

MINUTES OF THE 94th MEETING OF MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY (MCZMA) HELD ON 24th and 25th November, 2014

Ninety fourth meeting of the MCZMA was held under the Chairmanship of Additional Chief Secretary (Environment), GoM on 24th and 25th Nov, 2014 at 11.00 am at Sachivalay, Gymkhana, Mumbai. List of Members present in the meeting is enclosed as Annexure-I.

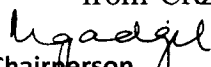
Draft Minutes of the Ninety Third meeting of Maharashtra Coastal Zone Management Authority held on 25th August 2014 were sent to all members of MCZMA via Email for their suggestion/ objection, if any. Some of the members suggested certain suggestions. Accordingly the draft minutes were corrected and sent via Email to members who were present in the MCZMA Meeting and were requested to confirm the minutes electronically. Accordingly, the minutes of Ninety Third meeting of MCZMA were confirmed electronically. Authority further decided that, in future also the minutes of MCZMA meeting will be confirmed electronically to avoid delay.

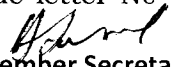
Item No. 1: CRZ clearance for Kharland schemes – Kharland Development Circle, Govt of Maharashtra

Kharland Department officials presented that purpose of Kharland bunds is to protect agricultural lands in the coastal area in Konkan region from becoming saline due to ingress of tidal waters. Tidal waters are restricted to enter into the agricultural lands by constructing saline embankment along the banks of the creeks through Kharland Development Schemes. The flood water is allowed to go into the sea through the cross drainage works constructed in the embankments. However, in order to restrict the saline water from the sea to enter into the agricultural lands, one way gates are provided to the Cross Drainage Works.

The Authority noted the requests of the Khar land Dept which is as follows:

1. The Ministry of Environment and Forest (MoEF), Government of India accorded Environmental Clearance to the 575 nos. of Khar Land Development Schemes from CRZ angle subject to the general and specific conditions vide letter No. J-


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17011/32/2001-1A-III dt. 22-8-2003. The present request is for exemption from obtaining further CRZ clearance under CRZ Notification, 2011 for 575 kharland schemes which got CRZ approval from MoEF in the year 2003 based on the CRZ Notification, 1991.

2. Kharland Development schemes were considered in the 88th Meeting of meeting held on 31.1.2014, wherein the Authority after detailed discussion and deliberation, decided that for installation of tidal shutters or structures for prevention of salinity ingress, studies need to be carried out by any agency to be specified by MoEF. After the submission / report of said studies, the matter could be taken up for deliberation and decision. Pursuant to decision of the 88th meeting of the MCZMA, The Kharland Development Circle, Thane vide letter dated 11.7.2014 has requested for exemption for EIA study for Khar land Schemes.
3. New proposals are forwarded by Khar Land Development Circle (KLDC) Thane, Irrigation Department, Government of Maharashtra requesting exemption of Kharland schemes from Coastal Regulation Zone Notification, 2011.

The Kharland Dept officials reported that work of 575 schemes have started based on the Environment Clearance granted under CRZ Notification, 1991 by the MoEF in the year 2003.

Authority noted that MoEF OM dated 7th October 2014 which clarifies that:

"It is hereby clarified that in case the projects granted clearance under the CRZ Notification, 1991 commenced the construction or operation within the validity period of five years, such projects do not require any fresh clearance under the CRZ Notification, 2011. However, in case the projects granted clearance under the CRZ Notification, 1991 did not commence the construction or operation within the validity period of five years, such clearances become invalid and such projects shall require fresh prior clearance under the CRZ Notification, 2011"

In view of MoEF OM dated 7th October 2014, the Authority requested the Kharland Dept to submit the undertaking as to whether the work of 575 schemes has started giving the details of the period of starting the work of these Schemes and the


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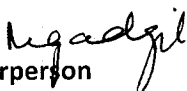
area in Hectare for which CRZ clearance is granted by MoEF as per CRZ Notification, 1991, along with copy of CRZ clearance by MoEF.

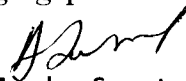
The Authority further decided that on submission of relevant information by Kharland Development Department appropriate decision will be communicated by MCZMA in the light of MoEF OM dated 7th October 2014 about exemption from obtaining CRZ clearance under CRZ Notification, 2011 for the schemes which have been granted CRZ clearance by MoEF as per CRZ Notification, 1991.

Authority further observed that Kharland Development Schemes of Raigad and Ratnagiri Districts were discussed in 88th Meeting of MCZMA held on 31.1.2014. Kharland Development Department has also submitted proposals of Raigad, Ratnagiri and Thane Districts earlier and Schemes of Raigad, Sindhudurg and Ratnagiri Districts now for CRZ clearance as per CRZ Notification, 2011. Authority decided that, Rapid EIA needs to be submitted by the Kharland Dept for all these Kharland Schemes for obtaining prior CRZ clearance, in the light of para 3(iv)(d) of CRZ Notification, 2011.

Item No. 2: Proposal of construction of RCC Nalla from Krishdeep building to creek at Ward no.7, Bhayander (E), Dist. Thane by Mira Bhayander Municipal Corporation

The Mira Bhayander Municipal Corporation (MBMC) officials presented that proposal for construction of RCC Nalla from Krishdeep building to creek at Ward no.7, Bhayander (E), Dist. Thane. CRZ map superimposing with project layout was submitted. As per map prepared by CESS, Kerala, proposed construction partially falls in mangroves area i.e. CRZ I(A), mangroves 50m buffer zone, CRZ III area and partially outside CRZ area. As per submitted information the plot under reference falls in Public/ Semi Public zone. Dimensions of the Nalla are: Total Nalla Length - 400 m, Width- 8 m, Height- 2.50 m. Length of permission of Nalla is 238 m. Length of Nalla falling in CRZ I (A) is 135 m. and remaining portion falls in CRZ III area. MBMC has proposed the construction of RCC Nalla, for carrying the storm water drainage from the surrounding low lying area to the main creek to avoid water logging problems.


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Proposed nalla will outfall in main creek, which would carry out maximum discharge during monsoon and improve hygienic condition adjoining to Nalla& beautify the surrounding area. It will also facilitate day to day cleaning of the Nalla.

The MCZMA vide letter dated 03.02.2014 requested the MBMC to submit certain information. Accordingly, the MBMC vide letter dated 25.06.2014 submitted its point wise reply.

The Authority deliberated the proposal and felt that RCC box culvert nalla in CRZ (I A) area would hinder the flow of water into the mangroves area which would affect the growth of mangroves. The Authority suggested the Rubble Mound design for nalla in CRZ I portion of land and RCC box culvert in CRZ III portion of land.

In the light of above, the Authority decided to recommend the proposal from CRZ point of view to concerned planning Authority subject to 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. Rubble mound design of nalla should be adopted in CRZ I portion of land and RCC box culvert nalla in CRZ III portion of land.
3. MBMC shall ensure that sewer lines carrying sewage generated from surrounding residential establishments are disconnected with nalla so that sewage will not be discharged into the creek water through the nalla..
4. Prior High court permission should be obtained for construction in Mangroves or its 50 m buffer zone area.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No. 3: Proposed NMMC Sport Complex at Plot No. 01, Sector 13, Ghansoli Node, Navi Mumbai


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

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.
3. The Sport Complex Project is being developed as per Maharashtra sports infrastructure development plan 2001 and notifications dated 24.2.2003 and 26.3.2003. It has mentioned to develop Konkan region sports complex at Navi Mumbai, Thane. The proposed Sport Complex shall be of international standards. 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 sqm
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

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5	Permissible floor area	8522.682
6	Proposed BUA	8372.846
7	FSI proposed to be consumed	0.098

The Authority noted that the proposal was earlier deliberated in 91st meeting of the MCZMA held on 29th, 30th and 31st May, 2014, wherein the proponent was directed 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.

The Authority further noted that NMMC has submitted the approved CZMP of Navi Mumbai in 1:4000 scale superimposing the project layout on it and demarcation of 150 m CRZ line from HTL and report prepared by IRS Chennai which is MoEF authorized agency vide letter dated 6.9.2014.

The Authority noted that as per the CRZ map prepared by IRS, Chennai proposed Indoor Sport Complex (phase I) falls in non-CRZ area i.e. beyond 150 m line from approved HTL. The IRS report mentions that the part of the project site falls inside the CRZ area as per 1991 approved CZMP. The Plot area affected by 100m buffer is about 13%, 150m buffer is about 35% and the plot area outside the CRZ is about 65%. There are mangroves present at the vicinity of the project site.

The project proponent presented that in the nearby land under reference there are artificial fishing ponds dug illegally by local people for carrying out their fishing activities. Mangroves have grown in the ponds. However, proposed sport complex (phase I) appears to being non-CRZ area as per approved CZMP as well as situated outside 50 m of the present mangrove buffer zone.

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


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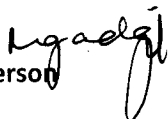
1. Certified CRZ map prepared by one of the MoEF authorized agencies superimposing site under reference with present ecosystem (mangroves) & its 50m mangroves buffer zone area.
2. An undertaking from Navi Mumbai Municipal Corporation (NMMC) and City Industrial Development Corporation (CIDCO) that local people/fishermen are involved in illegal creation of fishing ponds and carrying out fishing activities there.

Item No.4: Development of tourism activities at Gaimukh near Ghodbunder, Thane in Vasai Creek by Maharashtra Maritime Board


The Authority noted that the proposal was earlier considered in 91st meeting of the MCZMA held on 29th to 31st May, 2014, wherein the project proponent was absent for the meeting. Hence, the matter was deferred.

The Maharashtra Maritime Board (MMB) officials presented that the proposal is for development of tourism activities at Gaimukh near Ghodbunder, Thane in Vasai creek. The Maharashtra Tourism Development Corporation (MTDC), which is nodal agency of the Govt. of Maharashtra for development of tourism in the State, intends to develop tourism infrastructure at Gaimukh near Ghodbunder in Vasai creek within the limit of Thane Municipal Corporation. MTDC has approached TMC requesting approval and funds for the above project. Accordingly, General Committee of TMC has granted administrative and financial approval to the project for a sum of Rs.13.08 crore vide resolution No. 152 dt.3.9.2013. The grants will be released to MTDC. The approvals / clearances from concerned departments for the project are to be obtained by MMB, being the implementing agency. The said project involves construction activities in CRZ area. The project is taken up purely for the public purpose which will not only boost the tourism activities in the area but also will provide direct and indirect employment opportunities. In this proposal about 150m and 25m wide land will be used for tourist and passenger amenities like garden, cafeteria, security cabin, promenade and for water sport activities. There is a provision of floating pontoon of size 40 m long and 5m wide with aluminium gangway. The said project is useful for passenger water sport, water sport activities and tourism.

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

1. Detailed project report for the project
2. Approved CZMP in 1:4000 scale superimposing the project activities and showing the ecosystem present.
3. Rapid EIA & EMP along with Disaster Management Plan of the project.

Item No.5: Reconstruction of existing toilet blocks under Slum Sanitation Project at

- 1) Jai Hind Society, Bhagatsing Nagar No. 1, next to Oshiwara BEST Depot, Link Road, Goregaon (West) in P/South Ward, Mumbai
- 2) Church Lane, Bhagatsing Nagar No. 2, Ambedkar Chowk, Link Road, Goregaon (West) in P/South Ward, Mumbai
- 3) Tambe Lane, near Electric tower, Bhagatsing Nagar No. 2, Link Road, Goregaon (West) in P/South Ward, Mumbai
- 4) Laxmi Nagar, Lalmatti, near Laxmi Industrial estate, opp. Vibgyor school, Link Road, Goregaon (West) in P/South Ward, Mumbai

The Project proponent presented that the MCGM has proposed to undertake demolition and reconstruction of the community toilet blocks under Lot – 9 of Slum Sanitation project (SSP) in P/ South Ward at 1) Jai Hind Society (Bhagatsing Nagar No. 1), 2) Church Lane (Bhagatsing Nagar No. 2), Tambe Lane (Bhagatsing Nagar No. 2) and Lalmatti area (near Laxmi Industrial Estate) in Goregaon (West), Mumbai. Details of the proposal are as follows:

1) At Jai Hind Society (Bhagatsing Nagar No. 1):

Proposed demolition of existing (12 + 16) 28 seated 2 Nos. of toilet blocks at Jai Hind Society (Bhagatsing Nagar No. 1) and reconstruct the same with 40 seats, RCC, G + 1 + 2nd part structure (Approx. BUA 260 Sq.m.) (Overhead water tank, caretaker room). The toilet will be connected to sewer line directly. The main sewer leads to Goregaon Pumping Station which disposes the sewer in Malad as well as Goregaon sea nearby. At present site is thickly populated declared as


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slum area. As per approved CZMP of Mumbai, the site under reference falls in CRZ-II.

2) At Church Lane (Bhagatsing Nagar No. 2):

Proposed demolition of existing (10 + 8) 18 seated 2 Nos. of toilet blocks at Church Lane, Bhagatsing Nagar No. 2 and reconstruct the same with 30 seats, RCC, G + 1 + 2nd part structure (Approx. BUA 195 Sq.m.) (Septic tank and suction tank, overhead water tank, caretaker room). The effluent of septic tank will be discharged into nearby drain. At present site is thickly populated declared as slum area. As per approved CZMP of Mumbai, the site under reference falls in CRZ-I.

3) At Tambe Lane (Bhagatsing Nagar No. 2)

Proposed demolition of existing (12 + 20) 32 seated 2 Nos. of toilet blocks at Tambe Lane, Bhagatsing Nagar No.2 and reconstruct the same with 44 seats, RCC, G + 1 + 2nd part structure (Approx. BUA 286 Sq.m.) (Septic tank and suction tank, overhead water tank, caretaker room). The effluent of septic tank will be discharged into nearby drain. At present site is thickly populated declared as slum area. As per approved CZMP of Mumbai, the site under reference falls in CRZ-II.

4) At Lalmatti area (near Laxmi Industrial Estate)

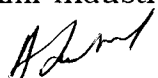
Proposed demolition of existing (6 + 6) 12 seated 2 Nos. of toilet blocks at Lalmatti area, near Laxmi Industrial Estate and reconstruct the same with 24 seats, RCC, G + 1 + 2nd part structure (Approx. BUA 156 Sq.m.) (Overhead water tank, caretaker room). The toilet will be connected to sewer line directly. The main sewer leads to Goregaon Pumping Station which dispose the sewer in Malad as well as Goregaon Sea nearby. At present site is thickly populated declared as slum area. As per approved CZMP of Mumbai, the site under reference falls in CRZ-II.

The Project proponent presented that out of these four locations, toilet blocks at Jai Hind Society (Bhagatsing Nagar No. 1) and Lalmatti area (near Laxmi Industrial

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Estate) are connected to sewer line. The toilet blocks at Church lane (Bhagatsing Nagar No. 2) & Tambe lane(Bhagatsing Nagar No. 2) have septic tank at present and it is proposed to demolish & reconstruct the same with septic tank & soak pit.

The Authority discussed the issue of maintenance of the toilets. Project proponent presented that proposed toilets would be handed over to Local Community Based Organisation (C.B.O.) for maintenance after construction.

In the light of above, the Authority after detailed discussion and deliberations, decided to recommend the proposal from CRZ point of view to concerned planning authority subject to 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. 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 FSI, layout plans, height involved in the proposal is as per town and country planning regulations existing as on 19.2.1991
4. There shall be no disposal of untreated effluents / sewage into coastal water bodies.
5. MCGM should ensure proper maintenance of the toilets blocks in order to ensure a clean environment.
6. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Item No.6: Proposed replacement of Chimney of Steam Boiler, Mumbai Port Trust Workshop, Mazgaon, Mumbai 400010 – MbPT

The Mumbai Port Trust (MbPT) officials presented the proposal before the Authority. The Authority noted the following:


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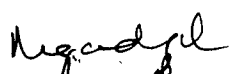

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1. The proposal is for replacement of 30 year of chimney of Steam Boiler in MbPT workshop.
2. There is no additional facility or modification or new equipment proposed to be installed by MbPT.
3. The workshop is 100 years old. It is being used to operate slipway cradles for taking up MbPT craft (boats, launches, etc) on slipways for carrying out underwater repairs as per requirement of statutory authorities.
4. The replacement is required because of non – availability of steam boiler the work of slipway operation for taking up MbPT craft on the slipways has severely affected for last several months and schedules of surveys of MbPT vessels could not be arranged and repairs are getting delayed.
5. The details of the steam boiler
 - Type of Boiler – Smoke Tube (Horizontal) Oil Fired Furnace
 - Capacity – 1 ton
 - Rating – 33sqm
 - Type of fuel used – LDO
 - Diameter of Chimney – 400mm
 - Height of Chimney – 30m

The MbPT officials further explained that steam boiler is used for hauling up & down ships on sleepways for repair works. Old chimney of the steam boiler is completely corroded over time and replacement of it is necessary. Height and diameter of the proposed chimney will be same as that of existing chimney.

The Authority observed that the proposed replacement of existing chimney of steam boiler is a part of port activities and can be permitted in CRZ II area.

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


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1. The proposed activity 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. This recommendation is only for replacement / repairs of existing chimney of steam boiler.
3. The height of the proposed chimney should be same as that of existing chimney.
4. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Item No.7: Proposed construction of Anti-Sea Erosion Bunds at Mumbai City, Mumbai Suburban, Thane, Raigad, Ratnagiri, Sindhudurg Districts – Maharashtra Maritime Board.

Maharashtra Maritime Board (MMB) presented a proposal for construction of anti-sea erosion bunds to protect people, livestock and agricultural fields from coastal erosion. The objective of the project is also to create suitable infrastructure to mitigate the effects of cyclones in the coastal areas. MMB has submitted an abridged rapid EIA for the projects in the districts of Thane, Raigad, Ratnagiri, Sindhudurg, Mumbai city & Suburban.

The Authority deliberated upon the proposals case-by-case and made the following recommendations:

Sr. No.	Details of work	Length	CRZ category	Recommendations
1	Construction of anti-sea erosion bund at Bhuigaon, Tal:-Vasai, Dist:- Thane	500 x 20 m	II	Use only soft solution based on a scientific study
2	Construction of anti-sea erosion of bund at village Kore, Tal & Dist: Palghar			Deferred for redesign
3	Construction of anti-sea erosion bund at Kelwa Mahim, Tal:-Palghar, Dist:- Thane	500 x 20 m	III	Use only soft solution based on a scientific study
4	Construction of anti-sea erosion bund at Rajpuri, Tal:-Murud, Dist:- Raigad	300 x 20 m	III	Seawall as proposed

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5	Construction of anti-sea erosion bund near Thal Smashanbhoomi, Tal:- Alibag , Dist:- Raigad	350 x 20 m	III	Seawall as proposed
6	Construction of Anti Sea Erosion Bund at Bagvadi Tal:-Malvan, Dist:- Sindhudurg	300 x 20 m	III	Gabion bund as proposed
7	Construction of anti-sea erosion bund at Relevadi to Mahim creek	400 x 24 m	II	Seawall as proposed
8	Construction of anti-sea erosion bund at Gungavada, Tal:-Dahanu, Dist:- Thane	200 x 15 m	III	Seawall as proposed
9	Construction of anti-sea erosion bund at Narpal, Tal:-Dahanu, Dist:- Thane	250 x 15 m	III	Seawall as proposed
10	Construction of anti-sea erosion bund at Chikhala, Tal:-Dahanu, Dist:- Thane	100 x 20 m	III	Use only soft solution based on a scientific study
11	Construction of anti-sea erosion bund at Velas Tal:- Mandangad, Dist:-Ratnagiri	275 x 24 m	III	Gabion Bund as proposed
12	Construction of anti-sea erosion bund at Nivati Kochara, Tal:-Vengurla , Dist:- Sindhudurg	200 x 24 m	III	Extension of existing Seawall as proposed with similar design
13	Construction of anti-sea erosion bund at N.C.P.A to Nariman Point, Mumbai	150 x 24 m	II	Seawall with an Aesthetic design
14	Construction of anti-sea erosion bund at Rajbhavan , Mumbai	300 x 24 m	I	Combination of soft and hard solutions based on a scientific study
15	Construction of anti-sea erosion bund at Breach candy club to Mahalaxmi Temple (back side), Mumbai	300 x 24 m	II	Seawall as proposed
16	Construction of anti-sea erosion bund at Palande, Tal:-Dapoli, Dist:-Ratnagiri	450 x 24 m	III	Seawall as proposed
17	Construction of anti-sea erosion bund at Padave Port, Padave, Tal:-Rajapur, Dist:-Ratnagiri	300 x 24 m	III	Seawall as proposed
18	Construction of anti-sea erosion bund at Kuveshi kharland Pir Bund, Tal:- Rajapur, Dist:-Ratnagiri	275 x 24 m	III	Seawall as proposed

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19	Construction of anti-sea erosion bund at Mhapan, Tal:-Vengurla , Dist:- Sindhudurg	270 x 15 m	III	Seawall as proposed
20	Construction of anti-sea erosion bund at Dandi, Tal:- Malvan, Dist:- Sindhudurg	350 x 20 m	II	Seawall as proposed
21	Construction of anti-sea erosion bund at Sarambhal, Tal:-Kudal , Dist:- Sindhudurg	500 x 10 m	III	Gabion Bund as proposed
22	Construction of anti-sea erosion bund at Sherla Aros Bag, Tal:-Sawantvadi, Dist:- Sindhudurg	270 x 10 m	III	Gabion Bund as proposed
23	Construction of anti-sea erosion bund at Chivala Kotewada, Tal:-Malvan, Dist:- Sindhudurg	400 x 25 m	II	Seawall as proposed but landward of the existing beach.
24	Construction of anti-sea erosion bund at Saldur, Tal:-Dapoli, Dist:- Ratnagiri	200 x 24 m	III	Use only soft solution based on a scientific study
25	Construction of anti-sea erosion bund at Farare, Tal:-Dapoli, Dist:-Ratnagiri	275 x 24 m	III	Seawall as proposed
26	Construction of anti-sea erosion bund at Tavasal, Tal:-Guhagar, Dist:- Ratnagiri	270 x 10 m	III	Gabion Bund as proposed
27	Construction of anti-sea erosion bund at Bhiubandur, Tal:-Dapoli, Dist:-Ratnagiri	200 x 24 m	III	Use only soft solution based on a scientific study
28	Construction of anti-sea erosion bund at Kelashi, Tal:-Dapoli, Dist:- Ratnagiri	200 x 24 m	III	Seawall as proposed
29	Construction of anti-sea erosion bund at Rajapur, Tal:-Rajapur, Dist:-Ratnagiri	200 x 24 m	III	Seawall as proposed
30	Construction of anti-sea erosion bund at Redi Sidheshwar Temple, Tal:-Vengurla, Dist:- Sindhudurg		III	Deferred for redesign
31	Construction of anti-sea erosion bund at Aravali velgar, Tal:-Vengurla , Dist:- Sindhudurg	200 x 24 m	III	Use only Soft Solution
32	Construction of anti-sea erosion bund at Redi			Deferred for redesign

	Yashvant fort, Tal:- Vengurla, Dist:- Sindhudurg			
33	Construction of anti-sea erosion bund at Parule Anandvadi, Tal:-Vengurla , Dist:- Sindhudurg	200 x 10 m	III	Gabion Bund as proposed
34	Construction of anti-sea erosion bund at Valaval Tal:-Kudal, Dist:- Sindhudurg	200 x 10 m	III	Gabion Bund as proposed
35	Construction of anti-sea erosion bund at Ubhadanda Tal:-Vengurla, Dist:- Sindhudurg	100 x 24 m	III	Use only soft solution based on a scientific study
36	Construction of anti-sea erosion bund at Revandi Tal:-Malvan , Dist:- Sindhudurg	200 x 15 m	III	Gabion Bund as proposed
37	Construction of anti-sea erosion bund at Jamdul, Tal:-Devgad, Dist:- Sindhudurg	200 x 20 m	III	Extension of existing Seawall as proposed with similar design.
38	Construction of anti-sea erosion bund at Sarjekot, Tal:-Malvan, Dist:- Sindhudurg			Deferred for redesign
39	Construction of anti-sea erosion bund at Nagaon, Tal:-Alibag, Dist:- Raigad	300 x 20 m	III	Extension of existing Seawall as proposed with similar design; Aesthetic design to be adopted, considering the use of beach for recreational purpose by the population.
40	Construction of anti-sea erosion bund at Korlai, Tal:- Murud, Dist:- Raigad	300 x 20 m	III	Seawall should be on the landward of the line of present one.
41	Construction of anti-sea erosion bund at Borlimandala, Tal:-Murud , Dist:- Raigad	300 x 20 m	III	Sea Wall as proposed
42	Construction of anti-sea erosion bund at Suruchi bag, Tal:-Vasai , Dist:- Thane	300 x 24 m	II	Seawall as proposed
43	Construction of anti-sea erosion bund at Rangaon, Tal:-Vasai, Dist:- Thane	350 x 24 m	II	Seawall as proposed
44	Construction of anti-sea	350 x	II	Seawall as proposed

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	erosion bund at Vatar, Tal:- Vasai, Dist:- Thane	24 m		
45	Construction of anti-sea erosion bund at Varor, Tal:- Dahanu, Dist:- Thane	150 x 24 m	III	Seawall as proposed
46	Construction of anti-sea erosion bund at Uchhelidandi, Tal:- Palghar, Dist:- Thane	350 x 24 m	III	Seawall as proposed

The Authority after detailed discussion and deliberations decided to recommend the proposal except at Sr. No. 2, 30, 32 & 38 from CRZ point of view to the concerned planning Authority subject to compliance of following conditions:

1. The proposed activities 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. All the coastal protection works should be on the landward side of the beach except at Raj Bhavan site, where it is offshore.
3. The soft solutions recommended should be in consonance with the existing geomorphology and biota on the basis of scientific studies.
4. There should not be destruction of mangroves due to proposed activities.
5. It should be ensured that tidal movement of coastal water bodies is not obstructed due to proposed activities.
6. There should not be any violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by MMB.
7. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Item No.8: Proposed implementation of slum redevelopment scheme for Nityanand CHS(Prop.) by interchanging the location of reservation of open space and residential zone of plot bearing 791/A(pt) in A Block, Bandra reclamation layout of MHADA

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


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1. Maharashtra Housing and Area Development Authority (MHADA) has submitted subject proposal to MCZMA vide letter dated 18.11.2014, as per which, the slum i.e. Nityanand CHS(Prop.) is situated in MHADA Layout on plot area of 17800 m² in CRZ-II area & partly in CRZ-I area and is reserved as "OPEN SPACE" as per MMRDA's D.P. of BKC 'A' block Bandra (W) Mumbai. Presently the slum is situated on the land, which is reserved for open space in the development plan. Hence redevelopment on the plot is not possible. The slum dwellers are insisting for permanent house on their present location itself which is not permissible it being open space. It is therefore, proposed to shift the said open space in CRZ-I area in place of MHADA's residential plot & relocate MHADA's R- plot to that extent in CRZ-II area to enable the implementation of the Joint Development scheme as per CRZ notification dated 6/1/2011. MHADA vide its resolution no. 6661 dated 22/05/2014 has approved the said Joint Development proposal (JDP) of Slum Rehabilitation scheme.
2. As per CRZ notification dated 6/1/2011, MHADA is likely to get 51% BUA in the said Joint Development Proposal to be utilized for generating affordable housing stock. For this purpose, MHADA has requested MMRDA to approve the said relocation being Special Planning Authority for BKC. MMRDA vide their letter dated 7/10/2014 have informed MHADA that the said relocation is approvable as per DCR 1967 regulation no 39(viii) subject to obtaining CRZ clearance from MCZMA. The need for interchange of open spaces reservations and residential zone for implementing Slum Rehabilitation Scheme is for following reasons;
 - Rehabilitation of slum dwellers on same location by providing safe structures and also upgradation of the standard of living of slum dwellers.
 - It will provide buffer between HTL and proposed SRA scheme redevelopment which is desirable from the planning view point.

The Authority noted that MHADA has requested to approve the proposed relocation and interchanging of open space & R-Zone in CRZ area as indicated in the

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plan and grant clearance to the proposal submitted. If approved, this modification shall be incorporated in the layout plan of Bandra Reclamation subsequently.

The Authority noted that as per old approved CZMP, the plot under reference falls partly in CRZ-I & II. As per CRZ map in 1:4000 scale prepared by IRS, Chennai (MoEF authorized agency), the plot under reference is beyond 100m from HTL of Mahim bay.

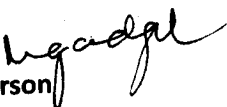
The Authority observed that proposed relocation and interchanging of open space & R-Zone in CRZ area would amount to change in approved categorization of CRZ area of the land under reference. Authority further noted that as per CZMP approval letter dated Sep 27, 1996 of Maharashtra, Government of Maharashtra will not make any changes in the approved categorization of CRZ areas without prior approval of Ministry of Environment & Forests, Government of India.

The Authority deliberated the proposal and observed that issue of interchange of reservation within the Development Plan (DP) as per applicable Town and Country planning regulations is within the jurisdiction of concerned planning Authority and it is up to the concerned planning authority to take appropriate decision in this regard. Thereafter, concerned planning Authority shall send a separate proposal to MCZMA for examination as per CRZ Notification, 2011.

Item No.9: Reconstruction of residential quarters for officers & staff at rural Hospital Malvan at S.No.2309, 2310, 2311, 2312, 2313, 2314, 2315 at Malvan, Sindhudurg

The Malvan Municipal Council presented the proposal before the Authority. The Authority noted the following:

1. The Malvan Municipal Council has forwarded the proposal for reconstruction of residential quarter for Officers & staff at rural Hospital Malvan at S.No.2309, 2310, 2311, 2312, 2313, 2314, 2315 at Malvan, Sindhudurg.
2. As per the Development Plan of Malvan approved on 14.5.1981, the plot under reference is in public / semipublic zone.


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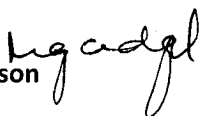
3. As per coastal approved CZMP of Malvan Municipal Council Area, the land under reference is in CRZ-II area.
4. FSI Details, as per submitted information:
 - a. Total Area of Plot – 6356.20sqm
 - b. Existing built up area – 1605.29sqm
 - To be demolished – 900.72sqm
 - To be retained – 704.57sqm
 - a. Proposed BUA of Type I Quarter – 196.11sqm
 - b. Proposed BUA of Type II Quarter – 240.20sqm
 - c. Proposed BUA of Type III Quarter – 155.76sqm
 - d. Proposed BUA of Type IIV Quarter – 207.61sqm
 - e. Proposed Ambulance Shed – 75.94 Sqm
 - f. Proposed Watchman Cabin- 25.92 Sq.m.
 - g. Total proposed built up area – 901.53sqm

The Authority noted that the Malvan is declared as Critical Vulnerable Coastal Area (CVCA) as per CRZ Notification, 2011 and Integrated Management Plan (IMP) needs to be prepared for the CVCA area based on the guidelines of MoEF. Authority noted that MCZMA has requested to MOEF vide letters dated 26.3.2013 & 15.7.2014 to provide guidelines towards preparation of IMP for the CVCA areas. Reply from MoEF is still awaited.


MCZMA vide letter dated 10.1.2014 returned the proposal to Malvan Municipal Council with request to resubmit the proposal once Integrated Management Plan (IMP) is in place, as decided in the 84th MCZMA meeting. Executive Engineer, Swantwadi (PWD) Division, Sawantwadi vide letter dated 18.10.2014 requested to consider the proposal in the meeting.

The Malvan Municipal Council officials represented that facility of residential quarters for rural Hospital is necessary for accommodation of hospital staff & doctors. It is in the interest of the local people of Malvan area, so that doctors & hospital staff stay there to offer their services any time in order to strengthen the efficiency of healthcare system of the Malvan rural area.

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The Authority discussed the proposal and decided to defer the proposal for want of more information from Malvan Municipal Council about necessity of the said proposal.

Item No.10: Reconstruction of Central Administration building on land bearing C.T.S.No. 1253(929C) Part 1 & C.S.No.1256 (929 A2) Part 5B & property No.1,2,3 at Malvan, Tal.Malvan, Dist. Sindhudurg.

The Authority noted that the Malvan is declared as Critical Vulnerable Coastal Area (CVCA) as per CRZ Notification, 2011 and Integrated Management Plan (IMP) needs to be prepared for the CVCA area based on the guidelines of MoEF. Authority noted that MCZMA requested to MOEF vide letter dated 26.3.2013 & 15.7.2014 to provide guidelines towards preparation of IMP for the CVCA areas. Reply from MoEF is still awaited.

The Authority noted that proposal was returned vide letter dated 10.1.2014 to Malvan Municipal Council with request to resubmit the proposal once IMP is in place as decided in the 84th MCZMA meeting.

The Executive Engineer, Swantwadi (PWD) Division vide letter dated 18.10.2014 requested to consider the proposal in the meeting. Proposal was again considered in the 93rd meeting of the MCZMA held on 25.8.2014, wherein the project proponent was absent for the meeting. Hence, the matter was deferred.

The Malvan Municipal Council officials presented the proposal before the Authority. The Authority noted the followings:

1. The Malvan Municipal Council has forwarded the proposal for demolition and reconstruction of Central Administration Building comprises Ground floor + 1st & 2nd upper floors on plot bearing Survey No. 929 (C), at Malvan, Tal. Malvan, Dist. Sindhudurg
2. At present old building of Tahsildar Office and Police Station building is in one premise and in dilapidated condition.

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3. As per the Development Plan of Malvan approved on 14.5.1981, the plot under reference is in residential zone and beyond congested zone.
4. As per coastal approved CZMP of Malvan Municipal Council Area, the land under reference is in CRZ-II.
5. The land under reference is within 50 m from HTL of sea.
6. FSI details as per submitted information:
 - 1) Total Area of Plot – 3808.5sqm
 - 2) Permissible built up area – 5712.75sqm
 - 3) Existing built up area – 1550.44sqm
 - To be demolished – 1319.42sqm
 - To be retained – 231.02sqm
 - 4) Proposed BUA of ground floor – 11014.04sqm
 - 5) Proposed BUA of first floor – 1101.04sqm
 - 6) Proposed BUA of second floor – 1427.45sqm
 - 7) Balance built up area – 5481.73sqm
 - 8) Total proposed built up area – 3629.53sqm

Malvan Municipal Council presented that existing building of central Administration building is old and in ruineous condition and reconstruction of the said structure is highly necessary.

The Authority discussed the proposal and felt that the proposal needs to be referred to MoEF, in view of the fact that Malvan is a CVCA and the IMP is yet to be prepared as per the CRZ Notification, 2011.

Item No.11: 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.

The Project proponent presented that the proposal was earlier considered in the 91st Meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 29th, 30th & 31st May, 2014, wherein the Authority after deliberation decided to recommend the proposal to concerned planning authority subject to submission of

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clarification from MCGM as to whether CC is issued to the project, with strict compliance of the certain conditions.

Municipal Corporation of Greater Mumbai (MCGM) has submitted clarification vide letter dated 20.8.2014 to MCZMA. As per the said letter, MCGM confirmed that Commencement Certificate (CC) for the above project is not issued by MCGM. The same will be issued only after the NOC from MCZMA is received.

The Authority noted the proposal details which are as follows:

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.
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 as existing prior to 19.2.1991. The existing use 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 after 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


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instant case, out of which on one plot i.e. on CTS No. C/1058 there is 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 Sqm (excluding encroachment area) TDR is not claimed on remaining two plots, as is 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 Sqm bearing CTS No. 1058.
9. FSI Details, as per MCGM Remarks are as follows:

CTS No.	Area in Sqm	TDR	Remarks
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/1058 area 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		

10. As per plans approved by MCGM on 8.5.2014

- Area of Plot – 1057.70 Sqm
- Deduction for

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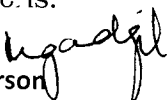
- Encroachment area – 128.81 Sqm
- Set Back Road- 4.09 Sqm
- Net area of plot – 924.80 Sqm
- Addition for Set back road -4.09 Sqm
- Total area of plot – 928.89 Sqm
- FSI Credit available by TDR (CTS No. C/1058) -540.89 Sqm
- Permissible Floor Area – 1468.89 Sqm
- Proposed Area – 1395.92Sqm
- Excess Balcony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

11.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.

12.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.

The 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 at 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 strict compliance of the following conditions:

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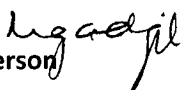

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1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/clarifications given by MoEF from time to time.
2. The concerned Planning authority should ensure that FSI, plans, 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, are 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 and 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.12: 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 (M/s Hoary Realty Ltd)

Authority noted that the matter was earlier deliberated in 88th and 91st meeting of the MCZMA held on 31st Jan, 2014 and 29th, 30th & 31st May, 2014 respectively. During 88th meeting, the project proponent presented that maximum of 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 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


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- Area of plot falling in CRZ & Non CRZ as per IRS, Chennai CRZ map of 1:4000 scale.
- 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.

During 91st meeting of the Authority, the Project proponent presented that as per the said report dated 17.4.2014 of IRS mentions that HTL demarcated by IRS corresponds to the 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.

During 91st meeting, 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 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

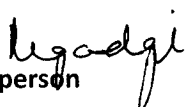

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such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest 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 record the said Hon'ble High court orders.
5. National Hydrographic Office, Deharadun, which is one of 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.


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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 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.

During 91st meeting, the Authority noted para (v) and 7(iv) of CRZ Notification, 2011 as well as report and CRZ map (1:4000 scale) of IRS, Chennai and observed that legend mentioned in CRZ map shows, water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies. Therefore, the Authority decided to direct the proponent to get clarification regarding the issue from IRS, Chennai who prepared the said CRZ map. Accordingly, Authority vide letter dated 5.9.2014 directed project proponent to submit clarification through IRS, Chennai.

Authority noted that Writ Petition No. (L) No. 2383 of 2014 M/s Hoary Realty Ltd & ors Vs MCGM & Ors was filed before the Hon'ble High Court of Mumbai in the matter. MCZMA filed an affidavit in the matter submitting that project proponent need to submit a clarification sought by the Authority regarding indication of water body as 'CRZ IV-A' in CRZ map prepared by IRS, Chennai. Hon'ble High Court of Mumbai passed final order dated 7th Oct, 2014 directing MCZMA to issue clearance certificate on the basis of certificate granted by IRS, Chennai indicating how much land is within 100 m from the HTL of Mahim Bay i.e. within CRZ area and how much land falls outside CRZ area, within four weeks from the date of receipt of the order. Further, following the application for amendment of prayers of writ petition by the petitioner, the Hon. High court vide order dated 14.10.2014 has extended time upto six weeks instead of 4 weeks from the date of receipt of order.


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Authority vide letter dated 10.10.2014 sought clarification of IRS, Chennai regarding indication of water body as 'CRZ IV-A' in legends of CRZ map prepared by IRS. In reply to Authority's letter, IRS responded vide letter dated 16.10.2014 mentioning that:

"With reference to the above letter, the CRZ zonation along with the surveyed co-ordinates of F.P. No. 1211 of TS-IV of Mahim Division, Prabhadevi in G/North ward, Mumbai were presented in CRZ map and report of the said property.

As the Mahim bay has sea front, the zonation between HTL & LTL is shown as CRZ IA and the bed area between LTL and 12 nautical miles is shown as CRZ IV A as per provisions of CRZ Notification 2011. Likewise, the bed area from the mouth of Mithi River till 5 ppt level of salinity is shown as CRZ IV B in the map.

As per provisions of CRZ Notification 2011, CRZ map need not indicate land use classes such as 'Water Body'. Hence, only CRZ zonations I to IV are shown in the legend.

Therefore, CRZ map already submitted by IRS can be used for evaluation of the project site with respect to CRZ Notification."

Project proponent also submitted IRS reply dated 3.11.2014 which mentions as follows:

"With reference to the above letter and minutes of MCZMA, the following clarifications are submitted.

Vide CRZ report and Corrigendum dated 17.4.2014 submitted by IRS, the site partly falls within 100 m line from HTL of Mahim Bay, which is depicted as Bay in Naval Hydrographic Charts of Mumbai area and as per CRZ Notification 2011.

The water area between LTL and 12 nautical miles is shown as CRZ IV-A in CRZ map provided by IRS. However, It is MCZMA's prerogative whether to classify the same as IV-A or IV-B and the same will be adopted by IRS and map, report will be revised accordingly, if required.


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Therefore, CRZ map already submitted by IRS showing 100 m line from HTL of Mahim Bay may be used for evaluation of the project site as per provisions of CRZ Notification, 2011."

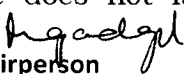
Authority had filed a Special Leave Petition (SLP) against the above said orders of Hon'ble High court of Mumbai, which was dismissed vide order dated 19.11.2014 by the Hon'ble Supreme court, New Delhi.

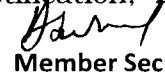
In the light of above, the Authority after detailed discussion and deliberation and taking into consideration reports of MoEF authorized agency i.e. IRS, Chennai as well as Hon'ble High court order dated 7.10.2014 & 14.10.2014, Supreme court order dated 19.11.2014, decided that project site i.e. plot bearing F.P.No. 1211 of TPS-IV of Mahim Dn. at Yadav Patil Marg, Off Veer Savarkar Marg, Prabhadevi in G/North Ward, Mumbai, falls partly within the 100 m buffer zone from HTL of Mahim Bay, as per CRZ Notification, 2011. As per the CRZ map submitted by IRS, Chennai (MoEF authorized agency) at 1:4000 scale, an area of 1475.6 sq.m. falls within 100 m from HTL of Mahim Bay (CRZ II) and an area of 20013.7 sq.m. falls outside CRZ area.

The Authority decided to recommend the case for clearance from CRZ point of view to the planning Authority under intimation to the project proponent subject to condition that planning authority should ensure that there should not be construction in CRZ portion of land.

Item No.13: 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 (M/s Kalpavruksha Developers)

Authority noted that the matter was earlier deliberated in 88th and 91st meeting of the MCZMA held on 31st Jan, 2014 and 29th, 30th & 31st May, 2014 respectively. During 88th meeting, the project proponent presented that maximum of 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.


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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.

During 91st meeting, the Project proponent presented that as per 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.

During 91st meeting, 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 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


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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 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 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.

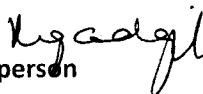
During 91st meeting, the Authority noted para (v) and 7(iv) of CRZ Notification, 2011 as well as report and CRZ map (1:4000 scale) of IRS, Chennai & sought a clarification in the matter from the project proponent through IRS, Chennai.

Writ Petition No. (L) No. 2431 of 2014 M/s Kalpavruksha Developers & ors Vs State of Maharashtra & Ors was filed before the Hon'ble High Court of Mumbai in the matter. MCZMA filed an affidavit in the matter submitting that there is no 'water body' indicated in CRZ map prepared by IRS, Chennai and proponent has to submit the CRZ map indicating 'water body' as per provisions of CRZ Notification, 2011. Hon'ble High Court of Mumbai passed final order dated 7th Oct, 2014 directing MCZMA to issue clearance certificate within four weeks from the date of order. Further, following the application for amendment of prayers of writ petition by the petitioner, the Hon. High court vide order dated 14.10.2014 has extended time upto six weeks instead of 4 weeks from the date of receipt of order.

Authority vide letter dated 10.10.2014 requested IRS, Chennai to provide CRZ map in 1:4000 scale indicating the 'water body' in the legend as per provisions of CRZ Notification, 2011 along with justification. In reply to Authority's letter, IRS responded vide letter dated 16.10.2014 mentioning that:

"With reference to the above letter, the CRZ zonation along with surveyed co-ordinates of F.P. No. 1204 of TPS IV, Mahim Dn, S.V.Road, Dadar, Mumbai were presented in CRZ map and report of the said property.

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As the Mahim bay has sea front, the zonation between HTL & LTL is shown as CRZ IA and the bed area between LTL and 12 nautical miles is shown as CRZ IV A as per provisions of CRZ Notification 2011. Likewise, the bed area from the mouth of Mithi River till 5 ppt level of salinity is shown as CRZ IV B in the map.

As per provisions of CRZ Notification 2011, CRZ map need not indicate land use classes such as 'Water Body'. Hence, only CRZ zonations I to IV are shown in the legend.

Therefore, CRZ map already submitted by IRS can be used for evaluation of the project site with respect to CRZ Notification."


Authority had filed a Special Leave Petition (SLP) against the above said orders of Hon'ble High court of Mumbai, which was dismissed vide order dated 19.11.2014 by the Hon'ble Supreme court, New Delhi.

In the light of above, the Authority after detailed discussion and deliberation and taking into consideration reports of MoEF authorized agency i.e. IRS, Chennai as well as Hon'ble High court order dated 7.10.21014 & 14.10.2014, Supreme court order dated 19.11.2014, decided that project site i.e. 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 does not fall within the 100 m from HTL for Mahim Bay, as per the provisions of CRZ Notification, 2011. Hence, the said plot does not fall under the ambit of the CRZ Notification, 2011.

The Authority decided to recommend the case for clearance from CRZ point of view to the planning authority under intimation to the project proponent.

Item No.14: Proposed 2 No. of Club House / Gymnasium on the layout RG3 (part 2 & 4) of plot bearing CTS No. 386 of village Bandra, MHADA Colony, Anand nagar, Santacruz (E), Mumbai

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


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1. Municipal Corporation of Greater Mumbai vide letter dated 12.12.2013 forwarded a proposal of construction of 2 No. of club house / gymnasium on the layout RG3 (part 2 & 4) of plot bearing VTS No. 386 of village Bandra, MHADA Colony, Anand nagar, Santacruz (E), Mumbai to MCZMA.
2. The MCGM letter dated 12.12.2012 mentions that the plot under reference is in residential zone as per old DP as well as per revised sanctioned DP (1993) and is partly under reservation for P & T Training Institute (Designated). As per approved CZMP of Mumbai, plot under reference falls in CRZ II
3. The MCGM letter dated 12.12.2012 mentions that, the plot under reference is abutting Vakola Nalla.
4. The proposal is to construct the Gymnasium structure through MLA fund of Shri. Krishna Hegde. Proposed ground floored 2 No. of club house / gymnasium having an area of 92.50 sqm each i.e Total 185.00 Sqm. on the layout RG3 (part 2 & 4) of plot bearing CTS No. 386 of village Bandra, MHADA Colony, Anand nagar, Santacruz (E), Mumbai.
5. The MCGM letter dated 12.12.2012 mentions that, the proposed Club House / Gymnasium on part 3 & 4 of lay out RG 3 and plans are not yet approved, due to CRZ NOC from MCZMA. However, concessions involved in the proposal i.e allowing 2 nos. of gymnasium structures adm. 185sqm in layout RG adm. 2036.93sqm free of FSI as an accessory to the Principal user as per Reg. 51 (ii) & as per Reg. 48(b) of DCR 1967 are sanctioned by Municipal Commissioner, MCGM.
6. FSI details, as per the Submitted information –
 - Area of plot- 34280.00 sqm
 - RG area 3 – 2326.29 sqm
 - Permissible FSI – 0.15 of RG area
 - Permissible BUA – 348.94 sqm
 - Total built up area Proposed – 185.00 sqm

MCZMA vide letter dated 20.2.2014 requested MCGM to submit certain information. Accordingly, MCGM submitted its reply vide letter dated 4.8.2014. Point wise reply of MCGM is as follows:

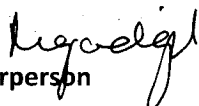

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Sr No.	Query by MCZMA	MCGM reply
1	IOD / sanctioned plans for proposed gymnasium	Plan for proposed gymnasium approved by MCGM vide letter dated 2.6.2014 is submitted.
2	CZMP of Mumbai with superimposing site under reference.	CZMP of Mumbai with showing site under reference. As per MCGM note dated 16.8.2013 the R.G. falls within 25m from HTL and is in CRZ-II.
3	Proposed construction of club house / gymnasium is landward side of existing road / structure?	Proposed construction of club house / gymnasium is landward side within the imaginary line with existing building on the periphery.
4	As per MCGM Note dated 16.8.2013, the area of RG 3 is adm. 2036.93 sqm and as per submitted information by Project Proponent the area of RG 3 is adm. 2326.29 sqm clarifications on the same.	Municipal Commissioner, MCGM has approved to allow 2 nos. of gymnasium structures adm. 185sqm in layout R.G. adm.2036.93 sqm free of FSI as an accessory to the principal user as per Reg. 51 (ii) & as per Reg. 48(b) of DCR 1967.

The Authority after deliberation decided to direct project proponent to submit the following information:

1. Coloured copy of approved CRZ map showing site under reference.
2. Letter from MCGM as to whether Club House is a sport related activity and whether plot under reference is reserved for recreational ground in the development plan.


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Item No.15: Proposed redevelopment on plot bearing C.S. No. 695, 1/696, 697 of Mahim Division, Shitladevi Temple Road, Mahim, Mumbai

The Authority noted that MCGM has forwarded the proposal for proposed redevelopment on plot bearing C.S. No. 695, 1/696, 697 of Mahim Division, Shitladevi Temple Road, Mahim, Mumbai under para 8(v)(c) of CRZ notification, 2011 for cess component and para 8.II of CRZ Notification for non-cess component of the project.

During the meeting, the project proponent presented that plot bearing C.S. No. 695, 1/696, 697 of Mahim Division, Shitladevi Temple Road, Mahim, Mumbai is situated outside 100 m from HTL of Mahim Bay and hence it is situated outside CRZ area, as per provisions of CRZ Notification, 2011.

The Authority observed that project proponent has changed his request of grant of CRZ recommendation to project forwarded by the MCGM and now proponent is seeking a clarification vide representation dated 22.11.2014 regarding CRZ status of the plots per provisions of CRZ Notification, 2011. Hence, the Authority decided not to consider present proposal in the present form for discussion.

Item No.16: 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

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

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.


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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 consumes 926.80 sqm 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).
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. 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 higher is permissible for redevelopment of cessed A category building.
 - FSI Permissible – 1072.325 sqm
 - FSI proposed -1067.955 sqm
 - Free of FSI - 2324.112 sqm
 - Total Construction Area – 3392.067 sqm

11. As per amended plans approved by MCGM on 19.3.2014


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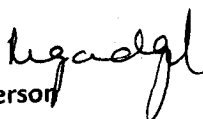
- Total Plot Area – 428.93 sqm
- FSI Permissible – 2.50
- Permissible floor Area – 1072.325 sqm
- Proposed Area – 1067.955 sqm
- FSI consumed – 2.490

12. 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.


The Authority noted that the proposal was earlier deliberated in the 91st meeting of the MCZMA held on 29th, 30th & 31st May, 2014, the Authority noted that the Urban Development Department has issued No Objection Certificate on 26.6.2009 to redevelopment of existing building with existing authorized 2.16 FSI on land under reference. It is mentioned that the proposal was referred to Environment Department for remarks. Environment Dept sent the proposal back to Urban Development Department with remarks for further 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. 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.

During 91st meeting, the Authority decided to seek legal opinion in the matter, which is as follows: The Authority discussed the issue in its 91st meeting held on 29th, 30th, 31st May, 2014 & after deliberation it is observed that, as per clause (viii) of S.O. 18E dated 04/01/2002, the project proponent was to seek CRZ recommendation from MCZMA to its proposal, before starting construction activity or otherwise it attracts O.M. dated 12/12/2012 & 27/06/2013 issued by MoEF.

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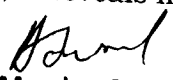


The project proponent vide letter dated 12/08/2014 submitted to the Authority about the pros & cons in the matter, after verifying the minutes of the meeting of the MCZMA held on above dates, which are as under.

- 1) As per minutes of 48th Meeting of MCZMA held on 17/01/2009, at item No. 4 the powers & function of MCZMA constituted by MoEF was deliberated & at sr. No. 4, it was decided by the Authority that, activities involving investment less than 5 cr. shall be regulated by the Chairman, MCZMA as per the powers delegated under CRZ Notification &E(P) Act, 1986. Accordingly, proposals related to construction / reconstruction / redevelopment of the existing building will be processed by UDD Dept. as per DCR Rules existed on 19/02/1991 etc. & approval of Chairman, MCZMA should be obtained prior to issuing final permission by the UDD, where the projects having investment less than 5 cr. & there cannot be further sub delegation as per CRZ Notification & E(P) Act, 1986
- 2) As per minutes of 64th Meeting of MCZMA held on 12/08/2010, at item No. 22, the Authority decided that, hence forth all cases received by Envi. Dept. will be placed before the MCZMA for deliberation & taking decision in the matter. As the pendency before the Authority, is now within the limit of 45 days & this decision of the MCZMA will supersede the earlier decision of the Authority to clear the cases having investment less than 5 cr. at the level of Chairman, MCZMA so as to dispose off the large No. of pendency at the earliest.
- 3) As per 91st Meeting of MCZMA held on 29, 30 & 31 May 2014, it was observed by the Authority that, as per clause (viii) of S. O. 18 E dated 04/01/2002 prior CRZ recommendation from MCZMA was mandatory in the subject proposal. The UDD issued CRZ Clearance dated 26/06/2009 to the project namely "Cozymore" however, before issuing clearance UDD had sought remarks of Envi. Dept. & a photo copy of the office note enclosed by the project proponent, pertains to approval of the project by Secy. Envi. / Chairman, MCZMA.

It is noticed from the minutes of the meeting of the Authority that, the Authority in its 48th Meeting held on 17/01/2009 passed a resolution, if the projects having investment of less than 5 cr. the UDD has to seek prior approval from the Chairman of the MCZMA before issuing final permission by it. In the present matter, it reveals from


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the correspondence enclosed herewith as CS No. 5/600 that, the proposal of the project proponent was referred by the UDD to the Envi. Dept. as the project is less than 5 cr. The Secy. Envi. / Chairman MCZMA approved the proposal in March, 2009 & sent it back to UDD. The UDD thereafter considered the proposal of project proponent & thereby granted No Objection for proposed redevelopments of Building known as "Cozymore" at plot bearing No. C. S. No. 5/600 of Cumballa & Malabar Hill division at August Kranti Maidan, Kemps Corner, Mumbai vide letter dated 26/06/2009 which was addressed to Dy. Chief Engg. (B. P.) MCGM, E-ward, Byculla, Mumbai - 400 008.

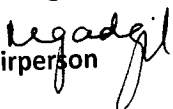
Now, it is the matter of interpretation before the Authority to consider its earlier decisions taken by the MCZMA in its 48th Meeting, 64th Meeting & 91st Meeting. However, it reveals from the resolution passed by the Authority in its 48th Meeting the project namely Cozymore is having No Objection issued on 26/06/2009 by UDD, Mantralaya, Mumbai - 32, after receipt of remarks by Chairperson, MCZMA.

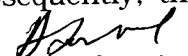
However, the Authority after deliberation decided to discuss the matter in detail in next MCZMA meeting.

Item No.17: Proposed redevelopment on land bearing CTS No. B/870-B of village Bandra at Kane Road, Bandra (W), Mumbai by M/s. Samudra Developers Pvt.Ltd.

Authority noted the background of the Proposal which is as follows:

1. The proposal was initially considered in the 42nd meeting of MCZMA held on 30.1.2008. The cost of the project is more than Rs.5 crore so it was decided to recommend to the MoEF New Delhi. The proposal was recommended to MoEF, New Delhi on 21.2.2008. The proposal got CRZ clearance on 16.6.2008 granted by MoEF. Further, MCGM issued IOD on 5.6.2009 for building comprising of two basement + stilt + 4 upper floors. On compliance of IOD, CC upto top of basement was issued on 24.6.2009 and further CC for top of 2nd floor was granted on 29.11.2010. The work already started on site. Subsequently, the


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new architect submitted the amended plan for the proposed building comprising of two level basement + ground + 28th upper floors. MCGM submitted a detailed report for approval of various concessions. On receipt of the approval of various concessions MCGM on 20.1.2011 approved the amended plan comprising of two level basement + stilt + 28th upper floors with conditions No 33 to obtain revise NoC from CRZ point of view.

2. The proposal was discussed in 77th and 81st meeting of the MCZMA held on 9th Oct, 2012 and 26th April, 2013 respectively. Based on the decision taken in 77th meeting, the Authority vide its letter dated 30.11.2012 directed the project proponent to stop the construction work on site under reference and MCGM should ensure the same. Further, the MCZMA vide its letter dated 30.11.2012 sought information from the MCGM on certain points of the matter.
3. The subject proposal was again deliberated in 81st meeting held on 26th April, 2013. The Authority after detailed discussion and deliberation decided to withdraw the Stop Work Notice dated 30.11.2012 issued to the project and recommend it to concerned planning authority ie. MCGM subject to certain conditions on 30.5.2013.
4. 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
5. 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


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MCGM. If any violation of conditions of CRZ recommendation is found, MCGM was requested to take appropriate action in the matter.

6. 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.

During 91st Meeting of MCZMA held on 29th, 30th and 31st May, 2014, 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.

Authority noted that the Municipal Corporation of Greater Mumbai (MCGM) has forwarded the proposal of "Proposed residential building on land bearing CTS No. B/870-B of village Bandra at Kane Road, Bandra (W), Mumbai 400 050 vide letter dated 18.6.2014 to MCZMA.


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- a. MCGM vide letter dated 18.6.2014 mentioned that, there was a structure existing on the plot under reference which was declared dilapidated by MCGM vide letter dated 20.10.2009. Further, it is informed by the project proponent that as the said structure was not strong enough to get repaired as per suggestions of the structural consultant, the same was demolished by them in the year 2009. However, cognizance of these facts was not submitted by the project proponent while granting concession by Municipal Commissioner and while forwarding proposal to MCZMA, for which CRZ NOC dated 30.5.2013 is issued. The existing structure was declared dilapidated by MCGM prior to 6.1.2011 i.e. before CRZ Notification, 2011. The proposal under reference is the redevelopment of dilapidated structure.

Further, MCGM mentioned that, as per the condition no. 6 & 7 of CRZ NOC dated 30.5.2013, project proponent should provide Rain Water Harvesting System and Sewerage Treatment Plant. However, these two services take considerable area for installation as per difficulties expressed by project proponent vide their letter dated 5.6.2014. Project Proponent informed that as the net plot area is only 902.06 sqm it is very difficult to provide these two services. Project proponent would like to connect sewerage to municipal sewer on abutting road. Therefore, project proponent has requested to forward their request i.e. not to insist services of Rain Water Harvesting System and Sewerage Treatment Plant to MCZMA and issue necessary corrigendum to CRZ NOC dated 30.5.2013.

As per remarks of MCGM dated 18.6.2014 there was a structure existing on the plot under reference which was declared dilapidated by MCGM vide letter dated 20.10.2009.

- b. As per MCGM letter dated 19.5.2014, plans for residential building comprising of 2 Basement + Stilt + 28th upper floor have been approved
- c. FSI Details, as per plans approved by MCGM on 20.1.2011,
- Total Plot Area – 919.30 sqm
 - Permissible FSI- 1.00
 - Permissible floor area – 919.30 sqm
 - BUA proposed – 917.39 sqm
 - FSI Consumed – 0.997


The Authority noted that MCZMA vide letter dated 12.11.2014 sought Information from MCGM. Project proponent submitted its reply on 21.11.2014.

Project proponent presented that as regards to violation of CRZ notification 2011 with regards to FSI & non-FSI, MCGM have forwarded their reply under letter no CE/2313/WS/AH dated 3/1/ 2013 vide point no. 3,4 and 5. As regards the current status of the construction, the same has already been intimated vide MCGM letter u/no. CE/2313/WS/AH dated 3/1/2013 vide point no.1 and in the minutes of MCZMA meeting dated 26/4/2013.

During the meeting the project proponent submitted a letter dated 25th Nov, 2014 of MCGM. Excerpts of the the said letter of MCGM mentions that project proponent have submitted letter datd 25.11.2014 saying that they do not intent to construct the building as per the approved plans datd 20.1.2011 and also mentioned that the proposed revised building plans are under preparation. Further they will pull down the work which was carried out on site and they will reconstruct the building as per the proposed amended plans under preparation. On receipt of plans, same will be scrutinized and submitted for approval of competent authorities. Now this is to inform you that revised proposal will be submitted to MCZMA for CRZ clearance after scrutinizing it as per DCR 1991 as amended up to 6.1.2011 as the project proponent intends to redevelop the dilapidated structure as per clause 8(v)(c) of CRZ Notification for M/s Samudra Developer Pvt Ltd which DCR 1991 amended upto 6.1.2011 are applicable.

Authority deliberated the matter at length and observed that the reply of the MCGM to MCZMA query is unsatisfactory and silent on the issue of aspect of violation of the matter. Therefore, The Authority decided to seek again a clarification in this matter from MCGM in continuation to MCZMA's letter dated 12.11.2014 addressed to MCGM.

Item No.18: Redevelopment of Sea Green Cooperative Housing Society Ltd,
Worli, Mumbai.


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Hon'ble High Court of Judicature at Bombay has passed an order dated 3rd September 2014 in Writ Petition No. 1245 of 2013 M/s Sea Green CHS Ltd Vs Union of India. Authority noted that the MCZMA has filed a SLP against this Hon'ble High Court order dated 3rd Sep, 2014.

The Authority further noted that Hon'ble Supreme Court of India passed an order dated 21st Nov, 2014. The content of the said order is as follows:

"Issue notice to the non-appearing respondents. Dasti service, in addition, is permitted. Counter affidavit be filled within two weeks. Having regard to the fact the entire construction is complete, no interim order is to be passed. However, the applications filed by the respondents shall remain pending with the petitioner till further order. Let the matter be listed within four weeks."

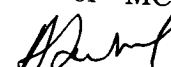
The Authority took on record the above said order and accordingly decided to keep the application dated 22nd October 2014 of M/s Sea Green CHS Ltd pending till further orders of Hon'ble Supreme Court.

Item No. 19: Regarding deletion of condition to obtain NOC from MPCB in the proposal of proposed residential building on plot no. 122 of property bearing S. No. 41 (pt) and CTS No. 1/38/3A/3 of village Oshiwara, off J.P. Road, Andheri (West), Mumbai

The Project proponent presented that proposal of residential building on plot no. 122 of property bearing S. No. 41 (pt) and CTS No. 1/38/3A/3 of village Oshiwara, off J.P. Road, Andheri (West), Mumbai was considered 72nd meeting of MCZMA held on 4.11.2011 and was recommended to MCGM vide letter dated 11.1.2012 subject to certain Specific and General Conditions. The specific condition No. 5 mentioned in the MCZMA's recommendation letter dated 11.1.2013 as under: "Project Proponent shall obtain NOC from MPCB and Ground Water Board before commencement of the work."

The Proponent vide letter 26.12.2013 requested to delete the said condition to obtain the NOC from the Maharashtra Pollution Control Board of MCZMA

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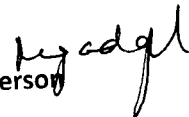
recommendation letter dated 11.1.2013. Proponent presented that the total built up area of the project area is 5143.84 Sqm which is less than 20,000 sqm. Further, said condition is not seen nowadays in MCZMA's recommendation letter. M/s. Shree Swami Samrtha Prasanna Co-op hsg. Soc. Ltd. has submitted letter dated 20.11.2013 on the subject matter.

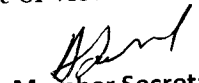
The Authority after deliberation decided to delete specific condition of obtaining NOC of MPCB (in condition no. 5) of the CRZ recommendation letter dated 11.1.2012 granted by MCZMA in the proposal of proposed residential building on plot no. 122 of property bearing S. No. 41 (pt) and CTS No. 1/38/3A/3 of village Oshiwara, off J.P. Road, Andheri (West), Mumbai as the total BUA is less than 20,000 sqm.

Item No.20: Advertisement hoardings on the vertical face of the superstructure of the obligatory span (at S.V. Road) of the Mahim Interchange flyover, Mumbai (Two Hoardings adm. 279 Sq.m. i.e. 46.5m X 3m each) facing traffic flow from (1) Mahim to Bandra Station, (2) Bandra Station to Mahim and (3) Bandra Station to Mahim separate display site Mahim adm. size 80' X 10' – M/s. Rajdeep Publicity Pvt. Ltd.

The M/s. Rajdeep Publicity Pvt. Ltd presented the proposal before the Authority, which as follows:

1. Municipal Corporation of Greater Mumbai(MCGM) vide letter dated 21.5.2008, has granted No Objection to allow to put up two nos. of illuminated Advt. hoardings adm. 150 X 10 each on parapet wall of Mahim Flyover Bridge facing traffic coming from Mahim & moving towards Bandra and Vice Versa.
2. MCGM vide letter dated 5.10.2013, mentions that, the said site falls under coastal regulation zone and proposal for rejection of gantries in the said vicinity area is being recommended to DMC (Z-III) as per Hon'ble High Court Order dated 30.7.2011 in WP 1132 of 2002. Further, directed to submit NOC from MCZMA.
3. M/s. Rajdeep Publicity Pvt. Ltd. has submitted application on 8.10.2013 and resubmitted on 24.6.2014 & 27.10.2014 with supporting documents to MCZMA and requested to accord No Objection Certificate from CRZ point of view.


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The Authority noted that the matter regarding "Proposals of Advertisement hoarding in CRZ area" was discussed in the 87th Meeting of the MCZMA held on 20th & 21st January, 2014, wherein the Authority decided as follows:

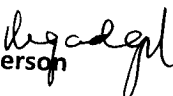
1. Hoarding which is in existence prior to 19.2.1991 requires no approval from CRZ point of view.
2. No new hoardings shall be permitted henceforth.
3. Hoarding has been granted CRZ recommendation earlier from MCZMA shall continue.


The Authority observed that the hoarding of M/s. Rajdeep Publicity Pvt. Ltd. is an existing hoarding. Hence, the Authority after deliberation the Authority decided that the issue of consideration of CRZ recommendation to the hoardings which are in existence having granted the permission by the local planning authority shall be discussed in the next MCZMA meeting.

Item No.21: Development of All- weather Multi Cargo Port (Captive Jetty – Phase I Development) at village Nandgaon, Dist- Thane by M/s. JSW Infrastructure Limited

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

1. M/s JSW Infrastructure Ltd. has proposed to develop an All-weather Multi-cargo Greenfield Port at village Nandgaon, Taluk; Palghar, Dist. Thane in the state of Maharashtra.
2. The proposed Nandgaon Port would cater to the local demands of the MIDC as well as the national demand of the Container traffic, since the JNPT port is not able to meet the demand. The traffic of containers would be further

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strengthened once the Dedicated Freight Corridor is operational. The proposed port is expected to handle about 17.35 million tonnes of cargo in the year 2017 rising to about 28.72 million tonnes in year 2020. The cargo to be handled in the first phase would mainly consist of solid cargo such as coal, coking coal, fertilizer, cement and clinker, iron and steel containers, automobiles, miscellaneous cargo such as food grains, sulphur, sugar, pulp, newsprint, scrap and liquid cargo such as LNG, chemicals and POL. Therefore, 6 berths for solid cargo handling is proposed during Phase-I, with a total continuous quay length of about 1500 m. In addition there would be a dedicated berth for coal, LNG and 3 berths for chemicals and other liquid cargo.

3. Alternative sites were examined along the coastline spanning between the Mumbai region and the Maharashtra-Gujrat border. After rigorous multi-criteria analysis site at Nandgaon, in the vicinity of the Tarapur Industrial Area was selected. The proposed Nandgaon Port is envisioned to act as an alternative to the existing ports in the Mumbai region. The location is 110 km south of Mumbai, and is about 8 km from the Boisar railway station and 23 km from the National Highway number 8. The approximate geographical co-ordinate of the Port lies between Lat. 19° 45' 44" and 19° 47' 03" N and Longitude 72° 41' 10" E. The port will be designed to handle Panamax sized vessels in the first phase and cape size carriers in the final phase. The Port will have two breakwaters protecting the berths and offer tranquility inside the Port. The first phase channel will have a navigable depth of around 15 m which would be increased to 19.8 m in the final phase. The handling equipment's would be fully or semi-mechanized equipped to prevent pollution while achieving high degree of efficiency. The first phase of the port would be developed at a cost of about 3400 crore.
4. As per the CRZ demarcation carried out by IRS, Chennai, the LNG Jetty, Pol jetty, Tankage area comes under CRZ- IV area and remaining allied activities falls in CRZ- I (B) and CRZ - III.
5. The proposal was earlier deliberated in 84th meeting of MCZMA wherein the Authority decided to direct the project proponent to submit the NoC of the Fisheries Department and revert. It was further decided that while deciding the

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proposal Commissioner, Fisheries department would be called for the meeting for hearing and consultation. Accordingly, the Authority issued a letter 7.10.2013 to M/s. JSW Infrastructure Limited to submit the NoC of the Fisheries Department.

6. Commissioner of Fisheries, Maharashtra State has accorded NOC (No Objection Certificate) vide letter dated 13.1.2014.
7. The proposal was again deliberated in 88th meeting of the MCZMA held on 31st January, 2014 matter was deferred, in light of the Hon'ble High court order dated 8th January, 2014 in WP (L) No. 3278/2013.
8. Maharashtra Maritime Board (MMB) vide letter dated 25.7.2014 mentioned that Hon'ble Minister Ports, Government of Maharashtra has heard the party and decided the case on 12.2.2014 in the light of Hon'ble High Court directives vide order dated 8.1.2014 in Writ petition (L) 3278/2013. Hon'ble Minister Ports, Government of Maharashtra in his order dated 27.5.2014 has directed that MMB should make necessary amendments in the agreement signed with JSWIL so as to use the jetty for captive purpose only.
9. Maharashtra Maritime Board (MMB) vide letter dated 1.8.2014 mentioned that, Maharashtra Maritime Board (MMB) has approved the proposal of M/s JSW Infrastructure Ltd. (JSWIL) for construction of a captive port facility in its 61st Board meeting held on 20.09.2011.
10. Subsequently, MMB has entered into a Deed of Lease on 03.12.2011 with JSWIL for leasing out a waterfront at village Nandgaon (Tal. Palghar, Dist. Thane) for construction, development, operation and management of a captive port facility in order to handle cargo related to the steel plants of JSWIL situated at Tarapur and Vashind in Thane District. Thereafter, a Deed of Modification was signed on 4th April 2013 for revision of the waterfront based on the layout of the project derived through extensive technical studies carried out by JSWIL. Both these agreements have a mention of the project as "Captive Port Facility".
11. The project of JSWIL has been approved by MMB under the prevailing policy of the Government of Maharashtra for establishment of a captive jetty. However, the mention of the project as "Captive Port Facility" instead of "Captive Jetty" in the aforesaid agreements created an ambiguity in terms of nomenclature of the


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project. Therefore, in order to bring clarity in the nomenclature of the project, MMB, in its 66th Board meeting held on 8th January 2014, approved signing of the revised agreement with JSWIL to mention the project as "Captive Jetty" instead of "Captive Port Facility".

12. M/s Chaucer Capital, one of the interested developers for development of a Port at Alewadi (Tal. Paighar, Dist. Thane), aggravated due to the delay in taking any decision by the State Government on their proposal for development of port at Alewadi and while they were awaiting a decision on their proposal, a jetty was sanctioned to another developer at the site where M/s Chaucer Capital was to develop the port. Hence, they filed a Writ Petition no. 3278/2013 in Hon. High Court with a plea to decide on their representation dated 31st July 2013 after giving personal hearing to them. Hon'ble High Court disposed off the petition vide order dated 8th January 2013 with the directives to respondents (i.e. State Government and MMB) to give personal hearing to the petitioner (i.e Chaucer Capital) within a period of 12 weeks. Accordingly, a hearing was conducted on 12th February 2014 before. Hon. Minister of Ports, Govt. of Maharashtra. Hon'ble Minister of Ports in his order dated 27.5.2014 has directed that MMB should make necessary amendments in the agreement signed with JSWIL so as to use the jetty for captive purpose only.

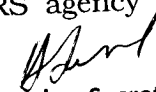
13. MMB has signed a Deed of Modification with JSWIL on 17.7.2014 to substitute the term "Captive Port Facility" with the term "Captive Jetty". Copy of the Deed of Modification dated 17.7.2014 is submitted. Area for lease rent -1) Inter tidal area (between HTL & LTL) 36900 sqm, 2) Under Water area (Between LTL & sea limits) 809400 sqm.

14. Maharashtra Pollution Control Board has granted consent to establish for commissioning of port vide letter dated 10.7.2013.

The Authority discussed the impact of the project activities & reclamation on surrounding marine ecology.

The Project proponent presented that EIA and EMP for the project has been submitted for the project and further explained the EMP of the project. It was further presented that M/s JSW has entered into an agreement with CWFRS agency for


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environment monitoring programme for the project. TOR for the same has been finalized.

The Authority noted that Commissioner of Fisheries, Maharashtra State has accorded NOC (No Objection Certificate) vide letter dated 13.1.2014. As per NoC dated 13.1.2014, in the EIA report, public hearing issues raised by public & their responses by the project proponent is discussed. Some of the fisheries related issues are as follows:

Sr. No.	Complaints / Suggestions	Responses
1	Complaint emphasized on employment opportunity, and indicated that there will be unemployment due to loss of livelihood sources based on the fishing activities/ business.	Adequate job opportunities both direct and indirect would be created for the local youths; in addition they would be made employable through proper technical training.
2	Complaint indicated that fishing net will be destroyed due to vessel movement in the port area. Fishing activity will be destroyed.	The vessels will move in well-defined channels marked with buoys to avoid any damage to fishing nets.
3	Complaint indicated that spillage of oil and waste water will occur during the ship movement. Due to this fish activity will be destroyed.	Spillage of oil and waste water is prohibited and would be monitored by the DG shipping and MPCIA. In the event of any oil spillage it will be cleaned up through oil booms and dispersants.
4	Complaint indicated that there will be blockage in the creeks and it will impact on the fishing activity.	As per the modeling study by CWPRS, Pune no such adverse impact is envisaged.
5	Participants suggested for the improvement of the financial and social livelihood of the fisherman	Agreed. The CSR activity is planned for the social benefit of the local fisherman and farm community.

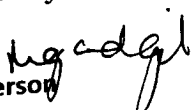
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	community and the farmers.	
6	Complaints indicated that there will be land acquisition on large scale. Displacement of fisherman community.	No land acquisition is required for this port project except for rail and road infrastructure.
	Complaint indicated that breakwaters will be constructed on northern as well as southern side. Thus the tide flow would be difficult to analyze and may pose danger to the fishermen.	The construction of the breakwater will create tranquil conditions inside the harbor by dissipating the higher wave energies. The breakwaters do not have any other impacts on the tidal heights or any other marine parameters.
8	Complaint indicated that the intertidal zone is most fertile and rich biodiversity that will be destroyed due to land reclamation.	The near shore area of the port where reclamation is being proposed is rocky and mostly gets exposed in the low tides. Hence the biodiversity of this region is not very high. In addition, the reclamation would only make the micro-organisms to migrate and regroup after reclamation.
9	Complaint indicated that the mangroves shall be destroyed which is a non-permissible activity as per the LAW.	There are no mangroves in the proposed port area, and nearest mangrove patch is about 5km away from the proposed project. Therefore, no destruction of mangroves is envisaged due to the proposed port development.

The Authority noted that Public hearing was conducted on 7.11.2012. Proceedings & Minutes of the public hearing was submitted. It is mentioned that, Shri. Kundan Sankhe pointed out to the Chairman that all the 133 grampanchayats, farmers, fishermen and others have showed their opposition to the proposed project.

The Authority further noted that MCZMA has been receiving recurrent complaints regarding strong objections to the proposed Port at village Nandgaon, Dist - Thane by JSW Port Limited.


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

- 1) MMB has signed a Deed of Modification with JSWIL on 17.7.2014 to substitute the term "Captive Port Facility" with the term "Captive Jetty". Whether there is any change of project profile due to change in project term to 'Captive jetty'
- 2) Study on reduction of fisheries due to project activities.
- 3) Habitation / Marine Biodiversity / Flora & Fauna loss due to reclamation activities of the project.
- 4) Study on corals and horse shoe crab habitat existing on north side of the port.
- 5) Details of EMP related to impact of reclamation activities on coastal environment.
- 6) Copy of the TOR regarding Environment Monitoring Programme.

Authority also decided to seek clarification from Maharashtra Maritime Board on following points:

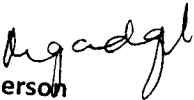
- 1) Whether there is any change of project profile due to change in project from 'Captive Port Facility' to 'Captive jetty'.
- 2) Whether the present proposal of JSW befits the proposal of captive jetty.

Item No.22: Proposal for the redevelopment of existing structure on plot bearing C.T.S. No. 57, Tika No. 5, at Mahagiri, Dist. Thane

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

1. The Municipal Corporation of Thane has forwarded the proposal for "residential cum commercial" building on plot bearing CTS No. 57, Tika No. 5, at Mahagiri, Dist. Thane by demolishing existing structure.
2. The proposed redevelopment of existing structure comprises of
Wing A - consist of Ground + upper 7 floors
Wing B - consist of Stilt + upper 2 floors

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3. TMC reported that as per the Development Plan, 1974 & 1999 of Municipal Corporation of Thane, the plot under reference is in residential zone.
4. As per the approved CZMP of Thane, the plot partly falls in CRZ II and situated on landward side of road existing prior to 1991.
5. The total area of plot is 900.51sqm.
6. FSI Details, as per the layout plan submitted by the project proponent,
 - a) Total area of Plot – 900.51sqm
 - b) Plot under CRZ area – 686.14sqm
 - c) Plot under Non CRZ area – 214.37sqm.

The MCZMA vide letter dated 24.5.2013 sought certain information from the Dy. City Engineer, Town Development Dept, Thane. As per the said reply received on 4.7.2014:

- a) The plot under reference is in CRZ II area. As per the CRZ map & also existing land use map dtd. 20.01.1987, there is existing creek road. This existing road is in between creek & proposed site and thus the land under reference falls towards landward side of road existing as on 1991. The copy of the plan showing existing creek road is submitted.

- a) Exact plot area, since plot area as per property card & layout plan different:
The developer has purchased the part land under reference i.e. 900.51sqm out of total plot area of 1326.10sqm mentioned in the P. R. Card and the development proposal is submitted on the purchased land i.e. 900.51sqm.

- b) Permissible FSI & proposed FSI with total built up area of proposed building as per DCR existing and inforce as on 19.02.1991:
The details of permissible FSI & proposed FSI with total built up area of proposed building as per DCR existing and inforce as on 19.02.1991 are as follows;

Plot Area	900.51sqm
Area affected by CRZ II	686.14sqm
Area not affected by CRZ II	214.37sqm

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	Area affected by CRZ – II (in sqm)	Area Not affected by CRZ – II (in sqm)
Plot Area	686.14sqm	214.37sqm
Permissible FSI	1.33	2.00
Permissible Built up Area	912.56sqm	428.74sqm
Incentive FSI for Redevelopment		34.33sqm
Total permissible built up Area	1375.63sqm	
Area of existing structure to be retained	329.15sqm	
Proposed built up Area	1350.12sqm	

c) No. of buildings proposed on land under reference & its use:

The redevelopment proposal comprises construction of two buildings out of which one building is ground floor + seven storied with part commercial and part residential use and other building is stilt + two storied with purely residential use.

d) Whether proposed involve demolition of existing structure on land under reference?

Demolition of Ground + two storied building and some part of ground chawl is proposed as shown in layout.

Project proponent presented that existing building is of residential use and proposed use is Residential + commercial use. The Authority noted Residential use would be permissible as against the Residential+ Commerical use proposed by the project proponent.

In the light of above, the Authority after deliberation decided to recommend the proposal of Residential use to the concerned planning authority from the CRZ point of view 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 (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 to 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, plans and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991.
4. Concerned planning Authority should ensure that there should not be change in present use of the structure while reconstruction.
5. Concerned planning Authority should ensure that commercial use of the structure is not allowed.
6. There should not be violation of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by TMC.
7. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

Item No.23: Proposed reconstruction at plot bearing Tikka No.3, C.T.S.No. 165 at village Thane (W), Dist. Thane

The Authority noted that the subject proposal was discussed in 87th meeting of the MCZMA held on 20th to 21st January, 2014. Project proponent presented the proposal before the Authority. The Authority noted the following:

1. The Municipal Corporation of the City of Thane vide letter dated 22nd April, 2013 has forwarded the proposal for redevelopment of "Residential cum Commercial" building on plot bearing Tika No. 3, CTS No. 165 at Thane (W), Dist. Thane by demolishing existing structure.
2. The proposal is for redevelopment of existing structure comprises of residential building Ground (pt) + Stilt (pt) + 1st to 6th floor + 7th (pt) with shopping in Ground floor.
3. The Municipal Corporation of the City of Thane mentions that-


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- As per the part plan of Development Plan of Thane, the plot under reference is in residential zone and in congested area.
 - As per the approved CZMP of Thane, the plot under reference falls in CRZ II and situated on landward side of road existing prior to 1991.
4. As per DCR of 1995 permissible FSI in congested area is 2, i.e. 1.5 (residential) & 0.5 (commercial). For the area included in CRZ II, as per the regulations in force on 19.02.1991, FSI considered is 1.33
5. FSI Details, as per the layout plan submitted by the project proponent,
- Total area of Plot – 127.90 sqm
 - Permissible FSI – 1.33
 - Net plot area – 127.90 sqm
 - Permissible floor area – 170.11 sqm
 - Total proposed built up area – 169.54 sqm
 - FSI proposed to be consumed – 1.32

After detailed discussion and deliberations, the Authority decided to direct the project proponent to submit the present use of the existing structure on subject plot through concerned planning authority. The letter was sent on 23.4.2014.

Project proponent vide letter dated 22.1.2014 submitted revised plans for residential building. Thane Municipal Corporation vide letter dated 5.4.2011 mentioned that, it is observed during inspection by TMC, existing building was demolished at site. Project Proponent also submitted Assessment Extract by Thane Municipal Corporation dated 22.11.2010 mentioning existing residential use.

FSI Details, as per the said layout plan,

- Total area of Plot – 127.90 sq m
- Permissible FSI – 1.33
- Permissible floor area – 170.11 sq m
- Total proposed built up area – 169.19 sq m.

As per project proponent vide letter dated 13.9.2014, the existing building on the plot under reference has been declared as dilapidated building by TMC & the said existing

building has been demolished on site. The proposed building is for residential use only.

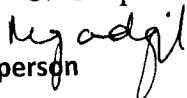
In the light of the above, the Authority after deliberation decided to recommend the proposal for Residential use to the concerned planning authority from the CRZ point of view subject to strict compliance of the following conditions:

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, plans and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991.
4. Concerned planning Authority should ensure that there should not be change in present use of the structure while reconstruction.
5. Concerned planning Authority should ensure that commercial use of the structure is not allowed.
6. There should not be violations of provisions of CRZ Notification, 2011 (as amended from time to time) which should be ensured by TMC.
7. All other required permission from different statutory authorities should be obtained prior to commencement of work

Item No.24: Proposed reconstruction of residential building on Gut No. 185 (pt) of village Masoli, Tal. Dahanu, Dist. Thane.

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

1. The proposal is for reconstruction of residential building on G. No. 185pt of village Masoli, Tal- Dahanu, Dist- Thane.
2. Proposed residential building comprising stilt + 3 floors.
3. Proponent has submitted 7/12 and property card of existing structure.


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4. The Dahanu Municipal Council vide letter dated 14.6.2013 mentions, as per sanctioned development plan the plot under reference falls in residential zone.
5. As per the CZMP of Dahanu Municipal Council area, the plot under reference falls in CRZ-II.
6. The Dahanu Municipal Council vide letter dated 14.6.2013, the plot under reference is landward side of the existing Prabhupada road.
7. FSI details. as per plans submitted by project proponent,
 - Net plot area – 1000sqm
 - Permissible FSI – 1
 - Proposed BUA – 999.03sqm

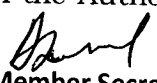
The MCZMA vide its letter dated 21.10.2013 sought information on certain points from the Chief Officer, the Dahanu Municipal Council in the subject matter. Accordingly, the Chief Officer, the Dahanu Municipal Council, forwarded their reply vide letter dated 11.11.2013 on points raised by MCZMA.

Point wise reply of Chief Officer, Dahanu Municipal Council letter dated 11.11.2013 to MCZMA is follows:

Sr No.	MCZMA query	Municipal Council Reply
1	Permissions / authorization details of existing structure in the plot under reference.	The existing construction was approved by addl. Collector, Thane vide order dated 12.01.1987. Presently building is vacant and under dilapidated condition.
2	Present use of the existing structure.	The present use of structure is vacant
3	Permissible FSI as on 19.2.1991	The permissible FSI as on 19.2.1991 is 1 as per standard building bye laws 'B' & 'C' class municipal council.

The Authority noted that earlier the proposal was discussed and deliberated in 87th meeting of the MCZMA held on 20th & 21st January, 2014, wherein the Authority

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after deliberation decided to recommend the project subject to submission of present use of existing building on subject plot through Dahanu Municipal Council.

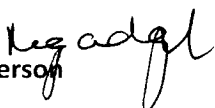
Accordingly, the Dahanu Municipal Council has forwarded their reply dated 13.05.2014 stated that the building on plot bearing G. No. 185 (pt) of village Masoli, Tal. Dahanu, Dist. Thane is presently under residential use.

In the light of above, the Authority after deliberation decided to recommend the proposal to the concerned planning authority from the 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, plans and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991.
4. Concerned planning Authority should ensure that there should not be change in present use of the structure while reconstruction.
5. There should not be 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.25: Proposal for construction of residential & commercial building on plot bearing S. No. 2+3+4, Plot No. 1+2, village Malyaan, Tal. Dahanu, Dist. Thane

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

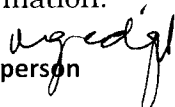
Chairperson 


Member Secretary

1. The Dahanu Municipal Council has forwarded the Proposal for construction of residential building on plot bearing S. No. 2+3+4, Plot No. 1+2, Village Malyaan, Tal. Dahanu, Dist. Thane
2. The proposed construction is construction of residential & commercial building comprising of Ground + first floor + second floor.
3. As per the layout plan submitted by the proponent, Ground + 1st floor is for commercial use and 2nd floor for residential use.
4. As per the sanctioned Development Plan on 04.04.2012 of Dahanu, the plot under reference is in residential zone and is reserved for residential purpose.
5. As per the approved CZMP of Dahanu, the plot under reference falls in CRZ II and situated on landward side of existing road.
6. The total area of plot is 893.04sqm
7. FSI Details, as per the layout submitted by the project proponent,
 - Total area of land – 1003.34sqm
 - Area under road widening – 132.50sqm
 - Net plot area – 8701.84sqm
 - Permissible FSI – 1.00
 - Allowable BUA – 870.84sqm
 - FSI for road widening 5% - 66.25sqm
 - Total allowable BUA 937.09sqm
 - Allowable plinth area – 312.36sqm
 - Proposed plinth area – 297.68sqm
 - Area open to sky – 639.41sqm
 - Total proposed BUA – 893.04sqm
 - Carpet area of ground floor – 259.10sqm
 - Carpet area of 1st floor – 192.98sqm
 - Carpet area of 2nd floor – 232.97sqm
 - Total carpet area – 685.05sqm
 - FSI proposed to be consumed – 0.89

The proposal was earlier deliberated in 86th meeting of the MCZMA held on 27th October, 2013, wherein the project proponent was directed to submit the following information:

Chairperson



- a. Superimposition of the site under reference on full CZMP.
- b. Development Plan showing site under reference having signature of concern planning authority.
- c. Remarks of permissibility of the commercial use from the concerned planning Authority.

Accordingly, the project proponent vide letter dated 3.3.2014 has submitted the required information.

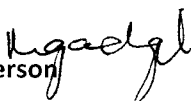
Authority observed that project proponent has not submitted the remarks of permissibility of the commercial use from the concerned planning Authority. However, project proponent presented that commercial use is permissible in Residential zone as per old (pre 19.2.1991) as well as new (post 19.2.1991) town and country planning regulations. This needs to be confirmed from the concerned planning Authority. Authority decided to seek the said information from concerned planning Authority.

Item No.26: Proposal for development of commercial building on plot bearing S.No.8/18/1/1 at Dahanu Gaon, Tal. Dahanu, Dist.Thane.

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

1. Proposed development of commercial building comprising of Ground & Stilt + 1 upper floor for commercial use on plot bearing S. No. 8/18/1/1 at Dahanu Gaon, Tal. Dahanu, Dist. Thane.
2. As per the sanctioned Development Plan under section 3130 of MRTP act of Dahanu, the plot under reference is in residential zone.
3. As per the approved CZMP of Dahanu, the plot under reference falls in CRZ II and situated on landward side of existing road prior to 19.02.1991.
4. The total area of plot is 1075.00 Sqm.
5. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of land- 1075.00Sqm
 - Permissible FSI-0.50

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- Allowable BUA- 537.50 Sqm
- Proposed plinth area-354.25 Sqm
- Proposed BUA in ground floor-175.78 Sqm
- Proposed BUA in first floor-354.25 Sqm
- Area open to sky- 720.75 Sqm
- Total proposed BUA-530.03 Sqm
- FSI proposed to be consumed- 0.49

The Authority noted that earlier the proposal was deliberated in 86th meeting of MCZMA held on 27th Nov, 2013 wherein the Authority sought certain information from the project proponent. Accordingly, the Project proponent vide letter dated 03.03.2014 submitted the information which is as follows:

Sr No.	MCZMA query	Reply of PP
1	Superimposition of the site under reference on full CZMP.	Superimposition Plan of the site under reference on CZMP Plan
2	Development Plan showing site under reference having signature of concern planning authority.	Development plan showing site under reference having signature of concern Planning authority.
3	Permissibility of the commercial use	Land under reference is in Tourism zone
4	Distance of site from HTL	Distance of site from HTL is within 200mt.

Project proponent presented that the proposal is for construction of Hotel in CRZ II area and in tourism zone.

The Authority noted that the proposal is for a resort and Annexure III of CRZ Notification, 2011 stipulates guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests.


Chairperson


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The Authority observed that the proposal is not in accordance with Annexure III of CRZ Notification, 2011. Hence, the proposal is rejected.

Item No.27: Proposed reconstruction of residential building at plot bearing S.No. 487 at village Dahanu, Tal- Dahanu, Dist - Thane

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

1. Proposed reconstruction of residential building at plot bearing S. No. 487 at village Dahanu, Tal- Dahanu, Dist – Thane
2. As per CZMP of Dahanu Municipal Council area and the Dahanu Municipal Council letter dated 25.9.2013, the land under reference falls in CRZ – II area.
3. As per Development Plan sanctioned on 4.4.2012, the land under reference falls in residential zone.
4. BUA area details as per layout plan submitted,
 - a. Plot area- 375.8 Sqm
 - b. Permissible FSI – 1.5
 - c. Permissible BUA – 563.70 Sqm
 - d. Proposed BUA – 533.40 Sqm

The MCZMA vide its letter dated 07.05.2014 sought information on certain points from the Chief Officer, Dahanu Municipal Council (DMC). Accordingly, the Chief Officer, DMC, forwarded their reply vide letter dated 06.06.2014 to the Authority.

Point wise reply of Chief Officer, DMC is follows:

Sr. No.	MCZMA query	Reply of DMC
1	Proposal is for reconstruction or new construction.	There is existing structure on said land will be demolished & new construction as residential use.
2	As per Part-B submitted by Dahanu	There is printing mistake in 'B' form

Chairperson

Member Secretary

	Municipal Council vide letter dated 25.9.2013, proposal is for construction of fish market on Market reservation No. 116. Clarification on the same	which was attached with the proposal. The Fish Market is far away from the proposed site.
3	Zoning and reservation of the plot under reference as per Development Plan as on 19.2.1991.	The plot under reference is for residential use & there is no any reservation on said land.
4	Full Development Plan as enforce as on 19.2.1991 showing the plot under reference.	Assessment abstract is submitted.
5	Full CZMP of Dahanu Municipal Council area showing the plot under reference.	Assessment abstract is submitted.
6	Permissible FSI for the plot under reference as per DCR as on 19.2.1991.	The permissible FSI as on 19.2.1991 is 1.8 as per standard Builder Bye Low 'B' & 'C' class Municipal Council. However as per sanctioned DCR for Dahanu Municipal Council on 04.04.2012 the permissible FSI in congested area is 1.5

In the light of above, the Authority after deliberation decided to recommend the proposal to the concerned planning authority from the 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.
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3. The concerned Planning authority should ensure that the FSI, plans and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991.
4. Concerned planning Authority should ensure that there should not be change in present use of the structure while reconstruction.
5. There should not be 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.28: Regarding CRZ status of the plot bearing CTS No. 195 B, Tikka No. 8 of area 153.85 Sq.m. mouje Pachpakhadi, Thane

The Authority noted that the Revenue Department, GoM has forwarded the file regarding allotment of land bearing Tikka No. 8, CTS No. 195 B admeasuring 153.85 Sqm along with temple thereon situated at Post Pachpakhadi, Tal. & Dist. Thane to Jagmata Charitable Trust, Thane to the MCZMA, Environment Department for remarks on CRZ status on 18.7.2013.

Accordingly, it was informed on 30.11.2013 to the Revenue Department that, remarks on CRZ status will be issued after submission of a CRZ map with the plot bearing CTS No. 195 B, Tikka No. 8 of area 153.85 Sqm mouje Pachpakhadi, Thane superimposed on it.

Thane District Collector vide letter 31.7.2014 informed that, Thane Municipal Corporation vide letter dated 29.5.2014 submitted approved CRZ map showing the plot under reference and mentioned that the plot bearing CTS No. 195 B, Tikka No. 8 of area 153.85 Sqm Mouje Pachpakhadi, Thane does not attract provisions of CRZ.

The Town Planning and Valuation Department, Thane also mentions vide letter dated 10.6.2011 that, the plot under reference falls in residential zone and dose not falls in CRZ area.The Revenue Department, GoM vide noting dated 19.9.2014 again


Chairperson


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requested Environment Department for remarks on CRZ status of plot under reference.

The Authority after discussion decided to direct project proponent to submit the superimposition of plot on approved CRZ map in 1:4000 scale also showing ecosystem present near the plot prepared by one of the MoEF authorized agencies.

Item No.29: Proposed construction on plot No. 50A, Sector 17, Kalamboli, Navi Mumbai

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

1. CIDCO has forwarded the proposal for residential cum commercial building on Plot No. 50 A, Sector – 17, Kalamboli, Navi Mumbai, comprises of Ground + Upper 14th floors.
2. The letter of CIDCO mentions that as per the Development Plan of Navi Mumbai, the plot under reference is in residential-cum-commercial zone. The plot falls in CRZ II and situated on landward side of existing bund road as per the CRZ map prepared by IRS, Chennai.
3. The total area of plot is 3049.31.00sqm
4. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot – 3049.31sqm
 - Permissible FSI – 1.5
 - Total permissible BUA – 4573.96sqm
 - Proposed BUA – 4573.96sqm
 - Total net BUA – 4551.007sqm
 - Balance area – 22.958sqm
 - FSI proposed to be consumed – 1.49
 - Total residential area – 3894.449sqm
 - Total commercial area – 656.558sqm

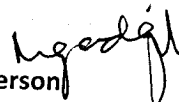
1. MCZMA vide letter dated 23.07.2013 had sought information on certain points from Chief Planner, CIDCO. The CIDCO has forwarded the reply vide letter dated 17.10.2013 to the points raised by MCZMA.

Sr No.	MCZAM query	Reply by CIDCO
1	Permissible FSI for the proposed construction as per town & country planning region as on 19.02.1991 & proposed FSI.	<p>The above plot falls under 12.5% scheme. The provision of 1.5 FSI in Navi Mumbai is application for the business and mercantile use with necessary residential use in commercial centers before CRZ notification dated 19th February, 1991. CIDCO interpreted the provision and it was made applicable to the R + C use plots since 1986.</p> <p>The FSI for all 12.5% plots is 1.5 with max 15% commercial use which is R+C use. In view of this, CIDCO has also requested the Government in UDD to consider its interpretation of FSI. Applicable to land allotted to PAPs under 12.5% scheme in CRZ II. This stand was communicated to the Govt. in 2003. The same has been reiterated in CIDCO recent letter addressed to the Govt. A copy of the letters dated 15.09.2013 & 11.06.2013 forwarded the Govt. is enclosed.</p>
2	The total BUA of proposed	As per the proposal submitted to

	construction is different as per the layout plan submitted by the project proponent and as per the Area Statement.	CIDCO by the architect M/s Dimensions Architects Pvt. Ltd., the total BUA of proposed construction is 4551007sqm
3	Proposed construction is on vacant plot or by demolishing existing structure is need to be verified.	The proposed construction is on vacant plot.
4	Designated reservation, if any, as per development plan / regional plan as on 19.02.1991 and as per current prevailing development plan of the area.	As on 19.02.1991 and as per current prevailing development plan, it falls in residential zone.
5	Google image of site under reference.	Google image of site under reference is enclosed.

The Authority noted that proposal was earlier deliberated in 87th meeting of the MCZMA held on 21.1.2014 wherein the Authority noted that the project proponent has submitted the CRZ map indicating 100m & 150m CRZ line from HTL of creek prepared by Institute of Remote Sensing, Chennai in 1: 4000 scale. As per the said map the plot under reference partly falls within 50m mangroves buffer zone & partly falls within 100m CRZ line from the HTL of creek. Authority further observed that there are two CRZ maps on record, on which, Authority felt that clarification regarding the same is required. Further, the 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 inforce as on 19.2.1991.

The Authority noted that the project proponent vide letter dated 24.6.2014 requested MCZMA to give another chance for discussion in the meeting.


Chairperson

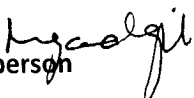

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Proponent presented that the plot under reference partly falls within 50m mangroves buffer zone & partly falls within 100m CRZ line from the HTL of creek, and FSI of 1 for the project is agreeable to them, till the clarification regarding applicable FSI (whether 1 or 1.5) is received from the Urban Development Department(UDD). Authority after deliberation decided that CIDCO & Project proponent should certify that the construction would not take place in mangroves buffer zone area.

Item No.30: CRZ Status of Plot No. - 28, Sector - 15, CBD Belapur, Navi Mumbai - M/s. Sudradh Construction Pvt. Ltd

The Authority noted that request of the proponent (M/s Shivaji Patil & Associates) regarding clarification on CRZ NOC for Occupancy Certificate for residential-cum-commercial development completed on Plot No. - 28, Sector - 15, CBD Belapur, Navi Mumbai for M/s. Sudradh Construction Pvt. Ltd was considered in the 90th meeting of the MCZMA held on 19th April, 2014, wherein the Authority decided that, the matter need to be dealt by the concerned planning Authority appropriately at their level. Accordingly, MCZMA letter dated 1.7.2014 was issued to M/s. Shivaji Patil & Associates with copy to NMMC.

Project proponent (M/s Shivaji Patil & Associates) represented that the application is kept in abeyance by NMMC due to lack of clarity to issue Occupation Certificate. M/s Shivaji Patil & Associates vide letter dated 19.9.2014 has submitted a representation along with CRZ map & report prepared by IRS Chennai which is MoEF authorised agency. As per CRZ map prepared by IRS, Chennai, the plot No. 28, Sector 15, CBD Belapur, Navi Mumbai falls beyond 150m line from old HTL as per approved CZMP and also falls beyond 100m line from new HTL as per CRZ Notification, 2011. IRS report mentions that, the project site plot No.28, Sector - 15, CBD Belapur, Navi Mumbai, is outside of CRZ as per 1991 approved CZMP and also outside the CRZ as per CRZ Notification, 2011. The CZMP of Navi Mumbai in 1:25000 scale was authenticated on 1.1.2009 by MoEF, New Delhi. As per para 5 (xii) of CRZ Notification, 2011 and MoEF Notification dated 7.5.2014, the Coastal Zone Management Plans which are already approved by the Ministry of Environment and Forests shall be used till 31st January, 2015.


Chairperson


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Project proponent requested to consider the matter and provide the actual status of Plot No. - 28, Sector - 15, CBD Belapur, Navi Mumbai, since Occupation certificate is pending with NMMC and matter is stuck from nearly 8 long years.

Authority noted that Nodal plan of CBD, Belapur in 1:4000 scale prepared by CIDCO shows the plot under reference falls partly within 150m from HTL of creek and partly beyond 150m line from HTL of creek.

Authority observed the CRZ map in 1:4000 prepared by IRS, Chennai which shows the plot under reference is situated beyond the 150 m CRZ line from old approved HTL of creek.

Authority further observed that the said CRZ map also shows new HTL and 100m CRZ line from the new HTL of creek as per provisions of CRZ Notification, 2011. The plot under reference is situated beyond 100 m CRZ line from the new HTL of the creek.

In the light of the above, the Authority after detailed discussion and deliberations and taking into account the CRZ map in 1:4000 scale & report prepared by IRS Chennai decided that Plot No. - 28, Sector - 15, CBD Belapur, Navi Mumbai is situated outside CRZ area i.e. beyond 150 m CRZ line from the approved HTL of the creek as well as situated outside 100 m CRZ line from the new HTL of creek.

Item No.31: CRZ permission for land bearing C.T.S.No. 1032/1, 1032/2, 1032/3
Area 8422.20 Sq.mts. at Mouje Alibag, Tq.Alibag

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

1. The Alibag Municipal Council vide letter dated 14th December, 2012 has forwarded the proposal for residential building on plot bearing CTS No. 1032/1, 1032/2, 1032/3, Survey No. 90/1, 90/2, 90/3, Aibag, Tal. Alibag, Dist. Raigad comprises of Ground + 2 upper floors.


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2. The Alibag Municipal Council letter dated 14.12.2012 mentions that, as per the part Development Plan of Alibag, the plot under reference is in residential zone.
3. As per the approved CZMP of Alibag, the plot falls in CRZ II.
4. The total area of plot is 8422.20sqm
5. FSI Details. as per the layout plan submitted by the project proponent.
 - a. Total area of Plot – 8422.20sqm
 - b. Permissible FSI for group housing – 0.75
 - c. Less area under 18m wide road set back – 94.00sqm
 - d. Net area of plot – 8328.20sqm
 - e. Area under 10% open space – 832.82sqm
 - f. Area under 9m wide path way – 1261.00sqm
 - g. Permissible built up area for group housing – 6246.15sqm
 - h. Permissible built up area with existing area – 3529.3011sqm
 - i. Total permissible per floor built up area for group housing – 2082.05sqm
 - j. Existing built up area on ground floor – 160.92sqm
(Servant Quarter + House) – (15.90sqmt + 145.02sqm)
 - k. Proposed built up area on ground floor – 1122.79sqm
 - l. Built up areas consumed on ground floor (exist + prop) – 1283.71sqm
 - m. Proposed BUA on ground floor – 1283.71sqm
 - n. Proposed BUA on first floor – 1122.79sqm
 - o. Proposed BUA on first floor – 1122.79sqm
 - p. Total built up area consumed – 3529.30sqm
 - q. Total balance built up area – 2716.84sqm

The MCZMA vide its letter dated 19.09.2013 sought information on certain points from the Chief Officer, Alibag Municipal Council (AMC). Accordingly, Chief Officer, AMC vide letter dated 26.6.2014 forwarded their reply. Point wise reply of Chief Officer, AMC is as follows:

Sr No/	MCZMA query	Reply from AMC
1	Whether proposal is of new construction on vacant plot or reconstruction of existing authorized	The above proposal is for new construction retaining the existing authorized building i.e. Owner's

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	structure?	house and servant quarter as it is.
2	If proposal is of reconstruction of existing authorized structure then the authorized details of existing structure on land under reference with its present use should be submitted.	The proposal is for new construction and therefore the details of existing structures on land under reference not given.
3	Authorized details of existing structure on land under reference with its existing use & CRZ status of it.	The existing structures are old structures and the map from Survey Department is submitted.
4	Permissible FSI & proposed FSI with total built up area of proposed building as per DCR existing and in force as on 19.02.1991.	The proposal is prepared as per DCR existing and in force as on 19.02.1991, details of FSI are as per below: <ul style="list-style-type: none"> • The permissible FSI for group housing is 0.75 • The permissible built up area - $8422.20 \times 0.75 = 6316.65\text{sqm}$ • The proposed built up area with existing area - 3529.3011sqm
5	Whether the plot is on land ward side of the existing road or existing structure as well as whether the existing road or existing structure is of prior to 19.02.1991.	The plot is not on the landward side of the existing road but on landward side of existing authorized structures.
6	Zoning and use (existing and proposed) of the plot under reference in Development Plan / regional plan existing as on 19.02.1991.	The land under reference is in the residential zone as per Development Plan of Alibag Municipal Council.

MCZMA once again vide its letter dated 7.8.2014 sought information on certain points from Chief Officer, AMC. Accordingly, a reply dated 15.11.2014 was submitted by Chief
As per the said reply:

Sr No.	MCZMA query	Reply of AMC
1	Current site photographs with date of land under reference.	Site photographs with date of land under reference is submitted
2	The Alibag Municipal Council mentions that, the site is on landward side of existing authorized structure. Details of existing structure should be submitted.	<p>As per approved CZMP of Alibag Municipal Council area the plot under reference falls in 500m from HTL of sea. As per CRZ Notification, 2011, Building shall be permitted only on the landward side of the existing road or on the land ward side of existing authorized structures.</p> <p>MCZMA has granted CRZ clearance for construction on CTS No. 672 K/B + 670/2 + 670/1B, 672/1D, Alibag on 22.1.2013 and CRZ clearance for construction of 4 Court rooms and Baar room in the premises of District & Civil Court at CTS No. 1011, S.No.77 Alibag on 29.11.2011.</p> <p>The plot under reference is landward side of the authorized construction and development is permissible in CRZ area as per regulations on 19.2.1991.</p>

In the light of above, 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 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.32: CRZ NoC for mining at given survey no (65, 67 to 70, 73, 74, 131, 134 and 160) of Uttamber Bauxite mine, village Uttambar, Tal. Dapoli, Dist. Raigad

The Authority noted that the proposal was deliberated in 82nd & 88th meeting of the MCZMA held on 10th June, 2013 & 31st January, 2014.

During 82nd meeting, the Authority noted that, the mining activity is proposed to be carried out in survey no. 65,67,68,69,70,3,74,131,134 and 160 of village Uttambar, Taluka Dapoli, Dist- Ratnagiri. Project proponent was directed to submit the CRZ map

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in 1:4000 scale superimposing the site under reference prepared by one of the agency authorized by MoEF. The CRZ map should show 150 m CRZ line from HTL and revert. As per the decision of the Authority in its 82nd meeting, the project proponent has submitted the CRZ map in 1:4000 scale superimposing the site under reference prepared by IRS, Chennai demarcating 150m CRZ line from HTL dated 25.11.2013, it is observed that the site under reference is out of CRZ area.

The matter was again deliberated in 88th meeting of the MCZMA held on 31st January, 2014 wherein the Authority decided to obtain the remarks of the desk of the Environment Department concerned with the issues of High Level Working Group on Western Ghat about the status of Moratorium in the concerned area. Accordingly, matter was referred to TC-1 desk of Environment Department. TC-1 Desk offered their remarks in the matter. The Authority took on record the said remarks.

The Authority observed that site under reference is fronting Arabian Sea. CRZ map in 1:4000 scale prepared by IRS, Chennai shows current status of HTL and the extent of the CRZ area. However, said CRZ map does not indicate the CRZ status of the plot as per approved HTL & CRZ area limit.

Therefore, the Authority after deliberation decided to direct project proponent to superimpose the land under reference on CRZ map in 1:4000 scale indicating old approved HTL and CRZ area limit in order to ascertain the CRZ status of the site under reference.

Item No.33: CRZ clearance for development of a shipyard at Rajpuri creek, village Adi Thakur, Mhasala, Raigad, Maharashtra

M/s. Bombay Marine Engineering Works Ltd. presented the proposal before the Authority. The Authority noted the following:

1. The proposed project is for development of shipyard for construction of repairs and new construction of supply vessels, mini bulk carriers, medium size barges or tugs in rajpuri creek.

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2. The site for proposed shipyard for ship building and ship repair activities in Rajpuri creek, village Adi Thakur, Mhasala, Raigad, Maharashtra
3. The reclamation area is proposed to be extending 76.5 m towards the creek from the line of Lat 18° 14'44.6" N and HWL on land side.
4. Total plot area is 289692.59 Sqm
5. As per submitted information, part of the proposed project is in CRZ-III and CRZ-I area.
6. Project proponent submitted the EIA report for proposed project.

MCZMA vide letter dated 21.09.2013 sought certain information from M/s Bombay Marine Engineering Works Pvt. Ltd. Accordingly, reply dated 9.8.2014 was received from M/s Bombay Marine Engineering Works Pvt. Ltd. Point wise reply is as follows:

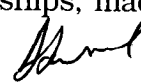
1. CZMP map with superimposing the project layout in 1:4000 prepared by MoEF authorized agency:

CZMP map with superimposing the project layout in 1:4000 scale prepared by IRS, Chennai is submitted. As per the CZMP of Raigad, the land under reference is in CRZ I & III.

List of proposed activities along with respective CRZ categorization:

- Proposal to develop a modern shipyard on southern banks of Rajpuri creek near village Adi Thakur, Tal. Mhasala, Dist. Raigad for repairs and new construction of supply vessels, mini bulk carriers, medium size barges/tugs, etc.
- The proposed facility is for repair / fabrication of 60 no. of vessels per annum (DWT 20, 000). Part of the project facilities are proposed in the intertidal region (CRZ I) while remaining in the CRZ III area. Slipway, afloat jetties, dry docks and activities which require water frontage are located in the intertidal area (CRZ I). These area activities requiring foreshore.
- Other industrial activities such as facilities provided for open and bonded storage for plates, pipes and similar material required for fabrication of various components for building as well as repairs of the ships, machine


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workshops, piping workshops, open fabrication yard, space for private shops to supply spares, equipments etc required for ship building and repairs are located in the CRZ III area.

2. Site photographs along with Google images:

Site photographs along with Google images are submitted. As per the site photographs and Google Image the proposed land is vacant.

3. Details of the proposed reclamation:

- Area to be dredged for the basin is 82, 184sqm and the quantity of dredging is 2,09,404m³. area required to be reclaimed and raised to 6m above CD is 1,28,368m².
- Volume required for filling is 6, 07,565m³. The entire dredged material will be used for filling.

4. Details of the Fishing activities at the site:

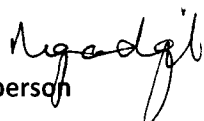
Fish landing sites in Rajpuri Creek are Rajpuri, Khamada, Danda, Dighi, Kudgaon and Mehendadi. Of these dighi, Kudgaon and Mehendadi are located on the south banks of the creek. The nearby villages involved in fishing activities are Turumbwadi, Kudgaon and Mehendadi.

5. Details of mangroves if any:

Mangroves present at the proposed site have been demarcated by IRS in the CRZ map prepared. A suitable buffer zone has been kept wherein no project activities will be carried out.

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

1. MCZMA shall write to Maharashtra Maritime Board (MMB) requesting a clarification as to whether project is as per DPR of MMB.
2. Project proponent should conduct a study by a reputed agency on the impacts of the project on fisheries and submit a report.


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Item No.34: CRZ NoC for mining at S. No. 4, 5, 6, 7, 8 for Sakhari Bauxite Mine village Sakhari, Tal: Dapoli, Dist: Ratnagiri

The Authority noted that proposal was deliberated in 85th & 88th meeting of the MCZMA held on 12th and 13th Sep, 2013 and 31st January, 2014.

Project proponent has submitted CRZ map prepared by IRS, Chennai in 1:8000 scale with superimposing lease area of mining project site village Sakhari, Tal- Mandangad, Dist- Ratnagiri. As per said CRZ map,

- The land bearing Survey No. 5, 6, 7, 8 is partly falls in CRZ area (500m from HTL of Creek/ River) and Survey No. 4 falls in Non CRZ area (500m from HTL of Creek/ River)
- The land bearing Survey No. 6, 7, 8 is partly falls in CRZ area (150m from HTL of Creek / River) and Survey No. 4 & 5 falls in Non CRZ area (150m from HTL of Creek / River).

During 85th meeting, the proposal was deferred due to moratorium on mining in Ratnagiri and Sindhudurg districts.

M/s Ashapura Minechem Limited submitted its reply vide letter dated 9.12.2013 mentioning that the MoEF vide OM dated 17.10.2013 has lifted moratorium imposed for consideration of proposals from Ratnagiri and Sindhudurg districts.

The matter was again deliberated in 88th meeting of the MCZMA held on 31st January, 2014 wherein the Authority decided to obtain the remarks of the Environment Department about the status of moratorium in the concerned area. Accordingly, matter was referred to TC-1 desk of Environment Department. TC 1 Desk offered their remarks in the matter. The Authority took on record the remarks of the TC 1 desk of Environment Dept.

The Authority after deliberation decided to direct project proponent to superimpose the land under reference on CRZ map in 1:4000 scale indicating old approved HTL and

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CRZ area limit as well as ecosystem present in the surroundings of the land under reference.

Item No.35: Proposed new building for Hotel (lodging) on plot bearing C.T.S. No. 1238 of Alibag, Tal. Alibag, Dist. Raigad

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

1. The Alibag Municipal Council has forwarded the proposal for new Hotel (Lodging) building comprises of Stilt + 3 upper floors for lodging purpose on plot bearing CTS No. 1238 of Alibag, Tal. Alibag, Dist. Raigad.
2. As per the Development plan of Alibag, the plot is in residential zone. The proposed construction is on vacant plot.
3. As per the CZMP of Alibag, the plot falls in CRZ II (within 200m from HTL) and situated on the landward side of the existing road.
4. The total area of plot is 566.06sqm
5. FSI Details, As per the plans submitted by the project proponent,
 - Total Area of Plot – 566.06sqm
 - Permissible FSI – 1.00
 - Permissible Built up Area – 566.06sqm
 - Proposed BUA of ground floor – 18.76sqm
 - Proposed BUA of first floor – 131.50ssqm
 - Proposed BUA of second floor – 131.50sqm
 - Proposed BUA of third floor – 131.50sqm
 - Total proposed built up area – 413.26sqm
 - Balance area – 152.80sqm
 - FSI proposed to be consumed – 0.73

The Authority discussed as to whether the proposal attracts the provision of Annexure III of CRZ Notification, 2011 which stipulates guidelines for development of hotel/ resorts in CRZ II and III areas and mandates that prior MoEF permission would be required for such proposals.

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Project proponent represented that proposed lodging is for accommodation of tourist only and no restaurant / hotel will be set up in the lodge. Hence, provisions of Annexure III of CRZ Notification, 2011 may not be applicable. Further project proponent pointed out that the Authority has earlier granted CRZ recommendations to lodging proposals. Authority decided to examine the proposal in greater detail in the context of submission of project proponent that the authority has granted recommendations to such type of proposals and provisions contained in the CRZ notification.

Item No.36: Proposed development of individual industrial building (ice plant) on plot bearing S. No. 146, CTS No. 1274/22, plot no. 29 in the small scale industry colony at Mauje Zadgaon, Tal & Dist. Ratnagiri

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

1. The Ratnagiri Municipal Council has forwarded the proposal for development of new individual industrial building (Ice Plant) comprises of stilt + ground + first floor on plot bearing S. No. 146, CTS No. 1274/22, plot no. 29 in small scale industry Colony, at mauje Zadgaon, Tal & Dist. Ratnagiri.
2. As per the Development plan of 19.2.1991 of Ratnagiri, the plot is in industrial zone.
3. As per the CZMP of Ratnagiri, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
4. The total area of plot is 500.00sqm
5. FSI Details, as per plans submitted by the project proponent:
 - Total Area of Plot – 500.00sqm
 - Net plot area – 500.00sqm
 - Proposed built up area for stilt floor – 36.24sqm
 - Proposed built up area for ground floor – 124.42sqm
 - Proposed built up area for first floor – 82.19sqm
 - Total proposed built up area – 242.85sqm
 - Open area of the plot – 375.58sqm
 - FSI proposed to be consumed – 0.485


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The MCZMA vide its letter dated 07.05.2014 sought information on certain points from the Chief Officer, Ratnagiri Municipal Council. Accordingly, Chief Officer, RMC forwarded their reply vide letter dated 26.05.2014 on points raised by MCZMA.

Point wise reply of the Chief Officer, the Ratnagiri Municipal Council letter dated 26.05.2014 to MCZMA is follows:

Sr No.	MCZMA query	Reply of Ratnagiri Municipal Council
1	Exact CRZ status of the land under reference.	Exact CRZ status is shown in the map submitted.
2	CRZ map of Ratnagiri showing the land under reference.	CRZ map showing the land under reference is submitted.
3	Whether the land under reference is situated on the landward side of the existing road prior 1991.	The land under reference is situated on the landward side of the existing 12 m wide road prior 1991.

Project proponent presented that they belong to fishermen community and ice plant is essential facility for their livelihood. Project proponent would submit an undertaking regarding the same from local authority.

The Authority discussed the proposal at length and observed that the activity of ice plant is permissible in No Development Zone (NDZ) of CRZ III area; however, permissibility of said activity is silent in CRZ II area. Therefore, the Authority after deliberation decided to recommend the proposal from CRZ point of view to MoEF.

Item No.37: Proposed new residential building on plot bearing S. No. (2) 77, Hissa No. 1 A, C. S. No. 1602 (pt), village Murud, Tal. Murud, Dist. Raigad


Chairperson

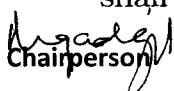

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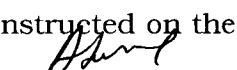
Project proponent presented the proposal before the Authority. The Authority noted the following:

1. The Murud – Janjira Municipal Council has forwarded the proposal for new residential building on plot bearing S. No. (2) 77, Hissa No. 1 A, C. S. No. 1602 (pt), village Murud, Tal. Murud, Dist. Raigad comprises of ground floor structure for residential purpose.
2. The Murud - Janjira Municipal Council letter dated 01.11.2013 mentions that, as per the Development plan of Murud - Janjira, the plot is in residential zone. The proposed construction is on vacant plot. The total area of plot is 650.00sqm
3. As per the CZMP of Murud - Janjira, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
4. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot – 650.00sqm
 - Permissible FSI – 1.00
 - Net plot area – 650.00sqm
 - Total permissible BUA – 650.00sqm
 - Proposed BUA on ground floor – 52.26sqm
 - Total Proposed built up area – 52.26sqm
 - FSI proposed to be consumed – 0.08

In the light of above, 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 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


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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.

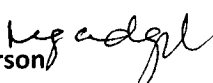
4. The concerned Planning authority should ensure that FSI, lay out plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.38: Proposed construction of residential building at S. No. 112, Hissa No.3 B, CTS No.1285/1 & 1285 B, Mouje Zadgaon, Tal & Dist. Ratnagiri

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

1. Ratnagiri Municipal Council has forwarded the proposal of construction of residential building comprising of ground+ 1st floor at S. No. 112, Hissa No.3 B, CTS No.1285/1 & 1285 B, Tal & Dist. Ratnagiri
2. The Ratnagiri Municipal Council letter dated 27.11.2013 mentions that as per the Development Plan of Ratnagiri the plot under reference is in residential zone. As per the approved CZMP of Ratnagiri, the plot under reference falls in CRZ II and situated on landward side of existing road prior to 1991.
3. FSI Details:
 - Area of Plot – 490.00Sqm
 - Permissible FSI – 1.00
 - Permissible built up area – 490 Sqm
 - Proposed built up area for ground floor – 115.45 Sqm
 - Proposed built up area for first floor – 115.45 Sqm
 - Total built up area proposed – 230.90 Sqm.

The MCZMA vide letter dated 22.04.2014 sought information on certain points from Chief Officer, Ratnagiri Municipal Council (RMC). Accordingly, Chief Officer, RMC vide letter dated 07.07.2014 forwarded their reply. The said reply is as follows:

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Sr No.	MCZMA query	Reply of RMC
1	CZMP of Ratnagiri showing the site under reference.	CZMP of Ratnagiri showing site under reference is submitted. As per the CZMP of ratnagiri the land under reference falls in CRZ II.
2	Zoning & reservation of the plot under reference as on 19.2.1991.	Zoning and reservation as per DP existing as on 19.2.1991, this plot was in Light Industrial Zone. However, it is converted into Residential in the D. P of 2000.
3	Current Status of plot / proposed construction.	No existing structure. Open plot. No work in progress.

The Authority observed that plot was in light industrial zone as per development plan (DP) existed as on 19.2.1991. However the plot is in residential zone as per DP of the year 2000. Authority discussed the permissibility of residential use in zoning existing as on 19.2.1991.

Authority after deliberation decided to direct the Ratnagiri Municipal Council to clarify the permissibility of residential use in light industrial zone.

Item No.39: Proposed construction of Residential & Commercial (holiday home) on Plot bearing S.no.20, Hissa no. 2,3,4,6,8,9,15,17 to 22, at Mauje Juikar Mohalla, Dapoli, Ratnagiri with area 53700.00 sq.m.

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

1. The proposal is for construction of residential & commercial (holiday home) on Plot bearing S.no.20, Hissa no. 2,3,4,6,8,9,15,17 to 22, at Mauje Juikar Mohalla, Dapoli, Ratnagiri


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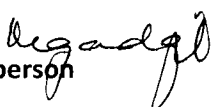
2. As per Coastal Landuse Map showing the site under reference submitted by Project Proponent, the site under reference falls in CRZ- III area.
3. As per the layout plan,
 - One "A-type" building falls within 500m from HTL of seafront.
 - Three "A-type" building partially falls within 500m from HTL of seafront.
4. Project Proponent has submitted CRZ map (Scale 1: 4000) prepared by IRS, Chennai. As per the map, the plot under reference facing seafront and creek.
 - From sea front it indicates the plot under reference partly falls in CRZ-III (Partly within 200m to 500m from HTL of sea) and partly beyond 500m from HTL sea.
 - From creek front the plot under reference falls beyond 100m from HTL creek.
5. FSI details, as per layout plan submitted by project proponent,
 - Total plot area - 53700 Sqm
 - Area under road - 18707.96 Sqm
 - Proposed Group Housing Plot Area - 34992.04 Sqm
 - Permissible BUA for Group Housing - 26244.03 Sqm
 - Proposed BUA - 9745.73 Sqm
 - FSI proposed - 37%
 - Area details:

Sr.no	Types of Building	No.s	Area in Sqm of Bldg	Total Area in Sqm
1	"A" Type Building	10	653.88	6538.80
2	"B" Type Building	3	770.34	2311.02
3	"C" Type Building	1	737.43	737.43
4	"D" Type Building	1	157.70	157.70
Total BUA				9745.73

As per Additional Collector, Ratnagiri remarks,

- Permissible FSI as on 19.02.1991 - 0.75
- FSI proposed - 0.27

The Authority noted that MCZMA vide its letter dated 20.05.2014, has requested proponent to resubmit the proposal as per the guidelines mentioned in


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Annexure III of CRZ Notification, 2011. Project proponent reverted vide letter dated 12.06.2014 stating that, the said project is residential project and it would be having individual ownership for each flat holder. Therefore it would not attract the Annexure III guidelines of CRZ Notification 2011 applicability, however Annexure III guidelines of CRZ Notification, 2011 are already considered and proposal submitted accordingly.

MCZMA vide its letter dated 08.08.2014, has requested the project proponent to submit the superimposition of site under reference demarcating old approved HTL & CRZ area in 1:4000 scale CRZ map prepared by, IRS, Chennai. The proponent has submitted its reply on the letter dated 08.08.2014 that, the old approved CRZ map superimposed with site has already been submitted with application

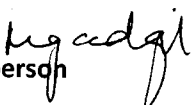
Authority noted that proposal of construction of residential and commercial holiday home is not in the consonance with the provisions 8. III. CRZ-III (viii) of CRZ Notification, 2011 for CRZ III area. The project proponent informed that they would modify the proposal as per Annexure -III of CRZ Notification, 2011 for development of hotel/beach resort in CRZ III areas.

The Authority after detailed discussion and deliberation decided to direct project proponent to rework & submit the proposal in accordance with Annexure III of CRZ Notification, 2011. Hence, the present proposal of construction of residential and commercial Holiday Home in CRZ-III area is rejected as it is not in the consonance with the provisions 8. III. CRZ-III (viii) of CRZ Notification, 2011.

Item No.40: Proposed new developmet of residential building on plot bearing S. No. 89, Hissa No. 4B (part), S. No. 89, Hissa No. 5B (part), CTS No. 2026/2, plot no.02 at Village Rahatagar, Tal & Dist. Ratnagiri.

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

1. The Ratnagiri Municipal Council has forwarded the proposal for new development of residential building with ground + 1 floor on plot bearing S. No.


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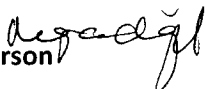
- 89, Hissa No. 4B (part), 5B (part), CTS No. 2026/2, plot no.02 at Village Rahatagar, Tal & Dist. Ratnagiri.
2. The Ratnagiri Municipal Council letter dated 17.07.2013 mentions that, as per the Development plan, the plot is in residential zone.
 3. The plot falls in CRZ II, situated on the landward side of the existing road prior 1991.
 4. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot – 110.00sqm
 - Permissible FSI – 1.00
 - Permissible built up area – 110.00sqm
 - Proposed BUA of ground floor – 51.13 sqm
 - Proposed BUA of 1st floor – 51.13 sqm
 - Total built up area – 102.26sqm
 - FSI proposed to be consumed – 0.93

The MCZMA vide its letter dated 25.05.2014 requested details regarding zoning / reservation of plot under reference as on 19.02.1991 from the Ratnagiri Municipal Council (RMC). Accordingly, RMC vide its letter dated 27.06.2014 submitted that, zoning reservation as per DP existing as on 19.02.1991- housing for dishoused. There is no construction existing in the said plot and no new construction work is in progress at the site. This plot has been issued on Lease basis under Integrated Urban Development Scheme for dishoused persons in Reservation no.59 (old Reservation no.49).

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

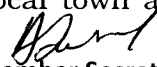
1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward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

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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, plans, 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.41: Proposed re-development of residential building on plot bearing S. No. 46 A, Hissa No. 6,8,9,10,11,13,14,15,16, , CTS No. 872 & 873 at Village Rahatagar, Tal & Dist. Ratnagiri

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

1. The Ratnagiri Municipal Council has forwarded the proposal for re-development of residential building comprising ground floor on plot bearing S. No. 46 A, Hissa No. 6,8,9,10,11,13,14,15,16, CTS No. 872 & 873 at Village Rahatagar, Tal & Dist. Ratnagiri
2. The Ratnagiri Municipal Council letter dated 12.12.2013 mentions that, as per the Development plan dated 27.04.2000 the plot is in residential zone.
3. As per the CZMP of Ratnagiri, the plot falls in CRZ II, situated on the landward side of the existing road prior 1991.
4. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot -3490.50sqm
 - Permissible FSI - 0.75
 - Net plot area - 3350.00sqm
 - Permissible built up area - 2512.50sqm
 - Existing BUA of Ground floor (to be demolished)- 113.35 sqm
 - Proposed BUA of ground floor - 53.62sqm

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- Total built up area of ground floor – 53.62sqm
- FSI proposed to be consumed – 0.016

MCZMA vide its letter dated 25.05.2014 has requested details from The Ratnagiri Municipal Council. The Ratnagiri Municipal Council vide its letter dated 15.07.2014 has reverted on asked questions as follows:

Sr No	MCZMA query	Reply of RMC
1	Zoning / Reservation of plot under reference as on 19.02.1991 need to be submitted by Ratnagiri Municipal Council.	Zoning reservation as per DP existing as on 19.02.1991- Residential Zone.
2	Documents supporting that the present construction is authorized.	There is no existing structure at site. But the old plinth is demolished (As per letter dated 21.07.2014 by Mr. Modak enclosed on page 203/cs earlier there was shed for cattle, which was demolished as it was not in use.) As per Ratnagiri Municipal Council vide its letter dated 15.07.2014 at present there is no construction at site and no new construction work is in progress at the site.

Project proponent presented that there was existing cattle shed on plot under reference which was demolished for construction of ground + 1st residential structure.

Authority observed that proposal is for reconstruction of existing structure which is demolished and plot is vacant. Proposed residential structure can be permissible on plot under reference.


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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. 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, plans 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 MCGM.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work

Item No.42: Proposal for residential-cum-commercial building on plot bearing C. S. No. 313 B, 314, 315A, 315 B, 315/1, 315/2, 316 + 316/1 (pt) at Alibag, Tal. Alibag, Dist. Raigad

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

1. The Alibag Municipal Council has forwarded the proposal for Residential cum Commercial building comprising Ground floor + 3 upper floors and stilt + 4 upper floors on plot bearing C. S. No. 313 B, 314, 315A, 315 B, 315/1, 315/2, 316 + 316/1 (pt) at Alibag, Tal. Alibag, Dist. Raigad
2. As per the Alibag Municipal Council letter dated 23.01.2014:
 - As per development plan of Alibag, the land under reference falls in Residential zone and in congested area.
 - 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 556.66sqm


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3. FSI Details, as per the layout plan submitted by the project proponent,

- a. Total Area of Plot – 556.66sqm
- b. Permissible FSI – 1.00
- c. Permissible BUA floor – 886.1658sqm
- d. Proposed BUA on stilt & ground floor – 160.5450sqm
- e. Total proposed BUA on R. Ground & 1st floor – 209.4725sqm
- f. Total proposed BUA on R. First & 2nd floor – 209.4725sqm
- g. Total proposed BUA on R. 2nd & 3rd floor – 209.4725sqm
- h. Total proposed BUA on R. 3rd floor – 97.055sqm
- i. Total proposed BUA (G + 3) (G + 4) – 886.0175sqm

Area Statement:

CTS No.	In CRZ Area in Sqm	FSI	Permissible BUA in Sqm	Out of CRZ Area in Sqm	FSI	Additional FSI with premium	Permissible BUA in Sqm
314	123.2108	1.0	221.7794	115.8892	1.5	0.5	231.7784
313-B	117.06	1.0	117.06				
315-A				34.50	1.5	0.5	69.00
315-B				25.10	1.5	0.5	50.20
315/1				30.10	1.5	0.5	60.20
315/2	7.26	1.0	13.068	19.54	1.5	0.5	39.08
316+ 316/1(pt)	84.00	1.00	84.00				
Total area in CRZ			435.9074	Total area out of CRZ			450.2584
Total plot area (In CRZ Area + Out of CRZ) = 886.1658sqm							

.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.

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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 construction should be beyond 50 m. mangrove buffer zone.
5. 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.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work

Item No.43: Proposal for residential building on plot bearing C. S. No. 1002 K, 1002/2, 1002/3, 1002/4, 1002/5 & 1002/6 at Alibag, Tal. Alibag, Dist. Raigad

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

1. The Alibag Municipal Council has forwarded the proposal for residential building comprises of Stilt (pt) + R. Ground + R. upper three floors on plot bearing C. S. No. 1002 K, 1002/2, 1002/3, 1002/4, 1002/5 & 1002/6 at Alibag, Tal. Alibag, Dist. Raigad
2. As per the Alibag Municipal Council letter dated 07.04.2014:
 - As per development plan of Alibag, 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.


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- The total area of plot is 4631.37sqm

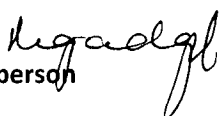
3. FSI Details, as per the layout plan submitted by the project proponent:

- Total Area of Plot – 4631.37sqm
- Permissible FSI – 1.00
- Proposed BUA on R. ground floor – 1111.86sqm
- Proposed BUA on R. first floor – 1111.86sqm
- Proposed BUA on R. second floor – 1111.86sqm
- Proposed BUA on R. third floor – 1111.86sqm
- Total proposed BUA (S + 4) – 4164.09sqm

In the light of above, 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 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.

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Item No.44: Proposed construction of holiday home at Gut no. 2159 Hissa no. 2, Mauje Nagaon, Taluka- Alibag, Dist. Raigad

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

Item No.45: Proposed reconstruction on plot bearing survey no. 1394, 1394/1, 1394/2, 1395, 1397 to 1400 village Zadgaon, Dist. Ratnagiri

Project proponent presented that the proposal of reconstruction of existing building was considered in 77th Meeting of MCZMA held on 09.10.2012, wherein the the Authority noted that as per CZMP of Ratnagiri, the site under reference falls in CRZ-II and situated on landward side of existing road, and as per DP remarks of Ratnagiri Municipal Council dt. 18.10.2011, the land under reference is in residential zone. Plot area was 1326.30 Sqm. Authority vide letter dated 29.11.2012 recommended the proposal from CRZ point of view to Ratnagiri Municipal Council subject to certain conditions. Accordingly, Ratnagiri Municipal Council has approved building plans and issued building permission vide letter dated 15.03.2013.

Project proponent presented that on actual measurement, area of plot bearing survey no. 1397 was found to be more i.e. 76sqm against 10.50sqm which is as per earlier P.R card. Hence, building plans are amended.

The Authority noted that Ratnagiri Municipal Council vide letter dated mentions 10.02.2014 that there is no other change in the original proposal except change in area of survey no. 1397. The said area has increased marginally by about 65.50 sqm.

The Authority noted the FSI Details of revised plans are as follow:

- a. Total area of the plot as per P.C (CTS no. 1394, 1394/1, 1394/2, 1395, 1397, 1398, 1399, 1400) = 1392.25 Sqm
- b. Road widening area = 24sqm
- c. Net area of Plot = 1368.25 sqm
- d. Permissible FSI = 1.00
- e. Permissible BUA= 132.025 sqm
- f. Permissible area per floor = 646.08 sqm


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g. Proposed BUA

- Stilt floor parking area = 440.17 sqm
- ground floor BUA= 463.75 sqm
- 1st floor BUA = 463.75 sqm
- 2nd floor BUA = 463.75 sqm

h. Total BUA proposed = 1391.25 sqm

i. FSI proposed to be consumed = 0.99

The Authority observed that earlier recommendation of the MCZMA was for total plot area 1326.30 Sqm. Now, total plot area as per Property card is 1392.25 Sqm.

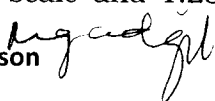
The Authority after deliberations decided to grant revised recommendation to the proposal from the CRZ point of view to the concerned planning authority subject to strict compliance of the following conditions:

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. 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, plans 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 MCGM.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Item No.46: Status of preparation of CZMP as per CRZ Notification, 2011 and Release of payment to IRS and CESS for work of CZMP preparation

The Authority noted that preparation of Coastal Zone Management Plans (CZMPs) in 1:4000 scale and 1:25000 scale is in progress by the MoEF authorized agencies in

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accordance with the provisions of CRZ Notification, 2011. State Environment Dept has entered into memorandum of understanding with IRS, Chennai and CESS, Kerala for same. Details of the same along with cost are tabulated as follows:

Details of works of preparation of CZMP of Raigad & Ratnagiri Districts to IRS by MCZMA / Environment Department:

District	Raigad (Except CIDCO, Navi Mumbai & JNPT Area)	Ratnagiri
Memorandum of Understanding	3.11.2011	8.5.2012
Tentative Length of the HTL along the coastal stretch including tidally influenced water bodies	-	1200 km (according to existing CZMP as per CRZ 1991: this may differ when the actual lengths are measured on finalization)
Rate of preparation of local level CZMP at 1:4000 & 1:25000 scale including logistic	Rs. 50000/- per km length HTL	Rs. 50000/- per km length HTL
Cost of proposal as mentioned in MoU	Rs. 152 lakh	Rs. 600 lakh + Rs 74.16 lakh (Service Tax @ 12.36%) = Rs. 674.16
Terms of Payment as per MoU: a) Mobilization Advance b) Upon submission of Draft maps c) Upon submission of Final Maps and Reports	50 % of total 25% of total 25% of total	35 % of total 40% of total 25% of total
Payment released earlier as Mobilization Advance (First installment)	76 Lakh 3.11.2011 as per conditions stipulated in MoU	83 lakh 26.9.2012 as per Decision taken on 76th Meeting of MCZMA 30.7.2012

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Payment released (Second installment)	40 Lakh 5.3.2014 as per decision taken on 86 th meeting of MCZMA 27.11.2013
Total amount released	Rs. 199 Lakh

Details of works of preparation of CZMP of Thane & Sindhudurg Districts to CESS by MCZMA / Environment Department:

District	Thane	Sindhudurg
Memorandum of Understanding	5.6.2012	
Tentative Length of the HTL along the coastal stretch of Thane & Sindhudurg districts including tidally influenced water bodies	2000 km (according to existing CZMP as per CRZ 1991: this may differ when the actual lengths are measured on finalization)	
Rate of preparation of local level CZMP at 1:4000 & 1:25000 scale including logistic	Rs. 50000/- per km length HTL	
Cost of proposal as mentioned in MoU	Rs. 1000 lakh + Rs. 123.60 Lakh (Service Tax @ prevailing rate)	
Terms of Payment as per MoU:		
a) Mobilization Advance	35 % of total	
b) Upon submission of draft maps	40% of total	
c) Upon submission of final maps and reports	25% of total	
Payment Released Earlier as Mobilization Advance (First Installment)	Rs. 83 Lakh for Thane district on 26.9.2012 as per decision taken on 76 th meeting of MCZMA 30.7.2012	Rs. 83 Lakh for Sindhudurg district on 26.9.2012 as per decision taken on 76 th meeting of MCZMA 30.7.2012
Payment Released	Rs. 40 Lakh on 5.3.2014 as per Decision taken on 86 th meeting of MCZMA 27.11.2013	
Total Amount Released	Rs. 206 Lakh	

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Authority further noted that total cost of the project will be determined upon completion of the work as per cost criteria decided by authority ie. Rs. 50,000 per km length of HTL as per decision taken in the meeting dated 26.7.2011 and as mentioned in MoUs. Total cost of the work need to be determined based on length of HTL as indicated in CZMP.

The details about progress in this regard are as given below:

CRZ maps in 1:25000 scale:

1. Thane District:

The draft CRZ maps in 1:25000 scale of Mira Bhayandar Municipal Corporation (MBMC), Vasai Virar Municipal Corporation (VVMC), Thane Municipal Corporation (TMC) and Kalyan Dombivali Municipal Corporation (KDMC) of Thane Districts are received from CESS, Kerala.

a. Mira Bhayandar Municipal Corporation (MBMC) –

- i. Draft CRZ maps in 1:25000 scales of MBMC area of Thane District received by MCZMA on 13.3.2014
- ii. The said draft CRZ maps have been sent to MBMC for conducting stake holder consultation on 20.6.2014
- iii. Maharashtra Pollution Control Board informed that public hearing scheduled on 30.9.2014
- iv. Maharashtra Pollution Control Board informed vide letter dated 26.9.2014 that public hearing scheduled on 30.9.2014 has been postponed by District collector, Thane.

b. Vasai – Virar Municipal Corporation (VVMC) –

- i. Draft CRZ Maps in 1:25000 scales of Vasai Virar Municipal Corporation received by MCZMA on 29.4.2014.
- ii. The said draft CRZ maps have been sent to VVMC for conducting stake holder consultation on 1.7.2014.


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c. Thane Municipal Corporation (TMC) –

- i. Draft CRZ Maps in 1:25000 scales of Thane Municipal Corporation area received by MCZMA on 29.4.2014
- ii. The said draft CRZ maps have been sent to TMC for conducting stake holder consultation on 1.7.2014.

d. Kalyan Dombivali Municipal Corporation (KDMC)-

- i. Draft CRZ Maps in 1:25000 scales of Kalyan Dombivali Municipal Corporation area received by MCZMA on 13.5.2014
- ii. The said draft CRZ maps have been sent to KDMC for conducting stake holder consultation on 1.7.2014.

2. Sindhudurg District:

CESS has submitted draft CRZ maps in 1:25000 scale for Sindhudurg District as per CRZ Notification, 2011 to MCZMA vide letter dated 9.7.2014.

3. Other Coastal Districts / Areas of Maharashtra:

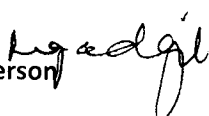
Draft CRZ maps in 1:25000 scale of other coastal districts/ areas namely MCGM Area, Raigad District, Ratnagiri District, JNPT, CIDCO, Rural Thane area, MbPT and NMMC Area are yet not received from MoEF authorized agencies / MCGM, NMMC, JNPT, CIDCO and MbPT.

CRZ maps in 1:4000 scale:

Draft CRZ maps in 1:4000 scale of Ratnagiri District, Raigad District, MbPT area, JNPT prepared by IRS, Chennai and Rural areas of Kalyan & Vasai Taluka, TMC area, MBMC area, KDMC area, Palghar Municipal Council area, Dahanu area, Thane rural area, Devgad Taluka, Malvan area, rural areas of Malvan & Sawantwadi, rural areas of Vengrla & Sawantwadi, Rural areas of Kudal Kankavali & Talasary prepared by CESS are received by MCZMA.

CESS Letter dated 3.9.2014:

National Centre for Earth Science Studies (CESS) vide letter dated 3.9.2014 informed to MCZMA that it has submitted CZMP of both Thane & Sindhudurg districts including

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the coastal urban areas. It covers more than 80% of the work. The CESS should have received 75% of the payment. Even the 35% mobilisation advance is not fully released by the Environment Department and the respective Municipal Corporations & Councils. Out of the 9 Municipal Corporation Councils, only Mira Bhayandar and Vasai Virar have made atleast partial payment. Further, it requested that, the balance amount due may be released urgently. The Municipal Corporations and Councils may be directed to make payment urgently.

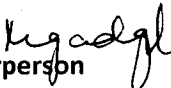
Authority deliberated the matter at length and decided the following:

- 1) MCZMA shall write to IRS and CESS to provide detailed status of preparation and submission of CRZ maps in 1:4000 scale & 1:25000 scale.
- 2) IRS and CESS may be requested to provide district wise length of HTL in draft CRZ maps prepared as per CRZ Notification, 2011, so as to ascertain the cost of the preparation of CZMP @Rs. 50000/- per km length HTL.
- 3) Authority decided to release payment of Rs. 40,00,000 /- each to IRS and CESS.

Item No.47: Discussion on MoEF letter dated 22.8.2014 regarding 'Bays.'

Authority noted that the Ministry of Environment, Forest and Climate Change vide letter dated 22nd August, 2014 requested MCZMA to send detailed report in the Bay matter. The said letter of MoEF is as follows:

'It has been brought to the notice of this Ministry that the MCZMA has recently declared / accepted that the Mumbai City is on Bay/ Creek and not on open sea based on the report of National Hydrographic Office, Dehradun. Therefore, the CRZ limit stands reduced from 500 to 100m. In respect to above, the MoEF is requesting to MCZMA to send complete details / report. The report may include the details regarding the length of both the Bays, their characteristics as compared to open sea, reports considered if any in arriving at the decision and the area likely to be recommended for covering / keeping outside the CRZ area due to the above decision'.


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Authority noted that Ministry of Environment and Forest, New Delhi published new CRZ Notification, 2011 superseding old CRZ Notification, 1991. Para (ii) of CRZ Notification, 2011 stipulates a setback of 100 m as CRZ area limit along tidally influenced water body such as creek, river, estuaries including 'Bay'. Since the 'Bay' is a new addition to the group of tidally influenced water bodies in the new Notification, proposals to exclude the earlier additional 400m beyond the 100m on the 'bay' side from the CRZ started coming for consideration in the MCZMA meetings. In this context the MCZMA deliberated on the serious implications of such a provision and wrote to MoEF to clarify the position and the approach to be taken in such cases. But no reply was received from MoEF for these queries.

Minutes of the 78th meeting of the MCZMA held on 3.11.2012 under the heading "The CRZ status of 'Bays' in the light of the 2011 Notification" are quoted as follows:

"The Authority noted that there are court cases and several enquiries regarding the CRZ status of the 'bays' in the light of the 2011 notification. In the recent case before the Hon'ble High Court, on 1.11.2012 the Hon. Court disposed of a petition directing MCZMA to pass a fresh order in a case related to the Mahim Bay. In the light of above the Authority discussed the matter in great detail.

As per the 2011 Notification, the following areas are categorized as CRZ: (i) the land area from HTL to 500 m on the landward side on the sea front, (ii) land area between HTL to 100 m or width of the creek whichever is less on the landward side along the 'tidal influenced water bodies', (iii) the land area falling between the hazard line and 500 m on the sea front, (iv) land area between HTL and LTL and (v) the water and bed area between the LTL to the territorial water limit in case of sea and the water and bed area between LTL at the bank to the LTL on the opposite side of the bank of the tidal influenced water body. The expression 'tidal influenced water bodies' as stated in the said CRZ Notification means the water bodies influenced by the tidal effect from the sea, in the bays, estuaries, river, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

The 1991 Notification, however, considered coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action(in the landward side) up to 500 m from HTL and the land between the LTL and the HTL as CRZ. The distance from the HTL shall apply to both sides in the case of rivers, creeks and

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backwaters and may be modified on a case to case basis for reasons to be recorded in writing preparing the CZMPs provided that the distance shall not be less than 100 m or the width of the creek, river or backwater, whichever is less.

Thus the CRZ Notification, 1991 stipulated 500 m CRZ areas along the bay. Accordingly, the CZMP of Maharashtra was approved by MoEF with this provision. However, now the 2011 Notification stipulates only a 100 m CRZ in the landward side of bays.

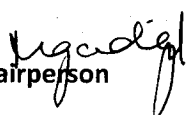
The Authority noted that Maharashtra coast has a typical geomorphological setting, where most part of the coast is comprised of bays. In other words the open sea coast is limited in Maharashtra. On further extension of the examination of the Authority found that a large part of Goa and northern Karnataka coast is comprised of bays. On the other side of the country, the entire east coast is fronted by the bay, the Bay of Bengal. This means that for the whole east coast the CRZ area is only 100 m as per the new Notification! In Maharashtra, as most of the coastal area is either on the bays or creeks, the new Notification brings the CRZ to 100 m or less on the landward side of the HTL.

Authority found that this clause related to 'bays' in the new Notification can create confusion and complication in the implementation of the CRZ. Hence, it was recommended that the matter be referred to Ministry and NCSCM for clarification".

MCZMA vide letter no MCZMA 2013/ CR 8/ MCZMA dated 15th March, 2013 forwarded the above said minutes to MoEF with a request to issue clarification in the matter at the earliest.

Then the case of Deepak Rao V/s State of Maharashtra regarding CTS No. 1463, Mahim Division, Mahim (W) for M. N. Koli CHS came up for consideration of the MCZMA. The matter of 'Bay' was deliberated during the discussion of this case in MCZMA's few meetings. MCZMA was postponing the decision on the 'Bay' matter citing the finalization and approval of the new CZMP being prepared based on the 2011 Notification. Excerpts of the minutes of 78th MCZMA meeting held on 3.11.2014 pertaining to above said matter are as follows:

"In the light of above, the Authority after deliberation came to the conclusion that since the work of CZMP preparation of Mumbai as per provisions of CRZ Notification, 2011 is under progress and the subject matter shall be looked into by the MCZMA, after receipt


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of draft CZMP of Mumbai from IRS, Chennai, there would be public consultation as well as guidance from National Centre for Sustainable Coastal Management in the matter. So no immediate action is required in the matter. Accordingly, the project proponent may be informed”

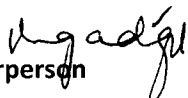
It is at this point the Hon'ble High Court of Mumbai had passed an order dated 25 November, 2013 & 9 December, 2013 in the Deepak Rao matter (WP No. 327/2013). As per said order of Hon'ble High Court 'MCZMA to take a decision one way or other on merits and in accordance with law after going through the Notification and the other relevant Notifications and after proper interpretation of the word 'Bay'. The MCZMA to decide the said application filed by the petitioner and which has been kept pending, as expeditiously as possible and, in any case, within a period of 12 weeks from today. If any adverse is passed, the petitioner will be entitled to challenge the said order by amending the present petition. The petitioner is at liberty to file an additional compilation of documents. Liberty is also given to the petitioner to file a copy of this petition as an additional compilation. Stand over to 3.3.2014'

MCZMA noted that in the new CRZ Notification, 2011 Para (ii) stipulates the CRZ limit along the 'Bay', which is defined as a tidally influenced water body, as follows:

'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'.

Further, the CRZ Notification of 2011 in Annexure I section II (9) says


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*'The water areas of CRZ IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, estuary and for such classification of the water bodies the terminology used by **Naval Hydrographic Office** shall be relied on'.*

MCZMA at this stage, in 88th meeting held on 31st Jan, 2014, decided on the matter (WP No. 327/2013) and submitted its decision to Hon'ble High Court of Mumbai based on the IRS, Chennai (MoEF authorized agency) report. Said IRS report concludes as follows:

"CRZ area shall be applied for the land / site within the 100m buffer zone from HTL (Bay / creek) as per CRZ Notification, 2011. In this case, the project site under consideration does not fall within the 100m buffer zone from HTL (Bay and creek)".

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.

MCZMA is in receipt of similar other cases, which were being addressed on similar lines. During the discussion on these cases, MCZMA raised the issue of indication of water body (Bay) as CRZ IV A in the legend of the CRZ map of IRS, Chennai submitted by the proponent. Authority noted that legend mentioned in CRZ maps of IRS shows water body as 'CRZ IV-A', which indicates seafront and not tidally influenced water bodies. Authority directed project proponents to get the clarification regarding the issue from IRS, Chennai who prepared the map.

Meanwhile, two project proponents filed Writ Petition No. (L) No. 2383 of 2014 M/s Hoary Realty Ltd & ors Vs MCGM & Ors and WP (L) No. 2431/2014 M/s Kalpavruksha Developers & Ors Vs State of Maharashtra & Ors before the Hon. High court of Mumbai. MCZMA filed affidavits in these matters. Hon'ble High Court of Mumbai has passed final orders dated 7th Oct, 2014 in these Writ Petition (L) No. 2383/2014 & WP (L) No. 2341/2014, whereby the Hon'ble High court allowed the writ petition filed by M/s Hoary Realty Ltd & Ors and M/s Kalpvriksha Developers & Ors directing MCZMA to issue clearance certificate within four weeks from the date of order. Further, following the application for amendment of prayers of writ petition by the petitioner,


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the Hon. High court vide order dated 14.10.2014 has extended time upto six weeks instead of 4 weeks from the date of receipt of order.

MCZMA vide letter dated 10.10.2014 sought clarification of IRS, Chennai regarding indication of water body as 'CRZ IV-A' in legends of CRZ map prepared by IRS. In reply to Authority's letter, IRS responded vide letter dated 16.10.2014 mentioning that:

"With reference to the above letter, the CRZ zonation along with the surveyed co-ordinates of F.P. No. 1211 of TS-IV of Mahim Division, Prabhadevi in G/North ward, Mumbai were presented in CRZ map and report of the said property.

As the Mahim Bay has sea front, the zonation between HTL & LTL is shown as CRZ IA and the bed area between LTL and 12 nautical miles is shown as CRZ IV A as per provisions of CRZ Notification 2011. Likewise, the bed area from the mouth of Mithi River till 5 ppt level of salinity is shown as CRZ IV B in the map. As per provisions of CRZ Notification 2011, CRZ map need not indicate land use classes such as 'Water Body'. Hence, only CRZ zonations I to IV are shown in the legend.

Therefore, CRZ map already submitted by IRS can be used for evaluation of the project site with respect to CRZ Notification"

MCZMA was also in receipt of a letter of IRS, Chennai dated 3.11.2014 addressed to M/s Hoary Realty Ltd. The Content of the said letter is as follows:

"With reference to the above letter and minutes of MCZMA, the following clarifications are submitted.

Vide CRZ report and Corrigendum dated 17.4.2014 submitted by IRS, the site partly falls within 100 m line from HTL of Mahim Bay, which is depicted as Bay in Naval Hydrographic Charts of Mumbai area and as per CRZ Notification 2011.

The water area between LTL and 12 nautical miles is shown as CRZ IV A in CRZ map provided by IRS. However, It is MCZMA's prerogative whether to classify the same as IV A or IV B and the same will be adopted by IRS and map, report will be revised accordingly, if required.


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Therefore, CRZ map already submitted by IRS showing 100 m line from HTL of Mahim Bay may be used for evaluation of the project site as per provisions of CRZ Notification, 2011”

MCZMA had filed two separate Special Leave Petitions (SLP) against the above said orders of Hon'ble High court of Mumbai through Advocate at Delhi. Hon'ble Supreme Court vide order dated 19.11.2014 dismissed the SLPs filed by MCZMA. The clarifications dated 16.10.2014 & 3.11.2014 were received from M/s. Hoary Realtors and IRS Chennai which were brought to the notice of MCZMA's advocate at Delhi before the hearing in Hon'ble Supreme Court.

Pursuant to dismissal of SLPs by Hon'ble Supreme Court, the MCZMA considered the above said two cases in 94th meeting of the MCZMA held on 24th November, 2014 and decided the matter in compliance to the Hon'ble High Court order dated 7th Oct, 2014 in the matters.

MCZMA is in receipt of similar cases of Bay. At present requests are with respect to Mahim Bay and Back Bay in the Mumbai area. The Naval Hydrographic Office has recognized both of them as 'Bays'. The CRZ land areas falling near these bays will shrink to 100m. To the query of MoEF the exact area which will come out of CRZ in these cases will be known once the new CZMPs are completed. Some of these cases were also discussed in the MCZMA meetings and proponents were directed to clarify the issue of indication of water body (Bay) as CRZ IV (A) through IRS, Chennai. Similar other cases of Bay still continue to be received by MCZMA.

Authority after deliberation decided to request MoEF to provide guidance in the matter as to whether such other cases of Bay matter could be addressed as per Hon'ble High court order dated 7.10.2014 in view of dismissal of SLPs by Hon'ble Supreme Court.

MoEF is requested to provide appropriate urgent guidelines and advise in this matter of 'Bays' as early as possible.

Item No.48: Consideration of proposals for TORs/Environment Clearance/ CRZ Clearance involving violation of the Environment (Protection) Act, 1986


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/Environment Impact Assessment (EIA) Notification, 2006 / Coastal Regulation Zone (CRZ) Notification, 2011

As per Ministry of Environment and Forests Office Memorandum dated 12.12.2012, 27.6.2013 & 24.7.2014,

The Environment Impact Assessment Notification (EIA), 2006 and its amendments thereafter require all new projects or activities and / or expansion and modernization of existing projects or activities listed in the schedule to the said Notification with capacity beyond threshold limits prescribed thereunder, to obtain prior Environment Clearance under the provisions thereof. Similarly, CRZ Notification, 2011 imposes certain restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ.

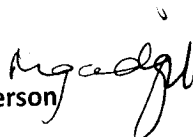
Instances have come to the notice of this Ministry where without obtaining the required clearance under the aforesaid Environment Impact Assessment Notification, 2006 and / or CRZ Notification, 2011, the construction / physical /operation activities relating to the projects have been started at the sites. Such activities amount to violations under the Environment (Protection) Act, 1986 / EIA Notification, 2006 / CRZ Notification, 2011 (henceforth referred to as violations).

The cases for granting Environment Clearance / CRZ Clearance for such projects are at present being dealt with in terms of OM of even number dated 16.11.2010. Now, it has been decided in that in supersession of this OM, the procedure henceforth stated in this OM will be followed while dealing with such cases.

The violations could come to the notice of the Ministry at various stages of processing of the proposals, i.e.:

- i. Processing the case in the Ministry before referring the same to the Expert Appraisal Committee (EAC) for TOR / Environment Clearance / CRZ Clearance;
- ii. During the deliberations in the EAC meeting and recorded as such in the minutes of the meeting and

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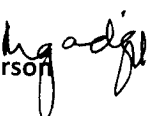
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- iii. Processing the case in the Ministry after the receipt of recommendations of the EAC but before granting TOR / Environment Clearance / CRZ Clearance.

As soon as any case of violation comes / is brought to the notice of the Ministry /EAC, the Ministry /EAC will proceed to verify the veracity of the complaint through the concerned Regional Office of MoEF / State Government / CZMA Of course, such a verification will not be required in case the project proponent does not contest the allegation of violation. Once the Ministry /EAC is satisfied that it is a violation case, before proceeding any further in the matter, the following will need to be ensured in the matter:

- i. The matter relating to the violation will need to be put up by the Project Proponent to the Board of Directors of its Company or to the Managing Committee / CEO of the Society, Trust, partnership / individually owned concern for consideration of its environment related policy / plan ~ of action as also a written commitment in the form of a formal resolution to be submitted to MoEF to ensure that violations will not be repeated. For this purpose, a time limit of 60 days will be given to the project proponent. In the meantime, the project will be delisted. In the eventuality of not having any response from the project proponent within the prescribed limit of 60 days, it will be presumed that it is no longer interested in pursuing the project further and the project file will be closed, whereafter the procedure will have to be initiated *de novo* by such project proponents.
- ii. The State Government concerned will need to initiate credible action on the violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place and evidence provided to MoEF of the credible action taken.
- iii. The details of the project proponent and a copy of the commitment, etc., mentioned at (i) above will be put on the website of MoEF for information of all stakeholders.
- iv. Directions under Section 5 of the Environment (Protection) Act 1986 will be issued by MoEF to the Project Proponent in respect of the violations and

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compliance of Project Proponent obtained to such directions especially with regard to:

(a) In case the project is at construction stage and the violation is on account of carrying out construction without valid EC/CRZ Clearance or in contravention of the conditions stated in the EC/CRZ Clearance, the construction activities will need to be suspended at the existing level till EC/CRZ Clearance is obtained or the required amendment to EC/CRZ Clearance is obtained.

(b) In case the project is in operation and the violation is on account of enhanced production beyond the capacity stated in the EC/CRZ Clearance, the production will need to be restricted to the capacity stated in the EC/CRZ Clearance till EC/CRZ Clearance is obtained for enhanced capacity. In case of operation without a valid EC/CRZ Clearance, the production will need to stop till the required EC/CRZ Clearance is obtained.

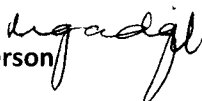
(c) In case the violation is on account of carrying out modernization of existing project and/or change in product-mix in an existing manufacturing unit, the status quo as existing prior to such modernization and/or change in product-mix will be maintained till the required EC/CRZ Clearance is obtained for the modernization and/or change in product-mix.

Once action as per para 5 above has been taken, the concerned case will be dealt with and processed as per the prescribed procedure for dealing with cases for grant of TORs / Environment Clearance / CRZ Clearance and appropriate recommendation made by the EAC/decision taken by the Ministry as per the merit of the case.

It may be clarified that the consideration of proposals for giving TORs/Environment clearance / CRZ clearance for violation cases will not be a matter of right for the project proponent. In cases of serious violations, the Ministry reserves the right to outrightly reject such proposals and not consider the same at all.

The aforesaid procedure, as stated in para 4 to 7 above will apply *mutatis mutandis* to the cases handled at the State level by the State Environment Impact Assessment Authorities (SEIAAs)/ State Level Expert Appraisal Committees (SEACs)/ State Coastal Zone Management Authorities (SCZMAs)

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The Authority discussed the said OMs and provisions of CRZ Notification, 2011. Authority observed that CRZ Notification, 2011 stipulates prior CRZ clearance and there is no provision for granting post facto clearance to the projects.

In the light of above, the Authority after detailed discussion and deliberations decided to seek guidance from MoEF about implementation of OM dated 12.12.2012, 27.6.2013 & 24.7.2014 for dealing with cases of CRZ violations as per the prescribed procedure for grant of post facto CRZ recommendation by MCZMA on the basis of merit of the case in view of the fact that there is no provision of post facto clearance not only under CRZ Notification, 2011 but also in view of Hon'ble High Court of Mumbai order dated 27.10.2014 in PIL No. 38 of 2012 with WP No. 2530 of 2012.

Item No.49: Report of site visit at three (3) sites of Bangur Nagar, Goregaon (w), Mumbai, and one(1) site at Nariman Point, Mumbai on 29.10.2014

The Authority noted that as per decision taken in the 91st and 92nd Meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 29th, 30th& 31st May, 2014 & 19th July, 2014, MCZMA sub- committee was constituted vide order dated 22.10.2014 for site visit at above locations i.e. three (3) sites at Bangur Nagar, Goregaon (W), Mumbai and one (1) site at Nariman Point, Mumbai on 29th October, 2014.

Accordingly site visits were carried out by MCZMA subcommittee on 29th Oct, 2014. The Authority took on record the site visit reports of the subcommittee and decided to discuss the matters in next meeting.


Item No.50: Application no. 33(THC)/2013 in the matter Janardan Patil Vs Union of India before NGT

The Authority noted that in compliance to Hon'ble NGT Order dated 10.12.2013, the MCZMA members along with applicants & CIDCO representatives visited five sites at village Ghansoli, Talawali & Gothivali in Navi Mumbai area in 28.12.2013. In

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compliance of the observations in the site visit, direction under Section 5 of Environment (Protection) Act, 1986 read with CRZ Notification, 1991 & 2011 issued to CIDCO on 10.1.2014. In view of above, affidavit was filed dated 13.1.2014 before Hon'ble NGT. After going through the affidavit filed by the MCZMA the tribunal directed to submit the compliance of observations made by team during visit vide its order dated 10.2.2014. Reminder letter was issued to CIDCO on 11.2.2014 for compliance of directions issued under Section 5 of Environment (Protection) Act, 1986.

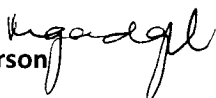
Hon'ble NGT vide order dated 14.10.2014 directed MCZMA to apprise the Tribunal about steps taken in order to make due compliance. A meeting regarding compliance of directions of Hon'ble NGT Order dated 14.10.2014 held on 14.11.2014 under the Chairmanship of Chairperson, MCZMA and ACS Environment. It was decided that, CIDCO should submit its reply along with CRZ maps & documents in compliance of Directions dated 10.1.2014 issued under Section 5 of Environment (Protection) Act, 1986 by Environment Department. Minutes of the said Meeting was informed to CIDCO and NMMC on 17.11.2014.

CIDCO has submitted compliance of directions issued under Section 5 of Environment (Protection) Act, 1986 read with CRZ Notification, 1991 & 2011 dated 14.11.2014 received on 19.11.2014. Compliance of the directions are as follows:

- a. Explain as to why prior approval of MCZMA was not sought for construction of part of initial asphalt road at site of proposed road at Talawali village (19°07'671"N, 72°59'612"E) and stop the said activities forthwith.**

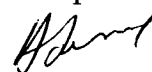
As seen in the execution drawings of the road work in road under reference, the part of the road falling within the CRZ 11 was not executed. The same holds true for the laying of water supply and sewer lines in the affected part. However, the storm water drains had to be continued in order to prevent flooding during monsoons in the adjoining densely populated village. However, once the 'Right of way' for the road was defined, the people using the road might have filled the missing link between the asphalted ends of the road for smooth travel. It can be assured that further activities in the particular stretch have not taken place.

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- b. Obtain prior CRZ approval for any further construction along the bund road at Talawali Village. As agreed in the meeting, henceforth, CIDCO shall seek one-time node-wise approval from the MCZMA for construction of parts of the proposed/ undeveloped roads that are falling in CRZ II**

This shall facilitate the execution of entire road segments at one go rather than approaching the MCZMA on multiple occasions for project-specific clearances.

- c. Stop the illegal dumping of debris in CRZ area at a site near Gothivali village (19°8'48.5"N, 72°59'731"E) immediately and remove the debris and restore the site of 1 acre within 3 months.**

The dumping of debris has been checked forthwith, and as per the specific directives of the Honourable National Green Tribunal (NGT), the process of inviting public bids for the removal of debris and restoration of site was initiated in May 2014. After obtaining administrative approval, bid was uploaded online on 28.07.2014. However, as there was no response to the Bid and only one application was received till the scheduled date of 26.08.2014, the response period was attended to 10.09.2014. Again, as only one application was received during the extended period, the closing date was further extended to 01.10.2014. Considering the poor response to the bid, it is now necessary to issue a second Notice Inviting Bid after obtaining due administrative approval. However, the same shall be complied early.

- d. Explain as to why illegal dumping of debris was carried out in above said CRZ I (A) area which is a prohibited activity under the provisions of CRZ Notification, 1991 and 2011.**

As mentioned above, the dumping of debris at the referred site was illegal, and hence escaped notice until the joint site visit in December 2013. It can be assured that the same has not been done by CIDCO. Apparently, the dumping of debris is carried out by the owners/ developers of the plots in the adjoining sectors under 12.5% scheme across the proposed road in the approved CZMP, in which construction work is being carried out.

A copy of the approved CZMP of Navi Mumbai superimposed on Ghansoli nodal plan, showing location of road under reference and dumping of debris is submitted.

Authority took on record the above said reply of CIDCO. It was informed to the authority that the Member Secretary, MCZMA was present before NGT Pune along with relevant file of the case. Hon'ble NGT has directed MCZMA to file affidavit by 15th January 2015 about the actions taken by MCZMA from time to time since receipt of the complaints of CRZ violations particularly destruction of mangroves in Navi Mumbai area.

Item No.51: Complaint regarding construction on Plot No. 24 to 29, Sector 4, Nerul, Navi Mumbai of M/s. Amey Cooperative Housing Society Ltd & M/s, Vijay Associates

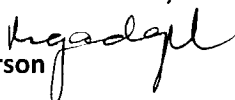
The Authority noted that MCZMA is in receipt of complaint vide email dated 14.1.2014 & 13.3.2014 from Mr. Pranshant Shende alleging that M/s. Amey Cooperative Housing Society Ltd & M/s, Vijay Associates, on Plot No. 24 to 29, Sector 4, Nerul, Navi Mumbai has been constructed without NoC from MCZMA and destroyed mangroves and blocked the channel for personal use.

Navi Mumbai Municipal Corporation was requested vide letter dated 13.2.2014, 27.3.2014 to submit the factual report in the matter and also requested to submit the list of CRZ violation cases wherein Commencement Certificate after 4.1.2002 have been issued without insisting prior CRZ clearance.

Navi Mumbai Municipal Corporation vide letter dated 2.7.2014 submitted its reply to MCZMA. As per the said letter,

- CIDCO has given Plot no. 24 to 29, 29A, Sector 4, Nerul, Navi Mumbai in the NMMC area on lease to M/s. Amey Cooperative Housing Society Ltd on 13.7.2004.
- Building permission was issued on 17.9.2004 and 1.5 FSI was approved on 1.3.2009 for construction on plot under reference.

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- NMMC has issued revised building permission on 3.4.2010
- Architect has submitted application for Occupation Certificate on 25.9.2012 to NMMC
- NMMC has rejected the application for Occupation Certificate as the plot under reference falls in CRZ II area and absence of MCZMA NoC on 3.12.2012 & 13.8.2013

Further, it is mentioned that, NMMC has submitted detailed proposal of post facto clearance cases on 15.6.2012. Secretary Environment & Chairperson MCZMA vide letter dated 25.6.2013 has rejected the said proposal. NMMC has submitted detailed proposals of post facto clearance cases to MoEF on 28.6.2013 and to Urban Development Department on 6.12.2013.

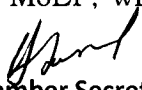
The Authority noted that the MCZMA in its 83rd meeting held on 6.8.2013 deliberated upon the matter regarding CRZ clearance for completed building projects in Navi Mumbai (Post facto clearance) (MoEF's OM dated 12.12.2012 & 27.6.2013). As decided in the said meeting, NMMC was requested vide letter dated 21.10.2013 to submit the list of CRZ violation cases wherein Commencement Certificate after 4.1.2002 have been issued without insisting prior CRZ clearance. The list should be provided to MCZMA with their CRZ status in light of CRZ Notification, 1991 & 2011, on case to case basis. The reply from NMMC w.r.t. MCZMA letter dated 21.10.2013 is awaited.

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"

Authority observed that prior CRZ recommendation from MCZMA was mandatory in the proposal as per clause (Viii) of S.O. 18(E) dated 4.1.2002 issued by MoEF, when

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the building permissions were granted to the project by concerned planning Authority on 17.9.2004, 1.3.2009 & 3.4.2010. Construction at site was started accordingly.

In the light of above, the Authority after detailed discussion and deliberations decided 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.

Table Item: Infrastructure Development, including land leveling, sewerage, storm water drainage development along with development of R & R pocket at Wadghar, Navi Mumbai

CIDCO presented the proposal before the Authority which is as follows:

1. The proposal is for approval of area development of 18.35 ha (part of a large area of 43.64 ha) falling in CRZ-II as per approved CZMP. This site is abutting Gadhi river but separated by an existing road (along HTL). There are no mangroves on this land.
2. Out of 18.35 ha, 6.31 ha will be kept for promenade park playground, tree belt etc. Remaining 12.04 ha will be a layout containing roads and plots for resettlement to be allotted to Airport affected villagers who will then construct upon the plot.
3. The area development of 18.35 ha (6.31+12.04) area would include leveling/dressing of firm land which is not part of creek/river/tidal water body/CRZ-I. No reclamation of any water body is involved.
4. The area development will involve raising the level of land by average 4.0 meter to bring it up to design level, as required for infrastructure design. This land is then to be laid with water distribution system, sewage collection system and storm water drains to connect to plot level. All these pipes and drains will be contained within the road section. The details of the infrastructure are as follows:
 - a. Road length 3888 running meters (9m, 11m & 15 m).
 - b. Sewage collection pipe 6198 running meters (150 mm dia to 500 mm dia) & sewage pumping station.
 - c. Water distribution pipe 4071 running meters (150 mm dia to 200 mm dia).

- d. Storm water drains 5005 running meters (0.6 m wide to 1.5 m. wide).
5. No water is to be drawn from the adjoining Gadhi river nor is any sewage to be let out into it. Sewage from this layout will be collected and pumped away to a distant site for treatment. A pump house for pumping away the sewage is located in the 6 ha component of the 18.35 ha of CRZ-II.
6. For 12.04 ha layout area the land use breakup is as under:
 - (i) Area under roads: 5.12 ha
 - (ii) Area under resettlement plots to be allotted to villagers: 7.53 ha
 - (iii) Area under School plot: 0.35 ha
7. As per approved CZMP of Navi Mumbai area, the land under reference partly falls in CRZ-II and partly falls in Non-CRZ area. As per CIDCO remarks, 18.35 ha area falls under CRZ-II.

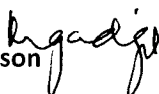
The Authority noted that the proposal was earlier deliberated in 93rd meeting of the MCZMA held on 25.8.2014 wherein the Authority sought following information from the CIDCO:

1. Detailed project report of the project specifying detailed proposed activities.
2. Superimposition of the project activities on approved CZMP of Navi Mumbai in 1:4000 scale.
3. Rapid Environment Impact Assessment and Environment Management plan Recent
4. Google images of the project site.

CIDCO has submitted the approved CZMP of the area showing 18.35 ha as CRZ II area along with this CIDCO has submitted the layout plans for development of the infrastructure. CIDCO officials clarified that comprehensive EIA of the Navi Mumbai International Airport contains the land leveling & infrastructural development of R & R pocket at Wadghar, Navi Mumbai. A report of the project & current google image of the land is also submitted.

The Authority noted that the proposed project is for Rehabilitation and Resettlement (R & R) activity for the Navi Mumbai International Airport, which is

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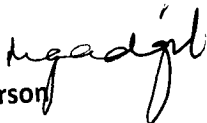


approved by MoEF. The proposal is for Infrastructure Development, sewerage, storm water drainage, water distribution system, road network including land leveling as a part of development of R & R pocket at Survey No. 136, 137, 139, 159 of Revenue village, Wadghar, Navi Mumbai. As per CIDCO letter dated 1.7.2014, the area partially falls in Woodland corridor zone and residential zone. The proposal involves raising the level of land of 18.35 ha area by average 4 m. height by soil to bring up to design level as required for infrastructural design. This land will then be laid with water distribution system, sewage collection system along with sewage pumping station, storm water drain and internal road network. Details of infrastructural components are as follows

- a) Storm water: The design of storm water is made in such a way that, it will be discharged into the Gadhi river.
- b) Sewerage system: The sewerage system will be integrated with the network of sewerage system already proposed for adjacent Karanjade Node, where Sewerage Treatment Plant (STP) is planned
- c) Water distribution system: The water distribution system is proposed to be integrated with existing water supply network in the adjacent Karanjade node.
- d) Road network
- e) Promenade park, playground and tree belt

Authority noted that Gross area in the layout is 43.64 ha and area of the layout falling within CRZ-II is 18.35 ha. Out of 18.35 ha area, 6.31 ha will be kept for promenade park playground, tree belt & sewage pumping station etc. Remaining 12.04 Ha will be a layout containing roads (3888m), storm water drainage system, sewerage system (6198m), water distribution system (4171m) and plots for resettlement to be allotted to project (airport) affected villagers (along with school plot), which will then be developed by them for construction purposes.

On the basis of maps and google images presented before the Authority, it is observed that there is no mangrove vegetation in the land under reference and there is a bund road along the Gadhi river.


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Authority noted that as per para 3(v)(b) & (c) of CRZ Notification, 2011 facilities required for following activities are permissible:

- Storm water drain and ancillary structure for pumping
- Treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents.

Authority observed that water distribution system is meant for providing water supply to people who are proposed to be settled. Authority further observed that land leveling of 18.35 ha to an additional height of 4m along with creation of promenade park, playground and tree belt is part of the R & R activity.

In the light of above, the Authority after detailed discussion and deliberation recommended for undertaking following activities of the project for R&R as part of the Navi Mumbai airport proposal:

1. Land leveling of 18.35 ha by average 4 m. height
2. Storm water drainage system
3. Sewerage system along with sewage pumping system
4. Water distribution system
5. Road network and
6. Promenade park, playground and tree belt.

The Authority decided to recommend the proposal to MoEF subject to strict following conditions:

1. Proposed activities shall be carried out in accordance with CRZ Notification, 2011 (amended from time to time);
2. There shall be no disposal of sewage in the coastal water body;
3. Storm water drain should not have any contamination of sewage;
4. Debris generated during land leveling activities shall not be disposed in CRZ area;
5. Planning Authority should comply with the EMP as envisaged in comprehensive EIA of Navi Mumbai International Airport for R & R project and

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6. All permissions required from different statutory authorities should be obtained prior to commencement of work.

Annexure I

List of Members present in the meeting:

1. Dr. M. Baba, Expert Member, MCZMA
2. Dr. Mahesh Shindikar, Expert Member, MCZMA
3. Dr. Baban Ingole, Expert Member, MCZMA
4. Shri. A.T. Fulmali, Member Secretary, MCZMA

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Member Secretary

