

Progress Report in OA No. 76/2022

Mr. Ibra Mashnaji Konapure & Ors. v. Union of India & Ors.

Hon'ble NGT vide order dated 19-09-2022 constituted a joint committee consisting of Principal Secretary Environment Department State of Maharashtra, Principal Chief Conservator of Forest, Maharashtra one representative from MCZMA and Mira Bhayandar Municipal Corporation.

Vide letter dated 06-10-2022, Director, MCZMA constituted the joint committee, the said letter is annexed as **Annexure 1**.

The said committee held their first meeting on 10-10-2022 and it was unanimously decided that for having better clarity in the present case it is necessary to obtain information from National Centre for Sustainable Coastal Management, Chennai and Mira Bhayandar Municipal Corporation. Copy of Minutes of Meeting dated 11-10-2022 is marked as **Annexure 2**.

Letter dated 11-10-2022 sent to Municipal Commissioner, Mira Bhayandar Municipal Corporation is marked as **Annexure 3**.

Letter dated 11-10-2022 sent to Director, National Centre for Sustainable Coastal Management, Chennai is marked as **Annexure 4**.

It is submitted that the information which has been sought by the joint committee is received from the Mira Bhayandar Municipal Corporation. However, information sought from the National Centre for Sustainable Coastal Management, Chennai is still awaited and therefore it is requested to the Hon'ble NGT to grant further 6 to 8 weeks time for submission of the report subject to submission of the information by NCSCM to the joint committee. Hon'ble NGT may kindly issue necessary directions to NCSCM in that regard.

Date 16-12-2022


16/12/22
Director, Env&CC and MS, MCZMA

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
 E-mail : dir1.mev-mh@nic.in
 Website: <https://mczma.gov.in/>

No. OA 2022 / CR 3 / TC - 4
 Office of the -
 Maharashtra Coastal Zone Management Authority,
 Environment & Climate Change Department,
 15th floor, New Administrative Building,
 Mantralaya, Mumbai- 400 032.
 Date: 6.10.2022

ORDER

Subject: National Green Tribunal, Pune, Original Application No. 76/2022
 (IA No. 107/2022 and I.A. No. 139/2022)
 Mr. Ibra Mashnaji Konapure & Ors V/S Union of India & ors

Ref: Hon'ble NGT order dated 19.9.2022 in the subject matter.

An Original Application No. 76/2022 has been filed by Mr. Ibra Mashnaji Konapure versus Union of India & Ors. The matter pertains to illegal construction of Hotel commercial building project "M/s Seven Eleven Club" at survey no. 52/1, 52/2, 52/3, 67/1, 67/2, 67/4, 67/5, 67/6, 81/2, 81/4, village Navghar, Mira Bhayander, District Thane, Maharashtra.

2. The Hon'ble NGT passed an order dated 19.9.2022 in the matter as per which, a report is called in the matter from a Joint Committee consisting of (i) Principal Secretary, Environment Department, State of Maharashtra (ii) Principal Chief Conservator of Forest, Maharashtra (iii) one representative from the MCZMA and iv) Mira Bhayander Municipal Corporation.

3. Accordingly, a Joint Committee is hereby constituted as follows:

Sr No.	Member	Organization
(i)	Secretary, Environment Department, State of Maharashtra	Environment & Climate Change Dept
(ii)	Principal Chief Conservator of Forest, Maharashtra	Forest Department
(iii)	Dr. Mahesh Shindikar, Expert Member, MCZMA	Representative of MCZMA
(iv)	Municipal Commissioner, Mira Bhayander Municipal Corporation (MBMC)	Mira Bhayander Municipal Corporation.

Director, Environment and Climate Change Department will be Member Secretary of the above said Joint Committee.

4. As per the Hon'ble NGT order, the Joint Committee is directed to visit the place and submit a factual and action taken report within four weeks. The MCZMA will be nodal agency in the matter for coordination and logistic support. **Copy of the above said order dated 19.9.2021 of the Hon'ble NGT is attached herewith.**

This issues with the approval of competent Authority.

Yours,



Director, Environment &CC and MS, MCZMA

To,

- 1) Secretary, Environment and Climate Change Department
- 2) Principal Chief Conservator of Forest, Maharashtra
- 3) Dr. Mahesh Shindikar, Expert Member, MCZMA
- 4) Municipal Commissioner, Mira Bhayander Municipal Corporation (MBMC)

Copy for information to:

1. **Principal Secretary, Environment & Chairman, MCZMA, Environment Dept. Room No. 217, Annexe Building, Mantralaya, Mumbai.**
2. **Select File- TC 4**

**MINUTES OF
1st MEETING OF JOINT COMMITTEE HELD ON 10th OCTOBER, 2022**

- Subject:** National Green Tribunal, Pune, Original Application No. 76/2022
(IA No. 107/2022 and I.A. No. 139/2022)
Mr. Ibra Mashnaji Konapure & Ors V/S Union of India & ors
- Ref:** 1) Hon`ble NGT order dated 19.9.2022 in the subject matter
2) Joint Committee constitution order dated 6.10.2022

The Hon`ble National Green Tribunal (NGT) has passed an order dated 19.9.2022 in the subject matter, directing as follows:

"We deem it just and proper to call a report on the matter in issue in present application from a Joint Committee of

- i. The Principal Secretary, Environment Department, State of Maharashtra*
- ii. Principal Chief Conservator of Forest, Maharashtra*
- iii. one representative from the MCZMA*
- iv. Mira Bhayander Municipal Corporation*

The Committee is directed to visit the place and submit a factual and action taken report within four weeks. The MCZMA will be nodal agency for coordination and logistic support. The report in the matter be filed by the Committee within four weeks by email at ngt-pune@gov.in in preferably in the form of searchable PDF/ OCR support PDF and not in the form of image PDF. Applicant is directed to supply the required documents and copy of the application to the members of the Committee within a week Put up with the report on 7.11.2022"

2. Accordingly, a Joint Committee was constituted by the Maharashtra Coastal Zone Management Authority (MCZMA) vide its order dated 6.10.2022. Copy of the said order is attached as **Annexure I**.

3. A first (1st) meeting of the Joint Committee was held on 10th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM. List of the officer present for the said meeting is attached as **Annexure II**.

4. Director, Environment & Climate Change appraised the Joint Committee about the subject matter of NGT order with respect to Hotel commercial building project "M/s Seven Elean Club" at survey no. 52/1, 52/2, 52/3, 67/1, 67/2, 67/4, 67/5, 67/6, 81/2, 81/4, village Navghar, Mira Bhayander, District Thane, Maharashtra. He further appraised the complaint matter regarding the alleged illegal construction of Hotel commercial building project "M/s Seven Elean Club" was deliberated in 142nd and 152nd meeting of the MCZMA held on 31.12.2019 and 22.2.2021 respectively, wherein the Authority heard the complainants and noted the report of the MBMC and Mangrove Cell. The Joint Committee noted the decision

taken in the 142nd and 152nd meeting of the MCZMA. The MCZMA in its 152nd meeting sought certain details from the MBMC and NCSCM, Chennai which are as follows:

- a) MBMC to provide details as to whether the construction has been carried out in CRZ area, as per approved CZMP, 1991
- b) MBMC to provide the date on which the construction is started on the site.
- c) Reminder letter to be sent to NCSCM, Chennai and MoEF in the matter.

Reply from the MBMC and NCSCM, Chennai is awaited in the matter. The Joint Committee felt that before visiting the site, in order to have more clarity, above said reports / information from the MBMC and NCSCM, Chennai is necessary. Additional Principal Chief Conservator of Forest (APCCF) and Expert Member, MCZMA were also of the same opinion. It was further decided to communicate the same to MBMC and NCSCM, Chennai to submit the report expeditiously, considering the NGT matter.

5. Assistant Director Town Planner (ADTP), MBMC informed the Joint Committee about the various approvals granted for the said construction from time to time. He further appraised about the High Court matter WP No. 35/2021 (Faiyyaz Mullaji V/s The Secretary, UDD) and ors) and recent order dated September 29, 2022 passed by the Hon'ble High Court, as per which, the Corporation will proceed with the demolition of the subject construction which is in excess of 0.2 FSI in terms of DCR 57 within two months from the date of order.

6. In the light above, after detailed discussion and deliberation, the Joint Committee decided that:

- a) MBMC to provide details as to whether the construction has been carried out in CRZ area, as per approved CZMP, 1991 and date on which the construction is started on the site.
- b) NCSCM to provide a report on re-examination of the High Tide Line delineated in the approved CZMP, 2011 pertaining to site of starred hotel / club house. NCSCM to also provide details with superimposition of the project layout with survey numbers on Approved CZMP, 1991 and 2011.
- c) After receipt of above said reports from the MBMC and NCSCM, Chennai, the Joint Committee will make a site visit.
- d) Hon'ble NGT need to be appraised about the WP No. 35/2021 (Faiyyaz Mullaji V/s The Secretary, UDD and ors) and recent order dated September 29, 2022 passed by the Hon'ble High Court.


 Director, Environment & CC, Department, GoM

11/10/22

Annexure I

List of officers present for the Joint Committee meeting:

1. Shri Pravin Darade, Secretary, Environment & Climate Department, GoM
2. Dr. V.C. Ben, Additional Principal Chief Conservator of Forest, Wildlife, Western Region (Nominated by PCCF)- attended the meeting through Video Conferencing.
3. Shri Narendra Toke, Director, Environment & Climate Department, GoM
4. Shri Abhay Pimparkar, Scientist I, Environment & Climate Change Dept, GoM
5. Dr. Mahesh Shindikar, Expert Member, Maharashtra Coastal Zone Management Authority- attended the meeting through Video Conferencing.
6. Shri Hemant Thakur, Assistant Director Town Planning, Mira Bhaynder Municipal Corporation (Nominated by Municipal Commissioner, MBMC)
7. Shri Keshav Shinde, Town planner, MBMC
8. Shri Narayan Lulana, Advoate, MBMC
9. Smt. Vadake, Law Officer, MBMC

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Date: 11.10.2022

URGENT NGT Matter

To,
Municipal Commissioner,
Mira Bhayander Municipal Corporation,
District Thane

Subject: National Green Tribunal, Pune. Original Application No. 76/2022
(IA No. 107/2022 and I.A. No. 139/2022)
Mr. Ibra Mashnaji Konapure & Ors V/S Union of India & ors

Ref: 1) Hon'ble NGT order dated 19.9.2022 in the subject matter
2) Joint Committee constitution order dated 6.10.2022
3) Joint Committee meeting dated 10.10.2022

Pursuant to Hon'ble National Green Tribunal Order dated 19.9.2022 in the subject matter, the first (1st) meeting of the Joint Committee was held on 10th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM. A copy of the minutes of the said meeting is attached herewith.

2. As decided in the said meeting, it is requested to provide details as to whether the construction has been carried out in CRZ area, as per approved CZMP, 1991 and date on which the construction is started on the site. Please treat this as MOST URGENT, being a NGT Matter.

Yours.



Under Secretary.

Environment & Climate Change, Dept

Copy for information to:

1. Secretary, Env &CC, Room no. 217, Annexe Building, Mantralaya, Mumbai
2. Select File – TC 4

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Date: 11.10.2022

URGENT NGT Matter

To,
Director,
National Centre for Sustainable Coastal Management,
Anna University, Chennai

Subject: National Green Tribunal, Pune, Original Application No. 76/2022
(IA No. 107/2022 and I.A. No. 139/2022)
Mr. Ibra Mashnaji Konapure & Ors V/S Union of India & ors
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Yours,



Under Secretary,
Environment & Climate Change, Dept

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