



**नवी मुंबई
महानगरपालिका**

कार्यालय : न.मुं.म.पा. मुख्यालय, भूखंड क्र. १,
किल्ले गांवठाण जवळ, पामबीच जंक्शन, से. १५ए,
सी.बी.डी. बेलापूर, नवी मुंबई - ४०० ६१४.
दूरध्वनी क्र. : ०२२ - २७५६७०७०/७१
फॅक्स : ०२२ - २७५७७०७०

**Navi Mumbai
Municipal Corporation**

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No. NMMC/TPO/ 1569 /2016
Date : 11/03 /2016

To,
Member Secretary,
Maharashtra Coastal Zone Management Authority,
Environment Department, 15th floor,
New Administrative Building, Opp. Manatralaya,
Mumbai-400032.

Sub : Post facto approval for buildings/Construction projects in
Navi Mumbai.

Ref: Your letter bearing NO. MCZMA / 2013 / CR - 21/ TC-4,
Dt. 05/02/2016 along with minutes of the 109th Meeting received
by Email on dated 06/02/2016.

Respected sir,

Please refer to your letter dt.05/02/2016 on the above referred subject matter. MCZMA has now sought views / information from NMMC/CIDCO on two points as mentioned in Para No. 3 of above referred letter. So far as categories mentioned in Para No. 3 of above referred letter, the list of categories i.e. 3(i), 3(ii) (a) & 3 (ii) (b) is submitted herewith for further necessary action in this matter please. However category 3 (ii)(b) is concerned, it is submitted that NMMC has not granted any building permission / Commencement Certificate in CRZ-I & on seaward side in CRZ-II.

In this regards, the views of NMMC is submitted as under.

02. The CIDCO is a company incorporated on 17th March, 1970 under the provisions of the Companies Act 1956 and is a Government Company as defined in Section 617 of the said Act. Consequent upon its share capital having been subscribed wholly and exclusively by the State Government and its seven nominees.

03. The State Government, with an intent to decongest the Greater Mumbai and to upgrade the amenities and infrastructure and also to divert the flow of new migrants, has notified the area for the New Town, Navi Mumbai across the Thane Creek, in exercise of the powers under Sub-section 1 of Section 113 of the Maharashtra Regional & Town Planning Act, 1966 (hereinafter referred to as "the Said Act"). With a view to accelerate the development of New Towns, the State Government has decided to set up a new machinery having autonomous powers for which State Government, in exercise of the powers under Sub-Section 3A of Section 113 of the said Act appointed CIDCO as the New Town Development Authority for the New Town Navi Mumbai vide Government

Notification dated 20.03.1971. The State Government further acquired privately held lands in the notified area and vested it to the CIDCO alongwith Government lands for the purpose of planned development and disposal.

04. The CIDCO being the New Town Development Authority for Navi Mumbai, has the power and authority to dispose by lease the land acquired under Section 113A and vested in it by the State Government alongwith its own lands for development. By virtue of Section 291 of the Companies Act 1956, this power of disposal is exercisable by its Board of Directors of the CIDCO. With the previous approval of the State Government solicited under Section 159 of the said Act, CIDCO framed regulations for disposal of the plots, which was known as the New Bombay Disposal of Land Regulations 1975. These Regulations have been amended in the year 2008, and which is now known as the Navi Mumbai Disposal of Lands (Amendment Regulations) 2008.

05. CIDCO owe a statutory obligation to create New Town of Navi Mumbai in a planned manner. Considering the developmental role of the Corporation, which involves various acts of great magnitude and complexity the CIDCO has to take into consideration several aspects of planned development including disposal of lands for various designated purposes and specified purposes, which are absolutely essential for development of New Town. In furtherance of discharging the duties of New Town Development Authority, the CIDCO, within the framework of said Act prepared planning proposals and Draft Development Plan (DP) for creation of New Town. The said draft plan and planning proposal was duly submitted to the State Government for sanction. The State Government, after satisfying that the draft DP fulfils the statutory requirements of the said Act was pleased to sanction it in the month of August 1979, which came into force with effect from 1st March 1980.

06. The Development Plan of Navi Mumbai consist of broad land use zones and major transportation network and the General Development Control Regulations (GDCR) prepared along with the Development Plan prescribe permissible uses within the land use zones. The development plan so prepared, ~~as per the provisions of section 24, 25 and further sections of the said Acts.~~ As per the contents of Sections 24 and 25 of MR & TP Act. the existing land use plan was prepared which was obviously marked on Village Plan of the scale of 1:50000 and the nodal plans were prepared accordingly.

Also, the report includes the tentative guidelines for provision of various social infrastructures such as schools, hospitals, community centers, gardens, religious places etc. The DP so prepared and approved by Government by its nature is flexible enough to allow change in the location of uses within the land use zones according to necessity and as per the GDCR. There is no concept of specific reservations of land for a specific purpose as is commonly seen in different DP's of other Municipal Corporations. This was intentionally done by Government since this New Town Development Authority which was going to develop completely on raw land from scratch had to be provided with complete flexibility to use the land to the best effect as development progressed. The DP however, envisages nodal pattern of development strung along major transportation corridors.

07. It is pertinent to point out here that as per the sanctioned DP and GDCR, CIDCO made development and started disposal of the plots for various uses in accordance with the stipulations specified as per the provisions of the GDCR.

08. In the year 1991, the Navi Mumbai Municipal Corporation was established under the provisions of the then Bombay Provisional Municipal Act, 1949 (Now Maharashtra Municipal Corporations Act, 2012). Subsequently on 15.12.1994, NMMC was declared as the Planning Authority for 7 Nodes of the City of Navi Mumbai, with CIDCO continuing as the planning authority for the rest of the Nodes. Prior to that, CIDCO was the Planning Authority for the entire city of Navi Mumbai. The CIDCO has handed over the sanctioned Development Plan and detailed Nodal Plans to NMMC in the year 1994.

09. In the meanwhile, the Govt. of India enacted the Environment Protection Act, 1986 and by Notification dated 19/02/1991, the Coastal Regulation Zones (CRZ) came into force.

10. Since the entire land in the city of Navi Mumbai is owned by CIDCO, CIDCO got the Coastal Zone Management Plan (CZMP) prepared by demarcating High Tide Line (HTL) and by categorizing Coastal Regulation Zones in accordance with the Notification dated 19/02/1991 and submitted the same to Government of Maharashtra which was further submitted for approval to the Ministry of Environment and Forests (MoEF), Govt. of India, New Delhi. The Ministry approved the said Coastal Zone Management Plan of CIDCO on date 27/09/1996 subject to certain conditions.

11. After approval of the CZMP on 27/09/1996, the CIDCO sent CZMP maps in the scale as 1:25000 to the Navi Mumbai Municipal Corporation (NMMC) on 15/04/1999. However, the CZMP maps sent by CIDCO on 15/04/1999 were in scale of 1:25000. Therefore, NMMC carried a notion that CIDCO, being the custodian of the sanctioned development plan and detailed nodal plans was taking into consideration the provisions of CZMP, while dealing with the plots and development. This notion was continued till 2011, when the nodal plans showing the details of CRZ were received on 01/03/2011, specifically for identification of exact plots falling under the CRZ, from CIDCO. These plans were prepared in the scale of 1:4000. After 01/03/2011, NMMC was in a position to identify the exact category of plots falling in the CRZ. Since, the entire initial planning of various Nodes was done by CIDCO, it was believed by the NMMC that requisite measures under the Environment Protection Act, 1986 were considered by CIDCO while carrying out the development, as the nodal plans based on Existing land use plan of the scale of 1:4000 was in the custody of CIDCO and NMMC believed that the same plans were supplied to concerned authority for demarcation of CRZ details. So NMMC honored the commitment of CIDCO and issued development permission for carrying out various developments in its area without insisting clearance from MCZMA because of the reasons mentioned hereinabove. Even if the Govt would have issued approved CZMP Plan in the scale of 1:4000 (while approving CZMP on 27/09/1996) instead of 1:25000 the question would not have been arisen to CIDCO as well as NMMC.

12. However, after availability of Nodal maps from CIDCO in the scale of 1:4000 dated 01/03/2011, the NMMC identified the exact plots affected under CRZ and have not granted any development permissions, thereafter without clearance from MCZMA.

13. The said buildings as mentioned in the enclosed list, have been constructed in accordance with the prevailing Development Control Regulations and as per the plans sanctioned by the Municipal Corporation. The Municipal Corporation is, therefore, keen to issue Occupancy Certificates in respect of the said structures, which are otherwise legal. All building in the enclosed list are constructed after allotment of plot by CIDCO and with the permission of Navi Mumbai Municipal Corporation. Allotment of plot itself is commitment for development.

However the NMMC is unable to issue the occupancy certificate to the said structures only because of prior clearance of MCZMA. If Before allotment of these plots by CIDCO if CRZ provisions would have been followed, asking clearance to otherwise legal structure constructed towards landward side of existing road, would have never been arised.

14. It is pertinent to note here that almost all the structures listed in the enclosed statements are eligible for grant of CRZ clearance as they fulfill the criteria laid down in the Notification dated 06/01/2011 to be read with 16/06/2015.

15. The NMMC, therefore, request MCZMA to grant CRZ clearance to the project listed herewith by taking into consideration the following:-

(a) All these plots are allotted by CIDCO. Therefore it is presumed by the plot holders and Navi Mumbai Municipal Corporation that the plots are not affected by CRZ. Further, as per CZMP to the scale of 1:25000 approved by MoEF on 27/09/1996, it can be seen that the coastal road i.e. Palm Beach Road is situated beyond 150 mt from HTL of creek. As such, all the plots on landward side of the Plam Beach Road were not affected by CRZ and accordingly permissions were granted by NMMC till 01/03/2011 i.e. till the receipt of CZMP forwarded by CIDCO to the scale of 1:4000. CIDCO also never disclosed this fact in the agreement of lease or allotment letter of the enclosed list plots.

(b) Also in certain cases NMMC did not insist for prior clearance from MCZMA as these are clear cases of not being affected by CRZ-II as per approved CZMP 1:25000. Whereas the plots shown in the enclosed list is shown as affected in 1:4000 Nodal Maps dated 01/03/2011.

(c) The objective behind establishment and development of city of Navi Mumbai may please be considered. The objectives in this behalf described in para (3) of this letter.

(d) Since these cases does not fall under clear violation of CRZ, action against these cases treating as CRZ violation may involve court litigations, revocations / withdrawal of development permissions which were granted much earlier leading to several complications and the common people may suffer. Third party interest in almost all project has been created. Reputed financial institutions released finance trusting on the approvals of NMMC and CIDCO agreements.

(e) Almost all the buildings listed in the enclosed statement are eligible for grant of CRZ clearance.

(f) Non-grant of clearance may defeat 12.5% Gaonthan Extension Scheme and project affected persons may lose the trust on Government agencies as majority of the projects are situated in Gaonthan Extension areas.

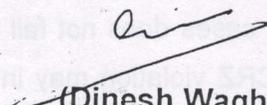
(g) This is merely a procedural lapse because of discrepancy between 1:25000 plan & 1:4000 plan.

(h) That all these buildings are situated on landward side of existing road, which is shown as the existing road in approved CZMP, the FSI approved in all these buildings is as permissible on 19/02/1991, the said issue has also been verified and accepted by Government in Urban Development Department. In view of CRZ 2011 notification amended upto June 2015 directs that in CRZ-II, buildings permitted on the landward side of the existing and proposed roads or existing authorised structures shall be subject to the existing local Town and Country Planning regulations as amended from time to time, except the FSI shall be restricted as on 19/02/1991. All the buildings as covered in this list eligible for CRZ clearance hence as per provisions of CRZ-2011 notification as amended upto date.

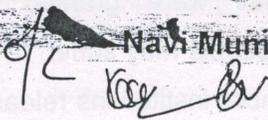
The NMMC therefore, request MCZMA to grant clearance to the buildings listed in the enclosed statement. Also request to direct CIDCO to observe CRZ provisions before allotment of plots.

Thanking You,

Your's


(Dinesh Waghmare)
Commissioner

Enc. Lists of the projects


Nav Mumbai Municipal Corporation