

O/C

S. S. Hussain I.A.S. (Ex)

Chief Executive Officer

Ref. No. MCHI/CEO/17-18/093

December 02, 2017

Sub: Representation regarding dilapidated, Dangerous buildings in CRZ-II zone

Ref: 1. CRZ Notification dated 6th January 2011 Clause 8(V)(1) (c)

2. Hon'ble High Court Order dated 23rd July 2015 in WP No. 1108 of 2013 and Chamber Summons 180 of 2013 attached herewith

3. MZMA Minutes of Meeting of 119th Meeting Item No. 46 attached herewith

4. Hon'ble High Court Order dated 16th March 2017 in WP No. 2913 of 2016 attached herewith

Dear

We are writing to you with regards to several dilapidated and dangerous structures which are in CRZ-II zone which require urgent redevelopment to secure the futures of the people who reside in these buildings.

1. The Ref. No. 1 Notification states in Cl. 8(V)(1)(iii)(c) Sub Clause 2 (i) that the projects which are cessed, dangerous and dilapidated buildings in CRZ Zone identified on the date of the Notification, i.e. 06.01.2011 shall be redeveloped in accordance with the prevailing Regulations and the FSI/FAR shall be *"in accordance with the Town and Country Planning Regulations as on the date on which the project is granted approval by the competent authority"*.
2. The Ref. No. 2 Order of Hon'ble High Court states that *"It is submitted that this clause is being interpreted to mean those dilapidated, cessed and unsafe buildings that existed as on 6th January 2011. In our view this interpretation sought to be given by the Respondents is totally illegal since a proper construction of the said clause clearly indicated that it speaks about identified buildings viz. those buildings which are old and dilapidated, cessed and unsafe buildings and as such therefore the term 'identified buildings' cannot be held to be identified as on the date on which the Notification was issued. The intention of the Central Government was to carve out an exception to the general rule in respect of these identified buildings viz. dilapidated, cessed and unsafe buildings. To restrict this category only to the date on which the Notification was issued would render the exception which is given by the Central Government nugatory. To that extent therefore, it is clarified that these identified buildings would not be restricted to buildings that are old and dilapidated, cessed and/or unsafe as on 6th January 2011, but also those buildings which become unsafe and dilapidated subsequently so as to get the exception available under paragraph 8(V)(c)(1) of 2011 Notification."*
3. Now, we request reference to proposal at Ref No. 3 wherein MCZMA has already cleared proposal referred to at Ref. No.3 above citing the Judgement of Hon'ble Court referred to hereinabove. In the said proposal, the building under question was declared dilapidated on 20.11.2015 by MCGM. The MCZMA decided to recommend the project to concerned planning Authority from CRZ point of view

and further contended that proposed construction is to be as per DCR prevailing as on date on which the project is granted approval by the Competent Authority.

4. In view of the above, it is evident that in accordance with the Order dt. 23rd July 2015, MCZMA has already recommended CRZ clearance with applicable rules and regulations prevailing as on date of approval to the proposal by Competent Authority for redevelopment of dilapidated building declared dilapidated on 20.11.2015 by MCGM, which is after 06.01.2011.
5. The Ref. No. 4 Order of Hon'ble High Court states that *"It is obvious that the said clause carves out an exception to the general rule in respect of these identified buildings viz. dilapidated, cessed and unsafe buildings. In our view, having carved out the exception, it does not stand to reason that the said exception would be available only to those identified buildings which are so identified as on 06/01/2011. We, therefore, by the said orders, had accordingly interpreted the said Notification dated 06/01/2011. The said orders were not challenged by MCZMA or MOEF in the Apex Court and in the Affidavit in Reply they have accepted this position and this is evident from the Minutes of the Meeting dated 7/11/2015."*
6. Mumbai has several hundreds of such similar dilapidated buildings which urgently require reconstruction/redevelopment which are declared dilapidated after 06.01.2011. The prevailing DC Regulations of Greater Mumbai provide scope for such redevelopment vide several regulations viz 33(6), 33(7), 33(7)A etc.
7. Several of our members have stated that there is no uniformity in considering such proposals and some of these proposals have not been accepted by the respective BP Departments. However, there is precedence in this matter and there is urgency involved in the redevelopment of such buildings.

Therefore, it is settled position in law that the buildings which are declared dilapidated and dangerous after 06.01.2011 are also to be considered in accordance with 8(V)(c) of CRZ Notification. In view of the above, you are kindly requested to issue Circular/Order to all the concerned BP Departments to process such files routinely to MCZMA for CRZ Clearance.

Yours



(S. S. Hussain)



To,
Shri Ajoy Mehta (I.A.S.)
Municipal Commissioner,
Municipal Corporation of Greater Mumbai
Mumbai - 400 001

Encl: As above

(To be published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) of dated the 6th January, 2011)

COASTAL REGULATION ZONE NOTIFICATION
MINISTRY OF ENVIRONMENT AND FORESTS
(Department of Environment, Forests and Wildlife)

S.O.19(E).- WHEREAS a draft notification under sub-section (1) of section and clause (V) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 was issued inviting objections and suggestions for the declaration of coastal stretches as Coastal Regulation Zone and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O.No.2291 (E), dated 15th September, 2010.;

AND WHEREAS, copies of the said Gazette were made available to the public on 15th September, 2010.;

AND WHEREAS, the suggestions and objections received from the public have been considered by the Central Government.;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming, does hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limit, as Coastal Regulation Zone (hereinafter referred to as the CRZ) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid CRZ.; and

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19th February, 1991 except as respects things done or omitted to be done before such supercession, the Central Government hereby declares the following areas as CRZ and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ,-

- (i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front.
- (ii) CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

- (iii) the land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.
- (iv) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.
- (v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2. For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority(s) so authorized by the MoEF in accordance with the general guidelines issued at Annexure-I. HTL shall be demarcated within one year from the date of issue of this notification.

3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

(i) Setting up of new industries and expansion of existing industries except,-

(a) those directly related to waterfront or directly needing foreshore facilities;

Explanation: The expression "foreshore facilities" means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like.;

(b) projects of Department of Atomic Energy;

(c) facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as CRZ-I(i) based on an impact assessment study including social impacts.;

(d) development of green field Airport already permitted only at Navi Mumbai;

(e) reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

(ii) manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966(E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th

December ,1989 except,-

- (a) transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;
- (b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.

Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).

- (iii) Setting up and expansion of fish processing units including warehousing except hatchery and natural fish drying in permitted areas:

- (iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-

- (a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
- (b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies
- (c) maintenance or clearing of waterways, channels and ports, based on EIA studies;
- (d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF.

- (v) Setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-

- (a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (b) storm water drains and ancillary structures for pumping;
- (c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;

- (vi) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements. The concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification.

- (vii) Dumping of city or town wastes including construction debris, industrial solid wastes, fly

ash for the purpose of land filling and the like and the concerned authority shall implement schemes for phasing out any existing practice, if any, shall be phased out within a period of one year from date of commencement of this notification.

Note:-The MoEF will issue a separate instruction to the State Governments and Union territory Administration in respect of preparation of Action Plans and their implementation as also monitoring including the time schedule thereof, in respect of paras (v), (vi) and (vii).

(viii) Port and harbour projects in high eroding stretches of the coast, except those projects classified as strategic and defence related in terms of EIA notification, 2006 identified by MoEF based on scientific studies and in consultation with the State Government or the Union territory Administration.

(ix) Reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities.

(x) Mining of sand, rocks and other sub-strata materials except,-

- (a) those rare minerals not available outside the CRZ area,
- (b) exploration and exploitation of Oil and Natural Gas.

(xi) Drawl of groundwater and construction related thereto, within 200mts of HTL; except the following:-

- (a) in the areas which are inhabited by the local communities and only for their use.
- (b) In the area between 200mts-500mts zone the drawl of groundwater shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available.

Note:-Restrictions for such drawl may be imposed by the Authority designated by the State Government and Union territory Administration in the areas affected by sea water intrusion.

(xi) Construction activities in CRZ-I except those specified in para 8 of this notification.

(xiii) Dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation and other such purpose.

(xiv) Facilities required for patrolling and vigilance activities of marine/coastal police stations.

4. Regulation of permissible activities in CRZ area.- The following activities shall be regulated except those prohibited in para 3 above,-

- (i)(a) clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities;
- (b) for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14th September, 2006), for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority (hereinafter referred to as the CZMA).
- (c) Housing schemes in CRZ as specified in paragraph 8 of this notification;

- (d) Construction involving more than 20,000sq mts built-up area in CRZ-II shall be considered in accordance with EIA notification, 2006 and in case of projects less than 20,000sq mts built-up area shall be approved by the concerned State or Union territory Planning authorities in accordance with this notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concern CZMA shall be essential for considering the grant of environmental clearance under EIA notification, 2006 or grant of approval by the relevant planning authority.
 - (e) MoEF may under a specific or general order specify projects which require prior public hearing of project affected people.
 - (f) construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures;
- (ii) the following activities shall require clearance from MoEF, namely:-
- (a) those activities not listed in the EIA notification, 2006.
 - (b) construction activities relating to projects of Department of Atomic Energy or Defence requirements for which foreshore facilities are essential such as, slipways, jetties, wharves, quays; except for classified operational component of defence projects. Residential buildings, office buildings, hospital complexes, workshops of strategic and defence projects in terms of EIA notification, 2006.;
 - (c) construction, operation of lighthouses;
 - (d) laying of pipelines, conveying systems, transmission line;
 - (e) exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
 - (f) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. MoEF may specify for category of projects such as at (f), (g) and (h) of para 4;
 - (g) Mining of rare minerals as listed by the Department of Atomic Energy;
 - (h) Facilities for generating power by non-conventional energy resources, desalination plants and weather radars;
 - (i) Demolition and reconstruction of (a) buildings of archaeological and historical importance, (ii) heritage buildings; and buildings under public use which means buildings such as for the purposes of worship, education, medical care and cultural activities;

4.2 Procedure for clearance of permissible activities.- 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);
 - (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;

- (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 SEIAA 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) For 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 proponent 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 or Union territory.

5. Preparation of Coastal Zone Management Plans.

- (i) The MoEF may obtain the CZMPs prepared through the respective State Government or Union territory;
- (ii) The CZMPs may be prepared by the coastal State Government or Union territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of MoEF and in consultation with the concerned stakeholders;
- (iii) The hazard line shall be mapped by MoEF through SoI all along the coastline of the country and the hazard line shall be demarcated taking into account, tide, waves, sea level

rise and shoreline changes;

- (iv) For the purpose of depicting the flooding due to tides, waves and sea level rise in the next fifty and hundred years, the contour mapping of the coastline shall be carried out at 0.5m interval normally upto 7km from HTL on the landward side, and the shoreline changes shall be demarcated based on historical data by comparing the previous satellite imageries with the recent satellite imageries;
- (v) Mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for micro level mapping and the hazard line shall be taken into consideration while preparing the land use plan of the coastal areas;
- (vi) The coastal States and Union Territory will prepare within a period of twenty four months from the date of issue this notification, draft CZMPs in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-I of the notification, which involve public consultation;
- (vii) The draft CZMPs shall be submitted by the State Government or Union territory to the concerned CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;
- (viii) The State Government or Union territory CZMA shall submit the draft CZMPs to MoEF alongwith its recommendations on the CZMP within a period of six months after incorporating the suggestions and objections received from the stakeholders;
- (ix) MoEF shall thereafter consider and approve the CZMPs within a period of four months from the date of receipt of the CZMPs complete in all respects;
- (x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;
- (xi) The CZMPs shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking revision of the maps following the above procedures;
- (xii) The CZMPs already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein.

6. Enforcement of the CRZ, notification, 2011-

- (a) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 with the MoEF, State Government or the Union territory Administration NCZMA and SCZMA's;
- (b) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMA's have already been notified by MoEF in terms of Orders of Hon'ble

Supreme Court in Writ Petition 664 of 1993;

- (c) the State Government or the Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned containing atleast three representatives of local traditional coastal communities including from fisherfolk;
- (d) The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-
 - (i) these are not used for any commercial activity
 - (ii) these are not sold or transferred to non-traditional coastal community.

7. Classification of the CRZ – For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely:-

(i) CRZ-I,-

A. The areas that are ecologically sensitive and the geomorphological features which play a role in the maintaining the integrity of the coast,-

- (a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;
- (b) Corals and coral reefs and associated biodiversity;
- (c) Sand Dunes;
- (d) Mudflats which are biologically active;
- (e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;
- (f) Salt Marshes;
- (g) Turtle nesting grounds;
- (h) Horse shoe crabs habitats;
- (i) Sea grass beds;
- (j) Nesting grounds of birds;
- (k) Areas or structures of archaeological importance and heritage sites.

B. The area between Low Tide Line and High Tide Line;

(ii) CRZ-II,-

The areas that have been developed upto or close to the shoreline.

Explanation.- For the purposes of the expression “developed area” is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;

(iii) CRZ-III,-

Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

(iv.) CRZ-IV,-

- A. the water area from the Low Tide Line to twelve nautical miles on the seaward side;
- B. shall include the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.

(v) Areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities,-

- A. (i) CRZ area falling within municipal limits of Greater Mumbai;
(ii) the CRZ areas of Kerala including the backwaters and backwater islands;
(iii) CRZ areas of Goa.
- B. Critically Vulnerable Coastal Areas (CVCA) such as Sunderbans region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 and managed with the involvement of coastal communities including fisherfolk.

8. Norms for regulation of activities permissible under this notification,-

- (i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

Note:- The word existing use hereinafter in relation to existence of various features or existence of regularisation or norms shall mean existence of these features or regularisation or norms as on 19.2.1991 wherein CRZ notification, was notified.

I. CRZ-I,-

- (i) no new construction shall be permitted in CRZ-I except,-
 - (a) projects relating to Department of Atomic Energy;
 - (b) pipelines, conveying systems including transmission lines;
 - (c) facilities that are essential for activities permissible under CRZ-I;
 - (d) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
 - (e) construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL.
 - (f) development of green field airport already approved at only Navi Mumbai;
- (ii) Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

- (a) exploration and extraction of natural gas;
- (b) construction of dispensaries, schools, public rainshelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.
- (c) necessary safety measure shall be incorporated while permitting such developmental activities in the area falling in the hazard zone;
- (d) salt harvesting by solar evaporation of seawater;
- (e) desalination plants;
- (f) storage of non-hazardous cargo such as edible oil, fertilizers and food grain within notified ports;
- (g) construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water.

II. CRZ-II,-

- (i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) 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;
- (iii) reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;
- (iv) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (v) desalination plants and associated facilities;
- (vi) storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports;
- (vii) facilities for generating power by non-conventional power sources and associated facilities;

III. CRZ-III,-

A. Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-

- (i) the NDZ shall not be applicable in such area falling within any notified port limits;
- (ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities; Construction/reconstruction of dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the State Government or the Union territory in consultation with the traditional coastal

communities including fisherfolk and incorporating the necessary disaster management provision, sanitation and recommended by the concerned State or the Union territory CZMA to NCZMA for approval by MoEF;

(iii) however, the following activities may be permitted in NDZ –

- (a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;
- (b) projects relating to Department of Atomic Energy;
- (c) mining of rare minerals;
- (d) salt manufacture from seawater;
- (e) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (f) facilities for regasification of liquefied natural gas subject to conditions as mentioned in subparagraph (ii) of paragraph 3;
- (g) facilities for generating power by non conventional energy sources;
- (h) Foreshore facilities for desalination plants and associated facilities;
- (i) weather radars;
- (j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;
- (k) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee;
- (l) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
- (m) development of green field airport already permitted only at Navi Mumbai.

B. Area between 200mts to 500mts,-

The following activities shall be permissible in the above areas;

- (i) development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors subject to the conditions as specified in the guidelines at Annexure-III ;
- (ii) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (iii) facilities for regasification of liquefied natural gas subject to conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (iv) storage of non-hazardous cargo such as, edible oil, fertilizers, food grain in notified ports;
- (v) foreshore facilities for desalination plants and associated facilities;
- (vi) facilities for generating power by non-conventional energy sources;
- (vii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor);
- (viii) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges by CZMA who may also permit construction of

schools and dispensaries for local inhabitants of the area for those panchayats, the major part of which falls within CRZ if no other area is available for construction of such facilities;

- (ix) reconstruction or alteration of existing authorised building subject to sub-paragraph (vii), (viii);
- (x) development of green field airport already permitted only at Navi Mumbai.

(IV) In CRZ-IV areas,-

The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities as follows:-

- (a) No untreated sewage, effluents, ballast water, ship washes, fly ash or solid waste from all activities including from aquaculture operations shall be let off or dumped. A comprehensive plan for treatment of sewage generating from the coastal towns and cities shall be formulated within a period of one year in consultation with stakeholders including traditional coastal communities, traditional fisherfolk and implemented;
- (b) Pollution from oil and gas exploration and drilling, mining, boat house and shipping;
- (c) There shall be no restriction on the traditional fishing and allied activities undertaken by local communities.

V. Areas requiring special consideration,-

1. CRZ areas falling within municipal limits of the Greater Mumbai.

- (i) Developmental activities in the CRZ area of the Greater Mumbai because of the environmental issues, relating to degradation of mangroves, pollution of creeks and coastal waters, due to discharge of untreated effluents and disposal of solid waste, the need to provide decent housing to the poor section of society and lack of suitable alternatives in the inter connected islands of Greater Mumbai shall be regulated as follows, namely:-

A. Construction of roads - In CRZ-I areas indicated at sub-paragraph (i) of paragraph 7 of the notification the following activities only can be taken up:-

- (a) Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to the following conditions:-

- (i) All mangrove areas shall be mapped and notified as protected forest and necessary protection and conservation measures for the identified mangrove areas shall be initiated.

- (ii) Five times the number of mangroves destroyed/cut during the construction process shall be replanted.

B. Solid waste disposal sites shall be identified outside the CRZ area and thereafter within two years the existing conventional solid waste sites shall be relocated outside the CRZ area.

(iii) In CRZ-II areas-

- (a) The development or redevelopment shall continue to be undertaken in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19th February, 1991, unless specified

otherwise in this notification.

(b) SLUM REHABILITATION SCHEMES,-

1. In the Greater Mumbai area there are large slum clusters with lakhs of families residing therein and the living conditions in these slums are deplorable and the civic agencies are not able to provide basic infrastructure such as drinking water, electricity, roads, drainage and the like because the slums come up in an unplanned and congested manner and the slums in the coastal area are at great risk in the event of cyclones, storm surges or tsunamis, in view of the difficulties in providing rescue, relief and evacuation.
2. To provide a safe and decent dwelling to the slum dwellers, the State Government may implement slum redevelopment schemes as identified as on the date of issue of this notification directly or through its parastatal agencies like Maharashtra Housing and Area Development Authority (MHADA), Shivshahi Punarvasan Prakalp Limited (SPPL), Mumbai Metropolitan Region Development Authority (MMRDA) and the like.:

Provided that,-

- (i) such redevelopment schemes shall be undertaken directly or through joint ventures or through public private partnerships or other similar models ensuring that the stake of the State Government or its parastatal entities shall be not less than 51%;
- (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority;
- (iii) it shall be the duty of the project proponent undertaking the redevelopment through conditions (i) (2) above along with the State Government to ensure that all legally regularized tenants are provided houses in situ or as per norms laid down by the State Government in this regard.

(c) REDEVELOPMENT OF DILAPIDATED, CESSSED AND UNSAFE BUILDINGS:

1. In the Greater Mumbai, there are, also a large number of old and dilapidated, cessed and unsafe buildings in the CRZ areas and due to their age these structures are extremely vulnerable and disaster prone and therefore there is an urgent need for the redevelopment or reconstruction of these identified buildings.
2. These projects shall be taken up subject to the following conditions and safeguards:
 - (i) such redevelopment or reconstruction projects as identified on the date of issue of this notification shall be allowed to be taken up involving the owners of these buildings either above or with private developers in accordance with the prevailing Regulation, directly or through joint ventures or through other similar models.
 - (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority

- (iii) suitable accommodation to the original tenants of the specified buildings shall be ensured during the course of redevelopment or reconstruction of the buildings by the project proponents, undertaking the redevelopment through condition 2(i) above.
- (d) Notwithstanding anything contained in this notification, the developmental activities for slums and for dilapidated, cessed and unsafe buildings as specified at paras (b) and (c) above shall be carried out in an accountable and transparent manner by the project proponents mentioned therein which shall include the following pre-condition measures, wherever applicable;-
 1. (i) applicability of the Right to Information Act, 2005 to all redevelopment or reconstruction projects granted clearance by the Competent Authorities;
 - (ii) MoEF shall issue an order constituting the CPIO and the first Appellate Authority of appropriate ranks in consultation with Government of Maharashtra;
 - (iii) details of the Slum Rehabilitation Scheme, including the complete proposal and the names of the eligible slum dwellers will be declared suo-moto as a requirement of Section 4 of compliance of the Right to Information Act, 2005 by the appropriate authority in the Government of Maharashtra in one month before approving it;
 - (iv) the implementing or executing agency at the State Government with regard to projects indicated at sub-item (b) and (c) of item (iii) of sub-paragraph V shall display on a large notice boards at the site and at the office of the implementing or executing agency the names of the eligible builders, total number of tenements being made, names of eligible slum dwellers who are to be provided the dwelling units and the extra area available for free sale.
 - (v) Projects being developed under sub-items (b) and (c) of item (iii) of sub-paragraph V shall be given permission only if the project proponent agree to be covered under the Right to Information Act, 2005.
 2. MoEF may appoint statutory auditors, who are empanelled by the Comptroller and auditor General (hereinafter referred to as the C&AG) to undertake performance and fiscal audit in respect of the projects relating to redevelopment of dilapidated, cessed and unsafe buildings and the projects relating to Slum Rehabilitation Scheme shall be audited by C&AG.
 3. A High Level Oversight Committee may be set up by the Government of Maharashtra for periodic review of implementation of V(iii)(b) and (c) which shall include eminent representatives of various Stakeholders, like Architects, Urban Planner, Engineers, and Civil Society, besides the local urban bodies, the State Government and the Central Government.
 4. The individual projects under V(iii)(b) and (c) shall be undertaken only after public consultation in which views of only the legally entitled slum dweller or the legally entitled tenant of the dilapidated or cessed buildings shall be obtained in accordance with the procedures laid down in EIA notification, 2006.
- (e) In order to protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone'.
- (f) the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.

- (g) Koliwada namely, fishing settlement areas as identified in the Development Plan of 1981 or relevant records of the Government of Maharashtra, shall be mapped and declared as CRZ-III so that any development, including construction and reconstruction of dwelling units within these settlements shall be undertaken in accordance with applicable as per local Town and Country Planning Regulations.
- (h) Reconstruction and repair works of the dwelling units, belonging to fisher communities and other local communities identified by the State Government, shall be considered and granted permission by the Competent Authorities on a priority basis, in accordance with the applicable Town and Country Planning Regulations.

2. CRZ for Kerala

In view of the unique coastal systems of backwater and backwater islands alongwith space limitation present in the coastal stretches of the State of Kerala, the following activities in CRZ shall be regulated as follows, namely:-

- (i) all the islands in the backwaters of Kerala shall be covered under the CRZ notification;
- (ii) the islands within the backwaters shall have 50mts width from the High Tide Line on the landward side as the CRZ area;
- (iii) within 50mts from the HTL of these backwater islands existing dwelling units of local communities may be repaired or reconstructed however no new construction shall be permitted;
- (iv) beyond 50mts from the HTL on the landward side of backwater islands, dwelling units of local communities may be constructed with the prior permission of the Gram panchayat;
- (v) foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up within 50mts width from HTL of these backwater islands.

3. CRZ of Goa.-

In view of the peculiar circumstances of the State Goa including past history and other developments, the specific activities shall be regulated and various measures shall be undertaken as follows:-

- (i) the Government of Goa shall notify the fishing villages wherein all foreshore facilities required for fishing and fishery allied activities such as traditional fish processing yards, boat building or repair yards, net mending yards, ice plants, ice storage, auction hall, jetties may be permitted by Grama Panchayat in the CRZ area;
- (ii) reconstruction, repair works of the structures of local communities including fishermen community shall be permissible in CRZ;
- (iii) purely temporary and seasonal structures customarily put up between the months of September to May;
- (iv) the eco sensitive low lying areas which are influenced by tidal action known as khazan lands shall be mapped;
- (v) the mangroves along such as khazan land shall be protected and a management plan for the khazan land prepared and no developmental activities shall be permitted in the khazan land;
- (vi) sand dunes, beach stretches along the bays and creeks shall be surveyed and mapped. No activity shall be permitted on such sand dune areas;
- (vii) the beaches such as Mandrem, Morjim, Galgiba and Agonda has been designated as turtle nesting sites and protected under the Wildlife Protection Act, 1972 and these areas

- shall be surveyed and management plan prepared for protection of these turtle nesting sites;
- (viii) no developmental activities shall be permitted in the turtle breeding areas referred to in sub-paragraph (vii).
4. (a) Critical Vulnerable Coastal Areas (CVCA) which includes Sunderbans and other identified ecological sensitive areas which shall be managed with the involvement of the local coastal communities including the fisher folk;-
- (b) the entire Sunderbans mangrove area and other identified ecologically important areas such as Gulf of Khambat and Gulf of Kutch in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Orissa, Coringa, East Godavari and Krishna in Andhra Pradesh shall be declared as Critical Vulnerable Coastal Areas (CVCA) through a process of consultation with local fisher and other communities inhabiting the area and depend on its resources for their livelihood with the objective of promoting conservation and sustainable use of coastal resources and habitats;
- (c) the process of identifying planning, notifying and implementing CVCA shall be detailed in the guideline which will be developed and notified by MoEF in consultations with the stakeholders like the State Government, local coastal communities and fisherfolk and the like inhabiting the area;
- (d) the Integrated Management Plans (IMPs) prepared for such CVCA shall inter alia keep in view the conservation and management of mangroves, needs of local communities such as, dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the para 5 above for preparation of Coastal Zone Management Plans;
- (e) till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the CZMA with due regards to the views of coastal communities including fisherfolk.

[F.No.11-83/2005-IA-III]
J. M. MAUSKAR, Addl. Secy.

ANNEXURE I**GUIDELINES FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLANS****I. A. Demarcation of High Tide Line**

1. Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) shall be carried out by one of the agencies authorised by MoEF based on the recommendations of the National Centre for Sustainable Coastal Management (NCSCM).
2. Demarcation of the High Tide Line or LTL shall be made on the Coastal Zone Management (CZM) Maps of scale 1:25,000 prepared by the agencies identified by the MoEF.
3. Local level CZM Maps shall be prepared for use of officials of local bodies for determination of the CRZ.
4. The local level CZM Maps shall be prepared on a Cadastral scale in accordance with the CZM Maps approved by the Central Government.

B. Preparation of CZM Maps

5. Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1:25,000 maps are not available, 1:50,000 maps shall be enlarged to 1:25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:

Unit	:	7.5 minutes X 7.5 minutes
Numbering	:	Survey of India Sheet Numbering System
Horizontal Datum	:	Everest or WGS 84
Vertical Datum	:	Mean Sea Level (MSL)
Topography	:	Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs
6. The High Water Level (HWL) and Low Water Level (LWL) marked on the Base maps will be transferred to the CZM maps.
7. Coastal geomorphological signatures in the field or satellite imageries or aerial photographs will be used for appropriate adjustment, in the HWL or LWL for demarcating HTL or LTL in accordance with the CRZ notification.
8. The following geomorphological features shall be considered while demarcating in HTL or LTL:
 - Landward (monsoonal) berm crest in the case of sandy beaches
 - Rocks, Headlands, Cliffs
 - Seawalls or revetments or embankments
9. 500 meter and 200 metre lines will be demarcated with respect of HTL.
10. HTL (as defined in the CRZ notification) and LTL shall also be demarcated in the CZM maps along the banks of tidal influenced inland water bodies with the help of the geomorphological signatures or features.
11. Classification of different coastal zones shall be done as per the CRZ notification
12. Standard national or international colour codes shall be used to highlight sub-classification of data.

C. Local level CZM Maps

Local level CZM Maps are for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans

13. Cadastral (village) maps in 1:3960 or the nearest scale, shall be used as the base maps.

14. These maps are available with revenue Authorities and are prepared as per standard norms.
15. HTL (as defined in the CRZ notification) and LTL will be demarcated in the cadastral map based on detailed physical verification using coastal geomorphological signatures or features in accordance with the CZM Maps approved by the Central Government.
16. 500metre and 200metre lines shall be demarcated with respect to the HTL thus marked.
17. HTL (as defined in the CRZ notification, 1991) and LTL will also be demarcated along the banks of tidal influenced inland water bodies with the help of geomorphological signatures or features.
18. Classifications shall be transferred into local level CZM maps from the CZM Plans.
19. Symbols will be adopted from CZM Maps.
20. Colour codes as given in CZM Maps shall be used.
21. Demarcation of cadastral maps will be done by local agencies approved by the Central Government. The local agencies shall work under the guidance of the concerned State Government or Union Territory Coastal Zone Management Authorities.

D. Hazard mapping:-

II. Classification of CRZ areas

1. The CZM Maps shall be prepared in accordance with para 5 of the CRZ notification demarcating CRZ I, II, III, IV and V.
2. The CZM Maps shall clearly demarcate the land use plan of the area and lists out the CRZ-I areas. All the CRZ-I areas listed under para 7(I)A and B shall be clearly demarcated and colour codes given so that each of the CRZ-I areas can be clearly identified.
3. Buffer zone along mangrove areas of more than 1000sq mts shall be stipulated with a different colour distinguishing from the mangrove area.
4. The buffer zone shall also be classified as CRZ-I area.
5. The hazard line to be drawn up by MoEF shall be superimposed on the CZM maps in 1:25,000 scale and also on the cadastral scale maps.
6. The CRZ-II areas shall be those areas which have been substantially built-up with a ratio of built-up plots to that of total plots is more than 50%.
7. In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.
8. No developmental activities other than those listed above shall be permitted in the areas between the hazard line and 500mts or 100mts or width of the creek on the landward side. The dwelling unit of the local communities including that of the fishers will not be relocated if the dwelling units are located on the seaward side of the hazard line. The State Government will provide necessary safeguards from natural disaster to such dwelling units of local communities.
9. The water areas of CRZ IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.
10. The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.
11. The water area shall be demarcated indicating the pollution levels as per Central Pollution Control Board standards on water quality.
12. In the CRZ V areas the land use maps shall be superimposed on the Coastal Zone Management Plan and clearly demarcating the CRZ I, II, III, IV.
13. The existing authorized developments on the sea ward side shall be clearly demarcated.

14. The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network may be clearly indicated on the CZM Maps for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.

III. CZMPs approved by MoEF in accordance with CRZ notification, 1991

1. While preparing the CZMPs under CRZ notification, 2011, the CZMPs that have been approved under the CRZ Notification, 1991 shall be compared. A justification shall be provided by the concerned CZMA in case the CZMPs prepared under CRZ notification, 2011 varies with respect to the approved CZMP prepared under CRZ notification, 1991.

IV. Public Views on the CZMP.

- a) The draft CZMPs prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing on the draft CZMPs shall be held at district level by the concerned CZMAs.
- b) Based on the suggestions and objections received the CZMPs shall be revised and approval of MoEF shall be obtained.
- c) The approved CZMP shall be put up on the website of MoEF, concerned website of the State, Union Territory CZMA and hard copy made available in the panchayat office, District collector office and the like.

V. Revision of Coastal Zone Management Plans

1. Whenever there is a doubt the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who shall verify the CZMP based on latest satellite imagery and ground truthing.
2. The rectified map would be submitted to MoEF for its record.

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.

Annexure-III**Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests**

- I. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:-
- (a) The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line;
 - (b) The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more;
 - (c) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
 - (d) no flattening of sand dunes shall be carried out;
 - (e) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
 - (f) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
 - (g) the State Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;
 - (h) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;
 - (i) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;
 - (j) the construction shall be consistent with the surrounding landscape and local architectural style;
 - (k) the overall height of construction upto the highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than two floors (ground floor plus one upper floor);
 - (l) groundwater shall not be tapped within 200metre of the High Tide Line; within the 200metre 500metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;
 - (m) extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500metres of the High Tide Line;

- (n) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;
 - (o) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;
 - (p) to allow public access to the beach, atleast a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and
 - (q) if the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and
 - (r) approval of the State or Union territory Tourism Department shall be obtained.
- II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories) construction of beach resorts or hotels shall not be permitted

Form-I for seeking clearance for project attracting CRZ notification

Basic information:

Name of the Project:-

Location or site alternatives under consideration:-

Size of the project (in terms of total area) :-

CRZ classification of the area :-

Expected cost of the project:-

Contact Information:-

(II) Activity

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, and the like)

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Details of CRZ classification as per the approved Coastal Zone Management Plan?		
1.3	Whether located in CRZ-I area?		
1.4	The distance from the CRZ-I areas.		
1.5	Whether located within the hazard zone as mapped by Ministry of Environment and Forests/National Disaster Management Authority?		
1.6	Whether the area is prone to cyclone, tsunami, tidal surge, subduction, earthquake etc.?		
1.7	Whether the area is prone for saltwater ingress?		
1.8	Clearance of existing land, vegetation and buildings?		
1.9	Creation of new land uses?		
1.10	Pre-construction investigations e.g. bore hole, soil testing?		
1.11	Construction works?		

1.12	Demolition works?		
1.13	Temporary sites used for construction works or housing of construction workers?		
1.14	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.15	Underground works including mining or tunneling?		
1.16	Reclamation works?		
1.17	Dredging/reclamation/land filling/disposal of dredged material etc.?		
1.18	Offshore structures?		
1.19	Production and manufacturing processes?		
1.20	Facilities for storage of goods or materials?		
1.21	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.22	Facilities for long term housing of operational workers?		
1.23	New road, rail or sea traffic during construction or operation?		
1.24	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.25	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.26	New or diverted transmission lines or pipelines?		
1.27	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.28	Stream and river crossings?		
1.29	Abstraction or transfers of water from ground or surface waters?		
1.30	Changes in water bodies or the land surface affecting drainage or run-off?		
1.31	Transport of personnel or materials for construction, operation or decommissioning?		
1.32	Long-term dismantling or decommissioning or restoration works?		
1.33	Ongoing activity during decommissioning which could have an impact on the environment?		
1.34	Influx of people to an area in either temporarily or permanently?		
1.35	Introduction of alien species?		
1.36	Loss of native species or genetic diversity?		
1.37	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S. No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, sand/soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes, that would affect local communities, fisherfolk, their livelihood, dwelling units of traditional local communities etc		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data

4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		
5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		

6.7	From any other sources		
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7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g., floods, earthquakes, landslides, cloudburst etc)?		

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.)		

	housing development extractive industries supply industries other		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

III. Environmental Sensitivity

S. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)		
10	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)		
11	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)		

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1108 OF 2013
WITH
CHAMBER SUMMONS NO.180 OF 2013

Property Redevelopers Association and anr. ... Petitioners
v/s

Union of India through Ministry of
Environment and Forests and others ... Respondents

Dr Milind Sathe, Sr. Counsel with Mr D.V. Deokar i/b M/s Parimal
K. Shroff and Co. for Petitioners.

Mr Parag Vyas with Mr A.M. Sethna and Mr D.P. Singh for Union of
India.

Mr J.S. Saluja, AGP for Respondent - State.

WITH
WRIT PETITION NO.1608 OF 2013

Neelkamal Realtors and Builders Pvt.Ltd.
and another ... Petitioners
v/s

Union of India and others ... Respondents

Ms Jyoti Sinha i/b M/s Negandhi Shah and Himayatullah for
Petitioners.

Mr Parag Vyas with Mr A.M. Sethna and Mr D.P. Singh for Union of
India.

Mr J.S. Saluja, AGP for Respondent - State.

CORAM: V.M. KANADE &
B.P. COLABAWALLA JJ.
DATE : 23RD JULY 2015

P.C. :-

1. The Petitioners have filed Petition under Article 226 of the Constitution of India. The Petitioners are seeking following reliefs :-

“(a) that this Hon'ble Court be pleased to declare and hold that applicability of paragraph 8(V)(1)(c) of the 2011 CRZ Notification read with Corrigendum applies to dilapidated, cessed and unsafe buildings;

(a)(i) that this Hon'ble Court be pleased to declare that the Corrigendum dated 29th March 2011 Exhibit 'C' purporting to amend paragraph 8(V)(c) of CRZ Notification dated 6th January 2011 is ultra vires and unconstitutional;

(a)(ii) that this Hon'ble Court be pleased to declare the wording 'as on 6th January 2011' used in paragraph 8(V)(1)(c)(2)(ii) of the 2011 CRZ Notification as ultra vires and declare that the benefits of the said paragraphs extent to all projects identified as cessed, dilapidated and unsafe at any point of time and not just projects identified as on the date of issue of the original Notification dated 6th January 2011;

(iii) which have been granted approval post 6th January 2011 and which are in the process of development;

(iv) which are not dilapidated, cessed or unsafe as on 6th January 2011 but subsequently have so become and hence are eligible under paragraph 8(v)(c)(1) of the 2011 CRZ Notification read with Corrigendum;

(b) that this Hon'ble Court be pleased to issue a

Writ of Mandamus or any other appropriate writ or Order or direction in the nature of Mandamus under Article 226 of the Constitution of India directing the Respondent No.2 and Respondent No.3 to process application in relation to projects where demolition / construction work has already commenced and which have sought modifications under the 2011 CRZ Notification read with Corrigendum in a time bound manner and keeping in mind the interpretation specified in clause (a) to the prayer;

(b)(i) that this Hon'ble Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction under Article 226 of the Constitution of India calling for the records and proceedings pertaining to the Corrigendum dated 29th March 2011 (Exhibit 'H') which purports to amend paragraph 8(V)(c) of CRZ Notification dated 6th January 2011 and after examining the validity, legality and propriety thereof, the same be quashed and set aside;

(c) that pending the hearing and final disposal of the above petition the Respondent Nos.2 and 3 be directed to process the applications of such members of Petitioners or other connected persons in relation to their projects (i) where structures have been demolished and which have received sanction under or Development Control Rules 1967, and for which construction work has already commenced and (ii) which have been granted approval post 6th January 2011 and which are in the process of development and consider and grant them approval under Paragraph 8(V)(I)(c) of the 2011 CRZ Notification;

(c)(i) that pending the hearing and final disposal of this petition, this Hon'ble Court be pleased to process, consider and sanction the proposals falling under paragraph 8(V)(c) of CRZ Notification dated 6th January 2011 on the basis of the Original Notification dated 6th

January 2011 ignoring the Corrigendum dated 29th March 2011 by applying DC Regulations as in force on the date of approval of the project by the Competent Authority and not as on 6th January 2011;

(d) Ad-interim reliefs as in prayer (c) above;”

2. The Petitioners do not press other prayers since they are granted by virtue of earlier orders passed by this Court. So far as prayer clause (a)(iv) is concerned, in the Notification dated 6th January 2011, clause 8(V)(c)(1) makes a reference to the dilapidated, cessed and unsafe buildings. The said clause reads as under :-

“(c) REDEVELOPMENT OF DILAPIDATED, CESSED and UNSAFE BUILDINGS :

1. In the Greater Mumbai, there are also a large number of old and dilapidated, cessed and unsafe buildings in the CRZ areas and due to their age these structures are extremely vulnerable and disaster prone and therefore there is an urgent need for the redevelopment or reconstruction of these identified buildings.

2. These projects shall be taken up subject to the following conditions and safeguards :

(i) such redevelopment or reconstruction projects as identified on the date of issue of this notification shall be allowed to be taken up involving the owners of these buildings either above or with private developers in

accordance with the prevailing Regulation, directly or through joint ventures or through other similar models,

(ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority,

(iii) suitable accommodation to the original tenants of the specified buildings shall be ensured during the course of redevelopment or reconstruction of the buildings by the project proponents, undertaking the redevelopment through condition 2(i) above.”

It is submitted that this clause is being interpreted to mean those dilapidated, cessed and unsafe buildings that existed as on 6th January 2011. In our view this interpretation sought to be given by the Respondents is totally illegal since a proper construction of the said clause clearly indicates that it speaks about identified buildings viz. those buildings which are old and dilapidated, cessed and unsafe buildings and as such therefore the term 'identified buildings' cannot be held to be identified as on the date on which the Notification was issued. The intention of the Central Government was to carve out an exception to the general rule in respect of these identified buildings viz. dilapidated, cessed and unsafe buildings. To restrict this category

only to the date on which the Notification was issued would render the exception which is given by the Central Government nugatory. To that extent therefore, it is clarified that these identified buildings would not be restricted to buildings that are old and dilapidated, cessed and/or unsafe as on 6th January, 2011, but also those buildings which become unsafe and dilapidated subsequently so as to get the exception available under paragraph 8(V)(c)(1) of 2011 Notification.

(B.P. COLABAWALLA, J.)

(V.M. KANADE J.)

Minutes of the 119th meeting of the Maharashtra Coastal Zone Management
Authority (MCZMA) held on 28th to 30th June, 2017

the CRZ portion is proposed to be utilised on Non CRZ portion of the said project site.

The Authority noted that PP can undertake construction work on Non CRZ portion of the project site, as per approved CZMP under CRZ Notification, 1991. The PP need to submit the layout of the project superimposed on approved CZMP.

The After deliberation, the Authority, subject to submission of above stated approved CZMP, decided to recommend the proposal from CRZ point of view on Non CRZ portion of the project site with following conditions:

1. No construction is allowed in CRZ portion of the land, as per the approved CZMP.
2. FSI of the CRZ portion of land is not allowed to utilise on Non CRZ portion of the said land.
3. Construction debris should not be dumped in CRZ area.

Item No.46: Proposed redevelopment of building on plot bearing CTS No. C/1615 of Village Bandra Carter Road, Mumbai.

The project proponent presented the proposal before the Authority. The proposal is for redevelopment of dilapidated ground + 2 floor building on plot bearing CTS No. C/1615 of village Bandra (W), Mumbai, under para 8.v(c) of CRZ Notification, 2011. Proposed building involves Basement + Ground floor /stilt + 1st parking floor + end service floor + 3rd to 12th (pt) upper floors for residential use. Plot area is 754.20 Sqm and Built up area is 2036.01 Sqm. The plot is in CRZ II area and situated on landward side of existing road. The plot falls in Residential zone as per old as well sanctioned DP (1993) and is not under any reservation as per both DP.

The Authority noted that MCGM has issued Notice dated 20.11.2015 declaring the building dilapidated and dangerous.

The Authority further noted that the MCGM has mentioned the Hon'ble High Court orders in WP no. 1108 of 2013 and Chamber summons no. 180 of 2013 in


Member Secretary


Chairman

property redevelopers association and ors V/s Union of India by Bombay High Court and is reproduced as under:

"-----as such therefore the term 'identified buildings' cannot be held to be identified as on the date on which the Notification was issued. The intention of Central Government was to carve out an exception to the general rule in respect of these identified buildings viz. dilapidated, safe and unsafe buildings. To restrict this category only to the date on which the notification was issued would render the exception which is given by the Central Government nugatory. To that extent therefore, it is clarified that these identified buildings would not be restricted to building that are old and dilapidated, cessed and/or unsafe as on 6th January, 2011, but also those buildings which become unsafe and dilapidated subsequently so as to get the exception available under para 8(v)(c)(1) of 2011 Notification"

The Authority discussed the proposal and took note of the Hon'ble High Court order. The Authority further observed that the PP needs to submit the public hearing report, as per the provision of the para 8.v.1(c) of the CRZ Notification, 2011.

The Authority, subject to submission of public hearing report, decided to recommend the proposal to concerned planning Authority from CRZ point of view subject strict compliance of following conditions:

1. Proposed redevelopment should be in accordance with provisions of CRZ Notification, 2011 (amended from time to time).
2. Local body to ensure that proposed construction is as per DCR prevailing as on the date on which the project is granted approval by the competent Authority.
3. Local body to ensure that concern expressed in public hearing should be addressed before giving Commencement Certificate.
4. All other required permission from different statutory authorities should be obtained.

Item No.47: Proposed redevelopment of plot bearing CTS No. D/1016 Pali Danda Road, chuim Village, H/West ward, Bandra (W) Mumbai.

The project proponent presented the proposal before the Authority. The proposal is for redevelopment of existing ground + 1 floor structure on plot


Member Secretary


Chairman

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2913 OF 2016**

Ranjan M. Patel

..... Petitioner.

V/s

Union of India & Others

..... Respondents.

Mr. Saket Mone a/w Mr. Subit Chakraborti i/b Vidhi Partners for the
Petitioner.

Mr. Dhanesh Shah a/w Mr. D.P. Singh for Respondent No.1./UOI

Ms. Sharmila Deshmukh for Respondent No.2.

Ms. Shobha Ajitkumar a/w Mr. Sagar Patil for Respondent/BMC.

**CORAM: V. M. KANADE &
A.S. GADKARI, JJ.**

DATE: 16th March, 2017

P.C.:-

1] Heard the learned Counsel appearing on behalf of the Petitioner, the learned Counsel appearing on behalf of the Corporation and the learned Counsel for MCZMA.

2] Petitioner is aggrieved by the order/letter dated 21/1/2016 passed by the Assistant Engineer (Building Proposal) K/West (South). By the said order/letter, the plan submitted by the Petitioner for approval in respect of the proposed development on plot bearing CTS No.1065, plot No.30D of final plot No.30 of Santacruz Town Planning Scheme-II was rejected. The only reason which was given for rejection

was that the existing building of the Petitioner was declared as dangerous after CRZ Notification dated 06/01/2011.

3] The learned Counsel appearing on behalf of the Petitioner submitted that this Court in Writ Petition No.2035 of 2014 and 1108 of 2013 has held that "identified buildings" as mentioned in the Notification would not be restricted to buildings which are old and dilapidated, cessed and unsafe buildings as on 06/01/2011 but would also include those buildings which become unsafe and dilapidated subsequently so as to get the exception available under paragraph 8(V)(c)(1). In the said Notification, Clause 8(V)(c)(1) makes a reference to the dilapidated, cessed and unsafe buildings. The said clause reads as under:-

"(c) REDEVELOPMENT OF DILAPIDATED, CESSED AND UNSAFE BUILDINGS:

1. In the Greater Mumbai, there are, also a large number of old and dilapidated, cessed and unsafe buildings in the CRZ areas and due to their age these structures are extremely vulnerable and disaster prone and therefore there is an urgent need for the redevelopment or reconstruction of these identified buildings.

2. These projects shall be taken up subject to the following conditions and safeguards:

(i) such redevelopment or reconstruction projects as identified on the date of issue of this notification shall be allowed to be taken up involving the owners of these buildings either

above or with private developers in accordance with the prevailing Regulation, directly or through joint ventures or through other similar models.

(ii) The Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority.

(iii) Suitable accommodation to the original tenants of the specified buildings shall be ensured during the course of redevelopment or reconstruction of the buildings by the project proponents, undertaking the redevelopment through condition 2(i) above.”

It is obvious that the said clause carves out an exception to the general rule in respect of these identified buildings viz. dilapidated, cessed and unsafe buildings. In our view, having carved out the exception, it does not stand to reason that the said exception would be available only to those identified buildings which are so identified as on 06/01/2011. We, therefore, by the said orders, had accordingly interpreted the said Notification dated 06/01/2011. The said orders were not challenged by MCZMA or MOEF in the Apex Court and in the affidavit-in-reply they have accepted this position and this is evident from the Minutes of the Meeting dated 7/11/2015.

4] In another matter viz. WPL/2088/2016, this Court by Order dated 05/08/2016 directed the Corporation to process the application of the Petitioner on the basis that the said exception is applicable to

the Petitioner's building. In the present case, therefore, the reason given by the Corporation is untenable and the impugned order will have to be set aside and it is accordingly set aside.

5] Petitioner may submit a revised plan by making online application.

6] We direct the Corporation to process the application of the Petitioner and it may provide that it is willing to grant sanction, subject to the Petitioner obtaining clearance from MCZMA and this process may be completed within six weeks.

7] Petition is accordingly disposed of in the aforesaid terms.

(A.S. GADKARI, J.) (V.M. KANADE, J.)

LIST OF INDICATIVE CONCESSIONS

Sr. No.	Indicative Concession	DCR Provision/ Policy	Present Approving Authority	To be delegated to
1.	To allow fungible FSI by charging premium for sale component and without charging premium for Rehab component	DCR 35 (4)	M.C.	E.E.B.P.
2.(a)	To allow staircase, staircase lobby, lift, lift lobby, smoke vent free of FSI by charging premium	DCR 35 (2) (iv)	M.C.	E.E.B.P.
2(b)	To allow internal staircase area free of FSI for Residential/ Commercial users by charging premium.	DCR 35 (2) (iv)	M.C.	E.E.B.P.
2(c)	To allow additional staircase for NR user as per Fire requirements free of FSI without charging premium for rehab component and by charging premium for sale component.	DCR 64(b)	M.C.	E.E.B.P.
2(d)	To allow metal staircase/ passage for Fire Purpose on mechanized tower free of FSI without charging premium	DCR 35(2)(IV)	M.C.	E.E.B.P.
2(e)	To allow lifts & lobbies free of FSI at top most terrace level by charging premium	-	M.C.	E.E.B.P.
2(f)	To condone additional staircase/lift for NR user free of FSI with charging premium for rehab component	DCR 64(b) read with DCR	M.C.	Dy.Che.Eng (B.P.)
2(g)	To allow inadequate width of staircase	DCR 64 (b)	M.C.	Dy.Che.Eng (B.P.)
2(h)	To condone requirement of 2 nd staircase by charging premium subject to NOC from CFO.	DCR 64 (b)	M.C.	Dy.Che.Eng (B.P.)
3.(a)	To allow stilt/basement/podium ht. more than 4.20mts for accommodating required stack parking/ puzzle parking/ mechanical parking system free of F.S.I.	DCR 64(b)	M.C.	E.E.B.P.
3(b)	To allow 3 level basements with total height of 10.5 to 12mts.	DCR 35(2) V. read with DCR 38(9)(IV) (B,C,D,E)	M.C.	M.C.
3(c)	To allow podium/Parking floors (more than 9.0mts height) & upto 30.00mts. with 1 no. of car lifts and by charging premium for not providing second car lift (in case of small plots)	DCR 64(b)	M.C.	M.C.

Sr. No.	Indicative Concession	DCR Provision/ Policy	Present Approving Authority	To be delegated to
3(d)	To allow cross beams due to change in planning of rehab and sale or parking and rehab due to change in floor plate	DCR 64(b) read with TAC 2 minutes dated	M.C.	E.E.B.P.
3(e)	To allow voids, hollow portion created due to mechanized parking tower as reflected in minutes of meeting of TAC 1, in part portion of building to be allowed free of FSI without charging premium	DCR 64(b) read with Tac 1 - 20.10.2014	M.C.	E.E.B.P.
3(f)	To allow basement, lobby flush with Ground or plinth height lower than 0.3m subject to NOC from M&E/ Consultant for basement	DCR 64(b)	M.C.	E.E.B.P.
3(g)	To allow greater height of parking floor/service floor to accommodate depth of Girder beams as per the structural requirements	-	M.C.	E.E.B.P.
3(h)	To allow podium for parking for plot area less than 1500sq.mt.	DCR 64 (b)	M.C.	Dy.Che.Eng (B.P.)
3(i)	To condone the parking spaces subject to providing minimum no. of parking space as per the proposed modification submitted to U.D. for all size of the plots.	DCR 64 (b) & Policy	M.C.	Dy.Che.Eng (B.P.)
3(j)	To condone the parking spaces even the proposed parking space is less as per the proposed modification submitted to U.D.	DCR 64 (b)	M.C.	Dy.Che.Eng (B.P.)
3(k)	To allow mechanical parking tower in open space by condoning deficiency in open space without charging premium considering 3.60mt required open space for height upto 24.00mts. and 6.00mts for height beyond 24.00mts.	DCR 64 (b)	M.C.	Dy.Che.Eng (B.P.)
3(l)	To allow height more than 24.00mts. of the building situated in Heritage Precinct as per the provision of DCR 67 (2) (iii) (b) without insisting NOC from MHCC	DCR 67 (2) (iii) (b)	M.C.	Hon'ble M.C.
4.	To allow inadequate size of room, rehab tenements, floor height or room dimension as per Annexure II or MHADA list (being less than DCR provision as only existing area is protected) in order to consume full potential of FSI	DCR 38(1) Table 18(5) and DCR 38(2) and DCR 64(B)	M.C.	E.E.B.P.

Sr. No.	Indicative Concession	DCR Provision/ Policy	Present Approving Authority	To be delegated to
5.	To allow Electric Sub-Station in Stilt Portion /Podium free of FSI or touching to Building/Compound Wall.	DCR 64(b)	M.C.	E.E.B.P.
6.	To allow ROS to be paved for maneuvering of vehicles, by charging premium	DCR 64(b)	M.C.	E.E.B.P.
7.	To condone inadequate maneuvering space for two way driveway if allowed by E.E.T & C/ Consultant.	DCR 64(b)	M.C.	E.E.B.P.
8(a)	To allow multipurpose room instead of regular size room.	DCR 64 (b)	M.C.	E.E.B.P.
9.	To allow small parking space more than 50% of required parking space.	DCR 64 (b)	M.C.	E.E.B.P.
10.	To allow higher tenement density	DCR 64 (b)	M.C.	E.E.B.P.
11.	To allow change of user/activity permissible in respective zone	As per permissible user in respective zone	M.C.	E.E.B.P.
12.	To allow all lifts opening in the basements/terraces	Policy	M.C.	E.E.B.P.
13.(a)	To allow society office on upper floors	DCR 64 (b)	M.C.	E.E.B.P.
14.	To allow 25% additional parking space	DCR 35 (2) (iv)	M.C.	E.E.B.P.
15(a)	To protect FSI benefit of set back area/ D.P. Road already claimed as per the approved policy.	Policy	M.C.	E.E.B.P.
15(b)	To allow fitness center as per DCR provisions Free of FSI , except at ground floor	DCR 38(32)(II) read with 35(2)(XVII)	M.C.	E.E.B.P.
16.(a)	To allow shopping centre/ departmental store/nursing home	As per permissible user in respective DCR	M.C.	E.E.B.P.
17(a)	To allow larger sizes of canopies	DCR 64 (b)	M.C.	E.E.B.P.
17(b)	To allow Nursing Home at Ground, 1 st or 2 nd floor in Residential Zone	DCR 51(iii)	M.C.	E.E.B.P.
17(c)	To allow Restaurant in Residential R-2 Zone	DCR 52 (4) (xiii)	M.C.	E.E.B.P.
18.	To allow M.S. steps in front open space	Policy	M.C.	E.E.B.P.
19.	To allow development of the building upto height of 32.00mts. on plot accessible by one number of minimum 6.00mt. road by charging premium towards deficient width of the access	DCR 64 (b) & Policy	M.C.	M.C.

Sr. No.	Indicative Concession	DCR Provision/ Policy	Present Approving Authority	To be delegated to
20.	To allow Entire Air Condition Commercial building/ Mall/ Departmental Store etc. with 6.00 mts. open space.	Policy	M.C.	E.E.B.P.
21.	To condone open space deficiency for non habitable floors without charging premium	DCR 64(b)	M.C.	M.C.
22.	To allow sloping roofs over lift / Transfer Girder provided due to structural reasons.	DCR 64(b)	M.C.	E.E.B.P.
23.	To allow refuge area free of FSI, Part within building line and part cantilever to meet requirement of 4% as per C.F.O. NOC.	DCR 44(7) a(i) with DCR 64(b)	M.C.	M.C.
24.	To allow mix user (Parking and habitable floor) with a level difference of 0.6m	DCR 64(b)	M.C.	E.E.B.P.
25.	To allow splitting/clubbing of tenancy at different levels subject to consent of tenants and M.B.R& R Board	DCR 64(b)	M.C.	E.E.B.P.
26.	To allow elevation features above terrace as per policy	DCR 64(b) read with circular dt.1.03.2016 no.CHE/DP/0 49020/Gen	M.C.	E.E.B.P.
27.	To allow in adequate size of sub-station, subject to NOC from electrical supply company	DCR 64(b) read with DCR 26	M.C.	E.E.B.P.
28.	To allow odd shape ROS & due to planning constraint	DCR 64 (b)	M.C.	M.C.
29.	To condone deficient ROS & to allow ROS touching to building line for plots more than 2500sq.mt.	DCR 64 (b)	M.C.	Dy.Che.Eng (B.P.)
30.	To allow voids created due to planning constraints free of FSI	Policy	M.C.	Dy.Che.Eng (B.P.)
31.	To condone inadequate width of passage	DCR 64 (b)	M.C.	Dy.Che.Eng (B.P.)
32.	To allow deficient height of floors	DCR 64 (b)	M.C.	Dy.Che.Eng (B.P.)

Sr. No.	Indicative Concession	DCR Provision/ Policy	Present Approving Authority	To be delegated to
33.	To allow development of the building upto height of 70.00mts. on the plot accessible by two nos. of minimum 6.00mts road by charging premium towards deficient width of one access.	DCR 64 (b) & Policy	M.C.	Dy.Che.Eng (B.P.)
34.	To allow inadequate size of artificial ventilation shaft by charging premium	DCR 64 (b)	M.C.	Dy.Che.Eng (B.P.)
35.	To allow users permissible in Residential/ Commercial zone in Industrial Zone	DCR 56 (3) (c) & DCR 57 (4) (c)	M.C.	Dy.Che.Eng (B.P.)
36.	To condone the deficiency in open space & segregating distance by charging premium	DCR 64 (b)	M.C.	Dy.Che.Eng (B.P.)
37.	To grant additional FSI over and above permissible basic (zonal) FSI as per DCR 33(2), 33(4) etc.	Relevant DCR provision	M.C.	Hon'ble M.C.