

CRZ

68  
2013

## MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

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No. CRZ 2011/CR-235/TC-4  
Office of the -  
Maharashtra Coastal Zone Management Authority,  
Environment Department, Room No. 217(Annex),  
Mantralaya, Mumbai- 400 032.  
Date: 3<sup>rd</sup> July, 2013

To:  
M/s. S.P. Associates,  
302/B, Samrock, Apartments,  
Juhu Lane, Andheri (W),  
Mumbai - 400 058

**Subject:** Proposed residential building on plot bearing CTS No. 856 of Village Juhu, situated at the junction of V. M. Road and Juhu Road, JVPD Scheme, Vile Parle (West), Mumbai

The proposal regarding "Proposed residential building on plot bearing CTS No. 856 of Village Juhu, situated at the junction of V. M. Road and Juhu Road, JVPD Scheme, Vile Parle (West), Mumbai" as per the provisions of CRZ Notification, 2011 was considered in the 75<sup>th</sup> and 79<sup>th</sup> meeting of the Maharashtra Coastal Zone Management Authority held on 15.5.2012 and 5.1.2013 respectively.

2. The Authority noted the proposal details which is as follows-

- a) The proposal involves construction of Residential building comprises of basement + stilt + Podium - 1<sup>st</sup> to 9<sup>th</sup> upper floors on plot bearing CTS No. 856 of Village Juhu, situated at the junction of V. M. Road and Juhu Road, JVPD Scheme, Vile Parle (West), Mumbai
- b) As per approved CZMP of Mumbai, the plot under reference falls in CRZ II area and is situated on landward side of existing road.
- c) As mentioned in the DP remarks of MCGM (dt. 24.02.2009), the plot under reference falls in Residential Zone and reserved for Garden. It is further mentioned that, "the acquisition proceedings was initiated since, the purchase notice under section 127 of MR & TP Act, 1966 was served. However, the reservation of Garden on land bearing CTS No. 856(pt) of Village Juhu (excluding the portion of land falling in existing roads and their junction) in K/West-ward got lapsed as per the Hon'ble High Court & Supreme Court orders in Writ Petition No. 442 of 2007 & special leave petition No. 1527 of 2008.

3. The Authority noted the FSI details of the proposal as per submitted Layout plan,

- a) Area of the plot = 1176 Sq.mtr.
- b) Deduction for set back area = 550.00 Sq.mtr.
- c) Net area of Plot = 626.00 Sq.mtr.
- d) Addition for FSI purpose (40% benefit of Setback) = 250.40 Sq.mtr.
- e) Total area = 876.40 Sq.mtr.
- f) FSI permissible = 1
- g) Permissible floor area = 876.40 Sq.mtr.
- h) Proposed area = 872.09 Sq.mtr.
- i) Excess balcony area taken in = 1.19 Sq.mtr.
- j) Total BUA proposed = 873.28 Sq.mtr.

4. Authority further noted that there was a CRZ NOC dated 31.8.2009 from MCZMA for the development on plot under reference. However, after receipt of the complaint alleging violation of conditions of said CRZ NOC, the MCZMA vide letter dated 28.4.2011 directed project proponent and MCGM to stop the work on land under reference. The said complaint was discussed in 70<sup>th</sup> meeting of MCZMA held on 1.7.2011 wherein the Authority decided that stop work order would be continued and owner should not construct till fresh appraisal of the project as per CRZ Notification, 2011.

5. Accordingly, the MCGM forwarded the fresh application for proposed residential building on land under reference as per CRZ Notification, 2011. Based on the decision taken in the 75<sup>th</sup> meeting of the MCZMA held on 15<sup>th</sup> May, 2012; the Authority heard the complainant in 79<sup>th</sup> meeting of MCZMA. During the hearing, the complainant requested the copy of latest amended building plans of the project submitted by the project proponent to the Authority. During the Project proponent ensured that the latest amended proposal involves construction of Residential building comprises of basement + stilt + Podium for parking + 1<sup>st</sup> to 9<sup>th</sup> upper floors. The building plan and FSI details are as per the provisions of DCR 1967.

6. After details discussion and deliberation, the Authority decided to revoke the Stop Work Notice issued to the developer by the MCZMA. Accordingly, as decided by the Authority, Stop Work is hereby revoked. Further, the Authority decided to recommend the proposal from CRZ point of view to concerned Planning Authority subject to compliance of the following conditions-

#### Specific conditions:

- i. 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 time to time.
- ii. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.
- iii. 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.
- iv. The MCGM should ensure that FSI, building / lay out plan, height, zoning, use involved in the proposal is as per town and country planning regulations existing as on 19.2.1991 i.e. DCR 1967.
- v. The MCGM should strictly ensure the FSI, Non FSI component and FSI concessions, if any, of the proposal is as per the provisions of DCR 1967.
- vi. The MCGM should ensure that Podium for parking is not allowed as per the provisions of DCR 1967. Parking Provision should be as per DCR 1967.
- vii. There should not be violation of provisions of the CRZ Notification, 2011. Project proponent should ensure the same.
- viii. All other required permissions from different statutory authorities should be obtained prior to commencement of work.

#### General Conditions:

- i. In the event of any change in the project profile, a fresh reference shall be made to the MCZMA.
- ii. The sand dune, if any, on the site should not be disturbed in any way.
- iii. The mangrove, if any, on the site should not be disturbed in any way.
- iv. The MCZMA reserves the right to revoke this recommendation, if any of the conditions stipulated are not complied with to the satisfaction of the MCZMA.
- v. The MCZMA or any other competent authority may stipulate any additional conditions subsequent to or deemed necessary, for environmental protection, which shall be complied with.
- vi. A copy of the recommendation letter shall be marked to the concerned local body/ local NGO, if any, from whom any suggestion/ representation has been received while processing the proposal.
- vii. The environmental safeguard measures should be implemented in letter and spirit.
- viii. Six monthly monitoring reports should be submitted to the MCZMA in soft and print format.
- ix. This recommendation will be valid for 5 years from the date of issue of recommendation for

x. Any appeal against this CRZ clearance shall lie with the National Green Tribunal, Van Vigyan Bhavan, sector 5, R.K. Puram, New Delhi-110 022, if preferred, within 30 days as prescribed under section 16 of National Green Tribunal Act, 2010.

xi. The recommendation from CRZ point of view is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this recommendation does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.

xii. The Agenda item, minutes and the copy of this letter is also available on the website of MCZMA at <http://www.maharashtra.gov.in>.

  
Member Secretary (MCZMA)

**Copy for information to:**

1. **Chairperson**, Maharashtra Coastal Zone Management Authority, Mantralaya, Mumbai-400 032
2. **Director**, Coastal Regulation Zone, Ministry of Environment & Forests (MoEF), Paryavaran Bhavan, UGO Complex, Lodhi Road, New Delhi- 110 003
3. **Director**, Western Zone (Bhopal), Kendriya Paryavaran Bhavan, Link Road No. 3, Bhopal- 462 016
4. **The Municipal Commissioner**, Municipal Corporation of Greater Mumbai, Mahapalika Marg, Mumbai-400 001.
5. **Web Administrator**, ENVIS - with request to upload the letter on MCZMA website.
6. Select File (TC-4)