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Ref. No. MCHI/PRES/26-27/034

Date: 07/07/2026

To,

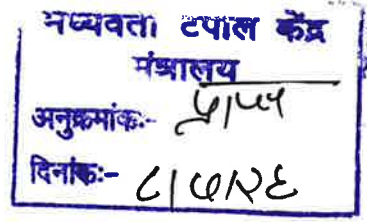
Shri Aseem Kumar Gupta (I.A.S.)

Additional Chief Secretary

Urban Development Department (I)

Government of Maharashtra

Mantralaya, Mumbai – 400 032



Subject: Representation respectfully seeking the Department's clarification on the operation of Regulation 68 of the DCPR-2034 — reclassification of Natural Area (NA) land rendered landward of the modified High Tide Line — and for a Corporation-led ground-verification protocol to give the Regulation uniform effect across pending and future proposals.

Reference:

1. Development Control and Promotion Regulations, 2034 (DCPR-2034), Regulation 68.
2. CRZ Notification, 2019 (Ministry of Environment, Forest & Climate Change, dated 18.01.2019) and the revised Coastal Zone Management Plan prepared thereunder.
3. Report of the Planning Committee on the Draft Development Plan-2034 for Greater Mumbai, recording the basis on which Natural Area was demarcated and the object of Regulation 68.

Respected Sir,

The Maharashtra Chamber of Housing Industry (CREDAI-MCHI), the representative body of the housing and real-estate development industry in the Mumbai Metropolitan Region, most respectfully submits this representation on behalf of its members whose lands are affected by the matter set out below. We are conscious of, and share, the Department's concern for the protection of the coastal environment, and it is in that spirit that we seek the Department's kind guidance on a single, self-contained question of interpretation under the DCPR-2034 — a clarification capable of uniform application to a large number of proposals now pending before the Municipal Corporation of Greater Mumbai.

1. Natural Area was drawn from the High Tide Line, not from ground condition. When the Development Plan-2034 was prepared, land was marked Natural Area (NA) by reference to the High Tide Line (HTL) as per CZMP-2011. As the Planning Committee itself recorded, areas lying on the seaward side of the HTL were marked NA "independent of ground condition." The NA line on the sanctioned Development Plan is therefore a projection of the HTL as per CZMP-2011 as it then stood, and nothing more.

2. The High Tide Line was corrected in 2019 CZMP. Following the CRZ Notification, 2019 and the revised Coastal Zone Management Plan prepared thereunder, the HTL along a large number of stretches in Greater Mumbai has been corrected and, in many cases, has moved seaward. The consequence is that land which was marked NA — because it lay seaward of the earlier HTL of 2011 — now lies on the landward side of the corrected HTL of 2019. The NA classification of such land therefore is erroneous as it does not reflect the ground reality.

MAHARASHTRA CHAMBER OF HOUSING INDUSTRY

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3. Regulation 68 was thoughtfully framed to meet precisely this situation. The framers of the DCPR-2034 anticipated this and provided the remedy within the Regulation itself. Regulation 68 reads:

"Lands shown as Natural Area in DP and situated on the seaward side of High Tide Line, if after modification to High Tide Line, falls on the landward side of modified High Tide Line, then in such case the said land will be deemed to have been situated in the zone of adjoining land unless, said land is forest/salt pan land/occupied by mangroves/mud flats."

The Planning Committee recorded the object in terms: the clause was incorporated so that where "the alignment of HTL is modified in future," the area then shown as NA "needs to be modified as per ground reality." Regulation 68 is thus the express, purpose-built mechanism for correcting a Natural Area classification that a subsequent shift in the HTL has overtaken; and, with respect, its deeming operates of its own force.

4. The only exception under Regulation 68 rests on the actual ground condition, not on the map category. Regulation 68 withholds its benefit from one class of land alone: land that is forest, salt-pan, or occupied by mangroves or mud-flats. By its plain words, that exception describes what physically exists on the land. The Regulation asks what the land in fact is, on the ground and nothing more.

5. The difficulty presently being experienced in giving effect to Regulation 68. We respectfully bring to the Department's notice that a large number of proposals across Greater Mumbai are presently held up: the land continues to carry the earlier, in correct, HTL of 2011 and, on that basis alone, is still treated as Natural Area — though it now lies landward of the corrected HTL.

6. What is respectfully sought is a verifiable, Corporation-led test — not an exemption. Our members do not seek that Natural Area land be reclassified automatically or on mere assertion. On the contrary, we respectfully propose the very opposite of a discretionary exemption — a single, objective, on-the-ground test, administered by the Municipal Corporation itself. Specifically, that the benefit of Regulation 68 be extended where, and only where, a physical ground-verification / site inspection carried out by the Municipal Corporation of Greater Mumbai establishes that the land, though lying landward of the corrected HTL, does not answer the description of Natural Area conditions — that is, is not forest, salt-pan, mangrove or mud-flat. Where the Corporation's inspection so finds, the deeming under Regulation 68 would take effect and the land would be shown in the zone of the adjoining land. Where the inspection finds the land to be forest, salt-pan, mangrove or mud-flat, the exception would apply and the land would rightly remain Natural Area. This places the determination squarely with the Corporation, on verified facts, and would, with respect, remove both the uncertainty and the exposure that are presently holding up proposals.

PRAYER

In the light of the foregoing, we most respectfully request that the Urban Development Department be pleased to:

- (a) issue a clarificatory direction / circular confirming that Regulation 68 of the DCPR-2034 operates of its own force upon all land shown as Natural Area which, upon correction of the High Tide Line under the CRZ Notification, 2019 and the CZMP prepared thereunder, now lies on the landward side of the corrected HTL;

A blue ink handwritten signature and a circular official stamp of the Urban Development Department, Greater Mumbai.

- (b) clarify that the sole determinant of the exception under Regulation 68 shall be the actual physical condition of the land — forest, salt-pan, mangrove or mud-flat — and that the exception may not be applied by reference to a Coastal Zone Management Plan map category (CRZ-IA / IB / mangrove / buffer) where the ground condition is otherwise;
- (c) direct the Municipal Corporation of Greater Mumbai to give effect to Regulation 68 through a standard ground-verification protocol, whereby a site inspection is carried out and, where the land is found not to be forest, salt-pan, mangrove or mud-flat, the land is deemed under Regulation 68 to lie in the zone of the adjoining land and is shown accordingly; and
- (d) direct that the said clarification and protocol be applied uniformly to all pending and future proposals to which Regulation 68 applies.

We are grateful for the Department's kind consideration of this representation and would gladly place any further material or maps before the Department, and assist any officer deputed to examine the question.

Thanking you,

Yours sincerely,

For CREDAI-MCHI

A blue ink signature of Sukhraj Nahar, written in a cursive style.

Sukhraj Nahar
President

A blue ink signature of Rushi Mehta, written in a cursive style.

Rushi Mehta
Hon. Secretary