

SITE REPORT OF THE COMMITTEE

Subject: Before National Green Tribunal, Pune
Original Application No. 25/2023 (WZ) and IA No. 112/2023 Dilip Nevatia V/s Union of India & ors

Ref: Hon'ble National Green Tribunal order dated 3.5.2023 in the subject matter.

INTRODUCTION:

An Original Application No. 25/2023 (WZ) and IA No. 112/2023 Dilip Nevatia V/s Union of India & ors has been filed before Hon'ble National Green Tribunal, Pune. The matter pertains to the alleged CRZ violation at Panhar property, which is said to be located at cadastral Survey No. 730 having corresponding Plot No. 5, Khan Abdul Gaffar Khan Road, Worli Sea Face, which also falls in CRZ-II area.

2. The Hon'ble NGT in its order stated dated 3.5.2023 that, *"In view of the prayers, which have been made by the Applicant, we deem it appropriate to constitute a Committee comprising one member each of:*
- (i) *The Maharashtra Coastal Zone Management Authority*
 - (ii) *Municipal Corporation of Greater Mumbai*
 - (iii) *District Collector*

The Maharashtra Coastal Zone Management Authority (MCZMA) shall be the nodal agency for coordination and logistic support. The Committee is directed to visit the site within a week after giving prior notice to the Applicant and all the concerned parties and submit a factual and action taken report with regard to the violation and if any action is taken thereon, within a period of one month"

3. As per the Hon'ble NGT order, the Committee was constituted vide order dated 17.5.2023 in the matter. Copy of the Committee order is attached as **Annexure I**.

SITE VISIT OF COMMITTEE:

4. The Committee comprising the officials from the MCZMA, MCGM and District Collector carried out the site visit on 14th June, 2023. List of officials present for the site visit along with photographs is attached as **Annexure II**. Prior Intimation was conveyed to Applicant Mr. Dilip Nevatia vide email dated 13.6.2023 and requested to be present for the site visit.

5. Prior to site visit, the Committee gave detailed hearing to Applicant at the site. He showed the building plans and informed about the alternations made in the building. The Applicant insisted that he would accompany the Committee and take photographs of the property. The representatives of the owner of Pahnar Property (now known as 'Aikyam') objected for taking Applicant for site visit and clicking photographs by the Applicant for security reasons and property being a private ownership. Considering this, the Committee felt that the applicant can accompany for the site visit, however, requested Applicant not to take photographs. Applicant agreed for the same. Accordingly, the Committee along with Applicant and representatives of property owner visited the site.

OBSERVATIONS OF SITE VISIT:

6. The Committee noted that the subject site of building known 'Aikaym' (Earlier known as 'Panhar Property') is situated within the 500 meter from the CRZ limit from the Arabian Sea, at plot No. 5, Worli Sea Face, Worli, Mumbai. Thus, the subject site falls in CRZ II area and situated on landward side of existing road, as per approved CZMP of Mumbai.

7. The MCGM officials informed that the building plan was sanctioned in the year 2001. As per the sanctioned building plans of year 2001, the building comprises of Basement + Ground to 6th floor + terrace on the plot under reference.

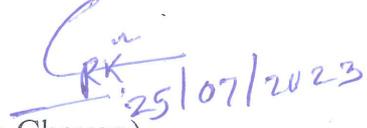
8. Taking the reference of the sanctioned building plans, the Committee along with applicant and representatives of property owner inspected the building and noted that certain internal addition / alterations have been carried out in the building, at basement, each floor and terrace floor. Regarding details of the additional / alterations, the MCGM officials during the visit informed that inspection was carried in 8th May, 2023 and details of addition / alterations have been listed in the inspection report. Copy of the MCGM inspection report dated 15.5.2023 is attached herewith as **Annexure III**. Regarding those addition/ alterations, the MCGM has served a Notice dated 24.5.2023 under section 53 (1) of MRTP Act issued to owner/ occupier of the building for restoration of the building as per sanctioned plans or get the said unauthorized addition / alterations regularized from the competent Authority.

9. The Committee noted that as per the circular dated 27.4.2017 of the Environment Dept, proposals of alternations / minor repairs to authorized structures within existing FSI in CRZ area requires to be dealt at planning Authority level based on the Hon'ble High Court order dated July 11, 2011 in WP No. 1274/2006.

10. The Committee felt that it need to be ascertained whether the addition / alteration carried out in the said building has amounted to increase in FSI. A detailed report from MCGM need to be sought in the matter.



(Sanjay Sandanshiv)
Under Secretary, Environment &CC,
For MCZMA



(Rajesh Chavan)
Executive Engineer, Municipal
Corporation of Greater Mumbai



(Kishor Bahiram)
City Survey Officer
For District Collector, Mumbai City

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

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

No. OA 2023 / CR 8 / TC - 4
 Office of the -
 Maharashtra Coastal Zone Management Authority,
 Environment & Climate Change Department,
 15th floor, New Administrative Building,
 Mantralaya, Mumbai- 400 032.
 Date: 17.5.2023

ORDER

Subject: Before National Green Tribunal, Pune
 Original Application No. 25/2023 (WZ) and IA No. 112/2023 Dilip
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3. Accordingly, a Committee is hereby constituted as follows:

Sr No.	Member	Organization
(i)	Dr. Mahesh Shindikar, Expert Member, MCZMA/ Sanjay Sandanshiv, Under Secretary, Environment &CC Department, State of Maharashtra	MCZMA

- (ii) Representative of Municipal Corporation of Greater Mumbai MCGM
Mumbai
- (iii) Representative of District Collector, Mumbai City District Collector

4. As per the Hon'ble NGT order, the Committee is directed to visit the site within a week after giving prior notice to the Applicant and all the concerned parties and submit a factual and action taken report with regard to the violation and if any action is taken thereon, within a period of one month. The MCZMA will be nodal agency in the matter for coordination and logistic support. Copy of the above said order dated 3.5.2023 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) Municipal Commissioner, Municipal Corporation of Greater Mumbai, Fort, Mumbai
- 2) District Collector, Mumbai City, Old Custom, Fort, Mumbai City.
- 3) Dr. Mahesh Shindikar, Expert Member, 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

SITE VISIT OF COMMITTEE

133

Date: 14/6/2023

SUB: original Application NO. 25/2023
Dilip Nivetia vs union of India & ors

Ref: Hon. NGT order dt 31/5/2023

List of officials/representative during the visit

sr. NO.	Name of official/Representative	signature
1.	Sanjay Sandaneshw, Undw Secretary, South Maharashtra, Representative of MCZMA	
2.	Rajesh Chavan Designated officer, Executive Engineer (BWF) G/South Ward, BMC	
3.	Kishor Bahirani City survey officer 2, Mumbai collector office.	
4.	Prashant D. Chaudhary. Head of survey branch Collector office, Mumbai City	
5.	Rupesh Yurraj Mahale, project officer, MCZMA	

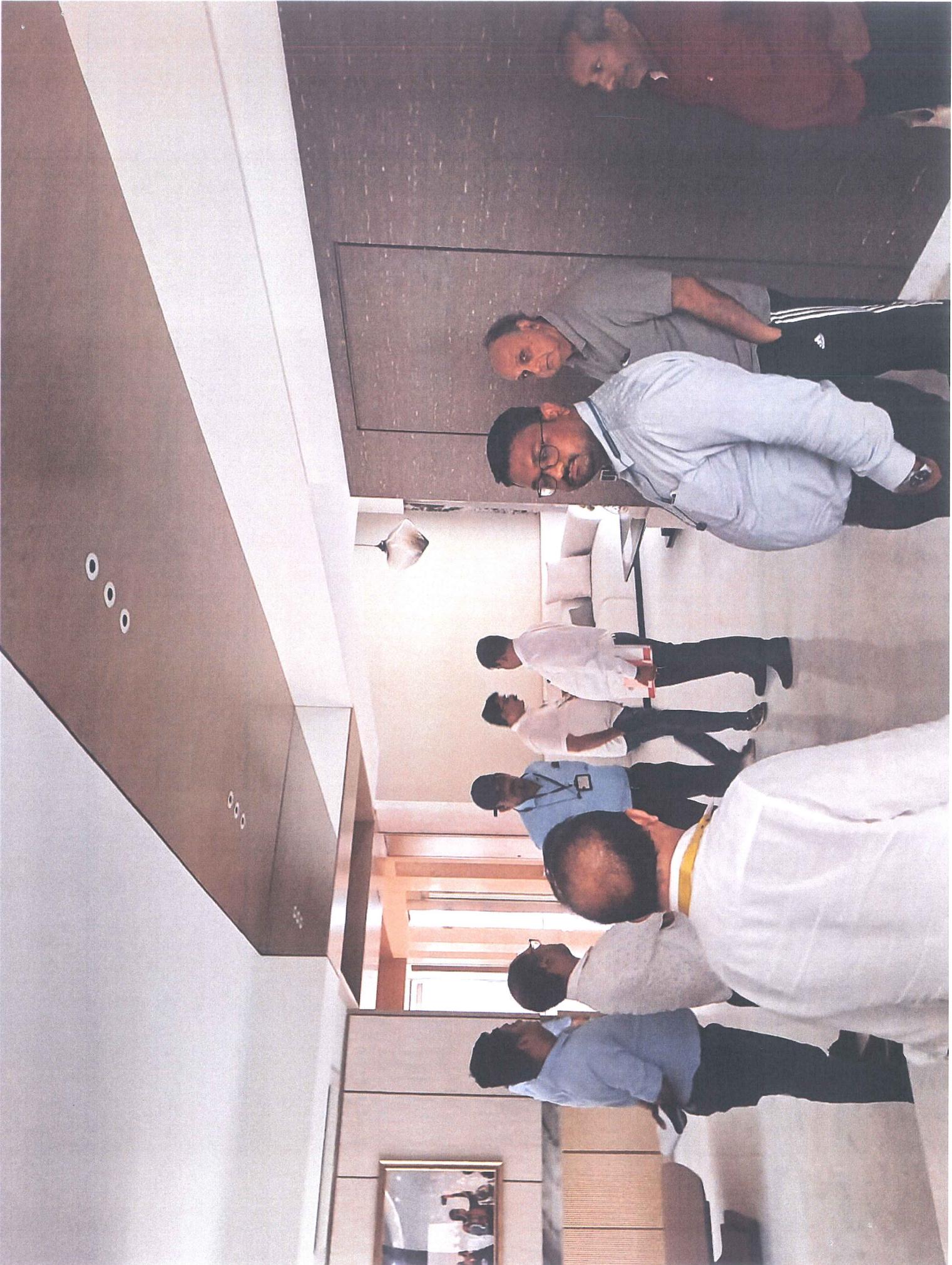
6. Nitin More
sub Engineer - BMC.
7. Deep Nuvata
Applicant
- 8) Jivon Soni
Licensed Surveyor
(FOR Al-Kyam Bldg)

Nitin

Deep Nuvata

Jivon Soni







BRIHANMUMBAI MUNICIPAL CORPORATION

Office of the Assistant Commissioner, 'G/South' Ward, Municipal Office,
N. M. Joshi Marg, Lower Parel, Mumbai - 400 013.
Tel No. - 022-24305031 Extn. 600 Fax No. 022-24306033
email - ac.gs@mcgm.gov.in

Inspection Report

Sub: Unauthorized additions and alterations in building known as Aikyam (Formerly known as Panhar) situated at plot no. 5, Worli Sea Face, Worli, Mumbai: 030.

- Ref:**
- 1) Notice under section 488 of MMC Act issued to owner/occupier of building known as Aikyam u/no. ACGS/770/SR/BF DT: 27.04.2023.
 - 2) Building Completion plans under Proposal no. EEBPC/3294/GS/A DT: 27.09.2001.
 - 3) Complaint letter Dt: 11.09.2022 & 14.11.2022 from Mr. Dileep Nevatia.

With reference to the above subject matter & complaint received from Mr. Dileep Nevatia, a notice is issued under section 488 of MMC Act to owner/occupier of building known as Aikyam u/no. ACGS/770/SR/BF DT: 27.04.2023, for inspection of the site under reference. Accordingly the building known as Aikyam (Formerly known as Panhar) situated at plot no. 5, Worli Sea Face, Worli, Mumbai: 030., is inspected by the undersigned along with AE (BF) G/S and D. O. G/S ward on Dt: 08.05.2023 in consonance with Building Completion plans under Proposal no. EEBPC/3294/GS/A DT: 27.09.2001. During inspection following observations are made.

Basement Floor.

1. RCC Staircase on North-East side of building is demolished and the space is created into a room.
2. Addition and alterations in Parking space no 9 & 10 & converted into a room adm 4.98m x3.36m by constructing BM walls.
3. Addition and alterations in Parking space no 15 & 16 & converted into a room adm 5.9m x 2.9m, 2.35m x2.7m, 3.0m x 2.35m by constructing BM walls.
4. Construction of room adm 4.60m x 4.0m & 4.2m x 2.59m (toilet block) with BM walls in the open space/ drive way between parking slot no 9/10 & 15/16.

Ground Floor.

1. RCC Staircase (From ground floor to basement) on North-East side of building is demolished and the space is created into a room.

2. Driveway to ground floor is closed by erecting glass panels on both entry and exit, north and south side of building.
3. Two ducts on left and right side of lifts are converted into store room by constructing BM walls and carrying out addition and alterations.
4. Parking slot no 5, 6 & 7 on the west side of building are converted into a hall.
5. Unauthorized construction of pantry adm 4m x 2m by constructing BM walls in place of servants toilet beside parking slot no 5 on south-west of building.
6. Demolition of existing oval shaped RCC structure of canopy, water body / paddle pool and garden on the front side (seaside) of the building and construction of a rectangular shaped regular RCC flat slab with no any water body/ paddle pool.
7. Service lift at ground floor beside staircase is extended upto basement.
8. Unauthorized encroachment into the parking slot no 8, by creation of door entry in the building by demolishing the peripheral wall of building.

First Floor

1. Addition and alteration in flat no 1 on west side of building and converted existing bedroom, living room it into a gymnasium. Construction of swimming pool admeasuring 7.75m x 4.7m in the existing bedroom and toilet area of flat no 1.

Third Floor

1. Addition, alterations in existing flat no 1 & 2 at third floor by demolishing all internal BM partition walls and constructing walls at new locations as per the sketch.

Fourth Floor

1. Addition, alterations in existing flat no 1 & 2 at fourth floor by demolishing all internal BM partition walls and constructing walls at new locations as per the sketch.

Fifth Floor

1. Demolition of existing RCC ceiling slab above flat no 1 on fifth floor and demolition of all existing internal BM partition walls and converting it into a single big hall with height of two floors.
2. Demolition of all existing internal BM partition walls in flat no 2 at east side and converting it into a pooja room, kitchen and dining hall.

Sixth Floor

1. Demolition of all existing internal BM partition walls of flat no 3 & 4 at east side and converting it into one single room for play area & other room for indoor theatre.

2. Demolition of existing RCC floor slab & all existing internal BM partition walls of flat no 1 & 2 on sixth floor and converting it into a single big hall of double floor height including flat no 1 & 2 at fifth floor.

Terrace Floor

1. Construction of room (bedroom) admeasuring 8.9m x 5.25m, toilet adm 4.7m x 5.40m, room adm 3.8m x 3.99m, room adm 2.25m x 3.8m, room adm 1.90m x 5.36m on east side on open terrace above sixth floor.
2. Construction of room (lounge) admeasuring 6.39m x 11.0m, toilet adm 4.41m x 5.44m, shower room adm 3.95m x 1.76m, wardrobe room adm 5.51m x 3.9m on west side on open terrace above sixth floor.
3. Unauthorized casting of slab above Pergola beams on west side of terrace and creating a seating space.
4. Unauthorized construction of RCC slab for roofing on terrace above sixth floor and using the same as seventh floor.

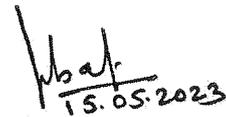
General Observations

1. Unauthorized encroachment over the existing RCC chhajja on the periphery of the building on all floors from ground floor to sixth floor and merging it into the internal floor area/ carpet area of the building.
2. Unauthorized erection of glass façade on the periphery of the building from ground floor to existing terrace of the building.
3. The curved portion on the east and west side of the periphery of the building is made straight by erecting glass façade.

The inspection report is submitted herewith for further necessary orders please.


11.05.23

Sub Engineer (Beat 196)
Bldg Dept, G/S Ward


15.05.2023

Asstt. Engineer
Bldg & Fact, G/S Ward

Designated Officer, G/S Ward

Initiat action u/s 53(1) of MRTP Act
against the owner/occupier for restoration
of building as per plan u/n EEBPC/
3294/GS/A dt. 27/9/01. 
16/05/2023
DO GS

MUNICIPAL CORPORATION OF GREATER MUMBAI

G/S ward Office Bldg., N.M.Joshi Marg, Elphinstone, Mumbai-400 018

NOTICE UNDER SECTION 53 (1) r/w SECTION 52 (1) (b) and (d) OF THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966 (One Month Notice)

S.A.C. No.: GS1103360150000

Notice No.:GS/DOIGS/196/53-1-MRTP ACT/GS56N01/24-05-2023 Date: 24/05/2023

Ref No.: 168015

To,

Owner / Occupier,

Shri. Ghanshyam Dholakia,

Aikyam Building (Formerly known as Panhar),

Plot no. 5,

Worli Sea Face,

Khan Abdul Gaffar Khan Road,

Worli Mumbai – 400 030

Sir/Madam,

RECEIVED

Akshay Patil

Manager.

7972676003

25-05-2023

14.10 PM

Alati

Whereas the undersigned has been appointed as the Designated Officer under section 53(8) of Maharashtra Regional and Town Planning Act, 1966 (herein after for the brevity sake referred as the said Act) to exercise the powers of Planning Authority under Section 53,54,55 and 56 of the said Act.

AND whereas it has been reported to me that, you have commenced, undertaken or carried out development or instituted or changed the use of land/premises as described in schedule appended below:-

1. Which is not in accordance with the permission granted or in contravention of any condition subject to which such permission has been granted.

2. In contravention of the permission which was duly modified.

You are, therefore, hereby called upon:

To reinstate/restore/remove the unauthorized development/changes in the land/premises situated at Aikyam Building (Formerly known as Panhar), Plot no. 5, Worli Sea Face, Khan Abdul Gaffar Khan Road, Worli, Mumbai – 400 030 (C. S. No. 730 of Worli Division) as per the permission granted / sanctioned plan bearing no EEBPC/3294/GS/A DT: 27.09.2001 from Basement to Sixth Floor (i.e. Entire Building)

Apply under section 44 of M.R.T.P. Act for retention of the work before the Competent Authority i.e. Executive Engineer (Building Proposal) Department of M.C.G.M., within one month from receipt of this notice.

OR

Please note that on failure to comply with the aforesaid requisition, the unauthorized work mentioned in schedule below will be demolished by MCGM at your risk and cost and you will also be liable for prosecution under the said Act and the aforesaid requisition will be carried out at your risk and cost.

SCHEDULE

(Description of the unauthorized development together with the particular of land)

Site inspected on Dt: 08.05.2023 in consonance with Building Completion plans under Proposal no. EEBPC/3294/GS/A DT: 27.09.2001

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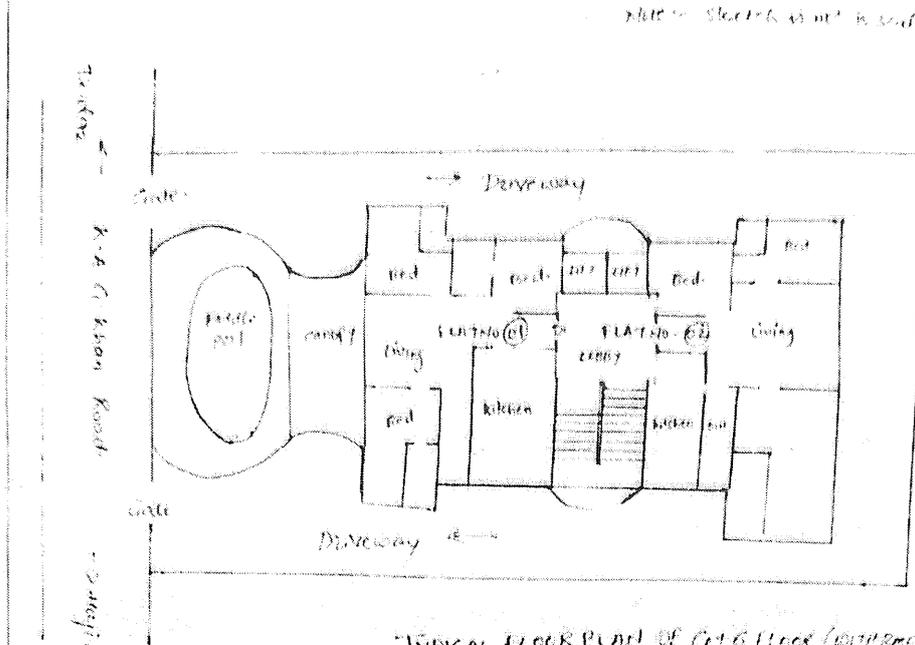
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SKETCH

Plot - Sketch as per the site



TYPICAL FLOOR PLAN OF C-16 FLOOR (DININGWAY)

Plot No. 5, PARIKSHAK BUILDING (AIKYM BLDG), KHANABAD
GATTAR KHAN ROAD, WORLI, MUMBAI

Date: 24/05/2023

Signature: _____

CRK
24/05/2023

Name : *Rajesh K. Chavan*

Designated Officer-Ward G/South

o/c

ABM
SEB PCL
24-05-2023

M. J. R.
24-05-2023
AE (B&F) Q15

