12.12.2012 and 27.6.2013 to the Authority at the earliest, so that further appropriate decision could be taken up in the subject matter.

Item No.24: Proposed redevelopment of property bearing C. S. No. 1/578 of Malabar Hill Division, D-ward, situated at Laxmibai Jagmohandas Marg (Nepean sea Road), Mumbai

Project proponent presented that proposal was earlier deliberated in 88th meeting of the MCZMA held on 31.1.2014, wherein the Authority decided to direct the project proponent to apply for CRZ clearance to MoEF for amended building plan since original clearance was granted by MoEF. The MoEF sent a letter No. F. No. 19-43/2014-IA.III dated 20th May, 2014 to MCZMA mentioning that:

"In this regard, it may be mentioned that the original proposal from above proponent was considered by MoEF in the year 2009 since the project required clearance from MoEF on cost criteria as per provisions of the then CRZ Notification, 1991. However, now according to para 4(i), (d) of CRZ Notification, 2011, construction involving more than 20,000 Sqm built up area in CRZ II shall be considered in accordance with EIA Notification, 2006 and in case of projects less than 20,000 Sqm built up area shall be approved by the concerned State or Union Territory Planning authorities in accordance with this notification after obtaining recommendations from (ii), c of CRZ Notification, 2011. The above proposal now, therefore, shall be handled at the State Level".

Authority noted the proposal details which are as follows:

1. Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 1.10.2013 forwarded a proposal of "Proposed redevelopment of property bearing C.S.No. 1/578 of Malabar Hill Division, D-ward, situated at Laxmibai Jagmohandas Marg (Nepean sea Road), Mumbai"
2. As per MCGM letter dated 1.10.2013, the plot is situated in Residential Zone and not under any reservation.
3. The plot falls in CRZ II and situated on landward side of existing road prior to 19.2.1991


Chairman


Member Secretary

4. As per MCGM remarks dated 1.10.2013; there existed Cessed A category building. Existing use of structure is Residential. Copy of the MHADA letter dated 15.4.2005 enclosing list of tenants / occupants / Licenses is submitted.
5. MB.R. & R Board of MHADA unit vide letter dated 6.10.2004 issued NOC for approaching MCGM for obtaining IOD & get the plans of proposed building proposal approved, with permissible FSI 2.00 in respect of the properties affected by CRZ
6. Urban Development Department granted NOC dated 3rd July, 2006 from CRZ point of view with FSI 1.33
7. Proposal was submitted under DC Reg. No. 33(6) of DCR 1991 to MCGM, the same was approved & MCGM issued IOD on 19.8.2006 and Plinth CC was granted on 5.2.2007.
8. Further, amended plans were approved on 30.5.2009 & 10.6.2009 for redevelopment comprising, Building "A"- Basement + Ground + 29 upper floors (total height- 120.40 m) And, Building "B"- Ground + 5 upper floors (total height – 20.40 m) for car parking.
9. EIC, New Delhi in its 76th meeting held on 21st- 22nd May, 2009 recommended the project – basement + ground + 29 floors having 25 flats and 1 bank on the ground floor. Total built up area proposed is 9574.12 Sqm. MCZMA had recommended this project to MoEF vide letter dated MCZMA-2009/CR III/TC3 dated 2.2.2009. MoEF vide letter No. 11-15/2009-IA-III dated 23rd July, 2009 accorded CRZ clearance to the project- Building 1 with ground + 19 floors, 4th, 11th & 17th floors will be refuse floor and other floors for residential purpose. Building no. 2 with ground + 5 floors for parking. Swimming pool will be atop building.
10. Part OC for entire work as per approved plans is endorsed on 26.8.2009. Further amended plans were approved on 2.6.2012 for redevelopment comprising, Building A - basement + ground + 31upper floors (total height 131.15 m) and, Building "B" comprises of ground + 5 upper floors for car parking only (total height 20.40 m)
11. As per MCGM remarks dated 1.10.2013, Proposed building comprises of:
 - Building "A" - Basement + ground + 1st to 31 upper floors - Total height of building is 131.15 m.
 - Building "B" - Ground + 5 upper floors for car parking


Chairman


Member Secretary

12. FSI details, as per amended building plans :

- Total plot area – 1920.58 Sqm
- Road set back area- 211.58 Sqm
- Balance area of plot – 1708.69 Sqm.
- Permissible built up area – 4539.06 Sqm (FSI – 2.36)
- Proposed Built up area – 4452.71 Sqm

As per MCGM remarks dated 1/10.2013, Free of FSI area is 8558.47 Sqm

13. Public hearing was conducted on 3.9.2013 by MPCB. Public hearing report was submitted. Environment related points in the report are as follows-

- Sewage water generated during operation phase will be treated in Sewage water treatment plant. Treated water will be used for non domestic purposes such as gardening, car washing, flushing etc.
- Rainwater harvesting- Roof rain water harvesting is proposed. Permeable paver blocks are proposed with 1 Recharge pit to increase the percolation of rain water into soil rather than flowing to the drain.
- Storm water drains will be constructed for proposed facility as per the norms
- Solid waste- Normal debris, waste concrete, soil, broken bricks, waste plaster etc will be reused for land filling in the premises
- Provision of Solar water heating system

Authority noted that proponent is seeking CRZ recommendation from MCZMA for minor amendment in the proposal.

In the light of above, the Authority after deliberation decided to recommend the proposal from CRZ point view to concerned planning authority subject to strict compliance of the following conditions:


Chairman


Member Secretary


1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The concerned Planning authority should ensure that FSI, lay out plan, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011.
3. The MCGM should ensure that FSI, Non FSI and concessions granted by Municipal Commissioner, if any, is strictly as per the provisions of DCR existing as on 6.1.2011.
4. Project proponent should implement green initiatives such as rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
5. There should not be any violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by MCGM.
6. The property on plot under reference falls within a distance of 100 m from Heritage structure, hence NOC from Heritage point of view would be necessary.
7. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Item No.25: Proposed redevelopment of building on plot bearing CTS No. C/1058, C/1062 and C/1063, village Bandra, Off Carter Road, Bandra (W), Mumbai – 400 050

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. There is earlier CRZ recommendation dated 24.9.2012 from MCZMA, under para 8.II. CRZ-II of CRZ Notification, 2011. Now, Project proponent have applied as per para 8.V.C of CRZ Notification, 2011.
2. The Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 8.11.2013 has forwarded the proposal of “Proposed redevelopment of building on plot bearing C/1058, C/1062 and C/1063, village Bandra, Off Carter Road, Bandra (W), Mumbai – 400 050” to MCZMA.


Chairman


Member Secretary

3. As per remarks of MCGM dated 8.11.2013, the land under reference is situated in Residential zone as per 1967 DP as well as 1993 DP and is not under any reservation as per both of these development plans.
4. As per CZMP of Mumbai approved by MoEF in the year 2000; the land under reference falls in CRZ II area and situated on landward side of existing Carter Road and existing authorized building, in existence prior to 19.2.1991.
5. As per remarks of MCGM dated 8.11.2013, the plot bearing CTS No. C/1058 has dilapidated building of Ground + 1 upper floor as declared by office of Asst. Engineer H/W Ward vide their notice on 28.7.2000 and 4.12.2003. The same structure reflects on the CTS Plan and is existing prior to 19.2.1991. The existing user of the old building is residential.
6. As per MCGM letter dated 8.11.2013, proposed residential building comprising of basement and stilt for car parking + 1st to 6th + 7th (pt) upper floor levels for residential use by demolishing existing G + 1 dilapidated structure. Proposed height of the new residential building is 23.35 m.
7. The developer has proposed new residential building under DCR 33(6) of DCR as in force as on 6.1.2011 and DCR 10 of DCR 1967. There are 3 plots in the instant case, out of which on one plot i.e. on CTS No. C/1058 has dilapidated building of G + 1 declared on 28.7.2000 & 4.12.2003. Therefore, this single plot on which dilapidated structure exists, will be allowed benefits of DCR as on 6.1.2011. Accordingly, 100% TDR is proposed on this plot admeasuring 540.89 Sq.m. (excluding encroachment area) TDR is not claimed on remaining 2 plots, as was not permissible as per DCR in force as on 19.2.1991. Therefore, FSI consumed in this proposal is combination of FSI 2 (including full TDR) on plot bearing CTS No. C/1058 and only 1.00 (one) FSI on CTS No. C/1062 & CTS No. C/1063, thereby giving total BUA of 1469.78 Sq.m. and FSI of 1.58 on combined plot.
8. Municipal Commissioner, MCGM has approved to allow utilization of slum TDR as admissible as per Appendix VII(B), on the plot admeasuring 540.89 Sq.m. bearing CTS No. 1058.
9. FSI Details, as per MCGM Remarks are as follows:

CTS No.	Area in Sq.m.	TDR	Remarks
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Chairman


Member Secretary

C/1058	669.70	540.89 (669.70 - 128.81 = 540.89)	There is existing dilapidated building of G + 1 upper floor. Hence as per clause 8 .V.of the Notification, rules of Town and Country Planning existing amended till on 6.1.2011 are applicable for plot bearing CTS No. C/1058area adm.540.89 Sq.m. (excluding encroachment area)
C/1062	332.80	N.A.	Only 1.00 FSI as per DCR 1967 is permissible
C/1063	55.20	N.A.	Only 1.00 FSI as per DCR 1967 is permissible
Total	1057.70		


As per layout plan approved by MCGM on 8.5.2014

- Area of Plot – 1057.70 Sqm.
- Deduction for
 - Encroachment area – 128.81 Sq.m.
 - Set Back Road- 4.09 Sqm.
- Net area of plot – 924.80 Sqm.
- Addition for Set back road -4.09 Sqm.
- Total area of plot – 928.89 Sq.m.
- FSI Credit available by TDR (CTS No. C/1058) -540.89 Sq.m.
- Permissible Floor Area – 1468.89 Sqm.
- Proposed Area – 1395.92Sqm.
- Excess Balcony area taken in FSI -64.62 Sqm.
- Total BUA Proposed – 1460.54 Sqm.
- FSI Consumed – 1.58

The Municipal Corporation of Greater Mumbai has issued IOD dated 4.4.2013 to the project. Amended Plans has been sanctioned on 8.5.2014 by MCGM. Municipal Commissioner has approved the proposal.

The MPCB has forwarded the proceedings of Public Hearing conducted on 11.1.2013 for the proposed redevelopment project under Item No.8 . V. (D) (C) 4 of CRZ Notification, 2011


Chairman


Member Secretary

Authority further noted that Mr. Ratan Bhalwankar has filed a complaint dated 30.12.2013 regarding objection for grant of NOC of MCZMA for proposed building on plot bearing CTS No. C/1058, C/1062 and C/1063, Bandra. As per the said letter Mr. Ratan Bhalwankar is owner of plot bearing CTS No. C/ 1061 of village Bandra from which Right of Way was derived by the owner of adjoining land of proposed project. He has revoked, cancelled and Resind the said Right of Way granted on 26.11.1997. He informed not to consider NOC from MCZMA based on Right of Way which has been revoked / cancelled. Authority observed that a complaint filed in the matter is regarding right of way and MCGM should examine the matter.

In the light of above, the Authority after deliberation decided to recommend the proposal to concerned planning authority subject to submission of clarification from MCGM as to whether CC is issued to the project, with strict compliance of the following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The concerned Planning authority should ensure that FSI, lay out plan, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011.
3. The MCGM should ensure that FSI, Non FSI and concessions granted by Municipal Commissioner, if any, is strictly as per the provisions of DCR existing as on 6.1.2011.
4. Project proponent should implement green initiatives such as rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
5. There should not be any violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by MCGM.
6. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.


Chairman

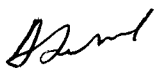

Member Secretary

Item No.26: Proposed redevelopment of existing building no. 14 known as Mukund Mension on plot bearing C.S. No. 11/593 of Malabar Hill Division situated at 14, Darbsha road in D Ward, Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. The Municipal Corporation of Greater Mumbai (MCGM) has forwarded the proposal of "Proposed redevelopment of existing building no. 14 known as Mukund Mension on plot bearing C.S. No. 11/593 of Malabar Hill Division situated at 14, darbsha road in D Ward, Mumbai" vide letter dated 30.10.2013 to MCZMA.
2. As per remarks of MCGM dated 30.10.2013, the plot under reference is situated in Residential zone and not reserved for any public purpose. The user of Residential was permissible as per land use and zoning as on 19.2.1991.
3. The MCGM vide letter dated 30.10.2013 mentions, as per approved CZMP of Mumbai the land under reference falls in CRZ II and situated on seaward side of existing Nepeansea Road. However, it is landward side of authorised building.
4. MCGM remarks mentions that, as per inspection Extract issued by Asst. Assessor & Collector, D ward there is one existing building comprising of Ground + 3 upper floors and one out house comprising of Ground + 3 upper floor bearing eard No. D-3326(7). As per Category Certificate s dated 21.1.2006, the said structures are having 'A' category cessed structure with R & NR.
5. MHADA vide letter dated 2nd July, 2012 granted letter of intent mentioning that MHADA has no objection for obtaining IOD and get the plans of proposed buildings approved with FSI 2.5 or FSI required for rehabilitation of existing occupiers plus 50% incentive, whichever is higher.
6. As per MCGM letter dated 30.10.2013; Proposed building comprising of Basement + Stilt + 1st to 7th Parking floor + 8th to 16th upper floor with height


Chairman


Member Secretary

62.30m on plot bearing C.S. No. 11/593 of Malabar Hill Division situated at 14, Darbsha road in D Ward, Mumbai.

7. FSI Details, As per MCGM letter dated 30.10.2013; this is redevelopment of 'A' category cessed building proposed under DCR 33(7). As per DCR in force as on 6.1.2011, 2.50 or existing + 50% incentive FSI, whichever is high is permissible for redevelopment of cessed A category building. As per plans submitted with IOD dated 8.8.2013

- Total Plot Area – 1013.39 Sq.m.
- FSI Permissible – 2.50
- Permissible floor Area – 2533.48 Sq.m.
- Proposed Area – 2513.10 Sq.m.
- FSI Consumed -2.48

The proponent has submitted IOD dated 6.5.2009 issued by the Municipal Corporation of Greater Mumbai. Proposed redevelopment is approved by Municipal Commissioner, MCGM by approving necessary concessions having BUA 2533.43 Sq.m. excluding area of basement, stilt, parking floor, staircase, lift, lift lobby, terrace, staircase room & lift machine room.

8. Public hearing was conducted on 28.1.2014 by MPCB as per CRZ Notification, 2011 and as per procedure laid down under EIA Notification, 2006. The proceedings of the public Hearing is submitted on 14.2.2014. MCZMA vide letter dated 3.3.2014 requested Project Proponent to submit certain information. Accordingly, Project Proponent vide letter dated 22.4.2014 submitted its reply.

In the light of above, the Authority after deliberation decided to recommend the proposal to concerned planning authority subject to strict compliance of following conditions and subject to grant of MHADA NoC for 2.5 FSI.


Chairman


Member Secretary


1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The concerned Planning authority should ensure that FSI, lay out plan, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011.
3. The MCGM should ensure that FSI, Non FSI and concessions granted by Municipal Commissioner, if any, is strictly as per the provisions of DCR existing as on 6.1.2011.
4. Project proponent should implement green initiatives such as rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
5. There should not be any violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by MCGM.
6. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Item No.27: Development on plot bearing FP No. 1211 of TPS-IV of Mahim Dn. At Yadav Patil Marg, Off Veer Savarkar Marg, Prabhadevi in G/North Ward, Mumbai

Authority noted that the matter was earlier deliberated in 88th meeting of the MCZMA held on 30th and 31st Jan, 2014 wherein the project proponent presented that max. 100 m CRZ area shall be made applicable from HTL of 'Bay', as per provisions of CRZ Notification, 2011. Water body at Mahim is 'Mahim Bay', as indicated in old approved CZMP and National Hydrographer, Deharadun's record. Project proponent presented that subject site partly falls in CRZ area as per the provisions of CRZ Notification, 2011. Proponent submitted IRS, Chennai report along with its CRZ map in i.e. 1:4000 scale to support his stand. During 88th meeting, Authority after deliberations directed proponent to submit the followings:

- Whether the HTL demarcated by the IRS, Chennai is same as that of HTL shown in approved CZMP
- CRZ status of the plot under reference in the form of conclusion, as was done by IRS, Chennai in their report in case of Plot bearing C.S.


Chairman


Member Secretary

No. 1463 in Mahim Division at G/N ward, M. N. Koli CHS Ltd (Deepak Rao matter)

Authority noted that based on the decision taken in 88th meeting of the MCZMA, the letter dated 17.04.2014 of IRS, Chennai has been submitted by the proponent.

Project proponent presented that as per the the said report dated 17.4.2014 of IRS mentions that HTL demarcated by IRS corresponds to the HTL shown in HTL shown in approved CZMP subject to the generalization error caused by the variation in scale of mapping. IRS report concludes that the plot partly falls in CRZ area.

Authority deliberated the matter at length and observed as follows:

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500 m. CRZ area from the HTL of the water body indicated as Mahim Bay in said CZMP.
2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as -
"CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal


Chairman

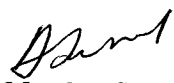

Member Secretary

effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.
5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, 'Mahim Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun.
6. IRS Chennai vide letter dated 17.4.2014 mentioned that the HTL demarcated by the IRS, Chennai corresponds to the HTL shown in approved CZMP subject to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land/site within the 100m buffer zone


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from HTL for Bay/Creek as per para(ii) of CRZ Notification 2011 of MoEF vide S.O.19(E), dated 06.01.2011. In this case, the project site containing FP No. 1211 of TPS IV of Mahim Division, Mumbai falls partly within the 100 m buffer zone from HTL of Mahim Bay. As per the CRZ map submitted by IRS at 1:4000 scale, an area of 1475.6 Sqm falls within 100 m from HTL of Mahim Bay (CRZ II) and an area of 20013.7 Sqm falls outside CRZ. A CRZ map of 1:4000 scale is submitted.

The Authority took on record & deliberated the report of IRS Chennai dated 17.4.2014, IRS CRZ map in 1:4000 scale, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which is MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority noted that as per para 7. (iv) CRZ IV.A. of CRZ Notification, 2011, the water area from the Low Tide Line to twelve nautical miles on the seaward side, is CRZ IV-A area. Further, As per para 7.(iv) CRZ IV.B. of CRZ Notification, 2011, water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year, is CRZ IV-B area.

Authority further noted that as per para (v) of CRZ Notification, 2011, the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

Authority observed that IRS report concludes that the project site containing FP No. 1211 of TPS IV of Mahim Division, Mumbai falls partly within the 100 m buffer zone from HTL of 'Mahim Bay'. CRZ map also mentions water body as a "Mahim Bay". However, legend mentioned in CRZ map shows, water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies.

Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map.


Chairman


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Item No.28: Development on plot bearing C.S.No. 1551, Girgaum Dn. On the junction of Gamdevi Road, Harishchandra Goregaonkar Marg and N.S.Patkar Marg, in D Ward, Mumbai

Authority noted that the matter was earlier deliberated in 88th meeting of the MCZMA held on 30th and 31st Jan, 2014 wherein the project proponent presented that max 100 m CRZ area shall be made applicable from HTL of 'Bay', as per provisions of CRZ Notification, 2011. Water body at Girgaun is 'Back Bay', as indicated in old approved CZMP and National Hydrographer, Deharadun's record. Project proponent presented that subject site does not fall in CRZ area as per the provisions of CRZ Notification, 2011. Proponent submitted IRS, Chennai report along with its CRZ map in 1:4000 scale to support his stand. During 88th meeting, Authority after deliberations directed proponent to submit the followings:

- Whether the HTL demarcated by the IRS, Chennai is same as that of HTL shown in approved CZMP
- CRZ status of the plot under reference in the form of conclusion, as was done by IRS, Chennai in their report in case of Plot bearing C.S. No. 1463 in Mahim Division at G/N ward, M. N. Koli CHS Ltd (Deepak Rao matter)

Authority noted that based on the decision taken in 88th meeting of the MCZMA, the letter dated 17.04.2014 of IRS, Chennai has been submitted by the proponent.

Project proponent presented that the HTL demarcated by the IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. IRS report concludes that the subject plot does not fall in CRZ area.

The Authority deliberated the matter at length and observed as follows:

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ


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Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Girgaum is situated within 500 m CRZ area from the HTL of the water body indicated as 'Back Bay' in said CZMP.

2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as -

"CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent


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cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.

5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, 'Back Bay' is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun.
6. As per the report dated 17.4.2014 of IRS, Chennai, the HTL demarcated by the IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land/site within the 100m buffer zone from HTL for Bay/Creek as per Para(ii) of CRZ Notification 2011 of MoEF vide S.O.19(E), dated 06.01.2011. In this case, the project site in CS No. 1551 of Girgaum division does not fall within the 100m buffer from HTL for Back Bay. A CRZ Map of 1:4000 scale is submitted.

The Authority took on record & deliberated the report of IRS Chennai dated 17.4.2014, IRS CRZ map in 1:4000 scale, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority noted that as per para 7.(iv) CRZ IV.A. of CRZ Notification, 2011, the water area from the Low Tide Line to twelve nautical miles on the seaward side, is CRZ IV-A area. Further, As per para 7.(iv) CRZ IV.B. of CRZ Notification, 2011, water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year, is CRZ IV-B area.


Chairman


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Authority further noted that as per para (v) of CRZ Notification, 2011, the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

Authority observed that IRS report concludes that the project site in CS No. 1551 of Girgaum division does not fall within the 100m buffer from HTL for Back Bay. CRZ map also mentions water body as a "Back Bay". However, legend mentioned in CRZ map shows, water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies.

Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map.

Item No.29: Proposed redevelopment of Property on plot bearing C.S. No. 272 of Malbar Cumballa Hill Division known as Walkeshwar Road, D Ward, Mumbai

Proponent presented the proposal before the Authority. The Authority noted the followings:

1. The Municipal Corporation of Greater Mumbai (MCGM) has forwarded the proposal of "Proposed redevelopment of Property on plot bearing C.S. No. 272 of Malbar Cumballa Hill Division known as Walkeshwar Road, D Ward, Mumbai" vide letter dated 19.12.2013 to MCZMA.
2. As per remarks of MCGM dated 19.12.2013, the plot under reference is situated in residential zone and not reserved for any public purpose except widening, if any, of the existing road.
3. The MCGM vide letter dated 19.12.2013 mentions that, as per approved CZMP of Mumbai the land under reference falls in CRZ II and situated on landward side of existing Road.
4. MCGM remarks mentions that, existing building comprising Ground + 5th upper floors. As per list certified by MHADA, there are total 14 No. of residential & 8 No. of N.R. tenants existing on site.


Chairman


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5. MHADA has granted No Objection Certificate on 17.10.2012 for redevelopment with FSI 2.5 or existing FSI + 50 % incentive, whichever is higher, admissible under the DCR 33(7).
6. As per MCGM letter dated 19.12.2013; proposal under 33(7) of DC Regn. 1991 for proposed building having stilt for parking floor + 1st to 6th floor for car parking + 7th to 21st floor for residential use with height 69.70 m on plot bearing C.S. No. 272 of Malbar Cumballa Hill Division known as Walkeshwar Road, D Ward, Mumbai.
7. MCGM mentions that, as per MHADA certified tenant list, there are total 14 No. of residential & 8 No. of N.R. tenants existing on site. However, Architect has proposed to allot NR to Residential tenements. It is mentioned that, while calculating permissible FSI, the NR tenants is considered as R tenants and their permissible FSI will be worked out considering R tenant.
8. FSI Details, as per MCGM letter dated 19.12.2013; this is redevelopment of 'A' category cessed building proposed under DCR 33(7). As per DCR in force as on 6.1.2011, 2.50 or existing + 50% incentive FSI, whichever is high is permissible for redevelopment of cessed A category building. As per plans submitted with IOD dated 7.9.2013
 - Total plot area – 830.65 Sqm.
 - Road set back – 65.17 Sqm.
 - Balance plot area – 765.48 Sqm.
 - Addition for set back area -65.17 Sqm.
 - Total plot area – 830.65 Sqm.
 - FSI Permissible – 2.50
 - Permissible floor Area – 2076.63Sqm.
 - Proposed Area – 2071.84 Sqm.
 - FSI Consumed – 2.49

As per MCGM vide letter dated 19.12.2013, Area of plot is 830.65 Sq.m., Proposed BUA is 2071.84 Sqm., Total construction Area – 5850.00 Sq.m. The proponent has submitted IOD dated 7.9.2013 issued by the Municipal Corporation of Greater Mumbai. Proposed redevelopment is approved by Municipal Commissioner, MCGM by approving necessary concession.


Chairman


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9. MCZMA vide letter dated 28.2.2014 requested Project Proponent to submit public consultation report. Project Proponent has submitted public consultation report on 22.5.2014. Public hearing was conducted on 21.2.2013 by MPCB as per CRZ Notification, 2011 and as per procedure laid down under EIA Notification, 2006.

In the light of above, the Authority after deliberation decided to recommend the proposal to concerned planning authority subject to strict compliance of the following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The concerned Planning authority should ensure that FSI, lay out plan, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011.
3. The MCGM should ensure that FSI, Non FSI and concessions granted by Municipal Commissioner, if any, is strictly as per the provisions of DCR existing as on 6.1.2011.
4. Project proponent should implement green initiatives such as rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
5. There should not be any violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by MCGM.
6. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Item No.30: Construction of multi stories/public parking lot on plot bearing F.P. No.1204, T.P.S.IV, Mahim Dn.Off.S.V.S.Road (i.e. Kashinath Dhuru Marg, & Yadav Patil Lane, Prabhadevi) Dadar, Mumbai

Authority noted that the matter was earlier deliberated in 88th meeting of the MCZMA held on 30th and 31st Jan, 2014 wherein the project proponent presented


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that max 100 m CRZ area shall be made applicable from HTL of 'Bay', as per provisions of CRZ Notification, 2011. Water body at Mahim is 'Mahim Bay', as indicated in old approved CZMP and National Hydrographer, Deharadun's record. Project proponent presented that subject site does not fall in CRZ area as per the provisions of CRZ Notification, 2011. Proponent submitted IRS, Chennai report along with its CRZ map in the 1:4000 scale to support his stand. During 88th meeting, Authority after deliberations directed proponent to submit the followings:

- Whether the HTL demarcated by the IRS, Chennai is same as that of HTL shown in approved CZMP
- CRZ status of the plot under reference in the form of conclusion, as was done by IRS, Chennai in their report in case of Plot bearing C.S. No. 1463 in Mahim Division at G/N ward, M. N. Koli CHS Ltd (Deepak Rao matter)

Authority noted that based on the decision taken in 88th meeting of the MCZMA, the letter dated 17.04.2014 of IRS, Chennai's has been submitted by the proponent.

Project proponent presented that as per the the said report dated 17.4.2014 of IRS that the HTL demarcated by the IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. IRS report concludes that the subject plot does not fall in CRZ area.

Authority deliberated the matter at length and observed as follows:

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500 m. CRZ area from the HTL of the water body indicated as Mahim Bay in said CZMP.


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2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as

"CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.
4. Hon^{ble} High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon^{ble} High court orders.


Chairman


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5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, Mahim Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun. Old CZMP approved by MoEF indicates water body at Mahim as 'Mahim Bay'
6. As per the IRS Chennai repor dated 17.4.2014, the HTL demarcated by the IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land/site within the 100m buffer zone from HTL for Bay/Creek as per Para (ii) of CRZ Notification 2011 of MoEF vide S.O.19(E), dated 06.01.2011. In this case, the project site containing FP No. 1204 of TPS IV of Mahim Division, Mumbai does not fall within the 100m buffer from HTL for Mahim Bay.

The Authority took on record & deliberated the report of IRS Chennai dated 17.4.2014, IRS CRZ map in 1:4000 scale, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority noted that as per para 7.(iv) CRZ IV.A. of CRZ Notification, 2011, the water area from the Low Tide Line to twelve nautical miles on the seaward side, is CRZ IV-A area. Further, As per para 7.(iv) CRZ IV.B. of CRZ Notification, 2011, water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year, is CRZ IV-B area.

Authority further noted that as per para (v) of CRZ Notification, 2011, the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.


Chairman


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Authority observed that IRS report concludes that the project site containing FP No. 1204 of TPS IV of Mahim Division, Mumbai does not fall within the 100m buffer from HTL for Mahim Bay. CRZ map also mentions water body as a "Mahim Bay". However, legend mentioned in CRZ map shows, water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies.

Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map.

Item No.31: Proposed redevelopment of property bearing C.S. Nos. 478, 1/478 to 4/478, 479, 480, 3/482, 18/482, 481, 2/481 of Bhuleshwar Div and bearing ward no. C-3997 (3), etc. situated at 15B, Burrow's Lane, Chira Bazaar, Mumbai - 400 002

Project proponent presented the matter before the Authority. The Authority noted that

- As per DP remarks of MCGM dated 19.12.2013, the plot under reference falls in CRZ -II.
- The plot under reference situated at a distance of 308 m. from HTL.
- The plot under reference is fronting Back Bay which is tidally influenced body of the Arabian Sea.
- National Hydrographic Office, Deharadun vide letter dated 28.9.2013 mentions that Mahim Bay & Back Bay are considered as Bay and are also depicted as Bays in navigation charts.
- Project Proponent has submitted CRZ map (1:4000 Scale) prepared by IRS, Chennai which is MoEF authorized agency. The said map shows HTL of Back bay, 100 m line from HTL, 500 m line from HTL.
- Hon'ble High Court, Mumbai has passed several orders in the WP No.647 of 2012 between Rustomjee Reality Pvt Ltd and Ors Vs Union of India and Ors and WP 161 of 2008 between Andheri New Kapaswadi Juhu Ekta Ltd & Ors Vs State of Maharashtra & Ors and WP No. 1694 of 2013 between Murlidhar Ramchandra Panvelkar & Ors Vs State of Maharashtra & Ors.


Chairman


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- The plot under reference is fronting the back bay which is tidally influenced water body and as per CRZ Notification 2011 the CRZ area from Bay (tidally influenced body) is 100 m, hence the plot under reference is not affected by CRZ.
- As per the the IRS, Chennai report dated 19.5.2014, the HTL demarcated by the IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalisation error caused by the variation in scale of mapping. IRS report concludes that the subject plot does not fall in CRZ area, as per provisions of CRZ Notification, 2011.

Authority deliberated the matter at length and observed as follows:

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference is situated within 500 m. CRZ area from the HTL of the water body indicated as Back Bay in said CZMP.
2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as

"CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects


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from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like”

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.
5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, Back Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun. Old CZMP approved by MoEF indicates water body as 'Back Bay'
6. As per the IRS Chennai report dated 19.5.2014, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land / site within 100m buffer zone from HTL for bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site containing CS Nos. 478, 1/478 to 4/478, 479, 1/479, 480, 3/482, 7/482, 18/482, 481, 2/481 of Bhuleshwar Division, Mumbai does not fall within the 100m buffer from HTL for Back bay.


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The Authority took on record & deliberated the report of IRS Chennai dated 19.5.2014, IRS CRZ map in 1:4000 scale, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority noted that as per para 7.(iv) CRZ IV.A. of CRZ Notification, 2011, the water area from the Low Tide Line to twelve nautical miles on the seaward side, is CRZ IV-A area. Further, As per para 7.(iv) CRZ IV.B. of CRZ Notification, 2011, water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year, is CRZ IV-B area.

Authority further noted that as per para (v) of CRZ Notification, 2011, the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.


Authority observed that IRS report concludes that project site containing CS Nos. 478, 1/478 to 4/478, 479, 480, 3/482, 18/482, 481, 2/481 of Bhuleshwar Division, Mumbai does not fall within the 100m buffer from HTL for Back bay. CRZ map also mentions water body as a "Back Bay". However, legend mentioned in CRZ map shows, water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies.

Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map.

Item No.32: Proposed redevelopment on plot bearing C.S. No. 1588 of Mahim Division, G/N Ward, Mumbai

Project proponent presented the matter before the Authority. The Authority noted the followings:


Chairman


Member Secretary

- As per DP remarks of MCGM dated 30.5.2008 and as per approved CZMP of Mumbai, the plot under reference falls in CRZ -II.
- The plot under reference is fronting Mahim Bay which is tidally influenced water body of the Arabian Sea.
- National Hydrographic Office, Deharadun vide letter dated 28.9.2013 mentions that Mahim Bay & Back Bay is considered as Bay and are also depicted as Bays in navigation charts.
- Project Proponent has submitted CRZ map (1:4000 Scale) prepared by IRS, Chennai which is MoEF authorized agency. The said map shows HTL of Mahim bay, 100 m line from HTL and Plot bearing C.S. No. 1588 of Mahim Division, Mumbai.
- Hon'ble High Court, Mumbai has passed several orders in the WP No.647 of 2012 between Rustonjee Reality Pvt Ltd and Ors Vs Union of India and Ors and WP 161 of 2008 between Andheri New Kapaswadi Juhu Ekta Ltd & Ors Vs State of Maharashtra & Ors and WP No. 1694 of 2013 between Murlidhar Ramchandra Panvelkar & Ors Vs State of Maharashtra & Ors.
- The plot under reference is fronting the Mahim bay which is tidally influenced water body and as per CRZ Notification 2011 the CRZ area from Bay (tidally influenced body) is 100 m, hence the plot under reference is not affected by CRZ.
- As per the the IRS report dated 17.4.2014 of IRS of there is generalisation error in HTL demarcated in old approved CZMP and HTL demarcated by IRS due to scale of mapping. IRS report concludes that the subject plot does not fall in CRZ area.

Authority deliberated the matter at length and observed as follows:

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500 m. CRZ area from the HTL of the water body indicated as Mahim Bay in said CZMP.


Chairman


Member Secretary

2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as

"CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.

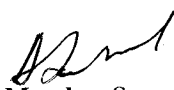
5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agency vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, Mahim Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun. Old CZMP approved by MoEF indicates water body at Mahim as 'Mahim Bay'
6. As per the IRS Chennai report dated 20.5.2014, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land / site within 100m buffer zone from HTL for bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site containing C.S. No. 1588, 1/1588 and 2/1588 of Mahim Division, Mumbai does not fall within the 100m buffer from HTL for Mahim bay.

The Authority took on record & deliberated the report of IRS Chennai dated 20.5.2014, IRS CRZ map in 1:4000 scale, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority noted that as per para 7.(iv) CRZ IV.A. of CRZ Notification, 2011, the water area from the Low Tide Line to twelve nautical miles on the seaward side, is CRZ IV-A area. Further, As per para 7.(iv) CRZ IV.B. of CRZ Notification, 2011, water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year, is CRZ IV-B area.

Authority further noted that as per para (v) of CRZ Notification, 2011, the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.


Chairman


Member Secretary

Authority observed that IRS report concludes that the project site containing C.S. No. 1588 of Mahim Division, Mumbai does not fall within the 100m buffer from HTL for Mahim bay. CRZ map also mentions water body as a "Mahim Bay". However, legend mentioned in CRZ map shows, water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies.

Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map.

Item No.33: Proposed redevelopment on plot bearing C.S. No. 13/380 of Malbar Hill Division at Dadi Sheth Road, D Ward, Mumbai

Project proponent presented the matter before the Authority. The Authority noted the followings:

- As per DP remarks of MCGM dated 12.6.2013 and as per approved CZMP of Mumbai, the plot under reference falls in CRZ -II.
- The plot under reference is fronting Back Bay which is tidally influenced water body of the Arabian Sea.
- National Hydrographic Office, Deharadun vide letter dated 28.9.2013 mentions that Mahim Bay & Back Bay is considered as Bay and are also depicted as Bays in navigation charts.
- Project Proponent has submitted CRZ map (1:4000 Scale) prepared by IRS, Chennai which is MoEF authorized agency. The said map shows HTL of Back bay, 100 m line from HTL and plot bearing C.S. No. 13/380 of Malbar Hill Division at Dadi Sheth Road, D Ward, Mumbai.
- Hon'ble High Court, Mumbai has passed several orders in the WP No.647 of 2012 between Rustomjee Reality Pvt Ltd and Ors Vs Union of India and Ors and WP 161 of 2008 between Andheri New Kapaswadi Juhu Ekta Ltd & Ors Vs State of Maharashtra & Ors and WP No. 1694 of 2013 between Murlidhar Ramchandra Panvelkar & Ors Vs State of Maharashtra & Ors.
- The plot under reference is fronting the Back bay which is tidally influenced water body and as per CRZ Notification 2011 the CRZ area from Bay (tidally


Chairman


Member Secretary

influenced body) is 100 m, hence the plot under reference is not affected by CRZ.

- As per the IRS, Chennai report dated 20.5.2014, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. IRS report concludes that the subject plot does not fall in CRZ area, as per provisions of CRZ Notification, 2011.

Authority deliberated the matter at length and observed as follows:

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference is situated within 500 m. CRZ area from the HTL of the water body indicated as 'Back Bay' in said CZMP.
2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as

"CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"



Chairman


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3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.
5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, Back Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun & Old CZMP approved by MoEF indicating water body as 'Back Bay'
6. As per the IRS Chennai report dated 20.5.2014, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land / site within 100m buffer zone from HTL for bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site containing C.S. No. 13/380 of Malbar Hill Division, D Ward, Mumbai does not fall within the 100m buffer from HTL for Back Bay.

The Authority took on record & deliberated the report of IRS Chennai dated 20.5.2014, IRS CRZ map in 1:4000 scale, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun,


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which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority noted that as per para 7.(iv) CRZ IV.A. of CRZ Notification, 2011, the water area from the Low Tide Line to twelve nautical miles on the seaward side, is CRZ IV-A area. Further, As per para 7.(iv) CRZ IV.B. of CRZ Notification, 2011, water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year, is CRZ IV-B area.

Authority further noted that as per para (v) of CRZ Notification, 2011, the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

Authority observed that IRS report concludes that the project site containing C.S. No. 13/380 of Malbar Hill Division, D Ward, Mumbai does not fall within the 100m buffer from HTL for Back Bay. CRZ map also mentions water body as a "Back Bay". However, legend mentioned in CRZ map shows, water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies.

Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map.

Item No.34: Proposed redevelopment on plot bearing F. P. No.81, TPS II of Mahim division, G/N ward, Mumbai

Project proponent presented the matter before the Authority. The Authority noted the followings:

- As per DP remarks of MCGM dated 23.4.2013 and as per approved CZMP of Mumbai, the plot under reference falls in CRZ -II.
- The plot under reference is fronting Mahim Bay which is tidally influenced water body of the Arabian Sea.


Chairman



Member Secretary

- National Hydrographic Office, Deharadun vide letter dated 28.9.2013 mentions that Mahim Bay & Back Bay is considered as Bay and are also depicted as Bays in navigation charts.
- Project Proponent has submitted CRZ map (1:4000 Scale) prepared by IRS, Chennai which is MoEF authorized agency. The said map shows HTL of Mahim bay, 100 m line from HTL and plot bearing F. P. No.81, TPS Mahim No. II in G/N ward, Mumbai
- Hon'ble High Court, Mumbai has passed several orders in the WP No.647 of 2012 between Rustomjee Reality Pvt Ltd and Ors Vs Union of India and Ors and WP 161 of 2008 between Andheri New Kapaswadi Juhu Ekta Ltd & Ors Vs State of Maharashtra & Ors and WP No. 1694 of 2013 between Murlidhar Ramchandra Panvelkar & Ors Vs State of Maharashtra & Ors.
- The plot under reference is fronting the Mahim bay which is tidally influenced water body and as per CRZ Notification 2011 the CRZ area from Bay (tidally influenced body) is 100 m, hence the plot under reference is not affected by CRZ.
- As per the report dated 20.5.2014 of IRS, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. IRS report concludes that the subject plot does not fall in CRZ area.

Authority deliberated the matter at length and observed it as follows:

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500 mt CRZ area from the HTL of the water body indicated as Mahim Bay in said CZMP.
2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as


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"CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu Ekta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.
5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agency vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, Mahim Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on


Chairman


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record the said letter of National Hydrographic office, Deharadun. Old CZMP approved by MoEF indicates water body at Mahim as 'Mahim Bay'

6. As per the IRS Chennai report dated 20.5.2014, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land / site within 100m buffer zone from HTL for bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site containing FP No.81 of TPS II, Mahim Division, G-North Ward, Mumbai does not fall within the 100m buffer from HTL for Mahim bay.

The Authority took on record & deliberated the report of IRS Chennai dated 20.5.2014, IRS CRZ map in 1:4000 scale, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority noted that as per para 7.(iv) CRZ IV.A. of CRZ Notification, 2011, the water area from the Low Tide Line to twelve nautical miles on the seaward side, is CRZ IV-A area. Further, As per para 7.(iv) CRZ IV.B. of CRZ Notification, 2011, water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year, is CRZ IV-B area.

Authority further noted that as per para (v) of CRZ Notification, 2011, the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

Authority observed that IRS report concludes that the project site containing FP No.81 of TPS II, Mahim Division, G- North Ward, Mumbai does not fall within the 100m buffer from HTL for Mahim bay. CRZ map also mentions water body as a


Chairman


Member Secretary

“Mahim Bay”. However, legend mentioned in CRZ map shows, water body as ‘CRZ IV-A’, which indicates seafront and not tidally influenced water bodies.

Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map.

Item No.35: Proposed redevelopment on plot bearing F. P. No. 1224A of TPS Mahim No. IV, Mahim Division, G/S ward, Mumbai

Project proponent presented the matter before the Authority. The Authority noted the followings:

- As per DP remarks of MCGM dated 29.1.2013 and as per approved CZMP of Mumbai, the plot under reference falls in CRZ -II.
- The plot under reference is fronting Mahim Bay which is tidally influenced water body of the Arabian Sea.
- National Hydrographic Office, Deharadun vide letter dated 28.9.2013 mentions that Mahim Bay & Back Bay is considered as Bay and are also depicted as Bays in navigation charts.
- Project Proponent has submitted CRZ map (1:4000 Scale) prepared by IRS, Chennai which is MoEF authorized agency. The said map shows HTL of Mahim bay, 100 m line from HTL and plot bearing F. P. No. 1224A of TPS Mahim No. IV, Mahim Division, G/S ward, Mumbai.
- Hon'ble High Court, Mumbai has passed several orders in the WP No.647 of 2012 between Rustonjee Reality Pvt Ltd and Ors Vs Union of India and Ors and WP 161 of 2008 between Andheri New Kapaswadi Juhu Ekta Ltd & Ors Vs State of Maharashtra & Ors and WP No. 1694 of 2013 between Murlidhar Ramchandra Panvelkar & Ors Vs State of Maharashtra & Ors.
- The plot under reference is fronting the Mahim bay which is tidally influenced water body and as per CRZ Notification 2011 the CRZ area from Bay (tidally influenced body) is 100 m, hence the plot under reference is not affected by CRZ.


Chairman


Member Secretary

- As per the report dated 20.5.2014 of IRS, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. IRS report concludes that the subject plot does not fall in CRZ area.

Authority deliberated the matter at length and observed it as follows:

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500 mt CRZ area from the HTL of the water body indicated as Mahim Bay in said CZMP.
2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as

"CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"


Chairman


Member Secretary

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.
5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agency vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, Mahim Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun. Old CZMP approved by MoEF indicates water body at Mahim as 'Mahim Bay'.
6. As per the IRS Chennai report dated 20.5.2014, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land / site within 100m buffer zone from HTL for bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site containing F. P. No. 1224A of TPS Mahim No. IV, Mahim Division, G/S ward, Mumbai does not fall within the 100m buffer from HTL for Mahim bay.

The Authority took on record & deliberated the report of IRS Chennai dated 20.5.2014, IRS CRZ map in 1:4000 scale, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun,


Chairman


Member Secretary

which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority noted that as per para 7.(iv) CRZ IV.A. of CRZ Notification, 2011, the water area from the Low Tide Line to twelve nautical miles on the seaward side, is CRZ IV-A area. Further, As per para 7.(iv) CRZ IV.B. of CRZ Notification, 2011, water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year, is CRZ IV-B area.

Authority further noted that as per para (v) of CRZ Notification, 2011, the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

Authority observed that IRS report concludes that the project site containing F. P. No. 1224A of TPS Mahim No. IV, Mahim Division, G/S ward, Mumbai does not fall within the 100m buffer from HTL for Mahim bay. CRZ map also mentions water body as a "Mahim Bay". However, legend mentioned in CRZ map shows, water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies.

Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map.

Item No.36: Proposed development of Residential building on vacant plot bearing C. S. No. 1D/392 of Malabar Hill Division, D ward, Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. MCGM has forwarded a proposal of "proposed development of Residential building on vacant plot bearing C. S. No. 1D/392 of Malabar Hill Division, D ward, Mumbai" to MCZMA


Chairman


Member Secretary

2. As per CZMP of Mumbai approved by MoEF on 19.1.2000, the plot under reference falls in CRZ II. The MCGM letter dated 27.1.2014 mentions that the plot is situated on landward side of existing Walkeshwar road, in existence prior to 19.2.1991.
3. As per MCGM letter dated 27.1.2014, the plot falls in Residential zone as per old DP of 1967 as well as revised DP of 1993 and is not under any reservation as per both of these DPs. The user of "Residential" was permissible as per land use and zoning as on 19.2.1991.
4. As per MCGM letter dated 27.1.2014, Proposal involves basement for pump room, underground water tank and lift room + stilt / ground floor for parking and entrance + 1st to 5th floors for residential use.
5. MCGM has issued IOD vide No. EB/6597?D/A dated 7.11.2013. FSI details, as per the building plans submitted along with IOD:
 - Plot area- 250.83 Sqm
 - Permissible FSI- 1.33
 - Permissible floor area- 330.60 Sqm
 - Proposed floor area- 329.45 Sqm

As per MCGM letter dated 27.1.2014 area of basement and stilt is taken as free of FSI, which is 147.98 Sqm. Total construction area – 477.43 Sqm.

The Authority after deliberations decided to recommend the proposal from CRZ point of view to the concerned planning authority subject to strict compliance of the following conditions-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:the proposed


Chairman


Member Secretary

construction should be on landward side of the existing road built prior to 19.2.1991 or landward side of existing authorized structure.

4. The concerned Planning authority should ensure that FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.37: Proposed secondary school on plot bearing CTS No.1121/A of village Versova, Andheri (W), Mumbai

Authority felt that project proponent need to be present for the meeting for presentation. Hence, the matter was deferred.

Item No.38: Proposed School Building on plot bearing C.T.S No. 236/A/3 of village Pahadi Goregaon at Goregaon (w).

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. MCGM vide letter dated 24.01.2014 forwarded the proposal for new development of school building comprises of Stilt + 1st +2nd + 3rd+ 4th floor on plot bearing C.T.S No. 236/A/3 of village Pahadi Goregaon at Goregaon (w).
2. The said land is situated mostly in a Special Industrial Zone (I-3) & partly in Residential zone.
3. As per the CZMP of Greater Mumbai 1991, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
4. FSI Details, as per the plans submitted by the project proponent,
 - Total Area of Plot – 4394.80sqm
 - Permissible FSI – 1.00
 - Deduction for 15 % R.G-659.22sqm
 - Net plot area –3755.58 sqm
 - Total permissible built up area – 3755.58


Chairman


Member Secretary

- Total built up area of plot – 3693.51sqm
- FSI proposed to be consumed – 0.98

Authority noted the MCGM letter dated 25.8.2013 which mentions that there is conversion of I3 to R for property bearing CTS No. 236 to 239, S. No. 161(pt) of village Goregaon. It was observed that the said conversion is post 19.2.1991.

In the light of above, the Authority concluded that the proposal is not in consonance with the provisions of CRZ Notification, 2011. Hence, the proposal is rejected.

Item No.39: Proposed redevelopment on plot bearing F.P. No. 843 of TPS-IV of Mahim Div., Agar Bazaar, Churchwadi, for Shivshakti (SRA) CHS Ltd, Dadar (W), G/N ward, Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

- As per approved CZMP of Mumbai, the plot under reference falls in CRZ -II.
- The plot under reference is fronting Mahim Bay which is tidally influenced water body of the Arabian Sea.
- National Hydrographic Office, Deharadun vide letter dated 28.9.2013 mentions that Mahim Bay & Back Bay is considered as Bay and are also depicted as Bays in navigation charts.
- Project Proponent has submitted CRZ map (1:4000 Scale) prepared by IRS, Chennai which is MoEF authorized agency. The said map shows HTL of Mahim bay, 100 m line from HTL and plot bearing F.P. No. 843 of TPS-IV of Mahim Div., Mumbai
- Hon'ble High Court, Mumbai has passed several orders in the WP No.647 of 2012 between Rustonjee Realty Pvt Ltd and Ors Vs Union of India and Ors and WP 161 of 2008 between Andheri New Kapaswadi Juhu Ekta Ltd & Ors Vs State of Maharashtra & Ors and WP No. 1694 of 2013 between Murlidhar Ramchandra Panvelkar & Ors Vs State of Maharashtra & Ors.


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- The plot under reference is fronting the Mahim bay which is tidally influenced water body and as per CRZ Notification 2011 the CRZ area from Bay (tidally influenced body) is 100 m, hence the plot under reference is not affected by CRZ.
- As per the report dated 19.5.2014 of IRS, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. IRS report concludes that the subject plot does not fall in CRZ area.

Authority deliberated the matter at length and observed as follows:

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500 m. CRZ area from the HTL of the water body indicated as Mahim Bay in said CZMP.
2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as

"CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects


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from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.
5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agency vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, Mahim Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun. Old CZMP approved by MoEF indicates water body at Mahim as 'Mahim Bay
6. As per the IRS Chennai report dated 19.5.2014, The HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land / site within 100m buffer zone from HTL for bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site containing F.P. No. 843 of TPS-IV of Mahim Div., Mumbai does not fall within the 100m buffer from HTL for Mahim bay.


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The Authority took on record & deliberated the report of IRS Chennai dated 19.5.2014 along with CRZ map in 1:4000 scale, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon^{ble} High court mentioned above.

Authority noted that as per para 7.(iv) CRZ IV.A. of CRZ Notification, 2011, the water area from the Low Tide Line to twelve nautical miles on the seaward side, is CRZ IV-A area. Further, As per para 7.(iv) CRZ IV.B. of CRZ Notification, 2011, water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year, is CRZ IV-B area.

Authority further noted that as per para (v) of CRZ Notification, 2011, the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

Authority observed that IRS report concludes that the project site containing F.P. No. 843 of TPS-IV of Mahim Div., Mumbai does not fall within the 100m buffer from HTL for Mahim bay. CRZ map also mentions water body as a "Mahim Bay". However, legend mentioned in CRZ map shows, water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies.

Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map.

Item No.40: Proposed redevelopment on plot bearing F.P. No. 746, TPS-IV, Mahim Division, Mumbai

Project proponent presented the matter before the Authority. The Authority noted the followings:


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- As per DP remarks of MCGM dated 5.4.2011 and as per approved CZMP of Mumbai, the plot under reference falls in CRZ -II.
- The plot under reference is fronting Mahim Bay which is tidally influenced water body of the Arabian Sea.
- National Hydrographic Office, Deharadun vide letter dated 28.9.2013 mentions that Mahim Bay & Back Bay is considered as Bay and are also depicted as Bays in navigation charts.
- Project Proponent has submitted CRZ map (1:4000 Scale) prepared by IRS, Chennai which is MoEF authorized agency. The said map shows HTL of Mahim bay, 100 m line from HTL and plot bearing F.P. No. 746, TPS-IV, Mahim Division, Mumbai
- Hon'ble High Court, Mumbai has passed several orders in the WP No.647 of 2012 between Rustonjee Reality Pvt Ltd and Ors Vs Union of India and Ors and WP 161 of 2008 between Andheri New Kapaswadi Juhu Ekta Ltd & Ors Vs State of Maharashtra & Ors and WP No. 1694 of 2013 between Murlidhar Ramchandra Panvelkar & Ors Vs State of Maharashtra & Ors.
- The plot under reference is fronting the Mahim bay which is tidally influenced body and as per CRZ Notification 2011 the CRZ area from Bay (tidally influenced body) is 100 m, hence the plot under reference is not affected by CRZ.
- As per the report dated 19.5.2014 of IRS, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. IRS report concludes that the subject plot does not fall in CRZ area.

Authority deliberated the matter at length and observed as follows:

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500 mt CRZ area from the HTL of the water body indicated as Mahim Bay in said CZMP.


Chairman


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2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as

"CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.


Chairman


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5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agencies vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, Mahim Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun. Old CZMP approved by MoEF indicates water body at Mahim as 'Mahim Bay'.
6. As per the IRS Chennai report dated 19.5.2014, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land / site within 100m buffer zone from HTL for bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site containing CS No.115, F.P. No. 746 of TPS-IV of Mahim Division, Mumbai does not fall within the 100m buffer from HTL for Mahim bay.

The Authority took on record & deliberated the report of IRS Chennai dated 19.5.2014, IRS CRZ map in 1:4000 scale, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority noted that as per para 7.(iv) CRZ IV.A. of CRZ Notification, 2011, the water area from the Low Tide Line to twelve nautical miles on the seaward side, is CRZ IV-A area. Further, As per para 7.(iv) CRZ IV.B. of CRZ Notification, 2011, water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year, is CRZ IV-B area.

Authority further noted that as per para (v) of CRZ Notification, 2011, the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.


Chairman


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Authority observed that IRS report concludes that the project site containing F.P. No. 746 of TPS-IV of Mahim Division, Mumbai does not fall within the 100m buffer from HTL for Mahim bay. CRZ map also mentions water body as a "Mahim Bay". However, legend mentioned in CRZ map shows, water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies.

Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map.

Item No.41: Proposed redevelopment of Building No. 5 on plot bearing C.S. No. 999(pt), known as Shiv Prerana CHS Ltd of Worli Division ar Dr. Annie Besant Road, Worli Estate, Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. The Municipal Corporation of Greater Mumbai (MCGM) has forwarded the proposal of "Proposed redevelopment of property bearing C.S. No. 999(pt), known as Shiv Prerana CHS Ltd of Worli Division at Dr. Annie Besant Road, Worli Estate, Mumbai" vide letter dated 30.1.2014 to MCZMA.
2. As per remarks of MCGM, the land under reference is situated in Residential zone and not reserved for any public purpose except for widening of the existing road. Reservation abutting to land extension to Garden and Garden designation abutting the land, silk Mills & Art, Silk Mill Research Institute & Hospital.
3. As per CZMP of Mumbai approved by MoEF on 2000, the land under reference falls in CRZ II area and situated on landward side of existing Abdul Gafar Khan Road. Project Proponent has submitted CRZ map in 1:4000 scale prepared by IRS, Chennai which is MoEF authorized agency. As per the said map, Plot bearing CTS No. 998(pt) and 999(pt), Worli, Lower Parel Division, Mumbai falls in CRZ – II area (within 500m from HTL)
4. As per the MHADA letter dated 31.12.2009, Building No. 5 Shivaji Nagar Shiv Prerana CHS Ltd, Dr. Annie Besant Road, Worli Estate, Mumbai which


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- is in a dangerous and dilapidated conditions and need urgent attention to avoid untoward incident or mishap to save property and lives of the residents.
5. As per MCGM remarks, the area of entire plot bearing CS No. 997, 998 and 999 of Worli division is 34699.03 Sqm. The same has been perpetually leased to MHADA for 999 years by MCGM with effect from 1.9.1948. The area of the plot bearing C.S. no. 999(pt) of Worli Division is 1308.52 Sq.m. The said plot has been leased out by MHADA to Shivaji Nagar Shiv Prerana Co-op.Hos. Soc. Ltd. & the said society has accepted such sub-lease for period of 99 years w.e.f. the 1st day of April 1980. The plot under reference is not subdivided. However, demarcation of the plot has been carried out by MHADA. Accordingly, the area of the plot is 1308.52 Sq.m. Further, the same is reconfirmed by MHADA vide Offer Letter dated 15.5.2013
6. As per MCGM letter dated 30.1.2014; proposed building comprising of two wings-
- Wing – A for rehab consist of basement + stilt for parking + 1st to 5th podium floor + 6th Amenity floor + 1st to 13th upper residential floor with height 66.55m
 - Wing – B for Sale consist of basement + stilt for parking + 1st to 5th podium floor + 6th Amenity floor + 1st to 10th upper residential floor with height 58.17m
7. The proponent has submitted IOD dated 24.1.2014 issued by the Municipal Corporation of Greater Mumbai. Further, as per MCGM letter dated 30.1.2014; the proposal has been approved under 33(5) of DCR 1991 by the Municipal Commissioner, MCGM. FSI Details, as per layout plan submitted by Project Proponent
- Plot area – 1308.52 Sqm.
 - Permissible FSI – 2.50
 - Total permissible BUA – 3271.30 Sqm
 - Total BUA proposed – 3269.71 Sqm.

As per MCGM letter dated 30.1.2014, Free of FSI area for staircase, lift, lift lobby, podium etc. is 2092.82 sqm, Total construction area is 12081.28 Sqm.


Chairman


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8. MHADA has issued Offer letter for MCZMA clearance on 15.5.2012 for redevelopment proposal under consideration with DCR 33(5) 2 (c) (ii) i.e. on with 2.5 FSI on Gross plot.

Plot Area	FSI as per 1.596	2.5 FSI available after approval from MCZMA
1308.52 Sq.m	2088.39 Sq.m.	3271.30 Sq.m.

9. The proponent has submitted public hearing report for proposed redevelopment of property known as Shivaji nagar Shiv Prerana CHS Ltd on plot bearing C.S. No. 998 (pt) & 999 , of Lower Parel Division at Dr. Annie Besant Road, Worli, Mumbai.
10. The Maharashtra Pollution Control Board (MPCB) vide letter dated 24.7.2012 has issued the consent to establish to the redevelopment project Shiv Prerana CHS Ltd , S. No. 999(pt), Lower Parel Division at Dr. Annie Besant Road, Worli Estate, Mumbai subject to certain conditions. One of the conditions says the applicant should not take any effective steps for implementation of the project before obtaining Environment clearance as per EIA Notification, 2006 and CRZ clearance as per CRZ Notification, 2011.
11. MCGM has issued NOC for Parking layout vide letter dated 28.8.2012. MCGM has issued NOC for fire safety and fire fighting requirement vide letter dated 30.5.2012

The Authority after deliberation decided to recommend the proposal to concerned planning authority subject to strict compliance of the following conditions and subject to grant of NOC from MHADA for FSI 2.5:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The concerned Planning authority should ensure that FSI, lay out plan, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011.


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3. The MCGM should ensure that FSI, Non FSI and concessions granted by Municipal Commissioner, if any, is strictly as per the provisions of DCR existing as on 6.1.2011.
4. Project proponent should implement green initiatives such as rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
5. There should not be any violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by MCGM.
6. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Item No.42: Proposed building on plot bearing CTS No. 1129/6 of village Versova at Andheri (W), Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 3.2.2014 submitted a proposal of Proposed building on plot bearing CTS No. 1129/6 of village Versova at Andheri (W), Mumbai to MCZMA.
2. The plot under reference is in residential zone as per DP 1967 as well as per revised sanctioned DP 1993 and is not under any reservation as per both of these development plans.
3. The user of "Residential" was permissible as per land use and zoning as on 19.2.1991. The plot under reference is vacant.
4. The proponent has submitted the CZMP dated 19.1.2000 of Mumbai approved by MoEF, New Delhi, showing site under reference. As per the said CZMP, the plot falls in CRZ II and situated on landward side of existing DP Road (in existence prior to 19.2.1991).
5. As per MCGM letter dated 3.2.2014, the proposal development involves Residential building comprising of stilt for parking + 1st to 4th upper floor in lieu of plot potential + area of staircase & lift free of FSI as per the provision of clause No. 51 (vi) (d) of DC Rules 1967.


Chairman


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6. Proposed height of the new residential building is 17.65 m. Front open space from 6.00 m wide road is kept equal to 13.40m. Thus the permissible height as per clause 9(i) of DCR of 1967 i.e. $1.5 \times (\text{Road width} + \text{front Open Space})$, works out to 26.85m.
7. MCGM vide letter dated 8.10.2013 granted IOD for the proposal. FSI details, as per MCGM letter dated 3.2.2014:
 - Plot area- 561.00 Sqm.
 - Permissible FSI – 1.00
 - Permissible BUA -561.00 Sqm.
 - Proposed BUA -560.90 Sqm.
 - Total construction area – 801.68 Sqm

BUA details as free of FSI are as follows –

Sr. No.	Particulars	Provisions of DCR 1967	Area in Sqm
1	Staircase / lift /lift lobby	51(vi)(d)	78.58
2	Balcony	37(a)(i)	54.18
3	Stilt	51(vi)(a)	78.50
4	Meter Room	51(vi)(f)	6.62
5	Servant Toilet	51(vi)(e)	2.16
Total			220.04

The Authority after deliberations decided to recommend the proposal from the CRZ point of view to the concerned planning authority subject to strict compliance of the following conditions-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor


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Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road: the proposed construction should be on landward side of the existing road built prior to 19.2.1991 or landward side of existing authorized structure.

4. The concerned Planning authority should ensure that FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. There should not be any violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by MCGM.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.43: Proposed development at plot bearing CTS No. 1030 of village Pahadi Goregaon (W), Plot No. 142 situated at Bangur Nagar, Goregaon (W), Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 3.2.2014 submitted a proposal of Proposed development at plot bearing CTS No. 1030 of village Pahadi Goregaon (W), Plot No. 142 situated at Bangur Nagar, Goregaon (W), Mumbai to MCZMA.
2. The plot under reference is in residential zone as per DP 1967 as well as as per revised sanctioned DP 1993 and is not under any reservation as per both of these development plans.
3. The user of "Residential" was permissible as per land use and zoning as on 19.2.1991. The plot under reference is vacant.
4. The proponent has submitted the CZMP dated 19.1.2000 of Mumbai approved by MoEF, New Delhi, showing site under reference. As per the said CZMP, the plot falls in CRZ II and situated on landward side of existing M.G. Road (in existence prior to 19.2.1991).


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5. As per MCGM letter dated 3.2.2014; the proposed development involves Residential building comprising of stilt + 4 upper floor levels. Shops are on ground floor and flats for residential use.
6. Proposed height of the new residential building is 14.50 m. The site derives access from 27.45 m wide existing road known as M.G. Road. Thus, the permissible height as per clause 9(i) of DCR of 1967 i.e. $1.5 \times (\text{Road width} + \text{front Open Space})$, is 50.175m.
7. FSI details, as per layout plan submitted with IOD dated 28.10.2013 -
 - Plot area- 538.40 Sqm.
 - Road set back – 107.40 Sqm.
 - Net area of plot – 431.00 Sqm.
 - Addition for FSI – 172.40 Sqm.
 - Total Area – 603.40 Sqm.
 - Permissible FSI – 1.00
 - Permissible BUA -603.40Sqm.
 - Proposed BUA -601.56 Sqm.
 - FSI consumed – 1.39

As per MCGM letter dated 3.2.2014

- BUA for FSI Purpose – 601.56 Sqm.
- BUA claimed free of FSI for purpose like basement, stilt parking, staircase, lifts, balcony etc - 348.44 Sqm.
- Total construction area – 950.00 Sqm

Authority from the google image and MCGM record observed the existence of mangrove vegetation in the vicinity of the plot under reference. Hence, the Authority after detailed discussion and deliberation decided to make a visit to the site under reference before further considering the case.

Item No.44: Proposed development at plot bearing CTS No. 1-A/4 of village Pahadi Goregaon (W), situated at Plot No. 20-A, Bangur Nagar, Goregaon (W), Mumbai

Project proponent presented the proposal before the Authority. The Authority noted that:


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1. Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 5.2.2014 submitted a proposal of Proposed development at plot bearing CTS No. 1-A/4 of village Pahadi Goregaon (W), situated at Plot No. 20-A, Bangur Nagar, Goregaon (W), Mumbai to MCZMA.
2. MCGM letter dated 5.2.2014 mentions that-
 - The plot under reference is in residential zone as per DP 1967 as well as per revised sanctioned DP 1993 and is not under any reservation as per both of these development plans.
 - The user of "Residential" was permissible as per land use and zoning as on 19.2.1991.
 - The plot under reference is vacant.
3. The proponent has submitted the CZMP dated 19.1.2000 of Mumbai approved by MoEF, New Delhi, showing site under reference. As per the said CZMP, the plot falls in CRZ II and situated on landward side of existing Road in existence prior to 19.2.1991.
4. As per MCGM letter dated 3.2.2014; the proposed development involves Residential building comprising of ground + 7 upper floor levels. Shops are proposed on part ground floor and part stilt for car parking and flats for residential user on upper floors.
5. Proposed height of the new residential building is 23.50 m. The site derives access from 18.30 m wide existing road. Thus, the permissible height as per clause 9(i) of DCR of 1967 i.e. $1.5 \times (\text{Road width} + \text{front Open Space})$, is 42.36m.
6. MCGM vide letter dated 28.10.2013 granted IOD for the proposal. FSI details, as per layout plan submitted with IOD dated 28.10.2013 -
 - Plot area- 3677.30 Sqm.
 - Road set back – 369.68 Sqm.
 - Net area of plot – 3307.62 Sqm.
 - Deduct 15% RG – 496.14 Sq.m.
 - Balance Area of Plot – 2811.48 Sqm.
 - Addition for FSI (Set Back Area) – 369.68 Sqm.
 - Total Area – 3181.60 Sqm.
 - Permissible FSI – 1.00
 - Permissible BUA -3181.60Sqm.


Chairman


Member Secretary

- Proposed BUA -3177.51 Sqm.
- Proposed Shop – 543.45 Sqm.
- Proposed residential – 2634.06 Sqm.

As per MCGM letter dated 5.2.2014:

- BUA for FSI Purpose – 3177.51 Sqm.
- BUA claimed free of FSI for purpose like basement, stilt parking, staircase, lifts, balcony etc - 1100.58 Sqm.
- Total construction area – 4278.09 Sqm

Authority from the google image and MCGM record observed the existence of mangrove vegetation in the vicinity of the plot under reference. Hence, the Authority after detailed discussion and deliberation decided to make a visit to the site under reference before further considering the case.

Item No.45: Proposed redevelopment at plot bearing C.S. No. 577 of Malbar Hill Division, D Ward, situated at Nepeansea Road, Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. The Municipal Corporation of Greater Mumbai (MCGM) has forwarded the proposal of “Proposed redevelopment at plot bearing C.S. No. 577 of Malbar Hill Division, D Ward, situated at Nepeansea Road, Mumbai” vide letter dated 15.2.2014 to MCZMA.
2. As per remarks of MCGM dated 15.2.2014, the land under reference is situated in Residential zone as per 1967 DP as well as 1993 DP.
3. As per CZMP of Mumbai approved by MoEF in the year 2000; the land under reference falls in CRZ II area and situated on landward side of existing Laxmibai Jagmohandas road, in existence prior to 19.2.1991.
4. MCGM vide letter dated 8.10.2003 certified that the property D ward No. A/cNo.D-26-0282-00-5 at 23-33A & 23B Nepeansea Road falls under category A- Resi.


Chairman



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5. As per remarks of MCGM dated 15.2.2014, There existed cessed A category buildings of Ground + 1 upper floor and outhouse / servants quarter of ground and part 1 upper floor as per the sheet No. 219, 5th edition 1968, 219 C.S. Plan. The existing user of the old building was residential.
6. MCGM vide letter dated 1.11.2003 mentions that the existing buildings on the plot under reference are in dilapidated condition and recommended to be pulled down.
7. MHADA has issued NOC on 29.4.2005 for proposed redevelopment project with 1.33 FSI.
8. As per MCGM letter dated 15.2.2014; proposed building comprising of 1 basement + ground floor + 1st to 10th parking floors + 11th to 28th upper floors for residence.
9. The proponent has submitted IOD dated 7.11.2003 issued by the Municipal Corporation of Greater Mumbai. FSI Details, as per information submitted by Project Proponent
 - Plot area – 1841.98 Sqm.
 - Permissible FSI – 1.33
 - Permissible BUA – 2449.83 Sqm
 - Total proposed FSI area – 2416.84 Sqm.
 - Proposed Non FSI area – 9000.00 Sqm.

Authority noted that the Urban Development Department had earlier issued No Objection Certificate from CRZ point of view for reconstruction of existing building on plot under reference on 20.9.2003. MCGM has issued Commencement Certificate (CC) for proposed reconstruction on the plot under reference up to plinth level on 13.11.2004 and CC is re-endorsed up to 21st floors level as per amended plan approved on 26.11.2008. As per MCGM letter dated 15.2.2014, the existing building was demolished and work was commenced and reached upto 4th parking floor.

Authority noted that as per clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority:


Chairman


Member Secretary

"The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals are referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991"

As per above, Prior CRZ recommendation from MCZMA was mandatory in the subject proposal. However, it reveals that the UDD issued the CRZ clearance dated 20.9.2003 to the project and based on which, CC was granted to the project by MCGM. The matter attracts OM dated 12.12.2012 & 27.8.2013 of MoEF.

After detailed discussion and deliberations, the Authority observed that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceeding in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi.

Item No.46: Proposed redevelopment on plot bearing F.P. No.1285 of Mahim Division No. IV, G/N Ward, Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

- As per DP remarks of MCGM dated 20.12.2012 and as per approved CZMP of Mumbai, the plot under reference falls in CRZ -II.
- The plot under reference is fronting Mahim Bay which is tidally influenced water body of the Arabian Sea.
- National Hydrographic Office, Deharadun vide letter dated 28.9.2013 mentions that Mahim Bay & Back Bay is considered as Bay and are also depicted as Bays in navigation charts.
- Project Proponent has submitted CRZ map (1:4000 Scale) prepared by IRS, Chennai which is MoEF authorized agency. The said map shows HTL of Mahim bay, 100 m line from HTL and plot bearing F.P. No.1285 of Mahim Division No. IV, G/N Ward, Mumbai.


Chairman


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- Hon'ble High Court, Mumbai has passed several orders in the WP No.647 of 2012 between Rustonjee Realty Pvt Ltd and Ors Vs Union of India and Ors and WP 161 of 2008 between Andheri New Kapaswadi Juhu Ekta Ltd & Ors Vs State of Maharashtra & Ors and WP No. 1694 of 2013 between Murlidhar Ramchandra Panvelkar & Ors Vs State of Maharashtra & Ors.
- The plot under reference is fronting the Mahim bay which is tidally influenced water body and as per CRZ Notification 2011 the CRZ area from Bay (tidally influenced body) is 100 m, hence the plot under reference is not affected by CRZ.
- As per the report dated 19.5.2014 of IRS, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. IRS report concludes that the subject plot does not fall in CRZ area.

Authority deliberated the matter at length and observed as follows:

1. Ministry of Environment and Forest, New Delhi approved the CZMP of Mumbai vide letter dated 20.1.2000, under the provisions of CRZ Notification, 1991. The said CZMP demarcated 500 m CRZ limit from the HTL of the 'Bay', as per the provisions of CRZ Notification, 1991. As per the old approved CZMP of Mumbai, the site under reference at Mahim is situated within 500 m CRZ area from the HTL of the water body indicated as Mahim Bay in said CZMP.
2. MoEF vide S.O. 19(E) dated 6.1.2011 published new CRZ Notification, 2011 superseding the old CRZ Notification, 1991. Para (ii) of the CRZ notification, 2011 stipulates the CRZ limit along the 'Bay', which is a tidally influenced water body as

"CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal


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effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like"

3. As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.
4. Hon'ble High court of Mumbai in WP NO. 647/2012 (Rustomjee Realty Pvt Ltd & Anr v/s Union of India & ors), WP No. 1694/2013 (Murlidhar Panvelkar vs State of Maharashtra), WP No. 11595/2012 (Omesh Suresh Kalani V/s State of Maharashtra & ors), and in Andheri New Kapaswadi Juhu EKta Chs V/s State of Maharashtra matters, took on record the CRZ map prepared by MoEF authorized agency and observed that proponent cannot be asked to wait for one more year, merely because MCZMA and NCZMA are going to revise the CZMP in accordance with the CRZ Notification, 2011. The Authority took on records the said Hon'ble High court orders.
5. National Hydrographic Office, Deharadun, which is one the MoEF authorized agency vide letter dated 28th September, 2013 clarified to Amba Recycler Private Limited that as per the records of the office, Mahim Bay is considered as 'Bay' and also depicted as 'Bay' on official navigational chart. The Authority took on record the said letter of National Hydrographic office, Deharadun. Old CZMP approved by MoEF indicates water body at Mahim as 'Mahim Bay
6. As per the IRS Chennai report dated 19.5.2014, the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land / site within 100m buffer zone from HTL for bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011.


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In this case, the project site containing F.P. No.1285 of TPS IV of Mahim Division, Mumbai does not fall within the 100m buffer from HTL for Mahim bay.

The Authority took on record & deliberated the report of IRS Chennai dated 19.5.2014, IRS CRZ map in 1:4000 scale, old approved CZMP of Mumbai, & clarification letter dated 28th September, 2013 by Chief Hydrographer, Deharadun, which are MoEF authorized agencies, provisions of CRZ Notification, 2011 & observations of various orders of the Hon'ble High court mentioned above.

Authority noted that as per para 7.(iv) CRZ IV.A. of CRZ Notification, 2011, the water area from the Low Tide Line to twelve nautical miles on the seaward side, is CRZ IV-A area. Further, As per para 7.(iv) CRZ IV.B. of CRZ Notification, 2011, water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year, is CRZ IV-B area.

Authority further noted that as per para (v) of CRZ Notification, 2011, the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

Authority observed that IRS report concludes that the project site containing F.P. No.1285 of TPS IV of Mahim Division, Mumbai does not fall within the 100m buffer from HTL for Mahim bay. CRZ map also mentions water body as a "Mahim Bay". However, legend mentioned in CRZ map shows, water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies.

Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map.

Item No.47: Proposed addition and alteration in existing building on plot bearing CTS No. 1031, 1032 of village Pahadi Goregoan and corresponding Plot No. 152,153 at Bangur Nagar, Goregaon West, Mumbai


Chairman


Member Secretary

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 20.2.2014 submitted a proposal of proposed addition and alteration in existing building on plot bearing CTS No. 1031, 1032 of village Pahadi Goregoan and corresponding Plot No. 152,153 at Bangur Nagar, Goregaon West, Mumbai to MCZMA.
2. MCGM letter dated 20.2.2014 mentions that the plot under reference is in residential zone as per DP 1967 as well as per revised sanctioned DP 1993 and is not under any reservation as per both of these development plans. The user of "Residential" was permissible as per land use and zoning as on 19.2.1991.
3. The proponent has submitted the CZMP dated 19.1.2000 of Mumbai approved by MoEF, New Delhi, showing site under reference. As per the said CZMP, the plot falls in CRZ II and situated on landward side of existing Municipal Road in existence prior to 19.2.1991.
4. As per MCGM letter dated 20.2.2014; the proposed addition and alteration involves one commercial shop and gymnasium in the stilted portion of the existing residential building comprising of Stilt + 6 upper floors.
5. The proposal earlier had received the Intimation of Disapproval (IOD) dated 24.10.1994 and further Commencement Certificate (CC) for Stilt + 6 upper floor on 23.12.1994. The Plans are approved accordingly on 8.12.21995 and CC for the entire building is granted on 28.2.1997. The Occupation Certificate (OC) for the building is received on 7.4.2013. The completion plan of the building depict that there was balance FSI to the tune of 130.94 Sq.m.
6. Now, the proposal is for consumption of this balance potential of 130.94 Sq.m. area i.e. for balance 0.10 FSI. The Architect has proposed the


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commercial shop and gymnasium in stilt for consumption of this balance FSI. The addition of these users does not affect the parking requirement as well as building requirements. Totally commercial shop and gymnasium counted in FSI is now proposed consuming 1 FSI in total on the plot area. Total height of the building is 21.81 m. FSI and user are admissible as per DC Regulations on 1967 as amended up to 19.2.1991.

7. FSI details, as per MCGM letter dated 20.2.2014; details of FSI / Free of FSI area as permissible as per DCR as on 1967-

Building	Total Construction Area in Sqm.	BUA for FSI purpose	BUA claimed free of FSI for purposes like basement, upper floor parking, staircase, lifts, balcony, refuge area etc.
Already Completed	1589.58	1246.86	342.72
Now proposed additional area	130.08	130.08	Nil
Total	1719.66	1376.94	342.72

As per plans submitted by Project proponent -

- Plot area- 1377.80 Sqm.
- Road set back – 229.90 Sqm.
- Net area of plot – 1147.90 Sqm.
- 15% RG (Not deductible)– 172.18 Sqm.
- Balance Area of Plot – 1147.90 Sqm.
- Addition for FSI (Set Back Area) – 229.90 Sqm.
- Total Area – 1377.80 Sqm.
- Permissible FSI – 1.00
- Permissible BUA -1377.80 Sq.m.
- Total Proposed BUA -1376.94 Sq.m.


Chairman


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Authority noted that there is an existing authorized buildings on the plot under reference. As per MCGM's remarks, existing building has Occupation Certificate (OC) received on 7.4.2013. Present proposal involves addition and alteration to existing building, by utilizing balance FSI of plot.

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

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. MCGM should ensure that proposed addition and alteration in existing building is on the landward side of the existing road, or on the landward side of existing authorized structures.
3. MCGM should ensure that the FSI, lay out plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991. MCGM to ensure that total construction on the plot should not exceed the FSI potential of plot as per town and country planning regulation as on 19.2.1991.
4. There should not be violations of provisions of CRZ Notification, 2011 (as amended from time to time) as well as Hon. High Court order dated 6.10.2005 & 27.1.2010 in WP 3246/2004 & PIL 87/2006 regarding mangroves protection which should be ensured by Municipal Corporation of Greater Mumbai.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.48: Proposed residential building on plot bearing CTS No. 1051 of village Pahadi Goregaon (W), at Bangur Nagar, Goregaon (W), Mumbai

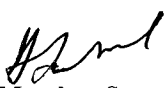
Project proponent presented the proposal before the Authority. The Authority noted the followings:


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1. Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 10.3.2014 submitted a proposal of proposed residential building on plot bearing CTS No. 1051 of village Pahadi Goregaon (W), at Bangur Nagar, Goregaon (W), Mumbai to MCZMA.
2. MCGM letter dated 10.3.2014 mentions that, the plot under reference is in residential zone and not reserved for any public purpose as per DP 1967 and District Commercial Zone (C-2) as per revised sanctioned DP
3. MCGM letter dated 10.3.2014 mentions that, as per the approved CZMP of Mumbai, the plot under reference falls in CRZ II and situated on landward side of 27.45m wide proposed CZMP road. The development of the plot under reference is landward side of 18.30 m wide existing road on south side as shown in approved layout plan sanctioned on 11.6.1968. Further, The plot under reference is on landward side of 27.45 m. wide road as seen in remarks from A.E.(maint), P/ South Ward, MCGM. The said road is reflected in layout plan dated 11.6.1968 on west & south.
4. As per MCGM letter dated 7.3.2014, the proposed development involves Residential building comprising of stilt for car parking + 1st to 5th + 6th (pt) upper floors with height 20.45m.
5. FSI details, as per layout plan submitted with IOD dated 14.2.2014 -
 - Area of Plot – 784.70 Sqm.
 - Road set back – 286.70 Sqm.
 - Net area of plot – 498.00 Sqm.
 - 40% Set back area – 199.20 Sqm.
 - Total Area – 697.20 Sqm.
 - Permissible FSI – 1.00
 - Permissible BUA -697.20Sqm.
 - Proposed BUA -672.08 Sqm.
 - Excess balcony area taken in FSI- 24.90 Sqm
 - Total BUA proposed – 696.98 Sqm.


Chairman


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Authority from the google image and MCGM record observed the existence of mangrove vegetation in the vicinity of the plot under reference. Hence, the Authority after detailed discussion and deliberation decided to make a visit to the site under reference before further considering the case.

Item No.49: Proposed Bay of Bengal Gateway (BBG) Submarine Cable System Landing at Versova Beach, Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. M/s. Vodafone South Limited has proposed to lay Bay of Bengal Gateway (BBG) Submarine Cable System Landing at Versova Beach, Mumbai to MCZMA.
2. Project involves laying down submarine communication cable, connecting 5 countries via landing points at Barka (Oman), Fujairah (United Arab Emirates), Mumbai and Chennai (India), Mt Lavinia (Sri Lanka) and Penang (Malaysia). The cable landing site in Mumbai is the proposed BMH at Versova Beach. The cable will be further connected to the Cable Landing Station (CLS) which is located at a distance of approximate 3 km from the BMH location. Project is a Submarine Cable System landing at a Beach Man Hole (BMH) at Versova Beach in Mumbai, India. The cable will enter the Indian Territorial Waters (CRZ-IVA), the sandy beach (CRZ-IB) and terminate in the BMH (CRZ-II). An underground structure (BMH) of dimensions 3m x 2m x 2m will be constructed. A cable route of length 80 meters and depth 1 meter for cable to reach from sea edge to BMH will be constructed.
3. The cable installation process will be done by modern 140 meter built for purpose cable laying French Vessel. In water deeper than 1000 m, the cable will be laid on the surface of the seabed. There is no mechanical contact with the sea bed during the operation. The cable is laid out from the stern of the vessel, descends through the water column by gravity and finally comes to


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rest upon the surface of the seabed, in an alignment corresponding to the route developed from the survey and route engineering process.

4. The BBG cable will terminate in Mumbai at a Beach Man Hole (BMH) proposed to be located near the main entry to Versova Beach, a block from the Sun-n-Sea Resort. Six sites were selected for BMH construction out of which the above site is found environmentally and technically feasible. The global positioning system (GPS) of the centre of the BMH is 19° 7' 50" (19.130556°) N and 72° 48' 48" (72.813333°) E. The BMH is located on the access road between CTS No. 1065 and CTS No. 1066. Residential area surrounds the proposed BMH location. Site is well connected by roads. Vile Parle Railway Station is at 4.9km in SE direction and Chhatrapati Shivaji International Airport is at 7.3 km in SE direction from location of BMH.
5. As per submitted information, The cable will enter the Indian Territorial Waters (CRZ-IVA), the sandy beach (CRZ-IB) and terminate in the BMH (CRZ-II)
6. Project proponent has submitted CRZ map (scale 1:4000) & report prepared by IRS, Chennai which is MoEF authorized agency. As per the said report,
 - The proposed Beach Man Hole (BMH) lies in CRZ-II.
 - The Shortest distance between inner side (seaward side) of proposed BMH and the boundary of CRZ-I(B) area is 18.66m.
 - The shortest distance between center of proposed BMH and the boundary of CRZ I(B) area is 19.67m.
7. Project proponent has submitted Environmental Impact Assessment Report, Environment Management Plan, Disaster Management Report for the proposed project.

Authority observed that there are no ecological sensitive areas / mangroves at the landing point. Authority noted that as per para 4(ii)(d) of CRZ Notification, 2011, laying of pipelines, conveying system, transmission line requires prior clearance from MoEF, New Delhi. Authority after detailed discussion and


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deliberation decided to recommend the proposal from CRZ point of view to MoEF, as per CRZ Notification, 2011.

Item No.50: Proposed redevelopment of building known as “Cozymore” bearing ward no. 2946 (5) Street No. 5(A) on plot bearing C.S. No. 5/600 of Cumballa malbar Hill Division at August Kranti maidan in ‘D’ Ward, kemps Corner, Mumbai

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. The Municipal Corporation of Greater Mumbai (MCGM) has forwarded the proposal of “Revised CRZ clearance for proposed redevelopment of building known as “Cozymore” bearing ward no. 2946 (5) Street No. 5(A) on plot bearing C.S. No. 5/600 of Cumballa malbar Hill Division at August Kranti maidan in ‘D’ Ward, kemps Corner, Mumbai” vide letter dated 23.4.2014 to MCZMA.
2. As per remarks of MCGM dated 23.4.2014, the plot under reference is situated in Residential zone and not reserved for any public purpose.
3. As per CZMP of Mumbai approved by MoEF on 2000; the land under reference falls in CRZ II and situated on landward side of existing Laxmibai Jagmohandas Road which is in existence prior to 19.2.1991.
4. As per remarks of MCGM dated 23.4.2014, the existing building under reference was ground + 4 upper floors. The MHADA has certified the built up area of the existing building. Executive Engineer, MHADA mentions the building was in dilapidated condition and the MHADA had earlier granted the NOC for the reconstruction of the property under DC Regn. 33(6) on 13.2.2003.
5. The measurement plan of existing structure verified by MHADA consuming 926.80 sq.m. BUA and 2.161 FSI.
6. As per category certificate issued by MCGM on 3.1.2008 the building under reference is ‘A’ category residential Cess Structure.
7. MHADA has granted No Objection Certificate on 13.2.2009 for reconstruction with FSI admissible under the DCR 33(6).


Chairman


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8. MHADA has granted modified No Objection certificate by converting it under DCR 33(7) from DCR 33(6) for redevelopment with 2.5 or existing + 50% incentive FSI, whichever is higher.
9. As per MCGM letter dated 23.4.2014, architect has submitted amended plan under DC Regn 33(7) for the building comprising of parking tower having height of 27.90 m (including 1st refuge area at 24.85m level) a service floor + 13th (pt) upper floors with refuge area at 7th floor level with a height of 68.65 m.
10. FSI Details, As per MCGM letter dated 23.4.2014; this is redevelopment of 'A' category cessed building proposed under DCR 33(7). As per DCR in force as on 6.1.2011, 2.50 or existing + 50% incentive FSI, whichever is highr is permissible for redevelopment of cessed A category building.
 - FSI Permissible – 1072.325 Sqm.
 - FSI proposed -1067.955 Sqm.
 - Free of FSI -0 2324.112 Sqm.
 - Total Construction Area – 3392.067 Sqm.

As per amended plans approved by MCGM on 19.3.2014

- Total Plot Area – 428.93 Sqm.
 - FSI Permissible – 2.50
 - Permissible floor Area – 1072.325 Sqm.
 - Proposed Area – 1067.955 Sqm.
 - FSI consumed – 2.490
11. Public hearing was conducted on 6.10.2012 by MPCB as per CRZ Notification, 2011 and as per procedure laid down under EIA Notification, 2006. MPCB has granted Consent to Establish for redevelopment project on land under reference vide letter dated 8.10.2012.

Authority noted that the Urban Development department has issued No Objection on 26.6.2009 to redevelopment of existing building with existing authorized 2.16 FSI on land under reference. It is mention that, the proposal was referred to Environment Department for remarks. Environment Dept sent the proposal back to Urban Development Department with remarks for further


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necessary action. Intimation of Disapproval (IOD) was issued on 6.5.2009 for the project. Commencement Certificate was issued on 26.6.2009. In the present case, the building up to 12th floor has been constructed as per CC issued on 19.10.2013

The Authority observed that as per the above clause (Viii) of S.O. 18(E) dated 4.1.2002, Prior CRZ recommendation from MCZMA was mandatory in the subject proposal, when UDD issued the CRZ clearance dated 26.6.2009 to the project. However, UDD had sought remarks of the Environment Dept before granting CRZ clearance to the project.

In the light of above, Authority after detailed discussion and deliberation decided to seek legal opinion in the matter from the Law officer, MCZMA.

Item No.51: Proposed building on plot bearing CTS No. B-870-B of village Bandra at Kane Road, Bandra (W)- M/s. Samudra Developers Pvt Ltd

Project proponent presented that MCGM vide letter dated 3rd April, 2014 sought clarification from MCZMA whether the said proposal which has been approved by MCGM for which CRZ NoC is received can be processed for further approval as per DC regulation existing as on 6.1.2011 as per clause No. 8.v.c of CRZ Notification, 2011.

Authority noted that MCZMA was in receipt of complaint dated 23rd Oct, 2013 in the matter. Complainant alleged that the project was earlier granted Environment Clearance from MoEF on 16th June, 2008. This clearance was for ground and stilt and 4 upper floors. MCZMA in its 81st meeting approved the revised plans (increased floors upto 28 floors) for the project, even though the cost of the proposal was more than Rs. 5 Cr. It was necessary that matter should have been referred to MoEF. FSI violation under DCR 1967 – Manipulation of massive FSI concessions by violations of provisions of DCR 1967. Non FSI component is 10 times the FSI component, Height of the building was exceeding the permissible limit. Complainant has requested to take credible action against the project under EP Act, 1986 and under MoEF's OM dated 12.12.2012 & 27.6.2013


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The Authority noted that taking cognizance of the said complaint, MCZMA vide letter dated 6.12.2013 requested MCGM to provide a report on whether FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991 may be sought from MCGM. If any violation of conditions of CRZ recommendation is found, MCGM was requested to take appropriate action in the matter.


In response to MCZMA's said letter, the MCGM sent a letter dated 3rd April, 2014, mentioning that MCGM has sent a letter to Architect and Developer of the proposal under reference directing them to submit their explanation. Accordingly, the developer has submitted his explanation along with the copy of the Notice u/sec 354 of M,M,C. Act issued by the then Asst. Engineer (B&F) H/West Ward dated 20.10.2009 which was not submitted by the owner while submitting the proposal to MCGM. Copy of the same is submitted. Copy of report for the concessions approved by MC, MCGM involved in the proposal for FSI, Non-FSI, height and concessions granted by MC, MCGM is submitted. Further MCGM has sought clarification from MCZMA whether the said proposal which has been approved by MCGM for which CRZ NoC is received can be processed for further approval as per DC regulation existing as on 6.1.2011 as per clause No. 8.v.c of CRZ Notification, 2011.

In the light of above, the Authority after detailed discussion and deliberation decided the following:

1. MCGM at its own level should decide on applicability of para 8.v.c of CRZ Notification, 2011 to the proposal, wherein town and country planning regulation existing as on 6.1.2011 are applicable. Only upon receipt of such proposal from MCGM, the MCZMA can address the issue of applicability of para 8.v.c of CRZ Notification, 2011 to the proposal.
2. MCGM should take appropriate action if there is violation of CRZ Notification, 2011 with regard to FSI and non-FSI observed in the case.

Item No.52: Proposed development on Survey No. 172, 173 and 175 to 177 of village Payegoan. Tal- Bhivandi, Thane


Chairman


Member Secretary

Project proponent presented the matter before the Authority. The Authority noted the followings:

1. Town planning & valuation dept, Thane forwarded a letter dated 3.11.2012 requesting to issue directions pertaining to CRZ area limit along the creek. ADTP, Thane mentions about the Survey No. 172, 173 and 175 to 177 of village Payegoan. Tal- Bhivandi, Thane.
2. Proponent vide letter dated 30.10.2013 requested MCZMA to consider the subject site as Non CRZ based on the policy decision taken by MCZMA in its 83rd meeting about CRZ area limit along the creek. Proponent has given reference of two court orders of High Court pertaining to CRZ area limit along creek and river.
3. Subject site is located near creeklet at Payegoan village. Residential development is prominent in the vicinity. The site falls within 500 m as per the CRZ map prepared by SAC, Ahembadabad.
4. MCMZA has taken a policy decision prescribing CRZ area limit along creek in 83rd meeting. As per the policy decision, "Wherever the width of the tidally influenced water bodies (river, creek, nalla, backwater etc) is 100 m or less; the CRZ area limit from the HTL on the landward side shall be 100 m or width of the tidally influenced water bodies whichever less"
5. Hon'ble High Court has issued order dated 12th August, 2013 in WP No. 1694/2013 (Murlidhar Panvelkar & ors VS The state of Maharashtra & ors) that site at Maral Village, near Ulhas creek as Non CRZ, based on the CRZ map prepared by IRS, Chennai in 1:4000 scale.
6. Hon. Court order dated 20th Sep, 2013 in Civil WP No 119290/2013 (Omesh Suresh Kalani VS The State of Maharashtra & ors) directed that the site at Varap village, near Ulhas creek is Non CRZ. This court order was again based on CRZ map prepared by IRS, Chennai in 1:4000 scale.
7. CRZ map in 1:4000 scale demarcating HTL, LTL and superimposing the subject site prepared by Institute of Remote Sensing, Chennai, which is one of the agency authorized by the MoEF, New Delhi has been submitted. As per the said map the width of creek is less than 100 m and site is situated outside CRZ area.


Chairman


Member Secretary

Project proponent presented before the Authority that the matter was deliberated in 87th meeting of the the Authority held on 20th and 21st January 2014, wherein the Authority examined the CRZ map in 1:4000 scale demarcating HTL, LTL and superimposing the subject site prepared by Institute of Remote Sensing, Chennai, which is one of the agency authorized by the MoEF, New Delhi. The said IRS, Chennai map, indicates the width of creek is less than 100 m and site is situated outside CRZ area.

During 87th meeting, the Authority directed project proponent to provide a clarification as to whether the HTL demarcated by IRS, Chennai is same as that of approved CZMP or whether there is any change in HTL. If so, reasons of change in HTL be reported.

Authority noted that Project proponent vide letter dated 23.4.2014 submitted its reply attaching the IRS report dated 22.4.2014. The said IRS, Chennai report dated 22.4.2014 mentioned that, the approved CZMP of Maharashtra has been overlaid on the CRZ map prepared by IRS, Chennai and found that there is no change in HTL. The project site (Survey No. 172, 173, 175, 176 & 177) of Payegaon village is situated outside CRZ area. The CZMP 500m buffer line is marked for creek, where as IRS, Chennai has adopted Creek width as CRZ buffer zone as per CRZ Notification, 2011.

The Authority noted that MoEF vide letter No. J-17011/8/95-IA-III dated 17th Sep, 1996 approved the CZMP of Maharashtra subject to certain condtions. As per the approved Coastal land use map prepared by Space Application Centre, Ahmadabad, the subject site is within 500 m CRZ line from the HTL of creek. A conditions No. 18 of said CZMP approval letter of MoEF stipultes following:

"The Coastal Regulation Zone in respect of creeks, rivers and backwaters is as follows:

- *100 meters or less where the width of the river, creek or backwater is upto 100 meters or less.*


Chairman


Member Secretary

- 100 meters where the width of the river, creek or backwater is in the range of 100 – 350 meters.
- 150 meters where the width of the river, creek or backwater is more than 350 meters”

As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.

As per provisions of CRZ notification, 2011 the CRZ area limit from the HTL of the tidally influenced water bodies is 100 m or width of the tidally influenced water body whichever is less.

The MCZMA in its 83rd meeting held on 6th August, 2013 took a policy decision regarding, CRZ area limit from the HTL of tidally influenced water bodies, (river, creek, nalla, backwater etc) which is as follows-

A. *Wherever the width of the tidally influenced water bodies (river, creek, nalla, backwater etc) is 100m or less.*

CRZ area limit from the HTL on the landward side, shall be 100m or width of the tidally influenced water body whichever is less.

B. *Wherever, the width of tidally influenced water bodies such as creek, river, nalla, backwater etc is more than 100m,*

CRZ area limit from the HTL on the landward side shall be 150m.

The above criteria will be adopted by MCZMA till the new CZMP maps in the scale of 1:4000 are prepared and approved by MoEF, New Delhi, as per CRZ Notification, 2011.

In the light of above, the Authority after detailed discussion and deliberation decided that project site i.e Survey No. 172, 173 and 175 to 177 of village Payegoan. Tal- Bhivandi, Thane is situated outside CRZ area, as per the provisions


Chairman


Member Secretary

of CRZ Notification, 2011 & as per decision of 83rd meeting of the MCZMA. Hence, the site does not fall under the ambit of CRZ Notification, 2011.

Item No.53: Proposed access road in CRZ area and utilization of FSI potential of CRZ -III area on the Non CRZ area of plot bearing S. no. 74, Hissa No. 1/1 & 1/4, CTS No. 4477A /10 to 4477A/ 19, maouje Ayare, Tal- Kalyan, Dist.-Thane

The Authority noted that the proposal was earlier considered in the 86th meeting of the Maharashtra Coastal Zone Management Authority held on 27th November 2013. Project proponent presented the proposal before the Authority. However, the matter was deferred for the want of more clear and comprehensible presentation from the proponent.

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. As per the Kalyan Dombivali Municipal Corporation vide letter dated 7.1.2013 and the CZMP of KalyanDombivali Municipal Corporation area, the plot under reference partly falls in CRZ-III and partly falls in Non CRZ area .
2. The Kalyan Dombivali Municipal Corporation vide letter dated 7.1.2013 mentions that, as per sanctioned development plan the plot bearing S. no. 74, Hissa No. 1/1 & 1/4, CTS No. 4477A /10 to 4477A/ 19, moujeAyare, Tal- Kalyan, Dist.-Thane falls in residential zone.
3. The KalyanDombivali Municipal Corporation has issued building permission (IOD) vide letter dated 15.10.2009 for construction in Non CRZ area with condition that NOC from MCZMA is required for proposed access road to Building No. 2.
 - Building No. 1 Wing A = Stilt (pt) + Ground floor (pt) + 3 floors (Residential + Commercial)
 - Building No. 1 Wing B & C = Stilt + Ground floor + 7 floors (Residential)


Chairman


Member Secretary

- Building No. 1 Wing D = Stilt (pt) + Ground floor (pt) + 7 floors (Residential)
 - Building No. 2 = Stilt (pt) + Ground floor (pt) + 7 floors (Residential)
3. The KalyanDombivali Municipal Corporation has issued Commencement Certificate (CC) vide letter dated 9.9.2011 for construction in Non CRZ area.
- Building No. 1 Wing A = Stilt (pt) + Ground floor (pt) + 2 floors (Residential)
 - Building No. 1 Wing B & C = Stilt + Ground floor + 7 floors (Residential)
 - Building No. 1 Wing D = Stilt (pt) + Ground floor (pt) + 7 floors (Residential)
4. The construction work comprising 3 wings has been completed 100% and work of 1 wing has been completed 70 % as per Commencement Certificate vide letter dated 9.9.2011 issued by KDMC for Total Proposed BUA = 3771.62 Sq.m.
5. Now, access road (length 25m & width 4.50m) in CRZ - III area and utilization of FSI potential of CRZ -III area on the Non CRZ area of the same plot so as to propose construction as per IOD issued by KDMC is proposed.

Authority noted that construction of roads in CRZ III area for local inhabitants is permissible activity as per provisions of CRZ Notification, 2011. Authority observed that road proposed by proponant in CRZ III area would be an access road for their project and not for local inhabitants.

Authority further deliberated on the proponents request for FSI utilization of CRZ III portion of plot on Non CRZ portion of the same plot. Proponent here pointed out the MCZMA's decision regarding the FSI utilization of CRZ III area taken in 75th meeting held on 15.5.2012.

After detailed discussion and deliberation, the Authority decided the following:

1. Proposed access road in CRZ III area, is not permitted.
2. FSI utilization of the plot falling in CRZ III area is not allowed to utilize in non- CRZ portion of plot.


Chairman


Member Secretary

Item No.54: Proposed modification to existing restaurant building and construction of Resort building in land bearing Plot No. 1, S.No. 8/11 of village Dahanu, Tal – Dahanu, Dist- Thane

The project proponent was absent for the meeting. Hence, the proposal was deferred.

Item No.55: Proposed development of S.No. 256 at village Kharbao, Taluka-Bhiwandi, Thane

Project proponent presented the matter before the Authority. The Authority noted the followings:

- The subject site is situated at 350 m away from the creek (namely, Kharbao Creek). As per the SAC map, the site under reference falls within 500 m line from the HTL of creek.
- As per the policy decision taken by the MCZMA in its 83rd meeting, max CRZ extent along the creek is 150 m. from HTL of creek. Since site is at 300 mt away from HTL of creek, the site is in Non CRZ.
- Hon'ble High court has recently given verdict on 12th August, 2013 in WP No. 1694/2013 (Murlidhar Panvelkar & ors VS The state of Maharashtra & ors) that site at Maral Village, near Ulhas creek (was about 250 m. away from creek) as Non CRZ.
- Court order dated 20th Sep, 2013 in Civil WP No 119290/2013 (Omesh Suresh Kalani VS The State of Maharashtra & ors) directed that the site at Varap village, near Ulhas creek is Non CRZ. (Both court orders submitted by proponent)
- CRZ map in 1:4:000 scale demarcating HTL, LTL and superimposing the subject site prepared by IRS, Chennai which is one of the agencies authorized by the MoEF, New Delhi submitted to Authority. The said IRS map shows, the site is outside CRZ area.


Chairman


Member Secretary

Project proponent presented before the Authority that the matter was deliberated in 87th meeting of the the Authority held on 20th and 21st January 2014, wherein the Authority examined the CRZ map in 1:4000 scale demarcating HTL, LTL and superimposing the subject site prepared by Institute of Remote Sensing, Chennai, which is one of the agency authorized by the MoEF, New Delhi. During 87th meeting, the Authority directed project proponent to provide a clarification as to whether the HTL demarcated by IRS, Chennai is same as that of approved CZMP or whether there is any change in HTL. If so, reasons of change in HTL be reported.


Authority noted that the proponent vide its letter dated 15.04.2014 has submitted IRS, Chennai's report dated 10.4.2014 along with CRZ map in 1:4000 scale. The said report of CRZ mentions that the approved CZMP of Bhiwandi taluka, Thane District, Maharashtra has been overlaid on the CRZ map prepared by this Institute and found that there is a change in the HTL because the change of geomorphology, landuse and the growth of mangroves near the kharbho creek due to the influence of sea water. However, the project site (Plot No. 256 Part) of Kharbao village is situated outside CRZ area.

The Authority noted that MoEF vide letter No. J-17011/8/95-IA-III dated 17th Sep, 1996 approved the CZMP of Maharashtra subject to certain condtions. As per the approved Coastal land use map prepared by Space Application Centre, Ahmadabad, the subject site is within 500 m CRZ line from the HTL of creek. A conditions No. 18 of said CZMP approval letter of MoEF stipultes following:

"The Coastal Regulation Zone in respect of creeks, rivers and backwaters is as follows:

- 100 meters or less where the width of the river, creek or backwater is upto 100 meters or less.*
- 100 meters where the width of the river, creek or backwater is in the range of 100 – 350 meters.*
- 150 meters where the width of the river, creek or backwater is more than 350 meters"*


Chairman


Member Secretary

As per para 5(xii) of CRZ Notification, 2011 and subsequent notification dated 7th May, 2014 of MoEF stipulates that, the old CZMP approved under CRZ Notification, 1991 will be valid upto 31st Jan, 2015.

As per provisions of CRZ notification, 2011, the CRZ area limit from the HTL of the tidally influenced water bodies is 100 m or width of the tidally influenced water body whichever is less.

The MCZMA in its 83rd meeting held on 6th August, 2013 took a policy decision regarding, CRZ area limit from the HTL of tidally influenced water bodies, (river, creek, nalla, backwater etc) which is as follows-

- *Wherever the width of the tidally influenced water bodies (river, creek, nalla, backwater etc) is 100m or less.*

CRZ area limit from the HTL on the landward side, shall be 100m or width of the tidally influenced water body whichever is less.

- *Wherever, the width of tidally influenced water bodies such as creek, river, nalla, backwater etc is more than 100m,*

CRZ area limit from the HTL on the landward side shall be 150m.

The above criteria will be adopted by MCZMA till the new CZMP maps in the scale of 1:4000 are prepared and approved by MoEF, New Delhi, as per CRZ Notification, 2011.

The Authority examined the IRS, Chennai's report dated 10.4.2014 along with CRZ map in 1:4000 scale and observed that HTL demarcated by IRS, Chennai differs from the old HTL demarcated in approved Coastal land use map of SAC. Width of the creek is more than 100 m at certain locations. However, the subject site is situated beyond 150 m from the old approved HTL of the creek as well as beyond 150 m from new HTL of the creek, demarcated by IRS, Chennai, as per CRZ Notification, 2011.


Chairman


Member Secretary

In the light of above, the Authority after detailed discussion and deliberation decided that project site i.e S.No. 256 at village Kharbao, Taluka-Bhiwandi, Thane is situated outside CRZ area i.e beyond 150 m from old approved HTL of the creek. Hence, the site does not fall under the ambit of CRZ Notification, 2011.

Item No.56: Reconstruction strengthening and development of an existing factory building at CTS No. 8,44,46,47,48,50,51,52,55,83 Kalyan Maharashtra for M/s Balkrishna Paper Mill Ltd

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. M/s Balkrishna Paper Mill Pvt Ltd has proposed for reconstruction strengthening and development of an existing factory building at CTS No. 8,44,46,47,48,50,51,52,55,83, Kalyan, Maharashtra
2. The proposal involves reconstruction and strengthening the part of existing structure along with part extension for the development of industrial activity at Village Ambivali S. No. 8/20, 44/1p, 2,3,4,5,6p,8p, S.No. 46/4p,7p,8b,9,10,11, S. No. 47/1 to 3, & 4p, S. No. 48/3,4, S. No. 50/5 to 50/27, S.No. 55/1a, 1b, 1c, S.No. 83/5p, 6,7p, at village Ambivali, Tal-Kalyan, Dist- Thane, Maharashtra. As per DP plan of KDMC, the plot is in Industrial zone.
3. Old factory structure is in existence prior to formation of KDMC i.e. 1972. Copy of letter dated 3rd Nov, 1982 vide which M/s Balkrishana Paper Mill Pvt Ltd received is submitted. Existing factory manufactures various types of paper boards from recycled waste paper and readymade market purchased pulp.
4. Current activities involve strengthening of existing factory by demolition and expansion in Non CRZ area. Construction activity will be carried out to strengthen the existing dilapidated building and extension is desired in Non CRZ area to accommodate the machinery.
5. CRZ plan in 1:4000 scale has been prepared by NIO, which is one of the MoEF authorized agency. The said NIO map shows that plot partly falls in CRZ III.


Chairman


Member Secretary

Authority noted that as per approved CZMP and DP remarks, the land falls partly in CRZ III area. Further, the Authority examined the CRZ map prepared by NIO in 1:4000 scale. The Authority felt that it need to ascertain whether HTL demarcated in NIO CRZ map in 1:4000 scale is same as HTL demarcated in approved CZMP. If changed, then indicate old approved HTL.

Authority noted that M/s Balkrishan Paper Mill Ltd vide letter dated March 10, 2014 informed to MCZMA that company has started construction and restrengthening work as per approval from KDMC in Non CRZ area for existing factory, keeping in view the safety of workers which are working round the clock. Factory building is in existence and in operation since 1971 and same is old and needs major reconstruction.

Authority observed that reconstruction of factory building in CRZ area can not be considered.

After detailed discussion and deliberation, the Authority decided the following:

1. Project proponent to submit whether HTL demarcated in NIO CRZ map in 1:4000 scale is same as HTL demarcated in approved CZMP. If changed, then indicate old approved HTL.
2. CRZ area extends upto Max 150 m. from the HTL of river (tidally influened water body), if the width of the river is more than 100 m, as per decision taken in 83rd meeting of the MCZMA.
3. Setting up of industries and reconstruction of existing industries is not allowed in CRZ area.
4. Proponent shall submit CRZ map 1:4000 scale prepared by MoEF authorized agency showing superimposition of plot / project activity with reference to approved HTL

Item No.57: Proposed construction project on plot bearing 2(316), 4(355)....129(40) of village Kopari, Tal- Vasai, Dist-Thane by M/s. Privilege Power & Infrastructure Pvt. Ltd


Chairman


Member Secretary

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. Vasai Virar Municipal Corporation (VVMC) vide letter dated 16.4.2014 submitted a proposal of proposed 'Residential Township Project' at village Kopari & Shirgaon, Tal. Vasai, Dist. Thane to MCZMA.
2. The proponent has submitted the CRZ map in 1:4000 scale prepared by IRS, Chennai which is MoEF authorized agency. As per the said map, the site under reference partly falls in CRZ area and partly in non CRZ area.
3. The VVMC letter dated 16.4.2014 mentions that, Architect has proposed 'Residential Township Project' on non CRZ area, without claiming the FSI of CRZ portion of land on non CRZ area.
4. The VVMC letter dated 16.4.2014 mentions that, the plot under reference falls in Special Residential Zone with part area under various reservations of public amenities as per Development Plan of Vasai Virar Sub Region.
5. Area Details:
 - Total Area of Plot- 23,16,272.00 Sqm.
 - Area Under CRZ- 3,14,369.00 Sqm.
 - Non CRZ area -20,01,903.00 Sqm.
 - Area under reservation-7,25,275.30 Sqm.

During the meeting, the project proponent presented the approved CZMP of area, with a site indicated on it. Authority examined the CRZ status of the site in the light of approved CZMP of the area and CRZ map in 1:4000 scale prepared by IRS, Chennai, one of the MoEF Authorized agencies. It was observed that site partly falls in CRZ area and construction is proposed on non CRZ area, without claiming the FSI utilization of CRZ portion of land on Non CRZ area of land under reference.

Authority observed that connecting internal roads/ bridges/ channels are proposed in the CRZ area. Authority directed project proponent to indicate the activities proposed on CRZ area on the CRZ map in the scale of 1:4000.

Authority after detailed discussion and deliberation decided to direct project proponent to submit the following:


Chairman


Member Secretary

1. Whether the HTL demarcated by the IRS, Chennai is same as that of HTL shown in approved CZMP
2. Revised proposal along with plans be submitted of roads and bridges wherever it is required showing CRZ status.
3. Superimposition of complete project activities falling in CRZ and non-CRZ area on CRZ map in 1:4000 scale prepared by one of the MoEF Authorized agency.

Item No.58: Seeking NOC for the proposal in Coastal Regulation Zone having Plot No. 10, Sector 21, Ghansoli, Navi Mumbai

Project proponent presented that subject proposal was deliberated in the 82nd & 86th Meeting of MCZMA held on 10th June, 2013 & 27th November 2013 respectively. During 86th meeting, the Authority after detailed discussion and deliberation decided to recommend the proposal from CRZ point of view to concerned planning Authority. Minutes of the 86th Meeting of MCZMA held on 27th November 2013 was confirmed in the 87th Meeting of MCZMA held on 20th and 21st January 2014.

The Authority noted that during 87th meeting, while discussing the other proposals of Navi Mumbai area, the Authority deliberated the issue of applicable FSI (Whether 1 or 1.5) for development in CRZ II areas of Navi Mumbai, as per DCR as on 19.2.1991. Authority decided to get the clarification from the Urban Development Department and Navi Mumbai Municipal Corporation regarding permissible FSI for the project as per the town and country planning regulations existing and in force as on 19.2.1991.

Hence, Recommendation letter to subject proposal was halted due to confirmation of applicable FSI (1 or 1.5) for Navi Mumbai area from UDD. MCZMA vide letter dated 3.3.2014 has sought clarification from Urban Development Department regarding applicable FSI for Navi Mumbai proposals in CRZ II area. Reply from UDD is still awaited.


Chairman


Member Secretary

Project proponent vide letter dated 6th March, 2014 & 11th April, 2014 requested to issue CRZ recommendation letter since, the proposal is recommended in 86th meeting. Further, proponent requested to grant CRZ recommendation with stringent FSI 1 as against the claimed FSI of 1.5. Proponent will request Authority for 1.5 FSI, If UDD clarifies for 1.5 FSI.

In the light of above, the Authority after deliberations decided that subject proposal could be sanctioned with FSI I by Navi Mumbai Municipal Corporation. NMMC should ensure that town and country planning regulations as existing as on 19.2.1991 are applicable to the project. Copy of the sanctioned plans be submitted to MCZMA for information.

Further, it was decided to send a reminder letter to UDD seeking clarification regarding applicable FSI for Navi Mumbai proposals in CRZ II area

Item No.59: Redevelopment of M/s Sea Green Housing Society, Worli, Mumbai.

Authority noted that MoEF sent a letter No. F. No. 3-38/2014-IA-III dated 5th May, 2014 mentioning that

"It is noted from the letter that M/s Sea Green Co-op Housing Society has made the amendments in their proposals in the year 2006, 2007 and 2010 without mandated recommendation from MCZMA.

It is submitted that as per para 3, (v) of CRZ Notification, 1991, activities involving investment of less than five crores rupees shall be regulated by the concerned authorities at the State or Union territory level. Clause VIII of MCZMA constitution notification dated 4.1.2002 mandates prior recommendation from MCMA for all the projects within CRZ areas. Therefore, MCZMA should initiate action against violation, as mandated by law"

Authority further noted that Hon. High Court of Mumbai passed an order dated 2nd April, 2013. Hon.ble High court has observed that


Chairman


Member Secretary

“the interest of justice would be served if the operation and implementation of the impugned stop work notice is stayed in order to enable the petitioner society to complete the balance construction and the finishing work. However, it is made clear that any construction by the petitioner to MCGM for occupation will not be considered by MCGM till further orders.”

Authority noted that it has sought clarification from MoEF on implementation of Office Memorandum dated 12.12.2012 & 27.6.2013 pertaining to proceedings to be followed on violation cases.

In the light of above, the Authority after detailed discussion and deliberation decided to take legal opinion in the matter from Law officer, MCZMA.

Item No.60: Redevelopment of residential building project at CTS No. 1794 of Mahim Division, Shivaji Park Scheme, Mumbai.

The Authority noted that MCZMA was in receipt of a complaint dated 16th Jan, 2014 from the Maharashtra Pollution Control Board (MPCB) in the subject matter. MPCB has observed while scrutinizing the proponent's application for grant of consent to Establish for subject proposal that proponent has started construction activity without obtaining CRZ clearance on subject plot from the competent Authority

M/s Matoshree vide letter dated 30.4.2014 (received on 5.5.2014) sent a representation to MCZMA. As per their reply, the subject project has MHADA NoC dated 22nd Oct, 2008 for FSI 2. UDD has issued NoC from CRZ point of view vide letter dated 22nd July, 2009 for the project, since the cost of the project was less than Rs 5 crores. Further, IOD dated 1.10.2009 and CC dated 17.4.2010 has been issued by MCGM.

Authority noted that as per clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority:


Chairman


Member Secretary

“The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals are referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991”

As per above, prior CRZ recommendation from MCZMA was mandatory in the subject proposal. However, it reveals that the UDD issued the CRZ clearance dated 22nd July, 2009 to the project and based on which, CC was granted to the project by MCGM. The matter attracts OM dated 12.12.2012 & 27.8.2013 of MoEF.

Project proponent informed that construction up to plinth level has been completed, based on the CRZ NOC dated 27.9.2006 granted by UDD. The Authority observed that prior CRZ recommendation from MCZMA was mandatory as per MCZMA reconstitution order dated 4.1.2002, when UDD issued the CRZ NOC dated 5.8.2008 to the project.

In the light of above, the Authority after detailed discussion and deliberations, observed that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceedings in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi.

Item No.61: Construction on CTS No. 1311/2 of village Versova, Andheri (W), Mumbai.

The Authority noted that the MCZMA was in receipt of a complaint pertaining to construction on CTS No. 1311/2 of village Versova, Andheri (W), Mumbai, falling in CRZ area. MCZMA vide letter dated 12.3.2014 forwarded a complaint to MCGM for examination and submitting detailed report in the matter. If violation of CRZ notification, 1991 and 2011 is found, appropriate action be initiated and send action taken report to the Authority.


Chairman


Member Secretary

MCGM vide letter dated 19th April, 2014 sent a reply mentioning that the plot under reference falls in CRZ area. Urban Development Dept has granted NoC for aforesaid development vide CRZ 2008/1875/CR/589/UD 12 dated 29.8.2009. The plans are scrutinized and approved as per the DC reg 1967 and accordingly development permissions are issued by taking due cognizance of NoC from UDD. MCGM has already replied to the same prayers raised by the complainant vide this office letter u/No. CE/9177/WS/AK dated 28.10.2013.

The Authority noted that as per clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority:

"The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals are referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991"

As per above, Prior CRZ recommendation from MCZMA was mandatory in the subject proposal. However, it reveals that the UDD issued NoC No. CRZ 2008/1875/CR/589/UD 12 dated 29.8.2009 to the project. The matter attracts OM dated 12.12.2012 & 27.8.2013 of MoEF.

Project proponent informed that construction up to plinth level has been completed, based on the CRZ NOC dated 27.9.2006 granted by UDD. The Authority observed that prior CRZ recommendation from MCZMA was mandatory as per MCZMA reconstitution order dated 4.1.2002, when UDD issued the CRZ NOC dated 5.8.2008 to the project.

In the light of above, the Authority after detailed discussion and deliberations, observed that this is a case of violation of CRZ Notification 1991 & 2011 and matter be referred to Environment Department for further proceedings in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi.


Chairman


Member Secretary

Item No.62: Blatant encroachment on Juhu Beach, Mumbai- CRZ violation complaint

The Authority noted that the MCZMA was in receipt of the complaint dated October 18, 2013 from Mr. Hansel Dsouza. The complainant has alleged that Trident Estate P. Ltd is developing a plot of land abutting Juhu Beach towards the south End which is known as Juhu Koliwada, by way of dumping rocks on the sands of Juhu Beach, intent to reclaim sandy shore. MCZMA vide letter dated 6.12.2013 forwarded the said complaint to MCGM and District Collector, Mumbai Suburban with a request to examine the matter. If any violation of provisions of CRZ Notification, 2011 is observed, appropriate action be taken in the matter and action taken report should be submitted to MCZMA.

MCGM vide letter dated 12th Feb, 2014 sent a reply to MCZMA mentioning that the plans of the building are approved & IOD is issued u/NoCE/276/WS/AK dated 5.12.2006. The UDD of GoM under No. TPB/2005/471/CR 200/05/UN/12 dated 29.9.2006 had issued NOC and the CC is issued on 8.8.2007. At present the work is in progress. On receipt of the complaint, office staff has visited the site and it is observed that the developer has constructed retaining wall on the beach side. The photographs are submitted.

The Authority noted that as per clause (Viii) of S.O. 18(E) dated 4.1.2002 vide which, MoEF reconstituted MCZMA Authority:

The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals are referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests vide number S.O. 144 (E) dated 19th February, 1991

As per above, Prior CRZ recommendation from MCZMA was mandatory in the subject proposal. However, it reveals that the UDD issued NoC No. TPB/2005/471/CR 200/05/UN/12 dated 29.9.2006 to the project. Subsequently, CC was granted to the project by MCGM. The matter attracts OM dated 12.12.2012 & 27.8.2013 issued by MoEF.


Chairman


Member Secretary

Project proponent informed that construction up to plinth level has been completed, based on the CRZ NOC dated 27.9.2006 granted by UDD. The Authority observed that prior CRZ recommendation from MCZMA was mandatory as per MCZMA reconstitution order dated 4.1.2002, when UDD issued the CRZ NOC dated 5.8.2008 to the project.

In the light of above, the Authority after detailed discussion and deliberation observed that this is a case of violation of CRZ Notification, 1991 & 2011 and matter be referred to Environment Department for further proceedings in accordance with Office Memorandum dated 12.12.2012 & 27.6.2013 issued by the MoEF, New Delhi.

Item No.63 : Redevelopment of property bearing CS No. 280 of Malabar Hill Division - M/s Earth Builders

The Authority noted that the matter was deliberated in 83rd meeting wherein the Authority discussed the detailed background of the matter. It was noted that proposal involves redevelopment of cess structure with FSI 2 and utilizing the FSI 1.33 of adjacent strip of land. The proponent is claiming the redevelopment of existing Cess building under town and country planning regulations existing and in force as on 6.1.2011 (ie. DCR 1991, as amended up to 6.1.2011) as per para 8.V. (c) of the CRZ Notification, 2011 as amended from time to time. The Hon. High court of Mumbai vide its order dated 22nd July, 2013 directed MCZMA to consider the petitioner's application made on 5th April, 2011 in light of observations made in this order. MCZMA shall consider the above application of the petitioners at their immediate next meeting to be held in August, 2013.

During 83rd meeting, the MCZMA directed MCGM to submit the FSI calculations for the proposal, proposing FSI of 1.33 for adjacent strip of land counting area of staircase, lift, lift lobby etc in FSI,

Authority noted that the Municipal Corporation of Greater Mumbai vide letter dated 03.09.13 replied to MCZMA. As per MCGM reply mentions that with


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Member Secretary

reference to the 83rd minutes of the meeting of M.C.Z.M.A & Hon'ble High Court Order dated 21.08.2013 in W.P. 1120 of 2013, F.S.I calculation is submitted.

The Authority noted that M/s Dani Sadan CHS has been sending recurrent complaints dated 30.12.2013, 6.3.2014, 10.3.2014, 21.4.2014 before MCZMA alleging CRZ violations in the matter.

The MCZMA vide letter dated 15.3.2014, 27.3.2014 & 21.4.2014 forwarded complaints of Dani Sadan to MCGM for examination and appropriate action, if any violation of CRZ notification 1991 & 2011 is found.

During the meeting, complainants from M/s Dani Sadan presented their say in the matter. Complainant mainly alleged the Gross FSI violation in the matter, plinth of the construction on subject plot has exceeded towards seaward side, Violation of CRZ Notification, 1991 & 2011 by construction in CRZ I area and MCZMA overlooking the violations in the case.

The Authority further deliberated and took on record the various court orders dated 9.5.2013 in WP 993/2013 and 21.8.2013 in WP (L) NO. 1120/2013 passed by Hon. High court of Mumbai.

a. Hon'ble High Court passed an order dated 09.05.2013 Writ petition (L) No. 993 of 2013. Excerpt of the said order,

"Having heard the learned counsel for the parties and having regard to the fact the cessed building was demolished in the year 2005 and the petitioner has not been permitted to go beyond the 7 floor, though the petitioner's plan have been approved by the Municipal Corporation on the basis of DCR 91 upto 12th floor, by this interim order we direct the respondents to consider the petitioner's application for the Commencement Certificate in accordance with the Development Control Regulation of 1991 as amended upto 6 January, which was already decided by MCZMA in its 74 meeting of 2012."

b. Hon'ble High Court passed an order dated 21.08.2013 Writ petition (L) No. 1120 of 2013. Excerpt of the said order,

"In view of the above facts we do not consider it proper to grant any further adjournment to enable the Dani Sadan Co-operative Housing Society Ltd., to


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file any further application. The MCZMA and the municipal Corporation of Greater Mumbai Shall pass appropriate orders in the light of the observations made in our order dated 22 July 2013 and in this order.

Taking cognizance of the various courts orders including order dated 21.8.2013 passed by the Hon. High court of Mumbai and representations made by M/s Dani sadan in the matter, the Authority after detailed discussion and deliberation decided to seek detailed report on the complaints filed by M/s Dani Sadan in the matter from Municipal Commissioner, MCGM at the earliest. On receipt of the reply from the MCGM, the MCZMA will pass an order in the matter, in view of the High court order dated 21.8.2013 in WP (L) No. 1120/2013.

Authority also observed that, in the visit report dated 15.5.2012 of MCZMA subcommittee, the date of UDD NOC is mentioned as 31.5.2009 at point no. 3, which shall be read as 31/5/1999.

Item No.64: Review of District Coastal Zone Monitoring Committee- Raigad District

Representatives of DCZMC, Raigad was absent for the meeting. Hence, the matter was deffered.

Item No.65: Proposed setting up 1220MW of Gas based Power Plant at Uran Dist. Raigad

Project proponent was absent for the meeting. Hence, the matter was deferred.

Item No.66: Regarding construction of building on plot bearing S. No. 92/1/A/1, CTS No. 1961 at mouje Murud, Dist. Raigad

Chief Officer, Murud Janjira Municipal Corporation was absent for the meeting. Hence, the matter was deferred.


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Item No.67: Proposed new construction of residential building on plot bearing Survey No. 50, Hiss No. 3 of Shriwardhan, Dist. Raigad.

Project proponent was absent for the meeting. Hence, the matter was deferred.

Item No.68: Proposed Reconstruction of building bearing S. No. 112/6, CTS No. 891 area 591.53 at Murud Tal. Murud, Dist. Raigad

Project proponent presented the proposal before the Authority. The Authority noted the followings:

The Proposal regarding "Proposed Construction of building bearing S. No. 112/6, CTS No. 891 area 591.53 at Murud Tal. Murud, Dist. Raigad" was considered in the 86th meeting of the Maharashtra Coastal Zone Management Authority held on 27th November 2013.

1. The Murud - Janjira Municipal Council has forwarded the Proposed redevelopment for "residential cum commercial" building on plot bearing S. No. 112/6, C.S. No. 891, Village Murud, Tal. Murud. Dist. Raigad.
2. The proposed redevelopment of residential building comprising of Ground + 3 upper floors for residential cum commercial use.
3. As per the sanctioned Development Plan of Murud - Janjira, the plot under reference is in residential zone.
4. As per the approved CZMP of Murud - Janjira, the plot under reference falls in CRZ II and situated on landward side of existing road.
5. The total area of plot is 1050.00sqmt
6. FSI Details:

As per the layout submitted by the project proponent,

- Total area of land – 1050.00sqm
- Permissible FSI – 1.00
- Deduction for area in green zone – 455.00sqm
- Net area of plot – 595.00sqm


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- Total permissible floor area – 595.00sqm
 - Proposed residential floor area – 521.25sqm
 - Proposed commercial floor area – 70.28sqm
 - Total floor area – 591.53sqm
 - FSI proposed to be consumed – 0.99
7. With reference to the above information, the MCZMA vide its letter dated 30.09.2013 sought information on certain points from the Chief Officer, Murud - Janjira Municipal Council in the subject matter. Accordingly, Chief Officer, Murud - Janjira Municipal Council, forwarded their reply vide letter dated 03.10.2013 on points raised by MCZMA.
8. Point wise reply of the Chief Officer, Murud - Janjira Municipal Council letter dated 03.10.2013 to MCZMA is as follows:
- Whether the proposed construction is new construction on vacant plot or reconstruction of existing structure. If yes, the present use of the existing structure:
The proposed construction is reconstruction of existing structure. The present use of the existing structure is residential use.
 - Authorized details of existing structure & its present use on land under reference:
Built up area of the existing ground floor is 237.20sqm + existing first floor is 237.20sqm. The total BUA is 474.4sqm.
 - Permissibility of the commercial use needs to be ascertained:
The site under reference is in commercial & establishment zone adjacent to road hence, commercial use is permissible.
 - Google Image showing site under reference (colored map):
Google Image showing site under reference is submitted.


Chairman


Member Secretary

The Authority enquired the proponent about the 'present use' of the existing structure on site under reference. Proponent informed that the 'present use' of the existing structure is Residential with a small 'shop' use in it.

The Authority after deliberation decided to direct the project proponent to submit a letter regarding the present use of the existing structure along with proof of documents on site under reference from Murud Janjira Municipal Council and revert.

Murud Janjira Municipal Council vide letter dated 4.12.2014 certified that Shri. Sayyad Ahmed S.E. Alahdad is resident in the House No. 89, Ward No.3 of Murud Janjira and this property having Old Shop of General Stores in the name of M/s. A. R Distributers.

Project Proponent vide letter dated 28.3.2014 mentioned that House No. 89, Ward No.3 of Murud Janjira is used as residential and General stores shop purpose since 10 years. Proposed use of the construction is residential and General stores shop. Copy of the property Tax Certificate and Shop Registration Certificate of Shop Inspector, Murud Janjira dated 13.11.2003 is submitted.

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

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The concerned Planning authority should ensure that the FSI, lay out plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991



Chairman



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4. There should not be violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by Murud Janjira Municipal Council.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.69: Proposed reconstruction of Godown on S. No. (48) 119, Hissa No.1C, CTS No. 596 at mauje Murud, Tal. Murud, Dist. Raigad

Project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The proposal is for reconstruction of LPG gas godown on S. No. (48) 119, H. No. 1C, CTS No. 596 Mauje Murud, Tal. Murud, Dist. Raigad
2. The Murud-Janjira Municipal Council vide letter dated 6.7.2013 mentions, as per sanctioned development plan the plot under reference falls in residential zone.
3. As per the CZMP of Murud-Janjira Municipal Council area, the plot under reference falls in CRZ II.
4. The Murud-Janjira Municipal Council's letter dated 6.7.2013 mentions that, the plot under reference is situated on landward side of the existing road.
5. FSI Details, as per layout plan submitted by project proponent are as follows-,
 - Area of the plot as per 7/12 – 1040 sq m
 - Permissible FSI – 1.00
 - Permissible Floor Area – 1040 sq m
 - Proposed BUA – 71.9 sq m
6. The Chief Officer, Murud-Janjira Municipal Council, forwarded their point wise reply vide letter dated 19.11.2013 on points raised by MCZMA vide letter dated 13.11.2013, as per which:
 - a. The plot bearing CTS No. 596, 119, H. No. 1C is the existing supari & fertilizer godown existing from 1989 as per Municipal records.
 - b. The plot under reference is in Residential Zone and 1.00 FSI is permissible.


Chairman


Member Secretary

- c. The proposed construction of LPG gas godown is by demolishing existing structure.
 - d. Google Image showing the site under reference is submitted.
7. The proposal was discussed in the 87th meeting of the MCZMA held on 20th and 21st January 2014 wherein, the Authority directed the project proponent to submit the reply given to Explosive department against the show cause notice served to proponent. The matter shall be taken up for consideration, only after Explosive Dept decides the matter on the show cause notice issued to proponent. Accordingly, Project proponent vide letter dated 2.5.2014 replied to MCZMA by forwarding the letter dt. 5.4.2013 & 3.2.2014 of Controller of explosive, PESO. The said letter of proponent mentions that Explosive Department license will be obtained after CRZ permission.

The Authority noted that the complaint regarding above mentioned subject was forwarded through email dated 4.6.2012 from Shri. Juman Khanzada to the MCZMA, it was alleged that the proposed construction of Godown is in residential premises of Ganesh Ali and do not have the necessary infrastructure. The complainant has requested to stop construction in coastal zone as it is a hazardous activity for coastal belt without adequate infrastructure.

Proponent presented that proposal involves reconstruction of existing old gas agency structure on land under reference.

Authority observed that reconstruction of existing godown structure in CRZ II is permissible activity. However, the use of the godown for storage of LPG cylinders needs to be examined by the concerned Planning Authority and Explosive Dept. Only after confirmation from Planning Authority as well as Explosive Dept, such use may be allowed.

In the light of above, the Authority after detailed discussion and deliberation decided to recommend the proposal from CRZ point of view to concerned planning Authority subject to following conditions:


Chairman


Member Secretary

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of existing godown structure is permitted. The concerned Planning authority should ensure that the FSI, lay out plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991.
3. All other required permission from different statutory authorities should be obtained prior to commencement of work.
4. There should not be violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by Murud Janjira Municipal Council.
5. If the godown is to be used for storage of LPG, prior clearance from MoEF is required after obtaining clearances from the Planning Authority and Explosive Dept.

Item No.70: CRZ Clearance for proposed upgradation and expansion of existing Ship Building and Ship repair facility at Karul Village, Albaug, Dist- Raigad

The Authority noted that subject proposal was considered in the 59th meeting of MCZMA held on 14.1.2010. As decided in the 59th meeting of MCZMA, the proposal was recommended to MoEF vide letter dated 11.2.2010. The proposal was considered in the 105th meeting of EAC of MoEF held on 21st -23rd September, 2011. The committee noted that the project requires to be considered by the State level Environment Impact Assessment Authority / SEIAA, hence deferred and suggested to send back the proposal. MCZMA forwarded the subject proposal to the State Level Environment Impact Assessment Authority (SEIAA) for appropriate action in the matter. The State Level Expert Appraisal Committee has scrutinized the proposal w.r.t. applicability of EIA Notification, 2006. The proposed activities, i.e. Ship Building & Ship repair are not listed in the Schedule of activities in the EIA Notification, 2006. However, the aforesaid activity is potentially detrimental to coastal water quality and can be a major pollutant. Therefore, SEAC requested to


Chairman


Member Secretary

MoEF, New Delhi to clarify the applicability of the EIA Notification, 2006 for the said activities vide letter dated 15.4.2014. Reply from MoEF to SEAC is awaited.

Project proponent presented the proposal before the Authority. The Authority noted the followings:

1. M/s. Konkan Barge Builders Pvt. Ltd. (KBBPL) has proposed upgradation and expansion of its own existing Ship Building and Ship repair facility at Karul Village, Alibaug, Dist- Raigad which has been operating since 1975.
2. The existing facility is presently functioning on an 8.5 Acre.
3. The expansion project includes construction of –
 - Wet Berth / Jetty of about 200m length for berthing of ships visiting the base for repairs.
 - A slipway of length 195m X 20m with declivity of 1 in 15 is to be constructed for the ship envisaged for repairs.
 - Ship Building Slipway for dynamic launching.
 - Dry – Docking Facilities
 - Workshops to support ship repair works of ships of <100m length that shall berth for repairing
 - Silos for storage of cement, barrites and bentonite will be provided.
 - Suitable storage space for ship repair stores
4. Project Proponent has submitted Techno Feasibility Report for proposed project. and map of demarcation of HTL, LTL & CRZ boundaries prepared by NIO, Goa (June 2009) along with its report. As per the said report,
 - proposed land facilities area is bounded by compound wall with some of permanent structures.
 - Very sparsh mangroves are noticed between HTL and LTL in proposed area. On either side of proposed area, mangroves about 30cm height were noticed over most of the area.
 - The area proposed for shipyard in the creek is not having any mangrove patches.

4. Area Details, As per layout plan submitted by project proponent,
 - Present Plot Area- 23557.20 Sqm


Chairman


Member Secretary

- Reclaimed area- 8176.20 Sqm.
- Dredged area – 6815.0 Sqm.

Authority noted that the MCZMA vide letter dated 25.10.2013 requested to M/s. Konkan Barge Builders Pvt. Ltd. for certain information. Accordingly, M/s. Konkan Barge Builders Pvt. Ltd. submitted its point wise reply vide letter dated 1.11.2013.

- 1) Earlier NOC / permission / clearance for the existing Ship Building and Ship repair facility at Karul Village, Albaug, Dist- Raigad:

The shipyard has been in existence since 1975. The Collector Kolaba granted clearance / approval to Konkan barge builders Pvt. Ltd., allowing KBBPL to commence barge and Ship Building activities. This permission was granted vide order dated 20.8.1975. KBBPL has obtained various No objection certificates – a) Kurul Village Panchayat, b) Office of Special Duty (Ports), Buildings and Communication Department, Mumbai, c) Director of Fisheries, Taraporewala Aquarium, Bombay. The plans and layout of the Shipyard were sanctioned by the Town Planning Authority, Alibag and the Collector Kolaba vide letter dated 5.11.1979 and 3.1.1980 respectively.

- 2) Environmental Impact Assessment and EMP for the proposed project:
Environmental Impact Assessment (EIA) Report along with Environmental Management Plan and Disaster Management Plan has been submitted.
As per EIA report, the proposed expansion and up gradation project consist of a Ship repair and Ship Building Facility including-

- Wet Berth / jetty of size 160 m X 12 m berthing facilities for Ships visiting the base for repairs
- A slipway of length 195 m X 12 m with declivity of 1 in 15 is considered for the ships envisaged for repairs.
- Workshops to support ship repair work
- Ship of <100 m length shall berth for repairing
- Suitable storage space for ship repair stores & warehousing for materials


Chairman


Member Secretary

As per EIA report, details of fishing activities:

- At project site, the width of the creek is about 200 m. Since it is the mouth of the creek, no commercial fishing activity takes place at the project site. Most of the fishing trawlers go into the deep sea for fishing activity. Very little local fishing takes place during the day which is for captive consumption and it takes place 200 – 300 m away from existing project area.
- No medium or big size fishes are found at the project site area as discussed with the local fishermen whereas according to them for bigger catch, they take their mechanical trawlers deep inside the sea. Thus the proposed Ship repair facility would not hamper the fishing activity of the fisherman in the proposed area.

- 3) Permission / clearance for the reclamation and construction of boundary wall which has been already carried out:

The plan for the KBBPL shipyard was sanctioned / approved by the Collector, Alibag and Town Planning Authority on 5.11.1979. Further, Gram Panchayat, Kurul also gave NOC dated 28.2.1979 to carry out construction of various structures, including a boundary wall. The land area of 34, 099 Sq.m. and boundary wall on three sides have been in existence since the inception of the shipyard, which is in the approved layout plan.

- 4) CRZ map in 1:4000 scale with superimposing of project layout prepared by MoEF authorized agencies as per CRZ Notification, 2011:

Report and map (1:5000) of demarcation of High Tide Line and CRZ Boundaries prepared by NIO, Goa (June 2009) has been submitted.

As per the said NIO report,

- The proposed land facilities area is bounded by compound wall with some permanent structures.
- Very sparse mangroves are noticed between HTL and LTL in proposed area. On either side of proposed area, mangroves of about 30 cm height were noticed over most of area.


Chairman


Member Secretary

- The area proposed for ship yard in the creek is not having any mangrove patches.

Further, it is mentioned that, the said CRZ map was considered by the MCZMA in its 59th meeting held on 14.1.2010 and proposal was recommended to the MoEF.

- 5) List of proposed activities along with respective CRZ categorization as per CRZ Notification, 2011:

The proposed expansion and upgradation lies partly in CRZ –I on the river / creek side and partly with regard to the existing facilities in CRZ-III on the landward side. The inter tidal land in front of and adjacent to the water front of the existing land area falls in CRZ –I. The developments in this Inter tidal area will consist of Ship Building and Ship repair Slipway and a wet repair berth / jetty . The landward side falls in CRZ- III category. All infrastructure imperative to the Ship Building and Ship repair facility, like covered sheds, steel fabrication unit, cutting and machine sheds, unit assembly area, store blocks, offices etc. will be built here.

- 6) Site photographs along with time series of Google images for the project site under reference:

Site photographs along with time series of Google images for the project site under reference has been submitted.

Authority deliberated the EIA / EMP of the project and observed that EIA/ EMP submitted by the proponent is general in nature and not project specific. The EIA / EMP does not contain quantitative information.

Authority after detailed discussion and deliberation decided to direct the project proponent to submit the following information:

1. Project specific EIA/EMP of construction and operation phase with quantitative values.
2. NoC from Maharashtra Pollution Control Board.


Chairman


Member Secretary

Item No.71: Proposed development of residential building on plot bearing S.No.40 & 43, Hissa no.1 & 4 , CTS No.991 & 992 at mauje Rahatghar and S.No. 121, Hissa No.4/1, CTS No.4/1, CTS No.993 at mauje Zadgaon, Tal & Dist. Ratnagiri. (Plot No. 3)

Project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The Ratnagiri Municipal Council has forwarded the proposal for development of residential building on plot bearing S. No. 40 & 43, Hissa No. 1 & 4, CTS No. 991 & 992 at mauje Rahatghar and S. No. 121, Hissa No. 4/1, CTS No. 993 at mauje Zadgaon, Tal & Dist. Ratnagiri comprises of ground + first floor for residential purpose.
2. There are three plots i.e. Plot 1, Plot 2 & Plot 3 on the project site. The proposed development is considered on **Plot No. 3.**
3. As per the Ratnagiri Municipal Council letter dated 12.08.2013,
 - The proposed construction is on vacant land.
 - As per the Development plan of Ratnagiri, the plot is in residential zone.
 - As per the CZMP of Ratnagiri, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
 - The total area of plot is 8910.00sqm
4. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot (as per 7/12) – 8910.00sqm
 - Area of plot as per P. C – 16489.90sqm
 - Permissible FSI – 1.00
 - Total area of plot 3 – 205.638sqm
 - Consider area of plot (Plot 3) – 205.638sqm
 - Net area of plot 3 – 205.638sqm
 - Permissible built up area – 205.638sqm
 - Proposed BUA of ground floor – 53.405sqm
 - Proposed BUA of first floor – 48.845sqm
 - Total proposed built up area on plot 3 – 102.205sqm
 - FSI proposed to be consumed – 0.50


Chairman


Member Secretary

MCZMA vide letter dated 18.01.2014 requested to Ratnagiri Municipal Council to submit certain information. The Ratnagiri Municipal Council vide letter dated 01.04.2014, submitted its reply as follow.

Sr. No.	Description	Area (Sq.m)
1	Total Plot Area as per 7/12	8910
2	Total Plot Area as per Property Card	16489.90
3	Total Plot Area As per CTS Map Calculation	8570.161
	a) Plot no.1 (Sanctioned Earlier)	1597.534
	b) Plot No.2	5401.877
	c) Plot No.3 (Proposed Plot)	205.638
4	Total Plot Area of layout Considered as per CTS Map Calculation (Plot 1+2+3)	8570.161
5	Area under road widening for : (i+ii)	1365.112
	i) Plot no.1-182.057	--
	ii) Plot no.2- 1183.055	--
	iii) Plot no.3- No widening	--
6	Proposed Area of Plot No.3 Under Construction	205.638
7	Net Plot Area for Development	205.638
8	Total Permissible Builtup Area	205.638
9	Total Permissible Buildup area of Plot no.3 to be developed	102.250
10	Proposed Ground Floor Area	53.405
11	Proposed First Floor Area	48.845
12	Permissible FSI	1.00
13	FSI Consumed	0.50

Thus, the proposed build up area is 102.250 Sq.m and the otal Plot Area proposed for development of plot no.3 is 205.638 Sq.m.

Authority noted that MCZMA has received a complaint letter dated 16.12.2013 by Mr. D.J. Shivalkar in which alleged that Mr. Surve has illegally claimed their ownership on survey no. 40/1, 40/3, 39/4 & 38/1 of Rahtagar, Ratanagiri, but actual owners are ancestors of the complainant. As per letter dated 10/12/2013


Chairman


Member Secretary

from Tahsildar, Ratnagiri, property's ferfar no. 880/882/883/884 doesn't show any registered purchase of survey no. 41/12, 43/4, 25/2, 27/6, 29/13, 29/14, 36/1, 40/3, 15 k2, 16/4, 37/5 & 40/7.

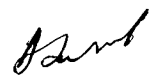
Authority decided that Ratnagiri Municipal Council should examine the complaint for further necessary action in the matter.

In the light of above, the Authority after deliberations decided to recommend the proposal from CRZ point of view to the concerned planning authority subject to strict compliance of the following conditions-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road: the proposed construction should be on landward side of the existing road built prior to 19.2.1991 or landward side of existing authorized structure.
4. The concerned Planning authority should ensure that FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.72: Proposed development of residential building on plot bearing S.No.40 & 43, Hissa no.1 & 4 , CTS No.991 & 992 at mauje Rahatghar and S.No. 121, Hissa No.4/1, CTS No.4/1, CTS No.993 at mauje Zadgaon, Tal & Dist. Ratnagiri. (Plot No. 2)


Chairman


Member Secretary

The project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The Ratnagiri Municipal Council has forwarded the proposal for development of residential cum commercial building on plot bearing S. No. 40 & 43, Hissa No. 1 & 4, CTS No. 991 & 992 at mauje Rahatghar and S. No. 121, Hissa No. 4/1, CTS No. 993 at mauje Zadgaon, Tal & Dist. Ratnagiri comprises of Row Bungalows with ground + first floor and Apartment with Stilt + 4 upper floors & ground + 3 upper floors for residential cum commercial purpose.
2. Proposed development consists of Type A & Type B buildings.
 - Type A building – Wing A & Wing B
 - Type B building – Wing C, Wing D & Wing E
 - There are three plots i.e. Plot 1, Plot 2 & Plot 3 on the project site. The proposed development is considered on **Plot No. 2.**
3. As per the Ratnagiri Municipal Council letter dated 12.08.2013,
 - The proposal is new development of residential cum commercial building on plot bearing S. No. 40 & 43, Hissa No. 1 & 4, CTS No. 991 & 992 at mauje Rahatghar and S. No. 121, Hissa No. 4/1, CTS No. 993 at mauje Zadgaon, Tal & Dist. Ratnagiri. The proposed construction is on vacant land.
 - As per the Development plan of Ratnagiri, the plot is in residential zone.
 - As per the CZMP of Ratnagiri, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
 - The total area of plot is 8910.00sqm
4. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot (as per 7/12) – 8910.00sqm
 - Area of plot as per P. C – 16489.90sqm
 - Permissible FSI – 1.00
 - Considerd area of plot (Plot 2) – 6584.932sqm
 - Road Acquisition Area – 1183.055sqm
 - Net gross area of plot 2 – 5401.877sqm
 - Net plot area for development $5401.877 \times 0.90\%$ - 4861.689sqm


Chairman


Member Secretary

- Plot area for R. G – 5401.877 × 10% - 540.187sqm
- Total area of plot 2 (4861.689 + 1183.055) – 6044.744sqm
- Permissible built up area – 6044.744sqm
- Total proposed built up area on plot 2 – 5996.288sqm
- FSI proposed to be consumed – 0.99

MCZMA vide letter dated 18.01.2014 requested Ratnagiri Municipal Council to submit certain information. The Ratnagiri Municipal Council vide letter dated 01.04.2014, submitted its reply.

Sr. No.	Description	Area (Sq.m)
1	Total Plot Area as per 7/12	8910
2	Total Plot Area as per Property Card	16489.90
3	Total Plot Area As per CTS Map Calculation	8570.161
	d) Plot no.1 (Sanctioned Earlier)	1597.534
	e) Plot No.2 (Proposed Plot)	5401.877
	f) Plot No.3	205.638
4	Total Plot Area of layout Considered as per CTS Map Calculation (Plot 1+2+3)	8570.161
5	Area under road widening for :	1365.112
	iv) Plot no.1-182.057	--
	v) Plot no.2- 1183.055	--
	vi) Plot no.3- No widening	--
6	Proposed Area of Plot No.2 Under Construction	5401.877
7	Deducting Recreation Ground 10% of plot no.2	540.188
8	Net Plot Area for Development (sr. no. 6-7)	4861.689
9	Road widening Area of plot no.2 (5-ii)	1183.055
10	Total Permissible Builtup Area for plot no.2 (sr.no 8-9)	6044.744
11	Total Permissible Buildup area of Plot no.2 to be developed	5996.288
12	Proposed Ground Floor Area	958.607
	a) Total Commercial Area on Ground floor	99.760
	b) Residential area on Ground floor	858.847

13	Stilt Upper Grd.+ First Floor Area	1534.776
14	Stilt Upper First.+ Second Floor Area	1387.563
15	Stilt Upper Second Floor.+ Third Floor	1387.563
16	Stilt Upper Third Floor	727.779
17	Permissible FSI	1.00
18	FSI Consumed	0.99

The Proposed Project comes in R2 Zone as per Development Plan as on 1991 and Commercial use is permissible in R2 Zone as per the Development Control Regulation as on 1991. Thus, the Proposed Build up Area is 5996.288 Sqm and the Total Plot Area proposed for development of **Plot no.2** is **5401.877 Sqm.**


Authority noted that MCZMA has received a complaint letter dated 16.12.2013 by Mr. D.J. Shivalkar in which it is alleged that Mr. Surve has illegally claimed their ownership on survey no. 40/1, 40/3, 39/4 & 38/1 of Rahtagar, Ratanagiri, but actual owners are ancestors of the complainant. As per letter dated 10/12/2013 from Tahsildar, Ratnagiri, property's ferfar no. 880/882/883/884 doesn't show any registered purchase of survey no. 41/12, 43/4, 25/2, 27/6, 29/13, 29/14, 36/1, 40/3, 15 k2, 16/4, 37/5 & 40/7.

Authority decided that Ratnagiri Municipal Council should examine the complaint for further necessary action in the matter.

The Authority after deliberations decided to recommend the proposal from CRZ point of view to the concerned planning authority subject to strict compliance of the following conditions-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town


Chairman


Member Secretary

and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road: the proposed construction should be on landward side of the existing road built prior to 19.2.1991 or landward side of existing authorized structure.

4. The concerned Planning authority should ensure that FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.73: Proposed building for commercial and residential purposes on CTS No. 870/A, B, C & D area 518 sqm.at Alibag, District Raigad.

The Authority noted that the proposal was considered in 87th meeting of the MCZMA held on 20th and 21st Jan, 2014. Since, the proponent was absent, the matter was deferred.

The project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The Alibag Municipal Council has forwarded the proposal for new residential cum commercial building comprising Ground + 2 upper floors plot bearing C.S.No. 870 A, B, C, D at Alibag, Tal. Alibag, Dist. Raigad .
2. As per the Alibag Municipal Council letter dated 08.08.2013,
 - As per development plan of Alibag city dated 20.8.1984, the land under reference falls in Residential zone.
 - As per the CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road.
 - The total area of plot is 518.40 sqm
3. FSI Details, as per the layout plan submitted by the project proponent,


Chairman


Member Secretary

- Total Area of Plot – 518.40sqm
- Permissible FSI – 1.00
- Permissible BUA floor – 518.40 sqm
- Proposed BUA on ground floor (commercial) – 170.49 Sqm.
- Proposed BUA on first floor – 170.49sqm
- Proposed BUA second floor – 170.49 sqm
- Total Proposed built up area – 511.47 sqm

The Authority after deliberations decided to recommend the proposal from CRZ point of view to the concerned planning authority subject to strict compliance of the following conditions-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:the proposed construction should be on landward side of the existing road built prior to 19.2.1991 or landward side of existing authorized structure.
4. The concerned Planning authority should ensure that FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. There should not be violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by Alibaug Municipal Council.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.


Chairman


Member Secretary

Item No.74: Proposed new Residential construction on plot bearing Survey No. 46/1A/5 at Alibag, Tal. Alibag, Dist. Raigad

The Authority noted that the proposal was considered in 87th meeting of the MCZMA held on 20th and 21st Jan, 2014. Since, the proponent was absent, the matter was deferred.

The project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The Alibag Municipal Council has forwarded the proposal for new residential cum commercial building comprising Stilt + raised Ground + raised 2 upper floors on plot bearing Survey No. 46/1A/5 at Alibag, Tal. Alibag, Dist. Raigad
2. As per the Alibag Municipal Council letter dated 08.08.2013,
 - As per development plan of Alibag city dated 20.8.1984, the land under reference falls in Residential zone.
 - As per the CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road.
4. The total area of plot is 504.00sqm
3. FSI Details. as per the layout plan submitted by the project proponent,
 - Total Area of Plot – 504.00sqm
 - Permissible FSI – 1.00
 - Permissible BUA floor – 504.00 sqm
 - Proposed BUA on per floor – 168.00 Sqm.
 - Proposed BUA on raised ground floor – 167.8125sqm
 - Proposed BUA raised first floor – 167.8125 sqm
 - Proposed BUA raised second floor- 167.8125 sqm
 - Total Proposed built up area (Stilt + 3) – 503.4375 sqm

The Authority after deliberations decided to recommend the proposal from CRZ point of view to the concerned planning authority subject to strict compliance of the following conditions-


Chairman


Member Secretary

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road: the proposed construction should be on landward side of the existing road built prior to 19.2.1991 or landward side of existing authorized structure.
4. The concerned Planning authority should ensure that FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

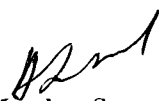
Item No.75: Construction of Pumping Station No. PS 1 at C.S.No. 316, Rajkot Malvan, Dist.Sindhudurg

Authority observed that the proposal should be presented by the concerned officials from Malvan Municipal Council. Consultant present during the meeting did not bring authority letter from Malvan Municipal Council. Hence, the project was deferred.

Item No.76: Proposed construction of two lane approach road for existing Mankule Bridge situated across Kharnai Creek in Raigad District by M/s Public Works Department (PWD)

PWD officials presented the proposal before the Authority. The Authority noted the followings:


Chairman


Member Secretary

- The proposal is the proposed construction of two lane approach road for existing 'Mankule Bridge' situated across Kharnai Creek in Raigad District.
- The Mankule Bridge across kharnai creek is already constructed in the year 2004 & the proposed project involves two way approach road to the Mankule Bridge.
- Project involves two way approach road to the both sides of the bridge. One consists of 1285 m length towards Mankule village and other approach road is of 1850m length towards Dherand village.
- The proposed project is accessible from Pezari Junction & Revas.
- The land under reference falls in CRZ – I & III area.
- EIA and EMP of the project is submitted.

Authority noted that MCZMA vide letter dated 25.2.2014 requested to Public Works Department, Navi Mumbai to submit certain information. PWD vide letter dated 16.4.2014 submitted the required information.

Authority noted the reply of PWD pertaining to mangrove vegetation on the land under reference. As per said reply of PWD, mangroves (*Avicennia* Spp) in the area have height of 1 – 1.5m. The total alignment on the Mankhule of the bridge does not have any mangroves to be disturbed during construction of approach roads. On the other side towards Dherand, entire alignment will be expanded using existing bund road. Widening of the bund road will be only towards the landward side so as not to disturb any mangroves on the other side. But, some disturbance to the mangroves is envisaged. During construction, it is anticipated that about 80 - 100 mangroves plants will be disturbed which will be transplanted and / or replanted five times.

PWD officials presented that Mankule bridge has been constructed. Already existing bund road serves as approach road to the bridge. Existing bund road will be further strengthened into two lane carriage way. Approach road is important for transport facility of fisheries products, agriculture & horticulture products, and is also important from strategic point of view and shall provide speedy and easy transportation services leading to increase in the employment opportunity for the local people by enabling them to reach the urban population in a cheaper and


Chairman


Member Secretary

faster manner. Approach road for the bridge will be used by local inhabitants and it will be maintained by the PWD.

Authority noted that as per the provisions of CRZ Notification, 2011, construction of roads for local inhabitants in CRZ III (NDZ) area is permitted. Further, even in biosphere reserves, construction of roads for traditional inhabitants in CRZ I area is permissible.


In the light of above, the Authority after detailed discussion and deliberation decided to recommend the proposal to Ministry of Environment & Forest subject to compliance of the the following conditions:

1. Proposed construction should be in accordance with the provisions of CRZ Notification, 2011 (as amended from time to time).
2. Approach road should be accessible to local inhabitants.
3. Prior permission of Hon. High Court of Mumbai should be obtained, since project activities will affect mangrove vegetation on site under reference.
4. Debris and other construction waste generated during construction phase of the project shall be segregated and disposed off as per MSW (M&H) rules, 2000 outside CRZ area.
5. There shall be no disposal of effluent into the CRZ area.
6. Tidal flow of river should not be obstructed.
7. Five times the number of mangroves destroyed/cut during the construction process should be replanted. The plan for the same should be submitted to MCZMA.
8. Environment Management Plan should be implemented effectively and efficiently to ensure that coastal environment is protected.
9. All other required permissions from different statutory authorities should be obtained prior to commencement of work

Item No.77: Proposed construction of missing link of Coastal Highway (M.S.H - 4) in Raigad District by M/s Public Works Department (PWD)

PWD officials presented the proposal before the Authority. The Authority noted the followings:


Chairman


Member Secretary

1. The proposal is the proposed construction of missing link for the coastal highway on Dharamtar and Kaleshree rivers in Raigad District.
2. The road is accessible from Zai in Thane District to Reddi in Sindhudurg. This road passes through four districts namely Thane, Raigad, Ratnagiri and Sindhudurg. This Highway running parallel to sea coast and Panvel – Mahad – Panjim road (NH - 17)
3. The proposed project is accessible from Dadar Bridge in Pen Taluka & from Shirwali Junction on Alibag side.
4. The total length of the missing link as per the final alignment is 12.49km which includes the two major bridges. One bridge across Kaleshree Creek - length of 350m. Other bridge across Dharamtar Creek – length of 1700m
5. The road length of the missing link is 9.64km
6. The land under reference falls in CRZ – I & III area.

MCZMA vide letter dated 3.3.2014 requested to Public Works Department, Navi Mumbai to submit certain information. The Executive Engineer, Thane Creek Division No. 1, Konkan Bhavan, Navi Mumbai vide letter dated 16.4.2014, submitted its reply.

1. CZMP showing the proposed project layout on land under reference:
Coastal Landuse map showing the proposed project layout is submitted.
2. Details of length of road in CRZ Area:
12.49 Km (350 m Kaleshri Creek, 1700m Dharamtar creek, Road 10.64 Km)
3. Rapid EIA with Environment Management Plan (EMP):
Environmental Impact Assessment report and Environment Management Plan are submitted.
4. Area of mangroves to be affected by proposed project:
The mangroves (*Avicennia* Spp.) in the area have height up to 1 – 1.5 m. The area around the Kaleshri Bridge does not have any mangroves. The area around Dharamtar bridge on the other hand has about 50 sq.m mangroves.


Chairman


Member Secretary

5. Mangrove Replantation Plan:

Wherever the mangroves are disturbed, re plantation will be done at a rate of 5 times

6. Total length of bridge / missing link falling in CRZ area:

Bridge on Kaleshri creek is 350m, bridge over Dharamtar creek is 1700 m and balance missing link is 10.64 km

7. No. of piers of bridge falling in creek water / CRZ area:

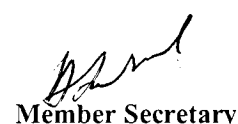
Dharamtar bridge has 32 piers and Kaleshri bridge has 8 piers.

Authority examined the location of site as per the approved coastal land use map in 1:25000 scale prepared by SAC, Ahemadabad, as per which, the site falls in CRZ I, III and water area (CRZ IV).

Authority discussed the EIA and EMP of the project presented by the proponent. EMP consists of measures to be taken during construction and operational phase of the project which is as follows:

Components	Operation phase	Constuction phase
Air	<ul style="list-style-type: none">• Providing trees along the road• Smooth traffic flow and regulation : PUC check• Signage's on alignment	<ul style="list-style-type: none">• Providing trees along the road• Smooth traffic flow and regulation : PUC check• Signage's on alignment
Water	<ul style="list-style-type: none">• Construction water will be channelized properly to avoid entry into water body.• Care shall be taken to avoid layer of suspended solids and spillage of oil and grease in the creek water during transportations of raw	<ul style="list-style-type: none">• Strom water drainage will be properly maintained by well designed drainage system.


Chairman


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	material, superstructure and pre-casted material.	
Land	<ul style="list-style-type: none"> • Proper and separate storage of construction materials. • Segregation of waste at source. • Waste shall be disposed through authorized agents. 	<ul style="list-style-type: none"> • All applicable standards, legislation, policies and procedures will be follow during operation. • Regular inspection of the bridges.
Biology	<ul style="list-style-type: none"> • No impacts on biology is envisaged. 	<ul style="list-style-type: none"> • Providing trees along the road. • Plant species selected based on adaptability to geographic conditions and keeping in view the local species and their benefits to site.

Solid waste:

Debris & other waste generated during construction phase around 800 kg shall be segregated & disposed off as per the prevailing norms.

Mangrove Restoration Plan:

- As per the CRZ notification guidelines, 5 times the affected area of the damaged mangroves will be replanted on an area fixed by the concerned authorities and also as per compensatory afforestation plan.
- Proper mitigation measures shall be deployed during construction phase so that the sediments do not disperse to the mangrove blocks.

Authority opined that PWD need to construct 4 lane bridge with width of 30 m instead of 2 lane with width 12 m, considering heavy traffic, increasing importance of tourism in this region and future requirements.


Chairman


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In the light of above, the Authority after detailed discussion and deliberations decided to recommend the present proposal from CRZ point of view to MoEF subject to strict compliance of following conditions:


1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011.
2. Ecology of the surrounding area shall be maintained. Tidal Flow of creek water should not be obstructed by any means.
3. Proponent should consult the local fishermen communities and should strictly ensure that activities of local fishermen communities are not hampered.
4. Height of the pillars should be such that free movement of fishing boats is ensured.
5. Project proponent should implement Environment Management plan for the project effectively and efficiently during construction and operational phase of the project to ensure that coastal environment is protected.
6. Excavated debris should be disposed in Non CRZ area.
7. Five times the number of mangroves destroyed/cut during the construction process should be replanted. The plan for the same should be submitted to MCZMA.
8. Project proponent should obtain prior Hon'ble High Court permission, since there is destruction of mangroves due to project.
9. All other required permissions from different statutory authorities should be obtained prior to commencement of work

Item No.78: Proposed new residential building on plot bearing Plot. No. 233, S. No. 29 A/1, Shreebag no. 2, village Alibag, Tal. Alibag, Dist. Raigad.

The project proponent presented the proposal before the Authority. The Authority noted the followings-

The proposal is submitted through the Alibag Municipal Council, vide letter dated 11th November, 2013. The proposal is for the residential use. In the said letter by Alibag Municipal Council, the proponent observed that the plot no. 206


Chairman


Member Secretary

was mentioned by mistake instead of the plot no.233. Therefore, the proponent has sent a letter dated 1.2.2014 along with letter from Alibag Municipal Council dated 31.01.2014, to consider plot no. 233 for the proposed plan. The details of the said proposal are as follows:

1. The Alibag Municipal Council vide its letter dated 31.01.2014 has forwarded the proposal for new residential building on plot bearing Plot. No. 233, S. No. 29A/1, Shreebag no. 2, village Alibag, Tal. Alibag, Dist. Raigad comprises of Stilt + raised ground floor + raised upper floor for residential purpose.
2. As per the Alibag Municipal Council letter dated 31.01.2014,
 - The proposal for new residential building on plot bearing plot no. 233, S. No. 29A/1, Shreebag no. 2, village Alibag, Tal. Alibag, Dist. Raigad.
 - As per the Development plan of Alibag, the plot is in residential zone. The proposed construction is on vacant plot.
 - As per the CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
 - The total area of plot is 48.00sqm
3. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot – 48.00sqm
 - Permissible FSI – 1.00
 - Total permissible BUA – 48.00sqm
 - Total permissible BUA per floor – 24.00sqm
 - Proposed BUA on ground floor – 24.00sqm
 - Proposed BUA on first floor – 24.00sqm
 - Total Proposed built up area – 48.00sqm

The Authority after deliberations decided to recommend the proposal from CRZ point of view to the concerned planning authority subject to strict compliance of the following conditions-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.


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3. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road: the proposed construction should be on landward side of the existing road built prior to 19.2.1991 or landward side of existing authorized structure.
4. The concerned Planning authority should ensure that FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.79: Proposed reconstruction of residential cum commercial building on plot bearing S. No. (25) 97, Hissa No. 8A 2, C. S. No. 794, Village Murud, Tal. Murud, Dist. Raigad.

The project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The Murud Janjira Municipal Council has forwarded the proposal for reconstruction of residential cum commercial building comprises of ground floor + upper first floor for residential cum commercial purpose on plot bearing S. No. (25) 97, Hissa No. 8A 2, C. S. No. 714, Village Murud, Tal. Murud, Dist. Raigad.
2. As per the Murud Janjira Municipal Council letter dated 13.11.2013,
 - The proposal for reconstruction of residential cum commercial building on plot bearing S. No. (25) 97, Hissa No. 8A 2, C. S. No. 714, Village Murud, Tal. Murud, Dist. Raigad.
 - As per the Development plan of Murud Janjira, the plot is in residential zone.
 - As per the CZMP of Murud - Janjira, the plot falls in CRZ II and situated on the seaward side of the existing road.
 - The total area of plot is 315.00sqm


Chairman


Member Secretary

3. As per the Tax Certificate 2011 – 2012 dated 19.6.2013, the present status of the existing structure is residential. The project proponent has submitted the license of the existing shop issued by the Murud Janjira Municipal Council on the said plot.
4. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot – 315.00sqm
 - Permissible FSI – 1.00
 - Net plot area – 315.00sqm
 - Permissible floor area – 105sqm
 - Proposed BUA of ground floor – 54.978sqm
 - Proposed BUA of first floor – 54.978sqm
 - Total built up area Ground + First floor – 109.956sqm

MCZMA vide its letter dated 10.02.2014 sought information on certain points from the Chief Officer, Murud - Janjira Municipal Council in the subject matter. Accordingly, the Chief Officer, the Murud - Janjira Municipal Council, forwarded their reply vide letter dated 17.02.2014 on points raised by MCZMA.

Point wise reply of the Chief Officer, Murud - Janjira Municipal Council letter dated 17.02.2014 to MCZMA is follows:

Sr No.	MCZMA query	MJMC reply (17.2.2014)
1	Authorization details and present use of the existing structure of land under reference as on 19.02.1991.	Existing structure is used for residential cum commercial use and it come under Residential Zone.


Chairman


Member Secretary

2	The Murud - Janjira Municipal Council letter dated 13.11.2013 mentioned that the said project is for regularization of the existing structure. Clarification from Murud - Janjira Municipal Council on present status of work.	Present structure is existing from 1960 as per municipal record. It is in dilapidated condition and needs reconstruction. As it is beyond repair so the clearance from MCZMA is necessary.
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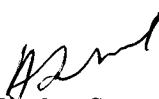
The Authority after deliberation decided to recommend the proposal to concerned planning authority from CRZ point of view subject to strict compliance of the following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The concerned Planning authority should ensure that the FSI, lay out plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. There should not be violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by Murud Janjira Municipal Council.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.80: Proposed construction of Holiday Home at Gut No. 447, 448 Hissa No. 1, 2 of Mouje Kolgaon, Tal- Alibaug, Dist - Raigad

Project proponent was absent for the meeting. Consultant appeared before the Authority did not bring authority letter from Proponent. Hence, the matter was deferred.


Chairman


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Item No.81: Proposed redevelopment of residential building on plot bearing S. No. 106 A 1 A, Hissa No. 9/1, CTS No. 1370 & 1370/1 at Mauje Zadgaon, Tal & Dist. Ratnagiri

The project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The Ratnagiri Municipal Council has forwarded the proposal for redevelopment of residential building comprises of Ground + upper 2 floors on plot bearing S. No. 106 A 1 A, Hissa No. 9/1, CTS No. 1370 & 1370/1 at mauje Zadgaon, Tal & Dist. Ratnagiri by demolishing existing structure.
2. As per the Ratnagiri Municipal Council letter dated 26.11.2013,
 - a. The proposal is redevelopment of residential building on plot bearing S. No. 106 A 1 A, Hissa No. 9/1, CTS No. 1370 & 1370/1 at mauje Zadgaon, Tal & Dist. Ratnagiri.
 - b. As per the Development plan of Ratnagiri, the plot is in residential zone.
 - c. As per the CZMP of Ratnagiri, the plot falls in CRZ II and situated on the landward side of the existing road prior to 1991.
3. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot (as per 7/12) – 680.00sqm
 - Permissible FSI – 1.00
 - Net plot area – 680.00sqm
 - Permissible built up area – 510.00sqm
 - Existing built up area to be demolished – 46.82sqm
 - Proposed BUA of ground floor – 224.15sqm
 - Balanced open area in plot – 455.85sqm
 - Proposed BUA of first floor – 219.49sqm
 - Proposed BUZ of second floor – 63.57sqm
 - Total built up area of plot – 507.21sqm
 - FSI proposed to be consumed – 0.745


Chairman


Member Secretary

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

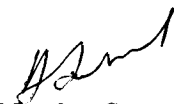
1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The concerned Planning authority should ensure that the FSI, lay out plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. There should not be violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by Concerned Planning Authority.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.82: Proposed construction of residential buildings on plot bearing S.No.11, Hissa no. 2, Mouje Sukhtanbag, Taluka-Vengurla, Dist - Sindhudurg

The project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The Revenue Department, Savantwadi vide its letter dated 09.01.2014 has forwarded the proposal for Proposed construction of residential buildings on plot bearing S.No.11, Hissa no. 2, Mouje Sukhtanbag, Taluka-Vengurla, Dist - Sindhudurg.
2. As per the letter dated 09.01.2014 by the Revenue Department, Savantwadi,
 - In the Ratnagiri - Sindhudurg Regional Plan sanctioned on 23.12.1987, detailed use / zone is not mentioned. However, as per Development Control Regulations of B & C category Municipal Councils Residential use is permissible.


Chairman


Member Secretary

- As per Regional plan revised on 15.10.2004, the land under reference falls in T-3 zone. Residential use in T-3 zone is permissible.
 - As per the Coastal Landuse Map, the plot falls in CRZ III (within 200m to 500m from HTL)
 - As per letter dated 11.07.2013 by Sarpanch, Grampanchayat Ubhadanda, Mr. Dilip Lakshman Girip (proponent) is the resident of village Girpwada and he is the owner of the plot bearing S.No.11, Hissa no. 2, Mouje Sukhtanbag, Taluka-Vengurla, Dist – Sindhudurg
3. Proposed buildings (A & B) comprises of stilt + ground floor + one floor with height of 9 meter for residential purpose.
4. FSI Details, as per the layout plan submitted by the project proponent,

A	AREA STATEMENT	(Sq.mt)
1.	Area of Plot	5260.00
2.	Deduction for:-	
	a) Proposed Service Road	606.00
	b) Road Acquisition area	465.00
	c) Any Reservation	Nil
	Total (a+b+c)	1071.00
3.	Gross Area of Plot (1-2)	4189.00
4.	Deduction for amenity space As per BYE Law no.13.3.11	Nil
5.	Net Area of Plot:- 90% of (3-4) As per DCR Rules applicable today	3770.10
5a.	Net Area of Plot: 75% of (3-4) As per DCR rules in 19.2.1991	3141.75
6.	Addition of Area for F.S.I	Nil
7.	Total Area (5+6)	3770.10
8.	F.S.I permissible as on today	1
8a.	F.S.I permissible as on 19.2.1991	1
9.	Permissible Floor Area (7 X 8) as on today	3770.10
9a.	Permissible Floor Area (5a X 8a) as on 19.2.1991	3141.75
10.	Existing floor area	Nil

11.	Proposed total floor area	2889.34
12.	Excess balcony area taken in Total Floor area F.S.I	Nil
13.	Total Built-up area (10+11+12)	2889.34
14.	F.S. I. Consumed (13/9) As per DCR Rules applicable today	0.77
15.	F.S. I. Consumed (13/9a) As per DCR Rules on 19.02.1991	0.92
16.	Area under parking (stilt floor)	1444.67
17.	Open Space Provided (min. 10% of Gross area of plot)	422.50

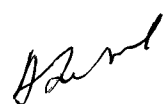
Authority noted that as per para 8(i)III(B)(vii) of CRZ Notification, 2011, Construction or reconstruction of dwelling units so long as it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans is permissible. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor).

Authority observed that the proposed construction (proposal) in CRZ III area is not in conformity with the provisions of CRZ Notification, 2011 as the proposed construction activity is of commercial nature considering the larger built up area (2889.34 sqm.). Hence, the proposal is rejected.

Item No.83: Proposed construction of residential building on plot bearing Gut no. 43, Mauje Murud, Tal. Dapoli, Dist. Ratnagiri

The project proponent presented the proposal before the Authority. The Authority noted the followings-


Chairman


Member Secretary

1. The proposal is submitted through the Collector's office, Revenue & Forest Department, Ratnagiri vide letter dated 15th January, 2014
2. As per the Collector's office, Revenue & Forest Department, Ratnagiri, letter dated 15.01.2014, the plot under reference falls in CRZ III. Distance of the project site is near about 400m from HTL of Arabian Sea.
3. The proposal for construction of residential building comprising of ground + 1st Floor on plot bearing Gut no. 43, Mauje Murud, Tal. Dapoli, Dist. Ratnagiri. Height of the proposed residential building is 8.75m.
4. FSI Details, as per the layout plan submitted by the project proponent,

Sr.No.	Details	Area in sqm
1	Area of Plot as per 7/12	4300.00
2	Deduction for Road acquisition area	835.09
3	Net area of plot (3-4)	3464.91
4	F.S.I. Permissible	0.75
5	Permissible Built-up area	3464.91 X 0.75= 2598.68
6	Proposed Built- up area-	
	Ground floor	856.64
	1 st Floor	817.94
	Total built up area	1674.58
7	F.S.I consumed	0.48

MCZMA vide letter dated 19.5.2014 requested to the Dy. Collector, Ratnagiri to submit certain information. Project proponent vide letter dated 21.5.2014 submitted its reply.

Authority noted that as per para 8(i)III(B)(vii) of CRZ Notification, 2011, Construction or reconstruction of dwelling units so long as it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans is permissible. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor).


Chairman


Member Secretary

Authority observed that the proposed construction (proposal) in CRZ III area is not in conformity with the provisions of CRZ Notification, 2011 as design of plans (duplex structure) shows that it will be used for commercial purpose. Hence, the proposal is rejected.

Item No.84: Proposed residential construction on plot bearing S. No. 389, Hissa No. 262, Tal. Guhaghar, Dist. Ratnagiri.

Project proponent presented the proposal before the Authority. The Authority noted the following:

1. The Chief Officer, Guhaghar Nagar Panchayat has forwarded the subject proposal vide letter dated 26.12.2013.
2. The proposal is for proposed ground floor residential bungalow on plot bearing S. No. 389, Hissa No. 262, Tal. Guhaghar, Dist. Ratnagiri. Proposed height of the bungalow is 4.71m.
3. As per Guhaghar Nagar Panchayat letter dated 26.12.2013, the plot under reference falls in residential zone.
4. As per Coastal Landuse Map showing the site under reference submitted by Project Proponent, the site under reference falls in CRZ- III area. Guhaghar Nagar Panchayat letter dated 26.12.2013 mentions that, the plot under reference falls in CRZ-III (within 200 m to 500 m from HTL of sea)
5. FSI details, as per layout plan submitted by project proponent,
 - Total plot area of Gut No. 389 – 3500.00 Sqm.
 - Area owned by Mr. V.R. Ramane-1700.00 Sqm.
 - Area under road widening – 100 Sqm.
 - Net Plot area – 1600.00 Sqm.
 - Permissible BUA -533.33 Sqm.
 - Proposed BUA – 119.44 Sqm.

Authority noted that as per para 8(i)III(B)(vii) of CRZ Notification,2011, construction or reconstruction of dwelling units so long as it is within the ambit of traditional rights and customary uses such as existing fishing villages and


Chairman


Member Secretary

goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor)".

Authority observed that the proposed construction in CRZ III area is in consonance with the provisions of CRZ Notification, 2011. Hence, the Authority after deliberation decided to recommend the proposal from CRZ point of view to concern planning Authority subject to strict compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. The concerned Planning Authority should ensure that proposed construction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor)
3. No commercial exploitation of the proposed construction is allowed.
4. Concerned planning Authority should ensure that proposed construction is for local inhabitant of the area.
5. There should not be violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by concerned planning Authority.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.85: Proposed construction on plot bearing S.No.113, Hissa No. 11B, CTS No. 1699, mouje Murud, Tal – Murud, Dist - Raigad

The project proponent presented the proposal before the Authority. The Authority noted the followings-

1. The Chief Officer, Murud Janjira Municipal Council forwarded the proposal of construction on plot bearing S.No.113, Hissa No. 11B, CTS No. 1699, mouje Murud, Tal – Murud, Dist - Raigad Subjected proposal vide letter dated 4.1.2014.


Chairman


Member Secretary


2. Murud Janjira Municipal Council mentioned vide letter dated 4.1.2014, as per Development Plan of Murud sanctioned on 28.1.1977, the land under reference partly falls in Residential and partly falls in Wadi Zone.
3. As per CZMP of Murud Janjira Municipal Council, the land under reference falls in CRZ-II and landward side of existing road.
4. The proposal is for proposed construction of residential cum commercial building comprises of Ground + 3 floor on plot bearing S.No.113, Hissa No. 11B, CTS No. 1699, mouje Murud, Tal – Murud, Dist - Raigad
5. FSI details, as per layout plan submitted by Project Proponent,
 - Total plot area – 820 Sqm.
 - Area under Green Zone – 150.50 Sqm.
 - Net area of Plot – 669.50 Sqm.
 - Permissible FSI – 1.00
 - Permissible floor area – 669.50 Sqm.
 - Proposed BUA – 668.30 Sqm.

MCZMA vide letter dated 20.5.2014 requested to MJMC to submit certain information. The MJMC vide letter dated 22.5.2014, submitted its reply.

Sr No.	MCZMA query	MJMC reply
1	Whether the plot under reference is landward side of the existing road / structure as on 19.2.1991.	Yes, the plot under reference is located on landward side of existing road
2	Permissibility of commercial construction on plot under reference.	Commercial activity is permissible on the plot as per revised DP and Development Control Rules.
3	Details of existing structure, if any on plot under reference.	The plot is a vacant Plot.

Further, it is mentioned that, Shri. Mehendra Jain & Others has transfered the land (7/12) to Shri. Chand Bepari & Others.


Chairman


Member Secretary

In the light of above, the Authority after deliberations decided to recommend the proposal from CRZ point of view to the concerned planning authority subject to strict compliance of the following conditions-

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
3. Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road: the proposed construction should be on landward side of the existing road built prior to 19.2.1991 or landward side of existing authorized structure.
4. The concerned Planning authority should ensure that FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. There should not be violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by Murud Janjira Municipal Council.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.86: Proposed work of providing Infrastructure facilities to the fishermen at Navapada (Koliwada), Tal. Uran, Dist. Raigad

Project proponent presented the proposal before the Authority. The Authority noted the followings:


Chairman


Member Secretary

1. The Commissioner Fisheries, Maharashtra State, Mumbai vide letter dated 15.3.2014 submitted the proposal for Proposed work of providing Infrastructure facilities to the fishermen at Navapada (Koliwada), Tal. Uran, Dist. Raigad to MCZMA
2. The proposal is for proposed work of providing Infrastructure facilities to the fishermen at Navapada (Koliwada), Tal. Uran, Dist. Raigad. It is necessary to provide Infrastructure Facilities to the fishermen at Navapada to park their boats & providing jetty & other facilities. Work at Navapada Comes under CRZ-I.
3. Proposed project involves-
 - Construction of Breakwater (300 X 20m)
 - Construction of Solid Jetty (200 X 5 m)
 - Construction of Boat repairing Yard (200 X 25 m)
 - Strengthening of approach road (300 X 6 m)
 - Removing submarine Rock (200 X 130 X 0.60m) – 156Cum

Authority examined the location of site as per the Coastal land use map prepared by SAC, Ahmedabad. As per the said map, the project falls in CRZ I, III and water area (CRZ IV area)

Authority deliberated on likely impact of Construction of Breakwater (300 X 20m) and Construction of Solid Jetty (200 X 5 m) in Karanja creek on surrounding coastal ecology. Authority observed that there is rich coastal ecology having mudflats, mangroves and other ecosensitive features surrounding the Karanja creek. Extensive network/ branches of small creeklets / streams are existing in the area. Authority felt that expert opinion should be taken for breakwaters for suitable location and its impact on erosion or accretion of the coastline/ sandy tidal flats etc.

Authority instructed Project proponent to ensure that construction of breakwater and jetty in the Karanja creek should not obstruct/restrict free flow of tidal water into the creek ecology behind so that ecologically sensitive and geomorphological features of the coast are protected and conserved. Authority


Chairman


Member Secretary

further suggested that location and design of the breakwater and jetty should be done based on scientific studies on flow regime and hydrodynamics of the region by a competent agency.

Authority observed that the project proponent needs to submit the Rapid EIA/ EMP for the project, which is not submitted.

Authority after detailed discussion and deliberation decided to recommend the proposal to MoEF subject to submission of Rapid EIA/ EMP for the project and strict compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011.
2. Project proponent shall ensure that construction of breakwater and jetty in the Karanja creek do not obstruct/restrict free flow tidal water into the creek ecology behind so that ecologically sensitive and geomorphological features of the coast is protected and conserved.
3. Opinion and suggestions of the local traditional dwellers shall be taken into account before implementation of the project.
4. Expert opinion should be taken for breakwaters -for suitable location and its impact on erosion or accretion of the coastline/ sandy tidal flats etc.
5. Proponent should submit Environment Management Plan with specific financial budget allocated for protection of coastal zone.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Table Item No.1: Construction of Ratnagiri Fishery Harbour Stage- II at Mirkarwada, Ratnagiri by Fisheries Department, Govt. of Maharashtra

Project proponent presented the proposal before the Authority. The Authority noted the followings:


Chairman


Member Secretary

1. The Commissioner of Fisheries, GoM vide letter dated 22.11.2013 forwarded the proposal of Construction of Ratnagiri Fishery Harbour Stage- II at Mirkarwada, Ratnagiri by Fisheries Department, Govt. of Maharashtra
2. The proposed fishing Harbour is to be located at village Mirkarwada, Tal. Ratnagiri, Dist. Ratnagiri. The site is located adjacent (towards north) to the existing Mirkarwada, Phase-I fishing Harbour. The coordinates of the proposed fishing harbour site are 16°59'41"N and 73°18'41"E.
3. The Stage -I of the fishery harbour at Ratnagiri was approved by Ministry of Agriculture, Govt. of India in April, 1977. The harbour was designed for a fleet size of 350 numbers of 12 m. length and 40 numbers of 16 m length mechanized fishing vessels. The main components of the harbour are as follows:

• Main breakwater (Western)	-	490 m
• Leeward breakwater (Northern)	-	420 m
• Quays	-	672
• Jetties	-	325
• Retaining Wall	-	24 m
• Auction Hall	-	6000 Sq.m.
• Internal Roads to connect facilities	-	17000 Sq.m.
• Other Internal Roads	-	13000 Sq.m.

Ancillary facilities like fuel station, drainage, sewerage and toilets, water supply, power and lighting, offices and fencing. The construction of the harbour commenced in April 1978 and harbour is in operation since 1986. The harbour has not been put to full use due to heavy siltation in the harbour basin and the approach channel. In order to overcome the problems of siltation inside the harbour and to overcome the congestion inside the harbour caused due to increase in fleet size, the Central Institute of Coastal Engineering for Fisheries in consultation with the state Fisheries Department and Central Water and Power Research Station (CWPRS), Pune has proposed for stage-II development of the existing fisheries harbour. Necessary provisions have been made in the cost estimate for providing beacons at the heads of the two breakwaters as guide lights for the fishing vessel to approach safely through the entrance channel in to fishing harbor.

1. The revised Techno-economic Feasibility Report is prepared by Central Institute of coastal engineering for fishery (CICEF), Bangalore in March 2013. The proposed Ratnagiri fishery harbour Stage II has been designed to provide fish landing, outfitting, boat repair, idle-berthing and other infrastructure facilities for 500 fishing boats comprising 300 nos. of 16 m trawlers and 200 nos. of 17 m purse-seiner-cum-trawlers. Considering the

requirement of the fishermen, the following facilities were proposed in Stage II expansion:

- Extension of western breakwater by 150 m
- Removal of existing northern breakwater and construction of new northern breakwater of 675 m long
- Fish handling and auction hall
- Internal asphalted road and WBM surfaces
- RC sloping hard
- Net mending sheds — 2 nos.
- Fishermen rest sheds — 2 nos.
- Boat repair shop
- Fishery administration office
- Restaurant
- Radio-communication centre
- Public toilet — 2 nos.
- Security/guard house
- Compound wall
- Ice plants and ancilliary facilities
- Cold storages.

The proposal also envisages development of water supply, sewerage, electrical power supply, navigational aids, greenery, fire protection etc. Further, the proposal contained provision of repairs to existing facilities. Based on mathematical model studies conducted by Central Water and power Research Station (CWPRS), Pune, the layout of fishery harbour has been finalized. The layout is submitted. The main features of the layout are as follows:

- Extension of western Breakwater by 150 m length
- Northern Breakwater - 675 m long
- Wharf -340 m long
- Jetty -2 Nos - 90 m long
- Auction hall - 2 Nos-100m long
- Gear Sheds - 6 Nos
- Net Mending Sheds- 5 Nos
- Rest Sheds - 2 Nos.

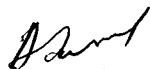
• **Fleet Size:**

The proposed stage-II fisheries harbour shall be designed for a total fishing fleet of 500 MFVs comprising 300 number of 16 m length and 200 number of 17 m length trawlers.

• **Basin Depth:**

The minimum draft of biggest vessel using the harbour i.e 17 m length is about 2.80 m. As per IS 4651 (Part IV) 1980, Code of practice for Planning and Design of Port and harbours, an allowance of about 0.60 m is required for under keel clearance. Hence a total water depth of 3.40 m is required


Chairman


Member Secretary

during MLLW. The harbour basin is proposed to be dredged to -3.0 m which ensures a water depth of 3.52 m during MLLW.

- **Required length of waterfront:**

The water front length required for landing, berthing, outfitting and repair at the harbour are based on the number and size of the vessels using the harbour and the annual average landing per vessel.

Detail of various lengths

S.No	Type	Length		Total length
		16m Vessels (Trawlers)	17m Vessels (Trawlers)	
1	Landing Length	216 m	209 m	425 m
2	Outfitting Length	72m	57m	129m
3	Berthing Length	1026 m	722 m	1748 m
4	Repair Length	54 m	38 m	92 m

- **Fishermen Gear Sheds**

Six Gear Sheds each of plinth area of 170 m² are proposed for storage and repair of fishing gear.

- **Net Mending Shed**

Net mending shed is required for repairing of nets. Five sheds, each with a plinth area of 257.35 m² are proposed in the layout.

- **Fishermen Rest Shed**

Two Rest Sheds each with a plinth area of 214.40 m² are provided to enable the fishermen to take rest immediately after returning from fishing.

- **Workshop**

Two workshop building each with an area of 98.4 m² are required for carrying out repair of fishing vessels, engines etc.

- **Water Supply**

Fresh water supply is required to be made available for fishing vessels that go for fishing voyage, fishermen and other public utilities, ice plants etc. The total water requirement in the proposed Mirakarwada fisheries harbor is 425 m³/day. About 75 m³/day of water will be required during construction phase.

A sump and over head tank each of one lakh litres capacity with a good network of water distribution system have been provided in the estimate.

Drainage and Sewerage


Chairman


Member Secretary

The storm and surface water from the road surfaces would be collected in the storm water drains provided alongside the road surfaces. The discharge shall be directly taken in to the sea, as they do not need pre-treatment. The sullage from the fish auction and packing halls, processing sites etc. and the sewage from public toilets need pre-treatment before disposal. As such, it would be necessary to have separate drainage and sewerage systems for both storm water and sewage.

- **Power and Lighting**

A transformer station of proper capacity is to be installed for distribution of electric power within the fishery harbour complex. Provision for extension of 3 phase L.T line to the site with 250 KVA capacity transformers, 50 KV A capacity diesel generator with room and service connection to new buildings and outside lighting to the harbour area etc. have been earmarked in the project estimates.

- **Fishermen Gear Sheds**

Between the rest days of the fishing voyages and during non-fishing season, some fishing vessel operators for security reasons prefers to keep their fishing gears in the fishermen gear sheds instead of keeping them in the fishing vessels. As such, fishing gear storage cabins with locking arrangements are required to be provided in a fishery harbour. For this purpose, two number of fishing gear storage sheds in two blocks each having 12 cabins with a plinth area of 174 sq.m have been proposed in the fishery harbour. Each cabin is provided with racks for storing pretty items like paints, lubricants, hooks, floats etc.

- **Net Mending Shed**

Fishermen's nets would become wet and damaged to some extent after each fishing trip. A top covered shed with four sides open is required for the fishermen to repair their nets sitting under the sunshade and net mending yard to make them dry. It is generally observed that fishermen do their nets mended/dumped for drying on the jetty surface (see photo 10). Two such net mending sheds having a total plinth area of 517.6 sq.m are proposed for this purpose. Each net mending shed is 10.23 m wide and 25.23 m long with a plinth area of 258.80 sq.m. Dwarf brick wall provided in the centre of the shed on either sides of the columns in the longitudinal direction divides the floor area into two halves for effective utilization of the available space. In addition to the sheds area, open space available surrounding these sheds would be made use for spreading and drying of nets.

- **Fishermen Rest Shed**

Two fishermen rest sheds are proposed with a plinth area of 205.85 sq.m each. These sheds are provided with facilities like bath rooms, toilets, urinals, wash basins, sit-outs and cupboards for storing few important personal things carried by the fishermen.


Chairman


Member Secretary

- **Fishery Administrative Office**

A fishery administrative office with a plinth area of 177 sq.m is provided close to the fish auction hall near the main entrance. The building consists of an office room, record room and rooms for the officers along with necessary utilities viz., toilets and wash basins.

- **Restaurant**

Those working in the harbour office and daily visitors, a restaurant is proposed in front of the fishery administrative office with a plinth area of 120.5 sq.m. It consists of rooms for kitchen, dish washing, store, service, gas and toilet block.

Radio-Communication Centre

A radio-communication centre is required in a fishery harbour in order to coordinate the shore-to-ship and vice-versa communication between the fishing vessels, to watch and regulate vessels movements, to provide information regarding fishing grounds, movement of fish shoals, navigation hazards etc., to the fishermen. The centre would provide facilities for display of signals, flags and lamps required regarding the weather information and cyclone warnings during rough weather to the fishermen. A radio-communication centre is proposed in the layout besides the fishery administrative office near to the entrance in order that fishermen can observe the daily weather and important information regarding fishing grounds before venturing for a voyage. Necessary provision is made in the cost estimate for the construction of one building of 15.5 sq.m area.


- **Boat Repair Shop**

For carrying out electrical/mechanical/carpentry related repairs to the fishing vessels, checking of lubrication and cooling systems of the engines etc. a boat repair shop is provided in Stage II fishery harbour development. It is located at the repair quay near the sloping hard for easy access to the vessels requiring repair. It consists of an office room, a mechanical shop, an electrical w/shop and a carpentry shop in addition to facility like sufficient capacity crane. A building with an area of 98.4 sq.m is provided in the layout.

- **Public Toilet Block**

A fishery harbour layout essentially need to have a toilet block containing facilities for water closet and bath room. Two such blocks, each having an area of 82 sq.m are proposed in the integrated fishery harbour (existing and Stage II development), one in the utility area behind the restaurant and other near vehicle parking area. The two toilet blocks are in addition to the two blocks already existing outside the compound wall on east side. Usual toilet and bathing facilities are also made available in the fishermen's rest sheds, restaurant and other buildings.


Chairman


Member Secretary

Security/Guard House

A guard house is proposed at the entrance to the fishery harbour in addition to the existing one at the eastern entrance of the harbour so that the vehicles carrying fish loads and other fish products will pay the necessary toll before they leave the premises. It consists of a change/rest room for the security staff and an attached toilet block along with a counter to facilitate toll collection. The plinth area of the proposed security/guard house is 27.40 sq.m.

- **Effluent Treatment Plant**

Effluent from fish handling and auction hall and other landside buildings infrastructures of the entire fishery harbour complex before letting into the open seawaters would be properly treated and disinfected for contaminants for which, provision is made for wastewater treatment system and septic tanks in individual buildings. Effluent collected from the fish handling and auction hall at the end of the sewers would be given secondary treatment in a specially built effluent treatment unit to be set up at one corner of the fishery harbour complex. The proposed effluent treatment unit would include fully covered RCC tanks for collecting sewage water taking into account hydraulic gradient, site elevation and outfall conditions of Mirya bay, screening, grit removal, settling tank, de-sludging tank, filtering through up-flow filter bed device and finally disinfect the overflowing sewage in chlorine dosing tank or by UV radiation before letting the same through outfall to Mirya bay. Outfall would be designed hydraulically to meet the future design flows.

The proposed effluent treatment unit would be compact and utilize innovative design in order to minimize land requirement. Designs would be used which have been proven and successfully applied in other sites/locations treating municipal sewage at similar flow rates. Further the effluent treatment unit would be designed to be aesthetically attractive and visually compatible with the surrounding area and land uses.

Other buildings in the fishery harbour complex with conveniences like WC/urinal, bath and wash water have facility for primary treatment in septic tanks of appropriate size and in turn connected to general sewerage system. Sewer lines, inspection chambers and manholes would be built wherever required in the fishery harbour complex to collect and guide sewage.

- **Navigational Aids**

Necessary provision is made in the cost estimate for providing beacons at the heads of the two breakwaters as guide lights for the fishing vessels to approach safely through the entrance channel into the fishing harbour.

- **Green Belt**


Chairman


Member Secretary

Area has been earmarked at the north east corner of the harbour complex for setting up the greenery. Necessary provision is made in the cost estimate for providing green belt within the harbour complex.

- **Fire Extinguishers**

In case of outbreak of fire at any location within the fishery harbour complex by any reason, it is necessary to extinguish the fire at the instant without waiting for the fire brigade to do so. For that purpose, Fire extinguishers are necessary to be installed at important locations. Necessary provision is made in the cost estimate for providing fire extinguishers, hydrants and other equipment in all the buildings and nearby the quay area.

- **Repairs and improvements to the Existing Facilities**

Before taking up the stage II fishery harbour development, it is required to undertake repairs and improvements to the existing facilities like repairs to western breakwater at several locations, removal of existing northern breakwater, repairs to the existing quays and jetties, repairs to existing road and existing compound wall etc. Detailed quantities have been worked out based on actual site conditions for these items and accordingly provisions have been made in the cost estimate.

- **Removal of Existing Northern Breakwater and Repairs to Western Breakwater**

The existing north breakwater of about 120 m length is to be removed in order to create more basin area to accommodate the increased fleet and to create better water current circulation and least siltation within the harbour basin. The existing western breakwater has got damaged at several locations. Stones, Dolosse block sand modified Cubes at some locations used in the armour layer of the break water have been damaged. The repairing of this breakwater has to be undertaken before taking up the stage II fishery harbour development as per the CWPRS recommendation.

- **Repairing of Existing Quays and Jetties**

The existing quays and jetties at some of the places are damaged due to lack of proper periodical maintenance. Fenders and mooring lines at some locations have to be replaced. These items have been considered in the repairing works in the cost estimate.

- **Improvement to Existing Road**

The existing road in the harbour is in bad shape which requires repair works like laying bituminous bound macadam surface, open graded premix carpet etc., to bring it to normal use.

- **Repair of Compound Wall**

The existing compound wall is not in good condition. Provision is made in the project cost estimate for its repairs.


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Member Secretary

- **Service Road**

Provision is made in the estimate for the construction of a service road for a length of 150 m along the western breakwater in order to facilitate the repairs and construction/extension of western breakwater.

- **Miscellaneous Items**

The fishery harbour shall also contain ice plant and cold storage, fish processing plants, parking area for the vehicles, shops, first-aid centre etc. Land area for these facilities has been earmarked in the fishery harbour layout at convenient places.

Authority examined the CRZ map in scale 1:4000 prepared by IRS, Chennai which is MoEF authorized agency submitted by Fisheries Department. As per the said map, the proposed projects falls in CRZ- I (Intertidal Area), CRZ-II, CRZ-IV (Water area of Mirya Bay) and Non CRZ area.

Authority observed that there is a beach in the vicinity of project. Likely impact of reclamation for construction of jetties and extension of western breakwater by 150 m & northern breakwater of 675 m on surrounding coastal ecology were deliberated at length by the Authority. Reclamation of around 66016 cubic meters is proposed for the project.

Authority felt that reclamation / dredging activities for construction of extended construction of northern/western breakwaters will have its impact on wave action of sea. Authority felt that expert opinion should be taken for breakwaters for suitable location and its impact on erosion or accretion of the coastline/ sandy tidal flats etc. Project proponent should ensure that construction of extension of western and northern breakwaters are environmentally feasible, keeping in view the ecologically sensitive and geomorphological features of the coast.

Authority further observed that fish processing activities is a prohibited activity as per CRZ Notification, 2011. Further, activities such as restaurant, ETP of effluents from auction hall/ washings etc & composting plant of MSW will have to be located outside CRZ area.


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Authority deliberated on the EIA of the project and noted the Environment Management Plan for the project, which is as follows:

Land Environment

- No fresh land acquisition is envisaged for stage-II development
- Reclamation is proposed in an area of about 38,800 m² within the harbor area
- Since construction material would be extracted from existing quarries, no measures for quarry slope stabilization is required by the project proponent.

Water Environment

Management measures for Marine Ecology:

- Construction activities like dredging, etc will be carried out in the confined manner to reduce the impacts on marine environment.
- Construction waste including debris shall be disposed safely in the designated areas and in no case shall be disposed in the marine environment.
- Dredging shall not be undertaken during fish breeding season and other special weather conditions
- Sufficient number of barges shall be used for dumping transporting and disposal of the dredged material to the project site and dumping site.
- Dredging and construction activities to be scheduled and planned to minimise impacts on fishermen and marine ecology.
- Disposal of sewage from construction work area into sea, shall be prevented with suitable wastewater treatment measures
- After completion of construction activities, adequate clean-up of the area including the inter-tidal area should be undertaken and all discharged materials to be removed from the site.
- Sub-tidal, inter-tidal, and supra-tidal areas to be restored to their original contours and the aesthetic quality of the surroundings should be restored.

Control of oil pollution:

- Provision shore-based reception facilities for oily wastes (bilge water and spent oil) from boats.


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- Provision of mobile trawlers to collect oily bilge water from fishing vessels.
- Mobile trawler shall be fitted with a vacuum pump and an oil resistant hose.
- Facilities at harbour to segregate oil from water
- Separated oil to be transferred, used storage facilities for disposal at a later date.
- Treated water to be returned to sea
- Spent engine oil to be re-cycled

Air Environment

Control of Emissions:

- Construction equipment and vehicles will be turned off when not used for extended periods of time.
- Unnecessary idling of construction vehicles to be prohibited.
- Effective traffic management to be undertaken to avoid significant delays in and around the project area.
- Road damage caused by sub-project activities will be promptly attended to with proper road repair and maintenance work

Control of pollution due to increased vehicles:

- All the staff involved in construction shall be provided with suitable Personnel Protective Equipments (PPEs) such as dust masks, ear plugs, gum boots, gloves, etc.
- Idling of delivery trucks or other equipment should be avoided during loading and unloading of construction material.
- All construction vehicles should comply with emission standards of Central Pollution Control Board (CPCB) and be maintained properly.

Dust Control:

- Identification of construction limits (minimal area required for construction activities).
- To cover stockpiled fine aggregate and trucks hauling , sand, and other loose materials (or require trucks to maintain at least two feet of freeboard).
- There will be effective traffic management at site. The number of trucks/vehicles to move at various construction sites to be fixed.
- Construction area and vicinity (access roads, and working areas) shall be swept with water sweepers on a daily basis or as necessary to ensure there is no visible dust.

Green Belt for the project and awareness programme

- About 5 ha land is proposed to be developed as green belt.


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- An awareness campaign for fisherman comprising of the following shall be conducted:
 - Inter-personal communication
 - Use of video and slide shows
 - Deployment of posters, videos and stickers
 - Organizing group activities.

Authority observed that Environment Management plan proposed for the project will have to be implemented effectively and efficiently. It was noted that specific budgetary provision is made for the implementatonof EMP.

Authority further noted that Disaster management plan for the project is submitted by the proponent involves:

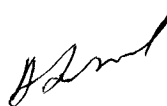
- Automatic display name, address, telephone numbers of any incoming call once the emergency control centre number is dialed the same should be registered in computer.
- Map depicting railway station, Ferry start points, bus stands and taxi stands should be available
- Map depicting the inter-tidal zone.
- Map depicting temporary shelter as well as food supplying store.
- List of Personal Protective Equipment (PPE) suppliers and availability in the harbor.
- Adequate number of flameproof searchlights numbering shall be made available at the control room.

Authority deliberated on likely impact of construction of jetties and extension of northern and western breakwaters on sorrounding coastal ecology. It was decided that project propnent need to submit an action plan for control of erosion of coast.

Authority observed that the project requires waterfront and aims for livelihood of local fishermen communities.

In the light of above, the Authority after detailed discussion and deliberation decided to recommend the proposal from CRZ point of view to MoEF subject to strict compliance of the following conditions:


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1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011.
2. Opinion and suggestions of the local traditional dwellers shall be taken into account before implementation of the project.
3. Expert opinion should be taken for breakwaters -for suitable location and its impact on erosion or accretion of the coastline/ sandy tidal flats etc.
4. Commercial and residential construction is not allowed in CRZ I area.
5. Project proponent should implement the Environment Management plan for the project effectively and efficiently during construction and operation phase.
6. Project proponent should ensure that 'beach' located in the vicinity of the project area be protected.
7. Fish processing plant is not allowed in CRZ area.
8. Restaurant should be located outside CRZ area.
9. STP shall be located outside CRZ I area.
10. ETP for treatment of effluents generated from auction hall, washings and fish handling activities including ETP for separation of oil from oil-water mixture shall be located outside CRZ area. Compost making plant shall also be located outside CRZ area.
11. Prior approval under water (P&CP) Act, 1974 shall be obtained from MPCB for discharging treated effluents into coastal water body.
12. Borewell shall not be dug in CRZ area.
13. Prior Environment clearance should be obtained, if proposal attracts provisions of EIA Notification, 2006.
14. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Discussion item No. 1

Resolution for the sustainable conservation of CRZ-I areas along the sea coast, estuaries and creeks...

MCZMA has observed that there is a systematic land use change through landfill, reclamation and degradation of mangroves of the CRZ -I areas along sea coast, creeks & estuaries. This is due to encroachments and construction of various unauthorized structures. Due to such unauthorized encroachments, exploitation of


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the natural resources from mangrove forests for timber, fodder, fuel etc adversely affecting CRZ I area. This results in clearing of more and more mangroves and attracting more unauthorized constructions. In addition to the mangroves, a biologically active buffer zone and other sensitive coastal systems of CRZ-I area are altered and adversely affected.

In view of this, MCZMA recommends clear separation of CRZ-I areas on the ground from the sites of development permitted under CRZ Notification. This step would avoid illegal encroachments and degradation of CRZ-I systems. Development of promenades, gardens, public spaces etc. can satisfactorily achieve this task of isolating the sensitive coastal stretch. This would also enhance long term conservation of coastal biodiversity.

Thus, MCZMA is of the opinion that local authorities should take up coastal area eco-development programme under the provisions of Environment Protection Act, 1986 and Coastal Regulation Zone, 2011 to undertake such schemes for sustainable conservation of the CRZ-I areas for eco-friendly interaction between people and coastal environment. MCZMA feels that this process if taken, can substantially reduce encroachments and related degradation of the sea coast and its sensitive ecosystems.

Discussion item No.2:

Ministry of Environment and Forests, New Delhi vide S.O.383(E) had reconstituted Maharashtra Coastal Zone Management Authority (MCZMA) for enforcement of CRZ Notification, 2011 in the State. It is a 12 member Authority and the Chairman being the Principal Secretary, Environment Department. Among the 12, five members are from other departments such as Revenue, Urban Development, Fisheries, Industries and MCGM. Authority observed that proposals coming before the MCZMA for examination has town and country planning and many other development related issues involved in it. Technical inputs from different Depts such as UDD, MCGM, Revenue, Industries etc are needed while deliberation on proposals. The Authority observed that these official members do not attend the MCZMA's meetings. Hence, the Authority is unable to get the benefit


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of their expertise during the decision making process in the meetings. Hence the Authority decided to write to these official members in the matter.

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

Annexure I

1. Dr. M.Baba, Expert Member, MCZMA
2. Dr. M. Shindikar, Expert Member, MCZMA
3. Commissioner Fisheries, Mumbai, Member, MCZMA
4. A.T. Fulmali, Member Secretary, MCZMA


Chairman


Member Secretary