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MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 2285 2696
e-mail : mahamczma@gmail.com

No. MCZMA - 2016 / CR - 28 / TC 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment Department, Room No. 217, 2nd Floor,
Annex Building, Mantralaya,
Mumbai- 400 032.
Date: 19th July, 2016

To
✓ Chief Engineer (DP),
Municipal Corporation of Greater Mumbai,
5th Floor, Municipal Head Office,
Mahapalika Marg, Mumbai - 400 001

Subject: Clarification on utilization / computation of BUA of CRZ part of the plot for construction on contagious non CRZ part of the plot of single owner reg.

Ref.: 1) MCGM letter dated 31.3.2016 to MCZMA
2) MoEF & CC, New Delhi letters dated 28.9.2015 & 1.10.2015 addressed to CEO, MCHI, Mumbai
3) MCZMA letter dated 7.6.2016 to MoEF & CC, New Delhi
4) MoEF & CC, New Delhi letter dated 28.6.2016 to MCZMA

Sir,

Reference is kindly requested to your above referred letters in the subject matter. This is to inform you that, the Ministry of Environment, Forests & Climate Change, New Delhi vide letter dated 28.6.2016 forwarded attested copies of the letters dated 28.9.2015 & 1.10.2015 addressed to Chief Executive, Officer, (CEO), Maharashtra Chamber Housing Industry, (MCHI), Mumbai. Copies of the said letters are attached herewith.

2. The MoEF & CC, New Delhi vide letter dated 28.6.2016 further mentioned that, the limited issue conveyed in the said explanatory communications is that CRZ Notification, 2011 restricts applicability of TCP Rules in CRZ areas and doesn't prohibit any activity beyond the CRZ areas. Above referred letters are self explanatory and you are requested to follow the stipulations given by MoEF & CC, New Delhi though these letters.

3. This issues with the approval of Competent Authority.

Yours,
Statel

Director Environment
& Member Secretary, MCZMA

Copy for information to:

वृहन्मुंबई महानगर पालिका		Principal Secretary, Environment & Chairman, MCZMA, Environment Dept,	
प्रमुख अभियंता (विकास नियोजन)		Room No. 217, Annex Building, Mantralaya, Mumbai.	
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By. Ch E(DP) II / DYCEBP (City) / DYCEBP (BP) ES.

P-note the contents.

27/7/16

DP stat - Urgent

Smt. Sonar
P. SPK.
28-7-16
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2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jor Baug Road, New Delhi.
3. Municipal Commissioner, Municipal Corporation of Greater Mumbai, (MCGM), Mahapalika Marg, Fort, Mumbai
4. Shri. S. K. Srivastav, Scientist E, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jog Baug Road, New Delhi
5. Select File / TC4

NO. CHE/DP/ 13403 /GEN DT. 28-7-16

CHE/DP/ 30/GEN
2016-2017

DY.CHE (DP)-I/II/ DY.CHE(BP)CITY/ ES/ WS-I/WS-II/SPECIAL CELL/
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Copy submitted for information & further necessary action please.

बृहन्मुंबई महानगरपालिका कार्यकारी अभियंता इमारत प्रस्ताव (शहर) १ चांचे कार्या.
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SAsarfar 28-7-16
Administrative Officer II
(development Plan)

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F. No. 19-105/2015-IA-III
Government of India
Ministry of Environment, Forest and Climate Change
(IA.III Section)

Indira Prayavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi-110-003

Date: 28/6/16
June, 2016

To

Member Secretary
Maharashtra Coastal Zone Management Authority
Environment Department, Room No. 217, (Annexe),
Mantralaya,
Mumbai- 400 032

Subject: **Clarification on utilization/computation of BUA of CRZ part of the plot for construction on contiguous Non-CRZ part of single owner-reg.**

me 28/6/16

This has reference to your e-mail message dated 7 June, 2016 wherein it has been requested to confirm the authenticity of letters dated 28 September, 2015 and 1 October, 2015 addressed to Chief Executive Officer, (CEO) Maharashtra Chamber Housing Industry (MCHI), Mumbai.

2. Please find enclosed herewith attested copies of the letters dated 28 September, 2015 and 1 October, 2015 issued by this Ministry to CEO, MCHI for reference.
3. The limited issue conveyed in the said explanatory communications is that CRZ Notification, 2011 restricts applicability of TCP Rules in CRZ areas, and doesn't prohibit any activity beyond the CRZ areas.
4. This has approval of the Competent Authority.

Encl: as above

SK
28/6/2016
(S.K. Srivastava)
Scientist- E

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F.No.19-105/2015-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
[IA.III Division]

Indira Paryavaran Bhawan
Jor Bagh Road,
New Delhi – 110 003

September 28, 2015

To

Shri S.S. Hussain,
Chief Executive Officer,
Maharashtra Chamber of Housing Industry,
Maker Bhawan-II, 4th Floor,
18, V. Thackersey Marg, New Marine Lines,
Mumbai – 400 020.

Sub: Clarification on utilization / computation of BUA of the CRZ part of the plot for contraction on contiguous non-CRZ part of the plot of single owner

Ref: Letter No. MCHI/CEO/15-16/104 dated 10/09/2015

In having taken note of the contents of the communication under reference wherein it has been sought to be clarified whether the utilization of the plot potential is permissible where it is proposed to utilize the potential of the plot affected by CRZ to be done on contiguous non-CRZ part of the plot owned by single owner. The subject matter has been examined. CRZ Notification, 2011 vide provision 7 in classification of CRZ delineates CRZ-V as areas requiring special attention, and sub-para V.1 thereto provides for the stipulation for CRZ area falling within the municipal limits of Greater Mumbai. In the proviso V.1(iii) the development or re-development in the areas falling within the municipal limits of Greater Mumbai have been permitted in accordance with the norms laid down in the TCPR as they existed on the date of issue of Notification i.e. 19/02/1991, unless specified otherwise in the Notification. This provision is general in nature also for the CRZ-II in the entire coastline vide CRZ Notification, 2011 restricting the applications of the TCPR including FSI/ FAR in CRZ-II area for development or re-development as they existed on the date of issue of Notification dated 19/02/1991.

2. CRZ Notification, 2011 is applicable for the area delineated and mapped under State Coastal Zone Management Plans for coastal areas and extends to all the CRZs. The restrictions and prohibitions for development or re-development and / or any other activity have been laid down in the Notification explicitly. The provisions of the Notification do not apply in area outside the delineated CRZ.

(11)

3. The subject matter of utilization of plot potential in accordance with the TCPR of the State Government or local bodies outside the CRZ is in the domain of concerned Town & Country Planning Authority and local bodies. However, in the clarification sought, the specific issue is utilization of the plot potential of plots falling in CRZ-II in the plots outside CRZ. It requires a specific mention that the potential of a plot in terms of permissible construction floor area is known and decided explicitly under published regulations and such potentials are in accordance with the extant legal norms of FSI / FAR. The restrictions imposed by CRZ Notification, 2011 for the area falling in CRZ is amply clear to the effect that FSI / FAR permitted to be constructed is in accordance with the TCPR of 1991, and accordingly FSI / FAR of such plots has to be limited on applicability of 1991 norms. In a hypothetical situation, the querist has raised that had these plots not been in CRZ area and thereby not being restricted to FSI / FAR norms of 1991, such plots should have attracted the FSI / FAR norms of the current times which is applicable on adjoining or contiguous plots outside CRZ. Accordingly, it is clear that potential of plots in CRZ-II has to be calculated on the basis of 1991 norms as amended from time to time if the potential is being utilized on non CRZ contiguous portion of land. CRZ Notification, 2011 does not prohibit any activity beyond the areas of CRZ.

4. However, planning authority and / or local body decides on the TCPR including that of FSI / FAR for the areas in their jurisdiction. If planning authority or local body considers it appropriate to develop or evolve a potential FSI / FAR on the areas falling in CRZ and then desires to utilize that portion of FSI / FAR which cannot be utilized or used in CRZ-II because of the restrictions imposed by CRZ Notification, 2001, it is completely within their domain of decision making. CRZ Notification, 2011 does not prohibit any activity beyond the areas of CRZ.

Yours faithfully,

SH
28/9/2015
(S.K. Srivastav)
Scientist 'E'

OK

Issued by Specialist
28/9/15

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F.No.19-105/2015-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
[IA.III Division]

Indira Park
Jor Bagh Road
Dated: 1st October 2015

Shri S.S. Hussain,
Chief Executive Officer,
Maharashtra Chamber of Housing Industry,
Maker Bhawan-II, 4th Floor,
18, V. Thackersey Marg, New Marine Lines,
Mumbai - 20

Sub: Clarification on utilization/computation of BUA of the CRZ part of the plot for contraction on contiguous non-CRZ part of the plot of single owner - reg.

Ref: Letter No. MCHI/CEQ/15-16/104 dated 10/09/2015

Sir,

The letter of even number dated 28th September, 2015 has been perused and it is noted that para 4 of the letter reads as under:-

"4. However, planning authority and / or local body decides on the TCPR including that of FSI / FAR for the areas in their jurisdiction. If planning authority or local body considers it appropriate to develop or evolve a potential FSI / FAR on the areas falling in CRZ and then desires to utilize that portion of FSI / FAR which cannot be utilized or used in CRZ-II because of the restrictions imposed by CRZ Notification, 2001, it is completely within their domain of decision making. CRZ Notification, 2011 does not prohibit any activity beyond the areas of CRZ."

2. This is repetition of the contents in first three paragraphs of the letter. Accordingly, para 4 is deleted from the communication. **The above letter bearing F.No.19-105/2015-IA.III dated 28th September, 2015 should be read without para 4.**

3. This issues with approval of the competent authority.

Yours faithfully,

SK
11/10/2015
(S.K. Srivastava),
Scientist E

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Issued by speed Post
11/10/2015