**BEFORE THE NATIONAL GREEN TRIBUNAL**

**WESTERN ZONE BENCH, PUNE**

**APPEAL NO. 20/2025 (WZ)**

**IN THE MATTER OF**

**SADANAND GANGARAM KADAM** **... PETITIONER**

**VERSUS**

**UNION OF INDIA & ORS.** **.... RESPONDENTS**

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| SL. NO | PARTICULARS | PAGE NO. |
|---|---|---|
| 1. | Counter Affidavit on behalf of the Ministry of Environment, Forest and Climate Change. | |
| 2. | A copy of the CRZ notification, 2011 is being annexed herewith and marked as **Annexure R1/1**. | |
| 3. | A copy of CRZ Notification, 2019, is annexed herewith and marked as **Annexure-R1/2.** | |

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| 4. | Copy of the complaints are annexed herein as **Annexure-R1/3.** | |
| 5. | Copy of NCSCM report is being annexed as **Annexure-R1/4.** | |
| 6. | Copy of the IRO inspection report is being annexed herein and marked as **Annexure-R1/5.** | |
| 7. | Copy of the Maharashtra Coastal Zone Management Authority letter dated 29/06/2021 is being annexed herein and marked as **Annexure-R1/6.** | |
| 8. | A copy of Show Cause Notice dated 17/12/2021 is being annexed herein and marked as **Annexure-R1/7.** | |
| 9. | Copy of the letter dated 17/12/2021 is being annexed herein and marked as **Annexure-R1/8.** | |
| 10. | A copy of the email and Speed-Post detail is being annexed herein and marked as **Annexure-R1/9.** | |
| 11. | A copy of the order dated 31st January 2022 is being annexed and marked as **Annexure R1/10.** | |
| 12. | A copy of the report submitted by Maharashtra Pollution Control Board is being attached and annexed as **Annexure- R1/11**. | |

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| 13. | A copy of the order-dated 30th June, 2022 is being attached and annexed as **Annexure- R1/ 12.** | |
| 14. | A copy of the report submitted by Maharashtra Pollution Control Board is being attached and annexed as **Annexure- R1/ 13.** | |
| 15. | A copy of CPCB report is being attached and marked as **Annexure-R1/14.** | |
| 16. | Copy of the letter dated 22/08/2022 is being marked and attached as **Annexure- R1/15.** | |
| 17. | A copy of the letter dated 17/01/2023 is being marked and attached as **Annexure- R1/16.** | |
| 18. | Copy of the MPCB email dated 20/01/2023 is being marked and annexed as **Annexure- R1/17.** | |
| 19. | Copy of the MCZMA letter dated 27/03/2023 is being marked and annexed as **Annexure- R1/18.** | |
| 20. | Copy of the order dated 09/11/2022 passed by Ld. JMFC, Dapoli is being marked and attached as **Annexure- R1/19.** | |
| 21. | A copy of the order dated 14/03/2023 passed by Hon'ble Sessions Judge, Khed is being marked and attached as **Annexure- R1/20**. | |

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| 22. | A true copy of the petition of Criminal Writ No. 2327 of 2023 petition is being annexed and marked as **Annexure-R1/21.** | |
| 23. | A Copy of the letter dated 22/05/2025 is being marked and annexed as **Annexure- R1/22.** | |
| 24. | A Copy of the MPCB letter dated 10/06/2025 is being marked and annexed as **Annexure- R1/23.** | |

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**WESTERN ZONE BENCH, PUNE**

**APPEAL NO. 20/2025 (WZ)**

**IN THE MATTER OF**

**SADANAND GANGARAM KADAM ... PETITIONER**

**VERSUS**

**UNION OF INDIA & ORS. ... RESPONDENTS**

**COUNTER AFFIDAVIT ON BEHALF OF UNION OF INDIA, MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVERNMENT OF INDIA, RESPONDENT NO.1.**

I, Dr. P.R. Sakhare, S/o Shri Ramdas Sakhare, aged about 56 years, presently working as Scientist "E" in the Regional Office of the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC) at Nagpur do hereby, in my official capacity, solemnly affirm and state on oath as follows-

1. That I am acquainted with the facts and circumstances of the instant case and duly competent and authorized to swear the present affidavit on behalf of the MoEF&CC on the basis of the official records maintained therein.

SEAL OF NOTARY
Mrs. KHURANA
NAGPUR
DISTT. (M.S.)
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2. It is humbly submitted that I have perused and understood the contents of the present petition. At the outset, I deny all averments, submissions, statements and allegations made therein except as may be specifically admitted herein after.

3. That, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, Ministry of Environment and Forest had notified the Coastal Regulation Zone Notification, 1991 on 19th February, 1991. In supersession of the CRZ Notification, 1991, Coastal Regulation Zone Notification, 2011 was notified on 6th January, 2011, for regulation of developmental activities along the coastal stretches and to ensure the livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches. A copy of the CRZ notification, 2011 is being annexed herewith and marked as **Annexure R1/1.**

4. That, it is humbly submitted that in supersession of the CRZ Notification, 2011, the Coastal Regulation Zone Notification, 2019 was notified on 18th January, 2019, having specific focus on conservation and management plans of Ecologically Sensitive Areas (ESAs) which did not feature in the CRZ

4. That, it is humbly submitted that in supersession of the CRZ Notification, 2011, the Coastal Regulation Zone Notification, 2019 was notified on 18th January, 2019, having specific focus on conservation and management plans of Ecologically Sensitive Areas (ESAs) which did not feature in the CRZ Notification, 2011. A copy of CRZ Notification, 2019, is annexed herewith and marked as **Annexure-R1/2.**

5. That, according to para 6(i) the CRZ Notification of 2019, all Coastal States and Union Territories (UTs) are required to update their Coastal Zone Management Plans (CZMP) in accordance with the new provisions and submit them for approval. Until the updated CZMP is approved by this Ministry, the provisions of the CRZ Notification of 2011 will continue to apply.

6. It is humbly submitted that as on date, CZMP as per CRZ Notification, 2019 have been approved for the States of Odisha, Karnataka, Maharashtra and Kerala. That, CZMP as per CRZ Notification, 2019 has been approved for the State of Maharashtra on 29/09/2020 & 25/08/2023.

7. It is humbly submitted that, this Ministry has received several complaints regarding illegal construction of resort and road in CRZ area at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra to be in violation of

CRZ, Notification, 2011. Copy of the complaints are annexed herein as **Annexure-R1/3.**

8. It is humbly submitted that, this Ministry has received reports from National Centre for Sustainable Coastal Management (NCSCM) with the following recommendations:

... *"From the approved CZMP, it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III. The said Sai Resort, including the buildings, roads and other structures have been constructed within 200 metres in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III. A site visit may be undertaken in the near future by a team of officials including representatives from MCZMA, Mumbai, to ascertain the facts and to submit a detailed report, if necessary."*...

A copy of NCSCM report is being annexed herein and marked as **Annexure-R1/4.**

9. It is humbly submitted that, in view of the above, a site inspection by Integrated Regional Office, Nagpur of this Ministry was conducted and it was concluded that *both the resorts (Sai Resort NX and Sea Conch, approach road*

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*to the resorts are located in No Development Zone in CRZ-III as per CRZ, Notification 2011.The constructions are in violation of CRZ Notification, 2011 (Section 8III(ii) of the Notification)* .A Copy of the IRO inspection report is being annexed herein and marked as **Annexure-R1/5.**

10. It is humbly submitted that the Maharashtra Coastal Zone Management Authority (MCZMA) *vide* its report, letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 has also stated that the construction of resort at Gat No. 446 is in violation of extant CRZ norms. Copy of the Maharashtra Coastal Zone Management Authority letter dated 29/06/2021 is being annexed herein and marked as **Annexure-R1/6.**

11. It is humbly submitted that after examination of all the facts of the case, this Ministry issued Show Cause Notice dated 17/12/2021 to M/s Sai Resort and M/s Sea Conch Resort. A copy of Show Cause Notice dated 17/12/2021 is being annexed herein and marked as **Annexure-R1/7**.

12. It is humbly submitted that, this Ministry vide its letter dated 17/12/2021 instructed the Member Secretary, Maharashtra Coastal Zone Management Authority, Environment Department, Government of Maharashtra for initiating action against other illegal projects/activities which are in violation

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of CRZ norms, as reported by the State of Maharashtra. Copy of the letter dated 17/12/2021 is being annexed herein and marked as **Annexure-R1/8.**

13. It is humbly submitted that, this Ministry served the Show Cause Notice through email as well as Speed-Post to the Project Proponents. A copy of the said email and Speed-Post detail is being annexed herein as **Annexure-R1/9**. Further, this Ministry has also obtained the confirmation of receipt of Show Cause Notice through MCZMA but has never received any response from the owners of the resorts.

14. Subsequently, on the basis of the facts mentioned above and on the basis of the detailed examination, this Ministry, in accordance with the provisions of Section 5 of the Environment (Protection) Act, 1986 vide order dated 31st January 2022 has directed M/s Sai Resorts NX and M/s Sea Conch Resort that: *"The unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition"*

*Further, project proponent is also directed to ensure compliance to the applicable provisions of Construction and Demolition Waste Management Rules, 2016 while carrying out the demolition activity.*

A copy of the order dated 31st January 2022 is being annexed here and marked as **Annexure R1/10**.

15. That, the implementation of the above mentioned direction was followed up by a letter dated 31st May, 2022 to MCZMA and Maharashtra Pollution Control Board (MPCB) seeking details of action taken in this regard. A copy of the letter dated 31st May, 2022 to MCZMA and Maharashtra Pollution Control Board (MPCB) is being attached and annexed as **Annexure- R1/ 11.**

16. That, this Ministry, vide order dated 30th June, 2022 constituted a Joint Committee comprising representatives from Maharashtra Pollution Control Board, National Centre for Sustainable Coastal Management (NCSCM) Chennai, Integrated Regional Office (IRO) of the Ministry, Nagpur and the Maharashtra Coastal Zone Management Authority with Maharashtra Pollution Control Board being Nodal Agency for coordination and compliance. The Committee was entrusted with the responsibility to assess the monetary value of the damage caused to environment due to violation of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Tehsil Dapoli, Ratnagiri, Maharashtra and to provide specific recommendations for mitigations of the damage caused. A copy of the order-dated 30th June, 2022 is being attached and annexed as **Annexure- R1/ 12.**



17. That, in compliance of this Ministry's letter dated 30th June, 2022, the Member Secretary, Maharashtra State Pollution Control Board has submitted its report to this Ministry *vide* email dated 15/7/2022. A copy of the report submitted by Maharashtra Pollution Control Board is being attached and annexed as **Annexure- R1/ 13.**

The conclusion and recommendations of the expert committee is being submitted as follows:

*CONCLUSION AND RECOMMENDATIONS:*

- *The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. The remedial measures therefore should be the removal of the unauthorized structures in its entirety from the NDZ area and restore the area to its original condition.*
- *The likely debris and other materials to be generated from the demolition need to be collected properly and transported safely either for reprocessing/ reusing or for the disposal with prior approval of local competent authority, as per the prevailing provisions including Construction and Demolition Waste Management Rules, 2016. If required, expert opinion to be taken prior to the*

*demolition and the demolition to be carried out with supervision of Competent Authority/ Expert Organization.*

- *Plantation / developing the area in line with the surrounding environment needs to be considered after demolition.*
- *The Committee recommended payment of Rs 37,91,250/- by M/s Sea Conch and Rs 25,27,500/- by M/s Sai Resorts as Environmental Compensation towards the violation of CRZ Notification, 2011 in accordance with the "Polluters Pays Principle".*
- *The cost towards demolition of the authorized constructions , the cost involved in demolition, transport and disposal of C&D Wastes and in restoring the area including plantation and environment in adjoining areas is to be calculated separately through Competent Authority / Expert Organization.*

18. It is humbly submitted that the recommendation/ report of the Joint Committee, received by this Ministry was then referred to Central Pollution Control Board (CPCB) to provide comments on the methodology adopted and calculations done by the committee which would, in turn, decide the correctness of the Environmental Compensation arrived at by Joint Committee.

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19. It is humbly submitted that the Central Pollution Control Board (CPCB), a Statutory Organization, was constituted in September, 1974 under the Water (Prevention and Control of Pollution) Act, 1974. Further, CPCB was entrusted with the powers and functions under the Air (Prevention and Control of Pollution) Act, 1981. It serves as a field formation and also provides technical services to the Ministry of Environment and Forests on the provisions of the Environment (Protection) Act, 1986.

20. That, the CPCB reviewed Environmental Compensation (EC) evaluated by the Expert Committee. The CPCB conveyed its comments as under:

- *EC is calculated for violations of CRZ notification and construction in No Development Zone.*
- *No construction is permitted in NDZ (No development Zone).*
- *In various judgments of Hon'ble NGT, i.e O.A No 764/2018, 661/2018 Hon'ble NGT has directed for calculation of Environmental Compensation(EC) for acting as deterrent for violators. Since construction is done in CRZ "No Development Zone(NDZ)", EC may be calculated considering highest value of Rupees and Location factor for acting as deterrent for violators. So EC was revised by adopting following factors:*

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a. *R factor may be increased to 500.*

b. *LF factor may considered 2 for constructing in No Development Zone*

*(As per methodology for notified Ecologically Sensitive areas, for beginning, LF may be assumed as 2.0. However, for critically Polluted Areas, LF may be explored in future.)*

That, the revised compensation as per the CPCB calculations were rupees 2.5275 crores for both the violators, i.e Sai Resort as well as Sea Conch resort. A copy of CPCB report is being attached and marked as **Annexure-R1/14**.

21. It is humbly submitted that in view of the above, it was decided that, as far as the charges of Environmental Compensation (EC) is concerned, the monetary value as calculated by Joint Committee be revised as per the calculation done by CPCB.

22. Further, in accordance with the earlier direction of the Ministry issued under Section 5 of the Environment Protection Act , vide OM dated 31/01/2022 followed by letter dated 31/05/2022 and vide letter dated 22/08/2022, the SCZMA and SPCB were directed by this Ministry to act upon the recommendations of the Joint Committee report and further, Maharashtra SPCB was also directed to realise the amount of environmental compensation

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from M/s Sea Conch Resort and M/s Sai Resort as per the revised monetary value of Environmental Compensation arrived at by CPCB as mentioned in the preceding para. Copy of the letter dated 22/08/2022 is being marked and attached as **Annexure- R1/15.**

23. It is humbly submitted that a reminder letter dated 17/01/2023 has been sent to both MPCB and MCZMA seeking status of action taken in reference to the afore-mentioned letter dated 22/08/2022. A copy of the letter dated 17/01/2023 is being marked and attached as **Annexure- R1/16**.

24. It is humbly submitted that in response to the reminder letter dated 17/01/2023, this Ministry has received an email dated 20/01/2023 from Maharashtra Pollution Control Board (MPCB) with the status of action taken wherein it was informed that the M/s Sea Conch Resort has been demolished. Copy of the MPCB email dated 20/01/2023 is being marked and annexed as **Annexure- R1/17.** That in response to this Ministry's reminder letter dated 17/01/2023, this Ministry has received letter dated 27/03/2023 from Maharashtra Coastal Zone Management Authority (MCZMA). Copy of the MCZMA letter dated 27/03/2023 is being marked and annexed as **Annexure-R1/18.**

25. It is humbly submitted that meanwhile the Writ Petition No.11125 of 2022 titled as Sadanand Gangaram Kadam Versus Union of India, Ministry of Environment, Forest and Climate Change & Ors has been filed before the Hon'ble High Court of Bombay.

26. Further, it is humbly submitted that the Regional Office of Ministry of Environment, Forest and Climate Change namely, the Integrated Regional Office, Nagpur has initiated legal proceeding for taking cognizance of the offence in this regard as RCC No. 15 of 2022 before the Learned Judicial Magistrate Second Class Court at Dapoli, Tal. Dapoli. Distt. Ratnagiri whereby vide its order dated 09/11/2022 cognizance was taken with the direction of issue of process. Copy of the order dated 09/11/2022 passed by Ld. JMFC, Dapoli is being marked and attached as **Annexure- R1/19**.

27. It is humbly submitted that, a Criminal Revision Application no.11/2022 titled Anil Duttatray Parab Vs. MoEF&CC and State of Maharashtra was filed before Hon'ble Sessions Judge, Khed, at Khed, Dist. Ratnagiri against the order dated 09/11/2022 passed in RCC No. 15 of 2022. That, vide order dated 14/03/2023, revision was allowed and the order of issue of process was set aside. A copy of the order dated 14/03/2023 passed by Hon'ble Sessions Judge, Khed is being marked and attached as **Annexure- R1/20**.

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28. It is humbly submitted that on 12/04/2023, this Ministry has filed Criminal Writ petition no. 2327 of 2023, challenging the impugned order dated 14/03/2023 as the Ld. Court has failed to adjudicate upon the main issue of violation of CRZ Norms and enforcement of section 15 of the Environment Protection Act, 1986. The case is pending before Hon'ble High Court. A true copy of the petition of Criminal Writ no. 2327of 2023 petition is being annexed and marked as **Annexure-R1/21**.

29. It is humbly submitted that the present status of both the resorts was sought by this Ministry from MCZMA and MPCB vide letter dated 22/05/2025 in response to which a letter dated 10/06/2025 has been received by this Ministry mentioning that *a building of Sai Resort with a ground floor and a first floor was found standing at the site. As per field observations structure above first floor found demolished. Moreover, no civil structure was observed at the site of Sea Conch Resort except the compound wall.* A Copy of the letter dated 22/05/2025 is being marked and annexed as **Annexure- R1/22.** A Copy of the MPCB letter dated 10/06/2025 is being marked and annexed as **Annexure-R1/23.**

30. It is humbly submitted that as per the CRZ Notifications, the State Coastal Zone Management Authorities (SCZMAs) are primarily responsible for enforcement and implementation of the provisions of the CRZ Notification

and compliance of the conditions stipulated thereunder, the powers either original or delegated, under the Environment (Protection) Act, 1986. The composition, tenure and mandate of State/UT CZMAs, have been notified from time to time by the Ministry. The main function of these Authorities include amongst others, enquiring into the cases of alleged violation of the provisions of the CRZ Notifications and take appropriate decision including power to enforce provisions under Section 5, 10 and 19 of the Environment (Protection) Act, 1986. It is humbly submitted that the CRZ Regulations are to be implemented and monitored (including violations thereof) by the concerned State Coastal Zone Management Authority in accordance with the approved CZMPs of the respective states.

31. It is respectfully submitted that in view of the above mentioned facts, this respondent humbly prays that the Hon'ble Court may be pleased to direct early and expeditious compliance of this Ministry's OM dated 31st January 2022 as the alleged resort (M/s Sai Resort) has been constructed in No Development Zone in complete violation of CRZ Norms and section 15 of the Environment Protection Act, 1986 and dismiss this petition and pass such order as deemed fit in the interest of the justice.

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32.It is respectfully submitted that the answering respondent, without prejudice, reserves its right to file an additional affidavit at a later stage, if so necessary.

**DEPONENT**

(डॉ. पी. आर. साखरे)
(Dr. P. R. Sakhare)
वैज्ञानिक 'ई'/ Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, नागपुर- ४४०००१
Regional Office, Nagpur-440001

## VERIFICATION

I, the above named Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from.

Verified at Nagpur on this 14th day of July, 2025.

SEAL OF NOTARY
Mrs. KHURANA
NAGPUR
DISTT. (M.S.)
REG. No. 6386
GOVT. OF INDIA

NOTARY
MRS. CHANCHAL KHURANA
Nagpur Dist.
(M.S.) INDIA
Regd. No.
6386
GOVT. OF INDIA

NOTARIAL REG
ENTRY No. 20329
DATE 14/7/2025

**DEPONENT**

(डॉ. पी. आर. साखरे)
(Dr. P. R. Sakhare)
वैज्ञानिक 'ई'/ Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, नागपुर- ४४०००१
Regional Office, Nagpur-440001

SWORN BEFORE ME ON THIS 14
DAY OF July 2025 AT NAGPUR BY
SHRI / SMT./ Ku. Dr. P.R. Sakhare
R/o NAGPUR WHO HAS BEEN IDENTIFIED BY
SHRI / SMT. Arundhati Roy
ADVOCATE NAGPUR

NOTARY
GOVT. OF INDIA
NAGPUR (M.S.) INDIA

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Annexure R1/1



**MINISTRY OF ENVIRONMENT AND FORESTS**

**(Department of Environment, Forests and Wildlife)**

**COASTAL REGULATION ZONE NOTIFICATION**

New Delhi, the 6th January, 2011

S.O. 19(E).— WHEREAS a draft notification under sub-section (1) of section and clause (V) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 was issued inviting objections and suggestions for the declaration of coastal stretches as Coastal Regulation Zone and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O.No.2291 (E), dated 15th September, 2010.;

AND WHEREAS, copies of the said Gazette were made available to the public on 15th September, 2010.;

AND WHEREAS, the suggestions and objections received from the public have been considered by the Central Government.;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming, does hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limit, as Coastal Regulation Zone (hereinafter referred to as the CRZ) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid CRZ.; and

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19th February, 1991 except as respects things done or omitted to be done before such supercession, the Central Government hereby declares the following areas as CRZ and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ,-

(i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front.

(ii) CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

(iii) the land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.

(iv) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.

(v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2. For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority(s) so authorized by the MoEF in accordance with the general guidelines issued at Annexure-I. HTL shall be demarcated within one year from the date of issue of this notification.

3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

(i) Setting up of new industries and expansion of existing industries except,-

(a) those directly related to waterfront or directly needing foreshore facilities;

*Explanation*: The expression "foreshore facilities" means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like.;

(b) projects of Department of Atomic Energy;

(c) facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as CRZ-I(i) based on an impact assessment study including social impacts.;

(d) development of green field Airport already permitted only at Navi Mumbai;

(e) reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

(ii) manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966(E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th

December ,1989 except,-

(a) transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;

(b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.

Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).

(iii) Setting up and expansion of fish processing units including warehousing except hatchery and natural fish drying in permitted areas:

(iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-

(a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
(b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies
(c) maintenance or clearing of waterways, channels and ports, based on EIA studies;

(d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF.

(v) Setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-

(a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
(b) storm water drains and ancillary structures for pumping;
(c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;

(vi) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements. The concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification.

(vii) Dumping of city or town wastes including construction debris, industrial solid wastes, fly

ash for the purpose of land filling and the like and the concerned authority shall implement schemes for phasing out any existing practice, if any, shall be phased out within a period of one year from date of commencement of this notification.

Note:-The MoEF will issue a separate instruction to the State Governments and Union territory Administration in respect of preparation of Action Plans and their implementation as also monitoring including the time schedule thereof, in respect of paras (v), (vi) and (vii).

(viii) Port and harbour projects in high eroding stretches of the coast, except those projects classified as strategic and defence related in terms of EIA notification, 2006 identified by MoEF based on scientific studies and in consultation with the State Government or the Union territory Administration.

(ix) Reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities.

(x) Mining of sand, rocks and other sub-strata materials except,-

(a)those rare minerals not available outside the CRZ area,
(b) exploration and exploitation of Oil and Natural Gas.

(xi) Drawl of groundwater and construction related thereto, within 200mts of HTL; except the following:-

(a) in the areas which are inhabited by the local communities and only for their use.
(b) In the area between 200mts-500mts zone the drawl of groundwater shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available.

Note:-Restrictions for such drawl may be imposed by the Authority designated by the State Government and Union territory Administration in the areas affected by sea water intrusion.

(xi) Construction activities in CRZ-I except those specified in para 8 of this notification.

(xiii) Dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation and other such purpose.

(xiv) Facilities required for patrolling and vigilance activities of marine/coastal police stations.

4. Regulation of permissible activities in CRZ area.- The following activities shall be regulated except those prohibited in para 3 above,-

(i)(a) clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities;
(b) for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14th September, 2006), for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority (hereinafter referred to as the CZMA).
(c) Housing schemes in CRZ as specified in paragraph 8 of this notification;

(d) Construction involving more than 20,000sq mts built-up area in CRZ-II shall be considered in accordance with EIA notification, 2006 and in case of projects less than 20,000sq mts built-up area shall be approved by the concerned State or Union territory Planning authorities in accordance with this notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concern CZMA shall be essential for considering the grant of environmental clearance under EIA notification, 2006 or grant of approval by the relevant planning authority.

(e) MoEF may under a specific or general order specify projects which require prior public hearing of project affected people.

(f) construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures;

(ii) the following activities shall require clearance from MoEF, namely:-

(a) those activities not listed in the EIA notification, 2006.

(b) construction activities relating to projects of Department of Atomic Energy or Defence requirements for which foreshore facilities are essential such as, slipways, jetties, wharves, quays; except for classified operational component of defence projects. Residential buildings, office buildings, hospital complexes, workshops of strategic and defence projects in terms of EIA notification, 2006.;

(c) construction, operation of lighthouses;

(d) laying of pipelines, conveying systems, transmission line;

(e) exploration and extraction of oil and natural gas and all associated activities and facilities thereto;

(f) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. MoEF may specify for category of projects such as at (f), (g) and (h) of para 4;

(g) Mining of rare minerals as listed by the Department of Atomic Energy;

(h) Facilities for generating power by non-conventional energy resources, desalination plants and weather radars;

(i) Demolition and reconstruction of (a) buildings of archaeological and historical importance, (ii) heritage buildings; and buildings under public use which means buildings such as for the purposes of worship, education, medical care and cultural activities;

4.2 Procedure for clearance of permissible activities.- All projects attracting this notification shall be considered for CRZ clearance as per the following procedure, namely:-

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

(a) Form-1 (Annexure-IV of the notification);

(b) Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d)

(c) Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration;

(d) Disaster Management Report, Risk Assessment Report and Management Plan;

(e) CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2) in 1:4000 scale;

(f) Project layout superimposed on the above map indicated at (e) above;

(g) The CRZ map normally covering 7km radius around the project site.
(h) The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas;
(i) No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like.;

(ii) The concerned CZMA shall examine the above documents in accordance with the approved CZMP and in compliance with CRZ notification and make recommendations within a period of sixty days from date of receipt of complete application,-

(a) MoEF or State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) as the case may be for the project attracting EIA notification, 2006;
(b) MoEF for the projects not covered in the EIA notification, 2006 but attracting para 4(ii) of the CRZ notification;

(iii) MoEF or SEIAA shall consider such projects for clearance based on the recommendations of the concerned CZMA within a period of sixty days.

(vi) The clearance accorded to the projects under the CRZ notification shall be valid for the period of five years from the date of issue of the clearance for commencement of construction and operation.

(v) For Post clearance monitoring – (a) it shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1st June and 31st December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.

(b) the compliance report shall also be displayed on the website of the concerned regulatory authority.

(vi) To maintain transparency in the working of the CZMAs it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMPs of the respective State Government or Union territory.

5. Preparation of Coastal Zone Management Plans.

(i) The MoEF may obtain the CZMPs prepared through the respective State Government or Union territory;

(ii) The CZMPs may be prepared by the coastal State Government or Union territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of MoEF and in consultation with the concerned stakeholders;

(iii)The hazard line shall be mapped by MoEF through SoI all along the coastline of the country and the hazard line shall be demarcated taking into account, tide, waves, sea level

rise and shoreline changes;

(iv)For the purpose of depicting the flooding due to tides, waves and sea level rise in the next fifty and hundred years, the contour mapping of the coastline shall be carried out at 0.5m interval normally upto 7km from HTL on the landward side, and the shoreline changes shall be demarcated based on historical data by comparing the previous satellite imageries with the recent satellite imageries;

(v) Mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for micro level mapping and the hazard line shall be taken into consideration while preparing the land use plan of the coastal areas;

(vi)The coastal States and Union Territory will prepare within a period of twenty four months from the date of issue this notification, draft CZMPs in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-I of the notification, which involve public consultation;

(vii) The draft CZMPs shall be submitted by the State Government or Union territory to the concerned CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;

(viii) The State Government or Union territory CZMA shall submit the draft CZMPs to MoEF alongwith its recommendations on the CZMP within a period of six months after incorporating the suggestions and objections received from the stakeholders;

(ix)MoEF shall thereafter consider and approve the CZMPs within a period of four months from the date of receipt of the CZMPs complete in all respects;

(x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;

(xi) The CZMPs shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking revision of the maps following the above procedures;

(xii) The CZMPs already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein.

6. Enforcement of the CRZ, notification, 2011-

(a) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 with the MoEF, State Government or the Union territory Administration NCZMA and SCZMAs;

(b) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMAs have already been notified by MoEF in terms of Orders of Hon'ble

Supreme Court in Writ Petition 664 of 1993;

(c) the State Government or the Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned containing atleast three representatives of local traditional coastal communities including from fisherfolk;

(d) The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

(i) these are not used for any commercial activity
(ii) these are not sold or transferred to non-traditional coastal community.

7. Classification of the CRZ – For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely:-

(i) CRZ-I,–

A. The areas that are ecologically sensitive and the geomorphological features which play a role in the maintaining the integrity of the coast,-

(a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;
(b) Corals and coral reefs and associated biodiversity;
(c) Sand Dunes;
(d) Mudflats which are biologically active;
(e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;
(f) Salt Marshes;
(g) Turtle nesting grounds;
(h) Horse shoe crabs habitats;
(i) Sea grass beds;
(j) Nesting grounds of birds;
(k) Areas or structures of archaeological importance and heritage sites. B. The area between Low Tide Line and High Tide Line;

(ii) CRZ-II,-

The areas that have been developed upto or close to the shoreline.

*Explanation.*- For the purposes of the expression "developed area" is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;

(iii) CRZ-III,-

Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

(iv.) *CRZ-IV,*-

A. the water area from the Low Tide Line to twelve nautical miles on the seaward side;

B. shall include the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.

(v) Areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities,-

A. (i) CRZ area falling within municipal limits of Greater Mumbai;
(ii) the CRZ areas of Kerala including the backwaters and backwater islands;
(iii) CRZ areas of Goa.

B. Critically Vulnerable Coastal Areas (CVCA) such as Sunderbans region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 and managed with the involvement of coastal communities including fisherfolk.

8 Norms for regulation of activities permissible under this notification,-

(i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

Note:- The word existing use hereinafter in relation to existence of various features or existence of regularisation or norms shall mean existence of these features or regularisation or norms as on 19.2.1991 wherein CRZ notification, was notified.

I. CRZ-I,-

(i) no new construction shall be permitted in CRZ-I except,-

(a) projects relating to Department of Atomic Energy;
(b) pipelines, conveying systems including transmission lines;
(c) facilities that are essential for activities permissible under CRZ-I;
(d) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
(e) construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL.
(f) development of green field airport already approved at only Navi Mumbai;

(ii) Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

(a) exploration and extraction of natural gas;
(b) construction of dispensaries, schools, public rainshelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.
(c) necessary safety measure shall be incorporated while permitting such developmental activities in the area falling in the hazard zone;
(d) salt harvesting by solar evaporation of seawater;
(e) desalination plants;
(f) storage of non-hazardous cargo such as edible oil, fertilizers and food grain within notified ports;
(g) construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water.

II. CRZ-II,-

(i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
(ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio:
Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:
(iii) reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;
(iv) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;
(v) desalination plants and associated facilities;
(vi) storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports;
(vii) facilities for generating power by non-conventional power sources and associated facilities;

III. CRZ-III,-

A. Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-

(i) the NDZ shall not be applicable in such area falling within any notified port limits;

(ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities; Construction/reconstruction of dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the State Government or the Union territory in consultation with the traditional coastal communities including fisherfolk and incorporating the necessary disaster management

provision, sanitation and recommended by the concerned State or the Union territory CZMA to NCZMA for approval by MoEF;

(iii) however, the following activities may be permitted in NDZ –

(a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;
(b) projects relating to Department of Atomic Energy;
(c) mining of rare minerals;
(d) salt manufacture from seawater;
(e) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
(f) facilities for regasification of liquefied natural gas subject to conditions as mentioned in subparagraph (ii) of paragraph 3;
(g) facilities for generating power by non conventional energy sources;
(h) Foreshore facilities for desalination plants and associated facilities;
(i) weather radars;
(j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;
(k) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee;
(l) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
(m) development of green field airport already permitted only at Navi Mumbai.

B. Area between 200mts to 500mts,-

The following activities shall be permissible in the above areas;

(i) development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors subject to the conditions as specified in the guidelines at Annexure-III ;
(ii) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
(iii) facilities for regasification of liquefied natural gas subject to conditions as mentioned in sub-paragraph (ii) of paragraph 3;
(iv) storage of non-hazardous cargo such as, edible oil, fertilizers, food grain in notified ports;
(v) foreshore facilities for desalination plants and associated facilities;
(vi) facilities for generating power by non-conventional energy sources;
(vii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor);
(viii) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges by CZMA who may also permit construction of schools and dispensaries for local inhabitants of the area for those panchayats, the major

part of which falls within CRZ if no other area is available for construction of such facilities;

(ix) reconstruction or alteration of existing authorised building subject to sub-paragraph (vii), (viii);

(x) development of green field airport already permitted only at Navi Mumbai.

(IV) In CRZ-IV areas,-

The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities as follows:-

(a) No untreated sewage, effluents, ballast water, ship washes, fly ash or solid waste from all activities including from aquaculture operations shall be let off or dumped. A comprehensive plan for treatment of sewage generating from the coastal towns and cities shall be formulated within a period of one year in consultation with stakeholders including traditional coastal communities, traditional fisherfolk and implemented;

(b) Pollution from oil and gas exploration and drilling, mining, boat house and shipping;

(c) There shall be no restriction on the traditional fishing and allied activities undertaken by local communities.

V. Areas requiring special consideration,-

1. CRZ areas falling within municipal limits of the Greater Mumbai.

(i) Developmental activities in the CRZ area of the Greater Mumbai because of the environmental issues, relating to degradation of mangroves, pollution of creeks and coastal waters, due to discharge of untreated effluents and disposal of solid waste, the need to provide decent housing to the poor section of society and lack of suitable alternatives in the inter connected islands of Greater Mumbai shall be regulated as follows, namely:-

A. Construction of roads - In CRZ-I areas indicated at sub-paragraph (i) of paragraph 7 of the notification the following activities only can be taken up:-

(a) Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to the following conditions:-

(i) All mangrove areas shall be mapped and notified as protected forest and necessary protection and conservation measures for the identified mangrove areas shall be initiated.

(ii) Five times the number of mangroves destroyed/cut during the construction process shall be replanted.

B. Solid waste disposal sites shall be identified outside the CRZ area and thereafter within two years the existing conventional solid waste sites shall be relocated outside the CRZ area.

(iii) In CRZ-II areas-

(a) The development or redevelopment shall continue to be undertaken in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19th February, 1991, unless specified otherwise in this notification.

(b) SLUM REHABITATION SCHEMES,-

1. In the Greater Mumbai area there are large slum clusters with lakhs of families residing therein and the living conditions in these slums are deplorable and the civic agencies are not able to provide basic infrastructure such as drinking water, electricity, roads, drainage and the like because the slums come up in an unplanned and congested manner and the slums in the coastal area are at great risk in the event of cyclones, storm surges or tsunamis, in view of the difficulties in providing rescue, relief and evacuation.
2. To provide a safe and decent dwelling to the slum dwellers, the State Government may implement slum redevelopment schemes as identified as on the date of issue of this notification directly or through its parastatal agencies like Maharashtra Housing and Area Development Authority (MHADA), Shivshahi Punarvasan Prakalp Limited (SPPL), Mumbai Metropolitan Region Development Authority (MMRDA) and the like.:

Provided that,-

(i) such redevelopment schemes shall be undertaken directly or through joint ventures or through public private partnerships or other similar models ensuring that the stake of the State Government or its parastatal entities shall be not less than 51%;

(ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority;

(iii) it shall be the duty of the project proponent undertaking the redevelopment through conditions (i)(2) above along with the State Government to ensure that all legally regularized tenants are provided houses in situ or as per norms laid down by the State Government in this regard.

(c) REDEVELOPMENT OF DILAPIDATED, CESSED AND UNSAFE BUILDINGS:

1. In the Greater Mumbai, there are, also a large number of old and dilapidated, cessed and unsafe buildings in the CRZ areas and due to their age these structures are extremely vulnerable and disaster prone and therefore there is an urgent need for the redevelopment or reconstruction of these identified buildings.

2. These projects shall be taken up subject to the following conditions and safeguards:

(i) such redevelopment or reconstruction projects as identified on the date of issue of this notification shall be allowed to be taken up involving the owners of these buildings either above or with private developers in accordance with the prevailing Regulation, directly or through joint ventures or through other similar models.
(ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority
(iii) suitable accommodation to the original tenants of the specified buildings shall be

ensured during the course of redevelopment or reconstruction of the buildings by the project proponents, undertaking the redevelopment through condition 2(i) above.

(d) Notwithstanding anything contained in this notification, the developmental activities for slums and for dilapidated, cessed and unsafe buildings as specified at paras (b) and (c) above shall be carried out in an accountable and transparent manner by the project proponents mentioned therein which shall include the following pre-condition measures, wherever applicable;-

1. (i) applicability of the Right to Information Act, 2005 to all redevelopment or reconstruction projects granted clearance by the Competent Authorities;
(ii) MoEF shall issue an order constituting the CPIO and the first Appellate Authority of appropriate ranks in consultation with Government of Maharashtra;
(iii) details of the Slum Rehabilitation Scheme, including the complete proposal and the names of the eligible slum dwellers will be declared suo-moto as a requirement of Section 4 of compliance of the Right to Information Act, 2005 by the appropriate authority in the Government of Maharashtra in one month before approving it;
(iv) the implementing or executing agency at the State Government with regard to projects indicated at sub-item (b) and (c) of item (iii) of sub-paragraph V shall display on a large notice boards at the site and at the office of the implementing or executing agency the names of the eligible builders, total number of tenements being made, names of eligible slum dwellers who are to be provided the dwelling units and the extra area available for free sale.
(v) Projects being developed under sub-items (b) and (c) of item (iii) of sub-paragraph V shall be given permission only if the project proponent agree to be covered under the Right to Information Act, 2005.

2. MoEF may appoint statutory auditors, who are empanelled by the Comptroller and auditor General (hereinafter referred to as the C&AG) to undertake performance and fiscal audit in respect of the projects relating to redevelopment of dilapidated, cessed and unsafe buildings and the projects relating to Slum Rehabilitation Scheme shall be audited by C&AG.

3. A High Level Oversight Committee may be set up by the Government of Maharashtra for periodic review of implementation of V(iii)(b) and (c) which shall include eminent representatives of various Stakeholders, like Architects, Urban Planner, Engineers, and Civil Society, besides the local urban bodies, the State Government and the Central Government.

4. The individual projects under V(iii)(b) and (c) shall be undertaken only after public consultation in which views of only the legally entitled slum dweller or the legally entitled tenent of the dilapidated or cessed buildings shall be obtained in accordance with the procedures laid down in EIA notification, 2006.

(e) In order to protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone'.
(f) the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.
(g) Koliwada namely, fishing settlement areas as identified in the Development Plan of 1981

or relevant records of the Government of Maharashtra, shall be mapped and declared as CRZ-III so that any development, including construction and reconstruction of dwelling units within these settlements shall be undertaken in accordance with applicable as per local Town and Country Planning Regulations.

(h) Reconstruction and repair works of the dwelling units, belonging to fisher communities and other local communities identified by the State Government, shall be considered and granted permission by the Competent Authorities on a priority basis, in accordance with the applicable Town and Country Planning Regulations.

2. CRZ for Kerala

In view of the unique coastal systems of backwater and backwater islands alongwith space limitation present in the coastal stretches of the State of Kerala, the following activities in CRZ shall be regulated as follows, namely:-

(i) all the islands in the backwaters of Kerala shall be covered under the CRZ notification;
(ii) the islands within the backwaters shall have 50mts width from the High Tide Line on the landward side as the CRZ area;
(iii) within 50mts from the HTL of these backwater islands existing dwelling units of local communities may be repaired or reconstructed however no new construction shall be permitted;
(iv) beyond 50mts from the HTL on the landward side of backwater islands, dwelling units of local communities may be constructed with the prior permission of the Gram panchayat;
(v) foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up within 50mts width from HTL of these backwater islands.

3. CRZ of Goa.-

In view of the peculiar circumstances of the State Goa including past history and other developments, the specific activities shall be regulated and various measures shall be undertaken as follows:-

(i) the Government of Goa shall notify the fishing villages wherein all foreshore facilities required for fishing and fishery allied activities such as traditional fish processing yards, boat building or repair yards, net mending yards, ice plants, ice storage, auction hall, jetties may be permitted by Grama Panchayat in the CRZ area;
(ii) reconstruction, repair works of the structures of local communities including fishermen community shall be permissible in CRZ;
(iii) purely temporary and seasonal structures customarily put up between the months of September to May;
(iv) the eco sensitive low lying areas which are influenced by tidal action known as khazan lands shall be mapped;
(v) the mangroves along such as khazan land shall be protected and a management plan for the khazan land prepared and no developmental activities shall be permitted in the khazan land;
(vi) sand dunes, beach stretches along the bays and creeks shall be surveyed and mapped. No activity shall be permitted on such sand dune areas;
(vii) the beaches such as Mandrem, Morjim, Galgiba and Agonda has been designated as turtle nesting sites and protected under the Wildlife Protection Act, 1972 and these areas shall be surveyed and management plan prepared for protection of these turtle nesting

sites;

(viii) no developmental activities shall be permitted in the turtle breeding areas referred to in sub-paragraph (vii).

4. (a) Critical Vulnerable Coastal Areas (CVCA) which includes Sunderbans and other identified ecological sensitive areas which shall be managed with the involvement of the local coastal communities including the fisher folk;-

(b) the entire Sunderbans mangrove area and other identified ecologically important areas such as Gulf of Khambat and Gulf of Kutchchh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Orissa, Coringa, East Godavari and Krishna in Andhra Pradesh shall be declared as Critical Vulnerable Coastal Areas (CVCA) through a process of consultation with local fisher and other communities inhabiting the area and depend on its resources for their livelihood with the objective of promoting conservation and sustainable use of coastal resources and habitats;

(c) the process of identifying planning, notifying and implementing CVCA shall be detailed in the guideline which will be developed and notified by MoEF in consultations with the stakeholders like the State Government, local coastal communities and fisherfolk and the like inhabiting the area;

(d) the Integrated Management Plans (IMPs) prepared for such CVCA shall interalia keep in view the conservation and management of mangroves, needs of local communities such as, dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the para 5 above for preparation of Coastal Zone Management Plans;

(e) till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the CZMA with due regards to the views of coastal communities including fisherfolk.

[F. No. 11-83/2005-IA-III]

J. M. MAUSKAR, Addl. Secy.

**ANNEXURE I**

## GUIDELINES FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLANS

### I. A. Demarcation of High Tide Line

1. Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) shall be carried out by one of the agencies authorised by MoEF based on the recommendations of the National Centre for Sustainable Coastal Management (NCSCM).
2. Demarcation of the High Tide Line or LTL shall be made on the Coastal Zone Management (CZM) Maps of scale 1:25,000 prepared by the agencies identified by the MoEF.
3. Local level CZM Maps shall be prepared for use of officials of local bodies for determination of the CRZ.
4. The local level CZM Maps shall be prepared on a Cadastral scale in accordance with the CZM Maps approved by the Central Government.

### B. Preparation of CZM Maps

5. Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1:25,000 maps are not available, 1:50,000 maps shall be enlarged to 1:25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:

| | | |
|---|---|---|
| Unit | : | 7.5 minutes X 7.5minutes |
| Numbering | : | Survey of India Sheet Numbering System |
| Horizontal Datum | : | Everest or WGS 84 |
| Vertical Datum | : | Mean Sea Level (MSL) |
| Topography | : | Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs |

6. The High Water Level (HWL) and Low Water Level (LWL) marked on the Base maps will be transferred to the CZM maps.
7. Coastal geomorphological signatures in the field or satellite imageries or aerial photographs will be used for appropriate adjustment, in the HWL or LWL for demarcating HTL or LTL in accordance with the CRZ notification.
8. The following geomorphological features shall be considered while demarcating in HTL or LTL:
   Landward (monsoonal) berm crest in the case of sandy beaches
   Rocks, Headlands, Cliffs
   Seawalls or revetments or embankments
9. 500 meter and 200 metre lines will be demarcated with respect of HTL.
10. HTL (as defined in the CRZ notification) and LTL shall also be demarcated in the CZM maps along the banks of tidal influenced inland water bodies with the help of the geomorphological signatures or features.
11. Classification of different coastal zones shall be done as per the CRZ notification
12. Standard national or international colour codes shall be used to highlight sub-classification of data.

### C. Local level CZM Maps

Local level CZM Maps are for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans

13. Cadastral (village) maps in 1:3960 or the nearest scale, shall be used as the base maps.
14. These maps are available with revenue Authorities and are prepared as per standard norms.

15. HTL (as defined in the CRZ notification) and LTL will be demarcated in the cadastral map based on detailed physical verification using coastal geomorphological signatures or features in accordance with the CZM Maps approved by the Central Government.
16. 500metre and 200metre lines shall be demarcated with respect to the HTL thus marked.
17. HTL (as defined in the CRZ notification, 1991) and LTL will also be demarcated along the banks of tidal influenced inland water bodies with the help of geomorphological signatures or features.
18. Classifications shall be transferred into local level CZM maps from the CZM Plans.
19. Symbols will be adopted from CZM Maps.
20. Colour codes as given in CZM Maps shall be used.
21. Demarcation of cadastral maps will be done by local agencies approved by the Central Government. The local agencies shall work under the guidance of the concerned State Government or Union Territory Coastal Zone Management Authorities.

D. Hazard mapping:-

II. Classification of CRZ areas

1. The CZM Maps shall be prepared in accordance with para 5 of the CRZ notification demarcating CRZ I, II, III, IV and V.
2. The CZM Maps shall clearly demarcate the land use plan of the area and lists out the CRZ-I areas. All the CRZ-I areas listed under para 7(I)A and B shall be clearly demarcated and colour codes given so that each of the CRZ-I areas can be clearly identified.
3. Buffer zone along mangrove areas of more than 1000sq mts shall be stipulated with a different colour distinguishing from the mangrove area.
4. The buffer zone shall also be classified as CRZ-I area.
5. The hazard line to be drawn up by MoEF shall be superimposed on the CZM maps in 1:25,000 scale and also on the cadastral scale maps.
6. The CRZ-II areas shall be those areas which have been substantially built-up with a ratio of built-up plots to that of total plots is more than 50%.
7. In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.
8. No developmental activities other than those listed above shall be permitted in the areas between the hazard line and 500mts or 100mts or width of the creek on the landward side. The dwelling unit of the local communities including that of the fishers will not be relocated if the dwelling units are located on the seaward side of the hazard line. The State Government will provide necessary safeguards from natural disaster to such dwelling units of local communities.
9. The water areas of CRZ IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.
10. The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.
11. The water area shall be demarcated indicating the pollution levels as per Central Pollution Control Board standards on water quality.
12. In the CRZ V areas the land use maps shall be superimposed on the Coastal Zone Management Plan and clearly demarcating the CRZ I, II, III, IV.
13. The existing authorized developments on the sea ward side shall be clearly demarcated.

14. The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network may be clearly indicated on the CZM Maps for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.

III. CZMPs approved by MoEF in accordance with CRZ notification, 1991

1. While preparing the CZMPs under CRZ notification, 2011, the CZMPs that have been approved under the CRZ Notification, 1991 shall be compared. A justification shall be provided by the concerned CZMA in case the CZMPs prepared under CRZ notification, 2011 varies with respect to the approved CZMP prepared under CRZ notification, 1991.

IV. Public Views on the CZMP.

a) The draft CZMPs prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing on the draft CZMPs shall be held at district level by the concerned CZMAs.
b) Based on the suggestions and objections received the CZMPs shall be revised and approval of MoEF shall be obtained.
c) The approved CZMP shall be put up on the website of MoEF, concerned website of the State, Union Territory CZMA and hard copy made available in the panchayat office, District collector office and the like.

V. Revision of Coastal Zone Management Plans

1. Whenever there is a doubt the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who shall verify the CZMP based on latest satellite imagery and ground truthing.
2. The rectified map would be submitted to MoEF for its record.

Annexure-II

List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

(i) Crude oil;

(ii) Liquefied Petroleum Gas;

(iii) Motor spirit;

(iv) Kerosene;

(v) Aviation fuel;

(vi) High speed diesel;

(vii) Lubricating oil;

(viii) Butane;

(ix) Propane;

(x) Compressed Natural Gas;

(xi) Naphtha;

(xii) Furnace oil;

(xiii) Low Sulphur Heavy Stock;

(xiv) Liquefied Natural Gas;

(xv) Fertilizers and raw materials for manufacture of fertilizers.

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**Annexure-III**

**Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests**

I. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:-

(a) The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line;

(b) The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more;

(c) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(d) no flattening of sand dunes shall be carried out;

(e) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(f) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect fee flow of groundwater in that area;

(g) the State Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;

(h) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;

(i) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;

(j) the construction shall be consistent with the surrounding landscape and local architectural style;

(k) the overall height of construction upto the highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than two floors (ground floor plus one upper floor);

(l) groundwater shall not be tapped within 200metre of the High Tide Line; within the 200metre 500metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;

(m)extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500metres of the High Tide Line;

(n) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;

(o) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

(p) to allow public access to the beach, atleast a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and

(q) if the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and

(r) approval of the State or Union territory Tourism Department shall be obtained.

II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories) construction of beach resorts or hotels shall not be permitted

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## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

## NOTIFICATION

New Delhi, the 18th January, 2019

**G.S.R. 37(E).**—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.19 (E), dated the 6th January, 2011 (hereinafter referred to as the Coastal Regulation Zone Notification, 2011), the Central Government declared certain coastal stretches as Coastal Regulation Zone (hereinafter referred to as the CRZ) under section 3 of Environment (Protection) Act, 1986 (29 0f 1986);

And Whereas, the Ministry of Environment, Forest and Climate Change has received representations from various coastal States and Union territories, besides other stakeholders, regarding certain provisions in the Coastal Regulation Zone Notification, 2011 related to management and conservation of marine and coastal ecosystems, development in coastal areas, eco-tourism, livelihood options and sustainable development of coastal communities etc.;

And Whereas, various State Governments and Union territory administrations and stakeholders have requested the Ministry of Environment, Forest and Climate Change to address the concerns related to coastal environment and sustainable development with respect to the Coastal Regulation Zone Notification, 2011;

And Whereas, the Ministry of Environment, Forest and Climate Change had constituted a Committee under the Chairmanship of Dr. Shailesh Nayak to examine various issues and concerns of coastal States and Union territories and various stakeholders, relating to the Coastal Regulation Zone Notification 2011 and to recommend appropriate changes in the said Notification;

And Whereas, the report submitted by Dr. Shailesh Nayak Committee has been examined in the Ministry and consultations have been held with various stakeholders in this regard;

And Whereas, a draft Coastal Regulation Zone Notification, 2018 was issued and hosted in the website of the Ministry of Environment, Forest and Climate Change on the 18th April, 2018 seeking comments and suggestions from all concerned;

And Whereas, objections and suggestions received in response to the above mentioned draft Coastal Regulation Zone Notification, 2018 have been duly considered by the Central Government;

Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in supersession of the Coastal Regulation Zone Notification 2011, number S.O. 19(E), dated the 6th January, 2011, except as respects things done or omitted to be done before such supersession, the Central Government, with a view to conserve and protect the unique environment of coastal stretches and marine areas, besides livelihood security to the fisher communities and other local communities in the coastal areas and to promote sustainable development based on scientific principles taking into account the dangers of natural hazards, sea level rise due to global warming, do hereby, declares the coastal stretches of the country and the water area up to its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands, as Coastal Regulation Zone as under:-

(i) The land area from High Tide Line (hereinafter referred to as the HTL) to 500 meters on the landward side along the sea front.

Explanation. - For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide, as demarcated by the National Centre for Sustainable Coastal Management (NCSCM) in accordance with the laid down procedures and made available to various coastal States and Union territories.

(ii) CRZ shall apply to the land area between HTL to 50 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt)

measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plan (hereinafter referred to as the CZMP):

Provided that the CRZ limit of 50 meters or width of the creek whichever is less, shall be subject to revision and final approval of the respective CZMPs as per this notification, framed with due consultative process, public hearing etc. and environmental safeguards enlisted therein, and till such time the CZMP to this notification is approved, the limit of 100 meters or width of the creek whichever is less, shall continue to apply.

Explanation.- For the purposes of this sub-paragraph the expression "tidal influenced water bodies" means the water bodies influenced by tidal effects from sea in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds that are connected to the sea.

(iii) The "intertidal zone" means land area between the HTL and the Low Tide Line (hereinafter referred to as the LTL).

(iv) The water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

**2.0 Classification of CRZ. –** For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely: -

**2.1 CRZ-I** areas are environmentally most critical and are further classified as under:

**2.1.1 CRZ-I A:**

(a) CRZ-I A shall constitute the following ecologically sensitive areas (ESAs) and the geo-morphological features which play a role in maintaining the integrity of the coast viz.:

(i) Mangroves (in case mangrove area is more than 1000 square meters, a buffer of 50 meters along the mangroves shall be provided and such area shall also constitute CRZ–I A);

(ii) Corals and coral reefs;

(iii) Sand dunes;

(iv) Biologically active mudflats;

(v) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 0f 1986), including Biosphere Reserves;

(vi) Salt marshes;

(vii) Turtle nesting grounds;

(viii) Horse shoe crabs' habitats;

(ix) Sea grass beds;

(x) Nesting grounds of birds;

(xi) Areas or structures of archaeological importance and heritage sites.

(b) A detailed environment management plan shall be formulated by the states and Union territories for such ecologically sensitive areas in respective territories, as mapped out by the National Centre for Sustainable Coastal Management (NCSCM), Chennai based on guidelines as contained in **Annexure-I** to this notification and integrated with the CZMP.

**2.1.2 CRZ-I B:**

The intertidal zone i.e. the area between Low Tide Line and High Tide Line shall constitute the CRZ-I B.

**2.2 CRZ-II:**

CRZ-II shall constitute the developed land areas up to or close to the shoreline, within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built-up plots to that of total plots being more than 50 per cent and have been provided with drainage and approach roads and other infrastructural facilities, such as water supply, sewerage mains, etc.

**2.3 CRZ-III:**

Land areas that are relatively undisturbed (viz. rural areas, etc.) and those which do not fall under CRZ-II, shall constitute CRZ–III, and CRZ-III shall be further classified into following categories: -

**2.3.1 CRZ-III A:**

Such densely populated CRZ-III areas, where the population density is more than 2161 per square kilometre as per 2011 census base, shall be designated as CRZ–III A and in CRZ-III A, area up to 50 meters from the HTL on the landward side shall be earmarked as the 'No Development Zone (NDZ)', provided the CZMP as per this notification, framed with due consultative process, have been approved, failing which, a NDZ of 200 meters shall continue to apply.

**2.3.2 CRZ-III B:**

All other CRZ-III areas with population density of less than 2161 per square kilometre, as per 2011 census base, shall be designated as CRZ-III B and in CRZ-III B, the area up to 200 meters from the HTL on the landward side shall be earmarked as the 'No Development Zone (NDZ)'.

**2.3.3:**

Land area up to 50 meters from the HTL, or width of the creek whichever is less, along the tidal influenced water bodies in the CRZ III, shall also be earmarked as the NDZ in CRZ III.

*Note: The NDZ shall not be applicable in the areas falling within notified Port limits.*

**2.4 CRZ- IV:**

The CRZ- IV shall constitute the water area and shall be further classified as under:-

**2.4.1 CRZ- IVA:**

The water area and the sea bed area between the Low Tide Line up to twelve nautical miles on the seaward side shall constitute CRZ-IV A.

**2.4.2 CRZ- IVB:**

CRZ-IV B areas shall include the water area and the bed area between LTL at the bank of the tidal influenced water body to the LTL on the opposite side of the bank, extending from the mouth of the water body at the sea up to the influence of tide, i.e., salinity of five parts per thousand (ppt) during the driest season of the year.

**3.0 Areas requiring special consideration in the CRZ.-** Following coastal areas shall be accorded special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities: -

3.1 Critically Vulnerable Coastal Areas (CVCA):

Sundarban region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 such as Gulf of Khambat and Gulf of Kutchh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Odisha, Coringa, East Godavari and Krishna in Andhra Pradesh shall be treated as Critical Vulnerable Coastal Areas (CVCA) and managed with the involvement of coastal communities including fisher folk who depend on coastal resources for their sustainable livelihood.

3.2 CRZ for inland Backwater islands and islands along the mainland coast.

3.3 CRZ falling within municipal limits of Greater Mumbai.

**4**. **Prohibited activities within CRZ.-** The following activities shall be prohibited, in general, within the entire CRZ and exceptions to these and other permissible and regulated activities in specific CRZ categories viz. CRZ-I, II, III and IV, shall be governed by the provisions of paragraph 5:-

(i) Setting up of new industries and expansion of existing industries, operations or processes.

(ii) Manufacture or handling of oil, storage or disposal of hazardous substances as specified in the notification of the Ministry of Environment, Forest and Climate Change number G.S.R.395 (E), dated the 4th April, 2016.

(iii) Setting up of new fish processing units.

(iv) Land reclamation, bunding or disturbing the natural course of seawater except for the activities permissible under this notification and executed with prior permission from the competent authority.

(v) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements.

(vi) Dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling.

(vii) Port and harbour projects in high eroding stretches of the coast.

(viii) Mining of sand, rocks and other sub-strata materials.

(ix) Dressing or altering of active sand dunes.

(x) In order to safeguard the aquatic system and marine life, disposal of plastic into the coastal waters shall be prohibited and adequate measures for management and disposal of plastic materials shall be undertaken in the CRZ.

(xi) Drawal of ground water.

**5. Regulation of permissible activities in CRZ:**

**5.1 CRZ-I:**

**5.1.1. CRZ–IA:**

These areas are ecologically most sensitive and generally no activities shall be permitted to be carried out in the CRZ-I A area, with following exceptions:-

(i) Eco-tourism activities such as mangrove walks, tree huts, nature trails, etc., in identified stretches areas subject to such eco-tourism plan featuring in the approved CZMP as per this notification, framed with due consultative process, public hearing, etc. and further subject to environmental safeguards and precautions related to the Ecologically Sensitive Areas, as enlisted in the CZMP.

(ii) 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.

(iii) Construction of roads and roads on stilts, by way of reclamation in CRZ-I areas, shall be permitted only in exceptional cases for defence, strategic purposes and public utilities, subject to a detailed marine or terrestrial or both environment impact assessment, to be recommended by the Coastal Zone Management Authority and approved by the Ministry of Environment, Forest and Climate Change; and in case construction of such roads passes through mangrove areas or is likely to damage the mangroves, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.

**5.1.2 CRZ-I B - The inter tidal areas:**

Activities shall be regulated or permissible in the CRZ-I B areas as under:-

(i) Land reclamation, bunding, etc. shall be permitted only for activities such as,-

(a) foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, hover ports for coast guard, sea links, etc;

(b) projects for defence, strategic and security purposes;

(c) road on stilts, provided that such roads shall not be authorised for permitting development on the landward side of such roads, till the existing High Tide Line:

Provided that the use of reclaimed land may be permitted only for public utilities such as mass rapid or multimodal transit system, construction and installation of all necessary associated public utilities and infrastructure to operate such transit or transport system including those for electrical or electronic signaling system, transit stopover of permitted designs; except for any industrial operation, repair or maintenance;

(d) measures for control of erosion;

(e) maintenance and clearing of waterways, channels, ports and hover ports for coast guard;

(f) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.

(ii) Activities related to waterfront or directly needing foreshore facilities such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations, Indian coast guard stations and the like.

(iii) Power by non-conventional energy sources and associated facilities.

(iv) Transfer of hazardous substances from ships to Ports, terminals and refineries and vice versa.

(v) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II to this notification, subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment, Forest and Climate Change, provided that such facilities are for receipt and storage of fertilizers and raw materials required for fertilizers, like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid, etc.

(vi) Storage of non-hazardous cargo i.e. edible oil, fertilizers and food grains in notified Ports.

(vii) Hatchery and natural fish drying.

(viii) Existing fish processing units may utilise 25% additional plinth area for modernisation purposes (only for additional equipment and pollution control measures) subject to the following:-

(a) Floor Space Index of such reconstruction not exceeding the permissible Floor Space Index as per prevalent town and country planning regulations;

(b) additional plinth area is constructed only to the landward side.

(c) approval of the concerned State Pollution Control Board or Pollution Control Committee.

(ix) Treatment facilities for waste and effluents and conveyance of treated effluents.

(x) Storm water drains.

(xi) Projects classified as strategic, defence related projects and projects of the Department of Atomic Energy, Government of India.

(xii) Manual mining of atomic mineral(s) notified under Part-B of the First Schedule to the Mining and Minerals (Development and Regulation) Act, 1957)(67 of 1957) occurring as such or in association with one or other minerals in the intertidal zone by such agencies as authorised by the Department of Atomic Energy, Government of India as per mining plan approved by the Atomic Mineral Directorate for Exploration and Research:

Provided that the manual mining operations shall be carried out only by deploying persons using baskets and hand spades for collection of ore or mineral within the intertidal zone and as per approved mining plan, without deploying or using drilling and blasting or Heavy Earth Moving Machinery in the intertidal zone.

(xiii) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;

(xiv) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water, intake water for desalination plants, etc, and outfall for discharge of treated wastewater or cooling water from thermal power plants in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC), as the case may be.

(xv) Pipelines, conveying systems including transmission lines.

(xvi) Weather radar for monitoring of cyclones prediction, ocean observation platforms, movement and associated activities.

(xvii) Salt harvesting and associated facilities.

(xviii) Desalination plants and associated facilities.

**5.2 CRZ-II:**

(i) Activities as permitted in CRZ-I B, shall also be permissible in CRZ-II, in so far as applicable.

(ii) Construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places, etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorised fixed structures:

Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.

(iii) Buildings permitted as in (ii) above, shall be subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index (FSI) or Floor Area Ratio (FAR) prevailing as on the date of this Notification, and in the event that there is a need for amendment of the FSI after the date of publication of this notification in the official Gazette, the Urban Local Body or State Government or Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned State Coastal Zone Management Authority (SCZMA) or Union Territory Coastal Zone Management Authority, as the case may be and the SCZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environmental protection measures, etc., and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the Solid Wastes are handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on to the coast or coastal waters.

(iv) Reconstruction of authorised 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, prevailing as on the date of publication of this notification in the official Gazette and in the event that there is a need for amendment of the FSI after the said date of this notification, the Urban Local Body or State Government or Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned State Coastal Zone Management Authority (SCZMA) or Union Territory Coastal Zone Management Authority, as the case may be and the CZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environmental protection measures etc,. and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the Solid Wastes are

handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on to the coast or coastal waters.

(v) Development of vacant plots in designated areas for construction of beach resorts or hotels or tourism development projects subject to the conditions or guidelines at **Annexure-III** to this notification.

(vi) Temporary tourism facilities shall be permissible in the beaches which shall only include shacks, toilets or washrooms, change rooms, shower panels; walk ways constructed using interlocking paver blocks, etc, drinking water facilities, seating arrangements, etc. and such facilities shall however be permitted only subject to the tourism plan featuring in the approved CZMP as per this notification, framed with due consultative process or public hearing, etc. and further subject to environmental safeguards enlisted in the CZMP, however, a minimum distance of 10 meter from HTL shall be maintained for setting up of such facilities.

**5.3 CRZ-III:**

(i) Activities as permitted in CRZ-I B, shall also be permissible in CRZ-III, in so far as applicable.

(ii) **Regulation of activities in NDZ:**

Following shall be permissible and regulated in the NDZ:-

(a) No construction shall be permitted within NDZ in CRZ III, except for repairs or reconstruction of existing authorised structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under this notification including facilities essential for activities and construction or reconstruction of dwelling units of traditional coastal communities including fisher folk, incorporating necessary disaster management provisions and proper sanitation arrangements.

(b) Agriculture, horticulture, gardens, pastures, parks, playfields and forestry.

(c) Construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by Coastal Zone Management Authority (CZMA).

(d) Construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee.

(e) Facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like.

(f) Wherever there is a national or State highway passing through the NDZ of CRZ-III areas, temporary tourism facilities such as toilets, change rooms, drinking water facility and temporary shacks can be taken up on the seaward side of the road.

On landward side of such roads in the NDZ, resorts or hotels and associated tourism facilities shall be permitted and such facilities shall, however, be permitted only subject to the incorporation of tourism plan in the approved CZMP as per this notification and the conditions or guidelines at Annexure-III, to this notification as applicable.

(g) Temporary tourism facilities shall be permissible in the NDZ and beaches in the CRZ-III areas and such temporary facilities shall only include shacks, toilets or washrooms, change rooms, shower panels, walk ways constructed using interlocking paver blocks, etc, drinking water facilities, seating arrangements etc., and such facilities shall, however, be permitted only subject to the tourism plan featuring in the approved CZMP as per this notification subject to maintaining a minimum distance of 10 meters from HTL for setting up of such facilities.

(h) Mining of atomic minerals notified under Part-B of the First Schedule to Mining and

Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.

(iii) **Regulation of activities for CRZ–III areas beyond NDZ:**

(a) Development of vacant plots in designated areas for construction of beach resorts or hotels or tourism development projects subject to the conditions or guidelines at Annexure-III to this notification.

(b) Construction or reconstruction of dwelling units, so long it is within the ambit of traditional rights and customary uses such as existing fishing villages, etc. and building permission for such construction or reconstruction will be subject to local town and country planning rules, with an overall height of construction not exceeding 9 meters and with only two floors (ground + one floor).

(c) The local communities including fishermen may be permitted to facilitate tourism through 'home stay' without changing the plinth area or design or facade of the existing houses.

(d) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads, bridges, etc.

(e) Limestone mining:

Selective mining of limestone minerals may be permitted in specific identified areas under the mining plans, which are adequately above the height of HTL, based on the recommendations of reputed National Institutes in the mining field such as Council of Scientific and Industrial Research (CSIR), Central Mining Research Institute etc., provided that the extraction of minerals shall be carried out not below a height of 1 meter above the HTL and an adequate barrier shall be created so as to safeguard against saline water incursion and subject to appropriate safeguards related to pollution of coastal waters and prevention of coastal erosion.

(f) Mining of atomic minerals notified under Part-B of the First Schedule of Mining and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.

(iv) Drawing of groundwater and construction related thereto shall be prohibited within 200 meters of HTL except for the use of local communities in areas inhabited by them and in the areas between 200 to 500 meters of the HTL, groundwater withdrawal may be permitted only through manual means from ordinary wells for drinking, horticulture, agriculture and fisheries, etc. where no other source of water is available and restrictions for such drawal may be imposed by the designated Authority by State Government or Union territory Administration in the areas affected by sea water intrusion, however, for horticulture and agriculture purpose, micro irrigation promoted by Government welfare schemes shall be permitted.

(v) Development of airports in wastelands and non-arable lands in CRZ-III areas with adequate environmental safeguards.

**5.4 CRZ-IV:**

Activities shall be permitted and regulated in the CRZ IV areas as under:-

(i) Traditional fishing and allied activities undertaken by local communities.

(ii) Land reclamation, bunding, etc to be permitted only for activities such as.-

(a) foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, sea links and hover ports for coast guard ,etc;

(b) projects for defence, strategic and security purpose including coast guard;

(c) measures for control of erosion;

(d) maintenance and clearing of waterways, channels and ports;

(e) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.

(iii) Activities related to waterfront or directly needing foreshore facilities, such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, navigational safety facilities and the like.

(iv) Power by non-conventional energy sources and associated facilities such as offshore wind, wave energy, ocean thermal energy conversion, etc.

(v) Transfer of hazardous substances from ships to Ports.

(vi) Storage of non-hazardous cargo like edible oil, fertilizers and food grains in notified Ports.

(vii) Facilities for discharging treated effluents into the water course.

(viii) Projects classified as strategic and defence related projects including coast guard coastal security network.

(ix) Projects of department of Atomic Energy.

(x) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto.

(xi) Exploration and mining of atomic minerals notified under Part-B of the First Schedule of the Mining and Minerals (Development and Regulation) Act, 1957 (67 of 1957), occurring as such or in association with other mineral(s) and of such associated mineral(s).

(xii) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants, and foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants, in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of the Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee.

(xiii) Pipelines, conveying systems including transmission lines.

(xiv) Weather radar for monitoring of cyclone prediction, ocean observation platforms, movement and associated activities.

(xv) Construction of memorials or monuments and allied facilities by the concerned State Government in CRZ-IV (A) areas, in exceptional cases, with adequate environmental safeguards, subject to the following, namely: -

(a) the concerned State Government shall submit justification for locating the project in CRZ–IVA area along with details of alternate sites considered and weightage matrix on various parameters including environmental parameters, to State Coastal Zone Management Authority who will examine the project and make recommendation to the Central Government (Ministry of Environment, Forest and Climate Change) for grant of Terms of Reference (ToRs) for preparation of an environmental impact assessment report by the State Government;

(b) On grant of ToRs by the Central Government, the concerned State Government shall submit the draft Environmental Impact Assessment report (EIA) with Environmental Management Plan (EMP), draft Risk Assessment Report with Disaster Management Plan (DMP) including on-site and off-site emergency plan and evacuation plan during emergency, to the State Pollution Control Board for conduct of public hearing for the proposed project in accordance with the procedure laid down under the Environment Impact Assessment (EIA) notification number S.O. 1533(E), dated the 14th September, 2006;

(c) The concerned State Government shall, after addressing the relevant issues raised by the public during the public hearing referred to in sub-item (b), submit the final EIA, EMP, Risk Assessment and DMP, to the State CZMA for their examination and recommendation to MoEF&CC;

(d) The Central Government may, if it considers necessary so to do, dispense with the requirement of public hearing referred to in sub-clause (b), if it is satisfied that the project will not involve rehabilitation and resettlement of the public or the project site is located away from human habitation.

**5.5 Requirement for Clearance from Department of Atomic Energy installations:**

Prior to undertaking any developmental activity including construction of new structures, falling in the boundary limits specified by Atomic Energy Regulatory Board (AERB) guidelines, prior clearance shall be obtained from Department of Atomic Energy installations.

**6. Coastal Zone Management Plan (CZMP)**

(i) All coastal States and Union territory administrations shall revise or update their respective coastal zone management plan (CZMP) framed under CRZ Notification, 2011 number S.O. 19(E), dated 6th January, 2011, as per provisions of this notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest and all the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification and until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects.

(ii) The CZMP may be prepared or updated by the coastal State Government or Union territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of Ministry of Environment, Forest and Climate Change and in consultation with the concerned stakeholders.

(iii) The coastal States and Union territories shall prepare draft CZMP in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in **Annexure-IV** to this notification, which involve public consultation.

All developmental activities listed in this notification shall be regulated by the State Government, Union territory administration, the local authority or the concerned Coastal Zone Management Authority within the framework of such approved CZMP, as the case may be, in accordance with provisions of this notification.

(iv) The draft CZMP shall be submitted by the State Government or Union territory to the concerned Coastal Zone Management Authority for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986 (29 of 1986).

(v) The Ministry of Environment, Forest and Climate Change shall thereafter consider and approve the respective CZMP of concerned State Governments or Union territory administrations.

(vi) The CZMP shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking a revision.

**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.

(iii) For all other permissible and regulated activities as per this notification, which fall purely in CRZ–II and CRZ-III areas, the CRZ clearance shall be considered by the concerned Coastal Zone Management Authority and such projects in CRZ –II and III, which also happen to be traversing through CRZ–I or CRZ-IV areas or both, CRZ clearance shall, however be considered only by the Ministry of Environment, Forest and Climate Change, based on recommendations of the concerned Coastal Zone Management Authority.

(iv) Projects or activities which attract the provisions of this notification as also the provisions of EIA notification, 2006 number S.O. 1533(E), dated the 14th September, 2006, shall be dealt with for a composite Environmental and CRZ clearance under EIA Notification, 2006 by the concerned approving Authority, based on recommendations of the concerned Coastal Zone Management Authority, as per delegations i.e., State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) or the Ministry of Environment, Forest and Climate Change for category 'B' and category 'A' projects respectively.

(v) In case of building or construction projects with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, 2006 these shall be approved by the concerned local State or Union territory Planning Authorities in accordance with this notification, after obtaining recommendations of the concerned Coastal Zone Management Authority.

(vi) Only for self-dwelling units up to a total built up area of 300 square meters, approval shall be accorded by the concerned local Authority, without the requirement of recommendations of concerned Coastal Zone Management Authority and such authorities shall, however, examine the proposal from the perspective of the Coastal Regulation Zone notification before according approval.

**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.

(b) Rapid Environment Impact Assessment (EIA) Report including marine and terrestrial component, as applicable, except for building construction projects or housing schemes.

(c) Comprehensive EIA with cumulative studies for projects, (except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, 2006 number S.O 1533(E), dated 14th September, 2006) if located in low and medium eroding stretches, as per the CZMP to this notification.

(d) Risk Assessment Report and Disaster Management Plan, except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, 2006 number S.O 1533(E), dated 14th September, 2006).

(e) CRZ map in 1:4000 scale, drawn up by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office Order number J-17011/8/92-IA-III, dated the 14th March, 2014 using the demarcation of the HTL or LTL, as carried out by NCSCM.

(f) Project layout superimposed on the CRZ map duly indicating the project boundaries and the CRZ category of the project location as per the approved Coastal Zone Management Plan under this notification.

(g) The CRZ map normally covering 7 kilometre radius around the project site also indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas.

(h) "Consent to establish" or No Objection Certificate from the concerned State Pollution Control Board or Union territory Pollution Control Committee for the projects involving treated discharge of industrial effluents and sewage, and in case prior consent of

Pollution Control Board or Pollution Control Committee is not obtained, the same shall be ensured by the proponent before the start of the construction activity of the project, following the clearance under this notification.

(ii) The concerned Coastal Zone Management Authority shall examine the documents in clause (i) above, in accordance with the approved Coastal Zone Management Plan and in compliance with this notification and make recommendations within a period of sixty days from date of receipt of complete application as under: -

(a) For the projects or activities also attracting the EIA Notification, 2006 number S.O. 1533(E), dated 14th September, 2006, the Coastal Zone Management Authority shall forward its recommendations to Ministry of Environment, Forest and Climate Change or SEIAA for category 'A' and category 'B' projects respectively, to enable a composite clearance under the EIA Notification, 2006 number S.O. 1533(E), dated 14th September, 2006, however, even for such Category 'B' projects located in CRZ-I or CRZ-IV areas, final recommendation for CRZ clearance shall be made only by the Ministry of Environment, Forest and Climate Change to the concerned SEIAA to enable it to accord a composite Environmental Clearance and CRZ clearance to the proposal.

(b) Coastal Zone Management Authority shall forward its recommendations to the Ministry of Environment, Forest and Climate Change for the projects or activities not covered in the EIA notification, 2006, but attracting this notification and located in CRZ-I or CRZ-IV areas.

(c) Projects or activities not covered in the aforesaid EIA Notification, 2006, but attracting this notification and located in CRZ-II or CRZ-III areas shall be considered for clearance by the concerned Coastal Zone Management Authority within sixty days of the receipt of the complete proposal from the proponent.

(d) In case of construction projects attracting this notification but with built-up area less than the threshold limit stipulated for attracting the provisions of the aforesaid EIA Notification 2006, Coastal Zone Management Authority shall forward their recommendations to the concerned State or Union territory planning authorities, to facilitate granting approval by such authorities.

(iii) The Ministry of Environment, Forest and Climate Change shall consider complete project proposals for clearance under this notification, based on the recommendations of the Coastal Zone Management Authority, within a period of sixty days.

(iv) In case the Coastal Zone Management Authorities are not in operation due to their reconstitution or any other reasons, then it shall be responsibility of the Department of Environment in the State Government or Union territory Administration, who are the custodian of the CZMP of respective States or Union territories, to provide comments and recommend the proposals in terms of the provisions of the said notification.

(v) The clearance accorded to the projects under this notification shall be valid for a period of seven years, provided that the construction activities are completed and the operations commence within seven years from the date of issue of such clearance.

The validity may be further extended for a maximum period of three years, provided an application is made to the concerned authority by the applicant within the validity period, along with recommendation for extension of validity of the clearance by the concerned State or Union territory Coastal Zone Management Authority.

(vi) Post clearance monitoring:

(a) It shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on the 1st June and 31st December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned Coastal Zone Management Authority.

(b) The compliance report shall also be displayed on the website of the concerned regulatory authority.

(vii) To maintain transparency in the working of the Coastal Zone Management Authority, it shall be the responsibility of the Coastal Zone Management Authority to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMP of the respective State Government or Union territory.

**9. Enforcement of this notification:**

(i) For the purposes of implementation and enforcement of the provisions of this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 (29 of 1986) with the Ministry of Environment, Forest and Climate Change, State Government or the Union territory Administration, National Coastal Zone Management Authority and the State or Union territory Coastal Zone Management Authority;

(ii) The composition, tenure and mandate of National Coastal Zone Management Authority and State Government or the Union territory Coastal Zone Management Authority have already been notified by the Ministry of Environment, Forest and Climate Change in terms of Orders of Hon'ble Supreme Court in Writ Petition 664 of 1993;

(iii) The State Government or the Union territory Coastal Zone Management Authority shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned comprising at least three representatives of local traditional coastal communities including from fishermen, and the State Government may consider the enforcement of this notification to the level of respective District Magistrates.

(iv) The dwelling units of the traditional coastal communities including fishermen, tribals as were permissible under the provisions of the Coastal Regulation Zone notification, 2011 number S.O. 19(E), dated the 6$^{th}$ January, 2011, but which have not obtained formal approval from concerned authorities under the said Notification shall be considered by the respective Coastal Zone Management Authority and the dwelling units shall be regularised subject to the following condition, namely: -

(a) these are not used for any commercial activity;

(b) these are not sold or transferred to non-traditional coastal community.

**10. Areas requiring special consideration:**

**10.1 Critically Vulnerable Coastal Areas (CVCAs):**

(i) For all the CVCAs mentioned in sub-paragraph 3.1, Integrated Management Plans (IMPs) shall be prepared, which shall, inter alia, keep in view the conservation and management of mangroves, needs of local communities, such as dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the guidelines for preparation of Coastal Zone Management Plan.

(ii) Till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain/cyclone shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the Coastal Zone Management Authority with due regards to the views of coastal communities including fisher folk.

**10.2 CRZ for inland backwater islands and islands along mainland coast:**

(i) All the inland islands in the coastal backwaters and islands along the mainland coast shall also be covered under this notification.

(ii) In view of the unique coastal systems of backwater islands and islands along the mainland coast, along with space limitations in such coastal stretches, CRZ of 20 meters from the HTL on the landward side shall uniformly apply to such islands and activities shall be regulated as under:-

(a) existing dwelling units of local communities may be repaired or reconstructed within 20 meters from the HTL of these islands, however, no new construction shall be permitted in this zone.

(b) foreshore facilities, such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up in CRZ limits subject to due environmental safeguards.

(iii) Integrated Island Management Plans (IIMPs), as applicable to smaller islands in Lakshadweep and Andaman & Nicobar, as per Island Protection Zone Notification, 2011 number S.O. 20(E), dated the 6th January, 2011, shall be formulated by respective States or Union territory for all such islands and submitted to Ministry of Environment, Forest and Climate Change and till the IIMPs are framed, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification 2011 number S.O. 19(E), dated the 6th January, 2011, shall continue to apply.

**10.3 CRZ areas falling within municipal limits of Greater Mumbai:**

(i) In order to protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorised as No Development Zone and a Floor Space Index up to 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.

(ii) Construction of sewage treatment plants in CRZ-I area for the purpose of treating the sewage from the municipal area shall be taken only by the municipal authorities in exceptional circumstances, where no alternate site is available to set up such facilities, subject to recommendations of the Coastal Zone Management Authority and approval by the Central Government and in case the construction of such plant is inevitable in a mangrove area, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.

[F. No. 19-112/2013-IA-III]

RITESH KUMAR SINGH, Jt. Secy.

**Annexure-I**

**CONSERVATION, PROTECTION AND MANAGEMENT FRAMEWORK FOR ECOLOGICALLY SENSITIVE AREAS**

The coastal and marine Ecologically Sensitive Areas (ESAs) and the geo-morphological features play a vital role in maintaining the functions of the coast. Mangroves, beaches, coral reefs, etc., aid in controlling coastal erosion, shoreline change, saltwater intrusion and also serve as natural defence against coastal hazards such as storm surges, cyclones and tsunamis. The ESAs maintain the biological integrity of the coast by providing direct and indirect ecosystem services to the coastal livelihood. In addition, several invaluable archaeological and heritage sites are also located along the coast. Hence conservation and protection of the above areas, features and sites become necessary.

**1. General measures**

(i) All ESAs shall be identified and boundary delineated by NCSCM using satellite data.

(ii) The State Governments or Union territory Administrations through the authorised agencies shall prepare CZMP as per the guidelines contained in this notification highlighting the conservation and protection of the ESAs.

(iii) Those activities permissible under this notification shall be included in the CZMP.

Specific conditions shall be adopted for the conservation, protection and management of each of the ESAs as under: -

**1.1 Mangroves:**

(i) Mangroves declared as forest under the Forest (Conservation) Act, 1980 (69 of 1980).

Notwithstanding anything contained in this notification, such mangroves declared by the concerned State Governments or Union territory Administrations or Central Government as forest land under the Forest (Conservation) Act, 1980 (69 of 1980) shall attract the provisions of the said Act.

(ii) Mangroves not declared under Forest (Conservation) Act, 1980:

(a) Mangroves in Government land shall be protected based on a detailed plan to be prepared by the concerned State Governments or Union territory administrations, and in case the mangrove area is more than 1000 square meters, a buffer of 50 metre along the periphery of mangrove area shall be provided. This buffer zone of 50 metre may be utilised for public facilities for developing parks, research facilities related to mangrove biodiversity, facilities for conservation and the like.

(b) Mangroves in private land will not require a buffer zone.

**1.2 Corals and coral reefs and associated biodiversity:**

(i) Destruction of coral and coral reefs and the surroundings is a prohibited activity.

(ii) All coral and coral reefs shall be protected except for those small quantities required for research purposes.

(iii) Coral and coral reefs transplantation activities shall be through recognised research institutions wherever required for regeneration after obtaining necessary approvals under Wildlife (Protection) Act 1972 (53 of 1972).

(iv) The dead or destroyed or both coral areas shall be taken up for rejuvenation and rehabilitation. The conservation and protection of corals and coral reefs shall be taken up as follows:-

(a) active and live coral and coral reefs identified and delineated shall be declared and notified as ESA under Environment (Protection) Act 1986 (29 of 1986);

(b) it shall be ensured that no activities that are detrimental to the health of corals, coral reefs and its associated biodiversity, such as mining, effluent and sewage discharge, dredging, ballast water discharge, ship washings, fishing other than traditional non-destructive fisheries, construction activities and the like are taken up in and around the coral areas.

**1.3 The National Parks, marine parks, Sanctuaries**, reserve forests, wildlife habitats and other protected areas declared under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act 1980 (69 of 1980) or Environment (Protection) Act 1986 (29 of 1986); including Biosphere Reserves shall be conserved and protected as follows:-

(i) Conservation and protection of the above mentioned areas shall be as per the provisions of the respective Acts, notifications or guidelines as the case may be.

(ii) Efforts shall be made to increase the forest area in the coastal region in order to prevent loss of life and property from increased storms, tides and floods.

(iii) The concerned State Governments or Union territory administrations shall provide for adequate funds for such measures to undertake shelter belt plantation or bio-shields with planting material suitable to the location.

**1.4. Salt marshes:**

The conservation and protection of salt marshes shall be as follows:-

(i) The salt marsh areas shall be conserved and protected and efforts shall be made to promote the endemic biodiversity in the salt marshes.

(ii) Only those activities required for overhead conveying or transmission of cables and underground laying of transmission line cables and so on, shall be permissible.

(iii) Traditional fishing shall be permissible in salt marshes.

(iv) Temporary tourism facilities around the salt marsh areas may be considered subject to adhering to norms laid down in the guidelines.

(v) Certain salt marshes which have less biodiversity, identified by NCSCM and demarcated in Coastal Zone Management Plan can be considered for salt pan activities.

**1.5 Turtle nesting grounds shall be protected and conserved as follows:-**

(i) Turtle nesting grounds identified by the concerned State Governments or Union territory administrations shall be protected as per Wildlife (Protection) Act of 1972.

(ii) No activities shall be permitted in and around the turtle nesting ground including those causing light and sound pollution except for those required for conservation and protection of these sites.

(iii) Strict management plans for protecting the turtle nesting grounds shall be undertaken and implemented by the concerned State or Union territory Authorities.

**1.6 Horse shoe crabs habitats shall be protected and conserved as follows:-**

(i) The habitat identified shall be taken up for conservation and protection.

(ii) No activities shall be taken up in and around these habitats which affect the horse shoe crab ecosystem.

**1.7 Sea grass beds shall be protected and conserved as follows:-**

(i) Identified sea grass beds shall be conserved and protected.

(ii) No developmental activities that have adverse effect on the sea grass bed shall be undertaken.

(iii) Efforts shall be made to propagate sea grass beds along the coastal waters where ever possible by States or Union territories as it acts as a carbon sink.

**1.8 Nesting grounds of birds shall be protected and conserved as follows:-**

(i) The nesting ground of birds including their local migratory route shall be protected. No developmental activities which have adverse impact on the nesting grounds and the migratory routes shall be undertaken including construction of wind mills, transmission lines and the like in the locality.

(ii) Efforts shall be made to increase the forest cover and mangrove cover including enriching the biodiversity of salt marsh and other coastal water bodies so as to provide for suitable habitat for the avifauna.

**1.9 Geo-morphologically Important Zones shall be protected and managed as follows:**

(i) **Sand dunes** identified shall be conserved and protected as follows:

(a) sand dunes identified shall be notified under Environment (Protection) Act 1986;

(b) no developmental activities shall be permissible except for providing eco-friendly temporary tourism facilities on stilts such as walkways, tents and the like;

(c) mining of sand from sand dunes shall be prohibited activity except for the removal of atomic minerals with proper replenishment using the tailings or other suitable sand;

(d) no activities on the sand dunes shall be taken up that would lead to erosion/destruction of sand dunes;

(e) afforestation, if any, on the sand dunes shall be done only with native flora;

(f) the States or Union territory shall prepare management plans for the demarcated sand dunes.

(iii) **Sandy beaches:**

(a) Mining of beach sand is prohibited except for manual mining of atomic minerals with proper replenishment using the tailings or other suitable sand.

(b) When the permissible developmental activities are taken up on the beaches if loss of beach in the neighbourhood is predicted, necessary beach nourishment to compensate for the losses shall be undertaken by the project authorities and its long term maintenance shall be ensured by them.

(c) The States or Union Territory shall prepare management plans for the demarcated beaches.

(iv) **Biologically active mudflats:**

(a) Biologically active mudflats shall be identified by NCSCM in association with State Governments or Union territory administrations.

(b) The States or Union territories shall prepare management plans for such demarcated biologically active mudflats.

**1.10 Areas or structures of archaeological importance and heritage value sites:**

(i) State Archaeological agencies shall be responsible for conservation and protection of all archaeological structures and heritage sites identified by the Archaeological Survey of India, as per the provisions of the respective Acts, notifications or guidelines.

(ii) No activities that are detrimental to the identified areas or structures of archaeological and heritage value shall be permitted.

(iii) It shall be ensured that these structures or areas are preserved and activities undertaken without changing the façade/plinth of such structures. Such structures could be considered for use in accordance with the relevant norms after undertaking careful designing of the interiors without changing the exterior architectural design of the structure.

****

**Annexure-II**

**LIST OF PETROLEUM AND CHEMICAL PRODUCTS PERMITTED FOR STORAGE IN CRZ, EXCEPT CRZ-I A**

(i) Crude oil;

(ii) Liquefied Petroleum Gas;

(iii) Motor spirit;

(iv) Kerosene;

(v) Aviation fuel;

(vi) High speed diesel;

(vii) Lubricating oil;

(viii) Butane;

(ix) Propane;

(x) Compressed Natural Gas;

(xi) Naphtha;

(xii) Furnace oil;

(xiii) Low Sulphur Heavy Stock;

(xiv) Liquefied Natural Gas;

(xv) Fertilizers and raw materials for manufacture of fertilizers;

(xvi) Acetic acid;

(xvii) Mono ethylene glycol;

(xviii) Paraxylene;

(xix) Ethane;

(xx) Butadine;

(xxi) Methanol;

(xxii) Caustic;

(xxiii) Bitumen.

****

**Annexure-III**

**GUIDELINES FOR DEVELOPMENT OF BEACH RESORTS, HOTELS AND TOURISM DEVELOPMENT PROJECTS IN THE DESIGNATED CRZ AREAS**

**1. CRZ-II**

Construction of beach resorts or hotels in designated areas of CRZ-II for occupation of tourist or visitors shall be subject to the following conditions, namely: -

(i) construction shall be permitted only to the landward side of an existing road or existing authorized fixed structures;

(ii) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(iii) no flattening of sand dunes shall be carried out;

(iv) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(v) construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect fee flow of groundwater in that area;

(vi) the State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate;

(vii the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986 (29 of 1986);

(viii) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

(ix) if the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 (69 of 1980) shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with and approval of the State or Union territory Tourism Department shall be obtained.

**2. CRZ-III**

Construction of beach resorts and hotels in designated areas of CRZ- III for occupation of tourists or visitors shall be subject to the following conditions, namely: -

(i) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(ii) no flattening of sand dunes shall be carried out;

(iii) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(iv) construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect fee flow of groundwater in that area;

(v) the State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate;

(vi) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;

(vii) the total covered area on all floors shall not exceed 33 per cent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;

(viii) the construction shall be consistent with the surrounding landscape and local architectural style;

(ix) the overall height of construction up to the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than two floors (ground floor plus one upper floor);

(x) groundwater shall not be tapped within 200 metre of the High Tide Line; and within the 200 to 500 metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;

(xi) extraction of sand, leveling or digging of sandy stretches, except for structural foundation of building or swimming pool, shall not be permitted within 500 metres of the High Tide Line;

(xii) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986 (29 of 1986);

(xiii) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

(xiv) to allow public access to the beach, at least a gap of 20 metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500 metres apart; and

(xv) If the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 (69 of 1980) shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and approval of the State or Union territory Tourism Department shall be obtained.

**Note:** Construction of beach resorts or hotels shall not be permitted in Ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central Government or State Government or Union territory administrations).

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**ANNEXURE -IV**

**GUIDELINES FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLANS**

**1. Demarcation of High Tide Line and Low Tide Line:**

Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) as carried out by NCSCM for the entire coastline of the country, has been made available to the Coastal States or Union territories and only such demarcation of HTL and LTL shall be applicable for all purposes of this notification.

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.

**3. Preparation of CZM Maps:**

(i) Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1: 25,000 maps are not available, 1: 50,000 maps shall be enlarged to 1: 25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:-

| | |
|---|---|
| Unit | : 7.5 minutes X 7.5minutes |
| Numbering | : Survey of India Sheet Numbering System |
| Horizontal Datum | : Everest or WGS 84 |
| Vertical Datum | : Mean Sea Level (MSL) |
| Topography | : Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs |

(ii) Coastal Zone Management (CZM) Maps of scale 1:25,000 shall be got prepared by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office Order number J-17011/8/92-IA-III dated the 14th March, 2014 using the demarcation of the High Tide Line or LTL, as carried out by NCSCM.

(iii) Various regulatory lines viz. at a distance of 20 metres, 50 metres, 200 metres and 500 metres from HTL respectively, as applicable in various CRZ categories, and the Hazard line shall be demarcated and transferred to the CZM maps.

(iv) HTL, LTL and CRZ boundaries, as applicable, shall also be demarcated in the CZM maps along the banks of tidal influenced inland water bodies.

(v) Classification of different coastal zones shall be done as per the CRZ notification and Standard national or international colour codes shall be used.

**4. Local level CZM Maps:**

(i) Local level CZM Maps are for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans.

(ii) Cadastral (village) maps in 1:3960 or the nearest scale, as available with revenue authorities shall be used as the base maps.

(iii) HTL, LTL, other CRZ regulatory lines and the Hazard line shall be demarcated in the cadastral maps and classifications shall be transferred into local level CZM maps.

**5. Classification of CRZ areas:**

(i) The CZM Maps shall clearly demarcate the land use plan of the area and map out the Ecologically Sensitive Areas (ESAs) or the CRZ-IA areas as per mapping made available by NCSCM to coastal State or Union territories. All such ESAs shall be appropriately demarcated with colour codes.

(ii) Buffer zone along mangrove areas of more than 1000 square metres shall be stipulated with a different colour distinguishing from the mangrove area. The buffer zone shall also be classified as CRZ-I area.

(iii) In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States and Union territories shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.

(iv) The water areas of CRZ-IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, and estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.

(v) The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.

(vi) In CVCAs, the land use maps shall be superimposed on the Coastal Zone Management Plan clearly demarcating the CRZ-I, II, III, IV.

(vii) The existing authorised developments on the seaward side shall be clearly demarcated.

(viii) The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network may be clearly indicated on the CZM Maps for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.

(ix) Construction of buildings or other activities shall be permitted under the CZMP provided adequate arrangements are made for proper management and disposal of solid and liquid wastes in accordance with the environmental standards, rules and statutes, and under no circumstances, untreated effluents shall be disposed off in the coastal waters.

**6. Public consultations on CZMP:**

(i) The draft CZMP prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing on the draft CZMP shall be held at district level by the concerned CZMA.

(ii) Based on the suggestions and objections received the CZMPs shall be revised and approval of Ministry of Environment, Forest and Climate Change shall be obtained.

(iii) The approved CZMP shall be put up on the website of Ministry of Environment, Forest and Climate Change, concerned website of the State or Union Territory Coastal Zone Management Authority and hard copy made available in the Panchayat Office and District Collector Office.

**7. Revision of Coastal Zone Management Plans:**

(i) Whenever there is a doubt, the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who shall verify the CZMP based on latest satellite imagery and ground truthing.

(ii) If required, the rectified map shall be submitted to Ministry of Environment, Forest and Climate Change for consideration.

*****

**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) |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |

**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:

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Annexure-R1/3

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS DAPOLI, AT DAPOLI**

**Reg. Criminal Complaint no. _____ / 2022**

IN THE MATTER OF:

A complaint under Section 190 of The Code of Criminal Procedure, 1973.

AND

An application under section 19 and Section 15 r/w Section 7 of Environment (Protection) Act, 1986.

IN THE MATTER OF:

**Ministry of Environment Forest and Climate Change,**

Represented by,

**Shree Suresh Kumar Adapa**,Age About-43, occupation-service, Scientist 'E', Integrated Regional Office, Ministry of Environment Forest and Climate Change, East Wing, Ground Floor, New Secretariat Building, Near Old VCA Stadium, Civil Lines-Nagpur-440001, Maharashtra.

**...Complainant**

VERSUS

1. **Shree ANIL DATTATRAY PARAB**
   Age- 55, Occupation-Business
   R/o. 'Ravikiran', 58/2625, Gandhi Nagar,
   Near Bank of Maharashtra, Bandra-East,
   Mumbai -400051

2. **M/S SAI RESORT**
   (Through Authorised Representative
   Shree Sadanand Gangaram Kadam)
   Gat No. 446, Murud, Tehsil – Dapoli,
   Ratnagiri, Maharashtra

3. **M/S SEA CONCH RESORT**
   (Through Authorised Representative)
   Gat No. 446, Murud, Tehsil – Dapoli,
   Ratnagiri, Maharashtra.

**...ACCUSED(S)**

**MOST RESPECTFULLY SHEWETH:**

1. That the complainant is a duly authorized representative and public Servant working as Scientist 'E' at the Integrated Regional Office, Ministry of Environment Forest and Climate Change, East Wing, Ground Floor, New Secretariat Building, Near Old VCA Stadium, Civil Lines-Nagpur-440001, Maharashtra.

2. That the duties of this representative include the implementation of Environment (Protection) Act, 1986 and Rules thereunder.

3. That the complainant begs to file this complaint under section 19 of the Environment (Protection) Act,1986 as per the Ministry of Environment and Forests Notification dated 28th February, 2014. A photo copy of the notification dated 28th February, 2014 is being marked and attached as **Annexure C-1.**

4. That this complainant being authorized under the aforesaid Notification dated 28.02.2014 issued in accordance with the provision contained in Section 23 of the Environment (Protection) Act, 1986, begs to file this complaint against the accused persons therefore the complainant has requisite authority to prosecute the accused on behalf of the Ministry of Environment, Forest and Climate Change.

5. That this complainant is a public servant under Section 174 of the Indian Penal Code and remains always busy in Govt. official work as well as different projects in the regional jurisdiction and as such it would be difficult for him to attend this Hon'ble court for every adjournment of this case without detriment to his other official duties. In the aforesaid circumstances, it is respectfully prayed that your Honour

would be graciously pleased to condone and exempt personal appearance attending the court unless, so directed by this Hon'ble Court, of the complainant.

**BRIEF FACTS:**

1. That the Ministry of Environment, Forest and Climate Change (MoEFCC) received various complaints by Public Representatives including incumbent Member of Parliaments and ex-Member of Parliaments regarding the illegal construction of Commercial Properties in the prohibited Non-Development Zone in the Coastal Regulator Zone -III (CRZ-III) area and the concomitant discharge of environmental pollution in the Sea stream by means of cheating and taking undue advantage to influence the public servant purportedly by corrupt and illegal means and through personal influence to get permission for making such illegal construction of A Resort named Sai Resort, in Non-Development Zone in the Coastal Regulator Zone -III (CRZ-III) area at Survey No. 446 of Village Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra. Copy of Representations/Complaints is annexed herewith as **Annexure C-2**.

2. Perusal of the aforementioned Representations/Complaints leads to the following facts:

   A. That on 20.06.2011, one Sh. Vibhas Ranjan Sathe purchased 42 guntha (around 1 acre) land having Gat No. 446, Murud, from Sh. Ratnakar Janardan Pusalkar and six other people. The land was recorded as *agricultural land* in Revenue Record No. 7/12.

   B. That on 20.10.2015, an application was made to the Gram Panchayat of Murud seeking permission to construct a non-permanent temporary structure. Pursuant to which the Gram Panchayat of Murud vide letter no.G.P.M.335/2016, dated 26.02.2016, while granting the permission to the applicant for

construction of *Kaccha House* (rough type hut), laid down several terms and conditions for such construction. Amongst the other conditions, one such condition is reproduced below:

> 9. *If the building would have to be used for Non-Agricultural use, the advance permissions of Revenue/CRZ etc. will have to be obtained as the acts and rules.*

The copy of the letter dated 26.02.2016 is annexed herewith as **Annexure C-3.**

C. That inspite of getting the aforementioned permission dated 26.02.2016, Sh. Vibhas Ranjan Sathe, for reasons best known to him, made no such constructions on the said agricultural land.

D. That on 02.05.2017, Accused No.1 took possession of the said agricultural land with total ownership rights from the erstwhile owner Sh. Vibhas Ranjan Sathe, for a total sale consideration value of Rs. 1 Crore. However, for reasons best known to the Accused No. 1, despite having completed all transactions related to sale of said agricultural land having Gat. No. 446, the sale of the said agricultural land was executed after the lapse of more than 2 years i.e. on 19.06.2019. It bears mention that the said sale deed in no uncertain terms mentions that the possession of the said property having Gat. No. 446 was accepted by Accused No. 1, by taking in writing, that it was still an agricultural land. A true copy of said Sale Deed dated 19.06.2019 is annexed herewith as **Annexure C-4.**

E. In a bizarre set of events, despite Sh. Vibhas Ranjan Sathe, having sold all his rights of the said agricultural property on 02.05.2017 to Accused No. 1 and having completed all the monetary transactions therein, as admitted in Sale Deed, applied on 21.07.2017 for

conversion of land use of said land for non-agricultural i.e. residential and commercial use.

F. That the Sub Divisional Officer, Dapoli vide his Letter No. LNA/SR/122/2017 dated 12.09.2017, in an apparent collusion with the Accused No. 1 and Sh. Vibhas Ranjan Sathe, brazenly disregarding the CRZ-III norms which prohibit any construction thereby declaring it a No Development Zone, illegally granted permission for use of said land for residential and commercial purposes thereby converting the land use from agricultural to non-agricultural. The said letter of Sub Divisional Officer is annexed herewith as **Annexure C-5.**

G. At this juncture it is apposite to mention that the CRZ Notification of 2011 defined No Development Zone as – "*Area upto 200 meters from HTL (High Tide Line) on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as* "***No Development Zone (NDZ)***."

H. Further, as per Paragraphs 3 and 8 of the CRZ Notification, 2011, any new construction is strictly prohibited within *No Development Zone (NDZ).* The relevant excerpts of CRZ Notification, 2011, Para 8 (I) III.CRZ-III A(ii), is reproduced herein below:

> "***no construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure…***"

I. It is a settled fact that Mr Vibhas Sathe never made any construction, including the aforementioned *Kaccha House* (rough type hut), inspite of being granted such permission by the Gram Sabha vide letter no.G.P.M.335/2016, dated 26.02.2016.

J. Further, the said Sale Deed dated 19.06.2019 never mentioned about any construction on the said land.

However, an illegal construction of a Ground + 2 Floored resort, namely, M/s Sai Resort, was constructed with the active connivance by Accused No. 1 and the officers of the Gram Panchayat and other such officers.

K. However, after taking the possession of the said agricultural land from Sh. Vibhas Rajaram Sathe on 02.05.2017, the Accused No. 1 apparently started construction of the said resort, after getting an illegal permission for construction of a Ground plus one floor. Further, to create an illegal and ostensible documental trail that the said resort, Accused No. 1, vide letter dated 26.06.2019, addressed to the Sarpanch of the Gram Panchayat, Murud, stated that Accused No. 1 has purchased the said land along with structure constructed over it from Sh. Vibhas Sathe with the request that the said resort be henceforth registered in his name along with the alteration of name in record and charge of tax. This stands in stark contradiction to the said sale deed dated 19.06.2019 wherein there is no mention of any construction on the said agricultural land. The true copy of said letter dated 26.06.2019 is annexed herewith as **Annexure C-6.**

L. That the Gram Panchayat, Murud allowed the application of Accused No. 1 and registered the said structure as Building No. 1074 in the name of Sh. Anil Parab, Accused No. 1 and also issued property tax receipt accordingly. Copy of receipt of House Tax deposited by Accused No.1 is annexed herewith as **Annexure C-7.**

M. Further, in an apparent indication that the Accused No.1 started the commercial operation of the said Sai Resort in the NDZ Zone, the Accused No.1 applied and thereafter secured a 3Ph/5.75 KW Connection for the said Sai Resort/H.No. 1074 as Consumer No.

215570011932, vide DYEE/SPL-II/tech/No. 345, dated 05.03.2020, Receipt No. 1956650. Copy of documents including Application and Receipt qua sanction of a 3Ph/5.75 KW connection for the said Sai Resort i.e. for Accused No.2 by Accused No.1 is annexed herewith as **Annexure C-8.**

N. It bears mention that, Building No. 1074, by the name of and title of M/s Sai Resort, constructed by Accused No. 1 herein, is in absolute contravention and violation of several environmental laws including CRZ Rules and regulations and various other penal laws.

3. It is pertinent to mention that in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Ministry of Environment and Forest had notified the ***Coastal Regulation Zone***(hereinafter referred as CRZ in short) Notification, 1991 on 19.02.1991.

4. That in supersession of the CRZ Notification, 1991, the Coastal Regulation Zone Notification, 2011 was notified on 06.01.2011, with the objective of regulating developmental activities along the coastal stretches, to ensure the livelihood security of the fisher communities and other local communities living in the coastal areas and to conserve and protect coastal stretches.

5. That the CRZ Notification, 2011 declares certain areas as CRZ and imposes various restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ areas. A true copy of CRZ Notification, 2011 is annexed herewith as **Annexure C-9.**

6. That the further supersession of the CRZ Notification, 2011, the Coastal Regulation Zone Notification, 2019 was notified and as per the CRZ Notifications of 1991, 2011 and 2019, no construction is permitted in an Area upto 200 meters from *HTL* (High Tide Line) on the landward side in case of

seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ) and that no construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure.

7. That on the basis of information received in the above-mentioned representations, the ministry sought a report from National Centre for Sustainable Coastal Management (NCSCM) on the matter concerned.

8. That the National Centre for Sustainable Coastal Management (NCSCM) after scrutinizing the CRZ maps based on the available documents and the other findings recommended that

...

> *"From the approved CZMP, **it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III.** The said SAI Resort, including the buildings, roads and other structures have been constructed within 200 meters in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III. A site visit may be undertaken in the near future by a team of officials including representatives from MCZMA, Mumbai, to ascertain the facts and to submit a detailed report, if necessary."*

True copy of NCSCM report is being annexed as **Annexure C-10.**

9. That thereafter the Maharashtra Coastal Zone Management Authority (MCZMA) *vide* its report, letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 has also stated that the construction of resort at Gat No. 446 is in violation of extant CRZ norms. True copy of the Maharashtra Coastal Zone Management Authority letter dated 29/06/2021 is being marked and attached as **Annexure C-11.**

10. That thereafter on 12.06.2021 an inspection of the relevant site was carried out by Sh. Suresh Kumar Adapa, Complainant herein, the then Scientist 'D' along with Sub Divisional Officer & SDM, Dapoli and Tehsildar, Dapoli. The relevant excerpts of said site inspection report inter-alia are reproduced herein below as:

> *"...There were 2 resorts namely Sai Resort NX and Sea Conch existing in Gat no.446."*
>
> i. *It was observed that both resorts are located in No Development Zone (within 200mts from High Tide Line) in CRZ-III as per CRZ Notification 2011.*
>
> ii. *The entrance to the resort is from beach side only. No other entrance was observed during the site inspection.*
>
> iii. *A road was also observed in the side nearby to the resort it is connecting to the approach road in front of the resort. The road also falls in the No Development Zone in CRZ III as per CRZ Notification 2011"...*
>
> *Conclusions- Based on the above, it is concluded that the both resorts-*
>
> I. *SAI Resort NX (Gr.+2 Floors) and Sea Conch (Gr.+1+ covered structure in 2nd floor) and approach road to the resorts are located in No Development Zone in CRZ-III as per CRZ Notification 2011. The constructions are in violation of CRZ Notification 2011 (Section 8 III (ii) of the Notification).*
>
> II. *One more road nearby to the resort connecting to the approach road is also in the No Development Zone in CRZ III."*

A true copy inspection report dated 14.06.2021 is annexed herewith as Annexurec-12.

11. That thereafter MoEF&CC, vide its letter and email dated 17.12.2021 has also instructed the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA), Environment Department, Government of Maharashtra for initiating action against other illegal projects/activities which are in violation of CRZ norms, as reported by the State of Maharashtra. True copy of the letter dated 17.12.2021 is being marked and attached as **Annexure C-13.**

12. That after examining of all the facts and material on record, the Ministry issued Show Cause Notice dated 17.12.2021 to M/s SAI Resort and M/s Sea Conch Resort, Accused No. 1 and 2, through email dated 17.12.2021 as well as speed-post dated 21.12.2021, herein respectively wherein the Ministry had given them 15 days time to respond. The said show cause notices were also served personally to the aforesaid Accused through district authority A true copy of Show- Cause Notice dated 17.12.2021 along with the e-mail and speed post receipt is being marked and attached as **Annexure C-14.**

13. It is humbly submitted that the Ministry served the Show Cause Notice dated 17.12.2021 to the Opposite Parties No. 1&2 through email dated 17.12.2021 as well as speed-post dated 21.12.2021. It is further submitted that the Opposite Parties has also been personally served with the said Show Cause Notices dated through district authority. A true copy of the said email and speed post and personal service details is being annexed herein as **Annexure C-15.**

14. That subsequent to this the Ministry, in accordance with the provisions of Section 5 of the Environment (Protection) Act, 1986 vide order dated 31st January 2022 issued directions to M/s SAI Resorts NX and M/s Sea Conch Resort to the effect that:

*"The unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition"*

*Further, project proponent is also directed to ensure compliance to the applicable provisions of Construction and Demolition Waste Management Rules, 2016 while carrying out the demolition activity.*

A true copy of the above-said order is being marked and attached as **Annexure C-16.**

15. That the Ministry vide its letter dated 31.01.2022 has also directed its Regional Officer, Integrated Regional Office, Nagpur for initiation of legal proceeding against the Opposite Parties in this regard. True copy of the letter to IRO Nagpur, dated 31st January 2022 is being marked and attached as **Annexure C-17.**

16. At this juncture it is relevant to mention that the said illegal resorts, Accused No. 2&3 herein are fully functional and operational thereby discharging the environmental pollutants beyond specified limit in the Sea stream. This is because of the absence of any sewage and other municipal or such outlets for the safe discharge of effluents, owing to the illegal construction of the said resorts, causing great detrimental damage to the environment and ecology of seashore.

17. That it is further submitted that Opposite Parties also sold illegally constructed property SAI Resort, Murud to one Sh. Sadanand Kadam, by active concealment of illegalities and irregularities vis a vis construction of said resort and committed cheating.

18. That under these circumstances, the complainant herein is filing this instant complaint before this Hon'ble Court.

19. That at the cost of repeatation it is humbly reiterated that the Opposite Parties has committed grave offences by not only violating several environmental protection laws and

regulation but also several penal laws, in order to acquire wrongful gain. The detailed analysis of offences committed by the Opposite Parties under various laws is mentioned herein below:

**A. Violation of CRZ Rules**

i. That as demonstrated above, the Accused have violated CRZ norms formed under Environment (Protection) Act, 1986. Firstly they did construction and development activity in classified NDZ which is a prohibited and illegal act in itself.

ii. Secondly Accused neither informed the nodal authorities about their construction as mandated by CRZ 2011 Notification, nor acquire requisite permission for such construction. This act of Opposite Parties are enough to render liabilibity on them under EPA.

**B. Offence Under Section 15 read with 7 of The Environment (Protection) Act, 1986 (hereinafter referred as EPA)**

i. Section 7 of EPA provides for restriction on any person carrying any industry, operation, etc to not discharge environmental pollutants in excess of standard prescribed.

ii. The prescribed standards for discharging pollutants is provided in Rule 3 of Environment (Protection) Rules, 1986 read with schedule I to IV of said ruled.

iii. It is pertinent to mention that Item No.39 in Schedule I of said Rules provide to prescribed limits of discharge of environmental pollutants for Hotel Industry.

iv. It is further be noted that in *"Note No.1"* of abovementioned provision categorically states that hotels are ought to comply with the provisions of CRZ norms if applicable. The relevant extract is reproduced hereunder:

> *Notes:*
> *i.* ***Hotels, banquet halls, restaurants, etc. located in coastal area shall also comply with the provisions of the Coastal Regulation Zone, as applicable.***

v. Therefore it is humbly submitted that if an illegal Hotel/Resort operated in the NDZ of CRZ-III are thereby illegally discharging the environmental pollutants beyond specified limit in the Sea stream, it would tantamount to violation of Section 7 of EPA as demonstrated hereinabove.

**C. Commission of Offence of Cheating punishable under Indian Penal Code, 1860**

**a.** There are multiple occasions on which the Opposite Party No. 1 has committed cheating by dishonestly and fraudulently deceiving the office bearers of local body and local administration in order to ensure illegal and wrongful gain.

**b.** The after taking the possession of the said agricultural land from Sh. Vibash Ranjan Sathe on 02.05.2017, the Accused No. 1 apparently started construction of the said resort, after getting an illegal permission for construction of a Ground plus one floor. Further, to create an illegal and ostensible documental trail that the said resort, Accused No. 1, vide letter dated

26.06.2019, addressed to the Sarpanch of the Gram Panchayat, Murud, stated that Accused No. 1 has purchased the said land along with structure constructed over it from Sh. Vibhas Ranjan Sathe with the request that the said resort be henceforth registered in his name along with the alteration of name in record and charge of tax. This stands in stark contradiction to the said sale deed dated 19.06.2019 wherein there is no mention of any construction on the said agricultural land.

c. Without prejudice to the fact that the permission was for such construction was obtained illegally in connivance with Government and Gram Sabha officials, the Accused No.1 mischievously concealed that the construction permission which was granted only for Ground + one Floor and not for a Ground + two floor resort of whose registration was sought by Accused No.1.

d. Furthermore, the Accused No.1 also never acquired any due permission from CRZ concerned authorities for constructing within CRZ. This deficiency itself render the said construction as illegal. However this crucial aspect was also not communicated to Gram Sabha official while seeking registration, thereby defrauding public authorities to get favorable registration.

e. The second and most important instance of cheating committed by Accused No.1 is that despite being fully aware about the illegality of Sai Resort ,due violation of several laws and regulations including CRZ and NDZ regulations as demonstrated earlier, entered into and sale/purchase and aggrement and executed Sale

Deed dated 29.12.2020 for selling all his rights and ownership in the said property having Gat No. 446 alongwith structure build upon it to Sh. Sadanand Kadam.

**20. Cause of Action:-** The cause of Action to file this complaint happens When various representations received to MoEFCC, thereafter when the Report is received from IRO, MoEFCC, Nagpur Dt. 14-06-2021,thereafter when Show causenotise is send to Accused no.2&3 dt.17-12-2021, thereafter when MoEFCC Delhi issued letter to initiate Action Against Accused Thereafter Regularly and day to day till filling of this complaint.

**21. Jurisdiction** :- As the offence is commited by the accused within the special jurisdiction of this hon'ble court, this court is having jurisdiction to Take cognizance, summon, try and punish Accused persons.

**22. Court fees** :- Necessary Court fees Rs. is Affixed to the complaint.

**23. PRAYER:-**

In the above mentioned facts and circumstances, it is most humbly and respectfully prayed that this Hon'ble Court may graciously be pleased to :

a. **Take cognizance, summon, try and punish Accused persons herein for the offence committed U/s 15 read with Sec. 7 of The Environment (Protection) Act, 1986 for violation of CRZ Rules and regulations formed under the said act, and**

b. **Direct Accused No.2 and 3 herein to cease all its commercial operations with immediate effect which is**

leading to discharge of pollutant materials in sea stream resulting ecological damage of Ecologically Sensitive Area (ESAs), and

c. Direct investigation for the cognizable offences under the relevent sections of IPC and other Acts, as this Hon'ble court may deem fit

d. Pass any other order, direction which this Hon'ble Court may deem fit in the interest of justice.

DAPOLI

DATE:-10-3-2022

Filed in court by
Kuvelkar
Adv
[Adv. Kuvelkar P.P]

Shree Suresh Kumar Adapa

Scientist 'E', Integrated Regional Office, Ministry of Environment Forest and Climate Change

(सुरेश कुमार आडपा)
(Suresh Kumar Adapa)
वैज्ञानिक-'ई' Scientist-E
पर्यावरण, वन एवं जलवायु परिवर्तन, मंत्रालय
Ministry of Environment Forest and Climate Change
एकीकृत क्षेत्रिय कार्यालय, नागपुर-440 001
Integrated Regional Office, Nagpur-440 001

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS DAPOLI, AT DAPOLI**

**Reg. Criminal Complaint no. _____ / 2022**

**Ministry of Environment Forest and Climate Change** **...Complainant**

VERSUS

1. **Shree Anil Dattatray Parab etc.3** **...ACCUSED(S)**

**Affidavit in support of the Complaint**

I **Shree Suresh Kumar Adapa**,Age About-43, occupation-service, Scientist 'E', Integrated Regional Office, Ministry of Environment Forest and Climate Change, East Wing, Ground Floor, New Secretariat Building, Near Old VCA Stadium, Civil Lines-Nagpur-440001, Maharashtra. do hereby state on solemn affirmation that -

I have filed criminal complaint against the accused under Section 190 of The Code of Criminal Procedure, 1973. and An application under section 19 and Section 15 r/w Section 7 of Environment (Protection) Act, 1986.

The contents of para no.1 to 23 of the complaint are true and correct to the best of my knowledge and information received to me

Hence the Affidavit

DAPOLI

Date : 10-3-2022

A. Suresh Kum

**Shree Suresh Kumar Adapa**
**Scientist 'E', Integrated Regional Office, Ministry of Environment Forest and Climate Change**

(सुरेश कुमार आडपा)
(Suresh Kumar Adapa)
वैज्ञानिक-ई/Scientist-E
पर्यावरण, वन एवं जलवायु परिवर्तन, मंत्रालय
Ministry of Environment Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय, नागपुर-440 001
Integrated Regional Office, Nagpur-440 001

**Verification**

I **Shree Suresh Kumar Adapa**,Age About-43, occupation-service, Scientist 'E', Integrated Regional Office, Ministry of Environment Forest and Climate Change, East Wing, Ground Floor, New Secretariat Building, Near Old VCA Stadium, Civil Lines-Nagpur-440001, Maharashtra. do hereby state on solemn affirmation that the contents of the above affidavit are true and correct to the best of my knowledge and information received to me and signed at this day.

Dapoli

Date : 10-3-2022

**Shree Suresh Kumar Adapa**
**Scientist 'E', Integrated Regional Office, Ministry of Environment Forest and Climate Change**

(सुरेश कुमार आडपा)
(Suresh Kumar Adapa)
वैज्ञानिक-ई/Scientist-E
पर्यावरण, वन एवं जलवायु परिवर्तन, मंत्रालय
Ministry of Environment, Forest and Climate Change
एकीकृत क्षेत्रिय कार्यालय, नागपुर-440 001
Integrated Regional Office, Nagpur-440 001

I know the Signatory

**(Adv. Prasad Prakash Kuveskar )**

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS DAPOLI AT DAPOLI

Reg. Criminal Complaint no. _____ / 2022

Ministry of Environment Forest and Climate Change ... Complainant

VERSUS

1. Shree Anil Dattatray Parab etc.3 ... Accused

List of witnesses on behalf of the complainant is as follows:-

| Sr.no | Name of Witness |
|---|---|
| 1 | Complainant himself |
| 2 | Shri. Sharad Pawar,Sub Divisional Officer Dapoli(Member of DCZMC) |
| 3 | Smt. Vaishali Patil , Tahasildar, Dapoli |
| 4 | Sub registrar Dapoli |
| 5 | Talathi Murud,Tal Dapoli, Dist Ratnagiri |
| 6 | Gramsevak Murud,Tal Dapoli, Dist Ratnagiri. |
| 7 | Any Other Witness |

Hence List of witnesses on behalf of the complainant

Dapoli

Date : 10-03-2022

Shree Suresh Kumar Adapa

Scientist 'E', Integrated Regional Office, Ministry of Environment Forest and Climate Change

(सुरेश कुमार आडपा)
(Suresh Kumar Adapa)
वैज्ञानिक-ई / Scientist E
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Ministry of Environment Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय, नागपुर-440 001
Integrated Regional Office, Nagpur-440 001

# VAKALATNAMA

## IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS DAPOLI, AT DAPOLI

Reg Criminal Complaint No. /2022

**Ministry of Environment Forest and Climate Change** ... **Complainant**

VERSUS

1. **Shree Anil Dattatray Parab etc.3** ... **Accused**

I / We the undersigned, Complainant abovenamed here by appoint and authorise :-

***Prasad Prakash Kuveskar***
Advocate,
B.Com. LL.B.,
EN. no.MAH/4136/2006
EN.dt. 9/8/2006
Adv. Code-81

to Act, appear & plead on my behalf in the above matter & to conduct, prosecute, defend all interlocutory & miscellaneous proceeding relating to file & receive back documents & to apply for certified copies of judgment & other necessary documents .

In witness whereof I have signed below this 10 Th Day of March in the year 2022 Accepted and filed.

**I am not a member of the Welfare Fund.**
**Stamp of Rs. 2/- is therefore not affixed.**

Kuveskar PK Adv

***Prasad Prakash Kuveskar***
Advocate,
D-24, Ruby apartment,
Thiba palace Road,
Tal & Dist Ratnagiri.
mob. no. 8888372071

(सुरेश कुमार आडपा)
(Suresh Kumar Adapa)
वैज्ञानिक-ई/Scientist-E
पर्यावरण, वन एवं जलवायु परिवर्तन, मंत्रालय
Ministry of Environment, Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय, नागपुर-440 001
Integrated Regional Office, Nagpur-440 001

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS DAPOLI, AT DAPOLI**

**Reg. Criminal Complaint no. _____ / 2022**

**Ministry of Environment Forest and Climate Change** ... **Complainant**

VERSUS

1. **Shree Anil Dattatray Parab etc.3** ... **Accused**

**List of Document on behalf of the complainant:-**

| Sr. no | Particulars | date | remark |
|---|---|---|---|
| 1 | **Annexure c-1** Ministry of Environment and Forests Notification | **28-02-2014** | **zerox copy** |
| 2 | **Annexure c-2** Copy of Representations/Complaints | **9-6-2021** | **zerox copy** |
| 3 | **Annexure c-3** permission to Mr. Vibhas Sathe for construction of *Kaccha House* (rough type hut),from Gram Panchayat of Murud vide letter no.G.P.M.335/2016 | 26.02.2016 | **zerox copy** |
| 4 | **Annexure c-4** Sale Deed Between **Shree ANIL DATTATRAY PARAB and Vibhas Rajaram Sathe** | 19.06.2019 | **zerox copy** |
| 5 | **Annexure c-5** NA permission from Sub Divisional Officer, Dapoli vide his Letter No. LNA/SR/122/2017 | 12.09.2017 | **zerox copy** |

| | | | |
|---|---|---|---|
| 6 | **Annexure c-6** letter from Accused No. 1, to the Sarpanch of the Gram Panchayat, Murud | 26.06.2019 | zerox copy |
| 7 | **Annexure c-7** Receipt of House Tax deposited by Accused No.1 | **14-11-2019** | zerox copy |
| 8 | **Annexure c-8** Copy of documents including Application and Receipt qua sanction of a 3Ph/5.75 KW connection for the said Sai Resort i.e. for Accused No.2 by Accused No.1 | 02-03-2020<br>05-03-2020 | zerox copy |
| 9 | **Annexure c-9** copy of CRZ Notification, 2011 | | zerox copy |
| 10 | **Annexure c-10** copy of NCSCM report | | zerox copy |
| 11 | **Annexure c-11** copy of the Maharashtra Coastal Zone Management Authority letter | 29/06/2021 | zerox copy |
| 12 | **Annexure c-12** copy inspection report | 14.06.2021 | Office copy |
| 13 | **Annexure c-13** copy of the letter from MoEF&CC to the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA), Environment Department, Government of Maharashtra | **17-12-2021** | zerox copy |
| 14 | **Annexure c-14** Show Cause Notice to M/s SAI Resort and M/s Sea Conch Resort | 17.12.2021 | zerox copy |
| 15 | **Annexure c-15** copy of the email and speed post and personal service details | | zerox copy |

| | | | |
|---|---|---|---|
| 16 | **Annexure c-16 copy of** directions to M/s SAI Resorts NX and M/s Sea Conch Resort | **31-01-2022** | **Original** |
| 17 | **Annexure c-17** copy of the letter to IRO Nagpur, | **31-01-2022** | **Original** |
| 18 | **Sale Deed between Anil Parab And Sadanand Kadam** | **29-12-2020** | **zerox copy** |
| 19 | **7/12 Extract of gat No. 446 Village Marud, Tal.Dapoli Dist.ratnagiri** | **06-03-2022** | **copy from portal** |

**Hence the list of documents**

Dapoli

Date : 10-3-2022

A Suresh Kum

**Shree Suresh Kumar Adapa**
**Scientist 'E', Integrated Regional Office, Ministry of Environment Forest and Climate Change**

(सुरेश कुमार अडापा)
(Suresh Kumar Adapa)
वैज्ञानिक-E/Scientist-E
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Ministry of Environment, Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय, नागपुर-440 001
Integrated Regional Office, Nagpur-440 001

Annexure C-1

Annexure-3

रजिस्ट्री सं. डी.एल.-33004/99

REGD NO. D.L.-33004/99

भारत का राजपत्र
The Gazette of India

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## पर्यावरण और वन मंत्रालय

### अधिसूचना

नई दिल्ली, 28 फरवरी, 2014

**का.आ. 637(अ).**—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम की धारा 5 के अधीन इसमें निहित शक्तियों को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (1) के अधीन केंद्रीय सरकार द्वारा गठित किए गए संघी राज्य और संघक्षेत्र पर्यावरण समाघात प्राधिकरणों (जिन्हें इसमें इसके पश्चात् उक्त प्राधिकरण कहा गया है) को उनके प्राधिकारों द्वारा अपने अधिकारिता के भीतर परियोजनाओं के लिए किए गए पर्यावरण अनापत्तियों की शर्तों के अतिक्रमण की दशा में परियोजना प्रस्तावकों को कारण बताओ नोटिस जारी करने तथा इस शर्त के अधीन कि केंद्रीय सरकार शक्तियों के ऐसे प्रत्यायोजन का प्रतिसंहरण कर सकेगी या उक्त अधिनियम की धारा 5 के उपबंधों को स्वयं आवाहन ले सकेगी, यदि केंद्रीय सरकार की राय में लोक हित में ऐसी कार्यवाही आवश्यक है, यदि अपेक्षित हो तो अतिक्रमणों के लिए उक्त परियोजना प्रस्तावकों को ऐसी पर्यावरण अनापत्तियों को उन्हें प्रदत्तीकृत रहने या वापस लिए जाने हेतु निदेश जारी करने की शक्तियों का प्रत्यायोजन करती है।

[सं. के-11013/2/2013-आई ए (अई)]

अजय त्यागी, संयुक्त सचिव

## MINISTRY OF ENVIRONMENT AND FORESTS

### NOTIFICATION

New Delhi, the 28th February, 2014

**S.O. 637(E).**—In exercise of the powers conferred by section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby delegates the powers vested in it under section 5 of the said Act to all the State and Union Territory Environment Impact Assessment Authorities (Hereinafter referred to as the said Authorities) constituted by the Central Government under sub-section (3) of section 3 of Environment (Protection) Act, 1986, to issue show cause notice to project proponents in case of violation of the conditions of the environment clearances issued by the said Authorities to projects or activities within their jurisdiction and to issue directions to the said project proponents for keeping such environment clearances in abeyance or withdrawing them, if required, for violations, subject to the condition that the Central Government may revoke such delegations of powers or may itself invoke the provisions of section 5 of the said Act, if in the opinion of the Central Government such a course of action is necessary in the public interest.

[No. J-11013/2/2013-IA. (I)]

AJAY TYAGI, Jt. Secy.

अधिसूचना

नई दिल्ली, 28 फरवरी, 2014

का.आ. 638(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 19 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त की धारा के प्रयोजन के लिए, इससे संलग्न उक्त सारणी के स्तंभ (3) में उसके सामने प्रविष्ट क्षेत्र के संबंध में उक्त सारणी के स्तंभ (2) में विनिर्दिष्ट प्राधिकरण या अधिकारी को प्राधिकृत करती है:

सारणी

| क्रम संख्यांक | प्राधिकरण/अधिकारी | अधिकारिता |
|---|---|---|
| (1) | (2) | (3) |
| 1. | पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन केंद्रीय सरकार द्वारा गठित राज्य या संघ राज्यक्षेत्र स्तर पर पर्यावरण समनुदेश प्राधिकरण (एस.ई.आई.ए.ए.) | संपूर्ण राज्य या संघ राज्यक्षेत्र |
| 2. | पर्यावरण और वन मंत्रालय (एम.ओ.ई.एफ.) के किसी क्षेत्रीय कार्यालयों में तैनात कोई निदेशक, वन संरक्षक या अपर प्रधान मुख्य वन संरक्षक | पर्यावरण और वन मंत्रालय द्वारा यथा-विनिश्चित क्षेत्रीय कार्यालय की अधिकारिता |

[सं. जे-11013/2/2013-आई ए (आई)]

अजय त्यागी, संयुक्त सचिव

NOTIFICATION

New Delhi, the 28th February, 2014

S.O. 638(E).—In exercise of the powers conferred by clause (a) of section 19 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby authorises the Authority or officer mentioned in column (2) of the Table hereto for the purpose of the said section with the jurisdiction mentioned against each of them in column (3) of that Table:

TABLE

| S. No. | Authority/Officer | Jurisdiction |
|---|---|---|
| (1) | (2) | (3) |
| 1. | State or Union Territory level Environment Impact Assessment Authority (SEIAA) constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986. | Whole of State or Union Territory |
| 2. | Any Director, Conservator of Forests or Additional Principal Chief Conservator of Forests Posted in any of the Regional Offices of the Ministry of Environment and Forests (MoEF). | Jurisdiction of the Regional Office as decided by the Ministry of Environment and Forests |

[No. J-11013/2/2013-IA. (I)]

AJAY TYAGI, Jt. Secy.

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

F. No. 2/11/2021-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
IA-III Division (CRZ)

Annexure 3a

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003
Dated. 9th June, 2021

To,

The Addl. Principal Chief Conservator of Forests (C),
Ministry of Environment, Forest and Climate Change
Regional Office (WCZ), Ground Floor,
East Wing, New Secretariat Building,
Civil Lines, Nagpur-44000, Maharashtra

Subject: Representations received on "Illegal Construction of resort and road in CRZ/ESZ" at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra- regarding

Sir,

Please find attached different representations received on "Illegal Construction of resort and road in CRZ/ESZ at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra" from different representatives as under:

I. Shri Manoj Kotak, Member of Parliament (LoK Sabha)
II. Gopal Shetty, Member of Parliament
III. Dr. Kirit Somaiya Former Member of Parliament

2. This issue has been examined by NCSCM, Chennai and based on the information available they have given a report which is enclosed for your reference.

3. Hon'ble MEFCC has desired that a site-inspection is carried out by RO at the earliest to find out a factual position and a report is submitted to Ministry.

4. In view of the above, it is requested to visit the site and submit a factual report to this Ministry at the earliest for appraisal to Hon'ble MEFCC.

Encl.: As above.

Yours faithfully

(Dr. H. Kharkwal)
Additional Director &
Member Secretary CRZ

O/C

Letter sent by Speed Post on 08/6/21. Dgm
with enclosure.

Manoj Kotak
Member of Parliament, North Sikkim

Member
- Parliamentary Standing Committee on Energy
- Parliamentary Standing Committee on Industry
- Consultative Committee for Ministry of Shipping

Sept
Secy.

OW No. MP-1771/Sevalay/2021

15th May 2021

Respected Shri. Prakash Javadekar Ji,

I am forwarding herewith a representation of Shri Kirit Somaiya former MP Mumbai, Maharashtra regarding illegal construction of resort and road in CRZ/SEZ at sea shore of Murud, Tah Dapoli district Ratnagiri.

The Letter is self explanatory.

You are therefore, requested to kindly look into the matter and taking into consideration of seriousness of a complaint I request you to take appropriate action on urgent basis.

Yours sincerely,

Manoj Kotak

Shri. Prakash Javadekar
Hon'ble Union Broadcasting Minister,
Government of India,
Shastri Bhawan,
New Delhi 110001.

Copy to information:-
Shri Kirit Somaiya
Former MP Mumbai, Maharashtra

Outward No: MP/Pune/215/2014/1451/2021

GIRISH BAPAT, M.P. Pune
LOK SABHA

CHAIRMAN
COMMITTEE ON ESTIMATES,
COMMITTEE ON BUDGET OF LOK SABHA

MEMBER
COMMITTEE ON FOOD, CONSUMER
AFFAIRS AND PUBLIC DISTRIBUTION

Off : 52-D, Parliament House,
New Delhi - 110 001.
Tel. : 011-23034550, 23017464 (Telefax)

Bungalow No. 9, Tilak Road,
New Delhi-110001
Tel. 011-23095931

Respected Shri. Prakash Jayadekar Ji,

I am forwarding herewith a representation of Shri Kirit Somayya former MP Mumbai, Maharashtra regarding illegal construction of resort and road in CRZ/SEZ at sea shore of Murud, Tah Dapoli district Ratnagiri. The letter is self explanatory.

You are therefore, requested to kindly look into the matter and taking into consideration of seriousness of a complaint I request you to take appropriate action on urgent basis.

(GIRISH BAPAT)

To,
Shri. Prakash Jaydekar Ji,
Hon'ble Minister of Environment, Forest and Climate Change,
Government of India.
G6, Kushak Road, New Delhi
Copy to information:-
Shri.Kirit Somayya,
Former MP Mumbai, Maharashtra

Pune Resi. : 212, Shaswat Path, Army Apartment, Pune-411 030. Ph. : 020-24455050
Office : 144, Kabir Path, Pune-411 017. Ph. : 020-24474554/55, Mob. : 9823040400
Email : mp.girishbapat@gmail.com, bapat.girish@sansad.nic.in

Scanned with CamScanner

Dr. Kirit Somaiya
Chartered Accountant, Ph.D
Former Member of Parliament

Bharatiya Janata Party

Ref: KS/Mum/21/534/2021

9th May, 2021

Shri Prakash Javadekar
Hon'ble Minister of Environment,
Forests & Climate Change
Government of India
New Delhi.

Dear Sir,

Sub: Illegal construction of resort and road in CRZ/ESZ at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri.

Ref: i) Survey no. 446 and nearby areas Sai Resort Annex (Sai Resort) Village Murud, Tehsil Dapoli, District Ratnagiri.

ii) Vide letter no. 3051 of 29/04/2021 of forest department District Ratnagiri.

I have received several complaints, documents about the blatant violation and illegal construction of Sai Resort Annex (Sai Resort) and adjacent road and also the access main entries of Sai Resort directly on the Sea Shore of Survey no. 446 Village Murud, Tehsil Dapoli, District Ratnagiri.

On 6th May, 2021 I myself personally visited this area and also the Sai Resort. On the spot I discuss with activist and also visited the Grampanchayt Office and had interaction with Gramsevak and Talathi.

- These land was bought in June 2019 by "A" while during the registration the status of land was shown as NA/Non NA land in mischievous manner.
- The same land was sold by "A" to "K" on 30th December 2020 and registration was completed in February 2021.
- Status of the land of when it was sold/transfer in February 2021 was not had any mention of change or newly constructed of Sai Resort.
- It is observed that during this 18th Month "A" had constructed Sai Resort having 22 rooms and 2 three stories building. The market valuation could be 10 crore
- It is observed that the access to this resort is straight away from the sand of the sea. There is no other access/approach road available.

Ratna Nagar, Mulund, Mumbai-400 081 • Tel.: 022-21634152 • Mob.: 9869020127

Dr. Kirit Somaiya
Chartered Accountant, Ph.D
Former Member of Parliament

Bharatiya Janata Party

- "A" is misusing his states with the help of other try to construct a road adjacent to resort which was clear cut violation of CRZ and ESZ.
- The construction of resort also clear cut violation of CRZ and ESZ.
- From the discussion it seems no categorical mention of details of construction permission seems available.

Several people from the village and activist had approach the Tahsildar, District Collector and Forest Department regarding this unauthorised, illegal construction of Sai Resort also mentioning violation of CRZ and forest guideline.

I am also enclosing copy of the response received from the Forest Department which has not seriously taken the complaint and given a vague reply.

This is a illegal construction done by very influential person. I would request you to ask the concern official to have immediate and urgent investigation and action.

With regards,

Yours sincerely,

(Dr. Kirit Somaiya)

2

Nathani Heights, Mahakali Caves Road, Andheri (East), Mumbai - 400 093. • Tel.: 022-28216162 • Fax: 28382707

तलाठी कार्यालय मुरुड
ता. दापोली
जि. रत्नागिरी

प्रति,

डॉ. गिरीट सोमैय्या

विषय:- फेरफार प्रती पाठविणेबाबत

संदर्भ- केस/मुंबई/502/2021

महोदय,

उपरोक्त संदर्भीय विषयान्वये गट क्रमांक 446 च्या फेरफार प्रती पाठविल्या आहे. सदरील नोंदी घ्यावेत.

तलाठी सजा मुरुड
ता. दापोली, जि. रत्नागिरी

2

परिशिष्ट ६

फेरफार नोंदवही ( रूपांतर पान )

[ महाराष्ट्र प्रांत भूमि अभिलेख अधिनियम आणि नियमानुसार ( तलाठी कार्यालय व मुल्यांकन संघाने ) विहित, ( प्रपत्र ) मालमत्ता पत्रिका ]

गाव :- मुरूड तालुका :- दापोली जिल्हा :- रत्नागिरी

| फेरफार क्रमांक | फेरफाराचे प्रकार व कारणे तसेच संबंधित कलम | तलाठी यांचेकडे पत्र दिनांक | हितसंबंधीतांचे नाव , आकारणी व शेरे |
|---|---|---|---|
| 2221 | फेरफार प्रकार : अतिरिक्त<br>दोषी खातेदार : दोषी **फेरफार दिनांक : 23/01/2021<br>नियमित दिनांक : 19/01/2021<br>खातेदार मयत झालेले दिनांक नुसार 446 वेळेस मयताच्या निधनाच नंतर वारसाने हयातीत खातेदार म्हणून नोंद केल्याने वारसाचे नांवे सदर 0.4097 हे.आर. चौरस मी 0.0117 हे.आर.चौ.मी प्रमाणे वर्ग (मोठा दुरुस्ता विचार योग्य पात्र) भोगवटा वर्ग ब.(1826/2019 मध्ये नोंदवून ( 10000002/मयत खोदे दिले असून, अशिल मयताचे पश्चात वारसे म्हणून मयताचे मिळकतीचे खातेदार नोंदी घेतले आहेत. सदर मयताचे नांवे सदर 0.4097 हे.आर. चौरस मी 0.0117 हे.आर.चौ.मी एकूण क्षेत्र 0.4214 हे.आर.चौ.मी क्षेत्र प्रमाणे वर्ग ब.(1826/2019 मध्ये नोंदवून

सूची क्र.2

| | |
|---|---|
| (1)जिल्हाचा प्रकार | ग्रामीण |
| (2)तालुका | [illegible] |
| (3)ग्रामपंचायत/मौजे/जिल्हा परिषद/नगरपरिषद/महानगरपालिका/कटक मंडळाचे नाव | [illegible] |
| (4)पुनर्वसन क्षेत्राचे ठिकाण/प्रकल्पाचे ठिकाण | 1) पालिका से गायकवाड़ पेट्रोल पंप, पुणे सातारा रोड से 3.648 कि.मी. पर्यंत दक्षिण दिशेने 1.40 कि.मी. आत पैकी दिहून देणार क्षेत्र क्षेत्र 0.42.14 हे.आर. जागा सर्वे नंबर (Survey Number : 40/1) |
| (5) एकूण | 0.4097 (Hector : Are) |
| (5(a) यापैकी निव्वळ पुनर्वसन क्षेत्र | |
| (6) क्षेत्र एकत्र करता येण्याजोग्या ठेवण्याचा पट्ट्याचा पत्ता जिथे शिबिरे भरवण्याचा मुक्कामाच्या किंवा प्रकल्प क्षेत्राच्या ठिकाणी जाण्यासाठी जवळचे रेल्वे स्टेशन | 1) पत्ता:- जेजुरी एमआयडीसी रोड क्र.२, प्लॉट नं., मालेगाव ता., इंदापूर जि. पुणे, महाराष्ट्र, पुणे जिल्हा-413133 पिन नं.. |
| (7) पुनर्वसन क्षेत्र किंवा प्रकल्प क्षेत्र किंवा शिबिरे भरवण्याचा मुक्कामाच्या किंवा प्रकल्प क्षेत्राच्या ठिकाणी जाण्यासाठी जवळचे रेल्वे स्टेशन | 1) पत्ता:- , जेजुरी एमआयडीसी रोड क्र.२, प्लॉट नं., मालेगाव ता., इंदापूर जि. पुणे, महाराष्ट्र, पुणे जिल्हा-413133 पिन नं.. |
| (8) वरतपेक्षा जास्त विस्ताराचे दिनांक | 18/06/2019 |
| (9)पूर्वसूचना नोटीसचे दिनांक | 19/06/2019 |
| (10)अधिसूचनेचे दिनांक | 18/06/2019 |
| (11)संपादनाचा प्रस्तावित मुआवजा | 500300 |
| (12)मालमत्तेच्या नोंदणी मुल्यांक | 10000 |
| (13)शेरा | |
| पुनर्वसन क्षेत्रासाठी विचारात घेतलेला तपशील: | |
| मुद्दाक शुल्क अकरावीचा निकष लागू: | (iii) Within the limits of any Grampanchayat area or any such area not mentioned in sub-clause (ii) |

4/29/2021
https://freesearchigr.maharashtra.gov.in/IGR/ReportSaleInstrument_RegLive.aspx

27190
28-04-2021
Note: Generated Through eSearch
Module For original report please contact
concern SRO office.

## सूची क्र.2

दुय्यम निबंधक : दु.नि. हवेली
दस्त क्रमांक : 2719/2020
नोंदणी :
Regn.63m

### परवारे नाव : मुरुड

| | |
|---|---|
| (1)मिळकतीचा प्रकार | खरेदीखत |
| (2)बाजारभाव | 11000000 |
| (3) बाजारभावाप्रमाणे मुद्रांक शुल्क आकारणी होत असलेस संबंधित मिळकतीचा उल्लेख करावा) | 6000000 |
| (4) पु. शहर, पेठ/गाव/ मजला/सदनिका/ अपार्टमेंट/प्लॉट नं. | 1) पालिकेचे नाव:तलाठी/इतर शासन :, इतर माहिती: विभाग नं 6, गाव मौजे मुरुड,ता. दापोली येथील गट न. 446 क्षेत्र 1.72.90 हे.आर + पो.ख. 0.09.50 एकूण क्षेत्र 1.26.40 हे.आर हया जमीनीची लिहून देणार अनिल दामोदर परुळेकर यांचे मालकीची क्षेत्र 0.40.97 हे.आर + पो.ख. 0.01.17 हे.आर एकूण क्षेत्र 0.42.14 हे.आर याचार खरेदीखत( HOUSE NUMBER : गट नं. 446 ; ) |
| (5) क्षेत्रफळ | 0.4214 हेक्टर , आर |
| (6)आकारणी किंवा जुडी देण्यात आलेला तपशील. | |
| (7) दस्तऐवज करुन देणा-या/लिहून ठेवणा-या पक्षकाराचे नाव किंवा दिवाणी न्यायालयाचा हुकुमनामा किंवा आदेश असल्यास,प्रतिवादीचे नाव व पत्ता. | 1): नाव-अनिल दामोदर परुळेकर वय:-53; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: प्र. क्र.103, सोसायटीचा: -, रोड: सर्वेक्षण, ओटीपी, रोड,मोती पूर्व, मुलुंड, पोलस: -, मलाडपू, मुलुंड. पिन कोड:-400081 पॅन नं:-AGUPP7869G |
| (8) दस्तऐवज करुन दिल्याचा दिनांक | 29/12/2020 |
| (9)दस्त नोंदणी केल्याचा दिनांक | 30/12/2020 |
| (10)अनुक्रमांक, खंड व पृष्ठ | 2719/2020 |
| (11)बाजारभावाप्रमाणे मुद्रांक शुल्क | 220000 |
| (12)बाजारभावाप्रमाणे नोंदणी फी | 30000 |
| (13)शेरा | |
| मुल्यांकनाची आवश्यकता नाही कारण दस्तऐवजानुसार आवश्यक नाही कारणाचा उपयोग दस्तावरुनुसार आवश्यक नाही | |
| मुद्रांक शुल्क भरलेबाबत तपशील :- | (iii) Within the limits of any Municipal area or any such area not mentioned in sub-clause (ii) |

https://freesearchigr.maharashtra.gov.in/IGR/ReportSaleInstrument_RegLive.aspx

Email: aparnaupasani@mh.in
दूरध्वनी क्रमांक: ०२३१/२५४३६३३

क्रं.: एसी-१०/२०२१/ई.स.१३(सिपी/क-३
महसूल व वन विभाग
मंत्रालय, मुंबई- ४०० ०३२.
दिनांक: १५/०७/२०२१

प्रति,

श्री. प्रसाद कर्ये,
मा. दापोली, जि. रत्नागिरी
Email. prasadkarye@gmail.com.

विषय:- आपले सरकार या संकेतस्थळावर प्राप्त झालेल्या तक्रारीबाबत.
संदर्भ:- टोकन नं. Dept/REVF/२०२१/५१०३

महोदय,

महाराष्ट्र शासनाच्या "आपले सरकार" या संकेतस्थळावर आपली तक्रार मुख्य वनसंरक्षक (प्रा.), कोल्हापूर यांच्याकडे आवश्यक कार्यवाहीसाठी वर्गविण्यात आली आहे. तक्रारीच्या अनुषंगाने केलेल्या कार्यवाहीबाबत कार्यालयीन कामकाज करण्याकरिता मुख्य वनसंरक्षक (प्रा.), कोल्हापूर, यांना कळविण्यात आले आहे. तरी, आपण मुख्य वनसंरक्षक (प्रा.), कोल्हापूर यांच्या कार्यालयाशी संपर्क साधावा, ही विनंती.

मुख्य वनसंरक्षक (प्रा.), कोल्हापूर यांचा कार्यालयीन संपर्क तपशील पुढीलप्रमाणे आहे -
मुख्य वनसंरक्षक (प्रा.), कोल्हापूर - वन वर्धिनी, मुख्य टपाल कार्यालय, शाहूकर बोळ, शाहाजी चौक, कोल्हापूर ४१६ ००३ दूरध्वनी क्र. ०२३१-२५४३६३३ ई मेल- pamkolhapur@mahaforest.com

(अपर्णा उपासनी)
कक्ष अधिकारी
महसूल व वन विभाग

प्रति: आवश्यक कार्यवाहीसाठी:-
मुख्य वनसंरक्षक (प्रा.), कोल्हापूर

यांना विनंती करण्यात येते की, महाराष्ट्र शासनाच्या "आपले सरकार" या पोर्टलवर श्री. प्रसाद कर्ये यांनी दाखल केलेल्या ऑनलाईन तक्रारीची प्रत सोबत जोडण्यात आली आहे. अर्जदाराच्या तक्रारीच्या अनुषंगाने आवश्यक ती कार्यवाही करण्यात यावी व केलेल्या कार्यवाहीबाबत अर्जदारास ८ दिवसांत अवगत करावे, ही विनंती.

तसेच, सदर तक्रारीच्या अनुषंगाने आपले स्तरावरुन केलेल्या अनुषंगाने आवश्यक माहिती aparna.upasani@nic.in या ई-मेल वर सादर करावी.

मुखपृष्ठ प्रवेशद्वार Welcome User लॉगआऊट

तक्रार निवारण प्रणाली
महाराष्ट्र शासन

आपले सरकार

मुख prasadgharve

Dept/REVF/2021/5403

Back

**तक्रारीची माहिती**

| | |
|---|---|
| टोकन आयडी | Dept/REVF/2021/5403 |
| तक्रार करण्याचा दिनांक | 17, March 2021 |
| स्थिती | अभिप्रायासाठी अग्रेषित |

**अर्जदाराची माहिती**

| | |
|---|---|
| नाव | prasadgharve |
| मोबाईल क्रमांक | 9420051040 |
| मेल आईडी | prasadgharve@gmail.com |
| जिल्हा | रत्नागिरी |
| तालुका | दापोली |

**प्रशासन तपशील**

| | |
|---|---|
| प्रशासन स्तर | मंत्रालय |
| विभाग | महसूल - इन |

**तुमची तक्रार**

| | |
|---|---|
| तक्रारीचे स्वरूप | कार्यालयासंबंधी याची |
| तक्रार | मौजे मुरुड तालुका दापोली येथील सर्वे नंबर 439 व 440 या जमिनीच्या कडेला सर्वे नंबर 445 या जमीन क्षेत्रातील विनयोची परवानगीसाठी कार्यालयाची परवानगी न घेता रस्ता केलेला आहे कृपया सदर रस्त्याची रोड कटर्स वेरोपदेशीर रस्ता कटलेला आहे तरी करून तात्काळ कारवाई करावी प्रसाद सर्वे दापोली |

**तक्रार निवारण**

Comment By Revenue-Forest ( March 23, 2021 10:05 AM ) : for necessary action

Comment Language: - भाषा निवडा -



महाराष्ट्र राज्य
कार्यालय उप विभागीय
जिल्हाधिकारी रत्नागिरी यांचे कार्यालय
लांजा ता.लांजा
तहसीलदार लांजा, पहिला मजला कक्ष नं.104,लांजा,जि.रत्नागिरी 416701
दूरध्वनी क्र:- 02352-222423 फॅक्स क्र. 02352-226250
02352-224222 Email ID:- lanja.tahsildar@yahoo.in

क.सह/करमणूक/एस-3/कावि 256/आपले सरकार/टी.नं.3651/2021 दिनांक - 29/04/2021

प्रति,

श्री. मसूद खर्डे,
ग्रा. मु.पो.ता.जि.रत्नागिरी.

विषय - आपले सरकार पोर्टलवर दाखल केलेल्या अर्जाबाबत.
सी.आर.टॉवर मौजे वेरवली बु.येथील परवानगीबाबत.
संदर्भ - आपले सरकार पोर्टलवर दाखल केलेला आपला दिनांक 01/04/2021 रोजीचा अर्ज.

महाशय,

मौजे मुरुड, वाई, केतकरी, आंजर्ला, साखर येथील सी.आर.टॉवर मोबाईल सर्व्हीस कंपनीच्या परवानगीबाबत दिलेली अनामत रक्कम परत मिळणेबाबत अनेक अर्ज आपले सरकार पोर्टलवर दाखल आहेत. मौजे मुरुड येथील गट नंबर 446 या मिळकतीवर वेरवली बु. दिलेली परवानगी दिलेल्या कालावधीची मुदत संपुनही तेथील असाध्यावरण व सी.आर.टॉवर मोबाईल कंपनीने फक्त स्थगिती मिळणेबाबत आपण आपले सरकार पोर्टलवर अर्ज सादर केलेला आहे.

उपरोक्त विषयाबाबत आपल्याला असे कळविण्यात येते की, सी.आर.टॉवर मोबाईल कंपनीच्या परवानगीबाबतची सर्व प्रकरणे या कार्यालयाकडे जमा झालेली असून सदर प्रकरणी महाराष्ट्र जमीन महसूल अधिनियम 1966 चे 257 अन्वये कार्यवाही सुरु आहे. तसेच उपविभागीय अधिकारी, लांजा यांनी सदर प्रकरणी काही निकालपत्रांमध्ये सुधारणा करुन सी.आर.टॉवर मोबाईल कंपनीच्या प्रकरणातील जुनी दिलेली अनामत टिकून राहिली. तसेच काही निकालपत्रांमध्ये सुधारणा करुन सी.आर.टॉवर मोबाईल कंपनी, मौजे मुरुड येथील गट क्रमांक 446 बाबत उपविभागीय अधिकारी, दापोली यांचेकडील पत्रान्वये दिलेल्या दि.06/12/2017 चे संदर्भाधीन मूळ फाळदपर्यंत उपविभागीय अधिकारी, दापोली यांनी पहिली अंतरिम मुदत संदर्भाधीन पत्रान्वये दिलेल्या 796 दिवसांची अशी एकत्रित मुदत संपल्याने वर्ग अकृषिक आकारीपात्र करुन दिलेली आहे. 1966 कलम 257 अन्वये सदर दिलेली परवानगी दिलेल्या तारखेपासून अनुपालनाची शासन अभिलेख पडताळणी तसेच उपअधिक्षक भूमी अभिलेख कार्यालयाकडील 9 (3) 9 (4) चे उतारे तसेच इतर अभिलेख पडताळणी केली असता गट नंबरमधील सार्वजनिक वापरासाठी दिलेल्या जमिनीचे क्षेत्र वगळून उर्वरित क्षेत्रावर सी.आर.टॉवर मोबाईल कंपनीने परवानगी दिलेले दिसते व अजूनही पडताळणी अंती गट नंबरचा सातबारा इतरांतर सदर कलमान्वये संबंधीत-कलमांचे-खिताब-आले-सदर-संस्थेचा या-कार्यालयाकडे मोबदला-कायमपूर्वी सर्व बाबींची पडताळणी करणेचे आवश्यकता आहे. उपविभागीय अधिकारी, दापोली कार्यालयाकडे सी.आर.टॉवर मोबाईल कंपनीने परवानगी आदेशाचे पडताळणीचे काम्पलन सुरु आहे. तसेच सदरची पडताळणी करुन गट क्रमांक 446 या मिळकतीचे आदेशाची मूळ संचिका महाराष्ट्र जमीन महसूल अधिनियम 1966 चे कलम 257 अन्वये पुर्वीच कार्यवाही करणेची तजवीज देणेत येत आहे. सदरच महसूल अधिनियम 1966 चे कलम 257 अन्वये पुढील कार्यवाही करणेची या कार्यालयाकडे याचिकेत आलेली आहे. सबब सदर प्रकरणी महाराष्ट्र जमीन उपविभागीय अधिकारी, दापोली यांचे कार्यालयाकडील सी.आर.टॉवर मोबाईल कंपनी न्यायालय ठोक मेरे देखरेख यांचे प्रलंबित आहेत.

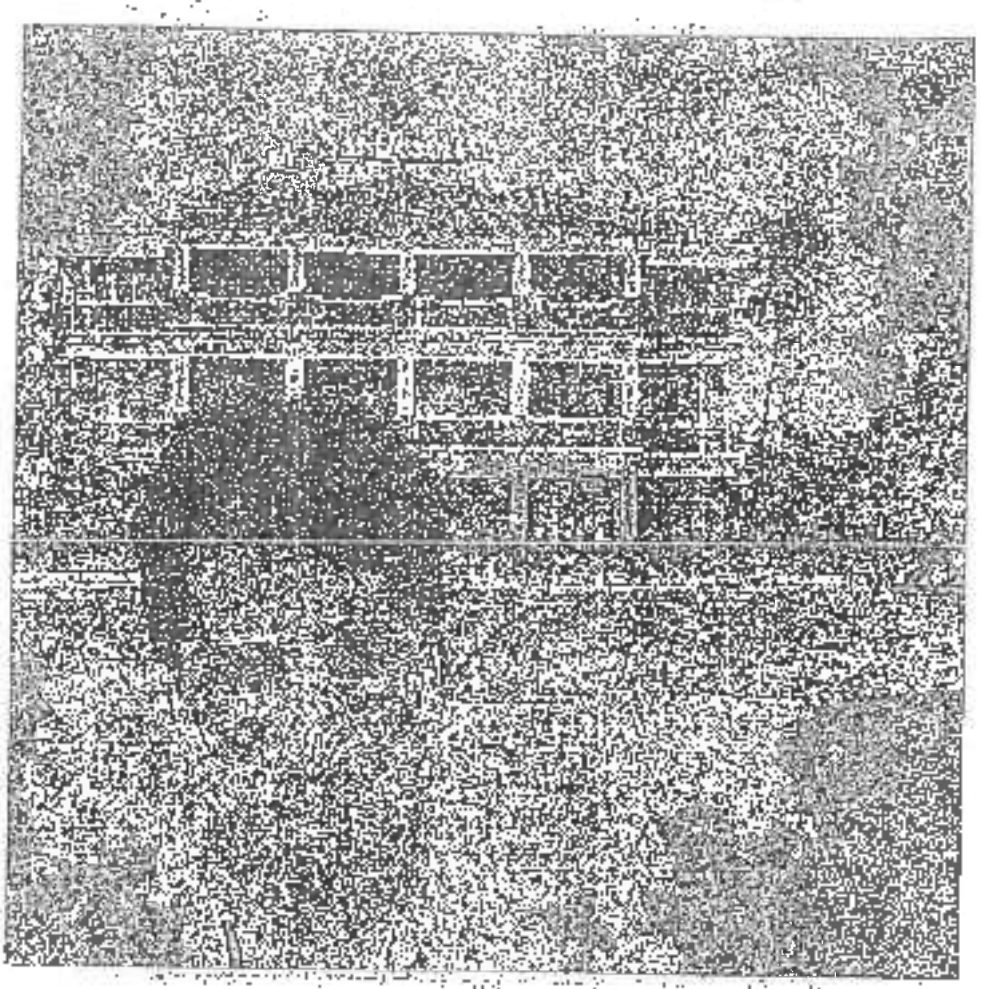
प्रस्तुत प्रकरणी अपिलकर्ता यांचे म्हणणे ऐकण्याकरिता दि.१२.१२.२०१३ रोजी सकाळी ११.०० वाजता या कार्यालयात उपस्थित राहावे.

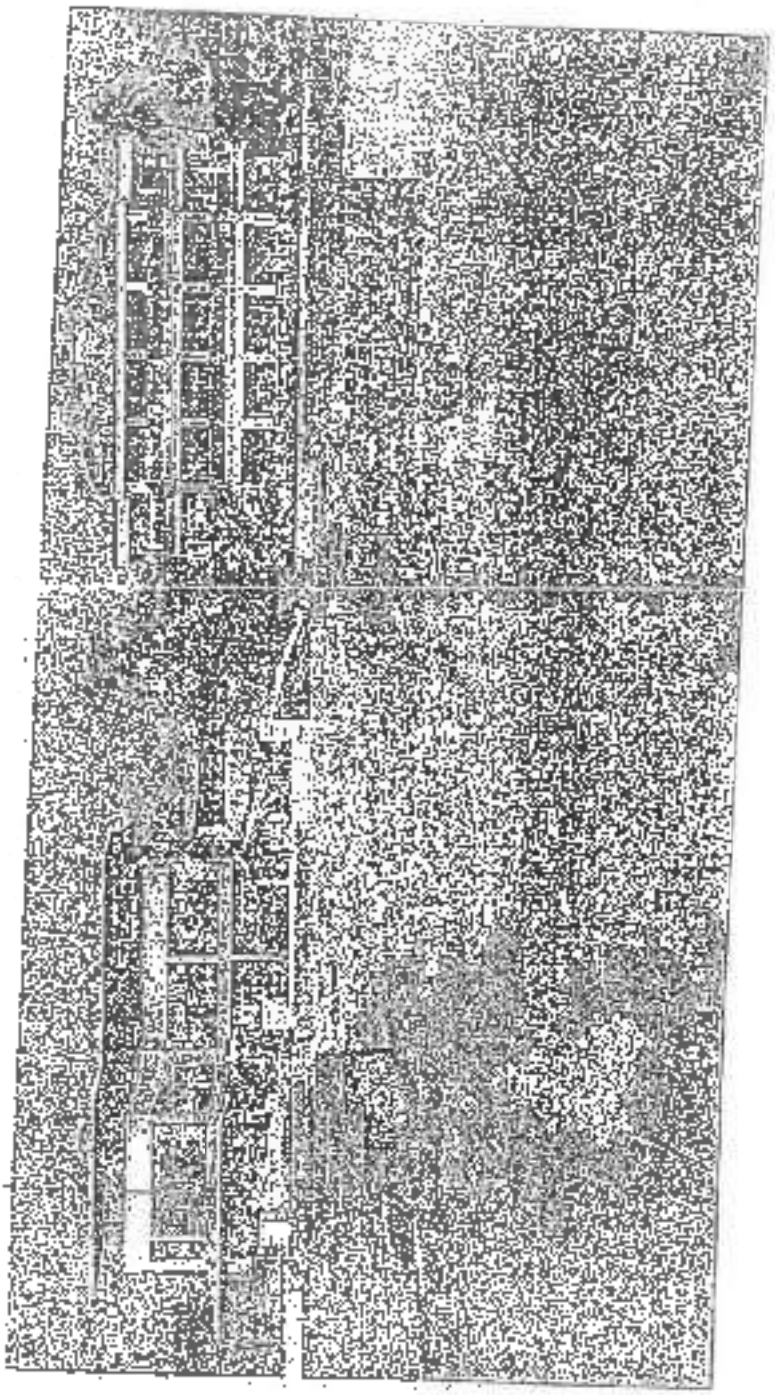
सदर आदेश दुरुस्तीस पात्र असून या कार्यालयाकडे लिखाणी ठेवण्यात येत आहे.

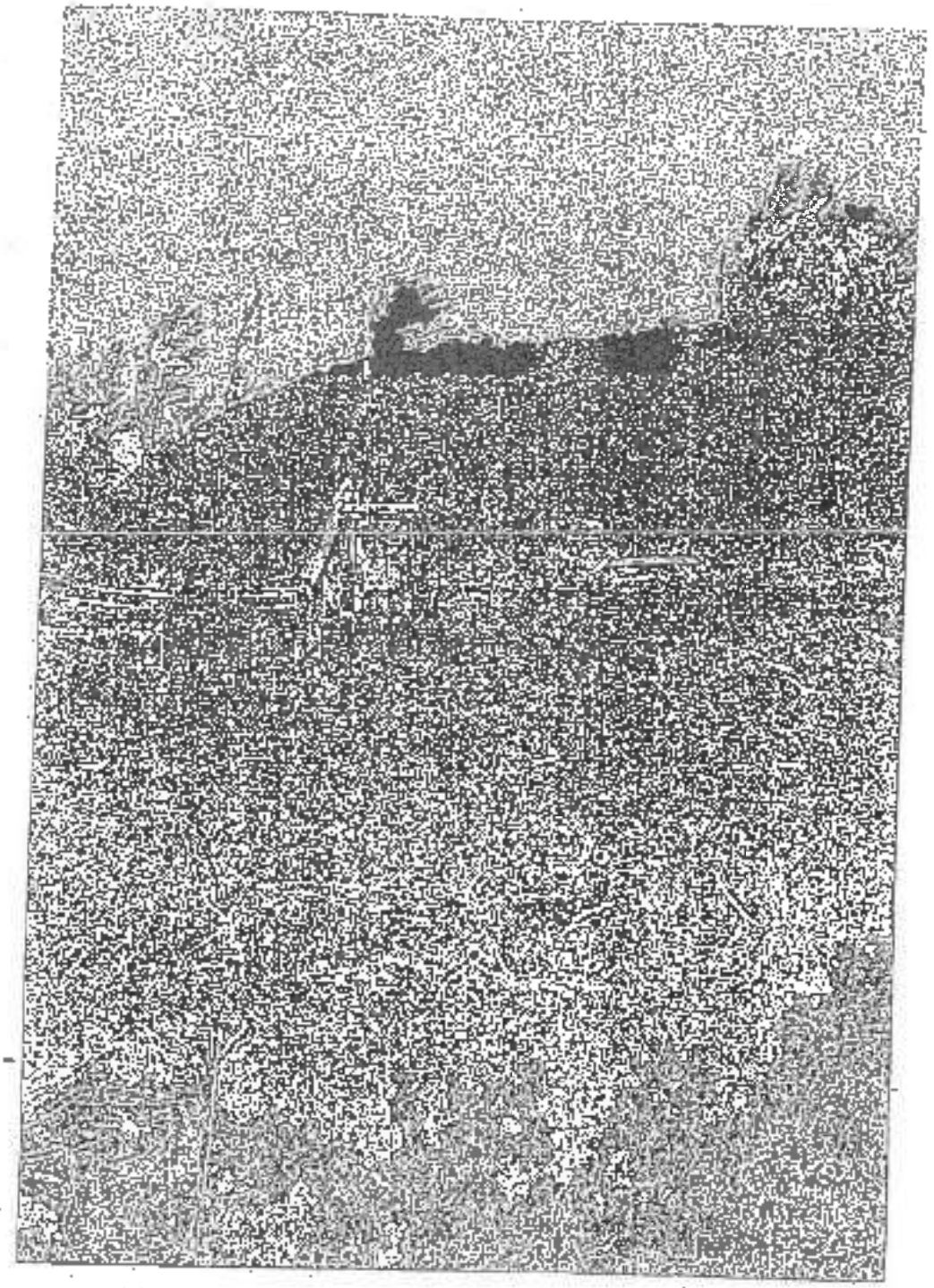
आपला विश्वासू,

(संजय काळे)
उप-जिल्हाधिकारी रत्नागिरी

प्रत - मा. कक्ष अधिकारी, मा. मुख्यमंत्री महोदय यांचे कार्यालय, मंत्रालय मुंबई - 400 032 यांसाठी माहितीस्तव.







Annexure – C-3

जा.क्र./ग्रा.पं./३३५/२०१८
ग्रामपंचायत कार्यालय
दिनांक

प्रति,
श्री विलास रामाराम खाडे
मांसी

ग्रामपंचायत

विषय :- [illegible]
संदर्भ :- आपला अर्ज, दि. [illegible]

महाशय,

वरील संदर्भाचा अर्ज पाहता आपण कळविलेला येतो की, ग्रामपंचायत [illegible]

नविन घर बांधणेबाबत अटी व शर्ती

१) सोबत मुरुड रोडवील गट क्र. ४४६ मध्ये [illegible]
२) सार्वजनिक रस्त्यापासून दक्षता सरकारी नियमानुसार अंतर ठेवून बांधण्याचा आहे.
३) इमारतीलगतील जागेत मालकाची / कुळाची हिस्सेदारी असल्यास त्याची लेखी ना-हरकत दाखल करणे आवश्यक राहील. ती नसलेचे स्थानिक जबाबदारीने दूर करणेची आहे.
४) शेत इमारतीच्यात अंतर किमान १० फूट ठेवावे व तुमचे जमिनीचे हद्दीपासून किमान सदा फूट अंतर ठेवून इमारत बांधावयाची आहे.
५) इमारती सभोवती सरकारी नियमाप्रमाणे सोकपी (खुली) जागा सोडणेत यावी.
६) इमारतीत भरपुर उजेड व खेळती हवा येईल अशी, यासेल एक व्यक्ती दोन कुटुंबांची सोयसाठ करणेत यावी.
७) इमारतीत स्फोटक वस्तू ठेवता कामा नये.
८) इमारतीचे बांधकाम सुरु असताना आजुबाजुच्या [illegible] प्रकारचा मदत करण्यास येऊ नये.
९) [illegible] नियमाप्रमाणे आवश्यक परवानगी घेणेची आहे.
१०) अवैध नगुद केलेल्याप्रमाणे आवश्यक बांधकाम परवानगी दिलेपासून १ वर्ष मुदतीत पुर्ण करावे. सदर मुदतीत बांधकाम पुर्ण न झालेस इमारतीचे बांधकामाचे मुदतवाढीचा अर्ज करण्याची जबाबदारी मुलभालकर राहील.
११) इमारतीचा ताबा करणेपुर्वी इमारतीचे बांधकाम पुर्ण झालेचा १५ दिवसाच्या आत पंचायतीकडे लेखी देऊन कळविले पाहिजे.
१२) इमारत बांधकाम करताना नियमाप्रमाणे शौचालय बांधणे बंधनकारक राहील.
१३) बांधणाऱ्याची योग्य प्रकारे लिखेभाट तसेपर्यंत जबाबदारी आपली स्वतःची राहील.
१४) घरपट्टी नोंदीत करण्या स्वरूपाच्या प्रोपहाय नुसतीकरण परवानगी ११ महिने मुदती करीता आहे. सदरची परवानगी नुसतीकरण करण्याची जबाबदारी मुलभालकर राहील.

वरील शर्ती व अटीचे कोणत्याही प्रकारे उल्लंघन झालेस आपले परवानगीपुर्वी रद्दबातल करण्यात ग्रामपंचायत कायदा १९५८ चे कलम ५२ प्रमाणे होणाऱ्या सर्व परिणामास आपण स्वतः व आपली वारसदार जबाबदार राहतील याची नोंद घ्यावी.

भवदीय,

सरपंच
विरेल ग्रामपंचायत, मुरुड
जा.अलिबाग, जि.रायगड

ANNEXURE

Out No. G.P.M/335/2016
Grampanchayat Office Murud
Date :- 26/02/2016

To,

Shri Vibhas Rajaram Sathe

Sub: Regarding to obtain the permission for to construct a New rough type hut.

Ref.: Your Application dated 21/10/2015 received by Gram Panchayat

Sir,

We have received the above said application of above said refereince, it is being informed to you that. The permission for to construct a new rough type hut is being approved for you with the following term and conditions as per Gram Panchayat monthly meeting dated 27/10/2015 and Resolution No. 9(67).

The terms and conditions for to construct the New House

1) The new rough type of Hut having length and width as 70' x60' in the land at Village Murud Gat No. 446 in the share Owned by you, act of it.

True Copy

2) The building has to be constructed by keeping the distance from the public Road as per the Government Rules.

3) If any complaint of the land owner/agricultural land tenant Share Holder for the land under the Building will be received then you only will be responsible for it and you will have to comply it on your responsibility.

4) The distance in between two buildings will have to be kept at least 10ft. The building will have to be constructed by keeping at least 10ft distance from the boundaries of your land

5) The open land will have to be kept around the building as per the Government Rules.

6) There should be sufficient light and open as it in the building and 2 trees will have to be planted per person.

7) No explosives will have to be kept in the building.

True Copy

8) No charges in the length-width the building should be made as mentioned in Sr. No. 1, without the prior permission of Gram Panchayat.

9) If the building would have to be used for Non Agricultural use the advance permissions of Revenue /CRZ etc. will have to be obtained as per the act and rules.

10) The building construction should have to be completed within 1 year from the date of permission as mentioned in the application. If the construction will not be completed within above said period then it will be your responsibility to file the application for the time period increase.

11) Before starting the use of the building it will have to be informed to the Panchayat in writing within 15 days.

12) It will be binding to construct the toilet as per the rules.

True copy
by

13) It will be your responsibility to dispose off the drain water property.

14) the above said permission for new rough type hut is for 11 months and it will be your responsibility to renew it.

If any of the above said terms/conditions will be violated or it the construction will be done before the permission, then you will be liable for the action under Gram Panchayat Act 1958 Section, please note that.

Sd/-
Sarpanch
Nirmal Grampanchayat Murud
Tal. Dapoli, Dist. Ratnagiri

True Copy

Annexure C-4



खरेदीखत

आज दिनांक १९ माहे जुन सन २०१९ रोजी

मिळकतची गावे गुरुकृ. ता.दापोली, जि. रत्नागिरी येथील

मिळकत विवरणी

मिळकतीची शासकीय किंमत : रू. ५७,२०,०००/-

खरेदीखताची किंमत : रू. १,००,००,०००/-

खरेदीस्टँपला गुडांक : रू.५,००,०००/-

श्री. अनिल रत्नाकर परब

वय वर्षे सु.५५, धंदा - व्यापार

रा. रुम नं.१२४/२६२५, गांधी नगर,

बँक ऑफ महाराष्ट्र जवळ,

घाटकोपर पु. मुंबई ४०००७१

पॅन : AAKPP9035C

कारिता मुखत्यार म्हणून

श्री. विजय हरिहर परब

वय वर्षे सु ५४ धंदा - व्यापार

रा. १००३ माऊंट गार्डन, घाटकोपर पु.

मुंबई - ४०००७१

- विपुल दोषार

खांसी

श्री. विनायक शंकरराव साठे

वय वर्षे सु. ५२ धंदा -व्यापार

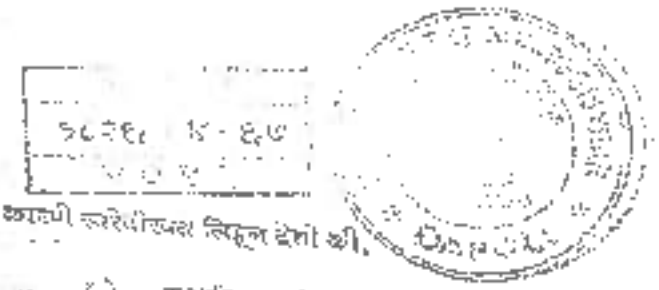
रा.एफ १००२ इंदापुरा अपार्टमेंट पौड रोड,

पनाज कंपनी जवळ, कोथरूड पुणे

पॅन- ALDPS8788P

विपुल दोषार

उपरोक्त मुखत्यारनामा सह दुय्यम निबंधक अंधेरी क्र. २ यांचे कार्यालयात दि. २९/०५/२०१९ रोजी वदर ४/५४१२/२०१९ या क्रमांकाने नोंदविण्यात आले आहे.



काळी खरेदीखत लिहून देणार श्री.

१) वरीलील सर्वजणांची मालिक मिळकत गाहाणे मालकची वहिवाटीची आहे. सदरची मालकी मालकी कब्जेदार व मालक म्हणून दाखल आहे. सदर मिळकत गाहाणे करणे सहिसलामत असून विक्रीचा व्यवहार करण्याचा व उपभोग घेण्याचा मालक पुर्ण हकक व अधिकार आहे व नाही त्याशिवाय अन्य कोणाचाही कोणत्याही प्रकारे हकक व अधिकार नाही. सदर मिळकत श्री वि. २०/०६/२०११ दस्तीच्या दस्तिस्टर खरेदीखताने खरेदीदार यांनादिनांक ३, ४ यांनी करुन खरेदी घेतली आहे. त्या अनुषंगाने गाहाणे नोंद सदर मिळकतीचा ७/१२ उतारा फेरफार नोंद क्र. १२१३ अन्वये दाखल करण्यात आलेले आहे. सदर मिळकत आज मितीस गाहाणेच नावे वहिवाटीस आहे. सदर मिळकत मी विक्री करण्याची इच्छिले आहे. सदर मिळकतीची एकूण खरेदी किंमत रु. १,००,००,०००/- (रु. एक कोटी मात्र) ही खरेदी देणार यांना योग्य वाटल्यामुळे पुढे सदरीलवर नमूद केलेली मिळकत मी तुम्हांस विक्रीचा करारनामा.

२) मी तुमच्या कायदेशीर वेळ ठरलेल्या मिळकतीचे सर्वांस पुढीलप्रमाणे
तुळजापूर तालुका पंचायत समिती तुळजापूर, पोट तुळजापूर व तालुका पंचायत समिती दायोगी, ता. तुळजापूर निबंधक सहिय दुय्यम, यांचे कार्यालयी तसेच वरवाही सदर मुद्रक यांचे कार्यालयी भेटी मुद्रक वेळीस मिळकत.

| गट क्र. | क्षेत्र | आकार | तिकणाचे नांव |
|---|---|---|---|
| १ ४५६ | १.२२.१० | २.१८ | मुंग |
| एक. | ०.०३.५० | | |
| | १.२५.६० | | |

उपरोक्त मिळकती पैकी लिहून देणार यांच्या मालकीची ०-४२-१४ हे. आर. ही मिळकत प्रस्तुत खरेदीखताचा विषय आहे. सदर मिळकतीच्या ७/१२ सदरी अदयाप सदर मिळकतीची नोंद घेत जमिन म्हणूनच आहे.

सदर मिळकतीच्या चतुर्शिमा खालीलप्रमाणे -
पुर्वेस - गट नं. ४५४
पश्चिमेस - [illegible] -कारखाना-कि.मार्ग
दक्षिणेस -गट नं. ४५६ मधील उर्वरित मिळकत म्हणजेच श्री. चव्हाण यांची मिळकत
उत्तरेस- गट नं. ४५६ मधील उर्वरित मिळकत म्हणजेच श्री. सावंत यांची मिळकत

वेगळ्याने मिळकतीचे वर्णन व चतुर्शिमा आहेत.

सदर मिळकत उपविभागीय अधिकारी यांचे कडील एल.एन.टी. आर.१२२/२०१७ दि. १२/०९/२०१७ रोजीच्या आदेशान्वये लिलावी व याविषयी यापूर्वीच्या [illegible] कर्ज करण्यात आलेली आहे. तसेच सदर मिळकतीमध्ये उपविभागीय अधिकारी दापोली यांनी सदर मजला+ पहिला मजला असे ५०२.६८ चौ. मि. एवढया क्षेत्राचे बांधकाम मंजुर केलेले असुन प्रस्तावित बांधकामाचा आराखडा देखील उपविभागीय अधिकारी दापोली यांनी मंजुर केलेला आहे.

(यापुढे वर्णनाच्या सोयीकरीता खरेदी देत असलेल्या जमिन मिळकतीचा उल्लेख वारंवार व आवश्यकतेनुसार "मिळकत" असा करण्यात आलेला आहे.)

३) सदर नमुद केलेली मिळकत मी तुम्हांस या खरेदीखताने सदर मिळकतीवर यापुर्वी कोणत्याही प्रकारचा बोजा न ठेवता रक्कम रू.१,००,००,०००/- (रू. एक कोटी मात्र) या रकमेपैकी किंमतीचे गोषवाऱ्याचे वाचण्या पाहण्या व खुष करुन दिलेली आहे. वरील वर्णनाचे मिळकतीची आपण उभयतांचे दरम्यान ठरलेली गोषवाऱ्याची संपुर्ण रक्कम रू. १,००,००,०००/- (रू. एक कोटी मात्र ) यापैकी लिहून घेणार यांचेकडून खालील नमुदीलप्रमाणे पोहोच झालेली आहे.

रू. १,००,००,०००/- रू. एक कोटी मात्र श्री. विनायक रामचंद्र साठे यांच्या आय. डि. बी. आय बँक शाखा ताळेगाव टाकाडे येथील करंटखात लिहून घेणार यांनी दि. ०२/०५/२०१७ रोजी एन.इ.एफ.टी क्र. ०००००२६१८५८२१ ने अदा केलेले आहेत.

रू.१,००,००,०००/- एकूण रक्कम रू. एक कोटी मात्र

लिहून देणार यापैकी खरेदीखत लिहुन मिळकतीचे गोषवाऱ्यापोटी कोणतीही रक्कम येणे बाकी नाही अगर त्याबाबत कोणतीही तक्रार नाही. मिळकतीचा संपुर्ण गोषवारा लिहून देणार यांनी लिहुनकरुन सदर मिळकत लिहून घेणार यांच्या कब्जात दि. ०२/०५/२०१७ रोजी पावुल मालकीने दिलेली आहे. सदर मिळकतीचा व्यवहार हा प्रस्तुतची मिळकत शेतजमिन असतानाचा पुर्ण कालावधीत असलेला होता. तसेच सदर मिळकत ही शेतजमिन असले वेळीस सदर मिळकतीचा संपुर्ण गोषवारा लिहून देणार यांनी लिहून घेणार यांना अदा करुन सदरचा व्यवहार पुर्ण करण्यात आलेला होता. तसेच सदर मिळकतीचा सातबारा देखील लिहून घेणार यांनी सदर मिळकत शेतजमिन स्वरुपाची असले वेळीच विकत घेतलेला होता. लिहून घेणार यांनी सदर मिळकतीचा गोषवारा लिहून देणार यांना दि. ०२/०५/२०१७ रोजी अदा करुन सदर मिळकतीचा व्यवहार याचवेळीच पुर्ण केलेला होता. सदर व्यवहाराचा अनुषंगाने करावी लागणारी खरेदीखताची पुर्तता उभय पक्षकार हे आज रोजी प्रस्तुत खरेदीखत लिहुन पुर्ण करीत आहेत.



४) सदर वर्णनाची जमीन मिळकत तुमच्या आतील झाड माड, फलतृण, फळझाडपाला, विद्युतिकरण, इमारतीसह, बांधीव-अबांधीव, पाटपाणी, पोटखराबा वगैरे जमिनीशी संबंधभूत वस्तू जाती प्रकारासह तसेच इमारतीच्या हक्कासह या खरेदीखताने तुमच्या हवाली दिली आहे.

५) आता यापुढे सदरच्या आपणास खरेदी दिलेल्या मिळकती बाबत आमचा अगर आमचे नावे कोणी वारस, वहिवाटदार, मुखत्यार, गाऊतकार, भोक्ता, ट्रस्टी, व्यवस्थापक वगैरे कोणत्याही कायद्याने हक्कदारीचा या हितसंबंध सांगितला नाही. वरील मिळकतीचे तुम्ही आता संपूर्ण मालक झाला आहात.

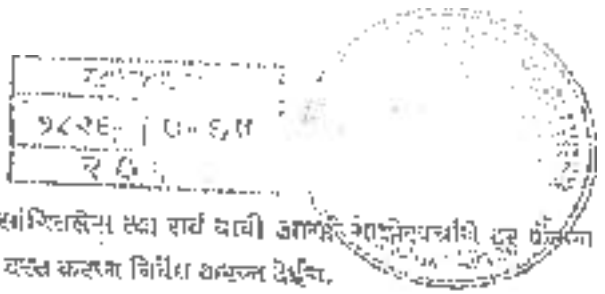
६) सदर मिळकत आम्ही यापूर्वी कोणालाही विकली अगर तोंडी करारात्मे खरेदीपत्राचा दाखलेली करून मिळकतीवर कोणत्याही सरकारी, निमसरकारी, बिनसरकारी संस्थेचा, बँकेचा अगर कोणत्याही व्यक्तीचा कोणत्याही प्रकारचा बोजा, हक्कसंबंध, हितसंबंध व अधिकार यहिवाट नाही व नाही अगर तसेच कबजेदिपत्री लिहून तोंडी करारही केलेला नाही. सदर मिळकतीत कोणत्याही प्रकारची व कोणाचीही कुळ यहिवाट नाही व नाही. तसेच सदर मिळकतीबाबत आम्ही कोणासही मुखत्यारपत्र देखील लिहून दिलेले नाही.

७) सदर जमिन मिळकतीवर आज रोजपर्यंतचे सर्व सरकारी कर, ग्रामपंचायतीचे कर, आम्ही भरलेले असून तसे काही भरण्याची बाकी राहिलेले नाही. परंतु यापुढे कोणी मागणारे उत्पन्नाचे मालकाचे व इतर सर्व हक्कदार असल्यास अन्य मालकाची व वरील आम्ही सदर स्थावर मिळकतीची सोपिस्त आपणांस लागू देणार नाही. आता कोणत्याही प्रकारची देयके देण्याची बाकी राहिलेली नाहीत अथवा कोणत्याही प्रकारची थकबाकी नाही.

८) आपण आता सदरचा जमिन मिळकती बद्दल सरकार दप्तरी, जिल्हाबोर्ड, पंचायतसमिती, वगैरे पक्षाचे वाटत मिळकतीचा आपले मर्जीप्रमाणे मालकीने व यहिवाटीने पुत्रपौत्रादी वंशपरंपरेने आपले मर्जीनुसार उपभोग घ्यावा.

९) सदरचे मिळकतीवर आता यापुढे कायदेशीरही तुम्ही तुमचे वारसाची कोणी कायमी स्वरूपाची हे खरेदीखत किंवा आमची अंतिम संमती व कबूली आहे. म्हणून तर वेगळी कबूली तुम्ही सांगतांच असली विनासंस्थास, विनाविलंब, विनातक्रार, विनाशोधबोध देणे. सदर खरेदीखताच्या अनुषंगाने कायदेशीर बोजा-या पोटभाग कोणीही आमची पूर्णपणे संमती आहे.

१०) तुमच्या मालकी वहिवाटीस माझेवारसा, भाऊबंद अगर इतर कोणीही हरकत वा अडथळा करतील तर मी आम्ही स्वखर्चाने दूर करून देईन व तुमची मालकी वहिवाट पुन्हा सुरळीत सुरू करून देईन त्यास हयगय करणार नाही. तसेच सदर मिळकतीत कोणी वारस



म्हणून किंवदना हस्तक्षरांचा आदेशान्वर स्वाक्षरीसह तसा सार्व यांची आणखी नेमणूकपत्रांची दुय्यम नोंदणी मिळकतीचे दाखवण्या मोजत ते वस्तु करण्या विशेष अधिकार देईल.

११) आम्ही तुम्हांस खरेदी दिलेली मिळकती बाबतीत कोणत्याही शासकीय स्वायत्त अगर विमाशासकीय कार्यालयाचे कोणत्याही आकारासाठी अॅडव्हान्स अगर डिपॉझिट केलेली नाही.

१२) मिळकतीच्या वर्णनांत काही त्रुटी राहिल्याचे वा चूक झाल्याचे आमच्या आढळल्यास ही खरेदी दुरुस्तीचे स्वाक्षरीत आम्ही तुम्हास कळवू करावयाचे असल्यास ते वुरुस्तीपत्र लिहून देईल.

१३) सदर नमूद मिळकती पैकी खरेदी देणेघेणेचा करार तुमचे माझेदरम्यान नाही.

१४) सदर नमूद मिळकत कोणत्याही सार्वजनिक कामासाठी संपादन करण्याचा प्रस्ताव नसून तशा सूचना लिहून देणार यांना मिळालेल्या नाहीत अगर सदर नमूद मिळकत कोणत्याही संपादन करिता आम्हांस घेतलेली नाही. सदर मिळकतीत कोणाचीही कुळ वहिवाट नाही. तसेच सदर मिळकतीत कोणाचीही कोणत्याही ते प्रकारे वहिवाट, हक्क अधिकार नाहीत व नाहीत.

१५) सदर मिळकतीच्या अनुषंगाने कोणत्याही दिवाणी अथवा फौजदारी न्यायालयात कोणताही वाद प्रलंबित नाही. तसेच सदर मिळकतीबाबत कोणत्याही वादाची नोटीस उदयाप पर्यंत लिहून देणार यांना प्राप्त झालेली नाही. सदर मिळकती वरील लिहून देणार यांच्या मालकी हक्कास उदयाप पर्यंत कोणीही आव्हानित केलेले नाही. अशाप्रकारे सदरची मिळकत पुर्ण निर्वेध व निर्णोखमी असून सदर मिळकत लिहून देणार यांनी लिहून देणार यांना खरेदी देण्याचे निश्चित केलेले आहे.

१६) सदर कोणाविरहीत निर्वेध मिळकतीची वरील नमूदप्रमाणे रक्कम ही चालू बाजारभावाने योग्य किंमत असून दस्तातील नमूदप्रमाणे ठरलेली रक्कम ही योग्य व रास्त आहे. खरेदीपत्रासाठी योग्य तो मुद्रांक दिलेला आहे. त्याच प्रमाणे योग्य ते नोंदणी शुल्क भरलेले आहे. तसेच ज्यादा मुद्रांक शुल्क व नोंदणी फी भरण्याची झाल्यास ती लिहून देणार हे भरण्यास तयार आहे.

१७) सदरील खरेदीपत्राचे प्रयोजनासून अखेरपर्यंतचे सर्व खर्च लिहून देणार यांनी केलेले आहेत.

१८) दस्तऐवजा संदर्भात खरेदी देणार व खरेदी घेणार स्वत: जबाबदारीने प्रत्यक्ष व्यक्ती सदर दस्तऐवज नोंदविते वेळी हजर असून त्यांच्यां कोणीही गैरहजर राहिली नाही व त्यांच्या सही आदयून आल्यास त्याची संपुर्ण कायदेशिर जबाबदारी आमची स्वियकारत आहोत.

३८२६ ८-६/७
२०१९

सदरचे प्रतिज्ञापत्र आपणांसमोर वाचून दाखविण्यात आले व सदरचे प्रतिज्ञापत्रात जी सुरुवातीस स्वतःचे आरोग्याबद्दलची व राजीखुशीची साक्षीदारांसमक्ष खरी असल्याचे लिहून दिले आहे.

आपलेली

दिनांक - ३१/०८/२०१९

साक्षीदार



श्री. विनायक रामाराम साठे
(लिहून देणार)



श्री. अखिल दत्तात्रय परब
कुमारी भुव्यस्वार फणुल
श्री. विलास श्रीधर परब
(लिहून घेणार)

ANNEXURE-C-5

क्रमांक/एलएनडी/एसआर/१२१/२०१७
उपविभागीय अधिकारी यांचे कार्यालय
दापोली दिनांक :- १२/०९/२०१७

वाचले :-

१.श्री.विभास राजाराम साठे मु.पो.मुरुड यांचा दिनांक २४/०७/२०१७ रोजीचा प्राप्त अर्ज
२.मंडळ अधिकारी पुरोडी यांचेकडील अहवाल जा.क्र.या.नं.९२/२०१७ दिनांक ३१/०७/२०१७
३.महाराष्ट्र जमिन महसुल अधिनियम १९६६ चे कलम ४४ व महाराष्ट्र जमिन महसुल (जमिनीचे वापरात बदल व अकृषिक आकारणी) नियम १९६९
४.मा.जिल्हाधिकारी रत्नागिरी यांचेकडील आदेश क्रमांक/महसुल/कार्या६अ/इ.बांध.प्र/एलएनए/एसआर/२०१६ दिनांक ०८/०२/२०१६

प्रस्तावना :-

१.मौजे मुरुड ता.दापोली येथील गट नं.४४६ क्षेत्र १२६४० चौमी क्षेत्र असलेली जमिन श्री.विभास राजाराम साठे वगैरे ५ यांचे मालकीची आहे.अर्जदार यांनी त्यांचे हिश्याचे ४२०० चौ.मी.क्षेत्राची जमीन निवास व वाणिज्य या अकृषिक कारणासाठी उपयोगात आणणेकरीता बिनशेती परवानगी मिळणेबाबत अर्ज केला सादर आहे.

२.या अर्जाकामी केलेल्या चौकशीत असे आढळुन येते की,

१.सदर जमीनीचे श्री.विभास राजाराम साठे वगैरे ५ खातेदारधारक आहेत.

२.सदर जमीन संपादीत नाही अगर शासकीय किंवा सार्वजनिक उपयोगासाठी नजीकच्या काळात संपादन करण्याची शक्यता नाही.

३.अर्जदारने नगररचना मुल्यांकन खात्याकडुन इमारतीचा नकाशा हजर केले आहेत.

४.अर्जदाराने हजर केलेला आराखडा,इमारतीचा नकाशा,महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोगाचे रुपांतर व बिनशेती दर्जा ) नियम १९६८ समवेत जोडलेल्या परि.२ व ३ मधील तरतुदीनुसार आहे.अर्जदार यांनी नकाशात दाखविलेप्रमाणे इमारत बांधावयाची असुन त्यात पुर्व परवानगीशिवाय कोणताही बदल करावयाचा नाही

५ अर्जदाराने सदर जमिन जवळुन जाणा-या विद्युततारेच्या दोन्ही बाजुला पुरेशी मोकळी जागा ठेवली आहे.

६.अर्जदाराने इमारती नियमन व प्रिव्हेंशन ऑफ सिटन डेव्हलपमेंट नियमांचे पालन केले आहे.

७.सदर जमिनीत इतरहक्कसंबंध असलेल्या इसमांची बिनशेती परवानगी देण्यास कोणतीही हरकत नाही.

८.अर्जदारने ज्या अटींवर बिनशेती परवानगी देणेत येईल त्या पाळणेचे मान्य केले आहे.

टिपणी :- वर नमुद केलेल्या समक्ष अधिका-यांनी जर सक्षम न हरकत प्रमाणपत्र दिले असेल किंवा विशिष्ट अट मंजुरीच्या हुकुमात नमुद करणेबद्दल सुचविले असेल तर सदर अट खालील आदेशातील परिच्छेद ५ मध्ये नमुद करावी.वरील टिपणी विचारात घेता सदर प्रकरणी अर्जदारांच्या विनंतीनुसार बिनशेती परवानगी मंजुर करण्यास कोणतीही हरकत दिसत नाही.

आदेश :-

३.उपविभागीय अधिकारी यांना महाराष्ट्र जमिन महसुल अधिनियम १९६६ मधील ४४ च्या कलमानुसार प्रदान केलेल्या शक्तीचा वापर करुन श्री.विभास राजाराम साठे यांना मौजे मौजे मुरुड ता.दापोली येथील गट नं.४४६ पैकी त्यांचे हिश्याचे ४२०० चौ.मी.क्षेत्राची जमिन निवास व वाणिज्य या अकृषिक कारणासाठी खालील शर्तीवर बिनशेती परवानगी देण्यात येत आहे.

१.देण्यात आलेली परवानगी महसुल अधिनियम व त्याखाली केलेल्या नियमातील तरतुदीच्या आधीन राहुन देण्यात येत आहे.

२.ज्या कारणाकरीता परवानगी देण्यात आली आहे त्या कारणाकरीताच सदर जमिनीचा व जमिनीवरील बांधकामाचा उपयोग करावा.त्या क्षेत्राचा किंवा त्यापैकी काही भागाचा परवानगी देण्यात आलेल्या कारणाव्यतिरिक्त इतर कारणांसाठी वापर जिल्हाधिकारी-उपविभागीय अधिकारी यांच्या परवानगीशिवाय करता कामा नये.याकरिता जमिनीवरील इमारतीचा ज्या कारणासाठी वापर होत असेल त्याबद्दल जमिनीचा वापर कोणत्याही कारणासाठी होते हे ठरविणेत येईल.

11/15

३.परवानाधारकाने संबंधित क्षेत्राचे किंवा आदेशात नमूद करण्यात आलेले अंतिमतः उपयोगाचे विभाजन परवानगी देणाऱ्या अधिकाऱ्याकडून सदर उपविभाग मंजूर करून घेतल्याशिवाय करण्याचे नाही.

४.परवानाधारकाने मंजूर केलेल्या आराखड्यानुसार संबंधित जमिनीची आदेशातील तारखेपासून १ वर्षाचे मुदतीत जिल्हाधिकारी/उपजिल्हाधिकारी अधिकारी यांना योग्य वाटेल त्याप्रकारे रस्ते बांधून सांडपाणी वाहून नेण्याचा मार्ग बांधून,शुध्दपाणी पाणीपुरवठा योजना कार्यान्वित करून व त्यानुसार विभाग करी जमीन करून कार्यक्षेत्रातील विकास करण्यात येणार नाही तोपर्यंत सदर क्षेत्रातील विभागाचे कोणत्याही प्रकारे हस्तांतरण करू नये.

५.सदर परवानाधारकाने सदर जमिन विकणे अथवा अन्य प्रकारचे हस्तांतरण केले तर सदर विक्री अथवा हस्तांतर या आदेशातील अटीनुसार होणे पाहिजे व त्याचे खरेदीखतात त्याबाबतचा स्पष्ट उल्लेख केला पाहिजे.

६.जमिनीच्या आराखड्यात परिविन्यासप्रमाणे क्षेत्र बिनशेतीकडे वर्ग होत आहे.

| AREA STATEMENT | |
|---|---|
| 1.AREA OF PLOT (CTS NO.440) | SQMT |
| a) AREA AS PER 7/12 | |
| b) AREA AS PER SURVEY | 4214.00 |
| 2. DEDUCTION FOR | |
| a) ROAD ACQUISITION AREA | |
| b) PROPOSED ROAD | - |
| c) ANY RESERVATION | - |
| TOTAL (a+b+c) | - |
| 3.NET GROSS AREA OF PLOT (1-2) | - |
| 4.DEDUCTIONS FOR AMENITY SPACE & ANY DEDUCTIONS FOR 10% OPEN SPACE | 4214.00 |
| 5.NET PLOT AREA | |
| 6.ADDITION OF AREA FOR F.S.I. AS PER (2) (b) | 4214.00 |
| 7.TOTAL AREA (5+6) | |
| 8.NORMAL F.S.I PERMISSIBLE + F.S.I PERMISSIBLE WITH PAYMENT OF PREMIUM | 4214.00 |
| 9.PERMISSIBLE BUILT-UP AREA | 1.00 |
| 10.EXISTING BUILT-UP AREA | 4214.00 |
| 11.PROPOSED BUILT-UP AREA | - |
| 12.EXCESS BALCONY AREA TAKEN IN F.S.I (AS PER (c) BELOW) | 502.63 |
| 13.TOTAL BUILT UP AREA (10+11+12) | - |
| 14.F.S.I CONSUMED (13/7) | 502.63 |
| 15.F.S.I BALANCE | 0.119 |
| | 3711.37 |

७.परवानाधारकाने इमारतीचा आराखडा समक्ष अधिकाऱ्याकडून जेथे इमारतीचे नियंत्रण त्याचे अधिक्षेत्रात येत असले तेथे मंजूर करून घेतला पाहिजे आणि इतर प्रकरणात त्याने इमारती आराखडे महाराष्ट्र जमिन महसूल नियम (जमिनीच्या उपयोगाचे रुपांतर आणि बिनशेती दरात) १९६८ मधील परिशिष्ट २ मधील तरतुदीचे काटेकोरपणे पालन करून तयार केले पाहिजेत आणि ते जिल्हाधिकारी - तहसीलदार यांचेकडून मंजूर करून घेतले पाहिजेत आणि मंजूर आराखड्यानुसार बांधकाम केले पाहिजे.

८.परवानाधारकाने नेशनल स्टेट मेजर डिस्ट्रिक्ट - अदर डिस्ट्रिक्ट सडक असलेल्या रस्त्यापासून योग्य अंतर सोडले पाहिजे.महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोगाचे रुपांतर व बिनशेती दर) नियम १९६८ मधील परिशिष्ट ४ मध्ये नमुद केलेल्या तरतुदीनुसार लिहिल्याचे आहेत.

९.परवानाधारकाने या आदेशाच्या तारखेपासुन एक वर्षाच्या आत जमिनीचा बिनशेती उपयोग सुरू केला पाहिजे वेळोवेळी सदर मुदत वाढविल्याशिवाय बिनशेती उपयोग सुरु न झाल्यास सदर परवानगी रद्द झाल्याचे समजण्यात येईल.

१०.परवानाधारकाने सदर बिनशेती वापर सुरु केल्याची तारीख अथवा उपयोगात बदल झाल्यासेची तारीख तलाठी सांझेपर्यंत तहसीलदार यांचेकडे एक महिन्याच्या आत कळविली पाहिजे.तसे न केल्यास तो महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोगाचे रुपांतर व बिनशेती दर) नियम १९६८ मधील नियम ६ नुसार पुढील कार्यवाहीस पात्र राहील.

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११.ज्याकरिता परवानगी देण्यात आली आहे त्या कारणाकरीता सदर जमिनीचा बिनशेती उपयोग सुरु केल्याच्या तारखेपासुन परवानाधारकाने दर वीस वीसरल शासनाचे सुधारित दराने सदर जमिनीचा बिनशेती दर्त दिला पाहिजे.जमिनीच्या उपयोगात बदल होतोवेळी जरी वुर्ती आकारण्यात आलेल्या बिनशेती दस्तामधे इतर मुदत संबंधाची असली तरीही ते विचारात न घेता बिनशेती दस्त नियमाप्रमाणे अकारला जाईल.

१२.बिनशेती दस्ताची ३१/०७/२०१८ रोजी संपणा-या मुदतीकरीता लागी राहील,त्यानंतर कोणत्याही सुधारित दरानुसार सदर बिनशेती दस्त दुरुस्तीस सुधारणास पात्र राहील.

१३.परवानाधारकाने जमिनीचा उपयोग बिनशेतीकरीता सुरु केल्यापासुन एक महिन्याचे आत मोजणी खर्चाची रक्कम भरली पाहिजे.

१४.या आदेशात आणि सनदेत नमुद केलेले क्षेत्र व बिनशेती दस्त,भुमापन खात्याकडुन जमिनीची मोजणी झाल्यावर प्रत्यक्ष आढळुन येणा-या क्षेत्रानुसार दुरुस्तीस पात्र राहील.बिनशेती भुखंड प्रमाणित मोजणीनुसार भुखंड क्षेत्रास फेरबदल झाल्यास त्यानुसार परवानगी घेणे अर्जदार यांचेवर बंधनकारक राहील.

१५.परवानाधारकाने जमिनीचा उपयोग बिनशेती उपयोग सुरु केल्यापासुन तीन वर्षांचे पक्की इमारत आणि किंवा इतर बांधकाम जर असेल तर पुर्ण केले पाहिजे.ही मुदत उपविभागीय अधिकारी हे परवानाधारकाने शासकीय आदेशानुसार भरविलेला दंड भरल्यावर त्यांना आवश्यक वाटल्यास वाढवुन देवू शकतील.

१६.परवानाधारकाने मंजुर झालेल्या आराखड्यानुसार इमारतीत उपविभागीय अधिकारी नगरपरिषद महानगरपालिका (जसे असेल त्याप्रमाणे) यांची पुर्व परवानगी घेतल्याशिवाय व त्याबदलचे आराखडे मंजुर करुन घेतल्याशिवाय कोणतीही वाढ अथवा सुधारणा करता कामा नये.

१७.परवानाधारकाने बिनशेती उपयोग सुरु केल्यापासुन १ महिन्याच्या आत परिशिष्ट ४ मध्ये किंवा महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोग रुपांतर व बिनशेती दस्त) नियम १९६९ मा जोडलेल्या प्रपत्रात या आदेशातील सर्व अटी सनदेत नमुद करुन सनद पूर्ण करुन देण्याचे बंधन राहील.

१८.अर्जदार यांना सदर जमिन कुळ कायद्याने प्राप्त झालेली असल्यास सदर मिळकतीचे अर्जदार यांना हस्तांतरण करावयाचे असल्यास सक्षम अधिका-यांची पुर्वपरवानगी घेतल्याखेरीज सदर मिळकतीचे हस्तांतरण करता येणार नाही.

१९.सदर बिनशेती प्लॉटमधील जागेतच सांडपाण्याची व्यवस्था करणे अर्जदारावर बंधनकारक राहील.

२०.प्रस्तुत भुखंडाबाबत तकरार आल्यास जमिनमालक यांनी स्वखर्चाने निवारण करणेच्या अटीवर.

२१.नियोजित बांधकामाचे भुखंडातील व अस्तित्वातील बांधकामे धरुन एकुण क्षेत्र भुखंडाच्या निव्वळ क्षेत्राच्या इतके जागेवर कायम राहिले पाहिजे.

२३.वरील जागेचा वापर व नियोजित इमारतीचा वापर फक्त नकाशात दर्शविल्याप्रमाणे निवासी व वाणिज्य वापराकरीता करण्यात येणार व बांधकाम मंजुर नकाशाप्रमाणे असावे.

२४.स्थळदर्शक नकाशावर भुखंडाच्या हद्दीपासुन दर्शविलेली समान अंतरे कायम राखुन इमारतीचे बांधकाम करावयाचे आहे.

२५.नियोजित व विद्यमान इमारतीचे मिळुन बांधकामाची व्याप्ती व एकुण क्षेत्र निव्वळ भुखंड क्षेत्राच्या प्रमाणात व विकास नियंत्रण नियमावलीनुसारच अनुज्ञेय राहील.इमारतीच्या नकाशावर दर्शविलेले भुखंड क्षेत्र,बांधकाम क्षेत्र गणना तक्ते व आकडेमोड अयुक्त असल्याबाबतची खात्री वस्तुशिल्पकार व विकासक यांनी करावयाची आहे.याबाबत कोणताही वाद निर्माण झाल्यास सर्वस्वी जबाबदारी अर्जदार यांची राहिल.

२६.नियोजित इमारतीचे बांधकाम इमारत तळ + एक मजल्यापेक्षा जास्त असू नये.

२७.बांधकाम करण्याच्या भुखंडाच्या हक्काबाबत,हरकत काही वाद निर्माण झाल्यास त्याची व इतर मेंट राईटबाबतची सर्वस्वी जबाबदारी अर्जदाराची राहील.

२८.नियोजित बांधकाम करावयाच्या भुखंड व त्याचा पोहोचमार्ग वर्णीकृत रस्तासन्मुख असल्यास संबंधित महामार्ग प्राधिकरणाची परवानगी घेणे अर्जदारास बंधनकारक राहील.

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२९.प्रस्तावित बांधकामामुळे पर्यावरणीय भाग,जीवसृष्टीक साधनसंपदा नाहीशे,प्रदूषणाचा प्रश्न इत्यादींना आधार होणार नाही व त्याअनुषंगाने योग्य ती सामाजिक अंतरे सुटसुटीत ठेवणे अर्जदार यांचेवर बंधनकारक आहे.

३०.नियोजित इमारतीसाठी आवश्यक असणा-या पाण्याचे साठे,साठवणीची व भेलाव्याची व्यवस्था प्रत्यक्ष वापरापूर्वी अर्जदाराने केली पाहिजे व अशी व्यवस्था जलस्त्रोत विहिरीपासून किमान १५ मीटर अंतराबाहेर असणे आवश्यक आहे तसेच वापर प्रमाणपत्रकरीता अर्जदाराने अर्ज करावयाचा असून सदरील सर्व मुद्यांची तसेच दिलेल्या बांधकाम परवानगीनुसार बांधकाम असलेची पाहणी करून प्राधिकरणाने प्रमाणपत्र देणेचे आहे.वापर प्रमाणपत्राशिवाय अर्जदार सदर इमारतीचा वापर करीत नसल्याची खात्री संबंधित प्राधिकरणाने करणेची आहे.

३१.भुखंडांतर्गत असणा-या झाडांपैकी तोड करावयाची असल्यास संबंधित प्राधिकरणाची पूर्वपरवानगी घेण्याची आहे तसेच १०० चौ.मी.साठी एक याप्रमाणे नविन झाडे लावायची आहेत.

३२.नियोजित बांधकामात मंजुरीपेक्षा वेगळे बदल करावयाचे असल्यास पूर्वपरवानगी घेणे अर्जदारास आवश्यक आहे.

३३.अर्जदार यांनी सदर प्रकरणी दिलेली माहिती व कागदपत्रे चुकीची व खोटी आढळल्यास दिलेली परवानगी रद्द समजण्यात यावी.

३४.विषयांकित जागेतील बांधकाम करताना IS Code १३९२०-१९९३ भूकंप रोधक आर.सी.सी डिझाईनप्रमाणे बांधकाम घटकाचे डिझाईन अर्हता प्राप्त स्ट्रक्चरल इंजिनियर यांचेकडुन करून घेणे आवश्यक असुन त्यांच्या देखरेखीलखाली नियोजित इमारतीचे बांधकाम पूर्ण करणे अर्जदार / विकासकर्ता यांचेवर बंधनकारक राहील.

३५.विनशेती क्षेत्रामध्ये येण्याजाण्यासाठी असलेल्या रस्त्याबाबत कोणताही वाद निर्माण झाल्यास त्याचे निवारण अर्जदार यांनी स्वखर्चाने करावयाचे आहे.

३६.सदर जागेतुन अंडर ग्राउंड गॅस पाईप लाईन अथवा विद्युत लाईन जात असल्यास सदरचे माहिती गॅस पाईप लाईनपासुन संबंधित प्राधिकरणाने विहित केलेल्या नियंत्रण रेषेमुळे सदरची बांधकामे बाधित होत आहेत किंवा कसे ? याबाबत संबंधित प्राधिकरणाच्या ना हरकत दाखल्यानुसार सदरची बांधकाम परवानगी अनुज्ञेय राहील.

३७.इमारतीचे बांधकाम करताना अग्नीशमनाचे व अग्नीपासुन सुरक्षतेकरीता नगरपरिषदाक्तिरेखा आणि नगरपंचायतीकरीता शासनाने लागु केलेल्या सुधारित विकास नियंत्रण नियमावलीतील भाग सहा आणि नॅशनल बिल्डींग कोड ऑफ इंडिया मधील भाग चार तरतुदीनुसार बांधकाम करणे अर्जदारास बंधनकारक आहे.

३८.विनशेती आदेशात नमुद केलेली पोचरस्ता जागा/ रस्ते स्थानिक प्राधिकरण/महाराष्ट्र शासन यांचेकडे हस्तांतरीत झाल्याशिवाय सदर भुखंडमध्ये बांधकाम करता येणार नाही.

३९.सदर प्रकरणी नगररचनाकार रत्नागिरी यांनी शिफारस शासनाने मंजुर केलेल्या प्रमाणित विकास नियंत्रण व प्रोत्साहन नियमावलीतील तरतुदीनुसार केलेली असल्याने प्रत्यक्षात बांधकाम करताना किंवा बांधकाम झाल्यानंतर विकास नियंत्रण नियमावलीतील तरतुदींचा अर्जदाराने भंग केल्यास सदर नियमावलीतील नियम क्र.१०.१ नुसार संबंधितांवर स्वरीत कारवाई करणेत येईल.

४०.प्रस्तावित इमारतीचे स्ट्रक्चरल प्लॅन व स्ट्रक्चरल स्टॅबिलिटीबाबतचे प्रमाणपत्र संबंधित स्ट्रक्चरल इंजिनिअर यांचेकडुन घेऊन या कार्यालयाकडे सादर करणे अर्जदारास बंधनकारक आहे.प्रमाणपत्र सादर न केल्यास सदरचे आदेश रद्द करणेत येतील.

४१.मा.जिल्हाधिकारी रत्नागिरी यांचेकडील आदेश क्रमांक/महसुल/कार्या६/आर.बांध.पर/एलएनए/एसआर/ २०१६ दिनांक ०८/०२/२०१६ अन्वये मंजुर आराखडयाप्रमाणे इमारत बांधकामास परवानगी देणेत येत आहेत.

४२.सीआरझेड-III मधील तरतुदीनुसार पहिले २०० मी अंतरामर्यंत No Development Zone नियोजित असुन या विभागात कोणत्याही स्वरुपाचा विकास अनुज्ञेय नाही.

14/15

४६. नगरपरिषदेकडे प्रलंबित असणारी महाराष्ट्र शासनाने सन २०१४ चा महाराष्ट्र अधिनियम क्र.४३/अन्वये महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम १९६६ यामध्ये कलम १८ व कलम १२४ब मध्ये करण्यात आलेली सुधारणा महाराष्ट्र शासन राजपत्र असाधारण भाग-४ मध्ये दि.२९/१२/२०१४ रोजी प्रसिध्द झालेल्या तत्प्रयोजनार्थ प्रस्तावित जमिनीच्या क्षेत्रासाठी रु.२१०००/- व बांधकाम क्षेत्रासाठी रु.१०५००/- असे एकुण विकास शुल्क रुपये ३१५००/-(अक्षरी एकतीस हजार पांचशे रुपये मात्र) नगरविकास विभाग,०२१७-नगरविकास.८००-इतर जमा रक्कमा (०१)(०७)-इतर वाची (०२१७०१६१०१) या लेखाशिर्षाखाली जमा केले आहे.

४४.(अ) जर परवानाधारकाने या आदेशातील अटींविरुध्द कृती केली तर जिल्हाधिकारी -उपविभागीय अधिकारी हे अधिनियमानुसार त्यास होणाऱ्या इतर शिक्षेस बाध न आणता ते आदेश देतील त्याप्रमाणे परवानाधारकाने दंड व रक्कम भरल्यावर सदर जागा विकास आराखड्याच्या मालकीत येऊ शकतील.'

४४.(ब) वरील (अ) मध्ये कहीही नमुद असले तरीही जिल्हाधिकारी -उपविभागीय अधिकारी यांना इमारत किंवा बांधकाम या आदेशातील तरतुदीविरुध्द बांधले असेल अथवा उपयोग केला जात आहे असे निदर्शनास आले तर ते बांधकाम सदर अधिकारी त्यासमयी देतील त्या वेळात काढून टाकण्याचा किंवा सुधारित करण्याचा अधिकार राहील आणि जर दिलेल्या मुदतीत ते बांधकाम काढुन टाकले नाही अगर सुधारित केले नाही तर सदर अधिकारी ते बांधकाम काढुन टाकण्याची कार्यवाही करतील आणि आलेला खर्च परवानाधारकाकडुन महसुल थकबाकीप्रमाणे वसुल करतील.

४. ही परवानगी इथे लागू असलेल्या इतर कायदयातील तरतुदीच्या अधिन राहुन देण्यात आली आहे आणि ही परवानगी संबंधित इतर बाबींना लागू (मील-उदा-मुंबई कुळवहिवाट व शेतजमिन अधिनियम १९४८, मुंबई ग्रामपंचायत अधिनियम १९५८ - महाराष्ट्र नगरपालिका अधिनियम १९६५ इत्यादी)

(जयराम देशपांडे)
उपविभागीय अधिकारी
दापोली विभाग दापोली

प्रत :- श्री.विभास राजाराम साठे रा.मुरुड ता.दापोली यांचेकडे अपराधेक्षेसह.
प्रत :- तहसीलदार दापोली यांचेकडे

२/-सदर बिनशेती प्लॉटची गा.नं.२,ता.न.नं.२ ला नोंद ठेवुन त्यांचे नोंदी अनुक्रम हकडे फेरफारिणेत यावा.तसेच मोजणी फी १०००/-दि.१२/०९/२०१७ रोजी भरलेले आहेत बिनशेती वापर सुरु केलेवर यावाबत पंचयादी करणेत येवुन ती कामात सामील करावी.

प्रत :- उपअधिक्षक भुमि अभिलेख दापोली यांचेकडे योग्य त्या कार्यवाहीसाठी.
प्रत :- तलाठी सजा मुरुड यांस

(जयराम देशपांडे)
उपविभागीय अधिकारी
दापोली विभाग दापोली

15/15

Annexure C-6

[redacted]

प्रति,

[redacted]

विषय : भोजणी करुन कर आकारणी करणेबाबत.

महोदय,

[redacted]

[redacted]

सोबत : १) जागेचा खरेदीचा उतारा

२) जागेचा नकाशा व हद्दी दर्शक

३) आपले अभिप्राय असलेचा दाखला

४) खरेदी खताची प्रत.

आपला विश्वासू,

[redacted]

Annexure C-7

कर व फी बाबत ग्रामपंचायत

ग्रामपंचायत

पुस्तक क्रमांक ७ पावती क्रमांक

श्री.

यापूर्वकडून सन २०१७/२०१८ या वर्षाच्या घर क्रमांक ७०७

मिळकत क्रमांक ५७० यावेळी पुढील कराची रक्कम मिळाली.

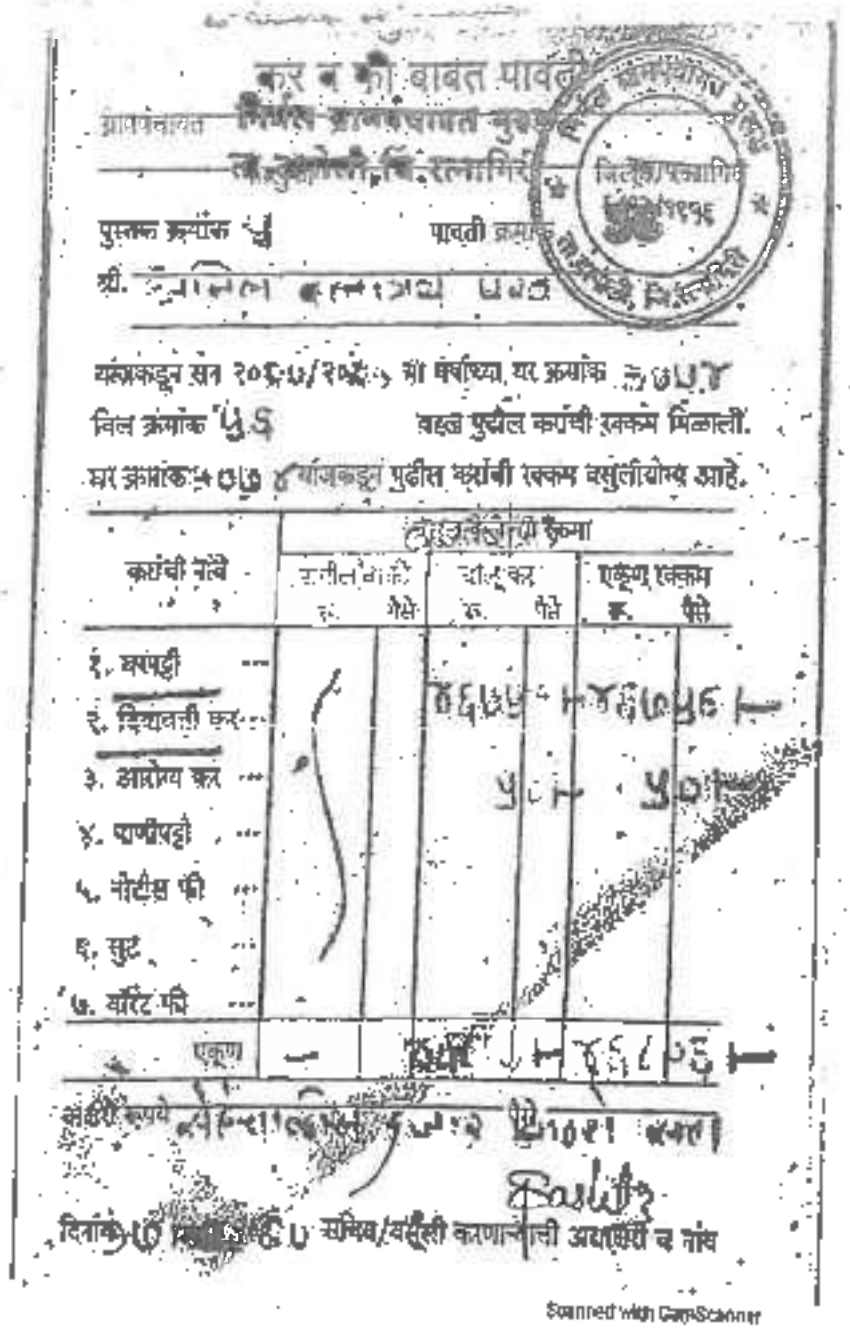
घर क्रमांक ७०७ यावेळेस पुढील कराची रक्कम वसुलीयोग्य आहे.

| कराची नावे | मागील बाकी रु. | मागील बाकी पैसे | चालू कर रु. | चालू कर पैसे | एकूण रक्कम रु. | एकूण रक्कम पैसे |
|---|---|---|---|---|---|---|
| १. घरपट्टी ... | | | ४८५६ | — | ४८५६ | — |
| २. दिवाबत्ती कर ... | | | ५०१ | — | ५०१ | — |
| ३. व्यवसाय कर ... | | | | | | |
| ४. पाणीपट्टी ... | | | | | | |
| ५. नोटीस फी ... | | | | | | |
| ६. खट ... | | | | | | |
| ७. वॉटर फी ... | | | | | | |
| एकूण | — | | ५३५७ | — | ५३५७ | — |

अक्षरी रुपये पाच हजार तीनशे सत्तावन फक्त

दिनांक ७/११/२०१७ वसुली करणाऱ्याची अक्षरी व नांव

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कर व फी बाबत पावती

ग्रामपंचायत

ता. जि. रत्नागिरी

पुस्तक क्रमांक

पावती क्रमांक

श्री.

सन २०२५/२०२६ ची मागणी, वर क्रमांक

बिल क्रमांक

वरील पुढील कराची रक्कम मिळाली.

वर क्रमांक पुढील कराची रक्कम वसुलीयोग्य आहे.

| कराची नावे | चालू मागणी रु. | चालू मागणी पैसे | थकबाकी रु. | थकबाकी पैसे | एकूण रक्कम रु. | एकूण रक्कम पैसे |
|---|---|---|---|---|---|---|
| १. घरपट्टी | | | | | | |
| २. दिवाबत्ती कर | | | | | | |
| ३. आरोग्य कर | | | | | | |
| ४. पाणीपट्टी | | | | | | |
| ५. नोटीस फी | | | | | | |
| ६. सूट | | | | | | |
| ७. वॉरंट फी | | | | | | |
| एकूण | | | | | | |

अक्षरी रुपये

दिनांक सचिव/वसूली कारकुनाची अक्षरी व नांव

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Annexure C-8

दिनांक – 08/08/2020

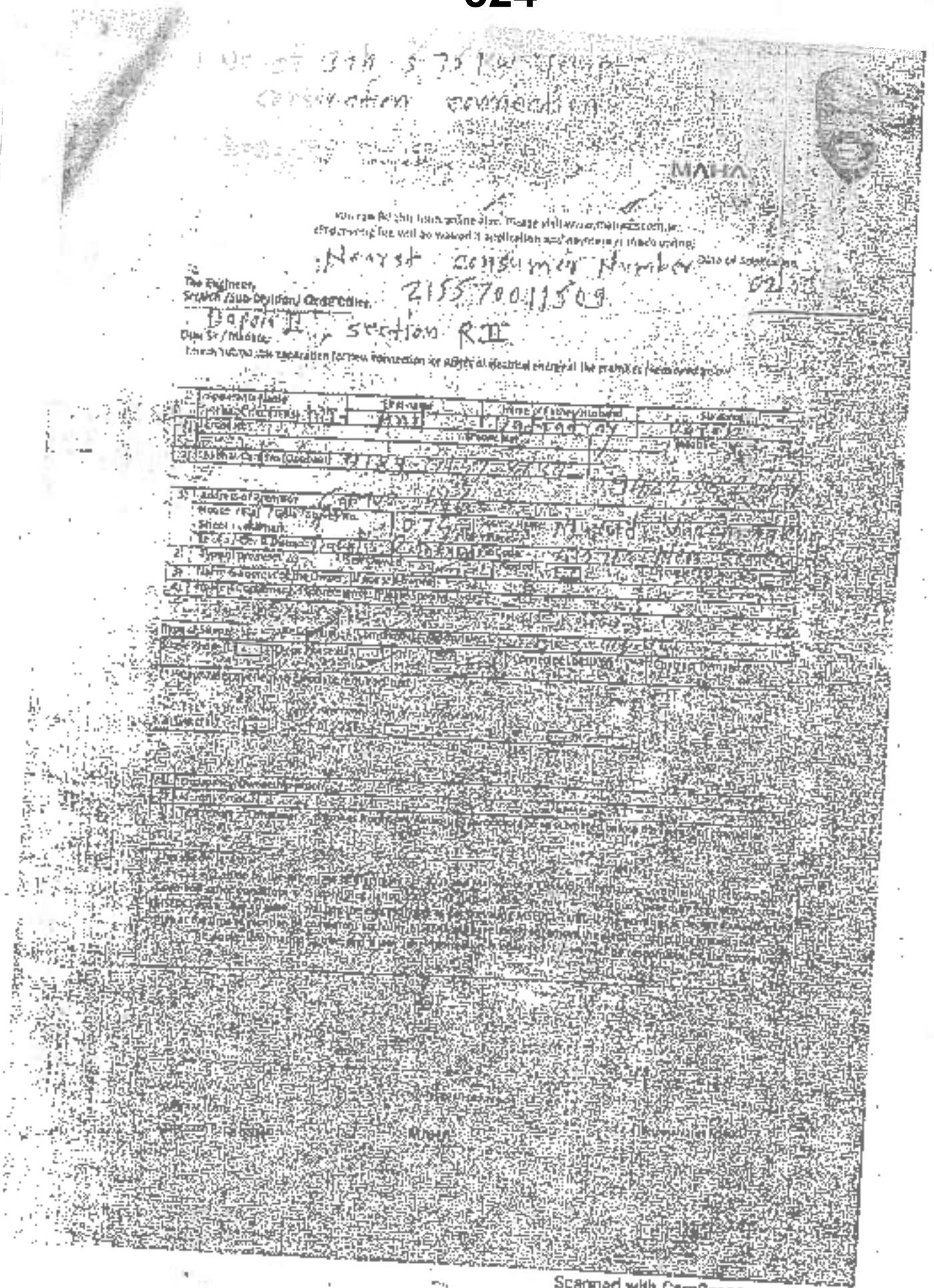
परिशिष्ट – अ

मी खाली सही करणार कंत्राटदार श्री. अनिल दत्तात्रय [illegible] गाडेधारीने मुकुंद सरवदे भाऊसाहेब [illegible] यांचे [illegible] नावे इलेक्ट्रिकल्स कॉर्पोरेशन [illegible] सरकारमान्य चिन्ह [illegible] धरकी विद्युत [illegible] यांच्यामध्ये सदर गाडीचे करार झालेल्या [illegible] मी [illegible] दि. [illegible] लिहून [illegible] केले आहे.

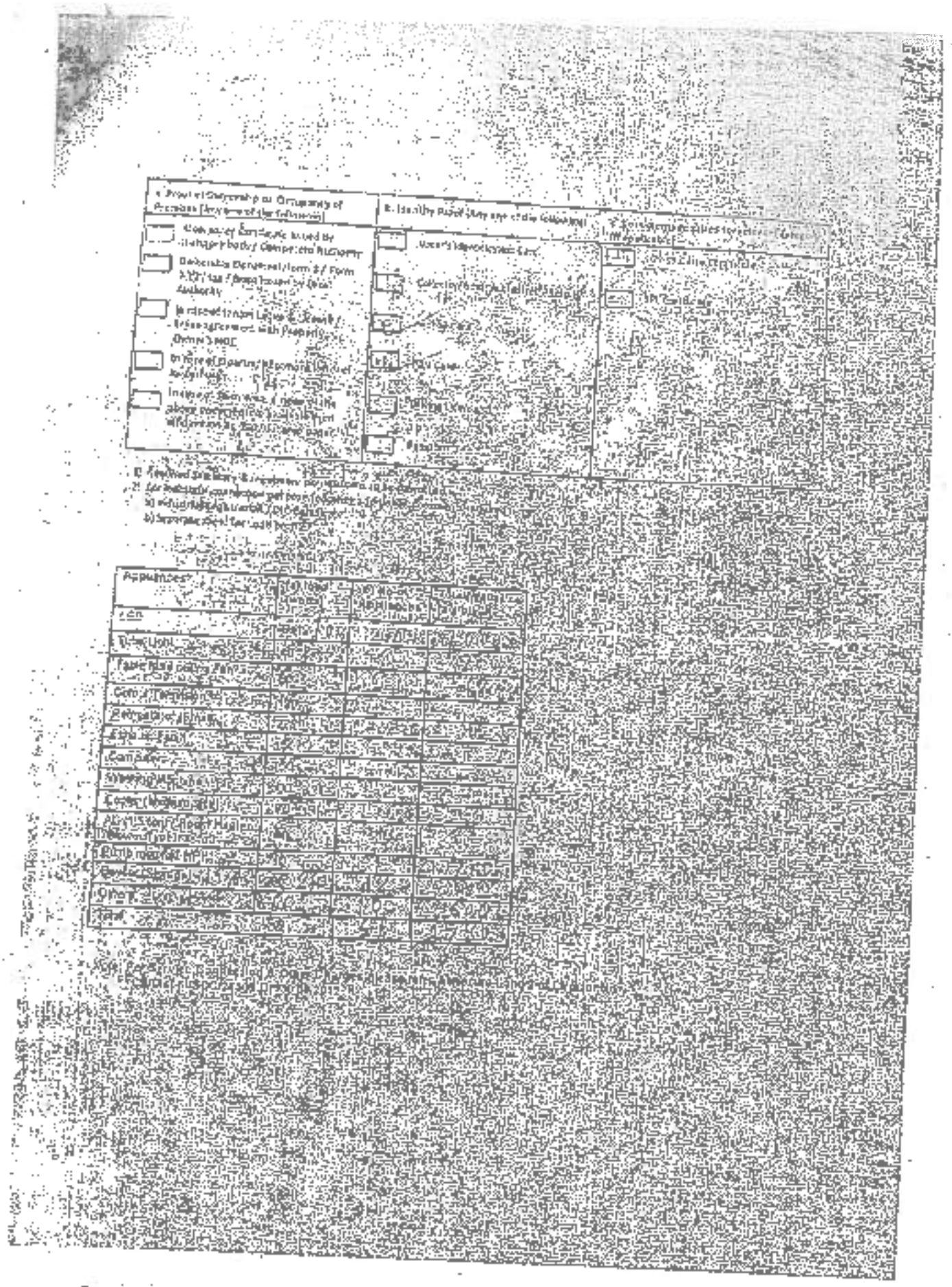
[illegible]

[illegible]

[illegible]



Scanned with CamScanner



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दिनांक

प्रति,

मा. उच्च कार्यकारी अभियंता साहेब,
म. रा. वि. वि. कं. लि. मर्या.,
उपविभाग दादोली 2

अर्जदार :– श्री. अनिल दत्तात्रय पवार, रा.मुंबई.

विषय :– मौजे गुरुट वरची फरखाडी येथिल इमारतीचे बांधकामाकरीता व्यवसायीक श्री फेज थ्री मिटर मिळणेबाबत.

महोदय,

वरील विषयान्वये विनंतीपूर्वक अर्ज करतो की, मी खाली सही करणार, मि. दत्तात्रय पवार रा. मुंबई माझे स्वमालकीच्या मौजे गुरुट येथील सर्व्हे नं. [illegible] इमारतीचे बांधकाम सुरु करीत आहे. तरी सदर आपल्या कार्यालयाकडून मला अत्यंत गरज आहे.

सबब, याणिज्य ३ फेज वीज मिटर बसवणे करीता मला अत्यंत गरज आहे.

तरी सदर लघुदाब लवकरात लवकर श्री फेज वाणिज्य वीज [illegible] करुन देणेत यावे ही विनंती.

स्वाक्षरी जागेचा आवश्यक तो [illegible] जोडला आहे.

करीत आहे.

आपला विश्वासू

Scanned with CamScanner

# तहसीलदार नागपुर के समक्ष

पहली अपील

| | |
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Scanned with CamScanner

# निर्मिल ग्रामपंचायत मुरुड

पो.मुरुड, ता.खेड, जि.रत्नागिरी पिन-४१५७०९
फोन नं.(०२३५८)२३२२६१
Email-gpmurud@gmail.com

## बोज-नाहरकत दाखला

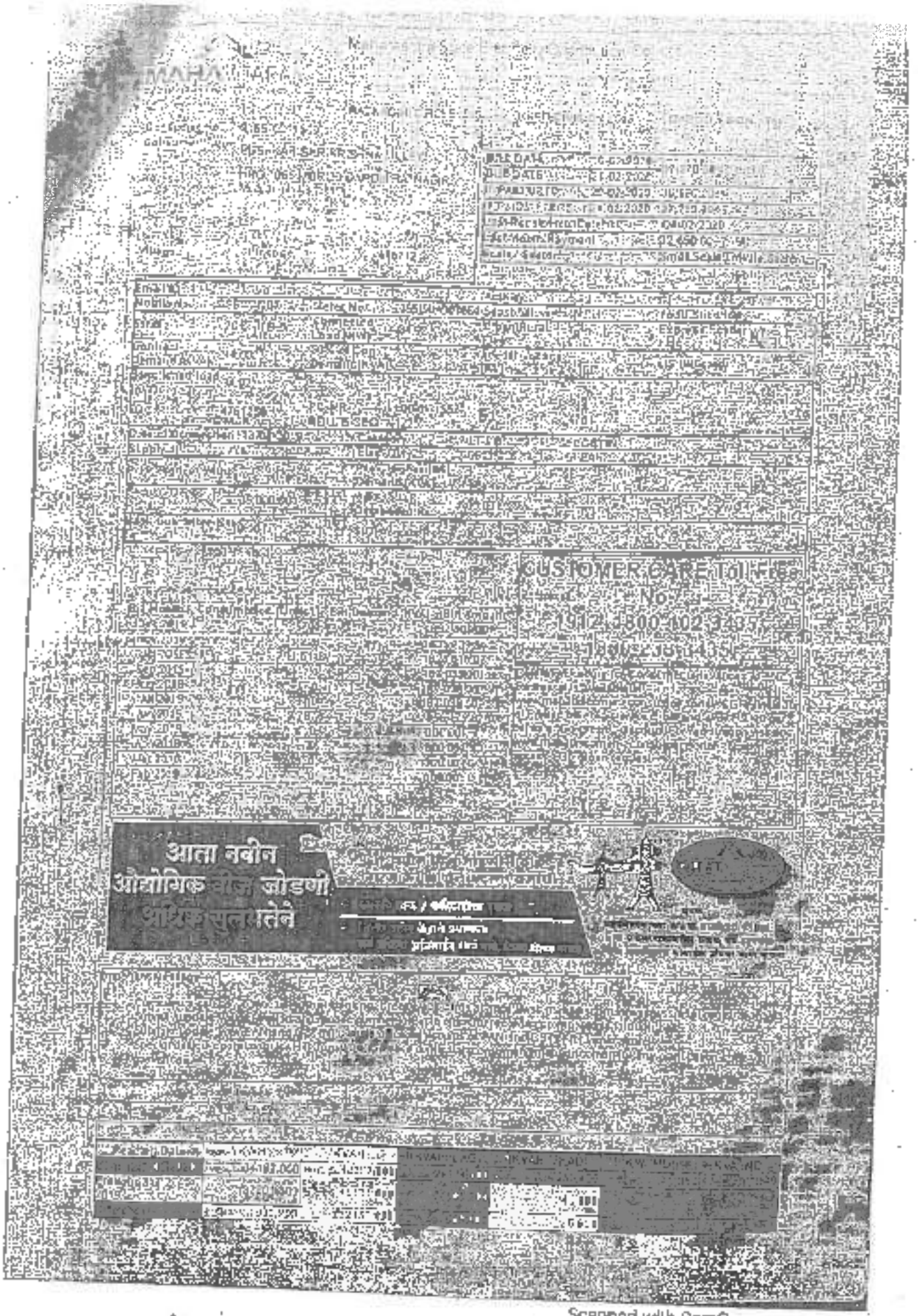
सरपंच निर्मिल ग्रामपंचायत मुरुड,ता.खेड जि.रत्नागिरी याजकडून देण्यात येतो कि, श्री./श्रीम.अनिल दत्तात्रय परब यांचे मौजे गाव मुरुड येथे सर्व्हे गोठा/मालमत्ता/गट क्रमांक १०५८ असून सदर गट क्रमांक/इमारतीला मंजूर विंधन कुपनलिका नविन थ्री-फेज वीज जोडणी घेण्यासाठी संबंधित खात्याच्या अटी व शर्ती नुसार ग्रामपंचायतीचा हरकत नाही.

म्हणून त्यांचे मागणी अर्जानुसार नाहरकत दाखला दिला.

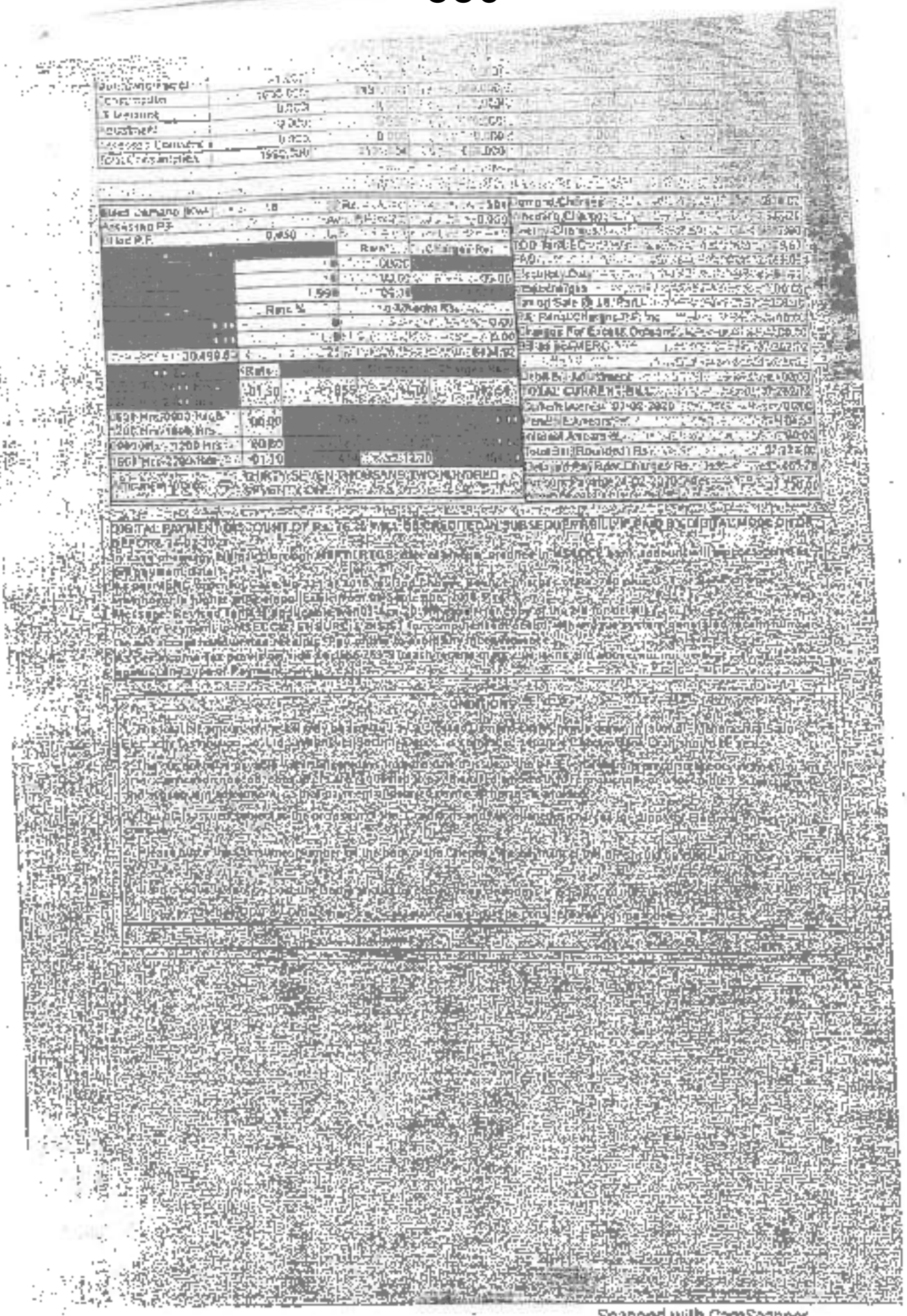
ठिकाण :-

दिनांक :-

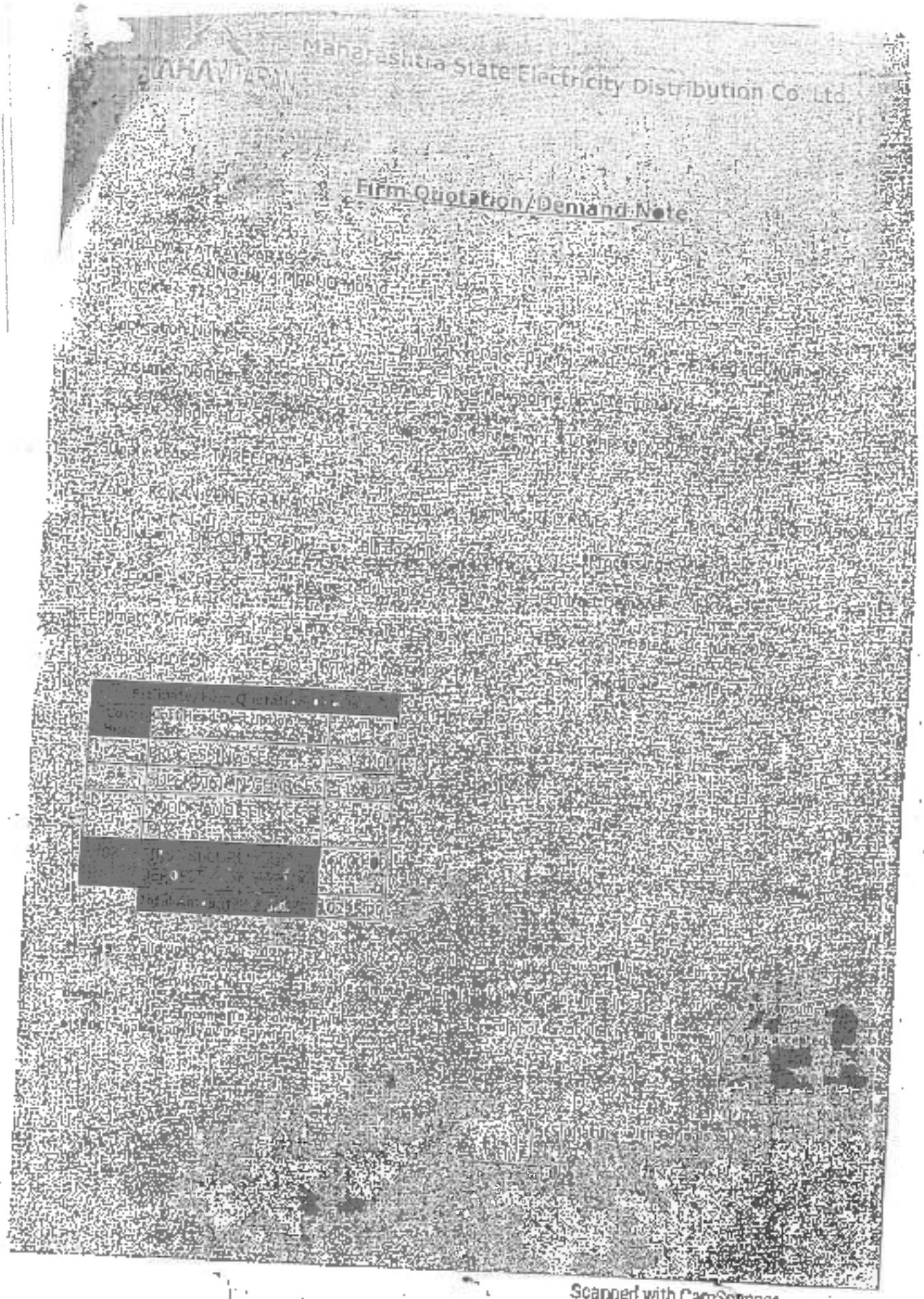
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NAME: Shri Amol Dattatray Parab

Tal: Dapoli Dist: Ratnagiri

Date: 1/07/16

To, The Executive Engineer

Sub:- Permanent Electrical Connection

Ref:- Your Estimate No. 1 for 2016-17

Sir,

I am submitting herewith the Electrical Installation Completion Report for the Electrical Installation carried out in my premises at Survey No. 107/1/2 Hissa No. 1 Village Mauje Dapoli Tal. Dapoli Dist. Ratnagiri.

| Name of the Load | No. of Points | Wattage of each point | Total Wattage | Insulation resistance to earth | Remarks No. of distribution boards, type of wiring etc. |
|---|---|---|---|---|---|
| Light | 10 | 100 | 1000 | | New 3 PH Conn 1/20 Single Wire |
| Fans | 3 | 40 | 120 | | 3/16 Amp. Three pin socket |
| Fans | 3 | 40 | 120 | | 2 No 32 A TPN MCB |
| | | | | | 16 sqmm Copper Earthing Wire etc. |
| Wall fans | 10 | 60 | 600 | | |
| Television | | | | 20 MΩ | |
| Refrigerator | | | | | |
| Water Heater | | | | | |
| Washing Machine | | | | | |
| Hot Plate | | | | | |
| Power Sockets | 12 | 250 | 3000 | | |
| Water Pump | | | | | |
| Industrial | | | | | |
| Other | | | | | |
| Motor | 3 | 750 | | | |
| Total | 29 | | 5130 | | |

Insulation test at the point of supply was found out to be 20 MΩ and each wire to earth & between phase & phase.

For Bhagwat Electricals

The wiring and load details furnished by the following licensed Electrical Contractor

Name – Bhagwat Electricals Corporation, Ratnagiri

Address – Near Ganesh Mandir, Ratnagiri

Phone No. – 02352-222777

License No. – WC 22759 Valid up to 28/08/2018

Bhagwat Electricals Corporation

Govt. Electrical Contractor

Proprietor

Under Rule 45 of Indian Electricity Rules, 1956, I have carried out the above work including addition/alteration/adjustment to an existing installation except for the replacement of lamps, fans, switches, low voltage domestic fittings or fuse wire or repair to a motor. The work has been carried out upon the premises of the undersigned by me or under my supervision and direction and I hereby declare that to the best of my knowledge and belief the work complies with the requirements of the Government Notification under the Indian Electricity Act, 1910 and the Indian Electricity Rules, 1956 and I am a person duly authorised to grant a certificate of completion and I am registered by the State Government.

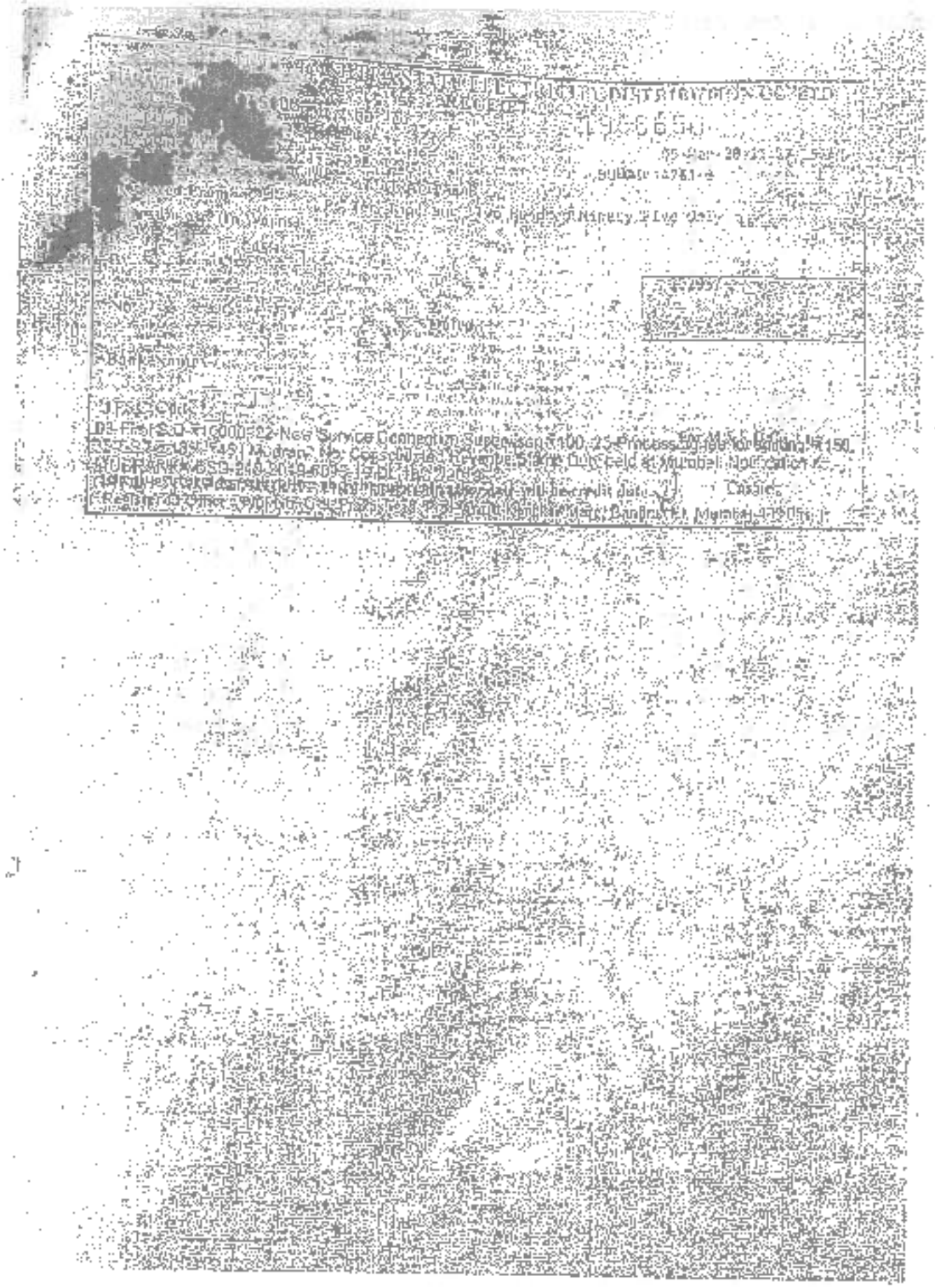
Yours faithfully,

Signature of the Licensee

Name in block letters

Address

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MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.

Office of the Dy. Executive Engineer
O & M Sub-Division Dapoli -II
At Post: Kaftal Road, Taluka: Dapoli
Dist: Ratnagiri, Pin Code: 415712
Telephone (O): +(02358) 281001
E-mail: eedapoli2@gmail.com

To,

Date:- 05 MAR 20

Dapoli-II

Sub:- Release Order

Please find enclosed H/W the proposal for Releasing following Connection

A) Name of Consumer :- Mr. Anil Dattatray Parab.

B) Address :- At/P. Murud, Sy.no. 486, H.No.1074, Tal. Dapoli,

Dist. Ratnagiri.

C) Purpose / Load : Temporary Connection / Load:- 3PH/ 5.75KW

D) Consumer No:- 215570011932

E) T.S.E.No:- DYEE/DPJ-II/T/10-20/Tempo/R-II/LS/No13 Dt- 04.03.2020

F) Date of Payment :- 05.03.2020

G) Amt.Rs:- 10295-00 Receipt No:- 1956650

H) Date of Test Report :- 04.03.2020

Before releasing please verify that there is no arrears of any sort pending in the said premises, sign and also certify all documents of yours end.

Dy. Executive Engineer
M.S.E.D.C.
O & M Dapoli-II Sub Division

D-1/Relase(Tmp)

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To,
Dy. Executive Engineer
M.S.E.D.Co.Ltd
Sub Division Dapoli-2

Dated: 04-03-2020

Sub: Estimate for sanction.

In connection with above subject please get submitted survey report & estimate for

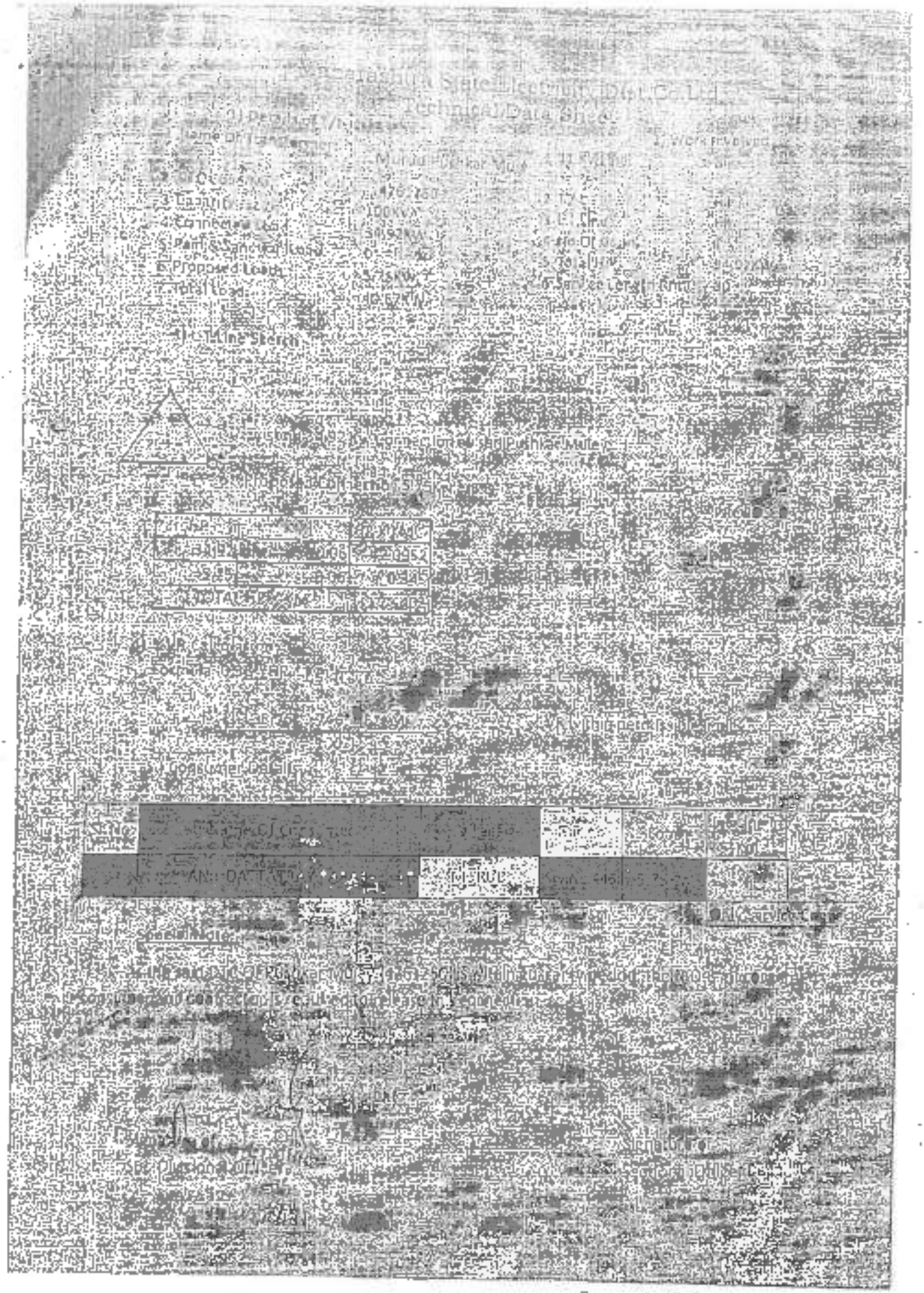
| Sr.No. | Name of Consumer | Village | Gat no | Load | L.T.Line in Km | No. of Poles |
|---|---|---|---|---|---|---|
| 1 | ANIL DATTATRAY PARAB | MURUD | SY.NO.446 | 5.75KW | Nil | Nil |

Only Service Conn.

Submitted for your information & necessary action please.

Assistant Engineer
Section Office

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महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित.

संचलन व परिक्षण विभाग, खेड

क्र.ग/दर/ IND

पत्र क्रमांक 0800/DPC-II/T-114-20/Tempo/R-II/CS/No.13 दि. 04-

प्रति, कार्यकारी अभियंता चरण

उ. पो. मुरुड ता. दापोली.

Only Service cc
3Ph. Temporary
Load - 5 HP 75 KW

विषय- विद्युत कनेक्शन मंजूर करणे बाबत.

महोदय,

आपल्या दि. 4/8/20 च्या अर्जानुसार आपणांस पुरविण्यात यावे HP/KW+HP/KW वीज एकूण - HP/5.75 KW

[रुपये] Temp/Ser उपयोगासाठी, मुरुड उ. पो. दापोली पि. रत्नागिरी या क. ... या ठिकाणी,

उपरणे करिता लागणेत येणारा विलेपत्र अंदाजे मंजूरी देण्यात येत आहे. यासाठी आपणास एकूण रुपये अंदाजे खालील प्रमाणे

भरणेत.

| | | | |
|---|---|---|---|
| 1 | कोटेशन नुसार कनेक्शन चार्जेस | | सहायक अभियंता, महावितरण, व्यवसाय पर्यवेक्षक |
| 2 | अनामत रक्कम | | दिनांक पासून तरण्यात आलेल्या तक्रारी पाहता येतील |
| 3 | मीटर टेस्टींग फीस | | |
| 4 | जोडणीचा खर्च | | |

आपली वरीलप्रमाणे दिनांक पर्यंत मंजूरी अन्यथा आपला अर्ज रद्द समजण्यात येईल.

सहायक अभियंता

कार्यकारी अभियंता

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Annexure C-9



MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

COASTAL REGULATION ZONE NOTIFICATION

New Delhi, the 6th January, 2011

S.O. 19(E).— WHEREAS a draft notification under sub-section (1) of section and clause (V) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 was issued inviting objections and suggestions for the declaration of coastal stretches as Coastal Regulation Zone and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O.No.2291 (E), dated 15th September, 2010.;

AND WHEREAS, copies of the said Gazette were made available to the public on 15th September, 2010.;

AND WHEREAS, the suggestions and objections received from the public have been considered by the Central Government.;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming, does hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limit, as Coastal Regulation Zone (hereinafter referred to as the CRZ) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid CRZ.; and

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19th February, 1991 except as respects things done or omitted to be done before such supercession, the Central Government hereby declares the following areas as CRZ and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ.–

(i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front.

(ii) CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression 'tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

(iii) the land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.

(iv)land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.

(v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2. For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority(s) so authorized by the MoEF in accordance with the general guidelines issued at Annexure-I. HTL shall be demarcated within one year from the date of issue of this notification.

3. Prohibited activities within CRZ.- The following are declared as prohibited activities within the CRZ,-

(i) Setting up of new industries and expansion of existing industries except,-

(a) those directly related to waterfront or directly needing foreshore facilities;

*Explanation*: The expression "foreshore facilities" means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like;

(b) projects of Department of Atomic Energy;

(c) facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as CRZ-I(i) based on an impact assessment study including social impacts.;

(d) development of green field Airport already permitted only at Navi Mumbai;

(e) reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

(ii) manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966(E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th

December ,1989 except,-

(a) transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;

(b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.

Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).

(iii) Setting up and expansion of fish processing units including warehousing except hatchery and natural fish drying in permitted areas:

(iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-

(a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;

(b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies

(c) maintenance or clearing of waterways, channels and ports, based on EIA studies;

(d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF.

(v) Setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-

(a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(b) storm water drains and ancillary structures for pumping;

(c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;

(vi) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements. The concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification.

(vii) Dumping of city or town wastes including construction debris, industrial solid wastes, fly

ash for the purpose of land filling and the like and the concerned authority shall implement schemes for phasing out any existing practice, if any, shall be phased out within a period of one year from date of commencement of this notification.

Note:-The MoEF will issue a separate instruction to the State Governments and Union territory Administration in respect of preparation of Action Plans and their implementation as also monitoring including the time schedule thereof, in respect of paras (v), (vi) and (vii).

(viii) Port and harbour projects in high eroding stretches of the coast, except those projects classified as strategic and defence related in terms of EIA notification, 2006 identified by MoEF based on scientific studies and in consultation with the State Government or the Union territory Administration.

(ix) Reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities.

(x) Mining of sand, rocks and other sub-strata materials except,-

(a)those rare minerals not available outside the CRZ area,
(b)exploration and exploitation of Oil and Natural Gas.

(xi) Drawl of groundwater and construction related thereto, within 200mts of HTL; except the following:-

(a) in the areas which are inhabited by the local communities and only for their use.
(b) in the area between 200mts-500mts zone the drawl of groundwater shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available.

Note:-Restrictions for such drawl may be imposed by the Authority designated by the State Government and Union territory Administration in the areas affected by sea water intrusion.

(xii) Construction activities in CRZ-I except those specified in para 8 of this notification.

(xiii) Dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation and other such purpose.

(xiv) Facilities required for patrolling and vigilance activities of marine/coastal police stations.

4. Regulation of permissible activities in CRZ area.- The following activities shall be regulated except those prohibited in para 3 above,-

(i)(a) clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities;
(b) for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14th September, 2006), for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority (hereinafter referred to as the CZMA).
(c) Housing schemes in CRZ as specified in paragraph 8 of this notification;

(c) Construction involving more than 20,000sq mts built-up area in CRZ-II shall be considered in accordance with EIA notification, 2006 and in case of projects less than 20,000sq mts built-up area shall be approved by the concerned State or Union territory Planning authorities in accordance with this notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concern CZMA shall be essential for considering the grant of environmental clearance under EIA notification, 2006 or grant of approval by the relevant planning authority.

(e) MoEF may under a specific or general order specify projects which require prior public hearing of project affected people.

(f) construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures;

(ii) the following activities shall require clearance from MoEF, namely:-

(a) those activities not listed in the EIA notification, 2006.

(b) construction activities relating to projects of Department of Atomic Energy or Defence requirements for which foreshore facilities are essential such as, slipways, jetties, wharves, quays; except for classified operational component of defence projects. Residential buildings, office buildings, hospital complexes, workshops of strategic and defence projects in terms of EIA notification, 2006.;

(c) construction, operation of lighthouses;

(d) laying of pipelines, conveying systems, transmission line;

(e) exploration and extraction of oil and natural gas and all associated activities and facilities thereto;

(f) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. MoEF may specify for category of projects such as at (f), (g) and (h) of para 4;

(g) Mining of rare minerals as listed by the Department of Atomic Energy;

(h) Facilities for generating power by non-conventional energy resources, desalination plants and weather radars;

(i) Demolition and reconstruction of (a) buildings of archaeological and historical importance, (ii) heritage buildings; and buildings under public use which means buildings such as for the purposes of worship, education, medical care and cultural activities;

4.2 Procedure for clearance of permissible activities.- All projects attracting this notification shall be considered for CRZ clearance as per the following procedure, namely:-

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

(a) Form-I (Annexure-IV of the notification);

(b) Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d)

(c) Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration;

(d) Disaster Management Report, Risk Assessment Report and Management Plan;

(e) CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2) in 1:4000 scale;

(f) Project layout superimposed on the above map indicated at (e) above;

(g) The CRZ map normally covering 7km radius around the project site.

(h) The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas;

(i) No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like.;

(ii) The concerned CZMA shall examine the above documents in accordance with the approved CZMP and in compliance with CRZ notification and make recommendations within a period of sixty days from date of receipt of complete application,.

(a) MoEF or State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) as the case may be for the project attracting EIA notification, 2006;

(b) MoEF for the projects not covered in the EIA notification, 2006 but attracting para 4(ii) of the CRZ notification;

(iii) MoEF or SEIAA shall consider such projects for clearance based on the recommendations of the concerned CZMA within a period of sixty days.

(vi) The clearance accorded to the projects under the CRZ notification shall be valid for the period of five years from the date of issue of the clearance for commencement of construction and operation.

(v) For Post clearance monitoring – (a) it shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1$^{st}$ June and 31$^{st}$ December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.

(b) the compliance report shall also be displayed on the website of the concerned regulatory authority.

(vi) To maintain transparency in the working of the CZMAs it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMPs of the respective State Government or Union territory.

5. Preparation of Coastal Zone Management Plans.

(i) The MoEF may obtain the CZMPs prepared through the respective State Government or Union territory;

(ii) The CZMPs may be prepared by the coastal State Government or Union territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of MoEF and in consultation with the concerned stakeholders;

(iii)The hazard line shall be mapped by MoEF through SoI all along the coastline of the country and the hazard line shall be demarcated taking into account, tide, waves, sea level

rise and shoreline changes;

(iv)For the purpose of depicting the flooding due to tides, waves and sea level rise in the next fifty and hundred years, the contour mapping of the coastline shall be carried out at 0.5m interval normally upto 7km from HTL on the landward side, and the shoreline changes shall be demarcated based on historical data by comparing the previous satellite imageries with the recent satellite imageries;

(v) Mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for micro level mapping and the hazard line shall be taken into consideration while preparing the land use plan of the coastal areas;

(vi)The coastal States and Union Territory will prepare within a period of twenty four months from the date of issue this notification, draft CZMPs in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-I of the notification, which involve public consultation;

(vii) The draft CZMPs shall be submitted by the State Government or Union territory to the concerned CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;

(viii) The State Government or Union territory CZMA shall submit the draft CZMPs to MoEF alongwith its recommendations on the CZMP within a period of six months after incorporating the suggestions and objections received from the stakeholders;

(ix)MoEF shall thereafter consider and approve the CZMPs within a period of four months from the date of receipt of the CZMPs complete in all respects;

(x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;

(xi) The CZMPs shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking revision of the maps following the above procedures;

(xii) The CZMPs already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein.

6. Enforcement of the CRZ, notification, 2011-

(a) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 with the MoEF, State Government or the Union territory Administration NCZMA and SCZMAs;

(b) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMAs have already been notified by MoEF in terms of Orders of Hon'ble

Supreme Court in Writ Petition 664 of 1993;

(c) the State Government or the Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned containing atleast three representatives of local traditional coastal communities including from fisherfolk;

(d) The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-

(i) these are not used for any commercial activity
(ii) these are not sold or transferred to non-traditional coastal community.

7. Classification of the CRZ – For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely:-

(i) CRZ-I,-

A. The areas that are ecologically sensitive and the geomorphological features which play a role in the maintaining the integrity of the coast,-

(a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;
(b) Corals and coral reefs and associated biodiversity;
(c) Sand Dunes;
(d) Mudflats which are biologically active;
(e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;
(f) Salt Marshes;
(g) Turtle nesting grounds;
(h) Horse shoe crabs habitats;
(i) Sea grass beds;
(j) Nesting grounds of birds;
(k) Areas or structures of archaeological importance and heritage sites. B. The area between Low Tide Line and High Tide Line;

(ii) CRZ-II,-

The areas that have been developed upto or close to the shoreline.

*Explanation.*- For the purposes of the expression "developed area" is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;

(iii) CRZ-III,-

Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

(iv) CRZ-IV,-

A. the water area from the Low Tide Line to twelve nautical miles on the seaward side;

B. shall include the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.

(v) Areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities,-

A. (i) CRZ area falling within municipal limits of Greater Mumbai;
(ii) the CRZ areas of Kerala including the backwaters and backwater islands;
(iii) CRZ areas of Goa.

B. Critically Vulnerable Coastal Areas (CVCA) such as Sunderbans region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 and managed with the involvement of coastal communities including fisherfolk.

8 Norms for regulation of activities permissible under this notification,-

(i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

Note:- The word existing use hereinafter in relation to existence of various features or existence of regularisation or norms shall mean existence of these features or regularisation or norms as on 19.2.1991 wherein CRZ notification, was notified.

I. CRZ-I,-

(i) no new construction shall be permitted in CRZ-I except,-

(a) projects relating to Department of Atomic Energy;
(b) pipelines, conveying systems including transmission lines;
(c) facilities that are essential for activities permissible under CRZ-I;
(d) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
(e) construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL.
(f) development of green field airport already approved at only Navi Mumbai;

(ii) Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

(a) exploration and extraction of natural gas;
(b) construction of dispensaries, schools, public rainshelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.
(c) necessary safety measure shall be incorporated while permitting such developmental activities in the area falling in the hazard zone;
(d) salt harvesting by solar evaporation of seawater;
(e) desalination plants;
(f) storage of non-hazardous cargo such as edible oil, fertilizers and food grain within notified ports;
(g) construction of trans harbour sea links, roads on stilts or pillers without affecting the tidal flow of water.

II. CRZ-II,-

(i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
(ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio:
Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road:
(iii) reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;
(iv) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;
(v) desalination plants and associated facilities;
(vi) storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports;
(vii) facilities for generating power by non-conventional power sources and associated facilities;

III. CRZ-III,-

A. Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-

(i) the NDZ shall not be applicable in such area falling within any notified port limits;

(ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities; Construction/reconstruction of dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the State Government or the Union territory in consultation with the traditional coastal communities including fisherfolk and incorporating the necessary disaster management

provision, sanitation and recommended by the concerned State or the Union territory CZMA to NCZMA for approval by MoEF;

(iii) however, the following activities may be permitted in NDZ –

(a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;
(b) projects relating to Department of Atomic Energy;
(c) mining of rare minerals;
(d) salt manufacture from seawater;
(e) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
(f) facilities for regasification of liquefied natural gas subject to conditions as mentioned in subparagraph (ii) of paragraph 3;
(g) facilities for generating power by non conventional energy sources;
(h) Foreshore facilities for desalination plants and associated facilities;
(i) weather radars;
(j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;
(k) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee;
(l) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
(m) development of green field airport already permitted only at Navi Mumbai.

B. Area between 200mts to 500mts,-

The following activities shall be permissible in the above areas;

(i) development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors subject to the conditions as specified in the guidelines at Annexure-III ;
(ii) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
(iii) facilities for regasification of liquefied natural gas subject to conditions as mentioned in sub-paragraph (ii) of paragraph 3;
(iv) storage of non-hazardous cargo such as, edible oil, fertilizers, food grain in notified ports;
(v) foreshore facilities for desalination plants and associated facilities;
(vi) facilities for generating power by non-conventional energy sources;
(vii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and gouthans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor);
(viii) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges by CZMA who may also permit construction of schools and dispensaries for local inhabitants of the area for those panchayats, the major

part of which falls within CRZ if no other area is available for construction of such facilities;

(ix) reconstruction or alteration of existing authorised building subject to sub-paragraph (vii), (viii);

(x) development of green field airport already permitted only at Navi Mumbai.

(IV) In CRZ-IV areas,-

The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities as follows:-

(a) No untreated sewage, effluents, ballast water, ship washes, fly ash or solid waste from all activities including from aquaculture operations shall be let off or dumped. A comprehensive plan for treatment of sewage generating from the coastal towns and cities shall be formulated within a period of one year in consultation with stakeholders including traditional coastal communities, traditional fisherfolk and implemented;

(b) Pollution from oil and gas exploration and drilling, mining, boat house and shipping;

(c) There shall be no restriction on the traditional fishing and allied activities undertaken by local communities.

V. Areas requiring special consideration,-

I. CRZ areas falling within municipal limits of the Greater Mumbai.

(i) Developmental activities in the CRZ area of the Greater Mumbai because of the environmental issues, relating to degradation of mangroves, pollution of creeks and coastal waters, due to discharge of untreated effluents and disposal of solid waste, the need to provide decent housing to the poor section of society and lack of suitable alternatives in the inter connected islands of Greater Mumbai shall be regulated as follows, namely:-

A. Construction of roads - In CRZ-I areas indicated at sub-paragraph (i) of paragraph 7 of the notification the following activities only can be taken up:-

(a) Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to the following conditions:-

(i) All mangrove areas shall be mapped and notified as protected forest and necessary protection and conservation measures for the identified mangrove areas shall be initiated.

(ii) Five times the number of mangroves destroyed/cut during the construction process shall be replanted.

B. Solid waste disposal sites shall be identified outside the CRZ area and thereafter within two years the existing conventional solid waste sites shall be relocated outside the CRZ area.

(iii) In CRZ-II areas-

(a) The development or redevelopment shall continue to be undertaken in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19th February, 1991, unless specified otherwise in this notification.

(b) SLUM REHABITATION SCHEMES,-

1. In the Greater Mumbai area there are large slum clusters with lakhs of families residing therein and the living conditions in these slums are deplorable and the civic agencies are not able to provide basic infrastructure such as drinking water, electricity, roads, drainage and the like because the slums come up in an unplanned and congested manner and the slums in the coastal area are at great risk in the event of cyclones, storm surges or tsunamis, in view of the difficulties in providing rescue, relief and evacuation.

2. To provide a safe and decent dwelling to the slum dwellers, the State Government may implement slum redevelopment schemes as identified as on the date of issue of this notification directly or through its parastatal agencies like Maharashtra Housing and Area Development Authority (MHADA), Shivshahi Punarvasan Prakalp Limited (SPPL), Mumbai Metropolitan Region Development Authority (MMRDA) and the like.:

Provided that,-

(i) such redevelopment schemes shall be undertaken directly or through joint ventures or through public private partnership's or other similar models ensuring that the stake of the State Government or its parastatal entities shall be not less than 51%;

(ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority;

(iii) it shall be the duty of the project proponent undertaking the redevelopment through conditions (b)(2) above along with the State Government to ensure that all legally regularized tenants are provided houses in situ or as per norms laid down by the State Government in this regard.

(c) REDEVELOPMENT OF DILAPIDATED, CESSED AND UNSAFE BUILDINGS:

1. In the Greater Mumbai, there are, also a large number of old and dilapidated, cessed and unsafe buildings in the CRZ areas and due to their age these structures are extremely vulnerable and disaster prone and therefore there is an urgent need for the redevelopment or reconstruction of these identified buildings.

2. These projects shall be taken up subject to the following conditions and safeguards;

(i) such redevelopment or reconstruction projects as identified on the date of issue of this notification shall be allowed to be taken up involving the owners of these buildings either above or with private developers in accordance with the prevailing Regulation, directly or through joint ventures or through other similar models.

(ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority

(iii) suitable accommodation to the original tenants of the specified buildings shall be

ensured during the course of redevelopment or reconstruction of the buildings by the project proponents, undertaking the redevelopment through condition 2(i) above.

(d) Notwithstanding anything contained in this notification, the developmental activities for slums and for dilapidated, cessed and unsafe buildings as specified at paras (b) and (c) above shall be carried out in an accountable and transparent manner by the project proponents mentioned therein which shall include the following pre-condition measures, wherever applicable;-

1. (i) applicability of the Right to Information Act, 2005 to all redevelopment or reconstruction projects granted clearance by the Competent Authorities;
(ii) MoEF shall issue an order constituting the CPIO and the first Appellate Authority of appropriate ranks in consultation with Government of Maharashtra;
(iii) details of the Slum Rehabilitation Scheme, including the complete proposal and the names of the eligible slum dwellers will be declared suo-moto as a requirement of Section 4 of compliance of the Right to Information Act, 2005 by the appropriate authority in the Government of Maharashtra in one month before approving it;
(iv) the implementing or executing agency at the State Government with regard to projects indicated at sub-item (b) and (c) of item (iii) of sub-paragraph V shall display on a large notice boards at the site and at the office of the implementing or executing agency the names of the eligible builders, total number of tenements being made, names of eligible slum dwellers who are to be provided the dwelling units and the extra area available for free sale.
(v) Projects being developed under sub-items (b) and (c) of item (iii) of sub-paragraph V shall be given permission only if the project proponent agree to be covered under the Right to Information Act, 2005.

2. MoEF may appoint statutory auditors, who are empanelled by the Comptroller and auditor General (hereinafter referred to as the C&AG) to undertake performance and fiscal audit in respect of the projects relating to redevelopment of dilapidated, cessed and unsafe buildings and the projects relating to Slum Rehabilitation Scheme shall be audited by C&AG.

3. A High Level Oversight Committee may be set up by the Government of Maharashtra for periodic review of implementation of V(iii)(b) and (c) which shall include eminent representatives of various Stakeholders, like Architects, Urban Planner, Engineers, and Civil Society, besides the local urban bodies, the State Government and the Central Government.

4. The individual projects under V(iii)(b) and (c) shall be undertaken only after public consultation in which views of only the legally entitled slum dweller or the legally entitled tenent of the dilapidated or cessed buildings shall be obtained in accordance with the procedures laid down in EIA notification, 2006.

(e) In order to protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone'.
(f) the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.
(g) Koliwada namely, fishing settlement areas as identified in the Development Plan of 1981

or relevant records of the Government of Maharashtra, shall be mapped and declared as CRZ-III so that any development, including construction and reconstruction of dwelling units within these settlements shall be undertaken in accordance with applicable as per local Town and Country Planning Regulations.

(h) Reconstruction and repair works of the dwelling units, belonging to fisher communities and other local communities identified by the State Government, shall be considered and granted permission by the Competent Authorities on a priority basis, in accordance with the applicable Town and Country Planning Regulations.

2. CRZ for Kerala

In view of the unique coastal systems of backwater and backwater islands alongwith space limitation present in the coastal stretches of the State of Kerala, the following activities in CRZ shall be regulated as follows, namely:-

(i) all the islands in the backwaters of Kerala shall be covered under the CRZ notification;
(ii) the islands within the backwaters shall have 50mts width from the High Tide Line on the landward side as the CRZ area;
(iii) within 50mts from the HTL of these backwater islands existing dwelling units of local communities may be repaired or reconstructed however no new construction shall be permitted;
(iv) beyond 50mts from the HTL on the landward side of backwater islands, dwelling units of local communities may be constructed with the prior permission of the Gram panchayat;
(v) foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up within 50mts width from HTL of these backwater islands.

3. CRZ of Goa.-

In view of the peculiar circumstances of the State Goa including past history and other developments, the specific activities shall be regulated and various measures shall be undertaken as follows:-

(i) the Government of Goa shall notify the fishing villages wherein all foreshore facilities required for fishing and fishery allied activities such as traditional fish processing yards, boat building or repair yards, net mending yards, ice plants, ice storage, auction hall, jetties may be permitted by Grama Panchayat in the CRZ area;
(ii) reconstruction, repair works of the structures of local communities including fishermen community shall be permissible in CRZ;
(iii) purely temporary and seasonal structures customarily put up between the months of September to May;
(iv) the eco sensitive low lying areas which are influenced by tidal action known as khazan lands shall be mapped;
(v) the mangroves along such as khazan land shall be protected and a management plan for the khazan land prepared and no developmental activities shall be permitted in the khazan land;
(vi) sand dunes, beach stretches along the bays and creeks shall be surveyed and mapped. No activity shall be permitted on such sand dune areas;
(vii) the beaches such as Mandrem, Morjim, Galgiba and Agonda has been designated as turtle nesting sites and protected under the Wildlife Protection Act, 1972 and these areas shall be surveyed and management plan prepared for protection of these turtle nesting

sites;

(viii) no developmental activities shall be permitted in the turtle breeding areas referred to in sub-paragraph (vii).

4 (a) Critical Vulnerable Coastal Areas (CVCA) which includes Sunderbans and other identified ecological sensitive areas which shall be managed with the involvement of the local coastal communities including the fisher folk;-

(b) the entire Sunderbans mangrove area and other identified ecologically important areas such as Gulf of Khambat and Gulf of Kutchchh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Orissa, Coringa, East Godaveri and Krishna in Andhra Pradesh shall be declared as Critical Vulnerable Coastal Areas (CVCA) through a process of consultation with local fisher and other communities inhabiting the area and depend on its resources for their livelihood with the objective of promoting conservation and sustainable use of coastal resources and habitats;

(c) the process of identifying planning, notifying and implementing CVCA shall be detailed in the guideline which will be developed and notified by MoEF in consultations with the stakeholders like the State Government, local coastal communities and fisherfolk and the like inhabiting the area;

(d) the Integrated Management Plans (IMPs) prepared for such CVCA shall inter alia keep in view the conservation and management of mangroves, needs of local communities such as, dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the para 3 above for preparation of Coastal Zone Management Plans;

(e) till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the CZMA with due regards to the views of coastal communities including fisherfolk.

[F. No. 11-83/2005-IA-III]

J. M. MAUSKAR, Addl. Secy.

ANNEXURE I

## GUIDELINES FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLANS

I. A. Demarcation of High Tide Line

1. Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) shall be carried out by one of the agencies authorised by MoEF based on the recommendations of the National Centre for Sustainable Coastal Management (NCSCM).
2. Demarcation of the High Tide Line or LTL shall be made on the Coastal Zone Management (CZM) Maps of scale 1:25,000 prepared by the agencies identified by the MoEF.
3. Local level CZM Maps shall be prepared for use of officials of local bodies for determination of the CRZ.
4. The local level CZM Maps shall be prepared on a Cadastral scale in accordance with the CZM Maps approved by the Central Government.

B. Preparation of CZM Maps

5. Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1:25,000 maps are not available, 1:50,000 maps shall be enlarged to 1:25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:

| | | |
|---|---|---|
| Unit | : | 7.5 minutes X 7.5minutes |
| Numbering | : | Survey of India Sheet Numbering System |
| Horizontal Datum | : | Everest or WGS 84 |
| Vertical Datum | : | Mean Sea Level (MSL) |
| Topography | : | Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs |

6. The High Water Level (HWL) and Low Water Level (LWL) marked on the Base maps will be transferred to the CZM maps.
7. Coastal geomorphological signatures in the field or satellite imageries or aerial photographs will be used for appropriate adjustment, in the HWL or LWL for demarcating HTL or LTL in accordance with the CRZ notification.
8. The following geomorphological features shall be considered while demarcating in HTL or LTL:
   Landward (monsoonal) berm crest in the case of sandy beaches
   Rocks, Headlands, Cliffs
   Seawalls or revetments or embankments
9. 500 meter and 200 metre lines will be demarcated with respect of HTL.
10. HTL (as defined in the CRZ notification) and LTL shall also be demarcated in the CZM maps along the banks of tidal influenced inland water bodies with the help of the geomorphological signatures or features.
11. Classification of different coastal zones shall be done as per the CRZ notification
12. Standard national or international colour codes shall be used to highlight sub-classification of data.

C. Local level CZM Maps

Local level CZM Maps are for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans

13. Cadastral (village) maps in 1:3960 or the nearest scale, shall be used as the base maps.
14. These maps are available with revenue Authorities and are prepared as per standard norms.

15. HTL (as defined in the CRZ notification) and LTL will be demarcated in the cadastral map based on detailed physical verification using coastal geomorphological signatures or features in accordance with the CZM Maps approved by the Central Government.
16. 500metre and 200metre lines shall be demarcated with respect to the HTL thus marked.
17. HTL (as defined in the CRZ notification, 1991) and LTL will also be demarcated along the banks of tidal influenced inland water bodies with the help of geomorphological signatures or features.
18. Classifications shall be transferred into local level CZM maps from the CZM Plans.
19. Symbols will be adopted from CZM Maps.
20. Colour codes as given in CZM Maps shall be used.
21. Demarcation of cadastral maps will be done by local agencies approved by the Central Government. The local agencies shall work under the guidance of the concerned State Government or Union Territory Coastal Zone Management Authorities.

D. Hazard mapping:-

II. Classification of CRZ areas

1. The CZM Maps shall be prepared in accordance with para 5 of the CRZ notification demarcating CRZ I, II, III, IV and V.
2. The CZM Maps shall clearly demarcate the land use plan of the area and lists out the CRZ-I areas. All the CRZ-I areas listed under para 7(I)A and B shall be clearly demarcated and colour codes given so that each of the CRZ-I areas can be clearly identified.
3. Buffer zone along mangrove areas of more than 1000sq mts shall be stipulated with a different colour distinguishing from the mangrove area.
4. The buffer zone shall also be classified as CRZ-I area.
5. The hazard line to be drawn up by MoEP shall be superimposed on the CZM maps in 1:25,000 scale and also on the cadastral scale maps.
6. The CRZ-II areas shall be those areas which have been substantially built-up with a ratio of built-up plots to that of total plots is more than 50%.
7. In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.
8. No developmental activities other than those listed above shall be permitted in the areas between the hazard line and 500mts or 100mts or width of the creek on the landward side. The dwelling unit of the local communities including that of the fishers will not be relocated if the dwelling units are located on the seaward side of the hazard line. The State Government will provide necessary safeguards from natural disaster to such dwelling units of local communities.
9. The water areas of CRZ IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.
10. The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.
11. The water area shall be demarcated indicating the pollution levels as per Central Pollution Control Board standards on water quality.
12. In the CRZ V areas the land use maps shall be superimposed on the Coastal Zone Management Plan and clearly demarcating the CRZ I, II, III, IV.
13. The existing authorized developments on the sea ward side shall be clearly demarcated.

(xii) Furnace oil;

(xiii) Low Sulphur Heavy Stock;

(xiv) Liquefied Natural Gas;

(xv) Fertilizers and raw materials for manufacture of fertilizers.

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**Annexure-III**

**Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests**

1. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:-

(a) The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line;

(b) The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more;

(c) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(d) no flattening of sand dunes shall be carried out;

(e) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(f) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect fee flow of groundwater in that area;

(g) the State Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;

(h) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;

(i) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;

(j) the construction shall be consistent with the surrounding landscape and local architectural style;

(k) the overall height of construction upto the highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than two floors (ground floor plus one upper floor);

(l) groundwater shall not be tapped within 200metre of the High Tide Line; within the 200metre 500metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;

(m) extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500metres of the High Tide Line;

(n) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;

(o) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

(p) to allow public access to the beach, atleast a gap of 20metres width; shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and

(q) If the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and

(r) approval of the State or Union territory Tourism Department shall be obtained.

II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories) construction of beach resorts or hotels shall not be permitted

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Annexure C-10





NOTE TO MOEFCC REGARDING LETTER DATED 13/05/2021 RECEIVED FROM DR. KIRIT SOMAIYA, FORMER MEMBER OF PARLIAMENT TO MOEFCC REGARDING COMPLAINTS ON ILLEGAL CONSTRUCTION OF RESORT AND ROAD IN CRZ/ESZ AT SEA SHORE OF VILLAGE MURUD, TEHSIL DAPOLI, RATNAGIRI DISTRICT, MAHARASHTRA

Background: Dr. Kirit Somaiya, former Member of Parliament has addressed a letter dated 13/05/2021 to the Hon'ble Minister of Environment, Forest and Climate Change, Government of India, in which Dr. Kirit Somaiya has mentioned that he has received several complaints about the blatant violation and illegal construction of Sai Resort Annex (Sai resort) and adjacent road and also the access to the "main entrees" of Sai Resort directly on the sea shore of survey No. 446 in Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra.

2. In this regard, NCSCM scrutinized the CRZ maps, based on the available documents and the findings are given below.

   a) The site in question in survey No. 446, Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra, falls in the approved Coastal Zone Management Plan (CZMP) Map no. MH 45 / Sheet No. E43N1/SW. of Ratnagiri District, Maharashtra, prepared as per CRZ Notification 2011 and the same has been published by the Maharashtra Coastal Zone Management Authority (MCZMA) and is available at: https://mczma.gov.in/sites/default/files/ MYSCAN_20181017_0011.pdf.

   b) As per the approved CZMP, the site and survey No. 446, Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra falls in the "No Development Zone (NDZ)" in CRZ-III, i.e., within 200 metres on the landward side of High Tide Line.

   c) The updated draft CZMP of the site (Map no. MH 45 / Sheet No. E43N1/SW), prepared as per CRZ Notification, 2019 showing survey No. 446 in the NDZ has also been published by the Maharashtra Coastal Zone Management Authority (MCZMA) and is available at: https://mczma.gov.in/sites/default/files/Draft%20CZMP%_20Ratnagiri%2022-1-2020-29.pdf and the same can be referred to.

   d) As per the "Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation by tourists or visitors with prior approval of the Ministry of Environment and Forests" given in Annexure – III of the CRZ Notification 2011, Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourists or visitors shall be subject to the following conditions, namely:-

      *(a) "The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line".*

e) The above condition has been violated by the Sai Resort, by constructing buildings, roads and other structures within 200 metres in the landward side of High Tide Line (NDZ), as can be seen from the approved CZMP (2011) and draft CZMP-2019 of the site and from the analysis of sequential Google images, given in Appendix-1 below.

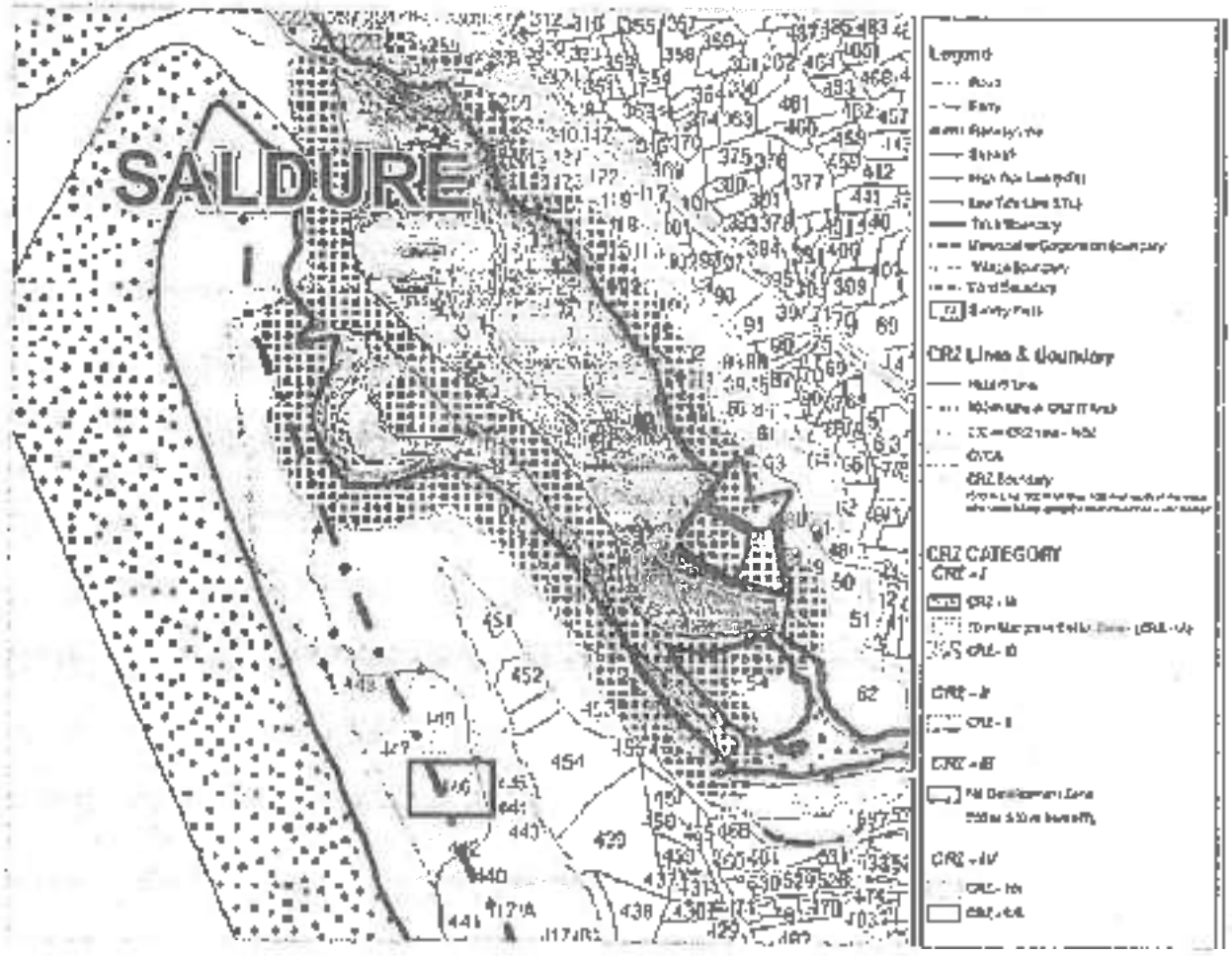
f) From the time series Google earth images given in Appendix-1, it is seen that the construction works started in the year 2017 (after January, 2017) and was completed in November 2020.

**3. Recommendations:** From the approved CZMP, it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III. The said Sai Resort, including the buildings, roads and other structures have been constructed within 200 metres in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III. A site visit may be undertaken in the near future by a team of officials including representatives from MCZMA, Mumbai, to ascertain the facts and to submit a detailed report, if necessary.

**********

Annex – 1

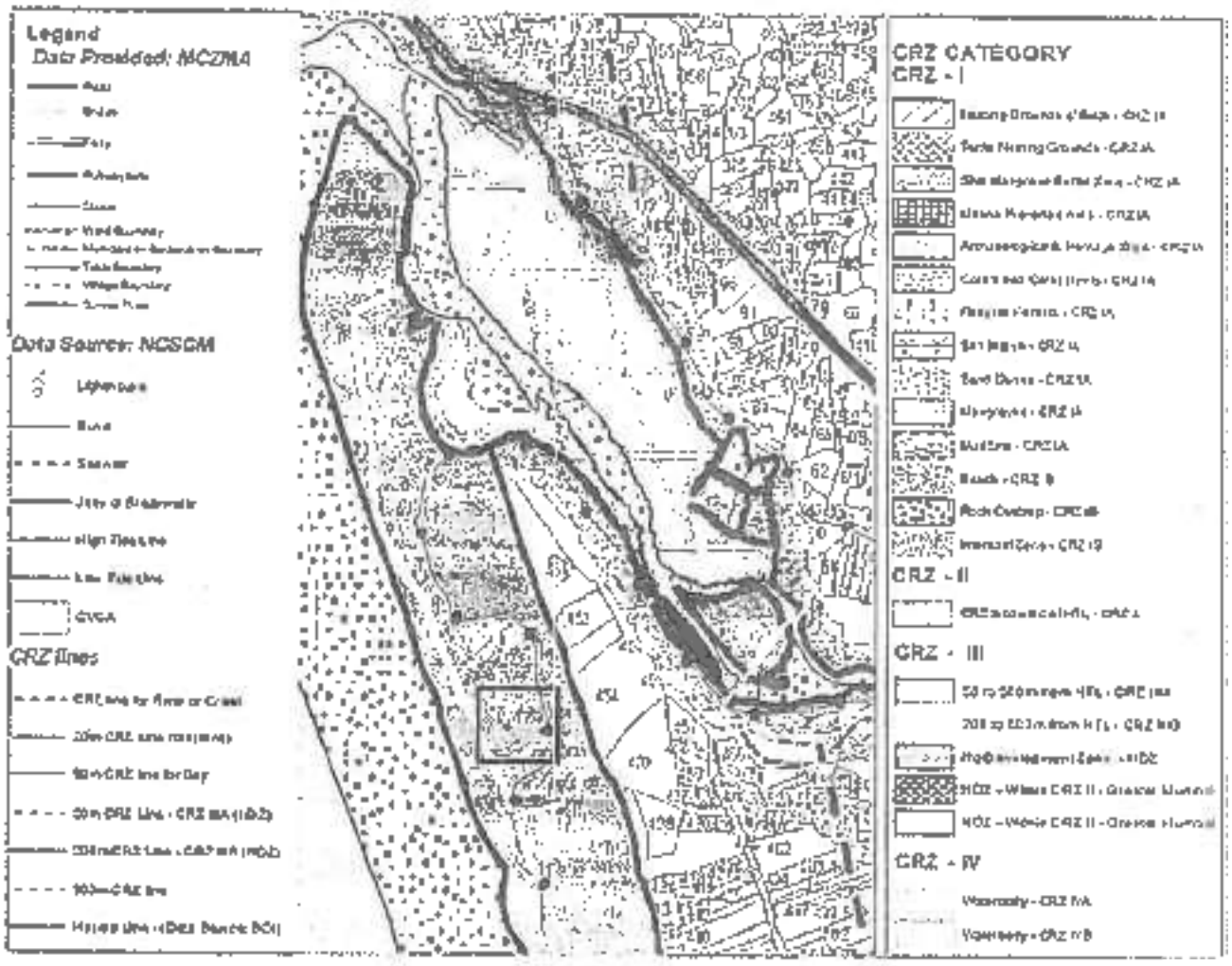
**Approved CZMP – 2011 (Map no. MH45, Sheet No. E43N1/SW)**




Survey No. 446 (shown in blue square) falls within NDZ in CRZ-III.

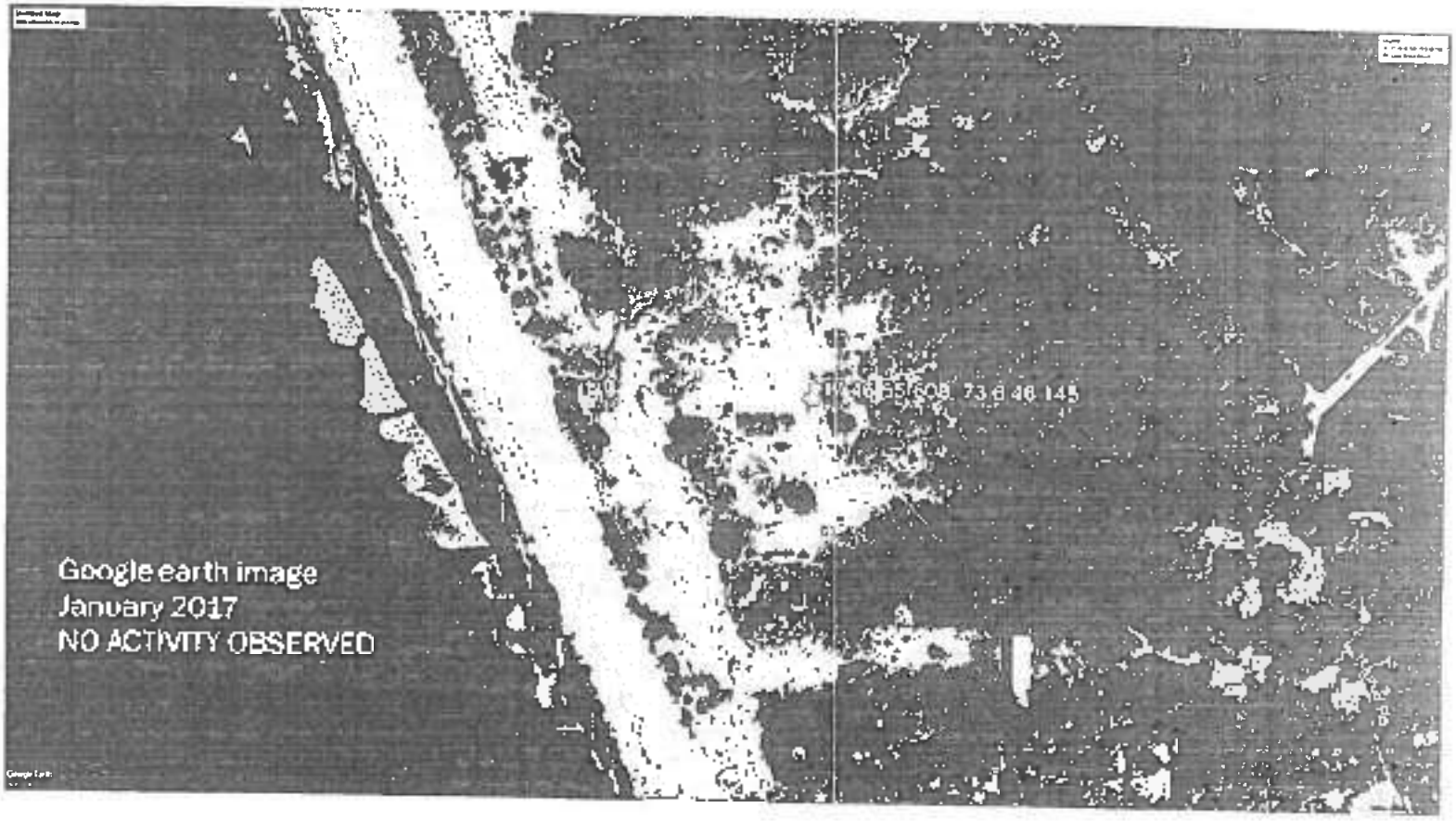
360

## Updated Draft CZMP – 2019 (Map no. MH45, Sheet No. E43N1/SW)

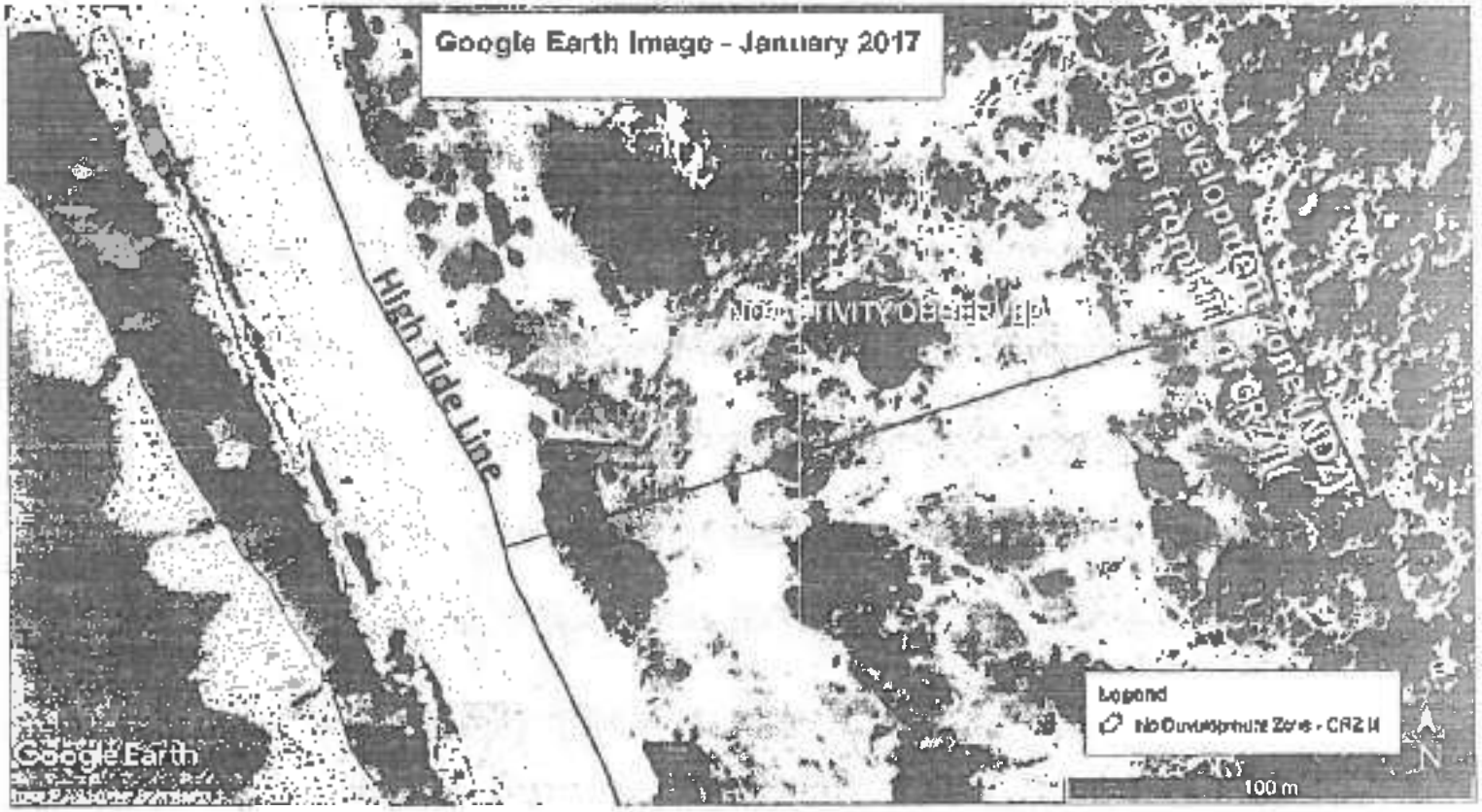



Survey No. 446 (shown in blue square) falls within NDZ in CRZ-III.

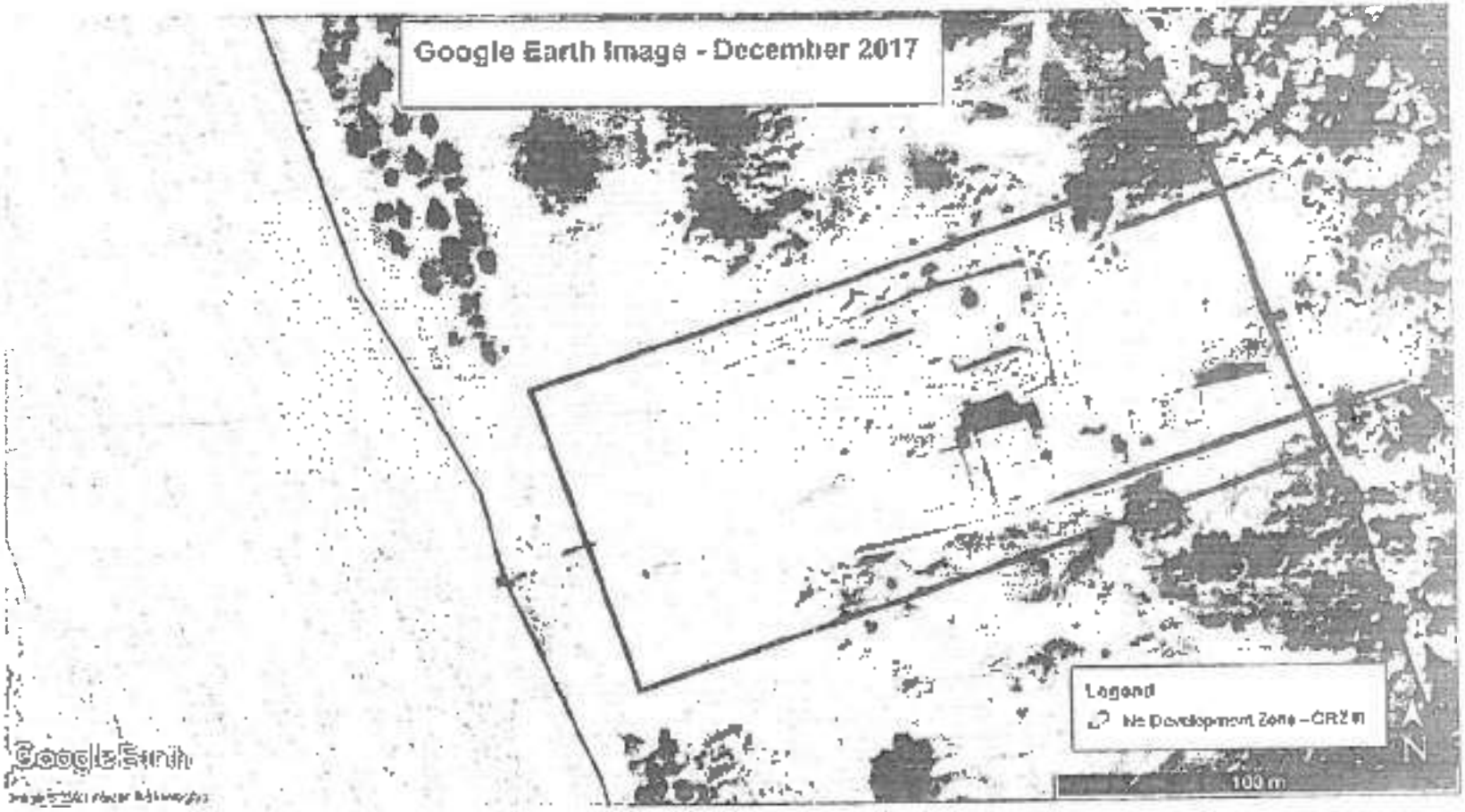
Google Earth Image January 2017



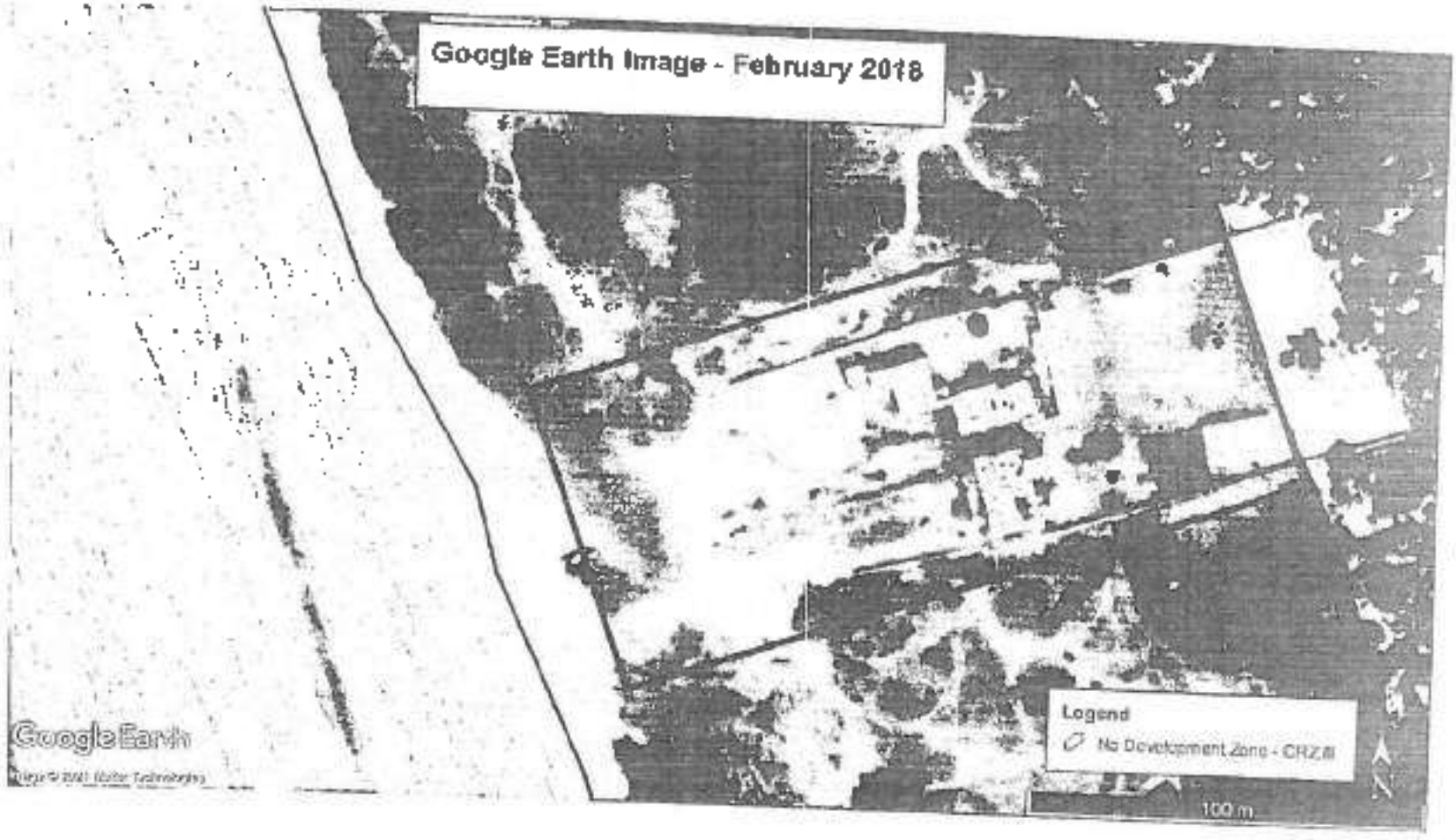
**Google Earth Image January 2017 indicating High Tide Line, NDZ of 200m in CRZ III and the project site - No activity is obeserved in January 2017 within the No Development Zone**



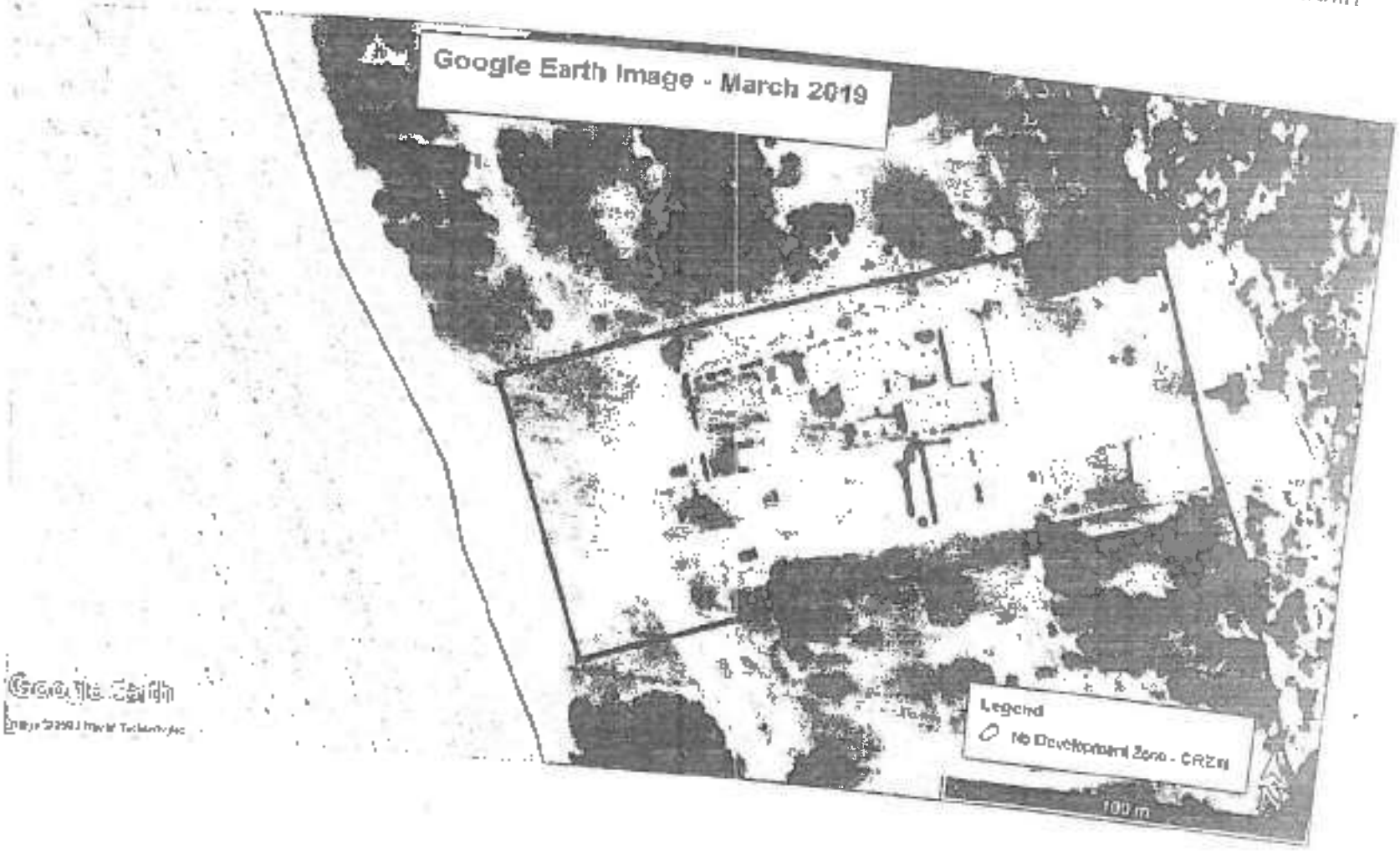
Google Earth Image December 2017 indicating with construction activity observed on site within the No Development Zone



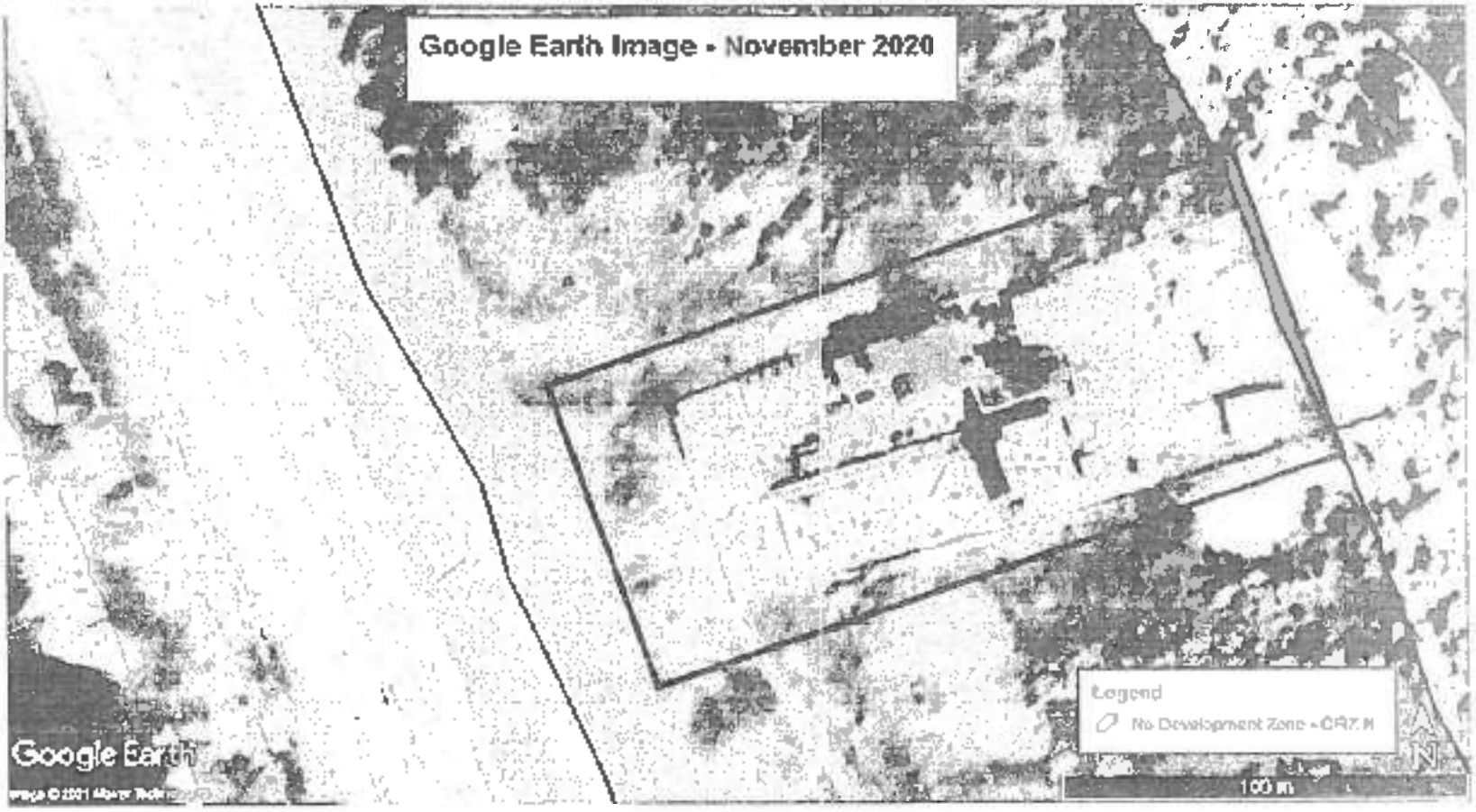
**Google Earth Image February 2018 indicating with increased construction activity observed on site within the No Development Zone**



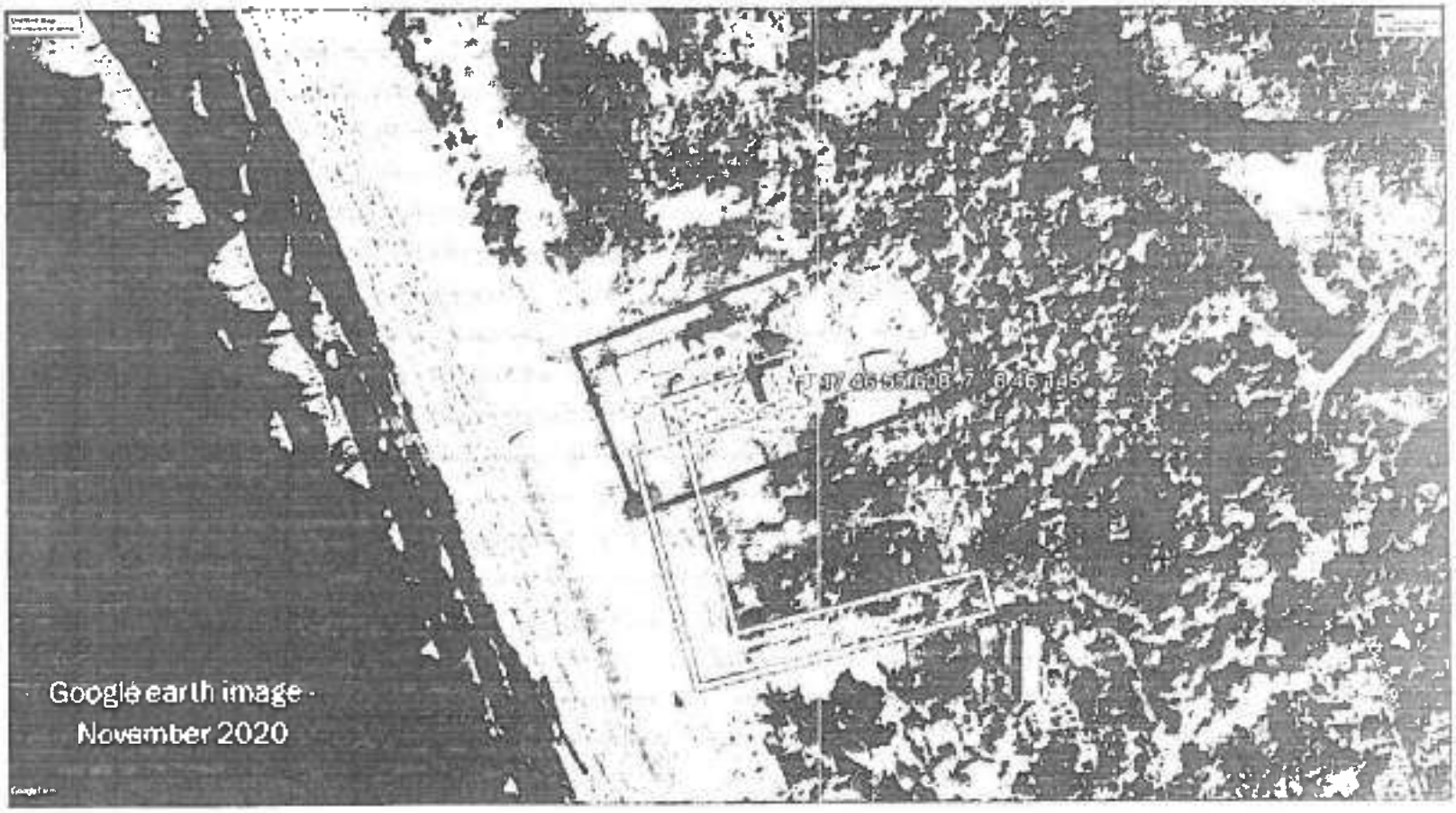
Google Earth Image March 2019 indicating with increased construction activity observed on site within the No Development Zone



Google Earth Image November 2020 indicating with increased construction activity observed on site within the No Development Zone



Google Earth Image November 2020 indicating with increased construction activity observed on site with access road (indicated as yellow box)



Annexure C-11



47929412021NA_III

(12) (5)

# MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029382
E-mail : dir1.mcz-mh@nic.in
Website. https://mczma.gov.in/

No. Complaint 2021 / CR 6 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 29.06.2021

To,
Director, CRZ,
Ministry of Environment, Forest and Climate Change.
Jor Bang Road, CGO complex, New Delhi

**Subject:** Regarding illegal construction in CRZ area at Survey no. 446 and other at village Murud, Tal: Dapoli, District: Ratnagiri. Complainant has alleged the said construction is in violation of CRZ and ESZ norms.

**Ref:** MoEF&CC, New Delhi emails dated 13.5.2021 and 9.6.2021

Pursuant to above referred emails dated13.5.2021 and 9.6.2021 received in the subject matter, please find attached herewith the report of the District Coastal Zone Monitoring Committee (DCZMC) and minutes of 156th meeting of the MCZMA for further appropriate action in the matter.

Yours,

Director, Environment &CC and MS, MCZMA

**Copy for information to:**

1. **Principal Secretary, Environment & Chairman, MCZMA, Environment Dept, Room No. 217, Annexe Building, Mantralaya, Mumbai.**
2. **Select File- TC 4**

Form No-01



ANNEXURE-1

# Form-I for seeking clearance for project attracting CRZ Notification

## I Basic Information:

| | |
|---|---|
| **Name of the project** | Construction of infiltration gallery and connection pipeline in the bank of Rushikulya river and sourcing of surface water from the Rushikulya river through the existing pipeline for Grasim Industries limited at Ganjam in Odisha State |
| **Location / Site alternatives under consideration:** | Project location: Ganjam, Ganjam District, Odisha.<br><br>Already set up exist at Village: Kalyanpur Gram Panchayat: Kainchpur Block & District: Ganjam, Which is away approximately 6 kms away from plant site. |
| **Size of the project:** | 1) 0.015-hectare area consist of intake well, capillary well, infiltration well infiltration galleries (infiltration well with pumping system in Rushikulya River, existing pump house will be used for operating of this infiltration well pumping system.<br><br>2) Pipeline connecting infiltration gallery 1 to existing pipeline<br><br>3) Pipeline connecting infiltration gallery 2 to infiltration gallery 1 |
| **CRZ Classification of the area** | CRZ III and CRZ IVB |
| **Expected cost of the project:** | 3.22Crores |
| **Contact information & Phone Number** | Grasim Industries Limited,<br>Chemical Division, Ganjam,<br>PO, Jayshree -761 025,<br>District: Ganjam, Odisha<br>Phone No: +91 6811 -254319 & 254336 |

Official Emblem of India

Government of Maharashtra

Revenue and Forest Department

District Collector Office, Ratnagiri

Central Administrative Building, second floor, Room no 201, Revenue Branch, Jayastambh, Tehsil and District Ratnagiri

Phone : 02352 - 222483 Fax : 02352 – 226250

02352 – 224222 E mail :revenuecollector@yahoo.in

NO Revenue / Office Desk A K – 6 / C R Z / Murud – 446 / 2021 Dated 17th June 21

To

The Principal Secretary ( Environment ) and

Chairman, Maharashtra Coastal Management Authority

2nd Floor, Room no 217, Environment Department ( Annex )

Mantralaya, Mumbai 400 032

Subject : Regarding alleged illegal construction of report and road in C R Z / E S Z at sea shore of Murud, Tehsil Dapoli District Ratnagiri

Reference : 1. Your letter number Complaint – 2021 / C R 43 / T C – 4 dated 8th of June 2021 and E mail message dated 7th of June 2021

2. Sub Divisional Officer, Dapoli Sub Division, letter number Reply / Inward no 2633 / Final Report / 06 / 2021 dated 15.06.2021

Sir,

Former Member of Parliament Dr Kirit Somayya's application to Honorable Shri Prakash Jawadekar, Union Minister for Environment , New Delhi with respect to construction of roads and resort in coastal regulatory zone / ecologically sensitive zone on the sea shore in the land at survey no 446 at at village Murud Tehsil Dapoli is received at this office from Maharashtra

Smt. Sainath Bhagwat Government Empanelled and Authorised Translator vide Government of Maharashtra G.R. no Natrilya 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

Coastal Zone Management Authority ( M C Z M A ) , Environment Department , Mumbai Divisional office vide reference number 1 for necessary action and submission of factual report . The Sub Divisional Officer Dapoli was communicated to submit factual report incidental to the said complaint application.

A factual report incidental to the points raised in the complaint by Dr Kirit Somayya is requisitioned vide your letter under reference no 1. In this connection, a meeting of the District Level Zone Monitoring Committee was convened. The point wise report in respect of points raised in the complaint dated 8th of May 2021 by Former Member of Parliament Dr Kirit Somayya based on the report receivoc from regional level and the discussion / consultation in the said meeting is as follows :

| | | |
|---|---|---|
| 1 | These land was brought in June 2019 by " A " while during the registration, the status of land was shown as N A / Non N A land in a mischievous manner | As per the report of the Sub Divisional Officer Dapoli, the premises at Gat no 446 part at village Murud Tehsil Dapoli is handed over in purchase by Shri Rajaram Sathe to Shri Anil Dattatray Parab vide document no 1826 dated 19th of June 2019 . Copy of purchase deed is enclosed herewith. |
| 2 | The same land was sold by " A " to " K " on date 30th December 2020 and registration was completed in February 2021 | As per the report of the Sub Divisional Officer Dapoli, the premises at Gat no 446 part at village Murud Tehsil Dapoli is |

Sunil Sahasrabuddhe Government Empanelled and Authorised Translator vide Government of Maharashtra G R no Niyukta 2019 / Case no 28 / Bhasha 2 dated 22.03.2021.

| | | |
|---|---|---|
| | | handed over in purchase by Shri Anil Dattatray Parab to Shri Sadanand Gangaram Kadem vide document no 2719 dated 29th December 2020 . Similarly the mutation is recorded in the village records vide mutation entry no 2223 dated 23rd January 2021. At present the property is in the name of Shri Sadanand Gangaram Kadam. Copy of purchase deed is enclosed herewith |
| 3 | Status of the land of when it was sold / transfer in February 2021 was not had any mention of change or newly constructed Sai Resort | The property admeasuring 0 – 42.14 Hectare R out of total area 1.26.40 at Gat no 446 part at village Murud Tehsil Dapoli is handed over by Shri Anil Dattatray Parab to Shri Sadanand Gangaram Kadem vide purchase deed document dated 29th December 2020, No clear mention of construction of Sai Resort is observed in the said purchase deed |
| 4 | It is observed that during this 18th month " A " had constructed Sai resort having 22 rooms and | Perusal of the Sub Divisional Officer Dapoli report dated 15th of June 2021 reveals that a building |

Sunil Satvan Bhagwat Government Empanelled and Authorised Valuator vide Government of Maharashtra G.R. no Nampa 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

As per CRZ-III only 9 mtrs or G+1 Allowed

| | | |
|---|---|---|
| | 2 three stories building. The market valuation could be 10 crore | consisting construction of the ground + two floors is in existence in the property situated at Gat no 446 part at village Murud Tehsil Dapoli. In this connection, The Assistant Director, Town Planning, Ratnagiri is directed to conduct actual measurements and verification of the actually constructed area . Similarly the Sub Divisional Officer Dapoli is also directed to take immediate action, if the provisions of Coastal Regulation Zone or Maharashtra Regional Town Planning Act are being violated due to the said construction |
| 5 | It is observed that the access to this resort is straight away from the sand of the sea. There is no other access / approach road available. | As per the report of the Sub Divisional Officer Dapoli, the internal access road to the above property is through unoccupied or private land. Ascertainment in this respect cannot be made without actual measurement. However it is observed that a descending road from the front side of Sai resort is constructed for approaching the sea |

Sunil Satnaik Bhagwat Government Empanelled and Authorised Translator vide Government of Maharashtra G.R. no Nyaya 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

| | | |
|---|---|---|
| | | shore.<br>The District Superintendent of Land Records, Ratnagiri is directed to undertake immediate measurement of the property to ascertain the status of the road. It is stated in the Sub Divisional Officer Dapoli report that the roads are indicated in the approved maps attached with the Non Agricultural order issued by the then Sub Divisional Officer Dapoli. Further the Circle Officer Burondi's report dated 31st July 2017 in the original Non Agricultural case mentions the existence of a Village Panchayat road for approach to the aid property. |
| 6 | " A " is misusing his status with the help of other try to construct a road adjacent to the resort which is clear cut violation of Coastal Regulation Zone and Ecologically Sensitive Zone | The office of the Town Planner , Ratnagiri vide their letter dated 12th October 2017 has informed the office of Sub Divisional Officer, Dapoli that Gat no 446 part at village Murud Tehsil Dapoli is included in C R Z III as per C R Z map and within the distance of 200 meters. Hence no development is |
| 7 | The construction of resort also is clear cut violation of Coastal Regulation Zone and | |

Swati Sitaram Bhagat Government Represented and Authorised Translator vide Government of Maharashtra G R no Nyaya 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

| | | |
|---|---|---|
| | Ecologically Sensitive Zone | permissible on the said premises. Hence recommendation for development of the said premises cannot be made.<br>As per Divisional Forest Officer , Ratnagiri report received vide their letter dated 17th June 2021 , there is no record with the forest department that the land at Gat no 446 part at village Murud Tehsil Dapoli belongs to the Forest Department. It is also informed that the said area does not fall into Ecologically Sensitive Zone ( E S Z ) |
| 8 | From the discussion it seems no categorical mention of details of construction permission seems available. | The Sub Divisional Officer, Dapoli vide his order dated 12th September 2017 permitted for construction of ground + one floor admeasuring 508.66 square meters area for commercial and residential purpose at Gat no 446 part at village Murud Tehsil Dapoli. In this connection the review of Non Agricultural permission order is in progress at the level of Additional District Collector. |

Sunil Balaji Bhagwat Government Empanelled and Authorised Translator vide Government of Maharashtra G R no Nomilo 2016 / Case no 09 / Bhasha 2 dated 22.09.2021.

The Sub Divisional Officer, Dapoli has been directed to take immediate action vide section 52 and 53 of the Maharashtra Regional Town Planning Act and Environment Protection Act 1986 in respect of Saf Resort construction at Gat no 446 part at village Murud Tehsil Dapoli

Thanking you,

Yours faithfully

Signature

( Laxmi Narayan Mishra )

Chairman , Sea Coast Management Committee and

District Collector Ratnagiri

Copy submitted to the Honorable Scientist – 2 Environment and Climate Change, Maharashtra Coastal Management Authority, 15th floor, New Administrative Building, Mantralaya, Mumbai 400 032 for information please.

Sunil Sahasrabhojanee Government Empanelled and Authorised Translator vide Government of Maharashtra G.R no Nanvihar 2019 / Case no 29 / Bhasha 2 dated 22.06.2021.

Office, Dapoli that the land under reference is situated within 200 meter of CRZ III area, as per CRZ map. Hence, no construction is permissible on said land.

The Authority took the report of the DCZMC on record and noted that the site under reference falls in CRZ III area and within 200 m i.e. NDZ area. Hence, construction is not permissible as per provisions of CRZ Notification, 2011. As per Annexure III of CRZ Notification, 2011, activities of construction of beach resort/ hotel requires prior CRZ clearance from MoEF&CC, New Delhi. In the present case, there is no CRZ approval obtained from competent Authority for the said construction on land bearing Survey no. 446, village Murud, Tal: Dapoli, Ratnagiri.

In the light of above, the Authority after deliberation, decided to send the above mentioned report of DCZMC, Ratnagiri to MoEF&CC, New Delhi for further appropriate decision in the matter.

During the meeting, Expert Member mentioned that he has information that there are other structures (dwelling units / residential/ commercial) numbering around 150-200 which are situated in the similar coastal stretch. Accordingly, a report from DCZMC, Ratnagiri could be called. The Authority after discussion decided to seek the said report from DCZMC, Ratnagiri.

----------***The meeting ended with vote of thanks to Chairperson***-------

**Annexure I**

List of members/officials present in the online meeting:

1. Mrs. Neenu Somraj, DCF, Mangrove Cell, Member MCZMA
2. Mr. Rajesh Patgaonkar, DyChE, MCGM, Member MCZMA
3. Dr. Mahesh Shindikar, College of Engineering, Pune, Expert Member, MCZMA
4. Dr. A. K. Chaubey, NIO, Expert Member, MCZMA
5. Mr. Maruti Kudale, Ex Director, CWPRS, Expert Member, MCZMA
6. Dr. M.S. Khot, Ratnagiri, Expert Member, MCZMA
7. Mr. Narendra Take, Director, Environment, Member Secretary.

Sd/-
Member Secretary



Sd/-
Chairperson

# MINUTES OF THE 156th MEETING OF MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY HELD ON 25th JUNE, 2021

The 156th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment & Climate Change). In view of present pandemic situation of COVID-19, it was decided to conduct a meeting to take a decision in the matter through Videoconferencing technology on Cisco WebEx platform on 25th June, 2021. List of members present in the meeting is at Annexure-I.

Confirmation of 155th minutes of Meeting:

The Authority confirmed the minutes of 155th meeting held on 10th & 20th June, 2021 with a change at item no.21, wherein the company name Adani Transmission shall be read as Kharghar Vikhroli Transmission Private Limited.

Item No.1: Regarding illegal construction in CRZ area at Survey no. 446 & other, village Murud, Tal: Dapoli, District: Ratnagiri.

The Authority noted that MoEF&CC, New Delhi has sent an email dated 13.5.2021 along with representation of Dr. Kirit Somaiya, which pertains to illegal construction on Survey no. 446 and nearby areas, village Murud, Tal: Dapoli, District: Ratnagiri. The said representation has alleged the construction at Survey no. 446 & nearby area (Sai Resort), village Murud, Tal: Dapoli, District: Ratnagiri is in violation of CRZ and ESZ norms. The MoEF&CC has sought a report in the matter.

The MCZMA vide letter dated 8.6.2021 sought a factual report in the matter from District Coastal Zone Monitoring Committee (DCZMC), Ratnagiri headed by District Collector, Ratnagiri.

The Authority noted that the DCZMC, Ratnagiri has submitted a report on 17.6.2021 to MCZMA. The report of the DCZMC states that presently, there is construction of Ground + 2nd upper floors building on land bearing Survey no. 446, village Murud, Tal: Dapoli, Ratnagiri. It is reported that Town Planning Office, Ratnagiri vide letter dated 12.10.2017 communicated to Sub-Divisional

Annexure C-12

भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE

Integrated Regional Office
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
E-mail: apcefcentral-ngp-mef@gov.in

F.No. VIP-39/RON/2021-NGP/ 8152 Date: 14.06.2021

To,
The Additional Director
CRZ Section, IA Division
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan, Aliganj,
Jorbagh Road, New Delhi-110003

**Sub:** VIP Reference received pertaining to the illegal construction of resort and road in CRZ/ESZ at Sea Shore of Murud, Tehsil Dapoli, Ratnagiri, Maharashtra-reg

**Ref:** Letter dated 09.06.2021 received from CRZ Section, IA Division, MoEF&CC, New Delhi

Sir,

I am directed to invite your kind attention to the subject matter. The site inspection of the resort and road mentioned in the subject matter has been carried out by undersigned on 12.06.2021. The inspection report is enclosed herewith as Annexure-A.

This issues with the approval of the Regional Officer, IRO, MoEF&CC, Nagpur.

A. Suresh Kumar 14/06/2021

Suresh Kumar Adapa
Scientist 'D'

1/15

Annexure-A

Site inspection report of representations received on " Illegal Construction of resort and road in CRZ/ESZ" at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra

The CRZ section of IA Division, MoEF&CC vide letter dated 5th June 2021 forwarded the representations received from Shri. Manoj Kotak, Member of Parliament (Lok Sabha), Shri. Gopal Shetty, Member of Parliament and Dr. Kirit Somaiya, Former Member of Parliament on "Illegal Construction of resort and road in CRZ/ESZ" at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra". Vide letter it was also instructed to carry out the site inspection for finding out the factual position and submit report to the Ministry. Copy of the letter is enclosed as Annexure-1.

This office vide letter dated 10th June 2021 requested the Maharashtra Coastal Zone Management Authority (MCZMA) to depute a representative from MCZMA/Ratnagiri District Coastal Zone Monitoring Committee (DCZMC) for accompanying the undersigned during the site inspection, which was scheduled to be carried out on 12th June 2021. The District Administration, Ratnagiri deputed Shri. Sharad Pawar, Sub Divisional Officer & SDM, Dapoli Division, Dapoli for the site inspection.

The site inspection was carried out on 12th June 2021. Following officials were present during the site inspection:

1. Shri. Suresh Kumar Adapa, Scientist 'D', IRO, MoEF&CC, Nagpur
2. Shri. Sharad Pawar, Sub Divisional Officer & SDM, Dapoli Division, Dapoli (Member of DCZMC)
3. Smt. Vaishali Patil, Tehsildar, Dapoli

Preliminary meeting to discuss the issues raised in the representation was held at SDM Dapoli office. During the meeting it was informed that Non Agriculture permission (subject to conditions) was issued vide letter dated 12.09.2017 to Shri. Vibhas Rajaram Sathe for the construction of residential & commercial building in 4200 sq.m. plot located in Gat no. 446, Mouje Murud, Tehsil Dapoli. Copy of the letter is enclosed as Annexure-2.

Later on the team proceeded to Murud and carried out the site inspection.

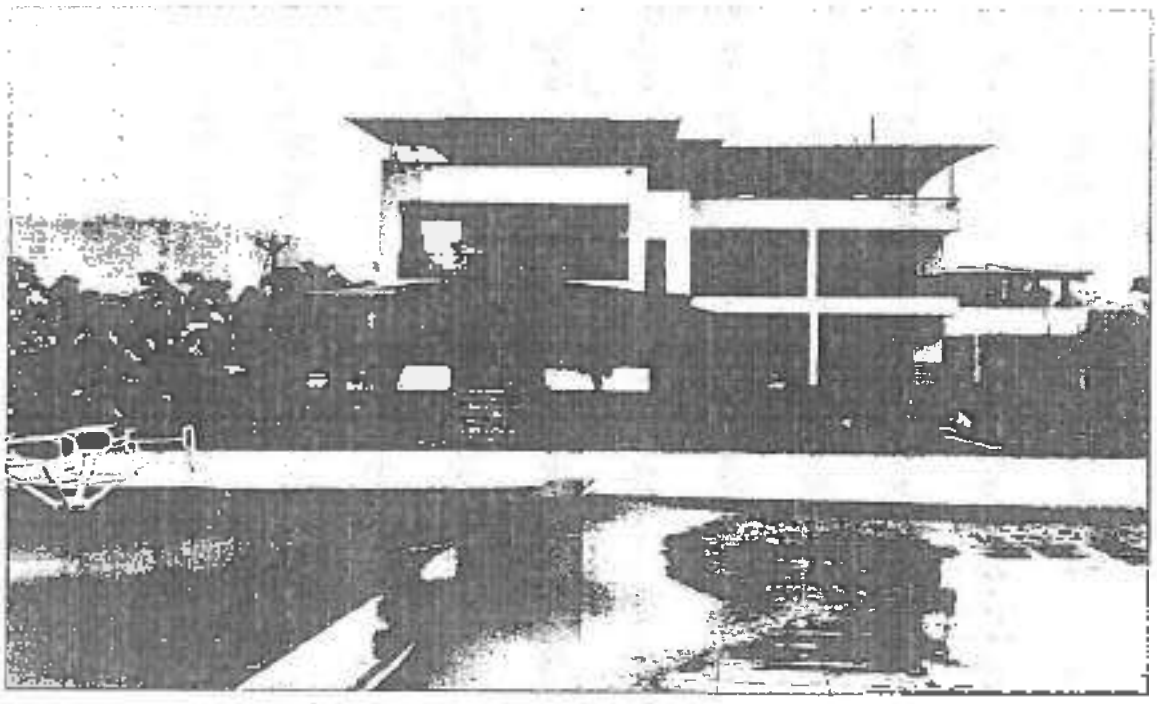
Following observations have been made during the site inspection:

1. There were 2 resorts namely Sai Resort NX and Sea Conch existing in Gat no. 446. Photographs of 2 resorts are as below:

2/15

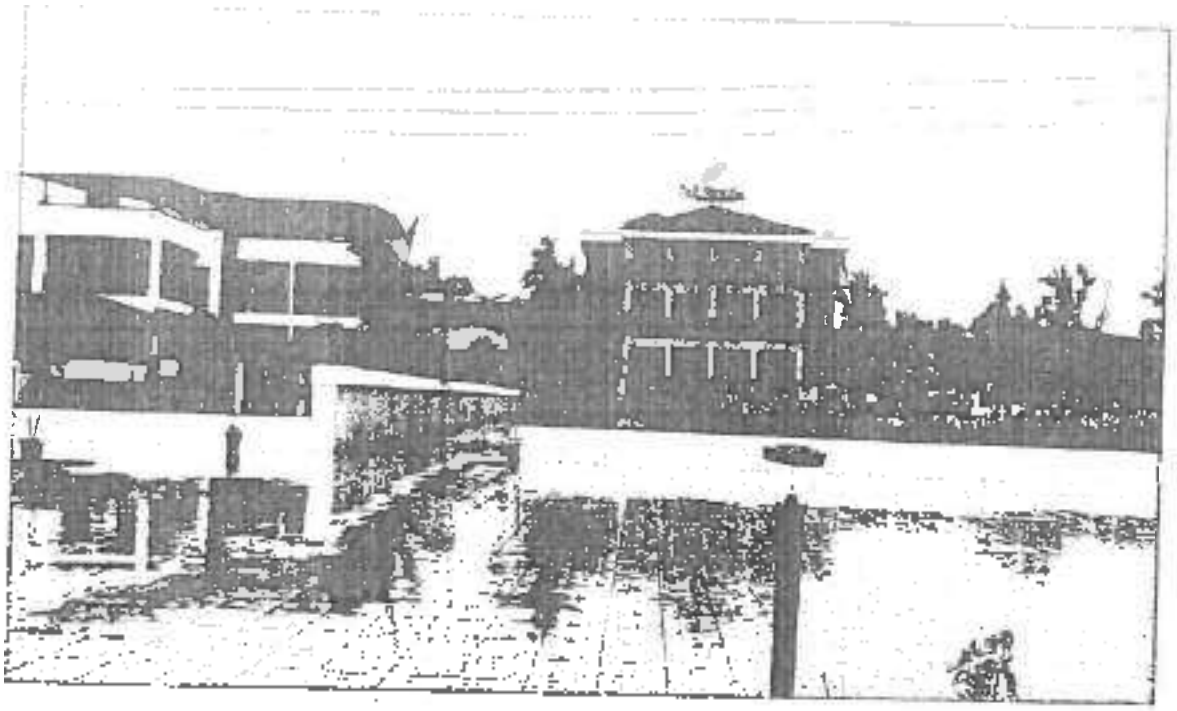


Sai Resort NX (Ground + 2 Floors)



Sea Conch Resort (G+1+ Covered structure in 2nd Floor)

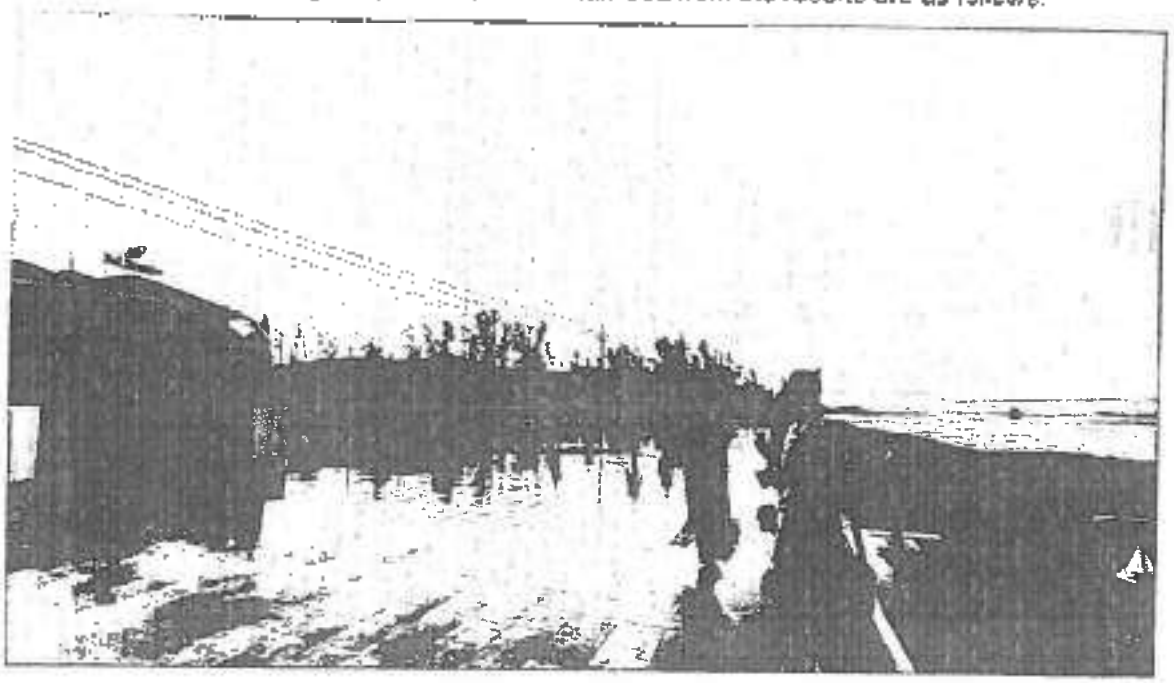
3/15



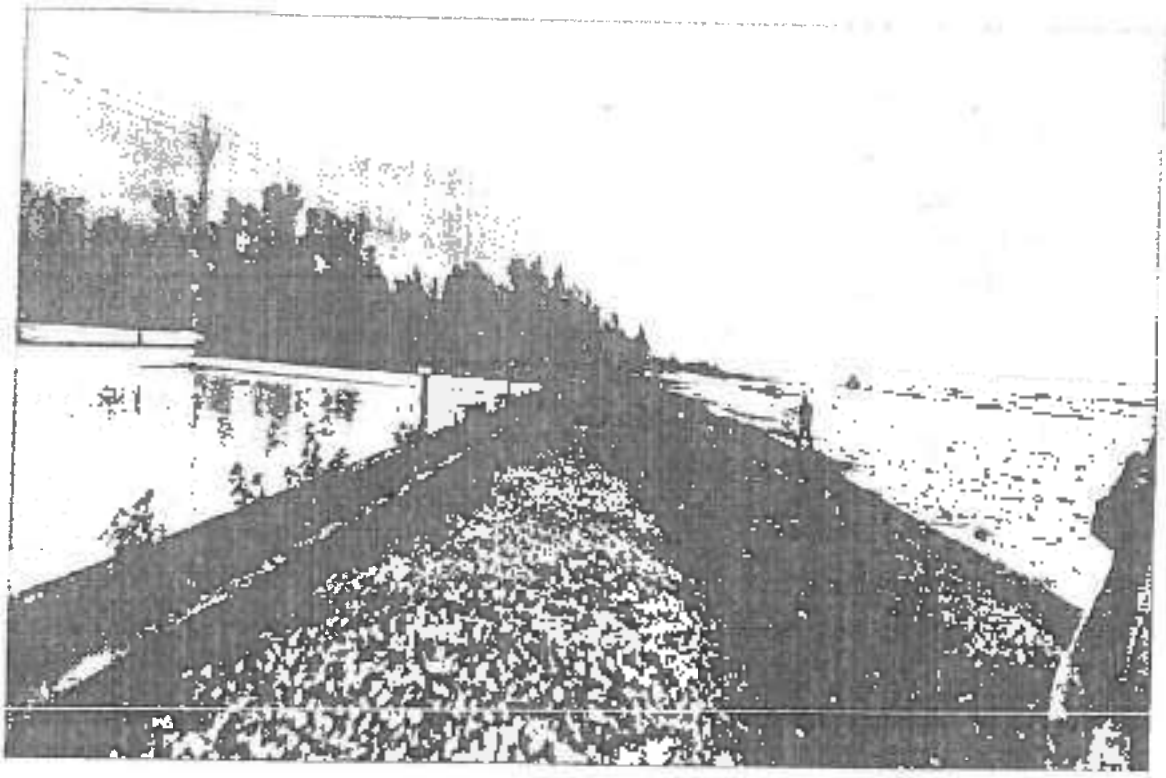
Both Resorts

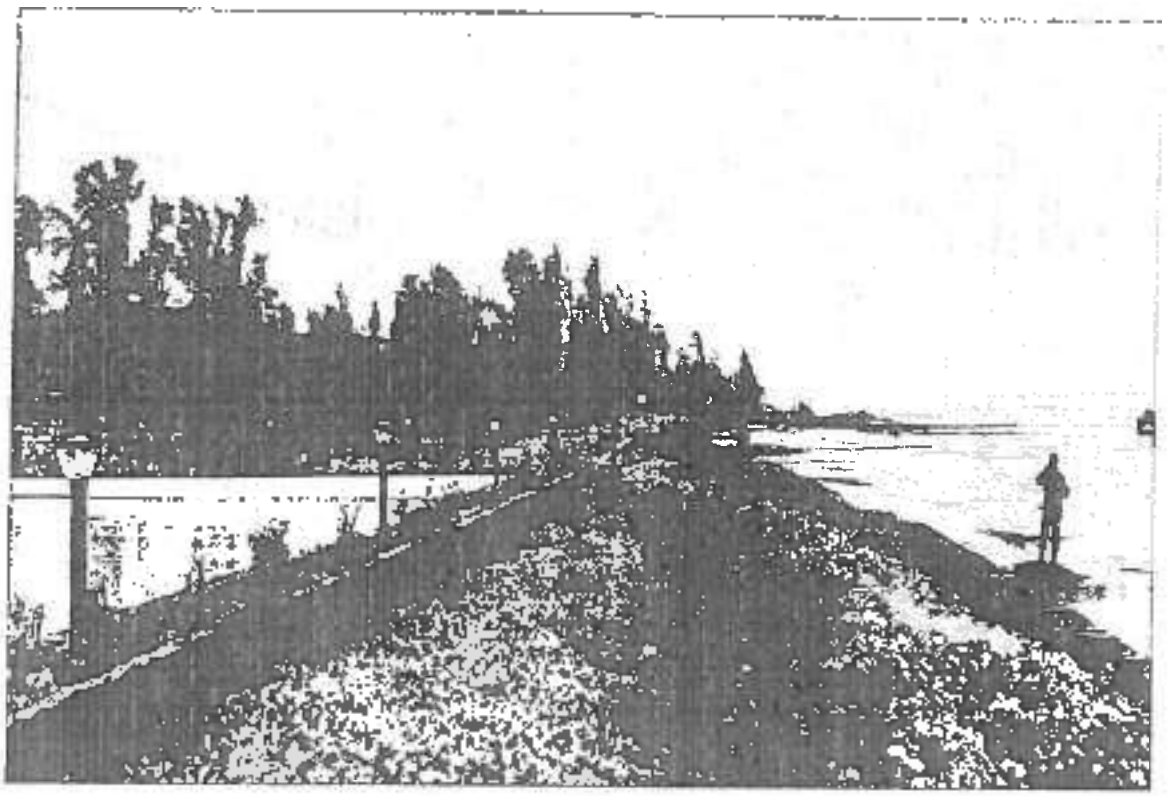
2. It was observed that both resorts are located in No Development Zone (within 200 meters of the High Tide Line) in CRZ-III area as per CRZ Notification 2011.

3 Photographs showing the proximity of Arabian Sea from the resorts are as follows:



9/15



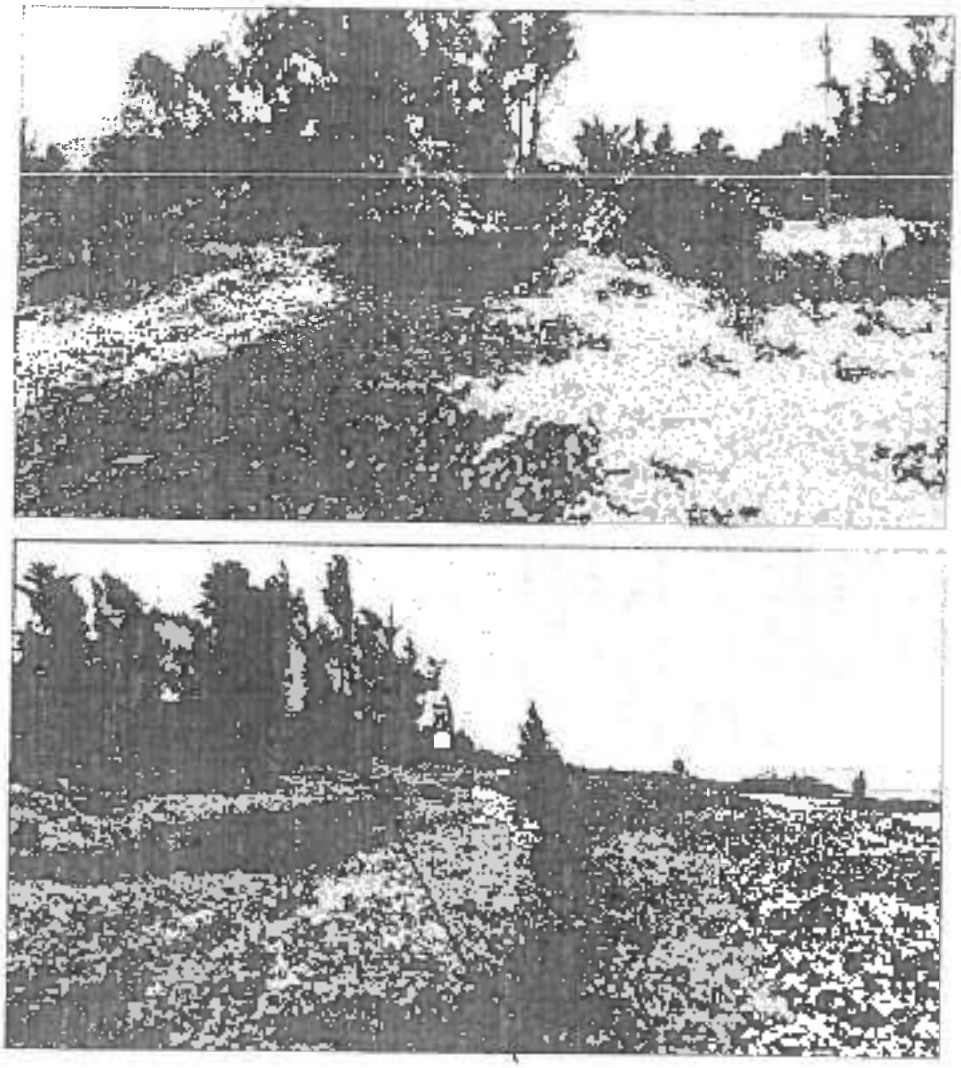


5/15



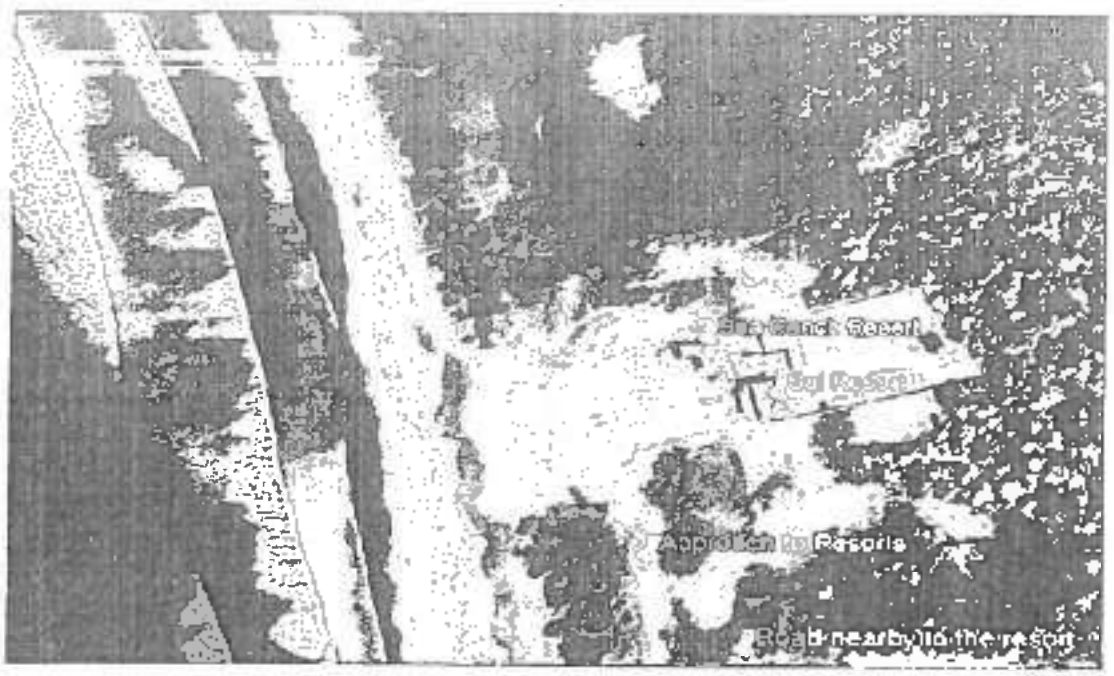

Imagery dated 29.03.2019

5. A road was also observed in the side nearby to the resort and it is connecting to the approach road in front of the resort. The road also falls in No Development Zone in CRZ-III as per CRZ Notification 2011.
6. Photographs of the road are shown below:



Location of the road nearby to the resort

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Imagery dated 28.10.2018

Conclusion:

1. Based on the above, it is concluded that the both resorts (Sal Resort NX and Sea Conch), approach road to the resorts are located in No Development Zone in CRZ-III as per CRZ Notification 2011. The constructions are in violation of CRZ Notification 2011 (Section 8 III (ii) of the Notification).
2. One more road nearby to the resort connecting to the approach road is also in the No Development Zone in CRZ III.

Scientist 'D'

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ANNEXURE-A

F. No. 2/11/2021-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
IA-III Division (CRZ)

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003
Dated: 8th June, 2021

To,

The Addl. Principal Chief Conservator of Forests (C),
Ministry of Environment, Forest and Climate Change
Regional Office (WCZ), Ground Floor,
East Wing, New Secretariat Building,
Civil Lines, Nagpur-44000, Maharashtra

Subject: Representations received on "Illegal Construction of resort and road in CRZ/ESZ" at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra-regarding

Sir,

Please find attached different representations received on "Illegal Construction of resort and road in CRZ/ESZ at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra" from different representatives as under:

I. Shri Manoj Kotak, Member of Parliament (Lok Sabha)
II. Gopal Shetty, Member of Parliament
III. Dr. Kirit Somaiya Former Member of Parliament

2. This issue has been examined by NCSCM, Chennai and based on the information available they have given a report which is enclosed for your reference.

3. Hon'ble MEFCC has desired that a site-inspection is carried out by RO at the earliest to find out a factual position and a report is submitted to Ministry.

4. In view of the above, it is requested to visit the site and submit a factual report to this Ministry at the earliest for appraisal to Hon'ble MEFCC.

Encl.: As above.

Yours faithfully

(Dr. H. Kharkwal)
Additional Director &
Member Secretary CRZ

O/C

Letter sent by Speed Post on 08/6/21. Paper with enclosure.

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ANNEXURE- 2

क्रमांक/एलएन्ड्र/एसआर/१२२/२०१७
उपविभागीय अधिकारी यांचे कार्यालय
दापोली दिनांक :- १२/०९/२०१७

वाचले :-

१.श्री.विभास राजाराम साठे मु.पो.-मुरुड यांचा दिनांक २१/०७/२०१७ रोजीचा प्राप्त अर्ज

२.मंडळ अधिकारी मुरुड यांचेकडील अहवाल जा.क्र.वा.नं.१२/२०१७ दिनांक ३१/०७/२०१७

३.महाराष्ट्र जमिन महसुल अधिनियम १९६६ चे कलम ४४ व महाराष्ट्र जमिन महसुल (जमिनीचे जास्तीत जास्त धारण व अकृषिक आकारणी) नियम १९६९

४.मा.जिल्हाधिकारी रत्नागिरी यांचेकडील आदेश क्रमांक/महसुल/कार्या६अ/ह.कांध-५२/एलएनए/एसआर/२०१६ दिनांक ०८/०२/२०१६

प्रस्तावना :-

१.मौजे मुरुड ता.दापोली येथील गट नं.४४६ क्षेत्र १२६४० चौमी क्षेत्र असलेली जमिन श्री.विभास राजाराम साठे वगैरे ५ यांचे मालकीची आहे.अर्जदार यांनी त्यांचे हिश्याचे ४२०० चौ.मी.क्षेत्राची जमीन निवास व वाणिज्य या अकृषिक कारणासाठी उपयोगात आणणेकरीता बिनशेती परवानगी मिळणेबाबत अर्ज केला सादर आहे.

२.या अर्जकामी केलेल्या चौकशीत असे आढळुन येते की,

१.सदर जमीनीचे श्री.विभास राजाराम साठे वगैरे ५ धारेधारक आहेत.

२.सदर जमीन संपादीत नाही अगर शासकीय किंवा सार्वजनिक उपयोगासाठी नजीकच्या काळात संपादन करण्याची शक्यता नाही.

३ अर्जदाराने नगररचना मुल्यांकन खात्याकडुन इमारतीचा नकाशा मंजुर केले आहेत.

४.अर्जदाराने मंजुर केलेला आराखडा,इमारतीचा नकाशा,महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोगाचे रुपांतर व बिनशेती दस्त ) नियम १९६८ समवेत जोडलेल्या परि.२ व ३ मधील तरतुदीनुसार आहे.अर्जदार यांनी नकाशात दाखविलेप्रमाणे इमारत बांधावयाची असुन त्यात पुर्व परवानगीशिवाय कोणतही बदल करावयाचा नाही.

५.अर्जदाराने सदर जमिन जवळुन जाणा-या विद्युततारेच्या दोन्ही बाजुला पुरेशी मोकळी जागा ठेवली आहे.

६.अर्जदाराने इमारती नियमन व प्रिव्हेंशन ऑफ स्लिम डेव्हलपमेंट नियमांचे पालन केले आहे.

७ सदर जमिनीत इसमहक्कसंबंध असलेल्या इसमांची बिनशेती परवानगी देण्यास कोणतीही हरकत नाही.

८.अर्जदाराने ज्या अटीवर बिनशेती परवानगी देणेत येईल त्या पाळणेचे मान्य केले आहे.

टिपणी :- घर नमुद केलेल्या समक्ष प्राधिका-यानी जर सशर्त न हरकत प्रमाणपत्र दिले असेल किंवा विशिष्ट अट मंजुरीच्या हुकुमात नमुद करणेबद्दल सुचविले असेल तर सदर अट खालील आदेशातील परिच्छेद ५ मध्ये नमुद करावी.वरील टिपणी विचारात घेता सदर प्रकरणी अर्जदाराच्या विनंतीनुसार बिनशेती परवानगी मंजुर करण्यास कोणतीही हरकत दिसत नाही.

आदेश :-

३.उपविभागीय अधिकारी यांना महाराष्ट्र जमिन महसुल अधिनियम १९६६ मधील ४४ च्या कलमानुसार प्रदान केलेल्या शक्तीचा वापर करुन श्री.विभास राजाराम साठे यांना मौजे मौजे मुरुड ता.दापोली येथील गट नं.४४६ पैकी त्यांचे हिश्याचे ४२०० चौ.मी.क्षेत्राची जमिन निवास व वाणिज्य या अकृषिक कारणासाठी खालील शर्तीवर बिनशेती परवानगी देण्यात येत आहे.

१.देण्यात आलेली परवानगी महसुल अधिनियम व त्याखाली केलेल्या नियमातील तरतुदीच्या आधीन राहुन देण्यात येत आहे.

२.ज्या कारणाकरीता परवानगी देण्यात आली आहे त्या कारणाकरीताच सदर जमिनीचा व जमिनीवरील बांधकामाचा उपयोग करावा.त्या क्षेत्राचा किंवा त्यापैकी काही भागाचा परवानगी देण्यात आलेल्या कारणाव्यतिरिक्त इतर कारणासाठी वापर जिल्हाधिकारी-उपविभागीय अधिकारी यांच्या परवानगीशिवाय करता कामा नये.याकरिता जमिनीवरील इमारतीचा ज्या कारणासाठी वापर होत असेल त्याव्यतिरिक्त जमिनीचा वापर कोणत्याही कारणासाठी होते हे तपासणेत येईल.

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३.परवानाधारकाने संबंधित क्षेत्राचे सिमा आदेशात उल्लेख असलेले अभिन्यास तसेच विभाजन परवानगी घेतल्या अथवा अधिका-याकडुन तसेच तांत्रिकदृष्ट्या मंजुर घेतल्याशिवाय करण्यात यावे.

४.परवानाधारकाने मंजुर केलेल्या आराखड्यानुसार संबंधित जमिनीची आदेशातील तारखेपासुन १ वर्षाचे कालावधीत जिल्हाधिकारी-तहसिलदार अधिकारी यांना योग्य वाटेल त्याप्रकारे रस्ते बांधुन सांडपाणी जाऊन देणारा रस्ता बांधुन,भुखंडाचे खांबाकडुन मोजणी करुन व त्यानुसार विभाग करुन जागेवर दगडकोरण्याचे विकास कामास आणि अपेक्षित तसा विकास करण्यात येणार नाही तोपर्यंत सदर क्षेत्रातील विभागाचे कोणत्याही प्रकारे हस्तांतर करु नये.

५.जर परवानाधारकाने सदर जमिन विक्रणे अथवा अन्य प्रकारचे हस्तांतरण केले तर सदर विक्री अथवा हस्तांतर या आदेशातील अटीनुसार केले पाहिजे व त्याचे खरेदीखतात त्याबद्दलचा स्पष्ट उल्लेख केला पाहिजे.

६.जमिनीच्या आराखड्यात दाखविलेप्रमाणे क्षेत्र बिनशेतीकडे वर्ग होत आहे.

| AREA STATEMENT | SQMT |
|---|---|
| 1. AREA OF PLOT (GUT NO.445) | |
| a) AREA AS PER 7/12 | 4214.00 |
| b) AREA AS PER SURVEY | |
| 2. DEDUCTION FOR | |
| a) ROAD ACQUISITION AREA | - |
| b) PROPOSED ROAD | - |
| c) ANY RESERVATION | - |
| TOTAL (a+b+c) | - |
| 3.NET GROSS AREA OF PLOT (1-2) | 4214.00 |
| 4 DEDUCTIONS FOR AMENITY SPACE IF ANY DEDUCTIONS FOR 10% OPEN SPACE | |
| 5.NET PLOT AREA | 4214.00 |
| 6 ADDITION OF AREA FOR F.S.I IF ANY (a) (b) | - |
| 7. TOTAL AREA (5+6) | 4214.00 |
| 8.NORMAL F.S.I PERMISSIBLE + F.S.I PERMISSIBLE WITH PAYMENT OF PREMIUM | 1.00 |
| 9.PERMISSIBLE BUILT-UP AREA | 4214.00 |
| 10.EXISTING BUILT-UP AREA | - |
| 11.PROPOSED BUILT-UP AREA | 502.68 |
| 12.EXCESS BALCONY AREA TAKEN IN F.S.I (AS PER (c) BELOW) | - |
| 13.TOTAL BUILT UP AREA (10+11+12) | 502.68 |
| 14. F.S.I CONSUMED (13/7) | 0.119 |
| 15.F.S.I BALANCE | 3711.32 |

७.परवानाधारकाने इमारतीचा आराखडा समक्ष अधिका-याकडुन जेथे इमारतीचे विनंतण त्याचे अभिक्षेत्रात येत असले तेथे मंजुर करुन घेतला पाहिजे आणि इतर प्रकरणात त्याने इमारतीं आराखडे महाराष्ट्र जमिन महसुल नियम (जमिनीच्या उपयोगाचे रुपांतर आणि बिनशेती दस्त) १९६८ मधील परिशिष्ट २ मधील तरतुदीचे काटेकोरपणे पालन करुन तयार केले पाहिजेत आणि ते जिल्हाधिकारी - तहसीलदार यांचेकडुन मंजुर करुन घेतले पाहिजेत आणि मंजुर आराखड्यानुसार बांधकाम केले पाहिजे.

८.परवानाधारकाने नॅशनल स्टेट मेजर डिस्ट्रिक्ट - अदर डिस्ट्रिक्ट सडक असलेल्या रस्त्यापासुन योग्य अंतर सोडले पाहिजे.महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोगाचे रुपांतर व बिनशेती दस्त) नियम १९६८ मधील परिशिष्ट २ मध्ये नमुद केलेल्या तरतुदीनुसार लिहिण्याचे आहेत.

९.परवानाधारकाने या आदेशाच्या तारखेपासुन एक वर्षाच्या आत जमिनीचा बिनशेती उपयोग सुरु केला पाहिजे त्यानंतरची सदर मुदत वाढविल्याशिवाय बिनशेती उपयोग सुरु न झाल्यास सदर परवानगी रद्द झाल्याचे समजण्यात येईल.

१०.परवानाधारकाने सदर बिनशेती वापर सुरु केल्याची तारीख अथवा उपयोगात बदल झाल्यास ती तारीख तसाठे यांचेमार्फत तहसीलदार यांचेकडे एक महिन्याच्या आत कळविली पाहिजे.तसे न केल्यास तो महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोगाचे रुपांतर व बिनशेती दस्त) नियम १९६८ मधील नियम ६ नुसार पुढील कार्यवाहीस पात्र राहील.

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११.याद्वारेच परवानगी देण्यात आली आहे तरी कारणमीमांसा सदर जमिनीचा बिनशेती उपयोग सुरु करण्यापूर्वी परवानाधारकाने दर चौरस मीटरला शासनाचे सुधारित दराने सदर जमिनीचा बिनशेती दर्जा मिळविण्यासाठी जमिनीच्या उपयोगात बदल होईपर्यंत जरी पूर्वी आकारण्यात आलेल्या बिनशेती दराची इसी मुदत राहणारी असली तरीही ती विचारात न घेता बिनशेती दर्जा मिळविण्याचे आकारला जाईल.

१२.बिनशेती दराचे ३१/०७/२०१८ नंतरी संपणा-या मुदतीकरीता हमी राहील,त्यानंतर कोणत्याही सुधारित दरानुसार सदर बिनशेती दरास दुरुस्तीस सुधारणास पात्र राहील.

१३ परवानाधारकाने जमिनीचा उपयोग बिनशेतीकरीता सुरु केल्यापासुन एक महिन्याचे आत नोजणी खर्चाची रक्कम भरली पाहिजे.

१४.या आदेशात आणि सनदेत नमुद केलेले क्षेत्र व बिनशेती दरत,भुमापन खात्याकडुन जमिनीची मोजणी झाल्यावर प्रत्यक्ष आढळुन येणा-या क्षेत्रानुसार दुरुस्तीस पात्र राहील.बिनशेती भुखंड प्रमाणित मोजणीनुसार भुखंड क्षेत्रात फेरबदल झाल्यास त्यानुसार परवानगी घेणे अर्जदार यांचेवर बंधनकारक राहील.

१५.परवानाधारकाने जमिनीचा उपयोग बिनशेती उपयोग सुरु केल्यापासुन तीन वर्षाचे पक्की इमारत आणि किंवा इतर बांधकाम जर असेल तर पूर्ण केले पाहिजे.ही मुदत उपविभागीय अधिकारी हे परवानाधारकाने शासकीय आदेशानुसार घसविलेला दंड भरल्यावर त्यांना आवश्यक वाटल्यास वाढवुन देवु शकतील.

१६.परवानाधारकाने मंजुर झालेल्या आराखडयानुसार इमारतीत उपविभागीय अधिकारी नगरपरिषद महानगरपालिका (जसे असेल त्याप्रमाणे) याची पुर्व परवानगी घेतल्याशिवाय व त्याबदलचे आराखडे मंजुर करुन घेतल्याशिवाय कोणतीही वाढ अथवा सुधारणा करता कामा नये.

१७.परवानाधारकाने बिनशेती उपयोग सुरु केल्यापासुन १ महिन्याच्या आत परिशिष्ट ४ मध्ये किंवा महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोग रुपांतर व बिनशेती दरत) नियम १९६९ ना जोडलेल्या प्रपत्रात या आदेशातील सर्व अटी सनदेत नमुद करुन सनद पूर्ण करुन देण्याचे बंधन राहील.

१८.अर्जदार यांना सदर जमिन कुळ कायद्याने शेत्र झालेली असल्यास सदर मिळकतीचे अर्जदार यांना हस्तांतरण करावयाचे असल्यास सक्षम अधिका-यांची पुर्वपरवानगी घेतल्याखेरीज सदर मिळकतीचे हस्तांतरण करता येणार नाही.

१९.सदर बिनशेती प्लॉटमधील जागेतच सांडपाण्याची व्यवस्था करणे अर्जदारावर बंधनकारक राहील.

२०.प्रस्तुत भुखंडाबाबत तक्रार आल्यास जमिनमालक यांनी स्वखर्चाने निवारण करणेच्या अटीवर.

२२.नियोजित बांधकामाचे भुखंडातील व अस्तित्वातील बांधकाने धरुन एकुण क्षेत्र भुखंडाच्या निव्वळ क्षेत्राच्या इतके जागेवर कमाल राहिले पाहिजे.

२३.वरील जागेचा वापर व नियोजित इमारतीचा वापर फक्त नकाशात दर्शविल्याप्रमाणे निवासी व वाणिज्य वापराकरीता करण्यात यावा व बांधकाम मंजुर नकाशाप्रमाणे असावे.

२४.स्थळदर्शक नकाशावर भुखंडाच्या हद्दीपासुन दर्शविलेली समान अंतरे कायम राखुन इमारतीचे बांधकाम करावयाचे आहे.

२५.नियोजित व विद्यमान इमारतीचे मिळुन बांधकामाची व्याप्ती व एकुण क्षेत्र निव्वळ भुखंड क्षेत्राच्या प्रमाणात व विकास नियंत्रण नियमावलीनुसारच अनुज्ञेय राहील.इमारतीच्या नकाशावर दर्शविलेले भुखंड क्षेत्र,बांधकाम क्षेत्र गणना तसेच व आकडेमोड अचुक आल्याबाबतची खात्री वस्तुशिल्पकार व विकासक यांनी करावयाची आहे याबाबत कोणताही वाद निर्माण झाल्यास सर्वस्वी जबाबदारी अर्जदार यांची राहिल.

२६.नियोजित इमारतीचे बांधकाम इमारत तळ + एक मजल्यापेक्षा जास्त असू नये.

२७.बांधकाम करण्याच्या भुखंडाच्या हक्काबाबत,हद्दीबाबत काही वाद निर्माण झाल्यास सर्वस्वी व इजमेंट राईटबाबतची सर्वस्वी जबाबदारी अर्जदाराची राहील.

२८.नियोजित बांधकाम करावयाचा भुखंड व त्याचा पोचमार्ग वर्गीकृत रस्तासन्मुख असल्यास संबंधित महामार्ग प्राधिकरणाची परवानगी घेणे अर्जदारास बंधनकारक राहील.

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२९.प्रस्तावित बांधकामापुढे वहिवाटीचे मार्ग,ओबडधोबड नाले,नदी नाले,नसलेल्या पायवाटा प्रवाह इत्यादींना बाधा येत असल्यास त्यांचे हस्तांतरण करून सोय करणे अर्जदार यांचेवर बंधनकारक आहे.

३०.लिफ्टेड इमारतीसाठी अग्निशमन अहवालात दाखविल्याप्रमाणे पाण्याची सोय,संडासाची व पेस्ट निर्मुलनाची व्यवस्था प्रत्यक्ष वापरापूर्वी अर्जदाराने केली पाहिजे व अशी व्यवस्था जमिनीचे विशिष्ट्यासह किमान ९६ मीटर अंतराचेवर असणे आवश्यक आहे.सदरचा प्रमाणपत्राकरीता अर्जदाराने अर्ज करावयाचा असून वरील सर्व मुद्दांचे तसेच दिलेल्या बांधकाम परवानगीनुसार बांधकाम असलेची पाहणी करून प्राधिकरणाने प्रमाणपत्र देणेचे आहे.व्यापर प्रमाणपत्राशिवाय अर्जदार सदर इमारतीचा वापर करीत नसल्याची खात्री संबंधित प्राधिकरणाने करणेची आहे.

३१.शुध्दांतर्गत असलेल्या झाडांची तोड करावयची असल्यास संबंधित प्राधिकरणाची पुर्वपरवानगी घेण्याची आहे तसेच १०० चौ.मी.साठी एक याप्रमाणे नविन झाडे लावावयची आहेत.

३२.नियोजित बांधकामात मंजुरीपेक्षा वेगळे बदल करावयाचे असल्यास पुर्वपरवानगी घेणे अर्जदारास आवश्यक आहे.

३३.अर्जदार यांनी सदर प्रकरणी दिलेली माहिती व कागदपत्रे चुकीची व खोटी आढळल्यास दिलेली परवानगी रद्द समजण्यात यावी.

३४.विषयांकित जागेतील बांधकाम करताना IS Code १३९२०-१८९३ भुकंप रोधक आर.सी.सी डिझाईन्नुसार बांधकाम घटकाचे डिझाईन अर्हता प्राप्त स्ट्रक्चरल इंजिनियर यांचेकडून करून घेणे आवश्यक असुन त्यांच्या देखरेखीलखाली नियोजित इमारतीचे बांधकाम पुर्ण करणे अर्जदार / विकासकर्ता यांचेवर बंधनकारक राहील.

३५.बिनशेती क्षेत्रामध्ये येण्याजाण्यासाठी असलेल्या रस्त्यासहित कोणताही बाद निर्माण झालेस त्याचे निस्तारण अर्जदार यांनी स्वखर्चाने करावयाचे आहे.

३६.सदर जागेतुन अंडर ग्राउंड गॅस पाईप लाईन अथवा विद्युत लाईन जात असल्यास सदरची माहिती गॅस पाईप लाईनमधुन संबंधित प्राधिकरणाने चिन्हित केलेल्या नियंत्रण रेषेमुळे सदरची बांधकामे बाधित होत आहेत किंवा कसे ? याबाबत संबंधित प्राधिकरणाच्या ना हरकत दाखल्यानुसार सदरचे बांधकाम परवानगी अनुज्ञेय राहील.

३७.इमारतीचे बांधकाम करताना अग्नीशमनाचे व अग्नीपासुन सुरक्षिततेकरीता नगररिच्छांकरिता आणि नगरपंचायतीकरीता शासनाने लागु केलेल्या सुधारित विकास नियंत्रण नियमावलीतील भाग सहा आणि नॅशनल बिल्डींग कोड ऑफ इंडिया मधील भाग चार तरतुदीनुसार बांधकाम करणे अर्जदारास बंधनकारक आहे.

३८.बिनशेती आदेशात नमुद केलेली मोकळी जागा/ रस्ते स्थानिक प्राधिकरण/महाराष्ट्र शासन यांचेकडे हस्तांतरीत झाल्याशिवाय सदर भुखंडमध्ये बांधकाम करता येणार नाही.

३९.सदर प्रकरणी नगररचनाकार रत्नागिरी यांनी शिफारस शासनाने मंजुर केलेल्या प्रमाणित विकास नियंत्रण व प्रोत्साहन नियमावलीतील तरतुदीनुसार केलेली असल्याने प्रत्यक्षात बांधकाम करताना किंवा बांधकाम झाल्यानंतर विकास नियंत्रण नियमावलीतील तरतुदीचा अर्जदाराने भंग केल्यास सदर नियमावलीतील नियम क्र.२०.१ नुसार संबंधितांवर त्वरीत कारवाई करणेत येईल.

४०.प्रस्तावित इमारतीचे स्ट्रक्चरल प्लॅन व स्ट्रक्चरल स्टॅबिलिटीबाबतचे प्रमाणपत्र संबंधित स्ट्रक्चरल इंजिनिअर यांचेकडुन घेऊन या कार्यालयाकडे सादर करणे अर्जदारास बंधनकारक आहे.प्रमाणपत्र सादर न केल्यास सदरचे आदेश रद्द करणेत येतील.

४१.मा.जिल्हाधिकारी रत्नागिरी यांचेकडील आदेश क्रमांक/महसुल/कार्या६अ/इ.बांध.पर/एलएनए/एसआर/ २०१६ दिनांक ०८/०२/२०१६ अन्वये मंजुर आराखड्यांप्रमाणे इमारत बांधकामास परवानगी देणेत येत आहेत.

४२.सीआरझेड-III मधील तरतुदीनुसार पहिले २०० मी अंतरापर्यंत No Development Zone नियोजित असुन या विभागात कोणत्याही स्वरुपाचा विकास अनुज्ञेय नाही.

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४३. मा.प्रांताधिकारी रत्नागिरी यांनी महाराष्ट्र इनामे रद्द २०१४ चा महाराष्ट्र अधिनियम क्र.४३ अन्वये महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम १९६६ चे कलम १८ व कलम १२४अ मध्ये करण्यात आलेली सुधारणा महाराष्ट्र जमिन राजस्व असाधारण भाग-२ मध्ये दि.२९/१२/२०१४ रोजी प्रसिध्द झालेल्या तरतुदीनुसार दस्ताऐवजातील जमिनीच्या क्षेत्रफळाची रु.२१०००/- व बांधकाम क्षेत्रालाची रु.८०१००/- असे एकुण विकास शुल्क रुपये ३१९००/-(अक्षरी एकतीस हजार शंभर रुपये मात्र) नगरविकास विभाग,०२१७-नगरविकास,८००-इतर जमा रक्कम (०१)(०७)-इतर बाबी (०२१७०१६१०१) या लेखाशिर्षाखाली जमा केले आहे.

४४.(अ) जर परवानाधारकाने या अटींविरुध्द वृत्ती केली तर जिल्हाधिकारी -उपविभागीय अधिकारी हे अधिनियमानुसार न्यास होण्या-या इतर शिक्षांस बाध न आणता ते आदेश देतील त्याप्रमाणे परवानाधारकाने देय व दंडाची भरल्याखेर सदर जागा किंवा अभ्यंदाराच्या मालकीत येऊ शकतील

४४.(ब) वरील (अ) मध्ये काहीही नमुद असले तरीही जिल्हाधिकारी -उपविभागीय अधिकारी यांना इमारत किंवा बांधकाम या आदेशातील तरतुदीविरुध्द बांधले असेल अथवा उपयोग केला जात आहे असे निदर्शनास आले तर ते बांधकाम सदर अधिकारी त्याकामी देतील त्या वेळात काढुन टाकण्याचा किंवा सुधारित करण्याचा अधिकार राहील आणि जर दिलेल्या मुदतीत ते बांधकाम काढुन टाकले नाही अगर सुधारित केले नाही तर सदर अधिकारी ते बांधकाम काढुन टाकण्याची कार्यवाही करतील आणि आलेला खर्च परवानाधारकाकडुन महसुल थकबाकीप्रमाणे वसुल करतील

४. ही परवानगी त्या त्या वेळी अस्तित्वात असलेल्या इतर कायदयातील तरतुदीच्या अधिन राहुन देण्यात आली आहे आणि ही परवानगी संबंधित इतर बाबीना लागु राहील.उदा.मुंबई कुळवहिवाट व शेतजमिन अधिनियम १९४८, गुंवडे ग्रामपंचायत अधिनियम १९५८ - महाराष्ट्र नगरपालिका अधिनियम १९

उपविभागीय अधिकारी

(जयराम देशपांडे)
उपविभागीय अधिकारी
दापोली विभाग दापोली

प्रत :- श्री.विभास रामाराम साठे रा.मुरुड ता.दापोली यांचेकडे आवश्यक त्या सह.

प्रत :- तहसीलदार दापोली यांजकडे

२/-सदर बिनशेती प्लॉटची गा.नं.२,ता.न.नं.२ ला नोंद ठेवुन त्यांचे नोंदी अनुक्रम इकडे कळविणेत यावा.तसेच मोजणी फी १०००/-दि.१२/०९/२०१७ रोजी भरलेले आहेत बिनशेती वापर सुरु केलेवर याबाबत पंचयादी करणेत येवुन ती कामात सामील करावी.

प्रत :- उपअधिक्षक भूमि अभिलेख दापोली यांजकडे योग्य त्या कार्यवाहीसाठी.

प्रत :- तलाठी सजा मुरुड यांस

(जयराम देशपांडे)
उपविभागीय अधिकारी
दापोली विभाग दापोली

15/15

Annexure C-13



F.No. IA3-2/11/2021-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
IA-III Section (CRZ)

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003
Dated: 17th December, 2021

To,

The Member Secretary,
Maharashtra Coastal Zone Management Authority,
Environment Department
Government of Maharashtra
5th Floor, New Administrative Building,
Mantralaya Mumbai- 400032, Maharashtra.

Subject: Action to be initiated against illegal projects/activities which are in violation of CRZ norms as reported by the State of Maharashtra, in line with the CRZ regulations -regarding.

Sir,

The Ministry is in receipt of several representations on the above mentioned subject. The same has also been reported Maharashtra Coastal Zone Management Authority (MCZMA) *vide* its letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 alongwith enclosed minutes of 156th meeting of MCZMA held on 25/06/2021, that there are other structures (dwelling units/ residential and commercial), around 150-200, which are situated in the same stretch as that of M/s Sai Resorts, Murud-Tehsil Dapoli, Ratnagiri, Maharashtra.

2. In this regard, it has been desired that the MCZMA shall identify the illegal projects/ activities, as mentioned in the para above, within the CRZ area which are in violation of CRZ norms as per CRZ Notification 2011, take appropriate action under the relevant provisions of Environment (Protection) Act, 1986, send action taken report and proposal for actions to be taken by the ministry for removal of violated structures which are not permissible to this Ministry at an early date.

3. This issues with the approval of Competent Authority.

Encl: As above.

Yours faithfully

O/C

(Dr. H. Kharkwal)
Additional Director /
Scientist 'E'(CRZ)

Letter sent by Speed Post on 20/12/21

P-432+4421C (12) (15)



# MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029389
E-mail: dirl.mcz-mefcc@nic.in
Website: https://mczma.gov.in/

No. Complaint 2021 / CR 48 / TC -4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 29.06.2021

To,
Director, CRZ,
Ministry of Environment, Forest and Climate Change,
Jor Bagh Road, CGO complex, New Delhi

Subject: Regarding illegal construction in CRZ area at Survey no. 446 and other at village Mushid, Tal: Dapoli, District: Ratnagiri. Complainant has alleged the said construction is in violation of CRZ and ESZ norms.

Ref: MoEF&CC, New Delhi emails dated 13.5.2021 and 9.6.2021

Pursuant to above referred emails dated13.5.2021 and 9.6.2021 received in the subject matter, please find attached herewith the report of the District Coastal Zone Monitoring Committee (DCZMC) and minutes of 156th meeting of the MCZMA for further appropriate action in the matter.

Yours,

Director, Environment &CC and MS, MCZMA

**Copy for information to:**

1. **Principal Secretary, Environment & Chairman, MCZMA, Environment Dept, Room No. 217, Annexe Building, Mantralaya, Mumbai.**
2. **Select File- TC 4**

Official Emblem of India

Government of Maharashtra

Revenue and Forest Department

District Collector Office, Ratnagiri

Central Administrative Building, second floor, Room no 201, Revenue Branch, Jayastambh, Tehsil and District Ratnagiri

Phone : 02352 - 222483 Fax : 02352 - 226250

02352 - 224222 E mail :revenuecollector@yahoo.in

NO Revenue / Office Desk A K – 6 / C R Z / Murud – 443 / 2021 Dated 17th June 21

To

The Principal Secretary ( Environment ) and

Chairman, Maharashtra Coastal Management Authority

2nd Floor, Room no 217, Environment Department ( Annex )

Mantralaya, Mumbai 400 032

Subject : Regarding alleged illegal construction activities in C R Z / E S Z at sea shore at Murud Tehsil Dapoli District Ratnagiri.

Reference : 1. Your letter number Complaint – 2021 / C R 43 / T C – 4 dated 8th of June 2021 and E mail message dated 7th of June 2021

2. Sub Divisional Officer, Dapoli Sub Division, letter number Reply / Inward no 2633 / Final Report / 06 / 2021 dated 15.06.2021

Sir,

Former Member of Parliament Dr Kirit Somayya's application to Honorable Shri Prakash Jawadekar, Union Minister for Environment , New Delhi with respect to construction of roads and resort in coastal regulatory zone / ecologically sensitive zone on the sea shore in the land at survey no 446 at at village Murud Tehsil Dapoli is received at this office from Maharashtra

Smt Sainathkalgaonkar Government Empanelled and Authorised Translator vide Government of Maharashtra G.R no Nemuka 2019 / Case no 28 / Bhasha 2 dated 22.01.2021.

Coastal Zone Management Authority ( M C Z M A ) , Environment Department , Mumbai Divisional office vide reference number 1 for necessary action and submission of factual report . The Sub Divisional Officer Dapoli was communicated to submit factual report incidental to the said complaint application.

A factual report incidental to the points raised in the complaint by Dr Kirit Somaiya is requisitioned vide your letter under reference no 1. In this connection, a meeting of the District Level Zone Monitoring Committee was convened. The point wise report in respect of points raised in the complaint dated 8th of May 2021 by Former Member of Parliament Dr Kirit Somayya based on the report received from regional level and the discussion / consultation in the said meeting is as follows :

| | | |
|---|---|---|
| 1 | These land was brought in June 2019 by " A " while during the registration, the status of land was shown as N A / Non N A land in a mischievous manner | As per the report of the Sub Divisional Officer Dapoli, the premises at Gat no 446 part at village Murud Tehsil Dapoli is handed over in purchase by Shri Rajaram Sathe to Shri Anil Dattatray Parab vide document no 1826 dated 19th of June 2019 . Copy of purchase deed is enclosed herewith. |
| 2 | The same land was sold by " A " to " K " on date 30th December 2020 and registration was completed in February 2021 | As per the report of the Sub Divisional Officer Dapoli, the premises at Gat no 446 part at village Murud Tehsil Dapoli is |

Sunil Satish Bhagwat Government Empanelled and Authorised Translator vide Government of Maharashtra G R no Mahiti 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

| | | |
|---|---|---|
| | | handed over in purchase by Shri Anil Dattatray Parab to Shri Sadanand Gangaram Kadam vide document no 2719 dated 29th December 2020 . Similarly the mutation is recorded in the village records vide mutation entry no 2223 dated 23rd January 2021. At present the property is in the name of Shri Sadanand Gangaram Kadam. Copy of purchase deed is enclosed herewith |
| 3 | Status of the land of when it was sold / transfer in February 2021 was not had any mention of change or newly constructed Sai Resort | The property admeasuring 0 – 42.14 Hectare R out of total area 1.26.40 al Gat no 446 part at village Murud Tehsil Dapoli is handed over by Shri Anil Dattatray Parab to Shri Sadanand Gangaram Kadam vide purchase deed document dated 29th December 2020. No clear mention of construction of Sai Resort is observed in the said purchase deed |
| 4 | It is observed that during this 18th month " A " had constructed Sai resort having 22 rooms and | Perusal of the Sub Divisional Officer Dapoli report dated 15th of June 2021 reveals that a building |

Sunil SahasrBhagwat Government Empanelled and
Authorised Translator vide Government of Maharashtra G.R.
no Nan-Ka 2010 / Case no 29 / Bhasha 2 dated 22.03.2021.

As per CRZ-III only 9 meter or G+1 Allowed

| | | |
|---|---|---|
| | 2 three stories building. The market valuation could be 10 crore | consisting construction of the ground+two floors is not existence in the property situated at Gat no 446 part at village Murud Tehsil Dapoli. In this connection, The Assistant Director, Town Planning, Ratnagiri is directed to conduct actual measurements and verification of the actually constructed area Similarly the Sub Divisional Officer Dapoli is also directed to take immediate action, if the provisions of Coastal Regulation Zone or Maharashtra Regional Town Planning Act are being violated due to the said construction |
| 5 | It is observed that the access to this resort is straight away from the sand of the sea. There is no other access / approach road available. | As per the report of the Sub Divisional Officer Dapoli, the internal access road to the above property is through unoccupied or private land. Ascertainment in this respect cannot be made without actual measurement. However it is observed that a descending road from the front side of Sai resort is constructed for approaching the sea |

Sunil Satnath Bhagwat Government Empanelled and Authorized Translator vide Government of Maharashtra G.R. no Namika 2019/ Case no 29/ Bhasha 2 dated 22.09.2021.

| | | |
|---|---|---|
| | | shore.<br>The District Superintendent of Land Records, Ratnagiri is directed to undertake immediate measurement of the property to ascertain the status of the road. It is stated in the Sub Divisional Officer Dapoli report that the roads are indicated in the approved maps attached with the Non Agricultural order issued by the then Sub Divisional Officer Dapoli. Further the Circle Officer Burondi's report dated 31st July 2017 in the original Non Agricultural case mentions the existence of a Village Panchayat road for approach to the aid property. |
| 6 | " A " is misusing his status with the help of other try to construct a road adjacent to the resort which is clear cut violation of Coastal Regulation Zone and Ecologically Sensitive Zone | The office of the Town Planner , Ratnagiri vide their letter dated 12th October 2017 has informed the office of Sub Divisional Officer, Dapoli that Gat no 446 part at village Murud Tehsil Dapoli is [illegible] as per CRZ map and within the distance of 200 meters . Hence, no development is |
| 7 | The construction of resort also is clear cut violation of Coastal Regulation Zone and | |

Smt. Sonali Bhagwat Competent Empanelled and Authorised Translator vide Government of Maharashtra G.R. no Nyaya 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

| | | |
|---|---|---|
| | Ecologically Sensitive Zone | permissible on the said premises. Hence recommendation of development of the said premises cannot be made.<br>As per Divisional Forest Officer, Ratnagiri report received vide their letter dated 17th June 2021, there is no record with the forest department that the land at Gat no 446 part at village Murud Tehsil Dapoli belongs to the Forest Department. It is also informed that the said area does not fall into Ecologically Sensitive Zone (E S Z) |
| 8 | From the discussion it seems no categorical mention of details of construction permission seems available. | The Sub Divisional Officer, Dapoli vide his order dated 12th September 2018 permitted for construction of ground + one floor admeasuring 509.68 square meters area for commercial and residential purpose at Gat no 446 part at village Murud Tehsil Dapoli. In this connection the review of Non Agricultural permission order is in progress at the level of Additional District Collector. |

Suni Sabah Bhagwat Government Empanelled and Authorised Translator vide Government of Maharashtra G R no Nemilta 2019 / Case no 28 / Bhasha 2 dated 22.03.2021.

The Sub Divisional Officer, Dapoli has been directed to take immediate action vide section 52 and 53 of the Maharashtra Regional Town Planning Act and Environment Protection Act 1986, in respect of Sai Resort construction at Gat no 446 part at village Murud Tehsil Dapoli

Thanking you,

Yours faithfully

Signature

( Laxmi Narayan Mishra )

Chairman , Sea Coast Management Committee and

District Collector Ratnagiri

Copy submitted to the Honorable Scientist – 2 Environment and Climate Change, Maharashtra Coastal Management Authority, 15th floor, New Administrative Building, Mantralaya, Mumbai 400 032 for information please.

Sunil SidrathBhagat - Government Employee and Authorised Translator vide Government of Maharashtra G R no Nam-Ba 2019 / Case no 29 / Exercise 2 dated 22.03.2021.

476234/2021/A_III



641

# MINUTES OF THE 156th MEETING OF MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY HELD ON 25th JUNE, 2021

The 156th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment & Climate Change). In view of present pandemic situation of COVID-19, it was decided to conduct a meeting to take a decision in the matter through Videoconferencing technology on Cisco WebEx platform on 25th June, 2021. List of members present in the meeting is at Annexure-I.

Confirmation of 155th minutes of Meeting.

The Authority confirmed the minutes of 155th meeting held on 10th & 20th June, 2021 with a change at item no.21, wherein the company name Adani Transmission shall be read as Kharghar Vikhroli Transmission Private Limited.

Item No.1: Regarding illegal construction in CRZ area at Survey no. 446 & other, village Murud, Tal: Dapoli, District: Ratnagiri.

The Authority noted that MoEF&CC, New Delhi has sent an email dated 13.5.2021 along with representation of Dr. Kirit Somaiya, which pertains to illegal construction on Survey no. 446 and nearby areas, village Murud, Tal: Dapoli, District: Ratnagiri. The said representation has alleged the construction at Survey no. 446 & nearby area (Sai Resort), village Murud, Tal: Dapoli, District: Ratnagiri is in violation of CRZ and ESZ norms. The MoEF&CC has sought a report in the matter.

The MCZMA vide letter dated 8.6.2021 sought a factual report in the matter from District Coastal Zone Monitoring Committee (DCZMC), Ratnagiri headed by District Collector, Ratnagiri.

The Authority noted that the DCZMC, Ratnagiri has submitted a report on 17.6.2021 to MCZMA. The report of the DCZMC states that presently, there is construction of Ground + 2nd upper floors building on land bearing Survey no. 446, village Murud, Tal: Dapoli, Ratnagiri. It is reported that Town Planning Office, Ratnagiri vide letter dated 12.10.2017 communicated to Sub-Divisional

Sd/-
Member Secretary



Sd/-
Chairperson

Office, Dapoli that the land under reference is situated within 200 meter of CRZ III area, as per CRZ map. Hence, no construction is permissible on said land.

The Authority took the report of the DCZMC on record and noted that the site under reference falls in CRZ III area and within 200 m i.e. NDZ area. Hence, construction is not permissible as per provisions of CRZ Notification, 2011. As per Annexure III of CRZ Notification, 2011, activities of construction of beach resort/ hotel requires prior CRZ clearance from MoEF&CC, New Delhi. In the present case, there is no CRZ approval obtained from competent Authority for the said construction on land bearing Survey no. 446, village Murud, Tal. Dapoli, Ratnagiri.

In the light of above, the Authority after deliberation, decided to send the above mentioned report of DCZMC, Ratnagiri to MoEF&CC, New Delhi for further appropriate decision in the matter.

During the meeting, Expert Member mentioned that he has information that there are other structures (dwelling units / residential/ commercial) numbering around 150-200 which are situated in the similar coastal stretch. Accordingly, a report from DCZMC, Ratnagiri could be called. The Authority after discussion decided to seek the said report from DCZMC, Ratnagiri.

**----------The meeting ended with vote of thanks to Chairperson-------**

**Annexure I**

List of members/officials present in the online meeting:

1. Mrs. Neenu Somraj, DCF, Mangrove Cell, Member, MCZMA
2. Mr. Rajesh Patgaonkar, DyChE, MCGM, Member, MCZMA
3. Dr. Mahesh Shindikar, College of Engineering, Pune, Expert Member, MCZMA
4. Dr. A. K. Chaubey, NIO, Expert Member, MCZMA
5. Mr. Maruti Kudale, Ex Director, CWPRS, Expert Member, MCZMA
6. Dr. M.S. Khot, Ratnagiri, Expert Member, MCZMA
7. Mr. Narendra Toke, Director, Environment, Member Secretary,

Sd/-
Member Secretary



Sd/-
Chairperson

Annexure C-14

(8)

752

F. No. IA3-2/11/2021-IA.III
Government of India
Ministry of Environment, Forest & Climate Change
IA-III Section (CRZ)

Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi-110003
Dated: 17th December, 2021

**Subject: Show Cause Notice under Section 5 of Environment (Protection) Act, 1986 for violation of the provisions of Coastal Regulation Zone Notification, 2011 – regarding.**

WHEREAS the Government of India issued the Coastal Regulation Zone (CRZ) Notification, 2011 *vide* S.O. No. 19(E) dated 6th January, 2011 under the Environment (Protection) Act, 1986 for protecting and conserving the coastal environment and to regulate development in the CRZ area; and

2. WHEREAS, the Ministry received several representations on illegal construction of resort and road in CRZ –III (NDZ) area at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra.

3. WHEREAS, based on the information provided in the representation, National Centre for Sustainable Coastal Management (NCSCM), an institute under this Ministry has concluded that " *From the approved CZMP, it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III. The said Sai Resort, including the buildings, roads and other structures have been constructed within 200 metres in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III* ".

4. WHEREAS, based on the representations and report of NCSCM, the Integrated Regional Office of this Ministry at Nagpur carried out a site inspection on 12/06/2021 along with Sub Divisional Officer & SDM, Dapoli and Tehsildar, Dapoli and made the following conclusions:

- *Sai Resort NX (G+2 Floors), Sea Conch Resort (G+1+ Covered structure in 2nd Floor) existing in Gat No.446 and approach road to the resorts are located in No Development Zone in CRZ-III as per CRZ Notification 2011.*

*The constructions are in violation of CRZ Notification 2011 (Section 8 III (ii) of the Notification),*

- *One more road nearby to the resort connecting to the approach road is also in the No Development Zone in CRZ III.*

5. WHEREAS, Maharashtra Coastal Zone Management Authority *vide* its letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 has also stated that the construction of resort at Gat No. 446 is in violation of extant CRZ norms.

6. WHEREAS, as per extant provisions of the CRZ Notification, 2011, para 8 (I) III CRZ-III A(ii), no construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure, thus the resorts in Gat No.446, falling within CRZ-III (NDZ) area is a prohibited activity.

7. WHEREAS, on the basis of detailed examination by the Ministry, it is observed that construction activities, as stated in para 3, 4 & 5 above, have been carried out in complete disregard of the provisions of the CRZ Notification, 2011.

8. **NOW, THEREFORE, on the basis of detailed examination by the Ministry, you are directed to submit your response as to why this Ministry shall not order demolition of all the constructions and removal of roads which is a prohibited activity as per the extant CRZ regulations.**

9. **You are directed to submit your reply within 15 (fifteen) days of the receipt of this Notice failing which Ministry will be constrained to take action as in para 8 and any other action prescribed by law in the circumstances of the case without any further notice.**

**The reports of NCSCM, SCZMA and the map showing the CRZ III area & structures / constructions in violation are enclosed herewith.**

10. This issues with the approval of Competent Authority.

(Dr. H. Kharkwal)
Additional Director /
Scientist 'E'(CRZ)

To

1. M/s Sai Resorts NX,
Gat No. 446, Murud,
Tehsil Dapoli,
Ratnagiri, Maharashtra

2. M/s Sea Conch Resort,
Gat No. 446, Murud,
Tehsil Dapoli,
Ratnagiri, Maharashtra

Copy to:

1. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.

2. The Chairman, (Environment) & Additional Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.

3. The Member Secretary, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, Environment Department, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.

4. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai-400022, Maharashtra.

5. The Deputy Director General (C), Ministry of Environment, Forest and Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building Civil Lines, Nagpur- 440001, Maharashtra.

6. The Director (IA Policy), MoEF&CC, New Delhi.

7. Guard File/Website of MoEF&CC.

(Dr. H. Kharkwal)
Additional Director /
Scientist 'E'(CRZ)

Gmail

TUNTUN KUMAR SINGH

Forwarding of Show Cause Notice Letter No IA3-2/11/2021-IA.III dated 17.12.2021 regarding

**From :** TUNTUN KUMAR SINGH <tk.singh@gov.in> Mon, Dec 20, 2021 04:29 PM

**Subject :** Forwarding of Show Cause Notice Letter No IA3-2/11/2021-IA.III dated 17.12.2021 regarding 1 attachment

**To :** seaconchdapoli@gmail.com, anildattatray@gmail.com, psec env <psec.env@maharashtra.gov.in>, Narendra D. Toke <dir1.mev-mh@nic.in>

**Cc :** Shri. V N Ambade <apccfcentral-ngp-mef@gov.in>, Shri. V N Ambade <apccfcentral-ngp-mef@gov.in>, Dr. Harendra Kharkwal <h.kharkwal@nic.in>, Abhilasha Singh Mathuriya <abhilasha.mathuriya@gov.in>, Dr. NOBI E. P <nobi.ep@nic.in>

Sir,

I am directed to forward herewith the Scan copy of Show Cause Notice Letter No. IA3-2/11/2021-IA.III dated 17.12.2021 for further necessary action in this regard.

Regards

CRZ Sector, IA.III Section
Ministry of Environment, Forest and Climate Change
Jorbagh Road, New Delhi-110003

Letter No-2-11-2021-IAIII-dated 17-12-2021-alongwith Annexure.pdf
2 MB

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Azadi Ka Amrit Mahotsav

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# Track Consignment

Quick help

* Indicates a required field.

* Consignment Number

EO114441575IN

Track More

| Booked At | Booked On | Destination Pincode | Tariff | Article Type | Delivery Location |
|---|---|---|---|---|---|
| Lodi Road HO | 21/12/2021 11:04:55 | 400001 | 70.80 | Mand Speed Post | Mumbai GPO |

Event Details For : EO114441575IN

Current Status : Item Dispatched

| Date | Time | Office | Event |
|---|---|---|---|
| 27/12/2021 | 03:28:17 | Ratnagiri ICH | Item Dispatched |
| 25/12/2021 | 01:57:32 | Ratnagiri ICH | Item Bagged |
| 24/12/2021 | 22:51:25 | Ratnagiri ICH | Item Received |
| 24/12/2021 | 08:43:50 | Mumbai S Zone TMO | Item Dispatched |
| 23/12/2021 | 23:07:01 | Mumbai S Zone TMO | Item Received |
| 23/12/2021 | 15:34:02 | Mumbai Csl Rs TMO | Item Dispatched |
| 23/12/2021 | 15:27:39 | Mumbai Csl Rs TMO | Item Received |
| 23/12/2021 | 04:39:23 | Pune NSH | Item Dispatched |
| 23/12/2021 | 02:07:18 | Pune NSH | Item Bagged |
| 23/12/2021 | 00:05:54 | Pune NSH | Item Received |
| 22/12/2021 | 04:23:27 | NSH Delhi | Item Despatched |
| 22/12/2021 | 02:29:42 | NSH Delhi | Item Bagged |
| 21/12/2021 | 23:24:11 | NSH Delhi | Item Received |
| 21/12/2021 | 16:14:00 | Lodi Road HO | Item Dispatched |
| 21/12/2021 | 15:45:47 | Lodi Road HO | Item Bagged |
| 21/12/2021 | 11:04:55 | Lodi Road HO | Item Booked |

Home

59819/2022/A_III

S-31

DESPATCH REGISTER FOR POSTAL DAK

| Sl. No. | No. of Communication | Name/Designation of the Addressee 20/12/22 | Value (Stamp affixed) |
|---|---|---|---|
| (12) | F.No.11-7/2019-(A-III) | The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032 | |
| (13) | — Do — | The Member Secretary, Central Pollution Control Board, Paryavaran Bhawan, Sector-CA, Gwalior - 18201 to 6th floor | |
| (14) | — Do — | The Member Secretary, Andhra Pradesh Pollution Control Board, Gujarat Co-Op Industrial Estate Management Association, Board of Control, Sector-82 Plot-2, Sector-1A, Gandhinagar - 382010 | |
| (15) | — Do — | The Deputy Director General (C), MoEF&CC, Integrated Regional Office, Gwalior, Hotel Tansen Complex, Near CH-3 Chauraha, Sector-1A, Gandhinagar - 382010 | |
| (16) | F.No.-21/2022-(A-III) | HOS Sai Ashish Nx, H.No.-41 Road, Tehsil-Delhi, ED 11444575 IN Gandhinagar, Mehrauli | |

S-31

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## Track Consignment

Quick Help

* Indicates a required field.

* Consignment Number

ED114441589IN

Track More

| Booked At | Booked On | Destination Pincode | Tariff | Article Type | Delivery Location |
|---|---|---|---|---|---|
| Lodi Road HO | 21/12/2021 11:04:55 | 400001 | 70.00 | Inland Speed Post | Mumbai GPO |

**Event Details For : ED114441589IN**

**Current Status : Item Dispatched**

| Date | Time | Office | Event |
|---|---|---|---|
| 25/12/2021 | 03:28:17 | Ratnagiri ICH | Item Dispatched |
| 25/12/2021 | 01:57:32 | Ratnagiri ICH | Item Bagged |
| 24/12/2021 | 22:51:25 | Ratnagiri ICH | Item Received |
| 24/12/2021 | 09:43:55 | Mumbai S Zone TMO | Item Dispatched |
| 23/12/2021 | 23:07:01 | Mumbai S Zone TMO | Item Received |
| 23/12/2021 | 19:34:02 | Mumbai Cst Rs TMO | Item Dispatched |
| 23/12/2021 | 16:27:39 | Mumbai Cst Rs TMO | Item Received |
| 23/12/2021 | 04:39:23 | Pune NSH | Item Dispatched |
| 23/12/2021 | 02:07:16 | Pune NSH | Item Bagged |
| 23/12/2021 | 00:05:04 | Pune NSH | Item Received |
| 22/12/2021 | 04:23:27 | NSH Delhi | Item Despatched |
| 22/12/2021 | 02:29:42 | NSH Delhi | Item Bagged |
| 21/12/2021 | 23:24:11 | NSH Delhi | Item Received |
| 21/12/2021 | 16:14:00 | Lodi Road HO | Item Dispatched |
| 21/12/2021 | 15:45:47 | Lodi Road HO | Item Bagged |
| 21/12/2021 | 11:04:55 | Lodi Road HO | Item Booked |

| Sl. No. | Serial No. of Communication | Name/Designation of the Addressee | Value of stamp affixed |
|---|---|---|---|
| | | 2/11/2021 | |
| (17) | 2/11/2021-(A-III) | M/s Sea Coast Robotics, Gen No - 441, Ground Floor, Dabral Ratnagar, Muradabad, PO 1144415899 | |
| (18) | -Do- | The Secretary, Environment Deptt, Govt of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032 | |
| (19) | -Do- | The Chairman, Central Pollution Control Board, Environment Deptt, MoEF&CC, Govt of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai | |
| (20) | -Do- | The Member Secretary, MCZMA, Govt of Maharashtra, Environment Deptt, 5th Floor, New Administrative Building, Mantralaya, Mumbai | |
| (21) | -Do- | The Member Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 3rd & 4th Floor, Opp. Cine Planet, Sion Circle, Mumbai | |
| (22) | -Do- | The Deputy Director (IA-II), MoEF&CC, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur | |

Annexure C-15

F. No. IA3-2/11/2021-IA.III
Government of India
Ministry of Environment, Forest & Climate Change
IA-III Section (CRZ)

Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi-110003
Dated: 31st January, 2022

08 FEB 2022

22967
CRZ Violations

**Subject: Directions under Section 5 of Environment (Protection) Act, 1986 for violation of the provisions of the Coastal Regulation Zone Notification, 2011 – regarding.**

WHEREAS the Government of India issued the Coastal Regulation Zone (CRZ) Notification, 2011 *vide* S.O. No. 19(E) dated 6th January, 2011 under the Environment (Protection) Act, 1986 for protecting and conserving the coastal environment and to regulate development in the CRZ area; and

2. WHEREAS, the Ministry received several representations on illegal construction of resort and road in CRZ –III [No Development Zone (NDZ)] area at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra, and

3. WHEREAS, based on the information provided in the representation, National Centre for Sustainable Coastal Management (NCSCM), an institute under this Ministry has concluded that" *...From the approved CZMP, it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III. The said Sai Resort, including the buildings, roads and other structures have been constructed within 200 metres in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III....*", and

4. WHEREAS, based on the representations and report of NCSCM, the Integrated Regional Office of this Ministry at Nagpur carried out a site inspection on 12/06/2021 along with Sub Divisional Officer & SDM, Dapoli and Tehsildar, Dapoli and made the following conclusions:

- *Sai Resort NX (G+2 Floors), Sea Conch Resort (G+1+ Covered structure in 2nd Floor) existing in Gat No.446 and approach road to the resorts are located in No Development Zone in CRZ-III as per CRZ Notification 2011. The constructions are in violation of CRZ Notification 2011 (Section 8 III (ii) of the Notification).*
- *One more road nearby to the resort connecting to the approach road is also in the No Development Zone in CRZ III,* and

5. WHEREAS, Maharashtra Coastal Zone Management Authority *vide* its letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 has also stated that the construction of resort at Gat No. 446 is in violation of extant CRZ norms, and

6. WHEREAS, as per extant provisions of the CRZ Notification, 2011, para 8 (I) III.CRZ-III A(ii), no construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure, thus the resorts in Gat No.446, falling within CRZ-III (NDZ) area is a prohibited activity, and

7. WHEREAS, on the basis of detailed examination by the Ministry, it is observed that construction activities, as stated in para 3, 4 & 5 above, have been carried out in complete disregard of the provisions of the CRZ Notification, 2011, and

8. WHEREAS, on the basis of detailed examination by the Ministry, you were directed vide Ministry's letter dated 17th December, 2021 to Show Cause and to submit your response within 15 (fifteen) days, as to why this Ministry shall not order demolition of all the constructions and removal of roads which is a prohibited activity as per the extant CRZ regulations, and

9. WHEREAS, the Ministry had given 15 (fifteen) days' time to respond to the Show Cause notice and submit response, and

10. WHEREAS, the Ministry has not received any response from you till date, and

11. NOW, THEREFORE, on the basis of facts mentioned in Para 3 to 10 above and on the basis of detailed examination, the Ministry, in accordance with the provisions of Section 5 of the Environment (Protection) Act, 1986 hereby directs M/s Sai Resorts NX and M/s Sea Conch Resort that:

**"The unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition"**

**Further, project proponent is also directed to ensure compliance to the applicable provisions of Construction and Demolition Waste Management Rules, 2016 while carrying out the demolition activity.**

12. In case the above directions are not complied within three (3) months from the date of receipt of this order, the Ministry will be constrained to enforce this direction, and undertake necessary action under the relevant provisions of the Environment (Protection) Act, 1986.

13. This issues with approval of the Competent Authority.

(Dr. H. Kharkwal)
Additional Director /
Scientist 'E'(CRZ)

To

1. M/s Sai Resorts NX,
   Gat No. 446, Murud, Tehsil Dapoli,
   Ratnagiri-415713, Maharashtra

2. M/s Sea Conch Resort,
   Gat No. 446, Murud, Tehsil Dapoli,
   Ratnagiri-415713, Maharashtra

Copy to:

1. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra – *It is requested to ensure compliance to the aforesaid direction of MoEF&CC and action taken report shall be furnished to the Ministry at the earliest.*

2. The Chairman (Environment) & Additional Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra – *It is requested to ensure compliance to the aforesaid direction of MoEF&CC and action taken report shall be furnished to the Ministry at the earliest.*

3. The Member Secretary, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, Environment Department, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra. – *It is requested to ensure compliance to the aforesaid direction of MoEF&CC and action taken report shall be furnished to the Ministry at the earliest.*

4. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai-400022, Maharashtra – *It is requested to ensure compliance to the aforesaid direction of MoEF&CC and action taken report shall be furnished to the Ministry at the earliest.*

5. The Regional Officer, Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur-440001, Maharashtra.

6. The Director (IA Policy), MoEF&CC, New Delhi.

7. The Director (IA Monitoring), MoEF&CC, New Delhi.

8. Guard File / Website of MoEF&CC.

**(Dr. H. Kharkwal)**
**Additional Director /**
**Scientist 'E'(CRZ)**

Annexure C-19




F. No. IA3-2/17/2021-IA.III
Government of India
Ministry of Environment, Forest & Climate Change
IA-III Section (CRZ)

Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi-110003
Dated: 31st January, 2022

08 FEB 2022

22963
Environment
CRZ Clearance

To

**The Regional Officer**
**Ministry of Environment, Forest and Climate Change**
**Integrated Regional Office, Ground Floor**
**East Wing, New Secretariat Building**
**Civil Lines, Nagpur- 440001**
**Maharashtra**

**Subject: Initiate credible action on the violation by invoking powers under section 15 read with section 19 of the Environment (Protection) Act, 1986 as per S.O. 638 (E) dated 28/02/2014 for violating the provisions of Coastal Regulation Zone (CRZ) Notification, 2011 – regarding.**

Sir,

WHEREAS the Government of India issued the Coastal Regulation Zone (CRZ) Notification, 2011 *vide* S.O. No. 19(F) dated 6th January, 2011 under the Environment (Protection) Act, 1986 for protecting and conserving the coastal environment and to regulate development in the CRZ area; and

2. WHEREAS, the Ministry received several representations on illegal construction of resort and road in CRZ –III [No Development Zone (NDZ)] area at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra, and

3. WHEREAS, based on the information provided in the representation, National Centre for Sustainable Coastal Management (NCSCM), an institute under this Ministry has concluded that ".. *From the approved CZMP, it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III. The said Sai Resort, including the buildings, roads and other structures have been constructed within 200 metres in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III....* ", and

4. WHEREAS, based on the representations and report of NCSCM, the Integrated Regional Office of this Ministry at Nagpur carried out a site inspection on 12/06/2021 along with Sub Divisional Officer & SDM, Dapoli and Tehsildar, Dapoli and made the following conclusions:

- *Sai Resort NX (G+2 Floors), Sea Conch Resort (G+1+ Covered structure in 2nd Floor) existing in Gat No.446 and approach road to the resorts are located in No*

*Development Zone in CRZ-III as per CRZ Notification 2011. The constructions are in violation of CRZ Notification 2011 (Section 8 III (ii) of the Notification). One more road near by to the resort connecting to the approach road is also in the No Development Zone in CRZ III.* and

5. WHEREAS, Maharashtra Coastal Zone Management Authority *vide* its letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 has also stated that the construction of resort at Gat No. 446 is in violation of extant CRZ norms, and

6. WHEREAS, as per extant provisions of the CRZ Notification, 2011, para 8 (I) III,CRZ-III A(ii), no construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure, thus the resorts in Gat No.446, falling within CRZ-III (NDZ) area is a prohibited activity, and

7. WHEREAS, on the basis of detailed examination by the Ministry, it is observed that construction activities, as stated in para 3, 4 & 5 above, have been carried out in complete disregard of the provisions of the CRZ Notification, 2011, and

8 WHEREAS, on the basis of detailed examination by the Ministry, M/s Sai Resorts NX and M/s Sea Conch Resort were directed vide Ministry's letter dated 17th December, 2021 to Show Cause and to submit their response within 15 (fifteen) days, as to why this Ministry shall not order demolition of all the constructions and removal of roads which is a prohibited activity as per the extant CRZ regulations, and

9. WHEREAS, the Ministry had given 15 (fifteen) days' time to respond to the Show Cause notice and submit response, and

10. WHEREAS, the Ministry has not received any response from M/s Sai Resorts NX and M/s Sea Conch Resort till date, and

11. NOW, THEREFORE, on the basis of facts mentioned in Para 1 to 10 above and on the basis of detailed examination, the Ministry, in accordance with the provisions of Section 5 of the Environment (Protection) Act, 1986 *vide* Order dated 31st January, 2022 has directed M/s Sai Resorts NX and M/s Sea Conch Resort that:

*"The unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition"*

*Further, project proponent has also been directed to ensure compliance to the applicable provisions of Construction and Demolition Waste Management Rules, 2016 while carrying out the demolition activity.*

12. In view of the foregoing, the undersigned is hereby directed to request you to initiate legal action against M/s Sai Resorts NX and M/s Sea Conch Resort and persons at the helm of the M/s Sai Resorts NX and M/s Sea Conch Resort during the violation period by invoking powers under section 15 read with section 19 of the Environment (Protection) Act, 1986 as per S.O. 638 (E) dated 28/02/2014 for the period for which the project has been established and has been in operation without requisite clearance under the provisions of extant Coastal Regulation Zone (CRZ) Notification. The details of the action taken against the unit shall be sent to the Ministry along with relevant supporting document(s) for taking further course of action in the matter.

13. This issues with approval of the Competent Authority.

**(Dr. H. Kharkwal)**
**Additional Director /**
**Scientist 'E'(CRZ)**

**Copy to:**

1. M/s Sai Resorts NX, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra
2. M/s Sea Conch Resort, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra
3. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra
4. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai-400022, Maharashtra
5. The Member Secretary, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, Environment Department, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra
6. The Director (IA Monitoring), MoEF&CC, New Delhi.
7. Guard File/Website of MoEF&CC.

**(Dr. H. Kharkwal)**
**Additional Director /**
**Scientist 'E'(CRZ)**

| दस्त क्र. |
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दुय्यम निबंधक वर्ग २, रत्नागिरी क्र. ६

## खरेदीखत

आज दिनांक २९ मार्च डिसेंबर सन २०२०

मिळकत मौजे मुरुड, ता. दापोली, जि. रत्नागिरी

मिळकतीचा प्रकार निवासी व वाणिज्य

मिळकतीचे शासकीय मूल्य : रु. ६०,००,०००/- मात्र

खरेदीखताचे मूल्य : रु. १,९०,००,०००/- मात्र

खरेदीखताचे मूल्यांकनाप्रमाणे मुद्रांक : रु. ३,१०,०००/- मुद्रांक

नोंदणी शुल्क : रु. ३०,०००/-

अब्दुलहई इब्राहिम काझी, वय ५३ वर्षे

पत्ता : दोषी व असोसियट्स, रा. ए-१०३, गोकुळनगरी-२

तळमजला, ठाकुर्ली, डोंबिवली, जि.ठाणे-पूर्व

मुंबई - ४०१२०१, पॅन नं. AGAPK7189G

आधार नं. ४५१५२४५६४९८६ ..... खरेदी देणार

दोघे

अनिल रत्नाराम परब, वय ५६ वर्षे

पत्ता : व्यापार, रा. रविकिरण, ५८/२६२५, गांधी नगर

बँक ऑफ महाराष्ट्र जवळ, ठाणे-पूर्व

मुंबई - ४०००५७, पॅन नं. AAKPP0033C ..... खरेदी देणार

यांणे खरेदीखत लिहून देतो की :-

१) खालील वर्णनाची जप्त मौजे मुरुड, ता. दापोली येथील गट नं. ४१६, एकूण क्षेत्र १.२५.४० हेक्टर आर आकारणी ४.६२.१५ हे.आर क्षेत्राची सविस्तर मिळकत पिनकोडी इमारतीची साडे बारा मालकी तत्वावरची सिध्दसाठ आहे. सदरची जमिन मी दिनांक १९.३.२०१९ रोजीचे मा. दुय्यम निबंधक दापोली यांच्या

दस्त क्रमांक
२७१८ सन २०१०

THE SEAL OF THE SUB-REGISTRAR DAPOLI

कार्यालयात नोंदलेले खरेदीखत दापल/१८२९ नुसार नमाद रामाराम आदे, यांचेकडून त्यांचे मौजे ५/१२ वर स्वतंत्र मालकीची दर्शवून नमूद केल्याप्रमाणे खरेदी केलेली जमिन मालमत्ता, यांचेवर अक्षरशीलतु, कर्ज असोसे अगर अन्य कोणतेही बोजे नसल्याचे सांगितले आहे.

सदर मिळकत विकण्याचा, विक्री करण्याचा व उपभोग घेण्याचा मला पूर्ण हक्क व अधिकार आहे. सदर माझे मालकी हक्काबद्दल मिळकत मी विकण्याचे ठरविले व ही चांगली खरेदी देणार तुम्हास समजल्यावरून तुम्ही सदर मिळकत घेण्यास व याजबद्दल किंमतीस विकत घेण्याचे ठरविले व प्राप्त परिस्थितीत सदर एकूण खरेदी रक्कम रु. १,३०,०००/- (रु. एक कोटी तीस लाख मात्र) मला (खरेदी देणार इसमांना) योग्य वाटल्यामुळे पुढे तपशिलात वर्णन केलेली मिळकत मी तुम्हास विकण्याचे ठरविले.

२) ही तुम्हास खाली खुणखरेदी देत असलेल्या मिळकतीचे वर्णन पुढीलप्रमाणे :-

तुमची व मिळकत, जिल्हा परिषद रत्नागिरी, पोट मुकदमी खालकर दापोली, पंचायत समिती दापोली, मे. दुय्यम निबंधक साहेब दापोली, ग्राम पंचायत दुकम, तलाठी सजा मुरुड यांचे हद्दीतील मौजे मुरुड या गावातील निवासी व वाणिज्य वापरची बिनशेती मिळकत

| गट क्रमांक व उपविभाग | क्षेत्र हे.आर | आकार रु.पै. | शेतीचे प्रयोजन नाव |
|---|---|---|---|
| ४४६ | १.२२.१०<br>०.०१.५०<br>१.२३.६० | ४.९६ | मुंग |

| | | | |
|---|---|---|---|
| यापैकी भाडे पाळकीचे गुम्मास खरेदी देत असलेले विनशेती क्षेत्र | ०.४०.९७<br>०.०१.१७<br>०.४२.१४ | ०.१९ | |

सदर ०.४२.१४ चे आर मिळकतीस चतुःसिमा :

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| पूर्वेस | गट नं. ४५४ ची जमिन |
| पश्चिमेस | अरुणा नदी |
| दक्षिणेस | गट नं. ४४९ मधील जमिन क्षेत्र |
| उत्तरेस | गट नं. ४४८ पैकी जमिन क्षेत्र |

येणेप्रमाणे मिळकतीचा तपशिल आहे. सदर वर्णनाचे मिळकतीचे खाली या खाली सोयीसाठी मिळकत असे संबोधले आहे.

सदर मिळकतीबाबत दि. ०५.०१.२०२० रोजी आपले दरम्यान खरेखत झाले होते त्याप्रमाणे सदर संपूर्ण रक्कमेचे चेक देण्यात आले होते. त्यास काही अपरीहार्य कारणास्तव व कोरोना संसर्गामुळे सदरचे खरेदीखत नोंदणी होवू शकले नाही. त्या अनुषंगाने आज रोजी सदर नोंदणीकृत खरेदीखताने पूर्तता करीत आहोत.

१) वर नमूद केलेली मिळकत मी तुम्हास हया खरेदीखताने सदर मिळकतीचे कोणत्याही कर्जास गहाण न देणेचा रक्कम रु. १,१०,००,०००/- (रु. एक कोटी दहा लाख मात्र) चा खरेदी लिमिटेड, मोतदस्थापैकी, दस्तपात्र वायदा व खुमखरेदी विकेली आहे. मोबदलयापोटी रक्कम रु. १,१०,००,०००/- (रु. एक कोटी दहा लाख मात्र) ही रक्कम खाली खालीलप्रमाणे मोहोच केली आहे.

रु. ५,००,०००/- रु. पाच लाख मात्र ही रक्कम बँक ऑफ महाराष्ट्र शाखा शेंडे या बँकेचे तुमचे खातेवरील चेक नं. ..... चे चेकने सदर पोहोच केली आहे.




रु. ५०,००,०००/— रु. पन्नास लाख मात्र ही रक्कम बँक ऑफ बडौदा शाखा खेड या बँकेचे तुमचे खातेवरील बँक ने ..... चे चेकने सदर पोहोच केली आहे.

रु. ५५,००,०००/— रु. पंचावन्न लाख मात्र ही रक्कम बँक ऑफ बडौदा शाखा खेड या बँकेचे तुमचे खातेवरील बँक ने ..... चे चेकने सदर पोहोच केली आहे.

रु. १,१०,००,०००/— रु. एक कोटी दहा लाख मात्र

३) सदर जप्तीची जमीन मिळकतीचे तुम्हांस स्थानीक जाहनाठ, जंजपूण, जवळ प्राकाशे, निपानिचेप, दगडधोंडा, झाडी, पाटदाणी, खरीवा, पेडउंचावा, दाडी, गिरदस्ती, आदि कायम जोडीतील स्थावर वस्तू आणि प्रत्यक्षित सर्व इमारतीसह सदरचे इमारतीच्या इमारतीसहसुद्धा सर्व खरेदीखताने तुम्हांस खरेदी दिलेली आहे.

४) मिळकतीचा सरीत प्रभाणे संपूर्ण भोगवटा स्वीकारला असुन मिळकतीच्या संपुर्ण सिमापूर्वक हद्दी आपणांस दाखवून व खाती करून देवून मिळकत प्रत्यक्ष आपले ताब्यात व कब्जात दि. ०५.०१.२०२० रोजीच दिलेली होती व आहे. तेव्हापासून मिळकतीत तुमचेच हक्क, कब्जा व वहीवाट चालू होती व आहे आणि तेव्हापासूनच तुम्ही मिळकतीबाबतची सर्व जबाबदारी पाहात आलात.

५) आता यापुढे सदरच्या आपणांस खरेदी दिलेल्या मिळकतीकडे माझा अगर माझे वारसदार, प्रतिनिधी, मुखत्यार, भाडेकरू, भोगवट, इस्टेट व्यवस्थापक अगर कोणत्याही मालकीचे दावकलेम



या दिवसांपर्यंत शहानिशा न झाल्यास मिळकतीचे तुमचे आता संपूर्ण गहाण झाला असेल.

७) सदर मिळकत ही संपूर्णपणे बोजामुक्त असून सदर मिळकतीवर कोणत्याही बँकेचा, वित्तसंस्थेचा, पतसंस्थेचा अगर कोणत्याही व्यक्तीचा कोणत्याही प्रकारचा बोजा, बक्षीसपत्र, हिस्सेदार व अधिकार हितसंबंध नसल्याची व नाही असल्याबाबत सक्षम अधिकाऱ्याकडील रीतसर नोंदी करण्यात आलेल्या आहे. सदर मिळकतीवर कोणत्याही प्रकारची व कोणाचीही खुल्या बाजारात नसल्याचे नोंदी.

८) सदर मिळकतीबाबत अथवा त्यामध्ये कोणत्याही प्रकारची देणेघेणे असल्यास तसेच मंदीसेवेची तारीख अगोदर कोणत्याही प्रकारची अडचणीची ठरल्यास.

९) कायदा आणि सरकार मिळकतीबाबत सरकार पक्ष, मिळकतीस, संपादित केलेले सदर मिळकतीचा प्राप्त सदर मिळकतीचा आपले नजीकच्याने कार्यक्षेत्रात व जाहिरातीमध्ये प्रसिद्धीसाठी संबंधितांनी आपले मार्गदर्शनार्थ उपयोगात आणा.

१०) सदरची मिळकतीस आज सदरचे जाहिरातीची तुमची तुमचे मालकी पोट कब्जा व्यापी. त्यासाठी हे जाहिरातीस दोन साक्षी अंतिम असतील व असतील आहे. जाहिर वर वेगळी कबुली तुमची कोणताच ती विक्रीकायदा, विक्रीपत्रक, विक्रीकायदा, विक्रीपत्रक देणे.

११) सदर मिळकत घेता खरेदी देणेघेणेचा व्यवहार तुमचे आहे करण्यात यावी.

१२) सदर मिळकत कोणत्याही व्यक्तिगत कायदासाठी संपादन कार्यक्रमात प्रसिद्ध झाला सूचना घरगुती मिळालेल्या नाहीत असल्यास सदर जाहीर मिळकत कोणत्याही संपादन करणे बेकायदेशीर



नाही. सदरचे सदर मिळकत करमुक्त वन म्हणून घोषित केलेली नाही. सदर मिळकतीस कोणत्याही प्रकारे सवलत नाही. सदरचे सदर मिळकतीत कोणत्याही कोणत्याही प्रकारचे बांधकाम, दुरुस्ती, भोगवटदार बदलणे व नाहीसा.

१३) सदर कोणा मिळकत, निर्वेध मिळकतीचा घरफळा भोगवटदाराकडे रक्कम रु चालू आकारणीप्रमाणे. योग्य दिसत असून उपलब्ध असलेल्या भोगवटदाराने भरलेली रक्कम ही योग्य व बरोबर आहे. खरेदीखतास योग्य ती मुद्रांक फिस आहे. रजिस्ट्रेशनचे योग्य ते नोंदणी शुल्क भरलेले आहे. सदर भोगवटदाराची पूर्ण रक्कम मुळा आपणांकडून वरील वर्णनाप्रमाणे पोहोच झाली आहे. आता भोगवटदाराकडे काहीही देणे राहीलेले नाही.

१४) सदरचे खरेदीखताचे रजिस्ट्रेशनपासून आजेरपर्यंतचे सर्व खर्च पूर्ती केलेले आहेत.

१५) सदर दस्तात नमूद केलेली सर्व माहिती ही खरी व बरोबर आहे. जर दस्तात नमूद केलेली माहिती व दस्तऐवजात नोंदणीकरीता लोडलेले कागदपत्र यांमध्ये खोटे व माहिती चुकीची असल्यास त्याची सर्वस्वी जबाबदारी खरेदी देणार आणि खरेदी घेणार यांची राहणार आहे.

१६) सदरची मिळकत मा. उपविभागीय अधिकारी यांचेकडे यांचे आदेश एलएनए/ एसआर/१९९/२०१७ दि. १३/१२/२०१७ रोजीचा आदेशानुसार निवासी व वाणिज्य वापरकरीता बिनशेतीकडे वर्ग करण्यात आली आहे. तसेच सदर मिळकतीमध्ये मा. उप विभागीय अधिकारी पनवेल यांनी सदर मंजूर ले-आउट प्लॉटला मंजूर असे ६०३.६८ चौ.मी. एवढया क्षेत्राचे बांधकाम मुख्य मालक विभास साठे यांचे नावे मंजूर केलेले असून प्रस्तावित बांधकामाचा आराखडा देखील मंजूर केलेला आहे. सदरचा आदेश योग्य झोडला आहे.

THE SEAL OF THE SUB-REGISTRAR
SURPOLI

२७) सदरचे खरेदीखत मी तुम्हांस स्वतःच्याकरता दुसऱ्यांनी व राजीखुषीने साक्षीदारांसमक्ष सही करून लिहून दिले आहे. सदरचे खरेदीखत आपणा उभयतांचे चालीरीतीप्रमाणे लेखनकरून आहे व वाचीले.

दस्तऐवज : अनिल दत्ताराम परब : ...



साक्षीदार सही :

सदानंद गोपाल कदम
खरेदीखत लिहून घेणार



अनिल दत्ताराम परब
लिहून देणार.

महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसूल अधिनियम अधिनियम अटि पोटनियम क्रमांक सातचे व मुद्रांकित होण्याचे नियम १९६१ चे नियम ३५ (१) पहा]

गाव :- मुक्ताई (५६४८८४) तालुका :- दापोली जिल्हा :- रत्नागिरी

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| भूमापन/सर्वेक्षण क्रमांक: | ४४५ | | | | | | |
| पुनर्भूमापन गट क्रमांक: | पोटखराब वर्ग -२ | | | | | | गावाचे दप्तरीचा गाव : |
| क्षेत्र, एकक व आकारणी | खाते क्र. | भोगवटादाराचे नाव | क्षेत्र | आकारणी | चौ मी | कोणार क्र. | फेरफार, खंड व इतर अधिकार |
| हेक्टर-आर एकक हे.आर.चौ.मी | १४५८६ | सदाशिव रामजी गावंड | ०.४०.१६ | ०.२९ | ०.०१९६ | (१८९५) | फेरफार नोंद व शेरा |
| जा.मा.नं.८६ ४०-८ ३५ | १४५१६ | [illegible] | ०.३०.२० | ०.२६ | ०.०१४८ ] | (२८२५) | शेरा अभिलेख |
| शिरपड ०.१६.३० | | | | | | | |
| दाबाळ ०.३४.६० | १४५०० | सखिने सुलता खडाल | | | | (१३५८) | फेरफार नोंदवहीत : गावी. |
| एकूण ०.५२.०० | | सुनिल सुलता खडाल | | | | (१३५९) | |
| | | ——सदाईक क्षेत्र—— | ०.४०१४ | ०.११ | ०.०१५८ | | तोडपत्रक फेरफार क्रमांक - २२१५ व दिनांक - |
| नद.डी. शेत १.२२.१० | | | | | | | ०१/०३/२०२१ |
| | १४८८३ | सदाशिव रामजन्न फडस | ०.३०.१० | ०.२६ | ०.०११८ | (२४२३) | |
| पोट पीटकाव क्षेत्र | | | | | | | |
| (लागवड उजोग्य) | | | | | | | |
| पाणी (अ) ०.०३.५० | | | | | | | |
| पाणी (ब) - | | | | | | | |
| २४७० | | | | | | | |
| पो पा क्षेत्र ०.०३.५० | | | | | | | |
| एकूण क्षेत्र १.२६.५० (अ+ब) | | | | | | | |
| आकारणी २.१८ | | | | | | | |
| जुडी किंवा आकारणी शेरा | | | | | | | |
| चुकीने फेरफार म : [illegible] | | | | | | | सक्षम प्राधिकारी यांचे |

महाराष्ट्र जमीन महसूल नियम १९७१ (वि. क्र./कावि/कार्या१/२०२१) अन्वये तयार केलेली ही प्रत ई-फेरफार प्रणालीद्वारे तयार करण्यात आली आहे.
सूचना: सदर प्रत डिजिटल स्वाक्षरीत असल्याने कोणत्याही बदलासाठी मूळ प्रत ग्राह्य धरली जाईल. प्रत्यक्ष स्वाक्षरी नसलेली प्रत अधिकृत समजू नये.
प्रतिलिपी mahabhulekh.maharashtra.gov.in या संकेतस्थळावर उपलब्ध आहे.
सदर उतारा दि. ०३/०३/२०२१ रोजी ०९:२३ AM वाजता ई-फेरफार प्रणालीवरून https://digitalsatbara.mahabhumi.gov.in/dsm/ या संकेतस्थळावर उपलब्ध करण्यात आला.

पृष्ठ क्र. ५२

## गाव नमुना बारा (पिकपाहणी)

[शेतजमीन जमीन महसूल अधिनियम, १९६६ अधि नियमावली, २०१५ नियम ३२ (१) (ब) (एक) पहा]

गाव :- पुनवत (पु.मा.को.) तालुका :- खटावली जिल्हा :- रत्नगिरी

गट क्रमांक व उपविभाग :- ४५५

| वर्ष | हंगाम | खातेदाराचे नाव | पिकाखालील एकूण क्षेत्र | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | केवळ पिके घेतलेले क्षेत्र | | | फळझाडे व वृक्षाच्छादनाखालील क्षेत्र | | | पिकांचे निव्वळ क्षेत्र | | | लागवडीखाली असलेले एकूण क्षेत्र | | पोट खराबाचे क्षेत्र | शेरा |
| | | | | | | पिकाचे नाव | पाण्याचे सिंचित | पाण्याचे असिंचित | पिकाचे नाव | पाण्याचे सिंचित | पाण्याचे असिंचित | स्वरूप | क्षेत्र | | |
| (१) | (२) | (३) | (४) | (५) | (६) | (७) | (८) | (९) | (१०) | (११) | (१२) | (१३) | (१४) | (१५) | (१६) |
| | | | | | | | ०.००.०० | ०.००.०० | | ०.००.०० | ०.००.०० | | ०.००.०० | | |
| २०२३-२४ | खरीप | | | | | | | | | | | पक | १.२३.० | | |
| २०२२-२३ | खरीप | | | | | | | | | | | पक | १.२३.० | | |
| २०२१-२२ | खरीप | | | | | | | | | | | पक | १.२३.० | | |

टीप :- (१) - विभाग क्रमांक, (२) - गट क्रमांक विभाग, (३) - उपविभाग क्रमांक

Annexure-R1/4

NOTE TO MOEFCC REGARDING LETTER DATED 13/05/2021 RECEIVED FROM DR. KIRIT SOMAIYA, FORMER MEMBER OF PARLIAMENT TO MOEFCC REGARDING COMPLAINTS ON ILLEGAL CONSTRUCTION OF RESORT AND ROAD IN CRZ/ESZ AT SEA SHORE OF VILLAGE MURUD, TEHSIL DAPOLI, RATNAGIRI DISTRICT, MAHARASHTRA

Background: Dr. Kirit Somaiya, former Member of Parliament has addressed a letter dated 13/05/2021 to the Hon'ble Minister of Environment, Forest and Climate Change, Government of India, in which Dr. Kirit Somaiya has mentioned that he has received several complaints about the blatant violation and illegal construction of Sai Resort Annex (Sai resort) and adjacent road and also the access to the "main entrees" of Sai Resort directly on the sea shore of survey No. 446 in Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra.

2. In this regard, NCSCM scrutinized the CRZ maps, based on the available documents and the findings are given below.

   a) The site in question in survey No. 446, Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra, falls in the approved Coastal Zone Management Plan (CZMP) Map no. MH 45 / Sheet No. E43N1/SW, of Ratnagiri District, Maharashtra, prepared as per CRZ Notification 2011 and the same has been published by the Maharashtra Coastal Zone Management Authority (MCZMA) and is available at: https://mczma.gov.in/sites/default/files/ MYSCAN_20181017_0011.pdf.

   b) As per the approved CZMP, the site and survey No. 446, Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra falls in the "No Development Zone (NDZ)" in CRZ-III, i.e., within 200 metres on the landward side of High Tide Line.

   c) The updated draft CZMP of the site (Map no. MH 45 / Sheet No. E43N1/SW), prepared as per CRZ Notification, 2019 showing survey No. 446 in the NDZ has also been published by the Maharashtra Coastal Zone Management Authority (MCZMA) and is available at: https://mczma.gov.in/sites/default/files/Draft%20CZMP%_20Ratnagiri%2022-1-2020-29.pdf and the same can be referred to.

   d) As per the "Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation by tourists or visitors with prior approval of the Ministry of Environment and Forests" given in Annexure – III of the CRZ Notification 2011, Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourists or visitors shall be subject to the following conditions, namely:-

      *(a) "The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line".*



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e) The above condition has been violated by the Sai Resort, by constructing buildings, roads and other structures within 200 metres in the landward side of High Tide Line (NDZ), as can be seen from the approved CZMP (2011) and draft CZMP-2019 of the site and from the analysis of sequential Google images, given in Appendix-1 below.

f) From the time series Google earth images given in Appendix-1, it is seen that the construction works started in the year 2017 (after January, 2017) and was completed in November 2020.

**3. Recommendations**: From the approved CZMP, it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III. The said Sai Resort, including the buildings, roads and other structures have been constructed within 200 metres in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III. A site visit may be undertaken in the near future by a team of officials including representatives from MCZMA, Mumbai, to ascertain the facts and to submit a detailed report, if necessary.

**********

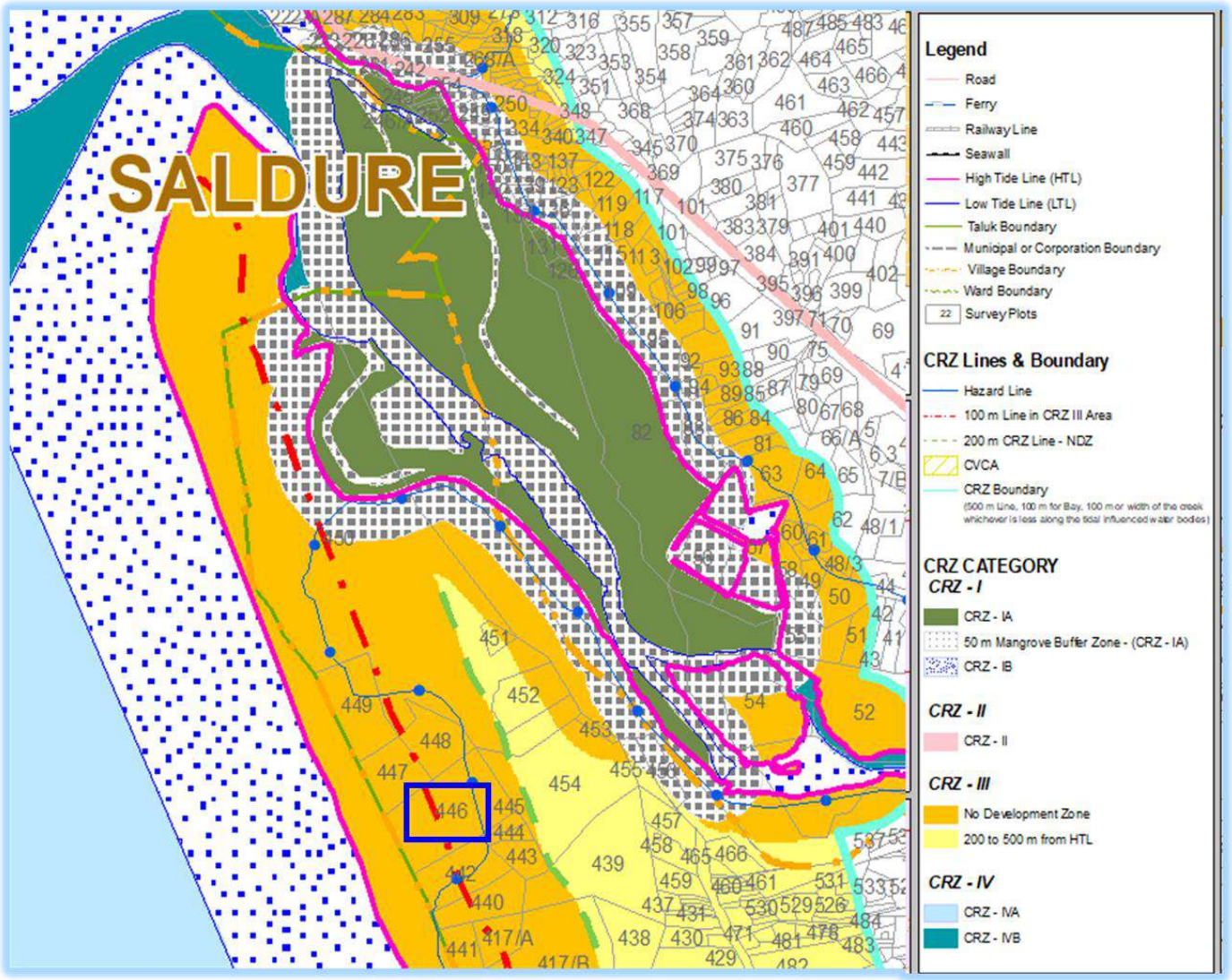


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Annex – 1

## Approved CZMP – 2011 (Map no. MH45, Sheet No. E43N1/SW)

Survey No. 446 (shown in blue square) falls within NDZ in CRZ-III.

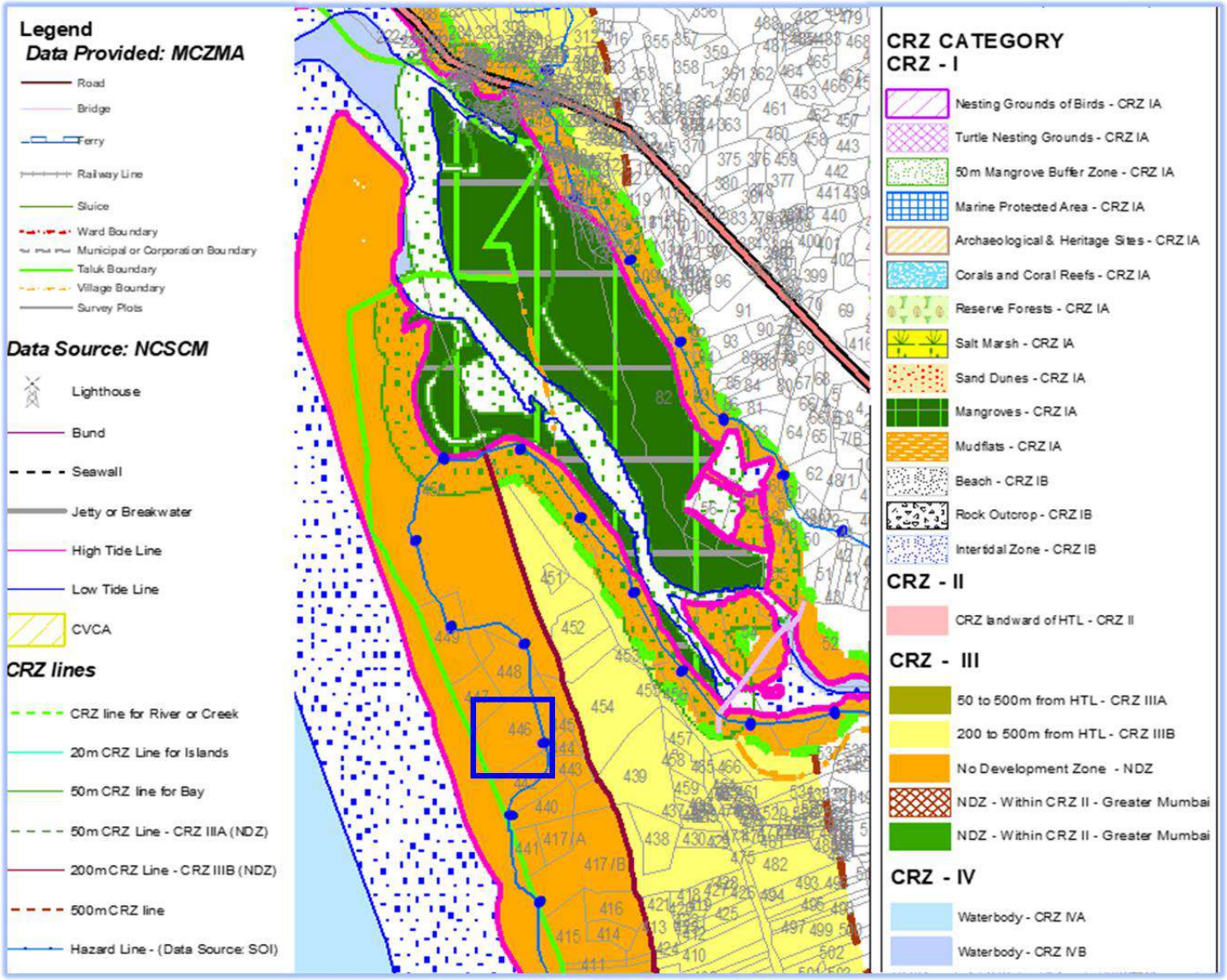





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## Updated Draft CZMP – 2019 (Map no. MH45, Sheet No. E43N1/SW)

Survey No. 446 (shown in blue square) falls within NDZ in CRZ-III.






Generated from eOffice by VIJYA KASHYAP, Asso legal(VK)-IA-III, ASSOCIATE (LEGAL) - C, MOEFCC on 22/03/2023 08:33 PM

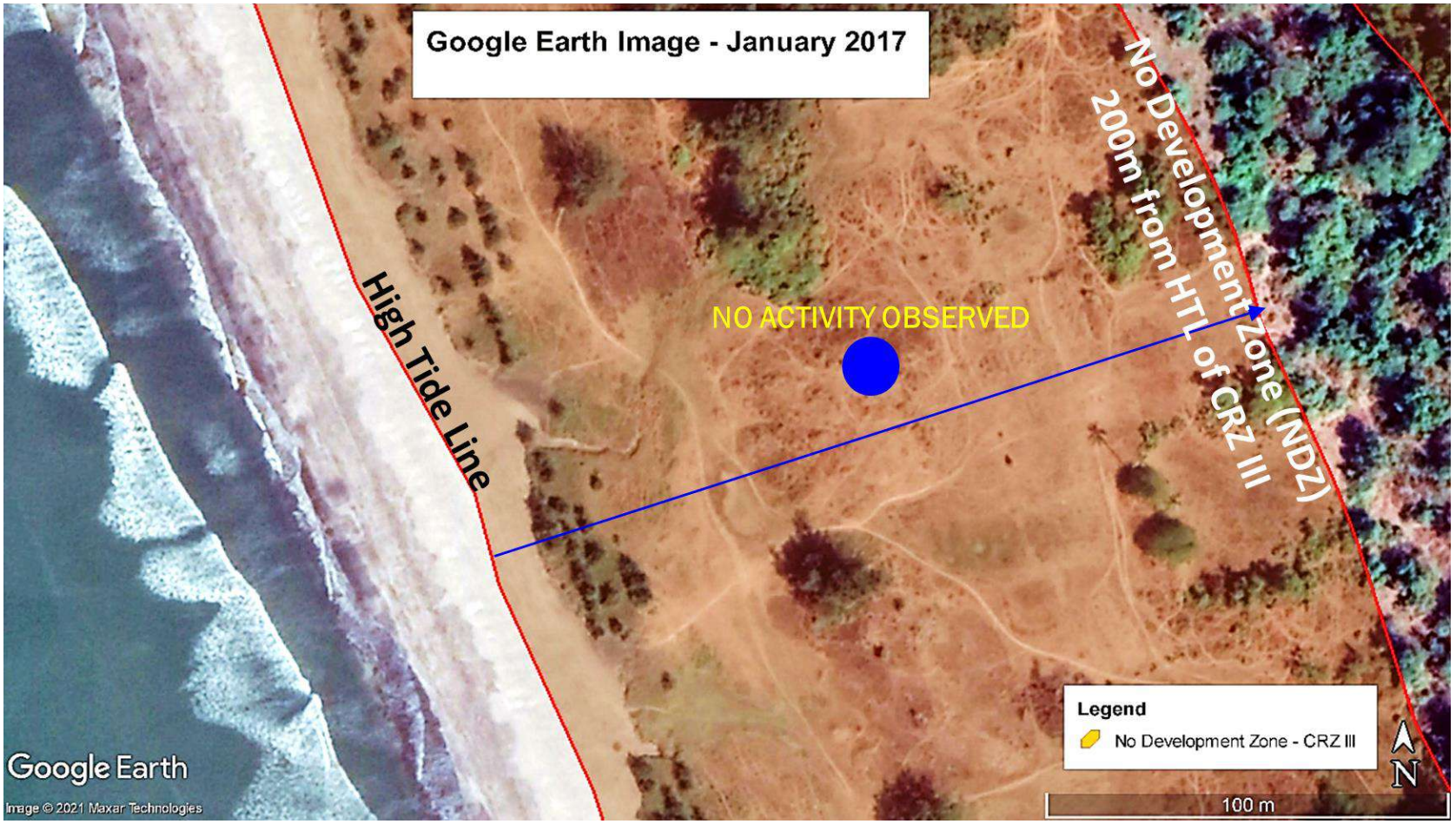
## Google Earth Image January 2017






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Google Earth Image January 2017 indicating High Tide Line, NDZ of 200m in CRZ III and the project site – No activity is observed in January 2017 within the No Development Zone






Generated from eOffice by VIJYA KASHYAP, Asso legal(VK)-IA-III, ASSOCIATE (LEGAL) - C, MOEFCC on 22/03/2023 08:33 PM

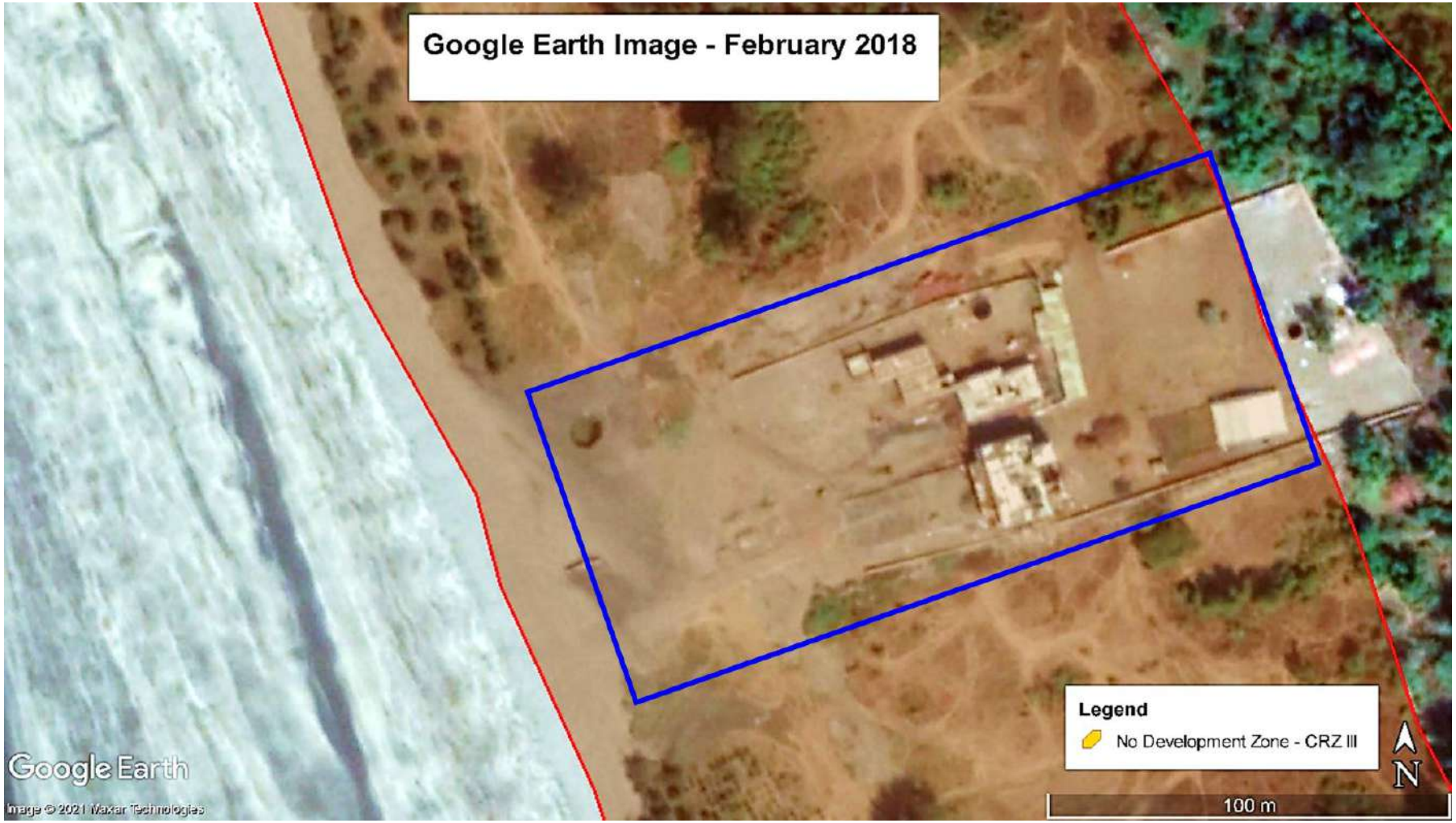
Google Earth Image December 2017 indicating with construction activity observed on site within the No Development Zone






Generated from eOffice by VIJYA KASHYAP, Asso legal(VK)-IA-III, ASSOCIATE (LEGAL) - C, MOEFCC on 22/03/2023 08:33 PM

Google Earth Image February 2018 indicating with increased construction activity observed on site within the No Development Zone






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Google Earth Image March 2019 indicating with increased construction activity observed on site within the No Development Zone






Generated from eOffice by VIJYA KASHYAP, Asso legal(VK)-IA-III, ASSOCIATE (LEGAL) - C, MOEFCC on 22/03/2023 08:33 PM

Google Earth Image November 2020 indicating with increased construction activity observed on site within the No Development Zone






Generated from eOffice by VIJYA KASHYAP, Asso legal(VK)-IA-III, ASSOCIATE (LEGAL) - C, MOEFCC on 22/03/2023 08:33 PM

Google Earth Image November 2020 indicating with increased construction activity observed on site with access road (indicated as yellow box)






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भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

Integrated Regional Office
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
E-mail: apccfcentral-ngp-mef@gov.in

**F.No. VIP-39/RON/2021-NGP/** 8152 **Date: 14.06.2021**

To,
The Additional Director
CRZ Section, IA Division
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan, Aliganj,
Jorbagh Road, New Delhi-110003

**Sub**: VIP Reference received pertaining to the illegal construction of resort and road in CRZ/ESZ at Sea Shore of Murud, Tehsil Dapoli, Ratnagiri, Maharashtra-reg

**Ref**: Letter dated 09.06.2021 received from CRZ Section, IA Division, MoEF&CC, New Delhi

Sir,

I am directed to invite your kind attention to the subject matter. The site inspection of the resort and road mentioned in the subject matter has been carried out by undersigned on 12.06.2021. The inspection report is enclosed herewith as Annexure-A.

This issues with the approval of the Regional Officer, IRO, MoEF&CC, Nagpur.

A. Suresh Kumar 14/06/2021
Suresh Kumar Adapa
Scientist 'D'

1/15

**Annexure-A**

**Site inspection report of representations received on " Illegal Construction of resort and road in CRZ/ESZ" at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra**

The CRZ section of IA Division, MoEF&CC vide letter dated 9th June 2021 forwarded the representations received from Shri. Manoj Kotak, Member of Parliament (Lok Sabha), Shri. Gopal Shetty, Member of Parliament and Dr. Kirit Somaiya, Former Member of Parliament on "Illegal Construction of resort and road in CRZ/ESZ" at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra". Vide letter it was also instructed to carry out the site inspection for finding out the factual position and submit report to the Ministry. Copy of the letter is enclosed as **Annexure-1**.

This office vide letter dated 10th June 2021 requested the Maharashtra Coastal Zone Management Authority (MCZMA) to depute a representative from MCZMA/Ratnagiri District Coastal Zone Monitoring Committee (DCZMC) for accompanying the undersigned during the site inspection, which was scheduled to be carried out on 12th June 2021. The District Administration, Ratnagiri deputed Shri. Sharad Pawar, Sub Divisional Officer & SDM, Dapoli Division, Dapoli for the site inspection.

The site inspection was carried out on 12th June 2021. Following officials were present during the site inspection:

1. Shri. Suresh Kumar Adapa, Scientist 'D', IRO, MoEF&CC, Nagpur
2. Shri. Sharad Pawar, Sub Divisional Officer & SDM, Dapoli Division, Dapoli (Member of DCZMC)
3. Smt. Vaishali Patil, Tehsildar, Dapoli

Preliminary meeting to discuss the issues raised in the representation was held at SDM Dapoli office. During the meeting it was informed that Non Agriculture permission (subject to conditions) was issued vide letter dated 12.09.2017 to Shri. Vibhas Rajaram Sathe for the construction of residential & commercial building in 4200 sq.m. plot located in Gat no. 446, Mouje Murud, Tehsil Dapoli. Copy of the letter is enclosed as **Annexure-2**.

Later on the team proceeded to Murud and carried out the site inspection.

**Following observations have been made during the site inspection**:

1. There were 2 resorts namely Sai Resort NX and Sea Conch existing in Gat no. 446. Photographs of 2 resorts are as below:

2/15



**Both Resorts**

1. It was observed that both resorts are located in No Development Zone (within 200 meters of the High Tide Line) in CRZ-III area as per CRZ Notification 2011.
2. Photographs showing the proximity of Arabian Sea from the resorts are as follows:



3/15




Sai Resort NX (Ground + 2 Floors)



Sea Conch Resort (G+1+ Covered structure in 2nd Floor)

4/15





5/15



3. The entrance for the resorts is from beach side only. No other entrance was observed during the site inspection.



**Approach road to the resort**

6/15

4. A road was also observed in the side nearby to the resort and it is connecting to the approach road in front of the resort. The road also falls in No Development Zone in CRZ-III as per CRZ Notification 2011.
5. Photographs of the road are shown below:





**Location of the road nearby to the resort**

7/15

6. Time series google imageries showing the road (nearby to the resort) is as follows:




**Imagery dated 29.11.2020**




**Imagery dated 29.03.2019**

8/15




**Imagery dated 28.10.2018**

**Conclusion:**

1. Based on the above, it is concluded that the both resorts (Sai Resort NX and Sea Conch), approach road to the resorts are located in No Development Zone in CRZ-III as per CRZ Notification 2011. The constructions are in violation of CRZ Notification 2011 (Section 8 III (ii) of the Notification).
2. One more road nearby to the resort connecting to the approach road is also in the No Development Zone in CRZ III.

सुरेश कुमार अडापा
SURESH KUMAR ADAPA
Scientist 'D'
वैज्ञानिक 'डी'
SCIENTIST 'D'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय (पश्चिम मध्य क्षेत्र)
Regional Office (WCZ)
नागपुर/Nagpur-440001

9/15

ANNEXURE-A

F. No. 2/11/2021-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
IA-III Division (CRZ)

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003
Dated: 9th June, 2021

To,

The Addl. Principal Chief Conservator of Forests (C),
Ministry of Environment, Forest and Climate Change
Regional Office (WCZ), Ground Floor,
East Wing, New Secretariat Building,
Civil Lines, Nagpur-44000, Maharashtra

**Subject:** Representations received on "Illegal Construction of resort and road in CRZ/ESZ" at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra- regarding

Sir,

Please find attached different representations received on "Illegal Construction of resort and road in CRZ/ESZ at Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra" from different representatives as under:

I. Shri Manoj Kotak, Member of Parliament (LoK Sabha)
II. Gopal Shetty, Member of Parliament
III. Dr. Kirit Somaiya Former Member of Parliament

2. This issue has been examined by NCSCM, Chennai and based on the information available they have given a report which is enclosed for your reference.

3. Hon'ble MEFCC has desired that a site-inspection is carried out by RO at the earliest to find out a factual position and a report is submitted to Ministry.

4. In view of the above, it is requested to visit the site and submit a factual report to this Ministry at the earliest for appraisal to Hon'ble MEFCC.

**Encl.: As above.**

Yours faithfully

(Dr. H. Kharkwal)
Additional Director &
Member Secretary CRZ

O/C

Letter sent by Speed Post on 08/6/21. Paper with enclosure.

10/15

ANNEXURE - 2

क्रमांक/एलएनए/एसआर/१२२/२०१७
उपविभागीय अधिकारी यांचे कार्यालय
दापोली दिनांक :- १२/०१/२०१७

**वाचले :-**

१.श्री.विभास राजाराम साठे मु.पो.मुरुड यांचा दिनांक २१/०७/२०१७ रोजीचा प्राप्त अर्ज

२.मंडळ अधिकारी बुरोंडी यांचेकडील अहवाल जा.क्र.बा.नं.९२/२०१७ दिनांक ३१/०७/२०१७

३.महाराष्ट्र जमिन महसुल अधिनियम १९६६ चे कलम ४४ व महाराष्ट्र जमिन महसुल (जमिनीचे वापरात बदल व अकृषिक आकारणी) नियम १९६९

४.मा.जिल्हाधिकारी रत्नागिरी यांचेकडील आदेश क्रमांक/महसुल/कार्या६अ/इ.बांध.पर/एलएनए/एसआर/ २०१६ दिनांक ०८/०२/२०१६

**प्रस्तावना :-**

१.मौजे **मुरुड ता.दापोली** येथील **गट नं.४४६ क्षेत्र १२६४० चौमी** क्षेत्र असलेली जमिन **श्री.विभास राजाराम साठे वगैरे ५** यांचे मालकीची आहे.**अर्जदार** यांनी त्यांचे हिश्याचे **४२०० चौ.मी**.क्षेत्राची जमीन **निवास व वाणिज्य** या अकृषिक कारणासाठी उपयोगात आणणेकरीता बिनशेती परवानगी मिळणेबाबत अर्ज केला सादर आहे.

२.या अर्जकामी केलेल्या चौकशीत असे आढळुन येते की,

१.सदर जमीनीचे श्री.विभास राजाराम साठे वगैरे ५ वहिवाटधारक आहेत.

२.सदर जमीन संपादीत नाही अगर शासकीय किंवा सार्वजनिक उपयोगासाठी नजीकच्या काळात संपादन करण्याची शक्यता नाही.

३.अर्जदारने नगरयोजना मुल्यांकन खात्याकडुन इमारतीचा नकाशा हजर केले आहेत.

४.अर्जदाराने हजर केलेला आराखडा,इमारतीचा नकाशा,महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोगाचे रुपांतर व बिनशेती दस्त ) नियम १९६८ समवेत जोडलेल्या परि.२ व ३ मधील तरतुदीनुसार आहे.अर्जदार यांनी नकाशात दाखविलेप्रमाणे इमारत बांधावयाची असुन त्यात पुर्व परवानगीशिवाय कोणताही बदल करावयाचा नाही.

५.अर्जदाराने सदर जमिन जवळुन जाणा-या विद्युततारेच्या दोन्ही बाजुला पुरेशी मोकळी जागा ठेवली आहे.

६.अर्जदाराने इमारती नियमन व प्रिव्हेंशन ऑफ रिबन डेव्हलपमेंट नियमांचे पालन केले आहे.

७.सदर जमिनीत इतरहक्कसंबंध असलेल्या इसमांची बिनशेती परवानगी देण्यास कोणतीही हरकत नाही.

८.अर्जदारने ज्या अटीवर बिनशेती परवानगी देणेत येईल त्या पाळणेचे मान्य केले आहे.

**टिपणी** :- वर नमुद केलेल्या समक्ष प्राधिका-यांनी जर सशर्त न हरकत प्रमाणपत्र दिले असेल किंवा विशिष्ट अट मंजुरीच्या हुकुमात नमुद करणेबद्दल सुचविले असेल तर सदर अट खालील आदेशातील परिच्छेद ५ मध्ये नमुद करावी.वरील टिपणी विचारात घेता सदर प्रकरणी अर्जदारांच्या विनंतीनुसार बिनशेती परवानगी मंजुर करण्यास कोणतीही हरकत दिसत नाही.

**आदेश :-**

३.उपविभागीय अधिकारी यांना महाराष्ट्र जमिन महसुल अधिनियम १९६६ मधील ४४ च्या कलमानुसार प्रदान केलेल्या शक्तीचा वापर करुन **श्री.विभास राजाराम साठे** यांना मौजे **मौजे मुरुड ता.दापोली** येथील **गट नं.४४६ पैकी त्यांचे हिश्याचे ४२०० चौ.मी**.क्षेत्राची जमिन **निवास व वाणिज्य** या अकृषिक कारणासाठी खालील शर्तीवर बिनशेती परवानगी देण्यात येत आहे.

१.देण्यात आलेली परवानगी महसुल अधिनियम व त्याखाली केलेल्या नियमातील तरतुदीच्या आधीन राहुन देण्यात येत आहे.

२.ज्या कारणाकरीता परवानगी देण्यात आली आहे त्या कारणाकरीताच सदर जमिनीचा व जमिनीवरील बांधकामाचा उपयोग करावा.त्या क्षेत्राचा किंवा त्यापैकी काही भागाचा परवानगी देण्यात आलेल्या कारणाव्यतिरिक्त इतर कारणासाठी वापर जिल्हाधिकारी-उपविभागीय अधिकारी यांच्या परवानगीशिवाय करता कामा नये.याकरिता जमिनीवरील इमारतीचा ज्या कारणासाठी वापर होत असेल त्यावरुन जमिनीचा वापर कोणत्याही कारणासाठी होते हे ठरविणेत येईल.

11/15

३.परवानाधारकाने संबंधित क्षेत्राचे किंवा [illegible] मान्य करण्यात आले असल्यास उपभोगाचे विभाजन परवानगी देणा-या अधिका-याकडुन सदर उपविभाग मंजुर घेतल्याशिवाय करण्याचे नाही.

४.परवानाधारकाने मंजुर केलेल्या आराखडयानुसार संबंधित जमिनीची आदेशातील तारखेपासुन १ वर्षाच्या मुदतीत जिल्हाधिकारी-उपविभागीय अधिकारी यांना योग्य वाटेल त्याप्रकारे रस्ते बांधुन सांडपाणी वाहुन नेणारा नळ बांधुन,भुमापन खात्याकडुन मोजणी करुन व त्यानुसार विभाग कमी जास्त करुन काटेकोरपणे विकास करावा आणि जोपर्यंत तसा विकास करण्यात येणार नाही तोपर्यंत सदर क्षेत्रातील विभागाचे कोणत्याही प्रकारे हस्तांतर करु नये.

५.जर परवानाधारकाने सदर जमिन विकणे अथवा अन्य प्रकारचे हस्तांतरण केले तर सदर विक्री अथवा हस्तांतर या आदेशातील अटीनुसार केले पाहिजे व त्याचे खरेदीखतात त्याबद्दलचा स्पष्ट उल्लेख केला पाहिजे.

६.जमिनीच्या आराखडयात दाखविलेप्रमाणे क्षेत्र बिनशेतीकडे वर्ग होत आहे.

| AREA STAREMENT | SQMT |
|---|---|
| 1. AREA OF PLOT (GUT NO.446) | |
| a) AREA AS PER 7/12 | 4214.00 |
| b) AREA AS PER SURVEY | |
| 2. DEDUCTION FOR | |
| a) ROAD ACQUISITION AREA | - |
| b) PROPOSED ROAD | - |
| c) ANY RESRVATION | - |
| TOTAL (a+b+c) | - |
| 3.NET GROSS AREA OF PLOT (1-2) | 4214.00 |
| 4.DEDUCTIONS FOR AMENITY SPACE IF ANY DEDUCTIONS FOR 10% OPEN SPACE | |
| 5.NET PLOT AREA | 4214.00 |
| 6.ADDITION OF AREA FOR F S I IF ANY (a) (b) | - |
| 7.TOTAL AREA (5+6) | 4214.00 |
| 8.NORMAL F S I PERMISSIBLE + F S I PERMISSIBLE WITH PAYMENT OF PREMIUM | 1.00 |
| 9.PERMISSIBLE BUILT-UP AREA | 4214.00 |
| 10.EXISTING BUILT-UP AREA | - |
| 11.PROPOSED BUILT-UP AREA | 502.68 |
| 12.EXCESS BALCONY AREA TAKEN IN F S I (AS PER ( c) BELOW) | - |
| 13.TOTAL BUILT UP AREA (10+11+12) | 502.68 |
| 14. F.S.I CONSUMED (13/7) | 0.119 |
| 15.F.S.I BALANCE | 3711.32 |

७.परवानाधारकाने इमारतीचा आराखडा समक्ष अधिका-याकडुन जेथे इमारतीचे नियंत्रण त्याचे अधिक्षेत्रात येत असले तेथे मंजुर करुन घेतला पाहिजे आणि इतर प्रकरणांत त्याने इमारती आराखडे महाराष्ट्र जमिन महसुल नियम (जमिनीच्या उपयोगाचे रुपांतर आणि बिनशेती दस्त) १९३८ मधील परिशिष्ट २ मधील तरतुदीचे काटेकोरपणे पालन करुन तयार केले पाहिजेत आणि ते जिल्हाधिकारी - तहसीलदार यांचेकडुन मंजुर करुन घेतले पाहिजेत आणि मंजुर आराखडयानुसार बांधकाम केले पाहिजे.

८.परवानाधारकाने नॅशनल स्टेट मेजर डिस्ट्रिक्ट - अदर डिस्ट्रिक्ट सडक असलेल्या रस्त्यापासुन योग्य अंतर मोकळे राखले पाहिजे.महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोगाचे रुपांतर व बिनशेती दस्त) नियम १९६८ मधील पर्रिशिष्ट ३ मध्ये.नमुद केलेल्या तरतुदीनुसार लिहिण्याचे आहेत.

९.परवानाधारकाने या आदेशाच्या तारखेपासुन एक वर्षाच्या आत जमिनीचा बिनशेती उपयोग सुरू केला पाहिजे वेळोवेळी सदर मुदत वाढविल्याशिवाय बिनशेती उपयोग सुरु न झाल्यास सदर परवानगी रद्द झाल्याचे समजण्यात येईल.

१०.परवानाधारकाने सदर बिनशेती वापर सुरु केल्याची तारीख अथवा उपयोगात बदल झाल्यास ती तारीख तलाठी यांचेमार्फत तहसीलदार यांचेकडे एक महिन्यांच्या आत कळविली पाहिजे.तसे न केल्यास तो महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोगाचे रुपांतर व बिनशेती दस्त) नियम १९६८ मधील नियम ६ नुसार पुढील कार्यवाहीस पात्र राहील.

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११.ज्याकरिता परवानगी देण्यात आली आहे त्या कारणाकरीता सदर जमिनीचा बिनशेती उपयोग सुरु केल्याच्या तारखेपासुन परवानाधारकाने दर चौरस मीटरला शासनाचे सुधारित दराने सदर जमिनीचा बिनशेती दस्त दिला पाहिजे.जमिनीच्या उपयोगात बदल होतेवेळी जरी पुर्वी आकारण्यात आलेल्या बिनशेती दस्ताची हमी मुदत संपण्याची असली तरीही ते विचारात न घेता बिनशेती दस्त निराळया दराने आकारला जाईल.

१२.बिनशेती दस्ताची **३१/०७/२०१८** रोजी संपणा-या मुदतीकरीता हमी राहील,त्यानंतर कोणत्याही सुधारित दरानुसार सदर बिनशेती दस्त दुरुस्तीस सुधारणास पात्र राहील.

१३.परवानाधारकाने जमिनाचा उपयोग बिनशेतीकरीता सुरु केल्यापासुन एक महिन्याचे आत मोजणी खर्चाची रक्कम भरली पाहिजे.

१४.या आदेशात आणि सनदेत नमुद केलेले क्षेत्र व बिनशेती दस्त,भुमापन खात्याकडुन जमिनीची मोजणी झाल्यावर प्रत्यक्ष आढळुन येणा-या क्षेत्रानुसार दुरुस्तीस पात्र राहील.बिनशेती भुखंड प्रमाणित मोजणीनुसार भुखंड क्षेत्रात फेरबदल झाल्यास त्यानुसार परवानगी घेणे अर्जदार यांचेवर बंधनकारक राहील.

१५.परवानाधारकाने जमिनीचा उपयोग बिनशेती उपयोग सुरु केल्यापासुन तीन वर्षाचे पक्की इमारत आणि किंवा इतर बांधकाम जर असेल तर पुर्ण केले पाहिजे.ही मुदत उपविभागीय अधिकारी हे परवानाधारकाने शासकीय आदेशानुसार बसविलेला दंड भरल्यावर त्यांना आवश्यक वाटल्यास वाढवुन देवु शकतील.

१६.परवानाधारकाने मंजुर झालेल्या आराखडयानुसार इमारतीत उपविभागीय अधिकारी नगरपरिषद महानगरपालिका (जसे असेल त्याप्रमाणे) याची पुर्व परवानगी घेतल्याशिवाय व त्याबद्दलचे आराखडे मंजुर करुन घेतल्याशिवाय कोणतीही वाढ अथवा सुधारणा करता कामा नये.

१७.परवानाधारकाने बिनशेती उपयोग सुरु केल्यापासुन १ महिन्याच्या आत परिशिष्ट ४ मध्ये किंवा महाराष्ट्र जमिन महसुल (जमिनीच्या उपयोग रुपांतर व बिनशेती दस्त) नियम १९६९ ना जोडलेल्या प्रपत्रात या आदेशातील सर्व अटी सनदेत नमुद करुन सनद पुर्ण करुन देण्याचे बंधन राहील.

१८.अर्जदार यांना सदर जमिन कुळ कायद्याने प्राप्त झालेली असल्यास सदर मिळकतीचे अर्जदार यांना हस्तांतरण करावयाचे असल्यास समक्ष अधिका-यांची पुर्वपरवानगी घेतल्याखेरीज सदर मिळकतीचे हस्तांतरण करता येणार नाही.

१९.सदर बिनशेती प्लॉटमधील जागेतच सांडपाण्याची व्यवस्था करणे अर्जदारावर बंधनकारक राहील.

२०.प्रस्तुत भुखंडाबाबत तक्रार आल्यास जमिनमालक यांनी स्वखर्चाने निवारण करणेच्या अटीवर.

२२.नियोजित बांधकामाचे भुखंडातील व अस्तित्वातील बांधकामे धरुन एकुण क्षेत्र भुखंडाच्या निव्वळ क्षेत्राच्या इतके जागेवर कमाल राहिले पाहिजे.

**२३.वरील जागेचा वापर व नियोजित इमारतीचा वापर फक्त नकाशात दर्शविल्यानुसार निवासी व वाणिज्य वापराकरीता करण्यात यावा व बांधकाम मंजुर नकाशाप्रमाणे असावे.**

२४.स्थळदर्शक नकाशावर भुखंडाच्या हद्दीपासुन दर्शविलेली समान अंतरे कायम राखुन इमारतीचे बांधकाम करावयाचे आहे.

२५.नियोजित व विद्यमान इमारतीचे मिळुन बांधकामाची व्याप्ती व एकुण क्षेत्र निव्वळ भुखंड क्षेत्राच्या प्रमाणात व विकास नियंत्रण नियमावलीनुसारच अनुज्ञेय राहील.इमारतीच्या नकाशावर दर्शविलेले भुखंड क्षेत्र,बांधकाम क्षेत्र गणना तक्ते व आकडेमोड अचुक असल्याबाबतची खात्री वस्तुशिल्पकार व विकासक यांनी करावयाची आहे.याबाबत कोणताही वाद निर्माण झाल्यास सर्वस्वी जबाबदारी अर्जदार यांची राहिल.

२६.नियोजित इमारतीचे **बांधकाम इमारत तळ + एक मजल्यापेक्षा जास्त असू नये.**

२७.बांधकाम करण्याच्या भुखंडाच्या हक्काबाबत,हद्दीबाबत काही वाद निर्माण झाल्यास त्याची व इजमेंट राईटबाबतची सर्वस्वी जबाबदारी अर्जदाराची राहील.

२८.नियोजित बाधंकाम करावयाचा भुखंड व त्याचा पोचमार्ग वर्गीकृत रस्तासन्मुख असल्यास संबंधित महामार्ग प्राधिकरणाची परवानगी घेणे अर्जदारास बंधनकारक राहील.

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प्रस्तावित बांधकामामुळे वहिवाटीचे मार्ग,वीजवाहक तारा,नदी नाले,पावसाच्या पाण्याचा प्रवाह इत्यादींना बाधा येत कामा नये व त्यापासुन योग्य ती सामासिक अंतरे सुटत सोडणे अर्जदार यांचेवर बंधनकारक आहे.

३०.नियोजित इमारतीसाठी आवश्यक असणा-या पाण्याची सोय,सांडपाण्याची व मैला निर्मुलनाची व्यवस्था प्रत्यक्ष वापरापुर्वी अर्जदाराने केली पाहिजे व अशी व्यवस्था जवळचे विहिरीपासुन किमान १५ मीटर अंतराबाहेर असणे आवश्यक आहे.नंतरच वापर प्रमाणपत्राकरीता अर्जदाराने अर्ज करावयाचा असुन वरील सर्व मुद्यांची तसेच दिलेल्या बांधकाम परवानगीनुसार बांधकाम असलेची पाहणी करुन प्राधिकरणाने प्रमाणपत्र देणेचे आहे.वापर प्रमाणपत्राशिवाय अर्जदार सदर इमारतीचा वापर करीत नसल्याची खात्री संबंधित प्राधिकरणाने करणेची आहे.

३१.भुखंडांतर्गत असणा-या झाडांची तोड करायची असल्यास संबंधित प्राधिरणाची पुर्वपरवानगी घेण्याची आहे तसेच १०० चौ.मी.साठी एक याप्रमाणे नविन झाडे लावायची आहेत.

३२.नियोजित बांधकामात मंजुरीपेक्षा वेगळे बदल करावयाचे असल्यास पुर्वपरवानगी घेणे अर्जदारास आवश्यक आहे.

३३.अर्जदार यांनी सदर प्रकरणी दिलेली माहिती व कागदपत्रे चुकीची व खोटी आढळल्यास दिलेली परवानगी रद्द समजण्यात यावी.

**३४.विषयांकित जागेतील बांधकाम करताना IS Code १३९२०-१८९३ भुकंप रोधक आर.सी.सी डिझाईननुसार बांधकाम घटकाचे डिझाईन अर्हता प्राप्त स्ट्रक्चरल इंजिनियर यांचेकडुन करुन घेणे आवश्यक असुन त्यांच्या देखरेखीलखाली नियोजित इमारतीचे बांधकाम पुर्ण करणे अर्जदार / विकासकर्ता यांचेवर बंधनकारक राहील.**

३५.बिनशेती क्षेत्रामध्ये येण्याजाण्यासाठी असलेल्या रस्त्याबाबत कोणताही वाद निर्माण झालेस त्याचे निवारण अर्जदार यांनी स्वखर्चाने करावयाचे आहे.

३६.सदर जागेतुन अंडर ग्राउंड गॅस पाईप लाईन अथवा विद्युत लाईन जात असल्यास सदरची माहिती गॅस पाईप लाईनपासुन संबंधित प्राधिकरणाने विहित केलेल्या नियंत्रण रेषेमुळे सदरची बांधकामे बाधित होत आहेत किंवा कसे ? याबाबत संबंधित प्राधिकरणाच्या ना हरकत दाखल्यानुसार सदरची बांधकाम परवानगी अनुज्ञेय राहील.

३७.इमारतीचे बांधकाम करताना अग्नीशमनाचे व अग्नीपासुन सुरक्षतेकरीता नगरपरिषदांकरिता आणि नगरपंचायतीकरीता शासनाने लागु केलेल्या सुधारित विकास नियंत्रण नियमावलीतील भाग सहा आणि नॅशनल बिल्डींग कोड ऑफ इंडिया मधील भाग चार तरतुदीनुसार बांधकाम करणे अर्जदारास बंधनकारक आहे.

३८.बिनशेती आदेशात नमुद केलेली मोकळी जागा/ रस्ते स्थानिक प्राधिकरण/महाराष्ट्र शासन यांचेकडे हस्तांतरीत झाल्याशिवाय सदर भुखंडमध्ये बांधकाम करता येणार नाही.

**३९.सदर प्रकरणी नगररचनाकार रत्नागिरी यांनी शिफारस शासनाने मंजुर केलेल्या प्रमाणित विकास नियंत्रण व प्रोत्साहन नियमावलीतील तरतुदीनुसार केलेली असल्याने प्रत्यक्षात बांधकाम करताना किंवा बांधकाम झाल्यांनतर विकास नियंत्रण नियमावलीतील तरतुदीचा अर्जदाराने भंग केल्यास सदर नियमावलीतील नियम क्र.१०.१ नुसार संबंधितांवर त्वरीत कारवाई करणेत येईल.**

**४०.प्रस्तावित इमारतीचे स्ट्रक्चरल प्लॅन व स्ट्रक्चरल स्टॅबिलिटीबाबतचे प्रमाणपत्र संबंधित स्ट्रक्चरल इंजिनिअर यांचेकडुन घेऊन या कार्यालयाकडे सादर करणे अर्जदारास बंधनकारक आहे.प्रमाणपत्र सादर न केल्यास सदरचे आदेश रद्द करणेत येतील.**

**४१.मा.जिल्हाधिकारी रत्नागिरी यांचेकडील आदेश क्रमांक/महसुल/कार्या६अ/इ.बांध.पर/एलएनए/ एसआर/ २०१६ दिनांक ०८/०२/२०१६ अन्वये मंजुर आराखडयाप्रमाणे इमारत बांधकामास परवानगी देणेत येत आहेत.**

**४२.सीआरझेड-III मधील तरतुदीनुसार पहिले २०० मी अंतरापर्यंत No Development Zone नियोजित असुन या विभागात कोणत्याही स्वरुपाचा विकास अनुज्ञेय नाही.**

14/15

सहा. नगररचनाकार रत्नागिरी यांनी महाराष्ट्र शासने सन २०१४ चा महाराष्ट्र अधिनियम क्र.४३ अन्वये महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम १९६६ मधील कलम १८ व कलम १२४ब मध्ये करण्यात आलेली सुधारणा महाराष्ट्र शासन राजपत्र असाधारण भाग-४ मध्ये दि.२९/१२/२०१४ रोजी प्रसिध्द झालेल्या तरतुदीनुसार प्रस्तावाखालील जमिनीच्या क्षेत्रासाठी रु.२१०००/- व बांधकाम क्षेत्रासाठी रु.१०१००/- असे एकुण विकास शुल्क रुपये ३११००/-(अक्षरी एकतीस हजार शंभर रुपये मात्र) नगरविकास विभाग,०२१७-नगरविकास,८००-इतर जमा रक्कमा (०१)(०७)-इतर बाबी (०२१७०१६१०१) या लेखाशिर्षाखाली जमा केले आहे.

४४.(अ) जर परवानाधारकाने या आदेशातील अटीविरुध्द कृती केली तर जिल्हाधिकारी -उपविभागीय अधिकारी हे अधिनियमानुसार त्यास होणा-या इतर शिक्षांस बाध न आणता ते आदेश देतील त्याप्रमाणे परवानाधारकाने दंड व दस्त भरल्यावर सदर जागा ठिकाण अर्जदाराच्या मालकीत येऊ शकतील.

४४.(ब) वरील (अ) मध्ये काहीही नमुद असले तरीही जिल्हाधिकारी -उपविभागीय अधिकारी यांना इमारत किंवा बांधकाम या आदेशातील तरतुदीविरुध्द बांधले असेल अथवा उपयोग केला जात आहे असे निदर्शनास आले तर ते बांधकाम सदर अधिकारी त्याकामी देतील त्या वेळात काढुन टाकण्याचा किंवा सुधारित करण्याचा अधिकार राहील आणि जर दिलेल्या मुदतीत ते बांधकाम काढुन टाकले नाही अगर सुधारित केले नाही तर सदर अधिकारी ते बांधकाम काढुन टाकण्याची कार्यवाही करतील आणि आलेला खर्च परवानाधारकाकडुन महसुल थकबाकीप्रमाणे वसुल करतील.

४. ही परवानगी त्या त्या वेळी अस्तित्वात असलेल्या इतर कायदयातील तरतुदीच्या अधिन राहुन देण्यात आली आहे आणि ही परवानगी संबंधित इतर बाबीना लागु राहील.उदा.मुंबई कुळवहिवाट व शेतजमिन अधिनियम १९४८, मुंबई ग्रामंपचायत अधिनियम १९५८ - महाराष्ट्र नगरपालिका अधिनियम १९६५ वगैरे.

उपविभागीय अधिकारी

(जयराम देशपांडे)
उपविभागीय अधिकारी
दापोली विभाग दापोली

प्रत :- **श्री.विभास राजाराम साठे रा.मुरुड ता.दापोली यांचेकडे आराखडेसह.**
प्रत :- तहसीलदार दापोली यांजकडे
२/-सदर बिनशेती प्लॉटची गा.नं.२,ता.न.नं.२ ला नोंद ठेवुन त्यांचे नोंदी अनुक्रम इकडे कळविणेत यावा.तसेच मोजणी फी १०००/-दि.१२/०९/२०१७ रोजी भरलेले आहेत बिनशेती वापर सुरु केलेवर याबाबत पंचयादी करणेत येवुन ती कामात सामील करावी.
प्रत :- उपअधिक्षक भुमि अभिलेख दापोली यांजकडे योग्य त्या कार्यवाहीसाठी.
प्रत :- तलाठी सजा मुरुड यांस

(जयराम देशपांडे)
उपविभागीय अधिकारी
दापोली विभाग दापोली

15/15

# MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
E-mail : dir1.mev-mh@nic.in
Website: https://mczma.gov.in/

No. Complaint 2021 / CR 43 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 29.06.2021

To,
Director, CRZ,
Ministry of Environment, Forest and Climate Change,
Jor Baug Road, CGO complex, New Delhi

**Subject:** Regarding illegal construction in CRZ area at Survey no. 446 and other at village Murud, Tal: Dapoli, District: Ratnagiri. Complainant has alleged the said construction is in violation of CRZ and ESZ norms.

**Ref:** MoEF&CC, New Delhi emails dated 13.5.2021 and 9.6.2021

Pursuant to above referred emails dated13.5.2021 and 9.6.2021 received in the subject matter, please find attached herewith the report of the District Coastal Zone Monitoring Committee (DCZMC) and minutes of 156th meeting of the MCZMA for further appropriate action in the matter.

Yours,

Director, Environment &CC and MS, MCZMA

**Copy for information to:**

1. **Principal Secretary,** Environment & Chairman, MCZMA, Environment Dept, Room No. 217, Annexe Building, Mantralaya, Mumbai.
2. **Select File- TC 4**

ANNEXURE-1

# Form-I for seeking clearance for project attracting CRZ Notification

**I Basic Information:**

| | |
|---|---|
| **Name of the project** | Construction of infiltration gallery and connecting pipeline in the bank of Rushikulya river and sourcing of surface water from the Rushikulya river through the existing pipeline for Grasim Industries limited at Ganjam in Odisha State |
| **Location / Site alternatives under consideration:** | Project location: Ganjam, Ganjam District, Odisha.<br><br>Already set up exist at Village: Kalyanpur<br>Gram Panchayat: Kainchpur<br>Block & District: Ganjam<br>Which is away approximately 6 kms away from plant site. |
| **Size of the project:** | 1) 0.015-hectare area consist of intake well, capillary well, infiltration well Infiltration galleries (Infiltration well with pumping system in Rushikulya River, existing pump house will be used for operating of this infiltration well pumping system).<br><br>2) Pipeline connecting infiltration gallery 1 to existing pipeline<br><br>3) Pipeline connecting infiltration gallery 2 to infiltration gallery 1 |
| **CRZ Classification of the area** | CRZ III and CRZ IVB |
| **Expected cost of the project:** | 3.22Crores |
| **Contact Information & Phone Number** | Grasim Industries Limited,<br>Chemical Division, Ganjam,<br>PO, Jayshree -761 025,<br>District: Ganjam, Odisha<br>Phone No: +91- 6811 -254319 & 254336 |

Official Emblem of India

Government of Maharashtra

Revenue and Forest Department

District Collector Office, Ratnagiri

Central Administrative Building, second floor, Room no 201, Revenue Branch, Jayastambh, Tehsil and District Ratnagiri

Phone : 02352 - 222483 Fax : 02352 – 226250

02352 – 224222 E mail :revenuecollector@yahoo.in

NO Revenue / Office Desk A K – 6 / C R Z / Murud – 446 / 2021 Dated 17th June 21

To

The Principal Secretary ( Environment ) and

Chairman, Maharashtra Coastal Management Authority

2nd Floor, Room no 217, Environment Department ( Annex )

Mantralaya, Mumbai 400 032

Subject : Regarding alleged illegal construction of report and road in C R Z / E S Z at sea shore of Murud, Tehsil Dapoli District Ratnagiri

Reference : 1. Your letter number Complaint – 2021 / C R 43 / T C – 4 dated 8th of June 2021 and E mail message dated 7th of June 2021

2. Sub Divisional Officer, Dapoli Sub Division, letter number Reply / Inward no 2633 / Final Report / 06 / 2021 dated 15.06.2021

Sir,

Former Member of Parliament Dr Kirit Somayya's application to Honorable Shri Prakash Jawadekar, Union Minister for Environment , New Delhi with respect to construction of roads and resort in coastal regulatory zone / ecologically sensitive zone on the sea shore in the land at survey no 446 at at village Murud Tehsil Dapoli is received at this office from Maharashtra

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

Coastal Zone Management Authority ( M C Z M A ) , Environment Department , Mumbai Divisional office vide reference number 1 for necessary action and submission of factual report . The Sub Divisional Officer Dapoli was communicated to submit factual report incidental to the said complaint application.

A factual report incidental to the points raised in the complaint by Dr Kirit Somayya is requisitioned vide your letter under reference no 1. In this connection, a meeting of the District Level Zone Monitoring Committee was convened. The point wise report in respect of points raised in the complaint dated 8th of May 2021 by Former Member of Parliament Dr Kirit Somayya based on the report received from regional level and the discussion / consultation in the said meeting is as follows :

| | | |
|---|---|---|
| 1 | These land was brought in June 2019 by " A " while during the registration, the status of land was shown as N A / Non N A land in a mischievous manner | As per the report of the Sub Divisional Officer Dapoli, the premises at Gat no 446 part at village Murud Tehsil Dapoli is handed over in purchase by Shri Rajaram Sathe to Shri Anil Dattatray Parab vide document no 1826 dated 19th of June 2019 . Copy of purchase deed is enclosed herewith. |
| 2 | The same land was sold by " A " to " K " on date 30th December 2020 and registration was completed in February 2021 | As per the report of the Sub Divisional Officer Dapoli, the premises at Gat no 446 part at village Murud Tehsil Dapoli is |

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

| | | |
|---|---|---|
| | | handed over in purchase by Shri Anil Dattatray Parab to Shri Sadanand Gangaram Kadam vide document no 2719 dated 29th December 2020 . Similarly the mutation is recorded in the village records vide mutation entry no 2223 dated 23rd January 2021. At present the property is in the name of Shri Sadanand Gangaram Kadam. Copy of purchase deed is enclosed herewith |
| 3 | Status of the land of when it was sold / transfer in February 2021 was not had any mention of change or newly constructed Sai Resort | The property admeasuring 0 – 42.14 Hectare R out of total area 1.26.40 at Gat no 446 part at village Murud Tehsil Dapoli is handed over by Shri Anil Dattatray Parab to Shri Sadanand Gangaram Kadam vide purchase deed document dated 29th December 2020, No clear mention of construction of Sai Resort is observed in the said purchase deed |
| 4 | It is observed that during this 18th month " A " had constructed Sai resort having 22 rooms and | Perusal of the Sub Divisional Officer Dapoli report dated 15th of June 2021 reveals that a building |

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

As per CRZ-III only 9 meter or G+1 Allowed

| | | |
|---|---|---|
| | 2 three stories building. The market valuation could be 10 crore | consisting construction of the ground + two floors is in existence in the property situated at Gat no 446 part at village Murud Tehsil Dapoli. In this connection, The Assistant Director, Town Planning, Ratnagiri is directed to conduct actual measurements and verification of the actually constructed area . Similarly the Sub Divisional Officer Dapoli is also directed to take immediate action, if the provisions of Coastal Regulation Zone or Maharashtra Regional Town Planning Act are being violated due to the said construction |
| 5 | It is observed that the access to this resort is straight away from the sand of the sea. There is no other access / approach road available. | As per the report of the Sub Divisional Officer Dapoli, the internal access road to the above property is through unoccupied or private land. Ascertainment in this respect cannot be made without actual measurement. However it is observed that a descending road from the front side of Sai resort is constructed for approaching the sea |

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

| | | |
|---|---|---|
| | | shore.<br>The District Superintendent of Land Records, Ratnagiri is directed to undertake immediate measurement of the property to ascertain the status of the road. It is stated in the Sub Divisional Officer Dapoli report that the roads are indicated in the approved maps attached with the Non Agricultural order issued by the then Sub Divisional Officer Dapoli. Further the Circle Officer Burondi's report dated 31st July 2017 in the original Non Agricultural case mentions the existence of a Village Panchayat road for approach to the aid property. |
| 6 | " A " is misusing his status with the help of other try to construct a road adjacent to the resort which is clear cut violation of Coastal Regulation Zone and Ecologically Sensitive Zone | The office of the Town Planner , Ratnagiri vide their letter dated 12th October 2017 has informed the office of Sub Divisional Officer, Dapoli that Gat no 446 part at village Murud Tehsil Dapoli is included in C R Z III as per C R Z map and within the distance of 200 meters. Hence no development is |
| 7 | The construction of resort also is clear cut violation of Coastal Regulation Zone and | |

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

| | | |
|---|---|---|
| | Ecologically Sensitive Zone | permissible on the said premises. Hence recommendation for development of the said premises cannot be made.<br>As per Divisional Forest Officer , Ratnagiri report received vide their letter dated 17th June 2021 , there is no record with the forest department that the land at Gat no 446 part at village Murud Tehsil Dapoli belongs to the Forest Department. It is also informed that the said area does not fall into Ecologically Sensitive Zone ( E S Z ) |
| 8 | From the discussion it seems no categorical mention of details of construction permission seems available. | The Sub Divisional Officer, Dapoli vide his order dated 12th September 2017 permitted for construction of ground + one floor admeasuring 508.68 square meters area for commercial and residential purpose at Gat no 446 part at village Murud Tehsil Dapoli. In this connection the review of Non Agricultural permission order is in progress at the level of Additional District Collector. |

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

The Sub Divisional Officer, Dapoli has been directed to take immediate action vide section 52 and 53 of the Maharashtra Regional Town Planning Act and Environment Protection Act 1986 in respect of Sai Resort construction at Gat no 446 part at village Murud Tehsil Dapoli

Thanking you,

Yours faithfully

Signature

( Laxmi Narayan Mishra )

Chairman , Sea Coast Management Committee and

District Collector Ratnagiri

Copy submitted to the Honorable Scientist – 2 Environment and Climate Change, Maharashtra Coastal Management Authority, 15th floor, New Administrative Building, Mantralaya, Mumbai 400 032 for information please.

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2018 / Case no 29 / Bhasha 2 dated 22.03.2021.

Office, Dapoli that the land under reference is situated within 200 meter of CRZ III area, as per CRZ map. Hence, no construction is permissible on said land.

The Authority took the report of the DCZMC on record and noted that the site under reference falls in CRZ III area and within 200 m i.e. NDZ area. Hence, construction is not permissible as per provisions of CRZ Notification, 2011. As per Annexure III of CRZ Notification, 2011, activities of construction of beach resort/ hotel requires prior CRZ clearance from MoEF&CC, New Delhi. In the present case, there is no CRZ approval obtained from competent Authority for the said construction on land bearing Survey no. 446, village Murud, Tal: Dapoli, Ratnagiri.

In the light of above, the Authority after deliberation, decided to send the above mentioned report of DCZMC, Ratnagiri to MoEF&CC, New Delhi for further appropriate decision in the matter.

During the meeting, Expert Member mentioned that he has information that there are other structures (dwelling units / residential/ commercial) numbering around 150-200 which are situated in the similar coastal stretch. Accordingly, a report from DCZMC, Ratnagiri could be called. The Authority after discussion decided to seek the said report from DCZMC, Ratnagiri.

**----------*The meeting ended with vote of thanks to Chairperson*-------**

**Annexure I**

List of members/officials present in the online meeting:

1. Mrs. Neenu Somraj, DCF, Mangrove Cell, Member MCZMA
2. Mr. Rajesh Patgaonkar, DyChE, MCGM, Member MCZMA
3. Dr. Mahesh Shindikar, College of Engineering, Pune, Expert Member, MCZMA
4. Dr. A. K. Chaubey, NIO, Expert Member, MCZMA
5. Mr. Maruti Kudale, Ex Director, CWPRS, Expert Member, MCZMA
6. Dr. M.S. Khot, Ratnagiri, Expert Member, MCZMA
7. Mr. Narendra Toke, Director, Environment, Member Secretary,

Sd/- Sd/-

*Minutes of the 156th meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 25th June, 2021*

# MINUTES OF THE 156th MEETING OF MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY HELD ON 25th JUNE, 2021

The 156th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment & Climate Change). In view of present pandemic situation of COVID-19, it was decided to conduct a meeting to take a decision in the matter through Videoconferencing technology on Cisco WebEx platform on 25th June, 2021. List of members present in the meeting is at **Annexure-I**.

Confirmation of 155th minutes of Meeting:

The Authority confirmed the minutes of 155th meeting held on 10th & 20th June, 2021 with a change at item no.21, wherein the company name Adani Transmission shall be read as Kharghar Vikhroli Transmission Private Limited.

**Item No.1:** Regarding illegal construction in CRZ area at Survey no. 446 & other, village Murud, Tal: Dapoli, District: Ratnagiri.

The Authority noted that MoEF&CC, New Delhi has sent an email dated 13.5.2021 along with representation of Dr. Kirit Somaiya, which pertains to illegal construction on Survey no. 446 and nearby areas, village Murud, Tal: Dapoli, District: Ratnagiri. The said representation has alleged the construction at Survey no. 446 & nearby area (Sai Resort), village Murud, Tal: Dapoli, District: Ratnagiri is in violation of CRZ and ESZ norms. The MoEF&CC has sought a report in the matter.

The MCZMA vide letter dated 8.6.2021 sought a factual report in the matter from District Coastal Zone Monitoring Committee (DCZMC), Ratnagiri headed by District Collector, Ratnagiri.

The Authority noted that the DCZMC, Ratnagiri has submitted a report on 17.6.2021 to MCZMA. The report of the DCZMC states that presently, there is construction of Ground + 2nd upper floors building on land bearing Survey no. 446, village Murud, Tal: Dapoli, Ratnagiri. It is reported that Town Planning Office, Ratnagiri vide letter dated 12.10.2017 communicated to Sub-Divisional

**F. No. IA-21011/2021-IA.III**
**Government of India**
**Ministry of Environment, Forest & Climate Change**
**IA-III Section (CRZ)**

Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi-110003
Dated: 17th December, 2021

**Subject: Show Cause Notice under Section 5 of Environment (Protection) Act, 1986 for violation of the provisions of Coastal Regulation Zone Notification, 2011 – regarding.**

WHEREAS the Government of India issued the Coastal Regulation Zone (CRZ) Notification, 2011 *vide* S.O. No. 19(E) dated 6th January, 2011 under the Environment (Protection) Act, 1986 for protecting and conserving the coastal environment and to regulate development in the CRZ area; and

2. WHEREAS, the Ministry received several representations on illegal construction of resort and road in CRZ –III (NDZ) area at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra.

3. WHEREAS, based on the information provided in the representation, National Centre for Sustainable Coastal Management (NCSCM), an institute under this Ministry has concluded that "...*From the approved CZMP, it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III. The said Sai Resort, including the buildings, roads and other structures have been constructed within 200 metres in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III....*"

4. WHEREAS, based on the representations and report of NCSCM, the Integrated Regional Office of this Ministry at Nagpur carried out a site inspection on 12/06/2021 along with Sub Divisional Officer & SDM, Dapoli and Tehsildar, Dapoli and made the following conclusions:

- *Sai Resort NX (G+2 Floors), Sea Conch Resort (G+1+ Covered structure in 2nd Floor) existing in Gat No.446 and approach road to the resorts are located in No Development Zone in CRZ-III as per CRZ Notification 2011.*

*The constructions are in violation of CRZ Notification 2011 (Section 8 III (ii) of the Notification).*

- *One more road nearby to the resort connecting to the approach road is also in the No Development Zone in CRZ III.*

5. WHEREAS, Maharashtra Coastal Zone Management Authority *vide* its letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 has also stated that the construction of resort at Gat No. 446 is in violation of extant CRZ norms.

6. WHEREAS, as per extant provisions of the CRZ Notification, 2011, para 8 (I) III.CRZ-III A(ii), no construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure, thus the resorts in Gat No.446, falling within CRZ-III (NDZ) area is a prohibited activity.

7. WHEREAS, on the basis of detailed examination by the Ministry, it is observed that construction activities, as stated in para 3, 4 & 5 above, have been carried out in complete disregard of the provisions of the CRZ Notification, 2011.

8. **NOW, THEREFORE, on the basis of detailed examination by the Ministry, you are directed to submit your response as to why this Ministry shall not order demolition of all the constructions and removal of roads which is a prohibited activity as per the extant CRZ regulations.**

9. **You are directed to submit your reply within 15 (fifteen) days of the receipt of this Notice failing which Ministry will be constrained to take action as in para 8 and any other action prescribed by law in the circumstances of the case without any further notice.**

**The reports of NCSCM, SCZMA and the map showing the CRZ III area & structures / constructions in violation are enclosed herewith.**

10. This issues with the approval of Competent Authority.

**(Dr. H. Kharkwal)**
**Additional Director /**
**Scientist 'E'(CRZ)**

**To**

1. **M/s Sai Resorts NX,**
   **Gat No. 446, Murud,**
   **Tehsil Dapoli,**
   **Ratnagiri, Maharashtra**

2. **M/s Sea Conch Resort,**
**Gat No. 446, Murud,**
**Tehsil Dapoli,**
**Ratnagiri, Maharashtra**

**Copy to:**

1. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.

2. The Chairman, (Environment) & Additional Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.

3. The Member Secretary, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, Environment Department, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.

4. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai-400022, Maharashtra.

5. The Deputy Director General (C), Ministry of Environment, Forest and Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building Civil Lines, Nagpur- 440001, Maharashtra.

6. The Director (IA Policy), MoEF&CC, New Delhi. 20/12/21

7. Guard File/Website of MoEF&CC.

**(Dr. H. Kharkwal)**
**Additional Director /**
**Scientist 'E'(CRZ)**

NOTE TO MOEFCC REGARDING LETTER DATED 13/05/2021 RECEIVED FROM DR. KIRIT SOMAIYA, FORMER MEMBER OF PARLIAMENT TO MOEFCC REGARDING COMPLAINTS ON ILLEGAL CONSTRUCTION OF RESORT AND ROAD IN CRZ/ESZ AT SEA SHORE OF VILLAGE MURUD, TEHSIL DAPOLI, RATNAGIRI DISTRICT, MAHARASHTRA

Background: Dr. Kirit Somaiya, former Member of Parliament has addressed a letter dated 13/05/2021 to the Hon'ble Minister of Environment, Forest and Climate Change, Government of India, in which Dr. Kirit Somaiya has mentioned that he has received several complaints about the blatant violation and illegal construction of Sai Resort Annex (Sai resort) and adjacent road and also the access to the "main entrees" of Sai Resort directly on the sea shore of survey No. 446 in Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra.

2. In this regard, NCSCM scrutinized the CRZ maps, based on the available documents and the findings are given below.

   a) The site in question in survey No. 446, Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra, falls in the approved Coastal Zone Management Plan (CZMP) Map no. MH 45 / Sheet No. E43N1/SW, of Ratnagiri District, Maharashtra, prepared as per CRZ Notification 2011 and the same has been published by the Maharashtra Coastal Zone Management Authority (MCZMA) and is available at: https://mczma.gov.in/sites/default/files/ MYSCAN_20181017_0011.pdf.

   b) As per the approved CZMP, the site and survey No. 446, Village Murud, Tehsil Dapoli, Ratnagiri District, Maharashtra falls in the "No Development Zone (NDZ)" in CRZ-III, i.e., within 200 metres on the landward side of High Tide Line.

   c) The updated draft CZMP of the site (Map no. MH 45 / Sheet No. E43N1/SW), prepared as per CRZ Notification, 2019 showing survey No. 446 in the NDZ has also been published by the Maharashtra Coastal Zone Management Authority (MCZMA) and is available at: https://mczma.gov.in/sites/default/files/Draft%20CZMP%_20Ratnagiri%2022-1-2020-29.pdf and the same can be referred to.

   d) As per the "Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation by tourists or visitors with prior approval of the Ministry of Environment and Forests" given in Annexure – III of the CRZ Notification 2011, Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourists or visitors shall be subject to the following conditions, namely:-

      *(a) "The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line".*

e) The above condition has been violated by the Sai Resort, by constructing buildings, roads and other structures within 200 metres in the landward side of High Tide Line (NDZ), as can be seen from the approved CZMP (2011) and draft CZMP-2019 of the site and from the analysis of sequential Google Images, given in Appendix-1 below.

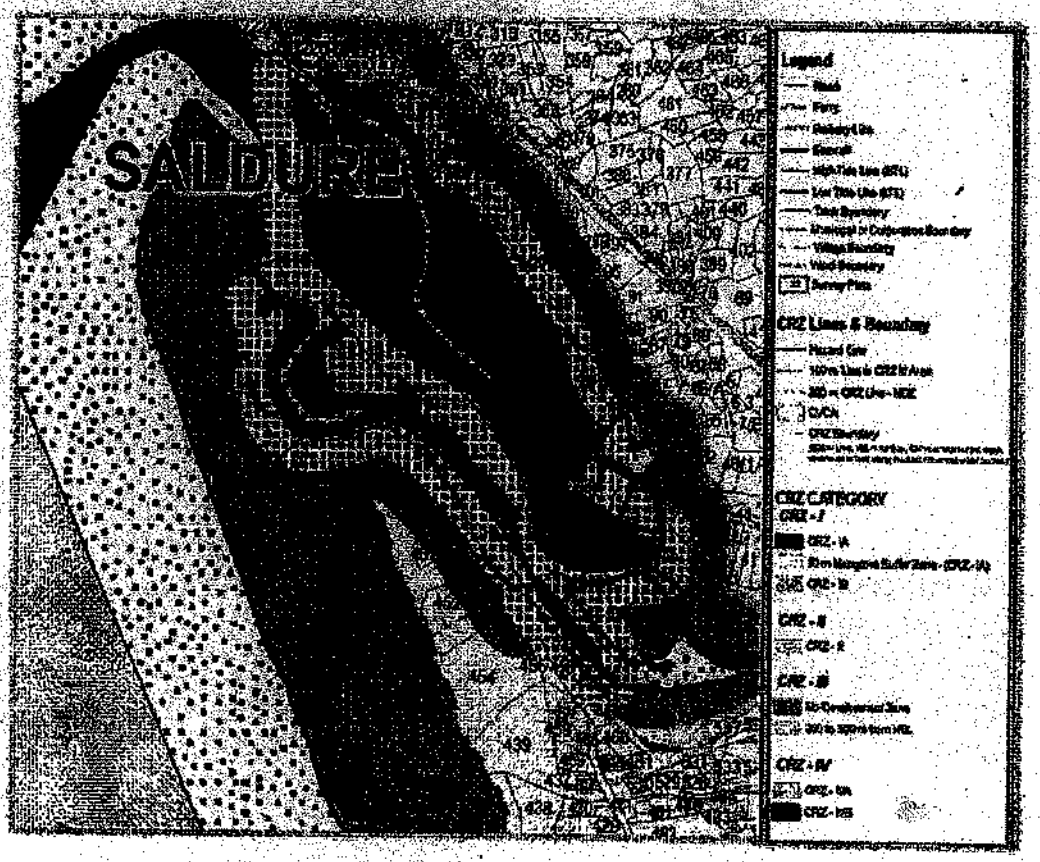
f) From the time series Google earth images given in Appendix-1, it is seen that the construction works started in the year 2017 (after January, 2017) and was completed in November 2020.

9. Recommendations: From the approved CZMP, it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III. The said Sai Resort, including the buildings, roads and other structures have been constructed within 200 metres in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III. A site visit may be undertaken in the near future by a team of officials including representatives from MCZMA, Mumbai, to ascertain the facts and to submit a detailed report, if necessary.

**********

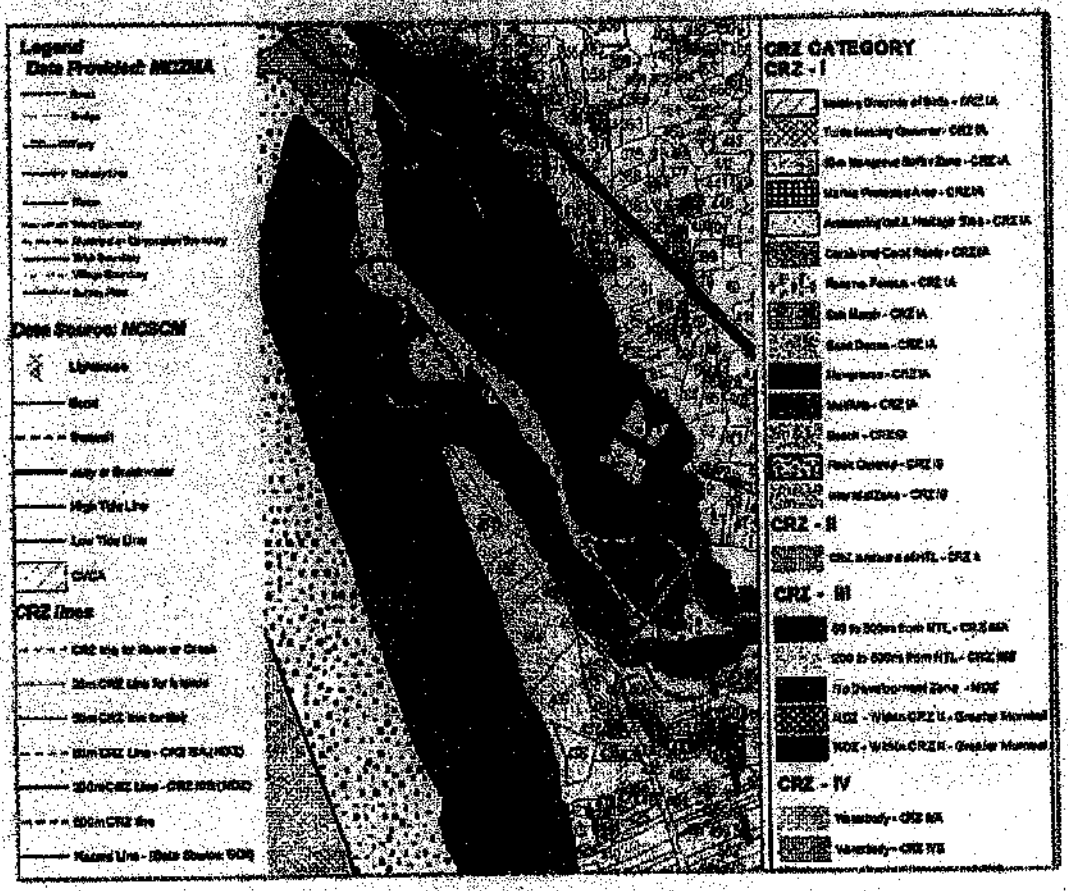
Annex – 1

Approved CZMP – 2011 (Map no. MH45, Sheet No. E49N1/SW)




Survey No. 446 (shown in blue square) falls within NDZ in CRZ-III.

Updated Draft CZMP – 2019 (Map no. MH45, Sheet No. E43N1/SW)




Survey No. 446 (shown in blue square) falls within NDZ in CRZ-III.

Google Earth Image January 2017



Google Earth Image January 2017 indicating High Tide Line, NDZ of 200m in CRZ III and the project site – No activity is observed in January 2017 within the No Development Zone



Google Earth Image December 2017 indicating with construction activity observed on site within the No Development Zone



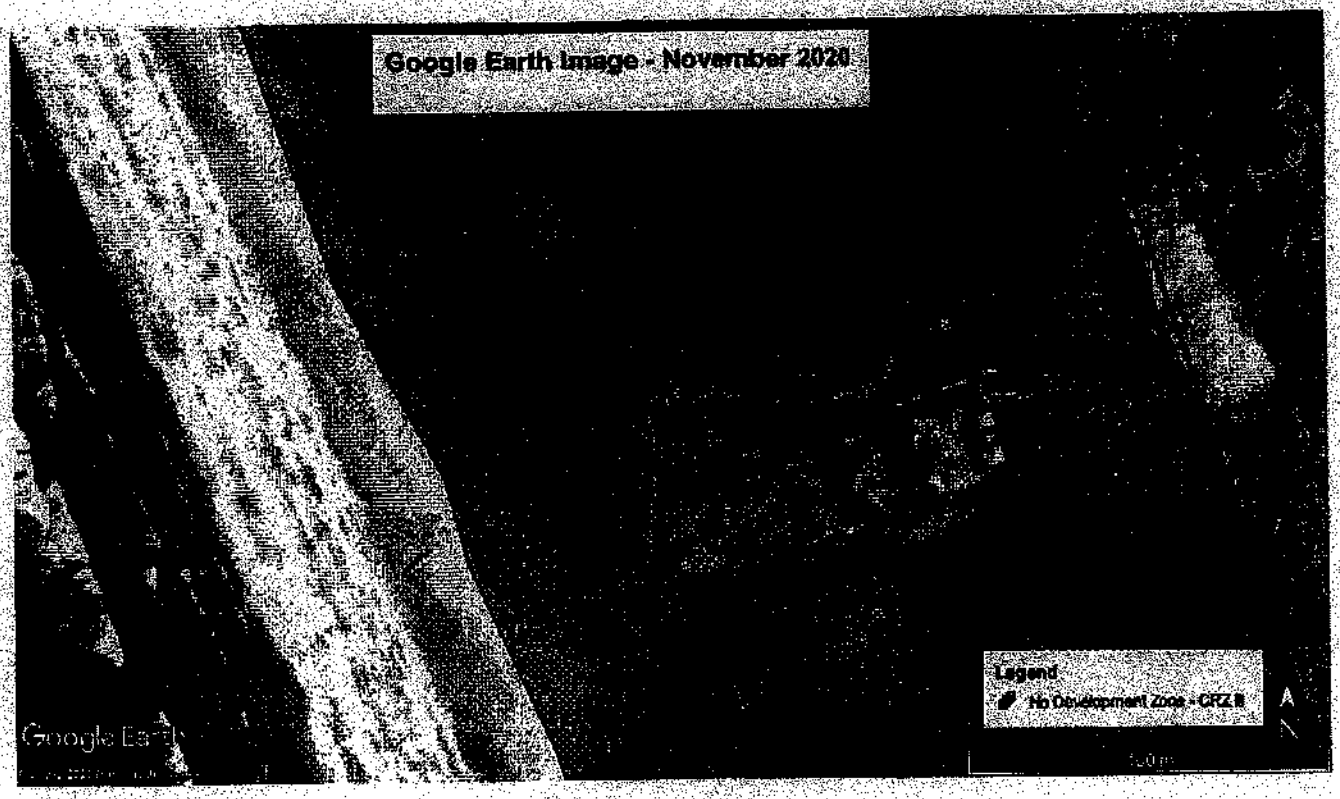
Google Earth Image February 2018 indicating with increased construction activity observed on site within the No Development Zone



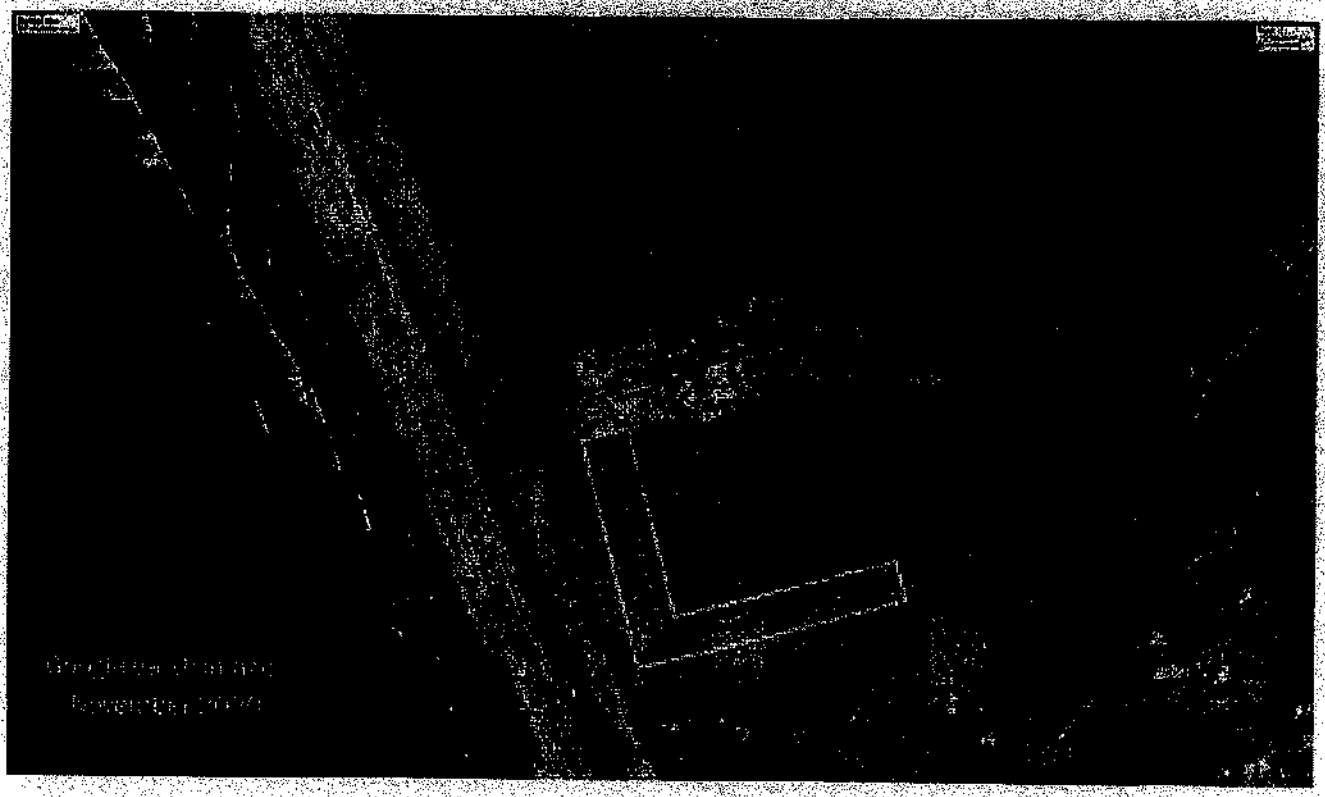
Google Earth image March 2019 indicating with increased construction activity observed on site within the No Development Zone



Google Earth Image November 2020 indicating with increased construction activity observed on site within the No Development Zone



Google Earth Image November 2020 Indicating with Increased construction activity observed on site with access road (Indicated as yellow box)



# MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
E-mail : dir1.mcz-mh@nic.in
Website: https://mczma.gov.in/

No. Complaint 2021 / CR 48 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 29.06.2021

To,
Director, CRZ,
Ministry of Environment, Forest and Climate Change,
Jor Bang Road, CGO complex, New Delhi

**Subject:** Regarding illegal construction in CRZ area at Survey no. 446 and other at village Murud, Tal: Dapoli, District: Ratnagiri. Complainant has alleged the seid construction is in violation of CRZ and ESZ norms.

**Ref:** MoEF&CC, New Delhi emails dated 13.5.2021 and 9.6.2021

Pursuant to above referred emails dated13.5.2021 and 9.6.2021 received in the subject matter, please find attached herewith the report of the District Coastal Zone Monitoring Committee (DCZMC) and minutes of 156th meeting of the MCZMA for further appropriate action in the mattor.

Yours,

Director, Environment &CC and MS, MCZMA

**Copy for information to:**

1. **Principal Secretary,** Environment & Chairman, MCZMA, Environment Dept, Room No. 217, Annexe Building, Mantralaye, Mumbai.
2. **Select File- TC 4**

Official Emblem of India

Government of Maharashtra

Revenue and Forest Department

District Collector Office, Ratnagiri

Central Administrative Building, second floor, Room no 201, Revenue Branch, Jayastambh, Tehsil and District Ratnagiri

Phone : 02352 - 222483 Fax : 02352 – 226250

02352 – 224222 E mail :revenuecollector@yahoo.in

NO Revenue / Office Desk A K – 6 / C R Z / Murud – 446 / 2021 Dated 17th June 21

To

The Principal Secretary ( Environment ) and

Chairman, Maharashtra Coastal Management Authority

2nd Floor, Room no 217, Environment Department ( Annex )

Mantralaya, Mumbai 400 032

Subject : Regarding alleged illegal construction of report and road in C R Z / E S Z at sea shore of Murud, Tehsil Dapoli District Ratnagiri

Reference : 1. Your letter number Complaint – 2021 / C R 43 / T C – 4 dated 8th of June 2021 and E mail message dated 7th of June 2021

2. Sub Divisional Officer, Dapoli Sub Division, letter number Reply / Inward no 2633 / Final Report / 06 / 2021 dated 15.06.2021

Sir,

Former Member of Parliament Dr Kirit Somayya's application to Honorable Shri Prakash Jawadekar, Union Minister for Environment , New Delhi with respect to construction of roads and resort in coastal regulatory zone / ecologically sensitive zone on the sea shore in the land at survey no 446 at at village Murud Tehsil Dapoli is received at this office from Maharashtra

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 28 / Bhasha 2 dated 22.03.2021.

Coastal Zone Management Authority ( M C Z M A ) , Environment Department , Mumbai Divisional office vide reference number 1 for necessary action and submission of factual report . The Sub Divisional Officer Dapoli was communicated to submit factual report incidental to the said complaint application.

A factual report incidental to the points raised in the complaint by Dr Kirit Somayya is requisitioned vide your letter under reference no 1. In this connection, a meeting of the District Level Zone Monitoring Committee was convened. The point wise report in respect of points raised in the complaint dated 8th of May 2021 by Former Member of Parliament Dr Kirit Somayya based on the report received from regional level and the discussion / consultation in the said meeting is as follows :

| | | |
|---|---|---|
| 1 | These land was brought in June 2019 by " A " while during the registration, the status of land was shown as N A / Non N A land in a mischievous manner | As per the report of the Sub Divisional Officer Dapoli, the premises at Gat no 446 part at village Murud Tehsil Dapoli is handed over in purchase by Shri Rajaram Sathe to Shri Anil Dattatray Parab vide document no 1826 dated 19th of June 2019 . Copy of purchase deed is enclosed herewith. |
| 2 | The same land was sold by " A " to " K " on date 30th December 2020 and registration was completed in February 2021 | As per the report of the Sub Divisional Officer Dapoli, the premises at Gat no 446 part at village Murud Tehsil Dapoli is |

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

| | | |
|---|---|---|
| | | handed over in purchase by Shri Anil Dattatray Parab to Shri Sadanand Gangaram Kadam vide document no 2719 dated 29th December 2020 . Similarly the mutation is recorded in the village records vide mutation entry no 2223 dated 23rd January 2021. At present the property is in the name of Shri Sadanand Gangaram Kadam. Copy of purchase deed is enclosed herewith |
| 3 | Status of the land of when it was sold / transfer in February 2021 was not had any mention of change or newly constructed Sal Resort | The property admeasuring 0 – 42.14 Heclare R out of total area 1.26.40 at Gat no 446 part at village Murud Tehsil Dapoli is handed over by Shri Anil Dattatray Parab to Shri Sadanand Gangaram Kadam vide purchase deed document dated 29th December 2020, No clear mention of construction of Sal Resort is observed in the said purchase deed |
| 4 | It is observed that during this 18th month " A " had constructed Sal resort having 22 rooms and | Perusal of the Sub Divisional Officer Dapoli report dated 15th of June 2021 reveals that a building |

Sunil SalnathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

As per CRZ-III only 9 meter or G+1 Allowed

| | | |
|---|---|---|
| | 2 three stories building. The market valuation could be 10 crore | consisting construction of the ground + two floors is in existence in the property situated at Gat no 446 part at village Murud Tehsil Dapoli. In this connection, The Assistant Director, Town Planning, Ratnagiri is directed to conduct actual measurements and verification of the actually constructed area . Similarly the Sub Divisional Officer Dapoli is also directed to take immediate action, if the provisions of Coastal Regulation Zone or Maharashtra Regional Town Planning Act are being violated due to the said construction |
| 5 | It is observed that the access to this resort is straight away from the sand of the sea. There is no other access / approach road available. | As per the report of the Sub Divisional Officer Dapoli, the internal access road to the above property is through unoccupied or private land. Ascertainment in this respect cannot be made without actual measurement. However it is observed that a descending road from the front side of Sai resort is constructed for approaching the sea |

Sunil SaineshBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 28 / Bhasha 2 dated 22.03.2021.

| | | |
|---|---|---|
| | | shore.<br>The District Superintendent of Land Records, Ratnagiri is directed to undertake immediate measurement of the property to ascertain the status of the road. It is stated in the Sub Divisional Officer Dapoli report that the roads are indicated in the approved maps attached with the Non Agricultural order issued by the then Sub Divisional Officer Dapoli. Further the Circle Officer Burondi's report dated 31st July 2017 in the original Non Agricultural case mentions the existence of a Village Panchayat road for approach to the aid property. |
| 6 | " A " is misusing his status with the help of other try to construct a road adjacent to the resort which is clear cut violation of Coastal Regulation Zone and Ecologically Sensitive Zone | The office of the Town Planner , Ratnagiri vide their letter dated 12th October 2017 has informed the office of Sub Divisional Officer, Dapoli that Gat no 446 part at village Murud Tehsil Dapoli is included in C R Z III as per C R Z map and within the distance of 200 meters. Hence no development is |
| 7 | The construction of resort also is clear cut violation of Coastal Regulation Zone and | |

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

| | | |
|---|---|---|
| | Ecologically Sensitive Zone | permissible on the said premises. Hence recommendation for development of the said premises cannot be made.<br>As per Divisional Forest Officer , Ratnagiri report received vide their letter dated 17th June 2021 , there is no record with the forest department that the land at Gat no 446 part at village Murud Tehsil Dapoli belongs to the Forest Department. It is also informed that the said area does not fall into Ecologically Sensitive Zone (E S Z) |
| 8 | From the discussion it seems no categorical mention of details of construction permission seems available. | The Sub Divisional Officer, Dapoli vide his order dated 12th September 2017 permitted for construction of ground + one floor admeasuring 508.68 square meters area for commercial and residential purpose at Gat no 446 part at village Murud Tehsil Dapoli. In this connection the review of Non Agricultural permission order is in progress at the level of Additional District Collector. |

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namika 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

The Sub Divisional Officer, Dapoli has been directed to take immediate action vide section 52 and 53 of the Maharashtra Regional Town Planning Act and Environment Protection Act 1986 in respect of Sai Resort construction at Gat no 446 part at village Murud Tehsil Dapoli

Thanking you,

Yours faithfully

Signature

( Laxmi Narayan Mishra )

Chairman , Sea Coast Management Committee and

District Collector Ratnagiri

Copy submitted to the Honorable Scientist – 2 Environment and Climate Change, Maharashtra Coastal Management Authority, 15th floor, New Administrative Building, Mantralaya, Mumbai 400 032 for information please.

Sunil SainathBhagwat Government Empanelled and AuthorisedTranslator vide Government of Maharashtra G R no Namitra 2019 / Case no 29 / Bhasha 2 dated 22.03.2021.

# MINUTES OF THE 156th MEETING OF MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY HELD ON 25th JUNE, 2021

The 156th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) was held under the Chairmanship of Principal Secretary (Environment & Climate Change). In view of present pandemic situation of COVID-19, it was decided to conduct a meeting to take a decision in the matter through Videoconferencing technology on Cisco WebEx platform on 25th June, 2021. List of members present in the meeting is at **Annexure-I**.

Confirmation of 155th minutes of Meeting:

The Authority confirmed the minutes of 155th meeting held on 10th & 20th June, 2021 with a change at item no.21, wherein the company name Adani Transmission shall be read as Kharghar Vikhroli Transmission Private Limited.

**Item No.1:** Regarding illegal construction in CRZ area at Survey no. 446 & other, village Murud, Tal: Dapoli, District: Ratnagiri.

The Authority noted that MoEF&CC, New Delhi has sent an email dated 13.5.2021 along with representation of Dr. Kirit Somaiya, which pertains to illegal construction on Survey no. 446 and nearby areas, village Murud, Tal: Dapoli, District: Ratnagiri. The said representation has alleged the construction at Survey no. 446 & nearby area (Sai Resort), village Murud, Tal: Dapoli, District: Ratnagiri is in violation of CRZ and ESZ norms. The MoEF&CC has sought a report in the matter.

The MCZMA vide letter dated 8.6.2021 sought a factual report in the matter from District Coastal Zone Monitoring Committee (DCZMC), Ratnagiri headed by District Collector, Ratnagiri.

The Authority noted that the DCZMC, Ratnagiri has submitted a report on 17.6.2021 to MCZMA. The report of the DCZMC states that presently, there is construction of Ground + 2nd upper floors building on land bearing Survey no. 446, village Murud, Tal: Dapoli, Ratnagiri. It is reported that Town Planning Office, Ratnagiri vide letter dated 12.10.2017 communicated to Sub-Divisional

Office, Dapoli that the land under reference is situated within 200 meter of CRZ III area, as per CRZ map. Hence, no construction is permissible on said land.

The Authority took the report of the DCZMC on record and noted that the site under reference falls in CRZ III area and within 200 m i.e. NDZ area. Hence, construction is not permissible as per provisions of CRZ Notification, 2011. As per Annexure III of CRZ Notification, 2011, activities of construction of beach resort/ hotel requires prior CRZ clearance from MoEF&CC, New Delhi. In the present case, there is no CRZ approval obtained from competent Authority for the said construction on land bearing Survey no. 446, village Murud, Tal: Dapoli, Ratnagiri.

In the light of above, the Authority after deliberation, decided to send the above mentioned report of DCZMC, Ratnagiri to MoEF&CC, New Delhi for further appropriate decision in the matter.

During the meeting, Expert Member mentioned that he has information that there are other structures (dwelling units / residential/ commercial) numbering around 150-200 which are situated in the similar coastal stretch. Accordingly, a report from DCZMC, Ratnagiri could be called. The Authority after discussion decided to seek the said report from DCZMC, Ratnagiri.

----------***The meeting ended with vote of thanks to Chairperson***-------

**Annexure I**

List of members/officials present in the online meeting:

1. Mrs. Neenu Somraj, DCF, Mangrove Cell, Member MCZMA
2. Mr. Rajesh Patgaonkar, DyChE, MCGM, Member MCZMA
3. Dr. Mahesh Shindikar, College of Engineering, Pune, Expert Member, MCZMA
4. Dr. A. K. Chaubey, NIO, Expert Member, MCZMA
5. Mr. Maruti Kudale, Ex Director, CWPRS, Expert Member, MCZMA
6. Dr. M.S. Khot, Ratnagiri, Expert Member, MCZMA
7. Mr. Narendra Toke, Director, Environment, Member Secretary,

Sd/-
Member Secretary



Sd/-
Chairperson

Annexure-R1/8

**F.No. IA3-2/11/2021-IA.III**
**Government of India**
**Ministry of Environment, Forest and Climate Change**
**IA-III Section (CRZ)**

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003
Dated: 17th December, 2021

**To,**

**The Member Secretary,**
**Maharashtra Coastal Zone Management Authority,**
**Environment Department**
**Government of Maharashtra**
**5th Floor, New Administrative Building,**
**Mantralaya Mumbai- 400032, Maharashtra**

**Subject: Action to be initiated against illegal projects / activities which are in violation of CRZ norms as reported by the State of Maharashtra, in line with the CRZ regulations -regarding.**

Sir,

The Ministry is in receipt of several representations on the above mentioned subject. The same has also been reported Maharashtra Coastal Zone Management Authority (MCZMA) *vide* its letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 alongwith enclosed minutes of 156th meeting of MCZMA held on 25/06/2021, that there are other structures (dwelling units/ residential and commercial), around 150-200, which are situated in the same stretch as that of M/s Sai Resorts, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.

2. In this regard, it has been desired that the MCZMA shall identify the illegal projects/ activities, as mentioned in the para above, within the CRZ area which are in violation of CRZ norms as per CRZ Notification 2011, take appropriate action under the relevant provisions of Environment (Protection) Act, 1986, send action taken report and proposal for actions to be taken by the ministry for removal of violated structures which are not permissible to this Ministry at an early date.

3. This issues with the approval of Competent Authority.

**Encl: As above.**

Yours faithfully

O/C

**(Dr. H. Kharkwal)**
**Additional Director /**
**Scientist 'E'(CRZ)**

Letter sent by Speed Post on 20/12/21.



Generated from eOffice by VIJYA KASHYAP, Asso legal(VK)-IA-III, ASSOCIATE (LEGAL) - C, MOEFCC on 22/03/2023 08:38 PM

**Forwarding of Show Cause Notice Letter No IA3-2/11/2021-IA.III dated 17.12.2021 regarding**

**From :** TUNTUN KUMAR SINGH <tk.singh@gov.in> Mon, Dec 20, 2021 04:29 PM

**Subject :** Forwarding of Show Cause Notice Letter No IA3-2/11/2021-IA.III dated 17.12.2021 regarding 1 attachment

**To :** seaconchdapoli@gmail.com, anildattatray@gmail.com, psec env <psec.env@maharashtra.gov.in>, Narendra D. Toke <dir1.mev-mh@nic.in>

**Cc :** Shri. V N Ambade <apccfcentral-ngp-mef@gov.in>, Shri. V N Ambade <apccfcentral-ngp-mef@gov.in>, Dr. Harendra Kharkwal <h.kharkwal@nic.in>, Abhilasha Singh Mathuriya <abhilasha.mathuriya@gov.in>, Dr. NOBI E. P <nobi.ep@nic.in>

Sir,

I am directed to forward herewith the Scan copy of Show Cause Notice Letter No. IA3-2/11/2021-IA.III dated 17.12.2021 for further necessary action in this regard.

Regards

CRZ Sector, IA.III Section
Ministry of Environment, Forest and Climate Change
Jorbagh Road, New Delhi-110003

**Letter No-2-11-2021-IAIII-dated 17-12-2021-alongwith Annexure.pdf**
2 MB

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* Consignment Number

ED114441575IN

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|---|---|---|---|---|---|
| Lodi Road HO | 21/12/2021 11:04:55 | 400001 | 70.80 | Inland Speed Post | Mumbai GPO |

**Event Details For : ED114441575IN**

**Current Status : Item Dispatched**

| Date | Time | Office | Event |
|---|---|---|---|
| 25/12/2021 | 03:28:17 | Ratnagiri ICH | Item Dispatched |
| 25/12/2021 | 01:57:32 | Ratnagiri ICH | Item Bagged |
| 24/12/2021 | 22:51:25 | Ratnagiri ICH | Item Received |
| 24/12/2021 | 08:43:56 | Mumbai S Zone TMO | Item Dispatched |
| 23/12/2021 | 23:07:01 | Mumbai S Zone TMO | Item Received |
| 23/12/2021 | 15:34:02 | Mumbai Cst Rs TMO | Item Dispatched |
| 23/12/2021 | 15:27:39 | Mumbai Cst Rs TMO | Item Received |
| 23/12/2021 | 04:39:23 | Pune NSH | Item Dispatched |
| 23/12/2021 | 02:07:16 | Pune NSH | Item Bagged |
| 23/12/2021 | 00:05:54 | Pune NSH | Item Received |
| 22/12/2021 | 04:23:27 | NSH Delhi | Item Despatched |
| 22/12/2021 | 02:29:42 | NSH Delhi | Item Bagged |
| 21/12/2021 | 23:24:11 | NSH Delhi | Item Received |
| 21/12/2021 | 16:14:00 | Lodi Road HO | Item Dispatched |
| 21/12/2021 | 15:45:47 | Lodi Road HO | Item Bagged |
| 21/12/2021 | 11:04:55 | Lodi Road HO | Item Booked |

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DESPATCH REGISTER FOR POSTAL DAK

| क्रम सं Sl. No. 1 | पत्र की सं No. of Communication 2 | पाने वाले का नाम पदनाम Name/Designation of the Addressee 20/12/21 3 | लगाए गए टिकटों का मूल्य Value of stamp affixed 4 |
|---|---|---|---|
| | | Dated | ₹ |
| (12) | F.No-11-7/2019-(IA-III) | The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, CPD-cum-office Complex, East Arjun nagar. Delhi'-110032 | |
| (13) | — Do — | The Member Secretary, Gujarat Pollution Control Board, Paryavaran Bhavan, Sector-10A, Gandhinagar- 382010 Gujarat | |
| (14) | — D — | The Member Secretary, Forest & Environment Department, Gujarat Coastal Zone Management Authority, Govt of Gujarat, Sachivalaya, 8th Floor, Sector-10A Gandhinagar- 382010 | |
| (15) | — Do — | The Deputy Director General (C), MoEF&CC, Integrated Regional office, Gandhinagar, Awing, Gorh 409 Aranya Bhawan, West Ch-3 Circle, Sector-10A, Gandhinagar- 382010 | |
| (16) | F.No.-2/11/2021-(IA-III) | M/S Sai Retreat NX, Gat No- 446 Murud, Tehsil. Dapoli, EP 1144415 75 IN Ratnagiri Maharashtra | |

S-31

| क्रम सं Sl. No. 1 |
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| Lodi Road HO | 21/12/2021 11:04:55 | 400001 | 70.80 | Inland Speed Post | Mumbai GPO |

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**Current Status : Item Dispatched**

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| 25/12/2021 | 03:28:17 | Ratnagiri ICH | Item Dispatched |
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| 23/12/2021 | 15:34:02 | Mumbai Cst Rs TMO | Item Dispatched |
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| 22/12/2021 | 04:23:27 | NSH Delhi | Item Despatched |
| 22/12/2021 | 02:29:42 | NSH Delhi | Item Bagged |
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| | (17) | 2/11/2021-(IA-III) | M/s Sea Conch Retorts, Gat No- 446, Murud Tehsil Dapoli Ratnagiri Maharashtra EP114441589.IN | |
| | (18) | -Do- | The Secretary, Environment Dept. Govt. of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032 | |
| | (19) | -Do- | The Chairman, Environment & Add. Secretary Environment Dept. of MCZMA, Govt. of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai 400.32 | |
| | (20) | -Do- | The Member Secretary, MCZMA, Govt. of Maharashtra, Environment Dept. 5th Floor, New Administrative Building, Mantralaya, Mumbai- 400032 | |
| | (21) | -Do- | The Member Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th Floor, Opp. PVR Cinema Sion Circle, Mumbai- 400.22 | |
| | (22) | -Do- | The Deputy Director General (C) MoEF&CC Regional office (WC2), Ground Floor, Eastwing, New Secretariat Building Civil Lines Nagpur- 440001 | |

22/12/21

Annexure-R1/10

**F. No. IA3-2/11/2021-IA.III**
**Government of India**
**Ministry of Environment, Forest & Climate Change**
**IA-III Section (CRZ)**

Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi-110003
Dated: 31st January, 2022

**Subject: Directions under Section 5 of Environment (Protection) Act, 1986 for violation of the provisions of the Coastal Regulation Zone Notification, 2011 – regarding.**

WHEREAS the Government of India issued the Coastal Regulation Zone (CRZ) Notification, 2011 *vide* S.O. No. 19(E) dated 6th January, 2011 under the Environment (Protection) Act, 1986 for protecting and conserving the coastal environment and to regulate development in the CRZ area; and

2. WHEREAS, the Ministry received several representations on illegal construction of resort and road in CRZ –III [No Development Zone (NDZ)] area at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra, and

3. WHEREAS, based on the information provided in the representation, National Centre for Sustainable Coastal Management (NCSCM), an institute under this Ministry has concluded that" *...From the approved CZMP, it is seen that the site and survey No. 446 fall within the NDZ in CRZ-III. The said Sai Resort, including the buildings, roads and other structures have been constructed within 200 metres in the landward side of High Tide Line i.e., in the No Development Zone (NDZ) in CRZ-III. This is a violation of the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III....",* and

4. WHEREAS, based on the representations and report of NCSCM, the Integrated Regional Office of this Ministry at Nagpur carried out a site inspection on 12/06/2021 along with Sub Divisional Officer & SDM, Dapoli and Tehsildar, Dapoli and made the following conclusions:

- *Sai Resort NX (G+2 Floors), Sea Conch Resort (G+1+ Covered structure in 2nd Floor) existing in Gat No.446 and approach road to the resorts are located in No Development Zone in CRZ-III as per CRZ Notification 2011. The constructions are in violation of CRZ Notification 2011 (Section 8 III (ii) of the Notification).*
- *One more road nearby to the resort connecting to the approach road is also in the No Development Zone in CRZ III,* and

5. WHEREAS, Maharashtra Coastal Zone Management Authority *vide* its letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 has also stated that the construction of resort at Gat No. 446 is in violation of extant CRZ norms, and

6. WHEREAS, as per extant provisions of the CRZ Notification, 2011, para 8 (I) III.CRZ-III A(ii), no construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure, thus the resorts in Gat No.446, falling within CRZ-III (NDZ) area is a prohibited activity, and

7. WHEREAS, on the basis of detailed examination by the Ministry, it is observed that construction activities, as stated in para 3, 4 & 5 above, have been carried out in complete disregard of the provisions of the CRZ Notification, 2011, and

8. WHEREAS, on the basis of detailed examination by the Ministry, you were directed vide Ministry's letter dated 17th December, 2021 to Show Cause and to submit your response within 15 (fifteen) days, as to why this Ministry shall not order demolition of all the constructions and removal of roads which is a prohibited activity as per the extant CRZ regulations, and

9. WHEREAS, the Ministry had given 15 (fifteen) days' time to respond to the Show Cause notice and submit response, and

10. WHEREAS, the Ministry has not received any response from you till date, and

11. NOW, THEREFORE, on the basis of **facts mentioned in Para 1 to 10 above** and on the basis of detailed examination, the Ministry, in accordance with the provisions of Section 5 of the Environment (Protection) Act, 1986 hereby directs M/s Sai Resorts NX and M/s Sea Conch Resort that:

**"The unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition"**

**Further, project proponent is also directed to ensure compliance to the applicable provisions of Construction and Demolition Waste Management Rules, 2016 while carrying out the demolition activity.**

12. In case the above directions are not complied within three (3) months from the date of receipt of this order, the Ministry will be constrained to enforce this direction, and undertake necessary action under the relevant provisions of the Environment (Protection) Act, 1986.

13. This issues with approval of the Competent Authority.

**(Dr. H. Kharkwal)**
**Additional Director /**
**Scientist 'E'(CRZ)**

**To**

1. **M/s Sai Resorts NX,**
   **Gat No. 446, Murud, Tehsil Dapoli,**
   **Ratnagiri-415713, Maharashtra**

2. **M/s Sea Conch Resort,**
   **Gat No. 446, Murud, Tehsil Dapoli,**
   **Ratnagiri-415713, Maharashtra**

**Copy to:**

1. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra – *It is requested to ensure compliance to the aforesaid direction of MoEF&CC and action taken report shall be furnished to the Ministry at the earliest.*

2. The Chairman, (Environment) & Additional Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra – *It is requested to ensure compliance to the aforesaid direction of MoEF&CC and action taken report shall be furnished to the Ministry at the earliest.*

3. The Member Secretary, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, Environment Department, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra. – *It is requested to ensure compliance to the aforesaid direction of MoEF&CC and action taken report shall be furnished to the Ministry at the earliest.*

4. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai-400022, Maharashtra – *It is requested to ensure compliance to the aforesaid direction of MoEF&CC and action taken report shall be furnished to the Ministry at the earliest.*

5. The Regional Officer, Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur-440001, Maharashtra.

6. The Director (IA Policy), MoEF&CC, New Delhi.

7. The Director (IA Monitoring), MoEF&CC, New Delhi.

8. Guard File / Website of MoEF&CC.

**(Dr. H. Kharkwal)**
**Additional Director /**
**Scientist 'E'(CRZ)**

ANNEXURE R1/11

URGENT

**F.No. IA3-2/11/2021-IA.III**
**Government of India**
**Ministry of Environment, Forest and Climate Change**
**IA. III Division (CRZ)**

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi-110003
Dated: 31st May, 2022

**Subject: Status of Action Taken on violations of the provisions of Coastal Regulation Zone (CRZ) Notification, 2011 by M/s Sai Resorts NX and M/s Sea Conch Resort – regarding.**

Sir,

The undersigned is directed to attach herewith a communication dated 11th May, 2022 from Dr. Kirit Somaiya, Former Member of Parliament seeking the details of action taken against the unauthorized constructions in CRZ areas.

2. In this regard, it is requested that action taken report on the Ministry's direction under Section 5 of the Environment (Protection) Act, 1986 dated 31st January, 2022 issued against M/s Sai Resorts NX and M/s Sea Conch Resort, Maharashtra for violations of the provisions of Coastal Regulation Zone (CRZ) Notification, 2011 may be provided at the earliest. Copy of the direction issued by the Ministry is enclosed for ready reference.

3. This issues with approval of the Competent Authority.

Encl. As above.

(Dr. H. Kharkwal)
Scientist 'E' (CRZ)

**To,**

**The Member Secretary**
**Maharashtra Coastal Zone Management Authority**
**Environment Department**
**5th Floor, New Administrative Building, Mantralaya**
**Mumbai - 400032,**
**Maharashtra**

**Copy for information and necessary action as per Ministry's order dated 31st January, 2022 to:**

1. M/s Sai Resorts NX, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra, Maharashtra.
2. M/s Sea Conch Resort, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.
3. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.

O/C

Letter sent by Speed Post on 02/06/2022.



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4. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th Floor, Opp. PVR Cinema, Sion Circle, Mumbai-400022, Maharashtra.
5. The Regional Officer, Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur- 440001, Maharashtra
6. The Director (IA Monitoring), MoEF&CC, New Delhi.
7. Guard File/Website of MoEF&CC.



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ANNEXURE R1/12

**F.No. IA3-2/11/2021-IA.III**
**Government of India**
**Ministry of Environment, Forest and Climate Change**
**IA.III Section (CRZ)**

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi-110003

Dated: 30th June, 2022

**ORDER**

**Subject: Constitution of Expert Committee for Environmental Impact and Damage Assessment to assess the monetary value of the damage caused on violations of the provisions of Coastal Regulation Zone (CRZ) Notification, 2011 by M/s Sai Resorts NX and M/s Sea Conch Resort - regarding**

The Government of India through the Ministry of Environment, Forest and Climate Change has issued the Coastal Regulation Zone (CRZ) Notification, 2011 *vide* S.O. No. 19(E) dated 6th January, 2011 under the Environment (Protection) Act, 1986 for protecting and conserving the coastal environment and to regulate development in the CRZ area.

2. The Ministry received several representations on illegal construction of resort and road in CRZ –III [No Development Zone (NDZ)] area at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra.

3. As per the reports provided by the National Centre for Sustainable Coastal Management (NCSCM), Chennai, Integrated Regional Office (IRO) of the Ministry at Nagpur and the Maharashtra Coastal Zone Management Authority, it has been noted that the construction of resorts at Gat No. 446 is in violation of extant CRZ norms and in complete disregard of the provisions of the CRZ Notification, 2011.

3. Accordingly, the Ministry vide its letter dated 17th December, 2021 has issued Show Cause Notice to M/s Sai Resorts NX and M/s Sea Conch Resort. Further, the Ministry has issued direction to M/s Sai Resorts NX and M/s Sea Conch Resort vide OM dated 31st January 2022 in accordance with the provisions of Section 5 of the Environment (Protection) Act, 1986 that:

*"The unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition*

*Further, project proponent is also directed to ensure compliance to the applicable provisions of Construction and Demolition Waste Management Rules, 2016 while carrying out the demolition activity".*

4. Now, the Enforcement Directorate (ED), Ministry of Finance, Government of India has requested that an Environmental Impact Assessment may be conducted by a team of experts appointed by MoEFCC to assess the monetary value of the damage caused by discharge of sewage / pollutants etc in the sea (Section 15 r/w section 7 of Environment Protection Act, 1986) from the resorts.



O/C

Letter sent by speed Post on 01/7/2022.

5. In this regard, it has been decided to **constitute a Joint Committee of Maharashtra Pollution Control Board, National Centre for Sustainable Coastal Management (NCSCM) Chennai, Integrated Regional Office (IRO) of the Ministry, Nagpur and the Maharashtra Coastal Zone Management Authority (MCZMA) with Maharashtra Pollution Control Board (MPCB) being nodal agency for coordination and compliance.**

6. The Joint Committee shall assess the monetary value of the damage caused due to violations of the provisions of Coastal Regulation Zone (CRZ) Notification, 2011 by M/s Sai Resorts NX and M/s Sea Conch Resort.

7. The Committee shall submit its report with specific recommendations for mitigations of the damage caused along with the monetary value of the damage caused, **within one month of its constitution.**

8. This issues with approval of the Competent Authority.

**(Dr. H.Kharkwal)**
**Scientist 'E'**

**To:**

1. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai - 400022, Maharashtra.
2. The Director, National Centre for Sustainable Coastal Management (NCSCM), Anna University Campus, Chennai - 600025, Tamil Nadu.
3. The Member Secretary, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, Environment Department, 15th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
4. The Deputy DG(C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office (IRO), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur- 440001, Maharashtra.
5. M/s Sai Resorts NX, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.
6. M/s Sea Conch Resort, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.

**Copy to:**

1. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
2. The Chairman & Additional Chief Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
3. The Director (IA Monitoring), MoEF&CC, New Delhi.
4. Guard File/Website of MoEF&CC.

**(Dr. H.Kharkwal)**
**Scientist 'E'**

अशोक शिनगारे, भाप्रसे
सदस्य सचिव
Ashok Shingare, IAS
MEMBER SECRETARY

महाराष्ट्र प्रदूषण नियंत्रण मंडळ
MAHARASHTRA POLLUTION CONTROL BOARD

No. MPCB/MS/B:3

Date: 15/07/2022.

To,

**Dr. H. Kharkwal,**
Scientist 'E',
Ministry of Environment Forest & Climate Change,
Indira Paryavarn Bhavan, Jor Bagh Road,
New Delhi.

**Sub:** Submission of Report of Expert Committee constituted for Environmental impact and Damage Assessment to assess the monetary value of the damage caused on violation of Provisions of Coastal Regulation Zone Notification, 2011 by M/s. Sai Resort NX and M/s. Sea Conch Resort-Reg.

**Ref:** Your letter dated 30/06/2022 received on mail dt. 07/07/2022.

Kindly pursue the letter in reference. As per the directions of Ministry, MPCB had constituted a Joint Committee and requested them to visit the above mentioned site and submit report about the points mentioned in the said letter.

Accordingly, the Joint Committee had visited the site on 13/07/2022 & 14/07/2022 and submitted the report which is submitted for further necessary action.

(Ashok Shingare)
Member Secretary

कल्पतरु पॉईंट, सायन सर्कल, सायन (पूर्व), मुंबई - ४०० ०२२. टेलि. : २४०१ ०७०६
Kalpataru Point, Sion Circle, Sion (East), Mumbai - 400 022. Tel.: 2401 0706
E-mail : ms@mpcb.gov.in • Website : www.mpcb.gov.in



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**REPORT OF THE COMMITTEE CONSTITUTED BY MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE TO ASSESS THE MONETARY VALUE OF THE DAMAGE CAUSED DUE TO VIOLATIONS OF CRZ NOTIFICATION, 2011 BY M/s. SAI RESORTS AND M/s. SEA CONCH RESORTS AT MURUD, TEHSIL DAPOLI, DISTRICT RATNAGIRI, MAHARASHTRA**

## 1.0 PREAMBLE

The Committee noted from the Letter dated 30.06.2022 of the Ministry that based on the representations on illegal construction of resort and road in CRZ-III(NDZ), further as per the reports of NCSCM, Chennai and IRO, MoEFCC, Nagpur, it has been noted that the construction of resorts at Gat No. 446 is in violation of extant CRZ norms and in complete disregard of the provisions of the CRZ Notification, 2011. It was also noted that MoEFCC accordingly, vide letter dated 17.12.2021 has issued SCN to the M/s Sai Resorts and M/s Sea Conch Resorts, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra and further issued direction under section 5 of the Environment (Protection) Act, 1986 for the removal of unauthorized structure in its entirety and restore the area to its original condition. Further, it was also directed to ensure compliance to the applicable provisions of Construction and Demolition Waste management Rules, 2016 while carrying out the demolition. Further the Enforcement Directorate(ED) of the Ministry of Finance, GoI has sought for an Environmental Impact Assessment study.

In view of the above, Ministry of Environment, Forest and Climate Change vide Order No. IA 3-2/11/2021-IA-III dated 30.06.2022 constituted a Expert Committee consisting Maharashtra Pollution Control Board(MPCB), National Centre for Sustainable Coastal Management (NCSCM), Chennai Integrated Regional Office, MoEFCC, Nagpur, Maharashtra Coastal Zone Management Authority (MCZMA) with MPCB as Nodal agency to assess the monetary value of the damage caused due to violations of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.

Accordingly, MPCB has addressed on 12.07.2022 to all the member Organization for the site visit of the above mentioned two resorts and meeting. The site inspection was made by the following members of the Committee on 13 & 14.07.2022:

1. Shri E.Thirunavukkarasu, Scientist 'E', Integrated Regional Office, MoEFCC, Nagpur -Member
2. Dr. Manik Mahapatra, Scientist ' B' National Centre for Sustainable Coastal Management, Chennai -Member
3. Shri Sanjay Sandanshiv, Under Secretary, Maharashtra Coastal Zone Management Authority -Member



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4. Shri J. S Salukhe, Regional Officer, Maharashtra Pollution Control Board, Kolhapur -Nodal Officer

Shri Sharad Pawar, Sub- Divisional Magistrate, Dapoli, Mrs Vaisali Patil Tasildar, Dapoli, Shri Pandey BDO, Bhirondi Gat and Thaliti, Murud, Shri Sagar Auti, Sub- Regional Officer, MPCB, Chiplun were also present during the inspection.

**2.0 Terms of reference for the committee**

MoEFCC vide Order No. IA 3-2/11/2021-IA-III dated 30.06.2022 constituted an Expert Committee with the following Terms of Reference:

- To assess the monetary value of the damage caused due to violations of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Tehsil Dapoli, Ratnagiri, Maharashtra.

- To provide specific recommendations for mitigations of the damage caused

**3.0 FIELD OBSERVATIONS:**

**3.1 M/s Sea Conch Resorts, Gat No. 446, Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra**

- The resort was not in operation during the visit, no occupancy was noticed
- There is one open well and a bore well within the premises
- There is a tank for the collection of sewage / wastewater located within the premises at about 50 mts from Coast apart from a septic tank.
- No discharge arrangement from the resorts/ septic tank to Sea has been noticed

Field photographs are placed at **Annexure-I.**

**3.2 M/s Sai Resort, Gat No. 446, Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra**

- The resort was not in operation during the visit, no occupancy was noticed
- There is one open well
- There is a tank for the collection of sewage / wastewater located within the premises at about 70 mts from Coast
- No discharge arrangement from the resorts/ septic tank to Sea has been noticed

Field photographs are placed at **Annexure-II.**



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## 4.0 ENVIRONMENTAL COMPENSATION (EC)

The Committee felt that since the entire activity is in violation of the CRZ Notification 2011, the available method of calculation of environmental compensation based on polluters pays principle prepared by CPCB is used:

EC=PI x N x R x S x LF

Where PI is average pollution index of industrial sector [ Red- 80, Orange- 50 and Green – 30],

N is the number of the days violation took place

R- is a factor in Rs of calculation of EC [ 100- 500]

S –factor for scale of operation [Large- 1.5, Medium- 1.0 and Small - -0.5]

LF is the location factor [2.0 for the population more than 10 Million, 1.5 for 5- 10 Million and 1.25 for 1-5 million, 1.0 for less than 1 million and located beyond 10 km from municipal limit]

### 4.1 Environmental Compensation for M/s Sea Conch Resort

It was noted from the Google Earth imageries **( Annexure-III)** that the construction at the site commenced during December, 2017, hence the Number of days of violation calculated from December, 2017.The details are given in **Table 1.**

**Table1: Number of day of violations by M/s Sea Conch Resort**

| Year | Number of days |
|---|---|
| December, 2017 | 31 |
| 2018- 2021 | 365 x 4= 1460 |
| 2022 | 194 days[ till 14.07.2022, the date of inspection] |
| **TOTAL** | **1685 days** |

PI is considered as 30 as being Green as the rooms are 14 [ hotels having less than 20 rooms] , S is 0.5 for small scale, LF is 1.0 and R is considered as 150 considering the commencement of operation from 2018, seasonal operation etc,.

EC= 30 x 0.5 x 1x 150 x 1685 = **Rs 37,91,250/-**



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### 4.2 Environmental Compensation for M/s Sai Resort

It was noted from the Google Earth imageries that the construction at the site commenced during December, 2017, hence the Number of days of violation calculated from December, 2017.The details are given in **Table 2.**

**Table 2: Number of day of violations by M/s Sai Resort**

| Year | Number of days |
|---|---|
| December, 2017 | 31 |
| 2018- 2021 | 365 x 4= 1460 |
| 2022 | 194 days[ till 14.07.2022, the date of inspection] |
| **TOTAL** | **1685 days** |

PI for M/s Sai Resort is considered as 30 being an green category as the rooms are 14 [ hotels having room less than 20], S is 0.5 for small scale, LF is 1.0 and R is 100 as it was completed in May, 2021 and not commenced operation according to locals and observation of local MPCB, SDM in the past visits etc,.

EC= 30 x 0.5 x 1x 100 x 1685 = **Rs 25, 27, 500/-**

### 5.0 MITIGATIONS OF THE DAMAGE CAUSED

The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. The remedial measures therefore should be removal of the unauthorized structures in its entirety from the NDZ area and restore the area to its original condition. While doing so, the expected debris and other materials need to be collected properly and transported safely either for reprocessing/ reusing or for the disposal with prior approval of local competent authority, as per the prevailing including Construction and Demolition Waste management Rules, 2016. If required, expert opinion to be taken prior to the demolition and the demolition to be carried out with supervision of Competent Authority/Expert Organization.



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## 6.0 CONCLUSION AND RECOMMENDATIONS

- The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. The remedial measures therefore should be removal of the unauthorized structures in its entirety from the NDZ area and restore the area to its original condition.

- The likely debris and other materials to be generated from the demolition need to be collected properly and transported safely either for reprocessing/ reusing or for the disposal with prior approval of local competent authority, as per the prevailing provisions including Construction and Demolition Waste Management Rules, 2016. If required, expert opinion to be taken prior to the demolition and the demolition to be carried out with supervision of Competent Authority / Expert Organization.

- Plantation / developing the area in line with the surrounding environment need to be considered after demolition.

- The Committee recommends Rs = Rs 37,91,250/- for M/s Sea Conch and Rs Rs 25, 27, 500/- for M/s Sai Resorts as environmental Compensation for the violation of CRZ Notification, 2011 under polluters Pays Principle.

- The cost toward demolition of the project authority, the cost involved in demolition, transport and disposal of C & D Wastes restoring the area including plantation/ developing the area in line with the surrounding environment to be calculated separately through Competent Authority / Expert Organization.

14/02/2022

Shri E.Thirunavukkarasu,
Scientist 'E',
Integrated Regional Office,
MoEFCC, Nagpur

Shri Sanjay Sandanshiv,
Under Secretary,
Maharashtra Coastal Zone
Management Authority

Manik mahapatra
14/07/2022

Dr. Manik Mahapatra,
Scientist ' B'
National Centre for Sustainable
Coastal Management, Chennai

14/07/2022

Shri J. S Salukhe,
Regional Officer, Maharashtra
Pollution Control Board, Kolhapur



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**Annexure-I: Field photographs of M/s Sea Conch Resorts**



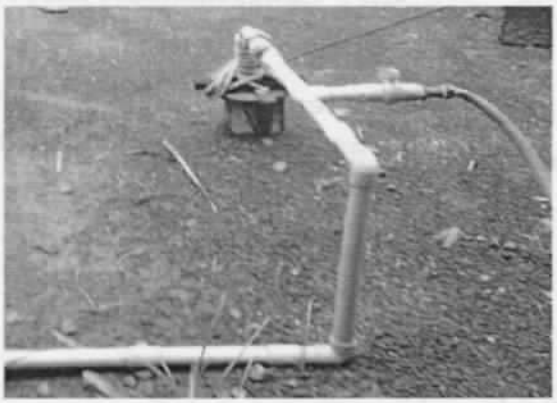
M/s Sea Conch Resort



Sewage/wastewater collection tank



Open Well



Bore Well

1



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Annexure-II: Field photographs of M/s Sai Resorts



M/s Sai Resort



Open Well





Sewage/wastewater collection tank

2



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**Annexure-III Google Earth images showing the commencement of work at the site**

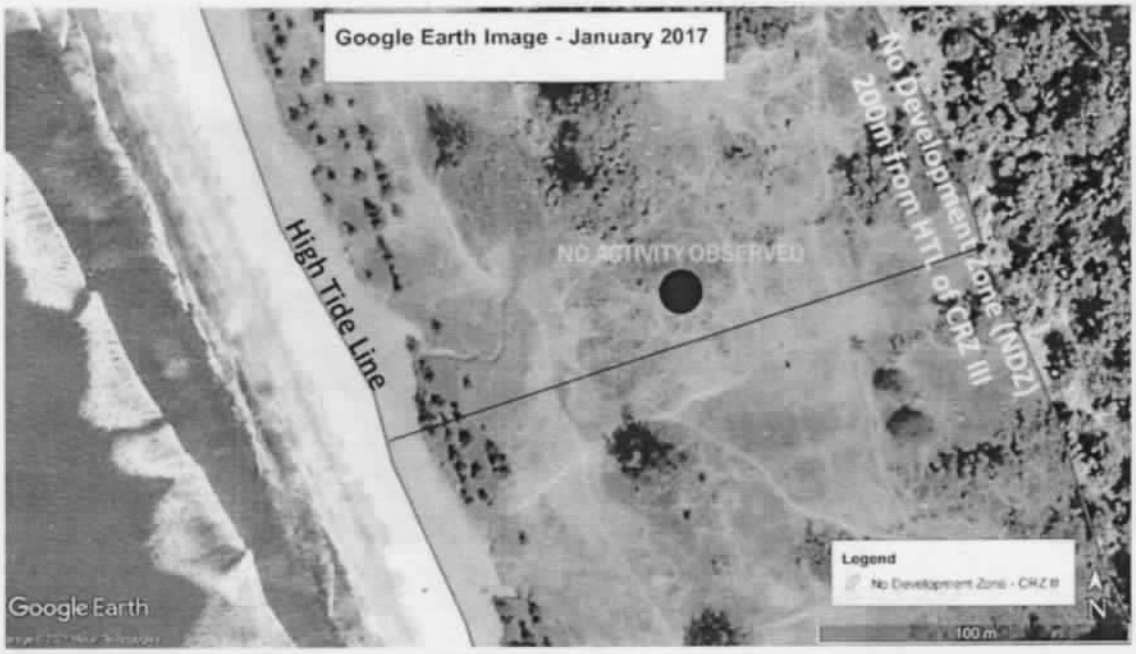



Plate1: Google Image January 2017




Plate1: Google Image December 2017

3



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**F.No. IA3-2/11/2021-IA.III**
**Government of India**
**Ministry of Environment, Forest and Climate Change**
**IA.III Section (CRZ)**

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi-110003

Dated: 30th June, 2022

**ORDER**

**Subject: Constitution of Expert Committee for Environmental Impact and Damage Assessment to assess the monetary value of the damage caused on violations of the provisions of Coastal Regulation Zone (CRZ) Notification, 2011 by M/s Sai Resorts NX and M/s Sea Conch Resort - regarding**

The Government of India through the Ministry of Environment, Forest and Climate Change has issued the Coastal Regulation Zone (CRZ) Notification, 2011 *vide* S.O. No. 19(E) dated 6th January, 2011 under the Environment (Protection) Act, 1986 for protecting and conserving the coastal environment and to regulate development in the CRZ area.

2. The Ministry received several representations on illegal construction of resort and road in CRZ –III [No Development Zone (NDZ)] area at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra.

3. As per the reports provided by the National Centre for Sustainable Coastal Management (NCSCM), Chennai, Integrated Regional Office (IRO) of the Ministry at Nagpur and the Maharashtra Coastal Zone Management Authority, it has been noted that the construction of resorts at Gat No. 446 is in violation of extant CRZ norms and in complete disregard of the provisions of the CRZ Notification, 2011.

3. Accordingly, the Ministry vide its letter dated 17th December, 2021 has issued Show Cause Notice to M/s Sai Resorts NX and M/s Sea Conch Resort. Further, the Ministry has issued direction to M/s Sai Resorts NX and M/s Sea Conch Resort vide OM dated 31st January 2022 in accordance with the provisions of Section 5 of the Environment (Protection) Act, 1986 that:

*"The unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition*

*Further, project proponent is also directed to ensure compliance to the applicable provisions of Construction and Demolition Waste Management Rules, 2016 while carrying out the demolition activity".*

4. Now, the Enforcement Directorate (ED), Ministry of Finance, Government of India has requested that an Environmental Impact Assessment may be conducted by a team of experts appointed by MoEFCC to assess the monetary value of the damage caused by discharge of sewage / pollutants etc in the sea (Section 15 r/w section 7 of Environment Protection Act, 1986) from the resorts.





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5. In this regard, it has been decided to **constitute a Joint Committee of Maharashtra Pollution Control Board, National Centre for Sustainable Coastal Management (NCSCM) Chennai, Integrated Regional Office (IRO) of the Ministry, Nagpur and the Maharashtra Coastal Zone Management Authority (MCZMA) with Maharashtra Pollution Control Board (MPCB) being nodal agency for coordination and compliance.**

6. The Joint Committee shall assess the monetary value of the damage caused due to violations of the provisions of Coastal Regulation Zone (CRZ) Notification, 2011 by M/s Sai Resorts NX and M/s Sea Conch Resort.

7. The Committee shall submit its report with specific recommendations for mitigations of the damage caused along with the monetary value of the damage caused, **within one month of its constitution.**

8. This issues with approval of the Competent Authority.

**(Dr. H.Kharkwal)**
**Scientist 'E'**

**To:**

1. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai - 400022, Maharashtra.
2. The Director, National Centre for Sustainable Coastal Management (NCSCM), Anna University Campus, Chennai - 600025, Tamil Nadu.
3. The Member Secretary, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, Environment Department, 15th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
4. The Deputy DG(C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office (IRO), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur- 440001, Maharashtra.
5. M/s Sai Resorts NX, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.
6. M/s Sea Conch Resort, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.

**Copy to:**

1. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
2. The Chairman & Additional Chief Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
3. The Director (IA Monitoring), MoEF&CC, New Delhi.
4. Guard File/Website of MoEF&CC.

**(Dr. H.Kharkwal)**
**Scientist 'E'**



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**Comments on Environmental Compensation in Case of Illegal Construction in No development Zone**

Ministry of Environment, Forest and Climate Change vide Order No. IA 3- 2/11/2021-IA-III dated 30.06.2022 constituted an Expert Committee consisting Maharashtra Pollution Control Board(MPCB), National Centre for Sustainable Coastal Management (NCSCM), Chennai Integrated Regional Office, MoEFCC, Nagpur, Maharashtra Coastal Zone Management Authority (MCZMA) with MPCB as Nodal agency to assess the monetary value of the damage caused due to violations of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.

The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. Committee has recommended Rs 37,91,250/- for M/s Sea Conch and Rs 25, 27,500/- for M/s Sai Resorts as environmental Compensation for the violation of CRZ Notification, 2011 under polluters Pays Principle, along with other mitigation measures such as removal of construction after cost assessment by an expert organization.

Draft report was examined and following comments are made

1. EC is calculated for violations of CRZ notification and construction in No Development Zone.
2. No construction is permitted in NDZ (No development Zone).
3. In various judgements of Hon'ble NGT ,i.e O.A No 764/2018 , 661/2018 Hon'ble NGT has directed for calculation of Environmental Compensation for acting asdeterrent for violators . Since construction is done in CRZ NDZ ,EC may be calculated considering highest value of Rupees and Location factor for acting as deterrent for violators. So EC may be revised by adopting following factors
   a. R factor may be increased to 500.
   b. LF factor may considered 2 for constructing in No Development Zone
   (As per methodology for notified Ecologically Sensitive areas, for beginning, LF may be assumed as 2.0.However, for critically Polluted Areas, LF may be explored in future.)

Revised EC calculations are as follows:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in ₹
PI = Pollution Index of industrial sector
N = Number of days of violation took place
R = A factor in Rupees (₹) for EC
S = Factor for scale of operation
LF = Location factor

| Factors | Violations by M/s Sea Conch Resort | Violations by M/s Sai Resort |
|---|---|---|
| **Pollution Index (PI) for green category** | 21-40 | 21-40 |
| **Average PI (for green category)** | 30 | 30 |
| **R-Factor (100-500)** | 500 | 500 |
| **S-Factor (0.5 for small)** | 0.5 | 0.5 |
| **L-Factor (range 1.00 – 2.00)** | 2.00 | 2.00 |
| **Environmental Compensation (₹/day)** | **15000** | 15000 |
| **N (Duration)** | **1685** | 1685 |
| EC =PI x N x R x S x LF | **25,275,000** | 25,275,000 |
| **Total EC for entire duration (if N=1685)** | **2.5275crore** | 2.5275crore |

**********

Annexure-R1/15

**F.No. IA3-2/11/2021-IA.III**
**Government of India**
**Ministry of Environment, Forest and Climate Change**
**IA.III Section (CRZ)**

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi-110003
Dated: 22nd August, 2022

**To**

1. **The Member Secretary,**
   **Maharashtra Coastal Zone**
   **Management Authority (MCZMA),**
   **Government of Maharashtra,**
   **Environment Department, 15th Floor,**
   **New Administrative Building, Mantralaya,**
   **Mumbai - 400032, Maharashtra**

2. **The Member Secretary**
   **Maharashtra Pollution Control Board**
   **Kalpataru Point, 3rd and 4th floor**
   **Opp. PVR Cinema, Sion Circle**
   **Mumbai-400022, Maharashtra**

**Subject: Illegal Construction in CRZ area at Survey No.446, Village Murud, Taluka Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea Conch Resort - regarding.**

Sir,

The Government of India through the Ministry of Environment, Forest and Climate Change has issued the Coastal Regulation Zone (CRZ) Notification, 2011 *vide* S.O. No. 19(E) dated 6th January, 2011 under the Environment (Protection) Act, 1986 for protecting and conserving the coastal environment and to regulate development in the CRZ area.

2. The Ministry received several representations on illegal construction of resort and road in CRZ –III [No Development Zone (NDZ)] area at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra.

3. As per the reports provided by the National Centre for Sustainable Coastal Management (NCSCM), Chennai, Integrated Regional Office of the Ministry at Nagpur and the Maharashtra Coastal Zone Management Authority, it has been noted that the construction of resorts at Gat No. 446 is in violation of extant CRZ norms and in complete disregard of the provisions of the CRZ Notification, 2011.

4. Accordingly, the Ministry vide it's letter dated 17th December, 2021 has issued Show Cause Notice to M/s Sai Resorts NX and M/s Sea Conch Resort. Further, the Ministry has issued direction to M/s Sai Resorts NX and M/s Sea Conch Resort vide OM dated 31st January 2022 in accordance with the provisions of Section 5 of the Environment (Protection) Act, 1986 that:

*"The unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition*





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*Further, project proponent is also directed to ensure compliance to the applicable provisions of Construction and Demolition Waste Management Rules, 2016 while carrying out the demolition activity".*

This was followed up by a letter dated 31st May, 2022 to MCZMA and SPCB seeking details of action taken in this regard.

5. The Ministry vide order dated 30th June, 2022 constituted a Joint Committee comprising representatives from Maharashtra Pollution Control Board, National Centre for Sustainable Coastal Management (NCSCM) Chennai, Integrated Regional Office (IRO) of the Ministry, Nagpur and the Maharashtra Coastal Zone Management Authority (MCZMA) with Maharashtra Pollution Control Board (MPCB) being nodal agency for coordination and compliance. The Committee was entrusted with the responsibility (i) to assess the monetary value of the damage caused to environment due to violation of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Tehsil Dapoli, Ratnagiri, Maharashtra and (ii) to provide specific recommendations for mitigations of the damage caused.

6. In compliance of this Ministry's letter dated 30th June, 2022, the Member Secretary, Maharashtra Pollution Control Board has submitted its report to Ministry *vide* email dated 15/7/2022. **(Report attached as Annexure-I)**

The conclusion and recommendations of Expert Committee are as under:

**CONCLUSION AND RECOMMENDATIONS:**

- The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. The remedial measures therefore should be removal of the unauthorized structures in its entirety from the NDZ area and restore the area to its original condition.
- The likely debris and other materials to be generated from the demolition need to be collected properly and transported safely either for reprocessing / reusing or for the disposal with prior approval of local competent authority, as per the prevailing provisions including Construction and Demolition Waste Management Rules, 2016. If required, expert opinion to be taken prior to the demolition and the demolition to be carried out with supervision of Competent Authority / Expert Organization.
- Plantation / developing the area in line with the surrounding environment need to be considered after demolition.
- The Committee recommends ₹37,91,250/- for M/s Sea Conch and ₹25,27,500/- for M/s Sai Resorts as Environmental Compensation for the violation of CRZ Notification, 2011 under polluters Pays Principle.
- The cost toward demolition of the project authority, the cost involved in demolition, transport and disposal of C&D Wastes restoring the area including plantation/ developing the area in line with the surrounding environment to be calculated separately through Competent Authority / Expert Organization.

7. The recommendation/ report of the Joint Committee was referred to CPCB to provide comments on methodology adopted and calculations done which would in turn would decide the correctness of EC amount arrived at by Joint Committee. The CPCB has reviewed Environmental Compensation (EC) evaluated by the Expert Committee constituted by Ministry. The CPCB has given its comments as under:

1. EC is calculated for violations of CRZ notification and construction in No Development Zone.
2. No construction is permitted in NDZ (No development Zone).



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3. In various judgements of Hon'ble NGT, i.e O. A No 764/2018, 661/2018 Hon'ble NGT has directed for calculation of Environmental Compensation for acting as deterrent for violators. Since construction is done in CRZ NDZ, EC may be calculated considering highest value of Rupees and Location factor for acting as deterrent for violators. So EC may be revised by adopting following factors
   a. R factor may be increased to 500.
   b. LF factor may considered 2 for constructing in No Development Zone (As per methodology for notified Ecologically Sensitive areas, for beginning, LF may be assumed as 2.0. However, for critically Polluted Areas, LF may be explored in future.)

**The CPCB report is attached as Annexure-II.**

8. In view of above, it has been decided that, as far as the Environmental Compensation (EC) is concerned, the monetary value as calculated by Joint Committee shall be modified as per the calculation done by CPCB.

9. Further , in accordance with the earlier direction of the Ministry issued earlier under Section 5 *vide* OM dated 31st January 2022 followed by letter dated 31st May, 2022 The SCZMA and SPCB are directed to act upon the recommendations of the Joint Committee report and further , Maharashtra SPCB is also directed to realise the amount of environmental compensation from M/s Sea Conch Resort and M/s Sai Resort as per the monetary value of Environmental Compensation arrived at by CPCB as mentioned in the preceding para . An action taken report on the matter shall be communicated to the Ministry at the earliest.

10. This issues with approval of the Competent Authority.

**(Dr. H. Kharkwal)**
**Scientist 'E' (CRZ)**

**Copy to**

1. The Deputy DG(C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur- 440001, Maharashtra.
2. M/s Sai Resorts NX, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.
3. M/s Sea Conch Resort, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.

**Copy to:**

1. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
2. The Chairman & Additional Chief Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
3. The Director (IA Monitoring), MoEF&CC, New Delhi.



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अशोक शिनगारे, भाप्रसे
सदस्य सचिव
Ashok Shingare, IAS
MEMBER SECRETARY

महाराष्ट्र प्रदूषण नियंत्रण मंडळ
MAHARASHTRA POLLUTION CONTROL BOARD

No. MPCB/MS/B.3 Date: 15/07/2022

To,

**Dr. H. Kharkwal,**
Scientist 'E',
Ministry of Environment Forest & Climate Change,
Indira Paryavarn Bhavan, Jor Bagh Road,
New Delhi.

**Sub:** Submission of Report of Expert Committee constituted for Environmental impact and Damage Assessment to assess the monetary value of the damage caused on violation of Provisions of Coastal Regulation Zone Notification, 2011 by M/s. Sai Resort NX and M/s. Sea Conch Resort-Reg.

**Ref:** Your letter dated 30/06/2022 received on mail dt. 07/07/2022.

Kindly pursue the letter in reference. As per the directions of Ministry, MPCB had constituted a Joint Committee and requested them to visit the above mentioned site and submit report about the points mentioned in the said letter.

Accordingly, the Joint Committee had visited the site on 13/07/2022 & 14/07/2022 and submitted the report which is submitted for further necessary action.

(Ashok Shingare)
Member Secretary

कल्पतरु पॉईंट, सायन सर्कल, सायन (पूर्व), मुंबई - ४०० ०२२. टेलि. : २४०१ ०७०६
Kalpataru Point, Sion Circle, Sion (East), Mumbai - 400 022. Tel.: 2401 0706
E-mail : ms@mpcb.gov.in • Website : www.mpcb.gov.in



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**REPORT OF THE COMMITTEE CONSTITUTED BY MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE TO ASSESS THE MONETARY VALUE OF THE DAMAGE CAUSED DUE TO VIOLATIONS OF CRZ NOTIFICATION, 2011 BY M/s. SAI RESORTS AND M/s. SEA CONCH RESORTS AT MURUD, TEHSIL DAPOLI, DISTRICT RATNAGIRI, MAHARASHTRA**

## 1.0 PREAMBLE

The Committee noted from the Letter dated 30.06.2022 of the Ministry that based on the representations on illegal construction of resort and road in CRZ-III(NDZ), further as per the reports of NCSCM, Chennai and IRO, MoEFCC, Nagpur, it has been noted that the construction of resorts at Gat No. 446 is in violation of extant CRZ norms and in complete disregard of the provisions of the CRZ Notification, 2011. It was also noted that MoEFCC accordingly, vide letter dated 17.12.2021 has issued SCN to the M/s Sai Resorts and M/s Sea Conch Resorts, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra and further issued direction under section 5 of the Environment (Protection) Act, 1986 for the removal of unauthorized structure in its entirety and restore the area to its original condition. Further, it was also directed to ensure compliance to the applicable provisions of Construction and Demolition Waste management Rules, 2016 while carrying out the demolition. Further the Enforcement Directorate(ED) of the Ministry of Finance, GoI has sought for an Environmental Impact Assessment study.

In view of the above, Ministry of Environment, Forest and Climate Change vide Order No. IA 3-2/11/2021-IA-III dated 30.06.2022 constituted a Expert Committee consisting Maharashtra Pollution Control Board(MPCB), National Centre for Sustainable Coastal Management (NCSCM), Chennai Integrated Regional Office, MoEFCC, Nagpur, Maharashtra Coastal Zone Management Authority (MCZMA) with MPCB as Nodal agency to assess the monetary value of the damage caused due to violations of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.

Accordingly, MPCB has addressed on 12.07.2022 to all the member Organization for the site visit of the above mentioned two resorts and meeting. The site inspection was made by the following members of the Committee on 13 & 14.07.2022:

1. Shri E.Thirunavukkarasu, Scientist 'E', Integrated Regional Office, MoEFCC, Nagpur -Member
2. Dr. Manik Mahapatra, Scientist ' B' National Centre for Sustainable Coastal Management, Chennai -Member
3. Shri Sanjay Sandanshiv, Under Secretary, Maharashtra Coastal Zone Management Authority -Member



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4. Shri J. S Salukhe, Regional Officer, Maharashtra -Nodal Officer Pollution Control Board, Kolhapur

Shri Sharad Pawar, Sub- Divisional Magistrate, Dapoli, Mrs Vaisali Patil Tasildar, Dapoli, Shri Pandey BDO, Bhirondi Gat and Thaliti, Murud, Shri Sagar Auti, Sub- Regional Officer, MPCB, Chiplun were also present during the inspection.

**2.0 Terms of reference for the committee**

MoEFCC vide Order No. IA 3-2/11/2021-IA-III dated 30.06.2022 constituted an Expert Committee with the following Terms of Reference:

- To assess the monetary value of the damage caused due to violations of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Tehsil Dapoli, Ratnagiri, Maharashtra.

- To provide specific recommendations for mitigations of the damage caused

**3.0 FIELD OBSERVATIONS:**

**3.1 M/s Sea Conch Resorts, Gat No. 446, Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra**

- The resort was not in operation during the visit, no occupancy was noticed
- There is one open well and a bore well within the premises
- There is a tank for the collection of sewage / wastewater located within the premises at about 50 mts from Coast apart from a septic tank.
- No discharge arrangement from the resorts/ septic tank to Sea has been noticed

Field photographs are placed at **Annexure-I.**

**3.2 M/s Sai Resort, Gat No. 446, Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra**

- The resort was not in operation during the visit, no occupancy was noticed
- There is one open well
- There is a tank for the collection of sewage / wastewater located within the premises at about 70 mts from Coast
- No discharge arrangement from the resorts/ septic tank to Sea has been noticed

Field photographs are placed at **Annexure-II.**



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## 4.0 ENVIRONMENTAL COMPENSATION (EC)

The Committee felt that since the entire activity is in violation of the CRZ Notification 2011, the available method of calculation of environmental compensation based on polluters pays principle prepared by CPCB is used:

EC=PI x N x R x S x LF

Where PI is average pollution index of industrial sector [ Red- 80, Orange- 50 and Green – 30],

N is the number of the days violation took place

R- is a factor in Rs of calculation of EC [ 100- 500]

S –factor for scale of operation [Large- 1.5, Medium- 1.0 and Small - -0.5]

LF is the location factor [2.0 for the population more than 10 Million, 1.5 for 5- 10 Million and 1.25 for 1-5 million, 1.0 for less than 1 million and located beyond 10 km from municipal limit]

### 4.1 Environmental Compensation for M/s Sea Conch Resort

It was noted from the Google Earth imageries **( Annexure-III)** that the construction at the site commenced during December, 2017, hence the Number of days of violation calculated from December, 2017.The details are given in **Table 1.**

**Table1: Number of day of violations by M/s Sea Conch Resort**

| Year | Number of days |
|---|---|
| December, 2017 | 31 |
| 2018- 2021 | 365 x 4= 1460 |
| 2022 | 194 days[ till 14.07.2022, the date of inspection] |
| **TOTAL** | **1685 days** |

PI is considered as 30 as being Green as the rooms are 14 [ hotels having less than 20 rooms] , S is 0.5 for small scale, LF is 1.0 and R is considered as 150 considering the commencement of operation from 2018, seasonal operation etc,.

EC= 30 x 0.5 x 1x 150 x 1685 = **Rs 37,91,250/-**



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### 4.2 Environmental Compensation for M/s Sai Resort

It was noted from the Google Earth imageries that the construction at the site commenced during December, 2017, hence the Number of days of violation calculated from December, 2017.The details are given in **Table 2.**

**Table 2: Number of day of violations by M/s Sai Resort**

| Year | Number of days |
|---|---|
| December, 2017 | 31 |
| 2018- 2021 | 365 x 4= 1460 |
| 2022 | 194 days[ till 14.07.2022, the date of inspection] |
| **TOTAL** | **1685 days** |

PI for M/s Sai Resort is considered as 30 being an green category as the rooms are 14 [ hotels having room less than 20], S is 0.5 for small scale, LF is 1.0 and R is 100 as it was completed in May, 2021 and not commenced operation according to locals and observation of local MPCB, SDM in the past visits etc,.

EC= 30 x 0.5 x 1x 100 x 1685 = **Rs 25, 27, 500/-**

### 5.0 MITIGATIONS OF THE DAMAGE CAUSED

The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. The remedial measures therefore should be removal of the unauthorized structures in its entirety from the NDZ area and restore the area to its original condition. While doing so, the expected debris and other materials need to be collected properly and transported safely either for reprocessing/ reusing or for the disposal with prior approval of local competent authority, as per the prevailing including Construction and Demolition Waste management Rules, 2016. If required, expert opinion to be taken prior to the demolition and the demolition to be carried out with supervision of Competent Authority/Expert Organization.



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## .0 CONCLUSION AND RECOMMENDATIONS

- The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. The remedial measures therefore should be removal of the unauthorized structures in its entirety from the NDZ area and restore the area to its original condition.

- The likely debris and other materials to be generated from the demolition need to be collected properly and transported safely either for reprocessing/ reusing or for the disposal with prior approval of local competent authority, as per the prevailing provisions including Construction and Demolition Waste Management Rules, 2016. If required, expert opinion to be taken prior to the demolition and the demolition to be carried out with supervision of Competent Authority / Expert Organization.

- Plantation / developing the area in line with the surrounding environment need to be considered after demolition.

- The Committee recommends Rs = Rs 37,91,250/- for M/s Sea Conch and Rs Rs 25, 27, 500/- for M/s Sai Resorts as environmental Compensation for the violation of CRZ Notification, 2011 under polluters Pays Principle.

- The cost toward demolition of the project authority, the cost involved in demolition, transport and disposal of C & D Wastes restoring the area including plantation/ developing the area in line with the surrounding environment to be calculated separately through Competent Authority / Expert Organization.

14/07/2022
Shri E.Thirunavukkarasu,
Scientist 'E',
Integrated Regional Office,
MoEFCC, Nagpur

Manik Mahapatra
14/07/2022
Dr. Manik Mahapatra,
Scientist ' B'
National Centre for Sustainable Coastal Management, Chennai

Shri Sanjay Sandanshiv,
Under Secretary,
Maharashtra Coastal Zone Management Authority

14/07/2022
Shri J. S Salukhe,
Regional Officer, Maharashtra Pollution Control Board, Kolhapur



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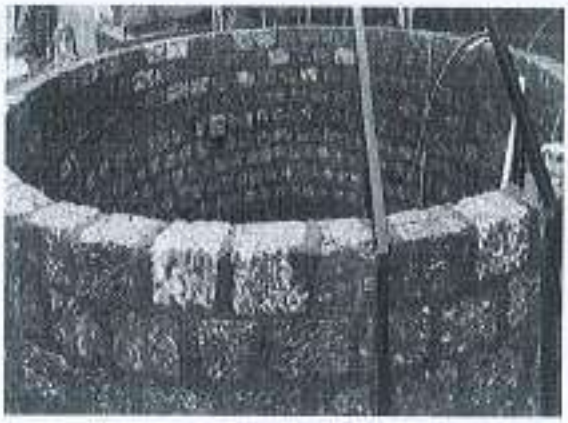
Annexure-I: Field photographs of M/s Sea Conch Resorts



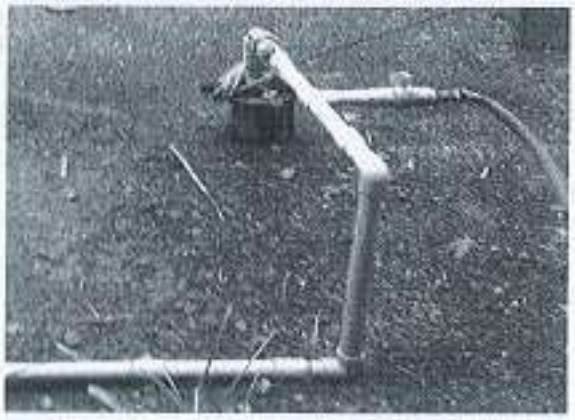
M/s Sea Conch Resort



Sewage/wastewater collection tank



Open Well



Bore Well



Generated from eOffice by VIJYA KASHYAP, Asso legal(VK)-IA-III, ASSOCIATE (LEGAL) - C, MOEFCC on 25/08/2023 08:20 PM

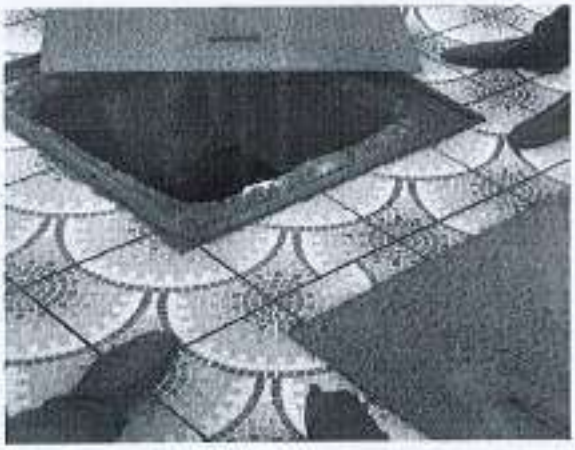
Annexure-II: Field photographs of M/s Sai Resorts

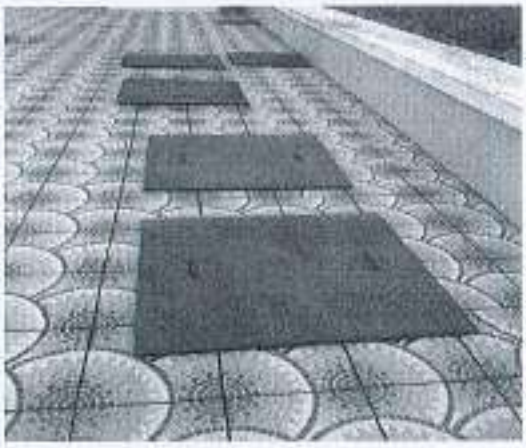


M/s Sai Resort



Open Well





Sewage/wastewater collection tank



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## Annexure-III Google Earth images showing the commencement of work at the site




Plate1: Google Image January 2017




Plate1: Google Image December 2017



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Annexure-II

**Re: Submission of report of Expert Committee for Environmental Impact and Damage Assessment**

**From :** Nalin Gupta <nkgupta.cpcb@nic.in> Sat, Jul 16, 2022 08:54 PM

**Subject :** Re: Submission of report of Expert Committee for Environmental Impact and Damage Assessment 1 attachment

**To :** Sujit Kumar Bajpayee <sujit.baju@gov.in>, Dr. Harendra Kharkwal <h.kharkwal@nic.in>, Tanmay Kumar <tanmay.kumar-rj@gov.in>, Chairman CPCB <ccb.cpcb@nic.in>

**Cc :** Danish Meena <danish.cpcb@gov.in>, Vinod Babu Bommathula <bvbabu.cpcb@nic.in>, Prashant Gargava <prashant.cpcb@gov.in>

Sir,

Trailing mail may pl be seen for background of the matter.

Environmental Compensation evaluated by MoEFCC Committee has been reviewed. There are certain suggestions wrt values of Location Factor and value of Rupees. These are suggested as 2 and Rs. 500/- respectively depending upon the location of the sites ( CRZ - No Development Zone) wherein violations have taken place. Now the revised EC is Rs. 2.5275 Crores for each of the illegal construction and is deterrent. Details observations & suggestions of CPCB are attached.

This is for kind consideration of MoEFCC with due approval of MS, CPCB.

N K Gupta
Head -UPC-I
CPCB Delhi.

Note :
Alternatively, EC of Rs. 100.00 Crores in each case may also be considered as per orders of Hon'ble Supreme Court of India as directed in case of Goel Ganga case.

---

**From:** "Prashant Gargava" <prashant.cpcb@gov.in>
**To:** "Nalin Gupta" <nkgupta.cpcb@nic.in>
**Cc:** "Danish Meena" <danish.cpcb@gov.in>, "Vinod Babu Bommathula" <bvbabu.cpcb@nic.in>
**Sent:** Saturday, July 16, 2022 4:50:06 PM
**Subject:** Fwd: Submission of report of Expert Committee for Environmental Impact and Damage Assessment



Generated from eOffice by VIJYA KASHYAP, Asso legal(VK)-IA-III, ASSOCIATE (LEGAL) - C, MOEFCC on 25/08/2023 08:20 PM

For necessary action.

---

**From:** "Sujit Kumar Bajpayee" <sujit.baju@gov.in>
**To:** "Prashant Gargava" <prashant.cpcb@gov.in>
**Sent:** Saturday, July 16, 2022 4:47:13 PM
**Subject:** Fwd: Submission of report of Expert Committee for Environmental Impact and Damage Assessment

Sujit Kumar Bajpayee
Joint Secretary
Govt. of India
Ministry of Environment, Forest & Climate Change
135, Prithvi Wing, Ist Floor
Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi-110003
Office Tel: 011-20819398

---

**From:** "Dr. Harendra Kharkwal" <h.kharkwal@nic.in>
**To:** "Member Secretary CPCB" <mscb.cpcb@nic.in>
**Cc:** "Chairman CPCB" <ccb.cpcb@nic.in>, "Sujit Kumar Bajpayee" <sujit.baju@gov.in>, "Dr. NOBI E. P" <nobi.ep@nic.in>, "TUNTUN KUMAR SINGH" <tk.singh@gov.in>
**Sent:** Saturday, July 16, 2022 3:59:13 PM
**Subject:** Fwd: Submission of report of Expert Committee for Environmental Impact and Damage Assessment

**Urgent Matter**

Sir,

1.Reference trailing-e-mail and attached report.

2. Please find attached report forward through trailing e-mail from MS, MSPCB. Since CPCB methodology reportedly has been used for arriving at EC, it is requested to provide comments on methodology adopted and calculations done which would in turn would decide the correctness of EC amount arrived at for both projects by today i.e. 16/07/2022 at 7:00 PM evening to take further action in the matter. .

3. This matter forwarded with approval of Competent Authority.

With kind regards,
Dr. H. Kharkwal
Additional Director and MS CRZ
Ministry of Environment, Forest
and Climate Change



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**Comments on Environmental Compensation in Case of Illegal Construction in No development Zone**

Ministry of Environment, Forest and Climate Change vide Order No. IA 3- 2/11/2021-IA-III dated 30.06.2022 constituted an Expert Committee consisting Maharashtra Pollution Control Board(MPCB), National Centre for Sustainable Coastal Management (NCSCM), Chennai Integrated Regional Office, MoEFCC, Nagpur, Maharashtra Coastal Zone Management Authority (MCZMA) with MPCB as Nodal agency to assess the monetary value of the damage caused due to violations of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.

The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. Committee has recommended Rs 37,91,250/- for M/s Sea Conch and Rs 25, 27,500/- for M/s Sai Resorts as environmental Compensation for the violation of CRZ Notification, 2011 under polluters Pays Principle, along with other mitigation measures such as removal of construction after cost assessment by an expert organization.

Draft report was examined and following comments are made

1. EC is calculated for violations of CRZ notification and construction in No Development Zone.
2. No construction is permitted in NDZ (No development Zone).
3. In various judgements of Hon'ble NGT ,i.e O.A No 764/2018 , 661/2018 Hon'ble NGT has directed for calculation of Environmental Compensation for acting asdeterrent for violators , Since construction is done in CRZ NDZ .EC may be calculated considering highest value of Rupees and Location factor for acting as deterrent for violators. So EC may be revised by adopting following factors
   a. R factor may be increased to 500.
   b. LF factor may considered 2 for constructing in No Development Zone
   (As per methodology for notified Ecologically Sensitive areas, for beginning, LF may be assumed as 2.0.However, for critically Polluted Areas, LF may be explored in future.)

Revised EC calculations are as follows:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in ₹
PI = Pollution Index of industrial sector
N = Number of days of violation took place
R = A factor in Rupees (₹) for EC
S = Factor for scale of operation
LF = Location factor



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| Factors | Violations by M/s Sea Conch Resort | Violations by M/s Sai Resort |
|---|---|---|
| **Pollution Index (PI) for green category** | 21-40 | 21-40 |
| **Average PI (for green category)** | 30 | 30 |
| **R-Factor (100-500)** | 500 | 500 |
| **S-Factor (0.5 for small)** | 0.5 | 0.5 |
| **L-Factor (range 1.00 – 2.00)** | 2.00 | 2.00 |
| **Environmental Compensation (₹/day)** | **15000** | 15000 |
| **N (Duration)** | **1685** | 1685 |
| EC =PI x N x R x S x LF | **25,275,000** | 25,275,000 |
| **Total EC for entire duration (if N=1685)** | **2.5275crore** | 2.5275crore |

**********



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Annexure-R1/16

**REMINDER**

**F.No. IA3-2/11/2021-IA.III**
**Government of India**
**Ministry of Environment, Forest and Climate Change**
**IA. III Division (CRZ)**

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi-110003
Dated: 17th January, 2023

**To**

1. **The Member Secretary,**
   **Maharashtra Pollution Control Board,**
   **Kalpataru Point, 3rd and 4th floor,**
   **Opp. PVR Cinema, Sion Circle,**
   **Mumbai-400022, Maharashtra.**

   **and**

2. **The Member Secretary**
   **Maharashtra Coastal Zone Management Authority**
   **Environment Department**
   **5th Floor, New Administrative Building, Mantralaya**
   **Mumbai - 400032,**
   **Maharashtra.**

**Subject: Illegal Construction in CRZ area at Survey No.446, Village Murud. Taluka, Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea Conch Resort – regarding.**

Sir,

Kindly refer to this Ministry letter of even no., dated 22nd August, 2022 on the above mention subject (copy enclosed). In this regard the Ministry has not received any action taken report so far.

2. It is requested that the details on action taken so far against the aforesaid unauthorized constructions and for realization of Environmental Compensation in furtherance of CPCB recommendations in CRZ areas may be forwarded at the earliest to take further action in the matter.

3. This issues with approval of the Competent Authority.

***Encl: As above***

**(Dr. H. Kharkwal)**
**Scientist 'E' (CRZ)**

**Copy to:**

1. Office Copy / Guard File.



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**F. No. IA3-2/11/2021-IA.III**
**Government of India**
**Ministry of Environment, Forest and Climate Change**
**IA-III Division (CRZ)**

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi-110003
Dated: 22nd August, 2022

## OFFICE MEMORANDUM

**Subject: Action on violations of the provisions of Coastal Regulation Zone (CRZ) Notifications, by Coastal States / UTs under the provisions of Environment Protection Act, 1986 – regarding.**

The Central Government has issued Coastal Regulation Zone Notification (2011/2019) with a view to conserve and protect the unique environment of coastal stretches and marine areas, besides livelihood security to the fisher communities and other local communities in the coastal areas and to promote sustainable development based on scientific principles taking into account the dangers of natural hazards, sea level rise due to global warming.

2. Further, in exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), the Central Government constitutes Coastal Zone Management Authorities (CZMAs) in States / UTs *inter-alia* for enforcing and monitoring the provisions of the CRZ Notification. The CZMAs have been authorised to inquire into cases of violation of the provisions of the said notification *suo-moto*, or on the basis of a complaint made by any individual or body or organisation and take appropriate action under the relevant provisions of the said Act.

3. In view of above, all State / UT CZMAs are hereby directed to ensure that the directions issued under the CRZ Notification (2011/2019) are enforced in letter and spirit and all necessary actions, as appropriate, are taken against any violation of the provisions of the said notification. In this regard, it is also requested to submit detailed report on the action taken against such violations at the earliest.

4. This issues with approval of the Competent Authority.

**(Dr. H. Kharkwal)**
**Scientist 'E' (CRZ)**

To,

1. The Member Secretary, All the Coastal State's /UT's

**(As per List)**



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532

Annexure-R1/17

Gmail

VIJYA KASHYAP <vijyakashyap.cnlu@gmail.com>

# Fwd: Illegal Construction in CRZ area at Survey No. 446, Village Murud, Taluka Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea conch Resort-regarding

3 messages

**TUNTUN KUMAR SINGH** <tk.singh@gov.in> 18 January 2023 at 13:01
To: vijyakashyap cnlu <vijyakashyap.cnlu@gmail.com>

**From:** "TUNTUN KUMAR SINGH" <tk.singh@gov.in>
**To:** "mahamczma" <mahamczma@gmail.com>, "Abhay Madhukar Pimparkar" <dir1.mev-mh@nic.in>, "ms" <ms@mpcb.gov.in>
**Cc:** "Dr. Harendra Kharkwal" <h.kharkwal@nic.in>, "rs dot bora" <rs.bora@nic.in>, "Dr. NOBI E. P" <nobi.ep@nic.in>
**Sent:** Wednesday, January 18, 2023 12:17:42 PM
**Subject:** Illegal Construction in CRZ area at Survey No. 446, Village Murud, Taluka Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea conch Resort-regarding

Respected Sir,

I am directed to forward herewith the letter No. IA3-2/11/2021-IA.III dated 17/01/2023 regarding Illegal Construction in CRZ area at Survey No. 446, Village Murud, Taluka Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea conch Resort- for perusal please

TK SINGH
Assistant Section Officer
CRZ SECTOR, IA.III SECTION
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi-110003







**2-11-2021-IAIII dated 17-01-2023-Member Secretary MCZMA.pdf**
5044K

**Dr. Harendra Kharkwal** <h.kharkwal@nic.in> 20 January 2023 at 23:15
To: vijyakashyap cnlu <vijyakashyap.cnlu@gmail.com>

Plesae put up on file.

**From:** "TUNTUN KUMAR SINGH" <tk.singh@gov.in>
**To:** "Dr. Harendra Kharkwal" <h.kharkwal@nic.in>, "Dr. NOBI E. P" <nobi.ep@nic.in>
**Sent:** Friday, January 20, 2023 2:28:44 PM
**Subject:** Fwd: Illegal Construction in CRZ area at Survey No. 446, Village Murud, Taluka Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea conch Resort-regarding

533

**From:** srochiplun@mpcb.gov.in
**To:** "TUNTUN KUMAR SINGH" <tk.singh@gov.in>
**Cc:** jdwater@mpcb.gov.in, jdair@mpcb.gov.in, lo1@mpcb.gov.in, rokolhapur@mpcb.gov.in
**Sent:** Friday, January 20, 2023 12:38:53 PM
**Subject:** Re: Illegal Construction in CRZ area at Survey No. 446, Village Murud, Taluka Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea conch Resort-regarding

Sir/Madam,

Action Taken Report for **Illegal Construction in CRZ area at Survey No. 446, Village Murud, Taluka Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea conch Resort is as below:-**

1. **MOEF & CC, New Delhi had issued direction vide its letter dtd. 22/08/2022. [Annex I]**

2. **Board had issued letters to M/s. Sai Resort and M/s Sea couch Resort At-Murud, Tal: -Dapoli, Dist: - Ratnagiri to deposit Environmental Compensation of Rs. 2,52,75,000/- to M/s. Sai Resort & Rs. 2,52,75,000/- to M/s. Sea Conch Resort. Vide this office letters Dtd. 28/09/2022, 30/11/2022, 01/12/2022 & 6/12/2022. However, they have not deposited amount of EC. [Annex II]**

3. **Board had requested to Hon'ble District Collector, Ratnagiri to take further action in the matter vide letter dtd. 01/12/2022 & 02/12/2022. However, they have not deposited amount of EC. [Annex III]**

4. **Then Board had issued Office Order dated 16/12/2022 for recovery of Environmental Compensation to District Magistrate, Ratnagiri to recover Environmental Compensation of Rs. 2,52,75,000/- from M/s. Sai Resort & M/s. Sea Conch Resort with a copy forwarded to Shri. Sadanand Kadam & Shri.Pushkar Mulay respectively. Board had also issued letters to Shri. Anil Parab vide this office letters dated 2/1/2023,6/1/2023 & 12/1/2023. However, they have not deposited amount of EC. [Annex IV & V]**

5. **Therefore, Board had filed Criminal Complaint against Shri.Anil Parab, Shri.Sadanand Kadam of M/s Sai Resort and Shri.Pushkar Mulay of M/s Sea Counch Resort in the Court of JUDICIAL MAGISTRATE F.C. AT: DAPOLI, Dist: - Ratnagiri under section 15 & 16 of the Environment (Protection) Act, 1986 & Section 25,26 r/w 44 ,45-A of the Water (Prevention and Control of Pollution) Act, 1974 vide RCC No.01/2023 and RCC/02/2023.**

6. **M/s Sea Conch Resort is demolished.**

7. **M/s Sai Resort is not demolished since there is Courts stay order.**

8. **The illegal structure cannot be demolished as there is stay order by the Civi Judge (Junior Division) Khed, Civil Suit being Regular Civil suit No 57 of 2021 was filed on 29 June 2021 against District Collector, Rantagiri & SDO Dapoli**

**and Tahsildar Dapoli. The Civil Judge stayed the said communication at Junior Division, Khed by his order dtd.19th July 2021.**

**Submitted please.**

**With Regards,**
**Sagar Auti**
**Sub Regional Officer,**
**Maharashtra Pollution Control Board, Chiplun**

**Email:- srochiplun@mpcb.gov.in,**



*"SAVE PAPER"-THINK BEFORE YOU PRINT!*

*POWER BEHIND ENVIRONMENT...M.P.C.B.*

सर्व व्यवहारामध्ये मराठीचा वापर करा ! !

---

**From:** Pravin C Darade <ms@mpcb.gov.in>
**Sent:** 18 January 2023 12:19
**To:** SRO Chiplun <srochiplun@mpcb.gov.in>; RO Kolhapur <rokolhapur@mpcb.gov.in>
**Cc:** Dr. V. M. Motghare <jdair@mpcb.gov.in>
**Subject:** Fw: Illegal Construction in CRZ area at Survey No. 446, Village Murud, Taluka Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea conch Resort-regarding

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**From:** TUNTUN KUMAR SINGH <tk.singh@gov.in>
**Sent:** 18 January 2023 12:17
**To:** mahamczma <mahamczma@gmail.com>; Abhay Madhukar Pimparkar <dir1.mev-mh@nic.in>; Pravin C Darade <ms@mpcb.gov.in>
**Cc:** Dr. Harendra Kharkwal <h.kharkwal@nic.in>; rs dot bora <rs.bora@nic.in>; Dr. NOBI E. P <nobi.ep@nic.in>
**Subject:** Illegal Construction in CRZ area at Survey No. 446, Village Murud, Taluka Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea conch Resort-regarding

Respected Sir,

I am directed to forward herewith the letter No. IA3-2/11/2021-IA.III dated 17/01/2023 regarding Illegal Construction in CRZ area at Survey No. 446, Village Murud, Taluka Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea conch Resort- for perusal please

TK SINGH
Assistant Section Officer
CRZ SECTOR, IA.III SECTION
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi-110003

535



















**6 attachments**

**Annex I MOEF & CC Letter Dtd. 22.08.2022 reg. illegal construction in CRZ area at Dapoli.pdf**
1099K

**Annex II Boards letters for EC recovery.pdf**
346K

**Annex III Board's Letter to Collector Ratn. dtd.1.12,2.12.pdf**
1022K

**Annex IV Office Order dtd.16.12.22 to Distict Magistrate & Sea Counch Beach Resort for EC recovery.pdf**
663K

**Annex IV Office Order dtd.16.12.22 to Dist Magistrate & Sai Resort for EC Recovery.pdf**
658K

**Annex V Boards Letter dtd.2-1-2023,6-1-2023,12-1-2023.pdf**
100K

**TUNTUN KUMAR SINGH** <tk.singh@gov.in> 30 January 2023 at 12:38
To: "Dr. Harendra Kharkwal" <h.kharkwal@nic.in>, "Dr. NOBI E. P" <nobi.ep@nic.in>, vijyakashyap cnlu <vijyakashyap.cnlu@gmail.com>

[Quoted text hidden]

**6 attachments**

**Annex I MOEF & CC Letter Dtd. 22.08.2022 reg. illegal construction in CRZ area at Dapoli.pdf**
1099K

**Annex II Boards letters for EC recovery.pdf**
346K

**Annex III Board's Letter to Collector Ratn. dtd.1.12,2.12.pdf**
1022K

**Annex IV Office Order dtd.16.12.22 to Distict Magistrate & Sea Counch Beach Resort for EC recovery.pdf**
663K

**Annex IV Office Order dtd.16.12.22 to Dist Magistrate & Sai Resort for EC Recovery.pdf**
658K

**Annex V Boards Letter dtd.2-1-2023,6-1-2023,12-1-2023.pdf**
100K

**Action Taken Report in respect of MOEF & CC direction vide its letter dtd. 22/08/2022.**
**M/S. Sai Resort and M/s. Sea Conch Beach Resorts**
**S. No. 446, A/P Murud, Tq. Dapoli, Dist. Ratnagiri**

1. **Board had issued letters to M/s. Sai Resort and M/s Sea couch Resort to deposit Environmental Compensation Rs. 2,52,75,000/- to M/s. Sai Resort & Rs. 2,52,75,000/- to M/s. Sea Conch Resort. Vide Dtd. 28/09/2022, 30/11/2022 & 01/12/2022. However, they have not deposited amount of EC, therefore Board requested to Hon'ble District Collector, Ratnagiri to take further action in the matter vide letter dtd. 02/12/2022. [Annex-I]**

2. **Board had issued Office Order dated 16/12/2022 for recovery of Environmental Compensation to District Magistrate , Ratnagiri to recover Environmental Compensation of Rs. 2,52,75,000/- from M/s. Sai Resort & M/s. Sea Conch Resort with a copy forwarded to Shri. Sadanand Kadam & Shri.Pushkar Mulay respectively. [Annex-II]**

3. **Board has filed Court Case against M/s. Sai Resort vide Ratda Case R.C.C/1/2023 State of Maharashtra Vs Shri Sadanand Kadam. [Annex-III]**

4. **Board has filed Court Case against M/s. Sea Counch Beach Resort vide Ratda Case R.C.C/2/2023 State of Maharashtra Vs Shri Pushkar Mulye. [Annex-IV]**

**F.No. IA3-2/11/2021-IA.III**
**Government of India**
**Ministry of Environment, Forest and Climate Change**
**IA.III Section (CRZ)**

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi-110003
Dated: 22nd August, 2022

To

1. **The Member Secretary,**
   **Maharashtra Coastal Zone**
   **Management Authority (MCZMA),**
   **Government of Maharashtra,**
   **Environment Department, 15th Floor,**
   **New Administrative Building, Mantralaya,**
   **Mumbai - 400032, Maharashtra**

2. **The Member Secretary**
   **Maharashtra Pollution Control Board**
   **Kalpataru Point, 3rd and 4th floor**
   **Opp. PVR Cinema, Sion Circle**
   **Mumbai-400022, Maharashtra**

**Subject: Illegal Construction in CRZ area at Survey No.446, Village Murud, Taluka Dapoli, District Ratnagiri, Maharashtra by M/s Sai Resorts NX and M/s Sea Conch Resort - regarding.**

Sir,

The Government of India through the Ministry of Environment, Forest and Climate Change has issued the Coastal Regulation Zone (CRZ) Notification, 2011 *vide* S.O. No. 19(E) dated 6th January, 2011 under the Environment (Protection) Act, 1986 for protecting and conserving the coastal environment and to regulate development in the CRZ area.

2. The Ministry received several representations on illegal construction of resort and road in CRZ –III [No Development Zone (NDZ)] area at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra.

3. As per the reports provided by the National Centre for Sustainable Coastal Management (NCSCM), Chennai, Integrated Regional Office of the Ministry at Nagpur and the Maharashtra Coastal Zone Management Authority, it has been noted that the construction of resorts at Gat No. 446 is in violation of extant CRZ norms and in complete disregard of the provisions of the CRZ Notification, 2011.

4. Accordingly, the Ministry vide it's letter dated 17th December, 2021 has issued Show Cause Notice to M/s Sai Resorts NX and M/s Sea Conch Resort. Further, the Ministry has issued direction to M/s Sai Resorts NX and M/s Sea Conch Resort vide OM dated 31st January 2022 in accordance with the provisions of Section 5 of the Environment (Protection) Act, 1986 that:

*"The unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition*

*Further, project proponent is also directed to ensure compliance to the applicable provisions of Construction and Demolition Waste Management Rules, 2016 while carrying out the demolition activity".*

This was followed up by a letter dated 31st May, 2022 to MCZMA and SPCB seeking details of action taken in this regard.

5. The Ministry vide order dated 30th June, 2022 constituted a Joint Committee comprising representatives from Maharashtra Pollution Control Board, National Centre for Sustainable Coastal Management (NCSCM) Chennai, Integrated Regional Office (IRO) of the Ministry, Nagpur and the Maharashtra Coastal Zone Management Authority (MCZMA) with Maharashtra Pollution Control Board (MPCB) being nodal agency for coordination and compliance. The Committee was entrusted with the responsibility (i) to assess the monetary value of the damage caused to environment due to violation of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Tehsil Dapoli, Ratnagiri, Maharashtra and (ii) to provide specific recommendations for mitigations of the damage caused.

6. In compliance of this Ministry's letter dated 30th June, 2022, the Member Secretary, Maharashtra Pollution Control Board has submitted its report to Ministry *vide* email dated 15/7/2022. **(Report attached as Annexure-I)**

The conclusion and recommendations of Expert Committee are as under:

**CONCLUSION AND RECOMMENDATIONS:**

- The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. The remedial measures therefore should be removal of the unauthorized structures in its entirety from the NDZ area and restore the area to its original condition.
- The likely debris and other materials to be generated from the demolition need to be collected properly and transported safely either for reprocessing / reusing or for the disposal with prior approval of local competent authority, as per the prevailing provisions including Construction and Demolition Waste Management Rules, 2016. If required, expert opinion to be taken prior to the demolition and the demolition to be carried out with supervision of Competent Authority / Expert Organization.
- Plantation / developing the area in line with the surrounding environment need to be considered after demolition.
- The Committee recommends ₹37,91,250/- for M/s Sea Conch and ₹25,27,500/- for M/s Sai Resorts as Environmental Compensation for the violation of CRZ Notification, 2011 under polluters Pays Principle.
- The cost toward demolition of the project authority, the cost involved in demolition, transport and disposal of C&D Wastes restoring the area including plantation/ developing the area in line with the surrounding environment to be calculated separately through Competent Authority / Expert Organization.

7. The recommendation/ report of the Joint Committee was referred to CPCB to provide comments on methodology adopted and calculations done which would in turn would decide the correctness of EC amount arrived at by Joint Committee. The CPCB has reviewed Environmental Compensation (EC) evaluated by the Expert Committee constituted by Ministry. The CPCB has given its comments as under:

1. EC is calculated for violations of CRZ notification and construction in No Development Zone.
2. No construction is permitted in NDZ (No development Zone).

3. In various judgements of Hon'ble NGT, i.e O. A No 764/2018, 661/2018 Hon'ble NGT has directed for calculation of Environmental Compensation for acting as deterrent for violators. Since construction is done in CRZ NDZ, EC may be calculated considering highest value of Rupees and Location factor for acting as deterrent for violators. So EC may be revised by adopting following factors
   a. R factor may be increased to 500.
   b. LF factor may considered 2 for constructing in No Development Zone (As per methodology for notified Ecologically Sensitive areas, for beginning, LF may be assumed as 2.0. However, for critically Polluted Areas, LF may be explored in future.)

**The CPCB report is attached as Annexure-II.**

8. In view of above, it has been decided that, as far as the Environmental Compensation (EC) is concerned, the monetary value as calculated by Joint Committee shall be modified as per the calculation done by CPCB.

9. Further , in accordance with the earlier direction of the Ministry issued earlier under Section 5 *vide* OM dated 31st January 2022 followed by letter dated 31st May, 2022 The SCZMA and SPCB are directed to act upon the recommendations of the Joint Committee report and further , Maharashtra SPCB is also directed to realise the amount of environmental compensation from M/s Sea Conch Resort and M/s Sai Resort as per the monetary value of Environmental Compensation arrived at by CPCB as mentioned in the preceding para . An action taken report on the matter shall be communicated to the Ministry at the earliest.

10. This issues with approval of the Competent Authority.

**(Dr. H. Kharkwal)**
**Scientist 'E' (CRZ)**

Copy to

1. The Deputy DG(C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur- 440001, Maharashtra.
2. M/s Sai Resorts NX, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.
3. M/s Sea Conch Resort, Gat No. 446, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.

Copy to:

1. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra.
2. The Chairman & Additional Chief Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032, Maharashtra
3. The Director (IA Monitoring), MoEF&CC, New Delhi.

अशोक शिनगारे, भाप्रसे
सदस्य सचिव
Ashok Shingare, IAS
MEMBER SECRETARY



महाराष्ट्र प्रदूषण नियंत्रण मंडळ
MAHARASHTRA POLLUTION CONTROL BOARD

No. MPCB/MS/B.3

Date: 15/07/2022.

To,

Dr. H. Kharkwal,
Scientist 'E',
Ministry of Environment Forest & Climate Change,
Indira Paryavarn Bhavan, Jor Bagh Road,
New Delhi

**Sub:** Submission of Report of Expert Committee constituted for Environmental impact and Damage Assessment to assess the monetary value of the damage caused on violation of Provisions of Coastal Regulation Zone Notification, 2011 by M/s. Sai Resort NX and M/s. Sea Conch Resort-Reg.

**Ref:** Your letter dated 30/06/2022 received on mail dt. 07/07/2022

Kindly pursue the letter in reference. As per the directions of Ministry MPCB had constituted a Joint Committee and requested them to visit the above mentioned site and submit report about the points mentioned in the said letter

Accordingly, the Joint Commnittee had visited the site on 13/07/2022 & 14/07/2022 and submitted the report which is submitted for further necessary action

(Ashok Shingare)
Member Secretary

कल्पतरु पॉईंट, सायन सर्कल, सायन (पूर्व), मुंबई - ४०० ०२२. टेलि. : २४०१ ०७०६
Kalpataru Point, Sion Circle, Sion (East), Mumbai - 400 022. Tel. : 2401 0706
E-mail : ms@mpcb.gov.in • Website : www.mpcb.gov.in

**REPORT OF THE COMMITTEE CONSTITUTED BY MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE TO ASSESS THE MONETARY VALUE OF THE DAMAGE CAUSED DUE TO VIOLATIONS OF CRZ NOTIFICATION, 2011 BY M/s. SAI RESORTS AND M/s. SEA CONCH RESORTS AT MURUD, TEHSIL DAPOLI, DISTRICT RATNAGIRI, MAHARASHTRA**

## 1.0 PREAMBLE

The Committee noted from the Letter dated 30.06.2022 of the Ministry that based on the representations on illegal construction of resort and road in CRZ-III(NDZ), further as per the reports of NCSCM, Chennai and IRO, MoEFCC, Nagpur, it has been noted that the construction of resorts at Gat No. 446 is in violation of extant CRZ norms and in complete disregard of the provisions of the CRZ Notification, 2011. It was also noted that MoEFCC accordingly, vide letter dated 17.12.2021 has issued SCN to the M/s Sai Resorts and M/s Sea Conch Resorts, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra and further issued direction under section 5 of the Environment (Protection) Act, 1986 for the removal of unauthorized structure in its entirety and restore the area to its original condition. Further, it was also directed to ensure compliance to the applicable provisions of Construction and Demolition Waste management Rules, 2016 while carrying out the demolition. Further the Enforcement Directorate(ED) of the Ministry of Finance, GoI has sought for an Environmental Impact Assessment study.

In view of the above, Ministry of Environment, Forest and Climate Change vide Order No. IA 3-2/11/2021-IA-III dated 30.06.2022 constituted a Expert Committee consisting Maharashtra Pollution Control Board(MPCB), National Centre for Sustainable Coastal Management (NCSCM), Chennai Integrated Regional Office, MoEFCC, Nagpur, Maharashtra Coastal Zone Management Authority (MCZMA) with MPCB as Nodal agency to assess the monetary value of the damage caused due to violations of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.

Accordingly, MPCB has addressed on 12.07.2022 to all the member Organization for the site visit of the above mentioned two resorts and meeting. The site inspection was made by the following members of the Committee on 13 & 14.07.2022:

1. Shri E.Thirunavukkarasu, Scientist 'E', Integrated Regional Office, MoEFCC, Nagpur -Member
2. Dr. Manik Mahapatra, Scientist ' B' National Centre for Sustainable Coastal Management, Chennai -Member
3. Shri Sanjay Sandanshiv, Under Secretary, Maharashtra Coastal Zone Management Authority -Member

4. Shri J. S Salukhe, Regional Officer, Maharashtra -Nodal Officer Pollution Control Board, Kolhapur

Shri Sharad Pawar, Sub- Divisional Magistrate, Dapoli, Mrs Vaisali Patil Tasildar, Dapoli, Shri Pandey BDO, Bhirondi Gat and Thaliti, Murud, Shri Sagar Auti, Sub- Regional Officer, MPCB, Chiplun were also present during the inspection.

**2.0 Terms of reference for the committee**

MoEFCC vide Order No. IA 3-2/11/2021-IA-III dated 30.06.2022 constituted an Expert Committee with the following Terms of Reference:

- To assess the monetary value of the damage caused due to violations of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Tehsil Dapoli, Ratnagiri, Maharashtra.

- To provide specific recommendations for mitigations of the damage caused

**3.0 FIELD OBSERVATIONS:**

**3.1 M/s Sea Conch Resorts, Gat No. 446, Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra**

- The resort was not in operation during the visit, no occupancy was noticed
- There is one open well and a bore well within the premises
- There is a tank for the collection of sewage / wastewater located within the premises at about 50 mts from Coast apart from a septic tank.
- No discharge arrangement from the resorts/ septic tank to Sea has been noticed

Field photographs are placed at **Annexure-I.**

**3.2 M/s Sai Resort, Gat No. 446, Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra**

- The resort was not in operation during the visit, no occupancy was noticed
- There is one open well
- There is a tank for the collection of sewage / wastewater located within the premises at about 70 mts from Coast
- No discharge arrangement from the resorts/ septic tank to Sea has been noticed

Field photographs are placed at **Annexure-II.**

## 4.0 ENVIRONMENTAL COMPENSATION (EC)

The Committee felt that since the entire activity is in violation of the CRZ Notification 2011, the available method of calculation of environmental compensation based on polluters pays principle prepared by CPCB is used:

EC=PI x N x R x S x LF

Where PI is average pollution index of industrial sector [ Red- 80, Orange- 50 and Green – 30],

N is the number of the days violation took place

R- is a factor in Rs of calculation of EC [ 100- 500]

S –factor for scale of operation [Large- 1.5, Medium- 1.0 and Small - -0.5]

LF is the location factor [2.0 for the population more than 10 Million, 1.5 for 5- 10 Million and 1.25 for 1-5 million, 1.0 for less than 1 million and located beyond 10 km from municipal limit]

## 4.1 Environmental Compensation for M/s Sea Conch Resort

It was noted from the Google Earth imageries **( Annexure-III)** that the construction at the site commenced during December, 2017, hence the Number of days of violation calculated from December, 2017.The details are given in **Table 1.**

**Table1: Number of day of violations by M/s Sea Conch Resort**

| Year | Number of days |
|---|---|
| December, 2017 | 31 |
| 2018- 2021 | 365 x 4= 1460 |
| 2022 | 194 days[ till 14.07.2022, the date of inspection] |
| **TOTAL** | **1685 days** |

PI is considered as 30 as being Green as the rooms are 14 [ hotels having less than 20 rooms] , S is 0.5 for small scale, LF is 1.0 and R is considered as 150 considering the commencement of operation from 2018, seasonal operation etc,.

EC= 30 x 0.5 x 1x 150 x 1685 = **Rs 37,91,250/-**

### 4.2 Environmental Compensation for M/s Sai Resort

It was noted from the Google Earth imageries that the construction at the site commenced during December, 2017, hence the Number of days of violation calculated from December, 2017.The details are given in **Table 2.**

**Table 2: Number of day of violations by M/s Sai Resort**

| Year | Number of days |
|---|---|
| December, 2017 | 31 |
| 2018- 2021 | 365 x 4= 1460 |
| 2022 | 194 days[ till 14.07.2022, the date of inspection] |
| **TOTAL** | **1685 days** |

PI for M/s Sai Resort is considered as 30 being an green category as the rooms are 14 [ hotels having room less than 20], S is 0.5 for small scale, LF is 1.0 and R is 100 as it was completed in May, 2021 and not commenced operation according to locals and observation of local MPCB, SDM in the past visits etc,.

EC= 30 x 0.5 x 1x 100 x 1685 = **Rs 25, 27, 500/-**

## 5.0 MITIGATIONS OF THE DAMAGE CAUSED

The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. The remedial measures therefore should be removal of the unauthorized structures in its entirety from the NDZ area and restore the area to its original condition. While doing so, the expected debris and other materials need to be collected properly and transported safely either for reprocessing/ reusing or for the disposal with prior approval of local competent authority, as per the prevailing including Construction and Demolition Waste management Rules, 2016. If required, expert opinion to be taken prior to the demolition and the demolition to be carried out with supervision of Competent Authority/Expert Organization.

CONCLUSION AND RECOMMENDATIONS

- The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. The remedial measures therefore should be removal of the unauthorized structures in its entirety from the NDZ area and restore the area to its original condition.

- The likely debris and other materials to be generated from the demolition need to be collected properly and transported safely either for reprocessing/ reusing or for the disposal with prior approval of local competent authority, as per the prevailing provisions including Construction and Demolition Waste Management Rules, 2016. If required, expert opinion to be taken prior to the demolition and the demolition to be carried out with supervision of Competent Authority / Expert Organization.

- Plantation / developing the area in line with the surrounding environment need to be considered after demolition.

- The Committee recommends Rs = Rs 37,91,250/- for M/s Sea Conch and Rs Rs 25, 27, 500/- for M/s Sai Resorts as environmental Compensation for the violation of CRZ Notification, 2011 under polluters Pays Principle.

- The cost toward demolition of the project authority, the cost involved in demolition, transport and disposal of C & D Wastes restoring the area including plantation/ developing the area in line with the surrounding environment to be calculated separately through Competent Authority / Expert Organization.

14/02/2022

Shri E.Thirunavukkarasu,
Scientist 'E',
Integrated Regional Office,
MoEFCC, Nagpur

Shri Sanjay Sandanshiv,
Under Secretary,
Maharashtra Coastal Zone
Management Authority

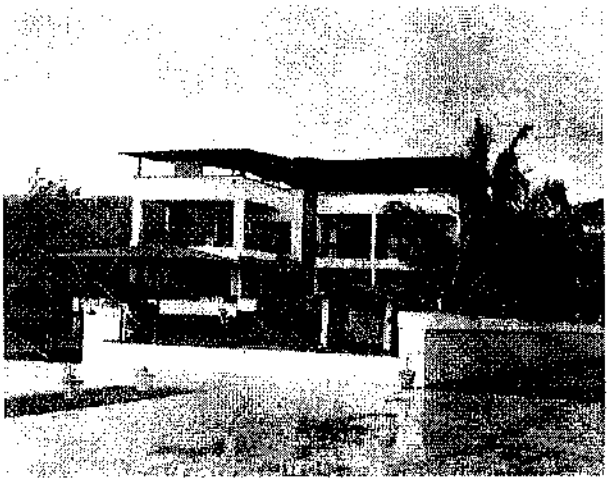
Manik Mahapatra 14/02/2022

Dr. Manik Mahapatra,
Scientist ' B'
National Centre for Sustainable
Coastal Management, Chennai

14/02/2022

Shri J. S Salukhe,
Regional Officer, Maharashtra
Pollution Control Board, Kolhapur

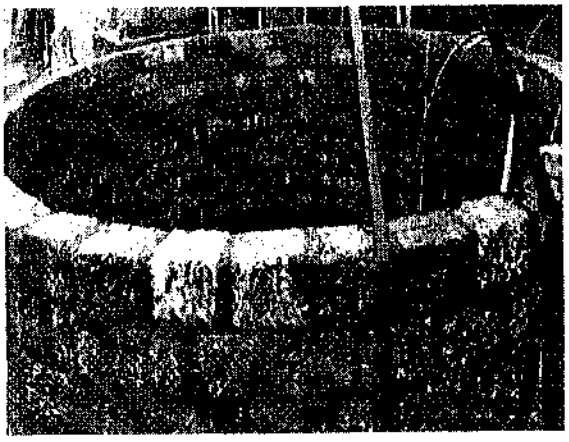
## Annexure-I: Field photographs of M/s Sea Conch Resorts



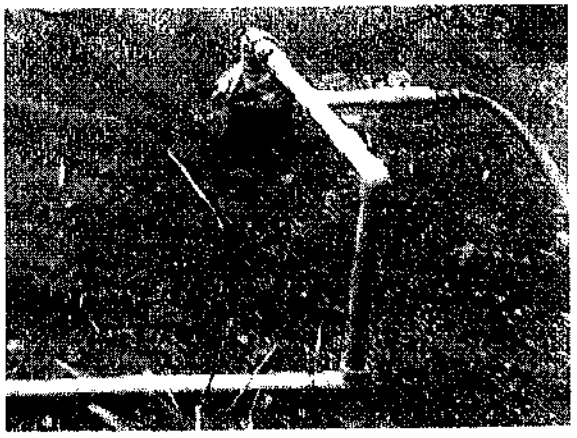
M/s Sea Conch Resort



Sewage/wastewater collection tank

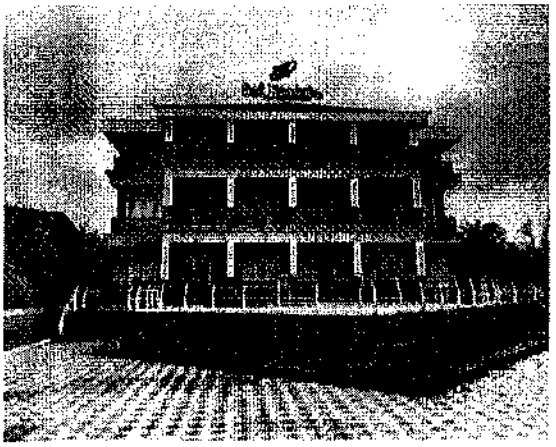


Open Well

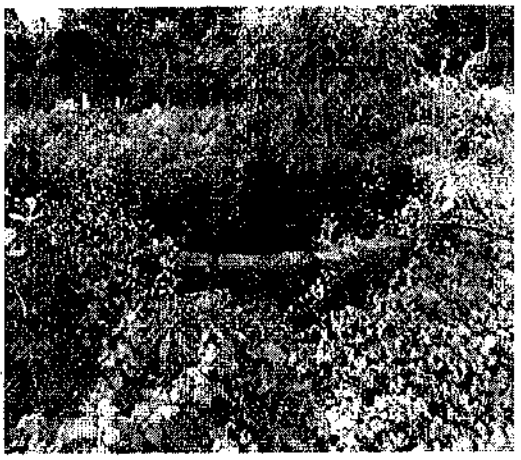


Bore Well

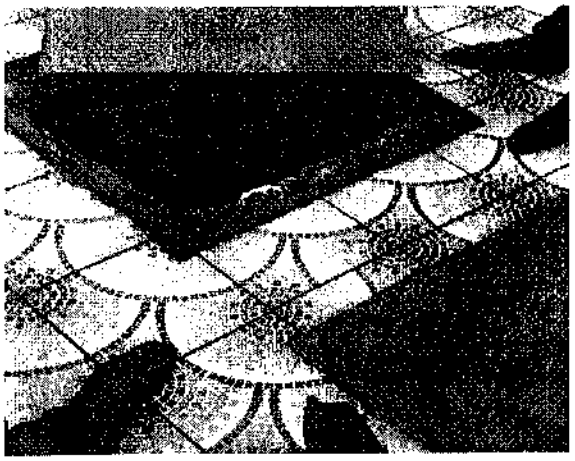
Annexure-II: Field photographs of M/s Sai Resorts

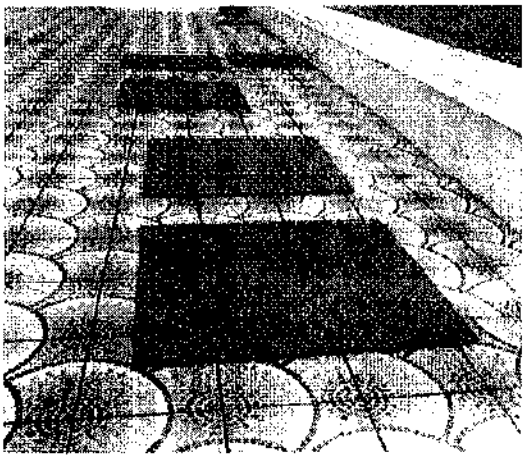


M/s Sai Resort



Open Well





Sewage/wastewater collection tank

Annexure-III Google Earth images showing the commencement of work at the site




Plate1: Google Image January 2017




Plate1: Google Image December 2017

**Email**

**Dr. Harendra Kharkwal**

**Re: Submission of report of Expert Committee for Environmental Impact and Damage Assessment**

**From :** Nalin Gupta <nkgupta.cpcb@nic.in> Sat, Jul 16, 2022 08:54 PM

**Subject :** Re: Submission of report of Expert Committee for Environmental Impact and Damage Assessment 1 attachment

**To :** Sujit Kumar Bajpayee <sujit.baju@gov.in>, Dr. Harendra Kharkwal <h.kharkwal@nic.in>, Tanmay Kumar <tanmay.kumar-rj@gov.in>, Chairman CPCB <ccb.cpcb@nic.in>

**Cc :** Danish Meena <danish.cpcb@gov.in>, Vinod Babu Bommathula <bvbabu.cpcb@nic.in>, Prashant Gargava <prashant.cpcb@gov.in>

Sir,

Trailing mail may pl be seen for background of the matter.

Environmental Compensation evaluated by MoEFCC Committee has been reviewed. There are certain suggestions wrt values of Location Factor and value of Rupees. These are suggested as 2 and Rs. 500/- respectively depending upon the location of the sites ( CRZ - No Development Zone) wherein violations have taken place. Now the revised EC is Rs. 2.5275 Crores for each of the illegal construction and is deterrent. Details observations & suggestions of CPCB are attached.

This is for kind consideration of MoEFCC with due approval of MS, CPCB.

N K Gupta
Head -UPC-I
CPCB Delhi.

Note :
Alternatively, EC of Rs. 100.00 Crores in each case may also be considered as per orders of Hon'ble Supreme Court of India as directed in case of Goel Ganga case.

---

**From:** "Prashant Gargava" <prashant.cpcb@gov.in>
**To:** "Nalin Gupta" <nkgupta.cpcb@nic.in>
**Cc:** "Danish Meena" <danish.cpcb@gov.in>, "Vinod Babu Bommathula" <bvbabu.cpcb@nic.in>
**Sent:** Saturday, July 16, 2022 4:50:06 PM
**Subject:** Fwd: Submission of report of Expert Committee for Environmental Impact and Damage Assessment

For necessary action.

---

**From:** "Sujit Kumar Bajpayee" <sujit.baju@gov.in>
**To:** "Prashant Gargava" <prashant.cpcb@gov.in>
**Sent:** Saturday, July 16, 2022 4:47:13 PM
**Subject:** Fwd: Submission of report of Expert Committee for Environmental Impact and Damage Assessment

Sujit Kumar Bajpayee
Joint Secretary
Govt. of India
Ministry of Environment, Forest & Climate Change
135, Prithvi Wing, Ist Floor
Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi-110003
Office Tel: 011-20819398

---

**From:** "Dr. Harendra Kharkwal" <h.kharkwal@nic.in>
**To:** "Member Secretary CPCB" <mscb.cpcb@nic.in>
**Cc:** "Chairman CPCB" <ccb.cpcb@nic.in>, "Sujit Kumar Bajpayee" <sujit.baju@gov.in>, "Dr. NOBI E. P" <nobi.ep@nic.in>, "TUNTUN KUMAR SINGH" <tk.singh@gov.in>
**Sent:** Saturday, July 16, 2022 3:59:13 PM
**Subject:** Fwd: Submission of report of Expert Committee for Environmental Impact and Damage Assessment

**Urgent Matter**

Sir,

1.Reference trailing-e-mail and attached report.

2. Please find attached report forward through trailing e-mail from MS, MSPCB. Since CPCB methodology reportedly has been used for arriving at EC, it is requested to provide comments on methodology adopted and calculations done which would in turn would decide the correctness of EC amount arrived at for both projects by today i.e. 16/07/2022 at 7:00 PM evening to take further action in the matter. .

3. This matter forwarded with approval of Competent Authority.

With kind regards,
Dr. H. Kharkwal
Additional Director and MS CRZ
Ministry of Environment, Forest
and Climate Change

**Comments on Environmental Compensation in Case of Illegal Construction in No development Zone**

Ministry of Environment, Forest and Climate Change vide Order No. IA 3- 2/11/2021-IA-III dated 30.06.2022 constituted an Expert Committee consisting Maharashtra Pollution Control Board(MPCB), National Centre for Sustainable Coastal Management (NCSCM), Chennai Integrated Regional Office, MoEFCC, Nagpur, Maharashtra Coastal Zone Management Authority (MCZMA) with MPCB as Nodal agency to assess the monetary value of the damage caused due to violations of CRZ Notification, 2011 by M/s Sai Resorts and M/s Sea Conch Resorts, Murud, Tehsil Dapoli, Ratnagiri, Maharashtra.

The Committee felt that the damage caused at the site is the construction of resort buildings in NDZ of CRZ against the provisions of CRZ Notification, 2011. Committee has recommended Rs 37,91,250/- for M/s Sea Conch and Rs 25, 27,500/- for M/s Sai Resorts as environmental Compensation for the violation of CRZ Notification, 2011 under polluters Pays Principle, along with other mitigation measures such as removal of construction after cost assessment by an expert organization.

Draft report was examined and following comments are made

1. EC is calculated for violations of CRZ notification and construction in No Development Zone.
2. No construction is permitted in NDZ (No development Zone).
3. In various judgements of Hon'ble NGT ,i.e O.A No 764/2018 , 661/2018 Hon'ble NGT has directed for calculation of Environmental Compensation for acting asdeterrent for violators . Since construction is done in CRZ NDZ ,EC may be calculated considering highest value of Rupees and Location factor for acting as deterrent for violators. So EC may be revised by adopting following factors
   a. R factor may be increased to 500.
   b. LF factor may considered 2 for constructing in No Development Zone
   (As per methodology for notified Ecologically Sensitive areas, for beginning, LF may be assumed as 2.0.However, for critically Polluted Areas, LF may be explored in future.)

Revised EC calculations are as follows:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in ₹
PI = Pollution Index of industrial sector
N = Number of days of violation took place
R = A factor in Rupees (₹) for EC
S = Factor for scale of operation
LF = Location factor

| Factors | Violations by M/s Sea Conch Resort | Violations by M/s Sai Resort |
|---|---|---|
| **Pollution Index (PI) for green category** | 21-40 | 21-40 |
| **Average PI (for green category)** | 30 | 30 |
| **R-Factor (100-500)** | 500 | 500 |
| **S-Factor (0.5 for small)** | 0.5 | 0.5 |
| **L-Factor (range 1.00 – 2.00)** | 2.00 | 2.00 |
| **Environmental Compensation (₹/day)** | **15000** | 15000 |
| **N (Duration)** | **1685** | 1685 |
| EC = PI x N x R x S x LF | **25,275,000** | 25,275,000 |
| **Total EC for entire duration (if N=1685)** | **2.5275crore** | 2.5275crore |

**********

# MAHARASHTRA POLLUTION CONTROL BOARD
## REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952
E-mail:
rokolhapur@mpcb.gov.in

Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website:http://mpcb.mah.nic.in

No. MPCB/SRO/CHIP/EC/611/22 Date: 28/09/2022.

To,
M/s. Sai Resort
Survey No. 446, Sea Shore Murud,
Tal. Dapoli, Dist. Ratnagiri.

Sub: Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

Ref: 1. Order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 received by HQ by E-mail dtd. 01.09.2022.

Sir,

This office has received order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 through E-mail dtd. 01.09.2022. In said order, CPCB has calculated the Environmental Compensation of Rs. **2,52,75,000/-** and MoEF has directed to Maharashtra State Pollution Control Board to realize the amount of Environmental Compensation of M/s. Sai Resort, Survey No. 446, Sea Shore Murud, Tal. Dapoli, Dist. Ratnagiri.

In view of the above you are informed to deposit the amount of **Rs. 2,52,75,000/-** to the Maharashtra Pollution Control Board within 15 days. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and Address : State Bank Of India. Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

Sub-Regional Officer, MPCB Chiplun.

**Copy submitted to :-**

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Regional Office, M.P.C. Board, Kolhapur

# MAHARASHTRA POLLUTION CONTROL BOARD
## REGIONAL OFFICE, KOLHAPUR.

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2660448
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Near Collector Office,
Kolhapur - 416 003.
Website:http://mpcb.mah.nic.in

*"Your Service is Our Duty"*

No. MPCB/SRO/CHIP/EC/ FTS -0028 Date: 30/11/2022

**To,**
**M/s. Sai Resort**
**Survey No. 446, Sea Shore Murud,**
**Tal. Dapoli, Dist. Ratnagiri.**

**Reminder – I**

Sub: Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

Ref: 1. Order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 received by HQ by E-mail dtd. 01.09.2022.
2. Board letter dtd. 28.09.2022.

Sir,

This office has received order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 through E-mail dtd. 01.09.2022. In said order, CPCB has calculated the Environmental Compensation of Rs. **2,52,75,000/-** and MoEF has directed to Maharashtra State Pollution Control Board to realize the amount of Environmental Compensation of M/s. Sai Resort, Survey No. 446, Sea Shore Murud, Tal. Dapoli, Dist. Ratnagiri.

In view of the above you are already informed on **28.09.2022** to deposit the amount of **Rs. 2,52,75,000/-** to the Maharashtra Pollution Control Board within **15 days**. You are once again informed to deposit Environmental Compensation amount to MPCB immediately. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and Address : State Bank Of India. Kolhapur Treasury.
Ashish Chambers, 396/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

30.11.2022
Regional Officer
MPC Board Kolhapur

**Copy submitted to :-**

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Sub-Regional Office, M.P.C. Board, Chiplun.

# MAHARASHTRA POLLUTION CONTROL BOARD
## REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952
E-mail:
rokolhapur@mpcb.gov.in

Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website:http://mpcb.mah.nic.in

*"Your Service is Our Duty"*

No. MPCB/SRO/CHIP/EC/ 0045 Date: 01/12/2022

To,
M/s. Sai Resort
Survey No. 446, Sea Shore Murud,
Taf. Dapoli, Dist. Ratnagiri.

Reminder – II

Sub: Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

Ref: 1. Order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 received by HQ by E-mail dtd. 01.09.2022.
2. Board letter dtd. 28.09.2022.
3. Board has issued Reminder letter on 30.11.2022

Sir,

This office has received order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 through E-mail dtd. 01.09.2022. In said order, CPCB has calculated the Environmental Compensation of Rs. 2,52,75,000/- and MoEF has directed to Maharashtra State Pollution Control Board to realize the amount of Environmental Compensation of M/s. Sai Resort, Survey No. 446, Sea Shore Murud, Taf. Dapoli, Dist. Ratnagiri.

In view of the above you are already informed on 28.09.2022 to deposit the amount of Rs. 2,52,75,000/- to the Maharashtra Pollution Control Board within 15 days. You are once again informed to deposit Environmental Compensation amount to MPCB immediately. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and Address : State Bank Of India. Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

Regional Officer
MPC Board Kolhapur

Copy submitted to :-
1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Sub-Regional Office, M.P.C. Board, Chiplun.

# MAHARASHTRA POLLUTION CONTROL BOARD
## REGIONAL OFFICE, KOLHAPUR.

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2660448
Fax No. (0231) 2652952
E-mail:
rokolhapur@mpcb.gov.in

Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website:http://mpcb.mah.nic.in

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---

**No. MPCB/SRO/CHIP/EC/FTS-0070** **Date: 02/12/2022**

**To,**
**M/s. Sai Resort**
**Survey No. 446, Sea Shore Murud,**
**Tal. Dapoli, Dist. Ratnagiri.**

Sub: Directions for Deposited Amount of Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

Ref: 1. Order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 received by HQ by E-mail dtd. 01.09.2022.
2. Board letter dtd. 28.09.2022.
3. Board has issued Reminder letter on 30.11.2022
4. Board has issued Reminder letter on 01.12.2022

Sir,

This office has received order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 through E-mail dtd. 01.09.2022. In said order, CPCB has calculated the Environmental Compensation of Rs. **2,52,75,000/-** and MoEF has directed to Maharashtra State Pollution Control Board to realize the amount of Environmental Compensation of M/s. Sai Resort, Survey No. 446, Sea Shore Murud, Tal. Dapoli, Dist. Ratnagiri.

In view of the above you are already informed on 28.09.2022 to deposit the amount of **Rs. 2,52,75,000/-** to the Maharashtra Pollution Control Board within 15 days. You are once again directed to deposit Environmental Compensation amount to MPCB immediately. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and Address : State Bank Of India. Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

Regional Officer
MPC Board Kolhapur

**Copy submitted to :-**

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Sub-Regional Office, M.P.C. Board, Chiplun.

# MAHARASHTRA POLLUTION CONTROL BOARD
## SUB REGIONAL OFFICE, CHIPLUN

Telephone:
(02355) 261570
Visit Us At
**website: www.mpcb.gov.in**
Email: srochiplun@mpcb.gov.in

"Your Service is our Duty"

2nd floor Parkar Complex,
224, Behind Nagar
Parishad,
Tal. Chiplun, Dist.
Ratnagiri 415605.

**No. MPCB/SRO/CHIP/EC/** 736/22 Dt. 6/12/2022

**To,**
Shri. Sadanand Gangaram Kadam,
A/p- A-103, Gokulnagari-2,
Thakur Village, VTC, Kandivali (E),
Mumbai 400 101.

**Reminder – I**

Sub: Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

Ref: 1. Order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 received by HQ by E-mail dtd. 01.09.2022.
2. Board letter dtd. 28.09.2022.

Sir,

This office has received order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 through E-mail dtd. 01.09.2022. In said order, CPCB has calculated the Environmental Compensation of Rs. **2,52,75,000/-** and MoEF has directed to Maharashtra State Pollution Control Board to realize the amount of Environmental Compensation of M/s. Sai Resort, Survey No. 446, Sea Shore Murud, Tal. Dapoli, Dist. Ratnagiri.

In view of the above you are already informed on 28.09.2022 to deposit the amount of **Rs. 2,52,75,000/-** to the Maharashtra Pollution Control Board within 15 days. You are once again informed to deposit Environmental Compensation amount to MPCB immediately. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and Address : State Bank Of India. Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

Sub Regional Officer
MPC Board, Chiplun.

9/c

**Copy submitted to :-**
1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Regional Office, M.P.C. Board, Kolhapur.

# MAHARASHTRA POLLUTION CONTROL BOARD
## REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952
E-mail:
rokolhapur@mpcb.gov.in

Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website:http://mpcb.mah.nic.in

No. MPCB/SRO/CHIP/EC/612/22 Date: 28/09/2022.

To,
**M/s. Sea Counch Beach Resort**
**Survey No. 446, Sea Shore Murud,**
**Tal. Dapoli, Dist. Ratnagiri.**

Sub: Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

Ref: 1. Order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 received by HQ by E-mail dtd. 01.09.2022.

Sir,

This office has received order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 through E-mail dtd. 01.09.2022. In said order, CPCB has calculated the Environmental Compensation of Rs. **2,52,75,000/-** and MoEF has directed to Maharashtra State Pollution Control Board to realize the amount of Environmental Compensation of M/s. Sea Counch Beach Resort, Survey No. 446, Sea Shore Murud, Tal. Dapoli, Dist. Ratnagiri.

In view of the above you are informed to deposit the amount of **Rs. 2,52,75,000/-** to the Maharashtra Pollution Control Board within 15 days. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and Address : State Bank Of India, Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

Sub-Regional Officer, MPCB Chiplun.

**Copy submitted to:-**

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Regional Office, M.P.C. Board, Kolhapur.

# MAHARASHTRA POLLUTION CONTROL BOARD
## REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952
E-mail:
rokolhapur@mpcb.gov.in

Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website:http://mpcb.mah.nic.in

*"Your Service is Our Duty"*

No. MPCB/SRO/CHIP/EC/ FTS-0023 Date: 30/11/2022

To,
**M/s. Sea Counch Beach Resort**
**Survey No. 446, Sea Shore Murud,**
**Tal. Dapoli, Dist. Ratnagiri.**

**Reminder – I**

Sub: Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

Ref: 1. Order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 received by HQ by E-mail dtd. 01.09.2022.
2. Board letter dtd. 28.09.2022.

Sir,

This office has received order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 through E-mail dtd. 01.09.2022. In said order, CPCB has calculated the Environmental Compensation of Rs. **2,52,75,000/-** and MoEF has directed to Maharashtra State Pollution Control Board to realize the amount of Environmental Compensation of M/s. Sea Counch Beach Resort, Survey No. 446, Sea Shore Murud, Tal. Dapoli, Dist. Ratnagiri.

In view of the above you are already informed on 28.09.2022 to deposit the amount of **Rs. 2,52,75,000/-** to the Maharashtra Pollution Control Board within 15 days. You are once again informed to deposit Environmental Compensation amount to MPCB immediately. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and Address : State Bank Of India. Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

30.11.22
Regional Officer
MPC Board Kolhapur

**Copy submitted to :-**
1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Sub-Regional Office, M.P.C. Board, Chiplun.

# MAHARASHTRA POLLUTION CONTROL BOARD
## REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
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E-mail:
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Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website:http://mpcb.mah.nic.in

*"Your Service is Our Duty"*

No. MPCB/SRO/CHIP/EC/ - FTS- 00494 Date: 01/12/2022.

**To,**
**M/s. Sea Counch Beach Resort**
**Survey No. 446, Sea Shore Murud,**
**Tal. Dapoli, Dist. Ratnagiri.**

**Reminder – II**

Sub: Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

Ref: 1. Order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 received by HQ by E-mail dtd. 01.09.2022.
2. Board letter dtd. 28.09.2022.
3. Board has issued Reminder letter on 30.11.2022.

Sir,

This office has received order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 through E-mail dtd. 01.09.2022. In said order, CPCB has calculated the Environmental Compensation of Rs. 2,52,75,000/- and MoEF has directed to Maharashtra State Pollution Control Board to realize the amount of Environmental Compensation of M/s. Sea Counch Beach Resort, Survey No. 446, Sea Shore Murud, Tal. Dapoli, Dist. Ratnagiri.

In view of the above you are already informed on 28.09.2022 to deposit the amount of **Rs. 2,52,75,000/-** to the Maharashtra Pollution Control Board within 15 days. You are once again informed to deposit Environmental Compensation amount to MPCB immediately. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and Address : State Bank Of India, Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

Regional Officer
MPC Board Kolhapur

**Copy submitted to :-**
1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Sub-Regional Office, M.P.C. Board, Chiplun.

# MAHARASHTRA POLLUTION CONTROL BOARD
## REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952
E-mail:
rokolhapur@mpcb.gov.in

Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website:http://mpcb.mah.nic.in

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---

**No. MPCB/SRO/CHIP/EC/FTS-0073** **Date: 02/12/2022**

**To,**
**M/s. Sea Counch Beach Resort**
**Survey No. 446, Sea Shore Murud,**
**Tal. Dapoli, Dist. Ratnagiri.**

Sub: Directions for Deposited Amount of Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

Ref: 1. Order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 received by HQ by E-mail dtd. 01.09.2022.
2. Board letter dtd. 28.09.2022.
3. Board has issued Reminder letter on 30.11.2022.
4. Board has issued Reminder letter on 01.12.2022.

Sir,

This office has received order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 through E-mail dtd. 01.09.2022. In said order, CPCB has calculated the Environmental Compensation of Rs. **2,52,75,000/-** and MoEF has directed to Maharashtra State Pollution Control Board to realize the amount of Environmental Compensation of M/s. Sea Counch Beach Resort, Survey No. 446, Sea Shore Murud, Tal. Dapoli, Dist. Ratnagiri.

In view of the above you are already informed on 28.09.2022 to deposit the amount of **Rs. 2,52,75,000/-** to the Maharashtra Pollution Control Board within 15 days. You are once again directed to deposit Environmental Compensation amount to MPCB immediately. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and Address : State Bank Of India. Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

Regional Officer
MPC Board Kolhapur

**Copy submitted to :-**

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Sub-Regional Office, M.P.C. Board, Chiplun.

FOLSA) 19/12/22

Received

# महाराष्ट्र प्रदूषण नियंत्रण मंडळ

दूरध्वनी
०२३५५-२६१५७०
Visit Us At
Website: wwwmpcb.gov.in
Email: srochiplun@mpcb.gov.in

"आपली सेवा आमचे कर्तव्य"

उप प्रादेशिक कार्यालय,
परकार कॉम्प्लेक्स, २ रा मजला
२२४, नगर परिषदे मागे चिपळूण
ता. चिपळूण, जि. रत्नागिरी.

जा.क्र. मप्रनि/उप्राकाचि/ ८२६ /२२ दिनांक-०२/१२/२०२२.

प्रति,
मा. जिल्हाधिकारी
जिल्हाधिकारी कार्यालय,
रत्नागिरी.

विषय :- मे. साई रिसॉर्ट, सर्व्हे नं. ४४६, मु. पो. मुरुड, ता. दापोली, जि. रत्नागिरी यांच्या पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation).

संदर्भ :- १. पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश पत्र नं. F. No. IA3-2/11/2021-IA.III दि. २२ ऑगष्ट २०२२.
२. महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांचे पत्र दि. २८.०९.२०२२ व दि. २९.११.२०२२.
३. मा.जिल्हाधिकारी रत्नागिरी यांच्या आदेशानुसार समिती गठित दि.२०/१०/२०२२.

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मा. महोदय,

वरील संदर्भीय विषयास अनुसरून दि. २८ ऑगष्ट २०२२ पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश या कार्यालयास प्राप्त झाले आहेत. संदर्भीय आदेशानुसार पर्यावरणीय नुकसानीबाबत भारत सरकार, पर्यावरण, वन आणि हवामान बदल मंत्रालयाने सदर पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation) जाणीव करून देणेबाबत आदेशित केले आहे. सबब मे. साई रिसॉर्ट यांना पर्यावरणीय नुकसान भरपाईबाबत महाराष्ट्र प्रदूषण नियंत्रण मंडळाकडून दि. २८.०९.२०२२ रोजी नोटीस बजाविण्यात आलेली होती.

तदनंतरही मे. साई रिसॉर्ट उद्योजकाकडून सदर नुकसान भरपाईची रक्कम जमा करण्यात आलेली नाही.

सदर मे. साई रिसॉर्ट, सर्व्हे नं. ४४६, समुद्र किनारा मुरुड, ता. दापोली, जि. रत्नागिरी यांनी केलेल्या सागरी किनारपट्टी नियमन क्षेत्राच्या (CRZ) उल्लंघनाबाबतचा विषय असल्याने सदर पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation) भारत सरकार, पर्यावरण, वन आणि हवामान बदल मंत्रालय यांचे दि. २२ ऑगष्ट २०२२ च्या आदेशाप्रमाणे आपल्या अधिकारा अंतर्गतही मे. साई रिसॉर्ट चे मालक यांना नुकसान भरपाई भरणे संदर्भात आदेश पारित करून सदर नुकसान भरपाई जमा करणेबाबतही कारवाई करावी हि नम्र विनंती.

सोबत :- पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश पत्र नं. F. No. IA3-2/11/2021-IA.III दि. २२ ऑगष्ट २०२२.

उप-प्रादेशिक अधिकारी, म. प्र. नि. मंडळ,
चिपळूण.

प्रत माहिती व पुढील आवश्यक त्या तात्काळ कार्यवाहीसाठी सादर -

१. उप-विभागीय अधिकारी, दापोली
२. तहसिलदार दापोली
३. प्रादेशिक अधिकारी मप्रनि मंडळ,कोल्हापुर.

प्रत माहितीस्तव सादर -

१. सह-संचालक, ज. प्र. नि., महाराष्ट्र प्रदूषण नियंत्रण मंडळ, मुंबई.

# महाराष्ट्र प्रदूषण नियंत्रण मंडळ
## प्रादेशिक कार्यालय, कोल्हापूर

दूरध्वनी क्र. (०२३१) २६५२९५२,
२६६०४४८
फॅक्स नं. (०२३१) २६५२९५
rokolhapur@mpcb.gov.in

उद्योग भवन,
कलेक्टर ऑफीस जवळ,
कोल्हापूर-४१६००३

"आपली सेवा आमचे कर्तव्य"

जा.क्र.मप्रनि/प्राका/को/ FIS- 0185 दि. 01/12/2022.

प्रति,
मा. जिल्हाधिकारी
जिल्हाधिकारी कार्यालय,
रत्नागिरी.

विषय :- मे. साई रिसॉर्ट, सर्व्हे नं. ४४६, मु. पो. मुरुड, ता. दापोली, जि. रत्नागिरी यांच्या पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation).

संदर्भ :- १. पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश पत्र नं. F. No. IA3-2/11/2021-IA.III दि. २२ ऑगष्ट २०२२.
२. महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांचे पत्र दि. २८.०९.२०२२ व दि. २९.११.२०२२.

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मा. महोदय,

वरील संदर्भीय विषयास अनुसरून दि. २८ ऑगष्ट २०२२ पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश या कार्यालयास प्राप्त झाले आहेत. संदर्भीय आदेशानुसार पर्यावरणीय नुकसानीबाबत भारत सरकार, पर्यावरण, वन आणि हवामान बदल मंत्रालयाने सदर पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation) जाणीव करून देणेबाबत आदेशित केले आहे. सबब मे. साई रिसॉर्ट यांना पर्यावरणीय नुकसान भरपाईबाबत महाराष्ट्र प्रदूषण नियंत्रण मंडळाकडून दि. २८.०९.२०२२ रोजी नोटीस बजाविण्यात आलेली होती.

तदनंतरही मे. साई रिसॉर्ट उद्योजकाकडून सदर नुकसान भरपाईची रक्कम जमा करण्यात आलेली नाही.

सदर मे. साई रिसॉर्ट, सर्व्हे नं. ४४६, समुद्र किनारा मुरुड, ता. दापोली, जि. रत्नागिरी यांनी केलेल्या सागरी किनारपट्टी नियमन क्षेत्राच्या (CRZ) उल्लंघनाबाबतचा विषय असल्याने सदर पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation) भारत सरकार, पर्यावरण, वन आणि हवामान बदल मंत्रालय यांचे दि. २२ ऑगष्ट २०२२ च्या आदेशाप्रमाणे आपल्या अधिकारा अंतर्गतही मे. साई रिसॉर्ट चे मालक यांना नुकसान भरपाई भरणे संदर्भात आदेश पारित करून सदर नुकसान भरपाई जमा करणेबाबतही कारवाई करावी हि नम्र विनंती.

सोबत :- पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश पत्र नं. F. No. IA3-2/11/2021-IA.III दि. २२ ऑगष्ट २०२२.

9.12.22

प्रादेशिक अधिकारी, म. प्र. नि. मंडळ,
कोल्हापूर.

प्रत माहिती व पुढील आवश्यक त्या तात्काळ कार्यवाहीसाठी सादर -
१. उप-विभागीय अधिकारी, दापोली
२. तहसिलदार दापोली

प्रत माहितीस्तव सादर -
१. सह-संचालक, ज. प्र. नि., महाराष्ट्र प्रदूषण नियंत्रण मंडळ, मुंबई.

# महाराष्ट्र प्रदूषण नियंत्रण मंडळ

दूरध्वनी
०२३५५-२६१५७०
Visit Us At
Website: wwwmpcb.gov.in
Email: srochiplun@mpcb.gov.in

"आपली सेवा आमचे कर्तव्य"

उप प्रादेशिक कार्यालय,
परकार कॉम्प्लेक्स, २ रा मजला
२२४, नगर परिषदे मागे चिपळूण
ता. चिपळूण, जि. रत्नागिरी.

जा.क्र. मप्रनि/उप्राकाचि/ ७८५ /२२ दिनांक- ०२/१२/२०२२.

प्रति,
मा. जिल्हाधिकारी
जिल्हाधिकारी कार्यालय,
रत्नागिरी.

विषय :- मे. सी कौंच बीच रिसॉर्ट, सर्व्हे नं. ४४६, मु. पो. मुरुड, ता. दापोली, जि. रत्नागिरी यांच्या पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation).

संदर्भ :- १. पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश पत्र नं. F. No. IA3-2/11/2021-IA.III दि. २२ ऑगष्ट २०२२.
२. महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांचे पत्र दि. २८.०९.२०२२ व दि. २९.११.२०२२.
३.मा.जिल्हाधिकारी रत्नागिरी यांच्या आदेशानुसार समिती गठित दि.२०/१०/२०२२.

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मा. महोदय,

वरील संदर्भीय विषयास अनुसरून दि. २८ ऑगष्ट २०२२ पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश या कार्यालयास प्राप्त झाले आहेत. संदर्भीय आदेशानुसार पर्यावरणीय नुकसानीबाबत भारत सरकार, पर्यावरण, वन आणि हवामान बदल मंत्रालयाने सदर पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation) जाणीव करून देणेबाबत आदेशित केले आहे. सबब मे. सी कौंच बीच रिसॉर्ट यांना पर्यावरणीय नुकसान भरपाईबाबत महाराष्ट्र प्रदूषण नियंत्रण मंडळाकडून दि. २८.०९.२०२२ रोजी नोटीस बजाविण्यात आलेली होती.

तदनंतरही मे. सी कौंच बीच रिसॉर्ट उद्योजकाकडून सदर नुकसान भरपाईची रक्कम जमा करण्यात आलेली नाही.

सदर मे. सी कौंच बीच रिसॉर्टट, सर्व्हे नं. ४४६, समुद्र किनारा मुरुड, ता. दापोली, जि. रत्नागिरी यांनी केलेल्या सागरी किनारपट्टी नियमन क्षेत्राच्या (CRZ) उल्लंघनाबाबतचा विषय असल्याने सदर पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation) भारत सरकार, पर्यावरण, वन आणि हवामान बदल मंत्रालय यांचे दि. २२ ऑगष्ट २०२२ च्या आदेशाप्रमाणे आपल्या अधिकारा अंतर्गतही मे. साई रिसॉर्ट चे मालक यांना नुकसान भरपाई भरणे संदर्भात आदेश पारित करून सदर नुकसान भरपाई जमा करणेबाबतही कारवाई करावी हि नम्र विनंती.

सोबत :- पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश पत्र नं. F. No. IA3-2/11/2021-IA.III दि. २२ ऑगष्ट २०२२.

उप-प्रादेशिक अधिकारी, म. प्र. नि. मंडळ,
चिपळूण.

प्रत माहिती व पुढील आवश्यक त्या तात्काळ कार्यवाहीसाठी सादर -

१. उप-विभागीय अधिकारी, दापोली.
२. तहसिलदार, दापोली.
३. प्रादेशिक अधिकारी मप्रनि मंडळ,कोल्हापुर.

प्रत माहितीस्तव सादर -

१. सह-संचालक, ज. प्र. नि., महाराष्ट्र प्रदूषण नियंत्रण मंडळ, मुंबई.

# महाराष्ट्र प्रदूषण नियंत्रण मंडळ
## प्रादेशिक कार्यालय, कोल्हापूर

दूरध्वनी क्र. (०२३१) २६५२९५२,
२६६०४४८
फॅक्स नं. (०२३१) २६५२९५
rokolhapur@mpcb.gov.in

उद्योग भवन,
कलेक्टर ऑफीस जवळ,
कोल्हापूर-४१६००३

"आपली सेवा आमचे कर्तव्य"

जा.क्र.मप्रनि/प्राका/को/ FIS- 0186 दि. 01/12/2022.

प्रति,
मा. जिल्हाधिकारी
जिल्हाधिकारी कार्यालय,
रत्नागिरी.

विषय :- मे. सी कौंच बीच रिसॉर्ट, सर्व्हे नं. ४४६, मु. पो. मुरुड, ता. दापोली, जि. रत्नागिरी यांच्या पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation).

संदर्भ :- १. पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश पत्र नं. F. No. IA3-2/11/2021-IA.III दि. २२ ऑगष्ट २०२२.
२. महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांचे पत्र दि. २८.०९.२०२२ व दि. २९.११.२०२२.

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मा. महोदय,

वरील संदर्भीय विषयास अनुसरून दि. २८ ऑगष्ट २०२२ पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश या कार्यालयास प्राप्त झाले आहेत. संदर्भीय आदेशानुसार पर्यावरणीय नुकसानीबाबत भारत सरकार, पर्यावरण, वन आणि हवामान बदल मंत्रालयाने सदर पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation) जाणीव करून देणेबाबत आदेशित केले आहे. सबब मे. सी कौंच बीच रिसॉर्ट यांना पर्यावरणीय नुकसान भरपाईबाबत महाराष्ट्र प्रदूषण नियंत्रण मंडळाकडून दि. २८.०९.२०२२ रोजी नोटीस बजाविण्यात आलेली होती.

तदनंतरही मे. सी कौंच बीच रिसॉर्ट उद्योजकाकडून सदर नुकसान भरपाईची रक्कम जमा करण्यात आलेली नाही.

सदर मे. सी कौंच बीच रिसॉर्टट, सर्व्हे नं. ४४६, समुद्र किनारा मुरुड, ता. दापोली, जि. रत्नागिरी यांनी केलेल्या सागरी किनारपट्टी नियमन क्षेत्राच्या (CRZ) उल्लंघनाबाबतचा विषय असल्याने सदर पर्यावरणीय नुकसान भरपाईबाबत (Environmental Compensation) भारत सरकार, पर्यावरण, वन आणि हवामान बदल मंत्रालय यांचे दि. २२ ऑगष्ट २०२२ च्या आदेशाप्रमाणे आपल्या अधिकारा अंतर्गतही मे. साई रिसॉर्ट चे मालक यांना नुकसान भरपाई भरणे संदर्भात आदेश पारित करून सदर नुकसान भरपाई जमा करणेबाबतही कारवाई करावी हि नम्र विनंती.

सोबत :- पर्यावरण, वन आणि हवामान बदल मंत्रालय, भारत सरकार, यांचे आदेश पत्र नं. F. No. IA3-2/11/2021-IA.III दि. २२ ऑगष्ट २०२२.

9.12.22

प्रादेशिक अधिकारी, म. प्र. नि. मंडळ,
कोल्हापूर.

प्रत माहिती व पुढील आवश्यक त्या तात्काळ कार्यवाहीसाठी सादर -
१. उप-विभागीय अधिकारी, दापोली
२. तहसिलदार दापोली

प्रत माहितीस्तव सादर -
१. सह-संचालक, ज. प्र. नि., महाराष्ट्र प्रदूषण नियंत्रण मंडळ, मुंबई.

# MAHARASHTRA POLLUTION CONTROL BOARD
## REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952, 2660448
Fax No. (0231) 2652952.
E-mail: rokolhapur@yahoo.com

"Your Service is Our Duty"

Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website:http://mpcb.mah.nic.in

**Office Order No. 0186/2022** **Date: 16.12.2022**

Sub :- Recovery of Environmental Compensation from M/s. Sea Couch Resort in the light of order received from MoEF and CC, Govt of India dated 22.8.2022.

Ref :- i) MoEF and CC(CRZ), New Delhi order dated 22.8.2022
ii) MPCB letter for Environmental Compensation dated 28.9.2022.
iii) Board's Reminder letter for EC dated 30.11.2022, 1.12.2022, 2.12.2022 and 9.12.2022.
iv) Boards letter to District Collector, Ratnagiri dated 1.12.2022 & 2.12.2022.

.....

Hon'ble Sir,

The Govt. of India through the Ministry of Environment, Forest and Climate Change had issued the Coastal Regulation (CRZ) Notification, 2011 vide S O No 19 (E)dated 6th Jan 2011 under the Environment (Protection) Act, 1986 for protection and conserving the coastal environment and to regulate development in the CRZ area.

The Ministry had received several representations on illegal construction of resort and road in CRZ III (No Development Zone (NDZ) area at survey No 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra. In this regard, the MoEF and CC. Govt of India has constituted joint committee comprising of MPCB, National Centre of Sustainable Coastal Management (NCSCM) Chennai, integrated Regional Officer (IRO) of Ministry, Nagpur and MCZMA with MPCB as nodal agency for co-ordination and compliance. The MoEF and CC had referred said joint committee report to CPCB to provide comments and decided that Environmental compensation (EC) is concerned the monetary value as calculated by Joint committee shall be modified as per the calculation done by CPCB.

The Ministry of Environment, Forest and Climate Change, Govt of India had directed MPCB to realize the amount of environment compensation from M/s Sea Conch Resort, Gut No 446, Murud, Tehsil Dapoli, Ratnagiri as per the monetary value of Environmental compensation arrived at by CPCB vide letter dated 22.8.2022.

Accordingly, in compliance of direction of MoEF and CC, Govt of India dated 22.8.2022, the MPCB had issued notice to project proponent i.e Shri Pushkar Shrikrushna Mule, 902/4, Wimbalden Park, Pokhran Road-1, Near Cadbury Thane- 400 606 vide letter dated 28.9.2022, directing to deposit the amount of Environment Compensation of Rs.2,52,75,000/- with the MPCB, SBI Account at Kolhapur within 15 days.

However, the project proponent has failed to deposit Environment compensation amount with the above said period of 15 days and accordingly the project proponent was sensitized vide letter dated 30.11.2022, 1.12.2022, 2.12.2022 and 9.12.2022 to deposit the Environment Compensation amount immediately.

Therefore, the District Magistrate, Ratnagiri is requested to recover the Environment Compensation of Rs.2,52,75,000/- (Rupees Two Crores Fifty Two Lacs Seventy five thousand Only/) from the project proponent Shri Pushkar Shrikrushna Mule, Project as arrears of land revenue and deposit the same in State Bank of India, Kolhapur Treasury, Ashish Chamber, 398/B/E Ward, Shahupuri, Kolhapur, Account No 11303165287, IFSC Code No:- SBIN0007249 within a period of one month from this order.

This is issued with the approval of competent authority of the Board.

Yours faithfully,

16.12.22

(J.S. Salunkhe)
Regional Officer

Copy submitted to the :-

i) Member Secretary, MPCB, Mumbai – for information.
ii) District Collector/District Magistrate, Ratnagiri - for information and compliance.
iii) Joint Director(WPC), MPCB, Mumbai- for information and necessary action.

Copy f.w.cs to

i) SRO-Chiplun- for information.
ii) Mr Shri Pushkar Shrikrushna Mule, 902/4, Wimbalden Park, Pokhran Road-1, Near Cadbury Thane- 400 606.

# MAHARASHTRA POLLUTION CONTROL BOARD
## REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952.
E-mail:
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"Your Service is Our Duty"

Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website:http://mpcb.mah.nic.in

**Office Order No. 0185/2022** **Date: 16.12.2022**

Sub :- Recovery of Environmental Compensation from M/s Sai Resort NX in the light of order received from MoEF and CC, Govt of India dated 22.8.2022

Ref :- i) MoEF and CC(CRZ), New Delhi order dated 22.8.2022.
ii) MPCB letter for Environmental Compensation dated 28.9.2022.
iii) Board's Reminder letter for EC dated 30.11.2022, 1.12.2022, 2.12.2022 and 6.12.2022.
iv) Boards letter to District Collector, Ratnagiri dated 1.12.2022 & 2.12.2022.

.....

Hon'ble Sir,

The Govt of India through the Ministry of Environment, Forest and Climate Change had issued the Coastal Regulation (CRZ) Notification.2011 vide S O No 19 (E)dated 6th Jan 2011 under the Environment (Protection) Act, 1986 for protection and conserving the coastal environment and to regulate development in the CRZ area.

The Ministry had received several representations on illegal construction of resort and road in CRZ III (No Development Zone (NDZ) area at survey No 446, Sea Shore of Murud, Tehsil Dapoli, District Ratnagiri, Maharashtra. In this regard, MoEF & CC, Govt of India has constituted joint committee comprising of MPCB, National Centre of Sustainable Coastal Management (NCSCM) Chennai, integrated Regional Officer (IRO) of Ministry, Nagpur and MCZMA with MPCB as nodal agency for co-ordination and compliance. The MoEF and CC had referred said joint committee report to CPCB to provide comments and decided that Environmental compensation (EC) is concerned the monetary value as calculated by Joint committee shall be modified as per the calculation done by CPCB.

The Ministry of Environment, Forest and Climate Change had directed MPCB to realize the amount of environment compensation from M/s Sai Resort NX, Gut No 446, Murud, Tehsil Dapoli, Ratnagiri as per the monetary value of Environmental compensation arrived at by CPCB vide letter dated 22.8.2022.

In compliance of direction of MoEF and CC, Govt of India dated 22.8.2022, the MPCB had issued notice/communication to project proponent i.e Shri Sadanand Gagaram Kadam, A/p-A-103, Gokulnagari-2, Tal Village, VTC, Kandivali(East), Mumbai 400 101 vide letter dated 28.9.2022, directing to deposit the amount of Environment Compensation of Rs.2,52,75,000/- with the MPCB, SBI Account at Kolhapur within 15 days.

However, the project proponent has failed to deposit Environment compensation amount with the above said period of 15 days and accordingly the project proponent was sensitized vide letter dated 30.11.2022, 1.12.2022, 2.12.2022 and 6.12.2022 to deposit the Environment Compensation amount immediately.

Inspite of repeated notice/direction the project proponent has once again failed to deposit the Environment Compensation amount and chosen to ignore the direction/notice/ communication of the Board issued pursuant to the orders of Ministry of Environment, Forest and Climate Change, Govt of India dated 22.8.2022.

Therefore, the District Magistrate, Ratnagiri is requested to recover the Environment Compensation of Rs.2,52,75,000/- (Rupees Two Crores Fifty Two Lacs Seventy five thousand Only/) from the project proponent Shri Sadanand Gangaram Kadam, of said Project as arrears of land revenue and deposit the same in State Bank of India, Kolhapur Treasury, Ashish Chamber, 398/B/E Ward, Shahupuri, Kolhapur, Account No 11303165287, IFSC Code No:- SBIN0007249 within a period of one month from this order.

This is issued with the approval of competent authority of the Board.

Yours faithfully,

(J. S. Salunkhe)
Regional Officer,
Maharashtra Pollution Control Board, Kolhapur

**Copy submitted to the :-**

1. Member Secretary, MPCB, Mumbai- for information.
2. District Collector/District Magistrate, Ratnagiri - for information and compliance.
3. Joint Director(WPC), MPCB, Mumbai- for information and necessary action.

**Copy f.w.cs to:-**

1. SRO-Chiplun- for information.
2. Mr Sadanand Gangaram Kadam, A/p-A-103, Gokulnagari-2, Thakur Village, VTC, Kandivali(E), Mumbai 400101. – for necessary action.

# MAHARASHTRA POLLUTION CONTROL BOARD
## SUB REGIONAL OFFICE, CHIPLUN

Telephone:
(02355) 261570
Visit Us At
website: www.mpcb.gov.in
Email:
srochiplun@mpcb.gov.in

"Your Service is our Duty"

2nd floor Parkar Complex,
224, Behind Nagar
Parishad,
Tal. Chiplun, Dist.
Ratnagiri 415605.

No. MPCB/SRO/CHIP/EC/052/23

Date 02/01/2023

**To,**
Shri. Anil Dattatrey Parab,
Ravikiran,58/2625,Gandhinagar,
Near Bank of Maharahstra, Bandra(E),
Mumbai-400051

Sub: Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

Ref: 1. Order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 received by HQ by E-mail dtd. 01.09.2022.
2. Board letter dtd. 28.09.2022.

Sir,

This office has received order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 through E-mail dtd. 01.09.2022. In said order, CPCB has calculated the Environmental Compensation of Rs. **2,52,75,000/-** and MoEF has directed to Maharashtra State Pollution Control Board to realize the amount of Environmental Compensation of M/s. Sai Resort, Survey No. 446, Sea Shore Murud, Tal. Dapoli, Dist. Ratnagiri.

In view of the above you are requested to deposit the amount of **Rs. 2,52,75,000/-** to the Maharashtra Pollution Control Board within 15 days. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and Address : State Bank Of India. Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

Sub Regional Officer
MPC Board, Chiplun.

**Copy submitted to :-**

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Regional Office, M.P.C. Board, Kolhapur.

# MAHARASHTRA POLLUTION CONTROL BOARD
## SUB REGIONAL OFFICE, CHIPLUN

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2nd floor Parkar Complex,
224, Behind Nagar
Parishad,
Tal. Chiplun, Dist.
Ratnagiri 415605.

No. MPCB/SRO/CHIP/EC/22/23

Date 06/01/2023

To,
Shri. Anil Dattatrey Parab,
Ravikiran,58/2625,Gandhinagar,
Near Bank of Maharahstra, Bandra(E),
Mumbai-400051

**Reminder – I**

Sub: Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

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Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

Sub Regional Officer
MPC Board, Chiplun.

**Copy submitted to :-**

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Regional Office, M.P.C. Board, Kolhapur.

# MAHARASHTRA POLLUTION CONTROL BOARD
## SUB REGIONAL OFFICE, CHIPLUN

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2nd floor Parkar Complex,
224, Behind Nagar
Parishad,
Tal. Chiplun, Dist.
Ratnagiri 415605.

No. MPCB/SRO/CHIP/EC/ 31/23

Date 12/01/2023

To,
Shri. Anil Dattatrey Parab,
Ravikiran,58/2625,Gandhinagar,
Near Bank of Maharahstra, Bandra(E),
Mumbai-400051

**Reminder – II**

Sub: Environmental Compensation as per order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022.

Ref: 1. Order from MoEF & CC (CRZ), New Delhi, dtd. 22.08.2022 received by HQ by E-mail dtd. 01.09.2022.
2. Board letter dtd. 28.09.2022.

Sir,

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Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

This is issued with as per order from MoEF & CC, New Delhi, dtd. 22.08.2022 & E-mail dtd. 01.09.2022

Sub Regional Officer
MPC Board, Chiplun.

**Copy submitted to :-**

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.
4. Regional Office, M.P.C. Board, Kolhapur.

Annexure R1/18

**MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY**

Tel. No. : 22029388
E-mail : dir1.mev-mh@nic.in
Website: https://mczma.gov.in/

No. Complaint 2021 / CR 43 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 27.3.2023

To,
Director, CRZ,
Ministry of Environment, Forest and Climate Change,
Jor Baug Road, CGO complex, New Delhi

**Subject:** Regarding illegal construction in CRZ area at Survey no. 446, at village Murud, Tal: Dapoli, District: Ratnagiri.
**Ref:** Email dated 22.3.2023 sent to MoEF&CC, New Delhi

With reference to directions dated 22.8.2022 issued by the Ministry of Environment &CC, New Delh, a brief note along with attachments about the present status of the matter is attached herewith.

Yours,
(Abhay Pimparkar)
Director, Environment &CC and MS, MCZMA

**D.A.** Brief Note attached

**Copy for information to:**

1. **Principal Secretary,** Environment & Chairman, MCZMA, Environment Dept, Room No. 217, Annexe Building, Mantralaya, Mumbai.
2. **Select File- TC 4**

## BRIEF NOTE

With respect to Sai Resort and Sea Conch, Dapoli, Ratnagiri matter, status of the matter is as follows:

1. After receipt of MoEF directions dated 22.8.2022, the MCZMA on 25.8.2022 wrote to District Coastal Zone Monitoring Committee, Ratnagiri to take action and submit the action taken report.

2. Collector on 25.8.2022 informed about the status quo order by local Khed court 19.7.2021 in civil suit 57/2021 filed by Sadanand Kadam. Collector asked for legal opinion along with expenditure of demolition.

3. MCZMA replied on 26.8.2022 informing that legal issues should be duly and appropriately dealt by DCZMC. It was further informed that expenditure for implementation of MOEF order shall be borne by MCZMA.

4. Collector, Ratnagiri vide letter dated 6.10.2022 sent proposal of expenditure costing around 101.25 lacs (1.125 crores)

5. MCZMA in its 160th meeting decided that expedendite be borne by MCZMA. Later on said expenditure will be recovered from project proponent. MCZMA vide letter dated 12.10.2022 released the expenditure to Collector Ratnagiri

6. On interaction with Collector office it is learnt that sea conch resort has been demolished. And with respect to Sai Resort, currently, in continuation with earlier status quo, Local Khed court on 17.3.2023 in suit 57/ 2021 has temporarily restrained the demotion of construction. There is also a matter filed by Sadanand Kadam in High Court which is ongoing

**STATUS OF COURT CASES IN THE MATTER:**

1. **Civil Suit No. 57/2021 in Khed Court:**

   - The Sadanand Kadam has filed civil suit no. 57/2021 in local court, Khed. In the matter, local court, Khed on 19.7.2021 has passed an order directing to maintain the status quo.
   - Currently, local court, Khed passed an order dated 17.3.2023 directing temporarily restrained from demolishing the construction made in the suit property.

2. **Original Application no. 58/2021 in NGT, Pune:**

   Dr. Kirit Somiya filed the Original Application no. 58/2021 before Hon'ble NGT, Pune. MCZMA has filed affidavit in the matter. Hon'ble NGT has passed an order dated 12.1.2023 directing the Applicant to clarify as to how the prayers survive in view of the order passed by the MoEf&CC, directing for demolition of the property in question. The Next date in the matter before Hon'ble NGT is is May, 2023

3. **Civil WP No. 11125/2022 in High Court**

Sadanand Kadam has filed WP No. 11125/2022 V/s Union of India & Ors challenging he order passed by MoEF&CC. In the said matter, Dr. Kirit Somiaya has filed Interim Application. The matter is ongoing.

4. **Complaint u/s 19 of E(P) Act, 1986 JMFC Dapoli:**

- The Scientist 'E', Regional office, MoEF&CC, New Delhi filed a complaint under Section 19 of the E(P) Act, 1986 on 10.3.2022 in JMFC, Dapoli.
- JMFC, Dapoli passed an order dated 9.11.2022 directing "*issue process against accused for offense punishable under section 15 read with section 5 & 7 of the E(P\) Act, 1986*"

5. **Revision Application No. 11/2022 in Addl Session Court, Khed:**

- Criminal Revision Application No. 11/2022 was filed in Addl Session Judge, Khed by Mr. Anil Dattatray Parab versus MoEF&CC and State of Maharasthra. In the matter, Add Session Judge passed an order dated 14.3.2023 directing that impugned order passed by JNFC dated 9.11.2022 is hereby set aside.

Annexure R1/19



| | |
|---|---|
| MHRT060002792022 | **CNR No.MHRT060002792022**<br>**ORDER BELOW EXHIBIT 1 IN R.C.C.12/2022** |

1. The present complainant is a public servant. He is duly authorized and working as a Scientist-E at the integrated regional office under the Ministry of Environment and Forests Notification dated 28th February 2014 issued in accordance with the provision contained in Section 23 of the Environment (Protection) Act 1986. The complainant being a public servant and hence there is no need to examine him on record or its verification under Section 200 of Code of Criminal Procedure.

2. As per contention of complainant, accused no.1 had purchased Gat No. 446 situated at sea-shore of Murud Village, Taluka Dapoli, District Ratnagiri from Vibhas Ranjan Sathe. On 02/05/2017 he has take a possession of Gat No. 446 and started construction of the resort without getting any permission and following rules framed under CRZ norms. Maximum construction was completed in the year 2020. After that he sold said property to the accused no. 2. The Sai resort is constructed by accused No.1 and 2 and sea-coach resort is constructed by accused No.3. Thus, Accused no. 1 to 3 have violated CRZ norms formed under Environment (Protection) Act 1986. They did construction and development activity in classified "No Development Zone" (NDZ) which is prohibited and illegal act itself. They also stated that accused neither informed the Nodal authorities about their construction as mandated by notification of CRZ Rules 2011 nor acquired requisite permission for such construction. Accused have illegally constructed in CRZ area and such an illegal Hotel/Resort operated in the non development zone of CRZ-III and also they are thereby illegally

discharging the Environmental pollutants beyond specified limit in the sea streams which is punishable under Section 7 of the said act. He further stated that on various occasion from accused No.1 has committed cheating by dishonestly and fraudulently deceiving the office of local administration in order to ensure illegal and wrongful gain. Hence they also prayed for direct investigation for the cognizance of an offence under the relevant Section of Indian Penal Code.

3. Perused the complaint, documents on record and report filed by Police Inspector of Dapoli police Station. Heard Ld. Adv.Shri. Kuweskar on behalf of the complainant. Before issuing process Police Inspector of Dapoli police station was directed to conduct inquiry under section 202 of Cr.P.C. and filed its report. Accordingly, report is received from Police Inspector of Dapoli at Exh-9. The report filed by the Police also supports the present complaint. On perusal of report at Exh-9 and documents on record it appears that proposed accused are constructed resorts which are located in no development zone (within 200 meters from high tide line) in CRZ-III as per CRZ notification 2011. During construction of Sai Resort and Sea-coach Resort at Gat No. 446 at village Murud, Taluka Dapoli, Dist-Ratnagiri they have violated CRZ norms. Hence the Ministry of Environment and Forests issued show-cause notice dated 17-12-2021 to Sai-Resort and Sea-coach Resort i.e. to the accused No.2 and 3. Subsequently they also issued notice as per provision of Section 5 of the Environment (Protection) Act 1986 vide order dated 31-1-2022 and directions was given to the Sai-Resort and Sea-coach Resort to that effect and directed that they should be removed the un-authorized structure built at Gat No. 446 at sea-shore of Murud, Taluka Dapoli, Dist-Ratnagiri in its entirety and the area shall be restored to its original condition. But they did not obey the order. Accused have violated rules framed by ministry of Environment and forest has Coastal Regulations

Zone notification 2011 dated 06th January 2011 under section 3 and also not followed direction given by said authority under section 5 which is punishable under section 15 of The Environment (Protection) Act 1986. And also they are illegally discharged environmental pollutants in the sea streams which is punishable under section 15 of The Environment (Protection) Act 1986.

4. Considering the complaint, documentary evidence on record and police report at Exh-9 it appears that there is a sufficient material and grounds to proceed against accused persons for the offence violated under Section 5 and 7 which are punishable under Section 15 of The Environment (Protection) Act 1986. Hence the following order.

**ORDER**

Issue process against accused No.1 to 3 for the offence punishable under Section 15 read with Section 5 and 7 of The Environment (Protection) Act 1986. Summons returnable On 14/12/2022.

**DAPOLI.** (Tejaswini S. Mahadik)
Date : 09-11-2022. JUDICIAL MAGISTRATE FIRST CLASS,
DAPOLI.

I affirm that the contents of the P. D. F. file order are same, word to word as per original Order.

| | |
|---|---|
| Court Name : | Smt. Tejaswini Sandeep Mahadik<br>Judicial Magistrate First Class, Dapoli. |
| Name of Stenographer : | R.K.Sangare. |
| Date of decision : | 09/11/2022 |
| Order signed by Presiding Officer on : | 09/11/2022 |
| Order uploaded on : | 09/11/2022 |

Annexure R1/20



MHRT040005412022

| | | |
|---|---|---|
| Received on | :- | 28.11.2022 |
| Registered on | :- | 28.11.2022 |
| Decided on | :- | 14.03.2023 |
| Duration | :- | Ys. Ms. Ds. 00 03 16 |

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, KHED**

**TAL. KHED DIST. RATNAGIRI**

(Presided over by D. L. Nikam, Addl. Sessions Judge, Khed)

**CRIMINAL REVISION APPLICATION NO. 11 OF 2022**

CNR NO.MHERT-04-000-541-2022

**Exhibit No. 28**

**Mr. Anil Dattatray Parab,**
Age About 57 yrs., Occu.- Business,
R/o. 'Ravikiran' 58/2625, Gandhi Nagar,
Near Bank of Maharashtra, Bandra-East,
Mumbai – 400051, Maharashtra. — Revision Applicant

**Versus**

1. **Ministry of Environment, Forest & Climate Change,**
Represented by
**Mr. Suresh Kumar Adapa,**
Age About 43 yrs.,
Occu.- Service-Scientist 'E',
Integrated Regional Office, Ministry of Environment & Climate Change, East Wing, Ground Floor, New Secretariat Building, Near Old VCA Stadium, Civil Lines; Nagpur, 440001, Maharashtra.

2. The State of Maharashtra — Opponents.

Revision under Section 397 of the Criminal Procedure Code,1973.

**Appearance :-**

---

Mr. S. S. Butala, Advocate for the Applicant Revisionist.
Mr. P.P. Kuveskar, Advocate for the Opponent no.1.
Mrs.M. M. Jadkar, APP for the Opponent No.2.

---

**JUDGMENT**

( Delivered on : 14th day of March, 2023 )

**1.** By this revision filed under section 397 of the Code of Criminal Procedure, 1973, revisionist is challenging the order passed below Exh.1 by the Ld. Judicial Magistrate, (F.C.), Dapoli on dated 09.11.2022. Through this impugned order, the learned Trial Court has issued process against the present revisionist for the offence punishable under section 15 read with Section 5 & 7 of The Environment (Protection) Act 1986, in Regular Criminal Case No.12 of 2022.

**2.** In support of this revision application, the learned Advocate Mr.S.S.Butala for the revisionist has argued that, impugned order regarding the issuance of process is the abuse of the power. Learned Trial Court did not consider the legal aspect of related offences. The complaint has been lodged out of political rivalry. The revisionist has no concerned with the alleged construction of Sai Resort and no concerned with the alleged offences. It has further argued that, no notice was issued under the relevant Act to the revisionist on the said grounds of the complaint. According to Advocate Mr.Butala, the Trial Court has failed to consider the report filed by Investigation Officer under section 202 of the Code of Criminal Procedure, 1973, the Trial Court has also erred by not considering the concept of dual ownership. It has further argued that, Central Government is deliberately trying to implicate the revisionist in this false case. So also, National and the State political

parties. It has further argued that, one Mr.Sadanand Gangaram Kadam is the owner and occupier of the said construction and the said fact was revealed and brought to the notice time to time, in spite of the said fact, without considering the documents produced by the police, the Trial Court has erred in issuing the process. It has further argued that, the Trial Court has arbitrator and perversely exercised its powers. Advocate Mr.Butala, then, has further argued that, Mr. Suresh Kumar Adapa is Scientist-'E' and he is not empowered to file the complaint. There is noting in the complaint which show as to how Mr.Adapa is empowered to file the present complaint. Advocate Mr.Butala, then, has argued that, there are reports of Government Departments which show that, there is no operation of any business and no discharge or pollution. Even the complainant has also admitted the same. Advocate Mr.Butala has also filed written arguments vide Exh.13. In the circumstances the process issued be set aside. In support of his arguments Advocate Mr.Butala has relied upon the following judgments;

[1] ***Rajendra Kumar Sitaram Pande Vs. Uttam***, Supreme Court, wherein it has held that order of issuance of process is intermediate or quasi final and therefore the revisional jurisdiction under section 397 could be exercised against the same. There are similar observations in case of ***V. K. Jain Vs. Pratap V. Padode, 2005(3) MhLj 778***.

[2] ***Environment Dept. Vs. State of Maharashtra***, Cri. WP No.3678 of 2018, wherein it has held that the general allegations are not sufficient to issue process against any person.

[3] ***Vinod Mahajan Vs. State of Maharashtra***, Cri. Appeal No.697 of 2017, wherein it has oberved that registration of an FIR at the

instance of a person who is not authorised under clause (a) of Sec.19 and the investigation carried out on the basis of the FIR become illegal.

[4] ***Pratap Lal Teli Vs. State of Maharashtra***, Cri. Appl. No.369 of 2019, wherein it has held that, no court shall take cognizance of any offence under Environment (Protection) Act except on a complaint made by a competent authority or an officer authorized in this behalf by the Government. There are similar observations in case of ***Subhash Sachdeva Vs. State of Rajistan***.

[5] ***P. Venkatesh Vs. State***, Crl.O.P No.16310 of 2012, wherein it has observed that the legal principle that a penal statute must receive strict construction, it is not in doubt or dispute.

[6] ***R. Veerayya & M. Siddalingaiah Vs. State of A.P.***, AIR 1967 AP 265, wherein it has observed that the person on whom the power is delegated can only act within the power granted to him and cannot authorize another or confer on another the powers conferred on him. With this the learned advocate Mr. Butala has prayed for setting-aside the impugned order.

**3.** On the other hand, the learned Advocate for opponent no.1 Mr.P.P.Kuveskar and the learned APP Mrs.M.M.Jadkar for the opponent no.2 have filed their written notes of arguments. Advocate Mr.Kuveskar has argued that, the revision is false and frivolous and not tenable by law at this stage. The order passed by Trial Court is legal and correct based on scrutiny of documentary evidenced and arguments. He has argued that, the complainant is duly authorized representative, serving as Scientist-'E' at the Integrated Regional Office, Ministry of

Environment Forest and Climate Change, at Nagpur office. The present complaint came to be filed under section 19 of the Environment (Protection) Act, 1986 as per Notification dated 28.02.2014 & complainant is authorized under the said Notification. He is public servant as per Sec.174 of I.P.C. He has further argued that, the resort in question, belongs to revisionist and one Sadanand Kadam is fully functional and operational thereby discharging the environmental pollutants beyond specified limit in the Sea stream. This is because of absence of any sewage and other Municipal or such outlets for the safe discharge of effluents, owing to the illegal construction of the said resorts, causing great detrimental damage to the environment and ecology of seashore. Thereby an illegal resort is operated in the NDZ of CRZ-III are thereby illegally discharging the environmental pollutants beyond specified limit in the Sea stream and it is a violation of Section 7 of EPA. Advocate Mr.Kuveskar has relied upon Report by the Expert Committee & documents by Pollution Control Board under the right to information Act vide list Exh.11. Learned APP Smt. Jadkar has also argued similarly on these aspects. With this, learned Advocate Mr. Kuveskar and learned APP Mrs.Jadkar have argued that, the order passed by the learned Trial Court is just and proper. In this way, they have resisted the present revision.

**4.** I have heard both ends and have gone through the documents placed on record.

**5.** Having heard both sides, following points arise for my determination and I have recorded my findings against each of them for the reasons given below.

| Sr. No. | POINTS | FINDINGS |
|---|---|---|
| 1. | Whether impugned order passed below Exh.1 on dated 09.11.2022 by the learned Trial Court, in Regular Criminal Case No.12 of 2022, is correct, legal, just and proper ? | In the Nigative. |
| 2. | What Order ? | Petition is allowed. |

**:: R E A S O N S ::**

**As to Point No.1 :-**

**6.** First point raised is about tenability of this revision. Here, it is to be noted that, upon a complaint filed the trial court issued a process against the revisionist. Learned Advocate Mr.Kuveskar & APP Mrs.Jadkar have argued that, the said issue process order can not be challenged in revision, as such. In reply, the learned Advocate Mr.Butala for the revisionist has argued that, the order of issuance of process can be challenged before Court of Sessions in revision. In support of this, he has relied upon the judgment in case of ***Rajendra Kumar Sitaram Pande Vs. Uttam***, wherein the Hon'ble Supreme Court, wherein it has held that order of issuance of process is intermediate or quasi final and therefore the revisional jurisdiction under section 397 could be exercised against the same. There are similar observations in case of ***V. K. Jain Vs. Pratap V. Padode, 2005(3) MhLj 778.*** In ***V.C. Shukla Vs. State, 1980(2) SCR 380***, the Hon'ble Supreme Court has held that the term "interlocutory order" used in the Code of Criminal Procedure has to be given a very liberal construction in favour of the accused in order to ensure complete fairness of the trial and the revisional power of the High Court or the Sessions Judge could be attracted if the order was not purely interlocutory but intermediate or quasi final. In the present case, process

has been issued against the revisionist. In view of above settled position the impugned order being intermediate or quasi final, can be challenged withing the preview of Section 397 of the Code. Therefore, this revision is tenable.

**7.** Secondly, the aspect of 'authorization' of the complainant. As argued by Advocate Mr.Butala for the revisionist, the present complaint is filed by one Suresh Kumar Adapa, Scientist-'E'. But, there is nothing in the complaint about how has authorized to file this complaint. Advocate Mr.Butala, has, then brought on record a document showing Suresh Kumar Adapa came to be appointed on 31st July, 2015 as Scientist-'D'. Advocate Mr.Butala has argued that the present complaint is filed under section 19 of Environment (Protection) Act, 1986 as per Notification dated 28.02.2014. He has further argued that, as per the said Notification only State or Union Territory level Environment Impact Asst. Authority constituted by Central Government under Sec.3(3) of the Act & any Director, Conservator of Forest or Additional Principal Chief Conservator of Forest in any of the Regional Offices of the Ministry of Environment & Forest is empowered to file a complaint under section 19 of the Act. Advocate Mr.Butala has, then, referred the list of Regional Offices, Ministry of Environment & Forest, Climate change. He argued that, the present complainant is no where listed therein & so he is not empowered. In reply, Advocate Mr.Kuveskar attempted to show that as per Gazette dated 23.02.2023 all 'Scientist-E' are directors.

**8.** On perusal of the complaint filed by Mr.Suresh Kumar Adapa, everywhere he mentioned himself as 'Scientist-E'. There is not a single word in the complaint that he is 'Director' or 'Additional Director'. If he is authorized by notification withing purview of Section 3(3) of the Act

then what prevented him to mentioned himself as 'Director' or 'Additional Director'. So also I find substance in the submission of Advocate Mr.Butala that such a Gazette and office order is in respect of pay commission. I say so because, the concerned Gazette & office order denotes that for modification of scheme as to pay commission, persons who served for a period given in table against them were appears to be ordered to be equivalent to Director. There is no specific & clear notification or Gazette to show that 'Scientist-E' are designated as 'Director' or 'Additional Director' for the purpose of Sec.3(3) & Sec.19 of the Act. It has also well settled that power to file a complaint for the purpose of Sec.3(3) & Sec.19 of the Act can not be delegated. Therefore, as the present complaint is filed by Mr.Suresh Kumar Adapa being 'Scientist-E, in my view, he is not having authorization to file a complaint for the purpose of Sec.3(3) & Sec.19 of the Environment (Protection) Act, 1986. So far as cognizance of an offence under the EPA 1986 is concerned, it has well settled that to take cognizance of an offence under Section 15 of the EPA 1986 the complaint has to be made by the Central Government or any authority or officer authorized by the government. In so far as the alternative contained in Section 19 is concerned, no doubt, a private individual can file a complaint but the same has to be filed by following the mandate of clause (b) of Section 19 of the EPA 1986 i.e. by giving a notice in a prescribed manner of the alleged offence to the Central Government or its concerned officer of State that he intends to make a complaint on the said basis and individual would have to state that if within sixty days does not get response then would proceed further. So the position is now well settled by various judgments of the Hon'ble Apex Court that if a statute is requires a thing to be done, it has to be done in the said manner only and not in any other manner. But the present complaint is filed by Mr.

Suresh Kumar Adapa, being 'Scientist-E'. There is nothing on record or even in the complaint that Mr. Suresh Kumar Adapa was authorized to file the present complaint. In this regard a submission of learned Advocate Mr.Kuveskar that all 'Scientist-E' are designated as 'Additional Director' can not be accepted.

**9.** Now, third aspect is police report filed by Dapoli Police Station under section 202 of Code of Criminal Procedure. On the face of the report, it seems that, it is not complete. What the concerned Inquiry Officer has mentioned in the covering letter of the report addressed to the Trial Court is that on receipt of complaint police have addressed letters to in all 14 concerned offices. Police have filed statements of the then Talathi of nearby areas, Circle Officers, Sarpanch, persons who executed the sale deed in question, witnesses of sale-deed, Sub Divisional Officers, owner of the land in question, revisionist etc. Inquiry Officer has specifically mentioned that when he called upon the complainant in this regard, he replied nothing. Lastly, Inquiry Officer has clearly mentioned that for want of time & information, communications with various offices he it is not in condition to draw any conclusion. He has further urged that, he may be allowed to file documents and other information later on.

**10.** Here it appears that the learned trial court was postponed the issuance of process & called report of Local Dapoli Police Station u/s 202 of the Code of Criminal Procedure, 1973. What it is shows that, the material placed before the Trial Court along with the complaint was not sufficient and therefore the Trial Court postponed the issuance of process and called the report of local police. Here, the Inquiry Officer has clearly mentioned that, he is yet to visit the site i.e. disputed Sai

Resort. It has further mentioned that, the complainant did not turn before him for inquiry. If it is so then question arises is that how incomplete police report of Dapoli Police Station found to be material to find out prima facie case. So also I find that impugned order is appears to be passed without having sufficient material on record.

**11.** In the present case the process came to be issued under Section 15 read with Section 5 & 7 of the Environment (Protection) Act, 1986. **Sec.5** is regarding powers to issue directions. **Section 7** is regarding persons carrying on industry, operation, etc., not to allow emission or discharge of environmental pollutants in excess of the standards. No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed. **Section 15** provides penalty for contravention of the provisions of the Act and the rules, orders and directions.

**12.** Now lets see what material is there to substantiate the complainant under the above mentioned provisions. In para 7 of the report the Inquiry Officer has mentioned that he is yet to visit the disputed site i.e. Sai Resort. The information from Mr.Suresh Kumar Adapa, the complainant is yet to be received. The Inquiry Officer has further mentioned that after inquiry with various departments & officers. As per report of Sub-divisional officer, Dapoli dated 07.06.2022, report of Circle Officer, Burondi dated 7.06.2022 & the report of Tahasildar, Dapoli dated 07.06.2022, the 'Sai Resort' is completely closed and not in use. On inquiry with Mr.Sharad B. Pawar, the then Sub-Divisional Officer, he has replied that, since the resort has not yet started, it is wrong that the sewage of the said resort is discharged into the sea.

Further, for sewage of the resort, proper measures have been taken in the premises of the resorts as per the rules. Advocate Mr.Butala then has argued that, when the complainant Mr.Suresh Kumar Adapa visited the site, he prepared his report. But he neither discloses the same with anyone nor filed it with the present complaint. Even the present Tahsildar Smt.Vaishali Patil deposed the same thing during inquiry with her.

**13.** An inquiry was also made with the complainant Mr.Suresh Kumar Adapa. What police report shows is that, he was asked that whether Sewage Plant was maintained when he visited the Resort?. Thereupon Mr.Suresh Kumar Adapa replied that, he visited the site along with Mr.Sharad Pawar, Sub-Div. Officer & Smt.Vaishali Patil, Tahasildar. That time, he saw that it was closed & was not in operation. When he was specifically asked whether he found sewage goes into the water?. Thereupon he replied that, at that time there was no operation. But, as there is a building, it would go into the water. In all, what it shows is that when the complainant visited the site along with the then Sub-Divisional Officer & Tahasildar, he found that sewage water was not mixing in the sea water. He found no drainage pipe-line from the septic tank towards Sea water. In fact, what the complainant found was that nothing was in operation and nothing goes into the sea water. Even Maharashtra Pollution Control Board Expert committee visited the site i.e. Sai Resort on dated 13.07.2022 & 14.07.2022. The committee in its report has mentioned that there was 'no discharge arrangement from the resort/septic tank to Sea has been noticed'. It has also mentioned that further visit was on dated 29.11.2022 on a complaint regarding water pollution. But even that time also committee did not find any discharge of sewage in Sea water. It is pertinent to note that Mr.Suresh Kumar

Adapa, the complainant has not filed his field inspection report along with the complaint. The process has issued under section 5 & 7 read with section 15 of the Act. If, apparently itself, it has found that, no discharge or emission of any environmental pollutants, as alleged then it would not be just to issue process against the revisionist under such sections.

**14.** In the circumstances there is unjust against present revisionist/ complainant. Under such circumstances, the impugned order needs interference. Hence, I answer the point no.1 in the negative and in answer to point no.2, I proceed to pass following order.

**ORDER**

1. The Revision Application is allowed.

2. The impugned order passed by Judicial Magistrate (F.C.), Dapoli below Exh.1 dated 09.11.2022 in Regular Criminal Case No.12 of 2022 is hereby set-aside.

3. Order be informed to the concerned alongwith copy of judgment.

4. Accordingly, this revision petition is disposed of.

( Dictated and pronounced in open Court )

Place :- Khed.
Date :- 14.03.2023

( D. L. Nikam )
Additional Sessions Judge, Khed,
Tal. Khed, Dist. Ratnagiri.

Case No. Cri. Revision Appln. No.11 of 2022 (Judgment)

I affirm that the contents of this pdf file order are same word as per original order.
Name of Grade I Stenographer : Sandeep S. Patil
Court Name : D.J. 1 & Additional Sessions Court, Khed. (D.L.Nikam)
Date of Decision : 14.03.2023
Order Signed by P.O. on : 20.03.2023
Order uploaded on : 20.03.2023

Annexure R1/21

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. OF 2023

DISTRICT : RATNAGIRI

IN THE MATTER OFSECTION 482 OF THE CODE OF CRIMINAL PROCEDURE 1973;

AND

IN THE MATTER OF ARTICLE 226 R/W 227 OF THE CONSTITUTION OF INDIA;

AND

SEAL OF NOTARY
Mrs. KHURANA
NAGPUR
DIST. (M.S.)
REG. No. 6386
GOVT. OF INDIA

IN THE MATTER OF IMPUGNED ORDER DATED 14.03.2023 PASSED BY THE ADDITIONAL SESSIONS JUDGE, KHED, DIST: RATNAGIRI;

MINISTRY OF ENVIRONMENT, FOREST )
AND CLIMATE CHANGE, )
Through E.Thirunavukkarasu, Scientist'E', )
Ministry of Environment, Forest & Climate Change )
Integrated Regional Office, Ground Floor, )
East Wing, New Secretariat Building, )
Civil Lines, Nagpur 440 001, Maharashtra )... Petitioner

VERSUS

1. The State of Maharashtra )
Through Public Prosecutor, The High Court of Bombay. )

2. Anil Dattatray Parab )
Age: 58 years, Adult, Indian Inhabitant )

Residing at 801, Monarch Building, )

Gandhi Nagar, Bandra (East) )

Mumbai 400051. )...Respondents

To,

THE HON'BLE CHIEF JUSTICE
AND OTHER PUSINEE JUSTICE
OF HIGH COURT BOMBAY.

**HUMBLE PETITION OF THE PETITIONERABOVE NAMED.**

**MOST RESPECTFULLY SHEWETH:**

1. The Petitioner is the Ministry of Environment, Forest and Climate Change (MoEFCC), it is the nodal agency in the administrative structure of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India's environmental and forestry policies and programmes. The Petitioner is the Central Government within the meaning of S. 3 of Environment ( Protection) Act, 1986 ("the E.P. Act") which is an Act to provide for the protection and improvement of environment. The Petition is being filed through the duly authorized

NOTARY
KHURANA
JAIPUR
REG. NO. 6386
GOVT. OF INDIA

Representative and public servant who is authorized to implement the E.P. Act and the rules framed thereunder.

2. The First Respondent is the State of Maharashtra and the Second Respondent is the original Accused No.1 in R.C.C. No. 12/2022, a Complaint filed by the Petitioner U/s. 19 of the E.P. Act before the JMFC Dapoli wherein process had been issued against the Second Respondent and others U/s. 15 R/w Sections 5 and 7 of the EP Act.

3. The chronology of events leading to the filing of the present Petition is as under:

   i. The authorized representative of the Petitioner is working as Scientist "E". His duties include implementation of the E.P. Act and the rules framed thereunder. That, a complaint was filed by Mr. Suresh Kumar Adapa, Scientist 'E', IRO, MoEF&CC, Nagpur U/s. 19 of the E.P. Act dated 10.3.2022 before the JMFC Dapoli against the Respondent No.2 and others, *inter- alia*, praying for summoning the Respondent No.2 herein for offences committed U/s. 7 and 15 of the E.P. Act. The Annexed and marked hereto as **Exhibit "A"**is the copy of the complaint dated 10.3.2022

ii. The authorised representative is duly authorised to file a complaint U/s. 19 of the E.P. Act vide Notification dated 28.2.2014 read with Office Orders dated 11.5.2010 and 17.7.2014. Annexed and marked hereto as **Exhibit "B- colly"**are the Notification and Office orders respectively.

iii. That, the Petitioner has received various complaints from the public representatives regarding illegal construction of the commercial properties in the prohibited no-development zone in the Coastal Regulation Zone (Hereinafter referred to as the 'CRZ III') area and the continuous discharge of the effluents in the sea stream by the Accused and illegal construction of resort named Sai Resort in the No-Development Zone in CRZ-III. The Complaint sets out how the Respondent no. 2 took possession of the agricultural land somewhere around 2.5.2017 from its erstwhile owner and started construction of the said resort after getting illegal permission for construction of ground plus one floor. Also, that the Gram Panchayat, Murud registered the structure in the name of Respondent no. 2 and issued property tax and house tax receipts to him.

iv. The Complaint further sets out how the said construction is clearly in violation of the CRZ notifications, 2011 and 2019. Annexed and

marked hereto as **Exhibit "C-colly"** is the copy the CRZ notifications, 2011 and 2019.

v. The complaint further sets out how the Ministry (Petitioner) sought a report from the National Centre for Sustainable Coastal Management (NCSCM). It is pertinent to note that after scrutinising the CRZ maps and available documents NCSCM gave a finding that the site and survey no. 446 falls within the No Development Zone(NDZ) in CRZ III. This is a violation of the conditions stipulated in CRZ 2011 for construction of Beach Resorts or hotels in the designated areas of CRZ III. The said report recommends a site visit to ascertain facts and submit a detailed report if necessary. Annexed and marked hereto as **Exhibit "D"** is the copy the report NCSCM report.

vi. That the complaint further sets out how in furtherance to the aforesaid report, an inspection was carried out by the authorised representative Suresh Kumar Adapa along with Sub-Divisional officer and Sub-Divisional Magistrate, Dapoli and Tehsildar, Dapoli. It is further pertinent to note that the site inspection report dated 12.6.2021 observes inter alia that there were two resorts, namely Sai Resort NX and Sea Conch Resort constructed in Gat no. 446. It observes that both resorts

are located in NDZ in CRZ III as per CRZ notification, 2011. It concludes that both resorts and their approach roads are located in NDZ and thus are in violation of CRZ notification, 2011 (Section 8 III(ii) of the Notification). The complaint further sets out how the Petitioner instructed the MCZMA for initiating action against illegal project/ activities in violation of CRZ norms including the aforesaid two resorts situated in Dapoli, Ratnagiri, Maharashtra vide its letter dated 17.12.2021. Annexed and marked hereto as **Exhibit "E-colly"** is the copy the letter dated 17.12.2021 and the site inspection report dated 12.6.2021

vii. The Complaint further states how the Petitioner issued a Show Cause Notice dated 17.12.2021 to M/s Sai Resort NX and Sea Conch Resort. Annexed and marked hereto as **Exhibit "F"** is the copy the Show Cause Notice dated 17.12.2021.

viii. The Complaint sets out that, since there was no response from the accused persons despite service of the Show Cause Notice, the Petitioner issued directions vide its order dated 31.1.2022 in accordance with the provisions of Section 5 of the Environment Protection Act addressed to both the aforesaid resorts, *inter-alia*, directing them to

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remove the un-authorised structure built at survey no. 446 in its entirety and restore the area back to its original condition within 3 months from the date of the receipt of the order. Annexed and marked hereto as **Exhibit "G"** is the copy of the Order dated 31.1.2022.

ix. The Complaint further sets out how the Petitioner directed its Regional Officer, Integrated Regional Office (IRO), Nagpur to initiate legal proceedings against the Respondent no. 2 & his illegal resorts herein vide its letter dated 31.1.2022. The Complaint thereafter sets out how the environmental pollutants are being discharged at the instance of the aforesaid two illegally constructed resorts.

ix. The Complaint sets out the necessary ingredients attracting the offences u/s 15 r/w section 7 of the Environment Protection Act and how the cause of action has arisen to file the complaint.

x. That, the Maharashtra Coastal Zone Management Authority vide its report, letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 has also stated that the construction of resort at Gat No. 446 is in violation of extant CRZ norms. True copy of the Maharashtra Coastal Zone Management Authority letter dated 29/06/2021 is being marked and attached as **Exhibit "H"**.

xi. That, since the Respondent no. 2 was a resident of an area beyond which the court exercises jurisdiction, the court directed the PI of Dapoli Police Station to conduct an enquiry u/s 202 of the Cr.P.C.and file his report accordingly. The issuance of process was postponed vide an order of JMFC dated 12.9.2022. Annexed and marked hereto as **Exhibit "I"** is the copy the order dated 12.9.2022.

xii. That, after considering the complaint, documents on record and report filed by the police u/s 202 of the Cr.P.C., the Ld. JMFC issued process against the Respondent no. 2 and others vide a reasoned order dated 9.11.2022 for offences punishable u/s 15 r/w 5 and 7 of the Environment Protection Act. Annexed and marked hereto as **Exhibit "J"** is the copy the order dated 9.11.2022.

xiii. Aggrieved by the order issuing process by the Ld. JMFC the Respondent no. 2 approached the Hon'ble Sessions Court at Ratnagiri in its revisional jurisdiction vide Criminal Revision Application no. 11 of 2022 dated 28.11.2022 *interalia* seeking to set aside the order issuing process. Annexed and marked hereto as **Exhibit "K"** is the copy the Criminal Revision Application no. 11 of 2022 dated 28.11.2022.



xiv. That, vide impugned order dated 14.3.2023 the Hon'ble Sessions Court Ratnagiri *inter-alia* allowed the Revision Application of the Respondent no. 2 herein, setting aside the order issuing process on the grounds which are sought to be assailed in the present Petition. Annexed and marked hereto as **Exhibit "L"** is the copy the impugned order dated 14.3.2023.

4. The Petitioner approaches this Hon'ble Court in exercise of its inherent and supervisory jurisdiction to set aside/ quash the impugned order on the following grounds which are urged without prejudice to each other:

**GROUNDS**

a. That, at the outset the Ld. Sessions Judge has erred in not dealing with the case of the Petitioner pertaining to the brazen illegal construction of the resorts of the Respondent no. 2 in a No Development Zone in CRZ III, the concurrent findings of the National Centre for Sustainable Coastal Management (NCSCM) and the Site Inspection report by the Regional office of the Petitioner, alongwith the report of the MCZMA, *interalia,* concluding that both the resorts belonging to the Respondent no. 2 herein are in clear violation of the CRZ norms.

b. The Ld. Sessions Judge has further failed to take note of the fact that the Petitioner has followed the principles of natural justice by giving fair opportunity to the accused persons by issuing them a Show Cause Notice. Since there was no response to the Show Cause Notice, the Petitioner has passed the order of demolition in accordance with the provisions of Section 5 of the Environment Protection Act.

c. It is submitted that joint reading of Section 5 and Section 15 of the EP Act clearly indicates that Section 15 criminalises any failure or contravention of any of the provisions of the EP Act or rules or orders or direction issued thereunder. Thus, the non-compliance of the direction issued by the Petitioner u/s 5 of the EP Act ultimately leading to the demolition order of the illegally constructed resorts in blatant violation of the CRZ regime is squarely in the teeth of the Section 15 of the EP Act and thus, an offence by itself. These facts have been clearly borne out by the complaint, its Annexures and more importantly in the order issuing process. However, Ld. Sessions Court seems to have lost sight of the fact that the Petitioner has made out a positive case attracting the offence under Section 15 of the EP Act qua contravention of the directions of Section 5 of the said Act.

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d. That the impugned order erroneously holds that the authorised representative (Suresh Kumar Adapa) is not duly authorised to file complaint u/s 19 of the EP Act. The office order dated 11.05.2014 clearly observes that all scientists in the category 'E' are regarded as equivalent to the post of the 'Directors' in the Secretariat. Further, vide office order dated 28.2.2014 'any director' has been empowered u/s 19 of the EP Act to take action in case of violation in their respective Integrated Regional Office (IRO) jurisdiction. Thus, the observation of the Ld. Sessions Judge that the authorised representative was devoid of any authority and therefore was not competent to file the complaint are *ex-facie* erroneous.

e. The Ld. Sessions Judge has placed selective reliance on the documents annexed to the enquiry report filed by Dapoli Police Station u/s 202 of Cr.P.C. The Ld. Sessions Judge has conducted roving enquiry to place reliance on statements of some state officials to arrive at an erroneous conclusion that there was no discharge of pollutants from the resorts to the sea stream.

f. At the outset, it is submitted that section 7 of the EP Act prohibits the discharge or emission of any environmental pollutant. The Complaint

specifically mentions that the illegal resorts are fully functional and operational, thereby, discharging environmental pollutants beyond specified limit in the sea stream.

g. Further, a committee constituted by the Petitioner submitted a report dt. 14.7.2022 observing that there is a tank for the collection of sewerage/ waste water and no discharge arrangement from the resorts/ septic tank to the sea have been noticed.Annexed and marked hereto as **Exhibit "M"**is the copy the report dt. 14.7.22.

h. The Ld. Sessions Judge failed to appreciate that the illegal construction of a three storeyed commercial resort and road nearby generates enormous construction wastes in the form of dredging, Insulation and Asbestos Materials, Concrete, Bricks, Tiles, Ceramics, Wood, Glass, Plastics, Metallic Waste, Drywall, Cement, Paints, Varnishes, Adhesives & Sealants among others which are discharged causing enormous environmental degradation, thereby attracting the ingredients of Section 7 of the Environmental (Protection) Act, 1986.

i. The Ld. Sessions Judge failed to appreciate that any commercial structure of the proportion of the resort in question would need to have a proper and dedicated sewage line. However, in the instant case, in the

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absence of any such sewage line, the sewage discharge would be done in the open sea much less in a sewage tank, as purportedly claimed by the accused, thereby constituting offence under Section 7 of Environmental (Protection) Act, 1986.

j. The Ld. Sessions Judge failed to appreciate that even the construction and usage of sewage tank for commercial purposes in No Development Zone in CRZ-III areas, would have the detrimental effect of contaminating the precious coastal aquifers. The same would also certainly cause discharge of environmental pollutants by means of seawater intrusion and contaminant transport.

k. That, the Maharashtra Coastal Zone Management Authority vide its report, letter No. Complaint 2021/CR43/TC-4, dated 29/06/2021 has also stated that the construction of resort at Gat No. 446 is in violation of extant CRZ norms.

l. Without prejudice to the grounds hereinabove, it is submitted that the Ld. Sessions Judge failed to appreciate that the discharge of the pollutants by or at the instance of the resorts of the Respondent no. 2, was a disputed question of fact, more particularly, in view of the observations made in the committee report referred to hereinabove and

the positive averments in the complaint. The Ld. Sessions Judge ought not to have conducted a mini-trial by reading selective statements of some local State officials to conclude that there was no discharge of the pollutants within the meaning of section 7 of the EP Act.

m. That the Ld. Sessions Judge failed to appreciate that the order issuing process is a well-reasoned order which considers the complaint, documents and the police report. It is neither cryptic nor perverse and hence, it ought not to have been interfered with.

n. That the Ld. Sessions Judge failed to appreciate that the complaint and its Annexures clearly makes out a case attracting the offences punishable u/s 15 r/w section 5 and 7 of the EP Act in RCC No.12 of 2022 and hence, ought not to have interfered with the order issuing process.

5. The Petitioner states that the impugned order was passed on 14.03.2023 and there is no delay or laches in filing the present Petition

6. The Petitioner craves liberty before this Hon'ble Court to add, amend and alter the averments in the present Petition with the leave of this Hon'ble Court as and when necessary.

7. The Petitioner states that he has not filed similar proceedings concerning the subject matter of the present Petition in any other Court or before the Hon'ble Supreme Court.

IT IS THEREFORE PRAYED:

a. That this Hon'ble Court be pleased to call for the records and proceedings in Revision Application bearing no. 11 of 2022 disposed of by Hon'ble Sessions Court, Ratnagiri and after examining the validity and legality of the impugned order dated 14.03.2023 be pleased to quash and set aside the same;

b. Pending the hearing and final disposal of the present Petition, the effect operation and execution of the impugned order dated 14.03.2023 in Revision Application bearing no. 11 of 2022 disposed of by Hon'ble Sessions Court, Ratnagiribe stayed.

c. That this Hon'ble Court be pleased to grant interim and ad-interim reliefs in terms of prayer clauses (a) and (b).

d. Cost of the present Petition be provided for.

Advocate for Petitioner

Petitioner

( ई. थिरुनावुक्करसु )
(E. Thirunavukkarasu)
वैज्ञानिक-ई/Scientist-E
पर्यावरण, वन एव जलवायु परिवर्तन, मंत्रालय
Ministry of Environment Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय, नागपुर-४४०००१
Integrated Regional Office, Nagpur-440001

VERIFICATION

I, E.Thirunavukkarasu, Scientist 'E', Ministry of Environment, Forest & Climate Change Integrated Regional Office, Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur 440 001, Maharashtra,on behalf of the Petitioner, in the present case, do hereby solemnly declare that whatever is stated in paragraphs 1 to 3 and 5 to 7 of the above Writ Petition is true to my knowledge and whatever is stated in paragraph No 4 and the prayer clauses is based on information, which I believe to be true.

Solemnly declared at Nagpur )

This 6th day of April 2023 )

Identified & Explained by me

Petitioner

(ई. थिरुनावुक्करसु)
(E.Thirunavukkarasu)
वैज्ञानिक-ई/Scientist-E
पर्यावरण, वन एवं जलवायु परिवर्तन, मंत्रालय
Ministry of Environment Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय, नागपुर-४४०००१
Integrated Regional Office, Nagpur-440001

Before me

Advocate for the Petitioner

SWORN BEFORE ME ON THIS 6th
DAY OF April 2023 AT NAGPUR BY
SHRI / SMT./ Ku. E. Thirunavukkarasu
R/o NAGPUR WHO HAS BEEN IDENTIFIED BY
SHRI / SMT. Arundhati Roy
ADVOCATE, NAGPUR.

NOTARY
GOVT. OF INDIA
Nagpur (M.S.) INDIA

NOTARIAL REG
ENTRY No. 11385
DATE 6/4/2023

Annexure R1/22

**F.No. IA3-2/11/2021-IA.III**
**Government of India**
**Ministry of Environment, Forest and Climate Change**
**IA.III Division (CRZ)**

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi-110003
Dated: 22nd May, 2025

**To**

**The Member Secretary**
**Maharashtra Coastal Zone Management Authority,**
**Environment Department, 5th Floor,**
**New Administrative Building,**
**Mantralaya, Mumbai - 400032,**
**Maharashtra**

**The Member Secretary**
**Maharashtra Pollution Control Board,**
**Madam Cama Road,**
**Hutatma Rajguru Chowk,**
**Nariman Point,**
**Mumbai - 400032,**
**Maharashtra**

**Subject: Appeal No. 20 of 2025 (WZ) titled Sadanand Gangaram Kadam Vs. UOI, Ministry of Environment, Forest and Climate Change & Ors.- regarding.**

Sir,

With reference to the subject matter mentioned above i.e Appeal No. 20 of 2025 (WZ) titled Sadanand Gangaram Kadam Vs. Union of India & Ors. wherein *vide* order dated 04/04/2025 Hon'ble Tribunal has directed this Ministry to file a reply (copy enclosed).

2. In the aforesaid appeal, the appellant has challenged the Impugned OM dated 31/01/2022 issued by the MoEF&CC for alleged violations of the CRZ Notification i.r.o M/s Sai Resorts NX and M/s Sea Conch Resort, Village Murud. Taluka, Dapoli, District Ratnagiri, Maharashtra and Ministry's letter dated 22/08/2022 issued to MCZMA and MPCB for steps taken by the Respondent Authorities in this regard.

3. In view of the above, it is requested to send the present status with respect to the compliance of O.M dated 31/01/2022 alongwith action taken against unauthorized constructions and realization of Environmental Compensation in furtherance of CPCB recommendations of the aforesaid violation cases.

4. Your response is solicited at the earliest by 23/05/2025, to take further action in the matter.

5. This issues with approval of the Competent Authority.

Encl: As above

**(Dr. H. Kharkwal)**
**Scientist 'F' (CRZ)**

Copy to:

1. Office Copy / Guard File.

Annexure R1/23

# MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701
Fax: 24024068 / 24023515
Website: http://mpcb.mah.nic.in
E-mail: jdair@mpcb.gov.in

Kalpataru Point, 2nd - 4th Floor
Opp. Cine Planet Cinema,
Near Sion Circle, Sion (E)
Mumbai-400 022.

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**No: BO/MPCB/JD(APC)/B-** 0159 **Date:** 10 **/06/2025**

To,
Director,
Environment & CC Dept.,
15th Floor, New Administrative Building,
Opp. Mantralaya, Mumbai – 32.

**Sub:** Regarding Present Status with respect to Compliance of action taken against the unauthorized construction of M/s. Sai Resort and M/s. Sea Conch Resort at Village Murud, Tal. Dapoli, Dist. Ratnagiri.

**Ref:** 1) Constitution of Committee for demolition of construction vide dated 20/10/2025.
2) Your e-mail dated 22/05/2025.
3) Report Received from Sub- Regional Officer, Chiplun vide dated 24/05/2024.

Sir,

Sadanand G. Kadam as filed an appeal No. 20 / 2025 Vs Union of India Vs MoEF&CC & Ors at Ho. NGT (WZ) regarding M/s. Sai Resort and M/s. Sea Conch Resort at village Murud, Tal. Dapoli, Dist. Ratnagiri.

As per the minutes of District Coastal Management Committee & Task Force dated 17/10/2022, MPC Board has constituted Committee for demolition of construction vide dated 20/10/2025 under the Chairmanship of Sub- Regional Officer, Chiplun. As per the said order responsibility for demolition of construction with Executive Engineer, Public Works Department (PWD), Dapoli in consultation with other members, report from PWD not received.

Sub- Regional Officer, Chiplun has visited to M/s. Sai Resort and M/s. Sea Conch Resort at Village Murud, Tal. Dapoli, Dist. Ratnagiri on 28/05/2025 to verify the present status & reported as per following;

a) A building of Sai Resort with a ground floor and a first floor was found standing at the site. As per field observations structure above first floor found demolished.
b) No any civil structure observed at site of Sea Conch Resort except the compound wall.

Copy of visit report and order of the Constitution of Committee are enclosed herewith for ready reference.

This is issued with the approval of Competent authority of the Board.

10/6/2025

(Ravindra Andhale)
Joint Director (APC)

**Encl:** As above

**Copy submitted to:**

Member Secretary, MPC Board, Mumbai.

**Copy to:**

- Law Officer-1, MPC Board, Mumbai- for information.
- Regional Officer, MPC Board, Kolhapur/ Sub- Regional Officer, MPC Board, Chiplun.