

**MINUTES OF THE 96th MEETING OF MAHARASHTRA COASTAL ZONE
MANAGEMENT AUTHORITY (MCZMA) HELD ON 17th January, 2015**

Ninety sixth (96th) meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment), GoM on 17th January, 2015 at 10.30 am at Sachivalay, Gymkhana, Mumbai. List of Members present in the meeting is enclosed as Annexure-I.

Item No.1: Discussion on 'Bay' issue as per provisions of CRZ Notification, 2011

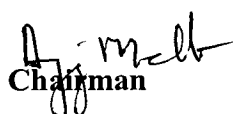
The Authority deliberated the matter of CRZ area extent along the 'Bay' as per provisions of CRZ Notification, 2011 and noted that the Ministry of Environment and Forest, New Delhi published new CRZ Notification, 2011 superseding old CRZ Notification, 1991. Para(ii) of CRZ Notification, 2011 applies max 100 m CRZ area limit along tidally influenced water body such as creek, river, estuaries including Bay. The matter of "Bay" was deliberated during Deepak Rao V/s State of Maharashtra (WP 327/2013) in MCZMA's various meetings. Hon'ble High court of Mumbai had passed an order dated November 25, 2013 & December 09, 2013 in the Deepak Rao matter. The Hon'ble High Court of Mumbai directed 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'. MCZMA, finally, in 88th meeting held on 31st Jan, 2014, decided the matter and submitted its decision to Hon'ble High Court of Mumbai based on the IRS, Chennai report and National Hydrographer office, Deharadun clarification letter issued to M/s Amba Recycler Pvt Ltd.

MCZMA was in receipt of similar other cases, which were being addressed on similar lines. During the discussion on these cases, MCZMA had raised the issue of indication of water body as CRZ IV A in the legend of the CRZ map of IRS, Chennai submitted by the proponent.

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 Kalpvruksha Developers & Ors Vs State of Maharashtra & Ors before the Hon. High court of Mumbai. The Hon'ble High court allowed the writ petition filed by M/s Hoary Realty Ltd & Ors and M/s Kalpvruksha Developers & Ors directing MCZMA vide order dated 7.10.2014 & 14th Oct, 2014 to issue clearance certificate. MCZMA filed two separate Special Leave Petitions (SLPs) against the said orders of Hon'ble High court of Mumbai. Hon'ble Supreme Court vide order dated 19.11.2014 dismissed the SLPs filed by MCZMA.

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 & 14th Oct, 2014.

MCZMA is continue to receive similar other cases of Bay matter. MCZMA in its 94th meeting discussed the matter and as per decision taken in the said meeting, MCMZA vide letter dated 1.1.2015 sent the matter along with list of Bay matters to MoEF with a request 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 Supreme Court. Thereafter, the matter is also


Chairman


Member Secretary

referred to Law & Judiciary Department for guidance of Advocate General, GoM. Replies from MoEF, New Delhi and L& JD, GoM are awaited.

The Authority noted that project proponents are approaching Hon'ble High Court of Mumbai for grant of clearance certificate for their property fronting to Mahim Bay and Back Bay. Hon'ble High court is passing orders directing MCZMA to issue clearance certificate based on the report & CRZ map of IRS, Chennai. Till now, Hon'ble High court has passed various orders directing MCZMA to issue clearance certificate on the basis of report & CRZ map of IRS, Chennai. Pursuant to directions of the Hon'ble High court, the MCZMA is considering the cases of Bay matters in its meeting for grant of clearance certificate in compliance to Hon'ble High Court orders. The Authority observed that it is necessary to take a decision as per law in order to avoid unnecessary litigations.

The Authority after detailed discussion and deliberation decided the followings:

Authority shall decide the cases of Bay matters on case to case basis on merit in accordance with provisions of CRZ Notification, 2011 and the report & CRZ map in 1:4000 scale prepared by one of the agencies authorized by MoEF& National Hydrographer office, Deharadun letter for recognition of coastalwater body as a 'Bay' & other relevant issues. Further, the Authority also decided to wait for opinion of Advocate General (AG), GoM in the matter as the matter is with office of AG.

Discussion Item: CRZ area extent along tidally influenced water bodies as per provisions of CRZ Notification, 2011

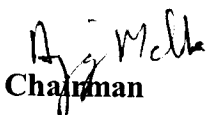
The Authority in its 83rd meeting held on 6th August, 2013 decided to adopt stringent criteria with respect to CRZ area limit along tidally influenced water bodies. As per which, max CRZ area from the HTL of tidally influenced water bodies was 150 m.

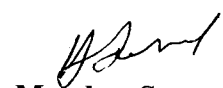
The Authority discussed that the Para (ii) of the CRZ notification, 2011 stipulates CRZ area extent along the tidally influenced water bodies, which is as follows:

"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"

The Authority after discussion decided to adopt the CRZ area extent along the tidally influenced water bodies as stipulated in para (ii) of CRZ Notification, 2011. Earlier decision of the Authority taken in 83rd meeting about the extent of CRZ area along the tidally influenced water body stands superseded.


Chairman


Member Secretary

(Note: Minutes of Item 1A & 1 B are already signed.)

Item No.2: Advertisement Hoarding Boards in CRZ area

The Authority noted that earlier, the MCZMA had taken certain policy decisions in 72nd, 79th and 87th meeting of MCZMA held on 4th November, 2011, 5th January 2013 and 20th & 21st January 2014 respectively, regarding the erection/ installation of Hoarding/ Advertising Structures in CRZ areas.

The Authority observed that Hon'ble High Court is passing various orders directing MCZMA to consider/decide hoarding applications as per Law.

The Authority considered all earlier policy decisions and provisions of CRZ Notification, 2011 and felt necessary to revise the policy for hoardings/advertisement structures in view of various orders of Hon'ble High Court. Henceforth, following is decided:

1. Erection or installation of hoardings/ boards or structures of Advertisement to be allowed only in CRZ II areas and only on landward side of existing road OR existing authorized structure OR within the periphery/ terrace/wall of existing authorized structure.
2. Erection or installation of hoardings/ boards or structures of Advertisement to be allowed beyond 200 m from HTL in CRZ III area.
3. Hoardings/ boards or structures of Advertisement which are in existence and which were permitted by MCGM / concerned local planning Authority will also be examined from CRZ point of view for CRZ recommendation/NoC.
4. Hoardings / boards or structures of Advertisement will not be allowed in CRZ I area, 50 mangroves buffer zone area and No Development Zone areas of CRZ III.
5. No trees should be cut / destroyed during the installation of Hoardings.
6. Hoarding owner/advertiser will have to pay Rs. 1 Lakh per Hoarding/board or structure of Advertisement as Scrutiny fees to the MCZMA.


The Authority decided that all earlier policy decisions taken in 72nd, 79th and 87th stands superseded

Item No.3: Redevelopment of the property on plot bearing C. S. No. 233 of Malabar Cumballa Hill Division, 91, Nepean Sea Road, D ward, Mumbai by M/s. Runwal Township Pvt. Ltd.

Project proponent (PP) presented the proposal before the Authority as follows:

1. The proposal is for redevelopment of the Cessproperty on plot bearing C. S. No. 233 of Malabar Cumballa Hill Division, 91, Nepean Sea Road, D ward, Mumbai.
2. The plot under reference is in residential zone as per DP 1967 as well as 1991.
3. As per the said CZMP, the plot falls in CRZ II and situated on landward side of existing J.P. Road, in existence prior to 19.2.1991
4. There is an earlier CRZ recommendation from the MCZMA for redevelopment project on plot under reference with FSI 1.33


Chairman


Member Secretary

5. The proposal is amended for FSI 2.5. Proposed building comprises of 2 level basement + stilt for parking floor + 1st to 6th floor for car parking + 7th floor for club house + 8th to 17th floor for residential use + 18th floor as service floor & Swimming pool on terrace level & Municipal Commissioner, MCGM in principal accorded his approval for the proposed plans for various concessions as per DCR1991.
6. As per category certificate submitted by L.S. there is a single structure with ground + 1st + 2nd part upper floors existing on site, having 'A(R)' category residential structure. 1st date of assessment is prior to 1920.
7. MHADA has granted NOC dated 8.4.2013 with FSI 2.5 or FSI required for rehab of existing occupier plus 50% incentive which is higher, as per DC reg No. 33(7) and appendix III to this reg 33(7).
8. FSI details, as per the amended plans approved by MCGM on 17.12.2013:
 - a. Plot area-2048. 97 Sq m
 - b. Permissible FSI – 2.50
 - c. Permissible floor area – 5122.42 Sq m
 - d. Total Built up area proposed – 4919.05 Sq m (FSI- 2.40)
(Area of staircase, lift. Lobby is taken as free of FSI)
9. MPCB has conducted public hearing on 20.10.2011. Public hearing report has been submitted. Salient feature of the report mentions provisions for Solar panel on terrace for water heating purpose, Provision for STP, vermi-composting bins/plant for treatment of MSW.

The Authority noted that the proposal was earlier deliberated in 88th and 92nd meeting of MCZMA held on 31.1.2014 & 19.7.2014 respectively. During 88th meeting, the Authority sought certain document / information from PP. Accordingly, PP vide letter dated 19.4.2014 submitted its reply, which is as follows:

Sr. No	MCZMA Queries	Reply of PP
1	Whether the cess was paid continuously by the original occupants since 1920 since the building has been in existence or from the date the 'repair cess' of MHADA came into existence.	<p>The repair cess dues had been collected by MCGM, Assessment Tax dept. as per Govt Circular u/r no. MRB2002/CR-557/R&R-1 dated 03.07.2004. MCGM, A.A & C dept. letter dated 13.04.2014, which states that repair cess has been collected for the subject property from 01.01.1970 to till date for cess category "A".</p> <p>Cess tax amount is paid by project proponent vide receipt no. 5540918 dated 13.08.2012 towards difference of cess amount to MCGM for change of category from "B" to "A" from 1970 onwards.</p>
2	'Cess' category certificate (whether "A" or "B") from MHADA/ MCGM.	The said property falls under category "A" and the same had been certified by MCGM, AA & C dept vide letter u/r No. A.A & C/D/3093/2012-13 dated 03.10.2012.


Chairman


Member Secretary

3	Documents regarding change of cess category.	Previously the said property was wrongly categorized as 'B' category by MCGM. PP had submitted relevant documents related to said property to Govt Housing Dept & made presentation about the wrong classification of property. Further, after verification & scrutiny it's found that the said property should have been classified under 'A' category and so. Subsequently Govt of Maharashtra, Housing dept. issued an order towards rectification and the classification of category of the said property from 'B' to 'A' was changed with retrospective effect as per Govt. circular u/r no. MRB2002/CR 557/R&R-1 dated 3.7.2004.
4	Permissible FSI on the subject plot.	The permissible FSI on the said plot is 2.5 as per 'A' category classification as sanctioned by MCGM as per DCR in force as on 6.1.2011.

The Authority noted the letter dated 31.5.2012 of Housing Department, Government of Maharashtra to MCGM mentioning therein that Govt is approving the change of cess category of property D-ward, C.S. No. 233, MalbarCumballa Hill Division, 91 Nepeansea Road, D-3283, Mumbai to Cess 'A' category from the date of declaration of the said property as Cess 'B' category. Authority further noted the letter dated 3rd Oct, 2012 of MCGM mentioning that property bearing ward No. D-3283 situated at 91- Nepeansea Rd, (A/c No. D-17-0080-00-4), falls under category 'A' (R) as MCGM office record and the category certificate is issued as per Repair Cess schedule for the year 2009-10.

The Authority observed the proposal is for redevelopment of cess category 'A' property in accordance with para 8.V. (c) of CRZ Notification, 2011 wherein the country & town planning regulations as existed as on 6.1.2011 is applicable. MCGM has issued the IOD & approved the amended plans on 17.12.2013.

The Authority after detailed discussion and deliberation 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. 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, if any, are strictly as per the provisions of DCR existing as on 6.1.2011.


Chairman


Member Secretary

4. Project proponent should implement green initiatives such rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
5. Concerned planning Authority should ensure that there should not be violation of provisions of CRZ Notification, 2011
6. MCGM should ensure that there shall not be drawl of ground water and construction related thereto within 200 m of the HTL.
7. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

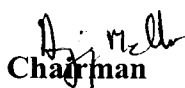
Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM

Item No.4: Proposed development at plot bearing CTS No. 1030 of village PahadiGoregaon (W), Plot No. 142 situated at Bangur Nagar, Goregaon (W), Mumbaiy M/s. Laxmi Asbestos Products Ltd

Project Proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. The proposal is for development on plot bearing CTS No. 1030 of village PahadiGoregaon(W), Mumbai. MCGM vide letter dated 3.2.2014 forwarded the proposal.
2. The plot under reference is in residential zone as per DP 1967 as well as per revised sanctioned DP 1993.
3. As per MCGM letter dated 3.2.2014; the proposed development involves residential building comprising of stilt + 4 upper floor levels. Shops are on ground floor and flats for residential use.
4. As per the said CZMP, the plot falls in CRZ II and situated on landward side of existing M.G. Road (in existence prior to 19.2.1991).
5. FSI details, as per plans submitted with IOD dated 28.10.2013 -
 - Plot area: 538.40 sqm.
 - Road set back: 107.40 sqm.
 - Net area of plot: 431.00 sqm.
 - Addition for FSI: 172.40 sqm.
 - Total Area: 603.40 sqm.
 - Permissible FSI: 1.00
 - Permissible BUA: 603.40 sqm&Proposed BUA: 601.56 Sqm.
6. As per MCGM letter dated 3.2.2014, total construction area including Non FSI component is 950.00 sqm.

The Authority noted that site was visited by MCZMA subcommittee on 29th Oct, 2014, as per decision of the Authority taken in its 91st meeting held on 29th & 31st May, 2014. Authority discussed the site visit report of the subcommittee and noted that plot is vacant and there is existing structure and two roads in between the plot and creek.


Chairman


Member Secretary

Authority noted that the proposal is in accordance with Para 8.II. CRZ II (i)& (ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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, plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM

Item No.5: Proposed development at plot bearing CTS No. 1-A/4 of village Pahadi Goregaon (W), situated at Plot No. 20-A, Bangur Nagar, Goregaon (W), Mumbai by M/s. Laxmi Asbestos Products Ltd

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

1. The proposal is for development at plot bearing CTS No. 1-A/4 of village Pahadi Goregaon (W), situated at Plot No. 20-A, Bangur Nagar, Goregaon (W), Mumbai. MCGM vide letter dated 5.2.2014 submitted a proposal to MCZMA.
2. The plot under reference is in residential zone as per DP 1967 as well as per revised sanctioned DP 1993.
3. Proposed development involves residential building comprising of ground + 7 upper floor levels. Shops are proposed on part ground floor and part stilt for car parking and flats for residential user on upper floors.


Chairman


Member Secretary

4. The proponent has submitted the CZMP dated 19.1.2000 of Mumbai approved by MoEF, New Delhi, showing site under reference, as per which, the plot falls in CRZ II and situated on landward side of existing Road in existence prior to 19.2.1991.
5. MCGM vide letter dated 28.10.2013 granted IOD for the proposal.
6. FSI details, as per layout plan submitted with IOD dated 28.10.2013:
 - Plot area- 3677.30 sqm.
 - Road Set Back – 369.68 sqm.
 - Net area of plot – 3307.62 sqm.
 - Deduct 15% RG – 496.14 sqm.
 - Balance Area of Plot – 2811.48 sqm.
 - Addition for FSI (Set Back Area) – 369.68sqm.
 - Permissible FSI – 1.00
 - Permissible BUA -3181.60Sqm.
 - Proposed BUA -3177.51 sqm
 - Proposed Shop – 543.45 sqm.
 - Proposed residential – 2634.06 sqm.
 - As per MCGM letter dated 5.2.2014, Total construction area(FSI + Non FSI component) - 4278.09 sqm
- Total Area – 3181.60 sqm.

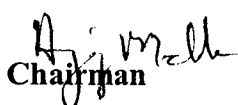
The Authority noted that site was visited by MCZMA subcommittee on 29th Oct, 2014, as per decision of the Authority taken in its 91st meeting held on 29th & 31st May, 2014. Authority discussed the site visit report of the subcommittee and noted that there exists a 18.30 m wide road on the south and 9.15 m road on west side of the plot. Mangroves vegetation was seen on west side. Distance of the plot from mangroves vegetation was 57 m from the west side of the plot boundary.


The Authority directed PP to submit the documentary proof/records indicating the construction of 9.15 m. road on west side of plot on or before 19.2.1991 through MCGM.

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (i) & (ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

The Authority after deliberations decided to recommend the proposal from the CRZ point of view to the concerned planning authority subject to submission of the documentary proof/records indicating the construction of 9.15 m. road on west side of plot on or before 19.2.1991 through MCGM.

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.


Chairman


Member Secretary

4. MCGM should ensure that there shall not be any construction in mangroves or its 50 m buffer zone area.
5. 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.
6. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991
7. All other required permission from different statutory authorities should be obtained prior to commencement of work.

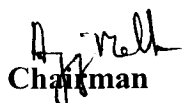
Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM


Item No.6: Proposed residential building on plot bearing CTS No. 1051 of village PahadiGoregaon (W), at Bangur Nagar, Goregaon (W), Mumbaiby Mr. Manish Karnik

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

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

The Authority noted that site was visited by MCZMA subcommittee on 29th Oct, 2014, as per decision of the Authority taken in its 91st meeting held on 29th & 31st May, 2014. Authority discussed the site visit report of the subcommittee and noted that the plot under reference is vacant and there is a structure existing on the north side of the plot. There exists a 27.45 m wide road (M.G. Road) on south side. Said road is shown as proposed road in approved CZMP of Mumbai. Mangroves


Chairman


Member Secretary

vegetation is present along the bank of creek, which is present on west side of the plot. Mangroves are present at around 70 m at one point and 57 m from second point from west side of the plot boundary.

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (i) & (ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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:

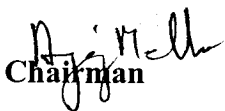
1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward 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, plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. MCGM should ensure that there shall not be any construction in mangroves or its 50 m buffer zone area.
7. Debris generated during construction activity should not be dumped into the creek water.
8. All other required permission from different statutory authorities should be obtained prior to commencement of work.


Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM

Item No.7: Proposed reconstruction of residential building on plot sub plot 'B' on plot bearing CTS No. 907, 907/4B(pt) of village Juhu, Tal- Vile Parle situated at Juhu Tara Road, Vile Parle (W), Mumbaiby M/s Beach Wood Properties

Project proponent (PP) presented that the proposal is for reconstruction of residential building on plot sub plot 'B' on plot bearing CTS No. 907, 907/4B(pt) of village Juhu, Tal- vile parle situated at Juhu Tara Road, Vile Parle (W), Mumbai.

PP further presented that the plans for reconstruction of existing residential building on sub plot B for area were approved on 1/11/2002. MCGM vide letter dated 25.11.2002 & 24.12.2008 granted Commencement Certificate & Occupation Certificate to the building.


Chairman


Member Secretary

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

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

The Authority observed that as per clause (Viii) of S.O. 18(E) dated 4.1.2002, prior CRZ recommendation from MCZMA was mandatory in the subject proposal, when project has got approval of plans on 25.11.2002 & CC on 24.12.2008 from MCGM.

In the light of above, the Authority after detailed discussion and deliberation 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 & 24.7.2014 issued by the MoEF, New Delhi.

Item No.8: Proposed extension and amendment to approval granted for reconstruction of existing residential building on plot sub plot 'C' on plot bearing CTS No. 907, 907/4B(pt) of village Juhu, Tal- Vile Parle situated at Juhu Tara Road, Vile Parle (W), Mumbai by M/s. Beachwood Properties Pvt. Ltd

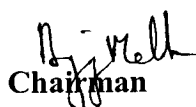
Project proponent (PP) presented that the proposal is for reconstruction of existing residential building on plot sub plot 'C' on plot bearing CTS No. 907, 907/4B(pt) of village Juhu, Tal- Vile Parle situated at Juhu Tara Road, Vile Parle (W), Mumbai.

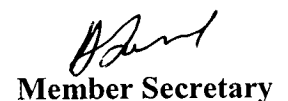
The Authority noted that the reconstruction is proposed on plot C, taking into consideration the plot area of Plot B. However, the Authority further noted that MCGM vide letter dated 25.11.2002 & 24.12.2008 granted Commencement Certificate & Occupation Certificate to the building on sub plot 'B'. Authority identified the said reconstruction on sub plot B as a case of violation of CRZ Notification, 1991 & 2011 and therefore decided to defer the subject proposal on sub plot 'C'. Hence, the subject proposal was deferred.

Item No.9: Proposed development of plot bearing CTS No. 1103 A/2 of Versova, Off Jai Prakash Road, Seven Bungalows, Andheri (W), Mumbai by Servants of the People Society (LokSevakMandal)

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

1. The proposal is for development of plot bearing CTS No. 1103 A/2 of Versova, Off Jai Prakash Road, Seven Bungalows, Andheri (W), Mumbai. MCGM vide letter dated 3.5.2014 submitted a proposal to MCZMA.
2. The proposal is for Elders Home (Residential use) comprising of ground floor for car parking, multipurpose hall and administration rooms + 5 upper floor level for room for residential use.


Chairman


Member Secretary

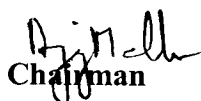
3. MCGM letter dated 3.5.2014 mentions that, the existing bank in old structure is retained. The assessment bill shows that the structure exists prior to 1961-62. The existing structure is retained and Elders Home is proposed in new additional wings.
4. The plot under reference falls in residential zone as per 1967 DP and not reserved for any public purpose.
5. MCGM letter dated 3.5.2014 mentions that, the plot under reference falls in CRZ-II as per approved CZMP of Mumbai. The Plot under reference is on landward side of existing Jai Prakash Road (in existence prior to 19.2.1991).
6. MCGM issued IOD dated 2.8.2013 for the proposal. As per MCGM letter dated 3.5.2014, FSI details are as follows:
 - Plot area: 2306.00 Sqm
 - BUA for FSI purpose: 2128.20 Sqm
 - BUA claimed free of FSI: 919.86 Sqm
 - Total construction area: 2568.10 Sqm.

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (i) & (ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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, plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM


Chairman


Member Secretary

Item No.10: Proposed redevelopment of buildings on plot bearing C.S. No. 872 of TPS (IV) Mahim, at S.K. Bole Road, Mahim, Mumbai M/s Venus Housing Enterprises

PP presented that plot is fronting Mahim Bay and revised application would be submitted to the Authority along with CRZ map & report and other related documents in order to seek the CRZ status of plot under reference as per provisions of CRZ Notification, 2011.

The Authority decided to defer the matter and not to consider current proposal in the present format for discussion.

Item No.11: Proposed redevelopment of building on plot bearing C.S. No. 7/699, Malbar Hill, Division at Vivek Singh lane, 'D' Ward, Mumbai by Mr. Hitesh Gowani

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

1. The proposal is for redevelopment of existing residential building on plot bearing C.S. No. 7/699, Malbar Hill, Division at Vivek Singh lane, 'D' Ward, Mumbai. MCGM vide letter dated 17.5.2014 submitted proposal to MCZMA.
2. Proposed residential building comprising of Basement + Ground + 2 upper floors.
3. As per remarks of MCGM dated 17.5.2014, the plot under reference is situated in Residential zone as per old DP 1967 as well as revised sanctioned DP 1993.
4. As per CZMP of Mumbai approved by Mumbai, the land under reference falls in CRZ II and situated on landward side of existing Bhulabhai Desai Marg which is in existence prior to 19.2.1991.
5. Project Proponent has submitted CRZ map (scale 1:4000) prepared by IRS, Chennai which is MoEF authorized agency, as per which, the plot under reference falls within 500m from HTL of Arabian sea.
6. As per MCGM remarks dated 2.5.2011, the date of the assessment of property is ground + 3 upper floors & is prior to 1962
7. MCGM vide letter dated 23.5.2011 granted IOD to the project.
8. FSI Details, as per MCGM letter dated 17.5.2014:
 - Total Plot Area – 455 Sqm.
 - Set back area – 140.90 sqm.
 - Net plot area – 314.10 sqm.
 - Setback for FSI purpose is restricted to 40 % of Net Plot area – 125.64 Sqm.
 - FSI Permissible - 1.33
 - Permissible floor Area: 584.85 Sqm.
 - Proposed BUA – 584.85 Sqm.
 - Non FSI area: 562.94 Sqm.
 - Total Construction Area – 1172.01 Sqm.
9. As per MCGM remarks dated 3.9.2013; Commencement Certificate (CC) is not yet released since the existing structure on plot under reference is not yet demolished.


Chairman


Member Secretary

The Authority noted that the proposal is in accordance with Para 8.II. CRZ II (iii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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

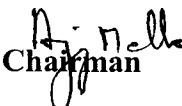
1. The proposed reconstruction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The concerned Planning authority should ensure that the FSI, plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
5. MCGM should ensure that there shall not be drawl of ground water and construction related thereto within 200 m of the HTL.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM

Item No.12: Proposed redevelopment at C.S. No. 583 of MalbarCumbala Hill Division, Building No.36, bearing CESS No. D – 3321 (2A), Nepean Sea Road, Mumbai M/s. Gopal Traders Pvt.Ltd.

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

1. The proposal is for redevelopment of C.S. No. 583 of MalbarCumbala Hill Division, Building No.36, bearing CESS No. D – 3321 (2A), Nepean Sea Road, Mumbai. MCGM vide letter dated 11.6.2014 submitted the proposal to MCZMA.
2. Project involves redevelopment by demolishing existing CESS structure. Proposed new building comprises of basement + lower ground floor + upper ground floor + 4th (pt) upper floors for residential use, including swimming pool on terrace.
3. The plot under reference is situated in Residential zone as per old DP 1967 and as per revised sanctioned DP 1993
4. As per approved CZMP of Mumbai, the land under reference falls in CRZ II area and situated on seaward side of existing Nepean Sea Road (LaxmibaiJagmohandas Road).
5. As per remarks of MCGM dated 11.6.2014, there exists one cessed'A' category building of Ground + 3 upper floors with one outhouse of Ground + 1 floor level structure.
6. The use of the existing structure on plot is residential as per the existing plan of structure as well as the list of existing tenant, as certified by MHADA dated 28.10.2013.


Chairman


Member Secretary

7. MHADA has issued NOC for redevelopment of building no. 36, bearing cess no. 3321(2A) known as Maheshwari House situated at JagmohandasMarg, Mumbai with zonal FSI 1.33 on 28.10.2013
8. MCGM has issued category certificate dated 20.8.2010 mentioning that, the property bearing D-3321(2A) situated at 36 Nepean Sea road falls under Category 'A' (R) and 'C'(R)
9. MCGM vide letter dated 29.5.2014 granted IOD for the project.
10. FSI Details, as per plans approved (IOD) by MCGM on 29.5.2014:
 - Area of plot bearing CS No. 583 – 2854.53 sqm
 - Area of plot under proposed development (Municipal lease) – 1683.95 sq.m.
 - Permissible FSI – 1.33
 - Permissible floors area – 2239.65 sqm
 - Proposed BUA – 2237.75 Sq.m.
 - Excess balcony area taken in FSI – 1.55 sqm
 - Total BUA proposed – 2239.30 Sqm.
 - FSI consumed – 1.33
11. As per MCGM letter dated 11.6.2014; Proposed redevelopment to consume only captive FSI of 1.33 and other planning and FSI norms as per DCRs in force as on 6.1.2011, being CESS structure redevelopment. Accordingly, the FSI is worked out based on FSI of 1.33 on portion of municipal lease plot of 1683.95 sq.m. as per DCRs as amended up to 6.1.2011. Total construction area - 4733.28 sq.m.
12. Public hearing was conducted on 28.1.2014 by MPCB & proceedings of the same are submitted.

The Authority noted that the proposal is in accordance with Para 8.V. (c) of CRZ Notification, 2011 wherein the country & town planning regulations as existed as on 6.1.2011 is applicable.

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. The concerned Planning authority should ensure that FSI, plan, height, use 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, if any, are strictly as per the provisions of DCR existing as on 6.1.2011.
4. MCGM should ensure that proposed reconstruction should not exceed the existing plinth area towards seaward side. No protrusion of the building is also allowed towards seaward side.
5. No Municipal solid waste/ debris should be dumped into the CRZ area.
6. There should not be disposal of sewage into the sea.
7. MCGM should ensure that there shall not be drawl of ground water and construction related thereto within 200 m of the HTL.
8. All other required permission from different statutory authorities should be obtained prior to commencement of work.


Chairman


Member Secretary

Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM

Item No.13: Proposed additional construction M/s Sind Educationist's Association's Jai Hind College on plot No. 29, CS No. 1707 of Fort Division, Churchgate, Mumbai by M/s.SindEducationists's Association

Project proponent (PP) presented that plot is fronting Mahim Bay and revised application would be submitted to the Authority along with CRZ map & report and other related documents in order to seek the CRZ status of plot under reference as per provisions of CRZ Notification, 2011.

The Authority decided to defer the matter and not to consider current proposal in the present format for discussion.

Item No.14: Proposed redevelopment of plot bearing CTS No. B/1065/18 of village Bandra. Dr. Peter Dias Road, Bandra (W), Mumbai by M/s. Pushkar Consultants

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

1. The proposal is for redevelopment of plot bearing CTS No. B/1065/18 of village Bandra. Dr. Peter Dias Road, Bandra (W), Mumbai by demolishing existing residential structure named Rosary Villa comprising of Gr. floor. MCGM vide letter dated 17.7.2014 submitted proposal to MCZMA.
2. Proposed residential building comprising of ground floor for stilt stacked car parking and entrance lobby + 4 upper floor levels.
3. The plot under reference is in residential zone as per DP 1967 as well as per revised sanctioned DP 1993.
4. As per the said CZMP, the plot falls in CRZ II and the plot under reference is on landward side of the existing roads in existence prior to 19.2.1991.
5. Mumbai Heritage Conservation Committee has issued NOC on 10.1.2014.
6. FSI details, as per plans submitted along with IOD:
 - Plot area- 449.80 Sqm.
 - Permissible FSI – 1.00
 - Permissible BUA -449.80 Sq.m.
 - Proposed BUA - 448.72Sq.m.

As per MCGM letter dated 17.7.2014, total Construction area – 682.87 Sq.m

The Authority noted that the proposal is in accordance with Para 8.II. CRZ II (iii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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


Chairman


Member Secretary

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of 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, plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

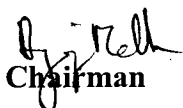
Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM

Item No.15: Proposed residential building on plot no. A/2, CTS N. 897 at Juhu Road, village Juhu (W), Mumbai by M/s. Taruna K. Thakural

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

1. Earlier, MCZMA vide letter No. MCZMA 2009/ CR 16/ MCZMA dated 11.2.2010 recommended the proposal of reconstruction of building on plot having CTS No. 897, plot No. A/2 from CRZ point of view to MoEF subject to certain conditions.
2. MOEF vide letter dated 13th July, 2012 granted CRZ Clearance to the project with certain conditions. (CRZ clearance mentions project as Stilt + upper 3 floors residential building)
3. MCGM issued IOD dated 13.12.2013 to the project (FSI-0.75). Commencement certificate (CC) is issued by MCGM on 31st Oct, 2013.
4. Proposed construction involves stilt for car parking+ 1st to 3rd upper floor for residential use. MCGM issued amended IOD dated 23rd May, 2014 to the project.
5. As per approved CZMP of Mumbai, the plot under reference falls in CRZ II area and situated on landward side of existing road. Further PP has submitted CRZ map in 1:4000 scale prepared by IRS, Chennai, as per which, the site having CTS No. 897, Plot No. A/2 falls in CRZ II area and situated on landward side of existing structures/road.
6. The plot under reference is in residential zone and was not reserved for any public purpose in DP sanctioned in the year 1966.
7. FSI details, as per plans submitted along with IOD:
 - Plot area: 844.90 Sqm (As per PR card)
 - Total built up area permissible: 697.04 Sqm
 - Total built up area proposed: 696.88 Sqm
 - Permissible FSI: 1
 - FSI consumed: 0.825

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (iii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.


Chairman


Member Secretary

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. 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, plan, height involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
4. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

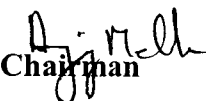
Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM

Item No.16: Redevelopment of building on plot bearing C.S.No. 63, colaba Division, situated at ShahidBhagatsinghMarg, A Ward, Mumbai by M/s. Kunal Corporation Pvt.Ltd.

The Authority noted that matter was considered in the 84th Meeting of MCZMA held on 30th & 31st August, 2013 and reviewed in the 86th Meeting of MCZMA held on 27th November 2013 and again deliberated in 91st meeting of MCZMA held on 29th to 31st May 2014 respectively. During the 86th meeting, the Authority decided that this is a case of violation of CRZ Notification, 1991 & 2011 and matter was referred to the Environment Department for further steps in accordance with OM dated 12.12.2012 & 27.6.2013 issued by MoEF, New Delhi.

The Environment Department initiated the necessary credible actions as per above said OM's of MoEF and issued Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 on 6.3.2014 to M/s Kunal Corporation Pvt Ltd after following due procedure. PP was directed to stop the construction work till they obtain clearance from MCZMA and were also directed to submit a Board Resolution to comply with para 5(i) of OM dated 12.12.2012 of MoEF. The Maharashtra Pollution Control Board (MPCB) was asked to file prosecution against the PP and the MCGM was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to PP. The MPCB vide its letter dated 19.4.2014 informed that, the Case RCC No. 0800288/PW/2014 has been filed on 5.4.2014 against M/s. Kunal Corporation Pvt. Ltd & Ors before the Chief Judicial Magistrate, CST, Mumbai.

PP vide letter dated 17th January, 2015 has submitted compliance of direction issued by Environment Dept stating that construction work was stopped from 25th August, 2011 onwards when PP had achieved the height of 46.04 m as per CC given on 22.7.2010. No construction has been done after 25.8.2011. PP has also submitted copy of Board Resolution dated 7th March 2014 vide letter dated 10th March, 2014. Said Board Resolution undertakes not to start the construction activity unless PP gets the CRZ clearance for amended proposal as per CRZ Notification, 2011.


Chairman


Member Secretary

The Authority noted that credible action has been taken and compliance is ensured and therefore examined the proposal from CRZ point of view as per CRZ Notification, 2011 in the context of OMs dated 12.12.2012, 27.6.2013 & 24.7.2014 of MoEF.

PP presented the proposal which is as follows:

1. The proposal is for redevelopment of building situated at Colaba division under DC regulation 33(6) of DCR 1991 in accordance with para 8.V.(C) of CRZ Notification, 2011. MCGM vide letter dated 30.4.2013 forwarded the proposal to MCZMA.
2. As per DP remarks of the MCGM dated 27.12.2006; the plot under reference falls in Residential Zone with shop line facing the ShahidBhagat Singh Road.
3. As per the CZMP approved by MoEF, the plot under reference falls in CRZ II area and MCGM letter dated 30.4.2013 mentions that the plot is situated on landward side of landward side of Women Graduate Union Marg and also on the landward side of existing structure.
4. There was earlier clearance from CRZ point of view from UDD (TPB-2007/3148/CR-273/07/UD-11 dated 2nd February, 2008) for proposed building comprising of Ground + 1 podium + 15 upper floors with height 58.08 Sqm. The IOD for the same was granted on 22.7.2008 and CC upto plinth was also granted on 21.7.2009.
5. MCGM has vide letter dated 30.4.2013 forwarded amended proposal comprising of Basement + Ground + 9 podium + girder level + stilt + service + 22nd upper floors with height upto 127.53 m, subject to NoC from High Rise Committee. Accordingly, amended plans were approved on 25.3.2013 for height of building upto 68.88 m and CC was not endorsed for want of NoC from MCZMA.
6. The MCGM remarks dated 30.4.2013 mentions that there are dilapidated "A" category two cessed building on C.S. No. 63 of Colaba division. These building were declared dangerous by concern authority. Proposed building is with 2.06 FSI area of 3841.40 Sqm.
7. MHADA has granted NoC dated 17.7.2009 for redevelopment /reconstruction of property situated at C.S. No. 63 of Colaba Division, Ward No. 149 & 149A, cess no. A-205(1), A-205(2), Mumbai under 33(6) of DCR 1991 of MCGM.
8. As per the plans approved upto 68.83 m height submitted (along with IOD) –
 - Area of plot: 1860.79 sqm
 - Proposed area: 1071.20 sqm
 - Total built up area proposed: 1118.42 sqm
 - Balance area kept in abeyance till 2722.66 sqm
the clearance from High Rise
Committee for Height more than
70.00 m:
9. Public hearing was conducted on 2.7.2013 by MPCB. Copy of report for the same was submitted to MCZMA.
10. The proponent submitted NoC from High Rise Committee since the height of the proposed building exceeds 70 m.


Chairman


Member Secretary

The Authority observed that credible action has been taken for the issue of violation. The redevelopment project is situated in CRZ II area and on landward side of existing road and existing structure also. The proposal is in accordance with para 8.V. (c) of CRZ Notification, 2011 wherein town & country planning regulation as on 6.1.2011 are applicable.

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-

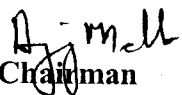
1. The construction activity should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF time to time.
2. The concerned Planning authority should ensure that FSI, plans, height involved in the proposal is as per town and country planning regulations existing as on 6.1.2011
3. The concerned Planning authority should ensure that FSI, non FSI area and FSI concessions granted by Municipal Commissioner, if any, is as per town and country planning regulations existing as on 6.1.2011
4. Concerned planning Authority should ensure that there is no drawl of ground water and construction related thereto within 200 m from HTL of sea.
5. Project proponent should implement green initiatives such as rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM

Item No.17: Redevelopment of residential building on plot bearing C.S. No. 207 & 208 (pt) of Worli Division, SasmiraMarg, G South Ward, Worli, Mumbai by M/s. Adishakti Associates

The Authority noted that matter was considered in the 86th and 91st meeting of MCZMA held on 27th November 2013 and 29th to 31st May 2014 respectively. During the 86th meeting, the Authority decided that this is a case of violation of CRZ Notification, 1991 & 2011 and matter was referred to the Environment Department for further proceedings in accordance with OM dated 12.12.2012 & 27.6.2013 issued by MoEF, New Delhi.

The Environment Department initiated the necessary credible actions as per above said OM of MoEF and issued Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 on 18.2.2014 to M/s Adishakti Associates after following due procedure . PP was directed to stop the construction work till they obtain clearance from MCZMA and were also directed to submit a Board Resolution to comply with para 5(i) of OM dated 12.12.2012 of MoEF. The Maharashtra Pollution Control Board (MPCB) was asked to file prosecution against the PP and the MCGM was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to PP.


Chairman


Member Secretary

The MPCB vide its letter dated 5.4.2014 informed that, Case No.51/2014 has been filed on 26.3.2014 against M/s. Adishakti Associates & ors before the Metropolitan Magistrate, 62nd Court, Dadar, Mumbai.

PP vide letter dated 17.1.2015 has submitted compliance of direction issued by Environment Dept stating that PP has stopped all work as per the direction issued and no work has been carried out on site till date. Architect of the PP has also certified that built up area constructed on site is very much within approved plans and permissible FSI. PP has submitted undertaking dated 5th March, 2014 mentioning that ongoing development will be carried out in accordance with applicable law and will not violate the provisions of E(P) Act, 1986 read with CRZ Notifications.

The Authority noted that credible action has been taken and compliance is ensured and therefore examined the proposal from CRZ point of view as per CRZ Notification, 2011 in the context of OMs dated 12.12.2012, 27.6.2013 & 24.7.2014 of MoEF.

PP presented the proposal which is as follows:

1. The proposal is for redevelopment of residential building on plot bearing C.S.NO. 207 & 208 (pt) of Worli Division, Sasmira Marg, G South Ward, Worli, Mumbai. Municipal Corporation of Greater Mumbai vide letter dated 26.7.2013 forwarded the proposal to MCZMA.
2. As per MCGM letter dated 26.7.2013, the plot under reference is in Residential Zone and not reserved for any public purpose except for road widening as per 1967 DP as well as sanctioned revised 1993 DP.
3. As per the CZMP of Mumbai, the plot under reference falls in CRZ II and situated on landward side of existing Worli Sea face road and Sir Pochkanwala Road.
4. There was earlier clearance dated 5.8.2008 from CRZ point of view granted by the Urban Development Department for the redevelopment scheme on the plot under reference & has accorded NOC for 1.33 FSI. IOD was issued by the MCGM letter No. EB / 3307 / GS / A dated 4.1.2010. The work was started as per previous CRZ clearance, and revised proposal is submitted.
5. MCGM letter dated 26.7.2013 mentions that proposal involves Wing A comprising Ground + 6 upper floors for Residential & Commercial use and Wing B comprising of 2 level basements for car parking+ stilt for car parking+ 1st to 5th podium floors + 6th floor for refuge area, lift machine room, fitness centre + 7th to 19th floor for residential purpose with part refuge on 13th floor for Residential use.
6. MCGM vide letter dated 26.7.2013 mentions that MC has vetted the proposal for consuming 2.5 FSI on the plot having old chawls existed prior to 1940 and 1.33 FSI for the vacant plot. However, MC has approved to issue plans only for 1.33 FSI till NOC from MCZMA is obtained.
7. As per MCGM letter dated 26.7.2013, FSI of 2.5 is proposed on the plot bearing C.S.NO. 207 having Municipal Chawl existing prior to 1940 by treating at par with cessed structures and FSI of 1.33 for plot bearing C.S. No. 208(pt), which is a vacant plot as per DCR 33(7) as amended upto 6.1.2011.
8. The MCGM letter dated 16.1.2013 mentions that IOD was revalidated on 11.2.2011 and subsequently CC upto plinth for wing B i.e. Sale Wing is also issued on 13.8.2012
9. FSI Details, as per MCGM letter dated 26.7.2013:


Chairman


Member Secretary

- Area of plot is 2085.07 sqm, out of this 438.21 sqm falls under road setback.
- Proposed built up area for FSI purpose – 3503.35 s
- Free of FSI area – 4344.91 sqm.
- Total construction area – 8070.00 sqm.

10. MCGM letter dated 26.7.2013 mentions that the flag officer commanding in Chief has issued NOC for the redevelopment project on 11th Sep, 2007.
11. MPCB vide letter dated 6.6.2013 has forwarded a public hearing report. Public hearing was conducted on 2.7.2013.

The Authority observed that credible action has been taken for the issue of violation. The redevelopment project is situated in CRZ II area and situated on landward side of existing road.

Authority observed that for redevelopment of existing old municipal Chawl, the town & country planning regulation as on 6.1.2011 are applicable, as per Para 8.V.(c) of CRZ Notification, 2011 and for development on vacant plot, the town and country planning regulations as existed as on 19.2.1991 are applicable, as per Para 8.II.CRZ II of CRZ Notification, 2011.

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 construction 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. The concerned Planning authority should ensure that FSI, plan, height, involved in the proposal is as per town and country planning regulations existing as on 6.1.2011 for redevelopment of old existing Municipal chawl. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 6.1.2011.
3. The concerned Planning authority should ensure that FSI, plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991 for development on vacant plot. The MCGM should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
4. Concerned planning Authority should ensure that there is no drawl of ground water and construction related thereto within 200 m from HTL of sea.
5. Project proponent should implement green initiatives such as rainwater harvesting system for ground water recharge, solar panel for generation of renewable energy for captive consumption.
6. All other mandatory permissions from different statutory authorities should be obtained prior to the commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM

Item No.18: Clarification on MCZMA recommendation issued for proposed redevelopment on plot bearing C.S. 579 of Malbar Hill Division, Mumbai by M/s. Group Satellite


Chairman


Member Secretary

The Authority noted that M/s. Group Satellite vide letter dated 10.1.2015 submitted representation to MCZMA which mentions that, proposed redevelopment of existing buildings is as per the integrated development scheme for NTC mills. As the existing structures on site were declared dilapidated by the MCGM prior to issue of the new CRZ notification of 2011 they have been issued a CRZ clearance for permissibility of proposed activity as per clause 8(v)(2)(c) of CRZ Notification 2011 by the Maharashtra Coastal Zone Management Authority on 7.7.2012. The Authority has recorded the proposal of the proponent along with the point of view of the MCGM while issuing the above referred CRZ clearance. In paragraph 4 (d) of the CRZ clearance the reply of the MCGM to certain queries raised by the Urban Development Department has been recorded as follows:

"Reconstruction of buildings destroyed by fire which have collapsed or which have been demolished etc-Reconstruction in whole or in part of a building (not being a building wholly occupied by warehousing and also not being a ground floor structure) which existed on or after 10th June 1977, which has ceased to exist in consequences of an accidental fire, natural collapse or demolition for the reason of the same have been declared unsafe by or under a lawful order of the Corporation or the Mumbai Housing and Area Development Board is likely to be demolished for the reason of the same having been declared unsafe by or under a lawful order of the said corporation or the said board and duly certified by them shall be allowed with an FSI in the new building not exceeding that of the original building (or the FSI permissible under these regulations whichever is more). The FSI will be subject to the regulation in Appendix —II. There are 5 numbers of tenants. The carpet area of the rehab tenants will be restricted up to 70 sq meters in the proposed amended plans. Moreover present proposal is restricted to FSI 1.33 only (Zonal FSI as per DCR 32 of DCR 1991 and no additional FSI is claimed.)"

Since the reply of the MCGM including the above mentioned paragraph is a part of the CRZ clearance issued by the authority, the MCGM is insisting on interpreting the same as a condition imposed by the Maharashtra Coastal Zone Management Authority while granting CRZ clearance.

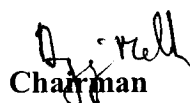
M/s. Group Satellite requested for a clarification to be issued to MCGM stating that the above mentioned paragraph is not a condition imposed by MCZMA while granting clearance to the project.

The Authority deliberated the issue in detail and decided that following sentence of the Para No. 4(d) of MCZMA recommendation letter dated 7.7.2012 is deleted, as it has no relevance to CRZ regulations.

"The carpet area of the rehab tenants will be restricted up to 70 sq meters in the proposed amended plans".

The Authority further decided that remaining part of Para 4(d) of said MCZMA recommendation letter dated 7.7.2012 remains unchanged. Authority decided to communicate the same to PP.

Compliance of the above should be ensured by concerned Chief Engineer, MCGM,


Chairman


Member Secretary

Item No.19: 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 Mahimseparate display site Mahimadm. size 80' X 10' by M/s. Rajdeep Publicity Pvt. Ltd

M/s. Rajdeep Publicity Pvt. Ltd presented the proposal before the Authority, which is 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.

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 the followings:

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 have been granted CRZ recommendation earlier from MCZMA shall continue

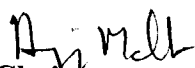
The Authority observed that application of M/s. Rajdeep Publicity Pvt. Ltd.is submitted on 8.10.2013 which is prior to decision taken by the Authority in its 87th meeting held on 20th & 21st Jan, 2014. Further, Hoarding under reference is an existing hoarding and permitted by MCGM.

Therefore, the Authority after deliberation decided to recommend the proposal from CRZ point of view under CRZ Notification, 2011 to concerned planning authority subject to following conditions:

1. The concern planning authority should ensure that the installation of Hoardings / Advertisement structure is situated on landward side of existing road (ie prior to 19.2.1991)
2. No hoarding shall be installed in mangroves areas and its 50 mt buffer zone area, which should be strictly ensured by MCGM. .
3. All other necessary permissions from different competent authorities shall be taken before commencement of the proposed activities.
4. The structural safety of the structure on which it is installed be ensured.

Compliance of the above conditions should be ensured by the concerned Chief Engineer, MCGM

Item No.20: Proposed development of All – Weather Multi Cargo Greenfield Captive Jetty Phase I at village Nandgaon, Dist: Thane by M/s. JSW Infrastructure Ltd.


Chairman


Member Secretary

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

1. M/s JSW Infrastructure Ltd. has proposed to develop an All-weather Multi-cargo Greenfield captive Jetty at village Nandgaon, Dist: Thane.
2. The proposed Nandgaon captive Jetty is expected to handle 8.4 million tons of cargo to be increased to 16.7 million tons in next 10 years. 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 and liquid cargo such as LNG (or FSRU) and chemicals. Therefore, 6 berths for solid cargo handling is proposed during Phase-I, with a total continuous quay length of about 1500 m. In addition to this, there would be a dedicated berth for coal, LNG and 3 berths for chemicals and other liquid cargo.
3. The Captive Jetty will have two breakwaters protecting the berths and to maintain tranquility. North Breakwater is approx 6.5 Km and South Breakwater is approx 5.2 km. Channel is 15 m deep, 200 m wide and approx 4.2 m long.
4. Capital dredging of approx 10 million cum and maintenance dredging is approx 1.2 million cum is proposed for navigational channel & turning circle. It is proposed to reclaim the land of about 210 Ha.
5. Allied activities which are essential for captive jetty project involves storage such as Hard stands, covered godowns, mechanized stackyards, silos and tank farm are proposed in the jetty back up area.
6. Utilities and amenities to be developed includes Gate complex, storm water drainages, STP, internal roads, green belt, fire fighting facility, workshop, electrical substation, canteen and administrative offices, rail siding, port communication and navigational aid
7. The Captive jetty will be designed to handle Panamax sized vessels in the first phase
8. 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.
9. 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

The Authority noted that the proposal was earlier deliberated in 84th, 88th and 94th meeting of MCZMA held on 31.8.2013, 31.1.2014 and 24.11.2014 respectively. PP has submitted EIA/ EMP wherein the studies regarding marine ecology, distribution of benthic organism, air & water & Noise environment is done. Hydrodynamic studies, Geotech studies, shoreline erosion studies for the project have also been carried out. EMP including impact of reclamation activities on Coastal environment etc is submitted. M/s JSW has appointed CMFRI agency for assessment of impacts on fish production due to project.

The Authority noted that the proponent has earlier submitted the proposal for 'Captive Port facility'. However, subsequently, the nomenclature of the project has changed to 'Captive Jetty' as per Deed of Modification signed by MMB with JSWIL on 17.7.2014.


Chairman


Member Secretary

The Authority noted that commissioner of Fisheries, Maharashtra State vide letter dated 13.1.2014 has accorded NOC (No Objection Certificate) to the project with certain specific & general conditions to be complied by PP.

The Authority noted that Public hearing was conducted on 7.10.2012 by MPCB and minutes of the public hearing approved & duly signed by the Chairman of public hearing panel has been submitted to MoEF, New Delhi by MPCB vide their letter No. BO/RO(HQ)/B-229 dated 9.1.2013 along with all required documents and audio/video shooting of the public hearing.

The Authority noted as per para 3. (i) (a), 3.(iv)(a), 4(i) (f) development of jetty & foreshore facilities is permissible activities.

The Authority noted that as per para 7(e) of EIA Notification, 2006, project falls in category 'A'.

The Authority further noted that as per provisions of CRZ Notification, 2011 amended on 28th Nov, 2014, those activities listed under category 'A' in the EIA Notification, 2006 and permissible under the said notification requires clearance from MoEF, New Delhi.

The Authority after detailed discussion and deliberation decided to recommend the project from CRZ point of view to MoEF subject to strict compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Environment Management Plan should be implemented effectively during construction and operation phase of the project. Project proponent should taken all effective steps for protection of environment.
3. Conditions stipulated in NoC accorded by Commissioner Fisheries, State of Maharashtra should strictly be followed.
4. Recommendation of CMFRI agency appointed by PP for assessment of impacts on fish production due to project should be followed in spirit.
5. Location of Breakwater should be as allotted by MMB and confirmed through model studies by CWPRS.
6. PP should ensure that livelihood activities of the fisherman communities should not be hampered due to project activities.
7. Untreated sewage and effluent should not be discharged into the coastal water body.
8. Municipal Solid waste generated should be properly collected and segregated and disposed in scientific manner outside CRZ area in accordance of MSW (M& H) rules, 2000.
9. Sewage and effluent generated should be treated in treatment plant conforming to prescribe standards under E(P) rules, 1986.
10. STP should be located other than CRZ I area. ETP should be located outside CRZ area.
11. MMB should ensure that the DPR of the project is as per approval of MMB.
12. All other necessary permissions from different competent authorities shall be taken before commencement of the proposed activities.

Compliance of the above conditions should be ensured by the concerned project incharge, by name.


Chairman


Member Secretary

Item No.21: Proposed construction of residential building on plot bearing S. No. 97/12, Village Malyaan, Tal. Dahanu, Dist. Thane by Mr. Bharat R.Bari& Others

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

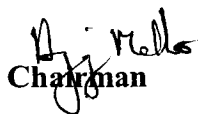
1. The Proposal is for construction of residential building comprising of stilt + 3 upper floors on plot bearing S. No. 97/12, Village Malyaan, Tal. Dahanu, Dist. Thane. Dahanu Municipal Council vide letter dated 7.12.2012 submitted a proposal to MCZMA.
2. As per the part plan of Development Plan of 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 structure.
4. The total area of plot is 613.00sqmts
5. FSI Detail as per plans submitted by PP:
 - Total area of plot – 613.00sqmts
 - Permissible FSI – 1.00
 - Proposed built up area of 1st floor – 203.73sqmts
 - Proposed built up area of 2nd floor – 203.73sqmts
 - Proposed built up area of 3rd floor – 203.73sqmts
 - Total built up area – 611.19sqmts

The MCZMA vide its letter dated 27.05.2013 sought information from Chief Officer, Dahanu Municipal. Accordingly, Chief Officer, Dahanu Municipal Council vide letter dated 12.07.2013 provided the information.

The Authority noted that earlier the proposal was deliberated in 86th meeting of the MCZMA held on 27th November, 2013, wherein PP was directed to inform as to whether proposed construction is situated on the landward side of the existing road constructed prior to 19.2.1991 or on landward side of existing authorized structure. Accordingly, the Dahanu Municipal Council has forwarded their reply dated 06.02.2014 stated that, the bhumapan no. 97/12, village Malyan is on landward side of the existing authorized structure.

In light of above, the MCZMA vide its letter dated 07.08.2014 again sought information on certain points from the Chief Officer, Dahanu Municipal Council in the subject matter. Accordingly, the Chief Officer, Dahanu Municipal Council, forwarded their reply vide letter dated 16.9.2014 on points raised by MCZMA.

The Dahanu Municipal Council mentions that, the site is on landward side of existing structure and council has submitted details of authorized structure constructed prior to 1991 as per assessment certificate dated 19.1.2013.


Chairman


Member Secretary

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (i) & (ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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-

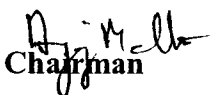
1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward 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, plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. The DMC should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Officer, DMC.

Item No.22: Proposed reconstruction of residential building on CTS.No. 479B & 480A of village Dahanu, Dist- Thane by Smt. Shalini Shrinivas Karnik & Other

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

1. The proposal is for proposed reconstruction of residential building comprising ground + 2 floors on CTS.No. 479B & 480A of village Dahanu, Dist- Thane. Dahanu Municipal Council (DMC) vide letter dated 14.6.2013 forwarded the proposal to MCZMA.
2. As per sanctioned development plan the plot under reference falls in congested residential zone.
3. As per the CZMP of Dahanu Municipal Council area, the plot under reference falls in CRZ-II. DMC vide letter dated 14.6.2013, the plot under reference is landward side of the existing Bandar road and existing authorized structure.
4. Proponent has submitted 7/12 and property card of existing structure
5. FSI details, as per plans submitted by PP:
 - Net plot area – 165.50sqm


Chairman


Member Secretary

- Permissible FSI – 1.5
- Proposed BUA of GF, FF & SF – 243.51sqm
- Total BUA – 243.51sqm
- FSI consumed – 1.47

The Authority noted that the proposal was earlier deliberated in 87th meeting of the MCZMA, wherein PP was directed to submit the present use of the existing building on subject plot through concerned planning authority. Accordingly, DMC forwarded their reply dated 15.5.2014 stating that, the building on plot bearing CTS No. 479 B & 480 A of village Dahanu, Tal. Dahanu, Dist. Thane is under the residential use presently.

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (iii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The concerned Planning authority should ensure that the FSI, lay out plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. The DMC should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Officer, DMC.

Item No.23: Proposed reconstruction of residential building on Gut No. 185 (pt) of village Masoli, Tal. Dahanu, Dist. Thane by M/s. J.S.Associates

PP was absent during the meeting. Hence, the matter was deferred.

Item No.24: Proposed reconstruction of residential building in C.S.No. 538B, 538-2B, 539 village Dahanu, Tal.Dahanu, Dist.Thane by ShriBhagwanda Shah, Alias Choradia& others.

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

1. The Proposal is for reconstruction of residential building comprising of Stilt + 3 upper floors for residential use on plot bearing S. No. 538 B, 538 B 2, 539 at DahanuGaon, Tal. Dahanu, Dist. Thane.


Chairman


Member Secretary

2. As per the sanctioned Development Plan, the plot under reference is in congested area of residential zone and is reserved for residential purpose.
3. As per the approved CZMP of Dahanu, the plot under reference falls in CRZ II and situated on landward side of existing road.
4. FSI Details, as per the plans submitted by PP:
 - Total area of land – 469.00sqmt
 - Permissible FSI – 1.80
 - Total proposed BUA – 813.60sqmt
 - FSI proposed to be consumed – 1.74

Authority noted that the proposal was earlier deliberated in in 86th meeting of the MCZMA held on 27th October, 2013. Authority after deliberation decided to direct the project proponent to submit authorization details of existing structure on land under reference and its present use from the Chief Officer, the Dahanu Municipal Council. Accordingly, the Dahanu Municipal Council has submitted their reply dated 19.11.2014 stating that as per the assessment certificate and town planning & valuation dept., palghar letter dated 16.7.2013, the existing / present use of land under reference is residential.

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (iii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

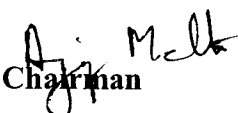
The Authority after deliberation decided to recommend the proposal to concerned planning authority from CRZ point of view subject to strict compliance of the following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The concerned Planning authority should ensure that the FSI, lay out plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. The DMC should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the Chief Officer, DMC.

Item No.25: Proposed modification to existing restaurant building and construction of Resort building in land bearing Plot No. 1, S.No. 8/11 of village Dahanu, Tal – Dahanu, Dist- Thane by Mr. Dolly BomanIrani

The Authority noted that project proponent was not present for the meeting. Hence, the matter was deferred.


Chairman


Member Secretary

Item No.26: Proposed extension of the Industrial Shed at land bearing Survey No. 226/2(pt) maujeVadkun, Tal. Dahanu. Dist. Thane by M/s. Jayraj Developers

Authority noted that project proponent was not present for the meeting. Hence, the matter was deferred.

Item No.27: Reconstruction, strengthening and development of an existing factory building at CTS No. 8, 44, 46, 47, 48, 50, 51, 52, 55, 83 Kalyan Maharashtra for M/s Balkrishna Paper Mill Ltd

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

M/s Balkrishna Paper Mill Pvt Ltd has proposed for reconstruction, strengthening and development of an existing factory building at CTS No. 8,44,46,47,48,50,51,52,55,83, kalyan, Maharashtra. Old factory structure is in existence prior to formation of KDMC i.e. 1972

The Authority noted that the matter was earlier considered in the 91st meeting of MCZMA held on 29th, 30th & 31st May, 2014, wherein the Authority sought certain information. PP vide letter dated 21.8.2014 submitted the information.

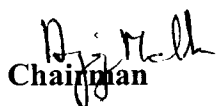
PP submitted & presented before the authority that CRZ map in 1:4000 scale prepared by NIO Goa showing superimposition of plot / project activity with reference to approved HTL demarcated as per approved CZMP and presented that reconstruction, strengthening of factory building is proposed beyond 150 m CRZ line from approved HTL demarcated as per approved CZMP.


The Authority examined the approved CZMP and after detailed discussion decided that no construction/ reconstruction/strengthening/ industrial activity would be allowed within 150 m CRZ area from approved HTL of creek. KalyanDombiwali Municipal Corporation should ensure the same.

Item No.28: Proposed reconstruction of residential and commercial building at plot bearing C.S.No.520, 521, 522 at DahanugaonDist - Thane by Smt.Bindu Dharamdas Ponda & Others

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

1. The proposal is for reconstruction of existing structure at plot bearing C.S.No.520, 521, 522 at DahanugaonDist – Thane.Dahanu Municipal Council vide letter dated 12.2.2014 forwarded the proposal to MCZMA.
2. Proposed reconstruction comprised of Ground + raised 2nd floor on plot under reference.
3. Dahanu Municipal Council remarks mentions that the plot under reference is in Residential Zone as per development plan as on 19.2.1991.
4. The plot under reference falls in CRZ II area and situated on landward side of existing authorized structure.
5. DMC remarks mentions that the present use of the existing structure is residential.
6. Plot area is 534.20 Sqm as per remarks of DMC.


Chairman


Member Secretary

During the meeting, PP stated that existing structure was for residential use along with cloth shop & ration shop. Authority discussed that use of the proposed structure for residential purpose would be permissible.

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (iii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The concerned Planning authority should ensure that the FSI, plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. The DMC should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
5. This recommendation is issued only for construction activity for residential purpose only and not for commercial purpose.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.


Compliance of the above conditions should be ensured by the concerned Chief Officer, DMC.

Item No.29: Proposed construction of residential building on land bearing CTS no. 1037, 1048, 1050 village Tal. Malonde, Dist. Vasai by M/s Saar Construction Co

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

1. The proposal is for construction of residential building on land bearing CTS no. 1037, 1048, 1050 village Tal. Malonde, Dist. Vasai. Vasai Virar Municipal Corporation (VVMC) vide letter dated 24.6.2014 forwarded the proposal to MCZMA.
2. As per plans submitted by PP, the proposed construction comprises of stilt + 4 (pt) floors.
3. As per the DP plan submitted by PP, the plot under reference falls in Residential zone.
4. As per the CRZ map submitted by the PP the plot under reference falls in CRZ II. The plot under reference is towards landward side of the existing road and existing structure.
5. As per plans submitted by PP, Gross area of Plot is 1506.69 Sqm and total construction area is 1337.64 Sqm.
6. FSI Details, as per the plan submitted by PP:

- Gross Area of Plot: 1506.69 Sqm


Chairman


Member Secretary

- Recreation ground (10% not deductible): 150.67 Sqm
- Permissible floor area: 1506.69 Sqm
- Existing floor area: 490.52 Sqm
- Permissible FSI: 1016.17 Sqm
- Proposed floor area: 1014.29 Sqm

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (i) & (ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

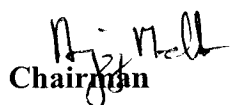
The Authority after deliberations decided to recommend the proposal from the CRZ point of view to the concerned planning authority subject to strict compliance of the following conditions-

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, plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. The VVMC should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. Concerned planning Authority should first ensure that the plot is vacant and construction is already not started before approving the building plans of the project. If there is any construction already on site, concerned planning authority should intimate the same to MCZMA.
7. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Engineer, VVMC.

Item No.30: The proposed construction of residential building having plot no. 29, Sector -6, Nerul, Navi Mumbai by M/s. Galaxy Aura

The Authority noted that Navi Mumbai Municipal Corporation vide letter dated 29.5.2012 has forwarded a proposal of development of residential building on plot no. 29, Sector -6, Nerul, Navi Mumbai.


Chairman


Member Secretary

Meanwhile, MCZMA received a letter dated 26.5.2014 from project proponent (P.S. Govindarajan) requesting to consider the proposal on the basis of CRZ map in 1:4000 scale map along with report and addendum to the technical report dt. 20.5.2014 prepared by IRS, Chennai.

Project proponent (PP) presented that as per CRZ map in 1:4000 scale prepared by IRS, Chennai and report dated 20.5.2014, the subject plot falls beyond 100m from both the HTLs i.e HTL as per 1991 approved CZMP (Creek) and also the HTL (Creek) as per the CRZ Notification, 2011, as confirmed by IRS, Chennai. PP further requested the Authority to consider that the plot no. 29, sector 6, nerul, Navi Mumbai situated outside CRZ area

The Authority noted that CRZ area limit is max 100 m from the HTL of the tidally influenced water bodies as per the provisions of CRZ Notification, 2011. The plot under reference is fronting the Thane creek. The Authority examined the CRZ map in 1:4000 scale prepared by IRS, Chennai which is one of the agency authorized by MoEF.

Further, the Authority noted the report of IRS, Chennai 20.5.2014 which mentions as follows:

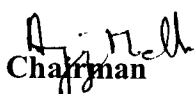
1. The HTL (Creek) for Thane Creek demarcated by the IRS, Chennai vide report dated 05.03.2012 corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping.
2. CRZ shall be applied for the land/site within the 100m buffer zone from HTL for Bay/Creek as per Para (ii) of CRZ Notification 2011 of MoEF vides S.O. 19(E), dated 06.01.2011. In this case, the project site at plot no. 29, Sector 6, Nerul, Navi Mumbai, Maharashtra does not fall within the 100m buffer from HTL (Creek) for Thane Creek.

The Authority observed that plot under reference falls beyond 100m from both the HTLs i.e HTL as per 1991 approved CZMP (Creek) and also the HTL (Creek) as per the CRZ Notification, 2011. Further plot is situated beyond 50 m mangroves buffer zone area as indicated in said CRZ map of IRS, Chennai.

Therefore, the Authority after deliberations and taking into account the CRZ map in 1:4000 scale along with report dated 20.5.2014 of IRS, Chennai decided that project site plot no. 29, Sector -6, Nerul, Navi Mumbai is outside CRZ area i.e. beyond 100 m CRZ line from approved HTL of creek & beyond 50 m mangroves buffer zone. Hence, the subject plot does not fall under the ambit of CRZ Notification, 2011.

Item No.31: Proposed Construction of land bearing S.No. 439A1, A1, A1, A1, A1, A1, A, H.No. 1/1A2, C1 & S.No. 439 1/1, A2 C1 at Village Jamsande, Taluka Devgad, District Sindhudurg by Mr. Rajiv Harmalkar & Co

The Authority noted that the proposal for Construction of land bearing S.No. 439A1, A1, A1, A1, A1, A1, A, H.No. 1/1A2, C1 & S. No. 439 1/1, A2 C1 at Village Jamsande, Taluka Devgad, District Sindhudurg was earlier deliberated in the 81st meeting of the MCZMA held on 26.4.2013, wherein the Authority directed project proponent (PP) to submit the CRZ map in 1:4000 scale superimposing site under reference, prepared by one of the agency authorized by the MoEF, New Delhi as per the provisions of CRZ Notification, 2011.


Chairman


Member Secretary

Accordingly, PP vide letter dated 16.6.2014 submitted CRZ map in 1:4000 scale superimposing site under reference and report prepared as per the provisions of CRZ Notification, 2011 by CESS, Kerala which is one of the agency authorized by the MoEF, New Delhi. Further, the MCZMA vide letter dated 16.7.2014 requested Project proponent to submit following information.

- 1) CRZ map (Scale 1:4000) prepared by CESS, Kerala with superimposing site under reference and showing old HTL approved by MoEF, 150m line from old HTL of Creek, 500m line from old HTL of sea front.
- 2) Clarification as to whether the HTL demarcated by CESS, Kerala is same as that of approved CZMP or whether there is any change in HTL. If so, reasons of change in HTL be reported.

PP vide letter dated 2.1.2014 submitted NCESS report dated 27.11.2014 and CRZ map (Scale 1:4000) with superimposing site under reference and showing old HTL approved by MoEF, 150m line from old HTL of Creek, 500m line from old HTL of sea front as well as new HTL & CRZ areas.

The Authority noted that CRZ area limit is max 100 m from the HTL of the tidally influenced water bodies and 500 m from the HTL of Sea as per the provisions of CRZ Notification, 2011. Plot under reference is fronting wadatherCreek and Arabian Sea.

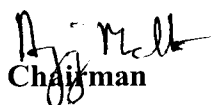
The Authority observed the CRZ map in 1:4000 scale prepared by NCESS, Kerala and noted the report dated 27.11.2014 of NCESS, kerala, which as follows:

“The HTL demarcated in 2012-2013 has some variations from HTL in the CZMP (old). These variations are natural due to the resolution differences in data used, the differences in the accuracy in the approach used. The CRZ / HTL mapping presently carried out was based on actual field mapping in combination with recent high resolution satellite imagery of 5m accuracy. The images were re-rectified with actual and precise GCP's, the coordinates of which have been accurately measured with GPS /DGPS. The old CZMP (1991/1996) has been prepared from the then available satellite imagery of accuracy 72/23m.the difference in the resolution of satellite data products used itself is a reason for the variations between the HTL's. The CRZ /HTL mapping presently carried out is in 1:4000scale while the one done for old CZMP (1991/1996) was in 1:25000 scale. The difference in the scale of mapping is also bound to cause variations between the HTLs. The Nature and morphology of the area under study do not show significant variations over the years. This is also confirmed through verifying available multidated satellite images of the area.”

The Authority observed the CRZ map in scale of 1:4000 scale of NCESS, Kerla and noted that the plot bearing Survey. No. 439 situated:

- Beyond 500m from draft new HTL & old approved HTL of Arabian Sea
- Beyond 100m from draft new HTL of Wadather creek.
- Small portion of the plot falls in 150m and remaining falls beyond 150m from old approved HTL of Wadather creek.

The Authority observed that 100 m CRZ line is not demarcated from the approved HTL of the creek. PP was directed to submit the same demarcation through NCESS, Kerla along with clear conclusion stating CRZ status of the plot.


Chairman


Member Secretary

The Authority after deliberation and taking into account the said CRZ map of NCESS, Kerala observed that Project site bearing S.No. 439 in village Jamsande, DevgadTaluka falls out side CRZ area i.e beyond 500 m CRZ area from the approved & draft new HTL of Arabian Sea and beyond 100 m CRZ area from draft new HTL of wadather creek and felt that site would be beyond 100 m CRZ area from approved HTL of creek. However, Authority observed that 100 m CRZ line from approved HTL is not demarcated on the said CRZ map.

Authority, therefore subject to submission of demarcation of 100 m CRZ line from approved HTL of creek along with clear conclusion of report decided that project site bearing S. No. 439 in village Jamsande, DevgadTaluka falls outside CRZ area i.e. beyond 500 m CRZ area from approved & new draft HTL of Arabian Sea and beyond 100 m CRZ area from approved & new draft HTL of creek.

Item No.32: Proposed reconstruction on plot bearing Gut No.3, Hissa No.4A + 4B, Tal. Shriwardhan, Dist. Raigad

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

1. The proposal is for reconstruction of building comprising of Stilt + 3 upper floors on plot bearing G. No. 3, Hiss No. 4A+ 4B, At& Tal- Shriwardhan, Dist- Raigad by demolishing existing structure.
2. As per the approved CZMP of Raigad, the site under reference falls in CRZ-II and landward side of existing structure prior 1991.
3. The Municipal Council of Shriwardhan letters dated 15.5.2012 & 19.12.2014 mentions that as per the development plan of shriwardhan, the plot under reference is in Residential zone and in Gaonthan.
4. FSI Details,as per the plans submitted by PP:
 - Area of plot – 170.00sqm
 - Permissible FSI – 1.8
 - Permissible built up area – 102.00sqm
 - Proposed built up area at first floor – 100.56sqm
 - Proposed built up area at second floor – 100.56sqm
 - Proposed built up area at upper level second floor – 100.56sqm
 - FSI Proposed to be consumed – 1.77
 - Total built up area – 301.68sqm

MCZMA vide its letter dated 02.07.2012 sought certain information from Chief Officer, ShrivardhanMunicipal Council (SMC). Chief Officer, SMC vide letter dated 19.12.2014 provided the information.

The Authority observed that existing structure is of residential use and proposed use is also residential

The Authority noted that the proposal is in accordance with Para 8.II. CRZ II (iii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.


Chairman


Member Secretary

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

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The concerned Planning authority should ensure that the FSI, lay out plan and height involved in the proposal are as per town and country planning regulations existing as on 19.2.1991
4. Concerned planning Authority should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
5. Adequate capacity of septic tank should be provided by PP.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by concerned Chief Officer, Shrivardhan Municipal Council.

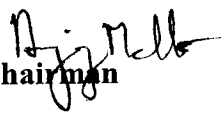
Item No.33: Construction of building on plot bearing Survey No. A (12) 81, Hissa No. 4A, C.T.S. No. 1782, Mouje Murud , Tal- Murud, Dist – Raigad by Mr. Amit Rajendra Korhale

The Authority noted that matter was considered in the 82nd and 88th meeting of MCZMA held on 10th June, 2013 and 14th March, 2014 respectively. During the 88th meeting, the Authority decided that this is a case of violation of CRZ Notification, 1991 & 2011 and matter was referred to the Environment Department for further proceedings in accordance with OM dated 12.12.2012 & 27.6.2013 issued by MoEF, New Delhi.

The Environment Department initiated the necessary credible actions as per above said OM of MoEF and issued Directions u/s 5 of the Environment Protection Act, 1986 read with CRZ Notification dated 19.2.1991 & 6.1.2011 on 20.10.2014 to Shri Amit Rajendra Korhale, Murud Janjira, Tal Murud, Dist: Raigad after following due procedure . PP was directed to stop the construction work till they obtain clearance from MCZMA and were also directed to submit a Board Resolution to comply with para 5(i) of OM dated 12.12.2012 of MoEF. The Maharashtra Pollution Control Board (MPCB) was asked to file prosecution for the offence committed by Shri Amit Rajendra Korhale u/s 15 of E(P) Act, 1986 read with CRZ Notification, 2011 and the Murud Janjira Municipal Council was directed not to issue further permissions / approvals for the said project till competent Authority grants CRZ clearance to PP.

The MPCB vide its letter dated 29.11.2014 informed that, Cr. Case NO. 45/2014 has been filed on 26.3.2014 against Shri Amit Rajendra Korhale before the JMFC, Murud, Dist: Raigad.

PP vide letter dated 17.1.2015 has submitted compliance of direction issued by Environment Dept stating that construction activity have been stopped completely at the site as per notice issued by the Municipal Council on 18.10.2013. PP has undertaken that he would not repeat the mistake of violation in future and there is no FSI violation in the project.


Chairman


Member Secretary

The Authority noted that credible action has been taken and compliance is ensured and therefore examined the proposal from CRZ point of view as per CRZ Notification, 2011 in the context of OMs dated 12.12.2012, 27.6.2013 & 24.7.2014 of MoEF.

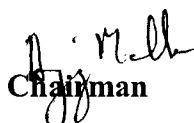
Project Proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. MurudJanjira Municipal Council (MJMC) vide letter dated 26.3.2013 submitted the proposal of development on S. No. A (12) 81 Hissa No. 4A, C. T. S. No. 1782, MoujeMurud, Taluka - Murud, Dist. Raigad. Construction comprised of Ground + 2 upper floors on the plot under reference, as per plans submitted.
2. As per sanctioned and revised Development Plan of Murud city, the plot under reference falls in residential zone.
3. As per approved CZMP of MurudJanjira Municipal Council area, plot under reference falls in CRZ – II and situated on landward side of existing road.
4. MJMC letter dated 22.1.2014 mentions that the proposal is new construction on vacant plot and FSI details as follows:
 - Area of plot: 370 Sqm
 - Deduction: 65 Sqm
 - Net area of plot: 305 Sqm
 - proposed built up area: 98.75 Sqm
 - Total built up area: 296.25 Sqm
 - FSI used: 0.97

The Authority noted that the proposal is in accordance with Para 8.II. CRZ II (i) &(ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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 construction should be 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, plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. No hotel activities are allowed in the project and concerned planning authority should ensure the same.


Chairman


Member Secretary

6. No disposal of Municipal Solid waste and sewage is allowed into the sea.
7. There shall not be violation of provisions of CRZ Notification, 2011 (amended time to time). MJMC should ensure the same.
8. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the Chief Officer, MJMC.

Item No.34: Proposed development for addition of residential cum commercial building on plot bearing S. No. 163 A, Hissa No. 7/2, CTS No. 41 & 41B at maujeZadgaon, Tal & Dist. Ratnagiri by Mr. RajanGanapatSurve& Other

Project Proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

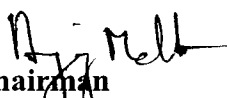
1. Proposal for addition of first floor on existing conjoined ground floor structure of residential cum commercial building on plot bearing S. No. 163 A, Hissa No. 7/2, CTS No. 41 & 41B at maujeZadgaon, Tal & Dist. Ratnagiri for residential purpose.
2. As per the CZMP of Ratnagiri, the plot falls in CRZ II and situated on the landward side of the existing road prior to 1991.
3. The Ratnagiri Municipal Council letter dated 30.08.2013 mentions that,as per the Development plan of Ratnagiri, the plot is in residential zone.
4. As per the CZMP of Ratnagiri, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991
5. As per the layout plan submitted by the project proponent,
 - Existing structure is Ground + First Floor structure conjoined with Ground Floor.
 - Use of existing structure is residential cum commercial.

The Authority after deliberation decided to direct PP to submit the details of existing structure such as various permissions obtained and date of completion and start of construction of existing structure through concerned planning authority.

Item No.35: Proposed development of residential building on plot bearing S. No. 4A, Hissa No. 15, CTS No. 1724 at maujeRahatghar, Tal & Dist. Ratnagiri by Mr. SohanlalSamermalGandi&SukanRagaraj Jain

Project Proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. The proposal is for new development of residential building comprises of ground + first floor + second floor on plot bearing S. No. 4A, Hissa No. 15, CTS No. 1724 at maujeRahatghar, Tal & Dist. Ratnagiri.
2. As per the CZMP of Ratnagiri, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
3. The Ratnagiri Municipal Council letter dated 18.10.2013 mentions that,as per the Development plan of Ratnagiri, the plot is in residential zone.
4. FSI Details,as per the plans submitted by PP:


Chairman


Member Secretary

- Total Area of Plot – 822.00sqm
- Permissible FSIs – 1.00 (TP scheme no. 2 as on 19.2.1991)
- Proposed plot area – 149.20sqm
- Total plot area – 447.60sqm
- Open space in plot – 672.80sqm
- FSI proposed to be consumed – 0.56

MCZMA vide its letter dated 03.03.2014 & 5.7.2014 sought certain information from Ratnagiri Municipal Council (RMC). Chief Officer, RMC vide letter dated 03.04.2014 & 20.9.2014 provided information.

The Authority noted that the proposal is in accordance with Para 8.II. CRZ II (i) &(ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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. Concerned planning Authority should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. Concerned planning Authority should ensure that use of the proposed structure is allowed for residential / social purposes without any commercial angle.
7. Concerned planning Authority should first ensure that the plot is vacant and construction is already not started before the approving the building plans of the project.
8. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Officer, RMC.

Item No.36: Proposed new development of residential building on plot bearing S. No. 119, Hissa No. 2/6, plot no. 4, CTS No. 960A/11 at maujeZadgaon, Tal & Dist. Ratnagiri by Mr. Vikrant PandurangKavitake&SagarPandurangKavitake


Chairman


Member Secretary

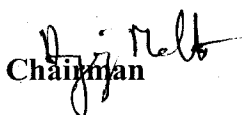
Project Proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. The proposal is for new development of residential building comprises of Stilt + Ground + upper first floor on plot bearing S. No. 119, Hissa No. 2/6, plot no. 4, CTS No. 960A/11 at maujeZadgaon, Tal & Dist. Ratnagiri
2. As per the CZMP of Ratnagiri, the plot falls in CRZ II and situated on the landward side of the existing road prior 1991.
3. This office vide letter dated 13.05.2014 requested "Zoning / Reservation of plot under reference as on 19.02.1991" from Ratnagiri Municipal Council.
4. Ratnagiri Municipal Council vide its letter dated 20.08.2014 reverted that "details of Zoning / Reservation of plot under reference as on 19.02.1991- Residential Zone".
5. FSI Details, as per the plans submitted by PP:
 - Total Area of Plot – 213.00sqm
 - Permissible FSI – 1.00
 - Net plot area – 213.00sqm
 - Total permissible built up area – 213.00sqm
 - Permissible BUA per floor – 106.50sqm
 - Proposed BUA of ground floor – 98.31sqm
 - Proposed BUA of first floor – 98.31sqm
 - Total built up area of plot – 196.62sqm
 - FSI proposed to be consumed – 0.92

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (i) &(ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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, plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. Concerned planning Authority should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.


Chairman


Member Secretary

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

Compliance of the above conditions should be ensured by the concerned Chief Officer, RMC.

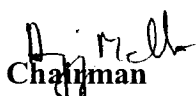
Item No.37: Proposed Expansion of the Dharamtar Jetty facilities at village Dharamtar, Dist: Raigad by M/s. JSW Dharamtar Port Pvt Ltd

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

1. M/s. JSW Dharamtar Port Pvt Ltd has proposed expansion of the Dharamtar Jetty facilities from existing 331.5 m to 1750 m. long in order to improve the efficiency, productivity and quality of the jetty services for the increasing demands of raw material.
2. Thus, the total cargo to be handled would increase from present 9.69 MTPA to 33.95 MTPA.
3. The existing berthing facility at Dharamtar is for handling of barges; originally designed for barge sizes of 2500 DWT, presently handles barges up to 3700 DWT are handled at the berths. There are 4 berths (Berth no 1 to 4) totalling to about 331.5 m in one alignment.
4. Cargo to be handled include IBRM, CBRM, Fluxes, clinker, cement, HR coil, sheets, CR coils, other steel products, slag and containers amounting to about 33.95 MTPA.
5. Allied essential facilities includes additional barge unloaders, material handlers, jetty conveyors, yard conveyors, stacker cum reclaimers, cross country conveyors, covered godown, mechanized stackyard, silos and other facilities such as green belt, fire fighting, storm water drainage, workshops, administrative offices, rail siding, port communication and navigational aid
6. Capital dredging is about 6 million cum and maintenance dredging is about 2 million cum. Reclamation is about 100 Ha
7. The existing captive JSW Dharamtar jetty is located on the right bank of Amba River. The proposed facilities are located at Latitude: 18°42' 19" North & Longitude: 73° 1' 42" East. The jetty is located at about 18.0 nautical miles from Jawaharlal Nehru Port and 18.0 nautical miles from Mumbai Port. The jetty is accessible by road and is 68 km from Mumbai.

PP further presented that NIO, Goa has carried out CRZ demarcation study along with preparation of CRZ map in 1:4000 scale. As per NIO report, project falls in CRZ I & III area. Said report of NIO mentions that:

- a. As per the land use map, the proposed and surrounding area comprise of agriculture/barren lands, patches of mangroves, small creeks, built up area and terrestrial vegetation.
- b. Along the Ambariver, 100m set back line from the HTL is considered as per the CRZ notification 2011. Along the other small creeks, 100m or width of the creek is considered for the set back line.
- c. In the northern side of JSW Dharamtar Jetty, around 20m wide mangroves are noticed all along the river. Beyond the mangroves towards the land ward side, most of the area is agricultural lands/fallow lands.


Chairman


Member Secretary

The Authority noted the proposal was earlier deliberated in 92nd meeting of the MCZMA held on 19th July, 2014, wherein the Authority sought certain information from PP. Accordingly, M/s. JSW Dharamtar Port Pvt Ltd vide letter dated 22.9.2014 submitted its reply to MCZMA

Authority noted that PP has submitted EIA/ EMP wherein the studies regarding marine ecology, distribution of benthic organism, air & water & Noise environment is done. Hydrological studies of Dharamtar creek has also been submitted. As per said report, impact on flow hydrodynamics and the river morphology would be limited to the blocking effect of the piles on the river water course.

The Authority noted that Public hearing was conducted on 22.5.2014 by MPCB and minutes of the public hearing approved & duly signed by the Chairman has been submitted to MoEF, New Delhi by MPCB vide letter no. BO/JD(WPC)/PH/B-2312 dated 16.6.2014 along with all required documents and audio/video shooting of the public hearing.

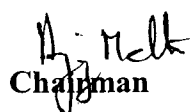
The Authority noted as per para 3.(i) (a), 3.(iv)(a), 4(i) (f) development of jetty & foreshore facilities is permissible activities.

The Authority noted that as per para 7(e) of EIA Notification, 2006, project falls in category 'A'. The Authority further noted that as per provisions of CRZ Notification, 2011 amended on 28th Nov, 2014, those activities listed under category 'A' in the EIA Notification, 2006 and permissible under the said notification requires clearance from MoEF, New Delhi.

The Authority after detailed discussion and deliberation decided to recommend the project from CRZ point of view to MoEF subject to strict compliance of following conditions:

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Environment Management Plan should be implemented effectively during construction and operation phase of the project.
3. Prior High Court permission should be obtained, if the project activities involve clearing /destruction of mangroves due to the project and if the project activities fall in 50 mangroves buffer zone area.
4. It should be ensured that there is no hindrance to natural flow of tidal water of the creek.
5. Sewage and effluent generated should be treated in treatment plant conforming to prescribed standards under E(P) rules, 1986. STP should be located other than CRZ I area and ETP should be located outside CRZ area.
6. PP should ensure that livelihood activities of the fishermen communities should not be hampered due to project activities.
7. Untreated sewage and effluent should not be discharged into the coastal water body. Project proponent should take all effective steps for protection of environment.
8. All other necessary permissions from different competent authorities shall be taken before commencement of the proposed activities.

Compliance of the above conditions should be ensured by the concerned Project Incharge by name.


Chairman


Member Secretary

Item No.38: Proposed construction of Holiday Homes on plot bearing Gat No.84, area 7.61.0 Ha. are & Gat No. 85 area 13.15.0 total area 20.76.0 at Shekhadi, Tq. Shrivardhan, Alibag, Distt. Raigad by Mr. Nandu Anantram Rajput & Other

Project Proponent (PP) presented that the proposal is for construction of Holiday Homes on plot bearing Gat No.84, area 7.61.0 Ha. are & Gat No. 85 area 13.15.0 total area 20.76.0 at Shekhadi, Tal. Shrivardhan, Alibag, Dist. Raigad. The plot under reference partly falls within 200m and partly falls within 200m to 500 meter in CRZ III area.

The Authority observed that the proposal attracts the guidelines regarding development of beach resorts / hotels as mentioned in Annexure III of CRZ Notification, 2011. Authority after detailed discussion and deliberation decided to direct the PP to submit the followings:

- a. CRZ map in 1:4000 scale prepared by one of the MoEF authorized agency superimposing the project layout showing present ecosystem. Said CRZ map should indicate old approved HTL and CRZ area.
- b. Rapid EIA and EMP for the project.
- c. Area of plot falling within 200 m and between 200 to 500 m CRZ line from approved HTL

Item No.39: Proposed construction of guest house on gutt no.695/1 Mauje Awas, Tal-Alibag, Dist - Raigad by Mr. Pradeep Suryakant Kambli

The Authority noted that the Town Planning Office, Alibag, Dist. Raigad forwarded the proposal of construction of Guest House on gutt no. 695/1, Mouze Awas, Tal: Alibag, Dist. Raigad. MCZMA vide letter dated 11th Sep, 2014 requested to submit the demarcation of 100m, 150m line from old approved HTL of creek and 500 m line from old approved HTL of sea by IRS, Chennai.


The Authority noted that CRZ area limit is max 100 m from the HTL of the tidally influenced water bodies and 500 m from the HTL of Sea as per the provisions of CRZ Notification, 2011. Plot under reference is fronting wadather Creek and Arabian Sea.

Project proponent (PP) submitted the CRZ map of Institute of Remote Sensing Chennai in 1:4000 scale superimposing the plot under reference. Authority observed the said CRZ map and noted the followings:

- a. Plot is fronting to Arabian Sea and Creek.
- b. Approved HTL & new draft HTL of Arabian Sea and 500 m CRZ area from it
- c. Approved HTL & new draft HTL of creek and 100 m CRZ area from it.
- d. Plot is situated outside 500 m CRZ line from HTL of Arabian sea as per approved CZMP
- e. Plot is situated outside 100 m CRZ line from approved HTL of creek.

The Authority further observed that there is one more 500 m CRZ line from approved HTL (Arabian Sea & creek) shown on said CRZ map of IRS, Chennai and plot is falling within the said CRZ line.

The Authority after deliberation decided to direct the PP to submit the following information through IRS, Chennai who has prepared the CRZ map:


Chairman


Member Secretary

1. Conclusion of the report mentioning the CRZ status of the plot under reference considering 500 m CRZ line from approved HTL of Arabian sea and 100 m CRZ line from approved HTL of creek, as per provisions of CRZ Notification, 2011.
2. There is one more 500 m CRZ line from approved HTL (Arabian Sea & creek) shown on said CRZ map of IRS, Chennai and plot is falling within the said CRZ line. Clarification on the same.

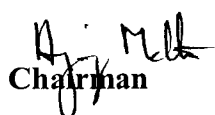
Item No.40: Proposal for redevelopment of residential cum commercial building on plot bearing C. S. No. 958, K958/1, 958/1, at Alibag, Tal. Alibag, Dist. Raigad by Mr. Ram MadhavKamath&LaxmanMadhavKamath

Project Proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. Proposal is for redevelopment of residential cum commercial building comprises of basement + Ground floor + upper two floors on plot bearing C. S. No. 958, K958/1, 958/1, at Alibag, Tal. Alibag, Dist. Raigad by demolishing existing structure.
2. As per the CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road.
3. The Alibag Municipal Council letter dated 06.05.2014 states, as per development plan of Alibag, the land under reference falls in Residential zone.
4. FSI Details, as per the plans submitted by the PP:
 - CTS No 958 (A Tenure) – 33.00sqm
 - CTS No K 958/1 (A Tenure) – 102.8sqm
 - CTS No. 958/1 (C Tenure) – 75.24sqm
 - Total plot area of A Tenure – 135.8sqm
 - Total plot area of C Tenure – 75.24sqm
 - Total net plot area – 211.04sqm
 - Permissible FSI for A Tenure plot – 1.8
 - Permissible built up area for 'A' Tenure – 224.44
 - Permissible FSI for 'C' Tenure – 1.0
 - Permissible built up area for 'C' Tenure – 75.24sqm
 - Total permissible built up area – 319.68sqm

The Alibag Municipal Council have sent letter dated 22.08.2014 to MCZMA stating that the proposed construction is reconstruction of residential cum commercial building by demolishing existing structure. The existing old house was using for commercial and residential purpose. The project proponent is seeking permission for the reconstruction of residential cum commercial building comprises basement + ground floor + upper two floors.

The Authority noted that the proposal is in accordance with Para 8.II. CRZ II (iii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.


Chairman


Member Secretary

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

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. Concerned planning should ensure that there is no change of present use of the structure while reconstruction.
4. 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
5. Concerned planning Authority should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

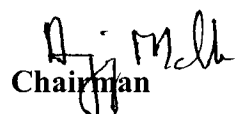
Compliance of the above conditions should be ensured by the concerned Chief Officer, Alibag Municipal Council.

Item No.41: Proposal for new development of residential building on plot bearing C. S. No. 29A/1, plot no. 2 in Shreebag no. 2, at Alibag, Tal. Alibag, Dist. Raigad Shri Bhupendra Janardan Pail

Project Proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. The proposal for new development of residential building comprises of Stilt + upper two floors on plot bearing C. S. No. 29A/1, plot no. 2 in Shreebag no. 2, at Alibag, Tal. Alibag, Dist. Raigad.
2. As per the CZMP of Alibag, the plot partly falls in mangroves buffer zone and partly in CRZ II and situated on the landward side of the existing road.
3. The Alibag Municipal Council letter dated 06.05.2014, as per development plan of Alibag 1984, the land under reference was reserved for Stadium and as per the MRTP Act, 1966 revised in the year 1986, the land under reference falls in residential zone.
4. FSI Details, as per the plan submitted by the PP:
 - Total plot area – 72.00sqm.
 - Permissible FSI – 1.00
 - Permissible built up area – 72.00sqm
 - Proposed BUA of R. Ground Floor - 36.00sqm
 - Proposed BUA of R. First Floor – 36.00sqm
 - Total proposed BUA – 72.00sqm

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (i) & (ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.


Chairman


Member Secretary

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-

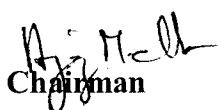
1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward 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, plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. Concerned planning Authority should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. Concerned planning authority should ensure that there is no construction activity allowed in mangroves and its 50 buffer zone area.
7. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Officer, Alibag Municipal Council.

Item No.42: Proposal for new development of residential building on plot bearing C. S. No. 29A/1, plot no. 126, at Alibag, Tal. Alibag, Dist. Raigad by Mr. Manoj Dharma Nikam & Mrs. Snehal M. Nikam

Project Proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. The proposal is for new development of residential building comprises of Stilt + upper two floors on plot bearing C. S. No. 29A/1, plot no. 126, at Alibag, Tal. Alibag, Dist. Raigad.
2. As per the CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road.
3. The Alibag Municipal Council letter dated 06.05.2014, as per development plan of Alibag 1984, the land under reference was reserved for stadium and as per the MRTP Act, 1966 revised in 1986; this land under reference is included in residential zone.
4. FSI Details, as per the plans submitted by the PP:
 - Total plot area – 72.00sqm.
 - Permissible FSI – 1.00
 - Permissible built up area – 72.00sqm


Chairman


Member Secretary

- Proposed BUA of stilt – 02.42sqm
- Proposed BUA of R. Ground Floor - 34.72sqm
- Proposed BUA of R. First Floor – 34.72sqm
- Total proposed BUA – 71.86sqm

The Authority noted that the proposal is in accordance with para 8.II. CRZ II (i) & (ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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-

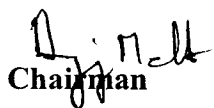
1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Buildings shall be permitted only on the landward side of the existing road, or on the landward 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, plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. Concerned planning Authority should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Officer, Alibag Municipal Council.

Item No.43: Proposal for new development of residential building on plot bearing C. S. No. 29A/1, plot no. 7, MHADA Colony, at Alibag, Tal. Alibag, Dist. Raigad by Mr. Anil Moreshwar Naik

Project Proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. The proposal is for new development of residential building comprises of Stilt + upper two floors on plot bearing C. S. No. 29A/1, plot no. 7, MHADA Colony, at Alibag, Tal. Alibag, Dist. Raigad.
2. As per the CZMP of Alibag, the plot falls in CRZ II and situated on the landward side of the existing road.


Chairman


Member Secretary

3. The Alibag Municipal Council letter dated 06.05.2014 mentions that, as per development plan of Alibag 1984, the land under reference was reserved for stadium and as per the MRTP Act, 1966 revised in 1986; this land under reference is included in residential zone.
4. FSI Details, as per the plans submitted by the PP:
 - Total plot area – 103.00sqm.
 - Permissible FSI – 1.00
 - Permissible built up area per floor – 51.50sqm
 - Proposed BUA of R. Ground Floor – 42.60sqm
 - Proposed BUA of R. First Floor – 42.60sqm
 - Total proposed BUA – 85.20sqm
 - Balance area – 17.80sqm

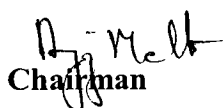
The Authority noted that the proposal is in accordance with para 8.II. CRZ II (i) & (ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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, plan, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. Concerned planning Authority should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the concerned Chief Officer, Alibag Municipal Council.

Item No.44: Proposal for new development of residential building on plot bearing C. S. No. 29A/1, plot no. 231, shreebag no. 2, at Alibag, Tal. Alibag, Dist. Raigad by Mrs. Madhavi Kashinath Kundal


Chairman


Member Secretary

Project Proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. The proposal is for new development of residential building comprises of Stilt + ground floor + upper first floor on plot bearing C. S. No. 29A/1, plot no. 231, shreebag no. 2, at Alibag, Tal. Alibag, Dist. Raigad.
2. The Alibag Municipal Council letter dated 06.05.2014 mentions that, as per development plan of Alibag 1984 and as per the MRTP Act, 1966 revised in 1986; C. S. No. 29A/1 was reserved for stadium but the plot no. 231 is out of this reservation. As per the MRTP Act, 1966 revised on 30.03.2013, the land under reference (C. S. No. 29A/1) is falls in Residential zone and plot no. 231 is also included in the residential area.
3. As per Alibaug Municipal Council office letter dated 6.5.2014, the plot falls in CRZ II area as per approved CZMP of Alibaug. Further, said letter states that proposed construction is situated on landward side of existing road.
4. FSI Details, as per the plans submitted by the PP:
 - Total plot area – 48.00sqm.
 - Permissible FSI – 1.00
 - Permissible built up area per floor – 72.00sqm
 - Proposed BUA of R. Ground Floor – 27.66sqm
 - Proposed BUA of R. First Floor – 27.66sqm
 - Total proposed BUA – 55.32sqm
 - Balance area – 16.68sqm

Authority noted the remarks of the Alibag Municipal Council that plot under reference fall in CRZ II area and proposed construction is on the landward side of the existing road. The Authority further noted the submission of representative of Municipal Council Shri P.N. Dhasale, Works Dept who was present that the site under reference is in CRZ II area and situated on landward side of existing road. However, the Authority felt it necessary Chief Officer, Municipal Council should confirm this fact before issuing the necessary permission to the PP.

That Authority observed the Google image of the area and observed the existence of green vegetation/mangroves nearby the plot area. Further Google image shows the existence of road adjoining the plot under reference. Authority directed official of Alibag Town Planning office to ensure that the construction is not proposed in mangroves or its 50 m buffer zone area.

The Authority noted that the proposal is in accordance with Para 8.II. CRZ II (i) & (ii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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.


Chairman


Member Secretary

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, plans, height, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991.
5. Concerned planning Authority should ensure that FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
6. Concerned planning should strictly ensure that construction in mangroves or its 50 m buffer zone area is not allowed. Chief Officer, Municipal Council should confirm before issuing the necessary permission to the PP.
7. All other required permission from different statutory authorities should be obtained prior to commencement of work.

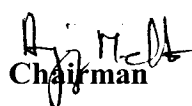
Compliance of the above conditions should be ensured by the concerned Chief Officer, Alibag Municipal Council.

Item No.45: Proposed redevelopment of residential building on plot bearing S. No. 13 A, Hissa No. 9, CTS No. 546, 546/1, at maujeKilla, Tal & Dist. Ratnagiri ~~by Smt. Parvati Dinanath Patil~~

Project Proponent (PP) presented the proposal before the Authority. The Authority noted the followings:

1. The proposal is redevelopment of residential building comprises of ground + first floor for residential purpose on plot bearing S. No. 13 A, Hissa No. 9, CTS No. 546, 546/1, at maujeKilla, Tal & Dist. Ratnagiri by demolishing existing structure.
2. As per the Development plan of Ratnagiri, the plot is in residential zone. Zoning / reservation as per DP existing as on 19.2.1991 is in residential 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. Existing use & present status of land under reference is for residential purpose.
5. FSI Details, as per the layout plan submitted by the project proponent,
 - Total Area of Plot (as per 7/12) – 100.00sqm
 - Permissible FSI – 1.00
 - FSI proposed to be consumed – 0.75

MCZMA vide letter dated 05.11.2014 sought certain information from Chief Officer, Ratnagiri Municipal Council(RMC). Accordingly, Chief Officer, RMC vide letter dated 16.12.2014 provided the information


Chairman


Member Secretary

The Authority noted that the proposal is in accordance with Para 8.II. CRZ II (iii) of CRZ Notification, 2011 wherein town & country planning regulation as existing as on 19.2.1991 is applicable.

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

1. The proposed construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF from time to time.
2. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use.
3. The concerned Planning authority should ensure that the FSI, plan 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 FSI, non FSI and concessions, if any, are strictly as per the provisions of DCR existing as on 19.2.1991.
5. All other required permission from different statutory authorities should be obtained prior to commencement of work.

Compliance of the above conditions should be ensured by the Chief Officer, Ratnagiri Municipal Council.

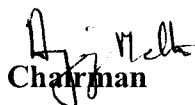
Item No.46: Regarding existing residential construction on Gut No. 49 (Area – 5R), village RanjankharDaval, Tal. Alibaug, Dist. Raigad

Project Proponent (Applicant ShrimatiParvatiDinanathPatil) presented that she is local traditional inhabitant of the area whose house/residential dwelling was submerged during high tides of sea in the year 1989. Applicant has constructed house in CRZ area for dwelling / residential purpose on land under reference. Dwelling unit for residential purposed was construction in the year 1990.

Town planning office, Alibag vide letter dated 11.12.2014 has forwarded proposal for regularization of the constructed house. Total area of plot under reference as per 7/12 is 74.74.28 Ha.R. and area of plot on which the residential dwelling is in existence is 5 R. The land under reference falls within 100 m from HTL of the creek as per the Coastal Land use map of 1:25000 scale prepared by SAC.

Authority further noted that Talathi notice dated 29.5.1990 mentioning encroachment of residential house on land under reference. Letter dated 29.1.2014 of Revenue and Forest Dept mentions that house of Applicant ShrimatiParvatiDinanathPatil had been submerged in the sea due to high tide of Sea in the year 1989.

Authority further noted from the report dated 11.12.2014 of Assistant Director Town Planning Alibag that the existing construction is prior to 1990 as per the notice issued by the Talathi vide letter dated 29th Sep, 1990. Further, ADTP, has opined that the encroachment i.e constructed house of the applicant is of the year 1990 i.e. prior to issuance of CRZ Notification, 1991.


Chairman


Member Secretary

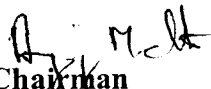
Authority after detailed discussion and deliberation decided that Proposal does not attract the provisions of CRZ Notification, 1991 as well as CRZ Notification, 2011, since construction of Residential House on land under reference is prior to publication of the CRZ Notification, 19.2.1991 by MoEF, New Delhi.

Meeting ended with vote of thanks

Annexure I

List of Members present for the meeting:

1. Principal Secretary, Industries Dept.
2. Dr. Baban Ingole, Expert Member, MCZMA
3. Dr. Mahesh Shindikar, Expert Member, MCZMA
4. Dr. M.C. Deo, Expert Member, MCZMA
5. Shri. A.T. Fulmali, Member Secretary, MCZMA


Chairman


Member Secretary

**MINUTES OF THE 96th MEETING OF MAHARASHTRA COASTAL ZONE
MANAGEMENT AUTHORITY (MCZMA) HELD ON 17th January, 2015**

Ninety sixth (96th) meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment), GoM on 17th January, 2015 at 10.30 am at Sachivalay, Gymkhana, Mumbai. List of Members present in the meeting is enclosed as Annexure-I.

Item 1A: WP (L) No. 41/2015 M/s Rajlaxmi Developers Vs State of Maharashtra
Property being final plot No. 843 of TPS-IV, Mahim Division, Mumbai.

The Authority noted that the matter was earlier deliberated in 91st meeting of the MCZMA held on 29th to 31st May, 2014, wherein the Project proponent (PP) presented that the plot under reference falls outside CRZ area as per provisions of CRZ Notification, 2011. PP submitted IRS, Chennai report along with CRZ map in 1:4000 scale to support his stand. During the 91st meeting, the Authority sought certain information from the PP. Reply from the PP was awaited.

Meanwhile, WP (L) No. 41/2015 M/s Rajlaxmi Developers Vs State of Maharashtra was filed before the Hon'ble High court of Mumbai along with IRS report & CRZ map. Petition pertains to CRZ status of the plot. Hon'ble High court of Mumbai vide order dated 14th January, 2015 disposed off the case with a direction to MCZMA to issue a clearance certificate on the basis of certificate granted by IRS within four weeks period.

Taking into account the background of the matter, the Authority observed the matter as follows:

- 1) Ministry of Environment and Forest, New Delhi 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 max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body
- 2) 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.
- 3) As per the IRS Chennai report dated 19.5.2014, The HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land / site within 100m buffer zone from HTL for bay / creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site containing


Chairperson


Member Secretary

F.P. No. 843 of TPS-IV of Mahim Div, Mumbai does not fall within the 100m buffer from HTL for Mahim bay.

In the light of above, the Authority after detailed discussion and deliberation and taking into consideration reports and CRZ map of MoEF authorized agency i.e. IRS, Chennai as well as Hon'ble High court order dated 14th January, 2015 in WP (L) No. 41/2015 & Supreme court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Mahim Bay as 'Bay' decided the followings:

- 1) Project site containing F.P. No. 843 of TPS-IV of Mahim Div., Mumbai does not fall within the 100m buffer from HTL for Mahim bay. Hence, the said plot does not fall under the ambit of the CRZ Notification, 2011.
- 2) The case is recommended for clearance from CRZ point of view to the planning authority under intimation to the project proponent.

Item No. 1B: WP (L) No. 50/2015 Kanakia Kingstyle Construction Pvt Ltd & Anr V/s State Of Maharashtra & Other.
Plot bearing F. P. No. 766 of TPS – III, Mahim Division of Mahim Bus Depot, Mumbai

The Authority noted that the matter was earlier deliberated in 92nd meeting of the MCZMA held on 19.7.2014 wherein the Project proponent (PP) presented that the plot under reference falls outside CRZ area as per provisions of CRZ Notification, 2011. PP submitted IRS, Chennai report along with its CRZ map in 1:4000 scale to support his stand. During the 92nd meeting, the Authority sought certain information from the PP. Reply from the PP was awaited

Meanwhile, Writ Petition (L) No. 50/2015 Kanakia Kingstyle Construction Pvt Ltd & anr V/s State Of Maharashtra was filed before the Hon'ble High court of Mumbai regarding the CRZ status of the plot under reference along with report & CRZ map of IRS, Chennai.. Hon'ble High court vide order dated 12th Jan, 2015 disposed off the case with a direction to MCZMA to issue clearance certificate to petitioner on the basis of certificate granted by Institute of Remote Sensing that final plot no. 766 of TPS III Mahim Division bearing C.S. No. 1464, 1465, 1466 and 2/1269 falls outside the CRZ area. Hon'ble High court further vide order dated Jan 15, 2015 directed MCZMA to consider the petitioners application before 31st Jan, 2015.

Taking into account the background of the matter, the Authority observed the matter as follows:


Chairperson


Member Secretary

- a. Ministry of Environment and Forest, New Delhi 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 max 100 m. CRZ limit along the 'Bay', which is a tidally influenced water body
- b. 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.
- c. The IRS, Chennai vide letter dated 19.5.2014 mentioned that the HTL demarcated by IRS, Chennai corresponds to the HTL shown in approved CZMP subjected to the generalization error caused by the variation in scale of mapping. CRZ shall be applied for the land / site within 100m buffer zone from HTL for bay / Creek as per para (ii) of CRZ Notification, 2011 of MoEF vide S.O. 19(E), dated 6.1.2011. In this case, the project site containing F. P. No. 766 of TPS-III, Mahim Division of Mahim Bus Depot, Mumbai does not fall within the 100m buffer from HTL for Mahim bay.

In the light of above, the Authority after detailed discussion and deliberation and taking into consideration report and CRZ map of MoEF authorized agency i.e. IRS, Chennai as well as Hon'ble High court order dated 12th Jan, 2015 in WP (L) No. 50/2015 & Supreme court order dated 19.11.2014 in SLP No. 30128/2014 & NHO letter recognizing Mahim Bay as 'Bay' decided the followings:

- 1) Project site containing Final plot no. 766 admeasuring 5877 sqm. (approx) of TPS III Mahim Division, bearing C.S. No. 1464, 1465, 1466 and 2/1269, at the Junction of Mahim Causway & Mori Road, G/N Ward, Mumbai does not fall within the 100m buffer from HTL for Mahim bay. Hence, the said plot area does not fall under the ambit of the CRZ Notification, 2011.
- 2) The case is recommended for clearance from CRZ point of view to the planning authority under intimation to the project proponent.

Annexure I

List of Members present in the meeting:

1. Principal Secretary, Industries Department, Govt. of Maharashtra
2. Dr. Mahesh Shindikar, Expert Member, MCZMA
3. Dr. Baban Ingole, Expert Member, MCZMA
4. Dr. M.C. Deo, Expert Member, MCZMA
5. Shri. A.T. Fulmali, Member Secretary, MCZMA


Chairperson


Member Secretary