

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No: 2285 2696

E-mail: mahamczma@gmail.com

Website: <http://mczma.maharashtra.gov.in>

No. MCZMA 2017/ CR 28 / TC 4

Office of -

The Maharashtra Coastal Zone Management Authority,
Environment Department, Room No.217, Mantralaya,
Mumbai - 400 032

Date: 27th April, 2017

CIRCULAR

SUB: Regarding proposals of alteration / minor repairs to authorized structures within existing FSI in CRZ areas.

Ref: 1) Provisions of the CRZ Notification, 2011 published by the Ministry of Environment, Forest and Climate Change, New Delhi

2) High Court order dated July 11, 2011 in WP No. 1274/2006 (Harakchand Gada & 3 others Versus The State of Maharashtra and 2 other

3) Minutes of the 77th meeting of the MCZMA held on 9th October, 2012.

As per the provisions of the CRZ Notification, 2011, the new construction and reconstruction/redevelopment of existing authorized structure requires prior CRZ clearance. The construction of new building is permissible in CRZ II / landward side of the existing road as on 19.2.1991 or existing authorized structure as on 19.2.1991. Further reconstruction of existing authorized structure is permissible in CRZ II area, without change in use.

2. However, CRZ Notification, 2011 does not stipulate the requirement of CRZ permission for proposals of alteration / repairs of existing authorized structure in CRZ area. However, MCMZA is receiving the proposals for the same.

3. The High Court order dated July 11, 2011 in WP No. 1274/2006 (Harakchand Gada & 3 others Versus The State of Maharashtra and 2 others). The said court order States

“for the purpose of repairs only, it is not necessary for BMC to now refer the cases to the Urban Development Department for clearance. The BMC can do the same at their own level as per rules and regulations applicable to CRZ areas. It is also set out that circular will be issued immediately. In other words, it is clear that for repairs, permission from the

*CRZ regulation authority is no longer required and that can be done by Respondent No. 2”
ie concern planning authority.*

4. In view of the foregoing, it is therefore ordered that all local planning authorities and concerned district authorities should take note of the order passed by the High Court cited supra and take necessary action. It is to be noted that the ratio of the order applies only to repairs to existing authorised structures and limited to the existing FSI.

Satish M. Gavai
Additional Chief Secretary (Environment)
and Chairman, MCZMA

Copy to:

1. All Coastal Municipal Corporations and Councils
2. All Coastal District Collectors