

Draft Minutes of Item No. 1A & 1B of the 96th meeting MCZMA held on 17.1.2015

Maharashtra Coastal Zone Management Authority <mahamczma@gmail.com>

Sat 24-01-2015 12:08

To:acs.revenue@maharashtra.gov.in <acs.revenue@maharashtra.gov.in>; psec:revenue@maharashtra.gov.in <psec.revenue@maharashtra.gov.in>; Manukumar Srivastava <psecud1@gmail.com>; psec.industry@maharashtra.gov.in <psec.industry@maharashtra.gov.in>; psec.ud1 <psec.ud1@maharashtra.gov.in>; sec_industry@maharashtra.gov.in <sec_industry@maharashtra.gov.in>; Pramod Vichare <mahafishcom@hotmail.com>;

Cc:afulmali63 <afulmali63@yahoo.co.in>;

मगच/ग/७६१०
३१/१/१५

Municipal Commissioner

Attachment

CHE(DP)

Draft 96th minutes Item 1A & 1B.doc

Respected Sir/ Madam,

Please find enclosed herewith the Draft Minutes of Item No. 1A & 1B of the 96th meeting MCZMA held on 17.1.2015 You are requested to provide corrections/objections on the said draft minutes.

Regards,
MS, MCZMA

बृहन्मुंबई महानगरपालिका
आयुक्तांचे कार्यालय

27 JAN 2015

समय ११. १२. १३. १४
१५. १६. १७. १८

क्रमांक मगच/ग/७६१०

बृहन्मुंबई महानगर पालिका
प्रमुख अभियंता (विकास नियोजन)
कांचे कार्यालय

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3 FEB 2015

क्र.प्र.ज/वि.नि./ ०३०४४८

अ.स.स.स.	म.स.स.	प.स.स.	य.स.स.
मा.अ.सि.	वि.सि.अ.सि.	सो.सि.	कार.सि.

५/२/१५

CHE/30448/DP/Gen.
04/02/15

Dy CHE (DP) City

for M.A.P.

प्रमुख अभियंता
(विकास नियोजन)

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बृहन्मुंबई महानगरपालिका
 उपप्रमुख अभियंता (इ.प्र.) शहर
 याचे कार्यालय 31
 दिनांक - 6 FEB 2015
 सर्वतयारण
 आभारना
 केवळ
 ज.अ.इ.प्र.अ. / 7224
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कार्यकारी अभियंता (इमारत प्रस्ताव) शहर 923

to
circulate
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उप प्रमुख अभियंता (इ.प्र.) शहर

बृहन्मुंबई महानगरपालिका
 कार्यकारी अभियंता
 इमारत प्रस्ताव (शहर) 8 याचे कार्या.
 दिनांक 10 FEB 2015
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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:

- 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

**DRAFT 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