

# MAHARASHTRA POLLUTION CONTROL BOARD

Sub Regional Office, Mumbai -IV

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**No. MPCB/SROMUM-4/-190930-FIS-013G Date: 30 / 9 / 2019**

To,  
Register,  
National Green Tribunal.

**Sub: National Green Tribunal, New Delhi Order dated August 13, 2019 in application No. 586/2019 (Ashok Goyal, Goral Properties & Estate Pvt. Ltd V/s State Of Maharashtra).**

Madam,

The National Green Tribunal, Principal Bench, New Delhi has passed an order dated 13<sup>th</sup> August, 2019 in Application no. 586/2019 (Ashok Goyal, Goral Properties & Estate Pvt. Ltd V/s State Of Maharashtra). Application is registered based on the complaint received before the NGT by post. Application pertains to violation of the Coastal Regulation Zone I & II by way of unauthorized construction in village Malvani & Daravali in Malad (W), Mumbai.

2. As per the said order of the Hon'ble NGT, "*Let the Maharashtra Coastal Zone Management Authority and Maharashtra Pollution Control Board look into the matter and take appropriate action in accordance with Law and furnish a factual and action taken report to the Tribunal within a month from the date of receipt of copy of this order by email oat judicial ngt@gov.in The MPCB will be the nodal agency for coordination and compliance.*"

3. In the light of NGT order, the site visit was conducted on 25/09/2019 at village Malvani & Daravali, Malad (West), Mumbai. Officials of the Maharashtra Coastal Zone Management Authority and Maharashtra Pollution Control Board and Revenue officials, Borivali were present for the site visit. Representatives of Mr. Ashok Goyal, Goyal properties & estate pvt. ltd accompanied the officials during the site visit.

4. Considering the observations of the site visit, the MCZMA issued directions under section 5 of the Environment (Protection) Act, 1986 to District Collector, Mumbai Suburban to take appropriate action in the matter.

5. Copies of the Site visit report and Directions under section 5 area attached herewith.

Yours faithfully,

(D. P. Koparkar)

Sub-Regional Officer, Mumbai-IV

Copy to -

1. Asst. Secretary (Tech.), MPC Board, Mumbai.
2. Regional Office, MPC Board, Mumbai.

## SITE VISIT REPORT

The National Green Tribunal, Principal Bench, New Delhi has passed an order dated 13<sup>th</sup> August, 2019 in Application no. 586/2019 ( Ashok Goyal, Goyal properties & estate pvt ltd v/s State of Maharashtra. Application is registered based on the complaint received before the NGT by post. Application pertains to violation of the Coastal Regulation Zone I & II by way of unauthorized construction in village Malvani & Daravali in Malad (W), Mumbai.

As per the said order of the Hon'ble NGT:

*"Let the Maharashtra Coastal Zone Management Authority and Maharashtra Pollution Control Board look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to the Tribunal within a month from the date of receipt of copy of this order by email at judicial-ngt@gov.in The MPCB will be the nodal agency for coordination and compliance"*

The MCZMA received the mail from the NGT on 19.8.2019 which has attachments 1) Hon'ble NGT order dated 13<sup>th</sup> August, 2019 2) Complaint dated 2.4.2019 of Mr. Ashok Goyal of Goyal Properties & Estate PVT Ltd.

It is noted here that Complaint dated 2.4.2019 mainly mentions about the unauthorized construction on Government land from the Malvani side surrounding to village Daravali. However, the complaint does not specify about the any Survey number/ CTS number of the land parcel, which the complaint is referring. Complaint dated 2.4.2019 of the Mr. Ashok Goyal mentions that plan is attached along with complaint. However, the said plan of the land is not received before MCZMA & MPCB. Hence, it was difficult ascertaining which land parcel, Mr. Ashok Goyal was referring. It appears complaint is of general nature, without specifying the exact locations and survey nos. Complaint is mainly expressing concern about the alleged unauthorized constructions at village Daravali and Malvani, which are present in the proximity of the Malad Creek.

The site visit was conducted on 25.9.2019 at village Malvani & Daravali, Malad (West), Mumbai. Officials of the Maharashtra Coastal Zone Management Authority, Maharashtra Pollution Control Board and Tehsildar office, Borivali were present for the site visit. Representatives of Mr. Ashok Goyal, Goyal properties & estate pvt ltd accompanied the officials during the site visit. Site visit started at 11.45 am and ended at 2.30 pm.

### **Observations of the site visit:**

Representatives of Mr. Ashok Goyal, Goyal properties & estate pvt ltd showed the location of the sites at village Daravali and Malvani at Malad (W), Mumbai. The said area is in proximity of the Malad Creek and village Malvani & Daravali are interlinked.

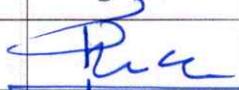
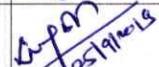
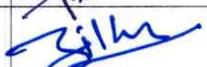
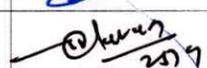
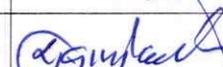
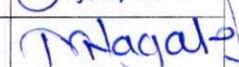
At area Daravali, the inspection team travelled through Madh- Daravali village road. The inspection team observed that along the both side of Daravali road, dense mangrove vegetation is present. The said stretch also has certain intertidal areas, which is CRZ I area, as per approved Coastal Zone Management Plan of the Greater Mumbai. The team observed the ongoing construction of the wall on northern side of the road along the mangroves, which is in village Malvani. On inquiry with the Mangrove cell officials telephonically, it got clear

that the said construction of the wall is being constructed by the Mangrove Cell, Forest Department for protection of the mangrove vegetation. There are fish drying yards of local people at certain locations situated at CRZ II area. The team further observed that scrap/ garbage Depot are present in at the intersection of CRZ I & CRZ II areas, which prima facie appears to be unauthorized. Revenue officials informed that said depot is in survey no. 40, village Daravali. Being unauthorized, anti encroachment cell of the District Collector officer should take action of removing the said scrap/ garbage depot.

At Malvani village, the inspection team travelled through main Madh- Marve Road and entered the internal road Dr. Babasaheb Ambedkar Road at Ambojwadi, Malvni. The said location was guided by the representative of Mr.Ashok Goyal. Revenue officials informed that Malvani has survey no. 263. At Ambojwadi area, Malvani along east side of internal Dr. Babasaheb Ambedkar Road, dense mangrove vegetation is seen by the inspection team. Ongoing construction of wall for protection of mangrove vegetation by Mangrove Cell, Forest Department is observed. On west side of said the internal road, slum structures are observed. Ambojwadi slum structures on west side are situated partly in CRZ II area, as per approved CZMP of Greater Mumbai. Prima facie it observed that certain slum structures are old. However, it appears that there is probability of spread of slum structures on south side towards village Daravali which is in CRZ I area. Anti encroachment cell/division of the District Collector officer need to take appropriate measures/action so as to stop encroachment of the slum structures.

Google image indicating the location of the Daravali & Malvani (Ambojwadi) is attached as **Annexure I**. Approved CZMP of the Greater Mumbai indicating above said location is attached as **Annexure II**. Site Photographs are attached as **Annexure III**

**List of Officials / representatives present during the site visit:**

Sr No.	Name of Officials / Representative & Department	Signature
1	Mr. Devidas Koparkar, Sub Regional officer, Maharashtra Pollution Control Board	
2	Mrs. Smita Vanave, Field Officer, Maharashtra Pollution Control Board	 25/9/19
3	Mr. Rupesh Mahale, Project Officer, Maharashtra Coastal Zone Management Authority	 25/9/19
4	Mr. Anand Billade, Project Officer, Maharashtra Coastal Zone Management Authority	
5	Mr. S.M.Chavan, Naib Tehsildar, Borivali	 25/9
6	Mrs. Santosh Lohkare, Circle Officer, Goregaon	
7	Mrs. Manisha Nagale, Talathi, Malvani	
8	Mr. Soman Pundalik Patil, Representative of Mr Ashok Goyal, Goyal properties & estate pvt ltd.	 25/9/19



### Google Map

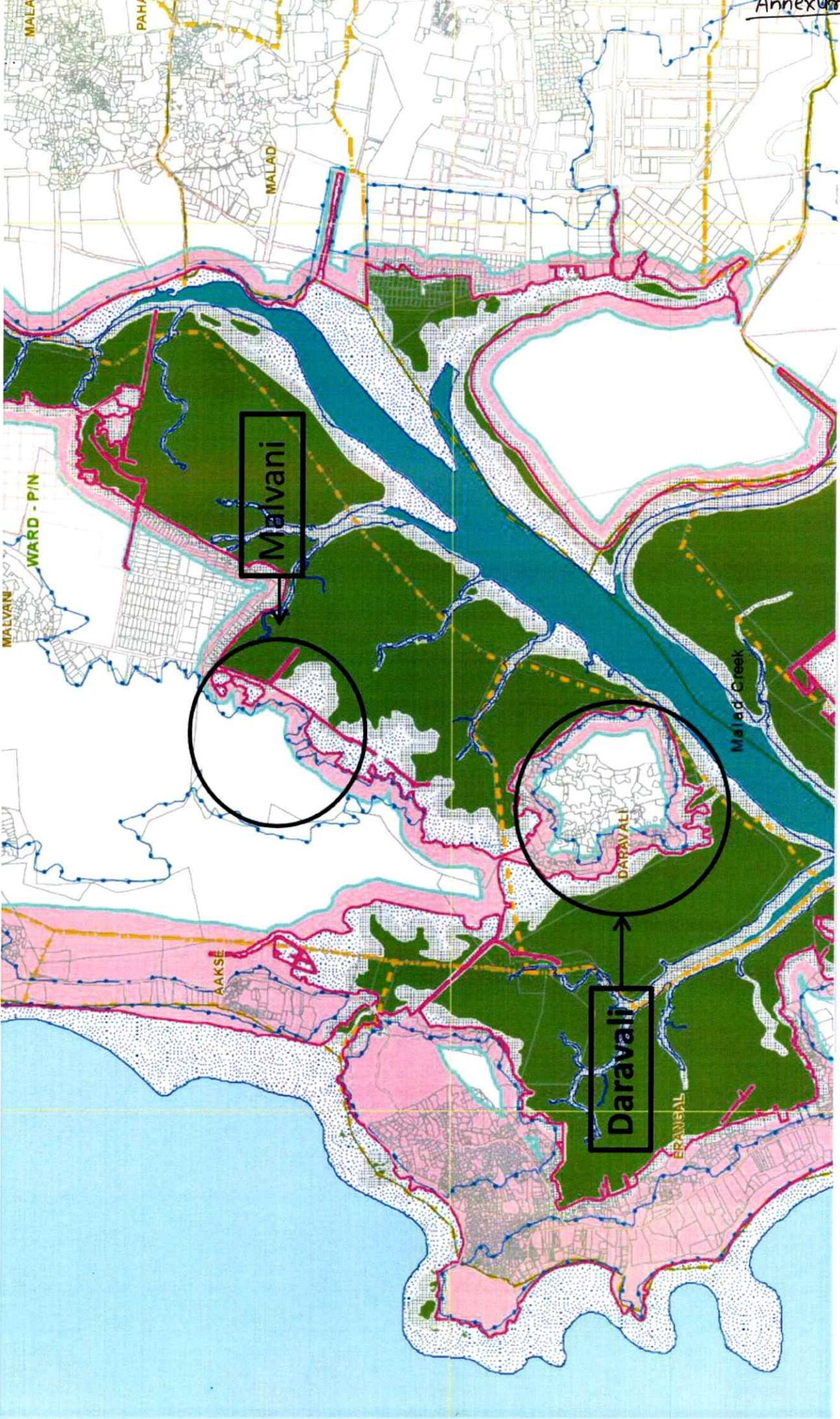
Daravali & Malvani Village

### Legend

- Cafe Coffee Day
- Chincholi Fire Station
- Croma
- Fame Malad
- Feature 1
- Feature 2
- Feature 3
- Feature 4
- Feature 5
- Feature 6
- Four Zone Music Pvt. Ltd.
- Goregaon Sports Club
- Home
- Hypercity
- IDBI
- Kali Temple
- Lakozy Toyota
- Malad
- manish agrawal and associates
- Mar Thoma Church
- Masjid
- Pai's Friends Books Library
- Police Station
- Post Office Jawahar Nagar
- R G Studios
- Talwalkars
- The Resort
- Wings India Aeromodelling Club

Google Earth

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image © 2018 Maxar Technologies  
image © 2013 TerraMetrics



Malvani

Daravali



**a) Scrap / garbage Depot at village Daravali, Mumbai**



**b) Slum Structures at village Malvani, Mumbai**



**c) Ongoing construction of wall by Mangrove Cell at village Malvani, Mumbai**

**MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY**

Tel. No. : 22029388  
e-mail : dir1.mev-mh@nic.in

No. Application 2019 / CR 151 / TC 4  
Office of the -  
Maharashtra Coastal Zone Management Authority,  
Environment Department, 15<sup>th</sup> Floor,  
New Administrative Building,  
Mantralaya, Mumbai- 400 032  
Date: 26<sup>th</sup> Sep, 2019

To,  
District Collector,  
Mumbai Suburban,  
Bandra (E), Mumbai.

**Subject:** Directions under section 5 of the Environment (Protection) Act, 1986 read with CRZ Notification, 2011.

WHEREAS, the Ministry of Environment and Forest (MoEF), New Delhi had published the CRZ Notification, 19.2.1991, in order to regulate the development activities in CRZ areas. AND, WHEREAS, the MoEF, New Delhi has published the CRZ Notification, 2011 superseding the CRZ Notification, 1991.

2. AND WHEREAS, the MoEF, New Delhi has constituted the Maharashtra Coastal Zone Management Authority (MCZMA) from time to time in order to regulate the proposed activities in CRZ area.

3. WHEREAS, the State Environment Department vide Government Resolution dated 6<sup>th</sup> march, 2011 constituted the District Coastal Zone Monitoring Committee (DCZMC) at district level under the Chairmanship of District Collector, Mumbai Suburban. AND WHEREAS, the DCZMC is empowered to remove the unauthorized constructions in the CRZ areas which are in violation of the CRZ norms.

4. WHEREAS, the Application No. 586/2019 has been filed by Ashok Goyal, Goyal Properties & Estate Pvt Ltd versus State of Maharashtra before National Green Tribunal, Principal Bench, New Delhi. AND WHEREAS, Application before Hon'ble NGT pertains to violation of the Coastal Regulation Zone I & II by way of unauthorized construction in village Malvani & Daravali in Malad (W), Mumbai. AND WHEREAS, the Hon'ble NGT, in the said matter has passed an order dated 13<sup>th</sup> August, 2019 directing the Maharashtra Coastal Zone Management Authority and Maharashtra Pollution Control Board to look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to the Tribunal.

5. WHEREAS, officials of the MCZMA, MPCB and Revenue officials of Malvani conducted site visit on 25.9.2019 at village Malvani & Daravali, Malad (West), Mumbai, at certain location guided by representative of Ashok Goyal, Goyal Properties & Estate Pvt Ltd. AND WHEREAS, the inspection team observed the followings:

- (i) At village Daravali scrap/ garbage Depot are present in at the intersection of CRZ I & CRZ II areas, on Govt land, which prima facie appears to be unauthorized.
- (ii) At village Malvani, Ambojwadi area, on west side of the internal Dr. Babasaheb Ambedkar Road, slum structures are observed. Ambojwadi slum structures on west side are situated partly in CRZ II area, as per approved CZMP of Greater Mumbai. Prima facie it observed that certain slum structures are old. However, it appears that there is probability of spread of slum structures on south side towards village Daravali which is in CRZ I area.

6. THEREFORE, you are hereby issued following directions, under Section 5 of the Environment (Protection) Act, 1986:

- (i) Remove the unauthorized scrap/ garbage Depot are present in at the intersection of CRZ I & CRZ II areas at village Daravai, after due verification.
- (ii) Appropriate measures/action should be taken so as to stop encroachment of the slum structures at Ambojwadi area, Malvani.

7. Action taken report be submitted to the Authority at the earliest, considering the orders of the Hon'ble National Green Tribunal, New Delhi. Copy of the Hon'ble NGT order and Site visit report are attached herewith.

  
(Anil Diggikar)  
Principal Secretary, Environment &  
Chairman, MCZMA