

BEFORE THE NATIONAL GREEN TRIBUNAL

SITTING AT PUNE

MEMORANDUM OF APPEAL

(Under Sections 16 read with Section 18 of The National
Green Tribunal Act, 2010)

APPEAL NO. 21 OF 2023

BETWEEN:

Santosh Daundkar ... **APPELLANT**

AND

The Secretary, Ministry of Environment, Forests and
Climate Change and others ... **RESPONDENTS**

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	for Greater Mumbai, 2034 giving definition of 'Heritage Site'.		
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4.0 VIOLATION OF PARA 8 OF THE NOTIFICATION:

4.1 VIOLATION NO. 1:

In the Application Form, the Project Proponent wrongly declared that this project is in the liberal CRZ-II – Actually, it is in highly restrictive CRZ-IA:

The Appellant submits that in the Project Information Details Form, (ANNEXURE-‘A-1’) submitted by the Project Proponent, at column No. 4 (a), the following Information was provided:

- | | |
|---|--|
| (a) If Project Site in CRZ-IA provide details of Ecologically Sensitive Areas | The project site does not fall in CRZ-1A |
|---|--|

This particular Information provided in the Application Form, which was considered by the Maharashtra Coastal Zone Management Authority, was an incorrect Information.

In actuality, this project was in CRZ-1A classification, because the building was a "Heritage Site". That it is a "Heritage Site" has been explained in detail along with evidence linked in Ground No. 1 of the Original Application at page No. 27. Further, the notified entry of this bungalow as a heritage building has been placed as *ANNEXURE-‘A-5’ of the Memo of Appeal.*

It is further submitted that as to what is a "Heritage Site" has been clearly defined in Regulation 52 (iv) of the Development Control and Promotion Regulations for Greater Mumbai, 2034 (ANNEXURE-‘A2’), where it has been stated as unde4:

‘(iv) "Heritage Site" means the area within the boundary/extent of the heritage building/precinct/natural area included in the heritage list and as shown in the map.’

As to what is a site, this has been defined in Regulation 2(109) of the Development Control and Promotion Regulations for Greater Mumbai, 2034 (ANNEXURE-‘A-3’) as under:

(109) "Site/Plot" means a parcel or piece of land enclosed by definite boundaries.

Even otherwise, it is a settled position in the Rules of Interpretation of Statutes, that if a word has not been specifically defined, then ordinary grammatical meaning has to be derived. In Collins Dictionary "Heritage Site" (relevant page placed as ANNEXURE-‘A-4’) has been defined as under:

Definition of 'heritage site'

heritage site in British English

(ˈherɪtɪdʒ saɪt ⓘ)

noun

1. a **historical site**, a building, or an area of the unspoilt natural **environment**, considered to be **important** to a country or area's **heritage**

It is further submitted that Mumbai Heritage Conservation Committee, in another case, have themselves inferred that all the buildings notified under the Heritage Regulations for Greater Mumbai, would be reckoned as "Heritage Sites". More particularly, the said Committee (ANNEXURE-‘A-5’) observed as under:

“So the view of eh MHCC is that the ‘Heritage Site’ as referred in the Petition would mean ‘Heritage Building’ and ‘Heritage Precinct’.

From the aforesaid it is clear and apparent that the land and building of the Project Proponent constituted a "Heritage Site" and as per the Coastal Regulation Zone Notification, 2019, it had to be reckoned as being in CRZ-IA area, for which the Competent Authority to grant CRZ Clearance was the Ministry of Environment, Forests and Climate Change and not the Maharashtra Coastal Zone Management Authority.

In short, for the reason of wrong information submitted by the Project Proponent MCZMA granted the CRZ Clearance, whereas the Competent Authority was the MOEFCC.

The legal provision in this respect is quoted hereunder:

**7. CRZ clearance for permissible and regulated activities-
Delegation:**

(i) All permitted or regulated project activities attracting the provisions of this notification shall be required to obtain CRZ clearance prior to their commencement.

(ii) All **development activities or projects in CRZ-I** and CRZ-IV areas, which are regulated or permissible as per this notification, **shall be dealt with by Ministry of Environment, Forest and Climate Change** for CRZ clearance, based on the recommendation of the concerned Coastal Zone Management Authority” (Emphasis supplied).

4.2 VIOLATION NO. 2:

The Project Proponent did not submit the required information in the prescribed form as per Annexure-V of the Coastal Regulation Zone Notification, 2019:

It is submitted that as per Clause 8 (i) (a) of the Coastal Regulation Zone Notification, 2019 the following has been provided for:

8. Procedure for CRZ clearance for permissible and regulated activities:

(i) The project proponents shall apply with the following documents to the concerned State or the Union territory Coastal Zone Management Authority for seeking prior clearance under this notification:-

(a) Project summary details as per Annexure-V to this notification.

***”

From the submissions made by the Appellant to the Maharashtra Coastal Zone Management Authority, it is clear that a different form has been used and not the prescribed form.

It is a very well-settled principle of law expressed through legal maxim – ‘*A verbis legis non recedendum est*’, which means that from the words of law, there must be no departure.

Thus, if the prescribed form was Annexure-V then it was not open for the Project Proponent to not have submitted that

particular form duly filled up. Instead, the Project Proponent submitted a form prescribed by the MCZMA which was different than one which is prescribed.

The form submitted by the Project Proponent is placed as **ANNEXURE-‘A-1’** above, whereas the prescribed form Annexure – V is placed as **ANNEXURE-‘A-6’**.

4.2 VIOLATION NO. 3:

In the prescribed form earlier clearances were required to be mentioned – Since the Project Proponent did submit the Prescribed Form, therefore, he did not mention facts about earlier clearances which otherwise were legally untenable:

It is submitted that as stated above, the Project Proponent did not submit the Application in the Prescribed Form which was appended to the Coastal Regulation Zone Notification, 2019 and named of Annexure – V (Prescribed Form annexed above as **ANNEXURE-‘A-6’**).

In the prescribed form, there was a specific column as under:

1. PROJECT DETAILS

... ..

“E. Whether the proposal is for (Select relevant field)

(i) Fresh Clearance under CRZ

(ii) Amendment to an already issued CRZ clearance

(iii) Extension of validity of an already issued CRZ clearance”

The Appellant submits that essentially this was an amendment to an already issued CRZ Clearance which has been placed as **ANNEXURE-‘A-17’** (page No. 102) of the Memo of Appeal.

However, if the Project Proponent were to have mentioned that fact that it was an amendment to a CRZ Clearance, then it would have opened a can of worms for the Project Proponent. For, in that eventuality, it would have become apparent that the entire extension building and the change in reservation of the land from “Art Gallery” to Residential was without the statutory CRZ Clearance.

In such an eventuality, it was an eminent possibility that not only would the Project Proponent have not got the CRZ Clearance, but far more than that, for the acts of not taking CRZ Clearance for the change in statutory reservation from “Art Gallery” to Residential and then to have constructed a six-floor building thereon, that would have made the MCZMA to have invoked their statutory powers and pushed for the demolition of the infringing structure.

With the Project Proponent not revealing in the statutorily prescribed form that this was an extension to an already issued Environment Clearance, the entire proceedings related to grant of CRZ Clearance through the Impugned Order has become void.

4.4 VIOLATION NO. 4:

In Column No. 9 of the Project Details Form the Project Proponent has stated that the project is located in the non-eroding coast – however, the coast is eroding:

As per the relevant part of the Coastal Zone Management Plan, there is a blue colour hazard line marked in the coast, in front of the land of the Project Proponent.

However, at Sr. No. 9 of the form, the Project Proponent has stated as under:

- | | | |
|----|----------------------|-------------------|
| 9. | Project located in – | Non-eroding coast |
| | Non-eroding coast | |

Low and medium eroding coast

High eroding coast

The above-mentioned Information is incorrect because the coast which is in front of the land of the Project Proponent is an eroding coast marked with the blue colour “Hazard Line” [ANNEXURE-‘A-7’ (with supplied illustrations)] . As to what is a “Hazard Line” has been placed in Annexure-IV of the CRZ Notification, which is quoted hereunder:

“2. Hazard Line:

A ‘**Hazard line**’ has been demarcated by the Survey of India (SOI) taking into account the extent of the flooding on the land area due to water level fluctuations, **sea level rise and shoreline changes (erosion or accretion) occurring over a period of time**. The hazard line mapped by SOI has been shared with the coastal States or Union territories through NCSCM. The hazard line shall be used as a tool for disaster management plan for the coastal environment, including planning of adaptive and mitigation measures. With a view to reduce the vulnerability of the coastal communities and ensuring sustainable livelihood, while drawing the CZMP, the land use planning for the area between the Hazard line and HTL shall take into account such impacts of climate change and shoreline changes.” (Emphasis supplied).

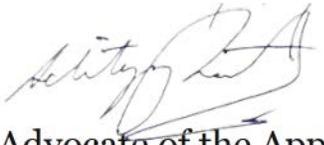
The Appellant submits that since the Project Proponent submitted an incorrect information, the MCZMA could not apply its mind on this respect.

5. The Appellant submits that from the above-mentioned narration and presentation of facts a fresh "substantial question relating to environment" appears as under:

"SUBSTANTIAL QUESTION RELATING TO ENVIRONMENT":

- Is the site where the development is taking place a "Heritage Site" and so is not in CRZ-II but it is in CRZ-IA?

- If it is a "Heritage Site", then who was the Competent Authority to grant CRZ Clearance?
6. Accordingly, the above-mentioned clarification is being submitted on behalf of the Appellant for necessary further Orders of this Hon'ble Tribunal.



Advocate of the Appellant

Place: Mumbai.

Date: 22 April, 2025

ANNEXURE-'A-1'

PROJECT INFORMATION DETAILS FORM

(as per OM Dt. 26.02.2024)

Project: Proposed Addition & Alteration of Existing Residential Building Land bearing C.T.S. No. 859, 862, 861, 860 of Bandra Village, H/W ward, Mumbai, Maharashtra.

S.N	PARTICULARS	REMARKS To Be Provided By Applicant
1.	Name of the Applicant, Address and Contact details (Telephone nos. and e-mail address)	
	Name	Mrs. Gauri Shahrukh Khan
	Address	2090/A, Mannat, B.J. road, Band stand, Bandra West, Mumbai- 400050, Maharashtra.
	Contact No.	9833614500
	Email ID	shahyr1968@gmail.com
2.	Name of the Consultant and Contact details, if any	
	Name	M/s. Eco Foot Forward Environmental Consultancy and Engineers Pvt. Ltd.
	Contact Details	8976718666
3.	Project Location	
	Co-ordinates (Latitude & Longitude)	Lat.: 19° 2'48.49"N Long.: 72°49'13.53"E
	Survey No.	859, 860, 861, 862
	Village:	Bandra
	District:	Mumbai
	State:	Maharashtra
4.	CRZ classification of project location as per Approved CZMP of 2019:	
	CRZ-IA/ CRZ-IB, CRZ-II, CRZ-IIIA, CRZ-IIIB, CRZ - IVA, CRZ-IVB (if project site falls in different CRZ categories the same may also be elaborated)	The project site falls under CRZ II
	a) If Project Site in CRZ- IA, provide details of Ecologically Sensitive areas:	The project site does not fall under CRZ - IA

PROJECT INFORMATION DETAILS FORM*(as per OM Dt. 26.02.2024)*

Project: Proposed Addition & Alteration of Existing Residential Building Land bearing C.T.S. No. 859, 862, 861, 860 of Bandra Village, H/W ward, Mumbai, Maharashtra.

b)	If Project Site in CRZ- II, provide details of Landward side of existing road / existing authorized fixed structures	Existing 2 level basement + existing Ground floor + existing 1 st to 6 th floor.
c)	If Project Site in CRZ- III, provide distance of project site from HTL & whether site falls in NDZ	The project site does not fall under CRZ III
5.	Land details:	
a)	Ownership of land	
b)	Zoning / land use as per DP Remarks	Residential (R)
c)	Reservation as per DP remarks	No
6.	Description of the project under consideration:	
a)	Buildings / Resort / civic amenities	
i.	Whether New Construction/ Reconstruction	Reconstruction
ii.	Details existing authorized fixed structure, in case of reconstruction	2 level basements + existing Ground floor + existing 1 st to 6 th floor
iii.	Proposed building floor details	02 Additional Floors 7 th & 8 th Upper Residential Floor
iv.	Plot area	2446.40 sq.mt.
v.	FSI area	2707.40 (Existing 2091.38 + Proposed 616.02)
vi.	Non FSI area	
vii.	Total Construction area	
viii.	Height of structure	37.14 mtrs
ix.	FSI ratio and the governing town planning rules/regulations	
x.	Details of provision of parking area	As per DCPR 2034
xi.	Name of concerned Planning Authority	MCGM

PROJECT INFORMATION DETAILS FORM*(as per OM Dt. 26.02.2024)*

Project: Proposed Addition & Alteration of Existing Residential Building Land bearing C.T.S. No. 859, 862, 861, 860 of Bandra Village, H/W ward, Mumbai, Maharashtra.

b) Coastal Roads / Roads on Stilt /Bridge	Not Applicable
i. Length & Width	Not Applicable
ii. Length traversing CRZ area	Not Applicable
iii. Area of land reclamation	Not Applicable
iv. Estimated quantity of muck/earth for reclamation	Not Applicable
v. Carrying capacity of traffic	Not Applicable
c) Erosion Control Measures (Like Seawall, Bunds, Gryons, Soft measures like)	Not Applicable
i. Length & Width	Not Applicable
ii. Whether proposal on beach area	Not Applicable
iii. Whether CWPRS report obtained	Not Applicable
d) Jetty / Port / Breakwater/ Harbor / Quays/ Wharves	Not Applicable
i. Length & Width	Not Applicable
ii. Area of reclamation if any	Not Applicable
iii. Purpose of project	Not Applicable
iv. Capacity	Not Applicable
e) Transmission lines	Not Applicable
i. Length of transmission lines	Not Applicable
ii. No. of Towers / Piers	Not Applicable
iii. Whether passing through ESA areas	Not Applicable
f) Pipelines from thermal power blow down	Not Applicable
i. Length of pipeline	Not Applicable
ii. Length traversing CRZ area	Not Applicable
iii. Depth and width of excavation	Not Applicable
iv. Length of pipeline from seashore to deep sea	Not Applicable

PROJECT INFORMATION DETAILS FORM

(as per OM Dt. 26.02.2024)

Project: Proposed Addition & Alteration of Existing Residential Building Land bearing C.T.S. No. 859, 862, 861, 860 of Bandra Village, H/W ward, Mumbai, Maharashtra.

v.	Depth of outfall point from surface of sea water	Not Applicable
vi	Temperature of effluent above ambient at disposal point.	Not Applicable
g)	Marine Disposal of Treated Effluent	Not Applicable
i.	Location of intake/ outfall	Not Applicable
ii.	Depth of outfall point	Not Applicable
iii.	Length of pipeline	Not Applicable
iv.	Length traversing CRZ area	Not Applicable
v.	Depth and with of excavation	Not Applicable
vi	Length of pipeline from shore to deep sea/creek	Not Applicable
vii.	Depth of outfall point from surface of water	Not Applicable
ii.	Depth of water at disposal point	Not Applicable
ix.	BOD, COD, TSS, Oil & Grease, heavy metals	Not Applicable
h)	Facility for storage of goods/chemicals	Not Applicable
i.	Name and type of chemical	Not Applicable
ii.	End use of the chemical	Not Applicable
iii.	No. of tanks for storage and their capacities	Not Applicable
i)	Offshore structures	Not Applicable
i.	Exploration or Development	Not Applicable
ii.	Depth of sea bed	Not Applicable
iii.	No. of rigs/platform	Not Applicable
iv.	Details of Group Gathering Stations	Not Applicable
j)	Desalination Plant	Not Applicable
i.	Capacity	Not Applicable
ii.	Total brine generation	Not Applicable

PROJECT INFORMATION DETAILS FORM*(as per OM Dt. 26.02.2024)*

Project: Proposed Addition & Alteration of Existing Residential Building Land bearing C.T.S. No. 859, 862, 861, 860 of Bandra Village, H/W ward, Mumbai, Maharashtra.

iii.	Temperature of effluent above ambient at disposal point	Not Applicable
iv.	Ambient salinity	Not Applicable
k)	Mining of rare earth/atomic minerals	Not Applicable
i.	Capacity, volume/area to be mined	Not Applicable
ii.	Type of mineral to be extracted	Not Applicable
iii.	End use of the mineral	Not Applicable
l)	Sewage Treatment Plants	Not Applicable
i.	Capacity	Not Applicable
ii.	Total area of construction	Not Applicable
iii.	Compliance of effluent parameters as laid down by CPCB/SPCB/other authorized agency	Not Applicable
iv.	If discharge is in sea water/creek, distance of marine outfall points from shore/from the tidal river bank	Not Applicable
v.	Depth of outfall point from sea water/river water surface	Not Applicable
vi.	Depth of seabed/riverbed at outfall point	Not Applicable
m)	Lighthouse	Not Applicable
i.	total area of construction	Not Applicable
ii.	height of the structure	Not Applicable
n)	Wind Mills	Not Applicable
i.	capacity (MW)	Not Applicable
ii.	height of the structure	Not Applicable
iii.	diameter	Not Applicable
iv.	length of blade	Not Applicable
v.	speed of rotation	Not Applicable

PROJECT INFORMATION DETAILS FORM

(as per OM Dt. 26.02.2024)

Project: Proposed Addition & Alteration of Existing Residential Building Land bearing C.T.S. No. 859, 862, 861, 860 of Bandra Village, H/W ward, Mumbai, Maharashtra.

vi	transmission lines (overhead or underground)	Not Applicable
o)	Others (please specify with salient features)	Not Applicable
7.	Clause of CRZ notification, 2019 under which the project is a permissible/regulated activity	Section 5.2 (CRZ II) (iv) "Reconstruction of authorized buildings shall be permitted without change in present land use, subject to the local town and country planning regulations as applicable from time to time and the norms for the Floor Space Index or Floor Area Ratio".
8.	Considering approved CZMP, Whether PP has carried out:	
a)	CRZ map indicating HTL, LTL demarcation in 1:4000 scale prepared by MoEF& CC Authorized agency	Yes
b)	Project layout superimposed on CRZ map 1:4000 scale	Yes
c)	Distance of project (in meters) from HTL to be stated	--
d)	CRZ map 1:25000 scale covering 7 km radius around project site prepared	Yes
9.	Project located in –	
a)	Non-eroding coast	Non-eroding coast
b)	Low and medium eroding coast	
c)	High eroding coast	
10.	Details of tree cutting (if applicable)	Not Applicable

PROJECT INFORMATION DETAILS FORM

(as per OM Dt. 26.02.2024)

Project: Proposed Addition & Alteration of Existing Residential Building Land bearing C.T.S. No. 859, 862, 861, 860 of Bandra Village, H/W ward, Mumbai, Maharashtra.

- | | |
|---|--|
| 11. Distance of proposed project from ESA/marine park (if any) | SGNP – 13 km. |
| 12. Consent from Maharashtra Pollution Control Boards obtained (Copy of NOC to be provided and conditions imposed to be stated.) | Not Applicable |
| 13. EIA Complete Report
EIA (Terrestrial) studies: carried out/not carried out
EIA (Marine) studies: carried out/not carried out [State period of study month and Year] (as applicable)
Summary details to be provided/uploaded including recommendation made in EIAs | Not Applicable
Not Applicable
Not Applicable |
| 14. Risk Assessment report: | Not Applicable |
| 15. Disaster Management Plan / National Oil Spill Disaster Contingency Plan (if applicable) | Not Applicable |
| 16. Project involving discharge of liquid effluents:
Capacity of STP
Quantity of effluent generated/treated
Method of treatment & disposal | Not Applicable |
| 17. Project involving discharge of solid waste: | |

PROJECT INFORMATION DETAILS FORM

(as per OM Dt. 26.02.2024)

Project: Proposed Addition & Alteration of Existing Residential Building Land bearing C.T.S. No. 859, 862, 861, 860 of Bandra Village, H/W ward, Mumbai, Maharashtra.

Quantity of solid waste generated/type of waste	The Type of Waste generated will be Construction Waste & Solid Waste.
Method of disposal	<p><u>Construction Waste:</u></p> <p>Generated debris will be disposed as per prevailing C&D management rule.</p> <p>Solid Waste:</p> <p>The municipal solid waste generated will be managed as per prevailing Solid Waste Management Rule.</p>
18. Water requirement (KLD) and its source (including commitment of water supply)	Source of water supply MCGM
19. Details of water treatment and recycling (if any)	Not Applicable
20. Details of rainwater harvesting system	Not Applicable
21. Ground water withdrawal approval from CGWA or authorized body, if applicable	Not Applicable
22. Energy requirement and sources	Source: Power will be sourced from the competent authority.
23. Energy efficiency measures	LED lighting / high efficiency pumps / High efficient motor with VFD
24. Earlier, recommendation of Maharashtra Coastal Zone Management Authority (MCZMA), if any	No

PROJECT INFORMATION DETAILS FORM*(as per OM Dt. 26.02.2024)*

Project: Proposed Addition & Alteration of Existing Residential Building Land bearing C.T.S. No. 859, 862, 861, 860 of Bandra Village, H/W ward, Mumbai, Maharashtra.

25.	Whether proposal attracts EIA Notification, 2006. (if yes, the category thereof) Status of proposal for EC (as applicable)	No
26.	Cost of the project (Rs in Crores)	Rs. 25 cr
27.	Social and environmental issues and mitigations measures suggested including but not limited to R&R, Water, Air, Ecological aspects, Solid & Hazardous Wastes, etc.	Not Applicable
28.	Benefits of the project	To fulfil the additional requirements.
29.	Employment likely to be generated (Nos.)	10
30.	Details of Court cases, if any: pending / disposed	No
31.	Additional information, if any	None

It is certified that the information given above are true to the best of my knowledge and belief and nothing contravening the provisions of CRZ Notification, 2019 has been concealed, therefore. I hereby indemnify the MCZMA and Environment & CC Department with respect to legal consequences arising out of the court cases of this project, if any.

PROJECT INFORMATION DETAILS FORM*(as per OM Dt. 26.02.2024)*

Project: *Proposed Addition & Alteration of Existing Residential Building Land bearing C.T.S. No. 859, 862, 861, 860 of Bandra Village, H/W ward, Mumbai, Maharashtra.*

Signature:



Date:

Name:

Place:

Designation:

Organization:

E-mail:

Mobile:

Phone

ANNEXURE-‘A-2’

**GREATER MUMBAI
DEVELOPMENT PLAN-2034
DEVELOPMENT CONTROL AND PROMOTION
REGULATIONS-2034**

PART X SPECIAL PROVISIONS**51. Parking Authority**

MCGM, with approval of Corporation in consultation with GoM, shall constitute a Parking Authority at MCGM level to plan, regulate and manage all on/off street parking and public parking places under the physical jurisdiction of Greater Mumbai. The constituted Parking Authority, inter alia, will fix and promulgate parking fees as well as penalties for various areas/zones in MCGM.

52. Conservation of Heritage**1. Definition:**

(i) "Conservation" means all the processes of looking after a place so as to retain its historical and/or architectural and/or aesthetic and/or cultural significance and includes maintenance, preservation, restoration, reconstruction and adoption or a combination of more than one of these.

(ii) "Preservation" means and includes maintaining the fabric of a place in its existing state and retarding deterioration.

(iii) "Restoration" means and includes returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components.

(iv) "Heritage Site" means the area within the boundary / extent of the heritage building / Precinct / natural area included in the heritage list and as shown on the map.

(v) "Natural heritage site" shall include, natural sites or precisely delineated natural areas which are of outstanding value from the point of view of science, heritage conservation or natural beauty; geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants and are of outstanding value from the point of view of ecology or conservation; natural features consisting of physical and biological formations or groups of such formations, which are of outstanding (special) value from the aesthetic or scientific point of view.

2. Applicability:

This Regulation shall apply to the heritage list as shall be notified by GoM from time to time (hereinafter referred to as Listed Heritage Buildings/Structures/Precincts/Sites) and to any draft Heritage List (s) as published by the GoM. /Municipal Commissioner.

3. Restriction on Development/Redevelopment/Repairs, etc.:

(i) Development, additions / alterations, repairs, restoration, in respect of graded heritage buildings or buildings in heritage precincts or heritage sites shall be in accordance with the provisions mentioned at 9 (C & D) of this regulation.

(ii) Provided that in exceptional cases, for reasons to be recorded in writing, using his powers of special permission, the Commissioner, may overrule the recommendation of the MHCC. The decision of the Municipal Commissioner shall not be subject to challenge by the MHCC thereon shall be final.

(iii) In relation to religious buildings in the said List, the changes, repairs, additions, alterations and renovations required on religious grounds mentioned in sacred texts or as a part of holy practices laid down in religious codes shall be treated as permissible, subject to their being in accordance and consonance with the original structure and architecture designs, aesthetics and other special features thereof. Provided that before arriving at his decision, the Commissioner shall take into consideration the recommendations of the Mumbai Heritage Conservation Committee.

ANNEXURE-‘A-3’

**GREATER MUMBAI
DEVELOPMENT PLAN-2034
DEVELOPMENT CONTROL AND PROMOTION
REGULATIONS-2034**

- (107) "Sanctioned or Approved Plan" means the set of plans in connection with a development which are duly approved and sanctioned by the Planning Authority.
- (108) "Service road" means a road/lane provided at the front, rear or side of a plot for service purposes.
- (109) "Site/Plot" means a parcel or piece of land enclosed by definite boundaries.
- (110) "Site, Corner" means a site at the junction of land fronting on two or more roads or streets.
- (111) "Site, Depth of" means the mean horizontal distance between the front and rear site boundaries.
- (112) "Site with double frontage" means a site having a frontage on two streets other than a corner plot.
- (113) "Site, Interior or Tandem" means a site access to which is by a passage from a street whether such passage forms part of the site or not.
- (114) "Smoke-stop door" means a door for preventing or checking the spread of smoke from one area to another.
- (115) "Solar Energy System" means a device to heat the water or generate power using solar energy.
- (116) "Stair-cover/Stair case Room" means a structure with a covering roof over a staircase and its landing built to enclose only the stairs for the purpose of providing protection from the weather and not used for human habitation.
- (117) "Stilt" means a space within framework of columns, beams and slabs without enclosure of walls over which the building rests. It is used for parking purposes/other services as provided under these Regulations.
- (118) "Storey" means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.
- (119) "Sub-station" means a station for transforming or converting electricity for the transmission or distribution thereof and includes transformers, converters, switchgears, capacitors, synchronous condensers, structures, cable and other appurtenant equipment and any buildings used for that purpose and the site thereof.
- (120) "Tenement" means an independent dwelling unit with a kitchen or a cooking alcove.
- (121) "Theatre" means a place of public entertainment for the purpose of exhibition of motion picture and or dramas and other social or cultural programs.
- (122) "Tower-like structure" means a structure in which the height of the tower-like portion is at least twice that of the broader base.
- (123) "Travel distance" means the distance from the entrance/exit of the remotest Apartment/office/unit/Premises on a floor of a building to a place of safety be it vertical exit or a horizontally exit or an outside exit measured along the line of travel.
- (124) "Volume to plot ratio (V.P.R.)" means the ratio expressed in meters of the volume of a building measured in cubic meters to the areas of the plot measured in square meters.
- (125) "Water closet (W.C.)" means a privy with an arrangement for flushing the pan with water, but does not include a bathroom.
- (126) "Water course" means a natural channel or an artificial channel formed by training or diversion of a natural channel meant for carrying storm and waste water.

Definitions Summary Synonyms Sentences Free ▾

Definition of 'heritage site'



heritage site

in British English



(ˈhɛrɪtɪdʒ saɪt ⓘ)

noun

- 1. a historical site, a building, or an area of the unspoilt natural environment, considered to be important to a country or area's heritage
the problems of managing heritage sites of this type
Island residents are campaigning to save what they say is an important heritage site.
- 2. See a world heritage site

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Examples of 'heritage site' in a sentence

heritage site

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The campaign group was later forced to apologise for disturbing the ancient heritage site.
THE GUARDIAN (2015)

It said changes in species distribution and abundance were already being recorded at world heritage sites.
THE GUARDIAN (2019)

Everyone says we have to do a nice job so we can leave this as a heritage site.
THE GUARDIAN (2016)

Exerting control over the land through construction projects or destruction of some heritage sites have marked this rule.
THE GUARDIAN (2020)

The current road severs this world heritage site and hampers access to hundreds of other prehistoric monuments across the site.
THE GUARDIAN (2020)

Now a world heritage site, it was visited by more than two million foreign tourists last year.
TIMES, SUNDAY TIMES (2016)

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HOUSEHOLD

What is this an image of?



- dustpan
- dishwasher
- bookcase
- ironing board

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ANNEXURE-'A-5'**MUNICIPAL CORPORATION OF GREATER MUMBAI**

No. CHE / 9711 /DPC/Gen 16/10/2014

Subject: Application filed before the 'National Green Tribunal', Pune Bench, u/no/14/2014 (WZ) by Shri. Santosh Daundkar. Respondents: The Secretary, MOEF and ors.

- Regarding heritage sites and CRZ-I.

Ref:- Letter dtd. 3.7.2014 from Advocate Aditya Pratap for Shri Santosh Daundkar addressed to the member Secretary , MHCC.

A letter dtd. 3.7. 2014 from Advocate Aditya Pratap was received on 5.7.2014 by the MHCC member secretary ,Ch.Eng.(D.P.) 's office, intimating that Shri Santosh Daundkar has filed an application with the Hon'ble National Green Tribunal, Pune Bench situated at Council Hall Pune. The MHCC is respondent No. 8 in the Petition. It was informed that the case was likely to come on 9th July before the Tribunal when the applicant shall press for prayers for interim relief. However, it is learnt that the matter has not come up for hearing yet.

The Secretary MOEF, Secretary Ministry of Cultures, Member Secretary NCZMA, member Secretary MCZMA, Secretary U.D.Dept., Secretary Dept. of Tourism and Culture, Commissioner MCGM, Member Secretary MHCC, Dy.Ch.Eng. (B.P.) City and Dy.Ch.Eng. (B.P.) W.S. have been made as respondents.

In the Petition it is prayed broadly as follows -

- i) that the MOEF, MCZMA and MCGM be directed to treat all areas which are within the notified 'Heritage Precincts' and which are within 100 mtr. Periphery of 'Heritage Buildings' as being in CRZ-I and restrict constructions in a manner provided for CRZ – I areas in the CRZ Notification 2011 and 1991.
 - ii) that, as per office memorandum of MOEF of dtd. 12.12.2012 and 27.6.2013 all constructions which are going on within such 'Heritage Areas; and 'Heritage Sites' be stayed
 - iii) that, the MOEF and MCZMA immediately to take remedial action for the demolition of all the buildings which have come up in 'Heritage Areas' , 'Heritage Sites' and in 'Heritage Precincts' in violation of CRZ Notifications of 2011 and 1991.
- Further, Show Cause notice to be issued to all the project proponents and all the occupants of the building.

- iv) that, the MCGM and the Project Proponents be asked to pay compensations for the loss of environment under the Polluter-Pays Principle and the amount to be used to restore the serenity of heritage in CRZ areas.

As per the notice served to the Committee the matter was to come up for hearing on 9th July 2014 but from the website of NGT it is learnt that the matter did not come up on the said date. It was also decided that the 'Environmental Protection Act' must be referred to see if there is a definition of 'Heritage sites'. If so, the definition is to be adopted. If not, all sites and precinct included in the heritage list as heritage sites and heritage precincts would necessarily attract the provisions of CRZ-I.

The matter was again discussed in the MHCC meeting held on 20.9.2014. The Chairman, MHCC, on behalf of the Committee instructed that the BMC Counsel / legal dept. Officers who appears before the NGT; should represent the MHCC also.

The MHCC prima-facie observed that the Coastal Regulation Zone Notification 2011, does not define the "Heritage site" as mentioned in (i) CRZ-1-A (k). It appeared to the MHCC that this definition would have to be explained by pursuing the definition of "Heritage Building" and "Heritage Precincts" as per Section 2(13) (b)&(C) of the MRTP Act 1966. So the view of MHCC is that the 'Heritage site' as referred in the Petition would mean "Heritage Building" and "Heritage Precincts". It was decided that the said view of the MHCC be placed before the NGT by the counsel of BMC.

By direction, the views of the MHCC are forwarded herewith for information and consideration please.

With regards,

Dy. Law Officer, MCGM, Smt. Purandare

P.S.U.D.-I

C.C. Shri Aditya Pratap, Adv. to Shri Santosh Daundkar

105, Venkatesh Chambers, Nr. J.B. Petit High School, Prescott Road, Fort, Mumbai - 1.

Copy forwarded for information. pl.

Sd/-
Dy. Municipal Architect
(Development Plan)

Aditya Pratap
16/11/14
Dy. Municipal Architect
(Development Plan)

ANNEXURE-‘A-6’**ANNEXURE-V****PROJECT INFORMATION DETAILS****1. PROJECT DETAILS**

- A. Project Name
- B. Survey No./ Village/ Co-ordinates
- C. District
- D. State
- E. Whether the proposal is for (Select relevant field)
 - (i) Fresh Clearance under CRZ
 - (ii) Amendment to an already issued CRZ clearance
 - (iii) Extension of validity of an already issued CRZ clearance
- F. Name of the Applicant
- G. Address of the Applicant
- H. Contact details (Telephone nos. and e-mail address)
- I. Cost of the project (Rs in crores)

2. BENEFITS OF THE PROJECT

- A. Details of Project Benefits
- B. Employment Likely to be Generated (Yes/No)

If Yes

- (i) Total Manpower Requirement
- (ii) Permanent Employment (Numbers)
- (iii) Temporary Employment (Numbers)
- (iv) Temporary Employment- During Construction (Numbers)
- (v) Temporary Employment- During Operation (Numbers)

3. DESCRIPTION OF THE PROJECT UNDER CONSIDERATION (Select the Category of the project):**A. Resort / Buildings / civic amenities**

- (i) Total area/Built-up area (in sqm.)
- (ii) Height of structure
- (iii) FSI ratio
- (iv) Name of concerned town planning authority/ Panchayat etc.
- (v) Details of provision of car parking area

B. Coastal Roads / Roads on Stilt

- (i) Area of land reclamation
- (ii) Estimated quantity of muck/earth for reclamation
- (iii) Traffic carrying capacity
- (iv) Dimensions of road

C. Pipelines from thermal power blow down

- (i) Length of pipeline
- (ii) Length traversing CRZ area

- (iii) Depth of excavation
- (iv) Width of excavation
- (v) Length of pipeline from seashore to deep sea
- (vi) Depth of outfall point from surface of sea water
- (vii) Temperature of effluent above ambient at disposal point

D. Marine Disposal of Treated Effluent through pipelines

- (i) Location of intake/ outfall
- (ii) Depth of outfall point
- (iii) Length of pipeline
- (iv) Length traversing CRZ area
- (v) Depth of excavation
- (vi) Width of excavation
- (vii) Length of pipeline from shore to deep sea/creek
- (viii) Depth of outfall point from surface of water
- (ix) Depth of water at disposal point
- (x) BOD, COD, TSS, oil and grease, heavy metals in the effluent

E. Facility for storage of goods/chemicals

- (i) Name of chemical
- (ii) End use of the chemical
- (iii) No. of tanks for storage
- (iv) Capacity of tanks

F. Offshore structures

- (i) Exploration or development
- (ii) Depth of sea bed
- (iii) No. of rigs
- (iv) No. of platform
- (v) Details of group gathering stations

G. Desalination Plant

- (i) Capacity of desalination
- (ii) Total brine generation
- (iii) Temperature of effluent above ambient at disposal point
- (iv) Ambient salinity
- (v) Disposal point

H. Mining of atomic minerals

- (i) Capacity of mining
- (ii) Type of mineral to be extracted
- (iii) End use of the mineral
- (iv) Government order for mining lease/exploration and approved mining plan details
- (v) Extent of mining lease area

I. Sewage Treatment Plants

- (i) Capacity
- (ii) Total area of construction
- (iii) Compliance of effluent parameters as laid down by cpcb/spcb/other authorised agency
- (iv) Whether discharge is in sea water/creek?
 - If yes
 - Distance of marine outfall point from shore/from the tidal river bank
 - Depth of outfall point from sea water/river water surface
 - Depth of seabed/riverbed at outfall point

J. Lighthouse

- (i) Total ground area of foundation/platform
- (ii) Height of the structure

K. Wind Mills

- (i) Capacity (MW)
- (ii) Height of the windmill
- (iii) Diameter of the windmill
- (iv) Length of blade
- (v) Speed of rotation
- (vi) Transmission lines (overhead or underground)

L. Others

- (i) Please specify with salient features
- (ii) Upload relevant Documents (upload PDF only)

4. **PROJECT LOCATION AS PER CRZ CLASSIFICATION** (If project site falls in different/multiple CRZ categories the same may also be elaborated)
5. **CLAUSE OF CRZ NOTIFICATION UNDER WHICH PROJECT IS A PERMISSIBLE /REGULATED ACTIVITY**
6. **MANDATORY FIELDS FOR PROJECT ASSESSMENT**
 - A. **CRZ map in 1:4000 scale indicating HTL, LTL demarcation and distance of the nearest project boundary (in meters) from HTL to be stated**
 - (i) Upload Map (kml file)
 - B. **Project layout superimposed on CRZ Map 1:4000 scale with classification of project location including other notified ESAs prepared**
 - (i) Upload Map (kml file)
 - C. **CRZ map 1:25000 scale covering 7 km radius around Project site**
 - (i) Upload Map (kml file)
7. **PROJECT LOCATED IN** (Select Type)
 - (i) Non eroding Coast
 - (ii) Low and Medium eroding coast
 - (iii) High eroding Coast

8. DETAILS OF FOREST/ MANGROVES LAND INVOLVED (YES/NO)**IF YES**

- (i) Detail of area diverted
- (ii) Forest clearance to be submitted (Upload document)
- (iii) No. of trees to be cut under the project
- (iv) Compensatory afforestation plan to be submitted (Upload document)

9. DISTANCE OF PROPOSED PROJECT FROM ESA/MARINE PARK/ WILD LIFE SANCTUARY

- (i) Within 10 kilometre radius from the project site (Yes/No)

If YES

- Permission from NBWL to be submitted (Upload document)

10. NOC OR CONSENT TO ESTABLISH FROM STATE/UT POLLUTION CONTROL BOARDS OBTAINED (YES/NO)**If YES**

- (i) Copy of NOC to be provided (Upload document)
- (ii) Conditions imposed to be stated (Upload document)

11. Environment Impact Assessment (EIA) studies (relevant fields to be filled)**A. Terrestrial studies:**

- (i) Summary details of EIA (Terrestrial) Studies
- (ii) Upload Recommendation made in EIAs (Upload document)
- (iii) State period of Study

B. Marine Studies

- (i) Summary details of EIA (Marine) Studies
- (ii) Upload Recommendation made in EIAs (Upload document)
- (iii) State period of Study

12. DISASTER MANAGEMENT PLAN / NATIONAL OIL SPILL DISASTER CONTINGENCY PLAN (if applicable)**13. PROJECT INVOLVING DISCHARGE OF LIQUID EFFLUENTS:**

- (i) Capacity of Sewage Treatment Plant
- (ii) Quantity of effluent generated
- (iii) Quantity of effluent treated
- (iv) Method of treatment and disposal

14. PROJECT INVOLVING DISCHARGE OF SOLID WASTE:

- (i) Type of solid waste
- (ii) Quantity of solid waste generated
- (iii) Method of disposal
- (iv) Mode of transport

15. WATER REQUIREMENT in kilo litres per day (KLD)

- (i) Quantity of water required
- (ii) Source of water

- (iii) If Ground water (Upload a copy of approval from Central Ground Water Authority or other authorised body)
- (iv) If other Source (Upload a copy of permission from competent authority)
- (v) Mode of transport
- (vi) Commitment of water supply (Upload document)

16. DETAILS OF WATER TREATMENT AND RECYCLING (If any) (Multiple Entries Allowed)

Type/ Source	Quantity of Waste Water Generated (Kilos Litre per Day)	Treatment Capacity (Kilos Litre per Day)	Treatment Method	Mode of Disposal	Quantity of Discharged Water (Kilos Litre per Day)	Quantity of Treatment Water used in Recycling/Reuse (Kilo Litre per Day)
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17. DETAILS OF RAINWATER HARVESTING

- (i) No. of Storage tanks
- (ii) Total capacity of tanks
- (iii) No. of Recharge Pits
- (iv) Capacity of pits

18. ENERGY REQUIREMENT AND SOURCES

- (i) Total Power Requirements (kwh)
- (ii) Source
- (iii) Upload Copy of Agreement (upload pdf only)
- (iv) Stand by Arrangement (Details)

19. ENERGY EFFICIENCY/SAVING MEASURES

- (i) Source/Mode
- (ii) Details of savings

20. RECOMMENDATION OF STATE COASTAL ZONE MANAGEMENT AUTHORITY

- (i) Upload Copy of CZMA recommendations (Upload pdf only)
- (ii) Compliance status of the Conditions Imposed

21. WHETHER PROPOSAL ATTRACTS EIA NOTIFICATION, 2006. (Yes/No)

If YES,

- (i) the category thereof
- (ii) Status of proposal for EC (as applicable)

22. SOCIAL AND ENVIRONMENTAL ISSUES AND MITIGATIONS MEASURES SUGGESTED INCLUDING BUT NOT LIMITED TO R&R, WATER, AIR, HAZARDOUS WASTES, ECOLOGICAL ASPECTS, ETC. (Brief Details to be Provided)

23. DETAILS OF COURT CASES Whether there is any Court Cases pending against the project and/or land in which the project is proposed to be set up? (Yes/No)

If Yes, Pending or Disposed (Select relevant)

- (i) Name of the Court (Supreme Court, High Court, National Green Tribunal)
- (ii) Case No.

- (iii) Case Details
- (iv) Orders/Directions of the court, if any and its relevance with the proposed project
(Upload document)

24. ADDITIONAL INFORMATION, If any

UNDERTAKING: It is certified that the information given above are true to the best of my knowledge and belief and nothing contravening the provisions of CRZ Notification, 2011 has been concealed therefore.

Name and Signature of the applicant:

Date:

Bands

Hazard
Line
in
Blue
Colour

SITE

