

Ref : MCHI/PRES/14-15/154
April 23, 2015

PRESIDENT
Vimal Shah

IMMEDIATE PAST PRESIDENT
Paras Gundecha

PRESIDENT-ELECT
Dharmesh Jain

VICE PRESIDENTS
Mayur Shah
Nayan Shah
Deepak Goradia
Boman R. Irani

HON. SECRETARY
Nainesh Shah

HON. TREASURER
Sukhraj Nahar

CEO
S. Shahzad Hussain
I.A.S. (Retd.)

HON. JOINT SECRETARIES
Harish Patel
Ashok Mohanani
Sandeep Runwal
Bandish Ajmera

JOINT TREASURERS
Lakshman Bhagtani
Mukesh Patel

CO-ORDINATORS
Rasesh Kanakia
Jagdish Ahuja
Pujit Aggarwal
Parag Munot

COMMITTEE MEMBERS
Jayesh Shah
Nayan Bheda
Sanjay Chhabria
Rajendra Chaturvedi
Shailesh Sanghvi
Tejas Vyas
Jitendra Jain

INVITEE MEMBERS
Sandeep Raheja
Munish Doshi
Domnic Romell

PAST PRESIDENTS
Sunil Mantri
Pravin Doshi
Mohan Deshmukh
Mofatraj Munot
Niranjan Hiranandani
Rajni S. Ajmera
G. L. Raheja
Lalit Gandhi
Babubhai Majethia

MCHI-CREDAI UNITS

President, Thane
Suraj Parmar

President, Kalyan-Dombivli
Johar Zojwalla

President, Mira Virar City
Ashit Shah

President, Raigad
Vikas Bhamre

President, Navi Mumbai
Arvind Goel

To,
The Principal Secretary,
Environment Department,
Room No 217, Annex Building,
Mantralaya, Mumbai.

The Chairman,
Maharashtra State Coastal Zone Management Authority,
Environment Department,
Room No 217, Annex Building,
Mantralaya, Mumbai.

Subject: Implementation of provisions of CRZ Notification 2011 issued vide S.O.19 (E) dated 6th January 2011.

Reference: 1) OM no MCZMA-2011/CR-1/MCZMA dated 2.7.2011.
2) Minutes of 78th meeting of MCZMA dated 3.11.2012 relating to Item No 5.

Dear Sir,

Reference is requested to the above mentioned OM issued by the Authority and subsequent decisions of the Authority in the 78th meeting of the Authority with reference to the procedure for submission of applications to the MCZMA for prior CRZ recommendation under CRZ Notification 2011 wherein it has been decided that the applications for prior CRZ recommendation shall be submitted through the concerned planning authorities. Subsequently while deliberating the issue of proposals of dilapidated, cessed and unsafe buildings in its 78th meeting, the Authority decided to insist on IOD from MCGM before consideration of the proposals in Mumbai for prior recommendation under CRZ Notification 2011.

We would like to submit that the OM is in contravention to the procedure laid down in the CRZ Notification 2011 issued vide S.O.19 (E) dated 6th January 2011. The procedure for clearance for permissible activities is laid down in Clause 4.2 of the notification which reads as below

All projects attracting this notification shall be considered for CRZ clearance as per the following procedure, namely:-

(i) The project proponents shall apply with the following documents seeking prior clearance under CRZ notification to the concerned State or the Union territory Coastal Zone Management Authority,- (a) Form-1 (Annexure-IV of the notification);


23/4/2015
राष्ट्रीय निदेश

पर्यावरण विभाग

मंत्रालय, मुंबई-४०० ०२०

MCHI-CREDAI (ISO 9001:2008)

Maker Bhavan II, 4th Floor, 18, Sir Vithaldas Thackersey Marg, New Marine Lines, Mumbai - 400 020.
Tel.: 4212 1421, Fax : 4212 1411 / 407 • Email: secretariat@mchi.net
Website : www.mchi.net

(b) *Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d)*

(c) *Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration;*

(d) *Disaster Management Report, Risk Assessment Report and Management Plan;*

(e) *CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2) in 1:4000 scale;*

(f) *Project layout superimposed on the above map indicated at (e) above; 6*

(g) *The CRZ map normally covering 7km radius around the project site.*

(h) *The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas;*

(i) *No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like.;*

(ii) *The concerned CZMA shall examine the above documents in accordance with the approved CZMP and in compliance with CRZ notification and make recommendations within a period of sixty days from date of receipt of complete application,-*

(a) *MoEF or State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) as the case may be for the project attracting EIA notification, 2006;*

(b) *MoEF for the projects not covered in the EIA notification, 2006 but attracting para 4(ii) of the CRZ notification;*

(iii) *MoEF or S E I A A shall consider such projects for clearance based on the recommendations of the concerned CZMA within a period of sixty days.*

(vi) *The clearance accorded to the projects under the CRZ notification shall be valid for the period of five years from the date of issue of the clearance for commencement of construction and operation. (v) F o r Post clearance monitoring.*

(a) *it shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1st June and 31st December of each calendar year and all such compliance reports submitted by the project p r o p o n e n t shall be published in*

public domain and its copies shall be given to any person on application to the concerned CZMA.

(b) the compliance report shall also be displayed on the website of the concerned regulatory authority.

(vi) To maintain transparency in the working of the CZMAs it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMPs of the respective State Government.

In view of the procedure laid down in the clause 4.2 of the CRZ Notification 2011 and to reduce the time required for obtaining clearance from MCZMA for housing projects in line with the policy of the State Government to ease the procedures of building plan approvals we would like to propose the following changes in the procedure being followed for consideration of proposals for prior clearance from MCZMA;

- 1) The project proponent should be allowed to submit his proposal to the MCZMA based on concept plans of a housing project instead of being submitted through the concerned planning authorities along with the required annexures and documents as specified in clause 4.2 of the CRZ Notification 2011.
- 2) The MCZMA should not insist on IOD from MCGM before consideration of the proposals for prior clearance from MCZMA as recorded in the 78th meeting of the MCZMA held on 3rd November 2012 as this will save a lot of time and efforts of the proponents.
- 3) The procedure laid down as per OM No MCZMA-2011/CR-1/MCZMA dated 2nd July 2011 should be amended accordingly and conveyed to the various planning authorities for implementation.

We would be greatly obliged if our representations are considered sympathetically by the Authority and the Environment Department.

Kindly extend your cooperation.

Thanking you,

Yours faithfully,
For **MCHI-CREDAI**



Vimal Shah
President