

**MINUTES OF THE EIGHTEENTH MEETING OF THE NATIONAL
COASTAL ZONE MANAGEMENT AUTHORITY (NCZMA) HELD ON
15th SEPTEMBER, 2009 IN ROOM NO. 403, MINISTRY OF
ENVIRONMENT AND FORESTS, NEW DELHI**

The 18th Meeting of the National Coastal Zone Management Authority (NCZMA) was held on 15th September, 2009 in Ministry of Environment and Forests. The meeting was chaired by Shri Vijai Sharma, Chairperson, NCZMA and Secretary, MoEF. The list of participants is placed at Annexure-I.

The Chairman welcomed the Members of the reconstituted NCZMA to the meeting. The Chairperson referred to the revised NCZMA Notification of May, 2009 and highlighted the need of Co- operation of SCZMA & NCZMA for effective implementation of CRZ Notification 1991. He highlighted that 90% - 95% proposals were from the State of Maharashtra, mainly Mumbai. He said that a careful examination of proposals should be done to ensure protection of coastal areas without hampering the development.

Agenda Item No.I: Confirmation of the minutes of the previous meeting held on 02.06.2008.

As no comments were received, the minutes of the 17th meeting of NCZMA held on 2nd June, 2008 were confirmed.

Agenda Item No.II: Action Taken on the minutes of the previous meeting.

The Director, CRZ Division of MoEF briefly apprised the members about the status and actions taken on various issues discussed in the 17th meeting held on 2nd June, 2008, which are as under:

Agenda Item No.II(a): Writ Petition No.422 of 1998 with Writ Petition No.99 of 1999 pertaining to Coastal Regulation Zone violations in Goa.

The Writ Petition was filed challenging the developments in the CRZ-III area of Goa. The Court issued several directions including a direction to the Ministry to conduct an enquiry and fix responsibility for the violations of CRZ Notification, 1991. A survey was conducted on the basis of the complaints received and it was found that there were more than 8000 violation cases. The Goa Coastal Zone Management Authority is preparing a map on a scale of 1:4000 as the earlier maps were available on 1:25000 scale. An action shall be taken by them after the demarcation on the latest maps. The Member Secretary, GCZMA has also submitted a status report on various actions taken in this matter. The final report from GCZMA is yet to be submitted to fix the

responsibility and the reply affidavit shall be filed after receiving the report.

(Action: GCZMA)

Agenda item No. 3: Issues/reclassification proposals received from SCZMA's.

The reclassification proposals received in the Ministry from the MCZMA were considered. The decisions taken with regard to the each of them are as follows:

- 3.1 Deletion of land bearing CTZ No. G/626, G-164A (part) and G/164B of Village Bandra, H-West Ward, Mumbai from the purview of CRZ from Narli Agripada Co-operative Housing Society.**
- 3.2 Deletion of land bearing CTZ No. G/624/3, of Village Bandra, H-West Ward, Mumbai from the purview of CRZ from M/s. G. Rajkumar Co-Operative Housing Society Ltd.**
- 3.3 Deletion of land bearing CTZ No. E/12, of Village Bandra, H-West Ward, situated at 19th Raod, Khar (West), Mumbai from the purview of CRZ from M/s. Pooja Properties.**

As presented by the Member Secretary, MCZMA, the land of the above three projects falls within 500 meters from the High Tide Line (HTL) of the creek and classified as CRZ- II areas. Earlier, in one of the proposals of K-Arch, another land in the same vicinity, the members of MCZMA after the site visit on 7th May, 2003 confirmed the water body as a creek. The MCZMA in its 18th Meeting held on 23rd March, 2003 had earlier agreed that the water body was a creek and sought the advice of NCZMA. The NCZMA in its meeting held on 28th October, 2003 concurred with the decision of the MCZMA. Accordingly, the MCZMA was advised to delete the said land from the purview of the CRZ Notification, 1991, if the same is located beyond 150 meters from the HTL of the said creek. Now, MCZMA considered the above 3 proposals in its 45th meeting held on 07.06.2008 and sought the advice NCZMA, whether the permission for the development be granted on the similar lines as in the K-Arch proposal.

After deliberation, it was decided that since MCZMA, NCZMA and the MoEF had already accepted the water body as creek, the MCZMA should demarcate the HTL line and CRZ boundary considering the water body as creek for the entire area. Some of the members of MCZMA could undertake a site visit and MCZMA may submit a comprehensive proposal with map to the NCZMA, after due consultation with Naval Hydrographer, for approval within 3 months so that a uniform decision may be taken for all the proposals of the area.

(Action: MCZMA)

3.4 Deletion of property bearing CTS No. 657-D of Village Kanjur, 'S' Ward, Kanjur Marg (East), Mumabi from M/s Partical Board (Ind.) Ltd.

As presented by the Member Secretary, MCZMA, the land falls in CRZ-I and CRZ-II areas as per the CZMP approved by MoEF on 1996 due to the mistake of the Municipal Authority which wrongly superimposed the HTL demarcation on the CZMP maps. The Municipal Authority after verification has agreed to correct the mistake and requested for reclassification. NIO, Goa has demarcated the HTL line and 10 meters set back as average width of nallah. The above property does not fall within the 10 meter set back. The proposal was discussed in the 51st meeting of MCZMA and it was decided to visit the site to verify/confirm the location of nalla vis-à-vis plot of the project proponents before taking a final decision in the matter. The Chairperson, MCZMA, Member Secretary, MCZMA, and a retired Deputy Director, NIO, Goa and officials of Municipal Corporation of Greater Mumbai visited the site on 09.05.2009 and found that there was no nalla passing through the plot and the plot was not affected by CRZ Regulation, 1991.

After discussions, it was decided that apparently the proposal was not for reclassification but for revision of CZMP. MCZMA shall submit the proposal within 3 months with full justification and reasons for revising the CZMP of the area along with the documents/records of concerned Municipal Corporation.

(Action: MCZMA)

3.5 Demarcation of HTL & CRZ Boundary of plot bearing Survey No. 275 (pt) & CTS No. 657A & 1295 of Village Kanjur, District Mumbai Suburban from Metro Infrastructure and Project Solutions (Ind.) Pvt. Ltd.

As presented by the Member Secretary, MCZMA, the land was surveyed by NIO, Goa in the year 2004 and MCZMA recommended the proposal to the Ministry based on NIO report and the mapping of Mangroves done by Maharashtra Remote Sensing Application Center, Nagpur for reclassification. Ministry asked for a factual report on an article published in the daily Newspaper dt. 09.01.2007 regarding a police complaint lodged against the above land Lease. The local police authorities confirmed that there was no FIR lodged for the above land.

MCZMA stated that it appointed a sub-Committee of Experts on 12.02.2007 to visit the site and submit a factual report. The site visit report of sub-Committee was sent to MoEF, recommending that most part of the area of the land was occupied by grass. A Solid Waste Management Plant was also established in Survey No. 275(pt) by

Municipal Corporation and the present proposal is also part of Survey No. 275 and is on landward side of the above land and is bounded by fully developed roads constructed in the year 1965, much earlier than CRZ Notification, 1991.

The proposal was earlier put up for consideration in the 17th meeting of NCZMA held on 2nd June, 2008 and the authority decided that MCZMA shall obtain time series maps from SAC, Ahmedabad from 1991 onwards with regard to site. It was informed by the proponent that they had approached SAC, Ahmedabad for the said maps, which informed them that they were unable to supply such maps.

Dr. Ajay, Group Director, SAC informed that SAC could now issue the time series maps of the year 1998 to year 2006.

After discussions, it was decided that MCZMA shall obtain the time series maps for the year 1998 to year 2006. MCZMA shall compare the time series maps of 1998 with latest map of 2006 and submit their report to NCZMA within 3 months for a decision, indicating compliance status of this old case.

(Action: MCZMA)

3.6 Reclassification of property at S.No. H.S. 3/1, 3/2, 11, 117, 2/1, 4,5,6/1,7,9,10 in Bighode village, Taluka Uran, District Raigad from CRZ-I to CRZ-III from Gem Distri Park and Logistics Ltd.

As presented by the Member Secretary, MCZMA, the site falls in CRZ-I. NIO, Goa carried out HTL demarcation and 100 meters set back line marked as CRZ area. Out of 62.5 acres, 44.61 acre falls out side the CRZ area. The proposal was considered in the 49th meeting of MCZMA and after discussions, the authority recommended the proposal for reclassification to MoEF.

After discussions, it was decided that MCZMA shall physically verify the site and submit a report to NCZMA within 3 months for a decision, indicating relevant details like width of the creek and resultant CRZ area.

(Action: MCZMA)

3.7 Reclassification of land bearing CTS No. 7 of village Borivali, behind Gokhale College, Gorla Road, Borivali (West) from CRZ-I to CRZ-II from M/s. M. M. Corporation.

As presented by the Member Secretary, MCZMA, the above referred property is situated in the Residential Zone and it is reserved for Garden in the sanctioned Development Plan of R-Ward of MCGM. An area admeasuring 6259.34 sqm is classified as CRZ III which they have already surrendered to MCGM and balance area admeasuring 4865.66

sqm is classified as CRZ I. The proponent claims that as per the report of Collector Mumbai Suburban dated 30.07.2007, the land under reference is cultivable land since the year 1967. Hence, as per the request of the project proponent, MCZMA directed the project proponent to get the resurvey of the property. National Institute of Oceanography, Goa, demarcated the HTL & CRZ boundary after physical Survey of the property, confirmed that the property was situated on the landward side of HTL. It was examined in the 38th Meeting of MCZMA held on 06.03.2007 and after site inspection, MCZMA recommended the proposal for reclassification to MoEF.

After discussions, it was decided that apparently there will be no change in the landscape and therefore MCZMA shall re-submit the proposal along with the detailed site inspection report to NCZMA giving also land features, trees/mangroves etc. **(Action: MCZMA)**

3.8 Reclassification for the plot Nos. D/23, D/23A, D/24, D/25, D/30, D/31, D/32, D/45, D/46, D/47 & D/48 of CTS No. 1A(pt) and also bearing survey No. 167 (pt) of Pahadi Goregaon Village, Mumbai Suburban District at Bhagat Singh Nagar No.1, New Link Road, Goregaon (West), Mumbai from M/s. Makwana Properties Pvt. Ltd.

As presented by the Member Secretary, MCZMA, the site falls under CRZ-I (ii), inter-tidal area and is fully occupied by slum-dwellers. There are about 1075 slums residing in the area under CTS No. 1, which was declared as slum on 31.10.1977 by the Gazette of Government of Maharashtra. However, in this case, due to the nalla with a width of 90 m, the CRZ area extends up to 340 m. As per the NIO report, about 5121 sqm. of the area will still be in CRZ-I(ii). The project proponent shall not use the area falling in CRZ-I (ii) for any development and same will be kept as open space/garden and slum-dwellers of this area shall be relocated on the other part of plot.

The MCZMA in its 51st meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 24.04.2009, noted that as per NIO report submitted by the proponent, plot no.s D/23, D/23A, D/24, D/25, D/30 & D/31 do not fall within the CRZ boundary measured on landward side of the relevant HTL. However plots no. D/32, D/45, D/46, D/47 & D/48 are still in CRZ and affected by provisions of CRZ Notification, 19.02.1991. However, as per the approved existing CZMP all plots are in CRZ. After discussion the Authority decided to recommend the case to MoEF for proposed reclassification/changes in approved CZMP.

After deliberation, it was decided that MCZMA shall submit the proposal along with the site inspection report to NCZMA for taking a decision along with rationale for violation relaxation etc.

(Action: MCZMA)

3.9 Change of land use from Industrial to residential for the development of 5 star Hotel at Mahim, Mumbai from M/s. Chaitra Realty Ltd.

As presented by the Member Secretary, MCZMA, The textile mill plot under reference is affected by CRZ-II and is situated on the seaward side of the existing authorized road and on the landward side of the existing internal road and authorized building prior to 1991. As per DCR, 1967 the land under reference is in Industrial Zone, only industrial activity can be allowed in this area. Project proponent has requested to change the reservation from industrial use to Residential use and allow for development of 5-Star Hotel. As per the Rule 6(2), (ii) of CRZ Notification 1991, "Reconstruction of the authorized buildings to be permitted subject to the existing FSI/ FAR norms without change in the existing use".

The matter was considered in the 52nd Meeting of MCZMA and recommended to the MoEF.

NCZMA decided not to take up the proposal of change of land use as it is not a proposal for reclassification.

(Action: MoEF)

3.10 Deletion of plot bearing CTS No. 195 (pt) of village Andheri, Mumbai from M/s. Vaidehi Akash Housing Pvt. Ltd.

As presented by the Member Secretary, MCZMA, the above plot is outside the CRZ area. Earlier, in a similar proposal of M/s. Ruchitra Developers in the same CTS No.195, the Ministry has deleted the plot from the purview of CRZ based on the demarcation of HTL by CESS and recommendation of MCZMA and NCZMA. On similar lines, MCZMA recommended the proposal for deletion of plot bearing CST No. 195 (pt) also from the purview of CRZ. The above proposal was discussed in the 17th meeting of NCZMA held on 2nd June 2008 and it was decided not to consider any proposals for review of High Tide Line demarcation as the new draft CMZ Notification had been issued. It was further decided that the proposal could be examined under the proposed new Coastal Management Zone Notification as and when finalized. The proponent filed a Writ Petition in the Hon'ble High Court of Bombay against the above decision of NCZMA. The Ministry filed a reply in the Court accordingly. Now, since the CMZ has lapsed, all such reclassification proposals including this proposal are to be re-examined by the NCZMA as per CRZ Notification, 1991.

The proponent was stated to have carried out the demarcation of HTL through National Institute of Oceanography, Goa and the result of surveys is in consonance with the demarcation of CESS. Both the

reports of NIO and CESS confirm the non-CRZ status for the plot bearing 195(pt).

After discussions, it was decided that since demarcation by both authorized agencies viz. NIO and CESS apparently confirms that the plot falls beyond 500 mts from HTL, MCZMA may consider the above HTL demarcation for the entire area in light of other relevant maps and documents and if so concluded proposal to delete the plot from the purview of CRZ and send a comprehensive plan and proposal for the area to NCZMA.

(Action: MCZMA)

3.11 Reclassification of land bearing CTS No. 1369 & 1428, Bhayandar, Mumbai from M/s. Mangi Lal P. Jain.

As presented by the Member Secretary, MCZMA, the land under reference falls in CRZ-III as per the approved CZMP of Mira Bhayander Municipal Corporation. The land is close to Bhayandar Railway Station and more than 80% of the surrounding area is already developed as residential with some commercial complexes. The area has all infrastructure facilities available such as roads, water supply, drainage and sewerage system which fulfills the conditions required for reclassification as CRZ-II. A similar reclassification has already been done in the same area for CTS No. 1514 by the Ministry vide No. 11-79/2006 – IA-III dated 16th May 2007.

The above proposal was considered in the 43rd meeting of the MCZMA held on 7th March, 2008 and it was decided to recommend the proposal to MoEF, subject to the condition that the project proponent shall submit a letter from Mira-Bhayander Municipal Corporation confirming that more than 50% of the surrounding plots/ area is developed prior to 19.02.1991. Accordingly the project proponent has submitted a letter of Mira-Bhayander Municipal in this respect.

After discussions, the Authority asked the MCZMA to physically verify the developments and infrastructure of the area and submit a comprehensive proposal for reclassification of entire area in stead of individual proposal along with the site visit report to the NCZMA within 3 months. The final decision shall be taken after the receipt of the report from MCZMA.

(Action: MCZMA)

3.12. Re-relaxation to the provision regarding buffer zone of filtration ponds in the case of residential buildings for traditional local inhabitants -Judgment in W. P. (C) No. 36237 of 2007-filed by Smt. Shalbi Shaji & 11 Ors. of Kadamakkudy Gramma Panchayath, Ernakulam District, Kerala.

The Authority noted that the MS, KCZMA had attended the Meeting. It was decided that the KCZMA shall visit the site and submit the proposal along with site visit report to NCZMA for a decision.

(Action: KCZMA)

3.13 Proposed development of property bearing CTS No. E/86-18 of village Bandra, Plot No. 558, SS-VII, 18th road, Khar (West), Mumbai – 400 052.

As presented by the Member Secretary, MCZMA, the proposal is for reclassification of CRZ area with reference to creek. As per the approved CZMP of the area, a setback line of 500 m from the coast line is shown and a small portion of the plot falls in CRZ area.

The project proponent has got the demarcation of HTL through National Institute of Oceanography (NIO), Goa. As per the NIO report, the said area is classified as non-CRZ area considering the width of the creeklet/nalla. As per the guidelines of the MoEF dated 27.09.1996, the HTL should be demarcated as per the width of creeklet/nalla. The MCZMA has recommended the project for reclassification.

After discussions, it was decided that since MCZMA and the Ministry had already agreed that the water body is creek, and the NIO has also demarcated based on creeklet/nalla, the MCZMA shall submit a comprehensive plan and proposal within 3 months re-demarcating the HTL and CRZ boundary considering the water body as creek for the entire area, indicating also width of the creek and resultant CRZ area so that a uniform decision may be taken for the entire area by NCZMA.

(Action: MCZMA)

3.14. M/s. Ganesh Benzoplast Ltd. – clarification on the CRZ area with respect to WP 7875 of 2007 filed by M/s. Ganesh Benzoplast Ltd in the High Court of Bombay.

As presented by MCZMA, an Environmental Clearance was issued to M/s. Ganesh Benzoplast for handling B and C class chemicals in 23 storage tanks with a capacity of 40,000 KL, in JNPT area through the jetty of Bharat Petroleum Corporation Ltd. It has subsequently, increased the number of tanks to 36 numbers with a storage capacity of 68,600 KL for B and C and 59,600 KL for A class products without obtaining necessary permission from the Ministry of Environment and

Forests stating that the new tanks are not located in CRZ area as per the approved CZMP of JNPT.

The CZMP of JNPT was approved by MoEF dated 22.07.2005 by putting an area up to 150 meters from HTL in CRZ-II, since the water body around the JNPT was a creek. But, it was brought to notice by the then Member Secretary, MCZMA that the tanks are located about 80 mts from HTL.

To resolve this position, the Ministry had set up a Technical Committee comprising of Dr. R. K. Garg, Chairman, Dr. A. Mehrotra, Additional Director, Regional office Bhopal, Member and Member Secretary, MCZMA as Member Secretary of the Committee to inspect the site and report the factual position to the Ministry. As per the report of the committee, "the area under reference is abutting sea and cannot be considered as creek and therefore CRZ should be extended up to 500 meters". Therefore, a direction under Sec.5 of EP Act, 1986 was issued to the MCZMA for necessary action. M/s. Ganesh Benzoplast went to the High Court of Mumbai against M/s. BPCL and Court has stayed the report. The matter is still pending in the Court. MoEF is one of the respondent in the matter.

The issue was examined in the meeting of MCZMA and it was decided that since the CZMP of JNPT has been duly approved by MoEF by putting an area up to 150 meters from HTL in CRZ-II and since the water body around the JNPT is a creek, an area within 150 meters from the HTL be confirmed as CRZ-II. CESS vide its report of October, 2007 and March, 2008 has demarcated the 150 meters area from the HTL for the plot no. 7 and 13 respectively of GBL in its phase-7, phase-2, by which some portion of plot 7 falls under CRZ and balance portion of plot 7 falls under non-CRZ and for plot 13 almost the entire area of this plot is non-CRZ except a very small area of this plot in which no tank can be accommodated. Other terminals within the JNPT area and next to M/s. Ganesh Benzoplast also obtained CRZ Clearance from MoEF, based on the 150 m. from HTL in CRZ-II. The MCZMA confirmed the report of CESS.

After discussions, it was decided that MoEF could constitute a 3 Member Committee of Experts (Secretary, Earth Sciences, NIOT, Chennai, MoEF) for site visit and submit a report, but since the case is subjudice, the matter may be further examined in the Ministry.

(Action: MoEF)

Any Other Item:

1. Preparation of CZMP:

The chairperson, MCZMA informed that the CZMP prepared for the State of Maharashtra in the year 1994 were on 1:25000 scale and there are many mistakes at various places. The techniques used that time

were not very scientific. MCZMA wants to get the plans prepared on 1:4000 scale so that they can be easily transferred on the revenue maps using the latest satellite imageries. The above proposal will cost Rs.7.0 crores and State Government of Maharashtra is prepared to contribute upto Rs.3.0 crores.

It was decided that MCZMA should start the preparation/updation of CZMP through any one of the seven authorized agencies with the initial contribution of Maharashtra Govt. after identifying the priority area. In the meantime, MCZMA may send a formal proposal to MoEF for balance Rs.4.0 crores for examination.

2. Request for imposition of processing fees:

The Chairperson, MCZMA requested MoEF to permit for imposition of processing fees to meet the day to day expenses as administrative charges.

It was decided that MCZMA shall send the proposal to MoEF for further examination.

3. Organizing Workshops:

The chairperson MCZMA requested that MoEF should organize a 1-2 days workshop at Mumbai to facilitate the members of MCZMA and some affected proponents about the CRZ Notification, 1991 and the process of appraisal. MCZMA shall make all the necessary arrangements.

It was decided that MoEF shall provide all necessary technical assistance, once a date is finalized by MCZMA.

Conclusion:

The Chairman, NCZMA in his concluding remarks asked the chairperson, MCZMA that the reclassification proposals sent to NCZMA should have a site visit/physical verification report. Instead of piece-meal project-wise projects they should send a comprehensive proposal of the area. He agreed that the updation/revision of CZMP on a scale of 1:4000 should be taken up on priority basis to remove the hardships.

The meeting ended with a vote of thanks to the Chair.

Chairman

**18th MEETING OF THE
NATIONAL COASTAL ZONE MANAGEMENT AUTHORITY (NCZMA)
HELD ON 15TH SEPTEMBER, 2009 IN ROOM NO. 403, MINISTRY OF
ENVIRONMENT AND FORESTS, NEW DELHI**

list of participants

1. Shri Vijai Sharma, Secretary,
Ministry of Environment and Forests,
Govt. of India, New Delhi. - Chairman
2. Dr. Ajay, Group Director,
Space Applications Centre (SAC),
Ahmedabad, Gujarat. - Member
3. Shri V. Vivekanandan,
South Indian Federation of Fishermen
Societies, Trivandrum, Kerala. - Member
4. Shri J.M. Mauskar, Addl. Secretary,
Ministry of Environment and Forests,
Govt. of India, New Delhi. -
5. Dr. Nalini Bhat, Adviser
Ministry of Environment and Forests
Govt. of India, New Delhi. -

Special Invitees:

6. Smt. Valsa Nair, Secretary,
Environment Department and
Chairman, MCZMA
Govt. of Maharashtra. -
7. Dr. B.N. Patil
Member Secretary,
MCZMA,
Govt. of Maharashtra. -
8. Shri Bharat Bhushan, Director,
Ministry of Environment and Forests,
Govt. of India, New Delhi. -

Supporting Staff:

9. Shri E. Thirunavukkarasu, Dy. Director,
Ministry of Environment and Forests,
Govt. of India, New Delhi. -