

Ref. No. MCHI/CEO/13-14/032

July 15, 2013

**Agenda for the Core Committee Meeting  
On July 16, 2013 at 6.00 pm at MCHI-CREDAI Office**

**1. Legal :**

- a. Writ Petition No. 1387 of 2013 on CRZ matter will come up for hearing on July 18, 2013 before the Hon'ble Division Bench comprising of Hon'ble Justice V. M. Kanade & K. R. Shriram.
- b. Writ Petition (Lodg.) No. 1719 of 2013 on Heritage Matter will come up for hearing on July 22, 2013 before Hon'ble Division Bench comprising of Hon'ble Justice Vazifdar and Justice M. S. Sonak.

**2. Liaison :**

- a. Meeting held with Shri Sanjeev Anaokar, Deputy Chief Engineer (City) on July 5, 2013.

The above meeting was attended Shri Deepak Goradia, Shri Mayur Shah & Shri Sandeep Runwal in DYCE (City) Byculla Office.

- b. Meeting held with Mr. Ujwal Uke, IAS Principal Secretary, Women & Child Development on July 9, 2013 to open crèches at construction sites in Mumbai.

The above meeting was attended by Shri Avadhoot Rane, General Manager (Liaison) to discuss the issues related to the creation of crèches at various construction sites in Mumbai.

3. To discuss the Agenda, Notice, Nomination Form for election of 31<sup>st</sup> AGM and the related documents.
4. Office Memorandum dated June 27, 2013 published by Ministry of Environment & Forest, Government of India. (Annexure - I, Page No. 2 to 3 )
5. Review Applications received from Members & Youth Members for Task (Annexure - II, Page No. 4 to 10 )
  - a. Email from Dr. Prakash Kubchandani (Annexure - III, Page No. 11 )
6. Review Legal Fund Rs. 1,00,000/- received. (Annexure - IV, Page No. 12 )
7. Any other matter with permission of Chair.

**Sd/-**

**S. S. Hussain, I.A.S. (Retd.)  
C.E.O  
MCHI-CREDAI**

**mamata**

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**From:** secretariat [secretariat@mchi.net]  
**Sent:** Monday, July 15, 2013 5:35 PM  
**To:** 'President-MCHI-CREDAI'; 'Hon. Secretary - MCHI-CREDAI Nainesh Shah'  
**Subject:** Notice & Agenda for the Core Committee Meeting scheduled on Tuesday, July 16, 2013 at 06.00 P.M. at MCHI-CREDAI Office  
**Attachments:** Agenda for the Core Committee Meeting.doc; Annexure I Office Memo (Environment - Govt. India).pdf; Task Owners - (Annexure - II).doc; Annexure - III (email from Prakash Kubchandani).doc; Annexure - IV (Legal Fund Received).doc

To  
All Core Committee Members of MCHI-CREDAI

Please find attached herewith the Notice & Agenda for the Core Committee Meeting scheduled on **Tuesday, July 16, 2013 at 06.00 P.M. at MCHI-CREDAI Office.**

Sd/-  
S. S. Hussain, I.A.S. (Retd.)  
C.E.O  
MCHI-CREDAI

No.J-11013/41/2006-IA.II(I)  
Government of India  
Ministry of Environment & Forests

Paryavaran Bhavan  
C.G.O. Complex, Lodhi Road  
New Delhi-110003

Dated: 27<sup>th</sup> June, 2013

**OFFICE MEMORANDUM**

**Subject: Consideration of proposals for TORs / Environment Clearance / CRZ Clearance involving violation of the Environment (Protection) Act, 1986 / Environment Impact Assessment (EIA) Notification, 2006 / Coastal Regulation Zone (CRZ) Notification, 2011 – reg.**

1. This Ministry, vide OM of even number dated 12.12.2012 on the subject cited above, has circulated guidelines for considering proposals for Terms of Reference (ToR) / Environment Clearance (EC) / Coastal Regulation Zone (CRZ) Clearance involving violations under the Environment (Protection) Act, 1986 / Environment Impact Assessment Notification, 2006 / CRZ Notification, 2011.

2. The matter has been further examined. It is felt that in addition to these guidelines circulated vide aforesaid OM dated 12.12.2012, in case of violation cases, the Project Proponent needs to be restrained, through appropriate directions under Section 5 of the Environment (Protection) Act, 1986 from carrying out any construction or operation activity without the required clearance or beyond the level / capacity stated in the existing clearance, as the case may be, till it procures the requisite EC / CRZ Clearance for the same.

3. In view of the above, it has been decided to insert the following as sub-para (iv) below sub-para (iii) of para 5 of the aforesaid OM dated 12.12.2012:

“(iv) Directions under Section 5 of the Environment (Protection) Act 1986 will be issued by MoEF to the Project Proponent in respect of the violations and compliance of Project Proponent obtained to such directions especially with regard to:

- (a) In case the project is at construction stage and the violation is on account of carrying out construction without valid EC/CRZ Clearance or in contravention of the conditions stated in the EC/CRZ Clearance, the construction activities will need to be suspended at the existing level till EC/CRZ Clearance is obtained or the required amendment to EC/CRZ Clearance is obtained.
- (b) In case the project is in operation and the violation is on account of enhanced production beyond the capacity stated in the EC/CRZ Clearance, the production will need to be restricted to the capacity stated in the EC/CRZ Clearance till EC/CRZ Clearance is obtained for enhanced capacity. In case of operation without a valid EC/CRZ Clearance, the production will need to stop till the required EC/CRZ Clearance is obtained.



- (c) In case the violation is on account of carrying out modernization of existing project and/or change in product-mix in an existing manufacturing unit, the status quo as existing prior to such modernization and/or change in product-mix will be maintained till the required EC/CRZ Clearance is obtained for the modernization and/or change in product-mix.

In case of any violation to aforesaid directions, legal action as per the provisions of the Environment (Protection) Act, 1986 will be taken against the Project Proponent and the case of TOR/EC/CRZ Clearance summarily rejected.

4. This issues with the approval of the competent authority.

  
(Dr. P.B. Rastogi)  
Director

Telefax: 011-2436 2434

To:

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

1. PS to MEF
2. PPS to Secretary (E&F)
3. PPS to JS(AT)
4. Website of the MoEF
5. Guard File

On 02-Jul-2013, at 1:30 PM, "Dr.Prakash Khubchandani"  
<[prakash@khubchandanigroup.com](mailto:prakash@khubchandanigroup.com)> wrote:

Dear Nainesh,

I am a member of MCHI.

We are developing hospitals and there is an embargo from the CFO that no hospitals and education complexes will be permitted over 30 mts height as there is no provision in NBC for over 30 meters. As you are aware there are many hospitals in Mumbai over 30 meters already and this embargo is uncalled for and unnecessary, and there is nothing in the DCR or UD notification to this effect.

PEATA and AOH have already sent a representation to the CM in this regards. I have met UDD officials several times in this regard also.

There are several projects that are held up.

MCHI should actively take up this matter urgently.

I can assist MCHI as I am well versed with this subject.

Kindly look into this and advise.

Thanks and regards,

Prakash

Dr.Prakash Khubchandani Managing Director Khubchandani Interbuild Pvt.Ltd.  
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W: [www.khubchandanigroup.com](http://www.khubchandanigroup.com) W: [www.krimsonhealth.com](http://www.krimsonhealth.com)

**List of Members**  
**From Legal Fund Received**

Sr. No.	Member	Company Name
1.	Mr. Rakesh Wadhawan	Sapphire Land Development Pvt. Ltd.
2.	Mr. Rashmin G. Rughani/ Mr. Kalpesh G. Rughani	Ashray Housing
3.	Mr. Sudhir Lobo	Trisons Builders
4.	Mr. Jayesh Shah	Shree Naman Developers Ltd.
5.	Dr. R. A. Maker	Maker Development Services Pvt. Ltd.
6.	Mr. Prakash Gidwani	Prakash Group
7.	Mr. Vikas Oberoi	Oberoi Realty Ltd.