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Ref. No. MCHI/PRES/19-20/115

January 20, 2020

To,
Shri Anil Diggikar (I.A.S)
Principal Secretary (Environment)
Government of Maharashtra
Mantralaya, Mumbai - 400 032

20/01/20
लिपिक
प्रधान सचिव कार्यालय
पर्यावरण विभाग, मंत्रालय, मुंबई

Sub: Key Suggestions/ issues with regard to Process of Environment Clearance

Respected Sir,

The suggestions outlined below, will go a long way in incentivizing real estate developers, and entrepreneurs to take up the challenge of affordable housing and slum rehabilitation. This will not only change the very looks of Mumbai, but also bring in substantial revenue to the Government, and generate employment and goodwill for the Government of Maharashtra

Please find below suggestions with regard to environment department which required immediate attention for revival of Mumbai Real Estate;

- 1. Project approval should be on basis of Conceptual Plan with full potential FSI of the project.** Moreover, the SEIAA Committee needs IOD for entire FSI at one go otherwise it restricts the EC up to the FSI mentioned in the IOD. This is absurd as Project Proponent (PP) while applying for EC, submits Environmental Studies & mitigation thereto for entire plot area along with entire permissible FSI of the project. More so, IOD is issued based on the Concession Report for full permissible FSI approved by the Municipal Commissioner and PP is allowed to take IOD in parts within the permissible FSI mentioned in the concession report as per his business plan. As such this action by SEIAA mandates the PP to approach SEIAA whenever amended IOD is obtained for incremental FSI even though it is well within the total permissible FSI approved by the MC in concession report.
- 2. The current downturn in the economy and major stress in the Industry, developers have to make changes in the product mix to suit the buyer's preferences.** Moreover, in brownfield projects like MHADA, SRA, evacuation of sites is major pain point, hence **development plans** are never fixed and **changes** in plans do happen during the development. Hence, **Minor modifications** (height, size of the tenement, product mix users etc.) by the project proponent which does not change **to the extent of 10%** in the environment parameters, no revised NOC to be insisted upon.
- 3. MOEF clearance at State Government level is granted after approval by two committees i.e. SEAC and SEIAA.** However, at Central Government level MOEF Clearance is granted after approval by **only one Committee** i.e. Expert Appraisal Committee. Under Ease of Doing Business at the State Level both the Committee should be merged and MOEF and CRZ Clearance should be granted after appraisal by merged single Committee.

4. For the development of the properties located within CRZ areas, the project proponent is required to obtain clearance from the **MCZMA Committee**. After it is approved by MCZMA committee for environment clearance its goes for further clearance it goes to SEAC & SEIAA.

Hence, the property located within CRZ areas has to undergo clearances from three different committees. We request that **the MCZMA committee** should be prescribed as the committee **for granting environmental clearance also**. It may be noted that the guideline prescribed for clearances for the project located within CRZ area are more stringent in order to protect the coastal areas. The same guideline can incorporate the requirement of the environment clearance also (if they are not covered under CRZ guidelines). And as such all the requirement of CRZ clearance and Environment Clearance can be combined and can be cleared by the one committee.

5. To grant the applicability of **automatic extension of 15 years** from the date of issue of EC to all the 3 categories as mentioned in the Office Memorandum F. No. 22-27/2015-IA-III dated 12.04.2016 issued by Ministry of Environment, Forest and Climate Change (IA Division).
6. Most of the **slums** situated within the CRZ area were designated and continues to be designated as open spaces under development plan of the Mumbai. Large population lives in this unhygienic slums within the CRZ area and which are complete environmental hazard to coastal areas. These slums within CRZ areas need to be development in accordance with Development Control Regulation of Mumbai wherein it is prescribed that Slums located on any area designated as open space, will be allowed to be develop in situ by leaving aside 33% of such slum area as open area and utilizing 67% of such designated area for redevelopment scheme prescribed under DCPR 2034. The Government does not have any alternative land available to rehabilitate slum dwellers, which are occupying designated open space in CRZ area. The slums located on designated open spaces within CRZ- II areas should be allowed to redeveloped in accordance with DCPR 2034 and suitable provision for above specially for Mumbai should be made.
7. To **issue directions** to **MPCB** to remove **requirement of Consent to Establish (CTE)** for Projects, Industries that **require Environment Clearance (EC)**. As per the directives issued by Central Pollution Control Board vide their letter F.No B-29012/MSME's / IPC - VI/2017-18 /12819 - 12230 dated 02.11.2018 (Copy attached for your reference), for Industries requiring Environment Clearance :

"For Industries requiring EC, issuing of Consent by SPCB's / PCC shall be one stepp process and EC will be deemed as CTE in such cases. SPCB's / PCC shall be involved in the process of granting EC"

In the process of EODB, Maharashtra has been in the forefront and we request you to direct MPCB to issued orders as directed by the above referred letter to ease out this duplication.

8. The Draft notification for **Flamingo Bird Sanctuary** has been published and **Buffer zone of 1 km - 4 km** has been proposed from the boundary. While **appraising** the projects, SEAC insists of **NOC from Forest department**. This should **not be applicable** for projects beyond the proposed buffer zone of the Sanctuary.
9. **Zero draft** of the EIA Notification 2019 dated 15th April 2019 to be implemented, including amendment to EIA Notification 2006 to be carried out for enhancement of built-up area from 20,000 sq. mtrs. to 50,000 sq. mtrs. Implementation of 1.5 lakhs sq mtrs at Municipal Corporation level / Urban Local Bodies (SLP pending in Supreme court to be expedited).

Issues & Difficulties Causing Delays in Environment Clearance Process

1. From the time the Project Proponent (PP) submits his projects on the PARIVESH online portal to the time of granting the Environment Clearance, there is time period of almost 6 months or more. The time lag between the Primary hearing to the Enlisting on the Agenda of SEAC authority is about 2 - 3 months, from thereon to SEIAA level and final EC is additional 3- 4 months. This has to be streamlined and **reduced** considerably to **60 days**.
2. In the SEAC Authority meeting, Chairman and other members raise a lot of queries beyond the Environmental impact purview. Queries regarding permissions, approvals from Urban local bodies though the Project is approvable by Urban Local bodies are raised. A lot of submissions from various authorities are asked for submission instead of relying on the **report of the Consultant as ruled in EoDB guidelines**.

A minimum of 2 -3 meetings are required before recommendations to SEIAA taking a time period of almost 3 months.

We trust the point submitted for your kind consideration and action will be received favorably.

Thanking you,

Yours Sincerely,
For CREDAI-MCHI



Nayan A. Shah
President



Bandish Ajmera
Hon. Secretary