

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT PUNE

MEMORANDUM OF APPLICATION

(Under Section 18(1) read with Sections 14,15 and 20 of the National Green Tribunal Act, 2010)

APPLICATION NO. 189 OF 2023

Banda Nagaraj Kumar)...Applicant

VERSUS

The City and Industrial Development)

Corporation of Maharashtra and Ors)...Respondents

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Filed by

RONITA BHATTACHARYA

Advocate for the Applicant
17, 1st Floor, Rohit Chambers,
Janmabhoomi Marg, Fort,
Mumbai - 400 001



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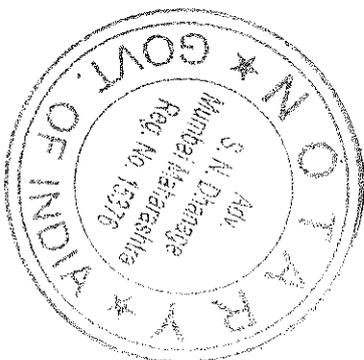
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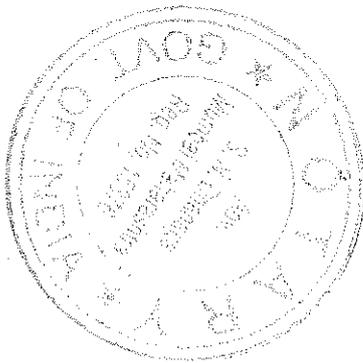
AFFIDAVIT ON BEHALF OF THE APPLICANTS

I, Banda Nagaraj Kumar, Age 69 years residing at 501-Am, Neelkanth Arcade, Plot 94, Sector-17, Kopar Khairane, Navi Mumbai 400709, the Applicant No.1 above named herein, do hereby state as follows on solemn affirmation:

1. I say that I have read the contents of the Application and have understood its contents and am, therefore, competent to file an affidavit in the present Application. I say that I am filing the present Affidavit only to bring on record certain developments and documents that have come to the knowledge of the Applicants after the filing of the present Application.



2. I say that the I have filed Application No. 189 of 2023 under Sections 14 and 20 read with Section 18(1) of the National Green Tribunal Act, 2010, seeking directions from this Hon'ble Tribunal to protect eco-sensitive CRZ land bearing Plot no.3, Sector 12, located at Ulwe Node, Panvel Taluka in Raigad District located on the coast at Gavan/Ulwe in Navi Mumbai, from further illegal development and further construction for the proposed Venkateswara Swamy temple by the Respondent No. 8 and that alternate lands in non CRZ areas be assigned/allocated to the Respondent No. 8 for the construction of the said Venkateswara Swamy temple. I have also prayed that the land in question be restored to its original condition, now that its use as a temporary casting yard for the MTHL project has come to a close.



5. That the Applicant has stated the facts of the case and the grounds arising therefrom in the accompanying Application No. 189 of 2023 and I repeat, reiterate and adopt the contents therein.

**SITE INSPECTION PURSUANT TO ORDER OF THIS
HON'BLE TRIBUNAL**

6. Vide its order dated 28.11.2023 in the captioned Application, this Hon'ble Tribunal *"it appears to be essential for us to ascertain from the respondent No.3/Maharashtra Coastal Zone Management Authority (MCZMA) and the respondent No.4/State of Maharashtra through the Principal Chief Conservator of Forests, as to whether any such type of construction of a temple is going on, on Plot no.3, Sector 12, located at Ulwe Node, Panvel Taluka in Raigad District in non-CRZ area and such report shall be submitted by the said authorities within a period of two weeks from now preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."*

It is submitted that a direction of the Hon'ble Tribunal to the Respondent No. 3 to prepare the said Report arose due to the fact that inspection reports prepared by the Forester- Ghansoli, Additional Charge, Forester Vashi, on 08.08.2023 showed that construction work for the Lord Venkateswara temple had already started within the protected 50m mangrove buffer zone constituting CRZ I land.

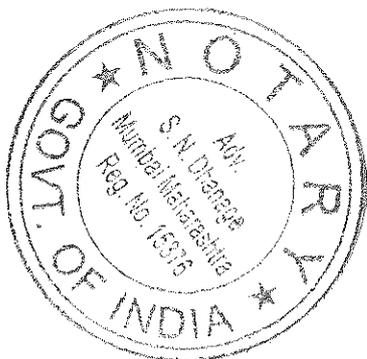


7. I say that pursuant to the directions of this Hon'ble Tribunal vide its order dated 28.11.2023 in the captioned Application, a site

inspection was done on 07-12-2023 of the Plot no.3, Sector 12, located at Ulwe Node, Panvel Taluka in Raigad District. The Applicant was present at the said inspection, along with a team of local fishing community led by one Mr Vaibhav Koli. However the Applicant has not yet been provided a copy of the report prepared by the Respondent No. 3 MCZMA in pursuance of the directions of this Hon'ble Tribunal

HAZARD LINE

8. I say that subsequent to filing the present Application, I came to learn from CIDCO records that the hazard line passes through the Plot no.3, Sector 12, located at Ulwe Node, Panvel Taluka in Raigad District, 76 which is where the site of the proposed temple project is to be constructed.
9. I say that a hazard line demarcates the flood-prone regions located near a tidally influenced body wherein development would be hazardous. I say that under the CRZ notification of 2011, originally 100m of land in the landward side of a hazard line was protected as CRZ land wherein development was prohibited. However, the said protection was reduced vide an

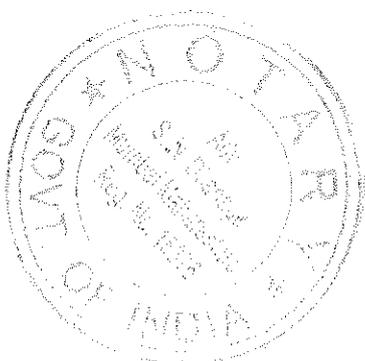


amendment introduced in 2018 to use a hazard line for the purpose of disaster planning by authorities and not as a demarcation of CRZ land. I say that a similar provision exists under Clause 2 of the Guidelines for the preparations of CZMP maps under the CRZ Notification of 2019.

10. I say the presence of the hazard line indicates irrefutably that the project site is a tidally influenced portion of the project.

MCZMA RECOMMENDATION

11. I say that I subsequently learned that the Respondent No. 3 MCZMA had once again discussed the proposed project in the course of its 170th meeting on 2nd November 2023. I say that the minutes of the said meeting of the MCZMA was not uploaded on the website of the MCZMA until 18.12.2023. I say that a perusal of the said minutes reveal that once again the MCZMA did not take into account the fact that project site was CRZ land which had to be used only temporarily for the casting yard project, and should now be restored and maintained as CRZ Land due to the fact that the construction work for the MTHL project is complete.



12.I say that the MCZMA has not verified whether the said plot has been physically demarcated at the said site and as such the construction cannot be started even for activities like a Bhoomi puja, without physical possession and proper demarcation.

13.I say that a perusal of the said minutes confirms the apprehensions of the Applicant that the Respondent No. 8 would make use of the more liberal provisions of the CRZ Notification of 2019 to ensure it is granted permissions over a larger area of the ecologically sensitive CRZ land, despite having submitted its application for CRZ clearance and having received its recommendation for the same under the regime of the CRZ Notification of 2011. A copy of the relevant extracts of the 170th minutes of the MCZM has been annexed hereto and marked as **Annexure A-1.**

14.A perusal of the said minutes shows that the MCZMA noted,

“MCZMA in its earlier 167th meeting observed that the PP need to restrict the proposed construction in non-CRZ area as per approved CZMP, 2011. Expert Members suggested that there shall not be impact on CRZ area, from the construction activities proposed in Non CRZ area.

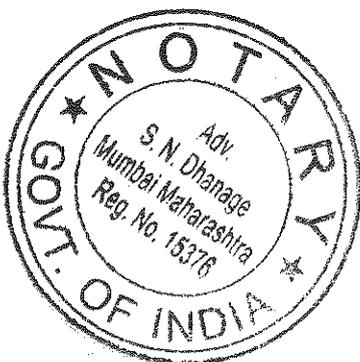


As per the decision taken in the said meeting, the MCZMA vide letter dated 26.05.2023 recommended the proposal for construction in Non CRZ area to concern planning Authority from CRZ point of view subject to certain conditions”

“Now the PP has submitted the proposal as per the CRZ Notification, 2019. CZMPs under CRZ Notification, 2019 of the Raigad Districts are approved by MoEFCC, New Delhi and hence, CRZ Notification, 2019 is applicable...

During the meeting, the consultant presented that construction of temple is proposed beyond CRZ area as per approved CZMP, 2019. However, only garden/landscaping and compound wall is proposed within 50 mangrove buffer zone area. No mangrove cutting is involved in the project. Consultant presented that compound wall will help in fencing/protection of mangroves. The Authority instructed the PP to obtain the Mangrove Cell NoC for the said activity within 50m mangrove buffer zone.

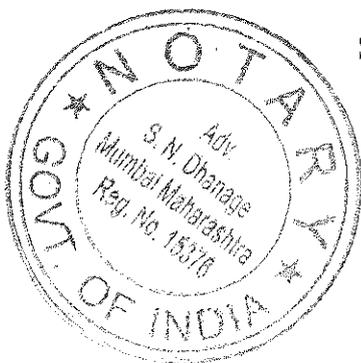
DECISION



15. In the light of above, the Authority after deliberations decided to recommend the proposal from CRZ point of view on Non CRZ portion subject to compliance of the following conditions:

1. CIDCO to ensure that construction is proposed in Non CRZ area strictly as per approved CZMP under CRZ Notification, 2019
2. CIDCO to ensure that mangrove cutting is not allowed.
3. PP to obtain the Mangrove Cell NoC for the said activity within 50 mangrove buffer zone.
4. No construction is allowed in Mangroves or its 50 m buffer zone area, without Hon'ble High Court permission.
5. Debris generated during the construction activity should not be dumped in CRZ area. It should be ensured that debris is processed in a scientific manner at a designated site.
6. There shall not be impact on CRZ area, from any activities proposed to be carried out in Non CRZ area
7. All other required permission from different statutory authorities should be obtained before starting construction at the site shall be ensured by Urban Local Body.

16. I say that it is pertinent to note that a report of Institute of Remote Sensing (IRS) of Anna University, Chennai, was commissioned



by the Project Proponent with the purported intention to disclose how much of the project site would fall under protected CRZ lands under the CRZ Notification of 1991, 2011 and 2019 respectively. The report, which was prepared in March 2023 formed the basis of the Respondent No. 3 MCZMA's consideration of the proposed project, concluded that in contrast to the areas specified to be CRZ land under the 2011 notification, under the draft CZMP maps prepared under CRZ Notification of 2019, a total of 29,523 sq m of land fell outside of the scope of protected CRZ lands. It is pertinent to note that more than double of the 11,595.70 sq m of land under the 2011 CRZ notification was considered to be outside the scope of protected CRZ lands under the 2019 notification in the Anna University Report.

17.I further say that the provisions and terms of the MCZMA recommendation are also deeply concerning due to the contradictory terms regarding not permitting construction in "non-CRZ" land, and also directing that "construction in Non-CRZ land should not affect the CRZ land", while simultaneously allowing a compound wall and other constructions to be undertaken in the 50m mangrove buffer zone.



18. I say that such construction as proposed by the Respondent No. 8 in a mangrove buffer zone is specifically prohibited under both the CRZ Notification of 2011 and the CRZ Notification of 2019. I say that as per Regulation No 5.1.1(ii) of the CRZ Notification of 2019 *"In the mangrove buffer, only such activities shall be permitted like laying of pipelines, transmission lines, conveyance systems or mechanisms and construction of road on stilts, etc. that are required for public utilities."* I say that the proposed construction of a compound wall in the mangrove buffer zone is completely untenable and illegal, as it will obstruct the tidal flow of water to the mangroves in the region and result in their demise. I say that it is completely illegal and an unconscionable breach of the CRZ Notification and the powers vested in the Respondent MCZMA to permit such nature of constructions within the mangrove buffer zone. I say there is no enabling provision of the CRZ Notification which permits the Respondent MCZMA to permit such unauthorised construction in CRZ areas.

19. I further say that the recommendation of the Respondent MCZMA during its 170th meeting confirms the findings of the



Forester-Ghansoli, who also has an Additional Charge of being the Forester Vashi, that the Respondent no. 8 intended to, and was already in the process of constructing on the mangrove buffer zone, which is protected CRZ IA land.

20. I further say that a perusal of the minutes of the 170th meeting of the Respondent MCZMA indicates that it was once again not disclosed by the Respondent No. 8 to the MCZMA that the project site was located on a plot where the temporary casting yard of the MTHL project was constructed. I say that I have already referred to various documents in my Application to illustrate that the casting yard for the MTHL was only a temporary construction by the Respondent MMRDA, and that the Respondent MMRDA was to return the land used for the casting yard back to the Respondent No. 1 CIDCO after completion of the construction of the road. In addition to the documents I have produced in my Application, I also wish to bring to attention of this Hon'ble Tribunal that in the Social Impact Assessment report of the MTHL project it is categorically noted that the Respondent MMRDA will return the land of the casting yard back to the Respondent CIDCO upon the completion



of the construction of the project. A copy of the relevant extracts of the Social Impact Assessment Report of the MTHL project has been annexed hereto and marked as **Annexure A-2**.

21.I further say that a physical inspection of the proposed project site clearly shows the intertidal water coming up to the kutchra road built only for the purpose of MTHL Casting Yard and within barely 25 metres from the middle of the said temple plot.

RTIS FILED BY THE APPLICANT AND CONFUSION REGARDING GRANT OF CLEARANCE

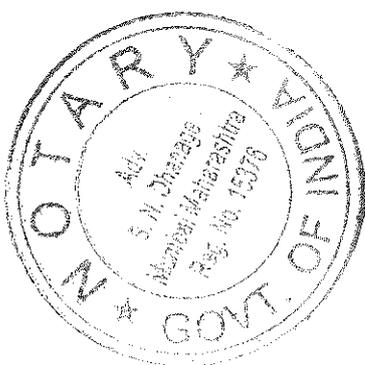
22.I say that under the provisions of clause 4.2 of the CRZ Notification of 2011, the present project would require a clearance from the Respondent SEIAA and not the MoEFCC. However, under Clause 7(iii) of the 2019 Notification, prior approval from the Respondent No. 6 SEIAA for construction work/projects in CRZ II and CRZ III is no longer required. Prior approval for such projects now fall under the jurisdiction of Respondent No. 3 MCZMA, with the caveat that a project that traverses through CRZ II and CRZ III areas, and also CRZ I and



CRZ IV areas would require approval from the Respondent MoEFCC as well.

23.I therefore say that it is not clear to the Applicant whether the recommendation of the Respondent No. 3 at its 167th and 170th minutes constitutes a final CRZ approval in the eyes of the Respondents. While the project admittedly falls under CRZ IA areas such as mangrove buffer zones, I say at the cost of repetition, that the Respondent no. 3 in its recommendations has issued directions that no construction can be undertaken by the Respondent No. 8 in CRZ areas. I say that it is my apprehension that merely by using the terms "*no-construction to be undertaken in CRZ lands*" the Respondent no. 3 has enabled the Respondent no. 8 to circumvent the provisions and regulations imposed under the CRZ notification, either by not procuring a final clearance through the MoEFCC or by exempting the entire project from any CRZ clearance.

24.I say that it must be noted by this Hon'ble Tribunal that the terms "*no-construction to be undertaken in CRZ lands*" in the recommendations of the Respondent MCZMA are a complete

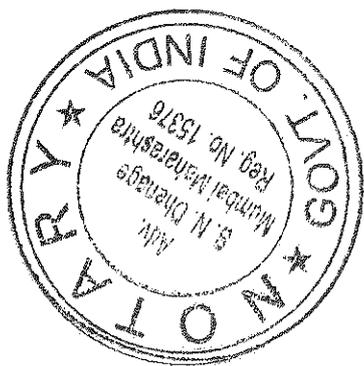


misnomer with no value of preventing construction and development on CRZ lands, as at the very least the Respondent No. 8 has admitted to constructing on the mangrove buffer zone which is CRZ IA area. I further say that the entire project site is in eco-sensitive CRZ land, which is admittedly shown in the Anna University Report. I say that as per the said report the area falling outside the scope of CRZ land under the 2011 notification was 11595.70 out of the 40,000.46 sq m land area of the proposed temple, whereas, under the CRZ Notification of 2019, a total of 29,523 sq m of land fell outside of the scope of protected CRZ lands. I therefore say it is evident that under the CRZ notification of 2011 around 3/4ths of the project site was CRZ land and under the 2019 notification a little less than half of the project site is CRZ land. It may be pertinent to note here that the IRS has been officially authorised by the MOEFCC for conducting such studies as admitted by the MCZMA itself.

25. Notwithstanding the said area measurements by the IRS of Anna University, I say that in reality the entire project site is CRZ land as has been averred by me in Original Application 189/2023. I say that it is pertinent to note that the IRS has been officially authorised by the MOEFCC for conducting such studies as



admitted by the MCZMA itself. I say that the said land had been subjected to filling, cutting of mangroves, reclamation of mudflats and dumping of debris for the construction of a casting yard which has to some degree obstructed the tidal flow of water and made the region to appear to have some construction. However, all such construction was only permitted temporarily for the purpose of the casting yard of the MTHL project and the altered nature land should not be permitted to be considered as the base or foundation of assessing the natural characteristics of the land in question. I say that the site for the proposed project should be restored and maintained as CRZ land, not only for the sake of environmental protection but also due to the fact that the site of the proposed project land traditionally used by the local fisher folk of Ulwe/Gavan was being used by the local fishing community for entering the creek as well as for fishing in the intertidal waters before 2019, prior to the use of the land for the purpose of the casting yard of the MTHL project. The fishing community in Ulwe/Gavan comprises over 1000 families who engage in traditional fishing for generations within their families.



26.I say that in order to ascertain whether any final CRZ clearance has been issued for the project by the Respondent MoEFCC I have extensively searched the appropriate websites of the MoEFCC where I have not uncovered any such clearance. I further say that I have also filed several RTIs after learning about the 170th meeting of the Respondent No. 3 before the following authorities to understand whether any final CRZ clearance has been granted to the proposed project, as well as to ascertain whether it was known to the parties that the land of the project site was to be temporarily used for the casting yard and was then to be returned to the Respondent CIDCO. However, I have not received any clear answer from any of the authorities regarding the information sought by me. Copies of the RTI applications submitted by me have been annexed hereto and marked as **Annexure A - 3.**

27.I say that the present affidavit has been made upon the occurrence of events subsequent to the filing/ institution of the Application No. 189 of 2023. Thus, despite their due care and diligence, the Applicants could not have produced/ placed on record the documents annexed hereto and the information provided herein.



28.I therefore humbly pray that the prayers sought by the Applicants
in the present Application be granted and made absolute.

Solemnly affirmed at Mumbai)

Banda

On this 10th day of ~~January~~, 2024)

10 JAN 2024

DEPONENT

(Banda Nagaraj Kumar)

Identified by me

RB

RONITA BHATTACHARYA

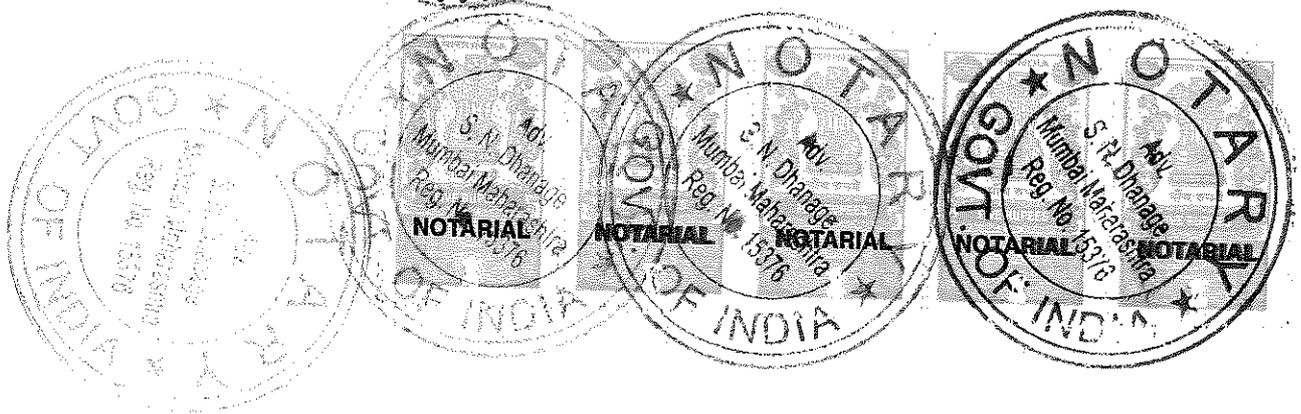
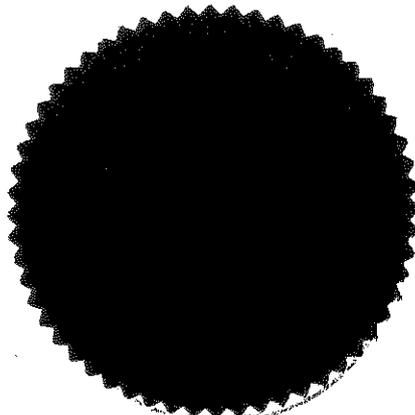
Advocate for the Applicant

BEFORE ME

Dhanage

Adv. S. N. Dhanage
Notary Govt Of India
Regd. No. 15376 MUMBAI (MS)
404-406, 4th Floor, Davar House,
197/199, Near Central Camera Bldg
D.N. Road, Fort, Mumbai - 400001

Before Me
NOTED & REGISTERED
Page No.....93.....Sr. No.....673
Date.....10 JAN 2024.....



488 Annexure - A-1

18

Minutes of the 170th Meeting of Maharashtra Coastal Zone Management Authority held on 02nd November, 2023

Item No.29: Proposed construction of Tirupati Ventakeswara Swami Temple at plot no. 3, Sector 12, Ulwe Node, Tal. Panvel, Dist. Raigad by Tirumala Tirupati Devasthanam

INTRODUCTION:

The Consultant presented the proposal before the Authority. The proposal is for construction of Tirupati Ventakeswara Swami Temple on land bearing plot no. 3, Sector 12, Ulwe Node, Tal. Panvel, Dist. Raigad. The plot area of project is 40,000 Sqm.

Earlier, the MCZMA in its 167th meeting held on 23.5.2022 deliberated the proposal, considering the CRZ Notification, 2011 and approved CZMP, 2011. In the said meeting,

The PP has submitted the CRZ map in 1:4000 scale of the project site prepared by IRS, Chennai as per approved CZMP under CRZ Notification, 2011.

Sr No.	CRZ classification	Area (Sqm)
1	CRZ IA (50 m mangrove buffer zone area)	2748.18
2	CRZ II	25656.58
3	Outside CRZ area	11595.70
	Total	40000.46

MCZMA in its earlier 167th meeting observed that the PP need to restrict the proposed construction in Non CRZ area, as per approved CZMP, 2011. Expert Members suggested that there shall not be impact on CRZ area, from construction activities proposed in Non CRZ area.

As per decision taken in the said meeting, the MCZMA vide letter dated 26.05.2023 recommended the proposal for construction in Non CRZ area to concern planning Authority from CRZ point of view subject to certain conditions

DELIBERATIONS:

Now, the PP has submitted the proposal as per CRZ Notification, 2019 and approved CZMP, 2019. CZMPs under CRZ Notification, 2019 of the Raigad Districts are approved by MoEF&CC, New Delhi and hence, CRZ Notification, 2019 is applicable.


Member Secretary




Chairperson

Minutes of the 170th Meeting of Maharashtra Coastal Zone Management Authority held on 02nd November, 2023

Total plot area is 40000.46 sqm, Development on the said plot includes Main Temple, Archaka Quarters, Pushkarni, Kalyanakatta, Alankara-Vahana-Ratha Mandapam, Pilgrim Amenities, Office Building, Staff Quarters, Kalyana Mandapam etc. Total construction area is 11299.37 sqm.

The Consultant during the meeting presented that entire development is proposed in non CRZ area as per approved CZMP 2019.

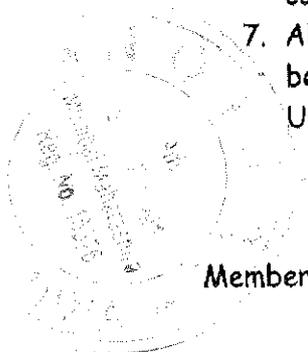
PP has submitted CRZ map in 1:4000 scale prepared by IRS, Chennai (MoEF&CC authorised agency) as per CRZ Notification, 2019. As per approved CZMP 2019, the site falls partly under CRZ-IA (2748.18 sqm), CRZ-II (7729.28 sqm) and partly outside CRZ (29523.00 sqm)

During the meeting, the consultant presented that construction of temple is proposed beyond CRZ area as per approved CZMP, 2019. However, Only Garden/landscaping and Compound wall is proposed within 50 mangrove buffer zone area. No mangrove cutting is involved in the project. Consultant presented that compound wall will help in fencing / protection of mangroves. The Authority instructed the PP to obtain the Mangrove Cell NoC for the said activity within 50 m mangrove buffer zone.

DECISION:

In the light of above, the Authority after deliberations decided to recommend the proposal from CRZ point of view on Non CRZ portion subject to compliance of following conditions:

1. CIDCO to ensure that construction is proposed in Non CRZ area strictly as per approved CZMP under CRZ Notification, 2019
2. CIDCO to ensure that mangrove cutting is not allowed.
3. PP to obtain the Mangrove Cell NoC for the said activity within 50 m mangrove buffer zone.
4. No construction is allowed in Mangroves or its 50 m buffer zone area, without Hon'ble High Court permission.
5. Debris generated during the construction activity should not be dumped in CRZ area. It should be ensured that debris is processed in a scientific manner at a designated site.
6. There shall not be impact on CRZ area, from any activities proposed to be carried out in Non CRZ area
7. All other required permission from different statutory authorities should be obtained before starting construction at the site shall be ensured by Urban Local Body.



[Signature]
Member Secretary

True Copy

[Signature]
Chairperson

Mumbai Trans Harbour Link Project (MTHL): Sewri to Nhava

Social Impact Assessment Final Report



Dec 2015

Prepared by

Building Environment (India) Pvt. Ltd.
603, Sai Sangam, Plot No. 85, Sector 15, C.B.D. Belapur, Navi Mumbai

For

Oriental Consultants Co. Ltd.
Tokyo, Japan



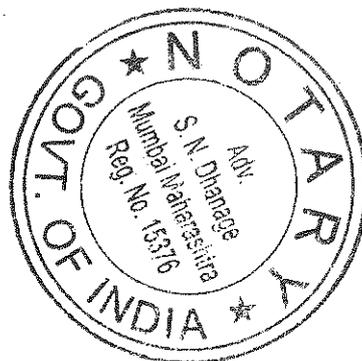
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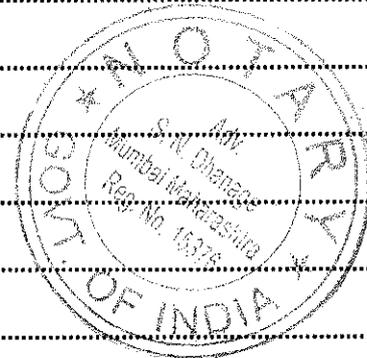
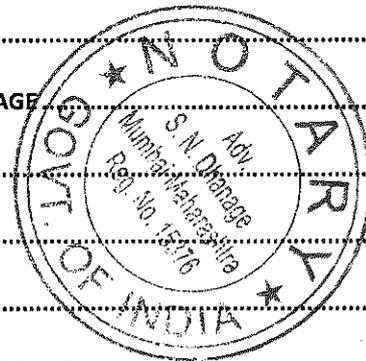


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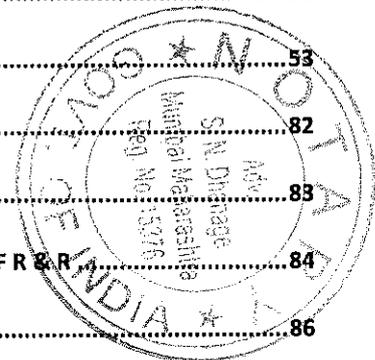


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List of Abbreviations

Abbreviations	Full form
BARC	Bhabha Atomic Research Center
BEIPL	Building Environmental India Pvt. Ltd.
BPL	Below Poverty Line
BSES	Basic Socio Economic Survey
CIDCO	City and Industrial Development Corporation Organization
COI	Corridor of Impact
CWPRS	Central Water and Power Research Station
DOF	Department of Fisheries
FCC	Fisher-folk Compensation Committee
FCP	Fisher-folk Compensation Policy
GoM	Government of Maharashtra
Ha	Hectare
HH	Households
IMP	Independent Monitoring Panel
JICA	Japan International Cooperation Agency
JNPT	Jawaharlal Nehru Port Trust
JPD	Joint Project Directors
Km	Kilometer
LA Act	Land Acquisition Act
LAO	Land Acquisition Officer
MMRDA	Mumbai Metropolitan Region Development Authority
MPT	Mumbai Port Trust
MTHL	Mumbai Trans Harbour Link
MUTP	Mumbai Urban Transport Project
NGO	Non-Government Organization
OCG	Oriental Consultant Global
PAFs	Project Affected Families
PAHs	Project Affected Households
PAPs	Project Affected Persons
PD	Project Director
PFP	Peter Frankael and Partners consultancy
PH	Physically Handicapped
PMC	Project Management Consultant
PMO	Prime Minister's Office
PSC	Project Steering Committee
QPR	Quarterly Progress Report
R & R	Resettlement and Rehabilitation
RAP	Resettlement Action Plan
RFCTLAA	Right to Fair Compensation & Transparency in Land Acquisition Act
ROW	Right of Way
SC	Scheduled Cast
SDC	Social Development Cell
SIA	Social Impact Assessment
SLAO	Special Land Acquisition Officer
Sq. ft.	Square feet
Sq. mt.	Square meter

ST	Schedules Tribes
TOR	Term of Reference
WHH	Women Headed Houses
WSHG	Women Self-Help Group



has been slightly modified considering the layout of proposed interchange at Sewri and its integration with Eastern Freeway and East-West Connector.

1.5 MINIMISING RESETTLEMENT

Attempts have been made during the detailed design of the project preparation to minimize the land acquisition, resettlement and adverse impacts on people in the project area through suitable engineering design. Steps have already been made to confine the project area in the government land and in available Right of Way (ROW) where feasible. The Sewri side alignment completely passes through the land of Mumbai Port Trust and thus avoids private land acquisition completely. On Navi Mumbai side, the ROW avoids all village settlements and thus avoids physical displacement. However, there will be some unavoidable land acquisition for which adequate compensation has been considered. For the proposed work the following specific measures are taken to minimize resettlement in this project.

- Selection of the project sites and its various components in the government land;
- Proper engineering design to avoid and minimize displacement and hence resettlement; and
- Prefer open land for alignment instead of habitation areas.

1.6 LAND ACQUISITION AND RESETTLEMENT

The project can be divided in to three sections as per land requirement which are Mumbai or Sewri section, Sea Link section and Navi Mumbai section. The land requirement on Mumbai side for right of way does not entail acquisition of private land, as the entire land belongs to Mumbai Port Trust (MPT) and the same shall be transferred to MMRDA for execution of project. However, there are encroachments on MPT land both in terms of residential and commercial structures, thus triggering the displacement and resettlement issues. As per the first survey carried out in 2013 the number of partially and fully affected structures by ROW is 317.

On Navi Mumbai side, about 96.368 hector of land is required for Right of Way and another 22.94-hectore for casting yard. Out of 96.368 hectares of land, CIDCO has already acquired 65.3 hectares of land as part of the development plan before the year 2000. Out of remaining 31.068 hecters 3.267 hecters is government land and 27.801 hector land is private which is being acquired by the CIDCO. The new land acquisition by CIDCO is being done under CIDCO's 22.5% scheme conforming to the RFCTLARR Act 2013 of Government of India. The land for casting yard would be required for the construction period and the same shall be leased from CIDCO by MMRDA. The details of these are provided in subsequent chapters.

1.7 OBJECTIVE OF RESETTLEMENT ACTION PLAN

The Social Impact Assessment (SIA) study includes R & R which is based on the principle that the population affected by the project will be assisted to improve or at least restore their existing living standards. Where displacement is unavoidable, people losing assets, livelihood or other resources, assistance is proposed to restore or improve their living standards. The rationale behind preparing RAP a part of SIA is to not only restore and improve the standard of living of Project Affected People (PAP) but also bring qualitative changes in their life. Considering that the ultimate aim of RAP to improve quality of life of the affected persons, it is important to assess the changes brought about by the project. Rehabilitation and Resettlement Policy of MMRDA for MUTP -2000 has been followed for the resettlement action plan. Since Japan International Cooperation Agency (JICA) will finance the project, the JICA guidelines on Environmental and Social Consideration have also been followed.

the 12.5 and 22.5 schemes are explained in detail in Chapter 6. Out of 96.368 hectares of land, 85.392 hectare is private land, 7.851 hectare is government land, 0.87 hectare is forest land, 1.99 hectare is JNPT land and 0.245 hectare is central railway land. Please refer Table 3.10 on land requirement for MTHL project.

Table 3.10: MTHL Project Land Acquisition Details on Navi Mumbai side

Sr. No.	Village Name	Type of land in hectare					Total In hectare
		Private	Govt.	Forest	JNPT	Central Railway	
1	Ghavan	49.080	2.298	0.87	-	-	52.248
2	Jasai	30.157	5.38	-	1.99	0.245	37.772
3	Chirle	6.175	0.173	-	-	-	6.348
4	Total	85.412	7.851	0.87	1.99	0.245	96.368

Source: CIDCO

The latest details of land under possession of CIDCO is provided in Table 3.11. See Figure 3.4.

Table 3.11: Land Available with CIDCO

Sr. No.	Village Name	Land in hectare			Total Land Acquired
		Private Acquired	Land	Govt. Transferred	
1	Ghavan	41.42		2.136	43.556
2	Jasai	14.366		5.38	19.746
3	Chirle	1.825		0.173	1.998
4	Total	57.611		7.689	65.30

Source: CIDCO

It is understood that the MMRDA will only pay for the 27.801 hectares land and the remaining 68.567 hectares land would be CIDCO's contribution in the project. Further, CIDCO will provide another 7.5 hectares of land to MMRDA on a 99 years lease for commercial development with an annual lease rent of Rs. 1/ per acre per annum (see Annexure – 3.1). In addition to the land required for RoW, the project would need about 22.94 hectare of land for use of casting yard for a period of 7 years. The land for casting yard will be made available by CIDCO on lease basis.

Inventory of Structure Loss

The drawings prepared by design consultants show a school plot boundary within the ROW at chainage 18.225 to 18.250. See Figure 3.3.

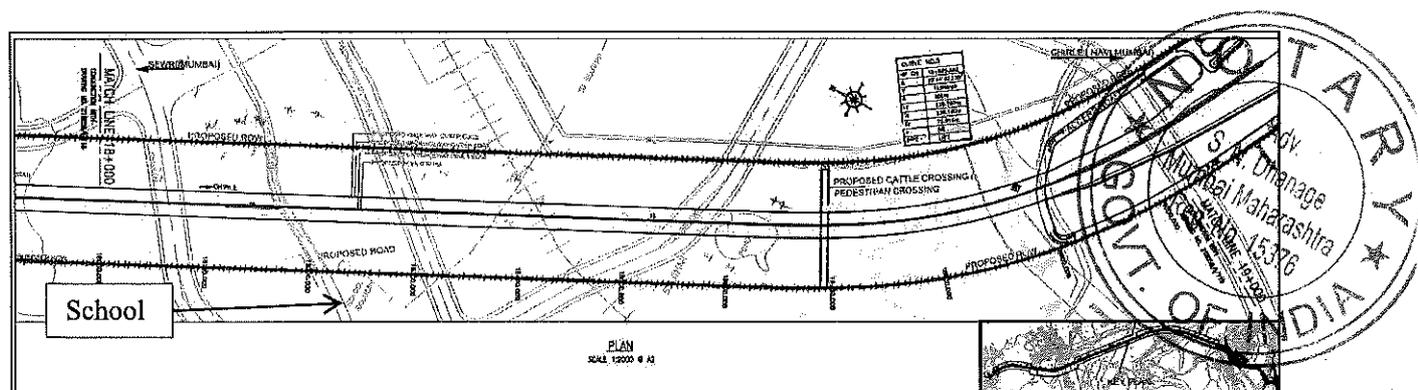


FIGURE 3.3 : SCHOOL WITHIN ROW AT VILLAGE GAVAN

It is a government school building built by District Administration. It has five structures which along with approximate areas are detailed in following Table 3.12. The ROW is passing through the school plot boundary

10.3.2. Sea-link section

It is not clear at this moment, but we assumed there are no water area lease for construction yards.

10.3.3. Navi Mumbai section

As described in section 6.1, as per the agreement between CIDCO and MMRDA, CIDCO will provide 1) previously acquired land, 2) MMRDA's commercial land, and 3) construction yard (only during the construction period) for one INR/year for 99years. As it is already assumed that the said cost of land acquisition is included in section 10.2.3, hence, no additional costs for the lease land is considered. (see Annexure 3.1)

10.4 Rehabilitation Allowances

10.4.1. Sewri section

Livelihood Restoration Allowance

If it turnout to be impossible to continue present occupation or where workers/employees/entrepreneurs permanently lose their source of livelihood because of their displacement, a lump compensation equivalent to one year's income be given such workers/employees/entrepreneurs at the rate to be determined by R&R implementing agency.

Shifting Allowance

Cost of shifting will be paid to the PAPs or free transport arrangements be made available to be PAP for moving to the resettlement site.

Community Revolving Fund

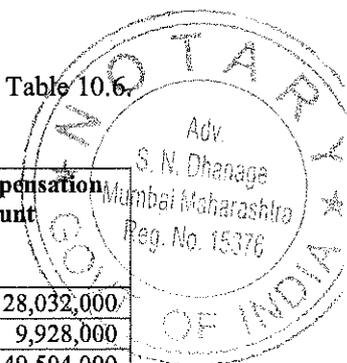
The R&R policy provides for cash compensation for increased travel distance because of relocation. Individual housing co-operative societies will be given the option of setting up a Community Revolving Fund (CRF) instead of travel compensation, as the latter is a long-term solution. A Community Revolving Fund will be created through community savings and a project grant @ Rs.1000 or as appropriate per households to finance those who are in need of money for starting various business and other activities. Access will also be provided to government self-employment schemes like Swarna Jayanti Swayam Rozgar Yojana (SJSRY) and where needed, training facilities for self-employment. The total amount to be paid towards CRF is Rs. 282,000.

10.4.2. Sea-link section

As per the FCP following costs is estimated for the rehabilitation of impacted fisher-folks. See Table 10.6.

Table 10.6 : Fisher-folk compensation

Compe nsation Code	Nature of Impacts *	Comp Amount basic	No. of PAP	Type of PAP			Compensation Amount
				Commercial	Artisanal	Subsistence	
C1	P	5,84,000	48		48		28,032,000
C2	P	2,92,000	34		34		9,928,000
C3	P	2,92,000	512			512	149,504,000
C4	T			300	175		226,300,000
C5	T	2,92,000 for S			150	400	100,000,000



Online RTI Request Form Details

Annexure-A-3

Public Authority Details :-

* Public Authority	Environment Department
--------------------	------------------------

Personal Details of RTI Applicant:-

* Name	B N Kumar
Gender	Male
* Address	The Nature Connect, News Cottage, Plot 26-B-1, ,
Pincode	400703
Country	India
State	Maharashtra
Status	Urban
Educational Status	Literate
Phone Number	+91-9820128332
Mobile Number	+91-9820128332
Email-ID	thenatureconnect[at]gmail[dot]com

Request Details :-

Citizenship	Indian
* Is the Requester Below Poverty Line ?	No

(Description of Information sought (upto 500 characters))

* Description of Information Sought	Please provide details of the CRZ clearance granted by SEIAA for the Tirupati Venkageswara Swamy temple at Ulve-Gavan in Navi Mumbai
* Concerned CPIO	T.C.4
Supporting document (only pdf upto 1 MB)	Supporting document not provided

Print

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RGCLO/R/2023/60672

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Please note down the following details for further references.

Registration Number	RGCLO/R/2023/60672
Name	B N Kumar
Date of Filing	27-12-2023
RTI Fee Received	₹ 10
MAHA Online Reference number	336198544464
Transaction Status	Success
Request filed with	Collector Office, Raigad
Contact Details of Nodal Officer	
Telephone Number	
Email Id	XYZ@gmail.com

Please give the details of the site inspection of

Mangroves-wetland area at Plot 3, sector-12 at Ulwe, Navi Mumbai

(allotted to Tirupati Balaji temple)

Conducted by Panvel Tahsil team at the instance of the Raigad district collector

on December 7, 2023

Along with me, the complainant.



DOENV/R/2023/60382

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Please note down the following details for further references.

Registration Number	DOENV/R/2023/60382
Name	BN Kumar
Date of Filing	28-11-2023
RTI Fee Received	₹ 10
MAHA Online Reference number	333254007844
Transaction Status	Success
Request filed with	Environment Department
Contact Details of Nodal Officer	
Telephone Number	22873455
Email Id	sandip.kamble@nic.in

Ref MCZMA meetings Numbered 167 and 170 which considered the Tirumala Tirupati Devasthanam's application for CRZ clearance for the proposed Sri Venkateswara Swamy temple at Plot 3, Sector-12, Ulwe in Navi Mumbai:

Please confirm if MCZMA considered the following points:

- Whether the 40,000 sq mtr plot allotted by CIDCO is part of a TEMPORARY CASTING YARD built by MMRDA for the MTHL project.
- Whether the Casting Yard itself was built in 16 ha of mangroves

If yes, kindly give us the details of the discussion.



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Registration Number	MOENF/R/E/23/01307
Name	B N Kumar
Date of Filing	22-12-2023
RTI Fee Received	₹ 10
Payment Mode	Internet Banking, Credit or Debit Card / RuPay Card, UPI
SBI Reference number	CPADJJGPE1
Transaction Status	Completed Successfully
Request filed with	Ministry of Environment, Forest and Climate Change
Contact Details	
Telephone Number	011-24695302
Email Id	us.rti-mef@nic.in

Please give information on the following.

Whether any construction, including lawn or compound wall, can be done in the fifty mtr buffer zone from mangroves, under the newly approved CZMP for five coastal districts of Maharashtra. Is it not strictly CRZ One.




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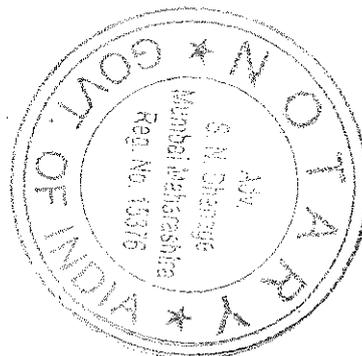
Please note down the following details for further references.

Registration Number	MOENF/R/E/23/01307
Name	B N Kumar
Date of Filing	22-12-2023
RTI Fee Received	₹ 10
Payment Mode	Internet Banking, Credit or Debit Card / RuPay Card, UPI
SBI Reference number	CPADJGPE1
Transaction Status	Completed Successfully
Request filed with	Ministry of Environment, Forest and Climate Change
Telephone Number	011-24695302
Email Id	us.rti-mef@nic.in

Please give information on the following.

Whether any construction, including lawn or compound wall, can be done in the fifty mtr buffer zone from mangroves, under the newly approved CZMP for five coastal districts of Maharashtra.

Is it not strictly CRZ One.



The screenshot shows the RTI Online portal interface. At the top, there is a header with the Government of India logo, a language dropdown set to 'English', and the text 'Public Authorities Available'. The main title is 'RTI Online' with 'Version 2.0' and 'An Initiative of Department of Personnel & Training, Government of India' below it. A navigation bar includes links for Home, Submit Request, Submit First Appeal, View Status, View History, Login, User Manual, Contact Us, and FAQ.

The main content area is titled 'Online RTI Status Form'. Below this, a note states: 'Note: Fields marked with * are Mandatory.' A table displays the status of a request:

Enter Registration Number	MOENF/R/E/24/00017
Name	B N Kumar
Received Date	06/01/2024
Public Authority	Ministry of Environment, Forest and Climate Change
Status	REQUEST FORWARDED TO CPIO
Date of action	08/01/2024
Details of CPIO :- Name:-Dr.S. Prabhu (A-Infra-II), Telephone Number:- 011-20815149, Email Id:- p.subramani@gov.in	

At the bottom of the table, there is a button labeled 'View Details'.

MOENF/R/E/24/00017

Kindly give information regarding the environmental clearance granted by MOEFCC for the construction of Tirupati Venkateswara Swamy Temple on Plot 3, Sector-12 at Ulwe in Navi Mumbai in CRZ1 and 2 areas.

Also, whether the Tirumala Tirupati Devasthanams has made any application with the MOEFCC for the same. If yes, kindly inform us of the status of the application.

I would like to draw your attention to the fact that the IRS (Anna University-Chennai) report clearly states that the temple plot falls under CRZ1 and 2.

Reply :- The information sought is not covered under the definition of information in section 2(f) of the RTI Act 2005.

However, it may be informed that CRZ Clearance is granted as per CRZ Notification 2019 which has been published in Egazette vide GSR No. 37(E) dated 18/1/2019 (Page 11-66/c) after approval of CZMP as per CRZ Notification 2019 of the concerned State.



UDDEP/R/2023/61569

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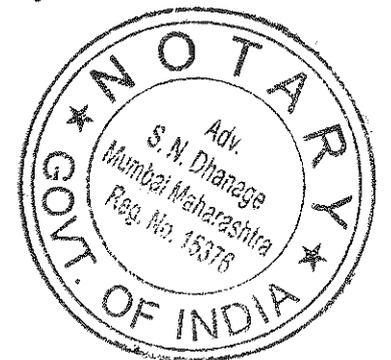
Your RTI Request filed successfully.

Please note down the following details for further references.

Registration Number	UDDEP/R/2023/61569
Name	B N Kumar
Date of Filing	29-11-2023
RTI Fee Received	₹ 10
MAHA Online Reference number	333385210160
Transaction Status	Success
Request filed with	Urban Development Department
Contact Details of Nodal Officer	
Telephone Number	02222821312
Email Id	subrao.shinde@nie.in

Please give details of the land given to MMRDA for casting yard for MTHL at Gavan/Ulwe, Navi Mumbai:

- The total area allotted
- The terms and conditions
- The CRZ1 and CRZ 2 status of the area
- Tenure of the lease
- Breakups of mangroves, water bodies and mudflats to be impacted.
- Compensatory afforestation to be done, if any



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An initiative by GAD, Mantralaya, Mumbai

Government of Maharashtra

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Your RTI Appeal filed successfully.

Please note down the following details for further references.

Registration Number	DOENV/A/2024/60001
Name	B N Kamar
Date of Filing	01-01-2024
RTI Appeal Fee Received	₹ 20
MAHA Online Reference number	400170942130
Transaction Status	Success
Request filed with	Environment Department
Contract Details	
Telephone Number	22873455
Email Id	sandip.kaumble@nic.in

DOENV/A/2024/60001

The response is incomplete.

The information that we requested for does not figure in in MCZMA minutes of 167th and 170th meetings.

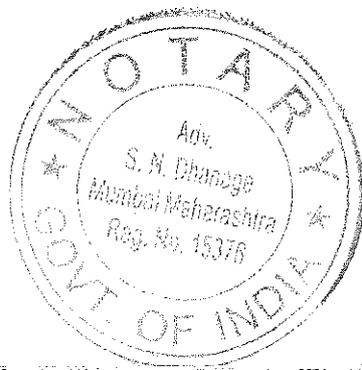
To recap what we requested for:

Ref MCZMA meetings Numbered 167 and 170 which considered the Tirumala Tirupati Devasthanam's application for CRZ clearance for the proposed Sri Venkateswara Swamy temple at Plot 3, Sector-12, Ulwe in Navi Mumbai:

Please confirm if MCZMA considered the following points:

- Whether the 40,000 sq mtr plot allotted by CIDCO is part of a TEMPORARY CASTING YARD built by MMRDA for the MTHL project.
- Whether the Casting Yard itself was built in 16 ha of mangroves

If yes, kindly give us the details of the discussion.



True Copy
[Signature]

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING
AT PUNE**

MEMORANDUM OF APPLICATION

(Under Section 18(I) read with Sections
14,15 and 20 of the National Green
Tribunal Act, 2010)

APPLICATION NO. 189 OF 2023

Banda Nagaraj Kumar)...Applicant

VERSUS

The City and Industrial Development)

Corporation of Maharashtra and Ors)...Respondents

AFFIDAVIT ON BEHALF OF THE APPLICANTS

On this dated 10th January 2024

RONITA BHATTACHARYA

Advocate for the Applicant

17, 1st Floor, Rohit Chambers,

Janmabhoomi Marg, Fort,

Mumbai – 400 001

Email: ronita.b6@gmail.com

