

MINUTES OF THE MEETING OF DAMAN & DIU COASTAL ZONE MANAGEMENT AUTHORITY HELD ON 02/04/2019 AT 17.00 HRS. AT CONFERENCE HALL, SECRETARIAT, MOTI DAMAN.

Following members/representatives/ invitees of Daman & Diu Coastal Zone Management Authority (DDCZMA) attended the meeting;

1. Dr. K. Ravichandran, CCF/Secretary (Environment & Forests), DD & DNH/ Chairman, DDCZMA, Daman.
2. Shri Sandeep Kumar Singh, Collector, Daman/Member Secretary, Pollution Control Committee/DDCZMA, D&D, Daman
3. Shri Hemant Kumar, Collector, Diu/Member, DDCZMA (through Video Conferencing)
4. Dr. Badarees KO, Scientist, Representative of Director, National Centre for Sustainable Coastal Management (NCSCM), Koodal Building, Anna University Campus, Chennai -600025/Member, DDCZMA.
5. Shri Kuldeep Singh, Joint Secretary, Fisheries, Daman & Diu, Daman/ Member, DDCZMA
6. Ms Charmie Parekh, Chief Town and Country Planner, Town Planning Department, Moti Daman/ Member, DDCZMA

Following members of DDCZMA did not attend the meeting;

1. The Director, Space Application Centre, Jodhpur Tekra, Ambawadi Vistar, Ahmedabad, Gujarat
2. Representative of Mangrove Society of India, 48, Nirmitti, Sagar Society, Dona Paula, Goa-403004

Leave of absence was granted to above members.

2. At the outset, the Chairman welcomed all present and commenced the meeting.

AGENDA ITEM NO. 1. APPROVAL OF THE MINUTES OF THE DAMAN & DIU COASTAL ZONE MANAGEMENT AUTHORITY MEETING HELD ON 02/03/2019.

The Minutes of the meeting of Daman Diu Coastal Zone Management Authority (DDCZMA) held on dated 02/03/2019 has been discussed and approved.

AGENDA ITEM No. 2 : DECISION ON NGT ORDER DATED 11/05/2018 IN THE MATTER OF APPEAL NO. 60/2016 (WZ), MA NO. 97/2017 – NARESH TANDEL & ANRS. V/S THE ADMINISTRATOR OF D&D & ANRS. (APPEAL NO. 30/2017 IN THE COURT OF THE HON'BLE ADMINISTRATOR, D& D – NARESH RANCHOD TANDEL & ANRS. VS THE MEMBER SECRETARY, PLANNING & DEVELOPMENT AUTHORITY, DAMAN ORDER DATED 23/01/2019).

The matter was placed before the Daman & Diu Coastal Zone Management Authority in its meeting held on 02/03/2019 as Agenda Item No. 2 for further decision.

The National Green Tribunal, Pune Bench vide order dated 11.05.2017 in Appeal No. 60/2016 (WZ), MA No. 97/2017 in the matter of Naresh Tandel & Anrs Vs

Administrator of UT of DD and anr mentioned that "in case the Central Government reconstitutes Coastal Zone Management Authority for Daman and Diu, the case shall be remanded to such authority and it shall pass appropriate orders in accordance with law".

Accordingly, the Hon'ble Court of Administrator of Daman and Diu vide order dated 23.01.2019 in the Appeal No. 30/2017 in the matter of Shri Naresh Ranchhod Tandel & Anrs Vs the Member Secretary, Planning and Development Authority, Daman remanded the case to Daman and Diu Coastal Management Authority (DDCZMA) to decide the appeal preferred by the appellants. The case pertains to construction of commercial (Hotel) property within 200mts from the HTL on landward side on plot 38, village Devka, Nani Daman.

The Daman & Diu Coastal Zone Management Authority in its meeting held on 02/03/2019. The appellants Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel were given an opportunity to present their view on the matter. Instead of producing any evidence in defence, the appellants sought adjournment. The minutes of the District Level Committee (DLC), Daman and the records submitted by Chief Town Planner were perused. The Authority directed District Level Committee, Daman to submit a detailed report on the issue by considering all documents and materials relevant to the issue and submit report of violation, if any to DDCZMA to take appropriate action under Environment Protection Act, 1986. The case is deferred to next meeting.

The matter was further referred to the District Level Committee, Daman on dated 25/03/2019. The District Level Committee, Daman held a meeting on date 27/03/2019 and submitted minutes of the DLC meeting vide letter No. DCF/DMN/CZDLC/620/16-17/501 dated 27/03/2019 concluding that the building constructed on plot no. 38 in Devka falls within CRZ-III as per CRZ Notification 1991, which is a no development Zone. Further as per 2011 & 2019 CRZ Notification of Ministry of Environment and Forests, also the structure falls within 200 mtrs. of High Tide Line (HTL) which clearly falls within CRZ-III and it is a no development zone. Hence, this is a clear case of violation of CRZ as notified by Govt. of India from time to time. Therefore the committee found that the structure erected at Plot No. 38 at Devka is illegal and unanimously proposed to dismantle the structure. The copy of the Minutes of DLC, Daman dated 27/03/2019 and other documents furnished namely the Coastal Zone Management Plan (CZMP) for Daman & Diu prepared based on 1991 notification, Report and map showing the High Water Line/High Tide Line (HTL) fixed by Naval Hydrographer, Dehradun dated 31/03/1998, report of Collector, Daman No. COL/DMN/Dy. Coll/2015-14(7)/4172 Dated 11/12/2015, report of the Chief Town Planner, Daman dated 01/03/2019, report of the Mamlatdar dated 03/01/2018, CZMP prepared based on CRZ Notification, 2011 & records & documents pertaining to the case were examined and perused by the Authority.

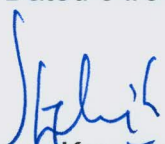
The Appellants Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel were also given further opportunity to present their case in the DDCZMA meeting held on 02/04/2019, but a representative from Shri Naresh Ranchhod Tandel and Shri Suresh Ranchhod Tandel, Shri Dhaval Barad was present in meeting informing that the appellants are not able to attend the meeting on medical ground.

The DDCZMA discussed the case in length in accordance with the CRZ Notification No. SO 114(E) Dated 19/02/1991, No. SO 19(E) Dated 06/01/2011 and No. GSR 37(E) Dated 18/01/2019 from the MoEF, New Delhi, also other reports and maps prepared as per 1991 and 2011 Notification were perused from which it can be depicted that the construction at plot no. 38 at Devka is within 200 mtrs. of the HTL and is completely illegal.

In view of above, the DDCZMA decided to pass an order by dismissing the appeal & directing the appellant to remove the structure. A separate record of proceedings in the said case was delivered on 02/04/2019.

The meeting ended with vote of thanks to the Chair.

This is issued with the approval of the Chairman, Coastal Zone Management Authority, Daman & Diu, Daman vide diary No. 503186 Dated 04/04/2019.


(Sandeep Kumar Singh),
Member Secretary,
Coastal Zone Management Authority,
Daman & Diu,
Daman.

No. PCC/DDCZMA/Meetings(Part-I)/2019-20/ 101

Dated : 08/04/2019.

To,
All Concerned.

Copy to the State Informatics Office, NIC, Daman with a request to upload the same on the Administration of Daman & Diu website on Coastal Zone Management Authority portal